

MCILS

May 5, 2020

**Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

MAY 5, 2020

TELEPHONIC COMMISSION MEETING

AGENDA

- 1) Approval of April 7, 2020, Commission Meeting Minutes
- 2) Operations Reports
- 3) Commission Response to COVID-19 Outbreak
- 4) Budget Update
- 5) OPEGA Update
- 6) Representation for Committed Juveniles at Long Creek
- 7) Training RFP
- 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.)

**April 7, 2020
Commission Meeting
Minutes**

**Maine Commission on Indigent Legal Services – Commissioners Meeting
April 7, 2020**

Minutes

Commissioners Present by Telephone: Michael Carey, Sarah Churchill, Roger Katz, Robert LeBrasseur, Ronald Schneider, Joshua Tardy, Mary Zmigrodski, Robert Cummins
MCILS Staff Present: Ellie Maciag, John Pelletier

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Approval of the March 24, 2020 Commission Meeting Minutes	No discussion of meeting minutes.	Commissioner Cummins moved to approve. Commissioner Churchill seconded. All voted in favor, with Commissioner Katz absent. Approved.
Operations Reports	<u>March 2020 Operations Report:</u> 2,413 new cases were opened in the DefenderData system in March. This was an 18 case increase over February. The number of submitted vouchers in March was 3,558, an increase of 689 vouchers over February, totaling \$1,883,726, an increase of \$468,000 over February. Director Pelletier noted that this sharp increase in submitted vouchers at the end March resulted in submitted vouchers totaling being roughly \$200,000 over budget projections for the third quarter. Director Pelletier relayed that there is a \$300,000 balance from the second quarter that can be brought forward to cover the unexpected costs incurred in the third quarter and that the Commission remains on track to meet our cost obligations. The average price per voucher was \$453.27, down \$30.43 per voucher from February. Director Pelletier noted that the average price per voucher continues to be moderate. Appeal and Post-Conviction Review cases had the highest average vouchers. There were 11 vouchers exceeding \$5,000 paid in March. 80 authorizations to expend funds were issued in March, and we paid \$49,041 for experts and investigators, etc. The monthly transfer from the Judicial Branch for	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>counsel fees for March, which reflects February’s collections, totaled \$160,542, up approximately \$86,000 from February. While this was a substantial increase, Director Pelletier cautioned that the court did issue a hiatus on the obligation to pay counsel fees, and it is still unclear how this will affect revenue amounts in the coming months. Three attorney complaint were received in March. A discussion ensued about attorneys being assigned case types they are not rostered for and whether a new rule was warranted. Commissioner Schneider pointed out the language in the specialized panel rule already provides notice to attorneys about the roster requirements for those case types. Commissioner Cummins requested staff send a memo to attorneys reminding them of the rostering requirements for the specialized case types.</p>	
<p>Commission Response to COVID-19 Outbreak</p>	<p>A discussion ensued about lawyers of the day meeting clients at the jail. Director Pelletier relayed that staff was monitoring the situation and that Cumberland and York Counties were the only remaining area where LODs were still required to go to the jail. All other courts are utilizing video conferencing. Commissioner Katz raised some confidentiality concerns with video conferencing and Director Pelletier agreed that there are some definite confidentiality concerns. Director Pelletier explained that at some facilities, inmates are together in one room with a correction officer while one inmate is speaking to the LOD. Director Pelletier explained that the priority for staff will be working with the remaining courts where LODs must still go to the jail and then work to resolve confidentiality issues. Commissioner LeBrasseur added that LOD confidentiality issues are not new and not caused by the COVID crisis. He stated that additional polycoms are needed since there is a 15-minute time limit on collect calls. Director Pelletier relayed that staff sent notice to attorneys that the Commission would pay for attorneys to seek early release for incarcerated clients on closed cases.</p>	
<p>Budget Update</p>	<p>Director Pelletier gave an update on the status of the current budget. While the Commission saw a surge in costs at the end of March, the prior quarter balance will result in the budget still coming in under projection. Director Pelletier confirmed that</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	the Commission will still need \$2.8 million in supplemental funding for FY'21.	
Representation of Juveniles at Long Creek	Director Pelletier told the Commissioners that the Judicial Branch issued assignments of counsel to committed juveniles at Long Creek at the beginning of April. Commissioner Churchill questioned why it took so long for the assignments to be made since the Commissioners voted its approval back in October. Director Pelletier explained there were initial meetings with the Judicial Branch and other meetings with the lawyers involved to address concerns among the lawyers about their role and the scope of the program. The Judicial Branch had been on the cusp of making assignments when the COVID emergency began.	
OPEGA Update	Director Pelletier gave an update on the OPEGA investigation. The COVID emergency caused OPEGA's preliminary report on the initial two work items to be put on hold. Once the legislative session resumes, the OPEGA report will be issued. In the meantime, OPEGA may begin work on the other three topics it has been tasked with reviewing. Commissioner Carey asked whether the Commission could obtain a draft report prior to the legislative session resuming. Commissioner Katz added that the report will contain helpful recommendations and that the Commission would benefit from receiving those recommendations soon. Chair Tardy asked AAG Hudson to find out whether the OPEGA report can be shared early with the Commission.	
DefenderData Changes	Director Pelletier relayed that he and Justice Works will be having a meeting soon to discuss modifications to the attorney billing software, defenderData, including the creation of timesheets. Commissioner Carey cautioned that staff should look at the overall design of the system and avoid making changes on an ad hoc basis. Director Pelletier noted that he will review the financial subcommittee's suggested changes included in its draft report.	
Public Comment	<u>Zach Heiden, Esq.</u> : Attorney Heiden disagreed with the notion that attorneys should have to withdraw from cases that they are not rostered for since it would disrupt the	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>client-attorney relationship. Instead, he supported the increase use of the appointment of co-counsel. Attorney Heiden stated there was an urgent need for advocacy dealing with the confidentially issues with the lawyer of the day program, which is something the Commission, and not individual attorneys, should be tasked with fixing.</p> <p><u>Robert Ruffner, Esq.</u>: Attorney Ruffner relayed that he has seen an uptick in the amount of collect calls his office has received from other attorney’s clients, asking him to pass along messages. Attorney Ruffner asked the Commission to survey the clients in custody in order to determine the level of difficulty in getting in phone communication with their attorney.</p> <p><u>Tina Nadeau, Esq.</u>: Attorney Nadeau reiterated the need for getting regular access to the jail lists so that no one gets left behind. Attorney Nadeau relayed that there was not much action on the part of the Department of Corrections to release low risk or medically at-risk inmates from facilities. Attorney Nadeau urged the Commission to make more use of the resource counsel program to get more information from attorneys, DAs, and judges. Attorney Nadeau also urged the Commission to tighten up the in-custody LOD requirements since several new attorneys were scheduled to be LOD in Portland in April.</p>	
Executive Session	<p>Commissioner Carey made a motion to move into executive session to consult with counsel on pending litigation 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 Churchill seconded. All voted in favor, with Commissioners Katz and Zmigrodski absent.</p>	
Adjournment of meeting	<p>Commissioner Churchill moved to adjourn and Commissioner Carey seconded. All voted in favor, with Commissioners Katz and Zmigrodski absent. The next meeting will be held telephonically on May 5, 2020 at 8 am.</p>	

(2.)
Operations Reports

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

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

Attached you will find the April, 2020, Operations Reports for your review and our discussion at the Commission meeting on May 5, 2020. A summary of the operations reports follows:

- 1,407 new cases were opened in the DefenderData system in April. This was a 1006 case decrease from March. Year to date, new cases are up by approximately 5%, from 22,674 at this time last year to 23,825 this year. New cases had been running about 10% higher than last year, so the slow-down in new cases seen in April has cut that rate in half.
- The number of vouchers submitted electronically in April was 1,961, a decrease of 1,597 vouchers from March, totaling \$1,108,492.94, a decrease of \$775,233.95 from March. Year to date, the number of submitted vouchers is up by approximately 5%, from 27,212 at this time last year to 28,515 this year, but the total amount for submitted vouchers down 2%, from \$14,337,000 at this time last year to \$14,093,000 this year.
- In April, we paid 3,083 electronic vouchers totaling \$1,707,724.91, representing a decrease of 156 vouchers, but an increase of \$221,000 compared to March. Year to date, the number of paid vouchers is up 6%, from 26,189 at this time last year to 27,793 this year but the total amount paid basically flat, from \$14,337,000 at this time last year to \$14,093,000 this year.
- We paid no paper vouchers in April.
- The average price per voucher in April was \$553.92, up \$100.65 per voucher from March. Year to date, the average price per voucher is down approximately 6.5%, from \$526.30 at this time last year to \$492.16 this year.
- Probate and Post-Conviction Review cases had the highest average voucher in April. There were 12 vouchers exceeding \$5,000 paid in April. See attached addendum for details.
- In April, we issued 72 authorizations to expend funds: 39 for private investigators, 23 for experts, and 10 for miscellaneous services such as interpreters and transcriptionists. In April, we paid \$81,177.62 for experts and investigators, etc. One request for funds was modified in April to authorize a reduced amount.

