

Justice Action Group Board of Directors Meeting
June 28, 2022 — 3:00 p.m.
Feeney Conference Room-Cumberland County Courthouse

MINUTES

Present: Justice Mead, Magistrate Judge Wolf, Judge Darvin, Molly Butler Bailey, Michelle Draeger, Charles Dingman, Dan Emery, Susan Faunce, Victoria Powers, Chet Randall, Sue Roche and Liz Stout

By telephone: Jaye Martin and Kim Pittman

I. CONSENT AGENDA

A. Justice Mead welcomed the attendees. Self-introductions were shared.

B. Reports from the ACP members: Justice Mead, noted once again, the terrific work that the providers are accomplishing with limited and inadequate resources. He summarized some of the high points and exceptional numbers that the providers have turned in during the challenges presented by the pandemic and expiration of some grant funding.

C. Approval of minutes: JAG Board, December 20, 2021 meeting. No additions or corrections being noted, they are made part of the JAG permanent record.

II. WORKING AGENDA

A. Report from the Chair (*J. Mead*): Justice Mead reported that he had the honor of presenting the MSBA's most prestigious award, the John Waldo Ballou Award, to Charles Dingman and Charles Soltan at the Summer Meeting of the MSBA. "The Charlies" were instrumental in guiding providers' funding initiatives successfully through the legislature.

i. Inventory review/updates: No additions or corrections were noted for the JAG initiatives inventory.

- ii. Update on 2022 activities: The Court is focused on returning to pre-pandemic levels of productivity. Several innovations, such as expanded judge assisted mediations, are being implemented.
- iii. Justice Mead spoke briefly about several legislative efforts including the Surcharge corrective bill, General Fund appropriation, and pro hac vice fees bill.
- iv. Access to Justice Tax Credit Program (36 M.R.S. § 5219-YY): Justice Mead thanked the MJF for overseeing this program. See the MJF report, below.
- v. Katahdin Counsel report: The numbers of participating lawyers continue to rebound from the recent past. The revamped annual Bar Registration optional pro bono reporting module is in place and we are looking forward to further increases in participation.
- vi. Update on Odyssey Case Management System and e-filing: Justice Mead reported that the Judicial Branch continues to assess and review the pilot project in Region V. Many of the challenges and problems identified in the roll-out have been identified and resolved. The lawsuit commenced by the Courthouse News Service and other media outlets against the Judicial Branch that alleged inadequate access to filings has been dismissed by the plaintiffs.
- vii. CLE credits for corporate counsel who accept pro bono cases: Justice Mead mentioned that the Pro Bono Committee is working on this concept. One of the barriers to corporate counsel assisting with pro bono matters is lack of experience with particular case types. Specific, targeted CLE programs would be of value to efforts to encourage further pro bono efforts by corporate counsel.
- viii. COVID retrospective, current status, and planning: Although we are not fully out of the pandemic, many court processes have now returned pre-pandemic (or close to pre-pandemic) processes. However, many pandemic-specific processes will remain, such as use of Zoom proceedings for mediations and conferences of counsel.
- ix. The Ed Bonney Rural Fellowship Fund/Maine Law program: This fund, which is part of the Law School's Rural Fellowship Fund, is dedicated to the memory of Ed Bonney, the longtime Executive Director of the Maine State Bar Association. Contributions can be made directly through the Law School's website or direct mail to the school.

x. Open Discussion: An ATJ Commission for Maine? Justice Mead has invited a conversation on the possibility of Maine transitioning to an Access to Justice Commission that is more in line with ATJ Commissions across the country. The ACP has produced an excellent memo regarding the up and down sides to such a change. The JAG Board expressed an interest in exploring the possibility further. The JAG Executive Committee will review possibilities at its next meeting.

