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### 2020 Annual Report

University of Maine School of Law

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**MAINE**  
UNIVERSITY OF MAINE SCHOOL OF LAW  
**LAW**

# Cumberland Legal Aid Clinic



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:** Student attorneys Sanchita Murkherjee and Kristin King in Lewiston District Court awaiting the start of Protection from Abuse proceedings.

## FROM THE DIRECTOR

**T**hank you for reviewing the 2020 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 from our work this past year. It is an understatement to say that 2020 was a remarkable and challenging year for the Clinic. The greatest challenge was unquestionably how to continue to fulfill our commitment to providing legal help and an intensive experiential learning opportunity for law students in the midst of a global pandemic.

Starting in March, Covid-19 forced us to quickly and dramatically alter nearly every aspect of the Clinic's work. But, as you will read in the pages that follow, the Clinic students, faculty, and staff managed to overcome these challenges and maintain all of our programs and advance our mission. Highlights from this year include securing multiple groundbreaking predicate orders in support of young adults aged 18-20 eligible for Special Immigrant Juvenile Status (these cases were made possible by legislation student attorneys helped enact, as we noted in last year's Annual Report), a successful outcome

in a restitution case involving a youth released from Long Creek Youth Development Center pursuant to another new law that Clinic students helped to get passed in 2019, and the filing (with our community partners) of two federal court immigration cases – the first seeking to compel government production in response to a Freedom of Information Act request of the Boston Asylum Office and the second in support of an immigrant detained by ICE at the Cumberland County Jail.

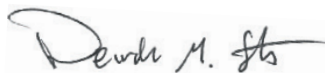
Another highlight from this year includes the devotion of considerable time to the important issue of racial injustice. Addressing racism, particularly in the legal system, has been a central part of the Clinic's mission for years, through its education of future attorneys, direct representation of clients, and policy and educational initiatives. Members of the Clinic faculty were involved with the Law School's development and launch of a series of virtual public forums designed to examine the racism in our laws and institutions, and to discuss specific policies and practices that could be implemented by local communities and the government to facilitate change through law. Clinic students in the summer program developed and shared a set of learning resources on antiracism and conducted a student-led weekly study group throughout the summer to continue their own learning about systemic oppression of racialized people. Clinic faculty and students have been appointed to the Law School's new Diversity, Equity, and Inclusion Task Force.

This past year also marked the 50th Anniversary of the Clinic's founding in 1970. Maine Law launched a new Clinic Summer Intern Fund to mark the occasion, and by the end of the year we were more than halfway to our goal to raise \$100,000 to support the fund to pay for stipends for the summer interns.

Another positive event in 2020 was the Maine Supreme Judicial Court's expansion of the student attorney practice rule to allow students in their fourth semester of law school to practice as student attorneys rather than restricting the opportunity to students in their final year of law school.

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 on page 4, who provided funds to enable us to take on new projects as well as sustain our core programs.

Sincerely,



Professor Deirdre M. Smith

Associate Dean for Experiential Education and Managing Director of the Cumberland Legal Aid Clinic



## PROGRAM OVERVIEW



Student attorneys Jon Ruterbories and Sanchita Mukherjee catch up with 2019 Clinic Alumna Whitney Lallas outside of Lewiston District Court

**T**he 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 clinics 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 or limited representation for clients in state and federal courts and agencies throughout Maine.

All students who enroll in Clinic courses during the school year participate in a semester-long seminar course designed to complement and support their client work. The seminar covers a range of specific topics relating to lawyering skills including client interviewing and counseling, fact investigation, case theory, trial skills, trauma-informed lawyering, attorney wellness, and time management, among others.

Throughout the semester, the students participate in role-playing exercises and small group discussions, and engage in verbal and written reflection on applying what they have learned to their work with clients in Clinic and future law practice. The students also meet in small groups with a faculty supervisor in "case rounds," where they discuss specific challenges and questions that have arisen in their cases.

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 and appointments by federal, state, and probate courts. The Maine Supreme Judicial Court has referred several appeals during recent years.

