

**MCILS**

**March 17, 2020  
Commissioner's Meeting  
Packet**

---

---

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

---

---

**MARCH 17, 2020**

**COMMISSION MEETING**

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

**AGENDA**

---

- 1) Approval of February 25, 2020, Commission Meeting Minutes
- 2) Operations Reports
- 3) Sub-Committee Activity and Next Steps Discussion
- 4) Legislative/Budget Update
- 5) LOD Staffing
- 6) OPEGA Update
- 7) 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.)**

**February 25, 2020  
Commission Meeting  
Minutes**

**Maine Commission on Indigent Legal Services – Commissioners Meeting  
February 25, 2020**

**Minutes**

**Commissioners Present:** Michael Carey, Sarah Churchill, Robert LeBrasseur, Ronald Schneider, Joshua Tardy, Mary Zmigrodski, Robert Cummins (participated by telephone)

**MCILS Staff Present:** Ellie Maciag, John Pelletier

| <b>Agenda Item</b>   | <b>Discussion</b>  | <b>Outcome/Action Item/Responsible Party</b>  |
|--|--|---|
| Approval of the February 11, 2020 Commission Meeting Minutes | No discussion of meeting minutes.  | Commissioner Schneider moved to approve. Commissioner Churchill seconded. All voted in favor. Approved. |
| Report of Sub-Committee Activity and Next Steps Discussions  | <p>Each subcommittee gave a status update of their group’s efforts to date:</p> <p><u>Public Defender</u><br/>The public defender subcommittee recommended a statewide appellate public defender office and a trial level public defender office in Cumberland County. Commissioner Schneider proposed using a non-profit model similar to New Hampshire, noting that it would not require a statute change. He expressed that this would be the best way to provide predictability, stability and quality representation. Commissioner Cummins expressed that a public defender is right for Maine. Chair Tardy asked the subcommittee to continue its work and refine the financial proposal and be ready to discuss specifics for the biennial budget process.</p> <p><u>Practice Standards</u><br/>Commissioner Zmigrodski reported that additional work is required for revising the child protective practice standards and drafting the involuntary commitment practice standards and that the subcommittee would continue its work. Commissioner</p> |   |

| Agenda Item | Discussion  | Outcome/Action<br>Item/Responsible Party |
|-------------|---|--|
|             | <p>LeBrasseur stated that the revisions to the criminal practice standards submitted at the previous meeting which focused on increased oversight of attorney performance should not move forward unless there is a concurrent effort to increase the hourly rate. Commissioner Zmigrodski agreed with that assessment. Chair Tardy stated that the rate change should be a separate discussion and not tied to an overhaul of the practice standards. Commissioner Carey noted that evaluation of attorneys should be the second priority after reforming the lawyer of the day program. Commissioner Churchill stated that the low barrier to entry on the rosters should also be a priority. Director Pelletier suggested an expanded resource counsel role and soliciting of applications for the positions as a way to increase evaluation and oversight. He noted that this would require rulemaking. Commissioner LeBrasseur pointed to the mentor panel in the proposed practice standards as another option. A discussion ensued about the rulemaking process and the required timelines and deadlines.</p> <p><u>Training</u></p> <p>The Commissioners voted unanimously (Commissioner Carey was not present for the vote) to adopt the training subcommittee's recommendation that the current minimum standards training for new lawyers be replaced with a 5-day training. The Commissioners then voted unanimously to issue an RFP for a consultant to create the training curriculum, invite the faculty, and coordinate the location logistics for the 5-day training.</p> <p><u>Financial</u></p> <p>Commissioner Carey relayed that the financial subcommittee is suggesting an overhaul of the way the staff currently tracks alerts it receives about attorney billing for over 12 hours in a day. He noted that the tracking process is mostly manual after the initial electronic alert and this has proven to be unworkable. He suggested staff move to a more electronic way of tracking the information to make it more efficient and increase the ability to conduct audits. He believes that the current staffing request should make it so that the Commission can fulfil the financial control functions. He concluded that the financial subcommittee will finalize its</p> |  |

| <b>Agenda Item</b>         | <b>Discussion</b>   | <b>Outcome/Action Item/Responsible Party</b> |
|----------------------------|---|--|
|                            | recommendations for Commission consideration once it incorporates OPEGA's initial report back findings.   |  |
| LOD Staffing               | Director Pelletier provided the Commissioners with the cost breakdown of increasing the lawyer of the day attorney numbers by 50% and by 100% between now and June 30, roughly \$172,000 and \$340,000, respectively. Director Pelletier noted that finding additional lawyers of the day in more rural areas might prove to be very difficult. Commissioner Carey requested staff do some data collection to identify where there is an additional need for LOD lawyers. Director Pelletier suggested focusing on Cumberland and York Counties to start with and collect additional data on the need for increased LOD staffing in other parts of the state. The Commissioner voted unanimously to authorize the Executive Director to increase the ratios of LODs by 25% on an as needed basis. |  |
| Financial Screener Status  | Director Pelletier gave an update on the pending bill that would transfer the financial screeners to the Judicial Branch and sought direction from the Commission on what position to take at the work session for the bill. Chair Tardy suggested the Commission remain neutral on the bill.   |  |
| Supplemental Budget Update | Director Pelletier have a quick update on the supplemental budget. A hearing on the Commission's budget will take place that afternoon. He relayed that the Commission received a favorable reception at last week's meeting with Appropriations.   |  |
| Juvenile Defense Grant     | Director Pelletier informed the Commission about a federal grant opportunity for juvenile defense. Due to current staffing levels and the work involved in applying for a federal grant, Director Pelletier stated that the Commission would most likely be unable to apply for the grant without outside assistance. Chair Tardy asked staff to start tracking lost opportunities due to lack of staff resources.  |  |

| Agenda Item       | Discussion   | Outcome/Action<br>Item/Responsible Party |
|-------------------|--|--|
| Public Comment    | <p><u>Cynthia Dill, Esq.</u>: Attorney Dill presented several documents to the Commissioners for their review, including a financial affidavit form that includes items that are not included in the Commission's rule and an instance where taxpayer subsidy was not warranted since the person exceeded the guidelines. Another document was an invoice submitted by a law firm for expert attorney fees for an attorney who was a rostered PCR attorney but did not bill at the assigned counsel rate of \$60/hr for the expert services. A third document was an interpreter invoice that exceeded the hourly rate that the Judicial Branch pays for interpreters.</p> <p><u>Zachary Heiden, Esq.</u>: Attorney Heiden reminded the Commission that regardless of the type of public defender model, the State still retains the obligation under the Sixth Amendment. He endorses a public defender office in Maine. He believes an increase in attorney ratios is a short-term fix and that much more attention should be made on this issue. He also cautioned the Commission that attorney supervision is not happening, and the Commission needs to act immediately to bring it into compliance.</p> <p><u>Robert Ruffner, Esq.</u>: Attorney Ruffner stated that the Commission has been on notice for nearly a decade that the lawyer of the day program was an issue and did nothing about it. He urged the Commission to seek an amendment this legislative session to remove the major substantive rule designation in its attorney qualification rule. He concluded that the Commission will never make any progress on reforms until it gets additional staff.</p> |  |
| Executive Session | <p>Following the subcommittee reports, Commissioner Carey made a motion to move into executive session to consult with counsel on the Commission's legal rights and duties pursuant to 1 MRS section 405, subsection (6)(E). Commissioner Churchill seconded. All voted in favor. Commissioner Carey made a motion to move out of executive session and Commissioner LeBrasseur seconded. All voted in favor. Commissioner Cummins moved to authorize the Executive Director to execute a MOU with the Attorney General's Office to formalize the attorney-client relationship</p>   |  |

| <b>Agenda Item</b>     | <b>Discussion</b>  | <b>Outcome/Action<br/>Item/Responsible Party</b> |
|------------------------|--|--|
|                        | with the Commission. Commissioner Carey seconded. All voted in favor, with Commissioner Churchill absent for the vote. |  |
| Adjournment of meeting | The next meeting will be on March 17, 2020 at 9 am.  |  |



**(2.)**  
**Operations Reports**

---

## MAINE COMMISSION ON INDIGENT LEGAL SERVICES

---

**TO:** MCILS COMMISSIONERS  
**FROM:** JOHN D. PELLETIER, EXECUTIVE DIRECTOR  
**SUBJECT:** FEBRUARY 2020 OPERATIONS REPORTS  
**DATE:** MARCH 3, 2020

---

Attached you will find the February, 2020, Operations Reports for your review and our discussion at the Commission meeting on March 17, 2020. A summary of the operations reports follows:

- 2,395 new cases were opened in the DefenderData system in February. This was a 231 case decrease from January. Year to date, new cases are up by approximately 10%, from 18,207 at this time last year to 20,035 this year.
- The number of vouchers submitted electronically in February was 2,869, a decrease of 184 vouchers over January, totaling \$1,415,410.69, a decrease of \$27,000 over January. Year to date, the number of submitted vouchers is up by approximately 6%, from 21,874 at this time last year to 23,154 this year, but the total amount for submitted vouchers is down by approximately 2%, from \$11,483,000 at this time last year to \$11,260,000 this year.
- In February, we paid 2,340 electronic vouchers totaling \$1,131,868.08, representing an increase of 480 vouchers and \$199,000.00 compared to January. Year to date, the number of paid vouchers is basically flat, but the total amount paid is down by approximately 5%, from \$11,108,000 at this time last year to \$10,502,000 this year.
- We paid one paper voucher in February totaling \$240.00. This was submitted by an experienced criminal defense lawyer who had not been on our roster for many years but was recruited by a judge to fill in as lawyer of the day when no rostered attorney was available.
- The average price per voucher in February was \$483.70, down \$17.65 per voucher from January. Year to date, the average price per voucher is down approximately 7.5%, from \$526.13 at this time last year to \$489.16 this year.
- Appeal and Post-Conviction Review cases had the highest average voucher in February. There were 6 vouchers exceeding \$5,000 paid in February. See attached addendum for details.
- In February, we issued 94 authorizations to expend funds: 58 for private investigators, 24 for experts, and 12 for miscellaneous services such as interpreters and transcriptionists. In February, we paid \$121,935.95 for experts and investigators, etc. No requests for funds were denied or modified in February.

- In February, we received two complaints about attorneys. One involved lack of contact with the attorney. The complaint was addressed with the attorney and resolved based on the attorney's documented efforts to contact the client. The other related to the performance of an attorney at a Lawyer of the Day session. Staff is in the process of following up on this complaint.
- In February, we approved four requests for co-counsel. One request came from a relatively new attorney seeking co-counsel for the attorney's first felony jury trial. Another came from an experienced attorney seeking permission to involve a newer attorney in an upcoming felony jury trial. The third was from an attorney representing a client with extensive mental health issues. The attorney sought co-counsel to assist with review and management of voluminous mental health records, as well as to assist with client relations up to and during an anticipated trial. Finally, co-counsel was approved for a Murder case.

In our All Other Account, the total expenses for the month of February were \$1,269,483.45. Of that amount, just over \$15,000 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$59,062.25 in expenses for the month of February.

In the Revenue Account, the transfer for February, reflecting January's collections, totaled \$73,756.21, an increase of approximately \$12,000 over the previous month.

During February, the only financial activity related to training was a fee charged for a registration fee check that bounced. The payment issue has been remedied by the attorney, including reimbursement for the bounced check fee.

