MCILS

May 22, 2018 Commissioner's Meeting Packet

MAY 22, 2018 COMMISSION MEETING JUDICIARY COMMITTEE ROOM, ROOM 438, STATEHOUSE, AUGUSTA AGENDA

- 1) Approval of April 24, 2018, Commission Meeting Minutes
- 2) Operations Reports
- 3) Legislative Update
- 4) Action Items Discussion
- 5) Reconsideration of March 26, 2018 Meeting Minutes
- 6) Somerset Contract Update
- 7) Public Comment
- 8) Set Date, Time and Location of Next Regular Meeting of the Commission
- 9) Executive Session, if needed (Closed to Public)

(1.) APRIL 24, 2018 Commission Meeting Minutes

Maine Commission on Indigent Legal Services – Commissioners Meeting April 24, 2018

Minutes

Commissioners Present: Steven Carey, William Logan, Carlann Welch

MCILS Staff Present: John Pelletier, Ellie Maciag

Agenda Item	Discussion	Outcome/Action
·		Item/Responsible Party
Approval of the	No discussion of meeting minutes.	Commissioner Logan
March 26, 2018		moved for approval,
Commission		Commissioner Welch
Meeting Minutes		seconded. All voted in
		favor. Approved.
Operations Reports	March 2018 Operations Report: 2,398 new cases were opened in the DefenderData	
Review	system in March. This was a 369 case increase over February. The number of	
	submitted vouchers in March was 2,875, an increase of 425 vouchers over February,	
	totaling \$1,597,013, an increase of \$209,000 over February. Director Pelletier noted	
	that the March submission amounts were slightly under projections for submitted	
	amounts. In March, the Commission paid 4,037 vouchers totaling \$2,172,082, an	
	increase of 2,072 vouchers and \$1,021,000 over February. Director Pelletier noted	
	that March voucher amounts were higher due to the carryover from February and	
	staff catching up with voucher review to within a few days of submission. The	
	average price per voucher was \$538.04, down \$47.78 per voucher from February.	
	Appeal and Post-Conviction Review cases had the highest average vouchers. There	
	were 16 vouchers exceeding \$5,000 paid in March. 128 authorizations to expend	
	funds were issued in March, and we paid \$134,761 for experts and investigators, etc.	
	The monthly transfer from the Judicial Branch for counsel fees for March, which	
	reflects February's collections, totaled \$180,604, up approximately \$96,000 over	
	February. This is the highest monthly total ever collected for counsel fee	
	reimbursements. The Commissioners were informed that the Revenue Forecasting	
	Committee followed the Judicial Branch's forecast and removed \$14,000 in	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	allotment from the Revenue Account for the 4 th quarter.	
Legislative Update	Director Pelletier updated the Commissioners on the status of several pending Commission related bills.	
Action Items Discussion	Director Pelletier provided an update on pending and recently completed action items and a revised action item list for the Commissioners to consider. The feedback form has been posted to the Commission's website and was provided to the financial screeners for distribution to clients. The form was also sent to the Trial Chiefs for distribution to clerks and judges at their discretion. Director Pelletier noted one form has been returned to date and that staff will be tracking the forms. Staff compiled a list of 25 attorneys to invite to become resource counsel. Director Pelletier indicated that the initial response from the invitations has been good. Payment will be made on an "as billed" basis up to 10 hours per month at \$60/hr. rather than a monthly stipend, and will be made through the DefenderData program so staff can track resource counsel activities. The target start date for the resource counsel program is July 1. Commissioner Welch inquired about whether the billing would reflect the amount of time spent on a particular practice area. Chair Carey wants to ensure that resource counsel submits detailed billing so staff can look for trends concerning an individual attorney or issue. Commissioner Welch and Chair Carey liked the idea of a kick off meeting for resource counsel, but suggested having a follow up meeting at either the 3 month or 6 month mark. Commissioner Logan urged the Commission to incorporate the resource counsel program into a formal rule to give resource counsel clear guidance about the Commission's expectations. Chair Carey asked staff to develop a rule or policy outlining the role of resource counsel.	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	After a review of the revised action item list, Chair Carey stated that he will draft a proposal on cap enforcement for the next meeting.	
Somerset Contract Update	The providers of the Somerset County contract have agreed to a one-year extension at the current annual rate of payment. Director Pelletier is awaiting receipt of the signed contract amendment. He noted that the existing contract language gives the Commission broad discretion regarding case reporting requirements and that staff will present a plan for more extensive reporting for Commissioner input before the extension goes into effect.	
Public Comment	Robert J. Ruffner, Esq.: Attorney Ruffner relayed word that LD 1817 was being delayed due to the impending study by the Sixth Amendment Center. Attorney Ruffner noted the importance of getting feedback forms to clients. He suggested that Cumberland County lends itself to block assignments. He is looking forward to hearing how the resource counsel program evolves. He suggested allowing resource counsel broad discretion during the first three months of the program in order to see what's important in their area. Attorney Ruffner urged the Commission to revisit the idea of an hourly rate increase.	
Executive Session	None	
Adjournment of meeting	The Commission voted to adjourn with the next meeting to be on May 22, 2018 at 9:30 a.m.	Commissioner Welch moved to adjourn. Commissioner Logan seconded. All present in favor.

(2.) Operations Reports

TO: MCILS COMMISSIONERS

FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR

SUBJECT: APRIL 2018 OPERATIONS REPORTS

DATE: MAY 10, 2018

Attached you will find the April, 2018, Operations Reports for your review and our discussion at the Commission meeting on May 22, 2018. A summary of the operations reports follows:

- 2,304 new cases were opened in the DefenderData system in April. This was a 94 case decrease from March.
- The number of vouchers submitted electronically in April was 2,762, a decrease of 113 vouchers from March, totaling \$1,488,718.20, a decrease of \$108,000 from March. In April, we paid 2,762 electronic vouchers totaling \$1,488,218.44, representing a decrease of 1,275 vouchers and \$684,000 compared to March.
- There were no paper vouchers submitted and paid in April.
- The average price per voucher in April was \$538.82, up \$0.78 per voucher over March.
- Appeal and Post-Conviction Review cases had the highest average vouchers in April. There were 14 vouchers exceeding \$5,000 paid in April. See attached addendum for details.
- The contract amount paid for representation in Somerset County in April was \$22,687.50.
- In April, we issued 134 authorizations to expend funds: 90 for private investigators, 32 for experts, and 12 for miscellaneous services such as interpreters and transcriptionists. In April, we paid \$80,160.52 for experts and investigators, etc. The attached addendum provides information on requests that were denied or modified in April.
- In April, we received one attorney complaint via the newly published feedback form. The person complained about a lack of contact from the attorney, although acknowledging that he had spoken to counsel twice. He noted that a phone message left by a third party inquiring about the case was not returned. The person was concerned the attorney was neglecting the matter. The complaint was forwarded to the attorney. The attorney responded indicating a number of additional contacts with the client, including a meeting, demonstrating detailed

knowledge of the facts of the case, and describing an appropriate strategy for the representation.

In our All Other Account, the total expenses for the month of April were \$1,609,011.56. Of that amount, just under \$18,000 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$54,959.38 in expenses for the month of April.

In the Revenue Account, the April transfer of collected revenue, reflecting March's collections, totaled \$134,046.53, down \$46,000 from the previous month, but still a robust collection total.

In our Conference Account, the only activity in April involved a payment to the Board of Overseers of the Bar associated with their review of an application for CLE credit with respect to the upcoming minimum standards training. The account balance stands at \$16,127.99.