### The Impact of Covid-19

**This year presented a series of unprecedented challenges for the Cumberland Legal Aid Clinic as we served our clients and maintained our educational mission in the context of the Covid-19 pandemic.** On March 17, the entire Clinic program—all faculty, staff, student attorneys, and volunteers—began working remotely. While its building remained closed to the public through the end of the year, the Clinic developed extensive protocols to enable students, staff, and faculty to safely work in the Clinic building and to appear in court on behalf of clients. The Clinic has maintained all of its programs and projects throughout the pandemic, making adjustments as needed to ensure that it can continue its mission of training law students through providing legal assistance to Mainers with an acute need for help in a wide range of legal matters. Overall, the supervision of student attorneys is more challenging because we cannot all work in the building at the same time, but the creativity, hard work, and dedication of the Clinic's students, faculty, staff, and volunteers have ensured that we can continue to meet the needs of our clients, the courts, and the community.

## 2020 AT A GLANCE

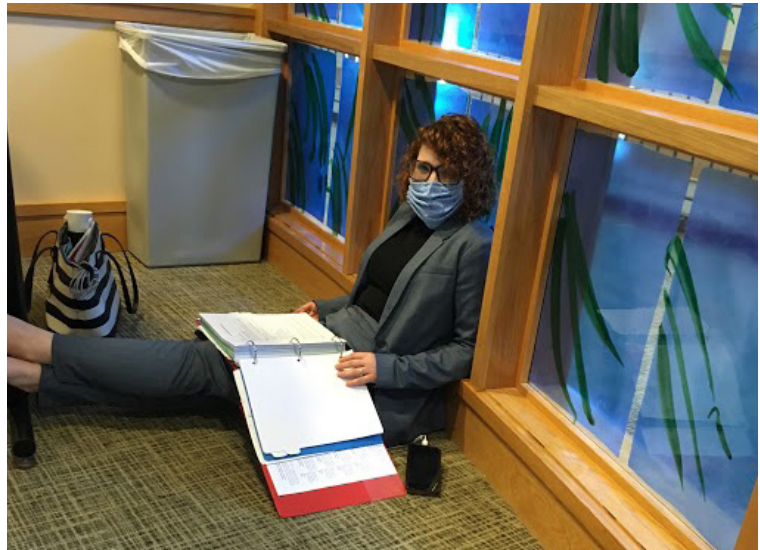
### Accolades and Measures of Success

**C**lass of 2020 student attorney Anne Sedlack 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.” Professor Anna Welch was named the 2020 recipient of the Thomas P. Downing Award by the Maine Justice Foundation. The Downing Award honors individuals in the legal aid field for their dedication to civil justice for vulnerable Mainers.

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 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.

### Funding

In 2020, approximately 53% 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 2020 included the Sam L. Cohen Foundation, John T. Gorman Foundation, the United States Department of Justice, Campaign for Justice, and the Muskie Fund for Legal Services.



Student attorney Shianne Bowlin prepares for a protection from abuse hearing in a quiet alcove in the courthouse.

### CLAC By the Numbers

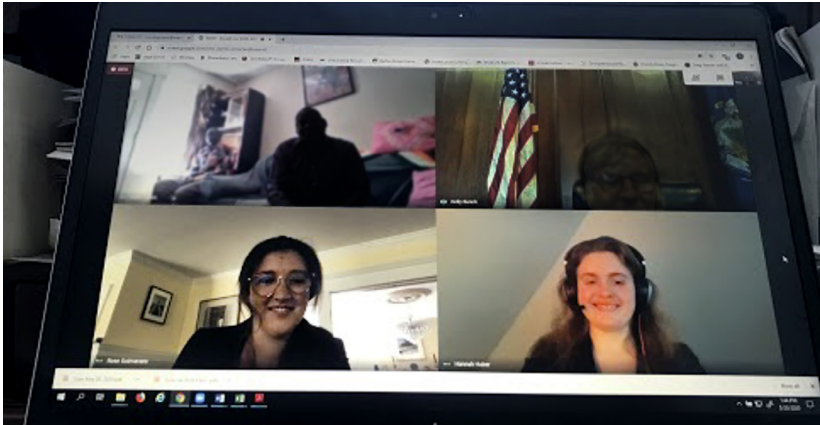
In 2020, the Cumberland Legal Aid Clinic provided varying levels of legal assistance to nearly **500 clients**.

