

MCILS

**September 16, 2016
Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

SEPTEMBER 16, 2016
COMMISSION MEETING
JUDICIARY COMMITTEE ROOM, ROOM 438, STATEHOUSE, AUGUSTA
AGENDA

- 1) Approval of August 9, 2016 Commission Meeting Minutes
- 2) Operations Reports Review
- 3) Budget Update
- 4) MACDL Request for Re-consideration of Payment for Cert. Petitions
- 5) Status of RFP's Update
- 6) Attorney Evaluations
- 7) Public Comment
- 8) Set Date, Time and Location of Next Regular Meeting of the Commission
- 9) Executive Session, if needed (Closed to Public)

(1.)
August 9, 2016
Commission Meeting
Minutes

**Maine Commission on Indigent Legal Services – Commissioners Meeting
August 9, 2016**

Minutes

Commissioners Present: Steven Carey, Marvin Glazier, William Logan, Ken Spirer (telephonically), Carlann Welch
MCILS Staff Present: John Pelletier, Ellie Maciag

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Approval of the July 12, 2016 Commission Meeting Minutes	No discussion of meeting minutes.	Commissioner Logan moved for approval, Commissioner Glazier seconded. Due to his absence at last month's meeting, Chair Carey abstained from voting. Due to his telephonic appearance, Commissioner Spirer did not vote. The remaining Commissioners all voted in favor. Approved.
Outgoing Commissioner	Chair Carey thanked Commissioner Kenneth Spirer for all the work he has done for the Commission and for staying on well past his term.	
Operations Reports Review	Director Pelletier presented the July 2016 Operations Reports. 2,125 new cases were opened in the DefenderData system in July. This was a 107 case decrease from June. The number of submitted vouchers in July was 2,392, a decrease of 474 vouchers from June, totaling \$1,243,282, a decrease of \$417,000 from June. In July, the Commission paid 1,779 vouchers totaling \$908,016, a decrease of 1,438 vouchers and \$926,000 from June. This sharp decrease was due to staff paying all submitted	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>vouchers before the end of the fiscal year during the month of June. The average price per voucher was \$510.30, down \$60.79 per voucher from June. Appeal and Post-Conviction Review cases had the highest average vouchers. Chair Carey noted that the cap for these cases might not be realistic since the average amount is over the cap. Director Pelletier agreed that the cap was not realistic and said that the cap for appeals was a holdover from what the Judicial Branch used to pay and that it was probably an error to have used it. There were 3 vouchers exceeding \$5,000 paid in July. The monthly transfer from the Judicial Branch for counsel fees for July, which reflects June's collections, totaled \$61,742, down approximately \$26,000 from the previous month.</p>	
<p>Supplemental and Biennial Budget Requests</p>	<p>Director Pelletier reviewed the six-year trend data and based on this historical data, he recommended the Commission use a 6.5% increase in the upcoming budget requests. He outlined the major cost drivers in the budget, including an increase in electronic discovery, an increase in the number of clients with mental illness, an increase in interpreter and immigration consultation costs, and new police investigative tactics including cell phone location data. In addition, probate matters in District Court, as well as the cost of immigration consultations now that ILAP is unable to provide these services free of charge, represent two new, unknown costs for the upcoming biennial budget.</p> <p>During the discussion on the biennial budget request, the Commissioners all agreed that the most important goal was to bring the baseline budget to a realistic level. Director Pelletier noted that a realistic baseline budget would avoid returning to a situation where the Commission has to continually ask the Legislature for additional supplemental funding. The Commissioners also agreed that staff should build in the 6.5% increase on top of a realistic baseline budget number to account for increasing and new costs. The Commissioners decided against including a request for an additional hourly rate increase in the biennial budget request, noting that while the rate was still too low, it was important to get the baseline budget to where it needs to be without complicating the budget discussion.</p>	<p>Commissioner Logan moved to approve the staff's supplemental budget request for \$2,828,306. Commissioner Glazier seconded. All present voted in favor.</p> <p>Commissioner Welch moved to approve the staff's request for extra biennial need in FY'18' and FY'19 with numbers provided without an hourly rate increase. Commissioner Logan seconded. All present voted in favor.</p>

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
<p>Attorney Evaluations</p>	<p>Director Pelletier reviewed the possible methods of attorney evaluations and suggested that a system of supervising attorneys, similar to that in Massachusetts, would be the most efficient way to expand the Commission’s capacity to monitor attorney performance in the field, mentor young attorneys, and address performance problems as they are identified. He explained that in Massachusetts, supervising attorneys are paid \$60/hr for 10 hours of work per month. Director Pelletier noted that the cost of this supervising attorney system would be less than the cost of hiring an additional staff attorney, and would provide significantly greater reach than could a single attorney located in Augusta.</p> <p>Chair Carey liked this idea, but thought that it might not cover everything and suggested that the Commission add an additional staff attorney position as well. He thought that the selection of the supervising attorneys would be a complicated process. He also noted that most of the complaints about attorneys were during off-the-record discussions with the court. He suggested that he and Director Pelletier meet with the Judicial Branch about better ways to communicate with the court on attorney performance issues. He also suggested that the focus of a supervisory attorney program should be on mentorship and training to start with and not punitive in nature.</p> <p>Commissioner Welch agreed and supported a mentor system verses an anonymous survey approach. She thought that it would be a great way to inform on potential training topics.</p> <p>Commissioner Logan said he was not as bullish on the idea as his fellow Commissioners, explaining that the Commission would have to change its rules and that there might be an issue identifying attorneys for monitoring. He suggested that like judicial evaluations, Commission staff could implement anonymous surveys to gage attorney performance.</p> <p>Commissioner Glazier thought that more than 10 hours a month would be needed and wanted to get more specific information on how the program would work.</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>Both Chair Carey and Commissioner Logan suggested that the staff's initial proposal for the number of supervising attorneys would need to be increased due to the need to address juvenile and child protective representation in addition to criminal defense. Chair Carey thought that 2 attorneys in each country with 3 or 4 in York and Cumberland was more realistic.</p> <p>Director Pelletier did not think there needed to be an additional staff attorney position added. He suggested that the supervisory attorney system would give staff insight to whether additional staff resources were necessary.</p> <p>Commissioner Logan requested additional time to think about the proposal and asked that it be put on next month's agenda for further discussion.</p>	
MACDL Request for Reconsideration of Payment for Cert Petitions	<p>Since no MACDL representative was present at the meeting, the Commissioners decided to hold off on any discussion until next meeting when someone from the organization could be present. Chair Carey suggested the Commission inform the Judiciary Committee about the issue and seek legislative guidance about whether it is a cost that can be covered.</p>	
Status of RFP's Update	<p>Director Pelletier informed the Commissioners that staff was close to completing the RFP process for the appellate and immigration contracts.</p>	
Public Comment	<p><u>Robert J. Ruffner, Esq.</u>: Attorney Ruffner suggested that a supervisory attorney program should be one part of the system and that the Commission should look at Katherine MacRae's report to find complimentary models, including the use of surveys and client input. He urged the Commissioners to continue the discussion on this topic. Attorney Ruffner believes the Commission should start asking for additional staffing so it can take on attorney evaluations and produce additional trainings. Attorney Ruffner contended that the Commissioners were interpreting the Commission's enabling statute too narrowly when discussing whether payment for</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	cert petitions was allowed. He suggested the Commission draft legislation and look for a willing sponsor to make any necessary changes to allow for payment for drafting US cert petitions.	
Executive Session	The Commissioners entered into executive session to discuss personnel matters. Upon emerging from executive session, the Commission stated that no votes were taken during the executive session.	
Adjournment of meeting	The Commission voted to adjourn with the next meeting to be on September 13, 2016 at 9:30 a.m.	Commissioner Welch moved to adjourn. Commissioner Logan seconded. All present at the meeting in favor.

(2.)
Operations Reports

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
SUBJECT: AUGUST 2016 OPERATIONS REPORTS
DATE: SEPTEMBER 8, 2016

Attached you will find the August, 2016, Operations Reports for your review and our discussion at the upcoming Commission meeting on September 16, 2016. A summary of the operations reports follows:

- 2,599 new cases were opened in the DefenderData system in August. This was a 474 case increase over July and represents the highest monthly total for the last twelve months.
- The number of vouchers submitted electronically in August was 2,879, an increase of 488 vouchers over July, totaling \$1,580,731.24, an increase of \$337,000 over July. In August, we paid 3,058 electronic vouchers totaling \$1,647,245.18 representing an increase of 1,279 vouchers and \$739,000 compared to July.
- There were 2 paper vouchers submitted and paid in August totaling \$1,228.20
- The average price per voucher in August was \$538.72, up \$28.42 per voucher over July.
- Appeal and Post-Conviction Review cases had the highest average vouchers in August. There were 8 vouchers exceeding \$5,000 paid in August. Three vouchers arose from post-conviction review petitions in murder cases: in one, the conviction was vacated and the defendant plead to a charge of manslaughter with a reduced sentence; in another, the petition was denied after a two day hearing; and in the third, the defendant withdrew the petition after counsel's thorough review of the case and advice regarding the merits of the petition. Two other vouchers arose from murder cases, one submitted after trial in which the defendant was found guilty and the other after an appeal in which the judgement was affirmed. One voucher involved a gross sexual assault case where the defendant was found not guilty after a 4-day trial. Another voucher involved a 2-day trial in which the defendant was found not guilty of felony and hate crime charges arising from a road rage incident, but convicted on a companion misdemeanor charge. The final voucher involved a document intensive theft case where counsel was required to withdraw after extensive trial preparation.

In our All Other Account, the total expenses for the month of August were \$1,778,404.21. Of the amount, just over \$10,000 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$58,643.85 in expenses for the month of August.

In the Revenue Account, the August transfer of collected revenue, reflecting July collections, totaled \$40,789.66, down \$21,000 from July.

In our Conference Account, we received the John T. Gorman Foundation grant funds for Juvenile training totaling \$17,600 and paid an application fee for approval of CLE hours for the initial grant funded training, leaving an account balance at \$31,309.89.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

8/31/2016

DefenderData Case Type	Aug-16						Fiscal Year 2017			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	15	25	\$ 41,151.73	26	\$ 32,940.24	\$ 1,266.93	40	51	\$ 68,108.79	\$ 1,335.47
Child Protection Petition	202	373	\$ 243,514.81	405	\$ 262,275.81	\$ 647.59	349	632	\$ 417,038.73	\$ 659.87
Drug Court	1	8	\$ 10,773.00	6	\$ 4,170.00	\$ 695.00	2	9	\$ 6,505.50	\$ 722.83
Emancipation	9	12	\$ 2,699.40	10	\$ 3,521.40	\$ 352.14	17	12	\$ 4,925.40	\$ 410.45
Felony	559	640	\$ 522,596.07	686	\$ 543,577.58	\$ 792.39	1,026	1,052	\$ 836,228.67	\$ 794.89
Involuntary Civil Commitment	62	29	\$ 9,416.76	46	\$ 12,348.92	\$ 268.45	145	116	\$ 24,988.16	\$ 215.42
Juvenile	87	81	\$ 35,737.79	94	\$ 48,546.73	\$ 516.45	152	148	\$ 66,423.49	\$ 448.81
Lawyer of the Day - Custody	306	264	\$ 66,829.61	261	\$ 64,346.85	\$ 246.54	525	435	\$ 109,133.77	\$ 250.88
Lawyer of the Day - Juvenile	49	48	\$ 8,962.80	50	\$ 9,200.30	\$ 184.01	87	79	\$ 14,624.30	\$ 185.12
Lawyer of the Day - Walk-in	176	172	\$ 42,718.86	168	\$ 41,112.82	\$ 244.72	302	266	\$ 66,253.84	\$ 249.07
Misdemeanor	862	789	\$ 315,390.26	821	\$ 326,130.36	\$ 397.24	1,552	1,291	\$ 502,458.17	\$ 389.20
Petition, Modified Release Treatment	3	1	\$ 328.00	2	\$ 603.00	\$ 301.50	4	7	\$ 3,183.14	\$ 454.73
Petition, Release or Discharge	1	0		0			1	0		
Petition, Termination of Parental Rights	28	60	\$ 58,836.94	65	\$ 65,059.86	\$ 1,000.92	59	115	\$ 106,870.61	\$ 929.31
Post Conviction Review	11	17	\$ 37,417.61	15	\$ 35,886.21	\$ 2,392.41	16	17	\$ 38,025.15	\$ 2,236.77
Probate	1	0		0			1	0		
Probation Violation	186	183	\$ 69,168.02	202	\$ 74,683.90	\$ 369.72	350	303	\$ 112,713.13	\$ 371.99
Represent Witness on 5th Amendment	0	4	\$ 312.00	4	\$ 312.00	\$ 78.00	0	4	\$ 312.00	\$ 78.00
Review of Child Protection Order	37	172	\$ 114,535.58	196	\$ 122,187.20	\$ 623.40	90	299	\$ 177,126.83	\$ 592.40
Revocation of Administrative Release	4	1	\$ 342.00	1	\$ 342.00	\$ 342.00	4	1	\$ 342.00	\$ 342.00
DefenderData Sub-Total	2,599	2,879	\$ 1,580,731.24	3,058	\$ 1,647,245.18	\$ 538.67	4,722	4,837	\$ 2,555,261.68	\$ 528.27
Paper Voucher Sub-Total	2	2	\$ 1,228.20	2	\$ 1,228.20	\$ 614.10	4	4	\$ 2,057.35	\$ 514.34
TOTAL	2,601	2,881	\$ 1,581,959.44	3,060	\$ 1,648,473.38	\$ 538.72	4,726	4,841	\$ 2,557,319.03	\$ 528.26

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
 FY16 FUND ACCOUNTING
 AS OF 08/31/2016

Account 010 95F Z112 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY16 Total
FY17 Professional Services Allotment		\$ 4,278,098.25		\$ 4,357,441.00		\$ 4,712,015.00		\$ 2,083,667.00	
FY17 General Operations Allotment		\$ 34,560.00		\$ 34,560.00		\$ 34,560.00		\$ 34,560.00	
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 4,312,658.25		\$ 4,392,001.00		\$ 4,746,575.00		\$ 2,118,227.00	\$ 15,569,461.25
Total Expenses	1	\$ (993,008.98)	4	\$ -	7	\$ -	10	\$ -	\$ (993,008.98)
	2	\$ (1,778,404.21)	5	\$ -	8	\$ -	11	\$ -	\$ (1,778,404.21)
	3	\$ -	6	\$ -	9	\$ -	12	\$ -	\$ -
Encumbrances (Somerset PDP & Justice Works)		\$ (277,283.50)		\$ -		\$ -		\$ -	\$ (277,283.50)
Encumbrances (WestLaw)		\$ (1,551.00)		\$ -		\$ -		\$ -	\$ (1,551.00)
TOTAL REMAINING		\$ 1,262,410.56		\$ 4,392,001.00		\$ 4,746,575.00		\$ 2,118,227.00	\$ 12,519,213.56

