

2008 Annual Report

Deirdre M. Smith Cumberland Legal Aid Clinic
University of Maine School of Law

Follow this and additional works at: <http://digitalcommons.maine.law.maine.edu/clac-annual-report>

Recommended Citation

Smith, Deirdre M. Cumberland Legal Aid Clinic, "2008 Annual Report" (2008). *Cumberland Legal Aid Clinic Annual Report*. 3.
<http://digitalcommons.maine.law.maine.edu/clac-annual-report/3>

This Article is brought to you for free and open access by the Law School Publications at University of Maine School of Law Digital Commons. It has been accepted for inclusion in Cumberland Legal Aid Clinic Annual Report by an authorized administrator of University of Maine School of Law Digital Commons. For more information, please contact mdecrow@maine.edu.

CUMBERLAND

Legal Aid Clinic

UNIVERSITY OF MAINE SCHOOL OF LAW

2008 ANNUAL REPORT

PROGRAM OVERVIEW

Established in 1970, the Cumberland Legal Aid Clinic (“Clinic”) is a program of the University of Maine School of Law providing free legal aid to low-income individuals in Maine. All legal representation is provided by third-year law students specially licensed under court rules to practice with supervision by the Clinic’s faculty, which is comprised of experienced 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 pro bono legal services to indigent Maine citizens.

The Clinic serves clients with legal matters pending in state, probate and federal courts and before administrative agencies primarily in Cumberland, York, Androscoggin, and Sagadahoc Counties. In terms of geographic distribution our clients live every county in Maine. The majority of our clients reside in the following counties: Cumberland, which includes clients incarcerated at the Maine Correctional Center in Windham (46%); Androscoggin (21%); and York (16%). Significantly smaller numbers reside in other counties. We are able to provide full representation only for clients with matters in Southern Maine courts but provide “unbundled” legal services for Prisoner Assistance clients with matters throughout the state. Cases in the Supreme Judicial Court and federal courts may arise anywhere in the state.

The Clinic provided legal assistance to 843 clients during 2008. Family law (not including Protection from Abuse (PFA) matters) represented the largest case type handled by the Clinic last year with 227 matters (27%). This category includes cases in probate and tribal courts as well as in District Court. PFAs represent an additional 25% of our caseload, for a total of 433 family-related cases last year. The family law caseload, however, is quite varied and can include not only disputes regarding parental rights and responsibilities, child support and divorce, but also those involving guardianship, name changes, termination of parental rights, *de facto* parents, and grandparents’ visitation.

The Clinic finds its clients through a number of routes. On a daily basis the Clinic receives many calls from individuals seeking legal representation. When a student attorney has an opening in his or her caseload and the client is qualified, we may accept the case. Several cases have been referred to the Clinic from other organizations including KIDS Legal, the Immigrant Legal Advocacy Project, the Abused Women’s Advocacy Project, Gay and Lesbian Advocates and Defenders, and others. We also receive a significant number of referrals from courts, especially the Androscoggin County Probate Court, which has appointed the Clinic as counsel on several complex cases involving parental rights, guardianship and other issues. The United States District Court for the District of Maine referred a *pro se* prisoner for representation in a post-conviction petition, as well as a few criminal matters. The Supreme Judicial Court referred two appeals to the Clinic in 2008 and the Attorney General’s Office referred an appeal as well.

A total of forty-four law students enrolled in Clinic courses during 2008. This number represents an increase over prior years due to the Clinic’s expansion with the addition of the Juvenile Justice Clinic. In addition, the Clinic hired five student interns for the summer of 2008. As a result, the Clinic was able to provide much-needed representation to individuals on a year-round basis.

GENERAL PRACTICE CLINIC

The bulk of the legal services provided through the Clinic are by students enrolled in the General Practice Clinic, which is a six-credit semester-long litigation clinic. Each semester, the General Practice Clinic enrolls twelve to fifteen students, each of whom represent from five to ten individuals in cases in a various areas of the law. In addition to the work on family law matters as described above, a considerable portion of the General Practice Clinic caseload involves wide range of criminal matters. The Clinic has been appointed to represent indigent defendants in both Cumberland County Superior Court and United States District Court. Criminal matters handled by Clinic students in 2008 included defending individuals facing charges ranging from operating a vehicle after suspension to gross sexual assault to failure to comply with the state's sex offender registry statute.

