

## 2018 Annual Report

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

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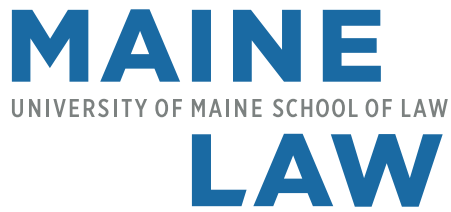
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# Cumberland Legal Aid Clinic



CUMBERLAND COUNTY  
COURTHOUSE  
GOVERNMENT CENTER

## Annual Report 2018

Training law students and helping  
the people of Maine since 1970

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**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 Hannah Wurgaft (left) and Brooke Suckow-Maines (right) after taking the student attorney oath before the Maine Supreme Judicial Court.

## FROM THE DIRECTOR

Thank you for reviewing the 2018 Annual Report of the Cumberland Legal Aid Clinic of the University of Maine School of Law. This report provides an overview of our program and highlights client stories and projects



Deirdre M. Smith

from our work this past year. As you'll see from the pages that follow, 2018 has been an exciting year for the Clinic, and our students have had opportunities to work on several timely and important matters. Student attorneys won two significant cases at the Maine Supreme Judicial Court involving the "prisoner mailbox rule." Eleven Refugee and Human Rights Clinic students traveled to Laredo, Texas to provide legal help to hundreds of immigrant

women detained at our southern border. The Maine Center for Juvenile Law and Policy received an additional two years of support from the John T. Gorman Foundation to continue its critical work on juvenile policy issues.

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 2018, approximately 42.5 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 the James Roux Fund, which supports our summer intern program. Other significant sources of external funding during 2018 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 2018 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 2018 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; fact investigation and discovery; and several others. Guest speakers included Maine District Court Family Law Magistrates Tracie Adamson and Andrea Najarian; Molly McMahon, LCSW of Greater Portland Health; Maine State Forensic Service's Chief Forensic Psychologist Dr. Debra Baeder; Rebecca Brown, MSW, LCSW; Aurora Smaldone, Esq.; Deputy Bar Counsel Aria Eee; and Dr. Ann LeBlanc of the Maine Forensic Service. In addition to this coursework, students are required to either write a paper reflecting on their role as attorneys on their cases or 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.

## John T. Gorman Foundation renews support for juvenile justice reform projects

In 2018, the Clinic was awarded a grant of \$197,000 from the John T. Gorman Foundation. The grant will fund an additional two years of support for the Clinic's juvenile justice reform work through the Juvenile Justice Clinic (JJC) and the Maine Center for Juvenile Policy and Law (MCJPAL). Established in 2017, the MCJPAL works with students, faculty, practitioners, policymakers, and other stakeholders to broaden efforts to connect practice and policy reform. Jill Ward, a nationally-recognized expert in juvenile justice reform, serves as Project Manager for MCJPAL. The MCJPAL is home to 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 with the goal to increase fairness in the juvenile justice system.

In the past year, MCJPAL has worked with partners from across the state to:

- Develop resources and provide policy analysis on the juvenile records code.
- Coordinate and deliver expert testimony on community-based alternatives to incarceration, juvenile record confidentiality, and broader justice system reform.
- Advocate for policy and practice shown to have the best outcomes for youth and their communities.

In January 2018, MCJPAL collaborated with USM's Juvenile Justice Policy Program to co-author "Youth Justice in Maine: Imagine a New Future – Summary & Recommendations." This report recommended next steps for creating a community-based continuum of care in Maine.

## Client Story

### Andrea

Andrea, 19 years old, sought a protection order against her ex-boyfriend, Bobby. The two had been dating for about two years when Andrea tried to break up with Bobby. He threatened suicide, and so she stayed with him. After that, Bobby became even more controlling, calling and texting Andrea at all hours of the night, and keeping a tight rein on where she went and what she was doing. Andrea finally decided it was enough, and broke it off. This caused Bobby to send her a message that she had better watch out for her mother and sister, with whom she lived. Bobby drove over to her home that night, and parked across the street.

