

MCILS

**August 9, 2016
Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

AUGUST 9, 2016

COMMISSION MEETING

JUDICIARY COMMITTEE ROOM, ROOM 438, STATEHOUSE, AUGUSTA
AGENDA

- 1) Approval of July12, 2016 Commission Meeting Minutes
- 2) Operations Reports Review
- 3) Supplemental and Biennial Budget Requests
- 4) Attorney Evaluations
- 5) MACDL Request for Re-consideration of Payment for Cert. Petitions
- 6) Status of RFP's Update
- 7) Public Comment
- 8) Set Date, Time and Location of Next Regular Meeting of the Commission
- 9) Executive Session, if needed (Closed to Public)

(1.)
July 12, 2016
Commission Meeting
Minutes

**Maine Commission on Indigent Legal Services – Commissioners Meeting
July 12, 2016**

Minutes

Commissioners Present: Marvin Glazier, William Logan, Ken Spirer, Carlann Welch

MCILS Staff Present: John Pelletier, Ellie Maciag

| Agenda Item | Discussion | Outcome/Action Item/Responsible Party |
|---|--|--|
| Approval of the June 14, 2016 Commission Meeting Minutes | No discussion of meeting minutes. | Commissioner Spirer moved for approval, Commissioner Glazier seconded. All voted in favor. Approved. |
| Operations Reports Review | Director Pelletier presented the June 2016 Operations Reports. 2,232 new cases were opened in the DefenderData system in June. This was a 18 case decrease from May. The number of submitted vouchers in May was 2,866, an increase of 53 vouchers over May, totaling \$1,659,744, an increase of \$87,000 over May. In June, the Commission paid 3,217 vouchers totaling \$1,834,242, an increase of 536 vouchers and \$325,000 over May. This sharp increase was due to staff paying all submitted vouchers before the end of the fiscal year. Just over \$1 million in unspent funds was returned to the general fund. The average price per voucher was \$571.09, up \$8.18 per voucher from May. The average price per voucher for the entire fiscal year totaled \$530.69. Director Pelletier noted that controlling for the 9.09% pay increase which took effect on July 1, 2015, the average price per voucher for the fiscal year was up 2.45%. Director Pelletier thought the proliferation of media discovery was the primary reason for the price per voucher increase. Appeal and Post-Conviction Review cases had the highest average vouchers. There were 18 vouchers exceeding \$5,000 paid in June. The monthly transfer from the Judicial Branch for counsel fees for June, which reflects May's collections, totaled \$88,019, up approximately \$26,868 from the previous month. | |

| Agenda Item | Discussion | Outcome/Action Item/Responsible Party |
|--|---|---|
| Appellate Contract Update | Director Pelletier informed the Commissioners that the finalized draft of the Appellate RFP was submitted to Purchasing for review. Once the review process is completed, the RFP will be posted promptly. | |
| Probate Cases in District Court - Update | <p>Director Pelletier updated the Commissioners about the status of the probate rosters. He received over 80 responses to his email inquiry about case assignments in adoption and guardianship cases in District Court, and at least one response from attorneys in each county. Commission staff will use these responses to create rosters to be sent to the District Courts prior to July 29th. Following this initial roster, Director Pelletier noted that staff will work to create a more formal process for rostering attorneys to work on these Probate cases and to provide attorney training. The Commissioners will decide whether guardianship and adoption will be specialized panels or minimum standards. Director Pelletier will also work with Justice Works to make the necessary changes to the online voucher program to add the two new case categories.</p> <p>Commissioner Glazier inquired about when the Judiciary Committee will be notified about the Probate jurisdiction change. Director Pelletier said that notice will come in the Commission's supplemental budget request.</p> | |
| Attorney Evaluations | Director Pelletier briefly reviewed the different types of attorney evaluation methods outlined in the August 2015 report by legal intern Katherine MacRae. Because Commissioner Carey requested this agenda item and was not present at the meeting, the topic will be placed on next month's agenda for further discussion. | |
| Consultations on Immigration Law | Director Pelletier informed the Commissioners that starting December 2016, the Immigrant Legal Advocacy Project (ILAP) will no longer provide free consultation services to assigned counsel representing non-citizens in criminal and juvenile cases. Because the availability of prompt immigration law consultations services to assigned counsel is essential, Director Pelletier suggested the Commission explore ways to replicate the services ILAP provides, including issuing an RFP to contract for these services. ILAP informed Director Pelletier that current services consist of | Commissioner Spierer moved to request staff to prepare an RFP for a contract for immigration consultations. Commissioner Welch seconded. All voted in |

| Agenda Item | Discussion | Outcome/Action Item/Responsible Party |
|--|--|--|
| | roughly 2 days of attorney time per week. After a brief discussion, the Commissioners unanimously agreed that Commission staff should draft an RFP for a contract. | favor. |
| Maine Considering Adoption of Uniform Bar Exam | Deputy Director Maciag inquired about whether the Commission was interested in submitting a public comment on whether Maine should adopt the Uniform Bar Exam. The Commissioners agreed that Deputy Director Maciag could convey the Commission's view about maintaining local criminal law through her position on the UBE Commission's local component subcommittee. | |
| New Business | On the day of the Commission meeting, Director Pelletier received a letter from the new president of the Maine Association of Criminal Defense Lawyers asking the Commission to reconsider its decision denying Attorney Drake's request to pay for US Supreme Court cert petitions. Director Pelletier will notify MACDL that its request will be put on the August meeting agenda. | |
| Public Comment | <u>Robert J. Ruffner, Esq.</u> : Attorney Ruffner thought that ILAP's estimate of 2 days of attorney time was low and that someone with a varied practice might take longer than the ILAP attorney due to their expertise in triaging cases. He told the Commissioners that some attorneys are still winging it and do not consult with ILAP in their cases with non-citizens. Attorney Ruffner urged the Commission to adopt the best attorney evaluation system possible and to request funding for it in the next budget cycle. He reminded the Commissioners that the public defender bill last session was in part a response to criticism that there was a lack of attorney supervision by the Commission. | . |
| Executive Session | None | |
| Adjournment of meeting | The Commission voted to adjourn with the next meeting to be on August 9, 2016 at 9:30 a.m. | Commissioner Spierer moved to adjourn. Commissioner Glazier seconded. All present at |

| Agenda Item | Discussion | Outcome/Action Item/Responsible Party |
|-------------|------------|--|
| | | the meeting in favor. |

(2.) Operations Reports

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
SUBJECT: JULY 2016 OPERATIONS REPORTS
DATE: AUGUST 3, 2016

Attached you will find the July, 2016, Operations Reports for your review and our discussion at the upcoming Commission meeting on August 9, 2016. A summary of the operations reports follows:

- 2,125 new cases were opened in the DefenderData system in July. This was a 107 case decrease from June.
- The number of vouchers submitted electronically in July was 2,392, a decrease of 474 vouchers from June, totaling \$1,243,282.32, a decrease of \$417,000 from June. In July, we paid 1,779 electronic vouchers totaling \$908,016.50 representing a decrease of 1,438 vouchers and \$926,000 compared to June.
- There were 2 paper vouchers submitted and paid in July totaling \$829.15.
- The average price per voucher in July was \$510.30, down \$60.79 per voucher from June.
- Appeal and Post-Conviction Review cases had the highest average vouchers in July. There were 3 vouchers exceeding \$5,000 paid in July. One voucher involved a not guilty verdict on charges of robbery, burglary, and criminal threatening after a 3-day trial. Another involved a child protection case in which there was a 3-day hearing with written final arguments, and the third was a interim voucher in a murder case where a lengthy continuance was granted on the eve of jury selection.

In our All Other Account, the total expenses for the month of July were \$993,008.98. Of the amount, just over \$10,000 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$55,554.51 in expenses for the month of July.

In the Revenue Account, the July transfer of collected revenue, reflecting June collections, totaled \$61,742.47, down \$26,000 from June.

In our Conference Account, we paid remaining expenses related to our June minimum standards trainings, leaving an account balance at \$13,747.37.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

7/31/2016

| DefenderData Case Type | Jul-16 | | | | | | Fiscal Year 2017 | | | |
|--|--------------|--------------------|------------------------|---------------|----------------------|------------------|------------------|---------------|----------------------|------------------|
| | New Cases | Vouchers Submitted | Submitted Amount | Vouchers Paid | Approved Amount | Average Amount | Cases Opened | Vouchers Paid | Amount Paid | Average Amount |
| Appeal | 26 | 29 | \$ 40,098.67 | 25 | \$ 35,168.55 | \$ 1,406.74 | 26 | 25 | \$ 35,168.55 | \$ 1,406.74 |
| Child Protection Petition | 147 | 318 | \$ 206,871.59 | 232 | \$ 158,256.08 | \$ 682.14 | 147 | 232 | \$ 158,256.08 | \$ 682.14 |
| Drug Court | 2 | 5 | \$ 2,923.50 | 3 | \$ 2,335.50 | \$ 778.50 | 2 | 3 | \$ 2,335.50 | \$ 778.50 |
| Emancipation | 8 | 4 | \$ 3,072.00 | 2 | \$ 1,404.00 | \$ 702.00 | 8 | 2 | \$ 1,404.00 | \$ 702.00 |
| Felony | 467 | 504 | \$ 404,268.41 | 366 | \$ 292,651.09 | \$ 799.59 | 467 | 366 | \$ 292,651.09 | \$ 799.59 |
| Involuntary Civil Commitment | 83 | 86 | \$ 15,922.52 | 70 | \$ 12,639.24 | \$ 180.56 | 83 | 70 | \$ 12,639.24 | \$ 180.56 |
| Juvenile | 65 | 74 | \$ 34,804.52 | 54 | \$ 17,876.76 | \$ 331.05 | 65 | 54 | \$ 17,876.76 | \$ 331.05 |
| Lawyer of the Day - Custody | 219 | 230 | \$ 57,574.00 | 178 | \$ 45,926.92 | \$ 258.02 | 219 | 178 | \$ 45,926.92 | \$ 258.02 |
| Lawyer of the Day - Juvenile | 38 | 38 | \$ 6,539.66 | 29 | \$ 5,424.00 | \$ 187.03 | 38 | 29 | \$ 5,424.00 | \$ 187.03 |
| Lawyer of the Day - Walk-in | 126 | 122 | \$ 30,443.98 | 94 | \$ 24,001.02 | \$ 255.33 | 126 | 94 | \$ 24,001.02 | \$ 255.33 |
| Misdemeanor | 691 | 605 | \$ 244,428.23 | 470 | \$ 176,327.81 | \$ 375.17 | 691 | 470 | \$ 176,327.81 | \$ 375.17 |
| Petition, Modified Release Treatment | 1 | 6 | \$ 2,855.14 | 5 | \$ 2,580.14 | \$ 516.03 | 1 | 5 | \$ 2,580.14 | \$ 516.03 |
| Petition, Release or Discharge | 0 | 0 | | 0 | | | 0 | 0 | | |
| Petition, Termination of Parental Rights | 31 | 60 | \$ 52,355.78 | 46 | \$ 40,316.75 | \$ 876.45 | 31 | 46 | \$ 40,316.75 | \$ 876.45 |
| Post Conviction Review | 5 | 2 | \$ 5,416.60 | 2 | \$ 2,138.94 | \$ 1,069.47 | 5 | 2 | \$ 2,138.94 | \$ 1,069.47 |
| Probate | 0 | 0 | | 0 | | | 0 | 0 | | |
| Probation Violation | 164 | 149 | \$ 60,236.99 | 101 | \$ 38,029.23 | \$ 376.53 | 164 | 101 | \$ 38,029.23 | \$ 376.53 |
| Represent Witness on 5th Amendment | 0 | 0 | | 0 | | | 0 | 0 | | |
| Review of Child Protection Order | 52 | 160 | \$ 75,470.73 | 102 | \$ 52,940.47 | \$ 519.02 | 52 | 102 | \$ 52,940.47 | \$ 519.02 |
| Revocation of Administrative Release | 0 | 0 | | 0 | | | 0 | 0 | | |
| DefenderData Sub-Total | 2,125 | 2,392 | \$ 1,243,282.32 | 1,779 | \$ 908,016.50 | \$ 510.41 | 2,125 | 1,779 | \$ 908,016.50 | \$ 510.41 |
| | | | | | | | | | | |
| Paper Voucher Sub-Total | 2 | 2 | \$ 829.15 | 2 | \$ 829.15 | \$ 414.58 | 2 | 2 | \$ 829.15 | \$ 414.58 |
| TOTAL | 2,127 | 2,394 | \$1,244,111.47 | 1,781 | \$908,845.65 | \$ 510.30 | 2,127 | 1,781 | \$ 908,845.65 | \$ 510.30 |

