

MCILS

**February 11, 2020
Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FEBRUARY 11, 2020

COMMISSION MEETING

JUDICIARY COMMITTEE ROOM, ROOM 438, STATEHOUSE, AUGUSTA

AGENDA

- 1) Approval of January 14, 2020, Commission Meeting Minutes
- 2) Operations Reports
- 3) Report of Sub-Committee Activity and Next Steps Discussion
- 4) Assistance of Counsel – Phyllis Gardiner
- 5) Supplemental Budget Update
- 6) Somerset County Statistics
- 7) Public Comment
- 8) Set Date, Time and Location of Next Regular Meeting of the Commission
- 9) Executive Session, if needed (Closed to Public)

(1.)

**January 14, 2020
Commission Meeting
Minutes**

**Maine Commission on Indigent Legal Services – Commissioners Meeting
January 14, 2020**

Minutes

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

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Approval of the December 16, 2019 Commission Meeting Minutes	No discussion of meeting minutes.	Commissioner Schneider moved to approve. Commissioner Carey seconded. All voted in favor. Approved.
Operations Reports Review	<u>December 2019 Operations Report:</u> 2,550 new cases were opened in the DefenderData system in December. This was a 297 case increase over November. The number of submitted vouchers in December was 2,965, an increase of 193 vouchers from November, totaling \$1,414,057, an increase of \$96,000 over November. The average price per voucher was \$467.25, down \$1.06 per voucher from November. Appeal and Post-Conviction Review cases had the highest average vouchers. There were 8 vouchers exceeding \$5,000 paid in December. 122 authorizations to expend funds were issued in December, and we paid \$63,133 for experts and investigators, etc. The monthly transfer from the Judicial Branch for counsel fees for December, which reflects November's collections, totaled \$103,917, up approximately \$10,000 from November. Commissioner Carey requested staff provide an analysis of the Somerset County voucher data compared to similarly sized counties to determine why criminal case voucher amounts are routinely low in Somerset County. A discussion ensued about the supplemental budget request and whether it should be reduced to account for the anticipated carry forward of roughly \$300,000 or whether those funds should be used now to solve the crisis with the lawyer of the day program. Chair Tardy suggested that the Commission	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>acknowledge the carry forward but relay that efforts to increase lawyer-client ratios at lawyer of the day sessions will increase costs and request that the Committee not decrease our funding request. Chair Tardy and Commissioner Carey both stated that the Commission would need to have a precise plan for how that money would be used to bolster the lawyer of the day program.</p>	
<p>Report of Sub-Committee Activity and Next Steps Discussions</p>	<p>A member of each subcommittee gave an update on their group's preliminary efforts. Commissioner Carey relayed that the financial subcommittee reviewed the Massachusetts manual and concluded that it was well drafted and could be adopted wholesale for Maine. Commissioner Carey stated that he and Commissioner Katz sent a letter to the Government Oversight Committee with a request that the OPEGA investigation be expedited and Commissioner Katz sent a letter to the Judiciary Committee with a request that it also submit a request to the GOC to expedite review. Director Pelletier informed the Commissioners that the GOC had met a few days prior and had agreed to expedite two areas that dealt with financial oversight to allow for feedback during the current legislative session. Commissioner LeBrasseur relayed that the criminal/juvenile practice standards subcommittee has been looking at other states' standards to see what the gold standard would be to implement in Maine. Commissioner Zmigrodski relayed that the child protection practice standards subcommittee reviewed the Massachusetts standards for potential areas for change. She also noted that feedback she has received from discussions with practitioners was that more training was needed. Commissioner Zmigrodski had difficulty getting people to join the involuntary commitment subcommittee so she was doing it herself. She relayed that hospital procedures are all different which makes it difficult to come up with uniform standards. She did discuss the status of the practice with the AAG in charge of civil commitments and the AAG stated that things are going well and suggested an annual training like the child protection conference. Chair Tardy relayed that the training subcommittee was focused on enhancing the initial rostering training as well as looking at training requirements to stay on the roster. Commissioner LeBrasseur added that his subcommittee was working on a proposal for a mentor panel as well as co-counsel requirements that</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>would help with new lawyer training. Commissioner Schneider relayed that the public defender subcommittee has been discussing the idea with judges and prosecutors and that some members of the group will be traveling to New Hampshire to visit with officials there to discuss how its non-profit program works. He stated that the subcommittee's focus will be on a pilot program and that the idea needs additional work. He asked staff to provide data on the yearly costs for adult criminal and juvenile cases for Cumberland, Kennebec, and Penobscot counties.</p> <p>Following the subcommittee progress reports, several topics were briefly discussed. Chair Tardy gave an update that he, Commissioner Churchill, and Director Pelletier will meet with Chief Justice Saufley and the trial chiefs to discuss the lawyer of the day program. The discussion then turned to what help the legislature could provide to the Commission for calculating the financial impact of any reform proposals. Chair Carey suggested seeking help from the staff of the Office of Fiscal and Program Review. Commissioner LeBrasseur urged the Commission to look at increasing the hourly rate since it is also looking at increasing attorney standards. Commissioner Carey then brought up the topic of the financial screeners and what would be implicated in a potential move. Director Pelletier stated that one option is to transfer the screening function back to the Judicial Branch or to another agency. Director Pelletier did not know the court's level of interest on this topic and had not seen any proposals.</p>	
Letter to Government Oversight Committee	Director Pelletier gave an update on the status of the OPEGA investigation and the Government Oversight Committee's decision to expedite two of the issues dealing with financial oversight.	
Massachusetts Attorney Monitoring Materials	Director Pelletier provided the Commissioners with materials from Massachusetts regarding monitoring and supervision of attorneys. He noted that the materials were too voluminous to include in the meeting packet so they will be posted on the Commission's website.	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Review of Annual Report	Director Pelletier solicited feedback on the draft annual report. Commissioner Carey moved to adopt as written. Commissioner Churchill seconded. All voted in favor. Director Pelletier noted that the annual report will be posted on the Commission's website once it is submitted.	
Public Comment	<u>Robert Ruffner, Esq.</u> : Attorney Ruffner brought up the issue of the delay in the assignment of counsel. He noted that the Commission could be trying to fix that problem right now but does not have enough staff to recognize issues and take simple steps to fix the problem. He expressed frustration that only two staff positions were requested in the supplemental budget request. He stated that co-counsel could be required for newly rostered attorneys and that reform could be implemented immediately. He relayed that years ago, a co-counsel request for a new associate in his office was denied for that associate's first trial. He believes that the lawyer of the day program has value and hopes that the Judicial Branch also sees that it has value. He concluded by urging the Commission to increase the hourly rate since no action on this pressing issue could have a negative impact on the quality of representation, especially if hourly workload limits are implemented.	
Executive Session	None	
Adjournment of meeting	The next two meetings will be on February 11, 2020 at 9 am, and February 25, 2020 at 1 pm.	

(2.)

