

MCILS

**October 10, 2017
Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

OCTOBER 10, 2017

COMMISSION MEETING

JUDICIARY COMMITTEE ROOM, ROOM 438, STATEHOUSE, AUGUSTA

AGENDA

- 1) Approval of September 15, 2017 Commission Meeting Minutes
- 2) Operations Reports
- 3) Report Back on Miscellaneous Items
- 4) Action Items Discussion
- 5) Court Access to Paid Voucher Data
- 6) Public Comment
- 7) Set Date, Time and Location of Next Regular Meeting of the Commission
- 8) Executive Session, if needed (Closed to Public)

(1.)
September 15, 2017
Commission Meeting
Minutes

**Maine Commission on Indigent Legal Services – Commissioners Meeting
September 15, 2017**

Minutes

Commissioners Present: Steven Carey, William Logan, Carlann Welch

MCILS Staff Present: John Pelletier, Ellie Maciag

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Approval of the August 8, 2017 Commission Meeting Minutes	No discussion of meeting minutes.	Commissioner Logan moved for approval, Commissioner Welch seconded. All voted in favor. Approved.
Operations Reports Review	<u>August 2017 Operations Report:</u> 2,261 new cases were opened in the DefenderData system in August. This was a 170 case increase from July. The number of submitted vouchers in August was 2,296, an increase of 274 vouchers from July, totaling \$1,311,011, a decrease of \$168,000 from July. In August, the Commission paid 2,711 vouchers totaling \$1,551,473, a decrease of 2,449 vouchers and \$1,198,000 over July. This sharp decrease was the result of paying off the FY'17 budget shortfall amount during the month of July. Director Pelletier noted that August was a typical month and that August 2016 appears to have been an outlier. The average price per voucher was \$572.29, up \$39.61 per voucher over July. Appeal and Post-Conviction Review cases had the highest average vouchers. There were 16 vouchers exceeding \$5,000 paid in August. Director Pelletier thought that the large number of over \$5,000 vouchers might have impacted the average voucher total this month. 124 authorizations to expend funds were issued in August and we paid \$80,483 for experts and investigators, etc., a typical month for non-counsel legal services expenses. The monthly transfer from the Judicial Branch for counsel fees for August, which reflects July's collections, totaled \$48,375, up approximately \$5,000 from July.	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>Director Pelletier provided statistics on FY'17 homicide vouchers and the Commissioners discussed whether to separate homicide from felony case types for reporting purposes. Director Pelletier estimated that the average cost for a typical homicide case is \$20,000 and that the average homicide voucher in FY'17 was approximately \$5,500, due in part to interim billing. Commissioner Logan thought that homicide cases were probably not the cost driver for the felony case type averages due to the low number of homicide vouchers.</p>	
<p>Action Items Discussion</p>	<p>The Commissioners began their discussion of the first three action items: (1) geographic limitation on roster eligibility; (2) over-the-cap vouchers, and (3) voucher procedure compliance.</p> <p><u>Geographic Limitation</u></p> <p>Director Pelletier provided statistics on FY'17 travel time and mileage costs on vouchers for the various Unified Criminal Dockets. He reminded the Commissioners that the mileage reimbursement policy is included in the Commission's fee rule, although it is not a major substantive rule, and that any changes would require rulemaking. He explained that what is not expressly included in the rule is the geographic limitation on where attorneys can be rostered. Instead, the current practice allows an attorney to be rostered in courts that are up to an hour's drive from the office. Director Pelletier noted that there are counties, particularly Cumberland and York, that have a large number of local attorneys, but nevertheless assign cases to attorneys from surrounding counties who regularly charge travel and mileage. He also noted that there are some counties, Franklin for instance, that have a great need for attorneys and rely on attorneys from surrounding counties. Director Pelletier also cautioned the Commissioners from disrupting the current arrangement in York County since the courts there rely on a set of very experienced Portland attorneys.</p> <p>Chair Carey suggested that the Commission should avoid any hard and fast</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>rules on rostering to allow for the particular needs and circumstances for each county. Chair Carey stressed that all the factors that have an impact on our budget that the Commission has control over should be examined with an eye towards reducing costs. A discussion ensued about some potential changes to the rule concerning travel and mileage. It was decided that the best course of action would be to take incremental steps, beginning with reducing all the rosters to the one hour driving distance.</p> <p><u>Over-the-cap/late vouchers</u> The Commissioners discussed several potential ideas to deal with late and over-the-cap vouchers.</p> <p>The Commissioners decided that further discussion was needed on all of these issues with the goal of finalizing a plan of action and initiating rulemaking to implement that plan. Accordingly, Chair Carey wanted to continue the discussion on over-the-cap vouchers, home court changes for mileage reimbursement, and late vouchers at next month's meeting.</p>	
Public Comment	None	
Executive Session	none	
Adjournment of meeting	The Commission voted to adjourn with the next meeting to be on October 10, 2017 at 9:30 a.m.	Commissioner Welch moved to adjourn. Commissioner Logan seconded. All present in favor.

(2.) Operations Reports

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
SUBJECT: SEPTEMBER 2017 OPERATIONS REPORTS
DATE: OCTOBER 2, 2017

Attached you will find the September, 2017, Operations Reports for your review and our discussion at the Commission meeting on October 10, 2017. A summary of the operations reports follows:

- 2,385 new cases were opened in the DefenderData system in September. This was a 124 case increase over August.
- The number of vouchers submitted electronically in September was 2,700, an increase of 404 vouchers from August, totaling \$1,386,289.86, an increase of \$75,000 over August. In September, we paid 2,225 electronic vouchers totaling \$1,138,941.73, representing a decrease of 486 vouchers and \$412,000 compared to August.
- There were no paper vouchers submitted and paid in September.
- The average price per voucher in September was \$511.88, down \$60.41 per voucher from August.
- Appeal and Post-Conviction Review cases had the highest average vouchers in September. There were 5 vouchers exceeding \$5,000 paid in September. See attached addendum for details.
- The contract amount paid for representation in Somerset County in September was \$22,687.50
- In September, we issued 126 authorizations to expend funds: 80 for private investigators, 30 for experts, and 16 for miscellaneous services such as interpreters and transcriptionists. In September, we paid \$81,600.11 for experts and investigators, etc.
- In September, we fielded two complaints about assigned counsel. One complaint arrived in an email to me, and expressed a defendant's concern that the attorney did not allow others in the room during their meetings. I responded by email and have not heard further from the defendant. The other complaint consisted of a letter requesting that new counsel be assigned that was sent to us by a court clerk. The focus of the complaint appeared to be a disagreement between the attorney and the defendant about the facts of the case. Because the complaint was not made to us, I did not respond. The letter was placed in the attorney's file in case a

pattern of complaints should arise. There were no other complaints in the attorney's file.

In our All Other Account, the total expenses for the month of September were \$1,084,801.34. Of that amount, just less than \$21,000 was devoted to the Commission's operating expenses. This number is higher than normal because a modification of OIT billing procedures resulted in our receiving bills for three months during September.

In the Personal Services Account, we had \$53,129.90 in expenses for the month of September.

In the Revenue Account, the September transfer of collected revenue, reflecting August's collections, totaled \$66,433.82, up \$18,000.00 from the previous month. From this account, \$158,738.00 was expended on attorney vouchers through the DefenderData system.

In our Conference Account, we collected registration fees for the live child protective training on September 25 and for October video replays and paid expenses associated with the child protective training. The account balance stands at \$13,056.80.

VOUCHERS EXCEEDING \$5,000 PAID SEPTEMBER 2017

Four day gross sexual assault trial. Client found guilty and sentencing contested.	\$8,390
Gross sexual assault case. Out-of-state witnesses and defendant with complicated history of abuse allegations. Resolved on eve of trial with dismissal of gross sexual assault charge and a plea to unlawful sexual contact.	\$7,476
Attempted murder case. Defendant had mental health issues. Attempted murder dismissed in return for a plea to elevated aggravated assault. Contested sentencing resulted in sentence lower than what the state was seeking.	\$6,608
Class A drug case with difficult client who had fired previous counsel. Preparation for contested sentencing. As hearing was concluding, the defendant asked for new counsel, which was granted.	\$6,396
Two day jury trial on felony OUI. Defendant was convicted. Suppression issue was fully litigated and there was a contested sentencing hearing separate from the trial.	\$5,286

