

MCILS

**January 17, 2017
Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

JANUARY 17, 2017

COMMISSION MEETING

JUDICIARY COMMITTEE ROOM, ROOM 438, STATEHOUSE, AUGUSTA

AGENDA

- 1) Approval of December 13, 2016 Commission Meeting Minutes
- 2) Operations Reports Review
- 3) Budget Update
- 4) Status of RFP's Update
- 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.)
December 13, 2016
Commission Meeting
Minutes

**Maine Commission on Indigent Legal Services – Commissioners Meeting
December 13, 2016**

Minutes

Commissioners Present: Steven Carey, Marvin Glazier, William Logan, Carlann Welch
MCILS Staff Present: John Pelletier, Ellie Maciag

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Approval of the November 18, 2016 Commission Meeting Minutes	No discussion of meeting minutes.	Commissioner Logan moved for approval, Commissioner Glazier seconded. All voted in favor. Approved.
Operations Reports Review	<p>Director Pelletier presented the November 2016 Operations Reports. 2,048 new cases were opened in the DefenderData system in November. This was a 143 case decrease from October. The number of submitted vouchers in November was 2,471, a decrease of 257 vouchers from October, totaling \$1,397,188, a decrease of \$67,000 from October. In November, the Commission paid 1,769 vouchers totaling \$924,727, a decrease of 756 vouchers and \$461,000 from October. This sharp decline in voucher payments was due to Director Pelletier being out of the office for several weeks during November. The average price per voucher was \$522.74, down \$25.64 per voucher from October. Appeal and Post-Conviction Review cases had the highest average vouchers. There were 2 vouchers exceeding \$5,000 paid in November. The monthly transfer from the Judicial Branch for counsel fees for November, which reflects October's collections, totaled \$46,852, up approximately \$4,400 from the previous month. Director Pelletier noted that the Commission was close to being on track with last year's collection totals and anticipates that collection totals will increase after January with the tax offset program.</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Final Adoption of Written Decision on Appeal	On December 13, Chair Carey and Commissioners Glazier and Welch signed the order in the Attorney Seth Carey appeal matter. Notice of the decision will be provided to Attorney Carey.	
Status of RFP's Update	<p>Director Pelletier informed the Commissioners that staff had executed a contract with Attorney Barbara Taylor, formerly of ILAP, to provide immigration consultation services for Commission cases starting on December 12.</p> <p>Bids were received in response to the appellate RFP – two for criminal and one for child protective. The scoring committee is scheduled to meet after the December 13 Commission meeting to score the bids.</p> <p>Chair Carey noted that he was pleased that Barbara Taylor was on board and able to provide these services. He also noted that there was not much response to the appellate RFP and was unsure if there is a great desire for a contract system in Maine, contrary to the governor's bill last session.</p> <p>Director Pelletier gave a brief update on the status of the other two pending RFPs – voucher management system and the contract for Somerset County. Once updated case numbers are received from the Somerset County Project attorneys, that RFP can be finalized and submitted to Purchasing for approval. An updated draft for the voucher management system will be submitted to Purchasing for approval in the near future. Director Pelletier suggested that the voucher management system RFP be issued first since ample time should be made available should a new vendor be selected.</p>	
Legislation Submitted by Commission Staff	Director Pelletier provided the Commissioners with a copy of the draft legislation that was submitted to the Revisor's Office concerning filing of petitions for certiorari to the United States Supreme Court.	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Public Comment	<p>Robert J. Ruffner, Esq.: Attorney Ruffner urged the Commission not to gauge interest in contracts in other areas by the response it received for the appellate contract RFP. Attorney Ruffner believes that electronic discovery is a cost factor driving voucher prices. He brought two examples of voluminous discovery from recent cases: 10 discs with of over 1,000 jail phone calls reflecting over 200 hours of recording, and a homicide case that had over 100 discs with various audio/video recordings and crime photos.</p>	
Executive Session	<p>The Commissioners entered into executive session to discuss personnel matters. Upon emerging from executive session, the Commissioners stated that no votes were taken during the executive session.</p>	
Adjournment of meeting	<p>The Commission voted to adjourn with the next meeting to be on January 10, 2017 at 9:30 a.m.</p>	<p>Commissioner Logan moved to adjourn. Commissioner Welch seconded. All present in favor.</p>

(2.)
Operations Reports

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
SUBJECT: DECEMBER 2016 OPERATIONS REPORTS
DATE: JANUARY 3, 2017

Attached you will find the December, 2016, Operations Reports for your review and our discussion at the upcoming Commission meeting on January 10, 2017. A summary of the operations reports follows:

- 2,097 new cases were opened in the DefenderData system in December. This was a 49 case increase over November.
- The number of vouchers submitted electronically in December was 2,452, a decrease of 19 vouchers from November, totaling \$1,390,139.50, a decrease of \$7,000 from November. In December, we paid 3,312 electronic vouchers totaling \$1,887,434.74 representing an increase of 1,543 vouchers and \$963,000 compared to November.
- There were 3 paper vouchers submitted and paid in December totaling \$507.00.
- The average price per voucher in December was \$569.51, up \$46.77 per voucher over November.
- Appeal and Termination of Parental Rights cases had the highest average vouchers in December. There were 16 vouchers exceeding \$5,000 paid in December. Six vouchers involved murder cases. One such case generated two vouchers for co-counsel and resulted in dismissal of the murder charge in return for a plea to felony murder. Two vouchers involved verdicts of guilty to murder charges after lengthy trials. Two other vouchers involved, respectively, a plea to murder after extensive trial preparation and counsel withdrawal at the request of the client after extensive trial preparation. Two vouchers involved trial on charges of gross sexual assault, with one ending in a not guilty verdict on the gross sexual assault charge, but guilty on a charge of unlawful sexual conduct, and the other resulting in a guilty verdict on all counts. Another voucher involved the complete dismissal of 23 charges of theft by deception after extensive analysis of complicated evidence. Another voucher involved trial on a charge of OUI causing death, but resulted in conviction of only simple OUI. Two other vouchers reflected interim billing on cases involving numerous burglary charges across multiple counties. Two other vouchers involved multi-day trials in termination of parental rights cases, and a third involved evidentiary hearings and depositions on a claim of ineffective assistance of counsel in a previous termination case. The final voucher involved an appeal of a theft conviction after a long and complicated trial by counsel who did not conduct the trial.

In our All Other Account, the total expenses for the month of December were \$1,949,070.52. Of that amount, just over \$12,000 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$56,077.87 in expenses for the month of December.

In the Revenue Account, the December transfer of collected revenue, reflecting November collections, totaled \$40,888.57, down \$6,000 from November. From the revenue account, we paid \$127,679.31 in attorney vouchers through the Defenderdata system.

In our Conference Account, we collected some late registration fees for the minimum standards and Probate trainings, and paid expenses related to those trainings, leaving an account balance of \$23,941.11.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

12/31/2016

Dec-16

DefenderData Case Type	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Fiscal Year 2017			
							Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	5	17	\$ 24,915.40	22	\$ 39,502.87	\$ 1,795.59	86	127	\$ 191,391.42	\$ 1,507.02
Child Protection Petition	150	324	\$ 213,858.74	426	\$ 278,749.37	\$ 654.34	997	1,945	\$ 1,275,614.27	\$ 655.84
Drug Court	1	6	\$ 6,396.00	8	\$ 7,722.00	\$ 965.25	3	36	\$ 30,921.18	\$ 858.92
Emanicipation	10	13	\$ 3,117.00	16	\$ 3,657.00	\$ 228.56	59	43	\$ 13,601.84	\$ 316.32
Felony	558	559	\$ 523,498.40	738	\$ 705,722.49	\$ 956.26	2,950	3,215	\$ 2,756,108.32	\$ 857.27
Involuntary Civil Commitment	56	70	\$ 18,934.10	80	\$ 21,989.81	\$ 274.87	409	354	\$ 83,934.81	\$ 237.10
Juvenile	83	90	\$ 39,649.13	127	\$ 57,710.48	\$ 454.41	435	478	\$ 229,921.04	\$ 481.01
Lawyer of the Day - Custody	193	197	\$ 45,027.84	234	\$ 52,810.28	\$ 225.68	1,396	1,308	\$ 321,362.66	\$ 245.69
Lawyer of the Day - Juvenile	31	32	\$ 6,053.00	42	\$ 8,152.16	\$ 194.10	250	234	\$ 44,705.90	\$ 191.05
Lawyer of the Day - Walk-in	108	104	\$ 26,418.76	138	\$ 34,721.96	\$ 251.61	816	753	\$ 187,836.91	\$ 249.45
Misdemeanor	678	682	\$ 287,245.30	1,002	\$ 416,991.35	\$ 416.16	4,261	4,095	\$ 1,682,499.69	\$ 410.87
Petition, Modified Release Treatment	0	9	\$ 5,042.83	12	\$ 5,948.83	\$ 495.74	6	34	\$ 19,815.49	\$ 582.81
Petition, Release or Discharge	0	0		0			1	1	\$ 651.52	\$ 651.52
Petition, Termination of Parental Rights	20	39	\$ 42,599.24	60	\$ 62,419.92	\$ 1,040.33	166	322	\$ 281,207.41	\$ 873.31
Post Conviction Review	11	13	\$ 9,513.64	8	\$ 5,697.12	\$ 712.14	41	41	\$ 64,365.40	\$ 1,569.89
Probate	0	1	\$ 527.60	1	\$ 894.00	\$ 894.00	7	2	\$ 1,600.45	\$ 800.23
Probation Violation	146	142	\$ 55,706.06	207	\$ 86,337.88	\$ 417.09	958	958	\$ 389,914.67	\$ 407.01
Represent Witness on 5th Amendment	1	0		0			1	4	\$ 312.00	\$ 78.00
Review of Child Protection Order	45	152	\$ 80,916.18	188	\$ 97,290.94	\$ 517.51	285	897	\$ 503,789.90	\$ 561.64
Revocation of Administrative Release	1	2	\$ 720.28	3	\$ 1,116.28	\$ 372.09	11	8	\$ 3,273.78	\$ 409.22
Defender Data Sub-Total	2,097	2,452	\$ 1,390,139.50	3,312	\$ 1,887,434.74	\$ 569.88	13,138	14,855	\$ 8,082,828.66	\$ 544.12
Paper Voucher Sub-Total	3	3	\$ 507.00	3	\$ 507.00	\$ 169.00	10	10	\$ 3,880.20	\$ 388.02
TOTAL	2,100	2,455	\$1,390,646.50	3,315	\$1,887,941.74	\$ 569.51	13,148	14,865	\$ 8,086,708.86	\$ 544.01

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY16 FUND ACCOUNTING
AS OF 12/31/2016**

