

MCILS

**April 24, 2018
Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

APRIL 24, 2018

COMMISSION MEETING

**CRIMINAL JUSTICE COMMITTEE ROOM, ROOM 436, STATEHOUSE,
AUGUSTA**

AGENDA

- 1) Approval of March 26, 2018, Commission Meeting Minutes
- 2) Operations Reports
- 3) Legislative Update
- 4) Action Items Discussion
- 5) Somerset Contract Update
- 6) Public Comment
- 7) Set Date, Time and Location of Next Regular Meeting of the Commission
- 8) Executive Session, if needed (Closed to Public)

(1.)
March 26, 2018
Commission Meeting
Minutes

**Maine Commission on Indigent Legal Services – Commissioners Meeting
March 26, 2018**

Minutes

Commissioners Present: Steven Carey, William Logan, Carlann Welch

MCILS Staff Present: John Pelletier, Ellie Maciag

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Approval of the February 16, 2018 Commission Meeting Minutes	No discussion of meeting minutes.	Commissioner Welch moved for approval, Commissioner Logan seconded. All voted in favor. Approved.
Operations Reports Review	<u>February 2018 Operations Report:</u> 2,029 new cases were opened in the DefenderData system in February. This was a 58 case decrease from January. The number of submitted vouchers in February was 2,450, a decrease of 459 vouchers from January, totaling \$1,388,372, a decrease of \$290,000 from January. In February, the Commission paid 1,965 vouchers totaling \$1,151,145, a decrease of 401 vouchers and \$138,000 from January. Director Pelletier noted that a week-long staff vacation and February being a short month accounted for the decrease in the February voucher totals. The average price per voucher was \$585.82, up \$40.64 per voucher over January. Appeal and Post-Conviction Review cases had the highest average vouchers. There were 11 vouchers exceeding \$5,000 paid in February. 106 authorizations to expend funds were issued in February, and we paid \$86,580 for experts and investigators, etc. The monthly transfer from the Judicial Branch for counsel fees for February, which reflects January’s collections, totaled \$84,081, up approximately \$11,000 over January. Director Pelletier indicated that the trend in robust collections continues.	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Legislative Update	<p>Director Pelletier gave an update on the two bills related to the recommendations of the Working Group and the two bills addressing the Commission’s budget. For the bill concerning the number and qualifications of the Commissioners, Director Pelletier noted that during the language review stage, the Judiciary Committee converted two members to non-voting status with no restriction on Commission related work. The Judiciary Committee contacted Chair Carey to ascertain the Commission’s position on the proposed bill. Chair Carey relayed that he responded that the Commission did not <u>support either draft but believed the version with the non-voting members was better than the one that limited rostered attorneys to 3 cases a year.*</u></p>	<p>*As amended by Commission vote on May 22, 2018, the underlined text reflects corrected language to accurately reflect Chair Carey’s remarks. See May 22, 2018 meeting minutes for further Commission discussion on the issue.</p>
Action Items Discussion	<p>Director Pelletier informed the Commissioners that the feedback form seeking comments on attorney performance had been distributed to the financial screeners and posted to the Commission’s website. Director Pelletier will request that the Trial Chiefs distribute the form to judges and court staff and that the Maine Prosecutors’ Association distribute it to their members. The Commissioners requested that staff track the data that comes in by fiscal year.</p> <p>Director Pelletier stated that recruiting for a roster of resource counsel will be the next action item staff will work on, with a July 1 target start date for the program. Chair Carey asked that staff make progress each month and to keep the Commissioners updated. Chair Carey suggested that the Commissioners review the action item list for next month’s meeting.</p>	
Somerset Contract	<p>The Commissioners discussed the next steps for the Somerset Contract. Commissioner Logan thought that given the impetus for a holistic review of indigent legal services, a 1-year renewal of the current contract makes the most sense since contracts resulting from a RFP are usually multi-year contracts. Director Pelletier indicated that the Commission could request a sole source contract due to the impending study of indigent legal services and</p>	<p>Commissioner Logan moved to allow Director Pelletier to begin the process of requesting a 1-year extension through a sole source waiver of</p>

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	that historically only one group has submitted a bid for the contract. Chair Carey agreed with a 1-year contract, but wants to see additional reporting requirements included in any new contract. Commissioner Logan suggested a quarterly reporting requirement. Commissioner Welch was concerned about the hourly rate and the number of hours spent on juvenile cases. Chair Carey asked Director Pelletier to contact the Somerset Project attorneys to relay the Commissioners' concerns.	competitive bid with no automatic or optional renewals, with the annual fee remaining unchanged and a quarterly reporting requirement. Commissioner Welch seconded. All voted in favor.
Public Comment	None	
Executive Session	None	
Adjournment of meeting	The Commission voted to adjourn with the next meeting to be on April 24, 2018 at 9:30 a.m.	Commissioner Logan moved to adjourn. Commissioner Welch seconded. All present in favor.

**(2.)
Operations Reports**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
SUBJECT: MARCH 2018 OPERATIONS REPORTS
DATE: APRIL 17, 2018

Attached you will find the March, 2018, Operations Reports for your review and our discussion at the Commission meeting on April 24, 2018. A summary of the operations reports follows:

- 2,398 new cases were opened in the DefenderData system in March. This was a 369 case increase over February.
- The number of vouchers submitted electronically in March was 2,875, an increase of 425 vouchers over February, totaling \$1,597,013.18, an increase of \$209,000 over February. In March, we paid 4,037 electronic vouchers totaling \$2,172,082.47, representing an increase of 2,072 vouchers and \$1,021,000 compared to February.
- There were no paper vouchers submitted and paid in March.
- The average price per voucher in March was \$538.04, down \$47.78 per voucher from February.
- Appeal and Post-Conviction Review cases had the highest average vouchers in March. There were 16 vouchers exceeding \$5,000 paid in March. See attached addendum for details.
- The contract amount paid for representation in Somerset County in March was \$22,687.50.
- In March, we issued 128 authorizations to expend funds: 78 for private investigators, 35 for experts, and 15 for miscellaneous services such as interpreters and transcriptionists. In March, we paid \$134,761.53 for experts and investigators, etc. The attached addendum provides information on requests that were denied or modified in March.
- In March, we received one attorney complaint. The person was at the courthouse and complained that he had not received notice of the court date from the attorney and appeared, at some inconvenience, in response to a phone call that morning from the attorney. The person also complained that the attorney had not filed a motion for change of venue on the grounds that the local court system was biased against him as requested by the client. When contacted, the attorney stated that he had promptly mailed notice of the hearing to the client. The person called later in

the day to relate that with the aid of his attorney, he had reached an acceptable resolution to the matter.

In our All Other Account, the total expenses for the month of March were \$2,169,145.68. Of that amount, just under \$21,000 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$55,692.56 in expenses for the month of March.

In the Revenue Account, the March transfer of collected revenue, reflecting February's collections, totaled \$180,604.31, up \$96,000 from the previous month. This is the highest monthly total ever collected as reimbursement of counsel fees and comes on top of already strong collections up to this point in the fiscal year. In March, we expended \$181,159.29 on attorney vouchers from the revenue account through the DefenderData system.

In our Conference Account, we had no activity in March. The account balance remains at \$16,267.99.

VOUCHERS EXCEEDING \$5,000 PAID MARCH 2018

	Voucher Total	Case total
Appeal from a 12-day Murder trial. New counsel on appeal. Numerous suppression and trial evidence issues. Conviction affirmed.	\$14,524	\$14,524
Two-count Vehicular Manslaughter trial. Six trial days. Thirty witnesses listed by the State.	\$12,466	\$17,858 (previous counsel withdrew in February 2017 at client's request)
Murder charge pled down to Manslaughter. Co-counsel from the same firm. Case lasted 19 months.	\$11,723	\$11,723
Two-day trial in a Robbery case. Attorney in Presque Isle – client incarcerated in Houlton during entire representation.	\$9,245	9,245
Four-day jury trial on an Elevated Aggravated Assault charge and two Aggravated Assault charges. Hung jury on Elevated Aggravated Assault, not guilty on one Agg. Assault and guilty on the other.	\$7,999	\$13,333 (co-counsel from different firm paid \$5,334)
This voucher is on a Cumberland County case used to bill multiple cases in multiple counties involving Burglaries. To date, this defendant and a co-defendant have engaged in extensive <u>Franks</u> litigation, and the case also involves DNA and tool mark experts. This voucher covers preparation for trial in York County through jury selection. The State dismissed on the day evidence was to be presented. Cases on-going in other counties.	\$7,913	\$30,978 (prior interim vouchers of \$12,832 and \$10,233 covering discovery review, investigation and <u>Franks</u> litigation)
Interim voucher in Aroostook County Felony Murder and robbery case because attorney leaving firm.	\$7,542	\$18,408 (Co-counsel from Augusta has interim vouchers of \$4,290, \$2,669, and \$3,908. Augusta counsel's latest voucher reflects that the client pled as charged, but sentencing remains)
Appeal from conditional plea in a drug case. Complicated suppression issues involving warrantless search, exigent circumstances, seizure pending issuance of a warrant, and inevitable discovery. Conviction affirmed in a 14 page opinion	\$7,035	\$7,035
Three-day Gross Sexual Assault trial. Not Guilty on GSA, hung jury on Aggravated Assault.	\$5,986	\$5,986
OUI case where defense alleged alcohol test result due to client's medical conditions, not drinking. On motion in	\$5,896	\$5,896

limine, court ruled that defense could be presented, but not by the defendant's expert. Client entered conditional plea after second proposed expert excluded (excluded on presentation of credentials, but second expert never hired or paid).		
Voucher covers 6 docket numbers. Most serious case, Possession of Sexually Explicit Material, involved review of discovery at DA's office and suppression issues. Global resolution on all cases.	\$5,850	\$5,850
Interim voucher after a two-day hearing on a Post-Conviction Review case involving a drug trafficking conviction. Pending submission of written arguments and decision.	\$5,602	\$8,283 (prior interim voucher paid for \$2,681 six months into the case)
Voucher cover 11 Juvenile cases handled together. Treatment and placement issues. Good resolution for the Juvenile.	\$5,466	\$5,466
Interim voucher from lawyer changing firms. Aroostook county Arson case. Client incarcerated the whole time either in Houlton or Bangor. Resolution delayed by need to coordinate with counsel on cases in other counties.	\$5,460	\$5,460
Four-day jury trial on an Elevated Aggravated Assault charge and two Aggravated Assault charges. Hung jury on Elevated Aggravated Assault, not guilty on one Agg. Assault and guilty on the other.	\$5,334	\$13,333 (co-counsel from different firm paid \$7,999)
Domestic Violence felonies dropped to misdemeanors. Suppression litigated. Difficult client who took the best part of 2 days to get through a misdemeanor plea.	\$5,212	\$5,212

