

MCILS

June 3, 2020

**Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

JUNE 3, 2020
TELEPHONIC COMMISSION MEETING
AGENDA

- 1) Approval of May 5, 2020, Commission Meeting Minutes
- 2) Operations Reports
- 3) Jail Recordings of Attorney/Client Calls
- 4) Response to COVID-19 Outbreak
- 5) Budget Update
- 6) OPEGA Update
- 7) Attorney Compensation for CLE Attendance
- 8) Public Comment
- 9) Set Date, Time and Location of Next Regular Meeting of the Commission
- 10) Executive Session, if needed (Closed to Public)

(1.)

May 5, 2020
Commission Meeting
Minutes

**Maine Commission on Indigent Legal Services – Commissioners Meeting
May 5, 2020**

Minutes

Commissioners Present by Telephone: Michael Carey, Sarah Churchill, Roger Katz, Ronald Schneider, Joshua Tardy, Mary Zmigrodski, Robert Cummins

MCILS Staff Present: Ellie Maciag, John Pelletier

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Approval of the April 7, 2020 Commission Meeting Minutes	No discussion of meeting minutes.	Commissioner Cummins moved to approve. Commissioner Churchill seconded. All voted in favor. Approved.
Operations Reports	<u>April 2020 Operations Report:</u> 1,407 new cases were opened in the DefenderData system in April. This was a 1006 case decrease from March. The number of submitted vouchers in April was 1,961, a decrease of 1,597 vouchers from March, totaling \$1,108,492, a decrease of \$775,233 from March. The average price per voucher was \$553.92, up \$100.65 per voucher from March. Probate and Post-Conviction Review cases had the highest average vouchers. There were 12 vouchers exceeding \$5,000 paid in April. 72 authorizations to expend funds were issued in April, and we paid \$81,177 for experts and investigators, etc. The monthly transfer from the Judicial Branch for counsel fees for April, which reflects March’s collections, totaled \$127,868, down approximately \$32,500 from March. Director Pelletier expects collection totals to decrease in the coming months. One attorney complaint was received in April.	
Commission Response to COVID-19 Outbreak	Director Pelletier explained that the bulk of court appearances were now in-custody lawyer of the day and that two counties were still requiring attorneys to meet clients at the jail. Director Pelletier outlined the steps that were taken that resulted in the courts and jails changing their protocols to allow attorneys to meet with clients	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	remotely.	
Jail Recording of Attorney-Client call	Director Pelletier relayed that the issue of a jail recording an inmate’s call to their attorney was brought to the staff’s attention. The Commissioners expressed serious concerns about this incident and requested staff take immediate action to learn the extent of the problem and report back.	
Budget Update	Director Pelletier explained that there was a surge in voucher submissions at the end of March after the announcement allowing interim billing. Director Pelletier anticipates that the existing fourth quarter budget allotment will be sufficient to cover all expenses for the remainder of the fiscal year due a lower than expected average price per voucher and an expected decline in submissions due to pandemic related postponement of court proceedings. Director Pelletier noted that the Commission does have unspent funds from prior quarters but will need the Budget Office approval to transfer those funds.	
OPEGA Update	AAG Hudson reported that she had contacted the AAG working with OPEGA about the possibility of the Commission receiving an early draft report but had not heard back yet.	
Representation of Juveniles at Long Creek	Director Pelletier stated that the program is up and running and that he has received positive feedback.	
Training RFP	Director Pelletier proposed extending the training RFP deadline due to the uncertainty of the summer bar exam taking place. He cautioned that the cost of a consultant was not budgeted for so he was unsure if the purchasing department would approve a contract. Recent guidance from the budget office was for agencies to be conservative about undertaking new spending initiatives. Chair Tardy requested staff to look into extending the deadline to mid-June.	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Public Comment	None	
Executive Session	None	
Adjournment of meeting	Commissioner Carey moved to adjourn, and Commissioner Katz seconded. All voted in favor, with Commissioner Zmigrodski absent. The next meeting will be held telephonically on June 3, 2020 at 8 am.	

(2.)

Operations Reports

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
SUBJECT: MAY 2020 OPERATIONS REPORTS
DATE: JUNE 1, 2020

Attached you will find the May, 2020, Operations Reports for your review and our discussion at the Commission meeting on June 3, 2020. A summary of the operations reports follows:

- 1,439 new cases were opened in the DefenderData system in May. This was a 22 case increase over April. Year to date, new cases are up by approximately 1.5%, from 24,930 at this time last year to 25,262 this year. New cases had been running about 10% higher than last year, but May continues the trend of fewer new cases as a result of pandemic related restrictions.
- The number of vouchers submitted electronically in May was 1,815, a decrease of 146 vouchers from April, totaling \$838,093.87, a decrease of \$270,000 from April. Year to date, the number of submitted vouchers is up by approximately 1%, from 29,921 at this time last year to 30,283 this year, but the total amount for submitted vouchers is down 6%, from \$15,860,000 at this time last year to \$14,892,000 this year.
- In May, we paid 1,950 electronic vouchers totaling \$925,246.48, representing a decrease of 1,133 vouchers and \$783,000 compared to April. Year to date, the number of paid vouchers is up 5.5%, from 28,218 at this time last year to 29,743 this year, but the total amount paid is down 2%, from \$14,909,000 at this time last year to \$14,604,000 this year.
- We paid no paper vouchers in May.
- The average price per voucher in May was \$474.49, down \$79.43 per voucher from April. Year to date, the average price per voucher is down approximately 7%, from \$528.34 at this time last year to \$491.00 this year.
- NCR Release and Post-Conviction Review cases had the highest average voucher in May. There were 5 vouchers exceeding \$5,000 paid in May. See attached addendum for details.
- In May, we issued 57 authorizations to expend funds: 33 for private investigators, 21 for experts, and 3 for miscellaneous services such as interpreters and transcriptionists. In May, we paid \$34,787.13 for experts and investigators, etc. One request for funds was modified in May to authorize a reduced amount.

- In May, we received one complaint about an attorney not contacting a client and the client's parent. Commission staff intervened and the attorney established contact, which had been delayed in part due an illness in the attorney's office.
- In May, we approved two requests for co-counsel, one on a Murder case and one on a complicated multi-county Burglary case that is nearing trial.

In our All Other Account, the total expenses for the month of May were \$973,235.76. Of that amount, just over \$13,000 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$72,755.94 in expenses for the month of May.

In the Revenue Account, the transfer for May, reflecting April's collections, totaled \$96,231.87, a decrease of approximately \$31,500 from the previous month.

During May, we had no financial activity related to training.

VOUCHERS EXCEEDING \$5,000 PAID MAY 2020

	Voucher Total	Case Total
Voucher in a Kidnapping/Aggravated Assault case. Substantial mental health issues complicated attorney/client relations and the course of the case. The defendant was found not competent and later restored. Ultimately, two counts of Kidnapping were dismissed, and the defendant received a county jail sentence.	\$9,567	\$9,567
Voucher in a Post-Conviction Review case based on a conviction of Gross Sexual Assault. Litigation revealed a discovery violation prior to trial. Matter was resolved with an agreement to a reduction of three years to the sentence, resulting in the defendant's release.	\$8,165	\$8,165
Voucher after a 2-day Termination of Parental Rights trial. Parental rights terminated. Counsel was the fourth attorney on the case, and hence, had to catch up on the long history of the case and prepare for trial. The matter also required attorney travel for court and family team meetings.	\$5,987	\$5,987
Voucher in a Trafficking case where the attorney ultimately withdrew. Case involved litigation of a suppression issue and investigation of jury selection issues related to race. After additional litigation, the court required disclosure of the identity of the confidential informant, who turned out to be a former client of counsel. The conflict which forced counsel to withdraw, but not before filing a motion to bar the CI's testimony based upon the State's abridgement of the right to counsel because they knew for 12 months that if the CI was identified, counsel would have to withdraw.	\$5,922	\$5,922
Voucher in a Gross Sexual Assault case that was resolved by plea to a lesser offense on the eve of trial. Case involved litigation of disclosure of records pertaining to the alleged victim and exploration of an interlocutory appeal from an adverse ruling on that issue.	\$5,424	\$13,734 (voucher of \$2,221 and \$6,089 previously paid to co-counsel from a different firm)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

