

**MCILS**

**April 8, 2014**

**Commissioner's Meeting  
Packet**

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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**APRIL 8, 2014**  
**COMMISSION MEETING**  
**AGENDA**

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- 1) Approval of March 11, 2014 Commission Meeting Minutes
- 2) Operations Reports Review
- 3) Budget Discussion
- 4) Rule-Making Discussion
- 5) Juvenile Specialized Panel
- 6) New Staff Positions Update
- 7) Training
- 8) Public Comment
- 9) Set Date, Time and Location of Next Regular Meeting of the Commission
- 10) Executive Session, if needed (Closed to Public)

**(1.)**  
**March 11, 2014**  
**Commission Meeting**  
**Minutes**

**Maine Commission on Indigent Legal Services – Commissioners Meeting  
March 11, 2014**

**Minutes**

**Commissioners Present:** Steven Carey, Marvin Glazier, William Logan, Susan Roy, Kenneth Spierer  
**MCILS Staff Present:** John Pelletier, Ellie Brogan

<b>Agenda Item</b>	<b>Discussion</b>	<b>Outcome/Action Item/Responsible Party</b>
Approval of the February 11, 2014 Commission Meeting Minutes	Copy of minutes received by all Commissioners.	Commissioner Glazier moved for the approval of the minutes. Commissioner Roy seconded. All present voted in favor. Approved.
Operations Reports Review	<p>Director Pelletier presented the <u>February 2014 Operations Reports</u>. 2,106 vouchers were paid in February, totaling \$912,723.39, a 1,218 voucher and \$523,000 decrease from January. This sharp decrease was due to January's figures including the backlog of vouchers that could not be paid in December. 2,529 vouchers totaling \$1,107,503.45 were submitted in February. While these totals were a 46 voucher and \$65,000 decrease from January's totals, it is still above the budgeted amount. The average price per voucher in February was \$433.25, an \$1.18 per voucher increase over January. The yearly average price per voucher is \$427.35. Appeal and Termination of Parental Rights cases continue to be the highest average vouchers. Three vouchers exceeding \$5,000 were paid in February, one of which included a case involving alleged discovery violations by the District Attorney's Office. The February transfer of counsel fees, which reflect January's collections, totaled \$60,808, up \$18,500 from the previous month, and higher than the budgeted amount. Preliminary notice from the Judicial Branch indicates that February collections will total nearly \$100,000.</p> <p>Chair Carey noted that the case involving potential discovery violations is a prime example of costs that are outside the Commission's control and stressed that the Commission's budget is in part contingent on the actions of others.</p> <p>Director Pelletier informed that Commissioners that the Commission generated \$57,000 in Personal Services Account savings and had communicated with a member of the</p>	

