

MCILS

**February 11, 2019
Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FEBRUARY 11, 2019

COMMISSION MEETING

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

- 1) Approval of January 15, 2019, Commission Meeting Minutes
- 2) Operations Reports
- 3) Fee Schedule Rule Discussion
- 4) Budget Update
- 5) Sixth Amendment Center Study
- 6) Public Comment
- 7) Set Date, Time and Location of Next Regular Meeting of the Commission
- 8) Executive Session, if needed (Closed to Public)

(1.)

**January 15, 2019
Commission Meeting
Minutes**

**Maine Commission on Indigent Legal Services – Commissioners Meeting
January 15, 2019**

Minutes

Commissioners Present: Steven Carey, William Logan, Carlann Welch

MCILS Staff Present: Ellie Maciag, John Pelletier

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Approval of the December 11, 2018 Commission Meeting Minutes	No discussion of meeting minutes.	Commissioner Logan moved for approval, Commissioner Welch seconded. All voted in favor. Approved.
Operations Reports Review	<u>December 2018 Operations Report:</u> 2,008 new cases were opened in the DefenderData system in December. This was a 38 case decrease from November. The number of submitted vouchers in December was 2,618, an increase of 136 vouchers over November, totaling \$1,447,461, an increase of \$41,000 over November. The average price per voucher was \$538.17, down \$5.62 per voucher from November. Appeal and Post-Conviction Review cases had the highest average vouchers. There were 13 vouchers exceeding \$5,000 paid in December. 113 authorizations to expend funds were issued in December, and we paid \$88,959 for experts and investigators, etc. The monthly transfer from the Judicial Branch for counsel fees for December, which reflects November's collections, totaled \$70,129, down approximately \$46,000 from November. Director Pelletier surmised that the reason for the sharp decline in revenue was attributable to the Judicial Branch's decision to hold bail for only 30 days now. Two attorney complaints were received in December.	
Fee Schedule Rule Discussion	The Commissioners continued their discussion of potential changes to the fee schedule rule and reviewed the draft amendment proposed by Chair Carey. The focus of the discussion centered on the approval process for vouchers that exceed the	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	maximum fee amount. No consensus was reached on that issue. Chair Carey will revise his working draft to incorporate all the other agreed-upon changes. For the next meeting, each Commissioner will bring a proposal for the establishment of an approval process for vouchers that exceed the maximum fees.	
Budget Update	Director Pelletier gave an update on the status of the current fiscal year budget. He noted that costs had moderated during the second quarter, following unexpectedly high costs during August and September. This moderation resulted in the budget shortfall being reduced to \$138,567, down from \$236,151. A financial order providing allotment to expend \$270,000 in FY'18 collection revenue was approved and counsel fee reimbursements continue to exceed projections. Director Pelletier indicated that the Commission's budget is in a healthy position half-way through the current fiscal year.	
Sixth Amendment Center Study	Director Pelletier gave a brief update on the Sixth Amendment Center study. He noted that Commission staff responded to several questions from the Sixth Amendment Center about the defenderData program, including its data tracking abilities.	
Franklin County Cost Data	Director Pelletier provided travel and mileage costs for criminal and juvenile cases in Franklin County for FY'16-18. He noted that travel increases reflect the increase in Oxford and Androscoggin attorneys handling Franklin County cases. Chair Carey suggested the Commission wait to get guidance from the Sixth Amendment Center about any future contracts.	
Public Comment	<u>Tina Nadeau, Esq.</u> : Attorney Nadeau urged the Commission to adopt a policy requiring all attorneys to maintain electronic files. She indicated that this would allow for the smooth transition of case files for appeal and post-conviction review cases. Attorney Nadeau suggested that to address the issue brought to the Commission's attention about detained youth and attorney performance, the	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	Commission consider appointment of local counsel for juveniles detained at Long Creek.	
Executive Session	The Commissioners entered into executive session to discuss investigation of attorney billing and a personnel matter. Upon emerging from executive session, the Commissioners stated that no votes were taken. The Commissioners authorized the Executive Director to submit a budget amendment related to a personnel matter.	Commissioner Logan made a motion to move into executive session for purposes of discussing investigation of attorney billing and a personnel matter. Chair Carey seconded. All approved.
Adjournment of meeting	The Commission voted to adjourn with the next meeting to be on February 11, 2019 at 9:30 a.m.	Chair Carey moved to adjourn. Commissioner Logan seconded. All present in favor.

(2.)

Operations Reports

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
SUBJECT: JANUARY 2019 OPERATIONS REPORTS
DATE: FEBRUARY 4, 2019

Attached you will find the January, 2019, Operations Reports for your review and our discussion at the Commission meeting on February 11, 2019. A summary of the operations reports follows:

- 2,369 new cases were opened in the DefenderData system in January. This was a 361 case increase over December.
- The number of vouchers submitted electronically in January was 3,181, an increase of 563 vouchers over December, totaling \$1,683,890.65, an increase of \$236,000 over December. In January, we paid 2,886 electronic vouchers totaling \$1,509,088.30, representing a decrease of 649 vouchers and \$393,000 compared to December.
- There were no paper vouchers submitted and paid in January.
- The average price per voucher in January was \$522.90, down \$15.27 per voucher from December.
- Appeal and Post-Conviction Review cases had the highest average vouchers in January. There were 12 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 125 authorizations to expend funds: 74 for private investigators, 37 for experts, and 14 for miscellaneous services such as interpreters and transcriptionists. In January, we paid \$114,672.08 for experts and investigators, etc. In January, two requests for funds were modified or denied. See attached addendum for details.
- We received no written complaints about attorneys in January. We did receive one phone call from the representative of a business who was the victim in a pending matter. The person related that she had appeared at a scheduled court hearing only to find that the Defendant and counsel for the defendant did not appear. I asked the person to relate her concerns in writing and emailed the feedback form. To date, the feedback form has not been returned.

- Co-counsel was authorized in three cases in January, one murder case and two Class A Gross Sexual Assault cases.

In our All Other Account, the total expenses for the month of January were \$1,672,817.43. Of that amount, approximately \$26,000 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$56,280.97 in expenses for the month of January.

In the Revenue Account, the transfer for January, reflecting December's collections, totaled \$90,705.92, an increase of approximately \$20,000 from the previous month.

During January, we paid videographer expenses related to our minimum standards trainings.

VOUCHERS EXCEEDING \$5,000 PAID JANUARY 2019

	Voucher Total	Case total
Voucher after a 9 day murder trial. Defendant was acquitted of Murder, but found guilty of Manslaughter.	\$17,813	\$34,461(\$16,648 paid to co-counsel from a different firm)
Burglary/Theft case where the client discharged counsel on the eve of trial. Client was a non-English speaker, making communication time consuming, as well requiring time to assess immigration consequences. Client also in jail distant from counsel. Suppression issues required a full day hearing. Full trial preparation, as well as litigation of in limine issues, took place prior to counsel's discharge.	\$11,529	\$11,529
Voucher on an appeal from a two week Murder trial. Briefing required revision when an additional portion of the transcript was discovered that trial counsel had not initially ordered.	\$10,254	\$10,254
Voucher in a juvenile Gross Sexual Assault case. Litigation of pretrial issues led to the State offering a plea to a misdemeanor on the eve of trial. Client's mental health issues complicated the case.	\$7,650	\$7,650
Voucher from southern Maine counsel in an Aroostook County Murder case where retained counsel entered an appearance shortly before trial.	\$6,886	\$18,529 (initial southern Maine counsel paid \$5,981 when discharged and local counsel paid \$5,662)
Voucher in an Unlawful Trafficking case where client pled to a possession charge. Voucher covered two other cases. Length of case extended due to new criminal conduct and client's substance abuse treatment.	\$6,765	\$6,765
Voucher after a 3-day trial in a complex Forgery/Theft case. Client found guilty, but plea agreement reached based on litigation of a motion for judgement of acquittal. Voucher covered 18 months of representation as well as two companion cases.	\$6,234	\$6,234
Voucher after a 3-day trial in a Domestic Violence case. Extensive electronic discovery (33 CD's).	\$6,096	\$7,710 (\$1,614 interim voucher previously paid)
Voucher after a 3-day trial in a Gross Sexual Assault case. Defendant found guilty. Extensive litigation of statutory construction of non-standard variant of Gross Sexual Assault.	\$5,988	\$5,988

Voucher after guilty pleas in a Burglary case. Voucher covered four separate Burglary indictments in two counties.	\$5,957	\$5,957
Voucher in a Gross Sexual Assault case dismissed by the court. After jury selection, State appealed a pretrial order. The Law Court dismissed the appeal and then the trial court dismissed the case.	\$5,290	\$6,506 (counsel paid \$1,236 on a separate voucher for defense of the State's appeal)
Voucher in a Vehicular Manslaughter case where the defendant pled guilty after extensive pre-trial litigation and consultation with experts.	\$5,128	\$5,128

FUNDS REQUESTS DENIED/MODIFIED JANUARY 2019

- One request for funds was modified to authorize a reduced amount. Another request for funds for expert assistance in a retained case was denied based on a finding that the client was not indigent.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