5/31/2020

DefenderData Case Type	May-20						Fiscal Year 2020			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	9	14	\$ 12,685.34	15	\$ 13,112.49	\$ 874.17	162	230	\$ 354,975.56	\$ 1,543.37
Child Protection Petition	206	385	\$ 205,759.57	421	\$ 225,923.09	\$ 536.63	2,377	4,672	\$ 2,538,043.72	\$ 543.25
Drug Court	0	11	\$ 12,183.00	9	\$ 10,323.00	\$ 1,147.00	5	80	\$ 85,109.83	\$ 1,063.87
Emancipation	1	4	\$ 621.00	6	\$ 927.00	\$ 154.50	60	58	\$ 16,175.82	\$ 278.89
Felony	356	347	\$ 243,721.02	392	\$ 274,023.87	\$ 699.04	5,866	5,967	\$ 4,649,907.83	\$ 779.27
Involuntary Civil Commitment	54	88	\$ 16,580.56	94	\$ 19,286.30	\$ 205.17	936	864	\$ 182,316.21	\$ 211.01
Juvenile	22	50	\$ 33,448.54	45	\$ 20,363.22	\$ 452.52	684	796	\$ 398,143.06	\$ 500.18
Lawyer of the Day - Custody	217	233	\$ 50,554.72	210	\$ 48,114.84	\$ 229.12	2,804	2,571	\$ 601,842.10	\$ 234.09
Lawyer of the Day - Juvenile	5	4	\$ 666.00	5	\$ 1,089.84	\$ 217.97	337	329	\$ 63,979.95	\$ 194.47
Lawyer of the Day - Walk-in	16	18	\$ 3,486.20	28	\$ 6,118.40	\$ 218.51	1,109	1,089	\$ 268,765.11	\$ 246.80
Misdemeanor	405	319	\$ 104,412.48	335	\$ 116,511.14	\$ 347.79	8,037	7,833	\$ 2,876,704.78	\$ 367.25
Petition, Modified Release Treatment	0	6	\$ 1,558.76	3	\$ 764.20	\$ 254.73	6	48	\$ 21,828.88	\$ 454.77
Petition, Release or Discharge	0	1	\$ 1,578.00	1	\$ 1,578.00	\$ 1,578.00	0	6	\$ 2,928.40	\$ 488.07
Petition, Termination of Parental Rights	6	36	\$ 18,865.73	33	\$ 25,651.84	\$ 777.33	261	634	\$ 442,266.13	\$ 697.58
Post Conviction Review	9	5	\$ 4,815.87	7	\$ 14,137.13	\$ 2,019.59	116	98	\$ 154,414.22	\$ 1,575.66
Probate	2	2	\$ 820.00	1	\$ 564.00	\$ 564.00	26	24	\$ 26,420.04	\$ 1,100.84
Probation Violation	74	80	\$ 35,164.87	78	\$ 33,493.72	\$ 429.41	1,633	1,661	\$ 650,191.95	\$ 391.45
Represent Witness on 5th Amendment	0	0		0			9	12	\$ 5,601.00	\$ 466.75
Resource Counsel Criminal	0	4	\$ 1,080.00	3	\$ 1,248.00	\$ 416.00	2	31	\$ 5,082.00	\$ 163.94
Resource Counsel Juvenile	0	1	\$ 18.00	1	\$ 102.00	\$ 102.00	1	11	\$ 1,011.00	\$ 91.91
Resource Counsel Protective Custody	0	0		0			3	8	\$ 1,596.00	\$ 199.50
Review of Child Protection Order	55	204	\$ 89,501.21	261	\$ 111,863.40	\$ 428.60	804	2,705	\$ 1,251,749.65	\$ 462.75
Revocation of Administrative Release	2	3	\$ 573.00	2	\$ 51.00	\$ 25.50	24	16	\$ 4,974.28	\$ 310.89
DefenderData Sub-Total	1,439	1,815	\$ 838,093.87	1,950	\$ 925,246.48	\$ 474.49	25,262	29,743	\$ 14,604,027.52	\$ 491.01
Paper Voucher Sub-Total	0	0	\$ -	0	\$ -	#DIV/0!	1	1	\$ 240.00	\$ 240.00
TOTAL	1,439	1,815	\$838,093.87	1,950	\$925,246.48	\$ 474.49	25,263	29,744	\$ 14,604,267.52	\$ 491.00

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY20 FUND ACCOUNTING
AS OF 05/31/2020

Account 014 95F Z258 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY20 Total
FY20 Professional Services Allotment		\$ 4,727,001.00		\$ 4,597,001.00		\$ 4,737,477.00		\$ 2,413,246.00	
FY20 General Operations Allotment		\$ 48,000.00		\$ 48,000.00		\$ 48,000.00		\$ 48,000.00	
FY19 Encumbered Balance Forward		\$ 32,712.53		\$ -		\$ -		\$ -	
Budget Order Adjustment		\$ (224,979.00)		\$ 224,979.00		\$ -		\$ -	
Supplemental Budget Allotment		\$ -		\$ -		\$ -		\$ 2,036,206.00	
Reduction due to encumbrance closure		\$ -		\$ -		\$ (0.04)		\$ -	
Financial Order Unencumbered Balance Fwd		\$ -		\$ -		\$ -		\$ 768,774.00	
Total Budget Allotments		\$ 4,582,734.53		\$ 4,869,980.00		\$ 4,785,476.96		\$ 5,266,226.00	\$ 19,504,417.49
Total Expenses	1	\$ (947,049.13)	4	\$ (1,377,980.25)	7	\$ (1,080,553.54)	10	\$ (1,806,520.06)	
	2	\$ (1,849,796.47)	5	\$ (1,100,530.17)	8	\$ (1,269,483.45)	11	\$ (973,235.76)	
	3	\$ (1,715,368.33)	6	\$ (2,053,491.02)	9	\$ (1,531,335.50)	12	\$ -	
Encumbrances (Justice Works)		\$ (52,720.00)		\$ 18,135.00		\$ 18,820.00		\$ 9,457.50	\$ (6,307.50)
Encumbrances (B Taylor)		\$ (13,000.04)		\$ (17,853.34)		\$ 17,593.37		\$ 8,840.00	\$ (4,420.01)
Encumbrances (Videographer & business cards)		\$ (4,800.00)		\$ -		\$ (900.00)		\$ -	\$ (5,700.00)
TOTAL REMAINING		\$ 0.56		\$ 338,260.22		\$ 939,617.84		\$ 2,504,767.68	\$ 3,782,646.30

Q4 Month 11	
INDIGENT LEGAL SERVICES	
Counsel Payments	\$ (925,246.48)
Interpreters	\$ (639.00)
Private Investigators	\$ (4,868.49)
Mental Health Expert	\$ (8,825.00)
Misc Prof Fees & Serv	\$ -
Transcripts	\$ (13,186.62)
Other Expert	\$ (7,090.00)
Process Servers	\$ (178.02)
Subpoena Witness Fees	\$ -
Out of State Witness Travel	\$ -
SUB-TOTAL ILS	\$ (960,033.61)
OPERATING EXPENSES	
Service Center	\$ (1,829.00)
DefenderData	\$ (3,485.00)
Language Line	\$ -
Mileage/Tolls/Parking	\$ (310.72)
Mailing/Postage/Freight	\$ (404.33)
West Publishing Corp	\$ (198.09)
Shredding on Site	\$ -
Office Supplies/Equip.	\$ -
Cellular Phones	\$ -
OIT/TELCO	\$ (2,457.27)
Office Equipment Rental	\$ (97.74)
Training Videographer	\$ -
Barbara Taylor monthly fees	\$ (4,420.00)
Legal Ad	\$ -
Training Printing Fees	\$ -
SUB-TOTAL OE	\$ (13,202.15)
TOTAL	\$ (973,235.76)

INDIGENT LEGAL SERVICES	
Q4 Allotment	\$ 5,266,226.00
Q4 Encumbrances for Justice Works contract	\$ 9,457.50
Barbara Taylor Contract	\$ 8,840.00
Videographer	\$ -
Q4 Expenses to date	\$ (2,779,755.82)
Remaining Q4 Allotment	\$ 2,504,767.68

Non-Counsel Indigent Legal Services	
Monthly Total	\$ (34,787.13)
Total Q1	\$ 276,360.62
Total Q2	\$ 230,435.64
Total Q3	\$ 291,610.68
Total Q4	\$ 115,964.75
Fiscal Year Total	\$ 914,371.69

Conference Account Transactions	
NSF Charges	\$ -
Training Facilities & Meals	\$ -
Printing/Binding	\$ -
Overseers of the Bar CLE fee	\$ -
Collected Registration Fees	\$ -
Current Month Total	\$ -

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY20 FUND ACCOUNTING
As of 05/31/20

Account 014 95F Z258 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY20 Total
Total Budget Allotments		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00	\$ 1,100,000.00
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Financial Order Adjustment	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Budget Order Adjustment	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Budget Order Adjustment		\$ -		\$ -		\$ -	12	\$ -	\$ -
Total Budget Allotments		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00	\$ 1,100,000.00
Cash Carryover from Prior Quarter		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	1	\$ 78,559.60	4	\$ 86,636.49	7	\$ 61,320.62	10	\$ 127,868.58	
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	2	\$ 79,457.90	5	\$ 93,840.18	8	\$ 73,756.21	11	\$ 96,231.87	
Court Ordered Counsel Fee		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB (late transfer)		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	3	\$ 114,887.22	6	\$ 103,917.30	9	\$ 160,542.79	12	\$ -	
Returned Checks-stopped payments		\$ -		\$ -		\$ -		\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 272,904.72		\$ 284,393.97		\$ 295,619.62		\$ 224,100.45	\$ 1,077,018.76
Counsel Payments	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Other Expenses		\$ -		\$ -		\$ -	***	\$ -	
Counsel Payments	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Other Expenses		\$ -		\$ -		\$ -		\$ -	
Counsel Payments	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Other Expenses	*	\$ -	**	\$ -	***	\$ -		\$ -	
REMAINING ALLOTMENT		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00	\$ 1,100,000.00
Overpayment Reimbursements	1	\$ (168.00)	4	\$ (434.53)	7	\$ 138.00	10	\$ -	
	2	\$ (904.00)	5	\$ (200.00)	8	\$ -	11	\$ -	
	3	\$ -	6	\$ -	9	\$ (884.00)	12	\$ -	
REMAINING CASH Year to Date		\$ 271,832.72		\$ 283,759.44		\$ 294,873.62		\$ 224,100.45	\$ 1,074,566.23

