

**Justice Action Group Board of Directors Meeting
January 29, 2024 — 3:00 p.m.
Feeney Conference Room-Cumberland County Courthouse**

Present: Justice Mead, Mag. Judge Wolf, Judge Darvin, Michele Draeger, Jonathan Dunitz, Judith Fletcher-Woodbury, Tom Fritzsche, Ellen Gorman, Jason Jabar, Chris Northrop, and Sue Roche

Via Telephone: Jaye Martin, Charlie Dingman, Wendy Harlan, Atlee Reilly, and Robyn Merrill

MINUTES

I. CONSENT AGENDA

(These will be considered based on written materials distributed with the Agenda.)

- A. Welcomes and introductions
- B. Reports from providers
- C. Approval of minutes: JAG Board, June 20, 2023, meeting. No additions/corrections noted. Approved and made a part of the permanent record.

II. WORKING AGENDA

A. Report from the Chair (*J. Mead*):

- i. Justice Mead again commended the providers for the exceptional work they are doing and results they are achieving with the limited resources at their disposal. The reports evidence a deep commitment to providing access to justice for Maine's underserved population. He noted two significant categories of numbers in the reports: (1) the number of individuals who received direct legal services, and (2) the number that had to be turned away due to lack of resources.
- ii. Provider reports/meeting dates: The ACP has recommended, and the JAG Board has approved, a change in the report frequency from biannually to a single annual report due on January 31 of each year. [NOTE: MCLSFC Rule 8(A) will be amended to change the report

date from January 15 to January 31.] Accordingly, the annual reports for 2024 will be due on January 31, 2025. Please delete the existing Board and Executive Committee meeting dates from your calendars and replace them with the **new dates noted at the end of these Minutes.**

- iii. Inventory review/updates: The Inventory of Initiatives was reviewed for changes and updates.
- iv. Rural Access to Justice Task Force (MSBA): The task force has been meeting regularly and is currently in the report drafting phase.
- v. Access to Justice Tax Credit (36 M.R.S. § 5219-YY): The ATJ Tax Credit program established by the Legislature continues to work well. Justice Mead again thanked the MJF for accepting the designation from the SJC to administer the program.
- vi. Katahdin Counsel report for 2023: Justice Mead reported the figures from 2023: 105 attorneys reported pro bono work for a total of 10,562 hours equaling the equivalent of \$1,584,300 in legal fees computed at \$150 per hour. The number of hours continues to rebound from the lower amount occurring during the pandemic. Pro Bono hours and applications for the Katahdin Counsel can be submitted as part of the annual attorney registration process.
- vii. Update on Odyssey Case Management System and e-filing portal: The eCourts e-filing and case management systems were recently implemented in Region III courts. The rollout was very successful due to extensive preparation and support. The court is undertaking an extensive review of the Rules for Electronic Court Systems. Any proposed new rules will be posted for public comment before implementation.
- viii. VLP Pro Bono Fellowship: Justice Mead reported that the 2023 Fellowship cohort wrapped a one-year training and mentoring program in December and a new group started in January. On January 9, both groups met at the Law School for a luncheon with the Law Court Justices and attended oral arguments later in the day. The Fellowship is a one-year program that includes monthly

seminar type, topic-focused sessions with highly respected members of the bench and bar. The program is free to the members who need only to make a commitment to pro-bono service during their membership in the bar.

- ix. Foreign Trained Lawyers: Justice Mead reported that the MSBA established a task force in December to look into the prospect of training and certification of foreign trained lawyers. He will serve as an observer on behalf of the JB and the JB will offer resources to support the project.

- B. **Report from the Vice Chair/Pro Bono Committee (*Magistrate Judge Wolf*)**: Judge Wolf explained the role and mission of the pro bono committee to the new members of JAG. Its core mission is to increase pro bono engagement in the state. The group has around ten members. She thinks in late 2024, in conjunction with the Rural Access Task Force, the committee should consider having another rural access/pro bono summit.

The following people cycled off the committee in the last year: Liz Stout, Sara Wolff, and Zach Heiden. However, Deirdre Smith has joined as Vice-Chair, and other new members for 2024 are Marcia Levy, Dave Canarie and Susan Wiggin.

Judge Wolf reported that the committee will continue to take on smaller, achievable initiatives to keep momentum going with a focus on collaboration, networking, and innovation. Planning is underway for a large law firm pro bono roundtable and corporate counsel pro bono networking fair that will most likely be hosted at UNUM. The committee continues to explore the possibility of an amendment to Rule 5(f). Judge Wolf commented that 21 states allow CLE credit for pro bono work.

The committee is going to approach bar leaders about committee members attending county bar association meetings, noontime CLEs of the MSBA sections, Inns of Court meetings, etc. to speak about the need for and rewards of pro bono engagement.

