

**MCILS**

**November 19, 2019  
Commissioner's Meeting  
Packet**

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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**NOVEMBER 19, 2019**  
**COMMISSION MEETING**  
**JUDICIARY COMMITTEE ROOM, ROOM 438, STATEHOUSE, AUGUSTA**  
**AGENDA**

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- 1) Approval of October 8, 2019, Commission Meeting Minutes
- 2) Operations Reports
- 3) Follow-up Discussion regarding Public Hearing on Sixth Amendment Center Report
- 4) Supplemental Budget Request
- 5) Proposal for Enhanced Representation for Juveniles at Long Creek
- 6) Update on OPEGA Investigation
- 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.)**

**October 8, 2019  
Commission Meeting  
Minutes**

**Maine Commission on Indigent Legal Services – Commissioners Meeting  
October 8, 2019**

**Minutes**

**Commissioners Present:** Michael Carey, Sarah Churchill, Robert Cummins, Roger Katz, Ronald Schneider, Joshua Tardy, Mary Zmigrodski

**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 10, 2019 Commission Meeting Minutes	No discussion of meeting minutes.	Commissioner Katz moved to approve. Commissioner Churchill seconded. All voted in favor. Approved.
Consent Agenda	At the September meeting, Commissioner Cummins proposed the adoption of a consent agenda, whereby review of the meeting minutes and operations reports at the beginning of each Commission meeting would be omitted in an effort to save time to discuss more pressing issues facing the Commission. The Commissioners discussed the idea and Chair Tardy suggested that the Commissioners read the operations reports and meeting minutes ahead of time and come prepared to the meeting with any questions they might have about either document. Commissioner Katz thought that a consent agenda would only be appropriate for the meeting minutes and not the operations reports. Commissioner Carey inquired about whether the meeting packet could be posted on the Commission's website prior to the meeting so members of the public could view and be able to respond. After hearing from Director Pelletier about the meeting packet preparation, the Commissioners decided that the meeting agenda would be posted on the Commission's website after it is finalized and not to move forward with a consent agenda.	
Operations Reports Review	<u>September 2019 Operations Report:</u> 2,578 new cases were opened in the DefenderData system in September. This was a 48 case decrease from August. The	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>number of submitted vouchers in September was 2,913, an increase of 178 vouchers over August, totaling \$1,453,579, an increase of \$116,000 over August. The average price per voucher was \$490.64, down \$6.45 per voucher from August. Appeal and Probate cases had the highest average vouchers. There were 8 vouchers exceeding \$5,000 paid in September. 118 authorizations to expend funds were issued in September, and we paid \$84,938 for experts and investigators, etc. The monthly transfer from the Judicial Branch for counsel fees for September, which reflects August's collections, totaled \$116,652, up approximately \$37,000 from August. One attorney complaint was received in August.</p>	
<p>Next Steps in Light of the Sixth Amendment Center Report</p>	<p>Director Pelletier reviewed the statutory changes that would be necessary to convert the Commission's attorney eligibility rules from major substantive rules to minor technical rules. The consensus was that while it is an important change that needs to be made, the short session of the legislature is not the right time to make that request. The discussion turned to the areas the Commissioners should focus on from the Sixth Amendment Center report. Chair Tardy outlined them as followed: (1) training and qualifications of rostered attorneys; (2) financial accountability and oversight; (3) present system of private counsel verses a public defender verses a hybrid system; and (4) quality control and oversight. Commissioner Schneider suggested that the Commissioners had a policy choice to make about whether to adopt best practices or merely a band-aid approach to fixing the system. He contended that there was a low barrier to entry onto the rosters and that if a public defender model is not adopted, a significant increase in staffing would be needed. Commissioner Cummins suggested a performance standards committee that could be implemented and voiced concerns about the number of hours spent on cases based on the numbers outlined in the operations reports. He encouraged Commission staff to reach out to the Judicial Branch for it to provide more feedback about attorney performance. Commissioner Carey stated that he was struggling with the public defender analysis since it requires legislative approval and urged looking at ways to improve the existing system. Chair Tardy contended that the Commission was not an advocacy group, that the focus should be on training and qualifications and financial accountability. Commissioner</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>Schneider countered that the Commission does have the power to create a public defender system but that it will require legislative approval for the funding. He noted that the people that our attorneys represent are our charge and sees the Commission in the role of an advocate. Commissioner Katz agreed with both Chair Tardy and Commissioner Schneider's statements about being concerned about efficient, quality representation and thought that the Commission can be advocates for what it wants. He suggested that it would be wise to ask the legislature to make any changes since it would be a big shift. Commissioner Churchill inquired about staffing levels since that area needs to be addressed regardless of the type of system in place.</p>	
Supplemental Budget Request	<p>The Commissioners discussed the staff's supplemental budget request recommendations, which included an additional \$2 million in FY'20 and \$2.8 million in FY'21, and two new staff positions starting in FY'21. As former members of the Appropriations Committee, Commissioners Carey and Katz described the Committee's process when considering supplemental budget requests. Commissioner Carey stated that he supported 2 or 3 more positions but wanted staff to be clearer about how the Commission is addressing the Sixth Amendment Center report and referral to OPEGA. Commissioner Carey asked about the additional attorney position's duties and whether a paralegal could review attorney vouchers. Director Pelletier explained why a new attorney position is necessary. Commissioner Schneider expressed that he did not support an incremental approach. Chair Tardy noted that the supplemental budget is by nature a band-aid. Commissioner Churchill suggested three new positions (2 attorney and 1 financial examiner) since presently there is not enough staff to enforce the standards that are in place. Commissioner Cummins questioned why any new positions are being suggested at all if we are changing systems 4 months from now. Commissioner Churchill countered that staff needs help now while the Commissioners look at potential changes. The Commissioners voted 4 to 3 to approve the staff's recommendation of 2 additional positions and the additional funding amounts. Commissioners Carey, Katz, Tardy, and Zmigrodski voted in favor while Commissioners</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	Churchill, Cummins, and Schneider opposed. Commissioner Katz noted that no one took the position that they were against additional staffing, just that the current proposal of 2 additional staff positions was not adequate.	
Proposal for Enhanced Representation for Juveniles at Long Creek	Director Pelletier researched the issue of whether the Commission has the statutory authority to provide expanded representation for committed and detained juveniles at Long Creek and determined that the Commission does have the authority. The Commissioners unanimously decided to authorize Director Pelletier to move forward with enhanced juvenile representation that would allow committed juveniles subject to review by the court to have continued representation and allow for the assignment of co-counsel for pre-trial detained juveniles whose attorneys are from northern and eastern Maine. Director Pelletier will develop a roster for local co-counsel and minimum qualifications to be added to this roster.	
Lawyer of the Day/Timely Assignment of Counsel	Commissioner Churchill relayed some concerns with the lawyer of the day program after being present at a walk-in arraignment session recently. She noted that there was no standardized speech given by the lawyers of the day that would have guided defendants through arraignment day, and that LODs are providing counsel to people who are not indigent or have cases that have no risk of jail who are therefore not entitled to counsel. She believes that the Commission can make the lawyer of the day process more efficient and should think of ways to make it happen, including creating checklists for lawyers of the day and making sure attorneys have advanced access to discovery. Director Pelletier briefly discussed the assignment process and delays that staff has seen with prompt assignment of counsel. Commissioner Schneider argued that the lawyer of the day program facilitates guilty pleas and inquired whether LODs could be deputized to facilitate the assignment of counsel. Chair Tardy suggested implementing minimum qualifications for lawyer of the day as well as expectations for attorneys serving as lawyer of the day. He asked that Director Pelletier continue to communicate with the court about the	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	assignment process.	
Public Comment	<p><u>Tina Nadeau, Esq.</u>: Attorney Nadeau urged the Commission to look more closely at the low voucher numbers in Somerset County and the low number of expert funds requests. Attorney Nadeau faulted the Commission for lack of meaningful oversight over attorney performance and lack of training opportunities. She echoed Commissioner Churchill's comments about the need for immediate change to the lawyer of the day program.</p> <p><u>Robert Ruffner, Esq.</u>: Attorney Ruffner cautioned that there are other problem areas that the Sixth Amendment Center report did not address. He suggested that the Commission employ a supervising attorney for each judicial district that would oversee the assignment of counsel, health of the rosters, and be responsible for monitoring the quality of representation. Attorney Ruffner questioned why the Commission is not requesting the full amount of staff positions recommended by the Sixth Amendment Center.</p> <p><u>Zachary Heiden, Esq.</u>: Attorney Heiden agreed with the Commission's decision to not pursue a change in the major substantive rule designation for the attorney eligibility rule now. Attorney Heiden suggested that the Commission alert the Legislature that the supplemental budget request for only two more additional staff is just a band-aid and more staff will be needed.</p> <p><u>Frank D'Alessandro, Esq.</u>: Attorney D'Alessandro asked the Commission to address the problems with the lawyer of the day program. He stated that the LOD is merely giving legal information and not legal advice and is doing a disservice to defendants by not informing them about collateral consequences, including the impact of incarceration on public benefits and housing.</p>	
Executive Session	None	



<b>Agenda Item</b>	<b>Discussion</b>	<b>Outcome/Action Item/Responsible Party</b>
Adjournment of meeting	The next meeting will be on November 19, 2019, following the public hearing on the Sixth Amendment Center Report beginning at 9 am.	

