

## **JAG Client/Consumer Surveys – Speak Out and Be Heard**

**(Results out of 77 client surveys)–UPDATED 7/14/06**

### **1. Have you ever needed a lawyer and not been able to get one?**

Yes: 52

No: 25

### **2. Please check the reason(s) you believe you were unable to get legal assistance: (Number on left side indicates number of check marks out of 76 surveys)**

**32 -- Lacked money for private attorney but couldn't get legal aid**

**19 -- Financially qualified for legal aid, but told legal aid cannot assist**

**7 -- Lack of a local legal aid office**

**5 -- Couldn't go to legal aid because of limited office hours**

**9 -- Lack of transportation to reach assistance**

**12 -- Phone lines were busy**

**2 -- Absence of toll-free number to call**

**2 -- Lack of physical accessibility or accommodations for the disabled**

**0 -- Lack of translators or interpreters**

**0 -- Immigration status posed barriers to accessing assistance**

### **-No agency offers free or low cost assistance with the following legal issues:**

-Protection from abuse orders in the court room. Because of severe PTSD and mental illness, I could not go to court without assistance, so the protection order was not granted, therefore the abuse continued.

-Traffic ticket (driving after suspension - third offense). Since this was third offense, was a felony, but was told I couldn't get a court appointed lawyer because it didn't carry enough jail time penalty. There were extenuating circumstance but that didn't matter. Basically I felt the system punished me for making the only rational decision I could have made under the circumstances, and for being too poor to fight back.

-Freedom of Access

-Financially qualified for legal aid but was told the person I'm living with put me over the limit.

-retrieving stolen property, police said I could not get my property

-won't touch legal cases dealing with DHS. Ever.

-social security problems, and DHS problems

-wanting full custody of child, supervised visitation.

-My ex partner wouldn't let me see the son I helped raise for 9 years

-DNA testing

-contesting a relative's will

-divorce

-conflict of interest

-parental rights

-arson first degree

-landlord and tenants stole everything in my apartment. They framed me, lied to police, police believed them and I was put in mental institution/jail – more information in packet

-civil law

-landlord/tenant/security deposit issues

### **-Please list other reasons:**

- discrimination complaints outside of Disability Rights "priorities", legal letters to private individuals or corporations
- I've had assistance for 5 months now, but my 2 cases have gone nowhere, just back and forth due to slow communication and meetings with the Portland Legal Aid. I'm not too happy with the assistance. The matter would have been over with a long time ago if I did it on my own and saved me thousands in child support payments.
- Many attorneys don't seem to like discrimination or disability cases—DRC is especially difficult to get assistance from. Attorneys I have contacted thru LRFS just weren't interested in the case(s) on contingency basis.
- didn't know where to go
- refused to return phone calls
- lawyers/government services, conflict of interest. Plain English.
- Was told by VLP that did not fit into their priorities. Had a file a Pro Se to amend motion in Waldo County Superior Court without legal representation.
- even though I had money (\$250-\$300) to get on docket, no lawyer would take twice medical malpractice suit
- illegal trespass
- conflict of interest
- city issues/witness or observing actual criminal offenses

### **3. Why did you need a lawyer?**

- I have needed a lawyer on several occasions to file discrimination claims or to write a letter which would stand up in court.
- Once I was involved in an accident with a Police Horse Patrolman. When I needed a lawyer I arranged to get one - once when I thought I had a case against the Portland Police Department
- I had to do parental rights and responsibilities and change of child support issues.
- Will
- Assist in several legal matters, motion to modify, 1 small claim, criminal case.
- Criminal conviction (felony), DHS cases
- To enforce rights to services from the vocational rehab program; to pursue a freedom of access civil action; to file a claim with the Me. Hum Rights Comm.
- child support/ parental rights
- I wanted to go through bankruptcy
- Someone stole my property. The other party would not go to mediation in Augusta
- divorce
- My children were wrongly taken from me due to my financial situation, especially inadequate housing. My only option was the court-appointed attorney, who convinced me to sign away my rights. I later found out he also worked for DHS. Now all 3 children are gone forever-as the state adopted them out.
- My social security benefits (disability) were cut off over a year ago, even though I'm in a wheelchair and my leg is amputated. I've had no income for over a year.
- PFA orders, increased custody of my child. Harassment charges.
- family law-someone who does not agree with the judge, someone who knows the law, and explain to the judge what his or her client wants
- divorce
- to help with civil matter, DNA testing.

