2012 Annual Report

Deirdre M. Smith Cumberland Legal Aid Clinic

University of Maine School of Law

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Thank you for reviewing the 2012 Annual Report of the Cumberland Legal Aid Clinic of the University of Maine School of Law. This report provides an overview of our program, as well as client stories and other highlights from this past year.

In 2012, we saw a national discussion in the media about the role of legal education. Even within this often sharp debate, there was one point of consensus: Clinical education – programs in which students work with real clients on real legal matters – must play a central role as law schools prepare students. At Maine Law, we could not agree more. The Cumberland Legal Aid Clinic has provided skills training for more than 42 years, and most Maine Law students graduate with experience in clinical practice. These real-world opportunities are the complement to the excellent classroom teaching and scholarship that also define a legal education at Maine Law.

Building on that tradition, we were thrilled in the fall of 2012 to launch the new Refugee and Human Rights Clinic, under the leadership of Visiting Libra Professor Anna Welch. The Sam L. Cohen and Davis Family Foundations generously provided seed grants to make this project a reality. As described on page 9, the inaugural semester featured student attorneys filing asylum petitions in three compelling cases, as well as work on cutting-edge advocacy projects.

Many students come to Maine Law because they want to make a difference. They want to bring about positive change in their own lives, in their communities, and in the lives of others. The Cumberland Legal Aid Clinic is a place where Maine Law students do exactly that. Clients walk through our doors with desperate needs. Sometimes their personal safety is at risk, someone is threatening to take their child, or they might be a child themselves, facing juvenile charges that could have a lifetime impact. Without the tireless work and compassion of our student attorneys, these Mainers would likely go without representation in the court system. The negative experiences and outcomes for unrepresented litigants are devastating, not only for the individuals involved, but for their families and for Maine as a whole. Student attorneys give their clients a voice, an advocate, and a fair shot at justice.

Sincerely,

Deirdre M. Smith
Professor and Director of the Cumberland Legal Aid Clinic

If you are interested in supporting the Cumberland Legal Aid Clinic, please contact:
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The Cumberland Legal Aid Clinic’s home on Exeter Street in Portland.

Deirdre M. Smith

Photo: The black and white photographs in this report are the work of acclaimed Maine photographer Martha Mickles. They show Clinic students and faculty serving clients at the Maine Correctional Center in Windham and at the Preble Street Teen Center in Portland. The photos were part of a 2012 exhibit, “Justice for All: The Faces of Legal Aid in Maine,” sponsored by the Maine Bar Foundation.

Note: The client stories represented in this report are true, but all names and some other identifying details have been changed to protect the identity and confidentiality of our clients.
The Cumberland Legal Aid Clinic, established in 1970 as a program of the University of Maine School of Law, provides free legal aid to low-income individuals and families in Maine. It is one of the oldest clinics of its kind in the nation. The Clinic is a defining program of Maine Law, providing practical skills training for students, and helping fulfill the school’s long-standing commitment to social justice.

All legal representation at the Clinic is provided by law students. These ‘student attorneys’ are specially licensed by the state and federal courts. Students work collaboratively under the supervision of Clinic faculty, who are experienced members of the Maine Bar. The Clinic is divided into four programs: General Practice, Prisoner Assistance, Juvenile Justice, and Refugee and Human Rights. Students in all of those areas also participate in the Protection from Abuse Program, representing victims of domestic abuse, sexual assault or stalking.

The Clinic’s mission is two-fold. Law students receive intense, hands-on experience as they represent real clients. The community receives help with a critical public service: access to justice for all, regardless of wealth or status. The Clinic serves clients with legal matters pending in state, probate, and federal courts and before administrative agencies. The Clinic provides full representation for clients in Southern Maine courts, and limited representation to prisoners with legal matters throughout Maine. Cases heard by the state Supreme Judicial Court and the federal courts may arise anywhere in the state.

