

MCILS

**March 11, 2024
Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

**MARCH 11, 2024
COMMISSION MEETING
AGENDA**

- 1) Public Hearing on Chapter 2
- 2) Approval of the February 12, 2024 Commission Meeting Minutes
- 3) Executive session pursuant to 1 MRS § 405(6)(E) to discuss pending or contemplated litigation
- 4) Report of the Executive Director
 - a. Operations report
 - b. Budget update
 - c. Case staffing status report
 - d. Bar Admission Rule 11A amendment request
 - e. Caseload and eligibility discussion
- 5) Briefing by AAG Hudson-MacRae on appeal hearing process
- 6) Rulemaking discussion – Chapter 2
- 7) Set Date, Time and Location of Next Regular Meeting of the Commission
- 8) Public Comment

Chapter 2: STANDARDS FOR QUALIFICATIONS OF CONTRACT AND ASSIGNED COUNSEL

Summary: This ~~chapter~~Chapter establishes the standards prescribing minimum experience, training, and other qualifications for contract counsel and assigned counsel to be ~~eligible~~Eligible to ~~accept appointments~~receive assignments to represent indigent people, who are ~~eligible for~~entitled to a statutorily and/or constitutionally-~~required~~ attorney.

SECTION 1. Definitions~~Application~~

1. ~~A#~~Executive Director. "Executive Director" means the Executive Director of the Commission or the Executive Director's decision-making designee.
2. Assignment. "Assignment" means a case or lawyer of the day assignment made by a court or the Commission, and specialty court liaison or resource counsel assignments made by the Commission.
3. Eligible. "Eligible" is the status assigned to an attorney who has satisfied all the requirements of this Chapter, has satisfied all requirements of Chapter 3 for any applicable Specialized Panels, has applied and been approved by the Commission to receive assignments of the applicable case type, is current on their annual renewal, and is not under suspension by the Commission.
4. Roster. "Roster" is a list of attorneys wishing to accept case who are both Eligible and actively accepting cases of a particular type in a particular court or location.
5. Specialized Panels. "Specialized Panels" means those types of assignments by that are complex in nature. They include the panels listed in Chapter 3 of the Commission Rules.

SECTION 2. Applicability~~must~~

1. Whenever the eligibility standards are amended, the Executive Director shall create an application for all then-currently Eligible counsel to complete to demonstrate they meet all eligibility requirements of this Chapter. Counsel who are Eligible to receive assignments at the time this Chapter is amended shall maintain their eligibility until July 15, 2024. As a condition of continued eligibility, counsel must successfully complete the application by July 15, 2024. If counsel fail to successfully complete the application by July 15, 2024, they will automatically become ineligible to receive Assignments until they do so.
2. An attorney who is Eligible for one or more case types prior to the amendment of this Chapter will not be deemed Eligible for additional case types until they comply with the amended Chapter.

3. Any attorney not previously Eligible to receive Assignments from the Commission when this Chapter is amended must comply with the requirements of this Chapter and all other Commission rules to become Eligible.

SECTION 3. Minimum Eligibility Requirements

To become and/or remain Eligible, an attorney must—at a minimum—satisfy the following conditions:

1. Application

- a. Complete an application in the manner prescribed by the Commission— through its Executive Director. ~~The Commission~~Executive Director will not act on an application until it is complete.
- b. If any of the information on the application changes prior to the Executive Director acting on the application, the attorney must immediately notify the Commission via email prior to receiving a decision on the application.
- c. No attorney will be assigned a case—receive an Assignment until that attorney completes an application and is placed on the roster of attorneys eligible—deemed Eligible to receive assignmentsAssignments of that type.

~~1. SECTION 2. Minimum Experience, Training And Other Eligibility Requirements~~

~~Any attorney wishing to accept case assignments from the Commission, serve as contract counsel or otherwise be approved by the Commission to accept assignments must satisfy the following conditions.~~

~~2. 1. Licensed to Practice~~

- a. a) ~~The attorney must be licensed to practice law in the State of Maine and be in good standing with the Maine Board of Overseers of the Bar.~~
- b. b) ~~The attorney must promptly inform the Commission, in writing, of any complaint against the attorney filed with the Maine Board of Overseers of the Bar that has been set for a grievance panel hearing, or hearing before a single justice any entity charged with governing the conduct of the Supreme Judicial Court attorneys in any other jurisdiction. The attorney must so inform the Commission within 5 days of knowing or having reason to know of such complaint. Failure to comply with this requirement is grounds for removal from the roster or suspension in accordance with Section 5 herein.~~
- c. e) ~~The attorney must inform the Commission, in writing, of any suspension of the attorney's privilege to practice law in any jurisdiction within 24 hours of receiving actual or constructive notice of the suspension. Failure to comply with this requirement is grounds for suspension or removal in accordance with Section 5 herein.~~

- d. The attorney must inform the Commission, in writing, within 5 days of any criminal charge filed against the attorney in any jurisdiction and promptly inform the Commission of any disposition of such charge. Failure to comply with this requirement is grounds for suspension or removal from the roster, in accordance with Section 5 herein.

3. Proficiency

- a. The attorney must be knowledgeable of the Maine Rules of Evidence.
- b. The attorney must be knowledgeable of the rules of procedure applicable to the area(s) of law they practice.
- c. The attorney must be knowledgeable of the applicable law in their area(s) of practice.
- d. The attorney must be knowledgeable of the Maine Rules of Professional Conduct.
- e. The attorney must only represent clients in assigned cases for which they are Eligible. If an attorney is assigned to a case for which they are not Eligible, the attorney must—within three business days of receiving actual or constructive notice of the appointment—submit a complete application for the applicable case type, file a motion for appointment of eligible co-counsel, or file a motion to withdraw from the case. If the attorney elects to withdraw from the case, the attorney must fulfill their obligations pursuant to the Maine Rules of Professional Responsibility and the relevant rules of procedure.

Training 2. ~~Attorney Cooperation with Procedures and Monitoring~~

4.

- a. Before being deemed Eligible and receiving Assignments, an attorney must satisfactorily complete a designated Commission-sponsored or Commission-approved training course in each area of the law for which the attorney is seeking to receive Assignments. This includes but is not limited to the following areas of law: criminal defense, lawyer of the day, juvenile defense, civil commitment, child protective, not criminally responsible release hearings, guardianship, and emancipation.
- b. The attorney shall meet any specific training requirements of any Specialized Panels.
- c. To maintain their eligibility, an attorney must annually complete 8 hours of continuing legal education (CLE) approved by the Commission. All the CLE hours must be related to the area(s) of law that the attorney practices.

5. Technological Literacy

- a. The attorney must personally have the ability to do the following:

- i. Open, read, reply to, forward, save, and print emails. Attach files to and download attachments from emails.
- ii. Electronically sign documents.
- iii. Scan, attach, and upload or email documents.
- iv. Use ShareFile and other systems used by courts for the purpose of e-filing or sharing information with attorneys.
- v. View, download, save, copy, and disseminate in a confidential manner all discovery received in electronic form.
- vi. Opt in and out of Rosters using the Commission's electronic case management system.

6. Annual Renewal

- a. The attorney must register with the Commission annually in a manner prescribed by the Commission. ~~The attorney must comply with all applicable Commission rules and procedures. The attorney must comply with Commission monitoring and performance evaluations. The attorney must also comply with any Commission investigation of~~
- b. The annual renewal form will require the attorney to provide certain information, including but not limited to:
 - i. The attorney's contact information.
 - ii. A list of the qualifying CLE credits the attorney has completed for the relevant period.
 - iii. Whether they have had any bar complaints, ~~billing discrepancies,~~ since their last successful renewal.
 - iv. Whether they have been charged with a civil or criminal offense since their last successful renewal.
 - v. Any other information ~~that, in~~ deemed appropriate by the ~~view of the~~ Executive Director, ~~concerns the question of whether,~~
- c. The annual renewal form may also require the attorney to make certifications, including but not limited to:
 - i. That the attorney has read, understands, and agrees to abide by all Commission rules and policies.
 - ii. That the attorney is ~~fit to remain~~ licensed to practice law in Maine.

- iii. A statement about what percentage of the attorney's work hours is spent on the roster. Except as pertains to indigent cases assigned to the attorney, cases.
- iv. That the attorney has not been charged with a criminal offense which they have failed to disclose to the Commission.
- v. That the attorney has not been the subject of any Board of Bar Overseers complaints which they have failed to disclose to the Commission.
- vi. That all information submitted and certifications made on the annual renewal form are complete and accurate.
- vii. Any certification designed to assess compliance with Commission rules or policies.
- viii. Any other certifications deemed appropriate by the Executive Director cannot require an attorney to disclose information that is privileged or made confidential by statute, by court rule or by court order.

d. SECTION 3. — Any attorney who fails to successfully and timely complete the annual renewal will be deemed ineligible to receive Assignments. The attorney may have their eligibility restored upon successful completion of the annual renewal if they are in compliance with all Commission rules.

7. Office, Telephone, and Electronic Mail

- a. The attorney must maintain an office or have the use of space that is reasonably accessible to clients and that permits the private discussion of confidential and other sensitive matters.
- b. The attorney must maintain a telephone number, which shall be staffed by personnel available for answering telephone calls or an answering service, an answering machine or voicemail capability that ensures client confidentiality.
- c. The attorney must maintain a confidential working e-mail account as a means of receiving information from and providing information to the Commission. The e-mail address must not be owned or accessible by any person or entity other than the attorney or the entity they own or are employed by.
- d. The attorney must keep the Commission and the courts in which the attorney represents indigent clients apprised of the attorney's work telephone number and postal and ~~electronic e-mail~~ addresses. The attorney must ensure that the court has the ability to contact the attorney by e-mail, mail, and ~~by~~ telephone.

~~SECTION 4. Experience and Proficiency~~

8. Attorney Cooperation with Procedures and Monitoring

~~The attorney shall demonstrate the necessary and sufficient experience and proficiency required to accept appointments as provided below.~~

~~1. *[Repealed]*~~

~~a. 2. — Any attorney not previously having been accepted to receive assignments from the must comply with all applicable Commission ~~must satisfactorily complete a Commission-sponsored or Commission-approved training course for the area of the law for which the attorney is seeking to receive assignments, including but not limited to, criminal defense, juvenile defense, civil commitment, child protective, or emancipation prior to being placed on the roster and receiving assignments; or rules and procedures.~~~~

~~b. 3. — An The attorney may be accepted for placement on the roster and receive assignments from the must comply with Commission ~~without completing a monitoring and performance evaluations.~~~~

~~c. The attorney must comply with any Commission-sponsored investigation of complaints, billing discrepancies, or Commission-approved training course ~~other information. Except as provided above if the attorney demonstrates pertains to indigent cases assigned to the attorney, the Executive Director cannot require an attorney to disclose information that is privileged or made confidential by statute, court rule or court order.~~~~

SECTION 4. ~~the~~ **Eligibility**

1. Cause

~~a. The Executive Director may determine that an attorney is not Eligible to receive assignments generally or of a particular type if:~~

~~i. The attorney made any misrepresentation or material omission on any application they submitted to the Commission.~~

~~ii. The attorney fails to satisfy any requirement of any Commission rule.~~

~~iii. The attorney has a commitment to and proficiency in the practice of the area of law for prior criminal record which the Attorney is willing to accept assignments over ~~Executive Director determines could affect the attorney's ability to provide high quality legal services.~~~~

~~iv. The attorney has a prior bar disciplinary history which the Executive Director determines could affect the attorney's ability to provide high quality legal services.~~

~~v. The Executive Director concludes that the course of at least attorney is unfit to provide high quality indigent legal services.~~

2. Process

- a. If the three years prior to Executive Director determines that an attorney is not Eligible to receive Assignments generally or of a particular type pursuant to Section 5(1) of this Chapter:
 - i. The Executive Director's decision shall be in writing and shall reflect the Executive Director's reasoning in a manner sufficient to inform the attorney of the basis for the Executive Director's action.
 - ii. The Executive Director's decision that an attorney does not satisfy the minimum eligibility requirements to receive Assignments may be appealed to the full Commission pursuant to 4 M.R.S.A. §1804(3)(J) and Chapter 201 of the Commission rules.

3. Automatic Ineligibility

- a. If an attorney exceeds the maximum caseload standard as set forth by Chapter 4 of the Commission rules and has not been granted a waiver pursuant to Chapter 4, they will become ineligible to receive new case Assignments.
- b. Any attorney who voluntarily accepts a new case after having been deemed ineligible pursuant to subsection 2(a), above, will not be paid by the Commission for any time spent on the case.
- c. Any attorney who is assigned a case by a court without the attorney's consent after the attorney has been deemed ineligible pursuant to subsection 2(a), above, must within seven calendar days of receiving assignments actual or constructive notice of the assignment, file a motion to withdraw from the case and notify the Commission of the improper assignment. The attorney will only be paid for time spent withdrawing from the Commission case, any work performed on the case pending a court's ruling on the motion to withdraw and appointment of successor counsel, and the time spent communicating with the Commission about the improper assignment. If the attorney fails to file a motion to withdraw within seven calendar days of receiving notice of the assignment, the attorney will not be paid by the Commission for any time spent on the case.

SECTION 5. Training

~~The attorney shall annually complete 8 hours of continuing legal education (CLE) approved by the Commission.~~

~~The attorney shall meet any specific training requirements of any specialized panels.~~

SECTION 6.—Removal or Suspension ~~from the Roster of Eligibility~~

1. Cause. The Executive Director may remove indefinitely or suspend an ~~attorney from the roster completely or from the roster for certain case types and court locations for attorney's Eligibility to receive Assignments, or to receive Assignments of a particular type:~~
 - a. For any failure to comply with this rule or any other Commission rule. ~~In addition, the Executive Director may remove indefinitely or suspend an attorney from the roster completely or from the roster for certain case types and court locations if~~
 - b. If the Executive Director determines that the attorney ~~is~~ can no longer ~~qualified to provide high quality indigent legal services based on the nature of any criminal charge or on investigation by the Executive Director.~~
 - c. If it is discovered that the attorney made any misrepresentation or ~~the Executive Director's designee~~ material omission on any application they submitted to the Commission.
 - d. If the Executive Director determines that the attorney can no longer ~~provide quality indigent legal services based on investigation by the Executive Director~~ of any complaint or other information.
2. Process.
 - a. The Executive Director's decision to remove or suspend an ~~attorney from the roster~~ attorney's eligibility shall be in writing and ~~shall~~ reflect the Executive Director's reasoning in a manner sufficient to inform the attorney ~~and the public~~ of the basis for the Executive Director's action.
 - b. Attorneys removed indefinitely must re-apply to the Commission if they wish to receive ~~assignments~~ Assignments in the future. Attorneys who are suspended ~~from the roster~~ need not re-apply, but must demonstrate compliance with any conditions made part of a suspension.
 - c. Removal or suspension may also include a requirement that the attorney ~~immediately~~ identify to the Commission all open assigned cases and file a motion to withdraw in each case within seven calendar days of the date of the suspension or removal decision. If an attorney is directed to withdraw from all their assigned cases and fails to do so within seven calendar days of the date of the suspension or removal decision, the attorney will not be entitled to payment from the Commission for work done on any of the cases after the date of the suspension or removal decision.
 - d. The Executive Director's decision to remove or suspend an ~~attorney~~ attorney's Eligibility may be appealed to the full Commission pursuant to 4 M.R.S.A. §1804(3)(J) and Chapter 201 of the Commission ~~rule 94-649 Chapter 201~~ rules.

STATUTORY AUTHORITY: 4 M.R.S.A. §1804(2)(B)

EFFECTIVE DATE:

June 25, 2010 – filing 2010-214 (Final adoption, major substantive)

AMENDED:

September 17, 2015 – filing 2015-152 (Final adoption, major substantive)

DRAFT

**Maine Commission on Indigent Legal Services – Commissioners Meeting
February 12, 2024
Meeting Minutes**

Commissioners Present: Donald Alexander, Michael Carey, Kimberly Monaghan, Roger Katz, David Soucy, and Joshua Tardy.

MCILS Staff Present: Jim Billings and Ellie Maciag.

Agenda Item	Discussion/Outcome
Approval of the January 8, 2024 Meeting Minutes	Commissioner Alexander moved to approve the meeting minutes; seconded by Chair Tardy. Commissioner Katz abstained. All others voted in favor. Approved.
Executive Session	<p>Commissioner Alexander moved to go into executive session to discuss pending litigation; seconded by Commissioner Katz. All voted in favor. The Commission went into executive session.</p> <p>After executive session, Commissioner Carey moved to authorize Executive Director Billings to execute the revised settlement agreement that was discussed in executive session; seconded by Commissioner Soucy. Commissioner Alexander stated that he did not support the proposed agreement because he believed it required judges to kick lawyers off cases. Commissioner Alexander asserted that rulemaking and caseload limits have been unwelcoming to attorneys and have forced a large number of attorneys off the rosters.</p> <p>Commissioner Alexander voted in the negative; all others voted in the affirmative. The motion prevailed.</p>
Report of the Executive Director	<p>Executive Director Billings provided the following report:</p> <p><u>Vouchers:</u> The total number of submitted vouchers and the amount paid per voucher is up about 90% from this time last year. Approximately 88% of the hours billed are at the \$150 rate. The January billable hours were around 29,000, which is very high and is higher than the number of hours we have been using for budgeting. Staff theorizes that this is caused by year-end billing and attorneys catching up on closing and billing cases due to the implementation of Chapter 4. But if the billable hours continue to rise and average 25,000 per month, we risk not having funds for public defender offices. Part of that is</p>

Agenda Item	Discussion/Outcome
	<p>due to a reduction in the FY25 budget because the Legislature pulled \$5 million out of our budget. If the monthly billable hours continue to exceed 22,000-23,000 hours per month, we will not have funding buffers that would allow us to be comfortable opening PD offices with existing funds. We are monitoring billable hours weekly and hope to see February return to the more normal 22,000-23,000 billable hours. The number of authorizations for expert funds continues to rise, which is good news. There had been around 100 authorizations per month but there were 150 in January.</p> <p><u>Case Staffing:</u> As of February 7, 2024, there were 152 attorneys on the rosters, of which 104 were accepting trial-level cases, including 43 attorneys who were accepting criminal cases and 31 who were accepting child protective cases. After Chapter 4 took effect on January 1, 2024, we saw a serious reduction in rosters, but the roster numbers have rebounded to about 80% of the pre-Chapter 4 levels.</p> <p>To put the roster numbers into perspective, there are:</p> <ul style="list-style-type: none"> • 11 counties with no one rostered for sex offenses. • 11 counties with no one rostered for serious violent felonies. • 5 counties with no one rostered for other felonies. • 8 counties with no one rostered for drug offenses. • 10 counties with no one rostered for domestic violence offenses. • 9 counties with no one rostered for OUIs. • 7 counties with no one rostered for other misdemeanors. • There are 3 district courts with no rostered attorneys for any cases. • Portland has one attorney on the roster for child protective cases. • 10 district courts with no one rostered for juvenile felony and bind-over cases. • 4 district courts with no one rostered for juvenile misdemeanors. <p>Before January 1, 2024, there were 60-65 attorneys on the trial-level child protective roster. That number dropped to 20 on Jan 1st and has been hovering from the high 20s to just over 30. We should consider hiring employed counsel for child protective cases.</p> <p>Commissioner Alexander: Attended the presentation Executive Director Billings made to the Judiciary Committee in January. Executive Director Billings did a superb job at delivering all the information and</p>

