

**STATEMENT OF PRIORITIES  
PINE TREE LEGAL ASSISTANCE**

Approved by the Board of Directors on April 5, 2006

As a statewide provider of free legal services to low-income individuals, Pine Tree follows a general list of priorities for the range of services available from its basic field offices and special projects, and that list is reprinted below. It is intended to provide general guidance to the public regarding those legal issues that are traditional areas of concern for our statewide civil legal service program, including those for which no other legal resource is currently available in Maine. **The precise level of services that will be provided to any individual client depends on staff resources available at the time of the request, and may be limited in scope to brief advice and self-help coaching.** New areas of service are in italics and both highlighted in bold text and underlined.

Pine Tree operates the Volunteer Lawyers Project for the Maine Bar Foundation and both Pine Tree and the VLP collaborate in providing assistance to low-income individuals in Maine. In areas where the VLP plays an especially significant role in providing representation to low-income individuals, that role has been highlighted in the text below.

Pine Tree will also consider adoption of a programwide workplan for each calendar year in order to highlight areas of special concern to low-income individuals in Maine. The workplan is expected to identify four to five legal problems for which Pine Tree will provide staff resources from one or more local field offices or special projects. Those problems may already be listed below but they may also include new areas of concern. The workplan may also include pilot projects to address longstanding areas of concern for low-income individuals where no other organization or entity appears available to provide assistance. This workplan will be presented to the Board for approval at its spring meeting and will also be publicized on the Pine Tree website.

**I. PRIORITY NUMBER ONE: MAINTAINING, ENHANCING AND PROTECTING INCOME AND ECONOMIC SECURITY FOR LOW-INCOME MAINERS.**

**A. Goal: To protect subsistence income through public assistance programs.**

- i. Cases: Represent individuals appealing denial, reduction or termination of income and non-cash assistance programs. Pursuant to a special state contract, represent individuals who are recipients of general assistance or TANF in obtaining disability benefits. Refer individuals with disability claims who are ineligible for the Pine Tree contract and individuals with unemployment compensation claims to pro bono attorneys through the VLP.
- ii. Matters: Provide information, assistance and referral where appropriate to individuals with questions about income and non-cash assistance programs. Update and maintain or create other appropriate legal education materials. Provide comments in response to public rulemaking

requests involving public assistance programs. Respond to inquiries involving public assistance programs that seek Pine Tree's special expertise in these programs on behalf of State agencies, local communities or the Legislature.

**B. Goal: To insure the accurate handling of child support payments to benefit custodial families.**

- i. Cases: Represent custodial parents who face the loss of public assistance as a result of allegations regarding past or present child support payments.
- ii. Matters: Provide information, assistance and referral where appropriate to individuals with questions about child support collection and payments. As appropriate, update or create client education materials.

**C. Goal: To enhance opportunities for low-income individuals to find stable employment through education, training, and job placement programs.**

- i. Cases: Represent individuals denied benefits or opportunities through publicly-funded education, training and job placement programs. As staff resources permit, represent individuals whose employment licenses have been improperly annotated or revoked.
- ii. Matters: Provide information, assistance and referral where appropriate to individuals with questions about education, training and job placement programs. As appropriate, update or create client education materials related to this area of law.

**D. Goal: To protect individual family assets and income essential to maintain stability.**

- i. Cases: As staff resources permit, represent individuals with serious consumer problems, including onerous installment purchases, financial scams or price gouging. As staff resources permit, represent individuals in personal bankruptcy to preserve the family home. As staff resources permit, represent individuals who have a meritorious defense to an alleged overpayment of a public benefit where collection of the overpayment will diminish the household income if unaddressed. Refer other individuals with consumer problems (especially bankruptcy, debt collection and small damage claims) requiring representation to pro bono attorneys through the VLP.
- ii. Matters: Provide information, assistance and referral to individuals regarding consumer matters, including but not limited to debt collection and student loan repayment. As appropriate, update "Debt Collection in Maine" and other related client education materials.

**E. Goal: To enforce legal rights of individual taxpayers related to federal tax**

obligations and programs.

- i. Cases: Consistent with a special grant from the IRS, represent or provide pro bono referrals through the VLP to individuals involved in tax controversies with the Internal Revenue Service, particularly on behalf of victims of domestic violence and individuals with limited English proficiency.
- ii. Matters: provide information, assistance and referral to low-income individuals and individuals who speak English as a second language regarding federal tax rights and responsibilities. As appropriate, conduct low-income taxpayer clinics for individuals who speak English as a second language or who face equivalent literacy barriers . Provide self-help materials and other resources on the Internet and in hard copy.

**F.** Goal: To enforce legal rights of individual employees who are confronted with legal problems related to their jobs.