Operations Reports

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
SUBJECT: JANUARY 2020 OPERATIONS REPORTS
DATE: FEBRUARY 4, 2020

Attached you will find the January, 2020, Operations Reports for your review and our discussion at the Commission meeting on February 11, 2020. A summary of the operations reports follows:

- 2,626 new cases were opened in the DefenderData system in January. This was a 76 case increase over December.
- The number of vouchers submitted electronically in January was 3,053, an increase of 88 vouchers over December, totaling \$1,442,853.21, an increase of \$29,000 over December. In January, we paid 1,860 electronic vouchers totaling \$932,503.63, representing a decrease of 2,380 vouchers and \$1,049,000.00 compared to December.
- The average price per voucher in January was \$501.35, up \$34.10 per voucher from December.
- Probate and Post-Conviction Review cases had the highest average voucher in January. There were 9 vouchers exceeding \$5,000 paid in January. See attached addendum for details.
- In January, we issued 132 authorizations to expend funds: 77 for private investigators, 41 for experts, and 14 for miscellaneous services such as interpreters and transcriptionists. In January, we paid \$120,633.23 for experts and investigators, etc. Two requests for funds were modified in January. See attached addendum for details.
- In January, we received four complaints about attorneys. Three involved dissatisfied clients who submitted feedback forms. These were resolved based on the attorneys' responses to the information contained in the feedback forms. A fourth was received from an attorney about another attorney who represented a mutual client. The conduct in the specific case was resolved, but staff will be reviewing the subject attorney's representation more broadly.
- In January, we approved eight requests requests for co-counsel. One request came from a judge who was assigning counsel for a person who had "fired" several previous counsel. The Judge felt that co-counsel may help the case proceed without additional changes in counsel. One request came from a lawyer handling the appeal in a complex murder case. Another request came from an attorney who was assigned as replacement counsel on the eve of trial and sought assistance. Finally, a busy practitioner related the need for assistance with five cases headed to trial in the near

future and agreed to reach out to other lawyers who may be new and/or lack trial experience to recruit as co-counsel.

In our All Other Account, the total expenses for the month of January were \$1,080,553.54. Of that amount, approximately \$27,000 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$70,131.98 in expenses for the month of January.

In the Revenue Account, the transfer for January, reflecting December's collections, totaled \$61,320.62, a decrease of approximately \$42,000 over the previous month.

During January, we had expenses related to our Fall minimum standards trainings and collected revenue associated with those trainings.

VOUCHERS EXCEEDING \$5,000 PAID JANUARY 2020

	Voucher Total	Case Total
Voucher after a ten-day Murder trial. High profile case in which jury selection took three days. Case lasted 18 months. Defendant found guilty.	\$33,254	\$33,254
Interim voucher in a Vehicular Manslaughter case. Ruling on a suppression motion has been pending for several months, likely because a similar issue is currently pending before the Law Court.	\$8,874	\$16,435 (Interim voucher of \$7,561 paid to co-counsel from a different firm)
Voucher covering four indictments, including burglary, domestic violence stalking, and multiple violations of protections orders and conditions of release. Ultimately, the defendant pleaded guilty to two felony violations of conditions of release and received a deferred disposition. If successful, the felonies will be reduced to misdemeanor's and the sentence will be time served.	\$8,596	\$8,596
Interim voucher in a Vehicular Manslaughter case. Ruling on a suppression motion has been pending for several months, likely because a similar issue has is currently pending before the Law Court.	\$7,561	\$16,435 (Interim voucher of \$8,874 paid to co-counsel from a different firm)
Interim voucher after a four-day competency hearing in a Gross Sexual Assault case where the Law Court had granted a new trial based on ex-parte communication between the court and the prosecutor that pertained to the original competency determination.	\$6,876	\$47,120 (previous vouchers totaling \$21,315 paid to this attorney and vouchers totaling 18,929 paid to co-counsel from a different firm)
Voucher after a two-day trial in which a Petition to Terminate Parental Rights was denied. Evidence involved experts on both sides and allegations that a had caseworker improperly coaxed children into reporting abuse.	\$5,948	\$5,948
Interim voucher after a four-day competency hearing in a Gross Sexual Assault case where the Law Court had granted a new trial based on ex-parte communication between the court and the prosecutor that pertained to the original competency determination.	\$5,138	\$47,120 (previous voucher totaling \$13,791 paid to this attorney and vouchers totaling \$28,191 paid to co-counsel from a different firm)

Voucher after a two-day trial on Charges of Domestic Violence Criminal Threatening and Domestic Violence Reckless Conduct arising from the discharge of a firearm. Defense involved expert testimony regarding abuse previously suffered by the victim. Admissibility of defense expert litigated pre-trial. Expert was allowed, but the Defendant was found guilty	\$5,070	\$8,988 (Interim voucher of \$3,918 paid)
Voucher in a case involving a charge of Furnishing Drugs and a related Probation Revocation. Bail granted after a bail review hearing, only to be later revoked. Suppression also litigated. Defendant ultimately pleaded guilty, followed by a contested sentencing.	\$5,040	\$5,040

FUNDS REQUESTS DENIED/MODIFIED JANUARY 2020

- One request for funds was modified in January to authorize a reduced amount. One request for funds in which an attorney requested private investigator funds to locate a client who had missed court was denied.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

1/31/2020

DefenderData Case Type	Jan-20						Fiscal Year 2020			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	16	24	\$ 32,077.57	18	\$ 22,634.63	\$ 1,257.48	112	143	\$ 229,462.81	\$ 1,604.64
Child Protection Petition	214	424	\$ 240,346.12	265	\$ 162,941.14	\$ 614.87	1,584	3,162	\$ 1,745,744.33	\$ 552.10
Drug Court	1	3	\$ 2,250.00	1	\$ 942.00	\$ 942.00	4	46	\$ 47,518.51	\$ 1,033.01
Emancipation	6	6	\$ 2,004.60	3	\$ 1,057.20	\$ 352.40	48	37	\$ 11,007.90	\$ 297.51
Felony	595	638	\$ 496,364.47	406	\$ 327,834.66	\$ 807.47	4,078	3,779	\$ 2,892,790.73	\$ 765.49
Involuntary Civil Commitment	124	94	\$ 15,805.28	31	\$ 5,109.44	\$ 164.82	620	505	\$ 111,256.16	\$ 220.31
Juvenile	68	75	\$ 26,296.35	34	\$ 16,194.81	\$ 476.32	515	490	\$ 233,727.96	\$ 477.00
Lawyer of the Day - Custody	271	274	\$ 63,394.60	178	\$ 39,975.88	\$ 224.58	1,827	1,624	\$ 379,333.29	\$ 233.58
Lawyer of the Day - Juvenile	40	39	\$ 7,448.44	26	\$ 4,967.28	\$ 191.05	279	252	\$ 48,831.68	\$ 193.78
Lawyer of the Day - Walk-in	140	129	\$ 34,207.87	71	\$ 18,641.02	\$ 262.55	896	778	\$ 192,366.34	\$ 247.26
Misdemeanor	880	852	\$ 295,528.13	538	\$ 193,167.20	\$ 359.05	5,722	5,145	\$ 1,903,137.47	\$ 369.90
Petition, Modified Release Treatment	0	8	\$ 3,229.32	1	\$ 642.31	\$ 642.31	6	24	\$ 11,145.08	\$ 464.38
Petition, Release or Discharge	0	1	\$ 216.10	0			0	5	\$ 1,686.30	\$ 337.26
Petition, Termination of Parental Rights	17	48	\$ 30,765.14	25	\$ 19,513.78	\$ 780.55	179	384	\$ 280,980.50	\$ 731.72
Post Conviction Review	6	6	\$ 5,742.80	4	\$ 5,050.00	\$ 1,262.50	71	57	\$ 80,799.11	\$ 1,417.53
Probate	3	1	\$ 2,184.34	1	\$ 2,184.34	\$ 2,184.34	20	18	\$ 19,356.54	\$ 1,075.36
Probation Violation	167	181	\$ 63,060.72	117	\$ 40,597.34	\$ 346.99	1,204	1,106	\$ 432,456.36	\$ 391.01
Represent Witness on 5th Amendment	0	0		0			4	6	\$ 3,813.00	\$ 635.50
Resource Counsel Criminal	0	3	\$ 936.00	2	\$ 174.00	\$ 87.00	1	20	\$ 1,776.00	\$ 88.80
Resource Counsel Juvenile	0	3	\$ 360.00	3	\$ 360.00	\$ 120.00	0	7	\$ 528.00	\$ 75.43
Resource Counsel Protective Custody	3	3	\$ 1,122.00	3	\$ 1,122.00	\$ 374.00	3	8	\$ 1,596.00	\$ 199.50
Review of Child Protection Order	69	239	\$ 119,309.36	131	\$ 69,190.60	\$ 528.17	461	1,526	\$ 738,650.19	\$ 484.04
Revocation of Administrative Release	6	2	\$ 204.00	2	\$ 204.00	\$ 102.00	16	9	\$ 3,075.28	\$ 341.70
DefenderData Sub-Total	2,626	3,053	\$ 1,442,853.21	1,860	\$ 932,503.63	\$ 501.35	17,650	19,131	\$ 9,371,039.54	\$ 489.84
Paper Voucher Sub-Total		0		0	\$ -	#DIV/0!		0		#DIV/0!
TOTAL	2,626	3,053	\$1,442,853.21	1,860	\$932,503.63	\$ 501.35	17,650	19,131	\$ 9,371,039.54	\$ 489.84

