

MCILS

**January 10, 2012
Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

**JANUARY 10, 2012
COMMISSION MEETING
AGENDA**

- 1) Approval of December 13, 2011 Commission Meeting Minutes
- 2) Operations Reports Review
- 3) Collections and Financial Screening Results for Fiscal Year 2012 (July to November)
- 4) Discussion on about attorneys spending time on “collateral matters” such as BMV Hearings, PFA Hearings, Other Civil Matters, School Hearings, etc...
- 5) Discussion on Drafting of a Proposed Rule for Indigence Guidelines
- 6) Public Comment
- 7) Set Date and Time of next Regular Meeting of the Commission

(1.)

**December 13, 2011
Commission Meeting
Minutes**

**Maine Commission on Indigent Legal Services – Commissioners Meeting
December 13, 2011**

Minutes

Commissioners Present: Ronald Schneider, Marvin Glazier, Sally Sutton, Kenneth Spirer, David Mitchell

MCILS Staff Present: John Pelletier, Steven Carey

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Approval of Nov. 8, 2011 Commission Meeting Minutes	Copy of minutes received by all Commissioners.	Commissioner Mitchell made motion to accept minutes as amended. Commissioner Glazier seconded. All present voted in favor. Approved.
Operations Report Review	Deputy Director Carey presented the <u>November 2011 Operations Reports</u> to the Commissioners. There was a discussion about a higher attorney wait time in some courts.	
Training Update	Deputy Director Carey presented the <u>Training Update</u> to the Commissioners. It was noted that there was a typo in the Update Memo that the Bangor DV training will be set in 2012 not 2013.	
Specialized Panel Applications Updates	Deputy Director Carey presented the <u>Update on the Applications for the Specialized Panel</u> to the Commissioners. MCILS is in the process of collecting and reviewing the Serious Violent Felony and Sex Offender Panel Applications.	
Proposed Rules on Standards of Practice	Director Pelletier and Deputy Director Carey presented <u>Proposed Responses to Public Comment on Proposed Rule Chapter 102</u> . There were some typos and small corrections pointed out by the commissioners. There was a discussion about the time for client contact and client meetings under Section 4(B) and suggested amendments were made by the Commissioners.	Commissioner Sutton made motion to approve the rules and proposed comments as amended. Commissioner Spirer seconded. All present voted in favor. Approved.

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Proposed Rules on Standards of Practice (continued)	There were no public comments made on Chapters 101 and 103. No amendments made.	
Discussion on Drafting a Proposed Rule for Indigence Guidelines	<p>Director Pelletier presented some background information about <u>Indigence Guidelines</u>.</p> <p>There was a very brief discussion about the first few questions raised. The Commissioners requested that MCILS staff provide further information as to what other states are doing and draft a proposed rule for the Commissioners to consider.</p>	
Discussion on Immigration Concerns for MCILS Clients	<p>Deputy Director Carey presented concerns surrounding being raised in reference to immigration concerns for noncitizen clients and the increasing role that defense counsel has in informing the client of those consequences.</p> <p>After a short discussion the Commissioners gave MCILS staff permission to look into different options of providing such counsel to our clients.</p>	
Discussion on Rate of Pay for MCILS Rostered Attorneys	<p>A presentation was made by Attorneys Sarah Churchill and Robert Ruffner about the rate of pay of attorneys in Maine and what attorneys are being paid in other states.</p> <p>There was discussion about the need for a rate increase vs. the tough economical climate that the State is in. Also there was discussion about what a proper rate would be if increase or providing an “overhead” rate in addition to the hourly work rate.</p>	
Adjournment of Meeting	Next meeting will be January 10, 2012 at 9:30 am at the Board of Corrections Conference Room (same wing as MCILS offices) at 32 Blossom Lane in Augusta, Maine.	Commissioner Sutton made motion to adjourn the meeting. Commissioner Spirer seconded. All present voted in favor. Approved.

(2.)