VOUCHERS EXCEEDING \$5,000 PAID FEBRUARY 2020

|  | Voucher Total | Case Total   |
|--|---------------|--|
| Voucher after a five-day Murder trial. Defendant found guilty of two counts of Murder. Case lasted 23 months.  | \$20,136      | \$20,1356  |
| Voucher in a Murder case where the defendant pled guilty to Manslaughter and received a sentence of less than 7 years.   | \$13,050      | \$22,598 (Interim vouchers of \$1,632 and \$6,607 paid to co-counsel from a different firm and \$1,309 paid to initial counsel discharged by the client) |
| Voucher after a ten-day Murder trial. High profile case in which jury selection took three days. Case lasted 18 months. Defendant found guilty.  | \$12,114      | \$45,367 (\$33,253 paid to co-counsel from a different firm)   |
| Voucher in a Class A Aggravated Trafficking case. Charge dismissed in return to a misdemeanor plea agreed upon on the eve of suppression hearing. Review of multiple videos required as initial stop lasted 3 hours and was attended by numerous law enforcement officers. | \$7,523       | \$7,523  |
| Voucher reflecting time involved in 17 juvenile cases. Representation focused on obtaining appropriate treatment for the juvenile, who was ultimately found not competent and placed in DHHS custody up dismissal of all juvenile charges.                                 | \$6,150       | \$6,150  |
| Voucher in an Arson case involving an occupied building. Defendant pled guilty. Additional work required to address possible federal prosecution and ensure the matter remained in State court.  | \$5,945       | \$5,945  |

FUNDS REQUESTS DENIED/MODIFIED FEBRUARY 2020

- No requests for funds were denied or modified in February.

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

**Activity Report by Case Type**

2/29/2020

| DefenderData Case Type                   | Feb-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                                   | 14           | 34                 | \$ 69,613.93           | 24            | \$ 38,642.63           | \$ 1,610.11      | 128              | 168           | \$ 269,983.44           | \$ 1,607.04      |
| Child Protection Petition                | 239          | 435                | \$ 226,537.45          | 353           | \$ 190,873.26          | \$ 540.72        | 1,799            | 3,464         | \$ 1,910,572.30         | \$ 551.55        |
| Drug Court                               | 1            | 10                 | \$ 8,676.32            | 5             | \$ 5,148.00            | \$ 1,029.60      | 5                | 51            | \$ 52,666.51            | \$ 1,032.68      |
| Emancipation                             | 3            | 3                  | \$ 1,267.52            | 3             | \$ 1,151.40            | \$ 383.80        | 51               | 40            | \$ 12,159.30            | \$ 303.98        |
| Felony                                   | 594          | 606                | \$ 462,524.53          | 449           | \$ 339,541.15          | \$ 756.22        | 4,671            | 4,228         | \$ 3,232,331.88         | \$ 764.51        |
| Involuntary Civil Commitment             | 78           | 71                 | \$ 15,574.06           | 76            | \$ 14,033.14           | \$ 184.65        | 698              | 581           | \$ 125,289.30           | \$ 215.64        |
| Juvenile                                 | 53           | 83                 | \$ 50,225.71           | 89            | \$ 40,744.34           | \$ 457.80        | 569              | 579           | \$ 274,472.30           | \$ 474.05        |
| Lawyer of the Day - Custody              | 213          | 198                | \$ 49,261.95           | 183           | \$ 45,381.90           | \$ 247.99        | 2,038            | 1,807         | \$ 424,715.19           | \$ 235.04        |
| Lawyer of the Day - Juvenile             | 26           | 23                 | \$ 4,381.12            | 20            | \$ 3,507.16            | \$ 175.36        | 304              | 272           | \$ 52,338.84            | \$ 192.42        |
| Lawyer of the Day - Walk-in              | 102          | 101                | \$ 24,395.62           | 95            | \$ 23,988.67           | \$ 252.51        | 998              | 873           | \$ 216,355.01           | \$ 247.83        |
| Misdemeanor                              | 834          | 855                | \$ 295,821.43          | 638           | \$ 232,166.20          | \$ 363.90        | 6,550            | 5,783         | \$ 2,135,303.67         | \$ 369.24        |
| Petition, Modified Release Treatment     | 0            | 2                  | \$ 1,052.00            | 9             | \$ 3,639.01            | \$ 404.33        | 6                | 33            | \$ 14,784.09            | \$ 448.00        |
| Petition, Release or Discharge           | 0            | 0                  |                        | 1             | \$ 216.10              | \$ 216.10        | 0                | 6             | \$ 1,902.40             | \$ 317.07        |
| Petition, Termination of Parental Rights | 26           | 34                 | \$ 22,168.88           | 45            | \$ 28,630.12           | \$ 636.22        | 205              | 445           | \$ 315,238.62           | \$ 708.40        |
| Post Conviction Review                   | 7            | 12                 | \$ 18,166.26           | 7             | \$ 10,308.42           | \$ 1,472.63      | 78               | 64            | \$ 91,107.53            | \$ 1,423.56      |
| Probate                                  | 2            | 0                  |                        | 0             |                        |                  | 22               | 18            | \$ 19,356.54            | \$ 1,075.36      |
| Probation Violation                      | 145          | 171                | \$ 64,019.09           | 131           | \$ 48,828.80           | \$ 372.74        | 1,348            | 1,237         | \$ 481,285.16           | \$ 389.07        |
| Represent Witness on 5th Amendment       | 3            | 3                  | \$ 546.00              | 2             | \$ 366.00              | \$ 183.00        | 8                | 8             | \$ 4,179.00             | \$ 522.38        |
| Resource Counsel Criminal                | 0            | 3                  | \$ 582.00              | 3             | \$ 1,032.00            | \$ 344.00        | 1                | 23            | \$ 2,808.00             | \$ 122.09        |
| Resource Counsel Juvenile                | 1            | 2                  | \$ 294.00              | 0             |                        |                  | 1                | 7             | \$ 528.00               | \$ 75.43         |
| Resource Counsel Protective Custody      | 0            | 0                  |                        | 0             |                        |                  | 3                | 8             | \$ 1,596.00             | \$ 199.50        |
| Review of Child Protection Order         | 49           | 222                | \$ 100,086.82          | 207           | \$ 103,669.78          | \$ 500.82        | 531              | 1,767         | \$ 860,859.26           | \$ 487.19        |
| Revocation of Administrative Release     | 5            | 1                  | \$ 216.00              | 0             |                        |                  | 21               | 9             | \$ 3,075.28             | \$ 341.70        |
| <b>DefenderData Sub-Total</b>            | <b>2,395</b> | <b>2,869</b>       | <b>\$ 1,415,410.69</b> | <b>2,340</b>  | <b>\$ 1,131,868.08</b> | <b>\$ 483.70</b> | <b>20,035</b>    | <b>21,471</b> | <b>\$ 10,502,907.62</b> | <b>\$ 489.17</b> |
|  |              |                    |                        |               |                        |                  |                  |               |                         |                  |
| <b>Paper Voucher Sub-Total</b>           | <b>1</b>     | <b>2401</b>        | <b>\$ 240.00</b>       | <b>1</b>      | <b>\$ 240.00</b>       | <b>\$ 240.00</b> | <b>1</b>         | <b>1</b>      | <b>\$ 240.00</b>        | <b>\$ 240.00</b> |
| <b>TOTAL</b>                             | <b>2,396</b> | <b>5,270</b>       | <b>\$1,415,650.69</b>  | <b>2,341</b>  | <b>\$1,132,108.08</b>  | <b>\$ 483.60</b> | <b>20,036</b>    | <b>21,472</b> | <b>\$ 10,503,147.62</b> | <b>\$ 489.16</b> |

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

**FY20 FUND ACCOUNTING**

AS OF 02/29/2020

| Account 014 95F Z258 01<br>(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     |     |                   |                |                 |                  |
| 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   |                | \$ 3,230,020.00 | \$ 17,468,211.49 |
| Total Expenses                               |    | 1              | \$ (947,049.13)                            | 4   | \$ (1,377,980.25) | 7   | \$ (1,080,553.54) | 10             | \$ -            |                  |
|  |    | 2              | \$ (1,849,796.47)                          | 5   | \$ (1,100,530.17) | 8   | \$ (1,269,483.45) | 11             | \$ -            |                  |
|  |    | 3              | \$ (1,715,368.33)                          | 6   | \$ (2,053,491.02) | 9   | \$ -              | 12             | \$ -            |                  |
| Encumbrances (Justice Works)                 |    |                | \$ (52,720.00)                             |     | \$ 18,135.00      |     | \$ 12,862.50      |                |                 | \$ (21,722.50)   |
| Encumbrances (B Taylor)                      |    |                | \$ (13,000.04)                             |     | \$ (17,853.34)    |     | \$ 13,173.37      |                | \$ -            | \$ (17,680.01)   |
| Encumbrances (Videographer & business cards) |    |                | \$ (4,800.00)                              |     | \$ -              |     | \$ (900.00)       |                | \$ -            | \$ (5,700.00)    |
| TOTAL REMAINING                              |    |                | \$ 0.56                                    |     | \$ 338,260.22     |     | \$ 2,460,575.84   |                | \$ 3,230,020.00 | \$ 6,028,856.62  |
| Q3 Month 8                                   |    |                |  |     |                   |     |                   |                |                 |                  |
| INDIGENT LEGAL SERVICES                      |    |                | INDIGENT LEGAL SERVICES                    |     |                   |     |                   |                |                 |                  |
| Counsel Payments                             | \$ | (1,132,108.08) | Q3 Allotment                               |     |                   |     | \$                | 4,785,476.96   |                 |                  |
| Interpreters                                 | \$ | (668.61)       | Q3 Encumbrances for Justice Works contract |     |                   |     | \$                | 12,862.50      |                 |                  |
| Private Investigators                        | \$ | (16,827.53)    | Barbara Taylor Contract                    |     |                   |     | \$                | 13,173.37      |                 |                  |
| Mental Health Expert                         | \$ | (24,560.62)    | Videographer                               |     |                   |     | \$                | (900.00)       |                 |                  |
| Misc Prof Fees & Serv                        | \$ | (405.00)       | Q3 Expenses to date                        |     |                   |     | \$                | (2,350,036.99) |                 |                  |
| Transcripts                                  | \$ | (53,411.45)    | Remaining Q3 Allotment                     |     |                   |     | \$                | 2,460,575.84   |                 |                  |
| Other Expert                                 | \$ | (25,311.00)    |  |     |                   |     |                   |                |                 |                  |
| Process Servers                              | \$ | (731.62)       |  |     |                   |     |                   |                |                 |                  |
| Subpoena Witness Fees                        | \$ | (20.12)        |  |     |                   |     |                   |                |                 |                  |
| Out of State Witness Travel                  | \$ | -              |  |     |                   |     |                   |                |                 |                  |
| SUB-TOTAL ILS                                |    | \$             | (1,254,044.03)                             |     |                   |     |                   |                |                 |                  |
| OPERATING EXPENSES                           |    |                |  |     |                   |     |                   |                |                 |                  |
| Service Center                               | \$ | -              |  |     |                   |     |                   |                |                 |                  |
| DefenderData                                 | \$ | (6,520.00)     |  |     |                   |     |                   |                |                 |                  |
| Parking Fees                                 | \$ | -              |  |     |                   |     |                   |                |                 |                  |
| Mileage/Tolls/Parking                        | \$ | (1,168.81)     |  |     |                   |     |                   |                |                 |                  |
| Mailing/Postage/Freight                      | \$ | (60.18)        |  |     |                   |     |                   |                |                 |                  |
| West Publishing Corp                         | \$ | (198.09)       |  |     |                   |     |                   |                |                 |                  |
| Shredding on Site                            | \$ | -              |  |     |                   |     |                   |                |                 |                  |
| Office Supplies/Equip.                       | \$ | (263.40)       |  |     |                   |     |                   |                |                 |                  |
| Cellular Phones                              | \$ | (129.73)       |  |     |                   |     |                   |                |                 |                  |
| OIT/TELCO                                    | \$ | (2,498.18)     |  |     |                   |     |                   |                |                 |                  |
| Office Equipment Rental                      | \$ | (111.03)       |  |     |                   |     |                   |                |                 |                  |
| Training Videographer                        | \$ | -              |  |     |                   |     |                   |                |                 |                  |
| Barbara Taylor monthly fees                  | \$ | (4,420.00)     |  |     |                   |     |                   |                |                 |                  |
| Notary Fees                                  | \$ | (50.00)        |  |     |                   |     |                   |                |                 |                  |
| NSF Charges                                  | \$ | (20.00)        |  |     |                   |     |                   |                |                 |                  |
| Training Printing Fees                       | \$ | -              |  |     |                   |     |                   |                |                 |                  |
| SUB-TOTAL OE                                 |    | \$             | (15,439.42)                                |     |                   |     |                   |                |                 |                  |
| TOTAL  |    | \$             | (1,269,483.45)                             |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |
|  |    |                |  |     |                   |     |                   |                |                 |                  |

