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CUMBERLAND

Legal Aid Clinic

UNIVERSITY OF MAINE SCHOOL OF LAW

2009 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. The majority of our clients reside in the following counties: Cumberland, which includes clients incarcerated at the Maine Correctional Center in Windham (39%); Androscoggin (33%); and York (16%). Significantly smaller numbers reside in other counties. We provide full representation for clients with matters in Southern Maine courts and “unbundled” legal services for Prisoner Assistance clients with matters throughout Maine. Cases in the Supreme Judicial Court and federal courts may arise anywhere in the state. In recent years the Clinic has assisted a growing number of clients with Limited English Proficiency and/or who were born outside of the United States. During 2009, our clients’ countries of origin included Burma, Burundi, Djibouti, Mexico, Sudan, Somalia, and Germany.

The Clinic provided varying levels of legal assistance to more than 650 clients during 2009. Family law (not including Protection from Abuse (PFA) matters) represented the largest case type handled by the Clinic last year with 164 matters (25%). This category includes cases in probate, federal, and tribal courts as well as in Maine District Court. PFAs represent an additional 30% of our caseload (200 cases), for a total of 364 family-related cases last year. However, student attorneys in all clinic programs worked on a wide range of case types, as described below. The Clinic’s priorities are helping clients where the client has a need for legal assistance and there is an opportunity for a student to gain a valuable educational experience.

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. However, an increasingly number of clients come to the Clinic by way of referrals. Several clients were 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. We also received a referral from the Maine Board of Overseers of the Bar to represent a prisoner who had brought a petition before the Fee Arbitration Commission.

A total of forty-four law students enrolled in Clinic courses during 2009. In addition, the Clinic hired five student interns for the summer of 2009 as part of the Summer Intern Program. As a result, the Clinic was able to provide much-needed representation to individuals on a year-round basis.

GENERAL PRACTICE CLINIC

“Wonderful’ is all I can say. My case was so complex and nerve wracking. The student attorneys that helped me with my case were amazing. They were professional, humorous, and helpful at this difficult time in my life. Thank you so much.”

-- client, 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 litigation clinic. Each semester, the General Practice Clinic enrolls twelve students, each of whom represent from five to ten individuals in cases in a various areas of the law.

As mentioned previously, the largest area of practice in the Clinic is family law. The family law caseload, however, is varied. While the majority of cases in the General Practice Clinic involve disputes regarding parental rights and responsibilities, child support, and divorce, the Clinic has also taken on cases involving guardianship, termination of parental rights, adoption, *de facto* parents, Hague Convention rights, and grandparents’ visitation. In addition to the work on family law matters, a portion of the General Practice Clinic caseload involves a wide range of criminal matters. The Cumberland County Superior Court and United States District Court have appointed the Clinic to represent indigent defendants. Criminal matters handled by Clinic students in 2009 included defending individuals facing charges ranging from identity theft to operating a vehicle after suspension to failure to comply with the state’s sex offender registry statute. Other areas of legal services in the General Practice Clinic 2009 caseload included consumer law, collection defense, asylum, foreclosure, administrative appeals, housing, small claims, property, wills/estates, and several other miscellaneous issues.

Client Story: Jake¹

Jake originally came to the Clinic as a client in the Juvenile Justice Clinic. He had some problems with substance abuse, with resulting legal issues. Jake did very well in Biddeford's Drug Court Program and graduated in May 2009. In every respect, he was ready to move on with his life in a positive direction. However, he still had some adult criminal charges and a civil issue left as loose ends. He had been charged with attaching false plates and counterfeiting a vehicle inspection sticker, and was concerned about the effect convictions on both counts would have on his driver's license. Jake's student attorney, Heather, convinced the District Attorney's Office to dismiss one charge after 6 months for a low fine, and dismiss the other charge entirely. Jake's civil matter was a contempt motion brought by a person who had successfully obtained a Protection from Harassment order against Jake, with a money judgment that Jake could not afford to pay. Heather negotiated a deal in which Jake satisfied the money judgment in full by turning over his motorcycle to the opposing party. Although that bike was Jake's one prized possession, he knew that he had to take care of that judgment, and so he made the adult decision to take care of this problem and free himself up to move on with his life. To the best of our knowledge, Jake is pursuing further education in vocational trades.