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

9/30/2017

DefenderData Case Type	Sep-17						Fiscal Year 2018			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	13	16	\$ 19,824.35	12	\$ 16,829.11	\$ 1,402.43	44	83	\$ 128,606.15	\$ 1,549.47
Child Protection Petition	138	316	\$ 214,560.66	281	\$ 186,622.84	\$ 664.14	472	1,313	\$ 836,885.59	\$ 637.38
Drug Court	1	3	\$ 2,129.20	3	\$ 3,240.00	\$ 1,080.00	3	23	\$ 19,520.00	\$ 848.70
Emancipation	8	11	\$ 3,643.40	9	\$ 3,944.00	\$ 438.22	28	36	\$ 15,172.24	\$ 421.45
Felony	563	561	\$ 451,073.60	449	\$ 355,045.19	\$ 790.75	1,502	2,259	\$ 1,970,641.38	\$ 872.35
Involuntary Civil Commitment	113	88	\$ 20,249.98	63	\$ 16,807.66	\$ 266.79	298	292	\$ 68,268.21	\$ 233.80
Juvenile	109	96	\$ 38,618.18	91	\$ 39,464.26	\$ 433.67	251	311	\$ 132,356.80	\$ 425.58
Lawyer of the Day - Custody	219	215	\$ 53,063.36	187	\$ 47,921.32	\$ 256.26	646	907	\$ 213,568.23	\$ 235.47
Lawyer of the Day - Juvenile	39	40	\$ 8,069.52	43	\$ 8,682.08	\$ 201.91	124	182	\$ 34,410.81	\$ 189.07
Lawyer of the Day - Walk-in	128	131	\$ 32,024.04	121	\$ 29,840.08	\$ 246.61	329	460	\$ 107,258.76	\$ 233.17
Misdemeanor	773	800	\$ 319,500.37	611	\$ 248,680.46	\$ 407.01	2,306	2,738	\$ 1,125,813.03	\$ 411.18
Petition, Modified Release Treatment	0	2	\$ 1,866.00	2	\$ 205.76	\$ 102.88	2	19	\$ 6,168.15	\$ 324.64
Petition, Release or Discharge	0	0		0			0	5	\$ 2,361.20	\$ 472.24
Petition, Termination of Parental Rights	24	54	\$ 44,386.56	51	\$ 43,349.85	\$ 850.00	55	198	\$ 159,991.91	\$ 808.04
Post Conviction Review	8	3	\$ 7,133.00	3	\$ 5,705.47	\$ 1,901.82	17	19	\$ 37,503.55	\$ 1,973.87
Probate	6	3	\$ 1,149.00	2	\$ 780.00	\$ 390.00	11	2	\$ 780.00	\$ 390.00
Probation Violation	183	182	\$ 72,521.63	168	\$ 69,118.83	\$ 411.42	508	676	\$ 274,544.19	\$ 406.13
Represent Witness on 5th Amendment	6	1	\$ 234.00	1	\$ 234.00	\$ 234.00	9	13	\$ 4,682.28	\$ 360.18
Review of Child Protection Order	53	176	\$ 95,475.01	125	\$ 61,354.82	\$ 490.84	116	552	\$ 298,070.85	\$ 539.98
Revocation of Administrative Release	1	2	\$ 768.00	3	\$ 1,116.00	\$ 372.00	3	8	\$ 2,946.00	\$ 368.25
DefenderData Sub-Total	2,385	2,700	\$ 1,386,289.86	2,225	\$ 1,138,941.73	\$ 511.88	6,724	10,096	\$ 5,439,549.33	\$ 538.78
Paper Voucher Sub-Total	0	0	\$ -	0	\$ -	#DIV/0!	3	3	\$ 1,086.00	\$ 362.00
TOTAL	2,385	2,700	\$1,386,289.86	2,225	\$1,138,941.73	\$ 511.88	6,727	10,099	\$ 5,440,635.33	\$ 538.73

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY18 FUND ACCOUNTING
AS OF 09/30/2017

Account 010 95F Z112 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY16 Total
FY18 Professional Services Allotment		\$ 7,105,602.00		\$ 4,350,001.00		\$ 4,704,575.00		\$ 4,898,227.00	
FY18 General Operations Allotment		\$ 42,000.00		\$ 42,000.00		\$ 42,000.00		\$ 42,000.00	
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	
Encumbered Balance Forward FY17		\$ 28,759.02		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 7,176,361.02		\$ 4,392,001.00		\$ 4,746,575.00		\$ 4,940,227.00	\$ 21,255,164.02
Total Expenses	1	\$ (2,928,724.58)	4	\$ -	7	\$ -	10	\$ -	\$ (2,928,724.58)
	2	\$ (1,668,718.69)	5	\$ -	8	\$ -	11	\$ -	\$ (1,668,718.69)
	3	\$ (1,105,704.44)	6	\$ -	9	\$ -	12	\$ -	\$ (1,105,704.44)
Encumbrances (Somerset PDP & Justice Works)		\$ (264,063.50)		\$ -		\$ -		\$ -	\$ (264,063.50)
Encumbrances (Barbara Taylor, envelopes)		\$ (13,000.03)		\$ -		\$ -		\$ -	\$ (13,000.03)
TOTAL REMAINING		\$ 1,196,149.78		\$ 4,392,001.00		\$ 4,746,575.00		\$ 4,940,227.00	\$ 15,274,952.78

Q1 Month 3	
INDIGENT LEGAL SERVICES	
Counsel Payments	\$ (980,203.73)
Somerset County	\$ (22,997.50)
Subpoena Witness Fees	\$ -
Private Investigators	\$ (27,835.81)
Mental Health Expert	\$ (11,115.00)
Transcripts	\$ (19,719.04)
Other Expert	\$ (18,114.84)
Lodging & Meals for trial	\$ -
Process Servers	\$ (727.08)
Interpreters	\$ (945.34)
Misc Prof Fees & Serv	\$ (3,143.00)
SUB-TOTAL ILS	\$ (1,084,801.34)
OPERATING EXPENSES	
Service Center	\$ -
DefenderData	\$ (5,537.50)
Risk Management Insurances	\$ (94.05)
Mileage/Tolls/Parking	\$ (1,890.61)
Mailing/Postage/Freight	\$ (1,490.41)
West Publishing Corp	\$ -
OIT/TELCO charges	\$ (6,874.12)
Office Supplies/Equip.	\$ (97.45)
Cellular Phones	\$ (120.89)
Subscriptions	\$ (97.75)
Office Equipment Rental	\$ (101.99)
Ellie's bar dues	\$ (265.00)
Barbara Taylor monthly fees	\$ (4,333.33)
SUB-TOTAL OE	\$ (20,903.40)
TOTAL	\$ (1,105,704.44)

INDIGENT LEGAL SERVICES	
Q1 Allotment	\$ 7,176,361.02
Q1 Encumbrances for Somerset PDP & Justice Works contracts	\$ (264,063.50)
Barbara Taylor Contract, envelopes	\$ (13,000.03)
Q1 Expenses to date	\$ (5,703,147.71)
Remaining Q1 Allotment	\$ 1,196,149.78

Non-Counsel Indigent Legal Services	
Monthly Total	\$ (81,600.11)
Total Q1	\$ (225,915.24)
Total Q2	\$ -
Total Q3	\$ -
Total Q4	\$ -
Fiscal Year Total	\$ (225,915.24)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY18 FUND ACCOUNTING
As of 09/30/17

Account 014 95F Z112 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY18 Total
Total Budget Allotments		\$ 184,125.00		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00	\$ 736,497.00
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Financial Order Adjustment	2	\$ -	5	\$ -	8	\$ -	11		
Budget Order Adjustment	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Budget Order Adjustment		\$ -		\$ -		\$ -	12	\$ -	\$ -
Total Budget Allotments		\$ 184,125.00		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00	\$ 736,497.00
Cash Carryover from Prior Quarter		\$ 2,962.21		\$ -		\$ -		\$ -	
Collected Revenue from JB	1	\$ 43,709.11	4	\$ -	7	\$ -	10	\$ -	
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	2	\$ 48,375.11	5	\$ -	8	\$ -	11	\$ -	
Court Ordered Counsel Fee		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB (late transfer)		\$ -		\$ -	9	\$ -		\$ -	
Collected Revenue from JB	3	\$ 66,433.82	6	\$ -	9	\$ -	12	\$ -	
Returned Checks-stopped payments		\$ -		\$ -		\$ -		\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 161,480.25		\$ -		\$ -		\$ -	\$ 161,480.25
Counsel Payments	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Other Expenses		\$ -		\$ -		\$ -	11	\$ -	
Counsel Payments	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Other Expenses		\$ -		\$ -		\$ -		\$ -	
Counsel Payments	3	\$ (158,738.00)	6	\$ -	9	\$ -	12	\$ -	
Other Expenses		\$ -		\$ -		\$ -		\$ -	
REMAINING ALLOTMENT		\$ 25,387.00		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00	\$ 577,759.00
Overpayment Reimbursements	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
	2	\$ (183.00)	5	\$ -	8	\$ -	11	\$ -	
	3	\$ (303.50)	6	\$ -	9	\$ -	12	\$ -	
REMAINING CASH Year to Date		\$ 2,255.75		\$ -		\$ -		\$ -	\$ 2,255.75

Q1 Month 3	
DEFENDER DATA COUNSEL PAYMENTS	
	\$ (158,738.00)
SUB-TOTAL LS	\$ (158,738.00)
OVERPAYMENT REIMBURSEMENTS	
Paper Voucher	\$ -
Somerset County CDs	\$ -
Private Investigators	\$ -
Mental Health Expert	\$ -
Transcripts	\$ -
Other Expert	\$ -
StaCap Expense	\$ -
SUB-TOTAL OE	\$ (303.50)
TOTAL	\$ (159,041.50)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY18 FUND ACCOUNTING
AS OF 09/30/2017

Account 010 95F Z112 01 (Personal Services)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY16 Total
FY18 Allotment	\$	191,878.00	\$	216,894.00	\$	191,873.00	\$	184,672.00	\$ -
Financial Order Adjustments	\$	-	\$	-	\$	-	\$	-	
Financial Order Adjustments	\$	-	\$	-	\$	-	\$	-	
Budget Order Adjustments	\$	-	\$	-	\$	-	\$	-	
Total Budget Allotments	\$	191,878.00	\$	216,894.00	\$	191,873.00	\$	184,672.00	\$ 785,317.00
Total Expenses	1 \$	(49,204.29)	4 \$	-	7 \$	-	10 \$	-	
	2 \$	(52,363.61)	5 \$	-	8 \$	-	11 \$	-	
	3 \$	(53,129.90)	6 \$	-	9 \$	-	12 \$	-	
TOTAL REMAINING	\$	37,180.20	\$	216,894.00	\$	191,873.00	\$	184,672.00	\$ 630,619.20

Q1 Month 3	
Per Diem Payments	\$ (220.00)
Salary	\$ (22,334.15)
Vacation Pay	\$ (3,878.26)
Holiday Pay	\$ (1,577.24)
Sick Pay	\$ (909.85)
Employee Hlth Svs/Workers Comp	\$ -
Health Insurance	\$ (9,024.08)
Dental Insurance	\$ (236.35)
Employer Retiree Health	\$ (3,373.96)
Employer Retirement	\$ (1,952.61)
Employer Group Life	\$ (279.30)
Employer Medicare	\$ (417.81)
Retiree Unfunded Liability	\$ (6,181.85)
Retro Pymt	\$ (220.80)
Perm Part Time Full Ben	\$ (2,523.64)
TOTAL	\$ (53,129.90)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY18 FUND ACCOUNTING
As of 09/30/17

