

**MCILS**

**November 4, 2020  
Commissioner's Meeting  
Packet**

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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**NOVEMBER 4, 2020**  
**ZOOM COMMISSION MEETING**  
**AGENDA**

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- 1) Approval of October 6, 2020, October 15, 2020, and corrected September 23, 2020 Commission Meeting Minutes
- 2) Operations Reports
- 3) Rulemaking Discussion
- 4) Budget Request
- 5) Public Comment
- 6) Set Date, Time and Location of Next Regular Meeting of the Commission
- 7) Executive Session, if needed (Closed to Public)

**(1.)**

**October 6, 2020,  
October 15, 2020 &  
corrected September 23,  
2020  
Commission Meeting  
Minutes**

**Maine Commission on Indigent Legal Services – Commissioners Meeting  
October 6, 2020**

**Minutes**

**Commissioners Present by Telephone:** Michael Carey, Sarah Churchill, Robert Cummins, Roger Katz, Robert LeBrasseur, 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 8, 2020 and September 23, 2020 Commission Meeting Minutes	No discussion of meeting minutes.	Commissioner Katz moved to approve. Commissioner Churchill seconded. All voted in favor. Approved.
Operations Reports	<u>September 2020 Operations Report:</u> 2,739 new cases were opened in the DefenderData system in September. This was an 84 case increase over August. The number of submitted vouchers in September was 2,474, an increase of 115 vouchers over August, totaling \$1,124,285, an increase of \$100,000 over August. Director Pelletier noted that the pandemic has continued to depress costs, resulting in a \$1.1 million unspent balance. The new case total was the highest total in the last 12 months, including non-COVID impacted months. The average price per voucher was \$447.59, up \$26.47 per voucher from August. Appeal and Post-Conviction Review cases had the highest average vouchers. There were 6 vouchers exceeding \$5,000 paid in September. 100 authorizations to expend funds were issued in September, and we paid \$54,557 for experts and investigators, etc. The monthly transfer from the Judicial Branch for counsel fees for September, which reflects August’s collections, totaled \$74,498, up approximately \$2,000 from August. Two attorney complaints were received in September.	

<b>Agenda Item</b>	<b>Discussion</b>	<b>Outcome/Action Item/Responsible Party</b>
Budget Discussion	<p>Commissioner Churchill went over the details of her proposed budget, which creates a trial-level public defender office in Kennebec County, creates additional central office staff positions, and raises the hourly rate for attorneys.</p> <p>Commissioner Carey requested staff put together a budget proposal as outlined in the Sixth Amendment Center with state budget labels and using DA/AG salary benchmarks. Commissioner Schneider raised a concern about using DA salaries as a ceiling and not a floor. Commissioner LeBrasseur cautioned that the NAC standards used by the Sixth Amendment Center are case maximums and that the Commission should look at lowering those case maximums when creating the budget for new positions. He also cautioned that the NAC standards were established in 1973, before electronic discovery, collateral consequences, and mental health and specialty courts became significant time considerations. The Commissioners agreed that staff should put together a proposed budget for a trial-level office and statewide appellate office for consideration at the next meeting.</p>	
Rulemaking Process	<p>AAG Hudson relayed that January 8 is the deadline for a provisionally adopted rule. Commissioner Katz requested staff put together a rulemaking timeline. Chair Tardy suggested a November meeting for rulemaking and a late November public hearing date.</p>	
Training RFP Discussion	<p>Director Pelletier gave a brief update on the status of the training RFP. The Commission's conditional award has been approved by the Division of Procurement Services and the next step is to work with the selected vendor to negotiate a contract for services.</p>	
OPEGA Report Discussion (Executive Session)	<p>Commissioner Carey moved into executive session pursuant to 1 MRS section 405(6)(F) to discuss information contained in the records made, maintained or received by the Commission when access to by the general public to those records is prohibited under 3 MRS section 9971. Commissioner Katz seconded. All voted</p>	

<b>Agenda Item</b>	<b>Discussion</b>	<b>Outcome/Action Item/Responsible Party</b>
	in favor with Commissioner Cummins absent. No action taken during executive session.	
Public Comment	<p><u>Attorney Robert Ruffner</u>: Attorney Ruffner offered to be a resource to the Commission and noted that there was a lot of low hanging fruit that the Commission could tackle.</p> <p><u>Attorney Tina Nadeau</u>: Attorney Nadeau requested Chair Tardy allow more time for discussion and not cut short fruitful discussions.</p> <p><u>Attorney Andrew Edwards</u>: Attorney Edwards is a member of the criminal practice subcommittee and urged the Commission to fully consider the proposed rules since a lot of work went into the proposed changes.</p>	
Adjournment of meeting	The next meeting will be held by Zoom on October 15, 2020 at 1 pm.	

**Maine Commission on Indigent Legal Services – Commissioners Meeting  
October 15, 2020**

**Minutes**

**Commissioners Present by Zoom Videoconference:** Michael Carey, Sarah Churchill, Robert Cummins, Robert LeBrasseur, 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>
Budget Discussion	<p>Director Pelletier provided a draft budget for a trial level public defender office in Kennebec County, a statewide appellate public defender office based in Augusta, an additional ten staff positions in the central office, and an increase in the hourly rate for assigned counsel to \$100 per hour. A discussion ensued about the timing of staffing the Kennebec public defender office should the Legislature authorize the funding. Commissioner Carey advocated for a slower rollout over a two-year period to attain full staffing levels. Commissioner Schneider countered that a slow build of the office would exacerbate the cost of the transition and advocated for a quick rollout, between 3 and 6 months. The Commissioners agreed that the budget submission should include the full year costs with an explanation in the budget narrative that there will be a transition period for staffing the offices. There was disagreement about whether to include the hourly rate increase in the budget proposal submission, with Commissioner Schneider advocating against doing it now fearing that the other budget initiatives might not get full consideration. Commissioner Churchill countered that part of the problem facing the Commission right now is because we have not asked for everything that we need. Commissioner Cummins suggested asking for less of an increase or at a different frequency since he believes the public defender offices are the most important part of the budget. Commissioner Tardy stated that he supports an hourly rate increase and noted that it is truly what the Commission needs right now. Commissioner Carey moved to adopt what has been proposed with the following changes: cover</p>	

<b>Agenda Item</b>	<b>Discussion</b>	<b>Outcome/Action Item/Responsible Party</b>
	<p>letter to reflect our expectation that there may need to be changes to rulemaking in unallocated language and an increase in the salary ranges. Commissioner Cummins seconded. Commissioner LeBrasseur questioned whether the budget proposal included sufficient staffing levels and suggested adding additional positions. All voted in favor of the motion.</p>	
<p>Rulemaking Discussion</p>	<p>Director Pelletier provided a rulemaking timeline and noted that there is time pressure to meet a January 8<sup>th</sup> deadline. Chair Tardy indicated that he was not as concerned with the Jan 8<sup>th</sup> deadline since it is likely the rules will be allowed to be taken up even after the deadline. Chair Tardy requested the practice standards subcommittees get edited drafts to staff for discussion at the November meeting.</p>	
<p>Process for Court Assignment of Attorneys</p>	<p>Commissioner LeBrasseur has been contacted by rostered attorneys in York, Cumberland, Kennebec, and Androscoggin counties about unfair appointment practices by the courts, that judges appoint their favorite attorneys and skip over others on the roster. Commissioner LeBrasseur stated that while the budget does not allow for Commission staff to take over the appointment process, he urged the Commission to give guidance to the courts about equitable distribution of appointments. Commissioner Schneider noted that this is part of the oversight problem, that Commission staff does not talk to the court about issues. Commissioner Churchill added that it has been a problem since the Commission started that the courts have not wanted to share information with the Commission about problem attorneys. Director Pelletier suggested two ways to approach the situation: (1) talk to the trial chiefs, or (2) identify the areas where there is a concern and have a meeting with Commission staff, resource counsel, regional scheduling judges, and a member of the Commission and that staff could initiate the conversation. Commissioner LeBrasseur agreed that this would be a good starting point.</p>	



<b>Agenda Item</b>	<b>Discussion</b>	<b>Outcome/Action Item/Responsible Party</b>
OPEGA Report Discussion and Attorney Investigation Materials (Executive Session)	Commissioner Carey moved into executive session pursuant to 1 MRS section 405(6)(F) to discuss information contained in the records made, maintained or received by the Commission when access to by the general public to those records is prohibited under 3 MRS section 9971 and 4 MRS section 1806(2)(F). Commissioner Churchill seconded. All voted in favor.	
Public Comment	<p><u>Attorney Robert Ruffner</u>: Attorney Ruffner stated that going down the list is assumed only because the Commission does not have the ability to thoughtfully assign attorneys to clients. He does not think the court holds zealous advocacy against the attorney when determining assignments. He added that the LePage PD bill has excellent language about caseload standards.</p> <p><u>Attorney Andrew Edwards</u>: Attorney Edwards stated that a lot of thought and work went into the draft rules with the Sixth Amendment criticisms in mind.</p> <p><u>Attorney Cory McKenna</u>: Attorney McKenna urged the Commission to seek an hourly rate increase since the hourly rate goes hand in hand with issues facing the Commission. He does not support a public defender office in Kennebec County and questioned what will happen to all the currently rostered Kennebec lawyers if a PD office gets started. He stated that some judges won't appoint certain lawyers because they believe they are not up to snuff for certain case types. He believes that increased communication with the court about poor performance can fix this issue. He added that lawyers bear of the brunt of negative press and a coordinated response to negative media would be appreciated.</p> <p><u>Attorney Devens Hamlen</u>: Attorney Hamlen wholeheartedly supports a public defender office since he has worked under both models. He highlighted that his prior PD experience included 5 weeks of initial attorney training.</p>	

<b>Agenda Item</b>	<b>Discussion</b>	<b>Outcome/Action Item/Responsible Party</b>
Adjournment of meeting	The next meeting will be held by Zoom on November 4, 2020 at 1 pm.	

**Maine Commission on Indigent Legal Services – Commissioners Meeting  
September 23, 2020**

**Minutes**

**Commissioners Present by Telephone:** Michael Carey, Sarah Churchill, Robert Cummins, Robert LeBrasseur, 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>
Budget Discussion	<p>Director Pelletier summarized the budget discussions with the administration to date. He and Chair Tardy met with budget officials on September 9 and informed the group of the Commission’s potential additional budget requests on top of the additional \$2.8 million needed this year and each year of the biennium to meet our anticipated financial obligations. Chair Tardy added that he was encouraged that the administration recognized the baseline funding issue. Director Pelletier relayed that the Governor’s recent curtailment order does not apply to the Commission. Chair Tardy outlined four areas that a new budget proposal should cover: additional 2 staff positions previously discussed, more staffing going forward, hourly rate increase for the attorneys, and a county specific public defender project. Commissioner Carey suggested the Commission focus on the baseline budget first and look at the 4-tiered payment system in Massachusetts. Commissioner Carey requested staff gather case data for misdemeanor, felony, serious violent felony, and homicide cases to see what a multi-tier payment system would look like in Maine. Commissioner Cummins expressed displeasure with the staff’s September 9<sup>th</sup> memo to DAFS and would have preferred the number one focus be on a public defender and not more staffing and stated that the budgeting processes needs to move forward with a public defender office. Commissioner LeBrasseur suggested submitting two different budgets, one that increased staffing levels and the hourly rate for attorneys, and a second one for a public defender. Commissioner Schneider added that a public defender brings stability to the budgeting process and that the Commission must start somewhere and that it is better to start small than not all. He noted that Kennebec County has the</p>	

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# **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 2020 OPERATIONS REPORTS  
**DATE:** NOVEMBER 2, 2020

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Attached you will find the October, 2020, Operations Reports for your review and our discussion at the Commission meeting on November 4, 2020. A summary of the operations reports follows:

- 2,602 new cases were opened in the DefenderData system in October. This was a 137 case decrease from September. Year to date, new cases are up 1.6%, from 10,250 at this time last year to 10,415 this year.
- The number of vouchers submitted electronically in October was 2,808, an increase of 334 vouchers over September, totaling \$1,339,232.89, an increase of \$215,000 over September. Year to date, the number of submitted vouchers is down by approximately 18%, from 11,624 at this time last year to 9,527 this year, with the total amount for submitted vouchers down 25%, from \$5,801,332 at this time last year to \$4,338,647 this year.
- In October, we paid 2,095 electronic vouchers totaling \$1,033,779.44, representing a decrease of 921 vouchers and \$316,000 compared to September. Year to date, the number of paid vouchers is down approximately 20%, from 10,897 at this time last year to 8,744 this year, and the total amount paid is down approximately 27%, from \$5,458,021 at this time last year to \$4,002,273 this year.
- We paid no paper vouchers in October.
- The average price per voucher in October was \$493.45, up \$45.86 per voucher over September. Year to date, the average price per voucher is down approximately 8.6%, from \$500.87 at this time last year to \$457.72 this year.
- Appeal and Post-Conviction Review cases had the highest average voucher in October. There were 6 vouchers exceeding \$5,000 paid in October. See attached addendum for details.
- In October, we issued 123 authorizations to expend funds: 82 for private investigators, 25 for experts, and 16 for miscellaneous services such as interpreters and transcriptionists. In October, we paid \$55,460.60 for experts and investigators, etc. One request for an interpreter to assist a client to complete a driving course was denied as beyond the scope of services necessary to defend a case.

- In October, we received three complaints about attorneys, two in the form of a letter to the court seeking new counsel and a third from opposing counsel on a case. The complaints were sent to the attorneys seeking a response. All the attorneys responded. Two responses were satisfactory, but the complaint from opposing counsel remains subject to further follow-up.
- In October, we approved one request for co-counsel in a Gross Sexual Assault case where current counsel had to withdraw.

In our All Other Account, the total expenses for the month of October were \$1,102,607.41. During October, just over \$13,000 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$72,760.83 in expenses for the month of October.

In the Revenue Account, the transfer from the Judicial Branch for October, reflecting September's collections, totaled \$57,481.90, a decrease of approximately \$17,000 from the previous month.

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

VOUCHERS EXCEEDING \$5,000 PAID OCTOBER 2020

	Voucher Total	Case Total
Voucher after an eleven-day Murder trial. Single voucher for co-counsel from the same firm.	\$30,590	\$44,121 (vouchers of \$7,110 and \$6,228 previously paid to co-counsel who withdrew at the client's request, as well as \$193 to counsel specially assigned to represent the defendant on an attempt to discharge counsel mid-trial)
Voucher in a highly contested Child Protective case. Matter involved injuries to a child and expert medical testimony on both sides. Case took 14 months to get to a three-day jeopardy hearing. Repeated, but ultimately unsuccessful attempts at settlement. Extensive litigation over discovery and proposed findings submitted post-hearing.	\$13,860	\$13,860
Interim voucher in a Post-Conviction Review of a Murder conviction. Counsel is leaving Maine practice and withdrew.	\$7,173	\$7,173
Interim voucher in a Termination of Parental Rights case. Client had mental health issues leading to erratic behavior. Much time devoted to fending off the court's threat to hold the client in contempt. Case also involved allegations of misconduct by the foster parents.	\$6,707	\$6,707
Voucher after a four-day trial on charges of Robbery and Aggravated Assault. Defendant found not guilty on both counts.	\$6,010	\$6,010
Voucher in a complicated Child Protective case involving allegations of sexual assault between siblings. Case took 9 months to get to a two and one-half-day jeopardy hearing. Custody of one child returned to client.	\$5,592	\$5,592

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

**Activity Report by Case Type**

10/31/2020

DefenderData Case Type	Oct-20						Fiscal Year 2021			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	10	12	\$ 15,484.60	8	\$ 11,074.82	\$ 1,384.35	23	41	\$ 63,964.74	\$ 1,560.12
Child Protection Petition	180	564	\$ 318,867.82	420	\$ 242,694.10	\$ 577.84	791	1,543	\$ 912,773.44	\$ 591.56
Drug Court	1	14	\$ 19,296.00	13	\$ 16,908.00	\$ 1,300.62	2	38	\$ 47,298.00	\$ 1,244.68
Emancipation	4	3	\$ 1,248.71	3	\$ 1,248.71	\$ 416.24	25	19	\$ 5,078.91	\$ 267.31
Felony	652	538	\$ 368,423.03	378	\$ 272,579.61	\$ 721.11	2,362	1,552	\$ 1,058,614.24	\$ 682.10
Involuntary Civil Commitment	67	72	\$ 12,324.00	47	\$ 8,580.00	\$ 182.55	334	282	\$ 59,191.08	\$ 209.90
Juvenile	64	67	\$ 32,157.64	48	\$ 18,914.56	\$ 394.05	282	229	\$ 106,481.55	\$ 464.98
Lawyer of the Day - Custody	270	281	\$ 64,764.84	237	\$ 54,453.04	\$ 229.76	1,019	946	\$ 227,008.76	\$ 239.97
Lawyer of the Day - Juvenile	23	23	\$ 3,527.31	21	\$ 3,065.31	\$ 145.97	100	92	\$ 21,230.07	\$ 230.76
Lawyer of the Day - Walk-in	151	157	\$ 39,004.32	142	\$ 35,292.10	\$ 248.54	784	732	\$ 165,926.69	\$ 226.68
Misdemeanor	981	644	\$ 210,095.63	464	\$ 156,534.03	\$ 337.36	3,839	1,989	\$ 622,540.34	\$ 312.99
Petition, Modified Release Treatment	1	4	\$ 2,042.20	3	\$ 1,754.20	\$ 584.73	4	17	\$ 8,276.97	\$ 486.88
Petition, Release or Discharge	0	2	\$ 1,787.15	2	\$ 1,787.15	\$ 893.58	1	3	\$ 2,469.48	\$ 823.16
Petition, Termination of Parental Rights	24	59	\$ 41,359.44	36	\$ 31,180.46	\$ 866.12	107	154	\$ 114,466.97	\$ 743.29
Post Conviction Review	7	10	\$ 18,052.80	6	\$ 16,516.80	\$ 2,752.80	24	18	\$ 42,723.68	\$ 2,373.54
Probate	7	2	\$ 3,656.80	2	\$ 3,656.80	\$ 1,828.40	9	5	\$ 5,492.80	\$ 1,098.56
Probation Violation	113	134	\$ 58,801.65	97	\$ 47,030.24	\$ 484.85	511	383	\$ 169,472.33	\$ 442.49
Represent Witness on 5th Amendment	0	1	\$ 900.00	1	\$ 900.00	\$ 900.00	1	1	\$ 900.00	\$ 900.00
Resource Counsel Criminal	0	3	\$ 582.00	2	\$ 426.00	\$ 213.00	0	6	\$ 1,026.00	\$ 171.00
Resource Counsel Juvenile	1	1	\$ 120.00	1	\$ 120.00	\$ 120.00	1	3	\$ 438.00	\$ 146.00
Resource Counsel Protective Custody	0	0		0			0	1	\$ 408.00	\$ 408.00
Review of Child Protection Order	44	217	\$ 126,736.95	164	\$ 109,063.51	\$ 665.02	191	689	\$ 366,386.28	\$ 531.77
Revocation of Administrative Release	2	0		0			5	1	\$ 105.52	\$ 105.52
<b>DefenderData Sub-Total</b>	<b>2,602</b>	<b>2,808</b>	<b>\$ 1,339,232.89</b>	<b>2,095</b>	<b>\$ 1,033,779.44</b>	<b>\$ 493.45</b>	<b>10,415</b>	<b>8,744</b>	<b>\$ 4,002,273.85</b>	<b>\$ 457.72</b>
<b>Paper Voucher Sub-Total</b>	<b>0</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>#DIV/0!</b>	<b>0</b>	<b>0</b>	<b>\$ -</b>	<b>#DIV/0!</b>
<b>TOTAL</b>	<b>2,602</b>	<b>2,808</b>	<b>\$1,339,232.89</b>	<b>2,095</b>	<b>\$1,033,779.44</b>	<b>\$ 493.45</b>	<b>10,415</b>	<b>8,744</b>	<b>\$ 4,002,273.85</b>	<b>\$ 457.72</b>