Account 010 95F Z112 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY16 Total
FY17 Professional Services Allotment		\$ 4,278,098.25		\$ 4,357,441.00		\$ 4,712,015.00		\$ 2,083,667.00	
FY17 General Operations Allotment		\$ 34,560.00		\$ 34,560.00		\$ 34,560.00		\$ 34,560.00	
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 4,312,658.25		\$ 4,392,001.00		\$ 4,746,575.00		\$ 2,118,227.00	\$ 15,569,461.25
Total Expenses	1	\$ (993,008.98)	4	\$ (1,499,285.92)	7	\$ -	10	\$ -	\$ (2,492,294.90)
	2	\$ (1,778,404.21)	5	\$ (974,177.24)	8	\$ -	11	\$ -	\$ (2,752,581.45)
	3	\$ (1,290,758.70)	6	\$ (1,949,070.52)	9	\$ -	12	\$ -	\$ (3,239,829.22)
Encumbrances (Somerset PDP & Justice Works)		\$ (249,075.75)		\$ 82,110.25		\$ -		\$ -	\$ (166,965.50)
Encumbrances (Westlaw & Barbara Taylor)		\$ (1,410.00)		\$ (51,577.00)		\$ -		\$ -	\$ (52,987.00)
TOTAL REMAINING		\$ 0.61		\$ 0.57		\$ 4,746,575.00		\$ 2,118,227.00	\$ 6,864,803.18

Q2 Month 6 (as of 12/31/16)

INDIGENT LEGAL SERVICES		
Counsel Payments	\$ (1,760,262.43)	
Somerset County	\$ (23,357.50)	
Subpoena Witness Fees	\$ -	
Private Investigators	\$ (43,775.61)	
Mental Health Expert	\$ (38,542.02)	
Transcripts	\$ (23,410.05)	
Other Expert	\$ (42,236.46)	
Analysts & Lab Services	\$ -	
Process Servers	\$ (1,567.65)	
Interpreters	\$ (2,598.32)	
Misc Prof Fees & Serv	\$ (1,101.99)	
SUB-TOTAL ILS	\$ (1,936,852.03)	
OPERATING EXPENSES		
Service Center	\$ (794.50)	
Defender/Data	\$ (4,564.75)	
West Publishing Corp	\$ (282.00)	
Mileage/Tolls/Parking	\$ (1,403.43)	
Mailing/Postage/Freight	\$ (312.94)	
Legal Ads	\$ -	
Ergonomic Office Eqp/Eval	\$ (153.95)	
Office Supplies/Equip.	\$ (148.04)	
Cellular Phones	\$ (115.35)	
Subscriptions	\$ -	
Office Equipment Rental	\$ (249.51)	
Notary Fees	\$ -	
OIT/TELCO	\$ (4,194.02)	
SUB-TOTAL OE	\$ (12,218.49)	
TOTAL	\$ (1,949,070.52)	

INDIGENT LEGAL SERVICES

Q2 Allotment	\$ 4,392,001.00
Q2 Encumbrances for Somerset PDP & Justice Works contracts	\$ 82,110.25
Westlaw & Barbara Taylor Contracts	\$ (51,577.00)
Q2 Expenses as of 12/31/16	\$ (4,422,533.68)
Remaining Q2 Allotment as of 12/31/16	\$ 0.57

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
 FY16 FUND ACCOUNTING
 As of 12/31/16

Account 014 95F 2112 01 (Revenue)		Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY16 Total
Total Budget Allotments			\$ 184,125.00		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00	\$ 736,497.00
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ -	-	
Financial Order Adjustment	2	\$ -	5	\$ -	8	\$ -	11	\$ -	-	
Budget Order Adjustment	3	\$ -	6	\$ -	9	\$ -	12	\$ -	-	
Financial Order Adjustment	3	\$ -	4	\$ -	9	\$ -	12	\$ -	-	\$ -
Total Budget Allotments		\$ 184,125.00		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00		\$ 736,497.00
Cash Carryover from Prior Quarter		\$ 23.05		\$ 3,014.37		\$ -		\$ -		
Collected Revenue from JB	1	\$ 61,742.47	4	\$ 42,429.56	7	\$ -	10	\$ -	-	
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	-	
Collected Revenue from JB	2	\$ 40,789.66	5	\$ 46,852.35	8	\$ -	11	\$ -	-	
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	-	
Collected Revenue from JB (late transfer)		\$ -		\$ -		\$ -		\$ -	-	
Collected Revenue from JB	3	\$ 55,760.61	6	\$ 40,888.57	9	\$ -	12	\$ -	-	
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	-	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 158,315.79		\$ 133,184.85		\$ -		\$ -		\$ 288,463.22
Counsel Payments	1	\$ -	4	\$ -	7	\$ -	10	\$ -	-	
Other Expenses		\$ -		\$ (3,011.64)		\$ -		\$ -	-	
Counsel Payments	2	\$ -	5	\$ -	8	\$ -	11	\$ -	-	
Other Expenses		\$ -		\$ -		\$ -		\$ -	-	
Counsel Payments	3	\$ (154,443.22)	6	\$ (127,679.31)	9	\$ -	12	\$ -	-	
Other Expenses	**	\$ -		\$ -		\$ -		\$ -	-	
REMAINING ALLOTMENT		\$ 29,661.78		\$ 53,483.05		\$ 184,124.00		\$ 184,124.00		\$ 451,362.83
Overpayment Reimbursements	1	\$ (100.00)	4	\$ -	7	\$ -	10	\$ -	-	
	2	\$ (713.20)	5	\$ -	8	\$ -	11	\$ -	-	
	3	\$ (45.00)	6	\$ -	9	\$ -	12	\$ -	-	
REMAINING CASH Year to Date		\$ 3,014.37		\$ 2,493.90		\$ -		\$ -		\$ -

Q2 Month 6 (as of 12/31/16)	
DEFENDER DATA COUNSEL PAYMENTS	\$ (127,679.31)
SUB-TOTAL IIS	\$ (127,679.31)
OVERPAYMENT REIMBURSEMENTS	\$ -
Paper Voucher	\$ -
Somerset County CDs	\$ -
Private Investigators	\$ -
Mental Health Expert	\$ -
Transcripts	\$ -
Other Expert	\$ -
StaCap Expense	\$ -
SUB-TOTAL OE	\$ -
TOTAL	\$ (127,679.31)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY16 FUND ACCOUNTING

AS OF 12/31
/2016

Account 010 95F-2112 01 (Personal Services)		Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY16 Total
FY17 Allotment			\$ 181,545.00		\$ 205,445.00		\$ 181,540.00		\$ 189,421.00	\$ -
Financial Order Adjustments			\$ -		\$ -		\$ -		\$ -	\$ -
Financial Order Adjustments			\$ -		\$ -		\$ -		\$ -	\$ -
Budget Order Adjustments			\$ -		\$ -		\$ -		\$ -	\$ -
Total Budget Allotments			\$ 181,545.00		\$ 205,445.00		\$ 181,540.00		\$ 189,421.00	\$ 757,951.00
Total Expenses		1	\$ (55,554.51)	4	\$ (56,634.54)	7	\$ -	10	\$ -	
		2	\$ (58,643.85)	5	\$ (79,274.97)	8	\$ -	11	\$ -	
		3	\$ (56,599.36)	6	\$ (56,077.87)	9	\$ -	12	\$ -	
TOTAL REMAINING			\$ 10,747.28		\$ 13,457.62		\$ 181,540.00		\$ 189,421.00	\$ 395,165.90

Q2 Month 6 (as of 12/31/16)		
Per Diem Payments	\$ (495.00)	
Salary	\$ (24,806.35)	
Vacation Pay	\$ (547.24)	
Holiday Pay	\$ (3,105.20)	
Sick Pay	\$ (1,506.79)	
Employee Hlth Sys/Workers Comp	\$ (74.00)	
Health Insurance	\$ (10,276.78)	
Dental Insurance	\$ (249.48)	
Employer Retiree Health	\$ (3,457.88)	
Employer Retirement	\$ (2,326.32)	
Employer Group Life	\$ (251.72)	
Employer Medicare	\$ (437.60)	
Retiree Unfunded Liability	\$ (5,701.87)	
Retro Pymt	\$ -	
Perm Part Time Full Ben	\$ (2,841.64)	
TOTAL	\$ (56,077.87)	

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY16 FUND ACCOUNTING
As of 12/31/16

Account 014 95F 2112 02 (Conference)											
	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY16 Total		
Total Budget Allotments		\$ 10,000.00		\$ 20,000.00		\$ 20,000.00		\$ 7,000.00	\$ 57,000.00		
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ -			
Financial Order Adjustment	2	\$ -	5	\$ -	8	\$ -	11	\$ -			
Financial Order Adjustment	3	\$ -	6	\$ -	9	\$ -	12	\$ -			
Total Budget Allotments		\$ 10,000.00		\$ 20,000.00		\$ 20,000.00		\$ 7,000.00	\$ 57,000.00		
Cash Carryover from Prior Quarter		\$ 14,054.73		\$ 32,159.21		\$ -		\$ -			
Collected Revenue	1	\$ -	4	\$ 775.00	7	\$ -	10	\$ -			
Collected Revenue	2	\$ 17,600.00	5	\$ 725.00	8	\$ -	11	\$ -			
Collected Revenue	3	\$ 850.00	6	\$ 475.00	9	\$ -	12	\$ -			
TOTAL CASH PLUS REVENUE COLLECTED		\$ 32,504.73		\$ 34,134.21		\$ -		\$ -	\$ 20,425.00		
Total Expenses	1	\$ (132.26)	4	\$ (6,686.13)	7	\$ -	10	\$ -			
	2	\$ (37.58)	5	\$ (2,288.90)	8	\$ -	11	\$ -			
	3	\$ (0.68)	6	\$ (1,218.07)	9	\$ -	12	\$ -			
Encumbrances		\$ (5,000.00)		\$ 1,725.00					\$ (3,275.00)		
REMAINING ALLOTMENT		\$ 4,829.48		\$ 11,531.90		\$ 20,000.00		\$ 7,000.00	\$ 43,361.38		
REMAINING CASH Year to Date		\$ 32,159.21		\$ 23,941.11		\$ -		\$ -			

Q2 Month 6 (as of 12/31/16)	
Training Manuals Printing	\$ (1,175.98)
Training Refreshments/Meals	\$ -
Media Northeast (encumbered Q1)	\$ -
Speaker Fees	\$ -
Office Supplies	\$ -
CLE App to the Bar	\$ (42.09)
State Cap Expense	\$ -
TOTAL	\$ (1,218.07)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

