

**MAINE COMMISSION ON
PUBLIC DEFENSE SERVICES**

May 14, 2024

**Commissioner's
Meeting Packet**

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

MAY 14, 2024 MEETING AGENDA

- 1) Public Hearing – Chapters 4, 301, 301-A, and 302
- 2) Approval of the April 10, 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. Public Defender staffing and office report
 - c. Case staffing status report
- 5) Rulemaking – discussion of proposed Chapter 5 and adoption of 2024-2025 regulatory agenda
- 6) Discussion about 7-day review hearings
- 7) Set Date, Time and Location of Next Regular Meeting of the Commission
- 8) Public Comment

94-649 MAINE COMMISSION ON ~~INDIGENT LEGAL~~PUBLIC DEFENSE
SERVICES

Chapter 4: CASELOAD STANDARDS FOR ASSIGNED COUNSEL AND
CONTRACT COUNSEL

Summary: The purpose of this rule is to implement 4 M.R.S. § 1804(2)(C) by prescribing “[s]tandards for assigned counsel and contract counsel case-loads” for attorneys accepting assignments to represent consumers of ~~indigent legal~~public defense services. The objective is to ensure that attorneys are not overscheduled or overworked and are able sto provide effective, high-quality, representation to each client.

SECTION 1. DEFINITIONS

- A. **Points.** ~~“Points” means:~~ the weight assigned to each case type.
- B. **Case ~~type~~Type.** ~~“Case type” means:~~ the type of matter to which the attorney is assigned.
- C. **Maximum ~~case~~Case ~~type~~Type.** ~~“Maximum case type” means:~~ ~~represents~~ the maximum number of cases of a particular case type that an attorney could carry at one time, if the attorney only accepted cases of that one type.
- D. **Average ~~hours~~Hours ~~per~~Per ~~case~~Case.** ~~“Hours Per Case” means:~~ the anticipated average number of hours that would be spent on a case of a particular type.
- E. **Maximum ~~A~~active ~~C~~aseload ~~L~~imit.** ~~“Maximum Active Caseload Limit” means :~~ the maximum total points across all case types that an attorney may carry on their caseload at any given time and remain eligible to receive assignments, based on the percentage of an attorney’s work hours which are dedicated to assigned cases.
- F. **Maximum ~~A~~nnual ~~H~~ours ~~L~~imit.** ~~“Maximum Annual Hours Limit” means:~~ the presumptive maximum number of hours that the Commission holds an attorney should work for consumers of ~~indigent legal~~public defense services over a rolling 12-month period, as modified by the percentage of an attorney’s work hours which are dedicated to assigned cases.
- i. The maximum annual hours limit is only used for purposes of applying the caseload limits. If an attorney’s vouchers exceed the maximum annual hours, the attorney will still be paid in accordance with Commission rules.

G. Homicide. "Homicide" has the same meaning as defined by Chapter 3 of the Commission rules.

H. Executive Director. "Executive Director" means the Executive Director of PDS or the Executive Director's decision-making designee.

I. PDS Liaison. "PDS Liaison" means the attorney who performs services for clients as part of a specialty court team but who has not otherwise been appointed to represent a specific client on a specific docket.

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SECTION 2. CASE TYPE CALCULATION

A. Criminal & Juvenile Cases:

- i. In each docket, the charge assigned the highest points—at the time of appointment—determines the case type.
- ii. Other offenses contained within a single charging instrument are not assigned a point value.
- iii. If an attorney represents a client on multiple dockets, each docket is considered a separate case. Each separate case is assigned cumulative points.
- iv. The point value assigned is applicable to each case from assignment through disposition of the matter. Post-conviction reviews and probation violations are considered new case types, regardless of whether the attorney represented the client in the original case.

B. Child Protective Cases:

- i. The point value assigned is applicable to the entire case, from assignment through final resolution of the matter at the district court level. Points are not assigned to each distinct phase (*e.g.*, jeopardy, termination of parental rights).
- ii. If a client has multiple pending child protective docket numbers because the client has multiple children, only one docket number is assigned a point value at any one time.

C. Appeals to the Supreme Judicial Court of Maine:

- i. Appeals to the Supreme Judicial Court of Maine are considered new case types, regardless of whether the attorney represented the client in the trial court.

D. Lawyer of the Day:

- i. The point value associated with lawyer for the day duties is assigned per appearance.
 1. If counsel serves as lawyer of the day for a morning session that continues into the afternoon, that will be one appearance. If counsel serves as lawyer of the

day for a morning session and then a subsequent afternoon session with a second appearance time and list, that will be two appearances.

4.2. Lawyer of the Day points are calculated on a rolling 12-month basis. This means that all of an attorney's LOD appearances from the preceding 12 months will be included in the attorney's point calculation.

E. Specialty Courts and Projects:-PDS Liaison:

A. The point value PDS Liaison assignments are assigned points based on the hours the particular PDS Liaison spent performing PDS Liaison services in the preceding 12 months. The total hours performed as PDS Liaison are then converted to points based on 7.4 hours being worth 1 point.

~~i. assigned to specialty courts only applies to the attorney who is the defense representative for that specialty court, or who performs an administrative function for the Commission with respect to that specialty court or project, not to every attorney who has a client sentenced to the specialty court or otherwise engaged in a project.~~

~~ii. The point value assigned to specialty courts and projects applies per court appearance, regardless of duration. —~~

~~1. Court appearance is defined by an instance in which the specialty court is in session, not by the number of participants who appear in court at a particular session.~~

SECTION 3. POINTS

A.B. The Commission has established the following point values for each respective case type:

Case Type:	Points:	Maximum Case Type:	Average Hours Per Case:
<u>Homicide</u>	<u>33.75</u>	<u>8</u>	<u>248</u>
Class A Crime <u>other than Homicide</u>	4	67	29.6
Class B & C Person Crime	3	90	22.2
Class B & C Property Crime	2	135	14.8
Class D & E Crime	1	270	7.4
Probation Violation	1.25	216	9.25
Post-Conviction Review	6	45	44.4
Appeal	10	27	74
Juvenile	2	135	14.8
Lawyer of the Day (per appearance)	0.5	540	3.7
Protective Custody	5	54	37
Involuntary Commitment	1.25	216	9.25

Inv. Commit. Appeal to Superior Court	2	135	14.8
Emancipation	0.75	357	5.6
Probate	3	90	22.2
Specialty Courts (per appearance)	0.5	540	3.7
Pet. for Mod. of Release or Treatment	3	90	22.2
Petition for Release	3	90	22.2

SECTION 4. LIMITS

- A. The Commission has established a maximum active caseload limit of 270 points, based on a presumptive maximum annual hours limit of 2,000. An attorney whose caseload exceeds ~~their 270 points~~ Maximum Active Caseload Limit at any one time is ineligible to receive additional assignments to represent consumers of ~~indigent legal~~ public defense services, other than additional case assignments for existing clients, unless granted a waiver pursuant to Section 7 below.
- B. The applicable maximum caseload and hours limits are reduced proportionately, based upon the percentage of the attorney's work hours that are dedicated to Commission cases. The following chart reflects this calculation, based on an active caseload limit of 270 points and an annual limit of 2,000 billed hours:

% of Attorney's Work Hours Spent on Commission Cases:	Maximum Active Caseload Limit:	Maximum Annual Hours Limit:
100%	270	2,000
75%	202	1500
50%	135	1000
25%	67	500
10%	27	200

- C. Case Closed:
- i. When a case is closed in the Commission's case management system, the points assigned to that case are deducted from the attorney's active caseload points total.
- D. Deferred Disposition:
- i. When the disposition of a case in the Commission's case management system is changed to reflect a deferment, the points assigned to that case are deducted from the attorney's active caseload points total.
- E. Other events that toll cases:

- i. When a case enters a status that effectively tolls its progress, the points assigned to that case may be deducted from the attorney's active caseload points total at the discretion of the Executive Director ~~or designee~~. Events that effectively toll the progress of a case may include a filing; long-term continuance; client in absent or fugitive status; - for the time after oral argument, pending a decision in a case before the Maine Supreme Judicial Court; or, similar events.

SECTION 5. APPLICATION

A. Applicable Caseload Limit:

- i. All attorneys accepting assignments to represent consumers of ~~indigent legal~~public defense services are required to annually certify to the Commission approximately what portion of their annual working hours are dedicated to assigned cases.
- ii. All attorneys who are eligible to accept case assignments on the effective date of this rule must submit their first certification not later than 30 calendar days after the effective date of this rule and by July 15th of that year and every year thereafter, as outlined below.
- iii. Attorneys who apply to accept Commission cases will be required to submit this certification prior to receiving case assignments.
- iv. Attorneys who renew their eligibility to accept Commission cases must, at the time of the submission of their renewal application, submit a new certification of approximately what portion of their annual working hours are dedicated to assigned cases. This certification must be submitted to the Commission no later than July 15th of each year.
- v. After a certification is submitted, the attorney's ~~M~~maximum ~~A~~active ~~C~~caseload ~~L~~imit will be set in the Commission's information management system.
- vi. If an attorney's workload percentages changes significantly prior to the annual certification, the attorney can ~~request that the Commission~~ adjust their ~~M~~maximum ~~Active Caseload~~ ~~and/or annual hours limits~~Limit.
- ~~1. Eligible a~~Attorneys who are under the Maximum Active Caseload Limit will always have the ability to opt out of case types and courts to reduce the number of new assignments they receive.
- vii. This certification must be completed on the form provided by the Commission.
- viii. Failure to complete the certification as required will result in suspension from all rosters until the certification has been completed to the satisfaction of the Executive Director ~~or their designee~~.

ix. Suspected falsification of a certification will result in the initiation of a Commission ~~assessment and/or~~ investigation.

~~ix.x.~~ An attorney may set their workload percentage to lower than the actual number but may not set it higher than the actual number. For example, if 75% of an attorney's workload is dedicated to assigned cases, they may set their percentage to a number lower than 75% but may not set it to a number higher than 75%.

B. Case Entry & Closing:

- i. Counsel are responsible for ensuring that all cases are opened in the Commission's case management system within 7 calendar days of ~~the receipt of~~receiving notice of assignment in any form, and that cases are closed in the Commission's case management system within 7 days of the completion of work ~~on~~ in the file. _____

SECTION 6. EXCEPTIONS

- A. If an attorney has reached the maximum active caseload and/or annual hours limit, the attorney may exceed those limits to accept new assigned cases for a client the attorney then presently represents. The points and hours associated with the new cases will be calculated and added to the attorney's total in accordance with this rule.

SECTION 7. WAIVER

- A. An attorney may apply for a temporary waiver of the maximum active caseload limit.
- B. A temporary waiver may be granted for a period of up to 6 months.
- C. Application must be made to the Executive Director ~~or their designee~~ in the manner designated by the ~~Commission~~Executive Director.

D. Waivers are discretionary and will only be granted for good cause.

~~D.~~ _____

- E. In determining whether to grant a waiver, the Executive Director ~~or their designee~~ may consider some or all the following factors:
 - i. The attorney's representation about their current capacity to accept additional cases;
 - ii. The reason the waiver is being requested;
 - iii. The attorney's experience level;
 - iv. Whether the attorney has support staff;

- v. Whether the attorney represents a client in multiple, related dockets which require less time to resolve;
- vi. To the extent that data is available to the Commission, whether the attorney practices primarily in courts experiencing longer average times to resolution of cases; and/or
- vii. Any other factors relevant to whether, in the discretion of the Executive Director, ~~or designee~~ the waiver should be granted.

SECTION 8. EFFECTIVE DATE

A. This Chapter becomes effective on January 1, 2024.

STATUTORY AUTHORITY:

4 M.R.S. §§ 1804(2)(C), (2)(G) and (4)(D)

EFFECTIVE DATE:

**Chapter 301: FEE SCHEDULE AND ADMINISTRATIVE PROCEDURES FOR
PAYMENT OF COURT OR COMMISSION-ASSIGNED COUNSEL**

Summary: This chapter establishes a fee schedule and administrative procedures for payment of private Court Assigned and/or Commission-Assigned Counsel. The Chapter sets a standard hourly rate and fee amounts that trigger presumptive review for specific case types. The Chapter also establishes rules for the payment of mileage and other expenses that are eligible for reimbursement by the Commission. Finally, this Chapter requires Counsel that all vouchers for attorney fees and reimbursable expenses must be submitted using the MCILSPDS electronic case management system.

SECTION 1. DEFINITIONS.

1. Court-Assigned Counsel. “Court-Assigned Counsel” means private counsel licensed to practice law in Maine, designated eligible to receive an assignment to a particular case, and initially assigned by a Court to represent a particular client in a particular matter. For the purposes of this rule, “Court-Assigned Counsel” does not include any employee of MCILSPDS.
2. Commission-Assigned Counsel. “Commission-Assigned Counsel” means private counsel licensed to practice in Maine, designated eligible to be assigned to provide a particular service or to represent a particular client in a particular matter, and assigned by MCILSPDS to provide that service or represent a client. For the purposes of this rule, “Commission-Assigned Counsel” does not include any employee of MCILSPDS.
3. Counsel. As used in this Chapter “Counsel” means a Court-Assigned Counsel or Commission-Assigned Counsel, or both.
4. MCILSPDS or Commission. “MCILSPDS” or “Commission” means the Commissioners of the Maine Commission on ~~Indigent-Legal~~Public Defense Services.
5. Executive Director. “Executive Director” means the Executive Director of MCILSPDS or the Executive Director’s decision-making designee.
6. Commission-Employed Counsel. “Commission-Employed Counsel” means counsel employed by the Commission to provide direct representation to indigent persons.

7. Home Court. “Home Court” means the physical location of the court in closest proximity to Counsel’s office or reasonably accessible private meeting space as contemplated by 94-649 C.M.R. ch. 2 § 3.
8. Commission Liaison. “Commission Liaison” means the attorney who performs services for clients as part of the specialty court team but who has not otherwise been appointed to represent a specific client in a specific docket.
9. Interim Voucher. “Interim Voucher” means any voucher submitted in a case before Counsel’s professional responsibility in a matter ends.
10. Particular Client Assignment. “Particular Client Assignment” means an assignment of Counsel to represent a particular client in a particular matter either by ~~MCILSPDS~~ or the Court under Rule 44 of the Maine Rules of Unified Criminal Procedure or Rule 88 of the Maine Rules of Civil Procedure. For the purpose of this rule a “particular matter” is a matter described by a particular docket number in a Court.
11. Days. “Days” means calendar days.
12. Paralegal. ~~A~~“~~P~~aralegal” ~~means~~ a person, qualified by education, training, or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency, or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible.
13. Paralegal ~~S~~services. “Paralegal ~~S~~services” ~~constitute~~ ~~means~~ specifically delegated substantive legal work for which a lawyer is responsible.
14. Secretarial ~~S~~services. “Secretarial ~~S~~services” means staff support services other than ~~P~~aralegal ~~S~~services.
15. Resource Counsel. “~~Resource Counsel~~” ~~means~~ ~~Counsel~~ ~~counsel~~ designated eligible to serve as Resource Counsel pursuant to Chapter 3 of the Commission Rules.
16. Final Voucher. “~~Final Voucher~~” ~~means~~ and includes the voucher required by Section 6 of this Chapter to be submitted within 90 days of a terminal case event.
17. Supplemental Voucher. “~~Supplemental Voucher~~” ~~means~~ any voucher submitted for work performed by Counsel on behalf of their indigent client after the terminal case event has occurred.
18. Case. “~~Case~~” ~~means~~ ~~a~~ ~~P~~articular ~~C~~lient ~~A~~ssignment as defined by this Chapter.

SECTION 2. HOURLY RATE OF PAYMENT.

1. Effective March 1, 2023:

A rate of One Hundred Fifty Dollars (\$150.00) per hour is authorized for time spent by Counsel, and billed using **MCLSPDS** electronic case management system, on an assigned case on or after March 1, 2023. A rate of Eighty Dollars (\$80.00) per hour remains authorized for time spent on an assigned case between July 1, 2021 and February 28, 2023. A rate of Sixty Dollars (\$60.00) per hour remains authorized for time spent on an assigned case between July 1, 2015 and June 30, 2021. A rate of Fifty-five Dollars (\$55.00) per hour remains authorized for time spent on an assigned case between July 1, 2014 and June 30, 2015. A rate of Fifty Dollars (\$50.00) per hour remains authorized for time spent on an assigned case between the inception of the Commission and June 30, 2014.

SECTION 3. EXPENSES.

1. **Routine Office Expenses.** Routine Office expenses will not be paid by MCILSPDS. Routine office expenses include, but are not limited to: postage other than overnight and express postage, regular telephone, cell telephone, fax, office overhead, utilities, secretarial services, the first 100 pages of any one print or copy job, local phone calls, parking (except as stated below), and office supplies. Any and all requests for fees or reimbursement for paralegal services and secretarial services may be submitted to MCILSPDS only through the non-counsel cost procedures.
2. **Itemized Non-Routine Expenses.** Itemized non-routine expenses, such as discovery from the State or other agency, long distance calls (only if billed for long distance calls by your phone carrier), overnight and express postage, collect phone calls, copy costs for print or copy jobs in excess of 100 pages, beginning with the 101st page, printing/copying/binding of legal appeal brief(s), relevant in-state mileage (as outlined below), tolls (as outlined below), and fees paid to third parties, may be paid by MCILSPDS after review. Necessary parking fees associated with multi-day trials and hearings will be reimbursed. Parking tickets, fines, and/or fees for other violations will not be reimbursed.
3. **Travel Reimbursement.** Mileage reimbursement shall be made at the State rate applicable to confidential state employees on the date of the travel. Mileage reimbursement will be paid for travel to and from courts other than Counsel's home court. Mileage reimbursement will not be paid for travel to and from a Counsel's home court. Tolls will be reimbursed. All out-of-state travel, overnight travel, and any other expense associated with such travel including but not limited to airfare, lodging, and food, must be approved by MCILSPDS in writing prior to incurring the expense. Reimbursement will be subject to the State's per diem maximum rate policies with respect to the reimbursement of any expense must be approved by MCILSPDS in writing prior to incurring the expense. Use of the telephone, video equipment, and email in lieu of travel is encouraged as appropriate.
4. **Itemization of Claims.** Claims for all expenses must be itemized and include documentation. All expense documentation must be attached to the voucher used to seek reimbursement for the expense claimed. Claims for mileage shall be itemized and include the start and end points for the travel in question.
5. **Discovery Materials.** MCILSPDS will reimburse only for one set of discovery materials per assignment. If Counsel is permitted to withdraw, appropriate copies of discovery materials must be forwarded to new counsel within one week of notice of new counsel's assignment. Counsel may retain a copy of a file transferred to new counsel, or to a client. Counsel shall perform any scanning or make any copies necessary to retain a copy of the file at Counsel's expense. The client owns the file. The original file shall be tendered to new counsel, or to the client, as directed.