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY16 FUND ACCOUNTING

AS OF 07/31/2016

| Account 010 95F Z112 01 (All Other) | Mo. | Q1 | Mo. | Q2 | Mo. | Q3 | Mo. | Q4 | FY16 Total |
|---|-----|------------------------|-----|------------------------|-----|------------------------|-----|------------------------|-------------------------|
| FY17 Professional Services Allotment | | \$ 4,278,098.25 | | \$ 4,357,441.00 | | \$ 4,712,015.00 | | \$ 2,083,667.00 | |
| FY17 General Operations Allotment | | \$ 34,560.00 | | \$ 34,560.00 | | \$ 34,560.00 | | \$ 34,560.00 | |
| Financial Order Adjustment | | \$ - | | \$ - | | \$ - | | \$ - | |
| Financial Order Adjustment | | \$ - | | \$ - | | \$ - | | \$ - | |
| Total Budget Allotments | | \$ 4,312,658.25 | | \$ 4,392,001.00 | | \$ 4,746,575.00 | | \$ 2,118,227.00 | \$ 15,569,461.25 |
| Total Expenses | 1 | \$ (993,008.98) | 4 | \$ - | 7 | \$ - | 10 | \$ - | \$ (993,008.98) |
| | 2 | \$ - | 5 | \$ - | 8 | \$ - | 11 | \$ - | \$ - |
| | 3 | \$ - | 6 | \$ - | 9 | \$ - | 12 | \$ - | \$ - |
| Encumbrances (Somerset PDP & Justice Works) | | \$ (304,654.75) | | \$ - | | \$ - | | \$ - | \$ (304,654.75) |
| Encumbrances (WestLaw) | | \$ (1,692.00) | | | | \$ - | | \$ - | \$ (1,692.00) |
| TOTAL REMAINING | | \$ 3,013,302.52 | | \$ 4,392,001.00 | | \$ 4,746,575.00 | | \$ 2,118,227.00 | \$ 14,270,105.52 |

Q1 Month 1 (as of 07/31/16)

INDIGENT LEGAL SERVICES

| | |
|-------------------------------|------------------------|
| Counsel Payments | \$ (908,845.65) |
| Somerset County | \$ (23,092.50) |
| Subpoena Witness Fees | \$ - |
| Private Investigators | \$ (15,163.09) |
| Mental Health Expert | \$ (16,009.00) |
| Transcripts | \$ (4,189.00) |
| Other Expert | \$ (14,082.00) |
| Air fare-out of state witness | \$ - |
| Process Servers | \$ (754.48) |
| Interpreters | \$ (465.00) |
| Misc Prof Fees & Serv | \$ (215.00) |
| SUB-TOTAL ILS | \$ (982,815.72) |

OPERATING EXPENSES

| | |
|----------------------------|------------------------|
| Service Center | \$ - |
| DefenderData | \$ (4,907.75) |
| Risk Management Insurances | \$ (1,064.14) |
| Mileage/Tolls/Parking | \$ (1,488.00) |
| Mailing/Postage/Freight | \$ (61.16) |
| Criminal & BMV Statutes | \$ (120.00) |
| Annual Report Print Cost | \$ - |
| Office Supplies/Equip. | \$ (141.70) |
| Cellular Phones | \$ (126.90) |
| Subscriptions | \$ - |
| Office Equipment Rental | \$ (127.04) |
| Notary Fees | \$ - |
| OIT/TELCO | \$ (2,156.57) |
| SUB-TOTAL OE | \$ (10,193.26) |
| TOTAL | \$ (993,008.98) |

INDIGENT LEGAL SERVICES

| | |
|--|------------------------|
| Q1 Allotment | \$ 4,312,658.25 |
| Q1 Encumbrances for Somerset PDP & Justice Works contracts | \$ (304,654.75) |
| WestLaw Contract 12 month encumbrance | \$ (1,692.00) |
| Q1 Expenses as of 07/31/16 | \$ (993,008.98) |
| Remaining Q1 Allotment as of 07/31/16 | \$ 3,013,302.52 |

| | |
|--|---------------|
| | \$ 908,845.65 |
| | \$ 249,562.50 |
| | \$ 272,250.00 |
| | \$ 60,000.00 |
| | \$ 304,754.75 |
| | \$ 333,986.25 |

| | |
|--|---------------|
| | \$ 55,092.25 |
| | \$ 333,986.25 |
| | \$ 306,346.75 |
| | \$ 44.75 |

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY16 FUND ACCOUNTING
As of 07/31/16

| Account 014 95F Z112 01 (Revenue) | Mo. | Q1 | Mo. | Q2 | Mo. | Q3 | Mo. | Q4 | FY16 Total |
|---|-----|---------------|-----|---------------|-----|---------------|-----|---------------|---------------|
| Total Budget Allotments | | \$ 184,125.00 | | \$ 184,124.00 | | \$ 184,124.00 | | \$ 184,124.00 | \$ 736,497.00 |
| Financial Order Adjustment | 1 | \$ - | 4 | \$ - | 7 | \$ - | 10 | \$ - | |
| Financial Order Adjustment | 2 | \$ - | 5 | \$ - | 8 | \$ - | 11 | \$ - | |
| Budget Order Adjustment | 3 | \$ - | 6 | \$ - | 9 | \$ - | 12 | \$ - | |
| Financial Order Adjustment | 3 | \$ - | 4 | \$ - | 9 | \$ - | 12 | \$ - | \$ - |
| Total Budget Allotments | | \$ 184,125.00 | | \$ 184,124.00 | | \$ 184,124.00 | | \$ 184,124.00 | \$ 736,497.00 |
| Cash Carryover from Prior Quarter | | \$ 23.05 | | \$ - | | \$ - | | | |
| Collected Revenue from JB | 1 | \$ 61,742.47 | 4 | \$ - | 7 | \$ - | 10 | \$ - | |
| Promissory Note Payments | | \$ - | | \$ - | | \$ - | | \$ - | |
| Collected Revenue from JB | 2 | \$ - | 5 | \$ - | 8 | \$ - | 11 | \$ - | |
| Promissory Note Payments | | \$ - | | \$ - | | \$ - | | \$ - | |
| Collected Revenue from JB (late transfer) | | \$ - | | \$ - | 9 | \$ - | | \$ - | |
| Collected Revenue from JB | 3 | \$ - | 6 | \$ - | 9 | \$ - | 12 | \$ - | |
| Promissory Note Payments | | \$ - | | \$ - | | \$ - | | \$ - | |
| TOTAL CASH PLUS REVENUE COLLECTED | | \$ 61,765.52 | | \$ - | | \$ - | | \$ - | \$ 61,742.47 |
| 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 | | \$ 184,125.00 | | \$ 184,124.00 | | \$ 184,124.00 | | \$ 184,124.00 | \$ 736,497.00 |
| Overpayment Reimbursements | 1 | \$ (100.00) | 4 | \$ - | 7 | \$ - | 10 | | |
| | 2 | \$ - | 5 | \$ - | 8 | \$ - | 11 | \$ - | |
| | 3 | \$ - | 6 | \$ - | 9 | \$ - | 12 | \$ - | |
| REMAINING CASH Year to Date | | \$ 61,665.52 | | \$ - | | \$ - | | \$ - | |

| Q1 Month 1 (as of 07/31/16) | |
|---------------------------------------|-------------|
| DEFENDER DATA COUNSEL PAYMENTS | |
| | \$ - |
| SUB-TOTAL ILS | \$ - |
| | |
| OVERPAYMENT REIMBURSEMENTS | \$ (100.00) |
| Paper Voucher | \$ - |
| Somerset County CDs | \$ - |
| Private Investigators | \$ - |
| Mental Health Expert | \$ - |
| Transcripts | \$ - |
| Other Expert | \$ - |
| StaCap Expense | |
| SUB-TOTAL OE | \$ (100.00) |
| TOTAL | \$ (100.00) |

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY16 FUND ACCOUNTING
AS OF 07/31/2016

| Account 010 95F Z112 01 (Personal Services) | Mo. | Q1 | Mo. | Q2 | Mo. | Q3 | Mo. | Q4 | FY16 Total |
|--|------------|-------------------|------------|-------------------|------------|-------------------|------------|-------------------|----------------------|
| FY17 Allotment | \$ | 181,545.00 | \$ | 205,445.00 | \$ | 181,540.00 | \$ | 189,421.00 | \$ - |
| Financial Order Adjustments | \$ | - | \$ | - | \$ | - | \$ | - | |
| Financial Order Adjustments | \$ | - | \$ | - | \$ | - | \$ | - | |
| Budget Order Adjustments | \$ | - | \$ | - | \$ | - | \$ | - | |
| Total Budget Allotments | \$ | 181,545.00 | \$ | 205,445.00 | \$ | 181,540.00 | \$ | 189,421.00 | \$ 757,951.00 |
| Total Expenses | 1 \$ | (55,554.51) | 4 \$ | - | 7 \$ | - | 10 \$ | - | |
| | 2 \$ | - | 5 \$ | - | 8 \$ | - | 11 \$ | - | |
| | 3 \$ | - | 6 \$ | - | 9 \$ | - | 12 \$ | - | |
| TOTAL REMAINING | \$ | 125,990.49 | \$ | 205,445.00 | \$ | 181,540.00 | \$ | 189,421.00 | \$ 702,396.49 |

| Q1 Month 1 (as of 07/31/16) | |
|------------------------------------|-----------------------|
| Per Diem Payments | \$ (220.00) |
| Salary | \$ (26,465.25) |
| Vacation Pay | \$ (820.55) |
| Holiday Pay | \$ (1,634.44) |
| Sick Pay | \$ (431.00) |
| Employee Hlth Svcs/Workers Comp | \$ (74.00) |
| Health Insurance | \$ (10,474.60) |
| Dental Insurance | \$ (249.48) |
| Employer Retiree Health | \$ (3,425.26) |
| Employer Retirement | \$ (2,282.64) |
| Employer Group Life | \$ (251.72) |
| Employer Medicare | \$ (431.22) |
| Retiree Unfunded Liability | \$ (5,648.07) |
| Retro Pymt | \$ - |
| Perm Part Time Full Ben | \$ (3,146.28) |
| TOTAL | \$ (55,554.51) |