- In April, we received one complaint about an attorney in the form of a letter to the court requesting that new counsel be assigned due to lack of contact with the attorney. Staff is in the process of following up on this complaint.
- In April, we approved two requests for co-counsel on appeal matters where trial counsel wanted to remain involved but also wanted to bring in counsel with more appeal experience. We also approved a request for co-counsel in a Gross Sexual Assault case.

In our All Other Account, the total expenses for the month of April were \$1,806,520.06. Of that amount, approximately \$17,500 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$105,662.20 in expenses for the month of April. This large amount reflects payments for three pay periods during April.

In the Revenue Account, the transfer for April, reflecting March's collections, totaled \$127,868.58, a decrease of approximately \$32,500 from the previous month.

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

VOUCHERS EXCEEDING \$5,000 PAID APRIL 2020

	Voucher Total	Case Total
Voucher in a high-profile murder case involving the death of a child. Trial lasted 10 days and the Defendant was found guilty. Co-Counsel from the same firm.	\$40,403	\$75,698(interim voucher of \$31,083 paid previously, as well as \$4,212 paid for an interlocutory appeal from a motion to dismiss)
Voucher after an eight-day murder trial. Defendant was found guilty and requested new counsel for the sentencing phase.	\$16,991	\$24,362 (\$7,371 paid to co-counsel from a different firm)
Voucher after a 5-day trial in Murder case. Defendant found guilty. Case involved a mental health defense. Sentencing remains. Co-counsel from the same firm who submitted separate vouchers.	\$13,989	\$39,413 (vouchers of \$13,794 and \$1,805 paid to co-counsel, and vouchers of \$4,859 and \$4,966 paid to prior co-counsel who withdrew at client's request)
Voucher after a 5-day trial in Murder case. Defendant found guilty. Case involved a mental health defense. Sentencing remains. Co-counsel from the same firm who submitted separate vouchers.	\$13,794	\$39,413 (interim voucher of \$1,805 paid to this attorney and voucher of \$13,989 paid to co-counsel; vouchers of \$4,859 and \$4,966 paid to prior co-counsel who withdrew at client's request)
Interim voucher in a Post-Conviction Review matter arising from a conviction for Gross Sexual Assault. Case has taken two years with two amended petitions filed, litigation of disclosure of trial counsel's file, and a full evidentiary hearing. Briefing and decision remain.	\$10,806	\$10,806
Voucher in a Juvenile Gross Sexual Assault case which has lasted 17 months. Gross Sexual Assault deferred pending dismissal in return for a misdemeanor plea. Significant treatment needs, as well as complicated family dynamics giving rise to litigation over DHHS placement.	\$9,646	\$9,646

Interim voucher in a Murder case submitted after bail litigation, mental health assessment, and identification/designation of experts.	\$8,778	\$11,613(interim voucher of \$2,835 paid to co-counsel from a different firm)
Voucher in a Gross Sexual Assault case. Suppression litigated, then false confession expert engaged. On eve of trial, Defendant pled guilty to Unlawful Sexual Contact for a deferred disposition that, if successful, will result in conviction on a misdemeanor without sex-offender registry consequences.	\$7,333	\$7,333
Interim voucher in a Gross Sexual Assault case that has lasted more than 2 years. Case on verge of trial when criminal cases were deferred due to the pandemic.	\$6,228	\$6,228
Interim voucher in a Murder case after discovery review followed by a Harnish hearing.	\$6,228	\$6,228
Voucher covering work on three cases: Aggravated Sex Trafficking; Tampering with a Witness; and Probation Revocation. Aggravated Sex Trafficking and Tampering charges dismissed in return for pleas to lesser charges and an admission on the Probation Revocation. Co-counsel from the same firm.	\$5,836	\$7,322(voucher of \$118 and \$114 paid on companion cases, and \$1,254 paid to prior counsel who withdrew at client's request)
Voucher in an Aggravated Assault case. Prior counsel discharged on eve of trial. Court sought to minimize delay, so new counsel had to accelerate trial prep. Ultimately resolved for dismissal of Aggravated Assault in return for a plea to misdemeanor assault. Co-counsel from the same firm.	\$5,409	\$11,679 (vouchers of \$4,404, \$1,308, and \$558 paid to three previous attorneys who all withdrew at the client's request.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

4/30/2020

DefenderData Case Type	Apr-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	11	17	\$ 21,484.25	23	\$ 28,347.43	\$ 1,232.50	152	215	\$ 341,863.07	\$ 1,590.06
Child Protection Petition	175	376	\$ 210,510.07	511	\$ 267,363.41	\$ 523.22	2,195	4,296	\$ 2,332,955.66	\$ 543.05
Drug Court	0	6	\$ 9,649.00	8	\$ 10,861.00	\$ 1,357.63	5	71	\$ 74,786.83	\$ 1,053.34
Emancipation	5	4	\$ 613.20	6	\$ 1,354.00	\$ 225.67	59	52	\$ 15,248.82	\$ 293.25
Felony	310	398	\$ 359,873.03	638	\$ 648,982.27	\$ 1,017.21	5,512	5,574	\$ 4,375,782.35	\$ 785.03
Involuntary Civil Commitment	96	98	\$ 20,138.61	114	\$ 22,483.77	\$ 197.23	882	770	\$ 163,029.91	\$ 211.73
Juvenile	35	49	\$ 38,383.24	86	\$ 52,423.59	\$ 609.58	662	751	\$ 377,779.84	\$ 503.04
Lawyer of the Day - Custody	251	228	\$ 50,154.71	307	\$ 68,996.45	\$ 224.74	2,591	2,362	\$ 554,103.58	\$ 234.59
Lawyer of the Day - Juvenile	2	3	\$ 876.24	16	\$ 2,848.00	\$ 178.00	331	323	\$ 62,513.79	\$ 193.54
Lawyer of the Day - Walk-in	6	30	\$ 7,323.60	48	\$ 12,698.72	\$ 264.56	1,092	1,061	\$ 262,646.71	\$ 247.55
Misdemeanor	360	368	\$ 167,954.24	749	\$ 311,190.35	\$ 415.47	7,630	7,499	\$ 2,760,295.25	\$ 368.09
Petition, Modified Release Treatment	0	12	\$ 6,264.79	11	\$ 5,728.59	\$ 520.78	6	44	\$ 20,512.68	\$ 466.20
Petition, Release or Discharge	0	0		0			0	6	\$ 1,902.40	\$ 317.07
Petition, Termination of Parental Rights	13	32	\$ 25,388.68	54	\$ 31,623.35	\$ 585.62	253	582	\$ 402,446.93	\$ 691.49
Post Conviction Review	15	13	\$ 34,815.53	18	\$ 32,503.16	\$ 1,805.73	107	91	\$ 140,277.09	\$ 1,541.51
Probate	0	2	\$ 2,447.84	3	\$ 4,417.50	\$ 1,472.50	24	23	\$ 25,856.04	\$ 1,124.18
Probation Violation	61	95	\$ 40,384.02	167	\$ 70,713.74	\$ 423.44	1,558	1,583	\$ 616,698.23	\$ 389.58
Represent Witness on 5th Amendment	0	0		1	\$ 960.00	\$ 960.00	9	12	\$ 5,601.00	\$ 466.75
Resource Counsel Criminal	0	2	\$ 726.00	2	\$ 516.00	\$ 258.00	2	28	\$ 3,834.00	\$ 136.93
Resource Counsel Juvenile	0	1	\$ 102.00	1	\$ 87.00	\$ 87.00	1	10	\$ 909.00	\$ 90.90
Resource Counsel Protective Custody	0	0		0			3	8	\$ 1,596.00	\$ 199.50
Review of Child Protection Order	67	227	\$ 111,403.89	316	\$ 131,994.58	\$ 417.70	729	2,418	\$ 1,133,218.58	\$ 468.66
Revocation of Administrative Release	0	0		4	\$ 1,632.00	\$ 408.00	22	14	\$ 4,923.28	\$ 351.66
DefenderData Sub-Total	1,407	1,961	\$ 1,108,492.94	3,083	\$ 1,707,724.91	\$ 553.92	23,825	27,793	\$ 13,678,781.04	\$ 492.17
Paper Voucher Sub-Total	0	0	\$ -	0	\$ -	#DIV/0!	1	1	\$ 240.00	\$ 240.00
TOTAL	1,407	1,961	\$1,108,492.94	3,083	\$1,707,724.91	\$ 553.92	23,826	27,794	\$ 13,679,021.04	\$ 492.16

