

**Justice Action Group Executive Committee Meeting
June 26, 2017 – 2:00 p.m.
SJC Conference Room
Capital Judicial Center, Augusta**

MINUTES

Present: J. Mead, J. Rich, Diana Scully, Al Ayre, Jamie Kilbreth, and Juliet Holmes-Smith
By telephone: Ginger Davis and Sue Driscoll

I. Approval of Minutes: No additions or corrections were noted to the minutes of the March 16, 2017 JAG Executive Committee meeting. Al Ayre made a motion for their approval, seconded by Judge Rich, and the committee voted unanimously to accept the minutes.

II. Report from the Chair – J. Mead

a. Limited representation proposal status

Justice Mead reported on the status of his discussions with Liz Scheffee about efforts to encourage private attorneys to make more use of limited representation. When the rule was first adopted, it was widely believed that it would revolutionize the practice of law and result in many more individuals making use of legal services in situations where they otherwise would have proceeded without lawyers. However, the reality has not matched the expectations.

Justice Mead stated that the court's new case management system, which is currently being developed would have the capacity to generate mailing lists of unrepresented litigants, thus creating the possibility of a responsible organization to notify the URL's of the availability of limited representation. However, this would likely require a roster of attorneys who would offer such services and were familiar with the rules and forms.

Al Ayre reported that the concept of maintaining such a roster was discussed within the MSBA and the bar association was uninterested in creating and managing such a roster. He stated that the limited representation model did not enjoy widespread support among the members.

ACTION PLAN: Continue discussions.

b. 2017 National Meeting of Access to Justice Chairs

Justice Mead reported that the ABA National Meeting of Access to Justice Chairs focused largely on efforts to address the Trump Administration's budget proposal which seeks to defund (and thus eliminate) the Legal Services Corporation. Additionally, a presentation was offered on a service that maps legal needs and legal resources. Contact information has been circulated to the Maine providers.

c. 2018 ATJ Symposium/MSBA Meeting/New approaches?

Justice Mead reported his impression—shared by the Executive Committee members—that the Board members expressed a consistent inclination that the biennial ATJ Symposium (presented in conjunction with the MSBA Annual Meeting)

should be discontinued and the concept be revisited. Several suggestions were offered for different formats and configurations.

Diana said that we should start with a review of our priorities and objectives, and the format and configurations would follow thereafter. The EC agreed and also agreed that the ACP should be the starting point for those discussions.

ACTION PLAN: ACP group will discuss their objectives and priorities for outreach, education, and messaging and will report back to JAG, but this conversation will not include the ultimate format or means for accomplishing the objectives. NOTE: The "format and means" discussion, which will occur later, will include consideration of resources (or lack thereof) for accomplishing the objectives.

d. Inventory updates

No additions or corrections were noted.

e. CMS/e-filing initiative; Transparency and Privacy Task Force

Justice Mead reported that work is underway in earnest to move to a brand-new case management system for the Judicial Branch.

Juliet commented that the VLP and other providers stand ready to contribute and collaborate on the issue of access by low income or language-limited individuals. Justice Mead indicated that this is a priority for the courts; it is particularly important for the e-filing component that will be added after the CMS is up and running satisfactorily. The input of the legal services community will be a vital part of that planning. A representative of the legal services community currently serves on the Transparency and Privacy Task Force.

III. Vice-Chair's Report – Judge Rich

Judge Rich reported that he had a substantive conversation with Jackie Studer at a town office and she reiterated that she was on the cusp of picking a project that was of interest to her. Jamie indicated he had spoken with her too about a month ago and she was going to go back and talk to people about it. He's still optimistic that sometime this year they'll get a project going. Judge Rich sensed that IDEXX wants a single project to work on. Are the providers on board with this too? Jamie thinks it's important to get IDEXX on board with a provider to get things rolling. Judge Rich offered to help further. Jamie indicated that Jackie has specific proposals that he forwarded to her, and he is waiting to hear back from her. Jamie suggested that he and Judge Rich should meet with her again. Judge Rich stated he will take his lead from Jamie. Jamie and Judge Rich both agreed the ball is in Jackie's court at this point. Jamie suggested the possibility of mentioning the prospect of an IDEXX project to the in-house counsel group to see if they might be interested in jumping on board.

Judge Rich indicated that he would touch base with Janet Britton and Miles Archer to talk about leadership and structure of the in-house counsel group, possibly to arrange a succession and continuity plan.

ACTION PLAN: Jamie will follow up with Jackie and see where it goes. Judge Rich will contact Janet Britton and sort of get her pulse on the way things are going. Do they want

to shore up the leadership? Are they interested in bringing some new people on the in-house counsel committee?