FUNDS REQUESTS DENIED/MODIFIED MARCH 2018

- Three (3) requests for funds for a private investigator were modified to authorize a reduced amount.
- An informal request by a relatively new attorney for a private investigator to find her client was denied.
- A request for funds for a polygraph was lowered by half because attorney asked for more than what the identified polygrapher routinely charges.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

3/31/2018

DefenderData Case Type	Mar-18						Fiscal Year 2018			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	15	26	\$ 59,253.07	40	\$ 72,843.47	\$ 1,821.09	141	228	\$ 344,039.34	\$ 1,508.94
Child Protection Petition	177	372	\$ 234,434.81	542	\$ 362,144.67	\$ 668.16	1,287	3,190	\$ 2,079,167.53	\$ 651.78
Drug Court	8	8	\$ 5,862.00	11	\$ 8,934.00	\$ 812.18	21	58	\$ 48,505.20	\$ 836.30
Emancipation	3	5	\$ 2,866.40	8	\$ 4,576.40	\$ 572.05	63	79	\$ 32,383.98	\$ 409.92
Felony	553	647	\$ 543,581.26	889	\$ 718,393.23	\$ 808.09	4,551	5,848	\$ 5,094,564.63	\$ 871.16
Involuntary Civil Commitment	85	99	\$ 24,915.08	144	\$ 34,762.54	\$ 241.41	781	818	\$ 187,209.28	\$ 228.86
Juvenile	73	88	\$ 41,023.80	130	\$ 53,820.10	\$ 414.00	727	848	\$ 361,610.32	\$ 426.43
Lawyer of the Day - Custody	280	257	\$ 66,986.64	317	\$ 75,665.12	\$ 238.69	2,069	2,257	\$ 537,941.16	\$ 238.34
Lawyer of the Day - Juvenile	42	35	\$ 6,601.64	55	\$ 11,353.22	\$ 206.42	383	421	\$ 80,266.43	\$ 190.66
Lawyer of the Day - Walk-in	121	117	\$ 28,498.21	155	\$ 37,611.07	\$ 242.65	1,064	1,168	\$ 275,548.95	\$ 235.92
Misdemeanor	759	781	\$ 333,539.15	1,132	\$ 475,074.57	\$ 419.68	6,566	7,487	\$ 3,075,773.02	\$ 410.82
Petition, Modified Release Treatment	2	7	\$ 2,341.45	11	\$ 3,728.20	\$ 338.93	8	52	\$ 24,259.58	\$ 466.53
Petition, Release or Discharge	0	0		1	\$ 963.57	\$ 963.57	1	13	\$ 11,986.80	\$ 922.06
Petition, Termination of Parental Rights	36	45	\$ 46,191.76	63	\$ 53,560.98	\$ 850.17	195	600	\$ 453,272.24	\$ 755.45
Post Conviction Review	16	11	\$ 18,719.72	14	\$ 19,708.92	\$ 1,407.78	66	77	\$ 166,348.24	\$ 2,160.37
Probate	2	0		3	\$ 2,811.00	\$ 937.00	26	15	\$ 9,833.48	\$ 655.57
Probation Violation	186	203	\$ 80,099.78	272	\$ 102,163.96	\$ 375.60	1,565	1,792	\$ 696,007.26	\$ 388.40
Represent Witness on 5th Amendment	0	0		0			17	26	\$ 9,229.36	\$ 354.98
Review of Child Protection Order	39	173	\$ 101,942.41	249	\$ 133,811.45	\$ 537.40	385	1,578	\$ 847,602.94	\$ 537.14
Revocation of Administrative Release	1	1	\$ 156.00	1	\$ 156.00	\$ 156.00	6	10	\$ 3,234.00	\$ 323.40
DefenderData Sub-Total	2,398	2,875	\$ 1,597,013.18	4,037	\$ 2,172,082.47	\$ 538.04	19,922	26,565	\$ 14,338,783.74	\$ 539.76
Paper Voucher Sub-Total	0	0	\$ -	0	\$ -	#DIV/0!	8	8	\$ 4,312.34	\$ 539.04
TOTAL	2,398	2,875	\$1,597,013.18	4,037	\$2,172,082.47	\$ 538.04	19,930	26,573	\$ 14,343,096.08	\$ 539.76

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY18 FUND ACCOUNTING
AS OF 03/31/2018

Account 010 95F Z112 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY18 Total
FY18 Professional Services Allotment		\$ 7,105,602.00		\$ 4,350,001.00		\$ 4,704,575.00		\$ 4,898,227.00	
FY18 General Operations Allotment		\$ 42,000.00		\$ 42,000.00		\$ 42,000.00		\$ 42,000.00	
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	
Encumbered Balance Forward FY17		\$ 28,759.02		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 7,176,361.02		\$ 4,392,001.00		\$ 4,746,575.00		\$ 4,940,227.00	\$ 21,255,164.02
Total Expenses	1	\$ (2,928,724.58)	4	\$ (1,426,660.74)	7	\$ (1,403,853.93)	10	\$ -	
	2	\$ (1,668,718.69)	5	\$ (1,586,795.93)	8	\$ (1,275,874.99)	11	\$ -	
	3	\$ (1,105,704.44)	6	\$ (1,419,256.42)	9	\$ (2,169,145.68)	12	\$ -	
Encumbrances (Somerset PDP & Justice Works)		\$ (264,063.50)		\$ 84,712.50		\$ 89,299.50		\$ -	\$ (90,051.50)
Encumbrances (B Taylor, JW amend contract, envelopes)		\$ (13,000.03)		\$ (44,000.01)		\$ 13,000.11		\$ -	\$ (43,999.93)
TOTAL REMAINING		\$ 1,196,149.78		\$ 0.40		\$ 0.01		\$ 4,940,227.00	\$ 6,136,377.19

Q3 Month 9	
INDIGENT LEGAL SERVICES	
Counsel Payments	\$ (1,990,533.18)
Somerset County	\$ (22,687.50)
Somerset County Discovery	\$ (355.00)
Subpoena Witness Fees	\$ (59.26)
Private Investigators	\$ (40,540.20)
Mental Health Expert	\$ (41,691.28)
Transcripts	\$ (27,851.66)
Other Expert	\$ (20,530.00)
Lodging for Trial	\$ -
Process Servers	\$ (695.54)
Interpreters	\$ (2,145.93)
Misc Prof Fees & Serv	\$ (1,247.66)
SUB-TOTAL ILS	\$ (2,148,337.21)
OPERATING EXPENSES	
Service Center	\$ -
DefenderData	\$ (5,027.50)
Risk Management Insurances	\$ -
Mileage/Tolls/Parking	\$ (1,400.37)
Mailing/Postage/Freight	\$ (19.43)
West Publishing Corp	\$ (168.30)
OIT/TELCO charges	\$ (4,708.52)
Office Supplies/Equip.	\$ (273.47)
Cellular Phones	\$ (233.71)
Annual Report prorated fee	\$ -
Office Equipment Rental	\$ (306.43)
Printing & Binding	\$ (4.00)
Barbara Taylor monthly fees	\$ (8,666.74)
SUB-TOTAL OE	\$ (20,808.47)
TOTAL	\$ (2,169,145.68)

INDIGENT LEGAL SERVICES	
Q3 Allotment	\$ 4,746,575.00
Q3 Encumbrances for Somerset PDP & Justice Works contracts	\$ 89,299.50
Barbara Taylor Contract, envelopes	\$ 13,000.11
Q3 Expenses to date	\$ (4,848,874.60)
Remaining Q3 Allotment	\$ 0.01

Non-Counsel Indigent Legal Services	
Monthly Total	\$ (134,761.53)
Total Q1	\$ (308,598.67)
Total Q2	\$ (236,789.37)
Total Q3	\$ (298,750.58)
Total Q4	\$ -
Fiscal Year Total	\$ (844,138.62)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
 FY18 FUND ACCOUNTING
 As of 03/31/18