Q1 Month 2 (as of 08/31/16)	
INDIGENT LEGAL SERVICES	
Counsel Payments	\$ (1,648,473.38)
Somerset County	\$ (22,997.50)
Subpoena Witness Fees	\$ (18.50)
Private Investigators	\$ (29,214.80)
Mental Health Expert	\$ (21,600.04)
Transcripts	\$ (16,556.06)
Other Expert	\$ (26,127.92)
Analysts & Lab Services	\$ (540.00)
Process Servers	\$ (1,425.10)
Interpreters	\$ (1,065.84)
Misc Prof Fees & Serv	\$ -
SUB-TOTAL ILS	\$ (1,768,019.14)
OPERATING EXPENSES	
Service Center	\$ (794.50)
DefenderData	\$ (4,683.75)
West Publishing Corp	\$ (141.00)
Mileage/Tolls/Parking	\$ (1,710.43)
Mailing/Postage/Freight	\$ (377.66)
Annual Bar Dues - Ellie	\$ (265.00)
Annual Report Print Cost	\$ -
Office Supplies/Equip.	\$ (55.98)
Cellular Phones	\$ (121.32)
Subscriptions	\$ -
Office Equipment Rental	\$ (138.42)
Notary Fees	\$ -
OIT/TELCO	\$ (2,097.01)
SUB-TOTAL OE	\$ (10,385.07)
TOTAL	\$ (1,778,404.21)

INDIGENT LEGAL SERVICES	
Q1 Allotment	\$ 4,312,658.25
Q1 Encumbrances for Somerset PDP & Justice Works contracts	\$ (277,283.50)
WestLaw Contract 12 month encumbrance	\$ (1,551.00)
Q1 Expenses as of 08/31/16	\$ (2,771,413.19)
Remaining Q1 Allotment as of 08/31/16	\$ 1,262,410.56

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
 FY16 FUND ACCOUNTING
 As of 08/31/16

Account 014 95F Z112 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY16 Total
Total Budget Allotments		\$ 184,125.00		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00	\$ 736,497.00
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Financial Order Adjustment	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Budget Order Adjustment	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Financial Order Adjustment	3	\$ -	4	\$ -	9	\$ -	12	\$ -	\$ -
Total Budget Allotments		\$ 184,125.00		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00	\$ 736,497.00
Cash Carryover from Prior Quarter		\$ 23.05		\$ -		\$ -		\$ -	
Collected Revenue from JB	1	\$ 61,742.47	4	\$ -	7	\$ -	10	\$ -	
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	2	\$ 40,789.66	5	\$ -	8	\$ -	11	\$ -	
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB (late transfer)		\$ -		\$ -	9	\$ -		\$ -	
Collected Revenue from JB	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 102,555.18		\$ -		\$ -		\$ -	\$ 102,532.13
Counsel Payments	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Other Expenses		\$ -		\$ -		\$ -	***	\$ -	
Counsel Payments	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Other Expenses		\$ -		\$ -		\$ -		\$ -	
Counsel Payments	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Other Expenses	**	\$ -		\$ -		\$ -		\$ -	
REMAINING ALLOTMENT		\$ 184,125.00		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00	\$ 736,497.00
Overpayment Reimbursements	1	\$ (100.00)	4	\$ -	7	\$ -	10	\$ -	
	2	\$ (713.20)	5	\$ -	8	\$ -	11	\$ -	
	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
REMAINING CASH Year to Date		\$ 101,741.98		\$ -		\$ -		\$ -	

Q1 Month 2 (as of 08/31/16)	
DEFENDER DATA COUNSEL PAYMENTS	\$ -
SUB-TOTAL ILS	\$ -
OVERPAYMENT REIMBURSEMENTS	\$ (713.20)
Paper Voucher	\$ -
Somerset County CDs	\$ -
Private Investigators	\$ -
Mental Health Expert	\$ -
Transcripts	\$ -
Other Expert	\$ -
StaCap Expense	\$ -
SUB-TOTAL OE	\$ (713.20)
TOTAL	\$ (713.20)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY16 FUND ACCOUNTING

AS OF 08/31/2016

Account 010 95F Z112 01									
(Personal Services)									
	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY16 Total
FY17 Allotment		\$ 181,545.00		\$ 205,445.00		\$ 181,540.00		\$ 189,421.00	\$ -
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 181,545.00		\$ 205,445.00		\$ 181,540.00		\$ 189,421.00	\$ 757,951.00
Total Expenses	1	\$ (55,554.51)	4	\$ -	7	\$ -	10	\$ -	
	2	\$ (58,643.85)	5	\$ -	8	\$ -	11	\$ -	
	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
TOTAL REMAINING		\$ 67,346.64		\$ 205,445.00		\$ 181,540.00		\$ 189,421.00	\$ 643,752.64

Q1 Month 2 (as of 08/31/16)

Per Diem Payments	\$ (275.00)
Salary	\$ (24,959.97)
Vacation Pay	\$ (4,069.67)
Holiday Pay	\$ -
Sick Pay	\$ (1,298.80)
Employee Hlth Svcs/Workers Comp	\$ (74.00)
Health Insurance	\$ (10,474.60)
Dental Insurance	\$ (249.48)
Employer Retiree Health	\$ (3,660.07)
Employer Retirement	\$ (2,434.69)
Employer Group Life	\$ (251.72)
Employer Medicare	\$ (463.54)
Retiree Unfunded Liability	\$ (6,035.27)
Retro Pymt	\$ (1,404.60)
Perm Part Time Full Ben	\$ (2,992.44)
TOTAL	\$ (58,643.85)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
 FY16 FUND ACCOUNTING
 As of 08/31/16

Account 014 95F Z112 02 (Conference)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY16 Total
Total Budget Allotments		\$ 10,000.00		\$ 20,000.00		\$ 20,000.00		\$ 7,000.00	\$ 57,000.00
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Financial Order Adjustment	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Financial Order Adjustment	3	\$ -	6	\$ -	9	\$ -	12	\$ -	\$ -
Total Budget Allotments		\$ 10,000.00		\$ 20,000.00		\$ 20,000.00		\$ 7,000.00	\$ 57,000.00
Cash Carryover from Prior Quarter		\$ 14,054.73		\$ -		\$ -		\$ -	
Collected Revenue	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Collected Revenue	2	\$ 17,600.00	5	\$ -	8	\$ -	11	\$ -	
Collected Revenue	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 31,654.73		\$ -		\$ -		\$ -	\$ 17,600.00
Total Expenses	1	\$ (132.26)	4	\$ -	7	\$ -	10	\$ -	
	2	\$ (37.58)	5	\$ -	8	\$ -	11	\$ -	
	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Encumbrances		\$ -		\$ -		\$ -		\$ -	\$ -
REMAINING ALLOTMENT		\$ 9,830.16		\$ 20,000.00		\$ 20,000.00		\$ 7,000.00	\$ 56,830.16
REMAINING CASH Year to Date		\$ 31,309.89		\$ -		\$ -		\$ -	

Q1 Month 2 (as of 08/31/16)	
Training Manuals Printing	\$ -
Training Refreshments/Meals	\$ -
Media Northeast (encumbered Q1)	\$ -
Refund(s) for non-attendance	\$ -
Office Supplies	\$ -
CLE App to the Bar	\$ (35.00)
State Cap Expense	\$ (2.58)
TOTAL	\$ (37.58)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

8/31/2016

Court	Aug-16						Fiscal Year 2017			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	22	48	\$ 31,519.12	59	\$ 37,707.18	\$ 639.10	54	94	\$ 71,003.64	\$ 755.36
AUBSC	18	40	\$ 37,293.69	30	\$ 25,606.60	\$ 853.55	28	56	\$ 36,368.03	\$ 649.43
AUGDC	53	80	\$ 42,088.05	74	\$ 34,893.80	\$ 471.54	99	121	\$ 63,027.66	\$ 520.89
AUGSC	46	43	\$ 17,048.14	45	\$ 20,430.39	\$ 454.01	69	81	\$ 38,590.46	\$ 476.43
BANDC	43	89	\$ 35,161.24	113	\$ 42,931.52	\$ 379.92	109	153	\$ 64,158.40	\$ 419.34
BANSC	1	1	\$ 990.32	1	\$ 455.50	\$ 455.50	1	2	\$ 1,373.50	\$ 686.75
BATSC	2	3	\$ 9,074.34	3	\$ 9,074.34	\$ 3,024.78	3	4	\$ 9,188.34	\$ 2,297.09
BELDC	8	14	\$ 8,457.40	17	\$ 10,640.05	\$ 625.89	20	37	\$ 18,503.35	\$ 500.09
BELSC	3	5	\$ 1,530.66	4	\$ 1,296.66	\$ 324.17	7	8	\$ 3,420.40	\$ 427.55
BIDDC	86	81	\$ 36,024.78	91	\$ 43,991.84	\$ 483.43	149	144	\$ 65,727.53	\$ 456.44
BRIDC	17	13	\$ 8,236.36	11	\$ 7,527.34	\$ 684.30	30	30	\$ 14,013.70	\$ 467.12
CALDC	15	16	\$ 7,535.52	20	\$ 10,997.52	\$ 549.88	28	25	\$ 16,578.00	\$ 663.12
CARDC	14	12	\$ 7,373.67	16	\$ 8,033.43	\$ 502.09	19	36	\$ 19,133.07	\$ 531.47
CARSC	11	12	\$ 6,730.97	12	\$ 16,021.25	\$ 1,335.10	15	17	\$ 17,587.97	\$ 1,034.59
DOVDC	3	15	\$ 10,948.28	17	\$ 10,885.36	\$ 640.32	7	21	\$ 12,544.56	\$ 597.36
DOVSC	2	1	\$ 168.00	0			2	0		
ELLDC	24	45	\$ 70,403.50	55	\$ 72,907.50	\$ 1,325.59	43	68	\$ 81,903.50	\$ 1,204.46
ELLSC	1	3	\$ 1,050.00	3	\$ 912.00	\$ 304.00	1	4	\$ 1,128.00	\$ 282.00
FARDC	20	20	\$ 12,793.25	22	\$ 15,194.73	\$ 690.67	32	31	\$ 23,059.21	\$ 743.85
FARSC	3	4	\$ 1,163.62	4	\$ 1,163.62	\$ 290.91	9	6	\$ 1,446.98	\$ 241.16
FORDC	10	9	\$ 3,958.66	13	\$ 7,185.38	\$ 552.72	14	16	\$ 8,311.06	\$ 519.44
HOUDC	18	31	\$ 9,843.57	44	\$ 17,603.35	\$ 400.08	40	59	\$ 22,124.95	\$ 375.00
HOUSC	6	6	\$ 7,891.40	8	\$ 10,850.86	\$ 1,356.36	7	10	\$ 14,547.12	\$ 1,454.71
LEWDC	75	99	\$ 49,889.42	119	\$ 60,739.14	\$ 510.41	160	208	\$ 107,587.76	\$ 517.25
LINDC	7	27	\$ 14,306.69	26	\$ 14,334.17	\$ 551.31	16	46	\$ 23,771.10	\$ 516.76
MACDC	18	21	\$ 12,558.30	22	\$ 13,487.50	\$ 613.07	25	29	\$ 15,581.50	\$ 537.29
MACSC	4	3	\$ 1,440.00	3	\$ 1,440.00	\$ 480.00	4	5	\$ 2,412.00	\$ 482.40
MADDC	5	6	\$ 3,207.36	4	\$ 1,833.36	\$ 458.34	7	5	\$ 2,174.72	\$ 434.94
MILDC	3	6	\$ 2,015.96	6	\$ 2,015.96	\$ 335.99	7	7	\$ 2,825.92	\$ 403.70
NEWDC	20	33	\$ 15,772.28	37	\$ 16,307.70	\$ 440.75	38	54	\$ 23,710.58	\$ 439.08
PORDC	89	110	\$ 58,664.09	116	\$ 62,182.44	\$ 536.06	154	212	\$ 109,438.86	\$ 516.22
PORSC	0	1	\$ 522.00	2	\$ 1,104.00	\$ 552.00	2	4	\$ 3,707.94	\$ 926.99
PREDC	25	23	\$ 13,186.00	16	\$ 11,947.92	\$ 746.75	39	41	\$ 22,387.92	\$ 546.05
ROCD	12	21	\$ 9,088.14	31	\$ 7,819.68	\$ 252.25	30	44	\$ 11,783.66	\$ 267.81
ROSC	2	13	\$ 6,137.66	14	\$ 5,850.62	\$ 417.90	6	22	\$ 11,563.62	\$ 525.62
RUMDC	15	14	\$ 4,286.26	13	\$ 3,397.50	\$ 261.35	26	23	\$ 9,754.80	\$ 424.12
SKODC	26	56	\$ 26,745.26	51	\$ 26,298.00	\$ 515.65	43	79	\$ 40,324.39	\$ 510.44
SKOSC	0	0		0			0	0		
SOUDC	11	20	\$ 7,171.50	20	\$ 11,502.00	\$ 575.10	14	26	\$ 13,794.00	\$ 530.54
SOUSC	10	24	\$ 20,543.54	24	\$ 18,048.94	\$ 752.04	19	30	\$ 21,315.74	\$ 710.52
SPRDC	105	90	\$ 44,078.11	96	\$ 49,604.01	\$ 516.71	172	164	\$ 86,900.67	\$ 529.88
Law Ct	10	19	\$ 30,133.91	16	\$ 19,414.25	\$ 1,213.39	30	34	\$ 47,459.26	\$ 1,395.86
YORCD	215	154	\$ 105,038.12	147	\$ 105,016.27	\$ 714.40	347	222	\$ 148,361.25	\$ 668.29
AROCD	125	100	\$ 51,285.80	111	\$ 66,227.12	\$ 596.64	191	148	\$ 85,141.75	\$ 575.28
ANDCD	124	130	\$ 65,676.30	117	\$ 62,927.60	\$ 537.84	229	179	\$ 103,744.20	\$ 579.58
KENCD	223	162	\$ 64,811.61	167	\$ 67,367.58	\$ 403.40	397	271	\$ 109,910.98	\$ 405.58
PENCD	231	241	\$ 132,506.59	257	\$ 118,791.96	\$ 462.23	465	410	\$ 189,626.24	\$ 462.50
SAGCD	34	34	\$ 15,123.88	44	\$ 26,638.61	\$ 605.42	63	77	\$ 39,041.15	\$ 507.03
WALCD	25	34	\$ 21,799.88	37	\$ 14,949.12	\$ 404.03	61	62	\$ 23,288.77	\$ 375.63
PISCD	15	15	\$ 4,301.44	11	\$ 3,665.44	\$ 333.22	22	18	\$ 5,351.44	\$ 297.30
HANCD	54	64	\$ 27,587.39	69	\$ 27,149.89	\$ 393.48	117	98	\$ 40,287.89	\$ 411.10
FRACD	40	49	\$ 13,247.44	45	\$ 12,276.72	\$ 272.82	84	87	\$ 30,160.28	\$ 346.67
WASCD	36	39	\$ 11,610.20	45	\$ 13,938.20	\$ 309.74	52	57	\$ 18,385.40	\$ 322.55
CUMCD	415	401	\$ 236,933.19	422	\$ 233,494.40	\$ 553.30	708	626	\$ 341,587.01	\$ 545.67
KNOCD	43	42	\$ 23,787.79	62	\$ 32,471.20	\$ 523.73	111	102	\$ 54,107.94	\$ 530.47
SOMCD	1	3	\$ 8,738.12	3	\$ 8,738.12	\$ 2,912.71	4	3	\$ 8,738.12	\$ 2,912.71
OXFCD	46	62	\$ 29,525.74	76	\$ 33,958.90	\$ 446.83	98	120	\$ 49,062.97	\$ 408.86
LINCD	39	45	\$ 23,287.56	42	\$ 22,658.67	\$ 539.49	64	76	\$ 39,452.27	\$ 519.11
WATDC	23	64	\$ 32,363.47	68	\$ 37,463.39	\$ 550.93	50	117	\$ 57,030.79	\$ 487.44
WESDC	23	34	\$ 12,186.52	27	\$ 7,903.94	\$ 292.74	38	47	\$ 16,804.19	\$ 357.54
WISDC	8	10	\$ 4,438.56	9	\$ 4,053.36	\$ 450.37	11	21	\$ 10,590.56	\$ 504.31
WISSC	4	4	\$ 1,264.50	3	\$ 874.50	\$ 291.50	4	7	\$ 3,053.94	\$ 436.28
YORDC	12	15	\$ 8,186.12	18	\$ 13,042.78	\$ 724.60	28	33	\$ 21,300.67	\$ 645.47
TOTAL	2,599	2,879	\$ 1,580,731.24	3,058	\$ 1,647,245.18	\$ 538.67	4,722	4,837	\$ 2,555,261.68	\$ 528.27