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY20 FUND ACCOUNTING
AS OF 01/31/2020

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		\$ -		\$ -		\$ -	
Reduction due to encumbrance closure		\$ (224,979.00)		\$ 224,979.00		\$ (0.04)		\$ 768,774.00	
Total Budget Allotments		\$ 4,582,734.53		\$ 4,869,980.00		\$ 4,785,476.96		\$ 3,230,020.00	\$ 17,468,211.49
Total Expenses	1	\$ (947,049.13)	4	\$ (1,377,980.25)	7	\$ (1,080,553.54)	10	\$ -	
	2	\$ (1,849,796.47)	5	\$ (1,100,530.17)	8	\$ -	11	\$ -	
	3	\$ (1,715,368.33)	6	\$ (2,053,491.02)	9	\$ -	12	\$ -	
Encumbrances (Justice Works)		\$ (52,720.00)		\$ 18,135.00		\$ 6,342.50		\$ -	\$ (28,242.50)
Encumbrances (B Taylor)		\$ (13,000.04)		\$ (17,853.34)		\$ 8,753.37		\$ -	\$ (22,100.01)
Encumbrances (Videographer & business cards)		\$ (4,800.00)		\$ -		\$ (900.00)		\$ -	\$ (5,700.00)
TOTAL REMAINING		\$ 0.56		\$ 338,260.22		\$ 3,719,119.29		\$ 3,230,020.00	\$ 6,518,626.07

Q3 Month 7

INDIGENT LEGAL SERVICES

Counsel Payments	\$ (932,503.63)
Interpreters	\$ (3,136.10)
Private Investigators	\$ (26,725.58)
Mental Health Expert	\$ (47,901.54)
Misc Prof Fees & Serv	\$ (4,451.23)
Transcripts	\$ (9,659.90)
Other Expert	\$ (28,007.19)
Process Servers	\$ (646.69)
Subpoena Witness Fees	\$ (105.00)
Out of State Witness Travel	\$ -
SUB-TOTAL ILS	\$ (1,053,136.86)

OPERATING EXPENSES

Service Center	\$ (1,829.50)
DefenderData	\$ (6,342.50)
Parking Fees	\$ (540.00)
Mileage/Tolls/Parking	\$ (1,011.42)
Mailing/Postage/Freight	\$ (928.67)
West Publishing Corp	\$ (396.18)
Shredding on Site	\$ -
Office Supplies/Equip.	\$ (188.55)
Cellular Phones	\$ (236.38)
OIT/TELCO	\$ (2,481.17)
Office Equipment Rental	\$ (115.18)
Training Videographer	\$ (4,100.00)
Barbara Taylor monthly fees	\$ (8,753.33)
Notary Fees	\$ -
Court Settlement	\$ -
Training Printing Fees	\$ (493.80)
SUB-TOTAL OE	\$ (27,416.68)

TOTAL \$ (1,080,553.54)

INDIGENT LEGAL SERVICES

Q3 Allotment	\$ 4,785,476.96
Q3 Encumbrances for Justice Works contract	\$ 6,342.50
Barbara Taylor Contract	\$ 8,753.37
Videographer	\$ (900.00)
Q3 Expenses to date	\$ (1,080,553.54)
Remaining Q3 Allotment	\$ 3,719,119.29

Non-Counsel Indigent Legal Services

Monthly Total	\$ (120,633.23)
Total Q1	\$ 276,360.62
Total Q2	\$ 230,435.64
Total Q3	\$ 120,633.23
Total Q4	\$ -
Fiscal Year Total	\$ 627,429.49

Conference Account Transactions

Training Videographer	\$ (4,100.00)
Training Facilities & Meals	\$ (493.80)
Printing/Binding	\$ -
Overseers of the Bar CLE fee	\$ 500.00
Collected Registration Fees	\$ -
Current Month Total	\$ (4,093.80)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY20 FUND ACCOUNTING
As of 01/31/20

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	\$ 61,320.62	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	\$ 103,917.30	9	\$ -	12	\$ -	
Returned Checks-stopped payments		\$ -		\$ -		\$ -		\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 272,904.72		\$ 284,393.97		\$ 61,320.62		\$ -	\$ 618,619.31
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	\$ 138.00	10	\$ -	
	2	\$ (904.00)	5	\$ (200.00)	8	\$ -	11	\$ -	
	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
REMAINING CASH Year to Date		\$ 271,832.72		\$ 283,759.44		\$ 61,458.62		\$ -	\$ 617,050.78

Collections versus Allotment	
Monthly Total	\$ 61,458.62
Total Q1	\$ 274,669.72
Total Q2	\$ 284,393.97
Total Q3	\$ 61,458.62
Total Q4	\$ -
Allotment Expended to Date	\$ -
Fiscal Year Total	\$ 620,522.31

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY20 FUND ACCOUNTING

AS OF 01/31/2020

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	\$ (99,140.23)	7	\$ (70,131.98)	10	\$ -	
	2	\$ (174,797.03)	5	\$ (71,894.07)	8	\$ -	11	\$ -	
	3	\$ (68,346.25)	6	\$ (69,821.39)	9	\$ -	12	\$ -	
TOTAL REMAINING		\$ 20,744.16		\$ 1,709.31		\$ 144,151.02		\$ 233,702.00	\$ 400,306.49

Q3 Month 7	
Per Diem	\$ (220.00)
Salary	\$ (33,545.03)
Vacation Pay	\$ (1,197.53)
Holiday Pay	\$ (4,308.04)
Sick Pay	\$ (812.49)
Empl Hlth SVS/Worker Comp	\$ (166.00)
Health Insurance	\$ (11,256.96)
Dental Insurance	\$ (379.52)
Employer Retiree Health	\$ (4,290.20)
Employer Retirement	\$ (2,594.79)
Employer Group Life	\$ (371.88)
Employer Medicare	\$ (576.31)
Retiree Unfunded Liability	\$ (7,502.55)
Longevity Pay	\$ (96.00)
Perm Part Time Full Ben	\$ (2,814.68)
Retro Lump Sum Pymt	\$ -
Comp U/P no Retirement	\$ -
TOTAL	\$ (70,131.98)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