**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY21 FUND ACCOUNTING**  
AS OF 10/31/2020

Account 010 95F Z112 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY20 Total
FY21 Professional Services Allotment		\$ 4,372,000.00		\$ 4,312,000.00		\$ 4,452,000.00		\$ 2,113,725.00	
FY21 General Operations Allotment		\$ 48,000.00		\$ 48,000.00		\$ 48,000.00		\$ 48,000.00	
FY20 Encumbered Balance Forward		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustment		\$ 80,000.00		\$ -		\$ -		\$ -	
Supplemental Budget Allotment		\$ -		\$ -		\$ -		\$ -	
Reduction due to encumbrance closure		\$ -		\$ -		\$ -		\$ -	
Financial Order Unencumbered Balance Fwd		\$ -		\$ -		\$ -		\$ -	
<b>Total Budget Allotments</b>		<b>\$ 4,500,000.00</b>		<b>\$ 4,360,000.00</b>		<b>\$ 4,500,000.00</b>		<b>\$ 2,161,725.00</b>	<b>\$ 15,521,725.00</b>
Total Expenses	1	\$ (765,783.81)	4	\$ (1,102,607.41)	7	\$ -	10	\$ -	
	2	\$ (940,166.23)	5	\$ -	8	\$ -	11	\$ -	
	3	\$ (1,428,757.76)	6	\$ -	9	\$ -	12	\$ -	
Encumbrances (Justice Works)		\$ (62,405.00)		\$ 6,825.00		\$ -		\$ -	\$ (55,580.00)
Encumbrances (B Taylor)		\$ (66,300.00)		\$ -		\$ -		\$ -	\$ (66,300.00)
Encumbrances (Videographer & business cards)		\$ -		\$ -		\$ -		\$ -	\$ -
<b>TOTAL REMAINING</b>		<b>\$ 1,236,587.20</b>		<b>\$ 3,264,217.59</b>		<b>\$ 4,500,000.00</b>		<b>\$ 2,161,725.00</b>	<b>\$ 11,162,529.79</b>

Q2 Month 4	
INDIGENT LEGAL SERVICES	
Counsel Payments	\$ (1,033,779.44)
Interpreters	\$ (400.00)
Private Investigators	\$ (14,419.33)
Mental Health Expert	\$ (6,075.00)
Misc Prof Fees & Serv	\$ (3,142.00)
Transcripts	\$ (6,474.74)
Other Expert	\$ (23,725.00)
Process Servers	\$ (1,194.21)
Subpoena Witness Fees	\$ (30.32)
Out of State Witness Travel	\$ -
<b>SUB-TOTAL ILS</b>	<b>\$ (1,089,240.04)</b>
OPERATING EXPENSES	
Service Center	\$ (1,829.25)
DefenderData	\$ (6,825.00)
Automobile Insurance	\$ -
Mileage/Tolls/Parking	\$ (1,162.80)
Mailing/Postage/Freight	\$ (14.90)
West Publishing Corp	\$ (211.96)
Safety/Protective Supplies	\$ -
Office Supplies/Equip.	\$ (265.43)
Cellular Phones	\$ (334.47)
OIT/TELCO	\$ (2,527.80)
Office Equipment Rental	\$ (195.76)
Training Videographer	\$ -
Barbara Taylor monthly fees	\$ -
Dues	\$ -
AAG Legal Svcs Quarterly Payment	\$ -
<b>SUB-TOTAL OE</b>	<b>\$ (13,367.37)</b>
<b>TOTAL</b>	<b>\$ (1,102,607.41)</b>

INDIGENT LEGAL SERVICES	
Q2 Allotment	\$ 4,360,000.00
Q2 Encumbrances for Justice Works contract	\$ 6,825.00
Barbara Taylor Contract	\$ -
Videographer	\$ -
Q2 Expenses to date	\$ (1,102,607.41)
<b>Remaining Q1 Allotment</b>	<b>\$ 3,264,217.59</b>

Non-Counsel Indigent Legal Services	
Monthly Total	\$ (55,460.60)
Total Q1	\$ 110,837.23
Total Q2	\$ 55,460.60
Total Q3	\$ -
Total Q4	\$ -
<b>Fiscal Year Total</b>	<b>\$ 166,297.83</b>

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

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY21 FUND ACCOUNTING**  
As of 10/31/2020

<b>Account 014 95F Z112 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	\$ 88,434.06	4	\$ 57,481.90	7	\$ -	10	\$ -	
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	2	\$ 72,639.44	5	\$ -	8	\$ -	11	\$ -	
Court Ordered Counsel Fee		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB (late transfer)		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	3	\$ 74,498.74	6	\$ -	9	\$ -	12	\$ -	
Returned Checks-stopped payments		\$ -		\$ -		\$ -		\$ -	
<b>TOTAL CASH PLUS REVENUE COLLECTED</b>		\$ 235,572.24		\$ 57,481.90		\$ -		\$ -	\$ 293,054.14
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	\$ -	4	\$ -	7	\$ -	10	\$ -	
	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
<b>REMAINING CASH Year to Date</b>		\$ 235,572.24		\$ 57,481.90		\$ -		\$ -	\$ 293,054.14

<b>Collections versus Allotment</b>	
Monthly Total	\$ 57,480.90
Total Q1	\$ 235,572.24
Total Q2	\$ 57,480.90
Total Q3	\$ -
Total Q4	\$ -
Allotment Expended to Date	\$ -
Fiscal Year Total	\$ 293,053.14

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY21 FUND ACCOUNTING**  
AS OF 10/31/2020

<b>Account 010 95F Z112 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>FY20 Total</b>
FY21 Allotment		\$ 236,986.00		\$ 245,444.00		\$ 216,987.00		\$ 197,826.00	\$ 897,243.00
Financial Order Adjustments		\$ 20,000.00		\$ (20,000.00)		\$ -		\$ -	
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	
<b>Total Budget Allotments</b>		<b>\$ 256,986.00</b>		<b>\$ 225,444.00</b>		<b>\$ 216,987.00</b>		<b>\$ 197,826.00</b>	<b>\$ 897,243.00</b>
Total Expenses	1	\$ (72,711.14)	4	\$ (72,760.83)	7	\$ -	10	\$ -	
	2	\$ (72,775.12)	5	\$ -	8	\$ -	11	\$ -	
	3	\$ (102,741.37)	6	\$ -	9	\$ -	12	\$ -	
<b>TOTAL REMAINING</b>		<b>\$ 8,758.37</b>		<b>\$ 152,683.17</b>		<b>\$ 216,987.00</b>		<b>\$ 197,826.00</b>	<b>\$ 576,254.54</b>

<b>Q2 Month 4</b>	
Per Diem	\$ (165.00)
Salary	\$ (34,485.16)
Vacation Pay	\$ (1,935.55)
Holiday Pay	\$ (2,238.17)
Sick Pay	\$ (1,582.06)
Empl Hlth SVS/Worker Comp	\$ -
Health Insurance	\$ (11,840.50)
Dental Insurance	\$ (321.20)
Employer Retiree Health	\$ (4,310.94)
Employer Retirement	\$ (2,675.00)
Employer Group Life	\$ (446.88)
Employer Medicare	\$ (601.04)
Retiree Unfunded Liability	\$ (7,819.46)
Longevity Pay	\$ (160.00)
Perm Part Time Full Ben	\$ (4,179.87)
Premium & Standard OT	\$ -
Retro Lump Sum Pymt	\$ -
<b>TOTAL</b>	<b>\$ (72,760.83)</b>

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

10/31/2020

Court	Oct-20						Fiscal Year 2021			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	4	5	\$ 1,488.00	5	\$ 1,488.00	\$ 297.60	9	19	\$ 19,794.00	\$ 1,041.79
AUBSC	1	1	\$ 246.00	0			4	1	\$ 12.00	\$ 12.00
AUGDC	33	66	\$ 34,166.87	40	\$ 27,841.71	\$ 696.04	161	182	\$ 108,026.51	\$ 593.55
AUGSC	5	10	\$ 9,063.75	7	\$ 3,991.35	\$ 570.19	15	27	\$ 11,792.12	\$ 436.75
BANDC	57	130	\$ 35,191.00	71	\$ 19,573.40	\$ 275.68	223	312	\$ 90,899.05	\$ 291.34
BANSC	0	0		0			0	0		
BATSC	0	0		0			1	0		
BELDC	9	89	\$ 49,490.97	77	\$ 42,682.77	\$ 554.32	46	131	\$ 73,095.96	\$ 557.98
BELSC	0	0		0			0	0		
BIDDC	43	86	\$ 58,020.07	54	\$ 38,268.07	\$ 708.67	165	220	\$ 131,862.09	\$ 599.37
BRIDC	10	12	\$ 5,805.44	6	\$ 3,084.00	\$ 514.00	42	73	\$ 34,206.10	\$ 468.58
CALDC	2	9	\$ 2,893.84	7	\$ 2,677.84	\$ 382.55	21	29	\$ 13,855.04	\$ 477.76
CARDC	15	24	\$ 9,043.67	18	\$ 6,577.67	\$ 365.43	33	87	\$ 37,813.17	\$ 434.63
CARSC	0	0		0			0	1	\$ 360.00	\$ 360.00
DOVDC	4	14	\$ 5,801.92	12	\$ 4,775.92	\$ 397.99	25	59	\$ 23,804.16	\$ 403.46
DOVSC	0	0		0			0	0		
ELLDC	12	33	\$ 33,242.20	24	\$ 25,536.00	\$ 1,064.00	43	110	\$ 85,825.50	\$ 780.23
ELLSC	0	0		0			0	0		
FARDC	4	20	\$ 11,192.60	17	\$ 10,247.00	\$ 602.76	23	57	\$ 40,721.08	\$ 714.40
FARSC	0	0		0			0	3	\$ 2,173.35	\$ 724.45
FORDC	8	7	\$ 4,938.16	11	\$ 6,275.15	\$ 570.47	37	57	\$ 34,852.61	\$ 611.45
HOUDC	3	17	\$ 9,616.84	17	\$ 9,154.84	\$ 538.52	38	93	\$ 53,024.88	\$ 570.16
HOUSC	1	0		0			1	0		
LEWDC	67	86	\$ 44,081.72	76	\$ 41,946.32	\$ 551.93	272	322	\$ 172,355.30	\$ 535.26
LINDC	4	6	\$ 3,371.56	6	\$ 3,217.56	\$ 536.26	46	46	\$ 22,287.60	\$ 484.51
MACDC	0	8	\$ 3,072.00	5	\$ 2,028.00	\$ 405.60	6	25	\$ 18,872.91	\$ 754.92
MACSC	0	0		0			0	1	\$ 1,826.30	\$ 1,826.30
MADDC	1	1	\$ 322.80	1	\$ 322.80	\$ 322.80	3	3	\$ 1,275.52	\$ 425.17
MILDC	4	13	\$ 3,887.92	6	\$ 1,320.00	\$ 220.00	22	21	\$ 7,795.92	\$ 371.23
NEWDC	9	38	\$ 14,076.45	25	\$ 11,092.41	\$ 443.70	55	104	\$ 35,999.76	\$ 346.15
PORDC	63	93	\$ 51,282.60	70	\$ 36,144.60	\$ 516.35	275	334	\$ 151,737.26	\$ 454.30
PORSC	1	0		0			4	4	\$ 3,259.52	\$ 814.88
PREDC	10	21	\$ 9,882.00	10	\$ 6,342.60	\$ 634.26	51	84	\$ 34,065.80	\$ 405.55
RODC	14	54	\$ 24,090.77	47	\$ 22,119.73	\$ 470.63	55	109	\$ 55,148.13	\$ 505.95
ROSC	1	1	\$ 264.00	1	\$ 264.00	\$ 264.00	3	5	\$ 996.00	\$ 199.20
RUMDC	13	24	\$ 21,771.60	20	\$ 19,923.60	\$ 996.18	29	88	\$ 73,604.68	\$ 836.42
SKODC	21	75	\$ 32,237.55	57	\$ 25,146.84	\$ 441.17	108	223	\$ 105,096.50	\$ 471.28
SKOSC	0	0		0			2	0		
SOUDC	8	18	\$ 12,241.78	17	\$ 11,473.78	\$ 674.93	24	57	\$ 34,705.10	\$ 608.86
SOUSC	1	0		0			1	0		
SPRDC	34	51	\$ 30,538.04	34	\$ 16,828.72	\$ 494.96	116	143	\$ 78,985.56	\$ 552.35
Law Ct	8	12	\$ 15,484.60	8	\$ 11,074.82	\$ 1,384.35	18	34	\$ 52,471.23	\$ 1,543.27
YORCD	228	170	\$ 100,474.91	121	\$ 75,704.03	\$ 625.65	758	516	\$ 278,293.24	\$ 539.33
AR OCD	175	86	\$ 35,743.94	69	\$ 31,186.94	\$ 451.98	628	371	\$ 145,187.57	\$ 391.34
ANDCD	177	205	\$ 73,369.70	155	\$ 58,556.44	\$ 377.78	946	597	\$ 193,860.44	\$ 324.72
KENCD	226	224	\$ 92,275.13	140	\$ 57,925.46	\$ 413.75	791	506	\$ 221,950.34	\$ 438.64
PENCD	226	195	\$ 104,456.52	154	\$ 84,132.23	\$ 546.31	948	612	\$ 281,021.92	\$ 459.19
SAGCD	34	32	\$ 14,879.78	25	\$ 13,885.18	\$ 555.41	153	123	\$ 55,394.58	\$ 450.36
WALCD	81	51	\$ 17,380.68	42	\$ 11,278.09	\$ 268.53	277	163	\$ 59,106.77	\$ 362.62
PISCD	12	13	\$ 5,022.12	19	\$ 6,783.80	\$ 357.04	83	58	\$ 17,731.94	\$ 305.72
HANCD	38	36	\$ 14,147.40	23	\$ 9,780.00	\$ 425.22	183	154	\$ 61,522.82	\$ 399.50
FRACD	36	41	\$ 17,735.57	30	\$ 12,137.37	\$ 404.58	204	160	\$ 52,423.73	\$ 327.65
WASCD	56	54	\$ 45,362.52	34	\$ 40,730.52	\$ 1,197.96	232	139	\$ 80,535.92	\$ 579.40
CUMCD	466	341	\$ 145,677.78	266	\$ 112,037.53	\$ 421.19	1,647	1,045	\$ 494,615.62	\$ 473.32
KN OCD	62	55	\$ 21,993.09	43	\$ 16,951.82	\$ 394.23	288	169	\$ 70,833.94	\$ 419.14
SOMCD	91	98	\$ 28,798.92	70	\$ 21,253.76	\$ 303.63	376	257	\$ 64,303.14	\$ 250.21
OXFCD	107	51	\$ 18,233.19	44	\$ 14,712.35	\$ 334.37	473	337	\$ 102,255.61	\$ 303.43
LINCD	54	39	\$ 13,688.72	34	\$ 11,493.20	\$ 338.04	196	140	\$ 47,174.91	\$ 336.96
WATDC	24	55	\$ 30,369.28	48	\$ 28,480.38	\$ 593.34	101	155	\$ 79,343.73	\$ 511.90
WESDC	29	26	\$ 18,289.36	20	\$ 12,081.28	\$ 604.06	91	101	\$ 43,973.28	\$ 435.38
WISDC	3	3	\$ 1,272.00	1	\$ 216.00	\$ 216.00	34	41	\$ 22,040.80	\$ 537.58
WISSC	0	0		0			1	0		
YORDC	7	9	\$ 3,255.56	8	\$ 3,033.56	\$ 379.20	28	36	\$ 18,102.84	\$ 502.86
<b>TOTAL</b>	<b>2,602</b>	<b>2,808</b>	<b>\$ 1,339,232.89</b>	<b>2,095</b>	<b>\$ 1,033,779.44</b>	<b>\$ 493.45</b>	<b>10,415</b>	<b>8,744</b>	<b>\$ 4,002,273.85</b>	<b>\$ 457.72</b>