The Clinic's appellate work continued to expand in 2009, largely as a result of an increasing number of referrals from the Maine Supreme Judicial Court, providing our students with invaluable opportunities to develop their appellate skills while providing representation to low-income clients with important appeals. The Clinic's work resulted in three reported opinions (*DHHS v. Pelletier*, 2009 ME 11; *In re Guardianship of Anthony J.*, 2009 ME 97; and *In re*

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

Richard E., 2009 ME 93), and a few additional cases resulting in Memorandum Decisions. The Clinic faculty met with the Clerk of Maine Supreme Judicial Court in 2009 to develop a streamlined procedure for referring appeals involving low-income individuals. We expect to work on a number of appeals in 2010.

Some of the others matters handled by General Practice Clinic students in 2009 included:

* A student attorney represented the petitioner in a trial in federal district court on a Hague Convention petition brought by the Clinic on behalf of a woman in Germany whose former husband refused to return the parties' 8-year old child to the client after a visiting him in Maine. The case was originally referred to the Clinic by the United States State Department. After a full-day trial, the federal magistrate judge issued a decision in the client's favor, which decision was affirmed by Judge Singal.

* The Clinic handled two asylum cases in 2009. The Clinic successfully petitioned on behalf of a woman who had worked as a women's rights activist in Burundi and had to flee the country with her husband because of threats against her life due to her work. After the petition was granted, the Clinic secured derivative asylum status for each of the clients' children, who had all been in hiding since the time the clients fled Burundi. The family was reunited in Portland last fall. The second case, a petition on behalf of a young man from Djibouti, is pending.

* A young client was facing criminal charges that threatened to derail his plans to enroll in a technical college out of state. His student attorney identified problems with the client's arrest as well as with the resulting charges, and, after she brought these issues to the attention of the prosecutor, the State agreed to a plea deal that enabled the client to get credit for time served and to continue with his educational plans.

* The Clinic represented a woman with multiple disabilities in a divorce trial after an 18-year marriage. The client's husband had refused to pay any spousal support because he was living with his new girlfriend. The court issued an order in the client's favor requiring, among other things, the husband to pay spousal support for a number of years.

* A student attorney represented a woman in a parental rights case after the father of the client's child had cut her off entirely from the child. After a full-day trial, the court granted our client shared parental rights and extensive visitation rights.

PRISONER ASSISTANCE CLINIC

"We're pretty ignored as people in here. As if we don't exist. You guys not only help, but the fact that you hear us and choose to do this is awesome! I love the program."

-- client, Prisoner Assistance Clinic

In January 2003, the Law School launched 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 funding restrictions imposed in the mid-1990s by the Legal Services Corporation precluding Pine Tree Legal Assistance from providing any civil legal services to prisoners. However, prisoners have family, 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.

Students provided legal assistance to 222 prisoners during 2009. This three-credit clinical course, supervised by Clinical Professor Jim Burke, places an emphasis on interviewing, counseling and providing “unbundled” legal services meaning that the student attorneys provide the prisoners the information, forms, and advice that they need to represent themselves in civil proceedings. The Clinic also provides full representation to some prisoners for matters that are in Southern Maine courts and in which the prisoner is unable to advocate for himself or herself. The program is popular with students, corrections staff, and prisoners alike.

Prisoner Assistance Clinic students travel to the Maine Correctional Center in Windham every week to meet with prisoners with a wide range of civil legal problems. Students had nearly 400 client meetings at the prison in 2009. More than 55% of the matters involve family law, such as parental rights and child support, and 8.5% involve probate-related proceedings, including guardianship.

