

MCILS

**October 16, 2018
Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

OCTOBER 16, 2018

COMMISSION MEETING

JUDICIARY COMMITTEE ROOM, ROOM 438, STATEHOUSE, AUGUSTA
AGENDA

- 1) Approval of September 11, 2018, Commission Meeting Minutes
- 2) Operations Reports
- 3) Fee Schedule Rule Discussion
- 4) Sixth Amendment Center Study
- 5) Resource Counsel Update
- 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 11, 2018
Commission Meeting
Minutes**

**Maine Commission on Indigent Legal Services – Commissioners Meeting
September 11, 2018**

Minutes

Commissioners Present: Steven Carey, William Logan, Carlann Welch

MCILS Staff Present: Ellie Maciag, John Pelletier

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Approval of the August 14, 2018 Commission Meeting Minutes	No discussion of meeting minutes.	Commissioner Logan moved for approval, Chair Carey seconded. All voted in favor. Approved.
Operations Reports Review	<u>August 2018 Operations Report:</u> 2,663 new cases were opened in the DefenderData system in August. This was a 169 case increase over July. The number of submitted vouchers in July was 2,899, an increase of 76 vouchers over July, totaling \$1,511,896, an increase of \$66,000 over July. Director Pelletier noted that the number of new cases is also up and at the highest level in the past 12 months. The average price per voucher was \$506.43, up \$6.92 per voucher over July. Appeal and Post-Conviction Review cases had the highest average vouchers. There were 10 vouchers exceeding \$5,000 paid in August. 124 authorizations to expend funds were issued in August, and we paid \$131,092 for experts and investigators, etc. Director Pelletier noted that this higher than usual amount for expert payments was due to staff catching up during the month of August after some payments from July were delayed due to the bureaucratic approval process at the start of the fiscal year. The monthly transfer from the Judicial Branch for counsel fees for August, which reflects July's collections, totaled \$89,153, up approximately \$6,000 from July. Director Pelletier noted that the trend for healthy collection totals continues. One attorney complaint and one expression of concern regarding an attorney's performance were received in August.	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Action Items Discussion – Fee Schedule Rule	<p>Following last month’s discussion of Chair Carey’s draft proposed changes to the Fee Schedule rule, Chair Carey presented two new revised drafts for consideration and further discussion. Subjects proposed for modification included, among other things, 1) changing the Rule’s characterization of the so-called “fee caps,” to “fee limits” which the Rule now describes as maximum fees; 2) modifying the amount for juvenile cases and creating two juvenile fee categories, one for felony/bindover and another for misdemeanor; 3) requiring pre-approval from Commission staff for vouchers exceeding the fee limit by 150% and Commissioner approval for vouchers that exceed the fee limit by 200%; or alternatively, Commission staff approval for up to twice the fee limit and Commissioner approval for any voucher amount over twice the fee limit; and 4) modifying the criteria and approval process for co-counsel on termination of parental rights cases. A discussion about those changes ensued with the Commissioners requesting staff provide some data to aid in further discussions.</p>	
Sixth Amendment Center Study	<p>Director Pelletier provided the Sixth Amendment Center with data on expenditures on experts and investigators, etc. for the past five years, and copies of all iterations of the Somerset County contract. Director Pelletier noted that other than these two data requests, staff has not been contacted by the Sixth Amendment Center. Chair Carey indicated that he had received a call from the Sixth Amendment Center to discuss the Massachusetts model for arraignments.</p> <p>Director Pelletier further analyzed the attorney payment data that was provided to the Sixth Amendment Center in July. As a result, he decided to investigate the billing practices of several attorneys and gathered additional information regarding billing submitted to the Commission by those attorneys. Director Pelletier suggested that the discussion of his findings take place in executive session since information gathered as part of investigation of attorneys is confidential under the Commission’s governing statute, 4 MRSA</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	¶ 1806(2)(F).	
Resource Counsel Update	Director Pelletier updated the Commissioners on the first month of the Resource Counsel program. He expects to be able to provide more detailed information once resource counsel start submitting vouchers for their work.	
Misc. Business	Director Pelletier informed the Commissioners that one of the Somerset County contract attorneys has left private practice. The contract allows for the addition of attorneys and the remaining two attorneys have proposed to bring on a third to fill the vacancy. The proposed attorney is not a currently rostered attorney but is someone with a lot of criminal law experience.	
Public Comment	<u>Robert J. Ruffner, Esq.</u> : Attorney Ruffner renewed his suggestion that the Commission hire additional staff. He contended that additional staff could bring proposals and research to Commissioners so more work could get accomplished. Attorney Ruffner believes that the fee rule changes being discussed are nuanced, complicated questions. He suggested that there would be an issue if the Commission could not pay for reasonable work, especially since cases in some counties take additional time to resolve.	
Executive Session	The Commissioners entered into executive session to discuss investigation of attorney billing. Upon emerging from executive session, the Commissioners stated that no votes were taken.	Commissioner Logan made a motion to move into executive session for purposes of discussing investigation of attorney billing. Commissioner Welch seconded. All approved.

