

MCILS

**DECEMBER 16, 2019
Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

DECEMBER 16, 2019
COMMISSION MEETING
JUDICIARY COMMITTEE ROOM, ROOM 438, STATEHOUSE, AUGUSTA
AGENDA

- 1) Approval of November 19, 2019, Commission Meeting Minutes
- 2) Operations Reports
- 3) Sub-Committee Assignments
- 4) Discussion: Next Steps - Sixth Amendment Center Report
 Guest: David Carroll, Director, Sixth Amendment Center
- 5) Update on OPEGA Investigation
- 6) Budget Update
- 7) Enhanced Representation of Juveniles at Long Creek
- 8) Public Comment
- 9) Set Date, Time and Location of Next Regular Meeting of the Commission
- 10) Executive Session, if needed (Closed to Public)

(1.)

**November 19, 2019
Commission Meeting
Minutes**

Maine Commission on Indigent Legal Services – Commissioners Meeting
November 19, 2019

Minutes

Commissioners Present: Michael Carey, Sarah Churchill, Robert Cummins, Roger Katz, Robert LeBrasseur, Ronald Schneider, Joshua Tardy, Mary Zmigrodski
MCLS Staff Present: Ellie Maciag, John Pelletier

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Approval of the October 8, 2019 Commission Meeting Minutes	No discussion of meeting minutes.	Commissioner Cummins moved to approve. Commissioner Schneider seconded. All voted in favor. Approved.
Operations Reports Review	<p><u>October 2019 Operations Report:</u> 2,478 new cases were opened in the DefenderData system in October. This was a 100 case decrease from September. The number of submitted vouchers in October was 3,189, an increase of 276 vouchers over September, totaling \$1,595,604, an increase of \$142,000 over September. The average price per voucher was \$508.86, up \$18.22 per voucher over September. Appeal and Post-Conviction Review cases had the highest average vouchers. There were 8 vouchers exceeding \$5,000 paid in October. 153 authorizations to expend funds were issued in October, and we paid \$78,259 for experts and investigators, etc. The monthly transfer from the Judicial Branch for counsel fees for October, which reflects September's collections, totaled \$86,636, down approximately \$28,000 from September. Four attorney complaints were received in October.</p>	
Follow-up Discussion regarding Public Hearing on Sixth	The Commissioners had a preliminary discussion about the feedback received at the Public Hearing, which had been held immediately before the monthly Commission meeting. Chair Tardy asked staff to determine what other entities might be able to offer assistance to the Commission in drafting statutory or rule changes. Chair Tardy	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Report	<p>topics: financial oversight, a potential Public Defender Office, training, and practice standards. Commissioner LeBrasseur suggested subcommittees addressing the 7 findings of the Sixth Amendment Center. Commissioner Carey suggested that a few topics get prioritized, including roster qualifications and requalifications, oversight over quality of attorney representation, billing oversight, and a public defender model. The discussion then turned to what system is currently in place to address poor attorney performance. Director Pelletier relayed that Commission staff had removed two attorneys in the past several months and that staff currently has the tools to address problem attorneys but lacks the staff resources to go out in the field to do oversight. Chair Tardy suggested using resource counsel as compliance officers with report back authority and increase the number of monthly authorized hours for resource counsel. Director Pelletier will discuss an expanded scope with the attorneys currently serving as resource counsel. Commissioner Carey noted that ethical considerations should be reviewed if the resource counsel program gets expanded to add a supervisory function. Commissioner Katz suggested that attorney discipline and the lawyer of the day program be added to the list of subcommittee topics. Commissioner Cummins suggested the Commission also review the attorney complaints process and whether the Commissioners should take that process over from staff. Commissioner Schneider suggested that a subcommittee look at the size of the roster and the ease of which attorneys can get on the roster. Chair Tardy stated that he would work with the Executive Director to determine and circulate sub-committee assignments.</p>	
Supplemental Budget Request	<p>Director Pelletier discussed the supplemental budget request for additional staff and relayed how the proposed new attorney position would be utilized.</p>	
Proposal for Enhanced Representation for Juveniles at Long Creek	<p>Director Pelletier gave an update on the status of the program to expand representation for juveniles at Long Creek. Eight attorneys have agreed to participate in the program. Director Pelletier and the team of lawyers will next meet with Chief Justice Saufley and the District Court trial chiefs to discuss the next steps of implementing the program.</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Update on OPEGGA Investigation	Director Pelletier gave a brief status update on the OPEGGA investigation. The OPEGGA team informed staff that they plan to submit a project recommendation statement to the Government Oversight Committee at its December 10 th meeting. Commissioner Katz requested that staff pass along the project recommendation when it becomes available.	
Public Comment	<p><u>Robert Ruffner, Esq.</u>: Attorney Ruffner contended that even if the Commission created one new attorney position in each judicial district, it still would be inadequate to provide necessary supervision and oversight. Attorney Ruffner urged the Commission to negotiate early access to discovery for lawyers of the day and require attorneys to review it the day before the LOD session.</p> <p><u>Tina Nadeau, Esq.</u>: Attorney Nadeau highlighted the shortcomings of the juvenile lawyer of the day program, including juveniles waiving their rights, not being adequately informed of their rights, and not being accompanied by a parent to proceedings.</p>	
Executive Session	None	
Adjournment of meeting	The next meeting will be on December 16, 2019 at 1 pm.	

(2.)

Operations Reports

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
SUBJECT: NOVEMBER 2019 OPERATIONS REPORTS
DATE: DECEMBER 9, 2019

Attached you will find the November, 2019, Operations Reports for your review and our discussion at the Commission meeting on December 16, 2019. A summary of the operations reports follows:

- 2,253 new cases were opened in the DefenderData system in November. This was a 225 case decrease from October.
- The number of vouchers submitted electronically in November was 2,772, a decrease of 417 vouchers from October, totaling \$1,317,791.59, a decrease of \$278,000 from October. In November, we paid 2,134 electronic vouchers totaling \$999,380.92, representing a decrease of 381 vouchers and \$280,000 compared to October.
- The average price per voucher in November was \$468.31, down \$40.55 per voucher from October.
- Appeal and Post-Conviction Review cases had the highest average voucher in November. There were 5 vouchers exceeding \$5,000 paid in November. See attached addendum for details.
- In November, we issued 91 authorizations to expend funds: 53 for private investigators, 26 for experts, and 12 for miscellaneous services such as interpreters and transcriptionists. In November, we paid \$89,043.03 for experts and investigators, etc. Two requests for funds were modified in November. See attached addendum for details.
- In November, we did not receive any complaints about attorneys.
- In November, we did not receive any requests for approval of co-counsel.

In our All Other Account, the total expenses for the month of November were \$1,100,530.17. Of that amount, just over \$12,000 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$71,894.07 in expenses for the month of November.

In the Revenue Account, the transfer for November, reflecting October's collections, totaled \$93,840.18, an increase of approximately \$7,000 over the previous month.

During November, we collected registration fees and paid expenses related to our upcoming minimum standards trainings.

VOUCHERS EXCEEDING \$5,000 PAID NOVEMBER 2019

	Voucher Total	Case total
Voucher after an 8-day trial (incl. 2.5 days of deliberations) in a Murder case. Defendant found guilty.	\$14,220	\$35,869 (Prior interim vouchers of 12,049 and 9,600 paid. 12K voucher submitted after trial commenced and was aborted due to alteration in testimony by the medical examiner)
Voucher in an appeal from a conviction for Manslaughter. New counsel on appeal. Trial lasted 9 days with the defendant acquitted of Murder	\$8,028	\$8,028
Voucher in an appeal of both the conviction and sentence in a Murder case. New counsel on appeal. Trial lasted 5 days and involved a deaf defendant asserting an insanity defense.	\$7,774	\$7,774
Voucher after a plea to Aggravated Criminal Mischief. Aggravated Assault charge dismissed. Extensive exploration of and preparation to litigate mental health defenses before decision to resolve by plea.	\$6,848	\$6,848
Voucher after a 5-day Termination of Parental Rights hearing. Court requested written oral argument. After Termination was ordered, counsel litigated 60b motion challenging aspects of the judgment with a view to the appeal.	\$5,489	\$5,489

FUNDS REQUESTS DENIED/MODIFIED NOVEMBER 2019

- Two requests for funds were modified in November to authorize a reduced amount.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