- i. Cases: As staff resources permit, represent individuals involved in work-related legal disputes, including denials of parental leave benefits, and wage and hour violations, which threaten the economic stability of their family where no other legal service is available.
- ii. Matters: As staff resources permit, provide information, assistance and referral to individuals with employment-related legal problems where no other legal service is available.

**G.** *Goal: To enforce federal and state laws regarding lending to Maine consumers and homeowners and to enable individuals to avoid predatory lending schemes*

- i. *Cases: As staff resources permit, represent individuals who have been subjected to predatory lending schemes and who have no other legal recourse available to them.*
- ii. *Matters: As staff resources permit, provide information, assistance and referral to individuals regarding predatory lending where no other legal service is available.*

## **II. PRIORITY NUMBER TWO: PRESERVATION OF HOUSING AND RELATED NEEDS**

**A.** Goal: To preserve subsidized and other affordable family housing situations.

- i. Cases: Represent families or individuals with the following types of serious housing problems: families and individuals with disabilities facing

eviction from publicly subsidized units; families and individuals with disabilities facing private eviction where the client will be left homeless if the eviction is successful; individuals who face the loss of their housing subsidy as a result of eviction; individuals or families facing eviction who are residents of mobile home parks; individuals facing eviction who have long term leases or other significant interests in maintaining their housing; and individuals or families facing eviction under exceptional circumstances that would make moving a special hardship for that individual or family.

- ii. Matters: Provide information, assistance and referral where appropriate to low-income individuals with questions about subsidized and other affordable family housing and, where appropriate, individuals referred pursuant to the HUD housing counseling program.

**B. Goal: To enforce Maine law regarding housing on behalf of low-income individuals.**

- i. Cases: Represent individuals or families who are confronted with violations of Maine law regarding housing: individuals and families facing illegal eviction, including wrongful utility shutoffs; warranty of habitability cases (including common metering, lead and asbestos abatement); cases regarding repairs, rent abatements and/or terminating the tenancy to pursue suitable housing.
- ii. Matters: Provide information, assistance and referral where appropriate to low-income individuals with housing questions. Update "The Rights of Tenants in Maine" and other housing legal education materials as appropriate.

**C. Goal: To insure that low-income Maine families do not face illegal or unnecessary utility terminations and benefit fully from federal and state laws regarding fuel assistance programs.**

- i. Cases: Represent individuals or families who are confronted with utility terminations or who have been denied fuel assistance benefits.
- ii. Matters: Provide information, assistance and referral where appropriate to Maine families or individuals facing utility disconnection or needing fuel assistance. Distribute existing client education materials on these topics to appropriate clients and develop new client education materials as needed.

**D. Goal: To protect home ownership by low-income Maine individuals.**

- i. Cases: Represent individuals and families who are confronted by legal challenges to initial or continued homeownership, including families

denied access to or facing foreclosure from publicly funded mortgage loans, individuals or families who have been denied poverty tax abatements and individuals or families who become subject to improper actions by their municipality which threaten continued residence in their family home. As pro bono resources permit, refer individuals with real estate disputes and individuals with private foreclosure problems to pro bono attorneys through the VLP.

- i. Matters: Provide information, assistance and referral where appropriate to low-income individuals and families who are confronted by legal challenges to initial or continued homeownership.

**E. Goal: To reduce homelessness in Maine among teens, adults, and families**

- i Cases: Represent individuals and families who are at risk of homelessness where legal representation can prevent that outcome, and provide representation to those who have already become homeless in order to stabilize their living situation.*
- i Matters: Provide information, assistance and referral where appropriate to low-income individuals and families who either are at risk of homelessness or have already become homeless.*

**Goal: To utilize Pine Tree's special expertise in low income housing on broader issues, where appropriate:**

- i. Matters: As requested, respond to inquiries from state agencies, the Legislature or other groups on low-income housing *and homelessness* issues. As appropriate, participate in projects that address the legal aspects of housing for low-income individuals, *as well as those that address homelessness..*

**III. PRIORITY NUMBER THREE: PROMOTING THE SAFETY, STABILITY AND WELL-BEING OF LOW-INCOME MAINERS**

**A. Goal: To assist victims of domestic violence and their children in obtaining protection from abuse and stabilizing their family situation.**

- i. Cases: Represent victims of domestic violence and their children in protection from abuse cases on referral from local shelters or, in appropriate cases, self-referral. Where appropriate, final orders should address custody determinations, preservation of housing and coverage of medical bills.

- ii. Provide information, assistance and referral to low income individuals with questions regarding protection from abuse. As requested, participate in local domestic violence task forces or similar projects. Respond to inquiries from shelters, the Courts, state agencies and legislators regarding legal issues facing victims of domestic violence. Where appropriate, develop client education and website materials on protection from abuse.

