

MCILS

April 9, 2019

**Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

APRIL 9, 2019

COMMISSION MEETING

**JUDICIARY COMMITTEE ROOM, ROOM 438, STATEHOUSE, AUGUSTA
AGENDA**

- 1) Approval of March 12, 2019, Commission Meeting Minutes
- 2) Operations Reports
- 3) Sixth Amendment Center Presentation
- 4) Somerset Contract
- 5) Budget Update
- 6) DefenderData Upgrade
- 7) Action Items
- 8) Public Comment
- 9) Set Date, Time and Location of Next Regular Meeting of the Commission
- 10) Executive Session, if needed (Closed to Public)

(1.)

**March 12, 2019
Commission Meeting
Minutes**

**Maine Commission on Indigent Legal Services – Commissioners Meeting
March 12, 2019**

Minutes

Commissioners Present: Steven Carey, Carlann Welch

MCILS Staff Present: Ellie Maciag, John Pelletier

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Approval of the February 11, 2019 Commission Meeting Minutes	No discussion of meeting minutes.	Commissioner Welch moved for approval, Chair Carey seconded. All voted in favor. Approved.
Operations Reports Review	<u>February 2019 Operations Report</u> : 2,064 new cases were opened in the DefenderData system in February. This was a 305 case increase over January. The number of submitted vouchers in February was 2,571, a decrease of 610 vouchers from January, totaling \$1,324,434 a decrease of \$359,000 from January. The average price per voucher was \$520.25, down \$2.65 per voucher from January. Appeal and Post-Conviction Review cases had the highest average vouchers. There were 11 vouchers exceeding \$5,000 paid in February. 126 authorizations to expend funds were issued in February, and we paid \$108,583 for experts and investigators, etc. The monthly transfer from the Judicial Branch for counsel fees for February, which reflects January's collections, totaled \$101,822, up approximately \$11,000 from January. One attorney complaint was received in February. Director Pelletier will keep the Commissioners apprised of the investigation into this complaint.	
Fee Schedule Rule Discussion	The Commissioners continued their discussion of potential changes to the fee schedule rule. The Commissioners agreed on a final draft and decided to move forward with the rulemaking process. Chair Carey asked the staff to publicize a public hearing for May.	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Budget Update	Director Pelletier met with the Commissioner of DAFS who is now aware of the Commission's budget needs and is in support of the Commission getting an additional \$2.8 million in a supplemental funding request. Director Pelletier stated that there is no mechanism to fix the funding problem now and will have to request the additional funding during his upcoming testimony to the Legislature.	
Letter to Government Oversight Committee	Director Pelletier updated the Commissioners on the outcome of the March 8 OPEGA meeting. OPEGA did not vote to undertake a review, but asked its Executive Director to gather some preliminary information about the Commission.	
Sixth Amendment Center Study	Director Pelletier gave a brief update on the Sixth Amendment Center study, and noted that he expects the report to be issued in the coming weeks.	
Training Update	Deputy Director Maciag gave an overview of the 2019 training schedule. Chair Carey asked staff to prioritize a lawyer of the day training and to consider ways to strengthen the controls of who serves as lawyer of the day.	
Public Comment	<u>Tina Nadeau, Esq.</u> : Attorney Nadeau inquired about the Commission's response to the upcoming Sixth Amendment Center report. Attorney Nadeau agreed with Chair Carey's assessment that a lawyer of the day training is needed.	
Executive Session	The Commissioners entered into executive session to discuss an attorney complaint. Upon emerging from executive session, the Commissioners stated that no votes were taken.	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Adjournment of meeting	The Commission voted to adjourn with the next meeting to be on April 9, 2019 at 9:30 a.m.	Chair Carey 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: APRIL 2019 OPERATIONS REPORTS
DATE: APRIL 2, 2019

Attached you will find the April, 2019, Operations Reports for your review and our discussion at the Commission meeting on April 9, 2019. A summary of the operations reports follows:

- 2,223 new cases were opened in the DefenderData system in March. This was a 159 case increase over February.
- The number of vouchers submitted electronically in March was 2,682, an increase of 111 vouchers over February, totaling \$1,555,153.88, an increase of \$231,000 over February. In March, we paid 3,206 electronic vouchers totaling \$1,695,206.08, representing an increase of 760 vouchers and \$423,000 compared to February.
- There were no paper vouchers submitted and paid in March.
- The average price per voucher in March was \$528.76, up \$8.51 per voucher over February.
- Appeal and Drug Court cases had the highest average vouchers in March. There were 13 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 140 authorizations to expend funds: 86 for private investigators, 42 for experts, and 12 for miscellaneous services such as interpreters and transcriptionists. In March, we paid \$106,084.23 for experts and investigators, etc. In March, 5 requests for funds were modified. See attached addendum for details.
- We received one complaint about an attorney in March. A person complained by phone that an attorney failed to inform him of his obligations vis-à-vis Maine Pretrial Services, which resulted in his being arrested. Per the complainant, the attorney acknowledged the error. We are following up with the attorney.
- No new requests for co-counsel were approved in March.

In our All Other Account, the total expenses for the month of March were \$1,844,099.59. Of that amount, approximately \$20,000 was devoted to the Commission's operating

expenses. The operations expenses were unusually high because both previous month's and current month's bills for OIT and the immigration consultant contract were paid in March.

In the Personal Services Account, we had \$54,880.79 in expenses for the month of March.

In the Revenue Account, the transfer for March, reflecting February's collections, totaled \$134,996.48, an increase of approximately \$33,000 from the previous month.

During March, we had no receipts or expenditures in our training account.

VOUCHERS EXCEEDING \$5,000 PAID MARCH 2019

	Voucher Total	Case total
Voucher after a 4-day trial in a Gross Sexual Assault case. Client found not guilty of Gross Sexual Assault and 4 related lesser charges. Case involved extensive discovery and Clifford Order materials.	\$14,249	\$28,124 (\$13,875 paid to co-counsel from a different firm)
Voucher after a 4-day trial in a Gross Sexual Assault case. Client found not guilty of Gross Sexual Assault and 4 related lesser charges. Case involved extensive discovery and Clifford Order materials.	\$13,875	\$28,124 (\$14,249 paid to co-counsel from a different firm)
Voucher after a 5-day trial in an Aggravated Assault case. Defendant found guilty. Case involved injuries to an infant with medical experts on both sides. Pretrial litigation included a 2-day "Daubert" hearing.	\$13,427	\$13,427
Interim voucher in a Burglary case with extensive suppression issues that has been litigated since 2015. This voucher covers defending the State's appeal to the Law Court after the defense prevailed on a "Franks" suppression motion.	\$11,070	\$37,200 (prior interim vouchers of \$11,862 and \$14,268 paid on this case)
Voucher after a 6-day trial in a Manslaughter case. Defendant raised self-defense, but was convicted after trial. Extensive discovery and medical evidence. Contested sentencing.	\$10,224	\$20,015 (\$9,791 paid to co-counsel from a different firm)
Voucher after a 6-day trial in a Manslaughter case. Defendant raised self-defense, but was convicted after trial. Extensive discovery and medical evidence. Contested sentencing.	\$9,791	\$20,015 (\$10,224 paid to co-counsel from a different firm)
Voucher in a Felony Murder/Robbery case. Discovery included 40 hours of audio/visual discovery. Client incarcerated distant from co-defendant, and counsel had to travel to distant jail for proffer. Case conclusion delayed until after trial of co-defendant.	\$8,590	\$14,963 (\$6,373 paid to co-counsel from different firm)
Voucher in a Vehicular Manslaughter case. Matter involved multiple victims in addition to the deceased. Extensive medical evidence. Blood-alcohol test results ligated over a two-day hearing followed by written arguments. Defendant pled guilty.	\$8,576	\$17,385 (\$8,809 paid to previous counsel who was discharged by the client)
Voucher in an Aggravated Assault case. Client pled guilty to a lesser offense on first day of trial. Portland attorney, but client incarcerated in York County jail throughout. Client mental health issues necessitated numerous meetings.	\$6,929	\$6,929
Voucher in a Felony Murder/Robbery case. Discovery included 40 hours of audio/visual discovery. Client	\$6,373	\$14,963 (\$8,590 paid to co-counsel