Andrea sought help from the Cumberland Legal Aid Clinic to protect the safety of herself and her family. At court, student attorney Kelsey Doane negotiated with Bobby's lawyer to get a protection order. Bobby had referred to guns in texts he had sent to Andrea, and so the student attorney fought for a firearms prohibition. Bobby's lawyer pushed back, arguing that Bobby had a constitutional right to keep his firearms. Ultimately, the student attorney was able to persuade the other lawyer to agree to an order with a firearms ban, based on the strength of the evidence against Bobby. Andrea wrote to the Clinic: "I was so pleased to be guided through this process so easily on one of my hardest days.... I went into court knowing nothing and felt as though I was going to lose the case. When the student attorney helped me, I felt so relieved."

## 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

At graduation in May 2018, student attorney Barrett Littlefield 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 Disability Rights Maine, the Maine Legislature, Maine Community Law Center, KIDS Legal, Maine Legal Services for the Elderly, Pine Tree Legal Assistance, Esperanza Immigrant Rights Project Los Angeles, U.S. Department of Homeland Security, U.S. Department of Justice, National Immigrant Justice Center, Judge Advocate General, as well as positions in the state and federal courts, county prosecutors' offices, and the Office of the Attorney General. 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, including rural counties and towns.

## CLAC By the Numbers

In 2018, the Cumberland Legal Aid Clinic provided varying levels of legal assistance to more than 651 clients.

**Clinic clients** came from at least 15 countries of origin, including the U.S., Angola, Burundi, the Democratic Republic of the Congo, Dominican Republic, El Salvador, Guatemala, Honduras, Iraq, Jamaica, Panama, Republic of Congo, Rwanda, Somalia, and Sudan. The Clinic serves a growing number of clients with Limited English Proficiency.

**52 students** at Maine Law enrolled in Clinic courses in 2018. In addition, the Clinic hired six student interns and one public policy Cushman Anthony fellow for the summer of 2018 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: 5 interim hearings; 46 Protection from Abuse trials (and 1 Protection from Harassment trial); 173 Protection From Abuse agreements presented to the Court; 99 juvenile proceedings; 16 Family Law final hearings or trials; 24 mediations; 5 judicial settlement conferences; 52 non-hearing proceedings before Family Law Magistrates; 29 arraignments; 10 change of pleas; 34 criminal dispositional conferences; 5 Law Court briefs; 3 Law Court oral arguments; 7 sentencing hearings; 1 immigration court hearing; 1 asylum interview; and numerous other miscellaneous appearances.

## GENERAL PRACTICE CLINIC

*“My Clinic lawyer was amazing, and I was surprised but so relieved and thankful the Clinic offered me representation to not just one but all of my court hearings. Thank you so much.”*

– 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, recovery of personal property, power of attorney, administrative appeals, adult guardianship, protection from harassment, real estate, recovery of unpaid wages, tax liens, name change, education, tort defense, power of attorney, and changing gender 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.

### Students win ‘prisoner mailbox rule’ cases

Clinic student attorneys recently won two significant cases on the “prisoner mailbox rule,” which involved whether prisoners could be penalized for the prison’s delayed delivery of time-sensitive paperwork to the Court.

Two prisoners, Charles Martin and Horace Salley, were disciplined by the Maine State Prison for an alleged rule infraction. Both men had filed appeals of the discipline with the Superior Court, and gave their Court paperwork to the prison mail system, as required by the prison, seven days before it was due to be at the Court less than 10 miles away. But because their paperwork arrived to the Court just outside of the seven-day window as required by the rules, the Superior Court dismissed their appeals for being filed late.

Clinic student attorneys Alec Youngblood and Michael Walker represented Martin and Salley and wrote the appeal briefs, arguing that because prisoners are forced to rely on the Department of

Corrections (DOC) to deliver mail, the Court should adopt the “prisoner mailbox rule.” This rule would deem the paperwork “filed” when it is delivered to prison officials, instead of when it is received at the Court.

In July 2018, the Maine Supreme Judicial Court ruled in favor of prisoners’ rights. The justices ruled that under our constitution all individuals are guaranteed, without partiality, to be able to pursue in Court an effective remedy designed to protect their basic and fundamental rights.

For this guarantee to be meaningful, any unrepresented prisoner whose petition is delivered to the DOC at least three days before a filing deadline shall be deemed to have filed in a timely manner, even if the paperwork does not arrive at the Court until after the deadline has expired. The arguments made by student attorneys Youngblood and Walker were incorporated into the Martin decision.