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

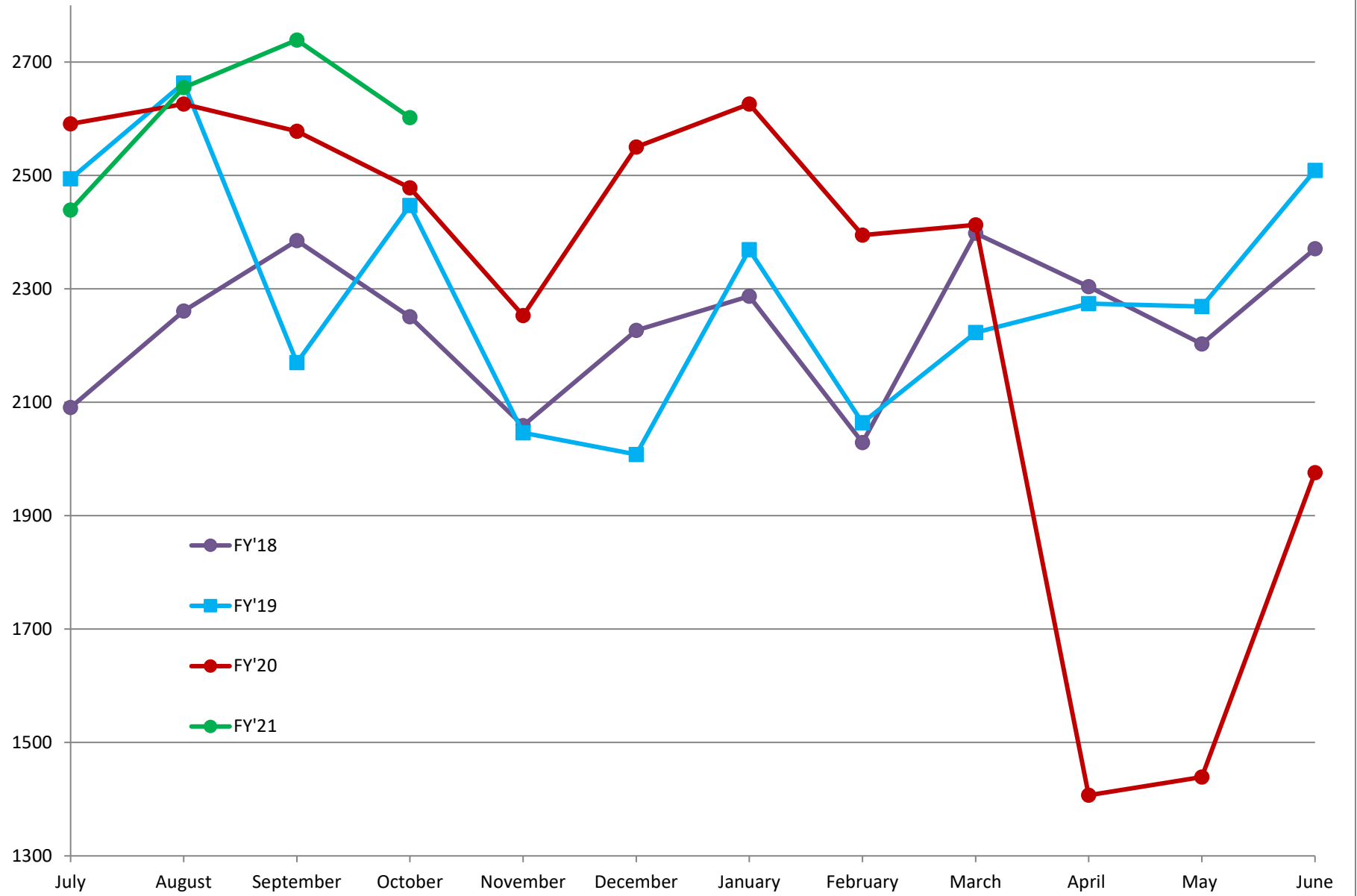
**Number of Attorneys Rostered by Court**

**10/31/2020**

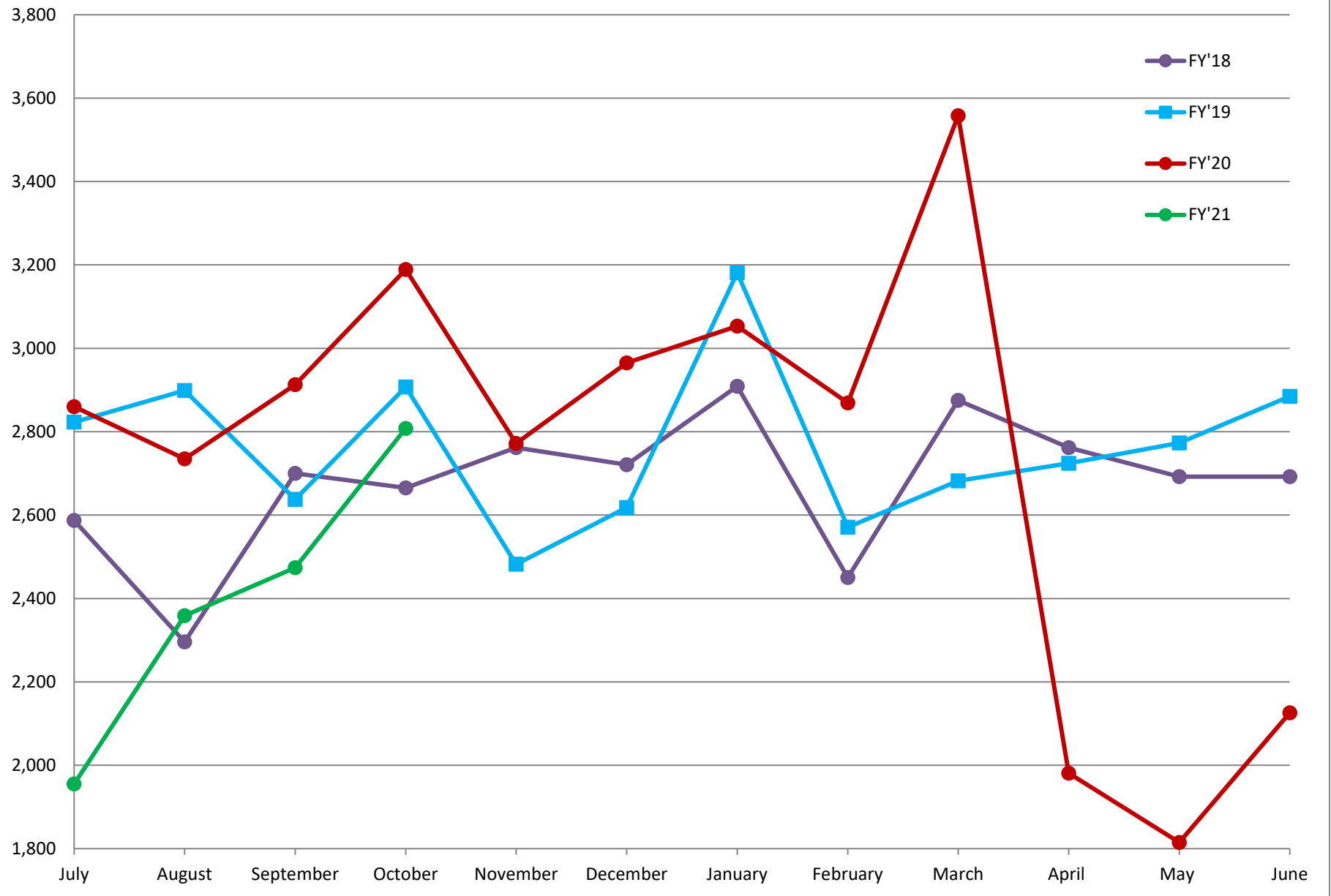
<b>Court</b>	<b>Rostered Attorneys</b>
Augusta District Court	69
Bangor District Court	39
Belfast District Court	36
Biddeford District Court	112
Bridgton District Court	69
Calais District Court	8
Caribou District Court	15
Dover-Foxcroft District Court	24
Ellsworth District Court	31
Farmington District Court	33
Fort Kent District Court	10
Houlton District Court	12
Lewiston District Court	106
Lincoln District Court	20
Machias District Court	12
Madawaska District Court	11
Millinocket District Court	14
Newport District Court	27
Portland District Court	131
Presque Isle District Court	13
Rockland District Court	27
Rumford District Court	22
Skowhegan District Court	20

<b>Court</b>	<b>Rostered Attorneys</b>
South Paris District Court	44
Springvale District Court	98
Unified Criminal Docket Alfred	95
Unified Criminal Docket Aroostook	21
Unified Criminal Docket Auburn	86
Unified Criminal Docket Augusta	68
Unified Criminal Docket Bangor	40
Unified Criminal Docket Bath	73
Unified Criminal Docket Belfast	36
Unified Criminal Docket Dover Foxcroft	22
Unified Criminal Docket Ellsworth	34
Unified Criminal Docket Farmington	34
Unified Criminal Docket Machias	14
Unified Criminal Docket Portland	127
Unified Criminal Docket Rockland	22
Unified Criminal Docket Skowhegan	16
Unified Criminal Docket South Paris	39
Unified Criminal Docket Wiscasset	43
Waterville District Court	35
West Bath District Court	87
Wiscasset District Court	50
York District Court	86