All students who enroll 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,” where they discuss specific challenges and questions that have arisen in their cases. In other weeks, seminars cover substantive legal issues, or students hear from guests. Seminar topics in 2012 included the dynamics of family violence; working with interpreters; discovery; and several others. Guest speakers included Maine District Court Family Law Magistrates Andrea Najarian and Joan Kidman, and Dr. Debra Baeder of the Maine Forensic Service. In addition to this coursework, most students are required to write a mem-

Clinical Professor Christopher M. Northrop oversaw the design and launch of the Juvenile Justice Clinic in 2006 and has continued to supervise the course. (Photo by Martha Mickles)
2012 by the numbers

The Cumberland Legal Aid Clinic provided varying levels of legal assistance to more than 691 clients.

252 cases were Protection From Abuse matters. 121 cases were other Family Law matters, making Family Law the largest category of cases handled by the Clinic. However, it should be noted that student attorneys work on a wide range of cases, as described in detail later in this report.

38 percent of clients reside in Cumberland County, which includes clients who are incarcerated at the Maine Correctional Center in Windham, but who may have legal matters pending anywhere in the state. 37 percent of clients live in Androscoggin County; 17 percent live in York County, and significantly smaller numbers reside elsewhere in Maine.

Clinic clients came from 9 countries of origin, including the U.S., Democratic Republic of the Congo, Djibouti, El Salvador, Mexico, Somalia, Rwanda, Jamaica, and Iraq. The Clinic serves a growing number of clients with Limited English Proficiency.

51 students at Maine Law enrolled in Clinic courses in 2012. In addition, the Clinic hired five student interns and one public policy fellow for the summer of 2012 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.

Students who participated in Clinic last year were exposed to a range of proceedings, where they gained valuable experience and honed their oral and written advocacy and negotiation skills. They appeared as counsel in the following proceedings: 3 interim hearings; 81 Protection from Abuse trials; 192 Protection From Abuse agreements presented to the Court; 99 juvenile proceedings; 4 family law final hearings or trials; 2 Probate Court final hearings; 18 mediations; 4 judicial settlement conferences; 48 non-hearing proceedings before Family Law Magistrates; 23 arraignments; 11 change of pleas; 25 criminal dispositional conferences; 3 Law Court briefs; 1 Law Court oral argument; 2 bail hearings.

orandum describing and analyzing a client counseling opportunity they had during the semester. This exercise requires the students to consider and reflect on the attorney-client relationship, the ethical obligations of attorneys, and similar critical issues.

How we accept new clients

There are a number of ways through which clients obtain help from student attorneys. Every day, the Clinic receives calls from people seeking legal help. When a student has an opening and the client qualifies for aid, we may accept the case. However, a significant number of clients are referred by other organizations, such as KIDS Legal, the Immigrant Legal Advocacy Project, and the Volunteer Lawyers Project. We also receive referrals from courts, especially the Androscoggin County Probate Court, which has appointed the Clinic as counsel on complex cases involving parental rights, guardianship and other issues. The U.S. District Court for the District of Maine and the Maine Commission on Indigent Legal Services have referred criminal matters, and the Maine Supreme Judicial Court referred appeals during 2012.

Summer Intern Program

The Clinic’s Summer Intern Program provides selected students with a paid, intensive experience practicing public interest law. At the end of each academic year the Clinic has a caseload of over 100 pending cases. The Clinic hires five students who have completed their second year of law school to work as full-time interns, enabling the Clinic to offer much-needed representation to low-income clients on a year-round basis. Without the summer program, the Clinic would be severely limited in the type of cases it could accept and the number of low-income Maine residents it could help.

During the summer of 2012, interns provided legal representation to 241 individuals on a wide range of issues. They perform the same work as students in the Law School’s clinical courses during the school year, but they do so as full-time interns rather than as enrolled students.

Summer interns receive modest stipends and gain extensive experience in all dimensions of lawyering including: client counseling, ethics, investigation, pre-trial practice, oral and written advocacy, case strategy, negotiation, document drafting, conducting trials, and appellate practice. Our former summer interns tell us the program was a high point in their legal education.

Accolades and alumni

Two student attorneys earned special recognition in 2012. Meghan Higgins was the Maine Law recipient of the 2012 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.” At graduation in May 2012, Victoria Silver was presented with the 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.”