**(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 2019 OPERATIONS REPORTS  
**DATE:** NOVEMBER 12, 2019

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Attached you will find the October, 2019, Operations Reports for your review and our discussion at the Commission meeting on November 19, 2019. A summary of the operations reports follows:

- 2,478 new cases were opened in the DefenderData system in October. This was a 100 case decrease from September.
- The number of vouchers submitted electronically in October was 3,189, an increase of 276 vouchers over September, totaling \$1,595,604.98, an increase of \$142,000 over September. In October, we paid 2,515 electronic vouchers totaling \$1,279,778.90, representing a decrease of 773 vouchers and \$334,000 compared to September.
- The average price per voucher in October was \$508.86, up \$18.22 per voucher over September.
- Appeal and Post-Conviction Review cases had the highest average voucher in October. There were 8 vouchers exceeding \$5,000 paid in October. See attached addendum for details.
- In October, we issued 153 authorizations to expend funds: 99 for private investigators, 42 for experts, and 12 for miscellaneous services such as interpreters and transcriptionists. In October, we paid \$78,259.36 for experts and investigators, etc. Two requests for funds were modified in October. See attached addendum for details.
- In October, we received four complaints about attorneys. All were closed after responses from the attorneys demonstrated appropriate efforts on behalf of the client. One involved a complaint from an incarcerated individual about timely contact with the assigned attorney. We discovered that the notice of the appointment was not sent to the attorney until 11 days after the assignment. The issue of untimely notice has been addressed with the Clerk's office involved.
- We approved three requests for co-counsel in October. Two involved a charge of Gross Sexual Assault, and another involved a charge of a theft case based on embezzlement in which voluminous financial records were at issue.

In our All Other Account, the total expenses for the month of October were \$1,377,980.25. Of that amount, just under \$20,000 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$99,140.23 in expenses for the month of October. This amount was unusually high due to payment for three pay periods having been issued in October.

In the Revenue Account, the transfer for October, reflecting September's collections, totaled \$86,636.49, a decrease of approximately \$28,000 from the previous month.

During October, we collected registration fees related to our upcoming minimum standards trainings.

VOUCHERS EXCEEDING \$5,000 PAID OCTOBER 2019

	Voucher Total	Case total
Interim voucher in a high profile murder case involving the death of a child. Case has been on-going for 18 months. Co-counsel from the same firm.	\$31,084	\$35,296 (\$4,212 previously paid for an interlocutory appeal from the denial of a motion to dismiss)
Voucher after a 6 day murder trial in a high profile case involving the death of a child. Defendant found guilty.	\$13,952	\$29,750 (\$15,798 paid to co-counsel from a different firm)
Voucher in a Manslaughter case where the court accepted a plea of Not Criminally Responsible by Reason of Insanity. Case lasted 10 months. Co-counsel from the same firm.	\$10,792	\$10,792
Voucher after a 3-day trial in an Aggravated Assault case. Defendant found guilty. Case lasted 18 months.	\$9,782	\$9,782
Voucher in an appeal from convictions for Murder and Robbery. New counsel on appeal. Appeal involved challenge to current interpretation of Maine's accomplice liability statute.	\$9,593	\$9,593
Voucher after an 11-day Termination of Parental Rights hearing. The case involved 10 children, generating numerous witnesses and voluminous materials. Matter under advisement.	\$9,528	\$9,528
Voucher after a 3-day hearing and an order of bind-over in a juvenile case charging Manslaughter. High profile case involving extensive cell phone video.	\$6,444	\$6,444
Voucher after appeal in a high profile Gross Sexual Assault case brought many years after the alleged events.	\$5,361	\$5,361

FUNDS REQUESTS DENIED/MODIFIED OCTOBER 2019

- Two requests for funds were modified in October to authorize a reduced amount.

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

**Activity Report by Case Type**

10/31/2019

DefenderData Case Type	Oct-19						Fiscal Year 2020			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	17	20	\$ 38,925.53	10	\$ 24,798.25	\$ 2,479.83	61	77	\$ 113,197.06	\$ 1,470.09
Child Protection Petition	200	554	\$ 323,263.34	494	\$ 276,551.34	\$ 559.82	944	1,883	\$ 1,053,316.22	\$ 559.38
Drug Court	0	5	\$ 4,086.00	6	\$ 5,586.00	\$ 931.00	1	23	\$ 20,919.46	\$ 909.54
Emancipation	9	8	\$ 3,079.20	3	\$ 877.20	\$ 292.40	28	21	\$ 5,843.80	\$ 278.28
Felony	556	558	\$ 451,506.44	456	\$ 380,237.96	\$ 833.86	2,412	2,205	\$ 1,732,624.53	\$ 785.77
Involuntary Civil Commitment	105	94	\$ 21,767.44	85	\$ 18,553.79	\$ 218.28	353	298	\$ 69,039.60	\$ 231.68
Juvenile	54	95	\$ 51,048.57	73	\$ 40,723.73	\$ 557.86	292	304	\$ 142,390.57	\$ 468.39
Lawyer of the Day - Custody	259	271	\$ 68,550.40	191	\$ 47,549.82	\$ 248.95	1,043	904	\$ 212,794.29	\$ 235.39
Lawyer of the Day - Juvenile	40	45	\$ 9,240.54	38	\$ 8,423.60	\$ 221.67	160	151	\$ 30,209.12	\$ 200.06
Lawyer of the Day - Walk-in	125	154	\$ 37,695.30	99	\$ 24,651.94	\$ 249.01	489	428	\$ 105,330.01	\$ 246.10
Misdemeanor	814	867	\$ 334,555.90	646	\$ 244,305.30	\$ 378.18	3,328	2,865	\$ 1,092,362.73	\$ 381.28
Petition, Modified Release Treatment	1	2	\$ 1,290.00	2	\$ 1,585.76	\$ 792.88	4	15	\$ 6,870.82	\$ 458.05
Petition, Release or Discharge	0	1	\$ 330.00	0			0	2	\$ 918.00	\$ 459.00
Petition, Termination of Parental Rights	30	57	\$ 37,807.65	45	\$ 29,505.72	\$ 655.68	98	180	\$ 140,657.31	\$ 781.43
Post Conviction Review	11	13	\$ 17,131.04	12	\$ 13,805.19	\$ 1,150.43	44	43	\$ 61,110.21	\$ 1,421.17
Probate	3	3	\$ 1,248.00	3	\$ 1,248.00	\$ 416.00	11	11	\$ 11,501.32	\$ 1,045.57
Probation Violation	177	178	\$ 71,295.11	136	\$ 55,115.52	\$ 405.26	727	631	\$ 249,328.45	\$ 395.13
Represent Witness on 5th Amendment	0	0		0			1	3	\$ 525.00	\$ 175.00
Resource Counsel Criminal	0	3	\$ 234.00	5	\$ 306.00	\$ 61.20	1	13	\$ 1,074.00	\$ 82.62
Resource Counsel Juvenile	0	1	\$ 36.00	1	\$ 36.00	\$ 36.00	0	2	\$ 66.00	\$ 33.00
Resource Counsel Protective Custody	0	0		0			0	4	\$ 378.00	\$ 94.50
Review of Child Protection Order	75	257	\$ 121,821.52	208	\$ 105,476.78	\$ 507.10	247	830	\$ 405,884.24	\$ 489.02
Revocation of Administrative Release	2	3	\$ 693.00	2	\$ 441.00	\$ 220.50	6	4	\$ 1,680.28	\$ 420.07
<b>DefenderData Sub-Total</b>	<b>2,478</b>	<b>3,189</b>	<b>\$ 1,595,604.98</b>	<b>2,515</b>	<b>\$ 1,279,778.90</b>	<b>\$ 508.86</b>	<b>10,250</b>	<b>10,897</b>	<b>\$ 5,458,021.02</b>	<b>\$ 500.87</b>
<b>Paper Voucher Sub-Total</b>		<b>0</b>		<b>0</b>	<b>\$ -</b>	<b>#DIV/0!</b>		<b>0</b>		<b>#DIV/0!</b>
<b>TOTAL</b>	<b>2,478</b>	<b>3,189</b>	<b>\$1,595,604.98</b>	<b>2,515</b>	<b>\$1,279,778.90</b>	<b>\$ 508.86</b>	<b>10,250</b>	<b>10,897</b>	<b>\$ 5,458,021.02</b>	<b>\$ 500.87</b>