VOUCHERS EXCEEDING \$5,000 PAID APRIL 2018

Voucher Total Case total

	voucher lotal	Case total
Voucher after a 12-day Murder trial. Defendant found guilty	\$15,388	\$36,144 (co-counsel from separate firm paid \$20,756)
Interim voucher used to bill for multiple burglary cases in multiple counties with extensive discovery and Franks litigation that resulted in suppression of substantial evidence. Further negotiation/trial pending.	\$11,862	\$26,130 (\$14,268 interim voucher involving discovery review, investigation and partial Franks hearing)
Voucher in a Gross Sexual Assault case. Co-counsel in the same firm. Extensive pretrial litigation resulted in dismissal of the Gross Sexual Assault charge in return for a plea to Aggravated Assault and a favorable sentence.	\$8,136	\$8,136
Voucher in an Arson case. Litigation over discovery and destruction of evidence issues. Arson dismissed in return for a plea to a misdemeanor Failure to Control a Dangerous fire and an unconditional discharge.	\$7,332	\$7,332
Four-day Unlawful Sexual Contact trial resulting in a Not Guilty verdict.	\$7,278	\$7,278
This voucher covers the work involved in 15 separate juvenile cases. Severe mental health treatment issues that resulted in the juvenile being transferred to Riverview from Long Creek.	\$6,183	\$6,183
Voucher in a Post-Conviction Review from an Arson conviction. The matter went on for 2 and one-half years and involved a three day hearing. Ultimately resolved by agreement.	\$5,967	\$5,967
Voucher in Vehicular Manslaughter case. After extensive investigation and pre-trial litigation, plea of guilty and sentence of 30 months.	\$5,953	\$5,953
Appeal from a Gross Sexual Assault conviction. After appeal was briefed and argued, matter sent back to the trial court to address ex-parte communication between the Judge and the prosecutor. Upon return to the Law Court, conviction vacated.	\$5,868	\$15,174 (Co-counsel submitted interim voucher of \$3,786 when matter returned to trial court and voucher of \$5,520 when appeal concluded)
Voucher covered 7 cases involving new charges and probation revocations originating in 6 counties.	\$5,526	\$5,526
Second voucher in an appeal from a Gross Sexual Assault conviction. After appeal was briefed and argued, matter sent	\$5,520	\$15,174 (Counsel submitted interim

back to the trial court to address ex-parte communication between the Judge and the prosecutor. Upon return to the Law Court, conviction vacated.		voucher of \$3,786 when matter returned to trial court and co-counsel submitted voucher of \$5,868 covering the entire period)
Voucher in Armed Robbery case. Persistent negotiation resulted in a dismissal of the Class A charge and pleas to misdemeanors.	\$5,231	\$5,231
Voucher in an Aggravated Trafficking case with multiple co- defendants and extensive video and paper discovery. Client pled to lesser charges and a fine.	\$5,048	\$5,048
Voucher in a Trafficking and Conspiracy case. Farmington case with client house at Two Bridges jail. Client requested new counsel after jury selection.	\$5,047	\$5,047

FUNDS REQUESTS DENIED/MODIFIED APRIL 2018

An informal request by an attorney indicated that the client, who had failed to appear in court and was presently out of State, requested that the attorney engage a private investigator to gather evidence that, in the client's view, would lead to a dismissal without his need to return to Maine. The attorney was told that funds could not be authorized until the client cured the failure to appear and was available to deal with the case.

Activity Report by Case Type

4/30/2018

DefenderData Case Type	New	Vouchers Submitted	Submitted Amount	Apr-18 Vouchers Paid	Approved Amount	Average Amount	Cases	Fis Vouchers Paid	Fiscal Year 2018 rs Amount Paid	Average Amount
Child Protection Petition	187	421	\$ 287,331.46	372	\$ 247,987.15	\$ 666.63	1,459	3,543	\$ 2,314,193.24	
Drug Court	0	10	\$ 3,771.40	9	\$ 3,024.00	\$ 336.00	21	67	\$ 51,529.20	$\overline{}$
Emancipation	4	ហ	\$ 1,639.24	٥.	\$ 1,639.24	\$ 327.85	66	84	\$ 34,023.22	
Felony	589	585	\$ 462,065.24	587	\$ 472,871.49	\$ 805.57	5,136	6,436	\$ 5,569,277.52	_
Involuntary Civil Commitment	97	88	\$ 20,299.88	86	\$ 19,918.18	\$ 231.61	879	903	\$ 206,597.54	-
Juvenile	78	124	\$ 55,323.94	118	\$ 54,240.20	\$ 459.66	807	966	\$ 415,850.52	
Lawyer of the Day - Custody	241	208	\$ 49,149.56	234	\$ 60,540.98	\$ 258.72	2,308	2,491	\$ 598,482.14	2000
Lawyer of the Day - Juvenile	31	30	\$ 6,252.96	30	\$ 6,295.82	\$ 209.86	414	451	\$ 86,562.25	
Lawyer of the Day - Walk-in	112	110	\$ 26,134.41	115	\$ 27,878.82	\$ 242.42	1,174	1,283	\$ 303,427.77	\$
Misdemeanor	698	760	\$ 321,892.01	806	\$ 335,341.81	\$ 416.06	7,260	8,292	\$ 3,410,640.83	
Petition, Modified Release Treatment	ב	ω	\$ 948.00	ω	\$ 948.00	\$ 316.00	8	55	\$ 25,207.58	ARREST OF
Petition, Release or Discharge	0	0		0			1	13	\$ 11,986.80	
Petition, Termination of Parental Rights	12	40	\$ 41,407.78	38	\$ 39,381.81	\$ 1,036.36	210	657	\$ 500,281.73	Contraction of the last
Post Conviction Review	9	12	\$ 24,653.16	10	\$ 21,826.26	\$ 2,182.63	74	86	\$ 186,333.10	
Probate	0	6	\$ 2,898.00	2	\$ 1,260.00	\$ 630.00	26	17	\$ 11,093.48	-
Probation Violation	177	179	\$ 71,882.04	170	\$ 69,778.95	\$ 410.46	1,741	1,963	\$ 766,260.21	_
Represent Witness on 5th Amendment	0	0		0			17	26	\$ 9,229.36	-
Review of Child Protection Order	51	166	\$ 94,164.52	161	\$ 96,048.07	\$ 596.57	446	1,737	\$ 946,914.77	-
Revocation of Administrative Release	2	သ	\$ 822.00	2	\$ 774.00	\$ 387.00	8	12	\$ 4,008.00	-
DefenderData Sub-Total	2,304	2,762	\$ 1,488,718.20	2,762	\$ 1,488,218.44	\$ 538.82	22,211	29,327	\$ 15,827,002.18	-15-
Paper Voucher Sub-Total	0	0	\$ -	0	- \$	#DIV/0!	8	••	\$ 4,312.34	s
TOTAL	2,304	2,762	\$1,488,718.20	2,762	\$1,488,218.44	\$ 538.82	22,219	29,335	\$ 15,831,314.52	

MAINE COMMISSION ON INDIGENT LEGAL SERVICES FY18 FUND ACCOUNTING

AS OF 04/30/2018

Account 010 95F Z112 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY18 Total
FY18 Professional Services Allotment		\$ 7,105,602.00		\$ 4,350,001.00		\$ 4,704,575.00		\$ 4,898,227.00	
FY18 General Operations Allotment		\$ 42,000.00		\$ 42,000.00		\$ 42,000.00		\$ 42,000.00	
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ =:	
Encumbered Balance Forward FY17		\$ 28,759.02		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 7,176,361.02		\$ 4,392,001.00		\$ 4,746,575.00		\$ 4,940,227.00	\$ 21,255,164.02
Total Expenses	1	\$ (2,928,724.58)	4	\$ (1,426,660.74)	7	\$ (1,403,853.93)	10	\$ (1,609,011.56)	
	2	\$ (1,668,718.69)	5	\$ (1,586,795.93)	8	\$ (1,275,874.99)	11	\$ ₩	
	3	\$ (1,105,704.44)	6	\$ (1,419,256.42)	9	\$ (2,169,145.68)	12	\$ -	
Encumbrances (Somerset PDP & Justice Works)		\$ (264,063.50)		\$ 84,712.50		\$ 89,299.50		\$ 28,655.00	\$ (61,396.50)
Encumbrances (B Taylor, JW amend contract, envelopes)		\$ (13,000.03)		\$ (44,000.01)		\$ 13,000.11		\$ 4,333.33	\$ (39,666.60)
TOTAL REMAINING		\$ 1,196,149.78	2005	\$ 0.40		\$ 0.01		\$ 3,364,203.77	\$ 4,560,353.96

