

**Justice Action Group  
JAG Executive Committee  
November 28, 2018 – 2:00 p.m.  
Mt. Washington Conference Room, Portland**

**MINUTES**

Present: J. Mead, J. Rich, Charles Dingman, Juliet Holmes-Smith, Jamie Kilbreth, Diana Scully and Susan Driscoll-via phone.

**I. Approval of Minutes:** No additions or corrections noted and the minutes were unanimously approved.

**II. Report from the Chair – J. Mead**

- a. Inventory updates: Justice Mead inquired whether any updates were needed to inventory. He indicated that most of these items are static. Judge Rich will provide an update for what we cover today. No other additions/corrections noted for the inventory.
- b. Katahdin Counsel Recognitions & Review of Katahdin Counsel Statistics: Justice Mead mentioned that the participating numbers are still down, but Maine lawyers continue to provide meaningful pro bono service to Maine's underserved populations. The court presented a substantial number of the recently-instituted 5-year recognition awards and they seemed to be well received.
- c. KDK Consulting Group Options for MJF/JAG Website Edits/Additions: Justice Mead reported that the website is up and running and looks great. He thanked MJF for providing space for us on their website. The website includes a homepage with a newsfeed sidebar (members are invited to send news of their activities to be posted on the newsfeed), a table documenting efforts to combat unprofessional conduct (see item below), and a page intended primarily for JAG members with past agendas, meeting minutes, and other documentary information. A formal public announcement of the website is anticipated in early 2019.
- d. Unprofessional Conduct – *Initiatives and Solutions*: Justice Mead discussed the table, incorporated on a page of its own on our new website, to document initiatives taken within the legal community to combat unprofessional conduct. He indicated he sent a large number of hardcopy letters to organizations, law firms, governmental entities, and others asking them to report on their efforts for purposes of entry on our webpage. Eleven responses have been received so far that document some very affirmative and impressive initiatives. Justice Mead is hopeful that additional responses will continue to arrive in the near future. He is deferring the public announcement of the new website in hopes that the numbers will be up by then.
- e. Sponsorship/Underwriting Providers' Educational Program: Justice Mead inquired whether this training that JAG funds had been approved for had taken place. Jamie Kilbreth indicated the conference/training took place but the JAG funds were not used. Jamie is proposing an alternative use for the funds. Rather than the funds going towards the conference/training that

they've already had, that perhaps they could use it for subscribing to this service for the first year (see handouts circulated on 11/26) Jamie said part of their thinking was that the information contained in this subscription would be beneficial for making a legislative ask. The thought was let us do it this year (\$1,000) and then make the ask. He thought it would be a more productive use of these funds than using them towards the conference/training. Juliet feels this is a very worthwhile undertaking. Justice Mead invited comments, and all agreed that this was something we should undertake. Justice Mead indicated that the question would be presented to the Board at its next meeting.

### **III. Vice-Chair's Report - *Judge Rich***

a. Judge Rich presented Judge Levy's request to address Board regarding Judge Levy's intention to organize a public event promoting victims of domestic violence service providers under the POWER Act of 2018. Justice Mead will extend an invitation to Judge Levy to join us at the board meeting Dec. 10th to report on the POWER Act.

### **IV. Pro Bono Committee Report- *Judge Rich***

a. Reporting of Pro Bono Hours w/Annual Attorney Registration: Judge Rich and Juliet reported. Judge Rich said the Pro Bono Committee has had two meetings since the last Executive Committee meeting and will be meeting this spring on a bimonthly schedule. He said the biggest issue the Pro Bono Committee was tackling at the present time involved a proposal to add pro bono reporting to the annual bar registration process. The Committee's proposal includes guidance given to the Committee at its meeting with Jackie Rogers on September 24.

Julia Sheridan who is a member of the board of overseers of the bar and the Pro Bono Committee indicated that the board was also meeting today. We'll wait to hear back from her. One of Jackie Rogers' primary concerns is that any question on the registration card doesn't further distract or impede lawyers in filling out the form because they already have a certain amount of noncompliance in completing the registration card.

Juliet commented that the expected cost in adding this question to the registration card is about \$3,000. Discussion was held regarding the wording on the registration card.

Judge Rich discussed clarifying what is pro bono work at large vs. pro bono work that qualifies for Katahdin Counsel. He indicated what they tried to do with the question is provide a pop-up that explains pro bono work/Katahdin Counsel qualifications better.

Jamie commented that he doesn't complete his registration card, that his assistant does and that an assistant does that for every attorney in the firm, so those attorneys are not going to see the pop-up explaining pro bono and Katahdin Counsel qualifications. He believes that most firms do that.

Justice Mead inquired whether anyone gets the registration card/form by mail any longer. Juliet said what she brought as a handout is just a printout of the on-line form.

Jamie commented that he believes most firms track their pro bono hours and that a way to solve this problem could be to tell the staff when filling out the form to fill in their pro bono hours. That it's not that the data isn't there, it's just creating a mechanism to connect the dots.