12/31/2016

Court	Dec-16						Fiscal Year 2017			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	20	50	\$ 88,491.21	86	\$ 108,541.03	\$ 1,262.11	149	341	\$ 303,659.87	\$ 890.50
AUBSC	14	26	\$ 20,669.37	32	\$ 24,579.27	\$ 768.10	86	185	\$ 132,149.96	\$ 714.32
AUGDC	37	77	\$ 41,599.58	107	\$ 59,845.88	\$ 559.31	291	410	\$ 213,537.33	\$ 520.82
AUGSC	20	42	\$ 18,845.12	62	\$ 24,390.13	\$ 393.39	148	256	\$ 133,398.07	\$ 521.09
BANDC	42	89	\$ 30,472.85	120	\$ 50,017.95	\$ 416.82	326	480	\$ 193,816.03	\$ 403.78
BANSC	5	0		1	\$ 450.00	\$ 450.00	9	7	\$ 4,995.82	\$ 713.69
BATSC	0	0		0			9	8	\$ 10,399.34	\$ 1,299.92
BELDC	5	16	\$ 9,976.63	26	\$ 14,138.42	\$ 543.79	61	102	\$ 65,621.20	\$ 643.35
BELSC	3	2	\$ 882.38	5	\$ 1,489.38	\$ 297.88	15	20	\$ 8,169.83	\$ 408.49
BIDDC	43	57	\$ 32,297.47	84	\$ 48,852.39	\$ 581.58	363	436	\$ 208,522.38	\$ 478.26
BRIDC	8	16	\$ 11,036.88	17	\$ 10,379.44	\$ 610.56	71	93	\$ 50,138.66	\$ 539.13
CALDC	4	12	\$ 5,778.12	12	\$ 7,814.36	\$ 651.20	65	62	\$ 37,873.00	\$ 610.85
CARDC	6	13	\$ 9,666.09	13	\$ 9,793.44	\$ 753.34	41	88	\$ 53,105.80	\$ 603.48
CARSC	3	10	\$ 21,586.22	13	\$ 20,415.82	\$ 1,570.45	37	61	\$ 48,919.92	\$ 801.97
DOVDC	4	12	\$ 4,880.00	11	\$ 6,236.00	\$ 566.91	19	63	\$ 36,907.01	\$ 585.83
DOVSC	0	0		0			2	2	\$ 675.44	\$ 337.72
ELLDC	14	29	\$ 16,220.81	31	\$ 18,498.50	\$ 596.73	92	174	\$ 143,413.00	\$ 824.21
ELLSC	2	0		0			3	13	\$ 3,684.00	\$ 283.38
FARDC	8	10	\$ 5,591.00	15	\$ 6,199.46	\$ 413.30	68	92	\$ 59,734.65	\$ 649.29
FARSC	6	0		1	\$ 2,820.20	\$ 2,820.20	19	14	\$ 7,272.12	\$ 519.44
FORDC	3	8	\$ 3,870.25	9	\$ 3,346.04	\$ 371.78	38	45	\$ 23,459.61	\$ 521.32
HOUDC	21	25	\$ 14,339.07	30	\$ 12,407.22	\$ 413.57	102	160	\$ 65,404.83	\$ 408.78
HOUSC	9	8	\$ 3,574.50	5	\$ 1,474.50	\$ 294.90	19	28	\$ 19,409.26	\$ 693.19
LEWDC	91	99	\$ 46,345.26	128	\$ 59,336.98	\$ 463.57	458	599	\$ 294,663.11	\$ 491.93
LINDC	6	23	\$ 10,953.34	19	\$ 10,173.26	\$ 535.43	50	122	\$ 58,118.04	\$ 476.38
MACDC	10	17	\$ 7,385.20	17	\$ 6,870.00	\$ 404.12	81	93	\$ 41,576.62	\$ 447.06
MACSC	1	4	\$ 1,186.00	5	\$ 1,167.20	\$ 233.44	13	21	\$ 6,494.64	\$ 309.27
MADDC	1	4	\$ 653.36	9	\$ 2,062.72	\$ 229.19	17	25	\$ 7,160.53	\$ 286.42
MILDC	3	10	\$ 1,887.28	16	\$ 4,011.28	\$ 250.71	30	34	\$ 10,599.48	\$ 311.75
NEWDC	21	35	\$ 14,651.49	41	\$ 18,048.35	\$ 440.20	122	175	\$ 78,915.89	\$ 450.95
PORDC	70	99	\$ 67,354.64	134	\$ 84,082.88	\$ 627.48	455	653	\$ 361,172.34	\$ 553.10
PORSC	11	2	\$ 15,574.22	2	\$ 15,574.22	\$ 7,787.11	23	9	\$ 21,283.92	\$ 2,364.88
PREDC	16	28	\$ 15,687.85	28	\$ 14,529.46	\$ 518.91	101	147	\$ 69,140.31	\$ 470.34
ROCD	22	28	\$ 9,746.28	31	\$ 10,671.56	\$ 344.24	119	151	\$ 71,135.65	\$ 471.10
ROSC	2	2	\$ 3,251.68	4	\$ 4,570.39	\$ 1,142.60	14	37	\$ 32,681.41	\$ 883.28
RUMDC	7	9	\$ 3,026.00	21	\$ 7,170.60	\$ 341.46	61	71	\$ 30,593.92	\$ 430.90
SKODC	20	40	\$ 19,847.93	63	\$ 31,632.77	\$ 502.11	113	255	\$ 131,653.25	\$ 516.29
SKOSC	0	0		0			2	0		
SOUDC	20	18	\$ 8,004.00	20	\$ 8,400.00	\$ 420.00	60	83	\$ 38,422.86	\$ 462.93
SOUSC	16	8	\$ 2,728.08	12	\$ 6,286.86	\$ 523.91	58	75	\$ 47,996.47	\$ 639.95
SPRDC	47	67	\$ 41,191.78	88	\$ 56,333.08	\$ 640.15	392	462	\$ 257,336.55	\$ 557.01
Law Ct	4	11	\$ 20,415.44	15	\$ 33,903.86	\$ 2,260.26	66	92	\$ 136,639.58	\$ 1,485.21
YORCD	188	155	\$ 91,508.34	214	\$ 137,613.50	\$ 643.05	1,061	833	\$ 567,624.86	\$ 681.42
AROCD	73	78	\$ 49,110.00	83	\$ 56,032.82	\$ 675.09	493	471	\$ 262,886.52	\$ 558.15
ANDCD	137	106	\$ 52,951.40	139	\$ 67,360.51	\$ 484.61	668	640	\$ 351,356.55	\$ 548.99
KENCD	127	168	\$ 79,193.58	271	\$ 127,759.09	\$ 471.44	1,002	965	\$ 442,906.12	\$ 458.97
PENCD	219	204	\$ 91,726.68	262	\$ 140,135.67	\$ 534.87	1,227	1,219	\$ 586,673.61	\$ 481.27
SAGCD	25	34	\$ 20,694.19	42	\$ 26,311.02	\$ 626.45	168	179	\$ 106,132.63	\$ 592.92
WALCD	22	28	\$ 15,251.43	37	\$ 17,487.50	\$ 472.64	160	169	\$ 81,469.49	\$ 482.07
PISCD	13	13	\$ 4,330.80	7	\$ 3,034.80	\$ 433.54	69	59	\$ 17,071.92	\$ 289.35
HANCD	45	57	\$ 16,168.50	80	\$ 26,815.50	\$ 335.19	329	316	\$ 131,559.80	\$ 416.33
FRACD	41	32	\$ 15,602.81	45	\$ 23,673.33	\$ 526.07	248	252	\$ 112,829.83	\$ 447.74
WASCD	27	34	\$ 10,768.84	49	\$ 14,182.84	\$ 289.45	202	176	\$ 55,118.00	\$ 313.17
CUMCD	342	301	\$ 202,060.64	424	\$ 258,127.03	\$ 608.79	2,017	1,907	\$ 1,104,028.77	\$ 578.93
KNOCD	58	57	\$ 29,732.10	68	\$ 41,938.63	\$ 616.74	308	283	\$ 155,927.81	\$ 550.98
SOMCD	1	1	\$ 378.00	4	\$ 2,832.00	\$ 708.00	12	9	\$ 12,101.12	\$ 1,344.57
OXFCD	62	41	\$ 14,874.68	69	\$ 27,640.65	\$ 400.59	335	338	\$ 157,564.06	\$ 466.17
LINCD	24	36	\$ 17,406.88	51	\$ 28,131.05	\$ 551.59	194	186	\$ 98,390.85	\$ 528.98
WATDC	14	34	\$ 18,100.07	66	\$ 33,595.09	\$ 509.02	130	277	\$ 138,710.15	\$ 500.76
WESDC	19	37	\$ 13,571.66	35	\$ 17,344.16	\$ 495.55	127	161	\$ 72,942.13	\$ 453.06
WISDC	5	13	\$ 8,995.20	11	\$ 17,791.30	\$ 1,617.39	29	50	\$ 40,331.75	\$ 806.64
WISSC	0	2	\$ 720.00	3	\$ 1,407.03	\$ 469.01	10	15	\$ 5,801.97	\$ 386.80
YORDC	10	15	\$ 7,326.32	19	\$ 11,706.32	\$ 616.12	81	106	\$ 61,549.02	\$ 580.65
TOTAL	2,097	2,452	\$ 1,390,139.50	3,312	\$ 1,887,434.74	\$ 569.88	13,138	14,855	\$ 8,082,828.66	\$ 544.12