Account 014 95F Z112 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY18 Total
Total Budget Allotments		\$ 160,986.00		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00	\$ 713,358.00
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Financial Order Adjustment	2	\$ -	5	\$ -	8	\$ -	11		
Budget Order Adjustment	3	\$ -	6	\$ 23,139.00	9	\$ -	12	\$ -	
Budget Order Adjustment		\$ -		\$ -		\$ -	12	\$ -	\$ -
Total Budget Allotments		\$ 160,986.00		\$ 207,263.00		\$ 184,124.00		\$ 184,124.00	\$ 736,497.00
Cash Carryover from Prior Quarter		\$ 2,962.21		\$ -		\$ -		\$ -	
Collected Revenue from JB	1	\$ 43,709.11	4	\$ 62,588.04	7	\$ 73,076.20	10	\$ -	
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	2	\$ 48,375.11	5	\$ 94,654.93	8	\$ 84,081.68	11	\$ -	
Court Ordered Counsel Fee		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB (late transfer)		\$ -		\$ -	9	\$ -		\$ -	
Collected Revenue from JB	3	\$ 66,433.82	6	\$ 65,784.65	9	\$ 180,604.31	12	\$ -	
Returned Checks-stopped payments		\$ -		\$ 75.00		\$ -		\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 161,480.25		\$ 223,102.62		\$ 337,762.19		\$ -	\$ 722,345.06
Counsel Payments	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Other Expenses		\$ -		\$ -		\$ -	***	\$ -	
Counsel Payments	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Other Expenses		\$ -		\$ -		\$ -		\$ -	
Counsel Payments	3	\$ (158,738.00)	6	\$ (204,362.90)	9	\$ (181,549.29)	12	\$ -	
Other Expenses	*	\$ (2,247.73)	**	\$ (2,893.78)		\$ -		\$ -	
REMAINING ALLOTMENT		\$ 0.27		\$ 6.32		\$ 2,574.71		\$ 184,124.00	\$ 186,705.30
Overpayment Reimbursements	1	\$ -	4	\$ (1,069.14)	7	\$ -	10	\$ -	
	2	\$ (183.00)	5	\$ (25.00)	8	\$ (450.00)	11	\$ -	
	3	\$ (303.50)	6	\$ -	9	\$ (1,268.00)	12	\$ -	
REMAINING CASH Year to Date		\$ 8.02		\$ 14,751.80		\$ 154,494.90		\$ -	\$ 169,254.72

Q3 Month 9	
DEFENDER DATA COUNSEL PAYMENTS	\$ (181,549.29)
SUB-TOTAL ILS	\$ (181,549.29)
OVERPAYMENT REIMBURSEMENTS	\$ (1,268.00)
Paper Voucher	\$ -
Somerset County CDs	\$ -
Private Investigators	\$ -
Mental Health Expert	\$ -
Transcripts	\$ -
Other Expert	\$ -
StaCap Expense	\$ -
SUB-TOTAL OE	\$ (1,268.00)
TOTAL	\$ (182,817.29)

* Q1 State Cap posted in Q2
 ** Q2 State Cap posted in Q3

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY18 FUND ACCOUNTING
AS OF 03/31/2018

Account 010 95F Z112 01 (Personal Services)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY18 Total
FY18 Allotment		\$ 191,878.00		\$ 216,894.00		\$ 191,873.00		\$ 184,672.00	\$ -
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 191,878.00		\$ 216,894.00		\$ 191,873.00		\$ 184,672.00	\$ 785,317.00
Total Expenses	1	\$ (49,204.29)	4	\$ (79,098.20)	7	\$ (52,212.55)	10	\$ -	
	2	\$ (52,363.61)	5	\$ (47,858.62)	8	\$ (54,405.54)	11	\$ -	
	3	\$ (53,129.90)	6	\$ (52,437.93)	9	\$ (55,692.56)	12	\$ -	
TOTAL REMAINING		\$ 37,180.20		\$ 37,499.25		\$ 29,562.35		\$ 184,672.00	\$ 288,913.80

Q3 Month 9	
Per Diem Payments	\$ (495.00)
Salary	\$ (24,052.43)
Vacation Pay	\$ (3,000.39)
Holiday Pay	\$ (1,624.64)
Sick Pay	\$ (1,088.51)
Employee Hlth Svcs/Workers Comp	\$ -
Health Insurance	\$ (9,796.68)
Dental Insurance	\$ (223.22)
Employer Retiree Health	\$ (3,492.60)
Employer Retirement	\$ (2,023.30)
Employer Group Life	\$ (279.30)
Employer Medicare	\$ (433.46)
Retiree Unfunded Liability	\$ (6,399.24)
Retro Pymt	\$ -
Perm Part Time Full Ben	\$ (2,783.79)
TOTAL	\$ (55,692.56)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY18 FUND ACCOUNTING
As of 03/31/18

Account 014 95F Z112 02 (Conference)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY18 Total
Total Budget Allotments		\$ 20,500.00		\$ 15,000.00		\$ 15,000.00		\$ 12,000.00	\$ (62,500.00)
Financial Order Adjustment				\$ -		\$ -		\$ -	
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustment		\$ -		\$ -		\$ -		\$ -	\$ -
Total Budget Allotments		\$ 20,500.00		\$ 15,000.00		\$ 15,000.00		\$ 12,000.00	\$ (62,500.00)
Cash Carryover from Prior Quarter		\$ 14,942.80		\$ 12,967.13		\$ 14,722.49		\$ -	
Collected Revenue	1	\$ -	4	\$ 4,330.00	7	\$ 1,025.00	10	\$ -	
Non-attendance Reimbursements			4	\$ (575.00)		\$ -		\$ -	
Collected Revenue	2	\$ 4,250.00	5	\$ 1,615.00	8	\$ 700.00	11	\$ -	
Collected Revenue	3	\$ 1,890.00	6	\$ -	9	\$ -	12	\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 21,082.80		\$ 18,337.13		\$ 16,447.49		\$ -	\$ 13,235.00
Total Expenses	1	\$ (1,559.99)	4	\$ (2,924.95)	7	\$ (176.99)	10	\$ -	
	2	\$ (112.28)	5	\$ (639.22)	8	\$ -	11	\$ -	
	3	\$ (6,353.73)	6	\$ -	9	\$ -	12	\$ -	
State Cap	**	\$ (89.67)		\$ (50.47)		\$ (2.51)		\$ -	\$ (142.65)
Encumbrances		\$ (4,272.55)		\$ -		\$ -		\$ -	\$ (4,272.55)
REMAINING ALLOTMENT		\$ 8,111.78		\$ 11,385.36		\$ 14,820.50		\$ 12,000.00	\$ 46,317.64
REMAINING CASH Year to Date		\$ 12,967.13		\$ 14,722.49		\$ 16,267.99		\$ -	

Q3 Month 9	
Training Manuals Printing	\$ -
Training Refreshments/Meals	\$ -
Media Northeast	\$ -
Overseers of the Bar CLE fees	\$ -
Speaker Fees & Travel Expenses	\$ -
Non-attendance refunds	\$ -
State Cap Expense	\$ -
TOTAL	\$ -