One measure of the success of the Cumberland Legal Aid Clinic is the number of student attorneys who choose careers in public interest law. 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 graduates tell us that as a result of their experience working at the Clinic, they accept court-appointed work in the areas of child protection, juvenile defense, criminal defense, and other areas affecting low-income families. Some have become rostered guardians ad litem. Others have signed on with the Maine Volunteer Lawyers Project to accept pro bono cases.
Client Stories:

Susan
Susan contacted the Clinic for representation in a parental rights matter against Donny, the father of her six-month-old daughter. Susan had recently fled from Nebraska to get away from Donny. He had abused her during the pregnancy, and after she left him he began calling and texting her obsessively. A native of Maine, Susan came here to live with family. Susan started a parental rights action on her own, but hit a snag when she found out Donny had started a separate case against her in Nebraska. A student attorney from the Clinic helped Susan resolve the jurisdictional conflict, which required application of the Interstate Child Custody Jurisdiction and Enforcement Act. The student attorney researched and filed a memorandum of law with the court, demonstrating that it could properly exercise jurisdiction over the case. The student also represented Susan at an evidentiary hearing, at which Donny was represented by counsel. The court’s ruling was fully favorable to Susan, and kept the case here in Maine. The Clinic continues to represent Susan in this matter.

Claire
Claire faced foreclosure on her home by the town where she lived, because of unpaid property taxes. During eight of the past 10 years, Claire had applied for various forms of town assistance, but each time she had been denied. The town told her the information she provided about her circumstances was insufficient. Student attorneys from the Clinic helped Claire organize her financial information and present it to the town selectmen in a comprehensive and meaningful way. As a result, she was granted a full abatement for her property taxes based on her poverty and disability. Claire was able to keep her home and she reached an agreement with the town on payment of future taxes.

“I just love everyone that was part of my case. I would not have been able to handle it! But because of the care and time given to me, it was made a lot better. Thank you again very very much!”
- Client, General Practice Clinic

Each semester, the General Practice Clinic enrolls 12 students, each of whom represent from five to 10 individuals in cases in various areas of the law.

Studens enrolled in the General Practice Clinic, a six-credit litigation clinic, provide the bulk of the services offered by the Cumberland Legal Aid Clinic. Each semester, the General Practice Clinic enrolls 12 students, each of whom represent from five to 10 individuals in cases in various areas of the law.

The largest area of practice is family law, and the majority of disputes involve parental rights and responsibilities, child support, and divorce. However, the family law caseload is varied. Student attorneys have taken on cases involving guardianship, termination of parental rights, protective custody, adoption, and de facto parents. In 2012, at the request of the Maine Supreme Judicial Court, Clinic student attorneys briefed and argued the issue of whether a District Court may grant parental rights and responsibilities through a Protection From Abuse action to an adult who has acted in a parental role with a child, but has no other legal standing. The Law Court’s opinion is expected in early 2013.

A wide range of criminal matters also falls under the umbrella of the General Practice Clinic. The U.S. District Court and the Maine Commission on Indigent Legal Services continue to appoint the Clinic to represent criminal defendants who cannot afford to hire an attorney. In 2012, student attorneys represented clients on criminal charges including theft; unlawful possession of a firearm; eluding a police officer; assault; and cocaine trafficking.

Student attorneys also provided legal assistance in cases involving breach of fiduciary duty of a personal representative, violation of duties of trustee and conservator, consumer rights, foreclosure, civil rights, other public benefits, immigration, wills and estates, formation of a non-profit corporation, and more.
Client Stories:

Laura
About four years ago, Laura and her boyfriend Arthur had a son together. Laura left Arthur soon after the child was born, because of Arthur's constant physical and emotional abuse. Arthur kept his distance and never provided financial support for his son. Sadly, Laura turned to selling drugs to support herself, and she was sent to prison. Her son was placed in a stable home with Laura's mother in Downeast Maine. Arthur, who has a record of domestic violence and has already had three other children removed from his care, now seeks custody of the boy. The Prisoner Assistance Clinic is helping Laura prepare for a hearing, as she seeks to have her mother appointed as the boy's permanent guardian.