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY20 FUND ACCOUNTING
AS OF 04/30/2020

Account 014 95F Z258 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY20 Total
FY20 Professional Services Allotment		\$ 4,727,001.00		\$ 4,597,001.00		\$ 4,737,477.00		\$ 2,413,246.00	
FY20 General Operations Allotment		\$ 48,000.00		\$ 48,000.00		\$ 48,000.00		\$ 48,000.00	
FY19 Encumbered Balance Forward		\$ 32,712.53		\$ -		\$ -		\$ -	
Budget Order Adjustment		\$ (224,979.00)		\$ 224,979.00		\$ -		\$ -	
Supplemental Budget Allotment		\$ -		\$ -		\$ -		\$ 2,036,206.00	
Reduction due to encumbrance closure		\$ -		\$ -		\$ (0.04)		\$ -	
Financial Order Unencumbered Balance Fwd		\$ -		\$ -		\$ -		\$ 768,774.00	
Total Budget Allotments		\$ 4,582,734.53		\$ 4,869,980.00		\$ 4,785,476.96		\$ 5,266,226.00	\$ 19,504,417.49
Total Expenses	1	\$ (947,049.13)	4	\$ (1,377,980.25)	7	\$ (1,080,553.54)	10	\$ (1,806,520.06)	
	2	\$ (1,849,796.47)	5	\$ (1,100,530.17)	8	\$ (1,269,483.45)	11	\$ -	
	3	\$ (1,715,368.33)	6	\$ (2,053,491.02)	9	\$ (1,531,335.50)	12	\$ -	
Encumbrances (Justice Works)		\$ (52,720.00)		\$ 18,135.00		\$ 18,820.00		\$ 5,972.50	\$ (9,792.50)
Encumbrances (B Taylor)		\$ (13,000.04)		\$ (17,853.34)		\$ 17,593.37		\$ 4,420.00	\$ (8,840.01)
Encumbrances (Videographer & business cards)		\$ (4,800.00)		\$ -		\$ (900.00)		\$ -	\$ (5,700.00)
TOTAL REMAINING		\$ 0.56		\$ 338,260.22		\$ 939,617.84		\$ 3,470,098.44	\$ 4,747,977.06

Q4 Month 10	
INDIGENT LEGAL SERVICES	
Counsel Payments	\$ (1,707,724.91)
Interpreters	\$ (1,776.95)
Private Investigators	\$ (24,632.41)
Mental Health Expert	\$ (23,735.00)
Misc Prof Fees & Serv	\$ (2,438.75)
Transcripts	\$ (15,629.18)
Other Expert	\$ (12,090.42)
Process Servers	\$ (874.91)
Subpoena Witness Fees	\$ -
Out of State Witness Travel	\$ -
SUB-TOTAL ILS	\$ (1,788,902.53)
OPERATING EXPENSES	
InforME Annual Fee	\$ (2,640.00)
DefenderData	\$ (5,972.50)
Language Line	\$ (7.92)
Mileage/Tolls/Parking	\$ (665.27)
Mailing/Postage/Freight	\$ (3.95)
West Publishing Corp	\$ (396.18)
Shredding on Site	\$ (2.10)
Office Supplies/Equip.	\$ (10.36)
Cellular Phones	\$ (224.76)
OIT/TELCO	\$ (2,613.09)
Office Equipment Rental	\$ (105.12)
Training Videographer	\$ -
Barbara Taylor monthly fees	\$ (4,420.00)
Legal Ad	\$ (556.28)
Training Printing Fees	\$ -
SUB-TOTAL OE	\$ (17,617.53)
TOTAL	\$ (1,806,520.06)

INDIGENT LEGAL SERVICES	
Q4 Allotment	\$ 5,266,226.00
Q4 Encumbrances for Justice Works contract	\$ 5,972.50
Barbara Taylor Contract	\$ 4,420.00
Videographer	\$ -
Q4 Expenses to date	\$ (1,806,520.06)
Remaining Q4 Allotment	\$ 3,470,098.44

Non-Counsel Indigent Legal Services	
Monthly Total	\$ (81,177.62)
Total Q1	\$ 276,360.62
Total Q2	\$ 230,435.64
Total Q3	\$ 291,610.68
Total Q4	\$ 81,177.62
Fiscal Year Total	\$ 879,584.56

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

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY20 FUND ACCOUNTING
As of 04/30/20

Account 014 95F Z258 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY20 Total
Total Budget Allotments		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00	\$ 1,100,000.00
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Financial Order Adjustment	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Budget Order Adjustment	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Budget Order Adjustment		\$ -		\$ -		\$ -	12	\$ -	\$ -
Total Budget Allotments		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00	\$ 1,100,000.00
Cash Carryover from Prior Quarter		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	1	\$ 78,559.60	4	\$ 86,636.49	7	\$ 61,320.62	10	\$ 127,868.58	
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	2	\$ 79,457.90	5	\$ 93,840.18	8	\$ 73,756.21	11	\$ -	
Court Ordered Counsel Fee		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB (late transfer)		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	3	\$ 114,887.22	6	\$ 103,917.30	9	\$ 160,542.79	12	\$ -	
Returned Checks-stopped payments		\$ -		\$ -		\$ -		\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 272,904.72		\$ 284,393.97		\$ 295,619.62		\$ 127,868.58	\$ 980,786.89
Counsel Payments	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Other Expenses		\$ -		\$ -		\$ -	***	\$ -	
Counsel Payments	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Other Expenses		\$ -		\$ -		\$ -		\$ -	
Counsel Payments	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Other Expenses	*	\$ -	**	\$ -	***	\$ -		\$ -	
REMAINING ALLOTMENT		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00	\$ 1,100,000.00
Overpayment Reimbursements	1	\$ (168.00)	4	\$ (434.53)	7	\$ 138.00	10	\$ -	
	2	\$ (904.00)	5	\$ (200.00)	8	\$ -	11	\$ -	
	3	\$ -	6	\$ -	9	\$ (884.00)	12	\$ -	
REMAINING CASH Year to Date		\$ 271,832.72		\$ 283,759.44		\$ 294,873.62		\$ 127,868.58	\$ 978,334.36

Collections versus Allotment	
Monthly Total	\$ 127,868.58
Total Q1	\$ 274,669.72
Total Q2	\$ 284,393.97
Total Q3	\$ 295,757.62
Total Q4	\$ 127,868.58
Allotment Expended to Date	\$ -
Fiscal Year Total	\$ 982,689.89

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY20 FUND ACCOUNTING
AS OF 04/30/2020