<b>Agenda Item</b>	<b>Discussion</b>	<b>Outcome/Action Item/Responsible Party</b>
	<p>Appropriations Committee about being able to offer these savings in the supplemental budget process. Assumptions that were used for the Personal Services Account were based on two financial screeners starting in mid-March, the administrative support staff person starting May 1, and the central office screener starting June 1. Director Pelletier indicated that he intends to stick to those assumptions.</p>	
Budget Discussion	<p>Director Pelletier updated the Commissioners on the status of the budget. At the end of February, costs remained on track to result in an end of the fiscal year shortfall of \$860,000. Director Pelletier and Chair Carey were invited to make a presentation to the Appropriations Committee about the Commission's supplemental budget request. Director Pelletier noted that during the Judicial Branch's presentation to the Committee, it highlighted the fact that the Judicial Branch is facing a budget shortfall due in part to an increase in Protective Custody cases and Forensic Service evaluations, two trends that increase the Commission's costs as well.</p> <p>After a unanimous preliminary straw vote, the Appropriations Committee voted to approve \$810,000 of the Commission's supplemental funding request and tabled the matter to discuss the \$50,000 Personal Services savings. Director Pelletier thought that the final language might include a one-time authorization of Personal Services funds to be transferred to the All Other Account, since no member present at the vote voiced any objection. Chair Carey thanked the MACDL representative and lobbyist who supported the Commission's proposal to fund the current year shortfall.</p> <p>The financial order authorizing \$430,000 of fourth quarter funds to be transferred to the third quarter was finalized, which will avoid any payment delay at the end of Q3. Director Pelletier noted that this funds transfer will not affect the budget shortfall at the end of the fiscal year. The Legislature is currently working on the supplemental budget request for FY'14 and has not yet held detailed discussions about FY'15.</p>	
Juvenile Specialized Panel	<p>Director Pelletier updated the Commissioners on the status of the implementation of the Juvenile specialized panel. He noted that this will be a large undertaking for Commission staff since it occupies the field and will require software updates to the DefenderData system and require more cooperation with the courts. Commissioner Glazier inquired about whether it will be difficult for attorneys in some geographic areas to meet some of</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>the Rule's requirements. Director Pelletier explained that there is a waiver provision for trial practice or years of experience requirements, but not for both, which would address potential issues due to geographic location and conditions. Chair Carey noted that the language of the Rule was broadened to include more types of hearings and counts trial practice as cases worked on to completion and not necessarily cases brought to trial.</p>	
New Staff Positions Update	<p>Offers have been accepted for the two new financial screener positions in Houlton and Ellsworth. Director Pelletier outlined some of the issues regarding the timeliness of assignment of counsel in Houlton and indicated that the new financial screener will be able to help resolve some of those problems.</p>	
Public Comment	<p>Donald Lawson-Stoppa, Esq., submitted a public comment:</p> <ul style="list-style-type: none"> <li>▪ Referenced the sex offense letter submitted by some Farmington area attorneys and indicated that that was the same reason he does not handle murder cases;</li> <li>▪ The current hourly rate does not cover his firm's overhead. By accepting court-appointed cases, he is essentially doing pro bono work;</li> <li>▪ Requested that the Commission provide adequate notice about any budget shortfall.</li> </ul> <p>Maurice Porter, Esq., submitted a public comment:</p> <ul style="list-style-type: none"> <li>▪ Juvenile standards are important but a waiver of some of the requirements is also important;</li> <li>▪ Will also be withdrawing his name from the sex offense panel in Farmington in support of the other two attorneys who have done so;</li> <li>▪ The federal panel has limits on the number of eligible attorneys to take assigned cases. Suggested that MCILS implement limits on the number of rostered attorneys as well. This would assure that law practices stay open.</li> </ul> <p>Angus Ferguson, Esq., submitted a public comment:</p> <ul style="list-style-type: none"> <li>▪ Routinely has to tell clients to be patient and avoid settling for a plea and wait the case out due to long court wait times;</li> <li>▪ Suggested a specialized court for indigent defendants where the court gets paid at the same rate as court appointed defense attorneys.</li> </ul>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>Jeffrey Dolley, Esq., submitted a public comment:</p> <ul style="list-style-type: none"> <li>▪ Does solely Commission work. Has to do a large volume of cases to make a living at it. Works 60 hours a week and works nights. Could only make a leap to a retained lifestyle if the rate were to be increased. Has to supplement MCILS work with family law cases.</li> </ul> <p>Robert Ruffner, Esq., submitted a public comment:</p> <ul style="list-style-type: none"> <li>▪ Does not think that the Juvenile panel will discourage people from practicing juvenile defense;</li> <li>▪ Glad to hear that screeners are being hired and hopes it helps with the issue of defendant's not knowing who their attorneys are at arraignment;</li> <li>▪ A judge has questioned the denials of counsel by screeners and has been asking him to review these denials;</li> <li>▪ Suggested to follow the federal system and to limit the number of rostered attorneys in the counties where there is an abundance of attorneys;</li> <li>▪ Suggested that in York and Cumberland Counties that the Commission limit the rosters to only those attorneys who work in those counties;</li> <li>▪ Believes the \$50 per hour rate impedes an attorney's ability to provide quality representation. Attorneys who are doing good work are doing it despite the rate.</li> </ul> <p>Christopher Whalley, Esq., submitted a public comment:</p> <ul style="list-style-type: none"> <li>▪ The Judicial Branch has abandoned MCILS, as evidenced by the Chief's focus in her speech on upgrading the court's computer system;</li> <li>▪ The timing of the email in December was not great; the MACDL listserv response was what should have been expected;</li> <li>▪ Suggested that rostered attorneys get noisy about the lack of a rate increase and should not worry about offending people;</li> <li>▪ Believes that the specialized panel and attorney training should be on the back burner and that it is just creating a bureaucracy. The service rostered attorneys need is to focus on the budget.</li> </ul> <p>Joshua Klein-Golden, Esq., submitted a public comment:</p> <ul style="list-style-type: none"> <li>▪ Urged MCILS to work with the Judicial Branch to make court more efficient.</li> </ul>	

<b>Agenda Item</b>	<b>Discussion</b>	<b>Outcome/Action Item/Responsible Party</b>
Adjournment of meeting	The Commission then voted to adjourn with the next meeting to be on April 8, 2014, at 9:30 a.m.	Commissioner Glazier made a motion to adjourn. Commissioner Roy seconded. All present voted in favor.

