

MCILS

June 28, 2021

**Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

JUNE 28, 2021

ZOOM COMMISSION MEETING

AGENDA

- 1) Approval of May 24 and June 7, 2021 Commission Meeting Minutes
- 2) Report of the Executive Director
- 3) Budget Update
- 4) Rulemaking Discussion
- 5) RFP for Case Management Software
- 6) Set Date, Time and Location of Next Regular Meeting of the Commission
- 7) Public Comment
- 8) Executive Session

**Maine Commission on Indigent Legal Services – Commissioners Meeting
May 24, 2021**

Minutes

Commissioners Present by Zoom: Donald Alexander, Michael Carey, Robert Cummins, Ronald Schneider, Joshua Tardy, Mary Zmigrodski

MCILS Staff Present: Justin Andrus, Ellie Maciag

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Approval of April 26, 2021 Commission meeting minutes	No discussion.	Commissioner Alexander moved to approve. Commissioner Carey seconded. All voted in favor. Approved.
Report of the Executive Director	Director Andrus reviewed the latest operations numbers and reviewed the financial status memorandum drafted for Rep. Cardone. Director Andrus noted that the case backlog facing the courts is problematic for the Commission since the budget is not adequate to fund current operations through the biennium. Director Andrus projected between a \$4.25 and \$12 million shortfall over the biennium at the proposed funding levels. Director Andrus explained that this projected shortfall during the second year of the biennium gives him pause about hiring additional staff using current funding designated for Commission operations.	
OPEGA Update	Director Andrus will be meeting with the Government Oversight Committee on June 4 for the first quarterly update and relayed that he intends on providing the Committee with a written submission prior to the meeting covering the Commission’s current financial health, accountability measures, quality control measures, and the screener function.	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>Director Andrus reiterated that the Commission is experiencing a decrease in the number of rostered attorneys, noting that there is currently no rostered PC attorney in the St. John Valley and that Cumberland County had to look to the Androscoggin roster for a homicide case. Director Andrus stated that attorneys are removing themselves from the rosters due to caseload stress. The court practice of scheduling 2 or 3 backup cases is causing a great deal of stress for rostered attorneys. Director Andrus explained that greater financial oversight is happening with tighter compliance with data entry and that attorneys are beginning to send in reimbursement checks for overpayments following self-audits triggered by the over 12-hour email alert system. Director Andrus will be meeting with the State Auditor soon to discuss auditing best practices. Commissioner Cummins suggested exploring a less cumbersome rostering process for specialized case types and open eligibility for any qualified attorney. Commissioner Schneider countered that the Commission should not encourage overruling the court rule and disagreed with Commissioner Cummins's suggestions stating that the Commission needs to hold the line with its standards.</p>	
Legislative Update	Director Andrus will appear before the Judiciary Committee on Wednesday to discuss three pending Commission related bills.	
Rulemaking Discussion	<p>With the enforcement of the 90-day voucher rule in Chapter 301, staff has been required to return to 100% voucher review which is extremely time consuming. Director Andrus brought to the Commission's attention an issue with the 90-day voucher rule that some attorneys who don't diligently mark a time event that results in a trigger date under the rule will still be paid while someone who is diligent and notes a trigger date on their voucher will not get paid. Director Andrus sought Commission feedback on whether it was amenable to revising the rule to move away from intermediate triggers and towards a case end trigger to avoid this unforeseen consequence of the rule. Alternatively, Director Andrus</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	suggested treating the intermediate triggers as billing opportunities and not requirements. Director Andrus will present a draft rule at the next meeting.	
Attorney Billing Discussion	Director Andrus suggested the Commission consider implementing an attorney self-reporting amnesty program for instances where staff billing was included on attorney vouchers in violation of the Commission rule. Chair Tardy requested Director Andrus submit a formal written proposal that the Commission could consider.	
Record Retention	Director Andrus informed the Commission that staff was working with State Archives on developing a record retention policy.	
Juvenile Grant Opportunity	Director Andrus thanked Attorneys Nadeau and Northrop for bringing a juvenile grant opportunity to the staff's attention. Director Andrus relayed that due to limited staff, the Commission would unfortunately be unable to submit an application.	
Public Comment	<p><u>Attorney Robert Ruffner</u>: Attorney Ruffner suggested the Commission start thinking this summer about adopting policies and responses to a potential funding shortfall. Attorney Ruffner believes it would be a bad idea to change any qualification standards right now. Attorney Ruffner indicated that the Attorney General's contract for outside counsel allows for staff billing. To get better case data, Attorney Ruffner suggested moving toward bi-weekly or monthly billing.</p> <p><u>Attorney Tina Nadeau</u>: Attorney Nadeau noted that the last time Maine's juvenile system was reviewed was back in 2003. Attorney Nadeau urged the Commission to undertake a system wide review. Attorney Nadeau believes the qualification standards need to be strengthened, not lessened.</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p><u>Attorney Cory McKenna</u>: Attorney McKenna cautioned the Commission that we are reaching a breaking point for PC cases since there is not enough slack in the system for attorneys to pick up new cases. Attorney McKenna urged the Commission to do an analysis on the rate of attorney pay to incentivize attorneys to return to the rosters and for new attorneys to join the rosters. Attorney McKenna noted that the Federal CJA panel attorneys are paid \$155/hr and use a metric that attracts qualified attorneys. Attorney McKenna supports a rule change to allow for staff billing, explaining that hiring staff would allow him to accept more cases.</p> <p><u>Attorney Chris Guillory</u>: Attorney Guillory asked whether the changes to the Commission’s new billing standards have been factored into the budget projections.</p> <p><u>Attorney Jim Howaniec</u>: Attorney Howaniec expressed concern about the future of the system since a lot of good attorneys are leaving the rosters. Attorney Howaniec noted that he currently has 4 homicide cases, including one case from Portland since the court could not locate local counsel. Attorney Howaniec said that it is as bad as he has ever seen in it 30 years and that he might have to come off the rosters as well.</p>	
Executive Session	Commissioner Carey moved to go into executive session pursuant to 1 MRS 405(6)(E) to discuss the Commission’s legal rights and duties with counsel and 1 MRS 406(A)(1) to discuss the executive director position. Commissioner Alexander seconded.	
Adjournment of meeting	The next meeting will be held by Zoom on June 28, 2021 at 1:00 pm.	

**Maine Commission on Indigent Legal Services – Commissioners Meeting
June 7, 2021**

Minutes

Commissioners Present by Zoom: Donald Alexander, Meegan Burbank, Michael Carey, Robert Cummins, Roger Katz, Matthew Morgan, Ronald Schneider, Joshua Tardy, Mary Zmigrodski

MCILS Staff Present: Justin Andrus, Ellie Maciag

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
GOC/OPEGA Update	Director Andrus gave a status update on the first quarterly GOC/OPEGA report back meeting held last week. Director Andrus provided a lengthy memorandum to GOC to report on the Commission’s activities. Director Andrus relayed that he had a productive meeting with the State Auditor prior to the GOC meeting about what audit best practices.	
Chapter 301 Rulemaking Proposal	Director Andrus identified some issues with enforcement of Chapter 301 and suggested some proposed language to the rule that would address those issues. The Commissioners agreed to move forward with formal rulemaking.	
Justice Works Contract Extension & RFP Schedule	The Justice Works contract for the defenderData program is up for renewal and Director Andrus sought authority to authorize the second one-year contract extension. The Commission supported the extension. Following this final extension, the contract will have to be put out to RFP.	
Paralegal Billing Amnesty Proposal	Director Andrus informed the Commission that he has decided against pursuing his proposed staff billing amnesty program since in doing so might require an attorney to admit professional misconduct and potentially criminal conduct. Director Andrus noted that he had suspended some inquiries into paralegal billing but will resume those investigations.	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
DocuWare	Director Andrus updated the Commission on improvements to our document management system. Director Andrus is in the process of negotiating a contract with DocuWare. Currently, staff can only locate documents through a windows explorer search or by pulling paper files. DocuWare will be much more efficient document management system and will save staff time.	
Executive Session	Commissioner Carey moved to go into executive session pursuant to 1 MRS 405(6)(E) to discuss its legal rights and duties with counsel. Commissioner Alexander seconded.	
Public Comment	None	
Adjournment of meeting	The next meeting will be held by Zoom on June 28, 2021 at 1:00 pm.	