6. **Expert and Investigator Expenses.** Other non-routine expenses for payment to third parties, (*e.g.*, investigators, interpreters, medical and psychological experts, testing, depositions, etc.) shall be approved in advance by **MCILSPDS**. Funds for third-party services will be provided by **MCILSPDS** only upon written request and a sufficient demonstration of reasonableness, relevancy, and need in accordance with **MCILSPDS** rules and procedures governing requests for funds for experts and investigators. See Chapter 302 Procedures Regarding Funds for Experts and Investigators.
7. **Witness, Subpoena, and Service Fees.** Witness, subpoena, and service fees will be reimbursed only pursuant to the Maine Rules of Court. Counsel should not advance these costs. These costs shall not be included as a voucher expense without prior consent from the Executive Director. Fees for service of process by persons other than the sheriff shall not exceed those allowed by 30-A M.R.S. §421. The same procedure shall be followed in civil cases.

SECTION 4. PRESUMPTIVE REVIEW.

1. Vouchers submitted for amounts in excess of the applicable trigger for presumptive review will be considered for payment after review by the Executive Director or designee. Vouchers submitted in excess of the trigger for presumptive review must be accompanied by an explanation of the time spent on the matter. The explanation shall be set forth in the notes section of a voucher or invoice.
2. **Trial Court Criminal Fees**
 - A. Triggers for presumptive review, excluding any itemized expenses, are set in accordance with this subsection. Counsel must provide **MCILSPDS** with written justification for any voucher that exceeds the trigger limit.
 - (1) **Murder.** All murder cases shall trigger presumptive review.
 - (2) **Class A.** \$9,400
 - (3) **Class B and C (against person).** \$7,500
 - (4) **Class B and C (against property).** \$4,700
 - (5) **Class D and E.** \$4,700
 - (6) *[Repealed]*
 - (7) **Post-Conviction Review.** \$5,600
 - (8) **Probation Revocation.** \$2,800

- (9) **Miscellaneous (i.e., witness representation on 5th Amendment grounds, etc.).** \$1,900
 - (10) **Juvenile.** \$2,800
 - (11) **Bindover**; applicable criminal class trigger
- B. In cases involving multiple counts against a single defendant, the triggering fee shall be that which applies to the count assigned with the highest class. In cases where a defendant is charged with multiple -unrelated offenses, Counsel shall coordinate and consolidate services as much as possible.
 - C. Criminal and juvenile cases will include all proceedings through a terminal case event as defined in Section 6, below. Any subsequent proceedings, such as probation revocations, will require new application and appointment.
 - D. *[Repealed]*
 - E. Upon written request to **MCILSPDS**, a second Counsel may be assigned in a murder or other complicated case, to provide for mentorship, or for other good cause at the discretion of the Executive Director:
 - (1) the duties of each Counsel must be clearly and specifically defined, and Counsel must avoid unnecessary duplication of effort;
 - (2) each Counsel must submit a voucher to **MCILSPDS**. Counsel should coordinate the submission of vouchers so that they can be reviewed together.
3. **District Court Child Protection**
- A. Triggering fees, excluding any itemized expenses, for Counsel in child protective cases are:
 - (1) **Child protective cases.** \$10,200
 - (2) *[Repealed]*
 - B. *[Repealed]*
4. **Other District Court Civil**
- A. Triggering fees in District Court civil actions, excluding any itemized expenses, are set in accordance with this subsection. Counsel must provide

~~MCIL~~SPDS with written justification for any voucher that exceeds the triggering fee.

- (1) **Application for Involuntary Commitment.** \$1,900
- (2) **Petition for Emancipation.** \$2,800
- (3) **Petition for Modified Release Treatment.** \$1,900
- (4) **Petition for Release or Discharge.** \$1,900

5. **Law Court**

- A. *[Repealed]*
- B. *[Repealed]*
- C. Appellate: \$3,750

SECTION 5: MINIMUM FEES.

1. Counsel may bill a minimum fee of 3 hours for appearances as Lawyer of the Day, or Commission Liaison in specialty or diversionary courts or programs. A single minimum fee may be charged for each appearance at which the Counsel serves. If Counsel serves as Lawyer of the Day for a morning session that continues into the afternoon, that will be one appearance. If Counsel serves as Lawyer for the Day for a morning session and then a subsequent afternoon session with a second appearance time and list, that will be two appearances. Vouchers seeking the minimum fee must show the actual time expended and the size of the minimum fee adjustment rather than simply stating that the minimum fee is claimed. In addition to previously scheduled representation at initial appearance sessions, Lawyer of the Day representation includes representation of otherwise unrepresented parties at the specific request of the court on a matter that concludes the same day. Only a single minimum fee may be charged per appearance regardless of the number of clients consulted at the request of the court.

SECTION 6: ADMINISTRATION.

1. **Timing**
 - A. Vouchers for payment of counsel fees and expenses associated with a particular client assignment shall be submitted within 90 (ninety) calendar days of a terminal case event. Lawyer of the Day, specialty courts, Resource Counsel, and all other services rendered on behalf of the Commission and not associated with a particular client assignment shall be billed within 90 days of the service provided.

- B. The period for submitting a voucher established by subsection (1)(A) of this section shall run from the date that the terminal case event is docketed. Services are rendered on Lawyer of the Day assignments on the date Counsel appears in court and serves as Lawyer of the Day. Services in specialty courts as an Commission Liaison, Resource Counsel, or as part of any other **MCILSPDS**-sponsored program are rendered on the date the individual tasks were performed as indicated by the date associated with the time entry recorded to account for that time.
- C. Vouchers not submitted within 90 days of a terminal case event or the timeframe otherwise established by this Chapter shall be reduced according to the schedule established by subsection (3)(C) of this section below, except on a showing by Counsel that a voucher could not have been timely submitted for reasons outside the actual or constructive control of Counsel. If an exception decision is rendered by the Executive Director's decision-making designee, Counsel may submit an appeal in writing to the Executive Director on this issue only, within 10 days of the designee's decision. A decision on an exception under this section is final agency action.
- D. Counsel may submit interim vouchers not more often than once every calendar month per case.
- E. Cases must be entered in the **MCILSPDS** case management system within seven days upon receipt of the Notice of Appointment. If Counsel has been informed that they have been assigned to a case but have not received the Notice of Appointment, Counsel shall exercise due diligence in obtaining a copy of the Notice as soon as possible.

2. Terminal Case Events

- A. A terminal case event is the order, decision or judgment that signifies the final resolution of a particular client assignment such that substantive appearances before the court are no longer necessary to resolve the issues raised by the complaint, indictment, petition, appeal, or other initial pleading that provided the impetus of the case. There can be only one terminal case event in a particular client assignment. Terminal case events exclusively include:
- (1) The withdrawal of Counsel;
 - (2) The entry of dismissal of all charges or petitions; or
 - (3) Judgment or other final order or decision of the court.
 - (4) *[Repealed]*

3. **Reduction for Untimely Voucher Submission**

- A. The total reduction applied to vouchers submitted after the 90-day deadline is calculated by multiplying the total voucher amount by the applicable percentage according to the schedule established by subsection (3)(C) of this section.
- B. The days elapsed since the relevant terminal case event are calculated in the same manner as in determining compliance with the 90-day deadline.
- C. Reduction Schedule:

Days After Terminal Case Event	Reduction
91 – 104	10%
105 – 150	25%
151 – 180	50%
181 or more	100%

- D. Any reduction for the untimely submission of a voucher may only be applied after Counsel is provided with an opportunity to request an exception pursuant to subsection (1)(C) of this section.

4. **Voucher Submission**

- A. All vouchers must be submitted using **MCHLSPDS** electronic case management system and comply with all instructions for use of the system.
- B. All time on vouchers shall be detailed and accounted for in .10 of an hour increments rounding up to the nearest .10 of an hour. The purpose of each time entry must be specifically stated by using the most relevant time entry category and providing a reasonably descriptive comment/note for each time entry.
- C. Unless otherwise stated in this Chapter, Counsel may only record and seek payment for actual time spent working on Counsel's appointed or assigned cases using the **MCHLSPDS** electronic case management system. Counsel may not record a minimum amount for any time entries notwithstanding any previous policy or practice of the Commission.
- D. All expenses claimed for reimbursement must be fully itemized on the voucher. Copies of receipts for payments to third parties shall be retained and appended to the voucher.
- E. If a particular client assignment requires additional, supplemental work be performed by Counsel after the terminal case event occurs, Counsel may submit a supplemental voucher for the work performed after the final

voucher is submitted. All time included on a supplemental voucher must be billed within a reasonable period of time after the task was completed. Notwithstanding any other provision of this Chapter, any time included on a supplemental voucher that is not submitted within a reasonable period of time is not payable except on a showing by Counsel that the voucher could not have been timely submitted for reasons outside the actual or constructive control of Counsel.

- F. Time for work performed by Counsel before the terminal case event occurred may not be included on a supplemental voucher.
- G. Time for work performed by Counsel after the terminal case event occurred may be included on a final voucher. If a final voucher is submitted greater than 90 days after a terminal case event, the entire voucher will be reduced according to the reduction schedule established by this Chapter including any time for work performed after the terminal case occurred.

5. **Payments & Reimbursement of Expenses for Attending Training**

- A. Payments to attend and reimbursement of expenses incurred incidental to attending trainings are governed by Chapter 301-A.
- B. Vouchers submitted in accordance with Chapter 301-A shall be submitted within 90 calendar days of attending the training.
- C. Notwithstanding any other provision of this Chapter or other Commission rules, untimely vouchers for payment or reimbursement of expenses governed by Chapter 301-A will not be paid.

SECTION 7. RESOURCE COUNSEL.

- 1. Resource Counsel may bill pursuant to Section 6(4), above, for any billable tasks outlined in subsection 2 and subject to the limitations in subsection 3 of this section.
- 2. **Billable Tasks:**
 - A. Meeting with Court-Assigned, Commission-Assigned, and Commission-Employed Counsel upon the written request of the Executive Director.
 - B. Meetings and other communications with Court-Assigned, Commission-Assigned, and Commission-Employed Counsel about the practice of law or ethical or legal issues related to assigned cases.
 - C. Assisting Court-Assigned, Commission-Assigned, and Commission-Employed Counsel with drafting documents and with litigation preparation for assigned cases.

- D. Meetings and other communications with members of the judiciary or prosecution about matters pertaining to indigent representation upon the written request of the Executive Director.
- E. Preparing and presenting trainings at the request of the Executive Director or Training & Supervision staff.
- F. In-court observation of Counsel if requested by the Executive Director or MCILSPDS Training & Supervision staff.
- G. Responding to calls, emails, and/or webform submissions from individuals who contact MCILSPDS through the MCILSPDS hotline and/or website. This includes:
 - (1) Communication with the person who called;
 - (2) Communication with others to address the individual's matter; and
 - (3) Limited scope representation undertaken to resolve urgent issues for indigent persons concerning matters for which the person would be entitled to appointment of Counsel.
- H. Other tasks as deemed appropriate by the Executive Director and with prior written authorization of the Executive Director.

3. **Limitations:**

- A. Any services rendered as Resource Counsel must be strictly limited to matters relating to assigned—not retained or pro bono—cases.
- B. Resource Counsel may not bill for services rendered to an attorney who is not a Court-Assigned, Commission-Assigned, or Commission-Employed counsel.
- C. If Resource Counsel serves as co-counsel on an assigned case, then Resource Counsel must enter the case in the Commission's electronic case management system and bill for it as a typical case, not as Resource Counsel.
- D. Prior to preparing a training at the Commission's request, Resource Counsel must have prior written authorization from the Executive Director or MCILSPDS Training & Supervision staff, which must include a cap on the maximum number of hours the Commission will pay Resource Counsel to prepare and present the training.
- E. Resource Counsel must be licensed to practice law in Maine and eligible to accept MCILSPDS case assignments at all times while performing

Resource Counsel duties. Resource Counsel will not be paid for work done unless Resource Counsel is licensed to practice law in Maine and eligible to accept MCILSPDS case assignments.

- F. As a condition of the opportunity to serve as Resource Counsel, Resource Counsel must maintain detailed records of the services they perform and provide copies of those records to MCILSPDS upon request. At a minimum, those records must include:
- (1) The number of attorneys to whom Resource Counsel services are rendered; and
 - (2) A running log of the number of hours Resource Counsel spends on:
 - (a) Rendering general Resource Counsel services to attorneys;
 - (b) Rendering client-specific services; and
 - (c) Preparing and presenting trainings.
- G. Resource Counsel will not be paid for billing more than 40 hours in one seven-day period.
- H. Resource Counsel do not develop any property interest in the opportunity to serve in that role. There is no guarantee that MCILSPDS will provide any number of hours to Resource Counsel.
- I. Resource Counsel may not incur any expenses of any type on behalf of MCILSPDS without prior written approval from the Executive Director.
4. Court-Assigned and Commission-Assigned Counsel may bill pursuant to Section 6(4), above, for time spent receiving the services of Resource Counsel.

SECTION 8. NON-PAYMENT BASED ON MISCONDUCT.

1. If Counsel submits a voucher for work completed that, upon investigation, the Executive Director concludes violated any of the Maine Rules of Professional Conduct or Commission Rules, the voucher may be rejected—in whole or in part—and the Executive Director may deny payment for the same. Decision of the Executive Director pursuant to this subsection constitutes final agency action.

STATUTORY AUTHORITY:

4 M.R.S. §§ 1804(2)(F), (3)(B), (3)(F) and (4)(D)

EFFECTIVE DATE:

August 21, 2011 – filing 2011-283

AMENDED:

March 19, 2013 – filing 2013-062

July 1, 2013 – filing 2013-150 (EMERGENCY)

October 5, 2013 – filing 2013-228

July 1, 2015 – filing 2015-121 (EMERGENCY)

June 10, 2016 – filing 2016-092

July 21, 2021 – filing 2021-149 (EMERGENCY)

January 17, 2022 – filing 2022-007

June 23, 2022 – filing 2022-100 (Final adoption, major substantive)

February 24, 2023 – filing 2023-028 (Emergency adoption)

September 1, 2023 – filing 2023-122 (Final adoption, major substantive)

Chapter 301-A: PAYMENT FOR ATTENDING AND REIMBURSEMENT OF EXPENSES INCIDENTAL TO ATTENDING TRAININGS

Summary: This Chapter establishes eligibility for payment to private court and/or Commission-Assigned Counsel for attending and reimbursement of expenses incidental to attending trainings. This Chapter also sets forth administrative procedures for payment and reimbursement of eligible training expenses. This Chapter supersedes the Payments for Attending Training Policy, which was promulgated on May 15, 2023.

SECTION 1. DEFINITIONS

1. Court-Assigned Counsel. “Court-Assigned Counsel” means private counsel licensed to practice law in Maine, designated eligible to receive an assignment to a particular case, and initially assigned by a Court to represent a particular client in a particular matter. For the purposes of this rule, “Court-Assigned Counsel” does not include any employee of MCILSPDS.
2. Commission-Assigned Counsel. “Commission-Assigned Counsel” means private counsel licensed to practice in Maine, designated eligible to be assigned to provide a particular service or to represent a particular client in a particular matter, and assigned by MCILSPDS to provide that service or represent a client. For the purposes of this rule, “Commission-Assigned Counsel” does not include any employee of MCILSPDS.
3. Counsel. As used in this Chapter, “Counsel” means a Court-Assigned Counsel or Commission-Assigned Counsel, or both.
4. PDMCILS or Commission. “MCILSPDS” or "Commission" means the Commissioners of the Maine Commission on Indigent Legal Public Defense Services.
5. Training Provided by the Commission. “Training Provided by the Commission” means and includes any training, whether or not that training qualifies for CLE credit through the Board of Overseers, that is:
 - a. Prepared and/or presented by MCILSPDS staff at a MCILSPDS sponsored event; or,
 - b. Prepared and/or presented on behalf of, or at the direction of, MCILSPDS or its staff; and,
 - c. Is presented live, including live webcast; or,
 - d. Is presented through proctored playback of a recording, in whole or in part.

6. Executive Director. "Executive Director" means the Executive Director of MCHLSPDS or the Executive Director's decision-making designee.
7. On Camera. "On Camera" means that Counsel's camera is turned on, pointing toward Counsel, and Counsel's entire face is visible on the screen.

SECTION 2. ELIGIBILITY

1. The prerogative to request payment or reimbursement pursuant to this Chapter is limited to Counsel who—on the date the training occurs—are eligible to receive assignments through the MCHLSPDS system and are representing five or more assigned clients.
2. Payment or reimbursement pursuant to this Chapter will only be made to eligible Counsel for payment to attend or reimbursement of expenses incidental to attending a training provided by the Commission.

SECTION 3. PAYMENT

1. To receive payment for attending a training, counsel must attend personally, be engaged with the training, and not otherwise engaged or multitasking during its presentation. Driving while attending a training is strictly prohibited. Counsel will be removed from the training and not paid for any training time while driving. Where a training may be provided remotely, counsel must be on camera during the entire presentation absent specific direction from the presenter to the contrary.
2. Notwithstanding any other provisions of this or other Commission rules, payment will only be made if counsel attends at least 75% of the instructional time of a training provided by the Commission. No payment will be made to counsel who attend less than 75% of the instructional time.
 - 2.a. For multiday trainings, the 75% attendance requirement will be applied based on counsel's attendance at the entire training, rather than a per-day basis, unless otherwise specified in writing by the Executive Director. This subsection shall be applicable retroactively to January 1, 2024.
3. Payment will be made at the authorized rate in effect on the date of the training.
4. Payment will be made for actual training time attended, exclusive of breaks.
5. Payment will also be made at the then-current hourly rate for time spent traveling to and from the training.
6. Payment will be made in increments of .1 hours and only for time spent attending the training or traveling to and from the training. Counsel may not record, or seek payment for, any time spent opening or closing the case file as described in section 6(3), below.

SECTION 4. REIMBURSABLE EXPENSES

1. Reimbursable expenses include only:
 - a. Training registration fees.
 - b. Mileage. Mileage reimbursement shall be made at the State rate applicable to confidential state employees on the date of the travel. Mileage is calculated based upon the distance between the attorney's office address, or the location from which the attorney departs for the training, whichever is nearer to the training, and the location of the training. If multiple attorneys travel to a training in a single vehicle, only one attorney may be reimbursed for the mileage.
 - c. Tolls. Tolls for travel to and from the training. The attorney must have a receipt
 - d. Hotels. Hotel stays necessary to attend a training are reimbursable at the [Standard Rate](#), as set by the U.S. General Services Administration, that is effective on the date of the hotel stay.
 - i. Counsel must receive prior written authorization from [MCILSPDS](#) for hotel stays to be reimbursable.
 - ii. Absent exceptional circumstances and at the discretion of the Executive Director, hotel stays for attending trainings will not be authorized if the training is less than 35 miles from Counsel's office.
 - e. Parking. Fees paid to park at a training.

