

**MCILS**

**February 16, 2018  
Commissioner's Meeting  
Packet**

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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**FEBRUARY 16, 2018**

**COMMISSION MEETING**

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

**AGENDA**

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- 1) Approval of January 16, 2018 Commission Meeting Minutes
- 2) Operations Reports
- 3) Working Group Update
- 4) Action Items Discussion
- 5) Somerset Contract
- 6) MCILS Annual Report
- 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 16, 2018**  
**Commission Meeting**  
**Minutes**

**Maine Commission on Indigent Legal Services – Commissioners Meeting  
January 16, 2018**

**Minutes**

**Commissioners Present:** Steven Carey, William Logan, Carlann Welch

**MCILS Staff Present:** John Pelletier, Ellie Maciag

<b>Agenda Item</b>	<b>Discussion</b>	<b>Outcome/Action Item/Responsible Party</b>
Approval of the November 21, 2017 Commission Meeting Minutes	No discussion of meeting minutes.	Commissioner Welch moved for approval, Commissioner Logan seconded. All voted in favor. Approved.
Operations Reports Review	<p><u>November 2017 Operations Report:</u> 2,059 new cases were opened in the DefenderData system in November. This was a 192 case decrease from October. The number of submitted vouchers in November was 2,762, an increase of 97 vouchers over October, totaling \$1,528,896, an increase of \$81,000 over October. In November, the Commission paid 2,673 vouchers totaling \$1,474,135, an increase of 104 vouchers and \$145,000 over October. Director Pelletier noted that November was a typical month for costs. The average price per voucher was \$551.49, up \$43.27 per voucher over October. Appeal and Post-Conviction Review cases had the highest average vouchers. There were 12 vouchers exceeding \$5,000 paid in November. 124 authorizations to expend funds were issued in November and we paid \$74,514 for experts and investigators, etc. The monthly transfer from the Judicial Branch for counsel fees for November, which reflects October's collections, totaled \$94,654, up approximately \$32,000 from October.</p> <p><u>December 2017 Operations Report:</u> 2,227 new cases were opened in the DefenderData system in December. This was a 168 case increase over November. The number of submitted vouchers in December was 2,721, a decrease of 41 vouchers from November, totaling \$1,439,626, a decrease of \$89,000 from</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>November. In December, the Commission paid 2,859 vouchers totaling \$1,483,636, an increase of 186 vouchers and \$9,000 over November. Director Pelletier noted that December was a typical month for costs. The average price per voucher was \$518.99, down \$32.50 per voucher over November. Director Pelletier said that average year-to-date and monthly voucher costs are down from last year. Appeal and Post-Conviction Review cases had the highest average vouchers. There were 9 vouchers exceeding \$5,000 paid in December. 100 authorizations to expend funds were issued in December and we paid \$100,901 for experts and investigators, etc. The monthly transfer from the Judicial Branch for counsel fees for December, which reflects November's collections, totaled \$65,784, down approximately \$29,000 from November. Director Pelletier indicated that collection totals continue to run above last year's totals and above FY'15 totals, which had been the highest collection year to date. Director Pelletier attributed the increase in collection amounts due to the change in bail priority for counsel fees.</p> <p>A short discussion ensued about costs for cases where co-counsel is appointed. Commissioner Logan expressed concern about duplication of work, and Chair Carey suggested the Commission explore the possibility of having a different fee structure for cases where second chair is participating to gain experience.</p>	
Review of Annual Report	Director Pelletier sought feedback on the draft annual report. The Commissioners suggested several minor changes and approved it for submission as revised.	
Working Group Update/Action Items Discussion	Chair Carey was a member of the Working Group and briefed the other Commissioners on the Group's final recommendations. The first recommendation extends the number of Commissioners from five to nine and prohibits rostered attorneys from being members of the Commission. Each Commissioner expressed reservations about the feasibility of seating nine Commissioners since the two current vacant spots have yet to be filled. Commissioner Logan disagreed with the prohibition on active rostered	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>attorneys serving as Commissioners, contending that removing subject matter experts from serving did not make much sense. Commissioner Welch suggested that this prohibition would make it difficult to get the required number of Commissioners. The Working Group's second and third recommendations called for changes to the staff, including adding a Chief Financial Officer position, filling the central office administrative support position and the Portland financial screener position, and focusing the duties of the deputy director position on training and quality of representation. Commissioner Logan suggested that one additional position be added to focus on the data analytics/tracking trends. The fourth recommendation seeks to strengthen the financial screening process making changes to the financial affidavit form to include language that it is a crime to intentionally provide false information. Director Pelletier noted that the financial affidavit form had already been revised to add that new language. The fifth recommendation calls for collections to be removed from the Commission's current duties and for the Judiciary Committee to explore alternative methods of collections. Chair Carey indicated that the Sixth Amendment Center suggested at one Working Group meeting that the collection function be assumed by the court system or farmed out. The sixth recommendation calls for the Commission to assume the responsibility of assigning counsel. Commissioner Logan stated that he disagrees with this proposal. Director Pelletier cautioned that there would be some administrative hurdles that would impact the timeliness of defendants learning who had been appointed to their case if the Commission took over the appointment process. Chair Carey indicated that further discussion on this suggested change would be needed. Commissioner Logan suggested the Commission discuss recommendations five and six with the Judicial Branch.</p> <p>An abbreviated discussion ensued about resource counsel and the draft feedback form. The Commissioners gave approval for staff to move forward with resource counsel and suggested a change to the feedback form.</p>	

<b>Agenda Item</b>	<b>Discussion</b>	<b>Outcome/Action Item/Responsible Party</b>
Public Comment	None	
Executive Session	None	
Adjournment of meeting	The Commission voted to adjourn with the next meeting to be on February 16, 2018 at 10:00 a.m.	Commissioner Logan moved to adjourn. Commissioner Welch seconded. All present in favor.

## **(2.) Operations Reports**



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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**TO:** MCILS COMMISSIONERS  
**FROM:** JOHN D. PELLETIER, EXECUTIVE DIRECTOR  
**SUBJECT:** JANUARY 2018 OPERATIONS REPORTS  
**DATE:** FEBRUARY 7, 2018

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Attached you will find the January, 2018, Operations Reports for your review and our discussion at the Commission meeting on February 16, 2018. A summary of the operations reports follows:

- 2,287 new cases were opened in the DefenderData system in January. This was a 60 case increase over December.
- The number of vouchers submitted electronically in January was 2,909, an increase of 188 vouchers over December, totaling \$1,678,142.73, an increase of \$238,000 over December. In January, we paid 2,366 electronic vouchers totaling \$1,289,038.96, representing a decrease of 493 vouchers and \$150,000 compared to December.
- There were three paper vouchers submitted and paid in January totaling \$2,496.14.
- The average price per voucher in January was \$545.18, up \$26.16 per voucher over December.
- Appeal and Post-Conviction Review cases had the highest average vouchers in January. There were 11 vouchers exceeding \$5,000 paid in January. See attached addendum for details.
- The contract amount paid for representation in Somerset County in January was \$22,687.50.
- In January, we issued 138 authorizations to expend funds: 87 for private investigators, 39 for experts, and 12 for miscellaneous services such as interpreters and transcriptionists. In January, we paid \$77,408.22 for experts and investigators, etc. The attached addendum provides information on requests that were denied or modified in January.
- In January, we did not receive any complaints about assigned counsel.

In our All Other Account, the total expenses for the month of January were \$1,403,853.93. Of that amount, just over \$12,000 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$52,212.55 in expenses for the month of January.

In the Revenue Account, the January transfer of collected revenue, reflecting December's collections, totaled \$73,076.20, up \$7,000 from the previous month.

In our Conference Account, we collected registration fees and paid expenses related to a January replay of the Juvenile minimum standards training. The account balance stands at \$14,823.01.

VOUCHERS EXCEEDING \$5,000 PAID JANUARY 2018

	Voucher Total	Case total
Voucher from co-counsel in the same firm after a 7-day Murder trial. Defendant was found guilty.	\$36,212	\$36,212
Voucher from 2 <sup>nd</sup> -chair counsel in high profile post-conviction review case. After weeks of hearing, defendant's Murder sentence essentially commuted to time served by agreement of the parties.	\$31,104	\$31,104
Lead counsel voucher after a six-day bench trial in a Murder case. Defendant found guilty. Case lasted two years.	\$17,200	\$43,205 (co-counsel initially from a different firm who joined lead counsel firm after the trial submitted two vouchers)
Three-day retrial in a high profile Gross Sexual Assault case. First trial ended in a hung jury. Four months from verdict to sentencing with mental health evaluation evidence on both sides.	\$16,777	\$37,046 (\$18,029 voucher for first trial; \$2,210 voucher for co-counsel to assist with motion for new trial – to set up appellate issues – and sentencing)
Interim voucher after three-day trial on Sexual Abuse of a Minor charges. 2,300 pages of online communication discovery. Co-counsel from same firm. Motion for Judgment of Acquittal pending.	\$10,932	\$10,932
Voucher after 3-day Termination of Parental Rights hearing. Client incarcerated in Machias and case in Calais District Court. All Washington County attorneys had conflicts with this client, so counsel from Hancock County.	\$7,074	\$7,074
Aggravated Assault case prepared for trial. Settled at jury selection for pleas to DV Assault Class C, deferred for entry in Veteran's Court. Successful completion will result in misdemeanor conviction.	\$6,636	6,636
Two counts of 3 <sup>rd</sup> offense Failure to Comply with the Sex Offender Registry. Case took 15 months and was complicated by need to research ongoing SORNA litigation. Result was deferred disposition on two second offense counts, with misdemeanor convictions if successful.	\$5,948	\$5,948
Post-conviction review on a criminal conspiracy conviction. Case took 3 years to get to hearing, including transfer of representation of the State from DA to AG's office in mid-stream. Petition denied.	\$5,298	\$5,298

Two counts of Aggravated Trafficking dismissed in return for pleas to Trafficking. Extensive investigation of co-defendant's role and history produced good result. Auburn case with client housed at Two-Bridges jail in Wiscasset throughout.	\$5,097	\$5,097
Charges of DV Assault, DV Terrorizing, and DV Criminal Threatening. Plea to DV Terrorizing. Extensive audio/visual discovery and evaluation of client mental health issues.	\$5,055	\$5,055

#### FUNDS REQUESTS DENIED/MODIFIED JANUARY 2018

- Two (2) requests for funds for a private investigator were modified to authorize a reduced amount.
- Informal inquiry from attorney regarding expert evaluation of noise made by a motorcycle. Expert wanted \$5,000 up front and \$450/hr. After response from the Executive Director, attorney submitted request for \$2,000 authorization (not up front) and \$250/hr.
- Request for funds to pay court charges for copies not acted on after Executive Director pointed attorney to court rule providing that copies are at no charge if needed for indigent cases.

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

**Activity Report by Case Type**

1/31/2018

Jan-18							Fiscal Year 2018						
DefenderData Case Type	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount			
Appeal	19	28	\$ 30,527.86	14	\$ 14,566.27	\$ 1,040.45	108	162	\$ 239,676.22	\$ 1,479.48			
Child Protection Petition	149	394	\$ 244,354.48	337	\$ 210,364.07	\$ 624.23	996	2,482	\$ 1,596,848.45	\$ 643.37			
Drug Court	1	4	\$ 5,376.00	2	\$ 1,698.00	\$ 849.00	11	43	\$ 34,195.20	\$ 795.24			
Emancipation	8	7	\$ 2,221.42	3	\$ 718.50	\$ 239.50	53	66	\$ 26,010.66	\$ 394.10			
Felony	528	585	\$ 605,199.66	455	\$ 412,080.30	\$ 905.67	3,508	4,538	\$ 3,940,477.89	\$ 868.33			
Involuntary Civil Commitment	104	89	\$ 19,206.04	55	\$ 13,678.84	\$ 248.71	637	607	\$ 139,612.22	\$ 230.00			
Juvenile	65	92	\$ 30,429.29	73	\$ 24,774.94	\$ 339.38	585	660	\$ 279,768.21	\$ 423.89			
Lawyer of the Day - Custody	232	214	\$ 49,320.30	209	\$ 50,952.47	\$ 243.79	1,569	1,776	\$ 425,853.86	\$ 239.78			
Lawyer of the Day - Juvenile	43	35	\$ 7,252.66	35	\$ 7,192.04	\$ 205.49	311	346	\$ 65,027.17	\$ 187.94			
Lawyer of the Day - Walk-in	137	127	\$ 28,651.72	124	\$ 27,400.36	\$ 220.97	841	938	\$ 221,528.80	\$ 236.17			
Misdemeanor	736	883	\$ 383,893.95	681	\$ 295,621.96	\$ 434.10	5,168	5,772	\$ 2,355,073.41	\$ 408.02			
Petition, Modified Release Treatment	1	6	\$ 2,599.65	0			3	36	\$ 18,032.79	\$ 500.91			
Petition, Release or Discharge	1	2	\$ 1,374.95	2	\$ 1,918.02	\$ 959.01	1	9	\$ 10,423.22	\$ 1,158.14			
Petition, Termination of Parental Rights	17	62	\$ 44,370.26	41	\$ 29,589.64	\$ 721.70	134	458	\$ 340,133.58	\$ 742.65			
Post Conviction Review	9	9	\$ 55,226.36	15	\$ 56,835.35	\$ 3,789.02	39	57	\$ 132,069.75	\$ 2,317.01			
Probate	2	3	\$ 1,817.88	3	\$ 2,081.88	\$ 693.96	19	11	\$ 6,446.48	\$ 586.04			
Probation Violation	188	210	\$ 84,096.67	179	\$ 68,062.16	\$ 380.24	1,221	1,377	\$ 534,396.49	\$ 388.09			
Represent Witness on 5th Amendment	0	3	\$ 1,978.84	2	\$ 1,480.12	\$ 740.06	17	25	\$ 8,730.64	\$ 349.23			
Review of Child Protection Order	46	156	\$ 80,244.74	136	\$ 70,024.04	\$ 514.88	292	1,191	\$ 638,172.79	\$ 535.83			
Revocation of Administrative Release	1	0		0			5	9	\$ 3,078.00	\$ 342.00			
DefenderData Sub-Total	2,287	2,909	\$ 1,678,142.73	2,366	\$ 1,289,038.96	\$ 544.82	15,518	20,563	\$ 11,015,555.83	\$ 535.70			
Paper Voucher Sub-Total	3	3	\$ 2,496.14	3	\$ 2,496.14	\$ 832.05	8	8	\$ 4,312.34	\$ 539.04			
TOTAL	2,290	2,912	\$1,680,638.87	2,369	\$1,291,535.10	\$ 545.18	15,526	20,571	\$ 11,019,868.17	\$ 535.70			

