

Organizational Meeting of the GAL Review Board

October 21, 2015 – Lincoln/Oxford Room, First Floor
Augusta Civic Center

Minutes

Call to order: An organizational meeting of the GAL Review Board was held on October 21, 2015. A quorum being present, the meeting convened at 9:30 a.m. with Chair Prescott presiding. Board members in attendance were Chair Dana E. Prescott, Vice Chair Diane A. Tennies, Kenneth P. Altshuler, Karen E. Boston, Lisa A. Bryant, Wayne P. Doane, Malcolm T. Dow, Representative David Dutremble, Brenda M. Harvey, Christopher P. Leddy, Catherine C. Miller, and Mary Zmigrodski. Also in attendance were Judicial Liaison Justice Joseph M. Jabar and staff members Angela M. Morse, Paul W. Chaiken, and Jacqueline M. Rogers.

1) Welcome and GAL Review Board Introductions

Mr. Prescott welcomed new Board members and thanked them for agreeing to serve on the GAL Review Board. Board members were then invited to introduce themselves to their fellow Board members.

2) Remarks from the Court - Justice Joseph Jabar

On behalf of the Court, Judicial Liaison Justice Jabar thanked Board members for their willingness to serve on the GAL Review Board. Noting that the Guardian Ad Litem Review Board is an independent unit within the Board of Overseers, the Board is responsible to administer the regulation of guardians ad litem as defined in the Maine Rules for Guardians Ad Litem. Remarking that the Board is comprised of professional members of the state community who will carry out their responsibilities in an independent and efficient manner, Justice Jabar explained that his role is to provide guidance to leadership and members of the Board, as needed.

3) Administrative Matters

Ms. Rogers provided an overview of a number of administrative functions related to the Review Board including the composition of the roster, appointment terms, the docket report, budget planning, course approval and the reimbursement of travel costs for meetings and hearings associated with the Review Board. At the conclusion of her presentation, Ms. Rogers responded to questions from Board members.

4) Review Board Member Boundaries

a) Confidentiality

Mr. Prescott and Mr. Chaiken provided an overview of the confidentiality rules as defined in Rule 7(a)(9).

b) Ex-Parte Communication

Mr. Prescott and Mr. Chaiken provided an overview of the ex-parte communication rules as defined in Rule 7(c)(2).

c) Representation Prohibition

Mr. Prescott and Mr. Chaiken provided an overview of the representation prohibition rules as defined in Rule 7(a)(6).

d) Testifying or Serving as an Expert Witness in Court Proceedings

Mr. Prescott and Mr. Chaiken provided an overview of the rules related to limitations on testifying or serving as an expert witness as defined in Rule 7(a)(7).

5) Complaint System Overview

Ms. Morse and Mr. Chaiken provided an extensive overview of the complaint system. The Board of Overseers has established forms, policies and procedures in place for ethical complaints involving attorneys,

these documents will be used as a foundation for the GAL Review Board. These documents will be revised to conform with the Rules in an effort to assure consistency of forms and process.

A policy issue was raised by Mr. Chaiken with regard to complainants who submit a new complaint based on a set of facts that were already reviewed and finally decided by the Chief Judge or Deputy Chief Judge of the District Court. After discussion, Mr. Chaiken was directed to dismiss such complaints noting that the GAL Review Board does not have authority or jurisdiction to serve an appellate role under the Rules enacted by the Maine Supreme Judicial Court.

6) Review Board Panels: Chairs and Makeup

Mr. Prescott and Dr. Tennes reported on preliminary discussions concerning the leadership and make-up of Review Board Panels. In his capacity as Chair of the Board, and as there is a need to develop policy and work with the liaison and Special Counsel and staff, Mr. Prescott advised that he will not serve on panels for the immediate future. Instead, he will focus on assisting with the implementation of the new system.

Dr. Tennes and Mr. Prescott recommended the appointment of four (4) panel chairs who will be appointed annually. Under the Rules, panel chairs must be attorneys. The formal appointment of panel chairs will take place at the January 2016 meeting. Panel chairs will be selected on a rotating basis. All hearings, unless a hardship related to the needs of a complainant is identified, will be held at the Capital Judicial Center in Augusta.

7) Other Business

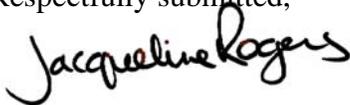
a) Consider Proposing an Amendment to the Maine Rules for Guardian Ad Litem with respect to Rostering

Mr. Prescott updated Board members on discussions concerning the absence of a roster waiver rule under the new GAL rules. Under previous rules, a Maine District Court Judge in any county could appoint a Guardian Ad Litem who was not on the roster. In addition, changes in the licensure qualifications effective September 1, 2015 under Rule 2 resulted in non-rostering of GALs who had previously performed this work for many years throughout Maine. Noting that the GAL Review Board is authorized by rule to propose rule amendments, and such a request had been made by the Court, Mr. Prescott asked Board members whether they would like to propose an amendment to address the authority of the Chief Judge to waive certain qualification requirements based upon a set of specific criteria. A lengthy discussion followed in which members discussed the merits of such an amendment. At the conclusion of discussion, Board members authorized Mr. Prescott and Dr. Tennes, to prepare and circulate a proposed amendment for electronic review and approval.¹

8) Confirm 2016 Meeting Schedule

The next Board meeting will be held on January 19, 2016, at 1:00 p.m. at the Capital Judicial Center.

Respectfully submitted,



Jacqueline M. Rogers
Executive Director

¹ A draft rule was subsequently prepared by the Chair and Vice-Chair and circulated to the Board, Special Counsel, and staff. Based upon the electronic approval of the Board during a comment period, a draft waiver rule with cover letter was submitted to Justice Jabar on November 13, 2015.