

University of Maine School of Law

## University of Maine School of Law Digital Commons

---

Cumberland Legal Aid Clinic Annual Report

Law School Publications

---

### 2013 Annual Report

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

Follow this and additional works at: <https://digitalcommons.minelaw.maine.edu/clac-annual-report>

---

#### Recommended Citation

Smith, Deirdre M. Cumberland Legal Aid Clinic, "2013 Annual Report" (2013). *Cumberland Legal Aid Clinic Annual Report*. 8.

<https://digitalcommons.minelaw.maine.edu/clac-annual-report/8>

This Article is brought to you for free and open access by the Law School Publications at University of Maine School of Law Digital Commons. It has been accepted for inclusion in Cumberland Legal Aid Clinic Annual Report by an authorized administrator of University of Maine School of Law Digital Commons. For more information, please contact [mdecrow@maine.edu](mailto:mdecrow@maine.edu).





# Contents

- Program Overview / 3
- General Practice Clinic / 5
- Prisoner Assistance Clinic / 6
- Juvenile Justice Clinic / 7
- Refugee & Human Rights Clinic / 9
- Protection From Abuse Program / 10
- Staffing and Funding / 11

**For more information, please contact:**

Cumberland Legal Aid Clinic  
University of Maine School of Law  
246 Deering Ave.  
Portland, ME 04102  
207-780-4370  
clac.info@maine.edu

**If you are interested in supporting the Cumberland Legal Aid Clinic, please contact:**

Office of Advancement and External Affairs  
University of Maine School of Law  
246 Deering Ave.  
Portland, ME 04102  
207-780-4342  
www.mainerawalum.org

**Cover Photo:** Maine Law student Shawn Walsh meets with a client at the Cumberland Legal Aid Clinic.

**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.

## FROM THE DIRECTOR

Thank you for reviewing the 2013 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.



Deirdre M. Smith

I often speak about the Clinic's mission as two-fold: educating law students through an intense, high-quality educational and mentoring experience while providing free legal aid to indigent Maine residents. What this dual mission means is that we are committed to serving a wide range of "clients." Because the Clinic is a core part of Maine Law's curriculum, we have designed and implement every aspect of the Clinic's program with the education of our students as the foremost consideration. We are committed to ensuring that our students' work in the Clinic provides them with the opportunity to expand their knowledge of substantive law, to develop critical lawyering skills that they can use in a range of practice settings, and to have the rewarding experience of helping real clients resolve their legal problems.

At the same time, the Clinic has been a central part of fulfilling Maine Law's community service mission for more than 40 years. As described within these pages, our student attorneys assisted more than 600 individuals last year with a wide range of legal matters, and the students' work had an even more far-reaching impact through our outreach, education, and advocacy projects. For example, we anticipate that hundreds of Maine asylum-seekers will benefit from the Pro Se Asylum Manual (described on page 9) that Clinic students researched,



The Cumberland Legal Aid Clinic's home on Exeter Street in Portland.

wrote, and field-tested last year.

We could not have accomplished all that we did last year were it not for the critical support we have received from our funders. The U.S. Department of Justice Office of Violence Against Women provided support for our Protection Against Abuse program in Lewiston District Court. Other funders, including the Maine Civil Legal Services Fund, Maine Bar Foundation, and Campaign for Justice, provided the important ongoing support that enables us to continue our core programs.

Thank you for your interest in the Clinic.

Sincerely,



Deirdre M. Smith  
Professor and 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. 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 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 2013 included the dynamics of family violence; navigation of challenging ethical issues; forensic psychology; working with interpreters; safety planning; discovery; and several others. Guest speakers included Maine District Court Family Law Magistrates Andrea Najarian and Maria Woodman, Assistant Bar Counsel Aria Eee, 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.



## 2013 by the numbers

The Cumberland Legal Aid Clinic provided varying levels of legal assistance to more than 640 clients. Services were provided year-round.

