

Justice Action Group Board of Directors Meeting
June 6, 2017 - 3:00 p.m.
Feeney Conference Room
Cumberland County Courthouse, Portland

MINUTES

Present: Justice Mead, Judge Rich, Judge Darvin, Laura O'Hanlon, Albert Ayre, Charles Dingman, Jaye Martin, Robyn Merrill, Bill Robitzek, Susan Roche, Barbara Schlichtman, Diana Scully, Deirdre Smith, Ken Spirer, Sue Driscoll, Juliet Holmes-Smith, Mary Toole, Nan Heald, and Stanley Tupper.

By telephone: Ginger Davis and Steve Blackwell

Justice Mead welcomed Stanley Tupper, Esq., who was invited to report on the MSBA New Lawyers Section Lawyers in Libraries program, and Judge Darvin who will be taking over Chief Judge Kelly's role in the Justice Systems Committee.

I. Consent Agenda

A. Reports from ACP: Justice Mead thanked the providers for their reports and the extraordinary efforts they continue to put forth despite enormous challenges and limited resources. The Board expresses its appreciation for the updates.

B. Approval of Minutes: No additions or corrections were noted to the minutes of the December 8 JAG Board meeting. Judge Rich made a motion for their approval, seconded by Bill Robitzek, and the motion passed unanimously.

Miscellaneous Notes: Justice Mead referenced the JAG Inventory list and inquired if there were any corrections that needed to be made. No corrections were noted.

He also informed the board that Christa Berry needed to resign from the justice systems group because of a potential conflict between state and federal.

ACTION PLAN: Justice Mead will send Ms. Berry a letter thanking her for her service.

II. Working Agenda

A. Report from Chair—*Mead, J.*:

i.) LSC Funding Crisis: Justice Mead reported that a significant portion of the recent ABA ATJ conference in Pittsburgh was dedicated to the concern over the Trump Administration's proposed budget that provides for the defunding—and ultimate elimination—of the federal Legal Services Corporation. Although there was optimism that the proposal, which was first floated in January, would not be reflected in the actual budget proposal, the provision remains, and numerous organizations and individuals have urged their congressional delegations to oppose this aspect of the proposed budget.

Justice Mead wrote articles for the *Maine Bar Journal* and the Bangor Daily News opposing the elimination of the LSC. The article includes some inspirational language offered by President Nixon at the time of the creation of the LSC. Justice Mead will speak with members of the congressional delegation to explain the importance of civil legal services to the courts and the community as well as the individuals who receive the direct services.

ii.) Justice Mead indicated he is coming up on 6 months as the de facto executive coordinator. He has attended meetings of the various JAG groups and committees and reported how impressed he is with their hard work and commitment. He welcomes the opportunity to attend further meetings. Jaye Martin thanked him for his kind words.

iii.) Justice Mead mentioned Katahdin Counsel and how the numbers were down last year and may be down again this year. He welcomed ideas on how to encourage more people to report. Sue Driscoll feels attorneys are still providing the pro bono hours but are not looking for recognition and therefore not reporting. Bill Robitzek suggested speaking with the county bars and perhaps they could convince their members to report. Sue Driscoll said the pitch to attorneys could be that reporting their hours is not just to gain recognition, but that it also works toward a higher plane, i.e. getting possible grant money or public funding.

Juliet Holmes-Smith reported that Judge Soucy met with a group of attorneys in Aroostook County to discuss Katahdin Counsel and pro bono work and his view was that attorneys do not want the public knowing they do pro bono work and they're not looking for recognition. The numbers of pro bono work they are doing are not going up or down anyway. Juliet suggested talking to big firms in southern Maine regarding reporting and recognition. She said there was a lot of talk about asking every attorney to report what they've done for pro bono work when they're renewing their membership.

Juliet mentioned that recognition isn't just coming from the court, but big firms are also recognizing pro bono work done by their members. She spoke about larger law firms holding an event to recognize the work that is being done for access to justice. She said it would be good to get feedback from JAG.

Judge Rich referred to Pierce Atwood's very sophisticated program of recognizing their attorneys, especially young attorneys for their pro bono work. They have time-keeping software that they use for this purpose. They are very willing to share their practices with other firms. Justice Mead talked about the medallions Pierce Atwood uses for attorneys to hang on their doors; sort of a badge of honor.