11/30/2019

DefenderData Case Type	Nov-19						Fiscal Year 2020			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	15	18	\$ 50,048.41	18	\$ 35,979.87	\$ 1,998.88	76	95	\$ 149,176.93	\$ 1,570.28
Child Protection Petition	197	486	\$ 248,408.29	335	\$ 191,756.62	\$ 572.41	1,141	2,208	\$ 1,241,174.87	\$ 562.13
Drug Court	2	13	\$ 14,251.01	9	\$ 10,297.01	\$ 1,144.11	3	32	\$ 31,216.47	\$ 975.51
Emancipation	7	5	\$ 1,012.00	5	\$ 2,202.00	\$ 440.40	35	26	\$ 8,045.80	\$ 309.45
Felony	526	512	\$ 384,027.99	389	\$ 267,698.14	\$ 688.17	2,938	2,594	\$ 2,000,322.67	\$ 771.13
Involuntary Civil Commitment	83	74	\$ 14,378.24	50	\$ 11,906.36	\$ 238.13	435	348	\$ 80,945.96	\$ 232.60
Juvenile	66	67	\$ 31,390.43	48	\$ 23,496.31	\$ 489.51	357	352	\$ 165,886.88	\$ 471.27
Lawyer of the Day - Custody	242	242	\$ 55,804.22	217	\$ 52,855.40	\$ 243.57	1,284	1,121	\$ 265,649.69	\$ 236.98
Lawyer of the Day - Juvenile	31	35	\$ 5,713.44	21	\$ 3,732.94	\$ 177.76	191	172	\$ 33,942.06	\$ 197.34
Lawyer of the Day - Walk-in	122	115	\$ 29,383.83	118	\$ 30,064.64	\$ 254.79	611	546	\$ 135,394.65	\$ 247.98
Misdemeanor	699	813	\$ 285,770.41	614	\$ 222,051.03	\$ 361.65	4,024	3,479	\$ 1,314,413.76	\$ 377.81
Petition, Modified Release Treatment	1	4	\$ 1,801.72	3	\$ 1,141.00	\$ 380.33	5	18	\$ 8,011.82	\$ 445.10
Petition, Release or Discharge	0	0	\$	1	\$ 330.00	\$ 330.00	0	3	\$ 1,248.00	\$ 416.00
Petition, Termination of Parental Rights	21	41	\$ 40,104.46	28	\$ 22,449.07	\$ 801.75	117	212	\$ 164,342.38	\$ 775.20
Post Conviction Review	15	6	\$ 7,804.36	3	\$ 3,539.56	\$ 1,179.85	59	46	\$ 64,649.77	\$ 1,405.43
Probate	4	2	\$ 1,006.16	1	\$ 732.00	\$ 732.00	15	12	\$ 12,233.32	\$ 1,019.44
Probation Violation	145	141	\$ 55,284.84	123	\$ 51,659.33	\$ 419.99	874	754	\$ 300,987.78	\$ 399.19
Represent Witness on 5th Amendment	2	1	\$ 102.00	0	\$	\$	3	3	\$ 525.00	\$ 175.00
Resource Counsel Criminal	0	2	\$ 144.00	2	\$ 174.00	\$ 87.00	1	15	\$ 1,248.00	\$ 83.20
Resource Counsel Juvenile	0	1	\$ 90.00	0	\$	\$	0	2	\$ 66.00	\$ 33.00
Resource Counsel Protective Custody	0	0	\$	0	\$	\$	0	4	\$ 378.00	\$ 94.50
Review of Child Protection Order	73	194	\$ 91,265.78	148	\$ 67,063.64	\$ 453.13	321	984	\$ 475,609.85	\$ 483.34
Revocation of Administrative Release	2	0	\$	1	\$ 252.00	\$ 252.00	8	5	\$ 1,932.28	\$ 386.46
DefenderData Sub-Total	2,253	2,772	\$ 1,317,791.59	2,134	\$ 999,380.92	\$ 468.31	12,498	13,031	\$ 6,457,401.94	\$ 495.54
Paper Voucher Sub-Total	0	0	\$	0	\$	#DIV/0!	0	0	\$	#DIV/0!
TOTAL	2,253	2,772	\$1,317,791.59	2,134	\$999,380.92	\$ 468.31	12,498	13,031	\$ 6,457,401.94	\$ 495.54

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY20 FUND ACCOUNTING
AS OF 11/30/2019**

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		\$ -		\$ -		\$ -	
Financial Order								\$ 768,774.00	
Total Budget Allotments		\$ 4,807,713.53		\$ 4,645,001.00		\$ 4,785,477.00		\$ 3,230,020.00	\$ 17,468,211.53
Total Expenses	1	\$ (947,049.13)	4	\$ (1,377,980.25)	7	\$ -	10	\$ -	
	2	\$ (1,849,796.47)	5	\$ (1,100,530.17)	8	\$ -	11	\$ -	
	3	\$ (1,715,368.33)	6	\$ -	9	\$ -	12	\$ -	
Encumbrances (Justice Works)		\$ (52,720.00)		\$ 12,575.00		\$ -		\$ -	\$ (40,145.00)
Encumbrances (B Taylor)		\$ (13,000.04)		\$ 8,666.66		\$ -		\$ -	\$ (4,333.38)
Encumbrances (Videographer & business cards)		\$ (4,800.00)		\$ (19.50)		\$ -		\$ -	\$ (4,819.50)
TOTAL REMAINING		\$ 224,979.56		\$ 2,187,712.74		\$ 4,785,477.00		\$ 3,230,020.00	\$ 9,659,415.30

Q2 Month 4

INDIGENT LEGAL SERVICES	
Counsel Payments	\$ (999,380.92)
Interpreters	\$ (834.04)
Private Investigators	\$ (26,664.09)
Mental Health Expert	\$ (22,399.78)
Misc Prof Fees & Serv	\$ (2,500.00)
Transcripts	\$ (15,908.20)
Other Expert	\$ (19,307.10)
Process Servers	\$ (647.14)
Subpoena Witness Fees	\$ -
Out of State Witness Travel	\$ (782.68)
SUB-TOTAL IS	\$ (1,085,423.95)
OPERATING EXPENSES	
Ergonomic Office Equipment	\$ (690.47)
DefenderData	\$ (6,160.00)
Parking Fees	\$ -
Mileage/Tolls/Parking	\$ (1,271.62)
Mailing/Postage/Freight	\$ (0.75)
West Publishing Corp	\$ (198.09)
Shredding on Site	\$ -
Office Supplies/Eqp.	\$ -
Cellular Phones	\$ (252.82)
OIT/TELECO	\$ (2,482.53)
Office Equipment Rental	\$ (116.78)
Legal Ads	\$ -
Barbara Taylor monthly fees	\$ (4,333.33)
Notary Fees	\$ -
Court Settlement	\$ 3,542.50
Training Refreshments	\$ (142.33)
SUB-TOTAL OE	\$ (12,106.22)
TOTAL	\$ (1,100,530.17)

INDIGENT LEGAL SERVICES	
Q2 Allotment	\$ 4,645,001.00
Q2 Encumbrances for Justice Works contract	\$ 12,575.00
Barbara Taylor Contract	\$ 8,666.66
Business cards	\$ (19.50)
Q2 Expenses to date	\$ (2,478,510.42)
Remaining Q2 Allotment	\$ 2,187,712.74

Non-Counsel Indigent Legal Services	
Monthly Total	\$ (89,043.03)
Total Q1	\$ 276,360.62
Total Q2	\$ 167,302.39
Total Q3	\$ -
Total Q4	\$ -
Fiscal Year Total	\$ 443,663.01

Conference Account Transactions	
Training Videographer	\$ -
Training Facilities & Meals	\$ (142.33)
Printing/Binding	\$ -
Overseers of the Bar CLE fee	\$ 600.00
Collected Registration fees	\$ -
Current Month Total	\$ 457.67

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY20 FUND ACCOUNTING
As of 11/30/19

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	\$ 86,636.49	7	\$ -	10	\$ -	
Promissory Note Payments			\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB		2	\$ 79,457.90	5	\$ 93,840.18	8	\$ -	11	\$ -	
Court Ordered Counsel Fee			\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB (late transfer)			\$ -		\$ -	9	\$ -		\$ -	
Collected Revenue from JB		3	\$ 114,887.22	6	\$ -	9	\$ -	12	\$ -	
Returned Checks-stopped payments			\$ -		\$ -		\$ -		\$ -	
TOTAL CASH PLUS REVENUE COLLECTED			\$ 272,904.72		\$ 180,476.67		\$ -		\$ -	\$ 453,381.39
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	\$ (434.53)	7	\$ -	10	\$ -	
		2	\$ (904.00)	5	\$ (200.00)	8	\$ -	11	\$ -	
		3	\$ -	6	\$ -	9	\$ -	12	\$ -	
REMAINING CASH Year to Date			\$ 271,832.72		\$ 179,842.14		\$ -		\$ -	\$ 451,674.86

Collections versus Allotment	
Monthly Total	\$ 93,840.18
Total Q1	\$ 274,669.72
Total Q2	\$ 180,476.67
Total Q3	\$ -
Total Q4	\$ -
Allotment Expended to Date	\$ -
Fiscal Year Total	\$ 455,146.39

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY20 FUND ACCOUNTING
AS OF 11/30/2019**

Account 014 95F 2258 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	\$ (99,140.23)	7	\$ -	10	\$ -		
	2	\$ (174,797.03)	5	\$ (71,894.07)	8	\$ -	11	\$ -		
	3	\$ (68,346.25)	6	\$ -	9	\$ -	12	\$ -		
TOTAL REMAINING			\$ 20,744.16		\$ 71,530.70		\$ 214,283.00		\$ 233,702.00	\$ 540,259.86
Q2 Month 4										
	Per Diem	\$ (165.00)								
	Salary	\$ (34,540.16)								
	Vacation Pay	\$ (1,729.54)								
	Holiday Pay	\$ (2,154.02)								
	Sick Pay	\$ (1,260.63)								
	Empl Hlth SVS/Worker Comp	\$ (166.00)								
	Health Insurance	\$ (11,256.96)								
	Dental Insurance	\$ (401.82)								
	Employer Retiree Health	\$ (4,322.37)								
	Employer Retirement	\$ (2,628.99)								
	Employer Group Life	\$ (349.84)								
	Employer Medicare	\$ (603.08)								
	Retiree Unfunded Liability	\$ (7,558.79)								
	Longevity Pay	\$ (488.00)								
	Perm Part Time Full Ben	\$ (2,882.07)								
	Retro Lump Sum Pymt	\$ (40.00)								
	Comp U/P no Retirement	\$ (1,346.80)								
TOTAL			\$ (71,894.07)							