Other areas of civil legal services in the General Practice Clinic included matters concerning public benefits, consumer law, employment discrimination, collection defense, administrative appeals, housing, small claims, protection from harassment, personal injury defense, copyright law, non-profit incorporation, wills/estates, powers of attorney, and several other miscellaneous issues.

Client Story: Amanda¹

Amanda became a client of the Clinic through our work on behalf of plaintiffs in Protection From Abuse (PFA) cases. Her long term relationship had recently ended; her former partner had become unstable and abusive, and the couple's three children were being placed in a dangerous, volatile situation. Amanda's student attorney was able to obtain a PFA Order that granted her primary residence of the children, and gave Amanda needed protection and peace of mind. When the defendant filed a Motion to Amend the PFA Order seeking to gain primary custody of the children, it became clear that Amanda needed continued assistance. The Clinic agreed to fight the defendant's motion, as well as to file and litigate a Parental Rights and Responsibilities action. In order to save Amanda from unnecessary worry (and court appearances), her student attorney consolidated the defendant's pending motion in the PFA case with Amanda's custody action. Through good preparation and skillful negotiation the student attorney was able to settle all issues at mediation. This led to a final Order that gave Amanda primary residence of the children. Amanda was very pleased with the work of her student attorneys; she has since moved into a new home, where she and her children will be able to thrive.

The Clinic's appellate work has continued to expand, largely as a result of an increasing number of referrals from the Maine Supreme Judicial Court. This has provided our students with invaluable opportunities to develop their appellate skills while providing representation to low-income clients with important appeals. Two students had the opportunity to present oral arguments to the Law Court in 2008. In March a student argued the appeal of *Pelletier v. Department of Health and Human Services*, a case involving the question of whether the Department may bring a child support enforcement action against an individual known not to be the biological father of the child and where the Department previously told the individual that it would not be pursuing him for support. The Law Court ruled in the Clinic's favor in early

¹ The names of all clients mention in this report have been changed.

2009. *Pelletier v. Department of Health and Human Services*, 2009 ME 11. In October, a student argued *Kilroy v. Kilroy*, a case in which the Law Court had appointed the Clinic as counsel for the appellant to present the issue of the right to counsel in civil contempt cases. In a brief memorandum decision, the Law Court affirmed the lower court's ruling and declined to address the right-to-counsel issue based upon the facts of that case.

The Clinic secured an important appellate victory in the Law Court in *Philbrook v Theriault*, 2008 ME 152, an opinion emphasizing the rights of parents in cases where grandparents seek to establish parental rights. In a unanimous opinion, the justices affirmed the District Court's dismissal of declaratory judgment action brought by the parents of the Clinic's client seeking a declaration that they were the *de facto* parents of the client's two children and an assignment of all parental rights and responsibilities. In total, Clinic students worked on six different appeals in various stages of proceedings before the Law Court in 2008.

Some of the others matters handled by General Practice Clinic students in 2008 included:

* The Clinic successfully defended a termination of parental rights action in Probate Court in which the child's mother sought to terminate the father's rights so that the child could be adopted by the mother's new husband. The court rejected the mother's "abandonment" argument and found that the trial evidence in fact showed that she "has been very successful in preventing her son from ever knowing his biological father."

* The Clinic filed an asylum petition on behalf of woman from Burundi who fled the country after being jailed, tortured, raped and her brother killed all in retaliation for her efforts to hold certain individuals in power accountable for brutal crimes against women.

* The Clinic represented two University of Maine students targeted by the Recording Industry Association of America for alleged illegal downloading. The RIAA filed suit against the students, and 25 others, in an effort to compel the University of Maine System to reveal the students' identities (as only the students' "internet protocol" addresses were known to the RIAA). The student attorneys filed a series of motions to have the case dismissed on the theory that the RIAA was misusing the court system as a means to circumvent the students' educational privacy rights. Judge Woodcock denied the motions after oral argument. The student attorneys' efforts, however, received international media attention.