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

**FY20 FUND ACCOUNTING**

As of 02/29/20

| <b>Account 014 95F Z258 01<br/>(Revenue)</b> | <b>Mo.</b> | <b>Q1</b>     | <b>Mo.</b> | <b>Q2</b>     | <b>Mo.</b> | <b>Q3</b>     | <b>Mo.</b> | <b>Q4</b>     | <b>FY20 Total</b> |
|--|------------|---------------|------------|---------------|------------|---------------|------------|---------------|-------------------|
| <b>Total Budget Allotments</b>               |            | \$ 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         | \$ -          | \$ -              |
| <b>Total Budget Allotments</b>               |            | \$ 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         | \$ -          |                   |
| Promissory Note Payments                     |            | \$ -          |            | \$ -          |            | \$ -          |            | \$ -          |                   |
| Collected Revenue from JB                    | 2          | \$ 79,457.90  | 5          | \$ 93,840.18  | 8          | \$ 73,756.21  | 11         | \$ -          |                   |
| Court Ordered Counsel Fee                    |            | \$ -          |            | \$ -          |            | \$ -          |            | \$ -          |                   |
| Collected Revenue from JB (late transfer)    |            | \$ -          |            | \$ -          | 9          | \$ -          |            | \$ -          |                   |
| Collected Revenue from JB                    | 3          | \$ 114,887.22 | 6          | \$ 103,917.30 | 9          | \$ -          | 12         | \$ -          |                   |
| Returned Checks-stopped payments             |            | \$ -          |            | \$ -          |            | \$ -          |            | \$ -          |                   |
| <b>TOTAL CASH PLUS REVENUE COLLECTED</b>     |            | \$ 272,904.72 |            | \$ 284,393.97 |            | \$ 135,076.83 |            | \$ -          | \$ 692,375.52     |
| Counsel Payments                             | 1          | \$ -          | 4          | \$ -          | 7          | \$ -          | 10         | \$ -          |                   |
| Other Expenses                               |            | \$ -          |            | \$ -          |            | \$ -          | ***        | \$ -          |                   |
| Counsel Payments                             | 2          | \$ -          | 5          | \$ -          | 8          | \$ -          | 11         | \$ -          |                   |
| Other Expenses                               |            | \$ -          |            | \$ -          |            | \$ -          |            | \$ -          |                   |
| Counsel Payments                             | 3          | \$ -          | 6          | \$ -          | 9          | \$ -          | 12         | \$ -          |                   |
| Other Expenses                               | *          | \$ -          | **         | \$ -          | ***        | \$ -          |            | \$ -          |                   |
| <b>REMAINING ALLOTMENT</b>                   |            | \$ 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          | \$ -          | 12         | \$ -          |                   |
| <b>REMAINING CASH Year to Date</b>           |            | \$ 271,832.72 |            | \$ 283,759.44 |            | \$ 135,214.83 |            | \$ -          | \$ 690,806.99     |

**Collections versus Allotment**

|                            |                      |
|----------------------------|----------------------|
| Monthly Total              | \$ 73,756.21         |
| Total Q1                   | \$ 274,669.72        |
| Total Q2                   | \$ 284,393.97        |
| Total Q3                   | \$ 135,214.83        |
| Total Q4                   | \$ -                 |
| Allotment Expended to Date | \$ -                 |
| <b>Fiscal Year Total</b>   | <b>\$ 694,278.52</b> |

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY20 FUND ACCOUNTING**  
AS OF 02/29/2020

| Account 014 95F Z258 01<br>(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                       |     |                      |     | \$ -                 |     | \$ -                 |     |                      |                        |
| <b>Total Budget Allotments</b>                 |     | <b>\$ 326,128.00</b> |     | <b>\$ 242,565.00</b> |     | <b>\$ 214,283.00</b> |     | <b>\$ 233,702.00</b> | <b>\$ 1,016,678.00</b> |
| Total Expenses                                 | 1   | \$ (62,240.56)       | 4   | \$ (99,140.23)       | 7   | \$ (70,131.98)       | 10  | \$ -                 |                        |
|  | 2   | \$ (174,797.03)      | 5   | \$ (71,894.07)       | 8   | \$ (59,062.25)       | 11  | \$ -                 |                        |
|  | 3   | \$ (68,346.25)       | 6   | \$ (69,821.39)       | 9   | \$ -                 | 12  | \$ -                 |                        |
| <b>TOTAL REMAINING</b>                         |     | <b>\$ 20,744.16</b>  |     | <b>\$ 1,709.31</b>   |     | <b>\$ 85,088.77</b>  |     | <b>\$ 233,702.00</b> | <b>\$ 341,244.24</b>   |

| Q3 Month 8                 |                       |
|----------------------------|-----------------------|
| Per Diem                   | \$ (220.00)           |
| Salary                     | \$ (29,953.08)        |
| Vacation Pay               | \$ (1,688.16)         |
| Holiday Pay                | \$ (2,046.82)         |
| Sick Pay                   | \$ (1,136.94)         |
| Empl Hlth SVS/Worker Comp  | \$ (166.00)           |
| Health Insurance           | \$ (9,359.15)         |
| Dental Insurance           | \$ (320.79)           |
| Employer Retiree Health    | \$ (3,861.11)         |
| Employer Retirement        | \$ (2,404.83)         |
| Employer Group Life        | \$ (336.42)           |
| Employer Medicare          | \$ (523.72)           |
| Retiree Unfunded Liability | \$ (6,752.13)         |
| Longevity Pay              | \$ (80.00)            |
| Perm Part Time Full Ben    | \$ (2,797.55)         |
| Premium Overtime           | \$ (792.99)           |
| Returned Funds from DOT    | \$ 3,377.44           |
| <b>TOTAL</b>               | <b>\$ (59,062.25)</b> |