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

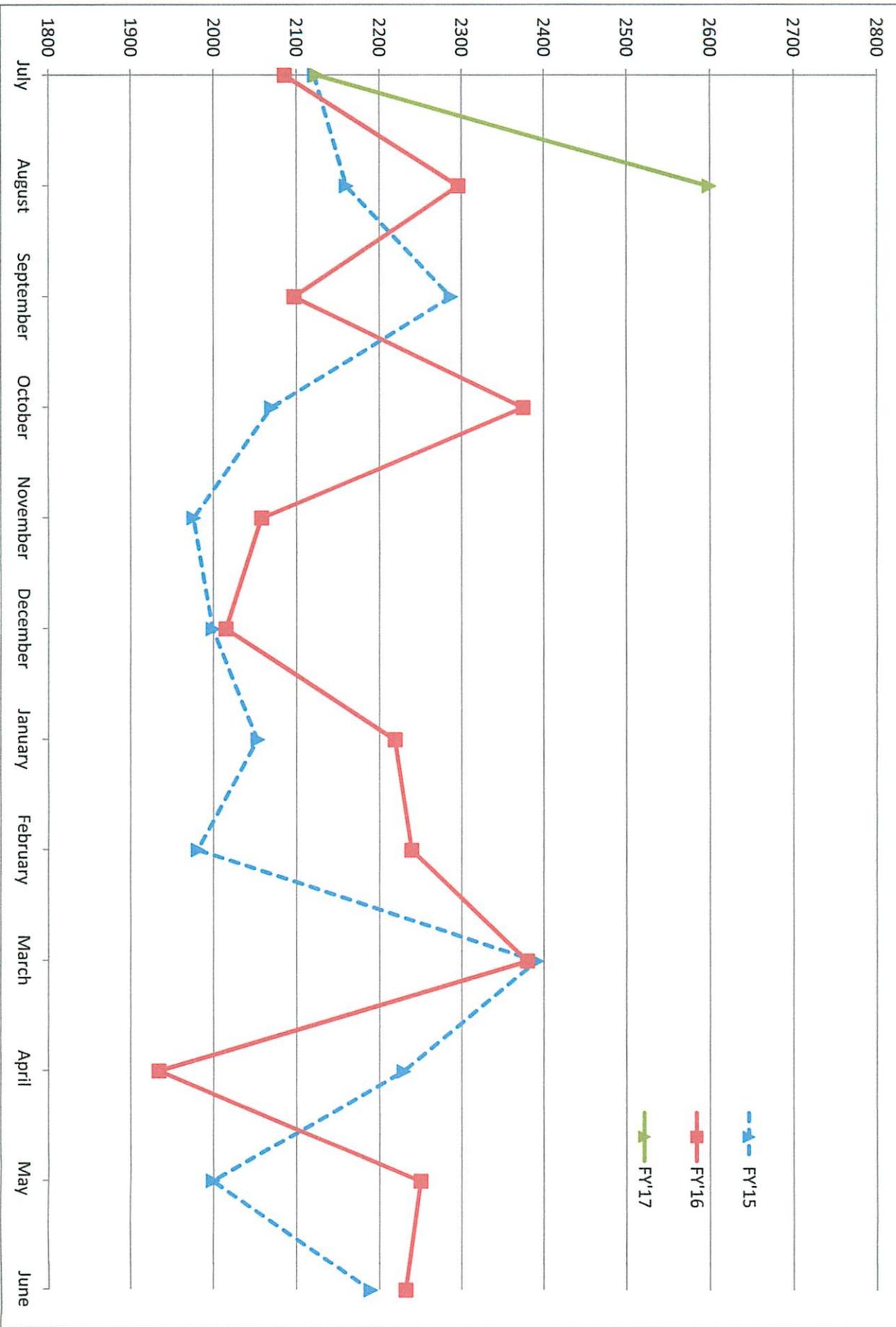
Number of Attorneys Rostered by Court

08/31/2016

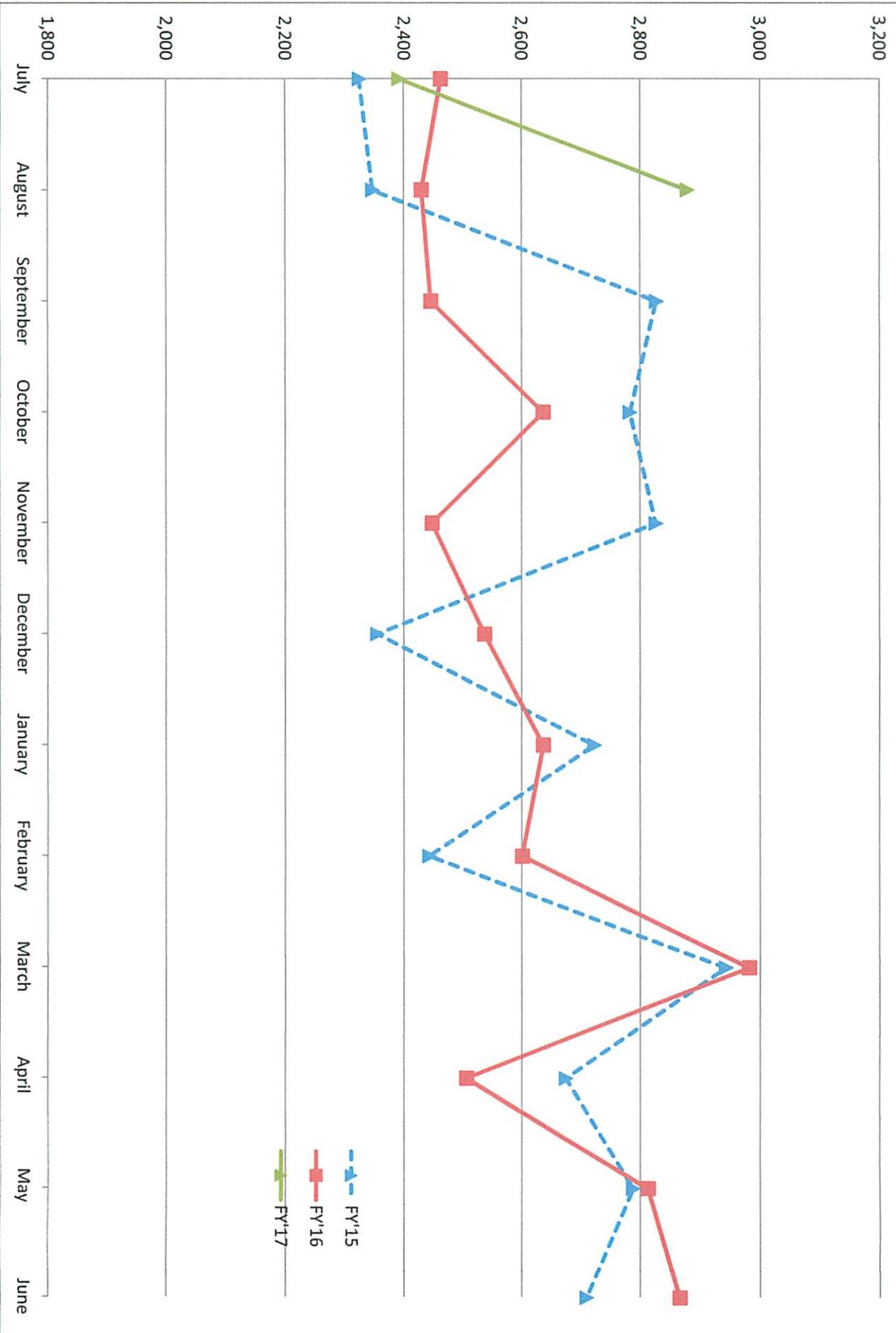
Court	Rostered Attorneys
Augusta District Court	100
Bangor District Court	52
Belfast District Court	49
Biddeford District Court	131
Bridgton District Court	96
Calais District Court	12
Caribou District Court	18
Dover-Foxcroft District Court	25
Ellsworth District Court	43
Farmington District Court	26
Fort Kent District Court	11
Houlton District Court	15
Lewiston District Court	126
Lincoln District Court	27
Machias District Court	18
Madawaska District Court	12
Millinocket District Court	19
Newport District Court	35
Portland District Court	159
Presque Isle District Court	14
Rockland District Court	42
Rumford District Court	24
Skowhegan District Court	25

Court	Rostered Attorneys
South Paris District Court	59
Springvale District Court	118
Unified Criminal Docket Alfred	105
Unified Criminal Docket Aroostook	24
Unified Criminal Docket Auburn	100
Unified Criminal Docket Augusta	92
Unified Criminal Docket Bangor	54
Unified Criminal Docket Bath	93
Unified Criminal Docket Belfast	46
Unified Criminal DocketDover Foxcroft	22
Unified Criminal Docket Ellsworth	40
Unified Criminal Docket Farmington	28
Inified Criminal Docket Machias	18
Unified Criminal Docket Portland	144
Unified Criminal Docket Rockland	39
Unified Criminal Docket Skowhegan	19
Unified Criminal docket Soputh Paris	96
Unified Criminal Docket Wiscasset	57
Waterville District Court	51
West Bath District Court	114
Wiscasset District Court	63
York District Court	106

