

MCILS

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

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

JANUARY 16, 2018

COMMISSION MEETING

JUDICIARY COMMITTEE ROOM, ROOM 438, STATEHOUSE, AUGUSTA
AGENDA

- 1) Approval of November 21, 2017 Commission Meeting Minutes
- 2) Operations Reports - November
- 3) Operations Reports – December
- 4) Review of Annual Report
- 5) Working Group Update/ Action Items Discussion
- 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.)
November 21, 2017
Commission Meeting
Minutes

**Maine Commission on Indigent Legal Services – Commissioners Meeting
November 21, 2017**

Minutes

Commissioners Present: Steven Carey, William Logan, Carlann Welch

MCILS Staff Present: John Pelletier, Ellie Maciag

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Approval of the October 10, 2017 Commission Meeting Minutes	No discussion of meeting minutes.	Commissioner Logan moved for approval, Commissioner Welch seconded. All voted in favor. Approved.
Operations Reports Review	<p><u>October 2017 Operations Report:</u> 2,251 new cases were opened in the DefenderData system in October. This was a 134 case decrease from September. The number of submitted vouchers in October was 2,665, a decrease of 35 vouchers from September, totaling \$1,448,290, an increase of \$62,000 over September. In October, the Commission paid 2,569 vouchers totaling \$1,329,196, an increase of 344 vouchers and \$190,000 over September. Director Pelletier noted that October was a typical month for costs. The average price per voucher was \$517.22, up \$5.52 per voucher over September. Appeal and Post-Conviction Review cases had the highest average vouchers. There were 4 vouchers exceeding \$5,000 paid in October. 111 authorizations to expend funds were issued in October and we paid \$61,373 for experts and investigators, etc. Chair Carey requested that staff include the number of denials in the operations report going forward. The monthly transfer from the Judicial Branch for counsel fees for October, which reflects September’s collections, totaled \$62,588, down approximately \$4,000 from September. Director Pelletier noted that collection totals are up slightly and that October was the second month in a row that collection amounts were in an excess of \$60,000.</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Report Back on Miscellaneous Items & Action Items Discussion	<p>The Commissioners continued their discussion on over-the-cap vouchers. Director Pelletier presented staff recommendations for increasing the fee cap amounts for appeal, post-conviction review, and juvenile felony case types. The Commissioners discussed the staff proposal but did not endorse any of the suggested changes. Instead, each Commissioner will separately work on drafting a proposed amendment to the fee schedule, which contains the fee cap amounts, for discussion at the December meeting.</p> <p>The Commissioners set the priority for the next meeting: discuss possible rulemaking for changes to the fee rule and discuss the implementation of a resource counsel system and a system to facilitate feedback from clients.</p>	
Court Access to Paid Voucher Data	<p>Director Pelletier thanked Mary Ann Lynch from the Judicial Branch for expediting the discussions between the Judicial Branch and the Commission about the court's new electronic case management system. Director Pelletier is meeting with court personnel on December 15th to discuss the new interface with the Justice Works program.</p>	
Working Group Update	<p>Chair Carey gave an update on the most recent Working Group meeting. It included a presentation by the Sixth Amendment Center and a proposal to study Maine's system for a cost of \$110,000. Chair Carey suggested that the Commission think about contracting with the Sixth Amendment Center should the Working Group not recommend or fund the study. Chair Carey indicated that the focus of the meeting was on quality and oversight and that he suggested the group recommend 2 more attorney positions and 1 paralegal position. Director Pelletier suggested the Commission immediately look into a program of Resource Counsel since this would increase the Commission's capacity to monitor quality without the need for additional staff. The Commissioners all agreed.</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Public Comment	<p><u>Robert J. Ruffner, Esq.</u>: Attorney Ruffner suggested that while oversight had improved since the Commission took the function over from the Judicial Branch, additional oversight was still needed. He cautioned that the Commission should look at the overall health of the rosters due to the graying of the bar and that some trimming of the rosters might be necessary. He welcomed the Working Group's shift in focus to quality over costs. Attorney Ruffner suggested that the Commission pay close attention to the bottom set of billers and not focus exclusively on the top billers. He suggested having a supervisor for the Resource Counsel that is also an attorney. Finally, he suggested that if the Commission instituted hard caps that a lawsuit would quickly ensue and that hard caps are a bad policy.</p>	
Executive Session	<p>The Commissioners entered into executive session to discuss a personnel matter. Upon emerging from executive session, the Commissioners stated that no votes were taken.</p>	
Adjournment of meeting	<p>The Commission voted to adjourn with the next meeting to be on December 12, 2017 at 9:30 a.m.</p>	<p>Commissioner Logan moved to adjourn. Commissioner Welch seconded. All present in favor.</p>

(2.)
Operations Reports
November 2017

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
SUBJECT: NOVEMBER 2017 OPERATIONS REPORTS
DATE: DECEMBER 5, 2017

Attached you will find the November, 2017, Operations Reports for your review and our discussion at the Commission meeting on December 12, 2017. A summary of the operations reports follows:

- 2,059 new cases were opened in the DefenderData system in November. This was a 192 case decrease from October.
- The number of vouchers submitted electronically in November was 2,762, an increase of 97 vouchers over October, totaling \$1,528,896.49, an increase of \$81,000 over October. In November, we paid 2,673 electronic vouchers totaling \$1,474,135.00, representing an increase of 104 vouchers and \$145,000 compared to October.
- There were no paper vouchers submitted and paid in November.
- The average price per voucher in November was \$551.49, up \$43.27 per voucher over October.
- Appeal and Post-Conviction Review cases had the highest average vouchers in November. There were 12 vouchers exceeding \$5,000 paid in November. See attached addendum for details.
- The contract amount paid for representation in Somerset County in November was \$22,687.50.
- In November, we issued 124 authorizations to expend funds: 82 for private investigators, 36 for experts, and 6 for miscellaneous services such as interpreters and transcriptionists. In November, we paid \$74,514.97 for experts and investigators, etc.
- In November, we did not receive any complaints about assigned counsel.

In our All Other Account, the total expenses for the month of November were \$1,586,795.43. Of that amount, just under \$15,000 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$47,858.62 in expenses for the month of November.

In the Revenue Account, the November transfer of collected revenue, reflecting October's collections, totaled \$94,654.93, up \$32,000 from the previous month.

In our Conference Account, we collected registration fees for and paid expenses related to the November minimum standards trainings. The account balance stands at \$14,731.54.

VOUCHERS EXCEEDING \$5,000 PAID NOVEMBER 2017

	Voucher Total	Case total
Seven-day Murder trial. Hung Jury. Large travel time and mileage expense as counsel from South Paris on this Farmington case.	\$15,469	\$31,139 (co-counsel vouchers \$10,553 & \$5,117)
Murder charge pled down to Aggravated Assault. Contested sentencing. Extensive monitoring of co-defendant's cases. Case lasted 20 months.	\$14,028	\$14,028
Seven-day Murder trial. Hung Jury. Large travel time and mileage expense as counsel from South Paris on this Farmington case.	\$10,553	\$31,139 (interim voucher of \$5,117 & co-counsel voucher of \$15,469)
Theft/Securities Fraud. Voucher covers two cases, one in Waldo County and one in York County. Extensive discovery - 2,400 pages and 15 hours of video. Numerous alleged victims with separate conduct toward each. Extensive travel and mileage: Portland attorney, client held at Two Bridges. Attorney withdrew due to illness.	\$9,274	\$35,945
Murder that resulted in an agreed disposition of Not Guilty by Reason of Insanity. Client not competent for long stretches. Litigation of involuntary medication issue. Case lasted 3 years, 5 months.	\$8,230	\$22,642 (\$1,271 interim voucher for this attorney. Three vouchers totaling \$13,141 for co-counsel)
Appeal from conditional guilty plea in Burglary case. Suppression issues of first impression. Extensive research and preparation for oral argument.	\$7,844	\$7,844
Five-day Murder trial with guilty verdict. This voucher is from local counsel in Aroostook County. Lead counsel from Augusta.	\$6,983	\$31,465 (lead counsel vouchers totaled \$19,896; \$4,586 voucher for prior local counsel who withdrew to join a DA's office)
Interim voucher on a Rape and Kidnapping with alleged disabled child as victim. Extensive litigation of medical record discovery issues – victim retained private counsel who was allowed to intervene and contest discovery requests. Also DNA evidence and expert consultation. Interim voucher submitted because firm is splitting up.	\$6,342	\$6,342

Vehicular Manslaughter with guilty plea and contested sentencing. After first sentencing memo submitted, court required new memos from each side.	\$5,963	\$5,963
Gross Sexual Assault charge dismissed as client not competent and not restorable. Multiple competence evaluations and hearings.	\$5,955	\$5,955
Aggravated Assault pled down to Assault at jury selection. Extensive medical records and need to employ medical expert.	\$5,553	\$5,553
Domestic Assault – not guilty verdict after one day trial. First jury selection, counsel required to wait until end on the day and then not reached. Second jury selection resulted in jury being seated, but dismissed the next day for procedural error in selection process. Case tried after third jury selection.	\$5,323	\$5,323

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

11/30/2017

DefenderData Case Type	Nov-17						Fiscal Year 2018			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	18	20	\$ 28,316.49	27	\$ 37,627.32	\$ 1,393.60	81	134	\$ 204,725.12	\$ 1,527.80
Child Protection Petition	139	351	\$ 232,721.42	338	\$ 226,027.30	\$ 668.72	736	1,872	\$ 1,205,980.19	\$ 644.22
Drug Court	8	13	\$ 4,728.00	5	\$ 4,584.00	\$ 916.80	10	31	\$ 26,191.20	\$ 844.88
Emancipation	8	9	\$ 4,332.00	9	\$ 4,153.64	\$ 461.52	42	57	\$ 22,669.68	\$ 397.71
Felony	462	612	\$ 587,030.68	590	\$ 529,331.92	\$ 897.17	2,455	3,405	\$ 2,958,859.00	\$ 868.97
Involuntary Civil Commitment	82	88	\$ 22,273.44	70	\$ 16,453.90	\$ 235.06	456	419	\$ 97,177.31	\$ 231.93
Juvenile	100	126	\$ 54,942.35	126	\$ 57,859.74	\$ 459.20	436	510	\$ 223,988.93	\$ 439.19
Lawyer of the Day - Custody	205	196	\$ 47,572.08	201	\$ 50,558.56	\$ 251.54	1,099	1,341	\$ 321,501.47	\$ 239.75
Lawyer of the Day - Juvenile	47	40	\$ 7,794.36	45	\$ 8,373.36	\$ 186.07	223	277	\$ 51,674.65	\$ 186.55
Lawyer of the Day - Walk-in	129	120	\$ 29,776.42	102	\$ 26,310.71	\$ 257.95	566	678	\$ 160,277.25	\$ 236.40
Misdemeanor	634	822	\$ 332,026.37	781	\$ 321,920.60	\$ 412.19	3,708	4,322	\$ 1,754,320.30	\$ 405.90
Petition, Modified Release Treatment	1	1	\$ 348.00	2	\$ 1,619.00	\$ 809.50	3	29	\$ 13,115.15	\$ 452.25
Petition, Release or Discharge	0	1	\$ 210.00	0			1	6	\$ 8,247.20	\$ 1,374.53
Petition, Termination of Parental Rights	18	49	\$ 33,509.72	52	\$ 35,099.61	\$ 674.99	97	330	\$ 248,998.02	\$ 754.54
Post Conviction Review	2	5	\$ 4,824.68	4	\$ 5,837.28	\$ 1,459.32	26	32	\$ 63,221.92	\$ 1,975.69
Probate	3	2	\$ 918.00	2	\$ 1,403.60	\$ 701.80	16	5	\$ 2,552.60	\$ 510.52
Probation Violation	168	183	\$ 64,844.51	169	\$ 62,399.05	\$ 369.23	846	1,003	\$ 394,864.83	\$ 393.68
Represent Witness on 5th Amendment	3	0		0			15	15	\$ 6,368.52	\$ 424.57
Review of Child Protection Order	31	123	\$ 72,595.97	149	\$ 84,443.41	\$ 566.73	201	863	\$ 475,069.42	\$ 550.49
Revocation of Administrative Release	1	1	\$ 132.00	1	\$ 132.00	\$ 132.00	4	9	\$ 3,078.00	\$ 342.00
DefenderData Sub-Total	2,059	2,762	\$ 1,528,896.49	2,673	\$ 1,474,135.00	\$ 551.49	11,021	15,338	\$ 8,242,880.76	\$ 537.42
Paper Voucher Sub-Total	0	0	\$ -	0	\$ -	#DIV/0!	4	4	\$ 1,146.00	\$ 286.50
TOTAL	2,059	2,762	\$1,528,896.49	2,673	\$1,474,135.00	\$ 551.49	11,025	15,342	\$ 8,244,026.76	\$ 537.35

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY18 FUND ACCOUNTING
AS OF 11/30/2017

Account 010 95F Z112 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY18 Total
FY18 Professional Services Allotment		\$ 7,105,602.00		\$ 4,350,001.00		\$ 4,704,575.00		\$ 4,898,227.00	
FY18 General Operations Allotment		\$ 42,000.00		\$ 42,000.00		\$ 42,000.00		\$ 42,000.00	
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	
Encumbered Balance Forward FY17		\$ 28,759.02		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 7,176,361.02		\$ 4,392,001.00		\$ 4,746,575.00		\$ 4,940,227.00	\$ 21,255,164.02
Total Expenses	1	\$ (2,928,724.58)	4	\$ (1,426,660.74)	7	\$ -	10	\$ -	\$ (4,355,385.32)
	2	\$ (1,668,718.69)	5	\$ (1,586,795.93)	8	\$ -	11	\$ -	\$ (3,255,514.62)
	3	\$ (1,105,704.44)	6	\$ -	9	\$ -	12	\$ -	\$ (1,105,704.44)
Encumbrances (Somerset PDP & Justice Works)		\$ (264,063.50)		\$ 51,905.00		\$ -		\$ -	\$ (212,158.50)
Encumbrances (Barbara Taylor, envelopes)		\$ (13,000.03)		\$ (43,333.34)		\$ -		\$ -	\$ (56,333.37)
TOTAL REMAINING		\$ 1,196,149.78		\$ 1,387,115.99		\$ 4,746,575.00		\$ 4,940,227.00	\$ 12,270,067.77

Q2 Month 5	
INDIGENT LEGAL SERVICES	
Counsel Payments	\$ (1,474,135.00)
Somerset County	\$ (22,687.50)
Somerset County Discovery	\$ (740.00)
Subpoena Witness Fees	\$ -
Private Investigators	\$ (25,797.71)
Mental Health Expert	\$ (11,412.20)
Transcripts	\$ (16,080.42)
Other Expert	\$ (17,425.00)
Lodging for Trial	\$ (910.00)
Process Servers	\$ (1,123.42)
Interpreters	\$ (219.16)
Misc Prof Fees & Serv	\$ (1,547.06)
SUB-TOTAL ILS	\$ (1,572,077.47)
OPERATING EXPENSES	
Service Center	\$ -
DefenderData	\$ (5,590.00)
Risk Management Insurances	\$ -
Mileage/Tolls/Parking	\$ (1,345.67)
Mailing/Postage/Freight	\$ (324.44)
West Publishing Corp	\$ (168.30)
OIT/TELCO charges	\$ (2,210.39)
Office Supplies/Equip.	\$ (106.19)
Cellular Phones	\$ (115.59)
Dues	\$ (320.00)
Office Equipment Rental	\$ (204.55)
VDT reimbursement	\$ -
Barbara Taylor monthly fees	\$ (4,333.33)
SUB-TOTAL OE	\$ (14,718.46)
TOTAL	\$ (1,586,795.93)

INDIGENT LEGAL SERVICES	
Q2 Allotment	\$ 4,392,001.00
Q2 Encumbrances for Somerset PDP & Justice Works contracts	\$ 51,905.00
Barbara Taylor Contract, envelopes	\$ (43,333.34)
Q2 Expenses to date	\$ (3,013,456.67)
Remaining Q2 Allotment	\$ 1,387,115.99

Non-Counsel Indigent Legal Services	
Monthly Total	\$ (74,514.97)
Total Q1	\$ (308,598.67)
Total Q2	\$ (135,888.17)
Total Q3	\$ -
Total Q4	\$ -
Fiscal Year Total	\$ (444,486.84)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY18 FUND ACCOUNTING
As of 11/30/17

Account 014 95F Z112 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY18 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	\$ -	
Budget Order Adjustment		\$ -		\$ -		\$ -	12	\$ -	\$ -
Total Budget Allotments		\$ 184,125.00		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00	\$ 736,497.00
Cash Carryover from Prior Quarter		\$ 2,962.21		\$ -		\$ -		\$ -	
Collected Revenue from JB	1	\$ 43,709.11	4	\$ 62,588.04	7	\$ -	10	\$ -	
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	2	\$ 48,375.11	5	\$ 94,654.93	8	\$ -	11	\$ -	
Court Ordered Counsel Fee		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB (late transfer)		\$ -		\$ -	9	\$ -		\$ -	
Collected Revenue from JB	3	\$ 66,433.82	6	\$ -	9	\$ -	12	\$ -	
Returned Checks-stopped payments		\$ -		\$ 75.00		\$ -		\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 161,480.25		\$ 157,317.97		\$ -		\$ -	\$ 318,798.22
Counsel Payments	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Other Expenses		\$ -		\$ -		\$ -	***	\$ -	
Counsel Payments	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Other Expenses		\$ -		\$ -		\$ -		\$ -	
Counsel Payments	3	\$ (158,738.00)	6	\$ -	9	\$ -	12	\$ -	
Other Expenses	**	\$ (2,247.73)		\$ -		\$ -		\$ -	
REMAINING ALLOTMENT		\$ 23,139.27		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00	\$ 575,511.27
Overpayment Reimbursements	1	\$ -	4	\$ (1,069.14)	7	\$ -	10	\$ -	
	2	\$ (183.00)	5	\$ (25.00)	8	\$ -	11	\$ -	
	3	\$ (303.50)	6	\$ -	9	\$ -	12	\$ -	
REMAINING CASH Year to Date		\$ 8.02		\$ 156,223.83		\$ -		\$ -	\$ 156,231.85

Q2 Month 5	
DEFENDER DATA COUNSEL PAYMENTS	
	\$ -
SUB-TOTAL IS	\$ -
OVERPAYMENT REIMBURSEMENTS	\$ (25.00)
Paper Voucher	\$ -
Somerset County CDs	\$ -
Private Investigators	\$ -
Mental Health Expert	\$ -
Transcripts	\$ -
Other Expert	\$ -
StaCap Expense	\$ -
SUB-TOTAL OE	\$ (25.00)
TOTAL	\$ (25.00)

** Q1 State Cap posted in Q2

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY18 FUND ACCOUNTING
AS OF 11/30/2017

Account 010 95F Z112 01 (Personal Services)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY18 Total
FY18 Allotment		\$ 191,878.00		\$ 216,894.00		\$ 191,873.00		\$ 184,672.00	\$ -
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 191,878.00		\$ 216,894.00		\$ 191,873.00		\$ 184,672.00	\$ 785,317.00
Total Expenses	1	\$ (49,204.29)	4	\$ (79,098.20)	7	\$ -	10	\$ -	
	2	\$ (52,363.61)	5	\$ (47,858.62)	8	\$ -	11	\$ -	
	3	\$ (53,129.90)	6	\$ -	9	\$ -	12	\$ -	
TOTAL REMAINING		\$ 37,180.20		\$ 89,937.18		\$ 191,873.00		\$ 184,672.00	\$ 503,662.38

Q2 Month 5	
Per Diem Payments	\$ (275.00)
Salary	\$ (24,667.14)
Vacation Pay	\$ (850.15)
Holiday Pay	\$ (1,596.76)
Sick Pay	\$ (1,280.77)
Employee Hlth Svs/Workers Comp	\$ -
Health Insurance	\$ (4,512.04)
Dental Insurance	\$ (111.61)
Employer Retiree Health	\$ (3,320.09)
Employer Retirement	\$ (1,907.53)
Employer Group Life	\$ (279.30)
Employer Medicare	\$ (428.05)
Retiree Unfunded Liability	\$ (6,083.14)
Retro Pymt	\$ -
Perm Part Time Full Ben	\$ (2,547.04)
TOTAL	\$ (47,858.62)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY18 FUND ACCOUNTING
As of 11/30/17