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JUSTIN ANDRUS, (INTERIM) EXECUTIVE DIRECTOR
SUBJECT: OPERATIONS REPORTS
DATE: June 15, 2021

Attached you will find the May 2021, Operations Reports for your review and our discussion at the Commission meeting on June 28, 2021. A summary of the operations reports follows:

- 2,423 new cases were opened in the DefenderData system in May. This was a 157 case increase from April. Year to date, new cases are up 3.6% from 25,263 at this time last year to 26,177 this year.
- The number of vouchers submitted electronically in May was 2,612 an increase of 103 vouchers over April, totaling \$1,178,113, an increase of \$775 over April. Year to date, the number of submitted vouchers is down by approximately 2.4%, from 30,283 at this time last year to 29,562 this year, with the total amount for submitted vouchers down 9.3%, from \$14,891,604 at this time last year to \$13,494,387 this year.
- In May, we paid 2,448 electronic vouchers totaling \$1,099,580, representing a decrease of 1,163 vouchers and a decrease of \$611,477 compared to April. Year to date, the number of paid vouchers is down approximately 5.4%, from 29,744 at this time last year to 28,126 this year, and the total amount paid is down approximately 12.4%, from \$14,604,267 at this time last year to \$12,789,399 this year.
- We paid no paper vouchers in May.
- The average price per voucher in May was \$449.18, down \$24.67 per voucher from April. Year to date, the average price per voucher is down approximately 7.3%, from \$491.00 at this time last year to \$454.72 this year.
- Drug Court and Post-Conviction Review cases had the highest average voucher in May. There were 6 vouchers exceeding \$5,000 paid in May. See attached addendum for details.
- In May, we issued 63 authorizations to expend funds: 32 for private investigators, 24 for experts, and 7 for miscellaneous services such as interpreters and transcriptionists. In May, we paid \$81,263 for experts and investigators, etc. No requests for funds were denied.
- In May, we opened 5 attorney investigations and 1 attorney was suspended.
- In May, we approved 3 requests for co-counsel.

In our All Other Account, the total expenses for the month of May were \$366,624. During May, approximately \$14,438 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$72,104 in expenses for the month of May.

In the Revenue Account, the transfer from the Judicial Branch for May, reflecting April's collections, totaled \$125,615, a decrease of approximately \$76,843 from the previous month. \$548,999 was used to pay counsel expenses in May.

During May, we had no financial activity related to training.

Vouchers over \$5,000

Comment	Voucher Total	Case Total
Murder	\$ 17,020.00	\$ 17,020.00
Murder	\$ 10,032.00	\$ 10,032.00
Murder	\$ 9,000.00	\$ 9,000.00
Post-Conviction Review (Murder)	\$ 7,698.00	\$ 23,542.00
Sexual Exploitation of Minor	\$ 5,260.00	\$ 5,260.00
Child Protection	\$ 5,248.00	\$ 7,458.00

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY21 FUND ACCOUNTING
AS OF 05/31/2021

Account 010 95F Z112 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY20 Total
FY21 Professional Services Allotment		\$ 4,372,000.00		\$ 4,312,000.00		\$ 4,452,000.00		\$ 2,113,725.00	
FY21 General Operations Allotment		\$ 48,000.00		\$ 48,000.00		\$ 48,000.00		\$ 48,000.00	
FY20 Encumbered Balance Forward		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustment		\$ 80,000.00		\$ -		\$ -		\$ -	
Budget Order Adjustment		\$ (1,236,587.00)		\$ (961,785.00)		\$ (422,569.00)		\$ 2,560,941.00	
Reduction due to encumbrance closure		\$ -		\$ -		\$ -		\$ -	
Financial Order Unencumbered Balance Fwd		\$ -		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 3,263,413.00		\$ 3,398,215.00		\$ 4,077,431.00		\$ 4,722,666.00	\$ 15,461,725.00
Total Expenses	1	\$ (765,783.81)	4	\$ (1,102,607.41)	7	\$ (1,426,842.35)	10	\$ (2,115,293.17)	
	2	\$ (940,166.23)	5	\$ (1,007,967.84)	8	\$ (1,298,739.59)	11	\$ (366,624.83)	
	3	\$ (1,428,757.76)	6	\$ (1,221,776.56)	9	\$ (1,403,907.03)	12	\$ -	
Encumbrances (Justice Works)		\$ (62,405.00)		\$ 13,277.00		\$ 20,550.50		\$ 12,717.50	\$ (15,860.00)
Encumbrances (B Taylor)		\$ (66,300.00)		\$ 13,260.00		\$ 13,260.00		\$ 8,840.00	\$ (30,940.00)
Encumbrance (Jamesa Drake training contract)		\$ -		\$ (92,400.00)		\$ -		\$ -	\$ (92,400.00)
TOTAL REMAINING		\$ 0.20		\$ 0.19		\$ (18,247.47)		\$ 2,262,305.50	\$ 2,244,058.42

Q4 Month 11

INDIGENT LEGAL SERVICES

Counsel Payments	\$ (271,828.97)
Interpreters	\$ (2,500.29)
Private Investigators	\$ (9,152.86)
Mental Health Expert	\$ (16,047.50)
Misc Prof Fees & Serv	\$ (755.85)
Transcripts	\$ (38,036.38)
Other Expert	\$ (14,460.50)
Process Servers	\$ (214.21)
Swanson Law hotel reimb	\$ (96.00)
Counsel Payments Prior FY	\$ 906.00
SUB-TOTAL ILS	\$ (352,186.56)
OPERATING EXPENSES	
Service Center	\$ -
DefenderData	\$ (5,590.00)
Parking Fees in Auburn	\$ -
Mileage/Tolls/Parking	\$ (646.20)
Mailing/Postage/Freight	\$ (236.44)
West Publishing Corp	\$ (211.96)
Safety/Protective Supplies	\$ -
Office Supplies/Equip.	\$ (426.32)
Cellular Phones	\$ (172.57)
OIT/TELCO	\$ (2,611.72)
Office Equipment Rental	\$ (123.06)
Risk Mngmnt Employee bonds in:	\$ -
Barbara Taylor monthly fees	\$ (4,420.00)
Legal Ads	\$ -
AAG Legal Svcs Quarterly Payment	\$ -
SUB-TOTAL OE	\$ (14,438.27)
TOTAL	\$ (366,624.83)

INDIGENT LEGAL SERVICES

Q4 Allotment	\$ 4,722,666.00
Q4 Encumbrances for Justice Works contract	\$ 12,717.50
Barbara Taylor Contract	\$ 8,840.00
James Drake training contract	\$ -
Q4 Expenses to date	\$ (2,481,918.00)
Remaining Q4 Allotment	\$ 2,262,305.50

Non-Counsel Indigent Legal Services

Monthly Total	\$ (81,263.59)
Total Q1	\$ 110,837.23
Total Q2	\$ 175,002.15
Total Q3	\$ 173,104.66
Total Q4	\$ 184,285.27
Fiscal Year Total	\$ 643,229.31

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY21 FUND ACCOUNTING
As of 05/31/2021

Account 014 95F Z112 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY20 Total
Total Budget Allotments		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00		\$ 2,910,396.00	\$ 3,735,396.00
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ 2,635,396.00	
Financial Order Adjustment	2	\$ -	5	\$ -	8	\$ -	11		
Budget Order Adjustment	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Budget Order Adjustment		\$ -		\$ -		\$ -	12	\$ -	\$ -
Total Budget Allotments		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00		\$ 2,910,396.00	\$ 3,735,396.00
Cash Carryover from Prior Quarter		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	1	\$ 88,434.06	4	\$ 57,481.90	7	\$ 74,019.18	10	\$ 202,458.22	
Collected from McIntosh Law		\$ -		\$ -		\$ -		\$ 3,000.00	
Collected for reimbursement of counsel fees	2	\$ 72,639.44	5	\$ 77,875.90	8	\$ 80,173.48		\$ 24.00	
Collected Revenue from JB	2	\$ 72,639.44	5	\$ 77,875.90	8	\$ 80,173.48	11	\$ 125,615.73	
Collected from McIntosh Law		\$ -		\$ -	8	\$ 6,000.00		\$ 3,000.00	
Collected from McIntosh Law	3	\$ -	6	\$ 9,000.00	9	\$ 3,000.00	12	\$ -	
Collected for reimbursement of counsel fees	3	\$ -	6		9	\$ 1,127.04	12	\$ -	
Collected from ME Ctr Public Int Reporting	3	\$ -	6	\$ 5,333.00		\$ -	12	\$ -	
Collected Revenue from JB	3	\$ 74,498.74	6	\$ 69,647.82	9	\$ 69,077.69	12	\$ -	
Returned Checks-stopped payments		\$ -		\$ -		\$ -		\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 308,211.68		\$ 297,214.52		\$ 313,570.87		\$ 334,097.95	\$ 1,253,095.02
Counsel Payments	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Other Expenses		\$ -		\$ -		\$ -	***	\$ -	
Counsel Payments	2	\$ -	5	\$ -	8	\$ -	11	\$ (548,999.12)	
Other Expenses		\$ -		\$ -		\$ -		\$ -	
Counsel Payments	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Other Expenses	*	\$ -	**	\$ -	***	\$ -		\$ -	
REMAINING ALLOTMENT		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00		\$ 2,361,396.88	\$ 3,186,396.88
Overpayment Reimbursements	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
	2	\$ -	5	\$ -	8	\$ (272.00)	11	\$ -	
	3	\$ -	6	\$ -	9	\$ (1,667.00)	12	\$ -	
REMAINING CASH Year to Date		\$ 308,211.68		\$ 297,214.52		\$ 311,631.87		\$ 334,097.95	\$ 1,251,156.02