**(2.)**  
**Operations Reports**  
**Review**

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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**TO:** MCILS COMMISSIONERS  
**FROM:** JOHN D. PELLETIER, EXECUTIVE DIRECTOR  
**SUBJECT:** MARCH 2014 OPERATIONS REPORTS  
**DATE:** APRIL 2, 2014

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Attached you will find the March, 2014 Operations Reports for your review and our discussion at the upcoming Commission meeting on April 8, 2014. A summary of the operations reports follows:

- 2,465 new cases were opened in the DefenderData system in March. This was a 566 case increase over February, and the highest total in more than 12 months.
- The number of vouchers submitted electronically in March was 2,618, an increase of 90 vouchers over February, totaling \$1,141,086.79, an increase of \$34,000 over February. In March, we paid 2,603 electronic vouchers totaling \$1,093,666.52. This was a 497 voucher and \$180,000 increase over February. Our current budget posture is discussed in the Budget Memo included in the packet.
- There were two paper vouchers submitted and paid in March totaling \$1,021.96
- The average price per voucher in March was \$420.16, down \$13.09 per voucher from February.
- Appeal and Post-Conviction Review cases had the highest average vouchers in March. There were 4 vouchers exceeding \$5,000 paid in March. These cases involved a jury trial on a Gross Sexual Assault that resulted in a not guilty verdict, the appeal in a triple murder case, an interim bill in an on-going murder case, and a child protective case that had a hearing over multiple days and required review of a previous manslaughter trial involving the client.

In our All Other Account, the total expenses for the month of March were \$987,180.38. Of the amount, only \$7,334.89 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$44,842.18 in expenses for the month of March.

In the Revenue Account, our monthly transfer from the Judicial Branch for counsel fees for the month of March, which reflects February's collections, totaled \$98,449.74 up \$38,000 from the previous month. This is by far the highest monthly total the Commission has ever received and is due in large part to the success of the tax-offset program this year. Reimbursements received in the third quarter were used to pay \$192,488.16 in March, and due to an allotment issue, \$8,163.40 in cash will be carried

into the fourth quarter. A budget order will allow us to access that money to pay vouchers in the fourth quarter.

In our Conference Account, there was no activity in March leaving the account balance at \$19,941.91.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

3/31/2014

DefenderData Case Type	Mar-14						Fiscal Year 2014			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	12	11	\$ 13,986.52	14	\$ 28,114.34	\$ 2,008.17	101	100	\$ 125,761.05	\$ 1,257.61
Child Protection Petition	199	373	\$ 209,212.67	395	\$ 201,099.76	\$ 509.11	1,487	2,831	\$ 1,400,627.63	\$ 494.75
Drug Court	0	4	\$ 1,875.00	3	\$ 725.00	\$ 241.67	1	53	\$ 25,000.00	\$ 471.70
Emancipation	8	8	\$ 1,240.00	3	\$ 885.00	\$ 295.00	71	66	\$ 18,123.90	\$ 274.60
Felony	634	572	\$ 393,739.06	596	\$ 367,235.95	\$ 616.17	4,627	4,586	\$ 3,079,871.87	\$ 671.58
Involuntary Civil Commitment	73	34	\$ 6,291.04	51	\$ 10,266.52	\$ 201.30	637	533	\$ 92,340.80	\$ 173.25
Juvenile	149	115	\$ 37,677.18	117	\$ 39,351.10	\$ 336.33	1,058	915	\$ 309,881.56	\$ 338.67
Lawyer of the Day - Custody	217	197	\$ 38,307.10	172	\$ 32,233.14	\$ 187.40	1,817	1,692	\$ 317,031.21	\$ 187.37
Lawyer of the Day - Juvenile	65	62	\$ 10,109.02	50	\$ 8,119.84	\$ 162.40	424	389	\$ 67,565.51	\$ 173.69
Lawyer of the Day - Walk-in	138	139	\$ 26,331.90	112	\$ 21,153.76	\$ 188.87	966	889	\$ 170,791.40	\$ 192.12
Misdemeanor	675	706	\$ 234,141.45	711	\$ 230,344.12	\$ 323.97	5,398	5,358	\$ 1,772,064.74	\$ 330.73
Petition, Modified Release Treatment	1	1	\$ 380.00	2	\$ 420.05	\$ 210.03	15	43	\$ 14,843.26	\$ 345.19
Petition, Release or Discharge	0	0		0			0	1	\$ 165.00	\$ 165.00
Petition, Termination of Parental Rights	16	38	\$ 28,987.60	36	\$ 20,922.72	\$ 581.19	154	335	\$ 232,258.56	\$ 693.31
Post Conviction Review	11	5	\$ 3,729.26	4	\$ 3,806.12	\$ 951.53	51	56	\$ 65,523.16	\$ 1,170.06
Probation Violation	215	183	\$ 59,362.86	155	\$ 51,812.13	\$ 334.27	1,384	1,230	\$ 405,417.41	\$ 329.61
Represent Witness on 5th Amendment	1	1	\$ 450.00	2	\$ 790.00	\$ 395.00	12	10	\$ 2,562.50	\$ 256.25
Review of Child Protection Order	45	167	\$ 74,556.13	179	\$ 76,171.77	\$ 425.54	395	1,406	\$ 642,929.56	\$ 457.28
Revocation of Administrative Release	6	3	\$ 710.00	1	\$ 215.20	\$ 215.20	27	35	\$ 10,097.59	\$ 288.50
<b>DefenderData Sub-Total</b>	<b>2,465</b>	<b>2,619</b>	<b>\$ 1,141,086.79</b>	<b>2,603</b>	<b>\$ 1,093,666.52</b>	<b>\$ 420.16</b>	<b>18,625</b>	<b>20,528</b>	<b>\$ 8,752,856.71</b>	<b>\$ 426.39</b>
<b>Paper Voucher Sub-Total</b>	<b>2</b>	<b>2</b>	<b>\$ 1,021.96</b>	<b>2</b>	<b>\$ 1,021.96</b>	<b>\$ 510.98</b>	<b>23</b>	<b>23</b>	<b>\$ 10,973.91</b>	<b>\$ 477.13</b>
<b>TOTAL</b>	<b>2,467</b>	<b>2,621</b>	<b>\$1,142,108.75</b>	<b>2,605</b>	<b>\$1,094,688.48</b>	<b>\$ 420.23</b>	<b>18,648</b>	<b>20,551</b>	<b>\$ 8,763,830.62</b>	<b>\$ 426.44</b>