## MAINE COMMISSION ON INDIGENT LEGAL SERVICES

## Activity Report by Court

2/29/2020

| Court        | Feb-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            | 4                  | \$ 2,224.00            | 5             | \$ 3,022.60            | \$ 604.52        | 31               | 35            | \$ 18,454.73            | \$ 527.28        |
| AUBSC        | 3            | 2                  | \$ 588.00              | 0             |                        |                  | 17               | 13            | \$ 9,304.20             | \$ 715.71        |
| AUGDC        | 25           | 51                 | \$ 34,119.04           | 50            | \$ 24,707.12           | \$ 494.14        | 404              | 484           | \$ 242,288.57           | \$ 500.60        |
| AUGSC        | 2            | 5                  | \$ 2,750.00            | 11            | \$ 6,397.88            | \$ 581.63        | 34               | 80            | \$ 50,022.54            | \$ 625.28        |
| BANDC        | 48           | 101                | \$ 28,980.52           | 77            | \$ 23,609.60           | \$ 306.62        | 487              | 822           | \$ 266,790.66           | \$ 324.56        |
| BANSC        | 1            | 0                  |                        | 0             |                        |                  | 5                | 4             | \$ 450.00               | \$ 112.50        |
| BATSC        | 0            | 0                  |                        | 0             |                        |                  | 1                | 1             | \$ 132.00               | \$ 132.00        |
| BELDC        | 9            | 13                 | \$ 4,299.64            | 14            | \$ 4,697.57            | \$ 335.54        | 107              | 243           | \$ 117,865.85           | \$ 485.04        |
| BELSC        | 0            | 0                  |                        | 0             |                        |                  | 0                | 1             | \$ 1,530.64             | \$ 1,530.64      |
| BIDDC        | 72           | 75                 | \$ 34,097.60           | 67            | \$ 35,700.80           | \$ 532.85        | 534              | 667           | \$ 372,276.53           | \$ 558.14        |
| BRIDC        | 12           | 21                 | \$ 12,658.42           | 16            | \$ 10,035.20           | \$ 627.20        | 84               | 154           | \$ 79,073.10            | \$ 513.46        |
| CALDC        | 3            | 3                  | \$ 943.84              | 5             | \$ 1,195.84            | \$ 239.17        | 43               | 69            | \$ 30,970.72            | \$ 448.85        |
| CARDC        | 20           | 23                 | \$ 9,824.02            | 19            | \$ 6,812.86            | \$ 358.57        | 111              | 196           | \$ 77,460.76            | \$ 395.21        |
| CARSC        | 0            | 1                  | \$ 102.00              | 1             | \$ 102.00              | \$ 102.00        | 6                | 7             | \$ 3,581.50             | \$ 511.64        |
| DOVDC        | 2            | 14                 | \$ 4,159.34            | 9             | \$ 3,905.00            | \$ 433.89        | 40               | 107           | \$ 38,434.58            | \$ 359.20        |
| DOVSC        | 0            | 0                  |                        | 0             |                        |                  | 0                | 0             |                         |                  |
| ELLDC        | 11           | 38                 | \$ 27,031.86           | 44            | \$ 33,027.76           | \$ 750.63        | 125              | 305           | \$ 184,078.71           | \$ 603.54        |
| ELLSC        | 0            | 0                  |                        | 0             |                        |                  | 3                | 2             | \$ 831.00               | \$ 415.50        |
| FARDC        | 8            | 11                 | \$ 10,237.78           | 20            | \$ 14,208.56           | \$ 710.43        | 66               | 157           | \$ 108,212.63           | \$ 689.25        |
| FARSC        | 0            | 1                  | \$ 42.00               | 1             | \$ 42.00               | \$ 42.00         | 3                | 3             | \$ 370.16               | \$ 123.39        |
| FORDC        | 9            | 12                 | \$ 7,923.50            | 9             | \$ 3,354.65            | \$ 372.74        | 46               | 62            | \$ 30,046.40            | \$ 484.62        |
| HOUDC        | 22           | 32                 | \$ 13,603.05           | 29            | \$ 8,234.56            | \$ 283.95        | 207              | 267           | \$ 105,061.43           | \$ 393.49        |
| HOUSC        | 0            | 0                  |                        | 0             |                        |                  | 2                | 2             | \$ 816.00               | \$ 408.00        |
| LEWDC        | 75           | 114                | \$ 39,230.63           | 91            | \$ 36,225.77           | \$ 398.09        | 641              | 802           | \$ 356,434.49           | \$ 444.43        |
| LINDC        | 8            | 10                 | \$ 3,811.28            | 11            | \$ 3,389.84            | \$ 308.17        | 78               | 132           | \$ 64,547.00            | \$ 488.99        |
| MACDC        | 2            | 3                  | \$ 390.00              | 7             | \$ 1,854.00            | \$ 264.86        | 70               | 132           | \$ 55,073.88            | \$ 417.23        |
| MACSC        | 0            | 0                  |                        | 0             |                        |                  | 0                | 2             | \$ 360.00               | \$ 180.00        |
| MADDG        | 2            | 2                  | \$ 473.36              | 1             | \$ 390.00              | \$ 390.00        | 16               | 14            | \$ 4,506.64             | \$ 321.90        |
| MILDC        | 0            | 4                  | \$ 1,057.28            | 7             | \$ 2,362.00            | \$ 337.43        | 40               | 72            | \$ 20,406.40            | \$ 283.42        |
| NEWDC        | 17           | 25                 | \$ 8,302.09            | 27            | \$ 6,649.24            | \$ 246.27        | 120              | 271           | \$ 91,810.71            | \$ 338.78        |
| PORDC        | 92           | 132                | \$ 72,077.04           | 137           | \$ 69,482.84           | \$ 507.17        | 646              | 820           | \$ 410,666.14           | \$ 500.81        |
| PORSC        | 3            | 1                  | \$ 3,462.00            | 1             | \$ 3,462.00            | \$ 3,462.00      | 13               | 8             | \$ 7,629.44             | \$ 953.68        |
| PREDC        | 39           | 30                 | \$ 12,724.74           | 22            | \$ 7,932.20            | \$ 360.55        | 172              | 205           | \$ 85,774.30            | \$ 418.41        |
| RODC         | 19           | 12                 | \$ 5,638.98            | 13            | \$ 4,931.74            | \$ 379.36        | 154              | 238           | \$ 103,297.48           | \$ 434.02        |
| ROCSC        | 0            | 1                  | \$ 172.36              | 3             | \$ 918.72              | \$ 306.24        | 10               | 12            | \$ 3,709.48             | \$ 309.12        |
| RUMDC        | 7            | 18                 | \$ 18,110.10           | 17            | \$ 15,522.34           | \$ 913.08        | 115              | 110           | \$ 110,805.30           | \$ 1,007.32      |
| SKODC        | 20           | 71                 | \$ 24,833.91           | 69            | \$ 27,170.12           | \$ 393.77        | 261              | 581           | \$ 232,070.50           | \$ 399.43        |
| SKOSC        | 1            | 0                  |                        | 0             |                        |                  | 2                | 1             | \$ 815.20               | \$ 815.20        |
| SODUC        | 9            | 15                 | \$ 8,200.89            | 12            | \$ 7,510.39            | \$ 625.87        | 115              | 168           | \$ 101,856.76           | \$ 606.29        |
| SOUSC        | 0            | 0                  |                        | 0             |                        |                  | 2                | 6             | \$ 4,307.75             | \$ 717.96        |
| SPRDC        | 41           | 56                 | \$ 38,284.94           | 44            | \$ 20,356.54           | \$ 462.65        | 323              | 443           | \$ 237,437.28           | \$ 535.98        |
| Law Ct       | 10           | 29                 | \$ 61,362.29           | 22            | \$ 32,837.36           | \$ 1,492.61      | 94               | 131           | \$ 220,055.34           | \$ 1,679.81      |
| YORCD        | 226          | 231                | \$ 150,676.77          | 141           | \$ 93,476.85           | \$ 662.96        | 1,792            | 1,768         | \$ 1,176,255.25         | \$ 665.30        |
| AROCD        | 145          | 130                | \$ 46,206.70           | 102           | \$ 36,358.55           | \$ 356.46        | 1,116            | 925           | \$ 431,850.40           | \$ 466.87        |
| ANDCD        | 164          | 182                | \$ 82,694.17           | 152           | \$ 71,923.18           | \$ 473.18        | 1,276            | 1,222         | \$ 553,619.13           | \$ 453.04        |
| KENCD        | 138          | 172                | \$ 68,043.85           | 144           | \$ 51,742.52           | \$ 359.32        | 1,434            | 1,265         | \$ 519,147.48           | \$ 410.39        |
| PENCD        | 232          | 292                | \$ 142,094.65          | 170           | \$ 97,567.28           | \$ 573.93        | 2,033            | 1,718         | \$ 737,285.32           | \$ 429.15        |
| SAGCD        | 33           | 24                 | \$ 9,381.44            | 23            | \$ 10,969.44           | \$ 476.93        | 231              | 198           | \$ 89,957.44            | \$ 454.33        |
| WALCD        | 31           | 41                 | \$ 19,080.51           | 22            | \$ 11,306.56           | \$ 513.93        | 279              | 285           | \$ 150,427.51           | \$ 527.82        |
| PISCD        | 17           | 11                 | \$ 2,070.84            | 11            | \$ 2,557.77            | \$ 232.52        | 151              | 135           | \$ 38,401.78            | \$ 284.46        |
| HANCD        | 50           | 48                 | \$ 23,106.56           | 41            | \$ 20,463.56           | \$ 499.11        | 370              | 387           | \$ 192,429.64           | \$ 497.23        |
| FRACD        | 37           | 56                 | \$ 32,811.86           | 50            | \$ 26,856.55           | \$ 537.13        | 319              | 360           | \$ 186,173.64           | \$ 517.15        |
| WASCD        | 40           | 32                 | \$ 9,884.20            | 60            | \$ 16,300.40           | \$ 271.67        | 312              | 339           | \$ 124,141.56           | \$ 366.20        |
| CUMCD        | 388          | 384                | \$ 208,298.96          | 286           | \$ 168,387.00          | \$ 588.77        | 2,922            | 2,757         | \$ 1,533,603.74         | \$ 556.26        |
| KNOCD        | 49           | 67                 | \$ 27,806.63           | 59            | \$ 21,216.16           | \$ 359.60        | 454              | 389           | \$ 168,424.66           | \$ 432.97        |
| SOMCD        | 98           | 85                 | \$ 21,246.28           | 66            | \$ 14,842.30           | \$ 224.88        | 795              | 426           | \$ 100,830.81           | \$ 236.69        |
| OXFCD        | 73           | 77                 | \$ 32,043.72           | 56            | \$ 22,469.20           | \$ 401.24        | 612              | 536           | \$ 213,675.92           | \$ 398.65        |
| LINCD        | 27           | 26                 | \$ 13,246.37           | 27            | \$ 11,257.01           | \$ 416.93        | 237              | 231           | \$ 105,895.65           | \$ 458.42        |
| WATDC        | 15           | 48                 | \$ 22,550.68           | 43            | \$ 24,821.68           | \$ 577.25        | 196              | 346           | \$ 168,228.01           | \$ 486.21        |
| WESDC        | 24           | 21                 | \$ 6,841.87            | 13            | \$ 3,834.00            | \$ 294.92        | 163              | 201           | \$ 87,429.62            | \$ 434.97        |
| WISDC        | 9            | 4                  | \$ 615.87              | 5             | \$ 1,764.44            | \$ 352.89        | 52               | 75            | \$ 38,166.25            | \$ 508.88        |
| WISSC        | 0            | 0                  |                        | 0             |                        |                  | 4                | 2             | \$ 1,055.50             | \$ 527.75        |
| YORDC        | 5            | 8                  | \$ 4,992.26            | 8             | \$ 3,704.53            | \$ 463.07        | 59               | 77            | \$ 36,291.51            | \$ 471.32        |
| <b>TOTAL</b> | <b>2,395</b> | <b>2,869</b>       | <b>\$ 1,415,410.69</b> | <b>2,340</b>  | <b>\$ 1,131,868.08</b> | <b>\$ 483.70</b> | <b>20,035</b>    | <b>21,471</b> | <b>\$ 10,502,907.62</b> | <b>\$ 489.17</b> |

# MAINE COMMISSION ON INDIGENT LEGAL SERVICES

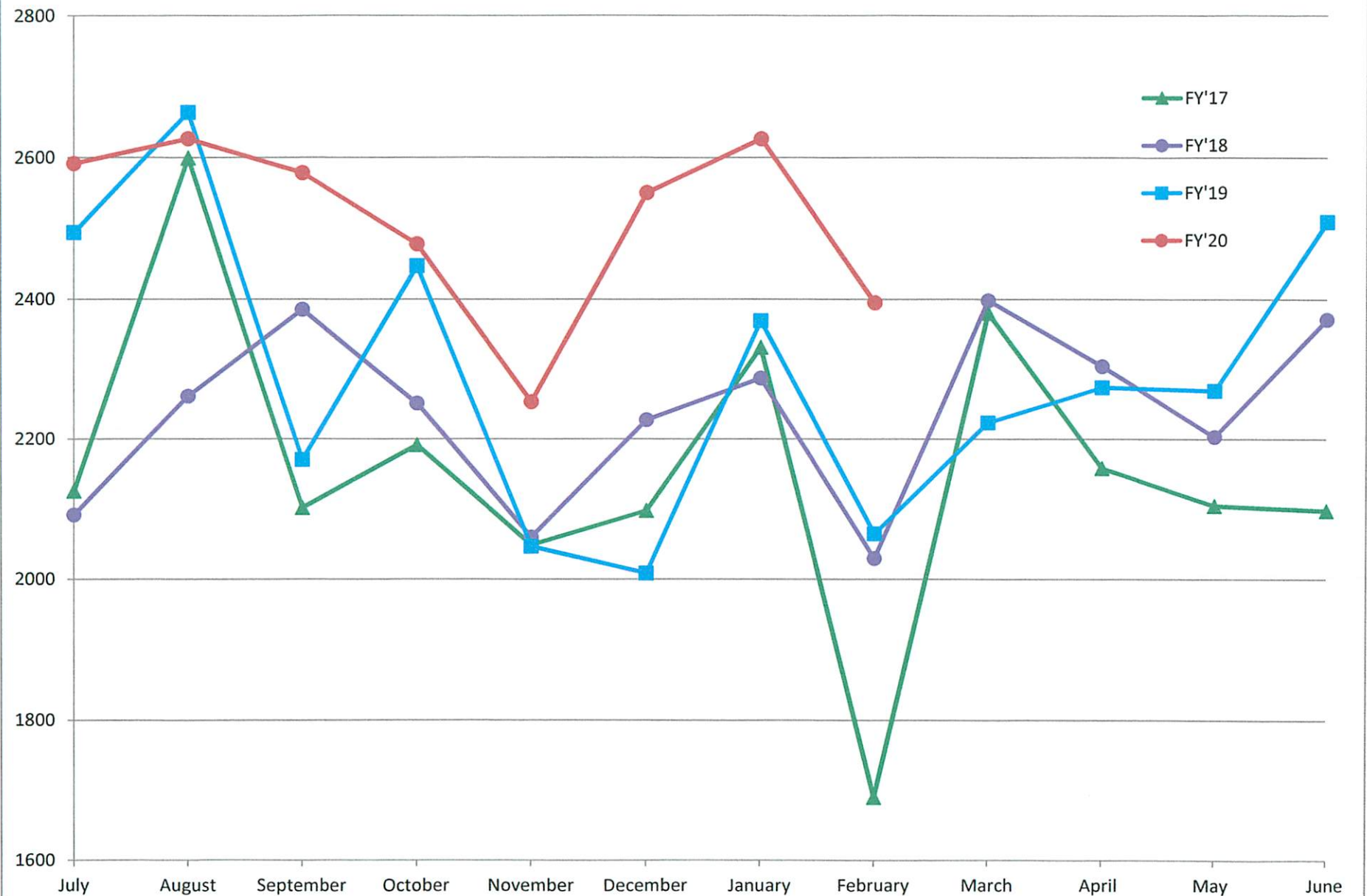
## Number of Attorneys Rostered by Court