incarcerated distant from co-defendant, and counsel had to travel to distant jail for proffer. Case conclusion delayed until after trial of co-defendant.		from different firm)
Voucher in an appeal from a Gross Sexual Assault conviction. Counsel initially briefed adverse findings on suppression and competence. The Law Court then requested briefs on who has burden of proof on competence. Two oral arguments held.	\$5,632	\$5,632
Interim voucher covering work on three docket numbers involving Aggravated Criminal Mischief and numerous assault charges. Client had issues with mental illness and homelessness. Treatment options identified and pursued in hopes of a no-jail resolution. Voucher submitted because counsel changing firms.	\$5,550	\$5,550
Voucher in an Aggravated Assault and Aggravated Driving to Endanger case. Client first found not competent and housed at Riverview. Following restoration, client found Not Guilty by Reason of Insanity by agreement with the State.	\$5,130	\$5,130

FUNDS REQUESTS DENIED/MODIFIED MARCH 2019

- Five requests for funds were modified to authorize a reduced amount.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

3/31/2019

	Mar-19						Fiscal Year 2019			
DefenderData Case Type	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	11	17	\$ 31,400.86	18	\$ 32,594.86	\$ 1,810.83	113	176	\$ 272,684.78	\$ 1,549.35
Child Protection Petition	240	447	\$ 265,813.86	505	\$ 282,252.49	\$ 558.92	1,893	3,593	\$ 2,136,078.07	\$ 594.51
Drug Court	0	5	\$ 10,110.00	6	\$ 10,812.00	\$ 1,802.00	4	49	\$ 52,148.00	\$ 1,064.24
Emancipation	5	8	\$ 2,604.00	11	\$ 5,748.00	\$ 522.55	64	59	\$ 21,381.83	\$ 362.40
Felony	481	530	\$ 542,426.55	639	\$ 555,343.12	\$ 869.08	4,535	5,040	\$ 4,303,211.75	\$ 853.81
Involuntary Civil Commitment	81	51	\$ 13,496.45	77	\$ 20,137.88	\$ 261.53	764	728	\$ 164,821.07	\$ 226.40
Juvenile	71	55	\$ 35,298.18	81	\$ 46,544.03	\$ 574.62	626	711	\$ 347,588.31	\$ 488.87
Lawyer of the Day - Custody	226	202	\$ 43,685.65	249	\$ 55,144.63	\$ 221.46	2,041	1,946	\$ 466,282.92	\$ 239.61
Lawyer of the Day - Juvenile	32	33	\$ 6,304.08	38	\$ 7,751.20	\$ 203.98	308	300	\$ 59,961.52	\$ 199.87
Lawyer of the Day - Walk-in	136	127	\$ 31,701.76	152	\$ 37,394.40	\$ 246.02	1,161	1,036	\$ 248,046.75	\$ 239.43
Misdemeanor	716	755	\$ 332,277.48	903	\$ 375,244.98	\$ 415.55	6,538	6,774	\$ 2,701,095.66	\$ 398.74
Petition, Modified Release Treatment	0	2	\$ 564.55	3	\$ 1,044.55	\$ 348.18	4	34	\$ 18,386.59	\$ 540.78
Petition, Release or Discharge	0	0		0			1	7	\$ 3,798.39	\$ 542.63
Petition, Termination of Parental Rights	23	49	\$ 36,893.36	57	\$ 44,357.97	\$ 778.21	184	451	\$ 362,521.98	\$ 803.82
Post Conviction Review	7	15	\$ 23,337.99	16	\$ 22,925.04	\$ 1,432.82	79	88	\$ 157,293.50	\$ 1,787.43
Probate	6	1	\$ 1,392.00	1	\$ 318.00	\$ 318.00	31	13	\$ 12,008.20	\$ 923.71
Probation Violation	152	166	\$ 77,137.21	195	\$ 83,857.73	\$ 430.04	1,501	1,589	\$ 632,405.36	\$ 397.99
Represent Witness on 5th Amendment	1	2	\$ 860.40	4	\$ 1,328.40	\$ 332.10	21	25	\$ 9,044.16	\$ 361.77
Resource Counsel Criminal	0	3	\$ 312.00	3	\$ 252.00	\$ 84.00	12	33	\$ 5,016.00	\$ 152.00
Resource Counsel Juvenile	0	0		0			6	2	\$ 108.00	\$ 54.00
Resource Counsel Protective Custody	0	3	\$ 138.00	1	\$ 30.00	\$ 30.00	9	15	\$ 1,992.00	\$ 132.80
Review of Child Protection Order	33	209	\$ 98,943.50	245	\$ 111,668.80	\$ 455.79	505	1,637	\$ 823,677.00	\$ 503.16
Revocation of Administrative Release	2	2	\$ 456.00	2	\$ 456.00	\$ 228.00	10	14	\$ 4,382.76	\$ 313.05
DefenderData Sub-Total	2,223	2,682	\$ 1,555,153.88	3,206	\$ 1,695,206.08	\$ 528.76	20,410	24,320	\$ 12,803,934.60	\$ 526.48
Paper Voucher Sub-Total		0		0	\$ -	#DIV/0!		0		#DIV/0!
TOTAL	2,223	2,682	\$1,555,153.88	3,206	\$1,695,206.08	\$ 528.76	20,410	24,320	\$ 12,803,934.60	\$ 526.48

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY19 FUND ACCOUNTING
AS OF 03/31/2019

Account 014 95F Z258 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY19 Total
FY19 Professional Services Allotment		\$ 4,455,000.00		\$ 4,347,001.00		\$ 4,595,478.00		\$ 4,795,226.00	
FY19 General Operations Allotment		\$ 45,000.00		\$ 45,000.00		\$ 45,000.00		\$ 45,000.00	
Budget Order Adjustment		\$ (310,496.00)		\$ 310,496.00		\$ -		\$ -	
Legislative Amendment (revenue & conference)		\$ 198,374.00		\$ 198,374.00		\$ 198,374.00		\$ 198,375.00	
Total Budget Allotments		\$ 4,387,878.00		\$ 4,900,871.00		\$ 4,838,852.00		\$ 5,038,601.00	\$ 19,166,202.00
Total Expenses	1	\$ (882,611.39)	4	\$ (1,766,940.01)	7	\$ (1,672,817.43)	10	\$ -	
	2	\$ (1,830,038.43)	5	\$ (1,150,745.03)	8	\$ (1,411,849.66)	11	\$ -	
	3	\$ (1,406,760.51)	6	\$ (2,024,450.12)	9	\$ (1,844,099.59)	12	\$ -	
Encumbrances (Somerset PDP & Justice Works)		\$ (255,467.50)		\$ 84,597.50		\$ 84,070.00		\$ -	\$ (86,800.00)
Encumbrances (B Taylor, business cards)		\$ (13,000.00)		\$ 8,666.66		\$ 4,333.33		\$ -	\$ (0.01)
Encumbrances (B Taylor)				\$ (52,000.00)		\$ 12,999.99		\$ -	\$ (39,000.01)
Encumbrances (Videographer)						\$ (4,800.00)		\$ -	\$ (4,800.00)
TOTAL REMAINING		\$ 0.17		\$ 0.00		\$ 6,688.64		\$ 5,038,601.00	\$ 5,045,289.81