MAINE COMMISSION ON INDIGENT LEGAL SERVICES  
 FY14 FUND ACCOUNTING  
 AS OF 03/31/2014

Account 010 95F Z112 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY14 Total
FY14 Professional Services Allotment		\$ 2,906,477.00		\$ 2,760,552.00		\$ 3,046,863.00		\$ 3,051,713.00	
FY14 General Operations Allotment		\$ 35,362.00		\$ 35,361.00		\$ 35,362.00		\$ 35,359.00	
Financial Order Adjustment						\$ 350.00		\$ 400.00	
Financial Order Adjustment						\$ 430,000.00		\$ (430,000.00)	
Financial Order Adjustment									
Financial Order Adjustment									
Financial Order Adjustment									
<b>Total Budget Allotments</b>		<b>\$ 2,941,839.00</b>		<b>\$ 2,795,913.00</b>		<b>\$ 3,512,575.00</b>		<b>\$ 2,657,472.00</b>	<b>\$ 11,907,799.00</b>
Total Expenses	1	\$ (979,565.86)	4	\$ (1,364,192.49)	7	\$ (1,602,204.20)	10		\$ (3,945,962.55)
	2	\$ (1,057,090.90)	5	\$ (1,057,861.53)	8	\$ (985,065.42)	11		\$ (3,100,017.85)
	3	\$ (719,557.24)	6	\$ (435,733.98)	9	\$ (987,180.38)	12		\$ (2,142,471.60)
Encumbrances		\$ (185,625.00)		\$ 61,875.00		\$ 61,875.00			\$ (61,875.00)
<b>TOTAL REMAINING</b>		<b>\$ 0.00</b>		<b>\$ -</b>		<b>\$ -</b>		<b>\$ 2,657,472.00</b>	<b>\$ 2,657,472.00</b>

Q3 Month 9 (as of 03/31/14)	
<b>INDIGENT LEGAL SERVICES</b>	
Counsel Payments	\$ (902,200.32)
Somerset County	\$ (21,185.00)
Subpoena Witness Fees	\$ (18.80)
Private Investigators	\$ (16,026.02)
Mental Health Expert	\$ (10,900.00)
Transcripts	\$ (13,672.30)
Other Expert	\$ (13,875.00)
Air fare-out of state witness	\$ -
Process Servers	\$ (952.68)
Interpreters	\$ (413.96)
Misc Prof Fees & Serv	\$ (601.41)
<b>SUB-TOTAL ILS</b>	<b>\$ (979,845.49)</b>
<b>OPERATING EXPENSES</b>	
Service Center	\$ -
DefenderData	\$ (3,793.00)
Mileage/Tolls/Parking	\$ (1,330.18)
Mailing/Postage/Freight	\$ (97.95)
Advertising Notice	\$ -
Green Cards Print	\$ -
Office Supplies/Equip.	\$ (228.94)
Cellular Phones	\$ (217.14)
Hotel Room & Lodging	\$ (179.28)
Office Equipment Rental	\$ (132.54)
OIT/TELCO	\$ (1,355.86)
<b>SUB-TOTAL OE</b>	<b>\$ (7,334.89)</b>
<b>TOTAL</b>	<b>\$ (987,180.38)</b>

INDIGENT LEGAL SERVICES	
Q3 Allotment	\$ 3,512,575.00
Q3 Expenditure for Somerset cty PDP contract from Q1 Allotment	\$ 61,875.00
Q3 Expenses as of 03/31/14	\$ (3,574,450.00)
Remaining Q3 Allotment as of 03/31/14	\$ -

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY14 FUND ACCOUNTING**  
As of 03/31/14