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Adjournment of meeting	The Commission voted to adjourn with the next meeting to be on October 16, 2018 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 2018 OPERATIONS REPORTS
DATE: OCTOBER 3, 2018

Attached you will find the September, 2018, Operations Reports for your review and our discussion at the Commission meeting on October 16, 2018. A summary of the operations reports follows:

- 2,170 new cases were opened in the DefenderData system in September. This was a 493 case decrease from August and represents a return to the mean after two months of unusually high new case numbers.
- The number of vouchers submitted electronically in September was 2,638, a decrease of 261 vouchers from August, totaling \$1,470,777.78, a decrease of \$41,000 from August. In September, we paid 2,273 electronic vouchers totaling \$1,266,613.68, representing a decrease of 1,009 vouchers and \$396,000 compared to August.
- There were no paper vouchers submitted and paid in September.
- The average price per voucher in September was \$557.24, up \$50.81 per voucher over August.
- Appeal and Post-Conviction Review cases had the highest average vouchers in September. There were 13 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 107 authorizations to expend funds: 69 for private investigators, 26 for experts, and 12 for miscellaneous services such as interpreters and transcriptionists. In September, we paid \$101,714.30 for experts and investigators, etc. In September, three requests for funds were reduced or modified. See attached addendum for details.
- In September, we received no complaints about attorneys. We did receive one Feedback Form with very positive comments.

In our All Other Account, the total expenses for the month of September were \$1,406,760.51. Of that amount, approximately \$15,500 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$55,392.68 in expenses for the month of September. Your packet contains two reports for the personal services "account." As discussed at earlier meetings, the payroll department began the year by charging our payroll expenditures against our unfunded General Fund payroll account. In the second half of September, they corrected the error and charged expenditures against our current personal services allotment in our Other Special Revenue account. However, the negative balance in the General Fund has not been corrected yet. The report for account 010 95F Z112 01 shows the accumulated negative balance in that account. The report for account 014 95F Z258 01 shows payroll correctly charged against our personal services allotment. We expect that in the future the negative balance in the General Fund account will be transferred to reflect a charge against our current personal services allotment.

In the Revenue Account, the transfer for October, reflecting September's collections, totaled \$86,999.14, a decrease of approximately \$2,000 from the previous month.

Finally, there was no financial activity with respect to attorney trainings.