PRISONER ASSISTANCE CLINIC

In January 2003, the Clinic started the Prisoner Assistance Clinic, which was funded for its first three years by a discretionary grant from the Maine Bar Foundation and to a lesser extent through a contract with the Maine Department of Corrections. The origins of the Prisoner Assistance Clinic stem from the funding restrictions imposed in the mid-1990s by the Legal Services Corporation which precluded Pine Tree Legal Assistance from providing any civil legal services to prisoners. However, prisoners have family, custody, consumer, and other civil legal matters, many arising from the circumstances of their incarceration. The Justice Action Group, the Maine Bar Foundation, and others identified this as a gap in access to justice and concluded that providing services through the Clinic would be a cost-efficient way to close this gap.

Prisoner Assistance Clinic law students travel to the Maine Correctional Center in Windham every week to meet with prisoners with a wide range of civil legal problems. More

than 60% of the matters involve family law, such as parental rights and child support. Many prisoners have consumer-related questions, particularly in the area of bankruptcy. Other matters range from tax to housing to probate to personal injury defense.

Students provided some level of legal assistance to 334 prisoners during 2008. In the final quarter of 2008 alone, students had 133 visits with prisoners at MCC-Windham, and 157 phone contacts and dozens of mail contacts with prisoners in other facilities. This three-credit clinical course, supervised by Associate Clinical Professor Jim Burke, places an emphasis on interviewing, counseling and providing unbundled legal services. The program is popular with students, corrections staff and prisoners alike.

Client Story: Annie

Annie is a mother of three children who is serving a short-term sentence at the Maine Correctional Center. A State child welfare worker had been pressuring Annie to release her rights to her children, telling her that, if she refused to do so, her children could not return to her home upon her release from prison. However, the State refused to provide Annie with either a reason for taking such action or an explanation of what she could do to remedy the situation. Unsure of whether to meet the State's demand that she relinquish her rights, Annie sought legal assistance through the Clinic's Prisoner Assistance Clinic. Annie's student attorney made several calls up the chain of command, and, as a result of her persistence, the State conceded that they had no basis for demanding that Annie relinquish her rights, dismissed the case and apologized to Annie for the poor handling of the matter. Annie is looking forward to reuniting with her children upon her release. Annie said of her student attorney: "She believed in me and supported me when I needed it the most. I'll never begin to know how to tell how much I appreciate all she has done for my family."

Prisoner Assistance Clinic clients are particularly appreciative of the help provided by the student attorneys. We receive many positive comments from our former clients, including these during 2008:

** "I greatly appreciate the service offered and the time taken to help me. I'm very glad to know that Cumberland Legal Aid Clinic is available to help us here."*

** "I was treated with utmost respect and even at times treated better than I have been by other attorneys."*

** "I was kept well-informed. I was given options and explanations. My student attorney was easy to talk to and went above and beyond. Thank you very much."*

The Clinic learned in December 2008 that its contract with the State Department of Corrections covering a portion of the costs of the Prisoner Assistance Clinic had been terminated at the half-way point as a result of the Governor's Curtailment Order and that no further state funding will be available to support the Clinic's work with prisoners. While the Law School plans to continue the Prisoner Assistance Clinic, it will need to make certain changes in the program due to the decreased funding coupled with a sharp increase in the demand for our assistance last year (more than 60% over that in 2007).

JUVENILE JUSTICE CLINIC

The Juvenile Justice Clinic, launched in the fall 2006, enrolls up to five law students each semester, who work under the supervision of Associate Clinical Professor Christopher Northrop and who have the opportunity to work with troubled youth on a number of levels. As a result of the new program juvenile law, including handling civil matters on behalf of children and teens, represents an increasing percentage of the Clinic's overall caseload. The Juvenile Justice Clinic provided services to a total of 170 clients through the Juvenile Justice Clinic in 2008. This includes 24 participants in the Juvenile Drug Treatment Court program, 52 teens and young adults through the Street Law Project, and 100 children in the Maine Juvenile Court (some of whom we also worked with in Juvenile Drug Treatment Court).