B. Report from the Vice Chair/Pro Bono Committee (*Magistrate Judge Wolf*): The pro bono committee has identified its priority for this year as rural access to justice. Two major initiatives and events are in the works. Judge Wolf, Katy Rand, and Zach Heiden are planning a Zoom reach-out in September 2022 targeting mid-size law firms to increase pro bono effort and foster excitement about engaging in pro bono and low bono work. The Zoom presentation will include as presenters state judges sitting in underserved areas with challenges to access to justice, pro bono coordinators from larger firms, representatives from smaller firms shouldering a large proportion of pro bono cases, representatives from corporate legal departments who do pro bono work. The program will include break-out sessions to discuss the challenges to access, to the litigants and to the attorneys, and to brainstorm solutions. The second major event, the Rural Access to Justice Summit, will be in November 2022, also by Zoom. As currently planned, it will include four distinct subject areas and will take place over half a day. Liz Stout is heading up the planning, and the group of those involved in planning is growing. A highlight of the summit will be presentations by four or five newer practitioners who have chosen to relocate either permanently or temporarily to rural, underserved areas and are doing a combination of paying clients, low bono and pro bono work, and who have integrated more deeply into the communities they serve.

C. ACP (*Victoria Powers*): Justice Mead commented that the ACP continues to be a great resource. Victoria spoke briefly about a new initiative of the ACP which they are calling the Civil Legal Needs of Immigrant Population. The purpose is to do an inventory across all the providers to identify gaps in service for our immigrant population and to create barrier free access to service regardless of which provider gets the call first. The providers are looking at substantive issues as well as administrative ways to coordinate the delivery of services to cut down on duplicative calls.

Victoria also presented the outline from the providers which represented over a years' worth of work exploring other Access to Justice Commissions around

the country to cull best practices and potential future models for our own potential Access to Justice Commission.

D. Legislative Committee (*C. Dingman*): Charlie reported that the Legislative Committee will be meeting this fall to develop their strategy for protecting what's now in the budget and for making the case to increase it substantially. There was mention of expanding the committee and the Board is in favor of that. Justice Mead raised the prospect of procuring an executive coordinator for future legislative initiatives and Charlie confirmed that this would be an important addition to current efforts. Charlie will work toward expanding the committee and the JAG Executive Board will brainstorm possibilities of obtaining the services of an executive coordinator.

E. MSBA (*Frank Bishop or designee*): Frank was unable to make this meeting. No report given.

F. MTLA (*Susan Faunce*): Susan reported that MTLA is starting to plan for the upcoming legislative session, but planning will largely depend on upcoming elections. MTLA's primary goal for this year is to support the judiciary in any way possible to ensure the backlog of cases is addressed. They are also committed to ensuring that the judiciary has sufficient funding for the Courts moving forward. They would be interested in any suggestions or creative ideas to help address the court backlog that requires legislative action. Representative Moriarty from the Judiciary Committee has indicated interest in this issue and is willing to sponsor/support related bills

G. MJF (*Michelle Draeger*): The Access to Justice Tax Credit is moving forward with applications accepted between June 1 to July 5. A wide-reaching press campaign that included coordinated communications through stakeholders (the Courts, MJF, Law School, MSBA, MTLA, Board of Bar Overseers, Maine Lawyers Review) has produced applications throughout the state. Recommendations for recipients of tax credits will be made to the SJC by the end of July and consistent with timeframe prescribed by statute.

The Racial Justice Fund 2nd annual grant round is underway. Applications were accepted June 1 to 15 and are being reviewed by RJF Advisory Committee. Grant awards will be announced in August.

ESO Grant Applications (for the provision of civil legal aid in Hancock and Washington counties) are being accepted June 15 to July 15. Grant awards will be announced in September.

The Campaign for Justice is currently at \$207K. The 2023 CFJ Co-Chair search is underway.

H. New Business: None

I. **Future Meetings of the JAG Board:**

Dec. 20, 2022 – 3:00 – Portland – Feeney Conference Room

Future Meetings of the JAG Executive Committee:

Sept. 19, 2022 – 2:00 – Augusta – SJC Conf. Room

Nov. 14, 2022 – 2:00 – Augusta – SJC Conf. Room

Meeting adjourned at 4:40 p.m.