VOUCHERS EXCEEDING \$5,000 PAID SEPTEMBER 2018

	Voucher Total	Case total
Voucher in a case involving both a Petition for Post-Conviction Review and a Post-Conviction Motion for DNA testing that has been ongoing since 2004. Voucher covers work since 2014. Matter has been to the Law Court twice and the two petitions were litigated separately.	\$17,115	\$33,291(paid co-counsel vouchers of \$9,970 and \$6,206)
Voucher in a Murder case that ended with a plea of guilty. Case took 21 months and involved numerous mental health evaluations and multiple experts.	\$11,248	\$21,464(co-counsel from same firm paid \$10,216 on separate voucher)
Voucher in a Murder case that ended with a plea of guilty. Case took 21 months and involved numerous mental health evaluations and multiple experts.	\$10,216	\$21,464(co-counsel from same firm paid \$11,248 on separate voucher)
Voucher in a Murder case that ended with a conditional guilty plea after extensive litigation of evidentiary issues, with the ruling on a corpus delicti issue subject to challenge on appeal. Co-counsel from same firm.	\$9,214	\$13,846 (interim voucher paid for \$4,632 when several attorneys left firm)
Voucher in a case involving two counts of Vehicular Manslaughter. Voluminous paper and audio-visual discovery. Client discharged counsel on eve of trial.	\$8,809	\$8,809
Voucher on appeal from a conviction after a 10-day trial in a "cold case" murder. New counsel on appeal.	\$8,500	\$8,500
Interim voucher in an Attempted Murder case. Voucher submitted after litigation of suppression issue that focused on extensive audio-visual discovery.	\$7,902	\$7,902
Voucher on appeal from an Aggravated Trafficking conviction. Litigated whether only the weight of pure crack cocaine, as opposed to the weight of a mixture containing crack, should count toward the quantity needed for the aggravated charge. New counsel on appeal.	\$6,493	6,493
Voucher after a 2-day hearing in a Termination of Parental Rights case. Counsel came on after TPR filed and had to review extensive discovery from the current case and several prior PC cases involving the client. The court requested written closing arguments and then further argument on the admissibility of multiple documents filed with the State's argument.	\$6,144	\$6,144
Voucher after appeal by trial counsel from a conviction for Gross Sexual Assault. Hancock County counsel had to travel to consult client at prison and for oral argument.	\$5,844	\$5,844
Voucher covering four separate cases involving multiple OUI's and various other offenses. Complicated by the need	\$5,819	\$5,819

for expert assistance to document undiagnosed neurological impairment.		
Voucher after a guilty verdict in a 3-day Gross Sexual Assault trial.	\$5,454	\$6,288 (counsel subsequently paid \$834 for sentencing)
Voucher in an Aggravated Trafficking case. Extensive research and argument preparation on suppression issue. State dismissed on eve of suppression hearing.	\$5,408	\$5,408

FUNDS REQUESTS DENIED/MODIFIED SEPTEMBER 2018

- Two requests for funds were modified to authorize a reduced amount. A third request, seeking funds for interpreter services, was deferred pending a request that the attorney identify an interpreter who was located closer to where the services were to be performed.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