Account 014 95F Z112 02 (Conference)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY18 Total
Total Budget Allotments		\$ 20,500.00		\$ 15,000.00		\$ 15,000.00		\$ 12,000.00	\$ 62,500.00
Financial Order Adjustment				\$ -		\$ -		\$ -	
Financial Order Adjustment		\$ -		\$ -		\$ -			
Budget Order Adjustment		\$ -		\$ -		\$ -		\$ -	\$ -
Total Budget Allotments		\$ 20,500.00		\$ 15,000.00		\$ 15,000.00		\$ 12,000.00	\$ 62,500.00
Cash Carryover from Prior Quarter		\$ 14,942.80		\$ -		\$ -		\$ -	
Collected Revenue	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Collected Revenue	2	\$ 4,250.00	5	\$ -	8	\$ -	11	\$ -	
Collected Revenue	3	\$ 1,890.00	6	\$ -	9	\$ -	12	\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 21,082.80		\$ -		\$ -		\$ -	\$ 6,140.00
Total Expenses	1	\$ (1,559.99)	4	\$ -	7	\$ -	10	\$ -	
	2	\$ (112.28)	5	\$ -	8	\$ -	11	\$ -	
	3	\$ (6,353.73)	6	\$ -	9	\$ -	12	\$ -	
Encumbrances		\$ (4,272.55)		\$ -		\$ -		\$ -	\$ (4,272.55)
REMAINING ALLOTMENT		\$ 8,201.45		\$ 15,000.00		\$ 15,000.00		\$ 12,000.00	\$ 50,201.45
REMAINING CASH Year to Date		\$ 13,056.80		\$ -		\$ -		\$ -	\$ 13,056.80

Q1 Month 3	
Training Manuals Printing	\$ -
Training Refreshments/Meals	\$ -
Media Northeast	\$ (1,725.00)
Overseers of the Bar CLE fees	\$ (105.00)
Speaker Fees & Travel Expenses	\$ (4,502.45)
NSF fee	\$ (20.00)
State Cap Expense	\$ (1.28)
TOTAL	\$ (6,353.73)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

9/30/2017

Sep-17							Fiscal Year 2018			
Court	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	20	17	\$ 13,595.68	13	\$ 8,439.72	\$ 649.21	31	99	\$ 83,878.54	\$ 847.26
AUBSC	10	9	\$ 4,516.00	11	\$ 5,023.00	\$ 456.64	32	63	\$ 75,433.64	\$ 1,197.36
AUGDC	53	56	\$ 32,079.24	47	\$ 21,915.76	\$ 466.29	139	258	\$ 115,683.75	\$ 448.39
AUGSC	16	32	\$ 16,797.77	35	\$ 14,609.93	\$ 417.43	61	147	\$ 67,516.01	\$ 459.29
BANDC	52	117	\$ 43,642.16	104	\$ 43,591.04	\$ 419.14	165	373	\$ 137,102.47	\$ 367.57
BANSC	2	1	\$ 624.00	2	\$ 732.00	\$ 366.00	5	8	\$ 3,461.06	\$ 432.63
BATSC	1	1	\$ 66.00	2	\$ 387.00	\$ 193.50	3	5	\$ 1,570.00	\$ 314.00
BELDC	8	34	\$ 13,935.10	24	\$ 10,825.67	\$ 451.07	29	80	\$ 43,604.84	\$ 545.06
BELSC	0	1	\$ 535.68	1	\$ 535.68	\$ 535.68	0	6	\$ 4,418.08	\$ 736.35
BIDDC	74	80	\$ 36,369.26	61	\$ 22,806.82	\$ 373.88	170	317	\$ 162,998.40	\$ 514.19
BRIDC	16	17	\$ 7,412.64	16	\$ 8,967.08	\$ 560.44	42	70	\$ 39,191.70	\$ 559.88
CALDC	12	7	\$ 2,879.68	7	\$ 2,569.20	\$ 367.03	23	40	\$ 23,021.12	\$ 575.53
CARDC	3	9	\$ 5,838.00	15	\$ 3,738.00	\$ 249.20	19	52	\$ 26,205.41	\$ 503.95
CARSC	3	9	\$ 3,154.76	10	\$ 3,727.60	\$ 372.76	19	50	\$ 46,527.82	\$ 930.56
DOVDC	11	13	\$ 3,594.00	8	\$ 1,998.00	\$ 249.75	22	36	\$ 10,458.00	\$ 290.50
DOVSC	0	0		0			0	2	\$ 324.00	\$ 162.00
ELLDC	10	27	\$ 24,671.00	12	\$ 7,365.00	\$ 613.75	40	87	\$ 45,765.00	\$ 526.03
ELLSC	1	0		0			3	8	\$ 1,536.00	\$ 192.00
FARDC	11	12	\$ 8,367.64	9	\$ 7,514.68	\$ 834.96	36	53	\$ 30,198.33	\$ 569.78
FARSC	1	0		0			3	3	\$ 1,739.28	\$ 579.76
FORDC	2	4	\$ 1,716.00	4	\$ 1,716.00	\$ 429.00	8	18	\$ 8,476.95	\$ 470.94
HOUDC	19	29	\$ 11,923.50	24	\$ 10,145.90	\$ 422.75	76	107	\$ 46,396.85	\$ 433.62
HOUSC	1	0		0			2	4	\$ 2,424.20	\$ 606.05
LEWDC	86	134	\$ 59,030.30	108	\$ 45,816.50	\$ 424.23	202	401	\$ 164,677.30	\$ 410.67
LINDC	6	12	\$ 4,940.48	14	\$ 5,554.12	\$ 396.72	32	54	\$ 25,199.20	\$ 466.65
MACDC	17	7	\$ 6,333.34	10	\$ 4,180.30	\$ 418.03	41	63	\$ 32,927.10	\$ 522.65
MACSC	1	2	\$ 324.00	2	\$ 324.00	\$ 162.00	6	5	\$ 6,418.80	\$ 1,283.76
MADDC	2	1	\$ 311.36	1	\$ 311.36	\$ 311.36	6	6	\$ 1,527.44	\$ 254.57
MILDC	0	0		1	\$ 462.00	\$ 462.00	8	3	\$ 1,364.48	\$ 454.83
NEWDC	14	13	\$ 7,374.72	10	\$ 4,905.80	\$ 490.58	41	95	\$ 34,242.54	\$ 360.45
PORDC	101	131	\$ 66,980.66	94	\$ 56,141.30	\$ 597.25	275	397	\$ 208,531.73	\$ 525.27
PORSC	0	1	\$ 786.00	0			3	8	\$ 12,951.84	\$ 1,618.98
PREDC	19	47	\$ 30,602.13	23	\$ 14,144.88	\$ 614.99	41	128	\$ 74,990.39	\$ 585.86
RODC	18	23	\$ 7,062.99	19	\$ 7,362.99	\$ 387.53	59	92	\$ 42,375.99	\$ 460.61
ROCSC	1	1	\$ 310.16	1	\$ 108.00	\$ 108.00	4	10	\$ 11,557.10	\$ 1,155.71
RUMDC	11	11	\$ 11,022.77	21	\$ 17,126.17	\$ 815.53	28	50	\$ 29,196.37	\$ 583.93
SKODC	16	33	\$ 17,366.96	48	\$ 27,503.56	\$ 572.99	44	205	\$ 123,107.50	\$ 600.52
SKOSC	0	0		0			0	0		
SODUC	3	4	\$ 2,568.00	6	\$ 3,265.05	\$ 544.18	17	33	\$ 18,640.79	\$ 564.87
SOUSC	12	5	\$ 4,253.36	1	\$ 234.00	\$ 234.00	16	22	\$ 16,550.79	\$ 752.31
SPRDC	47	61	\$ 32,387.84	58	\$ 29,028.24	\$ 500.49	130	242	\$ 136,689.30	\$ 564.83
Law Ct	7	11	\$ 16,010.10	8	\$ 13,156.48	\$ 1,644.56	32	57	\$ 103,935.59	\$ 1,823.43
YORCD	190	232	\$ 167,270.24	179	\$ 116,782.52	\$ 652.42	520	810	\$ 574,875.84	\$ 709.72
ARODC	95	111	\$ 61,936.80	89	\$ 46,607.01	\$ 523.67	318	373	\$ 211,258.58	\$ 566.38
ANDCD	128	126	\$ 63,053.50	106	\$ 60,746.78	\$ 573.08	421	453	\$ 244,076.47	\$ 538.80
KENCD	157	160	\$ 72,333.43	130	\$ 70,322.11	\$ 540.94	424	635	\$ 324,101.60	\$ 510.40
PENCD	284	266	\$ 101,066.19	216	\$ 77,052.16	\$ 356.72	681	909	\$ 418,292.87	\$ 460.17
SAGCD	36	32	\$ 18,182.54	21	\$ 9,787.82	\$ 466.09	119	112	\$ 56,367.48	\$ 503.28
WALCD	34	31	\$ 10,492.38	23	\$ 9,250.68	\$ 402.20	94	126	\$ 52,497.00	\$ 416.64
PISCD	12	6	\$ 1,098.00	7	\$ 4,544.82	\$ 649.26	48	70	\$ 16,842.58	\$ 240.61
HANCD	65	47	\$ 23,889.11	34	\$ 13,430.00	\$ 395.00	189	220	\$ 90,492.15	\$ 411.33
FRACD	43	39	\$ 14,528.99	34	\$ 13,342.11	\$ 392.42	142	166	\$ 86,392.28	\$ 520.44
WASCD	46	40	\$ 12,882.80	21	\$ 6,783.24	\$ 323.01	138	146	\$ 63,017.96	\$ 431.63
CUMCD	380	376	\$ 216,049.99	303	\$ 165,415.67	\$ 545.93	1,064	1,265	\$ 704,545.74	\$ 556.95
KNOCD	59	67	\$ 30,054.56	62	\$ 31,325.72	\$ 505.25	159	235	\$ 137,520.16	\$ 585.19
SOMCD	0	1	\$ 234.00	0			1	1	\$ 60.00	\$ 60.00
OXFCD	61	61	\$ 35,624.27	37	\$ 28,103.55	\$ 759.56	199	250	\$ 121,631.20	\$ 486.52
LINCD	33	40	\$ 16,066.16	45	\$ 24,784.22	\$ 550.76	110	177	\$ 102,440.33	\$ 578.76
WATDC	28	39	\$ 14,437.80	38	\$ 26,623.08	\$ 700.61	63	186	\$ 104,693.70	\$ 562.87
WESDC	27	27	\$ 14,526.50	28	\$ 14,536.34	\$ 519.16	70	105	\$ 46,075.62	\$ 438.82
WISDC	10	16	\$ 8,061.00	12	\$ 8,123.55	\$ 676.96	28	45	\$ 32,005.12	\$ 711.22
WISSC	0	1	\$ 955.12	1	\$ 955.12	\$ 955.12	1	9	\$ 6,444.12	\$ 716.01
YORDC	10	10	\$ 4,163.20	9	\$ 4,192.40	\$ 465.82	22	46	\$ 23,102.83	\$ 502.24
TOTAL	2,385	2,700	\$ 1,386,289.86	2,225	\$ 1,138,941.73	\$ 511.88	6,724	10,096	\$ 5,439,549.33	\$ 538.78

