

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

MEETING OF THE
PROVISION FOR THE DELIVERY
OF LEGAL SERVICES COMMITTEE

Friday, October 26, 2007

1:10 p.m.

The Portland Regency Hotel
20 Milk Street
Portland, Maine

COMMITTEE MEMBERS PRESENT:

David Hall, Chairman
Jonann C. Chiles
Thomas A. Fuentes (by telephone)
Herbert S. Garten
Bernice Phillips
Sarah M. Singleton
Frank B. Strickland, ex officio

OTHER BOARD MEMBERS PRESENT:

Thomas R. Meites
Lillian R. BeVier

STAFF AND PUBLIC PRESENT:

Helaine M. Barnett, President
Victor M. Fortuno, Vice President for Legal Affairs,
General Counsel and Corporate Secretary
David L. Richardson, Treasurer and Comptroller
Patricia D. Batie, Manager of Board Operations
Karen M. Dozier, Executive Assistant to the
President
Mattie Cohan, Senior Assistant General Counsel
Charles Jeffress, Chief Administrative Officer
Karen Sarjeant, Vice President for Programs and
Compliance
John Constance, Director, Office of Government
Relations and Public Affairs
Thomas Coogan, Assistant Inspector General for
Investigations, Office of the Inspector General

Charles Miller, Managing Partner, Bernstein Shur
William Plouffe, Partner, Drummond, Woodsum & MacMahon
Ellen Lawton, Executive Director, Medical-Legal
Partnership for Children (MLPC), Boston Medical
Center
Lauren A. Smith, MD, MPH, Medical Director, MLPC,
Boston Medical Center
Sara Meerse, KIDS LEGAL, Pine Tree Legal Assistance
Nan Heald, Executive Director, Pine Tree Legal
Assistance
Thomas Kelley, Litigation Director, Pine Tree Legal
Assistance
Chet Randall, Staff Attorney, Pine Tree Legal
Assistance
Don Saunders, National Legal Aid and Defenders
Association (NLADA)
Julie Strandlie, American Bar Association (ABA)

C O N T E N T S

OPEN SESSION	PAGE
1. Staff update on activities implementing the LSC Private Attorney Involvement Action Plan -- Help Close the Justice Gap: Unleash the Power of Pro Bono	5
2. Staff update on Leadership Mentoring Pilot Program	11
3. Approval of agenda	20
4. Panel Presentation on Recruitment and Retention in LSC Programs -- Innovative Projects at Pine Tree Legal Assistance	
Hon. Frank M. Coffin Fellowship Program	
Presenters:	
- Charles Miller, Managing Partner, Bernstein Shur	24
- William Plouffe, Partner, Drummond Woodsum & MacMahon	29
Medical-Legal Partnership for Children (MLPC)	
Presenters:	
- Lauren A. Smith, M.D., MPH, Medical Director, MLPC, Boston Medical Center	46
- Ellen Lawton, Executive Director, MLPC, Boston Medical Center	50
- Sara Meerse, KIDS LEGAL, Pine Tree Legal Assistance	57
Pine Tree Legal Assistance (PTLA) Retention Incentive Leave	
Presenters:	
- Nan Heald, Executive Director, PTLA	76
- Thomas Kelley, Litigation Director, PTLA	77
- Chet Randall, Staff Attorney, PTLA	80
6. Public comment	87
7. Consider and act on other business	88
8. Consider and act on adjournment of meeting	88
Motions: 20, 88	

P R O C E E D I N G S

(1:10 p.m.)

CHAIRMAN HALL: Good afternoon. I'd like to call to order the Provisions for the Delivery of Legal Services Committee, and like to welcome all of the committee members who are present and other board members who are present.

One little clarification. In the Federal Register, this committee meeting was scheduled to start at 1:30. Because of the number of presentations we have, we want to go ahead and start now. What that means, though, since we are starting before the official time, we cannot take any action.

But we can hear presentations and information. So even matters that are on the agenda, like the approval of the agenda or the approval of the minutes, we would not be able to do.

So I will hold off on those until the clock strikes 1:30 and come back to those items. But I would like for us to move forward and make sure we have enough time to hear from all of our panelists. And this committee is very excited to have before us quite a distinguished group this year -- or this time.

One of the items that we wanted to continue to look at was the Private Attorney Involvement Action Plan, which this committee and the board approved. And we have been asking staff to keep us updated on the plan and how it has been moving forward. And I think Karen Sarjeant has an update that she wants to provide for us. And I think Nan Heald, the executive director of Pine Tree, will also join in on that item.

So unless there are any concerns or objections from any of the committee members, I'd like to move into this first topic.

MS. SARJEANT: Thank you, Chairman Hall. I'm Karen Sarjeant, vice president of programs and compliance at the Legal Services Corporation. And I am pleased to talk to you this afternoon, a very brief update, on the private attorney involvement activities of the LSC staff.

As you have read in the president's report, we continue to actively work with programs on enhancing their private attorney involvement activities. And as you know, to date, at least 45 programs have done resolutions that were patterned after the board resolution to encourage enhanced

privilege attorney involvement.

I just want to point out that what we are hearing from programs is that it is not just that they have done the resolutions, but they've used this as an opportunity to really reengage with the private bar and to work more closely with private attorneys and think through, are there new and creative ways or improved ways in which they can deliver services to more clients. So this really and truly has been a very effective push that this board has given to all of the programs to undertake these efforts.

Our staff continues to follow up on private attorney involvement, certainly on having programs do the resolutions, but more importantly, to encourage programs to reengage with the private bar in creative and innovative ways.

They do that on their visits. They do that as they continue their regular and daily communications with programs. And on the onsite visits, they're spending, I think, more time looking at private attorney involvement activities and talking with programs and sharing with them what other programs are doing so that the learning is being

spread around the country.

Before we leave the discussion on just the resolutions, I would like to ask Nan to talk about what has happened here in Maine because it is very significant.

MS. HEALD: Thank you, Karen. My name is Nan Heald. I'm the executive director of Pine Tree Legal Assistance. And what I would like to report to your committee, Mr. Chairman, is that the Pine Tree board of directors has approved this resolution and did so at our annual meeting at the end of September.

But in addition, every other major legal aid provider in Maine has also approved this resolution, and copies of those resolutions are included in the materials available to this committee. I believe that makes us the first state that has had all of the major legal aid providers in the state who have board of directors pass this resolution, and I think it reflects both the tremendous relationship that exists between a private bar and the Legal Aid providers and our growing awareness of the importance of this issue, which is a conversation that the Corporation has helped us have.

CHAIRMAN HALL: Thank you.

MS. SARJEANT: And so as we continue to work with programs around the country, we will once again use Maine as an example of what can be done to engage not only leased programs, but other programs who are in the statewide delivery systems, to enhance private attorney involvement. So this was a very exciting issue for us to hear about.

CHAIRMAN HALL: Sure. Nan, how many providers are there in the state that passed the resolution?

MS. HEALD: Three other providers exist as nonprofit legal services. There's also a Cumberland Legal Aid Clinic which is appended to the law school. But the other three are the other three major providers in the state.

CHAIRMAN HALL: Three in addition to Pine Tree?

MS. HEALD: In addition to Pine Tree.

CHAIRMAN HALL: I'm sorry, Karen.

MS. SARJEANT: The other activities that the Corporation staff is undertaking on private attorney involvement, our program letter is almost done. We continue to refine, and hopefully that will be done very soon.

We continue to focus our staff efforts in national, state, regional, and national conferences on -- we do

workshops. We coordinate with the ABA and others to have presentations on enhanced private attorney involvement. And at a recent Mountain States project directors meeting, there was a discussion about what programs should be doing on PAI.

At the upcoming NLADA conference, there will be a session, several sessions, in fact, in which LSC staff will be collaborating with others in the community to discuss private attorney issues.

The other major activity I believe Herb Garten will be reporting to the board on in terms of the efforts that are underway on a pro bono award. But I assume that will be done at the Saturday board meeting.

So are there any questions on --

CHAIRMAN HALL: Yes. Just one. There's one part of the plan that's kind of dear to my heart, which was trying to foster a closer connection between the academy and LSC. And there was a program that we were going to try to get off the ground of having faculty members spend time at headquarters, et cetera.

I know that's a challenging one, but any progress there or --

MS. SARJEANT: Quite honestly -- I'll just put it out here -- we have not been able to assign staff to that yet. We certainly have not forgotten that. And there are some other things in the plan that we want to address.

We have had just some particular overload in terms of work that we're doing right now. But knowing not only your interest but the potential that that activity has for the Corporation and ultimately for our programs, it is a priority for us. So we will be working on that.

CHAIRMAN HALL: Okay. Thank you.

Any questions from -- did you have more on the PAI?

MS. SARJEANT: No.

CHAIRMAN HALL: Any questions from committee members or other board members about the plan? Okay.