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

11/30/2019

Court	Nov-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	8	5	\$ 699.00	4	\$ 894.00	\$ 223.50	30	24	\$ 14,404.73	\$ 600.20
AUBSC	4	4	\$ 1,141.50	1	\$ 150.00	\$ 150.00	14	8	\$ 5,794.20	\$ 724.28
AUGDC	52	80	\$ 36,234.67	39	\$ 19,735.05	\$ 506.03	265	292	\$ 149,944.20	\$ 513.51
AUGSC	4	9	\$ 5,041.45	7	\$ 2,491.00	\$ 355.86	24	48	\$ 22,093.82	\$ 460.29
BANDC	58	121	\$ 39,312.12	83	\$ 31,781.35	\$ 382.91	305	483	\$ 158,337.69	\$ 327.82
BANSC	1	0		0			2	4	\$ 450.00	\$ 112.50
BATSC	1	1	\$ 132.00	1	\$ 132.00	\$ 132.00	1	1	\$ 132.00	\$ 132.00
BELDC	15	29	\$ 13,987.55	32	\$ 19,553.48	\$ 611.05	79	180	\$ 88,647.83	\$ 492.49
BELSC	0	0		0			0	1	\$ 1,530.64	\$ 1,530.64
BIDDC	84	93	\$ 59,901.25	65	\$ 42,360.53	\$ 651.70	321	384	\$ 212,390.07	\$ 553.10
BRIDC	4	15	\$ 4,585.39	16	\$ 7,812.96	\$ 488.31	41	91	\$ 46,103.87	\$ 506.64
CALDC	8	15	\$ 9,220.24	5	\$ 2,986.72	\$ 597.34	40	44	\$ 18,235.52	\$ 414.44
CARDC	2	15	\$ 2,452.59	20	\$ 5,178.00	\$ 258.90	54	120	\$ 47,626.96	\$ 396.89
CARSC	2	0		2	\$ 636.00	\$ 318.00	7	4	\$ 2,951.50	\$ 737.88
DOVDC	1	26	\$ 10,121.89	16	\$ 5,569.23	\$ 348.08	26	57	\$ 19,418.01	\$ 340.67
DOVSC	0	0		0			0	0		
ELLDC	11	31	\$ 15,150.00	18	\$ 11,184.00	\$ 621.33	75	180	\$ 116,278.71	\$ 645.99
ELLSC	1	0		0			3	2	\$ 831.00	\$ 415.50
FARDC	10	16	\$ 9,040.90	4	\$ 3,533.14	\$ 883.29	42	90	\$ 59,755.70	\$ 663.95
FARSC	0	0		0			3	2	\$ 328.16	\$ 164.08
FORDC	0	6	\$ 1,980.00	3	\$ 552.00	\$ 184.00	16	37	\$ 19,062.75	\$ 515.21
HOUDC	15	38	\$ 15,607.46	29	\$ 10,236.82	\$ 352.99	126	146	\$ 59,391.60	\$ 406.79
HOUSC	0	1	\$ 462.00	0			3	1	\$ 354.00	\$ 354.00
LEWDC	88	100	\$ 43,570.76	80	\$ 41,037.76	\$ 512.97	350	495	\$ 228,128.92	\$ 460.87
LINDC	8	18	\$ 10,780.28	13	\$ 6,066.00	\$ 466.62	56	78	\$ 35,612.68	\$ 456.57
MACDC	8	17	\$ 4,044.00	11	\$ 2,616.00	\$ 237.82	56	90	\$ 42,329.88	\$ 470.33
MACSC	0	0		0			0	2	\$ 360.00	\$ 180.00
MADDC	2	1	\$ 281.36	1	\$ 281.36	\$ 281.36	12	10	\$ 3,304.60	\$ 330.46
MILDC	7	13	\$ 3,854.44	12	\$ 3,164.44	\$ 263.70	29	38	\$ 10,774.80	\$ 283.55
NEWDC	7	30	\$ 6,850.12	27	\$ 7,130.09	\$ 264.08	89	179	\$ 63,655.09	\$ 355.62
PORDC	76	72	\$ 42,893.79	44	\$ 28,275.42	\$ 642.62	380	468	\$ 229,896.48	\$ 491.23
PORSC	0	1	\$ 1,284.44	1	\$ 1,284.44	\$ 1,284.44	4	4	\$ 1,767.44	\$ 441.86
PREDC	19	32	\$ 9,166.35	29	\$ 7,476.00	\$ 257.79	109	124	\$ 49,739.51	\$ 401.13
RODC	21	27	\$ 7,780.53	25	\$ 11,600.33	\$ 464.01	105	172	\$ 79,963.82	\$ 464.91
ROSC	0	0		1	\$ 161.96	\$ 161.96	7	8	\$ 2,509.56	\$ 313.70
RUMDC	8	14	\$ 8,474.26	15	\$ 13,716.62	\$ 914.44	56	65	\$ 68,157.90	\$ 1,048.58
SKODC	33	72	\$ 30,919.72	61	\$ 25,076.08	\$ 411.08	185	348	\$ 144,755.17	\$ 415.96
SKOSC	1	0		0			2	0		
SOUDC	12	20	\$ 12,041.68	20	\$ 10,883.12	\$ 544.16	80	104	\$ 56,350.58	\$ 541.83
SOUSC	1	1	\$ 168.00	0			2	4	\$ 3,383.75	\$ 845.94
SPRDC	49	74	\$ 43,668.69	47	\$ 20,346.24	\$ 432.90	216	266	\$ 143,285.58	\$ 538.67
Law Ct	13	13	\$ 44,983.54	14	\$ 32,703.87	\$ 2,335.99	60	73	\$ 126,908.16	\$ 1,738.47
YORCD	202	230	\$ 164,244.95	205	\$ 151,001.03	\$ 736.59	1,060	1,109	\$ 775,924.20	\$ 699.66
AROCD	98	104	\$ 43,785.74	109	\$ 37,149.87	\$ 340.82	652	613	\$ 298,947.51	\$ 487.68
ANDCD	108	136	\$ 62,378.24	111	\$ 42,203.62	\$ 380.21	776	652	\$ 271,929.56	\$ 417.07
KENCD	179	179	\$ 64,448.09	152	\$ 52,144.54	\$ 343.06	930	742	\$ 311,696.34	\$ 420.08
PENCD	202	202	\$ 94,170.82	150	\$ 58,524.86	\$ 390.17	1,236	1,033	\$ 403,301.57	\$ 390.42
SAGCD	20	18	\$ 8,610.34	24	\$ 8,699.46	\$ 362.48	151	118	\$ 52,492.73	\$ 444.85
WALCD	36	26	\$ 8,042.24	27	\$ 10,029.84	\$ 371.48	178	166	\$ 101,495.27	\$ 611.42
PISCD	14	19	\$ 4,925.09	23	\$ 6,098.13	\$ 265.14	95	93	\$ 28,914.09	\$ 310.90
HANCD	43	49	\$ 15,531.64	32	\$ 12,153.64	\$ 379.80	245	243	\$ 139,505.12	\$ 574.10
FRACD	39	48	\$ 18,920.63	49	\$ 19,846.31	\$ 405.03	189	225	\$ 114,749.94	\$ 510.00
WASCD	40	60	\$ 19,531.52	30	\$ 13,380.32	\$ 446.01	191	192	\$ 81,258.28	\$ 423.22
CUMCD	345	367	\$ 197,546.22	250	\$ 136,250.30	\$ 545.00	1,818	1,692	\$ 961,864.16	\$ 568.48
KNOCD	59	51	\$ 22,878.48	31	\$ 10,869.92	\$ 350.64	269	239	\$ 106,974.25	\$ 447.59
SOMCD	71	75	\$ 15,723.10	50	\$ 11,631.22	\$ 232.62	498	248	\$ 56,285.07	\$ 226.96
OXFCD	82	53	\$ 17,855.69	63	\$ 19,631.16	\$ 311.61	396	360	\$ 137,386.24	\$ 381.63
LINCD	18	36	\$ 15,501.32	25	\$ 9,890.44	\$ 395.62	166	151	\$ 71,795.14	\$ 475.46
WATDC	30	50	\$ 20,665.07	25	\$ 12,447.67	\$ 497.91	143	209	\$ 101,549.36	\$ 485.88
WESDC	20	21	\$ 5,728.40	20	\$ 5,536.58	\$ 276.83	113	134	\$ 62,444.13	\$ 466.00
WISDC	2	11	\$ 5,351.16	7	\$ 3,528.00	\$ 504.00	29	45	\$ 24,873.62	\$ 552.75
WISSC	0	0		0			3	2	\$ 1,055.50	\$ 527.75
YORDC	11	11	\$ 5,171.52	5	\$ 1,758.00	\$ 351.60	42	38	\$ 18,012.98	\$ 474.03
TOTAL	2,253	2,756	\$ 1,306,842.23	2,134	\$ 999,380.92	\$ 468.31	12,495	13,031	\$ 6,457,401.94	\$ 495.54

