

## 2015 Annual Report

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

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### Recommended Citation

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Annual Report 2015



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:** Dean Danielle Conway visits the Clinic during summer 2015, with (R to L) Juvenile Justice Fellow De'Anna Mills, Post-Graduate Fellow Brandon Farmer, and Summer Intern Fulton Rice.

## FROM THE DIRECTOR

Thank you for reviewing the 2015 Annual Report of the Cumberland Legal Aid Clinic of the University of Maine School of Law. This report provides an overview of our program, as well as highlights and client stories from our work this past year.

Two areas of our work last year will have a particularly beneficial impact on Maine children. First, as described on page 7, Juvenile Justice Clinic student attorneys achieved success in their two-year campaign to end the indiscriminate shackling of children in Maine courts. Building on progress made through litigation in individual children's cases, the students and Professor Christopher Northrop brought their concerns to the Maine Legislature, where they



Deirdre M. Smith

presented legislation that would have widespread effect. Although the bill was vetoed, they achieved their broader goal when the Maine Supreme Judicial Court adopted a new rule of criminal procedure which had the same effect as the proposed legislation.

In a remarkable cross-clinic collaboration, student attorneys from the General Practice Clinic, Juvenile Justice Clinic, and Refugee and Human Rights Clinic worked together to assist

a number of unaccompanied immigrant youth who needed advocates to navigate the complex Special Immigrant Juvenile Status process as a route to obtaining their legal status. The students and faculty from those programs also formed a cross-disciplinary coalition, the Immigrant Youth Working Group, to bring together a diverse group of professionals to discuss best practices to address these children's unique needs. You can read more about this work on page 9.

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

In 2015, we were also fortunate to welcome our new Dean, Danielle Conway, who immediately got to work building sustainability and support for our programs in the Clinic. We could not ask for a more dedicated and committed leader.

Thank you for your interest in the Clinic.

Sincerely,

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

## Funding

In 2015, nearly 34 percent of the funding for the Clinic's programs came from sources external to the Law School. The largest single source of such external funds is the Maine Civil Legal Services Fund, followed by the Maine Justice Foundation, which provided an Annual Grant of IOLTA funds. Other significant sources of external funding during 2015 include the Campaign for Justice, Sam L. Cohen Foundation, John T. Gorman Foundation, the Bidu Sayão Memorial Children's Trust, and the Muskie Fund for Legal Services. The Clinic receives some limited funding from the Maine Judicial Branch for serving as "lawyer of the day" in Juvenile Court and from the Maine Commission for Indigent Legal Services for its representation of criminal defendants.

## PROGRAM OVERVIEW



Maine Law Dean Conway talks with Summer Intern Annie Stevens and Cushman Anthony Fellow Kristina Rozan about their work at the Clinic.

The Cumberland Legal Aid Clinic, established in 1970 as a program of the University of Maine School of Law, provides free legal aid to low-income individuals and families in Maine. It is one of the oldest clinics of its kind in the nation. The Clinic is a defining program of Maine Law, providing practical skills training for students, and helping fulfill the school's long-standing commitment to social justice.

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

The Clinic's mission is two-fold. Law students receive intense, hands-on experience as they represent real clients. The community receives help with a critical public service: access to justice for all, regardless of wealth or status. The Clinic serves clients with legal matters pending in state, probate, and federal courts and before administrative agencies. The Clinic provides full representation for clients in Southern

Maine courts and limited representation to prisoners with civil legal matters throughout Maine. Cases heard by the state Supreme Judicial Court and the federal courts and agencies may arise anywhere in the state.

All students who enroll in Clinic courses during the school year participate in weekly seminars. Most weeks, the students meet in small groups with a faculty supervisor to hold "case rounds," where they discuss specific challenges and questions that have arisen in their cases. In other weeks, seminars cover substantive legal issues, or students hear from guests. Seminar topics in 2015 included the dynamics of family violence; navigation of challenging ethical issues; forensic psychology; working with interpreters; public benefits; client counseling; client and witness interviewing; discovery; and several others. Guest speakers included Maine District Court Family Law Magistrates Maria Woodman and Lindsay Cadwallader, Deputy Bar Counsel Aria Ee, and Dr. Ann LeBlanc of the Maine Forensic Service. In addition to this coursework, most students are required to write a memorandum describing and analyzing a client counseling opportunity they had during the semester. This exercise requires the students to consider and reflect on the attorney-client relationship, the ethical obligations of attorneys, and similar critical issues.