Account 014 95F Z112 02 (Conference)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY18 Total
Total Budget Allotments		\$ 20,500.00		\$ 15,000.00		\$ 15,000.00		\$ 12,000.00	\$ 62,500.00
Financial Order Adjustment				\$ -		\$ -		\$ -	
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustment		\$ -		\$ -		\$ -		\$ -	\$ -
Total Budget Allotments		\$ 20,500.00		\$ 15,000.00		\$ 15,000.00		\$ 12,000.00	\$ 62,500.00
Cash Carryover from Prior Quarter		\$ 14,942.80		\$ 12,967.13		\$ -		\$ -	
Collected Revenue	1	\$ -	4	\$ 4,330.00	7	\$ -	10	\$ -	
Non-attendance Reimbursements			4	\$ (575.00)		\$ -		\$ -	
Collected Revenue	2	\$ 4,250.00	5	\$ 1,615.00	8	\$ -	11	\$ -	
Collected Revenue	3	\$ 1,890.00	6	\$ -	9	\$ -	12	\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 21,082.80		\$ 18,337.13		\$ -		\$ -	\$ 11,510.00
Total Expenses	1	\$ (1,559.99)	4	\$ (2,924.95)	7	\$ -	10	\$ -	
	2	\$ (112.28)	5	\$ (639.22)	8	\$ -	11	\$ -	
	3	\$ (6,353.73)	6	\$ -	9	\$ -	12	\$ -	
State Cap	**	\$ (89.67)		\$ (41.42)		\$ -		\$ -	\$ (131.09)
Encumbrances		\$ (4,272.55)		\$ -		\$ -		\$ -	\$ (4,272.55)
REMAINING ALLOTMENT		\$ 8,111.78		\$ 11,394.41		\$ 15,000.00		\$ 12,000.00	\$ 46,506.19
REMAINING CASH Year to Date		\$ 12,967.13		\$ 14,731.54		\$ -		\$ -	

Q2 Month 5	
Training Manuals Printing	\$ (137.16)
Training Refreshments/Meals	\$ (502.06)
Media Northeast	\$ -
Overseers of the Bar CLE fees	\$ -
Speaker Fees & Travel Expenses	\$ -
Non-attendance refunds	\$ -
State Cap Expense	\$ (41.42)
TOTAL	\$ (639.22)

** Q1 State Cap posted in Q2

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

11/30/2017

Court	Nov-17						Fiscal Year 2018			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	16	14	\$ 5,968.80	20	\$ 10,308.64	\$ 515.43	66	141	\$ 108,020.98	\$ 766.11
AUBSC	16	25	\$ 10,854.45	16	\$ 9,650.52	\$ 603.16	54	85	\$ 89,529.40	\$ 1,053.29
AUGDC	26	56	\$ 25,296.74	63	\$ 23,065.74	\$ 366.12	200	361	\$ 163,413.97	\$ 452.67
AUGSC	43	18	\$ 13,947.80	23	\$ 25,306.01	\$ 1,100.26	114	189	\$ 117,152.53	\$ 619.85
BANDC	49	90	\$ 34,368.35	64	\$ 24,299.34	\$ 379.68	274	511	\$ 188,871.09	\$ 369.61
BANSC	1	0		0			8	9	\$ 4,821.06	\$ 535.67
BATSC	2	0		0			6	5	\$ 1,570.00	\$ 314.00
BELDC	3	14	\$ 7,291.48	20	\$ 13,143.38	\$ 657.17	46	124	\$ 68,271.73	\$ 550.58
BELSC	0	0		2	\$ 968.16	\$ 484.08	1	11	\$ 9,650.24	\$ 877.29
BIDDC	59	85	\$ 48,790.32	79	\$ 46,253.35	\$ 585.49	280	453	\$ 240,677.05	\$ 531.30
BRIDC	12	12	\$ 11,866.92	19	\$ 14,330.52	\$ 754.24	63	100	\$ 58,664.50	\$ 586.65
CALDC	8	10	\$ 4,401.68	18	\$ 7,660.80	\$ 425.60	40	65	\$ 33,104.40	\$ 509.30
CARDC	6	7	\$ 1,644.00	7	\$ 3,240.66	\$ 462.95	25	76	\$ 37,379.59	\$ 491.84
CARSC	2	3	\$ 2,771.20	5	\$ 3,539.20	\$ 707.84	26	64	\$ 56,384.33	\$ 881.01
DOVDC	10	11	\$ 2,791.20	12	\$ 3,234.00	\$ 269.50	37	60	\$ 17,208.00	\$ 286.80
DOVSC	0	0		0			0	2	\$ 324.00	\$ 162.00
ELLDC	9	12	\$ 7,033.00	34	\$ 22,399.00	\$ 658.79	76	150	\$ 91,806.00	\$ 612.04
ELLSC	1	0		0			4	9	\$ 1,854.00	\$ 206.00
FARDC	7	18	\$ 13,667.72	18	\$ 12,751.90	\$ 708.44	50	80	\$ 46,786.15	\$ 584.83
FARSC	0	1	\$ 530.68	0			2	3	\$ 1,739.28	\$ 579.76
FORDC	10	5	\$ 2,994.00	3	\$ 3,083.68	\$ 1,027.89	19	24	\$ 13,558.63	\$ 564.94
HOUDC	11	32	\$ 18,543.28	27	\$ 13,487.20	\$ 499.53	99	170	\$ 72,937.54	\$ 429.04
HOUSC	1	3	\$ 24,514.26	1	\$ 309.00	\$ 309.00	4	7	\$ 3,685.20	\$ 526.46
LEWDC	76	119	\$ 55,235.81	122	\$ 63,221.21	\$ 518.21	326	606	\$ 265,293.51	\$ 437.78
LINDC	9	30	\$ 15,128.00	24	\$ 10,434.60	\$ 434.78	51	87	\$ 38,245.08	\$ 439.60
MACDC	11	21	\$ 8,172.00	17	\$ 7,386.00	\$ 434.47	60	88	\$ 43,970.74	\$ 499.67
MACSC	1	7	\$ 2,960.00	5	\$ 5,585.48	\$ 1,117.10	8	12	\$ 14,590.28	\$ 1,215.86
MADDC	1	3	\$ 461.36	1	\$ 516.00	\$ 516.00	8	8	\$ 2,354.80	\$ 294.35
MILDC	8	7	\$ 1,571.92	8	\$ 2,705.92	\$ 338.24	16	13	\$ 4,322.40	\$ 332.49
NEWDC	6	15	\$ 6,283.12	16	\$ 6,979.88	\$ 436.24	53	129	\$ 48,813.06	\$ 378.40
PORDC	75	98	\$ 50,716.50	110	\$ 53,725.00	\$ 488.41	422	634	\$ 322,612.05	\$ 508.85
PORSC	1	2	\$ 1,451.60	3	\$ 1,404.00	\$ 468.00	4	12	\$ 15,141.84	\$ 1,261.82
PREDC	12	28	\$ 17,791.94	18	\$ 10,431.93	\$ 579.55	67	192	\$ 112,517.11	\$ 586.03
ROCD	21	36	\$ 24,294.56	29	\$ 24,925.01	\$ 859.48	88	143	\$ 75,804.47	\$ 530.10
ROSC	0	4	\$ 1,350.24	2	\$ 654.24	\$ 327.12	7	13	\$ 12,521.50	\$ 963.19
RUMDC	10	13	\$ 4,710.00	10	\$ 3,852.00	\$ 385.20	43	68	\$ 36,324.37	\$ 534.18
SKODC	24	47	\$ 25,327.35	38	\$ 25,508.95	\$ 671.29	81	272	\$ 161,565.73	\$ 593.99
SKOSC	0	0		0			0	0		
SOUDC	10	18	\$ 12,731.76	12	\$ 5,903.44	\$ 491.95	31	56	\$ 31,687.23	\$ 565.84
SOUSC	1	3	\$ 3,533.00	4	\$ 5,416.42	\$ 1,354.11	15	32	\$ 24,828.21	\$ 775.88
SPRDC	27	59	\$ 32,376.20	62	\$ 37,166.48	\$ 599.46	218	374	\$ 211,061.70	\$ 564.34
Law Ct	12	14	\$ 14,373.34	20	\$ 25,120.98	\$ 1,256.05	60	93	\$ 151,524.15	\$ 1,629.29
YORCD	191	189	\$ 142,205.54	215	\$ 142,567.68	\$ 663.11	936	1,235	\$ 855,755.71	\$ 692.92
AROCD	96	137	\$ 85,128.42	109	\$ 70,905.51	\$ 650.51	543	588	\$ 330,924.26	\$ 562.80
ANDCD	113	199	\$ 110,313.80	189	\$ 95,606.64	\$ 505.86	653	775	\$ 401,462.92	\$ 518.02
KENCD	156	177	\$ 101,300.09	188	\$ 91,282.58	\$ 485.55	718	962	\$ 479,360.99	\$ 498.30
PENCD	160	191	\$ 80,443.95	179	\$ 70,627.09	\$ 394.56	1,116	1,371	\$ 618,326.40	\$ 451.00
SAGCD	37	48	\$ 25,268.11	33	\$ 20,399.31	\$ 618.16	176	174	\$ 96,095.79	\$ 552.27
WALCD	31	27	\$ 20,172.89	28	\$ 17,802.07	\$ 635.79	152	195	\$ 84,255.85	\$ 432.08
PISCD	7	11	\$ 2,685.60	11	\$ 1,836.00	\$ 166.91	68	88	\$ 19,782.58	\$ 224.80
HANCD	70	65	\$ 26,019.64	51	\$ 19,499.45	\$ 382.34	308	353	\$ 170,934.85	\$ 484.23
FRACD	31	56	\$ 40,955.08	65	\$ 44,952.68	\$ 691.58	226	268	\$ 142,691.42	\$ 532.43
WASCD	40	38	\$ 10,449.68	32	\$ 12,870.84	\$ 402.21	238	243	\$ 104,628.08	\$ 430.57
CUMCD	296	413	\$ 215,415.45	376	\$ 222,873.72	\$ 592.75	1,720	1,998	\$ 1,124,573.63	\$ 562.85
KNOCD	52	53	\$ 26,653.53	44	\$ 16,474.87	\$ 374.43	245	335	\$ 185,442.25	\$ 553.56
SOMCD	1	0		3	\$ 3,664.80	\$ 1,221.60	4	5	\$ 3,958.80	\$ 791.76
OXFCD	59	75	\$ 63,231.60	74	\$ 55,658.72	\$ 752.14	333	400	\$ 209,074.10	\$ 522.69
LINCD	50	47	\$ 19,197.30	41	\$ 18,681.30	\$ 455.64	198	247	\$ 132,199.71	\$ 535.22
WATDC	25	42	\$ 19,026.79	42	\$ 17,961.50	\$ 427.65	120	254	\$ 131,503.76	\$ 517.73
WESDC	28	28	\$ 12,082.72	28	\$ 8,992.72	\$ 321.17	123	158	\$ 68,225.34	\$ 431.81
WISDC	7	8	\$ 5,638.72	7	\$ 4,038.00	\$ 576.86	43	62	\$ 40,472.59	\$ 652.78
WISSC	0	0		1	\$ 1,036.00	\$ 1,036.00	2	10	\$ 7,480.12	\$ 748.01
YORDC	12	18	\$ 6,963.00	25	\$ 8,434.88	\$ 337.40	47	86	\$ 35,143.71	\$ 408.65
TOTAL	2,059	2,762	\$ 1,528,896.49	2,673	\$ 1,474,135.00	\$ 551.49	11,021	15,338	\$ 8,242,880.76	\$ 537.42

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

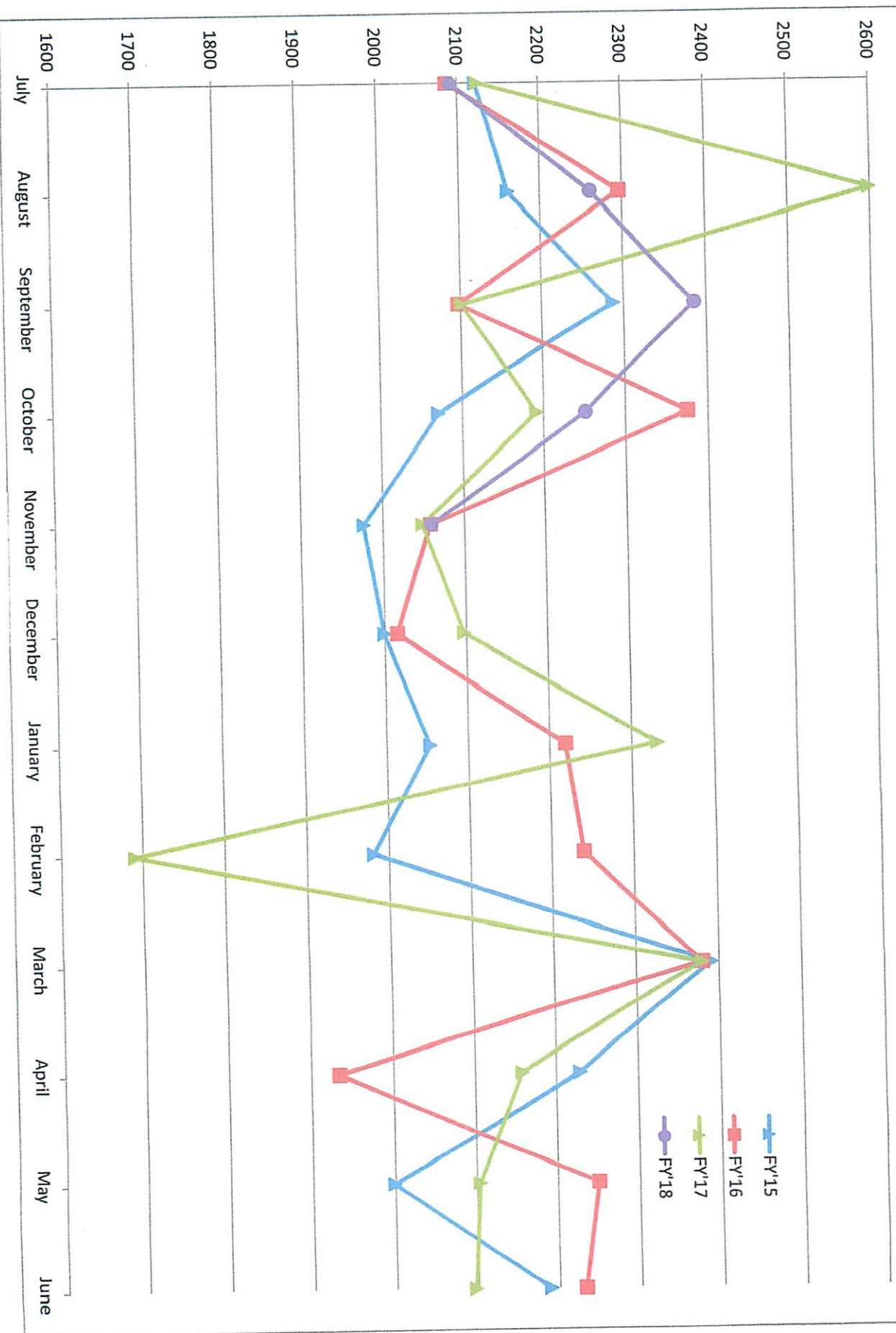
Number of Attorneys Rostered by Court

11/30/2017

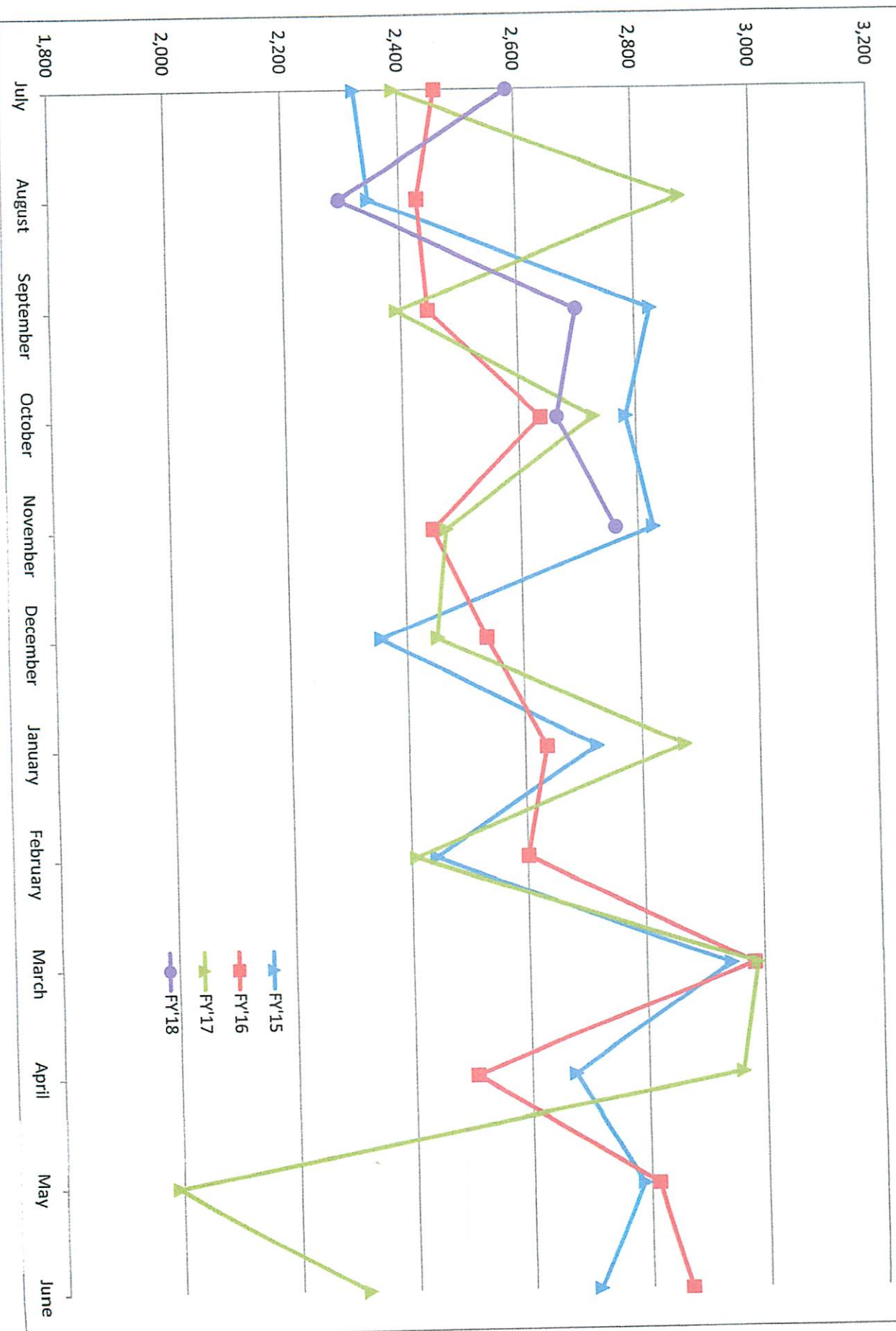
Court	Rostered Attorneys
Augusta District Court	95
Bangor District Court	46
Belfast District Court	48
Biddeford District Court	133
Bridgton District Court	87
Calais District Court	11
Caribou District Court	17
Dover-Foxcroft District Court	25
Ellsworth District Court	39
Farmington District Court	31
Fort Kent District Court	9
Houlton District Court	13
Lewiston District Court	121
Lincoln District Court	27
Machias District Court	17
Madawaska District Court	10
Millinocket District Court	20
Newport District Court	34
Portland District Court	153
Presque Isle District Court	14
Rockland District Court	40
Rumford District Court	23
Skowhegan District Court	25