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

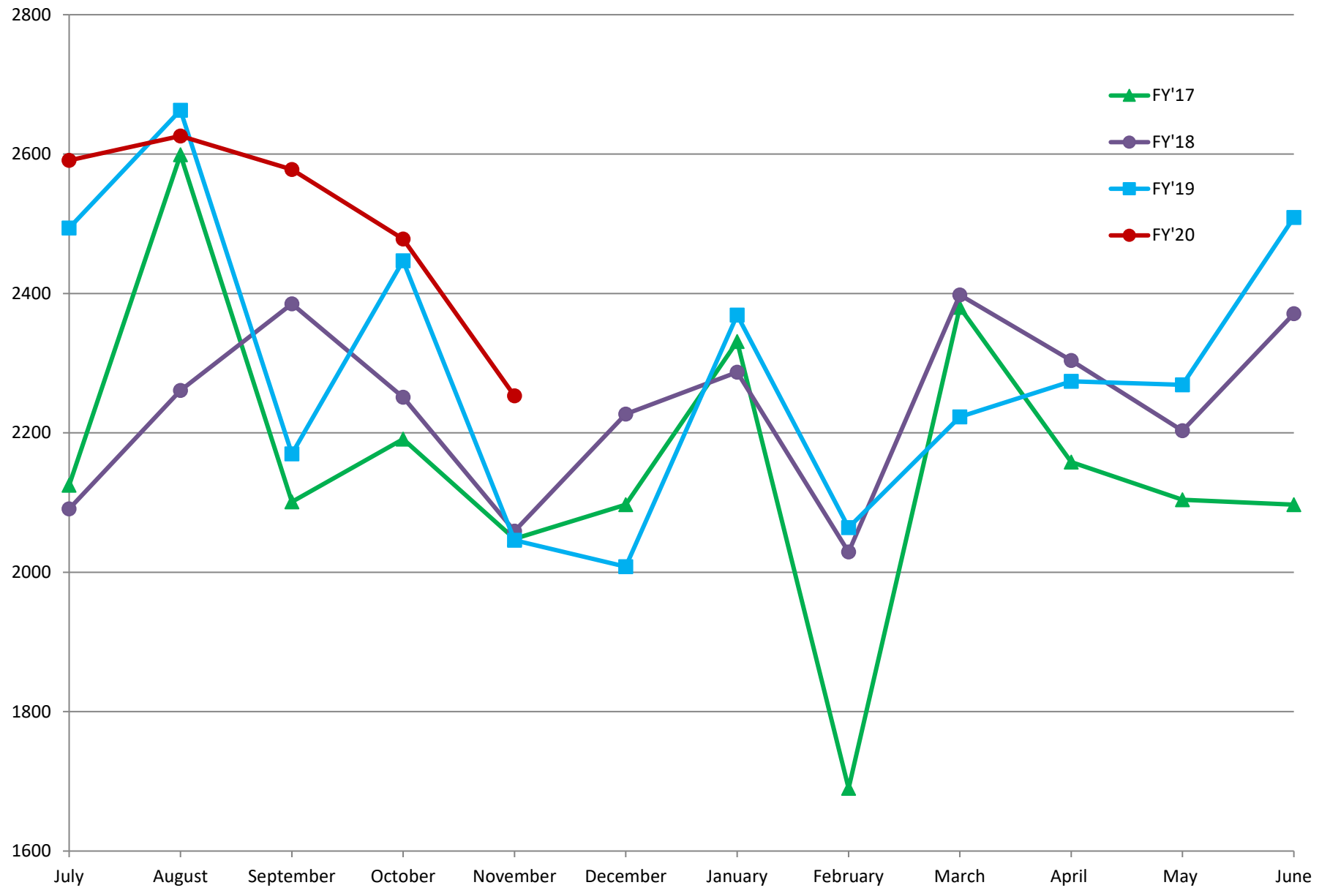
Number of Attorneys Rostered by Court

11/30/2019

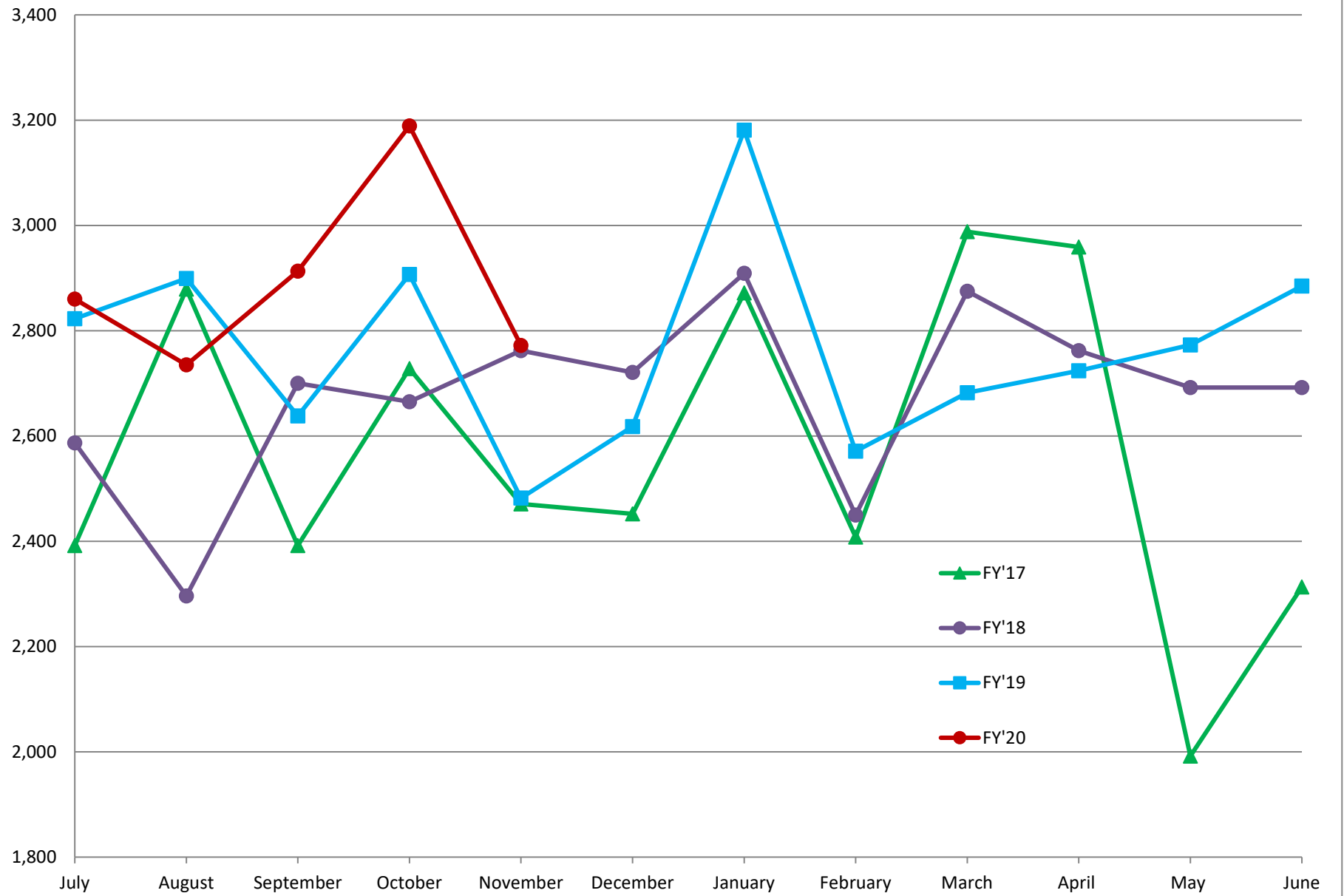
Court	Rostered Attorneys
Augusta District Court	75
Bangor District Court	39
Belfast District Court	38
Biddeford District Court	114
Bridgton District Court	74
Calais District Court	9
Caribou District Court	16
Dover-Foxcroft District Court	22
Ellsworth District Court	28
Farmington District Court	33
Fort Kent District Court	10
Houlton District Court	13
Lewiston District Court	111
Lincoln District Court	20
Machias District Court	13
Madawaska District Court	11
Millinocket District Court	12
Newport District Court	28
Portland District Court	137
Presque Isle District Court	14
Rockland District Court	29
Rumford District Court	25
Skowhegan District Court	24

Court	Rostered Attorneys
South Paris District Court	49
Springvale District Court	101
Unified Criminal Docket Alfred	99
Unified Criminal Docket Aroostook	21
Unified Criminal Docket Auburn	94
Unified Criminal Docket Augusta	68
Unified Criminal Docket Bangor	38
Unified Criminal Docket Bath	77
Unified Criminal Docket Belfast	37
Unified Criminal Docket Dover-Foxcroft	20
Unified Criminal Docket Ellsworth	32
Unified Criminal Docket Farmington	36
Unified Criminal Docket Machias	15
Unified Criminal Docket Portland	133
Unified Criminal Docket Rockland	24
Unified Criminal Docket Skowhegan	23
Unified Criminal Docket South Paris	39
Unified Criminal Docket Wiscasset	44
Waterville District Court	37
West Bath District Court	94
Wiscasset District Court	51
York District Court	85