## CLAC welcomes new Maine Law dean

Faculty and staff at the Cumberland Legal Aid Clinic in 2015 were excited to welcome the new dean of the University of Maine School of Law, Professor Danielle Conway.

Dean Conway joined the Maine Law community in February of 2015 as dean-designate, and formally assumed the duties of dean on July 1.

"Since the day she was hired, Dean Conway has been an enthusiastic supporter of the Clinic. She reached out to us immediately and engaged with our student attorneys, staff, faculty, and volunteers," said Professor Deirdre Smith, director of the Cumberland Legal Aid Clinic. "She has learned about our history, and about the critical role the Clinic plays in educating future lawyers and providing legal assistance to Mainers who need our help."

Dean Conway has shadowed student attorneys and accompanied them and Clinic faculty to Lewiston District Court, where students represent victims of harassment, domestic abuse, sexual assault, and other types of cases.

The sustainability of the Clinic, which was established in 1970 and is one of the oldest clinical law school programs in the nation, is a top priority for Dean Conway.

"It is a powerful thing to see the work of these dedicated student attorneys first-hand. I could not be more proud of them," Dean Conway said. "For a law school that is committed to delivering justice and preparing graduates to make a positive difference in their communities, the Cumberland Legal Aid Clinic is at the very heart of our mission."

## 2015 by the numbers

The Cumberland Legal Aid Clinic provided varying levels of legal assistance to more than 609 clients.

**185 cases were Protection From Abuse matters.** 127 cases were other Family Law matters, making Family Law the largest category of cases handled by the Clinic. However, it should be noted that student attorneys work on a wide range of cases, as described in detail later in this report.

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

**57 students at Maine Law enrolled** in Clinic courses in 2015. In addition, the Clinic hired five student interns, one public policy Cushman Anthony fellow, and one Juvenile Justice fellow for the summer of 2015 as part of the Summer Intern Program.

**Students who participated in Clinic last year** were exposed to a range of proceedings, where they gained valuable experience and honed their oral and written advocacy and negotiation skills. They appeared as counsel in the following proceedings: 6 interim hearings; 37 Protection from Abuse trials; 139 Protection From Abuse agreements presented to the Court; 64 juvenile proceedings; 8 family law final hearings or trials; 18 mediations; 2 judicial settlement conferences; 30 non-hearing proceedings before Family Law Magistrates; 28 arraignments; 4 change of pleas; 36 criminal dispositional conferences; 1 Law Court brief; 1 Law Court oral argument; 5 sentencing hearings; 3 asylum hearings; 3 Adjustment of Status (Green Card) Interviews; 3 administrative law hearings; and numerous other miscellaneous appearances.



Cumberland Legal Aid Clinic Class of 2015 with the Clinic Faculty.

## How We Accept New Clients

There are a number of ways through which clients obtain help from student attorneys. Every day, the Clinic receives calls from people seeking legal help. When a student has an opening and the client qualifies for aid, the case may be accepted. However, a significant number of clients are referred by other organizations, such as KIDS Legal, Preble Street, the Immigrant Legal Advocacy Project, and the Volunteer Lawyers Project. The Clinic also receives referrals from federal, state, and probate courts. The U.S. District Court for the District of Maine and the Maine Commission on Indigent Legal Services have referred criminal matters, and the Maine Supreme Judicial Court has referred several appeals during recent years.

## Accolades and Measures of Success

Two student attorneys earned special recognition in 2015. Joanna Davis was the Maine Law recipient of the 2015 Northeast Chapter of the Association of Corporate Counsel Law Student Ethics Award for “demonstrating an outstanding commitment to ethics in the course of a

clinical program.” At graduation in May 2015, Carly Traub was presented with the Maine Law Clinical Legal Education Association Award, “for excellence in clinical fieldwork based on the high quality of representation provided clients and for exceptionally thoughtful, self-reflective participation in an accompanying clinical seminar.”

One measure of the success of the Cumberland Legal Aid Clinic is the number of student attorneys who choose careers that serve the public interest. Recent Maine Law graduates include staff attorneys at Maine Equal Justice Partners, Disability Rights Center, Legal Services for the Elderly, KIDS Legal, and Pine Tree Legal Assistance. A number of 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.