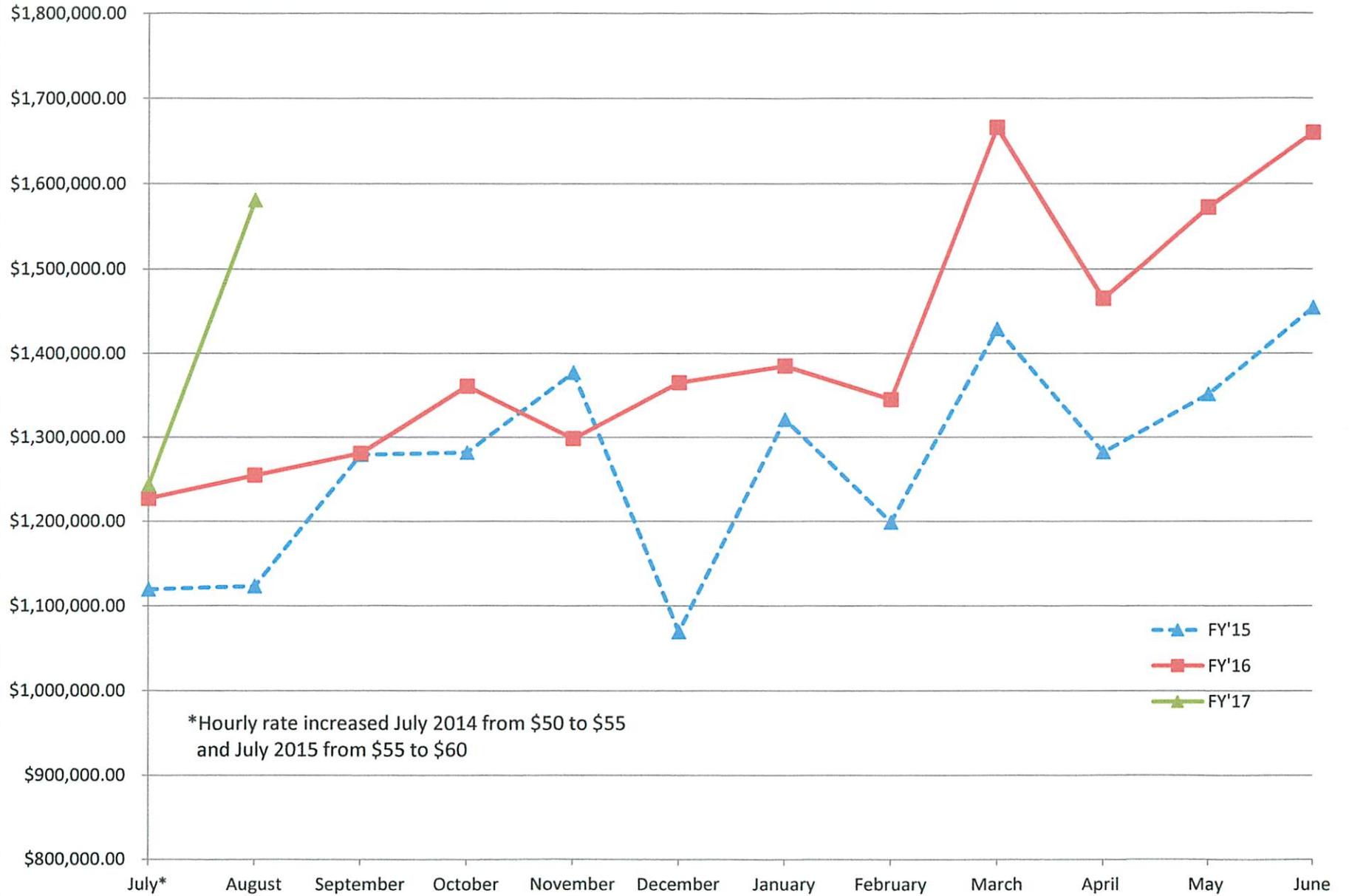
NEW CASES



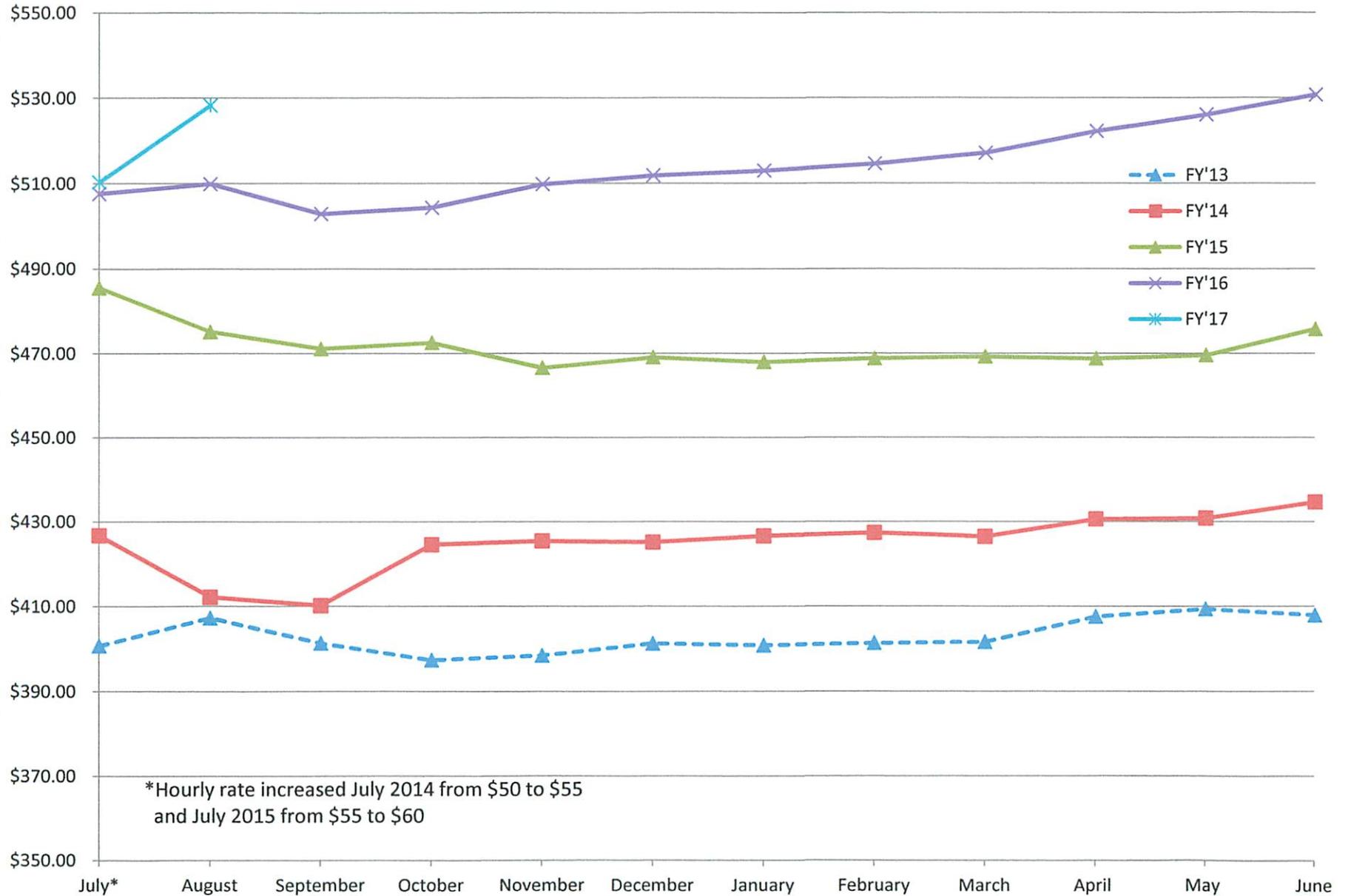
Submitted Vouchers



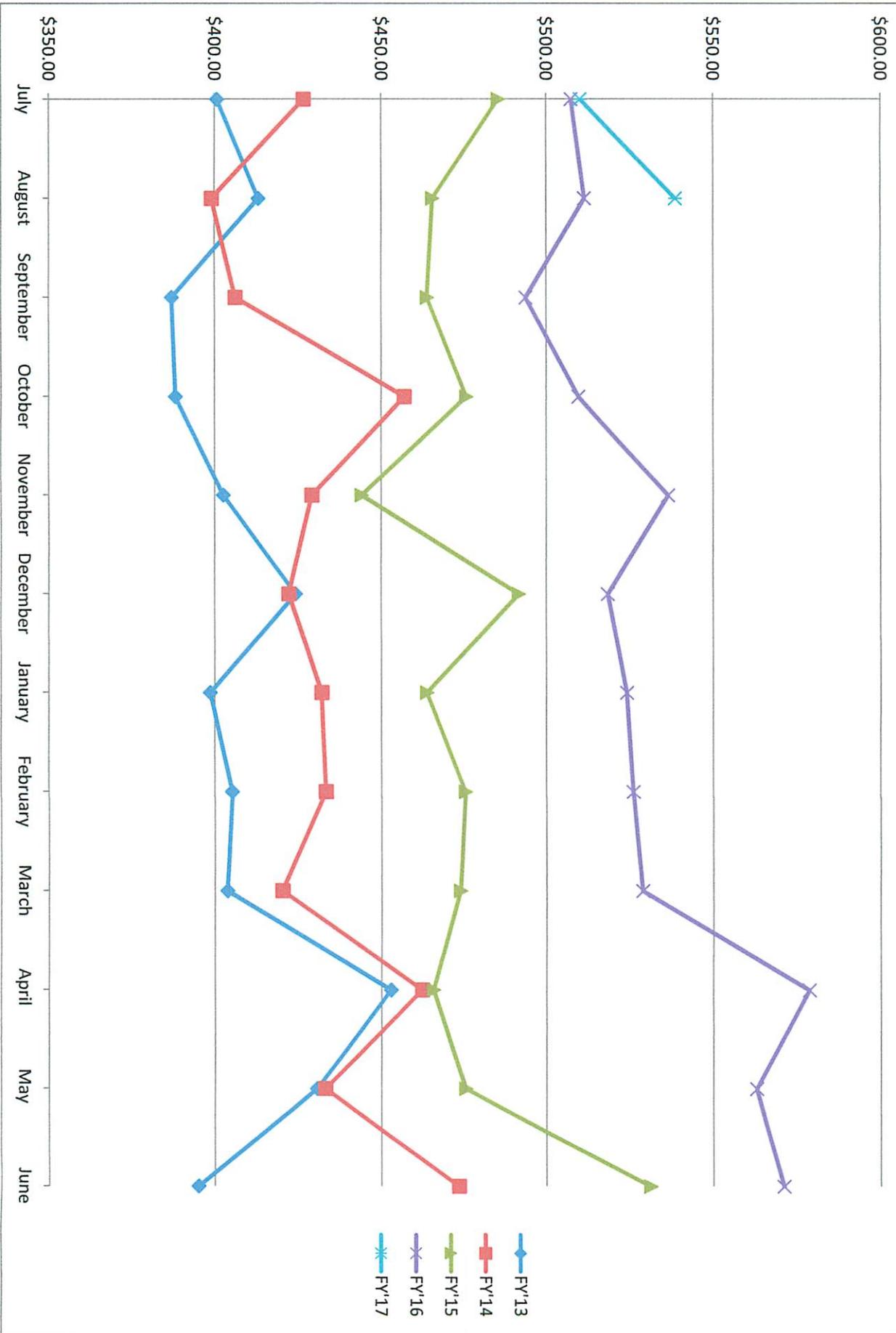
Submitted Voucher Amount



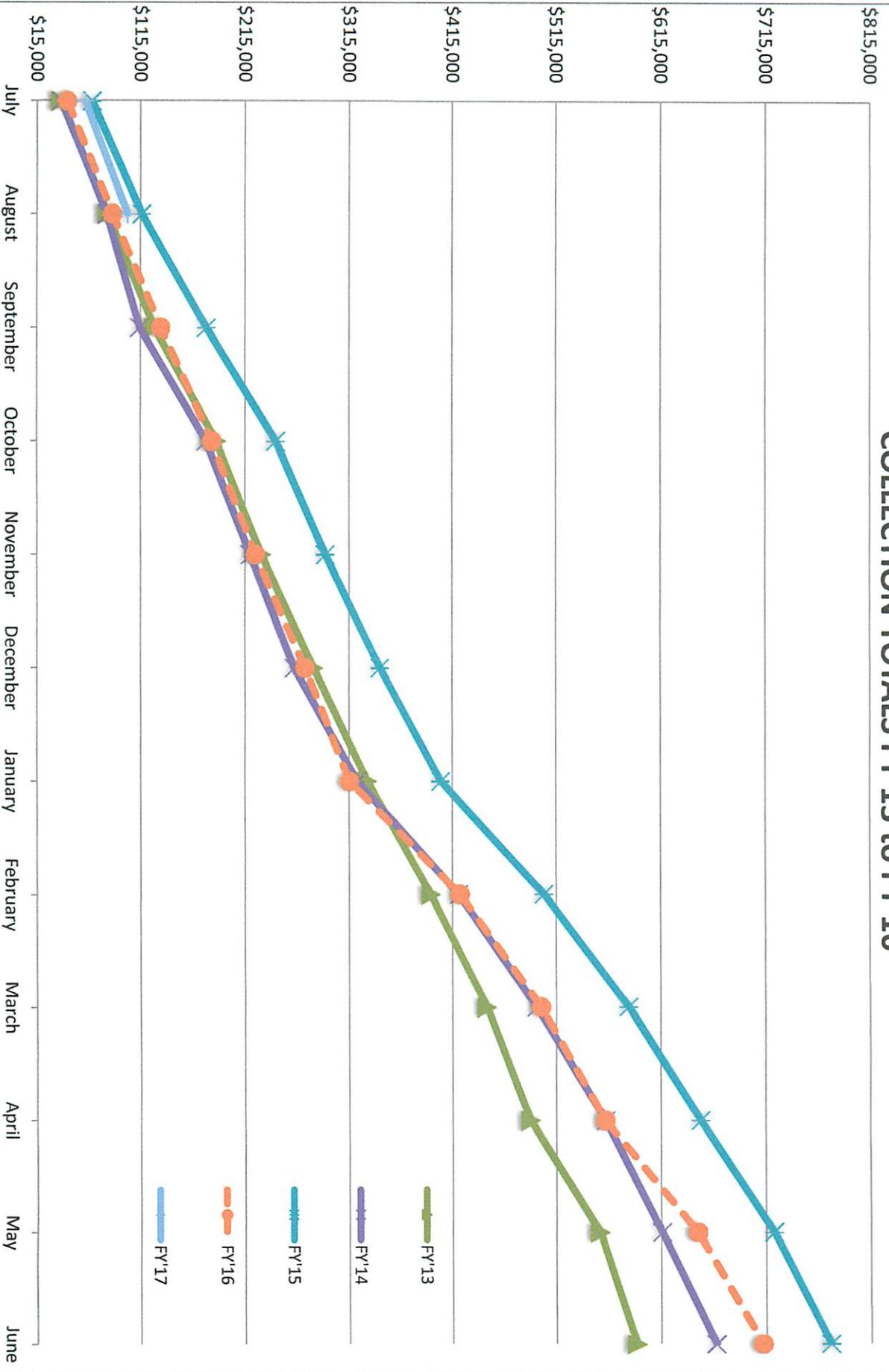
Average Voucher Price Fiscal Year to Date



Monthly Price Per Voucher



COLLECTION TOTALS FY'13 to FY'16



(3.)
Budget Update

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: BUDGET MEMO
DATE: September 9, 2016

At the last meeting, the Commission approved submission of budget requests for FY'17 and for the FY'18-FY'19 biennium in accord with the staff's recommendations. Attached you will find copies of the Commission's narrative budget justification, together with the back-up documentation submitted to the Budget Office on September 1, 2016. Note that the numbers in each category have increase by \$1,736 over the numbers presented at the last meeting due to a calculation error I discovered when finalizing the submission.

Also at the last meeting, the Commission requested additional historical data about Commission costs. Specifically, with a view toward identifying cost trends that might inform Commission resource allocation, the Commission requested data showing how Commission spending is allocated by the various case types handled by our lawyers and how that might have changed over the years. Attached for your review and discussion, you will find the Activity Report by Case Type for June of each of the last five years. The year-to-date portion of these reports reflects full fiscal year data for the number of new cases, number and amount of vouchers paid, and average cost per voucher for each case type.

Finally, the Commission requested that the document reflecting adjusted cost data be further adjusted to show the cost per voucher controlled for the increases in the hourly rate over the last two fiscal years. The revised document is attached.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MELISSA GOTT, STATE BUDGET OFFICER
AVERY T. DAY, ESQ., CHIEF LEGAL COUNSEL TO THE GOVERNOR

FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR

SUBJECT: MCILS BUDGET JUSTIFICATION
FY'17 SUPPLEMENTAL BUDGET REQUEST
FY'18-19 BIENNIAL BUDGET REQUEST

DATE: SEPTEMBER 1, 2016

FY'17 SUPPLEMENTAL BUDGET REQUEST - \$2,831,042

First, note that the size of this supplemental request stems in large part from the baseline budget, \$15,567,725, being approximately \$2.8 million less than the Legislature appropriated for our All Other budget for FY'16 and approximately \$1.8 million less than our actual All Other Expenditures for FY'16. Accordingly, much of the supplemental funding requested is necessary simply to bring our baseline budget up to current spending levels.¹

In addition, the Commission is projecting costs to increase over FY'16 All Other spending. The Commission bases this projection on the cost history for the most recent four fiscal years. The attached document entitled Six-year Trend Data – Adjusted² shows that costs increased by 7.45% from FY'13 to FY'14, by 11.03% from FY'14 to FY'15, and by 1.00% from FY'15 to FY'16. Based on these figures, the average increase over these three intervals is 6.5%, and the Commission has used the 6.5% figure to project cost increases for FY'17 as well as for FY'18 and FY'19.

Note that the Commission is also facing new, but uncertain, costs for FY'17 and beyond. First, in a newly enacted measure, the Legislature has directed that certain Probate Court matters be either transferred to or filed in the District Court. Some of these Probate matters include a right to assigned counsel. In the Probate Court, the cost of assigned counsel is paid by the County. With the Probate matters in the District Court, payment of counsel assigned in the Probate cases will be an MCILS responsibility. The Commission expects that it will see increased costs from this new procedure, but has no data to predict how much that increase will be. Second, Commission assigned counsel currently receive free consultation on potential immigration consequences of criminal and juvenile

¹ This issue applies to our Biennial Budget change requests as well.

² The figures in this document have been adjusted in two ways to accurately gauge the actual increase in costs. First, in both FY'15 and FY'16, the Commission carried into the succeeding fiscal year substantially less in unpaid vouchers than had been carried into that fiscal year, so the Commission actually paid all of the costs that arose during the fiscal year plus an amount that lessened the carryover. The overall spending amount has been adjusted downward for those years to show the actual amount needed to "break even" for the year. Second, the percentage increase has been adjusted downward to control for a 10% increase in the hourly rate paid to attorneys from FY'14 to FY'15 and a 9.09% increase in the hourly rate from FY'15 to FY'16.

cases from the Immigration Legal Advocacy Project (ILAP). ILAP has now informed the Commission that it can no longer provide these services at no cost. Because access to consultation with skilled immigration attorneys is essential (and, per the United States Supreme Court, constitutionally required for adequate representation of criminal defendants), the Commission is in the process of issuing an RFP so it can contract to replace these formerly free services. Finally, the Commission is contemplating an initiative to provide a small stipend to experienced attorneys in various locales to monitor and evaluate attorneys in the field and report to the central office staff, as well as to provide mentoring for new attorneys. No final decision has been made, but it is hoped that this initiative will expand the Commission's ability to supervise and evaluate counsel at a relatively low cost. Because the amount of these additional costs is uncertain and because the Commission believes that each of these additional costs will be small relative to the overall Commission budget, the Commission is not seeking specific additional funding. Nevertheless, these newly arising costs lend further support the projected increase in costs discussed above.