Agenda Item	Discussion/Outcome
	<p>making the Legislature understand it all. Legislators asked questions that showed they are interested and engaged in this, and Executive Director Billings answered their questions very well.</p> <p>Commissioner Carey: In 8 of the prior 11 months, the billing for the current year was higher than the last 2-3 years. That is important to understand. While we are focused on the number of attorneys on the rosters, we are paying at a higher rate and attorneys are doing more work. We need to keep that volume in mind in relation to the roster numbers.</p> <p>Executive Director Billings added that attorneys bill in arrears and reminded the Commission that we will not immediately save money if we open PD offices. Any cost savings associated with opening PD offices will be savings on future counsel fees.</p> <p><u>Budget:</u> The administration has approved 22 new positions, which would staff the Aroostook and Bangor PD offices and a couple of staff positions and an investigator for the Capital Region Public Defender Office (CRPDO). We are in communication with representatives from AFA about trying to get the \$5 million back that was taken from us in the Part B Budget.</p> <p><u>Staffing:</u> We have identified a candidate for the RDU position and have received an encouraging number of applications for the paralegal and office manager positions for the CRPDO. The CRPDO is set to move into their new office on February 22, 2024. There are issues with the Office of Information Technology (OIT) regarding internet, but we are working with OIT to address those issues.</p>
Rulemaking	<p><u>Chapter 301:</u> With the upcoming implementation of Chapter 301, staff have been discussing whether there should be a look-back that would allow vouchers that were rejected because they were more than 90 days old to be resubmitted if they were within 180 days old at the time Chapter 301 goes into effect, subject to the graduated reductions in vouchers outlined in Chapter 301. Staff estimate that about \$20,000 of vouchers would fall into that category. If there was a longer look-back of two years, that would total approximately \$150,000.</p> <p>Commissioner Alexander: Supported the longer look-back with the goal of doing justice to attorneys who did a lot of work for MCILS and encourage more attorneys to join the rosters.</p>

Agenda Item	Discussion/Outcome
	<p>Chair Tardy: Seconded the motion. Billing deadlines are necessary, in part because they are a response to legislative oversight, and because the Commission has to predict its cash flow and budget allocations. The voucher deadlines were never meant to be punitive. Chair Tardy views the deadlines as a way to make sure attorneys get paid timely.</p> <p>Commissioner Soucy: Supported the two-year look-back.</p> <p>Commissioner Alexander moved to allow the two-year look-back for the implementation of the newly adopted Chapter 301; seconded by Chair Tardy. All voted in favor.</p> <p><u>Chapter 2:</u> Commissioner Carey moved to send Chapter 2 out for public comment. Seconded by Commissioner Soucy.</p> <p>Discussion: Commissioner Carey wanted to go through each Commissioner Alexander's suggestions. Executive Director Billings explained that staff have reviewed Commissioner Alexander's comments and have responses to them. Commissioner Alexander suggested that his comments and staff's replies be part of the public comment. Commissioner Alexander stated that the Commission has been lacking needed feedback from the bar, particularly about supervision. According to Commissioner Alexander, some experienced attorneys have serious objections to the supervision aspects of the rule. Commissioner Carey was fine with Commissioner Alexander's approach but pointed out that it would require multiple rounds of public comment because Commissioner Alexander's suggestions are substantive. AAG Hudson-MacRae said that the Commission should provide the version it intends to vote on to the public. Director Billings said that staff did not find merit in Commissioner Alexander's proposals and found that his changes were not necessary or ill-suited to the Commission's mission.</p> <p>Commissioner Carey moved to send Chapter 2 out for public comment; seconded by Commissioner Soucy. All voted in favor.</p> <p>Commissioner Soucy requested a copy of staff's replies to Commissioner Alexander's suggestions in advance of the next Commission meeting.</p>

Agenda Item	Discussion/Outcome
Public Comment	None.
Adjournment	The next meeting will be held on March 11, 2024 at 1:00PM.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JIM BILLINGS, EXECUTIVE DIRECTOR
SUBJECT: OPERATIONS REPORTS
DATE: March 7, 2024

Attached you will find the February 2024, Operations Reports for your review and our discussion at the Commission meeting on March 11, 2024. A summary of the operations reports follows:

- 2,371 new cases were opened in the DefenderData system in February. This was a 435 case decrease from January. Year to date, new cases are up 11% from last year from 19,654 at this time last year to 21,821 this year.
- The number of vouchers submitted electronically in February was 3,571 a decrease of 312 vouchers from January, totaling \$4,227,128, an increase of \$94,660 from January. Year to date, the number of submitted vouchers is up by approximately 15.4%, from 22,584 at this time last year to 26,080 this year, with the total amount for submitted vouchers up approximately 97%, from \$13,527,050 at this time last year to \$26,684,992 this year.
- In February, we paid 3,413 electronic vouchers totaling \$3,606,730, representing an increase of 359 vouchers and an increase of \$389,404 compared to January. Year to date, the number of paid vouchers is up approximately 15.6%, from 22,361 at this time last year to 25,868 this year, and the total amount paid is up approximately 93%, from \$13,428,756 this time last year to \$25,921,198 this year.
- The average price per voucher in February was \$1,056.76 up \$3.28 per voucher from January. Year to date, the average price per voucher is up approximately 66.8%, from \$600.54 at this time last year to \$1,002.06 this year.
- Appeal and Probate had the highest average voucher in February. There were 25 vouchers exceeding \$7,500 paid in February. See attached addendum for details.
- February authorization numbers are incomplete and will be reported in March. In February, we paid \$145,680 for experts and investigators, etc.
- There were no attorney suspensions in February.
- In our All Other Account, the total expenses for the month of February were \$998,144. During February, approximately \$65,520 was devoted to the Commission's operating expenses.

- In the Personal Services Accounts, we had \$257,664 in expenses for the month of February.
- In the Revenue Account, January’s transfer of collected counsel fees from the Judicial Branch totaled \$32,140 We paid \$2,819,787 in counsel payments for the month of February.
- Exceptional results – see attached addendum.
- As of March 7, 2024, there are 148 rostered attorneys of which 99 are available for trial court level work.
- For the first 8 months of this fiscal year, submitted hours are up approximately 16.3% over the same 8-month period last year. And February 2024 submitted hours are 39.8% greater than February 2023 submitted hours.

Submitted Hours													
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Yearly Total
FY21	13,652	15,225	17,333	20,420	17,399	17,244	19,813	17,753	31,671	17,869	19,037	19,270	226,687
FY22	19,764	21,749	19,882	22,228	17,828	17,286	22,006	21,357	24,885	19,723	19,551	21,195	247,454
FY23	19,890	22,083	20,470	20,125	20,820	21,997	21,823	20,666	23,273	19,878	25,420	25,109	261,556
FY24	22,635	24,596	22,244	21,813	22,643	23,608	28,859	28,903					195,301

Vouchers over \$7,500

Comment	Voucher Total	Case Total
Robbery/Kidnapping	\$34,890.00	\$34,890.00
Gross Sexual Assault/Sexual Abuse of Minor	\$16,347.68	\$38,151.06
Felony Murder	\$15,705.00	\$15,705.00
Aggravated Trafficking	\$12,317.80	\$12,317.80
Termination of Parental Rights	\$12,275.81	\$12,275.81
Theft by Misapplication of Property	\$11,920.57	\$11,920.57
JV Criminal Mischief	\$11,535.00	\$11,535.00
Criminal Threatening	\$11,158.46	\$11,158.46
Unlawful Sexual Contact	\$10,593.13	\$44,535.18
Assault	\$10,410.19	\$10,410.19
Robbery	\$10,350.00	\$10,350.00
Home Repair Fraud	\$10,131.00	\$10,131.00
Aggravated Assault	\$10,052.50	\$10,052.50
Reckless Conduct	\$9,583.12	\$9,583.12
JV Arson	\$9,435.00	\$22,335.00
Criminal Threatening	\$9,098.00	\$9,098.00
Child Protection Petition	\$9,045.00	\$9,045.00
OUI	\$8,970.00	\$8,970.00
Child Protection Petition	\$8,227.00	\$8,227.00
Termination of Parental Rights	\$8,006.00	\$16,092.00
TPR Appeal	\$7,850.36	\$7,850.36
Theft	\$7,839.04	\$7,839.04
Theft	\$7,800.00	\$7,800.00
Domestic Violence Aggravated Assault	\$7,757.00	\$12,551.18
Child Protection Petition	\$7,725.00	\$7,725.00

Good Outcomes

Review Date	Attorney	Charge(s)	Disposition
2/2/2024	Crocker, Erik	1 ct. OUI (Alcohol), 1 ct. Operate Vehicle without License-Cond/Restriction	Dismissed after Successful Deferred Disposition - Counsel's negotiated good outcome after motion for termination of deferred preventing bad outcome.
2/2/2024	Madison, Lynn	1 ct. OUI (Drugs or Combo), 1 ct. Driving to Endanger	Not Guilty Verdict after Jury Trial
2/2/2024	Owens, Molly	Child Protection Petition	Dismissal with Custody to Client
2/8/2024	Kilgore, Taylor	Child Protection Petition	Dismissal with Custody to Client
2/9/2024	Zirschky, David	1 ct. Domestic Violence Assault, 1 ct. Domestic Violence Terrorizing	Mistrial on DVA; Not guilty verdict after jury trial on DV Terrorizing
2/15/2024	Rohde, Jennifer	Refusing to Submit to Arrest or Detention, Physical Force	Dismissed with Pressure from Law Enforcement Excessive Force
2/23/2024	Shea, Stephen	1 ct. Home Repair Fraud, 1 ct. Theft by Deception	Dismissed after Successful Motion for Discovery Sanctions
2/26/2024	Cohen, Jennifer	Domestic Violence Assault	Not Guilty after Jury Trial

Statement of Revenue and Expenses for Maine Commission of Indigent Legal Services

As of March 3, 2024

<u>General Funds - 010-Z11201</u>	<u>QTR1</u>	<u>QTR2</u>	<u>QTR3</u>	<u>QTR4</u>	<u>TOTAL</u>
Personal Services Allotment	\$ 513,974	\$ 794,706	\$ 1,213,498	\$ 638,747	\$ 3,160,925
Payroll to date	(421,815)	(394,907)	(461,885)	-	(1,278,607)
Estimated payroll remaining	-	-	(194,227)	(582,682)	(776,909)
Total Personal Services available	\$ 92,159	\$ 399,799	\$ 557,386	\$ 56,065	\$ 1,105,409
All Other Allotment	\$ 6,334,259	\$ 7,569,389	\$ 4,416,162	\$ 849,379	\$ 19,169,189
Expenditures to date	(5,987,148)	(7,565,389)	(4,037,317)	-	(17,589,855)
Encumbrances	(347,109)	(3,999)	41,491	-	(309,617)
Total All Other Available	\$ 1	\$ 1	\$ 420,336	\$ 849,379	\$ 1,269,717

Unencumbered balance forward 0.00

<u>Other Special Revenue Funds - 014-Z11201</u>	<u>QTR1</u>	<u>QTR2</u>	<u>QTR3</u>	<u>QTR4</u>	<u>TOTAL</u>
Personal Services Allotment	\$ 199,948	\$ 183,210	\$ 199,948	\$ 98,063	\$ 681,169
Payroll to date	(177,188)	(155,483)	(132,005)	-	(464,677)
Estimated payroll remaining	-	-	(54,553)	(163,658)	(218,210)
Total Personal Services available	\$ 22,760	\$ 27,727	\$ 13,390	\$ (65,595)	\$ (1,718)
All Other Allotment	\$ 3,050,247	\$ 3,072,747	\$ 11,057,811	\$ 4,991,638	\$ 22,172,443
Expenditures to date	(3,050,246)	(3,072,747)	(4,142,045)	-	(10,265,038)
Encumbrances	-	-	-	-	-
Total All Other Available	\$ 1	\$ 0	\$ 6,915,766	\$ 4,991,638	\$ 11,907,405

*FO UBF \$10M Q4

CASH ON HAND3/7/2024 \$ 23,713,320.05

<u>Other Special Revenue Funds - 014-Z11202</u>	<u>QTR1</u>	<u>QTR2</u>	<u>QTR3</u>	<u>QTR4</u>	<u>TOTAL</u>
All Other Allotment	\$ -	\$ 16,704	\$ 26,962	\$ 13,334	\$ 57,000
Expenditures to date	-	(16,703)	(1,203)	-	(17,907)
Encumbrances	-	-	-	-	-
Total All Other Available	\$ -	\$ 1	\$ 25,759	\$ 13,334	\$ 39,093

CASH ON HAND3/7/2024 \$ 3,326.12

<u>Other Special Revenue Funds - 014-Z25801</u>	<u>QTR1</u>	<u>QTR2</u>	<u>QTR3</u>	<u>QTR4</u>	<u>TOTAL</u>
All Other Allotment	\$ -	\$ -	\$ -	\$ -	\$ -
Expenditures to date	-	-	-	-	-
Encumbrances	-	-	-	-	-
Total All Other Available	\$ -	\$ -	\$ -	\$ -	\$ -

CASH ON HAND3/7/2024 \$ -

<u>ARPA Funds - 023-Z11201</u>	<u>QTR1</u>	<u>QTR2</u>	<u>QTR3</u>	<u>QTR4</u>	<u>TOTAL</u>
All Other Allotment	\$ -	\$ -	\$ 1,500,000	\$ -	\$ 1,500,000
Expenditures to date	-	-	-	-	-
Encumbrances	-	-	-	-	-
Total All Other Available	\$ -	\$ -	\$ 1,500,000	\$ -	\$ 1,500,000

CASH ON HAND3/7/2024 \$ -

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

2/29/2024

DefenderData Case Type	Feb-24						Fiscal Year 2024			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	14	24	\$86,358.94	26	\$ 86,604.37	\$3,330.94	127	144	\$ 447,716.27	\$3,109.14
Central Office Resource Counsel	0	4	\$6,735.00	4	\$ 7,095.00	\$1,773.75	6	30	\$ 44,930.00	\$1,497.67
Child Protection Petition	206	423	\$611,166.60	362	\$ 534,689.17	\$1,477.04	1,392	2,724	\$ 3,418,519.06	\$1,254.96
Drug Court	5	16	\$35,034.00	14	\$ 34,343.00	\$2,453.07	42	119	\$ 264,876.04	\$2,225.85
Emancipation	3	5	\$4,431.00	3	\$ 4,365.00	\$1,455.00	51	44	\$ 43,789.68	\$995.22
Felony	545	985	\$1,648,020.71	937	\$ 1,238,510.93	\$1,321.78	5,337	6,144	\$ 8,619,839.89	\$1,402.97
Involuntary Civil Commitment	115	91	\$49,487.26	82	\$ 46,803.76	\$570.78	872	761	\$ 437,637.07	\$575.08
Juvenile	95	104	\$177,229.34	94	\$ 120,810.06	\$1,285.21	814	668	\$ 786,363.87	\$1,177.19
Lawyer of the Day - Custody	269	247	\$159,834.00	249	\$ 157,269.00	\$631.60	2,070	2,022	\$ 1,325,533.44	\$655.56
Lawyer of the Day - Juvenile	10	11	\$8,889.10	12	\$ 5,315.10	\$442.93	136	141	\$ 81,890.40	\$580.78
Lawyer of the Day - Walk-in	131	129	\$87,716.12	128	\$ 90,874.22	\$709.95	1,129	1,138	\$ 759,268.95	\$667.20
MCILS Provided Training	9	23	\$19,879.39	39	\$ 35,384.38	\$907.29	514	499	\$ 370,056.44	\$741.60
Misdemeanor	841	1,105	\$872,967.52	1,093	\$ 814,219.41	\$744.94	7,800	8,483	\$ 5,784,536.24	\$681.90
Petition, Modified Release Treatment	2	2	\$2,627.45	2	\$ 2,627.45	\$1,313.73	5	24	\$ 25,926.81	\$1,080.28
Petition, Release or Discharge	0	1	\$7,835.58	0			2	8	\$ 24,125.23	\$3,015.65
Petition, Termination of Parental Rights	4	54	\$76,245.24	58	\$ 93,317.18	\$1,608.92	120	508	\$ 852,099.54	\$1,677.36
Post Conviction Review	2	25	\$86,231.63	18	\$ 40,716.41	\$2,262.02	42	87	\$ 261,670.20	\$3,007.70
Probate	2	2	\$10,567.00	1	\$ 3,638.00	\$3,638.00	13	28	\$ 52,391.80	\$1,871.14
Probation Violation	112	151	\$118,008.96	149	\$ 129,350.80	\$868.13	1,055	1,127	\$ 949,155.50	\$842.20
Represent Witness on 5th Amendment	2	4	\$1,099.50	1	\$ 450.00	\$450.00	17	10	\$ 8,118.50	\$811.85
Resource Counsel Criminal	1	2	\$735.00	4	\$ 1,479.00	\$369.75	6	30	\$ 12,534.00	\$417.80
Resource Counsel Juvenile	0	1	\$525.00	0			1	8	\$ 2,280.00	\$285.00
Resource Counsel Mental Health	0	1	\$405.00	1	\$ 90.00	\$90.00	1	2	\$ 195.00	\$97.50
Resource Counsel NCR	0	0		0			0	0		
Resource Counsel Protective Custody	0	5	\$6,540.00	5	\$ 6,909.00	\$1,381.80	6	25	\$ 40,453.50	\$1,618.14
Review of Child Protection Order	2	155	\$148,103.14	131	\$ 151,868.98	\$ 1,159.31	255	1088	\$ 1,304,319.38	\$ 1,198.82
Revocation of Administrative Release	1	1	\$456.00	0			8	6	\$ 2,972.00	\$495.33
Weapons Restrictions Case	0	0		0			0	0		
TOTAL	2,371	3,571	\$4,227,128.48	3,413	\$ 3,606,730.22	\$1,056.76	21,821	25,868	\$ 25,921,198.81	\$ 1,002.06

