

MCILS

**August 13, 2019
Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

AUGUST 13, 2019

COMMISSION MEETING

JUDICIARY COMMITTEE ROOM, ROOM 438, STATEHOUSE, AUGUSTA
AGENDA

- 1) Introduction of New Commissioners and Review of Commission Responsibilities
- 2) Approval of May 14, 2019, Commission Meeting Minutes
- 3) Operations Reports – May, June & July
- 4) Budget Update
- 5) Rule-Making Update
- 6) Sixth Amendment Center Report
- 7) OPEGA Investigation
- 8) Discussion of Next Steps
- 9) Public Comment
- 10) Set Date, Time and Location of Next Regular Meeting of the Commission
- 11) Executive Session, if needed (Closed to Public)

(1.)
Introduction;
Review of Commission
Responsibilities

Maine Revised Statutes

Title 4: JUDICIARY

Chapter 37: MAINE COMMISSION ON INDIGENT LEGAL SERVICES

§1801. MAINE COMMISSION ON INDIGENT LEGAL SERVICES; ESTABLISHED

The Maine Commission on Indigent Legal Services, established by Title 5, section 12004-G, subsection 25-A, is an independent commission whose purpose is to provide efficient, high-quality representation to indigent criminal defendants, juvenile defendants and children and parents in child protective cases, consistent with federal and state constitutional and statutory obligations. The commission shall work to ensure the delivery of indigent legal services by qualified and competent counsel in a manner that is fair and consistent throughout the State and to ensure adequate funding of a statewide system of indigent legal services, which must be provided and managed in a fiscally responsible manner, free from undue political interference and conflicts of interest. [2009, c. 419, §2 (NEW).]

SECTION HISTORY

2009, c. 419, §2 (NEW).

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Chapter 37: MAINE COMMISSION ON INDIGENT LEGAL SERVICES

§1802. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2009, c. 419, §2 (NEW).]

1. Assigned counsel. "Assigned counsel" means a private attorney designated by the commission to provide indigent legal services at public expense.

[2009, c. 419, §2 (NEW) .]

1-A. Appellate counsel. "Appellate counsel" means an attorney who is entitled to payment under Title 15, section 2115-A, subsection 8 or 9.

[2013, c. 159, §10 (NEW) .]

2. Commission. "Commission" means the Maine Commission on Indigent Legal Services under section 1801.

[2009, c. 419, §2 (NEW) .]

3. Contract counsel. "Contract counsel" means a private attorney under contract with the commission to provide indigent legal services.

[2009, c. 419, §2 (NEW) .]

4. Indigent legal services. "Indigent legal services" means legal representation provided to:

A. An indigent defendant in a criminal case in which the United States Constitution or the Constitution of Maine or federal or state law requires that the State provide representation; [2009, c. 419, §2 (NEW) .]

B. An indigent party in a civil case in which the United States Constitution or the Constitution of Maine or federal or state law requires that the State provide representation; and [2009, c. 419, §2 (NEW) .]

C. Juvenile defendants. [2009, c. 419, §2 (NEW) .]

"Indigent legal services" does not include the services of a guardian ad litem appointed pursuant to Title 22, section 4105, subsection 1.

[2009, c. 419, §2 (NEW) .]

SECTION HISTORY

2009, c. 419, §2 (NEW). 2013, c. 159, §10 (AMD) .

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Chapter 37: MAINE COMMISSION ON INDIGENT LEGAL SERVICES

§1803. COMMISSION STRUCTURE

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; [2017, c. 430, §1 (NEW).]
- B. One member from a list of qualified potential appointees, provided by the Speaker of the House of Representatives; [2017, c. 430, §1 (NEW).]
- C. Three members from a list of qualified potential appointees, provided by the Chief Justice of the Supreme Judicial Court; [2017, c. 430, §1 (NEW).]
- D. One member with experience in administration and finance; [2017, c. 430, §1 (NEW).]
- E. One member with experience providing representation in child protection proceedings; [2017, c. 430, §1 (NEW).]
- 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 [2017, c. 430, §1 (NEW).]
- G. 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 a statewide organization, other than the Maine State Bar Association, that represents criminal defense attorneys. This member is a nonvoting member of the commission. [2017, c. 430, §1 (NEW).]

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

[2017, c. 430, §1 (RPR) .]

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

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

[2017, c. 430, §2 (AMD) .]

3. Terms. Members of the commission are appointed for terms of 3 years each, except that of those first appointed the Governor shall designate 2 whose terms are only one year, 2 whose terms are only 2 years and one whose term is 3 years. A member may not serve more than 2 consecutive 3-year terms plus any initial term of less than 3 years.

A member of the commission appointed to fill a vacancy occurring otherwise than by expiration of term is appointed only for the unexpired term of the member succeeded.

[2009, c. 419, §2 (NEW) .]

4. Quorum. A quorum is a majority of the current voting members of the commission . A vacancy in the commission does not impair the power of the remaining members to exercise all the powers of the commission.

[2017, c. 430, §2 (AMD) .]

5. Compensation. Each member of the commission is eligible to be compensated as provided in Title 5, chapter 379.

[2009, c. 419, §2 (NEW) .]

SECTION HISTORY

2009, c. 419, §2 (NEW). 2017, c. 430, §§1, 2 (AMD).

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Chapter 37: MAINE COMMISSION ON INDIGENT LEGAL SERVICES

§1804. COMMISSION RESPONSIBILITIES

1. Executive director. The commission shall hire an executive director. The executive director must have experience in the legal field, including, but not limited to, the provision of indigent legal services.

[2009, c. 419, §2 (NEW) .]

2. Standards. The commission shall develop standards governing the delivery of indigent legal services, including:

A. Standards governing eligibility for indigent legal services. The eligibility standards must take into account the possibility of a defendant's or civil party's ability to make periodic installment payments toward counsel fees; [2017, c. 284, Pt. UUUU, §1 (AMD) .]

B. Standards prescribing minimum experience, training and other qualifications for contract counsel and assigned counsel; [2009, c. 419, §2 (NEW) .]

C. Standards for assigned counsel and contract counsel case loads; [2009, c. 419, §2 (NEW) .]

D. Standards for the evaluation of assigned counsel and contract counsel. The commission shall review the standards developed pursuant to this paragraph every 5 years or upon the earlier recommendation of the executive director; [2017, c. 284, Pt. UUUU, §2 (AMD) .]

E. Standards for independent, quality and efficient representation of clients whose cases present conflicts of interest; [2009, c. 419, §2 (NEW) .]

F. Standards for the reimbursement of expenses incurred by assigned counsel and contract counsel; and [2009, c. 419, §2 (NEW) .]

G. Other standards considered necessary and appropriate to ensure the delivery of adequate indigent legal services. [2009, c. 419, §2 (NEW) .]

[2017, c. 284, Pt. UUUU, §§1, 2 (AMD) .]

3. Duties. The commission shall:

A. Develop and maintain a system that uses appointed private attorneys, contracts with individual attorneys or groups of attorneys and consider other programs necessary to provide quality and efficient indigent legal services; [2009, c. 419, §2 (NEW) .]

B. Develop and maintain an assigned counsel voucher review and payment authorization system that includes disposition information; [2017, c. 284, Pt. UUUU, §3 (AMD) .]

C. Establish processes and procedures consistent with commission standards to ensure that office and contract personnel use information technology and case load management systems so that detailed expenditure and case load data are accurately collected, recorded and reported; [2011, c. 420, Pt. C, §1 (AMD) .]

D. Develop criminal defense, child protective and involuntary commitment representation training and evaluation programs for attorneys throughout the State to ensure an adequate pool of qualified attorneys; [2009, c. 419, §2 (NEW) .]

E. Establish minimum qualifications to ensure that attorneys are qualified and capable of providing quality representation in the case types to which they are assigned, recognizing that quality representation in each of these types of cases requires counsel with experience and specialized training in that field; [2009, c. 419, §2 (NEW).]

F. Establish rates of compensation for assigned counsel; [2009, c. 419, §2 (NEW).]

G. Establish a method for accurately tracking and monitoring case loads of assigned counsel and contract counsel; [2009, c. 419, §2 (NEW).]

H. By January 15th of each year, submit to the Legislature, the Chief Justice of the Supreme Judicial Court and the Governor an annual report on the operation, needs and costs of the indigent legal services system. The report must include:

- (1) An evaluation of: contracts; services provided by contract counsel and assigned counsel; any contracted professional services; and cost containment measures; and
- (2) An explanation of the relevant law changes to the indigent legal services covered by the commission and the effect of the changes on the quality of representation and costs.

The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation on matters related to the report; [2017, c. 284, Pt. UUUU, §4 (AMD).]

I. Approve and submit a biennial budget request to the Department of Administrative and Financial Services, Bureau of the Budget, including supplemental budget requests as necessary; [2013, c. 159, §11 (AMD).]

J. Develop an administrative review and appeal process for attorneys who are aggrieved by a decision of the executive director, or the executive director's designee, determining:

- (1) Whether an attorney meets the minimum eligibility requirements to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements;
- (2) Whether an attorney previously found eligible is no longer eligible to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements; and
- (3) Whether to grant or withhold a waiver of the eligibility requirements set forth in any commission rule.

All decisions of the commission, including decisions on appeals under subparagraphs (1), (2) and (3), constitute final agency action. All decisions of the executive director, or the executive director's designee, other than decisions appealable under subparagraphs (1), (2) and (3), constitute final agency action; [2017, c. 284, Pt. UUUU, §5 (AMD).]

K. Pay appellate counsel; [2017, c. 284, Pt. UUUU, §6 (AMD).]

L. Establish processes and procedures to acquire investigative and expert services that may be necessary for a case, including contracting for such services; and [2017, c. 284, Pt. UUUU, §7 (NEW).]

M. Establish procedures for handling complaints about the performance of counsel providing indigent legal services. [2017, c. 284, Pt. UUUU, §7 (NEW).]

[2011, c. 141, §1 (AMD); 2013, c. 159, §§11-13 (AMD); 2017, c. 284, Pt. UUUU, §§3-7 (AMD) .]

4. Powers. The commission may:

A. Establish and maintain a principal office and other offices within the State as it considers necessary; [2009, c. 419, §2 (NEW).]

B. Meet and conduct business at any place within the State; [2009, c. 419, §2 (NEW).]

C. Use voluntary and uncompensated services of private individuals and organizations as may from time to time be offered and needed; [2009, c. 419, §2 (NEW).]

D. Adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that rules adopted to establish standards under subsection 2, paragraph B and rates of compensation for assigned counsel and contract counsel under subsection 2, paragraph F are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A; and [2013, c. 368, Pt. RRR, §1 (AMD); 2013, c. 368, Pt. RRR, §4 (AFF).]

E. Appear in court and before other administrative bodies represented by its own attorneys. [2009, c. 419, §2 (NEW).]

[2013, c. 368, Pt. RRR, §1 (AMD); 2013, c. 368, Pt. RRR, §4 (AFF) .]

SECTION HISTORY

2009, c. 419, §2 (NEW). 2011, c. 141, §1 (AMD). 2011, c. 420, Pt. C, §1 (AMD). 2013, c. 159, §§11-13 (AMD). 2013, c. 368, Pt. RRR, §1 (AMD). 2013, c. 368, Pt. RRR, §4 (AFF). 2017, c. 284, Pt. UUUU, §§1-7 (AMD).

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§1805. EXECUTIVE DIRECTOR

The executive director of the commission hired pursuant to section 1804, subsection 1 shall: [2009, c. 419, §2 (NEW).]

1. Compliance with standards. Ensure that the provision of indigent legal services complies with all constitutional, statutory and ethical standards;

[2009, c. 419, §2 (NEW) .]

2. Development of standards. Assist the commission in developing standards for the delivery of adequate indigent legal services;

[2009, c. 419, §2 (NEW) .]

3. Delivery and supervision. Administer and coordinate delivery of indigent legal services and supervise compliance with commission standards;

[2009, c. 419, §2 (NEW) .]

4. Most effective method of delivery. Recommend to the commission the most effective method of the delivery of indigent legal services in furtherance of the commission's purposes;

[2009, c. 419, §2 (NEW) .]

5. Training for counsel. Conduct regular training programs for counsel providing indigent legal services;

[2009, c. 419, §2 (NEW) .]

6. Personnel. Subject to policies and procedures established by the commission, hire or contract professional, technical and support personnel, including attorneys, considered reasonably necessary for the efficient delivery of indigent legal services;

[2017, c. 284, Pt. UUUU, §8 (AMD) .]

7. Submissions to commission. Prepare and submit to the commission:

A. A proposed biennial budget for the provision of indigent legal services, including supplemental budget requests as necessary; [2009, c. 419, §2 (NEW).]

A-1. A monthly report on the amount of revenue collected from counsel fee collections, including counsel expenses recouped each month and for the year to date; [2017, c. 284, Pt. UUUU, §9 (NEW) .]

B. An annual report containing pertinent data on the operation, needs and costs of the indigent legal services system; [2017, c. 284, Pt. UUUU, §10 (AMD) .]

B-1. A monthly report on the number of cases opened, the number of vouchers submitted, the amount of vouchers paid, the amount of payments to contract counsel, the number of requests for professional services, the amount of payments for professional services and information on any complaints made against assigned or contract counsel; and [2017, c. 475, Pt. A, §2 (AMD) .]

C. Any other information as the commission may require; [2009, c. 419, §2 (NEW) .]

[2017, c. 284, Pt. UUUU, §§9-11 (AMD); 2017, c. 475, Pt. A, §2 (AMD) .]

8. Develop and implement. Coordinate the development and implementation of rules, policies, procedures, regulations and standards adopted by the commission to carry out the provisions of this chapter and comply with all applicable laws and standards;

[2009, c. 419, §2 (NEW) .]

9. Records. Maintain proper records of all financial transactions related to the operation of the commission;

[2009, c. 419, §2 (NEW) .]

10. Other funds. Apply for and accept on behalf of the commission funds that may become available from any source, including government, nonprofit or private grants, gifts or bequests. These non-General Fund funds do not lapse at the end of the fiscal year but must be carried forward to be used for the purpose originally intended;

[2017, c. 284, Pt. UUUU, §12 (AMD) .]

10-A. Reimbursement of expenses. Administer and improve reimbursement of expenses incurred by assigned counsel and contract counsel as described in section 1805-A;

[2017, c. 284, Pt. UUUU, §13 (NEW) .]

11. Meetings of commission. Attend all commission meetings, except those meetings or portions of the meetings that address the question of appointment or removal of the executive director; and

[2009, c. 419, §2 (NEW) .]

12. Other assigned duties. Perform other duties as the commission may assign.

[2009, c. 419, §2 (NEW) .]

SECTION HISTORY

2009, c. 419, §2 (NEW). 2017, c. 284, Pt. UUUU, §§8-13 (AMD). 2017, c. 475, Pt. A, §2 (AMD).

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**§1805-A. INDIGENCY DETERMINATIONS; REDETERMINATIONS;
VERIFICATIONS; COLLECTIONS**

1. Duties. The executive director shall administer and improve reimbursement of expenses incurred by assigned counsel and contract counsel by:

- A. Establishing procedures to ensure that the eligibility of defendants and civil parties is verified and reviewed randomly and when circumstances have changed, information has changed, additional information is provided or as otherwise needed; [2017, c. 284, Pt. UUUU, §14 (NEW).]
- B. Petitioning the court to reassess the indigency of a defendant or civil party if the executive director determines that indigency should be reassessed; [2017, c. 284, Pt. UUUU, §14 (NEW).]
- C. Providing to the commission recommendations to improve reimbursement of expenses; [2017, c. 284, Pt. UUUU, §14 (NEW).]
- D. Requiring that the amount of time spent on each case by assigned counsel or contract counsel is recorded separately for each case; and [2017, c. 284, Pt. UUUU, §14 (NEW).]
- E. Receiving from the courts collections for the costs of representation from defendants or civil parties who are found to be partially indigent or who have otherwise been determined to be able to reimburse the commission for expenses incurred by assigned counsel or contract counsel. [2017, c. 284, Pt. UUUU, §14 (NEW).]

[2017, c. 284, Pt. UUUU, §14 (NEW) .]

2. Determination of defendant's or civil party's eligibility. The executive director shall provide the court having jurisdiction over a proceeding information used to determine indigency for guidance to the court in determining a defendant's or civil party's financial ability to obtain private counsel.

[2017, c. 284, Pt. UUUU, §14 (NEW) .]

3. Partial indigency and reimbursement. This subsection applies to partial indigency and reimbursement of expenses incurred by assigned counsel or contract counsel.

- A. If the court determines that a defendant or civil party is unable to pay to obtain private counsel but is able to contribute to payment of assigned counsel or contract counsel, the court shall order the defendant or civil party to make installment payments up to the full cost of representation or to pay a fixed contribution. The court shall remit payments received to the commission. [2017, c. 284, Pt. UUUU, §14 (NEW).]
- B. A defendant or civil party may not be required to pay for legal services in an amount greater than the expenses actually incurred. [2017, c. 284, Pt. UUUU, §14 (NEW).]
- C. Upon petition of a defendant or civil party who is incarcerated, the court may suspend an order for reimbursement issued pursuant to this subsection until the time of the defendant's or civil party's release. [2017, c. 284, Pt. UUUU, §14 (NEW).]

D. The executive director may enter into contracts to secure the reimbursement of fees and expenses paid by the commission as provided for in this section. [2017, c. 284, Pt. UUUU, §14 (NEW).]

[2017, c. 284, Pt. UUUU, §14 (NEW) .]

SECTION HISTORY

2017, c. 284, Pt. UUUU, §14 (NEW).

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§1806. INFORMATION NOT PUBLIC RECORD

Disclosure of information and records in the possession of the commission is governed by this section. [2011, c. 260, §1 (NEW).]

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Individual client information" means name, date of birth, social security number, gender, ethnicity, home address, home telephone number, home facsimile number, home e-mail address, personal cellular telephone number, personal pager number and any information protected under the attorney-client relationship. [2011, c. 260, §1 (NEW).]

B. "Personal contact information" means home address, home telephone number, home facsimile number, home e-mail address, personal cellular telephone number, personal pager number, date of birth and social security number. [2011, c. 260, §1 (NEW).]

C. "Request for funds for expert or investigative assistance" means a request submitted to the commission by an indigent party or by an attorney on behalf of an indigent client seeking authorization to expend funds for expert or investigative assistance, which includes, but is not limited to, the assistance of a private investigator, interpreter or translator, psychiatrist, psychologist or other mental health expert, medical expert and scientific expert. [2011, c. 260, §1 (NEW).]

D. "Case information" means:

- (1) The court in which a case is brought;
- (2) Any criminal charges or juvenile crime charges and the type, but not the contents, of any petition giving rise to a case;
- (3) The docket number;
- (4) The identity of assigned counsel and the date of assignment;
- (5) The withdrawal of assigned counsel and the date of withdrawal; and
- (6) Any order for reimbursement of assigned counsel fees. [2011, c. 547, §1 (NEW).]

[2011, c. 547, §1 (AMD) .]

2. Confidential information. The following information and records in the possession of the commission are not open to public inspection and do not constitute public records as defined in Title 1, section 402, subsection 3.

A. Individual client information that is submitted by a commission-rostered attorney or a court is confidential, except that the names of criminal defendants and the names of juvenile defendants charged with offenses that if committed by an adult would constitute murder or a Class A, Class B or Class C crime are not confidential. [2011, c. 260, §1 (NEW).]

B. Information subject to the lawyer-client privilege set forth in the Maine Rules of Evidence, Rule 502 or that constitutes a confidence or secret under the Maine Rules of Professional Conduct, Rule 1.6 is confidential. [2011, c. 260, §1 (NEW).]