SECTION 5. MAXIMUM.

1. Counsel is only eligible for payment under this Chapter for a maximum of 40 hours per fiscal year, beginning on July 1, 2023. There is no maximum number of billable hours pursuant to this Chapter prior to July 1, 2023.
2. The 40-hour maximum includes time spent attending and travel for the purpose of attending eligible trainings.
3. For purposes of calculating the maximum billable hours, the relevant date is the date of the training for which counsel is seeking payment.

SECTION 6. ADMINISTRATION.

1. Enforcement. [MCILSPDS](#) staff reserve the right to deny Counsel access to a training or to remove Counsel from a training to enforce compliance with this policy, Commission Rules, or eligibility requirements for a particular training. If Counsel is removed from a training by [MCILSPDS](#) staff, they will not be paid for the period during which they were removed, nor will that period count toward the 75% attendance provision of Section 3(2), above.
2. Itemization of Claims. Claims for all expenses must be itemized and include documentation. Claims for mileage shall be itemized and include the start and end points for the travel in question.

3. Payment will be made through the MCILSPDS electronic case management system. To request payment, counsel must:
 - a. Create a “case” in the MCILSPDS electronic case management system for each training for which counsel requests payment or reimbursement. Do not enter a case in the MCILSPDS electronic case management system until after the training has occurred. If one training lasts multiple days, only one case should be entered for the entire training;
 - b. Court must be set to “Training”;
 - c. The file type must be set to “TRAIN”;
 - d. Client information must reflect counsel’s first and last names. Other client demographic information does not need to be completed;
 - e. The docket number will be provided at the training and must be entered precisely as provided or payment will not be available;
 - f. Assignment date must be the first date of the training and the disposition date must ~~both~~ be the last date of the training for which payment is sought;
 - g. The charge sequence number must be: 100031;
 - h. The disposition must be “Attend Training”;
 - i. The time entry for attendance must be “Attend MCILSPDS Training”;
 - j. The time entry for travel must be “Training Travel”;
 - k. Expenses, if any, must be itemized; and
 - l. Then create and submit a voucher.

~~4.~~ 4. Notwithstanding any other provision of any MCILS-Commission rule or policy, vouchers for payment for attending a training must be submitted within 90 days of the training without exception. Untimely vouchers for payment or reimbursement of expenses governed by this Chapter will not be paid. Attorneys are encouraged to submit their vouchers at the conclusion of the training without delay.

~~5.~~ 5. The opportunity to request payment for attending trainings does not create a right to attend any specific number of trainings, or any particular training. There are, or may be, limits on the number of people who may attend a particular training. There are, or may be, limits on the eligibility to attend a particular training.

STATUTORY AUTHORITY: 4 M.R.S. §1804(2)(F),

EFFECTIVE DATE:

Chapter 302: PROCEDURES REGARDING FUNDS FOR EXPERTS AND INVESTIGATORS

Summary: This Chapter establishes the procedures for attorneys and pro se parties to request funds for experts and investigators from the Commission and provides that the Executive Director shall make the determination to grant or deny the request. It also establishes the procedures for payment of expert and investigator services authorized in this Chapter.

SECTION 1. DEFINITIONS

1. **Executive Director.** "Executive Director" means the Executive Director of the Maine Commission on ~~Indigent Legal~~ Public Defense Services or the Executive Director's decision-making designee.
2. **MCHSPDS or Commission.** "MCHSPDS" or "Commission" means the Maine Commission on ~~Indigent Legal~~ Public Defense Services.

SECTION 2. APPLICATION FOR FUNDS FOR EXPERT AND INVESTIGATIVE ASSISTANCE

1. **Who May Apply.** Any person who is entitled to representation at state expense under the United States Constitution or the Constitution or laws of Maine and who has been found indigent by a state court or who claims to be without sufficient funds to employ necessary expert or investigative assistance may file, on ~~his or her~~ their own or through ~~his or her~~ their attorney, applications to MCHSPDS for funds to obtain expert or investigative assistance or both.
2. **Application Directed to the Executive Director.** An application for funds to obtain necessary expert or investigative assistance or both shall be directed to the Executive Director.
3. **Form and Contents of Application.** The application shall:
 - A. Be completed on a form designated by the Executive Director.
 - A.B. Be in writing and include a the case caption setting forth the court in which the case is pending, and the docket number, and the parties;
 - B.C. Set forth the date on which the applicant was found indigent or, if the applicant has not been found indigent, set forth the basis on which the applicant claims to be without sufficient funds. For persons not found indigent by a court, the application shall be supported by an affidavit demonstrating financial need;
 - C.D. Describe the nature of the proceeding for which assistance is sought, and in proceedings with respect to adult or juvenile crimes, specifically identify each pending charge and class of each pending charge; the name and class or statutory

cite of the most serious charge, or of the charge which is the basis for the request for funds.

~~D.E.~~ Set forth a clear and concise statement of the reasons why the assistance is necessary for adequate presentation of the applicant's claim or defense; and

~~E.F.~~ Set forth a clear and concise statement as to the work that will be done by the expert and/or investigator.

4. **Electronic Filing Permitted.** The application must be filed with MCILSPDS according to the procedure directed by the Executive Director. Any procedure developed by the Executive Director shall be designed to protect privileged information from disclosure, and to promote the efficient handling of funds requests by Commission staff.

A. ~~Email. Applications filed by email shall be directed to the Executive Director at the email address for the Executive Director listed on the MCILSPDS website. The application shall be transmitted as an attached document and not set forth in the body of the email. Electronic documents that reflect the signature of the applicant or the applicant's attorney are preferred but are not required.~~ **Repealed.**

B. *Repealed.*

C. *Repealed.*

SECTION 3. DETERMINATION BY THE EXECUTIVE DIRECTOR

The Executive Director shall review the application and the grounds therefore and, in the Executive Director's sole discretion, shall either grant the funds applied for, in whole or in part, or deny the application. When granting an application in whole or in part, the Executive Director may condition the expenditure of funds as set forth in MCILSPDS Rule Chapter 301, *Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel*, and other MCILSPDS procedures. The determination of the Executive Director shall be in writing and may be communicated to the applicant by electronic means.

SECTION 4. PAYMENT FOR EXPERT OR INVESTIGATIVE ASSISTANCE

Upon receipt of an invoice for services for which the expenditure of funds has previously been authorized, the applicant or the applicant's attorney shall forward the invoice to MCILSPDS for processing and payment, together with the relevant authorization. Attorneys shall comply with any procedures established by the Executive Director. The applicant or the applicant's attorney must state that the services were satisfactory and that all applicable reports and other information have been received. The applicant or the applicant's attorney should review the invoice to verify that it conforms to MCILSPDS requirements and that the appropriate rates for services and mileage were billed. The applicant or the applicant's attorney is not required by the Commission to advance funds to investigators or other service providers, subject to any professional conduct requirements. The applicant should make every effort to ensure that the service providers include a State of Maine Vendor Code number on each invoice.

SECTION 5. Transition

Repealed.

STATUTORY AUTHORITY:

4 M.R.S. §§ 1804(2)(G), (3)(A) and (4)(D)

EFFECTIVE DATE:

August 21, 2011 – filing 2011-284

AMENDED:

August 1, 2021 – filing 2021-150

**Maine Commission on Public Defense Services – Commissioners Meeting
April 10, 2024
Meeting Minutes**

Commissioners Present: Donald Alexander, Meegan Burbank, Roger Katz, David Soucy, Michael Carey, Randall Bates, Joshua Tardy.

PDS Staff Present: Jim Billings and Ellie Maciag.

Agenda Item	Discussion/Outcome
Approval of the March 11, 2024 Meeting Minutes	Commissioner Alexander moved to approve the meeting minutes; seconded by Chair Tardy. All others voted in favor. Approved.
Report of the Executive Director	<p>Executive Director Billings provided the following report:</p> <p><u>Vouchers:</u> The trend of average voucher amounts being higher than last year has continued. There was a dip in voucher hours in March, down to 26,400. April is on track for about 27,000 hours. Our projections for finishing the fourth quarter show us carrying into FY25 enough money to meet our needs, including the Aroostook and Bangor public defender offices (PDOs), which we are required to fund out of existing money. If we start to have 30,000-hour months again, we may have an issue.</p> <p><u>Budget:</u> LD 653 is now Public Law 2024, Chapter 558. It provided 22 new positions, including 11 for the Bangor PDO, seven for the Aroostook PDO, central office staff, and one investigator. We have received approval from Human Resources for the district defender positions for Bangor and Caribou. We hope that those positions will be posted today. We are going to post the district defender (DD) positions first, then ADI positions, and then the ADII positions. The office in Caribou needs some cleaning and construction. We are looking for office space in Bangor, but there are not a lot of options there. We believe we have one candidate for the district defender position in Aroostook. AFA approved adding \$2 million in new funding and the headcount to fund the Lewiston and Downeast PDOs and two new RDU positions.</p> <p><u>Name Change:</u> Chapter 558 changed the Commission’s name from the Maine Commission on</p>

Agenda Item	Discussion/Outcome
	<p data-bbox="506 235 1816 305">Indigent Legal Services to Maine Commission on Public Defense Services. Executive Director Billings suggested the Commission vote on an abbreviation for the new name and proposed “PDS.”</p> <p data-bbox="506 344 1816 414"><u>Statutory Changes:</u> LD 2219 includes definitions that were not staff changes but were added by the Judiciary Committee.</p> <p data-bbox="506 453 1816 703"><u>Case Staffing:</u> There are over 700 matters in need of counsel on the criminal list and close to 100 matters on the combined child protective and juvenile list. There are 154 rostered attorneys, which is still somewhat lower than December. We have seen caseload limit waivers trickle in. Some have been modified for points or duration, but only one waiver request has been outright denied. We are encouraging attorneys to do this work but there are lawyers who, even though they have not reached their Chapter 4 caseload limit, have decided that they are at capacity and unable to take additional cases.</p> <p data-bbox="506 742 1816 812"><u>Capital Region PDO:</u> Paralegals have been hired and I have toured the office. We are hearing rave reviews about the work they are doing. The CRPDO will start taking Somerset cases if the need arises.</p> <p data-bbox="506 850 1816 1143"><u>Cases:</u> We are down slightly from last year, most noticeably on misdemeanor cases and slightly on felony cases statewide. We still see a 74% increase in felony cases and a 39% increase in misdemeanor cases since 2019. Even though there has been a recent slight dip in cases, there are still many more cases in the system since 2019. This may be why we are seeing high voucher amounts; we are still processing the backlog, which is unlikely to change soon. We had \$5 million taken from our baseline budget as a result of the Part B budget from the first legislative session, so we are starting with \$38 million instead of \$43 million for FY25. Success of FY25 depends on carrying significant money from FY24 to FY25. It looks like we will be able to do that, but we are monitoring it closely.</p> <p data-bbox="506 1182 1816 1289">Commissioner Alexander asked about to what extent attorneys are submitting monthly vouchers now. Executive Director Billings responded that some attorneys are doing that, which may be one of many contributing factors to the rise in monthly hour amounts.</p> <p data-bbox="506 1328 1816 1398"><u>Report by the U.S. Commission on Civil Rights Advisory Committee:</u> There was an addendum to the Report after the Committee heard from Senator Carney and Executive Director Billings at one of their</p>

Agenda Item	Discussion/Outcome
	<p>meetings.</p> <p>Commissioner Alexander: I was disappointed that they did not correct the errors in their original report. The Committee refused to recognize the rate increase from \$80 to \$150/hour, the RDU, or the PDO. They also had a statement about how we needed to do something about student debt, but our attorneys are now eligible for student debt relief. It is outrageous that their report did not recognize any of that.</p> <p><u>Admission by Motion:</u> This is following up on our proposal to fast-track Rule 11A applications for attorneys coming from other states who plan to work in our PDOs. Chief Justice Stanfill had some questions and I responded to her, but I have not heard back yet. We pointed out to Chief Justice Stanfill that we have had three or four people come to work for us who have had to wait 6-8 months to become admitted.</p> <p>Commissioner Alexander: When the Law Court passed Rule 11A the intent was to facilitate licensing for experienced attorneys who had jobs lined up. It should not take more than two or three months.</p> <p>Commissioner Burbank asked whether the admission by motion delay is based on the Board of Examiners not having enough information from the other state, or whether everyone has the same wait time. Executive Director Billings replied that each of the attorneys he has talked to have had delays in excess of approximately six months, and they came from California, Virginia, and New Hampshire. Executive Director Billings reported that one person has told him that there can be a delay associated with the NCBE report.</p> <p>Commissioner Burbank asked if there will be a process for ensuring that the Board of Overseers from the other state does not have concerns about the potential employee. Executive Director Billings replied that there is a character and fitness process that will happen. The way the proposed amendment to the rule is drafted, the organizations would have to develop a written plan. Staff have not done that yet, but that plan would include a report on character and fitness issues. PDS would rely on the Board of Examiners to do that.</p>

Agenda Item	Discussion/Outcome
AAG Report	<p>Chair Tardy asked AAG Hudson-MacRae to give an overview of appellate process and the role of Commissioners in that process when attorneys who have been suspended from eligibility file an appeal.</p> <p><u>AAG Hudson-MacRae:</u> Directed everyone to review Chapter 201. There are three scenarios by statute that trigger this appeals process: denial of eligibility, removal of eligibility, and denial of a waiver for eligibility.</p> <p>When there is an appeal, the Chair appoints a presiding officer, who may be a commissioner or someone else. Being a rostered attorney does not disqualify someone from being a presiding officer. The presiding officer has all the authority granted to it under the Maine Administrative Procedures Act (MAPA). Presiding officers administer oaths and affirmations, rule on admissibility of evidence, regulate the course of hearings, and provide recommendations to the Commission.</p> <p>There are two types of appeals. One is an expedited appeal and is based only on the written record. The presiding officer makes a recommended decision based on the documentary evidence that the Executive Director relied on in making the decision and the written appeal submitted by the attorney. The second type of appeal is a full hearing process. In the appeal, an AAG represents the Executive Director, and the appellant is entitled to retain counsel. A notice of hearing is issued. A subpoena request must go through the presiding officer. If the presiding officer approves it, then a different AAG (not the one involved in the appeal) reviews the subpoena request. At the hearing, the presiding officer regulates the course of the hearing and then issues a recommended decision.</p> <p>Chair Tardy asked whether, on an expedited appeal, the presiding officer is the one to review the record and issue a recommended decision to the Commission. AAG Hudson-MacRae confirmed that the presiding officer is the one who makes recommendation, and the Commission has the authority to accept, reject, or modify the decision; or send it back to the presiding officer for clarification. Chair Tardy asked what rights the appellant has before the full Commission when it is considering the presiding officer's recommended decision. AAG Hudson-MacRae responded that the attorney can weigh in on any objections or requests for modification of the recommended decision before it is forwarded to the full Commission. Chapter 201 is silent on any additional participation by the appellant during the Commission meeting when the Commission is considering the recommended decision. The Commission has previously allowed an attorney to make a comment during the</p>

Agenda Item	Discussion/Outcome
	<p>Commission meeting, but that is not a legal requirement.</p> <p><u>AAG Hudson-MacRae:</u> The APA requires that the hearing be recorded and be available to be transcribed if there is an appeal of the final agency action. The final agency action is the full Commission acting on the recommended decision. There have been two adjudicatory appeals hearings in recent history. There is a Law Court argument on a Commission appeal scheduled for early May.</p> <p>Commissioner Alexander stated that, in his capacity as presiding officer in two appeals, he has observed there seems to be a lack of understanding that the process is subject to MAPA, not criminal law. AAG Hudson-MacRae reiterated this is an administrative process and that the rules of criminal procedure and the rules of evidence do not apply.</p>
<p>Rulemaking: Chapter 2</p>	<p>Executive Director Billings recapped that there was a public hearing on Chapter 2 in March. He pointed out that Commissioner Alexander’s comments on the Rule and staff’s replies to Commissioner Alexander’s comments are in the packet. The 120-day deadline runs from the deadline for public comments, which was on March 22nd.</p> <p><u>Commissioner Alexander:</u> There’s one staff comment that demonstrates a lack of understanding of the Board of Overseers’ decision-making process that I want to point out. In relation to Chapter 2, Section 3(2)(B), I suggested we add “decisions” in addition to ethics opinions by the Board of Overseers. Staff comment suggested that decisions regarding specific attorneys do not exist. Of course, we should all know, regarding one of the matters for which I am the presiding officer, there was a Board of Overseers of the Bar decision regarding that particular attorney. The staff member making this comment is apparently unaware of the fact that the Board of Overseers of the Bar regularly issues decisions regarding specific attorneys. The other observation I make is that I think some changes to rules 2, 3, & 4 are required because the Legislature rejected some of what is proposed. For example, the Judiciary Committee rejected the proposal to kick attorneys of child protective appeals when they were trial counsel without regard to the client’s wishes. Another proposal, that attorneys immediately withdraw from cases to which they are appointed but not eligible and actively rostered, is inconsistent with the commitments the Executive Director made to the Judicial Branch previously. We also need to reexamine the reality of our caseload standards, which are based on standards by advocacy groups, not Maine attorneys.</p>