1/31/2019

DefenderData Case Type	Jan-19						Fiscal Year 2019			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	14	23	\$ 44,098.08	18	\$ 33,009.85	\$ 1,833.88	89	134	\$ 209,468.18	\$ 1,563.20
Child Protection Petition	227	495	\$ 291,025.81	440	\$ 257,671.25	\$ 585.62	1,470	2,776	\$ 1,680,087.72	\$ 605.22
Drug Court	2	6	\$ 5,550.00	7	\$ 6,030.00	\$ 861.43	4	39	\$ 37,940.00	\$ 972.82
Emancipation	5	7	\$ 3,340.52	4	\$ 1,002.00	\$ 250.50	53	44	\$ 13,181.31	\$ 299.58
Felony	520	678	\$ 570,343.78	624	\$ 520,203.79	\$ 833.66	3,618	3,916	\$ 3,329,083.83	\$ 850.12
Involuntary Civil Commitment	102	93	\$ 20,179.54	75	\$ 17,935.06	\$ 239.13	596	576	\$ 128,521.63	\$ 223.13
Juvenile	72	91	\$ 44,804.88	85	\$ 49,782.22	\$ 585.67	486	540	\$ 263,715.18	\$ 488.36
Lawyer of the Day - Custody	242	240	\$ 57,962.66	226	\$ 54,864.08	\$ 242.76	1,606	1,499	\$ 366,476.36	\$ 244.48
Lawyer of the Day - Juvenile	43	44	\$ 8,621.80	27	\$ 5,239.48	\$ 194.05	249	227	\$ 45,631.92	\$ 201.02
Lawyer of the Day - Walk-in	164	131	\$ 31,759.21	123	\$ 29,950.87	\$ 243.50	913	768	\$ 184,153.99	\$ 239.78
Misdemeanor	697	872	\$ 351,891.81	799	\$ 302,671.95	\$ 378.81	5,196	5,258	\$ 2,074,563.49	\$ 394.55
Petition, Modified Release Treatment	1	1	\$ 348.14	0			3	29	\$ 16,483.90	\$ 568.41
Petition, Release or Discharge	1	0		0			2	6	\$ 3,305.44	\$ 550.91
Petition, Termination of Parental Rights	15	37	\$ 34,870.98	37	\$ 37,379.16	\$ 1,010.25	126	314	\$ 267,722.01	\$ 852.62
Post Conviction Review	11	12	\$ 21,167.06	13	\$ 17,245.96	\$ 1,326.61	67	63	\$ 122,627.88	\$ 1,946.47
Probate	2	3	\$ 1,314.00	3	\$ 1,314.00	\$ 438.00	22	10	\$ 9,104.20	\$ 910.42
Probation Violation	173	204	\$ 86,487.78	189	\$ 73,499.00	\$ 388.88	1,192	1,234	\$ 478,288.99	\$ 387.59
Represent Witness on 5th Amendment	1	0		0			17	20	\$ 7,565.76	\$ 378.29
Resource Counsel Criminal	1	4	\$ 552.00	3	\$ 396.00	\$ 132.00	12	24	\$ 3,450.00	\$ 143.75
Resource Counsel Juvenile	1	0		0			5	2	\$ 108.00	\$ 54.00
Resource Counsel Protective Custody	2	2	\$ 270.00	3	\$ 534.00	\$ 178.00	9	12	\$ 1,602.00	\$ 133.50
Review of Child Protection Order	72	236	\$ 108,127.20	207	\$ 98,860.23	\$ 477.59	409	1,166	\$ 589,445.95	\$ 505.53
Revocation of Administrative Release	1	2	\$ 1,175.40	3	\$ 1,499.40	\$ 499.80	8	11	\$ 3,674.76	\$ 334.07
DefenderData Sub-Total	2,369	3,181	\$ 1,683,890.65	2,886	\$ 1,509,088.30	\$ 522.90	16,152	18,668	\$ 9,836,202.50	\$ 526.90
Paper Voucher Sub-Total		0		0	\$ -	#DIV/0!		0		#DIV/0!
TOTAL	2,369	3,181	\$1,683,890.65	2,886	\$1,509,088.30	\$ 522.90	16,152	18,668	\$ 9,836,202.50	\$ 526.90

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY19 FUND ACCOUNTING
AS OF 01/31/2019

Account 014 95F Z258 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY19 Total
FY19 Professional Services Allotment		\$ 4,455,000.00		\$ 4,347,001.00		\$ 4,595,478.00		\$ 4,795,226.00	
FY19 General Operations Allotment		\$ 45,000.00		\$ 45,000.00		\$ 45,000.00		\$ 45,000.00	
Budget Order Adjustment		\$ (310,496.00)		\$ 310,496.00		\$ -		\$ -	
Legislative Amendment (revenue & conference)		\$ 198,374.00		\$ 198,374.00		\$ 198,374.00		\$ 198,375.00	
Total Budget Allotments		\$ 4,387,878.00		\$ 4,900,871.00		\$ 4,838,852.00		\$ 5,038,601.00	\$ 19,166,202.00
Total Expenses	1	\$ (882,611.39)	4	\$ (1,766,940.01)	7	\$ (1,672,817.43)	10	\$ -	
	2	\$ (1,830,038.43)	5	\$ (1,150,745.03)	8	\$ -	11	\$ -	
	3	\$ (1,406,760.51)	6	\$ (2,024,450.12)	9	\$ -	12	\$ -	
Encumbrances (Somerset PDP & Justice Works)		\$ (255,467.50)		\$ 84,597.50		\$ 27,677.50		\$ -	\$ (143,192.50)
Encumbrances (B Taylor, business cards)		\$ (13,000.00)		\$ 8,666.66		\$ 4,333.33		\$ -	\$ (0.01)
Encumbrances (B Taylor)				\$ (52,000.00)		\$ 4,333.33		\$ -	\$ (47,666.67)
Encumbrances (Videographer)						\$ (4,800.00)		\$ -	\$ (4,800.00)
TOTAL REMAINING		\$ 0.17		\$ 0.00		\$ 3,197,578.73		\$ 5,038,601.00	\$ 8,236,179.90

Q3 Month 7

INDIGENT LEGAL SERVICES

Counsel Payments	\$ (1,509,088.30)
Somerset County	\$ (22,687.50)
Somerset County Discovery	\$ (45.00)
Subpoena Witness Fees	\$ (10.00)
Private Investigators	\$ (25,014.49)
Mental Health Expert	\$ (23,951.88)
Transcripts	\$ (21,835.92)
Other Expert	\$ (42,351.45)
Lodging for Trial	\$ -
Process Servers	\$ (590.04)
Interpreters	\$ (918.30)
Misc Prof Fees & Serv	\$ -
SUB-TOTAL ILS	\$ (1,646,492.88)

OPERATING EXPENSES

Training Videographer	\$ (3,300.00)
DefenderData	\$ (4,990.00)
Service Center	\$ (2,321.25)
Mileage/Tolls/Parking	\$ (976.49)
Mailing/Postage/Freight	\$ (400.54)
West Publishing Corp	\$ (185.13)
VDT eyeglasses/exams	\$ (330.00)
Office Supplies/Equip.	\$ (81.28)
Cellular Phones	\$ (142.39)
OIT/TELCO	\$ (4,708.52)
Office Equipment Rental	\$ (222.29)
Printing & Binding	\$ -
Barbara Taylor monthly fees	\$ (8,666.66)

SUB-TOTAL OE \$ (26,324.55)

TOTAL \$ (1,672,817.43)

INDIGENT LEGAL SERVICES

Q3 Allotment	\$ 4,838,852.00
Q3 Encumbrances for Somerset PDP & Justice Works contracts	\$ 27,677.50
Barbara Taylor Contract	\$ 8,666.66
Videographer Contract	\$ (4,800.00)
Q3 Expenses to date	\$ (1,672,817.43)
Remaining Q3 Allotment	\$ 3,197,578.73

Non-Counsel Indigent Legal Services

Monthly Total	\$ (114,672.08)
Total Q1	\$ (260,358.16)
Total Q2	\$ (250,267.57)
Total Q3	\$ (114,672.08)
Total Q4	\$ -
Fiscal Year Total	\$ (625,297.81)

Conference Account Transactions

Training Videographer	\$ (3,300.00)
Training Meals	\$ -
Printing/Binding	\$ -
Overseers of the Bar CLE fee	\$ -
Collected Registration Fees	\$ -
Current Month Total	\$ (3,300.00)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY19 FUND ACCOUNTING
As of 01/31/19