Client Story: Wendi

Wendi was incarcerated at Women’s Center at the Maine Correctional Center in Windham when she contacted the Prisoner Assistance Program after Carl, the father of Wendi’s 7 year-old-daughter, filed a complaint for the determination of parental rights and responsibilities. After Wendi and Carl split (when Carl was convicted of assaulting Wendi), their daughter, Jocelyn, resided exclusively with Wendi and had little contact with Carl. Wendi soon remarried ,and her new husband, David, cared for Jocelyn while Wendi was in prison (her forgery conviction arose from actions she took to get money to support a drug habit that started during her relationship with Carl).

When Wendi contacted the Clinic, the court had set dates for a mediation and status conference later in the summer. Wendi’s goal was to retain primary residence of Jocelyn when she returns home on pre-release in the spring of 2010 and for Jocelyn to remain living with Wendi’s husband, David, until then. Wendi’s student attorney, Theresa, helped her prepare for the mediation and status conference by explaining what these proceedings would entail and how she should advocate for herself during the proceedings since she would be there without an attorney. She also suggested that Wendi raise the possibility of getting a Guardian ad Litem (GAL) (a professional to advise the court on Jocelyn’s best interests) during the mediation and should request one at the status conference. The student also discussed what sort of visitation provisions Wendi hoped would be set by the court.

Although Wendi had been able to articulate her position and concerns to Theresa, she was unable to do so at the mediation and conference. She explained that Carl’s lawyer entirely dominated the conversation. Carl was insisting, through his attorney, that he should get primary residence of Jocelyn immediately. Wendi said that she felt confused, unheard, frustrated, and unable to advocate for herself. She raised the issue of getting a GAL, but Carl’s attorney strongly asserted that a GAL was not necessary and the court refused to appoint one. After the mediation Wendi found a *pro bono* GAL, and Theresa then drafted a motion asking the court to reconsider appointing a GAL, which was granted. The day before the final hearing, the GAL contacted the parties and informed them that she was recommending that Jocelyn stay with her step-father, David, and have weekend visits and regular phone calls with Carl. This recommendation was precisely what Wendi had articulated as her ideal outcome. The Court granted the proposed order.

Wendi wrote on her client evaluation form: “I have had good and not good lawyers and Theresa was awesome, worked hard, and gave me so much of her time. I do not know how to thank her. She was there for my daughter and myself. She explained all aspects to me good or bad. I will never forget the help she gave to me!”

Many prisoners have consumer-related questions, particularly in the area of bankruptcy, or have questions about advanced health care directives and powers of attorney. Other matters range from public benefits to housing to employment to personal injury defense.

Client Story: Christine

Christine was an inmate at the Maine Correctional Center when she sought the Clinic's assistance to obtain Social Security disability benefits, for which she had been previously denied twice. Christine suffered from untreated mental illness from an early age and was the victim of sexual abuse at the age of nine. Christine self-medicated with drugs and alcohol to deal with her mental and emotional issues. This exacerbated her underlying mental illness. She was diagnosed with bipolar affective disorder, post traumatic stress disorder, alcohol and drug dependence, borderline personality disorder, and schizoaffective disorder. With time, Christine's mental health began to improve, but it was clear to her student attorney and her mental health care professionals that Christine could not maintain gainful employment outside of prison. Without receiving Social Security, she would have no income, and more importantly, no access to health coverage so that she could receive mental health care. Any improvements in Christine's mental health while incarcerated would be lost, and she would likely begin self-medicating with drugs and alcohol again, which, in all probability, would result in her being incarcerated again.