Collections versus Allotment	
Monthly Total	\$ 96,231.87
Total Q1	\$ 274,669.72
Total Q2	\$ 284,393.97
Total Q3	\$ 295,757.62
Total Q4	\$ 224,100.45
Allotment Expended to Date	\$ -
Fiscal Year Total	\$ 1,078,921.76

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY20 FUND ACCOUNTING
AS OF 05/31/2020

Account 014 95F Z258 01 (Personal Services)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY20 Total
FY20 Allotment		\$ 326,128.00		\$ 242,565.00		\$ 214,283.00		\$ 233,702.00	\$ -
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments				\$ -		\$ -			
Total Budget Allotments		\$ 326,128.00		\$ 242,565.00		\$ 214,283.00		\$ 233,702.00	\$ 1,016,678.00
Total Expenses	1	\$ (62,240.56)	4	\$ (99,140.23)	7	\$ (70,131.98)	10	\$ (105,662.20)	
	2	\$ (174,797.03)	5	\$ (71,894.07)	8	\$ (59,062.25)	11	\$ (72,755.94)	
	3	\$ (68,346.25)	6	\$ (69,821.39)	9	\$ (67,146.73)	12	\$ -	
TOTAL REMAINING		\$ 20,744.16		\$ 1,709.31		\$ 17,942.04		\$ 55,283.86	\$ 95,679.37

Q4 Month 11	
Per Diem	\$ (55.00)
Salary	\$ (37,241.64)
Vacation Pay	\$ (468.80)
Holiday Pay	\$ (2,221.04)
Sick Pay	\$ (123.28)
Empl Hlth SVS/Worker Comp	\$ (166.00)
Health Insurance	\$ (11,608.24)
Dental Insurance	\$ (387.52)
Employer Retiree Health	\$ (4,466.64)
Employer Retirement	\$ (2,672.86)
Employer Group Life	\$ (458.28)
Employer Medicare	\$ (597.56)
Retiree Unfunded Liability	\$ (7,811.04)
Longevity Pay	\$ (112.00)
Perm Part Time Full Ben	\$ (4,366.04)
Premium & Standard OT	\$ -
Retro Lump Sum Pymt	\$ -
TOTAL	\$ (72,755.94)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

5/31/2020

Court	May-20						Fiscal Year 2020			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	2	2	\$ 1,926.00	2	\$ 1,926.00	\$ 963.00	29	47	\$ 28,787.10	\$ 612.49
AUBSC	3	4	\$ 2,886.00	4	\$ 2,874.00	\$ 718.50	16	18	\$ 12,667.20	\$ 703.73
AUGDC	32	66	\$ 26,431.09	101	\$ 39,369.91	\$ 389.80	548	725	\$ 357,182.13	\$ 492.67
AUGSC	4	12	\$ 4,156.76	11	\$ 3,872.20	\$ 352.02	45	116	\$ 65,948.89	\$ 568.52
BANDC	48	96	\$ 26,373.28	110	\$ 29,649.28	\$ 269.54	631	1,167	\$ 363,449.12	\$ 311.44
BANSC	0	0		0			6	5	\$ 816.00	\$ 163.20
BATSC	1	0		0			2	1	\$ 132.00	\$ 132.00
BELDC	13	15	\$ 9,633.17	11	\$ 7,810.13	\$ 710.01	140	285	\$ 141,803.26	\$ 497.56
BELSC	0	0		0			0	1	\$ 1,530.64	\$ 1,530.64
BIDDC	38	44	\$ 29,888.95	48	\$ 34,759.69	\$ 724.16	648	913	\$ 510,874.10	\$ 559.56
BRIDC	6	11	\$ 6,042.68	9	\$ 4,056.79	\$ 450.75	106	204	\$ 103,230.96	\$ 506.03
CALDC	3	4	\$ 1,824.00	7	\$ 4,343.20	\$ 620.46	48	87	\$ 40,051.60	\$ 460.36
CARDC	7	27	\$ 12,506.05	22	\$ 7,582.33	\$ 344.65	137	275	\$ 106,916.18	\$ 388.79
CARSC	0	0		0			7	8	\$ 3,893.45	\$ 486.68
DOVDC	7	10	\$ 5,225.56	13	\$ 6,582.08	\$ 506.31	56	150	\$ 53,677.80	\$ 357.85
DOVSC	0	0		0			1	0		
ELLDC	25	41	\$ 26,076.00	40	\$ 26,718.00	\$ 667.95	185	400	\$ 241,179.05	\$ 602.95
ELLSC	0	0		0			4	4	\$ 1,584.50	\$ 396.13
FARDC	1	7	\$ 3,189.24	12	\$ 10,928.25	\$ 910.69	83	202	\$ 136,937.64	\$ 677.91
FARSC	0	0		0			3	3	\$ 370.16	\$ 123.39
FORDC	7	1	\$ 492.00	3	\$ 1,806.00	\$ 602.00	70	93	\$ 42,569.95	\$ 457.74
HOUDC	8	13	\$ 8,022.23	17	\$ 9,646.69	\$ 567.45	231	355	\$ 143,719.86	\$ 404.84
HOUSC	0	0		0			2	3	\$ 1,056.00	\$ 352.00
LEWDC	40	82	\$ 25,941.00	104	\$ 36,715.44	\$ 353.03	813	1,210	\$ 529,251.64	\$ 437.40
LINDC	10	12	\$ 4,302.28	9	\$ 4,035.32	\$ 448.37	101	178	\$ 86,172.80	\$ 484.12
MACDC	4	5	\$ 2,448.50	5	\$ 1,644.50	\$ 328.90	81	165	\$ 71,657.38	\$ 434.29
MACSC	0	0		0			0	3	\$ 600.00	\$ 200.00
MADDc	0	0		0			17	17	\$ 5,261.36	\$ 309.49
MILDC	1	2	\$ 270.00	0			46	90	\$ 25,111.56	\$ 279.02
NEWDC	17	17	\$ 5,983.56	28	\$ 6,946.56	\$ 248.09	158	364	\$ 120,158.72	\$ 330.11
PORDC	48	107	\$ 57,305.07	105	\$ 49,897.68	\$ 475.22	838	1,178	\$ 578,143.30	\$ 490.78
PORSC	1	0		1	\$ 414.00	\$ 414.00	13	12	\$ 8,865.44	\$ 738.79
PREDC	3	30	\$ 12,520.35	26	\$ 11,224.35	\$ 431.71	203	298	\$ 120,599.66	\$ 404.70
ROCDc	7	27	\$ 14,626.29	27	\$ 13,387.88	\$ 495.85	195	299	\$ 132,585.56	\$ 443.43
ROCSc	0	2	\$ 538.56	2	\$ 538.56	\$ 269.28	13	15	\$ 4,374.04	\$ 291.60
RUMDC	8	9	\$ 8,133.16	11	\$ 9,659.36	\$ 878.12	155	155	\$ 141,499.37	\$ 912.90
SKODC	24	58	\$ 24,158.89	58	\$ 28,572.75	\$ 492.63	322	768	\$ 305,705.09	\$ 398.05
SKOSC	0	0		1	\$ 120.00	\$ 120.00	3	2	\$ 935.20	\$ 467.60
SOUDC	4	24	\$ 8,462.94	18	\$ 6,609.54	\$ 367.20	143	236	\$ 127,353.60	\$ 539.63
SOUSC	0	0		1	\$ 36.00	\$ 36.00	2	7	\$ 4,343.75	\$ 620.54
SPRDC	27	35	\$ 20,215.40	37	\$ 17,119.66	\$ 462.69	405	599	\$ 332,627.25	\$ 555.30
Law Ct	8	12	\$ 9,809.34	13	\$ 10,236.49	\$ 787.42	124	185	\$ 295,320.43	\$ 1,596.33
YORCD	143	124	\$ 91,343.20	167	\$ 110,485.03	\$ 661.59	2,328	2,530	\$ 1,706,738.23	\$ 674.60
AROCD	68	64	\$ 26,832.95	47	\$ 19,206.90	\$ 408.66	1,357	1,242	\$ 567,917.76	\$ 457.26
ANDCD	80	109	\$ 46,527.75	110	\$ 44,825.59	\$ 407.51	1,624	1,648	\$ 764,530.95	\$ 463.91
KENDC	97	84	\$ 34,774.51	73	\$ 28,343.79	\$ 388.27	1,739	1,696	\$ 708,154.56	\$ 417.54
PENCD	124	111	\$ 43,691.07	116	\$ 44,940.73	\$ 387.42	2,506	2,410	\$ 1,036,027.96	\$ 429.89
SAGCD	19	15	\$ 5,531.73	17	\$ 12,640.33	\$ 743.55	290	273	\$ 134,853.33	\$ 493.97
WALCD	11	12	\$ 3,921.59	18	\$ 12,776.35	\$ 709.80	342	368	\$ 246,036.66	\$ 668.58
PISCD	10	9	\$ 4,067.34	7	\$ 1,220.06	\$ 174.29	179	168	\$ 45,901.76	\$ 273.22
HANCD	14	30	\$ 15,670.20	32	\$ 14,316.00	\$ 447.38	501	535	\$ 264,183.39	\$ 493.80
FRACD	24	23	\$ 6,173.80	18	\$ 5,571.80	\$ 309.54	397	453	\$ 238,387.68	\$ 526.24
WASCD	16	23	\$ 13,549.00	22	\$ 14,081.80	\$ 640.08	387	428	\$ 164,491.24	\$ 384.33
CUMCD	214	183	\$ 95,816.63	258	\$ 138,908.27	\$ 538.40	3,697	3,971	\$ 2,188,262.74	\$ 551.06
KNODC	14	18	\$ 7,971.32	19	\$ 11,569.85	\$ 608.94	550	534	\$ 246,624.94	\$ 461.84
SOMCD	90	58	\$ 13,996.81	39	\$ 8,555.21	\$ 219.36	987	611	\$ 152,459.76	\$ 249.52
OXFCD	47	68	\$ 25,257.86	30	\$ 15,824.11	\$ 527.47	781	717	\$ 289,692.39	\$ 404.03
LINCD	19	16	\$ 5,222.20	21	\$ 7,083.20	\$ 337.30	318	306	\$ 135,976.95	\$ 444.37
WATDC	25	43	\$ 18,022.02	48	\$ 21,937.38	\$ 457.03	277	480	\$ 225,357.53	\$ 469.49
WESDC	12	34	\$ 10,729.12	33	\$ 11,775.19	\$ 356.82	225	311	\$ 129,663.50	\$ 416.92
WISDC	1	12	\$ 5,405.84	12	\$ 5,880.32	\$ 490.03	76	115	\$ 55,313.90	\$ 480.99
WISSC	0	0		0			4	3	\$ 2,219.50	\$ 739.83
YORDC	4	4	\$ 4,200.58	7	\$ 6,221.93	\$ 888.85	67	101	\$ 52,289.05	\$ 517.71
TOTAL	1,439	1,815	\$ 838,093.87	1,950	\$ 925,246.48	\$ 474.49	25,262	29,743	\$ 14,604,027.52	\$ 491.01

