

**MCILS**

**November 13, 2018  
Commissioner's Meeting  
Packet**

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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**NOVEMBER 13, 2018**

**COMMISSION MEETING**

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

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- 1) Approval of October 16, 2018, Commission Meeting Minutes
- 2) Operations Reports
- 3) Fee Schedule Rule Discussion
- 4) Sixth Amendment Center Study
- 5) Budget Update
- 6) Franklin County Proposal
- 7) Public Comment
- 8) Set Date, Time and Location of Next Regular Meeting of the Commission
- 9) Executive Session, will be needed (Closed to Public)

**(1.)**

**October 16, 2018  
Commission Meeting  
Minutes**

**Maine Commission on Indigent Legal Services – Commissioners Meeting  
October 16, 2018**

**Minutes**

**Commissioners Present:** Steven Carey, William Logan, Carlann Welch

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

<b>Agenda Item</b>	<b>Discussion</b>	<b>Outcome/Action Item/Responsible Party</b>
Approval of the September 11, 2018 Commission Meeting Minutes	No discussion of meeting minutes.	Commissioner Logan moved for approval, Commissioner Welch seconded. All voted in favor. Approved.
Operations Reports Review	<u>September 2018 Operations Report:</u> 2,170 new cases were opened in the DefenderData system in September. This was a 493 case increase over August. The number of submitted vouchers in September was 2,638, a decrease of 261 vouchers from August, totaling \$1,470,777, a decrease of \$41,000 from August. Director Pelletier noted that the totals for September had returned to average levels. The average price per voucher was \$557.24, up \$50.81 per voucher over August. Appeal and Post-Conviction Review cases had the highest average vouchers. There were 13 vouchers exceeding \$5,000 paid in September. 107 authorizations to expend funds were issued in September, and we paid \$101,714 for experts and investigators, etc. The monthly transfer from the Judicial Branch for counsel fees for September, which reflects August's collections, totaled \$86,999, down approximately \$2,000 from August. No attorney complaints were received in September.	
Fee Schedule Rule Discussion	The Commissioners reviewed voucher data provided by staff as well as additional analysis of the data presented by Commissioner Welch. The data included the number of vouchers paid and number exceeding the cap, the percentile breakdown of the over the cap vouchers, and the mean and median voucher amounts, for probation violation, PCR, juvenile, child protection	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>petition, appeal, murder, class A, class B/C person, class B/C property, and misdemeanor cases. After review of the data, it was clear that four categories had a large number of vouchers that exceed the cap by wide margins: probation violation, appeals/PCR, child protection, and juvenile. The Commissioners agreed that Class A, B, C, and misdemeanor caps do not need to be adjusted. A discussion ensued about creating a separate juvenile felony category at an increased amount over the misdemeanor cap amount. Commissioner Logan suggested a \$1,000 juvenile felony cap amount, then gather data to see if it's an appropriate amount. The Commissioners tentatively agreed with this proposal. For probation violation cases, Chair Carey suggested a \$750 cap so it would be at the 90<sup>th</sup> percentile for cap coverage and also on par with misdemeanor cases. The Commissioners agreed with this proposed change. The Commissioners requested that staff provide additional voucher data on termination of parental rights cases and on PCR and appeal vouchers in cases other than murder for review and discussion at the next meeting. Chair Carey and Commissioner Logan will begin work on amendments to the murder cap language. The Commissioners postponed discussion of the approval process for vouchers over the cap for a later date after the caps are adjusted.</p>	
Sixth Amendment Center Study	<p>Director Pelletier provided a status update on the Sixth Amendment Center's activities and progress. It has completed its statistical analysis and is now scheduling onsite visits for each of the five counties.</p>	
Resource Counsel Update	<p>Director Pelletier relayed that September was the first month of voucher submissions by resource counsel and that the program appears to be working as intended. Director Pelletier noted that issues are coming to the staff's attention more promptly and now there is a local resource to address the issues that arise.</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Public Comment	<p><u>Tina Nadeau, Esq.</u>: Attorney Nadeau urged the Commission to set a realistic fee cap for appeal and post-conviction review cases, noting that the pool of attorneys handling the more serious cases is small and that an unrealistic cap will cause some people to self-select off the rosters. Attorney Nadeau expressed a concern that sometimes not enough work is being done on appellate and PCR cases, with attorneys attempting to stay under the fee cap. Attorney Nadeau said that if the Commission want people to do cases properly, then it needs to pay people appropriately. Attorney Nadeau urged the Commission to have more transparency in the selection process of future resource counsel and to adopt an application process. She also requested the Commission mail written notification to all rostered attorneys about the resource counsel program and to have counsel distribute feedback forms to every client.</p>	
Executive Session	<p>The Commissioners entered into executive session to discuss investigation of attorney billing. Upon emerging from executive session, the Commissioners stated that no votes were taken.</p>	<p>Commissioner Logan made a motion to move into executive session for purposes of discussing investigation of attorney billing. Chair Carey seconded. All approved.</p>
Adjournment of meeting	<p>The Commission voted to adjourn with the next meeting to be on November 13, 2018 at 9:30 a.m.</p>	<p>Commissioner Logan moved to adjourn. Commissioner Welch seconded. All present in favor.</p>

**(2.)**

## **Operations Reports**

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## MAINE COMMISSION ON INDIGENT LEGAL SERVICES

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**TO:** MCILS COMMISSIONERS  
**FROM:** JOHN D. PELLETIER, EXECUTIVE DIRECTOR  
**SUBJECT:** OCTOBER 2018 OPERATIONS REPORTS  
**DATE:** NOVEMBER 8, 2018

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Attached you will find the October, 2018, Operations Reports for your review and our discussion at the Commission meeting on November 13, 2018. A summary of the operations reports follows:

- 2,447 new cases were opened in the DefenderData system in October. This was a 277 case increase over September.
- The number of vouchers submitted electronically in October was 2,907, an increase of 269 vouchers over September, totaling \$1,483,077.37, an increase of \$13,000 over September. In October, we paid 3,155 electronic vouchers totaling \$1,644,971.77, representing an increase of 882 vouchers and \$378,000 compared to September.
- There were no paper vouchers submitted and paid in October.
- The average price per voucher in October was \$521.39, down \$35.85 per voucher from September.
- Appeal and Post-Conviction Review cases had the highest average vouchers in October. There were 9 vouchers exceeding \$5,000 paid in October. See attached addendum for details.
- The contract amount paid for representation in Somerset County in October was \$22,687.50.
- In October, we issued 146 authorizations to expend funds: 93 for private investigators, 40 for experts, and 13 for miscellaneous services such as interpreters and transcriptionists. In October, we paid \$81,538.50 for experts and investigators, etc. In October, one request for funds was reduced or modified. See attached addendum for details.
- In October, we received three complaints about attorneys. One involved lack of contact by the attorney. During subsequent discussions with staff, the attorney acknowledged that communication should have been better. The staff will be looking out for similar complaints regarding this attorney. Another came from a court clerk about an attorney not showing up for a Lawyer of the Day assignment. In this court, LOD assignments are made well in advance, and the staff instructed the clerk to find replacement counsel for any additional dates that had been

assigned to this attorney. Finally, a person who was found guilty after trial on a misdemeanor called the office with a complaint that, based on content and demeanor, was judged not credible by the Executive Director. The attorney, however, will be notified of the complaint.

In our All Other Account, the total expenses for the month of October were \$1,766,940.01. Of that amount, approximately \$16,500 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$78,750.49 in expenses for the month of October. You will recall that at the beginning of the fiscal year, payroll had been incorrectly charged to our traditional Personal Services Account, rather than the special revenue account that currently holds our budget. This error has now been corrected and, as reflected on the personal services report, all amounts for the current year have been charged to our current account.

In the Revenue Account, the transfer for October, reflecting September's collections, totaled \$82,863.81, a decrease of approximately \$4,000 from the previous month.

With respect to training revenue and expenses, formerly reflected in our conference account report, those are now also accounted for in our single special revenue account. However, they are itemized in a box on the all other report so you can see the monthly transactions. During October, we paid expenses related to video replays of a day-long Juvenile training and we collected revenue for our upcoming minimum standards training.

VOUCHERS EXCEEDING \$5,000 PAID OCTOBER 2018

	Voucher Total	Case total
Voucher in a Post-Conviction Review case. The voucher covered a two-year period and involved a Murder conviction after a 6-day trial. Case prepared for hearing involving experts and out-of-state witnesses. Then client requested new counsel on eve of hearing.	\$8,172	\$8,172
Voucher in an Aggravated Assault case that spanned 2 years and 5 months. Case complicated by difficulty finding experts, two of whom agreed to work on the case but then backed out. Aggravated Assault dismissed and client convicted of assault after a deferred disposition. Single voucher covered both the initial phase and the deferment phase of the case.	\$7,339	\$7,339
Voucher in a juvenile Gross Sexual Assault case. Client's competence was litigated, but court ruled client competent. Plea to Unlawful Sexual Contact and deferred disposition, with a conviction on simple assault if successful.	\$5,937	\$5,937
Voucher in a Gross Sexual Assault case with a plea of guilty at jury selection. Case in a rural County and client had discharged two previous assigned counsel. This voucher was from counsel based in Augusta, so case involved extensive travel.	\$5,739	\$7,683 (previous counsel paid \$390 and \$1,554, respectively)
Voucher from local counsel in Aroostook County Murder case. Voucher submitted when retained counsel entered an appearance.	\$5,662	\$11,643 (\$5,981 paid to initial lead counsel who client discharged. No voucher yet from successor lead counsel)
Voucher reflecting most of the time on two companion felony Theft and Forgery cases. Case involved disputed valuation of alleged stolen items, extensive mental health records, and multiple mental health evaluations.	\$5,400	\$6,066 (\$660 paid on companion case)
Voucher in Elevated Aggravated Assault case. Case involved mental health evaluations, repeated interactions with client's parents and extensive negotiations. Client asked for and was granted new counsel during the Rule 11 proceeding.	\$5,376	\$5,376
Voucher reflecting time on two multi-count felony cases. Most serious charges, Aggravated Assault and Tampering with a Witness/Victim dismissed in return to plea to misdemeanors. Many jail visits as client incarcerated pre-trial.	\$5,199	\$6,259 (\$60 paid on companion case)

Voucher in an OUI case. Counsel prepared for suppression hearing multiple times and hearing was continued three times due to unavailability of State's witness. Once hearing held, court asked for briefs, then asked for additional briefs based on a new Law Court opinion. Counsel prepared for trial and client decided to plead at jury selection.	\$5,058	\$5,058
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FUNDS REQUESTS DENIED/MODIFIED OCTOBER 2018

- One request for funds was modified to authorize a reduced amount.