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY18 FUND ACCOUNTING**  
**AS OF 01/31/2018**

Account 010 95F Z112 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY18 Total
FY18 Professional Services Allotment		\$ 7,105,602.00		\$ 4,350,001.00		\$ 4,704,575.00		\$ 4,898,227.00	
FY18 General Operations Allotment		\$ 42,000.00		\$ 42,000.00		\$ 42,000.00		\$ 42,000.00	
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	
Encumbered Balance Forward FY17		\$ 28,759.02		\$ -		\$ -		\$ -	
<b>Total Budget Allotments</b>		<b>\$ 7,176,361.02</b>		<b>\$ 4,392,001.00</b>		<b>\$ 4,746,575.00</b>		<b>\$ 4,940,227.00</b>	<b>\$ 21,255,164.02</b>
Total Expenses	1	\$ (2,928,724.58)	4	\$ (1,426,660.74)	7	\$ (1,403,853.93)	10	\$ -	
	2	\$ (1,668,718.69)	5	\$ (1,586,795.93)	8	\$ -	11	\$ -	
	3	\$ (1,105,704.44)	6	\$ (1,419,256.42)	9	\$ -	12	\$ -	
Encumbrances (Somerset PDP & Justice Works)		\$ (264,063.50)		\$ 84,712.50		\$ 33,209.50		\$ -	\$ (146,141.50)
Encumbrances (B Taylor, JW amend contract, envelopes)		\$ (13,000.03)		\$ (44,000.01)		\$ -		\$ -	\$ (57,000.04)
<b>TOTAL REMAINING</b>		<b>\$ 1,196,149.78</b>		<b>\$ 0.40</b>		<b>\$ 3,375,930.57</b>		<b>\$ 4,940,227.00</b>	<b>\$ 9,512,307.75</b>

**Q3 Month 7**

**INDIGENT LEGAL SERVICES**

Counsel Payments	\$ (1,291,535.10)
Somerset County	\$ (22,687.50)
Somerset County Discovery	\$ -
Subpoena Witness Fees	\$ -
Private Investigators	\$ (18,643.57)
Mental Health Expert	\$ (21,180.90)
Transcripts	\$ (20,004.60)
Other Expert	\$ (14,704.18)
Lodging for Trial	\$ -
Process Servers	\$ (1,084.02)
Interpreters	\$ -
Misc Prof Fees & Serv	\$ (1,790.95)
<b>SUB-TOTAL ILS</b>	<b>\$ (1,391,630.82)</b>

**OPERATING EXPENSES**

Service Center	\$ -
DefenderData	\$ (10,522.00)
Risk Management Insurances	\$ -
Mileage/Tolls/Parking	\$ (754.73)
Mailing/Postage/Freight	\$ (25.62)
West Publishing Corp	\$ (168.30)
OIT/TELCO charges	\$ -
Office Supplies/Equip.	\$ (96.80)
Cellular Phones	\$ -
Annual Report prorated fee	\$ (9.58)
Office Equipment Rental	\$ (106.08)
Parking Permit Fee	\$ (540.00)
Barbara Taylor monthly fees	\$ -
<b>SUB-TOTAL OE</b>	<b>\$ (12,223.11)</b>
<b>TOTAL</b>	<b>\$ (1,403,853.93)</b>

**INDIGENT LEGAL SERVICES**

Q3 Allotment	\$ 4,746,575.00
Q3 Encumbrances for Somerset PDP & Justice Works contracts	\$ 33,209.50
Barbara Taylor Contract, envelopes	\$ -
Q3 Expenses to date	\$ (1,403,853.93)
<b>Remaining Q3 Allotment</b>	<b>\$ 3,375,930.57</b>

**Non-Counsel Indigent Legal Services**

Monthly Total	\$ (77,408.22)
Total Q1	\$ (308,598.67)
Total Q2	\$ (236,789.37)
Total Q3	\$ (77,408.22)
Total Q4	\$ -
<b>Fiscal Year Total</b>	<b>\$ (622,796.26)</b>

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY18 FUND ACCOUNTING**  
As of 01/31/18

Account 014 95F Z112 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY18 Total
<b>Total Budget Allotments</b>		\$ 160,986.00		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00	\$ 713,358.00
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Financial Order Adjustment	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Budget Order Adjustment	3	\$ -	6	\$ 23,139.00	9	\$ -	12	\$ -	
Budget Order Adjustment		\$ -		\$ -		\$ -	12	\$ -	\$ -
<b>Total Budget Allotments</b>		\$ 160,986.00		\$ 207,263.00		\$ 184,124.00		\$ 184,124.00	\$ 736,497.00
Cash Carryover from Prior Quarter		\$ 2,962.21		\$ -		\$ -		\$ -	
Collected Revenue from JB	1	\$ 43,709.11	4	\$ 62,588.04	7	\$ 73,076.20	10	\$ -	
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	2	\$ 48,375.11	5	\$ 94,654.93	8	\$ -	11	\$ -	
Court Ordered Counsel Fee		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB (late transfer)		\$ -		\$ -	9	\$ -		\$ -	
Collected Revenue from JB	3	\$ 66,433.82	6	\$ 65,784.65	9	\$ -	12	\$ -	
Returned Checks-stopped payments		\$ -		\$ 75.00		\$ -		\$ -	
<b>TOTAL CASH PLUS REVENUE COLLECTED</b>		\$ 161,480.25		\$ 223,102.62		\$ 73,076.20		\$ -	\$ 457,659.07
Counsel Payments	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Other Expenses		\$ -		\$ -		\$ -	***	\$ -	
Counsel Payments	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Other Expenses		\$ -		\$ -		\$ -		\$ -	
Counsel Payments	3	\$ (158,738.00)	6	\$ (204,362.90)	9	\$ -	12	\$ -	
Other Expenses	*	\$ (2,247.73)	**	\$ (2,893.78)		\$ -		\$ -	
<b>REMAINING ALLOTMENT</b>		\$ 0.27		\$ 6.32		\$ 184,124.00		\$ 184,124.00	\$ 368,254.59
Overpayment Reimbursements	1	\$ -	4	\$ (1,069.14)	7	\$ -	10	\$ -	
	2	\$ (183.00)	5	\$ (25.00)	8	\$ -	11	\$ -	
	3	\$ (303.50)	6	\$ -	9	\$ -	12	\$ -	
<b>REMAINING CASH Year to Date</b>		\$ 8.02		\$ 14,751.80		\$ 73,076.20		\$ -	\$ 87,836.02

<b>Q3 Month 7</b>	
<b>DEFENDER DATA COUNSEL PAYMENTS</b>	
	\$ -
<b>SUB-TOTAL (LS)</b>	\$ -
<b>OVERPAYMENT REIMBURSEMENTS</b>	
Paper Voucher	\$ -
Somerset County CDs	\$ -
Private Investigators	\$ -
Mental Health Expert	\$ -
Transcripts	\$ -
Other Expert	\$ -
StaCap Expense	\$ (2,893.78)
<b>SUB-TOTAL OF</b>	\$ (2,893.78)
<b>TOTAL</b>	\$ (2,893.78)

\* Q1 State Cap posted in Q2

\*\* Q2 State Cap posted in Q3

MAINE COMMISSION ON INDIGENT LEGAL SERVICES  
FY18 FUND ACCOUNTING  
AS OF 01/31/2018

Account 010 95F Z112 01 (Personal Services)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY18 Total
FY18 Allotment		\$ 191,878.00		\$ 216,894.00		\$ 191,873.00		\$ 184,672.00	\$ -
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	
<b>Total Budget Allotments</b>		<b>\$ 191,878.00</b>		<b>\$ 216,894.00</b>		<b>\$ 191,873.00</b>		<b>\$ 184,672.00</b>	<b>\$ 785,317.00</b>
Total Expenses	1	\$ (49,204.29)	4	\$ (79,098.20)	7	\$ (52,212.55)	10	\$ -	
	2	\$ (52,363.61)	5	\$ (47,858.62)	8	\$ -	11	\$ -	
	3	\$ (53,129.90)	6	\$ (52,437.93)	9	\$ -	12	\$ -	
<b>TOTAL REMAINING</b>		<b>\$ 37,180.20</b>		<b>\$ 37,499.25</b>		<b>\$ 139,660.45</b>		<b>\$ 184,672.00</b>	<b>\$ 399,011.90</b>

Q3 Month 7	
Per Diem Payments	\$ (165.00)
Salary	\$ (22,434.77)
Vacation Pay	\$ (1,863.91)
Holiday Pay	\$ (3,221.40)
Sick Pay	\$ (892.04)
Employee Hlth Svs/Workers Comp	\$ -
Health Insurance	\$ (9,024.08)
Dental Insurance	\$ (223.22)
Employer Retiree Health	\$ (3,310.45)
Employer Retirement	\$ (1,884.13)
Employer Group Life	\$ (279.30)
Employer Medicare	\$ (408.86)
Retiree Unfunded Liability	\$ (6,065.47)
Retro Pymt	\$ -
Perm Part Time Full Ben	\$ (2,439.92)
<b>TOTAL</b>	<b>\$ (52,212.55)</b>



**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY18 FUND ACCOUNTING**  
As of 01/31/18

Account 014 95F Z112 02 (Conference)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY18 Total
<b>Total Budget Allotments</b>		\$ 20,500.00		\$ 15,000.00		\$ 15,000.00		\$ 12,000.00	\$ 62,500.00
Financial Order Adjustment				\$ -		\$ -		\$ -	
Financial Order Adjustment		\$ -		\$ -		\$ -			
Budget Order Adjustment		\$ -		\$ -		\$ -		\$ -	\$ -
<b>Total Budget Allotments</b>		\$ 20,500.00		\$ 15,000.00		\$ 15,000.00		\$ 12,000.00	\$ 62,500.00
Cash Carryover from Prior Quarter		\$ 14,942.80		\$ 12,967.13		\$ 14,722.49		\$ -	
Collected Revenue	1	\$ -	4	\$ 4,330.00	7	\$ 1,025.00	10	\$ -	
Non-attendance Reimbursements			4	\$ (575.00)		\$ -		\$ -	
Collected Revenue	2	\$ 4,250.00	5	\$ 1,615.00	8	\$ -	11	\$ -	
Collected Revenue	3	\$ 1,890.00	6	\$ -	9	\$ -	12	\$ -	
<b>TOTAL CASH PLUS REVENUE COLLECTED</b>		\$ 21,082.80		\$ 18,337.13		\$ 15,747.49		\$ -	\$ 12,535.00
Total Expenses	1	\$ (1,559.99)	4	\$ (2,924.95)	7	\$ (176.99)	10	\$ -	
	2	\$ (112.28)	5	\$ (639.22)	8	\$ -	11	\$ -	
	3	\$ (6,353.73)	6	\$ -	9	\$ -	12	\$ -	
State Cap	**	\$ (89.67)		\$ (50.47)		\$ -		\$ -	\$ (140.14)
Encumbrances		\$ (4,272.55)		\$ -		\$ -		\$ -	\$ (4,272.55)
<b>REMAINING ALLOTMENT</b>		\$ 8,111.78		\$ 11,385.36		\$ 14,823.01		\$ 12,000.00	\$ 46,320.15
<b>REMAINING CASH Year to Date</b>		\$ 12,967.13		\$ 14,722.49		\$ 15,570.50		\$ -	

<b>Q3 Month 7</b>	
Training Manuals Printing	\$ -
Training Refreshments/Meals	\$ (141.99)
Media Northeast	\$ -
Overseers of the Bar CLE fees	\$ (35.00)
Speaker Fees & Travel Expenses	\$ -
Non-attendance refunds	\$ -
State Cap Expense	\$ -
<b>TOTAL</b>	\$ (176.99)

