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CUMBERLAND

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# Legal Aid Clinic

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UNIVERSITY OF MAINE SCHOOL OF LAW

2011 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, (35%); Androscoggin (34%); and York (15%). 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 2011, our clients’ countries of origin included: Djibouti, Honduras, Belize, Trinidad, Jamaica, Haiti, India, Canada, Democratic Republic of Congo, Sudan, Burundi, Somalia, and Iraq.

The Clinic provided varying levels of legal assistance to more than 674 clients during 2011. Family law (not including Protection from Abuse (PFA) matters) represented the largest case type handled by the Clinic last year with 157 matters (23%). This category includes cases in probate, federal, and tribal courts as well as in Maine District Court. PFAs represent an additional 33% of our caseload (221 cases), for a total of 378 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, Legal Services for the Elderly, Safe Voices, Volunteer Lawyers Project, 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 and the Maine Commission on Indigent Legal Services referred several criminal matters. The Maine Supreme Judicial Court referred appeals during 2011.

A total of forty-five law students enrolled in Clinic courses during 2011. In addition, the Clinic hired five student interns and one public policy fellow for the summer of 2011 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

*“I truly believe that the Law Clinic is an extremely important and needed service to people who cannot afford an attorney. When I first came to the Clinic I was desperate as I was thrown into a divorce I never imagined would happen. I had extremely limited means to pay for an attorney and I feel I got a thousand times better representation from the students and advisors than any other lawyer could have given me. Please know how grateful I am to all that helped me and my daughters.”*

*-- 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, protective custody, adoption, *de facto* parents. 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 Maine Commission on Indigent Legal Services and United States District Court appoint the Clinic to represent indigent criminal defendants. Criminal matters handled by Clinic students in 2011 included defending individuals facing charges ranging from shoplifting to operating a vehicle after suspension to cocaine trafficking. Other areas of legal services in the General Practice Clinic 2011 caseload included civil rights, foreclosure, breach of fiduciary duty of a personal representative, adversary proceeding in bankruptcy, violation of duties of trustee and conservator, consumer, civil rights, other public benefits, immigration, wills/estates, establishing a non-profit corporation, disability discrimination, and other miscellaneous issues.

The Clinic represented a young mother in a contentious and complex parental rights case (a referral from the Volunteer Lawyers Project) involving two Somali immigrants. The Clinic represented the client at the multi-day trial in early 2011, which resulted in a favorable order from the court. The Clinic then represented the client in successfully defending that order on appeal (*Sheikh v. Haji*, 2011 ME 117). The student’s work on that case required him to meet with elders in the Somali community to ensure that witnesses would not be discouraged from testifying about domestic violence within the relationship. After the trial ended, the student turned that work into a semester-long independent project aimed at building understanding and trust between the Lewiston Somali community and the courts. For his efforts, the student, Henry Crosby, received the Association of Corporate Counsel, Northeast Chapter, award and was recognized at a dinner in Boston in April.

The Clinic represented litigants in two other Maine Supreme Judicial Court cases in 2011. In *State v. Chesnel*, 2011 ME 84, Maine Law 2011 graduate Caitlin Fullerton argued that the Department of Corrections lacked the authority to deduct a prisoner’s court fines from his prison account. The Law Court affirmed the ruling below dismissing the defendant’s request for modification of the conditions of collecting his fines. In *Blackhouse v Doe*, 2011 ME 86, decided on the briefs, the Law Court emphasized that courts have an obligation under court procedures, as well as state and federal civil rights laws, to ensure reasonable accommodations for disabled litigants. The Court vacated the dismissal of a plaintiff’s protection from abuse complaint for a

failure to appear for the final hearing and remanded the case for a determination of whether any accommodations were warranted in that case.

