

MCILS

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

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

MARCH 17, 2017

COMMISSION MEETING

19 UNION STREET, ROOM 111B, AUGUSTA

AGENDA

- 1) Approval of January 17, 2017 Commission Meeting Minutes
- 2) Operations Reports Review – January and February
- 3) Budget Update
- 4) Status of RFP's Update
- 5) Lawsuit Filed by Seth Carey
- 6) MOU with DHHS
- 7) Public Comment
- 8) Set Date, Time and Location of Next Regular Meeting of the Commission
- 9) Executive Session, if needed (Closed to Public)

(1.)
January 17, 2017
Commission Meeting
Minutes

Maine Commission on Indigent Legal Services – Commissioners Meeting
January 17, 2017

Minutes

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

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Approval of the December 13, 2016 Commission Meeting Minutes	No discussion of meeting minutes.	Commissioner Logan moved for approval, Commissioner Glazier seconded. All voted in favor. Approved.
Operations Reports Review	<p>Director Pelletier presented the December 2016 Operations Reports. 2,097 new cases were opened in the DefenderData system in December. This was a 49 case increase over November. The number of submitted vouchers in December was 2,452, a decrease of 19 vouchers from November, totaling \$1,390,139, a decrease of \$7,000 from November. In December, the Commission paid 3,312 vouchers totaling \$1,887,434, an increase of 1,543 vouchers and \$963,000 over November. This substantial increase in voucher payments was due to Director Pelletier being out of the office for several weeks during November and staff falling behind in voucher review during that time period. Upon Director Pelletier's return, staff was able to get caught up to be able to make payments within a few days of voucher submission. The average price per voucher was \$569.51, up \$46.77 per voucher over November. Director Pelletier noted that this number is running high, but not significantly higher than the year-to-date amount at the end of FY'16. Appeal and Termination of Parental Rights cases had the highest average vouchers. There were 16 vouchers exceeding \$5,000 paid in December. The monthly transfer from the Judicial Branch for counsel fees for December, which reflects November's collections, totaled \$40,888, down approximately \$6,000 from the previous month.</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Budget Update	<p>Director Pelletier updated the Commissioners on the status of the supplemental and biennial budgets. For the supplemental budget, the second quarter of the fiscal year came in exactly as projected, so the supplemental need for FY'17 remained at \$2,831,041. Since this amount was not included in the Governor's supplemental budget to the Legislature, Director Pelletier intends to attend the joint public hearing of the Appropriations and Judiciary Committees to submit the Commission's supplemental budget request. Director Pelletier advised the Commissioners that if the requested amount is not appropriated, the Commission would be unable to pay vouchers after May 1, 2017. Director Pelletier gave the Commissioners an overview of the Governor's proposed budget that revived the concept outlined in last session's LD 1433, which would create a contract-based indigent legal services system under the direction of a Chief Public Defender. The proposed budget defunds MCILS but maintains the Commission to provide oversight to the Office of Public Defender.</p> <p>The Commissioners briefly discussed the biennial budget proposal and agreed that the Commission's priority should be to secure supplemental funding for the remainder of FY'17.</p>	
Status of RFP's Update	<p>Director Pelletier gave a brief update on the status of the two pending RFPs – voucher management system and the contract for Somerset County – as well as the bids received for the appellate RFP. Purchasing rules required discussion of the appellate bids to occur during executive session. Director Pelletier informed the Commissioners that staff was waiting for revised case numbers before finalizing the Somerset County RFP. The RFP for the voucher management system has been finalized with Purchasing, but due to the technical nature of the RFP, Purchasing referred the draft to the Office of the State Controller and the Office of Information Technology for their review.</p>	
Public Comment	<p><u>Robert J. Ruffner, Esq.</u>: Attorney Ruffner asked the Commission to consider organizing a lawyer of the day training or let another group handle the training. Attorney Ruffner was unaware of the budget proposal to create a public defender. He</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	explained that he supported the proposal during the last session after he re-wrote the bill. He urged the Commissioners to use the budget discussion to get additional resources for the Commission.	
Executive Session	The Commissioners entered into executive session to discuss a personnel matter and the submission of bids for the appellate contract. Upon emerging from executive session, the Commissioners stated that no votes were taken with regards to the personnel matter. Chair Carey moved for the Commission to not issue any award for an appellate contract. Commissioner Glazier seconded. All voted in favor.	
Adjournment of meeting	The Commission voted to adjourn with the next meeting to be on February 14, 2017 at 9:30 a.m.	Commissioner Glazier moved to adjourn. Commissioner Welch seconded. All present in favor.

(2.)
Operations Reports
January 2017

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

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

Attached you will find the January, 2017, Operations Reports for your review and our discussion at the upcoming Commission meeting on February 14, 2017. A summary of the operations reports follows:

- 2,331 new cases were opened in the DefenderData system in January. This was a 234 case increase over December.
- The number of vouchers submitted electronically in January was 2,872, an increase of 420 vouchers over December, totaling \$1,510,207.26, an increase of \$120,000 over December. In January, we paid 2,430 electronic vouchers totaling \$1,251,067.13 representing a decrease of 882 vouchers and \$636,000 compared to December.
- There was 1 paper voucher submitted and paid in January totaling \$990.00.
- The average price per voucher in January was \$515.04, down \$54.47 per voucher from December.
- Appeal and Post-Conviction Review cases had the highest average vouchers in January. There were 7 vouchers exceeding \$5,000 paid in January. Three cases involved murder charges; two resulted in dismissal of the murder charge in return to a plea to a lesser charge, and in the third case, counsel withdrew on the eve of trial at the request of the defendant. Two cases involved aggravated assault charges that were dismissed in return for pleas to lesser charges after vigorous pre-trial litigation. Another case involved burglary charges where the agreed disposition was favorable to the client, also as a result of vigorous pre-trial litigation. The final voucher involved an appeal from a conviction on multiple counts of gross sexual assault.

In our All Other Account, the total expenses for the month of January were \$1,332,496.39. Of that amount, just over \$13,000 was devoted to the Commission's operating expenses. Note that the operations expenses now include a monthly contract payment to our immigration law consultant.

In the Personal Services Account, we had \$55,808.36 in expenses for the month of January.

In the Revenue Account, the January transfer of collected revenue, reflecting December collections, totaled \$37,557.56, down \$3,000 from December.

In our Conference Account, we paid final expenses related the live criminal minimum standards training in December, bringing the account balance to \$21,093.18.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

1/31/2017

Jan-17							Fiscal Year 2017			
Defender Data Case Type	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	11	26	\$ 37,862.50	20	\$ 26,565.02	\$ 1,328.25	98	149	\$ 223,293.86	\$ 1,498.62
Child Protection Petition	163	372	\$ 233,805.65	319	\$ 202,109.33	\$ 633.57	1,144	2,229	\$ 1,458,544.19	\$ 654.35
Drug Court	1	5	\$ 4,350.00	4	\$ 2,652.00	\$ 663.00	4	41	\$ 34,197.18	\$ 834.08
Emancipation	18	10	\$ 3,413.00	6	\$ 2,742.00	\$ 457.00	77	49	\$ 16,343.84	\$ 333.55
Felony	538	629	\$ 518,004.72	550	\$ 436,729.57	\$ 794.05	3,486	3,765	\$ 3,192,867.89	\$ 848.04
Involuntary Civil Commitment	97	127	\$ 27,574.91	74	\$ 16,504.34	\$ 223.03	506	428	\$ 100,439.15	\$ 234.67
Juvenile	104	100	\$ 50,053.03	85	\$ 39,312.90	\$ 462.50	541	561	\$ 267,894.54	\$ 477.53
Lawyer of the Day - Custody	250	257	\$ 63,353.86	221	\$ 52,726.78	\$ 238.58	1,645	1,529	\$ 374,089.44	\$ 244.66
Lawyer of the Day - Juvenile	43	45	\$ 9,236.24	38	\$ 7,832.84	\$ 206.13	293	272	\$ 52,538.74	\$ 193.16
Lawyer of the Day - Walk-in	143	155	\$ 35,664.40	121	\$ 29,057.60	\$ 240.15	959	874	\$ 216,894.51	\$ 248.16
Misdemeanor	713	754	\$ 318,097.43	636	\$ 261,612.63	\$ 411.34	4,968	4,730	\$ 1,943,668.32	\$ 410.92
Petition, Modified Release Treatment	1	2	\$ 1,089.00	3	\$ 1,281.00	\$ 427.00	7	37	\$ 21,096.49	\$ 570.18
Petition, Release or Discharge	1	0		0			2	1	\$ 651.52	\$ 651.52
Petition, Termination of Parental Rights	26	46	\$ 34,846.52	39	\$ 28,568.92	\$ 732.54	196	370	\$ 307,034.79	\$ 829.82
Post Conviction Review	6	4	\$ 16,565.33	6	\$ 6,601.55	\$ 1,100.26	47	47	\$ 70,966.95	\$ 1,509.94
Probate	1	1	\$ 317.81	0			8	2	\$ 1,600.45	\$ 800.23
Probation Violation	176	168	\$ 71,443.43	162	\$ 65,893.86	\$ 406.75	1,134	1,123	\$ 457,561.93	\$ 407.45
Represent Witness on 5th Amendment	1	3	\$ 984.00	2	\$ 666.00	\$ 333.00	2	6	\$ 978.00	\$ 163.00
Review of Child Protection Order	37	166	\$ 83,341.43	142	\$ 70,006.79	\$ 493.01	331	1,062	\$ 589,756.22	\$ 555.33
Revocation of Administrative Release	1	2	\$ 204.00	2	\$ 204.00	\$ 102.00	12	10	\$ 3,477.78	\$ 347.78
Defender Data Sub-Total	2,331	2,872	\$ 1,510,207.26	2,430	\$ 1,251,067.13	\$ 514.84	15,460	17,285	\$ 9,333,895.79	\$ 540.00
Paper Voucher Sub-Total	1	1	\$ 990.00	1	\$ 990.00	\$ 990.00	11	11	\$ 4,870.20	\$ 442.75
TOTAL	2,332	2,873	\$1,511,197.26	2,431	\$1,252,057.13	\$ 515.04	15,471	17,296	\$ 9,338,765.99	\$ 539.94

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY16 FUND ACCOUNTING
AS OF 01/31/2017

Account 010 95F 2112 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY16 Total
FY17 Professional Services Allotment		\$ 4,278,098.25		\$ 4,357,441.00		\$ 4,712,015.00		\$ 2,083,667.00	
FY17 General Operations Allotment		\$ 34,560.00		\$ 34,560.00		\$ 34,560.00		\$ 34,560.00	
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 4,312,658.25		\$ 4,392,001.00		\$ 4,746,575.00		\$ 2,118,227.00	\$ 15,569,461.25
Total Expenses	1	\$ (993,008.98)	4	\$ (1,499,285.92)	7	\$ (1,332,496.39)	10	\$ (3,824,791.29)	
	2	\$ (1,778,404.21)	5	\$ (974,177.24)	8	\$ -	11	\$ (2,752,581.45)	
	3	\$ (1,290,758.70)	6	\$ (1,949,070.52)	9	\$ -	12	\$ (3,239,829.22)	
Encumbrances (Somerset PDP & Justice Works)		\$ (249,075.75)		\$ 82,110.25		\$ 27,325.75		\$ (139,639.75)	
Encumbrances (Westlaw & Barbara Taylor)		\$ (1,410.00)		\$ (51,577.00)		\$ 4,474.33		\$ (48,512.67)	
TOTAL REMAINING		\$ 0.61		\$ 0.57		\$ 3,445,878.69		\$ 2,118,227.00	\$ 5,564,106.87

Q3 Month 7 (as of 01/31/17)	
INDIGENT LEGAL SERVICES	
Counsel Payments	\$ (1,252,057.13)
Somerset County	\$ (22,842.50)
Subpoena Witness Fees	\$ (10.00)
Private Investigators	\$ (19,854.27)
Mental Health Expert	\$ (8,422.78)
Transcripts	\$ (5,705.50)
Other Expert	\$ (8,524.20)
Analysts & Lab Services	\$ -
Process Servers	\$ (1,081.93)
Interpreters	\$ (671.97)
Misc Prof Fees & Serv	\$ -
SUB-TOTAL ILS	\$ (1,319,170.28)

INDIGENT LEGAL SERVICES	
Q3 Allotment	\$ 4,746,575.00
Q3 Encumbrances for Somerset PDP & Justice Works contracts	\$ 27,325.75
Westlaw & Barbara Taylor Contracts	\$ 4,474.33
Q3 Expenses as of 01/31/17	\$ (1,332,496.39)
Remaining Q3 Allotment as of 01/31/17	\$ 3,445,878.69

OPERATING EXPENSES	
Annual Book printing fee	\$ (9.08)
DefenderData	\$ (4,638.25)
West Publishing Corp	\$ (141.00)
Mileage/Tolls/Parking	\$ (991.89)
Mailing/Postage/Freight	\$ (94.18)
Legal Ads	\$ (315.56)
returned funds-med records	\$ 43.25
Office Supplies/Equip.	\$ (90.72)
Cellular Phones	\$ (243.14)
Parking Permits	\$ (540.00)
Office Equipment Rental	\$ -
Barbara Taylor monthly fees	\$ (4,333.33)
OIT/TELCO	\$ (1,972.21)
SUB-TOTAL OE	\$ (13,326.11)
TOTAL	\$ (1,332,496.39)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY16 FUND ACCOUNTING
As of 01/31/17

Account 014 95F 2122 01												
(Revenue)	No.	Q1	No.	Q2	No.	Q3	No.	Q4	FY16 Total			
Total Budget Allotments		\$ 184,125.00		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00	\$ 736,497.00			
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ -	-			
Financial Order Adjustment	2	\$ -	5	\$ -	8	\$ -	11	\$ -	-			
Budget Order Adjustment	3	\$ -	6	\$ -	9	\$ -	12	\$ -	-			
Financial Order Adjustment	3	\$ -	4	\$ -	9	\$ -	12	\$ -	-			
Total Budget Allotments		\$ 184,125.00		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00	\$ 736,497.00			
Cash Carryover from Prior Quarter		\$ 23.05		\$ 3,014.37		\$ 2,493.90		\$ -	-			
Collected Revenue from JB	1	\$ 61,742.47	4	\$ 42,429.56	7	\$ 37,557.56	10	\$ -	-			
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	-			
Collected Revenue from JB	2	\$ 40,789.66	5	\$ 46,852.35	8	\$ -	11	\$ -	-			
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	-			
Collected Revenue from JB (late transfer)		\$ -		\$ -		\$ -		\$ -	-			
Collected Revenue from JB	3	\$ 55,760.61	6	\$ 40,888.57	9	\$ -	12	\$ -	-			
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	-			
TOTAL CASH PLUS REVENUE COLLECTED		\$ 158,315.79		\$ 133,184.85		\$ 40,051.46		\$ -	\$ 326,020.78			
Counsel Payments	1	\$ -	4	\$ -	7	\$ -	10	\$ -	-			
Other Expenses		\$ -		\$ (3,011.64)		\$ -	***	\$ -	-			
Counsel Payments	2	\$ -	5	\$ -	8	\$ -	11	\$ -	-			
Other Expenses		\$ -		\$ -		\$ -		\$ -	-			
Counsel Payments	3	\$ (154,443.22)	6	\$ (127,679.31)	9	\$ -	12	\$ -	-			
Other Expenses	**	\$ -		\$ -	***	\$ (2,489.75)		\$ -	-			
REMAINING ALLOTMENT		\$ 29,681.78		\$ 53,433.05		\$ 181,672.54		\$ 184,124.00	\$ 448,873.08			
Overpayment Reimbursements	1	\$ (100.00)	4	\$ -	7	\$ (1,938.00)	10	\$ -	-			
	2	\$ (713.20)	5	\$ -	8	\$ -	11	\$ -	-			
	3	\$ (45.00)	6	\$ -	9	\$ -	12	\$ -	-			
REMAINING CASH YEAR-TO-DATE		\$ 3,017.57		\$ 2,493.90		\$ 35,623.54		\$ -	-			
Q3 Month 7 (as of 01/31/17)												
DEFENDER DATA COUNSEL PAYMENTS												
SUB-TOTAL IS		\$ -		\$ -		\$ -		\$ -	-			
OVERPAYMENT REIMBURSEMENTS		\$ (1,938.00)		\$ -		\$ -		\$ -	-			
Paper Voucher		\$ -		\$ -		\$ -		\$ -	-			
Somerset County CDS		\$ -		\$ -		\$ -		\$ -	-			
Private Investigators		\$ -		\$ -		\$ -		\$ -	-			
Mental Health Expert		\$ -		\$ -		\$ -		\$ -	-			
Transcripts		\$ -		\$ -		\$ -		\$ -	-			
Other Expert		\$ -		\$ -		\$ -		\$ -	-			
StaCap Expense		\$ (1,938.00)		\$ -		\$ -		\$ -	-			
SUB-TOTAL OE		\$ (1,938.00)		\$ -		\$ -		\$ -	-			
TOTAL		\$ (1,938.00)		\$ -		\$ -		\$ -	-			