**217 cases were Protection From Abuse matters.** 122 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.

**38 percent of clients reside** in Cumberland County, which includes clients who are incarcerated at the Maine Correctional Center in Windham; 34 percent of clients live in Androscoggin County; 18 percent live in York County, and significantly smaller numbers reside elsewhere in Maine.

**Clinic clients came from 14 countries** of origin, including the U.S., Angola, Burundi, Democratic Republic of the Congo, Djibouti, El Salvador, Mexico, Somalia, Rwanda, Sudan, Honduras, Syria, China, and Iraq.

**58 students at Maine Law enrolled** in Clinic courses in 2013. In addition, the Clinic hired five student interns, one Refugee and Human Rights fellow, and one public policy fellow for the summer of 2013.

**Students last year appeared as counsel** in the following proceedings: 3 interim hearings; 65 Protection from Abuse trials; 186 Protection From Abuse agreements presented to the Court; 60 juvenile proceedings; 17 family law final hearings or trials; 2 Probate Court final hearings; 15 mediations; 4 judicial settlement conferences; 32 non-hearing proceedings before Family Law Magistrates; 14 arraignments; 5 change of pleas; 14 criminal dispositional conferences; 3 Law Court briefs; 1 Law Court oral argument; 2 bail hearings; 3 proffer meetings with the Office of the U.S. Attorney; 6 asylum hearings; 1 Adjustment Interview; 1 Immigration Court Master Calendar Hearing; and numerous other miscellaneous appearances.



Each fall, the Cumberland Legal Aid Clinic holds an open house for first-year students to learn about the course offerings.

## 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, 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 2013. Nicole Bissonnette was the Maine Law recipient of the 2013 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

2013, Brandon Rubenstein 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 that 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, Pine Tree Legal Assistance and domestic violence agencies. 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.



Students in the Cumberland Legal Aid Clinic sometimes have the opportunity to brief and argue cases before Maine's highest court.

*“My student attorney was very kind and helpful. She listened to and answered all of my questions. She was a great attorney!”*

– Client, General Practice Clinic

Each semester, the General Practice Clinic, a six-credit litigation clinic, enrolls 12 students, each of whom represents 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 2013, student attorneys represented clients on criminal charges including Assault, Assault on Emergency Medical Care Provider, Trafficking in Scheduled Drugs, Criminal Mischief, Criminal Threatening, Theft, Operating After Habitual Offender Revocation, Disorderly Conduct, Burglary of a Motor Vehicle, and 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, breach of fiduciary duty of a personal representative, breach of duty of agent, violation of duties of trustee and conservator, landlord/tenant, appeal of Department of Health and Human Services substantiation findings, consumer, conversion of property, education rights, social security, veterans benefits and other public benefits, immigration, wills/estates, and other miscellaneous issues.

## Client Stories:

### George

George needed assistance with an unpaid restitution order stemming from a criminal conviction many years ago. George is a veteran who had been in and out of prison in the years since that conviction, and then became seriously ill. Because George had failed to appear for earlier court dates (he was either in prison or in the hospital), the District Attorney's Office was seeking a jail sentence for his failure to make the payment. However, George's student attorney worked with him to develop a monthly budget and to apply for Veterans Benefits. The student attorney then presented the background on George to the Assistant District Attorney, along with a proposal for George to make the payments. The ADA accepted the deal, and George avoided serving any additional jail time.

### Justine

Justine sought help from the Clinic to become the guardian of her 10-year-old brother, Samuel, who had been sent to live with Justine by their mother, who lived in an African country well-known for widespread violence and a corrupt government. Justine and Samuel's father had recently died and their mother was seriously ill and unable to care for Samuel. General Practice Clinic student attorneys successfully petitioned the Probate Court for Justine to be appointed as Samuel's legal guardian. With that court order in place, they collaborated with student attorneys in the Refugee and Human Rights Clinic to help Samuel obtain “Special Immigrant Juvenile” status from the U.S. Customs and Immigration Services, which will enable him to remain in Maine with his family.