Court	Rostered Attorneys
South Paris District Court	52
Springvale District Court	119
Unified Criminal Docket Alfred	114
Unified Criminal Docket Aroostook	22
Unified Criminal Docket Auburn	99
Unified Criminal Docket Augusta	88
Unified Criminal Docket Bangor	50
Unified Criminal Docket Bath	91
Unified Criminal Docket Belfast	46
Unified Criminal DocketDover Foxcroft	22
Unified Criminal Docket Ellsworth	41
Unified Criminal Docket Farmington	34
Inified Criminal Docket Machias	18
Unified Criminal Docket Portland	149
Unified Criminal Docket Rockland	37
Unified Criminal Docket Skowhegan	19
Unified Criminal Docket South Paris	79
Unified Criminal Docket Wiscasset	57
Waterville District Court	49
West Bath District Court	109
Wiscasset District Court	62
York District Court	103

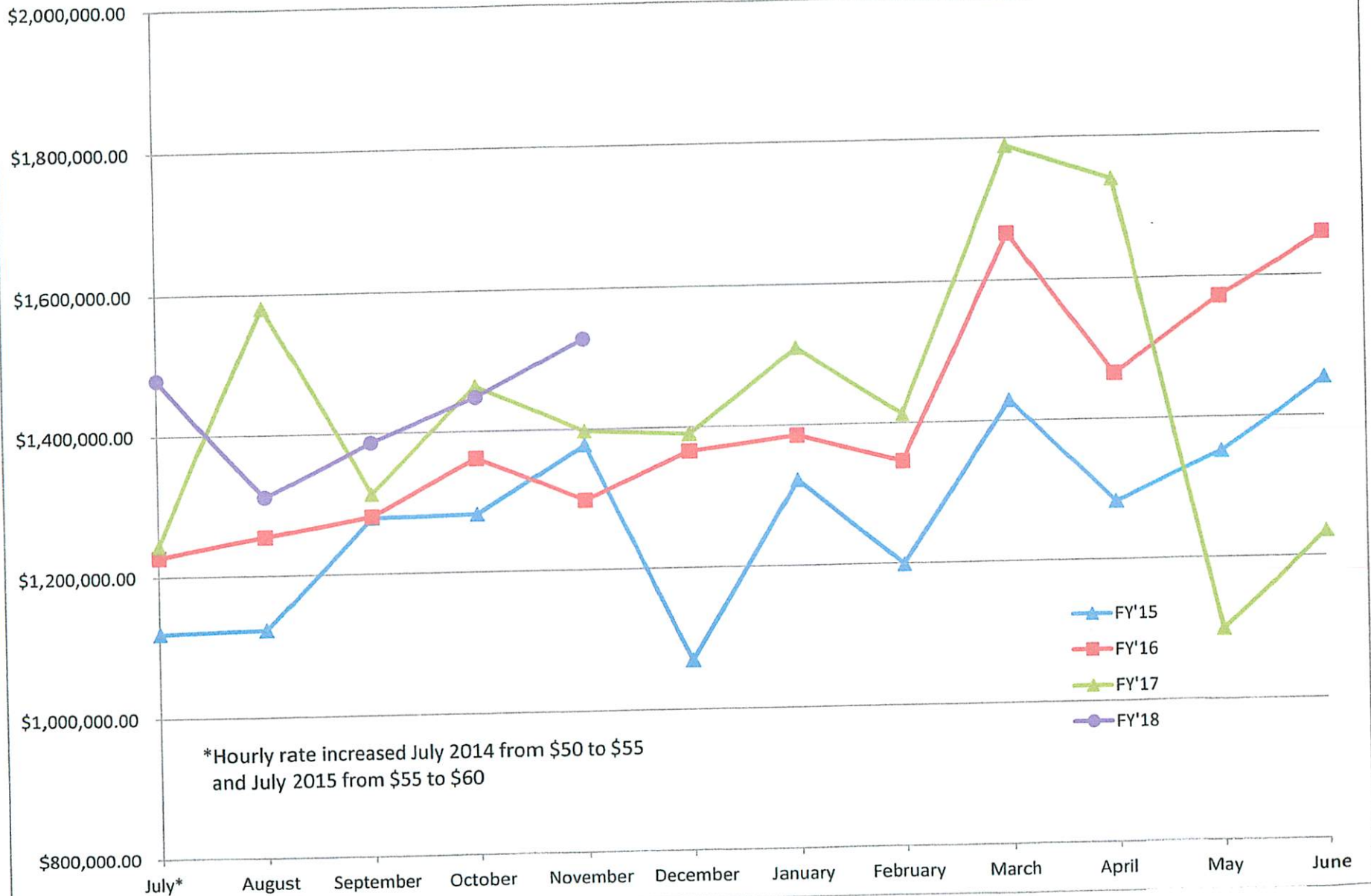
NEW CASES



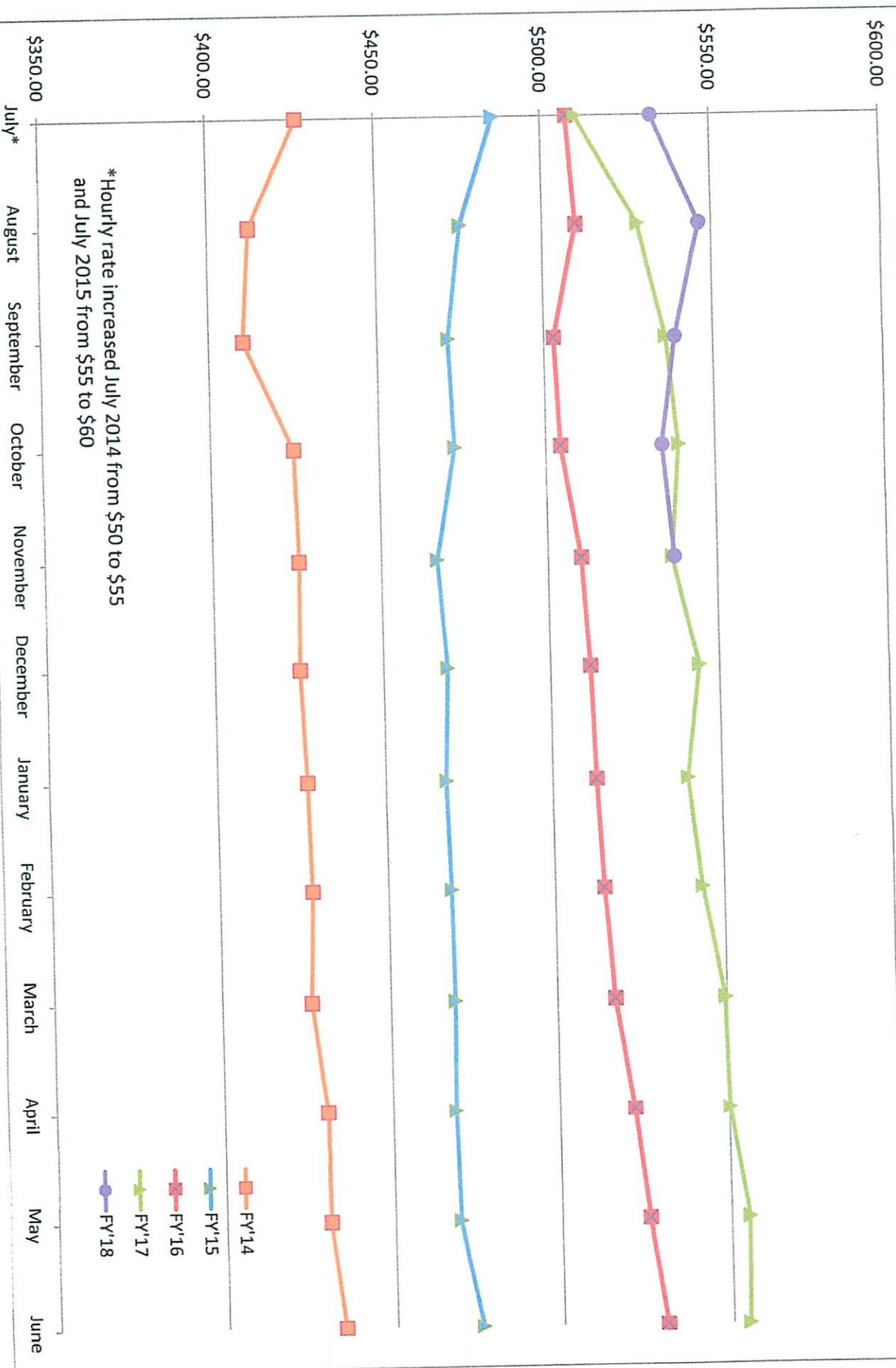
Submitted Vouchers



Submitted Voucher Amount

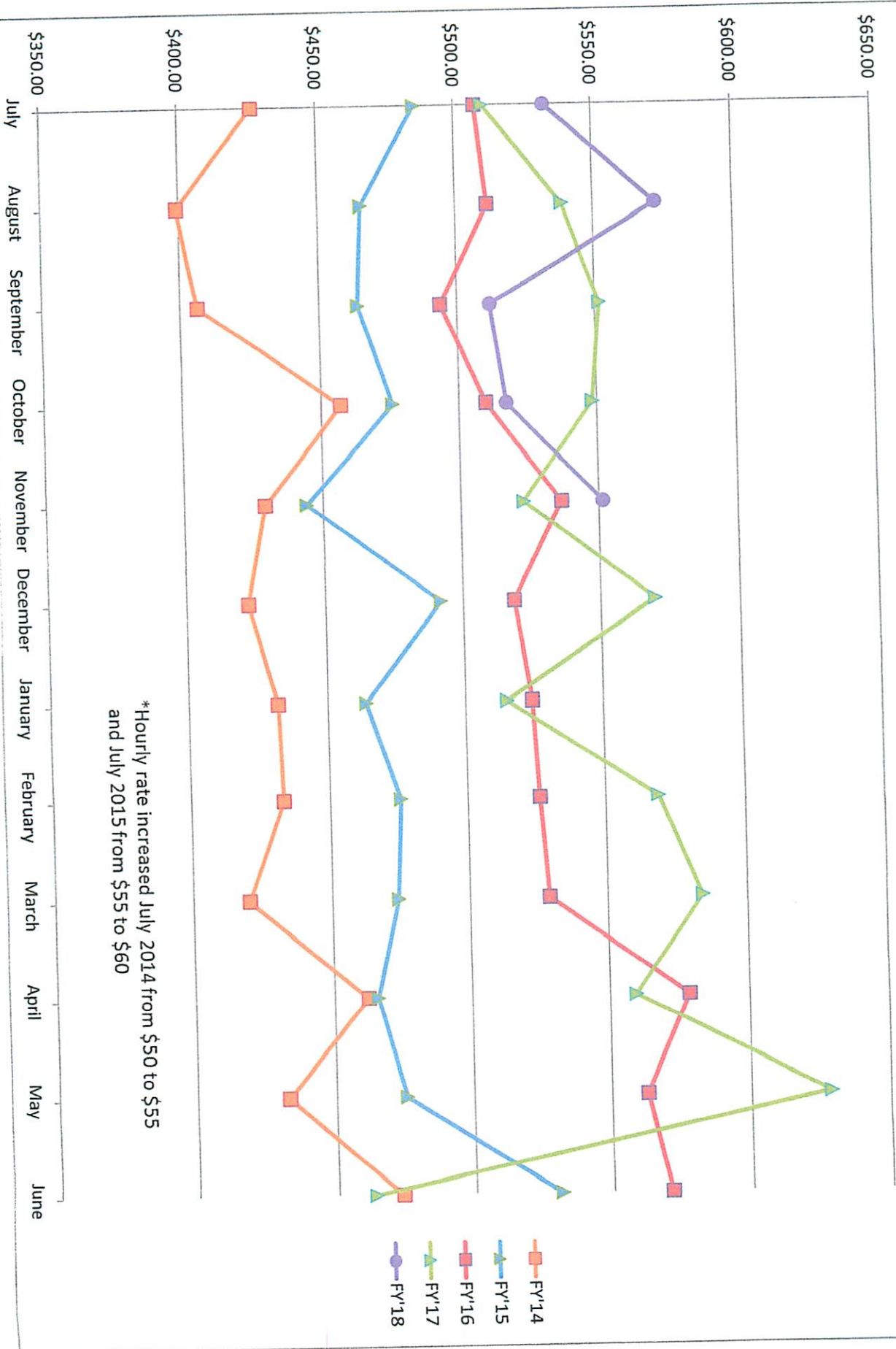


Average Voucher Price Fiscal Year to Date



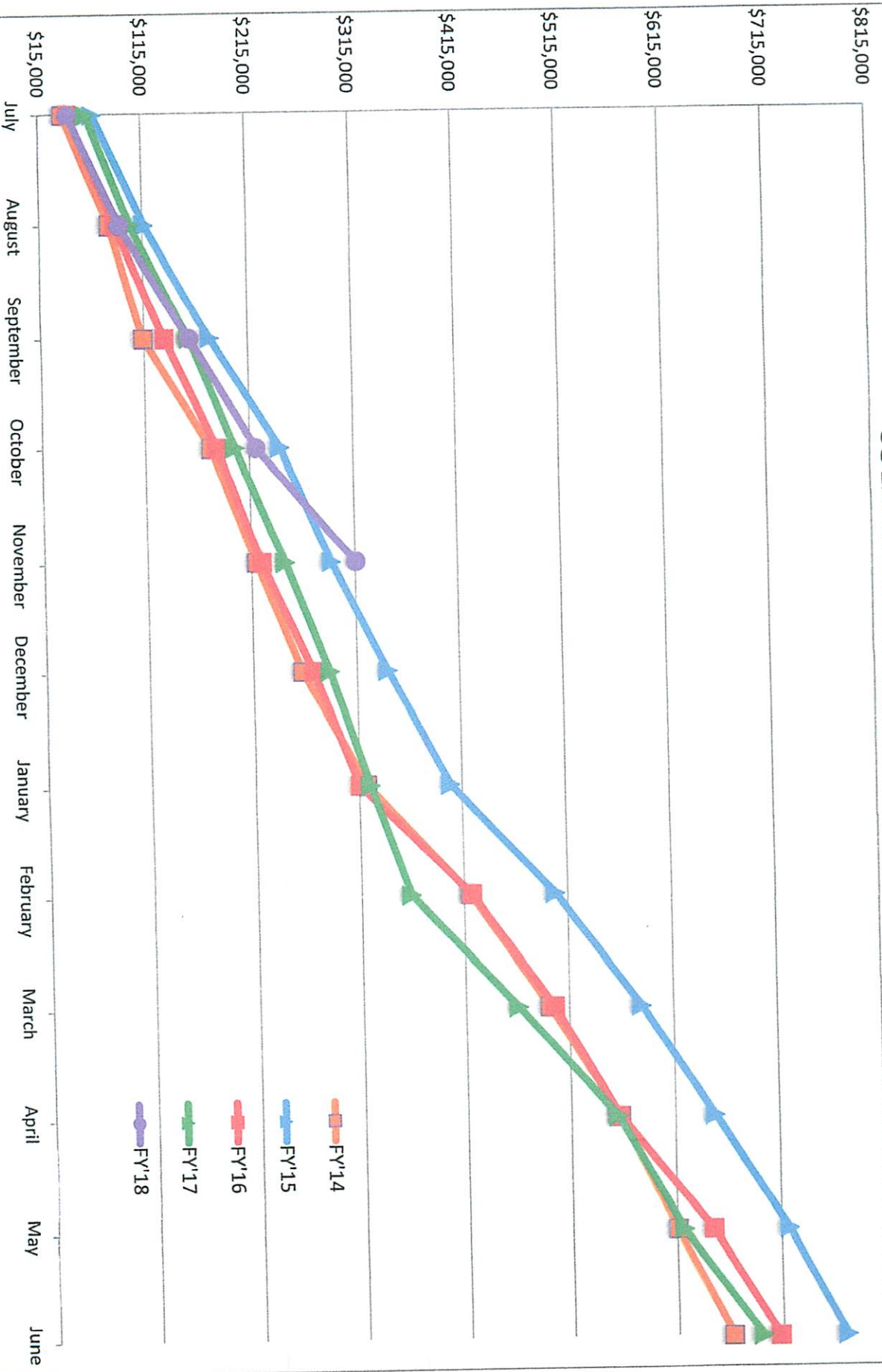
*Hourly rate increased July 2014 from \$50 to \$55 and July 2015 from \$55 to \$60

Monthly Price Per Voucher



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

COLLECTION TOTALS FY'14 to FY'18



(3.)
Operations Reports
December 2017

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
SUBJECT: DECEMBER 2017 OPERATIONS REPORTS
DATE: JANUARY 2, 2018

Attached you will find the December, 2017, Operations Reports for your review and our discussion at the Commission meeting on January 9, 2018. A summary of the operations reports follows:

- 2,227 new cases were opened in the DefenderData system in December. This was a 168 case increase over November.
- The number of vouchers submitted electronically in December was 2,721, a decrease of 41 vouchers from November, totaling \$1,439,626.16, a decrease of \$89,000 from November. In December, we paid 2,859 electronic vouchers totaling \$1,483,636.11, representing an increase of 186 vouchers and \$9,000 compared to November.
- There was one paper vouchers submitted and paid in December in the amount of \$670.20.
- The average price per voucher in December was \$518.99, down 32.50 per voucher from November.
- Appeal and Post-Conviction Review cases had the highest average vouchers in December. There were 9 vouchers exceeding \$5,000 paid in December. See attached addendum for details.
- The contract amount paid for representation in Somerset County in December was \$22,687.50.
- In December, we issued 100 authorizations to expend funds: 72 for private investigators, 21 for experts, and 7 for miscellaneous services such as interpreters and transcriptionists. In December, we paid \$100,901.20 for experts and investigators, etc. The attached addendum provides information on requests that were denied or modified in December.
- In December, we did not receive any complaints about assigned counsel.

In our All Other Account, the total expenses for the month of December were \$1,419,256.42. Of that amount, just over \$15,000 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$52,437.93 in expenses for the month of December.

In the Revenue Account, the December transfer of collected revenue, reflecting November's collections, totaled \$65,784.65, down \$29,000 from the previous month. In December, we paid \$204,362.90 from this account toward attorney vouchers through the DefenderData system

In our Conference Account, we had no activity other than paying a state administrative fee related to this revenue account. The account balance stands at \$14,722.49.

VOUCHERS EXCEEDING \$5,000 PAID DECEMBER 2017

	Voucher Total	Case total
Ten Day Murder trial. Client found guilty. Bangor attorney was lead counsel on a Aroostook County case tried in Houlton. Case took two and one-half years to get to trial.	\$23,572	\$43,273 (two successive co-counsel based in Aroostook County)
Aggravated Attempted Murder. Client discharged counsel after 1 year as trial approached.	\$11,008	\$12,916 (co-counsel assigned late in case to try to preserve representation. Co-counsel discharged as well.)
Kidnapping/Aggravated Assault case. Plea entered after jury selection on day trial was to commence. Client incarcerated and suffered from cognitive impairment. Co-counsel within the same firm.	\$9,785	\$9785
Vehicular Manslaughter charge dismissed in return for a plea to OUI-Causing Death. Contested sentencing. Law Court decision issued mid-case caused revamping of litigation strategy.	\$8,514	\$8,514
Robbery/Criminal Threatening case. Three-day jury trial resulted in a mistrial. State then dismissed all charges.	\$7,965	\$14,863 (co-counsel from separate firms)
Robbery/Criminal Threatening case. Three-day jury trial resulted in a mistrial. State then dismissed all charges.	\$6,898	\$14,863 (co-counsel from separate firms)
Aggravated Trafficking charge. Plea at jury selection for less than one-half of the mandatory minimum. Case complicated by client's cancer diagnosis and treatment.	\$6,856	\$6,856
Vehicular Manslaughter. Client pled guilty. Sentencing contested.	\$5,892	\$5,892
Interim voucher (lawyer changing firms) in an Aggravated Trafficking case. Trial recently continued over defense objections. Case now 20 months old. Multiple experts.	\$5,088	\$5,088

FUNDS REQUESTS DENIED/MODIFIED DECEMBER 2018

- Four (4) requests for funds for a private investigator were modified to authorize a reduced amount.
- One (1) request for funds for a psychologist was modified to authorize a reduced amount.