C. Personal contact information of a commission-rostered attorney is confidential. [2011, c. 260, §1 (NEW).]

D. Personal contact information of a member of the commission or a commission staff member is confidential. [2011, c. 260, §1 (NEW).]

E. A request for funds for expert or investigative assistance that is submitted by an indigent party or by an attorney on behalf of an indigent client is confidential. The decision of the executive director of the commission hired pursuant to section 1804, subsection 1, or the executive director's designee, to grant or deny such a request is not confidential after a case has been completed. A case is completed when the judgment is affirmed on appeal or the period for appeal has expired. [2011, c. 260, §1 (NEW).]

F. Any information obtained or gathered by the commission when performing an evaluation or investigation of an attorney is confidential, except that it may be disclosed to the attorney being evaluated or investigated. [2015, c. 290, §1 (AMD).]

[2015, c. 290, §1 (AMD) .]

3. Confidential information disclosed by the Judicial Department. The Judicial Department may disclose to the commission confidential information necessary for the commission to carry out its functions, including the collection of amounts owed to reimburse the State for the cost of assigned counsel, as follows:

A. Case information and individual client information with respect to court proceedings that are confidential by statute or court rule in which one or more parties are represented by assigned counsel; and [2011, c. 547, §2 (NEW).]

B. The name, address, date of birth and social security number of any person ordered by the court to reimburse the State for some or all of the cost of assigned counsel. [2011, c. 547, §2 (NEW).]

This information remains confidential in the possession of the commission and is not open to public inspection, except that the names of criminal defendants and the names of juvenile defendants charged with offenses that if committed by an adult would constitute murder or a Class A, Class B or Class C crime are not confidential.

[2011, c. 547, §2 (NEW) .]

SECTION HISTORY

2011, c. 260, §1 (NEW). 2011, c. 547, §§1, 2 (AMD). 2015, c. 290, §1 (AMD) .

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(2.)

**May 14, 2019
Commission Meeting
Minutes**

**Maine Commission on Indigent Legal Services – Commissioners Meeting
May 14, 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 April 9, 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>April 2019 Operations Report:</u> 2,274 new cases were opened in the DefenderData system in April. This was a 51 case increase over March. The number of submitted vouchers in April was 2,724, an increase of 42 vouchers from March, totaling \$1,478,221 a decrease of \$77,000 from March. The substantial decrease was due to the processing of vouchers in March to avoid any carry over at the end of the quarter. The average price per voucher was \$523.95, down \$4.81 per voucher from March. Appeal and Drug Court cases had the highest average vouchers. There were 9 vouchers exceeding \$5,000 paid in April. 155 authorizations to expend funds were issued in April, and we paid \$87,557 for experts and investigators, etc. The monthly transfer from the Judicial Branch for counsel fees for April, which reflects March's collections, totaled \$170,311, up approximately \$35,000 from March. Three attorney complaints were received in April.	
Fee Schedule Rule Discussion	The Commissioners requested that the language in Section 6(3) requiring brief tasks to be recorded in increments of .02 instead of .1 be removed from the draft rule. The Commissioners agreed to add the proposed language in Section 6(3-A) to require attorneys to complete a daily timesheet showing all work performed on MCILS cases during a single day, either in electronic or paper form. Chair Carey will review the	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>Sixth Amendment Center report about perjury requirements that other states have used.</p> <p>Chair Carey moved to reconsider the vote in light of staff suggestion for language in Section 6(3-A). Commissioner Welch seconded. All voted in favor.</p> <p>Chair Carey then moved to approve the fee schedule rule for public comment as amended at the May 14, 2019 meeting. Commissioner Welch seconded. All voted in favor.</p>	
Action Items List Update	<p>The Commissioners discussed the revised action item list and decided to add the items related to the Sixth Amendment Center report to next month's agenda, including: (1) reviewing the attorney qualification and specialized panel rules; (2) asking the Legislature to make the qualifications standards rule minor technical; (3) strengthening ongoing CLE requirements; (4) review training programs of other states; (5) increase trainings specific to each specialized panel; (6) draft lawyer of the day rule; (7) draft a script for use by lawyers of the day; (8) review list of low earners; (9) create earnings report in defenderData for easy access; (10) closing rosters to new lawyers in areas flush with lawyers; (11) how best to accomplish training, evaluation, and oversight; and (12) review feasibility of PD office in certain areas.</p>	
Legislative Update	<p>Director Pelletier updated the Commissioners on the status of OPEGA's review of the Commission's financial practices and activities. One informational meeting has been held, but no requests for information have been received to date. Director Pelletier provided a copy of testimony submitted for LD 1021, a bill that would make the Commission responsible for rostering and paying attorneys appointed in Probate Court to represent indigent parties. Director Pelletier informed the Commissioners that LD 1067, the bill to serve as a vehicle to incorporate the Sixth Amendment Center's recommendations, has been carried over to next session.</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
DefenderData Update	<p>Director Pelletier informed the Commissioners that their requested change for the high daily hours email alert from the defenderData program has been implemented and the alerts are now triggered at 12 hours instead of 16 hours. Director Pelletier also relayed that he discussed the two other items related to the Sixth Amendment Center recommendations with Justice Works: (1) certifying vouchers under penalty of perjury and (2) creating a daily timesheet system, separate from the vouchers themselves, for time entry, and that he has a video chat scheduled for later in the month to review the options.</p>	
Juveniles at Long Creek	<p>Commissioner Welch expressed concern about lack of attorney contact with their juvenile clients housed at Long Creek. Chair Carey requested staff reach out to the Department of Corrections to see if it would cooperate with helping juveniles communicate with their attorneys and to also reach out to JJAG. Chair Carey also requested staff send an email to rostered attorneys reminding attorneys about their obligation to meet with their clients and warn that if they are not doing so, that they will be removed from the juvenile rosters.</p> <p>Following Attorney Nadeau's public comment and description of LD 1684, Chair Carey made a motion for the Commission to not take a position on the bill but note that it does support the continued representation for juveniles on probation and for reviews of commitments, and that it notifies the Committee that the Commission is considering changes at the same time since it is a concern of the Commission as well. Commissioner Welch seconded. All voted in favor.</p>	
Public Comment	<p><u>Tina Nadeau, Esq.</u>: Attorney Nadeau reviewed LD 1684, a bill to overhaul the juvenile justice system in Maine, and asked for the Commission's support for the bill.</p> <p><u>Robert Ruffner, Esq.</u>: Attorney Ruffner suggested the Commission look at how other jurisdictions handle initial appearances, noting that Maine is an outlier for the</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	number of cases disposed of at initial appearance. He also suggested the Commission review the report put together by Katherine MacRae concerning how other jurisdictions handle the attorney evaluation process. A final suggestion included getting the Long Creek visitor logs to see which attorneys are visiting their clients.	
Executive Session	none	
Adjournment of meeting	The Commission voted to adjourn with the next meeting to be on June 18, 2019 at 9:30 a.m.	Commissioner Welch moved to adjourn. Chair Carey seconded. All present in favor.

(3.)

Operations Reports

May

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
SUBJECT: MAY 2019 OPERATIONS REPORTS
DATE: JUNE 28, 2019

Attached you will find the May, 2019, Operations Reports for your review and our discussion at the Commission meeting on August 13, 2019. A summary of the operations reports follows:

- 2,269 new cases were opened in the DefenderData system in May. This was a 5 case decrease from April.
- The number of vouchers submitted electronically in May was 2,773, an increase of 49 vouchers over April, totaling \$1,566,637.27, an increase of \$88,000 over April. In May, we paid 2,029 electronic vouchers totaling \$1,125,543.88 representing an increase of 50 vouchers and \$146,000 compared to April.
- There were no paper vouchers submitted and paid in May.
- The average price per voucher in May was \$554.73, up \$30.78 per voucher over April.
- Appeal and Post-Conviction Review cases had the highest average vouchers in May. There were 9 vouchers exceeding \$5,000 paid in May. See attached addendum for details.
- The contract amount paid for representation in Somerset County in May was \$22,687.50.
- In May, we issued 129 authorizations to expend funds: 82 for private investigators, 33 for experts, and 14 for miscellaneous services such as interpreters and transcriptionists. In May, we paid \$158,327.53 for experts and investigators, etc. No requests for funds were denied or modified in May.
- We received three complaints about attorneys in May, all submitted using the feedback form. One came from the grandmother of a juvenile charged with a very serious crime. The lawyer responded promptly when sent the feedback form. The staff concluded that the concern stemmed mostly from the lawyer's appropriate stance that the juvenile was the client and the lawyer was following the client's direction when communicating with the grandmother. Another complaint was from the Superintendent of Dorothea Dix hospital, who complained that an attorney preparing for commitment hearings made excessive demands on staff and displayed inappropriate boundaries with staff. The attorney

acknowledged receipt of the feedback form that we sent along, but has yet to submit a formal response. Staff will follow up. Finally, we received a complaint from a client about the lawyer's inability to forestall an administrative license suspension. Feedback from the attorney correctly indicated that there was nothing the attorney could do about the suspension. The attorney, however, having received the complaint, immediately filed a motion to withdraw from the case. Staff will counsel the attorney that an immediate motion, without consultation with the client, is not appropriate.

- There were no requests for approval of co-counsel received in May.

In our All Other Account, the total expenses for the month of May were \$1,321,819.61. Of that amount, approximately \$15,000 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$50,329.13 in expenses for the month of May.

In the Revenue Account, the transfer for May, reflecting April's collections, totaled \$125,429.65, a decrease of approximately \$55,000 from the previous month.

During May, we paid printing costs associated with a Juvenile training in Portland, as well as fees related to CLE certification by the Board of Overseers. This Portland training was the last funded by a juvenile training grant from the John T. Gorman Foundation.

VOUCHERS EXCEEDING \$5,000 PAID MAY 2019

	Voucher Total	Case total
Voucher after a six-day trial in a murder case. The matter lasted 21 months and was complicated by the defendant's deafness. Defendant found guilty.	\$14,224	\$28,200 (\$13,976 paid to co-counsel in the same firm who submitted a separate voucher)
Voucher after a six-day trial in a murder case. The matter lasted 21 months and was complicated by the defendant's deafness. Defendant found guilty.	\$13,976	\$28,200 (\$14,224 paid to co-counsel in the same firm who submitted a separate voucher)
Interim voucher in the case of a juvenile charged with Murder submitted after a 4-day bind-over hearing. Juvenile was bound over for trial as an adult. Co-counsel in the same firm submitted a single voucher	\$11,971	\$11,971
Interim voucher in an appeal from a conviction on multiple counts of Vehicular Manslaughter. Voucher submitted when, after briefs and oral argument, the Law Court requested additional briefs on a suppression issue involving a blood draw and scheduled further argument.	\$9,737	\$9,737
Voucher in a post-conviction review case involving a conviction for Kidnapping and Felony Murder. The matter lasted 19 months and involved a full hearing and written final argument, as well as numerous trips to the prison. Petition denied.	\$7,400	\$8,736 (interim voucher of \$1,336 paid when attorney changed firms)
Voucher in a Class A Aggravated Trafficking case. Matter involved litigation of a <u>Franks</u> suppression motion. Client pled to Class B Trafficking for a split sentence involving incarceration for 45 days beyond time served.	\$7,244	\$7,244
Voucher in juvenile case where juvenile admitted a charge of Criminal Conspiracy involving death. The case was prepared for a bind-over hearing and resolution reached to avoid the risk of trial as an adult.	\$6,329	\$6,329
Voucher in a Gross Sexual Assault case where client pled guilty on the eve of trial. Investigation of case for years prior to charging created a huge amount of discovery.	\$5,200	\$5,200

FUNDS REQUESTS DENIED/MODIFIED MAY 2019

- There were no requests for funds denied or modified in May

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

5/31/2019

DefenderData Case Type	May-19						Fiscal Year 2019			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	16	23	\$ 33,764.49	21	\$ 35,646.25	\$ 1,697.44	145	204	\$ 314,350.82	\$ 1,540.94
Child Protection Petition	230	513	\$ 287,608.36	358	\$ 209,622.68	\$ 585.54	2,306	4,139	\$ 2,451,459.90	\$ 592.28
Drug Court	0	10	\$ 9,270.00	3	\$ 1,416.00	\$ 472.00	4	56	\$ 59,444.00	\$ 1,061.50
Emancipation	6	4	\$ 696.00	3	\$ 816.00	\$ 272.00	77	67	\$ 23,669.31	\$ 353.27
Felony	503	560	\$ 543,453.31	384	\$ 337,351.93	\$ 878.52	5,518	5,754	\$ 4,958,466.50	\$ 861.74
Involuntary Civil Commitment	90	71	\$ 14,748.04	46	\$ 11,438.32	\$ 248.66	918	841	\$ 191,829.04	\$ 228.10
Juvenile	63	82	\$ 50,059.87	62	\$ 46,581.03	\$ 751.31	766	840	\$ 420,927.14	\$ 501.10
Lawyer of the Day - Custody	257	242	\$ 59,512.20	197	\$ 45,720.52	\$ 232.08	2,514	2,237	\$ 531,120.62	\$ 237.43
Lawyer of the Day - Juvenile	36	30	\$ 6,861.48	26	\$ 5,132.88	\$ 197.42	381	353	\$ 70,276.80	\$ 199.08
Lawyer of the Day - Walk-in	148	121	\$ 29,981.97	81	\$ 20,964.63	\$ 258.82	1,427	1,243	\$ 301,372.50	\$ 242.46
Misdemeanor	706	699	\$ 303,578.47	531	\$ 224,289.00	\$ 422.39	7,939	7,783	\$ 3,132,996.02	\$ 402.54
Petition, Modified Release Treatment	0	0		3	\$ 3,618.37	\$ 1,206.12	7	42	\$ 24,047.15	\$ 572.55
Petition, Release or Discharge	0	1	\$ 594.00	3	\$ 672.00	\$ 224.00	1	11	\$ 4,782.74	\$ 434.79
Petition, Termination of Parental Rights	14	52	\$ 43,362.06	26	\$ 23,861.92	\$ 917.77	231	590	\$ 447,635.52	\$ 758.70
Post Conviction Review	3	15	\$ 17,384.02	8	\$ 15,602.70	\$ 1,950.34	87	100	\$ 184,513.56	\$ 1,845.14
Probate	1	6	\$ 4,483.79	6	\$ 6,992.67	\$ 1,165.45	38	22	\$ 21,694.79	\$ 986.13
Probation Violation	147	154	\$ 68,129.84	111	\$ 50,113.54	\$ 451.47	1,841	1,808	\$ 726,928.59	\$ 402.06
Represent Witness on 5th Amendment	2	2	\$ 2,471.02	2	\$ 2,417.02	\$ 1,208.51	25	28	\$ 12,127.18	\$ 433.11
Resource Counsel Criminal	0	5	\$ 594.00	5	\$ 594.00	\$ 118.80	12	42	\$ 6,354.00	\$ 151.29
Resource Counsel Juvenile	0	0		0			6	3	\$ 132.00	\$ 44.00
Resource Counsel Protective Custody	0	1	\$ 162.00	0			9	20	\$ 2,520.00	\$ 126.00
Review of Child Protection Order	46	179	\$ 88,740.35	151	\$ 81,936.42	\$ 542.63	666	2,019	\$ 1,016,956.54	\$ 503.69
Revocation of Administrative Release	1	3	\$ 1,182.00	2	\$ 756.00	\$ 378.00	12	16	\$ 5,138.76	\$ 321.17
DefenderData Sub-Total	2,269	2,773	\$ 1,566,637.27	2,029	\$ 1,125,543.88	\$ 554.73	24,930	28,218	\$ 14,908,743.48	\$ 528.34
Paper Voucher Sub-Total		0		0	\$ -	#DIV/0!		0		#DIV/0!
TOTAL	2,269	2,773	\$1,566,637.27	2,029	\$1,125,543.88	\$ 554.73	24,930	28,218	\$ 14,908,743.48	\$ 528.34

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY19 FUND ACCOUNTING
AS OF 05/31/2019

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	\$ (1,108,203.03)	
	2	\$ (1,830,038.43)	5	\$ (1,150,745.03)	8	\$ (1,411,849.66)	11	\$ (1,321,819.61)	
	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		\$ 56,530.00	\$ (30,270.00)
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		\$ 8,666.66	\$ (30,333.35)
Encumbrances (Videographer)						\$ (4,800.00)		\$ -	\$ (4,800.00)
TOTAL REMAINING		\$ 0.17		\$ 0.00		\$ 6,688.64		\$ 2,673,775.02	\$ 2,680,463.83

Q4 Month 11

INDIGENT LEGAL SERVICES

Counsel Payments	\$ (1,125,543.88)
Somerset County	\$ (22,687.50)
Somerset County Discovery	\$ -
Subpoena Witness Fees	\$ (213.68)
Private Investigators	\$ (31,859.93)
Mental Health Expert	\$ (39,531.30)
Transcripts	\$ (18,154.91)
Other Expert	\$ (63,510.27)
Lodging & Meals for Trial	\$ (242.88)
Process Servers	\$ (874.65)
Interpreters	\$ (2,984.34)
Misc Prof Fees & Serv	\$ (955.57)
SUB-TOTAL ILS	\$ (1,306,558.91)

OPERATING EXPENSES

Overseers of the Bar CLEs	\$ (175.00)
DefenderData	\$ (5,650.00)
Service Center	\$ -
Mileage/Tolls/Parking	\$ (1,185.66)
Mailing/Postage/Freight	\$ (666.12)
West Publishing Corp	\$ (185.13)
Subscriptions	\$ (110.00)
Office Supplies/Equip.	\$ -
Cellular Phones	\$ (137.13)
OIT/TELCO	\$ (2,447.03)
Office Equipment Rental	\$ (114.28)
Training Manuals	\$ (257.02)
Barbara Taylor monthly fees	\$ (4,333.33)
SUB-TOTAL OE	\$ (15,260.70)
TOTAL	\$ (1,321,819.61)

INDIGENT LEGAL SERVICES

Q4 Allotment	\$ 5,038,601.00
Q4 Encumbrances for Somerset PDP & Justice Works contracts	\$ 56,530.00
Barbara Taylor Contract	\$ 8,666.66
Videographer Contract	\$ -
Q4 Expenses to date	\$ (2,430,022.64)
Remaining Q4 Allotment	\$ 2,673,775.02

Non-Counsel Indigent Legal Services

Monthly Total	\$ (158,327.53)
Total Q1	\$ (260,358.16)
Total Q2	\$ (250,267.57)
Total Q3	\$ (329,340.04)
Total Q4	\$ (245,885.42)
Fiscal Year Total	\$ (1,085,851.19)

Conference Account Transactions

Training Videographer	\$ -
Training Facilities & Meals	\$ -
Printing/Binding	\$ (257.02)
Overseers of the Bar CLE fee	\$ (175.00)
Collected Registration Fees	\$ -
Current Month Total	\$ (432.02)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY19 FUND ACCOUNTING

As of 05/31/19

Account 014 95F Z258 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	\$ 170,311.86	
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	2	\$ -	5	\$ 116,115.85	8	\$ 101,822.48	11	\$ 125,439.65	
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		\$ 295,751.51	\$ 1,151,555.25
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	\$ (1,776.53)	
	2	\$ (2,905.00)	5	\$ (69.00)	8	\$ (224.00)	11	\$ (579.00)	
	3	\$ (560.00)	6	\$ (618.00)	9	\$ (186.00)	12	\$ -	
REMAINING CASH Year to Date		\$ 255,704.97		\$ 266,727.05		\$ 327,114.88		\$ 293,395.98	\$ 1,142,942.88