** Q1 State Cap posted in Q2

NO ACTIVITY FOR MARCH 2018

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

3/31/2018

Court	Mar-18						Fiscal Year 2018			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	13	17	\$ 9,815.48	26	\$ 13,385.64	\$ 514.83	101	226	\$ 155,360.43	\$ 687.44
AUBSC	4	10	\$ 4,111.76	13	\$ 4,780.88	\$ 367.76	85	142	\$ 115,987.12	\$ 816.81
AUGDC	34	55	\$ 29,843.09	92	\$ 39,168.39	\$ 425.74	357	619	\$ 295,829.86	\$ 477.92
AUGSC	23	29	\$ 9,699.08	41	\$ 17,863.40	\$ 435.69	178	297	\$ 160,472.69	\$ 540.31
BANDC	41	81	\$ 35,740.52	125	\$ 55,079.50	\$ 440.64	460	876	\$ 324,479.54	\$ 370.41
BANSC	4	1	\$ 153.00	0			15	14	\$ 7,795.86	\$ 556.85
BATSC	0	0		1	\$ 657.28	\$ 657.28	8	8	\$ 2,578.08	\$ 322.26
BELDC	11	14	\$ 9,706.01	25	\$ 18,756.39	\$ 750.26	76	196	\$ 109,845.43	\$ 560.44
BELSC	1	1	\$ 444.89	2	\$ 936.89	\$ 468.45	5	15	\$ 11,723.21	\$ 781.55
BIDDC	65	100	\$ 44,934.50	141	\$ 61,435.64	\$ 435.71	513	770	\$ 396,640.35	\$ 515.12
BRIDC	12	17	\$ 9,396.81	27	\$ 18,527.90	\$ 686.22	104	175	\$ 101,162.56	\$ 578.07
CALDC	8	9	\$ 6,658.72	15	\$ 16,712.40	\$ 1,114.16	72	106	\$ 67,955.80	\$ 641.09
CARDC	9	13	\$ 5,699.70	15	\$ 6,718.58	\$ 447.91	43	107	\$ 51,046.17	\$ 477.07
CARSC	4	4	\$ 708.00	10	\$ 4,699.11	\$ 469.91	37	87	\$ 68,885.03	\$ 791.78
DOVDC	4	17	\$ 5,535.36	29	\$ 8,541.36	\$ 294.53	49	126	\$ 39,456.24	\$ 313.14
DOVSC	0	0		0			0	2	\$ 324.00	\$ 162.00
ELLDC	13	22	\$ 13,522.88	33	\$ 18,274.88	\$ 553.78	118	250	\$ 149,927.19	\$ 599.71
ELLSC	1	2	\$ 798.00	6	\$ 1,404.00	\$ 234.00	11	20	\$ 5,337.20	\$ 266.86
FARDC	7	22	\$ 14,280.65	32	\$ 25,664.81	\$ 802.03	92	151	\$ 106,660.76	\$ 706.36
FARSC	0	0		0			2	5	\$ 3,211.96	\$ 642.39
FORDC	6	3	\$ 2,641.28	2	\$ 1,881.12	\$ 940.56	31	43	\$ 20,558.98	\$ 478.12
HOUDC	14	19	\$ 9,199.92	32	\$ 13,640.90	\$ 426.28	145	253	\$ 111,630.79	\$ 441.23
HOUSC	3	2	\$ 1,011.00	0			10	10	\$ 28,150.46	\$ 2,815.05
LEWDC	65	91	\$ 42,086.72	135	\$ 68,616.44	\$ 508.27	597	1,061	\$ 472,621.64	\$ 445.45
LINDC	5	16	\$ 10,976.84	28	\$ 16,982.78	\$ 606.53	69	147	\$ 71,392.26	\$ 485.66
MACDC	9	21	\$ 7,272.00	25	\$ 11,839.20	\$ 473.57	92	171	\$ 79,230.32	\$ 463.34
MACSC	1	2	\$ 840.00	5	\$ 2,706.00	\$ 541.20	15	24	\$ 21,012.28	\$ 875.51
MADDC	2	1	\$ 461.36	2	\$ 925.36	\$ 462.68	16	15	\$ 4,172.88	\$ 278.19
MILDC	1	3	\$ 1,009.00	5	\$ 480.00	\$ 96.00	25	23	\$ 8,202.00	\$ 356.61
NEWDC	9	30	\$ 15,665.32	46	\$ 22,930.53	\$ 498.49	93	229	\$ 90,133.54	\$ 393.60
PORDC	101	160	\$ 75,901.22	203	\$ 96,167.10	\$ 473.73	747	1,108	\$ 560,401.05	\$ 505.78
PORSC	1	2	\$ 10,253.80	5	\$ 11,705.80	\$ 2,341.16	9	20	\$ 58,815.24	\$ 2,940.76
PREDC	16	33	\$ 16,217.00	49	\$ 22,745.82	\$ 464.20	107	324	\$ 179,333.88	\$ 553.50
ROCD	17	16	\$ 5,766.00	27	\$ 12,861.45	\$ 476.35	154	245	\$ 125,930.74	\$ 514.00
ROSC	4	4	\$ 1,212.00	5	\$ 1,428.00	\$ 285.60	18	22	\$ 15,060.26	\$ 684.56
RUMDC	12	21	\$ 18,385.68	23	\$ 19,861.68	\$ 863.55	78	127	\$ 83,393.83	\$ 656.64
SKODC	14	27	\$ 20,365.55	50	\$ 29,064.85	\$ 581.30	154	436	\$ 247,366.37	\$ 567.35
SKOSC	0	0		1	\$ 534.00	\$ 534.00	1	1	\$ 534.00	\$ 534.00
SOUDC	6	10	\$ 10,010.40	10	\$ 11,092.67	\$ 1,109.27	46	87	\$ 56,877.34	\$ 653.76
SOUSC	1	5	\$ 4,071.04	6	\$ 4,227.04	\$ 704.51	20	51	\$ 34,421.99	\$ 674.94
SPRDC	53	73	\$ 47,509.02	85	\$ 58,932.93	\$ 693.33	356	613	\$ 345,113.86	\$ 562.99
Law Ct	12	25	\$ 58,994.86	35	\$ 66,861.65	\$ 1,910.33	107	164	\$ 263,794.26	\$ 1,608.50
YORCD	224	227	\$ 144,433.43	363	\$ 240,615.46	\$ 662.85	1,832	2,230	\$ 1,562,654.31	\$ 700.74
AR OCD	102	147	\$ 104,824.72	202	\$ 143,356.12	\$ 709.68	995	1,077	\$ 643,526.22	\$ 597.52
ANDCD	205	163	\$ 74,365.31	187	\$ 92,825.41	\$ 496.39	1,317	1,376	\$ 698,718.08	\$ 507.79
KENCD	138	185	\$ 75,094.64	271	\$ 125,649.23	\$ 463.65	1,298	1,675	\$ 833,442.18	\$ 497.58
PENCD	212	233	\$ 113,927.47	347	\$ 154,983.24	\$ 446.64	2,136	2,456	\$ 1,121,333.70	\$ 456.57
SAGCD	39	34	\$ 19,640.48	40	\$ 21,922.32	\$ 548.06	297	307	\$ 192,966.89	\$ 628.56
WALCD	38	34	\$ 13,615.61	42	\$ 20,896.58	\$ 497.54	284	306	\$ 175,877.43	\$ 574.76
PISCD	14	10	\$ 2,724.00	12	\$ 4,146.00	\$ 345.50	126	138	\$ 31,870.18	\$ 230.94
HANCD	85	86	\$ 41,898.00	128	\$ 54,266.52	\$ 423.96	573	647	\$ 288,994.69	\$ 446.67
FRACD	51	48	\$ 38,606.42	62	\$ 41,676.71	\$ 672.21	415	465	\$ 246,584.95	\$ 530.29
WASCD	34	52	\$ 15,412.00	79	\$ 20,566.00	\$ 260.33	400	439	\$ 169,543.97	\$ 386.20
CUMCD	436	417	\$ 239,820.26	547	\$ 287,140.05	\$ 524.94	3,106	3,494	\$ 1,963,130.01	\$ 561.86
KN OCD	46	52	\$ 39,187.30	65	\$ 40,320.55	\$ 620.32	418	518	\$ 283,267.24	\$ 546.85
SOMCD	3	1	\$ 489.00	2	\$ 795.00	\$ 397.50	11	9	\$ 6,994.56	\$ 777.17
OXFCD	60	74	\$ 39,555.70	92	\$ 39,904.30	\$ 433.74	556	673	\$ 357,890.69	\$ 531.78
LINCD	35	41	\$ 21,792.69	62	\$ 34,192.77	\$ 551.50	347	418	\$ 224,070.42	\$ 536.05
WATDC	33	52	\$ 24,595.18	71	\$ 35,543.80	\$ 500.62	230	459	\$ 234,078.68	\$ 509.98
WESDC	19	16	\$ 7,568.88	27	\$ 10,286.88	\$ 381.00	205	261	\$ 110,572.62	\$ 423.65
WISDC	9	10	\$ 8,381.33	8	\$ 4,515.06	\$ 564.38	76	105	\$ 72,862.42	\$ 693.93
WISSC	1	0		0			5	11	\$ 7,696.12	\$ 699.65
YORDC	8	15	\$ 10,182.30	18	\$ 10,388.10	\$ 577.12	79	135	\$ 59,880.93	\$ 443.56
TOTAL	2,398	2,875	\$ 1,597,013.18	4,037	\$ 2,172,082.47	\$ 538.04	19,922	26,565	\$ 14,338,783.74	\$ 539.76

