

University of Maine School of Law

University of Maine School of Law Digital Commons

Cumberland Legal Aid Clinic Annual Report

Law School Publications

2017 Annual Report

University of Maine School of Law

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



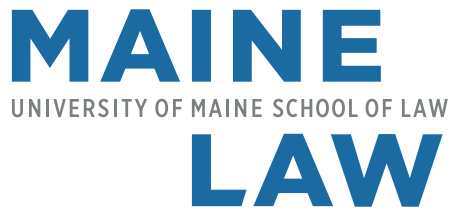
Part of the [Law Commons](#)

Recommended Citation

University of Maine School of Law, "2017 Annual Report" (2018). *Cumberland Legal Aid Clinic Annual Report*. 12.

<https://digitalcommons.minelaw.maine.edu/clac-annual-report/12>

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



Cumberland Legal Aid Clinic



Annual Report 2017

Training law students and helping
the people of Maine since 1970

Contents

Program Overview / 3
General Practice Clinic / 5
Prisoner Assistance Clinic / 6
Juvenile Justice Clinic / 7
Refugee and Human Rights Clinic / 9
Protection From Abuse Program / 10
Staffing / 11

For more information, please contact:

Cumberland Legal Aid Clinic
University of Maine School of Law
246 Deering Ave.
Portland, ME 04102
207-780-4355
clac.info@maine.edu

If you are interested in supporting the Cumberland Legal Aid Clinic, please contact:

Office of Advancement and External Affairs
University of Maine School of Law
246 Deering Ave.
Portland, ME 04102
207-780-4342
www.mainelawalum.org
lawalum@maine.edu

Note: The client stories represented in this report are true, but all names have been changed to protect the identity and confidentiality of our clients.

Cover photo: Clinic student attorneys take the student attorney oath before the Maine Supreme Judicial Court during their swearing-in ceremony at the start of the semester.

FROM THE DIRECTOR

Thank you for reviewing the 2017 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 highlights and client stories



Deirdre M. Smith

and important matters. Student attorneys represented an individual facing charges from his participation in a Black Lives Matter protest in Portland, Maine (page 5). Refugee and Human Rights Clinic students traveled to the U.S. border to provide legal help to families being held in a federal Immigration

and Customs and Enforcement facility (page 9). With the launch of the Maine Center for Juvenile Law and Policy, the Clinic has confirmed its role as the locus of juvenile policy development in Maine, including critical issues under consideration now, such as the sealing of juvenile records and increasing the use of community-based alternatives to detention (page 3). We could not have accomplished all that we did last year were it not for the critical support we have received from our funders, listed below, who provided funds to enable us to take on new projects as well as sustain our core programs. Thank you for your interest in the Clinic. Sincerely,

and Customs and Enforcement facility (page 9). With the launch of the Maine Center for Juvenile Law and Policy, the Clinic has confirmed its role as the locus of juvenile policy development in Maine, including critical issues under consideration now, such as the sealing of juvenile records and increasing the use of community-based alternatives to detention (page 3).

We could not have accomplished all that we did last year were it not for the critical support we have received from our funders, listed below, who provided funds to enable us to take on new projects as well as sustain our core programs.

Thank you for your interest in the Clinic.

Sincerely,

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

Funding

In 2017, approximately 45 percent of the funding for the Clinic's programs came from sources external to the Law School. We received funding from the Maine Civil Legal Services Fund and the Maine Justice Foundation, which provided an Annual Grant of IOLTA funds, a grant from the Bank of America Settlement Fund, and a new endowment launched in 2017: the James



Roux Fund, which supports our summer intern program. Other significant sources of external funding during 2017 included the Campaign for Justice, Sam L. Cohen Foundation, John T. Gorman Foundation, the Bidu Sayão Memorial Children's Trust, 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.

PROGRAM OVERVIEW



The Cumberland Legal Aid Clinic Class of 2017 with the Clinic Faculty on Graduation Day.

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 and agencies. 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 impact of the Clinic is statewide. Student attorneys provide full

representation for clients in Southern Maine courts and limited representation to prisoners with civil legal matters throughout Maine. Cases heard by the state Supreme Judicial Court and the federal courts and agencies 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 2017 included the dynamics of family violence; navigation of challenging ethical issues; forensic psychology; working with interpreters; working with trauma survivors; client counseling; client and witness interviewing; discovery; and several others. Guest speakers included Maine District Court Family Law Magistrates Brianne Martin and Andrea Najarian, Deputy Bar Counsel Aria Eee, and Dr. Ann LeBlanc of the Maine Forensic Service. In addition to this coursework, most students are required to write a memorandum 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.