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

2/29/2024

Court	Feb-24						Fiscal Year 2024			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	0	2	\$2,985.00	1	\$ 1,215.00	\$1,215.00	5	10	\$ 8,871.90	\$887.19
AUBSC	2	2	\$4,474.32	2	\$ 4,474.32	\$2,237.16	6	12	\$ 12,954.32	\$1,079.53
AUGDC	46	95	\$146,697.49	62	\$ 105,469.89	\$1,701.13	398	507	\$ 651,887.05	\$1,285.77
AUGSC	2	4	\$15,879.47	3	\$ 8,043.89	\$2,681.30	9	32	\$ 56,264.65	\$1,758.27
BANDC	49	82	\$77,016.24	78	\$ 76,693.50	\$983.25	437	701	\$ 603,644.85	\$861.12
BANSC	0	0		0			1	8	\$ 3,375.16	\$421.90
BATSC	0	1	\$1,155.00	0			1	1	\$ 555.00	\$555.00
BELDC	15	44	\$88,285.56	22	\$ 29,289.90	\$1,331.36	113	168	\$ 189,112.37	\$1,125.67
BELSC	0	0		0			4	1	\$ 1,532.48	\$1,532.48
BIDDC	41	74	\$95,763.76	70	\$ 102,262.94	\$1,460.90	372	449	\$ 561,642.96	\$1,250.88
BRIDC	18	18	\$20,695.83	16	\$ 16,086.77	\$1,005.42	87	72	\$ 74,518.07	\$1,034.97
CALDC	7	12	\$12,345.70	8	\$ 6,399.00	\$799.88	54	63	\$ 64,038.76	\$1,016.49
CARDC	7	20	\$22,653.00	16	\$ 17,973.00	\$1,123.31	44	109	\$ 122,391.38	\$1,122.86
CARSC	1	0		0			6	1	\$ 2,970.00	\$2,970.00
DOVDC	10	7	\$14,499.10	9	\$ 12,907.00	\$1,434.11	39	82	\$ 87,290.84	\$1,064.52
DOVSC	0	1	\$ 1,290.00	0			2	0		
ELLDC	14	20	\$27,677.04	17	\$ 29,009.04	\$1,706.41	83	228	\$ 304,973.81	\$1,337.60
ELLSC	0	0		0			0	0		
FARDC	2	16	\$16,292.60	17	\$ 13,317.08	\$783.36	116	151	\$ 140,692.12	\$931.74
FARSC	0	0		0			2	2	\$ 2,055.00	\$1,027.50
FORDC	4	14	\$16,211.78	14	\$ 14,498.00	\$1,035.57	63	90	\$ 111,083.98	\$1,234.27
HOUDC	4	30	\$42,222.23	24	\$ 22,642.50	\$943.44	75	145	\$ 167,396.65	\$1,154.46
HOUSC	1	0		0			1	2	\$ 4,043.00	\$2,021.50
LEWDC	39	68	\$92,074.44	80	\$ 104,353.72	\$1,304.42	418	678	\$ 800,567.91	\$1,180.78
LINDC	6	7	\$6,309.56	7	\$ 10,110.35	\$1,444.34	31	63	\$ 79,646.06	\$1,264.22
MACDC	4	15	\$14,706.28	9	\$ 9,830.28	\$1,092.25	40	53	\$ 58,465.37	\$1,103.12
MACSC	0	0		1	\$ 1,185.00	\$1,185.00	1	1	\$ 1,185.00	\$1,185.00
MADDC	1	0		0			7	0		
MILDC	1	0		0			6	7	\$ 4,974.00	\$710.57
NEWDC	7	24	\$20,820.00	16	\$ 14,874.00	\$929.63	70	162	\$ 153,359.80	\$946.67
PORDC	70	79	\$115,000.81	88	\$ 113,673.15	\$1,291.74	580	722	\$ 850,811.62	\$1,178.41
PORSC	0	1	\$1,965.00	1	\$ 1,965.00	\$1,965.00	7	15	\$ 57,766.00	\$3,851.07
PREDC	4	21	\$33,593.20	25	\$ 39,259.70	\$1,570.39	67	148	\$ 207,466.01	\$1,401.80
RODC	21	21	\$19,736.73	18	\$ 18,020.17	\$1,001.12	102	135	\$ 140,923.43	\$1,043.88
ROSC	1	0		0			4	3	\$ 1,559.00	\$519.67
RUMDC	15	22	\$29,771.18	21	\$ 36,168.29	\$1,722.30	75	150	\$ 213,596.52	\$1,423.98
SKODC	26	72	\$72,844.00	55	\$ 64,421.22	\$1,171.29	218	481	\$ 544,437.19	\$1,131.89
SKOSC	0	0		0			3	4	\$ 5,531.04	\$1,382.76
SOUDC	3	22	\$33,695.76	27	\$ 45,362.26	\$1,680.08	85	142	\$ 242,473.15	\$1,707.56
SOUSC	0	0		0			4	2	\$ 12,897.94	\$6,448.97
SPRDC	10	25	\$28,100.00	21	\$ 25,129.64	\$1,196.65	76	205	\$ 250,830.63	\$1,223.56
Law Ct	15	19	\$78,426.81	21	\$ 79,794.37	\$3,799.73	105	109	\$ 362,394.75	\$3,324.72
Training	9	31	\$31,399.39	45	\$ 45,923.38	\$1,020.52	513	539	\$ 438,239.94	\$813.06
YORCD	367	412	\$427,031.73	407	\$ 423,926.94	\$1,041.59	2,592	2,929	\$ 2,866,076.21	\$978.52
AROCD	140	210	\$319,499.37	211	\$ 214,739.70	\$1,017.72	1,354	1,582	\$ 1,693,882.48	\$1,070.72
ANDCD	187	242	\$270,028.76	255	\$ 251,304.57	\$985.51	1,533	1,866	\$ 1,691,758.97	\$906.62
KENCD	234	193	\$197,531.39	185	\$ 172,522.42	\$932.55	1,914	1,939	\$ 1,553,824.89	\$801.35
PENCD	175	351	\$369,288.16	332	\$ 322,601.63	\$971.69	2,126	2,304	\$ 2,064,162.47	\$895.90
SAGCD	31	32	\$25,113.13	31	\$ 29,354.17	\$946.91	351	351	\$ 339,795.47	\$968.08
WALCD	76	95	\$136,693.28	72	\$ 71,433.88	\$992.14	535	471	\$ 446,535.87	\$948.06
PISCD	23	8	\$4,970.50	29	\$ 22,687.62	\$782.33	130	133	\$ 135,598.63	\$1,019.54
HANCD	59	104	\$94,741.80	106	\$ 86,690.02	\$817.83	540	639	\$ 600,545.84	\$939.82
FRACD	27	67	\$58,557.49	81	\$ 79,473.20	\$981.15	379	471	\$ 375,158.38	\$796.51
WASCD	49	61	\$112,980.28	45	\$ 66,455.62	\$1,476.79	449	415	\$ 525,441.82	\$1,266.12
CUMCD	286	467	\$580,458.08	453	\$ 426,615.23	\$941.76	2,957	3,110	\$ 3,114,083.09	\$1,001.31
KN OCD	25	61	\$75,735.29	54	\$ 65,922.27	\$1,220.78	411	430	\$ 493,174.80	\$1,146.92
SOMCD	97	120	\$115,424.51	103	\$ 78,118.08	\$758.43	737	807	\$ 708,219.15	\$877.59
OXFCD	59	128	\$84,379.58	114	\$ 76,634.03	\$672.23	756	1,007	\$ 681,858.79	\$677.12
LINCD	42	65	\$59,021.76	67	\$ 59,992.68	\$895.41	383	320	\$ 288,206.09	\$900.64
WATDC	13	51	\$62,958.28	37	\$ 38,626.62	\$1,043.96	154	336	\$ 340,402.74	\$1,013.10
WESDC	22	22	\$19,389.00	22	\$ 32,775.00	\$1,489.77	130	190	\$ 231,782.32	\$1,219.91
WISDC	2	4	\$6,303.32	11	\$ 13,819.18	\$1,256.29	34	68	\$ 88,344.14	\$1,299.18
WISSC	0	0		0			1	2	\$ 630.00	\$315.00
YORDC	2	6	\$10,585.49	4	\$ 2,685.00	\$671.25	17	40	\$ 71,645.92	\$1,791.15
TOTAL	2,371	3,571	\$4,227,128.48	3,413	\$3,606,730.22	\$1,056.76	21,821	25,868	\$25,921,198.81	\$1,002.06

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY24 FUND ACCOUNTING
AS OF 02/29/2024

Account 010 95F Z112 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY24 Total
FY24 Professional Services Allotment		\$ 7,783,128.77		\$ 4,923,712.00		\$ 4,923,711.00		\$ 4,923,711.00	\$ 22,554,262.77
FY24 General Operations Allotment		\$ 48,000.00		\$ 48,000.00		\$ 48,000.00		\$ 48,000.00	\$ 192,000.00
FY23 carry forward appropriation		\$ -		\$ 1,255,608.01		\$ -		\$ -	\$ 1,255,608.01
FY23 carry forward appropriation		\$ -		\$ (0.01)		\$ -		\$ -	\$ -
Budget Order Adjustment		\$ (1,496,870.00)		\$ 1,496,870.00		\$ -		\$ -	\$ -
Budget Order Adjustment		\$ -		\$ (197,532.00)		\$ 197,532.00		\$ -	\$ -
Financial Order Adjustment		\$ -		\$ 42,731.00		\$ (753,081.00)		\$ (4,122,332.00)	\$ (4,832,682.00)
FY23 One-time reduction		\$ -		\$ -		\$ -		\$ -	\$ -
Total Budget Allotments		\$ 6,334,258.77		\$ 7,569,389.00		\$ 4,416,162.00		\$ 849,379.00	\$ 19,169,188.78
Total Expenses	1	\$ (2,941,048.40)	4	\$ (3,750,984.71)	7	\$ (3,005,424.00)	10	\$ -	
	2	\$ (2,953,206.21)	5	\$ (1,504,762.41)	8	\$ (998,144.62)	11	\$ -	
	3	\$ (92,893.88)	6	\$ (2,309,642.06)	9	\$ -	12	\$ -	
FY23 carry forward appropriation		\$ -		\$ -		\$ -		\$ -	\$ 1,255,608.01
FY23 carry forward encumbrances		\$ -		\$ -		\$ -		\$ -	\$ (587,542.77)
Encumbrances (Justice Works)		\$ (82,212.00)		\$ 24,108.00		\$ 15,969.00		\$ -	\$ (42,135.00)
Encumbrances (B Taylor)		\$ (13,260.00)		\$ (61,880.00)		\$ 16,206.66		\$ -	\$ (58,933.34)
Encumbrances (CTB for non attorney expenses)		\$ 179,235.71		\$ 15,080.35		\$ 7,538.86		\$ -	\$ 201,854.92
Encumbrance (Legal Case Management Accelerator User assistance)		\$ (5,550.00)		\$ 5,550.00		\$ -		\$ -	\$ -
Encumbrance (Justin Andrus contract for temp services)		\$ (125,693.60)		\$ 3,156.50		\$ 1,327.50		\$ -	\$ (121,209.60)
Online Legal Research Services		\$ (46,979.20)		\$ 10,014.51		\$ 6,720.70		\$ -	\$ (30,243.99)
Encumbrance (K. Guillory contract for website maintenance)		\$ (1,000.00)		\$ -		\$ -		\$ -	\$ (1,000.00)
Encumbrance (business cards)		\$ -		\$ (28.50)		\$ 28.50		\$ -	\$ -
Encumbrance (videographer)		\$ -		\$ -		\$ (6,300.00)		\$ -	\$ (6,300.00)
		\$ -		\$ -		\$ -		\$ -	\$ -
FY22 CTB Balance Carry Forward		\$ (251,650.23)		\$ -		\$ -		\$ -	\$ (251,650.23)
TOTAL REMAINING		\$ 0.96		\$ 0.68		\$ 454,084.60		\$ 849,379.00	\$ 1,303,465.24

Q3 Month 8	
INDIGENT LEGAL SERVICES	
Counsel Payments	\$ (786,943.06)
Interpreters	\$ (3,632.64)
Private Investigators	\$ (22,054.13)
Mental Health Expert	\$ (41,150.00)
Misc Prof Fees & Serv	\$ (2,276.00)
Transcripts	\$ (19,813.89)
Other Expert	\$ (53,974.98)
Subpoena witness	\$ -
Process Servers	\$ (2,778.98)
SUB-TOTAL ILS	\$ (932,623.68)
OPERATING EXPENSES	
Risk Management Insurances	\$ -
Barbara Taylor monthly fees	\$ (11,786.66)
OIT/TELCO	\$ (15,101.38)
Mileage/Tolls/Parking	\$ (732.00)
Mailing/Postage/Freight	\$ (517.68)
West Publishing Corp	\$ (3,632.39)
Legal services for staff	\$ (157.50)
Office Supplies/Equip.	\$ (276.71)
Cellular Phones	\$ (2,536.27)
Periodicals/Books	\$ (930.61)
Employee/counsel lodging	\$ (321.00)
Service center quarterly payment	\$ (11,011.58)

INDIGENT LEGAL SERVICES	
Q3 Allotment	\$ 4,416,162.00
Encumbrances for Justice Works contract	\$ 15,969.00
Barbara Taylor Contract	\$ 16,206.66
CTB Encumbrance for non attorney expenses	\$ 7,538.86
Encumbrance for Videographer	\$ (6,300.00)
Encumbrance for Justin Andrus contract for temp services	\$ 1,327.50
Legal Case Management Accelerator User Assistance	\$ -
Online Legal Research Services	\$ 6,720.70
Encumbrance (K. Guillory contract for website maintenance)	\$ -
Encumbrance (business cards)	\$ 28.50
Expenses to date	\$ (4,003,568.62)
Remaining Q3 Allotment	\$ 454,084.60

Non-Counsel Indigent Legal Services	
Monthly Total	\$ (145,680.62)
Total Q1	\$ 386,083.19
Total Q2	\$ 356,772.26
Total Q3	\$ 387,268.92
Total Q4	\$ -
Fiscal Year Total	\$ 1,130,124.37

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
 FY24 FUND ACCOUNTING
 AS OF 02/29/2024

Survey Monkey annual fee	\$	-
Central fleet vehicle lease	\$	(599.44)
Minor IT equipment/accessories	\$	(27.48)
Business cards	\$	(195.00)
Dues	\$	(100.00)
Registration fees	\$	(1,100.00)
Sales tax paid	\$	(26.76)
Hard drive to old printer/copier/fax/scan	\$	-
Justice Works	\$	(8,268.00)
Parking fees for Lewiston	\$	-
Staff meals & gratuity	\$	-
AAG Legal Svcs Quarterly Payment	\$	(8,200.48)
SUB-TOTAL OE	\$	(65,520.94)
TOTAL	\$	(998,144.62)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY24 FUND ACCOUNTING
AS OF 02/29/2024

Account 010 95F Z112 01 (Personal Services)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY24 Total
FY24 Allotment		\$ 513,974.00		\$ 469,367.00		\$ 513,974.00		\$ 203,769.00	\$ 1,701,084.00
Financial Order Adjustments		\$ -		\$ 325,339.00		\$ 699,524.00		\$ 434,978.00	\$ 1,459,841.00
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	\$ -
Funding for additional staff		\$ -		\$ -		\$ -		\$ -	\$ -
Projected savings-increase in attrition rate		\$ -		\$ -		\$ -		\$ -	\$ -
Carry forward Q1, Q2 & Q3 Allotment		\$ -		\$ -		\$ -		\$ -	\$ -
Total Budget Allotments		\$ 513,974.00		\$ 794,706.00		\$ 1,213,498.00		\$ 638,747.00	\$ 3,160,925.00
Total Expenses	1	\$ (125,464.57)	4	\$ (115,285.80)	7	\$ (260,396.68)	10	\$ -	
	2	\$ (176,263.37)	5	\$ (128,936.93)	8	\$ (201,488.18)	11	\$ -	
	3	\$ (120,087.49)	6	\$ (150,683.94)	9	\$ -	12	\$ -	
TOTAL REMAINING		\$ 92,158.57		\$ 399,799.33		\$ 751,613.14		\$ 638,747.00	\$ 1,882,318.04

Q3 Month 8	
Standard Overtime	\$ (45.66)
Permanent Regular	\$ (72,979.32)
Perm Vacation Pay	\$ (750.28)
Perm Holiday Pay	\$ -
Sick Pay	\$ (756.80)
Employee hlth svcs/workers comp	\$ (378.00)
Health Insurance	\$ (18,393.76)
Dental Insurance	\$ (452.60)
Employer Retiree Health	\$ (11,258.64)
Employer Retirement	\$ (7,365.05)
Employer Group Life	\$ (1,402.38)
Employer Medicare	\$ (1,943.14)
Retiree Unfunded Liability	\$ (21,321.81)
Longevity Pay	\$ (200.00)
Lim Perm Part Time Full Ben	\$ (5,290.74)
Limited Period Regular	\$ (48,569.31)
Limited Per Vacation Pay	\$ (606.32)
Limited Per Holiday Pay	\$ -
Limit Per Sick Pay	\$ (2,174.37)
Retro pay contract	\$ (7,600.00)
TOTAL	\$ (201,488.18)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY24 FUND ACCOUNTING
AS OF 02/29/2024

Account 014 95F Z112 01 (OSR Personal Services Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY24 Total
FY24 Allotment		\$ 199,948.00		\$ 183,210.00		\$ 199,948.00		\$ 98,063.00	\$ 681,169.00
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Carry Forward Q1 & Q3 Allotment		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 199,948.00		\$ 183,210.00		\$ 199,948.00		\$ 98,063.00	\$ 681,169.00
Total Expenses	1	\$ (51,673.18)	4	\$ (51,685.02)	7	\$ (75,829.14)	10	\$ -	
	2	\$ (73,802.05)	5	\$ (51,899.14)	8	\$ (56,176.10)	11	\$ -	
	3	\$ (51,713.22)	6	\$ (51,899.14)	9	\$ -	12	\$ -	
TOTAL REMAINING		\$ 22,759.55		\$ 27,726.70		\$ 67,942.76		\$ 98,063.00	\$ 216,492.01

Q3 Month 8	
Standard Overtime	\$ -
Permanent Regular	\$ (26,817.44)
Perm Vacation Pay	\$ -
Perm Holiday Pay	\$ -
Perm Sick Pay	\$ (366.56)
Health Insurance	\$ (7,430.44)
Dental Insurance	\$ (146.00)
Employer Retiree Health	\$ (2,955.76)
Employer Retirement	\$ (2,974.12)
Employer Group Life	\$ (386.12)
Employer Medicare	\$ (488.40)
Retiree Unfunded Liability	\$ (5,597.66)
Limited Period Regular	\$ (7,122.96)
Limit Per Holiday Pay	\$ -
Limit Per Vacation Pay	\$ -
Limit Per Sick Pay	\$ (182.64)
Longevity Pay	\$ -
Employee Hlth SVS/Workers comp	\$ (108.00)
Perm Part Time Full Ben	\$ -
Retro Pay Contract	\$ (1,600.00)
Retro Lump Sum Pymt	\$ -
TOTAL	\$ (56,176.10)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY24 FUND ACCOUNTING