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

**FY20 FUND ACCOUNTING**

AS OF 10/31/2019

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		\$ -		\$ -		\$ -	
Financial Order								\$ 768,774.00	
<b>Total Budget Allotments</b>		<b>\$ 4,807,713.53</b>		<b>\$ 4,645,001.00</b>		<b>\$ 4,785,477.00</b>		<b>\$ 3,230,020.00</b>	<b>\$ 17,468,211.53</b>
Total Expenses	1	\$ (947,049.13)	4	\$ (1,377,980.25)	7	\$ -	10	\$ -	
	2	\$ (1,849,796.47)	5	\$ -	8	\$ -	11	\$ -	
	3	\$ (1,715,368.33)	6	\$ -	9	\$ -	12	\$ -	
				\$ -		\$ -		\$ -	\$ -
Encumbrances (Justice Works)		\$ (52,720.00)		\$ 6,415.00		\$ -		\$ -	\$ (46,305.00)
Encumbrances (B Taylor)		\$ (13,000.04)		\$ 4,333.33		\$ -		\$ -	\$ (8,666.71)
Encumbrances (Videographer)		\$ (4,800.00)				\$ -		\$ -	\$ (4,800.00)
<b>TOTAL REMAINING</b>		<b>\$ 224,979.56</b>		<b>\$ 3,277,769.08</b>		<b>\$ 4,785,477.00</b>		<b>\$ 3,230,020.00</b>	<b>\$ 10,749,471.64</b>

**Q2 Month 4**

**INDIGENT LEGAL SERVICES**

Counsel Payments	\$ (1,279,778.90)
Interpreters	\$ (2,027.19)
Private Investigators	\$ (16,160.10)
Mental Health Expert	\$ (25,275.00)
Misc Prof Fees & Serv	\$ -
Transcripts	\$ (17,279.34)
Other Expert	\$ (16,073.00)
Process Servers	\$ (428.57)
Subpoena Witness Fees	\$ (16.16)
Out of State Witness Travel	\$ (1,000.00)
<b>SUB-TOTAL ILS</b>	<b>\$ (1,358,038.26)</b>

**OPERATING EXPENSES**

Ergonomic Office Equipment	\$ (353.66)
DefenderData	\$ (6,415.00)
Parking Fees	\$ (600.00)
Mileage/Tolls/Parking	\$ (1,430.64)
Mailing/Postage/Freight	\$ (1,020.62)
West Publishing Corp	\$ (198.09)
Shredding on Site	\$ (1.30)
Office Supplies/Equip.	\$ (209.35)
Cellular Phones	\$ -
OIT/TELCO	\$ (2,948.67)
Office Equipment Rental	\$ (127.33)
Legal Ads	\$ -
Barbara Taylor monthly fees	\$ (4,333.33)
Notary Fees	\$ (50.00)
Service Center	\$ (1,829.00)
Dues	\$ (425.00)
<b>SUB-TOTAL OE</b>	<b>\$ (19,941.99)</b>

**TOTAL** \$ (1,377,980.25)

**INDIGENT LEGAL SERVICES**

Q2 Allotment	\$ 4,645,001.00
Q2 Encumbrances for Justice Works contract	\$ 6,415.00
Barbara Taylor Contract	\$ 4,333.33
Videographer Contract	\$ -
Q2 Expenses to date	\$ (1,377,980.25)
Remaining Q2 Allotment	\$ 3,277,769.08

**Non-Counsel Indigent Legal Services**

Monthly Total	\$ (78,259.36)
Total Q1	\$ 276,360.62
Total Q2	\$ 78,259.36
Total Q3	\$ -
Total Q4	\$ -
Fiscal Year Total	\$ 354,619.98

**Conference Account Transactions**

Training Videographer	\$ -
Training Facilities & Meals	\$ -
Printing/Binding	\$ -
Overseers of the Bar CLE fee	\$ -
Collected Registration Fees	\$ 1,830.00
Current Month Total	\$ 1,830.00

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

**FY20 FUND ACCOUNTING**

As of 10/31/19

<b>Account 014 95F Z258 01 (Revenue)</b>	<b>Mo.</b>	<b>Q1</b>	<b>Mo.</b>	<b>Q2</b>	<b>Mo.</b>	<b>Q3</b>	<b>Mo.</b>	<b>Q4</b>	<b>FY20 Total</b>
<b>Total Budget Allotments</b>		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00	\$ 1,100,000.00
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Financial Order Adjustment	2	\$ -	5	\$ -	8	\$ -	11		
Budget Order Adjustment	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Budget Order Adjustment		\$ -		\$ -		\$ -	12	\$ -	\$ -
<b>Total Budget Allotments</b>		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00	\$ 1,100,000.00
Cash Carryover from Prior Quarter		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	1	\$ 78,559.60	4	\$ 86,636.49	7	\$ -	10	\$ -	
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	2	\$ 79,457.90	5	\$ -	8	\$ -	11	\$ -	
Court Ordered Counsel Fee		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB (late transfer)		\$ -		\$ -	9	\$ -		\$ -	
Collected Revenue from JB	3	\$ 114,887.22	6	\$ -	9	\$ -	12	\$ -	
Returned Checks-stopped payments		\$ -		\$ -		\$ -		\$ -	
<b>TOTAL CASH PLUS REVENUE COLLECTED</b>		\$ 272,904.72		\$ 86,636.49		\$ -		\$ -	\$ 359,541.21
Counsel Payments	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Other Expenses		\$ -		\$ -		\$ -	***	\$ -	
Counsel Payments	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Other Expenses		\$ -		\$ -		\$ -		\$ -	
Counsel Payments	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Other Expenses	*	\$ -	**	\$ -	***	\$ -		\$ -	
<b>REMAINING ALLOTMENT</b>		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00	\$ 1,100,000.00
Overpayment Reimbursements	1	\$ (168.00)	4	\$ (434.53)	7	\$ -	10	\$ -	
	2	\$ (904.00)	5	\$ -	8	\$ -	11	\$ -	
	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
<b>REMAINING CASH Year to Date</b>		\$ 271,832.72		\$ 86,201.96		\$ -		\$ -	\$ 358,034.68

**Collections versus Allotment**

Monthly Total	\$ 86,636.49
Total Q1	\$ 274,669.72
Total Q2	\$ 86,636.49
Total Q3	\$ -
Total Q4	\$ -
Allotment Expended to Date	\$ -
Fiscal Year Total	\$ 361,306.21



**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY20 FUND ACCOUNTING**  
AS OF 10/31/2019

Account 014 95F 2258 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			\$	-	\$	-			
<b>Total Budget Allotments</b>	<b>\$</b>	<b>326,128.00</b>	<b>\$</b>	<b>242,565.00</b>	<b>\$</b>	<b>214,283.00</b>	<b>\$</b>	<b>233,702.00</b>	<b>\$ 1,016,678.00</b>
Total Expenses	1 \$	(62,240.56)	4 \$	(99,140.23)	7 \$	-	10 \$	-	
	2 \$	(174,797.03)	5 \$	-	8 \$	-	11 \$	-	
	3 \$	(68,346.25)	6 \$	-	9 \$	-	12 \$	-	
<b>TOTAL REMAINING</b>	<b>\$</b>	<b>20,744.16</b>	<b>\$</b>	<b>143,424.77</b>	<b>\$</b>	<b>214,283.00</b>	<b>\$</b>	<b>233,702.00</b>	<b>\$ 612,153.93</b>

Q2 Month 4	
Per Diem	\$ (330.00)
Salary	\$ (52,260.77)
Vacation Pay	\$ (3,108.37)
Holiday Pay	\$ (2,154.02)
Sick Pay	\$ (2,260.06)
Empl Hlth SVS/Worker Comp	\$ (166.00)
Health Insurance	\$ (11,256.96)
Dental Insurance	\$ (422.46)
Employer Retiree Health	\$ (6,421.16)
Employer Retirement	\$ (3,885.91)
Employer Group Life	\$ (524.76)
Employer Medicare	\$ (884.73)
Retiree Unfunded Liability	\$ (11,229.03)
Longevity Pay	\$ (16.00)
Perm Part Time Full Ben	\$ (4,220.00)
<b>TOTAL</b>	<b>\$ (99,140.23)</b>