Q4 Month 10		
INDIGENT LEGAL SERVICES		
Counsel Payments	\$	(1,488,218.44)
Somerset County	\$	(22,687.50)
Somerset County Discovery	\$	(135.00)
Subpoena Witness Fees	\$	-
Private Investigators	\$	(28,401.72)
Mental Health Expert	\$	(12,475.00)
Transcripts	\$	(27,713.46)
Other Expert	\$ \$	(9,310.00)
Lodging for Trial		=======================================
Process Servers	\$	(628.54)
Interpreters	\$	(404.21)
Misc Prof Fees & Serv	\$	(1,227.59)
SUB-TOTAL ILS	\$	(1,591,201.46)
OPERATING EXPENSES		
Service Center	\$	(773.75)
DefenderData	\$	(5,967.50)
Risk Management Insurances	\$	=
Mileage/Tolls/Parking	\$	(1,032.81)
Mailing/Postage/Freight	\$	(286.65)
West Publishing Corp	\$	(168.30)
OIT/TELCO charges	\$	(2,354.26)
Office Supplies/Eqp.	\$	(21.74)
Cellular Phones		(115.03)
InforME Annual Fee	\$	(2,640.00)
Office Equipment Rental	\$ \$ \$ \$	(116.73)
Printing & Binding	\$	- (4 222 22)
Barbara Taylor monthly fees	FEBRUARY.	(4,333.33)
SUB-TOTAL OE	\$	(17,810.10)
TOTAL	\$	(1,609,011.56)

INDIGENT LEGAL SERVICES	
Q4 Allotment	\$ 4,940,227.00
Q4 Encumbrances for Somerset PDP & Justice Works contracts	\$ 28,655.00
Barbara Taylor Contract, envelopes	\$ 4,333.33
Q4 Expenses to date	\$ (1,609,011.56)
Remaining Q4 Allotment	\$ 3,364,203.77

Non-Counsel Indigent Legal Services	
Monthly Total	\$ (80,160.52)
Total Q1	\$ (308,598.67)
Total Q2	\$ (236,789.37)
Total Q3	\$ (244,149.57)
Total Q4	\$ (80,160.52)
Fiscal Year Total	\$ (869,698.13)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES **FY18 FUND ACCOUNTING**

As of 04/30/18

Account 014 95F Z112 01 (Revenue)	Mo.		Q1	Mo.		Q2	Mo.		Q3	Mo.	Q4	FY18 Total
Total Budget Allotments		\$	160,986.00		\$	184,124.00		\$	184,124.00		\$ 184,124.00	\$ 713,358.00
Financial Order Adjustment	1	\$	-	4	\$	-	7	\$	-	10	\$ -	
Financial Order Adjustment	2	\$	2	5	\$	92	8	\$	2	11		
Budget Order Adjustment	3	\$	-	6	\$	23,139.00	9	\$	*	12	\$ 	
Budget Order Adjustment		\$	5		\$			\$	-	12	\$ -	\$ -
Total Budget Allotments		\$	160,986.00		\$	207,263.00		\$	184,124.00		\$ 184,124.00	\$ 736,497.00
Cash Carryover from Prior Quarter		\$	2,962.21		\$	-		\$	-		\$ -	
Collected Revenue from JB	1	\$	43,709.11	4	\$	62,588.04	7	\$	73,076.20	10	\$ 134,046.53	
Promissory Note Payments		\$	-		\$	-		\$	-		\$ -	
Collected Revenue from JB	2	\$	48,375.11	5	\$	94,654.93	8	\$	84,081.68	11	\$ -	
Court Ordered Counsel Fee	1	\$	-		\$	-		\$	-		\$	
Collected Revenue from JB (late transfer)		\$	-		\$		9	\$	-		\$ -	
Collected Revenue from JB	3	\$	66,433.82	6	\$	65,784.65	9	\$	180,604.31	12	\$ -	
Returned Checks-stopped payments		\$	-		\$	75.00		\$:=::		\$ (#2	
TOTAL CASH PLUS REVENUE COLLECTED		\$	161,480.25		\$	223,102.62		\$	337,762.19		\$ 134,046.53	\$ 856,391.59
Counsel Payments Other Expenses	1	\$	-	4	\$	-	7	\$	-	10	\$ -	
Counsel Payments	2	Ś	-	5	Ś	1-	8	Ś	(=)	11	\$ -	
Other Expenses	1 -	\$	-		\$	-					\$ -	
Counsel Payments	3	\$	(158,738.00)	6	\$	(204,362.90)	9	\$	(181,549.29	12	\$	
Other Expenses	*	\$	(2,247.73)	**	\$	(2,893.78)	***	\$	(2,570.74)	\$ -	
REMAINING ALLOTMENT		\$	0.27		\$	6.32		\$	3.97		\$ 184,124.00	\$ 184,134.56
Overpayment Reimbursements	1	\$	-	4	\$	(1,069.14)	7	\$		10	\$ (188.00)	
	2	\$	(183.00)	5	\$	(25.00)	8	\$	(450.00) 11	\$ -	
	3	\$	(303.50)	6	\$	-	9	\$	(1,268.00	12	\$ -	
REMAINING CASH Year to Date		\$	8.02		\$	14,751.80		\$	151,924.16	80,4%	\$ 133,858.53	\$ 300,542.51

Q4 Month 10		
DEFENDER DATA COUNSEL PAYMENT	S	
	\$	-
SUB-TOTAL ILS	\$	
OVERPAYMENT REIMBURSEMENTS	\$	(188.00)
Paper Voucher	\$	
Somerset County CDs	\$	-
Private Investigators	\$	-
Mental Health Expert	\$	-
Transcripts	\$	-
Other Expert	\$	121
StaCap Expense	\$	-
SUB-TOTAL OE	\$	(188.00)
TOTAL	\$	(188.00)

- * Q1 State Cap posted in Q2
- ** Q2 State Cap posted in Q3 *** Q3 State Cap posted in Q4

MAINE COMMISSION ON INDIGENT LEGAL SERVICES FY18 FUND ACCOUNTING

AS OF 04/30/2018

Account 010 95F Z112 01 (Personal Services)	Mo.		Q1	Mo.		Q2	Mo.		Q3	Mo.		Q4	FY18 Total
FY18 Allotment		\$	191,878.00		\$	216,894.00		\$	191,873.00		\$	184,672.00	\$ -
Financial Order Adjustments		\$	-		\$	-		\$	-		\$	-	
Financial Order Adjustments		\$	-		\$	-		\$	-		\$	-	
Budget Order Adjustments		\$	-		\$	-		\$	-		\$	-	
Total Budget/Allotments	7 J	1 \$	191,878(00)		(\$)	216;894:00	Till	(\$)	191/873:00		(\$	184,672:00	\$ 785,317/00
Total Expenses	1	\$	(49,204.29)	4	\$	(79,098.20)	7	\$	(52,212.55)	10	\$	(54,959.38)	
	2	\$	(52,363.61)	5	\$	(47,858.62)	8	\$	(54,405.54)	11	\$	-	
	3	\$	(53,129.90)	6	\$	(52,437.93)	9	\$	(55,692.56)	12	\$	-	
TOTAL REMAINING		\$	37,180.20		\$	37,499.25		\$	29,562.35		\$	129,712.62	\$ 233,954.42