Dale
When he is released from prison in a few years, Dale wants to be able to support himself. He has been working on designs and other plans for a consumer product that he hopes to make and sell. Dale asked the Clinic for legal guidance. Student attorneys are working with him on copyright and trademark applications for his concepts. We are also working with Dale to determine, and then to set up, the appropriate legal structure for his business.

“The student attorneys were very professional and cared about what I was going through. Your program is a Godsend to us incarcerated individuals. Thank you for everything you've done for me.”
- 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. The restrictions essentially forced Pine Tree Legal Assistance – Maine's largest legal aid provider – to stop representing prisoners in civil matters. The need for those services, however, has only continued to rise. Prisoners have family, consumer, and other civil legal matters, many of which arise from the circumstances of their incarceration. These court matters have an impact not only on the lives of the prisoners, but on the lives of their sons, daughters, parents and other family members who never committed a crime. The Justice Action Group, the Maine Bar Foundation and others identified this as a gap in access to justice. They concluded that providing services through the Clinic would be a cost-efficient way to close this gap.

Students provided legal assistance to 126 prisoners during 2012. This three- and six-credit clinical course, supervised by Clinical Professor Jim Burke, places an emphasis on interviewing, counseling and providing “unbundled” legal services. Student attorneys provide the prisoners the information, forms, and advice they need to represent themselves in civil proceedings. For some matters in Southern Maine courts, the Clinic provides full representation when a prisoner is not able to advocate for himself or herself. The program is popular with students, corrections staff, and prisoners alike.

Clinic students travel to the Maine Correctional Center in Windham every week to meet with prisoners. Students had 436 client meetings at the prison in 2012. 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 a wide range of legal matters including: bankruptcy, tort defense, drafting trusts, wills, living wills, advanced health care directives, copyright, trademark, violation of fiduciary duty, conversion of personal property, name change, various immigration questions, contract claims, attorney's fee arbitration, real estate disputes, landlord-tenant disputes, powers of attorney, individual rights, tax issues, and preservation of professional and business licenses, such as commercial driving, lobstering and fishing. Recently, the Clinic has been receiving an increasing number of requests for help from disabled prisoners. They need assistance in applying for Social Security benefits, to ensure they receive assistance and adequate medical treatment when they are released, to help them stay out of trouble and out of prison.
"My son's student attorney was very professional. We are very grateful to her and the supervisor for everything they did for my son. A job well done by all!"

- Mother of Juvenile Justice Clinic client

The Juvenile Justice Clinic, launched in the fall of 2006, enrolls up to five law students each semester. The students work under the supervision of Clinical Professor Christopher Northrop, a nationally recognized expert in the field. Student attorneys have the opportunity to work with troubled youth on a number of levels. In 2012 the Clinic provided legal services to more than 168 clients. This includes 27 teens and young adults through the Street Law Project, and 141 children in the Maine Juvenile Court.

Individual Representation

The primary focus of the Juvenile Justice Clinic is the direct representation of juveniles with pending delinquency matters in state courts. Student attorneys appear in Juvenile Court each week with their clients for proceedings such as arraignments, detention hearings, plea negotiations and trials. In 2012 the Juvenile Justice Clinic provided full representation to approximately 48 children who were facing charges including Assault, OUI, Burglary, Robbery, Terrorizing, Carrying a Concealed Weapon and Trafficking in Scheduled Drugs. On behalf of their juvenile clients, student attorneys work closely with social service agencies, legal aid providers, schools, and other community representatives. The goal is to develop and implement personalized, holistic and targeted programs for each juvenile client. Such programs are designed to keep the juveniles out of jail and prison, and to get them back on track to completing their education. The team also focuses on 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 2012, 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 55 juveniles, primarily in negotiations with the District Attorney's Office.