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

**Activity Report by Case Type**

10/31/2018

DefenderData Case Type	Oct-18						Fiscal Year 2019			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	10	18	\$ 21,718.20	14	\$ 19,543.06	\$ 1,395.93	46	75	\$ 117,033.99	\$ 1,560.45
Child Protection Petition	249	440	\$ 263,982.04	532	\$ 326,275.60	\$ 613.30	981	1,568	\$ 954,466.56	\$ 608.72
Drug Court	0	6	\$ 6,378.00	8	\$ 8,388.00	\$ 1,048.50	1	22	\$ 22,074.00	\$ 1,003.36
Emancipation	7	4	\$ 768.00	4	\$ 717.00	\$ 179.25	33	22	\$ 5,800.75	\$ 263.67
Felony	559	609	\$ 483,976.91	650	\$ 523,430.85	\$ 805.28	2,146	2,128	\$ 1,765,193.88	\$ 829.51
Involuntary Civil Commitment	102	127	\$ 27,389.66	100	\$ 23,384.01	\$ 233.84	380	346	\$ 76,188.65	\$ 220.20
Juvenile	86	96	\$ 45,381.29	92	\$ 45,237.31	\$ 491.71	275	290	\$ 137,399.66	\$ 473.79
Lawyer of the Day - Custody	243	229	\$ 52,932.81	238	\$ 55,611.33	\$ 233.66	953	858	\$ 211,307.71	\$ 246.28
Lawyer of the Day - Juvenile	39	32	\$ 6,359.60	30	\$ 6,322.68	\$ 210.76	146	135	\$ 27,440.16	\$ 203.26
Lawyer of the Day - Walk-in	126	116	\$ 27,378.94	118	\$ 27,417.34	\$ 232.35	499	425	\$ 101,636.80	\$ 239.15
Misdemeanor	778	817	\$ 326,250.95	867	\$ 350,656.64	\$ 404.45	3,195	2,936	\$ 1,177,920.70	\$ 401.20
Petition, Modified Release Treatment	0	5	\$ 3,279.40	5	\$ 3,279.40	\$ 655.88	1	14	\$ 6,676.16	\$ 476.87
Petition, Release or Discharge	0	2	\$ 1,247.44	3	\$ 1,547.44	\$ 515.81	1	5	\$ 2,747.44	\$ 549.49
Petition, Termination of Parental Rights	19	45	\$ 38,038.38	41	\$ 36,645.61	\$ 893.80	74	144	\$ 121,808.81	\$ 845.89
Post Conviction Review	13	14	\$ 29,999.60	12	\$ 28,377.28	\$ 2,364.77	43	34	\$ 75,560.19	\$ 2,222.36
Probate	3	3	\$ 4,332.40	3	\$ 4,332.40	\$ 1,444.13	11	6	\$ 7,580.20	\$ 1,263.37
Probation Violation	158	193	\$ 71,982.44	215	\$ 83,486.68	\$ 388.31	710	693	\$ 262,743.08	\$ 379.14
Represent Witness on 5th Amendment	1	3	\$ 552.00	5	\$ 1,428.00	\$ 285.60	16	17	\$ 6,977.76	\$ 410.46
Resource Counsel Criminal	1	4	\$ 714.00	6	\$ 1,038.00	\$ 173.00	10	12	\$ 2,142.00	\$ 178.50
Resource Counsel Juvenile	1	1	\$ 6.00	0			3	1	\$ 102.00	\$ 102.00
Resource Counsel Protective Custody	1	2	\$ 294.00	4	\$ 708.00	\$ 177.00	5	6	\$ 840.00	\$ 140.00
Review of Child Protection Order	48	140	\$ 69,358.11	207	\$ 96,387.94	\$ 465.64	214	603	\$ 305,054.95	\$ 505.90
Revocation of Administrative Release	3	1	\$ 757.20	1	\$ 757.20	\$ 757.20	6	5	\$ 1,696.20	\$ 339.24
DefenderData Sub-Total	2,447	2,907	\$1,483,077.37	3,155	\$ 1,644,971.77	\$ 521.39	9,749	10,345	\$ 5,390,391.65	\$ 521.06
Paper Voucher Sub-Total		0		0	\$ -	#DIV/0!		0		#DIV/0!
<b>TOTAL</b>	<b>2,447</b>	<b>2,907</b>	<b>\$1,483,077.37</b>	<b>3,155</b>	<b>\$1,644,971.77</b>	<b>\$ 521.39</b>	<b>9,749</b>	<b>10,345</b>	<b>\$ 5,390,391.65</b>	<b>\$ 521.06</b>

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY19 FUND ACCOUNTING**  
AS OF 10/31/2018

Account 014 95F Z258 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY19 Total
FY19 Professional Services Allotment		\$ 4,455,000.00		\$ 4,347,001.00		\$ 4,595,478.00		\$ 4,795,226.00	
FY19 General Operations Allotment		\$ 45,000.00		\$ 45,000.00		\$ 45,000.00		\$ 45,000.00	
Budget Order Adjustment				\$ -		\$ -		\$ -	
Legislative Amendment (revenue & conference)		\$ 198,374.00		\$ 198,374.00		\$ 198,374.00		\$ 198,375.00	
<b>Total Budget Allotments</b>		<b>\$ 4,698,374.00</b>		<b>\$ 4,590,375.00</b>		<b>\$ 4,838,852.00</b>		<b>\$ 5,038,601.00</b>	<b>\$ 19,166,202.00</b>
Total Expenses	1	\$ (882,611.39)	4	\$ (1,766,940.01)	7	\$ -	10	\$ -	
	2	\$ (1,830,038.43)	5	\$ -	8	\$ -	11	\$ -	
	3	\$ (1,406,760.51)	6	\$ -	9	\$ -	12	\$ -	
Encumbrances (Somerset PDP & Justice Works)		\$ (255,467.50)		\$ 28,065.00		\$ -		\$ -	\$ (227,402.50)
Encumbrances (B Taylor, business cards)		\$ (13,000.00)		\$ 4,333.33		\$ -		\$ -	\$ (8,666.67)
<b>TOTAL REMAINING</b>		<b>\$ 310,496.17</b>		<b>\$ 2,855,833.32</b>		<b>\$ 4,838,852.00</b>		<b>\$ 5,038,601.00</b>	<b>\$ 13,043,782.49</b>

**Q2 Month 4**

**INDIGENT LEGAL SERVICES**

Counsel Payments	\$ (1,644,971.77)
Somerset County	\$ (22,687.50)
Somerset County Discovery	\$ (40.00)
Subpoena Witness Fees	\$ (13.30)
Private Investigators	\$ (22,455.41)
Mental Health Expert	\$ (5,375.00)
Transcripts	\$ (22,041.83)
Other Expert	\$ (29,662.50)
Lodging for Trial	\$ -
Process Servers	\$ (935.61)
Interpreters	\$ (439.85)
Misc Prof Fees & Serv	\$ (615.00)
<b>SUB-TOTAL ILS</b>	<b>\$ (1,749,237.77)</b>

**OPERATING EXPENSES**

Training Facilities and Meal	\$ (1,078.00)
DefenderData	\$ (5,377.50)
Dues	\$ (160.00)
Mileage/Tolls/Parking	\$ (1,092.65)
Mailing/Postage/Freight	\$ (464.70)
West Publishing Corp	\$ (185.13)
OIT/TELCO charges	\$ (4,708.52)
Office Supplies/Equip.	\$ -
Cellular Phones	\$ (123.70)
Subscriptions	\$ -
Office Equipment Rental	\$ (107.31)
Printing & Binding	\$ (71.40)
Barbara Taylor monthly fees	\$ (4,333.33)
<b>SUB-TOTAL OE</b>	<b>\$ (17,702.24)</b>
<b>TOTAL</b>	<b>\$ (1,766,940.01)</b>

**INDIGENT LEGAL SERVICES**

Q2 Allotment	\$ 4,590,375.00
Q2 Encumbrances for Somerset PDP & Justice Works contracts	\$ 28,065.00
Barbara Taylor Contract	\$ 4,333.33
Q2 Expenses to date	\$ (1,766,940.01)
Remaining Q1 Allotment	\$ 2,855,833.32
	\$ -

**Non-Counsel Indigent Legal Services**

Monthly Total	\$ (81,538.50)
Total Q1	\$ (260,358.16)
Total Q2	\$ (81,538.50)
Total Q3	\$ -
Total Q4	\$ -
Fiscal Year Total	\$ (341,896.66)

