

GAL Review Board Meeting
January 16, 2019 – 9:30 a.m.
Board of Overseers of the Bar – Augusta

Minutes

Call to order: A meeting of the GAL Review Board was held on January 16, 2019. A quorum being present, the meeting convened at 9:30 a.m. with Chair Prescott and Vice Chair Tennes presiding. Board members in attendance were Chair Dana E. Prescott, Vice Chair Diane A. Tennes, Karen E. Boston, Lisa A. Bryant, Malcolm T. Dow, Brenda M. Harvey, Judicial Liaison Justice Jeffrey L. Hjelm, Mary Zmigrodski and staff members Angela M. Morse and Jen Pare. Board members Kenneth P. Altshuler, Christopher P. Leddy, and Catherine C. Miller participated by phone. Board member Armanda B. Day and staff member Jacqueline M. Rogers were unable to attend. Special guests in attendance were Tracy Jacques, Coordinator of Guardian ad Litem Services, and Caroline Jova, Family Division Manager of the Maine Judicial Branch.

1) Approve October 17, 2018 Minutes

Upon motion by Ms. Harvey and second by Mr. Dow, the October 17, 2018 Minutes were unanimously approved.

2) Administrative Matters

Roster Report/Registration Update

Ms. Pare reported that the GAL roster stands at 187 (179 attorneys/8 mental health professionals) representing a decrease of thirty GALs over the prior reporting period. Ms. Pare also reported that for Fiscal Year 2019, nine GALs have been suspended, twenty have resigned, and one has taken a leave of absence. The group discussed reasons behind the lack of non-attorneys getting rostered as GALs such as mental health professionals not getting appointments in rural areas and GALs aging and resigning. Dr. Tennes noted that there are no rostered mental health professional GALs under the age of forty-five.

3) CLE Subcommittee Report

a) Summary of Approved Courses

Dr. Tennes provided an overview of courses approved by the CLE Subcommittee. She stated that there has been only one approved course since the last meeting but that this is a slow time of year for CLEs.

b) Ethics Webinars

Dr. Tennes reported that she and Ms. Morse had developed a tentative plan to hold three ethics webinars in March, June, and August of 2019. Ms. Morse has consulted with an account manager from Clarix regarding the Board purchasing an annual license for Adobe Enterprise.

4) Update from the AOC

a) March Core Training

Ms. Jacques reported that the four-day training will be held at the end of March at the Capital Judicial Center. So far twenty individuals have applied, including four mental health professionals and two people from Aroostook county. She noted that people can still apply. Dr. Tennes and Mr. Prescott plan to spread the word regarding the training to various mental health professional email lists. Ms. Jacques reported that there will be a session on the Indian Child Welfare Act (ICWA) open to all GALs for ethics credit. The MSBA is sponsoring the training and will send an email blast to all GALs.

b) Other AOC Updates

Ms. Jacques discussed the Home Court Act and updates to vouchers. She also informed the group that the AOC is tracking pro bono and low bono hours and generating a list to provide to judges regarding GALs who have and have not satisfied this requirement. The AOC is also collecting data on mean number of hours per appointment, number of standard versus reduced fee and limited appointments, and

original versus post judgment cases. Ms. Jacques also discussed compliance reports and how they are processed and feedback and confusion related to these reports.

5) Judicial Liaison Report

Justice Hjelm discussed proposed legislation regarding the “Digital Courts Records Access Act.” Comments must be submitted by January 25th. The new electronic case management system is slated to be rolled out in Penobscot and Piscataquis counties (Zone 5) in April of 2020. There are obviously large privacy concerns with the implementation. Justice Hjelm gave an overview of the Digital Court Records Access Act. Justice Hjelm noted that the Act is a collection of existing confidentiality and privacy conditions with some new provisions. Major changes will relate to accessibility and privacy in family law cases. A discussion ensued regarding electronic filing with pro se clients (Mr. Prescott commented that 71% of family law litigants are pro se) and potential privacy concerns when sensitive information is contained in a public filing.

6) Chair Report

Chair Prescott shared that he had checked in with Senator Mike Carpenter and Representative Donna Bailey and there is no major new legislation coming down the pike.

7) Docket Report and Statistics

Ms. Morse provided an update on pending cases and statistical data regarding complaints received in 2018 and thus far in 2019. Twenty-nine complaints were received in 2018 which is more than double the total from 2017. The complaint total is also somewhat artificially high due to complaints regarding out-of-state GALs by out-of-state complainants with no connection to Maine. This is partially because the Board’s GAL Complaint Form is easily accessible online. All complaints from 2018 were dismissed which indicates that GALs are complying with appointment and court orders.

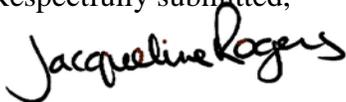
8) New Business

There was no new business.

9) Confirm 2018 Meeting Schedule

The April meeting date may need to be moved due to conflicts. Upon motion by Ms. Boston and second by Vice Chair Tennes, the meeting adjourned at 10:45 a.m.

Respectfully submitted,



Jacqueline M. Rogers
Executive Director