**Clinic clients** came from at least **15 countries of origin**, including the U.S., Angola, Brazil, Burundi, Columbia, Cuba, the Democratic Republic of the Congo, the Dominican Republic, El Salvador, Guatemala, Honduras, Iraq, Ivory Coast, Mexico, the Philippines, the Republic of Congo, Rwanda, Somalia, South Sudan, Sudan, Uganda, and Vietnam. The Clinic serves a growing number of clients with Limited English Proficiency.

**Forty-nine students** at Maine Law enrolled in Clinic courses in 2020. In addition, the Clinic hired six student interns, one public policy Cushman Anthony fellow, and two part-time fellows focusing on policy work for the summer of 2020 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 numerous and varied proceedings, including the following: **1** interim hearing; **38** Protection from Abuse trials; **155** Protection From Abuse agreements presented to the Court; **34** arraignments, **53** juvenile proceedings; **9** Family Law final hearings or trials; **3** mediations; **2** judicial settlement conferences; **31** non-hearing proceedings before Family Law Magistrates; **34** arraignments; **3** change of pleas; **26** criminal dispositional conferences; **7** sentencing hearings; **3** asylum hearings; **1** naturalization interview, and numerous other miscellaneous appearances.

## GENERAL PRACTICE CLINIC



General Practice Clinic student attorney Rose Guimaraes and Refugee and Human Rights Clinic student attorney Hannah Huber team up for the final hearing in a minor guardianship matter for an immigrant child.

Students enrolled in the General Practice Clinic, a full-representation litigation clinic, provide the bulk of the legal services offered by the Cumberland Legal Aid Clinic. General Practice Clinic students represent 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 also provided legal assistance in cases involving foreclosure, landlord/tenant, administrative appeals, Special Immigrant Juvenile Status predicate orders, adult guardianship, protection from harassment, real estate, recovery of unpaid wages, name change, education, wills and trusts, power of attorney, and changing gender identity markers on passport, license, birth certificate, and court documents.

“I just want to say Thank You so much to my student attorney, who helped me to go through this case. He was very professional on the TOP level as lawyers are supposed to be.”

- Client, General Practice Clinic



General Practice Clinic student attorney Allison McGonigle participates in a telephonic hearing in a family law case.

### CLIENT STORY

#### Maria

Student attorneys met Maria when she reached out to the Clinic for help with a criminal charge of Endangering the Welfare of a Child. Maria was not a citizen of the U.S. She left her home country years before because her political affiliations brought violence and incarceration to herself and her family. The criminal charge arose on a day when her seven-year-old son was accidentally locked out of their house after coming home from school. Once the student attorney built rapport with her, Maria trusted the Clinic and could share what had happened. On the day of the incident, Maria's babysitter had not shown up to meet her son at the bus

stop. After a neighbor called the police, Maria's son was taken to the police station. Maria got to the station as soon as she found out what had happened. After interrogation, the police charged and released her, sending Maria off with a summons. The police also made a report and referral to the Department of Health and Human Services (DHHS). DHHS investigated the incident and provided Maria with assistance over the next few months. Specifically, they helped her create plans to make sure that safety nets of support and communication were in place if a sitter failed to show up. Her DHHS caseworker wrote Maria a glowing letter of recommendation when they closed her file. Unfortunately, the criminal charge

stayed on the books. To make matters worse, Maria was seeking asylum status. The student attorney knew that in order for Maria to remain safe and succeed in her asylum claim, the criminal charge would need to be dismissed quickly. He filed a Motion to Dismiss based on de minimus conduct. In support of the motion the student cited her work with DHHS, her great relationship with her son, her clean record, her work history, and her pending immigration hearing. At Maria's next court date, the prosecutor agreed not to contest our motion and dismissed the case. A few weeks later, Maria succeeded in her asylum claim. She hopes to become a U.S. citizen.