Account 014 95F Z112 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY14 Total
<b>Total Budget Allotments</b>		\$ 149,124.00		\$ 149,124.00		\$ 149,124.00		\$ 149,125.00	\$ 596,497.00
Financial Order Adjustment	1		4		7		10		
Financial Order Adjustment	2		5		8		11		
Budget Order Adjustment	3		6		9	\$ 43,367.00	12		
Financial Order Adjustment		\$ (32,332.00)	4	\$ (11,035.00)	7		10		
<b>Total Budget Allotments</b>		\$ 116,792.00		\$ 138,089.00		\$ 192,491.00		\$ 149,125.00	\$ 596,497.00
FY13 Carryover		\$ 775.00							
Collected Revenue from JB Promissory Note Payments	1	\$ 35,123.80	4	\$ 31,677.47	7	\$ 42,313.67	10		
Collected Revenue from JB Promissory Note Payments	2	\$ 38,666.27	5	\$ 63,710.67	8	\$ 60,808.05	11		
Discovery sanction payment		\$ 200.00		\$ 800.00		\$ 200.00			
Collected Revenue from JB Promissory Note Payments	3	\$ 43,621.87	6	\$ 41,975.79	9	\$ 98,449.74	12		
						\$ 200.00			
<b>TOTAL REVENUE COLLECTED</b>		\$ 118,386.94		\$ 138,463.93		\$ 202,171.46		\$ -	\$ 459,022.33
Counsel Payments	1		4		7		10		
	2	\$ -	5		8		11		
	3	\$ (116,791.19)	6	\$ (138,088.93)	9	\$ (192,488.16)	12		
<b>REMAINING ALLOTMENT</b>		\$ 0.81		\$ 0.07		\$ 2.84		\$ 149,125.00	\$ 149,128.72
Total Expenses	1		4	\$ (150.00)	7	\$ (790.00)	10		
	2	\$ (360.00)	5	\$ (225.00)	8	\$ (180.00)	11		
	3	\$ (1,235.75)	6		9	\$ (550.00)	12		
<b>REMAINING CASH</b>		\$ -		\$ -		\$ 8,163.30		\$ -	\$ 8,163.30

Q3 Month 9 (as of 03/31/14)	
<b>DEFENDER DATA COUNSEL PAYMENTS</b>	
	\$ 192,488.16
<b>SUB-TOTAL ILS</b>	
<b>OVERPAYMENT REIMBURSEMENTS</b>	\$ (550.00)
Paper Voucher	
Somerset County CDs	
Private Investigators	
Mental Health Expert	
Transcripts	
Other Expert	
Process Servers	
<b>SUB-TOTAL OE</b>	\$ (550.00)
<b>TOTAL</b>	\$ (550.00)

INDIGENT LEGAL SERVICES	
FY14 Allotment	\$ 596,497.00
YTD Collected Revenue	\$ 459,022.33
YTD Expenses	\$ (3,490.75)
YTD Counsel Payments	\$ (447,368.28)
Q3 Remaining Unexpended Cash	\$ 8,163.30

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY14 FUND ACCOUNTING**  
AS OF 03/31/2014

<b>Account 010 95F Z112 01</b>		<b>Mo.</b>	<b>Q1</b>	<b>Mo.</b>	<b>Q2</b>	<b>Mo.</b>	<b>Q3</b>	<b>Mo.</b>	<b>Q4</b>	<b>FY14 Total</b>
<b>(Personal Services)</b>										
FY14 Allotment		\$	167,116.00	\$	184,094.00	\$	156,652.00	\$	148,503.00	\$ 656,365.00
Financial Order Adjustments				\$	1,423.00	\$	(2,890.00)	\$	(9,179.00)	
Budget Order Adjustments										
<b>Total Budget Allotments</b>		\$	<b>167,116.00</b>	\$	<b>185,517.00</b>	\$	<b>153,762.00</b>	\$	<b>139,324.00</b>	\$ <b>645,719.00</b>
Total Expenses	1	\$	(59,858.17)	4	\$	(44,039.57)	7	\$	(44,762.34)	10
	2	\$	(42,837.33)	5	\$	(41,836.86)	8	\$	(48,169.82)	11
	3	\$	(43,143.13)	6	\$	(58,868.88)	9	\$	(44,842.18)	12
<b>TOTAL REMAINING</b>		\$	<b>21,277.37</b>	\$	<b>40,771.69</b>	\$	<b>15,987.66</b>	\$	<b>139,324.00</b>	\$ <b>217,360.72</b>

<b>Q3 Month 9 (as of 03/31/14)</b>	
Per Diem Payments	\$ (330.00)
Salary	\$ (24,058.15)
Vacation Pay	\$ (394.31)
Holiday Pay	\$ (1,327.44)
Sick Pay	\$ (768.90)
Overtime Pay	\$ -
Health Insurance	\$ (8,194.94)
Dental Insurance	\$ (288.86)
Employer Retiree Health	\$ (3,637.14)
Employer Retirement	\$ (1,457.80)
Employer Group Life	\$ (190.82)
Employer Medicare	\$ (352.24)
Retiree Unfunded Liability	\$ (3,841.58)
Retro Pymt	\$ -
<b>TOTAL</b>	\$ <b>(44,842.18)</b>

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY14 FUND ACCOUNTING**  
As of 03/31/14