Q3 Month 9	
INDIGENT LEGAL SERVICES	
Counsel Payments	\$ (1,695,206.08)
Somerset County	\$ (22,687.50)
Somerset County Discovery	\$ -
Subpoena Witness Fees	\$ (12.75)
Private Investigators	\$ (36,000.75)
Mental Health Expert	\$ (31,054.34)
Transcripts	\$ (13,839.02)
Other Expert	\$ (20,841.96)
Lodging for Trial	\$ -
Process Servers	\$ (301.68)
Interpreters	\$ (2,593.33)
Misc Prof Fees & Serv	\$ (1,440.40)
SUB-TOTAL ILS	\$ (1,823,977.81)
OPERATING EXPENSES	
Training Videographer	\$ -
DefenderData	\$ (5,122.50)
Service Center	\$ -
Mileage/Tolls/Parking	\$ (800.05)
Mailing/Postage/Freight	\$ (309.76)
West Publishing Corp	\$ (185.13)
Annual Parking Fees	\$ -
Office Supplies/Equip.	\$ (109.75)
Cellular Phones	\$ (276.61)
OIT/TELCO	\$ (4,430.30)
Office Equipment Rental	\$ (221.02)
Printing & Binding	\$ -
Barbara Taylor monthly fees	\$ (8,666.66)
SUB-TOTAL OE	\$ (20,121.78)
TOTAL	\$ (1,844,099.59)

INDIGENT LEGAL SERVICES	
Q3 Allotment	\$ 4,838,852.00
Q3 Encumbrances for Somerset PDP & Justice Works contracts	\$ 84,070.00
Barbara Taylor Contract	\$ 17,333.32
Videographer Contract	\$ (4,800.00)
Q3 Expenses to date	\$ (4,928,766.68)
Remaining Q3 Allotment	\$ 6,688.64

Non-Counsel Indigent Legal Services	
Monthly Total	\$ (106,084.23)
Total Q1	\$ (260,358.16)
Total Q2	\$ (250,267.57)
Total Q3	\$ (329,340.04)
Total Q4	\$ -
Fiscal Year Total	\$ (839,965.77)

Conference Account Transactions	
Training Videographer	\$ -
Training Meals	\$ -
Printing/Binding	\$ -
Overseers of the Bar CLE fee	\$ -
Collected Registration Fees	\$ -
Current Month Total	\$ -

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY19 FUND ACCOUNTING
As of 03/31/19

Account 014 95F 2258 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY19 Total
Total Budget Allotments		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00		\$ 184,125.00	\$ 736,497.00
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Financial Order Adjustment	2	\$ -	5	\$ -	8	\$ -	11		
Budget Order Adjustment	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Budget Order Adjustment		\$ -		\$ -		\$ -	12	\$ -	\$ -
Total Budget Allotments		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00		\$ 184,125.00	\$ 736,497.00
Cash Carryover from Prior Quarter		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	1	\$ 83,016.89	4	\$ 82,863.81	7	\$ 90,705.92	10	\$ -	
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	2	\$ -	5	\$ 116,115.85	8	\$ 101,822.48	11	\$ -	
Court Ordered Counsel Fee		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB (late transfer)		\$ 89,153.94		\$ -	9	\$ -		\$ -	
Collected Revenue from JB	3	\$ 86,999.14	6	\$ 70,129.23	9	\$ 134,996.48	12	\$ -	
Returned Checks-stopped payments		\$ -		\$ -		\$ -		\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 259,169.97		\$ 269,108.89		\$ 327,524.88		\$ -	\$ 855,803.74
Counsel Payments	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Other Expenses		\$ -		\$ -		\$ -	***	\$ -	
Counsel Payments	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Other Expenses		\$ -		\$ -		\$ -		\$ -	
Counsel Payments	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Other Expenses	*	\$ -	**	\$ -	***	\$ -		\$ -	
REMAINING ALLOTMENT		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00		\$ 184,125.00	\$ 736,497.00
Overpayment Reimbursements	1		4	\$ (1,694.84)	7	\$ -	10	\$ -	
	2	\$ (2,905.00)	5	\$ (69.00)	8	\$ (224.00)	11	\$ -	
	3	\$ (560.00)	6	\$ (618.00)	9	\$ (186.00)	12	\$ -	
REMAINING CASH Year to Date		\$ 255,704.97		\$ 266,727.05		\$ 327,114.88		\$ -	\$ 849,546.90

Q3 Month 9	
DEFENDER DATA COUNSEL PAYMENTS	
	\$ -
SUB-TOTAL ILS	\$ -
OVERPAYMENT REIMBURSEMENTS	\$ (186.00)
Paper Voucher	\$ -
Somerset County CDs	\$ -
Private Investigators	\$ -
Mental Health Expert	\$ -
Transcripts	\$ -
Other Expert	\$ -
StaCap Expense	\$ -
SUB-TOTAL OE	\$ (186.00)
TOTAL	\$ (186.00)

Collections versus Allotment	
Monthly Total	\$ 134,996.48
Total Q1	\$ 259,169.97
Total Q2	\$ 269,108.89
Total Q3	\$ 327,524.88
Allotment Expended to Date	\$ (552,372.00)
Fiscal Year Total	\$ 303,431.74

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY19 FUND ACCOUNTING
AS OF 03/31/2019

Account 014 95F Z258 01 (Personal Services)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY19 Total
FY19 Allotment	\$	197,081.00	\$	223,111.00	\$	197,084.00	\$	215,289.00	\$ -
Financial Order Adjustments	\$	-	\$	-	\$	-	\$	-	
Financial Order Adjustments	\$	-	\$	-	\$	-	\$	-	
Budget Order Adjustments			\$	-	\$	-			
Total Budget/Allotments	\$	197,081.00	\$	223,111.00	\$	197,084.00	\$	215,289.00	\$ 832,565.00
Total Expenses	1 \$	(55,638.04)	4 \$	(78,750.49)	7 \$	(56,280.97)	10 \$	-	
	2 \$	(56,106.91)	5 \$	(55,548.91)	8 \$	(54,894.29)	11 \$	-	
	3 \$	(55,392.68)	6 \$	(55,885.11)	9 \$	(54,880.79)	12 \$	-	
TOTAL REMAINING	\$	29,943.37	\$	32,926.49	\$	31,027.95	\$	215,289.00	\$ 309,186.81

Q3 Month 9	
Per Diem Payments	\$ (110.00)
Salary	\$ (27,383.44)
Vacation Pay	\$ (620.32)
Holiday Pay	\$ (1,624.44)
Sick Pay	\$ (623.78)
Standard Overtime	\$ -
Health Insurance	\$ (9,287.14)
Dental Insurance	\$ (223.22)
Employer Retiree Health	\$ (3,570.56)
Employer Retirement	\$ (2,091.25)
Employer Group Life	\$ (266.00)
Employer Medicare	\$ (433.05)
Retiree Unfunded Liability	\$ (6,380.33)
July & August Per Diem	\$ -
Perm Part Time Full Ben	\$ (2,267.26)
TOTAL	\$ (54,880.79)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

