



A Lawsuit to Restore Justice

UNDER THE SIXTH Amendment, when a person is arrested and facing criminal prosecution and the loss of liberty, they have the right to the effective assistance of an attorney. If they cannot afford an attorney, the state is required to supply one. Maine's system of providing this core right is fatally flawed. After over a decade of work and collaborative efforts that yielded little progress, we have filed a class-action lawsuit against the Maine Commission of Indigent Legal Services (MCILS)—the state agency responsible for administering the indigent defense system—for its failure to guarantee the right to the effective assistance of counsel. Indigent defendants and their court-appointed lawyers should not be forced to enter the courtroom at a severe disadvantage compared to prosecutors. This constitutional failure has effectively divided our justice system in half – one for the rich and one for the poor.

Maine is the only state that does not have a public defender's office. Maine exclusively relies on contracting private attorneys to represent low-income defendants. This method has proven itself insufficient. As outlined in a 2019 report by the Sixth Amendment Center, lawyers in the system are not given enough training, supervision, evaluation, or support. Prosecutors are given months of training, regular supervision, physical offices, support staff, computers, phones, salaries, health insurance; defense counsel get none of these. The legislature has made some improvements since the Sixth Amendment Center report, but they have not gone far enough. With our lawsuit, we are joining the national movement to improve indigent legal services. ACLU affiliates and the ACLU Criminal Law Reform Project have brought similar

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suits in California, Connecticut, Idaho, Missouri, Nevada, and New York.

As the ACLU, we are here to defend everyone's rights, especially marginalized people. In 2009, Maine took an important first step to provide representation to indigent defendants by establishing MCILS, but Maine failed to take additional necessary steps after that. After a decade with little to no development, we are in desperate need of a call to action. This lawsuit is an important part of bringing meaningful and effective change to the indigent defense system, and ensuring Maine lives up to its constitutional duty. Though MCILS has asked the court to dismiss our case, they have acknowledged that there is much that needs improving.

The failures of Maine's indigent defense system exacerbate race and class disparities embedded in the criminal legal system. Constitutionally inadequate legal representation for poor people amplifies the classist notion that they are not entitled to liberty. Black and Brown people are at higher risk of incarceration and

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MEET OUR NEW BOARD MEMBERS

WE'RE EXCITED TO introduce our three new Board members – Felix Hagenimana, Nancy Osher Blumberg and Karla Doremus-Tranfield!

The ACLU of Maine is led by a volunteer Board of Directors of 12 members. They help steer the organization towards a sustainable future and provide oversight so that we make consistent progress in protecting the rights all Mainers.

We are also saying goodbye to our departing Board members, Daniel Crewe, Sally Dobres, Colleen Khoury, and Cathy Kidman. We're so grateful for their years of stewardship of the ACLU of Maine.



FELIX HAGENIMANA (HE/HIM)
Founder & Attorney, Hagenimana Law PLLC

Tell us about your background:

I am from Rwanda, where I was a Bible Translator at the Bible Society of Rwanda and a consultant to the BBC and the Rwandan Ministry of Education. After moving to the US in

2011, I obtained my J.D. from the University of Maine School of Law. I share my time between Immigrant Legal Advocacy Project (ILAP) and my private practice where I represent clients before administrative agencies, immigration courts and the Board of Immigration Appeals. I also serve on the board of Hope Acts and on the executive committee of the Rwandan Diaspora Community Association of Maine as a commissioner for skills and knowledge transfer.

How did you get involved with the ACLU?

I was drawn to the ACLU after a brief discussion with a ACLU of Maine team member at the law school. In 2017, I did an externship with ACLU of Maine. I admired the work of the ACLU and hoped to be able to participate in it in some small way.

What do you look forward to during your time on the board?

I look forward to learning about the issues that ACLU is working on, and supporting that work as much as I can.

NANCY OSHER BLUMBERG (SHE/HER)

Finance & administration, Bowdoin College (ret.)

Tell us about your background:

I am a native of Portland, but spent time in several other cities before returning to Maine in 2005. Prior to retirement, I worked in finance and administration of nonprofits including



the Nature Conservancy of Massachusetts and Bowdoin College. I graduated from Wellesley College and Stanford Graduate School of Business. I currently also serve on the boards of the Portland Public Library, the Maine Jewish Museum, and am on the finance committee of the Osher Map Library Foundation. I enjoy spending time with my family, playing the piano, cooking, and exploring the natural beauty of Maine.

How did you get involved with the ACLU?

The ACLU's persistent efforts to protect civil liberties inspired me to get involved with the organization. The work is principled, practical, and endless.

What do you look forward to during your time on the board?

I look forward to deepening my understanding of ACLU's work and serving as an ambassador for the organization in any way that I can.

KARLA DOREMUS-TRANFIELD (SHE/HER)

Founder & Principal, KDT Business Solutions

Tell us about your background:

I grew up in rural Ohio and left at 17 to attend the US Air Force Academy where I obtained a BS in Biology. I spent six years as an officer in US Air Force, obtaining an MBA from Babson College in Wellesley, MA in my spare time. Since then, I worked 30+ years in the chemical industry. I moved to Maine January 2016 where I've spent three years as a consultant and mentor to startups and early revenue companies. Outside of work, I have volunteered in many community-based services. I'm also a mom of three grown children and a ridiculous dog lover.



How did you get involved with the ACLU?:

My politics and social outlook have moved progressively toward inclusion since leaving Ohio. I became a member of ACLU the evening I heard [former Executive Director] Alison Beyea speak in Camden in January 2017. I realized the level of commitment within the ACLU and its ability to impact lives and policy. I joined the finance committee in the fall of 2019.

What do you look forward to during your time on the board?

I'm looking forward to having a larger role in supporting the ACLU's work to make sure all Maine residents can exercise their rights.

LAWSUIT CONTINUED

systemically economically disadvantaged. These socio-economic constraints mean people of color are less able to afford their own attorney, and more likely to rely on court-appointed attorneys. But access to justice shouldn't depend on wealth: low-income people and people of color are entitled to constitutional protections and equitable treatment. A structure embedded with classism and racism can serve no justice.

For the court-appointed defense

attorneys who work in Maine, the imbalance of resources and poor supervision set them up to fail their clients and themselves. Despite their dedication and capabilities, Maine's indigent defense system does not allow court-appointed lawyers to fully advocate for their indigent clients and puts crushing financial pressure on them. The State must provide a comparable level of resources and oversight to its court-appointed defense attorneys as it does to prosecutors and law enforcement. The need to fully and fairly enforce

the requirements of the Sixth Amendment is an imperative piece in the criminal legal reform movement.

All of Maine's leaders swore an oath to protect all people under the Constitution and they have failed. However, most Maine people, lawmakers, and public officials agree: we want a state where everyone, regardless of their wealth, has access to a quality lawyer, a fair trial, and equal justice. Together, we hope this lawsuit will restore the justice that has been lost in Maine's indigent defense system.



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SUPPORT OUR YOUTH JUSTICE WORK

Introducing the
Alison Beyea
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Please join us as we say goodbye to our Executive Director, Alison Beyea, and help us strengthen her legacy of youth justice and education equity. Your support would immediately bolster our current initiatives including:

- Demanding a community-based continuum of care for Maine's youth
- Advocating for Indigenous justice
- Empowering the next generation of civil rights leaders

If you'd like to support our work on juvenile justice and education equity, please contact Laura Retherford at lretherford@aclumaine.org