- After conversation with the Executive Director, a request for funds to have a private investigator serve subpoenas was withdrawn.
- After conversation with the Executive Director, an informal request to have second counsel review an appeal file to provide a second opinion was withdrawn.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

12/31/2017

Defender Data Case Type	Dec-17						Fiscal Year 2018			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	7	17	\$ 25,950.53	12	\$ 17,660.83	\$ 1,471.74	88	146	\$ 222,385.95	\$ 1,523.19
Child Protection Petition	136	333	\$ 228,187.13	357	\$ 228,182.63	\$ 639.17	865	2,197	\$ 1,417,700.06	\$ 645.29
Drug Court	0	3	\$ 5,958.00	10	\$ 6,306.00	\$ 630.60	10	41	\$ 32,497.20	\$ 792.61
Emanicipation	3	4	\$ 1,644.48	6	\$ 2,622.48	\$ 437.08	45	63	\$ 25,292.16	\$ 401.46
Felony	533	636	\$ 523,444.02	678	\$ 569,538.59	\$ 840.03	2,982	4,083	\$ 3,528,397.59	\$ 864.17
Involuntary Civil Commitment	76	106	\$ 20,259.69	133	\$ 28,756.07	\$ 216.21	533	552	\$ 125,933.38	\$ 228.14
Juvenile	80	64	\$ 27,003.79	78	\$ 31,232.34	\$ 400.41	518	588	\$ 255,221.27	\$ 434.05
Lawyer of the Day - Custody	239	248	\$ 60,776.23	224	\$ 53,057.92	\$ 236.87	1,337	1,565	\$ 374,559.39	\$ 239.34
Lawyer of the Day - Juvenile	44	35	\$ 6,847.70	34	\$ 6,160.48	\$ 181.19	268	311	\$ 57,835.13	\$ 185.97
Lawyer of the Day - Walk-in	138	149	\$ 34,970.40	138	\$ 34,193.19	\$ 247.78	704	816	\$ 194,470.44	\$ 238.32
Misdemeanor	743	699	\$ 291,659.38	769	\$ 305,131.15	\$ 396.79	4,442	5,091	\$ 2,059,451.45	\$ 404.53
Petition, Modified Release Treatment	0	6	\$ 4,569.64	7	\$ 4,917.64	\$ 702.52	2	36	\$ 18,032.79	\$ 500.91
Petition, Release or Discharge	0	2	\$ 1,084.02	1	\$ 258.00	\$ 258.00	0	7	\$ 8,505.20	\$ 1,215.03
Petition, Termination of Parental Rights	15	36	\$ 36,044.29	48	\$ 37,744.08	\$ 786.34	112	390	\$ 292,166.10	\$ 749.14
Post Conviction Review	3	16	\$ 16,906.20	10	\$ 12,012.48	\$ 1,201.25	29	42	\$ 75,234.40	\$ 1,791.30
Probate	1	2	\$ 1,734.00	3	\$ 1,812.00	\$ 604.00	17	8	\$ 4,364.60	\$ 545.58
Probation Violation	181	206	\$ 79,437.81	195	\$ 71,469.50	\$ 366.51	1,033	1,198	\$ 466,334.33	\$ 389.26
Represent Witness on 5th Amendment	2	8	\$ 882.00	8	\$ 882.00	\$ 110.25	17	23	\$ 7,250.52	\$ 315.24
Review of Child Protection Order	26	151	\$ 72,268.85	148	\$ 71,698.73	\$ 484.45	233	1,031	\$ 557,806.91	\$ 541.03
Revocation of Administrative Release	0	0		0			4	9	\$ 3,078.00	\$ 342.00
Defender Data Sub-Total	2,227	2,721	\$ 1,439,628.16	2,859	\$ 1,483,636.11	\$ 518.94	13,239	18,197	\$ 9,726,516.87	\$ 534.51
Paper Voucher Sub-Total	1	1	\$ 670.20	1	\$ 670.20	\$ 670.20	5	5	\$ 1,816.20	\$ 363.24
TOTAL	2,228	2,722	\$1,440,298.36	2,860	\$1,484,306.31	\$ 518.99	13,244	18,202	\$ 9,728,333.07	\$ 534.47

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
 FY18 FUND ACCOUNTING
 AS OF 12/31/2017

Account 010 95F Z112 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY18 Total
FY18 Professional Services Allotment		\$ 7,105,602.00		\$ 4,350,001.00		\$ 4,704,575.00		\$ 4,898,227.00	
FY18 General Operations Allotment		\$ 42,000.00		\$ 42,000.00		\$ 42,000.00		\$ 42,000.00	
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	
Encumbered Balance Forward FY17		\$ 28,759.02		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 7,176,361.02		\$ 4,392,001.00		\$ 4,746,575.00		\$ 4,940,227.00	\$ 21,255,164.02
Total Expenses	1	\$ (2,928,724.58)	4	\$ (1,426,660.74)	7	\$ -	10	\$ -	
	2	\$ (1,668,718.69)	5	\$ (1,586,795.93)	8	\$ -	11	\$ -	
	3	\$ (1,105,704.44)	6	\$ (1,419,256.42)	9	\$ -	12	\$ -	
Encumbrances (Somerset PDP & Justice Works)		\$ (264,063.50)		\$ 84,712.50		\$ -		\$ -	\$ (179,351.00)
Encumbrances (B Taylor, JW amend contract, envelopes)		\$ (13,000.03)		\$ (44,000.01)		\$ -		\$ -	\$ (57,000.04)
TOTAL REMAINING		\$ 1,196,149.78		\$ 0.40		\$ 4,746,575.00		\$ 4,940,227.00	\$ 10,882,952.18

Q2 Month 6	
INDIGENT LEGAL SERVICES	
Counsel Payments	\$ (1,279,943.41)
Somerset County	\$ (22,687.50)
Somerset County Discovery	\$ (345.00)
Subpoena Witness Fees	\$ (221.48)
Private Investigators	\$ (28,286.04)
Mental Health Expert	\$ (7,500.00)
Transcripts	\$ (15,368.28)
Other Expert	\$ (47,341.68)
Lodging for Trial	\$ -
Process Servers	\$ (1,181.11)
Interpreters	\$ (528.61)
Misc Prof Fees & Serv	\$ (474.00)
SUB-TOTAL ILS	\$ (1,403,877.11)
OPERATING EXPENSES	
Service Center	\$ -
DefenderData	\$ (5,120.00)
Risk Management Insurances	\$ -
Mileage/Tolls/Parking	\$ (789.81)
Mailing/Postage/Freight	\$ (272.24)
West Publishing Corp	\$ (168.30)
OIT/TELCO charges	\$ (4,564.65)
Office Supplies/Equip.	\$ (12.27)
Cellular Phones	\$ (118.71)
Dues	\$ -
Office Equipment Rental	\$ -
VDT reimbursement	\$ -
Barbara Taylor monthly fees	\$ (4,333.33)
SUB-TOTAL OE	\$ (15,379.31)
TOTAL	\$ (1,419,256.42)

INDIGENT LEGAL SERVICES	
Q2 Allotment	\$ 4,392,001.00
Q2 Encumbrances for Somerset PDP & Justice Works contracts	\$ 79,712.50
Barbara Taylor Contract, envelopes	\$ (39,000.01)
Q2 Expenses to date	\$ (4,432,713.09)
Remaining Q2 Allotment	\$ 0.40

Non-Counsel Indigent Legal Services	
Monthly Total	\$ (100,901.20)
Total Q1	\$ (308,598.67)
Total Q2	\$ (236,789.37)
Total Q3	\$ -
Total Q4	\$ -
Fiscal Year Total	\$ (545,388.04)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY18 FUND ACCOUNTING
As of 12/31/17

Account 014 95F Z112 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY18 Total
Total Budget Allotments		\$ 160,986.00		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00	\$ 713,358.00
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Financial Order Adjustment	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Budget Order Adjustment	3	\$ -	6	\$ 23,139.00	9	\$ -	12	\$ -	
Budget Order Adjustment		\$ -		\$ -		\$ -	12	\$ -	\$ -
Total Budget Allotments		\$ 160,986.00		\$ 207,263.00		\$ 184,124.00		\$ 184,124.00	\$ 736,497.00
Cash Carryover from Prior Quarter		\$ 2,962.21		\$ -		\$ -		\$ -	
Collected Revenue from JB	1	\$ 43,709.11	4	\$ 62,588.04	7	\$ -	10	\$ -	
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	2	\$ 48,375.11	5	\$ 94,654.93	8	\$ -	11	\$ -	
Court Ordered Counsel Fee		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB (late transfer)		\$ -		\$ -	9	\$ -		\$ -	
Collected Revenue from JB	3	\$ 66,433.82	6	\$ 65,784.65	9	\$ -	12	\$ -	
Returned Checks-stopped payments		\$ -		\$ 75.00		\$ -		\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 161,480.25		\$ 223,102.62		\$ -		\$ -	\$ 384,582.87
Counsel Payments	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Other Expenses		\$ -		\$ -		\$ -	***	\$ -	
Counsel Payments	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Other Expenses		\$ -		\$ -		\$ -		\$ -	
Counsel Payments	3	\$ (158,738.00)	6	\$ (204,362.90)	9	\$ -	12	\$ -	
Other Expenses	**	\$ (2,247.73)		\$ -		\$ -		\$ -	
REMAINING ALLOTMENT		\$ 0.27		\$ 2,900.10		\$ 184,124.00		\$ 184,124.00	\$ 371,148.37
Overpayment Reimbursements	1	\$ -	4	\$ (1,069.14)	7	\$ -	10	\$ -	
	2	\$ (183.00)	5	\$ (25.00)	8	\$ -	11	\$ -	
	3	\$ (303.50)	6	\$ -	9	\$ -	12	\$ -	
REMAINING CASH Year to Date		\$ 8.02		\$ 17,645.58		\$ -		\$ -	\$ 17,653.60

Q2 Month 6	
DEFENDER DATA COUNSEL PAYMENTS	
	\$ (204,362.90)
SUB-TOTAL	\$ (204,362.90)
OVERPAYMENT REIMBURSEMENTS	\$ -
Paper Voucher	\$ -
Somerset County CDs	\$ -
Private Investigators	\$ -
Mental Health Expert	\$ -
Transcripts	\$ -
Other Expert	\$ -
StaCap Expense	\$ -
SUB-TOTAL OF	\$ -
TOTAL	\$ (204,362.90)

** Q1 State Cap posted in Q2

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY18 FUND ACCOUNTING
AS OF 12/31/2017

Account 010 95F Z112 01 (Personal Services)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY18 Total
FY18 Allotment		\$ 191,878.00		\$ 216,894.00		\$ 191,873.00		\$ 184,672.00	\$ -
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 191,878.00		\$ 216,894.00		\$ 191,873.00		\$ 184,672.00	\$ 785,317.00
Total Expenses	1	\$ (49,204.29)	4	\$ (79,098.20)	7	\$ -	10	\$ -	
	2	\$ (52,363.61)	5	\$ (47,858.62)	8	\$ -	11	\$ -	
	3	\$ (53,129.90)	6	\$ (52,437.93)	9	\$ -	12	\$ -	
TOTAL REMAINING		\$ 37,180.20		\$ 37,499.25		\$ 191,873.00		\$ 184,672.00	\$ 451,224.45

Q2 Month 6	
Per Diem Payments	\$ (55.00)
Salary	\$ (23,656.52)
Vacation Pay	\$ (454.47)
Holiday Pay	\$ (3,193.52)
Sick Pay	\$ (1,221.51)
Employee Hlth Svs/Workers Comp	\$ -
Health Insurance	\$ (9,024.08)
Dental Insurance	\$ (223.22)
Employer Retiree Health	\$ (3,334.96)
Employer Retirement	\$ (1,917.85)
Employer Group Life	\$ (279.30)
Employer Medicare	\$ (412.65)
Retiree Unfunded Liability	\$ (6,110.39)
Retro Pymt	\$ -
Perm Part Time Full Ben	\$ (2,554.46)
TOTAL	\$ (52,437.93)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY18 FUND ACCOUNTING
As of 12/31/17

Account 014 95F Z112 02 (Conference)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY18 Total
Total Budget Allotments		\$ 20,500.00		\$ 15,000.00		\$ 15,000.00		\$ 12,000.00	\$ (62,500.00)
Financial Order Adjustment				\$ -		\$ -		\$ -	
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustment		\$ -		\$ -		\$ -		\$ -	\$ -
Total Budget Allotments		\$ 20,500.00		\$ 15,000.00		\$ 15,000.00		\$ 12,000.00	\$ (62,500.00)
Cash Carryover from Prior Quarter		\$ 14,942.80		\$ 12,967.13		\$ -		\$ -	
Collected Revenue	1	\$ -	4	\$ 4,330.00	7	\$ -	10	\$ -	
Non-attendance Reimbursements			4	\$ (575.00)		\$ -		\$ -	
Collected Revenue	2	\$ 4,250.00	5	\$ 1,615.00	8	\$ -	11	\$ -	
Collected Revenue	3	\$ 1,890.00	6	\$ -	9	\$ -	12	\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 21,082.80		\$ 18,337.13		\$ -		\$ -	\$ 11,510.00
Total Expenses	1	\$ (1,559.99)	4	\$ (2,924.95)	7	\$ -	10	\$ -	
	2	\$ (112.28)	5	\$ (639.22)	8	\$ -	11	\$ -	
	3	\$ (6,353.73)	6	\$ -	9	\$ -	12	\$ -	
State Cap	**	\$ (89.67)		\$ (50.47)		\$ -		\$ -	\$ (140.14)
Encumbrances		\$ (4,272.55)		\$ -		\$ -		\$ -	\$ (4,272.55)
REMAINING ALLOTMENT		\$ 8,111.78		\$ 11,385.36		\$ 15,000.00		\$ 12,000.00	\$ 46,497.14
REMAINING CASH Year to Date		\$ 12,967.13		\$ 14,722.49		\$ -		\$ -	

Q2 Month 6	
Training Manuals Printing	\$ -
Training Refreshments/Meals	\$ -
Media Northeast	\$ -
Overseers of the Bar CLE fees	\$ -
Speaker Fees & Travel Expenses	\$ -
Non-attendance refunds	\$ -
State Cap Expense	\$ (9.05)
TOTAL	\$ -

** Q1 State Cap posted in Q2

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

12/31/2017

Court	Dec-17						Fiscal Year 2018			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	10	30	\$ 17,208.41	24	\$ 10,956.13	\$ 456.51	72	165	\$ 118,977.11	\$ 721.07
AUBSC	9	19	\$ 10,266.50	21	\$ 10,885.95	\$ 518.38	62	106	\$ 100,415.35	\$ 947.31
AUGDC	47	65	\$ 30,730.60	61	\$ 30,537.88	\$ 500.62	247	422	\$ 193,951.85	\$ 459.60
AUGSC	19	25	\$ 11,131.66	24	\$ 11,121.64	\$ 463.40	132	213	\$ 128,274.17	\$ 602.23
BANDC	56	95	\$ 31,453.82	118	\$ 39,733.52	\$ 336.72	329	629	\$ 228,604.61	\$ 363.44
BANSC	2	1	\$ 510.00	1	\$ 510.00	\$ 510.00	10	10	\$ 5,331.06	\$ 533.11
BATSC	0	1	\$ 128.80	0			6	5	\$ 1,570.00	\$ 314.00
BELDC	10	19	\$ 10,777.47	23	\$ 13,398.35	\$ 582.54	56	147	\$ 81,670.08	\$ 555.58
BELSC	0	1	\$ 30.00	0			1	11	\$ 9,650.24	\$ 877.29
BIDDC	70	77	\$ 42,729.69	88	\$ 44,437.98	\$ 504.98	347	540	\$ 284,923.03	\$ 527.64
BRIDC	12	18	\$ 11,720.84	18	\$ 11,498.84	\$ 638.82	75	118	\$ 70,163.34	\$ 594.60
CALDC	20	14	\$ 10,986.84	9	\$ 3,080.68	\$ 342.30	58	74	\$ 36,185.08	\$ 488.99
CARDC	3	6	\$ 4,896.00	6	\$ 2,442.00	\$ 407.00	28	82	\$ 39,821.59	\$ 485.63
CARSC	1	5	\$ 2,670.52	2	\$ 1,434.52	\$ 717.26	27	66	\$ 57,818.85	\$ 876.04
DOVDC	1	12	\$ 5,245.68	9	\$ 2,911.20	\$ 323.47	38	69	\$ 20,119.20	\$ 291.58
DOVSC	0	0		0			0	2	\$ 324.00	\$ 162.00
ELLDC	17	38	\$ 25,682.81	22	\$ 13,702.00	\$ 622.82	92	172	\$ 105,508.00	\$ 613.42
ELLSC	0	1	\$ 384.00	1	\$ 384.00	\$ 384.00	5	10	\$ 2,238.00	\$ 223.80
FARDC	8	18	\$ 10,873.80	16	\$ 11,220.56	\$ 701.29	58	96	\$ 58,006.71	\$ 604.24
FARSC	0	1	\$ 942.00	2	\$ 1,472.68	\$ 736.34	2	5	\$ 3,211.96	\$ 642.39
FORDC	1	2	\$ 888.00	5	\$ 1,608.00	\$ 321.60	20	29	\$ 15,166.63	\$ 522.99
HOUDC	10	22	\$ 11,764.90	23	\$ 13,375.76	\$ 581.55	109	193	\$ 86,313.30	\$ 447.22
HOUSC	3	1	\$ 390.00	3	\$ 24,465.26	\$ 8,155.09	7	10	\$ 28,150.46	\$ 2,815.05
LEWDC	59	103	\$ 40,878.94	113	\$ 44,086.16	\$ 390.14	385	719	\$ 309,379.67	\$ 430.29
LINDC	3	6	\$ 2,278.84	11	\$ 7,076.30	\$ 643.30	54	98	\$ 45,321.38	\$ 462.46
MACDC	12	21	\$ 9,976.00	28	\$ 11,735.60	\$ 419.13	72	116	\$ 55,706.34	\$ 480.23
MACSC	3	1	\$ 246.00	4	\$ 1,598.00	\$ 399.50	11	16	\$ 16,188.28	\$ 1,011.77
MADDC	1	1	\$ 281.36	4	\$ 742.72	\$ 185.68	9	12	\$ 3,097.52	\$ 258.13
MILDC	2	1	\$ 680.00	0			18	13	\$ 4,322.40	\$ 332.49
NEWDC	15	14	\$ 3,779.12	19	\$ 5,706.76	\$ 300.36	67	148	\$ 54,519.82	\$ 368.38
PORDC	64	92	\$ 45,754.12	110	\$ 50,997.08	\$ 463.61	486	744	\$ 373,609.13	\$ 502.16
PORSC	3	0		1	\$ 407.60	\$ 407.60	7	13	\$ 15,549.44	\$ 1,196.11
PREDC	15	23	\$ 10,704.97	36	\$ 18,373.61	\$ 510.38	82	228	\$ 130,890.72	\$ 574.08
RODC	10	28	\$ 12,898.14	37	\$ 13,523.24	\$ 365.49	99	180	\$ 89,327.71	\$ 496.27
ROSC	1	1	\$ 154.00	3	\$ 850.00	\$ 283.33	8	16	\$ 13,371.50	\$ 835.72
RUMDC	8	14	\$ 11,299.47	11	\$ 4,707.68	\$ 427.97	51	79	\$ 41,032.05	\$ 519.39
SKODC	14	39	\$ 23,438.75	49	\$ 25,467.63	\$ 519.75	95	321	\$ 187,033.36	\$ 582.66
SKOSC	0	0		0			0	0		
SOUDC	2	5	\$ 1,470.00	12	\$ 9,084.32	\$ 757.03	34	68	\$ 40,771.55	\$ 599.58
SOUSC	1	4	\$ 1,200.00	6	\$ 2,466.00	\$ 411.00	17	38	\$ 27,294.21	\$ 718.27
SPRDC	35	55	\$ 29,133.63	63	\$ 31,025.15	\$ 492.46	250	437	\$ 242,086.85	\$ 553.97
Law Ct	3	13	\$ 23,586.11	8	\$ 11,764.69	\$ 1,470.59	64	101	\$ 163,288.84	\$ 1,616.72
YORCD	207	268	\$ 202,435.23	228	\$ 182,725.70	\$ 801.43	1,153	1,463	\$ 1,038,481.41	\$ 709.83
AROCD	130	110	\$ 62,276.49	119	\$ 66,653.43	\$ 560.11	673	707	\$ 397,577.69	\$ 562.34
ANDCD	156	143	\$ 67,391.89	167	\$ 84,411.21	\$ 505.46	809	942	\$ 485,874.13	\$ 515.79
KENCD	154	133	\$ 73,121.32	159	\$ 76,129.63	\$ 478.80	872	1,121	\$ 555,490.62	\$ 495.53
PENCD	278	312	\$ 121,473.51	315	\$ 123,462.60	\$ 391.94	1,395	1,686	\$ 741,789.00	\$ 439.97
SAGCD	23	31	\$ 16,716.74	29	\$ 15,604.48	\$ 538.09	199	203	\$ 111,700.27	\$ 550.25
WALCD	24	17	\$ 11,483.17	26	\$ 15,876.65	\$ 610.64	176	221	\$ 100,132.50	\$ 453.09
PISCD	17	12	\$ 2,130.00	14	\$ 3,153.60	\$ 225.26	85	102	\$ 22,936.18	\$ 224.86
HANCD	79	47	\$ 19,178.14	54	\$ 23,322.20	\$ 431.89	386	407	\$ 194,257.05	\$ 477.29
FRACD	49	72	\$ 38,800.18	57	\$ 25,491.53	\$ 447.22	275	325	\$ 168,182.95	\$ 517.49
WASCD	28	45	\$ 17,377.64	45	\$ 16,418.84	\$ 364.86	268	288	\$ 121,046.92	\$ 420.30
CUMCD	345	348	\$ 210,565.05	374	\$ 214,702.50	\$ 574.07	2,061	2,372	\$ 1,339,276.13	\$ 564.62
KNOCD	43	55	\$ 24,840.72	64	\$ 32,059.82	\$ 500.93	285	399	\$ 217,502.07	\$ 545.12
SOMCD	0	1	\$ 760.61	0			4	5	\$ 3,958.80	\$ 791.76
OXFCD	50	71	\$ 35,055.04	73	\$ 41,577.97	\$ 569.56	381	473	\$ 250,652.07	\$ 529.92
LINCD	27	43	\$ 20,725.96	43	\$ 20,525.10	\$ 477.33	225	290	\$ 152,724.81	\$ 526.64
WATDC	28	57	\$ 27,591.40	54	\$ 27,868.00	\$ 516.07	148	308	\$ 159,371.76	\$ 517.44
WESDC	21	34	\$ 14,439.08	23	\$ 12,075.84	\$ 525.04	144	181	\$ 80,301.18	\$ 443.65
WISDC	7	16	\$ 7,611.08	11	\$ 7,688.84	\$ 698.99	50	73	\$ 48,161.43	\$ 659.75
WISSC	0	1	\$ 276.00	0			2	10	\$ 7,480.12	\$ 748.01
YORDC	11	13	\$ 6,207.12	13	\$ 5,098.68	\$ 392.21	58	100	\$ 40,434.39	\$ 404.34
TOTAL	2,227	2,721	\$ 1,439,628.16	2,859	\$ 1,483,636.11	\$ 518.94	13,239	18,197	\$ 9,726,516.87	\$ 534.51