Account 014 95F 2258 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY19 Total
Total Budget Allotments		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00		\$ 184,125.00	\$ 736,497.00
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Financial Order Adjustment	2	\$ -	5	\$ -	8	\$ -	11		
Budget Order Adjustment	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Budget Order Adjustment		\$ -		\$ -		\$ -	12	\$ -	\$ -
Total Budget Allotments		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00		\$ 184,125.00	\$ 736,497.00
Cash Carryover from Prior Quarter		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	1	\$ 83,016.89	4	\$ 82,863.81	7	\$ 90,705.92	10	\$ -	
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	2	\$ -	5	\$ 116,115.85	8	\$ -	11	\$ -	
Court Ordered Counsel Fee		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB (late transfer)		\$ 89,153.94		\$ -	9	\$ -		\$ -	
Collected Revenue from JB	3	\$ 86,999.14	6	\$ 70,129.23	9	\$ -	12	\$ -	
Returned Checks-stopped payments		\$ -		\$ -		\$ -		\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 259,169.97		\$ 269,108.89		\$ 90,705.92		\$ -	\$ 618,984.78
Counsel Payments	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Other Expenses		\$ -		\$ -		\$ -	***	\$ -	
Counsel Payments	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Other Expenses		\$ -		\$ -		\$ -		\$ -	
Counsel Payments	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Other Expenses	*	\$ -	**	\$ -	***	\$ -		\$ -	
REMAINING ALLOTMENT		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00		\$ 184,125.00	\$ 736,497.00
Overpayment Reimbursements	1		4	\$ (1,694.84)	7	\$ -	10	\$ -	
	2	\$ (2,905.00)	5	\$ (69.00)	8	\$ -	11	\$ -	
	3	\$ (560.00)	6	\$ (618.00)	9	\$ -	12	\$ -	
REMAINING CASH Year to Date		\$ 255,704.97		\$ 266,727.05		\$ 90,705.92		\$ -	\$ 613,137.94

Q3 Month 7	
DEFENDER DATA COUNSEL PAYMENTS	
	\$ -
SUB-TOTAL ILS	\$ -
OVERPAYMENT REIMBURSEMENTS	
Paper Voucher	\$ -
Somerset County CDs	\$ -
Private Investigators	\$ -
Mental Health Expert	\$ -
Transcripts	\$ -
Other Expert	\$ -
StaCap Expense	\$ -
SUB-TOTAL OE	\$ -
TOTAL	\$ -

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY19 FUND ACCOUNTING
AS OF 01/31/2019

Account 014 95F 2258 01 (Personal Services)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY19 Total
FY19 Allotment	\$	197,081.00	\$	223,111.00	\$	197,084.00	\$	215,289.00	\$ -
Financial Order Adjustments	\$	-	\$	-	\$	-	\$	-	
Financial Order Adjustments	\$	-	\$	-	\$	-	\$	-	
Budget Order Adjustments			\$	-	\$	-			
Total Budget Allotments	\$	197,081.00	\$	223,111.00	\$	197,084.00	\$	215,289.00	\$ 832,565.00
Total Expenses	1 \$	(55,638.04)	4 \$	(78,750.49)	7 \$	(56,280.97)	10 \$	-	
	2 \$	(56,106.91)	5 \$	(55,548.91)	8 \$	-	11 \$	-	
	3 \$	(55,392.68)	6 \$	(55,885.11)	9 \$	-	12 \$	-	
TOTAL REMAINING	\$	29,943.37	\$	32,926.49	\$	140,803.03	\$	215,289.00	\$ 418,961.89

Q3 Month 7	
Per Diem Payments	\$ (165.00)
Salary	\$ (23,036.66)
Vacation Pay	\$ (3,570.23)
Holiday Pay	\$ (3,344.12)
Sick Pay	\$ (992.91)
Standard Overtime	\$ (263.36)
Health Insurance	\$ (9,287.14)
Dental Insurance	\$ (223.22)
Employer Retiree Health	\$ (3,683.37)
Employer Retirement	\$ (2,079.94)
Employer Group Life	\$ (266.00)
Employer Medicare	\$ (447.98)
Retiree Unfunded Liability	\$ (6,581.84)
July & August Per Diem	\$ -
Perm Part Time Full Ben	\$ (2,339.20)
TOTAL	\$ (56,280.97)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

1/31/2019

Jan-19							Fiscal Year 2019			
Court	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	10	9	\$ 6,391.12	9	\$ 6,688.88	\$ 743.21	39	52	\$ 53,886.44	\$ 1,036.28
AUBSC	4	3	\$ 1,298.00	3	\$ 1,298.00	\$ 432.67	13	18	\$ 16,575.84	\$ 920.88
AUGDC	44	55	\$ 19,335.79	52	\$ 19,604.26	\$ 377.01	264	393	\$ 194,240.52	\$ 494.25
AUGSC	5	6	\$ 5,466.14	3	\$ 2,280.00	\$ 760.00	54	103	\$ 56,636.82	\$ 549.87
BANDC	80	118	\$ 40,565.44	89	\$ 32,532.84	\$ 365.54	489	672	\$ 231,040.10	\$ 343.81
BANSC	0	1	\$ 396.00	2	\$ 462.00	\$ 231.00	2	8	\$ 20,184.50	\$ 2,523.06
BATSC	0	0		0			2	0		
BELDC	9	17	\$ 9,239.82	21	\$ 10,258.34	\$ 488.49	62	169	\$ 125,901.29	\$ 744.98
BELSC	0	1	\$ 704.56	1	\$ 704.56	\$ 704.56	2	4	\$ 1,941.36	\$ 485.34
BIDDC	64	94	\$ 45,436.80	93	\$ 49,979.42	\$ 537.41	414	564	\$ 290,727.01	\$ 515.47
BRIDC	26	28	\$ 14,860.86	18	\$ 11,714.68	\$ 650.82	106	118	\$ 61,492.38	\$ 521.12
CALDC	7	11	\$ 5,257.84	10	\$ 4,836.00	\$ 483.60	30	62	\$ 37,536.16	\$ 605.42
CARDC	19	18	\$ 8,059.69	24	\$ 12,182.61	\$ 507.61	75	108	\$ 49,146.59	\$ 455.06
CARSC	0	0		0			3	11	\$ 6,654.19	\$ 604.93
DOVDC	2	15	\$ 5,901.28	11	\$ 3,753.28	\$ 341.21	33	91	\$ 29,782.40	\$ 327.28
DOVSC	0	0		0			0	1	\$ 162.00	\$ 162.00
ELLDC	11	19	\$ 13,882.28	16	\$ 11,233.90	\$ 702.12	100	175	\$ 119,914.30	\$ 685.22
ELLSC	0	0		0			3	2	\$ 3,135.00	\$ 1,567.50
FARDC	21	36	\$ 18,869.64	31	\$ 17,012.35	\$ 548.79	98	145	\$ 109,054.34	\$ 752.10
FARSC	1	1	\$ 180.00	1	\$ 180.00	\$ 180.00	2	4	\$ 932.34	\$ 233.09
FORDC	10	6	\$ 4,190.21	4	\$ 1,789.28	\$ 447.32	42	54	\$ 35,135.46	\$ 650.66
HOUDC	38	27	\$ 10,068.05	22	\$ 8,170.45	\$ 371.38	132	161	\$ 72,124.02	\$ 447.98
HOUSC	0	1	\$ 6,094.30	0			0	2	\$ 1,867.28	\$ 933.64
LEWDC	94	191	\$ 87,609.22	158	\$ 69,554.50	\$ 440.22	507	755	\$ 356,359.24	\$ 472.00
LINDC	8	16	\$ 6,687.04	8	\$ 2,503.36	\$ 312.92	58	94	\$ 33,392.14	\$ 355.24
MACDC	9	18	\$ 4,758.00	18	\$ 4,470.00	\$ 248.33	71	124	\$ 43,324.04	\$ 349.39
MACSC	1	1	\$ 90.00	1	\$ 90.00	\$ 90.00	2	6	\$ 1,236.00	\$ 206.00
MADDC	1	1	\$ 311.36	1	\$ 311.36	\$ 311.36	10	10	\$ 3,082.84	\$ 308.28
MILDC	2	6	\$ 1,464.80	5	\$ 948.80	\$ 189.76	31	28	\$ 10,260.56	\$ 366.45
NEWDC	8	19	\$ 8,925.04	22	\$ 9,430.64	\$ 428.67	86	156	\$ 61,869.07	\$ 396.60
PORDC	95	109	\$ 59,903.88	108	\$ 68,850.90	\$ 637.51	556	736	\$ 389,160.87	\$ 528.75
PORSC	0	0		0			8	6	\$ 9,193.28	\$ 1,532.21
PREDC	20	16	\$ 9,805.77	15	\$ 8,015.99	\$ 534.40	112	161	\$ 72,976.60	\$ 453.27
RODC	19	29	\$ 14,090.54	24	\$ 12,584.54	\$ 524.36	148	207	\$ 102,203.96	\$ 493.74
ROSC	1	2	\$ 552.76	0			10	13	\$ 2,429.66	\$ 186.90
RUMDC	6	17	\$ 15,050.64	16	\$ 12,271.68	\$ 766.98	55	72	\$ 41,396.19	\$ 574.95
SKODC	26	72	\$ 40,539.00	66	\$ 37,466.04	\$ 567.67	171	316	\$ 188,039.08	\$ 595.06
SKOSC	0	0		0			0	1	\$ 486.00	\$ 486.00
SOUNDC	6	16	\$ 6,757.71	14	\$ 5,270.27	\$ 376.45	45	71	\$ 35,538.20	\$ 500.54
SOUNSC	0	1	\$ 390.00	1	\$ 390.00	\$ 390.00	0	7	\$ 8,708.65	\$ 1,244.09
SPRDC	39	70	\$ 36,647.20	60	\$ 29,911.24	\$ 498.52	300	423	\$ 239,803.59	\$ 566.91
Law Ct	12	21	\$ 41,248.08	15	\$ 30,093.85	\$ 2,006.26	70	101	\$ 174,297.27	\$ 1,725.72
YORCD	219	275	\$ 190,023.81	265	\$ 175,307.87	\$ 661.54	1,610	1,626	\$ 1,135,969.30	\$ 698.63
AROCD	111	119	\$ 105,395.00	115	\$ 91,228.78	\$ 793.29	875	791	\$ 439,497.76	\$ 555.62
ANDCD	141	238	\$ 98,101.20	222	\$ 101,062.62	\$ 455.24	1,079	1,169	\$ 550,118.09	\$ 470.59
KENCD	164	147	\$ 53,572.32	136	\$ 44,427.98	\$ 326.68	1,141	1,138	\$ 479,493.30	\$ 421.35
PENCD	257	284	\$ 165,552.90	320	\$ 168,639.97	\$ 527.00	1,607	1,646	\$ 799,266.45	\$ 485.58
SAGCD	35	47	\$ 32,221.70	37	\$ 23,828.03	\$ 644.00	216	232	\$ 152,669.02	\$ 658.06
WALCD	24	49	\$ 27,892.47	46	\$ 25,389.30	\$ 551.94	242	245	\$ 123,931.73	\$ 505.84
PISCD	16	14	\$ 2,388.00	11	\$ 1,650.00	\$ 150.00	103	92	\$ 23,484.63	\$ 255.27
HANCD	63	72	\$ 29,745.00	76	\$ 31,721.56	\$ 417.39	501	519	\$ 260,279.46	\$ 501.50
FRACD	49	63	\$ 20,838.10	50	\$ 15,534.98	\$ 310.70	255	337	\$ 149,623.96	\$ 443.99
WASCD	47	56	\$ 18,105.28	31	\$ 8,886.48	\$ 286.66	326	356	\$ 156,508.88	\$ 439.63
CUMCD	351	358	\$ 208,057.44	332	\$ 192,326.22	\$ 579.30	2,493	2,452	\$ 1,380,554.96	\$ 563.03
KNOCD	37	76	\$ 35,928.76	61	\$ 29,616.76	\$ 485.52	373	369	\$ 186,096.80	\$ 504.33
SOMCD	3	0		0			12	11	\$ 21,764.67	\$ 1,978.61
OXFCD	78	152	\$ 63,764.37	119	\$ 46,905.58	\$ 394.16	471	559	\$ 238,785.29	\$ 427.17
LINCD	12	31	\$ 17,598.87	19	\$ 6,843.60	\$ 360.19	188	249	\$ 119,759.08	\$ 480.96
WATDC	29	67	\$ 30,735.04	54	\$ 30,973.24	\$ 573.58	179	357	\$ 165,685.40	\$ 464.10
WESDC	20	28	\$ 11,064.96	25	\$ 11,874.24	\$ 474.97	157	172	\$ 61,585.10	\$ 358.05
WISDC	8	15	\$ 10,753.93	13	\$ 10,093.93	\$ 776.46	53	74	\$ 55,029.92	\$ 743.65
WISSC	1	2	\$ 1,523.50	0			1	3	\$ 8,334.22	\$ 2,778.07
YORDC	6	17	\$ 9,599.14	12	\$ 5,933.14	\$ 494.43	65	67	\$ 35,936.90	\$ 536.37
TOTAL	2,369	3,181	\$ 1,683,890.65	2,886	\$ 1,509,088.30	\$ 522.90	16,152	18,668	\$ 9,836,202.50	\$ 526.90