The Clinic Launches the Maine Center for Juvenile Policy and Law

In June of 2017, the Clinic established the Maine Center for Juvenile Policy and Law (MCJPAL) at the University of Maine School of Law, with a grant from the John T. Gorman Foundation to support Juvenile Justice Clinic students and faculty in their policy work. Through ongoing collaboration with partners and stakeholders, the MCJPAL works to reduce harm to Maine youths involved or formerly involved in the juvenile justice system and to increase positive outcomes for this at-risk population. In this coordinating role, the MCJPAL provides the platform for the Juvenile Justice Reform Work Group, a core group of juvenile justice professionals and advocates who work to identify and examine juvenile justice policies, programs, and practices designed to reduce inappropriate detention and confinement and increase fairness in the juvenile justice system. The MCJPAL is also the Maine member of the National Juvenile Justice Network. On November 17th, MCJPAL and the University of Southern Maine's Justice Policy Program hosted a juvenile justice summit: "Youth Justice in Maine: Imagining a New Future." This event convened more than 100 national and local experts, juvenile justice practitioners, and youth voices, all of whom are committed to improving youth justice in Maine. Several Juvenile Justice Clinic students participated in this event.

Client Story

Holly

Holly and her ex-husband Randy had only been divorced a few months when Randy brought their case back to court to change the parental rights and responsibilities terms of the divorce judgment. The parties had agreed to share residence and decision-making regarding their young boys, but the weeks that immediately followed the divorce were marked by high conflict. Randy wanted the court to change the judgment so that the boys would spend more time living with him, and to allow him to make all major decisions regarding their education, medical care, and upbringing without having to consult with Holly. Holly filed a counter-motion and the parties had a few unsuccessful, contentious mediations. Holly then sought the Clinic's help to keep from being cut out of her boys' lives. After negotiations with Randy's attorney went nowhere, Holly's student attorney represented her at the full-day trial. Holly testified that she agreed that the conflict was bad for the boys, but that it was too soon to give up on co-parenting. The judge agreed, to Holly's great relief. The court not only denied Randy's requested changes, it ordered Holly and Randy to participate in a nine-week Intensive Co-Parenting Course provided through Kids First. They successfully graduated from the course and are now working together to help their boys through this time of transition. Holly wrote to the Clinic: "Thank you for everything. I was feeling quite hopeless before you took my case. We are in a much better place and I'm hopeful that court days are behind me."

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, the case may be accepted. However, a significant number of clients are referred by other organizations, such as KIDS Legal, Preble Street, the Immigrant Legal Advocacy Project, and the Volunteer Lawyers Project. The Clinic also receives referrals from federal, state, and probate courts. 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 has referred several appeals during recent years.

Accolades and Measures of Success

Two student attorneys earned special recognition in 2017. De'Anna Mills was the Maine Law recipient of the 2017 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 2017, Alicia Tocci 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 that serve the public interest. Recent Maine Law graduates include staff attorneys at Maine Equal Justice Partners, Disability Rights Center, Legal Services for the Elderly, KIDS Legal, and Pine Tree Legal Assistance. A number of our graduates report 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 and the Immigrant Legal Advocacy Project to accept *pro bono* cases. And several recent graduates have used their intensive lawyering skills training from the Clinic to launch careers in small firms in underserved areas of Maine.

CLAC By the Numbers

In 2017, the Cumberland Legal Aid Clinic provided varying levels of legal assistance to more than 663 clients.

239 cases were Protection From Abuse matters. 136 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.

Clinic clients came from at least 10 countries of origin, including the U.S., Angola, Burundi, the Democratic Republic of the Congo, El Salvador, Guatemala, Honduras, Iraq, Somalia, and Sudan. The Clinic serves a growing number of clients with Limited English Proficiency.

54 students at Maine Law enrolled in Clinic courses in 2017. In addition, the Clinic hired six student interns and one public policy Cushman Anthony fellow for the summer of 2017 as part of the Summer Intern Program.