1/31/2020

Court	Jan-20						Fiscal Year 2020			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	10	4	\$ 4,236.60	1	\$ 306.00	\$ 306.00	39	30	\$ 15,432.13	\$ 514.40
AUBSC	6	1	\$ 534.00	1	\$ 534.00	\$ 534.00	16	13	\$ 9,304.20	\$ 715.71
AUGDC	53	52	\$ 19,821.89	24	\$ 10,211.21	\$ 425.47	380	434	\$ 217,581.45	\$ 501.34
AUGSC	3	16	\$ 18,698.27	7	\$ 13,352.39	\$ 1,907.48	31	69	\$ 43,624.66	\$ 632.24
BANDC	60	80	\$ 27,492.45	28	\$ 12,132.45	\$ 433.30	439	745	\$ 243,181.06	\$ 326.42
BANSC	2	0		0			5	4	\$ 450.00	\$ 112.50
BATSC	0	0		0			1	1	\$ 132.00	\$ 132.00
BELDC	11	17	\$ 4,919.57	10	\$ 4,712.24	\$ 471.22	98	229	\$ 113,168.28	\$ 494.18
BELSC	0	0		0			0	1	\$ 1,530.64	\$ 1,530.64
BIDDC	82	117	\$ 63,094.95	86	\$ 50,904.65	\$ 591.91	469	600	\$ 336,575.73	\$ 560.96
BRIDC	17	22	\$ 10,981.54	19	\$ 9,257.64	\$ 487.24	72	138	\$ 69,037.90	\$ 500.27
CALDC	2	7	\$ 1,837.84	1	\$ 486.00	\$ 486.00	41	64	\$ 29,774.88	\$ 465.23
CARDC	13	20	\$ 7,600.39	15	\$ 6,715.55	\$ 447.70	91	177	\$ 70,647.90	\$ 399.14
CARSC	1	1	\$ 180.00	1	\$ 180.00	\$ 180.00	6	6	\$ 3,479.50	\$ 579.92
DOVDC	7	16	\$ 6,244.04	9	\$ 2,663.04	\$ 295.89	38	98	\$ 34,529.58	\$ 352.34
DOVSC	0	0		0			0	0		
ELLDC	17	36	\$ 18,249.96	17	\$ 5,712.20	\$ 336.01	114	261	\$ 151,050.95	\$ 578.74
ELLSC	0	0		0			3	2	\$ 831.00	\$ 415.50
FARDC	6	24	\$ 16,681.49	13	\$ 13,040.43	\$ 1,003.11	58	137	\$ 94,004.07	\$ 686.16
FARSC	0	0		0			3	2	\$ 328.16	\$ 164.08
FORDC	12	11	\$ 5,311.99	7	\$ 4,698.00	\$ 671.14	39	53	\$ 26,691.75	\$ 503.62
HOUDC	38	37	\$ 11,213.76	21	\$ 7,663.00	\$ 364.90	190	238	\$ 96,826.87	\$ 406.84
HOUSC	0	0		0			2	2	\$ 816.00	\$ 408.00
LEWDC	85	107	\$ 46,955.00	58	\$ 25,719.32	\$ 443.44	568	711	\$ 320,208.72	\$ 450.36
LINDC	10	15	\$ 4,986.04	9	\$ 7,047.00	\$ 783.00	72	121	\$ 61,157.16	\$ 505.43
MACDC	1	16	\$ 5,239.00	14	\$ 3,330.00	\$ 237.86	68	125	\$ 53,219.88	\$ 425.76
MACSC	0	0		0			0	2	\$ 360.00	\$ 180.00
MADDC	1	1	\$ 390.00	0			14	13	\$ 4,116.64	\$ 316.66
MILDC	5	9	\$ 2,650.00	2	\$ 288.00	\$ 144.00	40	65	\$ 18,044.40	\$ 277.61
NEWDC	8	30	\$ 7,533.72	15	\$ 4,192.28	\$ 279.49	104	244	\$ 85,161.47	\$ 349.02
PORDC	104	150	\$ 62,937.42	74	\$ 31,168.30	\$ 421.19	555	683	\$ 341,183.30	\$ 499.54
PORSC	4	2	\$ 1,848.00	2	\$ 1,848.00	\$ 924.00	10	7	\$ 4,167.44	\$ 595.35
PREDC	24	25	\$ 8,659.69	17	\$ 8,026.69	\$ 472.16	137	183	\$ 77,842.10	\$ 425.37
RODC	15	29	\$ 9,537.36	22	\$ 6,762.56	\$ 307.39	135	225	\$ 98,365.74	\$ 437.18
ROCSC	1	3	\$ 1,045.56	1	\$ 281.20	\$ 281.20	10	9	\$ 2,790.76	\$ 310.08
RUMDC	26	17	\$ 23,544.06	10	\$ 17,588.18	\$ 1,758.82	108	93	\$ 95,282.96	\$ 1,024.55
SKODC	30	97	\$ 37,608.32	53	\$ 22,174.96	\$ 418.40	241	512	\$ 204,900.38	\$ 400.20
SKOSC	0	1	\$ 815.20	1	\$ 815.20	\$ 815.20	1	1	\$ 815.20	\$ 815.20
SODC	10	23	\$ 18,302.27	18	\$ 15,592.01	\$ 866.22	106	156	\$ 94,346.37	\$ 604.78
SOUSC	0	1	\$ 90.00	0			2	6	\$ 4,307.75	\$ 717.96
SPRDC	43	65	\$ 33,016.66	43	\$ 22,593.03	\$ 525.42	287	399	\$ 217,080.74	\$ 544.06
Law Ct	10	19	\$ 25,583.99	13	\$ 16,616.82	\$ 1,278.22	81	109	\$ 187,217.98	\$ 1,717.60
YORCD	239	289	\$ 167,723.03	241	\$ 131,208.74	\$ 544.43	1,548	1,627	\$ 1,082,778.40	\$ 665.51
AROCD	167	88	\$ 33,133.39	56	\$ 20,941.77	\$ 373.96	965	823	\$ 395,491.85	\$ 480.55
ANDCD	156	211	\$ 107,241.65	138	\$ 81,620.01	\$ 591.45	1,108	1,070	\$ 481,695.95	\$ 450.18
KENCD	195	206	\$ 65,948.53	110	\$ 37,003.32	\$ 336.39	1,295	1,121	\$ 467,404.96	\$ 416.95
PENCD	229	281	\$ 162,940.73	189	\$ 100,853.17	\$ 533.61	1,799	1,548	\$ 639,718.04	\$ 413.25
SAGCD	28	38	\$ 17,220.55	18	\$ 8,631.39	\$ 479.52	196	175	\$ 78,988.00	\$ 451.36
WALCD	22	53	\$ 18,478.60	43	\$ 13,546.16	\$ 315.03	248	263	\$ 139,120.95	\$ 528.98
PISCD	22	16	\$ 3,927.13	12	\$ 2,784.12	\$ 232.01	135	124	\$ 35,844.01	\$ 289.06
HANCD	37	41	\$ 19,281.96	26	\$ 9,969.96	\$ 383.46	320	346	\$ 171,966.08	\$ 497.01
FRACD	53	40	\$ 15,673.73	24	\$ 10,243.10	\$ 426.80	282	310	\$ 159,317.09	\$ 513.93
WASCD	48	66	\$ 19,890.24	20	\$ 7,129.84	\$ 356.49	271	279	\$ 107,841.16	\$ 386.53
CUMCD	403	367	\$ 189,439.42	226	\$ 118,392.43	\$ 523.86	2,535	2,471	\$ 1,365,216.74	\$ 552.50
KNODC	58	58	\$ 21,838.96	23	\$ 10,662.64	\$ 463.59	405	330	\$ 147,208.50	\$ 446.09
SOMCD	113	67	\$ 15,236.21	31	\$ 8,864.06	\$ 285.94	697	360	\$ 85,988.51	\$ 238.86
OXFCD	68	59	\$ 31,432.13	39	\$ 21,618.04	\$ 554.31	539	480	\$ 191,206.72	\$ 398.35
LINCD	22	28	\$ 12,937.24	10	\$ 4,325.28	\$ 432.53	208	204	\$ 94,638.64	\$ 463.91
WATDC	16	35	\$ 21,332.74	19	\$ 10,708.46	\$ 563.60	182	303	\$ 143,406.33	\$ 473.29
WESDC	11	19	\$ 4,221.84	12	\$ 2,520.00	\$ 210.00	141	188	\$ 83,595.62	\$ 444.66
WISDC	11	8	\$ 2,486.18	3	\$ 1,386.87	\$ 462.29	43	70	\$ 36,401.81	\$ 520.03
WISSC	1	0		0			4	2	\$ 1,055.50	\$ 527.75
YORDC	10	12	\$ 4,627.92	8	\$ 3,481.92	\$ 435.24	55	69	\$ 32,586.98	\$ 472.28
TOTAL	2,626	3,053	\$ 1,442,853.21	1,860	\$ 932,503.63	\$ 501.35	17,650	19,131	\$ 9,371,039.54	\$ 489.84