**Conference Account Transactions**

Training Facilities	\$ 270.00
Training Meals	\$ 808.00
Printing/Binding	\$ 71.40
Collected Registration Fees	\$ (600.00)
	\$ -
Current Month Total	\$ 549.40

MAINE COMMISSION ON INDIGENT LEGAL SERVICES  
FY19 FUND ACCOUNTING  
As of 10/31/18

Account 014 95F Z258 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY19 Total
<b>Total Budget Allotments</b>		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00		\$ 184,125.00	\$ 736,497.00
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Financial Order Adjustment	2	\$ -	5	\$ -	8	\$ -	11		
Budget Order Adjustment	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Budget Order Adjustment		\$ -		\$ -		\$ -	12	\$ -	\$ -
<b>Total Budget Allotments</b>		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00		\$ 184,125.00	\$ 736,497.00
Cash Carryover from Prior Quarter		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	1	\$ 83,016.89	4	\$ 82,863.81	7	\$ -	10	\$ -	
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Court Ordered Counsel Fee		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB (late transfer)		\$ 89,153.94		\$ -	9	\$ -		\$ -	
Collected Revenue from JB	3	\$ 86,999.14	6	\$ -	9	\$ -	12	\$ -	
Returned Checks-stopped payments		\$ -		\$ -		\$ -		\$ -	
<b>TOTAL CASH PLUS REVENUE COLLECTED</b>		\$ 259,169.97		\$ 82,863.81		\$ -		\$ -	\$ 342,033.78
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>		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00		\$ 184,125.00	\$ 736,497.00
Overpayment Reimbursements	1		4	\$ (1,694.84)	7	\$ -	10	\$ -	
	2	\$ (2,905.00)	5	\$ -	8	\$ -	11	\$ -	
	3	\$ (560.00)	6	\$ -	9	\$ -	12	\$ -	
<b>REMAINING CASH Year to Date</b>		\$ 255,704.97		\$ 81,168.97		\$ -		\$ -	\$ 336,873.94

<b>Q2 Month 4</b>	
<b>DEFENDER DATA COUNSEL PAYMENTS</b>	
	\$ -
<b>SUB-TOTAL ILS</b>	\$ -
<b>OVERPAYMENT REIMBURSEMENTS</b>	\$ (1,694.84)
Paper Voucher	\$ -
Somerset County CDs	\$ -
Private Investigators	\$ -
Mental Health Expert	\$ -
Transcripts	\$ -
Other Expert	\$ -
StaCap Expense	\$ -
<b>SUB-TOTAL OE</b>	\$ (1,694.84)
<b>TOTAL</b>	\$ (1,694.84)

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY19 FUND ACCOUNTING**  
AS OF 10/31/2018

<b>Account 014 95F 2258 01 (Personal Services)</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>FY19 Total</b>
FY19 Allotment	\$	197,081.00	\$	223,111.00	\$	197,084.00	\$	215,289.00	\$ -
Financial Order Adjustments	\$	-	\$	-	\$	-	\$	-	
Financial Order Adjustments	\$	-	\$	-	\$	-	\$	-	
Budget Order Adjustments			\$	-	\$	-			
<b>Total Budget Allotments</b>	<b>\$</b>	<b>197,081.00</b>	<b>\$</b>	<b>223,111.00</b>	<b>\$</b>	<b>197,084.00</b>	<b>\$</b>	<b>215,289.00</b>	<b>\$ 832,565.00</b>
Total Expenses	1 \$	(55,638.04)	4 \$	(78,750.49)	7 \$	-	10 \$	-	
	2 \$	(56,106.91)	5 \$	-	8 \$	-	11 \$	-	
	3 \$	(55,392.68)	6 \$	-	9 \$	-	12 \$	-	
<b>TOTAL REMAINING</b>	<b>\$</b>	<b>29,943.37</b>	<b>\$</b>	<b>144,360.51</b>	<b>\$</b>	<b>197,084.00</b>	<b>\$</b>	<b>215,289.00</b>	<b>\$ 586,676.88</b>

<b>Q2 Month 4</b>	
Per Diem Payments	\$ (165.00)
Salary	\$ (38,617.99)
Vacation Pay	\$ (2,359.13)
Holiday Pay	\$ (1,656.36)
Sick Pay	\$ (2,453.51)
Employee Hlth Svcs/Workers Comp	\$ -
Health Insurance	\$ (9,287.14)
Dental Insurance	\$ (223.22)
Employer Retiree Health	\$ (5,456.04)
Employer Retirement	\$ (3,098.94)
Employer Group Life	\$ (399.00)
Employer Medicare	\$ (681.00)
Retiree Unfunded Liability	\$ (9,749.31)
July & August Per Diem	\$ -
Perm Part Time Full Ben	\$ (4,603.85)
<b>TOTAL</b>	<b>\$ (78,750.49)</b>

