

**Justice Action Group Board of Directors Meeting
December 7, 2017 - 3:00 p.m.
Feeney Conference Room
Cumberland County Courthouse, Portland**

MINUTES

Present: Present: J. Mead, J. Rich, J. Darvin, Albert Ayre, Eben Albert, Ginger Davis, Charles Dingman, Juliet Holmes-Smith, Jamie Kilbreth, Sue Roche, Barbara Schlichtman, Diana Scully, Deirdre Smith, Ken Spierer, Mary Toole, Sue Driscoll, Dan Emery, Russell Anderson, Trish O'Donnell, Rick Record, Kristina Famolare, and Allison Gray

By Phone: Jaye Martin and Bill Robitzek

Justice Mead welcomed the attendees and invited self-introductions.

I. Consent Agenda

A. Reports from ACP: Justice Mead thanked the providers for their reports and commented that it is amazing what they are able to accomplish with their limited resources. He specifically referred to Pine Tree's caseload: They have 2,000+ cases still open; of the 40% that has been closed to date (1,895), those cases received full representation and 96% of those cases were resolved in favor of the Pine Tree client. The PTLA website had 2.6 million page views this past year. There are ongoing initiatives with Togus. Revelations regarding sexual harassment and bullying that occurred in the context of their internal training program have sparked conversations across the state—conversations that will undoubtedly lead to affirmative actions and initiatives.

The University of Maine School of Law Cumberland County Legal Aid Clinic is running at full capacity. Its Center for Juvenile Policy and Law continues to advance efforts to reduce harm and increase positive outcomes for Maine youth involved in the juvenile justice system.

Justice Mead observed that the Maine Equal Justice Partners organization has had, "an extraordinary year." Their efforts have produced tangible results, both on macro and micro scales, moving Mainers out of the cycle of deep poverty.

Legal Services for the Elderly continues to serve Maine's aging population well despite dwindling resources and increased dependence on grant funding. LSE remains deeply at risk in the funding department, but somehow is reaching an enormous number of direct services, in the thousands.

ILAP: Justice Mead commented on their enormous demand for services. They've handled 253 full representation cases for 308 clients, but had to turn away an additional 151 clients because of their resource limitations who would qualify for their services.

VLP: The newly independent Volunteer Lawyers Project continues to leverage the willingness of Maine lawyers to take on pro bono work with great success and has launched the Free Legal Answers (FLAME) program (more on that later).

Justice Mead again gave kudos to all the providers for doing great work with their limited services. He indicated JAG would do its best to continue to advocate for funding and resources.

B. Approval of Minutes: No additions or corrections were noted to the minutes of the June 6 JAG Board meeting. A motion was made and seconded to accept the June 6 minutes; by unanimous vote, they were accepted.

II. WORKING AGENDA

A. Report from the Chair — *J. Mead*

i. LSC Funding Crisis: Justice Mead said this was a full-blown crisis that seems to have blown over. In response to an enormous effort that everyone put forward, including a number of people in attendance at this December 7 meeting, many really stepped up to the plate. Justice Mead and many of the providers contacted their congressional delegation and obtained their strong support for the continuation of funding for the LSC. Things are currently looking good.

ii. Project inventory review: Justice Mead reviewed the inventory of JAG initiatives. He inquired whether anyone had any additions/corrections. None were noted. All were requested to contact him if they later note any error of omissions.

iii. Introduction of Court Services/Access Coordinators: Justice Mead introduced the Court Services/Access Team: Rick Record, Kristina Famolare and Allison Gray. This coordinator group will serve as a communications nexus between the court and the providers, the public, and JAG.

(Jaye Martin joined the meeting via telephone at this point).

Each coordinator introduced themselves and explained their particular areas of responsibility. They each emphasized that they are accessible to the providers regarding issues of court access. They mentioned the various signs that they have posted throughout the courthouses regarding assisted hearing devices being available, and the various forms that have been translated into a multitude of languages spoken in Maine. Most of these forms involve safety issues such as PFAs, PFHs and family matter forms. Each coordinator passed out their business cards to the providers to assist with access.