## PRISONER ASSISTANCE CLINIC

The Law School launched the Prisoner Assistance Clinic in 2003. The program's origins stem from funding restrictions prohibiting recipients of federal legal aid funds from assisting prisoners. However, many prisoners need legal help with 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 families and communities. The Prisoner Assistance Clinic, funded in part by the Maine Justice Foundation, is one way to close this access to justice gap among prisoners.

Students provided legal assistance to 85 prisoners during 2020. This clinical course 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 themselves. The program is popular with students, corrections staff, and prisoners alike.

Clinic students traveled to the Maine Correctional Center (MCC) and the Southern Maine Reentry Center for Women, both located in Windham, every week to meet with prisoners until the facilities closed to visitors due to Covid-19 in the early spring. Although Prisoner Assistance Clinic student attorneys were no longer able to meet in person with clients, the Clinic has worked closely with the MCC staff to ensure that students

continue to provide legal information and advice to prisoners through telephone, videoconference, and mail. The technology now available to student attorneys and prisoners has afforded students the opportunity to work with clients who are incarcerated in Maine's other prisons in addition to MCC. Most of the matters handled in the Prisoner Assistance Clinic 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.

“My student attorney was very caring and took care of everything that I had to take care of. She listened to my feelings and was very prepared with my case. I was very happy with my power of attorney document.”

– Client, Prisoner Assistance Clinic

### CLIENT STORY

#### Jane

When Jane approached the Prisoner Assistance Clinic, she was engaged to be married. She had entered into a civil union twelve years prior, and she wanted to know whether she needed to obtain a divorce before she could marry her new partner. The civil union took place out of state, and Jane was not in contact with her former partner. A student attorney researched the code and discovered that Jane's civil union had merged into marriage by operation of law and that she would, in fact, need to file for divorce.

Upon hearing this news, Jane was overwhelmed by the process. She was no longer incarcerated and needed extended help from the Clinic in order to navigate her divorce. A student attorney was able to find and serve the defendant, with whom the client had not spoken to in a decade, and the case proceeded as an uncontested divorce. A student attorney represented the client for a telephonic hearing and a judgment of divorce was ordered.

Jane is now living in the community and able to move on with her life. She was extremely grateful to the Clinic for their research and continued representation for her divorce hearing.

### Professor Courtney Beer

Following Professor Jim Burke's retirement in 2020, Maine Law hired **Professor Courtney Beer** to oversee the Prisoner Assistance Clinic as well as supervise students in the General Practice Clinic. Before joining the Maine Law faculty, Professor Beer was a litigator at Pine Tree Legal Assistance, Maine's largest civil legal aid organization.

Most recently, she served as the Directing Attorney of Kids Legal, a statewide education law project within Pine Tree Legal Assistance that focuses on the rights of minors. She began her legal career at Pine Tree in 2007 as a Frank M. Coffin Fellow where she represented victims of domestic violence and sexual assault in family law matters. Professor Beer has extensive litigation experience representing thousands of individuals in a wide range of civil legal matters and has litigated cases before every level of court in Maine (including two groundbreaking cases before the Maine Supreme Judicial Court, one which involved rights of non-parents in the protection from abuse context and another which received national attention involving the rights of students in a hostile environment claim against a school district). She has also been involved in legislative policy efforts and serves as a member of many statewide task forces and coalitions. Professor Beer is a graduate of Boston College and the University of Maine School of Law.



Prisoner Assistance Clinic students Troy Lawrence and Jamie McCormack talk with a prisoner at a Re-Entry Resources Fair at the Maine Correctional Center while Professor Courtney Beer looks on.