Agenda Item	Discussion/Outcome
	<p data-bbox="506 235 1816 488"><u>Executive Director Billings:</u> Explained the difference between Board of Bar Overseers legal ethics <i>opinions</i> and legal ethics <i>decisions</i> and pointed out that staff’s comment was with regards to legal ethics <i>opinions</i>. Nothing in the proposed revisions to Chapter 2 is inconsistent with any commitments I made to the Judicial Branch. I told to the Trial Chiefs that if they or any other jurists knew of an attorney who wanted to become eligible to receive case assignments, they could direct that attorney to me and I would personally shepherd them through the rostering process, including with waivers or anything else they needed assistance with. Since I extended that offer, I have had zero outreach.</p> <p data-bbox="506 527 1627 560"><u>Commissioner Burbank:</u> I do not have the same concerns Commissioner Alexander has.</p> <p data-bbox="506 600 1816 771">Discussion ensued about the need for a detailed basis statement for Chapter 2. Staff subsequently generated the detailed basis statement during the Commission meeting. The detailed basis statement was read aloud in the meeting. Commissioner Alexander moved to adopt the detailed basis statement with the addition of the word “efficient” and approve the rule; Commissioner Carey seconded. All voted in favor.</p>
<p data-bbox="191 820 359 885">Rulemaking: Chapter 4</p>	<p data-bbox="506 820 1816 1031"><u>Executive Director Billings</u> explained that Homicide and Specialty Court Liaisons were inadvertently left out of Chapter 4; those have been added in this draft. Staff reviewed the ABA SCLAID recommendations to calculate a point value for Homicides based on the existing Chapter 4 formula. This resulted in the proposed 33.75 points, which converts to eight Homicides at one time. Staff discussed the proposed number with two experienced Maine attorneys who agreed that eight Homicide cases at one time was a good maximum.</p> <p data-bbox="506 1079 1816 1209"><u>Commissioner Alexander</u> asked whether the proposed Homicide point value is based on Maine data. <u>Executive Director Billings</u> responded that, based on existing Maine data, Homicide cases would be assigned approximately 20 points, which would allow an attorney to have approximately 13 Homicide cases at one time.</p> <p data-bbox="506 1258 1816 1323"><u>Commissioner Soucy</u> moved to approve the draft Chapter 4 and start the rulemaking process; seconded by <u>Commissioner Carey</u>. No discussion on the motion. All voted in favor. Motion prevailed.</p>

Agenda Item	Discussion/Outcome
Rulemaking: Chapter 301	<p>Executive Director Billings explained that this change gives the Executive Director the discretion to reject vouchers in whole or in part if there is a determination that there has been a violation of Commission rules or the Maine Rules of Professional Conduct. This has become an issue because PDS has spent approximately \$500,000 on fees paid to attorneys who had been suspended by PDS, for services rendered after the dates of suspension. The Judicial Branch has continued to appoint attorneys to new cases, despite knowing that the attorneys were suspended by PDS from eligibility to receive case assignments.</p> <p>Chair Tardy asked why the denial of payment would be final agency action. AAG Hudson-MacRae responded that the denial of payment would constitute final agency action pursuant to statute. The statute only allows appeals to the Commission of specific decisions by the Executive Director and denial of payment is not one of them.</p> <p>Commissioner Alexander moved to approve the draft Chapter 301 and proceed with rulemaking; seconded by Commissioner Katz. All voted in favor.</p>
Rulemaking: Chapter 301-A	<p>Executive Director Billings relayed that the primary change to Chapter 301-A affords PDS the discretion in how to apply the 75% attendance requirement to multiday trainings. Commissioner Burbank suggested that this apply retroactively because it is important for the Commission to encourage attorneys to attend trainings. Commissioner Burbank reported that she attended the PDS Inaugural Child Protective Conference and thought it was really well organized and included excellent speakers.</p> <p>Commissioner Alexander moved to approve the draft Chapter 301-A with a provision applying the change retroactively to January 1, 2024 and proceed with rulemaking; seconded by Commissioner Carey. All voted in favor.</p>
Rulemaking: Chapter 302	<p>Executive Director Billings explained that this change is intended to create consistency in the way that attorneys request funds for experts. PDS now has a webform for attorneys to request funds for experts.</p> <p>Commissioner Alexander moved to approve the draft and proceed with rulemaking; seconded by Commissioner Carey. All voted in favor.</p>

Agenda Item	Discussion/Outcome
	AAG Hudson-MacRae suggested that staff change the name from MCILS to PDS in all pending rules.
Public Comment	<p data-bbox="506 310 1816 451"><u>Bob Cummins, Esq.:</u> I just reread the March 14th filing by the AG in the ACLU case. I am wondering to what extent the Commission has considered that the position taken by the AG is inconsistent with the interests, goals, duties, and obligations of PDS and whether PDS will seek independent counsel because the AG is clearly disqualified.</p> <p data-bbox="506 493 1816 889"><u>Rob Ruffner, Esq.:</u> Echoed Former Commissioner Cummins’ concerns. Attorney Prendergast and I have been handling LOD in Aroostook. Almost uniformly, the fact that a lawyer was at 7-day reviews was used as a basis to find that there was no Sixth Amendment violation. Attorney Prendergast and I wondered whether we were acting in the best interest of the individuals by continuing to serve as a basis for the Court to find that there was no Sixth Amendment violation. The November 3rd Order provides that counsel will be assigned at the first 7-day review but does not address subsequent 7-day reviews. Attorney Prendergast and I expressed to the Court that we would not be representing individuals on subsequent 7-day reviews because we did not think it was authorized and felt that it was being used against clients. I am asking the Commission to consider putting an end to having the LODs be the loincloth over the naked injustice that is being perpetrated upon individuals who are stuck in jail without counsel. The process for 7-day reviews is inconsistent throughout the courts.</p>
Adjournment	The next meeting will be held on May 14, 2024 at 1:00PM.

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

APRIL 2024 Operations Report

- 2,171 new cases were opened in the DefenderData system in April. This was a 269 case decrease from March. Year to date, new cases are up 5.5% from last year from 25,031 at this time last year to 26,423 this year.
- The number of vouchers submitted electronically in April was 3,294 a decrease of 276 voucher from March, totaling \$3,658,583, a decrease of \$194,475 from March. Year to date, the number of submitted vouchers is up by approximately 14.7%, from 28,602 at this time last year to 32,809 this year, with the total amount for submitted vouchers up approximately 88.1%, from \$17,988,468 at this time last year to \$33,836,552 this year.
- In April, we paid 7,288 electronic vouchers totaling \$4,018,905 representing an increase of 716 vouchers and an increase of \$382,500 compared to March. Year to date, the number of paid vouchers is up approximately 16.3%, from 28,190 at this time last year to 32,798 this year, and the total amount paid is up approximately 91.6%, from \$17,518,031 this time last year to \$33,576,510 this year.
- The average price per voucher in April was \$1,102.80 down \$3.84 per voucher from March. Year to date, the average price per voucher is up approximately 64.7%, from \$621.43 at this time last year to \$1,023.74 this year.
- Post-Conviction Review and Probate had the highest average voucher in April. There were 40 vouchers exceeding \$7,500 paid in April. See attached addendum for details.
- In April, we issued 99 authorizations to expend funds: 49 for private investigators, 29 for experts, and 21 for miscellaneous services such as interpreters and transcriptionists. In April, we paid \$217,679 for experts and investigators, etc. No requests were denied.
- There was one attorney suspension in April.
- In our All Other Account, the total expenses for the month of April were \$264,693. Approximately \$47,014 was devoted to the Commission's operating expenses.
- In the Personal Services Accounts, we had \$276,192 in expenses for the month of April.
- In the Revenue Account, March's transfer of collected counsel fees from the Judicial Branch totaled \$28,704. We paid \$4,018,905 in counsel payments for the month of April. Year-to-date we have paid \$176,367 in STACAP fees.
- Exceptional results – see attached addendum.
- As of May 10, 2024, there are 163 rostered attorneys of which 112 are available for trial court level work.

- For the first 10 months of this fiscal year, submitted hours are up approximately 16.9% over the same 10-month period last year. And April 2024 submitted hours are 26% greater than April 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	26,406	25,109			246,818

Vouchers over \$7,500

Comment	Voucher Total	Case Total
Homicide	\$47,385.58	\$47,385.58
Homicide	\$34,690.00	\$53,452.00
Homicide	\$32,528.00	\$32,528.00
Homicide	\$28,074.06	\$54,994.00
PCR Homicide	\$25,025.37	\$25,025.37
Child Protection Petition	\$19,207.04	\$26,438.90
Homicide	\$16,549.37	\$16,549.37
Child Protection Petition	\$12,885.00	\$30,882.00
Aggravated Assault	\$12,855.00	\$12,855.00
Homicide	\$12,844.88	\$23,124.90
Illegal Possession of a Firearm	\$12,022.00	\$12,022.00
Aggravated Trafficking	\$11,783.45	\$12,878.45
Homicide	\$11,576.73	\$24,300.90
PCR Homicide	\$11,469.98	\$33,295.34
OUI	\$11,340.84	\$11,340.84
Appeal Homicide	\$11,096.00	\$16,256.00
Theft	\$11,085.00	\$14,443.00
Aggravated Trafficking	\$10,993.60	\$10,993.60
Guardianship of Minor	\$10,545.00	\$10,545.00
Juvenile Assault	\$10,426.06	\$14,851.00
Homicide	\$10,412.13	\$10,412.13
Aggravated Assault	\$9,810.00	\$9,810.00
Aggravated Trafficking	\$9,660.00	\$19,064.00
Child Protection Petition	\$8,885.94	\$11,150.94
Appeal	\$8,724.60	\$8,724.60
Gross Sexual Assault	\$8,717.76	\$8,717.76
Theft	\$8,657.76	\$8,657.76
OUI	\$8,610.00	\$8,610.00
Child Protection Petition	\$8,480.00	\$17,193.10
Elevated Aggravated Assault	\$8,389.00	\$8,389.00
Aggravated Criminal Mischief	\$8,280.00	\$8,280.00
Aggravated Reckless Conduct	\$8,205.00	\$8,205.00
Homicide	\$8,175.00	\$8,175.00
Child Protection Petition	\$8,130.00	\$18,723.40

Gross Sexual Assault	\$8,043.95	\$12,023.03
Domestic Violence Assault	\$7,875.00	\$7,875.00
Aggravated Assault	\$7,862.28	\$7,862.28
Homicide	\$7,690.88	\$7,690.88
Criminal Threatening	\$7,541.00	\$7,541.00
Hunting without a Permit and License	\$7,530.00	\$8,850.00

Good Outcomes

Review Date	Attorney	Charge(s)	Disposition
4/10/2024	Hansen, Albert	Domestic Violence Assault	Not Guilty after Jury Trial
4/19/2024	Madison, Lynn	OUI(Drugs or Combo), DTE	Not Guilty after Jury Trial
4/19/2024	Richard Jr., Peter	Illegal Possession of Firearm	Not Guilty after Jury Trial
4/26/2024	Pelletier, John	PCR Petition (Criminal Mischief)	Petition Granted
4/26/2024	Maselli, William	Aggravated Assault, Reckless Conduct	Dismissal

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

As of April 29, 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	\$ 1,295,200	\$ 3,817,378	656,453
Payroll to date	(421,815)	(394,907)	(658,996)	-	(1,475,718)	
Estimated payroll remaining	-	-	-	(446,872)	(446,872)	
Total Personal Services available	\$ 92,159	\$ 399,799	\$ 554,502	\$ 848,328	\$ 1,894,788	
All Other Allotment	\$ 6,334,259	\$ 7,569,389	\$ 4,204,518	\$ 404,570	\$ 18,512,736	(656,453)
Expenditures to date	(5,987,148)	(7,565,389)	(4,217,821)	(254,644)	(18,025,003)	
Encumbrances	(347,109)	(3,999)	14,658	27,649	(308,801)	
Total All Other Available	\$ 1	\$ 1	\$ 1,355	\$ 177,575	\$ 178,932	

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)	(186,558)	(57,214)	(576,443)	
Estimated payroll remaining	-	-	-	(110,035)	(110,035)	
Total Personal Services available	\$ 22,760	\$ 27,727	\$ 13,390	\$ (69,186)	\$ (5,310)	FO In process
All Other Allotment	\$ 3,050,247	\$ 3,072,747	\$ 11,057,811	\$ 14,991,638	\$ 32,172,443	*FO UBF \$10M Q4/Rec'd
Expenditures to date	(3,050,246)	(3,072,747)	(7,038,540)	(3,164,166)	(16,325,699)	
Encumbrances	-	-	-	-	-	
Total All Other Available	\$ 1	\$ 0	\$ 4,019,271	\$ 11,827,472	\$ 15,846,744	

CASH ON HAND 4/29/2024 \$ 17,569,596.59

<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)	(3,892)	(21,798)
Encumbrances	-	-	-	-	-
Total All Other Available	\$ -	\$ 1	\$ 25,759	\$ 9,442	\$ 35,202

CASH ON HAND 4/29/2024 \$ 9,434.30

<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 HAND 4/29/2024 \$ -

<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 HAND 4/29/2024 \$ -

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

4/30/2024

DefenderData Case Type	Apr-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	16	23	\$46,801.95	27	\$ 67,497.88	\$2,499.92	155	193	\$ 572,598.56	\$2,966.83
Central Office Resource Counsel	0	4	\$8,844.83	2	\$ 1,440.00	\$720.00	6	36	\$ 47,945.00	\$1,331.81
Child Protection Petition	144	423	\$579,023.64	535	\$ 717,464.02	\$1,341.05	1,772	3,655	\$ 4,721,084.75	\$1,291.68
Drug Court	5	14	\$30,696.00	20	\$ 44,220.50	\$2,211.03	55	154	\$ 331,290.04	\$2,151.23
Emancipation	9	10	\$9,643.00	7	\$ 7,012.50	\$1,001.79	65	55	\$ 53,523.18	\$973.15
Felony	552	872	\$1,344,950.51	942	\$ 1,388,792.31	\$1,474.30	6,432	8,023	\$ 11,410,520.49	\$1,422.23
Involuntary Civil Commitment	110	131	\$69,418.52	138	\$ 68,538.46	\$496.66	1,115	1,003	\$ 561,775.95	\$560.10
Juvenile	49	98	\$119,040.38	115	\$ 154,960.62	\$1,347.48	944	924	\$ 1,119,746.92	\$1,211.85
Lawyer of the Day - Custody	223	253	\$169,750.50	257	\$ 173,779.50	\$676.18	2,566	2,509	\$ 1,652,863.24	\$658.77
Lawyer of the Day - Juvenile	9	10	\$5,375.00	13	\$ 5,882.80	\$452.52	160	163	\$ 95,412.20	\$585.35
Lawyer of the Day - Walk-in	87	87	\$65,278.58	119	\$ 86,924.30	\$730.46	1,352	1,390	\$ 935,160.19	\$672.78
MCILS Provided Training	86	87	\$126,779.32	87	\$ 75,744.50	\$870.63	660	593	\$ 452,197.95	\$762.56
Misdemeanor	732	1,010	\$767,999.14	1,076	\$ 843,479.78	\$783.90	9,323	10,552	\$ 7,392,671.22	\$700.59
Petition, Modified Release Treatment	2	2	\$3,060.00	4	\$ 5,565.00	\$1,391.25	7	33	\$ 35,819.34	\$1,085.43
Petition, Release or Discharge	0	2	\$3,975.00	1	\$ 1,995.00	\$1,995.00	2	10	\$ 33,955.81	\$3,395.58
Petition, Termination of Parental Rights	0	20	\$40,452.06	20	\$ 32,302.50	\$1,615.13	119	553	\$ 924,123.51	\$1,671.11
Post Conviction Review	4	16	\$45,292.98	21	\$ 77,584.35	\$3,694.49	46	129	\$ 406,169.05	\$3,148.60
Probate	1	2	\$7,858.40	3	\$ 18,283.40	\$6,094.47	18	34	\$ 87,304.46	\$2,567.78
Probation Violation	140	140	\$113,157.08	151	\$ 119,966.12	\$794.48	1,338	1,416	\$ 1,183,504.48	\$835.81
Represent Witness on 5th Amendment	1	3	\$5,271.70	7	\$ 13,866.19	\$1,980.88	25	20	\$ 22,704.69	\$1,135.23
Resource Counsel Criminal	0	5	\$3,080.00	5	\$ 1,985.00	\$397.00	6	38	\$ 15,479.00	\$407.34
Resource Counsel Juvenile	0	1	\$30.00	2	\$ 180.00	\$90.00	1	11	\$ 2,985.00	\$271.36
Resource Counsel Mental Health	0	1	\$150.00	1	\$ 210.00	\$210.00	1	5	\$ 1,020.00	\$204.00
Resource Counsel NCR	0	0		0			0	0		
Resource Counsel Protective Custody	0	3	\$4,230.00	4	\$ 9,334.00	\$2,333.50	6	33	\$ 54,122.50	\$1,640.08
Review of Child Protection Order	0	77	\$88,424.61	87	\$ 101,896.61	\$1,171.23	239	1,259	\$ 1,459,104.57	\$1,158.94
Revocation of Administrative Release	1	0		0			10	7	\$ 3,428.00	\$489.71
Weapons Restrictions Case	0	0		0			0	0		
TOTAL	2,171	3,294	\$3,658,583.20	7,288	\$ 4,018,905.34	\$1,102.88	26,423	32,798	\$ 33,576,510.10	\$1,023.74