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

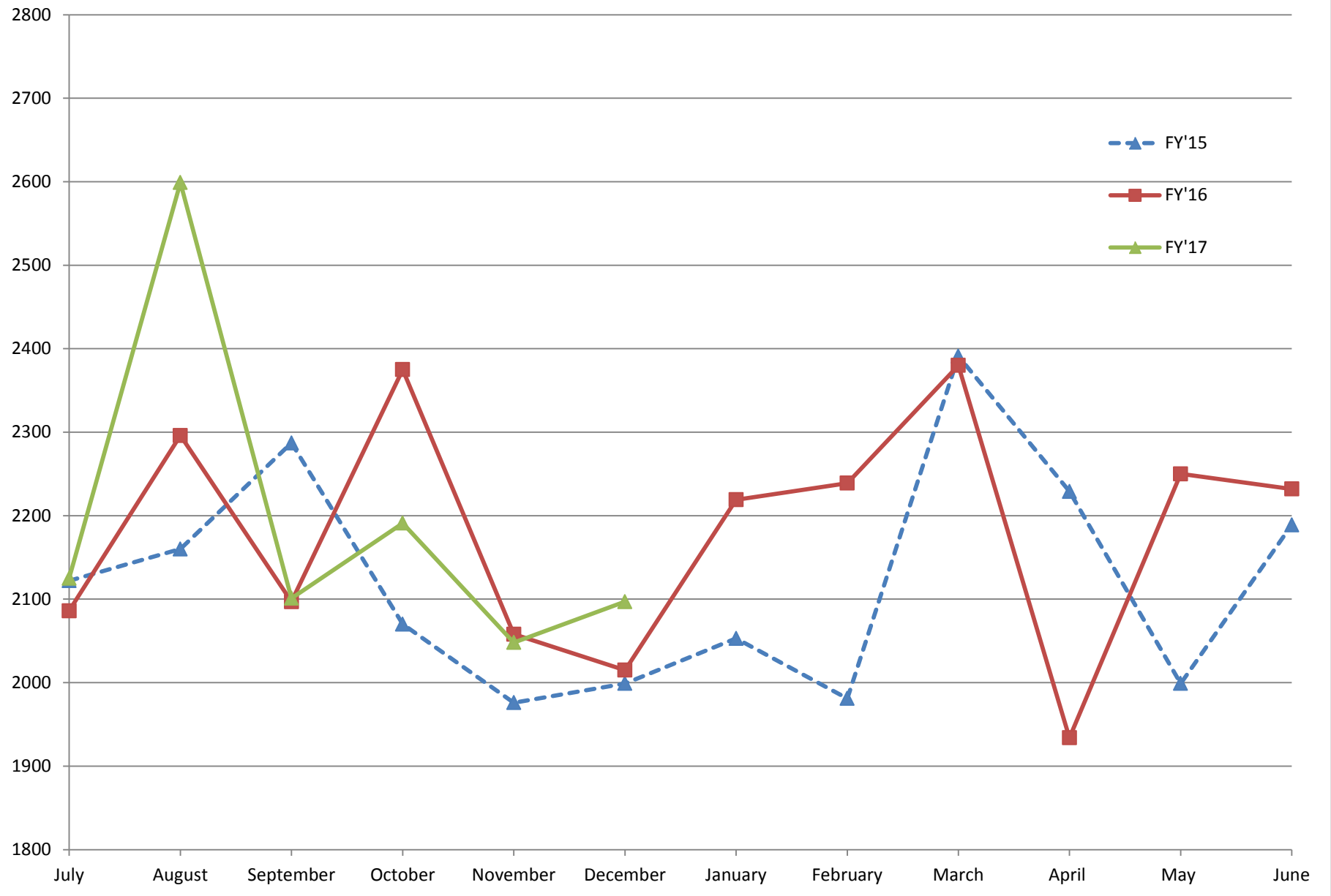
Number of Attorneys Rostered by Court

12/31/2016

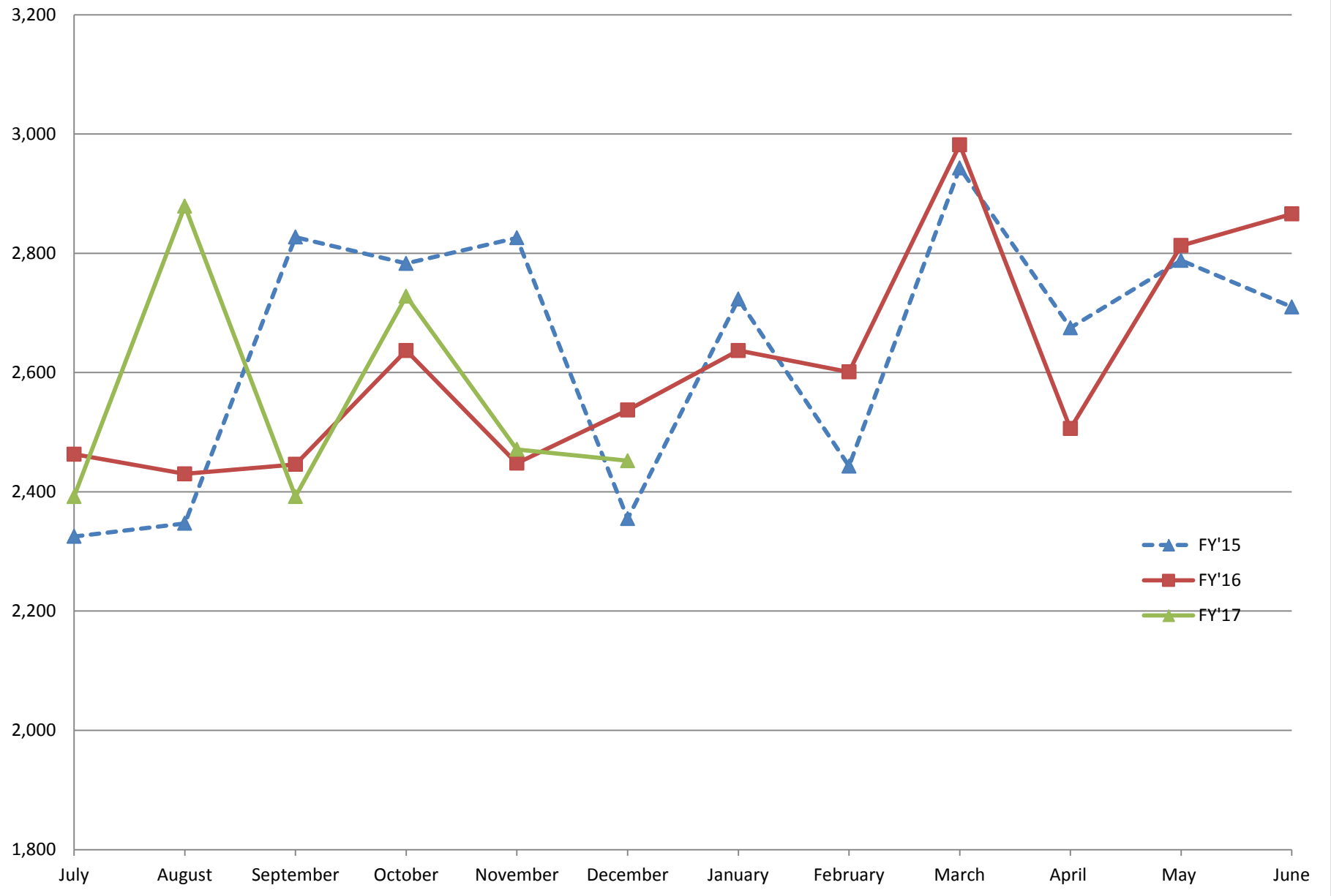
Court	Rostered Attorneys
Augusta District Court	102
Bangor District Court	53
Belfast District Court	51
Biddeford District Court	134
Bridgton District Court	98
Calais District Court	12
Caribou District Court	19
Dover-Foxcroft District Court	26
Ellsworth District Court	44
Farmington District Court	28
Fort Kent District Court	11
Houlton District Court	15
Lewiston District Court	132
Lincoln District Court	28
Machias District Court	18
Madawaska District Court	12
Millinocket District Court	21
Newport District Court	36
Portland District Court	162
Presque Isle District Court	15
Rockland District Court	43
Rumford District Court	25
Skowhegan District Court	27

Court	Rostered Attorneys
South Paris District Court	60
Springvale District Court	121
Unified Criminal Docket Alfred	111
Unified Criminal Docket Aroostook	25
Unified Criminal Docket Auburn	104
Unified Criminal Docket Augusta	92
Unified Criminal Docket Bangor	54
Unified Criminal Docket Bath	92
Unified Criminal Docket Belfast	47
Unified Criminal Docket Dover-Foxcroft	22
Unified Criminal Docket Ellsworth	41
Unified Criminal Docket Farmington	29
Unified Criminal Docket Machias	18
Unified Criminal Docket Portland	150
Unified Criminal Docket Rockland	39
Unified Criminal Docket Skowhegan	20
Unified Criminal docket Soputh Paris	97
Unified Criminal Docket Wiscasset	56
Waterville District Court	53
West Bath District Court	114
Wiscasset District Court	63
York District Court	107