02/29/2020

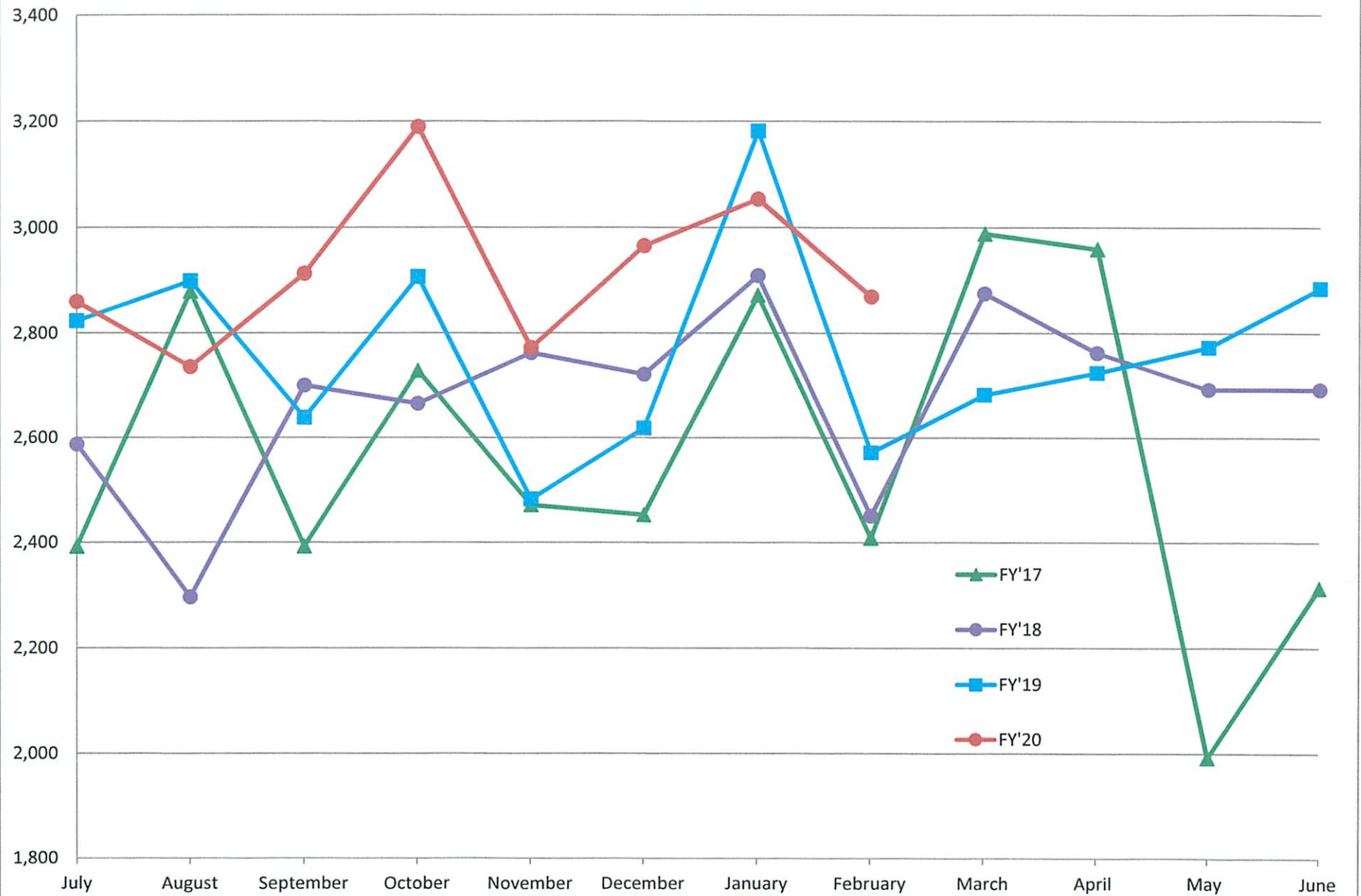
| Court                         | Rostered Attorneys |
|-------------------------------|--------------------|
| Augusta District Court        | 73                 |
| Bangor District Court         | 39                 |
| Belfast District Court        | 38                 |
| Biddeford District Court      | 114                |
| Bridgton District Court       | 71                 |
| Calais District Court         | 9                  |
| Caribou District Court        | 15                 |
| Dover-Foxcroft District Court | 22                 |
| Ellsworth District Court      | 28                 |
| Farmington District Court     | 33                 |
| Fort Kent District Court      | 9                  |
| Houlton District Court        | 12                 |
| Lewiston District Court       | 109                |
| Lincoln District Court        | 20                 |
| Machias District Court        | 13                 |
| Madawaska District Court      | 10                 |
| Millinocket District Court    | 12                 |
| Newport District Court        | 28                 |
| Portland District Court       | 136                |
| 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        | 63                 |
| Unified Criminal Docket Bangor         | 39                 |
| Unified Criminal Docket Bath           | 79                 |
| Unified Criminal Docket Belfast        | 37                 |
| Unified Criminal Docket Dover Foxcroft | 20                 |
| Unified Criminal Docket Ellsworth      | 32                 |
| Unified Criminal Docket Farmington     | 35                 |
| Unified Criminal Docket Machias        | 15                 |
| Unified Criminal Docket Portland       | 133                |
| Unified Criminal Docket Rockland       | 25                 |
| Unified Criminal Docket Skowhegan      | 22                 |
| Unified Criminal Docket South Paris    | 39                 |
| Unified Criminal Docket Wiscasset      | 45                 |
| Waterville District Court              | 36                 |
| West Bath District Court               | 91                 |
| Wiscasset District Court               | 52                 |
| York District Court                    | 86                 |