MS. SARJEANT: A brief update on the leadership mentoring pilot project. As you will remember, that was a project that was completed at the end of last year. And we have been working to complete the evaluation, and that evaluation report is now in draft. The data is very positive. It is very supportive of having the Corporation continue to encourage programs and work with programs in very

real ways to have them allocate time and resources to leadership mentoring activities.

We are also continuing to promote those kinds of activities in the work that we're doing with programs, and we're preparing from that leadership mentoring pilot project a document that will go out to our programs that gives them an overview of the project and what was done, and ideas and considerations and the LSC core competencies of leadership and everything that they should consider. And it will be a document that encourages them to implement leadership mentoring activities in their programs.

Our challenge in developing this document is that we're writing for programs that not only may want to do something in one small office, but there may be other programs that want to do a leadership mentoring initiative or project for the entire program.

So we're trying to bridge everybody's interest and give -- so that when you look at this document, whether you are a managing attorney in a two-attorney and two-paralegal office or if you're the director of the program and are thinking about it broadly, you will be able to take this

document and find useful information in there for you for developing leadership mentoring activities.

So that is underway. And we continue to work with the national partners that we have in terms of leadership mentoring and making sure that this is in front of the community. And I think that the board's work on supporting that project was a very good segue into the work that this committee has done this year on recruitment and retention issues.

And in fact, the July board meeting and the panel on leadership transition led us to put in a proposal for a national meeting on executive leadership transition. And there will be that panel. There's some -- or we may not; we may have to bring other people into it because we will be in a congressional hearing.

But the idea and the focus on getting this issue in front of our programs and in the community has been a good push from this committee. So we're very excited about having that happen.

And in your board book, you will find a summary of the highlights of the July panel. And we will be sharing

that with programs. So that's pretty much where we are on the leadership mentoring.

MS. PHILLIPS: I have a question.

CHAIRMAN HALL: Yes, Bernice?

MS. PHILLIPS: Karen, this document that was created, how did you come about with that document? Did you go to different grantees and ask them what were they looking for? What they needed? How did that document come about?

MS. SARJEANT: The document that we're creating is being developed out of our experience running the pilot project. And we have spent a significant time talking to programs about activities that they already have underway. We are also including in that document not only our experiences but some of the learnings from the research that we have done.

What we're trying to do is make it something that -- a resource tool that programs can open up and look at. And they don't have to do all the research that we have done.

MS. PHILLIPS: So it's not a guideline?

MS. SARJEANT: I'm sorry?

MS. PHILLIPS: It's not a guideline for them?

MS. SARJEANT: We're not making it, you know, some type of mandatory guideline. It's more like best practices around leadership mentoring, and activities that you might want to put in place, and the considerations that you would need to think about if you were going to do this in your program in your state.

We think it will be very helpful. And it will have a series of appendices that have a lot of resource material in them. So we think it will be very useful to programs.

CHAIRMAN HALL: DAVID?

MR. MEITES: I have a bigger question that's really not directed necessarily to you. As I listen to what we're doing versus what our grantees are doing, I asked myself, why aren't our grantees doing this themselves? And I said to myself, is there some kind of umbrella organization of our grantees, a national association of LSC grantees, like a trade union, that meets and would do this rather than us doing this for them?

Because really, we don't have any particular expertise in executive management. It's not what we know how

to do. Of course, they don't, either, which is why it's being done. But I wonder if we can't hand this off to them because they should be doing this themselves. Why do they need us?

MS. SARJEANT: Well, I think what we're trying to do is be a resource to programs. We're not saying that we are going to actually do the -- help them or set up for them the leadership mentoring programs.

But what we want to do is with the recognition that programs are very busy and that there are a lot of considerations that need to go into developing mentoring activities, we're just trying to put that in front of them.

There are organizations. We, for example, partnered with the Management Information Exchange. We partnered with NLADA. We are looking for others that we can say to our programs not only, here's what we've done, but here's some other organizations that you can get this kind of assistance from.

So we're trying to be the catalyst to getting programs to look at this. Now, I want to be very clear that there are programs that are doing these activities. It's not

like we're bringing something that is brand-new. There are some things that are underway, and we want to support those in any way we can.

But I think that's right. It was a pilot project.

It is not necessarily ongoing -- should not be necessarily an ongoing project for us. But the focus of getting programs to look at this and providing the resource should be something that we do.

MR. MEITES: Just a question. Is there any kind of national organization of our grantees? The answer is probably no if you don't.

MS. SARJEANT: Not solely of our grantees.

MR. MEITES: Would it be a good -- you know, we apparently got the state of Maine to turn cartwheels because we suggested something. Should we suggest to our grantees that they might have a meeting and organize, create a confederation, maybe --

MS. SARJEANT: Oh, no, no, no.

MR. MEITES: No? Okay.

CHAIRMAN HALL: Well, two points. One, I see Don Saunders back there squirming as if -- you know, there is

this organization called NLADA that I would say quite a number of our grantees participate in on a national level, and is an umbrella organization.

MS. SARJEANT: Absolutely.

CHAIRMAN HALL: But my concern is the opposite of Tom's, which is that -- and I hope when the final report is brought back that you can address this -- is that though I do believe that it is at the program level, and maybe even at the state level, that you could develop the -- you probably could develop the most effective mentoring and leadership program.

But one of the I think unique features of the pilot was that you had individuals being assigned to people in other parts of the country. And when we heard from our presenters, one of the things that I think grew out of -- the presenters on the executive transition and succession issue -- was that people began to start seeing those proteges as potential candidates for openings. And I believe this national program gave some exposure to those individuals that they might not get if their mentor was someone in their own program.

So I would at least ask, when the final -- not ask you to address it now, but that when you do -- because I assume at some other board meeting, when the draft report is final, you will be presenting it back to us -- that it at least maybe address that issue?

I know we are not committed to continuing the program on an ongoing basis, but how do we address that national benefit of getting people exposed to leaders outside of their area and thus exposing them to opportunities outside of their area?

MS. SARJEANT: Yes. We will address that because I think the evaluation report, when it is finalized, will talk about the importance of the national pairings of mentors and proteges, and giving opportunities for people to interact with others in different programs, learn from others. And we will be addressing that in the final report.

And I just want to say even though we're not experts, I do think that we do know and have done a lot of work on mentoring and management and leadership. So I think there are things we have to share with programs.

There are any number of organizations out there

that do this. Part of the program for our grantees is having the funds to spend in acquiring that expertise. So we're trying to make it something that is accessible to them.

CHAIRMAN HALL: Sarah, did I see your hand?

MS. SINGLETON: Karen answered or stated what I was going to.

CHAIRMAN HALL: Okay. Good.

MS. SARJEANT: And just so Don isn't mad at me, I know that a lot of our programs are members of NLADA. But I thought the question was: Is there one that was exclusive to LSC programs.

CHAIRMAN HALL: All right. Any other questions?

(No response.)

MS. SARJEANT: Okay. Today's panel, panels, continues the board's focus on recruitment --

CHAIRMAN HALL: Could I stop you for one minute?

MS. SARJEANT: Sure.

CHAIRMAN HALL: Because it is now 1:30. And so before moving on, this would be a good juncture for us to officially start this committee meeting. So I would ask for an approval of the agenda that is before us.

M O T I O N

MS. SINGLETON: So moved. This is Sarah Singleton.

CHAIRMAN HALL: Is there a second?

MS. CHILES. Second.

CHAIRMAN HALL: All in favor of the agenda as outlined in front of you, please say aye.

(A chorus of ayes.)

CHAIRMAN HALL: Any objections?

(No response.)

CHAIRMAN HALL: The agenda is approved.

I've been informed that Tom Fuentes, a committee member, is now with us via phone. Welcome, Tom.

MR. FUENTES: Thank you very much. Good morning or good afternoon to you.

CHAIRMAN HALL: Glad to have you with us.

MR. FUENTES: Good to be here.

CHAIRMAN HALL: Another item that we needed to officially deal with is an approval of the committee minutes of our July meeting. Those minutes aren't ready yet, so we don't have them before us, and therefore we don't need to approve them now. But we will hold those off and approve

them at our next meeting.

So Karen, if we could now proceed with our next agenda item.

MS. SARJEANT: Certainly. The panels that the committee will hear from today will continue the board's focus on recruitment and retention issues in LSC-funded programs. The unifying theme of these three presentations is -- or the unifying themes are innovation and creativity. Each project that you will hear about is designed to address the twin challenges of recruitment and retention, and each of the projects will show you how high quality legal services are delivered through what they do.

Pine Tree Legal services, as you heard this morning, is a program that approaches the delivery of legal services in many different and creative ways. And in the words of a client that we heard from this morning, the program makes it possible for clients to know that their dreams are still possible.

These panels will share with you how the three projects have helped this program, have helped Pine Tree, in the areas of recruitment and retention, and in attracting and

energizing staff, and in providing critical legal services for clients.