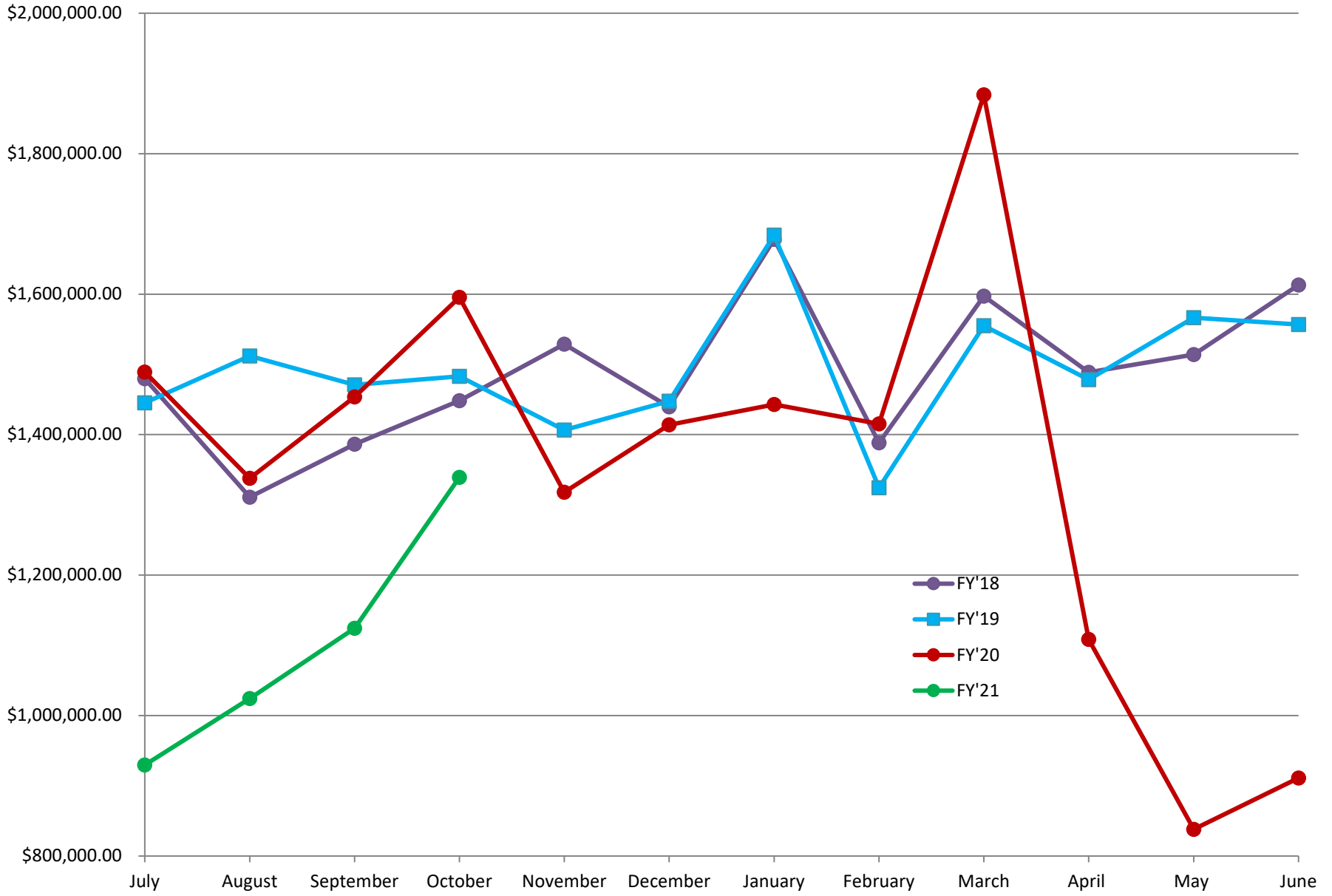
# NEW CASES



# Submitted Vouchers

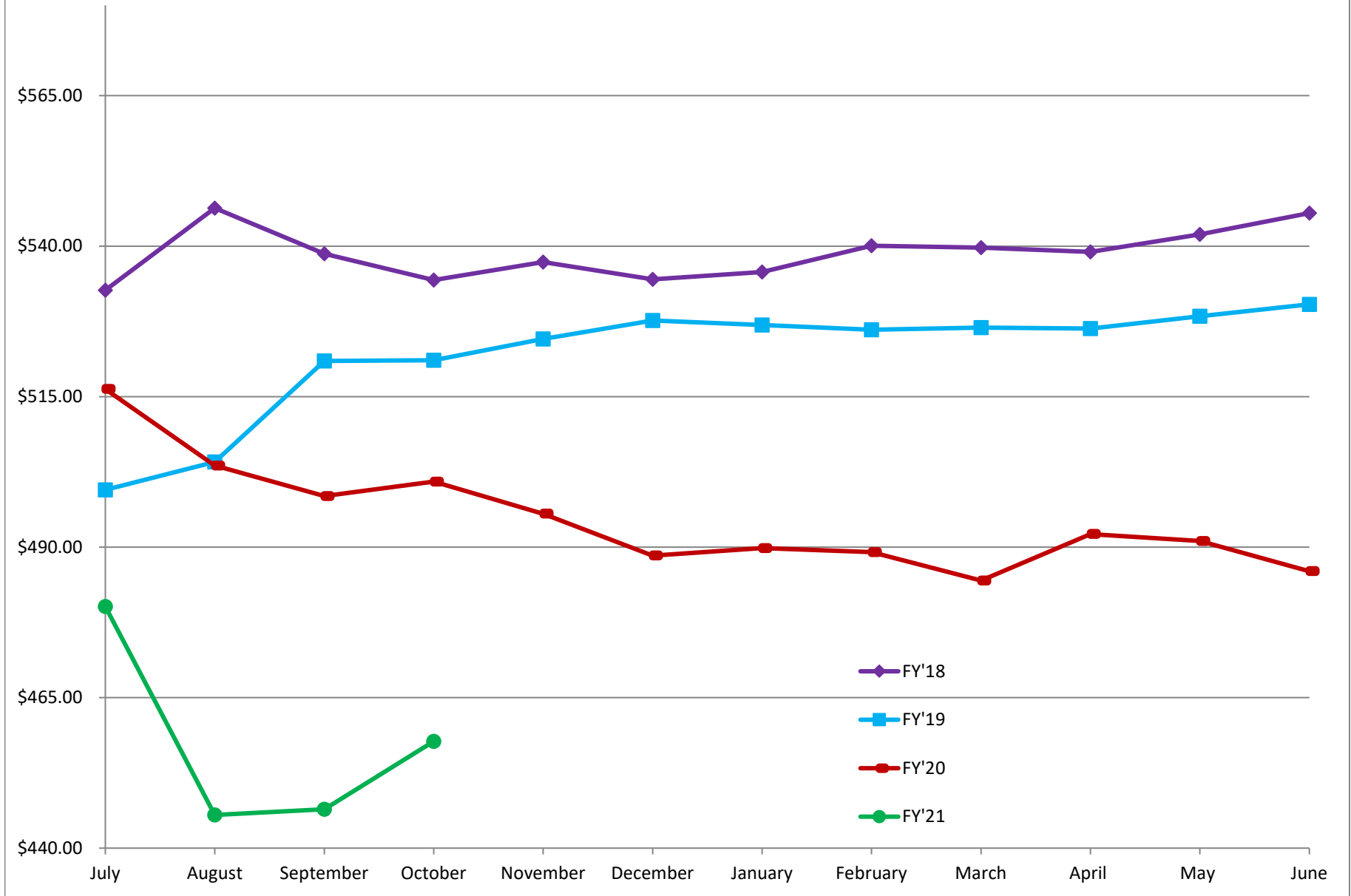


# Submitted Voucher Amount

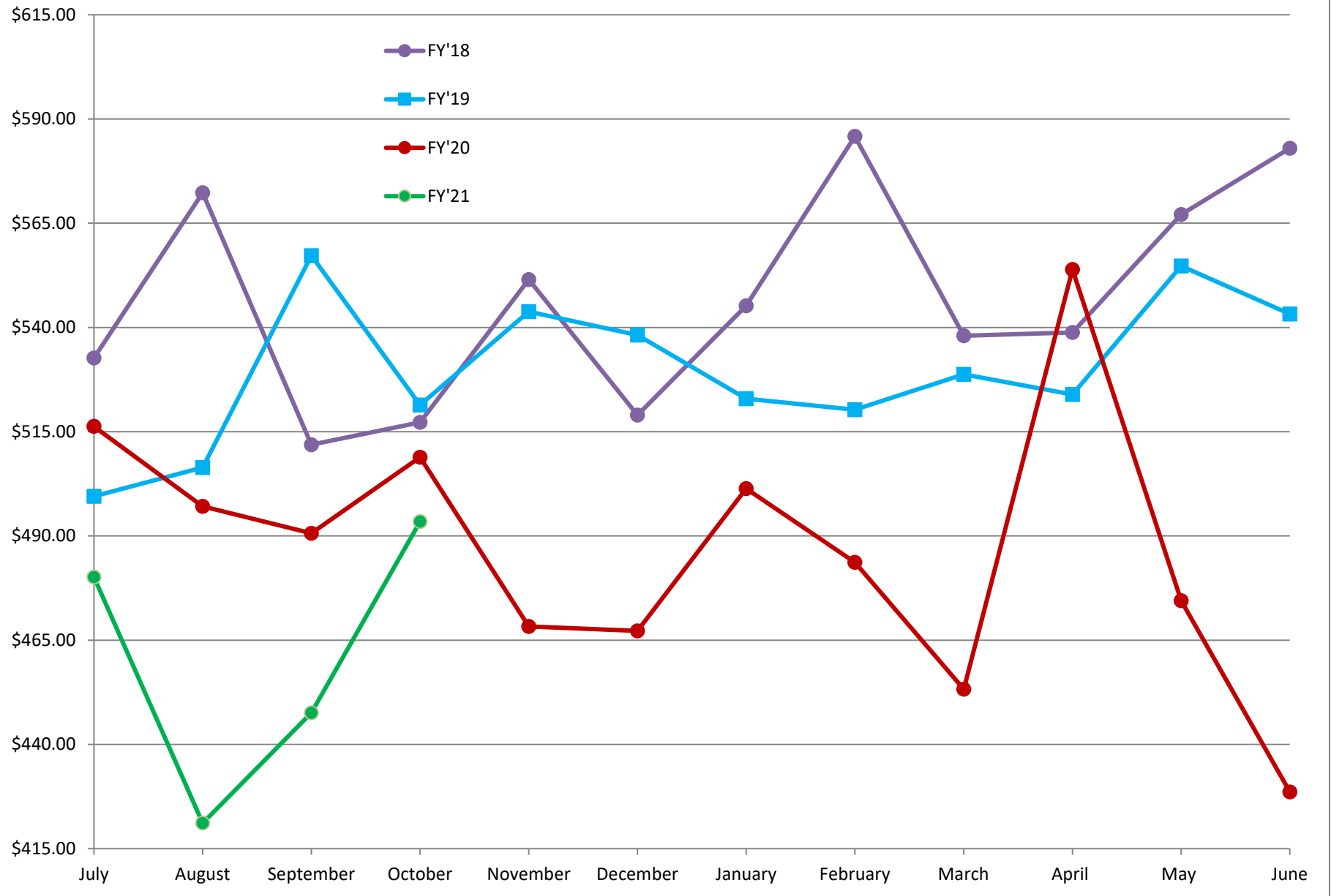




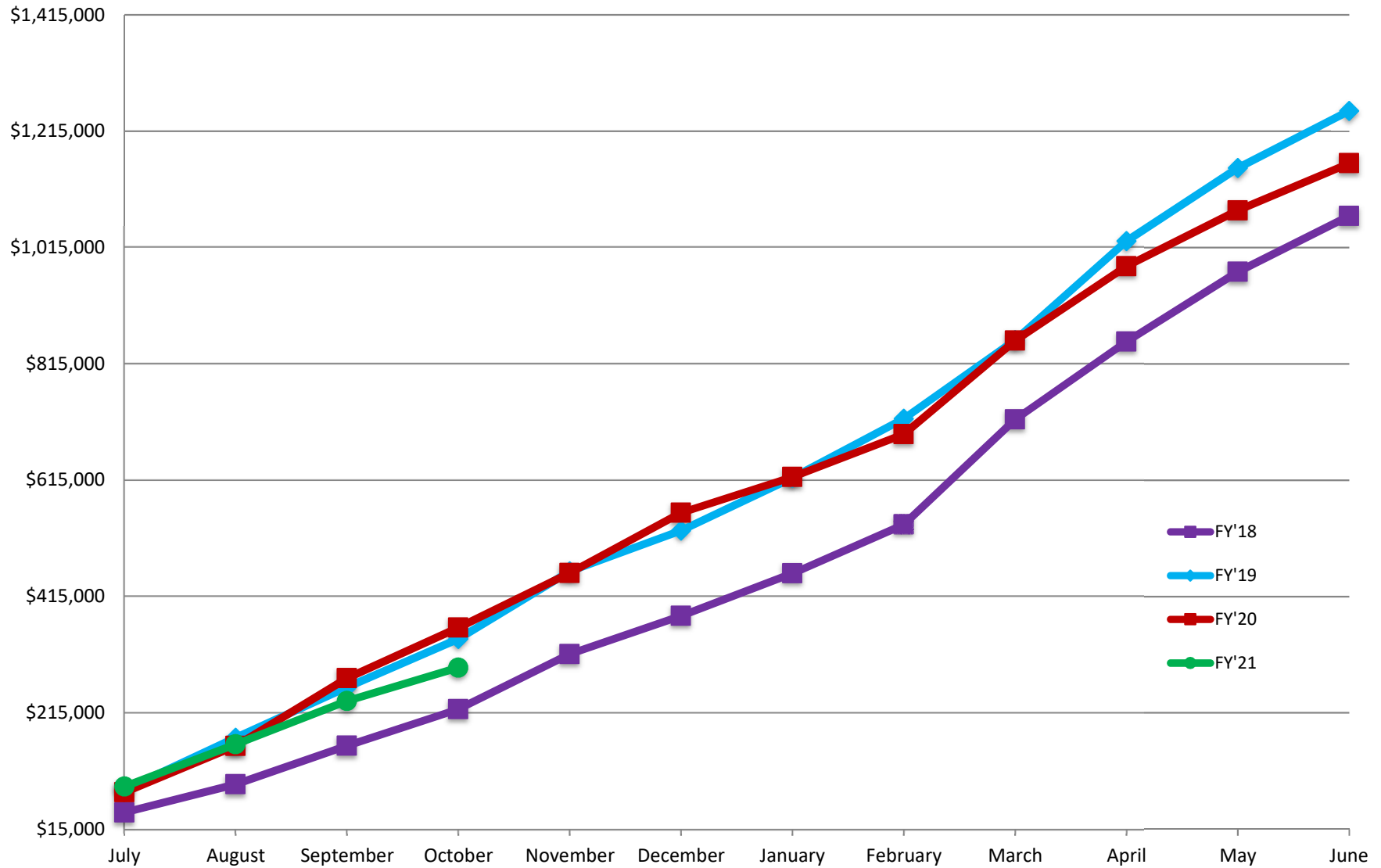
# Average Voucher Price Fiscal Year to Date



# Monthly Price Per Voucher



# COLLECTION TOTALS FY'18 to FY'21



**(3.)**

## **Rulemaking Discussions**

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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:** MCILS RULEMAKING PROCESS  
**DATE:** OCTOBER 30, 2020

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Attached are drafts of Chapter 2 and Chapter 3, the Commission's major substantive rules with track changes reflecting the recommendations of the Criminal Standards sub-committee and the Child Protective/Involuntary Commitment sub-committee. Please note that the drafts have undergone substantial revision since the drafts forwarded in the October 15<sup>th</sup> packet.

Also attached is a comment letter from the Maine Association of Criminal Defense Lawyers. Note that the letter addresses the previous drafts.

**Chapter 2: STANDARDS FOR QUALIFICATIONS OF ROSTEREDASSIGNED COUNSEL**

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**Summary:** This chapter establishes the standards prescribing minimum experience, training and other qualifications for contract counsel and rosteredassigned counsel to be eligible to accept appointments to represent indigent people, who are eligible for a constitutionally-required attorney.

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**SECTION 1. Application**

All attorneys wishing to accept case assignments by the Commission must complete an application in the manner prescribed by the Commission. The Commission will not act on an application until it is complete. No attorney will be assigned a case until that attorney completes an application and is placed on the roster of attorneys eligible to receive assignments.

**SECTION 1A. Admissions for Previously Admitted Rostered Attorneys at the Time These Amended Rules and Standards are Implemented.**

The attorney shall demonstrate the necessary and sufficient experience and proficiency required to accept appointments as provided below:

1. Currently rostered counsel shall maintain their current status on rosters for the first year after the enactment of these rules and standards provided that they meet the new minimum experience requirements. The MCILS executive director shall create an application for all currently rostered counsel to complete to demonstrate they meet all new minimum experience, training, and other eligibility requirements. After the first year following the enactment of these rules and standards, rostered counsel must comply with all eligibility requirements for all the panels they are rostered on.
2. Any attorney not previously rostered to receive appointments from MCILS when these standards and rules are enacted must comply with all requirements to be rostered.

**SECTION 1B. General Eligibility Requirements**

1. MCILS has adopted requirements that attorneys must meet in order to become a rostered counsel. Attorneys must demonstrate their qualifications and be rostered by MCILS in order to be assigned cases and compensated. Attorney rostering is subject to ongoing legal education requirements and periodic recertification.

2. The MCILS Executive Director or their designee shall develop an application process for an attorney seeking appointment(s) to demonstrate the minimum qualifications necessary to be placed on a roster, including specialized rosters. An applicant must present additional information beyond the minimum requirements of this Chapter if requested by MCILS Executive Director or their designee.
3. The MCILS Executive Director or their designee, shall have the sole discretion to make the determination if an attorney is qualified to be placed on a roster. In addition, the MCILS Executive Director or their designee, shall have the sole discretion, to grant or deny a waiver pursuant to, and in accordance with Waiver of Eligibility Requirements. The MCILS Executive Director's decision to not roster an attorney may be appealed to the full Commission pursuant to 4 M.R.S.A. § 1804(3)(J) and Commission Rule 94-649 Chapter 201.
4. The MCILS Executive Director or their designee, may, in their sole discretion, remove an attorney from a roster at any time if the attorney is not meeting the minimum qualifications and standards as determined by the MCILS Executive Director or their designee. This does not exempt an attorney from satisfying the requirements of this Chapter at any time thereafter or limit the authority of the MCILS Executive Director or their designee, to remove an attorney from any roster at any time. The MCILS Executive Director's decision to remove or suspend an attorney may be appealed to the full Commission pursuant to 4 M.R.S.A. § 1804(3)(J) and Commission Rule 94-649 Chapter 201.
5. All attorneys must comply with all standards, procedures, and rules of MCILS.
6. The MCILS Executive Director or their designee may deny the rostering of an attorney who meets the minimum qualifications necessary to be placed on a Roster, including specialized rosters if there are a sufficient number of rostered attorneys as determined by the Executive Director or their designee currently on the roster in the region the applicant attorney plans to practice.
7. A newly rostered attorney cannot be assigned a case until a rostered mentor has been assigned.

### **SECTION 1C. General Policies Applicable to All Rostered Counsel**

1. Rostered counsel must register with MCILS annually in a manner prescribed by MCILS. Rostered counsel must also comply with any MCILS investigation of complaints, billing discrepancies, audits, and provide other information that, in the view of the MCILS Executive Director or their designee, concerns the question of whether the attorney is fit to remain on the roster.
2. Rostered counsel shall not knowingly make a false statement of material fact or law to the court, MCILS, or a third person.
3. Rostered counsel must keep the Commission and the courts in which the attorney represents indigent clients apprised of the attorney's work telephone number and postal and electronic mail addresses.
4. Rostered counsel shall not accept any compensation or other consideration for

assigned cases except through MCILS.

## **SECTION 2. Minimum Experience, Training, ~~A~~ and Other Eligibility Requirements to be Rostered**

~~Any attorney wishing to accept case assignments from the Commission, serve as contract counsel or otherwise be approved by the Commission to accept assignments must satisfy the following conditions. Repealed.~~

### ~~1. Licensed To Practice Repealed.~~

~~a.) The attorney must be licensed to practice law in the State of Maine and be in good standing with the Maine Board of Overseers of the Bar. Repealed.~~

~~b.) The attorney must promptly inform the Commission, in writing, of any complaint against the attorney filed with the Maine Board of Overseers of the Bar that has been set for a grievance panel hearing or hearing before a single justice of the Supreme Judicial Court. Failure to comply with this requirement is grounds for removal from the roster. Repealed.~~

~~c.) The attorney must inform the Commission, in writing, within 5 days of any criminal charge filed against the attorney in any jurisdiction and promptly inform the Commission of any disposition of such charge. Failure to comply with this requirement is grounds for removal from the roster. Repealed.~~

### 2. Attorney Cooperation with Procedures and Monitoring

Rostered counsel ~~The attorney~~ must register with the Commission annually in a manner prescribed by the Commission. ~~The attorney~~ Rostered counsel must comply with all applicable Commission rules and procedures. Rostered counsel ~~The attorney~~ must cooperate ~~comply~~ with ~~Commission~~ monitoring, and performance evaluations, and provide information as requested regarding complaints or billing discrepancies. Failure to comply in a timely manner could result in the rostered attorney's vouchers not being paid and/or suspension from the roster(s). ~~The attorney must also comply with any Commission investigation of complaints, billing discrepancies, or other information that, in the view of the Executive Director, concerns the question of whether the attorney is fit to remain on the roster.~~ Except as pertains to indigent cases assigned to the attorney, the Executive Director cannot require an attorney to disclose information that is privileged or made confidential by statute, by court rule or by court order.

3. Rostered counsel must be in good standing with the Board of Overseers of the Bar and licensed to practice law in the State of Maine prior to being rostered.

4. Rostered counsel must complete the minimum training requirements prior to being rostered and assigned cases.



5. Attorneys applying to be rostered and rostered attorneys must disclose any criminal convictions. The Executive Director or their designee shall use their discretion to determine if the conviction disqualifies the applicant attorney.

### SECTION 3. Office, Telephone, and Electronic Mail

~~The attorney~~Rostered counsel must maintain an office or have the use of space that is reasonably accessible to clients and that permits the private discussion of confidential and other sensitive matters or the use of secure virtual office meetings.

~~The attorney~~Rostered counsel must maintain a telephone number, which shall be staffed by personnel available for answering telephone calls or an answering service, an answering machine or voicemail capability that ensures client confidentiality. The attorney must be able to accept calls from correctional institutions in the counties in which they primarily practice and should accept such calls if available to speak with the client.

~~The attorney~~Rostered counsel must maintain a confidential working e-mail account as a means of receiving information from and providing information to ~~the Commission MCILS, the Courts, and clients.~~

~~The attorney~~Rostered counsel must keep the Commission and the courts in which the attorney represents indigent clients apprised of the attorney's work telephone number and postal and electronic mail addresses. ~~The attorney~~Rostered counsel must ensure that the court has the ability to contact the attorney by mail and by telephone.

### SECTION 4. ~~Experience and Proficiency~~ Repealed.

~~The attorney shall demonstrate the necessary and sufficient experience and proficiency required to accept appointments as provided below.~~

1. ~~Repealed.~~
2. ~~Any attorney not previously having been accepted to receive assignments from the Commission must satisfactorily complete a Commission-sponsored or Commission-approved training course for the area of the law for which the attorney is seeking to receive assignments, including but not limited to, criminal defense, juvenile defense, civil commitment, child protective, or emancipation prior to being placed on the roster and receiving assignments; or~~ Repealed.
3. ~~An attorney may be accepted for placement on the roster and receive assignments from the Commission without completing a Commission-sponsored or Commission-approved training course as provided above if the attorney demonstrates to the Commission a commitment to and proficiency in the practice of the area of the law for which the Attorney is willing to accept assignments over~~

~~the course of at least the three years prior to receiving assignments from the Commission. Repealed.~~

## **SECTION 5. Training and CLE Requirements for Rostered Attorneys**

~~The attorney shall annually complete 8 hours of continuing legal education (CLE) approved by the Commission. Repealed.~~

~~The attorney shall meet any specific training requirements of any specialized panels. Repealed.~~

- ~~1. Any attorney not previously rostered must satisfactorily complete a Commission-sponsored or Commission-approved training course.~~
- ~~2. An attorney may be accepted for placement on a roster and receive assignments from the Commission without completing a Commission-sponsored or Commission-approved training course as provided above if the attorney demonstrates to the Commission a commitment to and proficiency in the practice of the area of the assignment.~~
- ~~3. At a minimum, rostered counsel shall annually complete 8 hours of continuing legal education (CLE) approved by MCILS. These hours are not in addition to any other MCILS CLE requirements but are included in any other MCILS CLE requirements. Rostered counsel shall annually complete 8 hours for criminal rosters and 8 hours for child protective rosters if they want to be on each panel, if MCILS offers such CLE training.~~
- ~~4. Rostered counsel shall meet any specific training requirements of any specialized panels.~~

## **SECTION 6. Removal or Suspension from the Roster**

1. The MCILS Executive Director may remove indefinitely or suspend an attorney-a rostered counsel from the roster completely or from the roster for certain case types and court locations for any failure to comply with any MCILS ~~this or any other Commission~~ rule or standard or in the interest of MCILS. In addition, the MCILS Executive Director may remove indefinitely or suspend an attorney-a rostered counsel from the roster completely or from the roster for certain case types and court locations if the MCILS Executive Director determines rostered counsel that the attorney is no longer qualified to provide quality indigent legal services ~~based on the nature of any criminal charge or on investigation by the Executive Director or the Executive Director's designee of any complaint or other information~~. The MCILS Executive Director's decision to remove or suspend an attorney from the roster shall be in writing and shall reflect the MCILS Executive Director's reasoning in a manner sufficient to inform the attorney and the public

of the basis for the MCILS Executive Director's action. The MCILS Executive Director may consult with Commissioners in determining the appropriate action to be taken, if any.

2. Rostered Attorneys removed indefinitely must re-apply to the Commission MCILS if they wish to receive assignments in the future. A rostered attorney Attorneys suspended from the roster need not re-apply, but must demonstrate compliance with any conditions made part of a suspension. Removal or suspension may also include a requirement that the attorney immediately identify to the Commission all open assigned cases and file a motion to withdraw in each case.
3. The provisions in this section are in addition to and compliment any other policy or rule of MCILS.
4. The MCILS Executive Director's decision to remove or suspend an attorney may be appealed to the full Commission pursuant to 4 M.R.S.A. § 1804(3)(J) and Commission Rule 94-649 Chapter 201.

### **SECTION 7. Affirmative Duty to Report Complaints or Potential Conflicts**

Rostered counsel shall notify the MCILS Executive Director or their designee within five business days of learning of any of the following:

- a. Within 5 business days of being summonsed, charged, or convicted of a crime, a rostered attorney must disclose in writing the summons, charge, conviction to MCILS. The MCILS Executive Director shall have the discretion to reassign any MCILS case currently assigned to the rostered attorney and/or suspend the rostered counsel from the roster(s). Rostered counsel has an ongoing obligation to keep the MCILS Executive Director or their designee apprised of the allegation and the outcome of said allegation
- b. A rostered attorney who has been convicted of a Title 17-A, Chapter 45 (Drugs) and Title 29-A, § 2411 (OUI) or similar crimes in a different jurisdiction while rostered cannot receive any new assignments until the rostered attorney has completed a substance abuse evaluation and is engaged in any recommend counseling and that a referral has been made to the Maine Assistance Program for Lawyers and Judges.
- c. A complaint has been filed against rostered counsel before the Maine Board of Overseers of the Bar or similar institution in any jurisdiction or court;
- d. Rostered counsel is the subject of disciplinary action before any non-attorney professional licensing board or agency;
- e. Rostered counsel's license to practice law has been suspended or terminated for any reason, including for administrative reasons such as non-payment of bar dues;
- f. A court or agency has found the attorney engaged in conduct which is subject

to mandatory reporting under the Maine Rules of Professional Conduct;

- g. Any condition or circumstance that exist that renders the rostered attorney unable to comply with applicable MCILS Performance Standards or Policies;  
or
- h. Any conduct that constitutes a violation of any of the rostered counsel's ethical duties.