## 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 at-risk youth on a number of levels. In 2020 the Juvenile Justice Clinic provided legal services to 83 clients. This includes teens and young adults through the Teen Center Project, and children with matters in Maine Juvenile, District, or Probate Courts.

### 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 2020 the Juvenile Justice Clinic provided full representation to 29 children or youth who were facing charges including, Arson, Assault, Aggravated Assault, Possession of Alcohol, Possession of Marijuana, Trafficking in Scheduled Drugs, Aggravated Furnishing of Scheduled Drugs, Burglary, Criminal Mischief, Criminal Threatening, Criminal Threatening with a Dangerous Weapon, Operating Under the Influence, Operating after Suspension, Operating Without a License, Robbery, Theft, Unlawful Sexual Contact, Gross Sexual Assault,

and Unlawful Sexual Touching. On behalf of their juvenile clients, student attorneys work closely with social service agencies, legal aid providers, schools, and other community representatives. We also represented 2 former system-involved youth seeking to seal their Juvenile Court records. 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, their family.

“The Cumberland Legal Aid Clinic helped me get my juvenile record sealed. They were excellent and helped me prepare for everything that might happen. Above all, they were very supportive and made sure my safety came first, making it very easy for me to trust them.”

– Parent of Client, Juvenile Justice Clinic

### Representation in Juvenile Court

From the start of the pandemic until the end of August, we were the only attorneys serving as “Lawyer of the Day” in person in York County courts providing basic legal representation to unrepresented juveniles who appeared for court dates. During these occasions, Clinic students assisted more than 41 juveniles, primarily in negotiations with the District Attorney’s Office.

### Tuesdays at the Teen Center Project

The Tuesdays at the Teen Center (TATC) Project at the Preble Street Teen Center in Portland is another important component of the Juvenile Justice Clinic’s work. Now in its 13th year, the TATC 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. When our in-person visits to the Teen Center to meet with young people through our usual drop-in program were no longer possible due to Covid-19, student attorneys assisted new clients with criminal and protection order/safety planning matters who were referred to us. They provided legal consultations to 4 people in 2020,



Student attorneys Nicole Williamson, Jon Ruterbories, and Ellex Loper at Lewiston District Court.



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. The staff at Preble Street has expressed how much they appreciate still being able to access our services remotely. The students did extensive consults with the young people to ensure that they had the information and advice they needed to address their legal problems.

### 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. 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 involved in the Maine juvenile justice system have a successful transition away from that system and into adulthood. Recent projects include improving juvenile record confidentiality, facilitating cross-agency collaboration to support youth in the community, and the development of a practitioner resource for transition planning with system-involved youth. 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.

### Youth Re-Entry Project

Student attorneys also started working with staff and youth at Long Creek Youth Development Center to assist incarcerated youth reintegrate into the community. The Clinic also helped to create a related resource: *Transition Planning with System-Involved Youth: A Checklist for Community Integration*. The reintegration program has consisted of a number of Zoom presentations, along with question and answer sessions, to committed units inside Long Creek. These sessions help the youth address education, employment, health care, and housing after their release. The Juvenile Justice Clinic and the Maine Center for Juvenile Policy & Law have continued their advocacy for detention alternatives for children and youth in the juvenile system.

### Educational Access Project

In 2019, the Clinic partnered with Disability Rights Maine, the ACLU of Maine, and Kids Legal at Pine Tree Legal Assistance to present a day-long training, *Every Student, All Day, Every Day: Legal Strategies to Keep Maine Kids in School* for attorneys and other professionals who work with youth in Maine on exclusionary practices in K-12 education. In response to Covid-19 and the impact it has had on the delivery of education in Maine, the Clinic and the partner organizations presented a follow up CLE in November 2020, *Every Student, All Day, Every Day: Keeping Students Connected during Covid-19*. This follow-up training provided legal updates and resources about education issues that have arisen during the Covid-19 pandemic.