Collections versus Allotment	
Monthly Total	\$ 125,615.73
Total Q1	\$ 235,572.24
Total Q2	\$ 219,338.62
Total Q3	\$ 233,397.39
Total Q4	\$ 328,073.95
Expenses to Date	\$ (550,938.12)
Fiscal Year Total	\$ 465,444.08

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY21 FUND ACCOUNTING
AS OF 05/31/2021

Account 010 95F Z112 01 (Personal Services)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY20 Total
FY21 Allotment		\$ 236,986.00		\$ 245,444.00		\$ 216,987.00		\$ 197,826.00	\$ 897,243.00
Financial Order Adjustments		\$ 20,000.00		\$ (20,000.00)		\$ -		\$ -	
Budget Order Adjustments		\$ -		\$ -		\$ 1,388.00		\$ -	
Budget Order Adjustments		\$ (8,758.00)		\$ 7,370.00		\$ 18,248.00		\$ 41,752.00	
Total Budget Allotments		\$ 248,228.00		\$ 232,814.00		\$ 236,623.00		\$ 239,578.00	\$ 957,243.00
Total Expenses	1	\$ (72,711.14)	4	\$ (72,760.83)	7	\$ (60,718.90)	10	\$ (72,541.59)	
	2	\$ (72,775.12)	5	\$ (72,759.89)	8	\$ (70,186.39)	11	\$ (72,104.50)	
	3	\$ (102,741.37)	6	\$ (87,292.61)	9	\$ (105,718.04)	12	\$ -	
TOTAL REMAINING		\$ 0.37		\$ 0.67		\$ (0.33)		\$ 94,931.91	\$ 94,932.62

Q4 Month 11	
Per Diem	\$ -
Salary	\$ (35,756.78)
Vacation Pay	\$ (2,484.68)
Holiday Pay	\$ (1,811.76)
Sick Pay	\$ (1,136.30)
Empl Hlth SVS/Worker Comp	\$ -
Health Insurance	\$ (11,791.24)
Dental Insurance	\$ (306.60)
Employer Retiree Health	\$ (4,284.66)
Employer Retirement	\$ (2,671.56)
Employer Group Life	\$ (374.68)
Employer Medicare	\$ (595.22)
Retiree Unfunded Liability	\$ (7,771.74)
Longevity Pay	\$ (160.00)
Perm Part Time Full Ben	\$ (2,959.28)
Premium & Standard OT	\$ -
Retro Lump Sum Pymt	\$ -
TOTAL	\$ (72,104.50)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

5/31/2021

DefenderData Case Type	May-21						Fiscal Year 2021			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	16	15	\$ 23,040.50	14	\$ 21,289.94	\$ 1,520.71	94	150	\$ 238,234.38	\$ 1,588.23
Child Protection Petition	200	384	\$ 204,011.55	374	\$ 199,432.25	\$ 533.24	2,077	4,494	\$ 2,546,572.27	\$ 566.66
Drug Court	0	13	\$ 24,636.00	12	\$ 19,277.00	\$ 1,606.42	6	103	\$ 130,808.00	\$ 1,269.98
Emancipation	7	6	\$ 1,440.20	4	\$ 687.00	\$ 171.75	63	54	\$ 14,885.88	\$ 275.66
Felony	543	497	\$ 344,951.38	447	\$ 303,848.83	\$ 679.75	6,056	5,312	\$ 3,414,481.06	\$ 642.79
Involuntary Civil Commitment	106	98	\$ 18,642.00	89	\$ 17,184.08	\$ 193.08	1,038	938	\$ 181,739.03	\$ 193.75
Juvenile	42	73	\$ 22,785.90	73	\$ 27,064.38	\$ 370.74	623	739	\$ 346,502.26	\$ 468.88
Lawyer of the Day - Custody	244	188	\$ 42,989.20	215	\$ 47,722.55	\$ 221.97	2,666	2,423	\$ 567,625.36	\$ 234.27
Lawyer of the Day - Juvenile	29	19	\$ 4,372.95	26	\$ 6,551.36	\$ 251.98	275	222	\$ 47,253.03	\$ 212.85
Lawyer of the Day - Walk-in	192	138	\$ 33,423.82	146	\$ 36,206.82	\$ 247.99	1,682	1,490	\$ 353,246.94	\$ 237.08
Misdemeanor	804	812	\$ 249,439.40	697	\$ 221,765.20	\$ 318.17	9,220	7,519	\$ 2,470,338.93	\$ 328.55
Petition, Modified Release Treatment	2	4	\$ 2,400.71	2	\$ 1,515.55	\$ 757.78	7	54	\$ 25,312.12	\$ 468.74
Petition, Release or Discharge	0	1	\$ 475.25	0			1	8	\$ 5,659.63	\$ 707.45
Petition, Termination of Parental Rights	36	56	\$ 41,090.92	56	\$ 51,546.76	\$ 920.48	309	728	\$ 486,741.87	\$ 668.60
Post Conviction Review	6	10	\$ 15,280.05	5	\$ 10,151.20	\$ 2,030.24	65	79	\$ 113,668.45	\$ 1,438.84
Probate	5	0		3	\$ 2,778.80	\$ 926.27	30	18	\$ 28,312.20	\$ 1,572.90
Probation Violation	120	93	\$ 35,505.42	102	\$ 38,684.27	\$ 379.26	1,258	1,290	\$ 539,315.34	\$ 418.07
Represent Witness on 5th Amendment	4	1	\$ 864.00	1	\$ 864.00	\$ 864.00	8	5	\$ 2,658.00	\$ 531.60
Resource Counsel Criminal	0	3	\$ 696.00	2	\$ 354.00	\$ 177.00	0	21	\$ 3,150.00	\$ 150.00
Resource Counsel Juvenile	0	0		0			0	5	\$ 468.00	\$ 93.60
Resource Counsel Protective Custody	0	0		0			2	4	\$ 1,002.00	\$ 250.50
Review of Child Protection Order	66	200	\$ 111,817.85	177	\$ 91,458.53	\$ 516.71	685	2,460	\$ 1,267,827.71	\$ 515.38
Revocation of Administrative Release	1	1	\$ 250.40	3	\$ 1,198.40	\$ 399.47	12	10	\$ 3,596.92	\$ 359.69
DefenderData Sub-Total	2,423	2,612	\$ 1,178,113.50	2,448	\$ 1,099,580.92	\$ 449.18	26,177	28,126	\$ 12,789,399.38	\$ 454.72
Paper Voucher Sub-Total										
TOTAL	2,423	2,612	\$1,178,113.50	2,448	\$1,099,580.92	\$ 449.18	26,177	28,126	\$ 12,789,399.38	\$ 454.72

