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### 2021 Annual Report

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# 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 most names have been changed to protect the identity and confidentiality of our clients.

**Cover photo:** Refugee and Human Rights Clinic student attorney Aisha Simon with her client Ana at Ana's naturalization ceremony. See page 11 for Ana's story.

## FROM THE DIRECTOR

**T**hank you for reviewing the 2021 Annual Report of the University of Maine School of Law's Cumberland Legal Aid Clinic. This report provides an overview of our program and highlights client stories and projects from our work this past year.

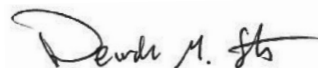
The persistence of the COVID-19 pandemic throughout 2021 presented significant challenges for the Clinic. However, by making adjustments where needed, we were able to maintain all our programs and projects in pursuit of the Clinic's mission to train law students by providing assistance to Mainers needing help in a wide range of legal matters. Clinic student attorneys represented clients in both in-person and remote proceedings before courts and agencies, and they assisted many others by providing legal information and advice through our education and outreach projects. For example, we continued our in-court representation of survivors of domestic violence, sexual assault, and stalking in Lewiston District Court through our Protection from Abuse Project, and we resumed our in-person presence at the Preble Street Teen Center to ensure that homeless and at-risk youth could easily access our services. While Maine's prisons remain closed to visitors, we provided assistance to incarcerated individuals throughout Maine using videoconferencing. In this report, we've shared stories of just a few of the scores of clients our students have helped during this remarkable time.

In addition to its direct services to clients, the Clinic's work has had a broad impact through its ongoing leadership role in Maine on juvenile justice reform and by bringing to light concerning immigration law practices by the federal government. As described on pages 7-9, students and faculty with the Juvenile Justice Clinic (JJC) and the Maine Center for Juvenile Policy & Law (MCJPAL) worked on a range of outreach and policy development projects this year. For example, we trained juvenile defenders, revised client education materials concerning juvenile records sealing, and participated on Regional Community Care Teams designed to help individual system-involved youth and their families and to inform broader system change and investment in a community-based continuum of care. As a testament to her national reputation as an effective and innovative policy reform leader, MCJPAL Director Jill Ward received the ARC Award from the Center for Children's Law and Policy.

The students and faculty of the Refugee and Human Rights Clinic (RHRC) continued their hard work on a number of timely and compelling matters of federal immigration law, as described on pages 10-11. For example, the RHRC created an Afghan Outreach Project in response to the urgent crisis in Afghanistan. Impact litigation and advocacy remained an important focus of the RHRC's work in 2021 as well. RHRC student attorneys participated in three immigration law appeals to the U.S. Court of Appeals for the First Circuit. The RHRC collaborated as co-counsel with the American Civil Liberties Union of Maine and the Immigrant Legal Advocacy Project to examine the troubling trend of affirmative asylum denials in the Boston Asylum Office. RHRC students investigated these trends during 2021, and their findings were reflected in a comprehensive report released in March 2022 on behalf of the collaboration.

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 enabled 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

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. One of the oldest clinics of its kind in the nation, the Clinic represents a defining program of Maine Law, providing practical skills training for students and helping fulfill the school's longstanding 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 and 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 these 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 benefits from increased 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, delivering a statewide impact. 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, Lawyering Skills for Clinical Practice, 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. The students also meet in small groups with a supervising faculty member 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. 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.



Members of the Clinic Class of 2021 after the Cumberland County bar admission ceremony. Professors Anna Welch and Tina Schneider sponsored their admission to practice.

## 2021 AT A GLANCE

### Accolades and Measures of Success

This year, student attorney Shianne Bowlin '21 received 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.” The Center for Children’s Law and Policy (CCLP) recognized Maine Center for Juvenile Policy & Law Director Jill Ward with its ARC Award for her leadership as a youth advocate and champion for equitable reform and meaningful change. The recognition was part of the CCLP’s 15th Anniversary celebration, which included a day-long symposium of juvenile justice reform efforts over the past 40 years and an acknowledgement of the work of Mark Soler, the CCLP’s founder and executive director. We are thrilled that Jill received this well-deserved honor for her extraordinary contributions to advancing juvenile justice reform, both here in Maine and throughout the country.