Account 014 95F Z258 01									
(Personal Services)									
	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY20 Total
FY20 Allotment		\$ 326,128.00		\$ 242,565.00		\$ 214,283.00		\$ 233,702.00	\$ -
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments				\$ -		\$ -			
Total Budget Allotments		\$ 326,128.00		\$ 242,565.00		\$ 214,283.00		\$ 233,702.00	\$ 1,016,678.00
Total Expenses	1	\$ (62,240.56)	4	\$ (99,140.23)	7	\$ (70,131.98)	10	\$ (105,662.20)	
	2	\$ (174,797.03)	5	\$ (71,894.07)	8	\$ (59,062.25)	11	\$ -	
	3	\$ (68,346.25)	6	\$ (69,821.39)	9	\$ (67,146.73)	12	\$ -	
TOTAL REMAINING		\$ 20,744.16		\$ 1,709.31		\$ 17,942.04		\$ 128,039.80	\$ 168,435.31

Q4 Month 10	
Per Diem	\$ (275.00)
Salary	\$ (49,923.76)
Vacation Pay	\$ (4,486.66)
Holiday Pay	\$ -
Sick Pay	\$ (3,798.48)
Empl Hlth SVS/Worker Comp	\$ (166.00)
Health Insurance	\$ (10,159.58)
Dental Insurance	\$ (352.58)
Employer Retiree Health	\$ (6,545.12)
Employer Retirement	\$ (3,940.76)
Employer Group Life	\$ (575.70)
Employer Medicare	\$ (901.98)
Retiree Unfunded Liability	\$ (11,445.81)
Longevity Pay	\$ (168.00)
Perm Part Time Full Ben	\$ (6,641.50)
Premium & Standard OT	\$ (236.16)
Retro Lump Sum Pymt	\$ (0.90)
TOTAL	\$ (99,617.99)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

4/30/2020

Court	Apr-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	3	6	\$ 5,908.00	8	\$ 5,274.37	\$ 659.30	30	45	\$ 26,861.10	\$ 596.91
AUBSC	1	1	\$ 408.00	1	\$ 489.00	\$ 489.00	14	14	\$ 9,793.20	\$ 699.51
AUGDC	44	83	\$ 42,380.51	88	\$ 46,741.49	\$ 531.15	516	624	\$ 317,812.22	\$ 509.31
AUGSC	1	14	\$ 6,774.79	17	\$ 9,336.15	\$ 549.19	41	105	\$ 62,076.69	\$ 591.21
BANDC	32	58	\$ 18,096.00	125	\$ 34,374.81	\$ 275.00	583	1,057	\$ 333,799.84	\$ 315.80
BANSC	2	0		1	\$ 366.00	\$ 366.00	7	5	\$ 816.00	\$ 163.20
BATSC	0	0		0			1	1	\$ 132.00	\$ 132.00
BELDC	4	9	\$ 4,137.93	21	\$ 12,934.90	\$ 615.95	127	274	\$ 133,993.13	\$ 489.03
BELSC	0	0		0			0	1	\$ 1,530.64	\$ 1,530.64
BIDDC	26	81	\$ 57,728.50	127	\$ 66,662.47	\$ 524.90	612	865	\$ 476,114.41	\$ 550.42
BRIDC	7	17	\$ 8,365.44	21	\$ 10,895.85	\$ 518.85	99	194	\$ 98,797.85	\$ 509.27
CALDC	1	7	\$ 3,749.20	5	\$ 2,047.84	\$ 409.57	45	80	\$ 35,708.40	\$ 446.36
CARDC	8	17	\$ 8,325.53	36	\$ 12,528.08	\$ 348.00	131	253	\$ 99,333.85	\$ 392.62
CARSC	1	0		0			7	8	\$ 3,893.45	\$ 486.68
DOVDC	4	8	\$ 3,453.40	16	\$ 4,653.40	\$ 290.84	49	137	\$ 47,095.72	\$ 343.76
DOVSC	1	0		0			1	0		
ELLDC	12	21	\$ 13,770.00	25	\$ 15,806.36	\$ 632.25	160	360	\$ 214,461.05	\$ 595.73
ELLSC	1	1	\$ 45.50	2	\$ 753.50	\$ 376.75	4	4	\$ 1,584.50	\$ 396.13
FARDC	6	19	\$ 16,058.71	25	\$ 13,178.02	\$ 527.12	82	190	\$ 126,009.39	\$ 663.21
FARSC	0	0		0			3	3	\$ 370.16	\$ 123.39
FORDC	8	10	\$ 4,425.32	20	\$ 7,040.71	\$ 352.04	63	90	\$ 40,763.95	\$ 452.93
HOUDC	6	21	\$ 11,239.72	27	\$ 11,177.50	\$ 413.98	224	338	\$ 134,073.17	\$ 396.67
HOUSC	1	1	\$ 240.00	1	\$ 240.00	\$ 240.00	2	3	\$ 1,056.00	\$ 352.00
LEWDC	57	103	\$ 53,877.42	149	\$ 71,032.45	\$ 476.73	779	1,106	\$ 492,536.20	\$ 445.33
LINDC	1	8	\$ 4,711.04	17	\$ 9,487.40	\$ 558.08	91	169	\$ 82,137.48	\$ 486.02
MACDC	3	6	\$ 2,013.20	8	\$ 3,795.60	\$ 474.45	77	160	\$ 70,012.88	\$ 437.58
MACSC	0	1	\$ 240.00	1	\$ 240.00	\$ 240.00	0	3	\$ 600.00	\$ 200.00
MADDC	0	0		0			17	17	\$ 5,261.36	\$ 309.49
MILDC	1	2	\$ 276.00	6	\$ 1,159.40	\$ 193.23	45	90	\$ 25,111.56	\$ 279.02
NEWDC	3	30	\$ 8,030.96	36	\$ 11,028.04	\$ 306.33	142	336	\$ 113,212.16	\$ 336.94
PORDC	72	103	\$ 44,364.71	112	\$ 51,287.80	\$ 457.93	788	1,073	\$ 528,245.62	\$ 492.31
PORSC	1	3	\$ 1,314.00	3	\$ 822.00	\$ 274.00	12	11	\$ 8,451.44	\$ 768.31
PREDC	11	24	\$ 10,426.74	44	\$ 17,152.47	\$ 389.83	200	272	\$ 109,375.31	\$ 402.12
ROCD	13	23	\$ 10,899.50	25	\$ 9,952.16	\$ 398.09	189	272	\$ 119,197.68	\$ 438.23
ROCSC	1	1	\$ 222.00	1	\$ 126.00	\$ 126.00	13	13	\$ 3,835.48	\$ 295.04
RUMDC	19	10	\$ 5,693.32	20	\$ 12,934.11	\$ 646.71	147	144	\$ 131,840.01	\$ 915.56
SKODC	11	59	\$ 28,100.59	60	\$ 23,745.21	\$ 395.75	298	710	\$ 277,132.34	\$ 390.33
SKOSC	1	1	\$ 120.00	0			3	1	\$ 815.20	\$ 815.20
SOUDC	17	13	\$ 5,902.92	30	\$ 9,625.94	\$ 320.86	139	218	\$ 120,744.06	\$ 553.87
SOUSC	1	1	\$ 36.00	0			3	6	\$ 4,307.75	\$ 717.96
SPRDC	27	39	\$ 27,658.10	64	\$ 45,194.58	\$ 706.17	381	562	\$ 315,507.59	\$ 561.40
Law Ct	6	16	\$ 20,338.25	19	\$ 25,755.43	\$ 1,355.55	116	172	\$ 285,083.94	\$ 1,657.46
YORCD	122	193	\$ 137,045.05	315	\$ 245,489.52	\$ 779.33	2,179	2,363	\$ 1,596,253.20	\$ 675.52
AROCD	56	70	\$ 39,313.79	125	\$ 62,795.27	\$ 502.36	1,288	1,195	\$ 548,710.86	\$ 459.17
ANDCD	90	58	\$ 33,962.64	159	\$ 97,850.22	\$ 615.41	1,537	1,538	\$ 719,705.36	\$ 467.95
KENDC	68	75	\$ 41,815.56	137	\$ 77,646.35	\$ 566.76	1,642	1,623	\$ 679,810.77	\$ 418.86
PENCD	139	126	\$ 66,567.49	198	\$ 106,543.59	\$ 538.10	2,380	2,294	\$ 991,087.23	\$ 432.03
SAGCD	14	19	\$ 14,468.82	32	\$ 12,949.96	\$ 404.69	269	256	\$ 122,213.00	\$ 477.39
WALCD	15	20	\$ 9,054.67	23	\$ 61,765.40	\$ 2,685.45	331	350	\$ 233,260.31	\$ 666.46
PISCD	6	4	\$ 1,456.72	9	\$ 2,009.56	\$ 223.28	169	161	\$ 44,681.70	\$ 277.53
HANCD	61	54	\$ 28,373.75	71	\$ 38,288.75	\$ 539.28	488	503	\$ 249,867.39	\$ 496.75
FRACD	17	24	\$ 16,034.60	38	\$ 23,237.71	\$ 611.52	373	435	\$ 232,815.88	\$ 535.21
WASCD	18	21	\$ 17,748.64	34	\$ 16,372.84	\$ 481.55	371	406	\$ 150,409.44	\$ 370.47
CUMCD	213	302	\$ 189,811.69	459	\$ 274,605.07	\$ 598.27	3,484	3,714	\$ 2,049,730.79	\$ 551.89
KNOCD	20	41	\$ 30,244.79	50	\$ 32,795.00	\$ 655.90	536	515	\$ 235,055.09	\$ 456.42
SOMCD	14	17	\$ 3,250.18	62	\$ 16,498.18	\$ 266.10	897	572	\$ 143,904.55	\$ 251.58
OXFCD	48	23	\$ 10,321.25	71	\$ 35,445.40	\$ 499.23	733	687	\$ 273,868.28	\$ 398.64
LINCD	21	23	\$ 9,231.63	22	\$ 7,676.71	\$ 348.94	299	285	\$ 128,893.75	\$ 452.26
WATDC	30	35	\$ 15,966.76	40	\$ 17,707.34	\$ 442.68	252	432	\$ 203,420.15	\$ 470.88
WESDC	27	25	\$ 8,398.63	47	\$ 17,569.30	\$ 373.81	214	278	\$ 117,888.31	\$ 424.06
WISDC	12	9	\$ 3,269.63	20	\$ 8,158.46	\$ 407.92	75	103	\$ 49,433.58	\$ 479.94
WISSC	0	0		1	\$ 1,164.00	\$ 1,164.00	4	3	\$ 2,219.50	\$ 739.83
YORDC	2	5	\$ 2,825.35	9	\$ 3,317.24	\$ 368.58	63	94	\$ 46,067.12	\$ 490.08
TOTAL	1,407	1,961	\$ 1,108,492.94	3,083	\$ 1,707,724.91	\$ 553.92	23,825	27,793	\$ 13,678,781.04	\$ 492.17