When Sean, the Prisoner Assistance Clinic student attorney, reviewed Christine's previous attempts to obtain Social Security, it became clear that Christine had been denied previously because the records in the file used to determine her claim did not have enough documentation of Christine's mental illness. The Clinic was able to enlist the help of a local attorney who was an expert in the field and who advised Sean on a modification to the application that would ensure that the focus of her claim would be on the mental illness and not the substance dependency thus increasing the likelihood that the denial would be overturned on appeal. Generally the Prisoner Assistance student attorneys do not enter their appearance on behalf of inmates, but it was clear that, because of Christine's mental illness and the technical nature of a Social Security hearing, Christine could not adequately represent herself so Sean represented Christine at the hearing before the Administrative Law Judge. Sean also arranged to have Christine's treating psychologist from the Department of Corrections testify at the hearing. Two weeks after the hearing Christine received a fully favorable decision awarding her Social Security benefits upon her release from prison.

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. This funding cut came at the same time as a dramatic increase in requests for assistance from prisoners, resulting in larger student caseloads and longer wait-times for clients seeking help. Accordingly, in 2009 we made several adjustments to our work with prisoners. We scaled back the extent of our work in institutions other than the Maine Correctional Center and the Long Creek Youth Development Center (two locations that can be served by personal visits, rather than mail and phone). We developed a new agreement with the Department of Corrections to ensure that we continue to have access to clients in MCC even in the absence of a specific funding contract. We also hope to expand some of our full representation work with prisoners who have matters pending in the courts that we serve. We will continue to serve prisoners throughout the state with existing cases or who are transferred from MCC with a pending case. We plan to develop CD-ROMs with self-help materials for the prisoners we cannot assist directly.

JUVENILE JUSTICE CLINIC

“Thank you very much. I really appreciate everything you have helped me with and how much you put into it. You have been such a big help to me and I really appreciate it now.”

-- client, 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. The Juvenile Justice Clinic provided services to more than 100 clients through the Juvenile Justice Clinic in 2009. This includes 15 participants in the Juvenile Drug Treatment Court program, 6 teens and young adults through the Street Law Project, and more than 90 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 2009 the Juvenile Justice Clinic provided full representation to approximately 50 children who were facing charges ranging from possession of marijuana to shoplifting to aggravated assault. Other matters handled by the Juvenile Justice Clinic students include representation of two brothers in an adoption annulment proceeding that was appealed to the Maine Supreme Judicial Court (*In re Richard E.*, 2009 ME 93).

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 to 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: Tiffany

Tiffany is a pregnant fifteen-year-old who had a number of pending charges stemming from fights with her father. When her father was verbally abusive (which was whenever he drank), Tiffany would lose her temper and throw breakable things (criminal mischief) which occasionally hit him (assault). Tiffany's student attorney, Margie, worked hard to establish a working relationship with Tiffany, and even harder to establish a working relationship with father. She also collaborated with Tiffany's case manager, and they were able to engage a therapist who worked with the family in their home. By the time the case resolved, Tiffany was going to school, attending all of her prenatal care medical appointments (and following the providers' advice), and making good progress with her anger management issues. She had arranged for her child to be adopted. Her father had stopped drinking and was working hard on repairing his relationship with Tiffany. The prosecutor agreed to dismiss all of the pending charges involving her father.

One of the Clinic's most significant projects since its inception has been the students' work with Maine Juvenile Drug Treatment Court (JDTC), a therapeutic, collaborative approach to adolescents with serious substance abuse and delinquency issues. The Juvenile Justice Clinic's work JDTC program came to an end during 2009 as the program was phased out statewide due to the termination of its funding. The estimated graduation rate of the Biddeford JDTC, in which student attorneys have provided varying levels of assistance to all juveniles enrolled in the program during the past three years, is more than 75%, significantly higher than the average for similar programs in the state and close to double that seen across the country. We anticipate that, as a result of the end of the JDTC, we will do more full representation of children with matters pending in juvenile court, with our usual emphasis on holistic representation on a variety of legal matters.

