

AGENDA
Justice Action Group Board of Directors Meeting
December 21, 2020 — 3:00 p.m.
Via Zoom

MINUTES

Present via Zoom: Justice Mead, Judge Rich, Judge Darvin, Lowell Brown, Michelle Draeger, Charles Dingman, Nan Heald, Jamie Kilbreth, Jaye Martin, Robyn Merrill, Kelly McDonald, Sue Roche, Deirdre Smith, Liz Stout, Kim Pittman, Daniel Emery, Beth Richardson, and Katy Rand.

I. CONSENT AGENDA

(These will be considered based on the written report package and not presented at the meeting.)

- A. Welcomes and introductions were done. Justice Mead gave a brief history and explanation of JAG's mission and initiatives for new participants/members.
- B. Reports from the ACP members.
- C. Approval of Minutes: JAG Board, February 24, 2020 meeting. No corrections noted. Accepted without objection.

II. WORKING AGENDA

A. Report from the Chair — *J. Mead*: Justice Mead thanked the providers for their reports and noted that he continues to be enormously impressed with their efforts and accomplishments with such limited resources and this is particularly so during the challenges presented by the COVID-19 crisis.

Justice Mead updated the board members on the current status of the court and how the courts are adjusting practices to address the coronavirus issues. He and the trial court chiefs and the court administrator meet, sometimes daily, to address a multitude of issues. The court has addressed the coronavirus challenges largely through Pandemic Management Orders that can be frequently, easily, and quickly revised. The court issued a Phased Management Plan in May that provided for incremental opening of the courts. The courts are at Phase Five, which basically allows all case types and proceedings, but due to capacity controls and resource limitations, in-person proceedings will be limited to priority cases as noted in the Addendum to the Phased Management Plan. Video proceedings are taking place in most matters and the courts video capabilities are expanding daily.

He reported that the court has recently allowed court filings to be submitted by email. [NOTE: The term "e-mailed filings" is not to be confused with "e-filing" which refers to the court's new eCourts case management and e-filing system! They are two entirely separate and distinct processes despite the fact that they sound the same. The e-mailed filing process is described in PMO-SJC-3 and 3(A) which are available on the Judicial Branch website.] The court had previously entered a similar order at the start of the pandemic, but

later vacated. The recent reinstatement of the opportunity to email court filings was requested by parties and attorneys from the public and private sectors and has been well received.

The court remains very concerned about people coming into courthouses for hearings or other reasons. The court has ramped up its entry screening for public and court employee entrances which now include temperature checks.

Justice Mead reported that the Odyssey case management system and related e-filing system (known collectively as eCourts) is now in place and operational in Bangor and the Business and Consumer Docket for limited case types. This is a pilot project intended to identify potential glitches and other items that need to be addressed or refined.

Nan Heald reported that she had heard scattered reports of inconsistent compliance with the court's entry screening and COVID-19 avoidance directives and decisions regarding whether particular cases would proceed by video or in-person. Justice Mead asked if she could obtain particulars on where and when the issues had arisen. Nan indicated she would get back to Justice Mead.

- i. Inventory review/updates: No additions or corrections noted.
- ii. Update on 2020 activities: Addressed in II(A), above.
- iii. Update on IOLTA Rule: This is now fully completed and can be removed from the rolling agenda.
- iv. Katahdin Counsel report/ Bar Registration optional reporting:

A
COVID Justice Mead reported that the annual Board of Overseers registration now includes a voluntary pro bono reporting section which we hoped would increase the recently reduced KC numbers. The numbers are up, but the questions need to be refined and retooled to create a clearer response base. number of applicants were allowed Katahdin Status this year despite uncertainty regarding their qualifications and challenges related to the crisis, but the questions will be retooled with greater specificity for next year.

- v. Update on Odyssey Case Management System and e-filing: Addressed as part of II(A), above.

B./C. Report from the Vice Chair/Pro Bono Committee Report — *J. Rich*: He focused on the Pro Bono Committee's proposal to amend Rule 89(c) He thanked Beth Richardson and Katy Rand for being here today.

- i. Draft proposed changes to M.R. Civ. P. 89(c): Beth spoke regarding the genesis of this proposal. She talked about out of state attorneys wanting emeritus status and the fees that would be incurred to do that. She indicated that 89(c) doesn't cover volunteer work by attorneys, that they have to be "employed" by an agency. She said 89(c) needs to be amended so pro bono attorneys from out of state can volunteer here. After Covid hit, a number of providers got phone calls wanting to relocate to Maine and volunteer, but they did not have a Maine license. She said there are a couple of dozen

attorneys in all areas of the state who are experienced family attorneys, tax attorneys, employment attorneys who would like to give back.