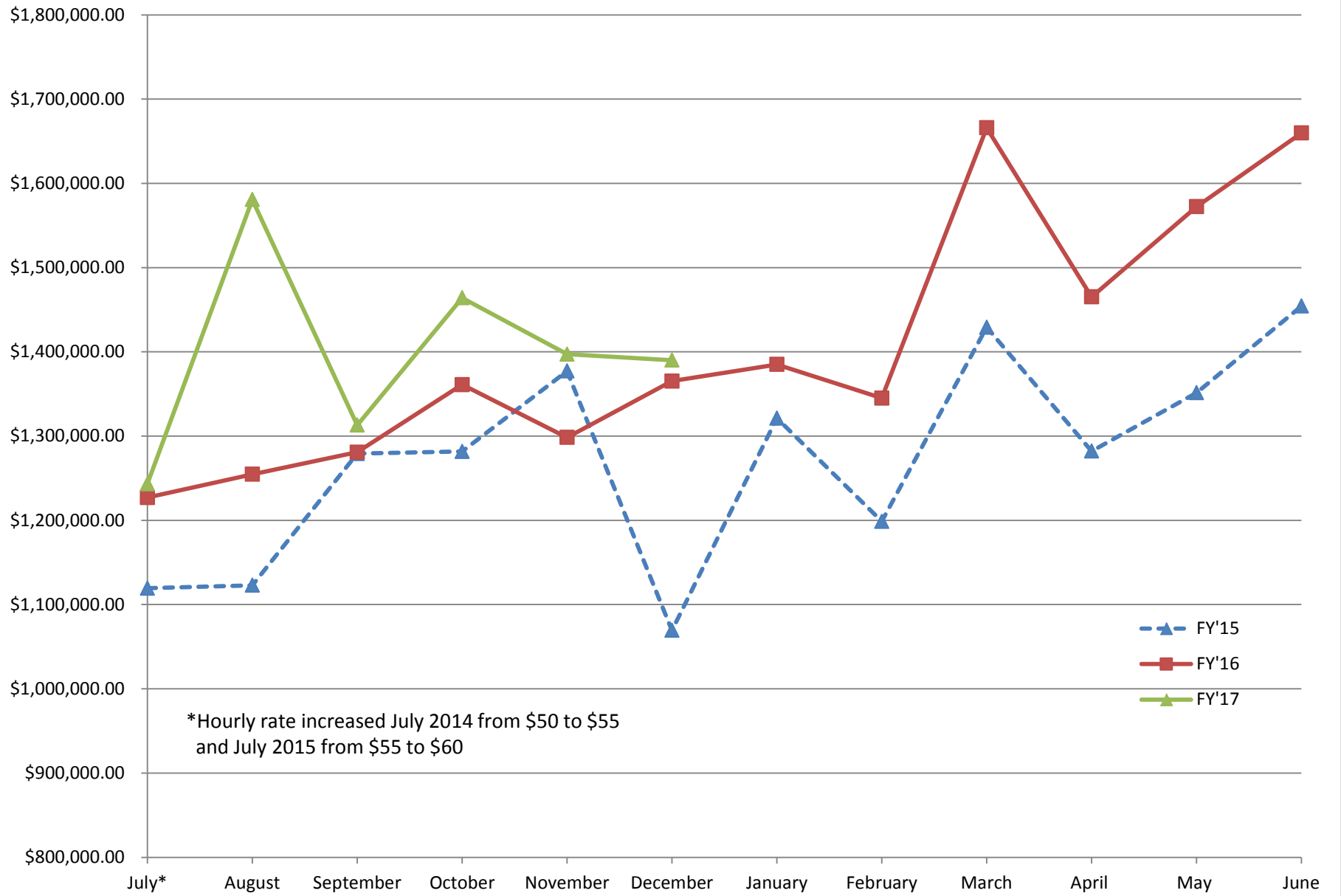
NEW CASES



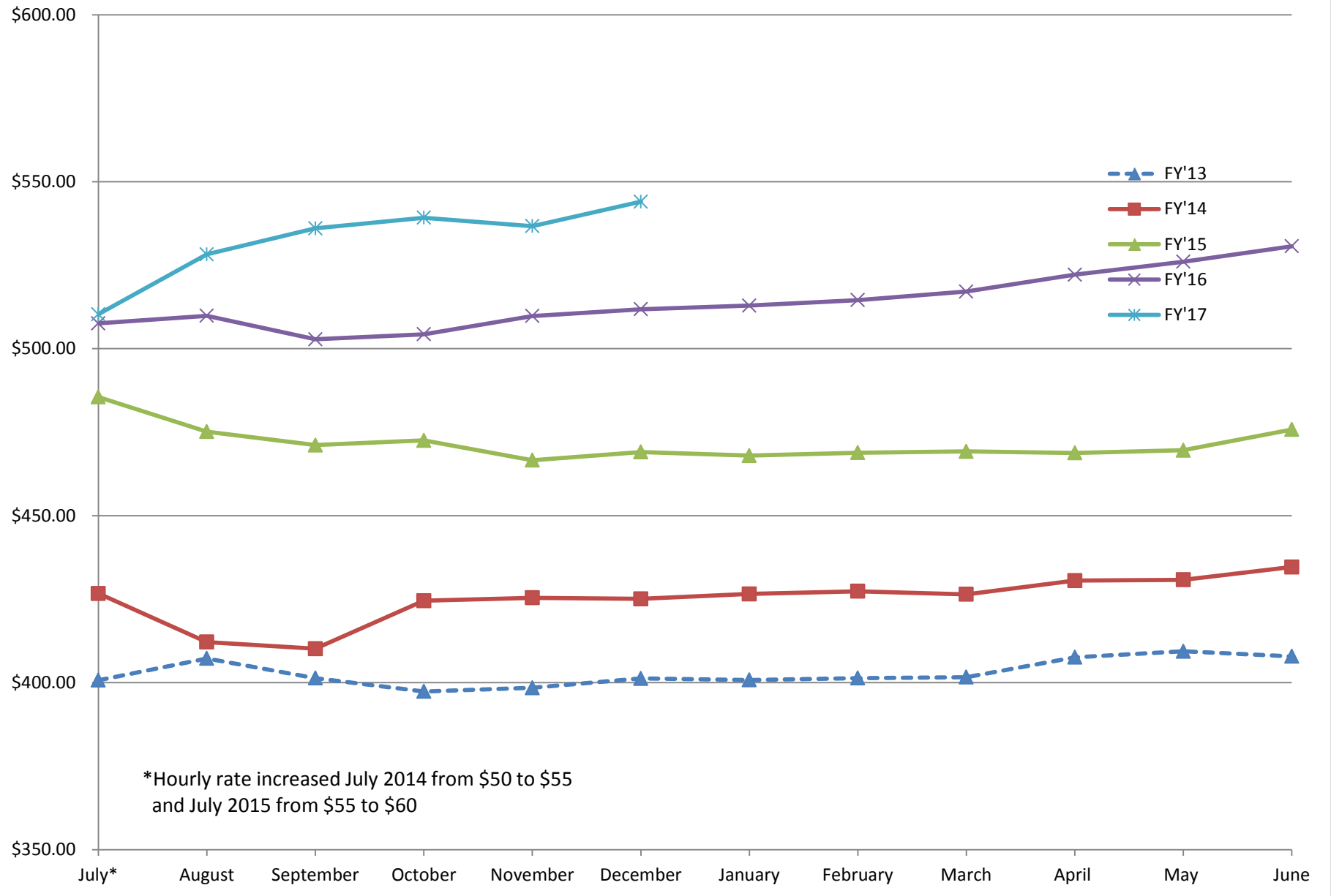
Submitted Vouchers



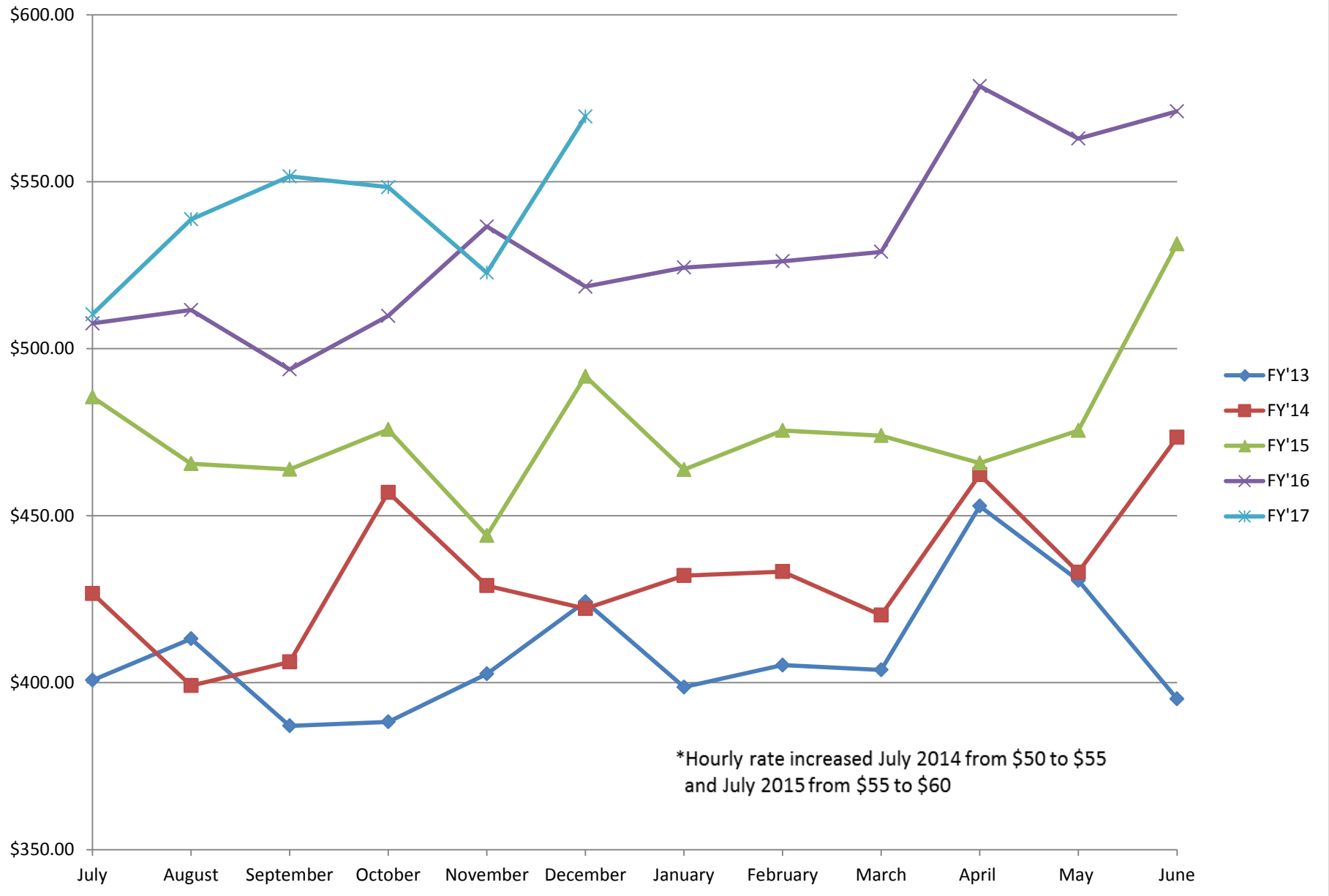
Submitted Voucher Amount



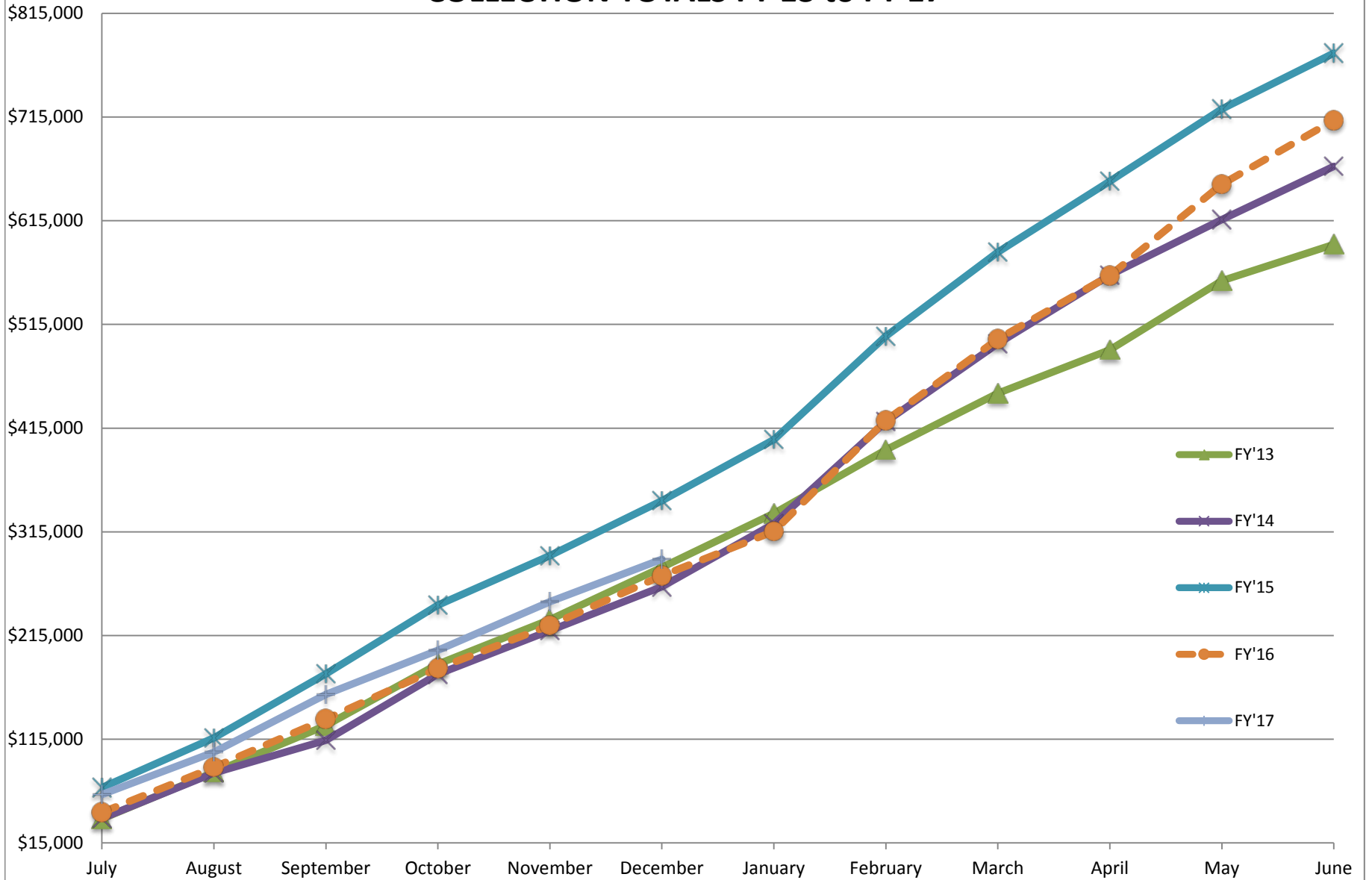
Average Voucher Price Fiscal Year to Date



Monthly Price Per Voucher



COLLECTION TOTALS FY'13 to FY'17



(3.)
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 MEMO
DATE: JANUARY 4, 2017

SUPPLEMENTAL BUDGET:

The second quarter of the fiscal year came in exactly as projected. Accordingly, our original projection of supplemental need for FY'17 of **\$2,831,041** remains accurate. This request for supplemental funds was submitted to the Budget Office and the Governor's office in September. The Governor has submitted a supplemental budget to the Legislature, but our request was not included.