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

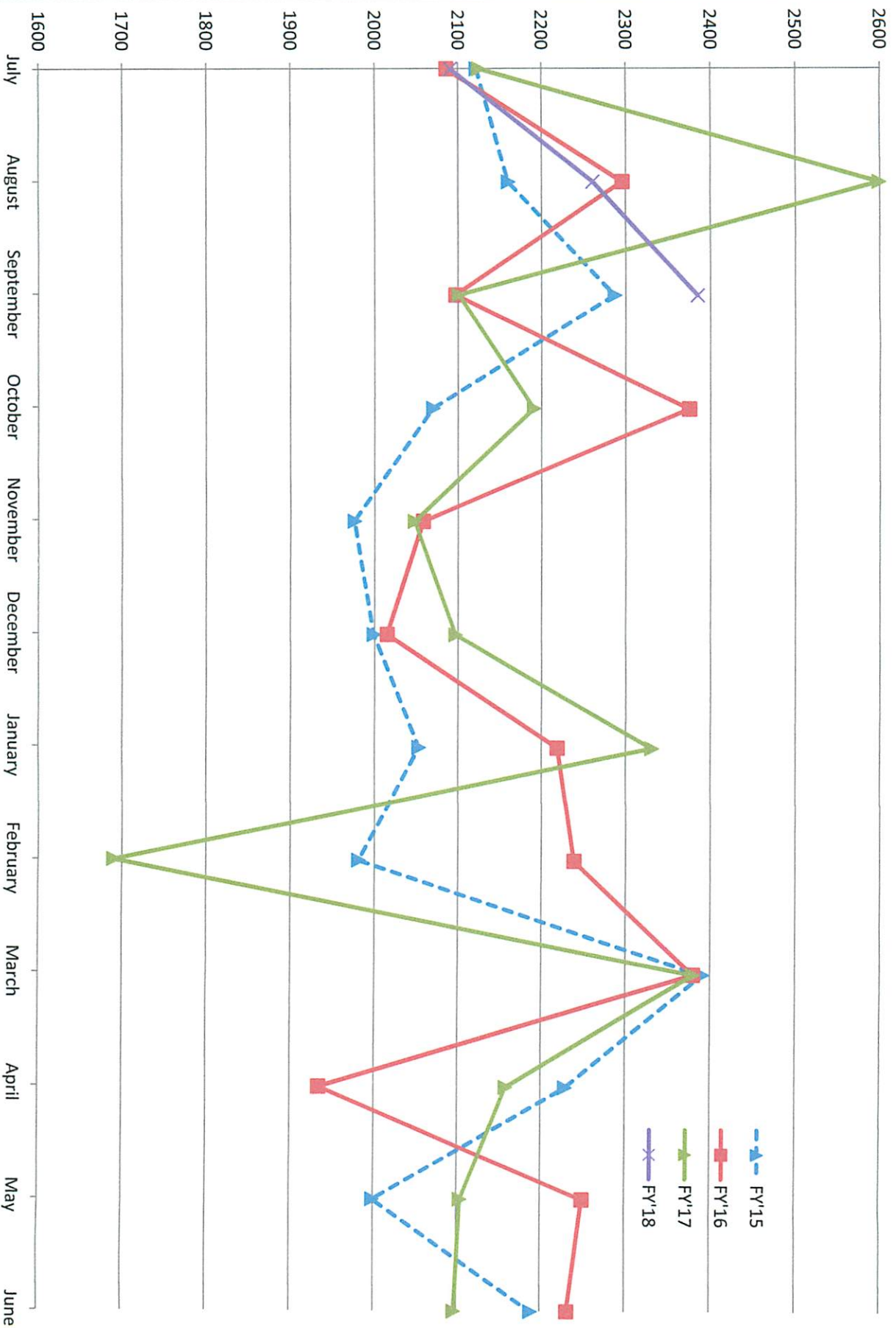
Number of Attorneys Rostered by Court

09/30/2017

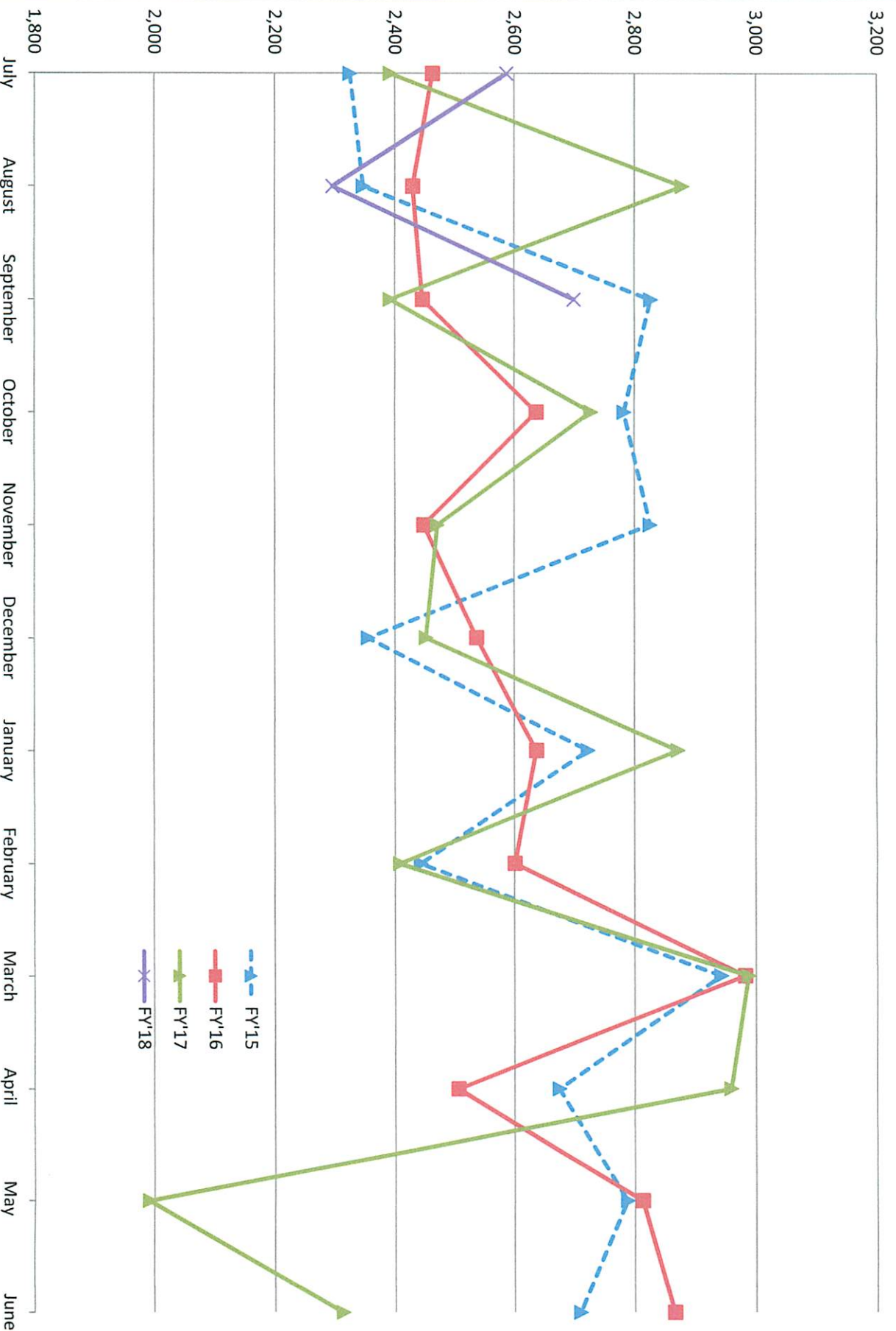
Court	Rostered Attorneys
Augusta District Court	97
Bangor District Court	49
Belfast District Court	50
Biddeford District Court	135
Bridgton District Court	97
Calais District Court	11
Caribou District Court	17
Dover-Foxcroft District Court	25
Ellsworth District Court	41
Farmington District Court	31
Fort Kent District Court	10
Houlton District Court	13
Lewiston District Court	124
Lincoln District Court	27
Machias District Court	17
Madawaska District Court	11
Millinocket District Court	20
Newport District Court	34
Portland District Court	156
Presque Isle District Court	14
Rockland District Court	41
Rumford District Court	27
Skowhegan District Court	25