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; 63 Protection from Abuse trials; 173 Protection From Abuse agreements presented to the Court; 61 juvenile proceedings; 14 Family Law final hearings or trials; 23 mediations; 8 judicial settlement conferences; 51 non-hearing proceedings before Family Law Magistrates; 29 arraignments; 6 change of pleas; 38 criminal dispositional conferences; 2 Law Court briefs; 1 Law Court oral argument; 6 sentencing hearings; 4 immigration court hearings; 6 asylum interviews; and numerous other miscellaneous appearances.

GENERAL PRACTICE CLINIC

“Thank you all for your continued help and support during this difficult time in my life. You are all great. I appreciate all of your hard work!”

– Client, General Practice Clinic

Students 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.

Student attorneys provided legal assistance in cases involving foreclosure, landlord/tenant, breach of fiduciary duty, recovery of personal property, administrative appeals, adult guardianship, protection from harassment, real estate, social security, wills/estates, tort defense (including insurance declaratory judgment defense), recovery of unpaid wages, tax liens, name change, and changing gen-

der identity markers on legal documents (passport, license, birth certificate, court documents).

Criminal matters also fall under the umbrella of the General Practice Clinic, and student attorneys represented clients facing a wide range of felony and misdemeanor criminal charges. 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. Clinic students also assisted individuals implicated in federal criminal matters obtain immunity from prosecution in exchange for cooperation with the government.

Clinic students represent #Black Lives Matter Protestor

When the ACLU of Maine was lining up criminal defense attorneys to represent the 18 Black Lives Matter protesters arrested in Portland, the Law School’s Cumberland Legal Aid Clinic was on their “dream team” list. Joining a team of seasoned Maine defense attorneys, Clinic students Matt Richwalder and Katie Campbell represented one of the 17 adults charged with multiple crimes stemming from their involvement with the BLM protest. The case presented interesting opportunities to litigate the intersection of freedom of speech and civil disobedience. As Katie noted: “I learn about so many of these issues in the context of Constitutional Law and Criminal Law classes, and it was very rewarding to be able to apply these skills in the Clinic to assist our client.” All 17 co-defendants entered into agreements with the District Attorney’s Office for dismissal of all criminal charges. The agreements would require each protestor to admit to a violation of a civil ordinance, attend a restorative justice session with representatives from the Portland Police Department, and donate to a fund to help victims of crime.



Matt Richwalder and Katie Campbell, both Clinic Class of 2017, represented a Black Lives Matter protestor who was facing charges for participating in a demonstration.

The restorative justice session, however, did not go as planned and the agreements fell apart. Katie then needed to help her client navigate the litigation that resulted from the fall-out. After a testimonial hearing in which Katie handled the examination of a key

witness and fully participated as a member of the defense team, the court concluded that the protesters had not breached the terms of their filing agreement. The DA’s office decided not to pursue the case further, and the charges were dropped.

Client Story

Tanya

In 2016, Tanya filed to establish a parental rights and responsibilities order regarding her daughter, Sadie. However, shortly after filing, Tanya was arrested for operating under the influence and sentenced to a period of incarceration at the Maine Correctional Center. Before the arrest, Sadie's father, Shawn, had not been in Sadie's life at all. But, due to Tanya's incarceration, Sadie began living with Shawn. When Shawn refused to allow Sadie to visit Tanya, she contacted the Prisoner Assistance Clinic for help. Tanya's goal was to obtain a favorable court ruling that set a schedule for regular phone contact and visits with Sadie. The student attorney helped Tanya prepare to advocate for herself at the mediation and to explain what she thought would be best for Sadie. Tanya reported that the assistance she received from the student attorney gave her the confidence she needed to clearly and successfully express her points of interest. Tanya was able to obtain the outcome she had hoped for, with a final order that maintained her relationship with Sadie and provided a foundation for their reunification upon Tanya's release. Tanya wrote: "My student attorney was very calm, supportive, and professional. She gave me great feedback and helped me through my custody agreement."

PRISONER ASSISTANCE CLINIC

"Excellent work ethic, effort, and attention to detail. They were all very professional and made my day every time they showed up. And they went the extra mile 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 180 prisoners during 2017. 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 522 client meetings at the prison in 2017. 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: adult guardianship; tort defense, including insurance coverage; federal civil rights; trusts, wills, and advanced health care directives; conversion of property; social security disability benefits; contract claims; attorney's fees disputes; powers of attorney; taxes; recovery of professional/business license; business formation; and bankruptcy.