Q4	Month 10	
	Per Diem Payments	\$ (165.00)
	Salary	\$ (25,808.78)
	Vacation Pay	\$ (1,345.50)
	Holiday Pay	\$ -
	Sick Pay	\$ (2,120.29)
	Employee Hith Svs/Workers Comp	\$ -
l	Health Insurance	\$ (9,024.08)
	Dental Insurance	\$ (223.22)
	Employer Retiree Health	\$ (3,522.29)
	Employer Retirement	\$ (2,034.48)
	Employer Group Life	\$ (272.65)
	Employer Medicare	\$ (437.51)
	Retiree Unfunded Liability	\$ (6,453.66)
1	Retro Pymt	\$ (188.80)
	Perm Part Time Full Ben	\$ (3,363.12)
	TOTAL	\$ (54,959.38)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES FY18 FUND ACCOUNTING As of 04/30/18

Account 014 95F Z112 02 (Conference)	Mo.		Q1	Mo.		Q2	Mo.		Q3	Mo.		Q4	F	Y18 Total
Total Budget Allotments		is)_	20,500,00	4,7	(\$)	45,000.00]	(e) (i)	\$	15,000,00		\$	12,000,00	\$	62,500,00
Financial Order Adjustment					\$	-		\$	-		\$	-		
Financial Order Adjustment		\$	-		\$	-		\$	-				1	
Budget Order Adjustment	1	\$	-		\$	-		\$	-		\$	-	\$	-
Total Budget Allotments		ış,	20,500.00		`\$	15,000.00		\$	(5,000,00		Ş	12,000.00	Ç.	62,500.00
Cash Carryover from Prior Quarter		\$	14,942.80		\$	12,967.13		\$	14,722.49		\$	16,267.99		
Collected Revenue	1	\$	-	4	\$	4,330.00	7	\$	1,025.00	10	\$	-		
Non-attendance Reimbursements				4	\$	(575.00)		\$	-		\$	-		
Collected Revenue	2	\$	4,250.00	5	\$	1,615.00	8	\$	700.00	11	\$	-		
Collected Revenue	3	\$	1,890.00	6	\$	•	9	\$		12	\$	<u> </u>		
TOTAL CASH PLUS REVENUE COLLECTED		\$	21,082.80		\$	18,337.13		\$	16,447.49		\$	16,267.99	\$	13,235.00
Total Expenses	1	\$	(1,559.99)	4	\$	(2,924.95)	7	\$	(176.99)	10	\$	(140.00)		
	2	\$	(112.28)	5	\$	(639.22)	8	\$	-	11	\$	-		
	3	\$	(6,353.73)	6	\$	-	9	\$	-	12	\$	-		
State Cap	**	\$	(89.67)		\$	(50.47)		\$	(2.51)		\$	-	\$	(142.65
Encumbrances		\$	(4,272.55)		\$	-		\$	-		\$	-	\$	(4,272.55
REMAINING ALLOTMENT	ì	\$	8,111.78		\$	11,385.36		\$	14,820.50		\$	11,860.00	\$	46,177.64
REMAINING CASH Year to Date	<u> </u>	\$	12,967.13		\$	14,722.49		\$	16,267.99		\$	16,127.99	·	

Q4 Month 10	
Training Manuals Printing	\$ -
Training Refreshments/Meals	\$
Media Northeast	\$ •
Overseers of the Bar CLE fees	\$ (140.00)
Speaker Fees & Travel Expenses	\$ -
Non-attendance refunds	\$ -
State Cap Expense	
TOTAL	\$ (140.00)