**Operations Reports
Review**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: STEVEN CAREY, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: DECEMBER 2011 OPERATIONS REPORTS
DATE: 1/5/2012

Attached you will find the December 2011 Operations Reports for your review and our discussion at the upcoming Commission meeting on January 10, 2012. A summary of the operations reports follows:

- 2,253 new cases were opened in the DefenderData system in December.
- The number of vouchers submitted electronically in December was 2,320. We paid 2,140 electronic vouchers totaling \$873,824.59. Of that \$747,920.70 was paid from the All Other Account and \$125,903.89 was paid from the Revenue Account.
- Additionally there were 10 paper vouchers submitted and paid totaling \$5,504.16.
- Combined, there were 2,150 electronic and paper vouchers paid in December totaling \$879,328.75.
- The average price per voucher in December was \$408.99 and the Fiscal Year 2012 average price per voucher is \$397.74.
- Appeals remained our highest average vouchers at \$1,253.46. Petitions for Termination of Parental Rights were the second highest average voucher at \$1,014.38.

In our All Other Account the total expenses for the month of December were \$809,183.26.

In the Personal Services Account we had \$39,775.25 in expenses in the month of December. That left \$14,921.24 remaining in our second quarter allotment for the Personal Services Account. Please note this is with two positions (Office Manager and Financial Screener) not currently filled.

In the Revenue Account we collected \$46,710.53 in paid counsel fees. We collected \$32,592.55 more than we were allotted to spend in the second quarter. Note that there is still \$12,073.02 left from the first quarter. We reimbursed \$255.00 in counsel fee overpayments in December. Additionally, we had to pay \$351.78 in expenses out of this account to cover additional costs of our training video replays since the Conference Account allotments have not been created yet. Also the previously received financial order from DAFS for a \$438.00 reduction to the Revenue Account for "advertising savings" was corrected and has been taken from the All Other Account instead.

In our Conference Account we have a balance of \$5,160.83.

The number of rostered attorneys rose again to **500**.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

12/31/2011

DefenderData Case Type	Dec-11						Fiscal Year 2012			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	9	11	\$ 13,879.62	11	\$ 13,788.02	\$ 1,253.46	72	69	\$ 78,758.74	\$ 1,141.43
Child Protection Petition	173	209	\$ 107,392.45	192	\$ 96,079.78	\$ 500.42	755	1,162	\$ 591,622.62	\$ 509.14
Drug Court	6	5	\$ 1,975.00	10	\$ 2,975.00	\$ 297.50	49	72	\$ 26,295.00	\$ 365.21
Emancipation	11	13	\$ 3,110.44	7	\$ 1,627.62	\$ 232.52	75	74	\$ 16,884.07	\$ 228.16
Felony	499	518	\$ 330,713.22	487	\$ 332,736.91	\$ 683.24	2,799	2,891	\$ 1,908,964.18	\$ 660.31
Involuntary Civil Commitment	72	78	\$ 12,656.44	71	\$ 12,661.20	\$ 178.33	472	487	\$ 81,641.94	\$ 167.64
Juvenile	143	126	\$ 45,949.39	152	\$ 44,569.27	\$ 293.22	760	748	\$ 245,950.48	\$ 328.81
Lawyer of the Day - Custody	191	192	\$ 34,668.61	179	\$ 32,269.34	\$ 180.28	1,243	1,232	\$ 220,889.94	\$ 179.29
Lawyer of the Day - Juvenile	44	44	\$ 9,095.30	46	\$ 7,780.00	\$ 169.13	303	295	\$ 55,184.07	\$ 187.06
Lawyer of the Day - Walk-in	118	114	\$ 21,243.30	107	\$ 20,421.32	\$ 190.85	629	582	\$ 111,253.72	\$ 191.16
Misdemeanor	727	672	\$ 225,615.29	605	\$ 201,492.29	\$ 333.05	3,915	3,896	\$ 1,257,582.52	\$ 322.79
Petition, Modified Release Treatment	0	5	\$ 1,625.32	1	\$ 270.00	\$ 270.00	6	23	\$ 7,577.87	\$ 329.47
Petition, Release or Discharge	1	0	\$ -	0	\$ -	\$ -	1	0	\$ -	\$ -
Petition, Termination of Parental Rights	12	11	\$ 12,096.64	12	\$ 12,172.50	\$ 1,014.38	82	151	\$ 93,765.68	\$ 620.96
Post Conviction Review	19	12	\$ 6,964.60	6	\$ 3,762.70	\$ 627.12	59	45	\$ 32,342.31	\$ 718.72
Probation Violation	162	176	\$ 55,059.01	145	\$ 46,066.48	\$ 317.70	977	933	\$ 306,958.50	\$ 329.00
Represent Witness on 5th Amendment	9	5	\$ 460.00	2	\$ 160.00	\$ 80.00	21	16	\$ 3,610.00	\$ 225.63
Review of Child Protection Order	52	127	\$ 52,492.21	105	\$ 44,262.16	\$ 421.54	308	890	\$ 354,415.71	\$ 398.22
Revocation of Administrative Release	5	2	\$ 385.00	2	\$ 730.00	\$ 365.00	18	18	\$ 4,737.14	\$ 263.17
DefenderData Sub-Total	2,253	2,320	\$ 935,381.84	2,140	\$ 873,824.59	\$ 408.33	12,544	13,584	\$ 5,398,434.49	\$ 397.41
Paper Voucher Sub-Total	0	10	\$ 5,504.16	10	\$ 5,504.16	\$ 550.42	0	34	\$ 17,997.64	\$ 529.34
TOTAL	2,253	2,330	\$ 940,886.00	2,150	\$ 879,328.75	\$ 408.99	12,544	13,618	\$ 5,416,432.13	\$ 397.74