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

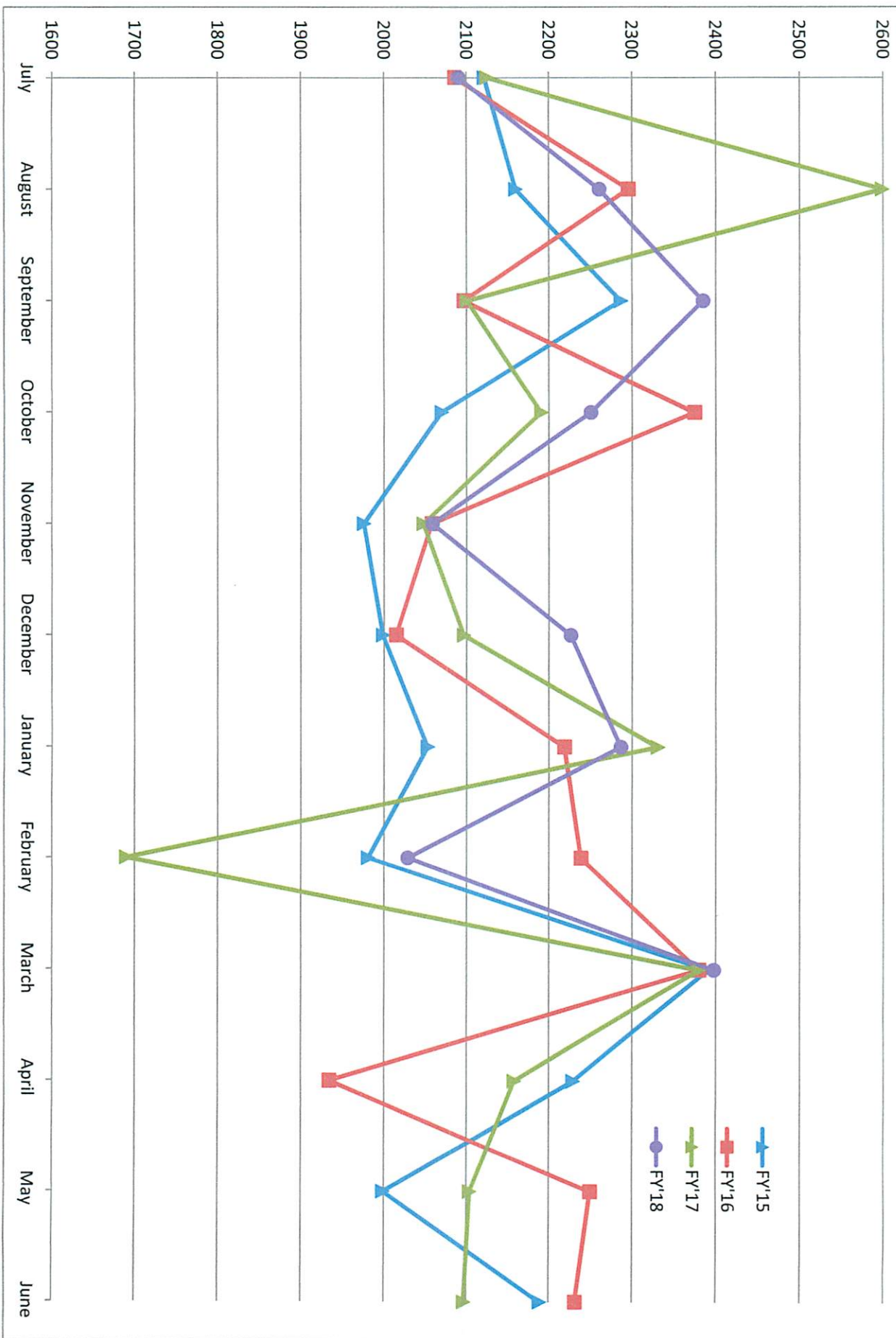
Number of Attorneys Rostered by Court

03/31/2018

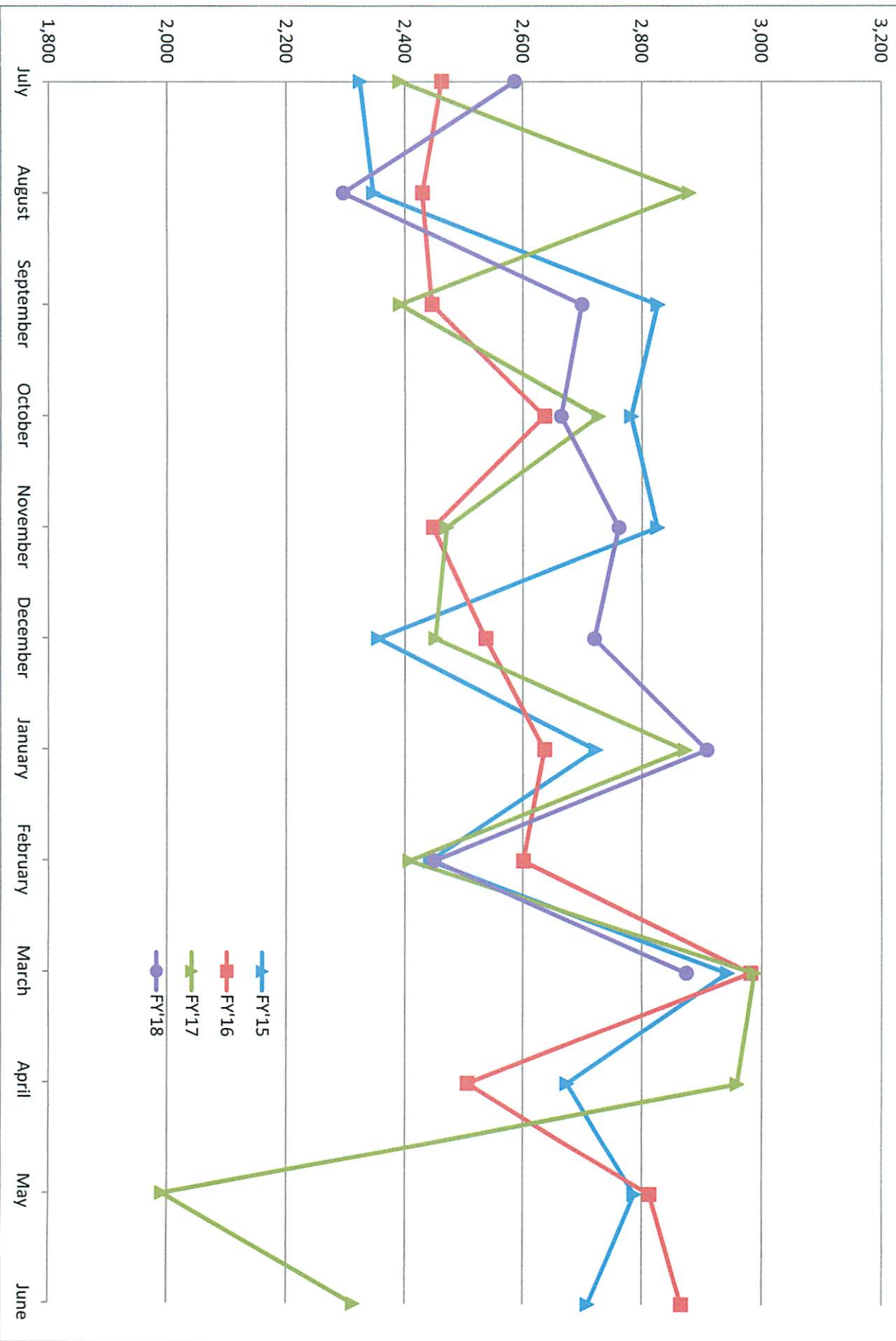
Court	Rostered Attorneys
Augusta District Court	100
Bangor District Court	47
Belfast District Court	47
Biddeford District Court	134
Bridgton District Court	88
Calais District Court	11
Caribou District Court	17
Dover-Foxcroft District Court	24
Ellsworth District Court	34
Farmington District Court	34
Fort Kent District Court	9
Houlton District Court	13
Lewiston District Court	122
Lincoln District Court	25
Machias District Court	17
Madawaska District Court	10
Millinocket District Court	18
Newport District Court	33
Portland District Court	155
Presque Isle District Court	14
Rockland District Court	39
Rumford District Court	25
Skowhegan District Court	27

Court	Rostered Attorneys
South Paris District Court	53
Springvale District Court	120
Unified Criminal Docket Alfred	120
Unified Criminal Docket Aroostook	22
Unified Criminal Docket Auburn	103
Unified Criminal Docket Augusta	91
Unified Criminal Docket Bangor	51
Unified Criminal Docket Bath	93
Unified Criminal Docket Belfast	46
Unified Criminal DocketDover Foxcroft	21
Unified Criminal Docket Ellsworth	39
Unified Criminal Docket Farmington	35
Inified Criminal Docket Machias	18
Unified Criminal Docket Portland	157
Unified Criminal Docket Rockland	37
Unified Criminal Docket Skowhegan	21
Unified Criminal Docket South Paris	79
Unified Criminal Docket Wiscasset	58
Waterville District Court	51
West Bath District Court	113
Wiscasset District Court	62
York District Court	103