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

**Activity Report by Court**

10/31/2019

Court	Oct-19						Fiscal Year 2020			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	15	6	\$ 3,060.00	4	\$ 2,664.00	\$ 666.00	25	20	\$ 13,510.73	\$ 675.54
AUBSC	3	1	\$ 126.00	1	\$ 126.00	\$ 126.00	9	7	\$ 5,644.20	\$ 806.31
AUGDC	63	76	\$ 39,387.50	76	\$ 40,047.77	\$ 526.94	213	253	\$ 130,209.15	\$ 514.66
AUGSC	3	10	\$ 4,086.00	8	\$ 3,835.76	\$ 479.47	20	41	\$ 19,602.82	\$ 478.12
BANDC	55	113	\$ 35,933.52	92	\$ 27,770.33	\$ 301.85	247	400	\$ 126,556.34	\$ 316.39
BANSC	0	0		0			1	4	\$ 450.00	\$ 112.50
BATSC	0	0		0			0	0		
BELDC	18	87	\$ 49,717.56	78	\$ 39,213.08	\$ 502.73	64	148	\$ 69,094.35	\$ 466.85
BELSC	0	0		0			0	1	\$ 1,530.64	\$ 1,530.64
BIDDC	55	74	\$ 34,820.61	58	\$ 27,566.40	\$ 475.28	241	319	\$ 170,029.54	\$ 533.01
BRIDC	7	25	\$ 12,713.15	15	\$ 7,785.99	\$ 519.07	38	75	\$ 38,290.91	\$ 510.55
CALDC	4	7	\$ 3,499.84	10	\$ 3,837.68	\$ 383.77	34	39	\$ 15,248.80	\$ 390.99
CARDC	13	25	\$ 9,626.31	17	\$ 6,998.31	\$ 411.67	53	100	\$ 42,448.96	\$ 424.49
CARSC	1	3	\$ 1,679.50	1	\$ 1,043.50	\$ 1,043.50	7	2	\$ 2,315.50	\$ 1,157.75
DOVDC	9	13	\$ 2,852.64	10	\$ 2,199.12	\$ 219.91	25	41	\$ 13,848.78	\$ 337.78
DOVSC	0	0		0			0	0		
ELLDC	17	50	\$ 40,250.92	47	\$ 37,070.92	\$ 788.74	64	162	\$ 105,094.71	\$ 648.73
ELLSC	0	0		0			2	2	\$ 831.00	\$ 415.50
FARDC	10	24	\$ 13,755.23	23	\$ 11,627.88	\$ 505.56	32	86	\$ 56,222.56	\$ 653.75
FARSC	1	1	\$ 178.16	1	\$ 178.16	\$ 178.16	3	2	\$ 328.16	\$ 164.08
FORDC	4	11	\$ 5,235.15	11	\$ 5,175.15	\$ 470.47	16	34	\$ 18,510.75	\$ 544.43
HOUDC	16	29	\$ 9,316.66	16	\$ 6,664.66	\$ 416.54	111	117	\$ 49,154.78	\$ 420.13
HOUSC	2	0		0			3	1	\$ 354.00	\$ 354.00
LEWDC	87	124	\$ 62,216.54	99	\$ 48,011.54	\$ 484.97	305	415	\$ 187,091.16	\$ 450.82
LINDC	14	35	\$ 15,068.56	27	\$ 10,434.96	\$ 386.48	51	65	\$ 29,546.68	\$ 454.56
MACDC	10	19	\$ 7,644.56	18	\$ 7,494.56	\$ 416.36	48	79	\$ 39,713.88	\$ 502.71
MACSC	0	0		0			0	2	\$ 360.00	\$ 180.00
MADDC	2	3	\$ 929.60	3	\$ 929.60	\$ 309.87	10	9	\$ 3,023.24	\$ 335.92
MILDC	4	8	\$ 1,656.00	8	\$ 1,841.60	\$ 230.20	22	26	\$ 7,610.36	\$ 292.71
NEWDC	27	57	\$ 19,446.55	52	\$ 19,964.26	\$ 383.93	82	152	\$ 56,525.00	\$ 371.88
PORDC	82	115	\$ 57,297.46	102	\$ 49,061.04	\$ 480.99	304	424	\$ 201,621.06	\$ 475.52
PORSC	2	0		0			8	3	\$ 483.00	\$ 161.00
PREDC	31	29	\$ 10,467.27	24	\$ 10,149.27	\$ 422.89	91	95	\$ 42,263.51	\$ 444.88
ROCD	25	65	\$ 31,185.41	55	\$ 25,315.04	\$ 460.27	84	147	\$ 68,363.49	\$ 465.06
ROSC	2	3	\$ 569.34	2	\$ 407.38	\$ 203.69	7	7	\$ 2,347.60	\$ 335.37
RUMDC	14	24	\$ 26,243.51	17	\$ 16,666.31	\$ 980.37	48	50	\$ 54,441.28	\$ 1,088.83
SKODC	34	90	\$ 43,985.26	71	\$ 35,162.54	\$ 495.25	152	287	\$ 119,679.09	\$ 417.00
SKOSC	0	0		0			1	0		
SOUDC	7	25	\$ 14,829.57	19	\$ 12,896.77	\$ 678.78	68	84	\$ 45,467.46	\$ 541.28
SOUSC	0	0		0			1	4	\$ 3,383.75	\$ 845.94
SPRDC	38	71	\$ 31,703.32	47	\$ 24,264.64	\$ 516.27	168	219	\$ 122,939.34	\$ 561.37
Law Ct	14	16	\$ 33,958.79	8	\$ 22,075.51	\$ 2,759.44	47	59	\$ 94,204.29	\$ 1,596.68
YORCD	175	285	\$ 200,921.29	220	\$ 155,563.98	\$ 707.11	852	904	\$ 624,923.17	\$ 691.29
AROD	137	143	\$ 59,279.79	122	\$ 47,502.96	\$ 389.37	550	504	\$ 261,797.64	\$ 519.44
ANDCD	170	179	\$ 61,025.76	126	\$ 42,561.80	\$ 337.79	667	541	\$ 229,725.94	\$ 424.63
KENCD	198	161	\$ 59,312.46	108	\$ 43,948.23	\$ 406.93	751	590	\$ 259,551.80	\$ 439.92
PENCD	268	233	\$ 99,631.92	186	\$ 81,582.80	\$ 438.62	1,032	872	\$ 341,218.71	\$ 391.31
SAGCD	29	34	\$ 15,734.26	22	\$ 11,678.98	\$ 530.86	130	94	\$ 43,793.27	\$ 465.89
WALCD	46	40	\$ 51,629.02	24	\$ 42,221.70	\$ 1,759.24	142	139	\$ 91,465.43	\$ 658.02
PISCD	19	15	\$ 5,436.68	8	\$ 3,542.52	\$ 442.82	81	70	\$ 22,815.96	\$ 325.94
HANCD	49	60	\$ 36,802.00	51	\$ 31,228.00	\$ 612.31	202	222	\$ 130,909.48	\$ 589.68
FRACD	36	53	\$ 19,925.14	28	\$ 9,452.84	\$ 337.60	150	176	\$ 94,903.63	\$ 539.23
WASCD	44	45	\$ 22,275.92	37	\$ 14,483.92	\$ 391.46	150	162	\$ 67,877.96	\$ 419.00
CUMCD	329	412	\$ 221,368.65	354	\$ 189,393.00	\$ 535.01	1,468	1,442	\$ 825,613.86	\$ 572.55
KNODC	39	32	\$ 12,637.06	21	\$ 8,348.26	\$ 397.54	209	207	\$ 95,357.33	\$ 460.66
SOMCD	76	59	\$ 13,030.79	44	\$ 9,565.59	\$ 217.40	428	198	\$ 44,653.85	\$ 225.52
OXFCD	90	81	\$ 31,956.53	48	\$ 23,113.57	\$ 481.53	314	297	\$ 117,755.08	\$ 396.48
LINCD	22	25	\$ 21,198.09	17	\$ 18,804.99	\$ 1,106.18	149	127	\$ 62,651.70	\$ 493.32
WATDC	25	40	\$ 17,312.99	38	\$ 17,854.47	\$ 469.85	114	184	\$ 89,101.69	\$ 484.25
WESDC	21	30	\$ 12,325.82	23	\$ 11,183.24	\$ 486.23	94	114	\$ 56,907.55	\$ 499.19
WISDC	6	5	\$ 2,209.74	3	\$ 1,909.74	\$ 636.58	27	38	\$ 21,345.62	\$ 561.73
WISSC	1	1	\$ 288.00	1	\$ 288.00	\$ 288.00	3	2	\$ 1,055.50	\$ 527.75
YORDC	9	17	\$ 7,862.58	14	\$ 7,070.58	\$ 505.04	32	33	\$ 16,254.98	\$ 492.58
<b>TOTAL</b>	<b>2,478</b>	<b>3,189</b>	<b>\$ 1,595,604.98</b>	<b>2,515</b>	<b>\$ 1,279,778.90</b>	<b>\$ 508.86</b>	<b>10,250</b>	<b>10,897</b>	<b>\$ 5,458,021.02</b>	<b>\$ 500.87</b>