On Wednesday, January 18, the Appropriations Committee and the Judiciary Committee are scheduled to hold a joint public hearing with respect to the supplemental budget items for agencies under the Judiciary Committee's oversight. I intend to appear at the hearing and submit the Commission's supplemental budget request to the Appropriations and Judiciary Committees. The Judiciary Committee has scheduled a work session on supplemental budget items under their purview for Thursday, January 19th.

BIENNIAL BUDGET

The Governor's proposed budget revives the proposal to create a contract-based indigent legal services system under the direction of a Chief Public Defender as proposed to the last Legislature in LD 1433. To do so, the budget defunds MCILS with the exception of funds for Commissioners' travel and per diem payments. Recall that the Commission continues to exist under the LD 1433 scheme to provide oversight to the Office of the Public Defender.

Other funds that formerly made up the MCILS All Other and Personal Services budgets are now found in the budget document under the proposed Office of the Public Defender. The All Other funding approximates the amount budgeted for MCILS All Other for FY'17, roughly \$15.5 million. The Personal Services amount exceeds the MCILS baseline because the proposal calls for higher salary range for the Chief Public Defender and the existing Deputy, as well as a second Deputy in that office.

I have attached the pages from the budget document that affect our agency and the proposed Office of Public Defender. I have also attached the language in the budget document that reprises LD 1433.

Indigent Legal Services, Maine Commission on

	<u>Actual</u> 2015-16	<u>Current</u> 2016-17	<u>Budgeted</u> 2017-18	<u>Budgeted</u> 2018-19
Department Summary - All Funds				
Positions - LEGISLATIVE COUNT	11,500	11,500		
Personal Services	751,517	757,951	3,300	3,300
All Other	19,123,239	16,361,222	5,000	5,000
Total	19,874,756	17,119,173	8,300	8,300
Department Summary - GENERAL FUND				
Positions - LEGISLATIVE COUNT	11,500	11,500		
Personal Services	751,517	757,951	3,300	3,300
All Other	18,345,742	15,567,725	5,000	5,000
Total	19,097,259	16,325,676	8,300	8,300
Department Summary - OTHER SPECIAL REVENUE FUNDS				
All Other	777,497	793,497		
Total	777,497	793,497	0	0

MAINE COMMISSION ON INDIGENT LEGAL SERVICES Z112

What the Budget purchases:

The Maine Commission on Indigent Legal Services program provides efficient, high-quality representation to Maine citizens who are entitled to counsel at state expense under the United States Constitution or under the Constitution or statutes of Maine.

	<u>Actual</u> 2015-16	<u>Current</u> 2016-17	<u>Budgeted</u> 2017-18	<u>Budgeted</u> 2018-19
Program Summary - GENERAL FUND				
Positions - LEGISLATIVE COUNT	11,500	11,500	11,500	11,500
Personal Services	751,517	757,951	806,606	832,565
All Other	18,345,742	15,567,725	15,567,725	15,567,725
Total	19,097,259	16,325,676	16,374,331	16,400,290

Program Summary - OTHER SPECIAL REVENUE FUNDS

All Other	777,497	793,497	793,497	793,497
Total	777,497	793,497	793,497	793,497

		2017-18	2018-19
Initiative:	Reduces funding for services provided by the Office of Indigent Legal Services by eliminating one Executive Director of Maine Indigent Legal Service position, one Public Service Manager II position, one Accountant Technician position, one Office Associate I position and 9 Financial Screener positions and related All Other costs.		

GENERAL FUND

Positions - LEGISLATIVE COUNT		-11,500	-11,500
Personal Services		(806,606)	(832,565)
All Other		(15,567,725)	(15,567,725)
Total		(16,374,331)	(16,400,290)

OTHER SPECIAL REVENUE FUNDS

All Other		(793,497)	(793,497)
Total		(793,497)	(793,497)

		2017-18	2018-19
Initiative:	Provides funding for travel and per diem payments for the 5 members of the Maine Commission on Indigent Legal Services.		

GENERAL FUND

Personal Services		3,300	3,300
All Other		5,000	5,000
Total		8,300	8,300

	<u>Actual</u> 2015-16	<u>Current</u> 2016-17	<u>Budgeted</u> 2017-18	<u>Budgeted</u> 2018-19
Revised Program Summary - GENERAL FUND				
Positions - LEGISLATIVE COUNT	11,500	11,500		
Personal Services	751,517	757,951	3,300	3,300
All Other	18,345,742	15,567,725	5,000	5,000
Total	19,097,259	16,325,676	8,300	8,300

Revised Program Summary - OTHER SPECIAL REVENUE FUNDS

All Other	777,497	793,497		
Total	777,497	793,497	0	0

Public Defender, Office of the

	<u>Actual</u>	<u>Current</u>	<u>Budgeted</u>	<u>Budgeted</u>
	2015-16	2016-17	2017-18	2018-19
Department Summary - All Funds				
Positions - LEGISLATIVE COUNT			11,500	11,500
Personal Services			949,655	994,653
All Other			16,208,575	16,208,575
Total	0	0	17,158,230	17,203,228
Department Summary - GENERAL FUND				
Positions - LEGISLATIVE COUNT			11,500	11,500
Personal Services			949,655	994,653
All Other			15,415,078	15,415,078
Total	0	0	16,364,733	16,409,731
Department Summary - OTHER SPECIAL REVENUE FUNDS				
All Other			793,497	793,497
Total	0	0	793,497	793,497

OFFICE OF THE PUBLIC DEFENDER Z248

What the Budget purchases:

The Office of the Public Defender is established to provide legal representation to eligible persons under federal and state constitutional and statutory obligations. Oversight of the office is provided by the Maine Commission on Indigent Legal Services. The office must coordinate the development and implantation of rules, policies, procedures, regulations, and standards adopted by the commission and comply with all applicable laws and standards. The office also works with other state agencies to develop financial policy and information sharing agreements.

	<u>Actual</u> 2015-16	<u>Current</u> 2016-17	<u>Budgeted</u> 2017-18	<u>Budgeted</u> 2018-19
Program Summary	0	0	0	0
Total	0	0	0	0

Initiative: Establishes one Chief Public Defender position, 2 Deputy Chief Defender positions, one Business Services Manager position, one Secretary Associate Legal position, 5 Financial Screener positions and 3 part-time Financial Screener positions and provides associated funding for All Other costs to create the Office of the Public Defender.

GENERAL FUND

Positions - LEGISLATIVE COUNT	11,500	11,500
Personal Services	949,655	994,653
All Other	15,415,078	15,415,078
Total	16,364,733	16,409,731

OTHER SPECIAL REVENUE FUNDS

All Other	793,497	793,497
Total	793,497	793,497

	<u>Actual</u> 2015-16	<u>Current</u> 2016-17	<u>Budgeted</u> 2017-18	<u>Budgeted</u> 2018-19
Revised Program Summary - GENERAL FUND				
Positions - LEGISLATIVE COUNT			11,500	11,500
Personal Services			949,655	994,653
All Other			15,415,078	15,415,078
Total	0	0	16,364,733	16,409,731

Revised Program Summary - OTHER SPECIAL REVENUE FUNDS

All Other			793,497	793,497
Total	0	0	793,497	793,497

PART TTTT

Sec. TTTT-1. Emergency rule-making authority; health and human services matters. The Department of Health and Human Services is authorized to adopt emergency rules under the Maine Revised Statutes, Title 5, sections 8054 and 8073 as necessary to implement those provisions of this Act over which the department has subject matter jurisdiction for which specific authority has not been provided in any other Part of this Act without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or general welfare.

PART TTTT SUMMARY

This Part gives the Department of Health and Human Services the authority to adopt emergency rules to implement any provisions of this Act over which it has specific authority that has not been addressed by some other Part of the Act without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or welfare.

PART UUUU

Sec. UUUU-1. 2 MRSA §6, sub-§12, as enacted by PL 2009, c. 419, §1, is repealed.

Sec. UUUU-2. 4 MRSA §1801, as enacted by PL 2009, c. 419, §2, is amended to read:

§ 1801. Maine Commission on Indigent Legal Services; established

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

Sec. UUUU-3. 4 MRSA §1802, as amended by PL 2013, c. 159, §10, is further amended to read:

§ 1802. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

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

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

1-B. Civil party. "Civil party" means a party to a civil case described in subsection 4, paragraph B.

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

2-A. Conflict case. "Conflict case" means a case in which counsel in the Office of the Public Defender or contract counsel has a conflict of interest under rules adopted by the Supreme Judicial Court.

~~3. Contract counsel.~~ "Contract counsel" means a private attorney under contract with the ~~commission to provide indigent legal services~~ Office of the Public Defender to provide indigent legal services.

3-A. Contracted professional services. "Contracted professional services" means nonattorney services under contract with the Office of the Public Defender that are necessary for a quality defense.

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

A. An indigent defendant in a criminal case in which the United States Constitution or the Constitution of Maine or federal or state law requires that the State provide representation;

B. An indigent party in a civil case in which the United States Constitution or the Constitution of Maine or federal or state law requires that the State provide representation; and

C. Juvenile defendants.

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

5. Office of the Public Defender. "Office of the Public Defender" means the office established under section 1807, which is responsible for administering indigent legal services.

6. Retained counsel. "Retained counsel" means a private attorney under contract with the Office of the Public Defender to handle conflict cases and cases that are outside the scope of contract counsel.

7. Staff counsel. "Staff counsel" means an attorney in the Office of the Public Defender who provides indigent legal services under this chapter and is an employee of the State.

Sec. UUUU-4. 4 MRSA §1803, as enacted by PL 2009, c. 419, §2, is amended to read:

1. Members; appointment; chair. The commission consists of 5 members appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and confirmation by the Legislature. The Governor shall designate one member to serve as chair of the commission. One of the members must be appointed from a list of qualified potential appointees provided by the President of the Senate. One of the members must be appointed from a list of qualified appointees provided by the Speaker of the House of Representatives. One of the members must be appointed from a list of qualified potential appointees provided by the Chief Justice of the Supreme Judicial Court.

In determining the appointments and recommendations under this subsection, the Governor, the President of the Senate, the Speaker of the House of Representatives and the Chief Justice of the Supreme Judicial Court shall consider input from persons and organizations with an interest in the delivery of indigent legal services.

The Chief Public Defender, or the Chief Public Defender's designee, is an ex officio, nonvoting member of the commission and may participate in all meetings of the commission.