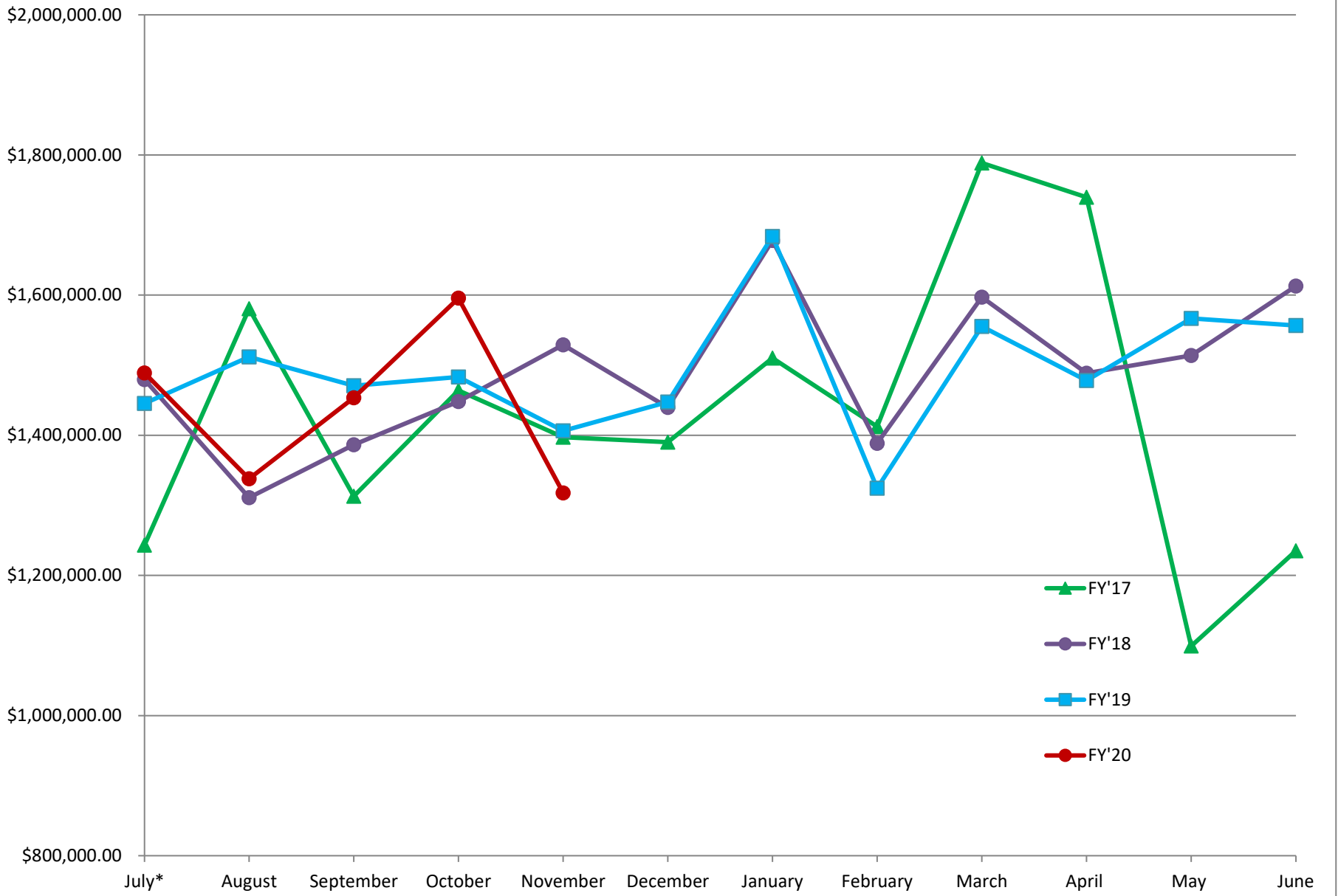
NEW CASES



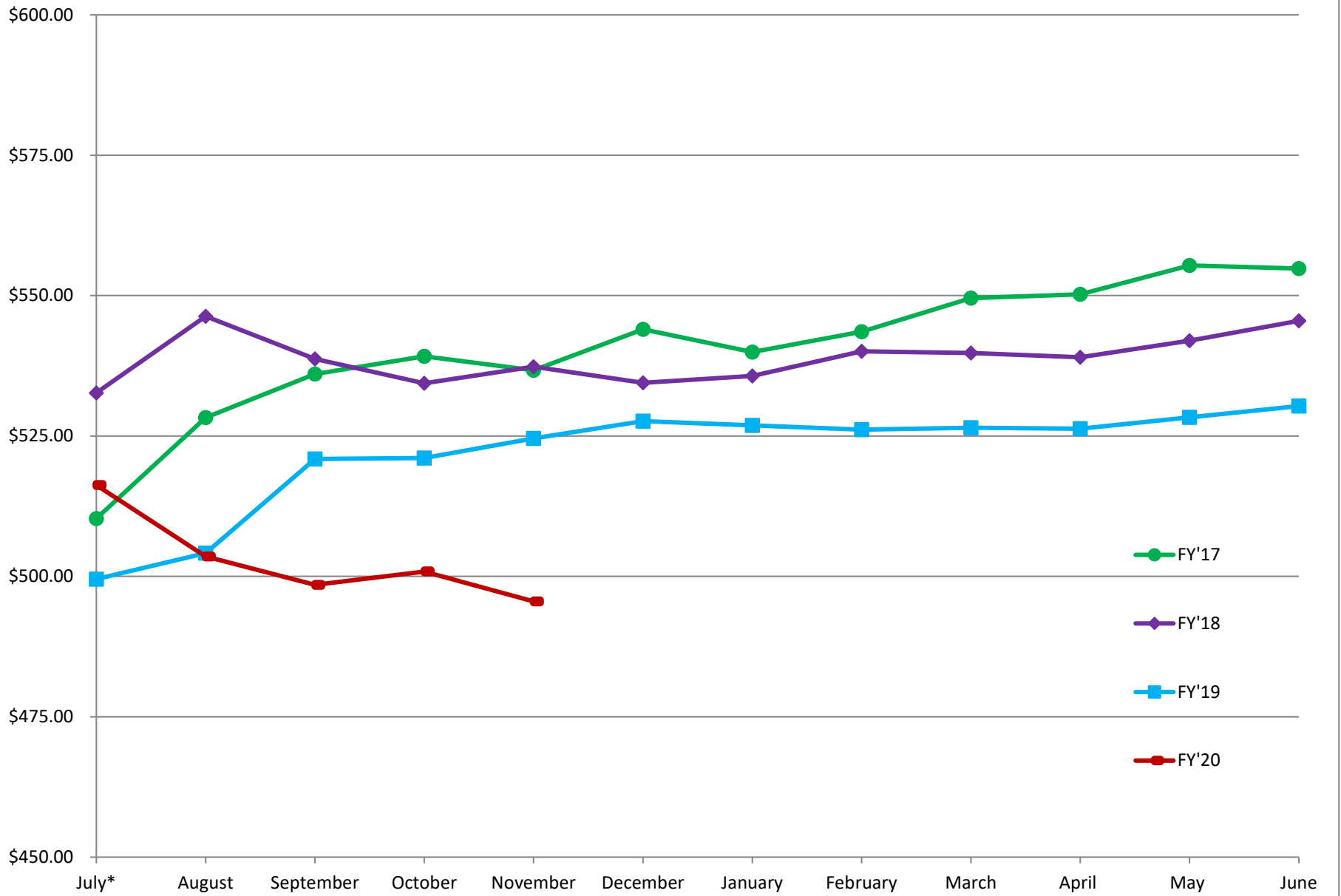
Submitted Vouchers



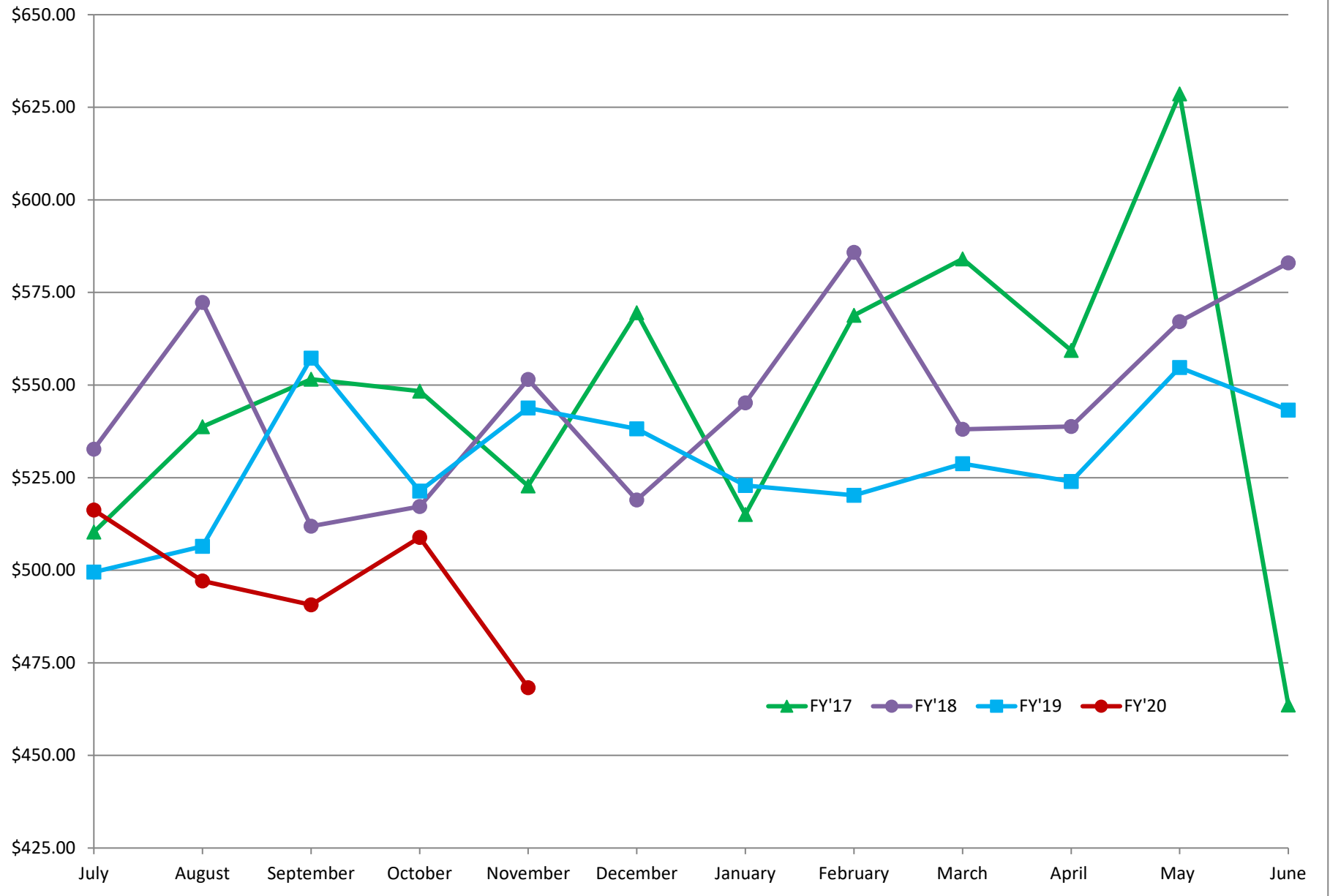
Submitted Voucher Amount



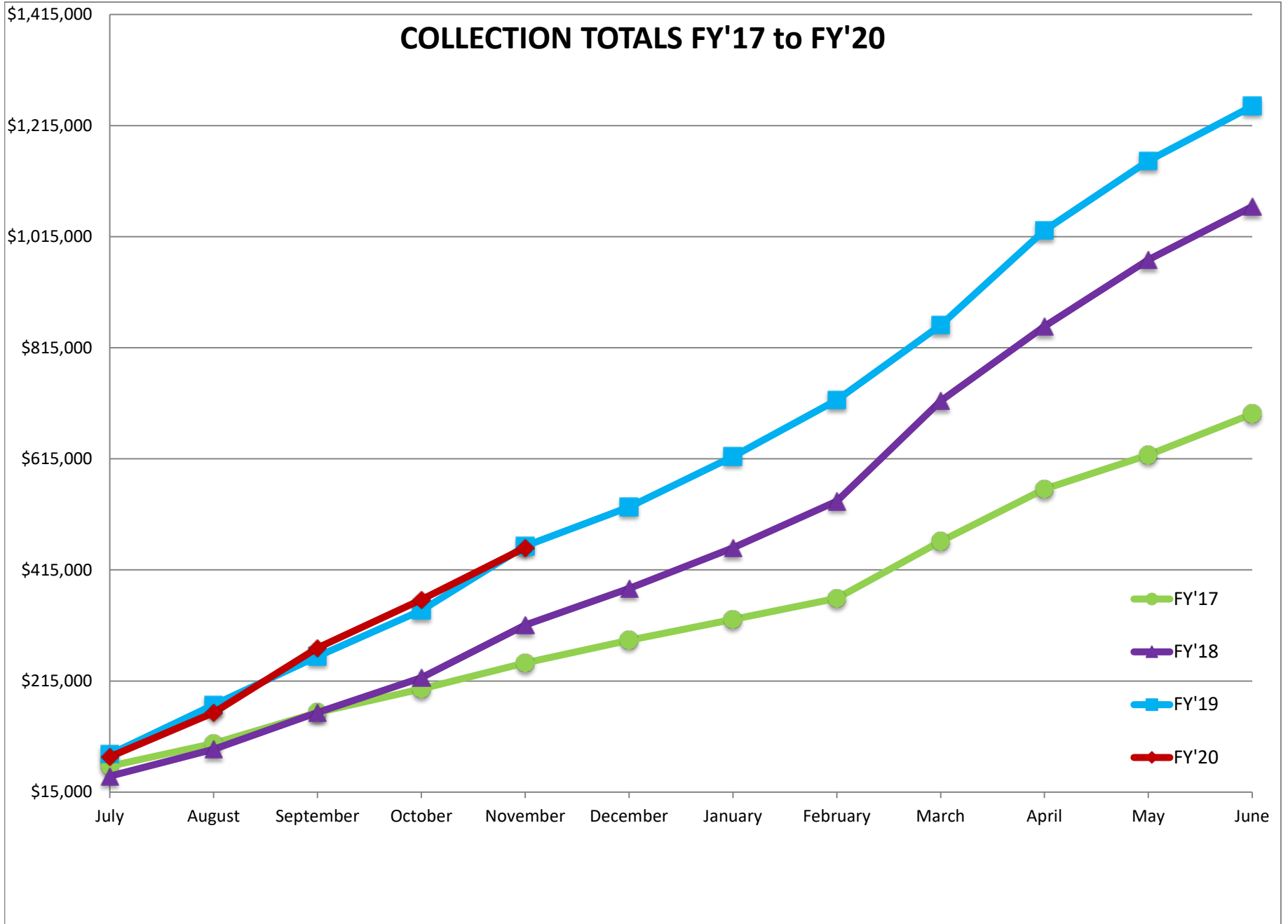
Average Voucher Price Fiscal Year to Date



Monthly Price Per Voucher



COLLECTION TOTALS FY'17 to FY'20



(3.)

**Sub-Committee
Assignments**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: SUB-COMMITTEE ASSIGNMENTS
DATE: DECEMBER 10, 2019

Chair Tardy has tentatively set sub-committee assignments as set forth below. He plans to lead a brief discussion regarding the assignments and work schedule at the upcoming meeting.

Financial Responsibility:

Roger Katz
Mike Carey

Public Defender:

Bob Cummins
Ron Schneider

Practice Standards:

Mary Zmigrodski
Robert LeBrasseur

Training:

Josh Tardy
Sarah Churchill

(4.)
Next Steps – Sixth
Amendment Center Report
Discussion

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 REPORT
PUBLIC HEARING AND DISCUSSION
DATE: DECEMBER 12, 2019

Prior to its November 19, 2019 meeting, the Commission held a public hearing to receive comment on the Sixth Amendment Center report. Written testimony received at the hearing can be found in the Meeting Archives section of the MCILS website at the following link:
https://www.maine.gov/mcils/meetings/past_meetings.html.

During the meeting that followed, Commissions requested that the staff circulate a number of documents to the Commission. These supplemental documents are listed below and, with the exception of the one confidential document, can be found at the same link.

Clifford Commission Report (PDF)

Office of Policy and Management Draft Advisory Report (PDF)

MCILS performance evaluation report (PDF)

Working Group to Improve the Provision of indigent Legal Services (PDF)

Controller's Office Report on MCILS DefenderData System – Confidential per the Controller's Office

Proposed and Enacted Legislation regarding MCILS

MCILS rules Chapter 2: Standards for Qualifications of Assigned Counsel; Chapter 201: Appeals of Decisions of The Executive Director; and a copy of 4 M.R.S.A. §1804(3)(J).

(5.)
OPEAGA Investigation
Update

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: DECEMBER 10, 2019

The Director of OPEGA presented its MCILS Project Direction Statement to the Government Oversight Committee on December 10, 2019. A copy is attached. The Committee voted to direct OPEGA to proceed with the plan. When asked about the timing of any report, the OPEGA Director indicated that she could not be specific, but stated that they would be unlikely to have final recommendations ready during the upcoming legislative session.

**Project direction statement: Maine Commission on Indigent Legal Services
Presented by OPEGA to the Government Oversight Committee - 129th Maine Legislature
December 10, 2019**

Purpose of a project direction statement in the course of a full review

After the Government Oversight Committee (GOC) added a review of financial oversight and economic use of resources related to the Maine Commission on Indigent Legal Services (MCILS) to the Approved Project List, OPEGA assigned a team of Analysts to conduct preliminary research. The preliminary research stage of the evaluation process provides the team with a broad, but comprehensive understanding of the program. Once preliminary research is complete, the team reviews themes that have emerged and identifies areas that may be of future concern to the program. This work results in a proposed project direction statement for the GOC to consider. The statement suggests a framework that will guide OPEGA in the next phase of the evaluation process, fieldwork. This document represents that work and is respectfully presented for the GOC's consideration.

OPEGA recommends that the GOC direct a full evaluation of MCILS specifically related to financial oversight and the economic use of resources, and within the scope described in this statement.

Overview of MCILS

Establishment of MCILS and Organizational Structure