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

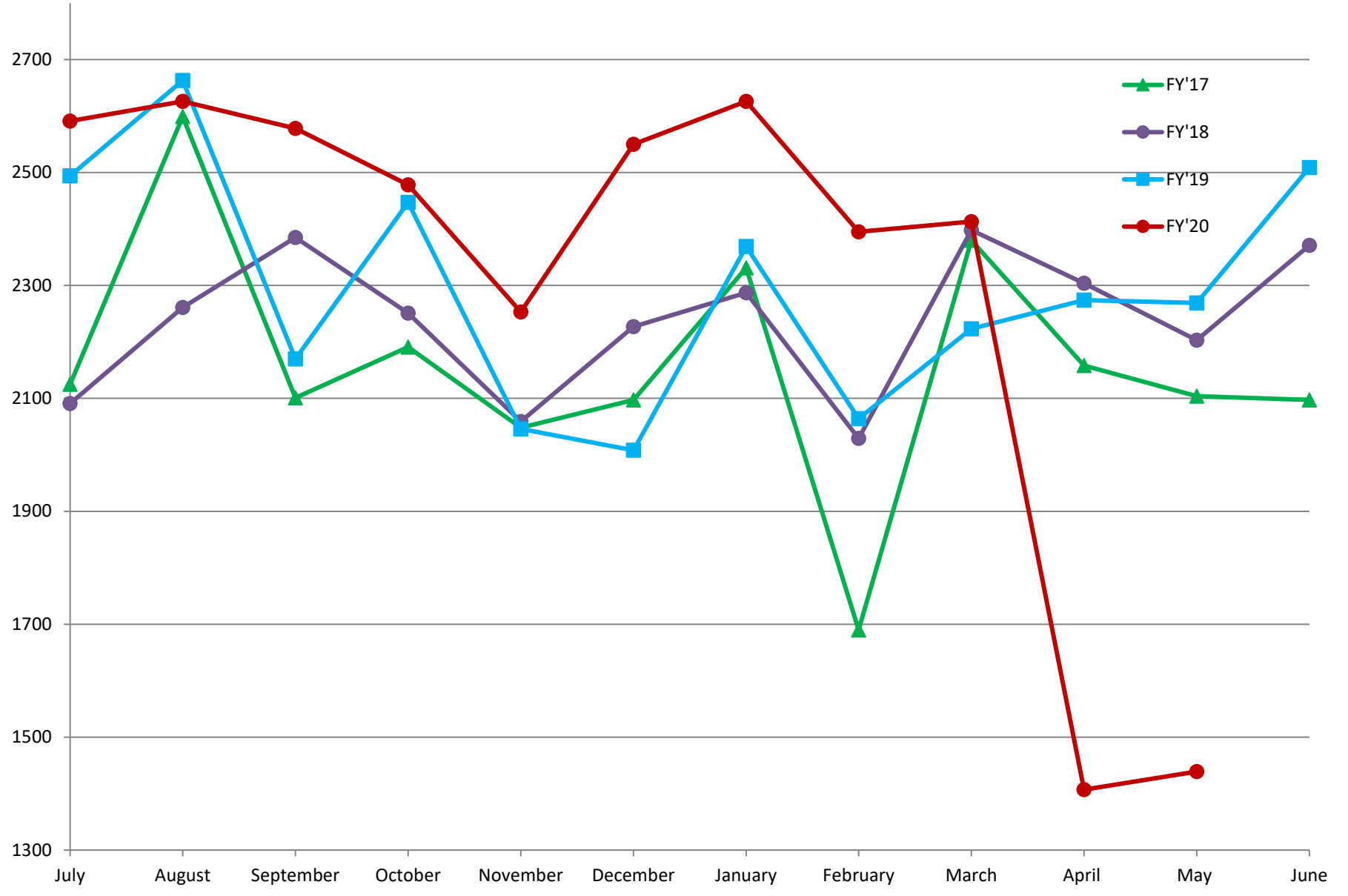
Number of Attorneys Rostered by Court

05/31/2020

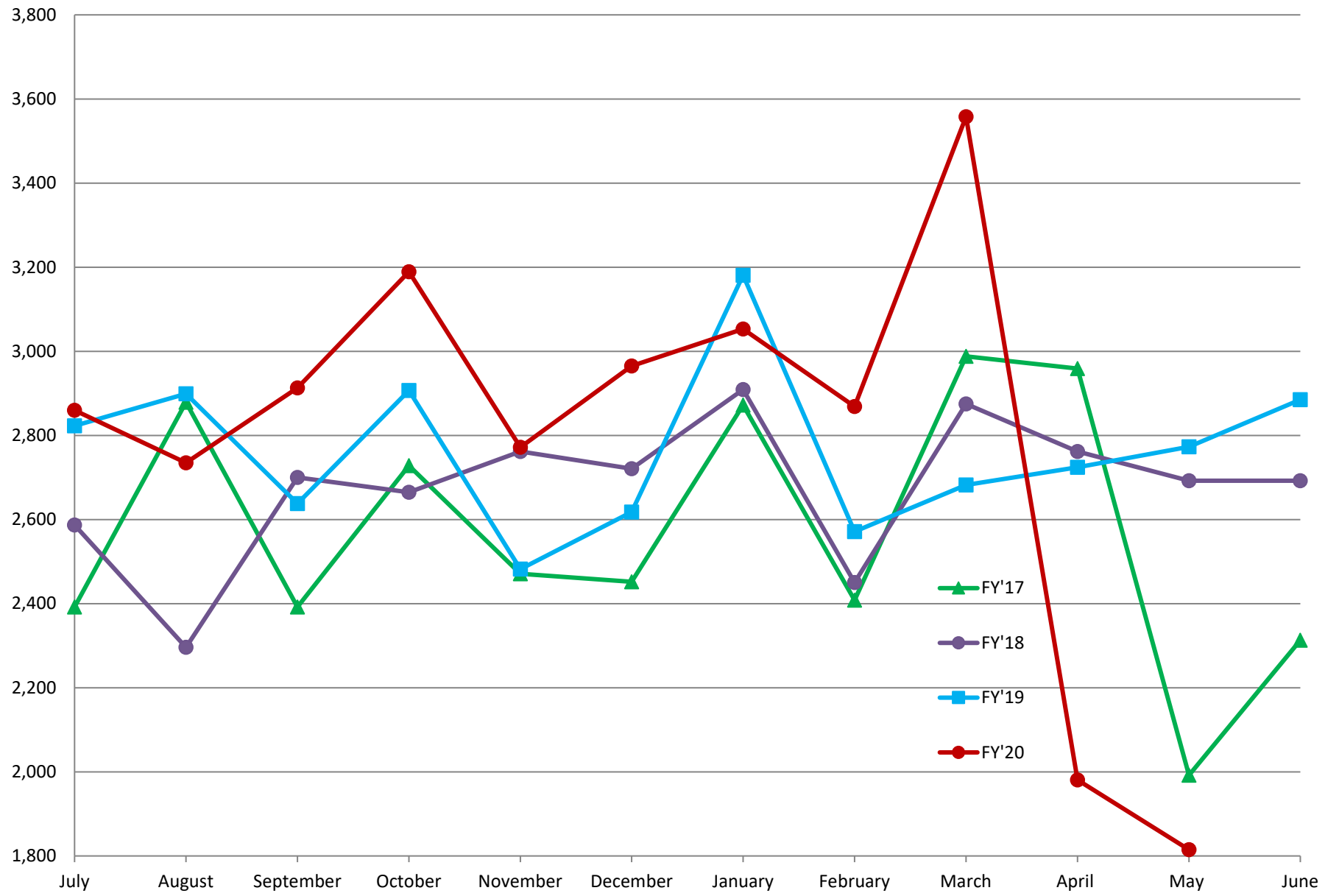
Court	Rostered Attorneys
Augusta District Court	73
Bangor District Court	39
Belfast District Court	39
Biddeford District Court	114
Bridgton District Court	73
Calais District Court	8
Caribou District Court	15
Dover-Foxcroft District Court	23
Ellsworth District Court	31
Farmington District Court	32
Fort Kent District Court	9
Houlton District Court	12
Lewiston District Court	110
Lincoln District Court	21
Machias District Court	12
Madawaska District Court	10
Millinocket District Court	14
Newport District Court	28
Portland District Court	137
Presque Isle District Court	13
Rockland District Court	29
Rumford District Court	23
Skowhegan District Court	23

Court	Rostered Attorneys
South Paris District Court	48
Springvale District Court	100
Unified Criminal Docket Alfred	102
Unified Criminal Docket Aroostook	20
Unified Criminal Docket Auburn	90
Unified Criminal Docket Augusta	67
Unified Criminal Docket Bangor	40
Unified Criminal Docket Bath	77
Unified Criminal Docket Belfast	39
Unified Criminal DocketDover Foxcroft	22
Unified Criminal Docket Ellsworth	34
Unified Criminal Docket Farmington	34
Unified Criminal Docket Machias	14
Unified Criminal Docket Portland	136
Unified Criminal Docket Rockland	25
Unified Criminal Docket Skowhegan	20
Unified Criminal Docket South Paris	40
Unified Criminal Docket Wiscasset	43
Waterville District Court	38
West Bath District Court	89
Wiscasset District Court	51
York District Court	86