BIENNIAL BUDGET REQUEST

FY'18 - \$3,835,788

FY'19 - \$5,231,594

Again, in arriving at these figures, the Commission has used the projection of a 6.5% overall cost increase for each year of the Biennium. Note that the Commission's history of increasing costs for indigent legal services is consistent with the history experienced by the Judicial Branch³ and nationwide⁴

DETAIL ON COST PROJECTIONS:

The Commission constructs its annual budget projections using budget projection spreadsheets that show our revenue and costs for each quarter. Attached is our spreadsheet showing FY'16 actuals and our projection for FY'17. Also attached is a spreadsheet showing our projections for FY'18-19. Commission revenue consists of the All Other allotment and revenue from counsel fee reimbursements. Our costs are listed in only three categories. Operating expenses cover technology, both OIT and our attorney voucher system, plus miscellaneous office equipment and supplies. Non-counsel Indigent Legal Services cover the cost of experts, investigators, transcripts, interpreters, and

³ See Attached "Indigent Defense Costs 2010"

⁴ See, State, County and Local Expenditures for Indigent Defense Services Fiscal Year 2008, p.7, Prepared for: The American Bar Association, Standing Committee on Legal Aid and Indigent Defendants, Bar Information Program (even adjusted for inflation, nationwide costs rose from 3.9 billion in 2002 to 5.3 billion in 2008), found at: http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_def_expenditures_fy08.authcheckdam.pdf

other resources attorneys need to provide representation in their cases.⁵ Finally, submitted vouchers constitute the vast bulk of our costs, and it is the projection of submitted vouchers that primarily drives our overall cost projections.⁶

For FY'17 the All Other allotment has been allocated to meet anticipated costs for the first three quarters, leaving a deficit in the fourth quarter equal to our supplemental need. Reimbursement revenue for each quarter is one-fourth of our annual budget allotment for that revenue account. Operating expenses came in under budget in FY'16, so to leave room for a small increase in that line for FY'17, we have set the operating expenses at the amount originally projected to FY'16. For non-counsel indigent legal services, we took the annual total expended in FY'16, applied the 6.5% projected increase in total costs to that number, and allocated one-fourth of the result to each quarter.

Submitted vouchers are addressed somewhat differently. The Commission has observed a consistent pattern whereby submitted vouchers are lowest in the first quarter of the fiscal year and increase each quarter thereafter. So that our budget allocation will match this pattern, we apply the overall anticipated increase percentage to the amount of vouchers actually submitted in the corresponding quarter of the previous fiscal year.⁷ Once these costs are entered, we then adjust the projected amount of vouchers paid to exhaust the quarterly allotment and meet the target for vouchers carried into the next quarter.⁸ As stated above, this process yielded a deficit in the fourth quarter equal to our supplemental request for FY'17.

The same process was repeated for FY'18 working off the FY'17 numbers, with minor increases for reimbursement revenue and for operating expenses, the latter based on increases in OIT rates and the anticipation that a new RFP for our voucher payment system could result in an increase in that item. The 6.5% overall projected increase was applied to non-counsel indigent legal services and submitted vouchers. The process was then repeated for FY'19 based on the FY'18 numbers. Working from the projected costs backward to obtain the amount of All Other allotment needed to cover those costs yielded the amount of allotment necessary to cover our costs for FY'18 and for FY'19. Our budget request for those years equals the difference between the allotment needed for each year and the baseline budget.

⁵ Operating expenses and non-counsel indigent legal services are tracked through the AdvantageMe system.

⁶ Submitted vouchers are tracked using the DefenderData voucher payment system. Vouchers paid are tracked by the DefenderData system and reconciled with AdvantageMe data.

⁷ On the spreadsheets, you can see the quarterly submitted amounts to the right of the quarterly "boxes." The formula applied shows the amount to equal the total for the previous year's corresponding quarter multiplied by 1.065.

⁸ On the FY'17 projection, surpluses are shown for Q2 and Q3 because the allotment was set in the work program before FY'16 was complete, which resulted in the variation. These amounts are carried forward into Q4.

Changes - All Budget Items

Change Group: I Change Type: A Change Number: 5 Include: Yes One Time: Included

Emergency
Supplemental FY 17

IND00 MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Change Package: I-A-5 Priority: Include: Yes

Description: Provides additional funds to cover the cost of Indigent Legal Services for fiscal year 2016-2017.

Justification: When the current biennial budget was enacted, the Legislature fully funded Indigent Legal Services for fiscal 2015-2016, but did not appropriate funds requested to cover anticipated additional costs in fiscal year 2016-2017. This supplemental request is needed to cover the Commission's current projected costs for fiscal year 2016-2017. Note that, due to the moderation of cost increases during fiscal year 2015-2016, the requested amount is substantially less than the Commission requested in its biennial budget proposal and that overall costs for fiscal year 2016-2017 are now projected to be only \$50,000 higher than the amount appropriated for fiscal year 2015-2016.

010 GENERAL FUND

All Other	2,831,042
Total Appropriations and Allocations	2,831,042
All Other	2,831,042
Total Expenditures	2,831,042

Changes - All Budget Items

Change Group: C Change Type:A Change Number:1 Include:Yes One Time:Included

	Part A Initiatives & Other FY 18	Part A Initiatives & Other FY 19
IND00 MAINE COMMISSION ON INDIGENT LEGAL SERVICES		
Change Package: C-A-1	Priority:	Include: Yes
Description: Provides funding to cover the cost of Indigent Legal Services.		
Justification: When the current biennial budget was enacted, the Legislature fully funded Indigent Legal Services for fiscal 2015-2016, but did not appropriate funds requested to cover anticipated additional costs in fiscal year 2016-2017. As a result, the existing baseline budget is far below the actual cost of indigent legal services in fiscal year 2015-2016 and the anticipated cost of indigent legal services for fiscal year 2016-2017. In addition, the Commission projects costs to increase for fiscal year 2017-2018 above costs for fiscal year 2016-2017 and to further increase for fiscal year 2018-2019. This initiative is needed to provide adequate funding for the projected cost of indigent legal services for the 2018-2019 biennium.		
010 GENERAL FUND		
All Other	3,835,788	5,231,594
Total Appropriations and Allocations	3,835,788	5,231,594
All Other	3,835,788	5,231,594
Total Expenditures	3,835,788	5,231,594

Maine Commission on Indigent Legal Services

Six-year Trend Data - Adjusted

	<u>FY'11</u>	<u>FY'12</u>	<u>FY'13</u>	<u>FY'14</u>	<u>FY'15</u>	<u>FY'16</u>
All Other Allotment	\$10,097,996	\$11,473,123	\$11,882,677	\$12,767,799	\$15,452,425 *	\$17,012,322 *
		13.62%	3.57%	7.45%	11.03% **	1.00% **
Vouchers Paid	25,041	27,626	28,153	28,117	31,183 ***	30,763 ***
Cost per Voucher	\$389.63	\$404.89	\$407.88	\$434.60	475.78	\$530.69
Reimbursements	\$400,227	\$640,827	\$595,444	\$654,406	\$776,535.99	\$704,673.81

*Adjusted to reflect reduction in year-to-year voucher carryover.

**Percentage adjusted to control for pay raise.

***Reduced by adjusted expenditure total divided by average cost per voucher

Fiscal year 2017
 \$18,398,767 (\$15,567,725 appropriation plus \$2,831,042 supplemental need) BASELINE BUDGET

FY 17, QUARTER 1	
95F Z112 010 ALL OTHER Allotment:	\$ 4,310,922.00
95F Z112 014 Collected REVENUE:	\$ 184,125.00
Encumbrance (Som. JW. & WTL.)	\$ (250,879.50)
TOTAL Q1 ALLOTMENT:	\$ 4,244,167.50
Contract Counsel:	\$ (68,062.50)
Operating Expenses:	\$ (34,560.00)
Non-Counsel Indigent Legal Services:	\$ (278,350.00)
Balance of FY16 Q4 Vouchers	\$ (46,011.80)
Q1 Counsel Vouchers:	\$ (3,817,183.20)
TOTAL Q1 EXPENSES:	\$ (4,244,167.50)
Q1 ENDING BALANCE OF ACCTS:	\$ (0.00)
Q1 Counsel Vouchers Submitted:	\$ 3,845,439.76
Q1 Counsel Vouchers Paid:	\$ (3,817,183.20)
VOUCHER BALANCE FORWARD TO Q2:	\$ 28,256.56

1

FY 17, QUARTER 2	
95F Z112 010 ALL OTHER Allotment:	\$ 4,392,001.00
95F Z112 014 Collected REVENUE:	\$ 184,124.00
Encumbered Funds from Q1	\$ 83,062.50
TOTAL Q2 ALLOTMENT:	\$ 4,659,187.50
Contract Counsel	\$ (68,062.50)
Operating Expenses:	\$ (34,560.00)
Non-Counsel Indigent Legal Services:	\$ (278,350.00)
Balance of Q1 Counsel Vouchers:	\$ (28,256.56)
Q2 Counsel Vouchers:	\$ (4,205,744.57)
TOTAL Q2 EXPENSES:	\$ (4,614,973.63)
Q2 ENDING BALANCE OF ACCTS:	\$ 44,213.87
Q2 Counsel Vouchers Submitted:	\$ 4,205,744.57
Q2 Counsel Vouchers Paid:	\$ (4,205,744.57)
VOUCHER BALANCE FORWARD TO Q3:	\$ (0.00)

0

FY 17, QUARTER 3	
95F Z112 010 ALL OTHER Allotment:	\$ 4,746,575.00
95F Z112 014 Collected REVENUE:	\$ 184,124.00
Encumbered Funds from Q1	\$ 83,062.50
TOTAL Q3 ALLOTMENT:	\$ 5,013,761.50
Contract Counsel:	\$ (68,062.50)
Operating Expenses:	\$ (34,560.00)
Non-Counsel Indigent Legal Services:	\$ (278,350.00)
Balance of Q2 Counsel Vouchers:	\$ 0.00
Q3 Counsel Vouchers:	\$ (4,452,039.22)
TOTAL Q3 EXPENSES:	\$ (4,833,011.72)
Q3 ENDING BALANCE OF ACCTS:	\$ 180,749.78
Q3 Counsel Vouchers Submitted:	\$ 4,452,039.22
Q3 Counsel Vouchers Paid:	\$ (4,452,039.22)
VOUCHER BALANCE FORWARD TO Q4:	\$ 0.00

0

FY 17, QUARTER 4	
95F Z112 010 ALL OTHER Allotment:	\$ 2,118,227.00
95F Z112 014 Collected REVENUE:	\$ 184,124.00
Encumbered Funds from Q1	\$ 84,754.50
Caryover Q2 & Q3	\$ 224,963.65
TOTAL Q4 ALLOTMENT:	\$ 2,387,105.50
Contract Counsel:	\$ (68,062.50)
Operating Expenses:	\$ (34,560.00)
Non-Counsel Indigent Legal Services:	\$ (278,350.00)
Balance of Q3 Counsel Vouchers:	\$ (0.00)
Q4 Counsel Vouchers:	\$ (4,837,174.59)
TOTAL Q4 EXPENSES:	\$ (5,218,147.09)
Q4 ENDING BALANCE OF ACCTS:	\$ (2,831,041.59)
Q4 Counsel Vouchers Submitted:	\$ 4,883,186.39
Q4 Counsel Vouchers Paid:	\$ (4,837,174.59)
VOUCHER BALANCE FORWARD TO FY18:	\$ 46,011.80

1

Counsel Vouchers Submitted	
Q1	\$ 3,845,439.76
Q2	\$ 4,205,744.57
Q3	\$ 4,452,039.22
Q4	\$ 4,883,186.39

Counsel Vouchers Paid	
Q1	\$ (46,011.80)
Q2	\$ (3,817,183.20)
Total	\$ (3,863,195.00)
Q2	\$ (28,256.56)
Q3	\$ (4,205,744.57)
Total	\$ (4,234,001.13)
Q3	\$ 0.00
Q4	\$ (4,452,039.22)
Total	\$ (4,452,039.22)
Q4	\$ (0.00)
Total	\$ (4,837,174.59)
Total	\$ (4,837,174.59)
Grand Total	\$ (17,386,409.94)

Total All Other	\$ 18,398,766.59
Baseline Budget	\$ 15,567,725.00
All Other Need	\$ 2,831,041.59

Fiscal year 2018
 \$19,403,513 (\$15,567,725 appropriation plus \$3,835,788 supplemental need) BASELINE BUDGET

FY' 18, QUARTER 1	
95F Z112 010 ALL OTHER Allotment:	\$ 4,595,746.10
95F Z112 014 Collected REVENUE:	\$ 185,375.00
Encumbrance (Som. JW. & WTL.)	\$ (278,606.25)
TOTAL Q1 ALLOTMENT:	\$ 4,502,514.85
Contract Counsel:	\$ (74,868.75)
Operating Expenses:	\$ (35,810.00)
Non-Counsel Indigent Legal Services:	\$ (296,442.75)
Balance of FY16 Q4 Vouchers	\$ (46,011.80)
Q1 Counsel Vouchers:	\$ (4,049,381.55)
TOTAL Q1 EXPENSES:	\$ (4,502,514.85)
Q1 ENDING BALANCE OF ACCTS:	\$ (0.00)
Q1 Counsel Vouchers Submitted:	\$ 4,095,393.35
Q1 Counsel Vouchers Paid:	\$ (4,049,381.55)
VOUCHER BALANCE FORWARD TO Q2:	\$ 46,011.80

FY' 18, QUARTER 2	
95F Z112 010 ALL OTHER Allotment:	\$ 4,607,996.71
95F Z112 014 Collected REVENUE:	\$ 185,375.00
Encumbered Funds from Q1	\$ 92,868.75
TOTAL Q2 ALLOTMENT:	\$ 4,886,240.46
Contract Counsel	\$ (74,868.75)
Operating Expenses:	\$ (35,810.00)
Non-Counsel Indigent Legal Services:	\$ (296,442.75)
Balance of Q1 Counsel Vouchers:	\$ (46,011.80)
Q2 Counsel Vouchers:	\$ (4,433,107.16)
TOTAL Q2 EXPENSES:	\$ (4,886,240.46)
Q2 ENDING BALANCE OF ACCTS:	\$ 0.00
Q2 Counsel Vouchers Submitted:	\$ 4,479,117.96
Q2 Counsel Vouchers Paid:	\$ (4,433,107.16)
VOUCHER BALANCE FORWARD TO Q3:	\$ 46,010.80

0

FY' 18, QUARTER 3	
95F Z112 010 ALL OTHER Allotment:	\$ 4,870,300.52
95F Z112 014 Collected REVENUE:	\$ 185,375.00
Encumbered Funds from Q1	\$ 92,868.75
TOTAL Q3 ALLOTMENT:	\$ 5,148,544.27
Contract Counsel:	\$ (74,868.75)
Operating Expenses:	\$ (35,810.00)
Non-Counsel Indigent Legal Services:	\$ (296,442.75)
Balance of Q2 Counsel Vouchers:	\$ (46,010.80)
Q3 Counsel Vouchers:	\$ (4,695,411.97)
TOTAL Q3 EXPENSES:	\$ (5,148,544.27)
Q3 ENDING BALANCE OF ACCTS:	\$ (0.00)
Q3 Counsel Vouchers Submitted:	\$ 4,741,421.77
Q3 Counsel Vouchers Paid:	\$ (4,695,411.97)
VOUCHER BALANCE FORWARD TO Q4:	\$ 46,009.80