\*\* Q1 State Cap posted in Q2

## MAINE COMMISSION ON INDIGENT LEGAL SERVICES

## Activity Report by Court

1/31/2018

Court	Jan-18						Fiscal Year 2018			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	10	22	\$ 16,096.60	24	\$ 18,351.02	\$ 764.63	78	189	\$ 137,328.13	\$ 726.60
AUBSC	15	14	\$ 7,667.89	14	\$ 5,341.00	\$ 381.50	77	120	\$ 105,756.35	\$ 881.30
AUGDC	31	74	\$ 36,992.77	70	\$ 34,403.08	\$ 491.47	278	492	\$ 228,354.93	\$ 464.14
AUGSC	27	33	\$ 11,679.10	22	\$ 8,158.52	\$ 370.84	147	235	\$ 136,432.69	\$ 580.56
BANDC	61	84	\$ 28,724.36	74	\$ 22,482.51	\$ 303.82	387	703	\$ 251,087.12	\$ 357.17
BANSC	1	4	\$ 2,464.80	2	\$ 1,468.80	\$ 734.40	10	12	\$ 6,799.86	\$ 566.66
BATSC	0	1	\$ 222.00	1	\$ 128.80	\$ 128.80	6	6	\$ 1,698.80	\$ 283.13
BELDC	3	19	\$ 7,502.64	10	\$ 5,103.85	\$ 510.39	59	157	\$ 86,773.93	\$ 552.70
BELSC	0	1	\$ 1,106.08	2	\$ 1,136.08	\$ 568.04	1	13	\$ 10,786.32	\$ 829.72
BIDDC	65	60	\$ 33,116.06	43	\$ 21,871.70	\$ 508.64	403	583	\$ 306,794.73	\$ 526.23
BRIDC	13	25	\$ 10,271.56	13	\$ 5,266.20	\$ 405.09	87	131	\$ 75,429.54	\$ 575.80
CALDC	4	13	\$ 14,188.32	12	\$ 10,272.00	\$ 856.00	57	86	\$ 46,457.08	\$ 540.20
CARDC	2	4	\$ 1,385.44	4	\$ 2,808.00	\$ 702.00	30	86	\$ 42,629.59	\$ 495.69
CARSC	2	6	\$ 4,423.07	9	\$ 5,659.07	\$ 628.79	29	75	\$ 63,477.92	\$ 846.37
DOVDC	5	18	\$ 7,332.00	22	\$ 9,229.68	\$ 419.53	43	91	\$ 29,348.88	\$ 322.52
DOVSC	0	0		0			0	2	\$ 324.00	\$ 162.00
ELLDC	5	28	\$ 16,884.31	31	\$ 16,031.50	\$ 517.15	97	203	\$ 121,539.50	\$ 598.72
ELLSC	1	6	\$ 2,717.45	2	\$ 222.00	\$ 111.00	7	12	\$ 2,460.00	\$ 205.00
FARDC	11	14	\$ 19,266.70	14	\$ 17,115.86	\$ 1,222.56	69	110	\$ 75,122.57	\$ 682.93
FARSC	0	0		0			2	5	\$ 3,211.96	\$ 642.39
FORDC	3	8	\$ 1,813.23	1	\$ 531.63	\$ 531.63	23	30	\$ 15,698.26	\$ 523.28
HOUDC	10	9	\$ 3,112.73	13	\$ 6,356.75	\$ 488.98	119	206	\$ 92,670.05	\$ 449.85
HOUSC	0	0		0			6	10	\$ 28,150.46	\$ 2,815.05
LEWDC	87	159	\$ 66,341.11	128	\$ 52,302.85	\$ 408.62	472	847	\$ 361,682.52	\$ 427.02
LINDC	10	14	\$ 6,275.94	7	\$ 4,051.36	\$ 578.77	60	105	\$ 49,372.74	\$ 470.22
MACDC	8	21	\$ 5,446.50	22	\$ 8,396.90	\$ 381.68	80	138	\$ 64,103.24	\$ 464.52
MACSC	2	3	\$ 2,118.00	2	\$ 648.00	\$ 324.00	14	18	\$ 16,836.28	\$ 935.35
MADDC	1	1	\$ 150.00	0			10	12	\$ 3,097.52	\$ 258.13
MILDC	6	3	\$ 1,014.00	2	\$ 1,364.00	\$ 682.00	23	15	\$ 5,686.40	\$ 379.09
NEWDC	16	30	\$ 10,978.05	20	\$ 8,407.91	\$ 420.40	80	168	\$ 62,927.73	\$ 374.57
PORDC	94	113	\$ 53,977.62	68	\$ 41,816.51	\$ 614.95	581	812	\$ 415,425.64	\$ 511.61
PORSC	0	2	\$ 31,560.00	1	\$ 31,104.00	\$ 31,104.00	6	14	\$ 46,653.44	\$ 3,332.39
PREDC	4	35	\$ 17,525.52	20	\$ 11,422.60	\$ 571.13	85	248	\$ 142,313.32	\$ 573.84
RODC	15	28	\$ 16,784.82	19	\$ 12,940.62	\$ 681.09	113	199	\$ 102,268.33	\$ 513.91
ROCSC	4	1	\$ 260.76	1	\$ 260.76	\$ 260.76	12	17	\$ 13,632.26	\$ 801.90
RUMDC	9	12	\$ 6,456.00	14	\$ 10,602.79	\$ 757.34	59	93	\$ 51,634.84	\$ 555.21
SKODC	19	42	\$ 20,390.28	38	\$ 19,052.04	\$ 501.37	114	359	\$ 206,085.40	\$ 574.05
SKOSC	0	0		0			0	0		
SODC	4	9	\$ 5,013.12	3	\$ 1,194.00	\$ 398.00	38	71	\$ 41,965.55	\$ 591.06
SOUSC	0	6	\$ 2,384.74	3	\$ 1,891.24	\$ 630.41	15	41	\$ 29,185.45	\$ 711.84
SPRDC	37	65	\$ 34,424.13	45	\$ 24,653.22	\$ 547.85	281	484	\$ 267,082.07	\$ 551.82
Law Ct	14	20	\$ 19,787.54	9	\$ 11,733.31	\$ 1,303.70	81	110	\$ 175,022.15	\$ 1,591.11
YORCD	230	259	\$ 194,089.20	238	\$ 156,088.76	\$ 655.84	1,402	1,701	\$ 1,194,570.17	\$ 702.28
AROCD	99	87	\$ 53,920.24	91	\$ 46,723.05	\$ 513.44	771	798	\$ 444,300.74	\$ 556.77
ANDCD	185	158	\$ 84,442.98	141	\$ 64,784.64	\$ 459.47	995	1,083	\$ 550,658.77	\$ 508.46
KENCD	127	202	\$ 107,471.49	152	\$ 78,109.94	\$ 513.88	1,011	1,273	\$ 633,600.56	\$ 497.72
PENCD	265	300	\$ 178,204.41	207	\$ 97,615.58	\$ 471.57	1,669	1,893	\$ 839,404.58	\$ 443.43
SAGCD	35	34	\$ 30,302.24	38	\$ 20,822.16	\$ 547.95	235	241	\$ 132,522.43	\$ 549.89
WALCD	39	38	\$ 53,293.75	24	\$ 47,763.99	\$ 1,990.17	215	245	\$ 147,896.49	\$ 603.66
PISCD	16	16	\$ 3,480.00	11	\$ 2,064.00	\$ 187.64	101	113	\$ 25,000.18	\$ 221.24
HANCD	40	77	\$ 25,789.54	70	\$ 24,096.32	\$ 344.23	425	477	\$ 218,353.37	\$ 457.76
FRACD	48	37	\$ 22,615.50	44	\$ 21,563.85	\$ 490.09	322	369	\$ 189,746.80	\$ 514.22
WASCD	55	52	\$ 21,384.41	29	\$ 11,245.25	\$ 387.77	327	317	\$ 132,292.17	\$ 417.33
CUMCD	359	394	\$ 238,521.68	314	\$ 171,990.60	\$ 547.74	2,421	2,686	\$ 1,511,266.73	\$ 562.65
KNOCD	28	28	\$ 15,120.30	24	\$ 11,906.06	\$ 496.09	314	423	\$ 229,408.13	\$ 542.34
SOMCD	1	0		1	\$ 760.61	\$ 760.61	5	6	\$ 4,719.41	\$ 786.57
OXFCD	48	72	\$ 44,890.86	57	\$ 37,750.98	\$ 662.30	432	530	\$ 288,403.05	\$ 544.16
LINCD	39	35	\$ 17,860.04	28	\$ 12,622.40	\$ 450.80	264	318	\$ 165,347.21	\$ 519.96
WATDC	27	54	\$ 23,710.36	53	\$ 22,987.64	\$ 433.73	174	361	\$ 182,359.40	\$ 505.15
WESDC	24	26	\$ 11,466.52	34	\$ 13,574.80	\$ 399.26	167	215	\$ 93,875.98	\$ 436.63
WISDC	10	16	\$ 16,550.97	12	\$ 5,823.73	\$ 485.31	59	85	\$ 53,985.16	\$ 635.12
WISSC	1	2	\$ 414.00	1	\$ 216.00	\$ 216.00	3	11	\$ 7,696.12	\$ 699.65
YORDC	12	15	\$ 6,759.00	12	\$ 6,748.44	\$ 562.37	67	110	\$ 46,840.83	\$ 425.83
<b>TOTAL</b>	<b>2,287</b>	<b>2,909</b>	<b>\$ 1,678,142.73</b>	<b>2,366</b>	<b>\$ 1,289,038.96</b>	<b>\$ 544.82</b>	<b>15,518</b>	<b>20,563</b>	<b>\$ 11,015,555.83</b>	<b>\$ 535.70</b>

# MAINE COMMISSION ON INDIGENT LEGAL SERVICES

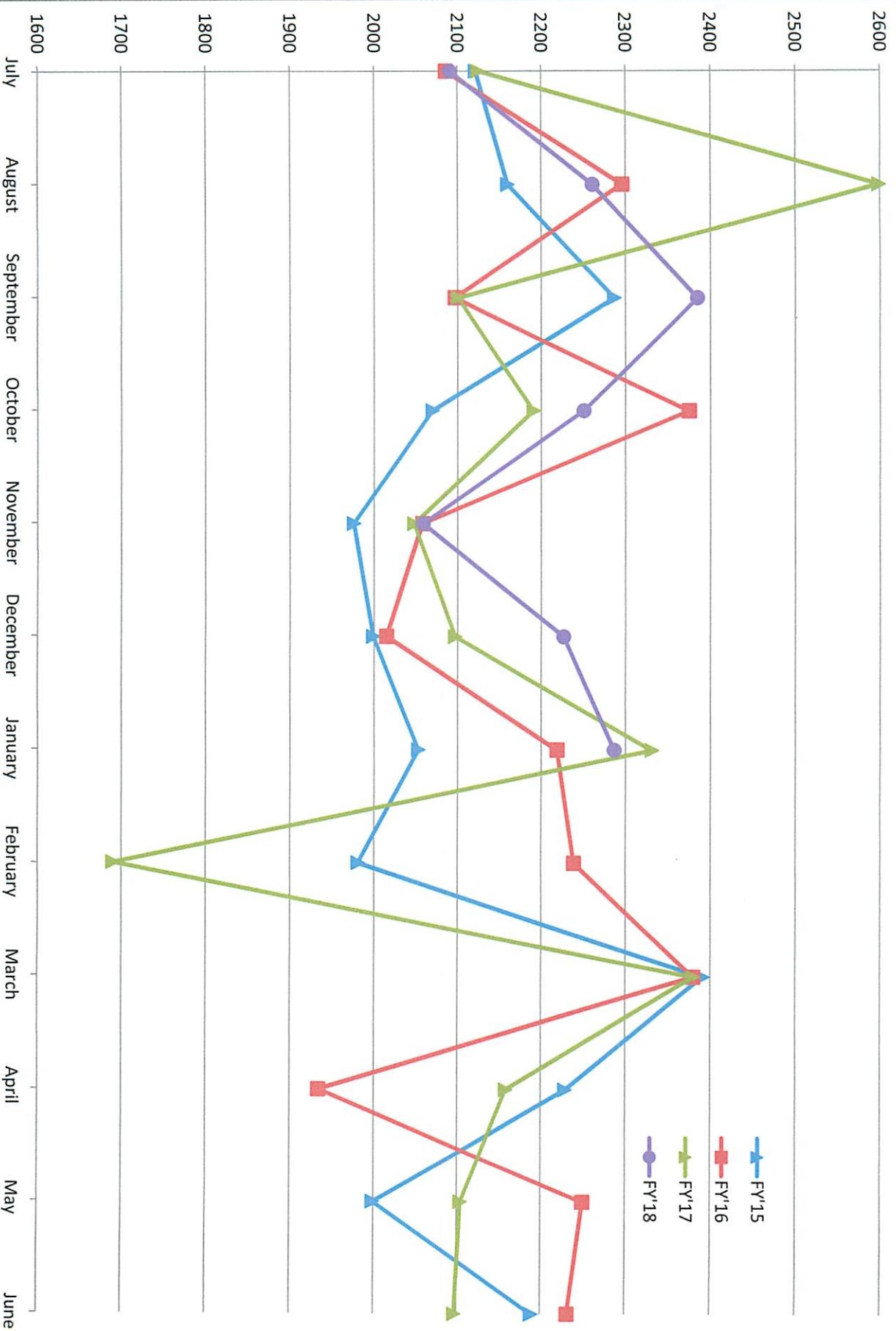
## Number of Attorneys Rostered by Court

01/31/2018

Court	Rostered Attorneys
Augusta District Court	99
Bangor District Court	46
Belfast District Court	47
Biddeford District Court	134
Bridgton District Court	89
Calais District Court	11
Caribou District Court	17
Dover-Foxcroft District Court	24
Ellsworth District Court	37
Farmington District Court	33
Fort Kent District Court	9
Houlton District Court	13
Lewiston District Court	124
Lincoln District Court	25
Machias District Court	17
Madawaska District Court	10
Millinocket District Court	18
Newport District Court	34
Portland District Court	155
Presque Isle District Court	14
Rockland District Court	40
Rumford District Court	25
Skowhegan District Court	27