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

4/30/2024

Court	Apr-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	0		1	\$ 1,192.50	\$1,192.50	5	12	\$ 11,834.40	\$986.20
AUBSC	0	2	\$1,615.00	1	\$ 1,050.00	\$1,050.00	7	13	\$ 14,004.32	\$1,077.26
AUGDC	39	83	\$126,241.62	69	\$ 119,518.51	\$1,732.15	484	665	\$ 906,455.53	\$1,363.09
AUGSC	3	6	\$9,270.00	7	\$ 9,795.00	\$1,399.29	12	46	\$ 79,482.76	\$1,727.89
BANDC	67	95	\$71,004.00	125	\$ 99,464.10	\$795.71	561	890	\$ 761,142.49	\$855.22
BANSC	0	1	\$517.50	2	\$ 1,537.50	\$768.75	2	10	\$ 4,912.66	\$491.27
BATSC	0	0		1	\$ 1,155.00	\$1,155.00	1	2	\$ 1,710.00	\$855.00
BELDC	3	13	\$19,909.70	20	\$ 26,685.50	\$1,334.28	127	226	\$ 288,545.81	\$1,276.75
BELSC	0	0		0			4	1	\$ 1,532.48	\$1,532.48
BIDDC	35	60	\$61,098.43	78	\$ 86,911.58	\$1,114.25	447	584	\$ 711,002.70	\$1,217.47
BRIDC	6	11	\$25,769.10	17	\$ 31,043.11	\$1,826.07	98	104	\$ 130,569.38	\$1,255.47
CALDC	0	5	\$5,739.50	6	\$ 3,420.00	\$570.00	55	80	\$ 77,624.46	\$970.31
CARDC	8	17	\$13,865.00	13	\$ 11,224.00	\$863.38	59	134	\$ 144,530.38	\$1,078.58
CARSC	0	0		0			6	2	\$ 3,645.00	\$1,822.50
DOVDC	7	11	\$14,769.76	13	\$ 13,733.34	\$1,056.41	54	101	\$ 107,146.28	\$1,060.85
DOVSC	0	0		0			2	1	\$ 1,290.00	\$1,290.00
ELLDC	12	49	\$62,727.36	66	\$ 94,057.09	\$1,425.11	127	324	\$ 433,930.40	\$1,339.29
ELLSC	0	0		0			0	0		
FARDC	7	14	\$23,768.00	25	\$ 44,409.96	\$1,776.40	133	194	\$ 207,984.26	\$1,072.08
FARSC	0	0		0			2	2	\$ 2,055.00	\$1,027.50
FORDC	1	14	\$15,495.00	15	\$ 17,433.00	\$1,162.20	66	114	\$ 140,884.26	\$1,235.83
HOUDC	9	26	\$26,895.00	22	\$ 26,676.80	\$1,212.58	93	188	\$ 227,112.16	\$1,208.04
HOUSC	0	0		0			1	3	\$ 4,568.00	\$1,522.67
LEWDC	29	72	\$83,567.00	101	\$ 116,256.30	\$1,151.05	490	860	\$ 1,004,219.78	\$1,167.70
LINDC	0	6	\$3,115.48	6	\$ 5,775.48	\$962.58	32	75	\$ 91,801.58	\$1,224.02
MACDC	4	9	\$8,289.00	11	\$ 11,289.00	\$1,026.27	50	77	\$ 83,316.37	\$1,082.03
MACSC	0	0		0			1	1	\$ 1,185.00	\$1,185.00
MADDC	0	0		0			7	1	\$ 975.00	\$975.00
MILDC	0	0		0			6	9	\$ 6,594.00	\$732.67
NEWDC	6	29	\$33,812.00	34	\$ 41,614.68	\$1,223.96	95	211	\$ 207,594.36	\$983.86
PORDC	38	93	\$125,237.71	103	\$ 134,170.32	\$1,302.62	693	918	\$ 1,094,060.80	\$1,191.79
PORSC	1	1	\$5,646.48	0			11	16	\$ 58,126.00	\$3,632.88
PREDC	11	21	\$39,503.94	19	\$ 36,812.31	\$1,937.49	89	185	\$ 264,344.82	\$1,428.89
RODC	12	12	\$12,817.32	11	\$ 12,458.12	\$1,132.56	130	172	\$ 180,945.97	\$1,052.01
ROSC	0	2	\$1,907.00	1	\$ 1,322.00	\$1,322.00	4	5	\$ 8,294.00	\$1,658.80
RUMDC	4	16	\$22,419.90	19	\$ 30,230.00	\$1,591.05	90	188	\$ 263,932.06	\$1,403.89
SKODC	22	37	\$50,350.50	68	\$ 71,348.40	\$1,049.24	270	609	\$ 676,129.49	\$1,110.23
SKOSC	0	1	\$332.44	1	\$ 332.44	\$332.44	3	5	\$ 5,863.48	\$1,172.70
SOUDC	2	14	\$8,136.80	17	\$ 19,178.00	\$1,128.12	92	173	\$ 283,839.95	\$1,640.69
SOUSC	0	0		0			6	4	\$ 14,172.94	\$3,543.24
SPRDC	0	23	\$19,036.34	13	\$ 12,659.50	\$973.81	82	243	\$ 298,300.39	\$1,227.57
Law Ct	12	17	\$35,965.38	22	\$ 59,023.31	\$2,682.88	126	150	\$ 472,432.47	\$3,149.55
Training	86	93	\$138,669.15	92	\$ 85,318.50	\$927.38	658	645	\$ 535,265.45	\$829.87
YORCD	287	319	\$407,274.94	348	\$ 432,426.16	\$1,242.60	3,162	3,668	\$ 3,742,555.64	\$1,020.33
AROCD	107	177	\$164,442.30	231	\$ 257,024.75	\$1,112.66	1,593	1,972	\$ 2,129,920.27	\$1,080.08
ANDCD	177	276	\$259,465.07	299	\$ 244,799.78	\$818.73	1,881	2,399	\$ 2,160,355.03	\$900.52
KENCD	127	200	\$182,783.88	166	\$ 154,497.70	\$930.71	2,165	2,260	\$ 1,874,357.10	\$829.36
PENCD	165	271	\$278,555.47	322	\$ 342,942.87	\$1,065.04	2,476	2,930	\$ 2,731,090.88	\$932.11
SAGCD	52	42	\$39,245.50	47	\$ 46,588.40	\$991.24	453	420	\$ 403,913.23	\$961.70
WALCD	53	54	\$70,129.62	60	\$ 66,080.28	\$1,101.34	655	630	\$ 654,245.78	\$1,038.49
PISCD	17	20	\$36,454.24	23	\$ 33,346.00	\$1,449.83	162	168	\$ 181,708.88	\$1,081.60
HANCD	79	103	\$119,933.39	104	\$ 109,066.34	\$1,048.71	684	848	\$ 801,026.48	\$944.61
FRACD	36	64	\$55,657.56	45	\$ 38,415.08	\$853.67	453	579	\$ 465,015.90	\$803.14
WASCD	43	81	\$73,504.66	78	\$ 118,518.77	\$1,519.47	552	537	\$ 721,495.61	\$1,343.57
CUMCD	331	421	\$469,701.42	440	\$ 496,738.96	\$1,128.95	3,697	4,023	\$ 4,136,929.30	\$1,028.32
KN OCD	40	90	\$105,930.28	88	\$ 86,229.58	\$979.88	517	558	\$ 620,347.30	\$1,111.73
SOMCD	106	87	\$123,690.29	104	\$ 112,326.47	\$1,080.06	939	1,053	\$ 942,064.00	\$894.65
OXFCD	67	119	\$75,384.10	153	\$ 105,977.97	\$692.67	885	1,284	\$ 878,785.47	\$684.41
LINCD	32	45	\$50,243.47	45	\$ 55,337.57	\$1,229.72	459	422	\$ 396,047.28	\$938.50
WATDC	13	34	\$36,877.21	38	\$ 38,799.71	\$1,021.05	178	415	\$ 430,002.81	\$1,036.15
WESDC	10	29	\$29,285.89	35	\$ 30,194.50	\$862.70	161	242	\$ 278,851.82	\$1,152.28
WISDC	4	6	\$5,520.00	6	\$ 7,895.48	\$1,315.91	43	79	\$ 102,318.62	\$1,295.17
WISSC	0	0		0			1	2	\$ 630.00	\$315.00
YORDC	1	1	\$825.00	10	\$ 6,271.12	\$627.11	19	56	\$ 91,418.53	\$1,632.47
TOTAL	2,171	3,294	\$3,658,583.20	3,644	\$4,018,905.34	\$1,102.88	26,423	32,798	\$33,576,510.10	\$1,023.74

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY24 FUND ACCOUNTING
AS OF 04/30/2024

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		\$ -		\$ -	\$ -
FY23 carry forward appropriation		\$ -		\$ (0.01)		\$ -		\$ -	\$ 1,255,608.01
Budget Order Adjustment		\$ (1,496,870.00)		\$ 1,496,870.00		\$ -		\$ -	\$ -
Budget Order Adjustment		\$ -		\$ (197,532.00)		\$ 197,532.00		\$ -	\$ -
Budget Order Adjustment		\$ -		\$ -		\$ 444,809.00		\$ (444,809.00)	\$ -
Financial Order Adjustment		\$ -		\$ 42,731.00		\$ (753,081.00)		\$ (4,122,332.00)	\$ (4,832,682.00)
Transfer to payroll services for new positions		\$ -		\$ -		\$ (656,453.00)		\$ -	\$ (656,453.00)
Total Budget Allotments		\$ 6,334,258.77		\$ 7,569,389.00		\$ 4,204,518.00		\$ 404,570.00	\$ 18,512,735.78
Total Expenses	1	\$ (2,941,048.40)	4	\$ (3,750,984.71)	7	\$ (3,005,424.00)	10	\$ (264,693.93)	
	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	\$ (214,252.73)	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		\$ 23,037.00		\$ 7,245.00	\$ (27,822.00)
Encumbrances (Justice Works for PD users access)		\$ -		\$ -		\$ (43,100.00)		\$ 14,456.00	\$ (28,644.00)
Encumbrances (B Taylor)		\$ (13,260.00)		\$ (61,880.00)		\$ 22,099.99		\$ 5,893.33	\$ (47,146.68)
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		\$ 10,081.05		\$ -	\$ (26,883.64)
Encumbrance (K. Guillory contract for website maintenance)		\$ (1,000.00)		\$ -		\$ -		\$ -	\$ (1,000.00)
Encumbrance (business cards)		\$ -		\$ (28.50)		\$ (26.50)		\$ 55.00	\$ -
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		\$ 1,354.55		\$ 167,525.40	\$ 168,881.59
Q4 Month 10									
INDIGENT LEGAL SERVICES									
Counsel Payments	\$	-				\$	404,570.00		
Interpreters	\$	(5,482.42)				\$	7,245.00		
Private Investigators	\$	(39,191.06)				\$	14,456.00		
Mental Health Expert	\$	(30,884.00)				\$	5,893.33		
Misc Prof Fees & Serv	\$	(5,044.18)				\$	-		
Transcripts	\$	(26,784.53)				\$	-		
Other Expert	\$	(108,847.25)				\$	-		
Subpoena witness	\$	-				\$	-		
Process Servers	\$	(1,445.89)				\$	-		
SUB-TOTAL ILS	\$	(217,679.33)				\$	-		
OPERATING EXPENSES									
Risk Management Insurances	\$	-				\$	55.00		
Barbara Taylor monthly fees	\$	(5,893.33)				\$	(264,693.93)		
OIT/TELCO	\$	-				\$	167,525.40		
Mileage/Tolls/Parking	\$	(1,586.65)							
Mailing/Postage/Freight	\$	(497.77)							
West Publishing Corp	\$	(272.04)							
Legal services for staff	\$	-							
Office Supplies/Equip.	\$	(3,036.82)							
Cellular Phones	\$	(1,460.89)							
Periodicals/Books	\$	(155.00)							
Employee/counsel lodging	\$	(856.00)							
	\$	-							
INDIGENT LEGAL SERVICES									
					Non-Counsel Indigent Legal Services				
					Monthly Total				
					\$ (217,679.33)				
					Total Q1				
					\$ 386,083.19				
					Total Q2				
					\$ 356,772.26				
					Total Q3				
					\$ 565,646.09				
					Total Q4				
					\$ 217,679.33				
					Fiscal Year Total				
					\$ 1,526,180.87				

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
 FY24 FUND ACCOUNTING
 AS OF 04/30/2024

Signage for CRPD	\$	(1,360.00)
Central fleet vehicle lease	\$	(1,223.09)
Minor IT equipment/accessories	\$	-
Business cards & envelopes	\$	(434.00)
Dues	\$	(150.00)
Registration fees	\$	(150.00)
Sales tax paid	\$	-
Justice Works	\$	(21,701.00)
Parking fees for Lewiston	\$	-
Staff meals & gratuity	\$	(37.55)
AAG Legal Svcs Quarterly Payment	\$	(8,200.46)
SUB-TOTAL OE	\$	(47,014.60)
TOTAL	\$	(264,693.93)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY24 FUND ACCOUNTING
AS OF 04/30/2024

Account 010 95F 2112 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		\$ -		\$ -		\$ -		\$ 656,453.00	\$ -
Projected savings-increase in attrition rate		\$ -		\$ -		\$ -		\$ -	\$ -
Total Budget Allotments		\$ 513,974.00		\$ 794,706.00		\$ 1,213,498.00		\$ 1,295,200.00	\$ 3,817,378.00
Total Expenses	1	\$ (125,464.57)	4	\$ (115,285.80)	7	\$ (260,396.68)	10	\$ (218,978.51)	
	2	\$ (176,263.37)	5	\$ (128,936.93)	8	\$ (201,488.18)	11	\$ -	
	3	\$ (120,087.49)	6	\$ (150,683.94)	9	\$ (197,110.90)	12	\$ -	
TOTAL REMAINING		\$ 92,158.57		\$ 399,799.33		\$ 554,502.24		\$ 1,076,221.49	\$ 2,122,681.63

Q4 Month 10	
Standard Overtime	\$ -
Permanent Regular	\$ (87,146.20)
Perm Vacation Pay	\$ (1,652.92)
Perm Holiday Pay	\$ -
Sick Pay	\$ (744.78)
Employee hlth svcs/workers comp	\$ (459.00)
Health Insurance	\$ (19,322.30)
Dental Insurance	\$ (540.20)
Employer Retiree Health	\$ (12,794.90)
Employer Retirement	\$ (8,232.69)
Employer Group Life	\$ (1,578.78)
Employer Medicare	\$ (2,093.32)
Retiree Unfunded Liability	\$ (24,231.19)
Longevity Pay	\$ (198.40)
Lim Perm Part Time Full Ben	\$ (4,938.24)
Limited Period Regular	\$ (50,945.41)
Limited Per Vacation Pay	\$ (2,401.00)
Limited Per Holiday Pay	\$ -
Limit Per Sick Pay	\$ (1,271.93)
Retro lump sum pymt	\$ -
Comp U/P no retirement	\$ (152.25)
Per Diem	\$ (275.00)
TOTAL	\$ (218,978.51)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY24 FUND ACCOUNTING
AS OF 04/30/2024

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	\$ (57,213.53)	
	2	\$ (73,802.05)	5	\$ (51,899.14)	8	\$ (56,176.10)	11	\$ -	
	3	\$ (51,713.22)	6	\$ (51,899.14)	9	\$ (54,552.88)	12	\$ -	
TOTAL REMAINING		\$ 22,759.55		\$ 27,726.70		\$ 13,389.88		\$ 40,849.47	\$ 104,725.60

Q4 Month 10	
Standard Overtime	\$ -
Permanent Regular	\$ (23,449.76)
Perm Vacation Pay	\$ (4,052.64)
Perm Holiday Pay	\$ -
Perm Sick Pay	\$ -
Health Insurance	\$ (7,430.44)
Dental Insurance	\$ (146.00)
Employer Retiree Health	\$ (3,122.53)
Employer Retirement	\$ (3,161.74)
Employer Group Life	\$ (402.29)
Employer Medicare	\$ (493.45)
Retiree Unfunded Liability	\$ (5,913.48)
Limited Period Regular	\$ (6,369.57)
Limit Per Holiday Pay	\$ -
Limit Per Vacation Pay	\$ (479.43)
Limit Per Sick Pay	\$ (456.60)
Longevity Pay	\$ -
Employee Hlth SVS/Workers comp	\$ (108.00)
Perm Part Time Full Ben	\$ -
Retro Pay Contract	\$ -
Retro Lump Sum Pymt	\$ (1,627.60)
TOTAL	\$ (57,213.53)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY24 FUND ACCOUNTING

As of 04/30/2024

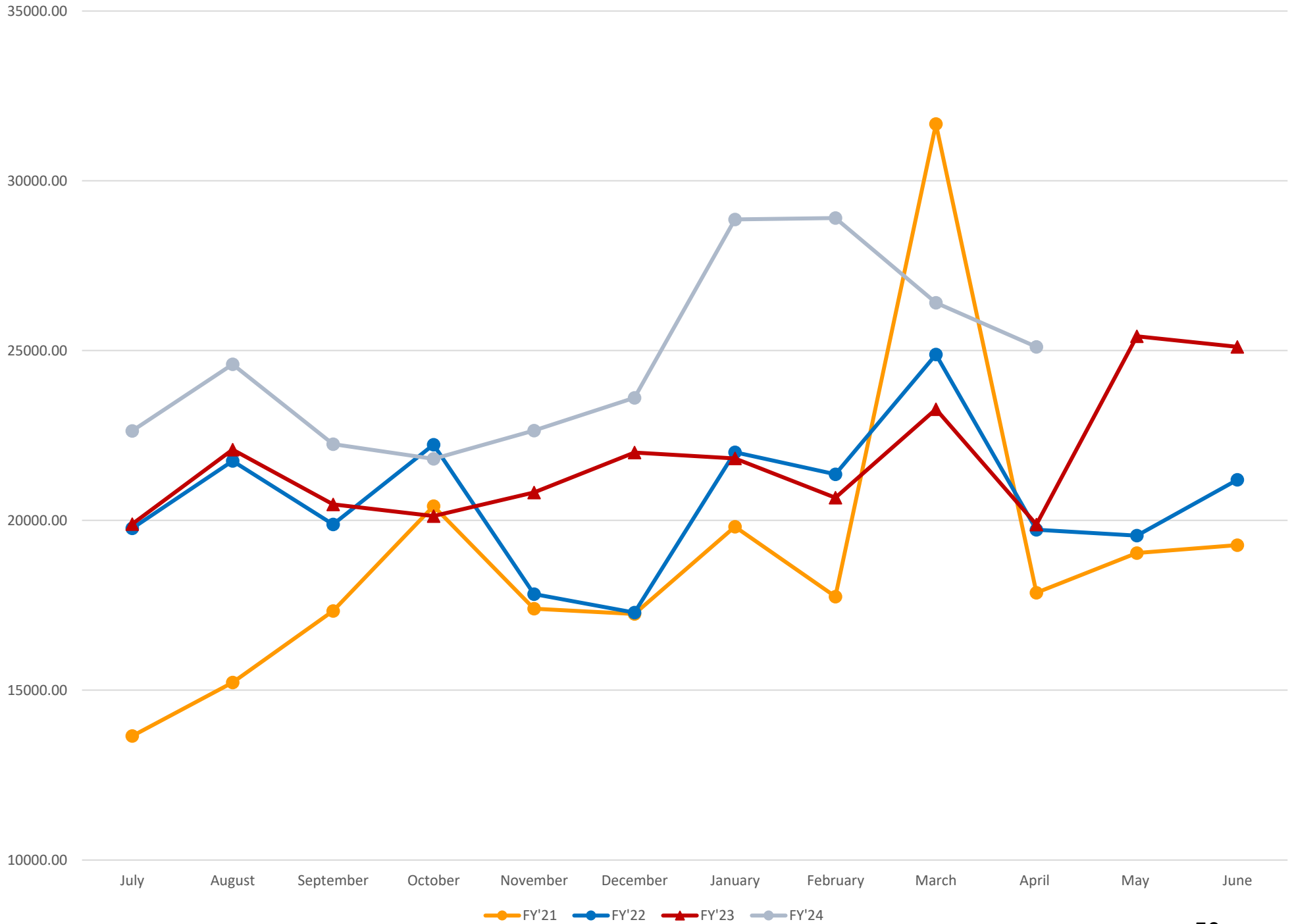
Account 014 95F Z112 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY24 Total
Original Total Budget Allotments		\$ 7,197,529.00		\$ 4,991,638.00		\$ 4,991,638.00		\$ 4,991,638.00	\$ 22,172,443.00
		\$ -		\$ -		\$ -		\$ -	\$ -
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	\$ -
Financial Order Allotment Adjustment		\$ -		\$ -		\$ -		\$ 10,000,000.00	\$ -
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		\$ 14,991,638.00	\$ 32,172,443.00
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	\$ 35,668.00	11	\$ -	\$ -
Collected Revenue from JB	3	\$ 21,472.00	6	\$ 20,014.28	9	\$ 28,704.75	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	\$ 159.00	12	\$ -	\$ -
Maine Justice Foundation Grant		\$ -		\$ -		\$ 10,000.00		\$ -	\$ -
TOTAL CASH PLUS REVENUE COLLECTED		\$ 88,515.55		\$ 72,047.95		\$ 99,678.79		\$ -	\$ 260,242.29
Counsel Payments	1	\$ -	4	\$ -	7	\$ (489,203.74)	10	\$ (4,018,905.34)	\$ -
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	\$ (3,636,405.95)	12	\$ -	\$ -
		\$ -		\$ -		\$ -		\$ -	\$ -
State Cap		\$ (41,606.93)		\$ (41,617.18)		\$ (93,143.33)		\$ -	\$ -
		\$ -		\$ -		\$ -		\$ -	\$ -
		\$ -		\$ -		\$ -		\$ -	\$ -
REMAINING ALLOTMENT		\$ 0.99		\$ 0.07		\$ 4,019,270.82		\$ 10,972,732.66	\$ 14,992,004.54

