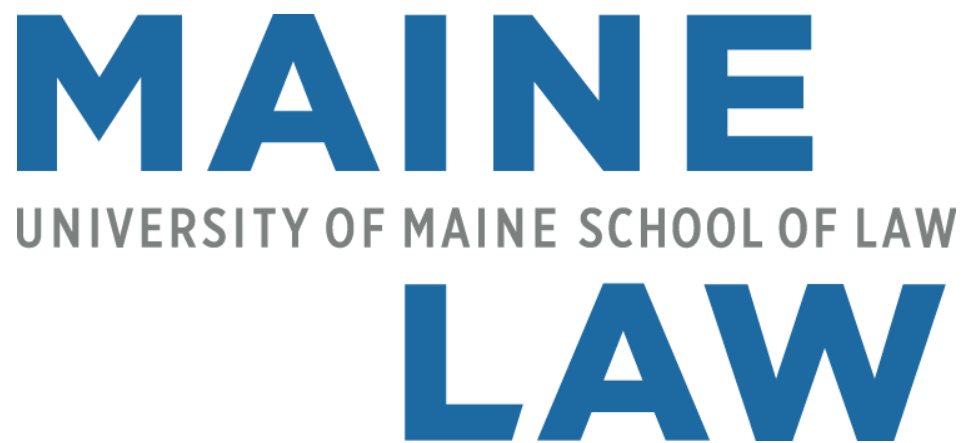


January 16, 2024

Expanding Access to Justice in Rural Maine Through Maine Law's Rural Practice Clinic



Report to the 131st Maine Legislature

Introduction:

The University of Maine System (UMS) and the University of Maine School of Law (Maine Law) provide this interim report on Maine's first Rural Practice Clinic to the 131st Maine Legislature, pursuant to Private and Special Law 2021, Chapter 26 (LD 1924, *An Act To Expand Access to Justice in Rural Maine through Legal Education*).

Background

More than half of all attorneys practicing in Maine are based in Cumberland County, but the majority of the state's population lives rurally. In those less populated areas, access to an attorney, especially by low-income litigants, has become increasingly difficult for those facing criminal charges, child protection proceedings, juvenile justice complaints, as well as landlord-tenant litigation, family cases, domestic violence proceedings, and other civil matters. Some litigants are forced to proceed without the benefit of legal assistance.

That dearth of attorneys in rural Maine affects families, businesses, local government, non-profits, and the entire criminal justice system.

That's why, in 2023, Maine Law launched its Rural Practice Clinic (RPC) as a pilot project in partnership with the University of Maine at Fort Kent (UMFK) and with the strong bipartisan support of the Maine Legislature, the Office of the Maine Attorney General, and Governor Janet Mills.


The RPC places Maine Law students — five already in the first year — in the historically underserved St. John Valley. Under the supervision of a licensed Maine lawyer, they provide free legal services to residents of the region. The clinic is based at UMFK, where the student attorneys also live, but client meetings and court appearances occur across the County.

Maine Law's New Rural Practice Clinic by the Numbers: 2023

SERVED
81
CLIENTS




TOOK ON
87 **CASES**
ACROSS 6
COUNTIES




Aroostook,
Cumberland,
Lincoln,
Penobscot,
Somerset &
Waldo

91% **OF**
CLIENTS LIVE IN
AROOSTOOK
COUNTY



17.6%
OF ALL CLINIC
CASES IN 2023
WERE HANDLED
BY THE RURAL
PRACTICE
CLINIC

A CLOSER LOOK:
Number of RPC clients by county



74 clients - 80 cases in Aroostook County
1 client - 1 case Cumberland County
1 client - 1 case Lincoln County
1 client - 1 case Penobscot County
1 client - 1 case Somerset County
1 client - 1 case Waldo County
2 clients - 2 cases out of state

Launching the Pilot Project

Maine Law has been working to address the need for lawyers in rural Maine for years. The earlier establishment of the Summer Rural Fellowship Program, created on an internship model rather than through Maine Law's Cumberland Legal Aid Clinic (CLAC), was accomplished five years ago. That program sends students into small rural practices for a summer internship. This effort to introduce students to the benefits of rural practice has yielded an encouraging ultimate placement rate in rural practices, with one in three participants ultimately deciding to practice in rural Maine upon graduation. The Summer Rural Fellowship Program expands access to justice and helps prepare students to successfully practice upon graduation from the state's only law school while introducing them to the unique challenges and joys of doing so in rural Maine.

To augment rural practice further, the idea to create a rural clinic program was the brainchild of the CLAC's long-time leader, Deirdre Smith. Under her leadership, CLAC has historically provided an average of 14,000 pro bono hours each year to Mainers in need.