## CLIENT STORY

### Rob

Rob was a challenge from the moment his student attorneys met him. He was a regular at the Preble Street Teen Center, and was generally untrusting of most people. Student attorneys always said hello, and his early responses landed somewhere between dismissive and hostile. Week after week, their interactions became a little longer and slightly friendlier. Student attorneys helped a few of his peers, which seemed to help Rob gain some trust. Then one Tuesday, just as a student attorney was leaving her weekly session, Rob came over to the table with a crumpled summons in his hand.

Rob was charged with Criminal Mischief, and he had a court date only a few days away. Rob’s student attorney leapt to action. She did an intake on the spot and signed Rob up as a new client. She entered our appearance and got Rob through his arraignment. Then the real work started. It turned out Rob had a number of strengths – he had a great plan to finish his education, find a job, and get a home. Additionally, he was smart and kind once his student attorney got beyond his protective walls. On the legal side of things, he had a few things going as well – the state’s case was weak and he had a great student attorney.

The plan was to file a motion to dismiss based on de minimus conduct. The student attorney detailed the weaknesses of the state’s case and Rob’s strengths. One selling point was that Rob had been accepted into Maine’s Job Corps program. This program will not allow anyone with criminal justice system involvement to participate. The student attorney filed the motion and went to court expecting a hard-fought battle. Instead, the ADA had a pink dismissal form waiting for Rob and his student attorney. Rob was so happy and relieved. He left court very excited to be getting off the streets of Portland, as he headed north to Job Corps.



Refugee and Human Rights Clinic Student Attorneys Brandon Berg and Philip Burns outside of the Strafford County Detention Center after interviewing immigrant detainees from Maine and elsewhere in New England.

## REFUGEE AND HUMAN RIGHTS CLINIC

“I thank God to have you everyday. Thank you for everything you do for me and my family. I don't have enough words to tell you or to thank you for the work you are doing for me and everybody.”

– Client, Refugee and Human Rights Clinic

In the fall of 2012, the Cumberland Legal Aid Clinic launched the Refugee and Human Rights Clinic (RHRC), a program 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 (ILAP), among a number of other local and national partners. 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 RHRC 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; detained immigrants; 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.

### Comprehensive Self-Help Guide for Asylum Seekers

On January 23, 2020, RHRC student attorneys in collaboration with ILAP, Penn State Law in University Park Center for Immigrants' Rights Clinic, and Thrive International Programs published a comprehensive self-help guide for asylum seekers. The publication fills a national need, addressing various postures of asylum seekers, from individuals applying before the Department of Homeland Security, to individuals before an immigration court, to those in detention. It is available in English, French, and Spanish.

### Advocacy in Federal Court

**Immigrant detention in Maine:** The RHRC, working in conjunction with co-counsel ILAP, the ACLU of Maine, New Hampshire and

Massachusetts, and pro bono attorneys from Pierce Atwood, filed a lawsuit on behalf of a medically-vulnerable immigrant held at the Cumberland County Jail (CCJ). The lawsuit was a success in that it prevented the immigrant's transfer out of CCJ to the southern part of the U.S. where he faced greater risk of exposure to Covid-19. Additionally, in late 2020, student attorneys, working alongside co-counsel ILAP and the ACLU of Maine filed a Freedom of Information Act request with ICE seeking to learn more about its detention practices both at CCJ and at an ICE detention facility opening in Scarborough, Maine.

**Asylum Seekers in Maine:** Student attorneys continue to collaborate as co-counsel with ILAP and the ACLU of Maine to better understand the notable trends of the denials of affirmative asylum applications in the Boston Asylum Office. Student attorneys drafted a Freedom of Information Act request, which was filed by the ACLU of Maine in July 2019, requesting data and statistical records from the Boston Asylum Office, in addition to their training policies and procedures. After no response and no compliance from the government, student attorneys, along with co-counsel ILAP and the ACLU of Maine, drafted and filed a complaint in Federal District Court in November 2020 seeking to compel production in response to our FOIA request.