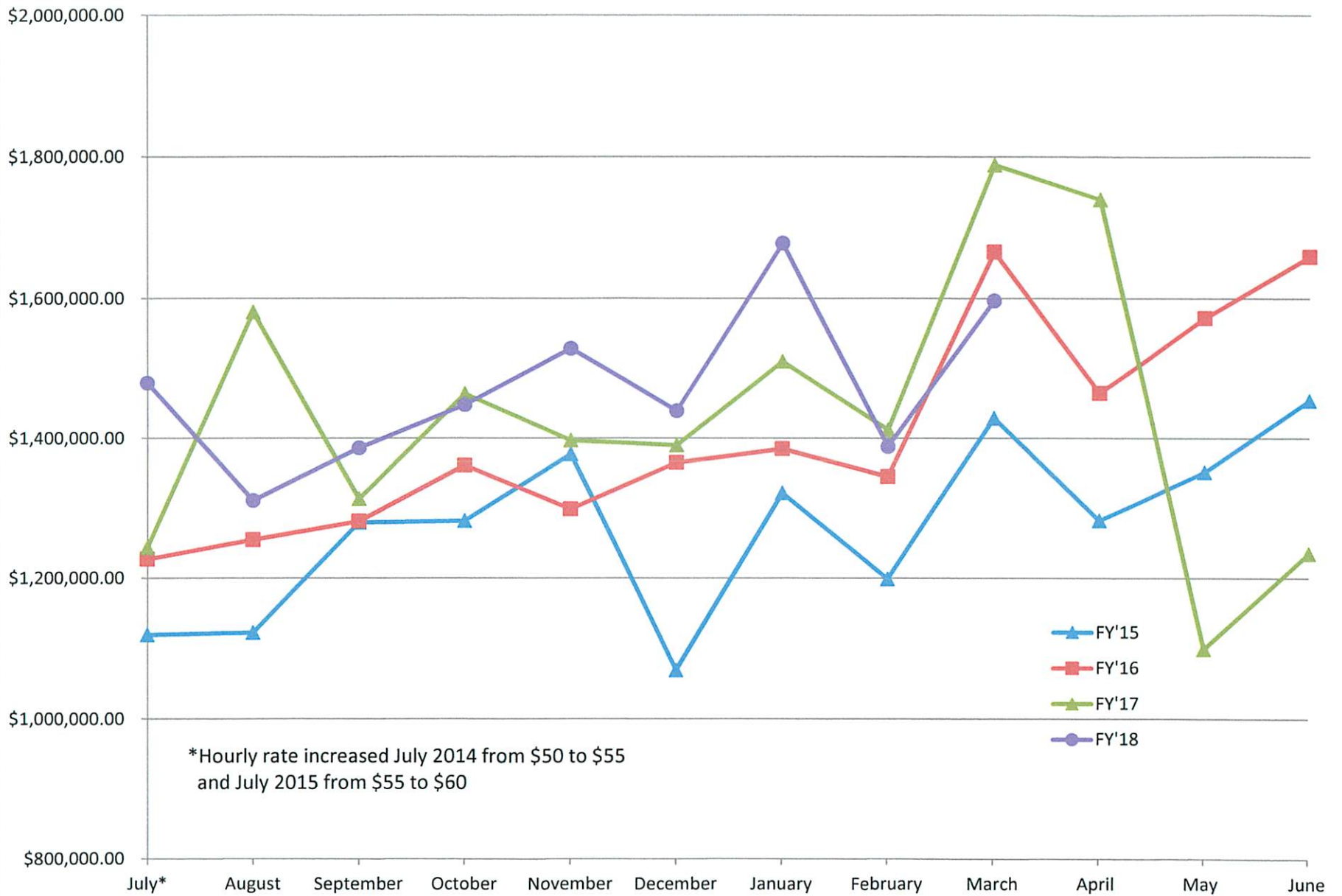
NEW CASES



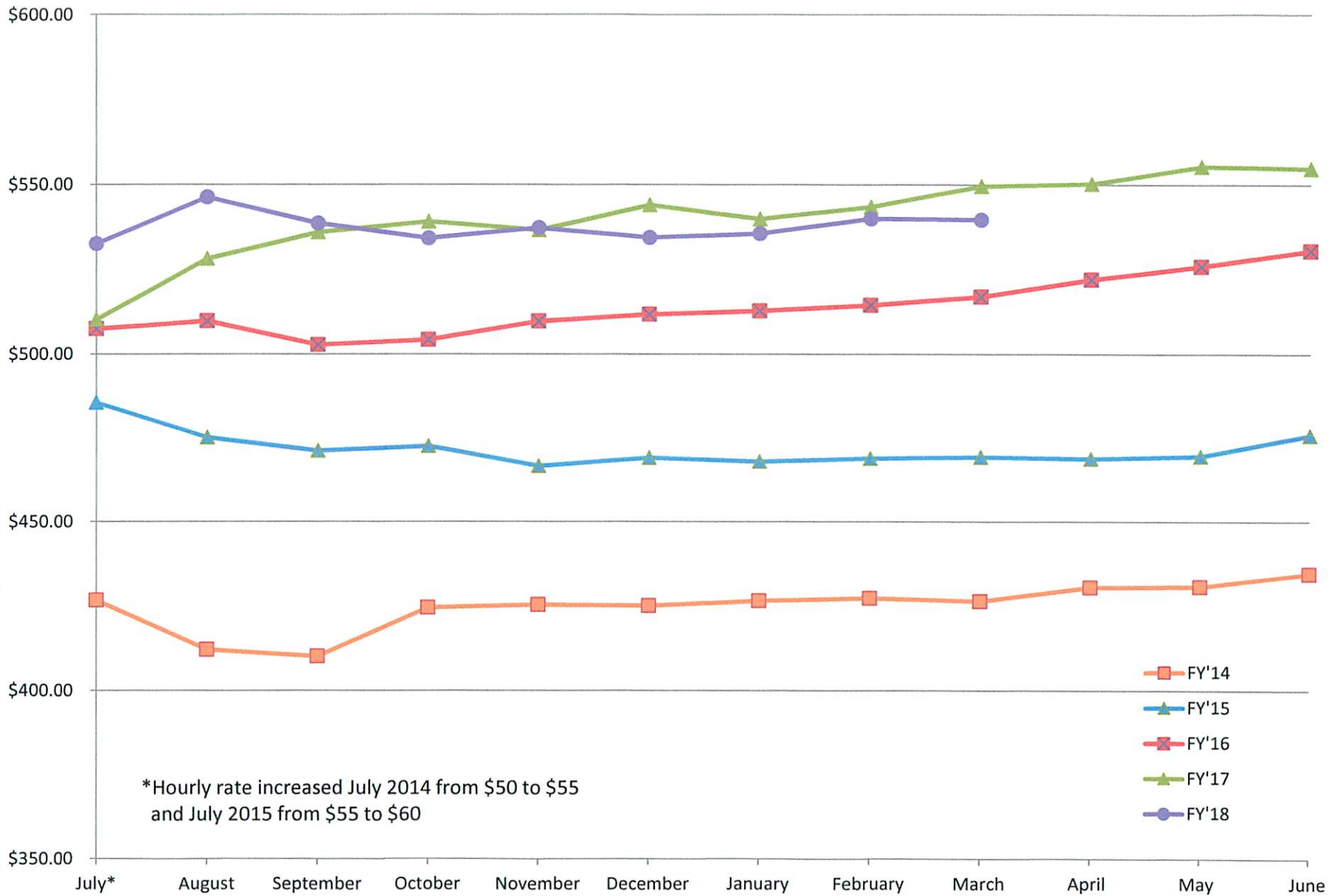
Submitted Vouchers



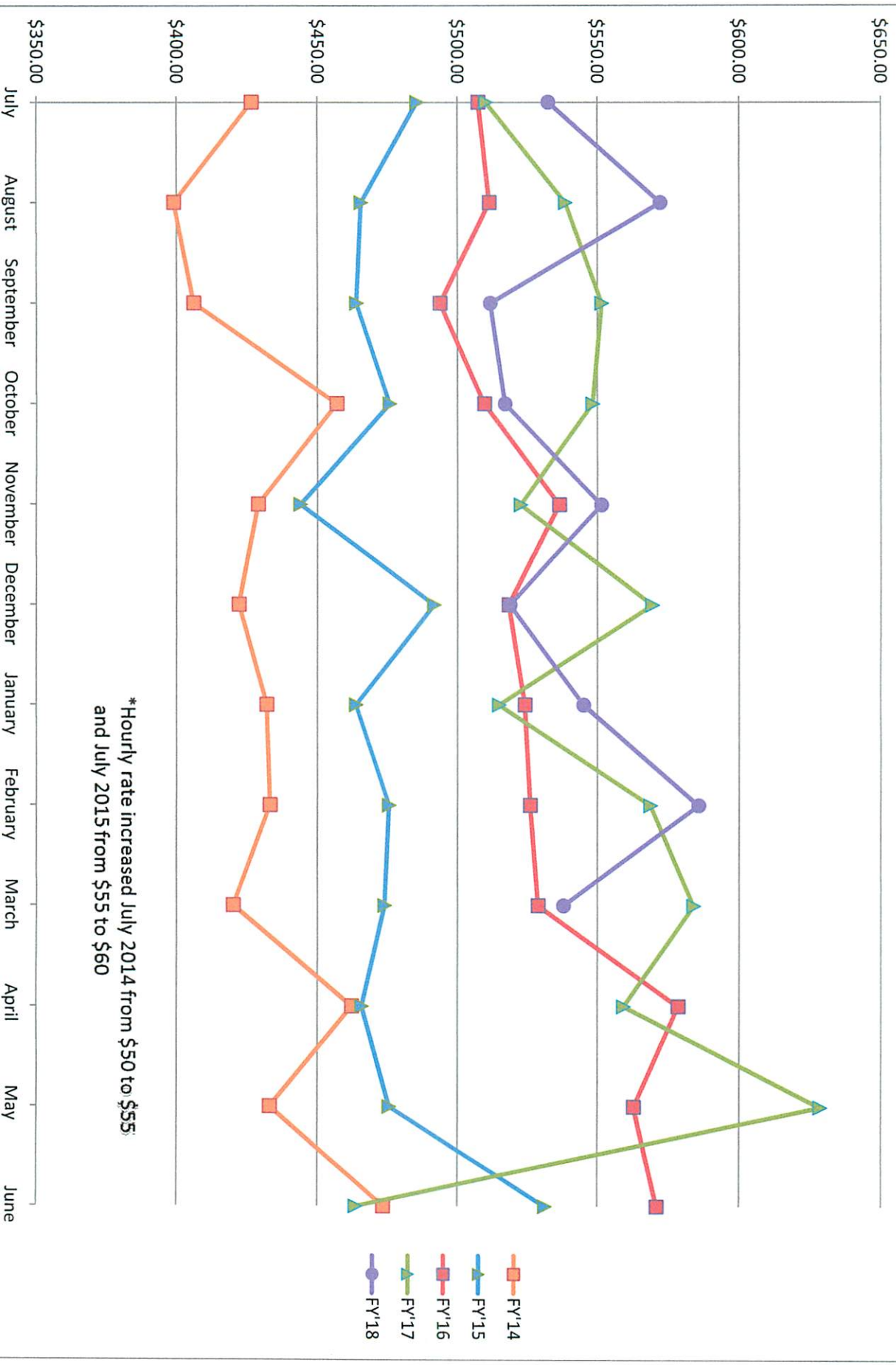
Submitted Voucher Amount



Average Voucher Price Fiscal Year to Date

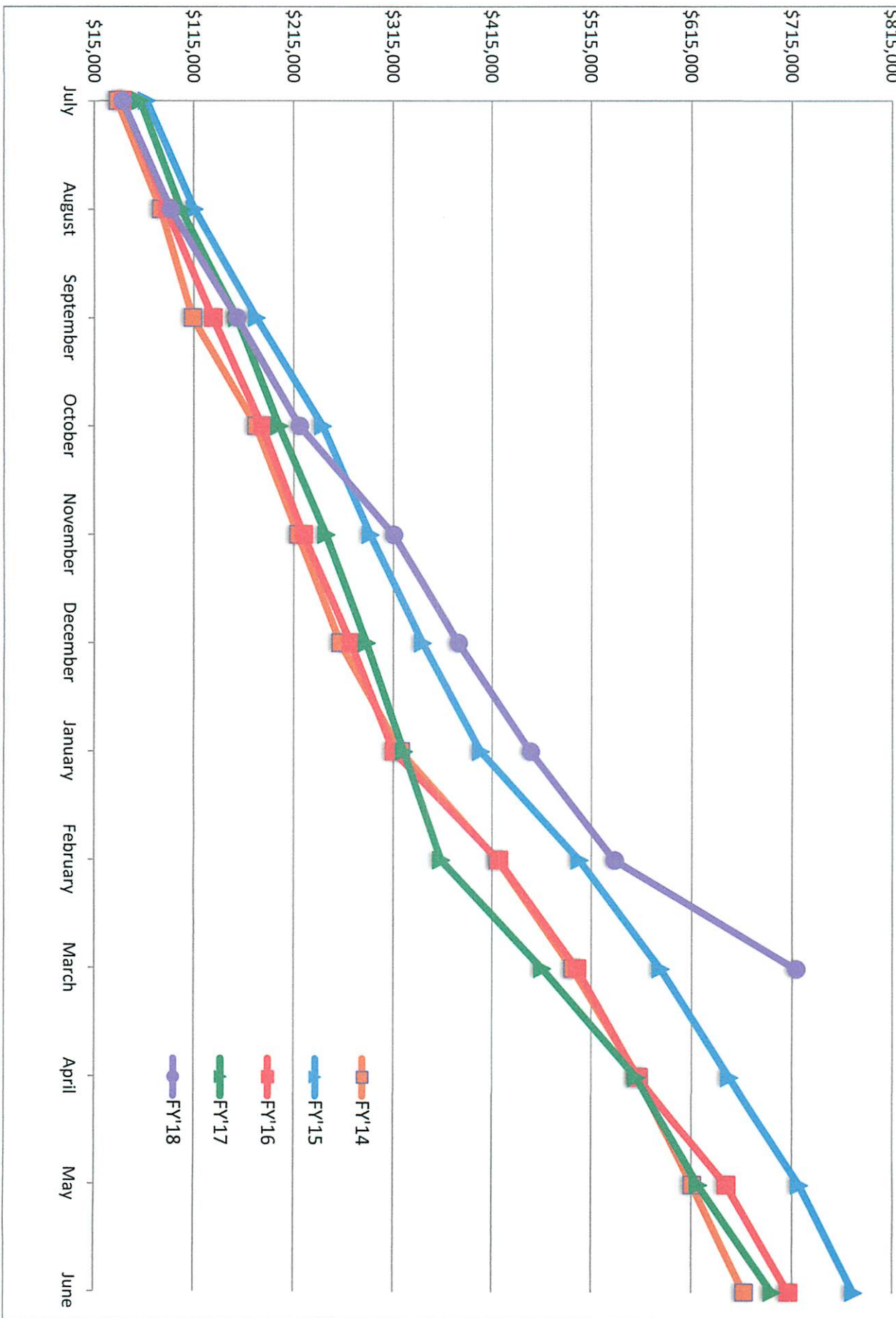


Monthly Price Per Voucher



*Hourly rate increased July 2014 from \$50 to \$55 and July 2015 from \$55 to \$60

COLLECTION TOTALS FY'14 to FY'18



**(3.)
Legislative Update**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: Legislative Update
DATE: April 18, 2018

Attached is the final Committee amendment to LD 1817, addressing the number and qualifications of Commissioners. All but one member of the Judiciary Committee voted in favor of the amendment. The dissenting member voted ought not to pass. As of this date, the bill as amended has been passed to be engrossed by both the House and Senate, meaning only one additional vote in each chamber is required before the bill is enacted and sent to the Governor.

LD 1812 authorizes the Legislative Council to contract with the Sixth Amendment Center to study the provision of indigent legal services in Maine. Copies of the original bill, plus an amendment utilizing FY'18 MCILS funds to pay for the study, are attached. As of this date, the bill as amended has been passed by both chambers and awaits action by the Governor.

LD 1897 reinstates the Commission's other special revenue funds that were omitted from the FY'19 budget by oversight. A copy is attached. This bill was passed by both chambers, but vetoed by the Governor on April 17th.

Finally, a bill under consideration by the Judiciary Committee that would have transferred MCILS's FY'19 funds from the existing Other Special Revenue account to a general fund account ultimately did not garner majority support in the Judiciary Committee. Accordingly, no such bill was reported out of Committee.

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Date:

(Filing No. H-)

JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT " " to H.P. 1259, L.D. 1817, Bill, "An Act To Implement the Recommendations of the Working Group To Improve the Provision of Indigent Legal Services Concerning the Membership of the Maine Commission on Indigent Legal Services"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

'Sec. 1. 4 MRSA §1803, sub-§1, as enacted by PL 2009, c. 419, §2, is repealed and the following enacted in its place:

1. Members; appointment; chair. The commission consists of 9 members appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and confirmation by the Legislature. The Governor shall designate one member to serve as chair of the commission. The membership consists of the following:

A. One member from a list of qualified potential appointees, provided by the President of the Senate;

B. One member from a list of qualified potential appointees, provided by the Speaker of the House of Representatives;

C. Three members from a list of qualified potential appointees, provided by the Chief Justice of the Supreme Judicial Court;

D. One member with experience in administration and finance;

E. One member with experience providing representation in child protection proceedings;

F. One member from a list of qualified potential appointees who are attorneys engaged in the active practice of law and provide indigent legal services, provided by the president of the Maine State Bar Association. This member is a nonvoting member of the commission; and

COMMITTEE AMENDMENT

1 G. One member from a list of qualified potential appointees who are attorneys
2 engaged in the active practice of law and provide indigent legal services, provided by
3 the president of a statewide organization, other than the Maine State Bar Association,
4 that represents criminal defense attorneys. This member is a nonvoting member of
5 the commission.

6 In determining the appointments and recommendations under this subsection, the
7 Governor, the President of the Senate, the Speaker of the House of Representatives, the
8 Chief Justice of the Supreme Judicial Court, the president of the Maine State Bar
9 Association and the president of the statewide organization that represents criminal
10 defense attorneys shall consider input from individuals and organizations with an interest
11 in the delivery of indigent legal services. Recommendations provided by the president of
12 the Maine State Bar Association and the president of the statewide organization