## Client Story

### Ashley

Ashley, a 26-year-old single mother, thought she had finally gained protection for herself and her 2-year-old daughter after her ex-boyfriend smashed out the rear windshield of her car with his fist, showering glass over her and the child. Within days, Ashley filed a motion in Lewiston District Court to modify the protection from abuse order she already had in place against her ex-boyfriend, Tommy. In her motion, she sought to end the limited contact Tommy had been allowed for child visitation, and to block him from contacting her or their daughter again.

Tommy did not appear in court for the hearing on Ashley’s motion, so the judge entered a default judgment in Ashley’s favor. But Ashley soon found herself back in court, facing a motion filed by Tommy to vacate the modification she had obtained. Tommy argued that he had never been served with the paperwork. The stakes for Ashley were high. If the judge’s order from the earlier hearing was lifted, she would once again be forced to interact with Tommy, and send her frightened daughter off with him for days at a time. A Clinic student attorney represented Ashley at trial. When the student cross examined Tommy on the witness stand, Tommy admitted he never updated the U.S. Postal Service after he was evicted from his apartment. Based on that evidence, the judge ruled in Ashley’s favor. Ashley told us that her student attorney had done a great job. She said: “I was very happy with the outcome. The student attorney was a lot more helpful [than my prior lawyer] and really made everything easy for me to understand.”

## Client Story

### Daniel

Daniel was released from prison and wanted to return to his home and get a new start. Unfortunately, the bank was not willing, at the foreclosure mediation, to work out the finances in a way that Daniel could manage. Without income during his time in prison, Daniel simply could not pay the amount of money the bank wanted up front. Through the assistance of student attorneys in the Clinic, a technical problem in the bank's case became apparent. In advance of a trial, the Clinic was able to negotiate an amount Daniel could afford. Daniel is back in his house and starting his life again.

## PRISONER ASSISTANCE CLINIC

*"Before the Clinic reached out to me, I hit a low . . . The Clinic made no promises on the outcome, but promised they would be here for me. They saved my life, gave me hope, showed compassion, and were nothing but amazing! I owe my life to each lawyer who was there 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 131 prisoners during 2018. 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 579 client meetings at the prison in 2018. 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; foreclosure; conversion of property; social security disability benefits; contract claims; attorney's fees disputes; powers of attorney; tax issues; recovery of professional/business license; business formation; and bankruptcy.



Prisoner Assistance Clinic Student Attorney Kelsey Doane presents at the 2018 Maine Law Student Impact Summit on the myriad of legal services provided by the Prisoner Assistance Clinic.

# JUVENILE JUSTICE CLINIC

*“Amazing! Wonderful! Excellent! Words cannot describe how amazing and grateful I am for this!”*

– 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 2018 the Clinic provided legal services to more than 100 clients. This includes 23 teens and young adults through the Teen Center Project, and 38 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 2018 the Juvenile Justice Clinic provided full representation to approximately 52 children who were facing charges including Burglary of Motor Vehicle, Burglary, Robbery, Assault, Criminal Mischief, Possession of Alcohol, Possession of Marijuana, Operating Under the Influence, Trafficking in Scheduled Drugs, Aggravated Assault,

Terrorizing, 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 2018, 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 29 juveniles, primarily in negotiations with the District Attorney’s Office.

## Client Story

### Paul

Paul came to the Juvenile Justice Clinic looking for assistance to get back into a local high school. He had been expelled for a serious incident during the prior school year. Paul spent his time out of school in a treatment program working very hard at getting his life back on track. When we met him, he had made great progress. However, with the expulsion keeping him out of school, a high school diploma and most good jobs were out of his reach. The Clinic helped Paul organize a binder of letters and recommendations from professionals, friends, and family about the progress he made since the expulsion. Because Paul needed to convince the school board members to approve his request, his student attorney spent a great deal of time working with Paul on his presentation. They spent hours talking about how to handle difficult questions. Paul and his student attorney planned everything, from his opening statement to the shirt he would wear. On the evening of his readmission meeting, Paul did a beautiful job advocating for himself. The student attorney added some important points, but Paul carried most of the conversation. The school board voted unanimously for readmission. Their meeting ended with hugs and handshakes.



Juvenile Justice Clinic Student Attorneys Bryn Gallagher and Barrett Littlefield present on the Maine Youth Justice System’s Continuum of Care at the 2018 Maine Law Student Impact Summit.



## 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 eighth 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 23 people in 2018, 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, emancipation, and changing gender identity markers on legal documents.