3/31/2019

Mar-19							Fiscal Year 2019			
Court	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	10	4	\$ 3,654.00	5	\$ 4,320.00	\$ 864.00	38	60	\$ 60,114.44	\$ 1,001.91
AUBSC	6	1	\$ 2,076.00	1	\$ 2,076.00	\$ 2,076.00	18	20	\$ 18,981.84	\$ 949.09
AUGDC	45	67	\$ 41,154.02	74	\$ 47,262.98	\$ 638.69	340	512	\$ 264,114.02	\$ 515.85
AUGSC	5	8	\$ 2,790.55	10	\$ 3,600.55	\$ 360.06	69	123	\$ 66,652.46	\$ 541.89
BANDC	66	146	\$ 50,225.46	160	\$ 54,702.70	\$ 341.89	629	926	\$ 315,038.40	\$ 340.21
BANSC	0	1	\$ 4,153.52	1	\$ 4,153.52	\$ 4,153.52	3	9	\$ 24,338.02	\$ 2,704.22
BATSC	0	0		0			2	0		
BELDC	4	11	\$ 6,764.61	15	\$ 7,171.51	\$ 478.10	74	214	\$ 155,204.94	\$ 725.26
BELSC	0	2	\$ 10,937.70	2	\$ 10,937.70	\$ 5,468.85	3	6	\$ 12,879.06	\$ 2,146.51
BIDDC	74	74	\$ 47,674.88	98	\$ 55,255.80	\$ 563.83	534	750	\$ 389,930.52	\$ 519.91
BRIDC	9	15	\$ 8,011.30	21	\$ 10,744.74	\$ 511.65	126	170	\$ 87,488.77	\$ 514.64
CALDC	4	4	\$ 2,432.48	5	\$ 2,738.48	\$ 547.70	39	76	\$ 45,278.16	\$ 595.77
CARDC	15	24	\$ 12,268.69	25	\$ 11,680.69	\$ 467.23	104	145	\$ 67,113.63	\$ 462.85
CARSC	3	1	\$ 438.00	2	\$ 1,074.00	\$ 537.00	7	13	\$ 7,728.19	\$ 594.48
DOVDC	3	4	\$ 2,717.38	12	\$ 4,083.06	\$ 340.26	44	107	\$ 36,463.46	\$ 340.78
DOVSC	0	0		0			0	1	\$ 162.00	\$ 162.00
ELLDC	17	32	\$ 21,105.92	38	\$ 25,230.55	\$ 663.96	137	247	\$ 171,281.34	\$ 693.45
ELLSC	0	0		0			3	2	\$ 3,135.00	\$ 1,567.50
FARDC	15	33	\$ 22,814.40	39	\$ 23,865.00	\$ 611.92	134	206	\$ 143,933.70	\$ 698.71
FARSC	2	0		0			2	4	\$ 932.34	\$ 233.09
FORDC	8	8	\$ 4,324.81	7	\$ 4,054.81	\$ 579.26	51	71	\$ 45,203.04	\$ 636.66
HOUDC	20	29	\$ 13,638.52	35	\$ 15,792.27	\$ 451.21	164	218	\$ 97,031.75	\$ 445.10
HOUSC	2	0		0			2	3	\$ 7,961.58	\$ 2,653.86
LEWDC	57	93	\$ 45,589.16	139	\$ 62,604.56	\$ 450.39	642	1,014	\$ 468,295.08	\$ 461.83
LINDC	9	25	\$ 8,790.68	24	\$ 8,496.08	\$ 354.00	80	131	\$ 48,442.94	\$ 369.79
MACDC	5	12	\$ 6,030.00	13	\$ 6,180.00	\$ 475.38	80	147	\$ 53,716.04	\$ 365.42
MACSC	0	0		1	\$ 282.00	\$ 282.00	2	7	\$ 1,518.00	\$ 216.86
MADDC	2	2	\$ 575.36	2	\$ 575.36	\$ 287.68	14	13	\$ 4,059.56	\$ 312.27
MILDC	7	10	\$ 3,457.96	10	\$ 3,814.96	\$ 381.50	39	41	\$ 15,459.20	\$ 377.05
NEWDC	25	27	\$ 11,196.55	27	\$ 11,023.91	\$ 408.29	124	198	\$ 78,563.50	\$ 396.79
PORDC	72	80	\$ 39,474.16	121	\$ 60,652.72	\$ 501.26	689	958	\$ 495,167.35	\$ 516.88
PORSC	1	1	\$ 180.00	2	\$ 762.00	\$ 381.00	8	9	\$ 10,623.20	\$ 1,180.36
PREDC	19	19	\$ 13,062.98	18	\$ 10,294.70	\$ 571.93	137	209	\$ 97,028.91	\$ 464.25
RODC	26	26	\$ 11,584.24	32	\$ 10,170.66	\$ 317.83	189	255	\$ 120,477.76	\$ 472.46
ROCSC	2	1	\$ 424.20	2	\$ 345.57	\$ 172.79	13	17	\$ 3,327.99	\$ 195.76
RUMDC	2	6	\$ 3,616.63	8	\$ 2,461.92	\$ 307.74	61	92	\$ 52,083.95	\$ 566.13
SKODC	26	61	\$ 38,364.81	67	\$ 39,170.45	\$ 584.63	219	421	\$ 243,793.50	\$ 579.08
SKOSC	0	0		0			0	1	\$ 486.00	\$ 486.00
SOUNDC	5	11	\$ 6,577.28	13	\$ 7,389.61	\$ 568.43	57	93	\$ 50,322.65	\$ 541.10
SOUSC	0	3	\$ 1,699.20	3	\$ 1,699.20	\$ 566.40	0	10	\$ 10,407.85	\$ 1,040.79
SPRDC	48	62	\$ 33,899.56	68	\$ 35,570.56	\$ 523.10	381	544	\$ 300,614.12	\$ 552.60
Law Ct	9	14	\$ 24,099.13	14	\$ 24,711.13	\$ 1,765.08	87	138	\$ 229,716.02	\$ 1,664.61
YORCD	202	249	\$ 166,280.11	302	\$ 187,416.33	\$ 620.58	2,035	2,143	\$ 1,476,090.83	\$ 688.80
AROCD	134	152	\$ 121,862.46	173	\$ 126,143.80	\$ 729.15	1,124	1,082	\$ 627,171.67	\$ 579.64
ANDCD	129	143	\$ 74,922.52	184	\$ 91,920.03	\$ 499.57	1,330	1,484	\$ 719,079.22	\$ 484.55
KENCD	168	160	\$ 71,608.45	193	\$ 81,946.09	\$ 424.59	1,459	1,499	\$ 635,986.05	\$ 424.27
PENCD	160	208	\$ 97,325.09	254	\$ 111,334.24	\$ 438.32	1,965	2,082	\$ 996,876.69	\$ 478.81
SAGCD	24	27	\$ 19,517.72	35	\$ 23,827.96	\$ 680.80	270	300	\$ 192,970.56	\$ 643.24
WALCD	35	36	\$ 30,554.64	40	\$ 27,963.11	\$ 699.08	307	310	\$ 164,814.43	\$ 531.66
PISCD	22	21	\$ 7,374.00	24	\$ 8,632.64	\$ 359.69	138	130	\$ 34,775.27	\$ 267.50
HANCD	25	55	\$ 27,402.00	61	\$ 28,075.50	\$ 460.25	586	624	\$ 308,210.96	\$ 493.93
FRACD	65	54	\$ 26,531.85	65	\$ 31,257.31	\$ 480.88	351	446	\$ 198,116.41	\$ 444.21
WASCD	22	40	\$ 12,460.40	56	\$ 16,798.40	\$ 299.97	386	455	\$ 186,005.50	\$ 408.80
CUMCD	376	315	\$ 233,158.42	381	\$ 218,064.38	\$ 572.35	3,168	3,148	\$ 1,784,456.88	\$ 566.85
KNOCD	85	86	\$ 40,733.39	88	\$ 43,335.44	\$ 492.45	499	496	\$ 247,893.36	\$ 499.79
KMOC	0	2	\$ 2,138.80	2	\$ 1,706.80	\$ 853.40	15	15	\$ 24,378.13	\$ 1,625.21
OXFCD	51	100	\$ 66,675.50	106	\$ 66,716.10	\$ 629.40	600	738	\$ 334,331.59	\$ 453.02
LINCD	28	24	\$ 9,516.44	29	\$ 11,532.76	\$ 397.68	242	308	\$ 151,482.63	\$ 491.83
WATDC	29	45	\$ 18,442.43	52	\$ 22,091.50	\$ 424.84	231	464	\$ 210,212.54	\$ 453.04
WESDC	28	32	\$ 16,041.16	27	\$ 11,117.84	\$ 411.77	214	221	\$ 77,941.06	\$ 352.67
WISDC	5	7	\$ 3,537.84	10	\$ 4,865.58	\$ 486.56	67	98	\$ 70,075.70	\$ 715.06
WISSC	2	0		0			2	3	\$ 8,334.22	\$ 2,778.07
YORDC	10	9	\$ 3,266.52	10	\$ 5,510.52	\$ 551.05	76	93	\$ 49,660.62	\$ 533.99
TOTAL	2,223	2,682	\$ 1,555,153.88	3,206	\$ 1,695,206.08	\$ 528.76	20,410	24,320	\$ 12,803,934.60	\$ 526.48