Q4 Month 11	
DEFENDER DATA COUNSEL PAYMENTS	
	\$ -
SUB-TOTAL ILS	\$ -
OVERPAYMENT REIMBURSEMENTS	\$ (579.00)
Paper Voucher	\$ -
Somerset County CDs	\$ -
Private Investigators	\$ -
Mental Health Expert	\$ -
Transcripts	\$ -
Other Expert	\$ -
StaCap Expense	\$ -
SUB-TOTAL OE	\$ (579.00)
TOTAL	\$ (579.00)

Collections versus Allotment	
Monthly Total	\$ 125,439.65
Total Q1	\$ 259,169.97
Total Q2	\$ 269,108.89
Total Q3	\$ 327,524.88
Total Q4	\$ 295,751.51
Allotment Expended to Date	\$ (736,497.00)
Fiscal Year Total	\$ 415,058.25

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY19 FUND ACCOUNTING
AS OF 05/31/2019

Account 014 95F 2258 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 \$	(82,142.29)	
	2 \$	(56,106.91)	5 \$	(55,548.91)	8 \$	(54,894.29)	11 \$	(50,329.13)	
	3 \$	(55,392.68)	6 \$	(55,885.11)	9 \$	(54,880.79)	12 \$	-	
TOTAL REMAINING	\$	29,943.37	\$	32,926.49	\$	31,027.95	\$	82,817.58	\$ 176,715.39

Q4 Month 11	
Per Diem Payments	\$ (440.00)
Salary	\$ (26,379.05)
Vacation Pay	\$ (1,486.41)
Holiday Pay	\$ -
Sick Pay	\$ (2,455.95)
Standard Overtime	\$ -
Health Insurance	\$ (4,346.90)
Dental Insurance	\$ (111.61)
Employer Retiree Health	\$ (3,581.42)
Employer Retirement	\$ (2,095.59)
Employer Group Life	\$ (280.70)
Employer Medicare	\$ (455.13)
Retiree Unfunded Liability	\$ (6,399.71)
Retro lump sum pymt	\$ (48.80)
Perm Part Time Full Ben	\$ (2,247.86)
TOTAL	\$ (50,329.13)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

5/31/2019

Court	May-19						Fiscal Year 2019			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	5	5	\$ 2,142.80	2	\$ 264.00	\$ 132.00	38	64	\$ 61,179.44	\$ 955.93
AUBSC	3	0		2	\$ 744.00	\$ 372.00	14	22	\$ 19,725.84	\$ 896.63
AUGDC	47	57	\$ 29,273.75	34	\$ 24,509.02	\$ 720.85	417	577	\$ 304,931.54	\$ 528.48
AUGSC	6	7	\$ 2,916.00	9	\$ 5,544.37	\$ 616.04	76	142	\$ 81,115.37	\$ 571.24
BANDC	69	101	\$ 35,145.05	78	\$ 25,374.79	\$ 325.32	771	1,085	\$ 368,608.54	\$ 339.73
BANSC	3	0		0			6	9	\$ 24,338.02	\$ 2,704.22
BATSC	0	1	\$ 288.00	0			2	0		
BELDC	11	29	\$ 17,131.75	15	\$ 7,053.63	\$ 470.24	94	246	\$ 172,515.89	\$ 701.28
BELSC	0	0		0			4	6	\$ 12,879.06	\$ 2,146.51
BIDDC	65	90	\$ 41,126.64	57	\$ 28,329.62	\$ 497.01	671	894	\$ 463,256.88	\$ 518.18
BRIDC	12	25	\$ 17,529.05	21	\$ 10,775.17	\$ 513.10	154	206	\$ 103,769.50	\$ 503.74
CALDC	1	6	\$ 2,424.00	2	\$ 3,126.00	\$ 1,563.00	44	87	\$ 53,325.20	\$ 612.93
CARDC	7	16	\$ 9,596.38	33	\$ 15,892.64	\$ 481.60	122	198	\$ 95,040.38	\$ 480.00
CARSC	3	1	\$ 983.36	0			9	13	\$ 7,728.19	\$ 594.48
DOVDC	11	23	\$ 8,241.62	8	\$ 5,661.62	\$ 707.70	62	128	\$ 46,882.48	\$ 366.27
DOVSC	0	0		0			0	1	\$ 162.00	\$ 162.00
ELLDC	12	26	\$ 14,017.12	30	\$ 20,464.48	\$ 682.15	174	341	\$ 219,536.94	\$ 643.80
ELLSC	1	1	\$ 150.00	1	\$ 150.00	\$ 150.00	4	4	\$ 3,387.00	\$ 846.75
FARDC	11	30	\$ 21,262.33	22	\$ 9,014.24	\$ 409.74	157	239	\$ 159,123.93	\$ 665.79
FARSC	0	0		0			0	4	\$ 932.34	\$ 233.09
FORDC	1	4	\$ 1,364.16	1	\$ 552.00	\$ 552.00	55	89	\$ 54,323.82	\$ 610.38
HOUDC	21	28	\$ 14,935.48	17	\$ 7,066.24	\$ 415.66	192	251	\$ 111,144.34	\$ 442.81
HOUSC	0	0		3	\$ 570.00	\$ 190.00	1	6	\$ 8,531.58	\$ 1,421.93
LEWDC	70	128	\$ 64,252.20	103	\$ 54,667.55	\$ 530.75	770	1,193	\$ 553,697.67	\$ 464.12
LINDC	8	17	\$ 9,644.28	8	\$ 5,853.48	\$ 731.69	97	150	\$ 59,128.18	\$ 394.19
MACDC	3	3	\$ 2,658.00	8	\$ 3,612.00	\$ 451.50	93	161	\$ 58,354.04	\$ 362.45
MACSC	0	0		1	\$ 108.00	\$ 108.00	2	8	\$ 1,626.00	\$ 203.25
MADDC	1	1	\$ 311.36	2	\$ 704.96	\$ 352.48	15	16	\$ 4,914.52	\$ 307.16
MILDC	1	2	\$ 600.00	1	\$ 90.00	\$ 90.00	43	49	\$ 18,553.68	\$ 378.65
NEWDC	20	28	\$ 10,209.05	19	\$ 8,205.64	\$ 431.88	159	236	\$ 94,515.07	\$ 400.49
PORDC	78	103	\$ 61,797.95	77	\$ 54,228.92	\$ 704.27	815	1,126	\$ 581,978.22	\$ 516.85
PORSC	0	0		0			9	10	\$ 23,282.68	\$ 2,328.27
PREDC	19	28	\$ 13,494.43	19	\$ 10,808.97	\$ 568.89	162	258	\$ 125,314.89	\$ 485.72
ROCD	19	48	\$ 21,337.30	35	\$ 19,870.05	\$ 567.72	237	314	\$ 148,153.73	\$ 471.83
ROSC	2	2	\$ 702.00	0			16	18	\$ 3,560.35	\$ 197.80
RUMDC	13	10	\$ 9,057.60	13	\$ 10,706.45	\$ 823.57	81	117	\$ 69,541.25	\$ 594.37
SKODC	29	61	\$ 25,453.94	39	\$ 19,980.86	\$ 512.33	274	495	\$ 279,831.44	\$ 565.32
SKOSC	0	0		0			0	1	\$ 486.00	\$ 486.00
SOUDC	13	14	\$ 8,210.41	8	\$ 3,768.50	\$ 471.06	75	110	\$ 63,180.79	\$ 574.37
SOUSC	0	2	\$ 678.00	1	\$ 468.00	\$ 468.00	0	11	\$ 10,875.85	\$ 988.71
SPRDC	43	62	\$ 29,810.65	34	\$ 17,327.37	\$ 509.63	465	627	\$ 341,913.78	\$ 545.32
Law Ct	8	18	\$ 28,838.66	19	\$ 30,239.50	\$ 1,591.55	108	163	\$ 266,543.72	\$ 1,635.24
YORCD	224	264	\$ 196,678.45	164	\$ 130,466.91	\$ 795.53	2,493	2,466	\$ 1,716,128.82	\$ 695.92
AROCD	154	104	\$ 50,143.37	100	\$ 55,247.60	\$ 552.48	1,418	1,271	\$ 724,824.06	\$ 570.28
ANDCD	140	134	\$ 93,681.82	92	\$ 47,995.67	\$ 521.69	1,627	1,687	\$ 821,023.45	\$ 486.68
KENCD	162	138	\$ 54,977.14	116	\$ 42,623.26	\$ 367.44	1,777	1,722	\$ 720,489.00	\$ 418.40
PENCD	199	254	\$ 143,900.12	147	\$ 69,084.29	\$ 469.96	2,418	2,340	\$ 1,123,841.71	\$ 480.27
SAGCD	34	31	\$ 24,581.08	17	\$ 5,227.68	\$ 307.51	333	332	\$ 202,632.00	\$ 610.34
WALCD	22	23	\$ 14,866.63	16	\$ 12,767.16	\$ 797.95	354	351	\$ 190,919.74	\$ 543.93
PISCD	22	25	\$ 6,855.24	22	\$ 4,788.00	\$ 217.64	178	165	\$ 42,965.27	\$ 260.40
HANCD	46	50	\$ 20,998.60	56	\$ 20,284.88	\$ 362.23	702	720	\$ 345,883.84	\$ 480.39
FRACD	55	68	\$ 70,215.36	44	\$ 53,132.09	\$ 1,207.55	441	500	\$ 255,283.90	\$ 510.57
WASCD	42	45	\$ 23,437.36	24	\$ 7,654.40	\$ 318.93	466	493	\$ 198,489.90	\$ 402.62
CUMCD	324	385	\$ 216,475.29	325	\$ 182,648.07	\$ 561.99	3,860	3,699	\$ 2,139,937.94	\$ 578.52
KNOCD	47	69	\$ 30,360.06	30	\$ 11,640.86	\$ 388.03	607	560	\$ 279,906.32	\$ 499.83
SOMCD	1	2	\$ 1,402.28	1	\$ 756.00	\$ 756.00	16	17	\$ 27,030.13	\$ 1,590.01
OXFCD	89	54	\$ 32,730.54	54	\$ 24,401.52	\$ 451.88	744	835	\$ 385,282.60	\$ 461.42
LINCD	29	27	\$ 13,010.76	24	\$ 8,145.12	\$ 339.38	302	356	\$ 171,953.88	\$ 483.02
WATDC	25	46	\$ 17,884.78	25	\$ 10,585.56	\$ 423.42	274	526	\$ 231,659.88	\$ 440.42
WESDC	25	51	\$ 37,032.14	36	\$ 27,113.22	\$ 753.15	261	279	\$ 115,770.20	\$ 414.95
WISDC	6	16	\$ 6,338.93	8	\$ 2,339.52	\$ 292.44	81	112	\$ 73,060.26	\$ 652.32
WISSC	1	0		0			3	4	\$ 8,694.22	\$ 2,173.56
YORDC	6	10	\$ 5,484.00	6	\$ 2,910.00	\$ 485.00	87	108	\$ 55,076.22	\$ 509.97
TOTAL	2,269	2,773	\$ 1,566,637.27	2,029	\$ 1,125,543.88	\$ 554.73	24,930	28,218	\$ 14,908,743.48	\$ 528.34

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Number of Attorneys Rostered by Court

05/31/2019

Court	Rostered Attorneys
Augusta District Court	85
Bangor District Court	44
Belfast District Court	41
Biddeford District Court	127
Bridgton District Court	81
Calais District Court	11
Caribou District Court	16
Dover-Foxcroft District Court	22
Ellsworth District Court	32
Farmington District Court	34
Fort Kent District Court	8
Houlton District Court	13
Lewiston District Court	118
Lincoln District Court	19
Machias District Court	16
Madawaska District Court	9
Millinocket District Court	14
Newport District Court	29
Portland District Court	149
Presque Isle District Court	13
Rockland District Court	35
Rumford District Court	24
Skowhegan District Court	25

Court	Rostered Attorneys
South Paris District Court	49
Springvale District Court	114
Unified Criminal Docket Alfred	112
Unified Criminal Docket Aroostook	21
Unified Criminal Docket Auburn	96
Unified Criminal Docket Augusta	81
Unified Criminal Docket Bangor	44
Unified Criminal Docket Bath	86
Unified Criminal Docket Belfast	40
Unified Criminal Docket Dover Foxcroft	21
Unified Criminal Docket Ellsworth	35
Unified Criminal Docket Farmington	36
Unified Criminal Docket Machias	17
Unified Criminal Docket Portland	143
Unified Criminal Docket Rockland	29
Unified Criminal Docket Skowhegan	28
Unified Criminal Docket South Paris	39
Unified Criminal Docket Wiscasset	49
Waterville District Court	42
West Bath District Court	102
Wiscasset District Court	55
York District Court	96

(4.)

Operations Reports

June

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
SUBJECT: JUNE 2019 OPERATIONS REPORTS
DATE: JULY 3, 2019

Attached you will find the June, 2019, Operations Reports for your review and our discussion at the Commission meeting on August 13, 2019. A summary of the operations reports follows:

- 2,509 new cases were opened in the DefenderData system in June. This was a 240 case increase over May.
- The number of vouchers submitted electronically in June was 2,885, an increase of 112 vouchers over May, totaling \$1,556,678.99, a decrease of \$10,000 from May. In June, we paid 4,357 electronic vouchers totaling \$2,366,834.78 representing an increase of 2,328 vouchers and \$1,241,000 compared to May. The large increase in payments reflects payment of a backlog of vouchers. All vouchers submitted during the fiscal year were paid, so no voucher costs were carried into the new fiscal year.
- There were no paper vouchers submitted and paid in June.
- The average price per voucher in June was \$543.23, down \$11.50 per voucher from May. For the entire fiscal year, the average price per voucher was \$530.33, down \$15.18 per voucher from the previous fiscal year.
- Appeal and Drug Court cases had the highest average vouchers in June. There were 21 vouchers exceeding \$5,000 paid in June. See attached addendum for details.
- The contract amount paid for representation in Somerset County in June was \$22,687.50.
- In June, we issued 117 authorizations to expend funds: 82 for private investigators, 27 for experts, and 10 for miscellaneous services such as interpreters and transcriptionists. In June, we paid \$112,335.26 for experts and investigators, etc. No requests for funds were denied or modified in June.
- We received one complaint in June, which was submitted on a feedback form. The complaint related to the conduct of a bench trial in July of 2018 by a lawyer who has been off our roster since late 2018. The complaint will be maintained in that attorney's file and considered should the attorney seek to re-join the roster.
- We approved four requests for co-counsel in June. One involved co-counsel in the same firm on a class B Robbery headed to trial with voluminous discovery, including

12 separate videos. Two involved upcoming trials on serious cases, Manslaughter and Robbery/Kidnapping, where experienced lead counsel asked for a less experienced associate to be designated as co-counsel. We granted the requests on the condition that less experienced counsel will be paid only \$30 per hour. Finally, we granted a request from counsel who had never handled a TPR trial for co-counsel on two up-coming TPR trials. Co-counsel in these circumstances is required by rule.

In our All Other Account, the total expenses for the month of June were \$2,516,527.14. Of that amount, just under \$15,000 was devoted to the Commission's operating expenses. We ended the fiscal year with a balance of \$196,627.52 in unspent allotment.

In the Personal Services Account, we had \$54,718.75 in expenses for the month of June.

In the Revenue Account, the transfer for June, reflecting May's collections, totaled \$98,360.44, a decrease of approximately \$27,000 from the previous month.

During June, we paid food expenses and collected registration fees related to the June minimum standards training.

VOUCHERS EXCEEDING \$5,000 PAID JUNE 2019

	Voucher Total	Case total
Voucher after a six-day trial in a murder case. The matter lasted 18 months and involved out-of-state witnesses, mental health issues, and litigated suppression issues with full hearing and written argument. Defendant found guilty. Client granted new counsel for the sentencing phase.	\$24,751	\$24,751
Voucher after an eight-day Theft/Embezzlement trial. Case alleged conduct over several years and a total theft of over \$3 million. Approximately 30,000 pages of discovery. Territorial jurisdiction issues as much of the alleged conduct took place in other states. Defendant found guilty.	\$16,992	\$16,992
Voucher after a 4-day trial in a Gross Sexual Assault case. Matter lasted more than two years and involved extensive litigation over discovery. Defendant found not guilty on all counts.	\$16,972	\$16,972
Interim voucher after 8 days of jury selection and trial in a Murder case involving a law enforcement victim. Voucher submitted by co-counsel from the same firm. Defendant found guilty.	\$16,131	\$40,402 (\$24,271 paid on previous interim vouchers of \$10,986, \$8,898, and \$4,387)
Voucher after a 6 day murder trial in a high profile case involving the death of a child. Defendant found guilty.	\$15,798	\$15,798
Voucher in a case charging Gross Sexual Assault, Kidnapping and multiple other charges. Case prepared for trial. After jury selection, Defendant received time served on a plea to a single felony not subject to sex-offender registration.	\$13,270	\$13,270
Voucher after a 4-day trial on charges of Gross Sexual Assault, Aggravated Sex Trafficking, and Aggravated Assault. Client found not guilty on all counts.	\$11,121	\$31,431 (\$7,832 paid to lead co-counsel from a different firm and \$12,387 paid to first lead counsel who handled first trial, which ended in a mistrial)
Interim voucher covering period of trial preparation after motions litigated in a Murder case involving a law enforcement victim. Voucher submitted by co-counsel from the same firm. Defendant found guilty.	\$10,986	\$40,402 (Subsequent interim voucher of \$16,131, and two previous interim vouchers of \$8,898, and \$4,387 paid)
Voucher in a case charging multiple counts of Gross Sexual Assault and Unlawful Sexual Contact. Multiple evaluations	\$10,259	\$10,259

and extensive litigation over the competence of the 84 year old, hearing impaired defendant. All counts dismissed.		
Voucher after a 5-day trial in a Murder case. Southern Maine attorney assigned to an Aroostook County case. Co-counsel from the same firm, but co-counsel did not travel or attend the trial.	\$9,859	\$16,969 (\$7,110 paid on prior interim vouchers of \$2,876 and \$4,234)
Voucher in a Vehicular Manslaughter case. Matter involved multiple victims in addition to the deceased. Extensive medical evidence. Blood-alcohol test results litigated over a two-day hearing followed by written arguments. Defendant pled guilty on eve of trial.	\$9,365	\$27,464 (Vouchers of \$714 and \$8,576 paid to lead counsel from a different firm and \$8,809 paid to previous lead counsel from a different firm who was discharged by the client)
Voucher after a 3-day bench trial in a Manslaughter case. Matter involved medical experts and alternative suspect evidence. Defendant found guilty.	\$8,297	\$9,701 (\$1,404 interim voucher previously paid)
Voucher in an Aggravated Trafficking case where counsel was discharged on eve of trial. Extensive evaluation and investigation of suppression and trial issues. Defendant rejected offer well below the mandatory minimums.	\$8,137	\$8,137
Voucher in a Vehicular Manslaughter case that the State dismissed on the eve of trial. Case involved accident reconstruction and mental health experts and litigated suppression issues.	\$7,494	\$7,494
Voucher after a 3-day trial in a Gross Sexual assault case. Defendant found guilty. Eight months passed between verdict and sentencing, including separate litigation of a motion for new trial.	\$6,992	\$6,992
Voucher after a 2-day trial in a Burglary case. Southern Maine counsel appointed to Aroostook County case. Difficult client who had discharged two prior attorneys and did not speak English. Defendant found guilty.	\$6,356	\$18,863 (\$11,529 paid to counsel discharged after extensive trial prep and suppression litigation and \$978 paid to counsel discharged early on)
Voucher after an appeal from a Termination of Parental Rights. Appeal was complicated by ICWA issues and the client's incarceration. Appeal denied.	\$5,744	\$5,744
Voucher after a two day Termination of Parental Rights hearing. Voucher covered 5 months since the last billable stage and hearing involved multiple experts. Parental rights terminated.	\$5,568	\$5,568