## Client Story:

### Melissa

Melissa is an adult under guardianship order in which the State had been appointed as her guardian. Melissa contacted the Prisoner Assistance Clinic because she felt she no longer needed a guardian, and had been abused by her guardian. She was serving a two-year sentence for setting fire to the group home in which she had been living. She had undergone a range of competency evaluations, some of which had concluded that she was not competent due to her various diagnoses, including organic brain dysfunction. The student attorney assigned to Melissa's case worked with her to examine whether she had improved sufficiently to no longer need a guardian. Through this process, the student attorney and Melissa developed a good and trusting relationship. As the student explained the guardianship order and the standard that would apply to a termination proceeding, Melissa understood that she was not yet ready to seek such a petition. By having someone take the time to explain the process and her rights, Melissa moved from being scared, angry, and demanding, to someone who understood why the guardianship order was in place, and the steps she would need to take before she could seek termination.

*"Your service is so helpful for us. We have limited options and services available, so I felt lucky to be listened to."*

– 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 137 prisoners during 2013. 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 prison-

ers 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 408 client meetings at the prison in 2013. Most of the matters involve family law, such as parental rights and child support, and probate-related proceedings, including guardianship. But students also assisted prisoners with a wide range of legal matters including: adult guardianship; tort defense; drafting trusts, wills, living wills, and advanced health care directives; copyright and trademark; breach



Student attorneys at Maine Law regularly travel to meet prisoners at corrections facilities.

of fiduciary duty; conversion of property, name change; contract claims; attorney's fees disputes; real estate; landlord/tenant; powers of attorney; individual rights; taxes; preservation of professional/business license; and bankruptcy. Recently, the Clinic has been receiving an increasing number of requests for help from disabled prisoners. They need assistance in applying for Social Security benefits, to ensure they receive assistance and adequate medical treatment when they are released, to help them stay out of trouble and out of prison.



*“My son’s student attorney was very professional. We are very grateful to her and the supervisor for everything they did for my son. A job well done by all!”*

- Mother of Juvenile Justice Clinic client

The Juvenile Justice Clinic, launched in the fall of 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 2013 the Clinic provided legal services to more than 168 clients. This includes 27 teens and young adults through the Street Law Project, and 141 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 2013 the Juvenile Justice Clinic provided full representation to approximately 57 children who were facing charges including Arson, Burglary of Motor Vehicle, Assault, Criminal Mischief, Possession of Alcohol, Possession of Dangerous Knives, and Unlawful Sexual Contact. 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.



Maine Law students are accustomed to standing up for their clients in court.

## Lawyer of the Day Program

On several occasions in 2013, 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 43 juveniles, primarily in negotiations with the District Attorney’s Office.

## 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 Clinic has partnered with a number of other guardians ad litem to provide volunteer services to some of the highest risk youth in the delinquency system. The Clinic has expanded its Guardian ad litem project to include Lewiston District Court (including serving as GAL for one of the juveniles alleged to have started a major building fire in downtown Lewiston). Courts in three counties (York, Cumberland, and Androscoggin) now 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 five juveniles during 2013, enabling them to gain a deeper understanding of the unique and critical role that guardians serve in court proceedings.

## Client Story:

### Chase

We met Chase and his mother at Juvenile Court in Biddeford in our role as Lawyer of the Day. He was facing an assault charge for an incident that occurred at his high school a number of months earlier. The delay in prosecution resulted because no teachers or administrators were aware that the incident transpired until it was posted on YouTube. The video showed two students in the gym locker room. The students put on hockey gloves and sparred for about 45 seconds, then shook hands and walked away laughing. Eventually, a teacher viewed the video and sent the link to the school resource officer, who decided to charge the two students.