Client Story: Frank

Frank is a recent drug court graduate. Frank comes from a very troubled family; his parents both have significant contacts with the Department of Health and Human Services and the police. When he entered drug court, Frank's father was in prison and his mother was homeless; he was no longer attending school. Over the year that he participated in drug court his student attorneys, Jason and Elizabeth, (and the drug court team) helped Frank gain and maintain safe housing, helped re-engage him in school, paid for equipment so he could participate in extracurricular activities, and made sure that he was employed when he had enough time to hold a job. The moment we knew that Frank was in good shape was a Friday night in September when the drug court manager and a juvenile probation officer (JCCO) did a curfew check at Frank's apartment house. There was a wild party going on in the first floor apartment (Frank resided in the basement apartment). The JCCO searched the party looking for Frank, but found him downstairs asleep. When the JCCO looked around Frank's studio apartment she noticed that the only item decorating his wall was a photo showing Frank in his high school hockey uniform.

The Clinic handled a particularly complex competency case in Portland District Court which required the Court to determine the appropriate legal standard to apply to juvenile competency proceedings. After an evidentiary hearing during which the student attorney questioned two forensic psychological examiners and provided oral argument and a written memorandum of law, the Court agreed with the Clinic's proposed approach to the legal question, found the juvenile to be incompetent, and dismissed all charges.

This was not the only case involving the competency of a juvenile client that the Clinic handled in 2009, and the Clinic has developed considerable expertise in this area. At this year's Robert M. Cover Public Interest Law Retreat, Associate Clinical Professor Christopher Northrop gave a presentation at the Retreat on *Protecting Children from 'Friendly' Prosecutors: The Representation of Juveniles with Mental Health/Competency Issues*. We expect that students will continue to work on this issue both in the context of representation of individual clients as well on a broader policy level.

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. The Street Law Project, a collaboration of the Juvenile Justice Clinic and KIDS Legal, was scaled back temporarily during this period due to the maternity leave of the KIDS

Legal Attorney who was involved with the project. However, the project has started back up in the early months of 2010 and student attorneys are once again meeting with teens and young adults at the Teen Center to provide them with legal information and advice and, in some cases, representation.

Lawyer of the Day Program

On several occasions in 2009, 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 more than 40 juveniles, primarily in negotiations with the District Attorney’s Office.

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 2009, the Clinic and the Muskie School completed the final research and analysis of the findings of the DMC project, a collaboration in which Juvenile Justice Clinic students have had a central role for the past three years. The Clinic’s Juvenile Justice summer intern gave a well-received presentation on the work of the DMC Project at a meeting of the Maine Juvenile Justice Advisory Group. Professor Northrop and representatives of the Muskie School are presently discussing potential next steps for the collaboration.

Maine Law’s Dean Peter Pitegoff was appointed co-chair of the Maine Juvenile Justice Task Force and Associate Clinical Professor Christopher Northrop sits on the executive committee. This Task Force was formed in May 2009, and, since its inception, the Clinic has helped it develop recommendations for juvenile justice reform that will incorporate effective, research guided program principles. We hope that the Task Force’s efforts will help Maine become a leader in the growing national trend towards community-based rehabilitative programs, and away from reacting to juvenile issues with incarceration and zero-tolerance policies. Student attorney Nicole has been active in researching national trends in juvenile justice. She also is part of a team that is drafting the Task Force’s reports. Although this Task Force officially ends in May 2010, Clinic students will form part of the state-wide implementation team, and continue working on these important issues.

In 2009, the Law School became the new host site for the New England Juvenile Defender Center (the regional program of the National Juvenile Defender Center), thus establishing the Law School as a locus for juvenile law and policy development on state, regional, and national levels. This will provide our Juvenile Justice Clinic students (and perhaps other law students as well) the opportunity to work on policy development projects.

DOMESTIC VIOLENCE PROJECT

“My student attorney was awesome. I was terrified when I went in. After speaking with her I was very grateful that those services were offered. She made the whole thing much more comfortable and less stressful for me. Thank you so much.”