# MAINE COMMISSION ON INDIGENT LEGAL SERVICES

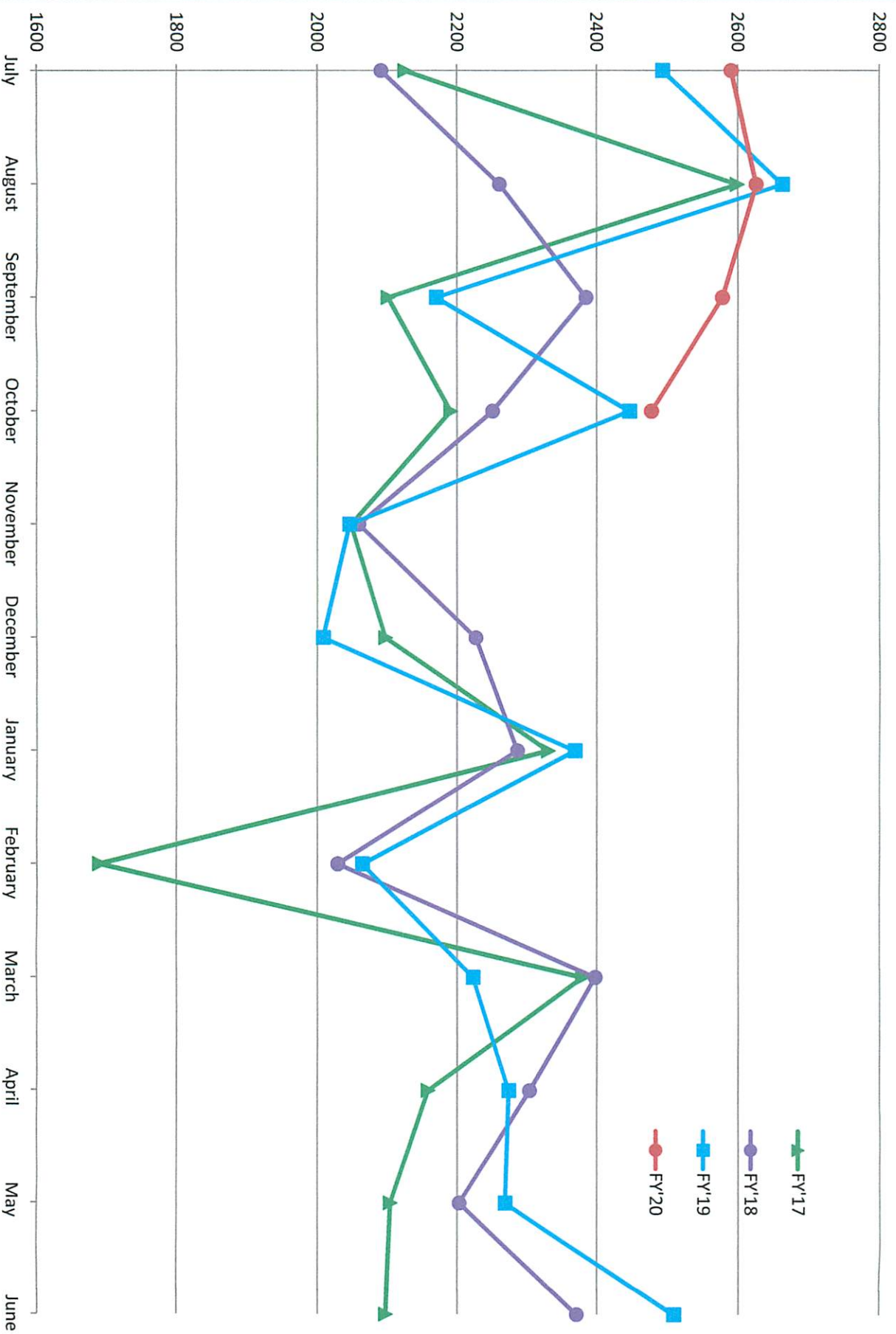
## Number of Attorneys Rostered by Court

10/31/2019

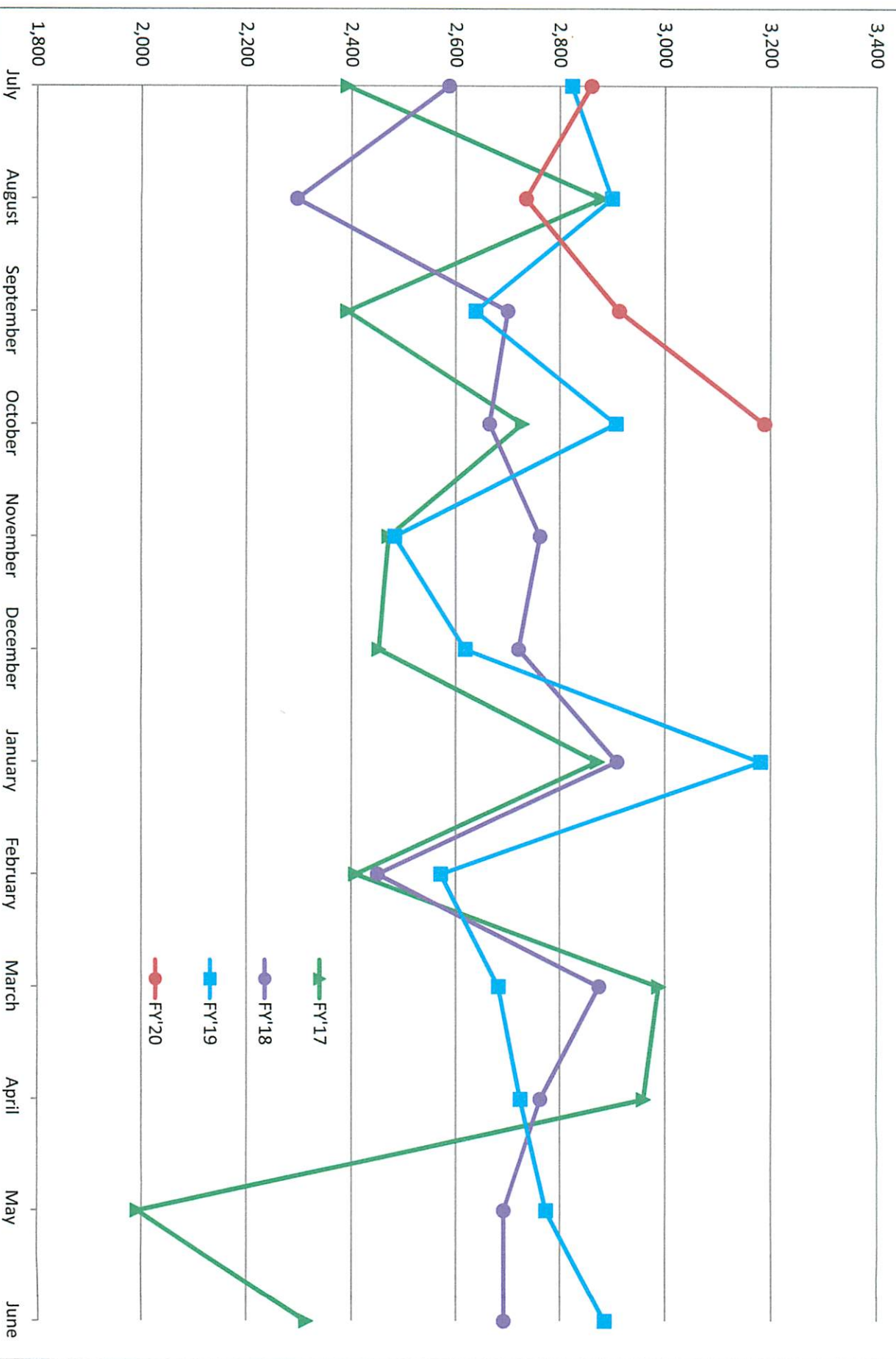
Court	Rostered Attorneys
Augusta District Court	76
Bangor District Court	40
Belfast District Court	38
Biddeford District Court	115
Bridgton District Court	72
Calais District Court	9
Caribou District Court	16
Dover-Foxcroft District Court	22
Ellsworth District Court	29
Farmington District Court	34
Fort Kent District Court	10
Houlton District Court	13
Lewiston District Court	112
Lincoln District Court	20
Machias District Court	14
Madawaska District Court	11
Millinocket District Court	12
Newport District Court	28
Portland District Court	137
Presque Isle District Court	14
Rockland District Court	28
Rumford District Court	25
Skowhegan District Court	23

Court	Rostered Attorneys
South Paris District Court	49
Springvale District Court	100
Unified Criminal Docket Alfred	101
Unified Criminal Docket Aroostook	21
Unified Criminal Docket Auburn	93
Unified Criminal Docket Augusta	70
Unified Criminal Docket Bangor	39
Unified Criminal Docket Bath	78
Unified Criminal Docket Belfast	37
Unified Criminal Docket Dover Foxcroft	21
Unified Criminal Docket Ellsworth	33
Unified Criminal Docket Farmington	37
Unified Criminal Docket Machias	16
Unified Criminal Docket Portland	134
Unified Criminal Docket Rockland	25
Unified Criminal Docket Skowhegan	24
Unified Criminal Docket South Paris	39
Unified Criminal Docket Wiscasset	45
Waterville District Court	38
West Bath District Court	92
Wiscasset District Court	51
York District Court	84

