

Eliminating Legal Services Corporation Funding is Bad for Maine

by Arnold Macdonald, Esq.

Many in the legal community, liberal and conservative, Democrat and Republican, were shocked and dismayed to read that President Trump's proposed budget would eliminate funding for the Legal Services Corporation (LSC). LSC was created under President Nixon in 1974. While constituting less than .01% of the Federal budget, LSC funds up to 80% of more than 100 programs nationwide providing civil legal aid to people in desperate need; including for protection from domestic violence, loss of housing, education, and healthcare benefits, and financial abuse.

The recipient of LSC grants in Maine is the extraordinary Pine Tree Legal Assistance. In 2016, LSC grants funded 24% of Pine Tree's budget. The same year Pine Tree handled more than 7,400 cases affecting 18,000 Mainers in need. Pine Tree also had more than 2,000,000 visits to its website — the most of any LSC-funded provider in the country and a tribute to Pine Tree's clear, accessible, and reliable self-help materials.

In full representation cases, Pine Tree clients prevailed 96% of the time. The benefit to those receiving the help, their families, and their communities is immeasurable. Unfortunately, however, Pine Tree estimates that it only reaches 25% of those who need its services; there is a quiet tragedy in the 75% whose needs are unmet.

Each Pine Tree victory changes a life for the better, but the economic impact far surpasses the dollar amount of the awards, and the financial benefit to the state well exceeds the amount of the LSC grant. For every foreclosure that is avoided, there is a smaller burden on shelters and healthcare systems, saved general assistance costs, and less work absenteeism.

Similar multipliers apply in health benefit, education, and domestic violence cases. A 2016 study by University of Maine economics Professor Todd Gabe found that the statewide benefit from one-on-one services of Maine's six legal services providers is above \$37,000,000. Other studies have found the economic return of every dollar invested in legal aid to be anywhere from 5:1 (FL) to 11:1 (TN and PA).

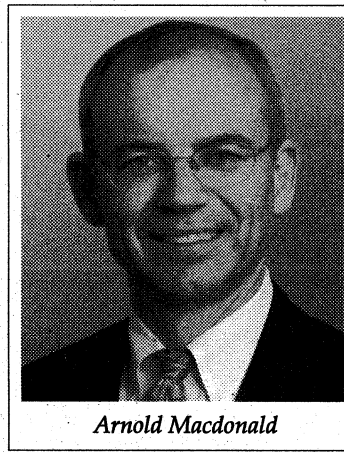
Economic impact is, however, a poor and incomplete measure of the value of legal aid and LSC funding. The hope that every American — regardless of wealth, race, religion, gender, or other status — can get fair and equal treatment by the law is fundamental to America's global leadership and success. The hope of the new immigrant, the young entre-

preneur, and the single mother taking classes to climb out of poverty, has at its roots the belief that their fundamental rights will be protected; that they will be able to enforce contracts; and that they can get a fair hearing in court. Nothing is more corrosive to our society than the loss of that hope.

I had an asylum client, who arrived in Portland a 17 year-old penniless refugee, inspired by the vision that in America if you get an education and work hard you can realize your dreams. He was shocked when he landed at the Preble Street teen center to find American youth, the supposed products of this culture of hope, who did not share these values and did not believe that engaging in the system, working, and studying would get them anywhere.

If you look at the back stories of each of those residents you would probably find a failure of the justice system: a bad foreclosure, a lost benefit, gender or gender identity discrimination, and/or domestic violence. The stark contrast of my idealistic friend and the disaffected homeless is a mirror that reflects the fragility of the hope that sustains us.

The ability of our justice system to support that hope is under constant threat. We as lawyers are uniquely situated to understand both the importance and fragility of the justice system to maintain our hope and cultural optimism. Support for LSC transcends politics and geography; some of the strongest support comes from some of our most conservative regions.



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This month, more than 150 major US law firms from all 50 states, including my firm, Bernstein Shur, have signed a letter to the Director of the Office of Management and Budget to urge the continued support of LSC; citing its critical role in training their lawyers and supporting their *pro bono* services, LSC's reach to rural areas that the private bar cannot serve, the economic multipliers, and the plain old fairness of equal access to justice. I urge all Maine lawyers to join us and reach out to our elected leaders to make sure they understand the foundational importance and great value of LSC funding.

Arnold Macdonald is a shareholder in the business, real estate, and construction practice groups at Bernstein Shur. He is a member of the Board of Directors of Maine Equal Justice Partners and the co-chair of the Development Committee of the Maine Justice Foundation (MJF). He is a past chair of the Campaign for Justice and past president of the MJF, and past chair of the Business Law Section of the MSBA.

Overtime continued from page 1

by this landmark court ruling and our firm will continue to bring class actions and seek penalties against employers who violate those rights."

The decision garnered a great deal of media coverage both nationally and internationally, primarily because of the unique grammatical issue presented. As the First Circuit's opinion itself began, "For want of a comma, we have this case." *The New York Times* headlined its story as, "Lack of Oxford Comma Could Cost Maine Company Millions in Overtime Dispute," while *The Washington Post's* headline quipped, "Lack of comma sense ignites debate after ruling in \$10M suit." Even the satirical news site *The Onion* highlighted the controversy.

According to Webbert, the drivers' next step will be to request that the Court certify their class action under Maine law.

David L. Schenberg and Patrick F. Hulla and Ogletree, Deakins, Nash, Smoak and Stewart, P.C., represent Oakhurst Dairy. Attorney Hulla declined to comment and directed questions about the case to Dairy Farmers of America, the parent company of Oakhurst.

The opinion in *O'Connor v. Oakhurst Dairy*, MLR #171-17, is summarized in this issue at page 10.

— Sean Ociepa,
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UPCOMING

- **UMaine Law**
 - MAPIL Auction/Alumni Cocktail Reception, April 6, 5 – 8 Mariner's Church Banquet Center, Portland
 - Preparing for Rural Practice April 8, 8:30am-1pm 246 Deering Avenue, Portland
- A half-day program re: opportunities of practicing in Maine's rural communities. Panelists: Paul Chaiken, Justin Coffin, Aria Ee, David Fletcher, John Foster, Sarah Gilbert, Thomas Hineman, Stephen Nelson; Cassie Rodgers. Moderators: Prof. Andrew Kaufman, Rachel Reeves, Director of Field Placement Programs
- FMI: contact Jen Hebert, 207.780.4796, jennifer.l.hebert@maine.edu

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Lisette Model (American, born Austria, 1901-1985), *Running Legs, Forty-second Street, New York, 1940-41*, 19 5/16 x 24 1/8 inch, gelatin silver print. The J. Paul Getty Museum, Los Angeles.

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