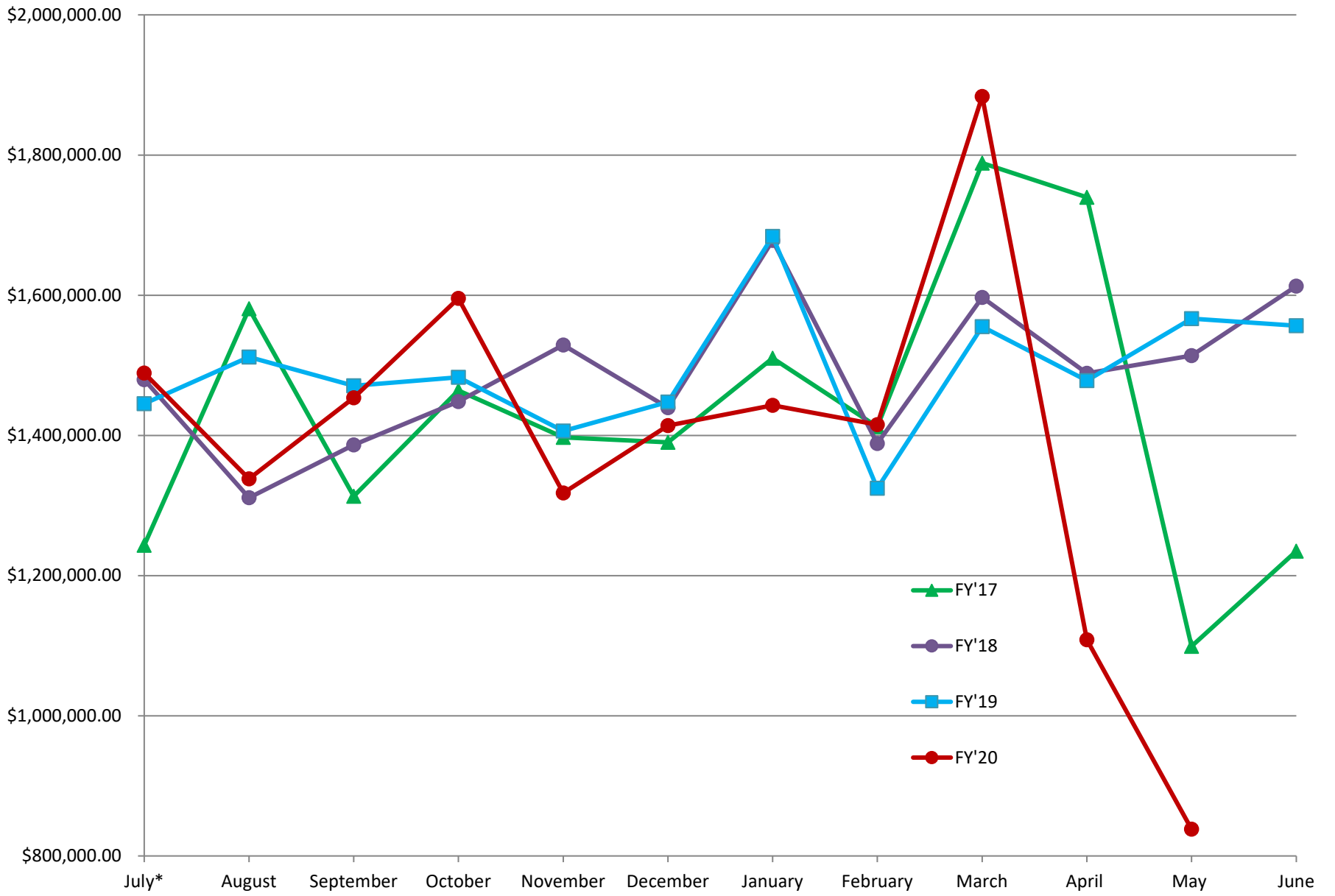
NEW CASES



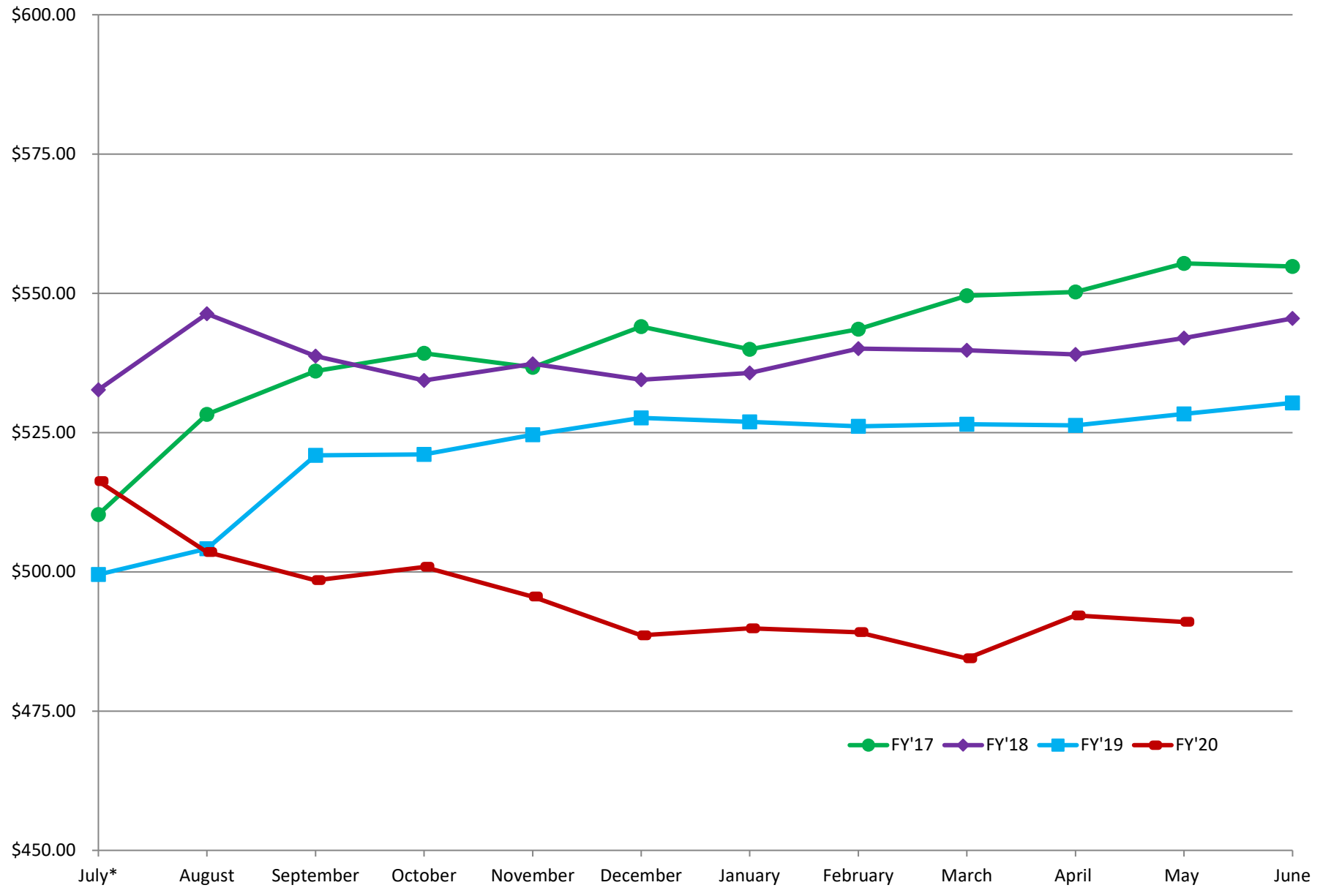
Submitted Vouchers



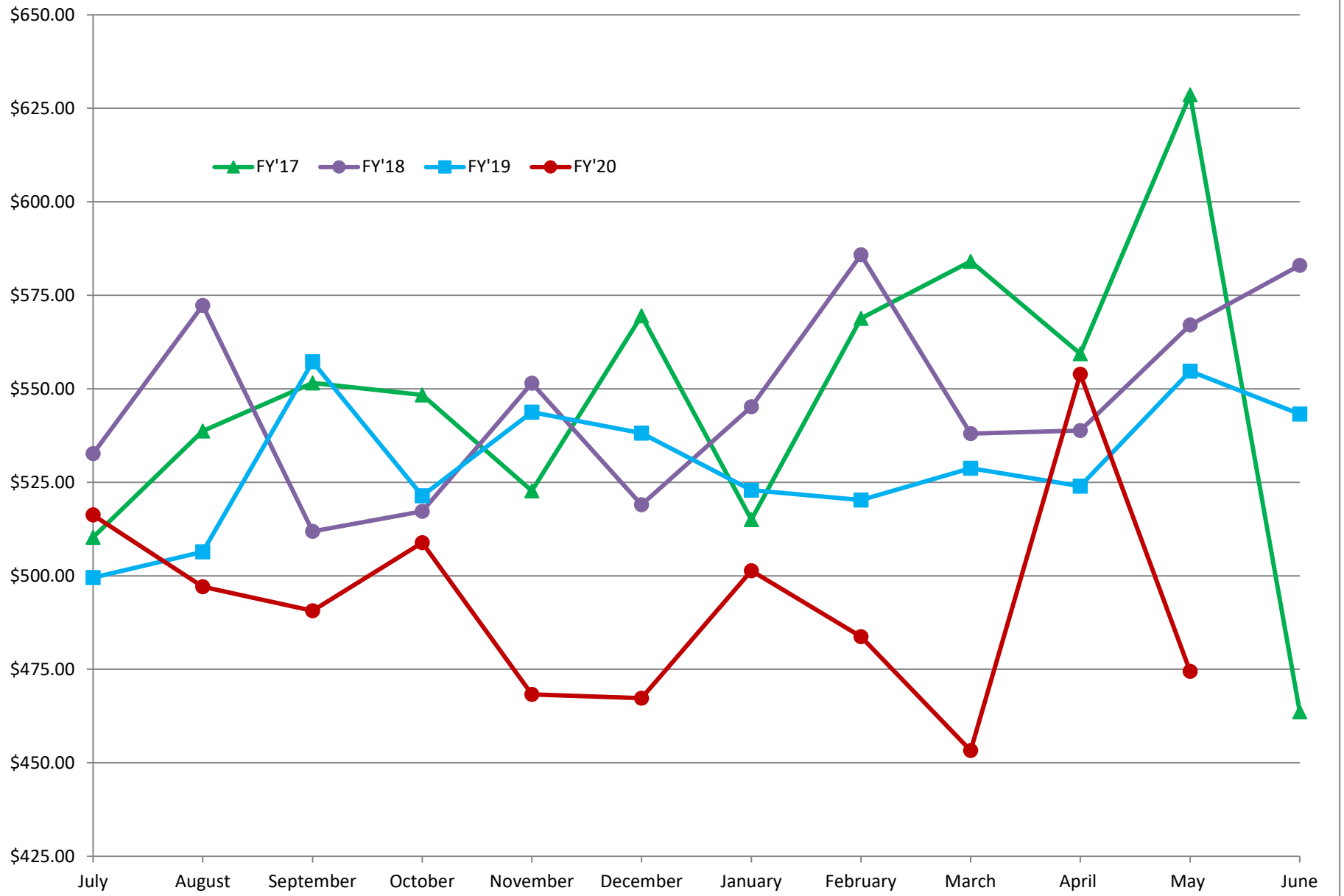