## CLIENT STORY

### Judy

Judy found her way to Portland from eastern Africa at the age of 12. Through the staff at the Preble Street Teen Shelter and community advocates, Judy became a client of CLAC. Student attorneys in the RHRC and the Juvenile Justice Clinic advocated for Judy in Probate Court explaining to the court that it was in her best interests to remain in the U.S. with her new legal guardians given the violence her family endured in her home country (including the shooting and subsequent death of her father and the targeting of her siblings). The Probate Court agreed and granted guardianship.

After the guardianship order was granted, the next hurdle for Judy was her immigration status. At this point, Judy was out-of-status and only 14 years old. Student attorneys assisted Judy with the lengthy immigration paperwork and because of the student attorneys' attention to detail and expertise, U.S. Citizenship and Immigration Services granted Judy's application for Special Immigrant Juvenile Status. The next step was to secure lawful permanent residence status. However, under the Trump administration, immigrants faced additional hurdles and scrutiny. Student attorneys were required to spend hundreds of additional hours providing the government with a mountain of documents articulating why Judy was eligible to become a lawful permanent resident. Included in these additional documents was a vast amount of evidence, including witness statements from more than twenty family members, friends, teachers, and fellow volunteers, all attesting to Judy's importance to their community and her need to remain in a safe, stable, loving home in the United States. With great excitement and relief, in May 2020, the student attorneys received word from the government, via U.S. Representative Chellie Pingree's office, that Judy's application for Lawful Permanent Resident Status had been approved. Now Judy can live her life free of the harm she feared in her home country. Judy is now thriving in the U.S. and hopes to one day earn a law degree.

## PROTECTION FROM ABUSE PROGRAM

**S**tudents enrolled in all 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 2020, the Clinic represented 202 clients in 232 cases 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, supported in part by a grant from the U.S. Department of Justice Office of Violence Against Women, 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.

Protection From Abuse cases are among the very few court hearings that the Judicial Branch has continued to hear under the Emergency Pandemic Management Order

because they directly address a need to provide safety to those who have been subjected to domestic violence and sexual assault. The Clinic continued to provide legal assistance to victims of domestic violence, sexual assault,

and stalking seeking PFA orders in Lewiston District Court, one of the busiest dockets in the state, throughout the Covid-19 pandemic. When it became impossible for the Clinic student attorneys to continue to provide assistance at the courthouse for about 6 weeks in the spring due to the "lockdown" restrictions ordered by the Governor, the Clinic worked with the court clerks and judges to ensure that we could continue to work with plaintiffs remotely to help them negotiate a resolution of their cases without the need for a hearing.

For those weeks, we provided remote (phone and videoconference) assistance to clients in terms of (1) legal advice and information on PFA cases and (2) negotiation with VLP pro bono attorneys. We also appeared in court matters via telephone to argue on client's behalf such as for continuances for plaintiffs who were unable to go in person due to specific medical risks. We were able to resolve a large number of cases with this limited assistance to clients. In early June, we returned to in-person representation, and we have continued this level of assistance since that time.



Student Attorney Kristin King interviews a client at Lewiston District Court.

“My student attorney showed me compassion, dignity, and respect during a very difficult time in my life. I am grateful for the opportunity to have worked with him. I know he will succeed.”

- Client, Protection from Abuse Program

### CLIENT STORY

#### Suzy

The clinic originally helped Suzy negotiate a short-term protection order. She and Bob, her husband, were living separately after an incident that led to criminal charges against Bob. Because of her religious beliefs, Suzy was committed to staying in the marriage, but wanted to make sure she and the children were safe. Accordingly, the protection order student attorney Shianne Bowlin negotiated with Bob's attorney included supervised visits between Bob and their children, awarded her child support, and required Bob to engage in mental health and substance abuse treatment. When that six-month order was about to expire, Suzy moved to extend it. Shianne again represented her. After Shianne carefully reviewed Suzy's options with her and gave her the information she needed to assess those options, Suzy decided to not go forward on the motion to extend, instead relying on Bob's promise to continue with counselling and paying child support. Bail conditions imposed in the criminal matter placed limits on Bob's contact with the family. Shianne empowered Suzy to make a decision that was right for her, given her religious beliefs and Bob's efforts to address his issues.