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

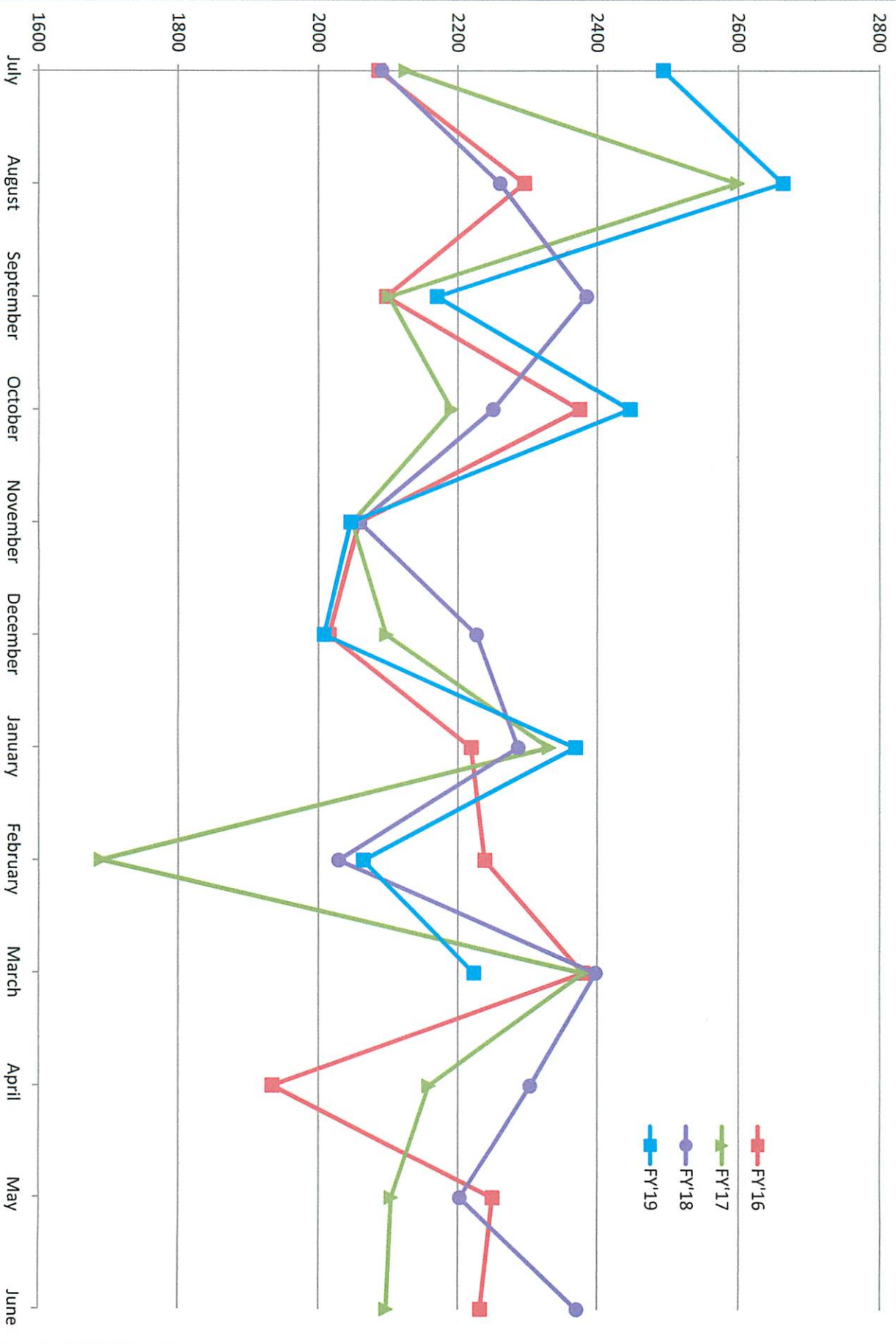
Number of Attorneys Rostered by Court

03/31/2019

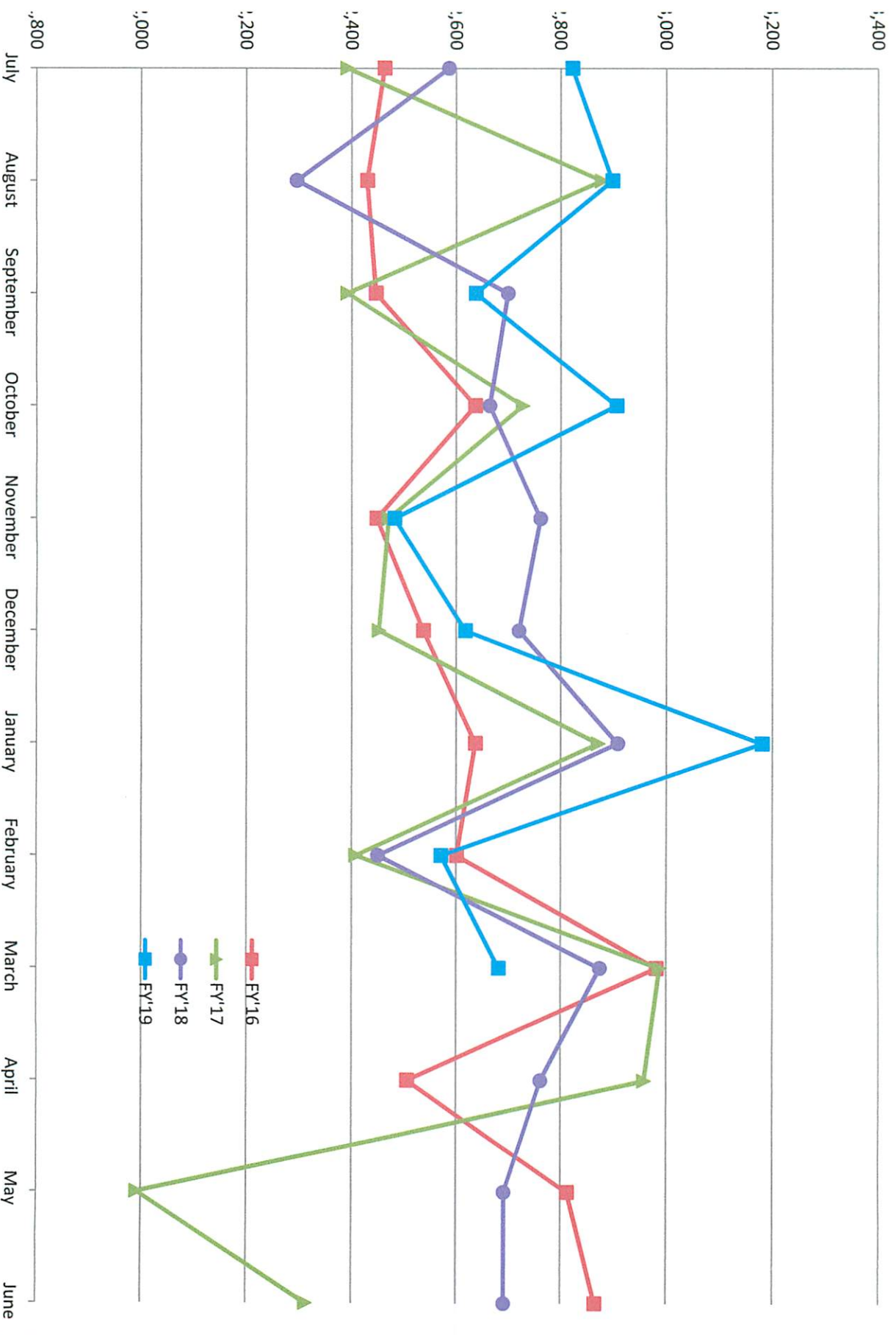
Court	Rostered Attorneys
Augusta District Court	88
Bangor District Court	44
Belfast District Court	42
Biddeford District Court	132
Bridgton District Court	83
Calais District Court	11
Caribou District Court	19
Dover-Foxcroft District Court	22
Ellsworth District Court	33
Farmington District Court	34
Fort Kent District Court	12
Houlton District Court	16
Lewiston District Court	121
Lincoln District Court	21
Machias District Court	16
Madawaska District Court	13
Millinocket District Court	16
Newport District Court	30
Portland District Court	155
Presque Isle District Court	16
Rockland District Court	36
Rumford District Court	25
Skowhegan District Court	23