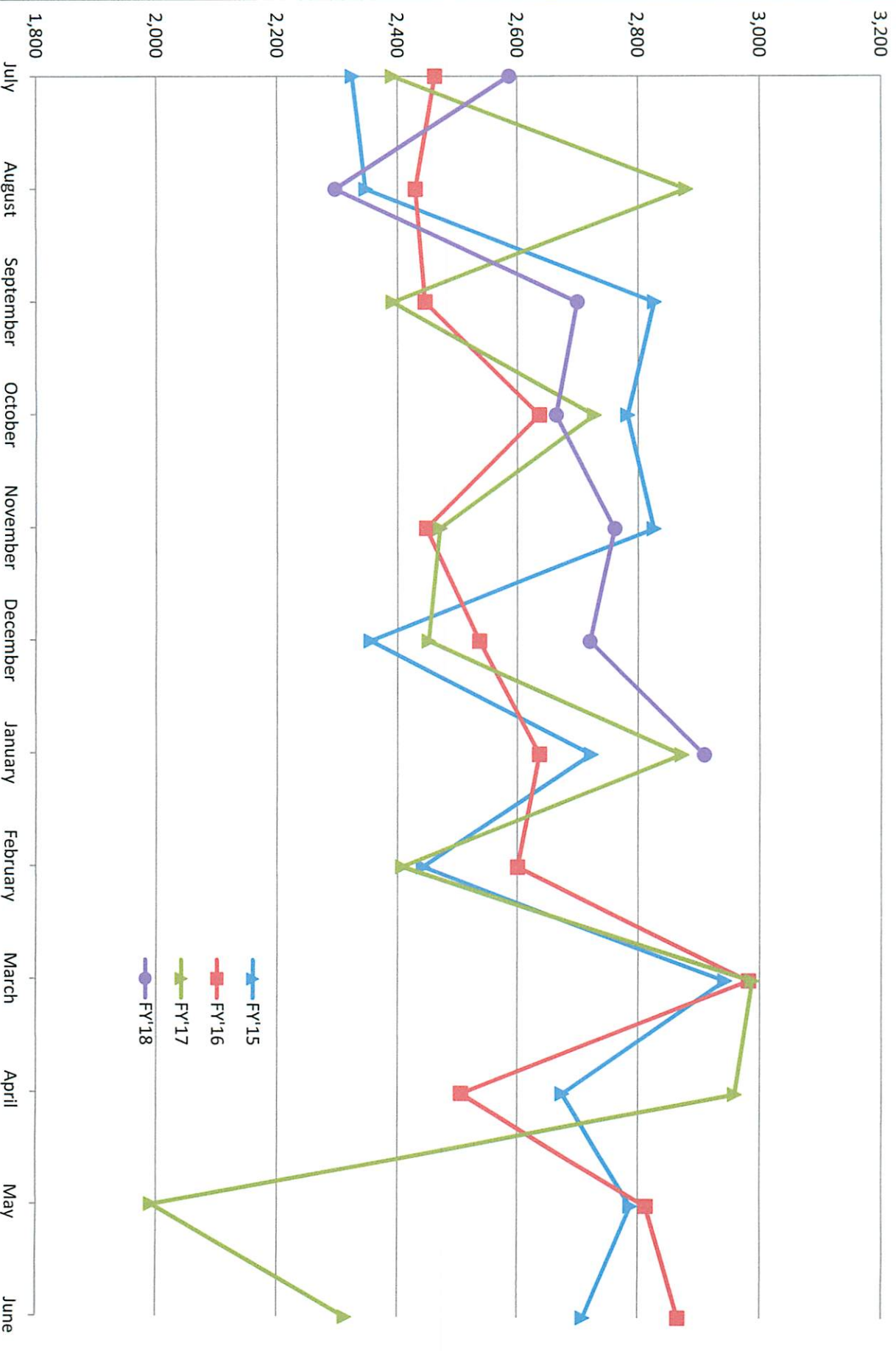
Court	Rostered Attorneys
South Paris District Court	54
Springvale District Court	120
Unified Criminal Docket Alfred	121
Unified Criminal Docket Aroostook	22
Unified Criminal Docket Auburn	104
Unified Criminal Docket Augusta	90
Unified Criminal Docket Bangor	51
Unified Criminal Docket Bath	94
Unified Criminal Docket Belfast	46
Unified Criminal Docket Dover Foxcroft	21
Unified Criminal Docket Ellsworth	39
Unified Criminal Docket Farmington	35
Unified Criminal Docket Machias	18
Unified Criminal Docket Portland	158
Unified Criminal Docket Rockland	39
Unified Criminal Docket Skowhegan	21
Unified Criminal Docket South Paris	81
Unified Criminal Docket Wiscasset	58
Waterville District Court	51
West Bath District Court	114
Wiscasset District Court	62
York District Court	103