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 Clinic graduates have taken positions with 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 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 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.



MCJPAL Director Jill Ward receives ARC Award in Washington D.C. from the Center for Children’s Law and Policy.



### Funding

In 2021, approximately 54.7% 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 this year included the **Sam L. Cohen Foundation**, the **John T. Gorman Foundation**, the **U.S. Department of Justice, Campaign for Justice**, and the **Muskie Fund for Legal Services**.

### CLAC By the Numbers

In 2021, the Cumberland Legal Aid Clinic provided varying levels of legal assistance to nearly 500 clients.

**Clinic clients** came from at least **19 countries of origin**, including the U.S., Afghanistan, Angola, Brazil, Burundi, Colombia, Democratic Republic of the Congo, Dominican Republic, El Salvador, Guatemala, Honduras, Iraq, Mali, Mexico, Republic of the Congo, Rwanda, Somalia, South Sudan, and Uganda. The Clinic serves a significant number of clients with Limited English Proficiency.

**Forty-seven students** at Maine Law enrolled in Clinic courses in 2021. In addition, the Clinic hired eight full-time student interns, one public policy Cushman Anthony fellow, and two part-time fellows focusing on policy work for the summer of 2021 as part of the Summer Intern Program.

**Students who participated** in the 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: **2** interim hearings; **30** Protection from Abuse trials; **167** Protection from Abuse agreements presented to the Court; **23** arraignments, **51** juvenile proceedings; **5** Family Law final hearings or trials; **7** mediations; **22** non-hearing proceedings before Family Law Magistrates; **2** change of pleas; **21** criminal dispositional conferences; **1** sentencing hearing; **2** immigration court hearings; **2** naturalization interviews; **3** federal courts of appeal briefs; and **1** Maine Supreme Judicial Court argument.

## GENERAL PRACTICE CLINIC

**S**tudents 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. 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 have 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.

### CLIENT STORY

#### Travis

Travis was one of the Clinic's longtime clients. At the age of 15, he became saddled with restitution and probation stemming from a series of juvenile offenses. He was too young to get a job, and then he was committed to Long Creek Youth Development Center for three years. Travis is an unfortunate example of a youth who was harmed by the criminal justice system. He developed mental health and substance use disorder challenges that, together with his criminal history, made securing housing and stable employment nearly impossible.

Travis' student attorneys turned to a new law passed by the legislature in 2019 that sought to address the devastating effect the existing system for court-ordered restitution for juveniles is having on Maine youth: "An Act to Ease Financial Burdens for Juveniles Involved in the Justice System." The state legislature recognized that juveniles like Travis could not transition to adulthood and become productive members of society. In fact, since his release from Long Creek, Travis had spent only eight months not incarcerated. He began to accrue adult charges — mostly violating conditions of release. Instead of rehabilitation, which is the purpose of the juvenile code, Travis was left with injustice and bitterness toward a system that did not allow him to reform.

The first time the student attorneys filed a motion to eliminate or reduce restitution, the result was a modest decrease in the total sum. Travis still couldn't easily pay. He continued to struggle with homelessness and his dual diagnosis — both of which COVID-19 made worse. His student attorneys filed a motion to eliminate his restitution and successfully argued that now, at age 24 and facing adult charges, his juvenile restitution was a sword of Damocles. The judge granted the motion eliminating the juvenile restitution and did mention that Travis was an unfortunate victim of the criminal justice system. Travis needs to face his adult charges, but he no longer has his juvenile restitution with which to contend.

**“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



Jake Demosthenes at the Penobscot Judicial Center in Bangor.

#### Clinic Student Argues Before Maine Supreme Judicial Court

A Clinic summer intern, Jake Demosthenes, argued a successful appeal before the Maine Supreme Judicial Court in a family law case, *Judd v. Judd* (Mem 21-69). The Clinic first represented the plaintiff in a Protection from Abuse matter in Lewiston District Court as part of the Clinic's Protection from Abuse Project (see page 12). The Clinic then accepted the client's divorce case as an extended representation matter, eventually obtaining a highly favorable final judgment after the defendant failed to appear at the final hearing. The Supreme Judicial Court affirmed the Family Law Magistrate's judgment, allowing the client and her children to finally move forward with their lives, with safety and financial security.