The obligations set forth above (Notice of Complaints or Potential Conflicts) apply independently of each other and without regard to either the jurisdiction in which the proceedings are instituted or take place, or whether any portion of said proceedings are otherwise considered to be private or confidential.

With regard to a complaint opened or petition for discipline filed by the Maine Board of Overseers of the Bar or the attorney licensing authority of any state or jurisdiction rostered counsel shall, within five business days of learning of such complaint or disciplinary action, provide a copy of the complaint or petition to the MCILS Executive Director or their designee. The attorney shall also provide to the MCILS Executive Director or their designee a copy of rostered counsel's answer to the complaint or petition within one week after its filing. Finally, within one week after the disposition or resolution of a complaint or disciplinary action before the Maine Board of Overseers of the Bar or the attorney licensing authority of any state or jurisdiction, including a disposition or resolution under which imposed discipline does not take effect immediately, rostered counsel shall provide to the MCILS Executive Director or their designee a copy of any order, agreement, or other document which sets forth the disposition or resolution of the matter.

The requirements of this section shall apply regardless of whether the complaint or other disciplinary action, including the final disposition or resolution of the complaint or disciplinary action, is treated as a public or private matter by the Maine Board of Overseers of the Bar or the attorney licensing authority of any state or jurisdiction.

MCILS and its staff shall keep confidential all information involving allegations that rostered counsel has engaged in misconduct or that an attorney's physical or mental condition may adversely affect his or her ability to practice law and shall maintain information reported under this section exclusively for the performance of the MCILS's responsibilities. Such information shall not be disseminated to any person or organization for any purpose without the prior written consent of the rostered counsel or until the matter otherwise becomes public. MCILS and its staff are permitted to disclose information that is necessary to justify any actions MCILS takes toward rostered counsel.

A rostered attorney who has a negative finding made against them with regards to the

obligations set forth above (Notice of Complaints or Potential Conflicts) cannot receive any new assignments and must reapply to become rostered. The MCILS Executive Director shall have the discretion to reassign any MCILS case currently assigned to the rostered attorney and mandate the rostered attorney withdraw from those case.

An attorney applying to be rostered who has any matters pending with regard to the obligations set forth above (Notice of Complaints or Potential Conflicts) cannot be rostered until the outcome of the proceeding is concluded. The allegations and outcome of the proceeding must be considered by the MCILS Executive Director in deciding if the attorney is eligible to be rostered.

STATUTORY AUTHORITY: 4 M.R.S.A. § 1804(2)(B), (2)(G), and (4)(D)

EFFECTIVE DATE:  
June 25, 2010

AMENDED:

**Chapter 3: ELIGIBILITY REQUIREMENTS FOR SPECIALIZED CASE TYPES**

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**Summary:** Chapter 2 of the Commission’s Rules sets out the minimum eligibility requirements to be rostered to accept appointments from the Maine Commission on Indigent Legal Services (“MCILS”). The Rules in this Chapter are promulgated to establish the eligibility requirements to be rostered on specialty panels for specific types of cases.

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**SECTION 1. Definitions.** For purposes of this Chapter, the following terms are defined as follows:

1. Contested Hearing. “Contested Hearing” means a hearing at which a contested issue is submitted to the court for resolution after evidence is taken or witnesses are presented.
2. Domestic Violence. “Domestic Violence” means:
  - A. Offenses denominated as Domestic Violence under 17-A M.R.S.A. §§ 207-A, 209-A, 210-B, 210-C, and 211-A;
  - B. Any ~~class D or E~~ offense alleged to have been committed against a family or household member or dating partner;
  - C. The class D offense of stalking under 17-A M.R.S.A. § 210-A;
  - D. Violation of a protection order under 17-A M.R.S.A. § 506-B.
  - E. “Domestic Violence” includes crimes involving substantially similar conduct in another jurisdiction.
  - F. “Domestic Violence” also includes Criminal Conspiracy under 17-A M.R.S.A. § 151, Criminal Attempt under 17-A M.R.S.A. § 152, and Criminal Solicitation under 17-A M.R.S.A. § 153 to commit any of the offenses listed above.
3. ~~Serious-Violent~~Major Felony. “~~Serious-Violent~~Major Felony” means:
  - A. An offense under 17-A M.R.S.A. §§ 152-A (Aggravated Attempted Murder), 208 (Aggravated Assault), 208-B (Elevated Aggravated Assault), 208-C (Elevated

Aggravated Assault on a Pregnant Person), 301 (Kidnapping), 401(1)(B)(1), (2), or (3) (Burglary with a Firearm, Burglary with Intent to Inflict Bodily Harm, and Burglary with a Dangerous Weapon), 651 (Robbery), 802 (Arson), 803-A (Causing a Catastrophe), 1105-A (Aggravated Trafficking of Scheduled Drugs), 1105-B (Aggravated Trafficking of Counterfeit Drugs), and 1105-C (Aggravated Furnishing of Scheduled Drugs).

B. “~~Serious-Violent~~Major Felony” includes crimes involving substantially similar conduct in another jurisdiction.

C. “~~Serious-Violent~~Major Felony” also includes Criminal Conspiracy under 17-A M.R.S.A. § 151, Criminal Attempt under 17-A M.R.S.A. § 152, and Criminal Solicitation under 17-A M.R.S.A. § 153 to commit any of the offenses listed above.

4. Sex Offense. “Sex Offense” means:

A. An offense under 17-A M.R.S.A. §§ 251-259-A (Sexual Assaults), §§ 281-285 (Sexual Exploitation of Minors), § 556 (Incest), § 511(1)(D) (Violation of Privacy), § 852 (Aggravated Sex Trafficking), § 853 (Sex Trafficking), § 853-A (Engaging in Prostitution), § 853-B (Engaging a Prostitute), and § 855 (Patronizing Prostitution of Minor or Person with Mental Disability).

B. “Sex Offense” includes crimes involving substantially similar conduct in another jurisdiction.

C. “Sex Offense” also includes Criminal Conspiracy under 17-A M.R.S.A. § 151, Criminal Attempt under 17-A M.R.S.A. § 152, and Criminal Solicitation under 17-A M.R.S.A. § 153 to commit any of the offenses listed above.

5. Specialized Case Types. “Specialized Case Types” means those cases that are complex in nature due to the allegations against the person as well as the severity of the consequences if a conviction occurs. They include the following case types:

A. Murder and manslaughter Homicide, including OUI manslaughter

B. Sex offenses

C. ~~Serious-violent felonies~~ Major felony

D. Operating under the influence

E. Domestic violence

F. Juvenile defense

G. Protective custody matters

H. Repealed.

I. Appellate panel

J. Post-Conviction Review

K. Bind-over Hearings

L. Felonies

M. Lawyer of the Day

6. Felony. "Felony" means any crime where the defendant could be sentenced to 1 year or more and otherwise not included in the definition of another specialized panel.

7. Rostered counsel means an attorney who meets all the qualifications to accept assignments from MCILS and are actually placed on a roster.

## **SECTION 2. Powers and Duties of the Executive Director**

1. The Executive Director, or ~~his or her~~their designee, shall develop an application process for an attorney seeking appointment(s) in Specialized Case Types to demonstrate the minimum qualifications necessary to be placed on Specialized Case Type Rosters. An applicant for a Specialized Case Type Roster must present additional information beyond the minimum requirements of this Chapter if requested by the Executive Director, or ~~his or her~~their designee.
2. The Executive Director, or ~~his or her~~their designee, shall have the sole discretion to make the determination if an attorney is qualified to be placed on a Specialized Case Type Roster. In addition, the Executive Director, or ~~his or her~~their designee, shall have the sole discretion, to grant or deny a waiver pursuant to, and in accordance with, Section 4.
3. The Executive Director, or ~~his or her~~their designee, may, in his or her sole discretion, remove an attorney from a Specialized Case Type Roster at any time if the attorney is not meeting the minimum qualifications and standards as determined by the Executive Director, or their ~~his or her~~ designee.
4. This subsection does not exempt an attorney from satisfying the requirements of this Chapter at any time thereafter or limit the authority of the Executive Director, ~~or his or her~~ her ~~their~~ designee, to remove an attorney from any Specialized Case Type Roster at any time.

## **SECTION 3. Minimum Eligibility Requirements for Specialized Case Types.**



1. **Murder and non OUI Manslaughter Homicide.** In order to be rostered for ~~homicide cases~~ Murder and non OUI Manslaughter cases for adult and juvenile clients an attorney must:

- ~~A. Have at least five years of criminal law practice experience; Repealed~~
- ~~B. Have tried before a judge or jury as first chair at least five felony cases within the last ten years, at least two of which were serious violent felony, homicide, or Class C or higher sex offense cases, AND at least two of which were jury trials; Repealed~~
- ~~C. Have tried as first chair a homicide case in the last fifteen years, OR have tried as second chair at least one homicide case with an experienced homicide defense attorney within the past five years; Repealed~~
- ~~D. Demonstrate a knowledge and familiarity with the evidentiary issues relevant to homicide cases, including but not limited to forensic and scientific issues relating to DNA testing and fingerprint analysis, mental health issues, and eyewitness identification; Repealed~~
- ~~E. Provide a letter explaining reasons for interest in and qualifications for representing individuals charged with homicide; and Repealed~~
- ~~F. Have submitted to the Commission three letters of reference from attorneys with whom the applicant does not practice, that assert that the applicant is qualified to represent individuals charged with homicide, including OUI manslaughter. The letters of reference must be submitted directly to the Executive Director, or his or her designee, by the author. Repealed~~
- G. Have at least five years of experience as a rostered attorney;
- H. Have been co-counsel on at least 3 Murder or non OUI Manslaughter cases;
- I. Have been an attorney of record on at least 5 jury trials or adjudicatory hearings of which the attorney has been lead counsel on 2 of the jury trials or adjudicatory hearings;
- J. Attend and complete the minimum training standards for Murder and non OUI Manslaughter panel. If MCILS has not established a minimum training standard for Murder and non OUI Manslaughter CLE the attorney must complete 12 CLE hours addressing one the following topics within the last 2 years: defense of homicides, forensic and scientific issues relating to DNA testing, fingerprint analysis, mental health issues, and eyewitness identification. These CLE requirements are only applicable if MCILS certified CLE classes are provided in Maine that meet these requirements or if MCILS authorizes and pays for attendance, travel, 3 meals, accommodations, and 8 hours of daily pay at the hourly rate to attend an out of state CLE that meets all these requirements when such CLEs are not offered in Maine;

- K. Provide a letter explaining your reasons for interest in and qualifications for representing individuals charged with homicide. This letter must demonstrate a knowledge and familiarity with the evidentiary issues relevant to homicide cases, must demonstrate experience in the utilization of expert witnesses and investigators, must demonstrate experience with forensic and psychiatric evidence, must demonstrate experience with litigating suppression motions, and must demonstrate training or experience with eyewitness identification;
- L. Must submitted to the MCILS director or their designee three letters of reference from attorneys with at least 10 years of experience and with whom the applicant does not practice, that assert the applicant is qualified to represent individuals charged with homicide and non OUI manslaughters.
- M. Letters of reference shall also be submitted upon the request of the MCILS Executive Director or their designee; and
- N. Must recertify every year that all requirements are met to remain on the panel. It is sufficient for recertification purposes that the rostered specialized panel attorney has meet any specialized panel CLE requirements to remained certified for the murder and non OUI manslaughter panel except the same CLE panel requirements cannot be repeated in 2 consecutive years.

1A. OUI Manslaughter. In order to be rostered for OUI Manslaughter cases for adult and juvenile clients an attorney must:

- A. Must qualify for the Murder and non OUI Manslaughter for adult and juvenile panel and the OUI panel; and
- B. Must recertify every year that all requirements are met to remain on the panel. It is sufficient for recertification purposes that the rostered specialized panel attorney has meet any specialized panel CLE requirements to remained certified for the OUI manslaughter panel except the same CLE panel requirements cannot be repeated in 2 consecutive years.

2. **Sex Offenses.** In order to be rostered for sex offense cases for adult or juvenile clients an attorney must:

- ~~A. Have at least three years of criminal law practice experience; Repealed~~
- ~~B. Have tried before a judge or jury as first chair at least three felony cases in the last ten years, at least two of which were jury trials; Repealed~~
- ~~C. Provide a letter explaining reasons for interest in and qualifications for representing individuals charged with a sex offense; and Repealed~~
- ~~D. If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the~~

~~applicant is qualified to represent individuals charged with a sex offense. The letters of reference must be submitted directly to the Executive Director, or his or her designee, by the author. Repealed~~

~~E. Letters of reference shall also be submitted upon the request of the Executive Director, or his or her designee. Repealed~~

F. Have at least 4 years of experience as a rostered attorney;

G. Have been co-counsel on at least 3 SORNA registerable criminal sex offense cases or analogous juvenile offenses;

H. Have completed a minimum of 50 felony assignments or analogous juvenile offenses;

I. Have been an attorney of record in at least 1 jury trial or adjudicatory hearing;

J. Attend and complete the minimum training standards for Sex Offenses panel. If MCILS has not established a minimum training standard the attorney must complete 6 CLE hours addressing at least 1 of the following topics within the last 2 years: forensic and scientific issues relating to DNA testing, applicability of SORNA to criminal cases, cross-examination of the child witness, sexual assault forensic examinations, and eyewitness identification. These CLE requirements are only applicable if MCILS certified CLE classes are provided in Maine that meet these requirements or if MCILS authorizes and pays for attendance, travel, 3 meals, accommodations, and 8 hours of daily pay at the hourly rate to attend an out of state CLE that meets all these requirements when such CLEs are not offered in Maine;

K. Provide a letter explaining reasons for interest in and qualifications for representing individuals charged with a sex offense. This letter must demonstrate a knowledge and familiarity with the evidentiary issues relevant to sex offense cases, must demonstrate experience with litigating DNA issues, must demonstrate experience in the utilization of expert witnesses and investigators, must demonstrate experience with forensic and psychiatric evidence, must demonstrate experience with litigating suppression motions, and demonstrate training with eyewitness identification.

L. Three letters of reference from attorneys with whom the applicant does not practice with shall also be submitted upon the request of the MCILS Executive Director or their designee if seeking a waiver; and

M. Must recertify every year that all requirements are met to remain on the panel. It is sufficient for recertification purposes that the rostered specialized panel attorney has meet any specialized panel CLE requirements to remained certified for the sex offense panel except the same CLE panel requirements cannot be repeated in 2 consecutive years.

3.  ~~Serious Violent Felonies~~**Major Felonies.** In order to be rostered for ~~major felony~~serious violent felony cases for adult or juvenile clients an attorney must:

- ~~A. Have at least two years of criminal law practice experience; Repealed.~~
- ~~B. Have tried as first chair at least four criminal or civil cases in the last ten years, at least two of which were jury trials and at least two of which were criminal trials; Repealed.~~
- ~~C. Provide a letter explaining reasons for interest in and qualifications for representing individuals charged with a serious violent felony; and Repealed.~~
- ~~D. If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the applicant is qualified to represent individuals charged with a serious violent felony. The letters of reference must be submitted directly to the Executive Director, or his or her designee, by the author. Repealed.~~
- ~~E. Letters of reference shall also be submitted upon the request of the Executive Director, or his or her designee. Repealed.~~
- F. Have at least 3 years of experience as a rostered attorney;
- G. Have been co-counsel on at least 5 major felony counsel cases;
- H. Have been attorney of record in at least 1 jury trial or adjudicatory hearing;
- I. Have completed a minimum of 25 felony cases.
- J. Attend and complete the minimum training standards for major felony panel. If MCILS has not established a minimum training standard the attorney must complete 6 CLE hours addressing at least 1 of the following topics within the last 2 years: cross-examination of prosecution witnesses, chain of custody evidentiary issues, admission of medical records, and eyewitness. These CLE requirements are only applicable if MCILS certified CLE classes are provided in Maine that meet these requirements or if MCILS authorizes and pays for attendance, travel, 3 meals, accommodations, and 8 hours of daily pay at the hourly rate to attend an out of state CLE that meets all these requirements when such CLEs are not offered in Maine;
- K. Provide a letter explaining reasons for interest in and qualifications for representing individuals charged with a major felony. Your letter must demonstrate a knowledge and/or familiarity with the cross-examination of prosecution witnesses, chain of custody evidentiary issues, admission of medical records, and eyewitness identification.
- L. Three letters of reference from attorneys with whom the applicant does not practice with shall also be submitted upon the request of the MCILS Executive Director or their designee if seeking a waiver; and
- M. Must recertify every year that all requirements are met to remain on the panel. It is sufficient for recertification purposes that the rostered specialized panel attorney has meet any specialized panel CLE requirements to remained certified for the major felony panel except the same CLE panel requirements cannot be repeated in 2 consecutive years.

4. **Operating Under the Influence.** In order to be rostered for juvenile or adult OUI cases an attorney must:

- A. ~~Have at least one year of criminal law practice experience; Repealed.~~
- B. ~~Have tried before a judge or jury as first chair at least two criminal cases, and conducted at least two contested hearings within at least the last ten years; Repealed.~~
- C. ~~Have obtained in the last three years at least four hours of CLE credit on topics relevant particularly to OUI defense; Repealed.~~
- D. ~~Provide a letter explaining reasons for interest in and qualifications for representing individuals charged with an OUI; and Repealed.~~
- E. ~~If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the applicant is qualified to represent individuals charged with an OUI. The letters of reference must be submitted directly to the Executive Director, or his or her designee, by the author. Repealed.~~
- F. ~~Letters of reference shall also be submitted upon the request of the Executive Director, or his or her designee. Repealed.~~
- G. Have at least 1 year of experience as a rostered attorney;
- H. Have been an attorney of record in at least 1 trial or adjudicatory hearing;
- I. Attend and complete the minimum training standards for OUI panel. If MCILS has not established a minimum training standard the attorney must complete 6 CLE hours dedicated specifically to the defense of OUIs during the last 2 years. These CLE requirements are only applicable if MCILS certified CLE classes are provided in Maine that meet these requirements or if MCILS authorizes and pays for attendance, travel, 3 meals, accommodations, and 8 hours of daily pay at the hourly rate to attend an out of state CLE that meets all these requirements when such CLEs are not offered in Maine;
- J. Provide a letter explaining reasons for interest in and qualifications for representing individuals charged OUIs. Your letter must demonstrate a knowledge and/or familiarity with the cross-examination of prosecution witnesses;
- K. Three letters of reference from attorneys with whom the applicant does not practice with shall also be submitted upon the request of the MCILS Executive Director or their designee if seeking a waiver; and
- L. Must recertify every year that all requirements are met to remain on the panel. It is sufficient for recertification purposes that the rostered specialized panel attorney has meet any specialized panel CLE requirements to remained certified for the OUI

panel except the same CLE panel requirements cannot be repeated in 2 consecutive years.