** Q1 State Cap posted in Q2

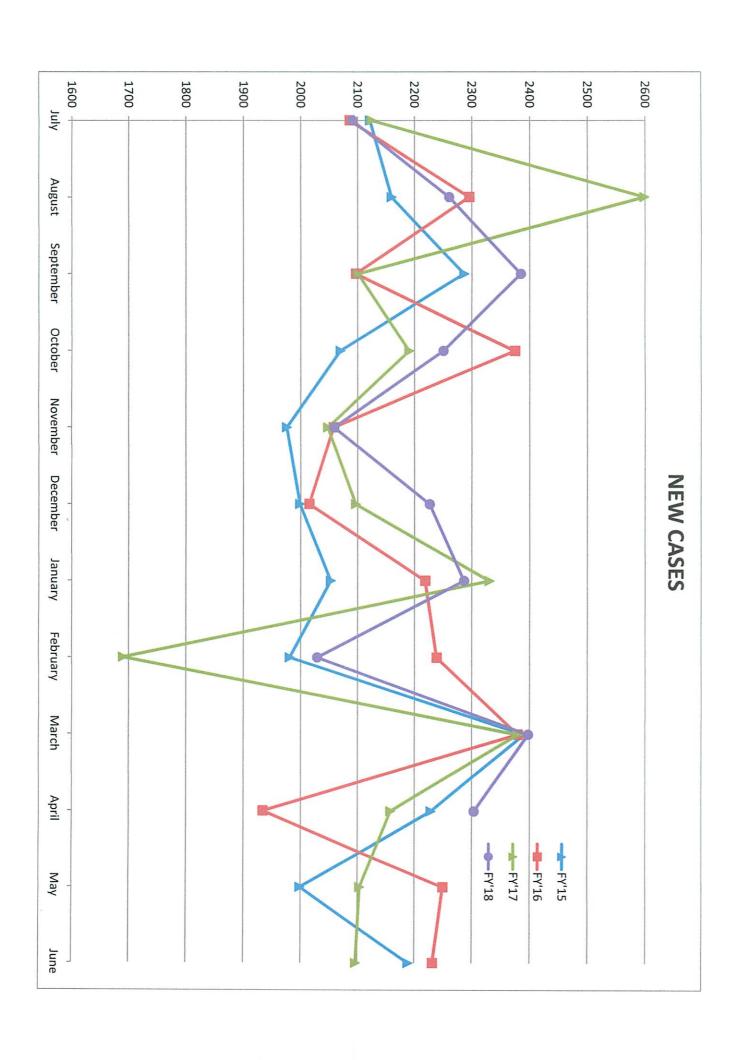
Activity Report by Court 4/30/2018

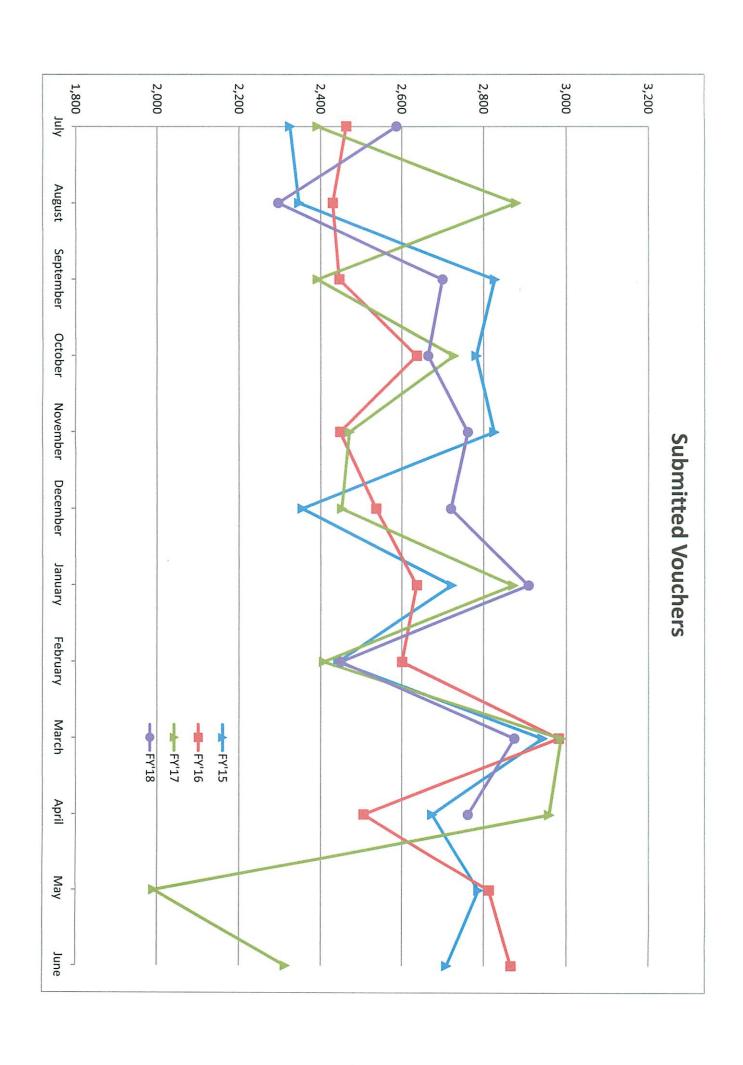
					10	0454747	4/30/2	018				F1-	! V 2010		
	New	Vouchers	645	Apr- Submitted	Vouchers	0.15	Approved		Average	Cases	Vouchers	FIS	cal Year 2018		Average
Court	Cases	Submitted		Amount	Paid		Amount		Amount	Opened	Paid		Amount Paid		Amount
ALFSC	7	16	\$	11,619.64	16	\$	12,771.28	\$	798.21	107	242	\$	168,131.71	\$	694.76
AUBSC	4	4	\$	1,386.00	5	\$	1,848.00	\$	369.60	79	147	\$	117,835.12	\$	801.60
AUGDC	62	107	\$	71,304.08	86	\$	56,550.61	\$	657.57	419	705	\$	352,380.47	\$	499.83
AUGSC BANDC	21 66	21 66	\$	7,516.00 26,931.78	20 62	\$	6,286.00 25,388.08	\$	314.30 409.49	187 525	317 938	\$	166,758.69 349,867.62	\$	526.05 372.99
BANSC	1	4	\$	1,824.00	3	\$	1,233.00	\$	411.00	16	17	\$	9,028.86	\$	531.11
BATSC	0	1	\$	662.80	1	\$	662.80	\$	662.80	7	9	\$	3,240.88	\$	360.10
BELDC	13	16	\$	12,324.63	12	\$	8,662.09	\$	721.84	89	208	\$	118,507.52	\$	569.75
BELSC	0	0			0					4	15	\$	11,723.21	\$	781.55
BIDDC	64	78	\$	44,045.25	83	\$	44,258.79	\$	533.24	570	853	\$	440,899.14	\$	516.88
BRIDC	8	21	\$	10,846.52	19	\$	10,271.55	\$	540.61	112	194	\$	111,434.11	\$	574.40
CALDC	8	10	\$	11,231.20	11	\$	4,825.04	\$	438.64	80	117	\$	72,780.84	\$	622.06
CARDC	5 2	10	\$	6,114.00 3,072.95	13	\$	7,044.00 864.00	\$	541.85	47 38	120 91	\$	58,090.17 69,749.03	\$	484.08 766.47
DOVDC	1	11	\$	2,160.00	9	\$	1,506.00	\$	216.00 167.33	50	135	\$	40,962.24	\$	303.42
DOVSC	1	0	Ų.	2,100.00	0	7	1,300.00	7	107.33	1	2	\$	324.00	\$	162.00
ELLDC	11	29	\$	23,074.40	20	\$	17,499.04	\$	874.95	129	270	\$	167,426.23	\$	620.10
ELLSC	-1	1	\$	414.00	0-					12	20	\$	5,337.20	\$	266.86
FARDC	15	20	\$	12,379.94	18	\$	11,031.78	\$	612.88	107	169	\$	117,692.54	\$	696.41
FARSC	1	0			0					2	5	\$	3,211.96	\$	642.39
FORDC	3	5	\$	3,096.78	7	\$	5,432.06	\$	776.01	34	50	\$	25,991.04	\$	519.82
HOUDC	17	23	\$	9,646.17	25	\$	12,231.29	\$	489.25	161	278	\$	123,862.08	\$	445.55
HOUSC	1	0			2	\$	1,011.00	\$	505.50	11	12	\$	29,161.46	\$	2,430.12
LEWDC	73	119	\$	60,585.80	107	\$	51,845.24	\$	484.53	667	1,168	\$	524,466.88	\$	449.03
LINDC	13 5	24 13	\$	10,423.28	21 15	\$	9,538.32	\$	454.21 489.95	82 97	168 186	\$	80,930.58	\$	481.73
MACSC	1	0	· P	6,935.20	1	\$	7,349.20 180.00	\$	180.00	16	25	\$	86,579.52 21,192.28	\$	465.48 847.69
MADDC	1	1	\$	431.36	1	\$	431.36	\$	431.36	17	16	\$	4,604.24	\$	287.77
MILDC	3	4	\$	937.68	3	\$	926.68	\$	308.89	27	26	\$	9,128.68	\$	351.10
NEWDC	10	18	\$	10,149.83	19	\$	10,143.83	\$	533.89	102	248	\$	100,277.37	\$	404.34
PORDC	66	121	\$	56,671.82	126	\$	61,004.60	\$	484.16	814	1,233	\$	620,875.73	\$	503.55
PORSC	0	0			0					9	21	\$	59,345.16	\$	2,825.96
PREDC	10	30	\$	11,284.35	29	\$	13,167.35	\$	454.05	117	353	\$	192,501.23	\$	545.33
ROCDC	20	26	\$	9,915.41	26	\$	11,301.41	\$	434.67	174	271	\$	137,232.15	\$	506.39
ROCSC	7	16	\$	3,157.20	5	\$	3,685.20	\$	737.04	19	27	\$	18,745.46	\$	694.28
RUMDC	26	43	\$	8,730.28 23,051.72	15 38	\$	9,420.00	\$	628.00 631.81	85 180	142 474	\$	92,813.83 271,375.05	\$	653.62 572.52
SKOSC	0	0	7	23,031.72	0	7	24,008.08	7	031.61	1	1	\$	534.00	-	534.00
SOUDC	13	19	\$	11,982.32	17	\$	11,258.32	\$	662.25	59	104	\$	68,135.66	\$	655.15
SOUSC	0	1	\$	1,050.50	1	\$	1,050.50	-	1,050.50	20	52	\$	35,472.49	\$	682.16
SPRDC	40	76	\$	44,295.58	84	\$	48,527.20	\$	577.70	396	697	\$	393,641.06	\$	564.76
Law Ct	8	9	\$	14,578.60	11	\$	24,959.66	\$	2,269.06	117	175	\$	288,753.92	\$	1,650.02
YORCD	203	240	\$	162,835.66	251	\$	167,545.97	\$	667.51	2,037	2,481	\$	1,730,200.28	\$	697.38
AROCD	134	135	\$	72,819.86	167	\$	84,426.19	\$	505.55	1,130	1,244	\$	727,952.41	\$	585.17
ANDCD	195	164	\$	83,127.75	159	\$	76,771.55	-	482.84	1,517	1,535	\$	775,489.63	\$	505.20
KENCD PENCD	130 268	178 299	\$	71,469.66 130,624.70	179	\$	74,624.58		416.90	1,440	1,854	\$	908,066.76	\$	489.79
SAGCD	40	40	\$	25,565.54	308 41	\$	137,594.94 22,965.08	\$	446.74 560.12	2,406	2,764 348	\$	1,258,928.64 215,931.97	\$	455.47 620.49
WALCD	42	29	\$	15,987.23	30	\$	14,074.51	\$	469.15	327	336	\$	189,951.94	\$	565.33
PISCD	10	14	\$	6,339.48	15	\$	5,835.48	\$	389.03	136	153	\$	37,705.66	\$	246.44
HANCD	57	68	\$	32,114.32	55	\$	24,844.44	\$	451.72	630	702	\$	313,839.13	\$	447.06
FRACD	38	16	\$	6,527.72	13	\$	10,445.52	\$	803.50	453	478	\$	257,030.47	\$	537.72
WASCD	41	29	\$	9,414.00	30	\$	9,576.00	\$	319.20	440	469	\$	179,119.97	\$	381.92
CUMCD	325	322	\$	197,546.12	335	\$	201,474.27	\$	601.42	3,430	3,829	\$	2,164,604.28	\$	565.32
KNOCD	33	50	\$	31,269.28	38	\$	29,241.58	\$	769.52	452	556	\$	312,508.82	\$	562.07
SOMCD	0	0	4	27 507 06	0	_	20.020.20	_	C10 10	11	9	\$	6,994.56	\$	777.17
OXFCD	98 29	60 42	\$	27,597.86 17,545.60	60 56	\$	36,629.24	\$	610.49 481.23	655	733	\$	394,519.93	\$	538.23
WATDC	25	50	\$	21,666.87	40	\$	26,949.14 15,965.55	\$	399.14	377 255	474 499	\$	251,019.56 250,044.23	\$	529.58 501.09
WESDC	15	28	\$	16,058.16	19	\$	8,343.88	\$	439.15	221	280	\$	118,916.50	\$	424.70
WISDC	2	18	\$	17,909.50	17	\$	15,206.84		894.52	78	122	\$	88,069.26	\$	721.88
WISSC	1	1 1	\$	2,414.10	1	\$	198.00	\$	198.00	5	12	\$	7,894.12	\$	657.84
YORDC	8	9	\$	6,053.72	13	\$	7,331.72	1	563.98	88	148	\$	67,212.65		454.14
TOTAL	2,304	2,762	\$	1,488,718.20	2,762	\$:	1,488,218.44	\$	538.82	22,211	29,327	\$	15,827,002.18	\$	539.67