# GENERAL PRACTICE CLINIC

*“My student attorney was a pleasure to work with. She listened and helped me understand what my options were. She even gave me additional resources about domestic violence, and I felt like she genuinely wanted to help.”*

– Client, General Practice Clinic

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

The largest area of practice is family law, and the majority of disputes involve

parental rights and responsibilities, child support, and divorce. However, the family law caseload is varied. Student attorneys have taken on cases involving guardianship, termination of parental rights, protective custody, adoption, and de facto parents.

A wide range of criminal matters also falls under the umbrella of the General Practice Clinic. The U.S. District Court and the Maine Commission on Indigent Legal Services continue to appoint the Clinic to represent criminal defendants who cannot afford to hire an attorney. In 2015, student attorneys represented clients on criminal charges including Assault, Trafficking in Scheduled Drugs, Aggravated Assault, Criminal Mischief, Criminal Threatening, Endangering the

Welfare of a Child, Theft, Operating After Habitual Offender Revocation, Disorderly Conduct, Assaulting a Police Officer, Operating Under the Influence. Clinic students also assisted individuals implicated in federal criminal matters obtain immunity from prosecution in exchange for cooperation with the government.

Student attorneys provided legal assistance in cases involving financial exploitation, foreclosure, landlord/tenant, appeal of Department of Health and Human Services substantiation findings, adult guardianship, social security, immigration, insurance coverage, title to real estate, trusts, protection from harassment, wage & hour violations, wills/estates, and other miscellaneous issues.

## Client Stories

### Linda

A GP Clinic student attorney represented Linda on a theft charge, based on allegations of shoplifting at a local store. This involvement in the criminal justice system had the potential of significant consequences because Linda was in the process of seeking asylum in the U.S. Linda had fled her home country to avoid a forced marriage to a much older man who had a number of wives, and a history of significant violence toward them. When Linda first met her student attorney, she was only a few weeks away from an interview with an immigration officer who had the power to deport her. As a “crime of moral turpitude,” the mere allegation of theft put Linda at risk of deportation. Linda’s student attorney worked quickly to put together a detailed personal history and “conditions of country” report to help the prosecutor understand the high stakes of Linda’s case. Additionally, the student attorney and Linda worked together to address the prosecutor’s concerns about Linda’s success in our community. When the student attorney met with the prosecutor, she presented a compelling story of Linda’s background, her ongoing education and her current counseling program, as well as detailing everything Linda had done to address the allegation (completion of the National Association of Shoplifting Protection program, and making peace with the staff at the store). The prosecutor dismissed the pending charge a few days before Linda’s asylum interview, clearing the way for her to remain in Portland.

### Maria

When Maria sought help from the Clinic, she and her two children were in a desperate situation. They had just fled to Maine, where her parents live, from another state after Maria’s husband, an Iraq war veteran whose behavior had grown increasingly erratic, assaulted her son. They had been living in constant fear due to the husband’s threats and large arsenal of guns and ammunition. However, Maria did not have legal immigration status in the U.S., and her husband had never fulfilled his promise of helping her apply for a green card. Maria’s GP Clinic student attorneys helped her obtain a Protection from Abuse Order and then represented Maria in her divorce case. They achieved a court judgment that ensured Maria and her children would receive ongoing support. Refugee and Human Rights Clinic students, working in collaboration with the GP Clinic students, helped Maria obtain legal status under the Violence Against Women Act. She and her children are now safe, stable, and secure as they build a new life in Maine.

## Client Story

### Jonathan

Jonathan asked the Prisoner Assistance Clinic for help obtaining a divorce from Brianna. He also hoped that the court would order that the parties' two children would live with him after he is released from prison. However, Brianna had fled to another state with the children several months earlier, and he did not know her location. His student attorney quickly filed in Maine District Court to ensure that Maine would have jurisdiction, and then located Brianna and arranged for her to be served.

Jonathan hoped to delay the final hearing until after he got out of prison, and he was disappointed when it was scheduled to be heard before his release date. His student attorney helped him prepare for the hearing, including how to request an outcome that ensured that Jonathan would have immediate visitation with his children, and that Brianna would not be able to relocate them again. The Clinic then referred Jonathan to a former Clinic student to help him seek expanded visitation rights once he is released and resettled. Jonathan wrote to the Clinic to express his appreciation for the student attorneys' work: "Once I started working with a student attorney most all of my stress went away and my mind was at ease. They handled everything for me! The student attorneys were so good explaining things to me so that I could understand them very easily. Their help and guidance was way above and beyond my expectations. And very professional too!"