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

**Activity Report by Court**

10/31/2018

Oct-18							Fiscal Year 2019			
Court	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	5	7	\$ 12,880.72	10	\$ 14,280.00	\$ 1,428.00	23	35	\$ 32,049.58	\$ 915.70
AUBSC	3	5	\$ 4,248.00	4	\$ 4,800.00	\$ 1,200.00	8	8	\$ 9,125.84	\$ 1,140.73
AUGDC	43	75	\$ 41,228.51	66	\$ 40,634.63	\$ 615.68	172	236	\$ 120,024.10	\$ 508.58
AUGSC	11	15	\$ 10,466.84	13	\$ 8,948.84	\$ 688.37	36	64	\$ 33,551.08	\$ 524.24
BANDC	80	123	\$ 37,114.06	135	\$ 42,569.90	\$ 315.33	304	384	\$ 126,166.27	\$ 328.56
BANSC	0	2	\$ 1,668.00	3	\$ 1,806.00	\$ 602.00	1	5	\$ 19,626.50	\$ 3,925.30
BATSC	0	1	\$ 828.20	0			2	0		
BELDC	10	33	\$ 27,116.63	39	\$ 35,657.99	\$ 914.31	39	96	\$ 82,076.71	\$ 854.97
BELSC	0	0		0			1	2	\$ 934.00	\$ 467.00
BIDDC	63	77	\$ 30,842.63	104	\$ 52,950.67	\$ 509.14	262	329	\$ 169,078.61	\$ 513.92
BRIDC	11	16	\$ 8,062.52	18	\$ 9,063.54	\$ 503.53	51	55	\$ 29,022.51	\$ 527.68
CALDC	1	9	\$ 6,045.68	8	\$ 4,958.88	\$ 619.86	20	37	\$ 23,626.08	\$ 638.54
CARDC	12	21	\$ 10,502.01	29	\$ 12,861.91	\$ 443.51	45	52	\$ 21,681.82	\$ 416.96
CARSC	1	3	\$ 1,764.00	3	\$ 1,764.00	\$ 588.00	3	9	\$ 3,335.44	\$ 370.60
DOVDC	2	11	\$ 4,636.64	21	\$ 7,262.26	\$ 345.82	24	56	\$ 16,178.26	\$ 288.90
DOVSC	0	0		0			0	1	\$ 162.00	\$ 162.00
ELLDC	31	30	\$ 21,996.96	22	\$ 15,039.10	\$ 683.60	66	80	\$ 50,675.86	\$ 633.45
ELLSC	1	0		1	\$ 2,145.00	\$ 2,145.00	1	1	\$ 2,145.00	\$ 2,145.00
FARDC	17	27	\$ 23,426.69	25	\$ 21,452.08	\$ 858.08	57	76	\$ 59,095.84	\$ 777.58
FARSC	0	2	\$ 354.70	2	\$ 354.70	\$ 177.35	1	2	\$ 354.70	\$ 177.35
FORDC	4	1	\$ 1,393.92	4	\$ 7,464.48	\$ 1,866.12	19	27	\$ 21,497.57	\$ 796.21
HOUDC	12	22	\$ 9,407.48	22	\$ 8,837.77	\$ 401.72	65	85	\$ 37,833.01	\$ 445.09
HOUSC	0	1	\$ 667.28	1	\$ 667.28	\$ 667.28	0	2	\$ 1,867.28	\$ 933.64
LEWDC	87	99	\$ 49,341.34	137	\$ 65,319.30	\$ 476.78	312	444	\$ 205,913.74	\$ 463.77
LINDC	11	17	\$ 7,145.12	20	\$ 8,368.40	\$ 418.42	41	53	\$ 19,705.30	\$ 371.80
MACDC	6	20	\$ 6,762.00	19	\$ 7,698.00	\$ 405.16	48	73	\$ 25,473.00	\$ 348.95
MACSC	0	1	\$ 198.00	0			1	4	\$ 948.00	\$ 237.00
MADDC	2	1	\$ 281.36	1	\$ 281.36	\$ 281.36	5	5	\$ 1,677.44	\$ 335.49
MILDC	2	6	\$ 2,406.00	1	\$ 360.00	\$ 360.00	19	11	\$ 4,192.40	\$ 381.13
NEWDC	12	26	\$ 9,822.46	33	\$ 10,803.50	\$ 327.38	53	88	\$ 31,850.42	\$ 361.94
PORDC	103	122	\$ 58,968.80	139	\$ 78,121.58	\$ 562.03	347	406	\$ 212,287.41	\$ 522.88
PORSC	1	0		1	\$ 522.00	\$ 522.00	4	3	\$ 1,296.00	\$ 432.00
PREDC	14	16	\$ 7,655.18	29	\$ 12,923.18	\$ 445.63	62	88	\$ 41,096.45	\$ 467.01
RODC	25	46	\$ 26,747.42	45	\$ 20,532.98	\$ 456.29	91	111	\$ 53,692.21	\$ 483.71
ROCSC	3	2	\$ 196.21	0			7	6	\$ 1,156.68	\$ 192.78
RUMDC	7	8	\$ 1,773.19	6	\$ 2,049.19	\$ 341.53	29	32	\$ 17,520.07	\$ 547.50
SKODC	31	39	\$ 22,611.70	49	\$ 20,473.41	\$ 417.82	115	172	\$ 101,617.18	\$ 590.80
SKOSC	0	1	\$ 486.00	1	\$ 486.00	\$ 486.00	0	1	\$ 486.00	\$ 486.00
SOUDC	1	9	\$ 5,456.36	16	\$ 11,961.84	\$ 747.62	21	42	\$ 23,179.24	\$ 551.89
SOUSC	0	2	\$ 4,004.17	3	\$ 5,528.17	\$ 1,842.72	0	6	\$ 8,318.65	\$ 1,386.44
SPRDC	42	61	\$ 27,344.03	72	\$ 38,900.18	\$ 540.28	194	233	\$ 134,697.73	\$ 578.10
Law Ct	8	13	\$ 17,848.20	11	\$ 16,717.06	\$ 1,519.73	40	55	\$ 96,306.48	\$ 1,751.03
YORCD	190	232	\$ 145,005.60	263	\$ 174,668.65	\$ 664.14	936	915	\$ 621,771.64	\$ 679.53
AROCD	155	92	\$ 45,125.44	109	\$ 62,796.94	\$ 576.12	527	419	\$ 234,586.26	\$ 559.87
ANDCD	155	174	\$ 87,685.99	190	\$ 90,959.57	\$ 478.73	666	656	\$ 308,610.57	\$ 470.44
KENCD	175	197	\$ 84,878.30	196	\$ 85,103.40	\$ 434.20	657	613	\$ 244,375.63	\$ 398.66
PENCD	249	275	\$ 129,426.93	309	\$ 136,021.12	\$ 440.20	961	890	\$ 407,912.10	\$ 458.33
SAGCD	39	33	\$ 14,037.22	34	\$ 17,130.34	\$ 503.83	130	122	\$ 81,135.01	\$ 665.04
WALCD	50	43	\$ 20,599.72	34	\$ 15,267.04	\$ 449.03	156	109	\$ 48,131.64	\$ 441.57
PISCD	9	18	\$ 7,050.00	21	\$ 7,002.00	\$ 333.43	52	48	\$ 12,995.75	\$ 270.74
HANCD	81	105	\$ 58,521.57	121	\$ 57,675.95	\$ 476.66	339	321	\$ 163,865.33	\$ 510.48
FRACD	53	45	\$ 19,289.82	46	\$ 24,628.60	\$ 535.40	151	194	\$ 93,737.07	\$ 483.18
WASCD	48	58	\$ 29,847.84	69	\$ 32,800.40	\$ 475.37	199	223	\$ 108,803.04	\$ 487.91
CUMCD	343	380	\$ 195,685.78	355	\$ 196,700.55	\$ 554.09	1,512	1,357	\$ 757,089.99	\$ 557.91
KN OCD	50	54	\$ 29,089.10	59	\$ 34,545.24	\$ 585.51	210	198	\$ 98,832.27	\$ 499.15
SOMCD	5	4	\$ 10,519.72	3	\$ 10,453.72	\$ 3,484.57	6	5	\$ 11,572.72	\$ 2,314.54
OXFCD	71	75	\$ 39,071.64	90	\$ 43,037.42	\$ 478.19	257	295	\$ 121,790.73	\$ 412.85
LINCD	42	49	\$ 21,326.44	46	\$ 21,202.44	\$ 460.92	124	142	\$ 74,931.85	\$ 527.69
WATDC	23	45	\$ 17,126.96	49	\$ 19,611.88	\$ 400.24	116	203	\$ 91,348.85	\$ 449.99
WESDC	30	37	\$ 14,446.09	30	\$ 12,309.21	\$ 410.31	90	91	\$ 31,625.00	\$ 347.53
WISDC	4	7	\$ 4,455.72	6	\$ 4,397.64	\$ 732.94	33	32	\$ 20,387.02	\$ 637.09
WISSC	0	0		0			0	2	\$ 1,231.04	\$ 615.52
YORDC	13	14	\$ 6,188.48	12	\$ 4,094.48	\$ 341.21	38	35	\$ 14,135.68	\$ 403.88
<b>TOTAL</b>	<b>2,447</b>	<b>2,907</b>	<b>\$ 1,483,077.37</b>	<b>3,155</b>	<b>\$ 1,644,971.77</b>	<b>\$ 521.39</b>	<b>9,749</b>	<b>10,345</b>	<b>\$ 5,390,391.65</b>	<b>\$ 521.06</b>

# MAINE COMMISSION ON INDIGENT LEGAL SERVICES

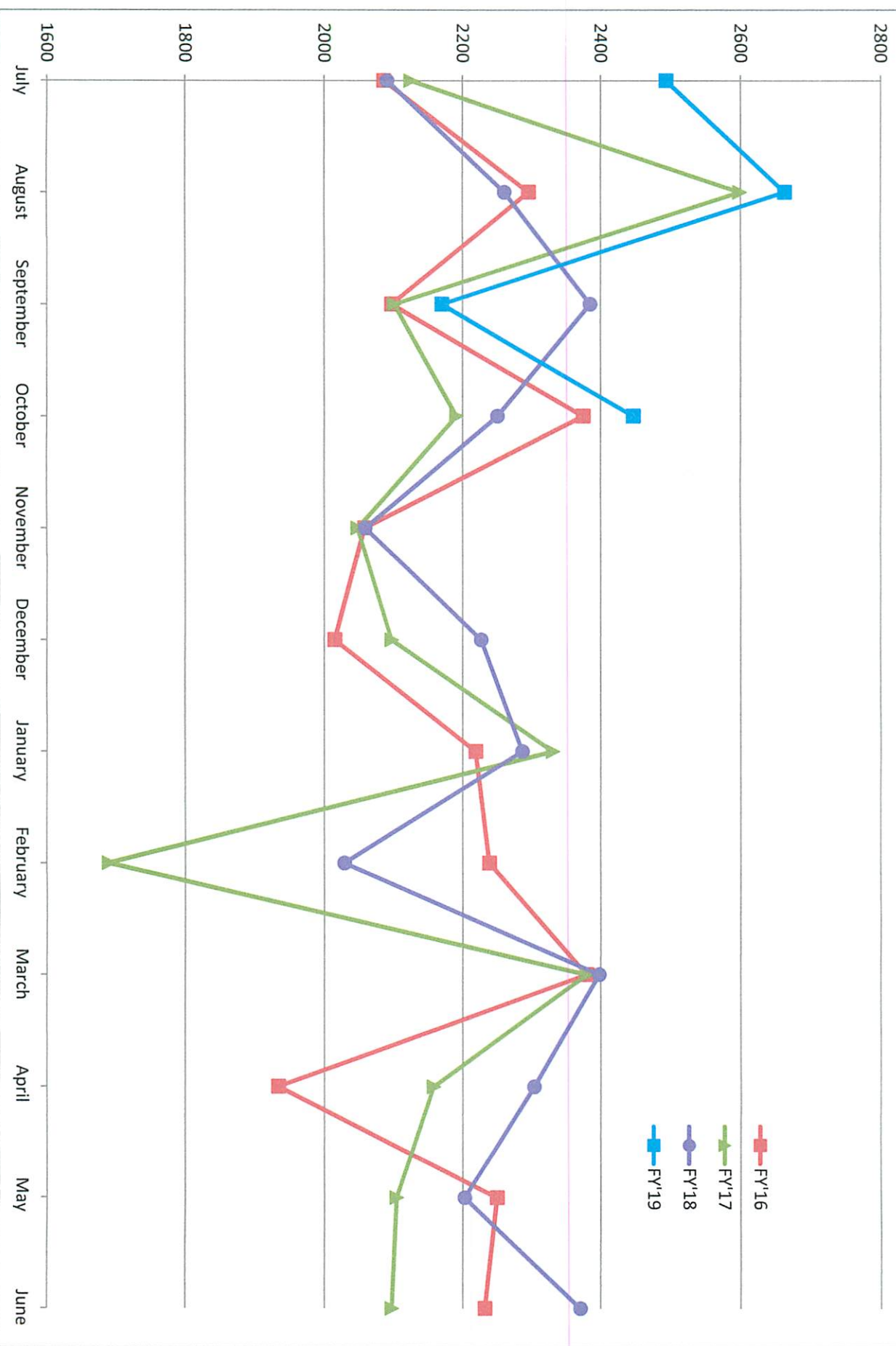
## Number of Attorneys Rostered by Court