### **Client Story: Sandra<sup>1</sup>**

Sandra was referred to the Cumberland Legal Aid Clinic by Caring Unlimited, a domestic violence agency, after she was granted a protection from abuse order against her husband. She came to us for legal representation after her husband had served her with divorce papers. Sandra was a victim of chronic domestic abuse by her husband, and although her two children were not the targets of their father's abuse, they witnessed their mother being physically and verbally abused by their father many times. During the divorce trial, Sandra's student attorney was able to obtain a very favorable judgment for Sandra. The judgment awarded Sandra sole parental rights and responsibilities of her two children, a significant financial award for her and her children, as well as being permission by the Court to relocate with her children to another state where she would be free of the fear of domestic violence. Less than a year after her divorce was finalized, Sandra's ex-husband, who was unhappy with the divorce judgment, filed a motion to modify the decree claiming that he was unable to pay what the Court had ordered of him. During the motion to modify hearing, Sandra's student attorney proved that her ex-husband was capable of fulfilling the terms of the original divorce order, and because he had failed to do so, the Court issued a modified financial award for Sandra that was more favorable than the original divorce order. This modified divorce order provided Sandra an additional eight years of spousal support. Sandra was very pleased with the work of her student attorneys, and is now living peacefully in another state with her two children.

### **Client story: Randy**

Randy contacted to the Clinic for legal representation in a parental rights action brought by his ex-girlfriend, April. The parties' 3-year-old daughter, Tamara, had lived with Randy her entire life. April, who struggles with an opiate addiction and was in and out of Tamara's life, brought the parental rights action to gain full custody of Tamara alleging that Randy was not actually Tamara's father. Genetic testing proved that she was right, which came as a complete surprise to Randy, but it did not change his view that Tamara was his child. Soon thereafter, Randy learned that, although he was Tamara's sole caregiver, the public benefits he was receiving for Tamara and himself would be terminated because he was not her biological father. Randy's student attorneys demonstrated to both the court and the Department of Health and Human Services that Randy was Tamara's "de facto" parent, and as a result he was awarded full parental rights, including primary residence, and had his family's public benefits restored.

## **PRISONER ASSISTANCE CLINIC**

*"My student attorney didn't judge me, and explained what was going on. It was way better than lawyers I have had in the past."*  
-- 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

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<sup>1</sup> The names of all clients mention in remainder of this report have been changed.

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 145 prisoners during 2011. This three- and six-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 436 client meetings at the prison in 2011. Most of the matters involve family law, such as parental rights and child support, and probate-related proceedings, including guardianship, but students also assisted prisoners with legal matters involving paternity, advanced health care directives, contract claims, conversion of personal and real property, name change, social security disability benefits, tort defense, attorneys fee arbitration, real estate disputes, landlord/tenant, powers of attorney, individual rights, and bankruptcy. .

#### **Client Story: Glen**

Glen, an inmate at Maine Correctional Center, grew up in Kennedy Park, in Portland, Maine. His childhood was fraught with trauma; both of Glen’s parents were heavily involved in drug use. As a result of this upbringing, Glen has been diagnosed with PTSD, paranoia, depression, and, a crippling anxiety disorder and social phobia that prevent him from living any semblance of a normal life. However, Glen had twice been denied Social Security disability benefits for his severe anxiety disorder at the time he asked CLAC for assistance. In the past, when he was without medical and psychological support, Glen turned to drugs in order to self-medicate, albeit ineffectively and inappropriately. Both denials stated that, if Glen were to stay clean, he would be capable of maintaining low-level employment. However, by this time Glen has been clean since March of 2010, and not only has his anxiety disorder persisted throughout those 19 months, it had intensified. He suffered multiple panic attacks each day. For Glen, without social security benefits to get the housing and medical services he needs, he knew he would not be able to successfully transition to life outside of prison.

The only way that Glen could be awarded disability benefits upon his release would be qualify under a “dire need” exception, which is nearly impossible to obtain. Glen’s resourceful student attorney wrote a letter to Senator Susan Collins on Glen’s behalf asking for assistance in scheduling him for an expedited hearing under the dire need exception. She provided information about Glen’s past, his present medical condition, and his certain homelessness upon release if benefits were not in place. Soon thereafter, Glen was found to meet the dire need exception and scheduled for an expedited review of his qualification for benefits. The student attorney then assembled reports from Glen’s health care providers and wrote a lengthy brief explaining why he was entitled to such benefits. Ten days after

she submitted her brief, Glen's student attorney learned that Glen would receive a fully favorable decision. The agency staff attorney who worked on the matter commented that the Clinic's brief displayed a better grasp of the legal issues than that of many practicing attorneys. Glen wrote to the Clinic after learning that he would be awarded benefits: "I would like to thank all of you. You really helped me immensely and I couldn't have done it without you."