5. **Domestic Violence.** In order to be rostered for adult domestic violence cases an attorney must:

- A. ~~Have at least one year of criminal law practice experience; Repealed.~~
- B. ~~Have tried before a judge or jury as first chair at least two criminal cases and conducted at least two contested hearings within at least the last ten years; Repealed.~~
- C. ~~Have obtained in the last three years at least four hours of CLE credit on topics related to domestic violence defense which included training on the collateral consequences of such convictions; Repealed.~~
- D. ~~Provide a letter explaining reasons for interest in and qualifications for representing individuals charged with a domestic violence crime; and Repealed.~~
- E. ~~If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the applicant is qualified to represent individuals charged with a domestic violence crime. The letters of reference must be submitted directly to the Executive Director, or his or her designee, by the author. Repealed.~~
- F. ~~Letters of reference shall also be submitted upon the request of the Executive Director, or his or her designee. Repealed.~~
- G. Have at least 1 year of experience as a rostered attorney;
- H. Have been the attorney of record for at least 1 jury trial;
- I. Attend and complete the minimum training standards for domestic violence panel. If MCILS has not established a minimum training standard the attorney must complete 6 CLE hours dedicated specifically to the defense of domestic violence cases in the last 2 years. These CLE requirements are only applicable if MCILS certified CLE classes are provided in Maine that meet these requirements or if MCILS authorizes and pays for attendance, travel, 3 meals, accommodations, and 8 hours of daily pay at the hourly rate to attend an out of state CLE that meets all these requirements when such CLEs are not offered in Maine;
- J. Provide a letter explaining reasons for interest in and qualifications for representing individuals charged Domestic Violence allegations;
- K. Three letters of reference from attorneys with whom the applicant does not practice with shall also be submitted upon the request of the MCILS Executive Director or their designee if seeking a waiver; and
- L. Must recertify every year that all requirements are met to remain on the panel. It is sufficient for recertification purposes that the rostered specialized panel attorney

has meet any specialized panel CLE requirements to remained certified for the domestic violence panel except the same CLE panel requirements cannot be repeated in 2 consecutive years.

6. **Juvenile Defense.** In order to be rostered ~~for felony, sex offense, and bind over juvenile defense cases~~ to represent juveniles an attorney must:

A. Repealed.

~~B. For felony cases and sex offense cases: Repealed.~~

~~1) Have at least one year of juvenile law practice experience;~~

~~2) Have handled at least 10 juvenile cases to conclusion;~~

~~3) Have tried at least 5 contested juvenile hearings (including but not limited to: detention hearings, evidentiary hearings, adjudication hearings, and dispositional hearings);~~

~~4) Have attended in the last three years at least four hours of CLE credit on two or more of the following topics related to juvenile defense including training and education regarding placement options and dispositions, child development, adolescent mental health diagnosis and treatment, and the collateral consequences of juvenile adjudications;~~

~~5) Provide a letter explaining reasons for interest in and qualifications for representing juveniles in felony and sex offense cases; and~~

~~6) If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the applicant is qualified to represent juveniles in felony and sex offenses cases. The letters of reference must be submitted directly to the Executive Director, or his or her designee, by the author.~~

~~7) Letters of reference shall also be submitted upon the request of the Executive Director, or his or her designee.~~

~~8) Upon notice from the State, whether formal or informal, that it may be seeking bind over in the case, the attorney must immediately notify the Executive Director.~~

C. ~~For Bind over Hearings: Repealed.~~

~~1) Have at least two years of juvenile law practice experience;~~

~~2) Have handled at least 20 juvenile cases to conclusion in the past ten years;~~



- ~~3) Have tried at least 10 contested juvenile hearings (including but not limited to: detention hearings, evidentiary hearings, adjudication hearings, and dispositional hearings in the past ten years);~~
- ~~4) Have attended in the last three years at least eight hours of CLE credit that cover all of the following topics devoted to juvenile defense including training and education regarding placement options and dispositional alternatives, child development, adolescent mental health diagnosis and treatment, issues and case law related competency, bind-over procedures, and the collateral consequences of juvenile adjudications;~~
- ~~5) Provide a letter explaining reasons for interest in and qualifications for representing juveniles in bind-over hearings; and~~
- ~~— 6) If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the applicant is qualified to represent juveniles in bind-over hearings. The letters of reference must be submitted directly to the Executive Director, or his or her designee, by the author.~~
- ~~— 7) Letters of reference shall also be submitted upon the request of the Executive Director, or his or her designee.~~

D. An attorney with less than 1 year experience must agree to work with a rostered mentored attorney for at least 18 months. The attorney will be provisionally rostered until the 18-month period is completed;

E. The attorney will be provisionally rostered until they have been co-counsel or lead counsel for at least 5 contested juvenile hearings, including but not limited to detention hearings, evidentiary hearings, adjudication hearings, and dispositional hearings. Provisionally rostered counsel must continue working with a rostered mentored attorney until this requirement is met;

F. Prior to being provisionally rostered for juvenile assignments, the attorney must:

1. Attend and complete the minimum training standards for juvenile defense panel. If MCILS has not established a minimum training standard the attorney must complete 6 CLE hours on two or more of the following topics within the last 2 years: juvenile defense, placement options and dispositions for juveniles, child development, adolescent brain development, adolescent mental health diagnosis and treatment, and the collateral consequences of juvenile adjudications plus 1 CLE hour on ethics related to the defense of juveniles. These CLE requirements are only applicable if MCILS certified CLE classes are provided in Maine that meet these requirements or if MCILS authorizes



and pays for attendance, travel, 3 meals, accommodations, and 8 hours of daily pay at the hourly rate to attend an out of state CLE that meets all these requirements when such CLEs are not offered in Maine;

2. Provide a letter explaining reasons for interest in and qualifications for representing juveniles; and

3. Three letters of reference from attorneys with whom the applicant does not practice with shall also be submitted upon the request of the Executive Director or their designee if seeking a waiver; and

G. Must recertify every year that all requirements are met to remain on the panel. It is sufficient for recertification purposes that the rostered specialized panel attorney has meet any specialized panel CLE requirements to remained certified for the juvenile panel except the same CLE panel requirements cannot be repeated in 2 consecutive years.

#### 6A. Bind-over hearings

1. A rostered attorney representing a juvenile who receives notice from the State, whether formal or informal, that it may be seeking bind-over, must immediately notify the MCILS executive director or their designee. To continue representing the juvenile the rostered attorney must meet the following requirements. If the rostered attorney does not meet the requirements, then the MICALS executive director or their designee shall appoint a second rostered attorney who does meet the requirements. Consistent with section 8(k) two attorneys shall be appointed to every bind over hearing. One attorney must be a bind over rostered attorney and one attorney must be on the adult murder, adult sex offense or adult violent felony panel. The same attorney can meet both qualifications but there must be at least two attorneys. The minimum requirements are:

a. Have been rostered to represent juveniles for at least 5 years;

b. Have been the rostered attorney on at least 50 juvenile cases to conclusion;

c. Have been co-counsel or lead counsel for at least 10 contested juvenile hearings, including but not limited to detention hearings, evidentiary hearings, adjudication hearings, and dispositional hearings; and

d. Attend and complete the minimum training standards for the bind-over hearings panel. If MCILS has not established a minimum training standard the attorney must have attended in the last five years at least 17 CLE hours that cover 4 of the following topics: juvenile defense, placement options and dispositional alternatives for juveniles, child development, adolescent mental health diagnosis and treatment, issues and case law related to adolescent competency, bind-over procedures, and the collateral consequences of juvenile adjudications plus 1 CLE hour on adolescent brain development. These CLE requirements are only applicable if MCILS offers CLE classes that meet these requirements or if MCILS authorizes and pays for attendance, travel, 3 meals, accommodations, and 8 hours of daily pay at the hourly rate to attend an out

of state CLE that meets all these requirements when such CLEs are not offered in Maine.

e. Must recertify every year that all requirements are met to remain on the panel. It is sufficient for recertification purposes that the rostered specialized panel attorney has met any specialized panel CLE requirements to remain certified for the bind-over hearing panel except the same CLE panel requirements cannot be repeated in 2 consecutive years. However, the bind-over hearing panel CLE requirements must be repeated at least once every 10 years.

7. **Protective Custody Matters.** In order to be rostered to represent parents in protective custody cases an attorney must:

A. Repealed.

B. Have conducted at least four contested hearings in civil or criminal cases within the last five years;

C. Have attended in the last three years at least four hours of CLE credit on topics related to the representation of parents in protective custody proceedings;

D. Provide a letter explaining reasons for interest in and qualifications for representing parents in protective custody proceedings; and

E. If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the applicant is qualified to represent parents in protective custody cases. The letters of reference must be submitted directly to the Executive Director, or ~~his or her~~ their designee, by the author.

E-1. Letters of reference shall also be submitted upon the request of the Executive Director, or ~~his or her~~ their designee.

F. If a Petition to Terminate Parental Rights is filed and the attorney of record has not previously tried as a first or second chair a termination of parental rights hearing, or has less than 6 months of child protection experience, then the attorney of record must file a request with the MCILS for a more experienced attorney to serve as a second chair to assist the attorney of record with the termination of parental rights hearing.

G. Rostered counsel should have the level of expertise and experience required to handle the case. Rostered counsel shall attend two Preliminary Protection Order waivers, one contested Preliminary Protection Order Hearing, two Jeopardy agreement on the record, one contested Jeopardy Hearing, one Termination of Parental Rights consent on the record, and one contested Termination of Parental

Rights Hearing, prior to representing clients. Upon accepting MCILS assignments, rostered counsel shall have co-counsel at for two contested hearings prior to representing a client on their own in a contested hearing. If necessary, rostered counsel should consult with a mentor/resource counsel or request experienced co-counsel to ensure quality representation of the parent.

H. The attorney shall annually complete 8 hours of continuing legal education (CLE) approved by the Commission and related to child protection law and issues, including but not limited to mental health, substance abuse, parental rights and responsibilities, domestic violence, intellectual disabilities, criminal conduct, psychological evaluations, and expert witnesses.

**8. Repealed.**

9. ~~**Law Court Appeals Appellate Panel.**~~ In order to be rostered for appellate assignments for adult criminal, child protection, or juvenile clients to Law Court appeals in cases where trial counsel is not continuing on appeal, an attorney must:

~~A. Have provided representation to the conclusion of six cases. “Conclusion” means:~~

~~1) In criminal and juvenile cases, the entry of sentence or disposition either after plea or trial or the entry into a deferred disposition; —~~

~~2) In child protective cases, the issuance of a jeopardy order or an order terminating parental rights; Repealed.~~

~~B. Applicants who have provided representation in three or more appeals, including appeals to the Law Court and Rule 80B or Rule 80C appeals to the Superior Court, must submit copies of briefs that they have filed in the three appeals most closely pre-dating the date of their application for placement on the appellate roster. Repealed.~~

~~C. Applicants who have not provided representation in three or more appeals must submit copies of any briefs that they have filed in an appeal, together with copies of a sufficient number of memoranda of law submitted to any court so that the submissions total three. Repealed.~~

~~D. Submit a letter explaining the applicant’s interest in and qualifications for providing representation on appeals; including a description of the applicant’s experience with appeals, representative examples of issues raised on appeal, and a summary of the results of those appeals; and Repealed.~~

~~E. If the applicant seeks a waiver, the applicant shall submit three letters of reference~~

~~from attorneys with whom the applicant does not practice asserting that the applicant is qualified to provide representation in appeal cases. The letters of reference must be submitted directly to the Executive Director, or his or her designee, by the author. Repealed.~~

~~F. Letters of reference shall be submitted upon the request of the Executive Director, or his or her designee. Repealed.~~

~~G. This rule is not applicable to cases where trial counsel continues on appeal. Repealed.~~

~~H. Have at least 3 years of rostered attorney experience or 1 year of law court clerkship experience;~~

~~I. Attend and complete the minimum training standards for the appellate panel. If MCILS has not established a minimum training standard for the appellate panel the applicant must complete 6 CLE hours dedicated specifically to criminal appeals including but not limited to brief writing, legal writing, legal research, substantive criminal law updates; standards of review; using technology to write briefs; effective oral arguments; tips for everyday appellate practice; effective sentence appeals; and ethics in an appellate practice within the last 2 years. These CLE requirements are only applicable if MCILS certified CLE classes are provided in Maine that meet these requirements or if MCILS authorizes and pays for attendance, travel, 3 meals, accommodations, and 8 hours of daily pay at the hourly rate to attend an out of state CLE that meets all these requirements when such CLEs are not offered in Maine;~~

~~J. Submit a letter explaining the applicant's interest in and qualifications for providing representation on appeal, including a description of the applicant's experience with appeals, representative examples of issues raised on appeal, and a summary of the results of those appeals. This should include the name and docket number of the cases the applicant has written a brief on;~~

~~K. Three letters of reference from attorneys with whom the applicant does not practice with shall also be submitted upon the request of the Executive Director or their designee if seeking a waiver;~~

~~L. Must recertify every year that all requirements are met to remain on the panel. It is sufficient for recertification purposes that the rostered specialized panel attorney has meet any specialized panel CLE requirements to remained certified for the appellate panel except the same CLE panel requirements cannot be repeated in 2 consecutive years; and~~

~~M. This panel is applicable to all appeals except those appeals regarding the setting of bail.~~

10. **Post-Conviction Review.** In order to be rostered for post-conviction review

assignments for adult or juvenile clients cases an attorney must:

- ~~A. Have at least three years of criminal law experience; Repealed.~~
- ~~B. Have previously qualified to be placed on the trial roster for the case type applicable to the conviction being challenged on post-conviction review; Repealed.~~
- ~~C. Submit a letter explaining the applicant's interest in and qualifications for providing representation in post-conviction review cases, including a description of the applicant's criminal law experience generally and how that experience prepared the applicant to address the issues applicable to post-conviction review cases; and Repealed.~~
- ~~D. If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the applicant is qualified to provide representation in post-conviction cases. The letters of reference must be submitted directly to the Executive Director, or his or her designee, by the author. Repealed.~~
- ~~E. Letters of reference and writing samples shall also be submitted upon the request of the Executive Director, or his or her designee. Repealed.~~
- ~~F. Be on the roster for the case type applicable to the conviction being challenged on post-conviction review;~~
- ~~G. Attend and complete the minimum training standards for the appellate panel. If MCILS has not established a minimum training standard for the appellate panel the applicant must complete 6 CLE hours dedicated specifically to post-conviction review or ineffective assistance of counsel claims. These CLE requirements are only applicable if MCILS certified CLE classes are provided in Maine that meet these requirements or if MCILS authorizes and pays for attendance, travel, 3 meals, accommodations, and 8 hours of daily pay at the hourly rate to attend an out of state CLE that meets all these requirements when such CLEs are not offered in Maine;~~
- ~~H. Submit a letter explaining the applicant's interest in and qualifications for providing representation in post-conviction review cases, including a description of the applicant's criminal law experience generally and how that experience prepared the applicant to address the issues applicable to post-conviction review cases;~~
- ~~I. Three letters of reference from attorneys with whom the applicant does not practice with and writing samples shall also be submitted upon the request of the Executive Director or their designee; and~~
- ~~J. Must recertify every year that all requirements are met to remain on the panel. It is sufficient for recertification purposes that the rostered specialized panel attorney has meet any specialized panel CLE requirements to remained certified for the PCR panel except the same CLE panel requirements cannot be repeated in 2 consecutive years.~~

11. **Felonies.** In order to be rostered for felony cases an attorney must:

- A. Have completed the mentor-mentee 10 case assignment requirement;
- B. Work with 2 different mentors on your first 2 felony case assignments (1 mentor per assignment). The mentee shall be liberally appointed a mentor for future felony appointments after the first 2 appointments if such a requested is submitted in writing to the MCILS executive director or their designee. The MCILS Executive Director or their designee shall work with the mentee after the fifth request to determine why a mentor is requiring a mentor on future felony appointees and require the mentee to engage in the necessary training to assist the mentee to become felony qualified.
- C. Attend and complete the minimum training standards for felonies panel. If MCILS has not established a minimum training standard the attorney must complete 6 CLE hours dedicated to felony defense representation, felony sentencing in Maine, sentencing alternatives, probation in Maine, collateral consequences of felony convictions or similar topics within the lasts 2 years. These CLE requirements are only applicable if MCILS certified CLE classes are provided in Maine that meet these requirements or if MCILS authorizes and pays for attendance, travel, 3 meals, accommodations, and 8 hours of daily pay at the hourly rate to attend an out of state CLE that meets all these requirements when such CLEs are not offered in Maine; and
- D. Must recertify every year that all requirements are met to remain on the panel. It is sufficient for recertification purposes that the rostered specialized panel attorney has meet any specialized panel CLE requirements to remained certified for the felony panel except the same CLE panel requirements cannot be repeated in 2 consecutive years.