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY12 FUND ACCOUNTING
AS OF 12/31/2011

Account 010 95F Z112 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY12 Total
FY12 Professional Services Allotment		\$ 3,072,810.00		\$ 2,572,810.00		\$ 2,572,810.00		\$ 1,472,809.00	\$ 9,691,239.00
FY12 General Operations Allotment		\$ 27,190.00		\$ 27,190.00		\$ 27,190.00		\$ 27,191.00	\$ 108,761.00
Financial Order Adjustment				\$ 9,167.00					\$ 9,167.00
Financial Order Adjustment				\$ (438.00)					\$ (438.00)
Total Budget Allotments		\$ 3,100,000.00		\$ 2,608,729.00		\$ 2,600,000.00		\$ 1,500,000.00	\$ 9,808,729.00
Total Expenses	1	\$ (1,129,379.73)	4	\$ (890,993.63)	7		10		
	2	\$ (908,381.31)	5	\$ (970,427.11)	8		11		
	3	\$ (876,613.96)	6	\$ (809,183.26)	9		12		
TOTAL REMAINING		\$ 123,750.00		\$ 0.00		\$ 2,600,000.00		\$ 1,500,000.00	\$ 4,223,750.00

Q2 Month 6 (as of 12/31/11)	
INDIGENT LEGAL SERVICES	
Counsel Payments	\$ (753,424.86)
Somerset County	\$ (20,943.50)
Interpreters	\$ -
Private Investigators	\$ (13,997.87)
Transcripts	\$ (3,651.00)
Mental Health Expert	\$ (900.00)
Process Services	\$ (1,014.18)
Other Expert	\$ (5,790.00)
Misc Prof Fees & Srvc	\$ -
SUB-TOTAL ILS	\$ (799,721.41)
OPERATING EXPENSES	
Cell Phones	\$ (89.14)
DefenderData	\$ (4,066.00)
Dues	\$ (265.00)
Mileage/Tolls/Parking	\$ (2,755.81)
Mailing/Postage/Freight	\$ (465.68)
Office Supplies	\$ (398.79)
Office Equipment Rental	\$ (94.37)
OIT/TELCO	\$ (1,327.06)
SUB-TOTAL OE	\$ (9,461.85)
TOTAL	\$ (809,183.26)

INDIGENT LEGAL SERVICES	
Remaining Q1 Allotment as of 9/30/11	\$ 185,625.00
Oct., Nov., Dec. Somerset cty PDP *	\$ 61,875.00
Remaining Q1 Allotment as of 12/31/11	\$ 123,750.00
* Paid in Oct., Nov., & Dec. but not charged against Q2 Allotment	

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY12 FUND ACCOUNTING
AS OF 12/31/2011

Account 010 95F Z112 01 (Personal Services)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY12 Total
FY12 Allotment		\$ 171,346.00		\$ 151,936.00		\$ 171,347.00		\$ 151,935.00	\$ 646,564.00
Financial Order Adjustments		\$ (25,001.00)		\$ (19,999.00)		\$ (9,628.00)		\$ (9,627.00)	\$ (64,255.00)
Total Budget Allotments		\$ 146,345.00		\$ 131,937.00		\$ 161,719.00		\$ 142,308.00	\$ 582,309.00
Total Expenses	1	\$ (44,088.01)	4	\$ (38,675.25)	7		10		
	2	\$ (61,844.05)	5	\$ (38,565.26)	8		11		
	3	\$ (38,565.28)	6	\$ (39,775.25)	9		12		
TOTAL REMAINING		\$ 1,847.66		\$ 14,921.24		\$ 161,719.00		\$ 142,308.00	\$ 320,795.90