B. Report on Limited Representation Incubator Project – *Elizabeth Stout*
This item will be deferred until a future meeting.

C. Report from the Vice Chair: Judge Rich reported on two items listed on the inventory: the in-house counsel and the business community outreach that he said are related. He reported that the in-house counsel initiative had been historically very active, but not since the extremely successful event they had at IDEXX with Jackie Studer last fall. Judge Rich related that in regard to the business community outreach piece, the Executive Committee is questioning whether we should pursue Jackie Studer or someone else within the business community or should we wait until a more opportune time? When Kevin Gildart was on this board, he had commented to Judge Rich that it is difficult for a business person to join without having a specific task. They prefer to be given a specific task so they can then

run with it. Judge Rich inquired whether we should invite Jackie Studer or someone else in the business community to join the board? He had Mary Allen Lindemann from Coffee By Design actually ask him recently about JAG and whether it was still active because she is interested in getting involved. Judge Rich inquired whether anyone had any thoughts on this?

Justice Mead believes that when we're reaching out to the Legislature seeking resources for the providers, we will need some major help and support and the business community could be very helpful with that. Justice Mead thinks it may be better to wait until we have an actual task for a business community member to assist with before we bring them onboard. He thinks we should keep our contacts with the business community open, but not aggressively pursue them at this time. He also asked if anyone had any thoughts on this.

Barbara Schlichtman suggested getting these business people together at a single occasion or event to brainstorm as to what kind of tasks they could contribute to without asking them for a long-term commitment at this time. They could identify some tasks that we could assign them when we are ready to. Justice Mead felt this may be worthwhile.

They discussed a list of CEOs and Justice Mead suggested that be circulated to everyone. Juliet suggested taking a presentation to these CEOs and discussing the Economic Benefits Survey with them. This survey was done after JAG first spoke with CEOs so they wouldn't be aware of the study. Justice Mead feels this is a great idea.

ACTION PLAN: This could be a potential outreach effort—perhaps one of several—to replace the biennial symposium which is currently on hold. Would the ACP group discuss this at their next meeting?

D. Pro Bono Committee: Judge Rich spoke about the pro bono committee. They had a meeting last week (November 27, 2017) and they are having good attendance. He discussed the ABA survey that was done. He said 500 attorneys answered the survey and the ABA has helpfully synthesized, organized and analyzed this data. Juliet gave a report on this at the Legal Year in Review. Judge Rich indicated the committee decided last week to take a look at some of the barriers to providing pro bono work. They are asking how those barriers may be lessened. Their thoughts were to reach out to the pro bono coordinators at the law firms and the providers. The committee will be making this a project for the upcoming year. Juliet talked about pro bono awards being given out in the past at the winter Bar meetings, but without the winter meetings any longer they have tried other events to do this and it hasn't worked out as well as people are not expecting presentation of awards at these types of events. She suggested getting the law firms behind this and fund an event in October during national Pro Bono week where awards could be given out and pro bono work could be celebrated.

i. VLP — Free Legal Answers ME (FLAME): Juliet indicated the FLAME initiative had a couple of events in the fall. They have almost 90 attorneys signed up. Other states have told her that that count is very good. They are now working on the language piece of this. It's going out through the courts. They need to work on the client piece by the end of the year in hopes of having a good balance of attorneys and clients.

Juliet said when she's reviewed the questions and answers people are being given, the advice is very good on where to go next, who to talk to for a provider, etc. She also said sometimes

the person is realizing that they don't actually have a legal problem, which is good too. She's expecting a small grant in January to help clients that have an involved legal problem that need extended representation.