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

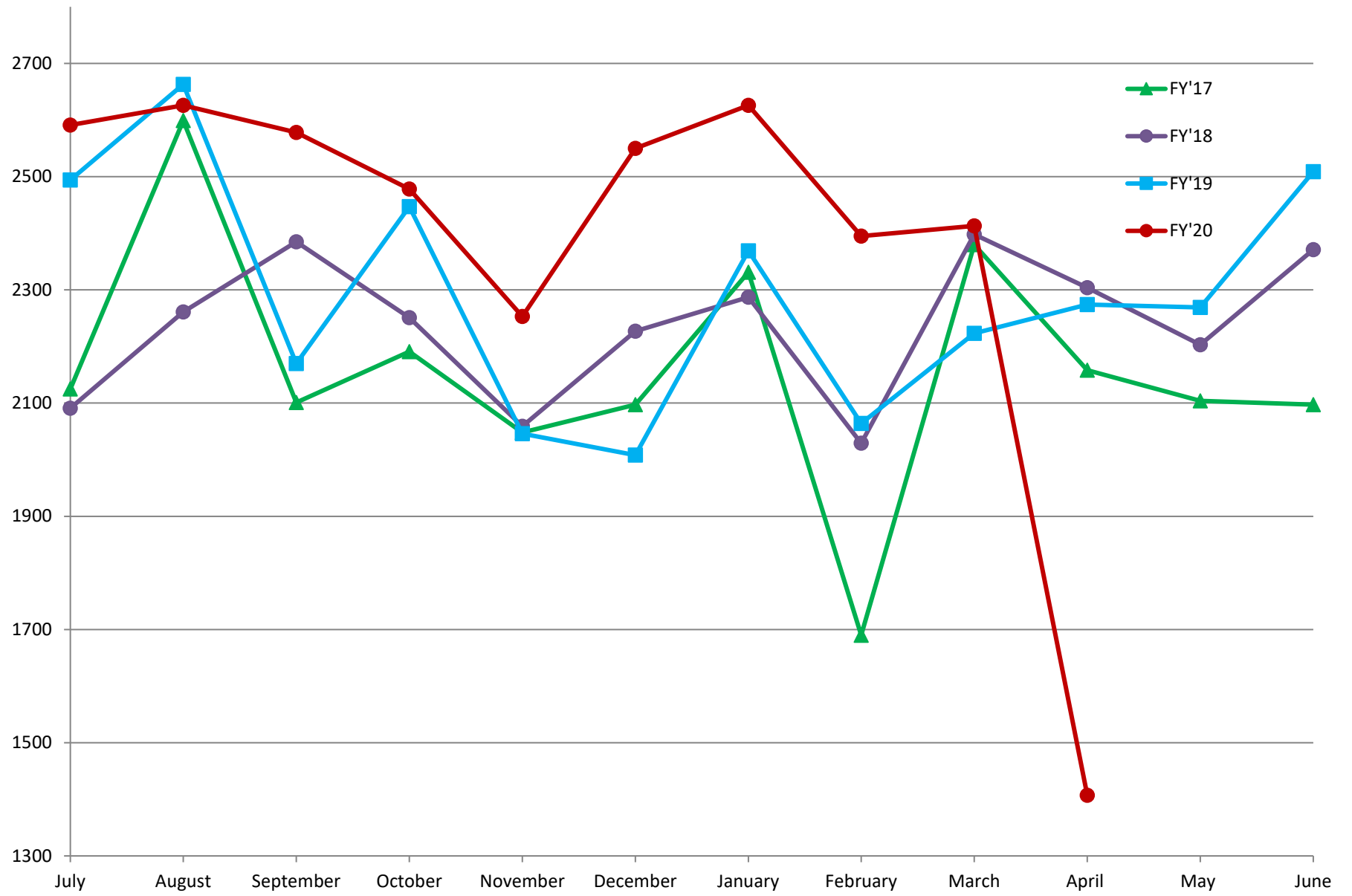
Number of Attorneys Rostered by Court

04/30/2020

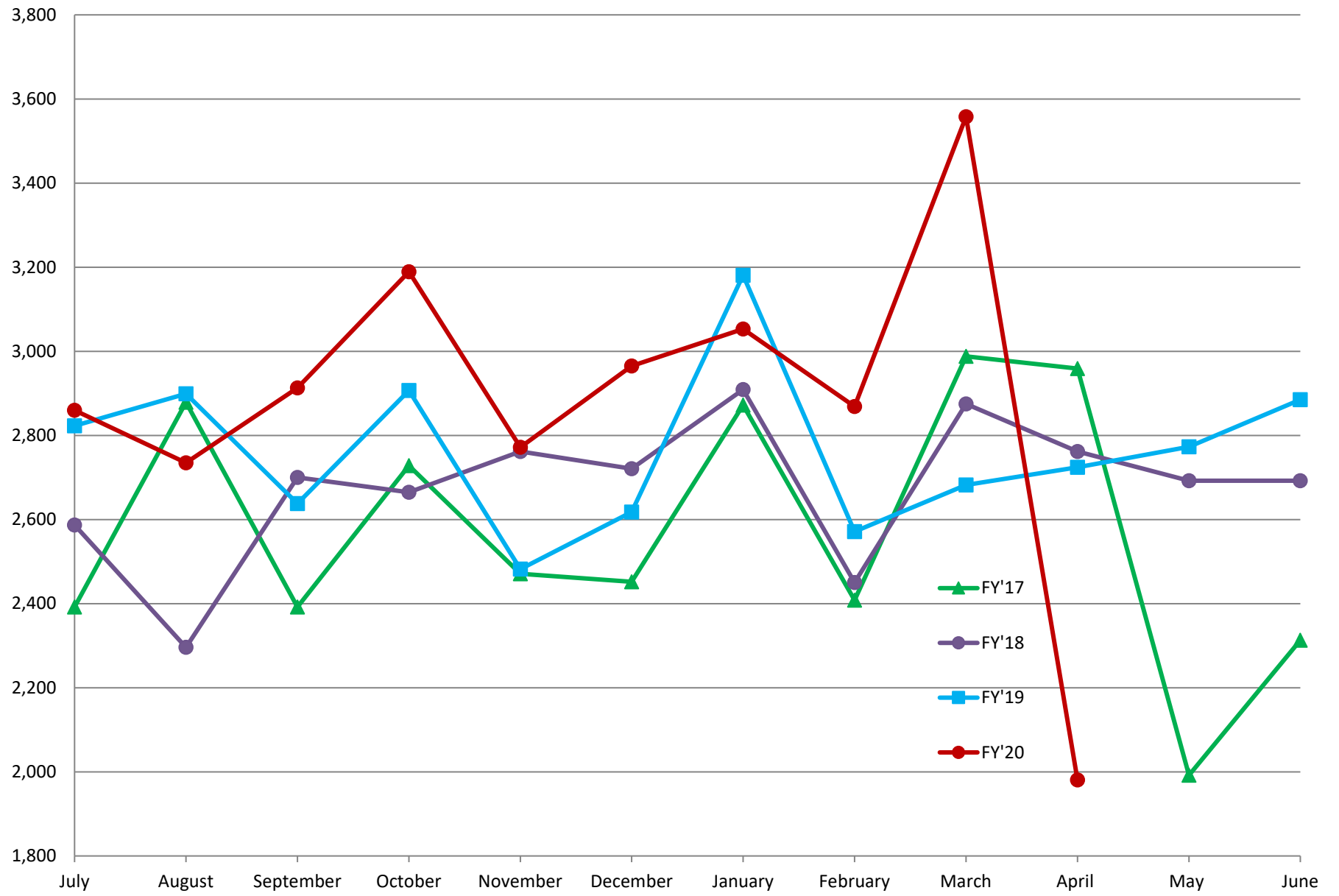
Court	Rostered Attorneys
Augusta District Court	72
Bangor District Court	39
Belfast District Court	39
Biddeford District Court	113
Bridgton District Court	72
Calais District Court	8
Caribou District Court	15
Dover-Foxcroft District Court	23
Ellsworth District Court	31
Farmington District Court	33
Fort Kent District Court	9
Houlton District Court	12
Lewiston District Court	109
Lincoln District Court	21
Machias District Court	12
Madawaska District Court	10
Millinocket District Court	14
Newport District Court	28
Portland District Court	135
Presque Isle District Court	13
Rockland District Court	29
Rumford District Court	23
Skowhegan District Court	24

Court	Rostered Attorneys
South Paris District Court	48
Springvale District Court	99
Unified Criminal Docket Alfred	100
Unified Criminal Docket Aroostook	20
Unified Criminal Docket Auburn	90
Unified Criminal Docket Augusta	66
Unified Criminal Docket Bangor	41
Unified Criminal Docket Bath	76
Unified Criminal Docket Belfast	39
Unified Criminal DocketDover Foxcroft	22
Unified Criminal Docket Ellsworth	35
Unified Criminal Docket Farmington	36
Unified Criminal Docket Machias	14
Unified Criminal Docket Portland	133
Unified Criminal Docket Rockland	25
Unified Criminal Docket Skowhegan	22
Unified Criminal Docket South Paris	40
Unified Criminal Docket Wiscasset	44
Waterville District Court	39
West Bath District Court	88
Wiscasset District Court	51
York District Court	86