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

5/31/2021

Court	May-21						Fiscal Year 2021			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	4	3	\$ 1,206.00	7	\$ 3,096.00	\$ 442.29	45	53	\$ 23,133.50	\$ 436.48
AUBSC	2	0		1	\$ 798.00	\$ 798.00	9	8	\$ 5,452.00	\$ 681.50
AUGDC	33	50	\$ 31,285.20	44	\$ 26,035.22	\$ 591.71	388	601	\$ 341,137.83	\$ 567.62
AUGSC	6	12	\$ 8,309.21	17	\$ 12,807.55	\$ 753.39	62	115	\$ 65,471.37	\$ 569.32
BANDC	57	66	\$ 19,724.00	79	\$ 21,079.00	\$ 266.82	689	1,159	\$ 331,170.19	\$ 285.74
BANSC	2	0		0			3	8	\$ 4,254.70	\$ 531.84
BATSC	1	0		0			2	3	\$ 1,695.00	\$ 565.00
BELDC	26	36	\$ 19,929.34	19	\$ 7,337.20	\$ 386.17	123	359	\$ 189,707.86	\$ 528.43
BELSC	1	0		0			3	1	\$ 126.00	\$ 126.00
BIDDC	56	78	\$ 42,459.02	64	\$ 36,493.88	\$ 570.22	477	707	\$ 441,075.89	\$ 623.87
BRIDC	15	14	\$ 5,213.68	19	\$ 8,643.47	\$ 454.92	114	250	\$ 123,076.24	\$ 492.30
CALDC	11	8	\$ 3,102.00	5	\$ 2,259.00	\$ 451.80	48	81	\$ 42,013.15	\$ 518.68
CARDC	4	20	\$ 8,646.90	26	\$ 16,396.70	\$ 630.64	72	246	\$ 101,961.53	\$ 414.48
CARSC	0	0		0			1	1	\$ 360.00	\$ 360.00
DOVDC	7	18	\$ 8,126.12	16	\$ 6,941.40	\$ 433.84	72	151	\$ 68,564.48	\$ 454.07
DOVSC	0	0		0			1	0		
ELLDC	23	33	\$ 19,671.00	28	\$ 19,644.00	\$ 701.57	174	378	\$ 232,637.70	\$ 615.44
ELLSC	0	0		2	\$ 330.00	\$ 165.00	2	2	\$ 330.00	\$ 165.00
FARDC	9	21	\$ 8,594.89	19	\$ 10,007.14	\$ 526.69	63	160	\$ 93,951.18	\$ 587.19
FARSC	0	0		1	\$ 174.00	\$ 174.00	1	4	\$ 2,347.35	\$ 586.84
FORDC	4	12	\$ 6,654.99	5	\$ 567.99	\$ 113.60	87	132	\$ 67,316.53	\$ 509.97
HOUDC	11	15	\$ 8,659.84	18	\$ 10,961.52	\$ 608.97	102	234	\$ 136,122.55	\$ 581.72
HOUSC	1	1	\$ 862.00	1	\$ 570.00	\$ 570.00	3	1	\$ 570.00	\$ 570.00
LEWDC	57	89	\$ 40,377.28	105	\$ 61,619.20	\$ 586.85	684	1,063	\$ 559,223.13	\$ 526.08
LINDC	8	10	\$ 3,433.56	8	\$ 3,418.68	\$ 427.34	96	134	\$ 63,587.24	\$ 474.53
MACDC	4	4	\$ 2,214.00	4	\$ 1,470.00	\$ 367.50	18	57	\$ 36,597.63	\$ 642.06
MACSC	0	0		1	\$ 270.00	\$ 270.00	3	4	\$ 2,606.30	\$ 651.58
MADDC	0	0		0			7	4	\$ 1,600.08	\$ 400.02
MILDC	5	2	\$ 870.00	5	\$ 1,614.00	\$ 322.80	56	75	\$ 22,329.60	\$ 297.73
NEWDC	8	18	\$ 5,338.70	10	\$ 4,586.78	\$ 458.68	131	281	\$ 96,605.54	\$ 343.79
PORDC	84	122	\$ 45,798.68	140	\$ 62,145.84	\$ 443.90	817	1,294	\$ 653,348.58	\$ 504.91
PORSC	4	0		0			14	4	\$ 3,259.52	\$ 814.88
PREDC	6	23	\$ 9,040.48	19	\$ 4,524.00	\$ 238.11	107	237	\$ 97,452.26	\$ 411.19
RODC	11	15	\$ 5,264.80	11	\$ 3,437.20	\$ 312.47	171	262	\$ 121,449.67	\$ 463.55
ROCSC	2	1	\$ 240.00	0			7	9	\$ 2,148.00	\$ 238.67
RUMDC	14	28	\$ 18,224.66	13	\$ 6,798.60	\$ 522.97	102	240	\$ 167,746.30	\$ 698.94
SKODC	32	57	\$ 23,479.71	65	\$ 28,170.75	\$ 433.40	280	583	\$ 258,904.68	\$ 444.09
SKOSC	3	0		0			5	1	\$ 330.00	\$ 330.00
SOUDC	15	9	\$ 6,897.00	7	\$ 5,190.00	\$ 741.43	87	172	\$ 90,482.77	\$ 526.06
SOUSC	0	1	\$ 540.00	0			4	3	\$ 477.50	\$ 159.17
SPRDC	24	35	\$ 23,481.60	38	\$ 24,181.36	\$ 636.35	292	463	\$ 271,824.40	\$ 587.09
Law Ct	10	11	\$ 17,175.01	10	\$ 15,425.70	\$ 1,542.57	75	116	\$ 201,563.00	\$ 1,737.61
YORCD	299	221	\$ 94,890.40	194	\$ 102,069.21	\$ 526.13	2,211	1,899	\$ 1,038,998.35	\$ 547.13
AROCD	139	162	\$ 58,597.29	128	\$ 41,745.44	\$ 326.14	1,410	1,186	\$ 411,132.49	\$ 346.65
ANDCD	117	113	\$ 57,084.09	121	\$ 53,247.49	\$ 440.06	1,923	1,837	\$ 702,500.16	\$ 382.42
KENCD	177	185	\$ 65,417.79	172	\$ 50,934.39	\$ 296.13	1,939	1,772	\$ 705,382.68	\$ 398.07
PENCD	272	189	\$ 83,641.53	161	\$ 69,959.51	\$ 434.53	2,637	1,932	\$ 786,407.98	\$ 407.04
SAGCD	30	25	\$ 10,188.48	31	\$ 10,932.50	\$ 352.66	378	350	\$ 129,068.65	\$ 368.77
WALCD	49	50	\$ 18,223.18	65	\$ 29,401.06	\$ 452.32	687	516	\$ 203,952.18	\$ 395.26
PISCD	21	26	\$ 11,936.31	12	\$ 3,923.09	\$ 326.92	222	190	\$ 56,010.97	\$ 294.79
HANCD	56	49	\$ 19,827.00	60	\$ 28,758.00	\$ 479.30	624	528	\$ 235,997.78	\$ 446.97
FRACD	26	34	\$ 15,909.24	28	\$ 12,627.65	\$ 450.99	439	502	\$ 209,223.42	\$ 416.78
WASCD	31	44	\$ 33,500.48	55	\$ 37,070.68	\$ 674.01	511	446	\$ 197,199.18	\$ 442.15
CUMCD	395	353	\$ 155,180.17	349	\$ 144,451.53	\$ 413.90	4,155	3,585	\$ 1,665,249.05	\$ 464.50
KNOCD	51	89	\$ 31,283.52	58	\$ 17,047.34	\$ 293.92	745	612	\$ 232,378.75	\$ 379.70
SOMCD	57	78	\$ 33,190.38	57	\$ 14,956.32	\$ 262.39	835	743	\$ 219,716.62	\$ 295.72
OXFCD	63	57	\$ 27,927.40	44	\$ 25,230.99	\$ 573.43	927	911	\$ 351,081.61	\$ 385.38
LINCD	33	33	\$ 12,825.64	20	\$ 5,298.44	\$ 264.92	423	428	\$ 165,807.92	\$ 387.40
WATDC	27	46	\$ 29,062.60	37	\$ 17,997.04	\$ 486.41	249	481	\$ 260,752.60	\$ 542.11
WESDC	8	30	\$ 17,989.37	33	\$ 18,203.05	\$ 551.61	209	317	\$ 159,216.96	\$ 502.26
WISDC	2	9	\$ 3,975.96	7	\$ 3,633.96	\$ 519.14	71	122	\$ 78,484.12	\$ 643.31
WISSC	0	0		1	\$ 2,432.05	\$ 2,432.05	1	6	\$ 6,087.20	\$ 1,014.53
YORDC	10	7	\$ 2,643.00	8	\$ 2,667.00	\$ 333.38	84	107	\$ 50,739.46	\$ 474.20
TOTAL	2,423	2,612	\$ 1,178,113.50	2,448	\$ 1,099,580.92	\$ 449.18	26,177	28,126	\$ 12,789,399.38	\$ 454.72