## PRISONER ASSISTANCE CLINIC

The Law School launched the Prisoner Assistance Clinic in 2003. The program originated from restrictions prohibiting recipients of federal legal aid funds from assisting incarcerated individuals. However, many imprisoned people need legal help with family, consumer, and other civil legal matters, some of which arise from the circumstances of their incarceration. These court matters have an impact not only on the lives of the prisoners but also on those of their families and communities. The Prisoner Assistance Clinic, funded in part by the Maine Justice Foundation, represents one way to close this gap in access to justice for those in Maine's prisons.

Students provided legal assistance to 73 incarcerated individuals during 2021. 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 prisoners are not able to advocate for themselves. The program is popular with students, corrections staff, and clients alike.

Although Maine Department of Corrections facilities remain closed to in-person visits, Prisoner Assistance Clinic students continue to provide legal assistance to incarcerated clients in all the prisons in Maine, as well as to some individuals who have longer-term sentences in county jails. Students provide legal services through video conference, telephone, and written correspondence. Since most court appearances in family law are now remote, students provide advice and counsel to their clients

regarding virtual court participation. Clients are frequently asking for assistance addressing parent-child contact since DOC facilities are not allowing in-person visits with children. Students have been able to help clients negotiate Zoom visits with their children to reduce the harm that losing in-person visits causes parent-child relationships. Although the Maine Correctional Center continues to be our primary source of referrals, we have also conducted affirmative outreach to the other facilities to make them aware of the Prisoner Assistance Clinic in an effort to broaden the reach of our services. 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 incarcerated individuals with a wide range of legal matters, including wills, powers of attorney, adult guardianship, real estate, social security disability benefits, taxes, small claims, bankruptcy, immigration, tort defense, consumer rights, name change, and administrative appeals.

### Child Support Pamphlet

Many of the requests for legal assistance in the Prisoner Assistance Clinic involve clients who are seeking to modify child support orders when they become incarcerated, as a result of their loss of income. In light of the numerous requests we receive regarding this issue, a student attorney thought it would be beneficial to develop client educational material on child support modification to circulate among Maine Correctional Center residents and case managers. This pamphlet was intended to supplement our legal assistance. When the material was finalized and provided to MCC, the response was overwhelmingly positive. MCC distributed them so widely that they asked for a PDF version so they could assume the cost of printing, as they intended to distribute hundreds of copies.

The volunteer coordinator at MCC told us: “I received the brochures you provided us and am thrilled with them. I am going to give them out to a couple of key staff and try and come up with a plan to make sure that they are most efficiently used here at MCC, but I assure you, they are going to do quite a lot of good.

I am impressed by their professional look and clear and ease of use as well as their not coming across as judgmental.”

“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.”

– Client, Prisoner Assistance Clinic

### CLIENT STORY

#### Beth

Beth contacted the Prisoner Assistance Clinic for assistance with motions to enforce and to modify her parental rights and responsibilities order. It was ordered that she was to have contact every week by Zoom and telephone with her son while she was incarcerated, but her son's father was not following the court order — resulting in Beth's having no contact with her son for over 18 months by the time she contacted the Clinic. The opposing party was represented by an attorney, which was very intimidating to Beth. Although the student attorney was not representing Beth in court, they were able to provide substantial advice and counsel in advance of court. The student attorney spent a significant amount of time preparing Beth for court and helped her prepare her exhibits, arguments, testimony, and cross-examination. After a contested hearing, the court granted Beth's motion to modify and ordered the opposing party to follow the court order. Beth was able to reunite and reestablish contact with her son.

#### DID YOU KNOW?



YOU MUST ASK TO MODIFY YOUR CHILD SUPPORT PAYMENTS WHILE YOU ARE INCARCERATED...

OTHERWISE – THE PAYMENTS PILE UP!

## JUVENILE JUSTICE CLINIC

The Juvenile Justice Clinic, launched in 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 2021, the Juvenile Justice Clinic provided legal services to 89 clients. This number includes teens and young adults through the Teen Center Project and children with matters in Maine Juvenile, District, or Probate Courts.