9/30/2018

DefenderData Case Type	Sep-18						Fiscal Year 2019			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	8	7	\$ 14,951.93	9	\$ 31,493.45	\$ 3,499.27	35	61	\$ 97,490.93	\$ 1,598.21
Child Protection Petition	230	476	\$ 310,744.40	371	\$ 236,064.65	\$ 636.29	741	1,056	\$ 638,358.96	\$ 604.51
Drug Court	1	5	\$ 3,876.00	3	\$ 1,728.00	\$ 576.00	1	14	\$ 13,686.00	\$ 977.57
Emancipation	6	8	\$ 2,465.57	8	\$ 2,300.57	\$ 287.57	26	18	\$ 5,083.75	\$ 282.43
Felony	438	558	\$ 503,256.55	474	\$ 443,160.28	\$ 934.94	1,592	1,478	\$ 1,241,763.03	\$ 840.16
Involuntary Civil Commitment	69	53	\$ 14,480.99	52	\$ 13,748.18	\$ 264.39	279	246	\$ 52,804.64	\$ 214.65
Juvenile	71	76	\$ 37,083.72	64	\$ 25,638.58	\$ 400.60	187	198	\$ 92,162.35	\$ 465.47
Lawyer of the Day - Custody	199	213	\$ 53,389.24	206	\$ 51,709.94	\$ 251.02	712	620	\$ 155,696.38	\$ 251.12
Lawyer of the Day - Juvenile	44	39	\$ 8,363.28	37	\$ 7,373.50	\$ 199.28	107	105	\$ 21,117.48	\$ 201.12
Lawyer of the Day - Walk-in	110	118	\$ 28,351.64	104	\$ 25,577.22	\$ 245.93	374	307	\$ 74,219.46	\$ 241.76
Misdemeanor	741	677	\$ 276,114.52	648	\$ 259,991.58	\$ 401.22	2,423	2,069	\$ 827,264.06	\$ 399.84
Petition, Modified Release Treatment	0	0		0			1	9	\$ 3,396.76	\$ 377.42
Petition, Release or Discharge	0	2	\$ 1,140.00	1	\$ 624.00	\$ 624.00	1	2	\$ 1,200.00	\$ 600.00
Petition, Termination of Parental Rights	11	28	\$ 25,625.92	29	\$ 23,338.41	\$ 804.77	53	96	\$ 81,965.48	\$ 853.81
Post Conviction Review	8	9	\$ 33,842.34	8	\$ 30,373.12	\$ 3,796.64	31	22	\$ 47,182.91	\$ 2,144.68
Probate	4	0		0			8	3	\$ 3,247.80	\$ 1,082.60
Probation Violation	157	166	\$ 62,650.90	136	\$ 50,270.09	\$ 369.63	553	478	\$ 179,256.40	\$ 375.01
Represent Witness on 5th Amendment	1	6	\$ 2,118.00	3	\$ 1,206.00	\$ 402.00	15	12	\$ 5,549.76	\$ 462.48
Resource Counsel Criminal	3	7	\$ 948.00	5	\$ 840.00	\$ 168.00	9	6	\$ 1,104.00	\$ 184.00
Resource Counsel Juvenile	1	1	\$ 102.00	1	\$ 102.00	\$ 102.00	2	1	\$ 102.00	\$ 102.00
Resource Counsel Protective Custody	1	4	\$ 546.00	2	\$ 132.00	\$ 66.00	4	2	\$ 132.00	\$ 66.00
Review of Child Protection Order	66	183	\$ 90,033.78	109	\$ 60,207.11	\$ 552.36	159	383	\$ 201,696.73	\$ 526.62
Revocation of Administrative Release	1	2	\$ 693.00	3	\$ 735.00	\$ 245.00	3	4	\$ 939.00	\$ 234.75
DefenderData Sub-Total	2,170	2,638	\$ 1,470,777.78	2,273	\$ 1,266,613.68	\$ 557.24	7,316	7,190	\$ 3,745,419.88	\$ 520.92
Paper Voucher Sub-Total		0		0	\$ -	#DIV/0!		0		#DIV/0!
TOTAL	2,170	2,638	\$1,470,777.78	2,273	\$1,266,613.68	\$ 557.24	7,316	7,190	\$ 3,745,419.88	\$ 520.92

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY19 FUND ACCOUNTING
AS OF 09/30/2018

Account 014 95F Z258 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY19 Total
FY19 Professional Services Allotment		\$ 4,455,000.00		\$ 4,347,001.00		\$ 4,595,478.00		\$ 4,795,226.00	
FY19 General Operations Allotment		\$ 45,000.00		\$ 45,000.00		\$ 45,000.00		\$ 45,000.00	
Budget Order Adjustment				\$ -		\$ -		\$ -	
Legislative Amendment (revenue & conference)		\$ 198,374.00		\$ 198,374.00		\$ 198,374.00		\$ 198,375.00	
Total Budget Allotments		\$ 4,698,374.00		\$ 4,590,375.00		\$ 4,838,852.00		\$ 5,038,601.00	\$ 19,166,202.00
Total Expenses	1	\$ (882,611.39)	4	\$ -	7	\$ -	10	\$ -	
	2	\$ (1,830,038.43)	5	\$ -	8	\$ -	11	\$ -	
	3	\$ (1,406,760.51)	6	\$ -	9	\$ -	12	\$ -	
Encumbrances (Somerset PDP & Justice Works)		\$ (255,467.50)		\$ -		\$ -		\$ -	
Encumbrances (B Taylor, business cards)		\$ (13,000.00)		\$ -		\$ -		\$ -	
TOTAL REMAINING		\$ 310,496.17		\$ 4,590,375.00		\$ 4,838,852.00		\$ 5,038,601.00	\$ 14,778,324.17

