

**Justice Action Group Executive Committee Meeting
January 18, 2018 – 2:00 p.m.
SJC Conference Room
Capital Judicial Center - Augusta**

MINUTES

Present: J. Mead, Diana Scully, Ginger Davis, Jamie Kilbreth and Deirdre Smith.
Susan Driscoll by phone.

I. Approval of Minutes: (Nov. 29, 2017 meeting) No additions/corrections reported. Minutes approved.

II. Report from the Chair – J. Mead

a. Inventory updates – Justice Mead indicated that the inventory would most likely need to be updated after action on today's agenda items.

b. Unprofessional Conduct/Sexual Harassment/ Bullying – Justice Mead reminded the group of the excellent comments offered by members of the JAG Board at the December 7 meeting. A copy of those comments has been circulated to the Board members with a request to review, correct, and augment those comments before January 25.

Justice Mead shared a list prepared by Chief Justice Saufley summarizing efforts, known to her at this time, being undertaken by various groups and organizations to address sexual harassment and bullying. Justice Mead suggested that JAG might establish a committee to review the Board's many suggestions to see which could or should be undertaken by JAG.

Jamie Kilbreth noted the excellent MSBA guidelines for professional behavior which had been recently circulated. He reported that the ACP has been actively engaged in discussions regarding replacing the traditional biennial access to justice symposium, and that the ACP thought that a couple of sessions—perhaps in conjunction with established meetings and gatherings of lawyers—sponsored by JAG and its members regarding sexual harassment and bullying could fill the bill.

The proposal was well received by the Executive Committee; most felt that the Legal Year in Review and the MSBA Summer Meeting would be the best venues. The Bridging the Gap program was also favorably mentioned. Justice Mead said it would be great if we could have the judges be actively involved as panelists and attendees.

Susan Driscoll reported on the results of the MSBA survey (See MSBA report below) and felt that a large plenary session at the Summer Meeting would be particularly effective.

Justice Mead indicated that it is important to know what other organizations and individuals are doing on their own to address these issues—we don't want to duplicate efforts or step on toes. Deirdre Smith said it was important that JAG defined and understood its role in these efforts.

Ginger Davis mentioned that it was very important to have judges involved in these discussions. She suggested collecting information from other organizations.

The Executive Committee confirmed that the sexual harassment and bullying issues are within the scope of JAG's mission because they have a clear (negative) effect on a variety of access to justice issues.

The Executive Committee unanimously agreed that (1) JAG should actively support the ACP's suggestion of presenting at least two educational programs, probably at the Legal Year in Review and the MSBA Summer Meeting, and (2) JAG should create an active database or table listing all efforts being undertaken around the state to identify all efforts and initiatives to address sexual harassment and bullying. Additional efforts by JAG may be undertaken after the database is established. We should seek Board approval to commence these efforts as soon as possible and not wait until the June Board meeting.

ACTION PLAN: The Board members will be contacted by email to determine whether there is any opposition to the following efforts:

(1) The ACP (and any other Board members or representatives who wish to be involved) will immediately begin conversations with the MSBA, MJF, and the Law School to start planning for two educational programs. These efforts will require administrative support. A coordinator will be obtained either by (1) a member organization will contribute a staff person to take on these duties or (2) a contract with an outside person will be established with a maximum expenditure of \$3,000 from JAG funds held by the MJF, and

(2) JAG will establish a comprehensive database of efforts and initiatives around the state. The results will be published, and updated regularly, on the JAG website. Ideally this would be done by an executive coordinator, but since we don't have one, Justice Mead and Cindy will obtain the information and forward it to the Maine Justice Foundation for posting to the website. [NOTE: The JAG website will have to be updated to include the information.]

c. Conceptual Draft/Proposal – Rick Record and the judicial branch access team submitted a draft and proposal for several initiatives on Sexual Harassment and bullying. The proposal will be maintained for further discussion of initiatives to be undertaken after the two items noted above are under way. The draft proposal was also presented to the SJC.

ACTION PLAN: Defer to future discussions.

d. Review & Discussion of Indigent Legal Services Working Group Report – Justice Mead noted that this comprehensive report addresses criminal legal services but contains a lot of material and observations that also reflect civil legal services issues.

ACTION PLAN: None.

e. Audio Telephonic Quality at Board Meeting – Justice Mead reported that audio quality for Board members who attended by telephone was unacceptable. The telephone's ability to pick up audio from the entire room is inadequate and telephone attendees were simply unable to hear many speakers.