FY' 18, QUARTER 4	
95F Z112 010 ALL OTHER Allotment:	\$ 5,329,469.26
95F Z112 014 Collected REVENUE:	\$ 185,375.00
Encumbered Funds from Q1	\$ 92,868.75
TOTAL Q4 ALLOTMENT:	\$ 5,607,713.01
Contract Counsel:	\$ (74,868.75)
Operating Expenses:	\$ (35,810.00)
Non-Counsel Indigent Legal Services:	\$ (296,442.75)
Balance of Q3 Counsel Vouchers:	\$ (46,009.80)
Q4 Counsel Vouchers:	\$ (5,154,581.71)
TOTAL Q4 EXPENSES:	\$ (5,607,713.01)
Q4 ENDING BALANCE OF ACCTS:	\$ (0.00)
Q4 Counsel Vouchers Submitted:	\$ 5,200,593.51
Q4 Counsel Vouchers Paid:	\$ (5,154,581.71)
VOUCHER BALANCE FORWARD TO FY19:	\$ 46,011.80

1

Counsel Vouchers Submitted

Q1	\$ 4,095,393.35
Q2	\$ 4,479,117.96
Q3	\$ 4,741,421.77
Q4	\$ 5,200,593.51

Counsel Vouchers Paid

Q1	\$ (46,011.80)	
Q2	\$ (4,049,381.55)	
Total	\$ (4,095,393.35)	
Q2	\$ (46,011.80)	
Q3	\$ (4,433,107.16)	
Total	\$ (4,479,118.96)	
Q3	\$ (46,010.80)	
Q4	\$ (4,695,411.97)	
Total	\$ (4,741,422.77)	
Q4	\$ (46,009.80)	
Total	\$ (5,154,581.71)	
Total	\$ (5,200,591.51)	
Grand Total	\$ (18,516,526.59)	

All Other Total \$ 19,403,512.59

Baseline Budget \$ 15,567,725.00

All Other Need \$ 3,835,787.59

Fiscal year 2019
 \$20,799,319 (\$15,567,725 appropriation plus \$5,231,594 supplemental need) BASELINE BUDGET

FY' 19, QUARTER 1	
95F Z112 010 ALL OTHER Allotment:	\$ 4,880,039.41
95F Z112 014 Collected REVENUE:	\$ 186,625.00
Encumbrance (Som. JW. & WTL.)	\$ (278,606.25)
TOTAL Q1 ALLOTMENT:	\$ 4,788,058.16
Contract Counsel:	\$ (74,868.75)
Operating Expenses:	\$ (37,060.00)
Non-Counsel Indigent Legal Services:	\$ (314,535.50)
Balance of FY16 Q4 Vouchers	\$ (46,011.80)
Q1 Counsel Vouchers:	\$ (4,315,582.11)
TOTAL Q1 EXPENSES:	\$ (4,788,058.16)
Q1 ENDING BALANCE OF ACCTS:	\$ 0.00
Q1 Counsel Vouchers Submitted:	\$ 4,361,593.91
Q1 Counsel Vouchers Paid:	\$ (4,315,582.11)
VOUCHER BALANCE FORWARD TO Q2:	\$ 46,011.80

FY' 19, QUARTER 2	
95F Z112 010 ALL OTHER Allotment:	\$ 4,917,231.13
95F Z112 014 Collected REVENUE:	\$ 186,625.00
Encumbered Funds from Q1	\$ 92,868.75
TOTAL Q2 ALLOTMENT:	\$ 5,196,724.88
Contract Counsel	\$ (74,868.75)
Operating Expenses:	\$ (37,060.00)
Non-Counsel Indigent Legal Services:	\$ (314,535.50)
Balance of Q1 Counsel Vouchers:	\$ (46,011.80)
Q2 Counsel Vouchers:	\$ (4,724,248.83)
TOTAL Q2 EXPENSES:	\$ (5,196,724.88)
Q2 ENDING BALANCE OF ACCTS:	\$ (0.00)
Q2 Counsel Vouchers Submitted:	\$ 4,770,260.63
Q2 Counsel Vouchers Paid:	\$ (4,724,248.83)
VOUCHER BALANCE FORWARD TO Q3:	\$ 46,011.80

0

FY' 19, QUARTER 3	
95F Z112 010 ALL OTHER Allotment:	\$ 5,190,639.19
95F Z112 014 Collected REVENUE:	\$ 186,625.00
Encumbered Funds from Q1	\$ 98,814.25
TOTAL Q3 ALLOTMENT:	\$ 5,476,078.44
Contract Counsel:	\$ (74,868.75)
Operating Expenses:	\$ (37,060.00)
Non-Counsel Indigent Legal Services:	\$ (314,535.50)
Balance of Q2 Counsel Vouchers:	\$ (46,011.80)
Q3 Counsel Vouchers:	\$ (5,003,602.39)
TOTAL Q3 EXPENSES:	\$ (5,476,078.44)
Q3 ENDING BALANCE OF ACCTS:	\$ 0.00
Q3 Counsel Vouchers Submitted:	\$ 5,049,614.19
Q3 Counsel Vouchers Paid:	\$ (5,003,602.39)
VOUCHER BALANCE FORWARD TO Q4:	\$ 46,011.80

0

FY' 19, QUARTER 4	
95F Z112 010 ALL OTHER Allotment:	\$ 5,811,409.41
95F Z112 014 Collected REVENUE:	\$ 186,625.00
Encumbered Funds from Q1	\$ (32,938.08)
TOTAL Q4 ALLOTMENT:	\$ 5,965,096.33
Contract Counsel:	\$ (74,868.75)
Operating Expenses:	\$ (37,060.00)
Non-Counsel Indigent Legal Services:	\$ (314,535.50)
Balance of Q3 Counsel Vouchers:	\$ (46,011.80)
Q4 Counsel Vouchers:	\$ (5,492,620.28)
TOTAL Q4 EXPENSES:	\$ (5,965,096.33)
Q4 ENDING BALANCE OF ACCTS:	\$ (0.00)
Q4 Counsel Vouchers Submitted:	\$ 5,538,632.08
Q4 Counsel Vouchers Paid:	\$ (5,492,620.28)
VOUCHER BALANCE FORWARD TO FY20:	\$ 46,011.80

1

Counsel Vouchers Submitted	
Q1	\$ 4,361,593.91
Q2	\$ 4,770,260.63
Q3	\$ 5,049,614.19
Q4	\$ 5,538,632.08

Counsel Vouchers Paid	
Q1	\$ (46,011.80)
	\$ (4,315,582.11)
Total	\$ (4,361,593.91)
Q2	\$ (46,011.80)
	\$ (4,724,248.83)
Total	\$ (4,770,260.63)
Q3	\$ (46,011.80)
	\$ (5,003,602.39)
Total	\$ (5,049,614.19)
Q4	\$ (46,011.80)
	\$ (5,492,620.28)
Total	\$ (5,538,632.08)
Grand Total	\$ (19,720,100.81)

Total All Other	\$ 20,799,319.14
Baseline Budget	\$ 15,567,725.00
All Other Need	\$ 5,231,594.14

Zero-Base Budget – Management Ranking

Total Score:

Priority Rank:

Department (Code & Name): IND00 – Maine Commission on Indigent Legal Services
Program (No. & Name): 649 Maine Commission on Indigent Legal Services
Program Description: The Program provides legal representation to indigent people whose cases give rise to a right to counsel at State expense under the United States Constitution or the Constitution or statutes of Maine.

Scores are given on a scale of 1 to 5 with 1 being the highest.

Core Mission – Degree to which the program’s activities contribution to the core mission of the agency.

Score: 1

Justify Score:

The Commission has a single program – the provision of indigent legal services. All of the Commission’s resources are devoted to accomplishing this core mission.

Strategic Plan – Degree to which the program contributes to the strategic plan.

Score: 1

Justify Score:

The Commission endeavors to provide quality representation to indigent people across the State in an effective and efficient manner. The Commission’s current activities contribute directly to that goal.

Performance – Degree to which the program meets performance standards.

Score: 2

Justify Score:

Through the use of assigned and contract counsel, the Commission provides quality representation to people across the State by ensuring counsel are adequately trained and have access to the resources necessary to fulfill their obligation to indigent clients. The Commission is currently working on a new initiative to bolster its ability to monitor and evaluate attorney performance.

Legal – Degree to which the program activities are critical to fulfilling legal requirements.

Score: 1

Justify Score:

The Legislature has charged the Commission with the delivery of quality indigent legal services. All of the Commissions activities are directed at meeting this statutory obligation.

Reduction Scenario Analysis – Degree to which a 10% reduction impacts the agency’s core mission.

Score:

Justify Score:

Providing representation to clients who have a constitutional or statutory right to representation at State expense is a State obligation. The Commission is the vehicle through which the State meets that obligation. A 10% reduction in the Commission’s resources would prevent the Commission from meeting the State’s obligation to provide indigent legal services.

Executive Director
Major Policy Influencing Position
146000001

Deputy Director
Public Service Manager-Attorney
(confidential) Range 31
146000010

Office Assistant
Range 11
146000002

Accounting Technician
Range 16
146000003

Financial Screener
Augusta
Range 12
146000007

Financial Screener
Bangor
Range 12
146000009

Financial Screener
Coastal counties
Range 12
146000006

Financial Screener
Lewiston/Auburn
Range 12
146000008

Financial Screener
Portland
Range 12
146000004

Financial Screener
York county
Range 12
146000005

Financial Screener
Ellsworth
Range 12
146000011

Financial Screener
Houlton
Range 12
146000012

Financial Screener
Investigator
Range 12
146000013

MAINE JUDICIAL BRANCH
EXPENDITURES FOR INDIGENT LEGAL SERVICES, Attorneys & Other expenses TREND, FY'00 - FY'09

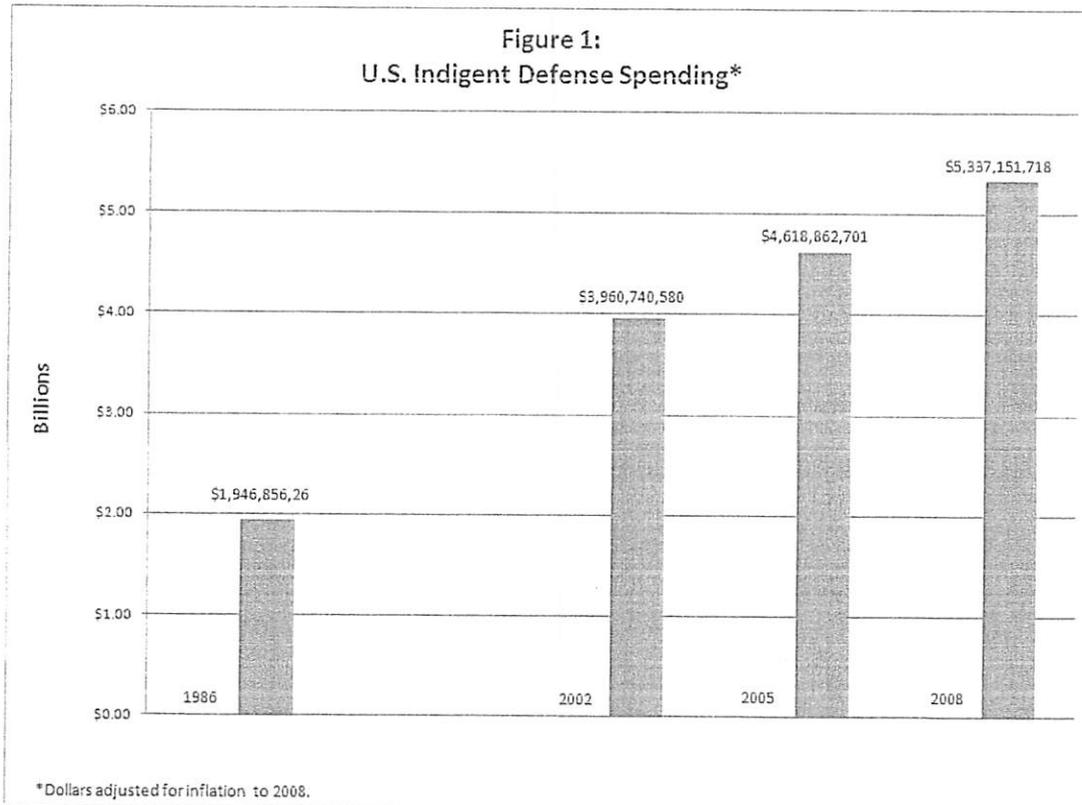
KEY:
TOTAL EXPENDITURES
REIMBURSEMENTS
GEN FUND EXPEND NON-ATTY. COSTS

ILS-1 - Trend
FY'00- FY'09
AOC/saw 10.1.09

ADULT CRIMINAL & JUVENILE OFFENSES (includes "Lawyer of the Day")