2017 Clinic Summer Interns and Fellows after taking the student attorney oath before the Maine Supreme Judicial Court.

JUVENILE JUSTICE CLINIC

"I have tears I am so happy. Thank you soooo much for everything you have done for him. We all appreciate it very much!"

– Parent of Client, Juvenile Justice Clinic

The Juvenile Justice Clinic, launched in the fall 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 2017 the Clinic provided legal services to more than 105 clients. This includes 31 teens and young adults through the Teen Center Project, and 70 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 2017 the Juvenile Justice Clinic provided full representation to approximately 52 children who were facing charges including Burglary of Motor Vehicle, Burglary, Assault, Criminal Mischief, Possession of Alcohol, Operating Under the Influence, Trafficking in Scheduled Drugs,

Aggravated Assault, Terrorizing, Arson, Theft, Criminal Trespass, Criminal Threatening, Criminal Threatening with a Dangerous Weapon and Aggravated Criminal Mischief. 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 2017, 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 18 juveniles, primarily in negotiations with the District Attorney's Office.



Professor Christopher Northrop, Juvenile Justice Clinic Faculty Supervisor, and York County Assistant District Attorney Tanya Pierson, a juvenile prosecutor, participate in a Maine Law panel discussion about juvenile records.

Client Story

Jeff

When a Juvenile Justice Clinic student attorney first met Jeff, he was languishing in the Long Creek Youth Development Facility detention unit, facing a string of alleged felonies. Jeff did not have a defense attorney because the Court determined his family did not qualify for court appointed counsel, and neither of Jeff's parents were willing to hire a lawyer for their son. A Long Creek staff member called the Clinic for help. Jeff's student attorney quickly figured out three important things: Jeff was easily influenced by older peers (all of his alleged criminal activity had been with an adult partner); he had a substance use problem; and there was significant conflict between Jeff and his parents. In short time, the student attorney was able to convince a Juvenile Court judge to release Jeff from detention. The student then worked with Jeff, his extended family, counselors, and the Court to design a plan that would give Jeff an opportunity to be successful. Jeff's treatment program included time in a residential substance use treatment facility, an alternative school setting, and therapeutic work with his family. Today, Jeff is sober, living with his grandparents, and on track to graduate from high school in 2018. Because of Jeff's hard work, the district attorney dismissed all of the pending felonies and recommended a probationary disposition on a misdemeanor plea. This resolution will allow Jeff to keep his juvenile record confidential.

Tuesdays at the Teen Center Project

The Tuesdays at the Teen Center (“TATC”) Project at the Preble Street Teen Center in Portland has become another important component of the Juvenile Justice Clinic’s work. Now in its seventh year, the TATC Project is a collaboration of the Juvenile Justice Clinic and KIDS Legal, a state-wide project that falls under the umbrella of Pine Tree Legal Assistance.

In the TATC 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. They provided legal consultations to 31 people in 2017, and took on a few clients for full representation, providing assistance on a range of legal issues including education rights, public benefits, housing, disability benefits, immigration, name change, and changing gender identity markers on legal documents.

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 with far-reaching impact, as well as providing direct representation to individuals. As noted on page 3, the Clinic launched the Maine Center for Juvenile Policy and Law in 2017, which will greatly enhance the work of Juvenile Justice Clinic faculty and student attorneys as they research, develop, and advocate for a number of key reforms needed to ensure that children involved in the Maine juvenile justice system have a successful transition away from that system and into adulthood. Our



Juvenile Justice Clinic Student Attorney Cailley Bonti presents on the “Unsealed Fate” report at the 2017 Maine Law Student Impact Summit.

partners for this work project include the John T. Gorman Foundation, the American Civil Liberties Union, GLBTQ Advocates and Defenders, Maine Commission on Indigent Legal Services, Juvenile Justice Advisory Group, and New England Juvenile Defender Center, among others.