At this time I would like to reintroduce Nan Heald, who will introduce each of the three panels to you. And the first panel is about a fellowship program. The second one will be about a medical-legal partnership program. And the third program will be about Pine Tree's incentive leave program.

So at this time I will turn it over to Nan.

CHAIRMAN HALL: Welcome.

MS. HEALD: Thank you, Karen. Thank you, Mr. Chairman, and members of the committee. My name is Nan Heald. I'm the director of Pine Tree Legal.

I'm going to let you hear from two of the leading lawyers in the city of Portland, which is our largest city in Maine. Charles Miller is the managing partner of Bernstein Shur, which is one of our three largest firms in the state. William Plouffe is a partner with Drummond Woodsum & MacMahon, which is also one of our very large firms in the state that doesn't have huge firms.

We are enormously lucky to have this fellowship

program, which has brought 11 young attorneys to work at point Legal Assistance over the past nine years. And it is entirely the creation of private attorneys in Maine. Legal services attorneys had nothing to do with this idea. But we tremendously indebted to both of these firms and to both of these people for the fact that it exists.

MR. MILLER: Thank you, Nan, Mr. Chairman. On behalf of my colleagues of the private bar in Cumberland County, Maine, I extend our greetings to the board of directors and the staff of the Legal Services Corporation.

My name is Charlie Miller, and I'm the managing shareholder of Bernstein Shur, a private law firm which, as Nan said, is big in Maine, with over 90 attorneys, but with offices in Portland, Maine, Augusta, Maine, and Manchester, New Hampshire, we do realize that we are not large in the global view of mega-firms.

Tonight many of us will be celebrating together with you the 40th anniversary of Pine Tree Legal Assistance, which is a wonderful, wonderful organization. But I'm here to tell you about a unique private/public partnership among the Maine Bar Foundation, Pine Tree Legal Assistance, and

funded by 14 of the private law firms that have offices in Cumberland County.

This program, which will celebrate its tenth anniversary next year, 2008, is the Coffin Fellowship. It's a unique program begun by 12 founding law firms, among which included Bill's and my firm. And it was founded to honor the extraordinary efforts of Judge Frank M. Coffin, a senior member of the First Circuit Court of Appeals, who has dedicated his life to the notion of providing access to justice to those who would otherwise be disenfranchised.

I am co-chair of the Coffin Fellowship Committee of the Maine Bar Foundation. I also bring you greetings from the Honorable Daniel Wathan, former Chief Justice of the Supreme Court of Maine, who is my co-chair.

With me today to my right and your left is Bill Plouffe of the law firm of Drummond Woodsum. Bill is one of the original architects of this program, and he will give you shortly a brief honest of this program.

The current 14 member firms who provide funding, which include 11 of the 12 founding firms, raised in excess of \$125,000 in 2007. Fourteen firms, some giving as little

as \$1,000 and the largest firms giving as much as \$18,000. And these firms provide funding for the two Coffin Fellows.

Almost all of the firms have signed a three-year rolling commitment to ensure stability and continuity for the program. In other words, if we were to opt out of the program, we would have to give notice three years in advance so that none of the current members would be projected and all of the students whom we've hired, all the young lawyers whom we've hired, would be able to work through their terms.

I'm very proud of the commitment of the Cumberland county attorneys to pro bono work. Each of our 14 firms has a pro bono component. For example, my law firm has documented approximately 2400 pro bono hours with a value of approximately \$500,000 for the nine months ending September 2007.

One of the programs about which I am very proud is a partnership with Pine Tree Legal in which Wendy Paradis, an attorney with our firm, has worked with Chet Randall on a program that you heard about this morning called MASH, Maine Attorneys Saving Houses. And Wendy has given of her time -- she is a foreclosure, eviction, and collections

attorney with my office, and she has given of her time pro bono to help train the private bar to help individuals who cannot help themselves against predatory lending practices.

Although we represent banks and we do engage in commercial foreclosures, none of us has any tolerance for predatory lending practices. And so we are delighted to work with Chet on that program.

But even the types of programs that I have approved as managing partner in my law firm, and the program with Chet and others, is not adequate, just is not adequate. None of the participating law firms specialized in family law or domestic violence cases. And that's where the greatest documented need lies. And it's an area where our 14 firms are least able and least equipped to assist.

Now, in your materials, Nan has provided you with the 2007 report of the Coffin Fellowship, and you can see both the quality of our wonderful Coffin Fellows themselves and the 608 cases which they've handled to date this year. Your report quotes Nan, the executive director of Pine Tree Legal, and her words bear repeating because it's the underlying premise on which all of our firms believe.

And I quote: "None of these numbers conveys the real benefit of the Coffin Fellowship program, which is the extent to which it makes positive outcomes possible for low income individuals threatened with the loss of their lives, their homes, their dignity, their income, and most importantly, their children as a result of family breakup or other family issues."

This is a great program, and we're proud of this joint venture. It's an innovative joint venture among the private bar, the Maine Bar Foundation, and Pine Tree Legal Assistance. This year, with the help of Calien Lewis, who is the executive director of the Maine Bar Foundation, our goal is to recruit at least two more private firms to join our partnership to bring us to 16.

And to that end, we have invited a number of firms, eight to ten additional firms, to join us at our annual luncheon on November 7th when we celebrate the beginning of our tenth year to try to induce more people to participate with us, to join with us in this private partnership with two wonderful entities.

Now I'm pleased to present to you -- introduce you

to Bill Plouffe, one of the founding architects of this program, who will tell you about the formation of this unique program ten years ago. And certainly, when we're through, Bill and I would be happy to answer any questions you might have. Bill.

MR. PLOUFFE: Thank you, Charlie, Mr. Chairman and members of this committee. About ten years ago, when I was the managing partner of Drummond Woodsum, I received a telephone call from Judge Coffin's chambers inviting me to have a meeting with Judge Coffin and then-Maine Supreme Court Justice Howard Dana in Judge Coffin's chambers to talk about the need for further participation by the private bar in provision of legal services, particularly here in Cumberland County.

No idea why I was chosen for the invitation. But when Judge Coffin calls, we say yes. So I went over to Judge Coffin's chambers and met with the judge. And there also were a fellow named Bruce Coggeshall, who is the managing partner of Pierce Atwood, which is the biggest firm in Maine, at that time ballpark 100 lawyers. My firm at that time was about 35 lawyers. And the third person there -- Bruce is the

managing partner of Pierce Atwood. And the third person was Bob Hanson, who is the managing partner of Norman, Hanson & DeTroy, a firm of about 20 lawyers.

And Judge Coffin and Justice Dana told us that we were at a point here in Cumberland County in particular where the need was growing for legal services to low income folks; that the need was not being met with current resources; and, in their opinion, it was time for the private bar to do even more than it had been doing. And believe me, in Maine the private bar does a lot in the provision of pro bono services.

Over the next year, I would say, we met several times, mostly in Judge Coffin's chambers. And I would just tell you that Judge Coffin's participation and Justice Dana's participation in this was absolutely key to this coming about. And meeting with Judge Coffin in his chambers was an important indication of the importance of this whole effort.

Judge Coffin would bring in various people to to us to demonstrate the need. There were people from Pine Tree Legal who came in with statistics, I recall. We went out on a visit to the Chief Judge of the Monitor District Court to hear more about the need there was, particularly in the area

of domestic relations -- by that I mean divorce, custody, protection from abuse. You know what I'm talking about, the realities. And we met with others. We also hear about the Skadden Arps fellowship, and I think that was an important thing to hear about for us.

After about a year of these meetings with no decisions being made, Bob and I and Bruce decided it was time -- let's just do something or not, but let's move on. So the three of us met at the food court up the street here, which was just a place for people to have lunch, and sat around a table. And Bruce said, so what are we going to do?

And we said, well, we've heard a lot of information. It would be great if we could hire two lawyers who would just do this kind of work, this kind of work being the domestic relations work that I talked about -- nothing fancy, the bread-and-butter work of legal aid lawyers. And we were committed to that kind of work being the limit. We were committed to Cumberland County.

And we said to each other, what would it cost to do that kind of work? And we said, well, how much do Pine Tree lawyers make? And we had a general idea of how much they

made. So we came up with a number of about \$110,000 for two lawyers.

And then we compared that to all the time and effort that were going on within our firms to try to do some of this kind of work. And as Charlie mentioned, none of us practiced domestic relations law. And within our firms, there might have been one or two people in the whole firm who did domestic relations law, and it tended not to be for low income people.

And so we all had our horror stories of taking on a pro bono case that went on for 100 billable hours, or the equivalent of that. Bob even talked about a case in which his partner was involved in which he got into a physical confrontation with the husband in a case on the courthouse steps. And we agreed that this just wasn't the way to do it, that this idea of hiring people to do it, maybe along the model of the Skadden Arps fellowship, would be a profitable way to go.