As of 02/29/2024

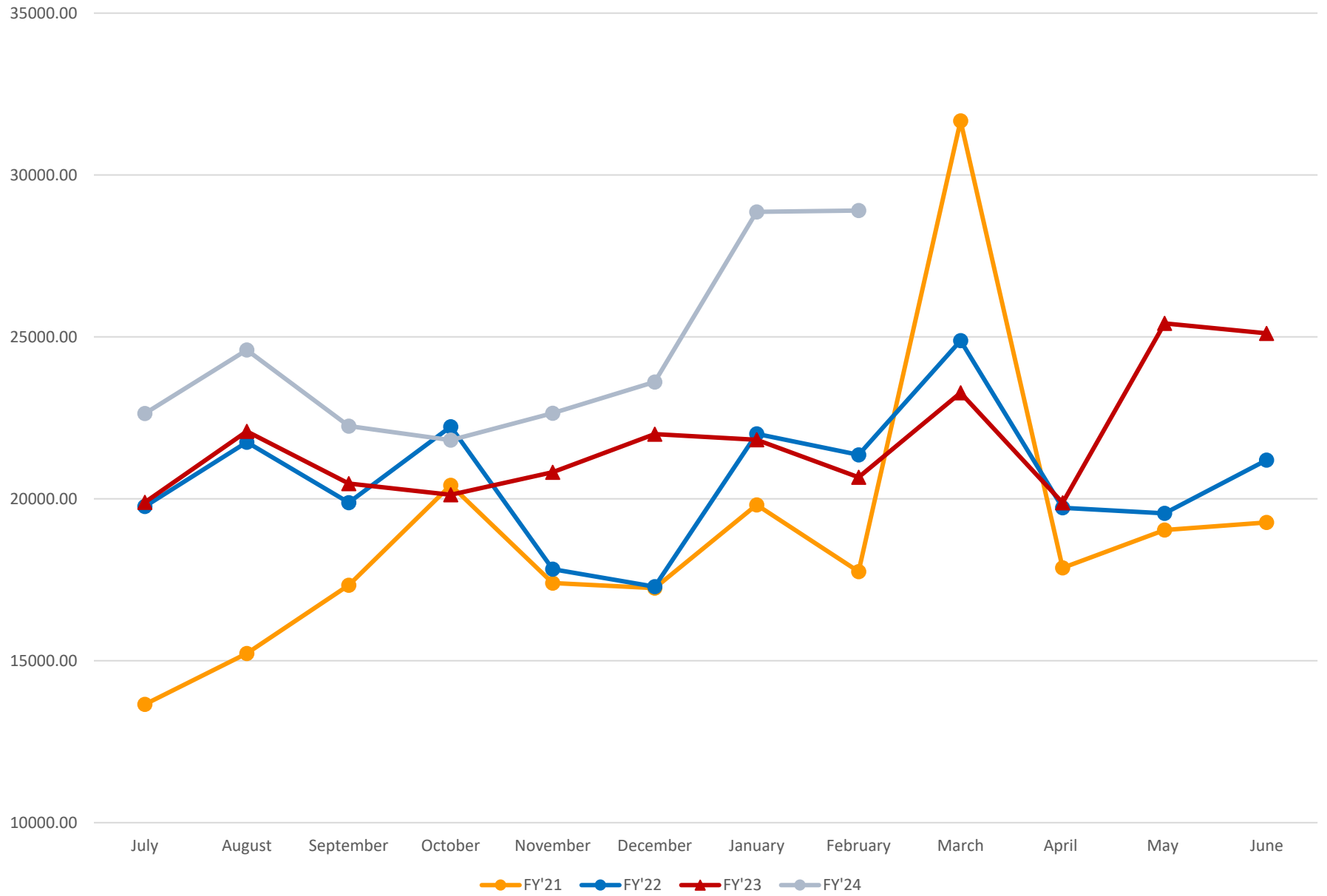
Account 014 95F Z112 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY24 Total
Original Total Budget Allotments		\$ 7,197,529.00		\$ 4,991,638.00		\$ 4,991,638.00		\$ 4,991,638.00	\$ 22,172,443.00
		\$ -		\$ -		\$ -		\$ -	\$ -
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	\$ -
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	\$ -
Budget Order Adjustment		\$ (4,147,282.00)		\$ 4,147,282.00		\$ -		\$ -	\$ -
Budget Order Adjustment		\$ -		\$ (6,066,173.00)		\$ 6,066,173.00		\$ -	\$ -
Total Budget Allotments		\$ 3,050,247.00		\$ 3,072,747.00		\$ 11,057,811.00		\$ 4,991,638.00	\$ 22,172,443.00
Cash Carryover from Prior Quarter		\$ -		\$ -		\$ -		\$ -	\$ -
Collected Revenue from JB	1	\$ 25,340.85	4	\$ 17,141.96	7	\$ 32,140.43	10	\$ -	\$ -
Collected Revenue from JB	2	\$ 40,622.70	5	\$ 33,740.51	8	\$ -	11	\$ -	\$ -
Collected Revenue from JB	3	\$ 21,472.00	6	\$ 20,014.28	9	\$ -	12	\$ -	\$ -
		\$ -		\$ -		\$ -		\$ -	\$ -
Collected for reimbursement of counsel fees	1	\$ -	4	\$ 1,151.20	7	\$ 3,006.61	10	\$ -	\$ -
Collected for reimbursement of counsel fees	2	\$ 1,080.00	5	\$ -	8	\$ -	11	\$ -	\$ -
Collected for reimbursement of counsel fees	3	\$ -	6	\$ -	9	\$ -	12	\$ -	\$ -
TOTAL CASH PLUS REVENUE COLLECTED		\$ 88,515.55		\$ 72,047.95		\$ 35,147.04		\$ -	\$ 195,710.54
Counsel Payments	1		4	\$ -	7	\$ (489,203.74)	10	\$ -	\$ -
Counsel Payments	2	\$ (93,716.08)	5	\$ (1,465,742.71)	8	\$ (2,819,787.16)	11	\$ -	\$ -
Counsel Payments	3	\$ (2,914,923.00)	6	\$ (1,565,387.04)	9	\$ -	12	\$ -	\$ -
				\$ -		\$ -		\$ -	\$ -
State Cap for periods 1 - 8		\$ (41,606.93)		\$ (41,617.18)		\$ (7,379.31)		\$ -	\$ -
		\$ -		\$ -		\$ -		\$ -	\$ -
		\$ -		\$ -		\$ -		\$ -	\$ -
REMAINING ALLOTMENT		\$ 0.99		\$ 0.07		\$ 7,741,440.79		\$ 4,991,638.00	\$ 12,733,079.85

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY24 FUND ACCOUNTING
AS OF 02/29/2024

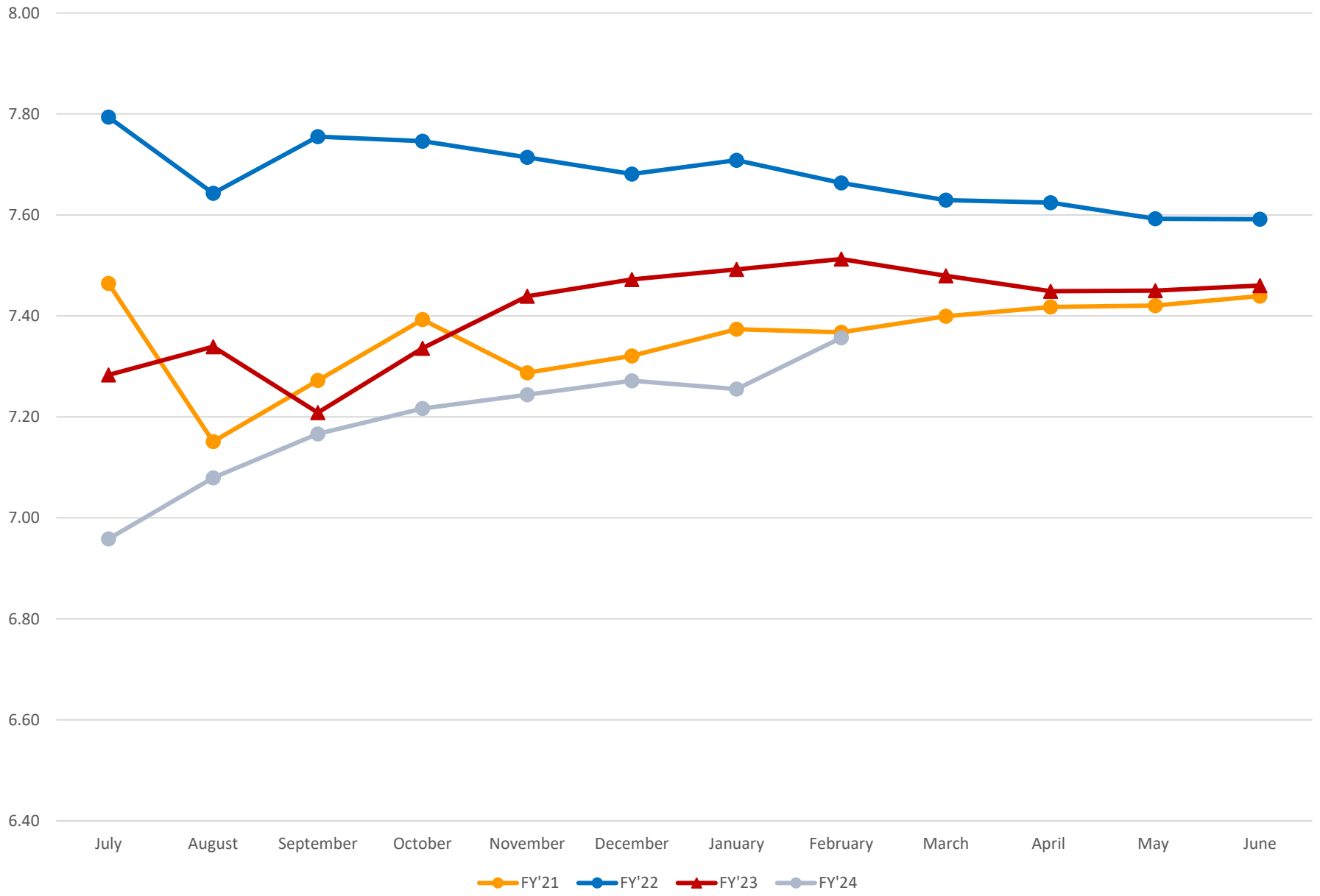
Account 014 95F Z112 02 (Conference Account)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY24 Total
FY24 Allotment		\$ 13,333.00		\$ 17,000.00		\$ 13,333.00		\$ 13,334.00	\$ 57,000.00
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ (13,333.00)		\$ 13,333.00		\$ -		\$ -	
Budget Order Adjustments		\$ -		\$ (13,629.00)		\$ 13,629.00		\$ -	
Contribution from private source-JJAG		\$ -		\$ 5,000.00		\$ -		\$ -	\$ 5,000.00
Total Budget Allotments		\$ -		\$ 16,704.00		\$ 26,962.00		\$ 13,334.00	\$ 57,000.00
Total Expenses	1	\$ -	4	\$ (5,149.70)	7	\$ (584.16)	10	\$ -	
	2	\$ -	5	\$ (724.59)	8	\$ (603.48)	11	\$ -	
	3	\$ -	6	\$ (10,613.79)	9	\$ -	12	\$ -	
State cap Q2 & Q3		\$ -		\$ (215.35)		\$ (7.62)		\$ -	
TOTAL REMAINING		\$ -		\$ 0.57		\$ 25,766.74		\$ 13,334.00	\$ 39,101.31

Q3 Month 8	
Instructor & Speaker services	\$ -
Refreshments & Catered meals	\$ -
Sales tax	\$ (29.48)
Mileage & parking fees for staff	\$ -
Training rooms	\$ -
Registrations	\$ -
Lodging for counsel	\$ (252.00)
Mileage for counsel	\$ (322.00)
TOTAL	\$ (603.48)