“Unsealed Fate” project

Juvenile Justice Clinic faculty and student attorneys, working with researchers from the Muskie School of Public Service at the University of Southern Maine, developed a report titled *Unsealed Fate: The Unintended Consequences of Inadequate Safeguarding of Juvenile Records in Maine*. Released in March 2017, the report details a records system that is inconsistent, misunderstood, and often unintentionally pun-

ishes individuals long after their time in the system has ended. Individuals with juvenile records face barriers in applying for jobs and professional licenses, enrolling in the military, accessing housing, and securing other financial supports. In addition, the report finds that juvenile records often lead to harsher adult sentencing and that individuals with records experience marginalization and stigmatization. A JJC student attorney moderated a panel discussion about the report at the 2017 Maine Law Student Impact Summit. On August 1, 2017, MCJPAL presented a Juvenile Justice Resource Update for the Maine District Court judges, which included the “Unsealed Fate” report. JJC students have also assisted former juvenile justice system participants in petitioning for orders sealing their records.

Client Stories

Berenice

Berenice came to the United States at the age of 16 after fleeing an eastern African country that was on the brink of civil war. Her parents had abandoned her at a young age, and she had no one to protect her from the violence that surrounded her, including a military official who stalked and sought to harm her. Berenice arrived in Maine and reunited with extended family members who took her into their home and treated her

as a daughter. Without lawful status in the U.S., Berenice remained at risk of deportation. This is where student attorneys in the Juvenile Justice Clinic and the Refugee and Human Rights Clinic stepped in. First, the JJC student attorneys obtained a formal guardianship order that allowed Berenice’s extended family to become her legal guardian. Then, RHRC student attorneys successfully petitioned the USCIS to award Berenice Special Immigrant Juvenile Status and with that lawful permanent resident (“green card”) status. Berenice is now thriving in Maine where she is fluent in English and graduated with honors from high school.

REFUGEE AND HUMAN RIGHTS CLINIC

“I would like to thank each and everyone who helped through my process of getting asylum. It was a tough case, but everyone was so kind and productive. I appreciate the support and help much.”

– Client, Refugee and Human Rights Clinic

In the fall of 2012, the Cumberland Legal Aid Clinic launched the Refugee and Human Rights Clinic, a three- to six-credit course that enrolls six to eight students per semester. Student attorneys assist low-income immigrants through a broad range of cases and projects. This 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.

Clients are often 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,

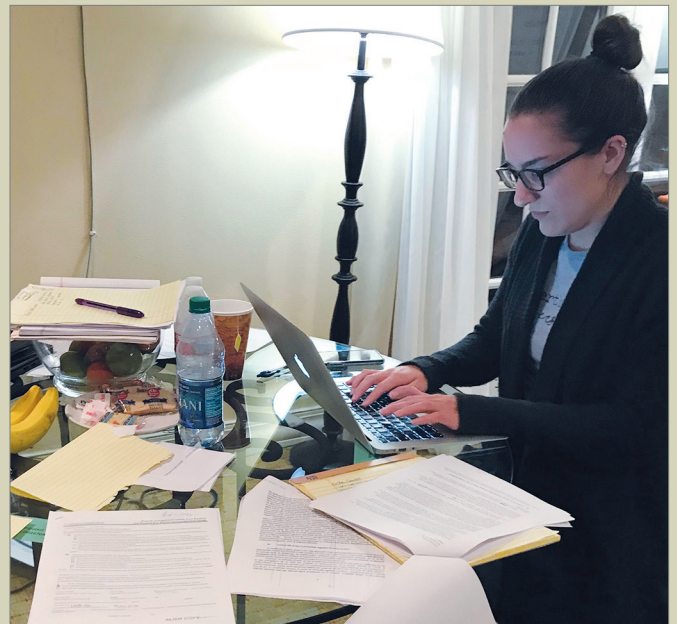
developing case strategies, writing legal briefs, appearing in administrative hearings, and participating in human rights advocacy projects. The work on the petitions is labor-intensive and highly detailed.

Refugee and Human Rights Clinic student attorneys and faculty supervisor Prof. Anna Welch, in conjunction with the Immigrant Legal Advocacy Project, have conducted monthly trainings at Portland Adult Education. Students help immigrants learn how to use the “How to Apply for Asylum” manual, which was produced by the Clinic and ILAP for asylum seekers who are not represented by an attorney and is available in English, French, Spanish, and Arabic. The RHRC has assisted hundreds of individuals through the monthly trainings and distributed dozens of copies of the manual, both at the trainings and through our website.