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

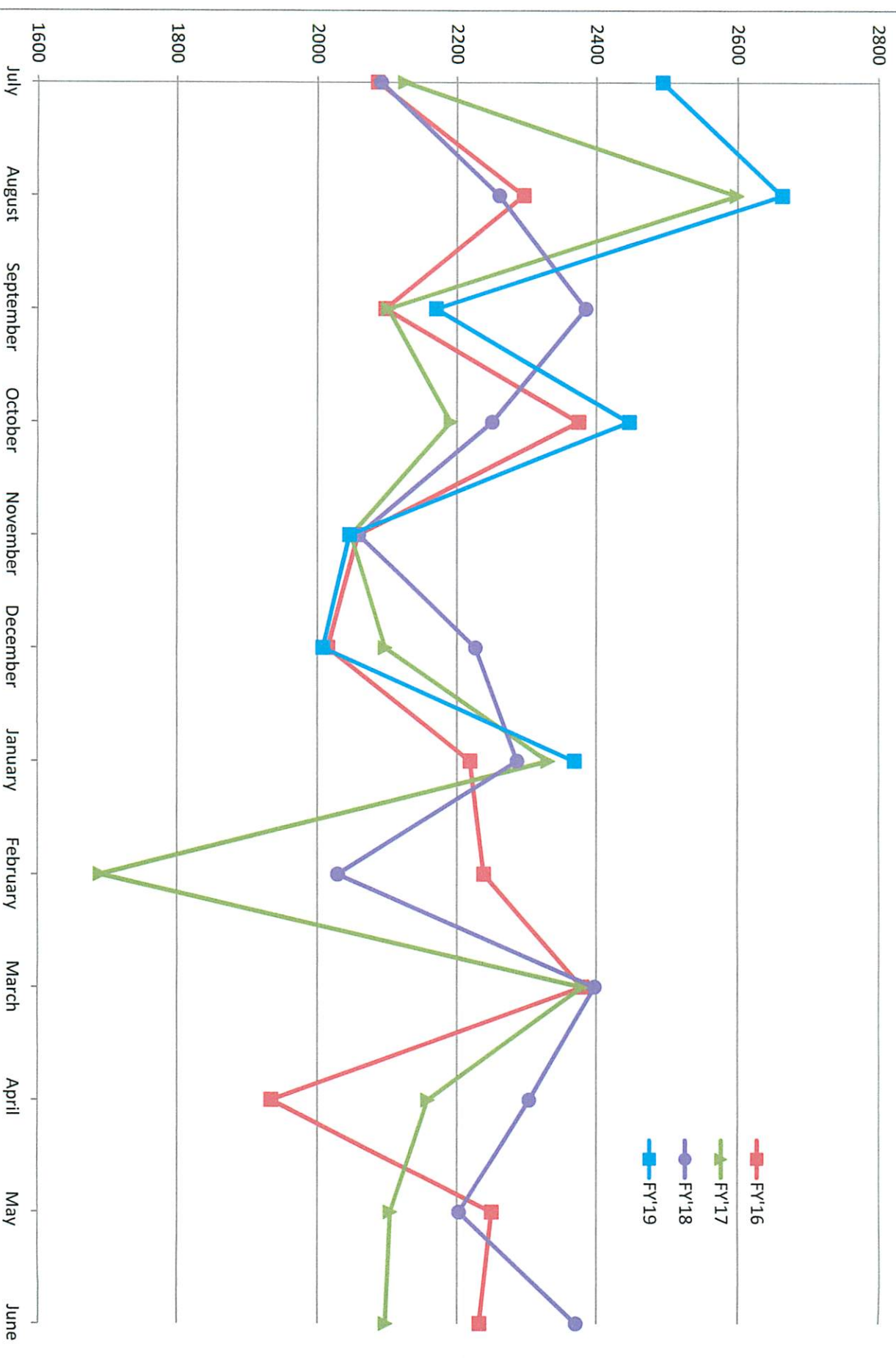
Number of Attorneys Rostered by Court

01/31/2019

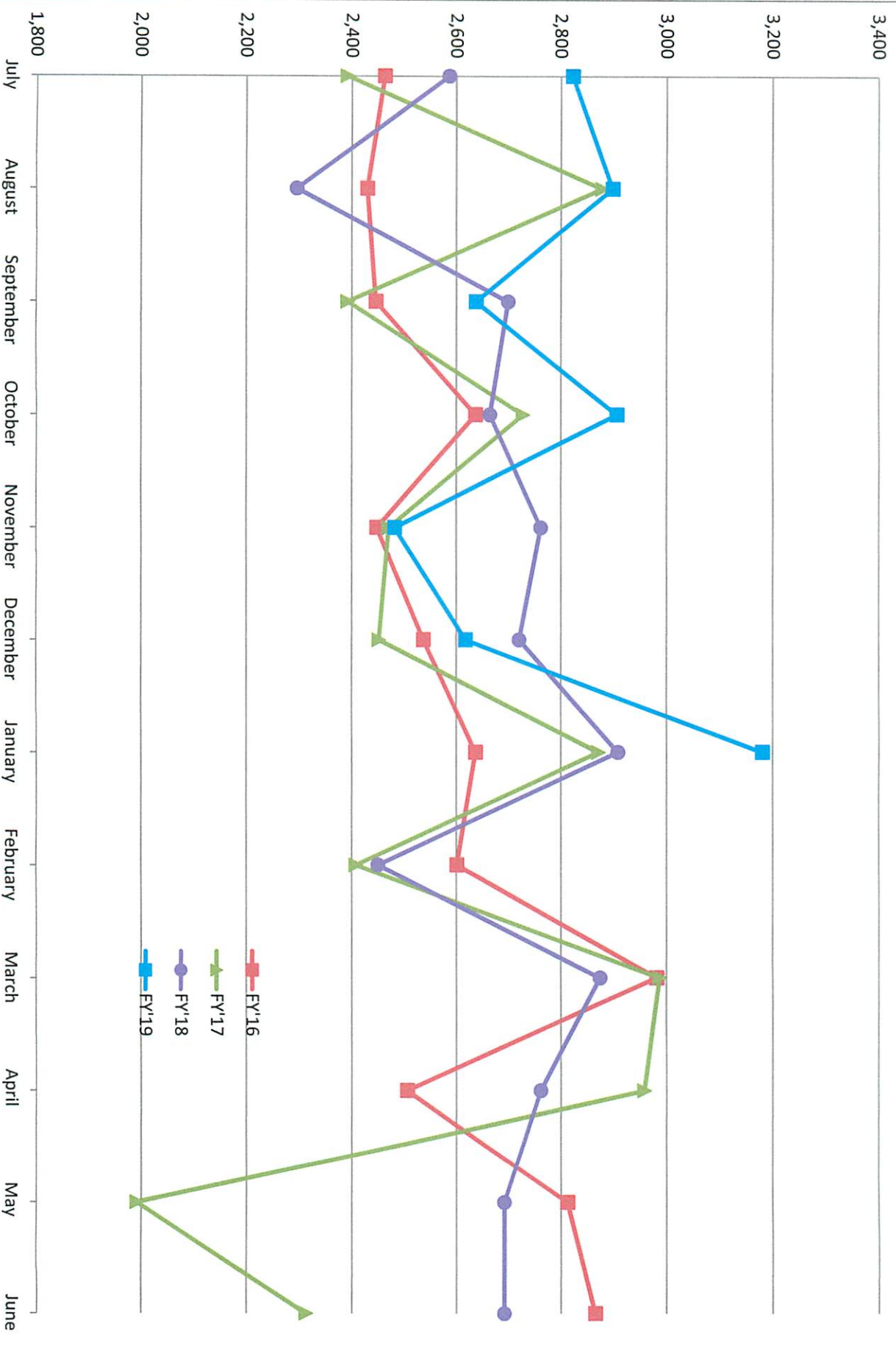
Court	Rostered Attorneys
Augusta District Court	91
Bangor District Court	45
Belfast District Court	44
Biddeford District Court	133
Bridgton District Court	86
Calais District Court	11
Caribou District Court	19
Dover-Foxcroft District Court	24
Ellsworth District Court	34
Farmington District Court	33
Fort Kent District Court	12
Houlton District Court	16
Lewiston District Court	122
Lincoln District Court	22
Machias District Court	16
Madawaska District Court	13
Millinocket District Court	17
Newport District Court	32
Portland District Court	157
Presque Isle District Court	16
Rockland District Court	37
Rumford District Court	24
Skowhegan District Court	25

Court	Rostered Attorneys
South Paris District Court	53
Springvale District Court	117
Unified Criminal Docket Alfred	121
Unified Criminal Docket Aroostook	23
Unified Criminal Docket Auburn	100
Unified Criminal Docket Augusta	84
Unified Criminal Docket Bangor	49
Unified Criminal Docket Bath	88
Unified Criminal Docket Belfast	44
Unified Criminal Docket Dover Foxcroft	22
Unified Criminal Docket Ellsworth	38
Unified Criminal Docket Farmington	36
Unified Criminal Docket Machias	17
Unified Criminal Docket Portland	158
Unified Criminal Docket Rockland	33
Unified Criminal Docket Skowhegan	18
Unified Criminal Docket South Paris	43
Unified Criminal Docket Wiscasset	52
Waterville District Court	45
West Bath District Court	105
Wiscasset District Court	58
York District Court	99