Court	Rostered Attorneys
South Paris District Court	56
Springvale District Court	122
Unified Criminal Docket Alfred	115
Unified Criminal Docket Aroostook	23
Unified Criminal Docket Auburn	101
Unified Criminal Docket Augusta	88
Unified Criminal Docket Bangor	52
Unified Criminal Docket Bath	92
Unified Criminal Docket Belfast	48
Unified Criminal Docket Dover Foxcroft	22
Unified Criminal Docket Ellsworth	42
Unified Criminal Docket Farmington	33
Unified Criminal Docket Machias	18
Unified Criminal Docket Portland	150
Unified Criminal Docket Rockland	37
Unified Criminal Docket Skowhegan	19
Unified Criminal Docket South Paris	93
Unified Criminal Docket Wiscasset	57
Waterville District Court	50
West Bath District Court	110
Wiscasset District Court	61
York District Court	107

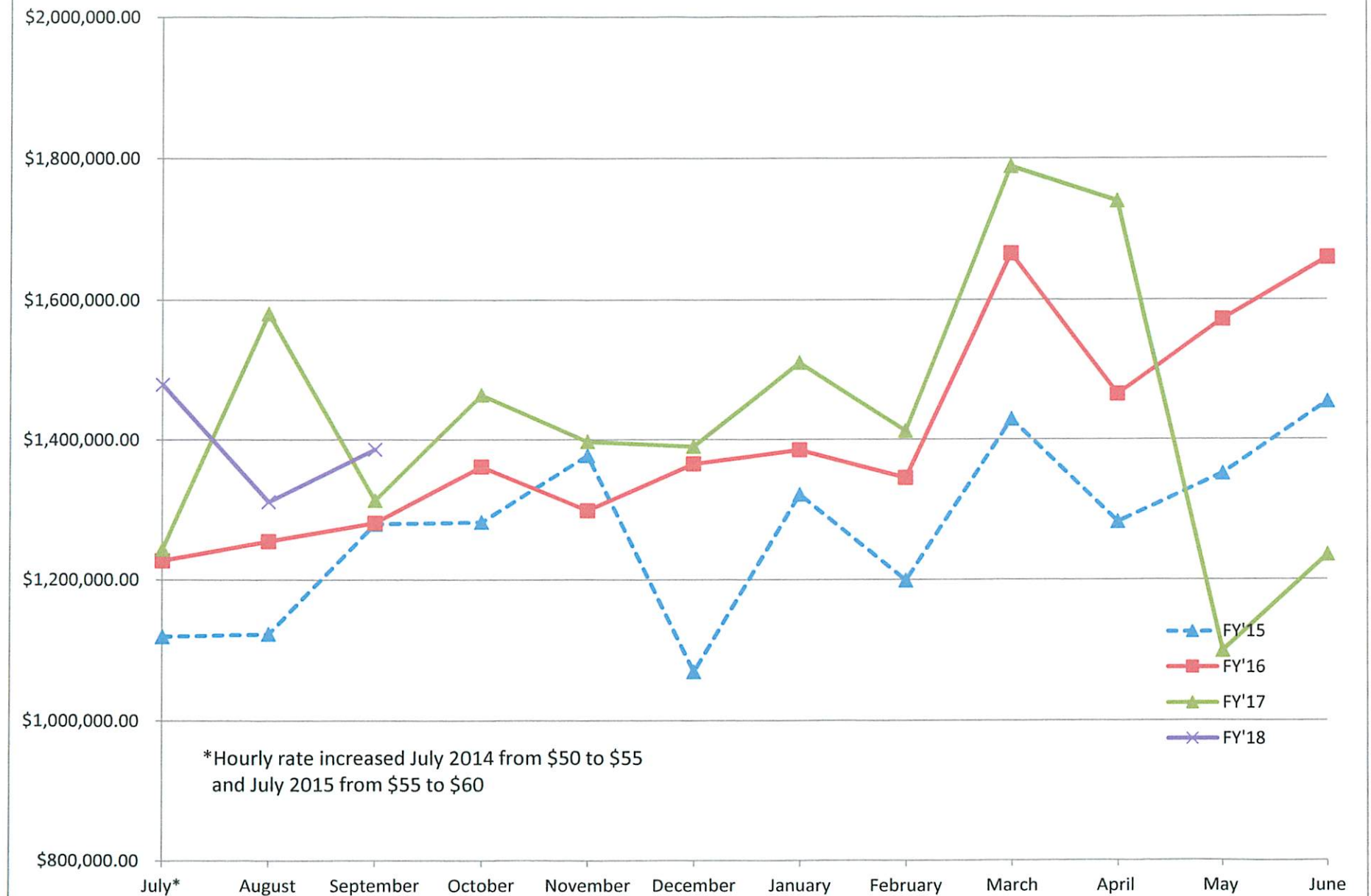
NEW CASES



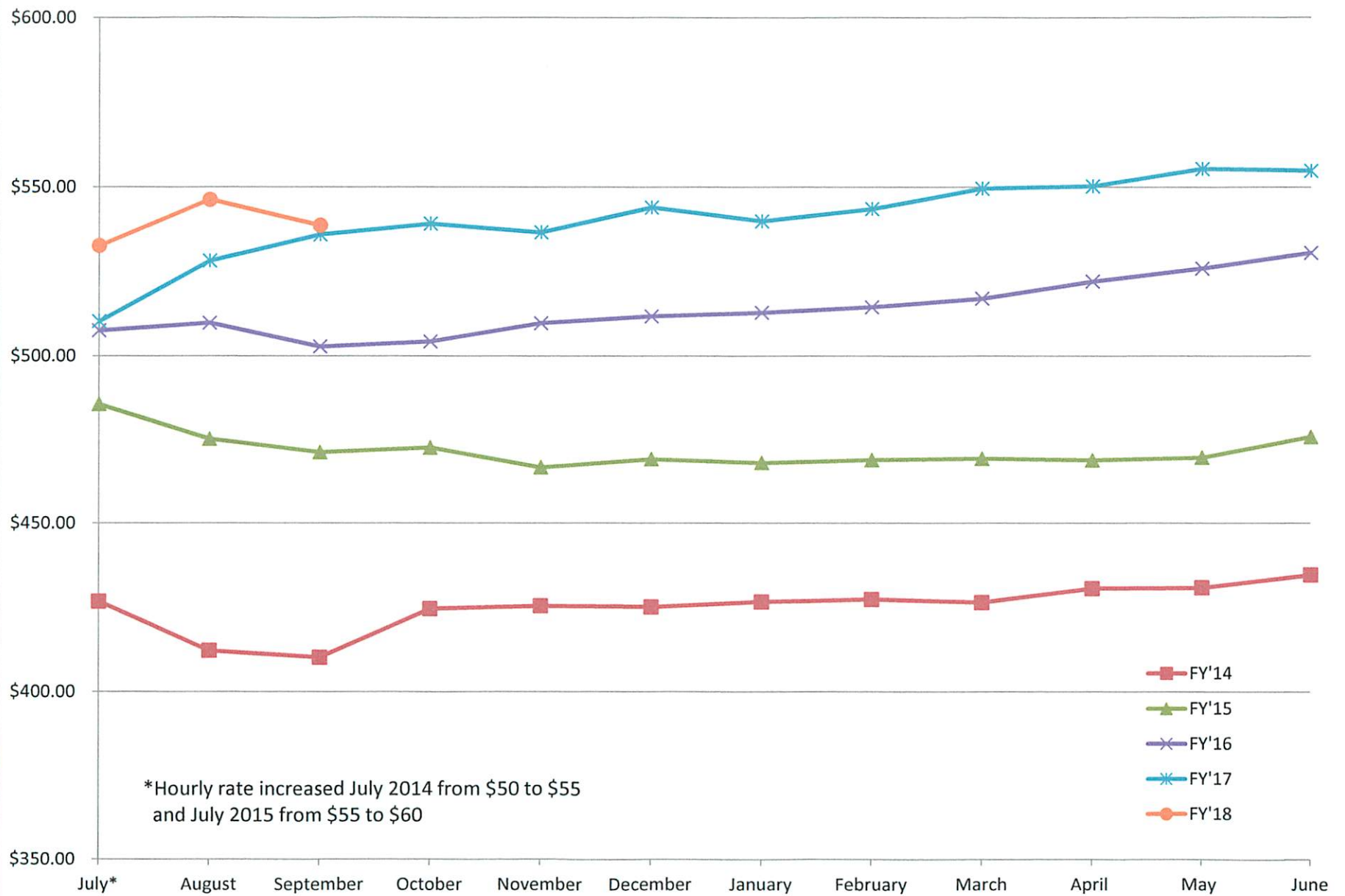
Submitted Vouchers



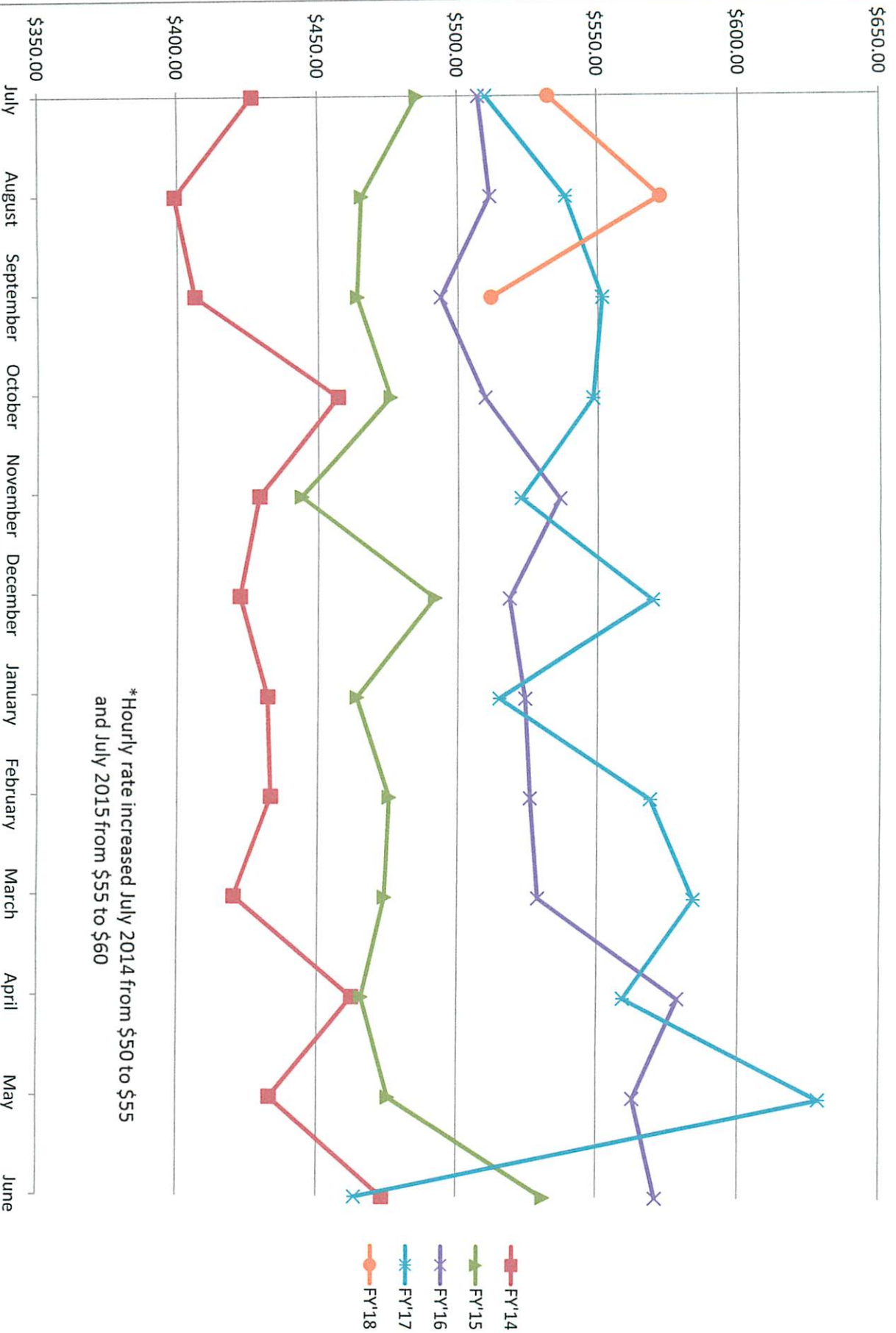
Submitted Voucher Amount



Average Voucher Price Fiscal Year to Date

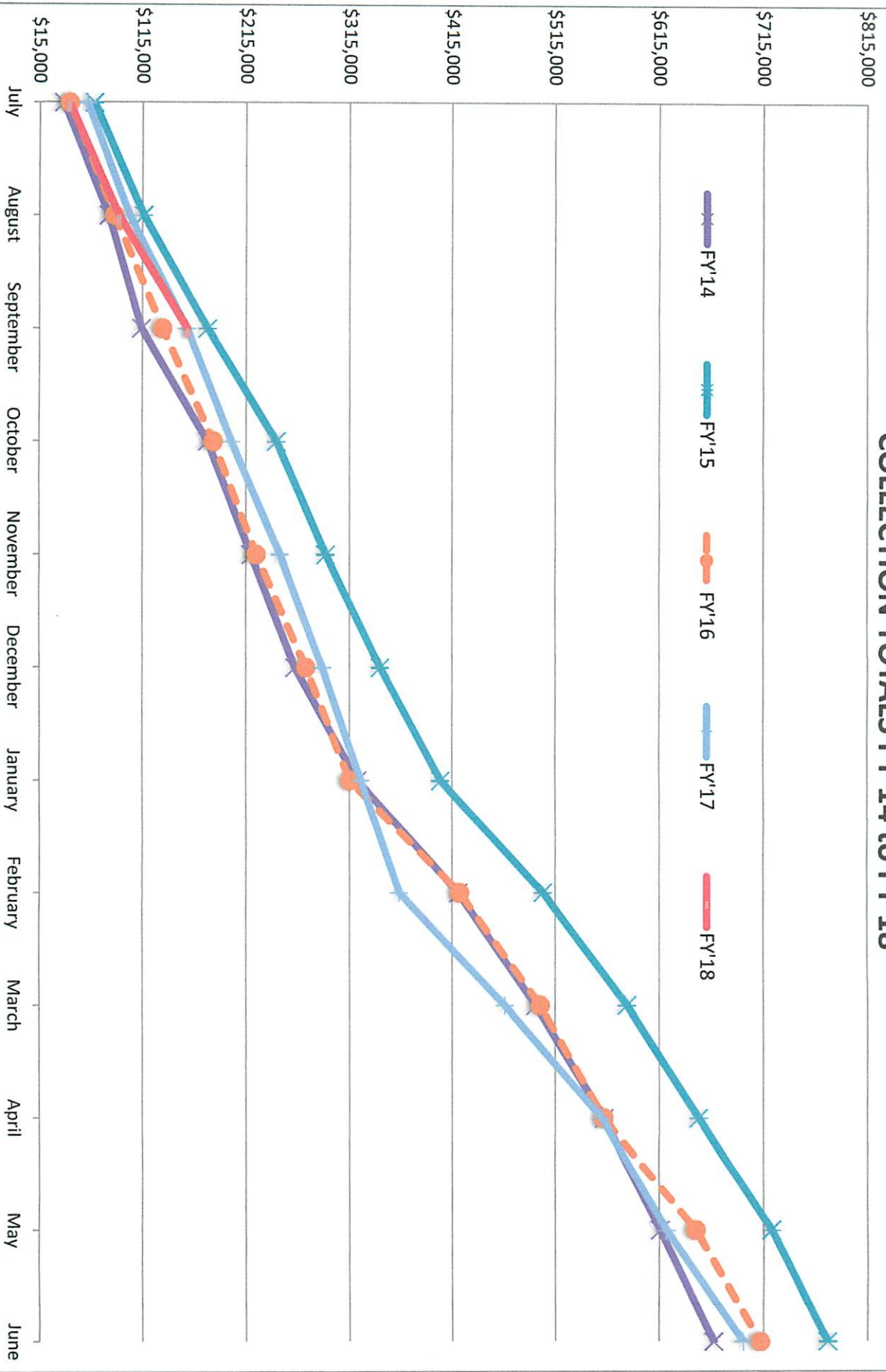


Monthly Price Per Voucher



*Hourly rate increased July 2014 from \$50 to \$55 and July 2015 from \$55 to \$60

COLLECTION TOTALS FY'14 to FY'18



(3.)
Miscellaneous Items
Report Back

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: MISCELLANEOUS ITEMS REPORT BACK
DATE: October 3, 2017

At its last meeting, the Commission asked the staff to undertake various tasks and provide information on other items. An update on these items is set forth below.

- At the last meeting, the Commission reviewed the attached data on vouchers paid in homicide cases. The question was posed as to how average voucher amounts would be affected if the homicide cases were excluded from the calculation of the average. For FY'17, the average for felony vouchers was \$863.16. Excluding Homicide cases, the average for the remaining felonies would be \$765.70. If Homicide cases were excluded from the overall average for all remaining case types, the average would fall from \$554.83 to \$532.37.
- The Commission also asked how many individual murder cases commenced in FY'17. This is difficult to discern from DefenderData, but the office of the Attorney General has provided the following information for FY'17. Fifteen (15) murder/manslaughter prosecutions commenced; Twenty-three (23) murder/manslaughter cases resolved by trial or plea; and Nineteen (19) murder/manslaughter appeal or PCR cases resolved.