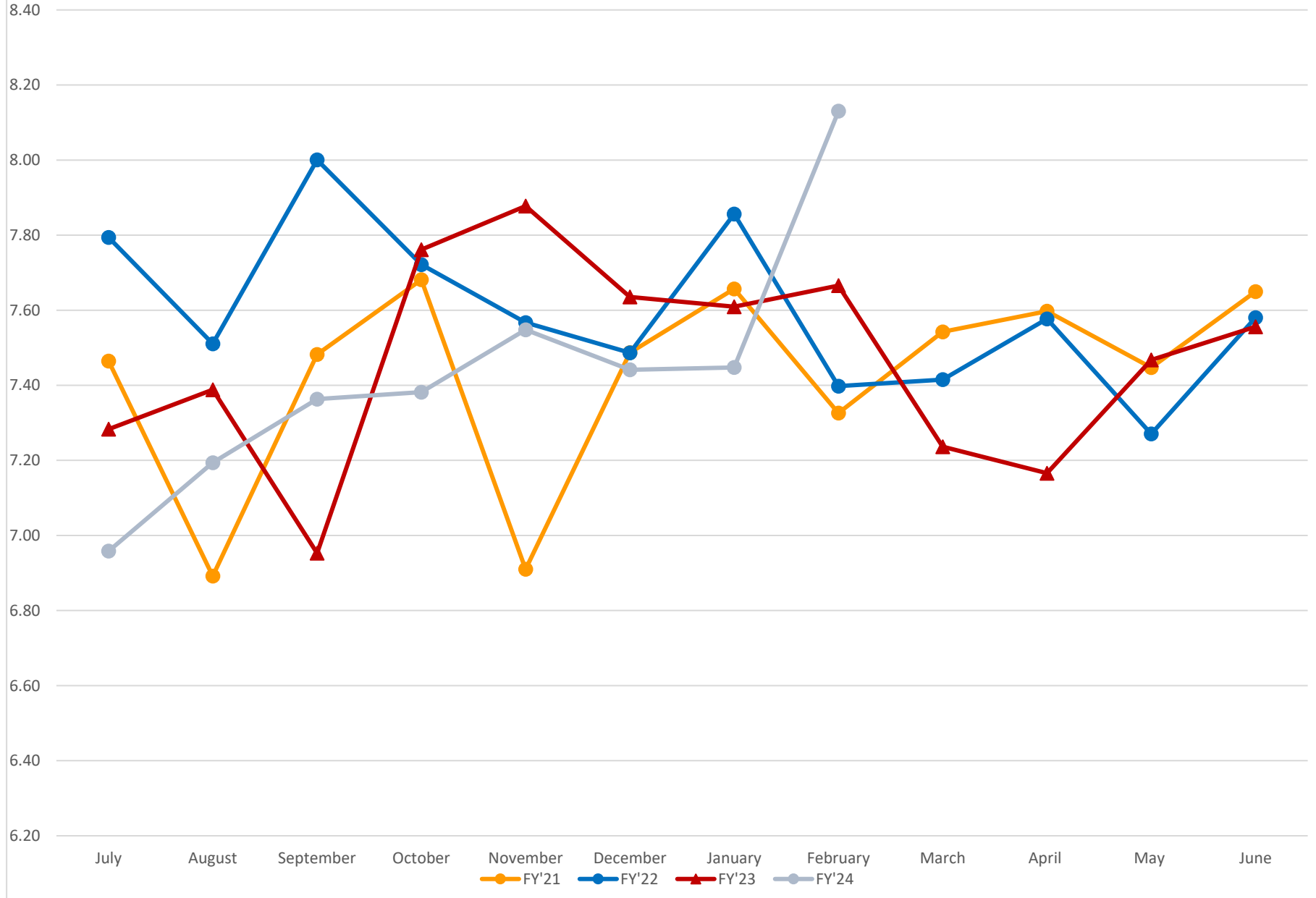
Submitted Hours Amount



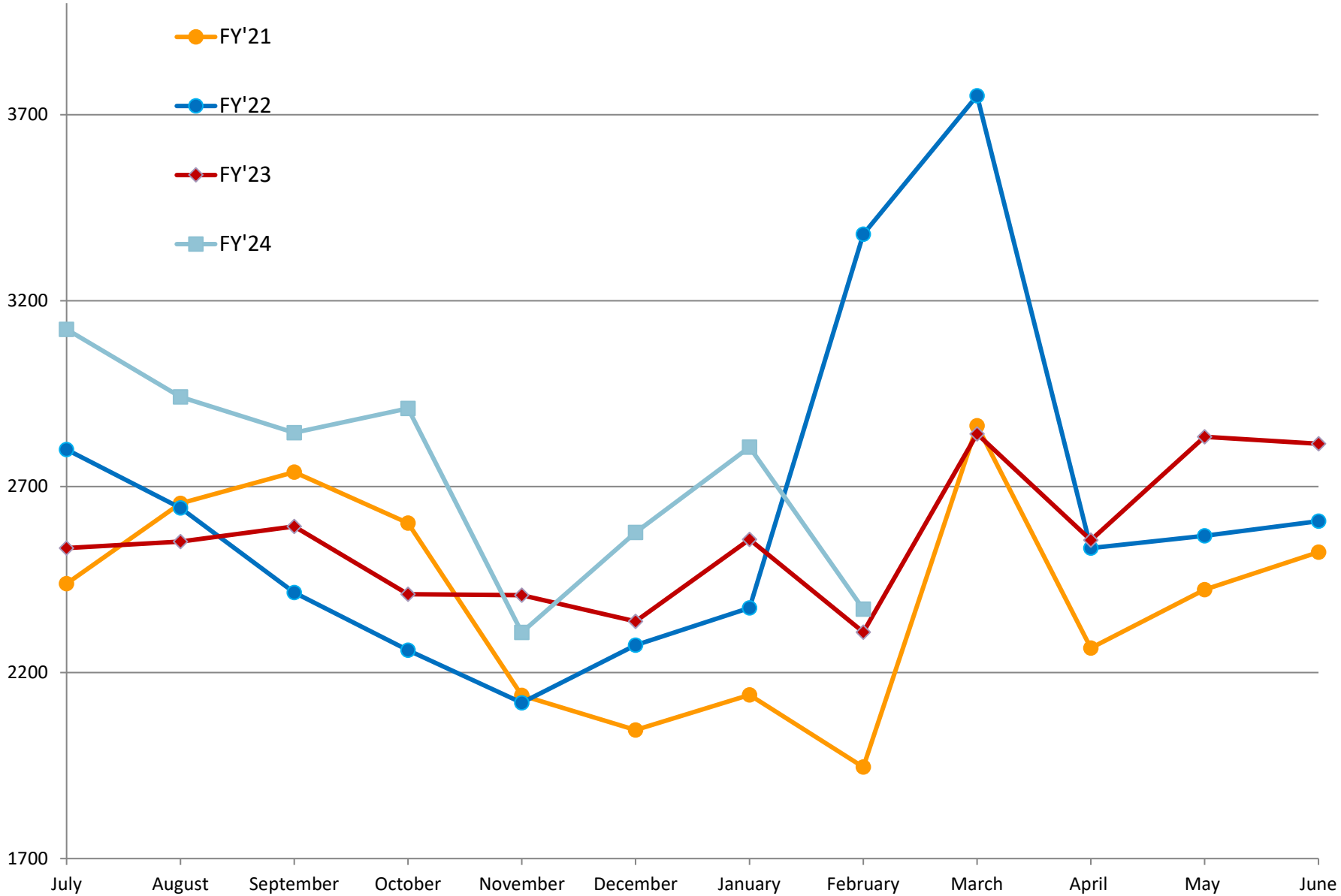
Average Hours per Voucher



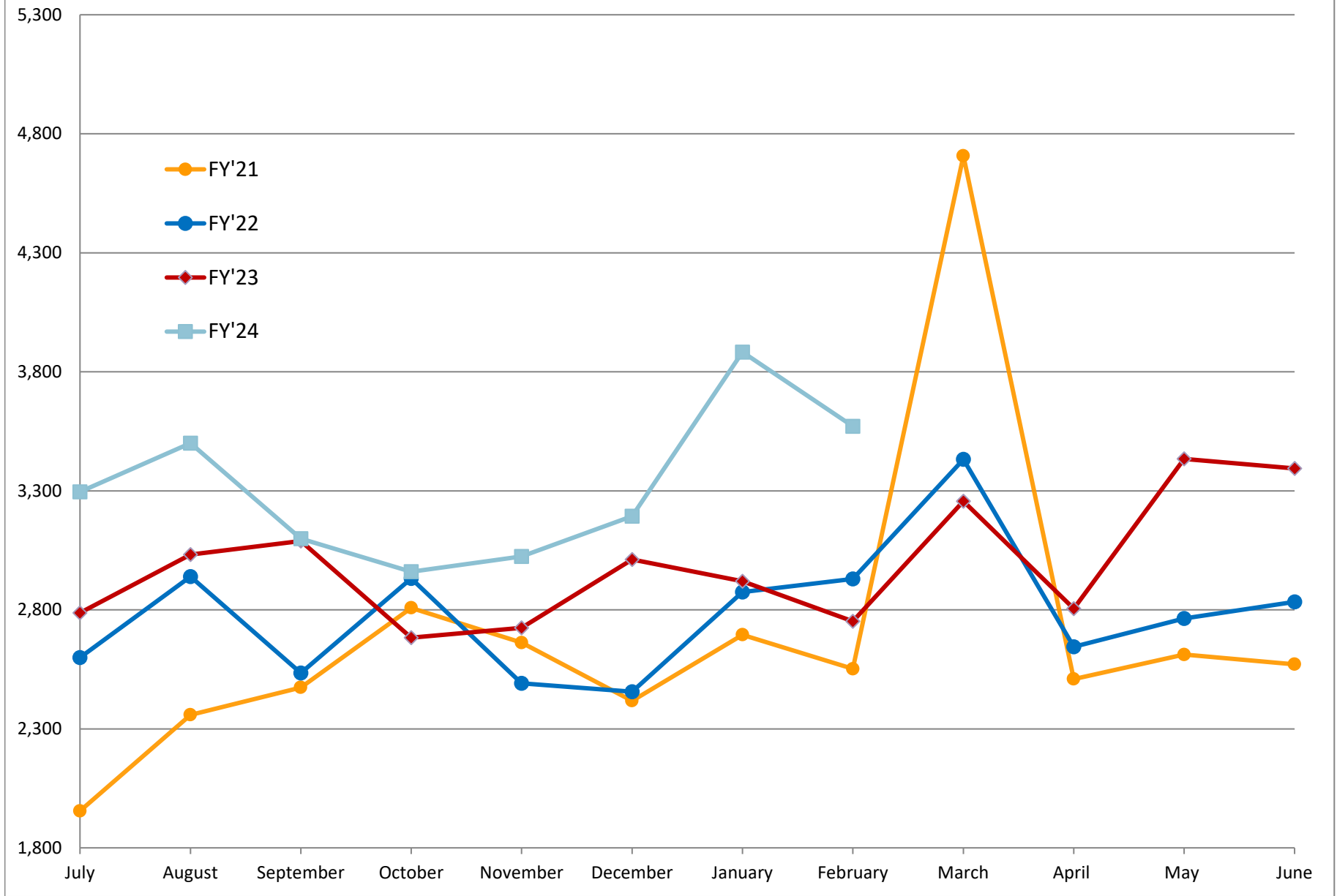
Monthly Average Hours per Voucher



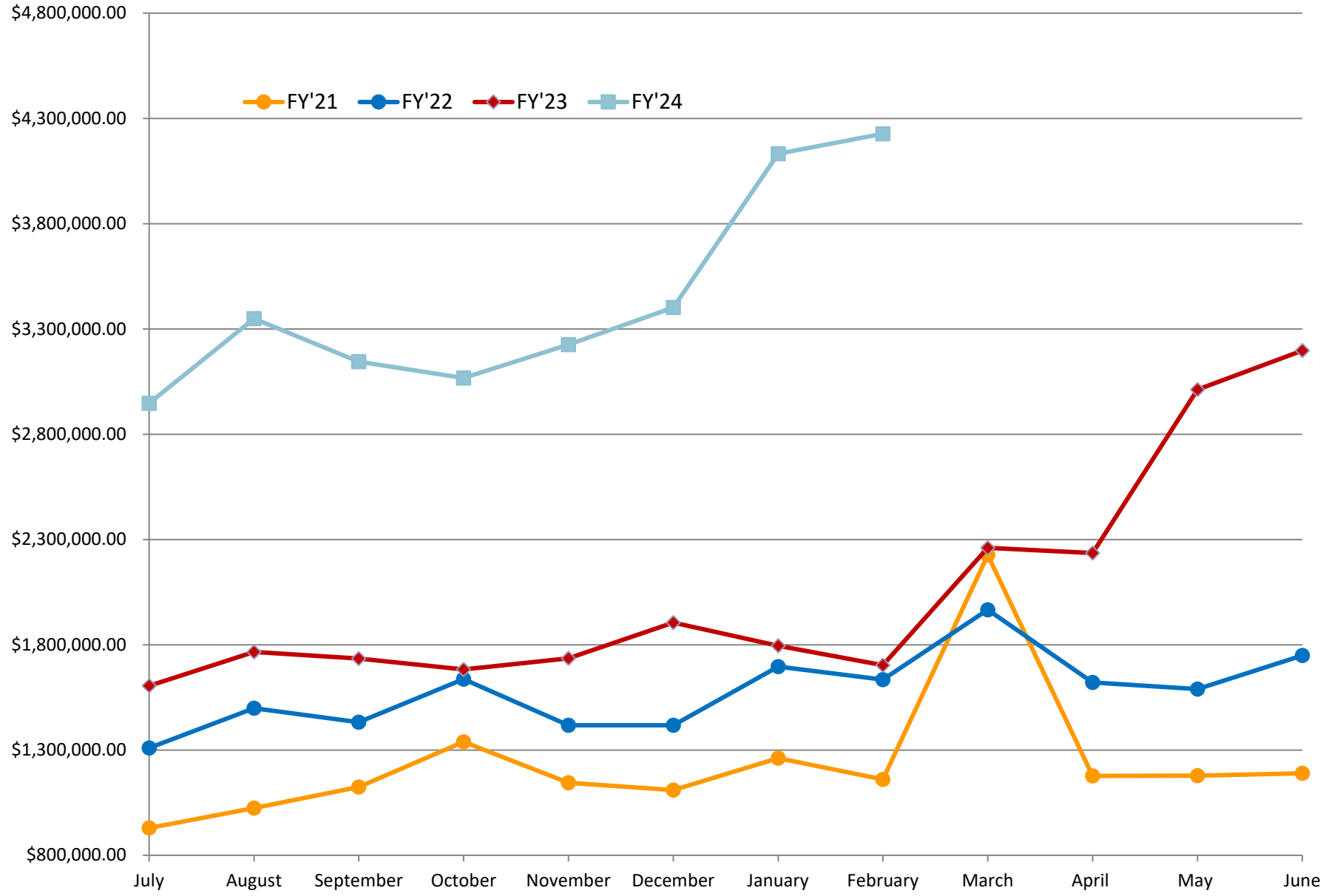
NEW CASES



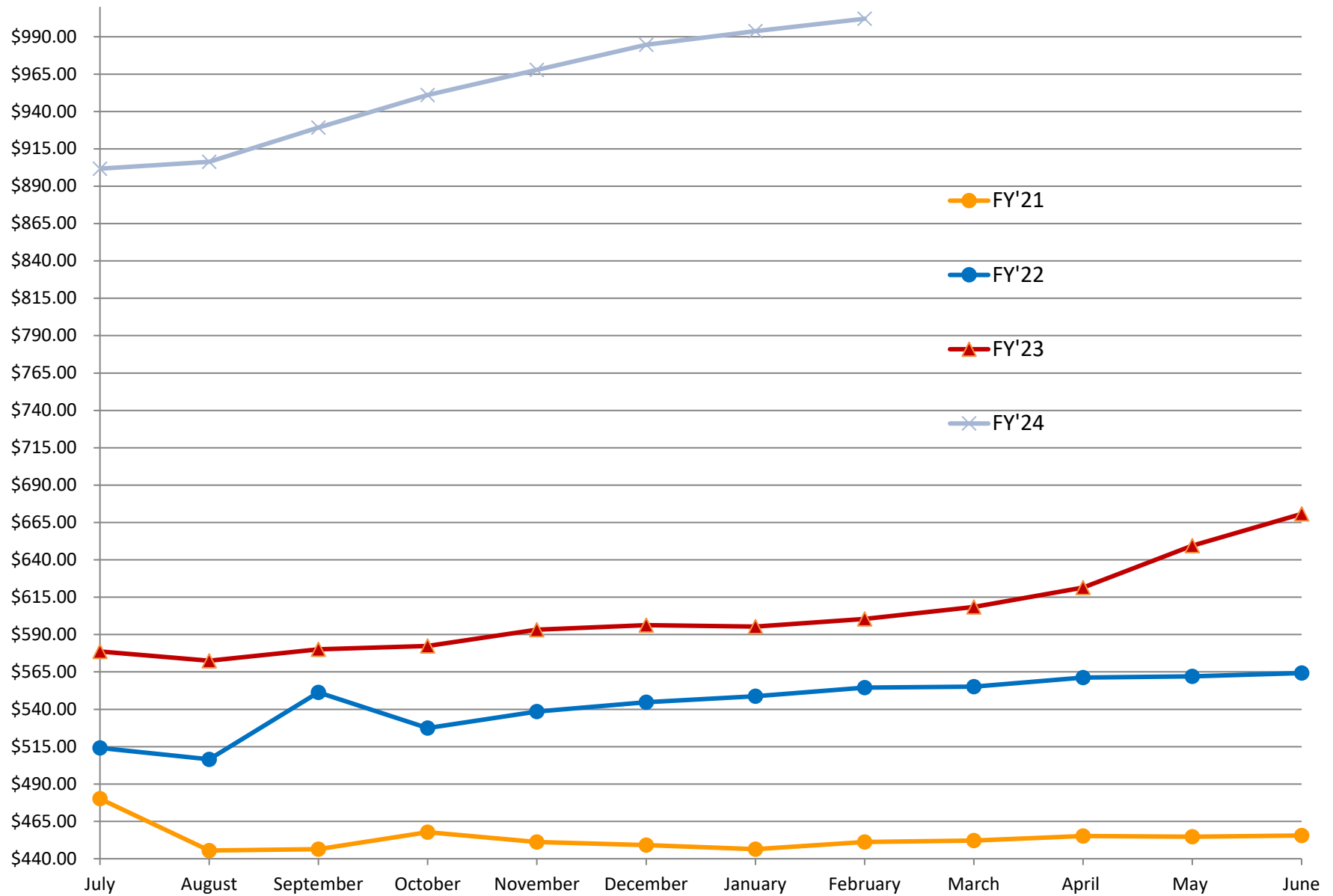
Submitted Vouchers



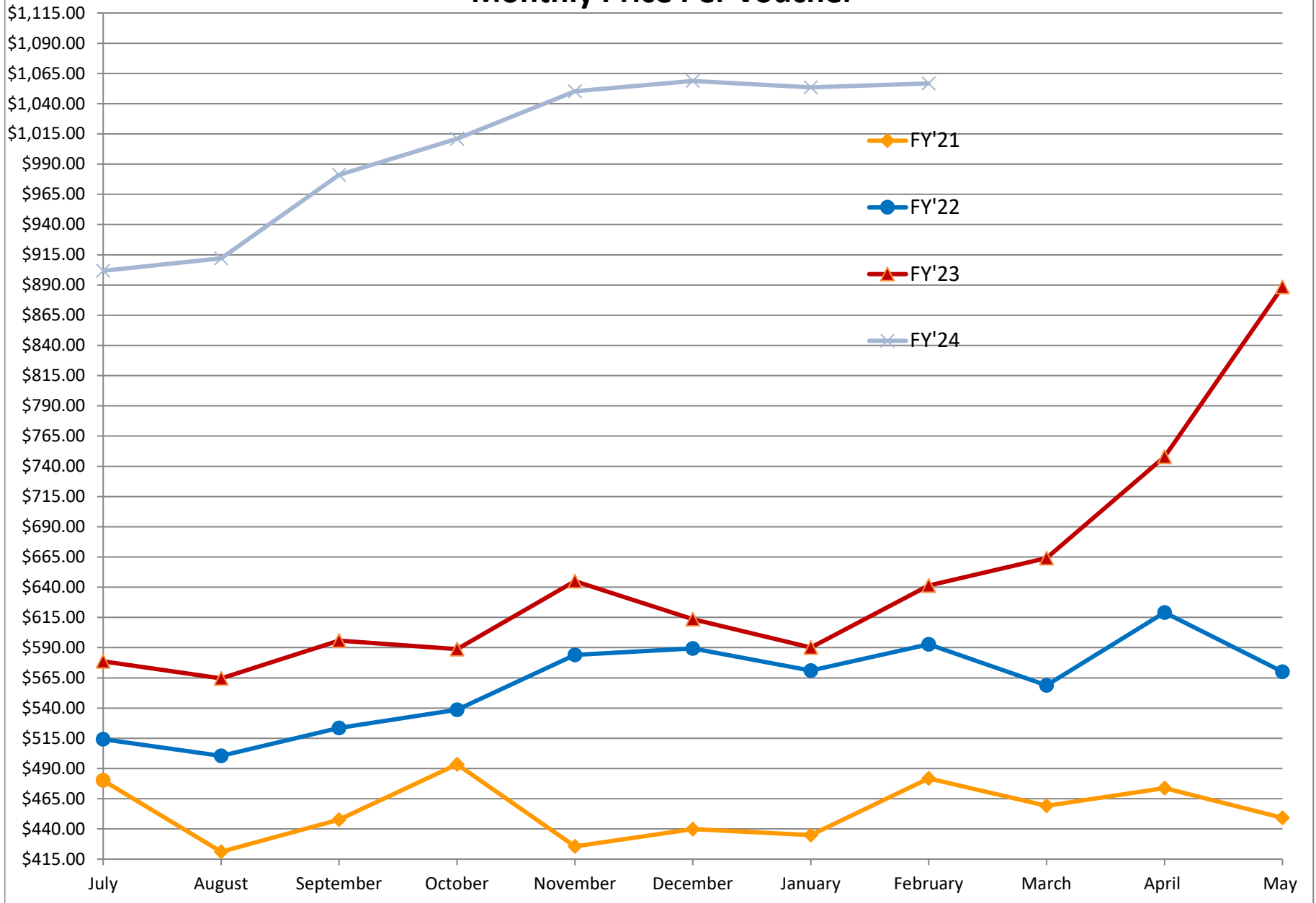
Submitted Voucher Amount



Average Voucher Price Fiscal Year to Date



Monthly Price Per Voucher



Pending UCD Cases as of February 23, 2024

UCD	FELONY				MISDEMEANOR				CIVIL VIOLATION			ALL CASES			
	Pending	On DD	No IA	% No IA	Pending	On DD	No IA	% No IA	Pending	No IA	% No IA	Pending	On DD	No IA	% No IA
Androscoggin	766	118	52	6.8%	1,604	328	250	15.6%	10	4	40.0%	2,380	446	306	12.9%
Aroostook	558	119	45	8.1%	922	306	175	19.0%	27	16	59.3%	1,507	425	236	15.7%
Caribou	104	22	5	4.8%	152	58	25	16.4%	5	2	40.0%	261	80	32	12.3%
Fort Kent	89	21	11	12.4%	205	74	38	18.5%	9	4	44.4%	303	95	53	17.5%
Houlton	156	33	9	5.8%	245	80	52	21.2%	9	7	77.8%	410	113	68	16.6%
Presque Isle	209	43	20	9.6%	320	94	60	18.8%	4	3	75.0%	533	137	83	15.6%
Cumberland	1,319	202	150	11.4%	3,593	521	613	17.1%	84	32	38.1%	4,996	723	795	15.9%
Bridgton	26	9	2	7.7%	254	39	46	18.1%	11	5	45.5%	291	48	53	18.2%
Portland	1,273	187	146	11.5%	2,861	368	477	16.7%	52	19	36.5%	4,186	555	642	15.3%
West Bath	20	6	2	10.0%	478	114	90	18.8%	21	8	38.1%	519	120	100	19.3%
Franklin	165	34	16	9.7%	412	103	83	20.1%	6	2	33.3%	583	137	101	17.3%
Hancock	427	37	15	3.5%	622	79	106	17.0%	34	15	44.1%	1,083	116	136	12.6%
Kennebec	632	106	41	6.5%	1,442	348	293	20.3%	19	7	36.8%	2,093	454	341	16.3%
Augusta	597	95	38	6.4%	935	218	170	18.2%	15	5	33.3%	1,547	313	213	13.8%
Waterville	35	11	3	8.6%	507	130	123	24.3%	4	2	50.0%	546	141	128	23.4%
Knox	210	40	25	11.9%	476	109	120	25.2%	9	1	11.1%	695	149	146	21.0%
Lincoln	148	27	12	8.1%	376	131	47	12.5%	5	2	40.0%	529	158	61	11.5%
Oxford	418	98	28	6.7%	862	194	146	16.9%	14	6	42.9%	1,294	292	180	13.9%
Bridgton	34	12	3	8.8%	62	20	7	11.3%	1	1	100.0%	97	32	11	11.3%
Rumford	148	33	6	4.1%	368	84	59	16.0%	6	4	66.7%	522	117	69	13.2%
South Paris	236	53	19	8.1%	432	90	80	18.5%	7	1	14.3%	675	143	100	14.8%
Penobscot	820	51	85	10.4%	1,586	42	508	32.0%	30	19	63.3%	2,436	93	612	25.1%
Bangor	780	50	71	9.1%	1,181	26	355	30.1%	11	7	63.6%	1,972	76	433	22.0%
Lincoln	12	0	7	58.3%	191	8	81	42.4%	13	12	92.3%	216	8	100	46.3%
Newport	28	1	7	25.0%	214	8	72	33.6%	6	0	0.0%	248	9	79	31.9%
Piscataquis	38	2	3	7.9%	95	2	33	34.7%	28	25	89.3%	161	4	61	37.9%
Sagadahoc	187	51	28	15.0%	448	146	134	29.9%	17	7	41.2%	652	197	169	25.9%
Somerset	255	56	11	4.3%	449	163	96	21.4%	19	15	78.9%	723	219	122	16.9%
Waldo	189	39	13	6.9%	322	100	54	16.8%	3	1	33.3%	514	139	68	13.2%
Washington	144	19	8	5.6%	263	53	53	20.2%	21	5	23.8%	428	72	66	15.4%
Calais	62	6	2	3.2%	111	23	20	18.0%	6	0	0.0%	179	29	22	12.3%
Machias	82	13	6	7.3%	152	30	33	21.7%	15	5	33.3%	249	43	44	17.7%
York	1,002	138	136	13.6%	3,309	721	685	20.7%	110	29	26.4%	4,421	859	850	19.2%
TOTAL	7,278	1,137	668	9.2%	16,781	3,346	3,396	20.2%	436	186	42.7%	24,495	4,483	4,250	17.4%

Columns

- Pending** Number of cases having at least one charge without a disposition, and without a currently active warrant.
- On DD** Number of pending cases with an Order of Deferred Disposition entered.
- No IA** Number of pending cases with a complaint filed, but not having an initial appearance or arraignment held or waived.
- % No IA** Percent of pending cases without an initial appearance/arraignment.

Cases are categorized based on the most serious offense charged. Local ordinance violations filed with the court are not included in the reported counts.