# NEW CASES

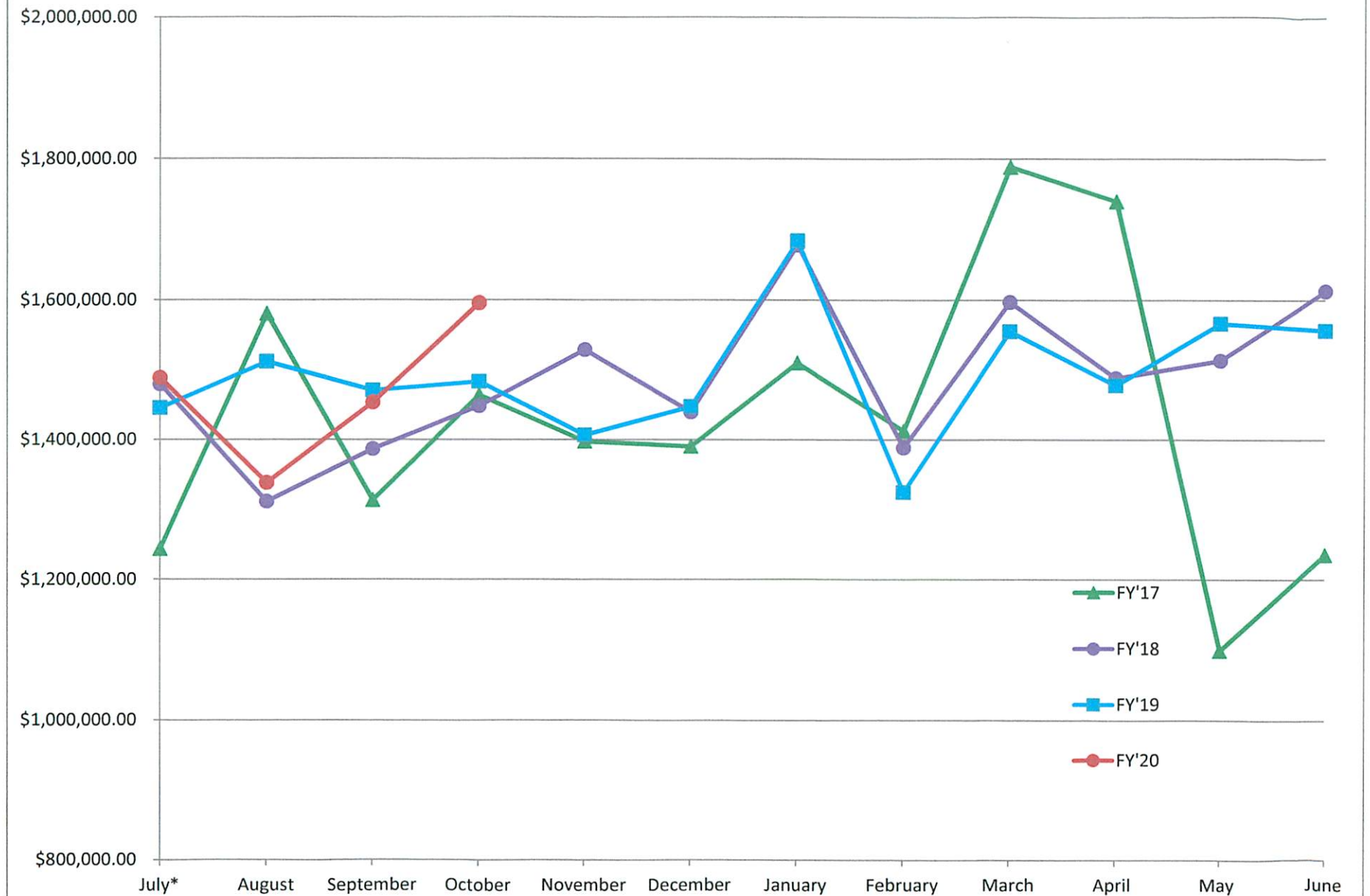


# Submitted Vouchers

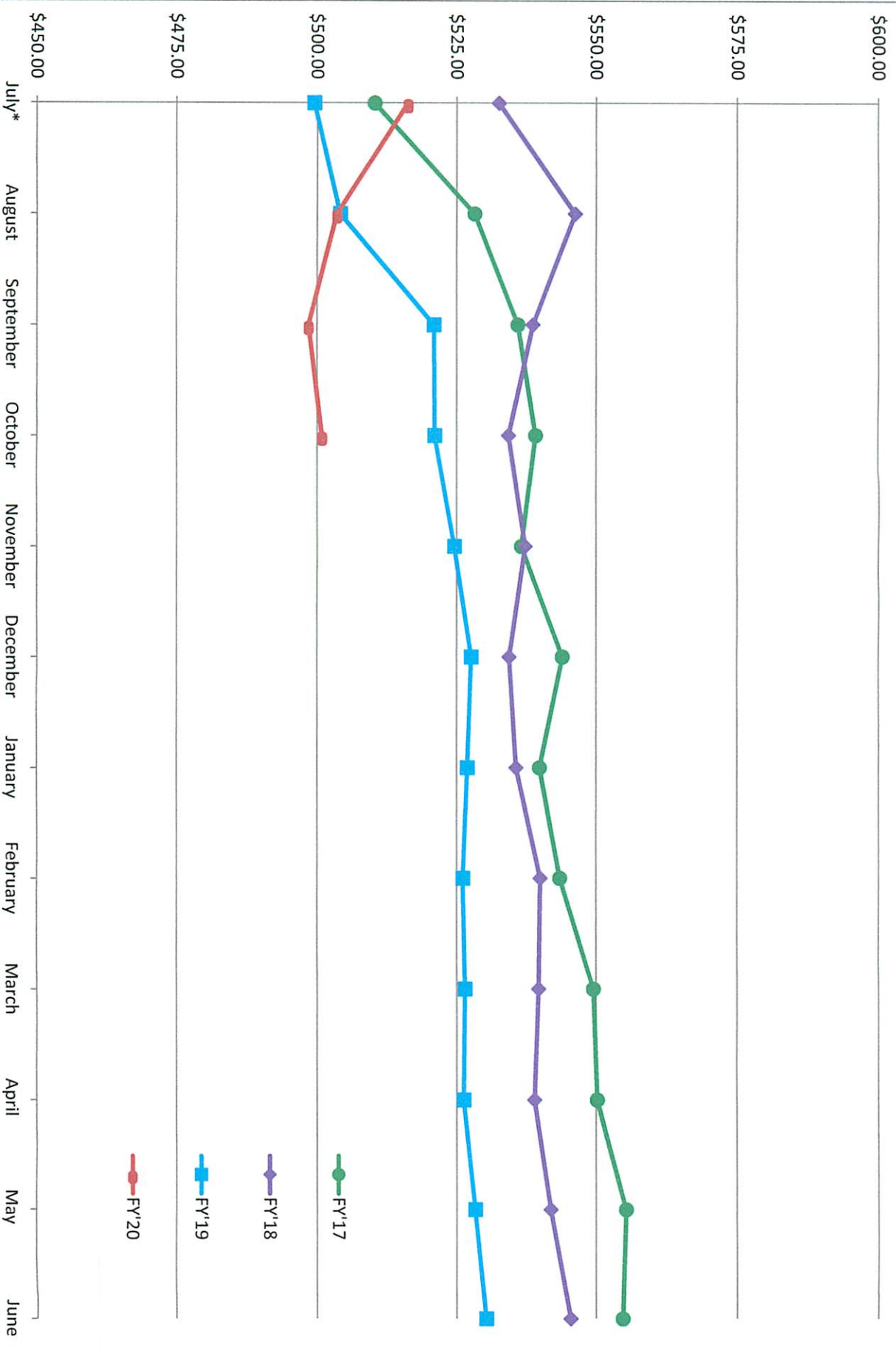




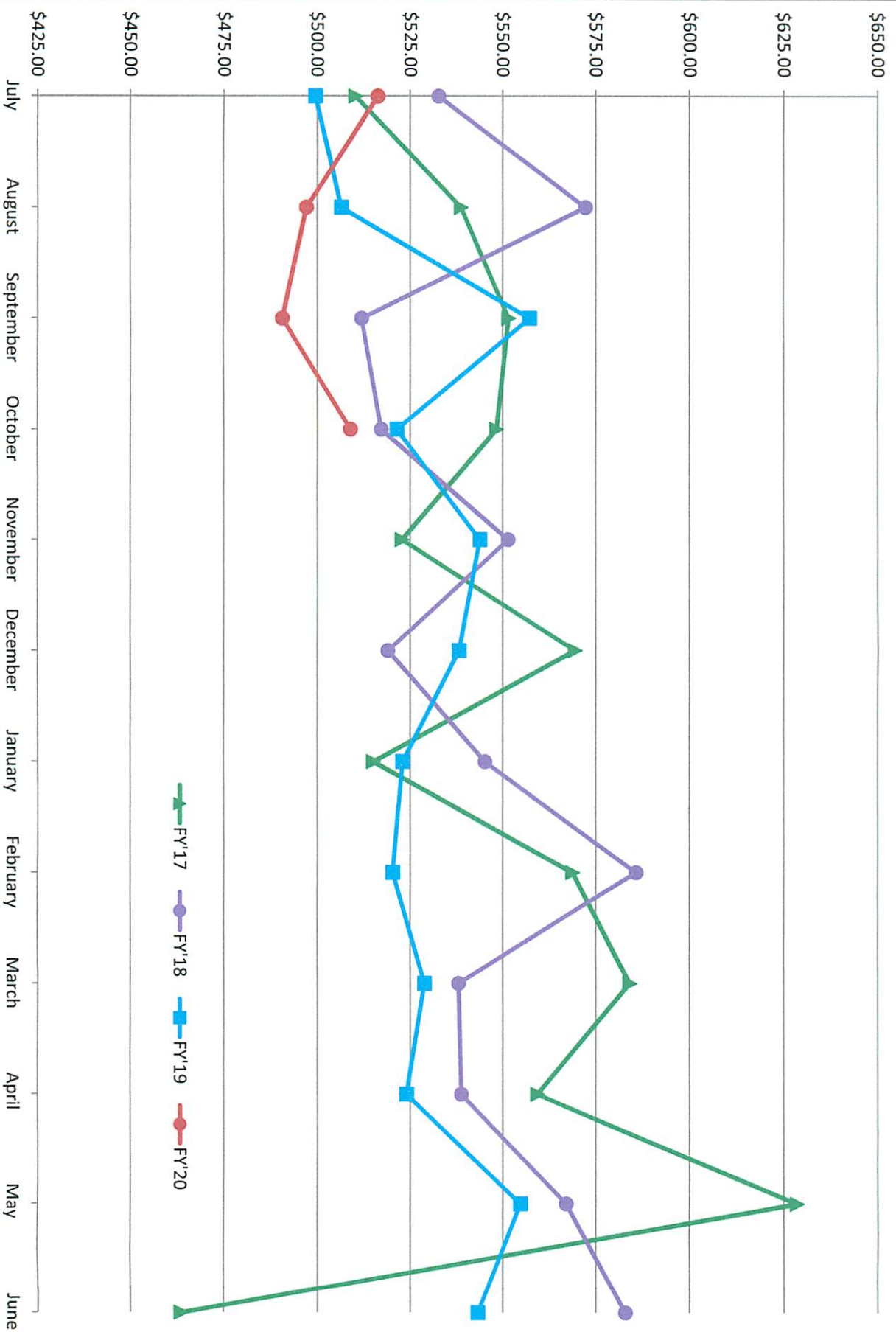
## Submitted Voucher Amount



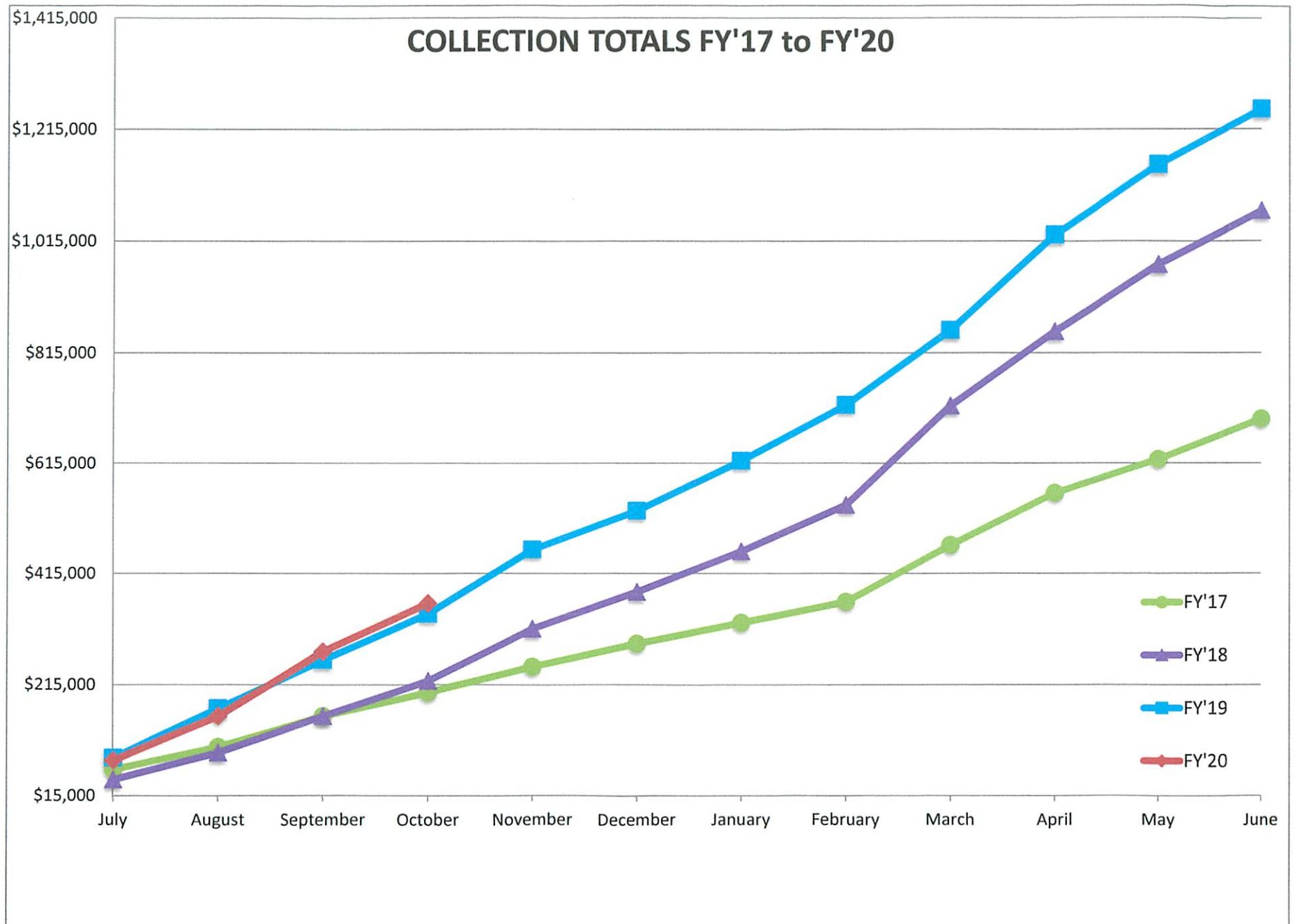
**Average Voucher Price Fiscal Year to Date**



## Monthly Price Per Voucher







**(3.)**

## **Hearing Follow-up Discussion**

## **Maciag, Eleanor**

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**From:** mcils@maine.gov  
**Sent:** Monday, October 28, 2019 2:16 PM  
**To:** Maciag, Eleanor  
**Subject:** MCILS Public Hearing on Sixth Amendment Center report

The Maine Commission on Indigent Legal Services will hold a public hearing on the Sixth Amendment Center Report issued earlier this spring. The full report can be found here:

<https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsixthamendment.org%2Fmaine-report%2F&data=02%7C01%7CEleanor.Maciag%40maine.gov%7Cf3aa82e8eb994d6c70f108d75bd2fac8%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637078834038109894&sdata=poZn4cox1LaPJ9wEFS%2F7Bc%2BhjfoXfFB%2FaGDzpdwzgMo%3D&reserved=0>

The hearing will begin at 9 am on Tuesday, November 19, 2019, in the Judiciary Committee Room, Room 438, State House, Augusta.

Any written comments for those who cannot attend should be directed to John D. Pelletier, Esq., 154 State House Station, Augusta ME 04333, Fax (207) 287-3293, [john.pelletier@maine.gov](mailto:john.pelletier@maine.gov)

Ellie

**(4.)**

## **Supplemental Budget**

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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:** PROPOSED SUPPLEMENTAL BUDGET REQUEST  
**DATE:** NOVEMBER 13, 2019

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Attached are copies of the narrative justification for the Commission's supplemental budget request that was submitted to the Budget Office and the Governor's office. Also attached is a copy of the supplemental budget initiatives submitted electronically to the Budget Office.

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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**TO:** BETH ASHCROFT, STATE BUDGET OFFICER  
DEREK LANGHAUSER, GOVERNOR'S CHIEF LEGAL COUNSEL

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

**SUBJECT:** MCILS BUDGET JUSTIFICATION  
SUPPLEMENTAL BUDGET REQUEST - FY'20-21 BIENNIAL

**DATE:** OCTOBER 18, 2019

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**ALL OTHER**

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

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

Recent Budget History

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

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

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

### Supplemental Request

Again, the Commission seeks supplemental funding necessary to raise its All Other allotment to \$18.3 million in each year of the biennium, which amounts to flat funding for a 5<sup>th</sup> and 6<sup>th</sup> year in a row.