Individual Representation

The primary focus of the Juvenile Justice Clinic caseload is the direct representation of juveniles with pending delinquency matters in state courts. Student attorneys appear in Juvenile Court each week and represent juveniles in the various proceedings that may arise, such as arraignments, detention hearings, plea negotiations and trials. In 2008 the Juvenile Justice Clinic provided full representation to more than 45 children who were facing charges ranging from possession of marijuana to armed robbery. Other matters handled by the Juvenile Justice Clinic students including representation of two brothers in an adoption annulment proceeding in Probate Court.

In their work on behalf of their juvenile clients, student attorneys work closely with social service agencies, legal aid providers, schools, and other community representatives to develop and implement personalized, holistic and targeted programs for each juvenile client. Such programs are designed to ensure that the juveniles avoid incarceration and recidivism and get back on track to finishing their education and developing important life skills to ensure continued success. Accordingly, important components may include treatment for underlying substance abuse or mental health problems, an appropriate educational program, suitable housing and other services for the client, and in many instances, his or her family.

Client Story: Gabe

We met Gabe a few days after his probation officer had detained him at Long Creek Youth Detention Center for multiple probation violations. Prior to his detention, Gabe had not been to school for months, was refusing to take medication for his significant mental health issues, and was using marijuana and other drugs on a daily basis. Gabe's student attorney assembled a team of professionals to help address the many issues faced by Gabe and his family. We were able to convince the Court to release Gabe based on the student attorney's proposed plan of treatment. With the help of KIDS LEGAL Gabe was immediately re-enrolled in school, and his academic program was modified to address his special education needs. He attended an intensive outpatient treatment program at Day One to address his ongoing substance abuse problems. Gabe's medication regime was evaluated and restarted. Perhaps most importantly, family services were brought into Gabe's home to help his family learn how to appropriately support him and each other. Despite some tough stretches at home and at school in the

beginning, the Court gave Gabe and his family enough time to benefit from the services. Today Gabe is doing well at school, he completed his initial outpatient program with 60-day sobriety chip, and his home is a much more positive, less chaotic place to live. Gabe's performance has surprised and pleased his probation and the judge; he hopes to be off probation in the next few months.

One of the Clinic's most significant projects is the students' work with Maine Juvenile Drug Treatment Court (JDTC), a therapeutic, collaborative approach to adolescents with serious substance abuse and delinquency issues. Each semester, one student is responsible for representing all juveniles participating in the JDTC in Biddeford District Court and assisting in policy development on a county-wide and a state-wide basis through the Clinic's involvement with the Maine JDTC project. In 2008, the Clinic worked with 24 juveniles in the Biddeford JDTC. During that time, 11 juveniles successfully graduated from the program and only 4 juveniles were terminated from the program, a remarkable success rate. Indeed, The Biddeford JDTC has the highest graduation rate of all of the JDTC programs in Maine. The important work of the Juvenile Justice Clinic, along with the other members of the Juvenile Drug Treatment Court Team in Biddeford District Court, was recognized at an award banquet held by Day One, a substance abuse treatment program based in York County.

Client Story: Rocky

Rocky is an 18 year old with a significant juvenile court history; most of his adjudications are for offenses related to substance abuse issues. We started working with Rocky when he enrolled in York County's Juvenile Drug Treatment Court. He got off to a terrible start in drug court. After three months in the program Rocky was failing in school, at home and in the community. Numerous stays at the youth detention center did not motivate him to change his behaviors. When the State filed a motion to terminate Rocky from drug court, it was clear that he needed a radical change. Rocky's student attorney spent a good deal of time working with Rocky and his family to plan a strategy for success. They concentrated on Rocky's strengths; he is bright, hard working and fiercely independent. After carefully crafting this plan the student attorney convinced the court to allow his client to restructure very important components of his life. Rocky dropped out of high school and started looking for a full time job; he moved from his father's to his mother's home, and he enrolled in a GED program. Success was not immediate, but everyone could see progress from the outset. After six months of the new plan Rocky is a model drug court participant, and moving quickly toward graduation. He is working an average of 50 hours every week, he received his GED, and he has improved his relationship with both his parents. Rocky is also consistently sober for the first time in many years.