So being around this table, Bruce then grabbed a paper napkin -- this is a true story -- a paper napkin off the table -- this is not a high-end lunch place -- and pulled

out his felt-tipped pen and said, all right. \$110,000. What if we pick the ten biggest firms in Cumberland County? Okay.

Who are they?

So we came up with the ten biggest firms in Cumberland County and decided, well, Bruce, you've got the biggest firm. You should pay more than Bob's firm that's only got 20 people in it. So we came up with three categories for the assessment, as it were, to fund this \$110,000. And we among the three of us agreed how much each firm would pay.

Well, that's fine. That's just the three of us. How are we going to get the money? At that point, Bob, who was one of the most well-respected trial lawyers in the state of Maine, in my opinion, in any event, who had a -- was about 6'5" and a deep, booming voice, and a good friend of mine, said, I've got no problem calling all those people, those managing partners. I know them all. I'll get them on the phone and they'll pay. So Bruce and I said, Bob, go for it. That's great. And so we adjourned our meeting.

And I kept the napkin on which Bruce had written down all the assessments. And last year, actually, at this

annual meeting, I gave it to the Maine Bar Foundation, and I think they had it framed. It wasn't the Declaration of Independence or the Constitution out of Philadelphia; it was just a napkin with some marks on it.

In any event, went back to Judge Coffin. Also at the meeting, the three of us decided that this ought to be called -- this should be called the Coffin Fellowships in recognition of the lifelong service, as Charlie said, that Judge Coffin has given to low income folks.

We went back and reported to Judge Coffin and Justice Dana what we thought we ought to do. They thought that was a great idea. We then got the Maine Bar Foundation and Pine Tree Legal involved in trying to work out the logistics of this, the nitty-gritty things. Where are these people going to be housed? Pine Tree Legal. Would they be members of a union or not? All those kinds of issues that come up when you try to implement something like this. And the details, if you will, were taken over essentially by the Maine Bar Foundation and Pine Tree Legal.

The three of us had some involvement thereafter in choosing the first Coffin Fellows. We had an advisory

committee that would meet every six months or so with the Maine Bar Foundation to see how the program was being implemented. It was limited to Cumberland County, and it was limited to you those types of cases that I spoke about because we really were committed to serving that particular need.

And that's how this whole thing started. And it's wonderful that it has continued on. It has expanded over the past ten years, and hopefully there will be more expansion.

CHAIRMAN HALL: Thank you both for your words. Any questions for our panelists from committee members or other board members? Sarah?

MS. SINGLETON: Thank you. I'm not sure to whom to address this question. I'm fairly certain that Maine has a campaign to try to raise contributions among lawyers for legal aid. Isn't that correct?

MR. MILLER: That is correct. The Campaign for Justice is a program actually that Jerry Crouter is chairing this year -- Jerry is a partner of Bill's at Drummond Woodsum -- that raises a lot of money for attorneys, for legal services needs, far more, I think, probably three or

more times, what the services -- the agencies were able to raise on their own before we consolidated it.

And if I'm correct, your question is how many pockets do you have and where does all this money come from.

MS. SINGLETON: Right.

MR. MILLER: And what we've said to --

MS. SINGLETON: I just want to make sure you have at least two pockets.

MR. MILLER: What we've said to our attorneys -- actually, there are three pockets that we deal with every year. And what we say to our attorneys, and I'll let Bill speak about his law firm, is that the law firm as an entity, as an institution, one of our values is the provision of pro bono services and access to justice. Where we can't provide it, we have an opportunity as a law firm to give to a program that will.

So we will do that as a law firm. But you attorneys, each has an obligation to both the legal profession and to the community. And so we encourage all of our attorneys every year to give. And we don't tell them how much to give, but to give to the Campaign for Justice out of

their own pockets, and to the United Way out of their own pockets.

So we say that it's three legs of the stool, and you have three different pockets. One of them is the firm. But your obligation is not taken care of solely by what the firm does. You, too, have that obligation to give.

And I'm pleased to say that last year I think Bill's firm, my firm, and two other firms had 100 percent participation in the Campaign for Justice. And our giving of the money to the Coffin Fellows didn't diminish by a nickel what we were able to raise and induce our colleagues to give to that program.

Bill, can you speak to that, too?

MR. PLOUFFE: I think it's a similar experience. Each of the attorneys gives to the Campaign for Justice, and that has no relationship to the firm's contribution to the Coffin Fellows.

We also have a policy within our firm of participating in the Volunteer Lawyer Program. Every lawyer has to either spend an afternoon at the VLP program -- which you probably have heard about, where private lawyers try to

refer to private lawyers, and it's the longest four hours of the year for me -- or, if don't do that, then you're supposed to take a pro bono case.

And we also have a requirement for a minimum number of pro bono hours if you want to become a partner at our firm that you have to perform while you're an associate.

MR. MILLER: I think you'll find with all of the large firms in Maine, it is top down and inside out. The leadership of every one of the firms is committed to this. And so it makes it a lot easier for us as cheerleaders to let our troops know that they should participate.

MS. SINGLETON: How did this value get to be part of your firm's culture?

MR. MILLER: You know, I can't -- our firm was founded in 1915 by three Jewish lawyers and an Episcopalian lawyer. And the three Jewish lawyers were not able to, in 1915, become members of other law firms. There was a high degree of project at that time.

And so from the very beginning, from Israel Bernstein and Louie Bernstein and their nephew and son, Sumner Bernstein and Lennie Nelson and Herbie Sawyer and

Barney Shur, who was an immigrant from Lithuania, we have believed, and they have inculcated in those who came after them, the belief in our fundamental values.

We had a day-long retreat in which we re-articulated the values. And that is one of the five values that we came up with. We have a strong belief in pro bono values, a strong belief in diversity, and a strong belief that we have an absolute obligation to give back to our communities. And I think that if you were to talk to the other large firms in town, they would have different but similar stories.

CHAIRMAN HALL: Herb?

MR. GARTEN: I was very interested in hearing about your efforts in raising funds. You know, it's referred to sometimes as checkbook pro bono. I was also interested in your comments about quantifying the number of pro bono hours that your firm presents, and I think you mentioned that you totaled it up at about a half a million dollars.

MR. MILLER: Yes, sir.

MR. GARTEN: Is there any mandatory or voluntary reporting of pro bono hours by lawyers in Maine?

MR. MILLER: No, sir.

MR. GARTEN: Had you considered it?

MR. MILLER: There has been talk about that, but there is not a required -- there is no requirement. We do it because it's the right thing to do. And that sounds awfully high-sounding, but it does fit within the values. And you don't have the right to talk the talk unless you walk the walk.

MR. GARTEN: Well, Bill's firm apparently is identifying pro bono activity also. Do you find that common among the other 11 firms that -- or the major firms in the state?

MR. MILLER: I can't speak to that.

MR. PLOUFFE: I think there are a number of firms that have requirements for their associates, for example, to do pro bono. The definition of what pro bono is differs among the firms. For our firm, it's got to be what you all would probably consider pro bono and not serving on the Opera Board or something like that.

MR. GARTEN: Peoples pro bono.

MR. PLOUFFE: Peoples pro bono, whatever you might

call it. And I would say that in the state of Maine, and I don't know if you've heard at this or not, but when I sit at that volunteer lawyers desk here in Portland, the cases are arranged by county. And many of the counties, most of the counties, in Maine are very rural.

And I am just amazed to be able to pick up the telephone and call a lawyer in Farmington, Maine, which is in Franklin County, a small town, a rural area, and ask him to take on a protection from abuse case for nothing when he's probably with one other person in a small shop doing general practice.

And the impact on that person's practice of doing this one case is, to me, significant. And time after time, it's those people, the small practitioners in Maine, who take these cases on out of purely a public spirit. There's no firm managing partner telling him or her to do it. Just because it's the right thing to do, and this is what we do in this state.

And that to me is emblematic of the Maine bar, and it's something that the Maine judiciary, many of whom are from rural areas, bring to the judiciary and make it known to

the practicing bar that that's how you're expected to behave if you're going to be a lawyer in Maine.

MS. PHILLIPS: Mr. Miller, that term "top down, inside out," I'm not familiar with that. What do you mean?

MR. MILLER: What I mean is that the leadership of the firm, top down, and the core of the firm out. In other words, top down means the management of the firm, and inside out means the shareholders first and then the associates as well.

And I agree with Bill. We all count our pro bono time differently. We have civic time as well that we require of our attorneys in addition to the pro bono. And I must tell you, we still do just fine in terms of our economics compared to the rest of the people in this state. Lawyers do very well in Cumberland County. And so it has not hurt any of our bottom lines by our commitment to legal services.

CHAIRMAN HALL: Just so that I fully understand how the fellowship program works, are the fellows housed in Pine Tree?

MR. MILLER: Yes, sir.