# NEW CASES

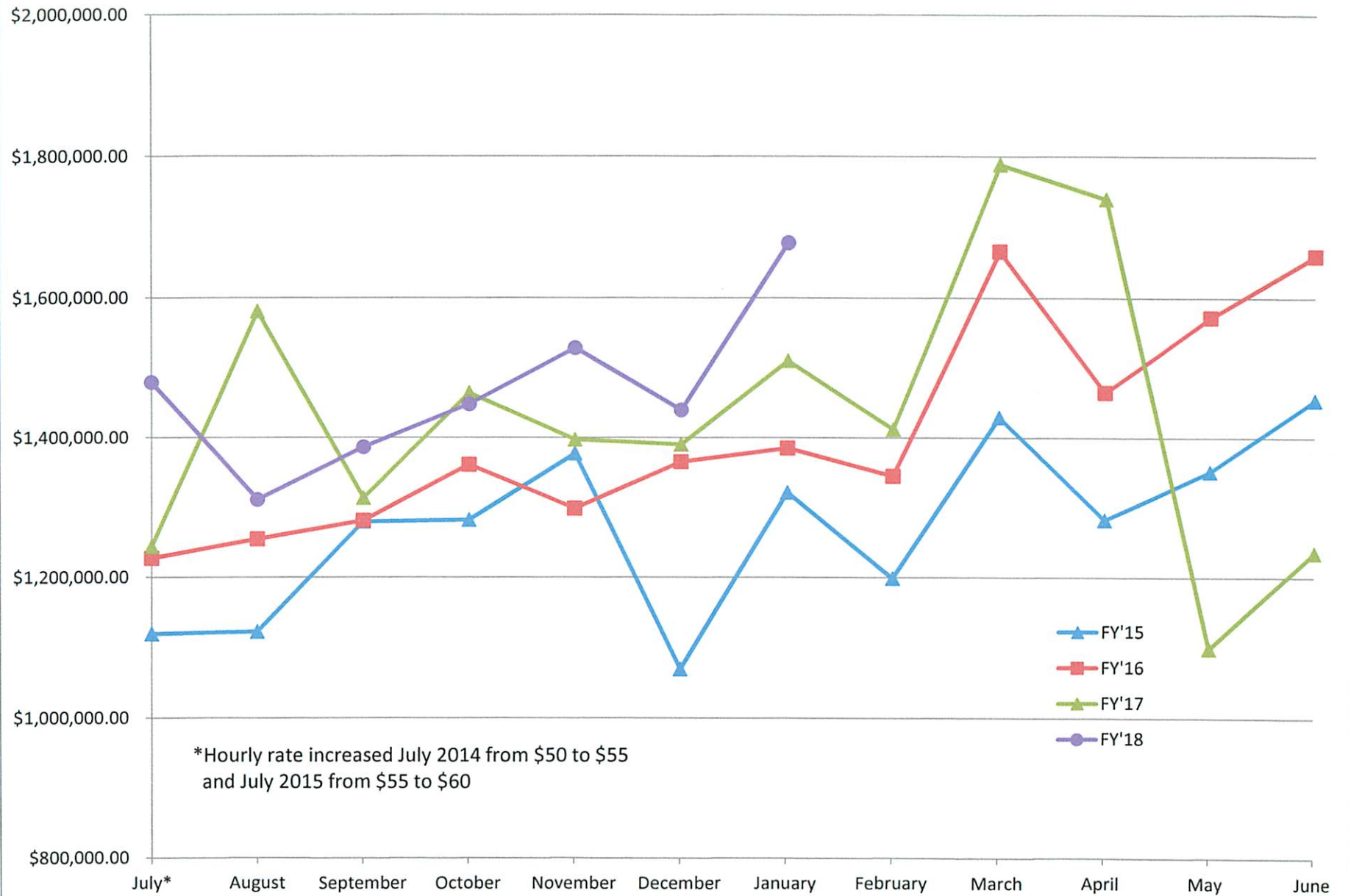




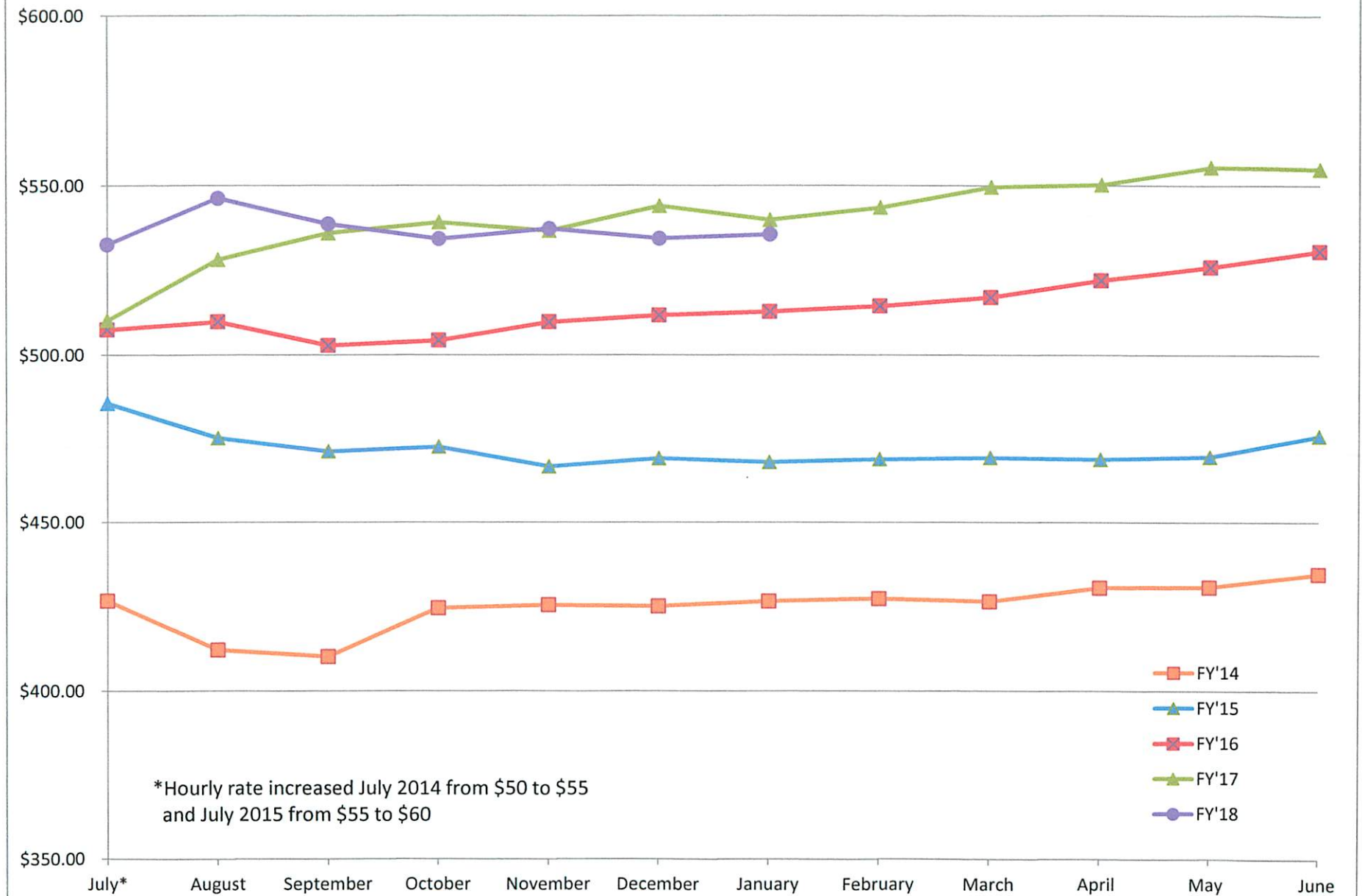
# Submitted Vouchers



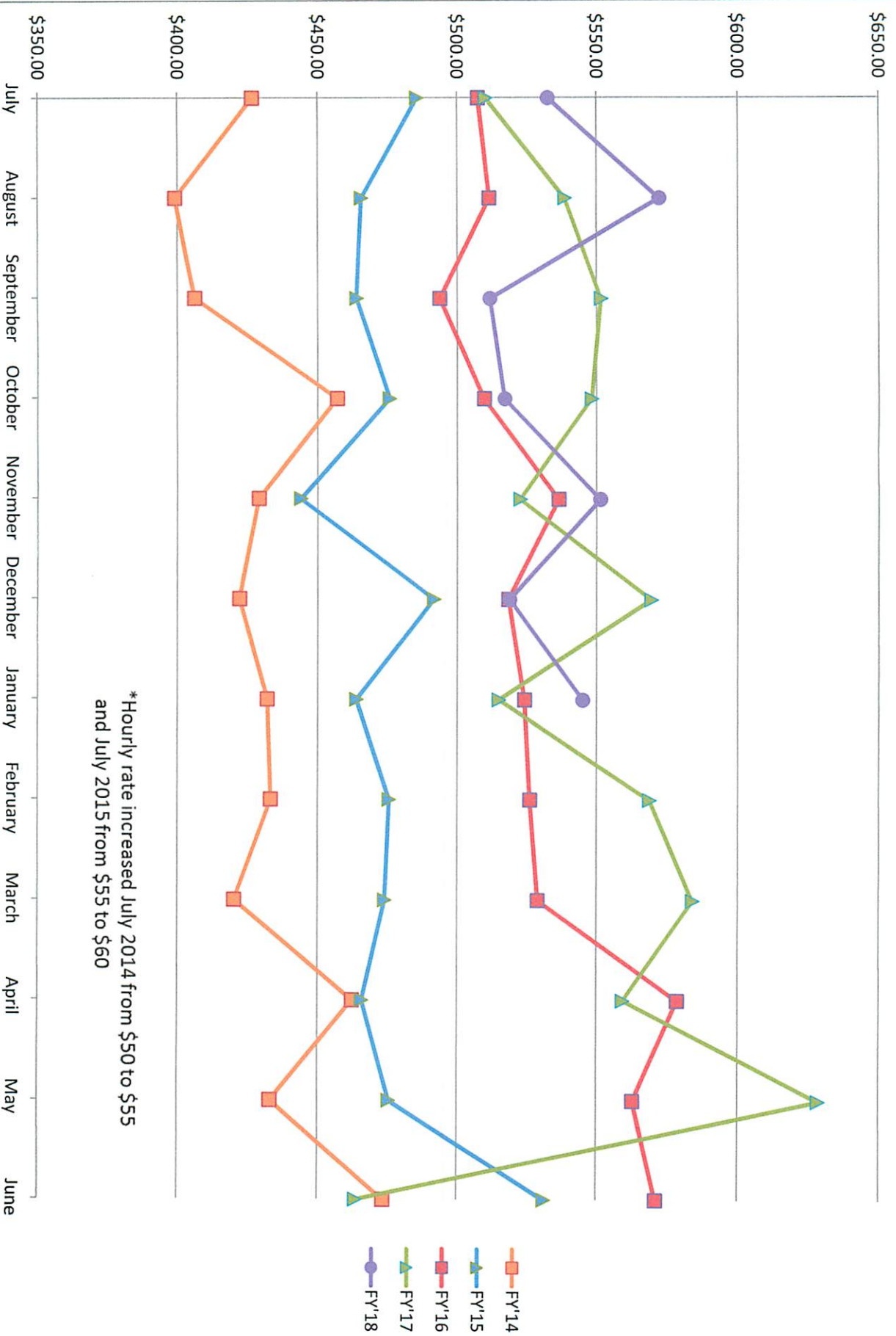
## Submitted Voucher Amount



## Average Voucher Price Fiscal Year to Date



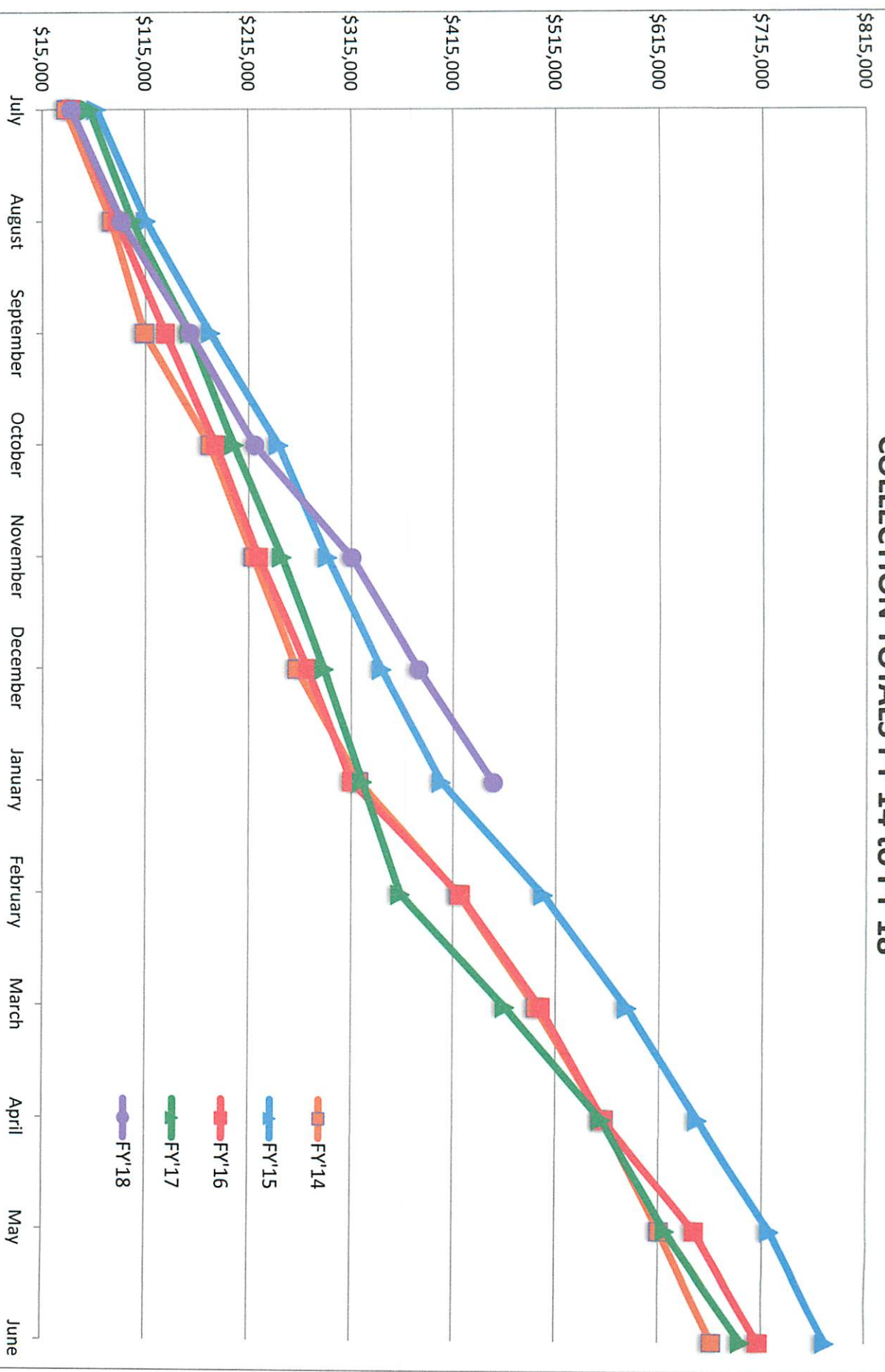
# Monthly Price Per Voucher



\*Hourly rate increased July 2014 from \$50 to \$55 and July 2015 from \$55 to \$60



# COLLECTION TOTALS FY'14 to FY'18



**(3.)**

**Working Group Update**

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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**TO:** MCILS COMMISSIONERS  
**FROM:** JOHN D. PELLETIER, EXECUTIVE DIRECTOR  
**CC:** ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR  
**SUBJECT:** WORKING GROUP DISCUSSION  
**DATE:** February 8, 2018

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The Working Group presented its report to the Judiciary Committee on January 18, 2018. The Judiciary Committee then met on January 25, 2018 to discuss how to proceed regarding the Working Group recommendations. At that time, they decided to introduce two bills aimed at implementing two recommendations of the report – one to authorize a study of indigent legal services in Maine by the Sixth Amendment Center, and the other to amend the Commission statute to expand the number of Commissioners and make changes to the qualifications of potential appointees. The bills, LD 1812 and 1817 have been printed, and they are set for public hearing on February 13, 2018. Copies of the bills are attached.

At the upcoming meeting, Chair Carey and I will report on the public hearing.



# 128th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2018

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**Legislative Document**

**No. 1812**

H.P. 1257

House of Representatives, January 30, 2018

**Resolve, Directing an Independent, Nonpartisan, Objective  
Evaluation of the Provision of Indigent Legal Services**

(EMERGENCY)

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Reported by Representative MOONEN of Portland for the Joint Standing Committee on  
Judiciary pursuant to Public Law 2017, chapter 284, Pt. UUUU, section 17.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint  
Rule 218.

*Robert B. Hunt*

ROBERT B. HUNT  
Clerk

1       **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3       **Whereas,** the State of Maine has a constitutional obligation to provide indigent legal  
4 services; and

5       **Whereas,** the diversity in population density and availability of attorneys across the  
6 State can present challenges to providing consistent high-quality legal services to fulfill  
7 that obligation; and

8       **Whereas,** many factors external to the operation of the Maine Commission on  
9 Indigent Legal Services are driving up costs to both prosecution and defense; and

10       **Whereas,** the need to ensure the most efficient use of limited resources requires a  
11 study of the existing system to be conducted by an independent, outside, nonpartisan  
12 entity; and

13       **Whereas,** the Working Group to Improve the Provision of Indigent Legal Services  
14 recommended that such a study be conducted as soon as possible; and

15       **Whereas,** authorization and funding for the study need to be provided as soon as  
16 possible for the comprehensive study to be conducted in time for recommendations to be  
17 considered by the First Regular Session of the 129th Legislature; and

18       **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
19 the meaning of the Constitution of Maine and require the following legislation as  
20 immediately necessary for the preservation of the public peace, health and safety; now,  
21 therefore, be it

22       **Sec. 1. Legislative Council to contract for independent, nonpartisan,**  
23 **objective evaluation of obligation to provide indigent legal services.**  
24 **Resolved:** That the Legislative Council, through the Executive Director of the  
25 Legislative Council, shall contract with a qualified nonprofit organization that has, within  
26 the 12 months prior to the effective date of this resolve, provided consulting and  
27 evaluations regarding state indigent legal services systems to evaluate the existing system  
28 in the State for providing legal representation as required by both the Constitution of  
29 Maine and the United States Constitution and by the laws of the State and to provide  
30 recommendations to improve the structure, services and other elements of the State's  
31 indigent legal services system. The executive director shall arrange for the evaluation to  
32 be completed and a report submitted to the joint standing committee of the 129th  
33 Legislature having jurisdiction over judiciary matters no later than January 15, 2019; and  
34 be it further

35       **Sec. 2. Joint standing committee authorized to report out legislation.**  
36 **Resolved:** That the joint standing committee of the 129th Legislature having  
37 jurisdiction over judiciary matters is authorized to submit legislation based on the report  
38 and recommendations contained in the report submitted pursuant to section 1 to the First  
39 Regular Session of the 129th Legislature; and be it further

**Sec. 3. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

## LEGISLATURE

**Legislature 0081**

**Initiative:** Appropriates funds on a one-time basis to the Legislature to provide funding for the purpose of entering into a contract with a nonprofit organization experienced in evaluating indigent legal services systems.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$110,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$110,000</b>	<b>\$0</b>

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

## SUMMARY

This resolve is a recommendation of the Working Group to Improve the Provision of Indigent Legal Services. It directs the Legislative Council to contract for an independent, nonpartisan, objective evaluation of and report on the provision of indigent legal services with a nonprofit organization that conducts such evaluations. The joint standing committee of the 129th Legislature having jurisdiction over judiciary matters is authorized to report out legislation based on the report.



# 128th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2018

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Legislative Document

No. 1817

H.P. 1259

House of Representatives, February 1, 2018

**An Act To Implement the Recommendations of the Working Group  
To Improve the Provision of Indigent Legal Services Concerning the  
Membership of the Maine Commission on Indigent Legal Services**

(EMERGENCY)

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Reported by Representative MOONEN of Portland for the Joint Standing Committee on  
Judiciary pursuant to Public Law 2017, chapter 284, Part UUUU, section 17.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint  
Rule 218.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT  
Clerk

1       **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3       **Whereas,** the Maine Commission on Indigent Legal Services consists of 5 members,  
4 although there are currently only 3 sitting commissioners; and

5       **Whereas,** the Working Group to Improve the Provision of Indigent Legal Services  
6 recommended that the membership be expanded in number and diversity; and

7       **Whereas,** new appointments to the commission should be made consistent with the  
8 recommendation to adjust the makeup of the commission, and the commission should be  
9 operating at full strength as soon as possible; and

10       **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
11 the meaning of the Constitution of Maine and require the following legislation as  
12 immediately necessary for the preservation of the public peace, health and safety; now,  
13 therefore,

14       **Be it enacted by the People of the State of Maine as follows:**

15       **Sec. 1. 4 MRSA §1803, sub-§§1, 2 and 4,** as enacted by PL 2009, c. 419, §2, are  
16 amended to read:

17       **1. Members; appointment; chair.** The commission consists of ~~5~~ 9 members  
18 appointed by the Governor and subject to review by the joint standing committee of the  
19 Legislature having jurisdiction over judiciary matters and confirmation by the  
20 Legislature. The Governor shall designate one member to serve as chair of the  
21 commission. One of the members must be appointed from a list of qualified potential  
22 appointees provided by the President of the Senate. One of the members must be  
23 appointed from a list of qualified appointees provided by the Speaker of the House of  
24 Representatives. ~~One~~ Two of the members must be appointed from a list of qualified  
25 potential appointees provided by the Chief Justice of the Supreme Judicial Court. Two of  
26 the members must be appointed from a list of qualified potential appointees provided by  
27 the president of a statewide organization representing attorneys. One of the members  
28 must be appointed from a list of qualified appointees provided by the Dean of the  
29 University of Maine School of Law.

30       In determining the appointments and recommendations under this subsection, the  
31 Governor, the President of the Senate, the Speaker of the House of Representatives ~~and,~~  
32 the Chief Justice of the Supreme Judicial Court, the president of the statewide  
33 organization representing attorneys and the Dean of the University of Maine School of  
34 Law shall consider input from persons and organizations with an interest in the delivery  
35 of indigent legal services.

36       **2. Qualifications.** Individuals appointed to the commission must have demonstrated  
37 a commitment to quality representation for persons who are indigent and have the skills  
38 and knowledge required to ensure that quality of representation is provided in each area  
39 of law. No more than ~~3~~ 7 members may be attorneys engaged in the active practice of  
40 law. A person who is a sitting judge, prosecutor, law enforcement official or indigent



1 legal services provider, or an employee of such a person, may not be appointed to the  
2 commission.

3       **4. Quorum.** ~~Three~~ Five members of the commission constitutes a quorum. A  
4 vacancy in the commission does not impair the power of the remaining members to  
5 exercise all the powers of the commission.

6       **Emergency clause.** In view of the emergency cited in the preamble, this  
7 legislation takes effect when approved.

## 8 SUMMARY

9       This bill is a recommendation of the Working Group to Improve the Provision of  
10 Indigent Legal Services. It amends the makeup of the Maine Commission on Indigent  
11 Legal Services, based on suggestions of the Sixth Amendment Center, to include  
12 appointments suggested by the Dean of the University of Maine School of Law and the  
13 president of a statewide organization representing attorneys. It also increases the number  
14 of appointments from a list suggested by the Chief Justice of the Supreme Judicial Court  
15 from one to 2. The number of members required for a quorum is adjusted from 3 to 5.

16       In order to ensure the independence of the commission and ensure no appearance of  
17 conflict of interest, the bill prohibits the appointment to the commission of a person who  
18 is a sitting judge, prosecutor, law enforcement official or indigent legal services provider,  
19 or an employee of such a person.

**(4.)**

## **Action Items Discussion**

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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**TO:** MCILS COMMISSIONERS  
**FROM:** JOHN D. PELLETIER, EXECUTIVE DIRECTOR  
**CC:** ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR  
**SUBJECT:** ACTION ITEMS DISCUSSION  
**DATE:** February 8, 2018

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At the last meeting, the Commission focused on two items, beginning implementation of a resource counsel system and promulgation of feedback form for indigent clients and potentially others in the system. Since the last meeting, the staff has no progress to report on these items because we have focused on another long-standing project.

We have been working on fully implementing the specialized panels for Domestic Violence, OUI, Appeals and Post-Conviction Review. Applications were submitted during the summer, and review of the applications has been an arduous task to complete among all of the other work the staff must attend to. In any event, the new DV and OUI rosters are complete and include about 150 attorneys qualified in each category. We have reached out to the court clerks to advise that these roster categories are now in place and should govern assignments in these cases. At the same time, we took the opportunity to urge the clerks to be sure to pay attention to the serious violent felony and sex offense categories as well. We expect the Appeal and PCR roster to be finalized and distributed prior to the meeting on the 16<sup>th</sup>.

In addition, we have worked with Justiceworks to create a web-based application that will allow clerks to search for voucher payment information. After some initial modification, this app is now ready for distribution, and we have also advised clerks on the use of the app, along with providing written instructions. We expect the app to go live during the week on February 12<sup>th</sup>, and we expect that the app will both reduce MCILS staff time needed to respond to inquiries about voucher payments and increase the amount of reimbursements from bail setoffs.