Student attorney Lisa Rosenthal works with attorney Chris Lewis on a negotiated agreement in court.

### Individual Representation

The primary focus of the JJC 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 2021, the Juvenile Justice Clinic provided full representation to 41 children or youth who were facing a range of charges including Arson, Assault, Possession of Alcohol, Possession of Marijuana, Burglary, Criminal Mischief, Criminal Threatening, Operating Under the Influence, Operating Without a License, Robbery, Theft, 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 consulted with a number of former system-involved youth seeking to seal their Juvenile Court records. Unfortunately, most were ineligible because of adult criminal convictions. We did

successfully petition to have one youth's very serious felony sealed. 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, components of an individualized plan may include treatment for underlying substance use disorder or mental health problems, an appropriate educational program, and suitable housing, both for the client, and in many instances, their family.

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 Kennebec and York County courts, providing basic legal representation to unrepresented juveniles appearing for court dates. During these occasions, Clinic students assisted more than 30 juveniles, primarily in negotiations with the District Attorney's Office.

“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.”

– Client, Juvenile Justice Clinic

### 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. The Clinic provided in-person legal assistance to youth at the Preble Street Teen Center for several months in 2021. The drop-in legal clinic, Tuesdays at the Teen Center, provides legal information to youth on a variety of civil legal issues, including, family law, housing, public benefits, and employment. When our in-person visits to the Teen Center to meet with young people through our usual drop-in program were not possible due to COVID-19, student attorneys assisted new clients who were referred to us with criminal and protection order/safety-planning matters. This assistance had been provided via telephone from the start of the pandemic based



on referrals from the Preble Street staff. They provided legal consultations to nine people in 2021 and took on a few clients for full representation, providing assistance on issues including education rights, public benefits, housing, disability benefits, immigration, name change, and emancipation. The staff at Preble Street has expressed how much they appreciate still being able to access our services remotely. The students did extensive consultations with the young people to ensure 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 JJC is that it provides students the opportunity to work on policy initiatives with far-reaching impact, as well as to represent individuals. In 2017, the Clinic launched the Maine Center for Juvenile Policy and Law. MCJPAL greatly enhances the work of JJC faculty and student attorneys as they research, develop, and advocate for a number of key reforms 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 variety of training resources for practitioners representing and working with system-involved youth. Our partners for this work project include the John T. Gorman Foundation, USM's Cutler



Student attorney Kristina McKenna awaits the start of a court proceeding.

Institute, Maine Department of Corrections, Maine Prosecutors Association, Maine Commission on Indigent Legal Services, Juvenile Justice Advisory Group, and New England Juvenile Defender Center, among others.

The MCJPAL practitioner work group co-hosted with Maine Juvenile Justice Advisory Group and the Maine Prosecutors Association a half-day training on 2021 changes to the Juvenile Code. More than 160 attorneys registered for and 141 attended the October 1 training, for which CLE credits were also offered. MCJPAL has created an instructional presentation and video from the training, which are available as a resource and educational tool for others. MCJPAL Director Jill Ward and Professor Northrop were part of the training development committee, as well as the training faculty.

Student attorneys and student fellows have also played an important role in MCJPAL's systemic advocacy work. During the summer of 2021, students developed a summary of youth justice bills acted on during the past legislative session and updated a tool for working with youth in transition. Finally, students helped to revise the "Know the Facts: What does it mean to have a juvenile record in Maine?" informational brochure to reflect changes to the Juvenile Code that allow for the automatic sealing of juvenile records for Class D and E and civil offenses. That brochure was finalized by year-end and became available for distribution in January 2022. More than 3,000 brochures are being distributed

## CLIENT STORY

### Samantha

There are multiple ways in which someone can become a client of the Cumberland Legal Aid Clinic, including by court appointment, referral, or in Samantha's case, a chance meeting. Samantha's student attorney met her while visiting with another client of his in Portland, and it became clear that Samantha needed some legal help, as well. Samantha became a Clinic client soon after. Then 19, Samantha had been homeless since age 17. She was kicked out of her family's house after multiple disagreements with her father and had been living out of her car since that time. She had tried to attend community college, but it ultimately was too much, and she dropped out of school to work full time. Despite her best effort, Samantha was also unable to maintain full-time employment and eventually got into some trouble.