13 representing criminal defense attorneys must consist of attorneys providing indigent legal
14 services as a majority of their law practices.

15 **Sec. 2. 4 MRSA §1803, sub-§§2 and 4, as enacted by PL 2009, c. 419, §2, are**
16 **amended to read:**

17 **2. Qualifications.** Individuals appointed to the commission must have demonstrated
18 a commitment to quality representation for persons who are indigent and have the skills
19 and knowledge required to ensure that quality of representation is provided in each area
20 of law. No more than 3 7 members may be attorneys engaged in the active practice of
21 law. A person who is a sitting judge, prosecutor or law enforcement official, or an
22 employee of such a person, may not be appointed to the commission. A voting member
23 and the immediate family members living in the same household as the member may not
24 receive compensation from the commission, other than that authorized in Title 5, section
25 12004-G, subsection 25-A, while the member is serving on the commission.

26 The limitations on members receiving compensation from the commission do not apply to
27 any member serving on the commission as of April 1, 2018 for the duration of the
28 member's term.

29 **4. Quorum.** ~~Three~~ A quorum is a majority of the current voting members of the
30 commission constitutes a quorum. A vacancy in the commission does not impair the
31 power of the remaining members to exercise all the powers of the commission.

32 **Sec. 3. Initial appointments.** Notwithstanding the Maine Revised Statutes, Title
33 4, section 1803, subsection 3, when appointing the members to fill the 4 new seats on the
34 Maine Commission on Indigent Legal Services pursuant to this Act, the Governor shall
35 designate one member to serve an initial term of 3 years, 2 members to serve an initial
36 term of 2 years and one member to serve an initial term of one year. Members serving on
37 the commission on the effective date of this Act continue to serve until the expiration of
38 their terms.'

SUMMARY

40 This amendment is the majority report of the Joint Standing Committee on Judiciary.
41 This amendment replaces the bill while retaining the original purpose to expand the
42 membership of the Maine Commission on Indigent Legal Services.

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Like the bill, the amendment expands the number of commission members from 5 to 9. The Governor is still responsible for appointing all members. The amendment increases the number to be appointed from a list of qualified potential appointees provided by the Chief Justice of the Supreme Judicial Court from one, as in current law, to 3. The amendment requires one appointment from a list of qualified potential appointees submitted by the Maine State Bar Association and one appointed from a list provided by a statewide organization, other than the Maine State Bar Association, that represents criminal defense attorneys. The amendment requires the Governor to appoint a member who has experience in administration and finance as well as a member who has experience providing representation in child protection proceedings.

Current law requires appointees to have the knowledge and skills required to ensure that quality of representation is provided in each area of law. The amendment removes the skill requirement. The amendment provides that no more than 7 members may be attorneys engaged in the active practice of law.

The amendment also addresses issues regarding potential conflicts of interest. It provides that no voting members may receive compensation from the commission, other than the per diem and expenses authorized by statute, while a member of the commission. The limitation on compensation from the commission also applies to a member whose immediate family member living in the same household is receiving compensation from the commission. The limitation on compensation does not apply to any member serving on the commission on April 1, 2018 for the duration of that member's term.

In addition, the amendment makes ineligible for appointment a person who is a sitting judge, a prosecutor or a law enforcement official or an employee of any of these individuals.

The amendment addresses the issue of how many members constitute a quorum. The amended language defines a quorum as a majority of the current voting members, which will allow the commission to function as it transitions from 5 members to 7 voting members.