2. Qualifications. ~~Individuals~~ Of the individuals appointed to the commission who are not attorneys, one must have a background in accounting or finance. All other individuals appointed who are not attorneys must have demonstrated a commitment to quality representation for persons who are indigent and must have the skills and knowledge required to ensure that representation is provided in each area of relevant law. No more than 3 members may be attorneys engaged in the active practice of law.

An attorney appointed to the commission must have expertise in providing legal defense and the skills and knowledge required to ensure that quality representation is provided in each area of relevant law. No more than 3 members may be attorneys engaged in the active practice of law.

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

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

4. Quorum. Three members of the commission constitutes a quorum. A vacancy in the

commission does not impair the power of the remaining members to exercise all the powers of the commission.

5. Compensation. Each member of the commission is eligible to be compensated as provided in Title 5, ~~chapter 379~~section 12004-G, subsection 25-A.

6. Assistance. The Chief Public Defender or the Chief Public Defender's designee shall provide staff assistance to the commission in carrying out its functions.

Sec. UUUU-5. 4 MRSA §1804, as amended by PL 2013, c. 159, §§11 to 13 and c. 368, Pt. RRR, §1 and affected by §4, is repealed.

Sec. UUUU-6. 4 MRSA §1804-A is enacted to read:

§ 1804-A. Maine Commission on Indigent Legal Services duties and responsibilities

1. Maine Commission on Indigent Legal Services standards. The commission shall develop standards governing the delivery of indigent legal services, including:

A. Standards governing eligibility for indigent legal services. The eligibility standards must take into account the possibility of a defendant's or civil party's paying counsel in periodic installments;

B. Standards prescribing minimum experience, training and other qualifications for attorneys providing public defender services, which must include standards to ensure that attorneys are capable of providing quality representation in the case types to which they are assigned, recognizing that quality representation in each type of case requires experience and specialized training in that field;

C. Standards for weighted caseloads based on recommendations from the Chief Public Defender and reviewed every 5 years or upon the recommendation of the Chief Public Defender;

D. Standards for the evaluation of contract counsel to be reviewed every 5 years or upon the recommendation of the Chief Public Defender;

E. Standards for independent, quality and efficient representation of clients whose cases present conflicts of interest;

F. Standards for the reimbursement of expenses incurred by retained counsel;

G. Standards regarding the determination of payments to the Office of the Public Defender that may be required of a defendant or civil party under section 1808. In developing the payment standards under this paragraph, the commission shall consider among other things the rates of private counsel and the type of case; and

H. Standards considered necessary and appropriate to ensure the delivery of quality indigent legal services.

2. Maine Commission on Indigent Legal Services duties. The commission shall:

A. Oversee the Office of the Public Defender to ensure quality and efficient indigent legal services are provided;

B. Establish processes and procedures to ensure the Office of the Public Defender uses information technology and case management systems to accurately collect, record and report detailed expenditure and case load data;

C. Establish rates of compensation for retained counsel;

D. Establish contract guidelines as well as processes and procedures to review contracts entered into between the Office of the Public Defender and contract counsel using best practices for contracts providing indigent legal services. Both the contract guidelines and contract review process must be evaluated every 3 years or at the discretion of the commission;

E. Establish an application fee of no less than \$5, which may be graduated as provided under section 1808, subsection 4 based on a defendant's or civil party's ability to pay and which is administered by the Office of the Public Defender;

F. Submit to the Legislature, the Chief Justice of the Supreme Judicial Court and the Governor an annual report on the operation, needs and costs of the indigent legal services system, including an evaluation of contracts, services provided by contract counsel, retained counsel, any contracted professional services and cost containment measures;

G. Monitor and at the commission's discretion testify on legislative proposals that affect the quality and cost of the indigent legal services system. The commission may name a designee to perform this duty;

H. Prepare at the end of each legislative session a report on the relevant law changes to the indigent legal services system and the effect on the quality and cost of those changes;

I. Review the biennial budget request and any supplemental budget requests of the Chief Public Defender prior to their submission to the Department of Administrative and Financial Services, Bureau of the Budget;

J. Establish the minimum amount of malpractice insurance contract counsel and retained counsel must hold to be eligible to handle indigent defense cases;

K. Develop a program, with the assistance of the Chief Public Defender, to allow law students opportunities within the indigent legal services system consistent with those

available within the District Attorney's Offices;

L. Designate a member of the commission as a liaison to the Chief Public Defender's cost containment unit under section 1807, subsection 3, paragraph P;

M. Establish a process for a vote of no confidence in the Chief Public Defender;

N. Compile a list of grievances against the Chief Public Defender, to be provided to the Governor, if the commission takes a vote of no confidence in the Chief Public Defender under paragraph M; and

O. Perform all duties necessary and incidental to the performance of any duty set out in this chapter.

3. Maine Commission on Indigent Legal Services powers. The commission may:

A. Meet and conduct business at any place within the State;

B. Use voluntary and uncompensated services of private individuals and organizations as may from time to time be offered and needed;

C. Adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that rules adopted to establish standards under subsection 1, paragraph B and rates of compensation for retained counsel under subsection 2, paragraph C are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A;

D. Appear in court and before other administrative bodies represented by the commission's own attorneys; and

E. Take a vote of no confidence in the Chief Public Defender and provide a list of grievances to the Governor. A vote of no confidence under this paragraph is cause for dismissal of the Chief Public Defender by the Governor in accordance with section 1807, subsection 2, paragraph A.

4. Maine Commission on Indigent Legal Services restrictions. The commission may not make decisions regarding the handling of a case.

Sec. UUUU-7. 4 MRSA §1805, as enacted by PL 2009, c. 419, §2, is repealed.

Sec. UUUU-8. 4 MRSA §1806, sub-§2, ¶E, as enacted by PL 2011, c. 260, §1, is amended to read:

E. A request for funds for expert or investigative assistance that is submitted by an indigent party or by an attorney on behalf of an indigent client is confidential. The decision of the

~~executive director of the commission hired pursuant to section 1804, subsection 1, or the executive director's~~Chief Public Defender or the Chief Public Defender's designee, to grant or deny such a request is not confidential after a case has been completed. A case is completed when the judgment is affirmed on appeal or the period for appeal has expired.

Sec. UUUU-9. 4 MRSA §§1807 and 1808 are enacted to read:

§1807. Office of the Public Defender established; appointment and duties.

1. Establishment. The Office of the Public Defender is established. The office consists of the Chief Public Defender, who is the head of the office, 2 Deputy Public Defenders, appointed in accordance with subsection 2, and counsel selected by the Chief Public Defender in accordance with the eligibility standards set forth under section 1804-A, subsection 1, paragraph B. The responsibilities of the Office of the Public Defender are exclusively concerned with the rights of persons described in section 1802, subsection 4.

2. Chief Public Defender. The provisions of this subsection apply to the Chief Public Defender.

A. The Chief Public Defender is appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and confirmation by the Legislature. The Chief Public Defender may be removed from office for cause, and Title 5, section 931, subsection 2 does not apply. The Chief Public Defender must be an attorney or judge who has spent at least 5 years in the practice of criminal law or presiding over the adjudication of criminal cases. The term of office for the Chief Public Defender is 5 years. If a vacancy occurs during the term, the replacement is appointed to fill out the remaining part of the term.

B. The Chief Public Defender shall appoint 2 Deputy Public Defenders. The Deputy Public Defenders report to the Chief Public Defender and serve at the pleasure of the Chief Public Defender. One Deputy Public Defender must be an attorney or judge who has spent a substantial part of the last 5 years in the practice of criminal law or presiding over the adjudication of criminal cases. If a vacancy occurs in the Chief Public Defender position or if the Chief Public Defender is temporarily unavailable to perform the duties of the office, this Deputy Public Defender shall assume the duties of the Chief Public Defender until the vacancy is filled or the Chief Public Defender returns to work. The 2nd Deputy Public Defender must be an attorney or judge who has spent a substantial part of the last 5 years in the practice of civil law or presiding over civil cases.

C. The salary of the Chief Public Defender is consistent with the salary of district attorneys within salary range 90 with the step within that salary range determined by the Maine Commission on Indigent Legal Services.

The salary of the Deputy Public Defenders is within salary range 36.

D. The Chief Public Defender shall contract for or hire staff, including counsel who serve at

the pleasure of the Chief Public Defender, necessary to perform the functions of the Office of the Public Defender and to implement the provisions of this chapter.

(1) The compensation of staff of the Office of the Public Defender is fixed by the Chief Public Defender but such compensation may not in the aggregate exceed the amount appropriated for those positions and may not result in an increased request to future Legislatures.

(2) Staff counsel is an employee of this State as defined in Title 5, section 20, subsection 1.

(3) Professional staff of the Chief Public Defender are not subject to the Civil Service Law.

E. The Office of the Public Defender may not represent more than one person when a conflict of interest exists under the code of professional conduct laid out by the Board of Overseers of the Bar.

F. The Chief Public Defender, Deputy Public Defenders and staff, contract counsel and retained counsel must be members in good standing of the bar of the State. A "member in good standing of the bar of the State":

(1) Is admitted to the practice of law in this State;

(2) Is presently registered with the Board of Overseers of the Bar as an active practitioner; and

(3) Has not been and is not currently disbarred or suspended from practice pursuant to chapter 17, subchapter 2 or Maine Bar Rule 7.2 or its successor.

G. The Chief Public Defender, the Deputy Public Defenders and staff counsel are designated as full-time officers of the State and may not:

(1) Appear as counsel in any civil or criminal case or controversy before the Supreme Judicial Court, Superior Courts or District Courts of the State or comparable courts in any other state or before the federal District Court or at any administrative hearing held by any state or federal agency other than in the capacity as a public defender attorney;
or

(2) Engage in the private practice of law nor be a partner or associate of any person engaged in the private practice of law nor be a member or employee of a professional association engaged in the private practice of law.

3. Chief Public Defender duties and responsibilities. The Chief Public Defender shall:

A. Provide legal representation to eligible persons consistent with federal and state constitutional and statutory obligations;

B. Use contracts in providing indigent legal services as required in this section;

C. Supervise the operation, activities, policies and procedures of the Office of the Public Defender and may expend such sums for expenses as may be necessary in the performance of the Chief Public Defender's duties, to be paid out of money appropriated by the Legislature for those purposes;

D. Be the chief legal officer of the Office of the Public Defender with the ultimate authority regarding the disposition of cases handled by the office;

E. In accordance with standards established under section 1804-A, subsection 1, paragraph A, verify or reassess indigency of a defendant or civil party the court has determined to be indigent. If the Chief Public Defender determines the defendant or civil party is not indigent in full or in part, the Chief Public Defender shall petition the court for whole or partial payment or repayment of all legal services under section 1808, subsection 2;

F. Determine when and where it is necessary to establish district offices for the Office of the Public Defender consistent with the policies and procedures of the Department of Administrative and Financial Services;

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

H. Establish a trial and appellate case management system. The system must require the attorneys to record time spent on each case and to classify or describe the type of work done;

I. Work jointly with other departments and agencies, including the Department of Health and Human Services, that hold data pertinent to determining indigency and establish information sharing agreements as necessary;

J. Work jointly with other departments and agencies, including the Department of Health and Human Services, to identify opportunities to improve eligibility screening across State Government, including the use of private firms that use established, effective income and asset verification systems;

K. Prepare and submit to the commission:

(1) A proposed biennial budget for the provision of indigent legal services, including supplemental budget requests as necessary;

(2) An annual report containing pertinent data on the operation, needs and costs of the indigent legal services system and the status of information sharing as required under paragraph I, including issues preventing the agreements from being implemented;

(3) A monthly report on caseloads and the gross monthly total of bills approved for payment, including payments to contract counsel and retained counsel, and for contracted professional services, a summary of professional service requests denied and granted by the office, in accordance with section 1806, subsection 2, paragraph E and information on complaints made against counsel providing indigent legal services; and

(4) Any other information as the commission may require.

