

# **MAINE CIVIL LEGAL SERVICES FUND COMMISSION**

## **MINUTES OF PUBLIC MEETING**

**October 20, 2009, Augusta, Maine**

A public meeting of the Maine Civil Legal Services Fund Commission (“Commission”) was held on October 20, 2009, at 10:30 a.m. in Room 208 of the Burton M. Cross State Office Building in Augusta, Maine. Commissioner Janis Cohen presided over the hearing with fellow Commissioners David Fletcher and Paul Chaiken.

The purpose of the public meeting was to discuss and make funding allocations and decisions for the 2010-2011 funding cycle based on applications that had been submitted to the Commission by the October 2, 2009, deadline. Notice of the application process as well as notice of the meeting were published on the webpages for the Maine Bar Foundation, the Maine State Bar Association and the State of Maine Judicial Branch. In addition, the Maine Bar Foundation sent an email to all current recipients of the fund.

The Commission received 11 applications for funding from the following organizations:

Cumberland Legal Aid Clinic  
Disability Rights Center  
Immigrant Legal Advocacy Project  
Legal Services for the Elderly  
Maine Center on Deafness  
Maine Equal Justice Project  
Maine Volunteer Lawyers for the Arts  
Penquis CAP Law Project  
Pine Tree Legal Assistance  
Volunteer Lawyers Project  
York County Community Action Corp.

Commissioner Cohen opened the meeting at 10:40 a.m., introduced Commissioners Fletcher and Chaiken and described the process the Commission would follow for the meeting. Prior to commencing proceedings, Commissioner Chaiken provided information regarding three potential conflicts he had with respect to the pending applications. One of the conflicts involved Commissioner Chaiken’s service as chair of the Bangor Housing Authority, which had been the defendant in a legal action brought by one of the applicants. The other two conflicts involved two members of Commissioner Chaiken’s firm who serve as board members for two of the applicants. Commissioner Chaiken asked the attendees to raise any objections regarding his service on the Commission. There were no objections.

Commissioner Cohen invited the President of the Board of Directors for the Maine Bar Foundation, Arnold MacDonald, to provide information and remarks regarding the status of the Maine IOLTA fund. President MacDonald described the challenges faced by the Foundation as it seeks to preserve funding for Maine's legal services providers in a time of declining revenues and increasing demand. President MacDonald urged the Commissioners to be cognizant of the need to support the core legal service providers in the state.

Commissioner Cohen then opened the meeting to presentations by each organization, taken in reverse alphabetical order.<sup>1</sup> Commissioner Cohen advised the applicants that they would have ten minutes to provide general statements to the Commission, during which time she asked them to provide answers to provide the following specific information:

- Give a concise explanation of the program for which you are requesting funds, and for those who are prior recipients, identify any new initiatives;
- Address and justify any services that are duplicative of other providers;
- Address other funding sources for the program;
- Address the impact of receiving less funding than what has been requested; and
- Justify any proposed salary increases included in the application for funds

The following individuals gave statements and answered the Commission's questions on behalf of the organizations with which they were affiliated:

*York County Community Action Corp.:*  
Debby Downs, Director, Community Outreach  
Helen Rousseau, Paralegal

*Volunteer Lawyers Project:*  
Rick McKittrick, Chair of VLP  
Juliet Holmes-Smith, Executive Director

*Pine Tree Legal Assistance:*  
Cesar Britos, Board Member  
Nan Heald, Executive Director

*Penquis CAP Law Project:*  
Tamar Mathieu, Director  
Shannon Bonsey, Deputy Director, Penquis CAP

*Maine Volunteer Lawyers for the Arts*  
Peter Guffin, Board Member  
Ezekiel Callanan, Director  
David Marshall, Supporter

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<sup>1</sup> The Commission agreed to take the Cumberland Legal Aid Clinic out of order due to a scheduling issue of one of its representatives.

*Cumberland Legal Aid Clinic:*

Dean Peter Pittehoff and Professor Deirdre Smith, Director

*Maine Equal Justice Partners:*

Gerald Petruccelli, Board Member

Sarah Gagne Holmes, Executive Director

*Maine Center on Deafness:*

Amy Snierson, Director of MCD's Civil Rights Program

Elissa Moran, Director

*Legal Services for the Elderly:*

Charlie Soltan and Roberta Downey, Board Members

Jaye Martin, Executive Director

*Immigrant Legal Advocacy Project:*

Peter Darvin, Board Member

Beth Stickney, Executive Director

*Disability Rights Center:*

David Webbert, Vice Chair, Board of Directors

Kim Moody, Director

Peter Rice, Chief Litigator

After a brief recess, the Commission commenced its deliberations. The Commission used the number of \$1.8 million as the most accurate estimate of the amount that will be available for distribution during this funding cycle. Based on the information provided by the organizations, the Commission concluded that it was not able to provide full funding as requested by each applicant.

The Commission concluded that one organization, the Maine Volunteer Lawyers for the Arts, would not receive funding. Commissioner Cohen pointed out that this organization has not had a full year of experience, and does not meet eligibility criteria for receiving funding. She also pointed out that the organization may be using an income threshold that puts its clientele outside of what is considered low-income, which is another potential eligibility issue. Commissioners Fletcher and Chaiken commented that eligibility issues aside, in the current economic climate, this was not the time to award a grant to this organization. The need for funding for the core legal services providers was simply too great to allow for funding of this organization at present. The Commission encouraged the Maine Volunteer Lawyers for the Arts to apply in a future funding cycle.

With respect to the remaining ten applicants, the Commission concluded that each of the organizations had demonstrated an ability to meet the selection criteria set forth in section 4 of the Rules for the Maine Civil Legal Services Fund Commission, which were promulgated on July 1, 2007, by the Maine Supreme Judicial Court.

The Commission decided on the following allocations:

|                                  |                     |
|----------------------------------|---------------------|
| Maine Center on Deafness         | \$15,000 annually   |
| York County CAP                  | \$20,000 annually   |
| Penquis Law Project              | \$30,000 annually   |
| Disability Rights Center         | \$30,000 annually   |
| Cumberland Legal Aid Clinic      | 7% of remainder     |
| Immigrant Legal Advocacy Project | 5% of remainder     |
| Legal Services for the Elderly   | 20.25% of remainder |
| Maine Equal Justice Project      | 11.25% of remainder |
| Pine Tree Legal Assistance       | 50% of remainder    |
| Volunteer Lawyers Project        | 6.5% of remainder   |

A spreadsheet was generated by Commissioner Chaiken, in consultation with Commissioners Cohen and Fletcher, reflecting these allocations. The spreadsheet is attached to these minutes.

The Commission further determined that in the event the fund exceeds \$2 million, it will revisit the funding allocations. The allocations determined at the October 20 meeting, and particularly the percentage allocations, are operative until the fund reaches \$2 million. In the event the fund exceeds this amount, the Commission reserved the right to revisit its allocation of funding by giving notice to the grant recipients of an opportunity to present information to update and supplement their applications on file for the 2010-2011 funding cycle.

The hearing was adjourned shortly before 6:00 p.m.

Respectfully submitted,

/s/ Janis Cohen  
Janis Cohen, Esq.

/s/ David J. Fletcher  
David J. Fletcher, Esq.

Paul W. Chaiken  
Paul W. Chaiken, Esq.