

**Justice Action Group
JAG Executive Committee
Minutes**

(FINAL)

March 16, 2017; 2:00 PM

SJC Conference Room, Augusta Courthouse

Present: J. Mead, J. Rich, Diana Scully, Al Ayre, Jaye Martin, and Steve Blackwell

By telephone: Jamie Kilbreth and Ginger Davis

I. Approval of Minutes from the Jan. 12, 2017 JAG Executive Committee Meeting.

a.) No additions/corrections needed. Minutes approved.

b.) AMM advised that future review of prior meeting minutes would include a review of the Action Plans to allow each responsible person to report on progress made.

II. Report from the Chair - Justice Mead

a.) Limited representation proposal. AMM reported on the status of the proposal to expand and encourage the use of unbundled legal services by the creation of a program whereby unrepresented litigants in family matters would receive a letter advising of the availability of unbundled legal services, and the creation of a roster of attorneys offering such services. AMM reported that the court would prefer that the letter come from an organization outside the court. Liz Scheffee is communicating with the MSBA to see if we can move the matter along; Al Ayre confirmed that the issue will be given consideration.

ACTION PLAN: The matter will remain on our agenda for updates from AMM or Al Ayre.

b.) Pro bono tax credits. The Executive Committee is still interested in knowing whether some manner of tax credit or benefit may be claimed for pro bono services by attorneys.

ACTION PLAN: Ginger thinks she may know someone who might be able to provide an authoritative answer and she will reach out and report.

c.) 2017 National Meeting of Access to Justice Chairs. AMM will be attending 2017 National Meeting of Access to Justice Chairs in Pittsburgh in May. He filed the annual update on JAG activities with the ABA folks for inclusion in the meeting materials.

d.) 2018 ATJ Symposium/MSBA meeting. AMM sent letters to the usual participants in the biennial ATJ Symposium/MSBA meeting to suggest that it is not too early to start planning. Only one letter was received in response (from Angela Weston at the MSBA).

AMM and Jamie Kilbreth reported that the subject was broached at the February 23 ACP meeting. The ACP members questioned the efficacy and benefit of this tradition (which was one of the recommendations of the 2007 Khoury Report) given the amount of effort and resources that are typically invested. If such a meeting is anticipated in 2018, it is likely that a small grant from the MJF would likely be necessary to secure a coordinator to help organize

the event. It was also noted that JAG members, particularly the providers, invest substantial “people resources” to pull the program together. All agreed that the success of any such seminar was largely dependent upon the topic or theme. Suggestions were made for programming on immigration or pro bono. Steve Blackwell mentioned, as an aside, that programming should include outreach and education regarding JAG’s work—many more lawyers might be willing to join the effort if they knew more of what we do.

It was suggested that there might be alternative approaches—perhaps stand-alone CLEs, meetings, programs, serial sessions, etc.—that might be more effective than a single, large statewide presentation in conjunction with the MSBA meeting.

AMM suggested that the topic might be added to the June JAG Board meeting. If the Board members feel strongly about keeping or abandoning the current format, we can make the necessary changes.

Jaye Martin reminded us that the law school has traditionally been a significant contributor to past symposia and we should carefully inquire regarding the law school’s preferences and resources that it would be prepared to contribute to future programs. Diana Scully reported that the MJF may be able to provide support beyond just funding, depending on how the plans shape up.

Everyone felt that the issue should not simply be dropped on the JAG Board at the June meeting for a freewheeling discussion and a snap decision. The past participants should be encouraged to continue this discussion within their organizations and come to the meeting having fully considered the alternatives.

ACTION PLAN: AMM will draft a letter to the same organizations who have participated in the past advising them that this issue is being discussed. AMM will circulate the draft to the EC members for comment and will wait two weeks before mailing it out.

e.) Inventory. The Economic Benefits Study and Communications items may be removed from the Inventory as neither is an ongoing JAG project.

f.) ATJ Day at the Legislature. The Legislative Committee and ACP are both working hard on this. Responsibilities have been allocated to individuals and organizations and it looks like everything is being covered. There are three documents that will be delivered to the legislators immediately prior to the ATJ Day goings-on: AMM’s letter, the grid of provider services (which is currently being updated) and the 4-page glossy brochure.

Rep. Barbara Cardone has offered to serve as liaison or host for the Democrat caucuses. She will be a vital champion for ATJ in the legislature and we should follow up to make sure she is included.

[NOTE: The press conference for the formal announcement of the Gabe study will take place on ATJ Day in the Welcome Center. Diana has confirmed the availability of the room.

ACTION PLAN: All individuals and organizations tasked with some aspect of ATJ day will continue their efforts for a very successful day of outreach and relationship building.]

g.) AMM reported that the Judicial Branch is moving ahead on its new Case Management System project. It is a massive undertaking that is going to consume a considerable amount of existing JB resources. A Transparency and Privacy Task Force has been chartered to look in to issues of privacy, accessibility, and transparency for the new CMS. A member of the civil legal services community, Jack Haycock, Esq., of PTLA, is a member of the task force.

An e-filing component will be added at some point after the CMS is fully engaged. It is expected that the civil legal services community will also be involved in the planning for that initiative as it approaches.

III. Vice-Chair's Report - Judge Rich

Judge Rich reported that he and Jamie Kilbreth continue to work on outreach to in-house counsel and businesses generally. Conversations have occurred with Jackie Studer, GC of IDEXX, following their breakfast meeting in Portland in December, and it is hoped that she may become involved with JAG at some point in the future. The ACP continues to discuss an agreed-upon response to Jackie Studer's expression of interest in "sponsoring" a provider "project."