Samantha was charged with assault, possession of alcohol by a minor, and violation of conditions of release stemming from a couple different incidents. Samantha's life, in her own words, was incredibly difficult, and these charges certainly did not help. Samantha's student attorney made it his goal not only to help resolve her criminal charges, but also to help her find some stability. After filing a detailed Motion to Suppress and negotiating hard during a dispositional conference, Samantha's student attorney was able to secure a resolution that would end in the charges being dismissed if Samantha kept to her end of the deal. Samantha's legal needs had been addressed but, consistent with the Clinic's model of holistic representation, Samantha's student attorney didn't stop there.

In pursuit of his goal of bringing Samantha into long-term stability, her student attorney supported her in an intake interview with the Preble Street Teen Shelter, helped her apply for food stamps, set her up with weekly mental health counseling, helped her secure a personal cell phone, and supported her as a reference in her application for an apartment. Nine months after Samantha became a client of the Cumberland Legal Aid Clinic, all her goals had been met. With her charges dismissed and Samantha living in her own apartment, her pathway to a better life was now clear.



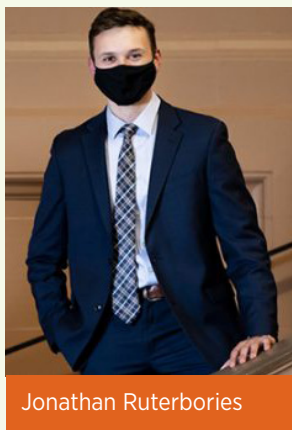
to Department of Corrections staff, courts, defense attorneys, and other system stakeholders who work with system-involved youth.

In partnership with the University of Southern Maine’s Place Matters project and the Department of

Corrections, MCJPAL developed, supports, and co-facilitates Regional Community Care Teams designed to help individual system-involved youth and their families and to inform broader system change and investment in a community-based continuum of care. MCJPAL co-facilitates the Region One Regional Care Team, which meets monthly. A variety of support materials and guidance have been co-created to support the project, including a project description, meeting guidance, and referral form. MCJPAL and USM co-authored a report on the first year of the project, including youth and system outcomes, which was released in December 2021.

MCJPAL’s Jill Ward concluded service as one of three co-chairs of a statewide juvenile justice task force created to support and guide a comprehensive assessment of Maine’s juvenile justice system conducted by the Center for Children’s Law and Policy and funded by the state Juvenile Justice Advisory Group (JJAG). Jill Ward and Professor Chris Northrop have been appointed by the governor to the JJAG, and Jill serves as Chair. The JJAG is responsible for developing and implementing the state’s three-year plan for juvenile justice funding provided through the federal Juvenile Justice and Delinquency Prevention Act (JJDP). As the state advisory group on juvenile justice matters, the Maine JJAG is also poised to continue the work of the task force, including leading efforts to implement reforms coming out of the system assessment in partnership with the Maine Department of Corrections, the Office of Child and Family Services, and other state and community stakeholders.

### Improved Appeals Rights for Youth



Jonathan Ruterbories

A 2021 Juvenile Justice Clinic alumnus, Jonathan Ruterbories, led an effort to improve appeals rights for youth charged with serious offenses. “An Act to Provide an Immediate Opportunity to Appeal for a Youth Bound Over into Criminal Court” was signed by Governor Mills on March 17, 2021, and it clarifies that a youth whose case is transferred to adult

criminal court can appeal the court’s “bind-over” decision immediately. Jon seized on a problem he identified while working with a young client and saw it through to a successful policy reform.

### The Clinic Works to Ensure Education Access for All Maine Children

The Clinic has continued to collaborate with community partners to expand education opportunities for Maine children. In May 2021, the Department of Justice released a settlement agreement with Lewiston Public Schools (LPS) based on a complaint filed by Disability Rights Maine, in coordination with the Clinic, the ACLU of Maine, and KIDS LEGAL at Pine Tree Legal Assistance. The investigation found that LPS engaged in systemic and discriminatory practices that resulted in school exclusion for English learner students and students with disabilities. LPS will have to end the practice of excluding students from full-day school because of behavior related to their disabilities, according to the terms of the settlement. The settlement will also require LPS to provide equal educational opportunities to its English learner students.