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY16 FUND ACCOUNTING
As of 07/31/16

| Account 014 95F Z112 02 (Conference) | Mo. | Q1 | Mo. | Q2 | Mo. | Q3 | Mo. | Q4 | FY16 Total |
|--|-----|--------------|-----|--------------|-----|--------------|-----|-------------|--------------|
| Total Budget Allotments | | \$ 10,000.00 | | \$ 20,000.00 | | \$ 20,000.00 | | \$ 7,000.00 | \$ 57,000.00 |
| Financial Order Adjustment | 1 | \$ - | 4 | \$ - | 7 | \$ - | 10 | \$ - | |
| Financial Order Adjustment | 2 | \$ - | 5 | \$ - | 8 | \$ - | 11 | \$ - | |
| Financial Order Adjustment | 3 | \$ - | 6 | \$ - | 9 | \$ - | 12 | \$ - | \$ - |
| Total Budget Allotments | | \$ 10,000.00 | | \$ 20,000.00 | | \$ 20,000.00 | | \$ 7,000.00 | \$ 57,000.00 |
| Cash Carryover from Prior Quarter | | \$ 14,054.73 | | \$ - | | \$ - | | \$ - | |
| Collected Revenue | 1 | \$ - | 4 | \$ - | 7 | \$ - | 10 | \$ - | |
| Collected Revenue | 2 | \$ - | 5 | \$ - | 8 | \$ - | 11 | \$ - | |
| Collected Revenue | 3 | \$ - | 6 | \$ - | 9 | \$ - | 12 | \$ - | |
| TOTAL CASH PLUS REVENUE COLLECTED | | \$ 14,054.73 | | \$ - | | \$ - | | \$ - | \$ - |
| Total Expenses | 1 | \$ (132.36) | 4 | \$ - | 7 | \$ - | 10 | \$ - | |
| | 2 | \$ - | 5 | \$ - | 8 | \$ - | 11 | \$ - | |
| | 3 | \$ - | 6 | \$ - | 9 | \$ - | 12 | \$ - | |
| Encumbrances | | \$ - | | \$ - | | | | | \$ - |
| REMAINING ALLOTMENT | | \$ 9,867.64 | | \$ 20,000.00 | | \$ 20,000.00 | | \$ 7,000.00 | \$ 56,867.64 |
| REMAINING CASH Year to Date | | \$ 13,747.37 | | \$ - | | \$ - | | \$ - | |

| Q1 Month 1 (as of 07/31/16) | |
|---------------------------------|-------------|
| Training Manuals Printing | \$ (67.19) |
| Training Refreshments/Meals | \$ (65.07) |
| Media Northeast (encumbered Q1) | \$ - |
| Refund(s) for non-attendance | \$ (175.00) |
| Office Supplies | \$ - |
| CLE App to the Bar | \$ - |
| State Cap Expense | \$ - |
| TOTAL | \$ (132.26) |

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

7/31/2016

| Jul-16 | | | | | | | Fiscal Year 2017 | | | |
|--------------|--------------|--------------------|------------------------|---------------|----------------------|------------------|------------------|---------------|----------------------|------------------|
| Court | New Cases | Vouchers Submitted | Submitted Amount | Vouchers Paid | Approved Amount | Average Amount | Cases Opened | Vouchers Paid | Amount Paid | Average Amount |
| ALFSC | 33 | 61 | \$ 48,741.12 | 35 | \$ 33,296.46 | \$ 951.33 | 35 | 1,683 | \$ 33,296.46 | \$ 951.33 |
| AUBSC | 10 | 27 | \$ 15,829.50 | 26 | \$ 10,761.43 | \$ 413.90 | 26 | 858 | \$ 10,761.43 | \$ 413.90 |
| AUGDC | 46 | 64 | \$ 37,852.70 | 47 | \$ 28,133.86 | \$ 598.59 | 47 | 802 | \$ 28,133.86 | \$ 598.59 |
| AUGSC | 23 | 41 | \$ 20,776.82 | 36 | \$ 18,160.07 | \$ 504.45 | 36 | 778 | \$ 18,160.07 | \$ 504.45 |
| BANDC | 66 | 76 | \$ 32,974.64 | 40 | \$ 21,226.88 | \$ 530.67 | 40 | 1,083 | \$ 21,226.88 | \$ 530.67 |
| BANSC | 0 | 2 | \$ 1,373.50 | 1 | \$ 918.00 | \$ 918.00 | 1 | 24 | \$ 918.00 | \$ 918.00 |
| BATSC | 1 | 1 | \$ 114.00 | 1 | \$ 114.00 | \$ 114.00 | 1 | 27 | \$ 114.00 | \$ 114.00 |
| BELDC | 12 | 28 | \$ 10,775.75 | 20 | \$ 7,863.30 | \$ 393.17 | 20 | 289 | \$ 7,863.30 | \$ 393.17 |
| BELSC | 4 | 4 | \$ 2,123.74 | 4 | \$ 2,123.74 | \$ 530.94 | 4 | 120 | \$ 2,123.74 | \$ 530.94 |
| BIDDC | 63 | 76 | \$ 32,681.25 | 53 | \$ 21,735.69 | \$ 410.11 | 53 | 1,037 | \$ 21,735.69 | \$ 410.11 |
| BRIDC | 13 | 21 | \$ 8,033.42 | 19 | \$ 6,486.36 | \$ 341.39 | 19 | 218 | \$ 6,486.36 | \$ 341.39 |
| CALDC | 15 | 8 | \$ 8,172.48 | 5 | \$ 5,580.48 | \$ 1,116.10 | 5 | 132 | \$ 5,580.48 | \$ 1,116.10 |
| CARDC | 5 | 26 | \$ 12,605.40 | 20 | \$ 11,099.64 | \$ 554.98 | 20 | 254 | \$ 11,099.64 | \$ 554.98 |
| CARSC | 4 | 7 | \$ 12,363.35 | 5 | \$ 1,566.72 | \$ 313.34 | 5 | 304 | \$ 1,566.72 | \$ 313.34 |
| DOVDC | 4 | 8 | \$ 4,928.28 | 4 | \$ 1,659.20 | \$ 414.80 | 4 | 177 | \$ 1,659.20 | \$ 414.80 |
| DOVSC | 0 | 0 | | 0 | | | 0 | 5 | | |
| ELLDC | 19 | 31 | \$ 20,338.00 | 13 | \$ 8,996.00 | \$ 692.00 | 13 | 391 | \$ 8,996.00 | \$ 692.00 |
| ELLSC | 0 | 2 | \$ 504.00 | 1 | \$ 216.00 | \$ 216.00 | 1 | 55 | \$ 216.00 | \$ 216.00 |
| FARDC | 12 | 10 | \$ 8,076.12 | 9 | \$ 7,864.48 | \$ 873.83 | 9 | 166 | \$ 7,864.48 | \$ 873.83 |
| FARSC | 6 | 1 | \$ 101.28 | 2 | \$ 283.36 | \$ 141.68 | 2 | 14 | \$ 283.36 | \$ 141.68 |
| FORDC | 4 | 7 | \$ 4,352.40 | 3 | \$ 1,125.68 | \$ 375.23 | 3 | 104 | \$ 1,125.68 | \$ 375.23 |
| HOUDC | 22 | 31 | \$ 13,134.75 | 15 | \$ 4,521.60 | \$ 301.44 | 15 | 537 | \$ 4,521.60 | \$ 301.44 |
| HOUSC | 1 | 4 | \$ 6,655.72 | 2 | \$ 3,696.26 | \$ 1,848.13 | 2 | 128 | \$ 3,696.26 | \$ 1,848.13 |
| LEWDC | 85 | 127 | \$ 66,995.25 | 89 | \$ 46,848.62 | \$ 526.39 | 89 | 1,490 | \$ 46,848.62 | \$ 526.39 |
| LINDC | 9 | 22 | \$ 10,640.65 | 20 | \$ 9,436.93 | \$ 471.85 | 20 | 184 | \$ 9,436.93 | \$ 471.85 |
| MACDC | 7 | 9 | \$ 3,371.20 | 7 | \$ 2,094.00 | \$ 299.14 | 7 | 204 | \$ 2,094.00 | \$ 299.14 |
| MACSC | 0 | 2 | \$ 972.00 | 2 | \$ 972.00 | \$ 486.00 | 2 | 97 | \$ 972.00 | \$ 486.00 |
| MADDC | 2 | 1 | \$ 341.36 | 1 | \$ 341.36 | \$ 341.36 | 1 | 44 | \$ 341.36 | \$ 341.36 |
| MILDC | 4 | 1 | \$ 809.96 | 1 | \$ 809.96 | \$ 809.96 | 1 | 31 | \$ 809.96 | \$ 809.96 |
| NEWDC | 18 | 30 | \$ 11,292.56 | 17 | \$ 7,402.88 | \$ 435.46 | 17 | 267 | \$ 7,402.88 | \$ 435.46 |
| PORDC | 65 | 104 | \$ 45,612.35 | 96 | \$ 47,256.42 | \$ 492.25 | 96 | 1,396 | \$ 47,256.42 | \$ 492.25 |
| PORSC | 2 | 3 | \$ 3,185.94 | 2 | \$ 2,603.94 | \$ 1,301.97 | 2 | 37 | \$ 2,603.94 | \$ 1,301.97 |
| PREDC | 14 | 20 | \$ 10,779.92 | 25 | \$ 10,440.00 | \$ 417.60 | 25 | 478 | \$ 10,440.00 | \$ 417.60 |
| ROCD | 18 | 28 | \$ 6,640.30 | 13 | \$ 3,963.98 | \$ 304.92 | 13 | 345 | \$ 3,963.98 | \$ 304.92 |
| ROCSC | 4 | 11 | \$ 8,472.50 | 8 | \$ 5,713.00 | \$ 714.13 | 8 | 155 | \$ 5,713.00 | \$ 714.13 |
| RUMDC | 11 | 9 | \$ 3,709.50 | 10 | \$ 6,357.30 | \$ 635.73 | 10 | 186 | \$ 6,357.30 | \$ 635.73 |
| SKODC | 17 | 31 | \$ 15,110.40 | 28 | \$ 14,026.39 | \$ 500.94 | 28 | 498 | \$ 14,026.39 | \$ 500.94 |
| SKOSC | 0 | 0 | | 0 | | | 0 | 5 | | |
| SOUDC | 3 | 8 | \$ 7,266.00 | 6 | \$ 2,292.00 | \$ 382.00 | 6 | 219 | \$ 2,292.00 | \$ 382.00 |
| SOUSC | 9 | 8 | \$ 2,312.80 | 6 | \$ 3,266.80 | \$ 544.47 | 6 | 308 | \$ 3,266.80 | \$ 544.47 |
| SPRDC | 68 | 95 | \$ 53,614.48 | 68 | \$ 37,296.66 | \$ 548.48 | 68 | 833 | \$ 37,296.66 | \$ 548.48 |
| Law Ct | 20 | 17 | \$ 27,646.95 | 18 | \$ 28,045.01 | \$ 1,558.06 | 18 | 175 | \$ 28,045.01 | \$ 1,558.06 |
| YORCD | 131 | 91 | \$ 56,814.42 | 75 | \$ 43,344.98 | \$ 577.93 | 75 | 1,108 | \$ 43,344.98 | \$ 577.93 |
| AROD | 67 | 60 | \$ 38,216.52 | 37 | \$ 18,914.63 | \$ 511.21 | 37 | 358 | \$ 18,914.63 | \$ 511.21 |
| ANDCD | 104 | 79 | \$ 56,943.40 | 62 | \$ 40,816.60 | \$ 658.33 | 62 | 756 | \$ 40,816.60 | \$ 658.33 |
| KENCD | 174 | 129 | \$ 50,799.73 | 104 | \$ 42,543.40 | \$ 409.07 | 104 | 1,305 | \$ 42,543.40 | \$ 409.07 |
| PENCD | 234 | 223 | \$ 96,546.75 | 153 | \$ 70,834.28 | \$ 462.97 | 153 | 2,730 | \$ 70,834.28 | \$ 462.97 |
| SAGCD | 29 | 42 | \$ 23,539.27 | 33 | \$ 12,402.54 | \$ 375.83 | 33 | 416 | \$ 12,402.54 | \$ 375.83 |
| WALCD | 36 | 33 | \$ 11,668.20 | 25 | \$ 8,339.65 | \$ 333.59 | 25 | 301 | \$ 8,339.65 | \$ 333.59 |
| PISCD | 7 | 8 | \$ 1,938.00 | 7 | \$ 1,686.00 | \$ 240.86 | 7 | 178 | \$ 1,686.00 | \$ 240.86 |
| HANCD | 63 | 47 | \$ 18,503.75 | 29 | \$ 13,138.00 | \$ 453.03 | 29 | 691 | \$ 13,138.00 | \$ 453.03 |
| FRACD | 44 | 38 | \$ 12,464.72 | 42 | \$ 17,883.56 | \$ 425.80 | 42 | 638 | \$ 17,883.56 | \$ 425.80 |
| WASCD | 14 | 19 | \$ 7,129.20 | 12 | \$ 4,447.20 | \$ 370.60 | 12 | 320 | \$ 4,447.20 | \$ 370.60 |
| CUMCD | 292 | 291 | \$ 154,633.29 | 204 | \$ 108,092.61 | \$ 529.87 | 204 | 3,747 | \$ 108,092.61 | \$ 529.87 |
| KNOCD | 69 | 64 | \$ 35,220.20 | 40 | \$ 21,636.74 | \$ 540.92 | 40 | 490 | \$ 21,636.74 | \$ 540.92 |
| SOMCD | 3 | 0 | | 0 | | | 0 | 13 | | |
| OXFCD | 53 | 54 | \$ 20,108.55 | 44 | \$ 15,104.07 | \$ 343.27 | 44 | 371 | \$ 15,104.07 | \$ 343.27 |
| LINCD | 25 | 36 | \$ 18,922.55 | 34 | \$ 16,793.60 | \$ 493.93 | 34 | 393 | \$ 16,793.60 | \$ 493.93 |
| WATDC | 27 | 57 | \$ 27,299.40 | 49 | \$ 19,567.40 | \$ 399.33 | 49 | 498 | \$ 19,567.40 | \$ 399.33 |
| WESDC | 15 | 21 | \$ 9,255.15 | 20 | \$ 8,900.25 | \$ 445.01 | 20 | 397 | \$ 8,900.25 | \$ 445.01 |
| WISDC | 3 | 13 | \$ 6,687.20 | 12 | \$ 6,537.20 | \$ 544.77 | 12 | 174 | \$ 6,537.20 | \$ 544.77 |
| WISSC | 0 | 3 | \$ 760.44 | 4 | \$ 2,179.44 | \$ 544.86 | 4 | 109 | \$ 2,179.44 | \$ 544.86 |
| YORDC | 16 | 22 | \$ 14,549.24 | 15 | \$ 8,257.89 | \$ 550.53 | 15 | 177 | \$ 8,257.89 | \$ 550.53 |
| TOTAL | 2,125 | 2,392 | \$ 1,243,282.32 | 1,779 | \$ 908,016.50 | \$ 510.41 | 1,779 | 31,308 | \$ 908,016.50 | \$ 510.41 |