- I wanted to contest my Aunt's will as she took me out 3 days before she died while on morphine and was coerced by cousins. I would have received half the estate but no one to help me fight it.
- protection from abuse, help with divorce, my rights were violated (fraud was committed), accident
- To understand my rights to retain my car
- divorce and domestic violence
- contest relative's will, no down payment
- landlord issues – sewer problems/leading ceiling\
- child abuser issues
- parental rights/custody/assault/domestic violence/landlord issues
- post-divorce child custody dispute/civil suit by abusive ex-husband/protection of abuse orders/DHS support enforcement actions/SSI hearings/violations of visitations & parental rights
- Ex-husband contempt of court order to pay child support and alimony
- Driving infraction
- debt problems
- sue Portland police for lack of investigation on trespass issue
- Legal advice
- Child support, divorce, custody
- court purposes
- estate issues and general assistance problems with town prejudices
- Disabled child on dialysis (currently on transplant list)/child support is below Maine guidelines/non-custodial parent makes over \$45K/year, only receive \$80/week/divorce decree non-custodial maintain insurance/dental, found out policy has been dropped/contempt of court issues
- Being sued
- for protection order and parental rights
- because I'm going to court and my landlord will have one
- problem with DHS
- charges against landlord – more information in packet
- to correct incorrect DOC records regarding my overstay incarceration
- upcoming PFA and upcoming child custody case
- custody battle
- labeled discriminating/lost everything I've owned
- to check if qualified as low income

**4. Have you or someone in your family ever had to go to court without a lawyer?**

Yes: 35

No: 18

**5. If you have gone to court without a lawyer, why did you go to court?**

- for small claims issues. (thank goodness)
- in order to win my case for myself and receive workers compensation
- Protection from abuse and harassment orders
- Traffic violations
- ordered or receive a warrant for arrest
- court date
- Debt related dispute
- divorce
- to get rent deposit from landlord
- We tried for about 6 months to get him to agree to Mediation. I could not afford a lawyer to go to court. This still bothers me a lot emotionally that I could not get help.

- divorce
- Trying to fight for custody of my children.
- PFA, harassment charge
- divorce
- Child support/back child support for a child which no proof was shown, such as DNA testing.
- People from SAVES and AWAP also helped me. I was being harassed by a man who was abusing his wife and 3 yr old child. I did my research and acted as my own attorney and won.
- divorce, protection from abuse, fraud by a lawyer
- Summoned to go to court on a charge of passing a school bus – I believe I didn't do it.
- Small claims – tenant issue
- Motion to modify child support
- Sued by landlord
- Speeding ticket
- divorce
- first time, no big deal/second time charges were dropped
- traffic violation and small claim issues
- non-custodial in contempt of court of divorce decree order/modify child support/child support not consistent with Maine Child Support Guidelines
- harassment order
- traffic violation
- plaintiff for harassment
- custody
- harassment by the criminals who were stealing from me

**6. Have you or someone in your family ever had to go to a hearing at an administrative agency, such as DHHS or the Department of Labor, without a lawyer?**

Yes: 22

No: 32

**7. If you have gone to a hearing at an administrative agency without a lawyer, why did you go to a hearing?**

- I appeared at DHS; I was separated in a failed marriage and there to arrange for AFDC in the 1970s-1980s for my dependent children, and arrange for child support.
- Another time I was in a dispute with a former Employer through the Maine Labor Court, and I was not represented but presented my case before the court successfully.
- My husband and I had separated for a time, and I received TANF. By the time DHHS got around to collecting child support, we were back together so we appealed the amount the state was going to take from his check, since it would adversely affect our current living situation, financially.
- No access to an attorney. In prison and didn't know legal aid existed.
- It was a case management conference that I needed to appear at.
- unemployment (constructive discharge)
- child support
- My sister for custody of her kids and alimony
- Again, fighting for my children.
- It's happened several times, some were hearings to win back my parental rights. My infant baby was taken from me straight out of the hospital.
- Father of my child went to court asking for modification on child support.

- worker's compensation
- It was a Pre-Auth hearing for a medication—I didn't know I should have a lawyer.
- back child support
- I did my own research/acted as my own attorney. I had a friend or social worker with me.
- unemployment—administrative hearing officer lied, made up fabrication failed to get the facts
- biased guardian ad litem (the defendant paid for)
- incompetent attorney
- DHS employee not qualified nor educated to be making financial decisions
- mediation that was a waste of time/money (allowed defendant to continue to not produce documents, failed to meet deadlines, etc.)
- Food stamps denied (80 years old)
- On the job injury
- letter sent to me by DHS, after a child support order was entered in court
- survival issues (food stamps, etc.)
- discrimination

**8. If you have gone to court or an administrative hearing without a lawyer, did you have any difficulty and if so what? (check all that apply) (Number on left indicates number of check marks out of 76 surveys)**

- 7--I did not have any difficulty
- 9--I did not understand the hearing/proceeding
- 15--I could not explain my position well
- 18--I did not feel I was being listened to
- 4-I needed an interpreter and couldn't get one
- 15--The other side had a lawyer and I felt at a disadvantage
- 10-- I lost my case