**B. Goal: Assist low-income individuals to make informed decision regarding divorce and other family law proceedings, including parental rights and responsibilities.**

- i. Cases: Where staff resources permit or where special grants support this work, represent victims of domestic violence, individuals with disabilities and other individuals in special need of legal representation in resolving family law disputes. Serve as a guardian ad litem upon request of the Court in appropriate cases involving low-income children. Refer other eligible individuals needing family law representation to the VLP for possible representation by pro bono attorneys.
- ii. Matters: Provide information, assistance and referral to individuals with legal questions regarding family law. Update and maintain self-help materials for family law litigants, including website information and interactive forms. Participate in projects sponsored by the courts and others which will assist pro se litigants in these proceedings. Coordinate and maintain courthouse assistance projects to assist pro se litigants.

**C. Goal: To maximize access to health care for low-income individuals in Maine.**

- i. Cases: Represent individuals facing the following barriers to access to health care: individuals denied Medicaid benefits, including scope of services, denial of nursing care or community based waiver services, *as well as individuals under 60 who require representation in appeal of Medicare Part D coverage*. Represent individuals who should have been exempted from managed care because they meet one of the enunciated criteria for exemption. Represent individuals denied benefits under managed care. Represent individuals with charity care claims.
- ii. Matters: Provide information, assistance and referral to individuals with legal questions regarding health care. Provide comments in response to public rulemaking involving Medicaid or managed care. As requested, participate in projects or respond to inquiries from State agencies, legislators or others seeking Pine Tree's special expertise in Medicaid/managed care issues.

#### IV. PRIORITY NUMBER FOUR: IMPROVING OUTCOMES FOR CHILDREN

##### A. **Goal: To give all children access to appropriate educational programs**

- i. Cases: Represent children with special education claims and students for whom residency is a barrier in enrollment in local schools, especially students with disabilities that impact on learning who cannot access other legal services to assist with these problems. ***Represent children in disciplinary proceedings where they are at risk of being expelled or suspended from school where past programming or school conduct has been a factor in the student's conduct.*** Refer individuals who cannot access free legal services to the VLP for possible pro bono representation.
- ii. Matters: Provide information, assistance and referral to individuals whose children do not have access to appropriate educational programs. ***Update or create client education materials involving educational issues for inclusion on the Pine Tree and KIDS websites.***

##### B. **Goal: To maximize and protect income specifically intended for children, including public benefits programs and child support.**

- i. Cases: Represent individuals in denials of child's SSI and Social Security benefits and meritorious waiver of recovery of child's SSI and Social Security overpayment denials or in cases involving potential error in payment of child support payments by SELU. ***Represent teen parents in accessing benefits programs that will provide needed support for their family.***
- ii. Matters: Provide information, assistance and referral for ***teen parents and*** families facing legal problems involving income for their children, including custodial parents who are not receiving child support as ordered or needed from the noncustodial parent, and parents of children with disabilities who may face reductions or terminations in the child's disability benefits.

##### C. **Goal: To maximize children's access to necessary health care**

- i. Cases: Represent children denied Medicaid benefits or Medicaid-type services which the Department has an obligation to help arrange.
- ii. Matters: Provide information, assistance and referral to individuals whose children need health care or health-related services, including early intervention services. Update or create client education materials in this area.

**D. Goal: Improve coordination of government services for children with disabilities**

- i. Cases: As staff resources permit, represent children with disabilities requiring enhanced coordination of governmental services.
- ii. Matters: Provide comments in response to public rulemakings involving governmental services for children with disabilities. Participate in projects which will foster improved coordination of services. As requested, respond to inquiries in this area from state agencies, the Courts and the Legislature.

**V. PRIORITY NUMBER FIVE: MEETING THE LEGAL NEEDS OF POPULATIONS WITH SPECIAL VULNERABILITIES**

**A. Goal: To enforce laws protecting the rights of migrant workers in Maine.**

- i. Cases: Represent migrant workers facing legal problems associated with their status as migrant workers, including but not limited to problems with employment, recruitment, compensation, health, housing, immigration issues where permissible, discrimination, education, consumer matters, public benefits and workers compensation.
- ii. Matters: Provide information, assistance and referral to at least migrant workers facing legal problems associated with their status as migrant workers. As requested, respond to inquiries from state agencies, the Legislature or other groups on migrant worker issues. As appropriate, participate in projects which address the legal needs of migrant workers. Provide outreach to labor camps and migrant worker sites around the State associated with the various harvest activities. Produce 1 - 2 issues/year of the Farmworker News and other appropriate client education materials.