IV. Pro Bono Committee Report - Judge Rich

a.) ABA Pro Bono Survey: J. Rich reported on the ABA survey. The return for the State of Maine started out modestly, but last he checked we had broken the double digits. Vermont was leading at 18%. Maine was at 12%. He has not had a chance to speak with Sarah Wolff on the pro bono committee to get final numbers. They are meeting again on March 27th.

b.) Private firms/Pro Bono initiatives: J. Rich met with Juliet and pro bono coordinators of certain Portland law firms regarding what Piece Atwood is currently doing by way of encouraging their attorneys' work in the pro bono area. They have a very elaborate way of recognizing the time that their attorneys engage in pro bono work. They have a sophisticated system of tracking their pro bono work. Pierce Atwood tracks their pro bono work the same way they track their billable work. Jamie reported his belief that a number of the firms have similarly been capturing their pro bono work. It is hoped that the firms will share their approaches to pro bono and encourage other firms to do the same. J. Rich indicated that now that the ABA pro bono survey is completed, he will add law firm pro bono recognition to the pro bono committee's topics—many firms are doing some great things and we should find a way to learn about these initiatives and recognize them in some way.

c.) Katahdin Counsel Recognition Program: J. Rich mentioned Katahdin Counsel and the Court's support of that. He has heard there is less than enthusiastic response to Katahdin Counsel program. Attorneys believe the 50 hours to be eligible is difficult to reach. Perhaps it is time we took another look at the program and make a recommendation to the court for improvements.

ACTION PLAN: The Pro Bono Committee should add Katahdin Counsel and law firm pro bono initiatives to its agenda for further discussion.

V. Justice Systems Committee Report -

Jaye Martin shared that Judge Kelly reignited this committee via email. Judge Peter Darvin has taken over for Judge Mary Kelly as her new duties as Chief Judge of the District Court make it impossible to invest the time necessary. The committee has temporarily mothballed the Administrative Systems Subcommittee, and is focusing on the three Court Systems work groups.

VI. Legislative Committee Report -

The Legislative Committee is very hard at work preparing for ATJ Day and finalizing the Gabe Report and the four-page executive summary.

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

a.) Rule 89. AMM reported that the court is undertaking an expansive review of how attorneys are admitted to practice in the state of Maine. This review is prompted largely as a result of a national movement to institute a Uniform Bar Exam. As part of the review, Rule 89 was examined and proposals were floated to tighten up the rule. The court has invited comment. PTLA has submitted a comment. Other providers are encouraged to do the same.

Jamie Kilbreth conveyed some of the providers' concerns. They are very concerned about the proposal to cut back the time allowed for out-of-state attorneys to work for legal services organizations. Additionally, the providers should have an opportunity to discuss any rules that affect providers.

ACTION PLAN: Some additional providers and interested parties may be filing comments with the court. AMM will bring the concerns to the court. The Pro Bono Committee should expedite its work on the emeritus counsel proposal as the court will likely want to have all proposals regarding any aspect of admission to practice in Maine on the table. Al Ayre indicated there is a hearing set on Tuesday with the judiciary committee to allow out-of-state attorneys to practice here in the State of Maine; he will report back to us on that.

VIII. Website and Logo discussion - *Diana Scully*

Diana Scully spoke with KDK who is doing the work on the 4-page brochure to see if they had any ideas for a logo, but they backed off that for now because they're anxious to get the 4-page brochure finished first.

ACTION PLAN: Diana will continue to speak with KDK about a possible logo idea.

IX. Executive Committee Organization Updates

MJF: Diana Scully reports that the Trump proposed budget summary includes a plan to terminate funding for the Legal Services Corporation. If this occurs, it would be quite devastating to the Maine civil legal service providers. The MJF is reviewing its role and response and anticipates an outreach to Maine's congressional delegation. MJF hopes the Maine Legal Community will rally around the effort to maintain the LSC. Some Maine law firms have already started some efforts on their own.

AMM stated that advocating for funding for Maine's legal providers is JAG's prime directive and we must absolutely act on this. Any action by JAG, however, must be carefully coordinated with the providers' efforts and wishes. We do not want to inadvertently conflict with any efforts they are undertaking.

AMM reported a willingness to meet or communicate with our congressional representatives in his role as JAG Chair to encourage them to support LSC's viability.
ACTION PLAN: After seeing what is being done on the national level, we should confer and plan a unified response and outreach in Maine. We need to monitor, communicate, and plan.

MTLA: Steve Blackwell mentioned that members of his organization have close relationships with key state legislators and could potentially serve as champions for ATJ causes in the legislature. He would like to invite JAG leadership to one of the meetings to reach out and educate. AMM indicated he would welcome the opportunity to attend an MTLA gathering.

XI. Reconfirm Future Meetings of JAG Executive Committee and Board

PROPOSED 2017 DATES:

JAG Board (all meetings in the Feeney Conference Room on the first floor of the Cumberland County Courthouse):

June 6 at 3:00
December 7 at 3:00

Executive Committee (all meetings in the SJC Conference Room on the 4th floor of the Capital Judicial Center, Augusta):

June 26
September 7
October 30
November 29

Meeting adjourned at approximately 4:00 p.m.