Guardian ad Litem Project

The Clinic continued to develop the guardian ad litem (GAL) project initially launched in 2010. Court-appointed GALs and Court Appointed Special Advocates (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 guardian ad litems in York and Cumberland County to provide volunteer services to some of the highest risk youth in the delinquency system. Clinic student attorneys served as GALs for five juveniles during 2012, enabling student attorneys to gain a deeper understanding of the unique and critical role that guardians serve in court proceedings. A Clinic summer intern helped staff the Judicial Branch's Guardian ad Litem Task Force for its work on a new complaint resolution system.

Street Law Project

The Street Law Project at the Preble Street Teen Center in Portland has become another...
Important component of the Juvenile Justice Clinic’s work. Now in its fifth year, the Street Law Project is a collaboration of the Juvenile Justice Clinic and KIDS Legal, a statewide project that falls under the umbrella of Pine Tree Legal Assistance.

In the Street Law Project, student attorneys meet with teens and young adults at the Teen Center to provide them with legal information, advice and, in some cases, representation. Student attorneys visit the Teen Center every other week. The Street Law Project provided 27 legal consultations last year, and took on a few clients for full representation. In 2012, student attorneys provided assistance on legal issues including education rights, public benefits, immigration, disability, consumer, housing, criminal, juvenile, and family law. This project now includes some evening consultations at the Teen Center, in addition to our usual lunchtime program; and a partnership with Immigrant Legal Advocacy Project, helping children obtain special immigrant juvenile 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 chance to work on policy initiatives as well as providing direct representation to individuals. Such work offers students the chance to contribute to initiatives with far-reaching impact.

In May 2012, Professor Chris Northrop and a Juvenile Justice Clinic student, Victoria Silver, attended the Juvenile Detention Alternatives Initiative national conference in Houston, Texas. The conference brought together more than six hundred judges, prosecutors, defenders, politicians, corrections and human services administrators from around the country (and one law student, Victoria) discussing the latest trends in keeping at-risk youth with their families, in their schools and out of the delinquency system.

The Clinic developed a new summer fellowship, which was launched in the summer of 2012. The Cushman D. Anthony Fellowship, named for the Clinic’s founding director, will provide a stipend for a law student who has completed his or her second year at Maine Law. The stipend will allow the student 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 Abuse Project and Juvenile Lawyer of the Day. The inaugural fellow, Nicole Bissonnette, was selected during the fall of 2011 through a competitive application process. She did a number of projects this past summer, including working with committees and task forces around the state addressing issues of: Disproportionate Minority Contact; incarcerated girls; education; and youth transitioning out of foster care. Nicole also helped organize a New England regional training for juvenile defenders in September.

The Juvenile Justice Clinic is partnering with Bernstein Shur, Casco Bay High School and the Sam L. Cohen Foundation to bring “Street Law” to Portland. Street Law is a national, non-profit organization that for the last 40 years has created classroom programs to teach high schools students about law, democracy and human rights.

The Juvenile Justice Clinic serves as the Maine “expert” on the American Bar Association’s project “Think Before You Plea: Juvenile Collateral Consequences in the United States.” Students helped the ABA gather and edit the Maine information on the site www.beforeyouplea.com/me and will work to update the site as needed.

Client Story:

Guardian ad Litem Project: Bruce

When one of the Clinic’s student attorneys was assigned as Guardian Ad Litem for 14-year-old Bruce, he got a stack of paperwork documenting nine criminal charges, from theft to assault. But when the student attorney went to visit him at Long Creek Detention Center, Bruce was just the opposite of what one might expect. He was quiet and shy, very polite and respectful. Bruce is easily influenced by his peers. Because of his low intelligence and a lack of structure in his life, Bruce had committed many of his crimes because older kids told him to do so. With help from his student attorney and the staff at Long Creek, Bruce became a model citizen quickly rising to the highest rank possible, and becoming a favorite of all the employees in the facility. Through Opportunity Alliance, Bruce was then placed in a Multidimensional Foster Home, and was enrolled in school at Maple Stone, where he also became a model student. He overcame his fear of heights and was assigned to build a solar power system that will heat an entire building. Due to his remarkable turnaround, the District Attorney’s Office has dropped all the charges against Bruce, and he was scheduled to be reunited with his mother.
n the fall of 2012, the Cumberland Legal Aid Clinic launched the Refugee and Human Rights Clinic, a six-credit course that will initially have space for six students per semester. Student attorneys assist low-income immigrants through a broad range of cases and projects. This new clinical course is a collaboration between Maine Law and the Immigrant Legal Advocacy Project. The course targets a critical gap in access to justice in Maine – providing direct legal representation to immigrants and refugees seeking political asylum and similar protections under federal law – while training future attorneys on how to best serve the legal needs of immigrants. The launch of the new clinic would not have been possible without the generous assistance of the Sam L. Cohen Foundation and the Davis Family Foundation, which provided seed grants.