** StaCap for December but charged against Q3 expenses

** StaCap for December but charged against Q3 expenses

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY16 FUND ACCOUNTING
AS OF 01/31/2017

Account 010-95F-2112 01 (Personal Services)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY16 Total
FY17 Allotment		\$ 181,545.00		\$ 205,445.00		\$ 181,540.00		\$ 189,421.00	\$ -
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 181,545.00		\$ 205,445.00		\$ 181,540.00		\$ 189,421.00	\$ 757,951.00
Total Expenses									
	1	\$ (55,554.51)	4	\$ (56,634.54)	7	\$ (55,808.36)	10	\$ -	
	2	\$ (58,643.85)	5	\$ (79,274.97)	8	\$ -	11	\$ -	
	3	\$ (56,599.36)	6	\$ (56,077.87)	9	\$ -	12	\$ -	
TOTAL REMAINING		\$ 10,747.28		\$ 13,457.62		\$ 125,731.64		\$ 189,421.00	\$ 339,357.54

Q3 Month 7 (as of 01/31/17)	
Per Diem Payments	\$ (220.00)
Salary	\$ (24,416.31)
Vacation Pay	\$ (2,838.53)
Holiday Pay	\$ (3,105.20)
Sick Pay	\$ (600.08)
Employee Hlth Svs/Workers Comp	\$ (74.00)
Health Insurance	\$ (8,887.60)
Dental Insurance	\$ (223.22)
Employer Retiree Health	\$ (3,569.52)
Employer Retirement	\$ (2,382.56)
Employer Group Life	\$ (243.35)
Employer Medicare	\$ (455.70)
Retiree Unfunded Liability	\$ (5,885.98)
Retro Pymt	\$ -
Perm Part Time Full Ben	\$ (2,906.31)
TOTAL	\$ (55,808.36)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY16 FUND ACCOUNTING
As of 01/31/17

Account 03495F241202 (Conference)											
	M/o.	Q1	M/o.	Q2	M/o.	Q3	M/o.	Q4	FY16 Total		
Total Budget Allotments	1	\$ 10,000.00	4	\$ 20,000.00	7	\$ 20,000.00	10	\$ 7,000.00	\$	57,000.00	
Financial Order Adjustment	2	\$ -	5	\$ -	8	\$ -	11	\$ -			
Financial Order Adjustment	3	\$ -	6	\$ -	9	\$ -	12	\$ -	\$	-	
Total Budget Allotments		\$ 10,000.00		\$ 20,000.00		\$ 20,000.00		\$ 7,000.00	\$	57,000.00	
Cash Carryover from Prior Quarter		\$ 14,054.73		\$ 32,159.21		\$ 23,941.11		\$ -			
Collected Revenue	1	\$ -	4	\$ 775.00	7	\$ -	10	\$ -			
Collected Revenue	2	\$ 17,600.00	5	\$ 725.00	8	\$ -	11	\$ -			
Collected Revenue	3	\$ 850.00	6	\$ 475.00	9	\$ -	12	\$ -			
TOTAL CASH PLUS REVENUE COLLECTED		\$ 32,504.73		\$ 34,134.21		\$ 23,941.11		\$ -	\$	20,425.00	
Total Expenses	1	\$ (132.26)	4	\$ (6,686.13)	7	\$ (2,847.93)	10	\$ -			
	2	\$ (37.58)	5	\$ (2,288.90)	8	\$ -	11	\$ -			
	3	\$ (0.68)	6	\$ (1,218.07)	9	\$ -	12	\$ -			
Encumbrances		\$ (5,000.00)		\$ 1,725.00		\$ 2,825.00		\$ -		(450.00)	
REMAINING ALLOTMENT		\$ 4,875.48		\$ 11,531.90		\$ 19,977.07		\$ 7,000.00	\$	43,338.45	
REMAINING CASH Year to Date		\$ 32,159.21		\$ 23,941.11		\$ 21,094.18		\$ -			
Q3 Month 7 (as of 01/31/17)											
Training Manuals Printing		\$ -									
Training Refreshments/Meals		\$ -									
Media Northeast		\$ (2,825.00)									
Speaker Fees		\$ -									
Office Supplies		\$ -									
CLE App to the Bar		\$ -									
State Cap Expense		\$ (22.93)									
TOTAL		\$ (2,847.93)									

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

1/31/2017

Jan-17							Fiscal Year 2017			
Court	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	33	45	\$ 35,446.80	36	\$ 34,159.96	\$ 948.89	180	377	\$ 337,819.83	\$ 896.07
AUBSC	11	25	\$ 16,078.72	27	\$ 12,402.96	\$ 459.37	96	212	\$ 144,552.92	\$ 681.85
AUGDC	47	78	\$ 37,501.35	45	\$ 20,156.70	\$ 447.93	339	455	\$ 233,694.03	\$ 513.61
AUGSC	24	26	\$ 11,544.61	30	\$ 13,043.03	\$ 434.77	172	286	\$ 146,441.10	\$ 512.03
BANDC	55	80	\$ 27,413.42	65	\$ 18,646.10	\$ 286.86	381	545	\$ 212,462.13	\$ 389.84
BANSC	1	6	\$ 6,379.44	4	\$ 882.00	\$ 220.50	10	11	\$ 5,877.82	\$ 534.35
BATSC	2	3	\$ 2,271.83	2	\$ 2,043.83	\$ 1,021.92	10	10	\$ 12,443.17	\$ 1,244.32
BELDC	11	27	\$ 21,007.68	20	\$ 17,262.94	\$ 863.15	71	122	\$ 82,884.14	\$ 679.38
BELSC	2	2	\$ 3,511.20	1	\$ 162.00	\$ 162.00	17	21	\$ 8,331.83	\$ 396.75
BIDDC	62	104	\$ 47,041.12	83	\$ 38,097.92	\$ 459.01	424	519	\$ 246,620.30	\$ 475.18
BRIDC	14	22	\$ 10,880.54	19	\$ 9,378.01	\$ 493.58	85	112	\$ 59,516.67	\$ 531.40
CALDC	5	5	\$ 3,759.20	8	\$ 4,420.64	\$ 552.58	68	70	\$ 42,293.64	\$ 604.19
CARDC	7	13	\$ 8,805.05	12	\$ 7,867.65	\$ 655.64	48	100	\$ 60,973.45	\$ 609.73
CARSC	4	11	\$ 6,614.53	13	\$ 11,445.43	\$ 880.42	41	74	\$ 60,365.35	\$ 815.75
DOVDC	11	12	\$ 2,574.00	13	\$ 2,766.00	\$ 212.77	30	76	\$ 39,673.01	\$ 522.01
DOVSC	0	0		0			2	2	\$ 675.44	\$ 337.72
ELLDC	25	30	\$ 16,443.00	26	\$ 13,739.81	\$ 528.45	117	200	\$ 157,152.81	\$ 785.76
ELLSC	2	3	\$ 1,979.00	2	\$ 1,487.00	\$ 743.50	5	15	\$ 5,171.00	\$ 344.73
FARDC	17	19	\$ 8,354.17	15	\$ 7,706.17	\$ 513.74	85	107	\$ 67,440.82	\$ 630.29
FARSC	3	3	\$ 1,865.52	3	\$ 1,865.52	\$ 621.84	22	17	\$ 9,137.64	\$ 537.51
FORDC	2	5	\$ 1,391.44	4	\$ 1,574.21	\$ 393.55	40	49	\$ 25,033.82	\$ 510.89
HOUDC	16	22	\$ 8,921.56	20	\$ 13,446.82	\$ 672.34	113	180	\$ 78,851.65	\$ 438.06
HOUSC	5	8	\$ 3,510.75	12	\$ 5,859.75	\$ 488.31	21	40	\$ 25,269.01	\$ 631.73
LEWDC	73	116	\$ 51,095.86	90	\$ 40,400.06	\$ 448.89	525	689	\$ 335,063.17	\$ 486.30
LINDC	8	12	\$ 7,386.32	21	\$ 10,867.18	\$ 517.48	58	143	\$ 68,985.22	\$ 482.41
MACDC	9	19	\$ 10,591.80	21	\$ 10,799.20	\$ 514.25	89	114	\$ 52,375.82	\$ 459.44
MACSC	0	1	\$ 24.00	3	\$ 954.00	\$ 318.00	13	24	\$ 7,448.64	\$ 310.36
MADDC	0	0		0			17	25	\$ 7,160.53	\$ 286.42
MILDC	4	4	\$ 1,278.00	3	\$ 1,032.00	\$ 344.00	34	37	\$ 11,631.48	\$ 314.36
NEWDC	9	30	\$ 12,617.62	33	\$ 11,108.27	\$ 336.61	131	208	\$ 90,024.16	\$ 432.81
PORDC	115	170	\$ 74,504.54	89	\$ 48,772.65	\$ 548.01	569	742	\$ 409,944.99	\$ 552.49
PORSC	1	1	\$ 492.00	1	\$ 492.00	\$ 492.00	24	10	\$ 21,775.92	\$ 2,177.59
PREDC	9	24	\$ 17,396.00	28	\$ 20,796.41	\$ 742.73	110	175	\$ 89,936.72	\$ 513.92
RODC	17	17	\$ 7,612.14	17	\$ 7,624.16	\$ 448.48	136	168	\$ 78,759.81	\$ 468.81
RODCS	2	4	\$ 4,651.60	2	\$ 3,263.60	\$ 1,631.80	16	39	\$ 35,945.01	\$ 921.67
RUMDC	15	18	\$ 9,674.35	13	\$ 6,924.13	\$ 532.63	76	84	\$ 37,518.05	\$ 446.64
SKODC	20	48	\$ 26,176.20	47	\$ 27,501.32	\$ 585.13	133	302	\$ 159,154.57	\$ 527.00
SKOSC	0	0		0			2	0		
SOUDC	8	19	\$ 9,109.64	18	\$ 8,482.64	\$ 471.26	68	101	\$ 46,905.50	\$ 464.41
SOUSC	9	16	\$ 8,755.95	12	\$ 4,936.58	\$ 411.38	65	87	\$ 52,933.05	\$ 608.43
SPRDC	56	88	\$ 46,634.09	77	\$ 36,880.07	\$ 478.96	448	539	\$ 294,216.62	\$ 545.86
Law Ct	11	25	\$ 35,774.94	17	\$ 22,575.46	\$ 1,327.97	78	109	\$ 159,215.04	\$ 1,460.69
YORCD	209	220	\$ 136,763.83	190	\$ 117,649.93	\$ 619.21	1,271	1,023	\$ 685,274.79	\$ 669.87
AROCD	76	73	\$ 47,523.79	75	\$ 47,256.41	\$ 630.09	577	546	\$ 310,142.93	\$ 568.03
ANDCD	135	133	\$ 71,195.37	100	\$ 49,196.12	\$ 491.96	807	740	\$ 400,552.67	\$ 541.29
KENCD	169	144	\$ 59,009.55	119	\$ 54,197.00	\$ 455.44	1,174	1,084	\$ 497,103.12	\$ 458.58
PENCD	246	212	\$ 96,896.98	208	\$ 93,076.25	\$ 447.48	1,472	1,427	\$ 679,749.86	\$ 476.35
SAGCD	47	33	\$ 26,854.66	37	\$ 28,892.57	\$ 780.88	217	216	\$ 135,025.20	\$ 625.12
WALCD	36	20	\$ 10,057.06	19	\$ 10,150.46	\$ 534.23	196	188	\$ 91,619.95	\$ 487.34
PISCD	12	22	\$ 4,350.00	25	\$ 4,854.00	\$ 194.16	81	84	\$ 21,925.92	\$ 261.02
HANCD	62	61	\$ 28,862.20	48	\$ 17,778.20	\$ 370.38	391	364	\$ 149,338.00	\$ 410.27
FRACD	45	65	\$ 32,729.00	50	\$ 26,951.28	\$ 539.03	293	302	\$ 139,781.11	\$ 462.85
WASCD	32	28	\$ 7,584.00	27	\$ 5,520.00	\$ 204.44	237	203	\$ 60,638.00	\$ 298.71
CUMCD	365	428	\$ 246,940.06	343	\$ 193,287.00	\$ 563.52	2,380	2,250	\$ 1,297,315.77	\$ 576.58
KNOCD	34	48	\$ 27,283.63	42	\$ 21,056.94	\$ 501.36	342	325	\$ 176,984.75	\$ 544.57
SOMCD	0	1	\$ 288.00	1	\$ 288.00	\$ 288.00	12	10	\$ 12,389.12	\$ 1,238.91
OXFCD	45	66	\$ 34,258.12	47	\$ 18,065.04	\$ 384.36	382	385	\$ 175,629.10	\$ 456.18
LINCD	35	40	\$ 19,224.84	39	\$ 19,437.12	\$ 498.39	229	225	\$ 117,827.97	\$ 523.68
WATDC	24	48	\$ 24,007.23	38	\$ 17,671.95	\$ 465.05	151	315	\$ 156,382.10	\$ 496.45
WESDC	14	38	\$ 15,158.56	44	\$ 12,745.00	\$ 289.66	140	205	\$ 85,687.13	\$ 417.99
WISDC	6	8	\$ 3,635.08	11	\$ 4,833.32	\$ 439.39	35	61	\$ 45,165.07	\$ 740.41
WISSC	1	3	\$ 2,022.06	1	\$ 161.50	\$ 161.50	11	16	\$ 5,963.47	\$ 372.72
YORDC	13	20	\$ 8,493.26	14	\$ 6,174.86	\$ 441.06	93	120	\$ 67,723.88	\$ 564.37
TOTAL	2,331	2,872	\$ 1,510,207.25	2,430	\$ 1,251,067.13	\$ 514.84	15,460	17,285	\$ 9,333,895.79	\$ 540.00