As 4 additional members will be appointed to the commission, the amendment directs the Governor to designate one of the new members to serve a full 3-year term, 2 members to serve an initial 2-year term and one member to serve an initial term of one year.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1812

H.P. 1257

House of Representatives, January 30, 2018

**Resolve, Directing an Independent, Nonpartisan, Objective
Evaluation of the Provision of Indigent Legal Services**

(EMERGENCY)

Reported by Representative MOONEN of Portland for the Joint Standing Committee on
Judiciary pursuant to Public Law 2017, chapter 284, Pt. UUUU, section 17.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint
Rule 218.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the State of Maine has a constitutional obligation to provide indigent legal
4 services; and

5 **Whereas,** the diversity in population density and availability of attorneys across the
6 State can present challenges to providing consistent high-quality legal services to fulfill
7 that obligation; and

8 **Whereas,** many factors external to the operation of the Maine Commission on
9 Indigent Legal Services are driving up costs to both prosecution and defense; and

10 **Whereas,** the need to ensure the most efficient use of limited resources requires a
11 study of the existing system to be conducted by an independent, outside, nonpartisan
12 entity; and

13 **Whereas,** the Working Group to Improve the Provision of Indigent Legal Services
14 recommended that such a study be conducted as soon as possible; and

15 **Whereas,** authorization and funding for the study need to be provided as soon as
16 possible for the comprehensive study to be conducted in time for recommendations to be
17 considered by the First Regular Session of the 129th Legislature; and

18 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
19 the meaning of the Constitution of Maine and require the following legislation as
20 immediately necessary for the preservation of the public peace, health and safety; now,
21 therefore, be it

22 **Sec. 1. Legislative Council to contract for independent, nonpartisan,**
23 **objective evaluation of obligation to provide indigent legal services.**
24 **Resolved:** That the Legislative Council, through the Executive Director of the
25 Legislative Council, shall contract with a qualified nonprofit organization that has, within
26 the 12 months prior to the effective date of this resolve, provided consulting and
27 evaluations regarding state indigent legal services systems to evaluate the existing system
28 in the State for providing legal representation as required by both the Constitution of
29 Maine and the United States Constitution and by the laws of the State and to provide
30 recommendations to improve the structure, services and other elements of the State's
31 indigent legal services system. The executive director shall arrange for the evaluation to
32 be completed and a report submitted to the joint standing committee of the 129th
33 Legislature having jurisdiction over judiciary matters no later than January 15, 2019; and
34 be it further

35 **Sec. 2. Joint standing committee authorized to report out legislation.**
36 **Resolved:** That the joint standing committee of the 129th Legislature having
37 jurisdiction over judiciary matters is authorized to submit legislation based on the report
38 and recommendations contained in the report submitted pursuant to section 1 to the First
39 Regular Session of the 129th Legislature; and be it further

1 **Sec. 3. Appropriations and allocations. Resolved:** That the following
2 appropriations and allocations are made.

3 **LEGISLATURE**

4 **Legislature 0081**

5 Initiative: Appropriates funds on a one-time basis to the Legislature to provide funding
6 for the purpose of entering into a contract with a nonprofit organization experienced in
7 evaluating indigent legal services systems.

8	GENERAL FUND	2017-18	2018-19
9	All Other	\$110,000	\$0
10		<hr/>	<hr/>
11	GENERAL FUND TOTAL	\$110,000	\$0

12 **Emergency clause.** In view of the emergency cited in the preamble, this
13 legislation takes effect when approved.

14 **SUMMARY**

15 This resolve is a recommendation of the Working Group to Improve the Provision of
16 Indigent Legal Services. It directs the Legislative Council to contract for an independent,
17 nonpartisan, objective evaluation of and report on the provision of indigent legal services
18 with a nonprofit organization that conducts such evaluations. The joint standing
19 committee of the 129th Legislature having jurisdiction over judiciary matters is
20 authorized to report out legislation based on the report.

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Date: (Filing No. H-)

JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1257, L.D. 1812, “Resolve, Directing an Independent, Nonpartisan, Objective Evaluation of the Provision of Indigent Legal Services”

Amend the resolve by striking out all of section 3 (page 2, lines 1 to 11 in L.D.) and inserting the following:

‘Sec. 3. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

**INDIGENT LEGAL SERVICES, MAINE COMMISSION ON
Maine Commission on Indigent Legal Services Z112**

Initiative: Deappropriates funds on a one-time basis to offset the cost to provide funding for the purpose of entering into a contract with a nonprofit organization experienced in evaluating indigent legal services systems.

GENERAL FUND	2017-18	2018-19
All Other	(\$110,000)	\$0
GENERAL FUND TOTAL	<u>(\$110,000)</u>	<u>\$0</u>

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	(\$110,000)	\$0
DEPARTMENT TOTAL - ALL FUNDS	<u>(\$110,000)</u>	<u>\$0</u>

COMMITTEE AMENDMENT

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LEGISLATURE
Legislature 0081

Initiative: Appropriates funds on a one-time basis to the Legislature to provide funding for the purpose of entering into a contract with a nonprofit organization experienced in evaluating indigent legal services systems.

GENERAL FUND	2017-18	2018-19
All Other	\$110,000	\$0
GENERAL FUND TOTAL	<u>\$110,000</u>	<u>\$0</u>

LEGISLATURE	2017-18	2018-19
DEPARTMENT TOTALS		
GENERAL FUND	\$110,000	\$0
DEPARTMENT TOTAL - ALL FUNDS	<u>\$110,000</u>	<u>\$0</u>

SECTION TOTALS	2017-18	2018-19
GENERAL FUND	\$0	\$0
SECTION TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$0</u>

SUMMARY

This amendment is the majority report of the Joint Standing Committee on Judiciary. It replaces the appropriations and allocations section in the resolve to transfer funds from the All Other account of the Maine Commission on Indigent Legal Services to pay for the independent, nonpartisan study.

FISCAL NOTE REQUIRED

(See attached)



128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1897

H.P. 1330

House of Representatives, April 2, 2018

**An Act To Reinstate Certain Other Special Revenue Funds
Allocations for the Maine Commission on Indigent Legal Services**

Reported by Representative MOONEN of Portland for the Joint Standing Committee on
Judiciary pursuant to Public Law 2017, c. 284, Pt. UUUU, section 17.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. Appropriations and allocations.** The following appropriations and
3 allocations are made.

4 **INDIGENT LEGAL SERVICES, MAINE COMMISSION ON**

5 **Reserve for Indigent Legal Services Z258**

6 Initiative: Allocates funds from reimbursement of counsel fees and from conference
7 training fees.

8

9	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
10	All Other	\$0	\$793,497
11			
12	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$793,497</u>

13 **SUMMARY**

14 This bill allocates funds from the reimbursement of counsel fees paid by indigent
15 legal services recipients and the payment of conference and training fees by attorneys,
16 which were inadvertently omitted from the biennial budget.

17 **FISCAL NOTE REQUIRED**

18 **(See attached)**

(4.)

Action Items Discussion

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: ACTION ITEMS DISCUSSION
DATE: April 17, 2018

FEEDBACK FORM

The form is available on our website and has been provided to the financial screeners for distribution to clients. I have also sent the form to the Trial Chiefs for distribution to clerks and judges at their discretion. The staff has received word that the form is available at the clerk's window in at least one court. To date, we have had one form returned.

RESOURCE COUNSEL

The staff has compiled a list of attorneys to invite to become resource counsel. The staff has also created the attached job description to provide to attorneys we invite. As you can see, the staff believes that payment should be made on an "as billed" basis up to 10 hours per month at \$60/hr. rather than as a monthly stipend. We also hope to use the DefenderData system to track resource counsel activities and confine other reporting obligations to individual cases that require the attention of the central office. Finally, we plan one annual training/feedback meeting with resource counsel.

Note that when attempting to cover all three practice areas throughout the State, staff has identified 25 individual attorneys. If each attorney bills the maximum of \$600 per month, the cost of the program will likely exceed previous estimates by a wide margin. We do not believe, however, that billing will reach the full \$600 each month, particularly in the rural areas.

OTHER ACTION ITEMS

The action items list the Commission created several months ago is attached with modifications to show progress on the two items discussed above.

Resource Counsel Job Description

- Contact and offer mentorship to newly rostered attorneys. MCILS will provide Resource Counsel with the names and contact details of newly rostered attorneys.
- Be available to discuss case issues or otherwise mentor local attorneys.
- Observe attorney performance in court and identify issues. Determine whether those issues should be addressed by Resource Counsel or whether issues should be discussed with MCILS staff.
- Seek feedback from Judges and attorneys for the State. Relay any issues or concerns to MCILS staff.
- Devote up to 10 hours each month at \$60/hr rate.
- In addition to specific reports to MCILS described above, provide DefenderData billing that details activities at the end of each month.
- Once a year meeting in Augusta with other Resource Counsel and MCILS staff.

POTENTIAL ACTION ITEMS – APRIL 2018

System to facilitate filing of complaints by clients. – Action: A feedback form for use by clients and other actors in the system has been developed and distributed.

Resource Counsel system. – Pending Action: Staff is in the process of developing and implementing the resource counsel system. Target start date is July 1, 2018.

Geographic limitations on rosters. Travel and mileage policy for courts with plenty of lawyers.

Cap enforcement, e.g., require pre-approval.

Evaluation surveys.

Items requiring court cooperation:

New form for application for counsel and new procedure for collection hearings.

Reimbursement of counsel fees when client with assigned counsel retains counsel.

Early interface with new court case management system

Block case assignments

Less formal briefs (avoid printing costs) in the Law Court.

Refusing to pay for discovery.

Billing practices that inflate average cost per voucher.

How to address vouchers submitted beyond the deadline.

Closing rosters to new lawyers in areas flush with lawyers.

Identifying locales similar to Somerset that could benefit from a contract.

(5.)

Somerset Contract

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: SOMERSET COUNTY UPDATE
DATE: April 18, 2018

At its last meeting, the Commission voted to offer the existing providers a one-year extension at the current annual rate of payment. The providers have agreed, and a contract amendment has been drafted and sent to them. Once the amendment is executed, it will be submitted to the Purchasing Division for approval.

Only the duration of the contract is being amended. The existing contract language gives the Commission broad discretion regarding case reporting requirements, and the staff will present a plan for more extensive reporting, as discussed at the last meeting, to the Commission before the extension goes into effect.