MCILS is a Commission that was established in 2009. The Commission is currently made up of nine members and is supported by an office staff of 4 who conduct the day-to-day operations. Its statutory purpose is to provide efficient, high-quality representation to indigent criminal defendants, juvenile defendants, and children and families in child protective cases. This representation is provided in accordance with requirements established in statute and both the federal and state constitutions. Maine statute specifies that 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. MCILS assumed responsibility for providing indigent legal services on July 1, 2010. Prior to MCILS, indigent legal services were arranged and funded by the Judicial Branch.

An amendment to statute in 2018 increased the number of members appointed to serve on the Commission from five to nine. The membership must include one member with experience in administration and finance, one member with experience in child protection proceedings, and two members (non-voting) who are attorneys providing indigent legal services.

MCILS staff includes an Executive Director, Deputy Director, Accounting Technician, and an Office Associate, working in an office in Augusta; eight financial screening staff, who work at various courthouses across the state; and one investigator, who works part-time remotely.

Determination as indigent or partially indigent

In Maine, services for those who have been determined indigent, or partially indigent, are provided by attorneys in private practice. The Court assigns representation to a person by selecting an attorney from a roster maintained by MCILS. In order to be listed on the roster, attorneys must meet certain requirements. If they provide specific types of services, or have a defense specialty, they are listed on specific rosters accordingly.

A client's status as indigent or partially indigent is determined by a judge based on financial information provided by the person requiring representation. In some Courts, a financial screener may be available. The screener interviews the client, gathers financial information, including the client's assets, income and expenses and makes a recommendation to the judge based on this information. The judge can deny representation at the public expense or make a determination that the person is indigent or partially indigent. A person determined partially indigent is ordered to make payments toward the assigned attorney's fees.

Attorney payments

MCILS is responsible for paying counsel fees and expenses to attorneys who have been assigned to indigent or partially indigent clients. Attorneys submit a voucher to MCILS through the electronic case management program, DefenderData. The MCILS Director and Deputy Director review vouchers and approve attorney payments. Services provided by vendors hired by the attorney such as investigators, interpreters, and medical and psychological experts require advance notice and approval by MCILS. The vendor sends an invoice for the services provided to the attorney which is then submitted to and processed by MCILS who makes payment to the vendor.

Until June 30, 2019, one fixed fee contract existed to facilitate providing representation in Somerset County. MCILS contracted with three private attorneys to provide indigent legal services, paying the attorneys a fixed monthly rate. Additionally, the attorneys were reimbursed for case related expenses, such as investigators and expert witnesses. At this time, MCILS has no contracted attorney services.

MCILS General Fund budget

The Legislature appropriated approximately \$17.7 million for MCILS in FY20, and \$17.6 for FY21.

GOC decision to consider review of MCILS

During the 128th legislative session, OPEGA received a request for a review of MCILS from a GOC member with concerns related to the application of financial eligibility requirements for court-

appointed counsel, attorney billing practices, and billing and collection efforts for clients who are required to pay a portion of counsel fees. On February 17, 2017, the GOC voted unanimously to place the MCILS review request on OPEGA's Standby List.