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. In particular, the Prisoner Assistance Clinic has been receiving an increasing number of requests for assistance from disabled inmates who need assistance qualifying for Social Security benefits, so that they can, upon release from custody, begin to receive such benefits and access to the necessary medical treatment to help them stay out of trouble and avoid returning to prison.

## JUVENILE JUSTICE CLINIC

*"I am writing to thank you for your hard work and dedication in helping my family. As a mother who has never experienced a legal situation of this magnitude, I found myself in a panic. I am incredibly grateful that you were able to be part of my life during this difficult experience."*

*"This was the first time I had experience with the law. The Clinic made me feel comfortable through the process and gave me and my son options that I had no idea were available to us. Thank you from the bottom of my heart."*

*-- mothers of clients, 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 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 120 clients through the Juvenile Justice Clinic in 2011. This includes 20 teens and young adults through the Street Law Project, and more than 107 children in the Maine Juvenile 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 2011 the Juvenile Justice Clinic provided full representation to approximately 55 children who were facing charges including Aggravated Assault, Burglary, Robbery, Theft, Aggravated Trafficking in a Scheduled Drug, Terrorizing, and Criminal Mischief.

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 of an individualized plan 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.

### Lawyer of the Day Program

On several occasions in 2011, 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 52 juveniles, primarily in negotiations with the District Attorney’s Office.

#### **Client Story: Chad**

When Chad was 17 he was put on juvenile probation for multiple offenses. By 18 he had picked up numerous traffic tickets, fairly serious adult charges and two violations of his juvenile probation. His case was taken on by a summer intern who began the complicated process of sorting through his variety of cases on various days in different courts. In order to help clean up matters in Juvenile Court, Traffic Court, Superior Court and Department of Motor Vehicles, the student attorney worked with Chad to create a holistic plan to address mental health, substance abuse and education issues. In the fall of 2011 the student attorney from the summer continued to work with Chad, and connected him with Maine Pre-Trial Services to help coordinate and monitor this plan. Because of Chad’s willingness to work on these issues while completing juvenile probation, the Clinic was able get the adult charges put on a deferred disposition. By creating and following this program Chad avoided juvenile detention and adult incarceration. When Chad completes his deferred disposition, his adult charges will be dismissed. This will allow him to pursue his dream of a college education. The clinic continues to check in regularly with Chad to ensure he is meeting his service requirements.

### Guardian ad Litem Project

The Clinic continued to develop the guardian ad litem (GAL) project initially launched in 2010. Court-appointed GALs and CASA GALs are not available to represent children charged with crimes, although a number of juveniles land in the delinquency system because of family dysfunction. The Clinic has partnered with a number of other GALs in York and Cumberland County to provide volunteer GAL services to some of the highest risk youth in the delinquency system. Clinic student attorneys served as GALs for three juveniles during 2011, enabling student attorneys to gain a deeper understanding of the unique and critical role that GALs serve in court proceedings.

### Street Law Project

Now in its fifth year, the Street Law Project at the Preble Street Teen Center has become another important component of the Juvenile Justice Clinic’s work. Through the Street Law Project, a collaboration of the Juvenile Justice Clinic and KIDS Legal, student attorneys meet with teens and young adults at the Teen Center to provide them with legal information and advice and, in



some cases, representation. The Clinic has students on location at the Teen Center every other week. The Clinic provided 23 legal consultations last year, and took on a few clients for full representation. The legal issues on which student attorneys provided assistance in 2011 included emancipation, guardianship, education rights, public benefits, immigration, disability, wage/hour disputes, housing and family law. The project now includes providing some evening consultations at the Preble Street Teen Center (in addition to our usual lunchtime program) and a partnership with ILAP helping children obtain special juvenile immigrant status through Probate Court guardianships.

### 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.

\* A Maine Association for Public Interest Law (MAPIL) fellow worked at the Clinic during the summer drafting a training manual for court-appointed attorneys in juvenile matters. The Clinic has completed the initial draft, and a number of the individual chapters have already been used in trainings by the Maine Commission on Indigent Legal Services.