Suzy said "Shianne was perfect! \ She is knowledgeable, kind, reasonable, practical, intelligent and helpful." Suzy said she was "so very thankful" for the Clinic's help during an "anxious" time.

## CLINIC STAFFING

Associate Clinical Professor **Courtney I. Beer** was hired in 2020 to direct the Prisoner Assistance Clinic and supervise students in the General Practice Clinic and Prisoner Assistance Clinic. Prior to joining the Maine Law faculty, Professor Beer was a litigator at Pine Tree Legal Assistance, Maine's largest civil legal aid organization. Most recently, she served as the Directing Attorney of Kids Legal, a statewide education law project within Pine Tree Legal Assistance that focuses on the rights of minors. (See page 6 for a description of Professor Beer's background.) Professor Beer wrote a manual and developed a training on school discipline related legal issues as part of an initiative to create a pro bono panel of attorneys and advocates throughout Maine. In November 2020, she participated in a training for attorneys on the impact of Covid-19 and issues related to school exclusion.

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. Prior to joining Maine Law, Professor Northrop spent many years in private practice concentrating on juvenile defense and youth justice policy work. He has been involved with the National Juvenile Defense Center (NJDC) since its inception, and is a member of their Senior Leadership Council. Over the past 20 years Professor Northrop has served as a consultant for NJDC assessments of juvenile defender systems throughout the country, including the 2019 statewide assessments of Kansas and New Hampshire. Professor Northrop is a founding director at the New England Juvenile Defender Center, and continues to serve on their board. He frequently speaks at state-wide and national conferences about youth justice. This year's trainings include the Maine Judicial Branch Child Protection conference and the Annual New England Juvenile Defender Center summit. This fall, Chris was appointed by Governor Mills to Maine's Juvenile Justice Advisory Group.

Policy and Outreach Coordinator **Erica Schair-Cardona** joined the RHRC as an instructor in 2018. She supervises student attorneys in their work with clients and outreach projects. In her role at RHRC and through her experience working in Maine since 2006, she helps RHRC



The Clinic faculty at the Cumberland County Courthouse.

collaborate with various non-profits and also helps coordinate the Immigrant Youth Working Group, initially convened by the Clinic in 2015. When not working at the RHRC, Erica is involved in state-wide philanthropy as a board member of the Hudson Foundation.

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 Managing Director. She supervises students in the General Practice Clinic and co-teaches the Clinic seminar component, and she also teaches Evidence. She serves as Chair 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 as a consultant to the Maine Family Law Advisory Commission, helping it develop recommended amendments to Maine's adoption, parental rights, and minor guardianship laws. She is a frequent presenter on minor guardianship law at trainings and conferences. She is a member of American Law Institute and of the ALI's Member Consultative Group assisting in the development of Restatement of Children & the Law. In 2020 she was appointed Maine Law's first Associate Dean for Experiential Education.

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, 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 to address the needs of Maine's

immigrant youth. Professor Welch frequently speaks at state-wide and national conferences about immigration.

Nationally-recognized juvenile justice reform expert **Jill Ward** continued her role leading the work of the Maine Center for Juvenile Policy & Law (MCJPAL) in partnership with the Juvenile Justice Clinic. As part of this work, she serves as one of three co-chairs of the statewide Juvenile Justice System Assessment and Reinvestment Task Force assembled in May 2019 to examine the efficacy of Maine's current system and develop recommendations to improve outcomes for system-involved youth. A final report on this effort was released in February 2020 and she continues to work with the Department of Corrections and other stakeholders on implementation of the report recommendations. In October 2020 she, along with Professor Northrop, was appointed by the Governor to the state Juvenile Justice Advisory Group and subsequently elected chair.

The Clinic has a committed, hardworking, 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.

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.



Clinic students and faculty participate in a case rounds class via Zoom in April 2020.