Court	Rostered Attorneys
South Paris District Court	51
Springvale District Court	117
Unified Criminal Docket Alfred	115
Unified Criminal Docket Aroostook	23
Unified Criminal Docket Auburn	100
Unified Criminal Docket Augusta	81
Unified Criminal Docket Bangor	48
Unified Criminal Docket Bath	86
Unified Criminal Docket Belfast	42
Unified Criminal Docket Dover Foxcroft	21
Unified Criminal Docket Ellsworth	37
Unified Criminal Docket Farmington	36
Unified Criminal Docket Machias	17
Unified Criminal Docket Portland	146
Unified Criminal Docket Rockland	31
Unified Criminal Docket Skowhegan	17
Unified Criminal Docket South Paris	41
Unified Criminal Docket Wiscasset	48
Waterville District Court	44
West Bath District Court	101
Wiscasset District Court	55
York District Court	100

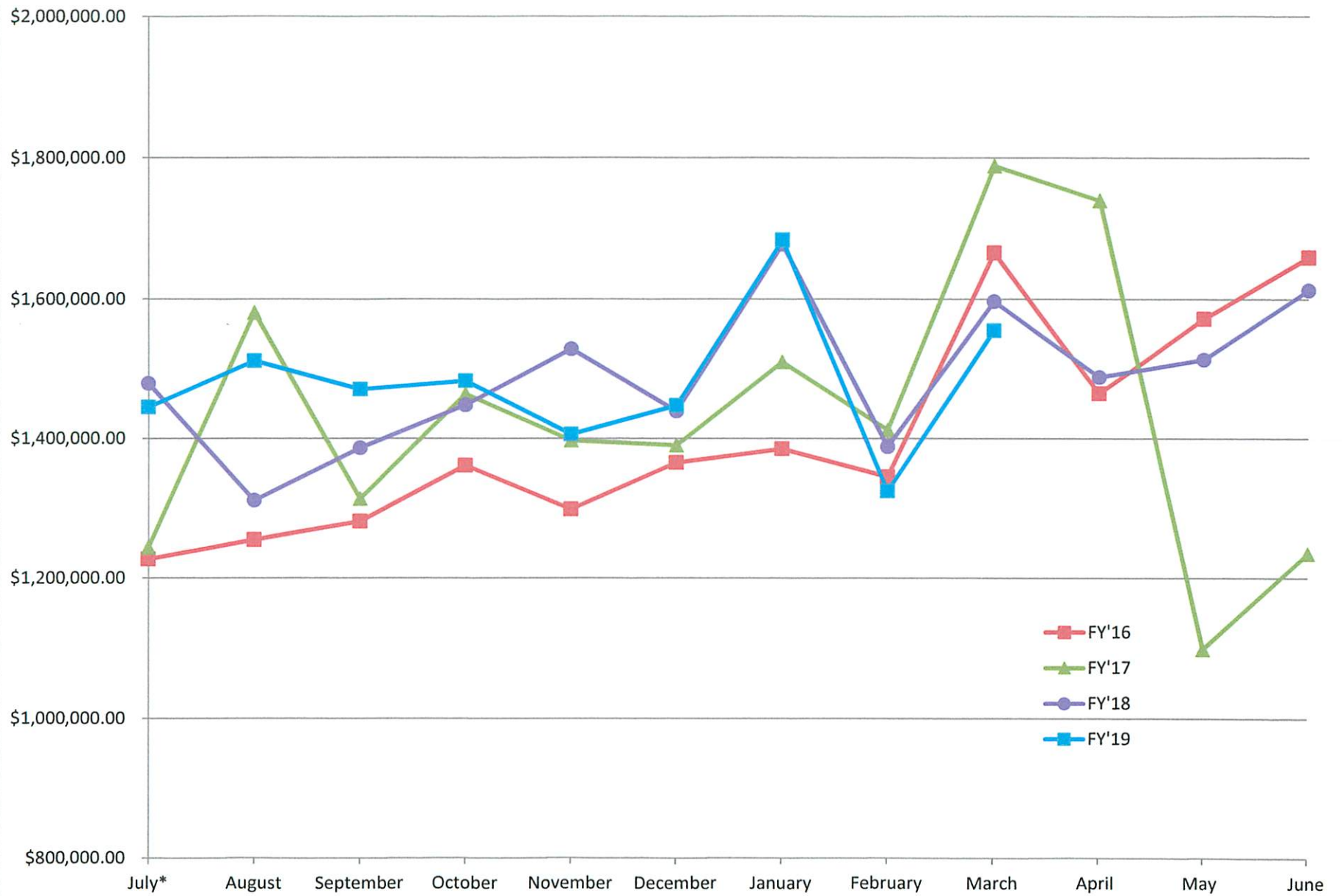
NEW CASES



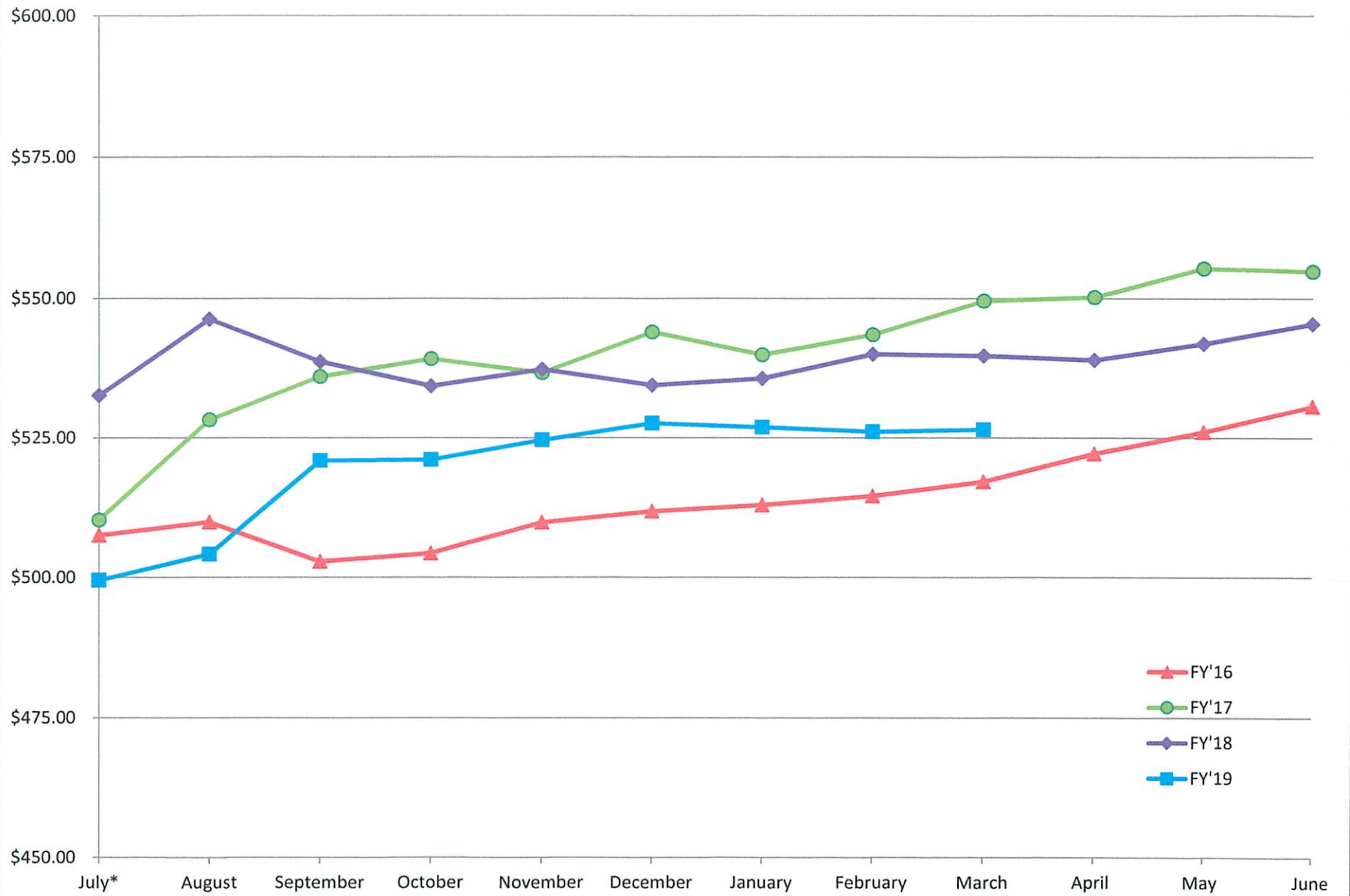
Submitted Vouchers



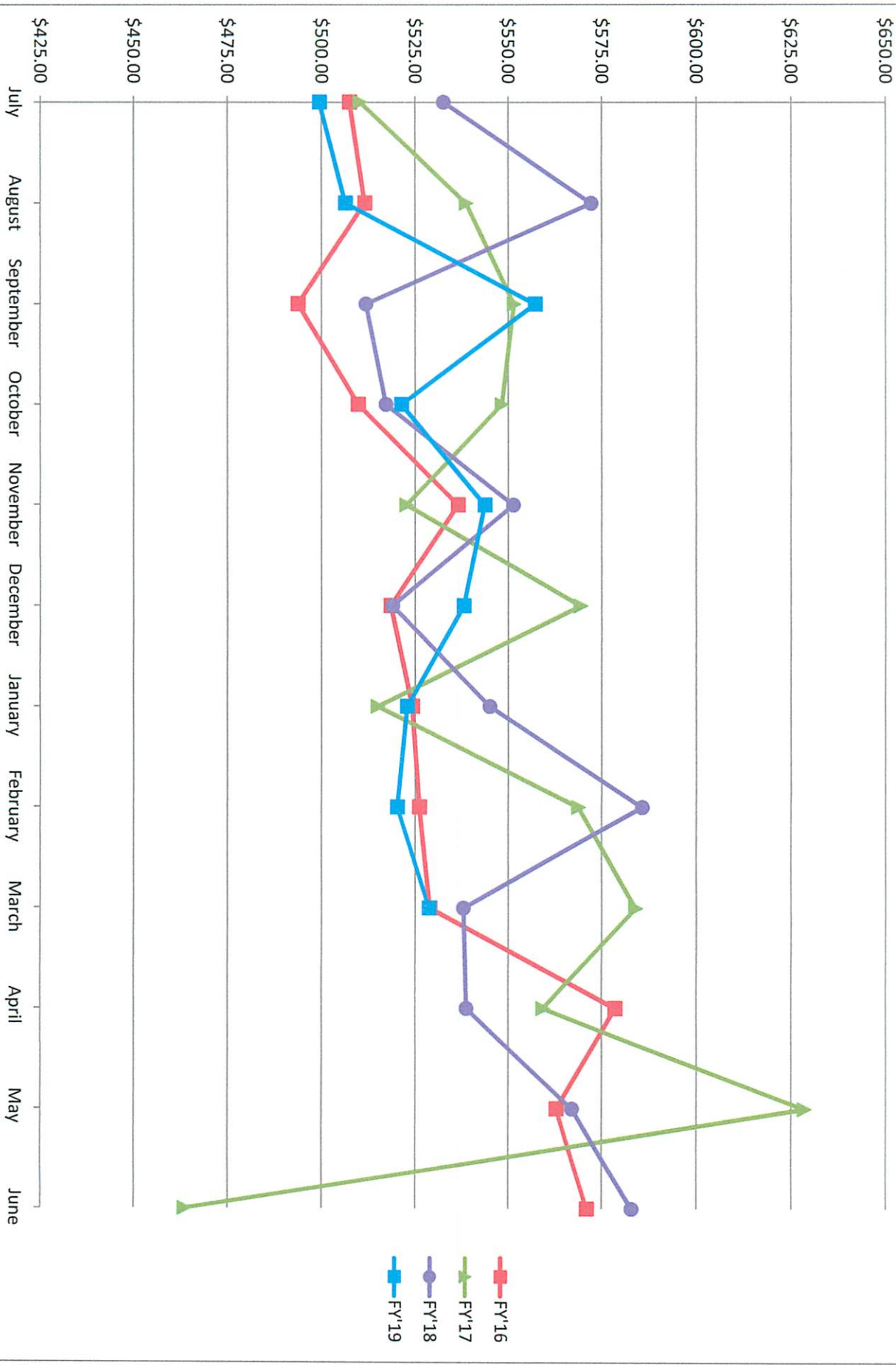
Submitted Voucher Amount



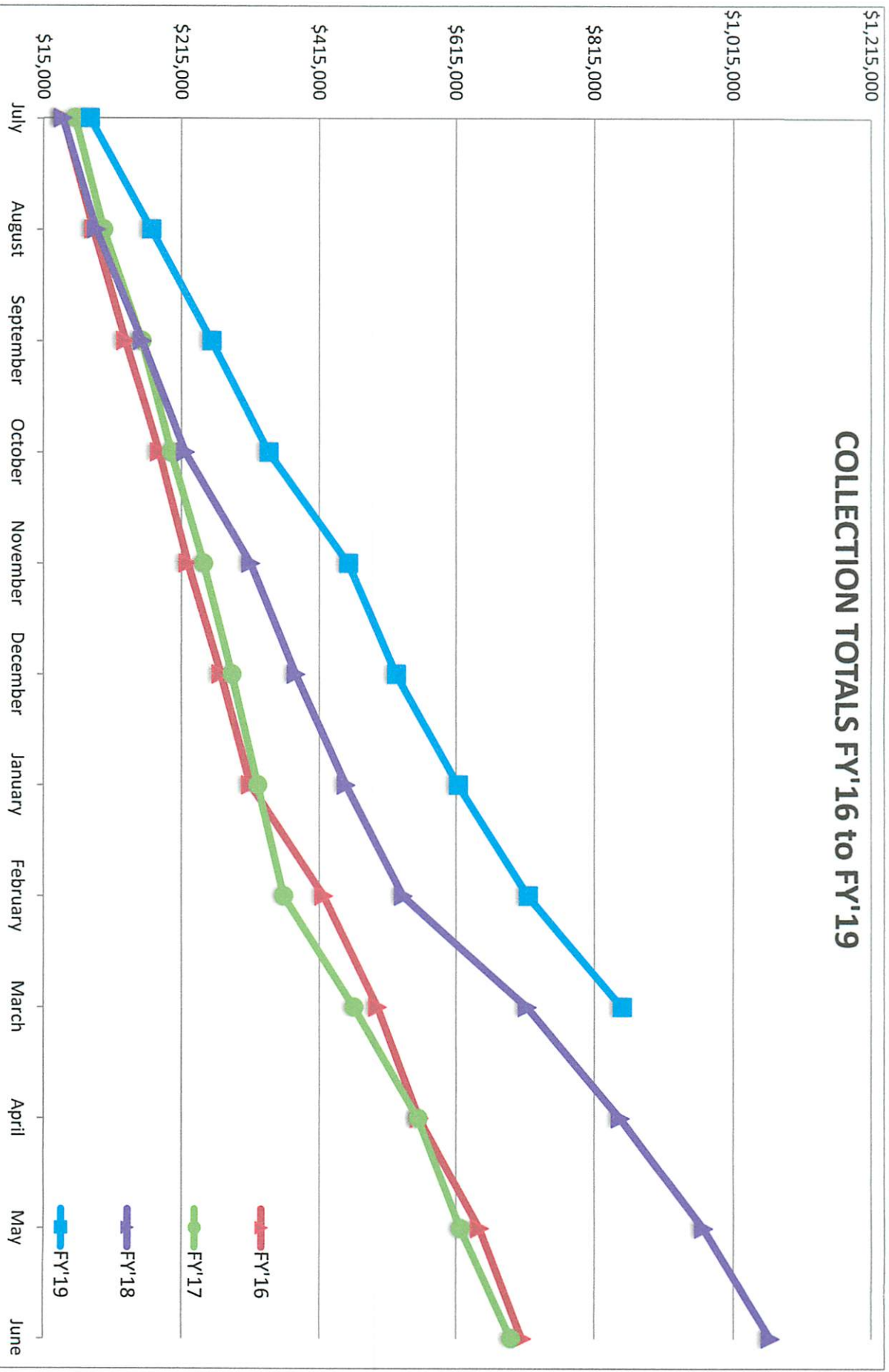
Average Voucher Price Fiscal Year to Date



Monthly Price Per Voucher



COLLECTION TOTALS FY'16 to FY'19



(3.)

Sixth Amendment Center Presentation

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: SIXTH AMENDMENT CENTER UPDATE
DATE: APRIL 2, 2019

The Sixth amendment Center is scheduled to present its report to the Judiciary Committee on Thursday, April 4, 2019. Chair Carey and I are planning to attend, and we will be able to discuss the Center's recommendations at the meeting.

(4.)

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 CONTRACT
DATE: APRIL 2, 2019

The Sixth Amendment Center will present its report to the Judiciary Committee on April 4, 2019. The Commission can discuss the future of the Contract in light of the Center's recommendations. Attached are summaries of case and hour data reported by the contract attorneys for the last three fiscal years.

	Fiscal Year 2018	
	Cases	Hours
ADULT	337	1008.5
JUV	13	45.2
LODW	27	121.7
LODC	159	355.15
LODJ	13	29.8
TOTALS	549	1560.35

Contract Payment \$ 272,250.00

Fee per case \$ 495.90 (statewide \$545.49)

Fee per hour \$ 174.48

Fiscal Year 2017		
	Cases	Hours
ADULT	264	942.64
JUV	13	43.5
LODW	27	117.7
LODC	159	402.8
LODJ	12	49.35
TOTALS	475	1555.99
Contract Payment	\$ 272,250.00	
Fee per case	\$ 573.16 (statewide \$554.80)	
Fee per hour	\$ 174.97	

	Fiscal Year 2016	
	Cases	Hours
ADULT	353	1381.46
JUV	37	109.95
LODW	23	117.6
LODC	157	366.8
LODJ	12	42.35
TOTALS	582	2018.16