## PRISONER ASSISTANCE CLINIC

*"Due to the representation, I was able to conquer my goals and now feel happy to know my kids are safe."*

– Client, Prisoner Assistance Clinic

In January 2003, the Law School launched the Prisoner Assistance Clinic, which was funded for its first three years by a discretionary grant from the Maine Bar Foundation and to a lesser extent through a contract with the Maine Department of Corrections.

The origins of the Prisoner Assistance Clinic stem from funding restrictions imposed in the mid-1990s by the Legal Services Corporation. The restrictions essentially forced Pine Tree Legal Assistance – Maine's largest legal aid provider – to stop representing prisoners in civil matters. The need for those services, however, has only continued to rise. Prisoners have family, consumer, and other civil legal matters, many of which arise from the circumstances of their incarceration. These court matters have an impact not only on the lives of the prisoners, but on the lives of their sons, daughters, parents and other family members who never committed a crime. The Justice Action Group, the Maine Bar Foundation and others identified this as a gap in access to justice. They concluded that providing services through the Clinic would be a cost-efficient way to close this gap.

Students provided legal assistance to

145 prisoners during 2015. This three- and six-credit clinical course, supervised by Clinical Professor Jim Burke, places an emphasis on interviewing, counseling and providing "unbundled" legal services. Student attorneys provide the prisoners the information, forms, and advice they need to represent themselves in civil proceedings. For some matters in Southern Maine courts, the Clinic provides full representation when a prisoner is not able to advocate for himself or herself. The program is popular with students, corrections staff, and prisoners alike.

Clinic students travel to the Maine Correctional Center in Windham every week to meet with prisoners. Students had 438 client meetings at the prison in 2015. Most of the matters involve family law, such as parental rights and child support, and probate-related proceedings, including guardianship. But students also assisted prisoners with a wide range of legal matters including: adult guardianship; minor guardianship; tort defense; drafting trusts, wills, living wills, and advanced health care directives; breach of fiduciary duty; conversion of property; social security disability benefits questions; contract claims; attorney's fees disputes; real estate; landlord/tenant; powers of attorney; taxes; preservation of professional/business license; business formation; MaineCare coverage; and bankruptcy.



Maine Supreme Judicial Court Associate Justice Ellen Gorman oversees the swearing in of new Student Attorneys at the start of the Fall 2015 semester

*“The students who worked on my son’s case were fantastic; very knowledgeable and honest. Huge thanks to you and your staff!”*

– Parent of Client, Juvenile Justice Clinic

The Juvenile Justice Clinic, launched in the fall 2006, enrolls up to five law students each semester. The students work under the supervision of Clinical Professor Christopher Northrop, a nationally recognized expert in the field. Student attorneys have the opportunity to work with troubled youth on a number of levels. In 2015 the Clinic provided legal services to more than 162 clients. This includes 66 teens and young adults through the Teen Center Project, and 80 children in the Maine Juvenile Court.

## Individual Representation

The primary focus of the Juvenile Justice Clinic is the direct representation of juveniles with pending delinquency matters in state courts. Student attorneys appear in Juvenile Court each week with their clients for proceedings such as arraignments, detention hearings, plea negotiations and trials. In 2015 the Juvenile Justice Clinic provided full representation to approximately 38 children who were facing charges including Arson, Burglary of Motor Vehicle, Assault, Criminal Mischief, Possession of Alcohol, Burglary, Operating Under the Influence, Trafficking in Scheduled Drugs, Aggravated Assault, Terrorizing, and Trafficking in Prison Contraband. On behalf of their juvenile clients, student attorneys work closely with social service agencies, legal aid providers, schools, and other community representatives. The goal is to develop and implement personalized, holistic and targeted programs for each juvenile client. Such programs are designed to keep the juveniles out of jail and prison, and to get them back on track to completing their education. The team also focuses on developing important life skills to ensure continued success. Accordingly, important components of an individualized plan may include treatment for underlying substance abuse or mental health problems, an appropriate educational program, suitable housing and other services for the client, and in many instances, his or her family.

## Students led successful effort to unshackle children in Maine courts

Our student attorneys and clinical faculty played a leading role in the approval of a rule change in Maine courts, limiting the use of leg irons, handcuffs, chains, and other physical restraints on juvenile defendants. As of Nov. 1, 2015, the anti-shackling rule requires an order from a judge before a child can be shackled during a court proceeding.

Maine Law students waged an anti-shackling campaign beginning in the summer of 2013, under the guidance of Professor Christopher Northrop, who oversees the Juvenile Justice Clinic. They sought to end the indiscriminate shackling of defendants under the age of 18, either through legislation or a rule change by the Maine Supreme Judicial Court.