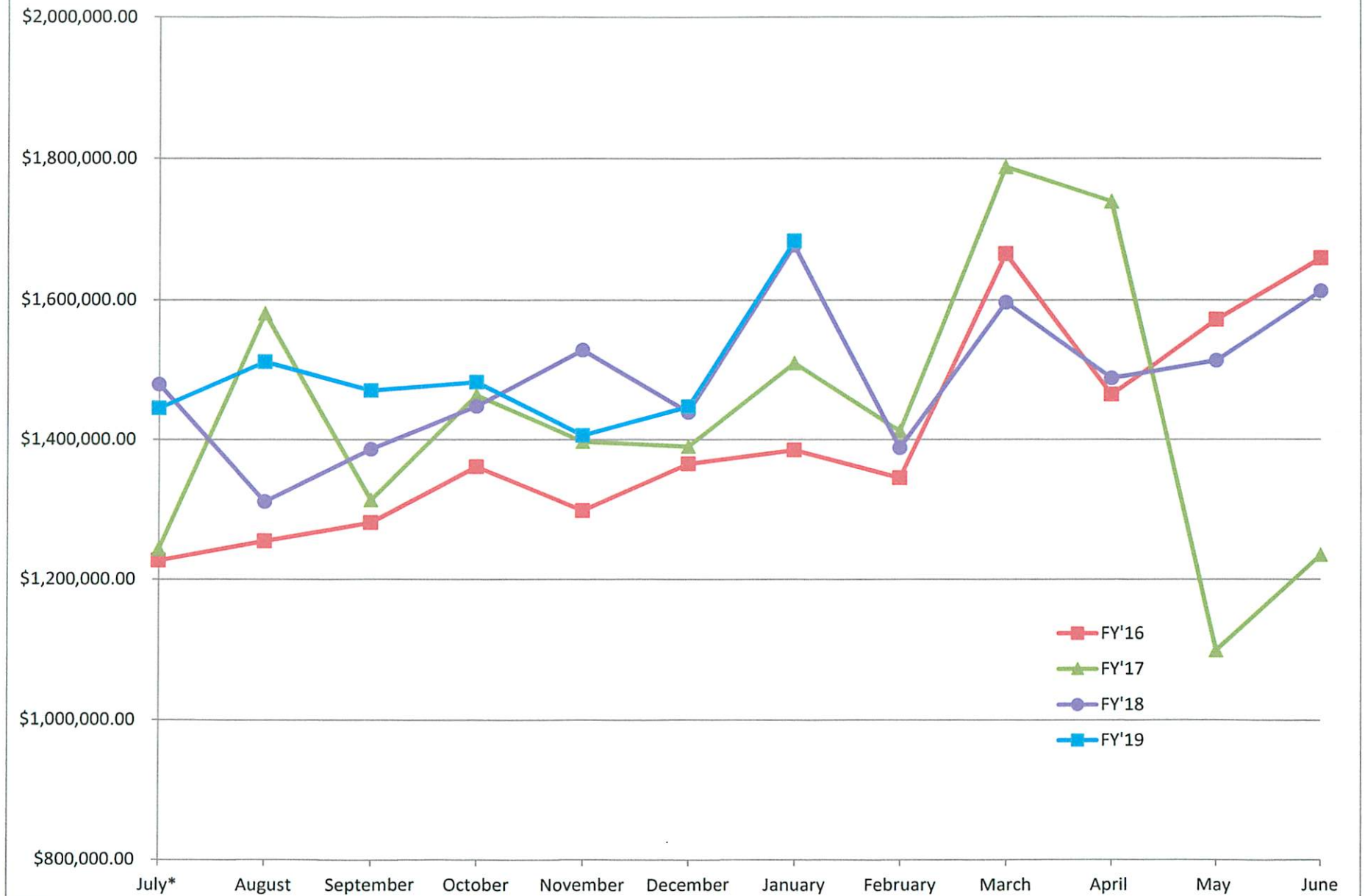
NEW CASES



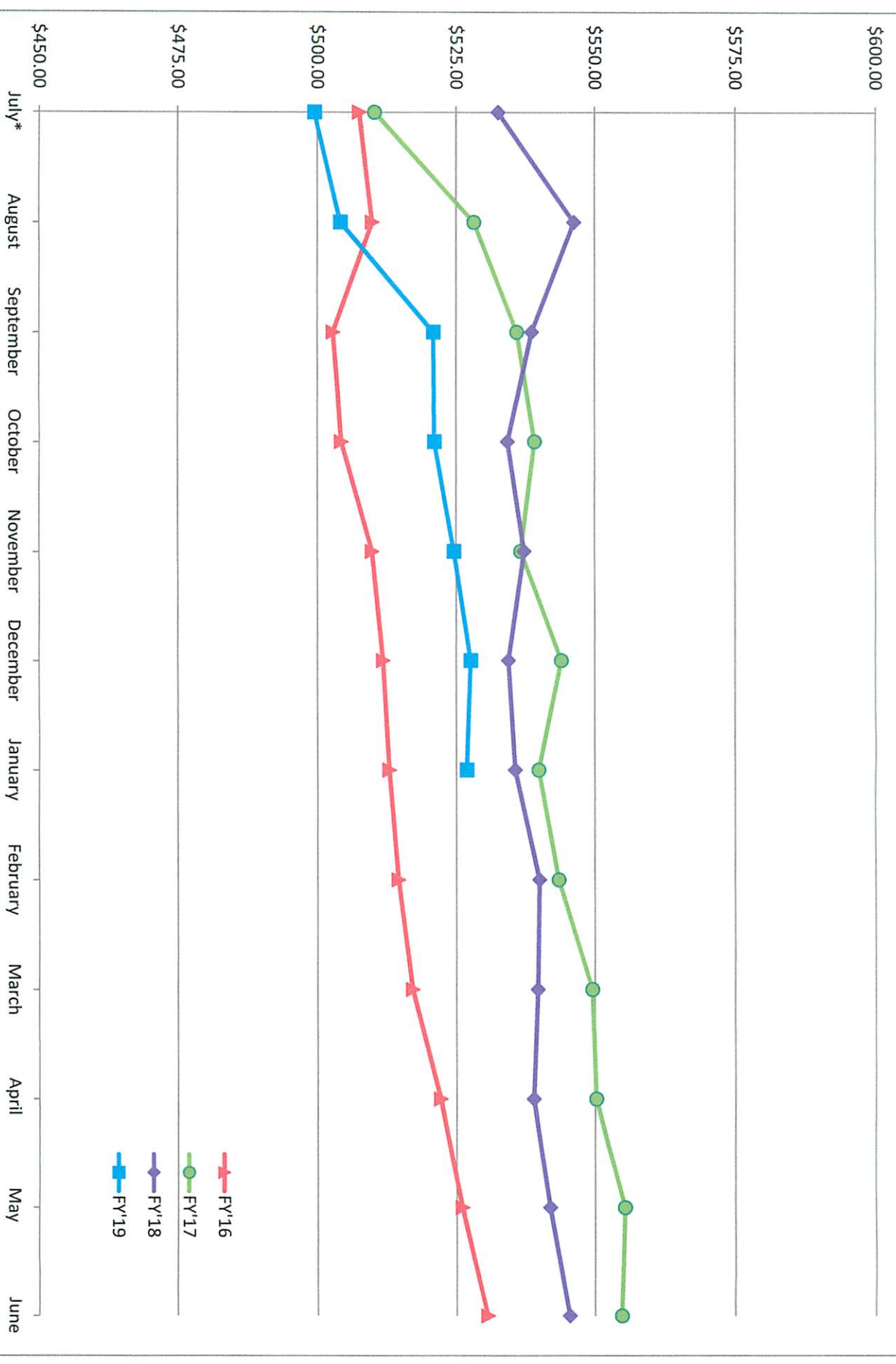
Submitted Vouchers



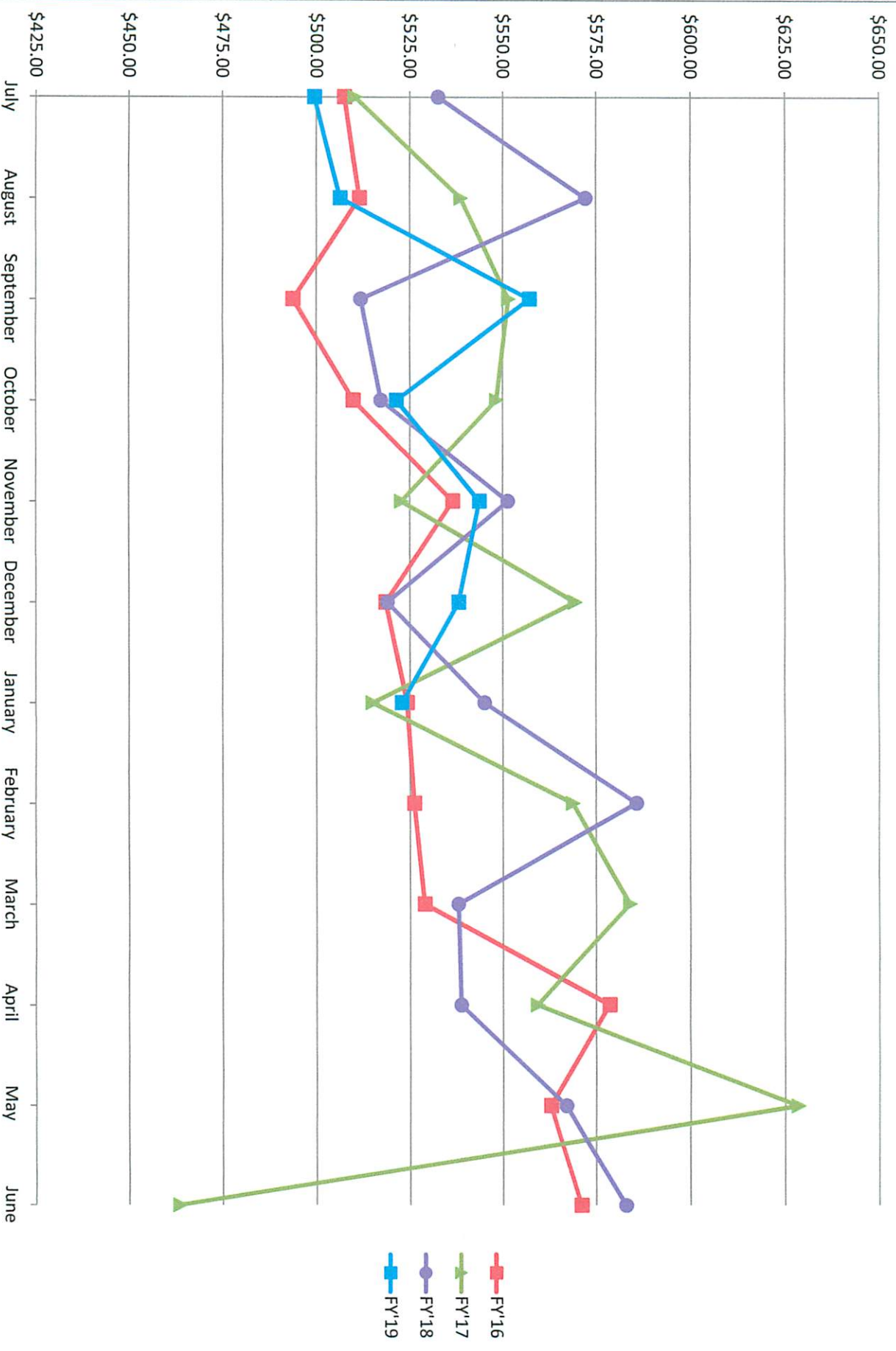