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

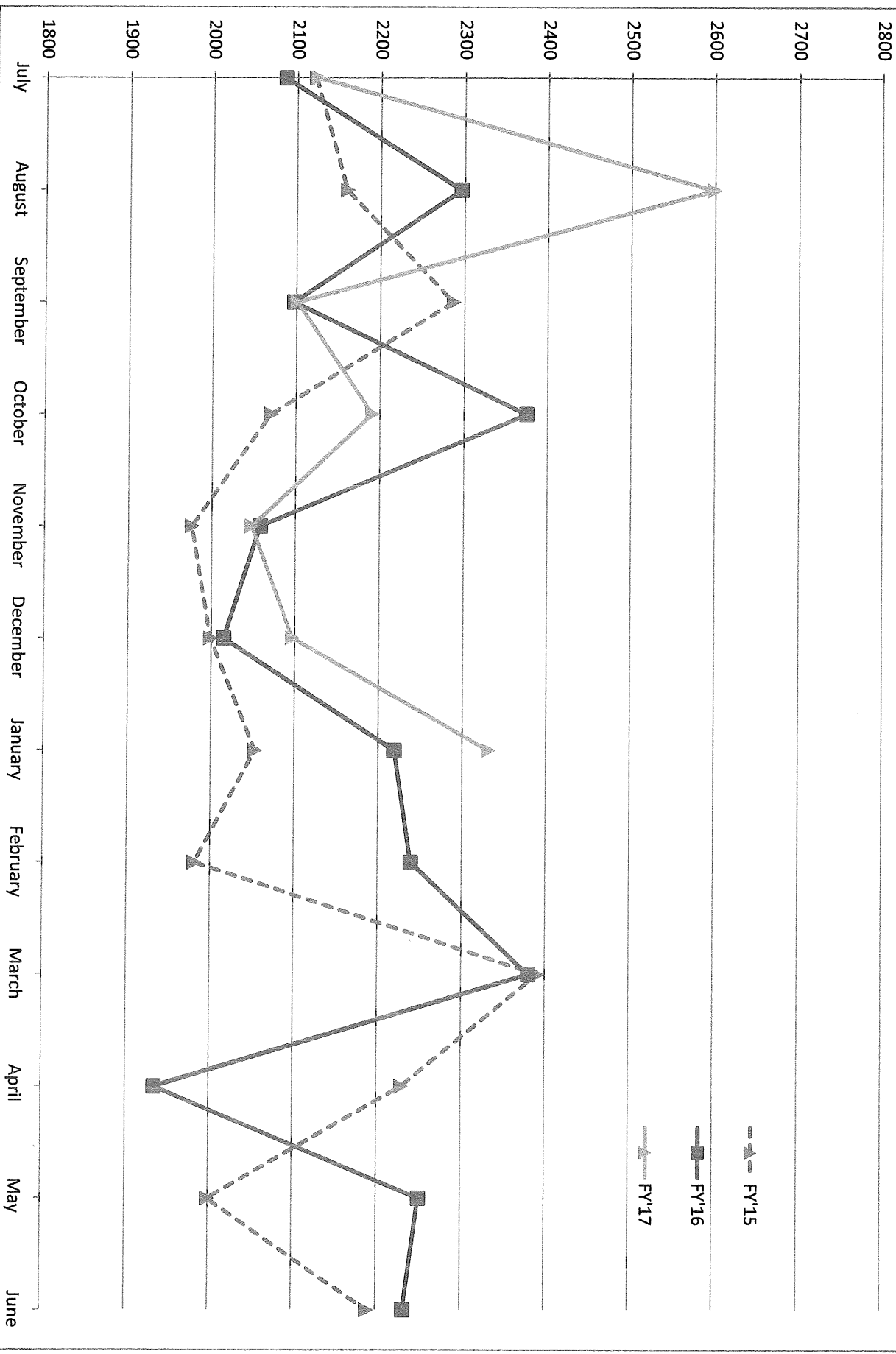
Number of Attorneys Rostered by Court

01/31/2017

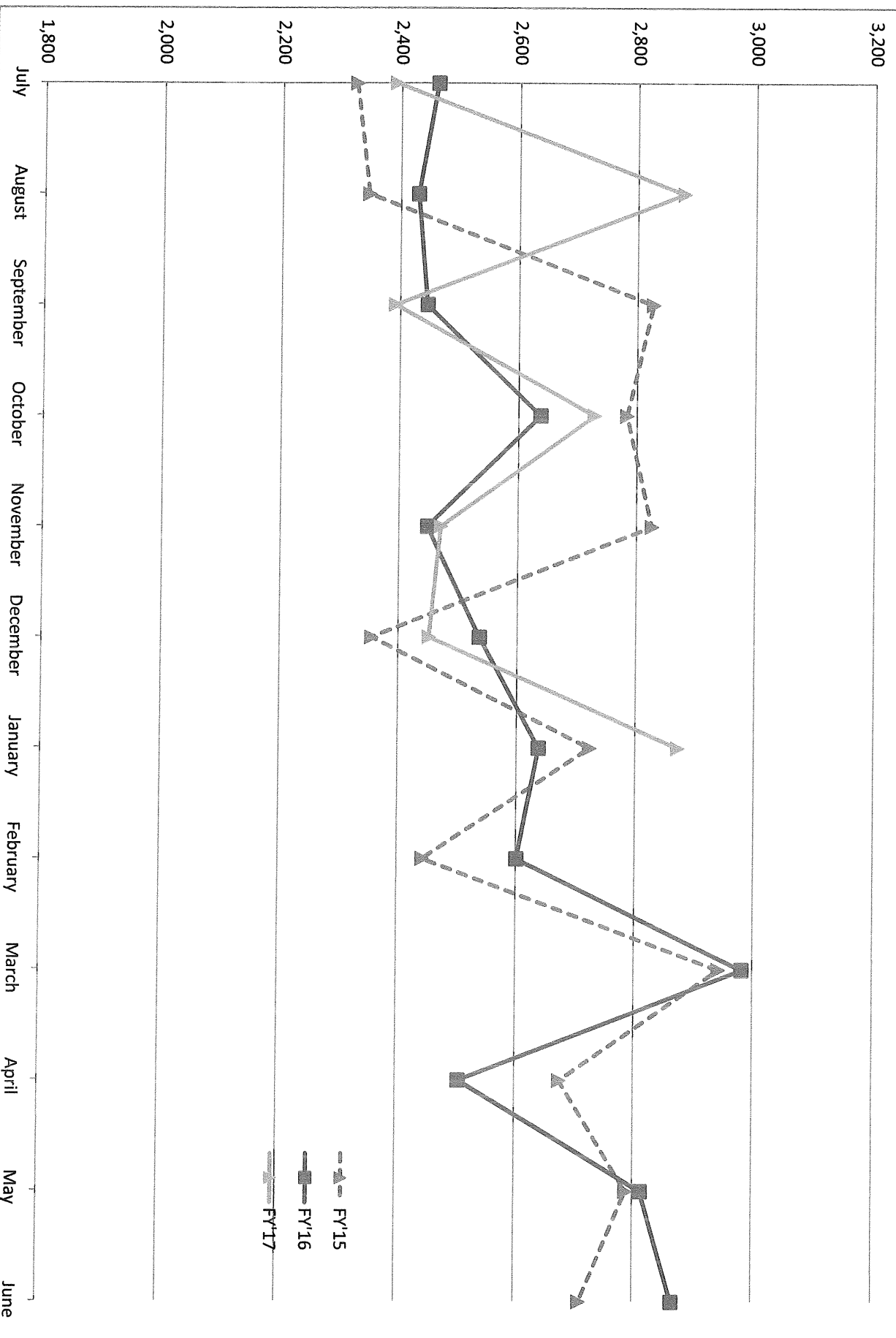
Court	Rostered Attorneys
Augusta District Court	102
Bangor District Court	53
Belfast District Court	51
Biddeford District Court	133
Bridgton District Court	98
Calais District Court	12
Carbou District Court	19
Dover-Foxcroft District Court	26
Ellsworth District Court	44
Farmington District Court	29
Fort Kent District Court	11
Houlton District Court	15
Lewiston District Court	131
Lincoln District Court	28
Machias District Court	18
Madawaska District Court	12
Millinocket District Court	21
Newport District Court	36
Portland District Court	161
Presque Isle District Court	15
Rockland District Court	42
Rumford District Court	26
Skowhegan District Court	27

Court	Rostered Attorneys
South Paris District Court	61
Springvale District Court	120
Unified Criminal Docket Alfred	110
Unified Criminal Docket Aroostook	25
Unified Criminal Docket Auburn	104
Unified Criminal Docket Augusta	92
Unified Criminal Docket Bangor	54
Unified Criminal Docket Bath	91
Unified Criminal Docket Belfast	46
Unified Criminal Docket Dover-Foxcroft	23
Unified Criminal Docket Ellsworth	41
Unified Criminal Docket Farmington	29
Unified Criminal Docket Machias	18
Unified Criminal Docket Portland	149
Unified Criminal Docket Rockland	38
Unified Criminal Docket Skowhegan	20
Unified Criminal docket Soputh Paris	96
Unified Criminal Docket Wiscasset	56
Waterville District Court	53
West Bath District Court	113
Wiscasset District Court	63
York District Court	106