Chase’s student attorney had a long talk with Chase and his mother in court, and found out many very positive things, such as that he was a college-bound honor student with no prior history in the juvenile system. Given the nature of the allegations, the student attorney asked the court to dismiss the petition as a de minimis infraction. The student attorney cited not only the individual characteristics of Chase and Maine case law supporting a dismissal in these circumstances, but noted law review articles and Department of Justice reports that detailed the negative impact of needlessly involving children in the juvenile justice system.

After review of the student attorney’s motion to dismiss, the District Attorney’s office decided to dismiss Chase’s assault charge instead of proceeding to hearing.



## Client Story:

### Joey

Portland District Court appointed us to serve as the Guardian ad litem for Joey, who had been charged with multiple assaults and other property crimes at his father's home. Although the evidence against Joey was questionable, the court did not want to send Joey back with his father because of the constant chaos and police involvement at that house. Prior to our appointment, the court placed Joey with his mother, but was not comfortable with him staying there, based on her prior history. She had been investigated by DHHS a few years earlier, and Joey had been removed because of substantiated allegations of neglect.

The student attorney did a thorough investigation of the two homes, and looked into potential relative placements throughout New England. After many interviews the student attorney found an aunt who lived out of state, but had a very close and positive relationship with Joey. The student convinced the mother and father to provide the aunt with a Power of Attorney that allowed her to enroll Joey into a new school, as well as take care of his medical care and other needs. Based on Joey's great performance in his new school and new home, the Assistant District Attorney agreed to file, and eventually dismiss, all his pending charges.

## "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 fifth 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.

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. The TATC Project provided 32 legal consultations last year, and took on a few clients for full representation. In 2013, student attorneys provided assistance on a range of legal issues including education rights, public benefits, immigration, disability, consumer, housing, emancipation, employment (wage & hour, wrongful termination), adult guardianship, and family law. During the summer of 2013, we expanded the TATC Project at the Preble Street Teen Center by adding an evening session once a month and strengthening our work with unaccompanied immigrant youth.

## 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 as well as providing direct representation to individuals. Such work offers students the opportunity to contribute to initiatives with far-reaching impact.

The Juvenile Justice Clinic started a new policy development project this year to address the practice of certain county sheriff departments to handcuff and shackle all children during transport to and from juvenile court, as well as requiring the children to remain in shackles during their court proceedings. This year's Cushman Anthony Fellow, working with the National Juvenile Defender Center, drafted a template motion and

memorandum for defense counsel and guardians ad litem to file in juvenile cases where children are being handcuffed and/or shackled in court. A Clinic student attorney, in her capacity as a guardian ad litem, filed and won such a motion in a case pending in Lewiston District Court involving a thirteen-year-old child. The motion has been shared with the juvenile defense bar and the Child Protective and Juvenile Justice section of the MSBA, as well as with the judiciary.

The Juvenile Justice Clinic is partnering with Bernstein Shur, Casco Bay High School and the Sam L. Cohen Foundation to bring "Street Law" to Portland. Street Law is a national, non-profit organization that for the last 40 years has created classroom programs to teach high schools students about law, democracy and human rights.

The Juvenile Justice Clinic obtained a critical policy change for special education proceedings. A few years ago, the Sanford School Department initiated a requirement for parents of children with disabilities who raised concerns about their children's individualized education programs (IEPs). The school department, with backing from the Maine Department of Education, forced parents to file written notice of their concerns three days before any IEP meeting or their issues would not be considered. In response to this policy, a Juvenile Justice Clinic student sent a letter detailing and complaining about the practice to the U.S. Department of Education. The Director of the USDOE Office of Special Education Programs responded with an advisory opinion stating that implementation of this policy was "inconsistent with the intent and requirements of the IDEA." The advisory opinion was distributed to education attorneys throughout the state and was published in a Special Education Law Reporter as "Letter to Northrop."

The Juvenile Justice Clinic serves as the Maine "expert" on the American Bar Association's project "Think Before You Plea: Juvenile Collateral Consequences in the United States." Students helped the ABA gather and edit the Maine information on the site [www.beforeyouplea.com/me](http://www.beforeyouplea.com/me) and will work to update the site as needed.