## NEW CASES

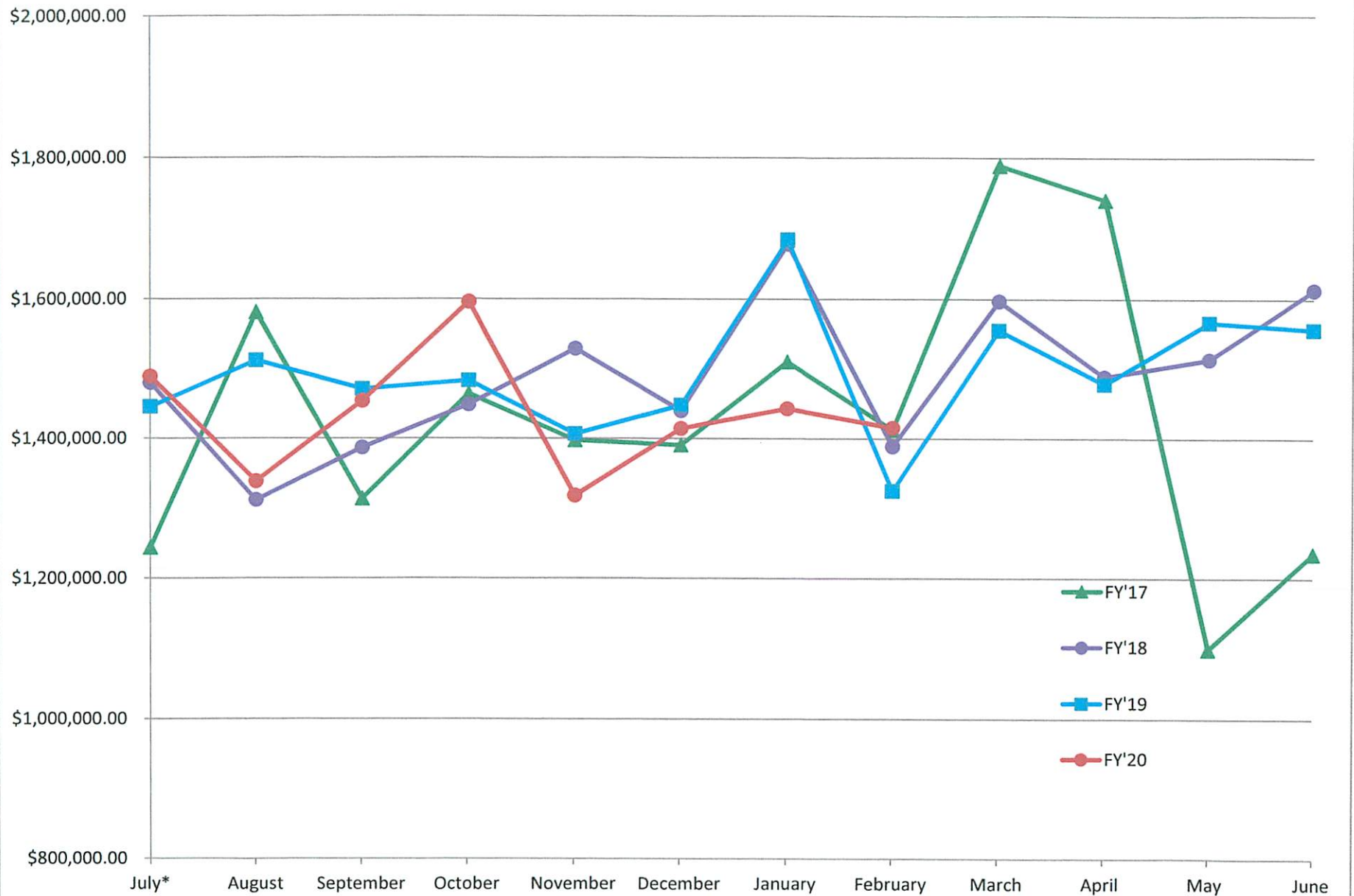


## Submitted Vouchers

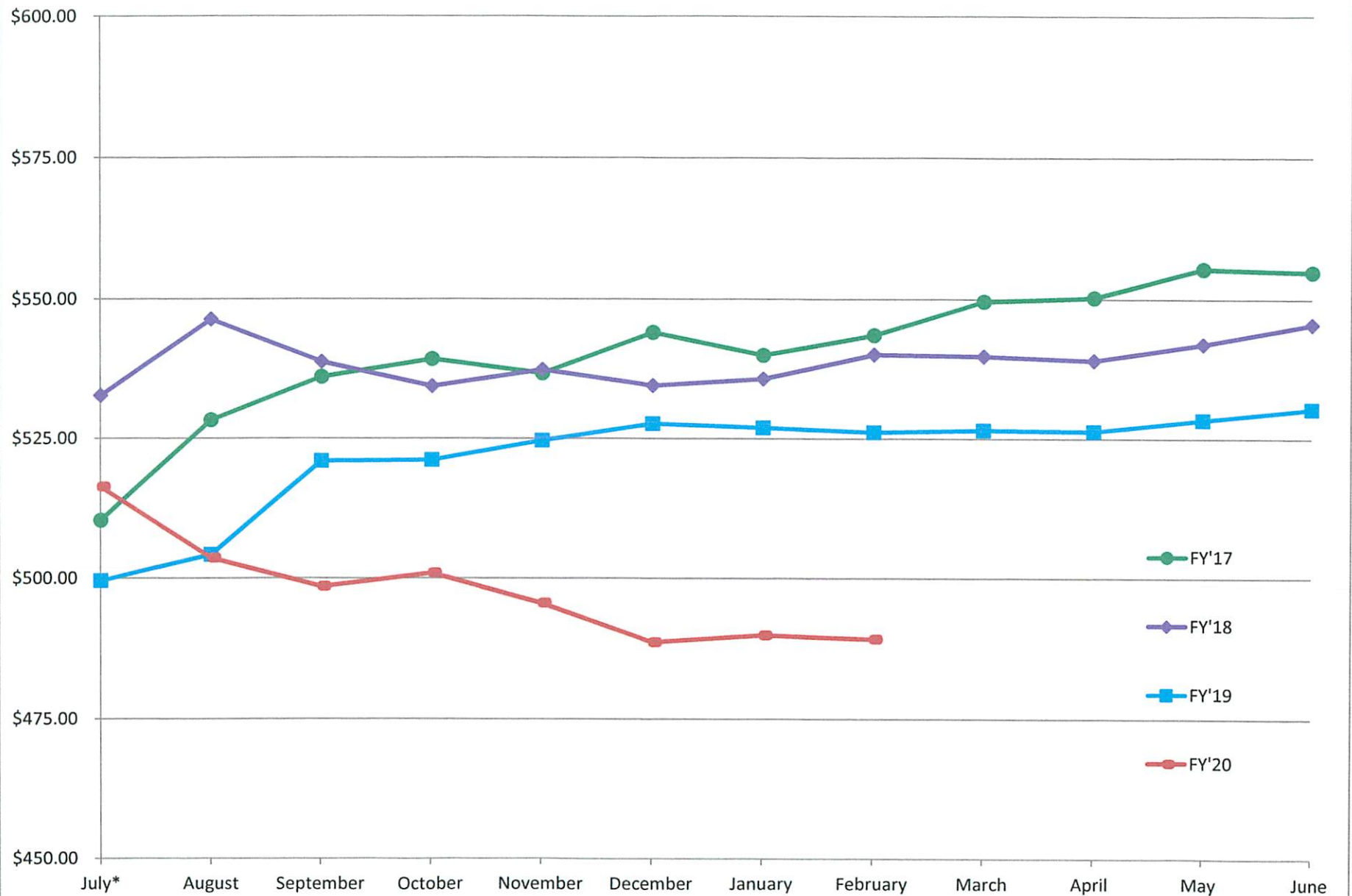




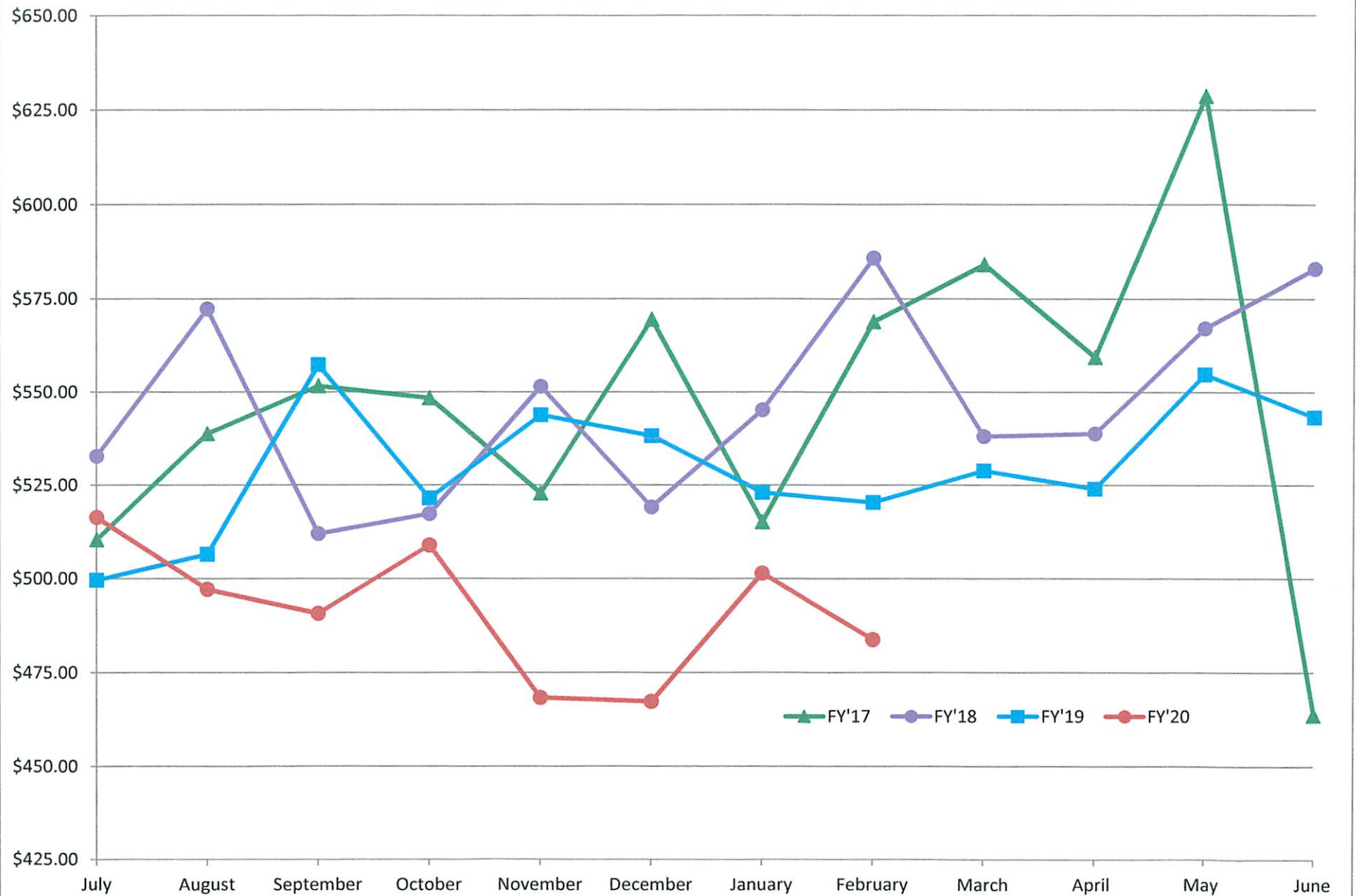
## Submitted Voucher Amount



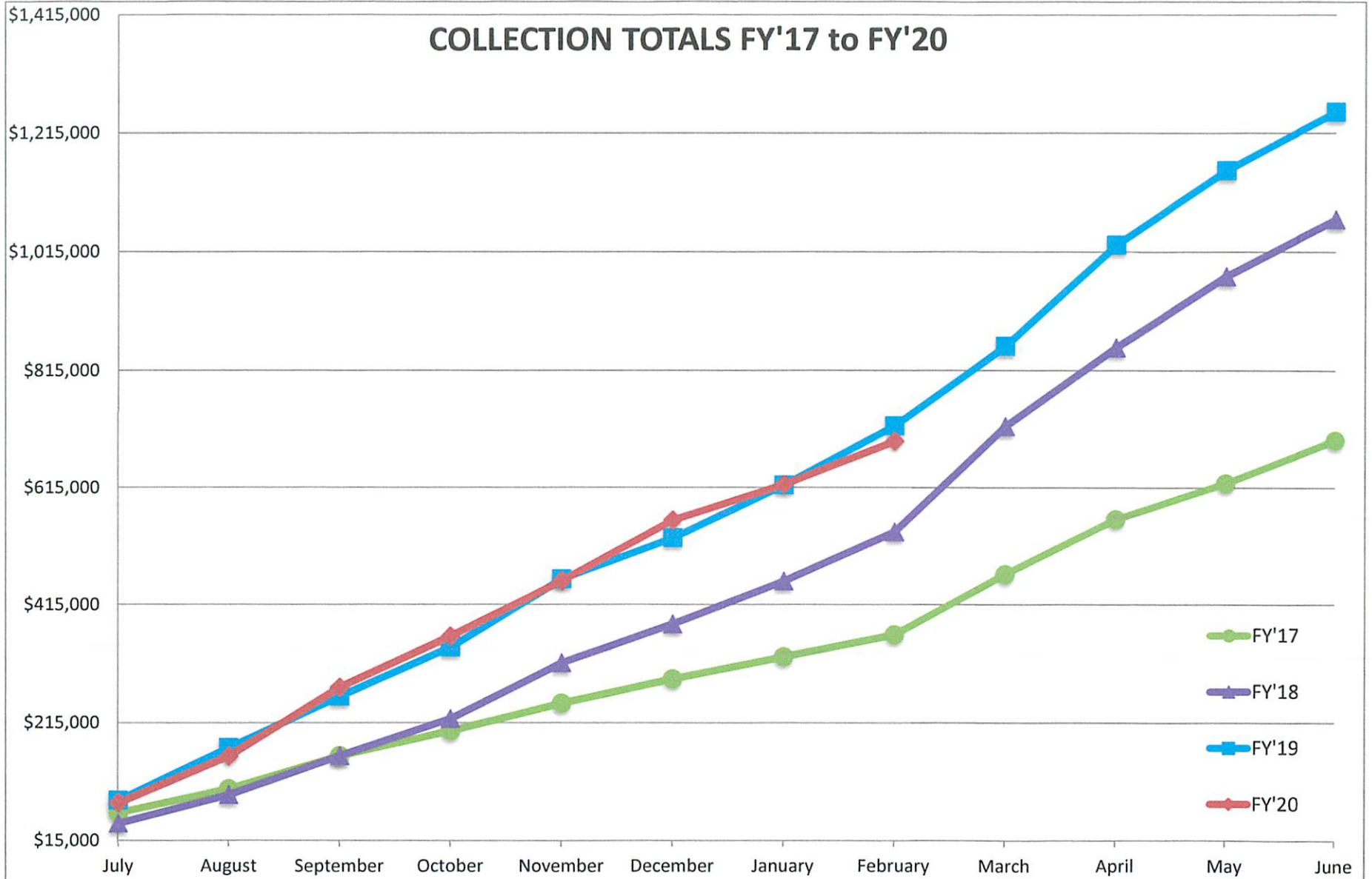
## Average Voucher Price Fiscal Year to Date



## Monthly Price Per Voucher



## COLLECTION TOTALS FY'17 to FY'20





**(3.)**

**Sub-Committee Activity  
and Next Steps Discussion**

---

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

---

---

**TO:** MCILS COMMISSIONERS  
**FROM:** ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR  
**CC:** JOHN D. PELLETIER, EXECUTIVE DIRECTOR  
**SUBJECT:** SUB-COMMITTEE REPORTS  
**DATE:** MARCH 12, 2020

---

Since the last meeting, the four sub-committees looking at financial oversight, a Public Defender Office, practice standards, and training have continued to meet. Time is set aside at the next meeting for reports on these activities and discussion of next steps.

**(4.)**

**Legislative/Budget  
Update**

---

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

---

**TO:** MCILS COMMISSIONERS  
**FROM:** JOHN D. PELLETIER, EXECUTIVE DIRECTOR  
**CC:** ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR  
**SUBJECT:** LEGISLATIVE/BUDGET UPDATE  
**DATE:** MARCH 4, 2020

---

On February 25, 2020, Chair Tardy and I attended a public hearing before both the Appropriations Committee and the Judiciary Committee on the MCILS portion of the Governor's proposed Supplemental Budget. Attached is the written testimony I submitted. My spoken testimony focused on advocating for the two positions that MCILS is seeking, but that were not included in the Governor's budget. Both Chair Tardy and I then responded to questions from committee members.

On March 2, 2020, Chair Tardy and I attended a work session on the MCILS portion of the Supplemental Budget before the Judiciary Committee. We again advocated for the two new positions needed to expand capacity to implement the reforms the Commission is working on and answered questions from the committee.

The process requires the Judiciary Committee to make recommendations to the Appropriations Committee about the budget. They do so by voting on items to be included in a "report back" to Appropriations. Regarding our budget, the vote was divided. A majority of the committee voted to recommend the \$2,000,000 included in the Supplemental Budget, as well as the two positions requested by MCILS. They also voted, however, to recommend funds for 6 additional positions, bringing the total to 8, as recommended in the Sixth Amendment Center report, as well as funds for a statewide Appellate Defender Office, again as laid out in the Sixth Amendment Center report. A minority of the Committee voted to recommend the \$2,000,000 plus the two positions we requested. A copy of the MCILS portion of the Judiciary Committee report back is attached.

On March 10, 2020, Chair Tardy attended a work session for LD 1067, An Act To Promote Fairness and Efficiency in the Delivery of Indigent Legal Services, the concept bill that was carried over from last session as a vehicle to implement recommended changes from the Sixth Amendment Center report. Chair Tardy updated the Judiciary Committee on the Commission's work to date and the status of proposals for the future. The Committee decided to use LD 1067 as a proposal to fund a working group consisting of 12 members from the Commission, the Judiciary, and the Legislature to design and propose a plan for Maine to adopt a public defender system. The Committee voted unanimously that LD 1067 ought to pass. The Committee also unanimously voted for a joint order on a sunset provision for 4 MRS 1804 § 4 which would allow for the standards under subsection 2, paragraph B to become routine technical instead of major substantive for a period of time, most likely until spring or summer of 2021.

Also regarding the budget, I received communication from the Budget Office that they are preparing for the possibility that the Supplemental Budget will not pass as an emergency measure. That would

likely result in the budget not taking effect until after July 1, 2020 – the beginning of the next fiscal year. I was asked to report what problems that might cause for MCILS.

If the budget does not take effect when enacted, MCILS will not receive the \$2,000,000 needed to fill our budget gap until 90 days after the Legislature adjourns. This means we will likely be unable to pay vouchers for much of May and all of June. Attorneys will experience a delay in payment, and we will only be able to pay the backlog of vouchers once the budget takes effect.

Regarding non-budget legislative items, on March 3, 2020, the Judiciary Committee voted unanimously to move the financial screeners from MCILS to the Judicial Branch through an amendment to LD 182. In addition, the Committee unanimously rejected LD 1021, which would have required MCILS to oversee and pay for court appointments in the County run Probate Courts.