Q1 Month 3	
INDIGENT LEGAL SERVICES	
Counsel Payments	\$ (1,266,613.68)
Somerset County	\$ (22,687.50)
Somerset County Discovery	\$ (215.00)
Subpoena Witness Fees	\$ -
Private Investigators	\$ (29,442.99)
Mental Health Expert	\$ (28,755.78)
Transcripts	\$ (6,304.90)
Other Expert	\$ (34,380.00)
Lodging for Trial	\$ -
Process Servers	\$ (462.55)
Interpreters	\$ (1,272.18)
Misc Prof Fees & Serv	\$ (1,095.90)
SUB-TOTAL ILS	\$ (1,391,230.48)
OPERATING EXPENSES	
Risk Management Insurances	\$ (94.05)
DefenderData	\$ (6,620.00)
Dues	\$ (530.00)
Mileage/Tolls/Parking	\$ (708.53)
Mailing/Postage/Freight	\$ (337.27)
West Publishing Corp	\$ (168.30)
OIT/TELCO charges	\$ (2,354.26)
Office Supplies/Equip.	\$ (43.50)
Cellular Phones	\$ (134.74)
Subscriptions	\$ (97.75)
Office Equipment Rental	\$ (108.30)
Printing & Binding	\$ -
Barbara Taylor monthly fees	\$ (4,333.33)
SUB-TOTAL OE	\$ (15,530.03)
TOTAL	\$ (1,406,760.51)

INDIGENT LEGAL SERVICES	
Q1 Allotment	\$ 4,698,374.00
Q1 Encumbrances for Somerset PDP & Justice Works contracts	\$ (255,467.50)
Barbara Taylor Contract	\$ (13,000.00)
Q1 Expenses to date	\$ (4,119,410.33)
Remaining Q1 Allotment	\$ 310,496.17

Non-Counsel Indigent Legal Services	
Monthly Total	\$ (101,714.30)
Total Q1	\$ (260,358.16)
Total Q2	\$ -
Total Q3	\$ -
Total Q4	\$ -
Fiscal Year Total	\$ (260,358.16)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY19 FUND ACCOUNTING
As of 09/30/18

Account 014 95F 2258 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY19 Total
Total Budget Allotments		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00		\$ 184,125.00	\$ 736,497.00
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Financial Order Adjustment	2	\$ -	5	\$ -	8	\$ -	11		
Budget Order Adjustment	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Budget Order Adjustment		\$ -		\$ -		\$ -	12	\$ -	\$ -
Total Budget Allotments		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00		\$ 184,125.00	\$ 736,497.00
Cash Carryover from Prior Quarter		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	1	\$ 83,016.89	4	\$ -	7	\$ -	10	\$ -	
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Court Ordered Counsel Fee		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB (late transfer)		\$ 89,153.94		\$ -	9	\$ -		\$ -	
Collected Revenue from JB	3	\$ 86,999.14	6	\$ -	9	\$ -	12	\$ -	
Returned Checks-stopped payments		\$ -		\$ -		\$ -		\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 259,169.97		\$ -		\$ -		\$ -	\$ 259,169.97
Counsel Payments	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Other Expenses		\$ -		\$ -		\$ -	***	\$ -	
Counsel Payments	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Other Expenses		\$ -		\$ -		\$ -		\$ -	
Counsel Payments	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Other Expenses	*	\$ -	**	\$ -	***	\$ -		\$ -	
REMAINING ALLOTMENT		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00		\$ 184,125.00	\$ 736,497.00
Overpayment Reimbursements	1		4	\$ -	7	\$ -	10	\$ -	
	2	\$ (2,905.00)	5	\$ -	8	\$ -	11	\$ -	
	3	\$ (560.00)	6	\$ -	9	\$ -	12	\$ -	
REMAINING CASH Year to Date		\$ 255,704.97		\$ -		\$ -		\$ -	\$ 255,704.97

Q1 Month 2	
DEFENDER DATA COUNSEL PAYMENTS	
	\$ -
SUB-TOTAL DLS	\$ -
OVERPAYMENT REIMBURSEMENTS	\$ (560.00)
Paper Voucher	\$ -
Somerset County CDs	\$ -
Private Investigators	\$ -
Mental Health Expert	\$ -
Transcripts	\$ -
Other Expert	\$ -
StaCap Expense	\$ -
SUB-TOTAL OE	\$ (560.00)
TOTAL	\$ (560.00)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY19 FUND ACCOUNTING
AS OF 09/30/2018