Account 014 95F Z112 02 (Conference Account)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY14 Total
FY13 Carry Over		\$ 19,602.53							\$ -
<b>Total Budget Allotments</b>		\$ 4,000.00	\$	12,000.00	\$	4,000.00	\$	12,000.00	\$ 32,000.00
Budget Order Adjustment									
<b>Total Budget Allotments</b>		\$ 4,000.00	\$	12,000.00	\$	4,000.00	\$	12,000.00	\$ 32,000.00
Actual Collected Earned Revenue	1	\$ 25.00	4	\$ 150.00	7	\$ 200.00	10		
	2	\$ 850.00	5	\$ 1,000.00	8		11		
	3	\$ 225.00	6	\$ 3,275.00	9		12		
<b>ACTUAL CASH BALANCE</b>		\$ 20,702.53	\$	4,425.00	\$	200.00	\$	-	\$ 25,327.53
Total Expenses	1	\$ (437.97)	4	\$ (1,453.93)	7	\$ (2,291.33)	10		
	2	\$ (81.99)	5		8	\$ -	11		
	3		6	\$ (1,120.40)	9		12		
<b>TOTAL REMAINING</b>		\$ 20,182.57	\$	1,850.67	\$	2,108.67	\$	12,000.00	\$ 31,480.04

<b>Q3 Month 9 (as of 03/31/14)</b>	
Collected Revenue	\$ -
Training Manuals Printing	\$ -
Training Refreshments/Meals	\$ -
CLE App to the Bar	\$ -
Videographer	\$ -
Refund for non-attendance	\$ -
<b>TOTAL EXPENSES</b>	\$ -

FY14 Allotment	\$32,000.00
FY13 Carry Over	\$19,602.53
FY14 Collected Revenue	\$ 5,725.00
FY14 Expenses	\$ (5,385.62)
<b>Unexpended Cash</b>	<b>\$19,941.91</b>