12. Lawyer of the Day. In order to be rostered for Lawyer of the Day assignments an attorney must:

A. For Juvenile client Lawyer of the Day assignments:

1. Attend and complete the minimum training standards for juvenile LOD. If MCILS has not established a minimum training standard for juvenile LODs, the attorney must complete 6 CLE hours on two or more of the following topics within the last 2 years: juvenile defense, placement options and dispositions for juveniles, child development, adolescent brain development, adolescent mental health diagnosis and treatment, and the collateral consequences of juvenile adjudications plus 1 CLE hour on ethics related to the defense of juveniles. These CLE requirements are only applicable if MCILS certified CLE classes are provided in Maine that meet these requirements or if MCILS authorizes and pays for attendance, travel, 3 meals, accommodations, and 8 hours of daily pay at the hourly rate to attend an out of state CLE that meets all these requirements when such CLEs are not offered in Maine.
2. To serve as LOD for a juvenile the attorney serving as the LOD must be on the specialized panel for what the juvenile is charged with unless such attorney is

not available;

3. Must have shadowed with a MCILS staff attorney or rostered LOD mentor counsel for a minimum of 3 occasions at LOD proceeding. Shadowing means the shadowing attorney must be present at all time with the MCILS staff attorney or rostered LOD counsel from the time they arrive at court until the LOD proceeding is concluded, this also includes reviewing the discovery. Attorneys doing the shadowing shall be paid for their time;
4. Must perform 5 LOD assignments with a MCILS staff attorney or rostered LOD mentor counsel shadowing for a minimum of 5 times. The MCILS staff attorney or mentor rostered staff attorney must recommend to the MCILS executive director or their designee in writing that the LOD applicant attorney should be rostered on the juvenile LOD panel. If the MCILS staff attorney or mentor rostered staff attorney cannot recommend the LOD applicant attorney to be placed on the juvenile LOD roster the MCILS staff attorney or mentor rostered staff attorney must explain in writing what areas the attorney needs to improve. The MCILS executive director or their designee will with the mentor will work with the attorney to develop the skills necessary to be placed on the roster including continued work. Once the necessary additional training is completed the attorney must perform 1 juvenile LOD assignment with a MCILS staff attorney or mentor rostered staff attorney and be recommended for placement on the juvenile LOD roster by the MCILS staff attorney or mentor rostered staff attorney before they can be a rostered LOD attorney. This process shall repeat until the MCILS staff attorney or mentor rostered staff attorney can recommend the LOD applicant attorney be rostered. The mentor rostered attorney shall be paid for all their time in performing under this subsection; and
5. Must recertify every year that all requirements are met to remain on the panel. It is sufficient for recertification purposes that the rostered specialized panel attorney has meet any specialized panel CLE requirements to remained certified for the juvenile LOD panel except the same CLE panel requirements cannot be repeated in 2 consecutive years.

B. For Adult client Lawyer of the Day assignments:

1. Attend and complete the minimum training standards for LOD. If MCILS has not established a minimum training standard for adult LOD the attorney must complete 6 CLE hours dedicated to felony defense representation, felony sentencing in Maine, sentencing alternatives, probation in Maine, collateral consequences of felony convictions or similar topics within the lasts 2 years. These CLE requirements are only applicable if MCILS certified CLE classes are provided in Maine that meet these requirements or if MCILS authorizes and pays for attendance, travel, 3 meals, accommodations, and 8 hours of daily pay at the hourly rate to attend an out of state CLE that meets all these requirements when such CLEs are not offered in Maine;
2. Must have shadowed with a MCILS staff attorney or rostered LOD



mentor counsel for a minimum of 2 occasions. Shadowing means the shadowing attorney must be present at all time with the MCILS staff attorney or rostered LOD counsel from the time they arrive at court until the LOD proceeding is concluded, this also includes reviewing the discovery. Attorneys doing the shadowing shall be paid for their time;

3. Must perform 3 LOD assignments with a MCILS staff attorney or the same mentor rostered LOD counsel for a minimum of 3 times. The MCILS staff attorney or mentor rostered staff attorney must recommend to the MCILS Executive Director or their designee in writing that the LOD applicant attorney should be rostered on the adult LOD panel. If the MCILS staff attorney or mentor rostered staff attorney cannot recommend the LOD applicant attorney to be placed on the LOD roster the MCILS staff attorney or mentor rostered staff attorney must explain in writing what areas the attorney needs to improve. The MCILS executive director or their designee with a mentor will work with the attorney to develop the skills necessary to be placed on the roster. Once the necessary additional training is completed the attorney must perform 1 adult LOD assignment with a MCILS staff attorney or mentor rostered staff attorney and be recommended for placement on the juvenile LOD roster by the MCILS staff attorney or mentor rostered staff attorney before they can be a rostered adult LOD attorney. This process shall repeat until the MCILS staff attorney or mentor rostered staff attorney can recommend the adult LOD applicant attorney be rostered. The mentor rostered attorney shall be paid for all their time in performing under this subsection;
4. Have concluded a minimum of 50 MCILS assigned cases. Rostered counsel cannot do the shadowing requirement until this provision is met;
5. Must be on the felony panel; and
6. Must recertify every year that all requirements are met to remain on the panel. It is sufficient for recertification purposes that the rostered specialized panel attorney has meet any specialized panel CLE requirements to remained certified for the adult LOD panel except the same CLE panel requirements cannot be repeated in 2 consecutive years.

**13. Mentor Panel.** In Order to be rostered as a mentor an attorney must:

1. Be on the specialized panel for the panels they are willing to accept assignments as a mentor;
2. Complete the application created by the MCILS to be a mentor; and
3. Have at least 5 years of experience as a rostered counsel.
  - a. Purpose and Goals



1. To ensure quality representation, on-going training, assist less experienced rostered attorneys and to ensure the quality of LOD counsel MCILS is recommending the creation of a Mentor Panel.
2. Practically, the mentor/mentee relationship should bridge the gap between law school and the practice of law by providing guidance in the new lawyer's professional conduct and promoting a sense of pride in being a practicing lawyer.
3. Mentoring is a process that connects an experienced rostered attorney with a new rostered attorney or less experienced attorney (mentee) to help foster the mentee's professional growth and development.
4. A mentor facilitates the mentee's professional growth by sharing the knowledge and insights that they learned through the years. Through the mentoring process, the mentor and mentee work together to reach specific goals and to provide each other with sufficient feedback to ensure that these goals are reached.

b. Goals of the mentor program are:

1. Program Socialization and Orientation builds a sense of connection to the values and mission of the MCILS. Mentors convey the purpose and importance of MCILS work through their words and personal example. They also share their knowledge and experience about local courts, judges, and practices. They introduce mentees to judges, court personnel, other lawyers and social service providers with whom they will interact on behalf of their clients. Finally, mentors provide valuable information about administrative and logistical issues related to MCILS, including such things as record keeping and billing practices.
2. Knowledge and Skill Building increases new attorneys' competence to represent MCILS clients. Mentors help new MCILS attorneys or less experienced rostered attorneys learn substantive law, court rules and procedures and improve their legal skills through experience, instruction and feedback.
3. Confidence Building supports new attorneys' self-esteem and self-confidence as criminal defense attorneys.
4. Professional Development helps new attorneys identify and select legal practice goals related both to MCILS practice and their overall development as lawyers.
5. The first years of a lawyer's practice are a critical time in the development of professional habits, practices and character. This time can also be a challenging and sometimes stressful periods as lawyers adjust to the pressures of practice management, client relations and the adversarial process. To facilitate this transition into the practice of law, the MCILS has created the Mentor-Mentee panel. The goal of the Mentor-Mentee panel is to introduce new lawyers to the high standards of integrity, professional conduct, professional competence and service

to the public that are expected of MCILS rostered attorneys.

c. General Standards

1. The MCILS Executive Director or their designee shall develop an application process for an attorney seeking appointment to the mentor panel to demonstrate the minimum qualifications necessary. An applicant must present additional information beyond the minimum requirements of this Chapter if requested by MCILS Executive Director or their designee.
2. The MCILS Executive Director or their designee shall develop a written performance evaluation to be completed by the mentor to evaluate the performance of the mentee on an ongoing basis and at the conclusion of the initial mentor/mentee supervision period.
3. The MCILS Executive Director or their designee shall develop a written performance evaluation to be completed by the mentee to evaluate the performance of the mentor at the conclusion of the initial mentor/mentee supervision period.
4. The MCILS Executive Director or their designee, shall have the sole discretion to make the determination if an attorney is qualified to be placed on the mentor panel. In addition, the MCILS Executive Director or their designee, shall have the sole discretion, to grant or deny a waiver.
5. The MCILS Executive Director or their designee, may, in their sole discretion, remove an attorney from the mentor panel at any time if the attorney is not meeting the minimum qualifications and standards as determined by the MCILS Executive Director or their designee.
6. This subsection does not exempt an attorney from satisfying the requirements of MCILS at any time thereafter or limit the authority of the MCILS Executive Director or their designee, to remove or add an attorney from the mentor panel at any time.
7. The relationship between mentor and mentee attorneys shall be that of co-counsel. The attorney-client relationship shall apply to both attorneys and any potential conflicts or actual conflicts are applicable to both attorneys.
8. The MCILS Executive Director or their designee shall provide oversight of the mentoring program.
9. The MCILS Executive Director or their designee shall inquire of the newly rostered attorney if there is a rostered mentor they would prefer to work with. If the newly rostered attorney does not have a preference the MCILS Executive Director or their designee shall assign a rostered mentor.
10. If the mentor and mentee are unable to continue working together after their assignment the MCILS Executive Director or their designee shall

assign a new rostered mentor. The mentor and mentee must explain in writing why they are no longer able to continue working together.

11. The MCILS Executive Director or their designee may for good cause shown provide a newly rostered attorney with a waiver of the mentor/mentee requirements.

d. Process

1. The mentor and mentee shall work on a total of 10 assigned cases from appointment to final disposition.

2. The specific activities of a mentor will vary with the needs of the mentee while, at the same time, be guided by the written performance evaluation developed by the MCILS Executive Director or their designee in writing. At a minimum, the mentor should initiate and conduct an initial face-to-face meeting with the assigned mentee at the earliest possible date.

3. For the first 3 case assignments the mentee must meet with mentor attorneys on a weekly basis to review all work completed, the future plan of the case and work to be performed and to review all billing entries. Thereafter, they must meet at least monthly to review cases and professional development goals. Depending on need, some mentor pairs will meet more often in the beginning until the mentor is comfortable with the mentee's skill level and knowledge of the substantive area. Likewise, as mentees gain experience and confidence, mentoring pairs may decide that they can meet less than monthly.

4. Mentors and Mentees must attend all court hearings and client meetings together with direct supervision being provided by the mentor on the first 3 case assignments. Thereafter, the mentor should attend all court proceedings. However, the decision to attend client meetings or other meetings shall be left to the discretion of the mentor after the first 3 case assignments. If the mentor does not attend client meetings or other meetings the mentee must brief the mentor as to what occurred at the meeting.

5. Mentor and mentees must have full access to the client's file.

6. Mentors and mentees should meet in an office setting or other space, including virtually, that permits the private discussion of confidential and other sensitive matters. This should be the same space where rostered attorney meet with their clients.

7. Mentors shall provide ongoing feedback to the mentee and the MCILS Executive Director or their designee in written format.

8. At the conclusion of the tenth case worked on between the mentor and mentee or if the relationship ends earlier the mentor must certify in writing to the MCILS Executive Director or their designee the mentee has demonstrated the skill necessary to work independently of a mentor

and complete the written performance evaluation developed by the MCILS Executive Director or their designee. If the mentor is unable to make such certification, they must identify the issues preventing certification and work with the mentor and the MCILS Executive Director or their designee to develop a plan to assist the mentee to become certified.

9. The mentee must advise the client in writing of the mentor's name and that the mentor's role in representation is not to represent the client but to supervise the mentee's representation of the client.

e. Compensation

1. Mentors are to be paid at the standard hourly rate for the case level they are mentoring on.

2. Mentee are to be paid at the standard hourly for the case they are appointed.

f. Waiver by Mentees of these requirements. Newly rostered attorneys can seek a waiver of the mentor-mentee requirements. They newly rostered attorneys must:

1. Send a letter to the MCILS executive director explaining why a waiver is appropriate; and

2. Must have at least 3 years of criminal defense experience.

#### **SECTION 4. Waiver of Certain Eligibility Requirements**

~~1. An attorney who wishes to receive assignments for one or more of the specialized case types listed above but who does not meet both requirements of: (1) years of practice experience; and (2) trial or litigation experience, may seek a waiver of either, but not both, requirements. An attorney seeking a waiver must provide the Executive Director, or his or her designee, with written information explaining the need for a waiver and the attorney's experience and qualifications to provide representation to the indigent people whose charges or litigation matters are covered by this rule. Repealed.~~

~~2. An attorney may apply for a conditional waiver if additional time is needed to meet CLE requirements. Repealed.~~

~~3. The Executive Director, or his or her designee, may consider other litigation experience, total years of practice, and regional conditions and needs in granting or denying a waiver to any particular attorney. Repealed.~~

2. Rostered attorneys seeking to be on a specialized panel can seek a waiver of the requirements they are not meeting. The attorney must:
- (1) Send a letter to the MCILS executive director identifying:
- (a) The panel that a waiver is being sought;
  - (b) The requirements that are being sought to be waived; and
  - (c) Why the waiver is appropriate.
- (2) Waivers shall be presumptively denied except when exceptional evidence demonstrates a waiver is appropriate:
- (a) except when the requirement being waived is the rostered experience provisions from a different jurisdiction or private practice the waiver shall not be presumptively denied. If the applicant attorney has equivalent criminal law experience in a different jurisdiction a waiver should be granted if all other requirements are met and there is a need for more rostered attorneys in the geographical location the applicant attorney plans to practice.

AUTHORITY: 4 M.R.S.A. §§ 1804(2)(B), (2)(G),(3)(E) and (4)(D)

EFFECTIVE DATE:

July 8, 2011

AMENDED:

June 10, 2016 – filing 2016-091



# MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

P.O. Box 17642  
Portland, ME 04112-8642  
(207) 523-9869  
[mainemacdl@gmail.com](mailto:mainemacdl@gmail.com)

October 28, 2020

## 2019-2020 OFFICERS

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Commission Chairperson Joshua Tardy, Esq.  
Maine Commission on Indigent Legal Services  
154 State House Station  
Augusta, ME 04333

To Chairperson Tardy and Honorable Members of the Commission,

On behalf of our members, I wish to begin by thanking the Commission for your hard work on the proposed rule changes and to voice our support for the vast majority of the changes. Many of the changes are long overdue and will be very welcome by the defense bar.

There are some proposed rule changes that make sense in the abstract, or in the more heavily populated areas of our state, but not in the rural counties.

Section 8(5)(a) envisions a MCILS staff member in court for all Lawyer of the Day proceedings. This is a laudable goal but it would entail such a drastic change from current practice in rural counties that we doubt whether the proposed rule change is feasible at all. Some Lawyers of the Day from rural counties have reported that they have never seen a MCILS staff member in court. Other Lawyers of the Day have reported seeing MCILS staff very infrequently to hardly at all.

Sections 8(11), (12), and (13) envision two attorneys on Murder cases, cases involving sex offenses, and at bind over hearings. Again, the rationale behind these rules is laudable, but it does not match the on-the-ground reality of rural practice. In some rural areas there are so few attorneys taking court appointed cases that the situation is becoming dire. There seems to be a popular belief that only Aroostook County is suffering a shortage of court appointed counsel, but the problem is far more pervasive and is growing. In Somerset County, there are 12 attorneys accepting some form of criminal appointments. Of the 12 only 3 are based in Somerset County. Of the 12 only 4 accept cases involving sex offenses.

In Knox County there are 19 attorneys taking some form of court appointed cases; of the 19 only 7 take sex offense cases.

## 2019-2020 DIRECTORS

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## EXECUTIVE DIRECTOR

Tina Heather Nadeau

When looking at the lists for Somerset and Knox Counties it is striking how few young and inexperienced attorneys are on the list. There simply are not enough attorneys to fulfill the goals of Sections 8(11), (12), and (13). Somerset and Knox Counties are illustrative examples that show the critical shortage of attorneys in the rural counties. The problem extends to many other counties.

The Maine Association of Criminal Defense Lawyers requests that MCILS form a permanent subcommittee dedicated to the issues of rural practice with a primary objective of how to increase the number of attorneys taking court appointed cases in rural counties.

Thank you for your time and hard work.

Sincerely,

*/s/ Jeremy Pratt*

Jeremy Pratt  
Vice-President of MACDL

**(4.)**

**Budget Request**



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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 REQUEST  
**DATE:** October 30, 2020

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For reference, attached are copies of the Commission's Budget Request documents submitted 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, CHIEF LEGAL COUNSEL, GOVERNOR'S OFFICE

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

**SUBJECT:** MCILS BIENNIAL BUDGET REQUEST

**DATE:** OCTOBER 19, 2020

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This narrative accompanies the Maine Commission on Indigent Legal Services' biennial budget request submitted through the BFMS system.

**SIXTH AMENDMENT CENTER REPORT**

In 2018, the Legislative Council contracted with the Sixth Amendment Center to perform a study of the delivery of indigent legal services in Maine. The Center issued its report in April, 2019. Among other things, the Center found that the Commission does not have enough staff to adequately supervise, evaluate, and train the hundreds of private assigned counsel who provide representation in indigent cases across the State. The Center recommended a substantial expansion of the Commission's central office staff.

In addition, the Center described a Public Defender Office as the best method for delivering indigent legal services and pointed out that Maine is the only State in the country that does not utilize a Public Defender Office to deliver indigent legal services in at least some areas of the State. The Center recommended the establishment of a Public Defender Office in a single county as a pilot project meant to assess how such an office could work in Maine.

The Sixth Amendment Center also recommended the establishment of a statewide Public Defender Office for criminal appeals and post-conviction review cases. Centralizing the appellate function provides a means to evaluate the effectiveness of trial representation around the State and to coordinate appellate strategy regarding developing legal issues.

Finally, the Sixth Amendment Center pointed out that the current rate of reimbursement for assigned counsel, \$60.00 per hour, is inadequate and recommended that the rate be raised to \$100.00 per hour.

With this budget request, the Commission seeks to embrace and implement these recommendations from the Sixth Amendment Center report. The Commission believes that these reforms are essential to improve the quality of indigent legal services in Maine and to meet the State's Constitutional obligation to provide effective assistance of counsel in indigent cases.

## **CENTRAL OFFICE STAFF**

As pointed out by the Sixth Amendment Center the Commission needs adequate staff: 1) to effectively supervise attorneys in the field and evaluate attorney performance; 2) to effectively train attorneys coming into the system; and 3) to provide effective financial oversight of attorney billing and associated expenditures in the delivery of indigent legal services. To meet these requirements, the Commission recommends the establishment of ten (10) new positions within the central office, five (5) of which would be attorney positions: an attorney to oversee attorney training, an attorney to monitor attorney performance in the field, an attorney to oversee review and processing of attorney billing, and two (2) attorneys to provide technical assistance to lawyers in the field, one with respect to trials and another with respect to sentencing issues. In addition, the Commission seeks to establish an Audit Director position, together with two (2) Field Examiner positions, to provide both targeted and random field audits of attorney billing. Finally, the Commission seeks to establish non-attorney staff positions to work on review and processing of attorney billing and training, supervised by the respective attorneys.