# REFUGEE AND HUMAN RIGHTS CLINIC

*“The RHRC was an incredible experience. Finishing my asylum case is the most rewarding thing I’ve ever done.”*

– Student in the 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 new 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 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. RHRC students collectively spent 2,000 hours during 2013 working on asylum cases.

During 2013, Clinic students worked with clients from African and Middle Eastern countries, most referred by ILAP, in filing petitions for asylum. Each of these clients presents compelling stories of survival.

In December, the Clinic published “Asylum: How to Apply for Asylum in the United States,” a manual for Maine asylum seekers representing themselves. This manual was created in collaboration with



ILAP, and several Clinic students were involved with drafting. In 2014, the Clinic will develop and implement a plan for outreach to ensure that as many asylum-seekers as possible have access to this valuable resource.

From September through December 2013, RHRC students worked closely with ILAP to offer a series of Pro Se Forms (Work Permit) Clinics to assist asylum seekers in applying for work authorization. Obtaining work authorization is a critical step in allowing asylum seekers to become self-sufficient. Between September through December, students assisted nearly 30 individuals through this project.

RHRC students also created an immigration library at the Cumberland County Jail (CCJ) to help educate immigrant detainees (who are usually being held solely for immigration law violations and who have no access to counsel) on their legal

## Client Story:

### A family seeking asylum

RHRC students represented a young couple with an infant child from a country in the Middle East embroiled in a brutal civil war. The couple served as humanitarian workers and were forced to flee because of the systematic targeting, abduction, arrest, torture and killing of human rights workers in their country. Many of their colleagues and close personal friends were arrested, imprisoned and tortured for conducting similar work, and they feared they would be next. Students spent countless hours documenting their clients’ experience. They conducted multiple client interviews; they worked closely with lay and expert witnesses; they marshaled domestic and international evidence; and they researched and drafted a legal brief arguing that their clients are eligible for and deserving of asylum in the United States. Should the Department of Homeland Security approve their asylum application, this couple and their infant child will be permitted to remain in the United States.

rights. The students reached out to individuals, local law firms, schools, libraries, organizations and religious institutions to raise money and books for the law library. They surpassed their donation goals and were able to obtain and donate dozens of print and other resources to CCJ, providing critical information to immigrants facing possible deportation.

Starting in 2013, RHRC Clinic students participated in the Clinic’s outreach to immigrant youth through the TATC Project at the Preble Street Teen Center (described earlier), including conducting intakes and “know your rights” presentations to immigrant youth to help assess their eligibility for immigration status and to otherwise help them navigate the system.



# PROTECTION FROM ABUSE PROGRAM

## Client Story:

### Betty

Betty filed for a Protection Order against Owen, her former partner and the father of her four children. Displeased with the infrequency of his supervised visitation under a family court order, Owen began showing up at her doorstep late at night, often intoxicated, demanding to see the children. His new girlfriend drove him each time to Betty's home, and egged him on. One time, when Betty told him to leave, Owen tried to enter the house by sticking his foot in the door so Betty couldn't close it. Betty was scared by his behavior and felt violated.

Betty's student attorney tried to negotiate an agreement, but Owen was insistent that his girlfriend be allowed to supervise visits. Betty was uncomfortable with that, given the poor judgment the girlfriend had demonstrated. At trial, the student attorney was able to elicit not only Owen's tormenting behavior, but also the inappropriateness of having the girlfriend supervise the visits. The court granted the protection order, and Owen is now expressly prohibited from coming to Betty's home, and the girlfriend is not permitted to supervise visits.

Betty said her student attorney was "always supportive" and "answered questions so that she could understand." Betty has used the services of the Cumberland Legal Aid Clinic in the past, and describes the students as a "wonderful bunch."



Student attorneys represent clients in protection from abuse (PFA) cases at Lewiston District Court.