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

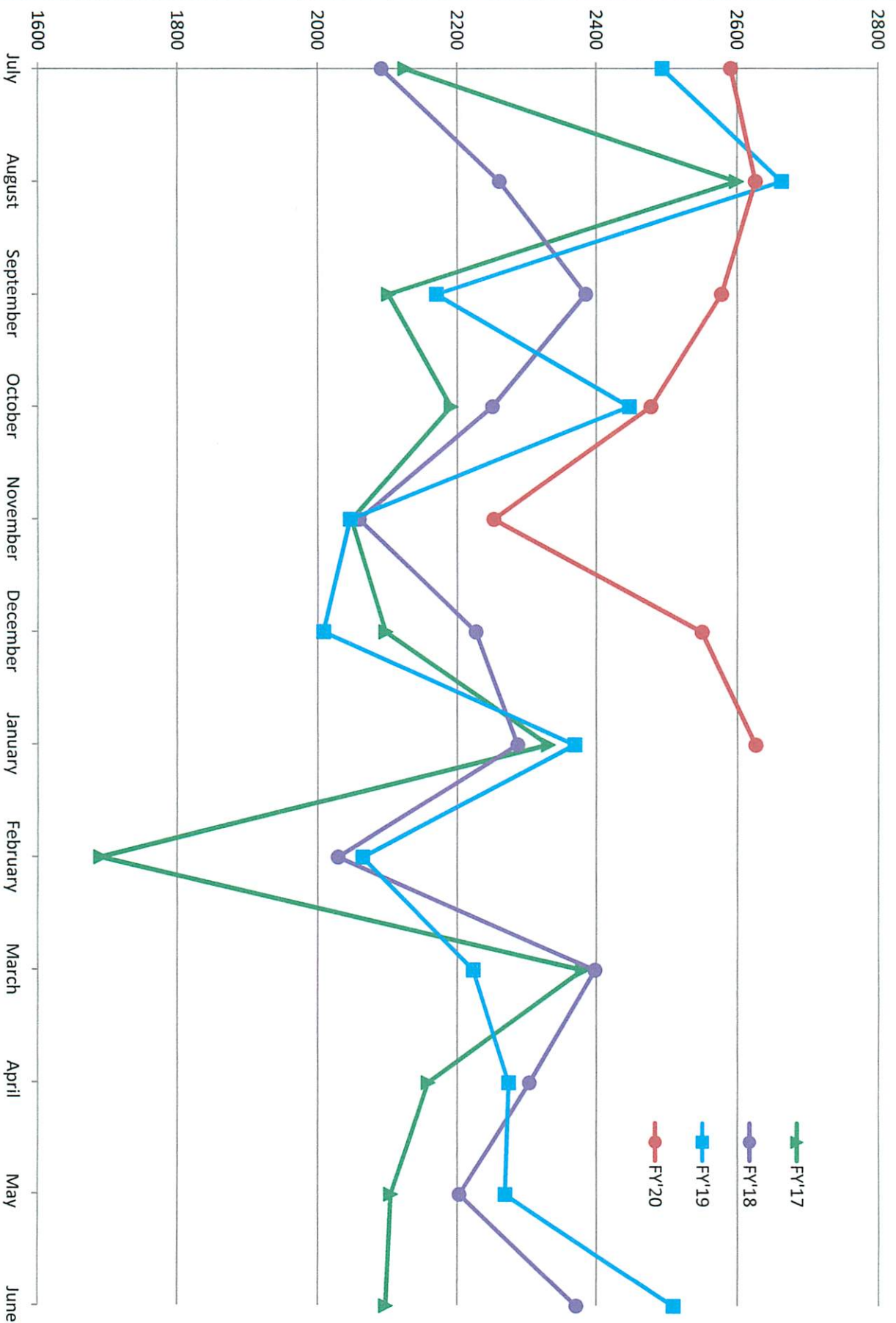
Number of Attorneys Rostered by Court

01/31/2020

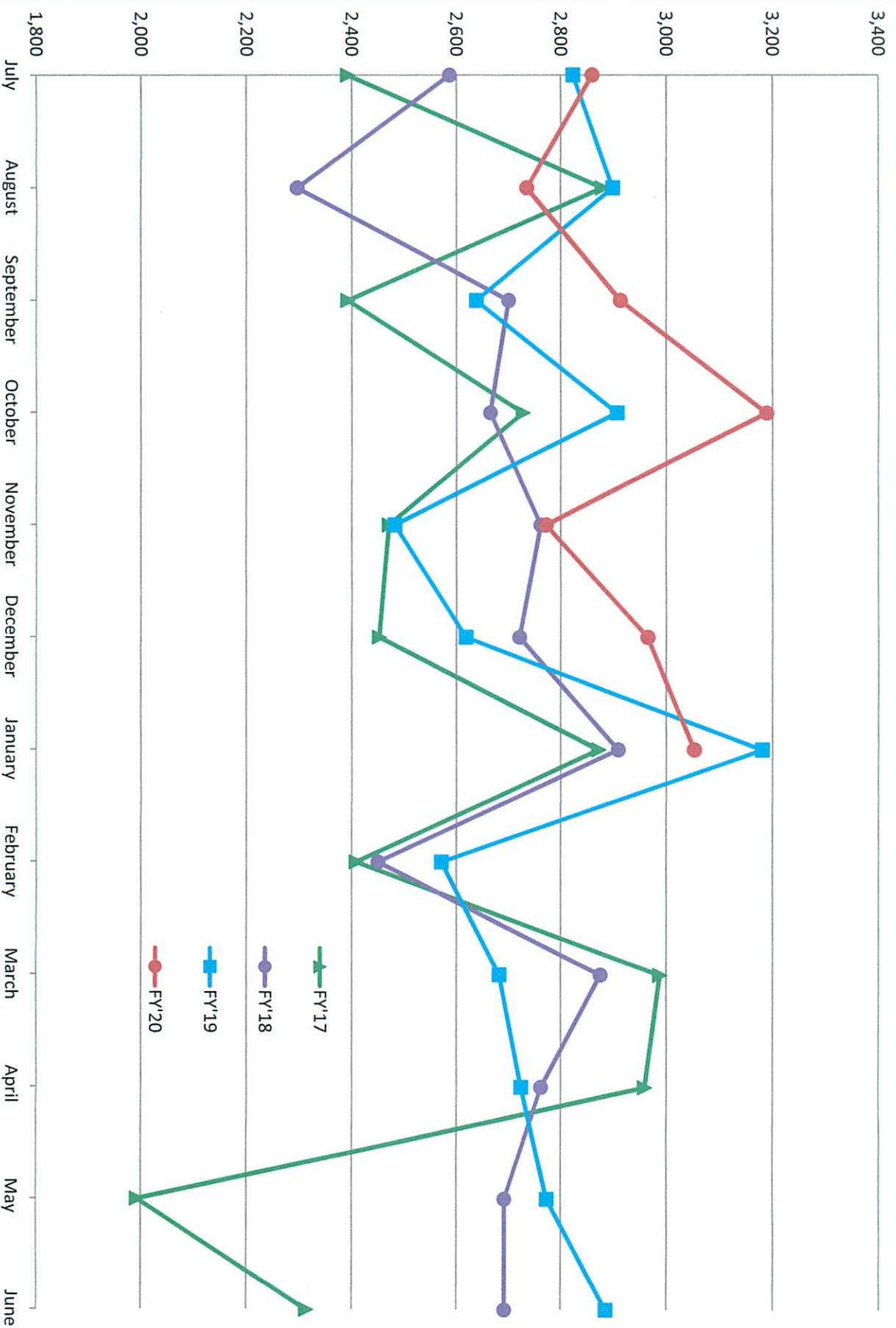
Court	Rostered Attorneys
Augusta District Court	75
Bangor District Court	39
Belfast District Court	38
Biddeford District Court	115
Bridgton District Court	71
Calais District Court	9
Caribou District Court	15
Dover-Foxcroft District Court	22
Ellsworth District Court	28
Farmington District Court	32
Fort Kent District Court	9
Houlton District Court	12
Lewiston District Court	110
Lincoln District Court	20
Machias District Court	13
Madawaska District Court	10
Millinocket District Court	12
Newport District Court	28
Portland District Court	136
Presque Isle District Court	13
Rockland District Court	29
Rumford District Court	23
Skowhegan District Court	24

Court	Rostered Attorneys
South Paris District Court	48
Springvale District Court	101
Unified Criminal Docket Alfred	104
Unified Criminal Docket Aroostook	20
Unified Criminal Docket Auburn	91
Unified Criminal Docket Augusta	66
Unified Criminal Docket Bangor	38
Unified Criminal Docket Bath	79
Unified Criminal Docket Belfast	37
Unified Criminal Docket Dover Foxcroft	20
Unified Criminal Docket Ellsworth	32
Unified Criminal Docket Farmington	35
Unified Criminal Docket Machias	15
Unified Criminal Docket Portland	134
Unified Criminal Docket Rockland	25
Unified Criminal Docket Skowhegan	22
Unified Criminal Docket South Paris	39
Unified Criminal Docket Wiscasset	44
Waterville District Court	38
West Bath District Court	93
Wiscasset District Court	51
York District Court	86