Change in Pending UCD Cases, February 2023 to February 2024

Pending cases as of February 23 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2023	2024	% Diff	2023	2024	% Diff	2023	2024	% Diff	2023	2024	% Diff
Androscoggin	674	766	13.6%	2,123	1,604	-24.4%	9	10	11.1%	2,806	2,380	-15.2%
Aroostook	728	558	-23.4%	1,039	922	-11.3%	31	27	-12.9%	1,798	1,507	-16.2%
Caribou	173	104	-39.9%	232	152	-34.5%	6	5	-16.7%	411	261	-36.5%
Fort Kent	137	89	-35.0%	196	205	4.6%	6	9	50.0%	339	303	-10.6%
Houlton	206	156	-24.3%	279	245	-12.2%	9	9	0.0%	494	410	-17.0%
Presque Isle	212	209	-1.4%	332	320	-3.6%	10	4	-60.0%	554	533	-3.8%
Cumberland	1,242	1,319	6.2%	3,734	3,593	-3.8%	74	84	13.5%	5,050	4,996	-1.1%
Bridgton	24	26	8.3%	304	254	-16.4%	12	11	-8.3%	340	291	-14.4%
Portland	1,192	1,273	6.8%	2,934	2,861	-2.5%	41	52	26.8%	4,167	4,186	0.5%
West Bath	26	20	-23.1%	496	478	-3.6%	21	21	0.0%	543	519	-4.4%
Franklin	153	165	7.8%	474	412	-13.1%	34	6	-82.4%	661	583	-11.8%
Hancock	390	427	9.5%	692	622	-10.1%	52	34	-34.6%	1,134	1,083	-4.5%
Kennebec	644	632	-1.9%	1,711	1,442	-15.7%	18	19	5.6%	2,373	2,093	-11.8%
Augusta	614	597	-2.8%	1,046	935	-10.6%	12	15	25.0%	1,672	1,547	-7.5%
Waterville	30	35	16.7%	665	507	-23.8%	6	4	-33.3%	701	546	-22.1%
Knox	231	210	-9.1%	571	476	-16.6%	23	9	-60.9%	825	695	-15.8%
Lincoln	131	148	13.0%	349	376	7.7%	6	5	-16.7%	486	529	8.8%
Oxford	460	418	-9.1%	1,111	862	-22.4%	23	14	-39.1%	1,594	1,294	-18.8%
Bridgton	43	34	-20.9%	123	62	-49.6%	0	1	0.0%	166	97	-41.6%
Rumford	166	148	-10.8%	415	368	-11.3%	9	6	-33.3%	590	522	-11.5%
South Paris	251	236	-6.0%	573	432	-24.6%	14	7	-50.0%	838	675	-19.5%
Penobscot	803	820	2.1%	1,913	1,586	-17.1%	58	30	-48.3%	2,774	2,436	-12.2%
Bangor	781	780	-0.1%	1,477	1,181	-20.0%	24	11	-54.2%	2,282	1,972	-13.6%
Lincoln	10	12	20.0%	223	191	-14.3%	17	13	-23.5%	250	216	-13.6%
Newport	12	28	133.3%	213	214	0.5%	17	6	-64.7%	242	248	2.5%
Piscataquis	43	38	-11.6%	143	95	-33.6%	20	28	40.0%	206	161	-21.8%
Sagadahoc	191	187	-2.1%	499	448	-10.2%	9	17	88.9%	699	652	-6.7%
Somerset	239	255	6.7%	535	449	-16.1%	28	19	-32.1%	802	723	-9.9%
Waldo	183	189	3.3%	323	322	-0.3%	6	3	-50.0%	512	514	0.4%
Washington	169	144	-14.8%	350	263	-24.9%	24	21	-12.5%	543	428	-21.2%
Calais	73	62	-15.1%	144	111	-22.9%	6	6	0.0%	223	179	-19.7%
Machias	96	82	-14.6%	206	152	-26.2%	18	15	-16.7%	320	249	-22.2%
York	1,116	1,002	-10.2%	3,943	3,309	-16.1%	83	110	32.5%	5,142	4,421	-14.0%
TOTAL	7,397	7,278	-1.6%	19,510	16,781	-14.0%	498	436	-12.4%	27,405	24,495	-10.6%

Columns

- 2023** Number of cases having at least one charge without a disposition, and without a currently active warrant as of February 23, 2023
- 2024** Number of cases having at least one charge without a disposition, and without a currently active warrant as of February 23, 2024
- % Diff** Percent change in pending cases from 2023 to 2024. Red percentages represent an increase, green percentages a decrease.

Cases are categorized based on the most serious offense charged. Local ordinance violations filed with the courts are not included in the reported counts.

Change in Pending UCD Cases, February 2019 to February 2024

Pending cases as of February 23 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2019	2024	% Diff	2019	2024	% Diff	2019	2024	% Diff	2019	2024	% Diff
Androscoggin	364	766	110.4%	1,259	1,604	27.4%	17	10	-41.2%	1,640	2,380	45.1%
Aroostook	323	558	72.8%	584	922	57.9%	34	27	-20.6%	941	1,507	60.1%
Caribou	60	104	73.3%	132	152	15.2%	7	5	-28.6%	199	261	31.2%
Fort Kent	36	89	147.2%	110	205	86.4%	3	9	200.0%	149	303	103.4%
Houlton	102	156	52.9%	127	245	92.9%	3	9	200.0%	232	410	76.7%
Presque Isle	125	209	67.2%	215	320	48.8%	21	4	-81.0%	361	533	47.6%
Cumberland	774	1,319	70.4%	2,413	3,593	48.9%	114	84	-26.3%	3,301	4,996	51.3%
Bridgton	10	26	160.0%	186	254	36.6%	16	11	-31.3%	212	291	37.3%
Portland	745	1,273	70.9%	1,911	2,861	49.7%	78	52	-33.3%	2,734	4,186	53.1%
West Bath	19	20	5.3%	316	478	51.3%	20	21	5.0%	355	519	46.2%
Franklin	85	165	94.1%	264	412	56.1%	20	6	-70.0%	369	583	58.0%
Hancock	205	427	108.3%	427	622	45.7%	42	34	-19.0%	674	1,083	60.7%
Kennebec	320	632	97.5%	1,037	1,442	39.1%	51	19	-62.7%	1,408	2,093	48.7%
Augusta	308	597	93.8%	592	935	57.9%	33	15	-54.5%	933	1,547	65.8%
Waterville	12	35	191.7%	445	507	13.9%	18	4	-77.8%	475	546	14.9%
Knox	126	210	66.7%	276	476	72.5%	1	9	800.0%	403	695	72.5%
Lincoln	94	148	57.4%	207	376	81.6%	4	5	25.0%	305	529	73.4%
Oxford	204	418	104.9%	445	862	93.7%	20	14	-30.0%	669	1,294	93.4%
Bridgton	29	34	17.2%	74	62	-16.2%	5	1	-80.0%	108	97	-10.2%
Rumford	92	148	60.9%	167	368	120.4%	6	6	0.0%	265	522	97.0%
South Paris	83	236	184.3%	204	432	111.8%	9	7	-22.2%	296	675	128.0%
Penobscot	364	820	125.3%	1,084	1,586	46.3%	138	30	-78.3%	1,586	2,436	53.6%
Bangor	352	780	121.6%	843	1,181	40.1%	78	11	-85.9%	1,273	1,972	54.9%
Lincoln	6	12	100.0%	73	191	161.6%	41	13	-68.3%	120	216	80.0%
Newport	6	28	366.7%	168	214	27.4%	19	6	-68.4%	193	248	28.5%
Piscataquis	17	38	123.5%	60	95	58.3%	26	28	7.7%	103	161	56.3%
Sagadahoc	78	187	139.7%	235	448	90.6%	27	17	-37.0%	340	652	91.8%
Somerset	135	255	88.9%	505	449	-11.1%	56	19	-66.1%	696	723	3.9%
Waldo	105	189	80.0%	222	322	45.0%	4	3	-25.0%	331	514	55.3%
Washington	106	144	35.8%	175	263	50.3%	40	21	-47.5%	321	428	33.3%
Calais	30	62	106.7%	73	111	52.1%	6	6	0.0%	109	179	64.2%
Machias	76	82	7.9%	102	152	49.0%	34	15	-55.9%	212	249	17.5%
York	774	1,002	29.5%	2,565	3,309	29.0%	93	110	18.3%	3,432	4,421	28.8%
TOTAL	4,074	7,278	78.6%	11,758	16,781	42.7%	687	436	-36.5%	16,519	24,495	48.3%

Columns

- 2019** Number of cases having at least one charge without a disposition, and without a currently active warrant as of February 23, 2019
- 2024** Number of cases having at least one charge without a disposition, and without a currently active warrant as of February 23, 2024
- % Diff** Percent change in pending cases from 2019 to 2024. Red percentages represent an increase, green percentages a decrease.

Cases are categorized based on the most serious offense charged. Local ordinance violations filed with the courts are not included in the reported counts.



MAINE COMMISSION ON INDIGENT LEGAL SERVICES

March 5, 2024

Catherine Connors
Christopher MacLean
Maine Board of Bar Examiners
135 Maine Street, Suite A Box 305
Brunswick, ME 04011

RE: Addressing the Attorney Shortage in Maine: Proposal for Integrating Temporary Practice Authorizations into Rule 11A

Dear Justice Connors and Attorney MacLean,

I am writing to bring to your attention the escalating crisis in our state regarding the availability of defense lawyers, a situation that Superior Court Justice Michaela Murphy has described as having “deteriorated significantly.” This shortage is no longer confined to rural areas but is now profoundly impacting larger courts in Cumberland, Penobscot, Androscoggin, Kennebec, and York counties. Our current system struggles to meet the demand for qualified legal representation, resulting in defendants either being denied legal counsel or assigned attorneys who do not meet the eligibility requirements for specific case types. Based on documents circulated to us by the judicial branch, we have almost 600 cases right now in Maine where there is no lawyer to appoint.

In response to this urgent issue, I wish to introduce and advocate for a regulatory reform detailed in the document titled “Integrating Temporary Practice Authorizations (TPA) into Rule 11A.” This comprehensive strategy proposes the adoption of Temporary Practice Authorization (TPA) as an immediate solution to mitigate the attorney shortage. The proposed reform draws on successful practices from other jurisdictions, offering a structured, consistent, and efficient framework that allows out-of-state attorneys to practice in Maine temporarily, thereby increasing our legal workforce and ensuring access to justice for our residents.

The integration of TPAs into Rule 11A is intended to provide a rapid deployment of legal resources, targeting specific areas most in need, such as indigent defense. This approach not only aims to address the immediate shortfalls but also establishes a pathway for TPA holders to transition to full licensure in Maine, potentially enriching our legal profession in the long term.

The “Proposed Amendments to Rule 11A,” included below, outlines the specific changes recommended for the authorization of TPAs. These amendments are designed to attract qualified, experienced legal professionals to Maine, offering a temporary yet immediate solution to our pressing needs.

The situation requires our immediate attention and action. I look forward to discussing these proposals with you further and am hopeful for your support in implementing these necessary reforms to ensure that all Mainers have timely access to qualified legal representation.

The following is the proposed language that integrates the TPA into Rule 11A, considering the existing structure of the rule:

Rule 11A - Admission by Motion (Amended January 2, 2024)

(f) Temporary Practice Authorization (TPA): To address the critical shortage of legal representation in specialized fields and ensure access to justice for all Mainers, a TPA provision is hereby added:

An attorney who meets the qualifications under subsections (a)(1) and (a)(2) and has been offered and accepted employment with a qualifying employer in Maine may be granted a TPA, allowing them to practice law in Maine during the pendency of their application for full membership to the bar pursuant to this Rule, provided that:

1. The qualifying employer is defined as "an entity that provides legal services to indigent persons or to the public interest and that is funded in whole or in substantial part by a federal, state, or local government or by a nonprofit organization."
2. The attorney has a minimum of one year of relevant legal experience and completes the MCILS Minimum Standard Training or demonstrates substantial expertise in the specialized legal area they will serve.
3. **Master Supervision Plan Framework:** The TPA shall remain in effect for the duration of the applicant's employment with the qualifying employer, subject to adherence to a Master Supervision Plan approved by the Maine Board of Bar Examiners. This plan shall:

(A) Apply to All TPA Hires: Serve as a comprehensive supervision framework applicable to all current and future TPA holders employed by the qualifying employer, ensuring consistent and effective oversight.

(B) Periodic Updates and Annual Certification: Require the qualifying employer to submit periodic updates to the plan for Board approval in response to significant organizational changes affecting supervision or support of TPA holders. Additionally, the employer must annually certify compliance with the approved plan and report any minor changes or updates.

(C) Board Oversight: Be subject to review, modification requests, approval, or rejection by the Maine Board of Bar Examiners to ensure ongoing compliance with Maine's legal and ethical standards.

(D) Consequences for Non-Compliance: Include provisions detailing the consequences for failing to adhere to the approved Master Supervision Plan, up to and including the revocation of the TPA for attorneys under non-compliant supervision.

The Master Supervision Plan ensures that TPA holders receive consistent, high-quality supervision that aligns with Maine's commitment to upholding professional standards and protecting the public interest.

4. An expedited application process for TPAs shall be implemented, with decisions rendered within 30 days of receiving a complete application.
5. TPA holders are permitted to appear in all state courts and before administrative tribunals relevant to their area of specialization.
6. Service under the TPA shall be considered as part of the character and fitness review, and the Maine Board of Bar Examiners may waive certain requirements for TPA holders based on their demonstrated competence and contribution to Maine's legal services.
7. Termination of Employment:

Notification Requirements: Upon termination of employment with the qualifying employer, the TPA holder must notify the Maine Board of Bar Examiners within 10 days of the employment's end date. The qualifying employer is also required to notify the Board of the termination.

Effect of Termination: Termination of employment immediately suspends the attorney's TPA, pending further action by the Board. The TPA holder must cease all legal practice activities in Maine that were authorized under the TPA upon termination of employment.

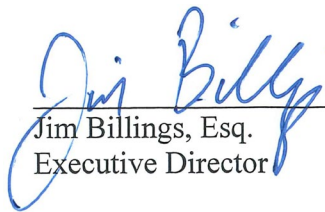
Transition Provisions for Ongoing Cases: The TPA holder and the qualifying employer must ensure a responsible transition of ongoing cases to other qualified legal practitioners. This includes notifying clients of the change in representation and transferring case files in accordance with client instructions and ethical obligations.

Post-Termination Review: The Board may conduct a review following termination to assess the TPA holder's compliance with professional responsibilities and the effective transition of ongoing cases. The Board may take appropriate actions based on the findings of this review.

I urge the Maine Board of Bar Examiners to consider the adoption of the Temporary Practice Authorization (TPA) into Rule 11A as a crucial step toward alleviating the ongoing attorney shortage crisis in Maine. This proposal is not merely a stopgap measure, but a strategic initiative aimed at bolstering our legal workforce and ensuring that all Mainers, regardless of their geographic location or financial status, have access to competent legal representation. By implementing these changes, we can provide immediate relief to the courts and individuals most affected by this shortage while laying the groundwork for a more vigorous, resilient legal system in the long term.

I am confident that with your support and collaboration, we can transform these challenges into opportunities for strengthening our legal community and upholding the high standards of justice our state is committed to. I am available to discuss any aspects of this proposal in further detail.

Sincerely,



Jim Billings, Esq.
Executive Director

Enclosure: "Integrating Temporary Practice Authorizations (TPA) into Rule 11A"

Memorandum

To: James Billings, Executive Director and Eleanor B. Maciag, Deputy Executive Director

From: Shannon Meade

Date: March 5, 2024

Subject: Comprehensive Strategy to Mitigate Attorney Shortage in Maine Through Regulatory Reforms

Executive Summary

Facing a critical shortage of attorneys, particularly for indigent defense, Maine's criminal justice system is at a pivotal point. This memorandum proposes a multi-faceted approach to regulatory reform, drawing insights from successful practices in other jurisdictions to address this crisis. By considering a range of solutions—Provisional Licensing Programs, Expedited Admission on Motion, and Temporary Practice Authorization—we aim to enhance legal representation in Maine swiftly and effectively. After a detailed examination of these options and their implementation in various states, this memorandum advocates for the Temporary Practice Authorization (TPA) as the most immediate and impactful solution.

Introduction

The State of Maine is confronting a significant challenge within its criminal justice system due to an acute shortage of legal representation. This shortage has led to substantial delays in proceedings and a growing concern over the quality of justice administered. To address this issue, we propose a series of regulatory reforms inspired by measures successfully implemented in other jurisdictions.

Problem Overview

The shortage of attorneys available to represent indigent defendants in Maine has resulted in prolonged legal proceedings and undermines the integrity of the criminal justice system. The current admission process for out-of-state attorneys under Rule 11A, despite its intentions, falls short in addressing this immediate need, pointing to a critical need for reform.

Comparative Analysis of Jurisdictional Responses

1. Provisional Licensing Program:

- **Inspiration:** [California](#) and [Utah](#) in response to the pandemic introduced provisional licensing for out-of-state attorneys, facilitating immediate legal representation.
- **Benefits:** Offers a rapid response to case backlogs and enhances access to justice.

2. Expedited Admission on Motion:

- **Inspiration:** States like [Maryland](#), [Washington \(Admission and Practice Rules \(APR\), particularly APR 3\)](#) and Illinois ([Illinois Supreme Court Rules, particularly Rule 707 and related provisions](#)) have streamlined the admission process for experienced out-of-state attorneys.
- **Benefits:** Attracts experienced legal professionals, improving the availability and quality of legal services.

3. Temporary Practice Authorization:

- **Inspiration:** [North Dakota](#) provides a temporary license for lawyers applying for admission. [New Mexico's](#) approach is a comprehensive TAP that accommodates a variety of legal practitioners, from public defenders and legal aid attorneys to military spouses and in-house counsel, facilitating their contribution to New Mexico's legal landscape under specific, regulated conditions. New York and Texas have implemented temporary practice rights under specific conditions in response to specific legal service shortages. This concept draws from emergency measures particularly in [New York](#) and [Texas](#), allowing for flexible, short-term practice rights under defined conditions.
- **Benefits:** Provides a direct response to acute legal needs, especially in underserved areas, without compromising professional standards.

Recommendation: Integrating TPAs into Rule 11A

After evaluating each model's potential impact, the Temporary Practice Authorization stands out as the most viable option for immediate implementation. The TPA approach is especially compelling for its:

- **Rapid Deployment:** Designed for swift application and approval processes, TPAs can quickly mobilize legal resources to address critical shortages.
- **Targeted Impact:** TPAs can be directed towards specific areas or legal services that are most in need, ensuring that resources are utilized where they are most needed.
- **Flexibility and Adaptability:** This solution offers the flexibility to adjust to changing legal service demands without the need for permanent licensure.
- **Lowered Entry Barriers:** By focusing on temporary authorizations, TPAs lower the barriers for out-of-state attorneys willing to offer their expertise in Maine.

Integrating TPAs into Rule 11A leverages an existing regulatory framework, which can provide a more structured and consistent approach to administering TPAs. This integration ensures that temporary attorneys are subject to the same oversight and disciplinary standards as other attorneys in Maine, maintaining the integrity of the legal profession.

Clear Pathway to Full Licensure

By embedding TPAs within Rule 11A, there's a clear pathway for TPA holders to transition to full licensure in Maine. This could be particularly attractive to out-of-state attorneys considering long-term practice in Maine, thereby not only addressing immediate shortages but also potentially contributing to a longer-term increase in the attorney workforce.

Efficiency in Oversight

Although integrating TPAs into Rule 11A might initially seem more complex due to the need for regulatory amendments, it ultimately may lead to more efficient oversight. It avoids the duplication of regulatory mechanisms that a standalone TPA program would necessitate and ensures that all attorneys in Maine, whether temporary or fully licensed, are held to the same professional standards.

Flexibility and Responsiveness

While a standalone TPA program might offer rapid implementation and flexibility, amending Rule 11A to include TPAs does not necessarily preclude responsiveness to urgent needs. The amendment process can be expedited with sufficient political will and stakeholder engagement, and the rule itself can be designed to allow for adaptability in response to evolving legal service demands.