10/31/2018

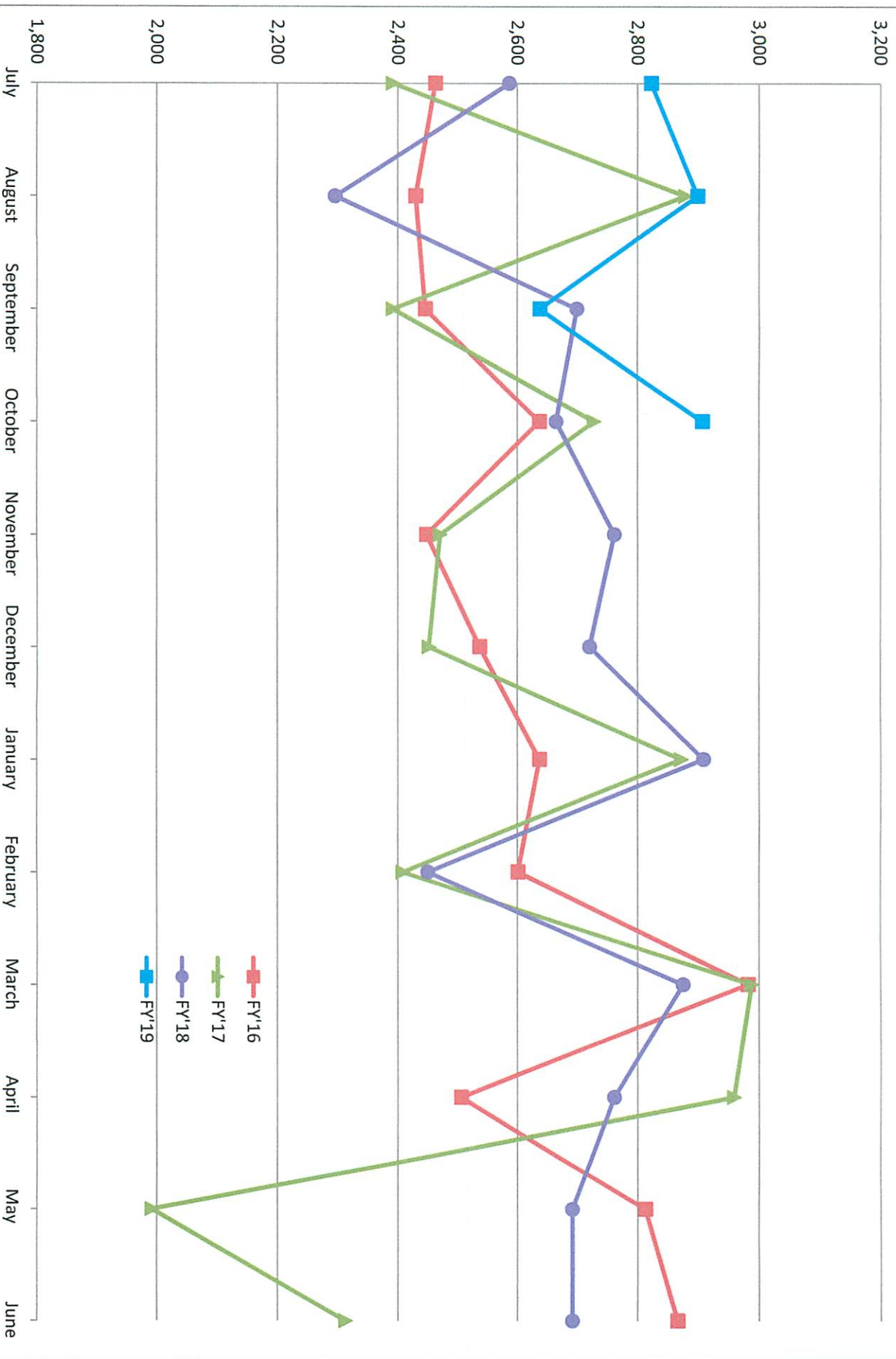
Court	Rostered Attorneys
Augusta District Court	89
Bangor District Court	46
Belfast District Court	45
Biddeford District Court	134
Bridgton District Court	86
Calais District Court	12
Caribou District Court	19
Dover-Foxcroft District Court	25
Ellsworth District Court	35
Farmington District Court	30
Fort Kent District Court	12
Houlton District Court	16
Lewiston District Court	117
Lincoln District Court	23
Machias District Court	17
Madawaska District Court	13
Millinocket District Court	18
Newport District Court	34
Portland District Court	154
Presque Isle District Court	16
Rockland District Court	39
Rumford District Court	23
Skowhegan District Court	24

Court	Rostered Attorneys
South Paris District Court	51
Springvale District Court	117
Unified Criminal Docket Alfred	120
Unified Criminal Docket Aroostook	23
Unified Criminal Docket Auburn	95
Unified Criminal Docket Augusta	83
Unified Criminal Docket Bangor	48
Unified Criminal Docket Bath	88
Unified Criminal Docket Belfast	44
Unified Criminal Docket Dover Foxcroft	23
Unified Criminal Docket Ellsworth	37
Unified Criminal Docket Farmington	33
Unified Criminal Docket Machias	18
Unified Criminal Docket Portland	155
Unified Criminal Docket Rockland	35
Unified Criminal Docket Skowhegan	18
Unified Criminal Docket South Paris	41
Unified Criminal Docket Wiscasset	53
Waterville District Court	45
West Bath District Court	105
Wiscasset District Court	58
York District Court	101