ACTION PLAN: Justice Mead will look into alternatives to enhance the audio capabilities.

f. JAG Website – The JAG website (which is a page on the MJF website looks pretty good (many thanks to Diana!), but it needs to be augmented with additional information (including the database noted in the action plan in item (b) above). Again, this is something that an Executive Coordinator would do, but Justice Mead and Cindy (with MJF’s assistance) will augment the material.

ACTION PLAN: Augment the website.

g. LD 1680 Tax Credits for Access to Justice – This bill would allow tax credits of up to \$12,000 to selected lawyers who establish new practices in underserved areas. The MSBA, the MJF, and the law school support the bill. Justice Mead will ask the SJC if the JB will add its support.

ACTION PLAN: Justice Mead will query the court.

III. Vice-Chair’s Report – No report, Judge Rich was unable to be present.

IV. Pro Bono Committee Report– Judge Rich was unable to be present, but Justice Mead discussed several pressing issues that will be forwarded to the Pro Bono Committee.

a. Reporting of pro bono hours as part of the annual Board of Overseers registration process–

This proposal, which has a great deal of merit, will not likely be resolved in time to catch the next round of Board of Overseers registrations, but we need to keep pursuing it in hopes of getting something ready for the next time around.

The committee made a proposal to the SJC. The SJC, without necessarily committing to the concept, requested greater detail on what would be involved—rule changes, form changes, programming changes, the specific data to be produced and how it would be used, etc. Victoria Powers responded with a memo but requested greater clarity on what was being requested from the Board and exactly what the data would be and how it would be requested.

Clearly, we need some clarity. The Pro Bono Committee will need to produce a very specific inquiry (which would probably include a template drawn from the existing Board registration form) so the Board can respond, and the Committee can present a very specific proposal (including cost, rules changes, and other provisions possibly including Katahdin Counsel reporting) sufficient to allow the SJC to accomplish an up or down decision.

b. Katahdin Counsel – Numbers are down considerably and the trend continues. The cause is not clear. Perhaps the novelty has worn off? We still need these numbers for a variety of purposes, including our relationship with potential resource contributors. The Pro Bono Committee should review this situation and offer suggestions on motivating greater participation. Ginger suggested procuring “rewards” such as discounts from the Board of Overseers registration or MSBA CLEs. Deirdre noted that the volunteer service facilitators (like VLP) have rosters of attorneys who are obviously doing pro bono work—perhaps they could encourage their participating attorneys to make sure they submit their hours for KC status. Jaime suggested opening up the qualification for lawyers contributing pro bono hours to organizations (e.g., hours spent being Lawyer of the Day for VLP). Perhaps we should consider reducing the qualifying hours in addition to opening up the standards. Ginger suggested contacting the county bar associations to have their presidents

contact their members to talk it up. Perhaps the Board of Overseers registration proposal (see above) could include a Katahdin Counsel submission checkbox.

V. Justice Systems Committee Report – No report.

VI. Legislative Committee Report – *Charlie Dingman* – No report, Charlie was not present.

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

a. Highlighting access to justice issues in lieu of symposium – See notes above.

b. Jamie spoke with Jackie at IDEXX and he was told that one of their top goals in 2018 is to identify and take on a pro bono project. He feels they are pretty committed. It's being discussed at their group meetings. Jamie doesn't think they know yet what kind of project they want to do. Ginger thinks it will put pressure on other corporations to keep up with the competition.

VIII. Executive Committee Organization Updates:

- Courts: Justice Mead said nothing further to report other than what he's already reported.
- ACP: ATJ Day is April 4th.
- MJF: Diana commented about Campaign for Justice. They've been busy.
- MSBA: MSBA had sent out a short survey on Sexual Harassment and bullying. It had 6 questions with a few subparts making it 10 or 11 questions. Within a few days they got 400 responses. 60/40 male to female responses to it. 60% of the respondents were 50 years or older.
- MTLA: No one present from MTLA today to report.

IX. Other Business: No other business.

X. Confirm 2018 JAG Executive Committee and Board meeting dates:

JAG Board (Feeney Conference Room - Cumberland County Courthouse):

June 28th - 3:00
Dec. 6th - 3:00

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

March 15th - 2:00
June 4th - 2:00
September 6th - 2:00
November 28th - 2:00

Meeting adjourned at 3:55.