CLAC SPOTLIGHT

The Laredo Project

In 2017, the RHRC launched a collaboration with Jones Day law firm and Texas RioGrande Legal Aid, to bring students to Laredo, Texas, to serve as volunteers with the Laredo Project in representing immigrant women detained at the U.S. border. During the summer, two Maine Law students traveled to Laredo, a border town with a U.S. Immigration and Customs Enforcement (ICE) detention facility. Laredo is one of nearly 200 immigration detention facilities located in the U.S. Both students speak Spanish fluently, and they interviewed several immigrant women held in the facility to assist intakes for asylum and other forms of relief, with the goal of placing the women’s cases with *pro bono* attorneys all over the country. Through their work in Laredo, the students had an opportunity to see an immigration detention facility up close, to help provide immigrant women with direct legal representation, and to hear firsthand immigrant accounts. The students’ contributions were so valuable that the RHRC and Jones Day decided to continue and to expand the collaboration: During the fall semester, each of the students enrolled in the RHRC traveled to Laredo to volunteer with



Refugee and Human Rights Clinic Student Attorney Sara Cressey writing an emergency legal brief in the early morning hours on behalf of a client in detention at Laredo.

the project. A total of 11 students from Maine Law volunteered in week-long increments in 2017; collectively, they conducted 88 intakes and 21 client meetings.

Client Story

David

David brought a complaint for protection from abuse against Renee, his former girlfriend. He alleged physical abuse, stalking, threats, and destruction and theft of his property by Renee. David, who never had any experience in court, was overwhelmed and frightened by the frenetic atmosphere of court and the prospect of having to recount difficult experiences in a public setting. After finding a quiet place to talk in private, the student attorney explained the judicial process and the options available to David. David opened up, disclosing more incidents that qualified as abuse under the statute. Renee's lawyer initially took an inflexible position in negotiations, refusing to agree to any order lasting more than six months, or any order that required Renee to return David's property. The student attorney highlighted the additional episodes of abuse. Negotiations ultimately led to the entry of an agreed-upon 18-month protection order that, in addition to prohibiting contact, required Renee to return David's property. David left the courthouse that morning in much better spirits, expressing gratitude for the Clinic's assistance and appreciation for the just resolution. He said his student attorney was "kind and amazing."

PROTECTION FROM ABUSE PROGRAM



Professor Tina Schneider, faculty supervisor for the Protection From Abuse Project, training new Clinic Student Attorneys on representing clients in PFA matters.

"They worked with me to get the results I needed to protect my family."

– Client, Protection from Abuse Program

Most students enrolled in 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 2017, the Clinic represented 210 clients in PFA cases. Clinic student attorneys work closely with court advocates from Safe Voices and Sexual Assault Prevention and Response Services, two non-profit organizations. 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 and sexual assault as well as the legal remedies available to victims.

The Clinic also participates in a broader partnership which uses a specific referral protocol 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 "Tri-County Advocacy Partnership" consists of the following other organizations: Muskie School of Public Service; Pine Tree Legal Assistance; Volunteer Lawyers Project; Safe Voices; Immigrant Legal Advocacy Project; United Somali Women of Maine; and Sexual Assault Prevention and Response Services.

CLINIC STAFFING

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.

Clinical Professor **E. James Burke** joined the Law School faculty in May 2005 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. He supervises the Homeowner's Assistance Project in the General Clinic, which is partly funded by the Maine Justice Foundation, and works with clients who are facing foreclosure of their home mortgage. Along with representatives from the Law School, the Maine Justice Foundation, the Board of Overseers of the Bar, and the Maine State Bar Association, he helped develop, and now helps to run, the Rural Lawyers Project, designed to place students into summer jobs where they can learn about, and make contacts that could lead to, practice in rural Maine when they graduate. During 2017, Professor Burke served as a member of the Maine State Bar Association Continuing Legal Education sub-committee, and developed, moderated, and presented at a statewide CLE on Immigration Law in December 2017.