Recommendation Justification

The recommendation to integrate TPAs into Rule 11A is based on the premise that the benefits of a structured, consistent, and efficient regulatory framework, combined with a clear pathway to full licensure, outweigh the potential initial delays in the regulatory amendment process. This approach aligns with the long-term goal of not only addressing immediate attorney shortages but also strengthening Maine's legal workforce sustainably.

Implementation Suggestions

To mitigate potential delays and ensure the program's success, it's recommended to:

- **Engage Stakeholders Early:** Involve legal service organizations, existing attorneys, and other stakeholders in the amendment process to build consensus and expedite approval.
- **Prioritize Flexibility:** Design the TPA provisions within Rule 11A to allow for quick adjustments based on program outcomes and legal service needs.
- **Monitor and Evaluate:** Establish mechanisms for ongoing monitoring and evaluation of the TPA program's effectiveness, with the flexibility to make adjustments as needed.

By integrating TPAs into Rule 11A with these considerations in mind, Maine can create a responsive program that addresses critical legal service shortages while maintaining high standards of legal practice.

Draft Language

Below is a draft of what an amendment to Me. Bar. Admiss. R. 11A, Admission by Motion and Temporary Licensing Program in Maine might look like, inspired by similar initiatives in the jurisdictions referenced above. This draft is intended to serve as a starting point for further discussion and refinement by policymakers in Maine.

- **Proposed Rule Amendment to Rule 11A To Integrate Temporary Practice Authorizations (TPA) Into Rule 11A**

Rule 11A: Amendment for Temporary Practice Authorization (TPA)

Section 1: Introduction and Purpose

To address the critical shortage of legal representation in specialized fields and ensure access to justice for all Mainers, Rule 11A is hereby amended to include a Temporary Practice Authorization (TPA) provision. This amendment aims to attract qualified out-of-state attorneys to fill service gaps in areas such as indigent defense, family law, and immigration, among others.

Section 2: Eligibility Criteria for Temporary Practice Authorization

1. **Good Standing:** Applicants must be licensed and in good standing in another jurisdiction of the United States, with no disciplinary actions pending or sanctions imposed that would preclude admission in Maine.
2. **Experience and Specialization:** Applicants must have a minimum of five years of relevant legal experience or demonstrate substantial expertise in the specialized legal area they will serve. Preference will be given to those hired by legal service organizations operating in fields identified as having significant representation shortages in Maine.

Section 3: Application and Oversight

1. **Expedited Application Process:** An expedited application process shall be implemented for TPAs, with decisions rendered within 30 days of receiving a complete application.
2. **Supervision Plan:** Applicants must submit a detailed plan for supervision by a qualified employer, ensuring adherence to Maine's legal standards and ethical practices. This plan must be approved by the Maine Board of Bar Examiners.

Section 4: Scope and Duration of Practice

1. **Authorized Practice Area:** TPAs are authorized to practice within their specified legal area for a period of up to two years, subject to renewal based on ongoing need and satisfactory performance.
2. **Court and Tribunal Appearances:** TPA holders are permitted to appear in all state courts and before administrative tribunals relevant to their area of specialization.

Section 5: Integration with Full Licensure Pathways

TPA holders may apply for full licensure in Maine upon the expiration of their authorization, with their service under the TPA considered as part of the character and fitness review. The Maine Board of Bar Examiners may waive certain requirements for TPA holders based on their demonstrated competence and contribution to Maine's legal services.

Section 6: Benefits of the TPA Provision

- **Targeted Legal Service Enhancement:** This provision specifically addresses shortages in critical legal services, ensuring that underserved populations in Maine have access to justice.
- **Attraction of Specialized Talent:** By offering TPAs, Maine incentivizes experienced out-of-state attorneys to contribute their expertise to the state's legal ecosystem.
- **Quality Assurance and Oversight:** The supervision and licensure integration ensure that TPA holders uphold Maine's high standards of legal practice.

Section 7: Implementation and Evaluation

- **Collaboration:** The Maine Board of Bar Examiners shall collaborate with legal service organizations to identify areas of need and facilitate the introduction of TPAs.

- **Monitoring and Adjustment:** An annual review of the TPA's impact on legal service availability and quality will be conducted, with adjustments made as necessary to optimize the program's effectiveness.

This proposed rule amendment for Rule 11A introduces a structured and strategic approach to utilizing Temporary Practice Authorizations to address Maine's attorney shortage in specialized legal fields. It outlines clear eligibility criteria, application processes, and oversight mechanisms to ensure that the program effectively attracts qualified talent while maintaining professional standards.

Conclusion

In conclusion, the pressing need to address Maine's attorney shortage, particularly in critical areas of legal representation, calls for innovative and immediate solutions. After thorough consideration of various options, integrating Temporary Practice Authorizations (TPA) into Rule 11A emerges as the most strategic and effective approach. This integration not only promises rapid deployment of legal resources to areas most in need but also ensures a structured, consistent framework for oversight and professional standards. By offering a clear pathway to full licensure, this approach not only addresses immediate shortages but also lays the groundwork for a sustainable increase in Maine's legal workforce. The flexibility and responsiveness of this integrated approach, coupled with the potential for expedited implementation, make it a compelling recommendation for immediate action. It balances the urgency of legal service demands with the need for maintaining high professional standards, thereby ensuring that Maine's legal system remains healthy, responsive, and accessible to all its residents.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

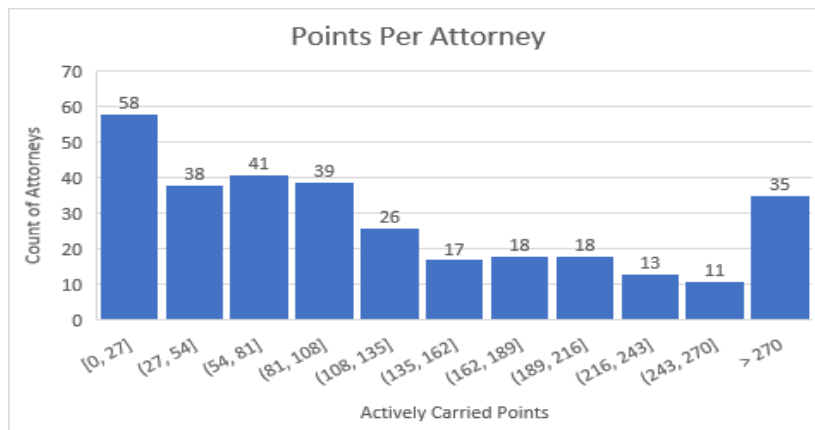
TO: COMMISSIONERS
FROM: COMMISSION STAFF
SUBJECT: UNASSIGNED CASES AND SYSTEM CAPACITY
DATE: March 8, 2024

As of March 7, 2024, there were 388 attorneys with caseload data in the active caseload database. This includes any attorney with an open case in defenderData or with hours recorded in defenderData as having been performed in the last 12 months. These attorneys are carrying a total of 45,190 points worth of cases. There are approximately 316 attorneys who are eligible to receive case assignments, subject to the Chapter 4 caseload limits. Of those attorneys, 46 have exceeded their applicable caseload limit.

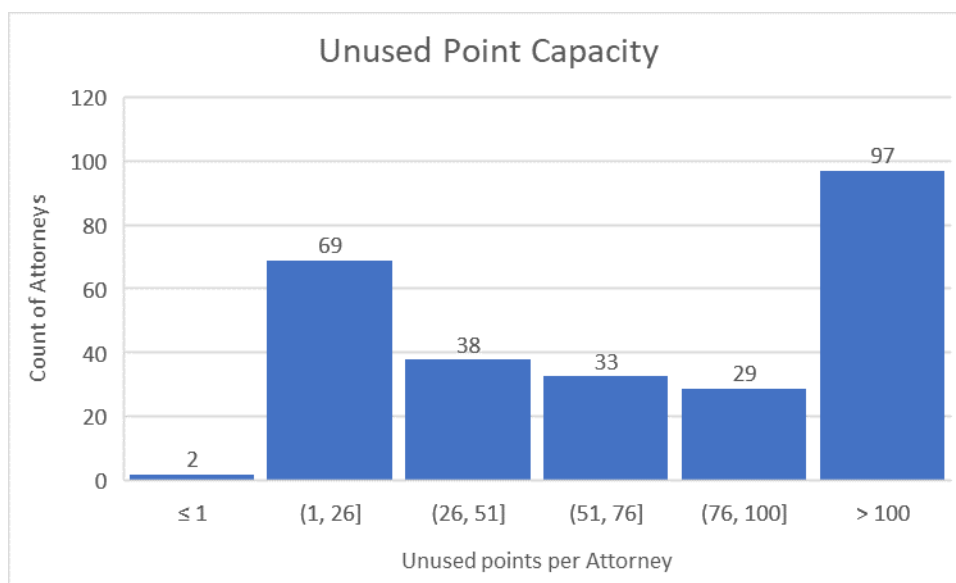
Since the implementation of Chapter 4, 26 attorneys have been granted caseload limit waivers. 19 attorneys have been granted waivers that would allow them to exceed the standard caseload limit of 270 points. Of those 19 attorneys with waivers, three (16%) had less than 270 points worth of cases and five (26%) were carrying between 270-300 points. 42% of attorneys who were granted waivers that would allow them to exceed 270 points have either not done so or have done so by only about 10%.

As of March 7, 2024, the number of unallocated points in the system was over 20,000. This is calculated as the difference between the number of points each attorney is permitted to carry under their current workload allocation, and how many points they are currently carrying. For all attorneys not already over their caseload limit, the average carried caseload was 85 points less than their caseload limit.

This “Points Per Attorney” chart below represents the number of attorneys who have caseloads within each of the ranges on the X axis. For example, 58 attorneys are carrying between 0-27 points, 38 attorneys are carrying between 27-54 points, and so on.



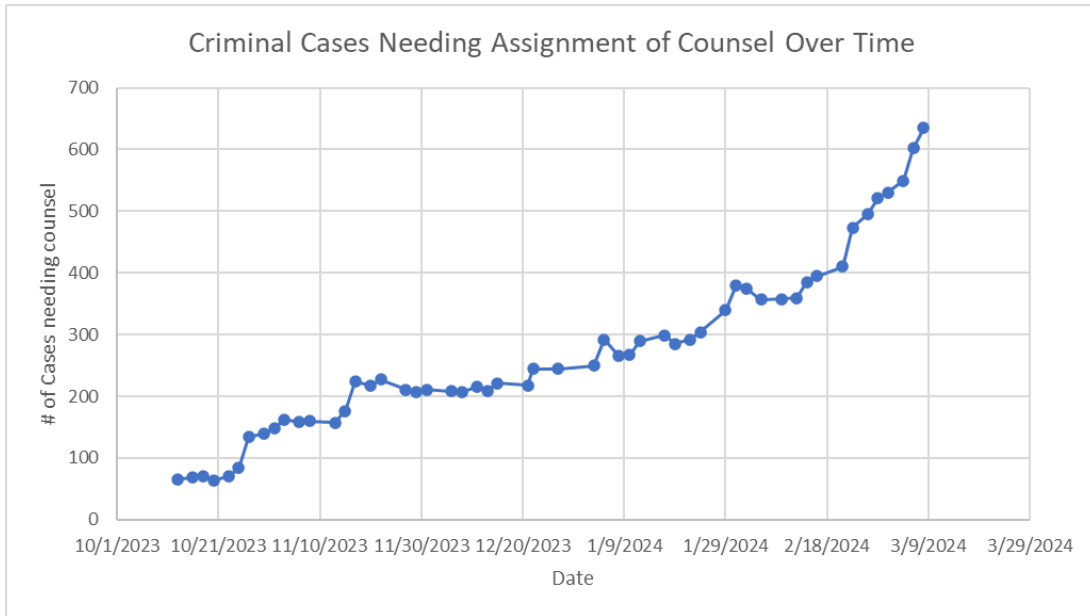
The “Unused Point Capacity” chart below represents the number of attorneys who have unused point allocations in each of the ranges on the X axis. For example, two attorneys have less than one unused point, 69 attorneys have between 1-26 unused points, and so on. There are 97 attorneys with more than 100 unused points.



As of March 6, 2024, the list of cases without counsel included 602 criminal matters and 50 child protective matters. If, for the sake of argument, it is assumed that each of those criminal matters was a class A felony weighted at four points, then the total point value of the unstaffed cases would be 2,658. Based on the approximately 20,000 unallocated points, the system currently has the capacity to absorb at least 7.5 times as many cases as are on the list of those needing counsel.

It has been suggested that the implementation of Chapter 4 was the precursor to the rise in the number of cases needing counsel. However, looking at the number of cases without counsel over time reveals that the number of unstaffed cases has been steadily increasing since November of 2023. That rate held steady in January of 2024 after the implementation of the Chapter 4 caseload standards. The current accelerated rate of increase did not begin until mid to late February of 2024. The temporal delay and availability of system capacity indicate that the rise in cases without counsel cannot be ascribed to the implementation of Chapter 4.

The “Criminal Cases Needing Assignment of Counsel Over Time” chart below represents the number of cases that needed counsel based on information the Judicial Branch reported to MCILS.



Staff conclude that counsel appear to be self-regulating their caseloads and intentionally maintaining lower caseloads than the maximums permitted by Chapter 4.

Basic Eligibility:

- Complete the [Initial Application for Indigent Case Assignments](#)
- Complete the applicable minimum standards training (MST)
 - Criminal Law MST- 2 days
 - Mental Health MST- 5 hours
 - NCR Release Hearings- 1 day
- Once the application and MST have been completed, the attorney is eligible for:
 - Criminal: drug offenses, other misdemeanors, other felonies, and probation violations.
 - Mental Health: civil commitment, involuntary medication, and weapons restriction orders.
 - Not Criminally Responsible Release Hearings: All NCR hearings, regardless of underlying case type (*e.g.*, even if the client was found NCR of murder, anyone who is eligible for NCR release hearings is eligible to represent that client).
 - Emancipation (no MST)
 - Guardianship (no MST)

Specialized Case Types:

- Homicide:
 - 5 years of criminal defense practice experience.
 - Tried at least 5 felony cases within the last 10 years, at least two of which were Major Felony, Homicide, or class C or higher Sex Offense cases.
 - 3 letters of reference.
- Sex Offense:
 - 3 years of criminal defense practice experience.
 - Tried at least 3 felony cases within the last 10 years.
- Major Felony:
 - 2 years of criminal defense practice experience.
 - Tried at least 4 criminal cases in the last 10 years.
- OUI:
 - 1 year of criminal defense practice experience
 - Tried at least 2 criminal cases and 2 contested hearings within the last 10 years.
 - 4 hours of CLE credits on topics relevant to OUI in the past 3 years.
- Domestic Violence:
 - 1 year of criminal defense practice experience
 - Tried at least 2 criminal cases and 2 contested hearings within the last 10 years.
 - 4 hours of CLE credits on topics relevant to DV/collateral consequences in the past 3 years.

- Juvenile Defense:
 - Complete the Juvenile Law MST (2 days).
 - Misdemeanors
 - Felony and Sex Offense:
 - 1 year of juvenile defense practice.
 - Handled at least 10 juvenile cases to conclusion.
 - Tried at least 5 contested juvenile hearings within the past 10 years.
 - Bind-Over:
 - 2 years of juvenile defense practice experience.
 - Handled at least 20 juvenile cases to conclusion within the last 10 years.
 - Tried at least 10 contested juvenile hearings in the past 10 years.
- Appeals:
 - Homicide Appeal:
 - Provided representation in 7 criminal appeals within the last 10 years.
 - Completed oral argument in at least 2 criminal appeals.
 - Provide copies of briefs filed and opinions rendered in the 7 most recent criminal appeals the attorney has handled.
 - Other Criminal Appeal:
 - Provided representation in 5 criminal appeals within the last 10 years.
 - Completed oral argument in at least 1 criminal appeal.
 - Provide copies of briefs files and opinions rendered in 5 most recent criminal appeals the attorney has handled.
 - Chil Protective:
 - Provided representation in 5 PC appeals.
 - Provide copies of briefs filed and opinions rendered in the 5 most recent appeals.
 - Deemed eligible to accept PC case assignments.
- Post-Conviction Review:
 - 3 years of criminal defense experience.
 - Previously qualified to be placed on the trial roster for the case type applicable to the conviction being challenged.
- Lawyer of the Day:
 - Complete the LOD MST (1 day).
 - Eligible to accept criminal case assignments.
 - Previously deemed eligible for OUI and DV cases.
 - Complete 3 shadow sessions.
- Child Protective:
 - Child Protective MST (2 days)
 - Provided representation to parents in at least 3 unrelated PC cases within the last 10 years, OR serve as co-counsel with an attorney who is eligible for PC cases on two or more assigned PC cases for at least twelve months prior to the date of the application.

Specialized Case Type Cheat Sheet:

Other Misdemeanor Offenses (Non-Exhaustive List):

Other Misdemeanors are all misdemeanors which are not domestic violence or OUI offenses.

Examples include:

- Theft
- Criminal Trespass
- Operating Without a License
- Operating after Suspension
- Operating after Revocation
- Assault
- Terrorizing
- Criminal Threatening
- Criminal Mischief
- Reckless Conduct
- Driving to Endanger
- Falsification
- Possession of a Firearm by a Prohibited Person
- Probation Violation (regardless of what the underlying conviction was).

Eligibility requirements:

- Attend a two-day criminal law minimum standards training
- No prior legal experience necessary

Other Felony Offenses (Non-Exhaustive List):

Other Felonies are all felonies which are not covered by a specialized case type. Examples include:

- Burglary (unless it is with a firearm, dangerous weapon, or intent to commit bodily harm; those are major felony offenses)
- Aggravated Criminal Trespass
- Theft
- Fraud
- Forgery
- Destruction of Property
- Assault on an Officer
- Operating after Revocation
- Possession of a Firearm by a Prohibited Person
- Terrorizing

- Assault with Priors
- Criminal Threatening
- Perjury
- Tampering with a Witness
- Aggravated Criminal Mischief
- Aggravated Reckless Conduct
- Probation Violation (regardless of what the underlying conviction was).