Q2 Month 6 (as of 12/31/11)	
Per Diem Payments	\$ (1,210.00)
Salary	\$ (20,844.25)
Vacation Pay	\$ (577.83)
Holiday Pay	\$ (2,425.12)
Sick Pay	\$ (404.00)
Overtime Pay	\$ -
Health Insurance	\$ (7,640.76)
Dental Insurance	\$ (219.04)
Employer Retiree Health	\$ (1,981.32)
Employer Retirement	\$ (1,373.76)
Employer Group Life	\$ (159.64)
Employer Medicare	\$ (317.93)
Retiree Unfunded Liability	\$ (2,621.60)
TOTAL	\$ (39,775.25)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY12 FUND ACCOUNTING
As of 12/31/11

Account 014 95F Z112 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY12 Total
Total Budget Allotments		\$ 126,625.00		\$ 126,624.00		\$ 126,624.00		\$ 126,624.00	\$ 506,497.00
Financial Order Adjustment				\$ (438.00)					
Financial Order Adjustment				\$ 438.00					
Total Budget Allotments		\$ 126,625.00		\$ 126,624.00		\$ 126,624.00		\$ 126,624.00	\$ 506,497.00
Actual Revenue Collected	1	\$ 60,307.85	4	\$ 57,059.35	7		10		
	2	\$ 35,157.96	5	\$ 55,741.67	8		11		
	3	\$ 43,331.35	6	\$ 46,710.53	9		12		
TOTAL REVENUE COLLECTED		\$ 138,797.16		\$ 159,511.55		\$ -		\$ -	\$ 298,308.71
Total Expenses	1	\$ -	4		7		10		
	2	\$ (100.00)	5	\$ (408.33)	8		11		
	3	\$ (126,624.14)	6	\$ (126,510.67)	9		12		
TOTAL REMAINING		\$ 12,073.02		\$ 32,592.55		\$ -		\$ -	\$ 44,665.57

Q2 Month 6 (as of 12/31/11)	
DEFENDER DATA COUNSEL PAYMENTS	\$ (125,903.89)
SUB-TOTAL ILS	\$ (125,903.89)
OVERPAYMENT REIMBURSEMENTS	\$ (255.00)
TRAINING EXPENSES	\$ (351.78)
SUB-TOTAL OE	\$ (606.78)
TOTAL	\$ (126,510.67)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Number of Attorneys Rostered by Court

12/31/2011

Court	Rostered Attorneys
Alfred Superior Court	121
Auburn Superior Court	119
Augusta District Court	82
Augusta Superior Court	82
Bangor District Court	61
Bath Superior Court	83
Belfast District Court	42
Belfast Superior Court	38
Biddeford District Court	158
Bridgton District Court	108
Calais District Court	12
Caribou District Court	15
Caribou Superior Court	16
Dover-Foxcroft District Court	23
Dover-Foxcroft Superior Court	21
Ellsworth District Court	46
Ellsworth Superior Court	40
Farmington District Court	37
Farmington Superior Court	33
Fort Kent District Court	8
Houlton District Court	14
Houlton Superior Court	15
Lewiston District Court	144

Court	Rostered Attorneys
Lincoln District Court	23
Machias District Court	17
Machias Superior Court	16
Madawaska District Court	9
Millinocket District Court	18
Newport District Court	35
Portland District Court	176
Presque Isle District Court	12
Rockland District Court	40
Rockland Superior Court	32
Rumford District Court	29
Skowhegan District Court	29
Skowhegan Superior Court	15
South Paris District Court	57
South Paris Superior Court	57
Springvale District Court	133
Unified Criminal Docket Bangor	56
Unified Criminal Docket Portland	152
Waterville District Court	55
West Bath District Court	124
Wiscasset District Court	67
Wiscasset Superior Court	62
York District Court	124

TOTAL NUMBER OF ATTORNEYS ROSTERED WITH MCILS AS OF 12/31/11: 500