- The Commission asked the staff to review rosters and remove lawyers from the roster for courts more than 1 hour's drive away from their office. Thirty (30) attorneys were removed from 9 different rosters. Note that such attorneys were not removed from rosters for courts that have expressed a need to utilize lawyers from farther away due to a shortage of local counsel. Also, the commission rosters two or three specialist attorneys to do sex offense and murder cases in far flung courts due to those courts inability to meet the need in those cases with exclusively local counsel.
- The Commission asked that the staff examine Lawyer of the Day eligibility for lawyers within an hour of a given court, but for whom that court was not their home court or in their home county. A large number of lawyers fit this description, but in practice, most lawyers do not get LOD assignments away from their home court. The staff has asked Justiceworks to modify one of our new reports so that we can assess the impact of travel and mileage costs of LOD appearances.
- The Commission asked for an update on any trial of block assignments as a cost savings measure. Staff received the following from a representative of the Judicial Branch: We are scheduling cases in Androscoggin from arraignment day forward by attorney, so that hopefully there will be some economies for the lawyers. This takes extra effort by the clerks, but we would be willing to consider expansion if you start seeing savings in Androscoggin.

- Finally, the commission asked staff to send an email to all rostered attorneys reminding them to follow DefenderData procedures that will allow for the extraction of accurate data. The attached email was sent to the attorneys on October 3rd.

(4.)

Action Items

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: ACTION ITEMS DISCUSSION
DATE: October 3, 2017

At its last meeting, the Commission began its discussion on three items from the working list of action items: 1) geographic limitation on roster eligibility, 2) over-the cap vouchers, and 3) voucher procedure compliance. The Commission decided to continue the discussion at the upcoming meeting.

