

**Justice Action Group Board of Directors Meeting  
June 27, 2019 — 3:00 p.m.  
Feeney Conference Room  
Cumberland County Courthouse, Portland**

**MINUTES**

Present: Chief Justice Saufley, Justice Mead, Magistrate Judge Rich, Charles Dingman, Bill Harwood, Nan Heald, Juliet Holmes-Smith, Chris Lewis, Jaye Martin, Robyn Merrill, Sue Roche, Barbara Schlichtman, Diana Scully, Deirdre Smith, and Stacy Stitham  
By phone: Cindy Brochu

Welcomes and introductions preceded the meeting.

**RULE 6(e) AMENDMENTS**

Chief Justice Saufley reported that the Supreme Judicial Court has approved amendments to Rule 6(e) of the Maine Bar Rules, effective on July 1, 2019, providing for: (1) annual financial reports, to be filed with the court by the Maine Justice Foundation on or before April 15 of each year, commencing in 2020, detailing the use and allocation of IOLTA funds; (2) a maximum of 22% of IOLTA funds, computed on a three-year average, may be allocated to the Maine Justice Foundation's administrative costs; (3) a "floor" of \$120,000 of IOLTA funds allocated to the Maine Justice Foundation's administrative costs is established; and (4) a statement of principle that IOLTA funds received and distributed pursuant to the Rule are intended to provide services that maintain and enhance resources available for access to justice in Maine, including those services that achieve improvements in the administration of justice and provide legal services, education, and assistance to low-income, elderly, or needy clients.

Chief Justice Saufley reported that a small working group would be assembled for further study regarding potential limitations on the use of court-mandated IOLTA funds for lobbying purposes. Any potential limitation would apply only to the lobbying generally understood to be legislative and candidate-based lobbying and not to the variety of systemic advocacy that includes litigation or administrative advocacy.

A copy of the changes to Rule 6(e) and the background statement appended to the rule may be found at: [https://www.courts.maine.gov/rules\\_adminorders/rules/amendments/2019\\_mr\\_06\\_Bar.pdf](https://www.courts.maine.gov/rules_adminorders/rules/amendments/2019_mr_06_Bar.pdf)

**MINUTES**

Minutes of the December 10, 2018 JAG Board meeting were circulated shortly after the meeting, but were not included with the agenda materials for the June 27, 2019 meeting. Unless additions or corrections are noted, they will be deemed to be adopted by the Board.

## **INVENTORY REVIEW**

No additions or corrections were noted.

## **PRO BONO COMMITTEE**

Judge Rich reported that the committee continues to meet every other month. Membership has been depleted by the loss of Jen Archer, who has moved to the Attorney General's Office, and the recent death of retired Justice Kevin Cuddy. The committee will discuss possible replacements.

Juliet Holmes-Smith reported on the progress of discussions regarding: (1) an emeritus counsel program concept for retired attorneys who are admitted in other jurisdictions but have relocated Maine and are willing to undertake pro bono work under the supervision of a Maine civil legal services provider; and (2) a pro bono celebration or recognition gathering that may take place in 2020.

Juliet also reported on an apparent miscommunication with the Board of Overseers of the Bar regarding the committee's proposal to include optional pro bono hour reporting in conjunction with the annual attorney registration. The Board was under the impression that the SJC had approved the initiative—when in fact it had not been formally presented—and went ahead and created a reporting module in the online registration page.

The misunderstanding was caught shortly before the July 1 reporting date, and the module was removed from this year's registration process. A formal proposal will be presented to the court later this year.

## **JUSTICE SYSTEMS COMMITTEE**

Jaye Martin reported that the committee has been meeting and confirmed that it is operating as a think tank and communications hub. The JB Access Team has participated in the conversations. Jaye confirmed that the providers are working with a stakeholders group in conjunction with the JB Odyssey case management/e-filing initiative.

## **LEGISLATIVE COMMITTEE**

Charlie Dingman reported that our legislative funding initiative morphed from a request for annual funding from the General Fund through a direct appropriation to the existing Civil Legal Services Fund (initially drafted to seek \$5 million annually with the understanding that a lower level was more attainable) to a request that the additional continuing funding come in part indirectly from the General Fund by increasing the percentage of certain court fees going to the CLSF from 7% to 9%, and in part directly to the CLSF from a surcharge on filing fees for actions by debt collectors. As of June 27, funding appropriations were on the Governor's desk awaiting her attention. *[Note: After further interactions with her office on Friday the 28th, the Governor signed the bill, which is now law, P.L. 2019, c. 509, effective September 19, 2019 (90 days after final adjournment of the 1st regular session of the Legislature).]*

**LEGAL SERVICE CORPORATION MEETING IN MAINE IN JULY**

The LSC Board of Directors will be meeting in Maine on July 28 and 29. Invitations will be extended to providers and the SJC. This is an important gathering and all invitees were encouraged to attend.

**A MAINE ATJ COMMISSION**

Justice Mead asked the Board members to consider the question of whether Maine should have a formal ATJ commission. At present, the Justice Action Group and the Maine Justice Foundation undertake many functions that are typical of conventional ATJ commissions; the conversation will be continued as part of the inventory of initiatives. Jennifer Lechner may be joining us for the December 2 Board meeting where she will speak about her experiences as the Executive Director of the North Carolina ATJ Commission and how it progressed from a minimally-funded entity to a multi-million dollar organization.

**FUTURE MEETINGS OF THE JAG BOARD**

December 2, 2019 (tentative)

Meeting adjourned at 4:17.

Respectfully submitted:

Cindy Brochu