Appeal from an Aggravated Assault conviction. Issue was sufficiency of the evidence under recently amended statutory language that had not yet been addressed by the Law Court. Matter remains under advisement.	\$5,484	\$5,484
Voucher in a case where the defendant pled guilty to two counts of Unlawful Sexual Contact and received a favorable sentence with numerous other sex offense charges dismissed. Matter involved extensive review of Clifford materials.	\$5,410	\$5,410
Interim voucher involving mental health evaluations and disqualification of a DA's office in a case where the Law Court granted a new trial on appeal from convictions for numerous sex offenses.	\$5,349	\$29,586 (Vouchers of \$13,791 and \$10,446 paid to co-counsel from different firms after trial)

FUNDS REQUESTS DENIED/MODIFIED JUNE 2019

- There were no requests for funds denied or modified in June

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

6/30/2019

DefenderData Case Type	Jun-19						Fiscal Year 2019			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	14	22	\$ 42,002.34	30	\$ 44,968.32	\$ 1,498.94	159	234	\$ 359,319.14	\$ 1,535.55
Child Protection Petition	306	529	\$ 289,642.49	787	\$ 429,860.43	\$ 546.20	2,610	4,923	\$ 2,880,312.33	\$ 585.07
Drug Court	1	4	\$ 3,480.00	11	\$ 11,184.00	\$ 1,016.73	4	67	\$ 70,628.00	\$ 1,054.15
Emancipation	9	7	\$ 2,234.00	10	\$ 2,672.00	\$ 267.20	86	77	\$ 26,341.31	\$ 342.09
Felony	579	595	\$ 533,829.13	902	\$ 845,742.23	\$ 937.63	6,097	6,656	\$ 5,804,208.73	\$ 872.03
Involuntary Civil Commitment	108	86	\$ 19,578.22	140	\$ 29,018.38	\$ 207.27	1,026	981	\$ 220,847.42	\$ 225.12
Juvenile	64	53	\$ 23,680.24	93	\$ 36,480.20	\$ 392.26	830	933	\$ 457,407.34	\$ 490.25
Lawyer of the Day - Custody	250	216	\$ 51,123.92	315	\$ 76,347.80	\$ 242.37	2,764	2,596	\$ 620,542.42	\$ 239.04
Lawyer of the Day - Juvenile	35	31	\$ 5,534.64	44	\$ 8,751.80	\$ 198.90	416	397	\$ 79,028.60	\$ 199.06
Lawyer of the Day - Walk-in	123	125	\$ 28,357.72	200	\$ 45,717.26	\$ 228.59	1,550	1,399	\$ 334,015.76	\$ 238.75
Misdemeanor	780	734	\$ 312,329.85	1,120	\$ 480,451.11	\$ 428.97	8,717	8,903	\$ 3,613,447.13	\$ 405.87
Petition, Modified Release Treatment	1	8	\$ 2,922.88	8	\$ 2,922.88	\$ 365.36	8	50	\$ 26,970.03	\$ 539.40
Petition, Release or Discharge	0	1	\$ 530.90	1	\$ 530.90	\$ 530.90	1	12	\$ 5,313.64	\$ 442.80
Petition, Termination of Parental Rights	12	54	\$ 43,180.20	85	\$ 67,283.74	\$ 791.57	246	679	\$ 516,125.87	\$ 760.13
Post Conviction Review	5	7	\$ 8,102.28	16	\$ 16,120.15	\$ 1,007.51	92	116	\$ 200,633.71	\$ 1,729.60
Probate	2	3	\$ 2,064.00	6	\$ 4,469.92	\$ 744.99	40	28	\$ 26,164.71	\$ 934.45
Probation Violation	144	170	\$ 72,841.14	254	\$ 105,411.02	\$ 415.00	1,985	2,062	\$ 832,339.61	\$ 403.66
Represent Witness on 5th Amendment	6	5	\$ 1,206.00	5	\$ 1,206.00	\$ 241.20	31	33	\$ 13,333.18	\$ 404.04
Resource Counsel Criminal	0	3	\$ 264.00	4	\$ 324.00	\$ 81.00	12	46	\$ 6,678.00	\$ 145.17
Resource Counsel Juvenile	0	0		0			6	3	\$ 132.00	\$ 44.00
Resource Counsel Protective Custody	0	1	\$ 102.00	2	\$ 264.00	\$ 132.00	9	22	\$ 2,784.00	\$ 126.55
Review of Child Protection Order	70	230	\$ 112,485.04	321	\$ 155,080.64	\$ 483.12	735	2,339	\$ 1,171,838.57	\$ 501.00
Revocation of Administrative Release	0	1	\$ 1,188.00	3	\$ 2,028.00	\$ 676.00	13	19	\$ 7,166.76	\$ 377.20
DefenderData Sub-Total	2,509	2,885	\$ 1,556,678.99	4,357	\$ 2,366,834.78	\$ 543.23	27,437	32,575	\$ 17,275,578.26	\$ 530.33
Paper Voucher Sub-Total		0		0	\$ -	#DIV/0!		0		#DIV/0!
TOTAL	2,509	2,885	\$1,556,678.99	4,357	\$2,366,834.78	\$ 543.23	27,437	32,575	\$ 17,275,578.26	\$ 530.33

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY19 FUND ACCOUNTING
AS OF 06/30/2019

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	\$ (1,108,203.03)	
	2	\$ (1,830,038.43)	5	\$ (1,150,745.03)	8	\$ (1,411,849.66)	11	\$ (1,321,819.61)	
	3	\$ (1,406,760.51)	6	\$ (2,024,450.12)	9	\$ (1,844,099.59)	12	\$ (2,516,527.14)	
Encumbrances (Somerset PDP & Justice Works)		\$ (255,467.50)		\$ 84,597.50		\$ 84,070.00		\$ 84,887.50	\$ (1,912.50)
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		\$ 12,999.99	\$ (26,000.02)
Encumbrances (Videographer)						\$ (4,800.00)		\$ -	\$ (4,800.00)
TOTAL REMAINING		\$ 0.17		\$ 0.00		\$ 6,688.64		\$ 189,938.71	\$ 196,627.52

Q4 Month 12

INDIGENT LEGAL SERVICES

Counsel Payments	\$ (2,366,834.78)
Somerset County	\$ (22,687.50)
Somerset County Discovery	\$ -
Subpoena Witness Fees	\$ (46.74)
Private Investigators	\$ (24,620.19)
Mental Health Expert	\$ (29,798.77)
Transcripts	\$ (21,371.29)
Other Expert	\$ (32,410.59)
Lodging & Meals for Trial	\$ (1,253.42)
Process Servers	\$ (550.80)
Interpreters	\$ (1,176.97)
Misc Prof Fees & Serv	\$ (1,106.49)
SUB-TOTAL ILS	\$ (2,501,857.54)

OPERATING EXPENSES

Overseers of the Bar CLEs	\$ -
DefenderData	\$ (5,670.00)
Service Center	\$ -
Mileage/Tolls/Parking	\$ (825.00)
Mailing/Postage/Freight	\$ (9.67)
West Publishing Corp	\$ (185.13)
Parking Fees	\$ (600.00)
Office Supplies/Equip.	\$ (128.23)
Cellular Phones	\$ (141.29)
OIT/TELCO	\$ (2,215.15)
Office Equipment Rental	\$ (112.93)
Training Refreshments	\$ (448.87)
Barbara Taylor monthly fees	\$ (4,333.33)
SUB-TOTAL OE	\$ (14,669.60)
TOTAL	\$ (2,516,527.14)

INDIGENT LEGAL SERVICES

Q4 Allotment	\$ 5,038,601.00
Q4 Encumbrances for Somerset PDP & Justice Works contracts	\$ 84,887.50
Barbara Taylor Contract	\$ 12,999.99
Videographer Contract	\$ -
Q4 Expenses to date	\$ (4,946,549.78)
Remaining Q4 Allotment	\$ 189,938.71

Non-Counsel Indigent Legal Services

Monthly Total	\$ (112,335.26)
Total Q1	\$ (260,358.16)
Total Q2	\$ (250,267.57)
Total Q3	\$ (329,340.04)
Total Q4	\$ (358,220.68)
Fiscal Year Total	\$ (1,198,186.45)

Conference Account Transactions

Training Videographer	\$ -
Training Facilities & Meals	\$ (448.87)
Printing/Binding	\$ -
Overseers of the Bar CLE fee	\$ -
Collected Registration Fees	\$ 1,800.00
Current Month Total	\$ 1,351.13

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY19 FUND ACCOUNTING

As of 06/30/19

Account 014 95F Z258 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	\$ 170,311.86	
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	2	\$ -	5	\$ 116,115.85	8	\$ 101,822.48	11	\$ 125,439.65	
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	\$ 98,360.44	
Returned Checks-stopped payments		\$ -		\$ -		\$ -		\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 259,169.97		\$ 269,108.89		\$ 327,524.88		\$ 394,111.95	\$ 1,249,915.69
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	\$ (1,776.53)	
	2	\$ (2,905.00)	5	\$ (69.00)	8	\$ (224.00)	11	\$ (579.00)	
	3	\$ (560.00)	6	\$ (618.00)	9	\$ (186.00)	12	\$ (2,956.00)	
REMAINING CASH Year to Date		\$ 255,704.97		\$ 266,727.05		\$ 327,114.88		\$ 388,800.42	\$ 1,238,347.32

Q4 Month 12	
DEFENDER DATA COUNSEL PAYMENTS	
	\$ -
SUB-TOTAL ILS	\$ -
OVERPAYMENT REIMBURSEMENTS	\$ (2,956.00)
Paper Voucher	\$ -
Somerset County CDs	\$ -
Private Investigators	\$ -
Mental Health Expert	\$ -
Transcripts	\$ -
Other Expert	\$ -
StaCap Expense	\$ -
SUB-TOTAL OE	\$ (2,956.00)
TOTAL	\$ (2,956.00)

Collections versus Allotment	
Monthly Total	\$ 98,360.44
Total Q1	\$ 259,169.97
Total Q2	\$ 269,108.89
Total Q3	\$ 327,524.88
Total Q4	\$ 394,111.95
Allotment Expended to Date	\$ (736,497.00)
Fiscal Year Total	\$ 513,418.69

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY19 FUND ACCOUNTING
AS OF 06/30/2019

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 \$	(82,142.29)	
	2 \$	(56,106.91)	5 \$	(55,548.91)	8 \$	(54,894.29)	11 \$	(50,329.13)	
	3 \$	(55,392.68)	6 \$	(55,885.11)	9 \$	(54,880.79)	12 \$	(54,718.75)	
TOTAL REMAINING	\$	29,943.37	\$	32,926.49	\$	31,027.95	\$	28,098.83	\$ 121,996.64

Q4 Month 12	
Per Diem Payments	\$ -
Salary	\$ (27,190.17)
Vacation Pay	\$ (1,569.32)
Holiday Pay	\$ (1,626.88)
Sick Pay	\$ (597.90)
Standard Overtime	\$ -
Health Insurance	\$ (8,693.80)
Dental Insurance	\$ (223.22)
Employer Retiree Health	\$ (3,612.33)
Employer Retirement	\$ (2,107.95)
Employer Group Life	\$ (280.70)
Employer Medicare	\$ (446.08)
Retiree Unfunded Liability	\$ (6,454.97)
Retro lump sum pymt	\$ -
Perm Part Time Full Ben	\$ (1,915.43)
TOTAL	\$ (54,718.75)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

6/30/2019

Court	Jun-19						Fiscal Year 2019			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	4	6	\$ 3,824.72	9	\$ 5,703.52	\$ 633.72	42	73	\$ 66,882.96	\$ 916.20
AUBSC	4	2	\$ 1,380.00	2	\$ 1,380.00	\$ 690.00	18	24	\$ 21,105.84	\$ 879.41
AUGDC	62	76	\$ 47,707.23	110	\$ 57,266.22	\$ 520.60	479	687	\$ 362,197.76	\$ 527.22
AUGSC	5	13	\$ 10,500.78	17	\$ 11,898.78	\$ 699.93	81	159	\$ 93,014.15	\$ 584.99
BANDC	87	139	\$ 44,940.09	189	\$ 63,162.79	\$ 334.19	858	1,274	\$ 431,771.33	\$ 338.91
BANSC	1	1	\$ 606.00	1	\$ 606.00	\$ 606.00	7	10	\$ 24,944.02	\$ 2,494.40
BATSC	0	0		1	\$ 288.00	\$ 288.00	2	1	\$ 288.00	\$ 288.00
BELDC	13	12	\$ 10,120.67	31	\$ 22,634.30	\$ 730.14	107	277	\$ 195,150.19	\$ 704.51
BELSC	0	1	\$ 699.84	1	\$ 699.84	\$ 699.84	4	7	\$ 13,578.90	\$ 1,939.84
BIDDC	65	91	\$ 48,132.96	142	\$ 70,528.82	\$ 496.68	736	1,036	\$ 533,785.70	\$ 515.24
BRIDC	5	22	\$ 13,049.52	34	\$ 23,661.76	\$ 695.93	159	240	\$ 127,431.26	\$ 530.96
CALDC	6	5	\$ 2,483.20	9	\$ 4,043.20	\$ 449.24	50	96	\$ 57,368.40	\$ 597.59
CARDC	18	26	\$ 11,837.26	36	\$ 18,884.26	\$ 524.56	141	234	\$ 113,924.64	\$ 486.86
CARSC	3	0		1	\$ 983.36	\$ 983.36	11	14	\$ 8,711.55	\$ 622.25
DOVDC	8	13	\$ 4,575.20	28	\$ 7,857.20	\$ 280.61	70	156	\$ 54,739.68	\$ 350.90
DOVSC	0	0		0			0	1	\$ 162.00	\$ 162.00
ELLDC	11	40	\$ 29,875.88	56	\$ 36,009.72	\$ 643.03	185	353	\$ 242,472.66	\$ 686.89
ELLSC	0	1	\$ 300.00	1	\$ 300.00	\$ 300.00	4	5	\$ 3,687.00	\$ 737.40
FARDC	8	27	\$ 20,212.51	47	\$ 35,670.88	\$ 758.95	165	286	\$ 194,794.81	\$ 681.10
FARSC	0	0		0			0	4	\$ 932.34	\$ 233.09
FORDC	11	18	\$ 9,491.21	20	\$ 9,649.27	\$ 482.46	66	109	\$ 63,973.09	\$ 586.91
HOUDC	29	23	\$ 9,216.44	38	\$ 17,884.00	\$ 470.63	221	289	\$ 129,028.34	\$ 446.46
HOUSC	2	0		0			3	6	\$ 8,531.58	\$ 1,421.93
LEWDC	76	124	\$ 56,929.36	201	\$ 90,951.68	\$ 452.50	846	1,394	\$ 644,649.35	\$ 462.45
LINDC	10	15	\$ 7,739.08	26	\$ 12,885.00	\$ 495.58	107	176	\$ 72,013.18	\$ 409.17
MACDC	2	8	\$ 6,420.00	8	\$ 6,066.00	\$ 758.25	95	169	\$ 64,420.04	\$ 381.18
MACSC	0	0		0			2	8	\$ 1,626.00	\$ 203.25
MADDC	1	1	\$ 401.36	1	\$ 401.36	\$ 401.36	16	17	\$ 5,315.88	\$ 312.70
MILDC	11	8	\$ 1,836.64	7	\$ 1,817.44	\$ 259.63	54	56	\$ 20,371.12	\$ 363.77
NEWDC	38	48	\$ 14,612.76	59	\$ 17,863.33	\$ 302.77	196	295	\$ 112,378.40	\$ 380.94
PORDC	112	104	\$ 42,204.72	149	\$ 60,573.56	\$ 406.53	927	1,275	\$ 642,551.78	\$ 503.96
PORSC	1	0		0			10	10	\$ 23,282.68	\$ 2,328.27
PREDC	24	29	\$ 12,825.47	42	\$ 19,259.28	\$ 458.55	186	300	\$ 144,574.17	\$ 481.91
RODC	16	24	\$ 16,636.14	54	\$ 26,624.89	\$ 493.05	253	368	\$ 174,778.62	\$ 474.94
ROCSC	0	0		2	\$ 702.00	\$ 351.00	16	20	\$ 4,262.35	\$ 213.12
RUMDC	7	11	\$ 5,103.60	16	\$ 11,089.20	\$ 693.08	88	133	\$ 80,630.45	\$ 606.24
SKODC	31	77	\$ 28,026.36	113	\$ 42,214.22	\$ 373.58	305	608	\$ 322,045.66	\$ 529.68
SKOSC	0	0		0			0	1	\$ 486.00	\$ 486.00
SOUDC	15	19	\$ 8,492.41	27	\$ 14,588.26	\$ 540.31	90	137	\$ 77,769.05	\$ 567.66
SOUSC	0	1	\$ 1,480.44	2	\$ 1,690.44	\$ 845.22	0	13	\$ 12,566.29	\$ 966.64
SPRDC	20	59	\$ 33,808.17	87	\$ 44,940.89	\$ 516.56	485	714	\$ 386,854.67	\$ 541.81
Law Ct	10	20	\$ 40,047.73	24	\$ 39,816.63	\$ 1,659.03	118	187	\$ 306,360.35	\$ 1,638.29
YORCD	195	233	\$ 153,415.73	391	\$ 266,307.62	\$ 681.09	2,688	2,857	\$ 1,982,436.44	\$ 693.89
AROCD	110	118	\$ 64,708.48	156	\$ 80,897.00	\$ 518.57	1,528	1,427	\$ 805,721.06	\$ 564.63
ANDCD	187	130	\$ 72,431.61	206	\$ 129,594.20	\$ 629.10	1,814	1,893	\$ 950,617.65	\$ 502.18
KENCD	158	151	\$ 67,232.36	218	\$ 94,406.89	\$ 433.06	1,935	1,940	\$ 814,895.89	\$ 420.05
PENCD	240	285	\$ 146,816.39	438	\$ 239,289.90	\$ 546.32	2,658	2,822	\$ 1,376,205.61	\$ 487.67
SAGCD	28	38	\$ 20,484.02	58	\$ 40,430.38	\$ 697.08	361	390	\$ 243,062.38	\$ 623.24
WALCD	48	45	\$ 30,492.41	56	\$ 40,759.68	\$ 727.85	402	407	\$ 231,679.42	\$ 569.24
PISCD	24	15	\$ 2,822.56	26	\$ 6,749.80	\$ 259.61	202	191	\$ 49,715.07	\$ 260.29
HANCD	58	48	\$ 32,012.42	66	\$ 35,685.94	\$ 540.70	760	786	\$ 381,569.78	\$ 485.46
FRACD	39	37	\$ 25,035.02	74	\$ 48,229.81	\$ 651.75	480	574	\$ 303,513.71	\$ 528.77
WASCD	67	61	\$ 23,171.90	85	\$ 40,943.36	\$ 481.69	532	578	\$ 239,433.26	\$ 414.24
CUMCD	395	372	\$ 222,334.07	562	\$ 338,279.14	\$ 601.92	4,255	4,261	\$ 2,478,217.08	\$ 581.60
KNOCD	76	69	\$ 23,464.79	116	\$ 43,923.11	\$ 378.65	683	676	\$ 323,829.43	\$ 479.04
SOMCD	1	3	\$ 1,050.00	4	\$ 1,696.28	\$ 424.07	17	21	\$ 28,726.41	\$ 1,367.92
OXFCD	57	81	\$ 42,513.13	105	\$ 61,545.27	\$ 586.15	801	940	\$ 446,827.87	\$ 475.35
LINCD	30	44	\$ 39,660.18	52	\$ 45,465.44	\$ 874.34	332	408	\$ 217,419.32	\$ 532.89
WATDC	43	39	\$ 17,044.87	69	\$ 28,233.75	\$ 409.18	317	595	\$ 259,893.63	\$ 436.80
WESDC	18	26	\$ 10,252.18	43	\$ 20,481.46	\$ 476.31	278	322	\$ 136,251.66	\$ 423.14
WISDC	9	15	\$ 9,244.28	26	\$ 13,770.81	\$ 529.65	91	138	\$ 86,831.07	\$ 629.21
WISSC	0	1	\$ 540.00	1	\$ 540.00	\$ 540.00	3	5	\$ 9,234.22	\$ 1,846.84
YORDC	10	10	\$ 6,434.84	14	\$ 9,008.84	\$ 643.49	97	122	\$ 64,085.06	\$ 525.29
TOTAL	2,509	2,885	\$ 1,556,678.99	4,357	\$ 2,366,834.78	\$ 543.23	27,437	32,575	\$ 17,275,578.26	\$ 530.33

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Number of Attorneys Rostered by Court

06/30/2019

Court	Rostered Attorneys
Augusta District Court	84
Bangor District Court	44
Belfast District Court	41
Biddeford District Court	126
Bridgton District Court	81
Calais District Court	11
Caribou District Court	16
Dover-Foxcroft District Court	22
Ellsworth District Court	32
Farmington District Court	33
Fort Kent District Court	8
Houlton District Court	13
Lewiston District Court	119
Lincoln District Court	19
Machias District Court	16
Madawaska District Court	9
Millinocket District Court	14
Newport District Court	29
Portland District Court	148
Presque Isle District Court	13
Rockland District Court	35
Rumford District Court	24
Skowhegan District Court	24

Court	Rostered Attorneys
South Paris District Court	49
Springvale District Court	113
Unified Criminal Docket Alfred	111
Unified Criminal Docket Aroostook	21
Unified Criminal Docket Auburn	97
Unified Criminal Docket Augusta	80
Unified Criminal Docket Bangor	44
Unified Criminal Docket Bath	86
Unified Criminal Docket Belfast	40
Unified Criminal Docket Dover Foxcroft	21
Unified Criminal Docket Ellsworth	35
Unified Criminal Docket Farmington	35
Unified Criminal Docket Machias	17
Unified Criminal Docket Portland	142
Unified Criminal Docket Rockland	29
Unified Criminal Docket Skowhegan	26
Unified Criminal Docket South Paris	39
Unified Criminal Docket Wiscasset	49
Waterville District Court	41
West Bath District Court	102
Wiscasset District Court	55
York District Court	96

(5.)