Submitted Voucher Amount

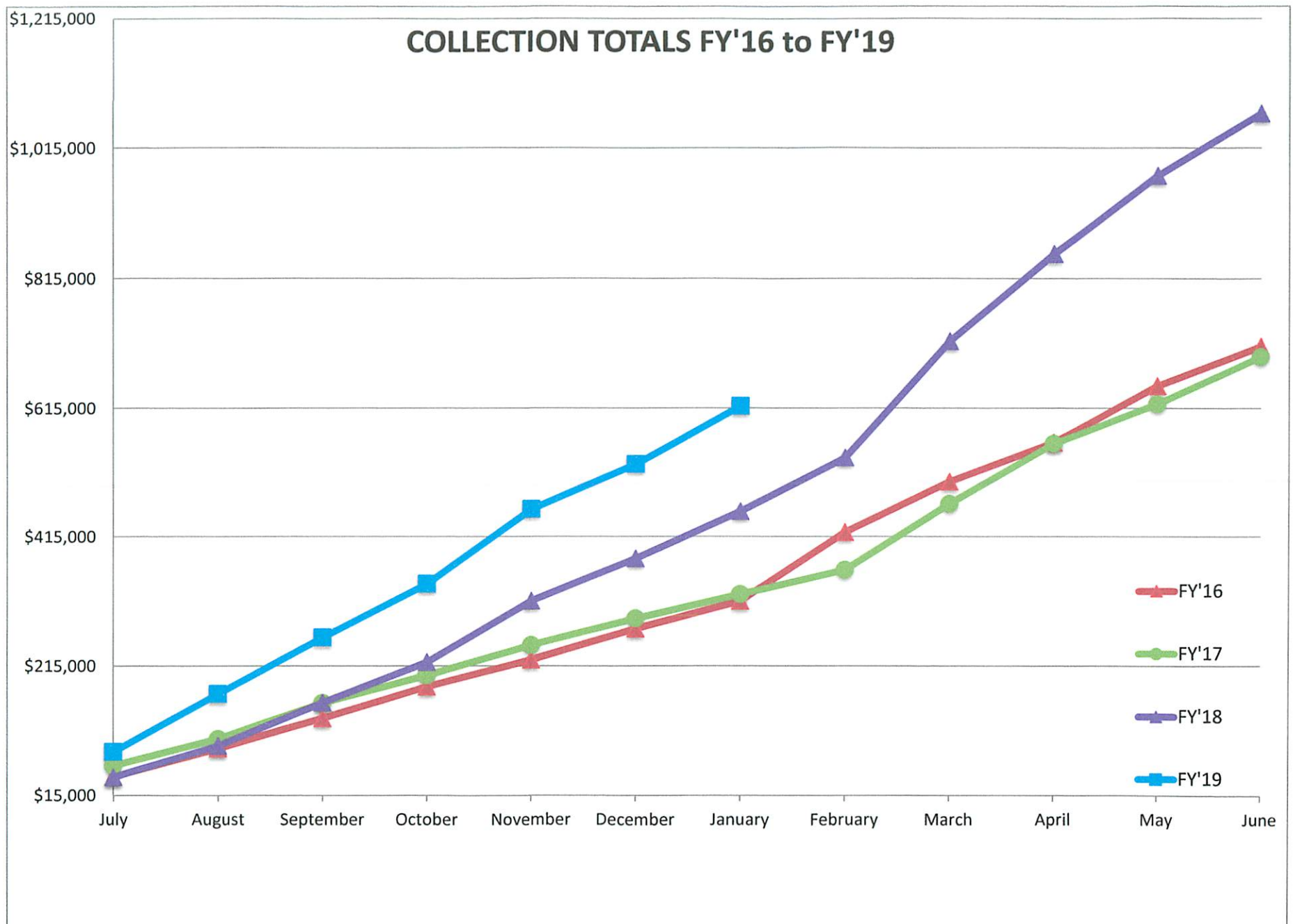


Average Voucher Price Fiscal Year to Date



Monthly Price Per Voucher





(3.)