C. ACP: (*Justice Gorman*): Justice Gorman reported as follows:

- MCLSF funding decisions have been completed for the next 2-year cycle. By a vote of 2 to 1, the percentages of funding were unchanged from the last cycle.
- ACP members agreed to try out a “uniform” template for their 6-month reports. The first iteration has been filed. The template includes:
 - numbers of people served,
 - reports on new and ongoing initiatives,
 - new and ongoing challenges, and
 - items of interest.

Where possible, written information will be supported by graphs or tables.

At the request of the AOC and the Justice Systems Committee, the ACP members have appeared by ZOOM for “lunch and learn” sessions with court clerks. The goal is to provide enough information about each provider to give the clerks have a better idea about how to direct members of the public to access their services. In addition, the providers have committed to providing a contact person or number so the clerks can obtain quick responses when they’re calling on behalf of someone in need of immediate assistance.

Liz Stout stepped down from VLP, and Deirdre Smith has been installed in her place. We all owe a tremendous debt of gratitude to Liz, who stepped into lead VLP in September of 2020, just one month after the untimely death of Juliet Holmes-Smith, and just as the pandemic was taking hold.

Representatives from the Department of Justice participated in an Access to Justice forum put on by the Law School in October. The goal of the forum was to provide information about becoming public defenders. The event was very well attended and demonstrated that there is great interest among law students for this type of work.

All providers continue to work towards creating a useful screening tool for improving access to justice for immigrants and asylum seekers.

The Elder Justice Coordinating Partnership, for which LSE's Jaye Martin serves as a co-chair with Judith Shaw, won one of eight nation-wide grants to support the hiring of a staff person for two years. That person's role will involve the wrangling about and enforcement of The Maine Elder Justice Roadmap. Hiring process is still open.

D. Legislative Committee (*C. Dingman*):

Charlie summarized the current efforts to obtain additional baseline funding. The committee will be meeting regularly as the legislative session continues. **ATJ Day at the Legislature is February 24, 2024.**

E. MSBA (*Jonathan Dunitz or designee*): Jonathan elaborated on the Rural Access and Foreign Trained Lawyers task forces and other MSBA initiatives.

F. MTLA (*Jason Jabar*): Jason reported on various MTLA initiatives including work regarding jury questionnaires.

G. MJF (*Michelle Draeger*): Michelle reported as follows:

- The MJF has raised \$636,439 for the Campaign for Justice, surpassing last year. The transition of the Campaign to the Providers is underway.
- Pending audit, IOLTA income in 2023 appears to be the highest level of income ever.
- Once the audit is complete and our Board meets on Feb 9, we will be informing the Providers about a substantial additional distribution of funds in late February/early March. This income level is attributable to high interest rates and a compliance review conducted by the Foundation in early 2023 that resulted in 16 banks raising rates on IOLTA accounts. Additionally, based on income trends, the MJF has budgeted for grants for FY24 for the providers that are 38% greater than FY23 grants.

- The MJF has provided necessary forms from Maine Revenue Services to recipients of the Access to Justice tax credit and the next request for applications will be in late spring.
- The Foundation issued six Racial Justice Fund grants in December. MJF started the fund in June 2020 and it is now over \$850,000 with three years of grants made to date totaling \$130,000.

H. Open discussion/ New Business:

Court appointed counsel/civil legal services.

Board members noted the well-publicized crisis regarding court appointed counsel in criminal cases and the seeming lack of attention given to the corresponding situation in civil cases that typically present issues of equal gravity. Both are equally important ATJ issues, and we should take every opportunity to get that word out.

Artificial Intelligence:

A discussion followed regarding the advent of artificial intelligence and the extent to which it might be leveraged to bridge the gap in the availability of human resources for our underserved populations.

Resolution Recognizing Liz Stout's work with the VLP

Justice Mead suggested, and the Board unanimously agreed, that JAG will issue a resolution recognizing and commending Liz for her work at the VLP during a critical time in its evolution. Justice Mead (with the assistance of Justice Gorman) will draft and circulate some language to the Board. We will have the final language etched on a plaque that will be presented at the MSBA summer meeting which Liz has agreed to attend. [NOTE: Jonathan reported that the typical awards luncheon will not be taking place as in the past, but he assures that an appropriate time will be offered.]

Future Meetings of the JAG Board:

October 7, 2024 – 3:00 – Feeney Conference Room

February 25, 2025 – 3:00 – Feeney Conference Room

(Annual Reports due January 31, 2025)

Future Meetings of the JAG Executive Committee:

March 25, 2024 – 3:00 – Augusta – SJC Conf. Room, Capital Judicial Center

July 1, 2024 – 3:00 - **Portland** – Feeney Conference Room

Sept. 16, 2024 – 3:00 – Augusta – SJC Conf. Room, Capital Judicial Center

January 20, 2025 – 3:00 – Augusta – SJC Conf. Room, Capital Judicial Center