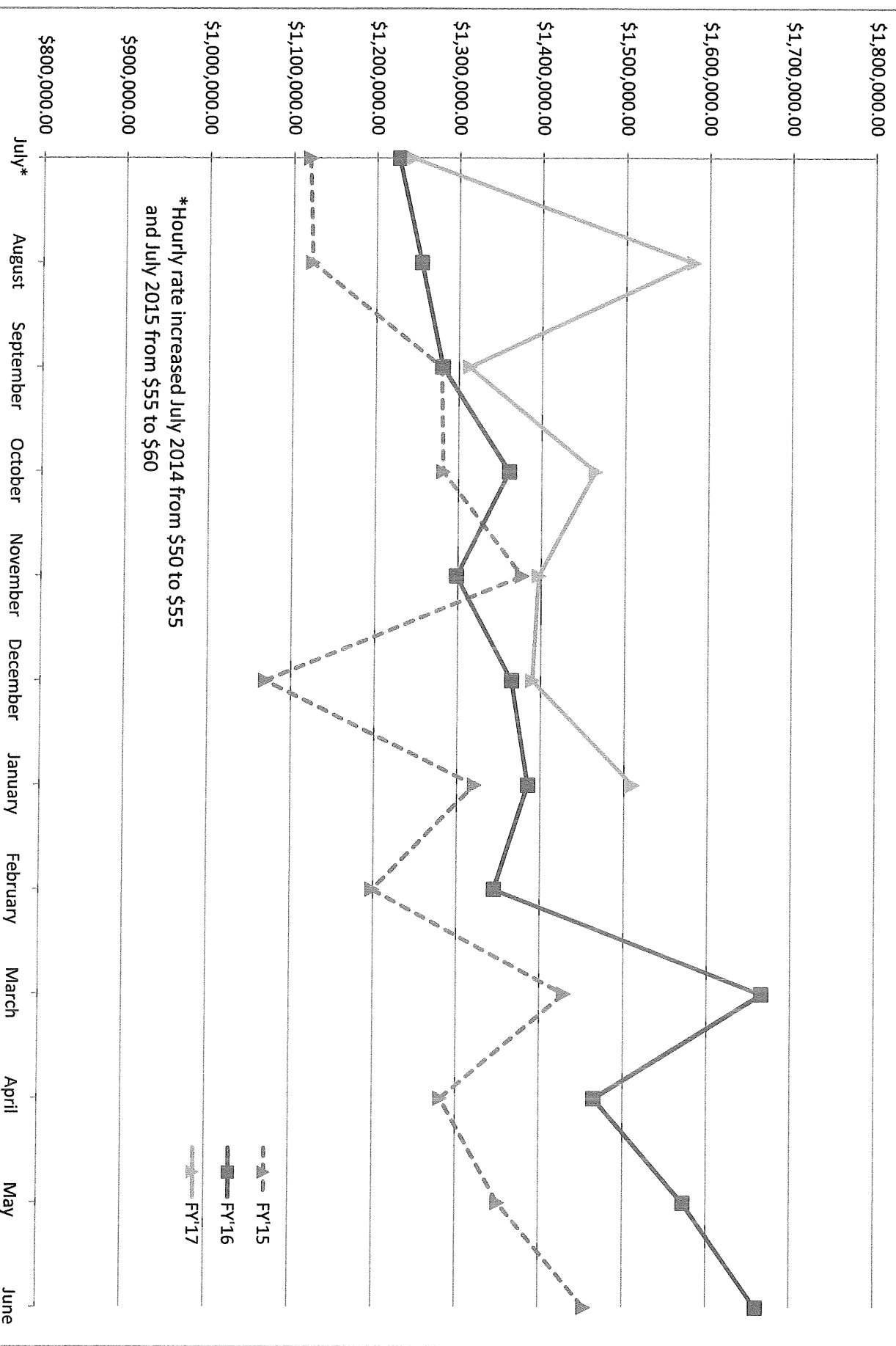
NEW CASES



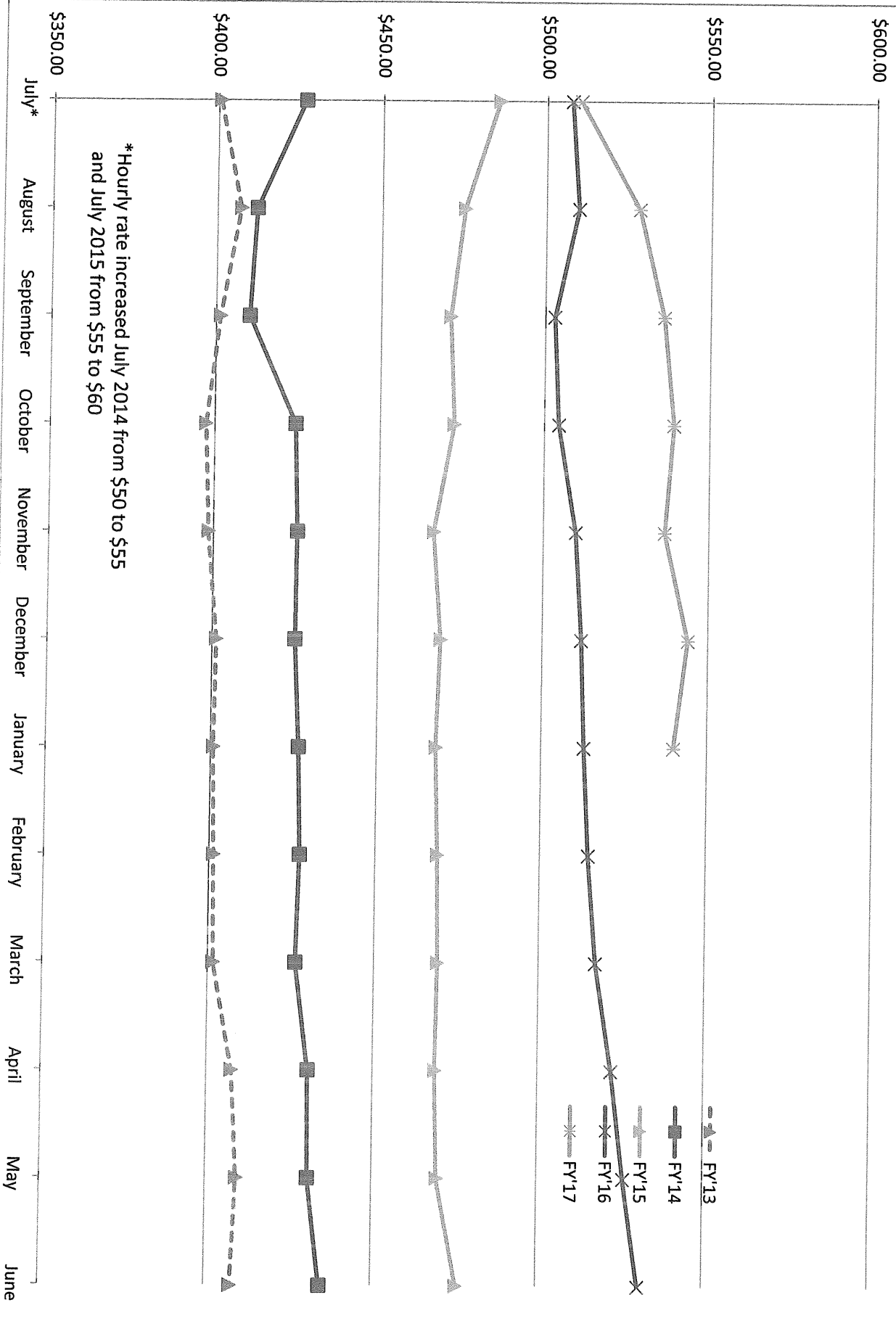
Submitted Vouchers



Submitted Voucher Amount



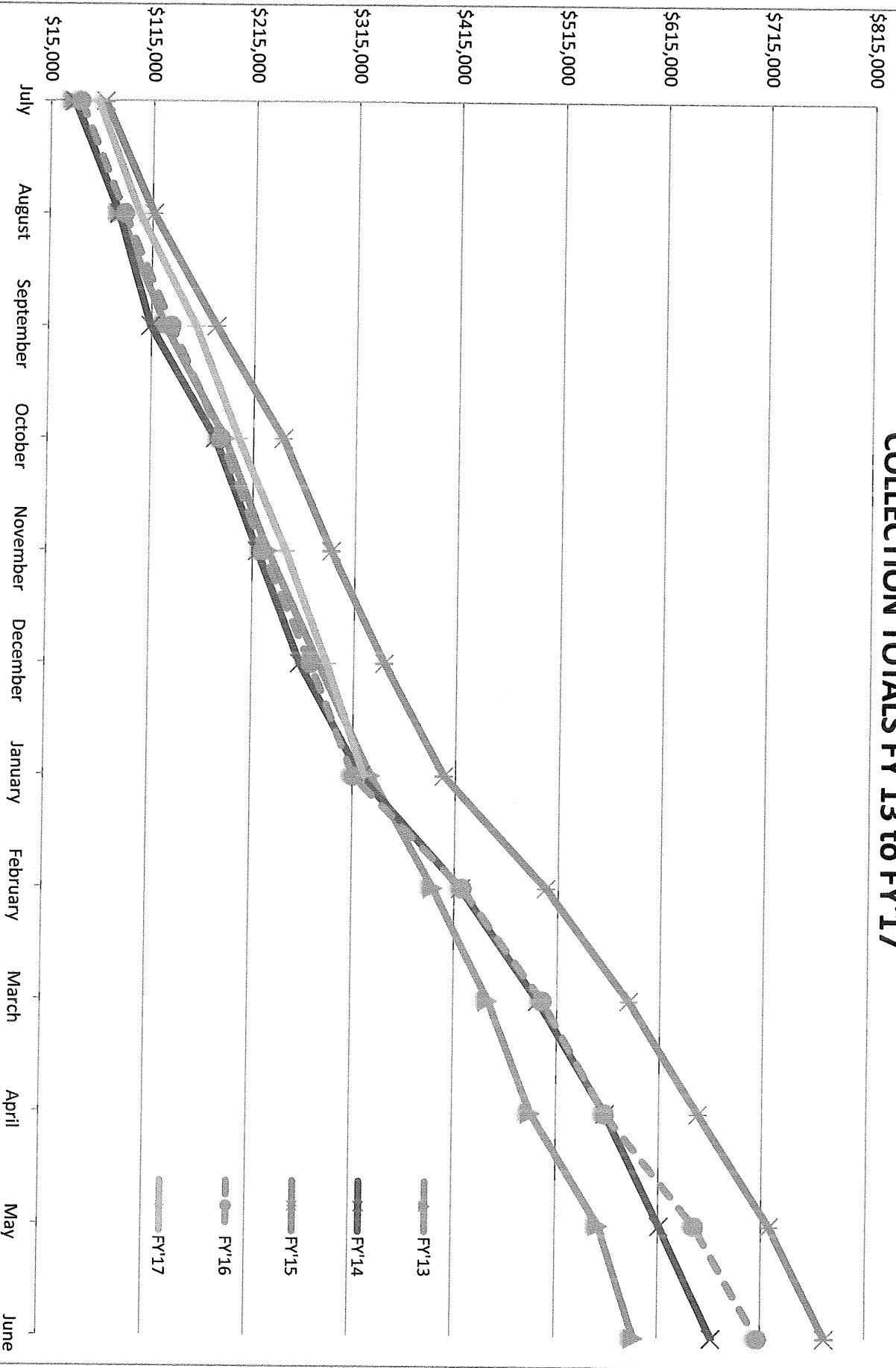
Average Voucher Price Fiscal Year to Date



Monthly Price Per Voucher



COLLECTION TOTALS FY'13 to FY'17



(3)
Operations Reports
February 2017

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
SUBJECT: FEBRUARY 2017 OPERATIONS REPORTS
DATE: MARCH 6, 2017

Attached you will find the February, 2017, Operations Reports for your review and our discussion at the upcoming Commission meeting on March 17, 2017. A summary of the operations reports follows:

- 1,690 new cases were opened in the DefenderData system in February. This was a 641 case decrease from January.
- The number of vouchers submitted electronically in February was 2,408, a decrease of 464 vouchers from January, totaling \$1,412,312.29, a decrease of \$98,000 from January. In February, we paid 2,480 electronic vouchers totaling \$1,410,735.13 representing an increase of 50 vouchers and \$160,000 compared to January.
- There were no paper vouchers submitted and paid in February.
- The average price per voucher in February was \$568.84, up \$53.80 per voucher over January.
- Appeal and Post-Conviction Review cases had the highest average vouchers in February. There were 12 vouchers exceeding \$5,000 paid in February. Three vouchers involved post-conviction review petitions arising from Murder or Manslaughter convictions. A fourth voucher also involved a post-conviction review petition based on a lengthy and complicated Arson trial. Two interim vouchers involved a Murder case and a complicated Theft case with related federal prosecutions, respectively. Two other vouchers involved jury trials on Charges of Elevated Aggravated Assault and Criminal Threatening with a Dangerous Weapon, respectively. One voucher involved a plea in a major drug conspiracy that involved copious electronic discovery. Two vouchers involved Child Protective cases, one in which the parent won an oft-continued jeopardy hearing and then was required to negotiate and prepare a parental rights agreement, and another involving evidentiary hearings on a claim of ineffective assistance of counsel. The final voucher involved consolidated time for a juvenile with 13 different cases.

In our All Other Account, the total expenses for the month of February were \$1,530,508.18. Of that amount, just over \$10,000 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$51,737.55 in expenses for the month of February.

In the Revenue Account, the February transfer of collected revenue, reflecting January collections, was not posted to the account before the end of February. We were informed, however, that the transfer amount would be \$37,688.09, roughly equal to the amount transferred in January.

In our Conference Account, we paid final expenses related to upcoming trainings in March and April, bringing the account balance to \$20,193.09.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

2/28/2017

DefenderData Case Type	Feb-17						Fiscal Year 2017			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	11	31	\$ 42,204.71	36	\$ 53,085.39	\$ 1,474.59	108	185	\$ 276,379.25	\$ 1,493.94
Child Protection Petition	132	267	\$ 191,586.34	271	\$ 184,293.10	\$ 680.05	1,260	2,463	\$ 1,625,837.41	\$ 660.10
Drug Court	1	15	\$ 7,938.00	10	\$ 9,234.00	\$ 923.40	5	51	\$ 43,431.18	\$ 851.59
Emancipation	10	12	\$ 4,515.00	13	\$ 4,652.00	\$ 357.85	87	62	\$ 20,995.84	\$ 338.64
Felony	374	580	\$ 510,560.34	574	\$ 479,093.16	\$ 834.66	3,857	4,338	\$ 3,671,603.45	\$ 846.38
Involuntary Civil Commitment	62	51	\$ 10,137.88	98	\$ 20,831.50	\$ 212.57	568	526	\$ 121,270.65	\$ 230.55
Juvenile	51	86	\$ 44,988.64	104	\$ 57,948.40	\$ 557.20	593	665	\$ 325,842.94	\$ 489.99
Lawyer of the Day - Custody	182	174	\$ 40,043.92	192	\$ 45,963.12	\$ 239.39	1,829	1,684	\$ 410,902.56	\$ 244.00
Lawyer of the Day - Juvenile	26	33	\$ 7,731.20	34	\$ 7,373.60	\$ 216.87	319	343	\$ 69,062.34	\$ 201.35
Lawyer of the Day - Walk-in	87	90	\$ 18,418.11	99	\$ 20,864.36	\$ 210.75	1,045	973	\$ 237,758.87	\$ 244.36
Misdemeanor	533	702	\$ 299,722.56	676	\$ 284,192.40	\$ 420.40	5,492	5,406	\$ 2,227,860.72	\$ 412.11
Petition, Modified Release Treatment	0	7	\$ 1,948.60	7	\$ 1,948.60	\$ 278.37	7	44	\$ 23,045.09	\$ 523.75
Petition, Release or Discharge	1	2	\$ 1,898.70	2	\$ 1,898.70	\$ 949.35	3	3	\$ 2,550.22	\$ 850.07
Petition, Termination of Parental Rights	26	48	\$ 46,097.50	50	\$ 45,402.32	\$ 908.05	227	442	\$ 362,409.23	\$ 819.93
Post Conviction Review	6	4	\$ 17,762.90	6	\$ 29,486.64	\$ 4,914.44	53	53	\$ 100,453.59	\$ 1,895.35
Probate	0	0		1	\$ 317.81	\$ 317.81	9	3	\$ 1,918.26	\$ 639.42
Probation Violation	150	165	\$ 77,523.08	153	\$ 70,337.50	\$ 459.72	1,286	1,277	\$ 528,257.03	\$ 413.67
Represent Witness on 5th Amendment	2	0		1	\$ 318.00	\$ 318.00	4	7	\$ 1,296.00	\$ 185.14
Review of Child Protection Order	35	140	\$ 89,180.81	152	\$ 93,440.53	\$ 614.74	375	1,229	\$ 690,224.51	\$ 561.61
Revocation of Administrative Release	1	1	\$ 54.00	1	\$ 54.00	\$ 54.00	13	11	\$ 3,531.78	\$ 321.07
DefenderData Sub-Total	1,690	2,408	\$ 1,412,312.29	2,480	\$ 1,410,735.13	\$ 568.84	17,140	19,765	\$ 10,744,630.92	\$ 543.62
Paper Voucher Sub-Total	0	0		0	\$ -	#DIV/0!	11	11	\$ 4,870.20	\$ 442.75
TOTAL	1,690	2,408	\$1,412,312.29	2,480	\$1,410,735.13	\$ 568.84	17,151	19,776	\$ 10,749,501.12	\$ 543.56

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY16 FUND ACCOUNTING
AS OF 02/28/2017

Account 010 95F Z112 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY16 Total
FY17 Professional Services Allotment		\$ 4,278,098.25		\$ 4,357,441.00		\$ 4,712,015.00		\$ 2,083,667.00	
FY17 General Operations Allotment		\$ 34,560.00		\$ 34,560.00		\$ 34,560.00		\$ 34,560.00	
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 4,312,658.25		\$ 4,392,001.00		\$ 4,746,575.00		\$ 2,118,227.00	\$ 15,569,461.25
Total Expenses	1	\$ (993,008.98)	4	\$ (1,499,285.92)	7	\$ (1,332,496.39)	10	\$ -	\$ (3,824,791.29)
	2	\$ (1,778,404.21)	5	\$ (974,177.24)	8	\$ (1,530,508.18)	11	\$ -	\$ (4,283,089.63)
	3	\$ (1,290,758.70)	6	\$ (1,949,070.52)	9	\$ -	12	\$ -	\$ (3,239,829.22)
Encumbrances (Somerset PDP & Justice Works)		\$ (249,075.75)		\$ 82,110.25		\$ 55,066.25		\$ -	\$ (111,899.25)
Encumbrances (Westlaw & Barbara Taylor)		\$ (1,410.00)		\$ (51,577.00)		\$ 4,474.33		\$ -	\$ (48,512.67)
TOTAL REMAINING		\$ 0.61		\$ 0.57		\$ 1,943,111.01		\$ 2,118,227.00	\$ 4,061,339.19

Q3 Month 8 (as of 02/28/17)		
INDIGENT LEGAL SERVICES		
Q3 Allotment		\$ 4,746,575.00
Q3 Encumbrances for Somerset PDP & Justice Works contracts		\$ 55,066.25
Westlaw & Barbara Taylor Contracts		\$ 4,474.33
Q3 Expenses as of 02/28/17		\$ (2,863,004.57)
Remaining Q3 Allotment as of 02/28/17		\$ 1,943,111.01

Q3 Month 8 (as of 02/28/17)		
INDIGENT LEGAL SERVICES		
Counsel Payments	\$ (1,410,735.13)	
Somerset County	\$ (22,847.50)	
Subpoena Witness Fees	\$ (779.52)	
Private Investigators	\$ (21,868.32)	
Mental Health Expert	\$ (13,600.00)	
Transcripts	\$ (17,577.71)	
Other Expert	\$ (31,019.94)	
Analysts & Lab Services	\$ -	
Process Servers	\$ (888.32)	
Interpreters	\$ (904.08)	
Misc Prof Fees & Serv	\$ -	
SUB-TOTAL ILS	\$ (1,520,220.52)	
OPERATING EXPENSES		
John's access to state house	\$ (25.00)	
DefenderData	\$ (5,053.00)	
West Publishing Corp	\$ -	
Mileage/Tolls/Parking	\$ (1,128.32)	
Mailing/Postage/Freight	\$ (1,787.21)	
Legal Ads	\$ -	
returned funds-med records	\$ -	
Office Supplies/Eqp.	\$ (221.24)	
Cellular Phones	\$ -	
Parking Permits	\$ -	
Office Equipment Rental	\$ (137.70)	
Barbara Taylor monthly fees	\$ -	
OIT/TELCO	\$ (1,935.19)	
SUB-TOTAL OE	\$ (10,287.66)	
TOTAL	\$ (1,530,508.18)	

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY16 FUND ACCOUNTING
As of 02/28/17

Account 014 95F 2112 01											
(Revenue)											
	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY16 Total		
Total Budget Allotments		\$ 184,125.00		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00	\$	736,497.00	
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ -			
Financial Order Adjustment	2	\$ -	5	\$ -	8	\$ -	11	\$ -			
Budget Order Adjustment	3	\$ -	6	\$ -	9	\$ -	12	\$ -			
Financial Order Adjustment	3	\$ -	4	\$ -	9	\$ -	12	\$ -			
Total Budget Allotments		\$ 184,125.00		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00	\$	736,497.00	
Cash Carryover from Prior Quarter		\$ 23.05		\$ 3,014.37		\$ 2,493.90		\$ -			
Collected Revenue from JB	1	\$ 61,742.47	4	\$ 42,429.56	7	\$ 37,557.56	10	\$ -			
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -			
Collected Revenue from JB	2	\$ 40,789.66	5	\$ 46,852.35	8	\$ -	11	\$ -			
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -			
Collected Revenue from JB (late transfer)		\$ -		\$ -	9	\$ -		\$ -			
Collected Revenue from JB	3	\$ 55,760.61	6	\$ 40,888.57	9	\$ -	12	\$ -			
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -			
TOTAL CASH PLUS REVENUE COLLECTED		\$ 158,315.79		\$ 133,184.85		\$ 40,051.46		\$ -	\$	326,020.78	
Counsel Payments	1	\$ -	4	\$ -	7	\$ -	10	\$ -			
Other Expenses		\$ -		\$ (3,011.64)		\$ -	***	\$ -			
Counsel Payments	2	\$ -	5	\$ -	8	\$ -	11	\$ -			
Other Expenses		\$ -		\$ -		\$ -		\$ -			
Counsel Payments	3	\$ (154,443.22)	6	\$ (127,679.31)	9	\$ -	12	\$ -			
Other Expenses	***	\$ -		\$ -	***	\$ (2,489.75)		\$ -			
REMAINING ALLOTMENT		\$ 29,681.78		\$ 53,433.05		\$ 181,634.25		\$ 184,124.00	\$	448,873.08	
Overpayment Reimbursements	1	\$ (100.00)	4	\$ -	7	\$ (1,938.00)	10	\$ -			
	2	\$ (713.20)	5	\$ -	8	\$ (19.00)	11	\$ -			
	3	\$ (45.00)	6	\$ -	9	\$ -	12	\$ -			
REMAINING CASH Year to Date		\$ 3,014.37		\$ 2,493.90		\$ 35,604.71		\$ -			

** StaCap for December but charged against Q3 expenses

Q3 Month 8 (as of 02/28/17)											
DEFENDER DATA COUNSEL PAYMENTS											
		\$		\$		\$		\$			
SUB-TOTAL IIS		\$ -		\$ -		\$ -		\$ -			
OVERPAYMENT REIMBURSEMENTS		\$ (19.00)		\$ -		\$ -		\$ -			
Paper Voucher		\$ -		\$ -		\$ -		\$ -			
Somerset County CDs		\$ -		\$ -		\$ -		\$ -			
Private Investigators		\$ -		\$ -		\$ -		\$ -			
Mental Health Expert		\$ -		\$ -		\$ -		\$ -			
Transcripts		\$ -		\$ -		\$ -		\$ -			
Other Expert		\$ -		\$ -		\$ -		\$ -			
StaCap Expense		\$ -		\$ -		\$ -		\$ -			
SUB-TOTAL OE		\$ (19.00)		\$ -		\$ -		\$ -			
TOTAL		\$ (19.00)		\$ -		\$ -		\$ -			

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY16 FUND ACCOUNTING
AS OF 02/28/2017