Submitted Voucher Amount



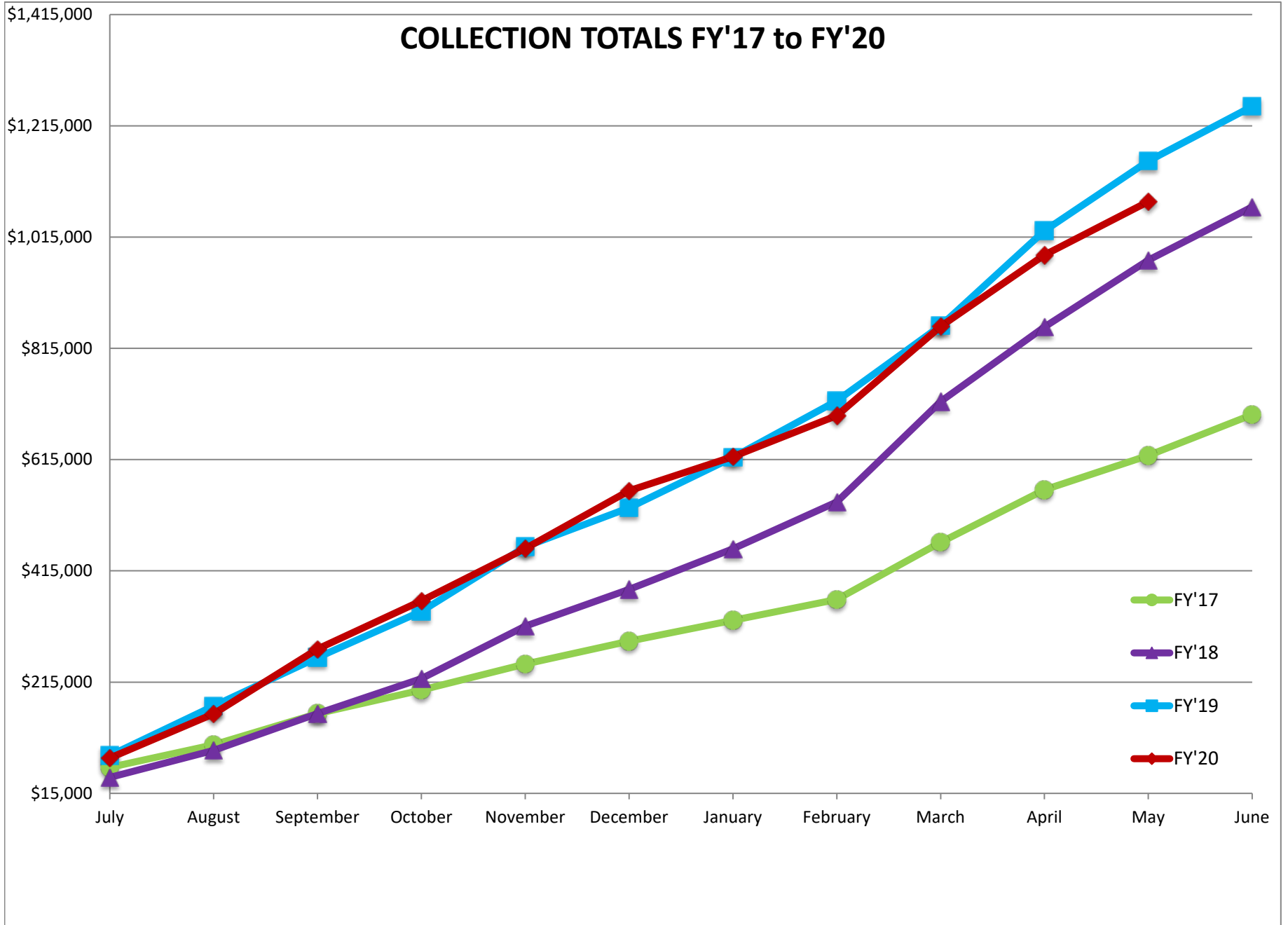
Average Voucher Price Fiscal Year to Date



Monthly Price Per Voucher



COLLECTION TOTALS FY'17 to FY'20



(3.)