Operations Reports
July

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
SUBJECT: JULY 2019 OPERATIONS REPORTS
DATE: AUGUST 5, 2019

Attached you will find the July, 2019, Operations Reports for your review and our discussion at the Commission meeting on August 13, 2019. A summary of the operations reports follows:

- 2,591 new cases were opened in the DefenderData system in July. This was a 82 case increase over June.
- The number of vouchers submitted electronically in July was 2,860, a decrease of 25 vouchers from June, totaling \$1,489,000.61, a decrease of \$67,000 from June. In July, we paid 1,714 electronic vouchers totaling \$884,854.14 representing a decrease of 2,643 vouchers and \$1,482,000 compared to June. The large decrease in payments reflects payment of a backlog of vouchers in June which resulted in unusually high numbers, followed by the staff falling behind on vouchers during July due to the press of business and vacation time.
- There were no paper vouchers submitted and paid in July.
- The average price per voucher in July was \$516.25, down \$26.98 per voucher from June, and \$14.08 below the average price per voucher for all of FY'19.
- Post-Conviction Review and Probate cases had the highest average vouchers in July. There were 8 vouchers exceeding \$5,000 paid in July. See attached addendum for details.
- Because the Somerset County contract terminated effective June 30, 2019, no payments were made in July pursuant to that contract.
- In July, we issued 127 authorizations to expend funds: 81 for private investigators, 35 for experts, and 11 for miscellaneous services such as interpreters and transcriptionists. In July, we paid \$112,335.26 for experts and investigators, etc. No requests for funds were denied or modified in July.
- We received no complaints about attorneys in July.
- We approved two requests for co-counsel in July. Both involved a young lawyer joining a firm with experienced counsel. The more experienced attorney has two upcoming trials. Co-Counsel was authorized for these trials on the condition that co-counsel bill for only one-half of her hours.

In our All Other Account, the total expenses for the month of July were \$947,049.13. Of that amount, just over \$11,000 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$62,240.56 in expenses for the month of July.

In the Revenue Account, the transfer for July, reflecting June's collections, totaled \$78,559.60 a decrease of approximately \$20,000 from the previous month.

During July, we had no income or expenses related to training.

VOUCHERS EXCEEDING \$5,000 PAID JULY 2019

	Voucher Total	Case total
Interim voucher after a five-day trial in a murder case. Defendant found guilty. Sentencing remains to be completed.	\$12,480	\$12,480
Voucher after a five-day Manslaughter trial. Defendant found guilty. Case involved medical experts on causation. Aroostook County case with lead counsel from Bangor.	\$10,475	\$17,535 (\$7,060 paid to local co-counsel in Aroostook County)
Voucher after a four-day jeopardy hearing spread across 2 months on behalf of a father. Case involved children with separate mothers and allegations of sexual abuse. Client wrote frequent lengthy letters that counsel had to review. Decision remains pending.	\$7,791	\$7,791
Interim voucher in a case involving charges of Aggravated Criminal Mischief and Theft. Counsel leaving firm. Mental health issues with client found not competent and then restored. Trial fully prepped, but on eve of trial, plea to reduced charge offered. Client pled guilty with sentencing continued three months. Time served if no further trouble.	\$7,152	\$7,152
Voucher after a five-day Manslaughter trial from local counsel in Aroostook County. Defendant found guilty. Case involved medical experts on causation. Lead counsel from Bangor.	\$7,060	\$17,535 (\$10,475 paid to lead counsel)
Voucher in a Post-Conviction Review case involving a Trafficking conviction. Petition granted on grounds of ineffective representation with respect to immigration consequences. Client's detention in Federal custody in another state increased costs for travel and extended case as transport was difficult to arrange.	\$6,292	\$6,292
Voucher an Unlawful Sexual contact case. Case prepared for trial. Plea to simple assault at docket call.	\$6,264	\$6,264
Voucher in Vehicular Manslaughter case. Client pled to Aggravated Assault and Driving to Endanger after jury selection.	\$5,488	\$5,488

FUNDS REQUESTS DENIED/MODIFIED JULY 2019

- There were no requests for funds denied or modified in July

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

7/31/2019

	Jul-19						Fiscal Year 2020			
DefenderData Case Type	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	15	16	\$ 10,724.81	5	\$ 3,534.00	\$ 706.80	15	5	\$ 3,534.00	\$ 706.80
Child Protection Petition	263	478	\$ 268,666.07	303	\$ 168,385.73	\$ 555.73	263	303	\$ 168,385.73	\$ 555.73
Drug Court	1	8	\$ 5,916.00	5	\$ 3,906.00	\$ 781.20	1	5	\$ 3,906.00	\$ 781.20
Emancipation	2	3	\$ 1,428.00	2	\$ 960.00	\$ 480.00	2	2	\$ 960.00	\$ 480.00
Felony	606	609	\$ 507,490.35	342	\$ 291,479.06	\$ 852.28	606	342	\$ 291,479.06	\$ 852.28
Involuntary Civil Commitment	100	66	\$ 17,155.78	40	\$ 8,395.99	\$ 209.90	100	40	\$ 8,395.99	\$ 209.90
Juvenile	73	93	\$ 43,707.36	50	\$ 23,505.04	\$ 470.10	73	50	\$ 23,505.04	\$ 470.10
Lawyer of the Day - Custody	259	251	\$ 60,493.67	141	\$ 34,203.83	\$ 242.58	259	141	\$ 34,203.83	\$ 242.58
Lawyer of the Day - Juvenile	34	36	\$ 7,402.92	23	\$ 4,327.96	\$ 188.17	34	23	\$ 4,327.96	\$ 188.17
Lawyer of the Day - Walk-in	108	111	\$ 26,532.61	71	\$ 17,675.89	\$ 248.96	108	71	\$ 17,675.89	\$ 248.96
Misdemeanor	836	767	\$ 320,747.91	471	\$ 198,567.24	\$ 421.59	836	471	\$ 198,567.24	\$ 421.59
Petition, Modified Release Treatment	2	1	\$ 258.30	0			2	0		
Petition, Release or Discharge	0	1	\$ 366.00	0			0	0		
Petition, Termination of Parental Rights	27	36	\$ 35,606.99	31	\$ 25,475.31	\$ 821.78	27	31	\$ 25,475.31	\$ 821.78
Post Conviction Review	13	12	\$ 27,352.39	4	\$ 10,432.75	\$ 2,608.19	13	4	\$ 10,432.75	\$ 2,608.19
Probate	0	3	\$ 4,498.00	3	\$ 4,498.00	\$ 1,499.33	0	3	\$ 4,498.00	\$ 1,499.33
Probation Violation	192	184	\$ 69,537.95	107	\$ 43,814.30	\$ 409.48	192	107	\$ 43,814.30	\$ 409.48
Represent Witness on 5th Amendment	0	2	\$ 363.00	2	\$ 363.00	\$ 181.50	0	2	\$ 363.00	\$ 181.50
Resource Counsel Criminal	0	3	\$ 222.00	2	\$ 90.00	\$ 45.00	0	2	\$ 90.00	\$ 45.00
Resource Counsel Juvenile	0	0		0			0	0		
Resource Counsel Protective Custody	0	1	\$ 72.00	1	\$ 72.00	\$ 72.00	0	1	\$ 72.00	\$ 72.00
Review of Child Protection Order	60	178	\$ 79,465.22	110	\$ 44,174.76	\$ 401.59	60	110	\$ 44,174.76	\$ 401.59
Revocation of Administrative Release	0	1	\$ 993.28	1	\$ 993.28	\$ 993.28	0	1	\$ 993.28	\$ 993.28
DefenderData Sub-Total	2,591	2,860	\$ 1,489,000.61	1,714	\$ 884,854.14	\$ 516.25	2,591	1,714	\$ 884,854.14	\$ 516.25
Paper Voucher Sub-Total		0		0	\$ -	#DIV/0!		0		#DIV/0!
TOTAL	2,591	2,860	\$1,489,000.61	1,714	\$884,854.14	\$ 516.25	2,591	1,714	\$ 884,854.14	\$ 516.25

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY20 FUND ACCOUNTING
AS OF 07/31/2019

Account 014 95F Z258 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY20 Total
FY20 Professional Services Allotment		\$ 4,727,001.00		\$ 4,597,001.00		\$ 4,737,477.00		\$ 2,413,246.00	
FY20 General Operations Allotment		\$ 48,000.00		\$ 48,000.00		\$ 48,000.00		\$ 48,000.00	
FY19 Encumbered Balance Forward		\$ 32,712.53		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 4,807,713.53		\$ 4,645,001.00		\$ 4,785,477.00		\$ 2,461,246.00	\$ 16,699,437.53
Total Expenses	1	\$ (947,049.13)	4	\$ -	7	\$ -	10	\$ -	
	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
				\$ -		\$ -		\$ -	\$ -
Encumbrances (Justice Works)		\$ (65,680.00)		\$ -		\$ -		\$ -	\$ (65,680.00)
Encumbrances (B Taylor)		\$ (26,000.03)		\$ -		\$ -		\$ -	\$ (26,000.03)
Encumbrances (Videographer)		\$ (4,800.00)		\$ -		\$ -		\$ -	\$ (4,800.00)
TOTAL REMAINING		\$ 3,764,184.37		\$ 4,645,001.00		\$ 4,785,477.00		\$ 2,461,246.00	\$ 15,655,908.37

Q1 Month 1

INDIGENT LEGAL SERVICES

Counsel Payments	\$ (884,854.14)
Interpreters	\$ (2,136.28)
Private Investigators	\$ (15,317.39)
Mental Health Expert	\$ (15,145.00)
Misc Prof Fees & Serv	\$ -
Transcripts	\$ (7,531.00)
Other Expert	\$ (11,976.97)
Process Servers	\$ (190.48)
Subpoena Witness Fees	\$ -
	\$ -
	\$ -
Lodging & Meals for Trial	\$ 1,253.42
SUB-TOTAL ILS	\$ (935,897.84)

OPERATING EXPENSES

Ergonomic Office Equipment	\$ (1,300.00)
DefenderData	\$ (6,232.50)
Service Center	\$ -
Mileage/Tolls/Parking	\$ (1,142.70)
Mailing/Postage/Freight	\$ (16.14)
West Publishing Corp	\$ (185.13)
Parking Fees	\$ -
Office Supplies/Equip.	\$ (463.20)
Cellular Phones	\$ -
OIT/TELCO	\$ -
Office Equipment Rental	\$ (110.28)
Risk Management Insurances	\$ (1,701.34)
Barbara Taylor monthly fees	\$ -
SUB-TOTAL OE	\$ (11,151.29)
TOTAL	\$ (947,049.13)

INDIGENT LEGAL SERVICES

Q1 Allotment	\$ 4,807,713.53
Q1 Encumbrances for Justice Works contract	\$ (65,680.00)
Barbara Taylor Contract	\$ (26,000.03)
Videographer Contract	\$ (4,800.00)
Q1 Expenses to date	\$ (947,049.13)
Remaining Q1 Allotment	\$ 3,764,184.37

Non-Counsel Indigent Legal Services

Monthly Total	\$ (51,043.70)
Total Q1	\$ 51,043.70
Total Q2	\$ -
Total Q3	\$ -
Total Q4	\$ -
Fiscal Year Total	\$ 51,043.70

Conference Account Transactions

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

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY20 FUND ACCOUNTING
As of 07/31/19

Account 014 95F Z258 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY20 Total
Total Budget Allotments		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00	\$ 1,100,000.00
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		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00	\$ 1,100,000.00
Cash Carryover from Prior Quarter		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	1	\$ 78,559.60	4	\$ -	7	\$ -	10	\$ -	
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Court Ordered Counsel Fee		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB (late transfer)		\$ -		\$ -	9	\$ -		\$ -	
Collected Revenue from JB	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Returned Checks-stopped payments		\$ -		\$ -		\$ -		\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 78,559.60		\$ -		\$ -		\$ -	\$ 78,559.60
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		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00	\$ 1,100,000.00
Overpayment Reimbursements	1	\$ (168.00)	4	\$ -	7	\$ -	10	\$ -	
	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
REMAINING CASH Year to Date		\$ 78,391.60		\$ -		\$ -		\$ -	\$ 78,391.60

Collections versus Allotment	
Monthly Total	\$ 78,559.60
Total Q1	\$ 78,559.60
Total Q2	\$ -
Total Q3	\$ -
Total Q4	\$ -
Allotment Expended to Date	\$ -
Fiscal Year Total	\$ 78,559.60

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY20 FUND ACCOUNTING
AS OF 07/31/2019

Account 014 95F Z258 01 (Personal Services)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY20 Total
FY20 Allotment	\$	326,128.00	\$	242,565.00	\$	214,283.00	\$	233,702.00	\$ -
Financial Order Adjustments	\$	-	\$	-	\$	-	\$	-	
Financial Order Adjustments	\$	-	\$	-	\$	-	\$	-	
Budget Order Adjustments			\$	-	\$	-			
Total Budget Allotments	\$	326,128.00	\$	242,565.00	\$	214,283.00	\$	233,702.00	\$ 1,016,678.00
Total Expenses	1 \$	(62,240.56)	4 \$	-	7 \$	-	10 \$	-	
	2 \$	-	5 \$	-	8 \$	-	11 \$	-	
	3 \$	-	6 \$	-	9 \$	-	12 \$	-	
TOTAL REMAINING	\$	263,887.44	\$	242,565.00	\$	214,283.00	\$	233,702.00	\$ 954,437.44

Q1 Month 1	
Per Diem Payments	\$ (110.00)
Salary	\$ (30,817.88)
Vacation Pay	\$ (761.94)
Holiday Pay	\$ (1,942.64)
Sick Pay	\$ (946.86)
Shift Differential	\$ (9.45)
Health Insurance	\$ (8,933.08)
Dental Insurance	\$ (279.52)
Employer Retiree Health	\$ (3,895.67)
Employer Retirement	\$ (2,546.76)
Employer Group Life	\$ (292.73)
Employer Medicare	\$ (530.12)
Retiree Unfunded Liability	\$ (6,812.58)
Retro lump sum pymt	\$ (3,060.00)
Perm Part Time Full Ben	\$ (1,301.33)
TOTAL	\$ (62,240.56)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