\* The Clinic's work in the area of juvenile competency was instrumental in the enactment of emergency legislation (LD 1413) that will, for the first time, provide guidance to courts, prosecutors, and defense counsel of the standards and procedures to be followed when there is a question of a juvenile's competency (due to mental impairment or chronological immaturity) in juvenile court proceedings. A Juvenile Justice Clinic student, under the supervision of Professor Chris Northrop, had a significant role in the drafting process. Juvenile Justice Clinic students and faculty also worked closely on LD 1503, which will implement some of the key recommendations of the Juvenile Justice Task Force to reduce high school drop-out rates by addressing issues concerning expulsion, suspension, and truancy.

\* Maine efforts to identify, address and reduce Disproportionate Minority Contact (DMC) and its DMC compliance plans have been recognized nationally (along with only eight other states). Only these nine states (nationally) were reported as "having fully met and/or exceeded the requirements in the DMC component of the FY 2011 Title II Formula Grant Solicitation." As a result, Maine's efforts along with those of the other eight states are being highlighted nationally and are being listed as examples on the national virtual resource center by the Federal Office of Juvenile Justice and Delinquency Prevention (OJJDP).

\* In August 2011 ABA adopted the Model Act Governing the Representation of Children in Abuse, Neglect and Dependency Proceedings which strongly advocates for the appointment of express interest counsel. This is an issue the Clinic first litigated in Maine District Courts in 2008, and continues to litigate.

### **PROTECTION FROM ABUSE PROGRAM**

*"The student attorney was extremely nice. He got his work done but also made me feel involved in*

*everything and made me feel calm. In my time of need you don't know how greatly appreciative I am."*

*"Respect, dignity, understanding, and kindness embodied my experience with the student attorney. He was competent and compassionate."*

*"You were so helpful for me and my daughter. You took the time to listen and explain what I didn't understand. Awesome!"*

*"You made an ordeal easier than I had anticipated; kind and knowledgeable"*

*-- clients, Protection from Abuse Program*

All students enrolled in Clinic courses participate in the Protection From Abuse 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 are settled without a trial. In 2011, the Clinic represented 210 clients in PFA cases. Clinic student attorneys work closely with court advocates from Safe Voices (formerly the Abused Women's Advocacy Project), 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. In October 2011, the Clinic was honored to receive a "Community Hero Award" from Safe Voices, for the Clinic's "invaluable efforts on behalf of victims of domestic violence in the courtroom."

#### **Client Story: Tasha**

Tasha had been in an abusive relationship with George, her husband, for a number of years. In fear for her own safety, and more importantly, that of her new child, she sought protection from the court and prevailed. Soon after, George began filing numerous motions with the court, seeking modification and termination. This put unnecessary strain and stress on the plaintiff, having to show up at court every other week and face the person she was scared of.

With help from the same student attorney on numerous occasions, Tasha succeeded in dismissing each of the motions. Furthermore, the student attorney was able to advise the client on numerous methods for preserving evidence for future matters, such as divorce. In addition, Tasha was concerned that George would continue to file motions in an attempt to harass her. The student attorney was able explain the harassment statute to Tasha and advise her how to handle the matter should it arise in the future.

Since the student attorney helped Tasha, no other motions have been filed by the George; he has collected his belongings and moved out of the home, and Tasha feels more secure and able to protect her child.

In late 2011, the Law School received word that the United States Department of Justice Office of Violence Against Women has agreed to fund a new collaboration of which the Law School is a participant. The "Tri-County Advocacy Partnership" consists of the following other organizations: Muskie School of Public Service; ILAP; PTLA; VLP; Safe Voices, United Somali Women of Maine, and Sexual Assault Crisis Center. The partnership will create a referral protocol among the partners to increase the legal and support services provided to victims of domestic violence, sexual assault, and

stalking in Androscoggin, Oxford, and Franklin Counties, with a particular emphasis on outreach to immigrants and victims of sexual assault. The grant will support the Clinic's Protection from Abuse Project in Lewiston District Court, as well as our extended representation of many of the clients we serve through that project.