Eligibility requirements:

- Attend a two-day criminal law minimum standards training
- No prior legal experience necessary

Homicide Offenses:

- Murder § 201
- Felony Murder § 202
- Attempted Murder § 152
- Aggravated Attempted Murder § 152-A
- OUI Causing Death 29-A M.R.S.A. § 2411(1-A)(D)(1-A)

Major Felony Offenses:

- Aggravated Assault § 208
- Domestic Violence Aggravated Assault § 208-D
- Elevated Aggravated Assault § 208-B
- Elevated Aggravated Assault on a Pregnant Person § 208-C
- Kidnapping § 301
- Burglary with a Firearm § 401(1)(b)(1)
- Burglary with Intent to Inflict Bodily Harm § 401(1)(b)(2)
- Burglary with a Dangerous Weapon § 401(1)(b)(3)
- Robbery § 651
- Arson § 802
- Causing a Catastrophe § 803-A
- Aggravated Trafficking of Scheduled Drugs § 1105-A
- Aggravated Trafficking of Counterfeit Drugs § 1105-B
- Aggravated Furnishing of Scheduled Drugs § 1105-C

Sex Offenses:

- Gross Sexual Assault § 253
- Sexual Abuse of Minors § 254
- Unlawful Sexual Contact § 255-A
- Visual Sexual Aggression Against a Child § 256
- Sexual Misconduct with a Child Under 14 Years of Age § 258
- Solicitation of A Child to Commit a Prohibited Act § 259-A
- Solicitation of Child for Commercial Sexual Exploitation § 259-B
- Unlawful Sexual Touching § 260
- Sexual Exploitation of Minor § 282
- Dissemination of Sexually Explicit Material § 283
- Possession of Sexually Explicit Material § 284
- Incest § 556
- Violation of Privacy § 511(1)(D)
- Aggravated Sex Trafficking § 852
- Patronizing Prostitution of Minor or Person with Mental Disability § 855

Domestic Violence Offenses:

- Stalking § 210-A
- Violation of a Protection Order § 506-B
- Stalking § 210-A
- Domestic Violence Aggravated Assault § 208-D
- Domestic Violence Assault § 207-A
- Domestic Violence Criminal Threatening §209-A
- Domestic Violence Terrorizing § 210-B
- Domestic Violence Stalking § 210-C
- Domestic Violence Reckless Conduct § 211-A

OUI Offenses:

- All offenses under 29-A M.R.S.A. § 2411

Chapter 2: STANDARDS FOR QUALIFICATIONS OF CONTRACT AND ASSIGNED COUNSEL **DGA COMMENTS and SUGGESTIONS in RED, 02-05-2024**

Summary: This chapterChapter establishes the standards prescribing minimum experience, training, and other qualifications for contract counsel and assigned counsel to be eligibleEligible to accept appointmentsreceive assignments to represent indigent people, who are eligible forentitled to a statutorily and/or constitutionally- required attorney.

SECTION 1. DefinitionsApplication

1. AllExecutive Director. "Executive Director" means the Executive Director of the Commission or the Executive Director's decision-making designee.
2. Assignment. "Assignment" means a case or lawyer of the day assignment made by a court or the Commission, and specialty court liaison or resource counsel assignments made by the Commission.
3. Eligible. "Eligible" is the status assigned to an attorney who has satisfied all the requirements of this Chapter, has satisfied all requirements of Chapter 3 for any applicable Specialized Panels, has applied and been approved by the Commission to receive assignments of the applicable case type, is current on their annual renewal, and is not under suspension by the Commission.
4. Roster. "Roster" is a list of attorneys wishing to accept case who are both Eligible and actively accepting cases of a particular type in a particular court or location.
5. **Specialized Panels. "Specialized Panels" means those types of assignments by that are complex in nature. They include the panels listed in Chapter 3 of the Commission Rules.**

SECTION 2.must Applicability

1. Whenever the eligibility standards are amended, the Executive Director shall create an application for all then-currently Eligible counsel to complete to demonstrate they meet all eligibility requirements of this Chapter. Counsel who are Eligible to receive assignments at the time this Chapter is amended shall maintain their eligibility until ~~July 15, 2024~~. As a condition of continued eligibility, counsel must successfully complete the application by ~~July 15, 2024~~. If counsel fail to successfully complete the application by ~~July 15, 2024~~, they will automatically become ineligible to receive Assignments until they do so. Change all three dates to November 1, 2024 so that: (A) the continuing eligibility applications do not coincide with the end of the fiscal year when MCILS staff must address many other fiscal and workload calculation, reporting, drafting, and supervision responsibilities; and (B) continued eligibility determinations follow the MCILS annual conference and training

event.

2. An attorney who is Eligible for one or more case types prior to the amendment of this Chapter will not be deemed Eligible for additional case types until they comply with the amended Chapter.
3. Any attorney not previously Eligible to receive Assignments from the Commission when this Chapter is amended must comply with the requirements of this Chapter and all other Commission rules to become Eligible.

SECTION 3. Minimum Eligibility Requirements

To become and/or remain Eligible, an attorney must—at a minimum—satisfy the following conditions:

1. Application
 - a. Complete an application in the manner prescribed by the Commission. through its Executive Director. The CommissionExecutive Director will not act on an application until it is complete.
 - b. If any of the information on the application changes prior to the Executive Director acting on the application, the attorney must immediately notify the Commission via email prior to receiving a decision on the application.
 - c. No attorney will be assigned a case receive an Assignment until that attorney completes an application and is placed on the roster of attorneys eligibledeemed Eligible to receive assignmentsAssignments of that type.

1. SECTION 2. Minimum Experience, Training And Other Eligibility Requirements

Any attorney wishing to accept case assignments from the Commission, serve as contract counsel or otherwise be approved by the Commission to accept assignments must satisfy the following conditions.

2. 1. Licensed to Practice
 - a. a) The attorney must be licensed to practice law in the State of Maine and be in good standing with the Maine Board of Overseers of the Bar.
 - b. b) The attorney must promptly inform the Commission, in writing, of any complaint, or any legal ethics opinion or decision, against the attorney filed with the Maine Board of Overseers of the Bar that has been set for a grievance panel hearing, or a Maine court, or hearing before a single justiceany entity charged with governing the conduct of the Supreme Judicial Court.attorneys in any other jurisdiction. The attorney must so inform the Commission within 5 days of knowing or having reason to know of such complaint,

opinion, or decision. Failure to comply with this requirement is grounds for removal from the roster or suspension in accordance with Section 5 herein.

- c. c) The attorney must inform the Commission, in writing, of any suspension of the attorney's privilege to practice law in any jurisdiction within 24 hours of receiving actual or constructive notice of the suspension. Failure to comply with this requirement is grounds for suspension or removal in accordance with Section 5 herein.
- d. The attorney must inform the Commission, in writing, within 5 days of any criminal charge filed against the attorney—in any jurisdiction and promptly inform the Commission of any disposition of such charge. Failure to comply with this requirement is grounds for suspension or removal from the roster. in accordance with Section 5 herein.

3. Proficiency

- a. The attorney must be knowledgeable of the Maine Rules of Evidence.
- b. The attorney must be knowledgeable of the rules of procedure applicable to the area(s) of law they practice.
- c. The attorney must be knowledgeable of the applicable law in their area(s) of practice.
- d. The attorney must be knowledgeable of the Maine Rules of Professional Conduct.
- e. The attorney must only represent clients in assigned cases for which they are Eligible. If an attorney is assigned to a case for which they are not Eligible, the attorney must—within three business days of receiving actual or constructive notice of the appointment—submit a complete application for the applicable case type, file a motion for appointment of eligible co-counsel, or file a motion to withdraw from the case. If the attorney elects to withdraw from the case, the attorney must fulfill their obligations pursuant to the Maine Rules of Professional Responsibility and the relevant rules of procedure.

This needs to be amended to permit more flexibility and allow more time for adjustment or waiver when an attorney is assigned a case for which the attorney is eligible, but, after assignment, the nature of the case and the pending charges change, for example, as result of: (A) later indictment when the attorney was assigned at first appearance; (B) a court approved amendment of the charge, which could be a more serious or a less serious charge for a Specialized Panel offense which the attorney has not sought to be rostered; (C) the client commits a new offense.

Training 2. Attorney Cooperation with Procedures and Monitoring

4.

- a. Before being deemed Eligible and receiving Assignments, an attorney must satisfactorily complete a designated Commission-sponsored or Commission-approved training course in each area of the law for which the attorney is seeking to receive Assignments.

This includes but is not limited to the following areas of law: criminal defense, ~~lawyer of the day~~, juvenile defense, civil commitment, child protective, not criminally responsible release hearings, guardianship, and emancipation.

Lawyer of the day should be a specialized panel within the criminal defense category, only available to attorneys otherwise eligible for appointment to criminal cases.

- b. The attorney shall meet any specific training requirements of any Specialized Panels.
- c. To maintain their eligibility, an attorney must annually complete 8 hours of continuing legal education (CLE) approved by the Commission. All the CLE hours must be related to the area(s) of law that the attorney practices. The explanation for the Rule should indicate that a CLE on the Rules of Evidence, Trial Practice, Preserving Objections, Appellate Practice, Trial Practice Ethics, or Jury Selection and Practice would qualify for these CLE credits if approved by the Commission – even if presented by another organization such as: Board of Overseers, MACDL, MTLA, MSBA, U. Maine School of Law.

5. Technological Literacy

- a. The attorney must personally have the ability to do the following:
 - i. Open, read, reply to, forward, save, and print emails. Attach files to and download attachments from emails.
 - ii. Electronically sign documents.
 - iii. Scan, attach, and upload or email documents.
 - iv. Use ShareFile and other systems used by courts for the purpose of e-filing or sharing information with attorneys. Only when up and running with the courts; right now e-filing rules do not apply to most MCILS type cases in most courts. [Notes from attending an e-filing training session put on by the courts at the MSBA meeting, 01-25-24.]
 - v. View, download, save, copy, and disseminate in a confidential manner all discovery received in electronic form.
 - vi. Opt in and out of Rosters using the Commission's electronic case management system. Should this also include submitting vouchers and any other case specific or attorney specific reports and information through the electronic case management system?

6. Annual Renewal

- a. The attorney must register with the Commission annually in a manner prescribed by the Commission. The attorney must comply with all applicable Commission rules and procedures. The attorney must comply with Commission monitoring and performance evaluations. The attorney must also comply with any Commission investigation of

- b. The annual renewal form will require the attorney to provide certain information, including but not limited to:
- i. The attorney's contact information.
 - ii. A list of the qualifying CLE credits the attorney has completed for the relevant period.
 - iii. Whether they have had any bar complaints, billing discrepancies, since their last successful renewal.
 - iv. Whether they have been charged with a civil or criminal offense since their last successful renewal. Would this include a local ordinance violation? Any limits on what civil violations that must be reported?
 - v. Any other information that, deemed appropriate by the ~~view of the Executive Director~~ Commission, concerns the question of whether.
- c. The annual renewal form may also require the attorney to make certifications, including but not limited to:
- i. That the attorney has read, understands, and agrees to abide by all Commission rules and policies.
 - ii. That the attorney is fit to remain licensed to practice law in Maine.
 - iii. A statement about what percentage of the attorney's work hours is spent on the roster. Except as pertains to indigent cases assigned to the attorney, cases.
 - iv. That the attorney has not been charged with a criminal offense which they have failed to disclose to the Commission.
 - v. That the attorney has not been the subject of any Board of Bar Overseers complaints or other ethics complaints in any jurisdiction which they have failed to disclose to the Commission.
 - vi. That all information submitted and certifications made on the annual renewal form are complete and accurate.
 - vii. Any certification designed to assess compliance with Commission rules or policies.
 - viii. Any other certifications deemed appropriate by the ~~Executive Director~~ cannot require an attorney to disclose information that is privileged or made confidential by statute, by court rule or by court order. Commission.

- d. **SECTION 3.** Any attorney who fails to successfully and timely complete the annual renewal will be deemed ineligible to receive Assignments. The attorney may have their eligibility restored upon successful completion of the annual renewal if they are in compliance with all Commission rules.

7. Office, Telephone, and Electronic Mail

- a. The attorney must maintain an office or have the use of space that is reasonably accessible to clients and that permits the private discussion of confidential and other sensitive matters.
- b. The attorney must maintain a telephone number, which shall be staffed by personnel available for answering telephone calls or an answering service, an answering machine or voicemail capability that ensures client confidentiality.
- c. The attorney must maintain a confidential working e-mail account as a means of receiving information from and providing information to the Commission. The e-mail address must not be owned or accessible by any person or entity other than the attorney or the entity they own or are employed by.

Does this mean that an attorney must have an email account different from the email address registered with the courts for purpose of filing and receipt of documents from the courts? Must this email account be different from the attorney's published business email address registered with the Board of Overseers? Rather than requiring attorneys to have separate email accounts for filings to and receipt of information from MCILS, suggest having a system of encryption or password protection for filing and receipt of confidential information to or from MCILS.

- d. The attorney must keep the Commission and the courts in which the attorney represents indigent clients apprised of the attorney's work telephone number and postal and electronic e-mail addresses. The attorney must ensure that the court has the ability to contact the attorney by e-mail, mail, and by telephone.

SECTION 4. Experience and Proficiency

8. Attorney Cooperation with Procedures and Monitoring

The attorney shall demonstrate the necessary and sufficient experience and proficiency required to accept appointments as provided below.

1. *[Repealed]*
- a. 2. Any attorney not previously having been accepted to receive assignments from the must comply with all applicable Commission must satisfactorily complete a Commission-sponsored or Commission-approved training course for the area of the law for which the attorney is seeking to receive assignments, including but not limited to, criminal defense, juvenile defense, civil commitment, child protective, or emancipation prior to being placed on the roster and receiving assignments; or rules and procedures.

- b. 3. An attorney may be accepted for placement on the roster and receive assignments from the must comply with Commission without completing a monitoring and performance evaluations. The type of monitoring and performance evaluations that are contemplated must be more clearly spelled out. This issue is of concern to many competent, experienced attorneys. For experienced attorneys, this monitoring should not extend to looking over an attorney's shoulder and second guessing an attorney's strategy and decisions while a case is ongoing.
- c. The attorney must comply with any Commission-sponsored investigation of complaints, billing discrepancies, or Commission-approved training course other information. Except as provided above if the attorney demonstrates pertains to indigent cases assigned to the attorney, the Executive Director cannot require an attorney to disclose information that is privileged or made confidential by statute, court rule or court order.

SECTION 4.the Eligibility

1. Cause

- a. The Executive Director may determine that an attorney is not Eligible to receive assignments generally or of a particular type if:
- i. The attorney made any intentional misrepresentation or material omission on any application they submitted to the Commission.
 - ii. The attorney fails to satisfy any requirement of any Commission rule.
 - iii. The attorney has a commitment to and proficiency in the practice of the area of law for prior criminal record which the Attorney is willing to accept assignments over Executive Director determines could affect the attorney's ability to provide high quality legal services.
 - iv. The attorney has a prior bar disciplinary history which the Executive Director determines could affect the attorney's ability to provide high quality legal services.
 - v. The Executive Director concludes that the course of at least attorney is unfit to provide high quality indigent legal services.

[(iii), (iv), and (v) above need more specific definitions than the ED's discretion to meet constitutional due process standards to justify exclusion of an individual from receiving MCILS assignments.]

2. Process

- a. If the three years prior to Executive Director determines that an attorney is not Eligible to receive Assignments generally or of a particular type pursuant to Section 5(1) of this Chapter:

- i. The Executive Director's decision shall be in writing and shall reflect the Executive Director's reasoning in a manner sufficient to inform the attorney of the basis for the Executive Director's action. [Can this decision be appealed to the Commission? It is not clear if the process in Section 5(2) applies to this eligibility determination. The 5(2) process should apply. If not, is the only appeal one to the Superior Court under M.R. Civ. P. 80C?]
 - ii. The Executive Director's decision that an attorney does not satisfy the minimum eligibility requirements to receive Assignments may be appealed to the full Commission pursuant to 4 M.R.S.A. §1804(3)(J) and Chapter 201 of the Commission rules.
3. Automatic Ineligibility
- a. If an attorney exceeds the maximum caseload standard as set forth by Chapter 4 of the Commission rules and has not been granted a waiver pursuant to Chapter 4, they will become ineligible to receive new case Assignments.
 - The current caseload standards limit attorneys to 1/3 to 1/2 of the caseload that our own data show that our attorneys are capable of accepting and competently representing clients before the courts. An attorney should not be excluded from new assignments unless their pending caseload, measured by the average hours per case that MCILS FY 2023 data show competent, ethical attorneys are putting in to defend the particular case types at issue, is at least double the number set in the caseload standards. For example, MCILS caseload standards for appeals states that attorneys average approximately 74 hours for each criminal appeal, with a caseload limit of 25 appeals. MCILS FY 2023 data show that MCILS attorneys average approximately 25 hours for each criminal appeal. With this example, attorneys should not be removed from rosters if they had 50 or less pending appeals – if they only do appeal work.
 - b. Any attorney who voluntarily accepts a new case after having been deemed ineligible pursuant to subsection 2(a), above, will not be paid by the Commission for any time spent on the case.
 - There must be an exception to this rule for cases where (1) MCILS has advised a court that it does not have an attorney available to take an assignment, and (2) the court then assigns to the case a consenting attorney whom the court has deemed competent and available to represent the client. As a matter of constitutional law and legal ethics, when MCILS is unable or unwilling to provide counsel to an individual qualifying for MCILS representation, it cannot also prevent the court from assuring that the individual's constitutional right to the assistance of competent counsel is met. The court may, in fact must, assign the individual competent counsel who will receive appropriate compensation to assure that the individual receives constitutionally required representation.
 - c. Any attorney who is assigned a case by a court without the attorney's consent after the attorney has been deemed ineligible pursuant to subsection 2(a), above, must within seven calendar days of receiving assignments actual or constructive notice of the assignment, file a motion to withdraw from the case and notify the Commission of the improper assignment. The attorney will only be paid for time spent withdrawing from the Commission case, any work performed on the case pending a court's ruling on the

motion to withdraw and appointment of successor counsel, and the time spent communicating with the Commission about the improper assignment. If the attorney fails to file a motion to withdraw within seven calendar days of receiving notice of the assignment, the attorney will not be paid by the Commission for any time spent on the case.

SECTION 5. Training

The attorney shall annually complete 8 hours of continuing legal education (CLE) approved by the Commission.

The attorney shall meet any specific training requirements of any specialized panels.

SECTION 6. Removal or Suspension from the Roster of Eligibility

1. Cause. The Executive Director may remove indefinitely or suspend an attorney from the roster completely or from the roster for certain case types and court locations for attorney's Eligibility to receive Assignments, or to receive Assignments of a particular type:
 - a. For any failure to comply with this rule or any other Commission rule. In addition, the Executive Director may remove indefinitely or suspend an attorney from the roster completely or from the roster for certain case types and court locations if
 - b. If the Executive Director determines that the attorney is can no longer qualified to provide high quality indigent legal services based on the nature of any criminal charge or on investigation by the Executive Director .
 - c. If it is discovered that the attorney made any intentional misrepresentation or the Executive Director's designeematerial omission on any application they submitted to the Commission.
 - d. If the Executive Director determines that the attorney can no longer provide quality indigent legal services based on investigation by the Executive Director of any complaint or other information.
2. Process.
 - a. The Executive Director's decision to remove or suspend an attorney from the roster attorney's eligibility shall be in writing and shall reflect the Executive Director's reasoning in a manner sufficient to inform the attorney and the public of the basis for the Executive Director's action.
 - b. Attorneys removed indefinitely must re-apply to the Commission if they wish to receive assignments Assignments in the future. Attorneys who are suspended from the roster need not re-apply, but must demonstrate compliance with any conditions made part of a suspension.

- c. Removal or suspension may also include a requirement that the attorney immediately identify to the Commission all open assigned cases and file a motion to withdraw in each case within seven calendar days of the date of the suspension or removal decision. If an attorney is directed to withdraw from all their assigned cases and fails to do so within seven calendar days of the date of the suspension or removal decision, the attorney will not be entitled to payment from the Commission for work done on any of the cases after the date of the suspension or removal decision.
- d. The Executive Director's decision to remove or suspend an attorney's Eligibility may be appealed to the full Commission pursuant to 4 M.R.S.A. §1804(3)(J) and Chapter 201 of the Commission rule 94-649 Chapter 201 rules.

STATUTORY AUTHORITY: 4 M.R.S.A. §1804(2)(B)

EFFECTIVE DATE:

June 25, 2010 – filing 2010-214 (Final adoption, major substantive)

AMENDED:

September 17, 2015 – filing 2015-152 (Final adoption, major substantive)