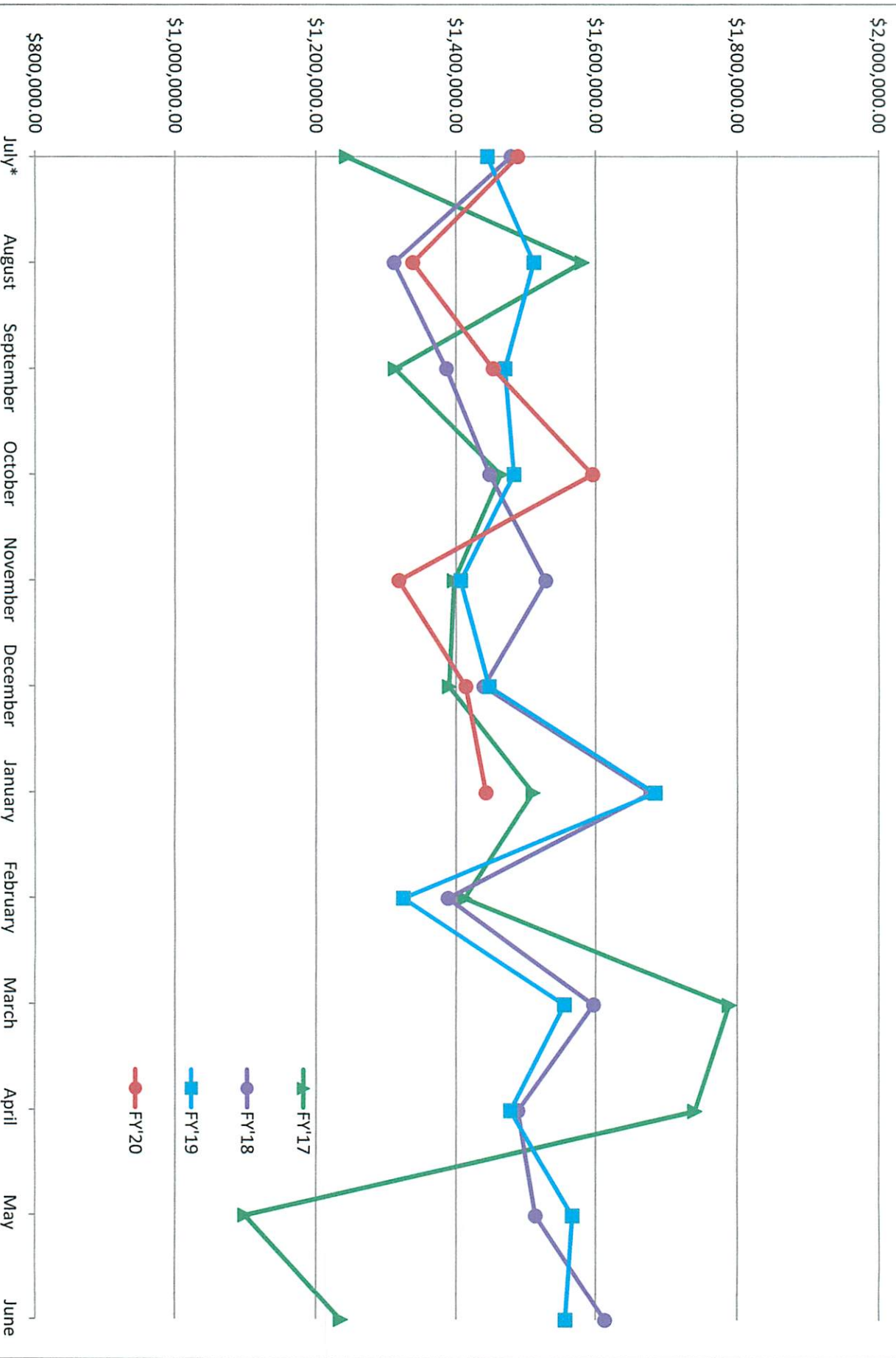
NEW CASES



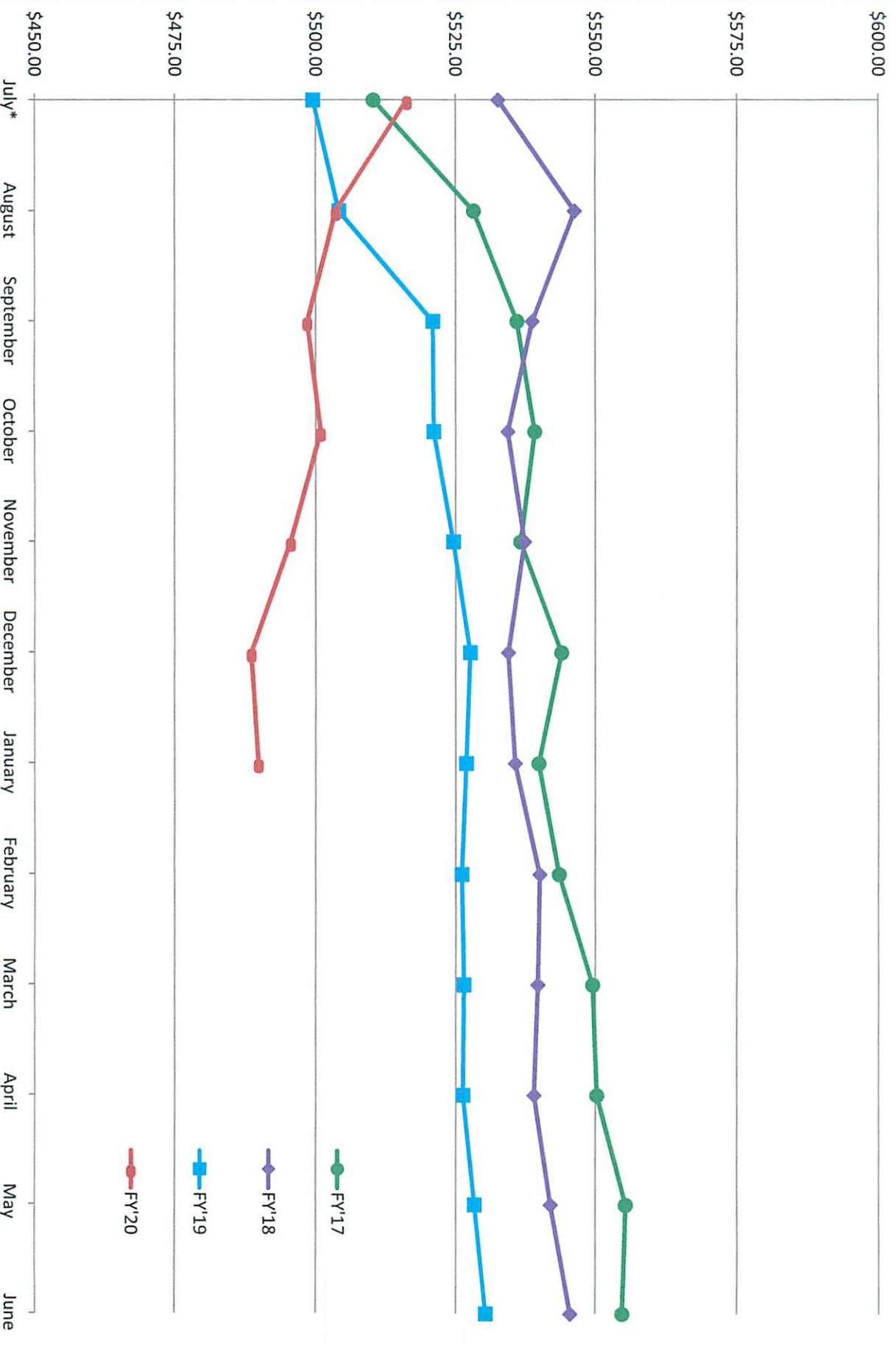
Submitted Vouchers



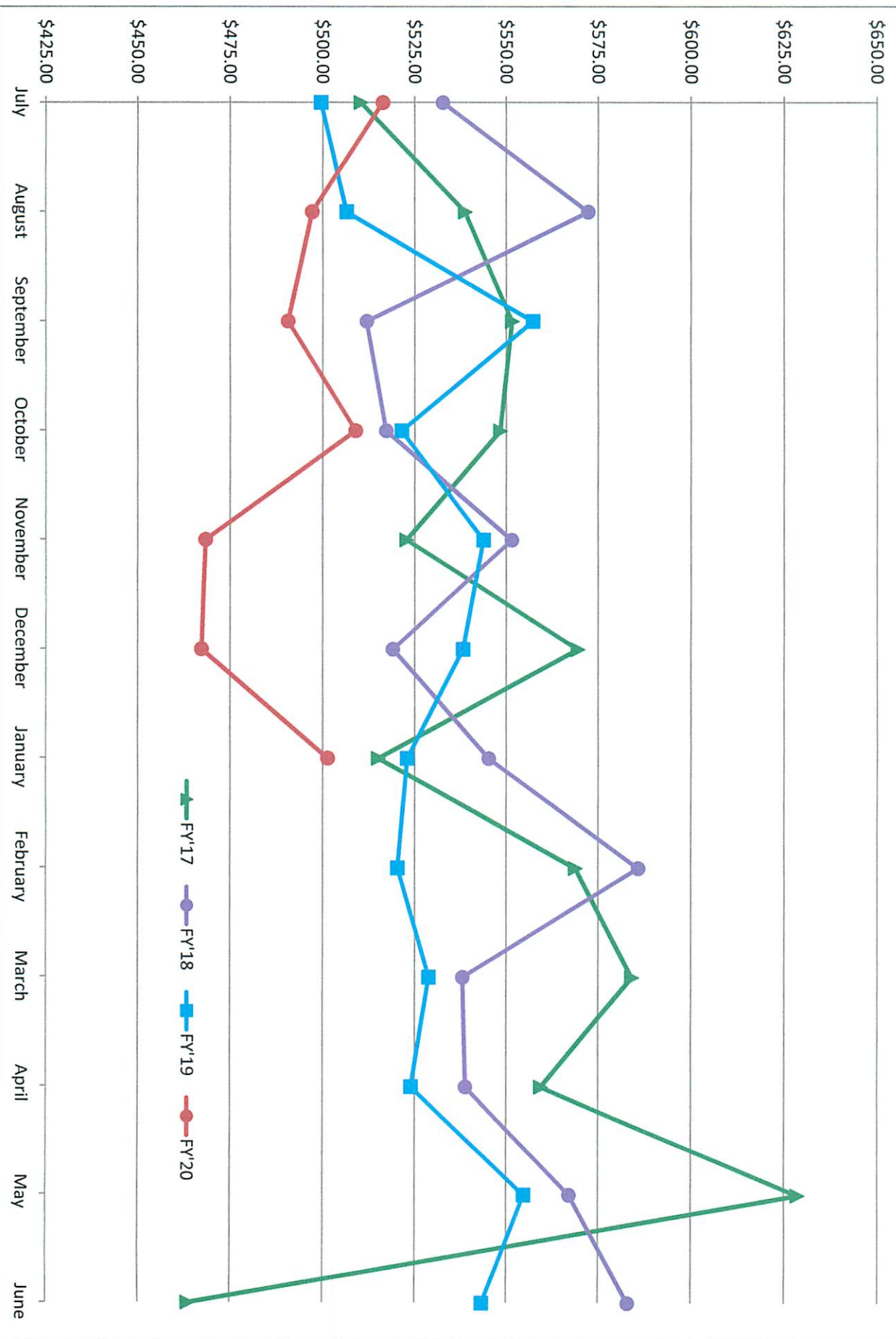
Submitted Voucher Amount



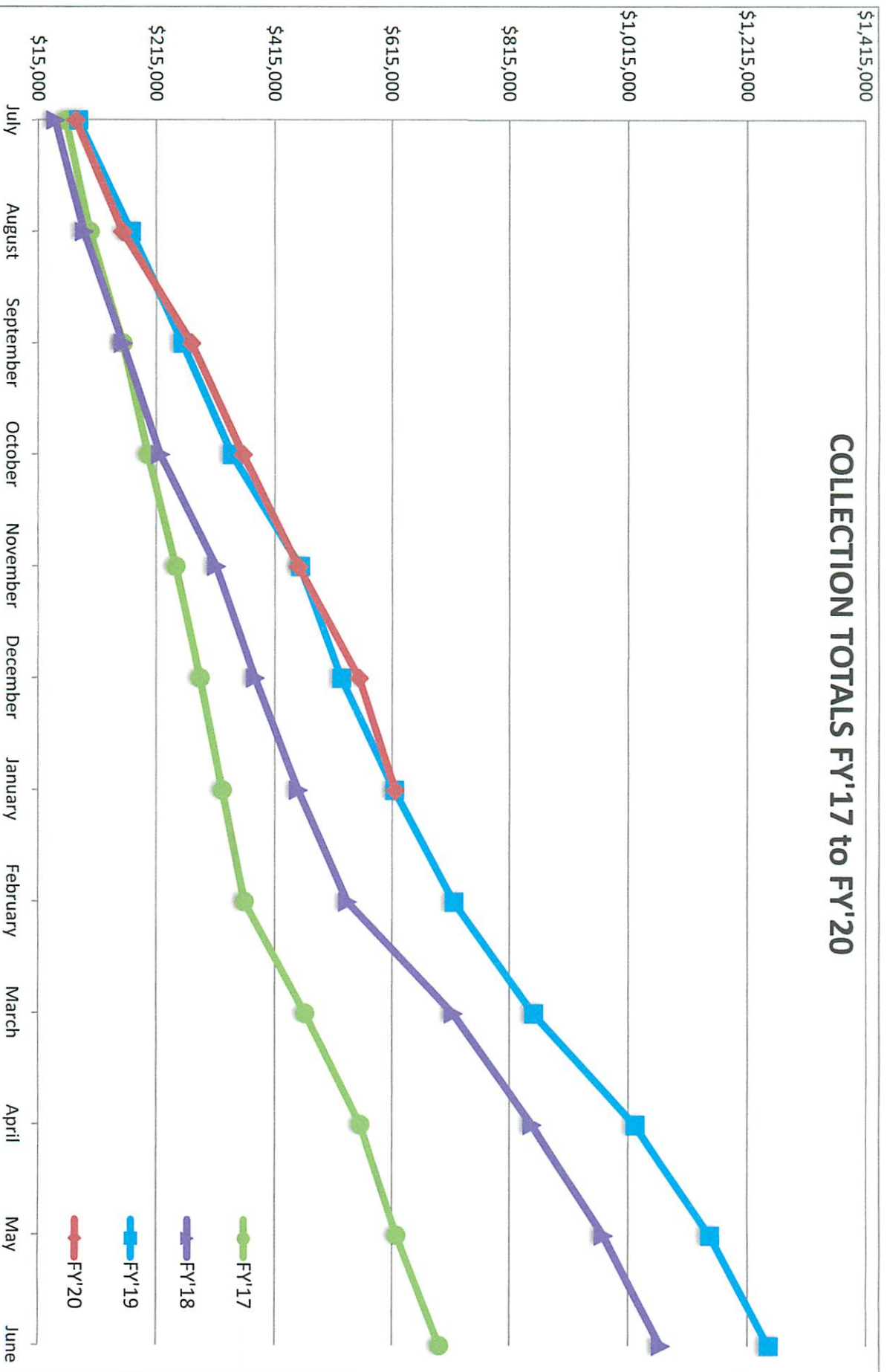
Average Voucher Price Fiscal Year to Date



Monthly Price Per Voucher



COLLECTION TOTALS FY'17 to FY'20



(3.)

**Sub-Committee Reports
and Next Steps Discussion**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: SUB-COMMITTEE REPORTS
DATE: FEBRUARY 4, 2020

Since the last meeting, the four sub-committees looking at financial oversight, a Public Defender Office, practice standards, and training have all met. Time is set aside at the next meeting for reports on these activities and discussion of next steps.

(4.)

Assistance of Counsel

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: ASSISTANCE OF COUNSEL
DATE: FEBRUARY 4, 2020

At the last meeting, there was some discussion of the Commission's need for outside assistance and guidance, particularly with respect to the Commission's Freedom of Access Act (FOAA) issues and the on-going OPEGA investigation. We are fortunate that the Attorney General has assigned experienced civil litigator Phyllis Gardiner, Esq., to assist the Commission. Phyllis will be attending the next meeting to introduce herself and answer any questions Commissioners may have.

(5.)

Supplemental Budget

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: SUPPLEMENTAL BUDGET UPDATE