Account 010 95F Z112 01 (Personal Services)		Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY16 Total
FY17 Allotment			\$ 181,545.00		\$ 205,445.00		\$ 181,540.00		\$ 189,421.00	\$ -
Financial Order Adjustments			\$ -		\$ -		\$ -		\$ -	-
Financial Order Adjustments			\$ -		\$ -		\$ -		\$ -	-
Budget Order Adjustments			\$ -		\$ -		\$ -		\$ -	-
Total Budget Allotments			\$ 181,545.00		\$ 205,445.00		\$ 181,540.00		\$ 189,421.00	\$ 757,951.00
Total Expenses		1	\$ (55,554.51)	4	\$ (56,634.54)	7	\$ (55,808.36)	10	\$ -	-
		2	\$ (58,643.85)	5	\$ (79,274.97)	8	\$ (51,737.55)	11	\$ -	-
		3	\$ (56,599.36)	6	\$ (56,077.87)	9	\$ -	12	\$ -	-
TOTAL REMAINING			\$ 10,747.28		\$ 13,457.62		\$ 73,994.09		\$ 189,421.00	\$ 287,619.99

Q3 Month 8 (as of 02/28/17)		
Per Diem Payments	\$ -	
Salary	\$ (24,282.96)	
Vacation Pay	\$ (803.53)	
Holiday Pay	\$ (1,552.60)	
Sick Pay	\$ (1,469.96)	
Employee Hlth Svs/Workers Comp	\$ (37.00)	
Health Insurance	\$ (8,887.60)	
Dental Insurance	\$ (223.22)	
Employer Retiree Health	\$ (3,272.88)	
Employer Retirement	\$ (2,233.12)	
Employer Group Life	\$ (234.98)	
Employer Medicare	\$ (414.92)	
Retiree Unfunded Liability	\$ (5,396.82)	
Retro Pymt	\$ -	
Perm Part Time Full Ben	\$ (2,927.96)	
TOTAL	\$ (51,737.55)	

As of 02/28/17

Account 014 95F Z112 02										FY16 Total
(Conference)										
	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4		
Total Budget Allotments		\$ 10,000.00		\$ 20,000.00		\$ 20,000.00		\$ 7,000.00	\$ 57,000.00	
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ -	-	
Financial Order Adjustment	2	\$ -	5	\$ -	8	\$ -	11	\$ -	-	
Financial Order Adjustment	3	\$ -	6	\$ -	9	\$ -	12	\$ -	-	
Total Budget Allotments		\$ 10,000.00		\$ 20,000.00		\$ 20,000.00		\$ 7,000.00	\$ 57,000.00	
Cash Carryover from Prior Quarter		\$ 14,054.73		\$ 32,159.21		\$ 23,941.11		\$ -	-	
Collected Revenue	1	\$ -	4	\$ 775.00	7	\$ -	10	\$ -	-	
Collected Revenue	2	\$ 17,600.00	5	\$ 725.00	8	\$ -	11	\$ -	-	
Collected Revenue	3	\$ 850.00	6	\$ 475.00	9	\$ -	12	\$ -	-	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 32,504.73		\$ 34,134.21		\$ 23,941.11		\$ -	\$ 20,425.00	
Total Expenses	1	\$ (132.26)	4	\$ (6,686.13)	7	\$ (2,847.93)	10	\$ -	-	
	2	\$ (37.58)	5	\$ (2,288.90)	8	\$ (900.09)	11	\$ -	-	
	3	\$ (0.68)	6	\$ (1,218.07)	9	\$ -	12	\$ -	-	
Encumbrances		\$ (5,000.00)		\$ 1,725.00		\$ 2,825.00		\$ -	\$ (450.00)	
REMAINING ALLOTMENT		\$ 4,829.48		\$ 11,531.90		\$ 19,076.98		\$ 7,000.00	\$ 42,438.36	
REMAINING CASH Year to Date		\$ 32,159.21		\$ 23,941.11		\$ 20,193.09		\$ -		
Q3 Month 8 (as of 02/28/17)										
Training Manuals Printing		\$ -								
Training Refreshments/Meals		\$ -								
Media Northeast		\$ -								
Samoset room reservation fee		\$ (600.00)								
Office Supplies		\$ -								
CLE App to the Bar		\$ (245.00)								
State Cap Expense		\$ (55.09)								
TOTAL		\$ (900.09)								

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

2/28/2017

Feb-17							Fiscal Year 2017			
Court	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	14	39	\$ 28,512.37	30	\$ 19,109.10	\$ 636.97	194	407	\$ 356,928.93	\$ 876.98
AUBSC	19	16	\$ 12,261.66	18	\$ 15,148.26	\$ 841.57	115	230	\$ 159,701.18	\$ 694.35
AUGDC	39	58	\$ 42,714.98	82	\$ 54,597.44	\$ 665.82	377	537	\$ 288,291.47	\$ 536.86
AUGSC	20	45	\$ 35,747.43	35	\$ 30,839.73	\$ 881.14	192	321	\$ 177,280.83	\$ 552.28
BANDC	32	97	\$ 30,844.08	89	\$ 31,386.72	\$ 352.66	413	634	\$ 243,848.85	\$ 384.62
BANSC	5	2	\$ 552.00	4	\$ 6,049.44	\$ 1,512.36	15	15	\$ 11,927.26	\$ 795.15
BATSC	1	1	\$ 810.00	2	\$ 1,038.00	\$ 519.00	11	12	\$ 13,481.17	\$ 1,123.43
BELDC	13	11	\$ 4,815.61	17	\$ 9,883.43	\$ 581.38	84	139	\$ 92,767.57	\$ 667.39
BELSC	3	7	\$ 6,509.28	2	\$ 1,288.08	\$ 644.04	20	23	\$ 9,619.91	\$ 418.26
BIDDC	42	84	\$ 49,773.82	88	\$ 51,743.38	\$ 587.99	465	607	\$ 298,363.68	\$ 491.54
BRIDC	10	14	\$ 9,626.21	19	\$ 11,089.81	\$ 583.67	95	131	\$ 70,606.48	\$ 538.98
CALDC	8	7	\$ 3,454.84	5	\$ 3,527.04	\$ 705.41	76	75	\$ 45,820.68	\$ 610.94
CARDC	5	8	\$ 9,921.85	9	\$ 4,672.35	\$ 519.15	52	109	\$ 65,645.80	\$ 602.26
CARSC	6	8	\$ 11,178.29	6	\$ 4,883.29	\$ 813.88	47	80	\$ 65,248.64	\$ 815.61
DOVDC	2	8	\$ 3,650.03	4	\$ 2,828.03	\$ 707.01	32	80	\$ 42,501.04	\$ 531.26
DOVSC	0	0		0			2	2	\$ 675.44	\$ 337.72
ELLDC	12	15	\$ 9,118.16	19	\$ 10,390.16	\$ 546.85	129	219	\$ 167,542.97	\$ 765.04
ELLSC	0	7	\$ 1,056.00	1	\$ 492.00	\$ 492.00	4	16	\$ 5,663.00	\$ 353.94
FARDC	6	5	\$ 1,339.12	11	\$ 3,766.12	\$ 342.37	91	118	\$ 71,206.94	\$ 603.45
FARSC	0	4	\$ 3,186.56	4	\$ 3,186.56	\$ 796.64	15	21	\$ 12,324.20	\$ 586.87
FORDC	5	9	\$ 3,146.88	9	\$ 3,530.32	\$ 392.26	45	58	\$ 28,564.14	\$ 492.49
HOUDC	15	20	\$ 8,517.60	19	\$ 6,753.41	\$ 355.44	128	199	\$ 85,605.06	\$ 430.18
HOUSC	2	0		0			23	40	\$ 25,269.01	\$ 631.73
LEWDC	63	90	\$ 47,502.73	107	\$ 51,360.93	\$ 480.01	587	796	\$ 386,424.10	\$ 485.46
LINDC	9	5	\$ 2,828.52	4	\$ 3,107.24	\$ 776.81	67	147	\$ 72,092.46	\$ 490.42
MACDC	8	11	\$ 3,655.50	8	\$ 3,193.80	\$ 399.23	98	122	\$ 55,569.62	\$ 455.49
MACSC	1	3	\$ 408.00	1	\$ 144.00	\$ 144.00	14	25	\$ 7,592.64	\$ 303.71
MADDC	2	4	\$ 1,159.92	3	\$ 1,081.92	\$ 360.64	19	28	\$ 8,242.45	\$ 294.37
MILDC	1	1	\$ 774.00	2	\$ 1,020.00	\$ 510.00	35	39	\$ 12,651.48	\$ 324.40
NEWDC	16	12	\$ 2,905.52	11	\$ 6,047.32	\$ 549.76	146	219	\$ 96,071.48	\$ 438.68
PORDC	66	66	\$ 52,141.19	146	\$ 73,724.14	\$ 504.96	635	888	\$ 483,669.13	\$ 544.67
PORSC	4	9	\$ 7,940.50	5	\$ 2,468.50	\$ 493.70	28	15	\$ 24,244.42	\$ 1,616.29
PREDC	10	23	\$ 12,212.88	12	\$ 7,738.34	\$ 644.86	120	187	\$ 97,675.06	\$ 522.33
ROCD	11	22	\$ 11,650.76	19	\$ 8,101.35	\$ 426.39	147	187	\$ 86,861.16	\$ 464.50
ROSC	5	6	\$ 1,317.00	5	\$ 1,751.00	\$ 350.20	21	44	\$ 37,696.01	\$ 856.73
RUMDC	11	11	\$ 6,820.74	12	\$ 6,164.56	\$ 513.71	87	96	\$ 43,682.61	\$ 455.03
SKODC	16	50	\$ 32,252.64	37	\$ 25,793.76	\$ 697.13	149	339	\$ 184,948.33	\$ 545.57
SKOSC	0	0		0			2	0		
SODUC	12	19	\$ 7,806.00	16	\$ 7,053.00	\$ 440.81	80	117	\$ 53,958.50	\$ 461.18
SOUSC	8	9	\$ 4,643.32	11	\$ 7,429.61	\$ 675.42	65	98	\$ 60,362.66	\$ 615.95
SPRDC	39	60	\$ 40,235.28	63	\$ 40,727.08	\$ 646.46	486	602	\$ 334,943.70	\$ 556.38
Law Ct	10	28	\$ 41,073.71	34	\$ 52,524.39	\$ 1,544.84	87	143	\$ 211,739.43	\$ 1,480.70
YORCD	153	149	\$ 120,863.66	162	\$ 123,644.62	\$ 763.24	1,423	1,185	\$ 808,919.41	\$ 682.63
AROCD	80	98	\$ 60,297.11	66	\$ 42,143.41	\$ 638.54	658	612	\$ 352,286.34	\$ 575.63
ANDCD	99	100	\$ 62,728.71	130	\$ 64,646.05	\$ 497.28	906	870	\$ 465,198.72	\$ 534.71
KENDC	117	165	\$ 66,999.58	179	\$ 71,811.79	\$ 401.18	1,292	1,263	\$ 568,914.91	\$ 450.45
PENCD	115	212	\$ 84,527.69	208	\$ 90,127.56	\$ 433.31	1,588	1,635	\$ 769,877.42	\$ 470.87
SAGCD	29	27	\$ 17,038.55	26	\$ 16,006.00	\$ 615.62	244	242	\$ 151,031.20	\$ 624.10
WALCD	23	43	\$ 15,641.66	29	\$ 9,898.86	\$ 341.34	218	217	\$ 101,518.81	\$ 467.83
PISCD	9	9	\$ 4,104.00	10	\$ 4,572.00	\$ 457.20	90	94	\$ 26,497.92	\$ 281.89
HANCD	39	60	\$ 34,565.13	48	\$ 34,493.50	\$ 718.61	430	412	\$ 183,831.50	\$ 446.19
FRACD	43	62	\$ 29,719.21	46	\$ 22,067.68	\$ 479.73	343	348	\$ 161,848.79	\$ 465.08
WASCD	24	40	\$ 12,402.60	30	\$ 10,575.00	\$ 352.50	260	233	\$ 71,213.00	\$ 305.64
CUMCD	244	340	\$ 218,897.48	364	\$ 220,125.84	\$ 604.74	2,623	2,614	\$ 1,517,441.61	\$ 580.51
KNODC	30	47	\$ 27,618.46	45	\$ 30,151.15	\$ 670.03	372	370	\$ 207,135.90	\$ 559.83
SOMCD	0	1	\$ 12,051.24	0			12	10	\$ 12,389.12	\$ 1,238.91
OXFCD	47	56	\$ 29,894.34	64	\$ 40,067.40	\$ 626.05	436	449	\$ 215,696.50	\$ 480.39
LINCD	29	23	\$ 17,967.44	23	\$ 12,321.24	\$ 535.71	258	248	\$ 130,149.21	\$ 524.80
WATDC	20	37	\$ 17,558.84	30	\$ 14,490.01	\$ 483.00	170	345	\$ 170,872.11	\$ 495.28
WESDC	16	15	\$ 8,436.28	20	\$ 10,048.96	\$ 502.45	158	225	\$ 95,736.09	\$ 425.49
WISDC	8	12	\$ 7,970.19	13	\$ 9,796.77	\$ 753.60	43	74	\$ 54,961.84	\$ 742.73
WISSC	0	3	\$ 1,120.50	4	\$ 2,814.56	\$ 703.64	11	20	\$ 8,778.03	\$ 438.90
YORDC	14	15	\$ 7,844.64	14	\$ 5,299.12	\$ 378.51	107	134	\$ 73,023.00	\$ 544.95
TOTAL	1,690	2,408	\$ 1,412,312.29	2,480	\$ 1,410,735.13	\$ 568.84	17,140	19,765	\$ 10,744,630.92	\$ 543.62

