



IMMIGRANT LEGAL ADVOCACY PROJECT

December 29, 2017

Matthew Pollack, Executive Clerk
Maine Supreme Judicial Court
205 Newbury Street, Room 139
Portland, ME 04101

via electronic mail lawcourt.clerk@courts.maine.gov

Re: ILAP Comments on Proposed Amendment to Maine Rule of Professional Conduct 8.4

Dear Justices of the Maine Supreme Judicial Court:

Thank you for the opportunity to submit comments on the Proposed Amendment to Maine Rule of Professional Conduct 8.4. I am the Executive Director of the Immigrant Legal Advocacy Project (ILAP) and an attorney licensed to practice in Maine. ILAP is Maine's only statewide immigration legal aid organization. Our mission is to help low-income immigrants improve their legal status and to advocate for more just and humane laws and policies affecting immigrants. With a staff of 13 and over 200 volunteers, including 160 *pro bono* attorneys, ILAP serves over 2,000 low-income immigrants throughout the state of Maine each year.

ILAP applauds the Court for addressing the important issue of harassing and biased conduct by Maine attorneys. However, the proposed amendment does not go far enough because it only applies to unlawful conduct. ILAP encourages the Court to adopt stronger and clearer standards such as those set out in the American Bar Association's Model Rule 8.4(g), which was adopted by Vermont. ILAP also supports the comments submitted by Nan Heald, Executive Director of Pine Tree Legal Assistance.

In addition to protections for attorneys, ILAP encourages the Court to address discriminating and biased behavior towards *pro se* litigants. Although ILAP attorneys do not typically appear in Maine courts because our practice is federal, our clients are witnesses, defendants, and plaintiffs in the state courts. They are particularly vulnerable because they often do not speak English and are unfamiliar with American customs and legal procedures. Many come from countries where they have been persecuted by their governments, including police, judges, court personnel, and attorneys in their court systems.

Immigrants are particularly vulnerable during this time of drastically changing immigration policies and increased ICE enforcement. There is much fear, anxiety, and confusion in the immigrant community. After the ICE arrest at the Cumberland County Court last April, and the reports that court marshals were clapping, some members of the immigrant community have expressed fear of going into the courts. Immigrants will be hesitant to access the courts if they experience discriminatory or biased behavior by attorneys or court staff, or if they witness their attorneys being subjected to such behavior. This will prevent them, and other *pro se* litigants, from having access to justice.

Thank you for your consideration of these comments.

Respectfully submitted,

/S/

Susan A. Roche
Executive Director