The Clinic also works with these same partners to coordinate a pro bono panel for attorneys providing legal assistance on education law matters. The Education Access Project partners planned and conducted a CLE program for the pro bono attorneys and advocates, which was held on September 15. The agenda included a discussion of the recent settlement agreement between the United States Department of Justice and LPS and what it means for students with disabilities and English learners. Topics also included a legislative update affecting school discipline for Maine’s youngest children, updates on the requirement to teach Wabanaki studies, and the use of remote learning to exclude students from the classroom.



Professor Tina Schneider with student attorneys in Lewiston District Court.

## 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 collaborates with a number of community partners, including the Immigrant Legal Advocacy Project (ILAP) and the ACLUs of Maine and New Hampshire, among a number of others at both the local and national levels. 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 best to serve the legal needs of immigrants.

### Direct Representation

Clients are often referred to the RHRC by ILAP. They include 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 U.S. Under faculty supervision, student attorneys not only develop their substantive knowledge of immigration law and human rights laws and norms but also build core legal skills relevant to the general practice of law.

### Comprehensive Self-Help Guide for Asylum Seekers

In 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. In 2021, the publication continued to fill 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 on the RHRC's website English, French, and Spanish.

### Advocacy in Federal Court

Impact litigation and advocacy remained an important focus of the RHRC this past year. In January 2021, RHRC filed with our nonprofit collaborators a Freedom of Information Act (FOIA) request with Immigration and Customs Enforcement seeking documents related to their detention policies and practices out of the Cumberland County Jail. The FOIA request also sought information relevant to ICE's plans to open a new immigrant detention facility in Scarborough, with little transparency or consultation with local representatives and residents. On March 3, 2021, RHRC, ILAP and the ACLU of Maine filed a lawsuit in federal court seeking to compel ICE to respond to the FOIA request filed in January. The litigation remains ongoing. Moreover, the RHRC continues to work actively and in close collaboration with the ACLU of Maine and ILAP on a case pending before the U.S. District Court for the District of Maine against USCIS related to asylum processes and decision-making.

“I am very very happy for my Family!! I thank you for all of my joy that I have today. It is because of you and your team. I can't wait to bring them to you when all the legal team will be there, and we can celebrate together!!!”

– Client, Refugee and Human Rights Clinic

RHRC student attorneys have participated in three immigration law appeals to the U.S. Court of Appeals for the First Circuit. RHRC co-counseled with the ACLU of New Hampshire representing an asylum seeker appealing the Board of Immigration Appeals' denial of his asylum claim. The client, whose case was handled previously by an attorney in Boston, had lost his asylum case before the Boston Immigration Court and then the Board of Immigration Appeals. Student attorneys spent several weeks researching and then drafting the initial brief to the First Circuit wherein they argued, among other issues, that the First Circuit should follow all of the other circuit courts in finding that landowners can qualify (on a case-by-case basis) as a “particular social group” for purposes of asylum. Student attorneys drafted the initial brief filed with the First Circuit in March 2021.

During the spring 2021 semester, a student attorney drafted an amicus brief on behalf of immigration law professors and scholars from across the country to the First Circuit arguing that the First Circuit should reject the “willful acceptance” standard for government acquiescence to torture under the Convention Against Torture and instead join the vast majority of other circuits to hold that “willful blindness” (a broader standard) is sufficient to satisfy acquiescence.

This past summer, RHRC's two summer interns researched and drafted another amicus brief to the First Circuit (also on behalf of immigration law professors and scholars



RHRC summer interns Emily Gorrivan and Camrin Rivera.



Clinic alumnae Kelsey Lee, Suzy Dowling, Maye Emlein, and Sanchita Mukherjee after their bar admission ceremony.

from across the country) arguing for a more expansive interpretation of asylum eligibility for certain individuals fleeing gang violence in Central America.