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

3/31/2014

Court	Mar-14						Fiscal Year 2014			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	160	157	\$ 99,829.08	199	\$ 111,481.72	\$ 560.21	1,325	1,334	\$ 842,073.57	\$ 631.24
AUBSC	97	105	\$ 62,384.96	125	\$ 75,127.00	\$ 601.02	848	914	\$ 483,992.71	\$ 529.53
AUGDC	75	109	\$ 33,414.23	120	\$ 38,548.17	\$ 321.23	662	832	\$ 302,950.33	\$ 364.12
AUGSC	96	138	\$ 59,918.00	113	\$ 48,656.48	\$ 430.59	791	815	\$ 395,091.48	\$ 484.77
BANDC	71	105	\$ 34,001.89	81	\$ 26,563.69	\$ 327.95	590	880	\$ 279,720.24	\$ 317.86
BANSC	9	4	\$ 3,589.02	5	\$ 1,330.00	\$ 266.00	31	27	\$ 29,968.50	\$ 1,109.94
BATSC	9	10	\$ 8,765.50	10	\$ 7,280.76	\$ 728.08	61	98	\$ 68,367.90	\$ 697.63
BELDC	26	40	\$ 17,937.28	43	\$ 16,663.94	\$ 387.53	231	300	\$ 108,286.16	\$ 360.95
BELSC	22	22	\$ 9,166.76	27	\$ 14,675.26	\$ 543.53	163	199	\$ 101,209.99	\$ 508.59
BIDDC	90	96	\$ 29,016.68	100	\$ 38,045.79	\$ 380.46	802	863	\$ 336,086.86	\$ 389.44
BRIDC	33	38	\$ 14,728.08	26	\$ 13,661.24	\$ 525.43	174	188	\$ 69,495.23	\$ 369.66
CALDC	17	12	\$ 5,044.24	15	\$ 4,871.61	\$ 324.77	140	152	\$ 61,049.66	\$ 401.64
CARDC	21	30	\$ 9,406.45	21	\$ 6,546.15	\$ 311.72	163	202	\$ 80,153.00	\$ 396.80
CARSC	44	42	\$ 21,751.18	36	\$ 18,818.80	\$ 522.74	268	266	\$ 140,102.63	\$ 526.70
DOVDC	2	6	\$ 1,295.00	12	\$ 3,056.50	\$ 254.71	53	119	\$ 35,421.40	\$ 297.66
DOVSC	0	2	\$ 2,872.38	2	\$ 2,872.38	\$ 1,436.19	11	21	\$ 10,345.26	\$ 492.63
ELLDC	51	41	\$ 24,211.87	44	\$ 18,434.36	\$ 418.96	318	475	\$ 203,119.30	\$ 427.62
ELLSC	25	9	\$ 5,560.75	13	\$ 7,956.50	\$ 612.04	135	152	\$ 92,004.57	\$ 605.29
FARDC	9	19	\$ 6,042.90	7	\$ 1,885.00	\$ 269.29	82	155	\$ 61,261.28	\$ 395.23
FARSC	1	6	\$ 6,694.39	9	\$ 7,020.71	\$ 780.08	36	127	\$ 87,048.65	\$ 685.42
FORDC	6	13	\$ 7,542.88	8	\$ 3,498.08	\$ 437.26	55	55	\$ 19,397.40	\$ 352.68
HOUDC	64	51	\$ 17,818.54	43	\$ 11,310.34	\$ 263.03	292	301	\$ 92,622.24	\$ 307.72
HOUSC	24	11	\$ 7,165.40	11	\$ 3,812.50	\$ 346.59	130	93	\$ 46,789.64	\$ 503.11
LEWDC	138	150	\$ 55,693.63	193	\$ 76,800.26	\$ 397.93	1,172	1,276	\$ 479,142.38	\$ 375.50
LINDC	16	15	\$ 8,914.04	18	\$ 9,459.96	\$ 525.55	125	159	\$ 55,524.93	\$ 349.21
MACDC	37	33	\$ 11,744.45	41	\$ 13,282.67	\$ 323.97	239	248	\$ 90,330.12	\$ 364.23
MACSC	18	31	\$ 12,358.49	20	\$ 7,743.23	\$ 387.16	139	126	\$ 45,938.70	\$ 364.59
MADDC	1	4	\$ 895.00	2	\$ 440.00	\$ 220.00	21	25	\$ 6,293.86	\$ 251.75
MILDC	3	3	\$ 840.00	3	\$ 580.00	\$ 193.33	18	16	\$ 4,030.58	\$ 251.91
NEWDC	22	32	\$ 15,263.59	42	\$ 17,182.08	\$ 409.10	240	296	\$ 91,927.22	\$ 310.56
PORDC	115	105	\$ 55,248.65	114	\$ 45,330.63	\$ 397.64	813	984	\$ 399,677.41	\$ 406.18
PORSC	11	13	\$ 5,149.54	5	\$ 2,177.04	\$ 435.41	44	25	\$ 11,475.00	\$ 459.00
PREDC	40	62	\$ 21,339.07	29	\$ 12,615.51	\$ 435.02	199	259	\$ 100,407.17	\$ 387.67
ROCDC	57	63	\$ 19,767.41	70	\$ 20,825.91	\$ 297.51	421	485	\$ 165,233.04	\$ 340.69
ROCSC	48	42	\$ 25,422.98	44	\$ 23,693.92	\$ 538.50	289	300	\$ 178,054.49	\$ 593.51
RUMDC	18	18	\$ 9,981.56	14	\$ 9,070.19	\$ 647.87	98	141	\$ 61,167.97	\$ 433.82
SKODC	14	25	\$ 10,968.92	34	\$ 13,582.32	\$ 399.48	108	275	\$ 130,635.82	\$ 475.04
SKOSC	0	1	\$ 290.00	1	\$ 290.00	\$ 290.00	8	7	\$ 4,265.00	\$ 609.29
SOUDC	34	32	\$ 10,084.74	31	\$ 9,646.86	\$ 311.19	236	280	\$ 86,033.42	\$ 307.26
SOUSC	38	45	\$ 18,118.24	39	\$ 18,716.08	\$ 479.90	297	377	\$ 165,570.05	\$ 439.18
SPRDC	71	75	\$ 31,413.69	65	\$ 25,441.36	\$ 391.41	522	567	\$ 223,430.40	\$ 394.06
Law Ct	8	8	\$ 9,935.07	11	\$ 24,217.34	\$ 2,201.58	67	62	\$ 83,920.92	\$ 1,353.56
PENCD	230	204	\$ 76,509.12	181	\$ 68,218.44	\$ 376.90	1,647	1,694	\$ 628,755.12	\$ 371.17
SAGCD	30	8	\$ 2,288.64	18	\$ 5,423.40	\$ 301.30	145	72	\$ 24,457.48	\$ 339.69
PISCD	10	18	\$ 4,662.50	15	\$ 3,367.50	\$ 224.50	143	141	\$ 23,222.50	\$ 164.70
HANCD	34	22	\$ 7,096.31	15	\$ 4,971.56	\$ 331.44	165	70	\$ 19,113.06	\$ 273.04
FRACD	39	29	\$ 12,503.01	27	\$ 11,951.46	\$ 442.65	303	248	\$ 76,294.88	\$ 307.64
CUMCD	308	287	\$ 149,746.68	235	\$ 104,228.05	\$ 443.52	2,416	2,208	\$ 1,129,447.98	\$ 511.53
SOMCD	1	0		0			8	6	\$ 3,319.56	\$ 553.26
WATDC	49	82	\$ 32,190.99	72	\$ 23,398.48	\$ 324.98	422	558	\$ 165,840.42	\$ 297.21
WESDC	40	45	\$ 13,137.00	68	\$ 19,657.44	\$ 289.08	305	415	\$ 119,223.46	\$ 287.29
WISDC	30	33	\$ 5,737.24	44	\$ 10,549.76	\$ 239.77	242	257	\$ 68,597.73	\$ 266.92
WISSC	30	33	\$ 10,073.22	55	\$ 18,770.81	\$ 341.29	245	217	\$ 107,045.65	\$ 493.30
YORDC	21	35	\$ 15,555.55	27	\$ 9,917.28	\$ 367.31	167	166	\$ 57,922.39	\$ 348.93
<b>TOTAL</b>	<b>2,465</b>	<b>2,619</b>	<b>\$ 1,141,086.79</b>	<b>2,603</b>	<b>\$ 1,093,666.52</b>	<b>\$ 420.16</b>	<b>18,625</b>	<b>20,528</b>	<b>\$ 8,752,856.71</b>	<b>\$ 426.39</b>