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

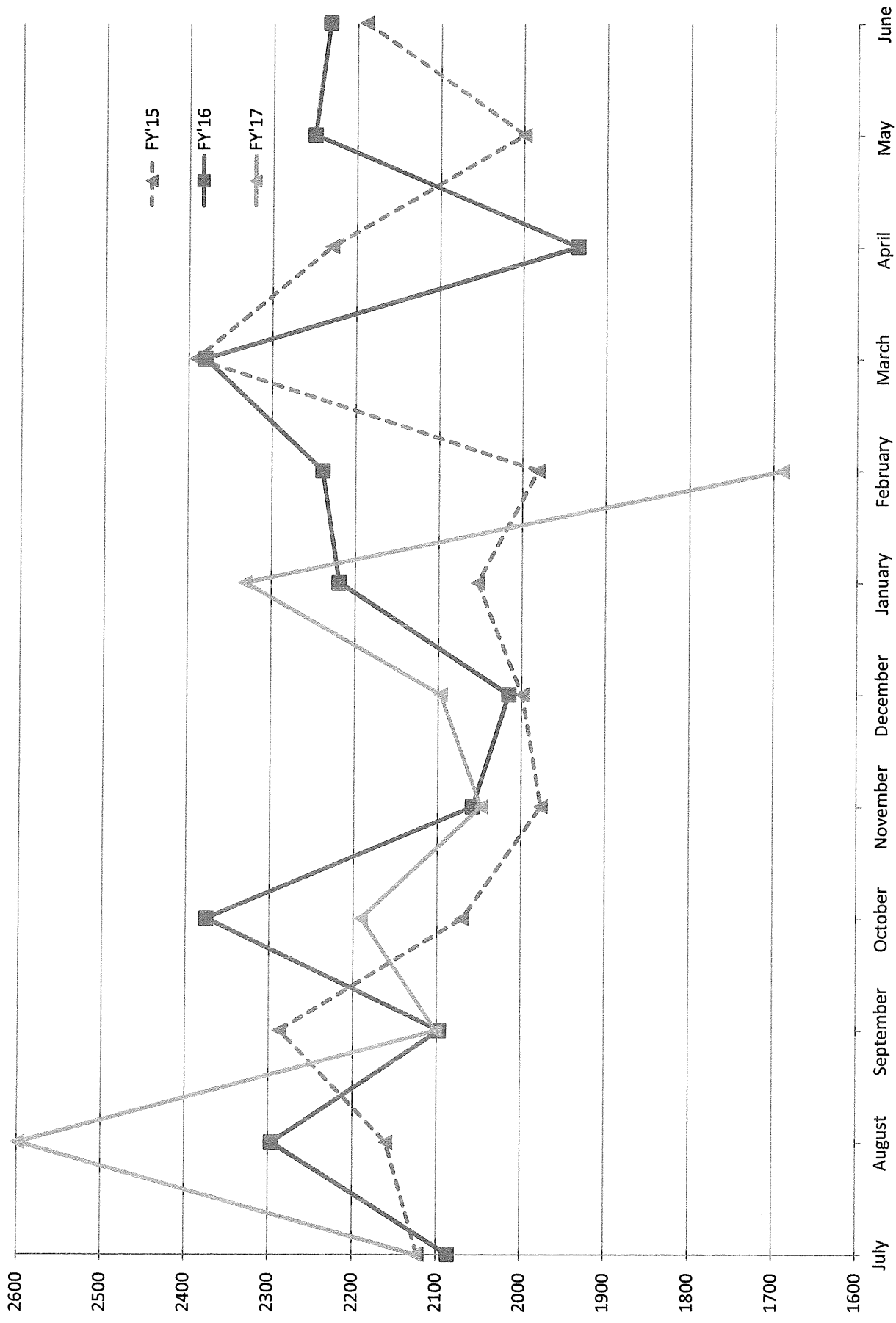
Number of Attorneys Rostered by Court

02/28/2017

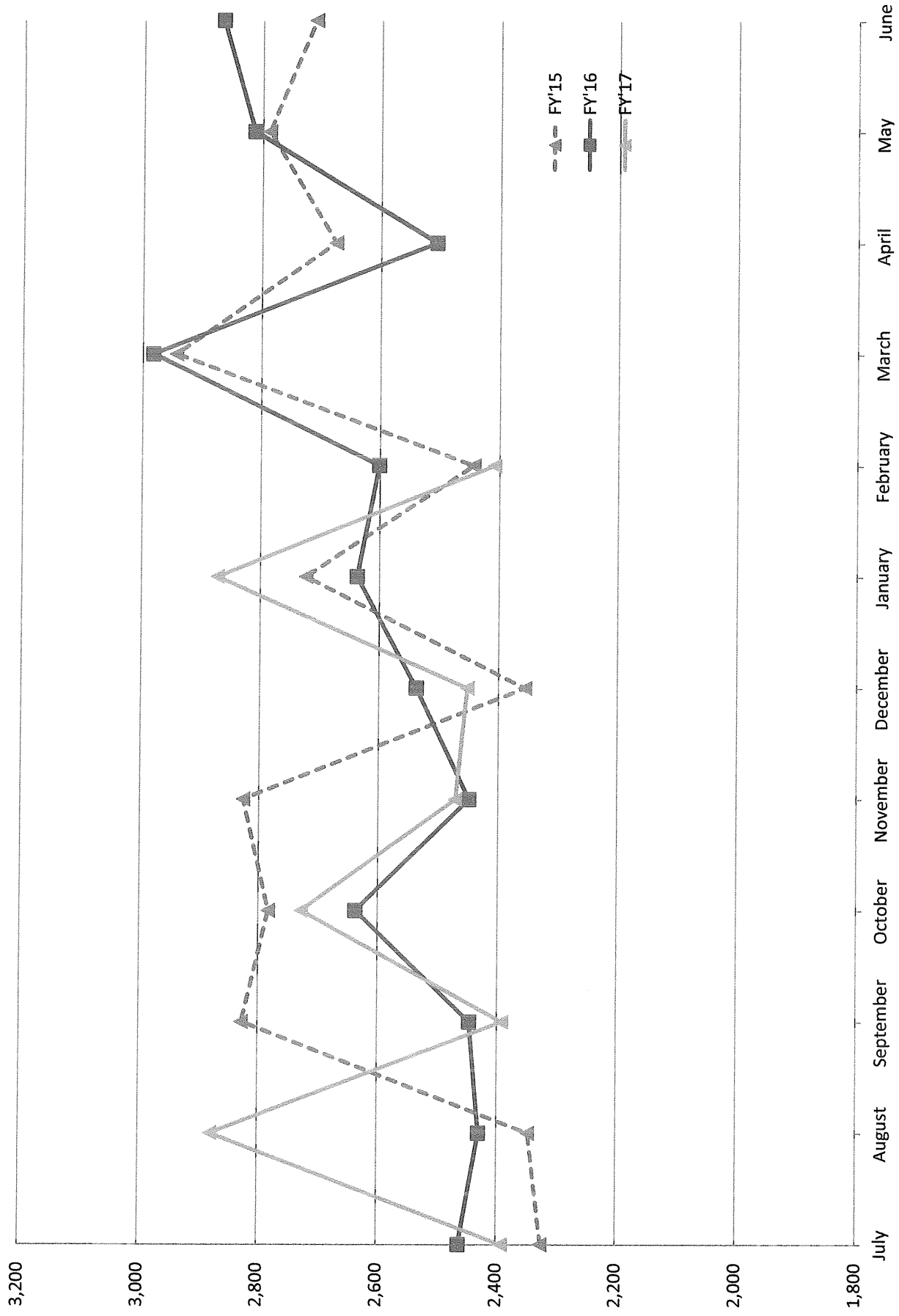
Court	Rostered Attorneys
Augusta District Court	102
Bangor District Court	53
Belfast District Court	52
Biddeford District Court	133
Bridgton District Court	98
Calais District Court	12
Caribou District Court	19
Dover-Foxcroft District Court	26
Ellsworth District Court	45
Farmington District Court	29
Fort Kent District Court	11
Houlton District Court	15
Lewiston District Court	132
Lincoln District Court	28
Machias District Court	18
Madawaska District Court	12
Millinocket District Court	21
Newport District Court	36
Portland District Court	162
Presque Isle District Court	15
Rockland District Court	43
Rumford District Court	25
Skowhegan District Court	26

Court	Rostered Attorneys
South Paris District Court	61
Springvale District Court	120
Unified Criminal Docket Alfred	111
Unified Criminal Docket Arroostook	25
Unified Criminal Docket Auburn	105
Unified Criminal Docket Augusta	93
Unified Criminal Docket Bangor	54
Unified Criminal Docket Bath	93
Unified Criminal Docket Belfast	47
Unified Criminal Docket Dover-Foxcroft	23
Unified Criminal Docket Ellsworth	42
Unified Criminal Docket Farmington	29
Unified Criminal Docket Machias	18
Unified Criminal Docket Portland	154
Unified Criminal Docket Rockland	39
Unified Criminal Docket Skowhegan	19
Unified Criminal docket Soputh Paris	96
Unified Criminal Docket Wiscasset	58
Waterville District Court	53
West Bath District Court	115
Wiscasset District Court	64
York District Court	106