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

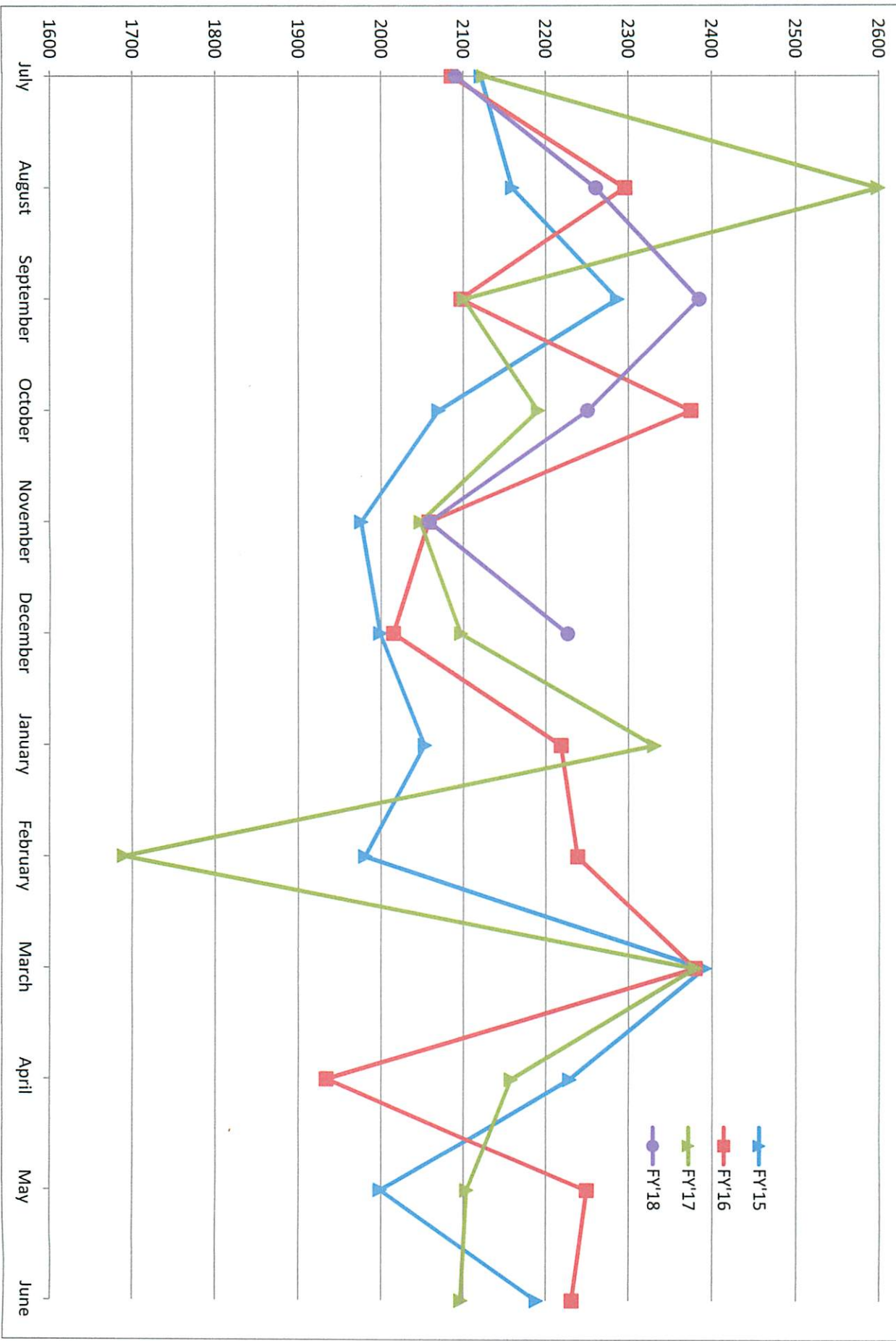
Number of Attorneys Rostered by Court

11/30/2017

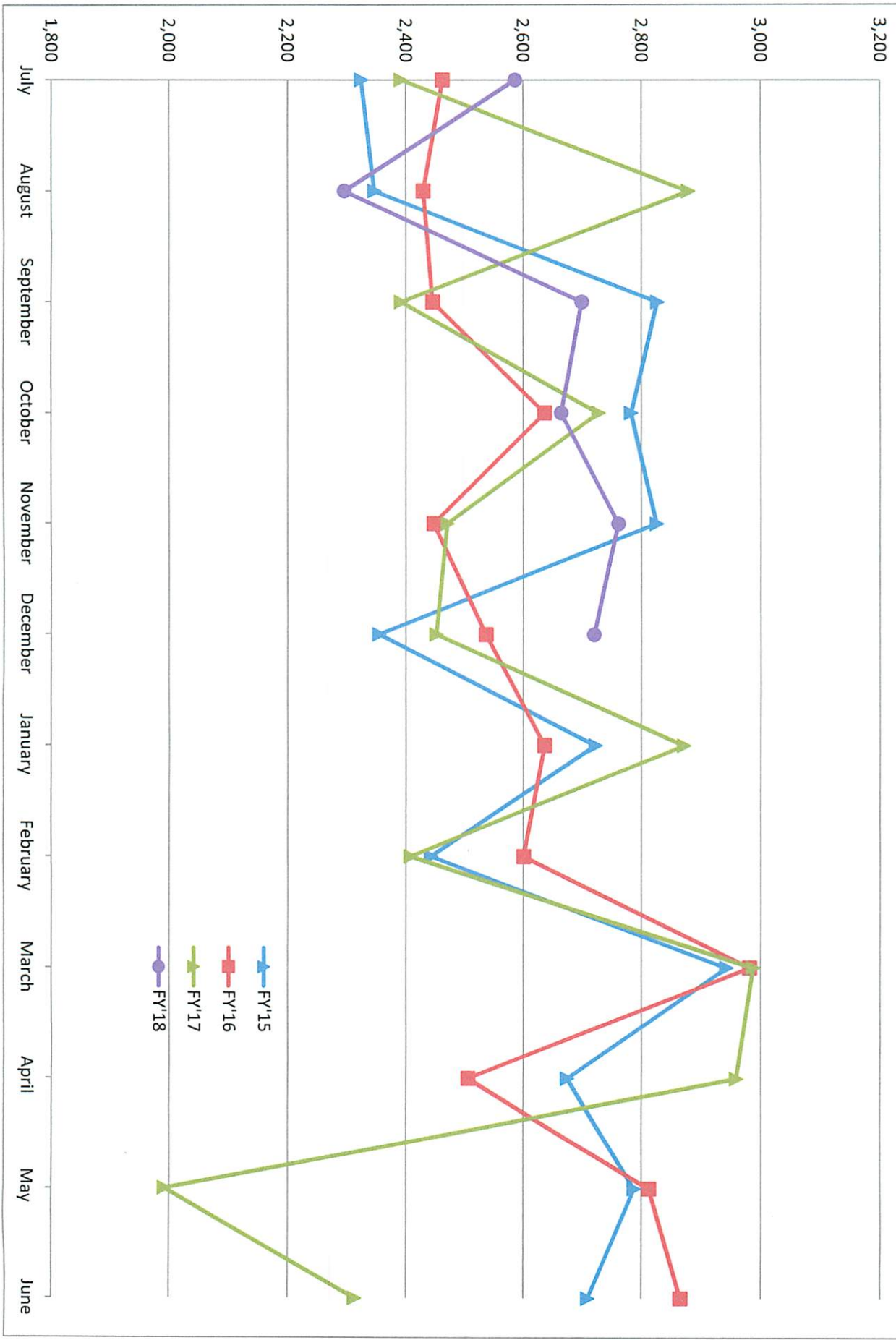
Court	Rostered Attorneys
Augusta District Court	98
Bangor District Court	45
Belfast District Court	47
Biddeford District Court	132
Bridgton District Court	88
Calais District Court	11
Caribou District Court	17
Dover-Foxcroft District Court	23
Ellsworth District Court	37
Farmington District Court	33
Fort Kent District Court	9
Houlton District Court	13
Lewiston District Court	123
Lincoln District Court	25
Machias District Court	17
Madawaska District Court	10
Millinocket District Court	18
Newport District Court	32
Portland District Court	154
Presque Isle District Court	14
Rockland District Court	41
Rumford District Court	25
Skowhegan District Court	27

Court	Rostered Attorneys
South Paris District Court	53
Springvale District Court	118
Unified Criminal Docket Alfred	117
Unified Criminal Docket Aroostook	22
Unified Criminal Docket Auburn	101
Unified Criminal Docket Augusta	89
Unified Criminal Docket Bangor	49
Unified Criminal Docket Bath	95
Unified Criminal Docket Belfast	45
Unified Criminal DocketDover Foxcroft	20
Unified Criminal Docket Ellsworth	39
Unified Criminal Docket Farmington	35
Inified Criminal Docket Machias	18
Unified Criminal Docket Portland	153
Unified Criminal Docket Rockland	39
Unified Criminal Docket Skowhegan	21
Unified Criminal Docket South Paris	81
Unified Criminal Docket Wiscasset	58
Waterville District Court	50
West Bath District Court	114
Wiscasset District Court	62
York District Court	102