Street Law Project

Juvenile Justice Clinic students launched a Street Law Project at the Preble Street Teen Center in January 2007, which has become another important component of the Juvenile Justice Clinic's work. Each week Clinic students, in collaboration with attorneys from KIDS Legal, hold a drop-in clinic at the Teen Center and provide legal information and advice to homeless and at-risk teens and young adults on a wide range of legal matters, particularly in the areas of

landlord/housing, family law (including custody, support, child protection, and extended family involvement) and criminal law. In 2008, Juvenile Justice Clinic students provided such assistance to 52 teens and young adults. Some of these individuals were identified as needing full representation, and Juvenile Justice Clinic students have provided such assistance to a small number of individuals with legal issues involving housing, emancipation, and protection from abuse or harassment.

Lawyer of the Day Program

On several occasions in 2008, Juvenile Justice Clinic student attorneys served as “Lawyer of the Day” in Biddeford District Court, providing basic legal representation to unrepresented juveniles who appeared for court dates. During these occasions, Clinic students assisted 52 juveniles, primarily in negotiations with the District Attorney’s Office. The student attorneys’ quality work was noted by the Juvenile Court judge, who has requested that Clinic students continue to serve in this role for future court dates.

Policy Development Projects

One of the unique attributes of Maine Law’s Juvenile Justice Clinic is that it provides students the opportunity to work on policy initiatives as well as providing direct representation to individuals. Such work offers students the opportunity to contribute to initiatives with far-reaching impact. For example, the Disproportionate Minority Contact (“DMC”) policy project is a collaboration between the Juvenile Justice Clinic, Maine’s Juvenile Justice Advisory Group and Muskie School of Public Service. The DMC project, which tracks and analyzes data regarding the presence of minorities in the juvenile justice system, is mandated by the federal government’s Office of Juvenile Justice and Delinquency Prevention. In 2008, the project has shifted from providing training to law enforcement and corrections employees to data collection and analysis. The project has been invited by the International Congress of Qualitative Inquiry to present its initial findings, “Qualitative Assessment of Minority Experience in Maine’s Juvenile Justice System,” at an upcoming meeting. The project is expected to wrap up in mid-2009.

The Juvenile Justice Clinic started an innovative new policy project in early 2008. The Town of Sanford, with significant help from the Juvenile Justice Clinic, won two substantial grants to help the town with children who are not succeeding in their schools and their neighborhoods. A grant is funding the implementation of Dr. Ross Greene’s Collaborative Problem Solving (CPS) program on a town-wide basis. It is the first attempt nationally to institute this type of model in a community.

Associate Clinical Professor Christopher Northrop, with assistance from two Juvenile Justice Clinic students who were also in attendance, appeared on a panel at the Robert M. Cover Public Interest Law Retreat in New Hampshire in March 2008 (their attendance was made possible through support from the Maine Bar Foundation). Professor Northrop and the students described the innovative combination of policy development and direct representation work done by students in the Juvenile Justice Clinic.

Professor Northrop also gave two presentations in 2008 at clinical legal education conferences about the pedagogical benefits of combining policy work with individual representation in clinical education. One presentation was at a regional workshop at Harvard

University for clinical law faculty in the Northeast and the second was done in collaboration with clinical faculty from Stanford University Law School at a the American Association of Law School's annual conference of law school clinical faculty in Tuscan, Arizona. Professor Northrop's innovative design of the Juvenile Justice Clinic may serve as a model for other clinical education programs in law schools across the country.

DOMESTIC VIOLENCE PROJECT

All students enrolled in the Clinic courses are required to participate in the Domestic Violence Initiative, through which students attend at least one or two days of the protection from abuse (PFA) docket calls in Lewiston District Court, and represent any victims there who need representation. The Clinic's work in this program is highly valued by the courts as the PFA proceedings are often highly contentious and emotional. With the assistance of counsel, most cases can be settled without a trial. In 2008, the Clinic represented 206 clients in PFA cases. Clinic student attorneys work closely with court advocates from the Abused Women's Advocacy Project (AWAP), a non-profit organization based in Lewiston-Auburn, to ensure that every client receives, not only legal representation in her protection order case, but also the necessary support and resources to escape violence. In addition, every Clinic student receives training, not only on the legal remedies available to victims of domestic violence, but also the dynamics of domestic violence.