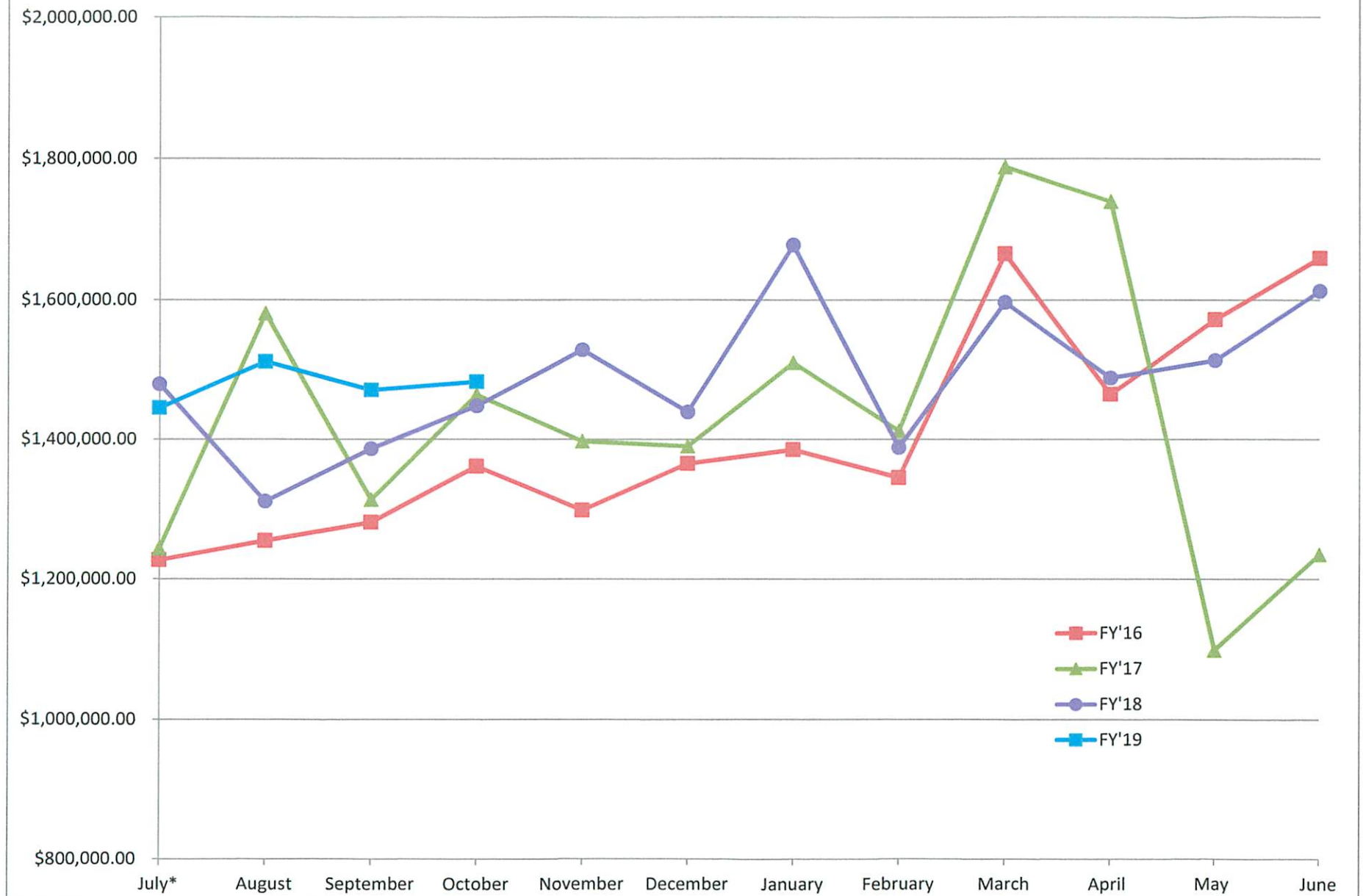
# NEW CASES



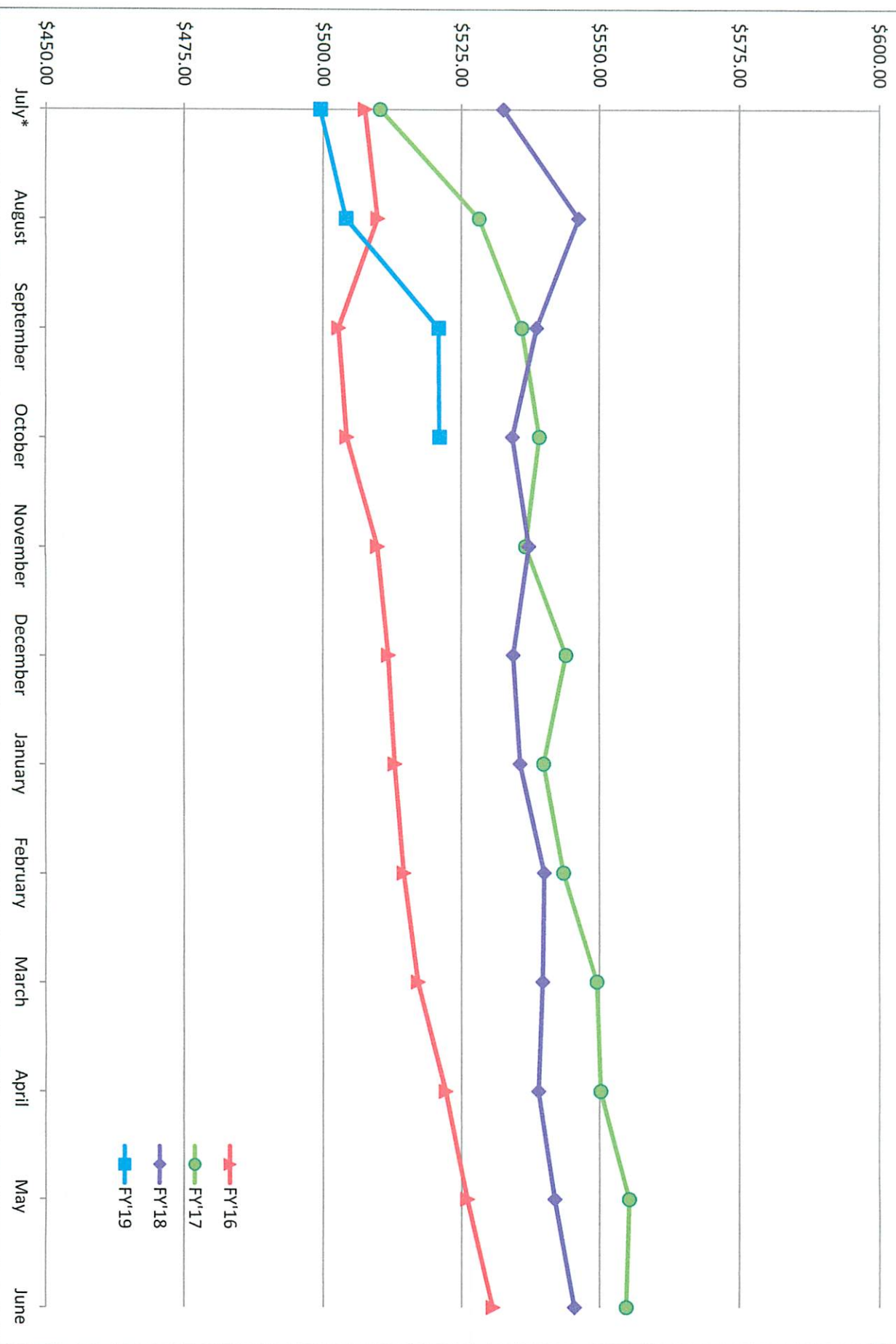
# Submitted Vouchers



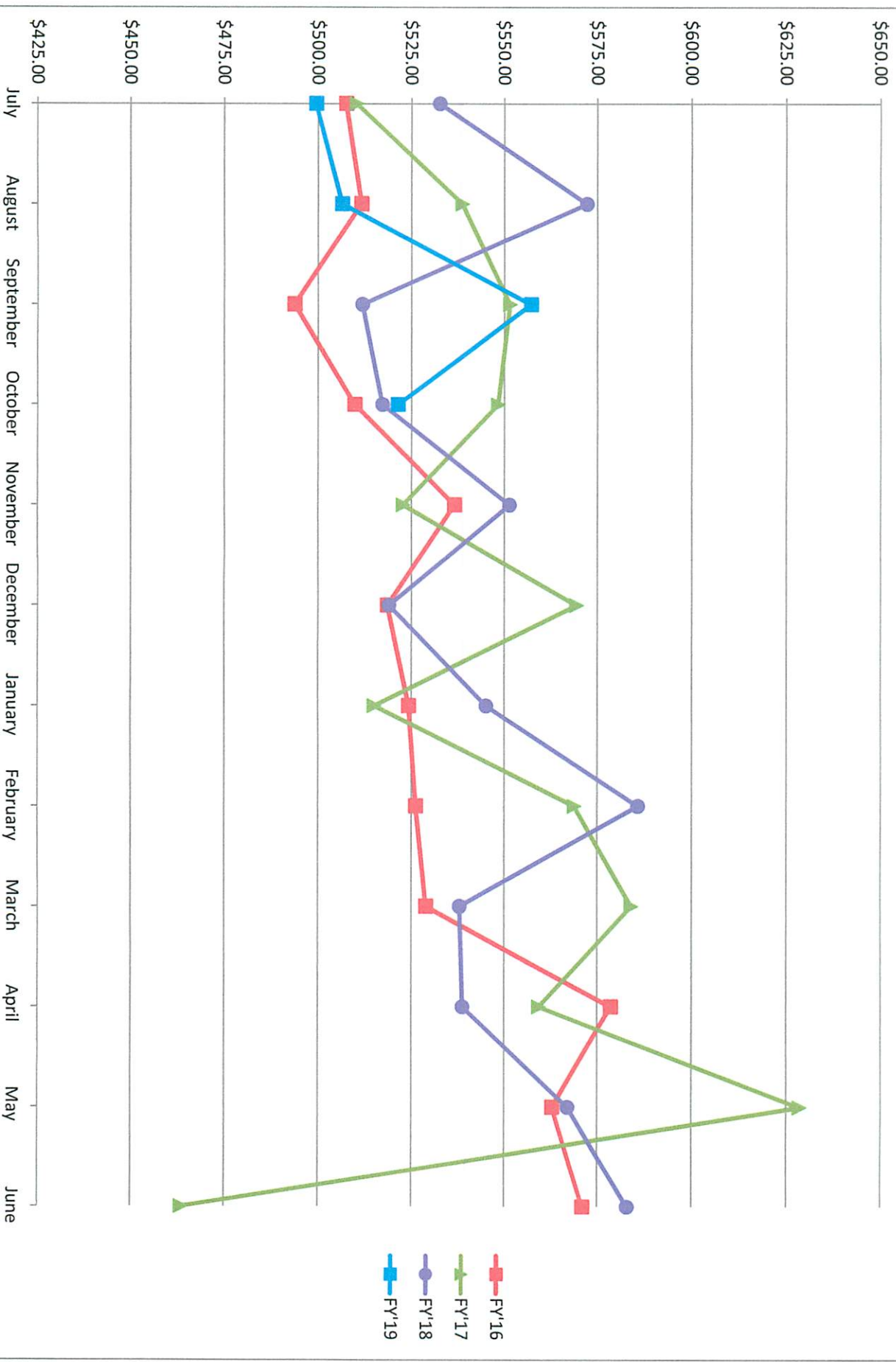
## Submitted Voucher Amount



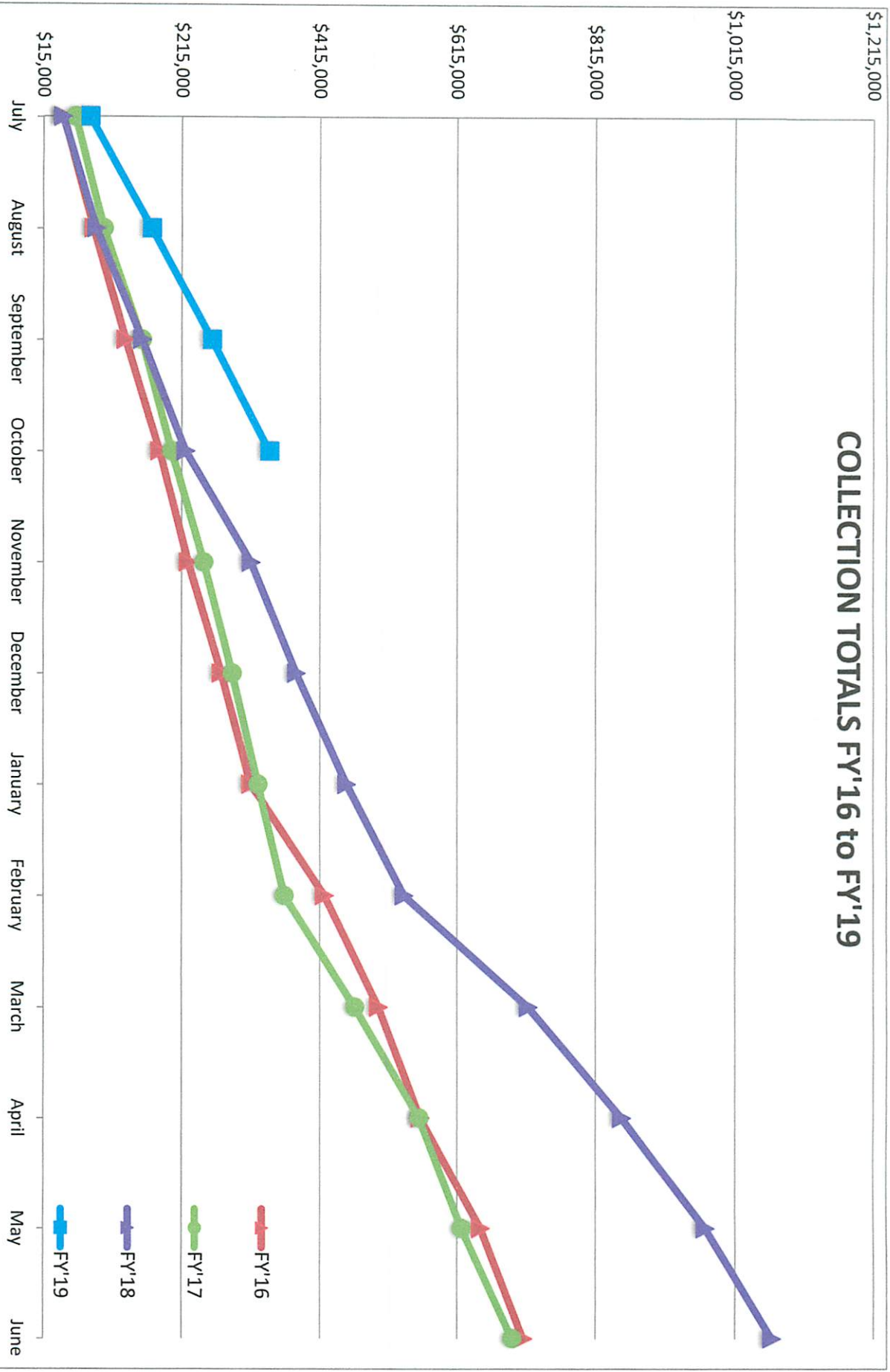
**Average Voucher Price Fiscal Year to Date**



