

“Lawyers in Libraries”:

A New Approach to Access to Justice in Maine

by Hon. Andrew M. Mead

Justice is a challenging concept to define. Most people define it as a result—when something bad happens to an evildoer, justice is done. However, this definition resembles more closely the concepts of vengeance and retribution. Reasonable people frequently disagree over whether a particular result constitutes, or does not constitute, true justice. The continuing debate on the question of whether the death penalty constitutes justice demonstrates the unworkability of equating justice with a result.

In fact, justice is not a result. It is a process. If a dispute is capably and fully presented to and resolved by a qualified and impartial decision maker, justice occurs. Conversely, if a decision maker is biased or incompetent, or if the facts are not fully presented, or presented in an inadequate fashion, justice has not occurred. In either instance, the result is not the measurement or the test. The *process* of how the matter was presented and resolved determines whether justice has occurred.

Any discussion of justice must include the positive contribution that lawyers can make to the process. Due to economic and/or geographic barriers, many people are unable to obtain the services of a lawyer to assist them in their legal affairs. They set off to navigate the often complex and confusing world of law by themselves. Over the years, we have learned that many Maine citizens use their local public libraries in their attempt to conduct their own legal research. As a result,

librarians are frequently called upon to provide assistance with legal research or even legal advice. Although librarians have undertaken such tasks with tremendous good will, they would definitely welcome the involvement of lawyers.

Although the courts welcome and accommodate self-represented litigants, the prospect of entering the halls of justice without counsel can be daunting or even overwhelming for many. The concepts of access to justice and access to counsel are clearly conjoined.

Maine lawyers have been nationally recognized for their willingness to contribute their time and talents to assisting Maine’s underrepresented citizens. The Volunteer Lawyers Project (the VLP) is a prime example of this public spirit. In addition to operating legal clinics and referral services at various locations within the state, the VLP has undertaken a partnership with public libraries in Maine to present legal clinics at the libraries on subjects such as family law, end-of-life issues, consumer law, and veterans’ legal issues. The clinics are broadcast to locations throughout the state via videoconferencing. The program effectively incorporates technology to deliver valuable information to a wide range of people in a broad geographic spread. By mid-2013, the program’s organizers hope to add desktop-computer conferencing between lawyers and individuals at remote locations to the existing range of services they deliver. However, despite the growth of programs such as the VLP’s library initiative, many people remain unaware of where to find these free and discounted-rate legal resources.

These circumstances helped inspire the creation of the Maine Collaboration on Technology, Innovation, and Access to Justice (the Collaboration), a network of lawyers, legal assistance organizations, libraries, and other organizations dedicated to access to justice for all of Maine’s citizens. The Collaboration, which operates under the auspices of the Maine Justice Action Group, seeks to share the resources and address the needs of its various members in collaborative and symbiotic ways.

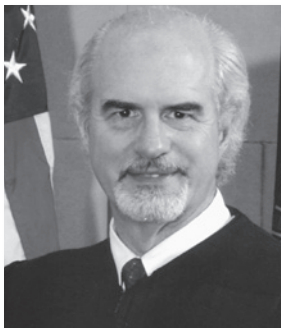
On Law Day (May 1) 2013, the Collaboration will undertake an unprecedented initiative to link unrepresented individuals with legal resources and representation. Volunteer lawyers will be present at selected Maine public libraries at specified times to meet with members of the public. These lawyers will

discuss issues involving access to justice and provide information on how free or low-cost representation can be obtained in Maine. For those who may not qualify for free or reduced-rate legal assistance, information will also be provided on “unbundled” legal services, whereby lawyers can be retained at reasonable rates for limited representation or services. At some locations, individual consultations may be available.

In an ideal society, all members would have unfettered access to legal assistance, and thus access to justice. While that lofty goal may be out of reach at present, the Law Day 2013 Lawyers in Libraries initiative is an enormous step in the right direction.¹ 🐟

ENDNOTES

1. The Collaboration welcomes the involvement of lawyers, libraries, and individuals or organizations interested in access to justice in the ongoing activities of the Collaboration. Inquiries should be directed to Caroline Wilshusen at cwilshusen@mbf.org.



Andrew M. Mead is an associate justice of the Maine Supreme Judicial Court. He currently serves as co-chair of the Maine Justice Action Group Collaboration on Innovation, Technology and Equal Access to Justice, which

includes the Maine State Bar Association, Pine Tree Legal Assistance, Maine public libraries, the Volunteer Lawyers Project, and other organizations dedicated to the cause of access to justice.