Clients are referred to the new clinic by ILAP and include, for example, asylum applicants who have fled human rights abuses in their home countries and are seeking refuge in the United States; immigrant survivors of domestic violence; immigrant victims of certain crimes; and abandoned or abused children seeking legal status in the United States. Under faculty supervision, student attorneys not only develop their substantive knowledge of immigration law and human rights laws and norms, but they also build core legal skills relevant to the general practice of law.

Clinical work for the students includes interviewing clients and witnesses and preparing their testimony, working with interpreters and translators to ensure language access, conducting factual and legal investigation and marshaling of evidence, analyzing and presenting human rights documentation, developing case strategies, writing legal briefs, appearing in administrative hearings, and participating in human rights advocacy projects.

During the fall semester, Clinic students worked with clients from African countries, all referred by ILAP, in filing petitions for asylum. Each of these clients present compelling issues of survival.

Refugee and Human Rights Clinic students began a collaboration with ILAP to develop a pro se asylum manual, which will serve as a “how to” guide for asylum seekers in filing their applications and accessing immigration relief. Over the past three years, ILAP has seen a nearly 500 percent increase in filing their applications and accessing immigration relief. The stakes are especially high in asylum cases, where individuals deported to their home countries might face continued persecution or even death. The RHRC and ILAP aim to develop a straightforward and informative guide for applicants to help them better navigate the complex process of applying for asylum.

Clinic students also partnered with ILAP to conduct Know your Rights Presentations and intakes of immigrant detainees at the Cumberland County Jail. The jail houses anywhere from 1 to 30 immigrant detainees at a time, many of whom are later transferred to longer-term facilities out of state. Through their work, students are not only informing clients of their rights during the immigration process, but they are also screening clients who might be eligible for some form of immigration relief.

**Client Story:**

**Jane**

In her home country in the Middle East, Jane was fed up with government corruption and impunity for human rights abuses. She stood up, advocated for change and participated in pro-democracy demonstrations. As a result, Jane was detained and beaten and received threats against her life. Students at Maine Law’s Refugee and Human Rights Clinic took Jane’s case. They spent countless hours documenting their client’s experience. They worked with expert witnesses to document conditions in Jane’s home country; they conducted multiple interviews with Jane and various expert and lay witnesses; they marshaled domestic and international evidence; and they researched and drafted a legal brief arguing that Jane is eligible for and deserving of asylum. If the Department of Homeland Security approves the asylum application, Jane will be permitted to remain in the U.S., where she can live without fear of being targeted for death because of her political beliefs.
Client Story:

Stephanie
The Clinic represented Stephanie in a protection from abuse action against Jimmy, her estranged husband. Jimmy was abusive and reacted to stress by lashing out physically against whatever was near, whether that was Stephanie, their dog Augie, or their belongings. Stephanie was ready to serve Jimmy with divorce papers, but she was scared. He had threatened to kill her and himself in the past, and he had ready access to guns. The protection case went to trial. Jimmy testified that he damaged property not to intimidate Stephanie, but only to release tension. And although he admitted to making death threats, Jimmy said he was never holding a weapon when he said those things. He denied hitting Stephanie, and said he had tripped over Augie the dog, but never hurt him on purpose. The judge sided with Stephanie and granted a protection order, ruling that while stress might explain Jimmy's actions, it did not make them any less frightening. The judge also denied Jimmy's request to retain his firearms. Stephanie said her student attorney was wonderful, and that she could not have gone through the process alone.