The 2017 Working Group

While this topic was on the Standby List, the 128th Legislature created the Working Group to Improve the Provision of Indigent Legal Services (the Working Group) as part of the biennial budget. The purpose of the Working Group was to develop recommendations to improve the delivery of indigent legal services to eligible people by focusing on:

- ensuring adequate representation;
- increasing the efficiency in delivering legal services;
- verifying eligibility throughout representation; and
- reducing costs while still fully honoring the constitutional and statutory obligations to provide representation.

In December 2017, the Working Group issued its report containing nine recommendations—the following four are related to the current scope of this request.

- Recommendation 2: Enhance the MCILS staff to provide better financial accountability and quality assurance by establishing specific responsibilities for a Chief Financial Officer and a Training and Quality Control Director.
- Recommendation 4: Strengthen the financial eligibility screening procedure.
- Recommendation 5: Remove the collections function from the MCILS and have the Judiciary Committee explore alternative methods of collecting from those recipients of legal services who have been ordered by the court to contribute to the costs of those services.
- Recommendation 7: Commission an outside, independent, nonpartisan study of Maine's current system of providing indigent legal services and whether alternative methods of delivery would increase quality and efficiency.

Sixth Amendment Center report

Recommendation 7 directly led to a report from the Sixth Amendment Center evaluating the services provided by MCILS. Issued April 2019, this report contained eight findings and seven recommendations—the following, from that report, relate to the current scope of this request.

- Finding 8: A significant number of attorneys bill in excess of eight hours per day, five days per week, for 52 weeks per year. MCILS does not exert adequate financial oversight of private attorneys.

- Recommendation 4: MCILS should use its current statutory power to promulgate more rigorous attorney qualification, recertification, training, supervision, and workload standards. The State of Maine should statutorily require financial oversight by requiring that MCILS limit the number of permissible billable hours, subject to waiver only upon a finding of need for additional capacity. The State of Maine should fund MCILS at a level to ensure rigorous training and effective substantive and financial oversight of attorneys.

While the Sixth Amendment Center report was being finalized, a GOC member brought forward a request for a review of MCILS noting concerns with the administration of the program, its efficiency, and its oversight of the quality and effectiveness of representation, and the screening procedure used to determine eligibility for legal services.

On April 12, 2019, the GOC voted to move a review of MCILS to OPEGA's Approved Projects List, with the scope limited to financial oversight and economic use of resources.

Preliminary research conducted by OPEGA

During the preliminary research phase OPEGA:

- sought input from GOC members and Judiciary Committee members and staff on their questions and concerns regarding MCILS;
- reviewed statute, legislative history, rules and guidance related to MCILS;
- interviewed the State Auditor to understand any identified areas of concern;
- interviewed the MCILS Director, Deputy Director, Accounting Technician, a selection of screeners, and the screener/investigator;
- interviewed the Chief Justice and a selection of Judges;
- interviewed a selection of MCILS rostered attorneys working in different areas of law;
- reviewed the data provided to the Sixth Amendment Center on voucher payments based on assigned attorney;
- reviewed data on work performed over three years by nine attorneys and considered correspondence related to MCILS' investigation into high earning attorneys;
- considered the Sixth Amendment Center report "The Right to Counsel in Maine" (April 2019) and interviewed the Executive Director;
- considered the report of the Legislative Working Group to Improve the Provision of Indigent Legal Services (December 2017);
- reviewed a State Controller's report on MCILS' case management system; and
- reviewed reports regarding the provision of indigent legal services in other states.

Evaluation scope

OPEGA examined the various themes that emerged from preliminary research and identified the following areas which potentially pose future risks to the elements of the program that are associated with financial oversight and economic use of resources.

1. Adequacy of systems and procedures used by MCILS staff to process payments and expenditures associated with providing legal representation to clients who have been determined to be indigent or partially indigent.
2. Reasonableness of and consistency in the application of standards, criteria and procedures which inform the determination of whether a defendant/client is indigent.
3. Reasonableness of and consistency in the application of criteria and procedures used in determining, ordering and monitoring payments towards counsel fees by those who have been determined to be partially indigent.
4. Sufficiency of response by MCILS, or MCILS staff, to internally identified concerns and to recommendations made in reports which examined or evaluated the operations of the Commission regarding financial oversight.
5. Adequacy of the oversight structure of MCILS in ensuring that operations align with and accomplish the organization's purpose.

If the GOC wishes to direct OPEGA to begin fieldwork for the purpose of conducting a full evaluation of, and report on, the financial oversight of MCILS, OPEGA proposes the areas listed above for the scope of that work. If approved, OPEGA Analysts will examine the effectiveness of MCILS' financial controls in the prevention, detection and correction of inappropriate or unnecessary expenditures and if those controls are adequate to guard against fraud, waste and abuse. Analysts will evaluate if the practices employed by MCILS staff (including screeners) relative to financial operations are being conducted in accordance with statute, rule and best practices, as well as whether they are effective, applied consistently, and when an appropriate standard, with efficiency. Generally, fieldwork will also evaluate the structure and management of the financial elements of the program and if the structure and management are appropriate and in alignment with the organization's purpose(s).

Although some of the areas noted in this statement have been examined to some degree by the Sixth Amendment Center Report and the 2017 Working Group, OPEGA's review will add to that work. With access to additional data, OPEGA will perform a more detailed analysis of attorney billing and expenditures made by MCILS for legal services. It is possible that this comprehensive analysis might allow for us to separate potential actual overbilling from outliers that may have been due to error or that just appear to be instances of overbilling. This work may also allow for a closer examination of the current systems employed to review billing and make expenditures to identify where such systems may not be adequate for an appropriate level of scrutiny and oversight.

In consideration of the parameters cited when the GOC voted to include a review of the financial operation and oversight of MCILS onto the Approved Projects List, it is important to be clear about what this review will not evaluate. The proposed scope does not include an evaluation of:

- standards for attorneys to be on the MCILS rosters;
- quality of representation provided;
- attorney rates of pay; or
- whether or not a public defender office should be introduced.

OPEGA thanks the Committee for their consideration of this project direction statement for a full review of the financial oversight and economic use of resources by the Maine Commission on Indigent Legal Services.

(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: DECEMBER 10, 2019

At the last meeting, Commissioner Carey pointed out that the number of new cases opened and vouchers submitted have been higher during this fiscal year than in years past. He asked for analysis of this trend and the budget outlook for the rest of the fiscal year.

For the first five months of the current fiscal year, both new cases and submitted vouchers are up by approximately 700 cases/vouchers each, or about 6.2% and 5.6% respectively, as compared to the same period in the last fiscal year. The total amount for submitted vouchers, however, actually declined by less than 1% due to a drop in the average cost per voucher.

Regarding new cases, the first five months of this year has seen an increase in criminal cases, including felony, misdemeanor, and probation revocation cases, compared to the same period in the last fiscal year. Child protection cases are also up, but by a very small margin.

For submitted vouchers, the number of criminal vouchers is essentially flat, but there were substantial increases in the number of child protection case vouchers submitted. Child protection cases increased significantly during the last six months of the previous fiscal year, so the increase in submissions reflects the time-lag between new cases and submitted vouchers. Similarly, we can expect an increase in the number of criminal vouchers submitted during the latter part of this fiscal year as compared to last fiscal year.

Overall, the Commission appears on track to cover its cost within its original budget projection. As stated above, the average cost per voucher is down. Moreover, the Commission ended the first quarter with a positive balance of \$224,979, which is being moved into the second quarter to cover the increase we've seen in submitted child protective vouchers. Finally, over the last several years, costs in the 3rd and 4th quarter have come in under projections.

I have attached a copy of the budget order submitted to the budget office, as well as copies of reports showing new case and submitted voucher numbers for the first five months of the current fiscal year and the last fiscal year, as well as the last five months of the two previous fiscal years.

IND00 MAINE COMMISSION ON INDIGENT LEGAL SERVICES
 Level: Account Summary

State of Maine
 Budget & Financial Management System
 Budget Order Detail Report
 Budget Order IND00-0001B

Date: 12/06/2019 9:56
 Report Id: ANN - 0005
 Page 1 of 1

IND00 MAINE COMMISSION ON INDIGENT LEGAL SERVICES

01495FZ25801 RESERVE FOR INDIGENT LEGAL SERVICES
 Agency Ref IND00-0001B This Budget Order is necessary to cover the expected cost of indigent legal services in the second quarter.

