

**Justice Action Group Board of Directors Meeting
December 10, 2018 — 3:00 p.m.
Clerk's Office Conference Room – Ground Floor
Cumberland County Courthouse, Portland**

MINUTES

Present: Saufley, C.J., Mead, J., Rich, J., Darvin, J., Eben Albert, Charles Dingman, Susan Driscoll, Nan Heald, Jamie Kilbreth, Jaye Martin, Sue Roche, Barbara Schlichtman, Diana Scully, Deirdre Smith, Ken Spierer. Judge Levy joined the meeting to report during the discussion of the POWER Act of 2018 (item II (A)(ii) below).

By Phone: None.

Welcomes and introductions preceded the meeting.

I. CONSENT AGENDA

(These will be considered based on the written report package and not presented at the meeting.)

A. Reports from the ACP: Justice Mead thanked the providers for their reports and noted that the reports continue to be a valuable exchange of information between the providers and the ATJ community. He again noted that the providers are accomplishing extraordinary results with their very limited and inadequate funding.

B. Approval of Minutes: JAG Board, June 28, 2018 meeting: Justice Mead asked if there were any additions/corrections to the minutes of the prior meeting. Hearing none, a motion to approve was made and seconded and the minutes were unanimously approved.

II. WORKING AGENDA

A. Report from the Chair — *J. Mead*

i. Inventory review/updates: Justice Mead quickly reviewed the JAG inventory of initiatives and noted that the website upgrade item has been completed and could be removed. No other changes to the inventory were offered.

ACTION PLAN: All members should review the inventory periodically to keep it current.

ii. POWER Act of 2018: United States District Court Judge Jon Levy addressed the group to brief us on the "POWER (Pro Bono Work to Empower and Represent) Act of 2018." The Act directs the Chief Judge of each federal district to lead public events in partnership with the state, local tribal or territorial domestic violence service providers or coalition and a state or local volunteer lawyer project. The public events are intended to promote pro bono legal services as a critical way to empower survivors of domestic violence, dating violence, sexual assault and stalking and engage citizens in assisting those survivors. The law directs that each district in the country will hold this event annually for four years. Additionally, where Indian tribes are present within districts, a second event is anticipated.

Judge Levy welcomes JAG's input on the project as the concept evolves, and as funding becomes clearer. Members of the Board offered many observations and suggestions and welcomed the opportunity to participate in the process. Judge Levy plans on continuing conversations with the JAG member organizations and will keep Magistrate Judge Rich updated as developments occur.

ACTION PLAN: Judge Rich will report on progress as the concept moves forward.

iii. Use of JAG earmarked funds for National Funding Data Project: Justice Mead spoke about the funds that Jamie Kilbreth had previously requested to help underwrite an implied bias program for the providers. Ultimately, the funds were not necessary, but Jamie suggested that the JAG earmarked funds could be used to underwrite a \$1,000 subscription for a national legal services national data collection program which had previously been funded by the ABA. The Board members voted to authorize the subscription.

ACTION PLAN: The MJF is authorized to enter into a one-year subscription for \$1,000. [ADDENDUM: Since the date of the meeting, some confusion has been expressed regarding whether or not the ABA has actually discontinued the effort. We should hold up on tendering the subscription fee until we have obtained clarification of the actual status.]

iv. Website upgrade/Unprofessional Conduct – *Initiatives and Solutions*: Justice Mead reported that the website makeover and upgrade is complete. The homepage has a news sidebar and members are invited to offer news items and updates to be included (simply email Cindy with any announcements or news). A non-published URL <<https://www.justicemaine.org/grants-and-programs/justice-action-group/jag-committee-documents/>> will allow members to access JAG documents including agendas and minutes. NOTE: Please bookmark this site for yourself, but please do not circulate it beyond our membership. Finally, the “Addressing Unprofessional Conduct: Efforts and Initiatives” database page is up and running—you can quickly access it with a link on the page noted above.

ACTION PLAN: Justice Mead will prepare an announcement for late January.

v. Update on Liz Stout's incubator program: Justice Mead reported that Liz Stout spoke to the Executive Committee on September 6, 2018 about the incubator program she has been directing since 2016. A detailed description of her comments is included in the Minutes of the September 6, 2018 Executive Committee meeting.

In brief, the program has been a success. However, at the end of Liz's five-year commitment in 2021, she plans on stepping down as the director. She hopes that the program will continue after her departure. She offered two suggestions: (1) the program should operate under the auspices of some organization that can offer resources, and (2) the program needs to offer health insurance for the director of the program.