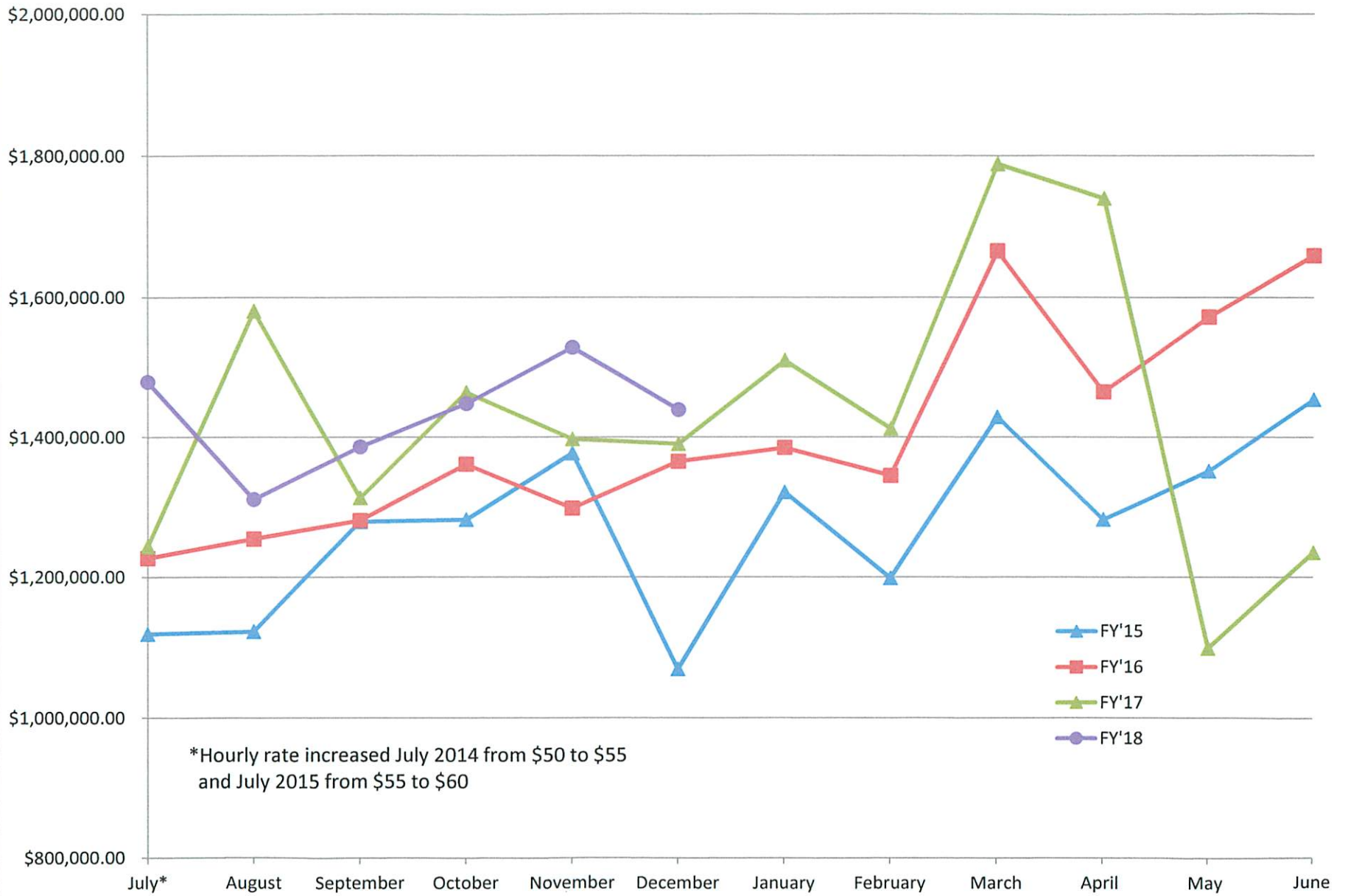
NEW CASES



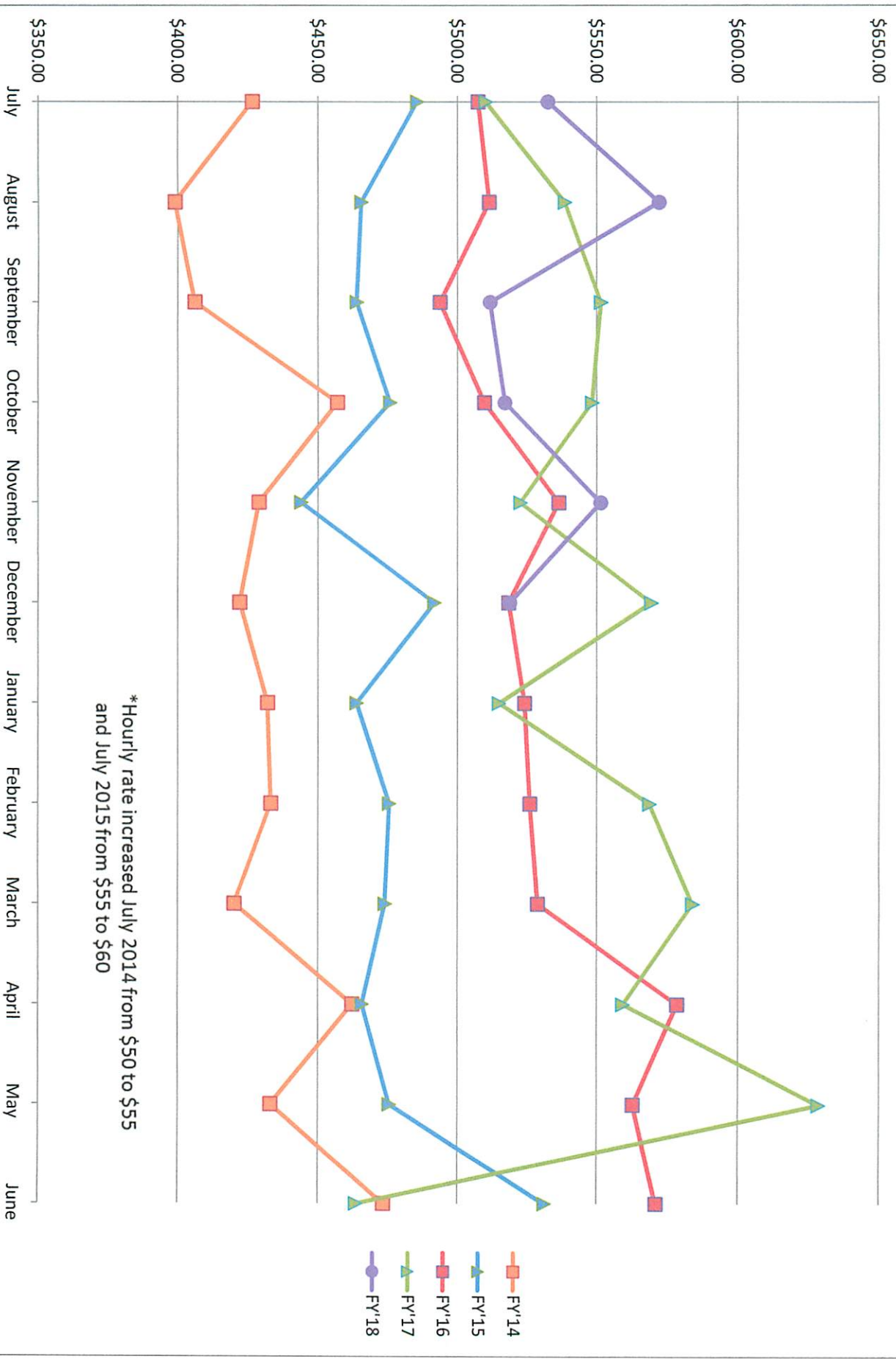
Submitted Vouchers



Submitted Voucher Amount

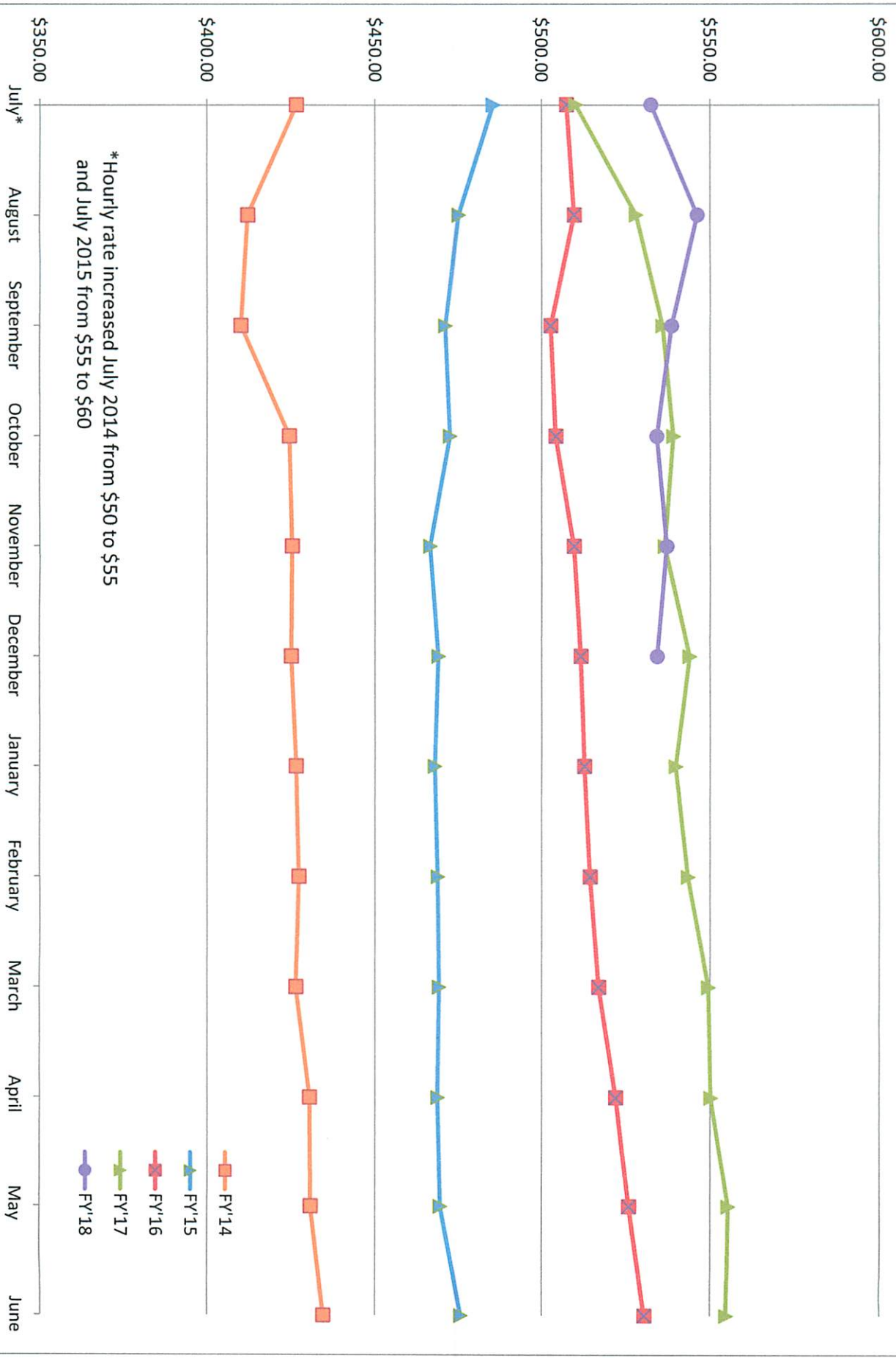


Monthly Price Per Voucher



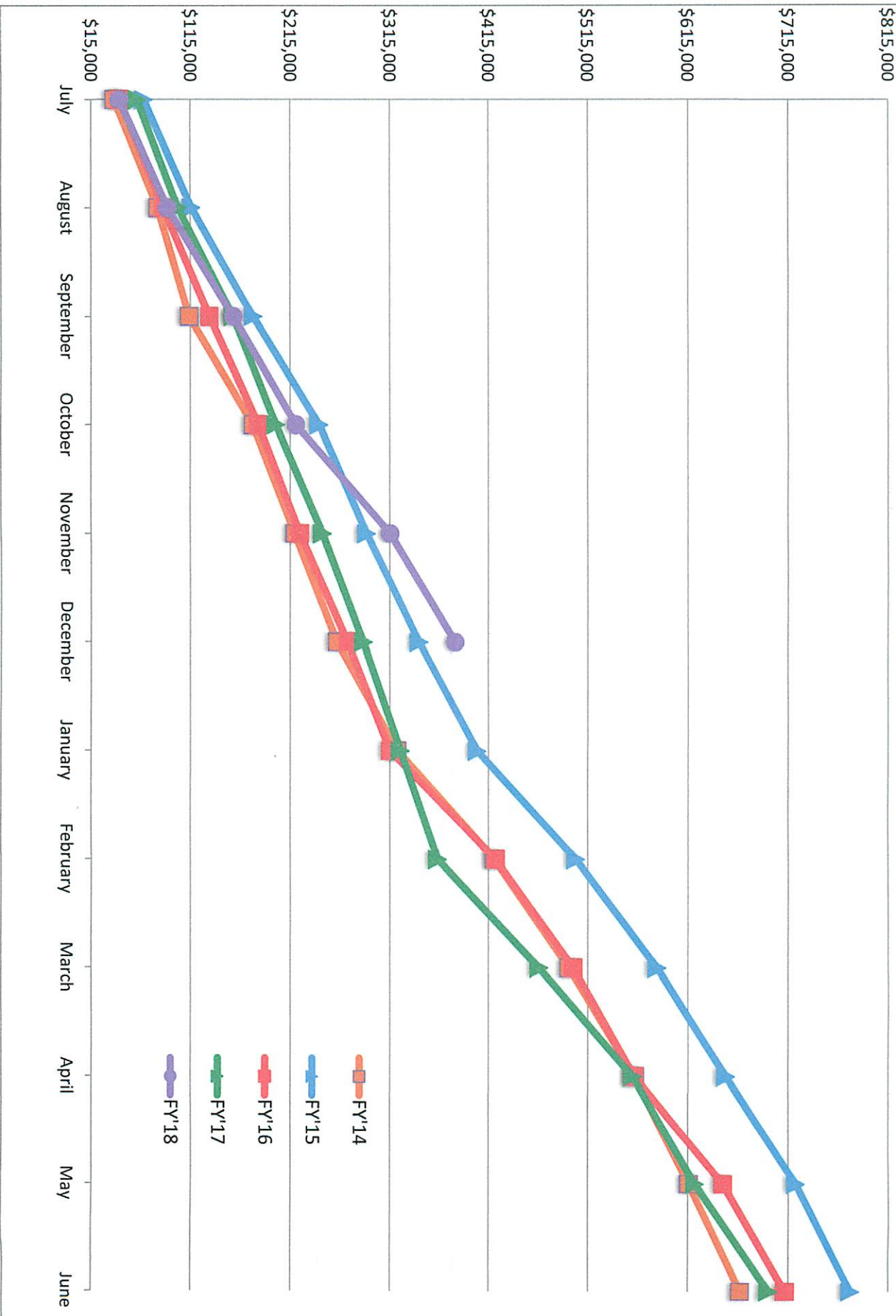
*Hourly rate increased July 2014 from \$50 to \$55 and July 2015 from \$55 to \$60

Average Voucher Price Fiscal Year to Date



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

COLLECTION TOTALS FY'14 to FY'18



(4.)

Review of Annual Report

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: ANNUAL REPORT
DATE: January 11, 2018

Pursuant to an amendment of the Commission's statute passed last year, the Commission is required to submit an annual report to the Legislature by January 15, 2018. Because that date fell on a holiday, the report is due on January 16, 2018.

I copy of the statute governing the report is attached. A draft of the report has been sent to each Commissioner for review. The draft will be discussed and finalized at this meeting.

Maine Revised Statutes

Title 4: JUDICIARY

Chapter 37: MAINE COMMISSION ON INDIGENT LEGAL SERVICES

§1804. COMMISSION RESPONSIBILITIES

3. Duties. The commission shall:

H. By January 15th of each year, 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. The report must include:

- (1) An evaluation of: contracts; services provided by contract counsel and assigned counsel; any contracted professional services; and cost containment measures; and
- (2) An explanation of the relevant law changes to the indigent legal services covered by the commission and the effect of the changes on the quality of representation and costs.

The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation on matters related to the report; [2017, c. 284, Pt. UUUU, §4 (AMD).]

(5.)

**Working Group
Update/Action Items
Discussion**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: WORKING GROUP/ACTION ITEMS DISCUSSION
DATE: January 11, 2018

Chair Carey will provide an update on the Working Group. Their last meeting was on December 1, 2017, and a copy of their final report is included in the packet

At its November meeting, the Commission discussed the possibility of implementing a Resource Counsel system to expand the Commission capacity to provide mentoring and oversight to attorneys in the field. Chair Carey asked staff to prepare an outline of such a program prior to the last meeting of the Working Group. When the Working Group turned to the issue of oversight, Chair Carey distributed the outline, which received favorable comments during the discussion. A copy of the outline is attached.

At the last Commission meeting, Chair Carey asked staff to look into resources that might shed light on the appropriate number of hours expected for work on appeals. Attached is a brief memo from Deputy Director Maciag describing what she found.

Finally, attached is a draft feedback form prepared in response to the Commission's discussion of bolstering capacity to obtain feedback on attorney performance.



**STATE OF MAINE
128th LEGISLATURE
FIRST REGULAR SESSION**

**Working Group to Improve the Provision of Indigent
Legal Services**

December 2017

Staff:

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Members:

**Sen. Lisa Keim, Chair
Rep. Barbara A. Cardone, Chair
Sen. Shenna Lee Bellows
Rep. Roger L. Sherman
David Flanagan
Walter Hanstein
Hunter Umphrey
David Heidrich
Jonathan P. LaBonte
Steven Carey
Stephanie Anderson**

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Appendices

- A. Authorizing Legislation
- B. Membership list, Working Group to Improve the Provision of Indigent Legal Services
- C. ABA's Black Letter *Ten Principles of a Public Defense Delivery System*
- D. Sixth Amendment Center's *A Primer on National Standards regarding Right to Counsel Commissions*

Executive Summary

The Working Group to Improve the Provision of Indigent Legal Services was created as part of the 2018-2019 Biennial Budget to identify and resolve concerns about the delivery of court-appointed legal services and the costs associated with those services.

The authorizing legislation directs the Working Group to develop recommendations to improve the delivery of indigent legal services to those eligible to receive such services by focusing on four interrelated duties:

- Ensuring adequate representation;
- Increasing the efficiency in delivering legal services;
- Verifying eligibility throughout representation; and
- Reducing costs while still fully honoring the constitutional and statutory obligations to provide representation.

The Working Group met four times, and benefited greatly from the participation of the Sixth Amendment Center. The Working Group makes the following recommendations:

1. Strengthen the Maine Commission on Indigent Legal Services to take on a more robust policy-making and oversight role;
2. Enhance the Maine Commission on Indigent Legal Services staff to provide better financial accountability as well as quality assurance by establishing specific responsibilities for a Chief Financial Officer and a Training and Quality Control Director;
3. Immediately fill the existing funded positions of financial screener for Cumberland County and office associate;
4. Strengthen the financial eligibility screening procedure;
5. Remove the collections function from the Maine Commission on Indigent Legal Services and have the Judiciary Committee explore alternative methods of collecting from those recipients of legal services who have been ordered by the court to contribute to the costs of those services;
6. Transfer the responsibility of appointing defense counsel in specific cases from judges to the Maine Commission on Indigent Legal Services;
7. Commission an outside, independent, nonpartisan study of Maine's current system of providing indigent legal services and whether alternative methods of delivery would increase quality and efficiency;
8. Encourage the Chief Justice to convene regional discussion panels to talk about how to make the entire criminal justice system more sensible and more efficient; and
9. Reduce external factors that may increase the need for indigent legal services.

The Working Group is relying on the Judiciary Committee and eventually the Legislature as a whole to develop specific language and proposals to carry out these recommendations, including the timing for implementation.

I. INTRODUCTION

The Working Group to Improve the Provision of Indigent Legal Services was created as part of the 2018-2019 Biennial Budget to identify and resolve concerns about the delivery of court-appointed legal services and the costs associated with those services. In addition to establishing the Working Group, Public Law 2017, chapter 284, Part UUUU made multiple changes to the existing law governing the Maine Commission on Indigent Legal Services, mostly to address data collection and ensuring eligibility for court-appointed attorneys. The legislation authorizing the Working Group and outlining its duties is attached as Appendix A.

The Working Group consists of four legislators (two Senators and two members of the House of Representatives), two members appointed by the Chief Justice, one of whom must be an attorney rostered with the Maine Commission on Indigent Legal Services, the President of the Maine Prosecutors Association, the Chair of the Maine Commission on Indigent Legal Services, the Director of the Governor's Office of Policy and Management, the designee of the Commissioner of Administrative and Financial Services and the designee of the Attorney General. The membership list is attached as Appendix B.

The authorizing legislation directs the Working Group to develop recommendations to improve the delivery of indigent legal services to those eligible to receive such services by focusing on four inter-related duties:

- Ensuring adequate representation;
- Increasing the efficiency in delivering legal services;
- Verifying eligibility throughout representation; and
- Reducing costs while still fully honoring the constitutional and statutory obligations to provide representation.

The Working Group met four times, once each in September, October, November and December 2017. The members initially focused on collecting Maine information about court-appointed attorneys, caseloads, overall costs, costs based on types of cases, non-attorney costs, prosecution costs and collection of reimbursement, as well as rules and procedures that govern the eligibility, selection and payment of court-appointed counsel. The Working Group also identified the need to ensure quality representation and sought information on training, supervision and evaluation of court-appointed counsel. The members recognized that the lessons learned by other jurisdictions in providing indigent legal services could be instructive in improving Maine's system and requested more information and invited the participation of experts in the subject area.

As the Working Group members reviewed the information and discussed the concerns that have been raised over the past few years about the work of the Maine Commission on Indigent Legal Services (MCILS), the members came to the realization that, although there is room for improvement, the legal services provided appear to be of good quality and are provided with a low overall budget when compared to other functioning systems across the country, and with a low overall budget when compared to the costs of prosecution in Maine. The current program does not have systemic oversight and evaluation of attorneys, and needs both a strong fiscal management component and the ability to be forward-thinking to create and take

advantage of more opportunities to continue improvements in quality and efficiency. Unknown, and worth exploring, is whether the current structure is the best way to provide quality indigent legal services in Maine as efficiently as possible. The Working Group identified several potentially cost saving initiatives that could be undertaken with current legal authority and within the current budget, including: exploring other methods of collecting fees owed by partially-indigent defendants; reforming supervision and management of attorneys to reduce review of individual vouchers and free up staff time for observation and training; and working with the courts and prosecutors to schedule hearings so that rostered attorneys appear for multiple cases at a time, rather than appearing for fewer cases on a particular day and spending time waiting for those cases to be called.

The Working Group makes the following recommendations.

1. The Working Group recommends that the Maine Commission on Indigent Legal Services be reconstructed to serve a robust policy-making and oversight role by increasing the number of members and diversifying the expertise of members to include experience in financial matters, mental health concerns and drug abuse issues. Although the Governor should continue to appoint and the Legislature confirm members, recommendations for memberships should come equally from all three branches of state government as well as those particularly interested in the provision of high quality indigent legal services.
2. The Working group recommends that the staff of the Commission be enhanced to provide better financial accountability as well as quality assurance. To achieve these goals, the Working Group recommends that the duties of the existing position of Deputy Director be revised to take on oversight and supervision of legal services, while creating a comparable position of a chief financial officer to be responsible for review of vouchers and payment of attorneys and general oversight of cost control. Together, these two positions will be tasked with providing the most efficient legal services within the parameters of quality representation.
3. The Working Group recommends that the existing positions of financial screener for Cumberland County and the office associate position be filled. Both positions are currently funded but remain vacant.
4. The Working Group supports financial eligibility screening and an effort to collect from those recipients of services who the court has ordered to contribute monetarily to the cost of the legal services provided. In addition to filling the vacant screener position, the Working Group recommends that the screening process include a revision of the counsel application form to make it clear that intentionally providing false information when requesting an attorney is a crime, and that the judge can question the person about the ability to pay and the truthfulness of the information provided. The new Chief Financial Officer's responsibilities will include strengthening the screening procedure, including following up as necessary.
5. The Working Group recommends that, in the long term, collections not be the responsibility of the Commission. Requiring the Commission to collect from the very individuals who receive the Commission's services creates a conflict of interest. The Working Group therefore recommends that the Judiciary Committee explore alternative methods of

collecting from those recipients of legal services who have been ordered by the court to contribute to the costs of those services.

6. The Working Group recommends that the Commission take over the actual appointment of attorneys to specific cases, which is a function currently handled by the courts. Initially, this will be a collaborative effort between the Judicial Branch and the Commission to ensure that competent legal counsel is appointed as soon as possible. Although appointment by MCILS will be much easier once the new case management, data storage and electronic filing system is implemented, the Working Group recommends that progress be made to transfer the appointment authority to the Commission as quickly as possible.

7. The Working Group acknowledges the Governor's fundamental concern about whether a different legal services delivery system is needed in Maine and recommends that a completely independent, outside, nonpartisan statewide study be conducted to explore what are the strengths and weaknesses of the current system in both quality and efficiency and whether there are alternative methods of delivery that would result in improvements. The study should include recommendations for improving Maine's system, including specific actions and cost estimates for achieving the recommendations.

8. The Working Group encourages the Chief Justice to convene regional discussion panels to talk about how to make the criminal justice system more sensible and efficient. The Working Group envisions the panels to consist of Judicial Branch personnel (both judges and clerks, as appropriate), prosecutors and defense attorneys to explore case management and scheduling changes that will result in improved efficiency. Child protection proceedings contribute significantly to the demands on indigent legal services, so the Attorney General's Office should be included with respect to those cases. Recommendations from the panels can guide the Courts, the Commission and the Legislature in making changes. The Working Group recommends that the Judiciary Committee examine the best way to collaborate with the Judicial Branch to develop deadlines for convening and making recommendations.

9. The Working Group recognizes that many of the factors that affect the overall costs of the provision of indigent legal services are outside the control of the Commission. The Working Group therefore recommends that the Judiciary Committee explore cost drivers that are not within the jurisdiction of the Commission but that the Legislature may be able to affect. Those outside influences include the statutory penalties for crimes (penalties can be reduced or the conduct decriminalized), the use of diversion in the criminal justice system, the promptness of discovery provided by law enforcement, practices by prosecutors (for example, indicating a risk of jail time in order to secure counsel for a person who is or appears to be mentally ill or who is facing potential severe non-criminal consequences), the promptness of discovery, the many consequences of mental illness substance abuse and addiction and the adjustments necessary to keep current with the use of technology across the criminal justice spectrum, such as the need to review audio-video from law enforcement body cameras.

The Working Group is relying on the Judiciary Committee and eventually the Legislature as a whole to develop specific language and proposals to carry out these recommendations, including the timing for implementation.

II. BACKGROUND

The importance of providing legal representation to those whose fundamental liberties are at stake cannot be overstated. The reason the Working Group exists is to resolve concerns about how the State of Maine is meeting its obligation to ensure that those entitled to an attorney have access to and the services of effective counsel.

The right to counsel in Maine is guaranteed by Article 1, Section 6 of the Maine Constitution and the Sixth Amendment of the United States Constitution, made applicable to the States through the Due Process Clause of the 14th Amendment. Maine has also enacted the right to be represented by effective counsel in statute for those noncriminal circumstances in which fundamental interests are at risk.

The law establishing the Maine Commission on Indigent Legal Services defines “indigent legal services” based on who is entitled to receive such services:

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.