Account 014 95F Z258 01 (Personal Services)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY19 Total
FY19 Allotment		\$ 197,081.00		\$ 223,111.00		\$ 197,084.00		\$ 215,289.00	\$ -
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments				\$ -		\$ -			
Total Budget Allotments		\$ 197,081.00		\$ 223,111.00		\$ 197,084.00		\$ 215,289.00	\$ 832,565.00
Total Expenses	1	\$ (165.00)	4	\$ -	7	\$ -	10	\$ -	
	2	\$ (165.00)	5	\$ -	8	\$ -	11	\$ -	
	3	\$ (27,725.13)	6	\$ -	9	\$ -	12	\$ -	
TOTAL REMAINING		\$ 169,025.87		\$ 223,111.00		\$ 197,084.00		\$ 215,289.00	\$ 804,509.87

Q1 Month 3	
Per Diem Payments	\$ (165.00)
Salary	\$ (11,122.92)
Vacation Pay	\$ (1,353.58)
Holiday Pay	\$ (1,656.36)
Sick Pay	\$ (1,223.27)
Employee Hlth Svs/Workers Comp	\$ -
Health Insurance	\$ (4,643.57)
Dental Insurance	\$ (111.61)
Employer Retiree Health	\$ (1,802.03)
Employer Retirement	\$ (1,019.05)
Employer Group Life	\$ (133.00)
Employer Medicare	\$ (218.89)
Retiree Unfunded Liability	\$ (3,220.01)
July & August Per Diem	\$ (330.00)
Perm Part Time Full Ben	\$ (1,055.84)
TOTAL	\$ (28,055.13)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY19 FUND ACCOUNTING
AS OF 09/30/2018

Account 010 95F Z112 01 (Personal Services)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY19 Total
FY19 Allotment	\$	-	\$	-	\$	-	\$	-	\$ -
Financial Order Adjustments	\$	-	\$	-	\$	-	\$	-	
Financial Order Adjustments	\$	-	\$	-	\$	-	\$	-	
Budget Order Adjustments			\$	-	\$	-			
Total Budget Allotments	\$	-	\$	-	\$	-	\$	-	\$ -
Total Expenses	1 \$	(55,473.04)	4 \$	-	7 \$	-	10 \$	-	
	2 \$	(55,941.91)	5 \$	-	8 \$	-	11 \$	-	
	3 \$	(27,667.55)	6 \$	-	9 \$	-	12 \$	-	
TOTAL REMAINING	\$	(139,082.50)	\$	-	\$	-	\$	-	\$ (139,082.50)

Q1 Month 3	
Per Diem Payments	\$ -
Salary	\$ (12,391.51)
Vacation Pay	\$ (2,437.69)
Holiday Pay	\$ -
Sick Pay	\$ (528.86)
Employee Hlth Svs/Workers Comp	\$ -
Health Insurance	\$ (4,643.57)
Dental Insurance	\$ (111.61)
Employer Retiree Health	\$ (1,810.36)
Employer Retirement	\$ (1,026.02)
Employer Group Life	\$ (133.00)
Employer Medicare	\$ (220.30)
Retiree Unfunded Liability	\$ (3,234.89)
Retro Pymt	\$ -
Perm Part Time Full Ben	\$ (1,129.74)
TOTAL	\$ (27,667.55)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