**Jail Recordings of
Attorney/Client Calls**

Follow-up Report – Recording and Disclosure of Attorney/Client Calls
5/29/20

Commissioners:

Addendum to Preliminary Report

In the preliminary report forwarded to Commissioners by Chair Tardy on May 8, 2020, I identified three instances of attorney-client calls being recorded and subsequently provided to the prosecution. Since that report, another instance has come to light.

The new instance involved 7 calls from an inmate at the Cumberland County Jail to the inmate's attorney, one to the office line and 6 to the attorney's cell phone. According to the prosecutor's report to the court, a paralegal in the DA's office was reviewing calls Buxton PD obtained from the jail as part of an ongoing investigation and forwarded to the DA's office. The paralegal heard the receptionist at a law firm answer the phone and stopped listening to the recording. The paralegal informed the DA handling the case, who reviewed the log of recorded calls and identified the 7 attorney calls described above. The DA reported that the recordings of these calls were "sealed and sequestered" in both the DA's office and at Buxton PD. Statements from the investigator in the DA's office and a Buxton PD officer were also submitted to the court indicating that neither had listened to any of the 7 listed calls.

The court required that the recordings be submitted under seal to the court. The recordings were then provided to defense counsel for forensic analysis to determine whether the recorded calls had been accessed prior to being turned over to the court.

Overview of Inmate Call Recordings

All of Maine's jails have a system that records calls made by inmates. These calls are recorded by the jails' contracted provider of phone services for phones accessible to inmates. Currently, one provider, Securus, has a contract with 13 of Maine's 15 jails. Another provider, Global Tel Link (GTL), contracts with Two Bridges Regional Jail and the Somerset County Jail. Recorded calls are maintained for 1-2 years by Securus, depending on the jail. Two Bridges calls are maintained based on call volume, but at least for six months.

The recording of inmate calls is a longstanding practice in Maine. The GTL service (under a predecessor corporate name) was implemented at Two Bridges when it opened in 2006. Securus has been providing services in Maine since 2014. Such recording is likely stems from United States Supreme Court rulings dating back to at least 1984 finding a diminished right of privacy under the Fourth Amendment for people subject to incarceration. See Hudson v. Palmer, 468 U.S. 517 (1984). Attorneys are familiar with evidence derived by prosecutors from recorded jail calls, and judges are familiar with such evidence being discussed during dispositional conferences, proffered as part of factual-basis presentations for pleas, or introduced as evidence in trials. Moreover, the Legislature has recently passed laws specifically aimed at criminalizing certain contacts from jails, with the clear implication that such contact would likely involve phone calls and that recordings of such calls would be a primary method of proof. See 15

M.R.S.A §§ 1094-A (2011), 1094-B (2013), & 1094-C (2017). These recordings are most often accessed as part of an investigation into violations of the statutes just cited, other violations of conditions of release, or tampering with a witness. Access is usually upon a request from law enforcement, with the recordings then turned over to the prosecutor.

As the practice of recording inmate calls having become nearly universal, locales across the country have been dealing with the problem of calls between inmates and their attorneys being recorded, and in some cases, forwarded to and used by prosecutors. A May, 2019, article reported a survey that discovered recorded attorney-client calls in at least eight city jails, including Boston and Concord, New Hampshire. <https://www.prisonlegalnews.org/news/2019/may/2/attorney-client-privilege-under-attack-jails-across-nation/>. Another reported on a February, 2020, federal District Court ruling that such calls were not privileged because the inmate was informed that the call was being recorded. <http://nklawllp.com/federal-court-rules-that-recorded-prison-calls-by-inmates-to-attorneys-are-not-privileged/>. In 2007, a California Grand Jury investigated the recording and disclosure of attorney-inmate calls and promulgated recommendations. http://www.scscourt.org/court_divisions/civil/cgi/2007/AttorneyInmatePhonecalls.pdf. Nevertheless, the public defender in another California county was forced to sue the Sheriff's Department over the same practice in 2018. See, Prisoner Legal News, above.

In Maine, as in other states, a system exists to exempt inmate calls to their attorneys from being recorded. Unfortunately, that system places burdens on the inmate and/or on the lawyer to "register" a particular phone number so calls to that number will not be recorded. In the counties served by Securus, an attorney must set up an account with the phone provider. The attorney is expected to "deposit" funds in that account that clients can use to call the attorney. Calls to numbers associated with such accounts are exempt from recording. Inmates, however, are able, usually with funds from family, to set up their own account for calls to friends and family. If the inmate has the attorney's phone number and uses their own account to call, but there is no "attorney account" associated with that number, the call will be recorded.

The Two Bridges Jail maintains a list of "local" attorney phone numbers that are exempt from recording. They update that list annually from a public source such as the Board of Overseers. That jail also relies on inmates to report the phone numbers of their attorneys, which are added to the no-record list. Two Bridges, however, boards prisoners from as far away as Oxford and Penobscot, so calls to distant attorneys where neither the attorney nor the client has taken affirmative steps to get on the list could get recorded. Despite attempts, I have not been able to interview someone from Somerset County where the jail administrator is currently out for an extended period. The Sheriff of Somerset County, however, was quoted in the press as suggesting that recorded attorney-client calls probably resulted because the client did not add their attorney's number to the list.

Regarding warnings, I was told by both Securus and Two Bridges, who has the same provider as Somerset, that all recorded calls carried a warning to that effect audible to both parties. On this point, however, none of the attorneys I interviewed about specific instances of recorded calls winding up in the hands of prosecutors remembered hearing such warnings.

Staff Initiatives

When these issues came to light, the staff concluded that a short-term fix would be to ensure that each jail had as comprehensive a “no-record” list as possible. We collated the phone numbers for all of our rostered attorneys into a single spreadsheet. In addition, we emailed all attorneys asking them to provide any additional numbers on which they might receive a call from an inmate and added those numbers to the list. This list was then forwarded to a representative of Securus and promptly entered in the ‘no-record” system for the 13 jails they cover. Somerset has also confirmed that they entered the phone numbers in their system. Two Bridges is doing so at this time.

With a comprehensive list in hand, the staff is endeavoring to assess whether any calls to these numbers have been recorded and remain in system archives. A request has been sent to all jails asking them to have their provider run a reporting listing all calls in their existing database that were made to numbers on the list we provided. That list should demonstrate the scope of the problem, and next steps could include determining whether the calls have been accessed and/or having the recordings purged from the system.

Going forward, we likely need a comprehensive solution so that the private nature of attorney-client calls can be preserved systematically without relying on attorneys and clients to jump through on a hodge-podge of hoops to avoid the recording of their calls. I have emailed the ACLU attorney who was quoted in the articles cited above asking if he is aware of best practices in states that have succeeded in addressing this problem but have not yet heard back. Two initial suggestions would be 1) for MCILS to create and maintain a database of all phone numbers that attorneys use to communicate with clients and routinely work with the phone providers to ensure that all these numbers are subject to “no-record” rules, and 2) work with law enforcement, prosecutors, and providers to ensure that when recordings of an inmate’s calls are requested from the provider, the calls are screened to ensure that no calls to numbers on the MCILS database are turned over to law enforcement or the prosecution.

Additional Issue

While looking into this issue, the staff came upon another concern related to practices during the pandemic. As a safety precaution, most attorney-client jail visits have been occurring in the non-contact visitation facilities at the various jails. In one jail where attorneys used phone handsets to talk to clients through a thick glass, it turned out that those communications were recorded. This jail has now turned off any recording in the non-contact facilities and purged any recording from those facilities back to March 1, 2020. Two Bridges states that there has never been recording in the non-contact visitation space. All of the other jails have been contacted and asked to determine whether any non-contact visit space used by attorneys has been subject to recording, and if so, to end the recording and purge the database back to at least March 1, 2020.

The staff looks forward to discussion of these issues and next steps at our upcoming meeting.

Preliminary Report – Recording and disclosure of Attorney/Client Calls

Commissioners:

As you know, when we first became aware of a jail recording attorney/client calls and disclosing the same to the prosecution, we surveyed our rostered attorneys to determine the extent of this problem. I have identified three instances of this occurring, with one related incident reported in response to our survey.