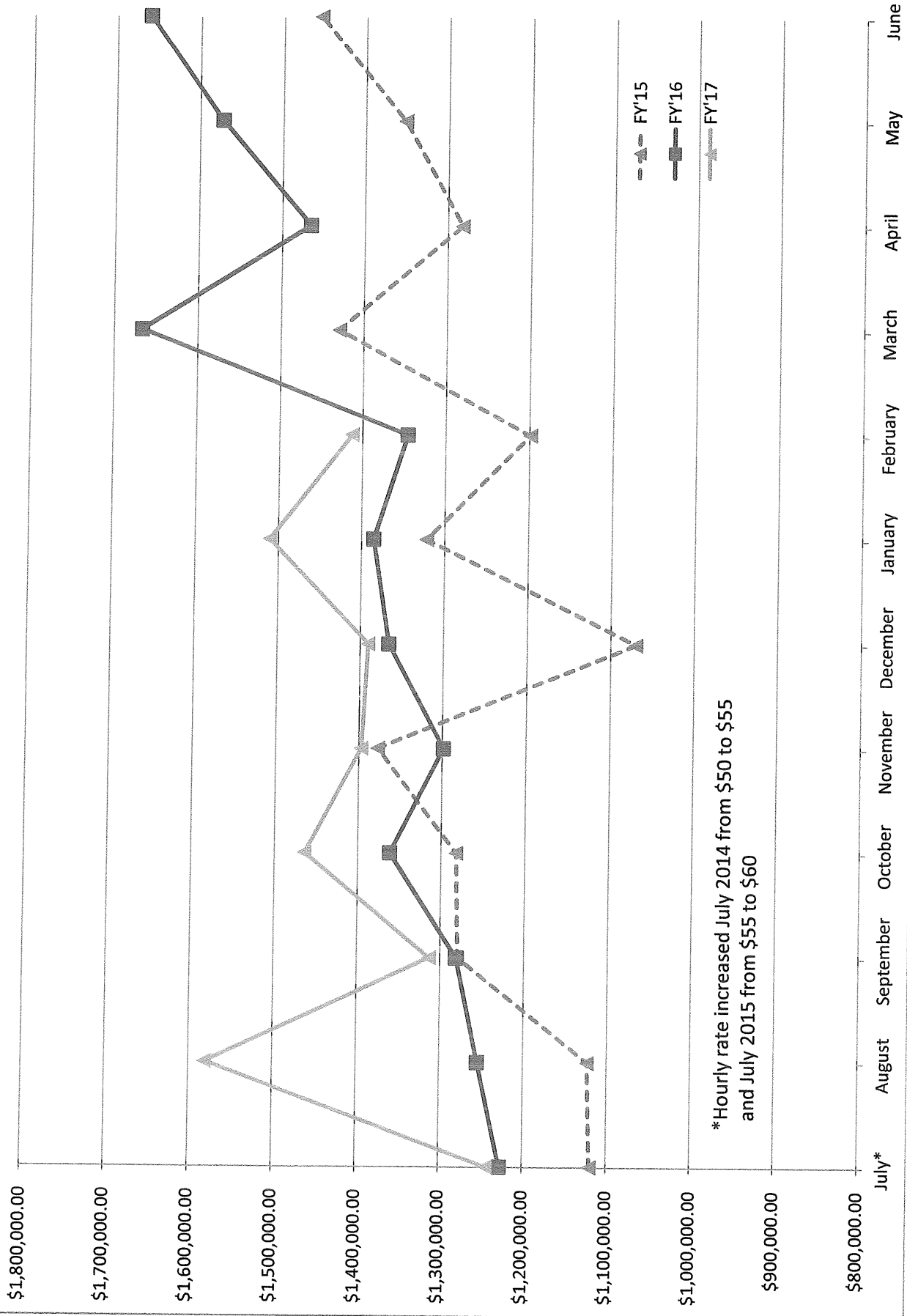
NEW CASES



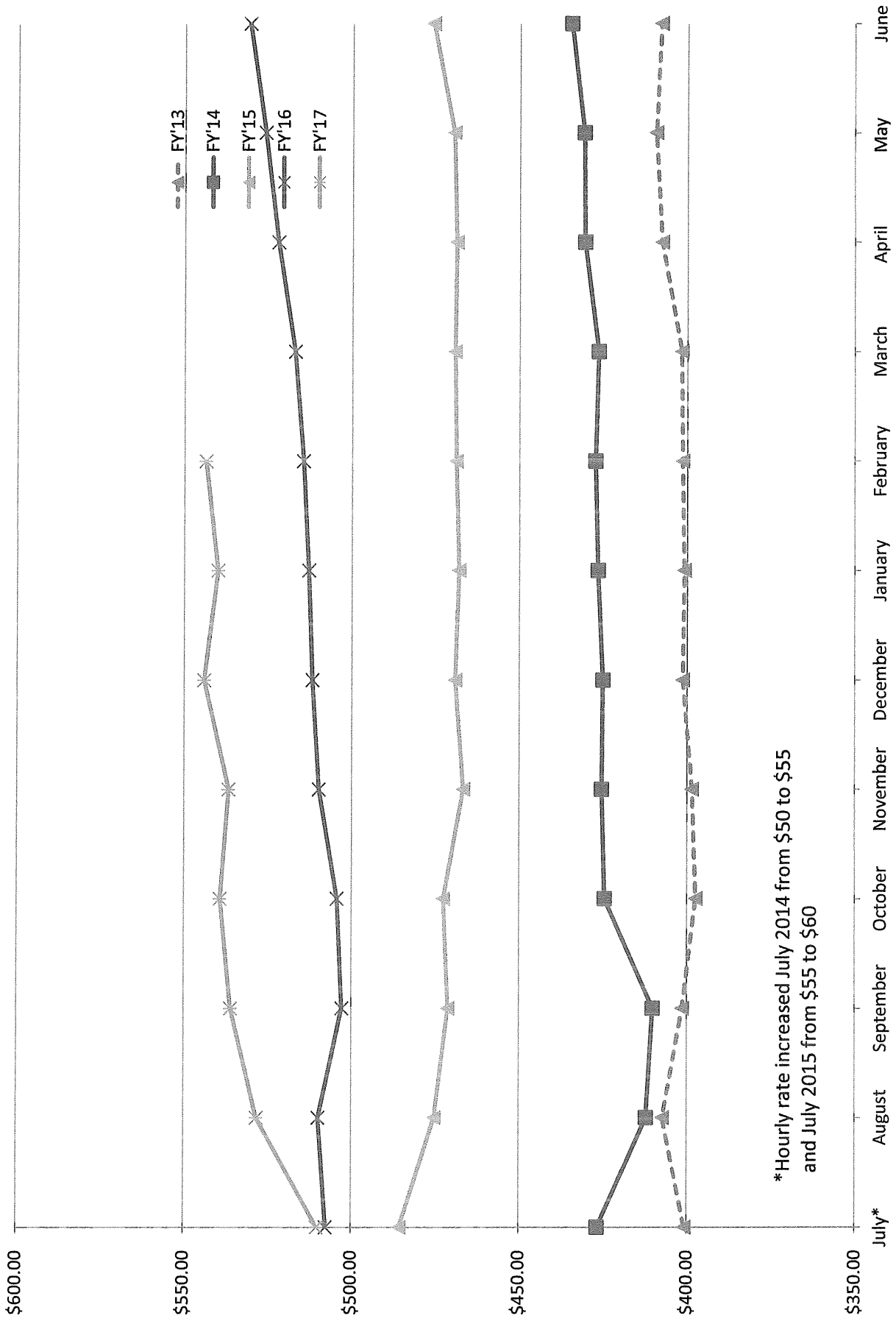
Submitted Vouchers



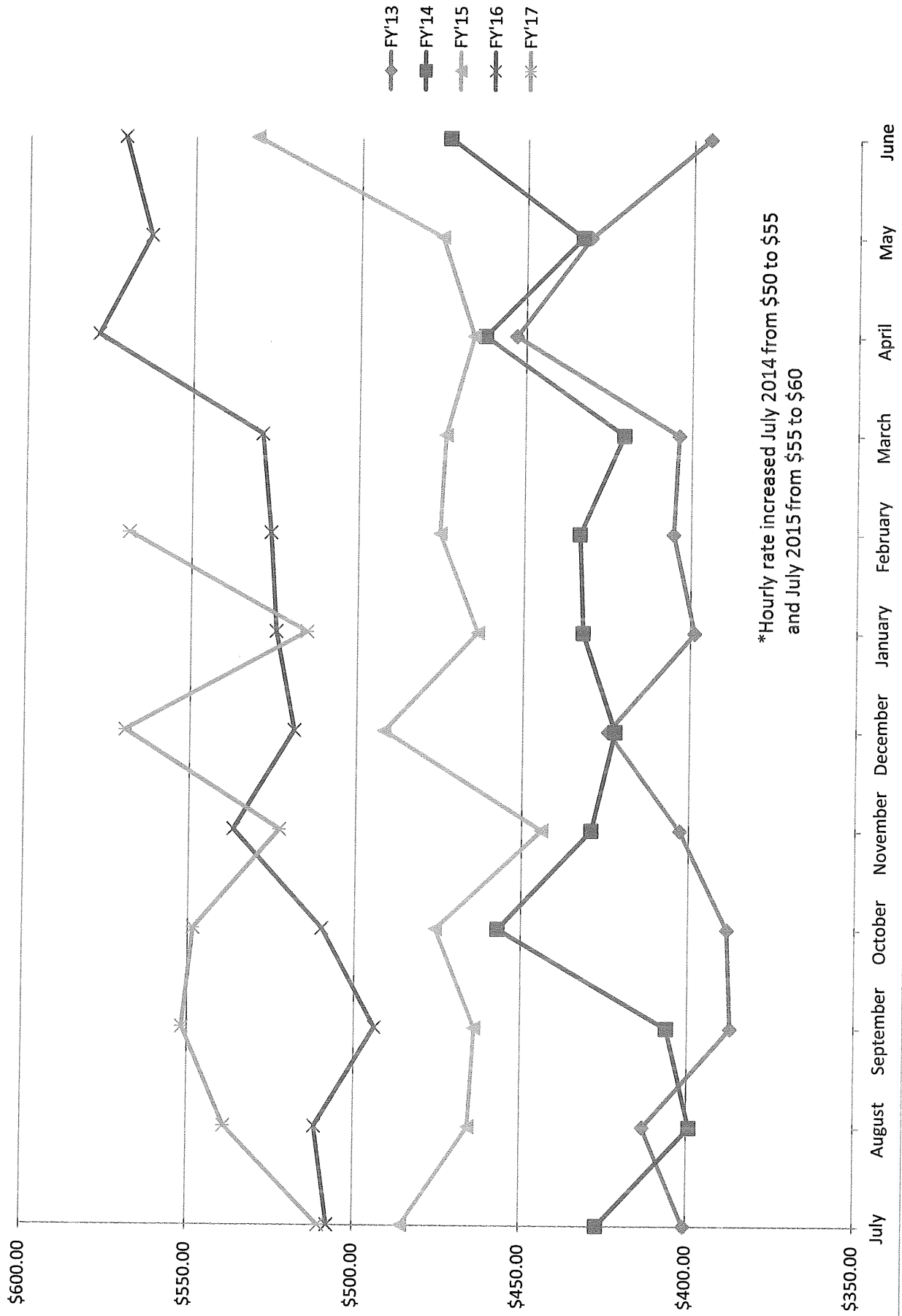
Submitted Voucher Amount



Average Voucher Price Fiscal Year to Date

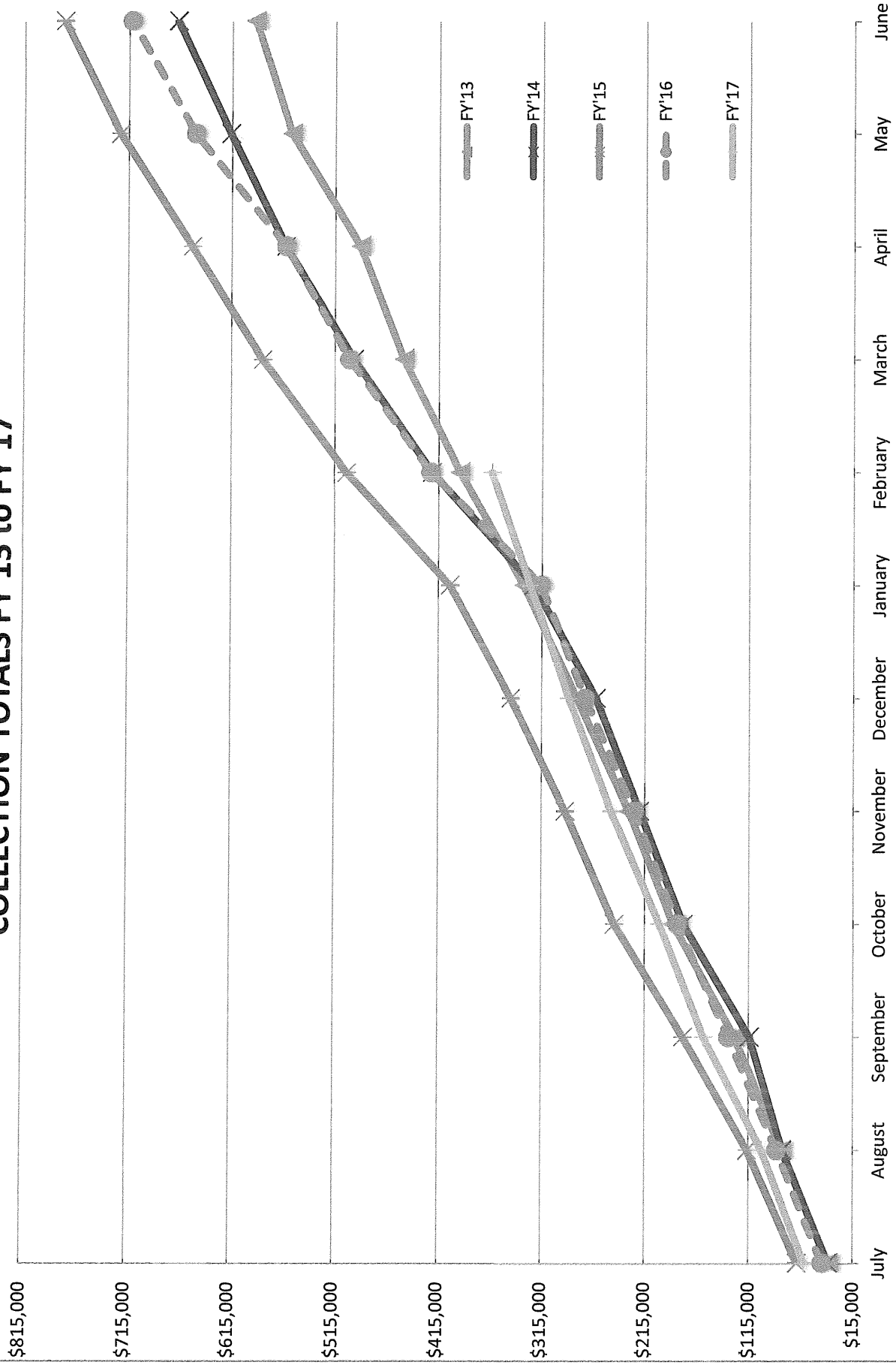


Monthly Price Per Voucher



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

COLLECTION TOTALS FY'13 to FY'17



(4.)
Budget Update

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: BUDGET MEMO
DATE: MARCH 13, 2017

SUPPLEMENTAL BUDGET:

On January 18, 2017, I appeared and testified before a joint meeting of the Appropriations Committee and the Judiciary Committee to present the Commission's request for supplemental funding in FY'17 in the amount of \$2,831,041. On January 26th, the Judiciary Committee held a work session on our supplemental budget request and voted 7-5 to recommend to the Appropriations Committee that our request be included in the supplemental budget. Those voting in the minority recommended no additional supplemental funding for the Commission.

On February 24th, the Appropriations Committee unanimously passed a supplemental budget that did not include any supplemental funds for MCILS. That budget has since been enacted. We continue to monitor potential legislative efforts to provide supplemental funding to MCILS later in the session.

BIENNIAL BUDGET

A public hearing on portions of the biennial budget relating to indigent legal services took place before a joint meeting of the Appropriations Committee and the Judiciary Committee at 1:00 p.m. on Thursday February 16, 2017. More than a dozen attorneys spoke in support of MCILS and against the "Public Defender" proposal contained in Part UUUU of the Governor's budget. I have attached copies of testimony that I presented on our biennial budget request and on Part UUUU at the hearing.

Regarding MCILS funding for the biennium, the numbers below were submitted to the Budget Office in September. To date in FY'17, costs have come in very close to projections, so I see no need to alter the projection made last summer regarding our overall and supplemental funding needs for the biennium.

	Baseline Budget	Change Request	Total All Other Need
FY'18	\$15,567,725	\$3,835,788	\$19,403,513
FY'19	\$15,567,725	\$5,231,594	\$20,799,319

If no supplemental funding is forthcoming for the current fiscal year, however, roughly \$2.8 million in FY'17 costs will be pushed in FY'18, increasing the overall need for that fiscal year by \$2.8 million.

At the February 16th hearing, a member of the Appropriations Committee suggested that MCILS should consult with the Court and representatives of the prosecutors to try to find ways to create efficiencies by coordinating policies and practices. On February 24, 2017, Chair Carey and I met with the Judicial Branch trial chiefs and several prosecutors to initiate such an effort. An action plan for further efforts was agreed on, and the Judicial Branch representatives are in the process of creating a written report of these efforts for the Legislature.

On March 9, 2017, various agencies under the jurisdiction of the Judiciary Committee made presentations on their budgets to a joint meeting of the Appropriations and Judiciary Committees. These presentations had been pre-empted by the public testimony regarding MCILS at the February 16th hearing. As part of its presentation, the Judicial Branch briefly described the February 24th meeting and the results of that meeting. The Judicial Branch also spoke generally in support of MCILS's budget requests and pointed out that, while the cooperative efforts to seek efficiencies were important and will likely bear fruit, they simply cannot lead to the kind of savings necessary to resolve MCILS's need for supplemental funding.

The next step on the biennial budget is a work session before the Judiciary Committee, but that work session has not yet been scheduled.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: HON. JAMES HAMPER, SENATE CHAIR
HON. ANDREW GATTINE, HOUSE CHAIR
JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS

HON. LISA KEIM, SENATE CHAIR
HON. MATTHEW MOONEN, HOUSE CHAIR
JOINT STANDING COMMITTEE ON JUDICIARY

FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR

SUBJECT: TESTIMONY WITH RESPECT TO THE PROSED BIENNIAL BUDGET
MCILS FY'18-19 BIENNIAL BUDGET REQUEST

DATE: FEBRUARY 16, 2017

Senator Hamper, Representative Gattine, Senator Keim, Representative Moonen, honorable members of the Committees on Appropriations and Financial Affairs and Judiciary, I am John Pelletier, Executive Director of the Maine Commission on Indigent Legal Services (MCILS). I appear before you today to testify in opposition to the Governor's Biennial Budget proposal that essentially defunds MCILS and to set forth the Commission's budget request for the next biennium.

The MCILS general fund budget consists of 11.5 Legislative Count positions, a single Personal Services line, and a single All Other line. The MCILS budget also includes an Other Special Revenue line in the All Other category. In initiative MCILS1, the proposed budget eliminates the Legislative Count positions and de-appropriates all of the funding lines.

The Commission believes that MCILS is the appropriate vehicle for delivery in indigent legal services in Maine. The Commission seeks restoration of its Legislative Count positions, its Personal Services funding, and its Other Special Revenue line. Regarding its all other line, as explained below, the current baseline budget is well below the amount necessary to meet the Commission's

needs for FY'17, and the Commission is also projecting increased costs for FY'18 and FY'19.

Accordingly, the Commission's All Other budget request is as follows:

	Baseline Budget	Change Request	Total All Other Need
FY'18	\$15,567,725	\$3,835,788	\$19,403,513
FY'19	\$15,567,725	\$5,231,594	\$20,799,319

INADEQUATE BASELINE BUDGET:

When assessing the change request set forth above, note that \$2.8 million of each year's request is necessary simply to bring the baseline budget in line with current operational costs. When the two-year budget currently in effect was adopted, the MCILS appropriation for FY'16 totaled \$18.3 million, and MCILS requested an even higher amount for FY'17. Unfortunately, a significant portion of the MCILS request for FY'17 was not funded. (See Attachment A). MCILS received feedback that the Appropriations Committee recognized the need for this funding, but had decided to address this need for funding in a supplemental appropriation at a later date. As a result, the MCILS All Other budget for FY'17 stands at \$15.5 million, and that amount constitutes the baseline amount for each year of the proposed biennial budget.

For FY'17, the Commission projects that it will need approximately \$18.4 to meet the cost of indigent legal services, and the Commission is seeking an additional 2.8 million in supplemental funding for the current fiscal year. So as stated above, the Commission's change requests for FY'18 and FY'19 each include \$2.8 million needed simply to bring the baseline budget up to the amount needed to cover current costs.

INCREASING COSTS:

The Commission's change requests also reflect the increasing cost of maintaining a quality

indigent legal services system. Based on the rate of growth in costs incurred during the last three years of the Commission's operations, the Commission is projecting growth of 6.5% during each year of the biennium.

Increasing costs for indigent legal services is not a new phenomenon. During the last ten years that the Judicial Branch operated the system, general fund costs grew in all but one year, and twice during that period, year to-year growth exceeded 10%. Similarly, the Commission has seen increases in the cost of indigent legal services. The Commission believes that budgeting for increased costs is realistic and prudent and believes that the rate of growth for the last three years is the appropriate benchmark for predicting that growth.¹

At this point, technology appears to be the main driver of increasing costs, but an assortment of other factors drive costs as well. Video and audio recordings demand hours of attorney time for review and have become ubiquitous in even minor cases. In major cases, such recordings regularly total in 10's or 100's of hours. Technology also creates new demand for expert services such as analysis of cell phone location data or data retrieval and authentication from the myriad electronic devices now associated with crime scenes. Technology aside, the prevalence of new Mainers in the courts demands both time and expenditures for arranging and utilizing interpretation services. Immigration consequences complicate cases and require both research and prolonged negotiations with the state. Incarcerated clients are often no longer housed in the local county jail, but scattered around the state, making communication more cumbersome and expensive. Finally, the opioid crisis has resulted in more and more complicated child protective cases.

In addition to the factors just listed, changes to the criminal justice system enacted by the

¹ The rate of growth moderated in FY'16, allowing the Commission to return \$1 million of its All Other appropriation to the General Fund. Using the growth rate for the previous three years, however, the commission projected FY'17 costs to increase by 6.5%. Seven months into this physical year, costs incurred have been totaling consistent with this projection.

Legislature also increase MCILS costs. The Legislature has recently authorized additional Assistant District Attorneys, additional drug enforcement agents and additional judges. These new resources invariably give rise to new cases requiring indigent legal services from MCILS. Finally, new and more serious crimes are enacted every year, some with minimum mandatory sentences, that require additional resources to defend.

Note also that none of the factors mentioned above is caused by or within the control of MCILS. Every expenditure for indigent legal services is a direct response to the State seeking to deny or diminish the liberty interests of a poor person in Maine. Defending these interests is both constitutionally required and critically important to maintaining a just society. The State must meet its obligation to adequately fund indigent legal services.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: HON. JAMES HAMPER, SENATE CHAIR
HON. ANDREW GATTINE, HOUSE CHAIR
JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS

HON. LISA KEIM, SENATE CHAIR
HON. MATTHEW MOONEN, HOUSE CHAIR
JOINT STANDING COMMITTEE ON JUDICIARY

FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR

SUBJECT: TESTIMONY WITH RESPECT TO PART UUUU OF THE BIENNIAL
BUDGET

DATE: FEBRUARY 16, 2017

Senator Hamper, Representative Gattine, Senator Keim, Representative Moonen, honorable members of the Committees on Appropriations and Financial Affairs and Judiciary, I am John Pelletier, Executive Director of the Commission on Indigent Legal Services. I appear before you today to testify in opposition to PART UUUU of the Governor's proposed Biennial Budget.

PART UUUU Undermines the Independence of Indigent Legal Services.

The Clifford Commission, which recommended creation of the Maine Commission on Indigent Legal Services (MCILS), adopted as its central tenet that the delivery of indigent legal services should be independent.¹ When the Legislature created the Commission, it mandated that indigent legal services be "free from undue political interference." 4 M.R.S.A § 1801. PART UUUU undermines the independence of the indigent legal services system by reducing the role of the existing independent Commission and placing responsibility for delivering indigent legal

¹ Independence is the first of the American Bar Association's "Ten Principals of a Public Defense Delivery System."

services in a Chief Public Defender who is nominated by, and can only be removed by, the Chief Executive.

Under current law, five Commissioners who are appointed by the Governor and approved by the Senate are responsible for the delivery of indigent legal services. The Commissioners serve definite terms, and if their terms expire without a replacement being nominated, they continue to serve until a replacement is nominated and confirmed. The Commission is independent of the Executive Branch and the Judicial Branch and must work with the Legislature, as does all of state government, to ensure adequate funding for indigent legal services.

PART UUUU reduces the role of the Commission from one of ultimate responsibility for indigent legal services to one of “oversight” of the Office of the Public Defender. Under the bill, it is the Chief Public Defender who is ultimately responsible for providing indigent legal services. Although nominated by the Governor and subject to confirmation by the Legislature, the Chief Public Defender can be removed from office only by the Chief Executive and not by the Commission. A system whereby a Chief Public Defender is responsible for delivering indigent legal services, but is subject to removal by the Chief Executive, is not independent from at least the potential of undue political influence.²

Contracts Will Either Fail to Stabilize Costs or Do So With Unacceptable Consequences.

PART UUUU mandates that the Chief Public Defender “Use contracts in providing indigent legal services as required by this section.” The Commission understands that the aim of this provision is to stabilize costs, which have regularly increased both during the Commission’s tenure and while the Judicial Branch operated the system. In the Commission’s view, a system relying on contracts will not stabilize costs or will do so with unacceptable consequences.

