April 10, 2023

Sen. Anne Carney, Chair  
Rep. Matt Moonen, Chair  
Joint Standing Committee on Judiciary  
Maine State Legislature  
100 State House Station  
Augusta, ME 04333

Re: **LD 1462, An Act to Provide Financial Incentives for Attorneys to Provide Indigent Legal Services**

Dear Sen. Carney, Rep. Moonen, and Members of the Judiciary Committee:

On behalf of the Board of Governors of the Maine State Bar Association, we write in conceptual support of LD 1462, An Act to Provide Financial Incentives for Attorneys to Provide Indigent Legal Services. We believe this bill sets forth some important incentives to encourage junior-level attorneys to provide legal services for indigent Mainers, and we would be happy to be part of further conversations regarding the proposed incentives.

**About us.** The Maine State Bar Association is a statewide trade association chartered in 1891 by the Maine Legislature. The Association currently represents approximately 3,000 attorneys in the State in both public service and private practice. The Association maintains 28 separate sections covering nearly every field of law practiced in Maine, from Administrative Law to Workers’ Compensation Law. Access to justice for all individuals across Maine is a key element of our mission, hence our strong and longstanding interest in indigent legal services.

**Discussion.** Access to justice is an important issue for our Association and our members. In this regard, our Association has played an active role with regard to improving access to indigent legal defense and civil legal aid. We also have established a committee focused on ensuring that legal services are available in Maine’s rural communities.

This past legislative session, important progress was made to encourage more lawyers to participate on the roster of the Maine Commission on Indigent Legal Services (MCILS). In response, more lawyers have in fact joined. But there is more work to be done, including a tremendous need to recruit additional and new attorneys to provide indigent legal services, especially in the State’s rural counties.

**LD 1462** would establish a program to provide no-interest loans and a tax exemption to encourage Maine law students to provide indigent legal services after graduation from law school. The program would provide loan forgiveness and a personal income tax exemption deduction equal to the full amount of income earned by that person from providing indigent legal services in accordance with the program. Undoubtedly, this bill would encourage junior attorneys to practice in rural Maine, and in turn, would help address the critical issue of the lack of attorneys in rural Maine.

In addition, as always, MSBA is happy to be part of broader conversations regarding additional options in addressing these issues and recruiting attorneys to rural practice. Likewise, we note that further work may be needed regarding the specific incentives listed in LD 1462. That said, to the extent that this bill encourages attorneys to practice in rural areas and helps address the ongoing issue of there being a lack of attorneys in rural Maine, we write in support of the concept.
Conclusion. Thank you for the opportunity to provide these comments on LD 1462. If you have questions or need additional information, please do not hesitate to let us know.

Sincerely,

Zachary F. McNally
Chair, MSBA Ad-Hoc Rural Practice Committee

cc: Stacy O. Stitham, President, Board of Governors
    Angela Armstrong, Executive Director
    Rachel Okun, Chair, MSBA Legislative Committee
    James I. Cohen, Verrill Dana, LLP
    Clara McConnell, Maine Street Solutions