#### **Client story: Jennifer**

As Jennifer broke up with her boyfriend, Ron, she was also in the process of closing on her new home. Then Jennifer had, what she thought to be at the time, a string of bad luck. First, Jennifer learned that her new home had been completely destroyed by fire on the day of the closing. Still friends after the break-up, Ron offered a place in his house to Jennifer while she looked for a new home. Next, the night before she was scheduled to close on another home, Jennifer went to Ron's apartment to collect her purse. The purse contained the closing papers and her car key remote. However, when she arrived at Ron's house her purse was missing. She quickly called a friend but during the call, the power at Ron's apartment went out and the call went dead. An hour later, during a safety check that her friend called in, police discovered the power line was cut. Despite this adversity, Jennifer successfully closed on a new home and moved shortly thereafter.

When Jennifer began dating again, she began to realize there was more to the fire and missing purse than bad luck. Jennifer's friends and family discovered the tires on their cars were slashed. Shortly after moving into her new home, Jennifer arrived home one night to discover it had been turned upside down – the oil tank had drained all over the basement, her cats were drenched in oil, and gasoline covered the kitchen. Because of this, Jennifer was forced to move out for several months. Finally, she installed video surveillance and an alarm system to calm her fears of leaving the home unattended during the day. Shortly thereafter, on several occasions, Jennifer's car alarm would initiate despite the car being locked securely in the garage. The police later pulled Ron over after driving near Jennifer's house right after the car alarm was set off. Police discovered that Ron had Jennifer's car remote.

At trial, a CLAC student attorney successfully obtained a two-year protection order for Jennifer against Ron. Jennifer stated that she "would only want to be on the good side if she were going into court" with CLAC. Additionally, she felt that CLAC was "great to work with" because of their support and expertise in protection from abuse litigation.

### **BUILDING COURTROOM AND OTHER ADVOCACY SKILLS**

The 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: 10 interim hearings; 74 Protection from Abuse trials; 154 Protection From Abuse agreements presented to the Court; 112 juvenile proceedings; 9 family law final hearings or trials; 3 Probate Court final hearings; 4 administrative hearings; 17 mediations; 9 judicial settlement conferences; 61 non-hearing proceedings before Family Law Magistrates; 15 arraignments; 7 change of pleas; 32 criminal dispositional

conferences; 4 Law Court briefs; 2 Law Court oral arguments; 2 federal court bail hearings; and several other miscellaneous appearances.

## **CLINIC SEMINARS**

All students participating in Clinic courses during the school year participate in weekly seminars. Most weeks, 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. During other weeks, the seminars cover substantive legal issues, information on topics related to Clinic work or hear from guest speakers. During 2011 the seminars topics included: the dynamics of family violence; case theory; discovery; client interviewing and counseling; Guardians *ad Litem*; forensic psychology; juvenile defense strategies; and criminal procedure. Our guest speakers included Maine District Court Family Law Magistrate Lindsay Cadwallader, Aria Eee, Assistant Bar Counsel for the Maine Board of Bar Overseers, 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**

In late 2011, the Clinic decided to expand both the capacity of the Clinic’s caseload as well as the depth of educational experience of our students by giving students enrolled in the Prisoner Assistance Clinic and Juvenile Justice Clinic the option to take the courses for 6 credits rather than the usual 3. This change involves no additional expenditures of funds (only added work for the faculty supervisors). We are implementing this during the spring 2012 semester and will assess the impact and benefits of such change over the course of the semester.

The Clinic is in the process of developing a new clinical course to be launched in the fall of 2012. The Refugee and Human Rights Clinic will provide law students with a chance to assist refugees who are seeking asylum status and other federal protections (such under VAWA, special juvenile immigrant status, and U Visas for crime victims). The Law School was fortunate to recruit Anna Welch, a former chair of the Immigration Department at Verrill Dana and now on the clinical faculty at Stanford Law School, to design and supervise the new course. The project is a collaboration with ILAP, which will screen and refer all cases handled by the new clinic. The aim is to help to alleviate some of the enormous unmet need for representation in such matters and to train law students on substantive immigration law and administrative law, as well as on best practices for working with immigrant and refugee clients (such as language access and other considerations).