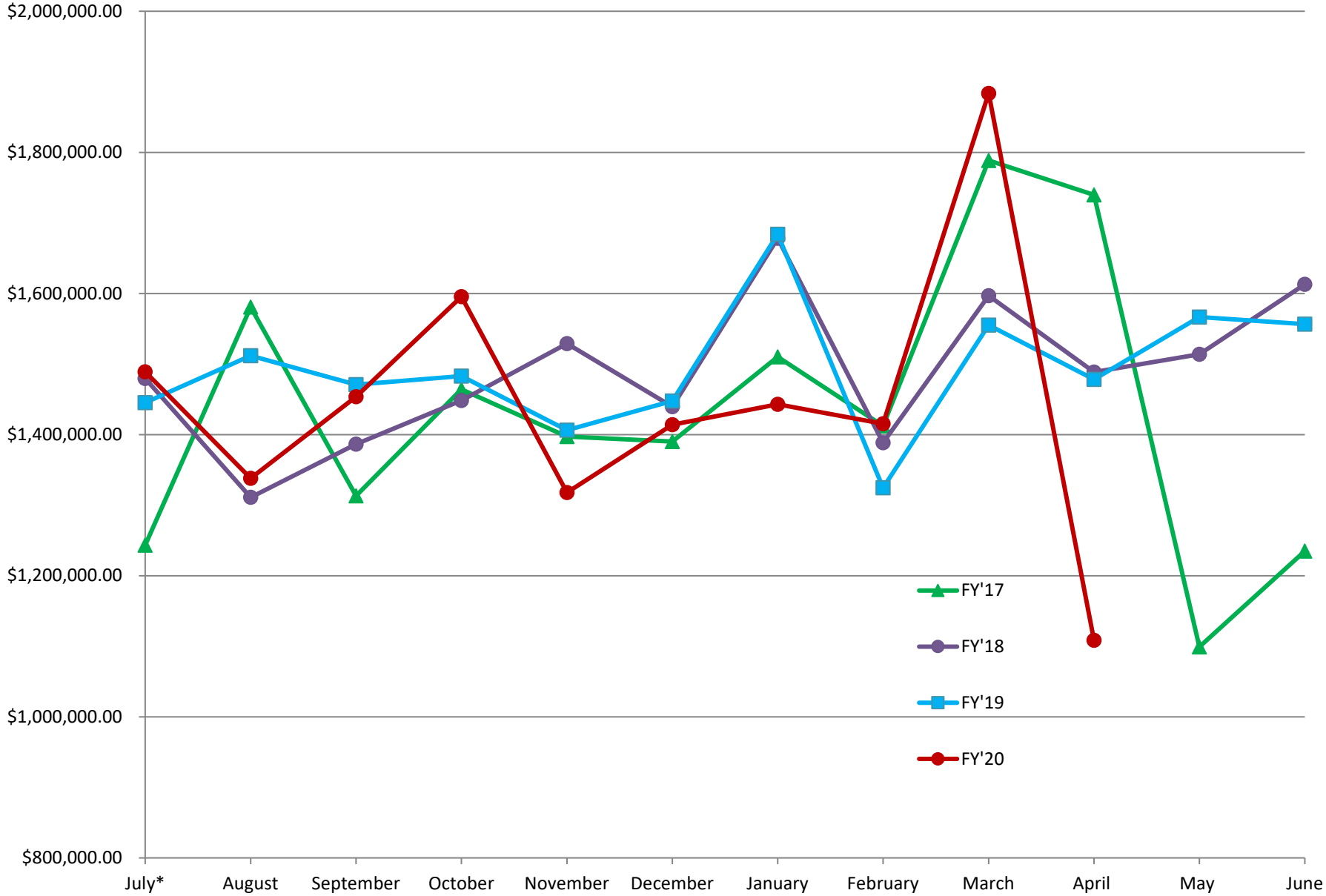
NEW CASES



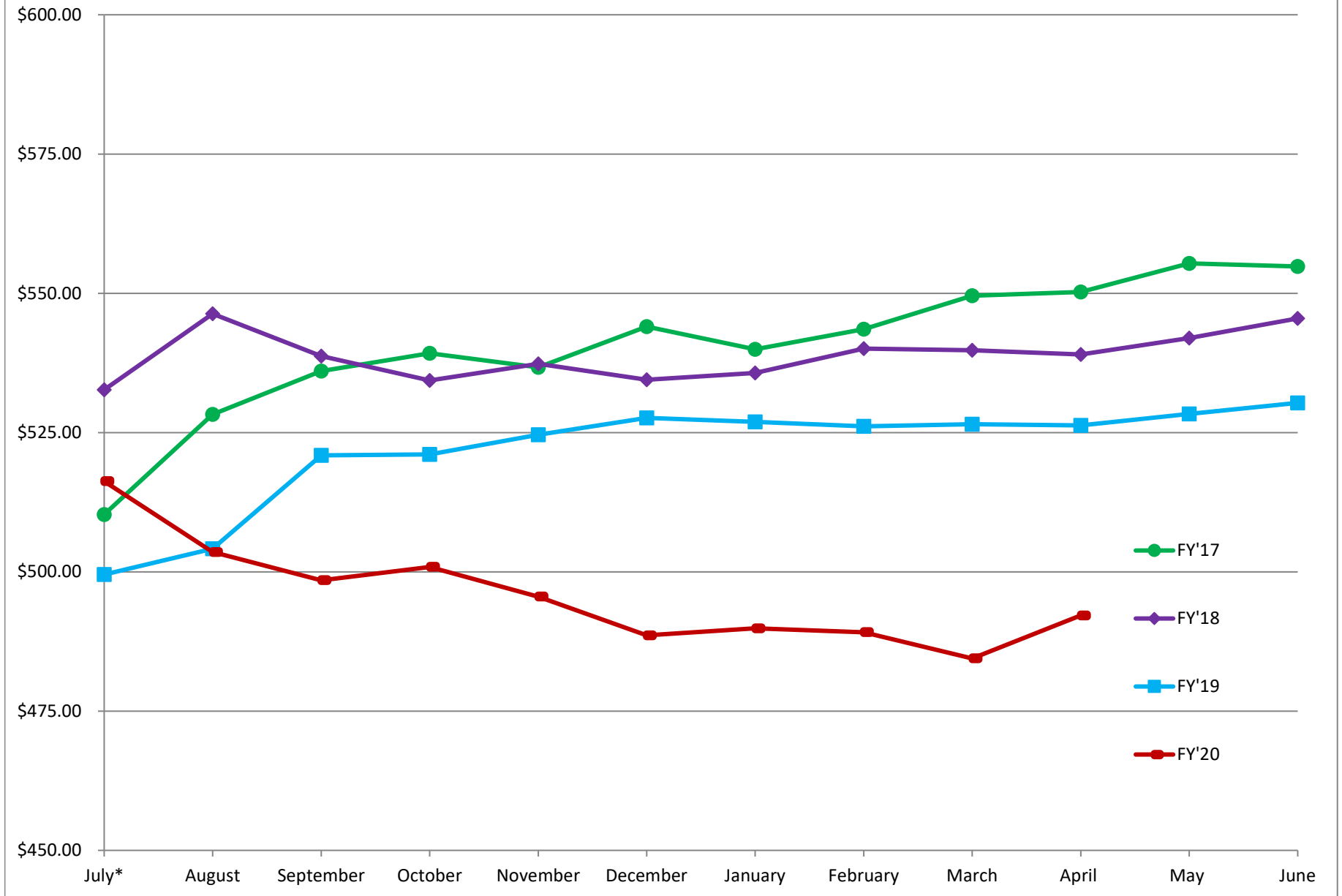
Submitted Vouchers



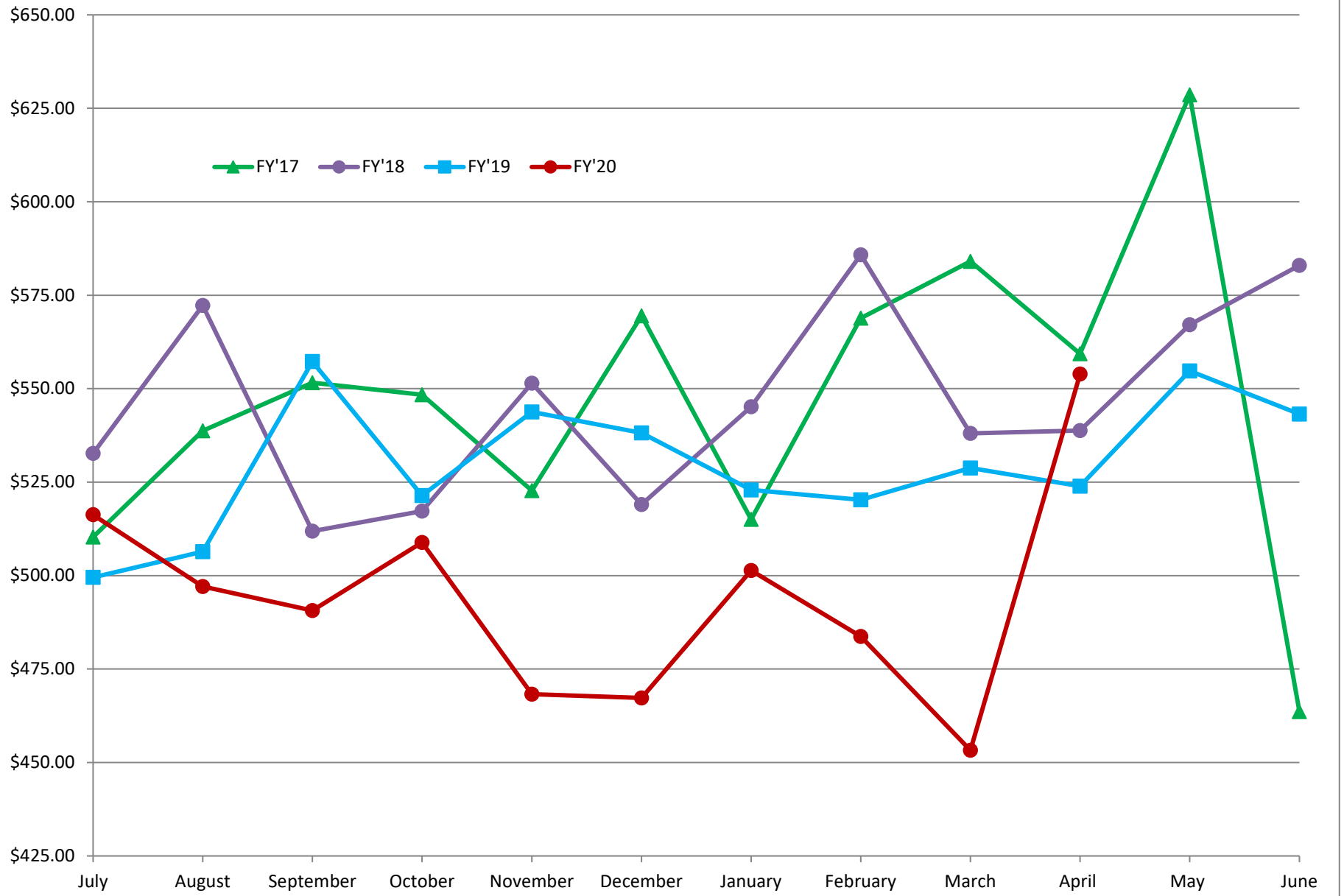
Submitted Voucher Amount



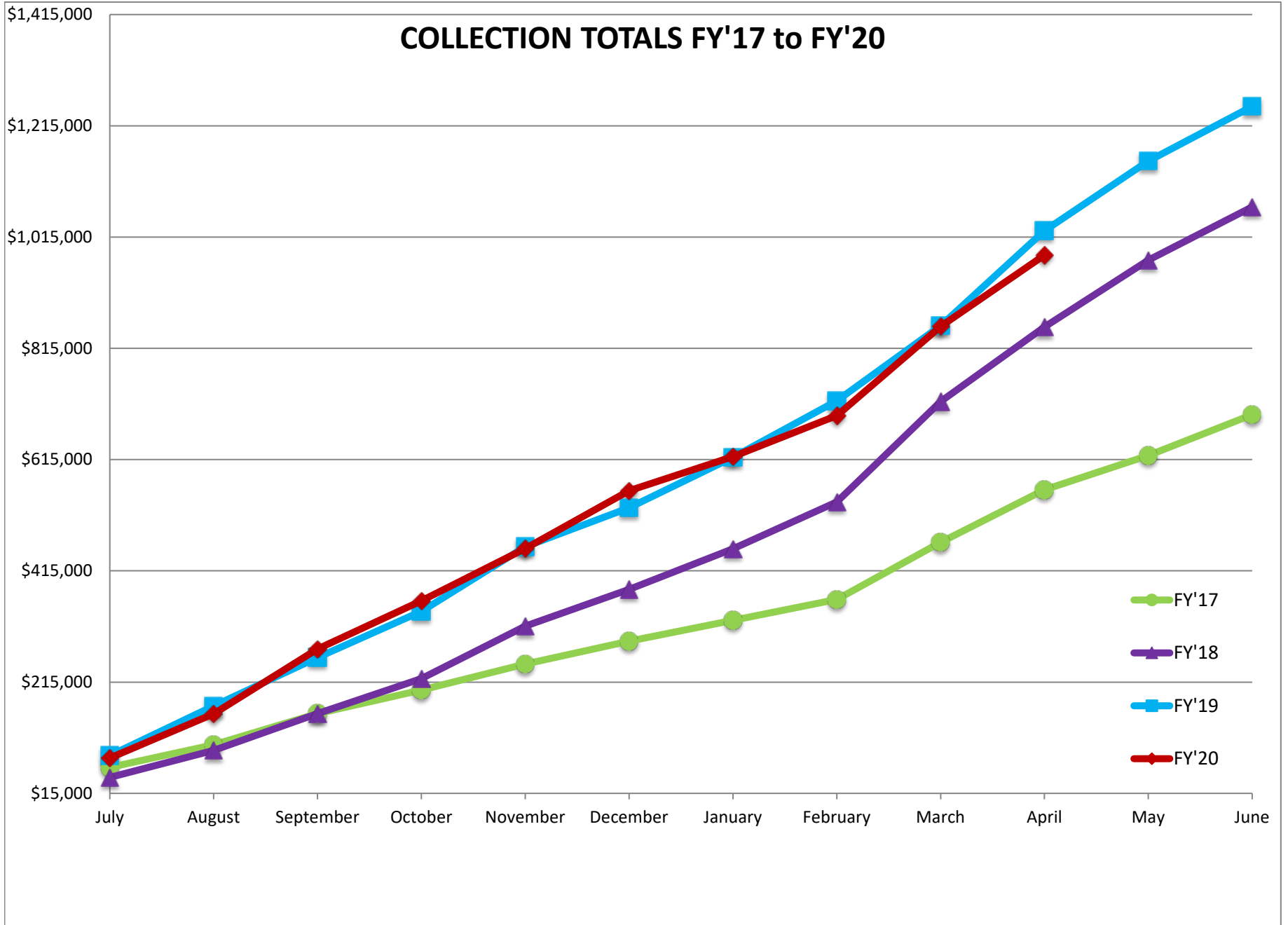
Average Voucher Price Fiscal Year to Date



Monthly Price Per Voucher



COLLECTION TOTALS FY'17 to FY'20



(3.)

**Commission response to
COVID-19 Outbreak**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: COVID-19 RESPONSE UPDATE
DATE: APRIL 30, 2020

Since the last meeting, the staff has focused on the Lawyer of the Day process to ensure that counsel are not required to go to the jail to meet with defendants prior to in-custody initial appearances. As of the last meeting, Cumberland and York Counties were the last two counties that required lawyers to go to the jail.

On April 8, I contacted the regional judges and Sheriff in Cumberland County urging them allow attorneys to meet with clients by video from the courtroom prior to the initial appearances. The response was prompt, and this procedure was implemented before the week was out. I suspect they were moving in that direction before my contact.

On April 13, I contacted the regional judges and Sheriff in York County. I believe there was some initial misunderstanding about what we were requesting, and lawyers continued to be required to go to the jail for several days. After continued follow-up, however, a protocol allowing lawyers to speak to clients from the courtroom prior to the initial appearances was published on April 17th and implemented on April 20th.

There are no longer any counties where Lawyers of the Day are required to go to the jail as part of the in-custody initial appearance process.

Also, with respect to York County, the staff became aware on April 14th, that the court in York County has issued a protocol for hearings by video that stated: “defense counsel serving as ‘Lawyers of the Day’ are not required (but still encouraged where feasible) to confer with the defendant prior to the proceeding.” That day, I contacted the regional judges to point out the Commission’s strong objection to this statement. A new protocol without the objectionable language, dated April 15, 2020, was issued later in the week.