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

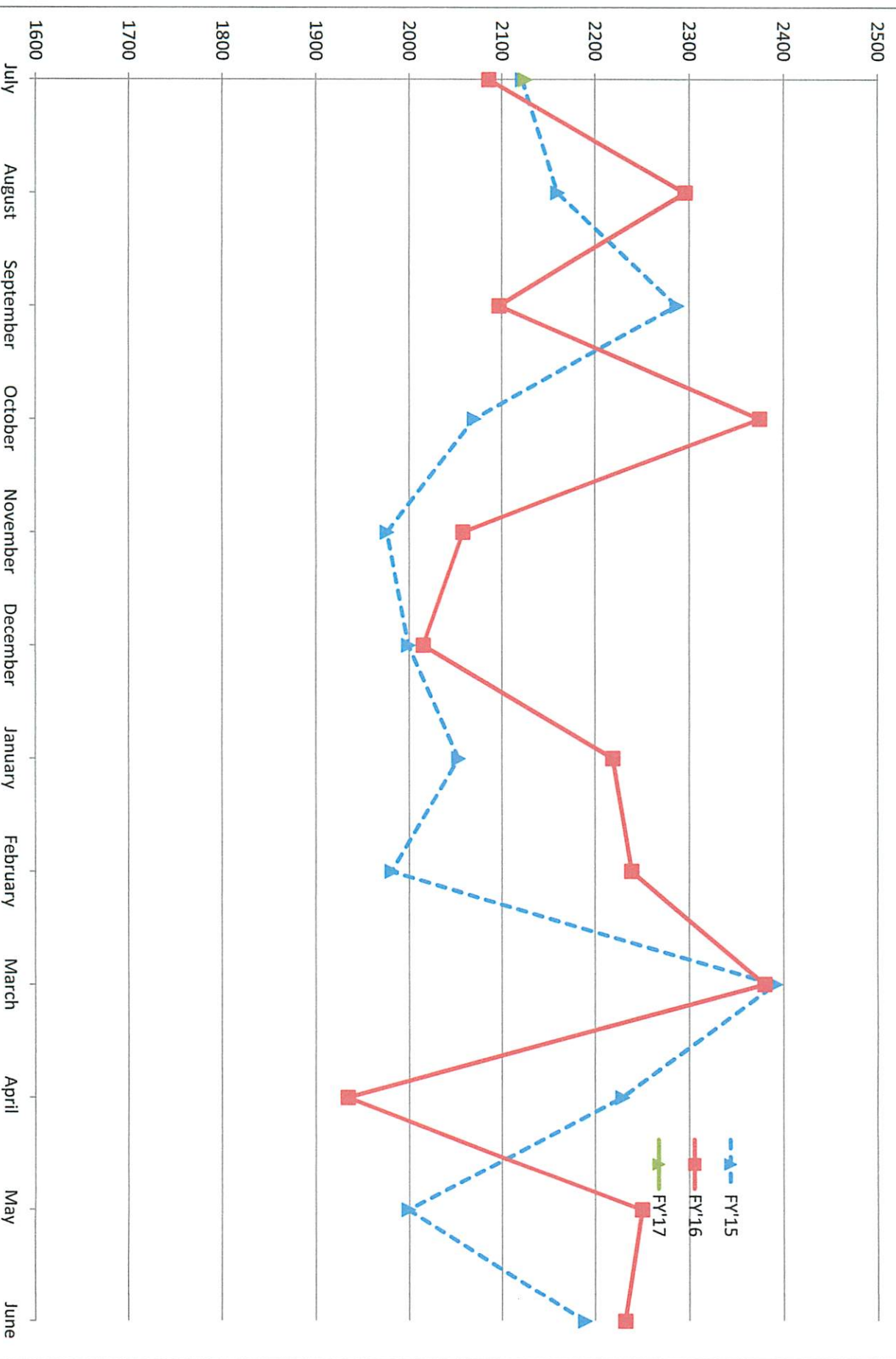
Number of Attorneys Rostered by Court

07/31/2016

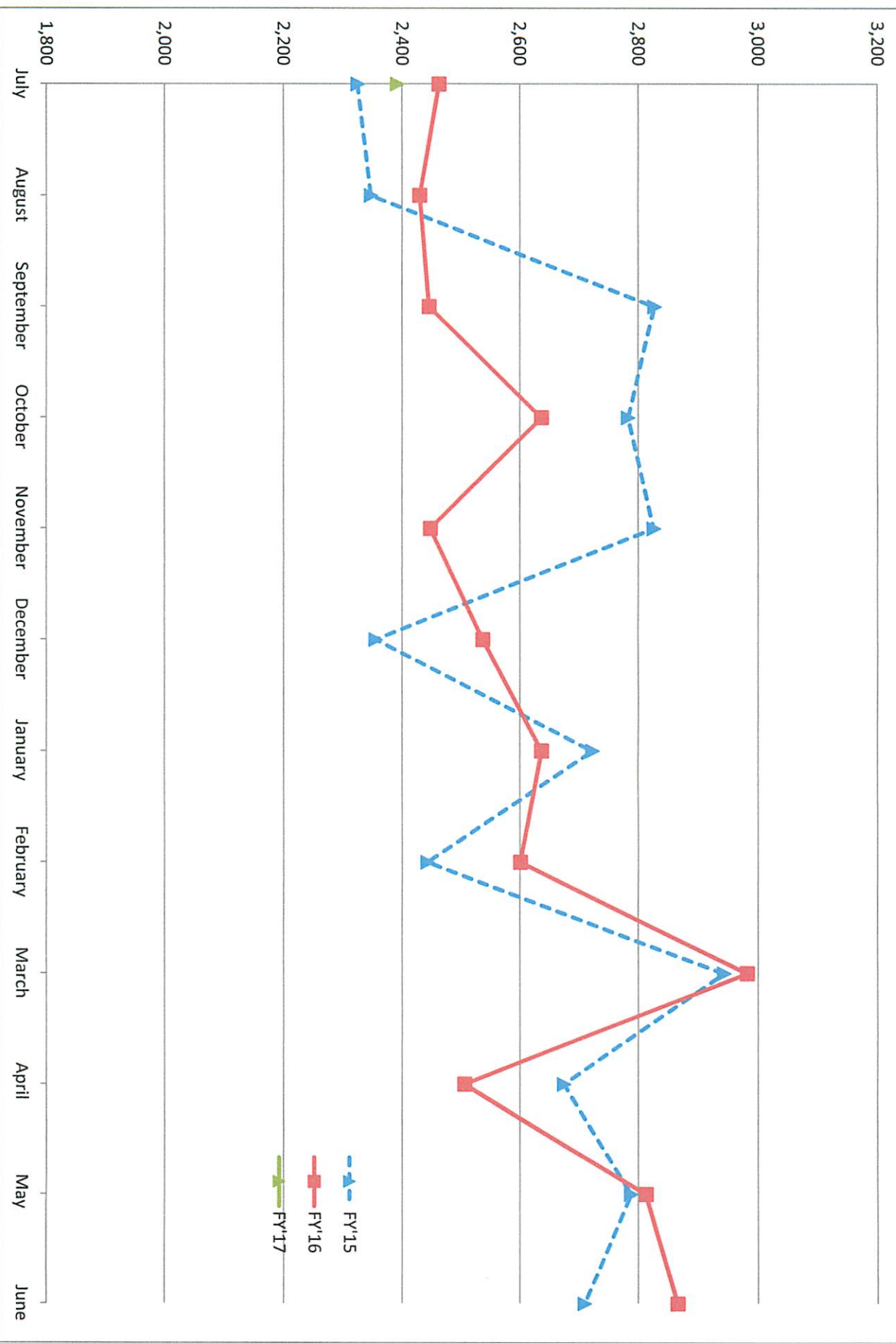
| Court | Rostered Attorneys |
|-------------------------------|--------------------|
| Augusta District Court | 98 |
| Bangor District Court | 56 |
| Belfast District Court | 55 |
| Biddeford District Court | 132 |
| Bridgton District Court | 95 |
| Calais District Court | 10 |
| Caribou District Court | 18 |
| Dover-Foxcroft District Court | 29 |
| Ellsworth District Court | 46 |
| Farmington District Court | 27 |
| Fort Kent District Court | 11 |
| Houlton District Court | 16 |
| Lewiston District Court | 126 |
| Lincoln District Court | 30 |
| Machias District Court | 17 |
| Madawaska District Court | 12 |
| Millinocket District Court | 21 |
| Newport District Court | 39 |
| Portland District Court | 160 |
| Presque Isle District Court | 14 |
| Rockland District Court | 45 |
| Rumford District Court | 23 |
| Skowhegan District Court | 27 |

| Court | Rostered Attorneys |
|--|--------------------|
| South Paris District Court | 60 |
| Springvale District Court | 119 |
| Unified Criminal Docket Alfred | 109 |
| Unified Criminal Docket Aroostook | 22 |
| Unified Criminal Docket Auburn | 99 |
| Unified Criminal Docket Augusta | 91 |
| Unified Criminal Docket Bangor | 56 |
| Unified Criminal Docket Bath | 92 |
| Unified Criminal Docket Belfast | 48 |
| Unified Criminal Docket Dover Foxcroft | 24 |
| Unified Criminal Docket Ellsworth | 41 |
| Unified Criminal Docket Farmington | 28 |
| Unified Criminal Docket Machias | 17 |
| Unified Criminal Docket Portland | 148 |
| Unified Criminal Docket Rockland | 40 |
| Unified Criminal Docket Skowhegan | 20 |
| Unified Criminal docket Soperth Paris | 96 |
| Unified Criminal Docket Wiscasset | 72 |
| Waterville District Court | 53 |
| West Bath District Court | 111 |
| Wiscasset District Court | 78 |
| York District Court | 106 |