CHAIRMAN HALL: And that decision around hiring, is

it done by Pine Tree? Is it done by your advisory committee?

Could you just talk briefly about that, and we will --

MR. MILLER: Certainly. Thank you, Chairman. The way we do it is that we have representatives from Pine Tree Legal, the Maine Bar Foundation, and from our Coffin Fellowship committee, all of whom meet and interview the candidates that we have. And then we collaborate and we come to consensus. And then either Calien Lewis, who's the executive director of the Maine Bar Foundation, or Nan at Pine Tree makes the offer on our behalf.

Every year the young attorneys whom we've hired comes to this luncheon with us and talks about the work that they do to remind us why we're doing this and to talk to us about the fine work that they do. But the selection is -- and we've gotten 11 different attorneys, six different law firms over the nine years so far, very high-quality people. And the applicant pool has been quite extraordinary, in my view.

CHAIRMAN HALL: And the length of the fellowship?

MR. MILLER: It's two years.

CHAIRMAN HALL: Two years. And so that person --

MR. MILLER: It's a rotating -- one comes off every year, and we hire a new one every year.

CHAIRMAN HALL: Okay. I'm sure we would have a lot more other questions for your very intriguing program. So thank you both for coming before us, and we'd like to move on to the next panel. Thank you very much.

MR. MILLER: Thank you.

MR. PLOUFFE: Thank you very much.

MS. HEALD: Thank you. Chairman Hall, as the next panel approaches, which will be the medical-legal partnership, I would like to share with the committee that this project came to our attention through your committee chair, who arranged a meeting with President Barnett at LSC. And we met with Lauren and Ellen, and found out a lot about the program.

We knew that several of our programs participated and had partnership projects, and we were very interested in hearing more about it. And so we wanted to thank you for making that connection. And they will be talking with you, along with Sara, about the project in Pine Tree.

CHAIRMAN HALL: Thank you. Welcome.

DR. SMITH: Great. Thank you for that welcome, and again, thank you for inviting us. My name is Lauren Smith. I'm a pediatrician, and I'm the medical director of the Medical-Legal Partnership for Children in Boston. And I have to say I definitely feel like the odd person out as probably the sole pediatrician, sole physician in the room. But I thank you for inviting us.

And part of what I want to talk to you about is why in the world is a pediatrician here at the LSC board, talking to you as the LSC board. And that's because of where I practice and the work that we do.

Taking care of children in the hospital -- I'm a hospitalist, which means that I only see kids in the inpatient setting -- it becomes very apparent very quickly that factors outside the health care setting have a tremendous impact on the health and well-being of children.

So my job as a pediatrician is to provide expert and fine clinical care, and I will do that. But I also recognize that I need to do something else, and I need to have a strategy for intervening on the issues that are happening for kids outside the hospital setting if I want to

be most effective at my ultimate goal of promoting their overall health and well-being.

And the program, the Medical-Legal Partnership for Children, is really born of that idea, that these social factors have a tremendous impact on children's health and well-being, and that we as pediatricians need a different strategy and different skill sets to be able to intervene in that way.

The model is that lawyers are partnering with doctors in the clinical setting to make sure that children's basic needs for food, housing, appropriate education, health care are met. And you may ask, well, why does it need to be in the clinical setting?

And what we've found through our evaluation and through our focus groups, et cetera, is that for many of our families who have tremendous competing priorities in their lives, when they are experiencing issues, they don't necessarily identify them initially as a legal issue. They just see it as a problem. And they don't necessarily recognize that there are legal resources that could be used to help them solve that problem.

So when we bring the lawyers into the clinical setting, we really overcome a substantial barrier to them recognizing and identifying that what they have is a legal issue; but more importantly, getting substantive and appropriate legal assistance to be able to resolve it.

And the other piece is that by having it in the clinical setting, the lawyers are really able to use the relationships that families have developed with their pediatrician, their child's doctor, to sort of leverage the trust and legitimacy of that relationship to be able to do their work.

And many families have talked about that they wouldn't have necessarily sought a lawyer; they might have been reluctant or reticent to seek a lawyer's help, but because the doctor recommends it and it's connected to the doctor and the clinical setting, they feel very differently about it. And so that's been an effective sort of part of the strategy.

I just want to -- the last thing I would say is that while this program started in trying to meet the needs of children, vulnerable children and their families, we

recognize that there are substantial implications of this for other vulnerable populations.

And I'm sure you all could think of the elderly, for example, and people with specific disabilities or illnesses or diagnoses, so that we are considering how to expand this overall model to other populations and other clinical settings; because what we have learned over the past 14 years that this program has been in place is sort of how to do these partnerships, how to develop really very unique and meaningful collaborations between doctors and lawyers in the clinical setting with the focus on making sure that people's health is promoted.

So that's been a very effective strategy. And now I know Ellen is going to talk to you more about it, but there's over 80 of these sites over the country that have developed over the past 14 years to do this kind of innovative work in the clinical setting. And it's been tremendous.

And as the lone doctor in the room, I have to say that being able to practice in a setting where there are lawyers whose expertise is around advocacy in a different way

and in a different place has been very meaningful. If you want to really uncouple these social factors from their health-harming effects, it is much more effective for me to have partnerships with lawyers who can intervene in a different place and a different way.

And that has really transformed how we practice, and we feel like it's really on the verge of transforming how pediatricians practice in general and really becoming the standard of care. I mean, ideally we want this to become the standard of care for what children have.

And I'm sure we'll be able to have some time to have questions, but I think I'll just leave it there for now.

CHAIRMAN HALL: Thank you.

MS. LAWTON: Thank you, Lauren. Oh, sorry.

CHAIRMAN HALL: No. Go ahead.

MS. LAWTON: Thanks, Lauren. And my job this afternoon is to first thank you to the board and also to Pine Tree for really embracing this model. And we've felt that embrace in a variety of ways. Certainly LSC support that has been proffered to grantees that are already embarking on these partnerships, certainly at Pine Tree, which has been an

exemplary model of medical-legal partnership. And so part of my job is to thank you first for taking this on.

I'm going to describe our program briefly and talk about what we see as a movement, and then really relate it to our recruitment and retention. But I would be remiss if I didn't acknowledge that I feel like medical-legal partnership has a role to play in a variety of topics that this board touches on, including the one that you just heard about around pro bono and private attorney involvement. And that's an area that we have some experience with as well.

You heard Lauren talk a little bit about the clinical implications for legal remedies. And that was really, I think, the brainchild of this program with the chairman of pediatrics at Boston Medical Center, Barry Zuckerman, who created this program in part in response to a number of different initiatives in various clinical settings that were not able to be sustained, but gave him the hope that some of these social determinants could be effectively addressed by incorporating lawyers as part of the clinical team.

And so he took the unusual step in 1993 of hiring a

lawyer, not to sue somebody at the hospital but to actually assist families in securing their basic needs. And it took us quite a while to work out the kinks of this partnership practice because it does call into question a lot of ethical and confidentiality domains that I'm sure you can imagine and that we've been working on over these years.

But what we've learned is that the practice of legal aid poverty law in the clinical setting is an inherently effective one because it partners us with our source of evidence, which is the clinical partners, nurses and doctors and social workers, who are trying to help low income families.

It also helps us to catch problems before they spiral into legal outcomes like homelessness, where an intervention that's more preventive might have been effective. And so I think that this model, as a result, has really caught fire, first in the legal aid community because I think initially it made sense for legal aid lawyers that this was where their patients, their clients, were getting treated.

And so it made sense to try to work hand-in-hand

with the clinicians that were trying to work with families. It's also started to catch fire in the clinical community, as well as a unique way to intervene, as Dr. Smith mentioned.

In your packet, you have some materials that -- and I regret to tell you that the list of LSC-funded partners is actually -- you got a wrong version, so I will update that version and get that out to you. But there is a list of LSC-funded programs that are currently participating. There's a list, a map there, that we are having a hard time keeping it up to date because it's moving so quickly. So there are about 66-plus sites that are listed on there.

And those are partnerships between legal aid agencies and clinics or hospitals. Ours is actually the unique model, wherein we're actually on site in the hospital.

And I know Sara will talk a little bit about how their practice works here in Maine.

But suffice it to say that there are a variety of different legal entities across the country that are really embracing this model to try and get ahead of some of the social determinants that they see impacting individuals and families in their communities.

I think that, again, just to convey the enormity of the movement, you also have in your packet a resolution that the American Bar Association passed at its summer meeting in August in support of medical-legal partnership. And I think that's just an indicator of the breadth of support that we're starting to garner on the legal side.

Our goal is to take that resolution and bring it to national groups, such as the AMA, the American Academy of Pediatrics, the American Society of Family Physicians, et cetera, and ask them to join us in supporting a medical-legal partnership as a preventive model of addressing legal needs.