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 2017, he also supervised students in the General Practice Clinic. Professor Northrop presented *Using Cross-Clinic Collaborations to Benefit Students, Clients and Communities* at the Clinical Legal Education Association annual conference in Denver, and mediated a panel discussion entitled, *Addressing the Earliest Educational Injustices: How Unconscious Bias Feeds the Preschool-to-Prison Pipeline* at Bates College as part of their Martin Luther King, Jr. Day Observation. He, along with co-author Kristina Dougherty, published an article: *Kids will be Kids: Time for a "Reasonable Child" Standard for the Proof of Objective Mens Rea Elements*, 69 *ME.L.REV.* 110 (2016). Professor Northrop is a founding director at Maine

Community Law Center and New England Juvenile Defender Center, and continues to serve on both boards.

Adjunct Clinical Professor **Tina Schneider** joined the Clinic faculty in 2006 and oversees 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 federal circuit courts. She formerly served on the Court of Appeals for the First Circuit's Criminal Justice Act Panel Admissions Committee.

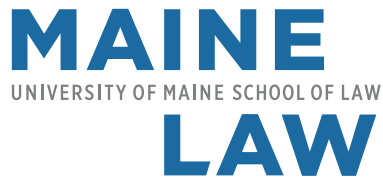
Professor **Deirdre M. Smith** is the Clinic's Director and supervises students in the General Practice Clinic, as well as teaching other courses in the Law School including Evidence. She serves as a member of the Maine Professional Ethics Commission. Professor Smith works on policy development projects related to the reform of guardianship and adoption laws. She served as an observer-participant on the Uniform Laws Commission's Drafting Committee for the new Uniform Guardianship Conservatorship and Other Protective Arrangements Act. She continued her work for the Maine Family Law Advisory Commission, presenting its recommendations for reform of the parental rights provisions of the Maine Probate Code to the Maine Legislature. She also assisted the Office of the Attorney General with a study of the provisions in Maine's Child Protection Act regarding placement of children who are in state custody with relatives and siblings. She regularly gives presentations on Maine court jurisdiction over family matters, unrepresented litigants in the courts, minor guardianship, and related topics.

Clinical Professor **Anna Welch** joined the Clinic's faculty in 2012 to design, launch, and supervise the Refugee and Human Rights Clinic. Her initial appointments were as Libra Visiting Professor and then Associate Clinical Professor; in 2016, she was promoted to Clinical Professor. Professor Welch also teaches Immigration Law and advises law students who are interested in pursuing careers in the field. Professor Welch remains an active member of the Maine Immigrants' Rights Coalition, the Asylum Working Group, the Latino Community Advocacy Committee,

and the American Immigration Lawyers Association. Professor Welch, along with Professor Northrop, coordinates a coalition of advocates and providers in Maine (the Immigrant Youth Working Group) that meets regularly to address the needs of Maine's immigrant youth. Professor Welch also presented on a number of occasions in 2017 including at the AALS Annual Conference on Clinical Legal Education in May 2017 on teaching empathy in these tumultuous times. In December 2017, she presented at a Maine State Bar Association CLE on Immigration. In March 2017, she presented at the University of Maine on Refugee and Global Migration as part of the Camden Conference Course. She also served as a panelist on the power of executive orders at an event held at Maine Law. Throughout the year, she also presented at CLE events coordinated by Maine's Immigrant Legal Advocacy Project. Professor Welch continues to provide educational outreach to Maine's immigrant populations.

Nationally recognized juvenile justice reform expert **Jill Ward** has joined the Clinic as Project Manager of the MCJPAL. She has worked for a variety of state and national clients on juvenile justice reform and related children's policy issues. She serves as a senior policy consultant for the Youth First Initiative and the Campaign for Youth Justice.

The Clinic has a committed, hard-working and indispensable staff. **Karen Murphy** continues to serve as our Administrative Manager, a position she has held for more than 10 years. RHRC alumnus **Brandon Farmer** completed his fellowship during the summer of 2017. We were fortunate to hire **Jessica Lovitz**, who brings extensive nonprofit experience, to the position of Clinic Coordinator. **Nancy Peterlin** continued her role as Administrative Assistant to the RHRC. 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.



Cumberland Legal Aid Clinic

The Cumberland Legal Aid Clinic's mission is two-fold: educating law students through an intense, high-quality clinical and mentoring experience while providing free legal aid to Maine residents with low incomes. It is a defining program of Maine Law, providing practical skills training for students and helping to fulfill the school's commitment to social justice.