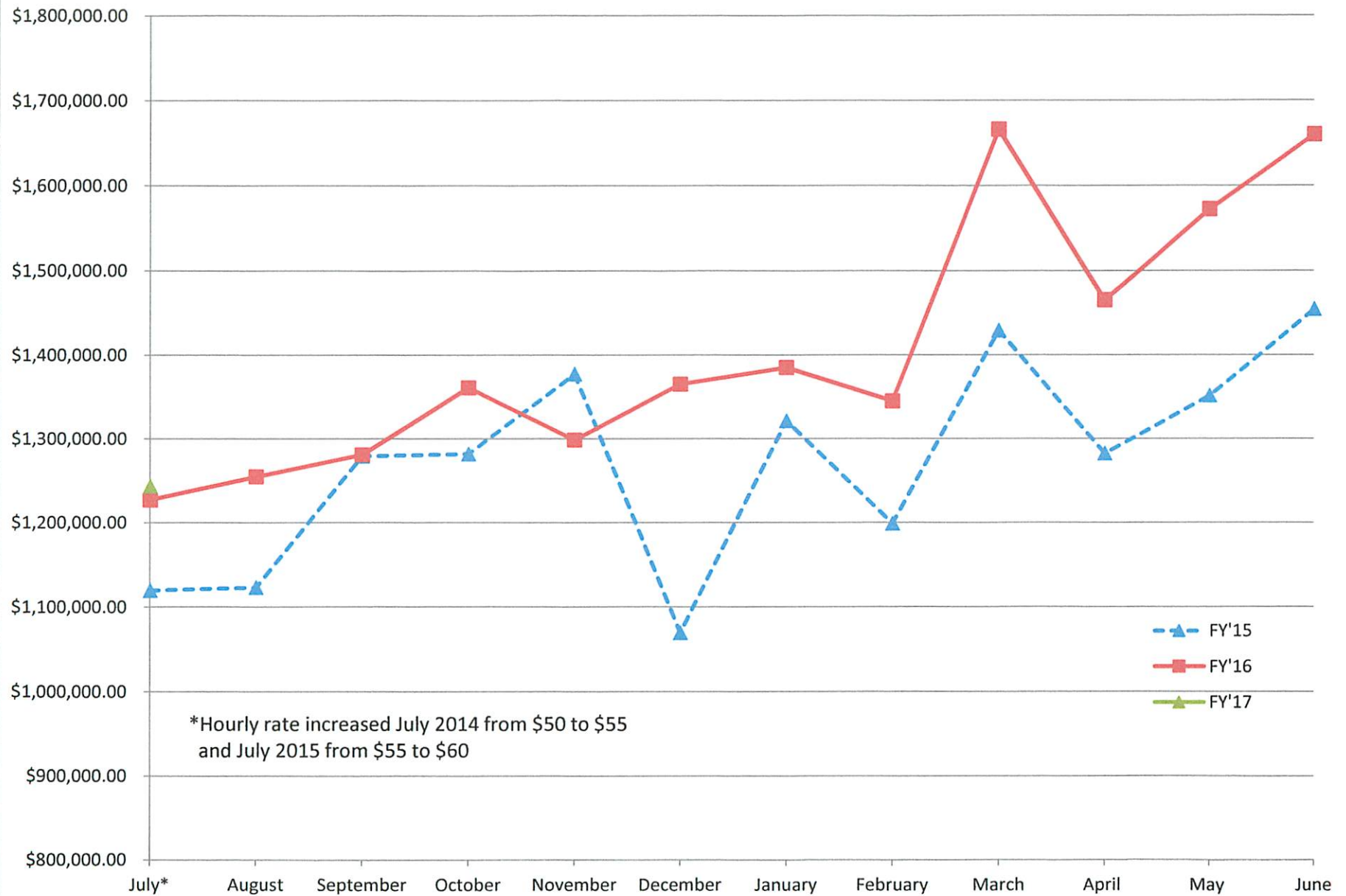
NEW CASES



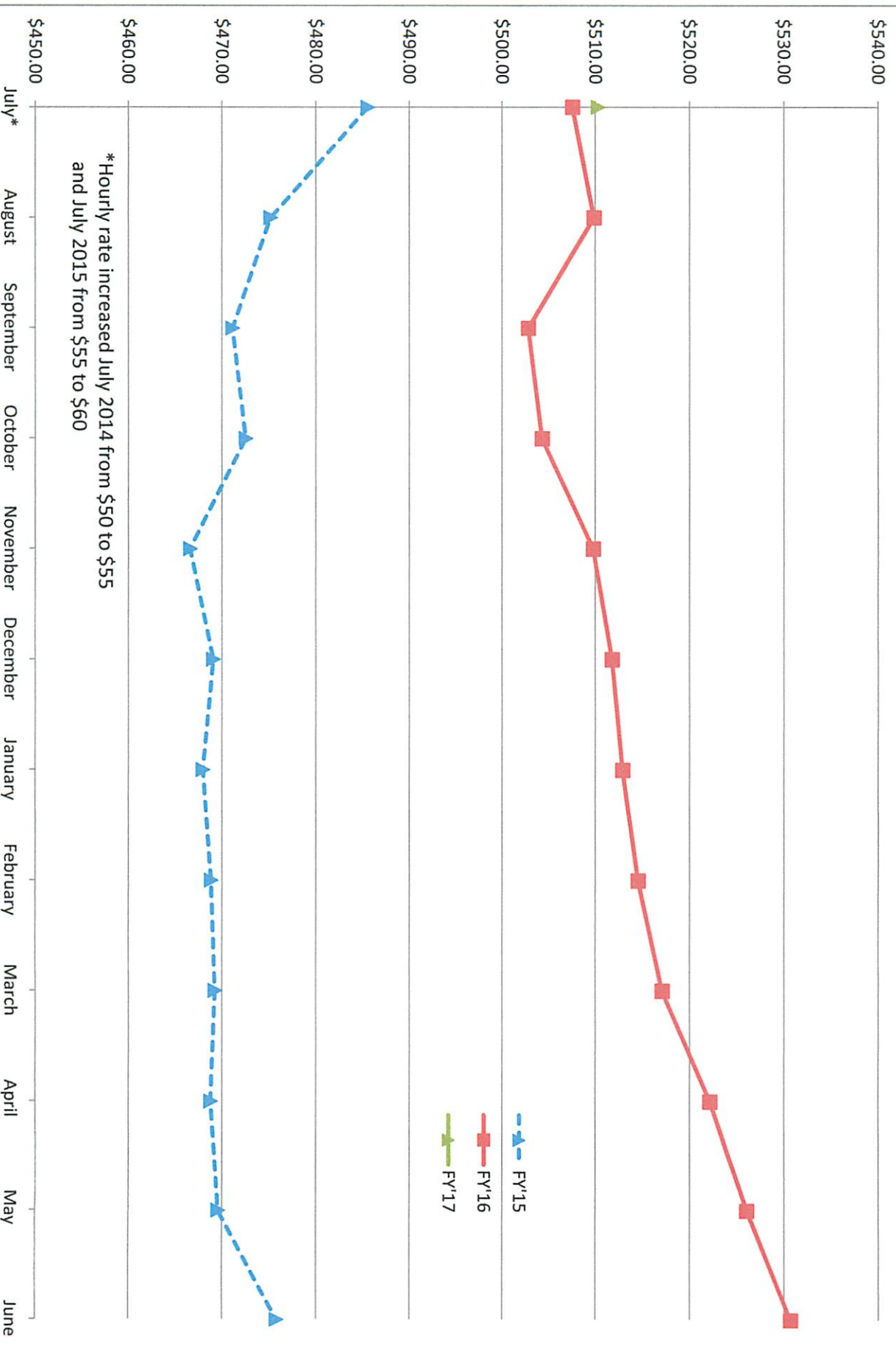
Submitted Vouchers



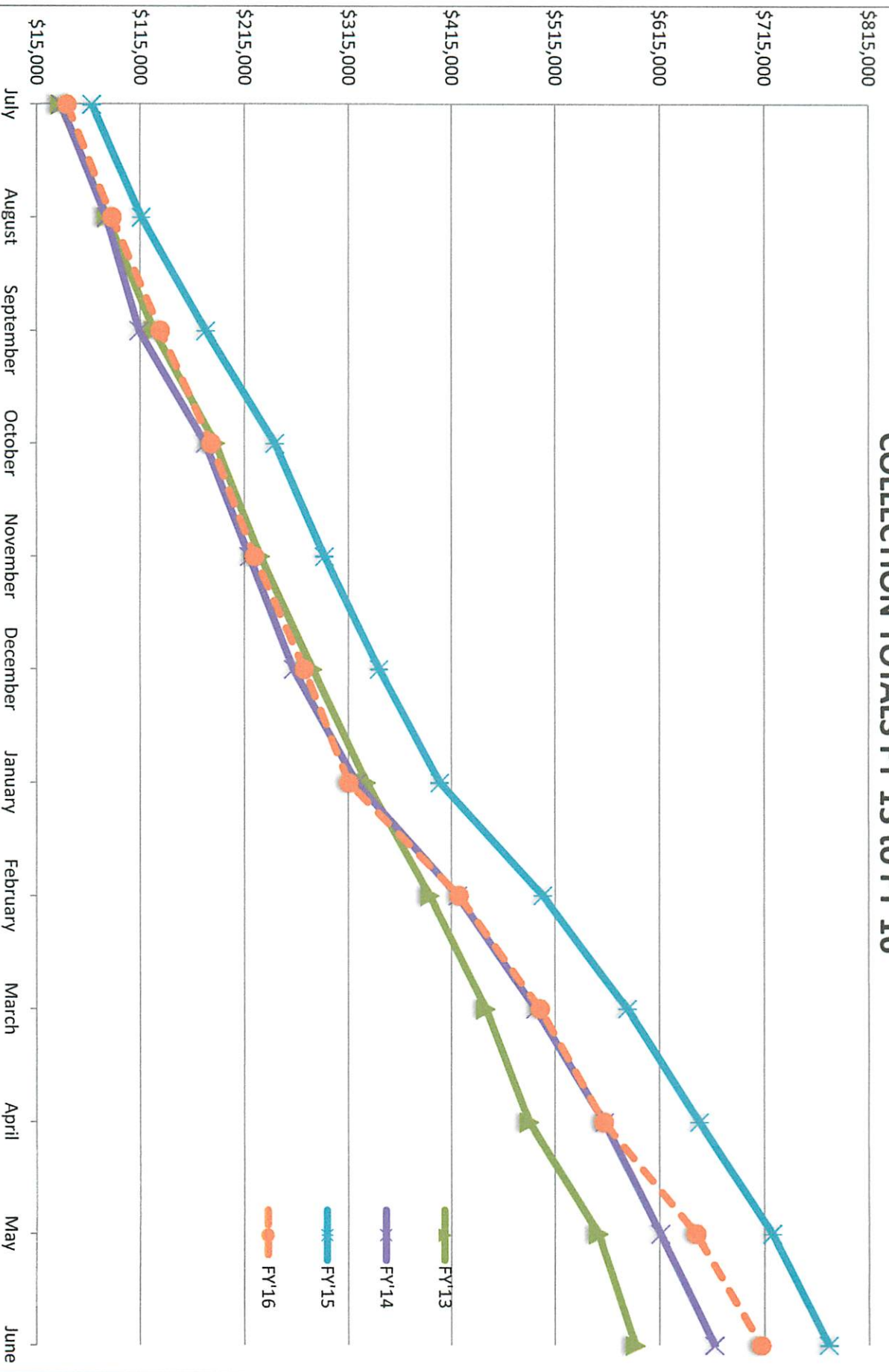
Submitted Voucher Amount



Average Voucher Price Fiscal Year to Date



COLLECTION TOTALS FY'13 to FY'16



(3.)
Supplemental & Biennial
Budget Requests

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE BROGAN, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: BUDGET MEMO
DATE: August 3, 2016

Supplemental and Biennial Budget Requests:

The Commission's supplemental budget request for FY'17 and biennial budget request for FY'18 and FY'19 are due to be submitted to the Budget Office on September 1, 2016. Below are my recommendations for these budget requests. In projecting our budget needs, I have used a projected increase in overall costs of 6.5% per year.

The projected increases are based on the Commission's history of increasing costs, specifically an average of the actual cost increases the Commission has seen during the last three years. Attached are two documents entitled "Six-year Trend Data" and "Six-year Trend Data – Adjusted." The former shows our actual expenditures and the rate of increase from year to year. The latter shows the expenditure amounts and rate of increase adjusted in two ways. First, the rate of increase is adjusted to control for the hourly rate increases implemented on July 1, 2014, and again on July 1, 2015, increases of 10% and 9.09% respectively.

Second, the overall expenditure line has been adjusted to account for differences in the dollar value of unpaid vouchers carried over from year to year. In the past two fiscal years, the Commission has carried substantially less in unpaid vouchers into the succeeding year than was carried over at the start of the year. Adjustment is necessary to reflect the actual amount of money the Commission needed to cover all of its costs; that is, the amount needed pay the costs that arose during a given fiscal year and to carry into the succeeding fiscal year no more and no less than the costs that were carried into that fiscal year.

As adjusted, the Commission's budget needs increased by 7.45% from FY'13 to FY'14, by 11.03% from FY'14 to FY'15, and by 1.00% from FY'15 to FY'16. The average of these year to year increases is 6.5%. Also attached are copies of budget projection spreadsheets for fiscal years 17-19. These show projected quarterly costs and expenditures based on the individual cost items in our budget:

| | Baseline Budget | Supplemental Need | Overall Budget Need |
|-------|-----------------|--------------------|---------------------|
| FY'17 | \$15,569,461 | \$2,829,306 | \$18,398,767 |
| FY'18 | \$15,569,461 | \$3,834,052 | \$19,403,513 |

| | | | |
|-------|--------------|-------------|--------------|
| FY'19 | \$15,569,461 | \$5,229,858 | \$20,799,319 |