Justice Mead also mentioned the various inquires his chambers gets about providing pro bono work to animal shelters and such and whether it qualifies for Katahdin Counsel (it does not). Diana Scully mentioned it would be nice if we had a system that could capture "all" pro bono work.

ACTION PLAN: We'll send letters to KC recipients who have reported in the past.

iv.) Justice Mead reported ATJ Day at the Legislature was very successful this year (as it also was in years past). They had lots of people stop by. He mentioned the press conference regarding the economic benefit study. The study and the press conference were both very successful. He thanked everyone that helped organize and participated in that.

v.) Justice Mead reported attending a session at the ABA ATJ conference regarding mapping legal needs and legal resources. Apparently, it is neither costly nor difficult to do it. He will share the contact person's name with the providers in the event that any of them would like to have such a study done.

B. Report from Vice Chair—*Rich, J.:*

Judge Rich reported about in-house counsel initiatives at IDEXX including the gathering last September and the fact that the IDEXX folks are still very interested in civil legal services initiatives.

C. Pro Bono Committee—*Rich, J. & Juliet Holmes-Smith:*

Juliet Holmes-Smith reported that they are now waiting on the ABA survey report and the main report by the end of summer. They will share what people are doing in Maine and there are some Maine questions in the report that will help provide answers. Maine had a good response rate of 12%. Some other states' responses were as low as 5%. Because of our good response we should get some good feedback.

i.) VLP—Free Legal Answers ME—*Juliet Holmes-Smith:*

Juliet Holmes-Smith reported this is a Volunteer Lawyers Project and they have started a soft launch. Juliet wants everyone to know about it so attorneys will sign up for it. This came to JAG about 10 years ago. It started in Tennessee. Since then the ABA has picked it up and developed a website regarding pro bono work. The website is very well designed and can answer questions. Attorneys can sign up and register on the site. Probably in July they will open it up to clients so they can go online and ask questions. It's divided into different areas. It is screened for income so only low-income litigants can ask up to 3 questions a year. It's also divided into subject areas. Attorneys can conflict check the list and then they can pull the question they want to answer in a number of ways. If you set it, it will also give you how many pro bono hours you've put into it. The client can ask a follow-up question and the attorney can answer that. It's also anonymous. The administrator can see who the lawyer was that answered any particular question. It's in approximately 45 other states now. Some are more successful than others. For a rural state, it fills in a gap for accessing some advice. This program is being started now and they are extending it. They got a small grant from the ABA to do this. They are developing a way to flag clients who clearly need more help so they can get referred out to VLP or other organizations that can help them. It's similar to how they did the homeless clinic. The program itself fills a gap but it also adds on the piece for people needing more help to be able to get it.

Judge Rich asked Juliet how they're going to track the hours, etc. Juliet said the program tracks it all, but there is some administrative oversight to make sure "real" attorneys are in good standing before they're helping anyone. There are a lot of reports that can be generated.

D. Justice Systems Committee/Admin. Systems Committee:

Justice Mead asked if anyone wanted to supplement the report. Jaye Martin commented that this was something that came out of the Reimagining JAG Summit of a couple years ago. Jaye talked about the 3 working groups. They have a work plan for what they're going to work on in the next couple of meetings for Group 3. They hope to have a report for JAG by end of year. Judge Darvin talked about potential proposals for changes to judicial canons. Group 2 is talking about ways to foster public education.

E. Economics Benefits of Legal Services Study—*Steve Blackwell*:

Justice Mead gave major kudos to everyone involved in it. Prof. Gabe prepared a fabulous report. Justice Mead indicated that Charlie Dingman was at the epicenter of the report.

Steve Blackwell indicated that Judy Harrison had contacted him wanting to do an article regarding the Gabe report. Justice Mead told Steven to have Judy call him and he will speak with her regarding it. He also thanked Steve for his pivotal role in working with Prof. Gabe.