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

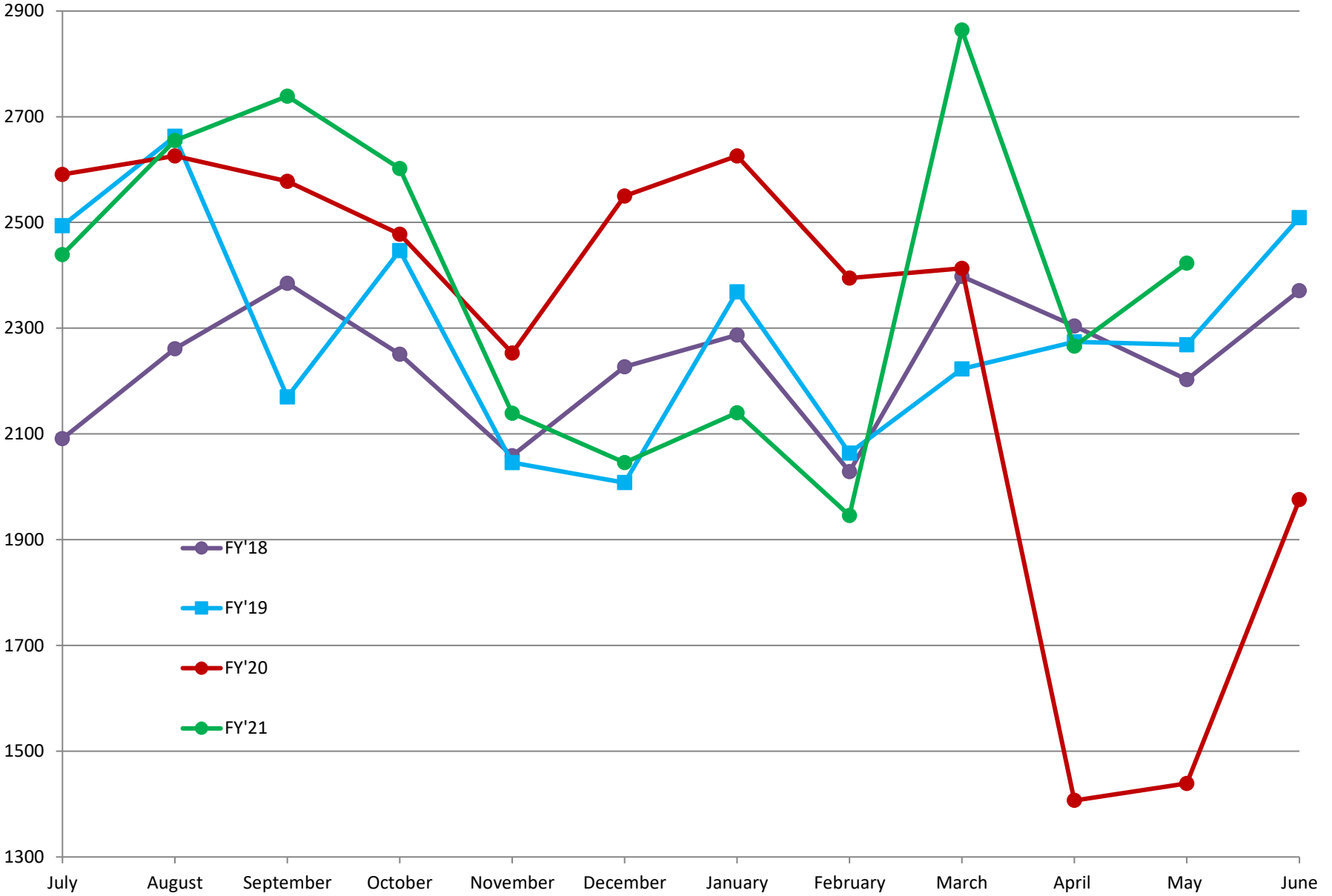
Number of Attorneys Rostered by Court

5/31/2021

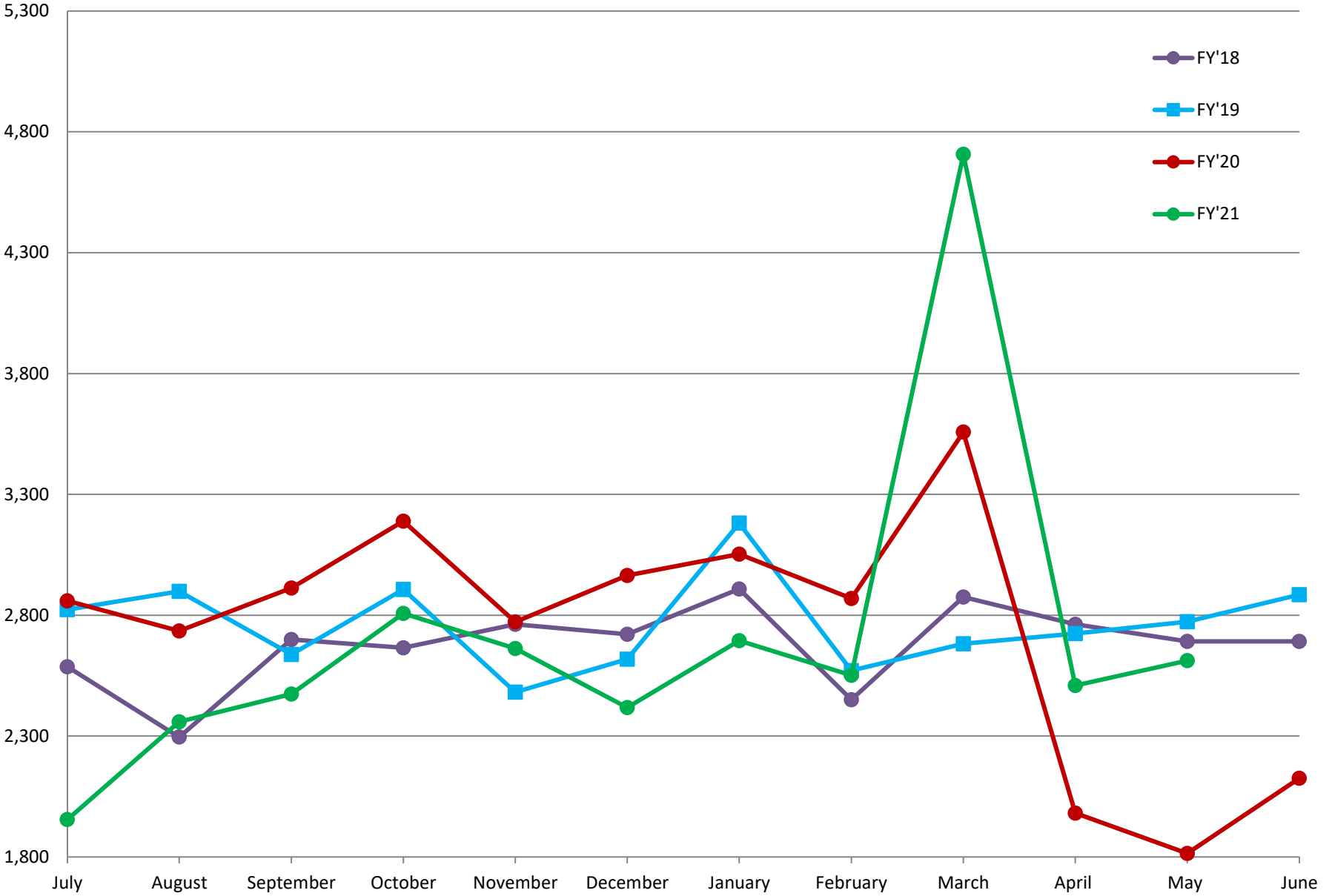
Court	Rostered Attorneys
Augusta District Court	72
Bangor District Court	37
Belfast District Court	34
Biddeford District Court	105
Bridgton District Court	63
Calais District Court	9
Caribou District Court	14
Dover-Foxcroft District Court	23
Ellsworth District Court	28
Farmington District Court	28
Fort Kent District Court	10
Houlton District Court	11
Lewiston District Court	99
Lincoln District Court	20
Machias District Court	13
Madawaska District Court	10
Millinocket District Court	14
Newport District Court	26
Portland District Court	123
Presque Isle District Court	12
Rockland District Court	28
Rumford District Court	19
Skowhegan District Court	19