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

**Number of Attorneys Rostered by Court**

**3/31/2014**

<b>Court</b>	<b>Rostered Attorneys</b>
Alfred Superior Court	107
Auburn Superior Court	111
Augusta District Court	90
Augusta Superior Court	88
Bangor District Court	66
Belfast District Court	50
Belfast Superior Court	46
Biddeford District Court	136
Bridgton District Court	102
Calais District Court	15
Caribou District Court	16
Caribou Superior Court	18
Dover-Foxcroft District Court	26
Ellsworth District Court	50
Farmington District Court	33
Fort Kent District Court	7
Houlton District Court	14
Houlton Superior Court	16
Lewiston District Court	138
Lincoln District Court	28
Machias District Court	20
Machias Superior Court	18
Madawaska District Court	8

<b>Court</b>	<b>Rostered Attorneys</b>
Millinocket District Court	22
Newport District Court	37
Portland District Court	157
Presque Isle District Court	13
Rockland District Court	48
Rockland Superior Court	41
Rumford District Court	31
Skowhegan District Court	28
South Paris District Court	68
South Paris Superior Court	64
Springvale District Court	121
Unified Criminal Docket Bangor	66
Unified Criminal Docket Bath	82
Unified Criminal Docket Dover Foxcroft	24
Unified Criminal Docket Ellsworth	44
Unified Criminal Docket Farmington	33
Unified Criminal Docket Portland	143
Unified Criminal Docket Skowhegan	19
Waterville District Court	54
West Bath District Court	110
Wiscasset District Court	71
Wiscasset Superior Court	64
York District Court	112

**(3.)**  
**Budget Discussion**

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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**TO:** MCILS COMMISSIONERS  
**FROM:** JOHN D. PELLETER, EXECUTIVE DIRECTOR  
**CC:** ELLIE BROGAN, DEPUTY EXECUTIVE DIRECTOR  
**SUBJECT:** BUDGET MEMO  
**DATE:** April 3, 2014

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Thanks to the transfer of \$430,000 from fourth quarter allotment into the third quarter, the Commission was able to pay vouchers on schedule until two days before the end of the quarter. Accordingly, any delay in payments at the end of the quarter would have been barely noticeable to the attorneys. The Commission was also able to pay all non-counsel costs due to be paid in the third quarter.

Voucher submissions and non-counsel costs have continued to run high, however, and the projected shortfall at the end of the 3<sup>rd</sup> quarter totals \$207,000.00 despite the infusion of funds mentioned above. This maintains the pace of accumulating shortfalls upon which we based our supplemental budget request, so that total figure of \$860,000 remains valid.

Fortunately, \$860,000 was included in the supplemental budget passed by the Legislature, and on April 2<sup>nd</sup>, that measure became law without the Governor's signature. With this additional appropriation, we are on track to cover our costs for the balance of the fiscal year.

As this is written, the Legislature has not acted on the proposed supplemental budget for FY'15.

**(4.)**  
**Rule-Making Discussion**

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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**TO:** MCILS COMMISSIONERS  
**FROM:** JOHN D. PELLETER, EXECUTIVE DIRECTOR  
**CC:** ELLIE BROGAN, DEPUTY EXECUTIVE DIRECTOR  
**SUBJECT:** RULEMAKING MEMO  
**DATE:** April 3, 2014

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As has been discussed briefly at several recent Commission meetings, our specialized panel rule may be in need of amendment because some requirements cannot be enforced as a practical matter. Because this rule deals with attorney eligibility, our statute designates the rule as “major substantive,” thereby requiring legislative approval. In addition, recent events have caused the staff to examine its authority under our statute and under both the general eligibility rule and the specialized panel rule to remove lawyers from the roster for various types of misconduct. That review revealed that neither the statute nor our existing eligibility rules explicitly grant the Executive Director authority to remove a lawyer from the rosters or provide any guidance regarding the circumstances that would call for such action. Again, any amendments in this regard would require “major-substantive” rulemaking. It may be appropriate to discuss a timeline and general objectives for rulemaking with respect to both the general eligibility rule and the specialized panel rule.

The fee schedule is now also subject to major substantive rulemaking. A biennial budget proposal will be due in the fall, and if it is going to be based on any change to the fee schedule, rule-making should take place so that any proposed rule will comport with the biennial budget request. Again, beginning a discussion of the timeline and direction of such rulemaking may be appropriate at this time.