Justice Mead commented that he believes the larger firms in Portland keep track of the pro bono hours, but that probably is not routine practice in the smaller firms. He suggested putting a button at the bottom of the registration form online that asks if they're willing to discuss pro bono work and they can either click, no, and the form just gets sent in or if they click, yes, a whole new page pops up. He doesn't think it's a big imposition on anyone, it's not hard to understand. He will present the concept to the Law Court, but thinks the presentation will be much more effective if he could present mock-ups of the actual web pages as they would appear.

Juliet said she could speak with Jackie to see if there is a way to get a screen shot so Justice Mead will have a visual for the Court. Judge Rich indicated we should wait to hear from Julia Sheridan too because the board was meeting today. Juliet Holmes-Smith is expecting to hear back from Ms. Sheridan. After that she'll take another look at the memo, she'll take out JAG paying for it, and whatever else she thinks will make it look more attractive.

Juliet mentioned they have a new staff person, Beth Richardson, who is willing to put together a pro bono celebration next year. Justice Mead asked for this to be added to the board meeting agenda.

Judge Rich mentioned that Beth Richardson is also working on the emeritus counsel issue with Justice Cuddy. They are focusing on Maine attorneys who have or are retiring, rather than out-of-state counsel who will be required to pay the cost of a character-and-fitness evaluation, per the earlier guidance of Jen Archer and the Board of Bar Examiners.

**ACTION PLAN:** Juliet will see if we can obtain screen shots or mock-ups of how the registration web pages would appear and function. Juliet will also check with Julia Sheridan, and present a final proposal memo. Justice Mead will make a presentation to the Law Court after the materials are finalized.

**V. Legislative Committee Report – *Charlie Dingman*:** The committee (which includes input from individuals outside the actual committee) is actively brainstorming the process for a legislative direct-funding request. They have several meetings coming up within the next few weeks and will prepare a list of folks in the Legislature who may be able to offer support for such a proposal. Additionally, they are still working on talking points with providers (and are analyzing numbers to produce a reasoned and supportable amount for the request!) and are planning on working quite hard on this over the next few months. Justice Mead thanked him for the invaluable work of this group.

**VI. ACP Chair's Report – *Jamie Kilbreth***

a. **Access to Justice Commissions: Increasing Effectiveness Through Adequate Staffing and Funding:** Jamie referred to the article he had Cindy circulate regarding increasing effectiveness through adequate staffing and funding. He spoke about how having full-time staff is important. He mentioned Jennifer Lechner's staff in North Carolina. She has two full-time staffers with a budget of

staff. \$200,000. The report underscores what can be accomplished with an actual Justice Mead confirmed that it is impossible for JAG to take on any actual labor-intensive projects (such as the Lawyers in Libraries project, some years ago) without staff. Jamie stated that we need to start a conversation about staff, and that Justice Mead and Cindy are doing a good job of keeping things going, but we should have the capacity to do more with a dedicated staff. He suggested that Jennifer Lechner, the North Carolina ATJ Commission Executive Director, who is a nationally-recognized expert on funding and staffing might speak to us with ideas or suggestions. She has Maine connections and is occasionally in the state. Justice Mead agreed and will contact her to check on her availability. [NOTE: It appears that a January 31 date is a possibility, and the EC meeting will be moved to that date, and Jennifer may be able to join us then.]

the b. National Data Collection Subscription: Addressed (and approved) earlier in meeting.

## VII. Executive Committee Organization Updates:

- Courts: No updates
- ACP: See above
- MJF: Diana reported that Bank of America has raised the interest rate for IOLTA. Other banks are asking Diana about increasing. She was surprised it's taken this long to start seeing increases. She had an inquiry from a large bank, not in this state, if they need to have a brick and mortar presence within in the state in order to participate in the program. And she said her answer in the past has always been, yes, but now that it's being asked, in looking at the rules, she thinks the rules are outdated. She's had the conversation with Aria and Aria is going to put it before the advisory board to see what they say. She's waiting to see how that plays out. Diana reported that she has new members joining the board in January. Diana talked about the use of IOLTA monies in general. She said when you look at it nationally, what organizations are doing, there is a different category called administration of justice. IOLTA funds are being used very commonly to support things like JAG. Diana reiterated that the board had approved \$950,000 worth of Bank of America grants over a 3-year period, so every provider got some of that money.
- MSBA/Lawyers in Libraries: Susan Driscoll mentioned signage and that she's continued to work with MSBA for signage that sets forth the guidelines for professional conduct that would then be displayed in every courthouse. The signs will be encouraging civility, reminding people of it. She's hoping it gets done by the end of the year. She's not reporting on lawyers in libraries because that is now done by the New Lawyers' Section. She will look into this to see if she can have more info to report at the next meeting.
- MTLA: No report.

## VIII. Other Business: None

**IX. Confirm 2018 JAG Executive Committee and Board meeting dates.**

**JAG Board (Clerk's Office Conf. Room, Cumberland County Courthouse):**

Dec. 10th – 3:00

**Executive Committee (SJC Conf. Room - 4th floor - Capital Judicial Center):**

2019 dates will be set and emailed to Executive Committee & Board members.

Meeting adjourned at 3:25 p.m.