In terms of the recruitment and retention aspect of this model, I can share with you a couple of thoughts, but also feedback that we get from the field all over the country. And we have been a funder now, thanks to grants from the Kellogg Foundation and the Robert Wood Johnson Foundation that have allowed us to fund sites, including here in Pine Tree, to pursue this work -- small seed grants, nothing significant except to bring people together as part of a network.

And what we hear is that in terms of recruitment, that this really does appeal to students that are coming out of college -- sorry, out of law school as a unique and interesting way to practice law; that this interdisciplinary model helps them to feel part of a team in partnership with other professionals that are part of the care team that a family may have. So that's important feedback.

What we hear on the pro bono side is that when pro bono attorneys participate as part of a medical-legal partnership, that it's less isolating than in some traditional pro bono activities; that they feel as though there are issues that the clinical team can address, and therefore it can address some pro bono burnout issues.

We also know that there are a number of problems, both legal aid programs, law school programs that are partnering with legal aid and hospitals or clinics, hospitals that are trying to recruit residents, all of whom are using a medical-legal partnership as a recruitment tool for residents, for attorneys, and for law students.

And so we're starting to see the development of a career trajectory for law students who are participating in

legal clinics that work with hospitals and health centers, then graduating to work in medical-legal partnerships since there are now so many developing nationally.

In terms of the retention, I think that goes to some of the issues that I mentioned regarding pro bono activity. I think the retention piece is that it does offer a unique vision of how to provide legal assistance that calls on other skills that might not be tapped as easily in the traditional legal services setting, and that is working across disciplines in the medical setting; understanding, for example, the dynamics of research and evaluation, which come into play for clinicians that I think, for myself, certainly, and for many who are doing this work -- and I won't speak for Sara, but maybe she can talk to it -- has really created a significant learning curve for me in understanding what do outcomes mean in the clinical setting versus what do they mean in the legal setting.

So I'll stop there, and I'll turn it over to Sara.

MS. MEERSE: Good afternoon. I'm Sara Meerse, and I'm the directing attorney of KIDS LEGAL, part of which has the medical-legal partnership. We call here our partnership

the KIDS LEGAL Medical Partnership. We flip the legal and the medical just because it's part of the KIDS LEGAL program.

If I may be so bold, I actually see myself as a poster child in terms of recruitment and retention. I came to legal services as a Skadden Fellow, specifically to work with families with children on education, housing, and health care matters. And I also came at historically not a great time to join legal services. I graduated law school in 1996, when Legal Services Corporation-funded programs didn't really have the funding available to hire any attorneys.

Retention: It's 11 years later, and I have the best job in the whole wide world. I really, really do. I love my job. I love what I do. The fact that I can focus specifically on children's issues is the reason why I'm still here in legal services. And the fact that I can be challenged and actually participate in the medical setting as well, working on child health and well-being, just furthers my commitment to what I'm doing.

What's really nice about being in the medical-legal partnership works is really threefold. It brings more perspective to me as a lawyer, and also to the agency, the

Pine Tree Legal, because I'm able to also share information that I'm learning by being actively involved in the medical environment with my colleagues, who may not just be practicing in the medical-legal setting.

But, for example, a reasonable accommodation request in a fair housing case, I have some insight into what the doctors are going through, why they can't respond and write a letter the same day that the lawyer has called them, because the doctors, too, are busy. Right?

In addition, it's really nice to be offsite and in a completely different environment than the legal office. I have a completely different exposure to how the world exists for my clients when they're seen as patients.

And I have to learn a different language. I have to know how to do a training for doctors. Doctors want the law for education law on a piece of paper this big, one side only, please. And we're all lawyers in the room except for Lauren and, you know, we would like to give you a book on education law as part of a CLE training. And you can't do that. So it's extremely, extremely challenging, and that's really exciting to me.

It is a preventive model and a very team-oriented model. It's nice to know that I am considered a sub-specialist within the medical field. In Maine, it works about a third/a third/a third in terms of our referrals. About a third of our referrals are coming from the social workers, a third of our referrals are coming from the nurses, and a third of our referrals are coming from the physicians.

I'm actually on site at the pediatric clinic at the Barbara Bush Children's Hospital two half-days a week. So I'm there to either meet with patients who happen to be there that day, so it's one-stop shopping for the patients who are there on the day that I'm there.

The days that I'm not there, there's an actual referral form that's filled out. It's in your materials. And it's actually a blue form to work within the hospital system. At the clinic, there's a yellow form for asthma, there's a pink form for vaccinations, and there's a blue form for KIDS LEGAL referrals to help the doctors identify and refer those appropriate cases to the legal services attorney.

It's also exciting to see that we've expanded beyond the pediatric clinic and we're part of the entire

Barbara Bush Children's Hospital. We have an office that's physically located at the pediatric clinic, but we do outreach to other departments.

So what's really neat in terms of prevention is I'll get a referral from a social worker at the OB-GYN department who is in the high-risk pregnancy clinic, where the mother of a four-year-old who's 22 weeks pregnant has been told she needs to go on bed rest, and her welfare worker has decided that they're going to remove her day care because she can't go to work because she's on bed rest. And so now she can't comply with the bed rest order because she has an active four-year-old.

And so we were able to get involved and advocate that the regulations under our welfare-to-work program allows for a continuation of child care subsidy for 30 days, which would get her to at least 28 weeks of gestational period.

And there were other things that we realized about this client where we were actually able to get her two months. And so she was able to bring her baby up until the 33rd week, as opposed to the 24th week, when her baby was born.

We work with children who are in the NICU, and so we're dealing with custody cases in terms of where is that child going to go home to when they're discharged from the NICU? That needs to be worked out. Or families who are homeless whose children are in the NICU, that needs to be addressed before the child can be released from the NICU.

In terms of the patients, what's really interesting is that we did a survey at the pediatric clinic, and 60 percent of the patients who had responded to the survey had no idea that legal services was available to them, never tried to contact the legal services office, didn't know. And they were all patients who would have qualified for services.

So that was really exciting to see that we were also tapping into a new pool of clients who could be helped by our program.

The last thing I want to say in terms of retention issues is that working in legal services day after day as a practicing attorney, sometimes what we call it is we're in the trenches. Somebody else referred to it as the bread and butter of legal services. But we're in the trenches in terms of doing a lot of crisis work. And you can tend to see the

same cases, where you're doing an eviction and another eviction and another eviction for different families.

And this allows a variety of cases, but it also gives you a variety of tasks that you can do. Because the importance of a medical-legal collaboration is not just the direct client representation, but it's the training and the consultations that are provided to the medical providers so they understand when to make a referral and how to make a referral, and learn that there are legal remedies in terms of the social issues that are impacting a child's health.

CHAIRMAN HALL: Well, thanks to all three of you for an outstanding and insightful presentation. I'm sure there are some questions. Yes?

MR. MEITES: This is the second time today I've been thoroughly confused by something because I really don't understand --

MS. MEERSE: I'm so sorry.

MS. SINGLETON: And it's always you, Sara.

MS. MEERSE: I know. That's why I just apologized.

MR. GARTEN: Don't feel badly. He doesn't understand very much.

(Laughter.)

MR. MEITES: One of our jobs is to oversee financing our grantees. And as part of that work, we see ourselves always looking for other sources of funding. And I'm sitting here listening to how important this medical-legal partnership is, and I'm certainly convinced it's a very useful tool to solve many problems.

But I ask myself, just as I'm sure the hospital pays your salary and pays the salary of the dietitian and pays the salary of the social worker, why isn't the hospital paying the salary of the lawyer on the medical-legal team rather than our grantees, who can't afford to pay their rent?

Hospitals have billions of dollars of federal funds at their disposal. Our grantees don't. And it seems to me that if this is essentially assisting in resolution of a medically-based problem, the first place to look for funding is on the medical side and not the legal services side.

MS. BeVIER: Excuse me. I'm going to step in and ask whether Tom Fuentes can hear now. I think he would have liked that question. I hope he could hear it.

Tom, can you hear?

MR. FUENTES: I just heard it. They're changing microphones. But prior to that, I think the microphone was weak enough.

MS. BeVIER: All right. So we'll just make sure that we all talk into the mikes, if we can, because we have -- one of our board members is on the phone.

MS. MEERSE: Well, I'll answer at least for Pine Tree Legal, and then I'll defer to Helen.

MR. MEITES: Go ahead.

MS. MEERSE: We actually receive all of our funding for the medical-legal partnership from private donations and grants. It's very sexy for funders. They like the idea of doctors and lawyers working together on prevention with child health.

We have been meeting with the hospital, who is very interested in funding it. We do not want to be hospital attorneys, however. That is the Boston model. We want them to contract with us so that we're still part of the legal services community and Pine Tree Legal Assistance, and we get the benefit of the expertise and the -- well, I just said it, the expertise of what Pine Tree Legal has.