Contract Payment	\$ 272,250.00	
Fee per case	\$ 467.78	(statewide \$530.69)
Fee per hour	\$ 134.90	

(5.)

Budget Update

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: BUDGET UPDATE
DATE: APRIL 2, 2019

Costs for indigent legal services continued to moderate during the third quarter. You may recall after the second quarter, the Commission carried a \$138,567 voucher balance into the third quarter.

During the third quarter, the Commission was able to pay the carry-over vouchers, together with all vouchers submitted during the quarter. Accordingly, the Commission carried no voucher balance into the fourth quarter.

In addition, the Governor has approved a financial order providing allotment to expend \$270,000 in collection revenue that we carried forward from FY'18. Finally, counsel fee reimbursements continue to exceed projections and will provide additional resources above those originally projected. Accordingly, the Commission is in a healthy budgetary position three quarters of the way through the current fiscal year.

(6.)

DefenderData Upgrade

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: DEFENDERDATA UPGRADE
DATE: APRIL 2, 2019

During March, Justiceworks implemented an upgrade to DefenderData to track entry of unusually large numbers of hours for individual dates. The system cannot operate in real time because that would make the program too slow. Instead, the system does an overnight review and sends an alert if any attorney has entered hours that, together with previously entered hours, pushes the hours entered for a single day beyond 16 hours.

The alert is sent to the attorney and copied to MCILS staff. The attorneys are instructed to check for inaccuracies or otherwise explain the large number of hours to staff. The system is generating results, and the staff is tracking the alerts and the responses received from attorneys.

(7.)

Action Items

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: ACTION ITEMS
DATE: APRIL 2, 2019

At its March meeting, the Commission approved an amended Fee Schedule Rule to be publicized as part of the rule-making process. With that completed, the Commission asked that the attached Action Items list be put on the agenda for the April meeting.

POTENTIAL ACTION ITEMS – APRIL 2019

PRIORITY

Address fee schedule rule, including 1) adequacy of current fee caps, 2) whether to institute a pre-approval process for exceeding the cap or consider hard caps, 3) travel, mileage and geographic limitations issues, and 4) late vouchers.