Attached for background to this discussion are 1) a spreadsheet showing total amounts of travel time and mileage entries on vouchers for all courts statewide paid in FY'17; 2) a spreadsheet showing the percentage of vouchers that exceeded cap paid during FY'17 broken down by court; and 3) a copy of our fee schedule rule, which contains the fee caps for various case types and the rules for submitting vouchers. Finally, I have attached a copy of the working list of action items that was presented at the August meeting.

MILEAGE AND TRAVEL CHARGES BY COURT

Court	Event	# of Entries	Total	Event	# of Entries	Total
AUGDC	mileage	184	\$ 3,890.20	travel	138	\$ 6,897.00
BANDC	mileage	201	\$ 2,218.14	travel	290	\$ 12,966.00
BELDC	mileage	90	\$ 1,908.77	travel	22	\$ 1,917.00
BIDDC	mileage	179	\$ 2,886.14	travel	118	\$ 6,096.00
BRIDC	mileage	68	\$ 1,926.70	travel	99	\$ 7,512.00
CALDC	mileage	38	\$ 1,515.80	travel	1	\$ 42.00
CARDC	mileage	41	\$ 495.95	travel	4	\$ 270.00
DOVDC	mileage	19	\$ 642.66	travel	14	\$ 1,212.00
ELLDC	mileage	3	\$ 147.40	travel	63	\$ 3,402.00
FARDC	mileage	139	\$ 2,544.68	travel	106	\$ 7,398.00
FORDC	mileage	28	\$ 696.72	travel	19	\$ 1,482.00
HOUDC	mileage	92	\$ 2,770.18	travel	58	\$ 4,062.00
LEWDC	mileage	58	\$ 1,206.12	travel	88	\$ 6,252.00
LINDC	mileage	180	\$ 3,512.00	travel	185	\$ 9,018.00
MACDC	mileage	12	\$ 397.76	travel	3	\$ 276.00
MADDC	mileage	12	\$ 510.40	travel	8	\$ 648.00
MILDC	mileage	8	\$ 310.64	travel	7	\$ 441.00
NEWDC	mileage	145	\$ 2,983.98	travel	225	\$ 10,764.00
PORDC	mileage	148	\$ 2,074.66	travel	143	\$ 7,575.00
PREDC	mileage	56	\$ 1,484.35	travel	21	\$ 2,160.00
ROCDC	mileage	78	\$ 1,443.47	travel	50	\$ 2,826.00
RUMDC	mileage	14	\$ 401.46	travel	14	\$ 1,200.00
SKODC	mileage	379	\$ 6,132.13	travel	222	\$ 13,086.00
SOPDC	mileage	33	\$ 682.19	travel	40	\$ 2,958.00
SPRDC	mileage	232	\$ 4,638.84	travel	81	\$ 5,112.00
WATDC	mileage	117	\$ 2,431.43	travel	196	\$ 7,605.00
WESDC	mileage	53	\$ 812.50	travel	43	\$ 1,932.00
WISDC	mileage	64	\$ 1,325.44	travel	30	\$ 2,052.00
YORDC	mileage	47	\$ 1,261.85	travel	26	\$ 1,890.00
		2718	\$ 53,252.56			2314 \$ 129,051.00
Androscoggin UCD	mileage	31	\$ 1,107.83	travel	41	\$ 3,504.00
Aroostook UCD	mileage	189	\$ 6,298.35	travel	135	\$ 12,591.00
Cumberland UCD	mileage	264	\$ 6,739.53	travel	440	\$ 22,197.00
Franklin UCD	mileage	346	\$ 5,929.15	travel	138	\$ 8,966.40
Hancock UCD	mileage	5	\$ 243.32	travel	84	\$ 3,840.00
Kennebec UCD	mileage	219	\$ 5,954.66	travel	201	\$ 11,181.00
Knox UCD	mileage	172	\$ 5,195.51	travel	205	\$ 14,886.00
Lincoln UCD	mileage	187	\$ 3,168.88	travel	90	\$ 5,871.00
Oxford UCD	mileage	130	\$ 3,687.09	travel	162	\$ 13,011.00
Penobscot UCD	mileage	172	\$ 5,366.56	travel	174	\$ 15,909.00
Piscataquis UCD	mileage	9	\$ 237.16	travel	9	\$ 840.00
Sagadahoc UCD	mileage	85	\$ 1,641.03	travel	61	\$ 3,087.00
Somerset UCD	mileage	6	\$ 274.12	travel	3	\$ 240.00
Waldo UCD	mileage	108	\$ 3,179.92	travel	148	\$ 12,435.60
Washington UCD	mileage	36	\$ 1,634.16	travel	7	\$ 768.00
York UCD	mileage	420	\$ 11,986.90	travel	386	\$ 29,448.00
		2379	\$ 62,644.17			2284 \$ 158,775.00

ALFSC	mileage	78	\$ 2,291.34	travel	78	\$ 5,874.00
AUBSC	mileage	18	\$ 506.22	travel	26	\$ 1,992.00
AUGSC	mileage	36	\$ 989.64	travel	53	\$ 3,516.00
BANSC	mileage	4	\$ 152.24	travel	5	\$ 348.00
BATSC	mileage	4	\$ 104.19	travel	10	\$ 546.00
BELSC	mileage	10	\$ 312.84	travel	20	\$ 1,650.00
CARSC	mileage	40	\$ 2,367.91	travel	41	\$ 5,865.00
DOVSC	mileage	1	\$ 33.44	travel	0	\$ -
ELLSC	mileage	0	\$ -	travel	1	\$ 72.00
FARSC	mileage	14	\$ 259.16	travel	5	\$ 408.00
HOUSC	mileage	6	\$ 72.16	travel	6	\$ 228.00
MACSC	mileage	5	\$ 320.76	travel	1	\$ 210.00
PORSC	mileage	7	\$ 306.24	travel	13	\$ 1,164.00
ROCSC	mileage	11	\$ 284.24	travel	17	\$ 1,275.00
SKOSC	mileage	0	\$ -	travel	0	\$ -
SOPSC	mileage	23	\$ 593.70	travel	26	\$ 1,938.00
WISSC	mileage	10	\$ 270.51	travel	17	\$ 1,506.00
		267	\$ 8,864.59			319 \$ 26,592.00

Court	Total Vouchers	Total Overcap Vouchers	Percentage
ALFSC	530	187	35%
AUBSC	283	67	24%
AUGDC	732	149	20%
AUGSC	408	87	21%
BANDC	872	62	7%
BANSC	17	3	18%
BATSC	16	5	31%
BELDC	197	45	23%
BELSC	32	10	31%
BIDDC	818	151	18%
BRIDC	167	37	22%
CALDC	95	18	19%
CARDC	148	33	22%
CARSC	105	29	28%
DOVDC	103	9	9%
DOVSC	3	0	0%
ELLDC	273	74	27%
ELLSC	26	5	19%
FARDC	164	46	28%
FARSC	23	3	13%
FORDC	70	17	24%
HOUDC	256	36	14%
HOUSC	47	13	28%
LEWDC	1114	158	14%
LINDC	210	20	10%
MACDC	159	17	11%
MACSC	32	7	22%
MADDC	35	4	11%
MILDC	45	4	9%
NEWDC	301	23	8%
PORDC	1165	235	20%
PORSC	28	9	32%
PREDC	277	56	20%
ROCDC	255	47	18%
ROCSC	61	12	20%
RUMDC	131	21	16%
SKODC	467	53	11%
SOPDC	172	35	20%
SOPSC	117	21	18%
SPRDC	802	93	12%
SOM SUPREME	193	126	65%
ALFRED UCD	1729	252	15%
AROOSTOOK UCD	879	84	10%

AUBURN UCD	1239	98	8%
AUGUSTA UCD	1671	129	8%
BANGOR UCD	2206	136	6%
BATH UCD	336	52	15%
BELFAST UCD	311	35	11%
DOVER FOXCROFT UCD	113	2	2%
ELLSWORTH UCD	573	42	7%
FARMINGTON UCD	499	49	10%
MACHIAS UCD	324	3	1%
PORTLAND UCD	3582	474	13%
ROCKLAND UCD	507	70	14%
SKOWHEGAN UCD	15	2	13%
SOUTH PARIS UCD	603	35	6%
WISCASSET UCD	334	42	13%
WATDC	460	60	13%
WESDC	298	44	15%
WISDC	103	27	26%
WISSC	27	7	26%
YORDC	185	39	21%
Total	26943	3709	14%

94-649 MAINE COMMISSION ON INDIGENT LEGAL SERVICES**Chapter 301: FEE SCHEDULE AND ADMINISTRATIVE PROCEDURES FOR PAYMENT OF COMMISSION ASSIGNED COUNSEL**

Summary: This Chapter establishes a fee schedule and administrative procedures for payment of Commission assigned counsel. The Chapter sets a standard hourly rate and maximum fee amounts for specific case types. The Chapter also establishes rules for the payment of mileage and other expenses that are eligible for reimbursement by the Commission. Finally, this Chapter requires that, unless an attorney has received prior authorization to do otherwise, all vouchers must be submitted using the MCILS electronic case management system.

SECTION 1. DEFINITIONS

1. **Attorney.** "Attorney" means an attorney licensed to practice law in the State of Maine.
2. **MCILS or Commission.** "MCILS" or "Commission" means the Commissioners of the Maine Commission on Indigent Legal Services.
3. **Executive Director.** "Executive Director" means the Executive Director of MCILS or the Executive Director's decision making designee.

SECTION 2. HOURLY RATE OF PAYMENT

Effective July 1, 2015:

A rate of Sixty Dollars (\$60.00) per hour is authorized for time spent on an assigned case.