|-------|--------------|-------------|--------------|

Consideration of an Increase in the Hourly Rate:

As mentioned above, the hourly rate paid to assigned counsel increased on July 1, 2014 and again on July 1, 2015. The hourly rate for FY'17, which began on July 1, 2016, remains unchanged from the previous year at \$60/hr. In the past, the Commission has sought funds for an hourly rate as high as \$75/hr. Should the Commission seek to continue incremental increases toward that goal, one possibility would be to seek an increase in the hourly rate to \$65/hr. during the second year of the biennium, which begins on July 1, 2018. The amount necessary to fund such an increase would be an additional \$1,643,276.

Probate Cases in District Court

At this point, we can safely say that we will have increased costs based on the burden of having to pay lawyers appointed to Probate cases that are handled in the District Court. We have no data, however, upon which to project the amount of any increased costs. I recommend alerting the Budget Office that we will be seeking additional supplemental funding for these costs, but wait until the December-January time frame to project the amount needed to cover this additional function. This will allow us to have an accurate picture, as opposed to guessing, as we work with the Legislature to address our FY'17 supplemental need.

Maine Commission on Indigent Legal Services

Six-year Trend Data

| | <u>FY'11</u> | <u>FY'12</u> | <u>FY'13</u> | <u>FY'14</u> | <u>FY'15</u> | <u>FY'16</u> |
|---------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| All Other Allotment | \$10,097,996 | \$11,473,123 | \$11,882,677 | \$12,767,799 | \$15,649,052 | \$17,306,322 |
| | | 13.62% | 3.57% | 7.45% | 22.57% | 10.59% |
| Vouchers Paid | 25,041 | 27,626 | 28,153 | 28,117 | 31,595 | 31,378 |
| Cost per Voucher | \$389.63 | \$404.89 | \$407.88 | \$434.60 | 475.78 | \$530.69 |
| Reimbursements | \$400,227 | \$640,827 | \$595,444 | \$654,406 | \$776,535.99 | \$704,673.81 |

Maine Commission on Indigent Legal Services

Six-year Trend Data - Adjusted

| | <u>FY'11</u> | <u>FY'12</u> | <u>FY'13</u> | <u>FY'14</u> | <u>FY'15</u> | <u>FY'16</u> |
|---------------------|--------------|--------------|--------------|--------------|----------------|----------------|
| All Other Allotment | \$10,097,996 | \$11,473,123 | \$11,882,677 | \$12,767,799 | \$15,452,425 * | \$17,012,322 * |
| | | 13.62% | 3.57% | 7.45% | 11.03% ** | 1.00% ** |
| Vouchers Paid | 25,041 | 27,626 | 28,153 | 28,117 | 31,183 *** | 30,763 *** |
| Cost per Voucher | \$389.63 | \$404.89 | \$407.88 | \$434.60 | 475.78 | \$530.69 |
| Reimbursements | \$400,227 | \$640,827 | \$595,444 | \$654,406 | \$776,535.99 | \$704,673.81 |

*Adjusted to reflect reduction in year-to-year voucher carryover.