With the rule change adopted in the fall of 2015, Maine joins more than 20 states that have reformed laws and policies to restrict the shackling of juveniles. Maine Law students waged their campaign on multiple fronts.

Led by Michael O’Brien, student attorneys at the Juvenile Justice Clinic engaged jail staff, court security, district attorneys, and others in talks about the need to end shackling. In multiple cases since 2013, student attorneys submitted and won motions asking for physical restraints to be removed from their clients.

Students brought attention to a growing body of research demonstrating that shackling causes lasting emotional damage to children, and is counterproductive to the juvenile court goals of rehabilitation and positive change.

Students including Taylor Sampson, Betsy Boardman, and Danylle Carson spearheaded a legislative effort. They built a statewide coalition, recruited national partners, and drafted legislation. Skye Gosselin, 17, a client of the Juvenile Justice Clinic, spoke to lawmakers and wrote about her experience of being placed in shackles as early as age 12. While the legislation was ultimately vetoed by Gov. Paul LePage, it played an important role in the broader movement. The rule change adopted by the Maine Supreme Judicial Court closely mirrors the proposed legislation.

Professor Northrop, a leading national authority on juvenile law, called the rule change a win for all children in Maine’s juvenile justice system and for the student attorneys who worked on the issue. Michael O’Brien graduated from Maine Law in 2014; Taylor Sampson, Betsy Boardman, and Danylle Carson graduated in 2015.



Juvenile Justice Clinic client Skye Gosselin supported the Clinic’s efforts by testifying before the Maine Legislature about her experience being shackled in court at the age of 12.

## Lawyer of the Day Program

On several occasions in 2015, Juvenile Justice Clinic student attorneys served as ‘Lawyer of the Day’ in Biddeford District Court, providing basic

legal representation to unrepresented juveniles who appeared for court dates. During these occasions, Clinic students assisted more than 42 juveniles, primarily in negotiations with the District Attorney’s Office.

## Client Story

### Amanda

When we met Amanda, she was facing a number of misdemeanor charges. Although the charges were not serious, the collateral consequences of an adjudication were potentially damaging to the teenager's ability to get into college and get a good job. The prosecutor told Amanda's student attorney that she would not dismiss any pending matters because Amanda needed probation. There were significant concerns about a high level conflict at home, as well as Amanda's unaddressed opiate addiction. Amanda's student attorney convinced the prosecutor to give her one month to engage Amanda and her mother in appropriate services before finalizing a plea offer. Over the next four weeks, the family worked very hard with their therapist and Amanda underwent intensive substance abuse counseling. The student attorney was able to negotiate a 'deferred disposition' for her client.

The terms of the one-year deferred disposition included substance abuse counseling, success at school, family counseling, drug testing and no further contact with law enforcement. When we returned to court with Amanda, the court noted that she met or exceeded every requirement of her agreement. Amanda had graduated from high school and was applying to colleges. She was working full time to save up for tuition. Amanda's mother reported that the family was getting along well. The judge, in recognition of her significant progress, dismissed all of Amanda's pending charges.

## Guardian ad Litem Project

The Clinic continued to develop the guardian ad litem (GAL) project initially launched in 2010. Court-appointed GALs and Court Appointed Special Advocates (CASA) GALs are not available to represent children charged with crimes, although a number of juveniles land in the delinquency system because of family dysfunction. The Maine Judicial Branch now grants qualified student attorneys permission to act as GALs in juvenile cases, and District Courts in three counties (York, Cumberland, and Androscoggin) can appoint Juvenile Justice Clinic student attorneys to serve as "best interests" attorney for children in their delinquency proceedings. Clinic student attorneys served as GALs for six juveniles during 2015, enabling them to gain a deeper understanding of the unique and critical role that guardians serve in court proceedings.

## Tuesdays at the Teen Center Project

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

In the TATC Project, student attorneys meet with teens and young adults at the Teen Center to provide them with legal information, advice and, in some cases, representation. Student attorneys visit the Teen Center every other week. They

provided 66 legal consultations in 2015, and took on a few clients for full representation, providing assistance on a range of legal issues including education rights, public benefits, immigration, consumer, housing, emancipation, employment, criminal, and family law.

A rising second-year student served as Juvenile Justice Summer Fellow, who was primarily involved with our collaboration with the Preble Street Teen Center. She attended the Clinic's weekly outreach sessions and served as liaison between staff, kids, and attorneys. She also screened several teens and young adults referred by Preble Street to identify and assist (primarily through information and referrals) teen and adult victims of human trafficking (sexual and employment).