Object	Month	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total
All Other						
COURT APPOINTED ATTORNEYS	1		224,979			224,979
Subtotal All Other	1		224,979			224,979
Total All Other			224,979			224,979
Total 01495FZ25801			224,979			224,979

12/6/19
 MCELS
 Executive Director

Maine Commission on Indigent Legal Services

Activity Report by Case Type

07/01/2019 to 11/30/2019

Case Type	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Paid	Average Amount
Appeal	76	104	\$172,059.35	92	\$143,247.65	\$1,557.04
Child Protection Petition	1,137	2,423	\$1,349,997.38	2,187	\$1,235,726.96	\$565.03
Drug Court	3	35	\$34,366.47	32	\$31,216.47	\$975.51
Emancipation	35	31	\$9,057.80	27	\$8,429.80	\$312.21
Felony	2,934	2,827	\$2,192,317.45	2,565	\$1,980,783.82	\$772.24
Involuntary Civil Commitment	435	388	\$89,023.72	330	\$78,253.96	\$237.13
Juvenile	358	389	\$182,696.84	347	\$162,940.88	\$469.57
Lawyer of the Day - Custody	1,284	1,234	\$290,878.09	1,119	\$265,660.65	\$237.41
Lawyer of the Day - Juvenile	191	192	\$36,866.78	171	\$33,762.06	\$197.44
Lawyer of the Day - Walk-in	611	603	\$149,230.78	530	\$131,510.01	\$248.13
Misdemeanor	4,024	3,880	\$1,454,698.15	3,450	\$1,308,660.41	\$379.32
Petition for Modified Release Treatmer	5	22	\$10,130.54	18	\$8,011.82	\$445.10
Petition for Release or Discharge	0	3	\$1,248.00	3	\$1,248.00	\$416.00
Petition for Termination of Parental Rig	119	235	\$188,135.42	216	\$172,078.90	\$796.66
Post-Conviction Review	59	49	\$70,817.22	46	\$64,649.77	\$1,405.43
Probate	15	13	\$12,507.48	12	\$12,233.32	\$1,019.44
Probation Violation	874	820	\$326,971.02	760	\$306,265.28	\$402.98
Represent Witness on Fifth Amendmei	3	4	\$627.00	3	\$525.00	\$175.00
Resource Counsel Criminal	1	16	\$1,350.00	16	\$1,296.00	\$81.00
Resource Counsel Juvenile	0	3	\$156.00	2	\$66.00	\$33.00
Resource Counsel Protective Custody	0	4	\$378.00	4	\$378.00	\$94.50
Review of Child Protection Order	323	1,081	\$516,273.47	989	\$474,793.62	\$480.07
Revocation of Administrative Release	8	5	\$1,932.28	5	\$1,932.28	\$386.46
Summary	12,495	14,361	\$7,091,719.24	12,924	\$6,423,670.66	\$497.03

Maine Commission on Indigent Legal Services

Activity Report by Case Type

07/01/2018 to 11/30/2018

Case Type	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Paid	Average Amount
Appeal	61	97	\$147,596.76	95	\$141,118.38	\$1,485.46
Child Protection Petition	956	1,782	\$1,108,694.60	1,638	\$1,011,385.03	\$617.45
Drug Court	1	27	\$26,358.00	25	\$25,056.00	\$1,002.24
Emancipation	44	37	\$11,154.31	30	\$7,683.85	\$256.13
Felony	2,625	2,793	\$2,356,021.03	2,567	\$2,153,481.56	\$838.91
Involuntary Civil Commitment	439	459	\$100,262.93	427	\$93,070.45	\$217.96
Juvenile	354	388	\$178,769.34	354	\$171,358.62	\$484.06
Lawyer of the Day - Custody	1,135	1,127	\$274,604.67	1,031	\$251,833.72	\$244.26
Lawyer of the Day - Juvenile	184	181	\$36,312.26	164	\$32,412.08	\$197.63
Lawyer of the Day - Walk-in	614	561	\$134,184.60	511	\$121,955.52	\$238.66
Misdemeanor	3,853	3,803	\$1,513,642.47	3,514	\$1,407,483.68	\$400.54
Petition for Modified Release Treatment	3	15	\$6,922.16	14	\$6,676.16	\$476.87
Petition for Release or Discharge	1	5	\$2,963.44	5	\$2,747.44	\$549.49
Petition for Termination of Parental Rig	161	390	\$266,737.40	351	\$246,331.67	\$701.80
Post-Conviction Review	48	41	\$89,930.60	40	\$90,399.25	\$2,259.98
Probate	14	6	\$7,580.20	6	\$7,580.20	\$1,263.37
Probation Violation	871	914	\$351,586.21	856	\$330,982.20	\$386.66
Represent Witness on Fifth Amendme	17	18	\$7,355.76	19	\$7,505.76	\$395.04
Resource Counsel Criminal	11	20	\$3,030.00	16	\$2,562.00	\$160.13
Resource Counsel Juvenile	4	2	\$108.00	2	\$108.00	\$54.00
Resource Counsel Protective Custody	6	8	\$1,038.00	7	\$990.00	\$141.43
Review of Child Protection Order	347	875	\$465,897.62	804	\$425,389.08	\$529.09
Revocation of Administrative Release	6	7	\$2,163.36	6	\$1,978.24	\$329.71
Summary	11,755	13,556	\$7,092,913.72	12,482	\$6,540,088.89	\$523.96

Maine Commission on Indigent Legal Services

Activity Report by Case Type

02/01/2019 to 06/30/2019

Case Type	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Paid	Average Amount
Appeal	68	92	\$148,479.43	96	\$153,242.62	\$1,596.28
Child Protection Petition	1,143	2,128	\$1,187,452.86	2,190	\$1,226,326.52	\$559.97
Drug Court	1	28	\$32,946.00	28	\$32,688.00	\$1,167.43
Emancipation	32	30	\$10,821.48	32	\$12,776.00	\$399.25
Felony	2,484	2,656	\$2,419,050.01	2,762	\$2,504,180.20	\$906.65
Involuntary Civil Commitment	433	380	\$88,250.95	403	\$92,259.71	\$228.93
Juvenile	358	385	\$193,235.30	395	\$195,023.76	\$493.73
Lawyer of the Day - Custody	1,149	1,064	\$246,550.46	1,088	\$252,132.00	\$231.74
Lawyer of the Day - Juvenile	168	158	\$31,045.08	168	\$33,096.68	\$197.00
Lawyer of the Day - Walk-in	636	610	\$145,174.33	630	\$149,427.00	\$237.19
Misdemeanor	3,516	3,534	\$1,497,511.81	3,677	\$1,550,847.11	\$421.77
Petition for Modified Release Treatment	3	20	\$10,137.99	21	\$10,486.13	\$499.34
Petition for Release or Discharge	0	6	\$2,008.20	6	\$2,008.20	\$334.70
Petition for Termination of Parental Rights	109	336	\$237,084.72	344	\$234,260.76	\$680.99
Post-Conviction Review	24	50	\$64,669.73	53	\$72,141.28	\$1,361.16
Probate	16	18	\$17,060.51	18	\$17,060.51	\$947.81
Probation Violation	788	798	\$336,449.74	825	\$351,940.63	\$426.59
Represent Witness on Fifth Amendment	13	13	\$5,821.42	13	\$5,767.42	\$443.65
Resource Counsel Criminal	0	20	\$2,928.00	21	\$3,180.00	\$151.43
Resource Counsel Juvenile	1	1	\$24.00	1	\$24.00	\$24.00
Resource Counsel Protective Custody	0	10	\$1,182.00	10	\$1,182.00	\$118.20
Review of Child Protection Order	341	1,143	\$562,027.67	1,167	\$572,501.17	\$490.58
Revocation of Administrative Release	5	8	\$3,492.00	9	\$4,013.40	\$445.93
Summary	11,288	13,488	\$7,243,403.69	13,957	\$7,476,565.10	\$535.69

Maine Commission on Indigent Legal Services

Activity Report by Case Type

02/01/2018 to 06/30/2018

Case Type	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Paid	Average Amount
Appeal	76	119	\$184,806.91	132	\$209,516.47	\$1,587.25
Child Protection Petition	701	1,513	\$992,094.93	1,587	\$1,048,305.42	\$660.56
Drug Court	10	42	\$31,539.40	46	\$36,915.40	\$802.51
Emancipation	25	24	\$10,682.40	28	\$12,209.32	\$436.05
Felony	2,721	2,944	\$2,531,002.54	3,163	\$2,789,576.32	\$881.94
Involuntary Civil Commitment	403	434	\$95,870.73	474	\$102,045.61	\$215.29
Juvenile	379	464	\$232,006.68	491	\$233,578.81	\$475.72
Lawyer of the Day - Custody	1,161	1,120	\$270,976.28	1,184	\$286,224.97	\$241.74
Lawyer of the Day - Juvenile	184	170	\$34,476.84	176	\$36,222.52	\$205.81
Lawyer of the Day - Walk-in	552	547	\$130,111.90	584	\$137,990.82	\$236.29
Misdemeanor	3,588	3,747	\$1,559,970.09	4,023	\$1,678,115.55	\$417.13
Petition for Modified Release Treatmer	6	17	\$5,864.38	23	\$8,464.03	\$368.00
Petition for Release or Discharge	0	6	\$2,529.62	7	\$2,812.57	\$401.80
Petition for Termination of Parental Rig	171	377	\$289,417.13	405	\$301,745.11	\$745.05
Post-Conviction Review	58	46	\$203,064.64	48	\$206,716.05	\$4,306.58
Probate	9	10	\$6,978.00	11	\$7,326.00	\$666.00
Probation Violation	912	897	\$360,913.47	960	\$385,668.08	\$401.74
Represent Witness on Fifth Amendmei	13	7	\$2,136.00	7	\$2,484.72	\$354.96
Resource Counsel Criminal	0	0	\$0.00	0	\$0.00	\$0.00
Resource Counsel Juvenile	0	0	\$0.00	0	\$0.00	\$0.00
Resource Counsel Protective Custody	0	0	\$0.00	0	\$0.00	\$0.00
Review of Child Protection Order	270	806	\$458,853.06	854	\$484,790.23	\$567.67
Revocation of Administrative Release	7	8	\$1,884.04	7	\$1,602.00	\$228.86
Summary	11,246	13,298	\$7,405,179.04	14,210	\$7,972,310.00	\$561.04

(7.)

**Enhanced Representation
for Juveniles**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: ENHANCED REPRESENTATION FOR JUVENILES AT LONG CREEK
DATE: DECEMBER 10, 2019

Since the last Commission meeting, the Executive Director and members of the team of participating attorneys met with Chief Justice Saufley and the District Court Trial Chiefs, as well as with the Director of Juvenile Services for the Department of Corrections. On December 13, 2019, all of these interested parties are scheduled to meet again with the Chief Justice and the Trial Chiefs.

It is hoped that at this meeting, plans will be finalized for prompt assignment of counsel to all juveniles committed to Long Creek.