Client Story: Larissa

Larissa came to Lewiston District Court seeking a protection order on behalf of herself and her almost three year old daughter, Amber. Amber's father, Jake, was about to be released from prison after a two-year sentence. Before his incarceration, Jake had become increasingly violent and volatile. When she was in the hospital after giving birth to Amber, Jake came into her hospital room and choked her while she was nursing the baby. The hospital was placed on lock down until Jake was apprehended. A few months later, Larissa was living in a group home with Amber, and Jake made threats to the staff, which led them to obtain a protection order against Jake. Amber obtained one as well, which expired sometime in early 2008.

Larissa had explored the possibility of reconciliation with Jake through telephone calls and letters during the last few months of his prison sentence. She considered bringing Amber there to visit Jake. When he became increasingly aggressive and demanding on the phone, she told him that no such visit would occur. Jake threatened that Larissa would never see Amber again. He began calling her incessantly. Larissa then sought another protection order.

Larissa was concerned that her attempts to reach out to Jake while he was incarcerated, and while she had a protection order against him, would be held against her. She was also scared that, should her request for a protection order be denied, Jake would certainly retaliate against her and Amber once he was released from prison. Jake also indicated that upon his release, he would be seeking to modify the parental rights order so that he could have unsupervised access to Amber. Larissa had no resources to retain a lawyer, and she believed that Jake's family would hire one on his behalf.

The Clinic represented Larissa at the PFA hearing, which ended when Jake agreed to a two-year order prohibiting all contact. Jake then filed a motion to modify the parental rights order, and the Clinic began representing

Larissa in that proceeding as well. Thus far, he has not gained unsupervised visitation with Jake, and in late 2008 he was arrested again.

The feedback we received last year from our clients in the Domestic Violence project underscores the important role of the student attorneys. Comments from clients included:

* *"I just want to thank you from the bottom of my heart for the great support through this time."*

* *"My student attorney was able to work out an agreement. Had I not had a student attorney I would have had to go to trial and I might not have gotten an order taking away the defendant's firearms."*

* *"My student attorney did a fabulous job. I was treated with dignity and compassion. At first, I was terrified at the thought of a trial and the ramifications it may produce for me in the future. I now feel that I have been validated as a person and that I am worthy of being treated with respect after all."*

* *"Thank you for your help. I couldn't have gotten through it without your assistance."*

BUILDING COURTROOM AND OTHER ADVOCACY SKILLS

2008 marked the first year that the Clinic tracked students' opportunities to participate in different kinds of court proceedings. The 44 students who participated in Clinic last year appeared as counsel in the following proceedings before state, federal, and probate courts and administrative agencies: 17 interim hearings; 2 motion to suppress hearings; 61 Protection from Abuse trials; 128 Protection From Abuse agreements presented to the Court; 10 final hearings in juvenile matters; 65 juvenile proceedings; 53 juvenile drug treatment court meetings; 3 criminal trials; 10 family law final hearings or trials; 9 Probate Court final hearings or trials; 2 administrative hearings; 2 hearings in child protective matters; 25 docket calls; 14 mediations; 9 judicial settlement conferences; 36 non-hearing proceedings before Family Law Magistrates; 38 arraignments; 18 change of pleas; 1 federal administrative release hearing; 1 Issues and Resolution Conference with Maine Human Rights Commission investigator; 2 oral arguments before the Maine Supreme Judicial Court; 1 oral argument before Federal District Court; 3 depositions; and several other miscellaneous appearances.