Juvenile Justice Clinic Student Attorneys Reginald Parson and Whitney Lallas encouraging audience members at the Maine Inside Out Performance to add suggestions about how to improve Maine’s juvenile restitution laws.

## 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 earlier, the Clinic launched the Maine Center for Juvenile Policy and Law in 2017, which greatly enhances 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 in-

involved in the Maine juvenile justice system have a successful transition away from that system and into adulthood. Our 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.

Over the last year, the Juvenile Justice

Clinic has worked on a number of important policy projects including, e.g., helping clients seal their juvenile records; developing standard template pleadings for use by practitioners; distributing the information brochure, *Know the Facts: What it Means to Have a Juvenile Record in Maine*; and providing technical assistance and training to defenders working on appellate and other post-disposition advocacy for incarcerated youth.

## Professor Chris Northrop receives prestigious Robert E. Shepherd Jr. Leadership Award for Excellence in Juvenile Defense

The Robert E. Shepherd Jr. Leadership Award is presented annually for outstanding advocacy and dedication in the field of juvenile defense. Professor Chris Northrop received the award on October 27, 2018 at the National Juvenile Defender Center’s Summit in St. Paul, Minnesota. Professor Northrop launched the Juvenile Justice Clinic at Maine Law in 2006. He teaches his students best practices for representing juveniles using a model of holistic representation to ensure the clients’ broader educational, safety, and medical needs are addressed as well as their legal needs. Professor Northrop also

provides his students with a chance to see how attorneys can play a critical role in systemic reform.

This model of clinical education has been adopted by other law schools. Outside of Maine, Professor Northrop has worked with the National Juvenile Defender Center and the New England Juvenile Defender Center, of which he is a co-founder. Among many accomplishments, he has contributed to the development of juvenile defender training curricula (including on the topic of implicit racial bias), which are used around the country to improve the quality of juvenile defense.

# REFUGEE AND HUMAN RIGHTS CLINIC

*“I wanted to thank you for your help with my Immigration Case. I can walk with a little freedom and more hope today thanks to you. Thank you for believing in me and for caring every step through the end. I am beyond thankful to have you as my attorney.”*

– 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.

## Direct Representation

Clients are often referred to the clinic by the Immigrant Legal Advocacy Project 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.

## Community Outreach/ Advocacy

Students in the RHRC engaged in a number of outreach projects in the past year. In collaboration with the Immigrant Legal Advocacy Project, they assisted hundreds of individuals through monthly asylum trainings held at Portland Adult Education, and they distributed dozens of copies of educational materials created by the clinic, both at the trainings and through our website. In the fall of 2018, student attorneys worked with ILAP in their Forms Assistance Clinic to assist dozens of immigrants with a range of immigration forms (family-based, work permits, naturalization).

Since 2017, RHRC student attorneys have traveled to Texas to volunteer with Jones Day law firm and Texas RioGrande Legal Aid, assisting immigrant women detained at the U.S. border. In 2018, 11 students from the RHRC volunteered in week-long increments, dedicating hundreds of hours conducting over 200 intakes and individual meetings with immigrant women detained at the Laredo Detention Center. Maine Law students return from their work at the southern border inspired to continue to advocate on behalf of vulnerable populations, and many have returned to volunteer with the Laredo Project for an additional week or even for a full semester. 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 RHRC also continued its outreach to the Maine Latino community. Beginning in 2016, RHRC students began to look for ways to better meet the needs of Latinos in the Portland area. Students learned from meetings with prominent leaders within the Latino community that few resources are provided to the community targeted at their specific legal needs. Based on that information, the students collaborated with various legal providers in Portland, including the Immigrant Legal Advocacy Project and the Pierce Atwood law firm, to put on a Know-Your-Rights presentation in December 2018, geared specifically to the Latino Community.

## Client Story

### Alina

After facing death threats and the kidnapping and torture of her daughter, Alina and her youngest child fled her home country in the Middle East with little else other than the clothing on their backs. Agents from her home country’s government were seeking to kill her and her family because they viewed them as a political threat, given her family’s refusal to support

government corruption. Over the last two years, student attorneys in the RHRC worked tirelessly to document their client’s story of survival and flight from her home country.

They prepared extensive lay and expert witness statements and marshaled domestic and international evidence. In December 2018, the Boston Asylum Office approved Alina and her son’s asylum claim, thus allowing them to remain indefinitely in the U.S. where they are safe from harm.