DATE: FEBRUARY 4, 2020

Attached you will find a copy of the single initiative related to the Commission that is contained in the Governor's recently released Supplemental Budget. As you will recall, for the current fiscal year, we requested All Other funding of \$2,036,206 to fill a gap in our budget. Also for the current year, we requested 2 new positions, an additional staff attorney and a field examiner, to expand the Commission's capacity to provide training, as well as quality and financial oversight of attorneys. For fiscal year 2021, we requested \$2,804,980 to fill a budget gap similar to that for the current year.

The attached initiative includes funds to fill the funding gap in the current fiscal year. It does not include the requested new positions, nor any additional funding for the second year of the current biennium.

RESERVE FOR INDIGENT LEGAL SERVICES Z258

Initiative: Provides one-time additional funding for indigent legal services.

OTHER SPECIAL REVENUE FUNDS

All Other

	2019-20	2020-21
	2,036,206	
Total	2,036,206	0

Summary - OTHER SPECIAL REVENUE FUNDS

All Other

	2019-20	2020-21
	2,036,206	
Total	2,036,206	0

Total Agency/Department

All Funds

OTHER SPECIAL REVENUE FUNDS

2,036,206

2,036,206

(6.)

Somerset County Statistics

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: SOMERSET COUNTY STATISTICS
DATE: FEBRUARY 4, 2020

At the last meeting, Commissioner Carey requested analysis of vouchers paid on Somerset County cases in light of the persistently low average cost per voucher in that County.

At prior meetings, I had theorized that the low average may be because many of the cases paid involved attorney time expended prior to the expiration of the contract on June 31, 2019, and hence, not reflected in the payment total. To assess this proposition, I had Justiceworks provide voucher payment information sorted by whether the date of assignment was before or after the Somerset contract ended.

As it turned out, contrary to my conjecture, vouchers on the new cases averaged less than vouchers on the carry-over cases. Vouchers on cases that began after the contract expired averaged \$205.10. Vouchers on cases that began before the contract ended averaged \$273.47 per voucher.

Overall, Somerset criminal cases average well below nearly all other UCD courts. The only court that is lower is the Dover-Foxcroft UCD. Somerset, however, has more cases than 8 other UCD courts, so the low average isn't explained by the size of the docket.

Regarding attorneys, most of the new cases are being handled by attorneys who also practice in Augusta, which has a much more typical average cost per case. Other possible explanations include the mix of cases, the practices of the DA's office, or efficiencies in court procedure that are not replicated elsewhere.