CLINIC SEMINARS

All students participating in Clinic courses during the school year participate in weekly seminars. Every other week the students meet in small groups with a faculty supervisor to hold "case rounds," in which students present and discuss specific problems, challenges and questions that have arisen in their cases. Other weeks the seminars cover substantive legal issues, information on topics related to Clinic work, guest speakers and the like. During 2008 the seminars topics included: the dynamics of family violence; case theory; discovery; special education; client interviewing and counseling; Guardians *ad Litem*; forensic psychology; the impact of family law litigation on children; juvenile defense strategies; and criminal procedure. Our guest speakers included Superior Court Justices Arthur Brennan and Thomas Humphrey; June Zellers, Esq., a highly-regarded mediator; Dolgormaa Herson, Project Director of Language Access for New Americans; Family Law Magistrate Susan Oram; Maine Adult Drug Treatment

Court Case Manager Toby Jandreau; and Dr. Ann LeBlanc, Director of the Maine Forensic Service.

In addition to this coursework, each student is required to write a memorandum describing and analyzing a specific client counseling opportunity that they had during the course of the semester. Such memoranda require students to consider and reflect on the attorney-client relationship, the ethical obligations of attorneys, the dimensions and characteristics of client decision-making, and similar issues.

OTHER INITIATIVES AND ACTIVITIES

The Clinic undertook a Language Access Initiative this year to improve the level of language access provided to prospective and existing clients. The Clinic developed a new language access policy; provided training on language access to all students, faculty, staff and volunteers; and provided additional resources to students to ensure that they can promptly access interpreter and translator services. This initiative coincides with the continued increase in the number of Limited English Proficiency clients assisted by the Clinic (languages spoke by the Clinic's clients in 2008 included French, Spanish, Khmer, Swahili, German, and American Sign Language). The Clinic was awarded a small grant (which was matched by the Maine Bar Foundation) by the Language Access for New Americans program to support this work.

The Clinic participated in new efforts to enhance recruitment of public-interest minded students to Maine Law and to increase the profile of the Clinic's programs to students already enrolled. Maine Law developed its first brochure highlighting the broad range of clinical and externship opportunities for students. This brochure will be distributed to all prospective and enrolled students, as well as to others with an interest in Maine Law's public interest work. On March 3, 2008, Maine Law held its first "Clinic and Externship Expo" during which students met with clinical faculty and students to learn more about these opportunities. The Expo will be an annual event from now on.

A dozen students from Maine Law, including six who were enrolled in the Clinic, attended the Robert M. Cover Public Interest Law Retreat in New Hampshire in early March. One of the students appeared on a panel titled, "The Coolest Stuff Around – Law Students Show and Tell," in which she described some of her work in the Clinic. Professor Jim Burke gave a presentation on the work of the Prisoner Assistance Clinic. Maine Law had the second-largest attendance at the Retreat of all law schools, made possible in large part by financial support provided by the Maine Bar Foundation. Maine Law will be the "host school" for the 2009 retreat (which will be in the same location).

A Juvenile Justice Clinic student gave a presentation on juvenile justice and the legal system to small groups of students at the REAL School in Falmouth, Maine, an alternative education day program for students experiencing severe behavioral and/or emotional problems in mainstreams school, or who risk dropping out. One of the teachers in attendance at a presentation wrote to thank the Clinic stating: "*[The Clinic student] created a quality and appropriate presentation to help our students understand the legal system and the many steps that are involved with the process. Her enthusiasm for the process and her desire to help Maine's youth was evident throughout the process. She deserves the highest compliments and I am grateful to have had the opportunity collaborate with her in helping our students make good choices.*"

CLINIC STAFFING

The student attorneys' work is closely supervised by members of the Clinic faculty, all of whom complement their Clinic teaching with numerous community, scholarly, and other activities.

Deirdre M. Smith is the Clinic's Director and supervises students in the General Practice Clinic, as well as teaching other courses in the Law School. Professor Smith serves on the Maine Supreme Judicial Court's Advisory Committee on the Rules of Evidence, Governor John Baldacci's Select Committee on Judicial Appointments, and several committees addressing issues of expanding access to justice in Maine. Her most recent article, *An Uncertain Privilege: Implied Waiver and the Evisceration of the Psychotherapist-Patient Privilege in Federal Courts*, 58 DePaul Law Review 79 (2008), was published in late 2008.