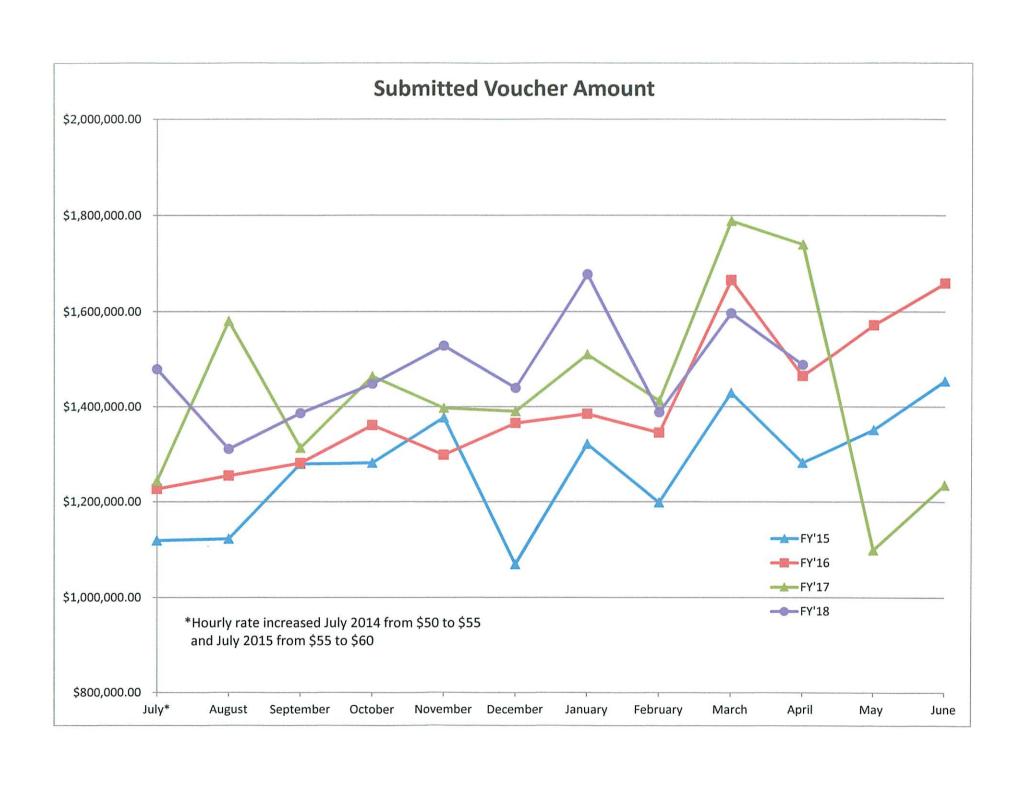
Number of Attorneys Rostered by Court 04/30/2018

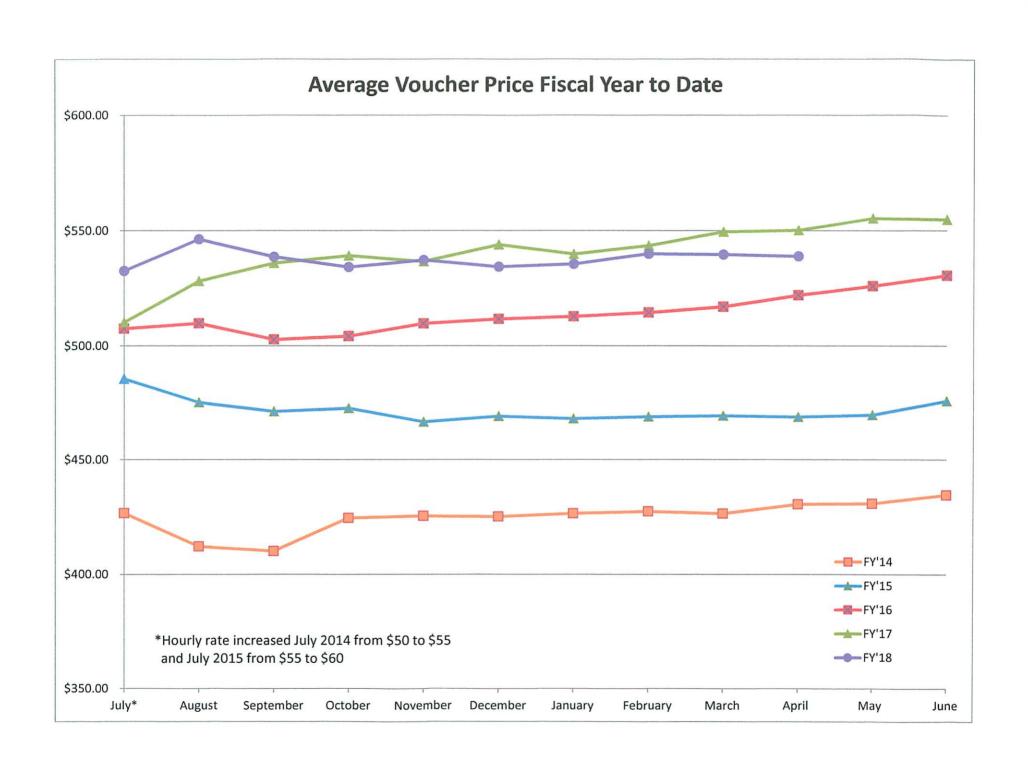
Court	Rostered Attorneys
Augusta District Court	100
Bangor District Court	47
Belfast District Court	47
Biddeford District Court	133
Bridgton District Court	87
Calais District Court	11
Caribou District Court	17
Dover-Foxcroft District Court	24
Ellsworth District Court	35
Farmington District Court	33
Fort Kent District Court	9
Houlton District Court	13
Lewiston District Court	122
Lincoln District Court	25
Machias District Court	17
Madawaska District Court	10
Millinocket District Court	18
Newport District Court	34
Portland District Court	157
Presque Isle District Court	14
Rockland District Court	39
Rumford District Court	23
Skowhegan District Court	29