*"Thank you so, so much. This was a scary thing for me to do, and your support was truly appreciated."*

– 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 2013, the Clinic represented 217 clients in PFA cases. Clinic student attorneys work closely with court advocates from Safe Voices (formerly the Abused Women's Advocacy Project), a non-profit organization based in Lewiston-Auburn. 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 as well as the legal remedies available to victims.

In late 2013, the Law School received word that the United States Department of Justice Office of Violence Against Women agreed to continue to fund a new collaboration of which the Law School is a participant. 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; United Somali Women of Maine; and Sexual Assault Prevention and Response Services. The partnership will create a referral protocol among the partners 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 grant will support the Clinic's Protection from Abuse Program in Lewiston District Court, as well as our extended representation of many of the clients we serve through that project.

## CLINIC STAFFING & FUNDING

### Faculty and Staff

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 and Mental Disability Law.

She received the 2013 University of Maine School of Law Women's Law Association Outstanding Alumna Award. She was appointed by the Offices of Congresswoman Chellie Pingree, Congressman Michael Michaud, and Senator Angus King to the Screening Panel for the selection of a new U.S. District Court Judge. Professor Smith chairs the Maine Supreme Judicial Court's Advisory Committee on the Rules of Evidence, is a member of several committees addressing issues of expanding access to justice in Maine, and she served as one of the lead organizers for the Third Biennial Access to Justice Symposium, "Relations and Rights: Emerging Issues for Maine Families," held in January 2014.



**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 2013, 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 was a presenter at the MSBA's Bridging the Gap Program given every fall for newly admitted lawyers to the Maine Bar. He worked on initiatives with the MSBA and Maine Bar Foundation to expand job opportunities (and the provision of legal services)

in Maine's rural counties. He also serves as a consultant to the Wabnaki Truth and Reconciliation Committee in its work with people who are incarcerated.



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 2013 he also supervised students in the General Practice Clinic. Professor Northrop was re-elected President of the New England Juvenile Defender Center. Professor Northrop serves on the advisory board for the National Juvenile Defender Center. He was a panelist for the presentation "Trauma and the Judicial Process" at the Maine Judicial College in Bangor in October, on the faculty of the National Juvenile Defender Leadership Summit in Phoenix in November, and was an invited participant in the MacArthur Foundation's Models for Change conference in Washington D.C. in December.



**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 serves on the Court of Appeals for the First Circuit's Criminal Justice Act Panel Admissions Committee. She received the 2013 Thomas P. Downing Award, which is which honors individuals in the legal aid field for their dedication to poor and vulnerable Maine residents.

**Anna Welch** joined the Clinic's faculty in 2012 as Libra Visiting Professor to design, launch, and supervise the new Refugee and Human Rights Clinic. Professor Welch co-authored an Op-Ed published in the Portland Press Herald in December 2013 titled "Comprehensive Immigration



Reform Remains Essential for Maine's Future." She was a presenter at the Immigrant Legal Advocacy Project Pro Bono Panel Training (CLE), on the topic "Representing Asylum Seekers in Removal Proceedings" in May 2013. Professor Welch remains an active member of the Immigrant Legal Advocacy Project's Pro Bono Panel as well as an active member of the Maine Immigrants' Rights Coalition.

The Clinic is fortunate to have a committed, hard-working and indispensable staff. **Karen Murphy** serves as our Administrative Manager. **Angela Morgan** joined our staff in 2013 as an Administrative Assistant, and **Nancy Peterlin** continued her role as Administrative Assistance 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.

### Funding

In 2013, approximately 30 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 Bar Foundation, which provided an Annual Grant of IOLTA funds. Other significant sources of external funding during 2013 include the Campaign for Justice, Sam L. Cohen Foundation, Davis Family Foundation, 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. The Law School's Student Bar Association sponsored a 5K road race, "Race Judicata," to benefit the Clinic.





Cumberland  
Legal Aid Clinic