Pressing forward with the vision of a rural clinic, in 2022, with the strong bipartisan support of the 131st Maine Legislature, Senate President Troy Jackson, Maine Attorney General Aaron Frey, and Governor Janet Mills, Maine Law's first Rural Practice Clinic – the Fort Kent RPC was launched in Fort Kent as a pilot that could provide much-needed legal representation and resources to low-income residents of Aroostook County, an historically underserved region. Only a year into its launch, the RPC is already succeeding in this endeavor. The figures on page two offer a snapshot of that success.

In launching the RPC, Maine Law also received enthusiastic support for this project from UMFK President Deb Hedeem, UMS Chancellor Dannel Malloy, and the UMS Board of Trustees. We thank them and commend all our partners in this project for their commitment to the pursuit of justice.

In addition to providing legal aid to residents of Aroostook County and beyond, the RPC is instrumental in training and developing Maine's future rural attorney workforce. As we move into the third semester of the pilot, and two more students join the RPC, they are afforded an unparalleled opportunity to experience rural lawyering, hone their skills, and develop relationships in the region.

As was reported in the Annual Report to the Maine Civil Legal Services Fund Commission and the Legislature's Joint Standing Committee on the Judiciary:

Our students and the RPC quickly became an integral part of the St. John Valley legal community. They took on the difficult Lawyer of the Day duties in Fort Kent and

Madawaska District Courts and added a number of clients with family-law related issues. RPC reached its capacity soon after opening with a wide variety of cases including small claims, debt collection defense, wills, and eviction defense. The RPC students also spend time with Fort Kent undergraduate students, expanding their knowledge and understanding of issues of justice and process.

Public Service

In its first year, the RPC served 81 clients through 87 cases. The RPC served clients in both civil and criminal matters. Through the RPC, student attorneys handled family matters, domestic violence, landlord-tenant law, debt collection, preliminary criminal proceedings, and other matters.

Students also regularly participated in the Lawyer of the Day (LOD) program, where attorneys spend a day at the courthouse providing counsel to those without representation. RPC student attorney Emma Pooler discussed how participating in LOD brought her into contact with members of the community she might not otherwise have encountered.

In addition to providing attorney services to the public, RPC students and staff also function as liaisons between UMFK undergraduates and Maine Law. The presence of practicing student attorneys on campus offers insight into law school and a legal career. While its function as a recruitment tool is secondary to its legal services, programs like RPC have the potential to bolster law school enrollment among students with rural ties. Efforts in this vein are part of the long-term, structural approach we must take in solving the rural justice crisis.

In 2023, Maine Law's CLAC provided civil legal assistance to a total of 320 individuals; for several of these clients, students assisted with multiple legal matters.¹ Prior to the creation of the RPC, the CLAC was rarely able to serve clients in Aroostook County. From the Annual Report of the CLAC:

The primary demographic information tracked by the Clinic is the client's county of residence. The county-by-county breakdown of our clients' places of residence in 2023 is as follows: Androscoggin 178; Cumberland 97; Kennebec 5; Knox 10; Oxford 1; Penobscot 7; Piscataquis 1; York County 17; out-of-state 4.²

¹ An additional 1,376 individuals contacted the Clinic for legal assistance last year by phone or walk-in and were provided referrals to other agencies due to their ineligibility for our assistance or a lack of available openings at the Clinic. We have excluded from our calculations three prisoners with whom the Clinic had some contact but for whom services were not provided as they were released.

² These numbers include clients in our Prisoner Assistance Clinic, who are incarcerated in several locations throughout the state. In some instances, the prisoners do not have an identifiable "home" county, in which case we list the county of their correctional facility.

Thus, the RPC expanded the public reach of Maine Law's clinic programs to a previously unreached county and comprised 17% of the clients requiring assistance with civil matters reached through the full clinic program.

Administrative and Fiscal Planning

The robust collaborations among the individual universities of UMS were pivotal in establishing the RPC. Specifically, President Hedeem at UMFK offered the RPC office space on the Fort Kent campus, as well as student attorney housing, and access to student events. Those logistics have made all the difference in containing the costs required to set up a clinic that is geographically distant from Maine Law's physical presence in Portland.

The next step was securing funding for the RPC. With the support of Senate President Jackson, the Attorney General provided \$680,000 for this pilot RPC from funds received by the Maine Office of the Attorney General for antitrust enforcement and enforcement of the Unfair Trade Practices Act. These funds cover the costs of attorney supervision, teaching, summer internships for the students, and office costs.

With those funds, Maine Law originally hired a local practitioner, working part-time for the RPC and continuing his own practice part-time, to serve as the RPC's Clinic Professor, providing the supervision of a Maine licensed attorney during the start-up spring semester. Following the first semester, we shifted to a full-time teaching fellowship model with a part-time supervising professor this fall. The shift in supervision model will provide a substantial improvement in managing the RPC. The costs are similar, and the student supervision and community impact are greater under this new model.