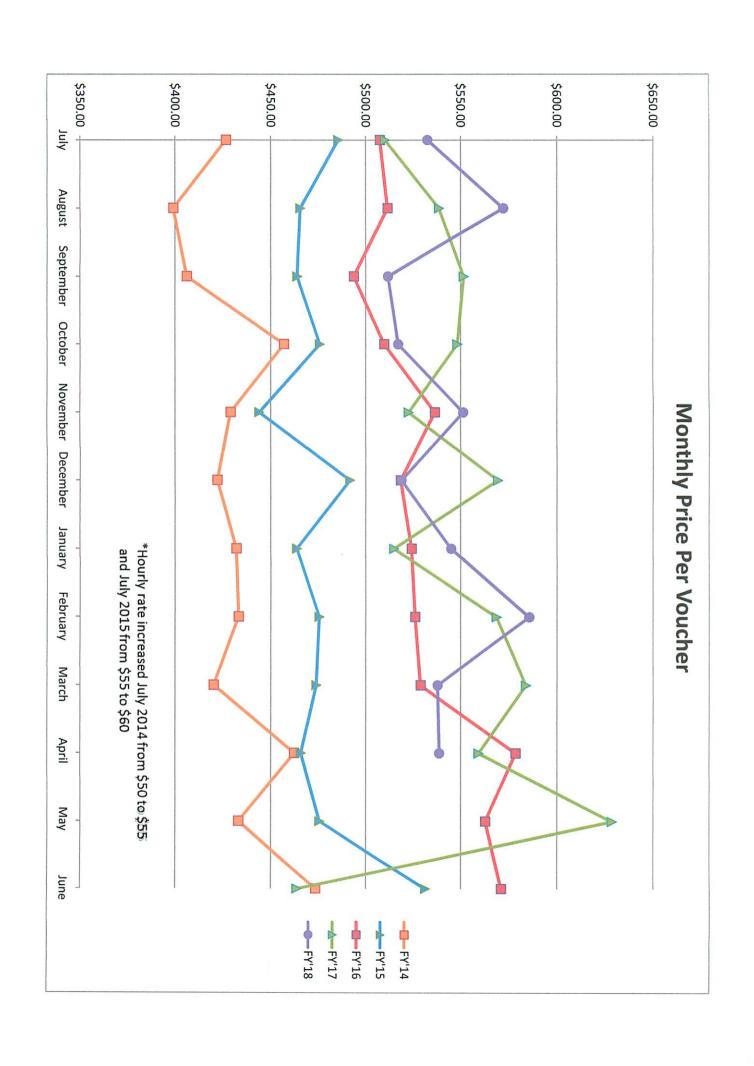
Court	Rostered Attorneys
South Paris District Court	52
Springvale District Court	119
Unified Criminal Docket Alfred	121
Unified Criminal Docket Aroostook	22
Unified Criminal Docket Auburn	103
Unified Criminal Docket Augusta	91
Unified Criminal Docket Bangor	51
Unified Criminal Docket Bath	93
Unified Criminal Docket Belfast	46
Unified Criminal DocketDover Foxcroft	21
Unified Criminal Docket Ellsworth	40
Unified Criminal Docket Farmington	33
Inified Criminal Docket Machias	18
Unified Criminal Docket Portland	158
Unified Criminal Docket Rockland	37
Unified Criminal Docket Skowhegan	21
Unified Criminal Docket South Paris	77
Unified Criminal Docket Wiscassett	58
Waterville District Court	51
West Bath District Court	113
Wiscasset District Court	62
York District Court	102

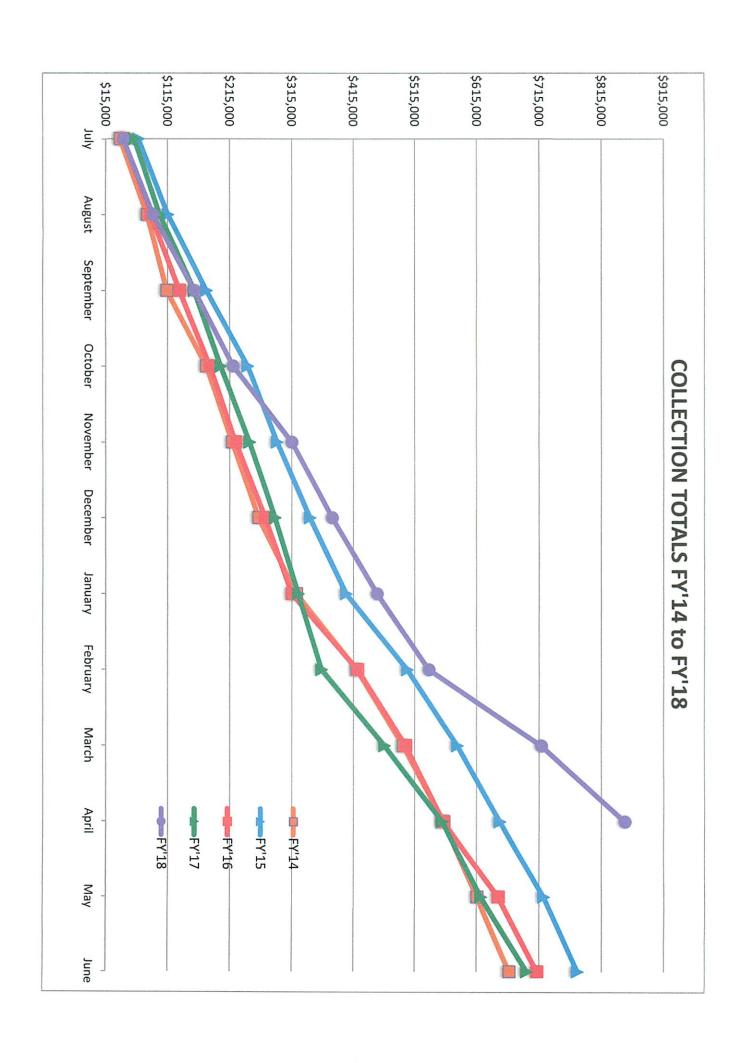












(3.) Legislative Update

TO: MCILS COMMISSIONERS

FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR

CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR

SUBJECT: Legislative Update

DATE: May 15, 2018

My understanding is that LD 1817 addressing the number and qualifications of Commissioners died, along with all other pending legislation, when the Legislature recently adjourned its second regular session. It remains to be seen whether the legislation will be revived if and when the Legislature returns for special session.

LD 1812, which authorizes the Legislative Council to contract with the Sixth Amendment Center to study the provision of indigent legal services in Maine, became law without the Governor's signature.

LD 1897 reinstates the Commission's other special revenue funds that were omitted from the FY'19 budget by oversight. This bill was passed by both chambers. The bill was vetoed by the Governor, but on April 18th, the Legislature overrode the Governor's veto, so our existing other special revenue accounts have been carried forward into our FY'19 budget.

(4.) Action Items Discussion

TO: MCILS COMMISSIONERS

FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR

CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR

SUBJECT: ACTION ITEMS DISCUSSION

DATE: May 15, 2018

RESOURCE COUNSEL

All counsel invited to be resource counsel have agreed to do so. Based on the Commission discussion at its last meeting, the staff is in the early stages of composing detailed guidelines and procedures for the system. As an aid, we have requested and received materials from Massachusetts regarding their system of supervising attorneys.

OTHER ACTION ITEMS

As requested at the last meeting, a revised and updated action items list is attached.

POTENTIAL ACTION ITEMS - APRIL 2018

PRIORITY

Address fee schedule rule, including 1) adequacy of current fee caps, 2) whether to institute a pre-approval process for exceeding the cap or consider hard caps, 3) travel, mileage and geographic limitations issues, and 4) late vouchers.