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY24 FUND ACCOUNTING
AS OF 04/30/2024

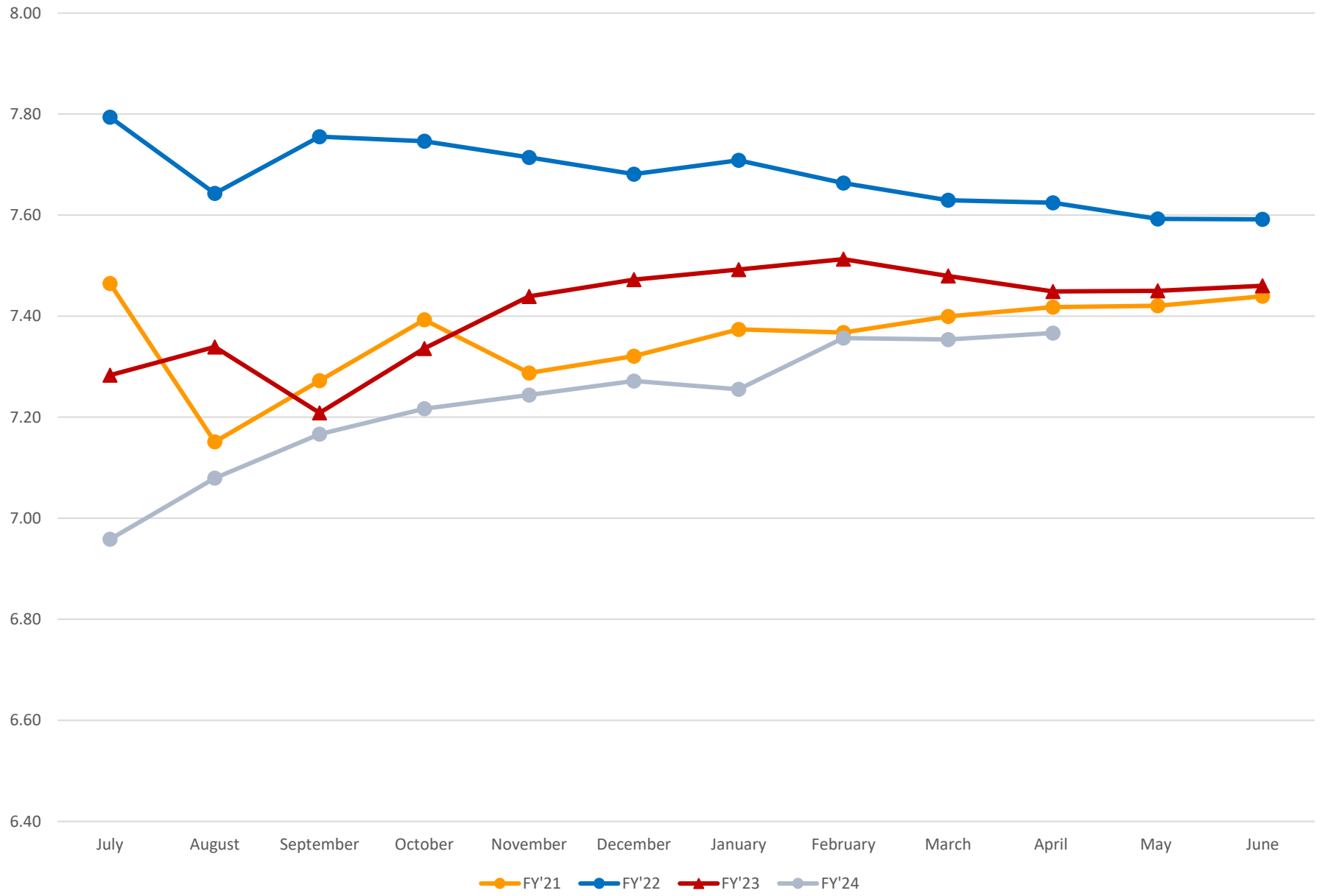
Account 014 95F Z112 02 (Conference Account)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY24 Total
FY24 Allotment		\$ 13,333.00		\$ 17,000.00		\$ 13,333.00		\$ 13,334.00	\$ 57,000.00
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ (13,333.00)		\$ 13,333.00		\$ -		\$ -	
Budget Order 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	\$ (3,891.82)	
	2	\$ -	5	\$ (724.59)	8	\$ (603.48)	11	\$ -	
	3	\$ -	6	\$ (10,613.79)	9	\$ -	12	\$ -	
State cap		\$ -		\$ (215.35)		\$ (15.51)		\$ -	
TOTAL REMAINING		\$ -		\$ 0.57		\$ 25,758.85		\$ 9,442.18	\$ 35,201.60

Q4 Month 10	
Instructor & Speaker services	\$ (375.00)
Refreshments & Catered meals	\$ (3,445.50)
Sales tax	\$ -
Mileage & parking fees for staff	\$ -
Training rooms	\$ -
Registrations	\$ -
Lodging for counsel	\$ -
Mileage for counsel	\$ -
Office supplies	\$ (71.32)
TOTAL	\$ (3,891.82)