E. James Burke, joined the Law School faculty in May 2005 as an Associate Clinical Professor after serving as a part-time Visiting Clinical Professor for more than three years and bringing 25 years of experience as a trial lawyer in Maine. He has continued his work overseeing the Prisoner Assistance Clinic and the summer intern program and supervising General Practice Clinic students. During 2008, Professor Burke served as chair of the Buckfield Planning Board, a member of the boards of the Maine Civil Liberties Union and Western Maine Foothills Land Trust, and as a member of Maine State Bar Association Continuing Legal Education sub-committee and the State of Maine County Law Library sub-committee. Professor Burke was recently promoted to the position of "Clinical Professor of Law."

The Clinic initially hired **Christopher M. Northrop** as Visiting Clinical Professor in 2006. Professor Northrop, a nationally-recognized advocate for the rights of juveniles, oversaw the design and launch of the Juvenile Justice Clinic that fall and has continued to supervise the course since that time. During 2008 he also supervised students in the General Practice Clinic and oversaw the Domestic Violence Project during the summer of 2008. Last year, Professor Northrop was appointed by the Maine Supreme Judicial Court to serve on the Indigent Legal Services Commission. He also continued his work on the Court's Justice for Children Task Force, as well as on the Juvenile Drug Treatment Court Steering Committee and the KIDS LEGAL board. In 2008, Professor Northrop served on the team appointed by the National Juvenile Defender Center to undertake an assessment of the juvenile defense system in the State of West Virginia.

Tina Schneider joined the Clinic faculty in 2006 as an Adjunct Clinical Professor overseeing the Domestic Violence Project and continued this work during the spring and fall semesters in 2008, as well as supervising a group of students in the General Practice Clinic during the fall 2008 semester. When she is not supervising students in the Clinic, Professor Schneider practices law as a nationally-recognized federal criminal defense appellate attorney, representing clients in three different federal circuit courts during 2008. She was recently appointed by the Court of Appeals for the First Circuit to the Criminal Justice Act Panel Admissions Committee.

The Clinic continues to have a committed, indispensable and hard-working staff. **Karen Murphy** serves as our Administrative Manager and **Patricia Olinger** is our Administrative Assistant. Several students (both work-study employees and volunteers) also serve as valuable members of the team.

LAUNCHING PUBLIC INTEREST CAREERS

One measure of the program's success is our students' career choices after they graduate. Our May 2008 graduates include: a staff attorney at Vermont Legal Aid; several clerks for the Maine Supreme Judicial Court and Maine Superior Court (as well as courts elsewhere); an assistant district attorney in Massachusetts; and two staff attorneys at Maine domestic violence programs, one in Presque Isle and the other in Portland. A number of our recent graduates tell us that, as a result of their experiences working in the Clinic, they have become rostered guardians *ad litem* and/or take court-appointed work in the areas of child protection, juvenile defense, criminal defense, and issues specifically affecting low-income families. Other graduates have signed on with the Maine Volunteer Lawyers Project to accept *pro bono* cases.

FUNDING SOURCES

In 2008 nearly half of the funding for the Clinic's programs came from external sources. The largest single source of such external funds is the **Maine Civil Legal Services Fund**, followed by the **Maine Bar Foundation**, which provided both an Annual Grant of IOLTA funds as well as a Discretionary Grant to support the work of the Juvenile Justice Clinic. Other significant sources of external funding are the **Campaign for Justice**, the **Maine Coalition to End Domestic Violence**, and the **Muskie Fund for Legal Services**. The Clinic receives some limited funding from the **Maine Judicial Branch** for its work in the Juvenile Drug Treatment Court and for serving as "lawyer of the day" in Juvenile Court.

For more information about the University of Maine School of Law's Cumberland Legal Aid Clinic, please contact:

Deirdre M. Smith
Associate Professor of Law and
Director of the Cumberland Legal Aid Clinic
University of Maine School of Law
246 Deering Avenue
Portland, Maine 04102
(207) 780-4370
desmith@usm.maine.edu