---

---

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

---

---

**TO:** HON. CATHERINE E. BREEN, SENATE CHAIR  
HON. ANDREW GATTINE, HOUSE CHAIR  
JOINT STANDING COMMITTEE ON APPROPRIATIONS AND  
FINANCIAL AFFAIRS

HON. MICHAEL CARPENTER, SENATE CHAIR  
HON. DONNA BAILEY, HOUSE CHAIR  
JOINT STANDING COMMITTEE ON JUDICIARY

**FROM:** JOHN D. PELLETIER, EXECUTIVE DIRECTOR

**SUBJECT:** SUPPLEMENTAL BUDGET TESTIMONY

**DATE:** FEBRUARY 25, 2020

---

Senator Breen, Representative Gattine, Senator Carpenter, Representative Bailey, 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 (Commission). I appear before you today to testify regarding the Governor's Supplemental Budget proposal.

The Commission's supplemental budget request submitted to the Governor's office contained three items: 1) an All Other request for the current fiscal year, FY'20; 2) an All Other request for FY'21; and 3) a request for two new permanent positions effective April 1, 2020. The Governor's supplemental budget includes the requested All Other supplemental funding for FY'20, but it includes neither supplemental funding for FY'21 nor the requested positions. The All Other requests will be addressed below, but first I want to address the Commission's urgent need for additional staff.

## PROPOSED NEW POSITIONS

The Commission seeks two new permanent positions, an Attorney position and a Field Examiner II position, effective April 1, 2020, to expand its ability to train attorneys, to ensure the provision of quality representation, and to provide financial oversight.

Recently, the Legislature engaged the Sixth Amendment Center to study and report on indigent legal services in Maine. That report pointed out that the Commission staff currently lacks capacity to provide needed training, evaluation, and supervision of attorneys in the field and to provide financial oversight of attorney billing and Commission financial operations. The Sixth Amendment Center recommended eight additional staff positions within the Commission central office.

Since the Sixth Amendment Center issued its report, the membership of the Commission itself has been re-constituted with an expanded number of seats all filled by newly appointed members. The Commission is working diligently to identify measures needed to improve indigent legal services in the longer term. For the near term, the Commission has identified an immediate need to expand staff capacity to provide needed financial oversight, as well as attorney training and supervision of attorney performance. Hence, the request for prompt authorization of two new positions.

The operations staff of the Commission consists of four people, an Executive Director, a Deputy Executive Director, both attorneys, an accounting technician, and an office associate.<sup>1</sup> This small staff oversees a system in which over 400 private attorneys provide representation to indigent people in approximately 25,000 cases per year.

---

<sup>1</sup>The Commission also employs 9 financial screeners, 6 full time and 3 part time, who assist the court in making indigency determinations and pursue collections from people ordered to reimburse the State for some or all of the cost of their representation.

The Commission seeks to hire an additional attorney to enhance capacity for training and supervision of attorneys. For this hire, the Commission seeks to establish a Public Service Manager I position. Among State positions, the job description for a Public Service Manager best comports with the varied tasks performed by Commission attorneys. Note that the Deputy Executive Director position is currently established as Public Service Manager II.

The Commission also seeks to hire a person with financial and audit skills. To date, the Commission has never had a staff position dedicated to financial oversight. This position would allow the Commission to undertake detailed review of individual attorney billing, where warranted, and to conduct financial analysis with respect to all aspects of the Commission's ongoing operations. For this position, the Commission seeks to establish a Field Examiner II position.

The reconstituted Commission has identified an urgent need for additional capacity in these two areas. Ultimately, additional staff beyond these two positions will be required to implement the kinds of reforms called for by the Sixth Amendment Center, but without prompt authorization of these positions, the Commission's ability to implement needed improvements during the balance of this biennial cycle will be severely limited by the size of its current staff. The Commission respectfully requests that the Legislature fund these positions as requested.

**Personal Services Supplemental Request FY'20 \$42,716 FY'21 \$179,256**

#### **ALL OTHER BUDGET REQUEST**

Although the Commission seeks substantial additional funding for each year of the biennium, understand that the Commission is seeking flat funding. This request does not arise due to increasing costs or any mis-projection of anticipated costs.



For FY'19, the Commission's All Other budget was approximately \$18.3 million. Essentially, the Commission has received this amount of All Other funding for each year since FY'16, and each year, this amount has been sufficient to cover the cost of indigent legal services. In August, 2018, the Commission sought continued funding at the \$18.3 million level in its biennial budget request. Nevertheless, the Governor's budget proposed All Other funding of \$15.5 million for each year of the biennium, and the Legislature enacted that amount.

#### Recent Budget History

In FY'16, the All Other appropriation totaled \$18.3 million. That year, costs came in under budget and approximately \$1 million lapsed back into the General Fund. For FY'17, the Legislature appropriated \$15.5 million in All Other funding. As a result, the Commission exhausted its funding in early May, and attorney vouchers submitted at the end of the year remained unpaid, some for in excess of six weeks, and were pushed into the following year. For FY'18, the Legislature set the All Other budget at \$21.2 million, reflecting our budget request of \$18.3 million, plus \$2.8 million to cover the costs carried over from FY'17. Taken together, the budgets for FY'17 and FY'18 averaged \$18.3 million, and, at the end of FY'18, the Commission again returned approximately \$1 million to the General Fund.

The "All Other" budget for FY'19 equaled the \$18.3 million, but the Legislature created a wrinkle by placing all of the Commission's funding, traditionally separate General Fund accounts for All Other, Personal Services, and Revenue (reimbursements of attorney fees), into a single Other Special Revenue (OSR) account. Costs remained stable, and at the end of FY'19, the Commission had a surplus of approximately \$250,000 in "All Other" funds.

As mentioned above, the Commission budget traditionally had a separate account for revenue collected from reimbursements toward counsel fees and used by the Commission to

cover the costs of indigent legal services generally. These reimbursements arise from three sources: 1) people who are assigned counsel, but ordered to make periodic payments to cover some or all of the cost of their representation (partially indigent); 2) statutorily authorized set-offs against bail owned by defendants; and 3) offsets against State tax refunds from people who were delinquent in court ordered payments and who the Commission reported to Maine Revenue Services. During the first years of Commission operations, reimbursement revenue gradually increased from around \$500,000 to over \$700,000 per year. Due to a relatively recent statutory amendment and the efforts of the Judicial Branch, revenue jumped to \$1.1 million in FY'18 and \$1.2 million in FY'19.

#### Supplemental Request FY'20

The Governor's Supplemental Budget includes an additional **\$2,036,206<sup>2</sup>** in All Other funding. The Commission appreciates the Administration's support in this regard and urges the Legislature to enact this recommendation.

#### Supplemental Request FY'21

The Governor's Supplemental Budget does not propose any additional All Other funds for FY'21. Again, the Commission is seeking supplemental funding necessary to raise its All Other allotment to \$18.3 million in each year of the biennium, which amounts to flat funding for a 5<sup>th</sup> and 6<sup>th</sup> year in a row. An additional \$2.8 million is needed for FY'21 or the Commission will be unable to cover the cost of indigent legal services in May and June 2021. The Commission urges the Legislature to address this shortfall now to remove uncertainty about the

---

<sup>2</sup> This amount is less than the difference between the \$15.5 million included in the Biennial Budget and the Commission's All Other need of \$18.3 million. Primarily as a result of the increased collections described above, the Commission ended FY'19 with an unencumbered balance of just under \$770,000.00. Because this balance was in an Other Special Revenue account, the Governor was able to provide allotment by financial order for these funds to be available in FY'20, which reduced the amount of supplemental funding needed for FY'20.

Commission's ability to maintain day to day operations while it undertakes needed reforms to improve the provision of indigent legal services.

**All Other Supplemental Request:**

|              |   |              |                    |
|--------------|---|--------------|--------------------|
| <b>FY'20</b> | <b>\$2,036,206 (incl. in Gov.'s proposal)</b> | <b>FY'21</b> | <b>\$2,804,980</b> |
|--------------|---|--------------|--------------------|

SENATE

MICHAEL E. CARPENTER, DISTRICT 2, CHAIR  
SHENNA BELLOW, DISTRICT 14  
LISA M. KEIM, DISTRICT 18

MARGARET J. REINSCH, SENIOR LEGISLATIVE ANALYST  
SAM SENFT, LEGISLATIVE ANALYST  
SUSAN M. PINETTE, COMMITTEE CLERK



HOUSE

DONNA BAILEY SACO, CHAIR  
CHRISTOPHER W. BABIDGE, LEWISTON  
BARBARA A. CARDONE, BANGOR  
LOIS GALGAY RECKITT, SOUTHPORTLAND  
RACHEL TALBOT ROSS, PORTLAND  
THOM HARNETT, GARDINER  
DAVID G. HAGGAN, HAMPDEN  
PHILIP CURTIS, MADISON  
JOHN DEVEAU, CARIBOU  
JEFFREY EVANGELOS, FRIENDSHIP

STATE OF MAINE  
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE  
COMMITTEE ON JUDICIARY

March 4, 2020

TO: Senator Catherine E. Breen, Senate Chair  
Representative Drew Gattine, House Chair  
Joint Standing Committee on Appropriations and Financial Affairs

FROM: Senator Michael E. Carpenter, Senate Chair *MC*  
Representative Donna Bailey, House Chair *DP*  
Joint Standing Committee on Judiciary

Re: Supplemental Budget recommendations

Thank you for the opportunity to provide the Judiciary Committee's recommendations concerning the Supplemental Budget. We reviewed and have made recommendations for the Department of the Attorney General (some unanimous, some divided), the Maine Human Rights Commission (unanimous), the Maine Indian Tribal-State Commission (unanimous), the Maine Commission on Indigent Legal Services (divided, plus language in Part CC) the Judicial Department (divided) and Pine Tree Legal Assistance (unanimous). The work sheet is attached showing the votes on each initiative, as well as Part CC.

The Judiciary Committee supports the additional funding requested by the Judicial Branch: funding for GALs for FY20; funding for psychological examinations for FY20 and FY21; funding for judicial marshals for entry screening for FY20 and FY21.

As you know, the Judiciary Committee is continuing its efforts to address concerns about the provision of indigent legal services in Maine. Because the Maine Commission on Indigent Legal Services will be presenting its recommendations on Tuesday, March 10, 2020, we have not had the benefit of that discussion in developing this report on the Supplemental Budget. The full committee supports the funding in the Budget plus the funding for the two new positions requested by MCILS, starting in FY20. Knowing time is short, several members of the Judiciary Committee voted to include in this Supplement Budget the funding recommended by the Sixth Amendment Center in its 2019 report to improve training, qualifications requirements and financial oversight by fully expanding the "central office" of MCILS and creating a statewide Appellate Defender Office. The budgets proposed in the 6AC report for each component are attached (Appendix A and Appendix B). The same members supporting the 6AC recommendations also support the additional funds in FY21 to flat-fund the attorney compensation account: \$2,804,980. We will provide you with more information as we continue our work with MCILS to reform the provision of indigent legal services.

We are happy to answer any questions.

attachment

Sec. A-18. Appropriations and allocations.

The following appropriations and allocations are made.

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

+ Part CC

Reserve for Indigent Legal Services Z258

Initiative: Provides one-time additional funding for indigent legal services.

| Ref. #:                           | One Time | Committee Vote:   | AFA Vote: |         |             |         |
|-----------------------------------|----------|-------------------|-----------|---------|-------------|---------|
| P, A-63                           |          | 12-0<br>absent JD |           |         |             |         |
| OTHER SPECIAL REVENUE FUNDS       |          |                   |           | 2018-19 | 2019-20     | 2020-21 |
| All Other                         |          |                   |           | \$0     | \$2,036,206 | \$0     |
| OTHER SPECIAL REVENUE FUNDS TOTAL |          |                   |           | \$0     | \$2,036,206 | \$0     |

Justification:

This initiative provides additional funding for indigent legal services to bring the All Other budget for fiscal year 2019-20 and fiscal year 2020-21 into line with the current spending. For fiscal year 2019-20 and fiscal year 2020-21, the biennial budget provides substantially less funding for indigent legal services than has been appropriated for the last several years. These additional amounts will essentially provide flat funding. Failure to provide these funds will leave the agency unable to cover the costs of indigent legal services in May and June of fiscal year 2019-20 and cause an even greater shortfall in fiscal year 2020-21 (this initiative associates with language).