The most recent incident involved two calls recorded at the Somerset County jail. I was told that a large number of this client's recorded calls were sent to the attorney for the state. The defendant's attorney was told that upon reviewing the calls, the prosecutor identified one as a call with the client's lawyer. The attorney for the state immediately stopped listening to the recording and disclosed the calls to the defense attorney, who brought the incident to the court's attention by filing a motion to dismiss. The defendant's lawyer told me that he has no reason to doubt the prosecutor's description of what happened once the prosecutor became aware that attorney/client calls were included among the other recorded calls.

Two additional incidents involved an attorney identified by the defense attorney in the most recent case. The first occurred in 2015 and involved a single call recorded at Two Bridges Jail. The defense attorney told me that, again, a prosecutor reviewing recorded jail calls of a defendant identified a call as involving the defendant's attorney. The prosecutor immediately stopped listening to the recording and made a disclosure to the defense. Again, the defense attorney told me that he has no reason to doubt the prosecutor's description of what happened. The matter was brought to the attention of the court on a motion to dismiss. Court attention to this matter resulted in a change of procedures at Two Bridges. This attorney did relate, however, that the jail relied on the inmates to provide their lawyer's phone number, which would be placed in the "no record" category. Evidently, this call was directed to the attorney's "second" office line that had not been provided to the jail.

This defense lawyer became involved in a second incident later in 2015. This involved calls recorded at the Somerset County jail. The defendant involved had numerous charges and had been through a number of appointed counsel. As part of the client's ongoing cases, the jail had provided the prosecutor with dozens of hours of recordings of the defendant's calls from the jail. To the best of this lawyer's recollection, the issue of attorney/client calls had been identified before he became involved, but he litigated the issue. The court was actively involved, including issuing an order to the Sheriff's department and two DA's offices to preserve and disclose evidence and barring communication about the matter between a DA's office and the jail. Ultimately, the client's many cases were resolved by a plea agreement.

Of note, recordings in this incident, which involved many CD's of recorded material, included a CD that contained 55 calls exclusively between the defendant and the defendant's attorney or the defense PI on the case. The segregation of this material (although other privileged calls were discovered amongst the calls on the other CD's) reflects an awareness that these calls involved privileged material. And, although the matter was vigorously pursued by

defense counsel and taken seriously by the court, I got no indication of specific reforms at the jail that came about as a result.

One final note, this case file was cumbersome, having passed through several attorneys. Upon comparing electronic discovery at request of the court, this lawyer and the prosecutor determined, credibly according to this attorney, that the prosecutor did not have the disk with exclusively privileged calls and had not listened to any such calls.

Finally, in response to the Commission's request for feedback described above, we heard from one attorney in York County on a related matter. This attorney recalled an incident in 2013 in which a police department in York County and a prosecutor were investigating a witness who had become uncooperative in a high-profile case. In doing so, they specifically requested and obtained recorded calls the witness had made from the Cumberland County jail to the office of an attorney for a co-defendant in the case. The defense attorney sought sanctions against the prosecution for this conduct, but the case resolved at a settlement conference with a different judge before a decision was issued on the motion for sanctions. It was this attorney's opinion that the judges involved held a very dim view of the State's conduct.

One thing is apparent, the current system relies on either the defendant or the attorney to provide the attorney's number to the jail for inclusion in the "no-record" list. A more systematic method is required. Just this morning, a jail administrator requested a list of phone numbers for all rostered attorneys. The administrator offered to forward to this list to the vendor used at most, if not all, jails for inclusion in the "no-record" registry. We are pursuing this.

(4.)

**Commission response to
COVID-19 Outbreak**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: COVID-19 RESPONSE UPDATE
DATE: JUNE 1, 2020

Assigned Counsel for Summons Cases

At its meeting on March 24th, the Commission expressed approval of a process to assign counsel to defendants who were awaiting initial appearances due to the postponement of most court proceedings. Over the past several weeks, I have been working with the Judicial Branch and prosecutors to implement such a program. As currently envisioned, the court would assign counsel to any defendant awaiting an initial appearance on a “risk of jail” case. Assigned counsel would obtain discovery and contact the defendant to confirm that the client did want representation by assigned counsel. The attorney could then enter a plea of not guilty so that the matter could proceed directly to a dispositional conference. Early assignment would allow for prompt investigation of the case and advocacy and/or negotiation with the State.

For cases not involving risk of jail, the court would make a “limited assignment” allowing counsel to obtain discovery, consult with the client and the prosecutor, and represent the defendant through the arraignment process. This system is meant to mimic the availability of lawyers of the day to people at arraignments for “no-risk of jail” cases.

The tentative plan awaiting approval by the Trial Chiefs is for this process to begin as a “pilot” in Region 3, Androscoggin, Franklin and Oxford Counties. Once the process is refined, it is hoped that the program could be expanded statewide so long as pandemic restrictions preclude a return to the arraignment process as it existed prior to the pandemic.

Parent-Child Visitation

The Commission facilitated advocacy by attorneys representing parents in Child Protection cases on the issue of Parent-Child visitation. Early in the pandemic, the Office of Child and Family Services (OFCS) issued a blanket policy disallowing in-person visitation between parents and their children. In early May, at the request of its author, the staff circulated a letter to attorneys on the child protection roster advocating for an end to this blanket prohibition. More than 100 attorneys signed the letter, which was then forwarded to Dr. Todd Landy, Director of OFCS.

Subsequently, the staff organized a zoom call among a group of 10 parents attorneys, Dr. Landy and other representatives of OFCS, and the head of the Attorney General’s Child Protection Division. A healthy discussion ensued, with concerns aired on all sides. The parents attorneys advocated for a

more flexible policy that could be tailored to the needs of individual cases. Last week, OFCS issued a new policy effective June 8, 2020 that will allow in-person visitation to resume. Another call is planned shortly thereafter to discuss how the new policy is being implemented.

Post-Adjudication Representation at Long Creek

With coordination by the Commission staff, the Department of Corrections and Long Creek staff conducted a 2-hour training for the lawyers representing juveniles committed to Long Creek. The training described new procedures for evaluating and treating juveniles that the facility is implementing. The attorneys were also able to identify additional information that they should have access to and at least begin discussions on how to improve the flow of information. The Commission staff will work with the attorneys and Long Creek to keep the channels of communication open.

Attorney Roster Annual Renewal

Commission Rule, Chapter 2: Standards For Qualifications Of Assigned Counsel, requires that attorneys submit an annual renewal form each year that, among other things, shows that the attorney has obtained at least 8 hours of CLE related to representation in indigent cases during the previous year. The staff recommends deferring this requirement this CLE requirement in light of pandemic related cancelation of CLE programs usually available to satisfy this requirement. We will be seeking Commission guidance on this question at the upcoming meeting.

(5.)

Budget Update

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: BUDGET UPDATE
DATE: JUNE 1, 2020

With the onset of the pandemic, court proceedings in almost all indigent case types have been postponed for months. Child Protection proceedings are going forward, but generating fewer attorney hours because many matters are being handled remotely or through the submission of agreed-upon orders. As a result, Commission costs are coming in well below projections.

As a result, the Commission has more than enough allotment to cover costs we expect to incur for the balance of the fiscal year. In fact, if costs in June mirror those seen in May, the Commission will finish the fiscal year with in excess of \$2.5 million in unspent allotment. Because the Commission budget is in an Other Special Revenue account, these funds may not lapse and may be available to cover Commission costs next year.

As has been discussed, the budget for the next fiscal year is significantly short in terms of costs projected with for “normal operations.” Moreover, many of the costs the Commission is not seeing at this time will simply be deferred into next year. Accordingly, it will be important to have access to unspent allotment from this year as we move into the next fiscal year.

(6.)

OPEGA Update

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: OPEGA UPDATE
DATE: JUNE 1, 2020

During May, the staff have responded to several requests for information from OPEGA staff. You will recall that OPEGA originally identified 5 areas of inquiry in its work plan. After a request by the Commission, OPEGA accelerated its work with respect to 2 of those areas, financial processes and oversight structure. With the Legislature on hiatus, OPEGA staff has had time to begin gathering information on the other three items; indigency determinations, collection procedures, and the Commission's response to recommendation in reports from groups that have examined Commission operations.

When the Legislature adjourned, OPEGA was nearing completion of its report on the first two issues. Commissioners have inquired whether OPEGA could provide information on its findings and recommendations at this time as an aid to the Commission's reform efforts. I have been informed by the Director of OPEGA that their statute will not permit them to share that information until the Legislature returns and is able to take up their report.

(7.)

**Compensation for CLE
Attendance**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: COMPENSATION FOR CLE ATTENDANCE
DATE: JUNE 1, 2020

MACDL is sponsoring a three-part ethics CLE webinar series with Special Bar Counsel Justin Andrus in June. The three sessions are entitled:

- Emerging Issues in Representing Criminal Defendants
- Harassment, Bias, and Discrimination in Criminal Defense
- Ethical Issues and Implications for Lawyers of the Day

MACDL is asking the Commission to consider compensating rostered attorneys for attending these programs by permitting them to submit a voucher for the time spent in training. MACDL is also asking the Commission to consider covering the cost of attendance. Each webinar costs \$25 for members and \$50 for non-members. The Commission currently has 369 attorneys on the criminal rosters.