Court	Rostered Attorneys
South Paris District Court	41
Springvale District Court	90
Unified Criminal Docket Alfred	87
Unified Criminal Docket Aroostook	20
Unified Criminal Docket Auburn	81
Unified Criminal Docket Augusta	68
Unified Criminal Docket Bangor	36
Unified Criminal Docket Bath	73
Unified Criminal Docket Belfast	32
Unified Criminal Docket Dover Foxcroft	20
Unified Criminal Docket Ellsworth	30
Unified Criminal Docket Farmington	31
Unified Criminal Docket Machias	14
Unified Criminal Docket Portland	122
Unified Criminal Docket Rockland	23
Unified Criminal Docket Skowhegan	19
Unified Criminal Docket South Paris	38
Unified Criminal Docket Wiscasset	44
Waterville District Court	34
West Bath District Court	82
Wiscasset District Court	49
York District Court	83

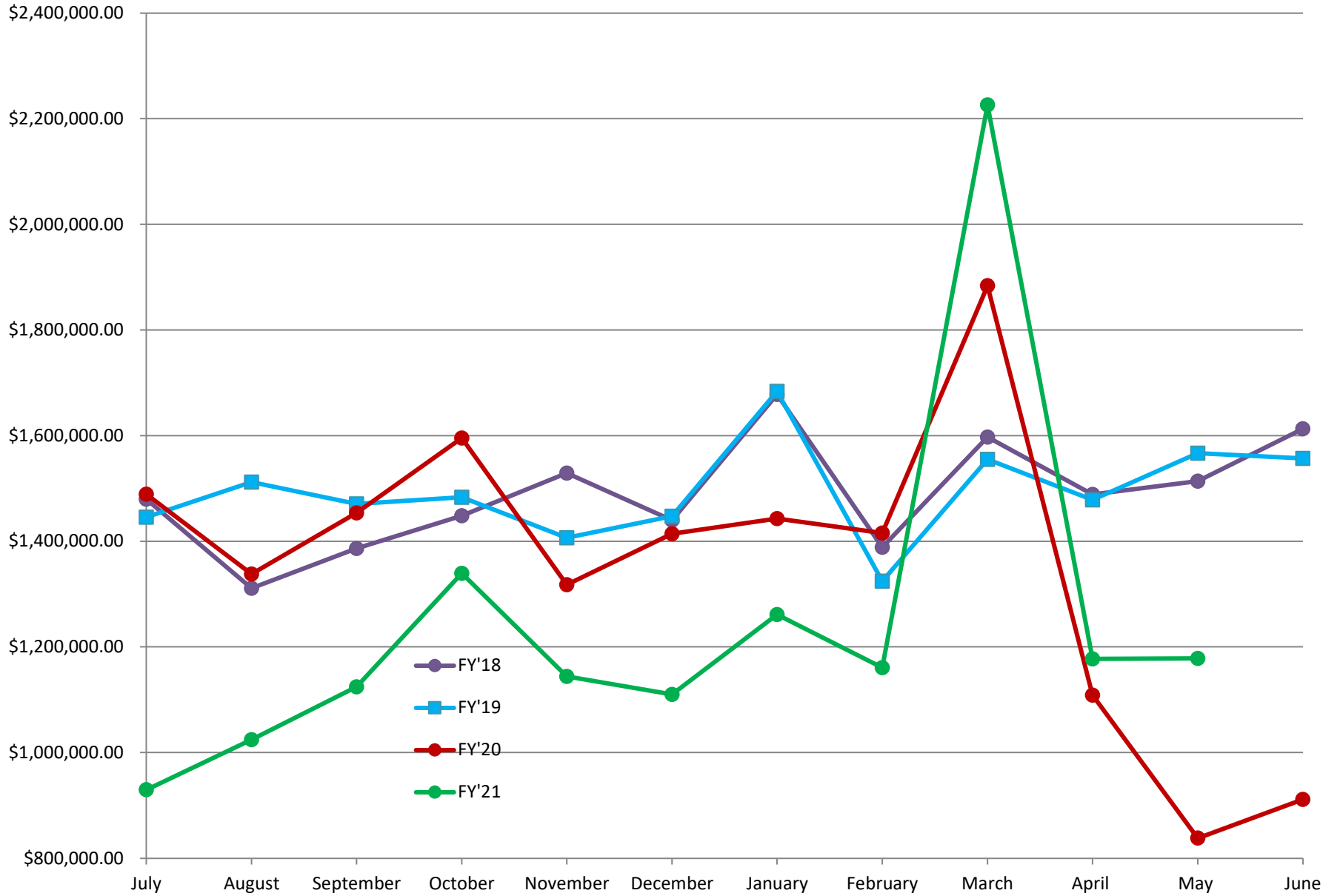
NEW CASES



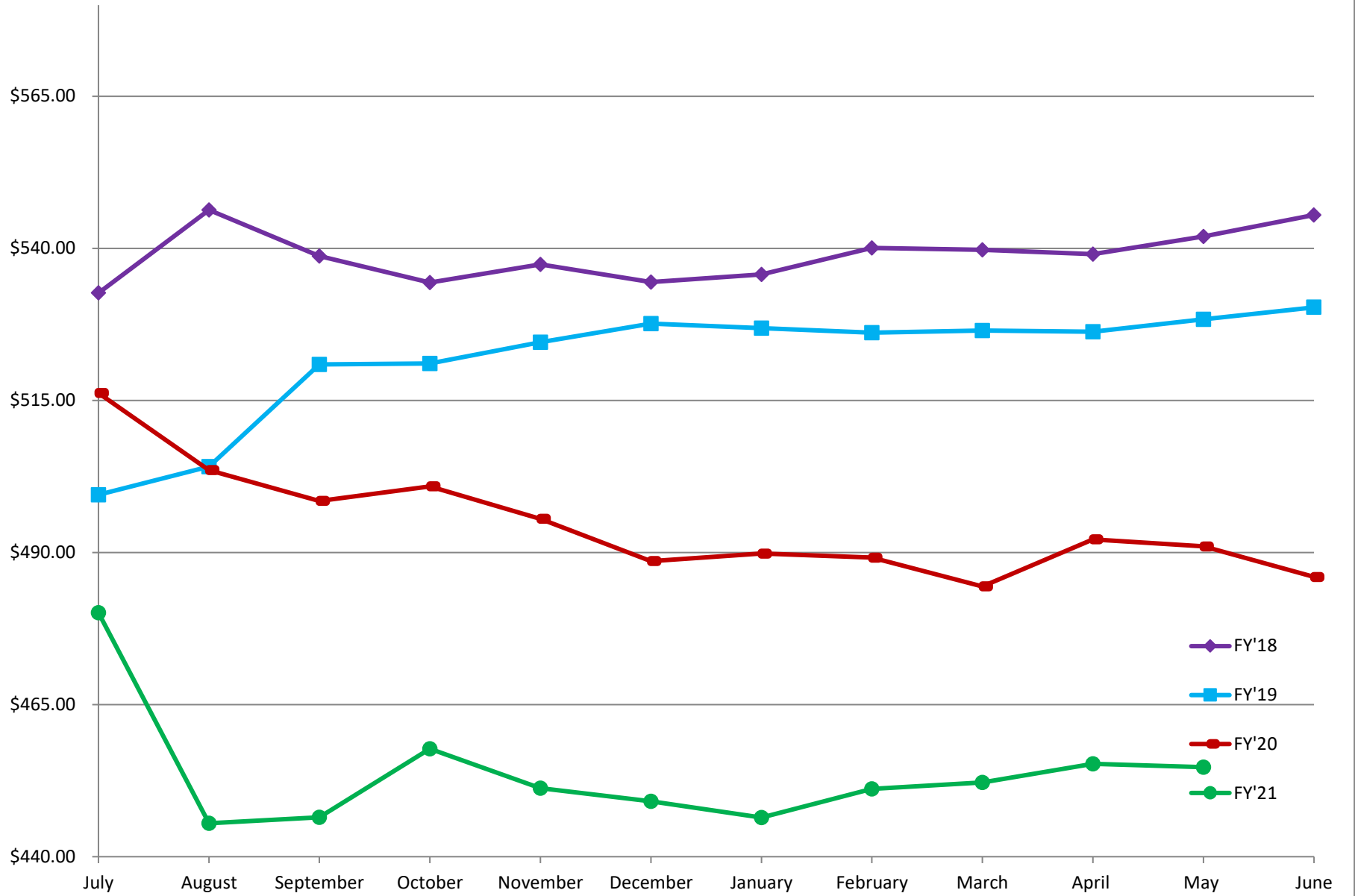
Submitted Vouchers



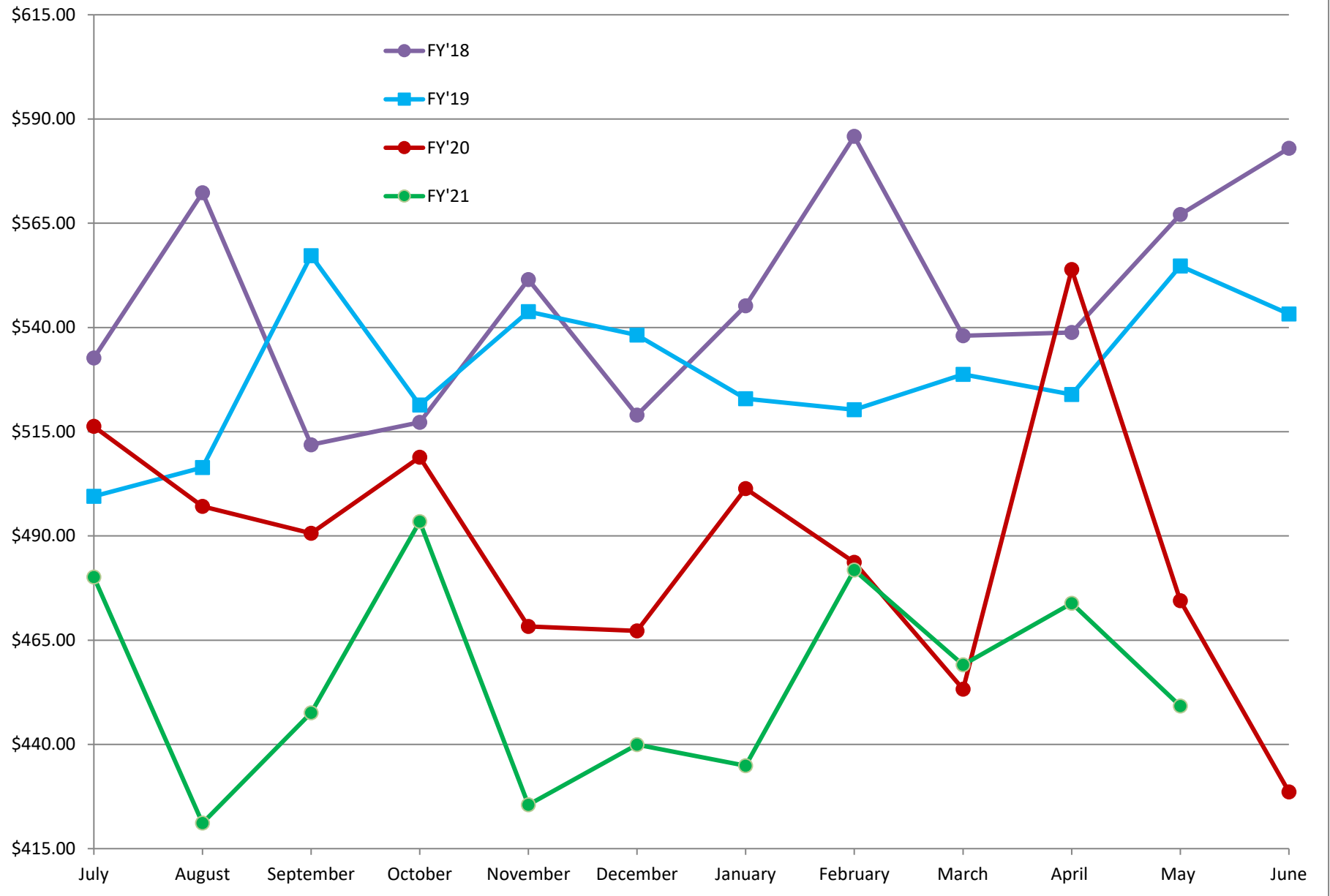
Submitted Voucher Amount



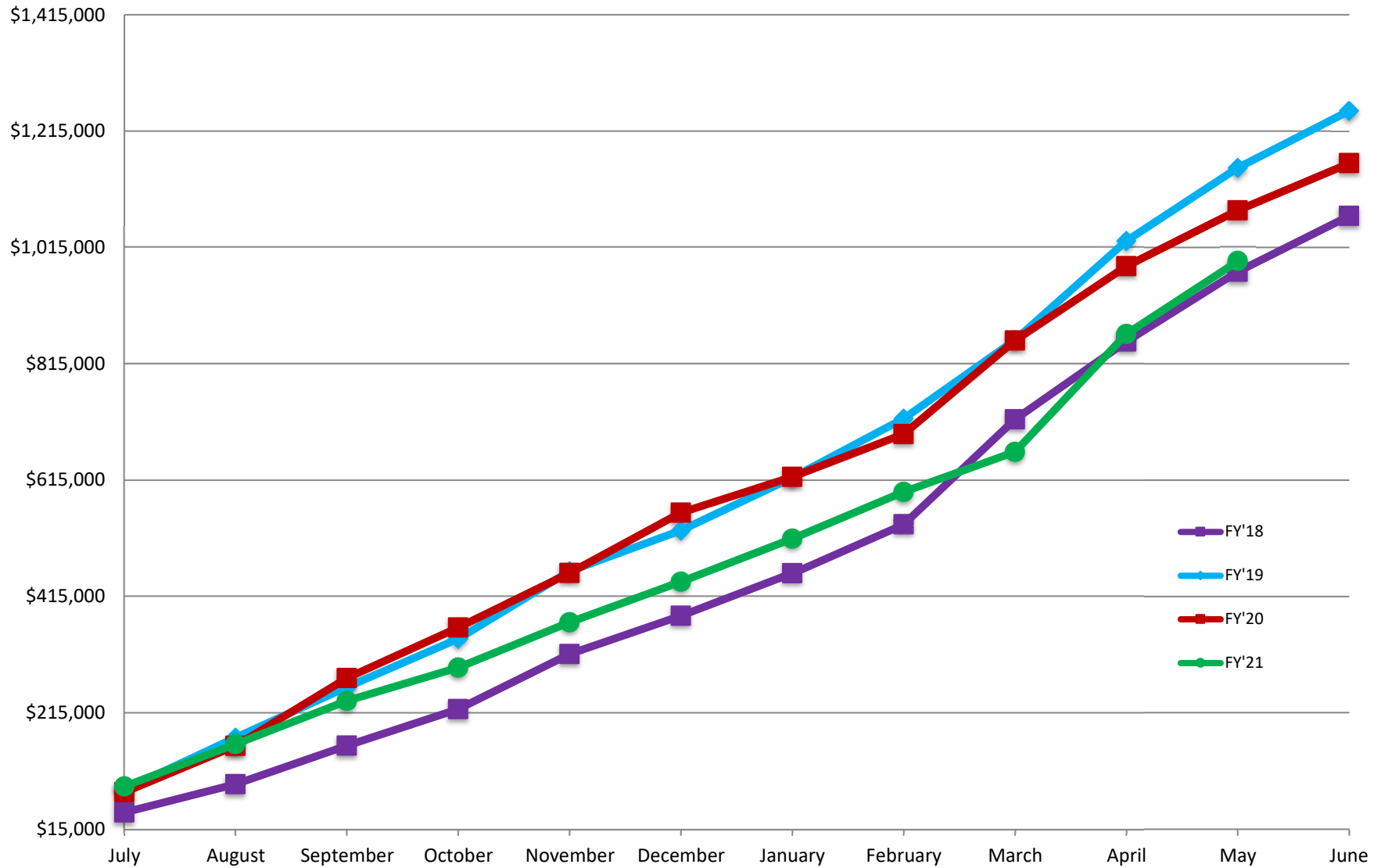
Average Voucher Price Fiscal Year to Date



Monthly Price Per Voucher



COLLECTION TOTALS FY'18 to FY'21



94-649 MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Chapter 301: FEE SCHEDULE AND ADMINISTRATIVE PROCEDURES FOR PAYMENT OF COMMISSION ASSIGNED COUNSEL

Summary: This Chapter establishes a fee schedule and administrative procedures for payment of Commission assigned counsel. The Chapter sets a standard hourly rate and maximum fee amounts 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 that, unless an attorney has received prior authorization to do otherwise, all vouchers must be submitted using the MCILS electronic case management system.

SECTION 1. DEFINITIONS

1. Attorney. "Attorney" means an attorney licensed to practice law in the State of Maine.
2. MCILS or Commission. "MCILS" or "Commission" means the Commissioners of the Maine Commission on Indigent Legal Services.
3. Executive Director. "Executive Director" means the Executive Director of MCILS or the Executive Director's decision-making designee.

SECTION 2. HOURLY RATE OF PAYMENT

Effective July 1, 2015:

A rate of Sixty Dollars (\$60.00) per hour is authorized for time spent on an assigned case.