-- client, Domestic Violence Project

All students enrolled in Clinic courses participate in the Domestic Violence Program, 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 of domestic violence, sexual assault or stalking who need representation in seeking a final protection order. 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 2009, the Clinic represented 200 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: Janet

Janet filed a complaint for Protection from Abuse on behalf of her 11 year old son, Tyler, soon after Tyler disclosed to Janet that he had been subjected to years of abuse by his father, with whom he had lived since he was 6. A cycle of abuse had begun as soon as Tyler moved in with his father that included yelling, spanking, slapping, grabbing his neck (sometimes even lifting him off the ground and pushing him against a wall), kicking, punching, and biting him. Janet’s student attorney, Elizabeth, met with Tyler and Janet at the courthouse on the day of the final hearing, at which time the father indicated that he would not agree to a final protection order and that he wanted Tyler to have to testify in open court. When the father realized, after attempting some unsuccessful stalling strategies, that Elizabeth and her clients were ready to proceed to trial, the father changed his mind and agreed to the final protection order, through which Tyler would live with Janet and have telephone contact with his father. Janet was very relieved with this outcome, not only because was Tyler now safe, but also because he did not have to testify in court against his father in order to be safe. She said later about her experience: “Elizabeth listened to what Tyler had to say and I feel it helped him and made him feel better to know there is help for him.”

Client Story: Lindsay

Our client, Lindsay, was seeking a PFA order from the court against her husband, who was father of their two grade-school aged children. Lindsay’s main concern was a veiled death threat and a suicide threat. However, she was pro se when she filed the complaint for a protection order and she did not include all of the incidents, including the death threat, because she felt very stressed and did not understand the importance of doing so. Her husband hired a lawyer and filed a motion to dissolve the protection order. The parties were unable to reach an agreement and the matter resulted in a lengthy hearing involving multiple witnesses and several technical evidentiary issues. In particular, the student attorney, Joe, was able to present the critical evidence of the death threat even through the client had not included it in her original complaint by showing that the defendant had opened the door to such evidence. Joe was also able to bring out extensive information about the defendant’s substance abuse on cross-examination. The Court entered a final order in favor of Lindsay.

BUILDING COURTROOM AND OTHER ADVOCACY SKILLS

The 44 students who participated in Clinic last year had exposure to a wide range of proceedings before state, federal, and probate courts and administrative agencies through which they gain valuable experience and honed their oral and written advocacy and negotiation skills. They appeared as counsel in the following proceedings: 29 interim hearings; 2 motion to suppress hearings; 62 Protection from Abuse trials; 112 Protection From Abuse agreements presented to the Court; 9 final hearings in juvenile matters; 40 other juvenile proceedings; 43 juvenile drug treatment court meetings; 13 family law final hearings or trials; 3 Probate Court final hearings or trials; 2 administrative hearings; 10 docket calls; 14 mediations; 13 judicial settlement conferences; 40 non-hearing proceedings before Family Law Magistrates; 23 arraignments; 11 change of pleas; 5 criminal dispositional conferences; 2 Protection from Harassment hearings; 1 guardianship hearing; 1 asylum interview; 2 competency hearings; 1 post-conviction evidentiary hearing in federal court; 1 full-day Hague Convention trial; 4 Law Court briefs; 5 federal court briefs; 1 federal court oral argument; 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 or hear from guest speakers. During 2009 the seminars topics included: the dynamics of family violence; case theory; discovery; special education; client interviewing and counseling; Guardians *ad Litem*; forensic psychology; poverty law; juvenile defense strategies; and criminal procedure. Our guest speakers included District Court Judges Wayne Douglas and John O’Neil; Family Law Magistrate Mary Kelly; 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 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 Maine District Court invited the Clinic to select 4 students to attend a court-sponsored training on child protective cases. The students reported that the training was extremely valuable. It provided them with the opportunity meet several judges and attorneys, to learn more about the child protective process, and to conduct mock witness examinations.

The Law School sent 8 students (4 of whom were enrolled in the Clinic at the time) to the Robert M. Cover Public Interest Law Retreat, with the funding support of the Maine Bar Foundation.