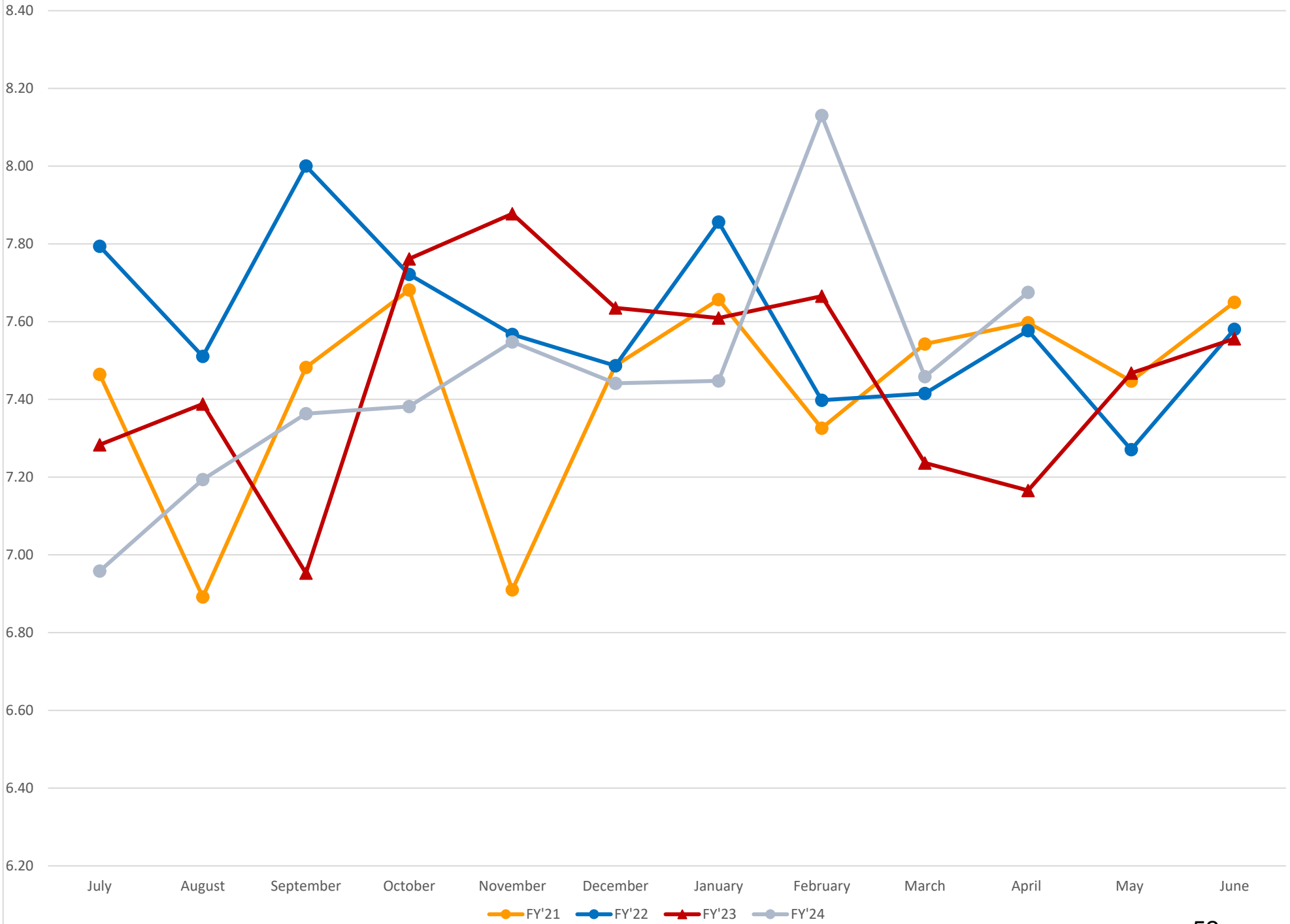
Submitted Hours Amount



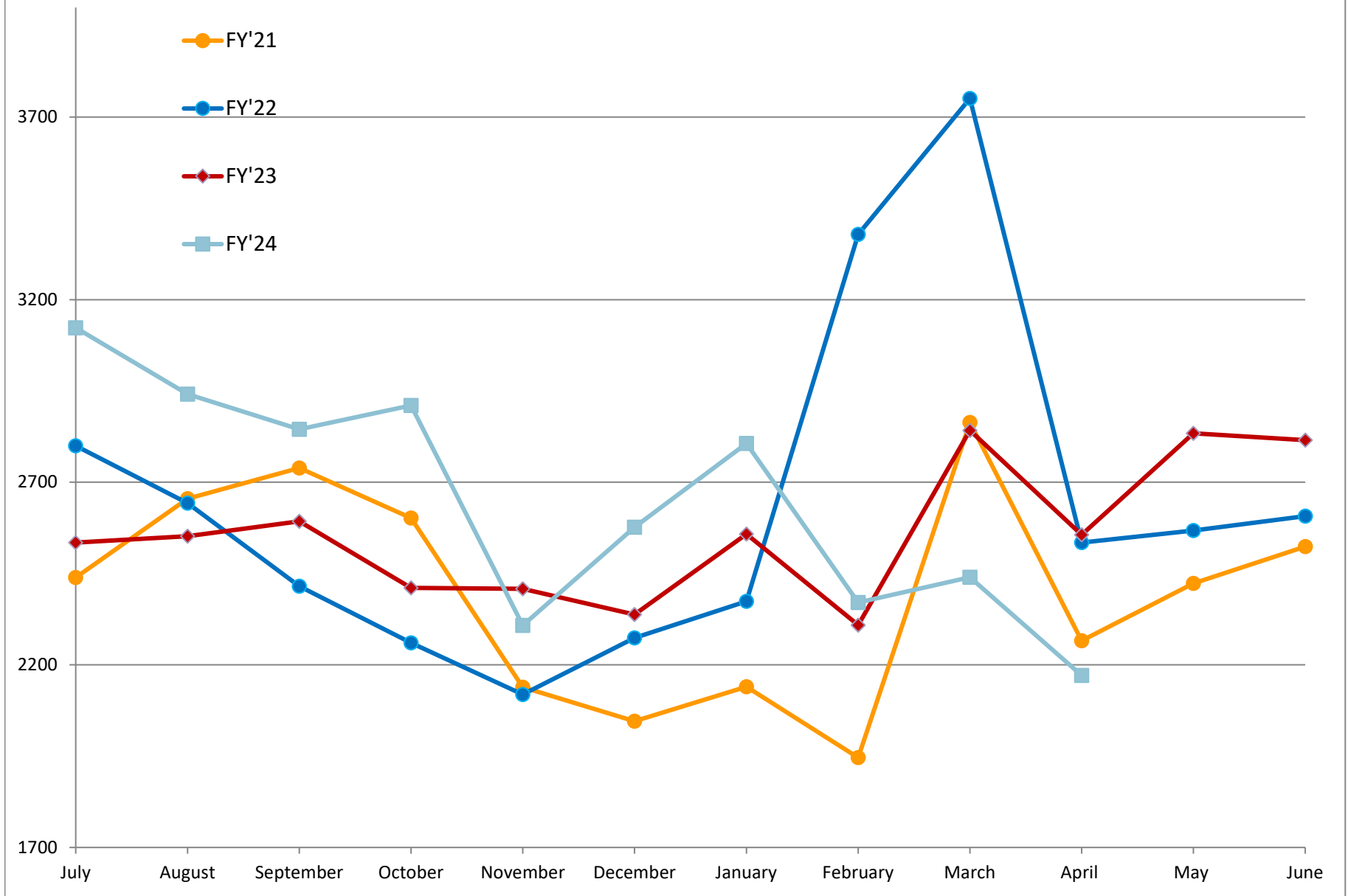
Average Hours per Voucher



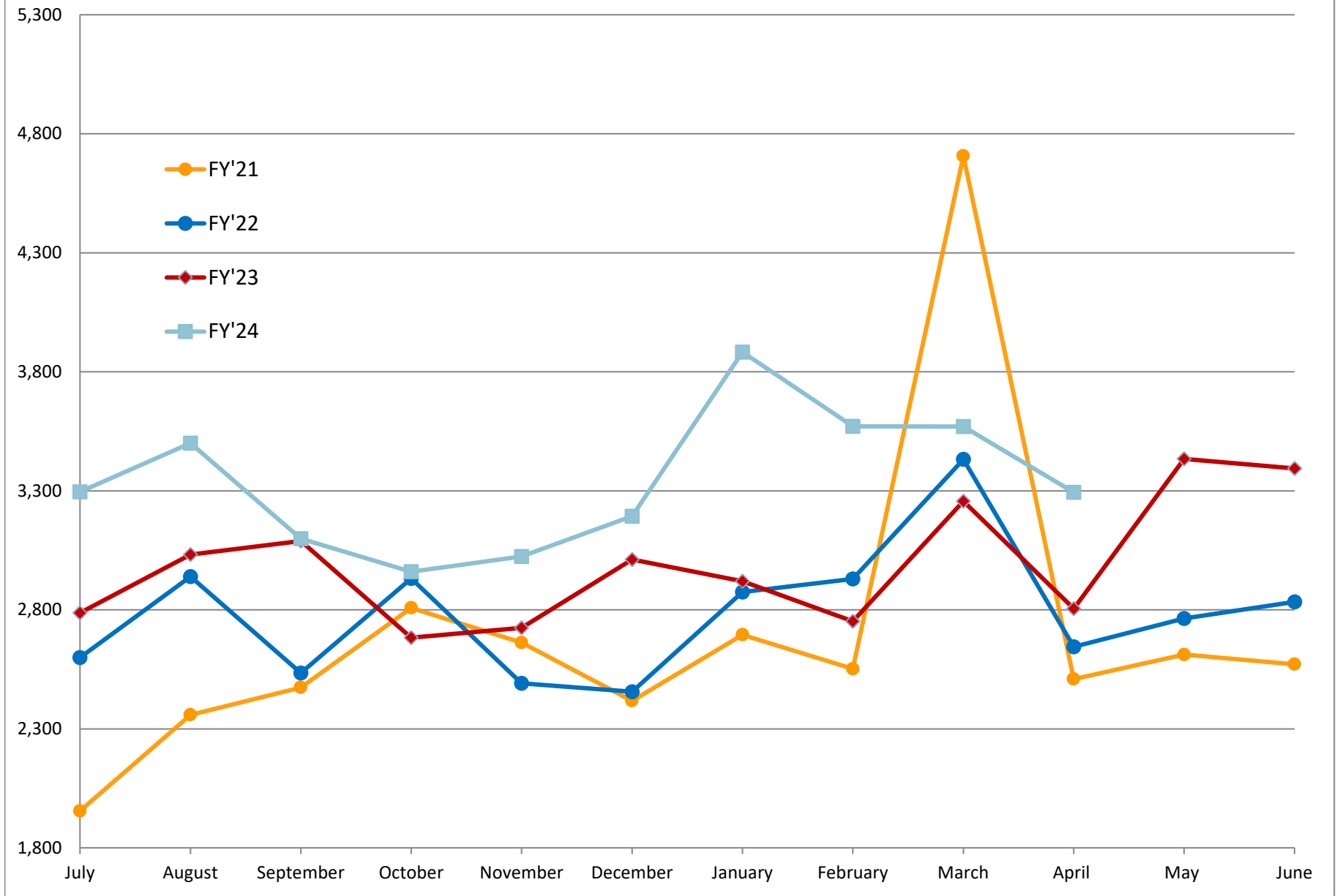
Monthly Average Hours per Voucher



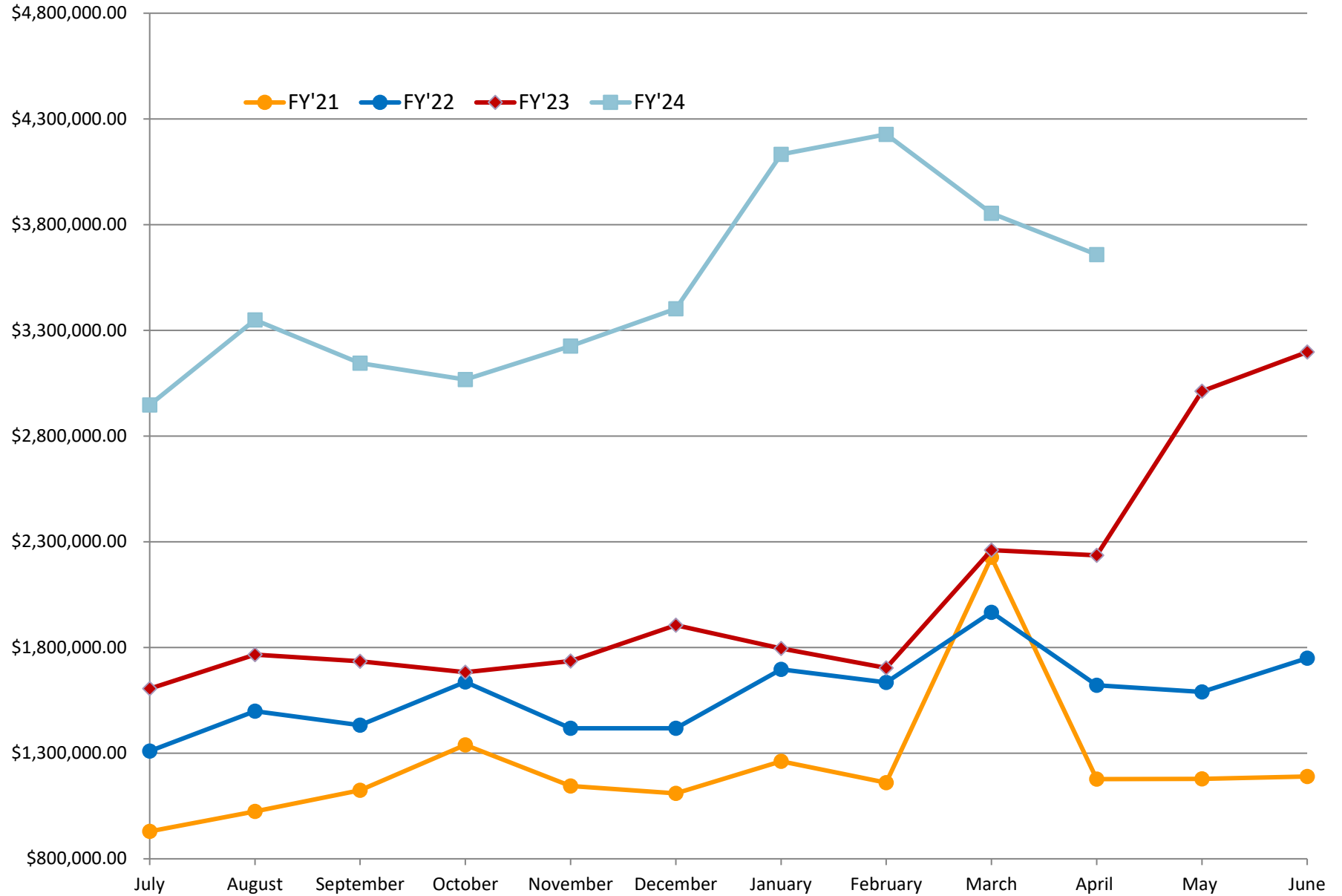
NEW CASES



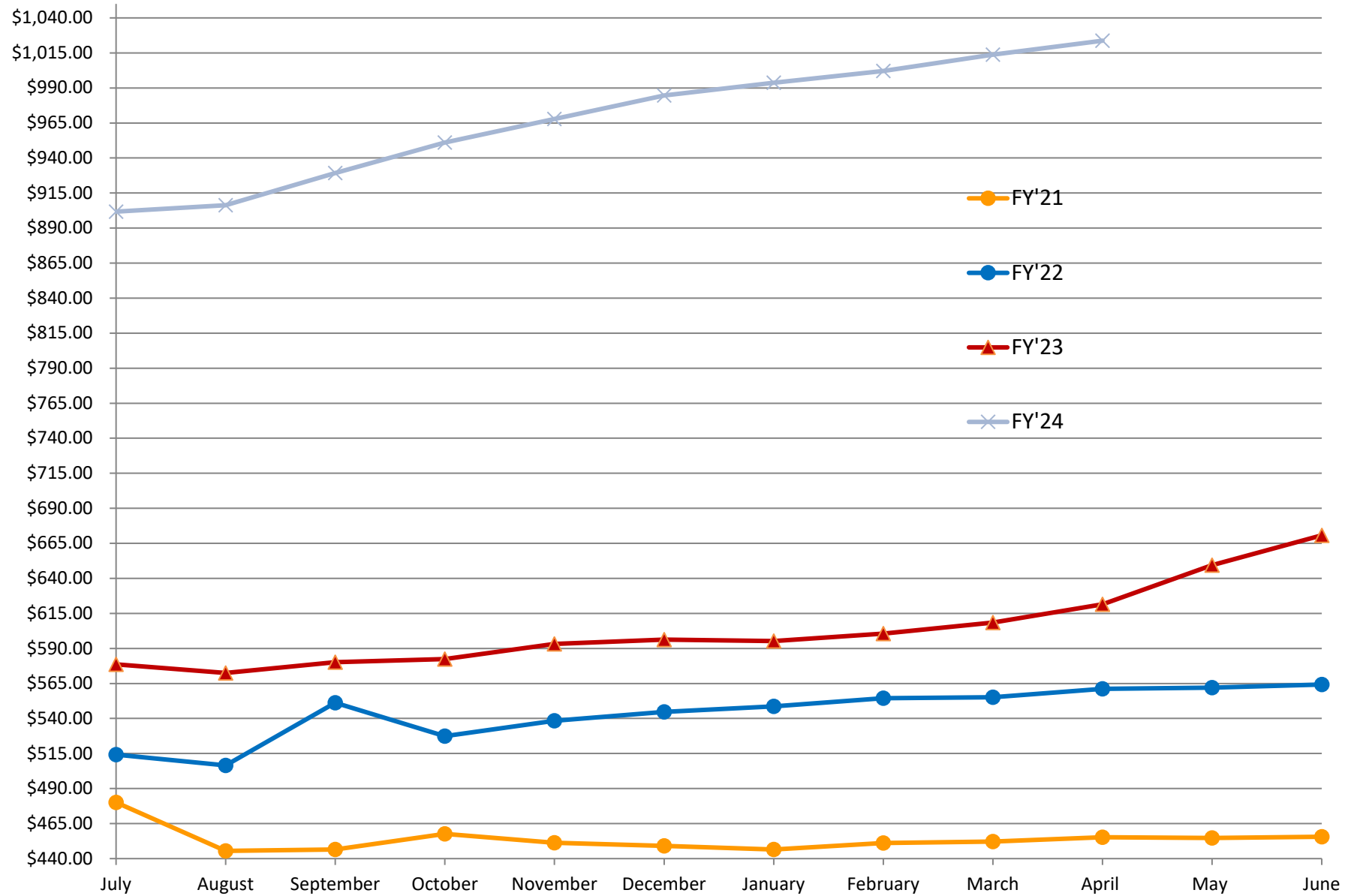
Submitted Vouchers



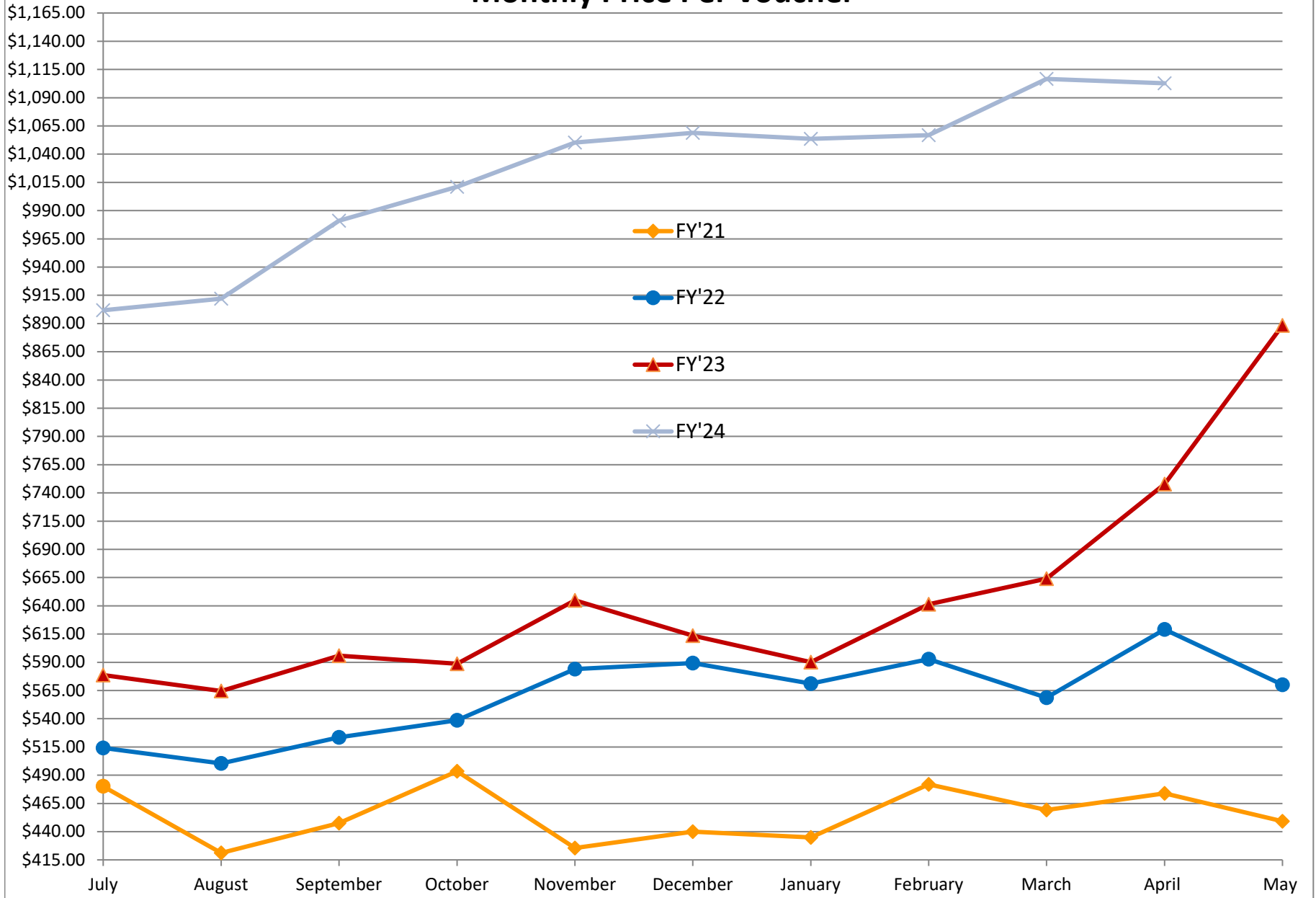
Submitted Voucher Amount



Average Voucher Price Fiscal Year to Date



Monthly Price Per Voucher



Pending UCD Cases as of April 19, 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	791	121	46	5.8%	1,637	319	302	18.4%	10	7	70.0%	2,438	440	355	14.6%
Aroostook	544	116	43	7.9%	908	311	169	18.6%	35	21	60.0%	1,487	427	233	15.7%
Caribou	103	22	9	8.7%	141	53	26	18.4%	8	4	50.0%	252	75	39	15.5%
Fort Kent	83	17	7	8.4%	200	77	27	13.5%	8	1	12.5%	291	94	35	12.0%
Houlton	155	34	10	6.5%	251	87	59	23.5%	12	9	75.0%	418	121	78	18.7%
Presque Isle	203	43	17	8.4%	316	94	57	18.0%	7	7	100.0%	526	137	81	15.4%
Cumberland	1,346	200	111	8.2%	3,667	542	600	16.4%	75	25	33.3%	5,088	742	736	14.5%
Bridgton	27	10	1	3.7%	291	36	75	25.8%	7	2	28.6%	325	46	78	24.0%
Portland	1,301	183	108	8.3%	2,889	379	415	14.4%	46	15	32.6%	4,236	562	538	12.7%
West Bath	18	7	2	11.1%	487	127	110	22.6%	22	8	36.4%	527	134	120	22.8%
Franklin	162	36	20	12.3%	412	105	95	23.1%	53	48	90.6%	627	141	163	26.0%
Hancock	416	37	17	4.1%	587	78	119	20.3%	51	30	58.8%	1,054	115	166	15.7%
Kennebec	653	108	61	9.3%	1,529	350	349	22.8%	17	6	35.3%	2,199	458	416	18.9%
Augusta	615	99	56	9.1%	1,012	221	224	22.1%	15	6	40.0%	1,642	320	286	17.4%
Waterville	38	9	5	13.2%	517	129	125	24.2%	2	0	0.0%	557	138	130	23.3%
Knox	204	37	17	8.3%	464	107	101	21.8%	8	2	25.0%	676	144	120	17.8%
Lincoln	149	23	10	6.7%	355	133	52	14.6%	3	0	0.0%	507	156	62	12.2%
Oxford	424	99	40	9.4%	820	209	165	20.1%	34	27	79.4%	1,278	308	232	18.2%
Bridgton	39	13	4	10.3%	59	20	6	10.2%	0	0	0.0%	98	33	10	10.2%
Rumford	166	35	19	11.4%	373	75	79	21.2%	22	19	86.4%	561	110	117	20.9%
South Paris	219	51	17	7.8%	388	114	80	20.6%	12	8	66.7%	619	165	105	17.0%
Penobscot	805	44	104	12.9%	1,657	37	629	38.0%	73	46	63.0%	2,535	81	779	30.7%
Bangor	773	42	93	12.0%	1,235	22	437	35.4%	26	17	65.4%	2,034	64	547	26.9%
Lincoln	11	0	6	54.5%	195	7	109	55.9%	30	22	73.3%	236	7	137	58.1%
Newport	21	2	5	23.8%	227	8	83	36.6%	17	7	41.2%	265	10	95	35.8%
Piscataquis	36	2	8	22.2%	80	1	33	41.3%	30	27	90.0%	146	3	68	46.6%
Sagadahoc	191	50	25	13.1%	446	136	117	26.2%	12	4	33.3%	649	186	146	22.5%
Somerset	262	55	22	8.4%	442	156	105	23.8%	9	5	55.6%	713	211	132	18.5%
Waldo	179	39	5	2.8%	310	100	36	11.6%	2	0	0.0%	491	139	41	8.4%
Washington	128	16	10	7.8%	239	51	48	20.1%	20	9	45.0%	387	67	67	17.3%
Calais	51	6	3	5.9%	107	25	18	16.8%	6	1	16.7%	164	31	22	13.4%
Machias	77	10	7	9.1%	132	26	30	22.7%	14	8	57.1%	223	36	45	20.2%
York	953	154	139	14.6%	3,113	775	605	19.4%	114	21	18.4%	4,180	929	765	18.3%
TOTAL	7,243	1,137	678	9.4%	16,666	3,410	3,525	21.2%	546	278	50.9%	24,455	4,547	4,481	18.3%

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, April 2023 to April 2024

Pending cases as of April 19 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2023	2024	% Diff	2023	2024	% Diff	2023	2024	% Diff	2023	2024	% Diff
Androscoggin	696	791	13.6%	2,197	1,637	-25.5%	12	10	-16.7%	2,905	2,438	-16.1%
Aroostook	727	544	-25.2%	1,039	908	-12.6%	56	35	-37.5%	1,822	1,487	-18.4%
Caribou	177	103	-41.8%	223	141	-36.8%	13	8	-38.5%	413	252	-39.0%
Fort Kent	120	83	-30.8%	169	200	18.3%	17	8	-52.9%	306	291	-4.9%
Houlton	205	155	-24.4%	280	251	-10.4%	11	12	9.1%	496	418	-15.7%
Presque Isle	225	203	-9.8%	367	316	-13.9%	15	7	-53.3%	607	526	-13.3%
Cumberland	1,272	1,346	5.8%	3,701	3,667	-0.9%	74	75	1.4%	5,047	5,088	0.8%
Bridgton	26	27	3.8%	307	291	-5.2%	15	7	-53.3%	348	325	-6.6%
Portland	1,224	1,301	6.3%	2,895	2,889	-0.2%	43	46	7.0%	4,162	4,236	1.8%
West Bath	22	18	-18.2%	499	487	-2.4%	16	22	37.5%	537	527	-1.9%
Franklin	144	162	12.5%	480	412	-14.2%	25	53	112.0%	649	627	-3.4%
Hancock	405	416	2.7%	666	587	-11.9%	46	51	10.9%	1,117	1,054	-5.6%
Kennebec	613	653	6.5%	1,648	1,529	-7.2%	31	17	-45.2%	2,292	2,199	-4.1%
Augusta	583	615	5.5%	999	1,012	1.3%	21	15	-28.6%	1,603	1,642	2.4%
Waterville	30	38	26.7%	649	517	-20.3%	10	2	-80.0%	689	557	-19.2%
Knox	233	204	-12.4%	548	464	-15.3%	20	8	-60.0%	801	676	-15.6%
Lincoln	129	149	15.5%	331	355	7.3%	8	3	-62.5%	468	507	8.3%
Oxford	493	424	-14.0%	1,217	820	-32.6%	28	34	21.4%	1,738	1,278	-26.5%
Bridgton	45	39	-13.3%	128	59	-53.9%	0	0	0.0%	173	98	-43.4%
Rumford	173	166	-4.0%	470	373	-20.6%	13	22	69.2%	656	561	-14.5%
South Paris	275	219	-20.4%	619	388	-37.3%	15	12	-20.0%	909	619	-31.9%
Penobscot	825	805	-2.4%	1,906	1,657	-13.1%	57	73	28.1%	2,788	2,535	-9.1%
Bangor	797	773	-3.0%	1,470	1,235	-16.0%	32	26	-18.8%	2,299	2,034	-11.5%
Lincoln	11	11	0.0%	204	195	-4.4%	19	30	57.9%	234	236	0.9%
Newport	17	21	23.5%	232	227	-2.2%	6	17	183.3%	255	265	3.9%
Piscataquis	38	36	-5.3%	124	80	-35.5%	48	30	-37.5%	210	146	-30.5%
Sagadahoc	192	191	-0.5%	511	446	-12.7%	11	12	9.1%	714	649	-9.1%
Somerset	247	262	6.1%	514	442	-14.0%	25	9	-64.0%	786	713	-9.3%
Waldo	168	179	6.5%	321	310	-3.4%	7	2	-71.4%	496	491	-1.0%
Washington	179	128	-28.5%	334	239	-28.4%	25	20	-20.0%	538	387	-28.1%
Calais	79	51	-35.4%	144	107	-25.7%	10	6	-40.0%	233	164	-29.6%
Machias	100	77	-23.0%	190	132	-30.5%	15	14	-6.7%	305	223	-26.9%
York	1,135	953	-16.0%	3,889	3,113	-20.0%	83	114	37.3%	5,107	4,180	-18.2%
TOTAL	7,496	7,243	-3.4%	19,426	16,666	-14.2%	556	546	-1.8%	27,478	24,455	-11.0%