**B. Goal: To enforce laws protecting the rights of Native Americans.**

- i. Cases: Represent Native Americans facing legal problems related to their status as Native Americans, including but not limited to access to health care, border crossing issues, discrimination and the Indian Child Welfare Act. ***Represent Native Americans in tribal court proceedings (including juvenile proceedings) where necessary to insure access to justice.*** As staff resources permit, represent Native Americans with other legal problems for which they have sought help from the Native American Unit of Pine Tree Legal Assistance.
- ii. Matters: Provide information, assistance and referral to Native Americans regarding legal problems related to their status as Native Americans, as well as with other legal problems for which they have sought help from

the Native American Unit of Pine Tree Legal Assistance. As requested, respond to inquiries from state agencies, the Legislature or other groups on Native American issues and participate in projects that address the legal needs of Native Americans, *including projects which address the justice system more generally*. Provide outreach to all four tribal offices/reservations on a regular basis. Produce regular issues of the Wabanaki Legal News and other appropriate client education materials.

**C. Goal: To enforce laws protecting the rights of low-income individuals with limited English proficiency.**

- i. Cases: Represent individuals with limited English proficiency who need legal intervention to enforce their rights, including the following: victims of domestic violence, individuals facing eviction or unable to access housing because of discrimination; individuals who have received denials or have been unable to access government benefit programs, and individuals confronting immigration issues ( where permissible.)
- ii. Matters: Provide information, assistance and referral for individuals with limited English proficiency who do not have equal access to governmental services, or who are confronted with a civil legal problem for which they have sought assistance from Pine Tree.. As requested, respond to inquiries from state agencies, the Legislature or other groups on legal problems facing individuals with limited English proficiency and participate which projects which address their legal needs.

**D. Goal: To enforce laws protecting the rights of low-income individuals with disabilities.**

- i. Cases: Represent individuals with disabilities who need legal intervention to enforce their rights, including the following: individuals facing eviction or unable to access housing because of discrimination on the basis of disability; individuals who have received incorrect denials of SSI and social security benefits for non-disability reasons and in meritorious waiver of recovery of SSI and Social Security overpayment denials; individuals with disabilities whose access to governmental services is limited due to disability. Accept referrals from the Office of Advocacy in the Dept. of Mental Health and Mental Retardation pursuant to the State contract with that agency.
- ii. Matters: Provide information, assistance and referral for individuals with disabilities who do not have equal access to governmental services or other legal benefits and rights. As requested, respond to inquiries from state agencies, the Legislature or other groups on legal problems facing individuals with disabilities, and participate in projects that address their legal needs.

**VI. PRIORITY NUMBER SIX: IMPROVING THE DELIVERY OF LEGAL SERVICES AND ACCESS TO JUSTICE FOR LOW-INCOME MAINERS STATEWIDE**

- A. Goal: To respond to the emergency needs of low-income individuals who are unable to access any other legal service and whose legal claims involve a problem within Pine Tree's expertise.**
- i. Cases: As necessary, represent eligible individuals or families facing emergencies which threaten basic necessities, personal safety or wellbeing who cannot otherwise access free legal services to address these problems, with approval from the Directing Attorney, Litigation Director or Executive Director.
- B. Goal: To improve the ability of low-income individuals to respond and resolve legal problems without requiring representation.**
- i. Matters: To maintain and update Pine Tree's legal education materials, in both written form and on the Internet. To assist and support alternative dispute resolution mechanisms relevant to potential clients, including mediation projects. To maintain and coordinate courthouse assistance projects using volunteers to provide information to pro se litigants. To maintain and coordinate the VLP "helpline" for pro se litigants in family law cases. As requested, to participate in projects or work with the Courts, state agencies and the Legislature in addressing the needs of pro se litigants.
- C. Goal: Foster expanded resources for low income individuals with legal problems.**
- i. Matters: As necessary, provide information and referral to individuals seeking legal assistance for which a resource other than Pine Tree is available. Sponsor a regular "intake and referral" statewide conference. Work with the Maine Bar Foundation to develop the potential of pro bono resources through the VLP and other initiatives. Participate in projects sponsored by the MBF, the Courts and others which will promote new or expanded legal resources for low income individuals.
- D. Goal: Improve the ability of Pine Tree staff to deliver high quality legal services.**
- i. Matters: Promote effective program management through the use of Central administrative staff and local Directing Attorneys. Encourage professional development and utilize training events where appropriate.

Hold office and programwide meetings to review staff activities and office issues. Monitor administrative activities in order to maximize effective use of staff time. Facilitate use of technology where it will expand resources available to potential clients. Encourage collaboration with other legal services staff and private attorneys, especially where this will promote innovation or improved services at Pine Tree.