Professor Christopher Northrop was on the Portland host committee for two delegation visits from the Russian-American Rule of Law Consortium, an ongoing exchange with Portland's

sister city, Archangel. The Archangel delegations consisted of judges, prosecutors, professors, and educators, and their visits to Portland included tours of the Clinic and discussions with clinic faculty and student attorneys on topics such as juvenile justice systems and clinical legal education.

The Clinic participated with several other statewide legal aid organizations in a Legal Needs Study. For a two-month period of time, Clinic staff tracked the specific types of request for legal services that we received over the telephone and that we were not able to meet. That study revealed what was already apparent to all of us: the vast majority (more than 75%) of people who contact these legal aid organizations for assistance are turned away.

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 including Evidence and Mental Disability Law. 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. She served as chair of the planning committee for Access to Justice Symposium co-sponsored by the Law School and the Justice Action Group held on October 2, 2009. Her most recent article, "The Disordered and Discredited Plaintiff: Psychiatric Evidence in Civil Litigation," 31 *Cardozo L. Rev.* 749 (2010), was published by the *Cardozo Law Review* at the start of 2010.

Clinical Professor **E. James Burke** joined the Law School faculty in May 2005 after serving as a part-time Visiting Clinical Professor for more than three years and bringing nearly 30 years of experience as a trial lawyer in Maine. He continues his work overseeing the Prisoner Assistance Clinic and the Summer Intern Program as well as supervising General Practice Clinic students. During 2009, Professor Burke served as chair of the Buckfield Planning Board, a member of the boards of the Maine Civil Liberties Union and Foundation, the 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. He was a workgroup leader at the AALS/CLE conference on "Clients, Complexity and Collaboration in a Cross-disciplinary Lens" in Cleveland in May.

The Clinic initially hired Associate Clinic Professor **Christopher M. Northrop** 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 2009 he also supervised students in the General Practice Clinic and oversaw the Domestic Violence Project during the summer of 2009. Last year, Professor Northrop was elected President of the New England Juvenile Defender Center; he also worked on the statewide Juvenile Justice Task Force's executive committee. Chris continued his service on the Maine Judicial Branch's Indigent Legal Services Commission, the Court's Justice for Children Task Force, Maine's Juvenile Drug Treatment Court Steering Committee and the KIDS Legal advisory board. Professor Northrop gave presentation at the Robert M. Cover Public Interest Law Retreat, "Protecting Children from 'Friendly' Prosecutors: The Representation of Juveniles with Mental Health/Competency Issues", and at the National Juvenile Defender Leadership Summit, "Juvenile Defense Clinics: The Next Generation." In July, Professor Northrop was appointed to the National Juvenile Defender Center's (NJDC) advisory board. Over last summer, he traveled to

South Carolina and Nebraska to assist the NJDC to continue its assessment of the statewide juvenile defense delivery systems in those states. He received the 2009 University of Southern Maine Faculty Senate Award for Excellence in Teaching.

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 2009, as well as supervising a group of students in the General Practice Clinic during the fall 2009 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 2009. She was 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. **Lisa Ginn** joined us in 2009 as 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 recent graduates include staff attorneys at Maine Equal Justice Partners, Disability Rights Center, Legal Services for the Elderly, and KIDS Legal, as well as staff attorneys at Maine domestic violence programs based in York, Knox, and Aroostook Counties. 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 2009, nearly half of the funding for the Clinic's programs came from sources external to the Law School. The largest single source of such external funds is the **Maine Civil Legal Services Fund**, followed by the **Maine Bar Foundation**, which provided an Annual Grant of IOLTA funds as well as a Discretionary Grant to support the work of the Juvenile Justice Clinic and a Matching Grant to support the Clinic's Language Access Initiative. Other significant sources of external funding are the **Campaign for Justice**, **TD Charitable Foundation**, 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:

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