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

| DEPARTMENT TOTALS            | 2018-19 | 2019-20     | 2020-21 |
|------------------------------|---------|-------------|---------|
| OTHER SPECIAL REVENUE FUNDS  | \$0     | \$2,036,206 | \$0     |
| DEPARTMENT TOTAL - ALL FUNDS | \$0     | \$2,036,206 | \$0     |

- 2 positions requested by MCILS FY20: \$42,716 FY21: 179,256  
12-0 (absent JD)
- FY21: \$2,804,980 All Other (atty compensation)  
8-4 (absent JD)
- For State Appellate Public Defender FY21: \$2,369,651.22  
8-4 (absent JD) [Appendix A from 6AC]
- For Central Office - total of 8 employees FY21: \$1,424,740.70  
8-4 (absent JD) [Appendix B from 6AC]

## PART CC

Sec. CC -1. PL 2019, c 343, Part PPPP, §1 is amended to read:

**Sec. PPPP-1. Transfer from General Fund; indigent legal services.** On or immediately after July 1, 2019, the State Controller shall transfer ~~\$16,526,403~~\$18,562,609 unappropriated surplus of the General Fund to the Maine Commission on Indigent Legal Services, Reserve for Indigent Legal Services program, Other Special Revenue Funds.

## PART CC SUMMARY

This Part is to increase the transfer amount for Indigent Legal Services in fiscal year 2019-20 from \$16,526,403 to \$18,562,609.

12-0 absent ss

# APPENDIX A

## MCILS ADMINISTRATION

| PERSONNEL | TITLE                         | SALARY       | BENEFITS    | POSITIONS | TOTAL          |
|-----------|-------------------------------|--------------|-------------|-----------|----------------|
| ATTORNEYS | Executive Director            | \$101,002.17 | \$54,385.78 | 1         | \$155,387.95   |
|           | Deputy Director               | \$96,906.00  | \$54,267.36 | 1         | \$151,173.36   |
|           | Training Director             | \$72,418.42  | \$38,994.53 | 1         | \$111,412.95   |
|           | Family Law Resource Attorney  | \$72,418.42  | \$38,994.53 | 1         | \$111,412.95   |
|           | Delinquency Resource Attorney | \$72,418.42  | \$38,994.53 | 1         | \$111,412.95   |
|           | Adult Trial Resource Attorney | \$72,418.42  | \$38,994.53 | 1         | \$111,412.95   |
|           | Mental Health Resource Atty   | \$72,418.42  | \$38,994.53 | 1         | \$111,412.95   |
|           | Audit Director                | \$70,675.00  | \$39,578.00 | 1         | \$110,253.00   |
|           | Training staff                | \$37,408.00  | \$20,948.48 | 2         | \$116,712.96   |
|           | Auditing staff                | \$37,408.00  | \$20,948.48 | 2         | \$116,712.96   |
| Sub-Total |                               |              |             |           | \$1,207,304.98 |

| NON-PERSONNEL EXPENSES      | CURRENT     | PROJECTED    |
|-----------------------------|-------------|--------------|
| Risk management insurances  | \$1,795.39  | \$7,181.56   |
| Mailing/postage/freight     | \$4,675.71  | \$18,702.84  |
| Cellular phones service     | \$1,406.69  | \$5,626.76   |
| Service center              | \$3,095.00  | \$12,380.00  |
| Office supplies & equipment | \$2,062.61  | \$8,250.44   |
| Office equipment rental     | \$1,274.45  | \$5,097.80   |
| Eyeglasses reimbursement    | \$300.00    | \$1,200.00   |
| OIT/TELCO                   | \$27,774.75 | \$111,099.00 |
| Subscriptions               | \$327.75    | \$1,311.00   |
| Dues                        | \$585.00    | \$2,340.00   |
| Annual report prorated      | \$9.58      | \$38.32      |
| Annual parking permit fee   | \$1,140.00  | \$4,560.00   |
| Printing/binding            | \$22.00     | \$88.00      |
| InforME annual fee          | \$2,640.00  | \$10,560.00  |
| Sub-Total                   |             | \$188,435.72 |

| CAPITAL EXPENDITURES | RATE       | NUMBER | TOTAL       |
|----------------------|------------|--------|-------------|
| Laptop computer      | \$1,400.00 | 10     | \$14,000.00 |
| Furniture            | \$1,200.00 | 10     | \$12,000.00 |
| Cell phones          | \$300.00   | 10     | \$3,000.00  |
| Sub-Total            |            |        | \$29,000.00 |

**GRAND TOTAL** **\$1,424,740.70**

# APPENDIX B

## STATE APPELLATE DEFENDER OFFICE

| PERSONNEL | TITLE                     | SALARY       | BENEFITS    | POSITIONS | TOTAL          |
|-----------|---------------------------|--------------|-------------|-----------|----------------|
| ATTORNEYS | Chief Public Defender     | \$101,002.17 | \$54,385.78 | 1         | \$155,387.95   |
|           | Deputy Public Director    | \$96,906.00  | \$54,267.36 | 1         | \$151,173.36   |
|           | Assistant Public Defender | \$72,418.42  | \$38,994.53 | 11        | \$1,225,542.45 |
|           | Investigator              | \$43,068.00  | \$24,118.08 | 1         | \$67,186.08    |
|           | Social Worker             | \$43,068.00  | \$24,118.08 | 1         | \$67,186.08    |
|           | Paralegal                 | \$38,500.00  | \$21,560.00 | 3         | \$180,180.00   |
|           | Office Manager            | \$43,068.00  | \$24,118.08 | 1         | \$67,186.08    |
| Sub-Total |                           |              |             |           | \$1,913,842.00 |

| NON-PERSONNEL EXPENSES                    | COST/STAFF | PROJECTED    |
|---|------------|--------------|
| Risk Management Insurances                | \$598.46   | \$11,370.80  |
| Mailing/Postage/Freight                   | \$1,558.57 | \$29,612.83  |
| Cellular Phones                           | \$468.90   | \$8,909.04   |
| Service Center (payroll processing, etc.) | \$1,031.67 | \$19,601.67  |
| Office Supplies/Equip.                    | \$687.54   | \$13,063.20  |
| Office Equipment Rental                   | \$424.82   | \$8,071.52   |
| Eyeglasses reimbursement                  | \$100.00   | \$1,900.00   |
| OIT/TELCO                                 | \$9,258.25 | \$175,906.75 |
| Subscriptions                             | \$109.25   | \$2,075.75   |
| Dues                                      | \$195.00   | \$3,705.00   |
| Annual report prorated                    | \$3.19     | \$60.67      |
| Annual parking permit fee                 | \$380.00   | \$7,220.00   |
| Printing/Binding                          | \$7.33     | \$7,500.00   |
| InforME Annual Fee (webhosting, etc.)     | \$880.00   | \$16,720.00  |
| Rent                                      | \$5,000.00 | \$95,000.00  |
| Sub-Total                                 |            | \$400,717.22 |

| CAPITAL EXPENDITURES | RATE       | NUMBER | TOTAL       |
|----------------------|------------|--------|-------------|
| Laptop computer      | \$1,400.00 | 19     | \$26,600.00 |
| Furniture            | \$1,200.00 | 19     | \$22,800.00 |
| Cell phones          | \$300.00   | 19     | \$5,700.00  |
| Sub-Total            |            |        | \$55,100.00 |

**GRAND TOTAL** **\$2,369,659.22**



**(5.)**

**Lawyer of the Day Staffing**

---

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

---

**TO:** MCILS COMMISSIONERS  
**FROM:** JOHN D. PELLETIER, EXECUTIVE DIRECTOR  
**CC:** ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR  
**SUBJECT:** LOD STAFFING UPDATE  
**DATE:** MARCH 5, 2020

---

As directed at the last meeting, the Executive Director contacted the Judicial Branch Trial Chiefs seeking increased staffing for Lawyer of the Day sessions in Cumberland and York Counties. A copy of an email to the Chiefs is attached.

Per the discussion at the last meeting, staff will be looking at available data to determine what other areas may be in need of increased LOD staffing and whether sufficient attorney resources are available in those areas to meet the need.

## **Maciag, Eleanor**

---

**From:** Pelletier, John  
**Sent:** Wednesday, March 04, 2020 9:34 AM  
**To:** Mullen, Robert E; Sparaco, Susan; French, Jed  
**Cc:** jtardy@rudmanwinchell.com; Maciag, Eleanor  
**Subject:** LOD Staffing

Trial Chiefs:

At their last meeting, the Commissioners decided to take steps to increase Lawyer of the Day staffing at various court events. At this time, we are requesting that staffing immediately increase in courts in Cumberland and York Counties. For sessions that normally have two Lawyers of the Day, we are asking that three be scheduled. For sessions that normally have one Lawyer of the Day, which I believe applies to Friday probation revocation initial appearances in Portland and perhaps juvenile initial appearances, we are asking that two Lawyers of the Day be scheduled.

I understand that this will require additional efforts by your clerks, and we appreciate your cooperation, but we are also hopeful that the additional Lawyers of the Day will speed processing of these dockets while also allowing more in depth assessment of each client's case.

With respect to other courts, we expect to do some data analysis to identify areas in need of increased staffing. In other areas as well, we understand that clerks are having difficulty staffing Lawyers of the Day at the current level. We will keep that in mind with respect to any future requests.

Thank you for your cooperation, and feel free to contact me if you have questions or concerns.

John

John D. Pelletier, Esq., Executive Director  
Maine Commission on Indigent Legal Services  
154 State House Station  
Augusta, ME 04333

John.pelletier@maine.gov  
(207) 287-3254

**(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:** MARCH 5, 2020

---

On March 5, 2020, Chair Tardy and the Executive Director met with OPEGA staff for a briefing on issues likely to appear in their report to the Government Oversight Committee (GOC). The next steps in the process are as follows. A draft report will be submitted to Commission staff for review and comment on specific wording. Thereafter, a copy of the report that will go to the GOC will be forwarded to the Commission. The report remains confidential at that point, but by statute, the Commission has 15 days to comment on the report. Comments are to be transmitted in a formal comment letter that will also be submitted to the GOC. The anticipated timeline calls for the report that triggers the 15-day comment period will be forwarded on March 25, 2020, with the comment letter due back on April 8, 2020.

**(7.)**

**Compensation for CLE  
Attendance**

---

---

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

---

---

**TO:** MCILS COMMISSIONERS  
**FROM:** ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR  
**CC:** JOHN D. PELLETIER, EXECUTIVE DIRECTOR  
**SUBJECT:** COMPENSATION FOR CLE ATTENDANCE  
**DATE:** MARCH 11, 2020

---

Chair Tardy received the following request from MACDL President Jamesa Drake about compensating attorneys for attending a MACDL CLE on lawyer of the day best practices:

“MACDL is putting on a 1-hour webinar in April. I was really struck by our conversation with Justin Andrus and his take (or the BBO's take) on what lawyers-of-the-day should be doing in terms of conflict checks, record keeping, etc. I'm thinking that it might be worthwhile to ask Justin to present for about 30 minutes, and then to have a small panel of lawyers talk about LOD best practices (or to just give Justin the entire hour, if that's his preference). The reason I'm writing to you is: would MCILS be willing to compensate attorneys who attend the seminar for 1 hours' time? If so, I can work with John and Ellie to figure out the billing logistics. Because the pool of attorneys who do LOD is relatively small, my best guess is that we'd have fewer than 50 attendees (at \$60/hr, that's \$3,000 worth of billing).”

On a related note, on March 11, Commissioner LeBrasseur and Deputy Director Maciag attended a court meeting in Cumberland County and the topic of attorney attendance at an upcoming Bench/Bar meeting where the lawyer of the day program will be discussed was brought up. The court would like to see more participation from members of the defense bar at these Bench/Bar meetings. One suggestion was mandatory participation by rostered LOD attorneys. Commission staff would like guidance about this suggestion.