SECTION 3. EXPENSES

1. **Routine Office Expenses.** Routine Office expenses are considered to be included in the hourly rate. Routine office expenses, including but not limited to postage, express postage, regular telephone, cell telephone, fax, office overhead, utilities, secretarial services, routine copying (under 100 pages), local phone calls, parking (except as stated below), and office supplies, etc., will not be reimbursed.
2. **Itemized Non-Routine Expenses.** Itemized non-routine expenses, such as discovery from the State or other agency, long distance calls (only if billed for long distance calls by your phone carrier), collect phone calls, extensive copying (over 100 pages), printing/copying/ binding of legal appeal brief(s), relevant in-state mileage (as outlined below), tolls (as outlined below), and fees paid to third parties. Necessary parking fees associated with multi-day trials and hearings will be reimbursed, but must be approved in advance by the Executive Director.
3. **Travel Reimbursement.** Mileage reimbursement shall not exceed the applicable State rate. Mileage reimbursement will be paid for travel to and from courts other than an attorney's home district and superior court. Mileage reimbursement will not be paid for

travel to and from an attorney's home district and superior courts. Tolls will be reimbursed, except that tolls will not be reimbursed for travel to and from attorney's home district and superior court. All out-of-state travel or any overnight travel must be approved by the MCILS in writing prior to incurring the expense. Use of the telephone, video equipment, and email in lieu of travel is encouraged as appropriate.

4. **Itemization of Claims.** Claims for all expenses must be itemized.
5. **Discovery Materials.** The MCILS will reimburse only for one set of discovery materials. If counsel is permitted to withdraw, appropriate copies of discovery materials must be forwarded to new counsel forthwith.
6. **Expert and Investigator Expenses.** Other non-routine expenses for payment to third parties, which historically required preapproval by the Court before July 1, 2010 (e.g., investigators, interpreters, medical and psychological experts, testing, depositions, etc.) are required to be approved in advance by MCILS. Funds for third-party services will be provided by the MCILS only upon written request and a sufficient demonstration of reasonableness, relevancy, and need in accordance with the MCILS rules and procedures governing requests for funds for experts and investigators. See Chapter 302 Procedures Regarding Funds for Experts and Investigators.
7. **Witness, Subpoena, and Service Fees.** In criminal and juvenile cases, witness, subpoena, and service fees will be reimbursed only pursuant to M.R. Crim. P. 17(b). It is unnecessary for counsel to advance these costs, and they shall not be included as a voucher expense. Fees for service of process by persons other than the sheriff shall not exceed those allowed by 30-A M.R.S. § 421. The same procedure shall be followed in civil cases.

SECTION 4. MAXIMUM FEES

Vouchers submitted for amounts greater than the applicable maximum fees outlined in this section will not be approved for payment, except as approved by the Executive Director:

1. **Trial Court Criminal Fees**
 - A. Maximum fees, excluding any itemized expenses, are set in accordance with this subsection. Counsel must provide MCILS with written justification for any voucher that exceeds the maximum fee limit.

Effective July 1, 2015:

- 1) **Murder.** Fee to be set by the Executive Director on a case by case basis.
- 2) **Class A.** \$3,000
- 3) **Class B and C (against person).** \$2,250
- 4) **Class B and C (against property).** \$1,500

- 5) **Class D and E (Superior or Unified Criminal Court). \$750**
 - 6) **Class D and E (District Court). \$540**
 - 7) **Post-Conviction Review. \$1,200**
 - 8) **Probation Revocation. \$540**
 - 9) **Miscellaneous (i.e. witness representation on 5th Amendment grounds, etc.) \$540**
 - 10) **Juvenile. \$540**
- B. In cases involving multiple counts against a single defendant, the maximum fee shall be that which applies to the most serious count. In cases where a defendant is charged with a number of unrelated offenses, Counsel is expected to coordinate and consolidate services as much as possible.
- C. Criminal and juvenile cases will include all proceedings through disposition as defined in Section 5.1.A below. Any subsequent proceedings, such as probation revocation, will require new application and appointment.
- D. When doing so will not adversely affect the attorney-client relationship, Commission-assigned counsel are urged to limit travel and waiting time by cooperating with each other to stand in at routine, non-dispositive matters by having one attorney appear at such things as arraignments and routine non-testimonial motions, instead of having all Commission-assigned counsel in an area appear.
- E. Upon written request to MCILS, assistant counsel may be appointed in a murder case or other complicated cases:
- 1) the duties of each attorney must be clearly and specifically defined and counsel must avoid unnecessary duplication of effort;
 - 2) each attorney must submit a voucher to MCILS. Counsel should coordinate the submission of voucher so that they can be reviewed together. Co-counsel who practice in the same firm may submit a single voucher that reflects the work done by each attorney.

2. **District Court Child Protection**

- A. Maximum fees, excluding any itemized expenses, for Commission-assigned counsel in child protective cases are set in accordance with the following schedule:

Effective July 1, 2015:

- 1) **Child protective cases (each stage). \$900**

2) **Termination of Parental Rights (with a hearing). \$ 1,260**

- B. Counsel must provide MCILS with written justification for any voucher that exceeds the maximum fee limit. Each child protective stage ends when a proceeding results in a court order as defined in Section 5.1.B below. Each distinct stage in on-going child protective cases shall be considered a new appointment for purposes of the maximum fee. A separate voucher must be submitted at the end of each stage.

3. **Other District Court Civil**

- A. Maximum fees, excluding any itemized expenses, are set in accordance with this subsection. Counsel must provide MCILS with written justification for any voucher that exceeds the maximum fee limit.

Effective July 1, 2015:

- 1) **Application for Involuntary Commitment. \$420**
- 2) **Petition for Emancipation. \$420**
- 3) **Petition for Modified Release Treatment. \$420**
- 4) **Petition for Release or Discharge. \$420**

4. **Law Court**

- A. Maximum fees, excluding any itemized expenses, for Commission-assigned counsel are set in accordance with the following schedule:

Effective July 1, 2015:

- 1) **Appellate work following the grant of petition for certificate of probable cause. \$1,200**
- B. Expenses shall be reimbursed for printing costs and mileage to oral argument at the applicable state rate. Vouchers for payment of counsel fees and expenses must be submitted, including an itemization of time spent.

SECTION 5: MINIMUM FEES

Effective July 1, 2015:

1. Attorneys may charge a minimum fee of \$150.00 for appearance as Lawyer of the Day. Vouchers seeking the minimum fee shall show the actual time expended and the size of the minimum fee adjustment rather than simply stating that the minimum fee is claimed. In addition to previously scheduled representation at initial appearance sessions, Lawyer

of the Day representation includes representation of otherwise unrepresented parties at the specific request of the court on a matter that concludes the same day. Only a single minimum fee may be charged regardless of the number of clients consulted at the request of the court.

SECTION 6: ADMINISTRATION

1. Vouchers for payment of counsel fees and expenses shall be submitted within ninety days after the date of disposition of a criminal, juvenile or appeals case, or completion of a stage of a child protection case resulting in an order. Vouchers submitted more than ninety days after final disposition, or completion of a stage of a child protection case, shall not be paid.
 - A. For purposes of this rule, "disposition" of a criminal or juvenile case shall be at the following times:
 - 1) entry of judgment (sentencing, acquittal, dismissal, or filing);
 - 2) upon entry of a deferred disposition;
 - 3) upon issuance of a warrant of arrest for failure to appear;
 - 4) upon granting of leave to withdraw;
 - 5) upon decision of any post-trial motions;
 - 6) upon completion of the services the attorney was assigned to provide (e.g., mental health hearings, "lawyer of the day," bail hearings, etc.); or
 - 7) specific authorization of the Executive Director to submit an interim voucher.
 - B. For purposes of this rule, "each stage" of a child protection case shall be:
 - 1) Order after Summary Preliminary hearing or Agreement
 - 2) Order after Jeopardy Hearing
 - 3) Order after each Judicial Review
 - 4) Order after a Cease Reunification Hearing
 - 5) Order after Permanency Hearing
 - 6) Order after Termination of Parental Rights Hearing
 - 7) Law Court Appeal

2. Unless otherwise authorized in advance, all vouchers must be submitted using the MCILS electronic case management program and comply with all instructions for use of the system.
 3. All time on vouchers shall be detailed and accounted for in .10 of an hour increments. The purpose for each time entry must be self-evident or specifically stated. Use of the comment section is recommended.
 4. All expenses claimed for reimbursement must be fully itemized on the voucher. Copies of receipts for payments to third parties shall be retained and supplied upon request.
 5. Legal services provided in the district court for cases subsequently transferred to the superior court shall be included in the voucher submitted to the MCILS at disposition of the case.
-

STATUTORY AUTHORITY: 4 M.R.S. §§ 1804(2)(F), (3)(B), (3)(F) and (4)(D)

EFFECTIVE DATE:

August 21, 2011 – filing 2011-283

AMENDED:

March 19, 2013 – filing 2013-062

July 1, 2013 – filing 2013-150 (EMERGENCY)

October 5, 2013 – filing 2013-228

July 1, 2015 – filing 2015-121 (EMERGENCY)

June 10, 2016 – filing 2016-092

(5.)

Court Access

Paid Voucher Data

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: COURT ACCESS TO PAID VOUCHER DATA
DATE: October 4, 2017

The Judicial Branch is actively implementing the recent statutory change that prioritizes counsel fee reimbursements over fines when bail is being set off. Clerk's offices need information on vouchers paid on behalf of particular defendants for this purpose, and they are finding it cumbersome to telephone or email our staff for this information. Responding to these inquiries is similarly time-consuming for our staff.

The Judicial Branch has inquired whether we would be able to provide this information electronically. To that end, I had a meeting with Justiceworks to discuss the outlines of such a system. They believe they can design a system where two clerks in each courthouse can have limited access to DefenderData paid voucher information by accessing a "web app." Justiceworks is in the process of creating a preliminary design and cost estimate. I hope to have the cost estimate before the meeting, so the Commission can consider that information in its discussion on whether to go forward with this project.