With respect to Cumberland County, my email prompted a call from the jail administrator to me outlining steps the jail was taking to improve attorneys’ telephone and video access to client’s remaining in jail. This information was communicated to lawyers on the Cumberland and York UCD rosters. More recently, Commissioner LeBrasseur forwarded a communication he received from the jail indicating that the onset of dispositional conferences for in-custody defendants may limit this expanded access. Commissioner LeBrasseur may have the most current information on this situation in Portland.

Prior to the last meeting, the staff had communicated with attorneys about the importance of efforts to get clients out of jail and ways to do so. After the meeting, we sent a follow-up reminding lawyers of the importance of communication with clients who remained in jail, particularly the need to be available for collect calls and the Commission's readiness to reimburse counsel for such calls.

Finally, more recently, an attorney raised a concern about a jail recording inmate calls with attorneys, and at least one jail revealing such recordings to the prosecutor. We shared this with attorneys and asked for feedback. To date, we have not had reports that this is happening in jails other than the one mentioned initially, and we have had several responses relating assurances from some jails that such calls are not recorded.

(4.)

Budget Update

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: BUDGET UPDATE
DATE: APRIL 30, 2020

Despite a surge in submitted vouchers during the second half of March, costs for the third quarter exceeded our allotment by only a small margin. At the end of March, the staff had fallen behind on voucher review and payment, and as a result, we carried vouchers totaling \$976,663 into the fourth quarter. We ended March, however, with \$939,617 in unspent allotment, meaning that we “fell behind” by only \$37,000 for the quarter.

In total, the Commission currently has \$1.2 million in unspent allotment, approximately \$300,000 from the second quarter and approximately \$900,000 from the third quarter. In ordinary times, these funds could be easily moved into the fourth quarter by budget order, and thus, be available to cover fourth quarter costs. The Budget Office has issued guidance, however, that a budget shortfall looms and that the administration is looking at unspent funds year-to-date as one way to cover the shortfall. Hence, agencies cannot assume that requests for budget orders to move unspent funds forward will be granted.