Finally, the new app will allow clerks to search and download rosters, so they will have real time access as opposed to the current monthly update process.

**(5.)**

**Somerset Contract**

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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**TO:** MCILS COMMISSIONERS  
**FROM:** JOHN D. PELLETIER, EXECUTIVE DIRECTOR  
**CC:** ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR  
**SUBJECT:** SOMERSET RFP  
**DATE:** February 8, 2018

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The final extension of the current Somerset Contract expires on June 30, 2018. The Commission should decide whether to issue an RFP for a new contract, and if so, whether we should make changes from the RFP that led to the current contract.

Attached are copies of cost statistics for FY'17 and FY'16 under the contract, as well as a copy of the RFP issued in 2014.

	Fiscal Year 2016	
	Cases	Hours
ADULT	353	1381.46
JUV	37	109.95
LODW	23	117.6
LODC	157	366.8
LODJ	12	42.35
TOTALS	582	2018.16
Contract Payment	272250	
Fee per case	467.78	(statewide \$530.69)
Fee per hour	134.90	

	Fiscal Year 2017	
	Cases	Hours
ADULT	264	942.64
JUV	13	43.5
LODW	27	117.7
LODC	159	402.8
LODJ	12	49.35
TOTALS	475	1555.99
Contract Payment	272250	
Fee per case	573.16	(statewide \$554.80)
Fee per hour	174.97	

**STATE OF MAINE  
MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

**RFP # 201404725**

**SOMERSET COUNTY INDIGENT LEGAL SERVICES**

**RFP Coordinator:** John D. Pelletier, Esq., Executive Director  
154 State House Station, Augusta, ME 04333

Tel: 287-3254 e-mail: [john.pelletier@maine.gov](mailto:john.pelletier@maine.gov)

**From the time this RFP is issued until award notification is made, all contact with the State regarding this RFP must be made through the aforementioned RFP Coordinator. No other person / State employee is empowered to make binding statements regarding this RFP. Violation of this provision may lead to disqualification from the bidding process, at the State's discretion.**

**Deadline for Submitted Questions:** May 2, 2014, 5:00 p.m. local time

**Proposals Due:** May 16, 2014, not later than 2:00 p.m. local time

Submit to:

**Division of Purchases  
Burton M. Cross Building, 111 Sewall Street, 4<sup>th</sup> Floor  
9 State House Station, Augusta ME 04333-0009**



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**Public Notice**

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**State of Maine  
Maine Commission on Indigent Legal Services  
Public Notice for RFP # 201404725  
Somerset County Indigent Legal Services**

The Maine Commission on Indigent Legal Services has a requirement for providing legal services to indigent parties in criminal cases and juvenile cases in Somerset County. In accordance with State procurement practices, the Commission is hereby announcing the publication of a Request for Proposals (RFP) # 201404725 for the purchase of the aforementioned legal services.

A copy of the RFP can be obtained by contacting the Commission's RFP Coordinator for this project: John D. Pelletier, Esq., Executive Director. The RFP Coordinator can be reached at the following email address: [john.pelletier@maine.gov](mailto:john.pelletier@maine.gov) or mailing address: 154 State House Station, Augusta, Maine, 04333. The Commission encourages all interested attorneys to obtain a copy of the RFP and submit a competitive proposal.

Proposals must be submitted to the State of Maine Division of Purchases, located at the Burton M. Cross Office Building, 111 Sewall Street, 4<sup>th</sup> Floor, 9 State House Station, Augusta, Maine, 04333-0009. Proposals must be submitted by 2:00 pm, local time, on May 16, 2014, when they will be opened at the Division of Purchases' aforementioned address. Proposals not received at the Division of Purchases' aforementioned address by the aforementioned deadline will not be considered for contract award.

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**State of Maine - Maine Commission on Indigent Legal Services**  
**RFP # 201404725**  
**Somerset County Indigent Legal Services**

**PART I INTRODUCTION**

**A. Purpose and Background**

The Maine Commission on Indigent Legal Services (“Commission”) is seeking proposals to provide legal services to indigent parties in criminal cases and juvenile cases in Somerset County as defined in this Request for Proposals (RFP) document. This document provides instructions for submitting proposals, the procedure and criteria by which the Provider(s) will be selected, and the contractual terms which will govern the relationship between the State of Maine (“State”) and the awarded Bidder(s).

**B. General Provisions**

1. Issuance of this RFP does not commit the Commission to issue an award or to pay expenses incurred by a Bidder in the preparation of a response to this RFP. This includes attendance at personal interviews or other meetings and software or system demonstrations, where applicable.
2. All proposals should adhere to the instructions and format requirements outlined in this RFP and all written supplements and amendments (such as the Summary of Questions and Answers), issued by the Commission. Proposals are to follow the format and respond to all questions and instructions specified below in the “Proposal Submission Requirements and Evaluation” sections of this RFP.
3. Bidders shall take careful note that in evaluating a proposal submitted in response to this RFP, the Commission will consider materials provided in the proposal, information obtained through interviews/presentations (if any), and internal Commission information of previous contract history with the Bidder (if any). The Commission also reserves the right to consider other reliable references and publicly available information available in evaluating a Bidder’s experience and capabilities. The proposal shall be signed by a person authorized to legally bind the Bidder and shall contain a statement that the proposal and the pricing contained therein will remain valid and binding for a period of 180 days from the date and time of the bid opening.
4. The RFP and the selected Bidder’s proposal, including all appendices or attachments, will be incorporated in the final contract.
5. Following announcement of an award decision, all submissions in response to this RFP will be considered public records available for public inspection pursuant to the State of Maine Freedom of Access Act (FOAA) 1 M.R.S. §§ 401 et seq.; 5 M.R.S. § 1825-B (6).
6. The Commission, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in proposals received in response to this RFP.
7. The State of Maine Division of Purchases reserves the right to authorize other Departments to use the contract(s) resulting from this RFP, if it is deemed to be beneficial for the State to do so.
8. All applicable laws, whether or not herein contained, shall be included by this reference. It shall be Proposer’s/Vendor’s responsibility to determine the applicability and requirements of any such laws and to abide by them.

### **C. Eligibility to Submit Bids**

Any individual attorney, group of attorneys, law firm, or law firms may submit bids. All attorneys providing services under the contract must be: (1) licensed to practice law and be in good standing in Maine; (2) meet all requirements set forth in current and future MCILS rules and standards; and (3) be rostered by MCILS in Somerset County Superior Court and District Court for all case types in which they will provide services under this contract.

Each bid must include at least two unassociated lawyers or law firms, in order that conflict cases may be served within the contract.

### **D. Contract Term**

The Commission is seeking a cost-efficient proposal to provide services, as defined in this RFP, for the anticipated contract period defined in the table below. Please note that the dates below are estimated and may be adjusted as necessary in order to comply with all procedural requirements associated with this RFP and the contracting process. The actual contract start date will be established by a completed and approved contract.

Contract Renewal: Following the initial term of the contract, the Commission may opt to renew the contract for two (2) renewal periods of one (1) year each, subject to continued availability of funding and satisfactory performance.

The term of the anticipated contract, resulting from this RFP, is defined as follows:

<b>Period</b>	<b>Start Date</b>	<b>End Date</b>
Initial Period of Performance	7/1/2014	6/30/2016
Renewal Period #1	7/1/2016	6/30/2017
Renewal Period #2	7/1/2017	6/30/2018

### **E. Number of Awards**

The Commission anticipates making one award as a result of this RFP process.

## **PART II      SCOPE OF SERVICES TO BE PROVIDED**

1. The Bidder shall provide legal services for indigent parties in the following categories of cases arising or initiated during the contract period in Somerset County:
  - A. All criminal proceedings in either the District Court or Superior Court;
  - B. Juvenile proceedings in the District Court;
  - C. Extradition proceedings, pursuant to 15 M.R.S.A. § 210;
  - D. Murder cases;
  - E. Lawyer of the Day services in criminal proceedings;
  - F. Lawyer of the Day services in juvenile proceedings; and
  - G. Any cases on appeal to the Supreme Judicial Court that were tried in the lower courts by the Bidder.
2. Bidders shall address procedures for alternative representation of defendants and juveniles in all conflict of interest situations. Each bid shall provide a proposed solution to all conflict of interest problems.
3. Bidders shall agree to meet the following standards of performance:
  - A. For client-defendants and client-juveniles who are in custody, a contract attorney will interview the defendant or juvenile within 24 hours of the appointment or by the next working day if the appointment is made the day before a weekend or holiday.
  - B. For client-defendants and client-juveniles who are not in custody, a contract attorney will interview the defendant or juvenile within a reasonable period after the time of appointment. An initial contact should be made, if possible, prior to release of the defendant or juvenile from custody.

## PART III KEY RFP EVENTS

### A. Timeline of Key RFP Events

Event Name	Event Date and Time
Due Date for Receipt of Written Questions	5/2/2014 at 5:00 p.m., local time
Due Date for Receipt of Proposals	5/16/2014 at 2:00 p.m., local time
Estimated Contract Start Date (subject to change)	7/1/2014

### B. Questions

#### 1. General Instructions

- It is the responsibility of each Bidder to examine the entire RFP and to seek clarification in writing if the Bidder does not understand any information or instructions.
- Questions regarding the RFP must be submitted in writing and received by the RFP Coordinator listed on the cover page of this RFP document as soon as possible but no later than the date and time specified in the timeline above.
- Questions may be submitted by e-mail. The Commission assumes no liability for assuring accurate/complete e-mail transmission and receipt.
- Include a heading with the RFP Number and Title. Be sure to refer to the page number and paragraph within this RFP relevant to the question presented for clarification, if applicable.

#### 2. Summary of Questions and Answers

Responses to all substantive and relevant questions will be compiled in writing and distributed to all registered, interested persons by e-mail no later than seven (7) calendar days prior to the proposal due date. Only those answers issued in writing by the RFP Coordinator will be considered binding. The Commission reserves the right to answer or not answer any question received.

### C. Submitting the Proposal

- Proposals due:** Proposals must be received no later than 2:00 p.m. local time, on the date listed in the timeline above, at which point they will be opened. Proposals received after the 2:00 p.m. deadline will be rejected without exception.

#### 2. Mailing/Delivery Instructions

PLEASE NOTE: The proposals are not to be submitted to the RFP Coordinator at the requesting Commission. The official delivery site is the State of Maine Division of Purchases (address shown below).

- Only proposals received at the official delivery site prior to the stated deadline will be considered. Bidders submitting proposals are responsible for allowing adequate time for delivery. Proposals received after the 2:00 p.m. deadline will be rejected without exception. Postmarks do not count and fax or electronic mail transmissions of proposals are not permitted unless expressly stated in this RFP. Any method of hardcopy delivery is acceptable, such as US Mail, in-person delivery by Bidder, or use of private courier services.
- The Bidder must send its proposal in a sealed package including **one (1) original and three (3) copies** of the complete proposal. Please clearly label the original. One electronic copy of the proposal must also be provided on CD or flash drive with the complete narrative and attachments in

MS Word format. Any attachments that cannot be submitted in MS Word format may be submitted as Adobe (.pdf) files.

- c. Address each package as follows (and be sure to include the Bidder's full business name and address as well as the RFP number and title):

Bidder Name/Return Address

Division of Purchases  
Burton M. Cross Building, 4<sup>th</sup> Floor  
111 Sewall Street  
9 State House Station  
Augusta ME 04333-0009

Re: RFP # 201404725

## **PART IV PROPOSAL SUBMISSION REQUIREMENTS**

This section contains instructions for Bidders to use in preparing their proposals. The Bidder's proposal must follow the outline used below, including the numbering and section and sub-section headings as they appear here. Failure to use the outline specified in this section or to respond to all questions and instructions throughout this document may result in the proposal being disqualified as non-responsive or receiving a reduced score. The Commission and its evaluation team for this RFP have sole discretion to determine whether a variance from the RFP specifications should result in either disqualification or reduction in scoring of a proposal. Rephrasing of the content provided in this RFP will, at best, be considered minimally responsive. The Commission seeks detailed yet succinct responses that demonstrate the Bidder's experience and ability to perform the requirements specified throughout this document.

### **A. Proposal Format**

1. For clarity, the proposal should be typed or printed. Proposals should be single-spaced with 1" margins on white 8 1/2" x 11" paper using a font no smaller than 12 point Times New Roman or similar.
2. All pages should be numbered consecutively beginning with number 1 on the first page of the narrative (this does not include the cover page or table of contents pages) through to the end, including all forms and attachments. For clarity, the Bidder's name should appear on every page, including Attachments. Each Attachment must reference the section or subsection number to which it corresponds.
3. Bidders are asked to be brief and to respond to each question and instruction listed in the "Proposal Submission Requirements" section of this RFP. Number each response in the proposal to correspond to the relevant question or instruction of the RFP.
4. The Bidder may not provide additional attachments beyond those specified in the RFP for the purpose of extending their response. Bidders shall not include brochures or other promotional material with their proposals. Additional materials will not be considered part of the proposal and will not be evaluated.
5. Include any forms provided in the application package or reproduce those forms as closely as possible. All information should be presented in the same order and format as described in the RFP.
6. It is the responsibility of the Bidder to provide all information requested in the RFP package at the time of submission. Failure to provide information requested in this RFP may, at the discretion of the Commission's evaluation review team, result in a lower rating for the incomplete sections and may result in the proposal being disqualified for consideration.

### **B. Proposal Contents**

#### **Section I Organization Qualifications and Experience**

##### **1. Contact Personnel**

- a. Each attorney offering services under the contract must be rostered by MCILS for all cases types in which they will provide services under this contract.
- b. The Bidder must supply a list of the names and the respective Maine bar number of each attorney offering services under the contract.
- c. The Bidder must supply a narrative setting forth information on each individual attorney demonstrating competence and experience as criminal defense and juvenile counsel. The narrative should describe particularly the qualifications of each attorney, indicating past experience in criminal defense and juvenile representation.
- d. A list of three (3) references is required along with contact information (Name, telephone number, and email address) but letters of recommendations should not be included.