# Monthly Price Per Voucher



# COLLECTION TOTALS FY'16 to FY'19



**(3.)**

# **Fee Schedule Rule Discussion**

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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**TO:** MCILS COMMISSIONERS  
**FROM:** JOHN D. PELLETIER, EXECUTIVE DIRECTOR  
**CC:** ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR  
**SUBJECT:** FEE SCHEDULE RULE  
**DATE:** NOVEMBER 7, 2018

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At its last meeting, the Commission reviewed information breaking down vouchers subject to the various fee caps by percentile amount and requested similar information about additional case types. Attached is the requested breakdown including the additional case types, which was provided to the Commissioners for review on November 6, 2018.

It is expected that the Commission will continue its discussion regarding the appropriate level of the fee caps and the appropriate method for review of vouchers over the cap.

**Probation Violation - Cap \$540**

	FY16	FY17	FY18
Number of Vouchers Paid	2068	1764	2334
Number Exceeding the Cap	411	363	409
Percentage Exceeding the Cap	19.87%	20.58%	17.52%
95th Percentile Amount	\$ 994.00	\$ 1,080.00	\$ 984.00
90th Percentile Amount	\$ 762.00	\$ 810.00	\$ 730.00
85th Percentile Amount	\$ 628.00	\$ 666.00	\$ 594.00
80th Percentile Amount	\$ 540.00	\$ 552.00	\$ 540.00
Median Voucher Amount	\$ 330.00	\$ 342.00	\$ 318.00
Mean Voucher Amount	\$ 408.06	\$ 430.49	\$ 390.80

**Post-Conviction Review - Cap \$1,200**

	FY16	FY17	FY18
Number of Vouchers Paid	80	82	104
Number Exceeding the Cap	36	32	52
Percentage Exceeding the Cap	45.00%	39.02%	50.00%
95th Percentile Amount	\$ 5,374.00	\$ 6,230.00	\$ 5,987.00
90th Percentile Amount	\$ 4,401.00	\$ 5,028.00	\$ 4,534.00
85th Percentile Amount	\$ 3,905.00	\$ 3,288.00	\$ 3,408.00
80th Percentile Amount	\$ 3,042.00	\$ 2,785.00	\$ 2,682.00
Median Voucher Amount	\$ 1,133.00	\$ 1,038.00	\$ 1,200.00
Mean Voucher Amount	\$ 1,774.51	\$ 1,794.41	\$ 3,239.85

**Post-Conviction Review w/out Murder- Cap \$1,200**

	FY16	FY17	FY18
Number of Vouchers Paid	69	64	83
Number Exceeding the Cap	26	18	36
Percentage Exceeding the Cap	37.68%	28.13%	43.37%
95th Percentile Amount	\$ 5,283.28	\$ 3,700.16	\$ 5,601.92
90th Percentile Amount	\$ 3,698.30	\$ 2,941.32	\$ 3,504.36
85th Percentile Amount	\$ 2,723.50	\$ 2,262.00	\$ 3,315.29
80th Percentile Amount	\$ 2,256.00	\$ 1,896.00	\$ 2,309.20
Median Voucher Amount	\$ 852.00	\$ 873.00	\$ 1,044.00
Mean Voucher Amount	\$ 1,351.75	\$ 1,310.40	\$ 1,575.08

**Juvenile - Cap \$540**

	FY16	FY17	FY18
Number of Vouchers Paid	1067	877	1150
Number Exceeding the Cap	214	209	234
Percentage Exceeding the Cap	20.06%	23.83%	20.35%
95th Percentile Amount	\$ 1,287.00	\$ 1,503.00	\$ 1,440.00
90th Percentile Amount	\$ 853.00	\$ 1,056.00	\$ 948.00
85th Percentile Amount	\$ 676.00	\$ 828.00	\$ 701.00
80th Percentile Amount	\$ 543.00	\$ 648.00	\$ 570.00
Median Voucher Amount	\$ 298.00	\$ 330.80	\$ 309.00
Mean Voucher Amount	\$ 429.96	\$ 495.22	\$ 445.66

**Child Protection Petition - Cap \$900**

	FY16	FY17	FY18
Number of Vouchers Paid	3604	3189	4093
Number Exceeding the Cap	692	660	774
Percentage Exceeding the Cap	19.20%	20.70%	18.91%
95th Percentile Amount	\$ 1,610.00	\$ 1,842.00	\$ 1,688.00
90th Percentile Amount	\$ 1,180.00	\$ 1,326.00	\$ 1,249.00
85th Percentile Amount	\$ 993.00	\$ 1,080.00	\$ 1,008.00
80th Percentile Amount	\$ 897.00	\$ 923.00	\$ 900.00
Median Voucher Amount	\$ 504.00	\$ 553.92	\$ 510.00
Mean Voucher Amount	\$ 641.28	\$ 687.59	\$ 647.60

**Review of Child Protection Order - Cap \$900**

	FY16	FY17	FY18
Number of Vouchers Paid	1865	1696	2037
Number Exceeding the Cap	234	259	282
Percentage Exceeding the Cap	12.55%	15.27%	13.84%
95th Percentile Amount	\$ 1,227.00	\$ 1,439.84	\$ 1,362.00
90th Percentile Amount	\$ 946.92	\$ 1,092.00	\$ 1,020.00
85th Percentile Amount	\$ 876.50	\$ 912.32	\$ 900.00
80th Percentile Amount	\$ 768.00	\$ 882.00	\$ 840.00
Median Voucher Amount	\$ 408.00	\$ 444.00	\$ 444.00
Mean Voucher Amount	\$ 522.68	\$ 571.96	\$ 555.62

**Termination of Parental Rights- Cap \$1,260**

	FY16	FY17	FY18
Number of Vouchers Paid	1026	912	878
Number Exceeding the Cap	114	107	128
Percentage Exceeding the Cap	11.11%	11.73%	14.58%
95th Percentile Amount	\$ 1,840.16	\$ 2,131.59	\$ 1,974.00
90th Percentile Amount	\$ 1,380.00	\$ 1,410.00	\$ 1,491.00
85th Percentile Amount	\$ 1,094.40	\$ 1,134.00	\$ 1,260.00
80th Percentile Amount	\$ 949.28	\$ 958.36	\$ 1,086.00
Median Voucher Amount	\$ 522.00	\$ 528.00	\$ 561.00
Mean Voucher Amount	\$ 680.05	\$ 724.76	\$ 741.76

**Appeal - Cap \$1,200**

	FY16	FY17	FY18
Number of Vouchers Paid	301	271	292
Number Exceeding the Cap	117	113	134
Percentage Exceeding the Cap	38.87%	41.70%	45.89%
95th Percentile Amount	\$ 3,579.00	\$ 4,818.00	\$ 4,476.00
90th Percentile Amount	\$ 2,770.00	\$ 3,529.00	\$ 3,130.00
85th Percentile Amount	\$ 2,375.00	\$ 2,868.00	\$ 2,604.00
80th Percentile Amount	\$ 1,975.00	\$ 2,256.00	\$ 2,148.00
Median Voucher Amount	\$ 955.50	\$ 967.98	\$ 1,128.00
Mean Voucher Amount	\$ 1,386.74	\$ 1,623.93	\$ 1,510.94

**Appeal w/out Murder - Cap \$1,200**

	FY16	FY17	FY18
Number of Vouchers Paid	283	251	277
Number Exceeding the Cap	107	100	128
Percentage Exceeding the Cap	37.81%	39.84%	46.21%
95th Percentile Amount	\$ 3,250.48	\$ 3,809.03	\$ 4,200.00
90th Percentile Amount	\$ 2,538.13	\$ 3,191.00	\$ 3,130.61
85th Percentile Amount	\$ 2,276.96	\$ 2,530.76	\$ 2,742.00
80th Percentile Amount	\$ 1,872.00	\$ 2,116.27	\$ 2,207.33
Median Voucher Amount	\$ 942.00	\$ 954.00	\$ 1,132.58
Mean Voucher Amount	\$ 1,205.43	\$ 1,371.12	\$ 1,445.07