And so it's not that the hospitals are not funding these programs because some of them are, and I'll let Ellen take that over; but it's certainly something that are, I would say, 90 percent sure will be happening in Maine for our partnership.

MR. MEITES: That the hospital will be funding this provision of legal services?

MS. MEERSE: It would be giving money to KIDS LEGAL to continue the work we're doing and the partnership.

MR. MEITES: Which would pay for the legal services being provided?

MS. MEERSE: At the hospital, yes.

MR. MEITES: And that takes care of you, and that takes care of you. And from your chart, there's 80 other offices, many of which are our grantees.

MS. MEERSE: Right.

MR. MEITES: And I can guarantee you -- I'm from Chicago -- the Legal Assistance Foundation is not receiving a penny from any of the Chicago hospitals to provide this service; knowing nothing more than the relationship between hospitals and lawyers in Chicago, there's no chance they're

paying for it.

MS. MEERSE: Can I --

MR. MEITES: I like your model where the hospital pays your salary. Can you tell me if there's any problems with that model which suggests that at least Maine believes it's better to have the attorney outside, albeit paid by the hospitals?

MS. LAWTON: So, okay, I think that's all excellent questions. So I'm going to try and address each of them. And if I don't --

MR. MEITES: Go ahead.

MS. LAWTON: -- will you let me know? The first is that we're still -- we haven't even crested on this movement yet. And so I think the goal, really, is -- and you can ask for no better advocate for legal assistance outside of the traditional advocates for legal assistance than someone like Dr. Smith.

And so that's part of our goal, is to grow the pie, and to use new stakeholders who understand the utility of legal assistance in order to grow the pie; and whether that's at the state budget line item or on the federal side, you

know, however we can deploy that expertise in speaking to the need for lawyers to improve child health. So that's number one.

Number two is that many, many of the hospitals are committing dollars. There was a great study that Legal Health in New York put together where it demonstrated the cost/benefit to a hospital of some of these. You know, the connection is more attenuated for some of the legal interventions, but for some of them it's quite direct.

There are a number of programs, some of them LSC-funded, some of them not LSC-funded, that are doing health care recovery dollars work around Medicaid, and using that as a way to demonstrate to the hospital the capacity of legal intervention to bring dollars to the hospital, and then turn around and look for additional dollars beyond the Medicaid recovery to pay for the housing work, the domestic violence work, et cetera, that the legal aid agency is going to do.

So I believe that we have not even come close to tapping the dollars yet on the hospital side. And you better believe that that is on our agenda. And so in our case, you

know, this work at Boston Medical Center has been funded.

There's been a lot of in-kind services that have been accrued to us -- for example, interpreter services at the hospital that we get to use as often as possible, as often as we need to; space, et cetera, that is a donation that is in kind from the hospital. Our salary support, though, at this time does come from philanthropic dollars.

But I think that that's going to change as medical-legal partnerships individually, depending on the community, depending on how health care dollars are allocated in the community. All of that is, I think, yet to come. And I think that making the case in each individual community about how you're going to support LSC or non-LSC agencies being on site at the hospital to do their work, I think still -- you know, there's still a lot of work to be done there.

But I also would say that part of what I would say and what I think some of your grantees would say is I'm doing the same work that I would do at the office down the street.

But when I do it at the clinic, I'm more effective. It's a more effective referral. So I might as well be at the clinic

where they have interpreters, patients, doctors with my evidence that I need. Let me set up shop there.

And that's -- you know, Legal Aid of North Carolina is very bold in their assessment of the potential for doing a certain amount of intake in the clinical setting. So I do think it poses the very potentials that legal aid doesn't necessarily have the capacity to realize on its own.

And many of the dollars that are going to accrue are going to be in-kind dollars. But I don't think that makes them less valid when you have somebody like Dr. Smith, whose time is now protected to focus on coming here, for example, to educate people here or in the community, to go to the bar association, to talk about legal aid and how important it is, and to increase the appropriations.

MR. MEITES: Thank you.

CHAIRMAN HALL: Another question. And I'm just being sensitive to time because we do have another presentation to come before us. So maybe we should take one more question. Herb?

MR. GARTEN: We learned a great deal this morning from Sara about the legal rights of children in Maine. How

does that tie in with the federal nondisclosure rules and forms that you sign when you enter a hospital where you go for treatment? There seems to be a conflict there.

MS. LAWTON: That's a great question, and I will tell you that's where our private attorney involvement comes in because we love to assign those tasks to our big firm partners, who write opinion letters for us.

And they do this nationally, and they do it locally, about how to do this practice without -- what do the releases have to look like, and who can share information with whom, and how to work with the general counsel at the hospital.

Does that answer your question?

MR. GARTEN: Yes. Well, do you have an opinion?

MS. LAWTON: We have many opinion letters. So I'm happy to share those with you about how it is that we do what we do. I think it's cleaner when you've got a legal aid agency that's from outside that helps with the boundaries.

MR. GARTEN: Thank you.

MS. MEERSE: Would you like me to explain how it works in Maine?

MR. GARTEN: That would be up to the chair.

CHAIRMAN HALL: Go ahead.

MS. MEERSE: Okay. In the materials that you have, on that blue referral form there's actually a part there where the doctor fills out, or the nurse or the social worker, is a Maine -- because Barbara Bush Children's Hospital is part of Maine Medical Center -- is a Maine Medical Center release signed so that they have to get consent from the patient to make the referral.

We get the consent form signed with that blue slip of paper. I would like to be able to tell the doctor or the referring provider, I received your referral and I'm doing X.

So what I do is I then, when I meet with my potential client and I'm going over all the regular forms -- our client retainer, authorizations -- I will tell them, if you would like for me to be able to tell you doctor what we're doing in the case, sign this form. You don't have to. Explain what that form means.

And if they sign it, then I can close the loop and let the doctor know what's going on. If they don't sign it -- and there's no pressure either way, to sign it or

not -- then all I can say is, thank you for the referral, and there isn't that closed loop.

We have our own office. It's within the pediatric clinic, but it's our own office with our own door. So we don't hear or see what's going on with the patients, so that HIPAA is protected that way, and the attorney-client confidentiality is also maintained with that release that the client needs -- see, for us it's a client; for the hospital, it's the patient -- that the client needs to sign to allow us to -- either yes or no -- follow up with the doctor after we've received the referral and accepted the case.

MR. GARTEN: Is the parent involved?

MS. PHILLIPS: David -- I'm sorry.

MS. LAWTON: Yes, because if it is -- for example, bedbugs are alive and well in Portland, Maine, let me tell you. And so if a family is coming in for treatment of bedbug bites, it's actually going to be the parent who is our client because it's a housing issue for warranty of habitability. And we represent the parent on behalf of the child.

MS. PHILLIPS: David, real quick.

CHAIRMAN HALL: Real quick.

MS. PHILLIPS: Is everything in one -- like do you have a fast track? Like say you have a client that needs to see a doctor. Do you have to do all of the paperwork, or can you call Dr. Smith and have Dr. Smith do everything, then complete the paperwork for your clients?

MS. LAWTON: Yes. We work very much on the medical model, which means we carry pagers and we respond in the same way that the cardiologists would respond. And so we can do a case consultation with Dr. Smith and her patient in the office. We do it by phone, and then we say, all right. We'll follow up with you in an intake in two weeks, and making sure that we don't miss emergency situations that crop up. So it is very much on the medical model.

CHAIRMAN HALL: Fantastic presentation. And this is something we probably could devote the entire session to.

MS. LAWTON: Next time.

CHAIRMAN HALL: And I apologize that we have to end it right now because we do have to move to our final presentation. But thank you, all three of you, for coming and providing such an insightful presentation.

MS. LAWTON: Thank you.

DR. SMITH: Thank you.

MS. MEERSE: Thank you.

CHAIRMAN HALL: And I hate to do this before we even get started, but we are already five minutes over our allotted time and there is another meeting that has to start soon. So I would just ask that if we could keep our presentations as reasonable as possible so that we don't go too far over. And I apologize for having to even impose that limitation.

Nan?

MS. HEALD: I completely understand, Mr. Chairman. Again, Nan Heald for Pine Tree Legal. I'm joined by Tom Kelley, who is our litigation director and also the architect of the program that we're going to talk to you about when he organized an attorneys union at Pine Tree in 1979.

And the other member of the panel with us now is Chet Randall, who is a staff attorney with Pine Tree in the last few years. Juliet Holmes-Smith was going to be on the panel, but she is a family law attorney and today is protection from abuse day. And I believe that she is still in court, and therefore --

MS. SINGLETON: This is a holiday in Maine?

MS. HEALD: No. Every Friday is protection from abuse day in Portland District Court. And some Friday mornings her case load is over by lunchtime, but I believe this is one of those days when her case load will be over about 4:00 when court adjourns.