7/31/2019

Court	Jul-19						Fiscal Year 2020			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	6	12	\$ 7,923.15	7	\$ 6,243.15	\$ 891.88	6	7	\$ 6,243.15	\$ 891.88
AUBSC	0	0		0			0	0		
AUGDC	49	50	\$ 28,020.53	38	\$ 17,665.43	\$ 464.88	49	38	\$ 17,665.43	\$ 464.88
AUGSC	7	9	\$ 3,516.30	3	\$ 1,260.00	\$ 420.00	7	3	\$ 1,260.00	\$ 420.00
BANDC	80	79	\$ 25,240.26	58	\$ 16,637.58	\$ 286.85	80	58	\$ 16,637.58	\$ 286.85
BANSC	1	3	\$ 234.00	3	\$ 234.00	\$ 78.00	1	3	\$ 234.00	\$ 78.00
BATSC	0	0		0			0	0		
BELDC	12	24	\$ 12,682.87	8	\$ 2,760.00	\$ 345.00	12	8	\$ 2,760.00	\$ 345.00
BELSC	0	0		0			0	0		
BIDDC	66	101	\$ 50,306.60	47	\$ 21,679.59	\$ 461.27	66	47	\$ 21,679.59	\$ 461.27
BRIDC	10	24	\$ 10,771.06	10	\$ 4,204.70	\$ 420.47	10	10	\$ 4,204.70	\$ 420.47
CALDC	7	8	\$ 3,421.36	7	\$ 3,359.52	\$ 479.93	7	7	\$ 3,359.52	\$ 479.93
CARDC	12	30	\$ 13,523.00	18	\$ 7,124.44	\$ 395.80	12	18	\$ 7,124.44	\$ 395.80
CARSC	1	0		0			1	0		
DOVDC	1	15	\$ 4,390.08	7	\$ 2,028.08	\$ 289.73	1	7	\$ 2,028.08	\$ 289.73
DOVSC	0	0		0			0	0		
ELLDC	7	19	\$ 14,156.60	15	\$ 12,746.60	\$ 849.77	7	15	\$ 12,746.60	\$ 849.77
ELLSC	1	1	\$ 450.00	1	\$ 450.00	\$ 450.00	1	1	\$ 450.00	\$ 450.00
FARDC	7	14	\$ 14,546.61	12	\$ 9,384.44	\$ 782.04	7	12	\$ 9,384.44	\$ 782.04
FARSC	0	0		0			0	0		
FORDC	3	7	\$ 4,246.36	5	\$ 2,607.00	\$ 521.40	3	5	\$ 2,607.00	\$ 521.40
HOUDC	20	34	\$ 15,788.87	15	\$ 7,723.65	\$ 514.91	20	15	\$ 7,723.65	\$ 514.91
HOUSC	0	1	\$ 354.00	1	\$ 354.00	\$ 354.00	0	1	\$ 354.00	\$ 354.00
LEWDC	64	103	\$ 47,938.74	54	\$ 27,655.74	\$ 512.14	64	54	\$ 27,655.74	\$ 512.14
LINDC	19	15	\$ 7,473.60	3	\$ 2,392.44	\$ 797.48	19	3	\$ 2,392.44	\$ 797.48
MACDC	16	32	\$ 18,588.12	17	\$ 13,556.24	\$ 797.43	16	17	\$ 13,556.24	\$ 797.43
MACSC	0	1	\$ 132.00	1	\$ 132.00	\$ 132.00	0	1	\$ 132.00	\$ 132.00
MADDC	3	2	\$ 300.00	2	\$ 300.00	\$ 150.00	3	2	\$ 300.00	\$ 150.00
MILDC	7	4	\$ 1,352.00	2	\$ 529.20	\$ 264.60	7	2	\$ 529.20	\$ 264.60
NEWDC	25	33	\$ 13,150.53	35	\$ 11,945.74	\$ 341.31	25	35	\$ 11,945.74	\$ 341.31
PORDC	87	119	\$ 56,427.53	73	\$ 32,329.05	\$ 442.86	87	73	\$ 32,329.05	\$ 442.86
PORSC	0	0		0			0	0		
PREDC	25	34	\$ 16,038.88	24	\$ 11,841.88	\$ 493.41	25	24	\$ 11,841.88	\$ 493.41
RODC	24	37	\$ 15,866.03	12	\$ 4,968.81	\$ 414.07	24	12	\$ 4,968.81	\$ 414.07
ROSC	1	2	\$ 506.28	0			1	0		
RUMDC	15	10	\$ 7,721.43	6	\$ 3,262.92	\$ 543.82	15	6	\$ 3,262.92	\$ 543.82
SKODC	43	55	\$ 25,357.33	49	\$ 19,061.11	\$ 389.00	43	49	\$ 19,061.11	\$ 389.00
SKOSC	0	0		0			0	0		
SODC	23	21	\$ 9,989.43	17	\$ 8,059.67	\$ 474.10	23	17	\$ 8,059.67	\$ 474.10
SOSDC	0	3	\$ 3,029.75	2	\$ 2,615.75	\$ 1,307.88	0	2	\$ 2,615.75	\$ 1,307.88
SPRDC	56	67	\$ 36,327.41	40	\$ 27,553.84	\$ 688.85	56	40	\$ 27,553.84	\$ 688.85
Law Ct	9	11	\$ 6,658.57	5	\$ 3,534.00	\$ 706.80	9	5	\$ 3,534.00	\$ 706.80
YORCD	239	295	\$ 217,393.14	158	\$ 119,059.54	\$ 753.54	239	158	\$ 119,059.54	\$ 753.54
ARODC	110	161	\$ 113,300.78	93	\$ 61,337.97	\$ 659.55	110	93	\$ 61,337.97	\$ 659.55
ANDCD	154	130	\$ 55,071.00	67	\$ 35,060.08	\$ 523.28	154	67	\$ 35,060.08	\$ 523.28
KENCD	162	132	\$ 65,110.58	75	\$ 31,894.82	\$ 425.26	162	75	\$ 31,894.82	\$ 425.26
PENCD	192	205	\$ 66,433.76	154	\$ 49,580.01	\$ 321.95	192	154	\$ 49,580.01	\$ 321.95
SAGCD	26	21	\$ 7,691.04	13	\$ 5,266.76	\$ 405.14	26	13	\$ 5,266.76	\$ 405.14
WALCD	28	47	\$ 17,631.50	24	\$ 6,463.60	\$ 269.32	28	24	\$ 6,463.60	\$ 269.32
PISCD	21	19	\$ 4,508.73	13	\$ 3,208.24	\$ 246.79	21	13	\$ 3,208.24	\$ 246.79
HANCD	46	51	\$ 30,825.00	37	\$ 29,601.08	\$ 800.03	46	37	\$ 29,601.08	\$ 800.03
FRACD	40	36	\$ 19,861.85	26	\$ 8,581.54	\$ 330.06	40	26	\$ 8,581.54	\$ 330.06
WASCD	40	56	\$ 24,565.12	29	\$ 15,289.12	\$ 527.21	40	29	\$ 15,289.12	\$ 527.21
CUMCD	367	388	\$ 246,844.20	249	\$ 157,185.15	\$ 631.27	367	249	\$ 157,185.15	\$ 631.27
KNODC	85	82	\$ 34,225.08	38	\$ 14,600.70	\$ 384.23	85	38	\$ 14,600.70	\$ 384.23
SOMCD	187	27	\$ 3,324.00	10	\$ 1,212.00	\$ 121.20	187	10	\$ 1,212.00	\$ 121.20
OXFCD	72	89	\$ 38,647.33	58	\$ 25,916.62	\$ 446.84	72	58	\$ 25,916.62	\$ 446.84
LINCD	44	45	\$ 18,801.67	22	\$ 8,393.41	\$ 381.52	44	22	\$ 8,393.41	\$ 381.52
WATDC	28	46	\$ 19,063.81	25	\$ 10,250.41	\$ 410.02	28	25	\$ 10,250.41	\$ 410.02
WESDC	32	23	\$ 13,818.14	16	\$ 12,114.80	\$ 757.18	32	16	\$ 12,114.80	\$ 757.18
WISDC	5	12	\$ 7,939.90	2	\$ 352.72	\$ 176.36	5	2	\$ 352.72	\$ 176.36
WISSC	0	1	\$ 767.50	0			0	0		
YORDC	6	14	\$ 6,747.20	8	\$ 3,285.00	\$ 410.63	6	8	\$ 3,285.00	\$ 410.63
TOTAL	2,591	2,860	\$ 1,489,000.61	1,714	\$ 884,854.14	\$ 516.25	2,591	1,714	\$ 884,854.14	\$ 516.25

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

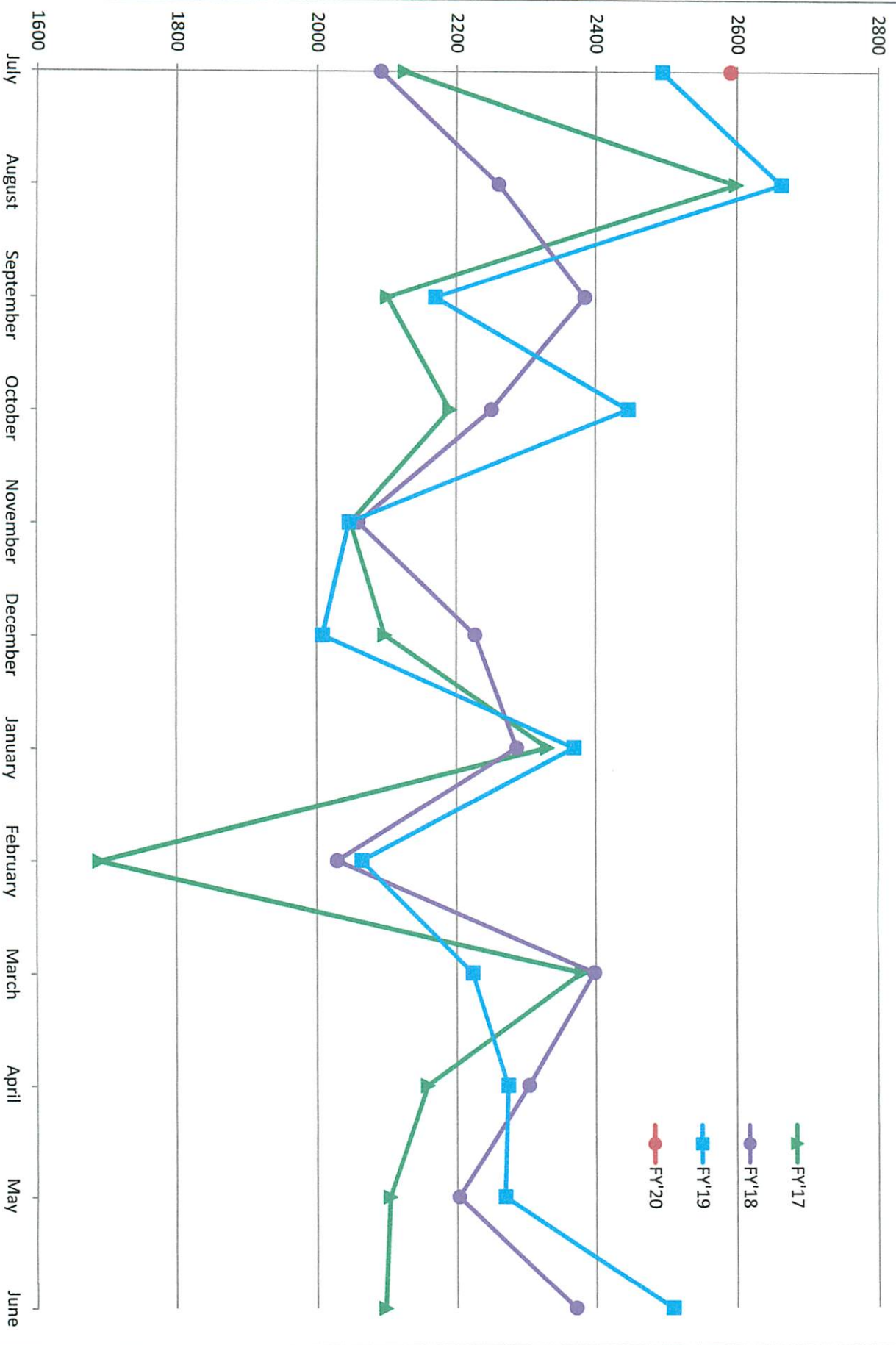
Number of Attorneys Rostered by Court

07/31/2019

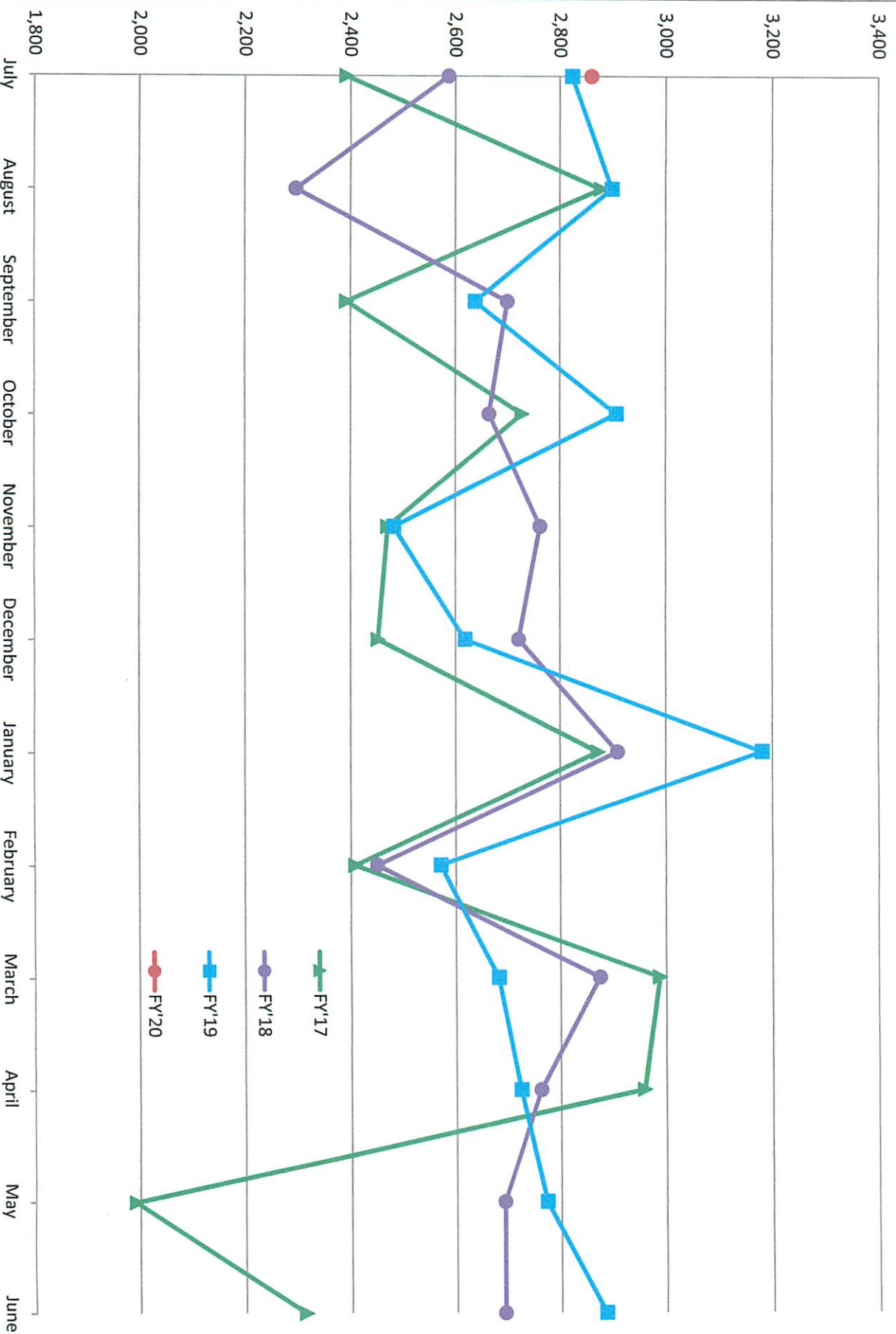
Court	Rostered Attorneys
Augusta District Court	81
Bangor District Court	43
Belfast District Court	42
Biddeford District Court	122
Bridgton District Court	79
Calais District Court	11
Caribou District Court	16
Dover-Foxcroft District Court	21
Ellsworth District Court	31
Farmington District Court	33
Fort Kent District Court	8
Houlton District Court	13
Lewiston District Court	116
Lincoln District Court	20
Machias District Court	16
Madawaska District Court	9
Millinocket District Court	14
Newport District Court	30
Portland District Court	146
Presque Isle District Court	13
Rockland District Court	33
Rumford District Court	24
Skowhegan District Court	23

Court	Rostered Attorneys
South Paris District Court	49
Springvale District Court	108
Unified Criminal Docket Alfred	108
Unified Criminal Docket Aroostook	21
Unified Criminal Docket Auburn	93
Unified Criminal Docket Augusta	78
Unified Criminal Docket Bangor	42
Unified Criminal Docket Bath	80
Unified Criminal Docket Belfast	40
Unified Criminal Docket Dover Foxcroft	21
Unified Criminal Docket Ellsworth	34
Unified Criminal Docket Farmington	35
Unified Criminal Docket Machias	17
Unified Criminal Docket Portland	141
Unified Criminal Docket Rockland	27
Unified Criminal Docket Skowhegan	25
Unified Criminal Docket South Paris	38
Unified Criminal Docket Wiscasset	46
Waterville District Court	41
West Bath District Court	96
Wiscasset District Court	53
York District Court	92