E. Justice Systems Committee/ Administrative Systems Subcommittee — Status report/ leadership: Jaye Martin spoke about working with a subcommittee on barriers to access to justice for elderly people, people with language barriers, etc. Jaye said Laura O'Hanlon had attended all five meetings. Jaye anticipates a written report to be submitted to the Executive Committee. It will reflect that many of the items that came up were met with fairly quick resolution because of Laura O'Hanlon's work and the rest of her staff. She said it's important that the group maintain ongoing, regular contact with the new JB Access team to have these discussions and raise these observations and to talk about what the response should be.

(Judge Darvin joined the meeting at this point).

F. ACP: Jamie talked about Item H (see below). He indicated there is no concrete proposal yet regarding the symposium as a substitution for the biennial meeting, but the ACP is starting to discuss this. Justice Mead asked if there would be a presentation at the MSBA meeting and Jamie indicated it was one of the possibilities.

Sue Driscoll reported that the MSBA continues to discuss its plans for statewide meetings. It is possible that some form of a January meeting may occur, but the issue remains in the discussion phase at present. The Symposium (or some version of it) could probably be incorporated in future meetings depending on the final particulars.

G. Legislative Committee: Charlie Dingman noted that some very important legislative activity was undertaken successfully by the legal services community. Specifically, on November 7th, with Maine Equal Justice's leadership, 70 to 90,000 more of their low-income clients will receive healthcare at some point due to Medicaid expansion. There is more legislative work to be done on that front. There may be a long-term shift in the future political climate that may favor supporting legal services for low-income people as well, but for the present, the time is not right for a major legislative effort for direct funding.

H. Replacement plans in lieu of Biennial ATJ/MSBA Meeting: Previously reported by Jamie Kilbreth while reporting on Item F.

I. MJF Report: Diana Scully reported that during a board meeting in November it was unanimously voted that the Howard Dana award would be given to Nan Heald and that the Young Lawyer award would be given to Stan Tupper. She said the MJF is very pleased with these nominations. She talked about a piece of legislation to create an access to justice income tax credit that made it into the second regular session. JAG may not be involved in it, but there is a lot of interest on the board of the MJF. It is sponsored by Rep. Bailey and co-sponsored by Rep. Cardone. It's basically about getting lawyers to low-income areas by offering an income tax credit.

i. Introduction/Report of Trish O'Donnell, Campaign for Justice Director: Diana introduced Trish O'Donnell, the new Campaign for Justice Director. Diana said it took many months and two rounds of applications and interviews before Trish was selected and it was unanimous that Trish would be the new director. She said Trish came to them from the private sector with a marketing background and that she would bring good skills to this

position. Trish spoke about the Campaign for Justice and how excited she was to be a part of this worthwhile effort. She reported that the Campaign volunteers are committed and enthusiastic about the campaign and are selflessly contributing their time and efforts to the cause.

- J. Unprofessional Conduct — discussion; JAG and providers' roles
See Nan Heald's article "*Unprofessional Conduct*" in the November 24, 2017 edition of **The Maine Lawyers Review**.

A wide-ranging discussion on the topics of bullying and sexual harassment within the legal profession occurred during which Board members offered their insights and suggestions. A summary of the comments is attached as a separate document.

The Board strongly endorsed the notion that JAG could and should play a part in the conversations and initiatives that will undoubtedly follow. Justice Mead thanked the Board members for their comments, information, and suggestions.

ACTION PLAN: The Executive Committee will attempt to distill and review the comments and arrive at a proposal for JAG's continuing involvement in the issue that will be presented—possibly by email—to the Board as a whole.

- K. New Business: No new business mentioned.

- L. Future Meetings of the JAG Board — Dates to be set for 2018: Justice Mead indicated the proposed dates are established below and to notify him if anyone sees a problem/issue with any of them.

PROPOSED:

Board: June 28th (Thurs.)
Dec. 6th (Thurs.)

Executive Committee: Jan. 18th (Thurs.)
Mar. 15th (Thurs.)
June 4th (Mon.)
Sept. 6th (Thurs.)
Nov. 28th (Wed.)

Meeting adjourned at 5:00 p.m.

Respectfully submitted by: Cindy Brochu, Administrative Assistant to Justice Mead.