Fee Schedule Rule Discussion

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: FEE SCHEDULE RULE
DATE: FEBRUARY 5, 2019

At its last meeting, the Commission continued its discussion of potential amendments to the fee schedule rule, and agreement was reached on a number of items. Attached is Chair Carey's latest draft incorporating the results of the January meeting.

Regarding the method for addressing vouchers that exceed the cap, that issue was left unresolved, and Chair Carey asked that each Commissioner provide proposed language for discussion at the February meeting.

Finally, for reference, I have attached the set of data that the Commissioners have been considering in their discussion of the appropriate level of the various fee caps.

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

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

SECTION 1. DEFINITIONS

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

SECTION 2. HOURLY RATE OF PAYMENT

Effective July 1, 2015:

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

SECTION 3. EXPENSES

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

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

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

SECTION 4. PRESUMPTIVE MAXIMUM FEES

Vouchers submitted for amounts greater than the applicable presumptive maximum fees outlined in this section will not be approved for payment, except as approved by the Executive Director and/or the Commission.

1. **Trial Court Criminal Fees**

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

Effective July 1, 2015:

- 1) **Murder.** ~~\$15,000 or Fee to be as~~ set by the Executive Director ~~on a case by case basis after reviewing the complexity of the case, if requested by assigned counsel at the beginning of the case.~~
- 2) **Class A.** \$3,000
- 3) **Class B and C (against person).** \$2,250

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

- 2) each attorney must submit a voucher to MCILS. Counsel should coordinate the submission of voucher so that they can be reviewed together. Co-counsel who practice in the same firm may submit a single voucher that reflects the work done by each attorney.

2. District Court Child Protection

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

Effective July 1, 2015:

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

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

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

- B. ~~Counsel must provide MCILS with written justification for any voucher that exceeds the maximum fee limit. Each child protective stage ends when a proceeding results in a court order as defined in Section 5.1.B below. Each distinct stage in on-going child protective cases shall be considered a new appointment for purposes of the presumptive maximum fee. A separate voucher must be submitted at the end of each stage.~~
- C. Upon written request to MCILS, assistant counsel may be appointed in a child protective case only for the purpose of the termination of parental rights hearing and if counsel of record has not tried a termination of parental rights before.
- 1) the duties of each attorney must be clearly and specifically defined and counsel must avoid unnecessary duplication of effort;
- 2) each attorney must submit a voucher to MCILS. Counsel should coordinate the submission of voucher so that they can be reviewed together.

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3. Other District Court Civil

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

Effective July 1, 2015:

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

4. Law Court

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

Effective July 1, 2015:

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

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SECTION 5: MINIMUM FEES

Effective July 1, 2015:

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

SECTION 6: ADMINISTRATION

1. Vouchers for payment of counsel fees and expenses shall be submitted within ninety ~~sixty~~ days after the date of disposition of a criminal, juvenile or appeals case, or completion of a stage of a child protection case resulting in an order. Vouchers submitted

more than ~~ninety~~ sixty days after final disposition, or completion of a stage of a child protection case, shall not be paid.

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

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

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

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

2. ~~Unless otherwise authorized in advance, a~~ All vouchers must be submitted using the MCILS electronic case management program and comply with all instructions for use of the system.
3. All time on vouchers shall be detailed and accounted for in .10 of an hour increments. The purpose for each time entry must be self-evident or specifically stated. Use of the comment section is ~~recommended~~ required if the time entry is no self-evident.
4. All expenses claimed for reimbursement must be fully itemized on the voucher. Copies of receipts for payments to third parties shall be retained and supplied upon request.

5. ~~Legal services provided in the district court for cases subsequently transferred to the superior court shall be included in the voucher submitted to the MCILS at disposition of the case.~~
-

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

EFFECTIVE DATE:

August 21, 2011 – filing 2011-283

AMENDED:

March 19, 2013 – filing 2013-062

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

October 5, 2013 – filing 2013-228

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

June 10, 2016 – filing 2016-092

Probation Violation - Cap \$540

	FY16	FY17	FY18
Number of Vouchers Paid	2068	1764	2334
Number Exceeding the Cap	411	363	409
Percentage Exceeding the Cap	19.87%	20.58%	17.52%
95th Percentile Amount	\$ 994.00	\$ 1,080.00	\$ 984.00
90th Percentile Amount	\$ 762.00	\$ 810.00	\$ 730.00
85th Percentile Amount	\$ 628.00	\$ 666.00	\$ 594.00
80th Percentile Amount	\$ 540.00	\$ 552.00	\$ 540.00
Median Voucher Amount	\$ 330.00	\$ 342.00	\$ 318.00
Mean Voucher Amount	\$ 408.06	\$ 430.49	\$ 390.80

Post-Conviction Review - Cap \$1,200

	FY16	FY17	FY18
Number of Vouchers Paid	80	82	104
Number Exceeding the Cap	36	32	52
Percentage Exceeding the Cap	45.00%	39.02%	50.00%
95th Percentile Amount	\$ 5,374.00	\$ 6,230.00	\$ 5,987.00
90th Percentile Amount	\$ 4,401.00	\$ 5,028.00	\$ 4,534.00
85th Percentile Amount	\$ 3,905.00	\$ 3,288.00	\$ 3,408.00
80th Percentile Amount	\$ 3,042.00	\$ 2,785.00	\$ 2,682.00
Median Voucher Amount	\$ 1,133.00	\$ 1,038.00	\$ 1,200.00
Mean Voucher Amount	\$ 1,774.51	\$ 1,794.41	\$ 3,239.85

Post-Conviction Review w/out Murder- Cap \$1,200

	FY16	FY17	FY18
Number of Vouchers Paid	69	64	83
Number Exceeding the Cap	26	18	36
Percentage Exceeding the Cap	37.68%	28.13%	43.37%
95th Percentile Amount	\$ 5,283.28	\$ 3,700.16	\$ 5,601.92
90th Percentile Amount	\$ 3,698.30	\$ 2,941.32	\$ 3,504.36
85th Percentile Amount	\$ 2,723.50	\$ 2,262.00	\$ 3,315.29
80th Percentile Amount	\$ 2,256.00	\$ 1,896.00	\$ 2,309.20
Median Voucher Amount	\$ 852.00	\$ 873.00	\$ 1,044.00
Mean Voucher Amount	\$ 1,351.75	\$ 1,310.40	\$ 1,575.08

Post-Conviction Review Murder Only-Cap \$1,200

Fiscal Years 2016, 2017, and 2018 Combined

Number of Vouchers Paid	44
Number Exceeding the Cap	36
Percentage Exceeding the Cap	81.82%
95th Percentile Amount	\$ 9,970.68
90th Percentile Amount	\$ 8,888.46
85th Percentile Amount	\$ 6,230.88
80th Percentile Amount	\$ 5,880.00
Median Voucher Amount	\$ 2,900.00
Mean Voucher Amount	\$ 6,830.08
	(\$3,955.62 mean if 130K voucher excluded)

Post-Conviction Review Murder Only-Without Outlying Vouchers Cap-\$1,200

Fiscal Years 2016, 2017, and 2018 Combined

Number of Vouchers Paid	42
Number Exceeding the Cap	34
Percentage Exceeding the Cap	80.95%
95th Percentile Amount	\$ 8,888.46
90th Percentile Amount	\$ 6,230.88
85th Percentile Amount	\$ 5,880.00
80th Percentile Amount	\$ 5,028.00
Median Voucher Amount	\$ 2,600.00
Mean Voucher Amount	\$ 3,309.23

Child Protection Petition - Cap \$900

	FY16	FY17	FY18
Number of Vouchers Paid	3604	3189	4093
Number Exceeding the Cap	692	660	774
Percentage Exceeding the Cap	19.20%	20.70%	18.91%
95th Percentile Amount	\$ 1,610.00	\$ 1,842.00	\$ 1,688.00
90th Percentile Amount	\$ 1,180.00	\$ 1,326.00	\$ 1,249.00
85th Percentile Amount	\$ 993.00	\$ 1,080.00	\$ 1,008.00
80th Percentile Amount	\$ 897.00	\$ 923.00	\$ 900.00
Median Voucher Amount	\$ 504.00	\$ 553.92	\$ 510.00
Mean Voucher Amount	\$ 641.28	\$ 687.59	\$ 647.60