L. Develop and conduct regular training programs in compliance with the rules adopted by the commission as required by section 1804-A, subsection 1, paragraph B;

M. Assist the commission in developing standards for the delivery of quality indigent legal services;

N. Maintain proper records of all financial transactions related to the operation of the commission and the notification of eligibility and assignment of counsel and subsequent related orders as submitted by the courts of this State;

O. Serve as an ex officio, nonvoting member of the commission and attend all commission meetings. The Chief Public Defender may delegate this responsibility;

P. Establish a cost containment unit within the Office of the Public Defender to include a member of the commission designated by the commission. The cost containment unit is responsible for monitoring efforts to recoup costs under section 1808, subsection 3, identifying ways to improve cost recoupment and issuing a quarterly summary of the expenses recouped over the period and the year to date to be provided to the commission. This function may be contracted out;

Q. Establish policies and procedures for managing caseloads to implement the standards established by the commission under section 1804-A, subsection 1, paragraph C, including a method for accurately tracking and monitoring caseloads;

R. Establish procedures to handle complaints about the performance of counsel providing indigent legal services;

S. Establish a process to provide services for conflict cases first through existing contract counsel, and only at last through the use of retained counsel; and

T. Perform duties as the commission may assign or are necessary and incidental to the performance of any duty set out in this chapter.

4. Chief Public Defender powers. The Chief Public Defender may:

A. As the Chief Public Defender determines necessary, contract for the services of private attorneys in the delivery of indigent legal services, including establishment of a lawyer of the day, as provided in section 1804-A and in accordance with standards established by the commission and the contract policies established by the Department of Administrative and Financial Services. Any contract must require contract counsel and retained counsel to record time spent on each case and to classify or describe the type of work that was done;

B. Require contract counsel and retained counsel to have at least the minimum level of malpractice insurance as established in section 1804-A, subsection 2, paragraph J;

C. Delegate the legal representation of any person to any member of the Maine State Bar eligible under section 1804-A in accordance with standards established and maintained by the commission;

D. Contract for and supervise personnel necessary to perform a function of the Office of the Public Defender and to implement the provisions of this chapter;

E. Establish processes and procedures to acquire investigative or expert services that may be necessary for a case;

F. Enter into agreements with the Maine State Bar Association, local bar associations, law firms and private counsel for legal representation without compensation as a service to the State;

G. Apply for and accept on behalf of the Office of the Public Defender funds that may become available from any source, including government, nonprofit or private grants, gifts or bequests. These funds do not lapse at the end of any fiscal year but are carried forward to be used for the purpose originally intended; and

H. Sponsor training activities and charge tuition to recoup the cost of the activities.

5. Legal counsel. The Attorney General, at the request of the Chief Public Defender, shall furnish legal assistance, counsel or advice the Office of the Public Defender requires in the discharge of its duties.

A. The Attorney General may represent staff members of the Office of the Public Defender in litigation as appropriate.

B. In cases in which staff members of the Office of the Public Defender could be represented by either the Attorney General or counsel retained through malpractice insurance, the Attorney General shall determine who represents the staff members.

§1808. Indigency determinations; redeterminations; verification; collection

1. Duties. The Chief Public Defender shall establish a system to:

A. Verify the information used to determine indigency under the standards established by the commission pursuant to section 1804-A;

B. Reassess indigency during the course of representation;

C. Record the amount of time spent on each case by the attorney appointed to that case; and

D. Receive from the court collections for the costs of representation from defendants or civil parties who are partially indigent or who have been otherwise determined to be able to reimburse the Office of the Public Defender for the cost of providing counsel.

2. Determination of a defendant's or civil party's eligibility. The Chief Public Defender shall provide to the court having jurisdiction over a proceeding information used to determine indigency under the standards established by the commission pursuant to section 1804-A for guidance to the court in determining a defendant's or civil party's financial ability to obtain counsel.

If the court does not order full payment for representation by the Office of the Public Defender, the Chief Public Defender shall investigate to determine the defendant's or civil party's financial condition and ability to make repayment and petition the court for a new repayment order at any time within 7 years of the original order.

3. Partial indigency and repayment. The provisions of this subsection apply to partial indigency and repayment.

A. If the court determines, in accordance with subsection 2, that a defendant or civil party is able to pay some, but not all, of the expenses of obtaining private counsel, the court shall order the defendant or civil party to pay a fixed contribution. The defendant's or civil party's full payment must be made to the court prior to the conclusion of the proceedings, unless otherwise ordered by the court. The clerk of court shall remit such payments to the Office of the Public Defender.

B. A defendant or civil party may not be required to repay for legal services an amount greater than the rate established pursuant to section 1804-A, subsection 2, paragraph C.

C. If a defendant is incarcerated in the State Prison, an order for repayment pursuant to this subsection may be suspended until the time of the defendant's release.

D. The Chief Public Defender may enter into contracts to secure the repayment of fees and expenses paid by the State as provided for in this section.

4. Application fee. An applicant seeking indigent legal services shall pay an application fee as set forth by the commission in section 1804-A, subsection 2, paragraph E. In a case involving a juvenile the application fee is the responsibility of the parent or legal guardian except that, when a juvenile is accused of a crime against the juvenile's parent or legal guardian or when legal guardianship rests with the State, the fee is waived.

The application fee may be waived by the court. A defendant or civil party may pay the fee in a lump sum or in installments. Full payment must be made to the court prior to the conclusion of the proceedings, unless otherwise ordered by the court.

Sec. UUUU-10. 5 MRSA §931, sub-§1, ¶L-3, as amended by PL 2003, c. 646, §1, is further amended to read:

L-3. The Executive Analyst of the Board of Environmental Protection; ~~and~~

Sec. UUUU-11. 5 MRSA §931, sub-§1, ¶M, as amended by PL 1987, c. 9, §2, is further amended to read:

M. Other positions in the Executive Branch made unclassified by law; ~~and~~

Sec. UUUU-12. 5 MRSA §931, sub-§1, ¶N is enacted to read:

N. The Deputy Public Defenders, staff counsel and other professional staff of the Office of the Public Defender.

Sec. UUUU-13. 5 MRSA §959, as enacted by PL 2009, c. 419, §3, is repealed.

Sec. UUUU-14. 36 MRSA §191, sub-§2, ¶ZZ is enacted to read:

ZZ. The disclosure by employees of the bureau to an authorized representative of the Office of the Public Defender for the administration of Title 4, section 1804-A, subsection 1, paragraph A for determining eligibility for indigent legal services under Title 4, chapter 37.

Sec. UUUU-15. **Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 4, chapter 37, in the chapter headnote, the words "Maine commission on indigent legal services" are amended to read "office of the public defender and Maine commission on indigent legal services" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

PART UUUU SUMMARY

This Part establishes a statewide public defender system to:

1. Provide effective assistance of counsel to indigent criminal defendants, juvenile defendants and children and parents in child protective cases in courts of this State;
2. Ensure that the system is free from undue political interference and conflicts of interest;

3. Provide for the delivery of public defender services by qualified and quality counsel in a manner that is fair and consistent throughout the State;

4. Establish a system that uses state employees, contracted services and other methods of providing services in a manner that is responsive to and respectful of regional and community needs and interests;

5. Ensure that quality public funding of the statewide public defender system is provided and the system is managed in a fiscally responsible manner; and

6. Ensure that a person using the services of a statewide public defender system pay reasonable costs for services provided by the system based on the person's financial ability to pay.

PART VVVV

Sec. VVVV-1. 12 MRSA §10202, sub-§9, as amended by PL 2015, c. 267, Pt. NNN, §1, is further amended to read:

9. Fiscal Stability Program. The Fiscal Stability Program is established to ensure that the general public and hunters and anglers share the cost of the fish and wildlife conservation programs of the department. To achieve this goal, beginning with the ~~2018-2019~~ 2020-2021 biennial budget and for each biennial budget thereafter, the biennial budget submitted by the executive branch must include an additional General Fund appropriation of 18% in excess of the department's requested biennial budget.

PART VVVV SUMMARY

This Part amends the fiscal stability program to begin in the 2020-2021 biennium.

PART WWWW

Sec. WWWW-1. Transfer of funds; Department of Inland Fisheries and Wildlife carrying account. On or before August 1, 2017, the State Controller shall transfer \$39,000 from the Inland Fisheries and Wildlife Carrying Balances – General Fund account to the Enforcement Operations – Inland Fisheries and Wildlife program, General Fund account for the purchase of one replacement aircraft engine. On or before August 1, 2018, the State Controller shall transfer \$43,000 from the Inland Fisheries and Wildlife Carrying Balances – General Fund account to the Enforcement Operations – Inland Fisheries and Wildlife program, General Fund account for the purchase of one replacement aircraft engine.

(4.)

Status of RFP's Update

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: RFP UPDATE – APPEALS, VOUCHER SYSTEM, AND SOMERSET COUNTY
DATE: JANUARY 4, 2017

APPEALS:

The bids received in response to the Appellate RFP have been scored by the designated scoring committee. The full Commission now needs to review and discuss the scored bids and finally determine which bid(s) to accept, if any.

Bureau of Purchases rules state: “Proposals shall be opened publicly at the Bureau of Purchases or a nearby appropriate facility at the discretion of the Bureau of Purchases. The opening of proposals shall be open to public attendance. The name of the respondent will be read aloud. No other information will be made available prior to evaluation and award notification. All proposals shall be sequestered from this time until notification of award by the contracting agency after which time they become public record.” 18-554, Chapter 110 §2(A)(v) (emphasis added). Accordingly, discussion of the bid proposals should take place in executive session.

VOUCHER MANAGEMENT SYSTEM AND SOMERSET COUNTY:

The RFP for the voucher management system has been finalized through discussion with the Purchasing office. Because of the technical nature of the RFP, Purchasing has referred the draft to the Office of the State Controller and the Office of Information Technology for their review. Staff are hoping this RFP will be posted shortly.

Updated case numbers have been received from the Somerset County project and will be incorporated into the draft RFP for Somerset County. Staff plan to submit this RFP once the voucher system RFP has been finalized and posted.