## **2. Organizational Location and Insurance**

- a. Location of the corporate headquarters. Also, describe the current or proposed location where services will be provided or from which the contract will be managed.
- b. Attach a certificate of insurance on a standard Acord form (or the equivalent) evidencing primary professional liability insurance coverage of \$100,000 per claim/\$500,000 per occurrence for each lawyer.

## **Section II Proposed Services**

### **Services to be Provided**

Discuss the Scope of Services referenced above in Part II of this RFP and what the Bidder will offer. Give particular attention to describing the methods and resources you will use and how you will accomplish the tasks involved. If subcontractors are involved, clearly identify the work each will perform.

## **Section III Cost Proposal**

### **1. General Instructions**

- a. The Bidder must submit a cost proposal that covers the entire period of the contract, including any optional renewal periods. Please use the expected contract start date of 7/1/2014 and an end date of 6/30/2018 in preparing this section.
- b. The cost proposal shall include the costs necessary for the Bidder to fully comply with the contract terms and conditions and RFP requirements.
- c. Failure to provide the requested information may result in the exclusion of the proposal from consideration, at the discretion of the Commission.
- d. No costs related to the preparation of the proposal for this RFP or to the negotiation of the contract with the Commission may be included in the proposal. Only costs to be incurred after the contract effective date that are specifically related to the implementation or operation of contracted services may be included.

### **2. Cost Proposal Form Instructions**

- a. Bidders must propose an annual fixed contract cost for one (1) year of legal services that will be applied to each year of the term set forth above.
- b. The proposed contract cost must be supported by analysis of the following statistics for cases closed and Lawyer of the Day appearances in Somerset County between 7/1/2012 and 6/30/2013:
  - 1) Adult Criminal – 431 cases
  - 2) Lawyer of the Day Adult Criminal – 190 appearances
  - 3) Juvenile – 34 cases
  - 4) Lawyer of the Day Juvenile – 12 appearances

#### **Section IV Economic Impact within the State of Maine**

In addition to all other information requested within this RFP, each Bidder must dedicate a section of its proposal to describing the Bidder's economic impact upon and within the State of Maine. The use of economic impact in making contract award decisions is required in accordance with Executive Order 2012-004, which states that certain service contracts "...advertised for competitive bid shall include scoring criteria evaluating the responding Bidder's economic impact on the Maine economy and State revenues."

For the purposes of this RFP, the term "economic impact" shall be defined as any activity that is directly performed by or related to the Bidder and has a direct and positive impact on the Maine economy and public revenues within the State of Maine. Examples may include, but are not limited to, employment of Maine residents, subcontracting/partnering with Maine businesses, payment of State and Local taxes (such as corporate, sales, or property taxes), and the payment of State licensing fees for the Bidder's business operations.

To complete the "economic impact" section of the Bidder's proposal, the Bidder shall include no more than one page of typed text, describing the Bidder's current, recent, or projected economic impact with the State of Maine, as defined above. The Bidder may include all details and information that it finds to be most relevant for this section.

#### **Section V Required Proposal Attachments**

The following documents must be attached to the back of each Bidder's proposal. The required documents will be reviewed and rated by the Commission's evaluation team.

1. Evidence of primary professional liability insurance coverage of \$100,000 per claim/\$500,000 per occurrence for each lawyer included in the Bidder's proposal.

## **PART V PROPOSAL EVALUATION AND SELECTION**

Evaluation of the submitted proposals shall be accomplished as follows:

### **A. Evaluation Process - General Information**

1. An evaluation team, comprised of qualified reviewers, will judge the merits of the proposals received in accordance with the criteria defined in the RFP, and in accordance with the most advantageous cost and economic impact considerations (where applicable) for the State.
2. Officials responsible for making decisions on the selection of a contractor shall ensure that the selection process accords equal opportunity and appropriate consideration to all who are capable of meeting the specifications. The goals of the evaluation process are to ensure fairness and objectivity in review of the proposals and to ensure that the contract is awarded to the Bidder whose proposal best satisfies the criteria of the RFP at a reasonable/competitive cost.
3. The Commission reserves the right to communicate and/or schedule interviews/presentations with Bidders if needed to obtain clarification of information contained in the proposals received, and the Commission may revise the scores assigned in the initial evaluation to reflect those communications and/or interviews/presentations. Interviews/presentations are not required, and changes to proposals will not be permitted during any interview/presentation process. Therefore, Bidders should submit proposals that present their costs and other requested information as clearly and completely as possible.

### **B. Scoring Weights and Process**

1. **Scoring Weights:** The score will be based on a 100 point scale and will measure the degree to which each proposal meets the following criteria:

#### **Section I. Organization Qualifications and Experience (40 points)**

Includes all elements addressed above in Part IV, Section I.

#### **Section II. Proposed Services (15 points)**

Includes all elements addressed above in Part IV, Section II.

#### **Section III. Cost Proposal (30 points)**

Includes all elements addressed above in Part IV, Section III.

#### **Section IV. Economic Impact within the State of Maine (15 points)**

Includes all elements addressed above in Part IV, Section IV.

**Scoring Process:** The review team will use a consensus approach to evaluate the bids. Members of the review team will not score the proposals individually but instead will arrive at a consensus as to assignment of points on each category of each proposal. The contract award(s) will be made to the Bidder(s) receiving the highest number of evaluation points, based upon the proposals' satisfaction of the criteria established in the RFP. The Cost section will be scored according to a mathematical formula described below.

2. **Scoring the Cost Proposal:** The total cost proposed for conducting all the functions specified in this RFP will be assigned a score according to a mathematical formula. The lowest bid will be awarded 25 points. Proposals with higher bids values will be awarded proportionately fewer points calculated in comparison with the lowest bid.

The scoring formula is:

$(\text{lowest submitted cost proposal} / \text{cost of proposal being scored}) \times 25 = \text{pro-rated score}$

The remaining 5 points will be used to evaluate the supporting analysis of the statistics for cases closed and Lawyer of the Day appearances in Somerset County between 7/1/2012 and 6/30/2013. The consensus approach will be used to evaluate the reasonableness and accuracy of the supporting analysis provided.

No Best and Final Offers: The State of Maine will not seek a best and final offer (BAFO) from any Bidder in this procurement process. All Bidders are expected to provide their best value pricing with the submission of their proposal.

### **3. Negotiations**

The Commission reserves the right to negotiate with the successful Bidder to finalize a contract at the same rate or cost of service as presented in the selected proposal. Such negotiations may not significantly vary the content, nature or requirements of the proposal or the Commission's Request for Proposals to an extent that may affect the price of goods or services requested. The Commission reserves the right to terminate contract negotiations with a selected respondent who submits a proposed contract significantly different from the proposal they submitted in response to the advertised RFP. In the event that an acceptable contract cannot be negotiated with the highest ranked Bidder, the Commission may withdraw its award and negotiate with the next-highest ranked Bidder, and so on, until an acceptable contract has been finalized. Alternatively, the Commission may cancel the RFP, at its sole discretion.

## **C. Selection and Award**

1. The final decision regarding the award of the contract will be made by representatives of the Commission subject to approval by the State Purchases Review Committee.
2. Notification of contractor selection or non-selection will be made in writing by the Commission.
3. Issuance of this RFP in no way constitutes a commitment by the State of Maine to award a contract, to pay costs incurred in the preparation of a response to this request, or to pay costs incurred in procuring or contracting for services, supplies, physical space, personnel or any other costs incurred by the Bidder.
4. The Commission reserves the right to reject any and all proposals or to make multiple awards.

## **D. Appeal of Contract Awards**

Any person aggrieved by the award decision that results from this RFP may appeal the decision to the Director of the Bureau of General Services in the manner prescribed in 5 MRSA § 1825-E and 18-554 Code of Maine Rules, Chapter 120 (found here: <http://www.maine.gov/purchases/policies/120.shtml>). The appeal must be in writing and filed with the Director of the Bureau of General Services, 9 State House Station, Augusta, Maine, 04333-0009 within 15 calendar days of receipt of notification of contract award.

If this RFP results in the creation of a pre-qualified or pre-approved list of vendors, then the appeal procedures mentioned above are available upon the original determination of that vendor list, but not during subsequent competitive procedures involving only the pre-qualified or pre-approved list participants.

## PART VI CONTRACT ADMINISTRATION AND CONDITIONS

### A. Contract Document

1. The successful Bidder will be required to execute a contract in the form of a State of Maine Agreement to Purchase Services (BP54). A list of applicable Riders is as follows:

Rider A: Specification of Work to be Performed

Rider B: Method of Payment and Other Provisions

Rider G: Identification of Country in Which Contracted Work Will Be Performed

The complete set of standard BP54 contract documents may be found on the Division of Purchases website at the following link: <http://www.maine.gov/purchases/info/forms/BP54.doc>

Other forms and contract documents commonly used by the State can be found on the Division of Purchases website at the following link: <http://www.maine.gov/purchases/info/forms.shtml>

2. Allocation of funds is final upon successful negotiation and execution of the contract, subject to the review and approval of the State Purchases Review Committee. Contracts are not considered fully executed and valid until approved by the State Purchases Review Committee and funds are encumbered. No contract will be approved based on an RFP which has an effective date less than fourteen (14) calendar days after award notification to Bidders. (Referenced in the regulations of the Department of Administrative and Financial Services, Chapter 110, § 3(B)(i):  
<http://www.maine.gov/purchases/policies/110.shtml>

This provision means that a contract cannot be effective until at least 14 days after award notification.

3. The Commission estimates having a contract in place by 6/15/2014. The State recognizes, however, that the actual contract effective date depends upon completion of the RFP process, date of formal award notification, length of contract negotiation, and preparation and approval by the State Purchases Review Committee. Any appeals to the Commission's award decision(s) may further postpone the actual contract effective date, depending upon the outcome. The contract effective date may need to be adjusted, if necessary, to comply with mandated requirements.
4. In providing services and performing under the contract, the successful Bidder shall act independently and not as an agent of the State of Maine.

### B. Standard State Agreement Provisions

#### 1. Agreement Administration

- a. Following the award, an Agreement Administrator from the Commission will be appointed to assist with the development and administration of the contract and to act as administrator during the entire contract period. Commission staff will be available after the award to consult with the successful Bidder in the finalization of the contract.
- b. In the event that an acceptable contract cannot be negotiated with the highest ranked Bidder, the Commission may withdraw its award and negotiate with the next-highest ranked Bidder, and so on, until an acceptable contract has been finalized. Alternatively, the Commission may cancel the RFP, at its sole discretion.

**2. Payments and Other Provisions**

The State anticipates paying the Contractor on the basis of net 30 payment terms, upon the receipt of an accurate and acceptable invoice. An invoice will be considered accurate and acceptable if it contains a reference to the State of Maine contract number, contains correct pricing information relative to the contract, and provides any required supporting documents, as applicable, and any other specific and agreed-upon requirements listed within the contract that results from this RFP.

**PART VII APPENDICES**  
Appendix A

**State of Maine**  
**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**PROPOSAL COVER PAGE**

**RFP # 201404725**  
**SOMERSET COUNTY INDIGENT LEGAL SERVICES**

Bidder's Organization Name:		
Chief Executive - Name/Title:		
Tel:	Fax:	E-mail:
Headquarters Street Address:		
Headquarters City/State/Zip:		
<i>(provide information requested below if different from above)</i>		
Lead Point of Contact for Proposal - Name/Title:		
Tel:	Fax:	E-mail:
Street Address:		
City/State/Zip:		

Proposed Cost:	
<i>The proposed cost listed above is for reference purposes only, not evaluation purposes. In the event that the cost noted above does not match the Bidder's detailed cost proposal documents, then the information on the cost proposal documents will take precedence.</i>	

- This proposal and the pricing structure contained herein will remain firm for a period of 180 days from the date and time of the bid opening.
- No personnel currently employed by the Commission or any other State agency participated, either directly or indirectly, in any activities relating to the preparation of the Bidder's proposal.
- No attempt has been made or will be made by the Bidder to induce any other person or firm to submit or not to submit a proposal.
- The undersigned is authorized to enter into contractual obligations on behalf of the above-named organization.

*To the best of my knowledge all information provided in the enclosed proposal, both programmatic and financial, is complete and accurate at the time of submission.*

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and Title (Typed)

**State of Maine  
MAINE COMMISSION ON INDIGENT LEGAL SERVICES  
COST PROPOSAL FORM**

**RFP # 201404725  
SOMERSET COUNTY INDIGENT LEGAL SERVICES**

Bidder's Organization Name: \_\_\_\_\_

- a. Bidders must propose an annual fixed contract cost for one year of legal services that will be applied to each year of the term set forth above in Part I(D).

**Annual Fixed Cost: \$** \_\_\_\_\_

- b. The proposed contract cost must be supported by analysis of the following statistics for cases closed and Lawyer of the Day appearances in Somerset County between 7/1/2012 and 6/30/2013:

- 1) Adult Criminal – 431 cases
- 2) Lawyer of the Day Adult Criminal – 190 appearances
- 3) Juvenile – 34 cases
- 4) Lawyer of the Day Juvenile – 12 appearances



**(6.)**

## **MCILS Annual Report**

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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**TO:** MCILS COMMISSIONERS  
**FROM:** JOHN D. PELLETIER, EXECUTIVE DIRECTOR  
**CC:** ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR  
**SUBJECT:** MCILS ANNUAL REPORT  
**DATE:** February 8, 2018

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Attached is a copy of the final 2018 Annual Report that was provided to the Judiciary Committee, the Governor, and the Chief Justice. It is included here so it will be publicly available when this packet is posted on our website.

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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**TO:** JOINT STANDING COMMITTEE ON JUDICIARY  
CHIEF JUSTICE, MAINE SUPREME JUDICIAL COURT  
GOVERNOR, STATE OF MAINE

**FROM:** MAINE COMMISSION ON INDIGENT LEGAL SERVICES

**SUBJECT:** ANNUAL REPORT

**DATE:** JANUARY 16, 2018

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Established by the Legislature in 2009, the Maine Commission on Indigent Legal Services is an independent Commission whose purpose is to provide efficient, high-quality representation to indigent criminal defendants, juveniles charged with juvenile crimes and parents in child protective cases, among others, consistent with federal and state constitutional and statutory obligations. The Commission is made up five Commissioners appointed by the Governor and confirmed by the Senate.