Katy Rand spoke about the attorneys coming from out of state and the need to make sure they're in good standing. They would have oversight by the agency that's giving them work. Limitation of two years for emeritus attorneys who are volunteering seems inappropriate. More volunteer service to be added under the rule without limiting it to two years. They have to have an active license from their state to volunteer here. If they have emeritus status in their state, then they would be considered appropriate for the amendment the Pro Bono Committee is proposing.

Kelly McDonald indicated the rule doesn't explicitly say that the attorney has to be in good standing in their state or that there is a mandatory two-year period that they can volunteer. It's implied, but it doesn't explicitly say that.

Mead and Judge Rich asked for there to be a motion to accept the proposal. Justice asked for everyone's support to have this presented to the SJC for review and promulgation. There was a unanimous vote in favor.

D. ACP—*J. Kilbreth*: Providers are working hard on funding issues with the Legislature and Governor's office. Jamie invited Justice Mead to speak about the Justice Systems Committee Report. Justice Mead is thrilled with how this committee has worked out. It meets and exceeds his hopes for this committee. He commends the JB members work on this committee. Jaye Martin reported they've been meeting every other month. This year they decided collectively that they would meet monthly for a one hour block because there is so much going on. Every single member agreed a monthly one-hour meeting is very productive. As concerns arise, they reach out to one another rather than wait for the next meeting. Justice Mead thanked Jamie and asked him to thank the committee for their hard work.

E. Legislative Committee—*C. Dingman*: Charlie reported that the JAG legislative committee has been pretty busy. There has been a tremendous need to respond to the pandemic by seeking immediate help for the providers. Charlie said there's a need to clarify the debt collection statute and adjust the percentage that goes to providers under the statute passed at the last legislative session. The corrective statute has been drafted and submitted as an emergency bill. The JAG legislative committee will coordinate with the SJC to get the bill through the process. Charlie discussed getting funds from the CARES Act package. They've taken two runs at getting some of these funds. They've pursued it as best they can. As of the meeting date, they are still waiting on a final determination. The Governor has already announced that all of the CARES Act funds have been allocated, but Charlie hasn't been told that they're being denied. It's unclear at this moment if there will be any relief at all forthcoming. He said it's possible that relief will be coming, but perhaps not paid out until the beginning of 2021. The providers have reported that the need will be as great in 2021. There is a need for a very significant increase in civil legal

funding. He mentioned working toward a goal of ten lawyers per 10,000 low income people. They put together a bill modeled on LD 214. This would take a long-term goal of ten lawyers per 10,000 low income people. Charlie emphasized how hard the providers have worked on these initiatives. We do not know the LD number yet. We'll get an LR number first.

F. MSBA: Kelly McDonald talked about Bar Talk which has morphed into a Zoom call, is recorded and put up on YouTube. They had 71 people tuning in today and they were going through the PMOs. He said if anyone has anything they want to discuss with the legal community they are welcome to join in. Just let him know. Justice Mead confirmed that the Bar Talks are a great way to get information out to the profession and the public beyond simple press releases. He suggested that some of the legal providers may want to touch base with the MSBA to volunteer for a Bar Talk session.

G. MJF: Michelle Draeger reported that the current Campaign for Justice is doing very well. Angela and Matt are getting the word out. At present, they are hoping to meet the \$614,000 projection. She said the need is greater than it has ever been before. They're keeping their eye on IOLTA too.

Justice Mead asked Prof. Smith about the legal clinic. She reported that the Law School is mostly remote learning right now. She said their students have still been going to court with PFA cases, immigration trials, etc. Justice Mead asked if they are experiencing any reduction in enthusiasm. Professor Smith reported that the clinic students are still very motivated.

H. New Business: None.

I. Future Meetings of the JAG Board:

June 21, 2021 at 3:00

Dec. 20, 2021 at 3:00

Future Meetings of the JAG Executive Committee:

Jan. 19, 2021 at 2:00 - via Zoom

Mar. 17, 2021 at 2:00 - via Zoom

May 17, 2021 at 2:00 - via Zoom

Sept. 21, 2021 at 2:00 - Augusta

Nov. 15, 2021 at 2:00 - Augusta

Meeting adjourned at 4:25 p.m.