## 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.

In 2015, Juvenile Justice Clinic student attorneys and clinical faculty played a leading role in the approval of a rule change in Maine courts, limiting the use of leg irons, handcuffs, chains, and other physical restraints on juvenile defendants. The new rule (Rule 43A of Maine Rules of Criminal Procedure) issued by the Maine Supreme Judicial Court requires an order from a judge before a child can be shackled during a court proceeding. The students' anti-shackling campaign began in the summer of 2013, under the guidance of Professor Northrop. (For the full story, see Page 7.)



Alison Tozier, Maine Law class of 2015, served as a student attorney in the Juvenile Justice Clinic.

## REFUGEE AND HUMAN RIGHTS CLINIC

*“Thank you for all of the time and effort assisting in our case!”*

– Client, Refugee and Human Rights Clinic

In the fall of 2012, the Cumberland Legal Aid Clinic launched the Refugee and Human Rights Clinic, a three- to six-credit course that enrolls six to eight students per semester. Student attorneys assist low-income immigrants through a broad range of cases and projects. This clinical course is a collaboration between Maine Law and the Immigrant Legal Advocacy Project. The course targets a critical gap in access to justice in Maine – providing direct legal representation to immigrants and refugees seeking political asylum and similar protections under federal law – while training future attorneys on how to best serve the legal needs of immigrants.

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

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

Refugee and Human Rights Clinic student attorneys and faculty supervisor Prof. Anna Welch, in conjunction with the Immigrant Legal Advocacy Project and Justice For Our Neighbors, have conduct-

ed monthly trainings at Hope Gateway in Portland. Students help immigrants learn how to use the “How to Apply for Asylum” manual, which was produced by the Clinic and ILAP for asylum seekers who are not represented by an attorney.

The trainings are the first organized outreach and training initiatives for pro se asylum seekers in Maine. The RHRC has assisted over 200 individuals through the monthly trainings. More than 100 copies of the manual have been distributed, as well as hundreds of postcards printed in four different languages -- English, French, Spanish, and Arabic -- that explain how to easily download the manual online.

During 2015, RHRC students and faculty collaborated with students and faculty from other Clinic programs to provide comprehensive legal representation to a number of unaccompanied immigrant youth. These children arrived in Maine from troubled locations all over the world, and must go through a complicated two-step process involving both state courts and the U.S. immigration agency to achieve legal status through the Special Immigrant Juvenile Status proceeding. RHRC Clinic students participated in the Clinic’s outreach to immigrant youth through the TATC Project at the Preble Street Teen Center (described earlier).

The Clinic also convened the Immigrant Youth Work Group, a coalition of dozens of professionals in Southern Maine, to address the legal and other needs of immigrant youth, and particularly those who arrive in Maine unaccompanied. Membership includes ILAP, Catholic Charities, Preble Street, United Way, Maine Department of Health and Human Services, City of Portland, and representatives from local schools and other agencies. The goal of the Work Group is to exchange ideas, experiences, and resources with other individuals working with abandoned, abused, or neglected immigrant children, to ensure these youths do not fall through the cracks. Clinic student attorneys are taking the lead on one of the Work Group’s first projects: the development of a resource guide for immigrant youth.

## Client Stories

### Jayde

After nearly three years, U.S. Citizenship and Immigration Services in the spring of 2016 approved the asylum application of Jayde, a long-term Refugee and Human Rights Clinic client. Jayde is a woman from eastern Africa who fled her home country as a young adult after suffering female genital mutilation, domestic violence, and the threat of a forced marriage to a man 30 years her senior. Several RHRC student attorneys worked tirelessly to prepare Jayde’s asylum application. Among many complicated tasks, they gathered lay and expert witness statements, conducted extensive country condition research, researched the law and drafted a compelling letter brief, and interviewed their client to prepare her detailed testimony. The hard work paid off, and Jayde may now live in the U.S. indefinitely.

### Alexandro

Alexandro fled Central America at the age of 15, alone and abandoned by his parents. In his home country he faced extreme poverty, a lack of education, and the constant threat of violence. Murder and violence are commonplace. As an unaccompanied minor, Alexandro was eligible for Special Immigrant Juvenile (SIJ) status, which, once approved, makes him eligible to apply for U.S. permanent residence. Students from the General Practice and Refugee and Human Rights clinical programs worked together to obtain a preliminary order from the Maine Probate Court, and then advocated on behalf of Alexandro before U.S. Citizenship and Immigration Services (USCIS), which ultimately approved Alexandro’s green card. He is now attending high school and plans to attend college.