**Percentage adjusted to control for pay raise.

***Reduced by adjusted expenditure total divided by average cost per voucher

Fiscal year 2017

\$18,398,767 (\$15,569,461 appropriation plus \$2,829,306 supplemental need) BASELINE BUDGET

| FY' 17, QUARTER 1 | | |
|---------------------------------------|-----------|-----------------------|
| 95F Z112 010 ALL OTHER Allotment: | \$ | 4,310,922.00 |
| 95F Z112 014 Collected REVENUE: | \$ | 184,125.00 |
| Encumbrance (Som. JW. & WTL.) | \$ | (250,879.50) |
| TOTAL Q1 ALLOTMENT: | \$ | 4,244,167.50 |
| Contract Counsel: | \$ | (68,062.50) |
| Operating Expenses: | \$ | (34,560.00) |
| Non-Counsel Indigent Legal Services: | \$ | (278,350.00) |
| Balance of FY16 Q4 Vouchers | \$ | (46,011.80) |
| Q1 Counsel Vouchers: | \$ | (3,817,183.20) |
| TOTAL Q1 EXPENSES: | \$ | (4,244,167.50) |
| Q1 ENDING BALANCE OF ACCTS: | \$ | (0.00) |
| Q1 Counsel Vouchers Submitted: | \$ | 3,845,439.76 |
| Q1 Counsel Vouchers Paid: | \$ | (3,817,183.20) |
| VOUCHER BALANCE FORWARD TO Q2: | \$ | 28,256.56 |

1

| FY' 17, QUARTER 2 | | |
|---------------------------------------|-----------|-----------------------|
| 95F Z112 010 ALL OTHER Allotment: | \$ | 4,392,001.00 |
| 95F Z112 014 Collected REVENUE: | \$ | 184,124.00 |
| Encumbered Funds from Q1 | \$ | 83,062.50 |
| TOTAL Q2 ALLOTMENT: | \$ | 4,659,187.50 |
| Contract Counsel | \$ | (68,062.50) |
| Operating Expenses: | \$ | (34,560.00) |
| Non-Counsel Indigent Legal Services: | \$ | (278,350.00) |
| Balance of Q1 Counsel Vouchers: | \$ | (28,256.56) |
| Q2 Counsel Vouchers: | \$ | (4,205,744.57) |
| TOTAL Q2 EXPENSES: | \$ | (4,614,973.63) |
| Q2 ENDING BALANCE OF ACCTS: | \$ | 44,213.87 |
| Q2 Counsel Vouchers Submitted: | \$ | 4,205,744.57 |
| Q2 Counsel Vouchers Paid: | \$ | (4,205,744.57) |
| VOUCHER BALANCE FORWARD TO Q3: | \$ | (0.00) |

0

| FY' 17, QUARTER 3 | | |
|---------------------------------------|-----------|-----------------------|
| 95F Z112 010 ALL OTHER Allotment: | \$ | 4,746,575.00 |
| 95F Z112 014 Collected REVENUE: | \$ | 184,124.00 |
| Encumbered Funds from Q1 | \$ | 83,062.50 |
| TOTAL Q3 ALLOTMENT: | \$ | 5,013,761.50 |
| Contract Counsel: | \$ | (68,062.50) |
| Operating Expenses: | \$ | (34,560.00) |
| Non-Counsel Indigent Legal Services: | \$ | (278,350.00) |
| Balance of Q2 Counsel Vouchers: | \$ | 0.00 |
| Q3 Counsel Vouchers: | \$ | (4,452,039.22) |
| TOTAL Q3 EXPENSES: | \$ | (4,833,011.72) |
| Q3 ENDING BALANCE OF ACCTS: | \$ | 180,749.78 |
| Q3 Counsel Vouchers Submitted: | \$ | 4,452,039.22 |
| Q3 Counsel Vouchers Paid: | \$ | (4,452,039.22) |
| VOUCHER BALANCE FORWARD TO Q4: | \$ | 0.00 |

0

| FY' 17, QUARTER 4 | | |
|---|-----------|-----------------------|
| 95F Z112 010 ALL OTHER Allotment: | \$ | 2,118,227.00 |
| 95F Z112 014 Collected REVENUE: | \$ | 184,124.00 |
| Encumbered Funds from Q1 | \$ | 84,754.50 |
| Caryover Q2 & Q3 | \$ | 224,963.65 |
| TOTAL Q4 ALLOTMENT: | \$ | 2,387,105.50 |
| Contract Counsel: | \$ | (68,062.50) |
| Operating Expenses: | \$ | (34,560.00) |
| Non-Counsel Indigent Legal Services: | \$ | (278,350.00) |
| Balance of Q3 Counsel Vouchers: | \$ | (0.00) |
| Q4 Counsel Vouchers: | \$ | (4,837,174.59) |
| TOTAL Q4 EXPENSES: | \$ | (5,218,147.09) |
| Q4 ENDING BALANCE OF ACCTS: | \$ | (2,831,041.59) |
| Q4 Counsel Vouchers Submitted: | \$ | 4,883,186.39 |
| Q4 Counsel Vouchers Paid: | \$ | (4,837,174.59) |
| VOUCHER BALANCE FORWARD TO FY18: | \$ | 46,011.80 |

1

| Counsel Vouchers Submitted | |
|----------------------------|-----------------|
| Q1 | \$ 3,845,439.76 |
| Q2 | \$ 4,205,744.57 |
| Q3 | \$ 4,452,039.22 |
| Q4 | \$ 4,883,186.39 |

| Counsel Vouchers Paid | |
|-----------------------|----------------------------------|
| Q1 | \$ (46,011.80) |
| | \$ (3,817,183.20) |
| Total | \$ (3,863,195.00) |
| Q2 | \$ (28,256.56) |
| | \$ (4,205,744.57) |
| Total | \$ (4,234,001.13) |
| Q3 | \$ 0.00 |
| | \$ (4,452,039.22) |
| Total | \$ (4,452,039.22) revised 2/5/16 |
| Q4 | \$ (0.00) |
| | \$ (4,837,174.59) |
| Total | \$ (4,837,174.59) |
| Grand Total | \$ (17,386,409.94) |

| | |
|-----------------|------------------|
| Total All Other | \$ 18,398,766.59 |
| Baseline Budget | \$ 15,569,461.00 |
| All Other Need | \$ 2,829,305.59 |

Fiscal year 2018

\$19,403,512.59 (\$15,569,461 appropriation plus \$3,834,051.59 supplemental need) BASELINE BUDGET

| FY' 18, QUARTER 1 | |
|---------------------------------------|--------------------------|
| 95F Z112 010 ALL OTHER Allotment: | \$ 4,595,746.10 |
| 95F Z112 014 Collected REVENUE: | \$ 185,375.00 |
| Encumbrance (Som. JW. & WTL.) | \$ (278,606.25) |
| TOTAL Q1 ALLOTMENT: | \$ 4,502,514.85 |
| Contract Counsel: | \$ (74,868.75) |
| Operating Expenses: | \$ (35,810.00) |
| Non-Counsel Indigent Legal Services: | \$ (296,442.75) |
| Balance of FY16 Q4 Vouchers | \$ (46,011.80) |
| Q1 Counsel Vouchers: | \$ (4,049,381.55) |
| TOTAL Q1 EXPENSES: | \$ (4,502,514.85) |
| Q1 ENDING BALANCE OF ACCTS: | \$ (0.00) |
| Q1 Counsel Vouchers Submitted: | \$ 4,095,393.35 |
| Q1 Counsel Vouchers Paid: | \$ (4,049,381.55) |
| VOUCHER BALANCE FORWARD TO Q2: | \$ 46,011.80 |

| FY' 18, QUARTER 2 | |
|---------------------------------------|--------------------------|
| 95F Z112 010 ALL OTHER Allotment: | \$ 4,607,996.71 |
| 95F Z112 014 Collected REVENUE: | \$ 185,374.00 |
| Encumbered Funds from Q1 | \$ 92,868.75 |
| TOTAL Q2 ALLOTMENT: | \$ 4,886,239.46 |
| Contract Counsel | \$ (74,868.75) |
| Operating Expenses: | \$ (35,810.00) |
| Non-Counsel Indigent Legal Services: | \$ (296,442.75) |
| Balance of Q1 Counsel Vouchers: | \$ (46,011.80) |
| Q2 Counsel Vouchers: | \$ (4,433,106.16) |
| TOTAL Q2 EXPENSES: | \$ (4,886,239.46) |
| Q2 ENDING BALANCE OF ACCTS: | \$ 0.00 |
| Q2 Counsel Vouchers Submitted: | \$ 4,479,117.96 |
| Q2 Counsel Vouchers Paid: | \$ (4,433,106.16) |
| VOUCHER BALANCE FORWARD TO Q3: | \$ 46,011.80 |

0

| FY' 18, QUARTER 3 | |
|---------------------------------------|--------------------------|
| 95F Z112 010 ALL OTHER Allotment: | \$ 4,870,300.52 |
| 95F Z112 014 Collected REVENUE: | \$ 185,374.00 |
| Encumbered Funds from Q1 | \$ 92,868.75 |
| TOTAL Q3 ALLOTMENT: | \$ 5,148,543.27 |
| Contract Counsel: | \$ (74,868.75) |
| Operating Expenses: | \$ (35,810.00) |
| Non-Counsel Indigent Legal Services: | \$ (296,442.75) |
| Balance of Q2 Counsel Vouchers: | \$ (46,011.80) |
| Q3 Counsel Vouchers: | \$ (4,695,409.97) |
| TOTAL Q3 EXPENSES: | \$ (5,148,543.27) |
| Q3 ENDING BALANCE OF ACCTS: | \$ (0.00) |
| Q3 Counsel Vouchers Submitted: | \$ 4,741,421.77 |
| Q3 Counsel Vouchers Paid: | \$ (4,695,409.97) |
| VOUCHER BALANCE FORWARD TO Q4: | \$ 46,011.80 |

| FY' 18, QUARTER 4 | |
|---|--------------------------|
| 95F Z112 010 ALL OTHER Allotment: | \$ 5,329,469.26 |
| 95F Z112 014 Collected REVENUE: | \$ 185,374.00 |
| Encumbered Funds from Q1 | \$ 92,868.75 |
| TOTAL Q4 ALLOTMENT: | \$ 5,607,712.01 |
| Contract Counsel: | \$ (74,868.75) |
| Operating Expenses: | \$ (35,810.00) |
| Non-Counsel Indigent Legal Services: | \$ (296,442.75) |
| Balance of Q3 Counsel Vouchers: | \$ (46,011.80) |
| Q4 Counsel Vouchers: | \$ (5,154,581.71) |
| TOTAL Q4 EXPENSES: | \$ (5,607,715.01) |
| Q4 ENDING BALANCE OF ACCTS: | \$ (3.00) |
| Q4 Counsel Vouchers Submitted: | \$ 5,200,593.51 |
| Q4 Counsel Vouchers Paid: | \$ (5,154,581.71) |
| VOUCHER BALANCE FORWARD TO FY19: | \$ 46,011.80 |

1

| Counsel Vouchers Submitted | |
|----------------------------|-----------------|
| Q1 | \$ 4,095,393.35 |
| Q2 | \$ 4,479,117.96 |
| Q3 | \$ 4,741,421.77 |
| Q4 | \$ 5,200,593.51 |

| Counsel Vouchers Paid | |
|-----------------------|---------------------------|
| Q1 | \$ (46,011.80) |
| Q2 | \$ (4,433,106.16) |
| Q3 | \$ (4,695,409.97) |
| Q4 | \$ (5,154,581.71) |
| Total | \$ (18,516,526.59) |

| | |
|-----------------|------------------|
| All Other Total | \$ 19,403,512.59 |
| Baseline Budget | \$ 15,569,461.00 |
| All Other Need | \$ 3,834,051.59 |