That said, the Commission may not need to use the unspent funds to meet its costs in the fourth quarter. Based on a history of costs running high in the fourth quarter, the allotment for the fourth quarter is higher than in previous quarters. And with the court postponing action on most criminal cases, new cases and submitted voucher costs are down. Staff will continue to monitor the budget situation closely and work with the Budget Office to ensure we are able to cover costs for the balance of the fiscal year.

(5.)

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: APRIL 30, 2020

At its last meeting, the Commission asked that A.A.G. Megan Hudson contact OPEGA to inquire whether they may be able to share preliminary findings that would assist the Commission to adopt and implement reforms without the necessity of waiting for the return of the Legislature. Attorney Hudson has reached out to OPEGA and will have an update at the upcoming meeting.

(6.)

**Representation of
Committed Juveniles**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: REPRESENTATION OF COMMITTED JUVENILES UPDATE
DATE: APRIL 30, 2020

This program is underway with attorneys in touch with the juveniles to whom they are assigned. The attorney group doing this work has been working out issues around electronic/video contact with juveniles and obtaining relevant records. The attorneys are receiving cooperation from Long Creek and are attending meetings (via video) addressing the juvenile's program in the institution. The group is also working with the Judicial Branch to refine the process of appointment for newly committed juveniles. Thanks to attorney Sharon Craig for coordinating these efforts.

(7.)

Training RFP

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: TRAINING RFP
DATE: APRIL 30, 2020

As you know, the Commission has issued an RFP for design and implementation of a 5-day minimum standards training. The current deadline for submissions is May 11, 2020.

With the cancelation of the July Bar Exam and administration guidance discouraging new spending in light of projected revenue shortfalls, the question has been raised whether the Commission should proceed with the RFP as currently scheduled.