² In the current system, the independent body, the Commission, is ultimately responsible for the delivery of indigent legal services and the administrator of the system, the Executive Director, serves at the pleasure of the Commission.

Contracts, along with public defender offices and private assigned counsel, are one of the methods used throughout the country to provide indigent legal services. Experience elsewhere has demonstrated that flat fee contracts are not the best method for providing services.³ Instead, contracts should be tailored to the fluctuating demand for services. In some jurisdictions, contracts call for payment of a fixed amount per case. In others, contracts are created with a target number of cases in mind, and a process is in place to reconcile the payment amount at the end of a given period based on whether more or fewer than the target number of cases materialized. Because the number of cases always fluctuates, contract costs also fluctuate, so total costs remain unpredictable.

Flat fee contracts renewed every few years could stabilize costs. Often, however, lawyers must deal with increasing caseloads for fixed compensation, which can undermine the quality of services. In addition, flat fee contracts have the potential to over-compensate attorneys when the predicted number of cases upon which the contract is based fails to materialize. In fact, the Commission recently experienced an unexpected moderation in the growth of its costs, which resulted in an unspent surplus in FY'16 that was returned to the general fund. If a statewide system of flat fee contracts had been in place, no savings would have been generated from the slow-down in cases.

In sum, contracts that are tied to the actual workload do not bring cost stability, and flat fee contracts, while stable, can either undermine the quality of services by undercompensating counsel or result in over-payment for services. The current system, in contrast, is closely attuned to the demand for services and pays for the services needed, no more and no less.

³ For example, Nevada, Michigan, and South Dakota have all recently banned flat fee contracts as a means of providing indigent legal services based on concerns about the adequacy of representation provided under such contracts. See <http://sixthamendment.org/abolishing-flat-fee-contracts-for-public-defense-services/>. Commentators particularly object to flat fee contracts that require attorneys to pay for experts and investigators out of the contract amount. PART UUUU permits assigned counsel in conflict of interest cases to request funds for experts and investigators, but no such provision exists for contract counsel, suggesting that contract counsel would be required to pay for experts and investigators out of the contract amount.

A Contract System Will Reduce the Quality of Representation and Undermine Commission Oversight of Attorney Performance.

Under the current system, outside of the largest urban centers many highly qualified, experienced attorneys with diverse practices devote a portion of their practice to indigent legal services. These attorneys generally do not handle a high volume of indigent cases; rather, they handle a limited number of serious and complex cases or cases involving the most challenging clients. These are among the very best attorneys providing indigent legal services, which they do as a public service rather than as a principal means of generating income. The Commission is very concerned that these attorneys will decline to submit bids that commit them to a certain number of contracted cases. Instead, they will simply focus on the more lucrative areas of their practice, and the indigent legal services system will lose the benefit of their participation. The loss of such attorneys will no doubt diminish the quality of services overall.

In the urban centers, the Commission believes many lawyers who handle the most difficult and serious cases would likely seek contracts to continue doing that work. Those who were not among the winning bidders, however, would lose access to indigent cases and have to re-orient their practices to other areas of the law. Again, the Commission is concerned that the system would lose many of its most skilled attorneys, thereby reducing overall quality.

In sum, the Commission believes that a contract system would concentrate the cases in fewer hands, but at the cost of many of the most skilled and experienced lawyers leaving the system.

Regarding oversight, the current system of payment requires all attorneys to submit a detailed accounting of their work in every case. These attorney vouchers provide the Commission staff with direct insight into how cases are handled. Commission staff has used this insight, fortunately infrequently, to intervene with attorneys to address perceived practice issues. In contrast, at least

with respect to the one current contract that the Commission has in place, Commission staff has little information about how individual cases are handled or case outcomes. Instead, the Commission receives periodic reports about the number of cases handled and hours devoted to each case.

During its five years of existence, the Commission has focused on attorney training, budget stabilization, and improving compensation for assigned counsel. The Commission is now poised to focus on more systematic evaluation of attorney performance. The Commission believes that moving to a contract system and away from a system of hourly compensation based on detailed submissions in each case would handicap, rather than enhance, the Commission's ability to evaluate and improve attorney performance.

PART UUUU Fails to Adequately Fund Indigent Legal Services.

The proposed budget for the Office of Public Defender underfunds indigent legal services by approximately \$3,000,000 for each year of the biennium as compared to current costs. Moreover, the Commission is unaware of any analysis of the need for indigent legal services supporting the proposed budget; instead the proposed budget appears arbitrarily based on the Commission's current baseline budget, which itself is inadequate for the current year. Finally, the proposed budget reduces the already underfunded "All Other" line to fund an increase in the number and pay grade of administrators within the Office of Public Defender.

For FY'16, the Commission's All Other⁴ appropriation totaled \$18.3 million. Due to a moderation in the rate of growth the Commission had projected, the Commission spent \$17.3 million and returned \$1,000,000 to the general fund. All Other expenditures for FY'17 are on track to be \$18.4 million. Nevertheless, the proposed budget for the Office of the Public Defender fixed the All

⁴ References to the "All Other" line in the Commission budget and in the proposed budget of the Office of Public Defender exclude Other Special Revenue funds and Personal Services.

Other appropriation at \$15.4 million, \$3 million less than the system is expected to cost in the current fiscal year. The scope and quality of indigent legal services, a constitutional obligation of the State, could only suffer from such drastic underfunding.

Moreover, the amount of the proposed All Other funding appears to be arbitrary. The amount proposed closely approximates the Commission's current baseline budget, which itself results from inadequate funding of FY'17 in the current biennial budget. The Commission is skeptical that any true analysis of the costs of meeting the State's obligation to provide indigent legal services gave rise to a proposal that just happens to mirror the Commission's current, inadequate baseline budget. At the very least, none has been shared with the Commission.

Finally, the proposed budget transfers funds from the baseline All Other amount to cover an increase in personal services expenditures as compared to the existing Commission. The positions of Chief Public Defender, two Deputy Chief Defenders, and one Business Services Manager all appear to be set at pay grades well above that of current Commission staff. Head count remains equal to that of the Commission, but only because a revenue generating financial screener position is eliminated. In sum, the proposal increases the pay and number of administrators operating the system while eliminating a revenue generating position and reducing an already inadequate All Other line to cover the increase in personal services expenditures. The proposal increases bureaucracy at the expense of direct services for indigent people.

PART UUUU Treats Staff of the Office of the Public Defender Unfairly.

Currently, all Commission employees other than the Executive Director are in classified state jobs, and all employees other than the Deputy Director (our accountant and financial screeners) are in the Professional/Technical salary specification. The bill states that the "Professional staff of the Chief Public Defender are not subject to the Civil Service Law." The Commission believes that

stripping its employees of civil service protections is unfair and cannot comprehend why the bill would propose doing so.

PART UUUU Creates Expectations Regarding Indigency Determinations That Are Unrealistic and Certainly Could Not Be Accomplished by Existing Staff.

Every day in roughly 40 courthouses around the state, approximately 100 people are found indigent and assigned counsel. Most applications are screened by Commission staff who make recommendations to the Court regarding whether a person is entitled to counsel and if so, whether the person should be required to make payments toward the cost of their representation. The Court, however, makes the final determination of eligibility. The bill requires the Chief Public Defender to 1) verify the information used to make the indigency determination, 2) reassess indigency during the course of representation, and 3) if the person is not ordered to repay the cost of their representation, investigate the person's financial situation and petition the Court to retroactively order repayment up to 7 years after the case has ended. These tasks could only be accomplished, if at all, by a greatly expanded Commission staff.

That said, the Commission's current staff works diligently with the Courts to obtain reimbursement of counsel fees whenever possible. In FY'16, the Commission collected reimbursements exceeding \$700,000, well above highest reimbursement amount ever collected when the Judicial Branch operated the system. Regarding information verification, the Commission does not have the resources to verify 100 applications per day, but we have a part-time financial screener whose sole job is to verify information on both applications flagged by screeners in the field for further scrutiny, as well as on randomly sampled application. If this effort proves fruitful, the Commission will approach the Legislature for resources to expand this project.

Finally, reassessing indigency, whether during the representation or long after the matter is closed, would necessarily require the Court to act on whatever information the Commission could collect. The Commission believes that the financial burden that such a process would create for both the Commission and the Court would outweigh any potential financial benefit from increased reimbursements.

Conclusion

For the reasons stated above, the Maine Commission on Indigent Legal Services opposes PART UUUU. Maine's indigent legal services system is not perfect, and the Commission is committed to continuing work on improving the system. On the other hand, Maine's system is far from in crisis. Indigent people in Maine courts receive quality representation from lawyers committed to the defense of their liberty. And despite increases in costs, Maine's system remains among the least expensive in the country. There is simply no need for a radical overhaul of a system put in place just a few years ago.

The record of the Commission is one of steady progress. Faced with less than nine months before it was to assume responsibility for providing indigent legal services, the Commission created rules for attorney eligibility, installed a state of the art voucher payment system, and provided Courts with rosters of eligible attorneys. The result was a nearly seamless transition from the Judicial Branch beginning day one.

In its first year, the Commission provided training to lawyers handling indigent cases on an unprecedented scale. The Commission also created enhanced standards for lawyers handling the most serious and complex criminal cases. For the first year, and several thereafter, inadequate transitional budgets and increasing costs necessitated Commission advocacy with the Chief Executive and the Legislature to stabilize the budget through supplemental appropriations.

Nevertheless, the costs of indigent legal services have been fully funded each year under the Commission's watch, and after years of extended payment delays when the Judicial Branch was responsible for payment, Commission assigned counsel have been paid in a timely fashion. When Commission operations began, the rate of pay for assigned counsel had remained unchanged at \$50/hr. since 1999. Through Commission efforts, and with the help of the Legislature, the rate increased to \$55/hr. on July 1, 2014 and to \$60/hr. on July 1, 2015.

With the foundation now established, the Commission looks forward to tackling additional challenges to be as efficient with taxpayer dollars as possible while ensuring that indigent people receive the highest quality representation in defense of their liberties.

**TESTIMONY ON BEHALF OF THE COMMISSIONERS OF
THE MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

L.D. 0, PART UUUU of the Governor's Biennial Budget

Steven M. Carey, Esq., Commission Chair

February 16, 2017

Senator Hamper, Representative Gattine, and members of the Joint Standing Committee Appropriations and Financial Affairs and Senator Keim, Representative Moonen and members of the Joint Standing Committee on Judiciary, my name is Steven Carey, I am a resident of Cumberland and a Partner at The Carey Law Firm, P.A. in Portland. I am here today in my position as the Chair of the Maine Commission on Indigent Legal Services to testify in opposition to Part UUUU of the Governor's Biennial Budget.

The Maine Commission on Indigent Legal Services is an independent commission whose purpose is to provide efficient, high-quality representation to indigent individuals who are entitled to counsel at state expense under the United States Constitution or under the Constitution or statutes of Maine. The Commission uses assigned private attorneys and contract counsel to provide representation to criminal defendants, juvenile defendants, parents in child protective cases, and people facing involuntary commitment to a psychiatric hospital who are indigent.

Our Commissioners and the Commission staff have been working hard over the past six years to comply with the Commission's duties outlined in our enabling statute. The Commission established minimum standards and training requirements that attorneys must meet prior to accepting any assignments. Rosters of qualified attorneys were created and submitted to the Courts. Attorneys must be appointed off of these rosters. For several categories of the more complex cases the Commission passed a rule requiring additional training and experience. Standards of Practice were established to provide guidance for attorneys handling criminal cases,

juvenile cases, and child protective matters. A state of the art on-line system was set up for submission of attorney vouchers and payment. Our staff have developed minimum standards trainings courses and advanced training courses. The Commission has provided over 60 low-cost live or video replay trainings throughout the State. There are now clear procedures for applying for funds for investigators and experts, and a process for review and appeal of a decision of the Executive Director.

Over the past six years the Commission has developed a better understanding of what the accurate costs of the system are. This proposal calls for an increase use of contracts as a way to provide cost predictability. The Commission already has the authority to use contracts and has a long standing contract that covers criminal and juvenile assignments in Somerset County. The Commission has recently reviewed proposals to grant contracts in the area of appeals in criminal and child protective cases. After this review was completed the Commissioners declined to grant any contracts in these areas as the proposals would have greatly increased the costs for handling appeals. Our Commissioners will continue to explore the use of contracts where appropriate and will continue to explore ideas to increase cost predictability in our system.

Another concern raised by the Governor is quality assurance and supervision of the attorneys. I am confident in stating that our rostered attorneys are more qualified, better trained, and more closely supervised today than they ever were under the previous system. That said the Commission is aware that more could be done and we are committed to continue to improve its oversight of the attorneys in our system. Our Commissioners have been reviewing options to improve attorney oversight at our monthly meetings.

The Legislature created the Commission only six years ago in order to address the previous system's lack of independence from the Judicial Branch. Our Commissioners, our staff,

and the overwhelming majority of our rostered attorneys are extremely proud of the system we have built. This budget proposal by the Governor is his second attempt to dismantle all of the previously outlined hard work. Last year the legislature rejected the Governor's first attempt by not passing L.D. 1433. The language in Part UUUU is almost identical to that of L.D. 1433. We urge this legislature to do the same by voting against Part UUUU in the proposed Biennial Budget.

On behalf of the Maine Commission on Indigent Legal Services I would like to thank you the chairs and members of these Committees for allowing me the opportunity to speak with you today. We look forward to working with the legislature, the courts, and the Governor's Office to continue to build and improve our system to meet the needs of our great State and the needs of Maine's indigent population.

Respectfully,

Steven M. Carey

Steven M. Carey, Esq.

(5.)

Status of RFP's Update

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: RFP UPDATE –VOUCHER SYSTEM AND SOMERSET COUNTY
DATE: MARCH 13, 2017

VOUCHER MANAGEMENT SYSTEM AND SOMERSET COUNTY:

We received two bids in response to the Voucher Management System RFP. Commissioner Logan, John, and Ellie met on March 7, 2017 to score the bids. The results of the scoring will be presented in executive session so the Commission can discuss a final award determination.

The Somerset County RFP was been submitted to the Purchasing Division for final review. During that process, we learned that because of the anticipated amount of the contract, a deposit of \$5,000.00 would be required of potential bidders. Concerned that this might reduce the number of potential bidders, we requested that this requirement be waived.

We have since learned that the waiver request is being reviewed by the Governor's office. Last week, we responded to a request for information from that office, but to date, we have had no response to the request for waiver.

(6.)
Seth Carey Lawsuit

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: LAWSUIT FILED BY SETH CAREY
DATE: MARCH 13, 2017

Attorney Seth Carey has filed a lawsuit in Kennebec County Superior Court that names the Commission and myself individually as defendants. The complaint also names several judges and judicial branch employees, employees of the Board of Overseers of the Bar, a newspaper, and a physician as defendants.

Regarding the Commission, the complaint seeks review of final agency action suspending attorney Carey from the MCILS roster and contains claims under the Maine Unfair Practices Act and under the federal RICO law against me individually. The Attorney General's office is handling the defense, and both Ellie and I have been working with that office on preparation of the record in the suspension proceeding and review and approval of a motion to dismiss filed by the Assistant Attorney General handling the matter.

Attorney Carey filed a response to the Motion to Dismiss, and the AG's office has replied to that response. No determination has been made on that motion.

(7.)
MOU with DHHS

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: MOU WITH DHHS
DATE: MARCH 13, 2017

The Commission has again been approached by the Department of Health and Human Services about entering into a Memorandum of Understanding to allow the Department to claim funds expended to pay lawyers representing parents in Child Protective cases as part of the Department's "maintenance of effort" requirement under the TANIF program. Under that program, the State is required to expend State dollars on efforts to maintain poor children in the homes of their parents or with relatives. The work of our attorneys representing parents in child protective cases meets this criteria.

The Commission needs to decide whether to authorize me to work with the Department to determine the amount of expenditures that can count toward this effort and to enter into a Memorandum of Understanding agreeing that these expenditures can be used by the Department to satisfy a portion of its maintenance of effort requirement.

In 2015, through a complicated formula applied to our expenditures in PC cases that ended with dismissal, the Department claimed \$370,045 toward its maintenance of effort requirement.