## Client Story

### Erica

Erica, a 15-year-old high school student, was active in extra-curricular activities at her school. Roland, another student who had been tormenting Erica for some time, sexually assaulted her on the school bus during a trip to a performance at another school. Erica's mother, acting on her behalf, brought a Protection from Harassment (PFH) action against Roland. The student attorney encouraged Erica and her mother to initiate a Protection from Abuse (PFA) action, because this could remain effective for a longer period of time and grant additional protections not available in a PFH. Roland's attorney initially took the position that neither a PFH nor a PFA were necessary; that the matter should be dismissed while the sexual assault was investigated; and that bail conditions or a "no harassment" order would suffice to keep Roland away from Erica. The student attorney stood her ground, and ultimately Roland agreed to a two-year PFA order that specifically allowed him to continue to participate in extra-curricular activities as long as he did not stand or sit near Erica. Erica's mother found the student attorney to be "wonderful, attentive and thoughtful," and said they "couldn't have done it without her assistance."

## PROTECTION FROM ABUSE PROGRAM



Professor Tina Schneider and student attorney Joanna Davis prepare for the start of the Protection from Abuse docket at Lewiston District Court.

*"My student attorney was wonderful, attentive, and thoughtful. I couldn't have done this without your assistance. Thank you! This service was invaluable to us."*  
– Client, Protection from Abuse Program

Most students enrolled in any of the Clinic courses also participate in the Protection From Abuse Program, where they represent victims of domestic violence, sexual assault or stalking. Student attorneys attend at least one or two days of the protection from abuse (PFA) docket calls in Lewiston District Court. The Clinic's work in this program is highly valued by the courts, as the PFA proceedings are often highly contentious and emotional.

With the assistance of counsel, most cases are settled without a trial. In 2015, the Clinic represented 185 clients in PFA cases. Clinic student attorneys work closely with court advocates from Safe Voices and Sexual Assault Prevention and Response Services, two non-profit organizations. This collaboration ensures

that every client not only receives legal representation in her protection order case, but also receives the necessary support and resources to escape violence in the long-term. Furthermore, every Clinic student receives training on the dynamics of domestic violence and sexual assault as well as the legal remedies available to victims.

The Clinic also participates in a broader partnership which uses a specific referral protocol to increase the legal and support services provided to victims of domestic violence, sexual assault, and stalking in Androscoggin, Oxford, and Franklin Counties, with a particular emphasis on outreach to immigrants and victims of sexual assault. The "Tri-County Advocacy Partnership" consists of the following other organizations: Muskie School of Public Service; Pine Tree Legal Assistance; Volunteer Lawyers Project; Safe Voices; Immigrant Legal Advocacy Project; United Somali Women of Maine; and Sexual Assault Prevention and Response Services.

## CLINIC STAFFING

Student attorneys are closely supervised by members of the Clinic faculty, all of whom complement their Clinic teaching with numerous community engagements, scholarship and other relevant activities.

**Professor Deirdre M. Smith** is the Clinic's Director and supervises students in the General Practice Clinic, as well as teaching other courses in the Law School including Evidence. Professor Smith completed her term as chair of the Maine Supreme Judicial Court's Advisory Committee on the Rules of Evidence, and is a member of several committees addressing issues of expanding access to justice in Maine. She published an article in the *Oklahoma Law Review*, "Dangerous Diagnoses, Risky Assumptions, and the Failed Experiment of 'Sexually Violent Predator' Commitment," and presented her research from that article at the International Congress on Law and Mental Health in Vienna, Austria. Deirdre Smith presented on "Parental Rights in Probate Courts" in several settings, including the Maine State Bar Association's Family Law Institute, and she presented "Evidence and Trial Skills" to the Probate Judges Assembly. She also drafted legislation regarding court jurisdiction over parental rights matters that was introduced during the 127th Maine Legislature.