### Clinic Students Investigate Asylum Denials

Student attorneys continue to collaborate as co-counsel with the ACLU of Maine and ILAP to better understand the notable trends of the denials of affirmative asylum applications in the Boston Asylum Office. Student attorneys drafted a FOIA 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 receiving no response and no compliance from the government, student attorneys, along with co-counsel the ACLU of Maine and ILAP, drafted and filed a complaint in Federal District Court in November 2020 seeking to compel production in response to the FOIA request. In 2021, student attorneys also conducted extensive quantitative and qualitative research seeking to understand why the Boston Asylum Office approves so few cases. The students drafted a comprehensive report, released in March 2022 on behalf of the collaboration, that revealed the findings of their investigation.

### Afghan Outreach Project

Early in the fall 2021 semester, the RHRC created an Afghan Outreach Project in response to the urgent crisis in Afghanistan. This project required close collaboration with ILAP's Afghan Outreach Coordinator. In addition to RHRC's five enrolled Clinic students working on Humanitarian Parole cases, RHRC recruited and trained 10 RHRC alumni and over 30 Maine Law student volunteers to participate in the effort to provide legal support to Afghan refugees. Fourteen of the Maine Law volunteers and eight of the RHRC alumni represented various Afghan-Mainers in filing Humanitarian Parole applications for their relatives trying to flee Afghanistan. Additional students and faculty and multiple RHRC alumni also volunteered with ILAP and participated in their pro se workshops.



### CLIENT STORY

#### Ana

Ana, a former Special Immigrant Juvenile Status (SIJS) client, was naturalized in early December. She first became a Clinic client more than six years ago, working with several different student attorneys at all stages of her long path to citizenship. She came to the United States alone, as a young teenager, after she fled violence in her home country and suffered the disappearance of her parents. After her arrival, student attorneys in the General Practice Clinic worked in collaboration with RHRC student attorneys helping Ana in the first step of her path toward legal stability by obtaining a Predicate Order through a Maine State Probate Court. Immediately after obtaining this order, RHRC student attorneys filed her SIJS application with USCIS. USCIS approved Ana's SIJS and application for permanent residence following a hearing. Five years later, when Ana was eligible to naturalize, a new set of RHRC student attorneys assisted her with her application for naturalization. With great delight, her student attorney was with Ana at her naturalization ceremony and celebrated with Ana when she proudly became a U.S. citizen. She wrote to us: "I appreciate the amount of time invested in my case to make sure I feel supported and prepared at every step of the case."



Student attorney Aisha Simon with Ana after the naturalization ceremony.

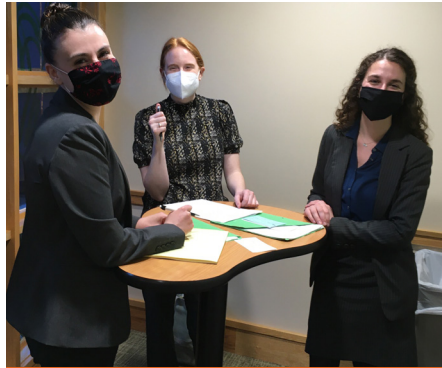
## PROTECTION FROM ABUSE PROGRAM

Students enrolled in all Clinic courses also participate in the Protection from Abuse Program, where they represent survivors 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 contentious and emotional.

With the assistance of counsel, most cases are settled without a trial. In 2021, the Clinic represented 199 clients in 223 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 their protection order case but also 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 survivors.

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, that uses a specific

referral protocol to increase the legal and support services provided to survivors of domestic violence, sexual assault, and stalking in Androscoggin, Oxford, and Franklin Counties, with a particular emphasis on outreach to immigrants and survivors of sexual assault.



Student attorneys review PFA complaints in Lewiston District Court.

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 in-person legal assistance to survivors 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.

“Five star help for people like me who couldn't get any representation in a case in which I was intimidated.”

– Client, Protection from Abuse Program

### CLIENT STORY

#### Maria

Maria was in the process of navigating a divorce on her own and needed assistance with extending a PFA order against her soon-to-be ex-husband, Franco, who was represented by an attorney. Maria's case was very factually complex, and language barriers only added to the difficulty of navigating the case. There was a contested hearing on the request for extended protection that took place over the course of several days. The Clinic presented a compelling case that included testimony by telephone from a family member located in a distant state, describing abuse he witnessed while visiting Maria and Franco. Ultimately, before the last day of trial, we were able to reach an agreement with Franco's attorney that provided Maria with the long-term protection she sought while allowing her to pursue a new job elsewhere and gain a better financial footing for her and her son moving forward. Maria said of her student attorney, "I'm sure that he will be a brilliant attorney, and I am very satisfied with the representation. He was great in his job."