## Client Story

### Laura

Laura had moved into her boyfriend Frank's house. The relationship soured, and Laura was trying to find other housing. The situation became increasingly tense, and one evening Frank violently attacked Laura. She sought a protection from abuse order to protect herself until she could relocate.

The matter went to trial. Frank denied the assault, and his lawyer tried to keep out photographs of Laura's injuries by arguing there was no way to show when the photographs were taken or even of whom they were taken. The student attorney representing Laura successfully argued that Laura's testimony was enough for the judge to find that the photographs documented the injuries Laura sustained. The judge granted the protection from abuse order, finding that Laura's testimony along with the photographs were enough to substantiate her claims. Laura was allowed to remain in the home for two months while she located other housing.

Laura said she would recommend the Clinic to others seeking legal help "in a heartbeat," and said her student attorney was "an amazing support."

## PROTECTION FROM ABUSE PROGRAM



Clinic Student Attorneys Jessica Morrissey, Greta Lozada, and Jamie Lynn Brice (left to right) appearing in Lewiston District Court on behalf of individuals in PFA proceedings.

*"I know from my experience I would not hesitate to recommend CLAC. I am positive that the student lawyer who represented me will make an outstanding lawyer."*

– 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 2018, the Clinic represented 206 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. Under funding from the Maine Justice Foundation, he supervises the Homeowner's Assistance Project, which helps clients facing foreclosure of their home mortgage. Along with the Maine Justice Foundation, the Board of Overseers of the Bar, and the Maine State Bar Association, he helped develop and run the Rural Lawyers Project, which places law students into summer jobs where they can learn about and make contacts that could lead to practice in rural Maine when they graduate. Professor Burke serves as a member of the Maine State Bar Association Continuing Legal Education sub-committee.

The Clinic hired Clinical Professor **Christopher M. Northrop** in 2006. Professor Northrop, a nationally-recognized advocate for the rights of youth, oversaw the design and launch of the Juvenile Justice Clinic that fall, and has continued to supervise the course since that time. In the past year Professor Northrop received the Robert E. Shepherd Jr. Leadership Award for Excellence in Juvenile Defense from the National Juvenile Defender Center (NJDC). He also has been named to the NJDC's Senior Leadership Council. Along with co-author Kristina Dougherty, Professor Northrop recently published an article encouraging courts to use a different mens rea standard for children: 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.

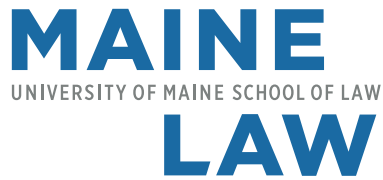
Professor **Deirdre M. Smith** is the Clinic's Director and supervises students in the General Practice Clinic, as well as teaching other courses in the Law School including Evidence. She serves as a member of the Maine Professional Ethics Commission. Professor Smith works on policy development projects related to the reform of guardianship and adoption laws. She 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, which were enacted as part of the revised code. In July 2018, she presented her work-in-progress "Keeping it in the Family: Minor Guardianship as Private Child Protection" at the Annual Meeting of the Law and Society Association in Toronto, Ontario. Throughout 2018 she gave several presentations on Maine court jurisdiction, family law, adoption, 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 Associ-

ation. Professor Welch, along with Professor Northrop, coordinates a coalition of advocates and providers in Maine (the Immigrant Youth Working Group) that meets to address the needs of Maine's immigrant youth. Professor Welch also presented on a number of occasions in 2018 including at the National Immigration Law Professors' Conference in Philadelphia in May 2018 on challenging supervisory moments. In May 2018 she presented at the College of the Atlantic in Bar Harbor on Immigration Law under the Trump Administration. Throughout the year, she also presented at CLE events coordinated by the Immigrant Legal Advocacy Project. Professor Welch continues to provide educational outreach to Maine's immigrant populations.

Nationally-recognized juvenile justice reform expert **Jill Ward** continued her role leading the work of the Maine Center for Juvenile Policy & Law (MCJ-PAL) in partnership with the Juvenile Justice Clinic. She also serves as a senior policy consultant for the national 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. **Jessica Lovitz** is our Clinic Coordinator and plays a key role in our client intake process and Prisoner Assistance Clinic. **Nancy Peterlin** continues 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.