IV. Pro Bono Committee Report-- Judge Rich

a. Pro Bono Committee status

Judge Rich discussed the pro bono meeting that was held this morning. They are still having an excellent turnout with this group. Everyone is still very much engaged.

b. Katahdin Counsel/ Reporting pro bono hours

Juliet talked about Katahdin Counsel. She said one of the things they talked about was a draft proposal that she has about the reporting of pro bono work in conjunction with Katahdin Counsel and she passed out copies of the proposal at the meeting. She indicated many states do not have voluntary reporting but have mandatory reporting. She thinks that voluntary reporting is a good thing. She also indicated rural attorneys do not want it known that they do pro bono work, and many attorneys don't understand why they should report. Should we ask for reporting of hours expended for pro bono work other than low income clients? Differing views were expressed at the meeting.

The EC felt that the Pro Bono Committee's proposal to have the Board of Overseers include a (voluntary) pro bono reporting component to the annual attorney registration form was worth looking into. Justice Mead indicated that such an undertaking may require amendments to the Bar Rules and would require court approval because the Board exists and operates under the auspices of the court. Before the Pro Bono Committee undertakes the substantial additional work to present a formal proposal, it makes sense to float the concept to the court for initial feedback.

ACTION PLAN: Justice Mead will take it to the court and Juliet will take it up with the Board of Overseers.

c. ABA Pro Bono Study

Judge Rich said Sara Wolff received the ABA survey summary on Sunday (yesterday) and it was circulated to the Pro Bono Committee today. 500 Maine attorneys completed it; 423 completed it completely. He has not had a chance to read it carefully, but he was interested to see that it appears that about a third of Maine attorneys who answered with regard to pro bono work indicated they are already doing pro bono on a limited representation basis.

Justice Mead inquired about how the ABA Pro Bono Study results would be disseminated. The MSBA and MJF indicated that they could include links on their websites. Justice Mead suggested also having the Cleaves Library include it with their periodic notifications.

Judge Rich cautioned that the report is not actually final at this point. The ABA is seeking input from the states with a "final" release of the full report slated for some time in August. Accordingly, any dissemination should probably include that it is a preliminary report with a final report to be issued after review by the individual states.

ACTION PLAN: MJF will post the study (or a link to the study) on its website with the disclaimer that it is a preliminary report. Any EC members who did not receive hardcopy versions of the study at the June 28 meeting should access online versions at the MJF website.

V. Justice Systems Committee Report –

- a. Leadership summary
Nothing new since the June board meeting.

VI. Legislative Committee Report – *Charlie Dingman*

Nothing new since the June board meeting.

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

- a. PTLA Private Counsel initiative
Jamie inquired about the status of the Rule 89 proposal (emeritus counsel?). Justice Mead said the court was awaiting a formal rule proposal from the Pro Bono Committee that included the specific language and draft comments—basically the usual rule-change proposal package.

Jamie asked Judge Rich about the federal side, are they looking at a similar effort. Jaime also inquired about the effort to seat a member of the provider community on the Civil Rules Committee.

ACTION PLAN: Justice Mead will ascertain and report the status of this effort.

VIII. Website and Logo discussion – *Diana Scully*

- a. Review Sample Logos from KDK Consulting Group
Diana discussed the proposed logo and passed out copies with the correct shade of green on it. The EC unanimously endorsed the rectangular version.

Justice Mead asked if KDK would be providing us with a high-resolution version of the logo, and Diana replied that it would. Justice Mead also inquired whether KDK could design letterhead, and Diana reported that she believed they could.

The caption would include the words: "Mailing address:" which would be followed by the MJF's mailing address, and the MJF would forward any correspondence to the JAG Chair.

The names of the Chair and Vice Chair, providers, and other JAG Board members would be listed on the left side of the stationery.

ACTION PLAN: Diana will follow up with KDK.

IX. Executive Committee Organization Updates:

- Courts – no further reports
- ACP – no further reports

- MJF – Diana reported that the MJF is addressing the receipt of settlement funds. A reception will be held at Bill Robitzek’s house to support the LGBTQ representation fund. She also mentioned the Campaign for Justice’s exceptional progress this year.
- MSBA - Al Ayre said that the program on domestic violence at the recent MSBA meeting that was sponsored by the judiciary was very well received and attended. They had 49 judges there and over 400 people registered.
- MTLA- no report.

X. Other Business:

Justice Mead thanked Al Ayre, Sue Driscoll, and the MSBA for creating an ATJ column/page in the current and future MSBA Journals.

Justice Mead spoke again about the LSC defunding crisis. The ABA has planned a large rally to take place in August in Washington. Justice Mead has written articles for the MSBA Journal and an OpEd piece for the Bangor Daily News.

Ginger Davis reported that she has authoritatively determined that there are no pro bono tax credits available under state or federal tax codes other than possibly odd expenses like having to hire an interpreter or private investigator.

- **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):

December 7 at 3:00

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

September 7
November 29

NOTE: The previously scheduled October 30th meeting date has been cancelled.

Respectfully submitted by: Cindy Brochu, Administrative Assistant to Justice Mead.