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### Remembering Ed Muskie: His Commitment and Contributions to Civil Access to Justice

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REMEMBERING ED MUSKIE: HIS COMMITMENT  
AND CONTRIBUTIONS TO CIVIL ACCESS TO  
JUSTICE

*The Honorable Andrew M. Mead*

## REMEMBERING ED MUSKIE: HIS COMMITMENT AND CONTRIBUTIONS TO CIVIL ACCESS TO JUSTICE

*The Honorable Andrew M. Mead\**

It is a special honor and pleasure to speak to you today about Ed Muskie and his enduring contribution to the cause of equal access to justice. I am the current Chair of the Justice Action Group, an organization that traces its roots directly to Senator Muskie's efforts in the late 1980s. JAG, as it is known, continues to keep his vision alive.<sup>1</sup> I will speak more about JAG in a moment, but first some brief reminiscences.

In the late 1980s, I was a member of the Commission chaired by Senator Muskie that conducted the first comprehensive legal needs study in the State of Maine and issued a report, commonly referred to as the Muskie Commission Report, in 1990.<sup>2</sup> It was a groundbreaking and sobering survey that underscored the profound need for legal assistance for Maine's neediest citizens.<sup>3</sup>

I had never met the Senator before serving on the Commission. My mother, who is a Rumford native, was quite thrilled that I would be serving with him and regaled me with stories of him serving as a substitute teacher in her classes at Stevens High School quite a few years ago. I knew him only by reputation and looked forward to meeting him.

He was, as you might expect, gracious and firm, generous and demanding, and a most effective leader for this group. He and his wife hosted the group on a couple of memorable occasions at their home.

I met the Senator late in his life, and my initial perception was one of frailty. He moved slowly and carefully, and spoke in very hushed tones. His imposing will was omnipresent, his mind was sharp as a tack, but he left the impression of being physically weak.

When the Report was issued, a major press conference was organized. A large podium was set up in the Hall of Flags at the Legislature, and a large crowd and media representatives assembled for the event. The Senator appeared at the appointed hour, strode briskly and confidently to the podium, and proceeded to address the group in positively stentorian tones. His rich baritone filled the hall—no public address system necessary. His important message was delivered in powerful, compelling terms, and all in attendance responded with an enthusiastic and prolonged ovation.

I realized in that moment that I was in the presence of greatness. His ability to

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\* Associate Justice of the Maine Supreme Judicial Court and Chair of the Justice Action Group. This article is derived from comments made at the *Maine Law Review* Symposium "Connecting the Law and the Legislature: The Legacy of Ed Muskie," held in Portland on November 15, 2014.

1. See Hon. Kermit V. Lipez, *Reflections of an Access to Justice Chair*, 62 ME L. REV. 585, 591 n.13 (2010).

2. *Id.*

3. See Hon. Frank M. Coffin, *Introduction: Accessing Justice – Its Past, Present, and Future*, 62 ME L. REV. 421, 423 (2010).

reach down and summon the strength to rise to deliver this important message in a compelling way left me in awe. And I continue to be in awe today.

The Report was issued in 1990.<sup>4</sup> The Senator's undeniable voice reverberates throughout it. It is written in very affirmative, indeed one might say aggressive, terms. It is voiced in the imperative: "You will [do this]. You will [do that]." The Senator was speaking directly to the Legislature, the President, the legal profession, and others. His vision was clear and he left no doubt as to what must be done.

Unfortunately, as the years followed, it became simply impossible to do "this" and "that" as the Senator had directed. The landscape changed in profound and unfortunate ways. The cause of access to justice—civil legal services for the poor—had become politicized. Proponents and opponents found themselves on different sides of a political battlefield. In the ensuing years, funding for civil legal services all but evaporated. It was clear that something needed to be done.

Judge Frank Coffin and former Chief Justice Daniel Wathen assembled a group of interested individuals and organizations to address the looming crisis in civil legal services.<sup>5</sup> They ultimately settled upon what I consider a brilliant approach: They created a judge-led organization that would take the access issues out of the political sphere and address them in the larger realm of societal needs.<sup>6</sup> That organization was the Justice Action Group.<sup>7</sup>

It is an interesting organization. It isn't a committee, a task force, or a partnership. It is simply a network of interested parties and organizations committed to furthering the cause of civil access to justice. When I took over the Chair position last Spring, I was surprised to learn that it had no charter, no bylaws, no organizational structure.<sup>8</sup> It consisted, quite simply, of judges and individuals and organizations committed to the cause. Judges serve as the leaders of the group. Judge Lipez, who is present today, is a past Chair of JAG.<sup>9</sup>

So how effective can such an informally structured organization be? In a word, "very." JAG operates in large part by communicating and educating. JAG goes to the places where decisions are made, and communicates with the people who make those decisions, and insures that the civil access cause is fully explained and supported.

JAG has taken leadership roles in initiatives that resulted in IOLTA (Interest on Lawyers' Trust Accounts) funds and certain court surcharges being directed to civil legal service providers.<sup>10</sup> JAG created the Maine Equal Justice Project, an organization that directly provides an advocacy voice for Maine's poor at the Legislature and Congress.<sup>11</sup> JAG created the Coffin Fellowship, a fund that underwrites the services of a public service attorney.<sup>12</sup>

JAG also championed the concept of "unbundled legal services" a

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4. *Id.*

5. *See* Lipez *supra* note 1, at 586.

6. *Id.* at 587.

7. *Id.*

8. *See* Coffin *supra* note 3, at 423.

9. *See* Lipez *supra* note 1, at 586.

10. *See* Lipez *supra* note 1, at 589.

11. Coffin *supra* note 3, at 424.

12. *Id.*

revolutionary concept that allows lawyers to undertake limited, task-delimited representation of clients—a configuration that particularly benefits low-income clients. JAG reinvigorated the Volunteer Lawyer Project—an initiative that now has an executive director, hundreds of attorneys participating, and pilot legal aid clinics.<sup>13</sup> The VLP presents awards to lawyers who have particularly distinguished themselves in rendering pro bono services.

JAG commissioned a task force that issued a report (the “Khoury Report”) in 2007 detailing the needs of and setting out a ten-year plan for civil legal services.<sup>14</sup> As part of those plans, JAG oversaw the creation of the “Lawyers in Libraries” project—of which I served as co-chair with Juliet Holmes-Smith—which brings lawyers into public libraries once a year on Law Day.<sup>15</sup> JAG acknowledges lawyers who have made pro bono contributions with the annual Katahdin Counsel Awards.

JAG reaches out to private industry and the legislature with educational and informational material and contacts.

The list goes on, but I will not belabor the point: This is happening today because Ed Muskie started the ball rolling twenty-five years ago. He infused the movement with so much momentum, so much energy and commitment, it can accurately be said that these good works are the direct result of his commitment, efforts, and vision. He truly is the patron saint of civil legal access in the State of Maine.

I remain inspired by his leadership, just as the groups that carry the banner of civil legal justice remain inspired by his leadership. It is a wonderful pleasure to pay tribute to this great man and the enormous legacy he left to the legal profession and all of the citizens of the State of Maine. Thank you.

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13. See Coffin, *supra* note 3, at 425.

14. See Lipez, *supra* note 1, at 605-08.

15. See LAWYERS IN LIBRARIES, <http://www.lawyersinlibraries.org> (last visited March 7, 2015).