The Commission provides indigent legal services primarily through a system of private assigned counsel representing indigent people facing a loss of liberty in cases brought by the State of Maine. The Commission sets standards for attorneys providing indigent legal services, and attorneys are assigned to individual cases by the court from rosters created and maintained by the Commission. The Commission also provides training and supervision to attorneys on its rosters, as well as providing funds for investigative and expert services necessary for the representation of indigent clients. The work of the Commission is funded by an annual appropriation from the Legislature.

At the present time, due to the resignation of one Commissioner and the untimely death of another, there are two vacancies on the Commission. Accordingly, the Commission has only

three active Commissioners. This report is submitted pursuant to 4 M.R.S.A. § 1804 (3) (H).

## **COST TRENDS AND BUDGET ANALYSIS**

Overall, during calendar year 2017, the cost of providing indigent legal services declined and revenue from counsel fee reimbursements increased. Attorney vouchers represent the vast majority of the cost of indigent legal services. In 2017, voucher costs totaled approximately \$16,544,000, compared to \$16,980,000 in calendar year 2016. Over the same time period, the number of new cases also declined slightly, 25,916 in 2017 compared to 26,237 in 2016, as did the number of vouchers submitted, 30,816 in 2017 compared to 31,316 in 2016. In addition to attorney vouchers, the Commission pays for services to support indigent representation such as experts, investigators, transcript costs, interpretation costs, etc. The cost of these non-counsel indigent legal services in 2017 totaled \$905,500 compared to \$1,001,000 in 2016.

To help offset the total cost of indigent legal services, the Commission, with the assistance of the Judicial Branch, collects reimbursement of counsel fees from people who are ordered to make such reimbursement and pursuant to statutory authority to set off bail against counsel fees paid. The collected reimbursement funds are used by the Commission to defray the cost of indigent legal services, thereby reducing the general fund appropriation necessary to cover these costs. During 2017, the Commission applied reimbursement revenue in the amount of \$758,000 toward the cost of indigent legal services, compared to \$698,000 in 2016.

On a fiscal year basis, the Commission experienced a budget shortfall during the last two months, May and June, of Fiscal Year 2017 (FY'17). The shortfall did not arise from increasing or unanticipated costs, but rather, because for FY'17, the Legislature appropriated substantially less funds to cover the cost of indigent legal services than it had in FY'16. The Commission's All Other appropriation for the current fiscal year totaled \$21,234,807, which reflects an amount

equal to the All Other appropriation for FY'16, plus \$2.8 million projected to be needed to cover the cost of the accumulated shortfall from FY'17.

Half-way into the current fiscal year, the Commission has observed that the anticipated shortfall from FY'17 was less than expected and FY'18 costs have run at or slightly below projections. As a result, Commission costs are currently under budget by approximately \$800,000. The Commission is cautiously optimistic that costs will remain under budget for the balance of the fiscal year.

The amount allocated to cover All Other costs for FY'19 equals \$18,372,705 (equal to the All Other Appropriation for FY'16). These funds, and funds to cover the Commission's personal services costs, however, have been placed in an Other Special Revenue (OSR) account. The Commission sees two issues with the current status of this allocation. First, although the Commission has been assured that it has access to these funds, the placement of the Commission's operating budget in an OSR account is unusual, and the Commission is concerned that unnecessary technical issues could arise that would hamper the Commission's ability to cover its costs in the regular manner. Accordingly, for predictability, the Commission would like to see these funds transferred into a regular general fund account. Second, the amount currently allocated to the OSR account covers the Commission's anticipated All Other and Personal Services costs, but does not account for the Commission's current OSR accounts that cover counsel fee reimbursements and training costs. In the current budget, these OSR accounts use no general fund money but are funded by counsel fee reimbursements and by registration fees for training. The Commission would like its existing OSR accounts, which again use no general fund dollars, to be re-allocated for FY'19.

Technical budget issues aside, the Commission believes, based on recent cost trends, that

the amount allocated for FY'19 should be sufficient to cover FY'19 costs. Note, however, that indigent legal services costs can be unpredictable. Historically, when the Judicial Branch operated the indigent legal services system, a period of stable costs was occasionally followed by unanticipated cost increases. The current FY'19 budget reflects essentially four years of flat funding, and although the Commission projects that its current allocation will be sufficient, history suggests caution in relying on these projections.

### **LEGISLATION AFFECTING THE COST AND QUALITY OF INDIGENT LEGAL SERVICES**

The most significant legislation affecting the cost and quality of indigent legal services passed in 2017 was the biennial budget's creation of the Working Group to Improve the Provision of Indigent Legal Services. The Working Group met over the summer and fall, and much of its work focused on improving representation through increased oversight and evaluation of attorney performance. The Working Group also focused on bolstering the Commission's resources for financial analysis by the creation of a "chief financial officer" position within the Commission. The Working Group's recommendations are now before the Legislature for discussion and implementation. Note that independent of any action on the Working Group recommendation, the Commission is considering the implementation of a "resource counsel" system to immediately expand its capacity for oversight and evaluation.

The biennial budget also contained an amendment to Maine's bail code directing that when bail owned by a defendant is set off, the bail will go first to restitution, but second to reimbursement of counsel fees. The Judicial Branch has implemented this statutory priority, and as a result, the Commission has seen an increase in counsel fee reimbursement revenue. As stated above, this revenue is used to defray the cost of indigent legal services.

Regarding other legislation that might affect the cost of indigent legal services, the Commission responded to 25 requests for fiscal analysis of bills pending during the first regular session of the current legislature. The Commission reported to the Office of Program and Fiscal Review (OFPR) that most of these bills would not have increased the Commission's costs. LD 654, however, was enacted and will create additional costs for the Commission. The bill creates an entirely new version of the crime of Gross Sexual Assault – essentially, a lower standard of culpability that previously applied only to Unlawful Sexual Contact was imported into the Gross Sexual Assault statute. The Commission reported that it anticipated increased costs of \$18,000 for FY'18 and \$20,000 for FY'19. The original fiscal note prepared by OFPR contained an appropriation for the Commission of \$15,000 for FY'18 (reduced to reflect an effective date several months into the fiscal year) and \$20,000 for FY'19. In the Appropriations Committee process, the fiscal note was amended to eliminate the appropriation, and the final fiscal note urged the Commission to strive to manage the anticipated new costs within its existing budget.

Based on Commission analysis, OFPR created fiscal notes to reflect increased costs for indigent legal services on five other bills. Of these, three bills died and two were carried over on the appropriations table. The two carry over bills would have 1) expanded the list of predicate prior offenses that can raise a domestic violence assault from a misdemeanor to a felony and 2) made a third offense violation of a protective order a felony crime.

In terms of legislative initiatives, the Commission submitted a proposed biennial budget to the Governor's office and to the Legislature. The Commission also submitted legislation seeking to clarify that petitions for a writ of certiorari to the United States Supreme Court were included within the definition of indigent legal services. The legislation received an ought to pass as amended recommendation from the Judiciary Committee, but was not enacted by the full

Legislature. Finally, the Commission responded to several data requests from the Working Group to Improve the Provision of Indigent Legal Services.

## **COST CONTAINMENT MEASURES**

New language enacted in the biennial budget required that this report set forth cost containment measures. In the time since enactment of the budget in July, the Commission has implemented some cost containment measures and is working on others.

The Commission directed staff to review existing rosters to ensure that attorneys did not appear on rosters overly distant from their office locations. This review resulted in 30 lawyers being removed from 9 different rosters. The Commission has also directed staff to impose more stringent geographic limitations when responding to attorney requests to appear on rosters in multiple courts, and the staff is doing so. In terms of day-to-day operations, during 2017 the Commission has cut its postage costs nearly in half by using email instead of regular mail to notify counsel of action on their requests for funds for experts and investigators and by diligently encouraging attorneys to set up direct deposit for voucher payments.

In terms of matters in progress, the Commission has focused discussion at its meetings on 1) the maximum fees for various case types contained in its fee schedule and the process for reviewing vouchers that exceed the target maximum, 2) travel and mileage costs, and 3) a more comprehensive system for geographic limitations on rosters. Because guidelines for maximum fees and travel and mileage reimbursement are contained in the fee schedule, which is an administrative rule, the Commission is considering proposing amendments to the rule and engaging in the administrative rulemaking process to implement those changes.

The Commission has also implemented changes that increase its ability to track specific cost drivers. The Commission has worked with the vendor of its voucher payment system, and



the attorneys using that system, to create reports that can isolate individual cost items, such as review of electronic discovery or travel, so they can be tracked over time. In addition, per the amendments contained in the biennial budget, the staff provides more detailed monthly reporting to the Commission on the costs of experts and investigators, etc., and action on requests for funds for such assistance.

Finally, when as mentioned above the Judicial Branch implemented the new legislative priority for bail setoffs, they reached out to the Commission seeking less cumbersome ways (other than email and telephone) to verify voucher payment information. The voucher system vendor proposed a solution, a contract amendment was agreed, and a new app is on the verge of going live so that court clerks will have electronic access to voucher payment information. This should further increase revenue from bail setoffs and reduce staff work for both the Commission and the Judicial Branch.

## **CONTRACTS**

The Commission utilizes a flat fee contract model to provide indigent legal services in one county, Somerset, to cover all adult criminal and juvenile cases. The contract is of long standing, having existed for more than 10 years under the Judicial Branch before the Commission was created. The current contract is in its second of two authorized one-year extensions. The Commission will be deciding shortly whether to put this contract out to bid, and if so, the terms of any RFP. Based on accounts from judges and prosecutors, high quality representation is provided under the contract by attorneys who have been providing this service for many years. Compared to the cost of cases generally, the cost per case under the contract has varied. In FY'16, the cost per case under the contract was 11.8% less than the statewide average voucher cost, but in FY'17, the cost per case was 3.3% higher than the statewide average

voucher cost.

In 2016, the Commission decided to explore other areas for contracting indigent legal services. An RFP for appeal services was issued in September 2016. When bids were reviewed in January, 2017, however, the proposed bids were well in excess of the appeal costs under the existing system. As a result, the Commission decided not to award an appellate contract. The Commission remains open to exploring other options to contract for indigent legal services where such contracts can lead to both cost efficiency and quality representation.

The Commission has three current contracts for services other than indigent legal services. One contract is for our electronic voucher payment system, which is based on an RFP issued in early 2017 and has an initial term of three years. Another contract covers immigration law advice for assigned counsel, a service that was previously provided for free by a Maine non-profit agency. When in 2016 the Commission learned that this free service would no longer be offered, it decided to issue an RFP for these services. The RFP resulted in a reasonably priced contract that began in November 2016. This contract has been successful, and the first of two one-year extensions was implemented in November 2017. Finally, the Commission has a financial screener who is focused on verifying information supplied by people applying for assigned counsel. The Commission contracts with an internet database company that provides access to extensive information available only for use in the enforcement of government regulations. This is the principal search tool for verifying information from applicants for assigned counsel. The current contract is for 12 months.

## **TRAINING**

During 2017, the Commission presented 18 training seminars attended by 267 attorneys. These trainings consisted of two distinct types. One type is minimum standard training that is

required for new attorneys to become eligible to receive indigent case assignments. The Commission presented two complete rounds of these trainings by video, one in June and the other in November, which accounted for 10 of the training seminars. The other type involves more advanced training targeted at improving the skills of attorneys already on the roster. Of these trainings, three – one live presentation and two video replays – covered representation in Juvenile cases and were free to participants due to a grant for juvenile defender training from the John T. Gorman Foundation. The Commission also presented live trainings in the areas of Child Protection law, OUI defense, and representation on Post-Conviction Review. Finally, the Commission presented video replays of the live OUI training and a previously recorded training on representation in Domestic Violence cases.

#### **COMMISSION STAFF OPERATIONS**

The Commission's central office staff consists of the Executive Director, the Deputy Executive Director, and an Accounting Technician. A fourth administrative support position remained vacant during 2017 as the remainder of the central office staff, by utilizing technology and sharing basic administrative tasks, was able to operate with this position vacant. The Commission believes that the administrative support position should be filled. There was no job turnover among the central office staff during 2017.

In addition to the central office staff, the Commission has 9 financial screener positions, 6 full-time and 3 part-time. The financial screener position in Portland became vacant at the end of 2016 and remained vacant throughout 2017 because, despite its request, the Commission did not receive a hiring freeze waiver from the Governor's Office, and hence, was not authorized to post the position. The Commission believes that the vacant screener position should be filled.

There was no turnover among the 8 remaining screener positions. The screeners covered

courts in 12 of Maine's 16 Counties. Cumberland had no coverage because the position was vacant, and Washington, Piscataquis, and Somerset Counties do not have screener coverage. Two of the part-time screeners cover Aroostook County and Hancock County. The third part-time screener reviews applications for assigned counsel from all over the state to verify the information supplied by the applicants.

Through November 2017, 10,390 applications for counsel were screened by Commission staff. For each applicant, the financial screener made a recommendation to the court, based on Commission indigency guidelines, as to whether the person qualified for counsel, and if so, whether the person should be deemed partially indigent and required to make periodic payments toward the cost of their representation, or whether the person did not qualify. In most, but not all cases, the court followed the recommendation of the financial screener. Statewide, 71% of applicants were found fully indigent, 20% were found partially indigent, and 9% were denied counsel. These percentages have remained stable with very little variation over the past 5 years.

#### **MARVIN H. GLAZIER, 1944 - 2017**

Commissioner Marvin H. Glazier, Esq., died on November 23, 2017, after a brief, but hard-fought battle with cancer. Marvin was the only Commissioner remaining from the five founding members of the Commission. Marvin brought extensive knowledge and wisdom about Maine's justice system and the importance of indigent legal services to the process of creating the independent system we have today. Marvin was a great lawyer with a successful practice who attracted more work from paying clients than he could do. Nevertheless, like many similarly situated lawyers in Maine, he always devoted a part of his practice to representing indigent clients, often in the most serious and complex cases. In addition, Marvin was always willing to volunteer his time to work on court improvements, and over the last seven years, to

improving the provision of indigent legal services statewide. We are grateful for his service, and he will be missed.