We have some lead time and an opportunity to save this valuable, one-of-a-kind program, but we will need some ideas and commitments.

ACTION PLAN: Add this to our Inventory and continue the discussion of how to continue and expand the program after Liz's departure.

vi. Update on conversation regarding use of IOLTA funds: The conversation between the court and the MJF is continuing. It is hoped, and fully anticipated, that a resolution will be possible by reallocation of funds within the MJF accounting processes and will not result in any interruption to providers' funding streams. [NOTE: The next conversation will take place on February 20.]

B. Report from the Vice Chair — *J. Rich*: Judge Rich spoke about the outreach to the private sector. He reported in June that IDEXX had agreed to take on an asylum case with nine attorneys and non-attorneys, but that original effort didn't pan out. They have agreed to go back and give it a second try with a smaller group of attorneys.

C. Pro Bono Committee — *J. Rich*: Judge Rich reported that the group has decided to meet every other month rather than every three months.

i. Pro Bono Celebration for 2019 — Judge Rich reported about efforts by Beth Richardson, who is an emeritus attorney who is also affiliated with VLP to organize a pro bono celebration, possibly during "pro bono week" in October (Oct. 21-25).

Beth is also taking on the emeritus counsel issue. Her article in the Maine Lawyer's Review reports there are only 10 attorneys that hold Maine emeritus status. The \$750 fee for the character and fitness review may operate as a deterrent to other attorneys interested in obtaining emeritus status. Perhaps the SJC could find a way to address the issue.

ACTION PLAN: Justice Mead will present the fee issue to the court.

ii. Katahdin Counsel: Figures/ Five-Year Recognition: Justice Mead referenced the figures we circulated. They are down, but still respectable. We continue to seek ways to encourage attorneys who are doing pro bono work to report their hours to the program.

iii. Pro Bono Reporting proposal: Judge Rich discussed the possibility of adding a voluntary, optional question to the annual bar registration form of whether attorneys have provided any pro bono services within the last year. The cost to the Overseers of adding the question would be in the \$3,000 range.

ACTION PLAN: Juliet or the Pro Bono Committee, will prepare a final proposal and Justice Mead will present it to the court.

D. Justice Systems Committee/ Administrative Systems Subcommittee: Justice Mead noted that this subcommittee was originally envisioned as a think tank but has been reconfigured as a network bridge to facilitate communication. Jaye Martin reported they

are meeting two to four times per year and she is in process of putting meetings together for 2019. Jaye said the members are still very actively networking.

E. ACP — *J. Kilbreth*

i. Staffing & Funding/ National Funding Data Project: Jamie referred the group to the handouts that were circulated prior to the meeting. He spoke about how JAG used to have staffing (principally an Executive Coordinator) to undertake projects like Lawyers in Libraries and the biannual ATJ Conference, and we can't really undertake projects of this scope at this time. He asked if we could find a way to come up with some funding to get staff.

ACTION PLAN: Jennifer Lechner will be invited to the January Executive Committee meeting to discuss staffing and funding ATJ Commissions.

ii. Advocacy regarding use of IOLTA funds: Justice Mead reported that conversations are continuing.

F. Legislative Committee *C. Dingman*: Charlie reported the group is operating with an expanded group of people. This group and a group of all the executive directors from the providers are meeting regularly and discussing approaches for a request for funding from the legislature.

ACTION PLAN: The Legislative Action Committee and working group will continue in earnest with research and planning for a legislative request for funding for providers.

i. Update on planning for ATJ Day at the Legislature: Charlie reported that thanks to Diana we now have a template to work with so we start from previous experiences and build from there. March 12th is ATJ Day at the Legislature for 2019.

ACTION PLAN: The committee and providers will continue planning for the March 12 event.

G. MSBA: Sue Driscoll mentioned the signs urging civility are done, and framed and ready to be hung in the courthouses. She said thanks to Nan's article last year, this is getting done. Sue said this may be her last meeting, that Eric Columer is the next president of MSBA. The group thanked Susan for her participation and commitment to civil access to justice.

ACTION PLAN: Invite incoming President Eric Columer or his designee to future meetings.

H. New Business: None

I. Future Meetings of the JAG Board (tentative): June 27th (Thurs.)
December 2nd (Mon.)

Meeting adjourned at 4:40 p.m.