	FY'00	FY'01	FY'02	FY'03	FY'04	FY'05	FY'06	FY'07	FY'08 (1.)	FY'09 (2.)	% change 1 yr. '08-'09
LAW COURT: expenditures	\$51,441	\$35,010	\$50,834	\$39,809	\$42,532	\$52,456	\$44,022	\$59,078	\$42,655	\$72,395	
LAW COURT: # vouchers	99	58	74	58	63	77	61	71	57	95	
Avg Cost per Law Ct vouch:	\$520	\$604	\$687	\$686	\$675	\$681	\$722	\$832	\$745	\$766	
SUPERIOR COURT: expenditures	\$2,036,328	\$2,131,982	\$2,516,220	\$2,907,249	\$3,086,462	\$2,909,544	\$3,480,002	\$3,728,155	\$4,457,238	\$4,419,832	
SUPERIOR COURT: # vouchers	4,456	4,126	4,580	5,556	6,119	5,916	6,589	7,602	9,031	9,009	
Avg Cost per Super Ct vouch:	\$457	\$517	\$549	\$523	\$504	\$492	\$528	\$490	\$494	\$491	
Unified Crim Docket: expenditures										\$230,794	
SUPERIOR COURT: # vouchers										690	
Avg Cost per Super Ct vouch:										\$334	
NOTE: UCD, which opened in Nov. 2008, includes all Criminal cases in Cumberland County. These cases would have been previously filed in Portland District or Superior.											
DISTRICT COURT Expenditures:	\$1,744,991	\$2,142,646	\$2,314,435	\$2,505,356	\$2,352,169	\$2,437,730	\$2,381,694	\$2,373,701	\$2,526,152	\$2,378,723	
DISTRICT COURT # vouchers:	8,816	9,160	9,664	10,329	9,812	9,770	9,314	9,348	9,677	9,392	
Avg Cost per Dist Ct vouch:	\$198	\$234	\$239	\$243	\$240	\$250	\$256	\$254	\$261	\$253	
Contracts with coalitions of attorneys in Somerset County (and Franklin County in FY'05-06 only), for representation in all criminal cases in the District & Superior Courts in those counties:											
CONTRACTED COUNSEL:	\$174,000	\$194,000	\$201,800	\$201,800	\$218,646	\$244,840	\$262,040	\$223,706	\$225,000	\$254,583	
SUBTOT. ALL CR & JV:	\$4,006,760	\$4,503,638	\$5,083,289	\$5,654,213	\$5,699,809	\$5,644,570	\$6,167,757	\$6,384,640	\$7,251,045	\$7,356,326	1.5%
REIMBURSEMENTS:	-\$439,954	-\$367,827	-\$463,113	-\$474,711	-\$494,149	-\$392,211	-\$421,020	-\$425,581	-\$446,447	-\$506,597	13.5%
% of costs reimbursed:	11.0%	8.2%	9.1%	8.4%	8.7%	6.9%	6.8%	6.7%	6.2%	6.9%	
NET COST TO GEN FUND FOR CR & JV At	\$3,740,806	\$4,329,811	\$4,821,976	\$5,381,302	\$5,424,306	\$5,497,199	\$6,008,777	\$6,182,765	\$7,029,598	\$7,104,312	1.1%
NOTE: Reimbursements paid by defendants ordered to pay part of their defense costs are used as funds to pay court-appointed attorneys (off-setting costs to General Fund)											
CHILD PROTECTIVE:											
(see next page for Detail by Child, Parent or Other representation)											
DISTRICT COURT Expenditures:	\$3,667,536	\$4,282,998	\$4,647,351	\$5,161,370	\$5,471,555	\$5,421,921	\$5,058,990	\$5,043,455	\$5,160,705	\$4,734,387	
DISTRICT COURT # vouchers:	9,510	10,319	10,223	10,793	11,561	11,136	10,586	10,202	10,415	9,911	
LAW COURT Expenditures:	\$51,530	\$33,125	\$26,368	\$19,950	\$25,752	\$25,007	\$30,796	\$27,342	\$23,683	\$40,194	
LAW COURT # vouchers:	74	51	33	28	34	30	39	31	32	52	
TOTAL CP \$	\$3,719,066	\$4,316,122	\$4,673,719	\$5,181,320	\$5,497,307	\$5,446,928	\$5,089,786	\$5,070,797	\$5,184,388	\$4,774,581	-7.9%
Avg Cost per CP voucher	\$388	\$416	\$456	\$479	\$474	\$488	\$479	\$496	\$496	\$479	-3.4%
MENTAL HEALTH											
DIST. CT. MH Expenditures:	\$62,448	\$58,233	\$62,059	\$60,875	\$59,008	\$72,837	\$82,380	\$110,227	\$110,709	\$124,066	12.1%
DIST. CT. # MH vouchers:	589	511	568	593	574	594	584	703	694	767	10.5%
Avg Cost per Dist Ct MH vouch:	\$106	\$114	\$109	\$103	\$103	\$123	\$141	\$157	\$160	\$162	1.4%
TOTAL EXPENDITURES FOR ATTORNEYS:											
District Court	\$5,474,975	\$6,483,877	\$7,023,844	\$7,727,601	\$7,882,732	\$7,932,489	\$7,523,063	\$7,527,383	\$7,797,566	\$7,237,175	
Superior Court	\$2,036,328	\$2,131,982	\$2,516,220	\$2,907,249	\$3,086,462	\$2,909,544	\$3,480,002	\$3,728,155	\$4,457,238	\$4,419,832	
Unified Crim Docket/Cumb. County										\$230,794	
Law Court	\$102,972	\$68,134	\$77,202	\$59,758	\$68,284	\$77,463	\$74,817	\$86,420	\$66,338	\$112,589	
Contract Counsel	\$174,000	\$194,000	\$201,800	\$201,800	\$218,646	\$244,840	\$262,040	\$223,706	\$225,000	\$254,583	
RECONCILIATION (a.):	-\$11,369	-\$487	-\$12,956	-\$5,568	-\$3,431	-\$69,533	\$10,343	-\$13,028	\$82,617	\$19,044	
TOTAL	\$7,788,274	\$8,877,993	\$9,819,066	\$10,896,408	\$11,256,124	\$11,164,335	\$11,339,923	\$11,565,664	\$12,546,142	\$12,254,973	-2.3%
REIMBURSEMENTS (b.):	-\$439,954	-\$367,827	-\$463,113	-\$474,711	-\$494,149	-\$392,211	-\$421,020	-\$425,581	-\$446,447	-\$506,597	13.5%
NET COST TO GEN FUND FOR ATTY's (c.)	\$7,359,689	\$8,510,653	\$9,368,909	\$10,427,265	\$10,765,406	\$10,841,657	\$10,908,560	\$11,153,111	\$12,182,312	\$11,729,332	-3.7%
NON-ATTORNEY COSTS (d.)	\$1,108,600	\$1,197,820	\$1,307,027	\$1,087,779	\$1,069,846	\$1,121,561	\$1,154,685	\$1,232,991	\$1,515,060	\$1,350,392	-10.9%
GRAND TOTAL (inc. reimburse.) (e)	\$8,896,874	\$10,075,813	\$11,126,093	\$11,984,187	\$12,325,970	\$12,285,896	\$12,494,608	\$12,798,655	\$14,061,202	\$13,605,365	-3.2%
GRAND TOTAL: NET GEN.FUND (f.)	\$8,468,289	\$9,708,473	\$10,675,936	\$11,515,044	\$11,835,252	\$11,963,218	\$12,063,245	\$12,386,102	\$13,697,372	\$13,079,724	-4.5%
NOTES:											

While spending increased to \$3.3 billion in FY02,⁷ \$4.1 billion in FY05,⁸ to nearly \$5.3 billion in FY08, many systems remain in crisis. In Figure 1, we present these data in dollars that have been adjusted for inflation using the Consumer Price Index. The appendix of tables provides this graph in unadjusted dollars.



Total indigent defense spending by state continues to vary widely for many reasons. For example:

- States with the death penalty that have a large number of individuals on death row, such as California, Florida and Texas, have significantly higher indigent defense costs.

⁷ Spangenberg, R., Beeman, M.L., & Downing, J. (2003). State and County Expenditures for Indigent Defense Services in Fiscal Year 2002. Prepared for The American Bar Association Bar Information Program. Chicago, IL: The American Bar Association.

⁸ Saubermann, Jennifer M., & Spangenberg, R. (2006). State and County Expenditures for Indigent Defense Services in Fiscal Year 2008. Prepared for The American Bar Association Bar Information Program. Chicago, IL: The American Bar Association.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

6/30/2016

DefenderData Case Type	Jun-16					Fiscal Year 2016				
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	18	29	\$34,323.78	26	31628.29	\$1,216.47	157	264	\$ 356,768.91	\$1,351.40
Child Protection Petition	165	416	\$275,970.78	454	286276.93	\$630.57	1,809	4,015	\$ 2,564,139.89	\$638.64
Drug Court	0	5	\$ 4,756.58	6	\$ 3,835.28	\$ 639.21	3	75	\$ 47,212.98	\$ 629.51
Emancipation	11	7	\$ 3,552.68	7	\$ 3,222.68	\$ 460.38	81	90	\$ 28,440.52	\$ 316.01
Felony	539	727	\$ 658,889.34	800	\$ 739,694.01	\$ 924.62	6,532	7,516	\$ 6,142,389.77	\$ 817.24
Involuntary Civil Commitment	66	61	\$ 13,562.33	82	\$ 19,344.01	\$ 235.90	811	768	\$ 183,878.04	\$ 239.42
Juvenile	91	101	\$ 36,779.06	117	\$ 45,820.62	\$ 391.63	994	1,071	\$ 460,653.60	\$ 430.12
Lawyer of the Day - Custody	228	214	\$ 48,127.12	261	\$ 58,854.56	\$ 225.50	2,663	2,544	\$ 591,463.50	\$ 232.49
Lawyer of the Day - Juvenile	40	33	\$ 6,566.32	38	\$ 7,180.48	\$ 188.96	483	452	\$ 91,623.90	\$ 202.71
Lawyer of the Day - Walk-in	113	102	\$ 24,915.23	114	\$ 27,100.06	\$ 237.72	1,420	1,311	\$ 325,414.06	\$ 248.22
Misdemeanor	714	803	\$ 329,571.63	866	\$ 354,572.55	\$ 409.44	8,246	8,389	\$ 3,326,689.52	\$ 396.55
Petition, Modified Release Treatment	0	3	\$ 890.00	4	\$ 1,034.15	\$ 258.54	9	56	\$ 22,335.58	\$ 398.85
Petition, Release or Discharge	0	0	\$ 0	0	\$ 0	\$ 0	1	5	\$ 11,017.78	\$ 2,203.56
Petition, Termination of Parental Rights	24	37	\$ 38,620.43	48	\$ 44,773.45	\$ 932.78	230	652	\$ 492,303.39	\$ 755.07
Post Conviction Review	5	10	\$ 22,383.21	11	\$ 22,813.21	\$ 2,073.93	85	82	\$ 143,304.91	\$ 1,747.62
Probation Violation	177	184	\$ 72,220.14	211	\$ 87,000.61	\$ 412.33	2,016	2,058	\$ 827,752.29	\$ 402.21
Represent Witness on 5th Amendment	3	1	\$ 246.00	3	\$ 564.00	\$ 188.00	33	28	\$ 5,968.78	\$ 213.17
Review of Child Protection Order	36	131	\$ 87,598.29	167	\$ 99,755.62	\$ 597.34	486	1,903	\$ 976,814.73	\$ 513.30
Revocation of Administrative Release	2	2	\$ 771.50	2	\$ 771.50	\$ 385.75	32	29	\$ 7,965.08	\$ 274.66
DefenderData Sub-Total	2,232	2,866	\$ 1,659,744.42	3,217	\$ 1,834,242.01	\$ 570.17	26,091	31,308	\$ 16,606,137.23	\$ 530.41
Paper Voucher Sub-Total	3	3	\$ 4,663.62	3	\$ 4,663.62	\$ 1,554.54	9	9	\$ 13,431.40	\$ 1,492.38
TOTAL	2,235	2,869	\$1,664,408.04	3,220	\$1,838,905.63	\$ 571.09	26,100	31,317	\$ 16,619,568.63	\$ 530.69

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

6/30/2015

DefenderData Case Type	Jun-15							Fiscal Year 2015			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount	
Appeal	11	15	\$ 24,754.35	17	\$ 25,569.16	\$ 1,504.07	138	174	\$ 245,755.55	\$ 1,412.39	
Child Protection Petition	175	416	\$ 249,692.67	458	\$ 268,054.07	\$ 585.27	1,895	4,080	\$ 2,245,809.20	\$ 550.44	
Drug Court	0	8	\$ 1,892.00	3	\$ 1,852.50	\$ 617.50	1	68	\$ 36,758.55	\$ 540.57	
Emancipation	15	11	\$ 4,387.60	13	\$ 5,004.74	\$ 384.98	128	111	\$ 34,124.93	\$ 307.43	
Felony	561	632	\$ 595,444.83	781	\$ 685,335.15	\$ 877.51	6,469	7,434	\$ 5,457,069.55	\$ 734.07	
Involuntary Civil Commitment	82	84	\$ 20,666.48	73	\$ 17,276.84	\$ 236.67	823	783	\$ 172,087.99	\$ 219.78	
Juvenile	86	65	\$ 31,765.12	103	\$ 44,616.67	\$ 433.17	1,138	1,264	\$ 461,240.28	\$ 364.91	
Lawyer of the Day - Custody	198	208	\$ 43,035.52	256	\$ 56,824.35	\$ 221.97	2,532	2,536	\$ 528,695.60	\$ 208.48	
Lawyer of the Day - Juvenile	39	43	\$ 7,660.51	48	\$ 8,517.96	\$ 177.46	479	473	\$ 86,629.03	\$ 183.15	
Lawyer of the Day - Walk-in	106	114	\$ 22,850.39	152	\$ 32,717.07	\$ 215.24	1,362	1,335	\$ 280,469.64	\$ 210.09	
Misdemeanor	691	701	\$ 269,618.07	797	\$ 320,666.00	\$ 402.34	7,647	8,265	\$ 3,080,578.12	\$ 372.73	
Petition, Modified Release Treatment	0	9	\$ 3,733.70	8	\$ 1,906.15	\$ 238.27	11	61	\$ 19,283.71	\$ 316.13	
Petition, Release or Discharge	1	0	\$	0	\$	\$	1	4	\$ 4,032.88	\$ 1,008.22	
Petition, Termination of Parental Rights	10	48	\$ 25,778.02	58	\$ 41,363.93	\$ 713.17	215	742	\$ 477,684.41	\$ 643.78	
Post Conviction Review	8	8	\$ 12,901.90	10	\$ 14,789.62	\$ 1,478.96	62	96	\$ 106,321.92	\$ 1,107.52	
Probation Violation	176	176	\$ 59,250.32	208	\$ 74,159.25	\$ 356.53	1,971	2,020	\$ 729,282.52	\$ 361.03	
Represent Witness on 5th Amendment	1	2	\$ 528.66	0	\$	\$	15	16	\$ 3,146.75	\$ 196.67	
Review of Child Protection Order	26	166	\$ 74,921.36	181	\$ 80,912.19	\$ 447.03	461	2,096	\$ 1,046,514.32	\$ 499.29	
Revocation of Administrative Release	2	3	\$ 1,222.20	4	\$ 1,387.20	\$ 346.80	18	30	\$ 11,205.43	\$ 373.51	
DefenderData Sub-Total	2,188	2,709	\$ 1,450,103.70	3,170	\$ 1,680,952.85	\$ 530.27	25,366	31,588	\$15,026,690.38	\$ 475.71	
Paper Voucher Sub-Total	1	1	\$ 4,146.48	1	\$ 4,146.48	\$ 4,146.48	7	7	\$ 5,658.72	\$ 808.39	
TOTAL	2,189	2,710	\$1,454,250.18	3,171	\$1,685,099.33	\$ 531.41	25,373	31,595	\$ 15,032,349.10	\$ 475.78	

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

6/30/2014

DefenderData Case Type	Jun-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	6	11	\$ 12,902.66	10	\$ 11,774.03	\$ 1,177.40	135	146	\$ 202,698.53	\$ 1,388.35	
Child Protection Petition	181	413	\$ 201,603.34	370	\$ 174,592.05	\$ 471.87	1,936	3,757	\$ 1,900,281.25	\$ 505.80	
Drug Court	0	8	\$ 3,300.00	6	\$ 3,695.00	\$ 615.83	1	78	\$ 38,529.92	\$ 493.97	
Emancipation	8	5	\$ 736.68	2	\$ 975.00	\$ 487.50	94	83	\$ 21,763.90	\$ 262.22	
Felony	529	583	\$ 487,392.29	594	\$ 467,140.57	\$ 786.43	6,167	6,305	\$ 4,305,938.81	\$ 682.94	
Involuntary Civil Commitment	64	60	\$ 11,298.12	98	\$ 18,445.96	\$ 188.22	873	769	\$ 132,064.29	\$ 171.74	
Juvenile	105	107	\$ 40,236.59	95	\$ 38,692.73	\$ 407.29	1,310	1,237	\$ 435,423.40	\$ 352.00	
Lawyer of the Day - Custody	206	184	\$ 34,468.12	185	\$ 36,337.88	\$ 196.42	2,462	2,300	\$ 433,648.25	\$ 188.54	
Lawyer of the Day - Juvenile	42	37	\$ 6,733.29	40	\$ 6,565.07	\$ 164.13	546	520	\$ 90,464.98	\$ 173.97	
Lawyer of the Day - Walk-in	89	90	\$ 16,329.84	99	\$ 18,486.86	\$ 186.74	1,264	1,221	\$ 233,650.22	\$ 191.34	
Misdemeanor	659	664	\$ 262,123.86	607	\$ 215,723.58	\$ 355.39	7,201	7,249	\$ 2,433,173.24	\$ 335.66	
Petition, Modified Release Treatment	0	8	\$ 1,662.56	4	\$ 846.81	\$ 211.70	17	57	\$ 21,070.07	\$ 369.65	
Petition, Release or Discharge	0	0		0			0	1	\$ 165.00	\$ 165.00	
Petition, Termination of Parental Rights	24	37	\$ 34,493.70	34	\$ 33,216.22	\$ 976.95	234	507	\$ 342,617.79	\$ 675.77	
Post Conviction Review	7	5	\$ 4,470.48	5	\$ 4,275.00	\$ 855.00	77	81	\$ 93,493.98	\$ 1,154.25	
Probation Violation	178	168	\$ 54,660.17	163	\$ 55,282.82	\$ 339.16	1,872	1,717	\$ 567,408.85	\$ 330.47	
Represent Witness on 5th Amendment	3	4	\$ 530.00	9	\$ 1,850.00	\$ 205.56	25	19	\$ 4,412.50	\$ 232.24	
Review of Child Protection Order	58	194	\$ 97,099.26	189	\$ 100,100.58	\$ 529.63	582	1,999	\$ 937,483.03	\$ 468.98	
Revocation of Administrative Release	4	3	\$ 1,035.20	3	\$ 1,517.70	\$ 505.90	40	45	\$ 12,995.29	\$ 288.78	
DefenderData Sub-Total	2,163	2,581	\$ 1,271,076.16	2,513	\$ 1,189,517.86	\$ 473.35	24,836	28,091	\$ 12,207,263.30	\$ 434.56	
Paper Voucher Sub-Total	1	1	\$ 794.44	1	\$ 794.44	\$ 794.44	26	26	\$ 12,463.95	\$ 479.38	
TOTAL	2,164	2,582	\$1,271,870.60	2,514	\$1,190,312.30	\$ 473.47	24,862	28,117	\$ 12,219,727.25	\$ 434.60	