- Amended rule agreed by the Commissioners. A public hearing and written comment period will be set up through the rule-making process.

Review of the Criminal, Juvenile, and Child Protective Practice Standards. – The Commission will review the standards to determine whether any updates or changes are necessary. The Commission asked the staff to review the Criminal Standards, with the Juvenile and Child Protective Standards to be reviewed by various Commissioners.

COMPLETED ITEMS

Resource Counsel system. – Initial implementation of the Resource Counsel program was completed on August 1, 2018. Staff will monitor Resource Counsel activities and report to the Commission on how the program is being utilized. The Commission will review of the Policies and Procedures governing the program six months after implementation.

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.

New form for application for counsel. – A new request for assigned counsel and affidavit of indigency was developed with input from MCILS and is now in use by the Judicial Branch. Because the order for assignment was removed from the application itself, the new form has room for additional financial information and expanded warnings about the need to be truthful and to cooperate with follow-up investigations and the consequences of failing to do so. The new order of assignment highlights any payment order that is entered, makes clear that first-party bail is available to cover counsel fees, and imposes a requirement that the client keep the court advised of any change of address until any payment order is fully satisfied.

Early interface with new court case management system. Staff met with Judicial Branch staff, including Judges, clerks, and technology managers, as well as representatives of the case management system vendor to discuss the outline and requirements of any interface.

OTHER ITEMS

New procedure for collection hearings. An outline of a new procedure has been forwarded to the Judicial Branch, but follow-up is required.

Review and Possible amendment of the Criminal Practice Standards

Items requiring court cooperation:

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

Block case assignments.

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

Refusing to pay for discovery.

Closing rosters to new lawyers in areas flush with lawyers.

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

Evaluation surveys.