**Clinical Professor E. James Burke** joined the Law School faculty in May 2005 after serving as a part-time Visiting Clinical Professor for more than three years and bringing nearly 30 years of experience as a trial lawyer in Maine. He continues his work overseeing the Prisoner Assistance Clinic and the Summer Intern Program as well as supervising General Practice Clinic students. During 2015, Professor Burke served as a member of the boards of the American Civil Liberties Union of Maine and Foundation, and as a member of Maine State Bar Association Continuing Legal Education sub-committee. He presented on questions of incompetence to stand trial and insanity at Maine Association of Criminal Defense Lawyers annual conference, and he organized a presentation at the Law School by the Ohio Innocence Project and Ricky Jackson, the longest serving death row inmate released as innocent. He also presented on Ethics and Surviving as a Lawyer at the MSBA's Bridging the Gap program and moderated a symposium panel on the proposed legislation to create a public defender system in Maine.

The Clinic hired **Clinical Professor Christopher M. Northrop** in 2006. Professor Northrop, a nationally-recognized advocate for the rights of juveniles, oversaw the design and launch of the Juvenile Justice Clinic that fall and has continued to supervise the course since that time. During 2015 he also supervised students in the General Practice Clinic. Professors Chris Northrop and Anna Welch co-presented on "Immigration Law and Family Law," at the MSBA's Family Law Institute. Professor Northrop presented "Breaking the Chains: Defender Tactics for Combatting Shackling" at the National Juvenile Defendant Leadership Summit in Salt Lake City. He also presented his work-in-progress, "Counter-Narratives for a Career: Teaching Individuation and Stereotype Replacement in Clinical Settings," at the New England Clinicians Conference at Harvard Law School. In 2015 he completed his term as President of the Maine Association of Criminal Defense Lawyers and received an award for his service in that role.

**Tina Schneider** joined the Clinic faculty in 2006 as an Adjunct Clinical Professor overseeing the Protection from Abuse Project. When she is not supervising students in the Clinic, Professor Schneider practices law as a nationally-recognized federal criminal defense appellate attorney, representing clients in various different federal circuit courts. She formerly served on the Court of Appeals for the First Circuit's Criminal Justice Act Panel Admissions Committee.

**Anna Welch** joined the Clinic's faculty in 2012 as Libra Visiting Professor to design, launch, and supervise the Refugee and Human Rights Clinic. 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. In 2015, Professor Welch, along with Professor Northrop, formed a coalition of advocates and providers in Maine that meets regularly to address the needs of Maine's immigrant youth. Professor Welch co-presented with Professor Northrop at the Maine State Bar Association's Family Law Institute on the intersection of family law and immigration. She also presented at CLE events coordinated by Maine's Immigrant Legal Advocacy Project. In December 2015, the *Nevada Law Review* published

an article Professor Welch co-authored that discusses the various ways to incorporate skills exercises into doctrinal classes. Professor Welch also authored an opinion piece on issues affecting Maine's asylum seekers. Professor Welch remains involved in national efforts to address the crisis at our southern border with respect to the detention of immigrant women and children, and she continues to provide educational outreach to Maine's asylum seekers.

The Clinic was very fortunate to have **Jennifer Bailey**, a lawyer and teacher with more than 25 years experience in immigration law and policy, as a Visiting Clinical Professor with supervision of the Refugee and Human Rights Clinic for the Fall semester and Professor Anna Welch's maternity leave. Professor Bailey was formerly the Supervising Staff Attorney at the Immigrant Legal Advocacy Project, and she has held a variety of other positions during her career, including researcher at Human Rights Watch, attorney at Bronx Legal Services, paralegal with ProBAR (an ABA sponsored project for detainees on the Texas/Mexico border), and policy staff member with JRS/USA in Washington, D.C. Professor Bailey is a member of the Maine Advisory Committee of the U.S. Commission on Civil Rights.

The Clinic is also fortunate to have a committed, hard-working and indispensable staff. **Karen Murphy** serves as our Administrative Manager. **Angela Morgan**, a Clinic alumna, served as an Administrative Assistant until she left her position to begin her legal career as an attorney at Legal Services for the Elderly. The Law School created a post-doctorate fellowship position in the Clinic as part of the Enrollment-to-Employment Initiative, and we were fortunate to recruit RHRC alumnus **Brandon Farmer** as our first e2e Fellow. **Nancy Peterlin** continued her role as Administrative Assistant to the RHRC. Several students (both work-study employees and volunteers) also serve as valuable members of the team. Our staff and volunteers are responsible for another important component of the Clinic's public service mission, which is to assist the more than 2,000 callers seeking legal help from the Clinic each year. Due to our limited resources, we are only able to help a small number of these callers, but for the others, our staffers help them identify and connect with other potential resources in the area.



## Cumberland Legal Aid Clinic

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