**Murder - No Cap**

	FY16	FY17	FY18
Number of Vouchers Paid	62	52	56
Number Exceeding the Cap	N/A	N/A	N/A
Percentage Exceeding the Cap	NA	N/A	N/A
95th Percentile Amount	\$ 17,477.90	\$ 17,180.82	\$ 24,678.80
90th Percentile Amount	\$ 11,417.48	\$ 14,550.00	\$ 17,200.34
85th Percentile Amount	\$ 8,567.60	\$ 12,615.39	\$ 16,896.00
80th Percentile Amount	\$ 5,954.36	\$ 8,482.79	\$ 15,537.16
Median Voucher Amount	\$ 3,060.00	\$ 3,890.00	\$ 5,474.08
Mean Voucher Amount	\$ 4,938.23	\$ 5,363.10	\$ 9,429.93

**Class A - Cap \$3,000**

	FY16	FY17	FY18
Number of Vouchers Paid	875	740	1015
Number Exceeding the Cap	92	80	105
Percentage Exceeding the Cap	10.51%	10.81%	10.34%
95th Percentile Amount	\$ 4,656.00	\$ 4,428.29	\$ 4,942.58
90th Percentile Amount	\$ 3,090.80	\$ 3,161.40	\$ 3,113.22
85th Percentile Amount	\$ 2,434.50	\$ 2,574.00	\$ 2,526.00
80th Percentile Amount	\$ 1,977.50	\$ 2,340.00	\$ 2,168.12
Median Voucher Amount	\$ 891.76	\$ 1,097.00	\$ 990.00
Mean Voucher Amount	\$ 1,485.12	\$ 1,510.97	\$ 1,539.91

**Class B/C Person - Cap 2,250**

	FY16	FY17	FY18
Number of Vouchers Paid	1314	1138	1606
Number Exceeding the Cap	98	76	112
Percentage Exceeding the Cap	7.46%	6.68%	6.97%
95th Percentile Amount	\$ 2,718.00	\$ 2,659.55	\$ 2,564.44
90th Percentile Amount	\$ 1,978.80	\$ 1,932.00	\$ 1,986.00
85th Percentile Amount	\$ 1,591.50	\$ 1,542.40	\$ 1,596.00
80th Percentile Amount	\$ 1,389.50	\$ 1,308.00	\$ 1,314.00
Median Voucher Amount	\$ 678.00	\$ 666.00	\$ 654.00
Mean Voucher Amount	\$ 984.56	\$ 924.88	\$ 938.61

**Class B/C Property - Cap \$1,500**

	FY16	FY17	FY18
Number of Vouchers Paid	5404	4162	5174
Number Exceeding the Cap	276	259	282
Percentage Exceeding the Cap	5.11%	6.22%	5.45%
95th Percentile Amount	\$ 1,508.96	\$ 1,680.00	\$ 1,584.00
90th Percentile Amount	\$ 1,232.00	\$ 1,308.00	\$ 1,248.00
85th Percentile Amount	\$ 1,020.00	\$ 1,087.00	\$ 1,044.00
80th Percentile Amount	\$ 880.50	\$ 942.00	\$ 893.30
Median Voucher Amount	\$ 462.00	\$ 492.00	\$ 480.00
Mean Voucher Amount	\$ 602.55	\$ 654.10	\$ 616.91

**MISDEMEANOR - Cap \$750**

	FY16	FY17	FY18
Number of Vouchers Paid	8295	7515	9791
Number Exceeding the Cap	751	771	931
Percentage Exceeding the Cap	9.05%	10.26%	9.51%
95th Percentile Amount	\$ 978.00	\$ 1,026.00	\$ 1,014.00
90th Percentile Amount	\$ 739.00	\$ 756.50	\$ 750.00
85th Percentile Amount	\$ 641.50	\$ 684.00	\$ 672.00
80th Percentile Amount	\$ 559.00	\$ 606.00	\$ 588.00
Median Voucher Amount	\$ 322.00	\$ 330.00	\$ 324.00
Mean Voucher Amount	\$ 396.68	\$ 415.81	\$ 411.67

**(4.)**

**Sixth Amendment Center**

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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**TO:** MCILS COMMISSIONERS  
**FROM:** JOHN D. PELLETIER, EXECUTIVE DIRECTOR  
**CC:** ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR  
**SUBJECT:** SIXTH AMENDMENT CENTER UPDATE  
**DATE:** NOVEMBER 7, 2018

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During October, the Sixth Amendment Center requested various additional information. We provided 1) a copy of the event description drop-down menu in Defenderdata, supplemented with information about the comment section for events; 2) information on tasks performed by financial screeners, as well as the number of screenings performed and amounts collected in the various courts for fiscal years FY'17 and FY'18; and 3) copies of data provided by the Somerset project from FY'13 through FY'17.

I understand from speaking with David Carroll in early October that site visits for Androscoggin, Somerset, and Aroostook counties were planned to be completed during October. David also stated that site visits for York and Cumberland counties were planned for November, keeping their work on their originally projected timeline.

**(5.)**

**Budget Update**

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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**TO:** MCILS COMMISSIONERS  
**FROM:** JOHN D. PELLETIER, EXECUTIVE DIRECTOR  
**CC:** ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR  
**SUBJECT:** BUDGET UPDATE  
**DATE:** NOVEMBER 7, 2018

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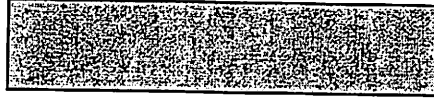
On October 17, 2018, the Executive Director met with the State Budget Officer and representatives of the Department of Administrative and Financial Services to present the Commission's budget request for the upcoming biennium, FY'20-FY'21. Copies of the budget submission documents are attached.

Regarding the current fiscal year budget, new cases created in August and September outpaced projections, as did voucher submission totals. In addition, the staff fell behind on voucher approval compared to where it was at the end of the last fiscal year. As a result, the Commission carried \$546,647 in unpaid vouchers into the second quarter, whereas it carried no unpaid vouchers from last fiscal year into the first quarter. But because the staff did not remain as current as it had been in voucher payment, allotment in the amount of \$310,496 remained unspent in the first quarter. The net result is that the Commission fell behind budget projections by \$236,151.

Fortunately, the Commission carried over \$300,000 in unspent collected revenue into the current fiscal year. We should be able to access these funds by financial order later in the year. In fact, at the request of the Budget Officer, I have submitted a financial order to provide allotment authority to spend the carried over funds. A copy of the financial order is attached. Note that the financial order is in the amount of \$270,741. On the advice of the Budget Officer, approximately \$58,000 in carried over revenue was not addressed as that may be needed to cover a \$58,000 negative balance in our traditional All Other account that arose due to fiscal notes on legislation passed in the last legislative session.

Finally, revenue collections for the first quarter outpaced our allotment for revenue by \$76,000, revenue that can also be accessed by financial order. So more than enough revenue is available to cover the first quarter shortfall, and the staff will continue to monitor voucher submissions, which hopefully will match projections for the balance of the year.

*State of Maine*  
*Executive Department*  
**FINANCIAL ORDER**



**ORDERED,**

That the State Controller increase allotment in account 014-95F-Z112-01, Maine Commission - Indigent Legal Services by \$270,741 in the All Other line category for the purpose of allotting the unencumbered balance forward to pay the cost of indigent legal services and,

Be it further ordered,

that the State Controller authorize the expenditure in accordance with the attached "Revision of the Work Program for Fiscal Year ending June 30, 2019", for which this shall be our sufficient warrant.

**Statement of Fact**

This financial order will allot the unencumbered balance forward to pay for indigent legal services. The Commission receives revenue from people who are ordered to reimburse the state for some or all of the cost of indigent legal services provided to them. These reimbursements flow into account 014-95F-Z112-01, Maine Commission - Indigent Legal Services and are used to pay the cost of indigent legal services. Reimbursement revenue collected during fiscal year 2017-18 exceeded the expenditure allotment for this account due in large part to a statutory amendment set forth in Public Law 2017, chapter. 284, section UUUU-15, and failure to allot these funds will be detrimental to the Commission's ability to pay the cost of indigent legal services in fiscal year 2018-19.

*Signature of Department Head*

**John Pelletier, Executive Director**

*Name and Title*

**FOR BUREAU OF THE BUDGET USE ONLY**

*Signature of State Budget Officer*

**Policy Area: 06 - Justice and Protection**

**Umbrella: IND00 - MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

**Agency Contact: John Pelletier**

**Agency Phone: (207) 287-3254**

**IND00-0001**

Expenditures

Level: Account Summary

**State of Maine**  
**Budget & Financial Management System**

Report Id: ANN - 0006

Page 1 of 1

Department and Agency Financial Order Report

Agency Ref IND00-0001

Account: 01495FZ11201

MAINE COMMISISON - INDIGENT LEGAL SVCS

		Object	Month	2019 1st Quarter	2019 2nd Quarter	2019 3rd Quarter	2019 4th Quarter	2019 Annual Total
All Other								
COURT APPOINTED ATTORNEYS		404000	1			270,741		270,741
Subtotal All Other			1			270,741		270,741
Total All Other						270,741		270,741
Total						270,741		270,741

**(6.)**

**Franklin County  
Proposal**

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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**TO:** MCILS COMMISSIONERS  
**FROM:** JOHN D. PELLETIER, EXECUTIVE DIRECTOR  
**CC:** ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR  
**SUBJECT:** POTENTIAL CONTRACT FOR FRANKLIN COUNTY  
**DATE:** NOVEMBER 8, 2018

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The staff has received a proposal from a group of attorneys interested in providing services in adult criminal and juvenile cases in Franklin County under a contract. The original written proposal contained proposed payment amounts, but they asked that it be disregarded when I informed them that any contract would have to go through the bidding process. They said they would forward another proposal that did not contain payments amounts. To date that has not been received, but if a new proposal is received prior to the meeting, copies will be provided.