Fiscal year 2019

\$20,799,319.14 (\$15,569,461 appropriation plus \$5,229,858.14 supplemental need) BASELINE BUDGET

| FY' 19, QUARTER 1 | | |
|---------------------------------------|-----------|-----------------------|
| 95F Z112 010 ALL OTHER Allotment: | \$ | 4,880,039.41 |
| 95F Z112 014 Collected REVENUE: | \$ | 186,625.00 |
| Encumbrance (Som. JW. & WTL.) | \$ | (278,606.25) |
| TOTAL Q1 ALLOTMENT: | \$ | 4,788,058.16 |
| Contract Counsel: | \$ | (74,868.75) |
| Operating Expenses: | \$ | (37,060.00) |
| Non-Counsel Indigent Legal Services: | \$ | (314,535.50) |
| Balance of FY16 Q4 Vouchers | \$ | (46,011.80) |
| Q1 Counsel Vouchers: | \$ | (4,315,582.11) |
| TOTAL Q1 EXPENSES: | \$ | (4,788,058.16) |
| Q1 ENDING BALANCE OF ACCTS: | \$ | 0.00 |
| Q1 Counsel Vouchers Submitted: | \$ | 4,361,593.91 |
| Q1 Counsel Vouchers Paid: | \$ | (4,315,582.11) |
| VOUCHER BALANCE FORWARD TO Q2: | \$ | 46,011.80 |

1

| FY' 19, QUARTER 2 | | |
|---------------------------------------|-----------|-----------------------|
| 95F Z112 010 ALL OTHER Allotment: | \$ | 4,917,231.13 |
| 95F Z112 014 Collected REVENUE: | \$ | 186,625.00 |
| Encumbered Funds from Q1 | \$ | 92,868.75 |
| TOTAL Q2 ALLOTMENT: | \$ | 5,196,724.88 |
| Contract Counsel | \$ | (74,868.75) |
| Operating Expenses: | \$ | (37,060.00) |
| Non-Counsel Indigent Legal Services: | \$ | (314,535.50) |
| Balance of Q1 Counsel Vouchers: | \$ | (46,011.80) |
| Q2 Counsel Vouchers: | \$ | (4,724,248.83) |
| TOTAL Q2 EXPENSES: | \$ | (5,196,724.88) |
| Q2 ENDING BALANCE OF ACCTS: | \$ | (0.00) |
| Q2 Counsel Vouchers Submitted: | \$ | 4,770,260.63 |
| Q2 Counsel Vouchers Paid: | \$ | (4,724,248.83) |
| VOUCHER BALANCE FORWARD TO Q3: | \$ | 46,011.80 |

0

| FY' 19, QUARTER 3 | | |
|---------------------------------------|-----------|-----------------------|
| 95F Z112 010 ALL OTHER Allotment: | \$ | 5,190,639.19 |
| 95F Z112 014 Collected REVENUE: | \$ | 186,625.00 |
| Encumbered Funds from Q1 | \$ | 98,814.25 |
| TOTAL Q3 ALLOTMENT: | \$ | 5,476,078.44 |
| Contract Counsel: | \$ | (74,868.75) |
| Operating Expenses: | \$ | (37,060.00) |
| Non-Counsel Indigent Legal Services: | \$ | (314,535.50) |
| Balance of Q2 Counsel Vouchers: | \$ | (46,011.80) |
| Q3 Counsel Vouchers: | \$ | (5,003,602.39) |
| TOTAL Q3 EXPENSES: | \$ | (5,476,078.44) |
| Q3 ENDING BALANCE OF ACCTS: | \$ | 0.00 |
| Q3 Counsel Vouchers Submitted: | \$ | 5,049,614.19 |
| Q3 Counsel Vouchers Paid: | \$ | (5,003,602.39) |
| VOUCHER BALANCE FORWARD TO Q4: | \$ | 46,011.80 |

0

| FY' 19, QUARTER 4 | | |
|---|-----------|-----------------------|
| 95F Z112 010 ALL OTHER Allotment: | \$ | 5,811,409.41 |
| 95F Z112 014 Collected REVENUE: | \$ | 186,625.00 |
| Encumbered Funds from Q1 | \$ | (32,938.08) |
| TOTAL Q4 ALLOTMENT: | \$ | 5,965,096.33 |
| Contract Counsel: | \$ | (74,868.75) |
| Operating Expenses: | \$ | (37,060.00) |
| Non-Counsel Indigent Legal Services: | \$ | (314,535.50) |
| Balance of Q3 Counsel Vouchers: | \$ | (46,011.80) |
| Q4 Counsel Vouchers: | \$ | (5,492,620.28) |
| TOTAL Q4 EXPENSES: | \$ | (5,965,096.33) |
| Q4 ENDING BALANCE OF ACCTS: | \$ | (0.00) |
| Q4 Counsel Vouchers Submitted: | \$ | 5,538,632.08 |
| Q4 Counsel Vouchers Paid: | \$ | (5,492,620.28) |
| VOUCHER BALANCE FORWARD TO FY20: | \$ | 46,011.80 |

1

Counsel Vouchers Submitted

| | | |
|----|----|--------------|
| Q1 | \$ | 4,361,593.91 |
| Q2 | \$ | 4,770,260.63 |
| Q3 | \$ | 5,049,614.19 |
| Q4 | \$ | 5,538,632.08 |

Counsel Vouchers Paid

| | | |
|-------------|----|-----------------|
| Q1 | \$ | (46,011.80) |
| Q2 | \$ | (4,315,582.11) |
| Total | \$ | (4,361,593.91) |
| Q2 | \$ | (46,011.80) |
| Q3 | \$ | (4,724,248.83) |
| Total | \$ | (4,770,260.63) |
| Q3 | \$ | (46,011.80) |
| Q4 | \$ | (5,003,602.39) |
| Total | \$ | (5,049,614.19) |
| Q4 | \$ | (46,011.80) |
| Total | \$ | (5,492,620.28) |
| Total | \$ | (5,538,632.08) |
| Grand Total | \$ | (19,720,100.81) |

Total All Other \$ 20,799,319.14

Baseline Budget \$ 15,569,461.00

All Other Need \$ 5,229,858.14

(4.)
Attorney Evaluations

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE BROGAN, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: ATTORNEY EVALUATION DISCUSSION
DATE: August 4, 2016

The Commission staff has given significant thought to potential processes for attorney evaluation. A system of anonymous surveys is one possible option. That process, however, would be administratively burdensome, and the Commission's small staff would likely lack capacity to implement remedial measures to address problems identified with individual attorneys. The staff feels that a system of supervising attorneys, similar to that in Massachusetts, would be the most efficient way to expand the Commission's capacity to monitor attorney performance in the field, mentor young attorneys, and address performance problems as they are identified.

In Massachusetts, supervising attorneys are paid \$60/hr. for 10 hours per month mentoring new attorneys, monitoring attorney performance generally, and reporting on these activities to central office staff. This system would greatly expand the information flow to the central office staff about how the system is functioning in the field. Local monitoring of attorneys and implementation of remedial measures has significant potential to improve attorney performance generally and provide feedback the Commission needs to assure policy-makers that the Commission is meeting its obligation to provide quality indigent legal services. Below is a very preliminary suggestion as to the numbers of supervising attorneys required in various locations. The cost of the proposed system would be less than the cost of hiring an additional staff attorney, but would provide significantly greater reach than could a single attorney located in Augusta or elsewhere.

| <u>County</u> | <u>Supervising Attorney</u> |
|-----------------------|-----------------------------|
| Cumberland | 3 |
| York | 2 |
| Androscoggin | 1 |
| Kennebec/Somerset | 1 |
| Oxford/Franklin | 1 |
| Penobscot/Piscataquis | 1 |
| Sagadahoc/Lincoln | 1 |

| | |
|--------------------|-----------|
| Knox/Waldo | 1 |
| Washington/Hancock | 1 |
| Aroostook | 1 |
| TOTAL | 13 |

At \$7,200.00 per supervising attorney, the cost for 13 attorneys would be \$93,600.00, which as stated above, is less than the cost of a single additional staff attorney. This yearly sum could be added to our budget request for the upcoming biennium.

(5.)
Payment for Cert. Petitions



Maine Association of Criminal Defense Lawyers

P.O. Box 434, Freeport, Maine 04032
(207) 865-1457 FAX (888) 474-7198
info@mainemacdl.org

RECEIVED

JUL 11 2016

MCILS

OFFICERS

President
Amy T. Robidas

President Elect
Hunter J. Tzovarras

Vice President
Jamesa J. Drake

Treasurer
Kimberly N. Richardson

EXECUTIVE DIRECTOR
Jennifer M. Lechner

July 7, 2016

John D. Pelletier, Esq.
Executive Director
Maine Commission on Indigent Legal Services
154 State House Station
Augusta, ME 04333

Dear John,

I write as the new President of MACDL to formally ask the Commission to reconsider its position on paying counsel fees for indigent defendants who are filing petitions for certiorari to the United States Supreme Court.

As you have no doubt heard from our new Vice President, Jamesa Drake, Maine is the *only* state in the union without an intermediate appellate court that refuses to pay indigent defense counsel for filing cert petitions in the United States Supreme Court. At the recent annual MACDL two-day seminar, Walt McKee presented his annual update on Maine law which includes a review of statutory changes and recent law court cases. Mr. McKee had the unfortunate task of reporting to the defense bar in Maine that only three criminal appeals were successful in the past 12 months. Typically, it is slightly higher than that ranging from 7 to 10 decisions in a 12-month period but this year was particularly bad if you were a criminal defendant appealing to the Law Court. This is all the more reason why the Commission must pay for the provision of indigent defense counsel to file petitions for certiorari to the United States Supreme Court. Without an intermediate appellate court, and with the ridiculously low chance of success on appeal with our State Supreme Court, the ability to have appointed counsel file a competently drafted petition for certiorari to the United States Supreme Court on Federal Constitutional issues is imperative.

As you know, filing a petition for certiorari has become a laborious, rule intensive, and meticulously regulated process that no *pro se* indigent criminal defendant should be forced to undertake on his own in order to try and preserve a claim of his constitutional rights being violated.

Finally, it is not anticipated that this is something that's going to bankrupt the Commission. In contrast to the vast majority of resources expended on indigent criminal defense, paying for indigent defense counsel to file cert petitions in truly meritorious cases is likely to be a drop in the bucket compared to the overall budget of the Commission.

Finally, as can be seen by the recent proposal submitted by the Governor to the Legislature, LD 1433, perceived weaknesses in Maine's system of indigent criminal defense create opportunities for those who seek to change the entire system without regard to collateral consequences. Without a true public defender system, that is fully funded and staffed with State employee lawyers and support staff, Maine's current system falls short and creates a crack through which those with truly meritorious constitutional claims can fall. Failing to pursue these constitutional cases to the next and highest court in the land fails these individual defendants, but it is also a systemic failure for the state of Maine. Although it is very difficult for a cert petition in a criminal case to be granted a hearing before the United States Supreme Court, having cert petitions filed, especially if one is granted, is an important check on the State Judicial Branch to ensure that it takes seriously its role as a guardian of the rights enshrined in the federal constitution.

For all of these reasons, as well as those more articulately presented by Jamesa Drake in her separate letter to you dated May 9, 2016, MACDL formally requests that the Commission revisit and reconsider its position not to fund indigent defense counsel for petitions for certiorari to the United States Supreme Court.

Sincerely,



Amy T. Robidas, Esq.
MACDL President