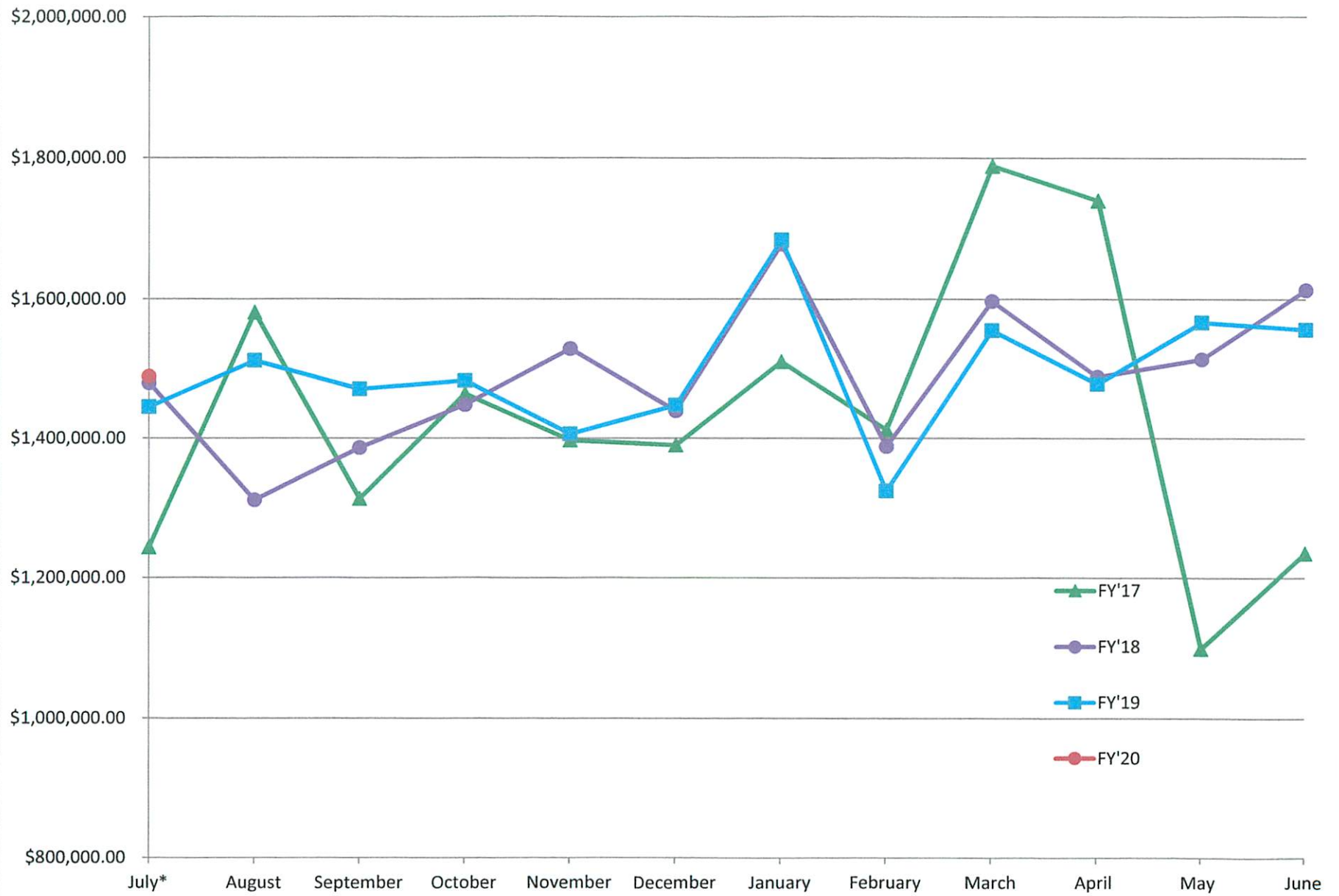
NEW CASES

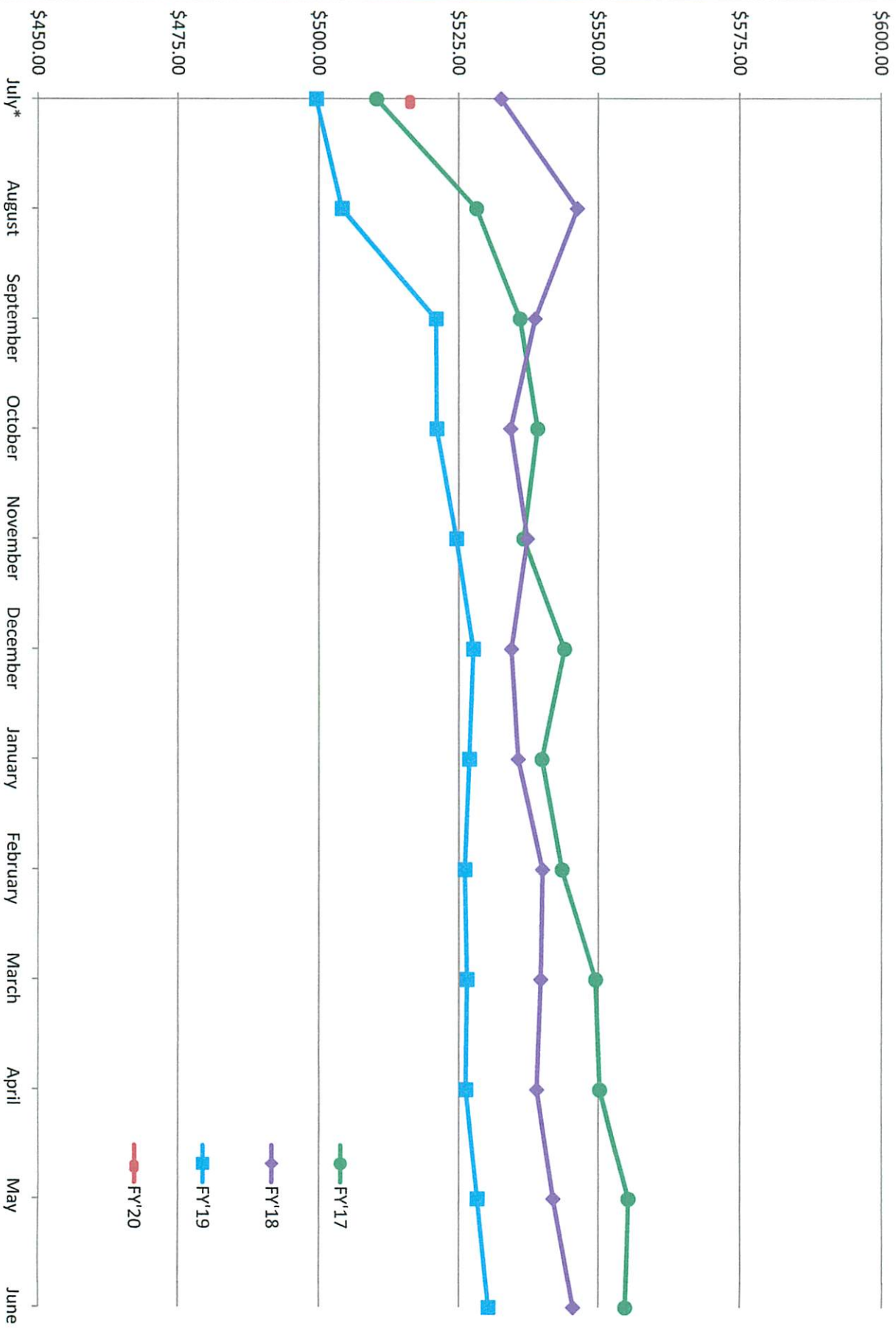


Submitted Vouchers

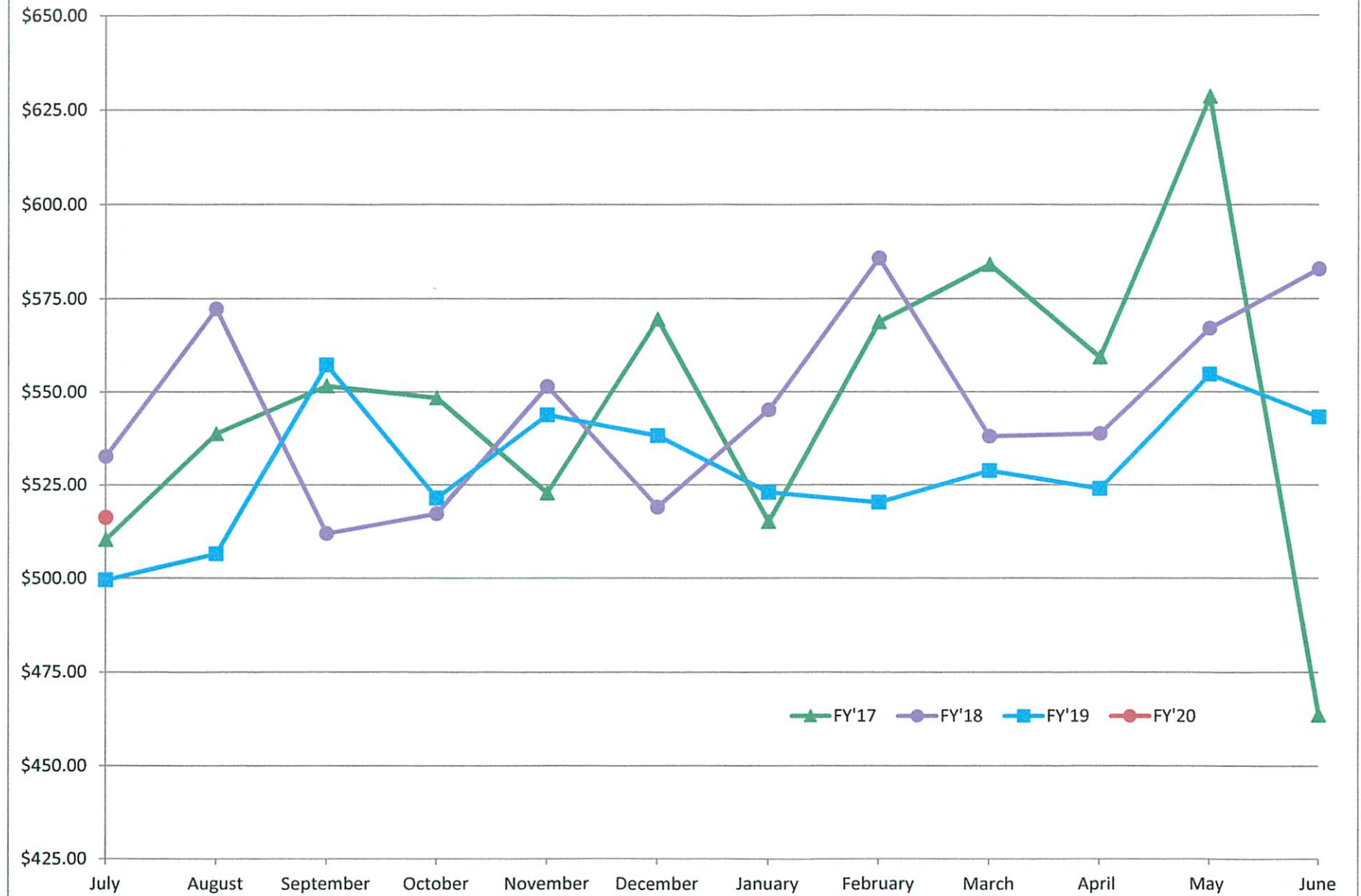


Submitted Voucher Amount

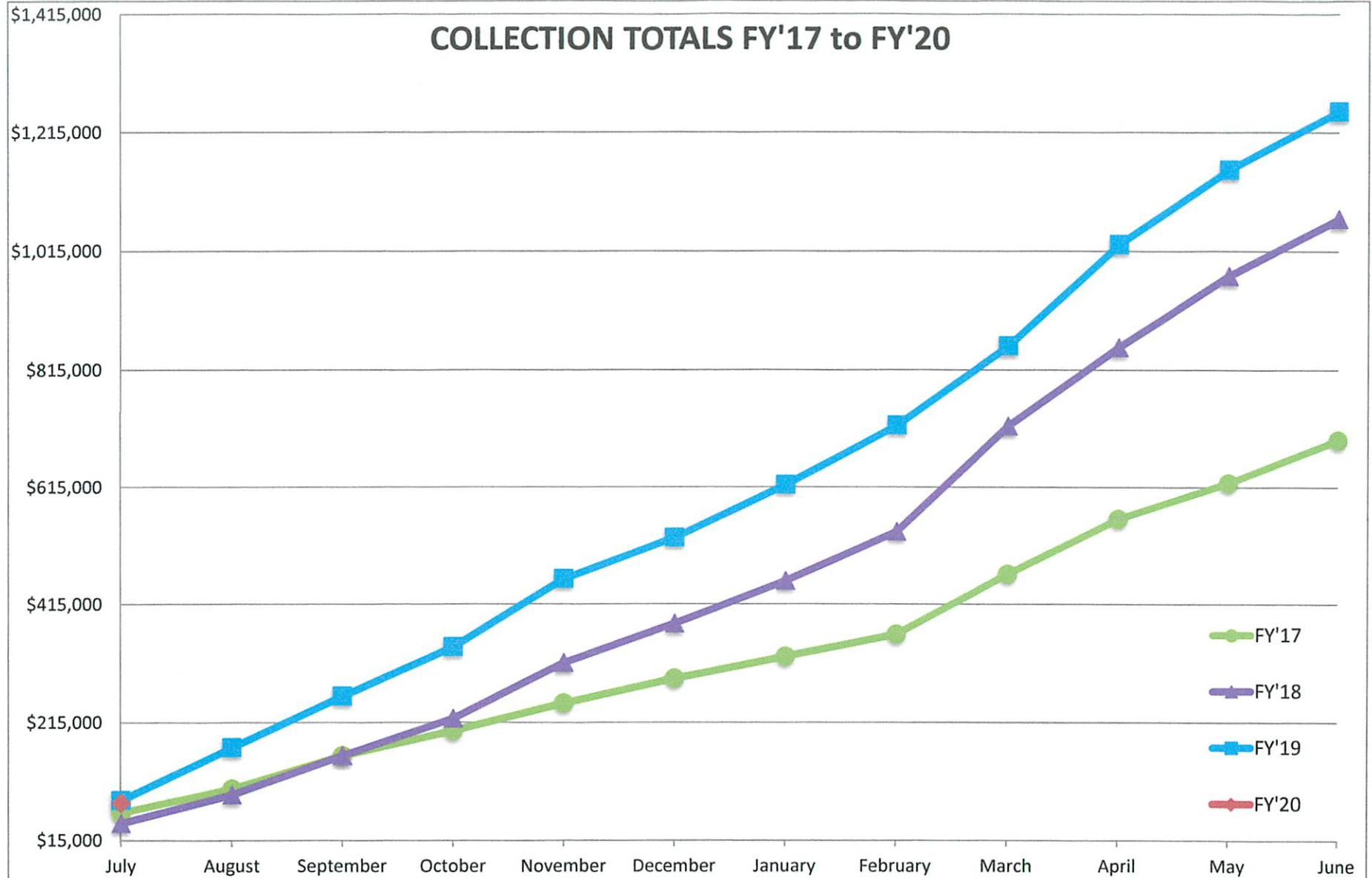


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Monthly Price Per Voucher



COLLECTION TOTALS FY'17 to FY'20



(6.)

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: AUGUST 6, 2019

The most significant factor with respect to the Commission's budget is that the cost of indigent legal services is stable and has been for several years. That said, the current biennial budget presents challenges that must be addressed.

RECENT HISTORY

The critical number for Commission operations is the amount of its All Other appropriation. In FY'16, the All Other appropriation totaled \$18.3 million. That year, costs came in under budget and approximately \$1 million lapsed back into the General Fund. For FY'17, the Legislature appropriated \$15.5 million in All Other funding. As a result, the Commission exhausted its funding in early May, and attorney vouchers submitted at the end of the year remained unpaid, some for in excess of six weeks, and were pushed into the following year. For FY'18, the Legislature set the All Other budget at 21.2 million, reflecting our budget request of 18.3 million, plus \$2.8 million to cover the costs carried over from FY'17. Taken together, the budgets for FY'17 and FY'18 averaged \$18.3 million, and, at the end of FY'18 the Commission again returned approximately \$1 million to the General Fund.

The "All Other" budget for FY'19 equaled the \$18.3 million, but the Legislature created a wrinkle by placing all of the Commission's funding, traditionally separate General fund accounts for All Other, Personal Services, and Revenue (reimbursements of attorneys fees), into a single Other Special Revenue (OSR) account. Although this budget posture presented challenges, at least initially, for day-to-day operations, Commission staff managed these challenges, and Commission operations continued normally. Costs remained stable, and at the end of FY'19, the Commission had a surplus of just under \$200,000 in "All Other" funds.

As mentioned above, the Commission budget traditionally had a separate account for revenue collected from reimbursements toward counsel fees and used by the Commission to cover the costs of indigent legal services generally. These reimbursements arise from three sources: 1) people who are assigned counsel, but ordered to make periodic payments to cover some or all of the cost of their representation (partially indigent); 2) statutorily authorized set-offs against bail owned by defendants; and 3) offsets against State tax refunds from people who were delinquent in court ordered payments and who the Commission reported to Maine Revenue Services. During the first years of Commission operations, reimbursement revenue gradually increased from around \$500,000 to over \$700,000 per year. Due to a relatively recent statutory amendment and the efforts of the

Judicial Branch, revenue jumped to \$1.1 million in FY'18 and \$1.2 million in FY'19.

CURRENT BIENNIAL BUDGET

Based on this history, the Commission submitted a budget request for the current biennium seeking \$18.3 million in All Other funding, essentially flat funding, for each budget year. The Commission also requested that its budget be returned to the General Fund. Unfortunately, the budget that passed included only \$15.5 million in All Other funding for each year of the biennium. Moreover, FY'20 funding remains in an OSR account, but the FY'21 budget restores the Commission budget to the General Fund.¹ A copy of the enacted budget is attached. This shortfall will have to be addressed through a supplemental budget request to the Governor's office and to the Legislature.

One benefit of having our budget in an OSR account is that surpluses in these accounts do not lapse to the State. Instead, the funds remain as an unencumbered balance forward that can be accessed through a Financial Order signed by the Governor. As stated above, the Commission finished last year with just under \$200,000 remaining in its "All Other" budget. In addition, the Commission collected over \$1.2 million in reimbursement revenue, but had allotment to spend only \$700,000. Accordingly, approximately \$500,000 in reimbursement revenue remains as an unencumbered balance, bringing the total unencumbered balance forward to just over \$750,000. Assuming the Commission will be granted allotment to spend these funds, this would lessen the supplemental need for FY'20.

Finally, early indications are that costs remain on track to fall within the All Other target of \$18.3 million. One area that bears watching, however, is Child Protection. New cases were up by 50% in FY'19 over FY'18, and indications are that the number of cases will continue to increase.

¹ The \$15.5 million number was in the Governor's proposed budget, but that budget did recommend that the Commission budget be returned to the General Fund for both years of the biennium. I was told by the Commissioner of DAFS that the \$15.5 number was derived from the last time the Commission had a "baseline budget," as opposed to additional "one-time" funding that made up the additional amounts described above. I was told that our need for \$18.3 million did not come to the attention of those putting together the Governor's proposed budget, but that the administration was aware of the Commission's additional need, which would be considered for future a supplemental budget.

Associate I position and 9 Financial Screener positions and related All Other costs from the Reserve for Indigent Legal Services program, Other Special Revenue Funds to the Maine Commission on Indigent Legal Services program, General Fund.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	(11.500)
Personal Services	\$0	(\$924,373)
All Other	\$0	(\$15,567,725)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$16,492,098)

Reserve for Indigent Legal Services Z258

Initiative: Transfers All Other funding from the Reserve for Indigent Legal Services program, Other Special Revenue Funds to the Maine Commission on Indigent Legal Services program, Other Special Revenue Funds for reimbursement of counsel fees and conference training fees.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$0	(\$793,497)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$793,497)

Reserve for Indigent Legal Services Z258

Initiative: Provides funding for the approved reclassification of range change of 9 Financial Screener positions from range 12 to range 18. This approved range change has an effective date of November 2017.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$192,192	\$80,999
OTHER SPECIAL REVENUE FUNDS TOTAL	\$192,192	\$80,999

Reserve for Indigent Legal Services Z258

Initiative: Provides funding for increased revenue collections from reimbursement of counsel fees.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$363,503	\$0

OTHER SPECIAL REVENUE FUNDS TOTAL	\$363,503	\$0
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Reserve for Indigent Legal Services Z258

Initiative: Adjusts allocation in the first year only to reflect anticipated revenues into the account.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$58,000)	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$58,000)	\$0

RESERVE FOR INDIGENT LEGAL SERVICES Z258

PROGRAM SUMMARY

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	11.500	0.000
Personal Services	\$1,016,678	\$0
All Other	\$16,666,725	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$17,683,403	\$0

**INDIGENT LEGAL SERVICES, MAINE
COMMISSION ON
DEPARTMENT TOTALS**

	2019-20	2020-21
GENERAL FUND	\$0	\$16,434,098
OTHER SPECIAL REVENUE FUNDS	\$17,683,403	\$1,157,000
DEPARTMENT TOTAL - ALL FUNDS	\$17,683,403	\$17,591,098

Sec. A-39. Appropriations and allocations. The following appropriations and allocations are made.

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Administrative Services - Inland Fisheries and Wildlife 0530

Initiative: BASELINE BUDGET

Sec. A-38. Appropriations and allocations. The following appropriations and allocations are made.

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

Maine Commission on Indigent Legal Services Z112

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	(\$58,000)	(\$58,000)
GENERAL FUND TOTAL	(\$58,000)	(\$58,000)

Maine Commission on Indigent Legal Services Z112

Initiative: Transfers one Executive Director of Maine Indigent Legal Services position, one Public Service Manager II position, one Accountant Technician position, one Office Associate I position and 9 Financial Screener positions and related All Other costs from the Reserve for Indigent Legal Services program, Other Special Revenue Funds to the Maine Commission on Indigent Legal Services program, General Fund.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	11.500
Personal Services	\$0	\$924,373
All Other	\$0	\$15,509,725
GENERAL FUND TOTAL	\$0	\$16,434,098

Maine Commission on Indigent Legal Services Z112

Initiative: Transfers All Other funding from the Reserve for Indigent Legal Services program, Other Special Revenue Funds to the Maine Commission on Indigent Legal Services program, Other Special Revenue Funds for reimbursement of counsel fees and conference training fees.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$0	\$793,497
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$793,497

Maine Commission on Indigent Legal Services Z112

Initiative: Provides funding for increased revenue collections from reimbursement of counsel fees.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$0	\$363,503
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$363,503

Maine Commission on Indigent Legal Services Z112

Initiative: Provides funding to offset the ongoing negative baseline in this account.

GENERAL FUND	2019-20	2020-21
All Other	\$58,000	\$58,000
GENERAL FUND TOTAL	\$58,000	\$58,000

MAINE COMMISSION ON INDIGENT LEGAL SERVICES Z112

PROGRAM SUMMARY

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	11.500
Personal Services	\$0	\$924,373
All Other	\$0	\$15,509,725
GENERAL FUND TOTAL	\$0	\$16,434,098

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$0	\$1,157,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,157,000

Reserve for Indigent Legal Services Z258

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	11.500	11.500
Personal Services	\$824,486	\$843,374
All Other	\$16,361,222	\$16,361,222
OTHER SPECIAL REVENUE FUNDS TOTAL	\$17,185,708	\$17,204,596

Reserve for Indigent Legal Services Z258

Initiative: Transfers one Executive Director of Maine Indigent Legal Services position, one Public Service Manager II position, one Accountant Technician position, one Office

§3905. Downeast Correctional Facility employees

Employees of the Downeast Correctional Facility have the same power as sheriffs in their respective counties to search for and apprehend escapees from the facility, when authorized to do so by the ~~director~~ superintendent.

PART MMMM

Sec. MMMM-1. PL 2015, c. 483, §1, sub-§5, as amended by PL 2019, c. 4, Pt. D, §1, is further amended to read:

5. Cost recovery fund. There is established within the commission a nonlapsing cost recovery fund, referred to in this section as "the fund." The fund receives funds allocated or transferred by the Legislature from the unappropriated surplus of the General Fund in accordance with subsection 8. The commission shall use the fund to pay all above-market costs of any contract entered into under this section. No more than 50% of the fund may be awarded to facilities serving the NMISA region. Notwithstanding any law to the contrary, by August 1, 2019, \$5,461,387.64 in the fund must be transferred to the General Fund unappropriated surplus in fiscal year 2019-20. The commission by rule or order shall establish how above-market costs are determined and how payments from the fund are made. Amounts remaining in the cost recovery fund that are not needed to pay above-market costs in accordance with subsection 6 may not be transferred without legislative approval.