**-Other, please explain:**

- I feel since I had no lawyer I was taken advantage of
- My sister had no one to help her and lost her home and kids and had to pay alimony
- They just steamrolled right over me, like I had absolutely no rights, and as if I was worthy of absolutely no respect-or even honesty! I have to prove everything (including the impossible), while DHS only needs to show what they want. 'Preponderance of evidence,' they called it, and none of it has to be proven.
- all the people need a good lawyer who listen to his clients. Is anyone out there?
- There was no real difficulty, except I lost my appeal—though I won the war—I finally got the medication
- feel powerless, unvalidated, issue still not resolved, impacted current family
- the courts have been one sided—failed to get the facts, falsified documents from the court, judge lied.
- I realize during the proceeding I did pass the school bus, the sun got in my eyes
- No case worker can help when the "state" is right
- disabled child not receiving the support he needs from the non-custodial parent
- not listened to by judge

**9. Do you have any ideas about how these problems could be fixed?**

- I believe it takes a unified understanding among the Legal community to create real justice. The professionals in all areas of law and law enforcement understand what justice is, we must reinforce that

understanding by explaining the needs of low income people well. Funding becomes easier among a community unified by understanding.

-The reason that I haven't had a problem getting legal help is *that I have Legal Insurance* of "Pre-Paid Legal" with whom I am an Associate and can sell insurance even in a group plan.

-The ability to get an advocate or lawyer

-Knowing my options. When your in prison it hard to find out legal info until your in for 6 months or more. Your out of touch with things and it takes forever to get info.

-I don't know. Win the megabucks?

-All practicing attorneys should pay an annual fee for a fund to pay for legal costs of people who have limited resources. Attorneys should take any cases in their area of expertise.

-The police should not assume the person making the complaint is right

-teach high school/college students how to find info and assistance. More info at the courthouse.

-We need lawyers for DHS cases (independent lawyers). We need higher standards of reporting and evidence. We need open courts(they are closed for family cases)

-Silk suited lawyers to take Pro Bono/get the work done quickly as possible

-If only we could have access to lawyers who could take these cases. Not just DHS lawyers. Right now the system is totally rigged against poor people.

-Lawyers at no cost, not necessarily when I am served w/ paperwork, which Pine Tree Legal requires

-I need good family lawyer that understand what I want to do. I had court appointed lawyer that were not what I wanted. I wish I had a lawyer to ask question or good idea.

-for someone to be proven a child's parent before processes are started for back child support, for positive proof be given before driver's license is taken away.

-both sides need to be listened to, not just one side. Lawyers need to go to bat for their clients, not just in it for the money. Lawyers need to do their job. The Board of Overseers for Maine Bar Association need to investigate when they get a complaint. They refused to check my complaint. It is time the state of Maine woke up and justice needs to be served. There is a major problem in the court system. There is a lot of fraud going in the courts and justice system.

-I am lucky, I had a good support group to help me find legal services to help with domestic violence and then advice on a lawyer for divorce. Without this support I don't know how I would have gone through all the steps needed and to find an affordable lawyer. To help, maybe, more information with more names, agencies, and guidelines listed also specifically support telephone numbers to help a person through this information.

-expand the income guidelines for PTLA to 200% FPL

-increase funding to PTLA to pay more attorneys and for better support staff

-a fund for low-income people to receive assistance. NOT PTLA. In my area there is 1 attorney.

-train volunteers

-intern paralegals; pull in college students for internships, not just law school students, opportunity should be available to all qualified students who want to intern/volunteer in a legal setting.

-guardian ad litem – need to be regulated much better. Dealt with biased guardian, documented complaint, nothing done.

-For me to get off disability

-Public defenders office, separate from prosecutors

-Need more attorneys that can help

-Have services for all that apply

-Take into consideration that taking care of a family is more than people think

-court appointed lawyers are useless

-no idea, no one listens

-don't know enough about the system

-lawyer referral service did good job, but not as far as finding low income

- education
- A state fund for lawyers for low-income /indigent Mainers, especially for family law matters and all civil suits.
- More hours/phone lines at VLP or office in York County
- raise income levels for low-income qualification
- someone available to answer legal questions and offer services if needed
- court advocate for family matters
- court appointed attorney
- put a better focused commissioner in Maine DOC administration
- have more Pro Bono lawyers because you can't ever get a hold of one when you need one
- time limit on how long the judge has to come to a judgment on a divorce case and possibly a time-limited extension for extenuating circumstances and difficult cases

## **Your town**

- Alfred
- Auburn
- Augusta (3)
- Bangor
- Bath
- Biddeford (4)
- Brewer
- Canton
- East Millinocket
- Fairfield
- Farmington
- Gorham
- Hampden
- Kenduskeag
- Lewiston
- Limestone
- Lyman (2)
- North Waterboro
- Northport
- Old Orchard Beach
- Orono
- Portland (10)
- Richmond
- Saco (4)
- South Berwick
- South Portland (2)
- Warren
- Waterboro
- Waterville
- Westbrook
- Windham
- Winslow

8-9-06