9/30/2018

Sep-18							Fiscal Year 2019			
Court	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	7	11	\$ 33,400.63	9	\$ 9,597.20	\$ 1,066.36	22	25	\$ 17,769.58	\$ 710.78
AUBSC	2	2	\$ 1,908.00	0			6	4	\$ 4,325.84	\$ 1,081.46
AUGDC	29	48	\$ 28,100.17	47	\$ 25,847.62	\$ 549.95	129	170	\$ 79,389.47	\$ 467.00
AUGSC	7	14	\$ 5,850.00	13	\$ 5,802.00	\$ 446.31	25	51	\$ 24,602.24	\$ 482.40
BANDC	80	109	\$ 32,984.76	71	\$ 21,747.36	\$ 306.30	221	246	\$ 83,320.37	\$ 338.70
BANSC	0	3	\$ 17,958.50	2	\$ 17,820.50	\$ 8,910.25	1	2	\$ 17,820.50	\$ 8,910.25
BATSC	0	0		0			2	0		
BELDC	13	33	\$ 30,912.10	21	\$ 26,952.30	\$ 1,283.44	29	57	\$ 46,418.72	\$ 814.36
BELSC	0	1	\$ 624.00	1	\$ 624.00	\$ 624.00	1	2	\$ 934.00	\$ 467.00
BIDDC	72	99	\$ 55,260.96	73	\$ 36,641.36	\$ 501.94	205	225	\$ 116,127.94	\$ 516.12
BRIDC	15	15	\$ 7,324.80	10	\$ 3,448.80	\$ 344.88	40	37	\$ 19,958.97	\$ 539.43
CALDC	4	8	\$ 5,141.20	5	\$ 2,994.00	\$ 598.80	21	29	\$ 18,667.20	\$ 643.70
CARDC	19	16	\$ 5,173.96	11	\$ 3,714.06	\$ 337.64	33	23	\$ 8,819.91	\$ 383.47
CARSC	0	0		1	\$ 408.00	\$ 408.00	2	6	\$ 1,571.44	\$ 261.91
DOVDC	10	23	\$ 5,565.62	17	\$ 3,582.00	\$ 210.71	25	38	\$ 9,192.00	\$ 241.89
DOVSC	0	0		0			0	1	\$ 162.00	\$ 162.00
ELLDC	8	42	\$ 26,379.51	28	\$ 15,343.24	\$ 547.97	35	58	\$ 35,636.76	\$ 614.43
ELLSC	0	1	\$ 2,145.00	0			0	0		
FARDC	11	15	\$ 18,105.45	15	\$ 12,767.53	\$ 851.17	40	51	\$ 37,643.76	\$ 738.11
FARSC	1	0		0			1	0		
FORDC	4	12	\$ 11,238.88	10	\$ 6,384.07	\$ 638.41	15	23	\$ 14,033.09	\$ 610.13
HOUDC	16	17	\$ 7,483.66	18	\$ 7,518.05	\$ 417.67	56	63	\$ 28,995.24	\$ 460.24
HOUSC	0	0		0			0	1	\$ 1,200.00	\$ 1,200.00
LEWDC	70	136	\$ 63,687.80	95	\$ 45,869.58	\$ 482.84	224	307	\$ 140,594.44	\$ 457.96
LINDC	3	10	\$ 4,345.20	8	\$ 2,639.12	\$ 329.89	30	33	\$ 11,336.90	\$ 343.54
MACDC	3	4	\$ 2,142.00	9	\$ 4,986.00	\$ 554.00	42	54	\$ 17,775.00	\$ 329.17
MACSC	0	0		1	\$ 114.00	\$ 114.00	2	4	\$ 948.00	\$ 237.00
MADDC	1	1	\$ 371.36	1	\$ 371.36	\$ 371.36	3	4	\$ 1,396.08	\$ 349.02
MILDC	1	1	\$ 256.60	3	\$ 1,090.60	\$ 363.53	18	10	\$ 3,832.40	\$ 383.24
NEWDC	21	28	\$ 10,800.15	20	\$ 8,730.56	\$ 436.53	49	55	\$ 21,046.92	\$ 382.67
PORDC	69	113	\$ 65,876.21	89	\$ 50,020.92	\$ 562.03	243	267	\$ 134,165.83	\$ 502.49
PORSC	0	1	\$ 522.00	0			4	2	\$ 774.00	\$ 387.00
PREDC	22	31	\$ 15,598.02	23	\$ 13,138.02	\$ 571.22	50	59	\$ 28,173.27	\$ 477.51
ROCD	21	22	\$ 5,526.88	26	\$ 12,078.96	\$ 464.58	67	66	\$ 33,159.23	\$ 502.41