4 MRSA §1802, sub-§4.

In the years after the United State Supreme Court interpreted the Sixth Amendment to require that counsel be provided to defendants unable to employ counsel in *Gideon v. Wainright*, 372 U.S. 335 (1963), the courts in Maine shouldered the burden of paying for attorneys for the indigent. As the requirement was refined by court cases, the Maine Courts handled the responsibility as best they could, with the judge who presided over the case expected to review and approve the appointed attorney’s voucher for reimbursement. The appearance of a conflict of interest in this arrangement was noted but ignored because there was no other avenue for fulfilling the constitutional and statutory obligations. The Judicial Branch budget included funds for court-appointed attorneys, but when counsel costs increased, the Judicial Branch was forced to find savings elsewhere in its overall budget to cover the constitutionally-required costs. The Judicial Branch hired financial screeners to help determine the eligibility of those seeking appointed counsel and to help ascertain the ability to pay at least some of the representation costs of those determined to be partially indigent.

The Indigent Legal Services Commission, often referred to as “The Clifford Commission” to recognize its Chair, Associate Supreme Court Justice Robert Clifford, was created by Chief Justice Saufley in 2008. The Clifford Commission designed a new, independent entity to oversee the provision of indigent legal services. The Legislature enacted the recommendations in 2009 as Public Law 2009, chapter 419. The new Maine Commission on Indigent Legal Services (MCILS) consists of a five-member board, appointed by the Governor and confirmed by the Legislature, as well as an Executive Director, Deputy Director, financial screeners and minimal support staff. It took over the responsibility for providing both constitutionally- and statutorily-required legal representation on July 1, 2010. Funding and personnel previously included in the Judicial Branch’s budget were transferred to MCILS in 2010. The report of the Commission is available on the Working Group’s website under “related resources”: <http://www.maine.gov/legis/opla/indigentlegal.htm>.

In establishing MCILS, the 2009 Clifford Commission relied on the American Bar Association’s “Black Letter *Ten Principles of a Public Defense Delivery System*” as guidance. The Working Group continues to refer to the guiding principles, and they are included as Appendix C.

The Commission retained much of the procedure that was developed by the Judicial Branch and that was in place when the responsibilities were transferred from the Judicial Branch to MCILS. The Commission adopted standards and a process for placing qualified attorneys onto a roster, and the judges continue both to determine eligibility and to appoint attorneys to represent those found eligible or partially eligible for services. (The court will enter an order that includes a reimbursement payment plan for a person found partially eligible.) The Commission organizes mandatory and optional training, reviews and processes vouchers and reviews and pays for private investigators and other non-attorney services, such as expert witnesses. MCILS also keeps and provides for review a large library of data; the staff continually revise the information recorded and tracked to keep up with requests for facts and figures.

The Maine system to provide indigent legal services has advanced significantly since 2010. As mentioned during the meetings of the Working Group, the indigent legal services system has matured from those early days of simply appointing newly-minted attorneys needing work, to a more structured approach to provide a roster of lawyers with training and appropriate experience for different types of cases. The review of vouchers and payment for counsel time is done completely independently of the courts, eliminating the appearance of a conflict of interest that haunted the former process.

The Working Group appreciates the progress the Commission has made so far in its short existence and recognizes that it is now time to take the next step and provide the capability to ensure quality representation while enhancing financial management expertise. Because the Commission operates with the bare minimum of staff, there is little current capacity to innovate and try different approaches to meet the indigent legal services obligations. As Governor LePage’s introduction of LD 1433 in the 127th Legislature and his original proposal of Part UUUU of the Budget to the 128th Legislature evidence, there is a need to explore whether there are alternatives to the current structure that can improve services while ensuring that the

provision of those services is done in an efficient and fiscally responsible manner, without sacrificing quality.

II. PROCESS

The Working Group was authorized to meet a total of four times between the First and Second Regular Sessions of the 128th Legislature. The members asked for and received volumes of information, mostly from the Commission, concerning everything from numbers of vouchers and average costs, to the hours of training provided. The Judicial Branch provided statistics comparing the number of cases in which defendants retained their own attorneys versus cases in which the court appointed counsel. The Maine Prosecutors Association spearheaded the collection of information about the costs of prosecution – for both District Attorney Offices and the Office of the Attorney General. Stephanie Anderson, Working Group member and President of the Maine Prosecutors Association estimated that, including overhead costs (paid by the counties for the District Attorneys) and including the Attorney General’s child protection enforcement expenditures, prosecution costs exceed \$27,400,000 a year. That compares with the total expenditures by MCILS in Fiscal Year 2017 of \$16,944,655.11 (which does not include the \$2.8 million shortfall for FY17 that was included in the FY18 budget to pay FY17 costs).

Marshall Pahl, the Deputy Defender General of Vermont’s Office of the Defender General discussed Vermont’s indigent legal services system with the Working Group via conference call at the Working Group’s third meeting. Vermont provides indigent legal services through a hybrid system of Public Defender offices, some of which are staffed by state employees in more densely populated areas, and some of which are operated under contracts in more rural areas. Although Vermont’s population is low, and the state is largely rural with a few more densely populated areas, like Maine, the total per capita costs involved in implementing a similar system to provide indigent legal services would be a significant increase for Maine.

The Working Group also benefited from the participation of David Carroll and Mike Tartaglia of the Sixth Amendment Center (6AC) an independent, nonpartisan, nonprofit established to ensure that every person receives constitutionally effective counsel. The 6AC assists states “by measuring public defense systems against Sixth Amendment case law and established standards of justice. When shortcomings are identified, [the Center] help[s] states and counties make their courts fair again in ways that promote public safety and fiscal responsibility.” (<http://sixthamendment.org/about-us/>, under “Our Mission”, extracted December 6, 2017) The Working Group extends its sincere appreciation to Mr. Carroll and Mr. Tartaglia for their guidance in discussions and developing recommendations.

The Working Group held its final meeting on December 1, 2017, and reached consensus on several important recommendations, described below. Working Group members Jonathan LaBonte and Representative Roger Sherman were unable to attend; Mr. LaBonte and Working Group member David Heidrich, both representatives of the Executive Branch, and Representative Sherman did not weigh in on the recommendations.

The Working Group submits these recommendations with the expectation that the Joint Standing Committee on Judiciary will hold public hearings on the recommendations and give all interested parties a full opportunity to comment and make suggestions. The Working Group did not discuss issues related to the current funding of the Maine Commission on Indigent Legal Services but mentions, without detail, that such issues exist in order to ensure that the Judiciary Committee will consider and address the concerns. The Working Group relies on the expertise of the Judiciary Committee to develop specific legislation based on the recommendations and to resolve the funding questions.

IV. RECOMMENDATIONS

Recommendation 1: Strengthen the Maine Commission on Indigent Legal Services to take on a more robust policy-making and oversight role

Currently, the Maine Commission on Indigent Legal Services consists of five members who are appointed by the Governor for three year terms. These individuals “must have demonstrated a commitment to quality representation for persons who are indigent and have the skills and knowledge required to ensure that quality of representation is provided in each area of law”; no more than three commissioners may be engaged in the active practice of law. Of the five members, one must be chosen from a list of qualified potential appointees provided by the President of the Senate, one from a list provided by the Speaker of the House, and one from a list provided by the Chief Justice of the Supreme Judicial Court. When forming the lists, the President, Speaker and Chief Justice must consider input from persons and organizations with an interest in the delivery of indigent legal services. Each of the appointments is subject to review by the Joint Standing Committee on Judiciary and confirmation by the full Legislature.

The Working Group considered the purpose, structure and effectiveness of the Maine Commission and commissions in states across the country by looking at the composition of individual states’ commissions and to national guidelines from the American Bar Association’s *Ten Principles of a Public Defense Delivery System* (“Ten Principles”) and the National Study Commission on Defense Services’ *Guidelines for Legal Defense Systems in the United States* (“NSC Guidelines”). The Ten Principles are included in Appendix C; the NSC Guidelines are available at: http://www.nlada.net/sites/default/files/nsc_guidelinesforlegaldefensesystems_1976.pdf.

A major purpose of any oversight commission is to insulate the indigent defense functions from political or judicial pressures. This purpose is reflected in Principle 1 of the Ten Principles, which states that “[t]he public defense function, including the selection, funding, and payment of defense counsel, is independent.” The structure of the oversight commission helps ensure its independence, and diverse representation also leverages a variety of expertise from commissioners representing a range of interests impacted by the defense functions. The NSC Guidelines recommend that a commission consist of nine to thirteen members, a majority of whom are practicing attorneys, that those members represent many interests in the legal system and in indigent legal defense, and that no single branch of government should have a majority of votes on the commission. The NSC Guidelines also recommend that sitting judges, practicing

prosecutors and current law enforcement officials not sit on oversight commissions because of the potential conflicts of interest. The Sixth Amendment Center noted that many jurisdictions prohibit anyone from serving on a commission who stands to benefit financially from the policies of the commission, but also discussed how some jurisdictions have included members with specialized expertise in an area that particularly affects that state, such as Native American or African American interests.

With this background, the Working Group recommends that the Maine Commission on Indigent Legal Services be expanded from five members to nine members, two of whom would be chosen by the Governor, one from a list of qualified candidates provided by the President of the Senate, one from a list of qualified candidates provided by the Speaker of the House, and two from a list of qualified candidates provided by the Chief Justice of the Supreme Judicial Court. For the remaining three members, the Working Group recommends that one be appointed from a list of qualified candidates provided by the Board of Bar Overseers, that one be appointed from a list of qualified candidates provided by the State bar association or an association of criminal defense attorneys and that the final appointee possess specialized expertise in an area such as financial management, mental health or drug addiction. The Sixth Amendment Center recommended to the Working Group that no more than seven members be attorneys engaged in the active practice of law, and that no one appointed be a sitting judge, active prosecutor, active law enforcement official, or active indigent defense provider; the Working Group discussed but did not agree on whether active indigent defense providers should be prohibited from serving on the Commission. The Working Group considered the appointment process in current law and did not recommend any change in that process. The Sixth Amendment Center's *A Primer on National Standards regarding Right to Counsel Commissions* is attached as Appendix D.

The Working Group believes that expanding the Commission membership has the potential to give the Commission the opportunity to identify and support specific quality assurance goals, as well as to innovate and experiment with different options for delivering services, review compliance with the ABA 10 Principles and applicable case law, and establish other new initiatives it determines will efficiently improve the provision of services. The Commission should also determine what are the best practices both within and outside the State, what data should be collected and analyzed to identify where the most urgent problems exist, and determine how that data can support improvements in the areas of greatest need. The Working Group anticipates that increased data collection will improve the accuracy of budget projections.

Recommendation 2: Enhance the Maine Commission on Indigent Legal Services staff to provide better financial accountability as well as quality assurance by establishing specific responsibilities for a Chief Financial Officer and a Training and Quality Control Director

The Working group recommends that the structure and staff of the Commission be enhanced to provide better financial accountability as well as quality assurance. To achieve these goals, the Working Group recommends that the duties of the existing position of Deputy Director be revised to take on oversight and supervision of legal services, while creating a comparable position of a chief financial officer to be responsible for review of vouchers and payment of attorneys and general oversight of cost control. Together, these two positions will be

tasked with providing the most efficient legal services within the parameters of quality representation.

Two concerns raised about the current system of providing indigent legal services are (1) the structure and activities of the Commission do not include the ability to supervise or evaluate the quality of the legal services provided, and (2) the Commission does not have the capacity to manage costs that have increased significantly over time. The Working Group concluded that these concerns are partly a function of the number of Commission staff and their focus on the review of vouchers.

Although the Working Group does not intend to micromanage the Commission or its work, having confidence in a newly invigorated and expanded Commission, the Working Group does have specific recommendations for enhancing both financial management and quality assurance. These recommendations are based on lessons learned in other states and the advice of the Sixth Amendment Center. The Working Group recommends that the staff be reconfigured to establish one person responsible for quality assurance and one person responsible for financial management. There is currently one Deputy Director; the Working Group recommends that the position be retained but that the position becomes the Training and Quality Control Director and that a new position be added that serves as the Chief Financial Officer. Although these positions will have specific separate responsibilities, they will work together when their responsibilities intersect to make for the most efficient planning and operation.

Training and Quality Control Director

The Working Group recommends that the Training and Quality Control Director be an attorney and have, at a minimum, the following responsibilities:

1. Manage all training operations:
 - A. Identify training needs for attorneys and create a strategic plan to meet those needs;
 - B. Responsible for the design, delivery, coordination and procurement of practice area specific training by case type: homicides, sex offenses, serious violent felonies, child protective, juvenile defense, etc.; and
 - C. Responsible for the design, delivery, coordination and procurement of non-practice area specific training such as: working with clients from different cultures or backgrounds, immigration issues, dealing with racism within the criminal justice system, and case management; supervision; technology; secondary trauma and mentor training, as well as orientation for new attorneys;
2. Establish supervision and evaluation protocols for all rostered attorneys:

- A. Provide supervision of attorneys or, if an intermediary level of resources and supervision is implemented, provide direct supervision of such regional resource coordinators¹;
 - B. Assist in the development and dissemination of standards, procedures and policies to ensure services are provided consistently throughout the state;
 - C. Consolidate and make available to assigned attorneys information on official opinions, legal briefs and other relevant information;
 - D. Develop resources to provide assistance with research or legal briefs and provide other technical assistance to attorneys; and
 - E. Develop evaluation protocols to assess attorney performance. The evaluation protocols may include the participation of regional resource coordinators, judges, prosecutors, attorneys and other participants;
3. In collaboration with the Chief Financial Officer, develop quantifiable measures with respect to cost drivers and attorney performance;
 4. Make regular reports to the Commission on variances to board standards and guidelines with respect to each district;
 5. Work with the Chief Financial Officer to explore methods of improving the provision of indigent legal services in cost-effective ways; and
 6. Perform all other duties assigned by the MCILS Director.

Chief Financial Officer

The Working Group recommends that the Chief Financial Officer have, at a minimum, the following responsibilities:

1. Oversee system to pay attorneys for services;
 - A. Develop an efficient process to provide for accountability with spot checks or other methods;
 - B. Ensure prompt payment to attorneys; and

¹ MCILS is currently exploring the implementation of a new program to provide resources to attorneys on a regional basis by contracting with experienced attorneys to serve as mentors and provide supervision and feedback. Other states have implemented similar programs using "regional resource coordinators." MCILS believes the contract costs are within the current budget.

C. Compare actual billings with payment guidelines to determine if fee schedules are appropriate and recommend adjustments as necessary;

2. Oversee financial eligibility screeners;
3. Explore successful methods used by other states and other agencies to combat fraud in the application for services and develop measures to reduce or eliminate fraud and otherwise improve the eligibility qualification process;
4. Establish criteria and metrics for standard contracts for experts, interpreters, investigators and other nonattorney service providers and ensure prompt payment;
5. In collaboration with the Training and Quality Director, develop quantifiable measures with respect to cost drivers and attorney performance;
6. Evaluate opportunities for outsourcing functions done in-house;
7. Integrate the MCILS system with the Judicial Branch's new electronic data system and work with the Judicial Branch to collect and utilize data;
8. Develop requests for proposals where there appear to be opportunities for efficiencies;
9. Make recommendations about streamlining processes (e.g., costs of appellate briefs, utilizing non-attorneys to perform some work when appropriate);
10. Developing the budget for presentation to the Legislature; and
11. Perform all other duties assigned by the MCILS Director.

Recommendation 3: Immediately fill the existing funded positions of financial screener for Cumberland County and office associate;

The Working Group recommends that the existing positions of financial screener for Cumberland County and the office associate position be filled. Both positions are currently funded but remain vacant.

The Maine Commission on Indigent Legal Services has six full-time screener positions and three part-time screener positions that are currently funded by the Legislature. The financial screeners work in courthouses throughout Maine to help determine the financial eligibility of people applying for counsel at State expense. One of the part-time screener positions has investigatory responsibilities; that screener/investigator is responsible for conducting research to verify the information provided in applications for assigned counsel. This person investigates applications for counsel forwarded by other financial screeners working in courthouses around the state. The applications forwarded to the screener/investigator consist of both applications

that are flagged by the courthouse screener as warranting further investigation and applications selected at random for further review.

The financial screener located in Cumberland County resigned in December 2016; the position has remained vacant due to the Executive Branch hiring freeze in place, despite requests by the Commission for permission to hire a screener for the busiest courthouse in the State. Financial screeners based in other courthouses are not interested in relocating and cannot take on the additional workload.

The Working Group believes that the financial screeners serve valuable functions. It is important to protect the State's fiscal resources and be responsible about using dollars appropriately; financial screeners are the first step in making sure those seeking State-paid counsel are actually eligible. Persons found partially eligible contributed over \$667,000 in reimbursements in fiscal year 2017. The close scrutiny also protects people who deserve court-appointed counsel, because a screener can understand the circumstances comprehensively and make a nuanced argument when representation is truly appropriate.

The Working Group believes it is important for the financial screeners to be fully staffed and functional as soon as possible, and encourages all who have a role to play in the hiring and approval to collaborate to accomplish that goal.

In addition, the Commission staff is currently working without an Office Associate, although the position is approved and funded but not filled, also subject to the current hiring freeze. The Director and Deputy Director cover the duties that would normally be assigned to the position. The Working Group believes it will be important to fill this position once the other recommendations – a larger, more robust Commission and the enhanced responsibilities of a Chief Financial Officer and a Training and Quality Control Director – are implemented.

Recommendation 4: Strengthen the financial eligibility screening procedure

The Working Group supports financial eligibility screening and an effort to collect from those recipients of services who the court has ordered to contribute monetarily to the cost of the legal services provided. In addition to filling the vacant screener position, the Working Group recommends that the screening process include a revision of the form to make it clear that intentionally providing false information when requesting an attorney is a crime, and that the judge can question the person about the ability to pay and the truthfulness of the information provided. The new Chief Financial Officer's responsibilities will include strengthening the screening procedure, including following up as necessary.

In addition to having the personnel to conduct the screening, the financial screeners should have the appropriate tools to make the screening process as simple but as accurate as possible. Although no documented evidence was provided to the Working Group that applicants for court-appointed attorneys may at times be less than truthful in professing eligibility for services, there is a perception in some minds that this occurs on a regular basis. The Working Group believes that at least two steps should be taken to improve the validity of appointments.

First, the form applicants fill out when requesting state-paid counsel should clearly state that providing false information is a crime and can result in the imposition of penalties. It should also provide notice to the applicant that the judge who makes the eligibility determination can and will question the accuracy of the information provided. The Working Group discussed that judges could regularly follow up with those appearing before them as to whether the information is accurate, but some members expressed concerns with the potential due process issues such a follow-up could raise.

As included in Recommendation 2, the Working Group recommends that the Chief Financial Officer not only oversee the work of the financial screeners, but also explore ways to eliminate fraud and improve the eligibility qualification process, including looking at the procedures Department of Health and Human Services is following now.

Recommendation 5: Remove the collections function from the Maine Commission on Indigent Legal Services and have the Judiciary Committee explore alternative methods of collecting from those recipients of legal services who have been ordered by the court to contribute to the costs of those services

The Working Group recommends that, in the long term, collections not be the responsibility of the Commission. Requiring the Commission to collect from the very individuals that receive the Commission's services creates a potential conflict of interest. The Working Group therefore recommends that the Judiciary Committee explore alternative methods of collecting from those recipients of legal services who have been ordered by the court to contribute to the costs of those services.

If the judge determines that a person applying for indigent legal services has ability to pay a portion of the costs, the judge will appoint an attorney and issue an order directing the person to pay a specific amount for those legal services. The money collected, often through payments to the court clerk that are forwarded to MCILS, ends up in an Other Special Revenue Account of MCILS that is subsequently used to pay attorney compensation. Collections for 2017 exceeded \$670,000.

Financial screeners currently engage in some collection activities, and the MCILS account has benefited by about \$25,000 a year from income tax refund setoffs. In addition, MCILS has authority to enter into contracts for collection activities. The Working Group believes it is important that the court orders for reimbursement be followed, but does not believe that MCILS should be responsible for enforcement. Mr. Carroll of the Sixth Amendment Center said that indigent legal services providers are notoriously bad at these collections, noting the conflict of interest of an agency that is providing services prosecuting its own clients. Nor can MCILS rely on the Judicial Branch to be its collection arm, as the Judicial Branch is not in the position to engage in additional collection activities. The Working Group recommends that the Judiciary Committee explore alternative methods of ensuring that those who have been determined to be partially indigent do, in fact, carry through with their obligation to contribute to their costs of representation.