Primarily as a result of the increased collections described above, the Commission ended FY'19 with an unencumbered balance of just under \$770,000.00. Because this balance was in an Other Special Revenue account, the Governor was able to provide allotment by financial order for these funds to be available in FY'20, which reduced the amount of supplemental funding needed for FY'20.

Nevertheless, failure to ensure stable funding for the Commission will leave the Commission unable to cover the cost of indigent legal services in May and June of the current year and create an even greater shortfall for FY'21.

**All Other Supplemental Request   FY'20   \$2,036,206   FY'21   \$2,804,980**

## **PERSONAL SERVICES**

The Commission seeks two new permanent positions, effective 4/1/2020, to enhance its capability to train, supervise and evaluate attorneys in the field and to provide financial oversight.

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

Recently, the Legislature engaged the Sixth Amendment Center to study and report on indigent legal services in Maine. That report pointed out that the Commission staff currently lacks capacity to provide needed training, evaluation, and supervision of attorneys in the field and to provide financial

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

oversight of attorney billing and Commission financial operations. The Sixth Amendment Center recommended eight additional staff positions within the Commission central office.

Since the Sixth Amendment Center issued its report, the membership of the Commission itself has been re-constituted with an expanded number seats all filled by newly appointed members. The Commission is currently deliberating what steps to take to improve indigent legal services, but has identified an immediate need to expand staff capacity to provide supervision and financial oversight. Hence, the request for prompt authorization of two new positions.

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

The Commission also seeks to hire a person with financial and audit skills to develop a program for detailed review of individual attorney billing, as well as to provide financial analysis with respect to ongoing Commission operations. For this position, the Commission seeks to establish Field Examiner II position.

These two positions will begin to address the most urgent needs identified in the Sixth Amendment Center report while the newly constituted Commission deliberates on the Commission's overall future course.

**Personal Services Supplemental Request FY'20 \$18,839 FY'21 \$179,256**



## Changes - All Budget Items

Change Group: F Change Type: All Change Number: All Include: Yes One Time: Included

		Emergency Supplemental FY 20	Emergency Supplemental FY 21	From/To
IND00	MAINE COMMISSION ON INDIGENT LEGAL SERVICES			
Change Package: F-A-5	Priority:			Include: Yes
<b>Description:</b> Provides additional funding for indigent legal services.				
<b>Justification:</b> This initiative provides additional funding for indigent legal services to bring the All Other budget for fiscal year 2019-20 and fiscal year 2020-21 into line with the current spending. For fiscal year 2019-20 and fiscal year 2020-21, the biennial budget provides substantially less funding for indigent legal services than has been appropriated for the last several years. These additional amounts will essentially provide flat funding. Failure to provide these funds will leave the agency unable to cover the costs of indigent legal services in May and June of fiscal year 2019-20 and cause an even greater shortfall in fiscal year 2020-21.				
010	GENERAL FUND			
<b>Appropriations and Allocations</b>				
All Other				
000200	ALL OTHER	0	2,804,980	
	Total All Other	0	2,804,980	
	Total Appropriations and Allocations	0	2,804,980	
<b>Expenditures</b>				
All Other				
404000	COURT APPOINTED ATTORNEYS	0	2,804,980	
	Total All Other	0	2,804,980	
	Total Expenditures	0	2,804,980	
014	OTHER SPECIAL REVENUE FUNDS			
<b>Appropriations and Allocations</b>				
All Other				
000200	ALL OTHER	2,036,206	0	
	Total All Other	2,036,206	0	
	Total Appropriations and Allocations	2,036,206	0	
<b>Expenditures</b>				
All Other				
404000	COURT APPOINTED ATTORNEYS	2,036,206	0	
	Total All Other	2,036,206	0	
	Total Expenditures	2,036,206	0	
<b>Transfers</b>				
293400	TRANS FROM GENERAL FD SURPLUS	2,036,206	0	01008C085002
	Total Transfers	2,036,206	0	

*Amplitude* 10/18/19  
 Executive Director  
 MCCLS

## Changes - All Budget Items

Change Group: F Change Type: A Change Number: 6 Include: Yes One Time: Included

		Emergency Supplemental FY 20	Emergency Supplemental FY 21	From/To
<b>IND00 MAINE COMMISSION ON INDIGENT LEGAL SERVICES</b>				
Change Package: F-A-6 Priority: Include: Yes				
<b>Description:</b> Establishes one Public Service Manager I position and one Field Examiner II position with the Commission on Indigent Legal Services, effective April 1, 2020.				
<b>Justification:</b> With current staffing levels, the Commission lacks resources needed to provide adequate training, evaluation, and supervision of assigned counsel to ensure the provision of high quality indigent legal services. The Commission also lacks resources to ensure effective financial oversight of attorney billing and internal Commission operations. These deficiencies were recently highlighted in an independent report commissioned by the Legislature. These positions will expand the Commission's ability to provide necessary training, evaluation and supervision of attorney performance and to provide needed financial oversight.				
<b>01095FZ11201 MAINE COMMISSION - INDIGENT LEGAL SVCS</b>				
<b>Positions</b>				
006000	LEGISLATIVE COUNT	0.000	2.000	
	Total Positions	0.000	2.000	
<b>Appropriations and Allocations</b>				
Personal Services				
000100	PERSONAL SVCS	0	179,256	
	Total Personal Services	0	179,256	
	Total Appropriations and Allocations	0	179,256	
<b>Expenditures</b>				
Personal Services				
311000	PERMANENT REGULAR	0	98,780	
319500	ATTRITION	0	(1,580)	
390100	HEALTH INSURANCE	0	45,412	
390500	DENTAL INSURANCE	0	700	
390800	EMPLOYER RETIREE HEALTH	0	9,400	
391000	EMPLOYER RETIREMENT COSTS	0	7,118	
391100	EMPLOYER GROUP LIFE	0	968	
391200	EMPLOYER MEDICARE COST	0	1,409	
396000	RETIRE UNFUNDED LIABILITY-REG	0	17,049	
	Total Personal Services	0	179,256	
	Total Expenditures	0	179,256	
<b>01495FZ25801 RESERVE FOR INDIGENT LEGAL SERVICES</b>				
<b>Appropriations and Allocations</b>				
Personal Services				
000100	PERSONAL SVCS	42,716	0	
	Total Personal Services	42,716	0	
	Total Appropriations and Allocations	42,716	0	
<b>Expenditures</b>				
Personal Services				
311000	PERMANENT REGULAR	23,519	0	
319500	ATTRITION	(376)	0	
390100	HEALTH INSURANCE	10,762	0	

Changes - All Budget Items

Change Group: F Change Type: A Change Number: 6 Include: Yes One Time: Included

		Emergency Supplemental FY 20	Emergency Supplemental FY 21	From/To
<b>01495FZ25801 RESERVE FOR INDIGENT LEGAL SERVICES</b>				
<b>Expenditures</b>				
Personal Services				
390500	DENTAL INSURANCE	172	0	
390800	EMPLOYER RETIREE HEALTH	2,321	0	
391000	EMPLOYER RETIREMENT COSTS	1,694	0	
391100	EMPLOYER GROUP LIFE	229	0	
391200	EMPLOYER MEDICARE COST	336	0	
396000	RETIRE UNFUNDED LIABILT-REG	4,059	0	
Total Personal Services		42,716	0	
Total Expenditures		42,716	0	
<b>Transfers</b>				
293400	TRANS FROM GENERAL FD SURPLUS	42,716	0	01008C085002
Total Transfers		42,716	0	

**(5.)**

**Enhanced Representation  
for Juveniles**

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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:** ENHANCED REPRESENTATION FOR JUVENILES AT LONG CREEK  
**DATE:** NOVEMBER 13, 2019

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During its last meeting, the Commission approved development and implementation of a program for expanding representation provided to juveniles at Long Creek.

The Executive Director has identified a team of lawyers to participate in the program and met with them on October 30, 2019. As a follow-up, the Executive Director and members of the team are scheduled to meet with Chief Justice Saufley and the District Court trial chiefs on November 22, 2019. The Executive Director has also been in touch with the head of juvenile services for the Department of Corrections, and he and members of the team will be meeting with him to discuss implementation of the program.

**(6.)**

# **Update on OPEGA Investigation**

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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:** OPEGA INVESTIGATION  
**DATE:** NOVEMBER 13, 2019

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The OPEGA team has informed us that they plan to submit a project recommendation statement to the Government Oversight Committee at that Committee's meeting on December 10, 2019. To that end, I provided additional information and met with the team on October 29<sup>th</sup>. The team then came to our office on November 5<sup>th</sup> and met with central office staff to discuss what additional data is available and how that could be provided .