### CLIENT STORY

#### Sandra and Philip

Sandra and Phillip sought a protection order against Mark, their young adult son, whose alcohol abuse and anger issues had escalated to the point where he assaulted them in their home. Although he had been threatening toward them in the past, they realized they needed protection after an incident in which he punched Sandra and threw furniture at Phillip. They loved their son, but his behavior scared them. The student attorney understood that his clients wanted to leave the door open to safely seeing Mark and did not want to harm his employment or housing prospects. The student negotiated at length with Mark's attorney, and instead of proceeding to trial when it looked like the parties would be unable to agree on whether Mark should be precluded from having dangerous weapons, the student took this as an opportunity to communicate just how frightened Sandra and Phillip had been. Mark finally seemed to understand. The parties agreed on an order that allowed Mark to visit his parents at their home as long as he was sober and had no dangerous weapons with him. Sandra and Phillip said that their student attorney "really listened" and took the time to understand their position. Phillip said he and his wife "had a wonderful experience."

## CLINIC STAFFING

Associate Clinical Professor **Courtney I. Beer** was hired in 2020 to direct the Prisoner Assistance Clinic and supervise students there as well as in the General Practice 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. Professor Beer wrote a manual and developed a training on legal issues related to school discipline as part of an initiative to create a pro bono panel of attorneys and advocates throughout Maine. In 2021, she presented at several statewide CLEs regarding education law for attorneys and advocates and became a member of the Maine Child Welfare Ombudsman Board of Directors.

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 Gault Center (formerly the National Juvenile Defense Center) since its inception, and he is a member of their Senior Leadership Council. Over the past 20 years, Professor Northrop has served as a consultant for Gault Center assessments of juvenile defender systems throughout the country, including recent statewide assessments of Kansas and New Hampshire. Professor Northrop is a founding director at the New England Juvenile Defender Center, where he continues to serve on the board. He frequently speaks at statewide and national conferences about youth justice. This past year, his appearances included serving on a panel discussion for the Maine Judicial Branch Child Protection conference and being part of the team that organized and presented at the full-day Maine Commission on Indigent Legal Services Juvenile Justice training. Professor Northrop continues to serve on Maine's Juvenile Justice Advisory Group and on the Board of the York County Bar.

Adjunct Professor **Erica Schair-Cardona** joined the RHRC as an instructor in 2018. She supervises student attorneys in their work

with clients and outreach projects. She helps RHRC collaborate with various nonprofits 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 statewide 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 co-teaches Lawyering Skills for Clinical Practice and also teaches Evidence. She served 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 the American Law Institute and the ALI's Member Consultative Group assisting in the development of Restatement of Children & the Law.

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 co-teaches with Professor Smith the Lawyering Skills for Clinical Practice course required of all Clinic students, and she advises law students who are interested in pursuing careers in the field. Professor Welch also teaches in the immigration law seminar course. Professor Welch is an active member of the Asylum Working Group, the American Immigration Lawyers Association, the Northern New England Immigration Practitioners Group, and the First Circuit Immigration Working Group. Professor Welch, along with Professor

Erica Schair-Cardona, 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 statewide 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. In September 2021 she was appointed Director of MCJPAL and, as part of this new role, she is also serving as an adjunct professor, teaching Juvenile Law and a new policy change course in the spring. In October, she concluded her service 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. She continues to lead this important reform work as chair of the state's Juvenile Justice Advisory Group and was also recently appointed to the Legislature's Criminal Records Review Committee based on her work around juvenile record confidentiality and sealing. She also served on the Advisory Board of the Freedom & Captivity humanities initiative on abolition and as a member of the leadership team of the Maine Child Welfare Action Network.

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 15 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. **Joy Krinsky** provided valuable support to several Clinic programs. 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 1,000 callers seeking legal help from the Clinic each year. Due to our limited resources, we are able to help only a small number of these callers, but for the others, our staffers help 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.