SECTION 3. EXPENSES

1. **Routine Office Expenses.** Routine Office expenses are considered to be included in the hourly rate. Routine office expenses, including but not limited to postage, express postage, regular telephone, cell telephone, fax, office overhead, utilities, [non-attorney staff secretarial](#) services, routine copying (under 100 pages), local phone calls, parking (except as stated below), and office supplies, etc., will not be reimbursed.
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), collect phone calls, extensive copying (over 100 pages), 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. Necessary parking fees associated with multi-day trials and hearings will be reimbursed, ~~but must be approved in advance by the Executive Director.~~
3. **Travel Reimbursement.** Mileage reimbursement shall not exceed the applicable State rate. Mileage reimbursement will be paid for travel to and from courts other than an attorney's home district and superior court. Mileage reimbursement will not be paid for

travel to and from an attorney's home district and superior courts. Tolls will be reimbursed, except that tolls will not be reimbursed for travel to and from attorney's home district and superior court. All out-of-state travel, other than same day travel to meet with a client or witness in custody in another jurisdiction, or any overnight travel must be approved by the MCILS 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 documented.
5. **Discovery Materials.** The MCILS will reimburse only for one set of discovery materials. If counsel is permitted to withdraw, appropriate copies of discovery materials must be forwarded to new counsel forthwith.
6. **Expert and Investigator Expenses.** Other non-routine expenses for payment to third parties, ~~which historically required preapproval by the Court before July 1, 2010~~ (e.g., investigators, interpreters, medical and psychological experts, testing, depositions, etc.) are required to be approved in advance by MCILS. Funds for third-party services will be provided by the MCILS only upon written request and a sufficient demonstration of reasonableness, relevancy, and need in accordance with the MCILS 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.** In criminal and juvenile cases, witness, subpoena, and service fees will be reimbursed only pursuant to M.R. Crim. P. 17(b). It is unnecessary for counsel to advance these costs, and they shall not be included as a voucher expense. 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. MAXIMUM FEES

Vouchers submitted for amounts greater than the applicable maximum fees outlined in this section will not be approved for payment, except as approved by the Executive Director:

1. **Trial Court Criminal Fees**
 - A. Maximum fees, excluding any itemized expenses, are set in accordance with this subsection. Counsel must provide MCILS with written justification for any voucher that exceeds the maximum fee limit.

Effective July 1, 2015:

- 1) **Murder.** Fee to be set by the Executive Director on a case by case basis.
- 2) **Class A.** \$3,000
- 3) **Class B and C (against person).** \$2,250
- 4) **Class B and C (against property).** \$1,500

- 5) **Class D and E (Superior or Unified Criminal Court).** \$750
 - 6) **Class D and E (District Court).** \$540
 - 7) **Post-Conviction Review.** \$1,200
 - 8) **Probation Revocation.** \$540
 - 9) **Miscellaneous (i.e. witness representation on 5th Amendment grounds, etc.)** \$540
 - 10) **Juvenile.** \$540
- B. In cases involving multiple counts against a single defendant, the maximum fee shall be that which applies to the most serious count. In cases where a defendant is charged with a number of unrelated offenses, Counsel is expected to coordinate and consolidate services as much as possible.
- C. Criminal and juvenile cases will include all proceedings through disposition as defined in Section [6.1.C5.1-A](#) below. Any subsequent proceedings, such as probation revocation, will require new application and appointment.
- D. When doing so will not adversely affect the attorney-client relationship, Commission-assigned counsel are urged to limit travel and waiting time by cooperating with each other to stand in at routine, non-dispositive matters by having one attorney appear at such things as arraignments and routine non-testimonial motions, instead of having all Commission-assigned counsel in an area appear.
- E. Upon written request to MCILS, assistant counsel may be appointed in a murder case or other complicated cases, or to provide mentorship:
- 1) the duties of each attorney must be clearly and specifically defined and counsel must ~~avoid not unnecessary duplication duplicate of~~ effort;
 - 2) each attorney must submit a voucher to MCILS. Counsel should coordinate the submission of voucher so that they can be reviewed together. Co-counsel who practice in the same firm may submit a single voucher that reflects the work done by each attorney.

2. **District Court Child Protection**

- A. Maximum fees, excluding any itemized expenses, for Commission-assigned counsel in child protective cases are set in accordance with the following schedule:

Effective July 1, 2015:

- 1) **Child protective cases** (each stage). \$900

2) **Termination of Parental Rights** (with a hearing). \$ 1,260

- B. Counsel must provide MCILS with written justification for any voucher that exceeds the maximum fee limit. Each child protective stage ends when a proceeding results in a court order as defined in Section 5.1.B below. Each distinct stage in on-going child protective cases shall be considered a new appointment for purposes of the maximum fee. A separate voucher must be submitted at the end of each stage.

3. **Other District Court Civil**

- A. Maximum fees, excluding any itemized expenses, are set in accordance with this subsection. Counsel must provide MCILS with written justification for any voucher that exceeds the maximum fee limit.

Effective July 1, 2015:

- 1) **Application for Involuntary Commitment.** \$420
- 2) **Petition for Emancipation.** \$420
- 3) **Petition for Modified Release Treatment.** \$420
- 4) **Petition for Release or Discharge.** \$420

4. **Law Court**

- A. Maximum fees, excluding any itemized expenses, for Commission-assigned counsel are set in accordance with the following schedule:

Effective July 1, 2015:

- 1) **Appellate work following the grant of petition for certificate of probable cause.** \$1,200
- B. Expenses shall be reimbursed for printing costs and mileage to oral argument at the applicable state rate. Vouchers for payment of counsel fees and expenses must be submitted, including an itemization of time spent.

SECTION 5: MINIMUM FEES

Effective July 1, 2015:

1. Attorneys may charge a minimum fee of \$150.00 for appearance as Lawyer of the Day. Vouchers seeking the minimum fee shall 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 regardless of the number of clients consulted at the request of the court.

SECTION 6: ADMINISTRATION

1. Vouchers for payment of counsel fees and expenses shall be submitted within ninety days ~~of a terminal case event after the date of disposition of a criminal, juvenile or appeals case, or, completion of a stage of a child protection case resulting in an order. Vouchers submitted more than ninety days after final disposition, or completion of a stage of a child protection case, shall not be paid. Lawyer of the Day and specialty courts shall be billed within 90 days of the service provided. Vouchers not submitted within 90-~~ days of a terminal event cannot be paid, 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. Counsel are encouraged to submit interim vouchers not more often than once every 90 days per case. Counsel may request reconsideration of a voucher rejected between April 1, 2021 and the effective date of this rule if that voucher would be payable under this rule.

A. For purposes of this rule, "disposition" of a criminal or juvenile case shall be at the following times: ~~REPEALED.~~

- ~~1) entry of judgment (sentencing, acquittal, dismissal, or filing);~~
- ~~2) upon entry of a deferred disposition;~~
- ~~3) upon issuance of a warrant of arrest for failure to appear;~~
- ~~4) upon granting of leave to withdraw;~~
- ~~5) upon decision of any post-trial motions;~~
- ~~6) upon completion of the services the attorney was assigned to provide (e.g., mental health hearings, "lawyer of the day," bail hearings, etc.); or~~
- ~~7) specific authorization of the Executive Director to submit an interim voucher.~~

~~B. For purposes of this rule, "each stage" of a child protection case shall be:~~

- ~~1) Order after Summary Preliminary hearing or Agreement~~
- ~~2) Order after Jeopardy Hearing~~
- ~~3) Order after each Judicial Review~~
- ~~4) Order after a Cease Reunification Hearing~~

~~5) Order after Permanency Hearing~~

~~6) Order after Termination of Parental Rights Hearing~~

~~7) Law Court Appeal REPEALED~~

C. Terminal case events are:

1) The withdrawal of counsel

2) The entry of dismissal of all charges or petitions

3) Judgment in a case, or

4) Final resolution of post-judgment proceedings

2. Unless otherwise authorized in advance, all vouchers must be submitted using the MCILS electronic case management program and comply with all instructions for use of the system.
3. All time on vouchers shall be detailed and accounted for in .10 of an hour increments. The purpose for each time entry must be self-evident or specifically stated. Use of the comment section is recommended.
4. All expenses claimed for reimbursement must be fully itemized on the voucher. Copies of receipts for payments to third parties shall be retained and supplied upon request.
5. Legal services provided in the district court for cases subsequently transferred to the superior court shall be included in the voucher submitted to the MCILS at disposition of the case.

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