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

6/30/2013

DefenderData Case Type	Jun-13						Fiscal Year 2013				
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount	
Appeal	5	6	\$ 6,125.57	11	\$ 9,565.72	\$ 869.61	112	130	\$ 154,001.03	\$ 1,184.62	
Child Protection Petition	165	328	\$ 170,171.24	393	\$ 191,394.09	\$ 487.01	1,901	3,365	\$ 1,690,784.00	\$ 502.46	
Drug Court	0	7	\$ 3,425.00	8	\$ 3,560.00	\$ 445.00	18	129	\$ 47,771.76	\$ 370.32	
Emancipation	17	9	\$ 1,959.38	13	\$ 2,296.94	\$ 176.69	126	107	\$ 24,304.91	\$ 227.15	
Felony	479	530	\$ 329,462.73	650	\$ 396,285.95	\$ 609.67	5,954	6,011	\$ 3,854,793.30	\$ 641.29	
Involuntary Civil Commitment	72	45	\$ 9,187.22	77	\$ 13,022.74	\$ 169.13	869	824	\$ 135,284.33	\$ 164.18	
Juvenile	68	83	\$ 32,053.84	116	\$ 31,217.08	\$ 269.11	1,406	1,531	\$ 509,632.33	\$ 332.88	
Lawyer of the Day - Custody	197	168	\$ 31,163.72	243	\$ 44,913.70	\$ 184.83	2,512	2,371	\$ 432,756.20	\$ 182.52	
Lawyer of the Day - Juvenile	46	44	\$ 7,627.86	66	\$ 11,308.58	\$ 171.34	548	527	\$ 95,042.61	\$ 180.35	
Lawyer of the Day - Walk-in	105	105	\$ 20,190.66	131	\$ 25,132.78	\$ 191.85	1,314	1,297	\$ 242,039.35	\$ 186.61	
Misdemeanor	586	617	\$ 201,067.05	823	\$ 268,167.76	\$ 325.84	7,576	7,767	\$ 2,527,263.74	\$ 325.38	
Petition, Modified Release Treatment	0	12	\$ 4,320.55	6	\$ 1,141.25	\$ 190.21	11	52	\$ 15,217.39	\$ 292.64	
Petition, Release or Discharge	0	0	\$	0	\$	\$	0	4	\$ 1,170.00	\$ 292.50	
Petition, Termination of Parental Rights	8	22	\$ 16,248.60	40	\$ 25,716.90	\$ 642.92	179	447	\$ 279,377.60	\$ 625.01	
Post Conviction Review	10	4	\$ 9,671.98	4	\$ 5,608.42	\$ 1,402.11	100	81	\$ 74,880.29	\$ 924.45	
Probation Violation	144	134	\$ 38,360.20	161	\$ 46,735.02	\$ 290.28	1,630	1,581	\$ 516,439.25	\$ 326.65	
Represent Witness on 5th Amendment	1	0	\$	1	\$ 330.00	\$ 330.00	20	14	\$ 5,911.40	\$ 422.24	
Review of Child Protection Order	43	143	\$ 67,508.17	212	\$ 91,783.58	\$ 432.94	636	1,847	\$ 826,034.31	\$ 447.23	
Revocation of Administrative Release	4	4	\$ 1,107.00	6	\$ 1,820.16	\$ 303.36	49	49	\$ 15,022.77	\$ 306.59	
DefenderData Sub-Total	1,950	2,261	\$ 949,650.77	2,961	\$ 1,170,000.67	\$ 395.14	24,961	28,134	\$ 11,447,726.57	\$ 406.90	
Paper Voucher Sub-Total	3	3	\$ 1,176.63	3	\$ 1,176.63	\$ 392.21	19	19	\$ 35,420.67	\$ 1,864.25	
TOTAL	1,953	2,264	\$950,827.40	2,964	\$1,171,177.30	\$ 395.13	24,980	28,153	\$ 11,483,147.24	\$ 407.88	

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

6/31/2012

Defender/Data Case Type	Jun-12						Fiscal Year 2012					
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount		
Appeal	10	13	\$ 12,305.79	9	\$ 6,736.58	\$ 748.51	141	138	\$ 151,283.25	\$ 1,096.26		
Child Protection Petition	187	270	\$ 133,419.95	323	\$ 157,508.30	\$ 487.64	1,748	2,588	\$ 1,317,626.75	\$ 509.13		
Drug Court	12	3	\$ 935.00	12	\$ 3,680.00	\$ 306.67	107	146	\$ 47,290.00	\$ 323.90		
Emancipation	5	4	\$ 1,192.60	4	\$ 660.00	\$ 165.00	125	122	\$ 29,243.65	\$ 239.70		
Felony	462	477	\$ 312,652.55	564	\$ 349,758.27	\$ 620.14	5,697	6,078	\$ 3,980,235.86	\$ 654.86		
Involuntary Civil Commitment	55	68	\$ 11,981.30	68	\$ 13,646.44	\$ 200.68	915	923	\$ 155,342.14	\$ 168.30		
Juvenile	150	96	\$ 31,055.98	102	\$ 31,955.06	\$ 313.28	1,550	1,461	\$ 480,618.37	\$ 328.97		
Lawyer of the Day - Custody	201	202	\$ 33,526.30	213	\$ 36,949.18	\$ 173.47	2,423	2,332	\$ 415,598.69	\$ 178.22		
Lawyer of the Day - Juvenile	51	50	\$ 9,677.34	51	\$ 10,557.12	\$ 207.00	593	572	\$ 112,721.41	\$ 197.07		
Lawyer of the Day - Walk-in	118	109	\$ 18,934.14	149	\$ 28,451.40	\$ 190.95	1,312	1,254	\$ 237,660.08	\$ 189.52		
Misdemeanor	631	578	\$ 189,530.50	653	\$ 208,108.43	\$ 318.70	7,723	7,881	\$ 2,564,555.19	\$ 325.41		
Petition, Modified Release Treatment	1	0		1	\$ 270.00	\$ 270.00	11	40	\$ 13,454.33	\$ 336.36		
Petition, Release or Discharge	0	0		0			1	1	\$ 535.00	\$ 535.00		
Petition, Termination of Parental Rights	11	21	\$ 17,006.48	29	\$ 21,584.52	\$ 744.29	193	367	\$ 245,125.61	\$ 667.92		
Post Conviction Review	5	4	\$ 3,614.24	5	\$ 7,470.94	\$ 1,494.19	109	86	\$ 68,263.96	\$ 793.77		
Probation Violation	125	127	\$ 40,144.00	142	\$ 45,966.96	\$ 323.71	1,791	1,848	\$ 594,781.54	\$ 321.85		
Represent Witness on 5th Amendment	0	0		1	\$ 60.00	\$ 60.00	31	33	\$ 8,785.00	\$ 266.21		
Review of Child Protection Order	38	108	\$ 48,971.59	131	\$ 59,434.38	\$ 453.70	579	1,671	\$ 703,720.67	\$ 421.14		
Revocation of Administrative Release	4	4	\$ 1,802.88	3	\$ 1,252.88	\$ 417.63	38	35	\$ 10,410.82	\$ 297.45		
Defender/Data Sub-Total	2,066	2,134	\$ 866,750.64	2,460	\$ 984,050.46	\$ 400.02	25,087	27,576	\$ 11,137,252.32	\$ 403.87		
Paper Voucher Sub-Total	0	0	\$ -	4	\$ 3,360.96	\$ 840.24	0	50	\$ 48,196.92	\$ 963.94		
TOTAL	2,066	2,134	\$866,750.64	2,464	\$987,411.42	\$ 400.74	25,087	27,626	\$ 11,185,449.24	\$ 404.89		

Maine Commission on Indigent Legal Services

Six-year Trend Data - Adjusted

	<u>FY'11</u>	<u>FY'12</u>	<u>FY'13</u>	<u>FY'14</u>	<u>FY'15</u>	<u>FY'16</u>
All Other Allotment	\$10,097,996	\$11,473,123	\$11,882,677	\$12,767,799	\$15,452,425 *	\$17,012,322 *
		13.62%	3.57%	7.45%	11.03% **	1.00% **
Vouchers Paid	25,041	27,626	28,153	28,117	31,183 ***	30,763 ***
Cost per Voucher	\$389.63	\$404.89	\$407.88	\$434.60	432.53 ^^	\$442.24 ^^
Reimbursements	\$400,227	\$640,827	\$595,444	\$654,406	\$776,535.99	\$704,673.81

*Adjusted to reflect reduction in year-to-year voucher carryover.

**Percentage adjusted to control for pay raise.

***Reduced by adjusted expenditure total divided by average cost per voucher

^^Average cost per voucher adjusted to reflect a \$50/hr. rate of pay.

(4.)
Payment for Cert. Petitions



Maine Association of Criminal Defense Lawyers

P.O. Box 434, Freeport, Maine 04032
(207) 865-1457 FAX (888) 474-7198
info@mainemacdl.org

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July 7, 2016

John D. Pelletier, Esq.
Executive Director
Maine Commission on Indigent Legal Services
154 State House Station
Augusta, ME 04333

Dear John,

I write as the new President of MACDL to formally ask the Commission to reconsider its position on paying counsel fees for indigent defendants who are filing petitions for certiorari to the United States Supreme Court.

As you have no doubt heard from our new Vice President, Jamesa Drake, Maine is the *only* state in the union without an intermediate appellate court that refuses to pay indigent defense counsel for filing cert petitions in the United States Supreme Court. At the recent annual MACDL two-day seminar, Walt McKee presented his annual update on Maine law which includes a review of statutory changes and recent law court cases. Mr. McKee had the unfortunate task of reporting to the defense bar in Maine that only three criminal appeals were successful in the past 12 months. Typically, it is slightly higher than that ranging from 7 to 10 decisions in a 12-month period but this year was particularly bad if you were a criminal defendant appealing to the Law Court. This is all the more reason why the Commission must pay for the provision of indigent defense counsel to file petitions for certiorari to the United States Supreme Court. Without an intermediate appellate court, and with the ridiculously low chance of success on appeal with our State Supreme Court, the ability to have appointed counsel file a competently drafted petition for certiorari to the United States Supreme Court on Federal Constitutional issues is imperative.

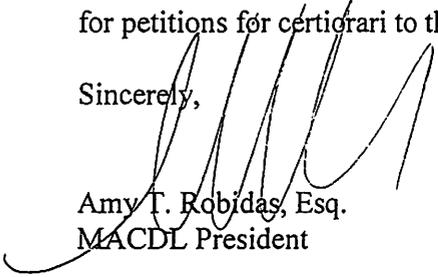
As you know, filing a petition for certiorari has become a laborious, rule intensive, and meticulously regulated process that no *pro se* indigent criminal defendant should be forced to undertake on his own in order to try and preserve a claim of his constitutional rights being violated.

Finally, it is not anticipated that this is something that's going to bankrupt the Commission. In contrast to the vast majority of resources expended on indigent criminal defense, paying for indigent defense counsel to file cert petitions in truly meritorious cases is likely to be a drop in the bucket compared to the overall budget of the Commission.

Finally, as can be seen by the recent proposal submitted by the Governor to the Legislature, LD 1433, perceived weaknesses in Maine's system of indigent criminal defense create opportunities for those who seek to change the entire system without regard to collateral consequences. Without a true public defender system, that is fully funded and staffed with State employee lawyers and support staff, Maine's current system falls short and creates a crack through which those with truly meritorious constitutional claims can fall. Failing to pursue these constitutional cases to the next and highest court in the land fails these individual defendants, but it is also a systemic failure for the state of Maine. Although it is very difficult for a cert petition in a criminal case to be granted a hearing before the United States Supreme Court, having cert petitions filed, especially if one is granted, is an important check on the State Judicial Branch to ensure that it takes seriously its role as a guardian of the rights enshrined in the federal constitution.

For all of these reasons, as well as those more articulately presented by Jamesa Drake in her separate letter to you dated May 9, 2016, MACDL formally requests that the Commission revisit and reconsider its position not to fund indigent defense counsel for petitions for certiorari to the United States Supreme Court.

Sincerely,



Amy T. Robidas, Esq.
MACDL President

**(5.)
RFP's Update**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: RFP UPDATE – APPEALS AND IMMIGRATION
DATE: September 9, 2016

APPEALS:

Since the last meeting, the staff has had several conversations with the Purchasing Division regarding the difficulty of fairly comparing, for scoring purposes, bids that seek to provide representation if different numbers of appeals, particularly if the same bidder submits more than one bid covering different numbers of appeals.

As you may recall, the Commission had decided to leave the number of appeals open and to make the determination of how many – all, some, or a few – appeals to contract for until after the Commission had the opportunity to review the bids received. Based on our discussions with Purchasing, the staff has concluded that such a course is untenable. Accordingly, the staff recommends that the Commission fix a specific number of appeals to be subject to contract.

Below is historical data on the number of appeals included in the draft RFP:

	FY'11	FY'12	FY'13	FY'14	FY'15	FY'16
Child Protective	46	38	45	64	66	88
Criminal	137	116	102	93	111	100

The staff now recommends that the Commission set a specific number of criminal appeals and a specific number of Child Protective appeals to be subject to the RFP process. As appellate contracting is a new endeavor for the Commission, the staff recommends that the Commission set a relatively small number of appeals and a relatively short duration for the initial contract so the Commission can assess the merits of appellate contracting without making a major commitment, and use that information to inform discussion about appellate contracts in the future.

IMMIGRATION:

The RFP seeking consultation services on immigration issues has been finalized. Advertising is under way and bids are due on October 13, 2016.

(6.)
Attorney Evaluations

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: ATTORNEY EVALUATION DISCUSSION
DATE: September 9, 2016

At the last meeting, the Commission began discussion of a staff recommendation for a system of paid supervising attorneys providing mentoring and supervision services. The Commission asked that the matter be placed on the next agenda for further discussion, and attached you will find a copy of the memorandum presented at the last meeting. It was also suggested that there may be a need to add an additional supervising attorney in each geographic location listed. Doing so would raise the number of supervising attorneys to 23, resulting in an annual cost of \$165,000.00.