In the notebook that the board and committee members received this morning at the Pine Tree visit, in the very back of the Provisions Committee section is a copy of the language in our union contract that describes this benefit, and also a sample of the actual contract. But I'm going to, in the interest of time, let Tom just describe to you why this came about, and let Chet talk about how it has been used in his personal case.

MR. KELLEY: Thank you, Nan, and thank you, members of the committee. I have to say that I was not the sole architect of this provision, but I was on the original attorneys union bargaining committee that led to the development of this retention incentive leave provision.

And it truly was an effort to create a benefit that would be an incentive for staff to stay with the program, and

a way of providing a release from the stress of the program by giving an additional block of time that attorneys could take periodically to allow themselves to reenergize, reinvigorate themselves in whatever way they chose.

The provision allows for a new attorney, after three years of practice, to take an additional three weeks of leave time in addition to the vacation time that we have, which is four weeks per year. After six years of employment at the program, you can take six weeks of additional leave time. And then every full three years thereafter, you can take a six-week leave period.

And you can tack that onto your vacation time, so you could take a maximum of ten weeks leave time, which when we first envisioned this leave provision we had in mind, actually. We had in mind sort of a mini-sabbatical where people could really get away, relax from the stress of the work and refresh themselves, and then come back reenergized.

As a practical matter, it hasn't worked out quite that way. It's unusual for people to take ten weeks, certainly. And we realized after a while that it was hard for busy attorneys to take even six weeks in a straight

stretch of time.

And so the provision has been amended over time to allow it to be taken in smaller increments. And typically, a three-week block is often the amount of time that people take initially, and then they take the rest of it at a later time.

And Nan has compiled some statistics that indicate that we've probably used about 50 percent of the available time. You know, sometimes some of this retention leave goes unutilized. I know I've lost at least one myself and not taken some time, although I've probably done better than some other people in utilizing it.

But nevertheless, I think even though we haven't used it to its maximum impact, it has been a tremendous benefit for people. We have 27 years experience with it now, and as you know, legal services salaries are not great compared to much of the legal world, and this was an added benefit, an incentive that really did, I think, serve its purpose.

Now, yesterday I looked at our current staff roster to see if anybody was still at Pine Tree who was part of that original bargaining team, and actually there aren't any of

those people left. But a lot of them stayed for a long time, and people who have come since that time have stayed with the program for a long period of time.

So I think it did accomplish its purpose of both providing an extra benefit and incentive to work at Pine Tree, and give us that periodic opportunity to take some time off and refresh ourselves.

And let me at this point turn it over to Chet, who's going to talk about some of the things that he's done.

And I'd be glad to answer any questions after that.

MR. RANDALL: Thank you, Tom, and thank you, Mr. Chairman.

I think I now know why I've been invited to speak on this, because I'm probably one of the attorneys who's never given up any of my retention leave time. I use it freely, and make sure I do use it.

It is clearly a unique opportunity for lawyers, who cherish time, as we all do, to have extra time in a practice that demands so much of us. And we read about this now frequently, and even the private firms I know struggle with their new associates and their desires for more balanced

lives.

This is a tremendous opportunity. I have tremendously enjoyed it. It is a time for recharging batteries and reorientating selves. I have used my time to also give back in different ways, and used my desire to be a public servant in different ways.

Most recently, my retention leave time was used to serve in Biloxi, Mississippi following Katrina, where I stayed and worked for three weeks and ran one of the financial service centers in the heart of Biloxi, right at the time that Wilma was also hitting. And that was part of the time that I cherished about having this opportunity to be in a different place to give of myself in a different way.

I've also used it to paint my house. And that actually turned out to be a financial incentive for me, and made me balance the checkbook in a different way. But I've also used it to do unique and challenging things that have let me come back to my practice with new insight and new energy.

And I tremendously value it. And to the extent that there are legal services offices not using it that

you're aware of, grantees who have not thought about utilizing it, I encourage you to spread the word because despite the challenges it creates for offices in setting schedules, in getting coverage for fellow attorneys, the up sides far exceed the down sides.

And to that extent, I try to encourage all of my colleagues to make sure they use their time, and if they choose not to, to please give it to me.

(Laughter.)

CHAIRMAN HALL: Any questions? Sarah?

MS. SINGLETON: I guess my question is for Nan. Didn't I recollect -- you don't know what I recollect --

CHAIRMAN HALL: Sarah, if you could speak into the Mike.

MS. SINGLETON: I thought some of the office statistics you showed us this morning had some offices with fewer than two attorneys in them?

MS. HEALD: Well, actually, right now all of our offices have two attorneys. But it is certainly true that in the past, the Lewiston office had only one attorney and the Machias office had only one attorney.

MS. SINGLETON: And what did you do if it was the time for that attorney to go on their retention leave?

MS. HEALD: Well, actually, the Lewiston attorney did take a retention incentive leave when it was a solo practice. And his colleagues from Portland and Augusta cover. I mean, it obviously requires a shared commitment by everybody at Pine Tree to make it work. But I think we do recognize what Chet and Tom describe as the rejuvenation impact of getting away from the office, and it helps us.

I mean, these are people who work extremely long hours and extremely hard hours when they're in the building and working on their cases. And so Pine Tree truly can manage to let them take time off, and it's good for us when they do.

MR. KELLEY: Let me add to that. I think because there is a consensus, a very strong consensus, among the program that this is a very valuable benefit, that we all are very receptive to trying to chip in to help out our colleagues when they have an opportunity like this because we know that they're quite willing to help us in return.

So it gets a little more complicated in some of the

more distant offices, but we've always been able to provide coverage to make sure the basic functions of the office are attended to.

CHAIRMAN HALL: Chet mentioned in his comments "despite the challenges." What are some of the challenges, and especially for the clients, in making this happen? And, I mean, certainly, Chet, you can respond to it. But I would be interested to hear Nan's position as the person who has to manage all of this. Both of you, if you could respond to it. Chet?

MR. RANDALL: I think Sarah's question really went to the point that I was making, is how do we handle covering each other's case loads, trying to provide a continuity of service to our clients. While we're an office, we're also individual lawyers and we have ethical obligations to each case, and we take those seriously. And we have to be careful about how we manage our time and our cases to ensure that continuity exists.

So that's the challenge that I was referring to. And it places new demands and additional demands on some of us when we're covering for other attorneys. But as Tom has

pointed out, it's of value to all of us to see that happen.

CHAIRMAN HALL: Are there additional challenges, Nan, that you see?

MS. HEALD: I don't -- I think the ones Chet describes are the most important ones. I mean, you should understand that this is a contract that we take seriously. And we have had people who have left who have taken time and then left before their two-year commitment.

The obligation is that if you take this additional time, you agree to stay with the program for two years. If you leave before you have met that commitment, we do recoup the time from people. But that has happened very rarely. It has happened, but very rarely.

And it obviously a challenge for the program managers to work with our staff attorneys to make sure that they can take the time. And as Tom pointed out, it's really about 40 percent, between 40 and 50 percent, of the actual time available is taken. Many of us can't quite manage to take off as much time as we'd like, and we've all had the experience of working 24 hours in order to go on vacation for a week.

And so sometimes it's better to take a long period of time off, even if you work very intensely to prepare for that vacation, than to simply take a week off and then come back and not be recovered.

MR. KELLEY: Let me just add to that. As litigation director, I sometimes ask to figure out how to deal with some of these issues if somebody is going to be on or wants to take a leave. And I've often co-counseled a case with people so when they know that some motion hearing or something is going to be happening in a case, that someone will be available to specifically address that.

So it doesn't necessarily have to be someone in the same office. And otherwise, you know, help people figure out how to deal with their cases in a way so that things will not come up while they're on vacation, if possible.

CHAIRMAN HALL: Do you know how unique this is? Is this something that's just here? Do you have any idea about this?

MS. HEALD: It is my impression, in talking to my counterparts in New England, that it's unique in New England. But I have talked to lots of folks about it over the years.

I mean, it is -- it's a benefit that you can offer when you don't have money to put on the table. And so I've certainly encouraged folks to look at it.

CHAIRMAN HALL: Again, thanks to all three of you for a very creative program that has certainly addressed this particular issue.

I want to thank all of our panelists who have come before this committee today, and really regret that we didn't have more time to devote to each topic because it was very, very interesting. So thank you.

MR. KELLEY: Thank you.

MS. HEALD: Thank you.

MR. RANDALL: Thank you.

CHAIRMAN HALL: The next item on our agenda is public comment, if there is any.

(No response.)

CHAIRMAN HALL: Seeing none, I assume there is no public comment.

Is there any other business that needs to come before this committee?

(No response.)

CHAIRMAN HALL: I would consider a motion to adjourn.

M O T I O N

MS. SINGLETON: So moved. Singleton.

MR. STRICKLAND: Second.

CHAIRMAN HALL: Thank you. The provisions committee is hereby adjourned.

(Whereupon, at 2:49 p.m., the committee was adjourned.)

* * * * *