Columns

- 2023** Number of cases having at least one charge without a disposition, and without a currently active warrant as of April 19, 2023
- 2024** Number of cases having at least one charge without a disposition, and without a currently active warrant as of April 19, 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, April 2019 to April 2024

Pending cases as of April 19 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2019	2024	% Diff	2019	2024	% Diff	2019	2024	% Diff	2019	2024	% Diff
Androscoggin	351	791	125.4%	1,242	1,637	31.8%	26	10	-61.5%	1,619	2,438	50.6%
Aroostook	334	544	62.9%	575	908	57.9%	32	35	9.4%	941	1,487	58.0%
Caribou	63	103	63.5%	129	141	9.3%	7	8	14.3%	199	252	26.6%
Fort Kent	27	83	207.4%	111	200	80.2%	9	8	-11.1%	147	291	98.0%
Houlton	107	155	44.9%	106	251	136.8%	4	12	200.0%	217	418	92.6%
Presque Isle	137	203	48.2%	229	316	38.0%	12	7	-41.7%	378	526	39.2%
Cumberland	831	1,346	62.0%	2,494	3,667	47.0%	107	75	-29.9%	3,432	5,088	48.3%
Bridgton	10	27	170.0%	182	291	59.9%	11	7	-36.4%	203	325	60.1%
Portland	804	1,301	61.8%	1,963	2,889	47.2%	71	46	-35.2%	2,838	4,236	49.3%
West Bath	17	18	5.9%	349	487	39.5%	25	22	-12.0%	391	527	34.8%
Franklin	97	162	67.0%	321	412	28.3%	26	53	103.8%	444	627	41.2%
Hancock	198	416	110.1%	438	587	34.0%	46	51	10.9%	682	1,054	54.5%
Kennebec	296	653	120.6%	1,027	1,529	48.9%	47	17	-63.8%	1,370	2,199	60.5%
Augusta	289	615	112.8%	609	1,012	66.2%	30	15	-50.0%	928	1,642	76.9%
Waterville	7	38	442.9%	418	517	23.7%	17	2	-88.2%	442	557	26.0%
Knox	137	204	48.9%	294	464	57.8%	5	8	60.0%	436	676	55.0%
Lincoln	96	149	55.2%	222	355	59.9%	6	3	-50.0%	324	507	56.5%
Oxford	206	424	105.8%	462	820	77.5%	29	34	17.2%	697	1,278	83.4%
Bridgton	20	39	95.0%	65	59	-9.2%	6	0	-100.0%	91	98	7.7%
Rumford	93	166	78.5%	197	373	89.3%	11	22	100.0%	301	561	86.4%
South Paris	93	219	135.5%	200	388	94.0%	12	12	0.0%	305	619	103.0%
Penobscot	366	805	119.9%	1,108	1,657	49.5%	104	73	-29.8%	1,578	2,535	60.6%
Bangor	357	773	116.5%	859	1,235	43.8%	68	26	-61.8%	1,284	2,034	58.4%
Lincoln	6	11	83.3%	74	195	163.5%	25	30	20.0%	105	236	124.8%
Newport	3	21	600.0%	175	227	29.7%	11	17	54.5%	189	265	40.2%
Piscataquis	14	36	157.1%	64	80	25.0%	41	30	-26.8%	119	146	22.7%
Sagadahoc	86	191	122.1%	227	446	96.5%	24	12	-50.0%	337	649	92.6%
Somerset	134	262	95.5%	447	442	-1.1%	40	9	-77.5%	621	713	14.8%
Waldo	96	179	86.5%	251	310	23.5%	5	2	-60.0%	352	491	39.5%
Washington	100	128	28.0%	183	239	30.6%	39	20	-48.7%	322	387	20.2%
Calais	33	51	54.5%	90	107	18.9%	7	6	-14.3%	130	164	26.2%
Machias	67	77	14.9%	93	132	41.9%	32	14	-56.3%	192	223	16.1%
York	745	953	27.9%	2,411	3,113	29.1%	105	114	8.6%	3,261	4,180	28.2%
TOTAL	4,087	7,243	77.2%	11,766	16,666	41.6%	682	546	-19.9%	16,535	24,455	47.9%

Columns

- 2019** Number of cases having at least one charge without a disposition, and without a currently active warrant as of April 19, 2019
- 2024** Number of cases having at least one charge without a disposition, and without a currently active warrant as of April 19, 2024
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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 PUBLIC DEFENSE SERVICES 2024-2025 REGULATORY AGENDA

AGENCY UMBRELLA-UNIT NUMBER: **94-649**

AGENCY NAME: **Maine Commission on Public Defense Services**

Contact Person: Jim Billings, Executive Director, 154 State House Station, Augusta, Maine 04333-0154. Telephone: (207) 287-3254; jim.billings@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:

None

EXPECTED 2024-2025 RULE-MAKING ACTIVITY:

CHAPTER 1: Commission Relationship with Assigned and Contract Counsel

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(G), (3)(A), and (4)(D)

PURPOSE: To promote the availability and quality of service of rostered counsel and increase Commission oversight by amending the legal relationship of counsel with the Commission to allow the Commission to properly discharge its statutory obligations.

ANTICIPATION SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

AMENDMENT - CHAPTER 2: Standards for Qualifications of Contract and Assigned Counsel

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(B), (3)(E) and (4)(D)

PURPOSE: To provide the Commission with a basis for determining which attorneys are qualified to be assigned to represent indigent people.

ANTICIPATED SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and licensed attorneys who apply to become eligible to receive assignments in indigent cases.

AMENDMENT - CHAPTER 3: Eligibility Requirements for Specialized Panels

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(B), (2)(G), (3)(E) and (4)(D)

PURPOSE: To provide the Commission with a basis for determining which attorneys are qualified to be assigned to represent indigent people in specialized case types.

ANTICIPATED SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and licensed attorneys who apply to become eligible to receive assignments in specialized case types.

CHAPTER 4: Caseload Standards for Assigned Counsel and Contract Counsel

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(C), (2)(G), and (4)(D)

PURPOSE: To establish caseload standards for assigned and contract counsel and a method for tracking and monitoring caseloads on an ongoing basis.

ANTICIPATION SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

CHAPTER 5: Co-counsel Requirements

STATUTORY AUTHORITY: §§ 1804(2)(D) and (4)(D)

PURPOSE: This Chapter establishes a process for requesting Co-counsel, expectations of Co-counsel, parameters for payment of Co-counsel, and guidelines for the delegation of tasks in assigned cases.

ANTICIPATED SCHEDULE: Prior to October 1, 2025.

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

CHAPTER 6: Standards Evaluation of Assigned Counsel and Contract Counsel

STATUTORY AUTHORITY: §§ 1804(2)(D) and (4)(D)

PURPOSE: To establish standards and procedures for evaluating assigned and contract counsel.

ANTICIPATED SCHEDULE: Prior to October 1, 2025.

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

CHAPTER 7: Standards and Procedures for Conflicts

STATUTORY AUTHORITY: §§ 1804(2)(E) and (4)(D)

PURPOSE: To establish procedures and standards for the representation of clients whose cases present conflicts of interest.

ANTICIPATED SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

CHAPTER 8: Audit Procedures for the Review of Counsel Vouchers and Non-Counsel Vendor Invoices

STATUTORY AUTHORITY: §§ 1804(3)(O) and (4)(D)

PURPOSE: To establish procedures for implementation of the audit management program to review the billing of assigned counsel and non-counsel vendor invoices.

ANTICIPATED SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases, attorneys who represent indigent people under contract with the Commission, and non-counsel vendors who provide necessary services in indigent cases.

AMENDMENT - CHAPTER 101: Juvenile Practice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(D), 2(G), (3)(D) and (4)(D)

PURPOSE: To amend performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in juvenile cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

AMENDMENT - CHAPTER 102: Adult Criminal Practice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(D), 2(G), (3)(D) and (4)(D)

PURPOSE: To amend performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in criminal cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

AMENDMENT - CHAPTER 103: Child Protective Practice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(D), 2(G), (3)(D) and (4)(D)

PURPOSE: To amend performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in child protective cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

CHAPTER 104: Involuntary Commitment Practice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(D), 2(G), (3)(D) and (4)(D)

PURPOSE: To establish performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in involuntary commitment cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

CHAPTER 105: Appellate Practice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(D), 2(G), (3)(D) and (4)(D)

PURPOSE: To establish performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in appellate cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

CHAPTER 106: Post-Conviction Practice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(D), 2(G), (3)(D) and (4)(D)

PURPOSE: To establish performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in post-conviction review cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

CHAPTER 107: Lawyer of the Day Practice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(D), 2(G), (3)(D) and (4)(D)

PURPOSE: To establish performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in adult and juvenile lawyer of the day appearances.

ANTICIPATION SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

AMENDMENT – CHAPTER 201: Appeals of Decisions of the Executive Director

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(3)(J) and (4)(D)

PURPOSE: To amend the administrative review and appeal process for attorneys who are aggrieved by a decision of the Executive Director or the Executive Director’s designee.

ANTICIPATION SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases, attorneys who represent indigent people under contract with the Commission, and licensed attorneys who apply to become eligible to receive assignments in indigent cases.

AMENDMENT - CHAPTER 301: Fee Schedule and Administrative Procedures for Payment of Court or Commission Assigned Counsel

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(F), (3)(B), (3)(F) and (4)(D)

PURPOSE: To amend established standards for compensation of counsel and the reimbursement of counsel expenses for rostered attorneys.

ANTICIPATED SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

AMENDMENT CHAPTER 301-A: Payment for Attending and Reimbursement of Expenses Incidental to Attending Trainings

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(F), (3)(B), (3)(F) and (4)(D)

PURPOSE: To amend the eligibility for payment to private court and/or Commission assigned counsel for attending and reimbursement of expenses incidental to attending trainings, and to set forth administrative procedures for payment and reimbursement of eligible training expenses.

ANTICIPATED SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

AMENDMENT - CHAPTER 302: Procedures Regarding Funds for Experts and Investigators

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(3)(L) and 4(D)

PURPOSE: To amend how requests for funds for non-counsel services must be filed with the Commission.

ANTICIPATED SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

AMENDMENT CHAPTER 303: Procedures Regarding Legal Research Access and Materials

STATUTORY AUTHORITY: §§ 1804(2)(G) and (4)(D)

PURPOSE: To amend the procedures for the reimbursement for necessary legal research materials for assigned or contract counsel.

ANTICIPATED SCHEDULE: Prior to October 1, 2025.

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

AMENDMENT - CHAPTER 401: Indigency Guidelines

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

PURPOSE: To amend established standards for determination of eligibility for indigent legal services.

ANTICIPATED SCHEDULE: Prior to October 1, 2025.

AFFECTED PARTIES: Indigent people who may be entitled to representation a state expenses under the United States Constitution or the Constitution or Laws of Maine.

Chapter 5: CO-COUNSEL REQUIREMENTS.

Summary: This Chapter establishes a process for requesting Co-counsel, expectations of Co-counsel, parameters for payment of Co-counsel, and guidelines for the delegation of tasks in assigned cases.

SECTION 1. DEFINITIONS.

1. Executive Director. “Executive Director” means the Executive Director of the Maine Commission on Public Defense Services (PDS) or the Executive Director’s decision-making designee.
2. Court-Assigned Counsel. “Court-Assigned Counsel” means private counsel licensed to practice law in Maine, designated eligible to receive an assignment to a particular case, and initially assigned by a Court to represent a particular client in a particular matter. For the purposes of this rule, “Court-Assigned Counsel” does not include any employee of PDS.
3. Commission-Assigned Counsel. “Commission-Assigned Counsel” means private counsel licensed to practice in Maine, designated eligible to be assigned to provide a particular service or to represent a particular client in a particular matter, and assigned by PDS to provide that service or represent a client. For the purposes of this rule, “Commission-Assigned Counsel” does not include any employee of PDS.
4. Counsel. “Counsel” means a Court-Assigned Counsel or Commission-Assigned Counsel, or both. For purposes of this rule, “Counsel” does not include any employee of PDS.
5. Co-counsel. “Co-counsel” means an attorney who works with another attorney on a particular case. Both attorneys must be counsel of record, professionally responsible for the case, and actively participate in the representation of the client.
6. Contested Hearing. “Contested Hearing” means a hearing at which a contested issue is submitted to the court for resolution after evidence is taken or witnesses are presented.
7. Eligible. “Eligible” means the status assigned to an attorney who has satisfied all the requirements of Chapter 2, 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.
8. Substantive Meeting. “Substantive Meeting” means phone calls, emails, face-to-face

meetings, and the like, with clients about matters which materially affect the disposition of the case.

9. **Substantive Appearance.** “Substantive Appearance” includes, without limitation: bail hearings, contested motions hearings, dispositional conferences at which material discussions about the case occur, adjudicatory hearings, jury selection, trial, contested sentencing hearing, commitment hearings, appellate oral argument, hearings on preliminary protective orders, jeopardy hearings, judicial reviews, entry of a plea agreement, and hearings on petitions for termination of parental rights.
10. **Informed Consent.** “Informed consent” means a person’s agreement to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct. Whether a client has given informed consent to representation shall be determined in light of the mental capacity of the client to give consent, the explanation of the advantages and risks involved provided by the lawyer seeking consent, the circumstances under which the explanation was provided and the consent obtained, the experience of the client in legal matters generally, and any other circumstances bearing on whether the client has made a reasoned and deliberate choice.

SECTION 2. PROCEDURE FOR REQUESTING CO-COUNSEL.

The procedure for requesting Co-counsel is as follows:

1. Prior to seeking appointment of Co-counsel from a court, Counsel must first obtain written authorization from the Executive Director. An attorney seeking such authorization shall submit a written request in a form designated by the Executive Director. The request must include:
 - A. The name of the client;
 - B. The type of case. If it is a criminal matter, the charge(s);
 - C. The docket number(s);
 - D. The reason Co-counsel is requested;
 - E. Whether there is already Co-counsel assigned to represent the client in the matter; and
 - F. The name of the prospective Co-counsel.
2. If the Executive Director authorizes Co-counsel, the assigned attorney must file with the applicable court a motion for appointment of Co-counsel. That motion must state that PDS has authorized the request for Co-counsel.
3. Counsel may only seek appointment of Co-counsel who is Eligible to receive PDS case assignments, but only one of the attorneys needs to have Chapter 3 eligibility for any

Specialized Panel.

SECTION 3. PARAMETERS FOR CO-COUNSEL REQUESTS.

1. The Executive Director has broad discretion in determining whether a Co-counsel request will be granted, but requests will be granted liberally.
2. Co-counsel requests will be reviewed from a client-centric perspective.
3. Absent extraordinary circumstances, the Executive Director will not authorize more than two attorneys to serve as Co-counsel for a particular client in a particular matter.
4. If Counsel does not obtain written authorization for Co-counsel from the Executive Director prior to seeking appointment of Co-counsel, then the Co-counsel will not be paid for any work on the case.
5. Co-counsel does not need to be requested for Co-counsel's work to be compensable if:
 - A. The attorney assigned and co-counsel work in the same law firm;
 - B. Co-counsel is Eligible;
 - C. The attorney who was not assigned to the case will not be appearing in court on behalf of the client, engaging in negotiations related to the case, or having Substantive Meetings with the client; and
 - D. The attorney(s) who was/were not assigned to represent the client will be spending no more than a combined total of three hours of work on the client's matter(s) unless Counsel receives prior written authorization from the Executive Director.

SECTION 4. EXPECTATIONS OF CO-COUNSEL.

1. When Co-counsel is assigned:
 - A. Each Co-counsel must enter a case for that client in the PDS electronic case management system.
 - B. Time entries for each Co-counsel must be maintained in their own case entries for that client in the PDS electronic case management system.
 - C. Each Co-counsel must be actively engaged in the representation of the client.
 - D. At least one Eligible Co-counsel must be present for all Substantive Meetings.
 - E. At least one Eligible Co-counsel must be present for every Substantive Appearance.
 - F. Counsel must avoid unnecessary duplication of effort.

SECTION 5. VERTICAL REPRESENTATION.

1. Counsel may delegate tasks related to the representation of an assigned client to another Eligible attorney only to the extent consistent with the assigned attorney's duties to the client under the Constitutions of the United States and the State of Maine, the Maine Rules of Professional Responsibility, applicable PDS rules, and to the extent consistent with this Chapter. The assigned attorney is nevertheless responsible to PDS and to the client individually for all services provided by any attorney during the period of the assignment.
2. The following tasks may not be delegated: hearings on dispositive motions; jury selection; trials; sentencing hearings; summary preliminary hearings; jeopardy hearings; contested judicial reviews; hearings on petitions for termination of parental rights; appellate oral arguments; or plea agreements, unless all the terms have been fully negotiated, reviewed with the client by the attorney assigned to represent them, and agreed to by the client.
3. Delegation of any task may only occur subject to the following:
 - A. Questions related to the delegation of any task must be resolved from a client-centric perspective.
 - B. Delegation shall be an exception to the expectation that Counsel will personally provide continuous representation of assigned clients.
 - C. Delegation of any task may be made only to Eligible attorneys.
 - D. Delegation of any task may be made only with informed client consent.
4. If an attorney cannot appear to represent a client at an appearance for which delegation is prohibited, Counsel may, with informed client consent, seek the assignment of Co-counsel in the matter. Where appropriate and permitted by rule, the appearance of Co-counsel may be limited.
5. In the context of delegation of an appearance for an assigned client, informed client consent shall include informed consent from the client to reveal those confidences and secrets as are necessary to the delegated representation.
 - A. "Confidence" refers to information protected by the attorney-client privilege under applicable law, and "secret" refers to other information relating to the representation if there is a reasonable prospect that revealing the information will adversely affect a material interest of the client or if the client has instructed the lawyer not to reveal such information.
 - B. Counsel shall document the client's informed consent prior to delegating an appearance. Where possible that informed consent shall be in writing and signed by the client. Counsel shall maintain documentation of consent and shall provide it to PDS on request.

6. If a task is delegated pursuant to this Chapter, the attorney to whom the task was delegated must enter a case in the PDS electronic case management system and bill their time under that case entry. Case entry, closure, and billing must be conducted in accordance with the applicable PDS rules.

SECTION 6. NON-COMPENSABLE TASKS.

The following tasks are non-compensable:

Supervision of any kind whether over Co-counsel or over the file generally, this includes but is not limited to an attorney's obligations pursuant to Maine Rule of Professional Conduct 5.1. However, this does not preclude compensation for time spent mentoring a less experienced attorney if that is the purpose of the Co-counsel request.

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