Recommendation 6: Transfer the responsibility of appointing defense counsel in specific cases from judges to the Maine Commission on Indigent Legal Services

The US Supreme Court, in *Strickland v. Washington*, *United States v. Cronin*, and *Powell v. Alabama*, has found that the independence of counsel is constitutionally protected. The independence of defense counsel may be inadvertently compromised by judicial appointments of attorneys to cases because those attorneys may, whether consciously or not, alter their defense to please the judge rather than focus solely upon advocating for the interests of the client.

Judges currently appoint attorneys to provide counsel in specific cases by choosing from a roster of qualified attorneys maintained by MCILS. In order to prevent explicit or implicit pressure from the judiciary on attorneys to accept more cases than they can ethically handle or otherwise compromise the interests of the client in order to please a judge who may make the determination of whether to award future appointments, the Working Group found that ideally the appointment of counsel should be undertaken by an independent body outside of the judiciary.

Accordingly, the Working Group recommends that eventually responsibility for assigning defense counsel in specific cases be moved from the Judicial Branch to MCILS. The Working Group understands that the Judicial Branch is undergoing a transition to a new case management, data storage and electronic filing system and therefore envisions the transition be a collaborative effort between the Judicial Branch and MCILS. However, the Working Group recommends that progress be made to transfer the assignment authority to MCILS as quickly as possible. The Working Group recommends that MCILS and the Judicial Branch cooperatively explore the details of transitioning attorney assignment authority.

Recommendation 7: Commission an outside, independent, nonpartisan study of Maine's current system of providing indigent legal services and whether alternatives methods of delivery would increase quality and efficiency

The Working Group acknowledges Governor LePage's fundamental concern about whether a different system is needed in Maine to deliver indigent legal services. The Working Group recommends that a completely independent, outside, nonpartisan statewide study be commissioned to evaluate Maine's current delivery model and determine whether there are alternative methods of delivery that would improve quality and efficiency. The study should include recommendations for improving Maine's system, including specific actions and cost estimates for achieving the recommendations. The Working Group recommends that the State retain the Sixth Amendment Center for this study, which it has agreed to undertake at a cost of approximately \$110,000 and which it expects it could complete by early 2019.

Recommendation 8: Encourage the Chief Justice to convene regional discussion panels to talk about how to make the entire criminal justice system more sensible and more efficient

The Working Group encourages the Chief Justice to convene regional discussion panels to talk about how to make the process more efficient. The Working Group envisions the panels to consist of Judicial Branch personnel (both judges and clerks, as appropriate), prosecutors and defense attorneys to explore case management and scheduling changes that will result in improved efficiency. The Attorney General's Office should be included with respect to child protection proceedings and any other matters in which it participates meaningfully that contribute significantly to the demands on indigent legal services. Recommendations from the panels can guide the Courts, the Commission and the Legislature in making changes. The Working Group recommends that the Judiciary Committee examine the best way to collaborate with the Judicial Branch to develop deadlines for convening and recommendations.

Providing quality indigent legal services is the responsibility of the State as a whole, and all participants in the system play a role in promoting efficiency and quality. The Judicial Branch initiated meetings in a couple of locations, bringing prosecutors, MCILS and judges together to discuss different types of scheduling or assignments, a promising effort that could not be maintained at the time.

The Working Group believes this is a critical opportunity for all the participants to collaborate and find ways to ensure quality legal representation within appropriate fiscal parameters. The Working Group encourages the Chief Justice of the Supreme Judicial Court to convene discussions on a regional basis. The discussion must look at local "business" practices for ways to increase efficiency and improve services that work in that area.

Recommendation 9: Reduce external factors that may increase the need for indigent legal services

The Working Group recognizes that while there may be opportunities for increased efficiency in providing indigent legal services, there are also many outside factors that determine the quantity of those services that are needed. Among those factors are: mandatory minimum penalties for crimes, criminal penalties that may be too severe for the conduct, and criminal penalties for conduct that could be similarly be discouraged through civil penalties; the potential for increased use of diversion practices in the criminal justice system; practices of prosecutors who may indicate a risk of jail time in order to secure counsel for a person who is or appears to be mentally ill or who is facing potential severe non-criminal consequences; the promptness of discovery provided by law enforcement; the many consequences of mental illness, substance abuse and addiction; and the proliferation of cameras, which has increased use of audio and video recordings that require time consuming review by attorneys.

The Working Group recognizes that making specific recommendations on potential changes in these areas falls outside the scope of its duties, and Working Group members did not fully discuss or agree upon the level of impact each of these factors has on driving the costs of delivering indigent legal services. Accordingly, the Working Group recommends that the Judiciary Committee explore methods for addressing the pressure on indigent legal services created by these and other outside factors.

APPENDIX A

Authorizing Joint Order

Sec. UUUU-17. Working group established. Notwithstanding Joint Rule 353, the Working Group to Improve the Provision of Indigent Legal Services, referred to in this section as "the working group," is established.

1. Membership. The working group consists of 11 members appointed as follows:

A. Two members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature;

B. Two members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature;

C. Two members appointed by Chief Justice of the Supreme Judicial Court, at least one of whom is on a court-appointed attorney roster administered by the Maine Commission on Indigent Legal Services;

D. The Attorney General or the Attorney General's designee;

E. The Commissioner of Administrative and Financial Services or the commissioner's designee;

F. The Director of the Governor's Office of Policy and Management or the director's designee;

G. The President of the Maine Prosecutors Association or the president's designee; and

H. The Chair of the Maine Commission on Indigent Legal Services or the chair's designee.

2. Chairs. The first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the working group.

3. Appointments; convening. All appointments must be made no later than 30 days following the effective date of this section. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. When the appointment of all members has been completed, the chairs shall call and convene the first meeting of the working group. If 30 days or more after the effective date of this section a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the working group to meet and conduct its business.

4. Duties. The working group shall develop recommendations to improve the delivery of indigent legal services to those eligible to receive such services in the State. The recommendations must focus on ensuring adequate representation, increasing the efficiency in delivering legal services, verifying eligibility throughout representation and reducing costs while still fully honoring the constitutional and statutory obligations to provide representation. Notwithstanding any other provision of law, the working group may access data maintained by the Maine Commission on Indigent Legal Services and shall maintain the confidentiality of any confidential information provided to the working group. The working group may invite the participation and input of additional interested parties and request information as necessary to carry out its duties.

5. Staff assistance. The Legislative Council shall provide necessary staffing services to the working group.

6. Report. No later than December 6, 2017, the working group shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the 2nd Regular Session of the 128th Legislature. The Joint Standing Committee on Judiciary may report out to the Second Regular Session of the 128th Legislature legislation to implement recommendations on matters related to the report.

Sec. UUUU-18. Transfer from General Fund; indigent legal services. On or immediately after July 1, 2018, the State Controller shall transfer \$19,205,270 from the unappropriated surplus of the General Fund to the Maine Commission on Indigent Legal Services, Reserve for Indigent Legal Services program, Other Special Revenue Funds. Funds transferred pursuant to this section may not be transferred out of the Reserve for Indigent Legal Services program without legislative approval.

APPENDIX B

Membership List, Working Group to Improve the Provision of Indigent Legal Services

**WORKING GROUP
TO
IMPROVE THE PROVISION OF INDIGENT LEGAL SERVICES**

Public Law 2017, chapter 284, Part UUUU, Section 17

MEMBERS

Appointments by the President of the Senate:

- Senator Lisa Keim, Senate Chair
- Senator Shenna Bellows

Appointments by the Speaker of the House:

- Representative Barbara Cardone, House Chair
- Representative Roger Sherman

Appointments by the Chief Justice of the Supreme Judicial Court:

- David Flanagan
- Walter Hanstein, an attorney on the court-appointed roster administered by the Maine Commission on Indigent Legal Services

- Hunter Umphrey, Assistant Attorney General, designee of Attorney General Janet Mills

- David Heidrich, designee of Acting Commissioner Alec Porteous, Department of Administrative and Financial Services

- Jonathan LaBonte, Director, Governor's Office of Policy and Management

- District Attorney Stephanie Anderson, President, Maine Prosecutors Association

- Steve Carey, Chair, Maine Commission on Indigent Legal Services

Staff:

Peggy Reinsch, Senior Legislative Analyst
Craig Nale, Legislative Analyst
Office of Policy and Legal Analysis

APPENDIX C

ABA's Black Letter Ten Principles of a Public Defense Delivery System

ABA TEN PRINCIPLES OF A PUBLIC DEFENSE DELIVERY SYSTEM

Black Letter

- 1 The public defense function, including the selection, funding, and payment of defense counsel, is independent.
- 2 Where the caseload is sufficiently high, the public defense delivery system consists of both a defender office and the active participation of the private bar.
- 3 Clients are screened for eligibility, and defense counsel is assigned and notified of appointment, as soon as feasible after clients' arrest, detention, or request for counsel.
- 4 Defense counsel is provided sufficient time and a confidential space within which to meet with the client.
- 5 Defense counsel's workload is controlled to permit the rendering of quality representation.
- 6 Defense counsel's ability, training, and experience match the complexity of the case.
- 7 The same attorney continuously represents the client until completion of the case.
- 8 There is parity between defense counsel and the prosecution with respect to resources and defense counsel is included as an equal partner in the justice system.
- 9 Defense counsel is provided with and required to attend continuing legal education.
- 10 Defense counsel is supervised and systematically reviewed for quality and efficiency according to nationally and locally adopted standards.



APPENDIX D

***Sixth Amendment Center's A Primer on National Standards
regarding Right to Counsel Commissions***



SIXTH AMENDMENT CENTER
P.O. Box 15556, Boston, MA 02215

A Primer on National Standards regarding Right to Counsel Commissions

To help policymakers who may not be versed in constitutional law, the American Bar Association (ABA) promulgated the *Ten Principles of a Public Defense Delivery System* ("*Ten Principles*"), representing the "fundamental criteria necessary to design a system that provides effective, efficient, high quality, ethical, conflict-free legal representation for criminal defendants who are unable to afford an attorney."¹

The first of the ABA *Principles* requires that the public defense function, including the selection, funding, and payment of defense counsel, be "independent."² Commentary on *Principle 1* states that the defense function must be insulated from outside political or judicial interference by a board or commission appointed from diverse authorities, so that no one branch of government can exert more control over the system than any others.³

The *Ten Principles* rely in part on the National Study Commission on Defense Services' (NSC) *Guidelines for Legal Defense Systems in the United States* (1976).⁴ The *Guidelines* were created in consultation with the United States Department of Justice (DOJ) under a DOJ Law Enforcement Assistance Administration (LEAA) grant. NSC *Guideline 2.10 (The Defender Commission)* states in part: "A special Defender Commission should be established for every defender system, whether public or private. The Commission should consist of from nine to thirteen members, depending upon the size of the community, the number of identifiable factions or components of the client population, and judgments as to which non-client groups should be represented."⁵

NSC *Guideline 2.10* continues on to state that Commission members should be selected under the following criteria: "(a) The primary consideration in establishing the composition of the Commission should be ensuring the independence of the Defender Director. (b) The members of the Commission should represent a diversity

¹ TEN PRINCIPLES OF A PUBLIC DEFENSE DELIVERY SYSTEM, § ** (AM. BAR ASS'N 2002), available at http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_def_tenprinciplesbooklet.authcheckdam.pdf

² *Id.* at § 1.

³ *Id.* at § 1 cmt.

⁴ GUIDELINES FOR LEGAL DEFENSE SYSTEMS IN THE UNITED STATES § ** (NAT'L STUDY COMM'N ON DEFENSE SERVS. 1976), available at http://www.nlada.net/sites/default/files/nsc_guidelinesforlegaldefensesystems_1976.pdf [hereinafter NSC GUIDELINES].

⁵ *Id.* at § 2.10.

of factions in order to ensure insulation from partisan politics; (c) No single branch of government should have a majority of votes on the Commission; (d) Organizations concerned with the problems of the client community should be represented on the Commission; [and] (e) A majority of the Commission should consist of practicing attorneys.”⁶

In practice, jurisdictions with indigent defense commissions generally give an equal number of appointments to the executive, legislative, and judicial branches of government.⁷ To fill out the remainder of appointments, governments often give responsibility for one or two positions to the state bar association. Additionally, many jurisdictions try to have a voice from communities impacted by the indigent defense function represented on the commission (for example, the African American Bar in Louisiana or Native American interests in Montana). Jurisdictions have also found that giving appointments to the deans of accredited law schools can create nexuses that help the indigent defense commissions (for example, law schools can help with standards-drafting, training facilities, etc.).⁸ Appointments by such non-governmental organizations generally must go through a confirmation process by an official branch of state government.

NSC *Guideline 2.10 (The Defender Commission)* states that the “Commission should not include judges, prosecutors or law enforcement officials.”⁹ Additionally, more and more states have found it a conflict of interest to have commission members who potentially stand to benefit financially from the policies of the commission. This means that states often ban criminal defense lawyers who handle public cases from sitting on these commissions.¹⁰ These prohibitions are only on *sitting* judges, defenders, and prosecutors, (and their staffs). States often find former judges, defenders, and law enforcement officials make good commission members.

Below is an example of how these standards could be implemented in Maine. It is not an endorsement of such a restructuring nor does it imply that this example is the only or best model for the citizenry of Maine. Rather, the following represents one way Maine could consider restructuring its Commission on Indigent Legal Services to better preserve the independence of the defense function. 6AC is happy to work around this proposal or explore other possibilities with the taskforce as the taskforce develops its recommendations to the Legislature.

⁶ *Id.*

⁷ Connecticut, Idaho, Indiana, Louisiana, Maryland, Massachusetts, Michigan, Montana, New Hampshire, New Mexico, New York, North Carolina, North Dakota, South Carolina, Texas, Utah, and Virginia are examples.

⁸ Kentucky and New Mexico are examples.

⁹ NSC GUIDELINES, *supra* note 4, at § 2.10.

¹⁰ Idaho, Louisiana, Michigan, and Utah are examples.

§1803. Commission structure

1. Members; appointment; chair. The commission consists of ~~5~~ 9 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~~ Two of the members must be appointed from a list of qualified potential appointees provided by the Chief Justice of the Supreme Judicial Court. Two of the members must be appointed from a list of qualified potential appointees provided by the President of the Maine State Bar Association. One of the members must be appointed from a list of qualified potential appointees provided by the Dean of the University of Maine Law School.

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, the President of the Maine State Bar Association, and the Dean of the University of Maine Law School shall consider input from persons and organizations with an interest in the delivery of indigent legal services.

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

Maine Commission on Indigent Legal Services

Resource Counsel

A statewide system of Resource Counsel would be the most efficient way to expand the Commission's capacity to monitor attorney performance in the field, mentor young attorneys, and address performance problems as they are identified. This method of attorney evaluation would provide significantly greater reach than could a single attorney located in Augusta. Commission staff suggests that the program start small with potential to expand should the anticipated benefits materialize. Accordingly, Commission staff proposes the following allocation, with an eye towards finding highly-skilled practitioners who could provide oversight in multiple case categories, including criminal, juvenile and child protective cases.

<u>County</u>	<u>Resource Counsel</u>
Cumberland	2
York	2
Androscoggin	1
Kennebec/Somerset	1
Oxford/Franklin	1
Penobscot/Piscataquis	1
Sagadahoc/Lincoln	1
Knox/Waldo	1
Washington/Hancock	1
Aroostook	1
STATEWIDE TOTAL	12

The intended role of Resource Counsel:

- Meet with newly rostered attorneys three times within the first 9 months of being rostered (initial meeting, 3 month mark, 9 month mark)
- Be available on an on-call basis for questions from both new attorneys and other rostered attorneys
- Monitor court proceedings to observe attorney performance
- Seek feedback from judges and prosecutors about attorney performance and relay to central office
- Conduct periodic check-ins with individual attorneys
- Cooperate and assist central office when intervention with an individual attorneys is required

- Expend 10 hours per month at \$60/hr

To implement the above proposed plan in full, it would cost the Commission \$7,200 per attorney for an annual cost of \$86,400.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
CC: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
SUBJECT: CASELOAD MEMO
DATE: January 11, 2017

At the November Commission meeting, Chair Carey asked staff to research the appropriate number of hours worked for appellate cases.

The attached document outlines caseload standards, including appellate cases, adopted by the New York State Office of Indigent Legal Services as a result of a settlement agreement with the NYCLU. These standards are applicable to the providers of legally mandated criminal defense representation in five New York counties and were derived from caseload studies and from other states' caseload amounts.

New York State Office of Indigent Legal Services Caseload Standards

Case Type	Maximum Annual Assignments	Minimum Average Hours
Violent Felonies ⁴⁵	50	37.5
Non-Violent Felonies	100	18.8
Misdemeanors and Violations	300	6.3
Post-Disposition (including Probation Revocation)	200	9.4
Parole Revocation	200	9.4
Appeals of Verdicts	12	156.3
Appeals of Guilty Pleas	35	53.6

These caseload standards assume that there is a total of 1,875 working hours per attorney per year. For institutional defenders, these standards shall apply as an average per staff attorney within the office, so that the leader of the office may assign individual attorneys to greater or fewer numbers of cases in order to promote the most effective representation of clients.

For assigned counsel programs, these standards state that the average number of hours per case may not go below specified minimum levels; recognizing that that individual cases may take more or less time. In other words, assigned private counsel are expected to devote, on average, at least the minimum number of hours set forth by these standards per case.

In developing these standards, we have carefully examined the resources that will be necessary to assure their effectiveness. This examination has included a careful review of caseloads, the types of cases attorneys handle, the qualifications and experience of attorneys, local conditions such as distances between courts and other institutions, necessary staffing, supervision, office space and the cost of onboarding new employees, and other factors. We believe we have accounted for all of the costs of implementing these standards effectively and efficiently.

National Caseload Standards and Recent Studies

National standards (1973) ¹

Case type	Standard
Felony	150
Misdemeanor	400
Juvenile	200
Mental Health Act	200
Appeals	25

Massachusetts (2014) ²

Case type	Standard
<i>District Court</i>	
Bail only	759
Probation	201
Misdemeanor	99
Operating Under the Influence	84
Concurrent felonies 265	69
Concurrent felonies not 265	87
<i>Superior Court</i>	
Probation	181
Nonconcurrent felonies 265	22
Nonconcurrent felonies not 265	39

Missouri (2014) ³

Case type	Standard
Murder/homicide	18
A/B felony	39
C/D felony	75
Sex felony	29
Misdemeanor	160
Juvenile	96
Appellate/PCR	19
Probation violation	191

Brooklyn (2015) ⁴

Case type	Standard
Indicted violent felonies	28
Indicted non-violent felonies	54
Unindicted felonies	117
Misdemeanor	375
DWI	49
Probation	234
Youthful offender - misdemeanor	156
Youthful offender - felony	45

Texas (2015) ⁵

Case type	Standard
Felony 1	77
Felony 2	105
Felony 3	144
State Jail Felony	174
Misdemeanor A	216
Misdemeanor B	236

(1) *National Advisory Commission on Criminal Justice Standards and Goals: The Defense*, 1973, available at: http://nlada.net/sites/default/files/nac_standardsforthedefense_1973.pdf, standard 13.12.

(2) *Attorney Workload Assessment*, Center for Court Innovation, October 2014, <https://www.publiccounsel.net/cfo/wp-content/uploads/sites/8/2014/12/Attorney-Workload-Assessment.pdf>, adapted from Exhibit 17, omitting non-criminal court results. Standards assume a 1,662 hour year.

(3) *The Missouri Project*, Rubin Brown on behalf of the American Bar Association, June 2014, available at: http://www.americanbar.org/content/dam/aba/events/legal_aid_indigent_defendants/2014/ls_sclaid_5c_the_missouri_project_report_authcheckdam.pdf, adapted from Executive Summary. Standards derived by ILS assuming a 1,875 hour work year.

(4) *Indigent Defense Reforms in Brooklyn, New York*, Center for Court Innovation, April 2015, available at: http://www.courtinnovation.org/sites/default/files/documents/Case_Caps%20NYC_0.pdf, adapted from Table 4.4. Standards derived by ILS assuming a 1,875 hour work year.

(5) *Guidelines for Indigent Defense Caseloads*, Public Policy Research Institute, January 2015, available at: http://www.tidc.texas.gov/media/31818/150122_weightedcl_final.pdf, figure 8-5. Standards assume a 2,087 hour year.