These new positions are necessary for the Commission to provide meaningful oversight and evaluation of attorney performance, high quality attorney training, and robust financial oversight of both attorney billing and other expenditures related to indigent legal services.

## **PUBLIC DEFENDER OFFICE – KENNEBEC COUNTY**

The Sixth Amendment Center recommended the establishment of a trial level Public Defender Office in a single county, with the number of attorneys based on the number of cases and national standards setting forth caseload limits. The Commission seeks to establish this office in Kennebec County. Based on the number of cases in that county, the Commission is seeking nine (9) attorney positions: a District Defender, a Deputy District Defender, two (2) Serious Felony Defenders focused on homicides, as well as sex offense cases and other serious felonies, two (2) Senior Assistant Public Defenders, and three (3) Assistant Public Defenders. The attorney staff would be supported by two (2) Investigators, two (2) Social Workers, three (3) Paralegals, and an Office Manager.

The establishment of a Public Defender Office as a pilot project in a single county is necessary to evaluate the potential benefits of moving to such a system more broadly and to assess the impact of such a system on the cost of indigent legal services. Doing so would also end Maine's outlier status as the only State in the country without any Public Defender Office.

Finally, the Commission's budget request reflects the full projected cost of a Public Defender Office in Kennebec County. The Commission recognizes that time will be necessary to fill all of the new positions and expand the caseload of the new office. And as the new office comes on-line, current costs for assigned counsel in that County will decline. The Commission seeks to work with the Budget Office on any refinements to this proposal necessary to address these timing issues.

## **STATEWIDE APPELLATE DEFENDER OFFICE**

The Sixth Amendment Center recommended the establishment of a statewide Appellate Defender Office to provide representation on direct appeals and post-conviction review petitions, with the number of attorneys based on the number of cases and national standards setting forth caseload limits. The office would have separate divisions for appeals and post-conviction cases. Based on the number of these cases statewide, the Commission is seeking fourteen (14) attorney positions: a Director of Appeals and Post-Conviction review, one Deputy Director for Appeals, one Deputy Director for Post-Conviction Review, three (3) Senior Assistant Appellate Defenders, four (4) Assistant Appellate Defenders, one (1) Senior Post-Conviction Defender, and two (2) Assistant Post-Conviction Defenders. The appeals division would be supported by three (3) Paralegals, and the post-conviction review division would be supported by one (1) Paralegal, one (1) Mitigation Specialist, and one (1) Investigator.

A centralized appeal and post-conviction review office will be able to monitor the quality of trial representation around the State, and its attorneys will be a valuable training resource for improving the quality of trial representation. This centralized office will also give Maine, for the first time, a practical means to coordinate strategy statewide on evolving legal issues.

Finally, the Commission's budget request reflects the full projected cost of a statewide appellate and post-conviction review office. The Commission recognizes that time will be necessary to fill all of the new positions and expand the caseload of the new office. And as the new office comes on-line, current costs for appeals and post-conviction review cases will decline. The Commission seeks to work with the Budget Office on any refinements to this proposal necessary to address these timing issues.

## **RAISING THE HOURLY RATE FOR \$60.00/HR. TO \$100.00/HR.**

The Sixth Amendment Center recommended a raise in the hourly rate paid to assigned counsel from \$60.00 per hour to \$100.00 per hour, stating that the current rate is insufficient to cover reasonable attorney overhead, thus depriving assigned counsel of the resources they need to provide effective representation. An insufficient rate of pay can also discourage lawyers from performing indigent legal services or cause lawyers to take on unreasonable caseloads in order to earn sufficient compensation. The Commission believes it is essential to implement the recommendation for an hourly rate of \$100.00 per hour to guarantee that attorneys can afford the resources necessary to provide effective representation and to attract and retain quality lawyers to represent indigent clients.

## **BASELINE BUDGET**

Finally, the Commission's baseline All Other budget for each year of the current biennium equals \$15.5, well below the \$18.3 million it has been allocated, and operated within, each year since 2016. As the Commission pursues reforms to improve the delivery of indigent legal

services, it is essential that its budget start from a position that is adequate to fund its current operations. Accordingly, the Commission's budget request includes an initiative to raise its baseline budget to \$18.3 million.

## **CONCLUSION**

The Commission looks forward to working with the Budget Office and the Administration as it pursues essential reforms needed improve the delivery of indigent legal services in Maine. Thank you for your consideration.

Chg Pkg Approp/Alloc & Position Count by Reporting Level

Change Group: C Change Type:A Change Number:All Include:Yes One Time:Included

IND00 MAINE COMMISSION ON INDIGENT LEGAL SERVICES

01095FZ11201 MAINE COMMISSION - INDIGENT LEGAL SVCS

Change Package: C-A-1 Priority: Include: Yes

**Description:** Establishes 5 Public Service Manager II positions, one Public Service Coordinator I position, one Auditor III position, one Auditor I position, and 2 Field Examiner II positions within the Commission on Indigent Legal Services plus associated All Other costs.

**Justification:** This initiative implements the recommendation of the Sixth Amendment Center to expand Commission staff that was provided to the Legislature after a study of indigent legal services in Maine was performed at the request of the Legislature. The positions established by this initiative will provide for one attorney to oversee attorney evaluation and performance, one attorney to oversee training of attorneys, one non-attorney training staff supervised by the attorney, one attorney to oversee the Commission's internal financial operations and payment of attorney vouchers, one Auditor I position focused on financial operations and voucher payment supervised by the attorney, one Audit Director position and two Field Examiner II positions focused on reviewing the billing practices of attorneys in the field, one trial resource attorney position and one resource attorney for sentencing issues including mental health and substance abuse.

	Part A Initiatives & Other FY 22	Part A Initiatives & Other FY 23
<b>Positions</b>		
LEGISLATIVE COUNT	10.000	10.000
TOTAL	10.000	10.000
<b>Appropriations and Allocations</b>		
PERSONAL SVCS	991,329	1,038,589
ALL OTHER	87,729	53,729
TOTAL	1,079,058	1,092,318

Change Package: C-A-2 Priority: Include: Yes

**Description:** Establishes 4 Public Service Manager III positions, 5 Public Service Manager II positions, 2 Public Service Coordinator positions, 2 Clinical Social Worker positions, 3 Paralegal positions, and one Office Specialist II position, plus associated All Other costs to create a Public Defender Office in a single county.

**Justification:** This initiative establishes positions to create a Public Defender Office pilot project in Kennebec County. The positions established by this initiative will provide for a District Defender, a Deputy District Defender, two Homicide and Serious Felony Defenders, two Senior Assistant Public Defenders, three Assistant Public Defenders, three Paralegals, two Investigators, two Social Workers, and one Office Manager. The number of attorney positions is based on national caseload standards. This initiative also provides for associated All Other costs. This initiative is necessary to implement the recommendation of the Sixth Amendment Center to explore a transition to a Public Defender system through a pilot project in a single county. This recommendation was provided to the Legislature after a study of indigent legal services in Maine performed at the request of the Legislature.

	Part A Initiatives & Other FY 22	Part A Initiatives & Other FY 23
<b>Positions</b>		
LEGISLATIVE COUNT	17.000	17.000
TOTAL	17.000	17.000
<b>Appropriations and Allocations</b>		
PERSONAL SVCS	1,878,484	1,971,053
ALL OTHER	165,724	107,924
TOTAL	2,044,208	2,078,977

Chg Pkg Approp/Alloc & Position Count by Reporting Level

Change Group: C Change Type:A Change Number:All Include:Yes One Time:Included

IND00 MAINE COMMISSION ON INDIGENT LEGAL SERVICES

01095FZ11201 MAINE COMMISSION - INDIGENT LEGAL SVCS

Change Package: C-A-3 Priority: Include: Yes

Description: Establishes 3 Public Service Manager III Positions, 11 Public Service Manager II positions, 2 Public Service Coordinator I positions, and 4 Paralegal positions, plus associated All Other costs to create a statewide Appellate and Post-Conviction Review Defender Office.

Justification: This initiative establishes positions to create a statewide Public Defender Office to handle Appeals and Post-Conviction Review Cases. The positions established by this initiative will provide for a Director of Appeals and Post-Conviction Review, a Deputy Director of Appeals, a Deputy Director for Post-Conviction Review, three Senior Assistant Appellate Defenders, five Assistant Appellate Defenders, one Senior Post-Conviction Defender, two Assistant Post-Conviction Defenders, four Paralegals, one Post-Conviction Mitigation Specialist, and one Post-Conviction Investigator. The number of attorney positions is based on national caseload standards. This initiative also provides for associated All Other costs. This initiative is necessary to implement the recommendation of the Sixth Amendment Center to create a statewide Appellate Defender Office that was provided to the Legislature after a study of indigent legal services in Maine performed at the request of the Legislature.

Table with 3 columns: Category, Part A Initiatives & Other FY 22, Part A Initiatives & Other FY 23. Rows include Positions (LEGISLATIVE COUNT, TOTAL) and Appropriations and Allocations (PERSONAL SVCS, ALL OTHER, TOTAL).

Change Package: C-A-4 Priority: Include: Yes

Description: Provides additional funding for Indigent Legal Services.

Justification: This initiative provides funding necessary to cover the cost of Commission operations at their current level during the 22-23 Biennium. Since fiscal year 2016-2017, the Commission has routinely received All Other funding of \$18.3 million. This amount has been sufficient to cover the cost of Indigent Legal Services, and the Commission has operated with this flat-funding amount for a number of years now. The Commission continues to project that it will require \$18.3 million per year to fund current operations. Because of one-time funding in fiscal year 2019-2020, the All Other baseline budget for each year of the current biennium equals \$15.5 million per fiscal year. This initiative is necessary to meet the State's Constitutional obligation to provide representation at State expense to indigent clients.

Table with 3 columns: Category, Part A Initiatives & Other FY 22, Part A Initiatives & Other FY 23. Rows include Appropriations and Allocations (ALL OTHER, TOTAL).

Change Package: C-A-5 Priority: Include: Yes

Description: Provides additional funding for Indigent Legal Services.

Justification: This initiative provides funding to raise the hourly rate paid to attorneys representing indigent clients who are entitled to representation at State expense from \$60.00 per hour to \$100.00 per hour. This initiative implements the recommendation of the Sixth Amendment Center provided to the Legislature after a study of indigent legal services in Maine performed at the request of the Legislature. This initiative is necessary to ensure the provision of quality legal services to indigent clients.

Table with 3 columns: Category, Part A Initiatives & Other FY 22, Part A Initiatives & Other FY 23. Rows include Appropriations and Allocations (ALL OTHER, TOTAL).

<b>Position</b>	<b>Classification</b>	<b>Classification Code</b>	<b>Step 1</b>	<b>Step 3</b>	<b>Step 8</b>
Training Director	Public Service Coordinator II	MA30	\$59,092.80	\$64,916.80	\$81,099.20
Practice Standards/Quality Assurance Attorney	Public Service Coordinator II	MA30	\$59,092.80	\$64,916.80	\$81,099.20
Finance/Voucher Attorney	Public Service Coordinator II	MA30	\$59,092.80	\$64,916.80	\$81,099.20
Trial Resource Attorney	Public Service Coordinator II	MA30	\$59,092.80	\$64,916.80	\$81,099.20
Mental Health/SA/Sentencing Resource Attorney	Public Service Coordinator II	MA30	\$59,092.80	\$64,916.80	\$81,099.20
Audit Director	Auditor III	0613	\$47,278.40	\$52,041.60	\$64,729.60
Field Examiner	Field Examiner II	0332	\$35,588.80	\$38,688.00	\$47,944.00
Field Examiner	Field Examiner II	0332	\$35,588.80	\$38,688.00	\$47,944.00
Voucher Review Staff	Auditor I	0611	\$35,588.80	\$38,688.00	\$47,944.00
Training Staff	Public Service Coordinator I	CA21	\$40,518.40	\$44,324.80	\$55,203.20
		<b>Salary total</b>	\$490,027.20	\$537,014.40	\$669,260.80

Bar dues	\$1,325.00
Cell phone	\$3,780.00
Eyeglass reimbursement	\$600.00
Legal research subscription	\$3,360.00
Monitor, mouse, keyboard*	\$6,000.00
Mileage	\$4,800.00
Office furniture*	\$24,800.00
Office supplies	\$7,500.00
OIT/TELCO	\$26,386.00
TELCO installation costs*	\$3,200.00
Service center (Payroll processing)	\$5,628.40
Subscriptions (rule and statute books)	\$350.00

*\*notes a one-time first year cost*

**Ancillary Cost Total** \$87,729.40



<b>Position</b>	<b>Classification</b>	<b>Classification Code</b>	<b>Step 1</b>	<b>Step 3</b>	<b>Step 8</b>
District Defender	Public Service Manager III	MO39	\$88,379.20	\$97,198.40	\$121,659.20
Deputy District Defender	Public Service Manager III	MH37	\$80,121.60	\$88,046.41	\$110,052.80
Serious Felony Defender	Public Service Manager III	MA34	\$69,700.80	\$76,606.41	\$95,992.00
Serious Felony Defender	Public Service Manager III	MA34	\$69,700.80	\$76,606.41	\$95,992.00
Senior Assistant Public Defender	Public Service Manager II	MA33	\$66,788.80	\$73,507.20	\$91,665.60
Senior Assistant Public Defender	Public Service Manager II	MA33	\$66,788.80	\$73,507.20	\$91,665.60
Assistant Public Defender	Public Service Manager II	MA31	\$61,443.20	\$67,537.60	\$84,489.60
Assistant Public Defender	Public Service Manager II	MA31	\$61,443.20	\$67,537.60	\$84,489.60
Assistant Public Defender	Public Service Manager II	MA31	\$61,443.20	\$67,537.60	\$84,489.60
Investigator	Public Service Coordinator I	CA21	\$40,518.40	\$44,324.80	\$55,203.20
Investigator	Public Service Coordinator I	CA21	\$40,518.40	\$44,324.80	\$55,203.20
Social Worker	Clinical Social Worker	5121	\$44,865.60	\$49,129.60	\$60,923.20
Social Worker	Clinical Social Worker	5121	\$44,865.60	\$49,129.60	\$60,923.20
Paralegal	Paralegal	0884	\$35,588.80	\$38,688.00	\$47,944.00
Paralegal	Paralegal	0884	\$35,588.80	\$38,688.00	\$47,944.00
Paralegal	Paralegal	0884	\$35,588.80	\$38,688.00	\$47,944.00
Office Manager	Office Specialist II SUPV	6593	\$40,393.60	\$44,761.60	\$56,534.40
<b>Salary Totals</b>			<b>\$943,737.60</b>	<b>\$1,035,819.23</b>	<b>\$1,293,115.20</b>

Bar dues	\$2,385.00
Case management software	\$3,900.00
Cell phone	\$4,800.00
Eyeglass reimbursement	\$1,000.00
Legal research subscription	\$4,320.00
Monitor, mouse, keyboard*	\$10,200.00
Mileage	\$4,500.00
Office furniture*	\$42,160.00
Office supplies	\$12,750.00
OIT/TELCO	\$64,071.00
TELCO installation costs*	\$5,440.00
Service center (Payroll processing)	\$9,568.28
Subscriptions (rule and statute books)	\$630.00

*\*notes a one-time first year cost*

**Ancillary Cost Total** \$165,724.28

Position	Classification	Classification Code	Step 1	Step 3	Step 8
<b>Appellate Division</b>					
Appeal and Post-Conviction Review Director	Public Service Manager III	MO39	\$88,379.20	\$97,198.40	\$121,659.20
Appellate Division Deputy Director	Public Service Manager III	MH37	\$80,121.60	\$88,046.41	\$110,052.80
Senior Assistant Appellate Defender	Public Service Manager II	MA33	\$66,788.80	\$73,507.20	\$91,665.60
Senior Assistant Appellate Defender	Public Service Manager II	MA33	\$66,788.80	\$73,507.20	\$91,665.60
Senior Assistant Appellate Defender	Public Service Manager II	MA33	\$66,788.80	\$73,507.20	\$91,665.60
Assistant Appellate Defender	Public Service Manager II	MA31	\$61,443.20	\$67,537.60	\$84,489.60
Assistant Appellate Defender	Public Service Manager II	MA31	\$61,443.20	\$67,537.60	\$84,489.60
Assistant Appellate Defender	Public Service Manager II	MA31	\$61,443.20	\$67,537.60	\$84,489.60
Assistant Appellate Defender	Public Service Manager II	MA31	\$61,443.20	\$67,537.60	\$84,489.60
Paralegal	Paralegal	0884	\$35,588.80	\$38,688.00	\$47,944.00
Paralegal	Paralegal	0884	\$35,588.80	\$38,688.00	\$47,944.00
Paralegal	Paralegal	0884	\$35,588.80	\$38,688.00	\$47,944.00
<b>Post-Conviction Division</b>					
Post-Conviction Review Division Deputy Director	Public Service Manager III	MH37	\$76,336.00	\$83,990.40	\$104,998.40
Senior Assistant Post-Conviction Defender	Public Service Manager II	MA33	\$66,788.80	\$73,507.20	\$91,665.60
Assistant Post-Conviction Defender	Public Service Manager II	MA31	\$61,443.20	\$67,537.60	\$84,489.60
Assistant Post-Conviction Defender	Public Service Manager II	MA31	\$61,443.20	\$67,537.60	\$84,489.60
Paralegal	Paralegal	0884	\$35,588.80	\$38,688.00	\$47,944.00
Mitigation Specialist	Public Service Coordinator I	CA21	\$40,518.40	\$44,324.80	\$55,203.20
Investigator	Public Service Coordinator I	CA21	\$40,518.40	\$44,324.80	\$55,203.20
<b>Salary Totals</b>			<b>\$1,165,486.40</b>	<b>\$1,279,428.81</b>	<b>\$1,596,982.40</b>

Bar dues	\$3,710.00
Case management software	\$5,400.00
Cell phone	\$7,908.00
Eyeglass reimbursement	\$1,200.00
Legal research subscription	\$6,720.00
Monitor, mouse, keyboard*	\$12,000.00
Mileage	\$500.00
Office furniture*	\$49,600.00
Office supplies	\$15,000.00
OIT/TELCO	\$59,972.00
TELCO installation costs*	\$6,400.00
Printing/Binding/Mailing	\$30,000.00
Service center (Payroll processing)	\$11,256.80
Subscriptions (rule and statute books)	\$980.00

**Ancillary Cost Total** \$210,646.80

**\*notes a one-time first year cost**