“My 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.”

– Client, Protection from Abuse Program

Most students enrolled in any of the Clinic courses also participate in the Protection From Abuse Program, where they represent victims of domestic violence, sexual assault or stalking. Student attorneys attend at least one or two days of the protection from abuse (PFA) docket calls in Lewiston District Court. 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 2012, the Clinic represented 224 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. This collaboration ensures that every client not only receives legal representation in her protection order case, but also receives the necessary support and resources to escape violence in the long-term. Furthermore, every Clinic student receives training on the dynamics of domestic violence as well as the legal remedies available to victims.

In late 2011, the Law School received word that the United States Department of Justice Office of Violence Against Women 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; Immigrant Legal Advocacy Project; Pine Tree Legal Assistance; Volunteer Lawyers Project; Safe Voices; United Somali Women of Maine; and Sexual Assault Prevention and Response Services. 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 Program in Lewiston District Court, as well as our extended representation of many of the clients we serve through that project.
Faculty and Staff

Student attorneys are closely supervised by members of the Clinic faculty, all of whom complement their Clinic teaching with numerous community engagements, scholarship and other relevant 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. She received a 2012 USM Faculty Senate Award for Teaching. Professor Smith chairs the Maine Supreme Judicial Court’s Advisory Committee on the Rules of Evidence, and she moderated a panel discussion on the hearsay rule at the MSBA Summer Bar Meeting. Professor Smith sits on several committees addressing issues of expanding access to justice in Maine, and she served as one of the lead organizers for the Second Biennial Access to Justice Symposium, “Changing Maine,” held in January 2012.

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 2012, 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 worked with the MSBA to review and revamp the Bridging the Gap Program given every fall for newly admitted lawyers to the Maine Bar. He also chaired the panel at the program this year on Ethical and Malpractice Considerations, and presented at a panel for Maine Commission on Indigent Legal Services on ethical issues that may arise in the Child Protective cases.

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 2012 he also supervised students in the General Practice Clinic. Professor Northrop serves as President of the New England Juvenile Defender Center, and he helped organize and served on the faculty for the NEJDC second annual New England regional defender training in Andover, Mass. Professor Northrop serves on the advisory board for the National Juvenile Defender Center and was on the faculty for NJDC’s annual juvenile defender leadership summit in San Juan. He also serves as chair of the Maine Juvenile Justice Implementation Council.

Tina Schneider joined the Clinic faculty in 2006 as an Adjunct Clinical Professor overseeing the Protection from Abuse Project. 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 various different federal circuit courts. She serves on the Court of Appeals for the First Circuit’s Criminal Justice Act Panel Admissions Committee.

Anna Welch joined the Clinic’s faculty in 2012 as Libra Visiting Professor to design, launch, and supervise the new Refugee and Human Rights Clinic. Professor Welch is a former chair of the Immigration Department at Verrill Dana and was on the clinical faculty at Stanford Law School prior to her appointment at Maine Law. This fall, Professor Welch presented at the Maine Judicial College on immigration consequences of criminal offenses, and she also spoke before Maine’s Violence Intervention Partnership Board on the same topic.

The Clinic is fortunate to have a committed, hard-working and indispensable staff. Karen Murphy serves as our Administrative Manager. Lisa Ginn, who joined us in 2009 as our Administrative Assistant, completed her master’s degree and left the Clinic at the end of 2012 to begin her new career in higher education administration. 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 2,000 callers seeking legal help from the Clinic each year. Due to our limited resources, we are only able to help a small number of these callers, but for the others, our staffers help them identify and connect with other potential resources in the area.

Funding

In 2012, approximately 43 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 2012 include the Campaign for Justice, Betterment Fund, Sam L Cohen Foundation, Davis Family 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. The Law School’s Student Bar Association sponsored a 5K road race, “Race Judicata,” to benefit the Clinic.