We were truly fortunate when retired District Court Judge David Soucy stepped up to serve as the supervising professor for our teaching fellow and our student attorneys in the interim between models. Now, under the watchful eyes of Judge Soucy, most of the student attorney preparation is handled by one of our inaugural RPC students from spring 2023 who remained in Fort Kent after his RPC experience. Once this individual is licensed to practice law, he will take on the role of Clinic Fellow and provide most of the teaching and in-court supervision.

Regarding the finances of the RPC, we are pleased to report that applying responsible fiscal management, creating a shift in the supervision model, and providing consistent fiscal oversight have allowed us to stretch these funds. We expect to enter the third year of the RPC with over \$200,000 remaining in the funds from the Office of the Maine Attorney

General. We feel confident the remaining funds will cover almost all necessary costs for year three.

We anticipate that the teaching fellowship model will both assist with cost containment and provide full-time availability of the RPC students to be in a courtroom as necessary.

We are currently exploring with the Maine Attorney General the possibility of ongoing support for the RPC beyond the initial pilot, and we look forward to conversations with the Legislature and Governor Mills about future funding.

The Future

As the state's public and only law school, Maine Law will continue to provide the majority of new attorneys throughout the state. Approximately 85 students graduate from Maine Law each year. In recent years, as many as 80% of those graduates stay in Maine. Augmenting and supporting rural legal practice in Maine continues to be a significant goal for Maine Law.

We are proud to note that the RPC pilot, the Summer Rural Fellowship program, and other efforts of Maine Law to strengthen and grow the rural attorney workforce caught the attention of the U.S. Department of Justice, who will soon return to Maine to tour the RPC and learn more about how Maine Law is partnering and innovating to expand rural access to justice in order to promote these promising practices in other states with similar needs.

Each semester, we are addressing the challenges of the RPC as they arise. The substantial geographic distance between The Maine Center – the new facility providing home to Maine Law in Portland – and the Fort Kent campus requires attention and creativity.

We have arranged for online delivery of other classes that the RPC students are taking at Maine Law. We regularly bring RPC faculty to meetings and other gatherings through Zoom, and we are working to shore up our personal connections with them. Next semester, the Portland-based clinic faculty will begin traveling to Fort Kent to help mentor student attorneys and strengthen relationships with the RPC and the UMFK. These challenges and responses reflect the larger challenges of attracting lawyers to practice in rural areas and have offered us the opportunity to find more thoughtful and innovative ways to recruit for and manage this program.

In the first year of the RPC, 81 clients who might never have had the opportunity received legal services. The need for the RPC has been clearly demonstrated, and it is our hope that this clinic will become a permanent and fiscally supported part of Maine Law's expanding clinic programs, and that expansion into other counties will be possible soon.

Conclusion & Recommendations

Within the span of a year, the RPC has established itself as a vital resource for residents of Aroostook County and the surrounding areas. With over 60% of Maine's population living rurally, initiatives like this are imperative to closing the gap in access to legal services.

The RPC in Aroostook County proved successful by nearly every metric, including the number of clients served, the quality education afforded future lawyers, and establishing a model that can be easily adapted across the state and beyond. The report on the entire clinic is attached to provide details on the number of clients served in each of CLAC's clinics during the last year.

This is a critical juncture for the RPC, Maine Law, and access to justice in our state. With the rural clinic model successfully established, now is the time to capitalize on its momentum. Every year, we see more students committed to practicing rurally, fueled by their love of Maine, our excellent alumni network, and our Rural Fellowship program. With continuing legislative and State support, we are developing the experience and an increasingly effective clinic model that allows us to begin exploring expansion of the RPC to other counties, improving access to justice for all Mainers, and setting an example for our counterparts in other states.

We look forward to partnering with policymakers to sustain the inaugural RPC when the pilot funds run out next year, and to growing this successful model to other regions with need, including western Maine.

Hear from Our Students

Christian Jones '24



"I worked with a client who was getting a divorce. Her husband was treating her poorly, including acting abusively towards her. We secured a very good deal for her in the divorce and she left happy with how the proceeding ended. If the RPC had not helped her she likely would not have been able to afford a lawyer and would not have the security she does now or the opportunity to move forward with her life."

Emma Pooler '23

"The negative of practicing law in a small town is that people know you. The positive of practicing law in a small town is also that people know you. When you're working in rural law you must be a jack of all trades. In the clinic, I've done debt collection work, estate law, criminal defense, divorce litigation, and probate work."



Ryan Fowler '23



"Rural Practice students have had the opportunity to work with the District Attorney's office in their advocacy for clients, often securing a favorable result. Student representation, for example, resulted in the stay of a BMV driving suspension due to the student's awareness and discovery that found irregularities in a process that would have otherwise gone unnoticed. The client is now able to continue his two-hour round-trip commute for work to support his household, which includes an infant."