Steve asked if any providers would be interested in speaking with Judy. He said she's interested in the financial part of it—what the allocation would be if the Legislature were to approve civil legal services in the future. Robyn Merrill said she is willing to share data of the numbers of people who receive services and those who do not. Obviously, the ultimate issue of allocation of funding is premature because no request has been made.

F. ACP—*Jamie Kilbreth*: Justice Mead indicated that Jamie is unavailable today, but that we do have a report.

G. Legislative Committee—*Charlie Dingman*:

Justice Mead thanked Charlie and others that put together ATJ Day. Every year it's a little bit different. Charlie said they have a great working group that includes very knowledgeable and experienced people and their input is extremely important in our relationship with the Legislature. We are also grateful for legislators who expressed support for the work being done.

Charlie reported that although we may make a request for additional funding for civil legal service providers at some point in the future, the committee feels the time is not right and we should defer consideration of such a request for the immediate future.

H. Biennial ATJ/MSBA Meeting:

Justice Mead reported that there is some sentiment that we should move away from the Biennial ATJ Symposium/MSBA Annual Meeting gathering that was originally proposed in the Khoury Report. The gathering involves extensive planning and considerable contributions of time and resources that diverts the providers from the rendering of direct services. Additionally, questions have been raised about whether there is a tangible benefit for ATJ purposes that is commensurate with the effort and expense involved in the biennial gathering. Justice Mead invited comments from the Board.

Diana Scully asked if the first day of programming at the upcoming MSBA meeting would accomplish the same kind of thing the biennial symposium was intended to achieve.

Sue Driscoll thinks it is something to be considered for the 2018 summer meeting which will also take place at Sugarloaf. Al Ayre said MSBA is not going to run the biennial symposium by themselves, but would offer some resources. Sue Driscoll thinks events could be combined.

Bill Robitzek talked about the genesis of the biennial meeting (the Khoury Report). He would like to hear from providers as to whether they feel the biennial symposium is beneficial or not. If it has been successful, should it be a standalone meeting or simply be part of the MSBA bar meeting?

Several providers indicated a willingness to attend the meeting, but were not in a position to provide substantial resources.

Sue Driscoll talked about how the summer bar meeting is going to happen every year regardless so why not be able to put some of the biennial symposium in with that?

Deirdre Smith (?) asked about the best ways to communicate and share information with the bar. She's participated in a webinar recently that was quite effective in getting information out to 150 attorneys.

Justice Mead thinks they should continue to have a presence at the summer bar meeting, but perhaps this should be dialed back from the day and a half that it has been. We should explore alternative ways to accomplish objectives that the biennial meeting was intended to address.

ACTION PLAN: The issue will be addressed further in the next Executive Committee Meeting.

I. MSBA-Lawyers in Libraries (Summary of Status)—*Stanley Tupper*:

Stanley Tupper reported on the 2017 event. He indicated the good news is 31 libraries participated last year. This year they only had 10. Some libraries, half a dozen or so, said they needed more lead time. Some libraries said there wasn't good public participation last year. Lawyers showed up, but the public didn't. Some had a nice robust interaction with the public. Stanley said word needs to get out earlier and they need to help them more with advertising. A lot of libraries are understaffed and don't

realize Lawyers in Libraries happens every year. Some law firms refused to allow their associates to participate because they fear an associate may walk into a library and commit malpractice. Stanley indicated he was surprised by that. He did say that Brewer had some patriarchs participate this year.

J. New Business:

Laura O'Hanlon reported that the MJB has established a partnership with Portland Adult Education (PAE) and developed a pilot plan to recruit interpreters. Anita St. Onge and Sally Sutton have done great work in identifying potential interpreters, hosting informational sessions, and then putting together study sessions. Kristina Famolare (the MJB Communication Access Specialist) developed an ambitious testing and orientation schedule, and Laura and Kristina have attended informational sessions to answer questions about court interpreting. Thanks to the efforts of PAE and Kristina, 12 individuals took the written (English) exam and 4 people passed that difficult exam. Another exam is scheduled for August. Based upon what is learned in this pilot, Kristina will be working with other adult education programs, and PAE and the AOC will be making adjustments to the techniques.

K. Future Meetings for JAG Board—Dec. 7, 2017, 3:00 p.m., Feeney Room.

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