COMPLETED ITEMS

<u>System to facilitate filing of complaints by clients</u>. – Action: A feedback form for use by clients and other actors in the system has been developed and distributed.

New form for application for counsel – A new request for assigned counsel and affidavit of indigency was developed with input from MCILS and is now in use by the Judicial Branch. Because the order for assignment was removed from the application itself, the new form has room for additional financial information and expanded warnings about the need to be truthful and to cooperate with follow-up investigations and the consequences of failing to do so. The new order of assignment highlights any payment order that is entered, makes clear that first-party bail is available to cover counsel fees, and imposes a requirement that the client keep the court advised of any change of address until any payment order if fully satisfied.

Early interface with new court case management system. Staff met with Judicial Branch staff, including Judges, clerks, and technology managers, as well as representatives of the case management system vendor to discuss the outline and requirements of any interface.

PENDING ITEMS

Resource Counsel system. – Pending Action: Staff is in the process of developing and implementing the resource counsel system. All counsel invited to be resource counsel have agreed to do so. The staff is in the early stages of composing detailed guidelines and procedures for the system and has gathered materials from Massachusetts regarding their system of supervising attorneys.

New procedure for collection hearings. An outline of a new procedure has been forwarded to the Judicial Branch, but follow-up is required.

OTHER ITEMS

Items requiring court cooperation:

Reimbursement of counsel fees when client with assigned counsel retains counsel.

Block case assignments.

Less formal briefs (avoid printing costs) in the Law Court.

Refusing to pay for discovery.

Closing rosters to new lawyers in areas flush with lawyers.

<u>Identifying locales similar to Somerset that could benefit from a contract</u>.

Evaluation surveys.

(5)

Reconsideration March 26, 2018 minutes

TO:

MCILS COMMISSIONERS

FROM:

JOHN D. PELLETIER, EXECUTIVE DIRECTOR

CC:

ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR

SUBJECT:

MARCH 26, 2018 MEETING MINUTES

DATE:

May 15, 2018

On May 10, 2018, Chair Carey received an email from the Senate Chair of the Judiciary Committee questioning the accuracy of language in the March 26, 2018 meeting minutes describing Chair Carey's input to the Committee regarding the bill to revise the number and qualifications of Commissioners. Chair Carey responded indicating that the Commission would adjust the minutes to ensure they are accurate. Copies of the email exchange and the relevant portion of the minutes are attached.

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Legislative Update	Director Pelletier gave an update on the two bills related to the recommendations of the Working Group and the two bills addressing the Commission's budget. For the bill concerning the number and qualifications of the Commissioners, Director Pelletier noted that during the language review stage, the Judiciary Committee converted two members to non-voting status with no restriction on Commission related work. The Judiciary Committee contacted Chair Carey to ascertain the Commission's position on the proposed bill. Chair Carey relayed that he responded that the Commission did not fully support either draft but favored the version that maintained voting rights for all members.	rem/responsible l'arty
Action Items Discussion	Director Pelletier informed the Commissioners that the feedback form seeking comments on attorney performance had been distributed to the financial screeners and posted to the Commission's website. Director Pelletier will request that the Trial Chiefs distribute the form to judges and court staff and that the Maine Prosecutors' Association distribute it to their members. The Commissioners requested that staff track the data that comes in by fiscal year. Director Pelletier stated that recruiting for a roster of resource counsel will be the next action item staff will work on, with a July 1 target start date for the program. Chair Carey asked that staff make progress each month and to keep the Commissioners updated. Chair Carey suggested that the Commissioners review the action item list for next month's meeting.	
Somerset Contract	The Commissioners discussed the next steps for the Somerset Contract. Commissioner Logan thought that given the impetus for a holistic review of indigent legal services, a 1-year renewal of the current contract makes the most sense since contracts resulting from a RFP are usually multi-year contracts. Director Pelletier indicated that the Commission could request a sole source contract due to the impending study of indigent legal services and that historically only one group has submitted a bid for the contract. Chair	Commissioner Logan moved to allow Director Pelletier to begin the process of requesting a 1-year extension through a sole source waiver of competitive bid with no

Pelletier, John

From:

Steven M. Carey, Esq <scarey@thecareylawfirm.com>

Sent:

Thursday, May 10, 2018 10:16 AM

To:

Keim, Lisa

Cc:

Reinsch, Margaret; Babbidge, Christopher; Bailey, Donna; Bradstreet, Dick; Cardone,

Barbara; GalgayReckitt, Lois; Guerin, Stacey; Hill, Dawn; Johansen, Chris; McCreight, Jovce:

Moonen, Matthew; Pinette, Susan; Sherman, Roger; Stocco, Janet; Whittemore, Rodney

Subject:

Re: MCILS meeting mins - March 2018

Thank you for bringing this to my attention.

We will adjust our meeting minutes at our next meeting to make sure they are accurate.

To clarify for everyone. MCILS does NOT support either of the proposed language changes. However I did express to Senator Keim that the non-voting version was better than the one that limited rostered attorneys to 3 cases a year. There are pros and cons to both versions.

I am happy to talk with any committee member if they would like further discussions.

Steve

Steven M. Carey, Esq. The Carey Law Firm, P.A. 75 Pearl Street, Suite 410E Portland, Maine 04101 (207) 329-9995

Sent via my iPhone.

On May 10, 2018, at 9:32 AM, Keim, Lisa <Lisa.Keim@legislature.maine.gov> wrote:

Hey all!

Just FYI, before our change of the MCILS commission language, I personally spoke with Chair Carrey and he confirmed that the latter version (with two non-voting members who had no commission related work limitations), was preferable to the earlier version (with two voting members being limited in case-load).

The change was made to *increase* support for the bill.

What was conveyed in the meeting is inaccurate:

"Director Pelletier noted that during the language review stage, the Judiciary Committee converted two members to non-voting status with no restriction on Commission related work. The Judiciary Committee contacted Chair Carey to ascertain the Commission's position on the proposed bill. Chair Carey relayed that he responded that the Commission did not fully support either draft but favored the version that maintained voting rights for all members."

Great effort and thoughtful consideration has gone into the language of this bill, and it is good policy for MCILS. I hope we still have the opportunity to implement this legislation.

Hope you all are enjoying time away!

Lisa

Lisa Keim Senator, Maine State District 18

1505 Main St. Dixfield, ME
lisa.keim@legislature.maine.gov
207.562.6023 (Home)
207.287.1505 (Senate Republican Office)
Working Together for a Better Maine

From: Reinsch, Margaret

Sent: Wednesday, May 9, 2018 10:52:03 AM

To: Babbidge, Christopher; Bailey, Donna; Bradstreet, Dick; Cardone, Barbara; GalgayReckitt, Lois; Guerin, Stacey; Hill, Dawn; Johansen, Chris; Keim, Lisa; McCreight, Joyce; Moonen, Matthew; Pinette,

Susan; Reinsch, Margaret; Sherman, Roger; Stocco, Janet; Whittemore, Rodney

Subject: FW: MCILS meeting mins - March 2018

Here are the minutes from the March meeting of the Maine Commission on Indigent Legal Services.

Please let me know if you have any questions.

Thanks! Peggy

Margaret J. Reinsch, Esq., Legislative Analyst Joint Standing Committee on Judiciary Maine State Legislature
Office of Policy and Legal Analysis
Room 215, Cross State Office Building
13 State House Station
Augusta, Maine 04333
(207) 287-1670 (office number)
(207) 287-1673 (direct and voice mail)
(207) 287-1275 (fax)
margaret_reinsch@legislature.maine.gov

(6.) Somerset Contract

TO: MCILS COMMISSIONERS

FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR

CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR

SUBJECT: SOMERSET COUNTY UPDATE

DATE: May 15, 2018

The amendment providing for a one-year extension on the same terms and conditions has been executed and submitted, together with the single source contract justification, to the Purchasing Division for approval. To date, we have not heard back.