Review of Child Protection Order - Cap \$900

	FY16	FY17	FY18
Number of Vouchers Paid	1865	1696	2037
Number Exceeding the Cap	234	259	282
Percentage Exceeding the Cap	12.55%	15.27%	13.84%
95th Percentile Amount	\$ 1,227.00	\$ 1,439.84	\$ 1,362.00
90th Percentile Amount	\$ 946.92	\$ 1,092.00	\$ 1,020.00
85th Percentile Amount	\$ 876.50	\$ 912.32	\$ 900.00
80th Percentile Amount	\$ 768.00	\$ 882.00	\$ 840.00
Median Voucher Amount	\$ 408.00	\$ 444.00	\$ 444.00
Mean Voucher Amount	\$ 522.68	\$ 571.96	\$ 555.62

Termination of Parental Rights- Cap \$1,260

	FY16	FY17	FY18
Number of Vouchers Paid	1026	912	878
Number Exceeding the Cap	114	107	128
Percentage Exceeding the Cap	11.11%	11.73%	14.58%
95th Percentile Amount	\$ 1,840.16	\$ 2,131.59	\$ 1,974.00
90th Percentile Amount	\$ 1,380.00	\$ 1,410.00	\$ 1,491.00
85th Percentile Amount	\$ 1,094.40	\$ 1,134.00	\$ 1,260.00
80th Percentile Amount	\$ 949.28	\$ 958.36	\$ 1,086.00
Median Voucher Amount	\$ 522.00	\$ 528.00	\$ 561.00
Mean Voucher Amount	\$ 680.05	\$ 724.76	\$ 741.76

Appeal - Cap \$1,200

	FY16	FY17	FY18
Number of Vouchers Paid	301	271	292
Number Exceeding the Cap	117	113	134
Percentage Exceeding the Cap	38.87%	41.70%	45.89%
95th Percentile Amount	\$ 3,579.00	\$ 4,818.00	\$ 4,476.00
90th Percentile Amount	\$ 2,770.00	\$ 3,529.00	\$ 3,130.00
85th Percentile Amount	\$ 2,375.00	\$ 2,868.00	\$ 2,604.00
80th Percentile Amount	\$ 1,975.00	\$ 2,256.00	\$ 2,148.00
Median Voucher Amount	\$ 955.50	\$ 967.98	\$ 1,128.00
Mean Voucher Amount	\$ 1,386.74	\$ 1,623.93	\$ 1,510.94

Appeal w/out Murder - Cap \$1,200

	FY16	FY17	FY18
Number of Vouchers Paid	283	251	277
Number Exceeding the Cap	107	100	128
Percentage Exceeding the Cap	37.81%	39.84%	46.21%
95th Percentile Amount	\$ 3,250.48	\$ 3,809.03	\$ 4,200.00
90th Percentile Amount	\$ 2,538.13	\$ 3,191.00	\$ 3,130.61
85th Percentile Amount	\$ 2,276.96	\$ 2,530.76	\$ 2,742.00
80th Percentile Amount	\$ 1,872.00	\$ 2,116.27	\$ 2,207.33
Median Voucher Amount	\$ 942.00	\$ 954.00	\$ 1,132.58
Mean Voucher Amount	\$ 1,205.43	\$ 1,371.12	\$ 1,445.07

Appeal Murder Only- Cap \$1,200

Fiscal Years 2016, 2017, 2018 Combined

Number of Vouchers Paid	46
Number Exceeding the Cap	25
Percentage Exceeding the Cap	54.35%
95th Percentile Amount	\$ 19,471.19
90th Percentile Amount	\$ 7,854.50
85th Percentile Amount	\$ 6,320.79
80th Percentile Amount	\$ 4,860.51
Median Voucher Amount	\$ 1,520.00
Mean Voucher Amount	\$ 3,703.14

Murder - No Cap

	FY16	FY17	FY18
Number of Vouchers Paid	62	52	56
Number Exceeding the Cap	N/A	N/A	N/A
Percentage Exceeding the Cap	NA	N/A	N/A
95th Percentile Amount	\$ 17,477.90	\$ 17,180.82	\$ 24,678.80
90th Percentile Amount	\$ 11,417.48	\$ 14,550.00	\$ 17,200.34
85th Percentile Amount	\$ 8,567.60	\$ 12,615.39	\$ 16,896.00
80th Percentile Amount	\$ 5,954.36	\$ 8,482.79	\$ 15,537.16
Median Voucher Amount	\$ 3,060.00	\$ 3,890.00	\$ 5,474.08
Mean Voucher Amount	\$ 4,938.23	\$ 5,363.10	\$ 9,429.93

Class A - Cap \$3,000

	FY16	FY17	FY18
Number of Vouchers Paid	875	740	1015
Number Exceeding the Cap	92	80	105
Percentage Exceeding the Cap	10.51%	10.81%	10.34%
95th Percentile Amount	\$ 4,656.00	\$ 4,428.29	\$ 4,942.58
90th Percentile Amount	\$ 3,090.80	\$ 3,161.40	\$ 3,113.22
85th Percentile Amount	\$ 2,434.50	\$ 2,574.00	\$ 2,526.00
80th Percentile Amount	\$ 1,977.50	\$ 2,340.00	\$ 2,168.12
Median Voucher Amount	\$ 891.76	\$ 1,097.00	\$ 990.00
Mean Voucher Amount	\$ 1,485.12	\$ 1,510.97	\$ 1,539.91

Class B/C Person - Cap 2,250

	FY16	FY17	FY18
Number of Vouchers Paid	1314	1138	1606
Number Exceeding the Cap	98	76	112
Percentage Exceeding the Cap	7.46%	6.68%	6.97%
95th Percentile Amount	\$ 2,718.00	\$ 2,659.55	\$ 2,564.44
90th Percentile Amount	\$ 1,978.80	\$ 1,932.00	\$ 1,986.00
85th Percentile Amount	\$ 1,591.50	\$ 1,542.40	\$ 1,596.00
80th Percentile Amount	\$ 1,389.50	\$ 1,308.00	\$ 1,314.00
Median Voucher Amount	\$ 678.00	\$ 666.00	\$ 654.00
Mean Voucher Amount	\$ 984.56	\$ 924.88	\$ 938.61

Class B/C Property - Cap \$1,500

	FY16	FY17	FY18
Number of Vouchers Paid	5404	4162	5174
Number Exceeding the Cap	276	259	282
Percentage Exceeding the Cap	5.11%	6.22%	5.45%
95th Percentile Amount	\$ 1,508.96	\$ 1,680.00	\$ 1,584.00
90th Percentile Amount	\$ 1,232.00	\$ 1,308.00	\$ 1,248.00
85th Percentile Amount	\$ 1,020.00	\$ 1,087.00	\$ 1,044.00
80th Percentile Amount	\$ 880.50	\$ 942.00	\$ 893.30
Median Voucher Amount	\$ 462.00	\$ 492.00	\$ 480.00
Mean Voucher Amount	\$ 602.55	\$ 654.10	\$ 616.91

MISDEMEANOR - Cap \$750

	FY16	FY17	FY18
Number of Vouchers Paid	8295	7515	9791
Number Exceeding the Cap	751	771	931
Percentage Exceeding the Cap	9.05%	10.26%	9.51%
95th Percentile Amount	\$ 978.00	\$ 1,026.00	\$ 1,014.00
90th Percentile Amount	\$ 739.00	\$ 756.50	\$ 750.00
85th Percentile Amount	\$ 641.50	\$ 684.00	\$ 672.00
80th Percentile Amount	\$ 559.00	\$ 606.00	\$ 588.00
Median Voucher Amount	\$ 322.00	\$ 330.00	\$ 324.00
Mean Voucher Amount	\$ 396.68	\$ 415.81	\$ 411.67

(4.)

Budget Update

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: BUDGET UPDATE
DATE: FEBRUARY 7, 2019

The Executive Director has been working with the Budget Office and the office of the Governor's Counsel regarding inclusion of the Commission's full budget request in the Governor's biennial budget. At this time, a couple of items remain uncertain, and an update will be provided at the upcoming meeting.

(5.)

Sixth Amendment Center

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: SIXTH AMENDMENT CENTER UPDATE
DATE: FEBRUARY 5, 2019

During January, the Executive Director and Deputy Executive Director met for several hours with Nancy Bennett of the Sixth Amendment Center. Lynne Nash, accounting technician, also met with Ms. Bennett.

Ms. Bennett was primarily interested in the day to day operations of the central office staff, but the conversation with the Director and Deputy Director turned out to be wide ranging and productive. We discussed issues that Ms. Bennett had identified in her work so far, and she provided advice based on her experience in Massachusetts related to matters of attorney supervision and evaluation.

The Executive Director had a follow up phone call with Ms. Bennett several days after the meeting, and the staff is in the process of responding to requests for additional data.