PART NNNN

Sec. NNNN-1. 20-A MRSA §6602, sub-§1, ¶D is enacted to read:

D. A public school that serves lunch shall provide all students who are eligible for free and reduced-price meals under paragraph A a meal that meets the requirements of the federal National School Lunch Program set forth in 7 Code of Federal Regulations, Part 210 (2019) at no cost to the student. The State shall provide funding equal to the difference between the federal reimbursement for a free lunch and the federal reimbursement for a reduced-price lunch for each student eligible for a reduced-price lunch and receiving lunch.

PART OOOO

Sec. OOOO-1. Transfer to School Revolving Renovation Fund; Maine Municipal Bond Bank. On or before June 30, 2019, the State Controller shall transfer \$18,000,000 from the unappropriated surplus of the General Fund to the Maine Municipal Bond Bank for the School Revolving Renovation Fund established in the Maine Revised Statutes, Title 30-A, section 6006-F.

PART PPPP

Sec. PPPP-1. Transfer from General Fund; indigent legal services. On or immediately after July 1, 2019, the State Controller shall transfer \$16,526,403 from the

unappropriated surplus of the General Fund to the Maine Commission on Indigent Legal Services, Reserve for Indigent Legal Services program, Other Special Revenue Funds.

PART QQQQ

Sec. QQQQ-1. Lapsed balances; Legislature, General Fund account.

Notwithstanding any provision of law to the contrary, \$242,007 of unencumbered balance forward from the various program accounts and line categories in the Legislature, General Fund accounts as specified by the Executive Director of the Legislative Council lapses to the unappropriated surplus of the General Fund to offset the additional General Fund costs from position changes. By September 1, 2019, the Executive Director of the Legislative Council shall review the Legislature, General Fund accounts and notify the State Controller of the unencumbered balance forward amounts by account and line category totaling \$242,007 that the State Controller shall lapse to the unappropriated surplus of the General Fund no later than June 30, 2020.

Sec. QQQQ-2. Lapsed balances; Legislature, General Fund account.

Notwithstanding any provision of law to the contrary, \$268,642 of unencumbered balance forward from the various program accounts and line categories in the Legislature, General Fund accounts as specified by the Executive Director of the Legislative Council lapses to the unappropriated surplus of the General Fund to offset the additional General Fund costs from position changes. By September 1, 2020, the Executive Director of the Legislative Council shall review the Legislature, General Fund accounts and notify the State Controller of the unencumbered balance forward amounts by account and line category totaling \$268,642 that the State Controller shall lapse to the unappropriated surplus of the General Fund no later than June 30, 2021.

PART RRRR

Sec. RRRR-1. Strategic economic plan. The Department of Economic and Community Development, in collaboration with public and private constituents, shall facilitate the creation of a 10-year strategic economic plan, referred to in this section as "the strategic plan," that recommends breakthrough strategies for increased economic prosperity for all citizens of the State in all regions, ultimately measured by increased household income, a growing workforce and sustainable business development.

The strategic plan must extend broadly from the Maine Innovation Economy Advisory Board's 2017 innovation economy action plan created pursuant to the Maine Revised Statutes, Title 10, section 949 and seek to leverage private and federal investment, particularly in areas of scientific research and commercialization. The strategic plan's strategic goals must include the following:

1. To drive the value-added contribution per job from \$87,160 to a goal identified by the Department of Economic and Community Development;
2. To equitably grow the annual median wage per job from \$31,550 to a goal identified by the Department of Economic and Community Development; and

(7.)

Rule-Making Update

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: FEE SCHEDULE RULE
DATE: AUGUST 6, 2019

In the months prior to the change-over in Commission membership, the former Commissioners undertook a comprehensive review of the Commission's Fee Schedule rule, which governs billing for attorney fees and expenses. After approving a number of changes, the Commissioners voted to approve an amended rule. Because the rule is subject to the Administrative Procedures Act, the proposed rule would need to be published for public comment and a hearing. Given the imminent transition in Commission membership, this process has been deferred to allow the new Commissioners to consider these changes. A copy of the proposed amended rule is attached.

A description of the proposed changes follows, but without any expectation that the new Commissioners will reach final resolution of the matter at their first meeting. The information is included here so that the new Commissioners are aware of this work in progress and can determine the course of future consideration of changes to the fee schedule.

The amended rule touches on a number of areas. The current rule contains reference to "maximum fees." In fact, under the rule these are not actual maximums, but instead, a written justification is required from any attorney seeking payment in excess of the maximum. To recognize this reality, the proposed rule changes the designation to "presumptive maximum."

The proposed rule also changes the amounts of many of these maximums. To arrive at the new numbers, the Commissions reviewed three years of billing data reflecting the number and percentage of vouchers that were paid in excess of the cap, as well as a breakdown by percentile of all vouchers paid for each case type. The Commissioners agreed to set the maximum for each case type at an amount equal to the 90th percentile of vouchers paid. This resulted in increases for most voucher categories, but decreases for two types of criminal felony vouchers.

The draft amendment also introduces a presumptive maximum for murder cases, which formerly had no maximum, and creates separate maximums for juvenile felonies, post-conviction review cases involving a murder conviction, and appeal cases involving oral argument, whereas the current rule has one maximum in each category.

Finally with respect to maximums, the proposed rule requires that counsel obtain prior approval from the Commission before providing services that would exceed 125% of the applicable maximum.

Other proposed changes include a new restriction on co-counsel in Child Protective cases limiting co-counsel to Termination proceedings where lead counsel has not previously conducted a termination hearing, a change to the deadline for submitting vouchers from 90 days to 60 days post-disposition, and the addition of language encouraging the submission of interim vouchers in cases lasting over 12 months.

Finally, the proposed draft contains two changes in accordance with the recommendations of the Sixth Amendment Center: 1) vouchers must be submitted under penalty of perjury, and 2) lawyers are required to maintain a daily timesheet reflecting all work done on assigned cases in a given day.

In addition to the attached draft, Commissioner Churchill has asked the Commission look at the portion of the fee schedule that prohibits reimbursement for postage expenses incurred by assigned counsel.

94-649 MAINE COMMISSION ON INDIGENT LEGAL SERVICES**Chapter 301: FEE SCHEDULE AND ADMINISTRATIVE PROCEDURES FOR PAYMENT OF COMMISSION ASSIGNED COUNSEL**

Summary: This Chapter establishes a fee schedule and administrative procedures for payment of Commission assigned counsel. The Chapter sets a standard hourly rate and ~~maximum~~ maximum presumptive fee amounts for specific case types. The Chapter also establishes rules for the payment of mileage and other expenses that are eligible for reimbursement by the Commission. Finally, this Chapter requires that, unless an attorney has received prior authorization to do otherwise, all vouchers must be submitted using the MCILS electronic case management system.

SECTION 1. DEFINITIONS

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

SECTION 2. HOURLY RATE OF PAYMENT

Effective July 1, 2015:

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

SECTION 3. EXPENSES

1. **Routine Office Expenses.** Routine Office expenses are considered to be included in the hourly rate. Routine office expenses, including but not limited to postage, express postage, regular telephone, cell telephone, fax, office overhead, utilities, secretarial services, routine copying (under 100 pages), local phone calls, parking (except as stated below), and office supplies, etc., will not be reimbursed.
2. **Itemized Non-Routine Expenses.** Itemized non-routine expenses, such as discovery from the State or other agency, long distance calls (only if billed for long distance calls by your phone carrier), collect phone calls, extensive copying (over 100 pages), printing/copying/-binding of legal appeal brief(s), relevant in-state mileage (as outlined below), tolls (as outlined below), and fees paid to third parties. Necessary parking fees associated with multi-day trials and hearings will be reimbursed, ~~but must be approved in advance by the Executive Director.~~
3. **Travel Reimbursement.** Mileage reimbursement shall not exceed the applicable State rate. Mileage reimbursement will be paid for travel to and from courts other than an attorney's home district and superior court. Mileage reimbursement will not be paid for

travel to and from an attorney's home district and superior courts. Tolls will be reimbursed, except that tolls will not be reimbursed for travel to and from attorney's home district and superior court. All out-of-state travel or any overnight travel must be approved by the MCILS in writing prior to incurring the expense. Use of the telephone, video equipment, and email in lieu of travel is encouraged as appropriate.

4. **Itemization of Claims.** Claims for all expenses must be itemized.
5. **Discovery Materials.** The MCILS will reimburse only for one set of discovery materials. If counsel is permitted to withdraw, appropriate copies of discovery materials must be forwarded to new counsel forthwith.
6. **Expert and Investigator Expenses.** Other non-routine expenses for payment to third parties, ~~such as which historically required preapproval by the Court before July 1, 2010 (e.g.,~~ investigators, interpreters, medical and psychological experts, testing, depositions, etc.) are required to be approved in advance by MCILS. Funds for third-party services will be provided by the MCILS only upon written request and a sufficient demonstration of reasonableness, relevancy, and need in accordance with the MCILS rules and procedures governing requests for funds for experts and investigators. See Chapter 302 Procedures Regarding Funds for Experts and Investigators.
7. **Witness, Subpoena, and Service Fees.** In criminal and juvenile cases, witness, subpoena, and service fees will be reimbursed only pursuant to M.R. Crim. P. 17(b). It is unnecessary for counsel to advance these costs, and they shall not be included as a voucher expense. Fees for service of process by persons other than the sheriff shall not exceed those allowed by 30-A M.R.S. § 421. The same procedure shall be followed in civil cases.

SECTION 4. PRESUMPTIVE MAXIMUM FEES

Vouchers submitted for amounts greater than the applicable presumptive maximum fees outlined in this section will not be approved for payment, except as approved by the Executive Director ~~and/or the Commission.~~ Any voucher submitted that is in excess of the presumptive maximum but is less than or equal to 125% of the presumptive maximum fee will require written justification when submitting the voucher. Prior approval by the Executive Director is required for any voucher that is greater than 125% of the presumptive maximum fee.

1. Trial Court Criminal Fees

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

Effective July 1, 2015:

- 1) **Murder.** \$15,000 or Fee to be as set by the Executive Director on a case by case basis after reviewing the complexity of the case, if requested by assigned counsel at the beginning of the case.
- 2) **Class A.** \$3,000

- 3) Class B and C (against person). ~~\$2,250~~ \$2,000
 - 4) Class B and C (against property). ~~\$1,500~~ \$1,250
 - 5) Class D and E. ~~(Superior or Unified Criminal Court)~~. \$750
 - 6) ~~Class D and E (District Court)~~. \$540
 - 7) Post-Conviction Review. ~~\$1,200~~
 - a) Non-murder cases. \$3,500
 - b) Murder cases. \$6,000 or as set by the Executive Director after reviewing the complexity of the case, if requested by assigned counsel at the beginning of the case.
 - 8) Probation Revocation. ~~\$540~~ \$750
 - 9) Miscellaneous (i.e. witness representation on 5th Amendment grounds, etc.) \$540
 - 10) Juvenile. ~~\$540~~
 - a) Felony. \$1,000
 - b) Misdemeanor. \$540
 - c) Probation Violation. \$540
- B. In cases involving multiple counts against a single defendant, the presumptive maximum fee shall be that which applies to the most serious count. In cases where a defendant is charged with a number of unrelated offenses, Counsel is expected to coordinate and consolidate services as much as possible.
- C. Criminal and juvenile cases will include all proceedings through disposition as defined in Section 5.1.A below. Any subsequent proceedings, such as probation revocation, will require new application and appointment.
- ~~D. When doing so will not adversely affect the attorney-client relationship, Commission-assigned counsel are urged to limit travel and waiting time by cooperating with each other to stand in at routine, non-dispositive matters by having one attorney appear at such things as arraignments and routine non-testimonial motions, instead of having all Commission-assigned counsel in an area appear.~~
- E. Upon written request to MCILS, assistant counsel may be appointed in a murder case or other complicated cases:

- 1) the duties of each attorney must be clearly and specifically defined and counsel must avoid unnecessary duplication of effort;
- 2) each attorney must submit a voucher to MCILS. Counsel should coordinate the submission of voucher so that they can be reviewed together. Co-counsel who practice in the same firm may submit a single voucher that reflects the work done by each attorney.

2. District Court Child Protection

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

Effective July 1, 2015:

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

- a. Child Protective Petition. \$1,200
- b. Judicial Review of Child Protective Order. \$1,000
- c. Termination of Parental Rights. \$1,400

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

- B. ~~Counsel must provide MCILS with written justification for any voucher that exceeds the maximum fee limit.~~ Each child protective stage ends when a proceeding results in a court order as defined in Section 56.1.B below. Each distinct stage in on-going child protective cases shall be considered a new appointment for purposes of the presumptive maximum fee. A separate voucher must be submitted at the end of each stage.

- C. Upon written request to MCILS, assistant counsel may be appointed in a child protective case only for the purpose of the termination of parental rights hearing and if counsel of record has not tried a termination of parental rights before.

- 1) the duties of each attorney must be clearly and specifically defined and counsel must avoid unnecessary duplication of effort;
- 2) each attorney must submit a voucher to MCILS. Counsel should coordinate the submission of voucher so that they can be reviewed together.

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3. Other District Court Civil

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

Effective July 1, 2015:

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

4. Law Court

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

Effective July 1, 2015:

- 1) ~~Appellate work (without Oral Argument). \$2,500~~
 - 2) ~~Appellate work (with Oral Argument) following the grant of petition for certificate of probable cause. \$1,200. \$3,500~~
- B. Expenses shall be reimbursed for printing costs and mileage to oral argument at the applicable state rate. Vouchers for payment of counsel fees and expenses must be submitted, including an itemization of time spent.

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SECTION 5: MINIMUM FEES

Effective July 1, 2015:

1. Attorneys may charge a minimum fee of \$150.00 for appearance as Lawyer of the Day. Vouchers seeking the minimum fee shall show the actual time expended and the size of the minimum fee adjustment rather than simply stating that the minimum fee is claimed. In addition to previously scheduled representation at initial appearance sessions, Lawyer of the Day representation includes representation of otherwise unrepresented parties at the specific request of the court on a matter that concludes the same day. Only a single minimum fee may be charged regardless of the number of clients consulted at the request of the court.

SECTION 6: ADMINISTRATION

1. Vouchers for payment of counsel fees and expenses shall be submitted within ~~ninety~~ sixty days after the date of disposition of a criminal, juvenile or appeals case, or completion of a stage of a child protection case resulting in an order. Vouchers submitted more than ~~ninety~~ sixty days after final disposition, or completion of a stage of a child protection case, shall not be paid.

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

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

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

- 1) Order after Summary Preliminary hearing or Agreement
- 2) Order after Jeopardy Hearing
- 3) Order after each Judicial Review
- 4) Order after a Cease Reunification Hearing
- 5) Order after Permanency Hearing
- 6) Order after Termination of Parental Rights Hearing
- 7) Law Court Appeal

- 1-A. An interim voucher may be submitted with prior authorization by the Executive Director. In cases lasting longer than 12 months, an interim voucher is recommended.

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2. ~~Unless otherwise authorized in advance, a~~ All vouchers must be submitted using the MCILS electronic case management program and comply with all instructions for use of the system. Vouchers must be certified as true and accurate under penalty of perjury.

3. All time on vouchers shall be detailed and accounted for in .10 of an hour increments. The purpose for each time entry must be self-evident or specifically stated. Use of the comment section is ~~recommended~~ required if the time entry is not self-evident.
- ~~3-A.~~ In addition to time listed on vouchers, lawyers must complete a daily timesheet showing all work performed on MCILS cases during a single day. Daily timesheets may be recorded in electronic or paper form and must be maintained for a period of three (3) years.
4. All expenses claimed for reimbursement must be fully itemized on the voucher. Copies of receipts for payments to third parties shall be retained and supplied upon request.
- ~~5.~~ Legal services provided in the district court for cases subsequently transferred to the superior court shall be included in the voucher submitted to the MCILS at disposition of the case.

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

EFFECTIVE DATE:

August 21, 2011 – filing 2011-283

AMENDED:

March 19, 2013 – filing 2013-062

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

October 5, 2013 – filing 2013-228

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

June 10, 2016 – filing 2016-092

(8.)

**Sixth Amendment Center
Report**

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: AUGUST 7, 2019

ACTIONS TAKEN TO DATE

The Commission has taken several actions in response to the report of the Sixth Amendment Center.

First, the Commission decided not to renew the Somerset contract. As of July 1, 2019, adult criminal and juvenile cases in Somerset County are assigned to individual attorneys, with vouchers submitted to the Commission as is done throughout the State.

Second, the Commission's voucher payment system now evaluates the amount of time entered into the system on individual dates by individual attorneys and "flags" days when an attorney has entered time in excess of 12 hours. When the system identifies a day with more than twelve hours, an alert email is sent to the attorney and Commission staff indicating the date, number of hours billed, and the docket numbers of the cases in which the hours have been entered. The email calls on the attorney to check the entries for accuracy and respond to Commission staff explaining the number of hours worked that day.

This system was actually implemented before the Sixth Amendment Center published its report, but it is consistent with the Center's recommendation that days in excess of 12 hours be flagged. When the alert system was originally implemented, the trigger was set at 16 hours based on our vendor indicating that other states had created alert triggers at that level. The Commissioners later asked that the trigger be set at 12 hours and this was done.

The 12 hour trigger has resulted in a large number of alerts each day (4-10) and tracking and following up on the alerts generates a large amount of work for staff. The staff requests that the Commission give some thought to whether 12 hours is the appropriate level for the alert trigger.

Third, the staff has modified the annual renewal form to require that attorneys certify that they have reviewed, within the prior 12 months, the practice standards promulgated by the Commission in the area(s) of law in which they provide indigent representation. The Sixth Amendment Center recommended that practice standards be strengthened, as well as recertification standards for lawyers. This initial step at least ensures that attorneys are aware of, and have reviewed, the existing practice standards.

ITEMS IN PROGRESS

The Sixth Amendment Center recommended that vouchers be submitted under penalty of perjury and that lawyers be required to maintain daily timesheets. The proposed amendment to the Fee Schedule rule contains these requirements, and the staff has had initial discussions with our vendor about implementing the requirement that lawyers certify vouchers under penalty of perjury before they are submitted and creating a method within the existing billing system to allow time entry through a daily timesheet interface.

ITEMS FOR CONSIDERATION

The minutes of the last meeting of the former Commissioners reflect a number of items that the Commissioners considered pursuing in light of the Sixth Amendment Report. The list of items is reproduced here as a basis for discussion of potential actions moving forward.

- Reviewing the attorney qualification and specialized panel rules, as well as asking the Legislature to make the qualifications standards rule minor technical, as opposed major substantive
- Strengthening ongoing CLE requirements, including increased trainings specific to each specialized panel and reviewing training programs of other states
- Promulgate a lawyer of the day rule, and draft a script for use by lawyers of the day
- Create an earnings report in defenderData that staff can run to produce data similar to that presented to the Sixth Amendment Center and review performance of low earners
- Closing rosters to new lawyers in areas flush with lawyers
- How best to accomplish attorney evaluation and oversight
- Review feasibility of PD office in certain areas.

(9.)

OPEGA Investigation

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: OPEGA INVESTIGATION
DATE: AUGUST 7, 2019

The OPEGA investigation is in its early stages. OPEGA has formed a team to conduct the investigation, and I met with them to provide an overview of Commission operations. The team has made an initial request information, mostly billing and payment data, which has been provided. To date, they have not requested additional information or any follow-up discussion. The team also indicated that I would be contacted about interviewing additional staff, but to date I have not had further contact in that regard.