The Clinic developed a new summer fellowship, which will be launched in the summer of 2012. The Cushman D. Anthony Fellowship (named for the Clinic’s founding director) will provide a stipend to enable a law student who has completed his or her second year of school to do policy development work in the area of children and the law and participate in the Clinic’s courthouse assistance programs including the Protection From Advocacy Project and Juvenile

Lawyer of the Day. The inaugural fellow was selected during the fall of 2011 through a competitive application process.

Clinic students were invited to attend several seminars and continuing education programs, including the Maine Association of Criminal Defense Lawyers annual conference, the National Juvenile Defender Leadership Summit in Seattle, and the New England Juvenile Defender Center's Annual Training in Concord, NH.

Student attorney Henry Griffin was the Maine Law recipient of the 2011 Northeast Chapter of the Association of Corporate Counsel Law Student Ethics Award for "demonstrating an outstanding commitment to ethics in the course of a clinical program." He attended an awards dinner in Boston with Professor Jim Burke.

At graduation in May 2011, student attorney Lauren Wille was presented with the 2011 Maine Law Clinical Legal Education Association Award, "for excellence in clinical fieldwork based on the high quality of representation provided clients and for exceptionally thoughtful, self-reflective participation in an accompanying clinical seminar."

### 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.

Professor **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 chairs the Maine Supreme Judicial Court's Advisory Committee on the Rules of Evidence and sits on several committees addressing issues of expanding access to justice in Maine. In 2011, Professor Smith published "Diagnosing Liability: The Legal History of Posttraumatic Stress Disorder" as the lead article in volume 84 of the *Temple Law Review*. She received the 2011 Advocate for Justice Award from the Maine Judicial Branch.

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 2011, Professor Burke served as a member of the boards of the Maine Civil Liberties Union and Foundation, and as a member of Maine State Bar Association Continuing Legal Education sub-committee. He is a member of the Law School Curriculum committee, the MAPIL summer grant award committee, as well as the Law School Student Awards and Recognition committee. In October he gave the opening presentation at a conference on "Women in Prison," describing what it is like to work with clients at the Women's Center at the Maine Correctional Center. In November he addressed new attorneys at the Bridging the Gap program on the topic of stress, substance abuse and mental illness among attorneys.

The Clinic hired Clinical 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 2011 he also supervised students in the General Practice Clinic and oversaw the Domestic Violence Project during the summer of 2011. Professor Northrop serves as President of the New England Juvenile Defender Center, and is on the Advisory Board of the National Juvenile Defender Center.

He also serves as chair of the Maine Juvenile Justice Implementation Council, which was recently awarded a three year, \$150,000.00 grant from Annie E. Casey Foundation to bring their Juvenile Detention Alternative Initiative project to the state. Prof. Northrop spoke on juvenile competency hearings and examiner's reports at a "Juvenile Competency to Stand Trial" training session presented by State Forensic Service. He assisted the Maine Commission on Indigent Legal Services (MCILS) in developing curriculum and materials for their juvenile defender's minimum standards training. He also served on the faculty for the MCILS juvenile defender trainings. He made two presentations at the October 2011 Juvenile Defender Leadership Summit in Seattle: "Litigating Eyewitness Identification Cases: Lessons Learned from State v. Henderson" and "Building Juvenile Detention Advocacy Skills." He served as advisor and on-site investigator for the National Juvenile Defender Center's assessment of the juvenile access to counsel and quality of representation in Missouri.

**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 2011. 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 2011. She serves on the Court of Appeals for the First Circuit's 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. Our staff and volunteers are responsible for another important component of the Clinic's public service mission, which is to assist the more than 2000 callers seeking legal help from the Clinic each year but who was cannot assist due to our small program size, by identifying other potential resources in the area.

## 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, KIDS Legal, Alaska Legal Services, and domestic violence agencies. 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 2011, approximately thirty-six percent 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. Other significant sources of external funding during 2011 include the **Campaign for Justice**, **TD Charitable Foundation**, **Betterment Fund**, **the Wein-Hirshon Foundation** and the **Muskie Fund for Legal Services**. The Clinic receives some limited funding from the **Maine Judicial Branch** for serving as "lawyer of the day" in Juvenile Court and from the **Maine Commission for Indigent Legal Services** for its representation of criminal defendants.

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

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