ROSC	0	1	\$ 260.76	1	\$ 260.76	\$ 260.76	4	6	\$ 1,156.68	\$ 192.78
RUMDC	4	11	\$ 5,957.52	9	\$ 5,503.32	\$ 611.48	23	26	\$ 15,470.88	\$ 595.03
SKODC	45	42	\$ 21,292.27	29	\$ 17,394.36	\$ 599.81	84	123	\$ 81,143.77	\$ 659.71
SKOSC	0	0		0			0	0		
SODC	6	12	\$ 9,277.48	9	\$ 4,500.00	\$ 500.00	20	26	\$ 11,217.40	\$ 431.44
SOSC	1	2	\$ 2,029.36	2	\$ 2,137.28	\$ 1,068.64	1	3	\$ 2,790.48	\$ 930.16
SPRDC	47	68	\$ 45,392.83	52	\$ 32,534.11	\$ 625.66	156	161	\$ 95,797.55	\$ 595.02
Law Ct	7	6	\$ 14,459.93	8	\$ 31,001.45	\$ 3,875.18	32	44	\$ 79,589.42	\$ 1,808.85
YORCD	231	224	\$ 180,254.69	232	\$ 171,392.06	\$ 738.76	736	652	\$ 447,102.99	\$ 685.74
AROCD	110	97	\$ 62,518.80	82	\$ 47,205.51	\$ 575.68	368	310	\$ 171,789.32	\$ 554.16
ANDCD	143	148	\$ 76,797.35	115	\$ 63,101.52	\$ 548.71	511	466	\$ 217,651.00	\$ 467.06
KENCD	166	135	\$ 49,369.25	97	\$ 33,334.25	\$ 343.65	482	417	\$ 159,272.23	\$ 381.95
PENCD	160	251	\$ 109,881.42	208	\$ 101,706.63	\$ 488.97	703	581	\$ 271,890.98	\$ 467.97
SAGCD	23	29	\$ 22,611.39	36	\$ 33,702.01	\$ 936.17	90	88	\$ 64,004.67	\$ 727.33
WALCD	33	32	\$ 17,195.72	20	\$ 10,021.20	\$ 501.06	106	75	\$ 32,864.60	\$ 438.19
PISCD	18	12	\$ 2,106.00	5	\$ 840.00	\$ 168.00	43	27	\$ 5,993.75	\$ 221.99
HANCD	59	77	\$ 34,691.15	64	\$ 25,404.00	\$ 396.94	259	200	\$ 106,189.38	\$ 530.95
FRACD	28	44	\$ 24,081.58	57	\$ 25,472.62	\$ 446.89	99	148	\$ 69,108.47	\$ 466.95
WASCD	50	50	\$ 29,692.04	41	\$ 25,348.68	\$ 618.26	150	154	\$ 76,002.64	\$ 493.52
CUMCD	346	327	\$ 185,814.98	322	\$ 194,664.64	\$ 604.55	1,171	1,002	\$ 560,389.44	\$ 559.27
KNODC	40	50	\$ 22,444.36	43	\$ 17,036.72	\$ 396.20	161	139	\$ 64,287.03	\$ 462.50
SOMCD	0	1	\$ 492.00	1	\$ 492.00	\$ 492.00	1	2	\$ 1,119.00	\$ 559.50
OXFCD	53	69	\$ 25,891.93	101	\$ 36,772.08	\$ 364.08	184	205	\$ 78,753.31	\$ 384.16
LINCD	23	35	\$ 18,095.05	22	\$ 10,457.81	\$ 475.36	82	96	\$ 53,729.41	\$ 559.68
WATDC	35	66	\$ 28,489.46	57	\$ 23,173.38	\$ 406.55	93	154	\$ 71,736.97	\$ 465.82
WESDC	17	17	\$ 6,530.70	20	\$ 6,215.06	\$ 310.75	61	61	\$ 19,315.79	\$ 316.65
WISDC	5	12	\$ 9,012.34	10	\$ 6,063.02	\$ 606.30	29	26	\$ 15,989.38	\$ 614.98
WISSC	0	0		0			0	2	\$ 1,231.04	\$ 615.52
YORDC	11	4	\$ 1,454.00	3	\$ 648.00	\$ 216.00	26	23	\$ 10,041.20	\$ 436.57
TOTAL	2,170	2,638	\$ 1,470,777.78	2,273	\$ 1,266,613.68	\$ 557.24	7,316	7,190	\$ 3,745,419.88	\$ 520.92

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

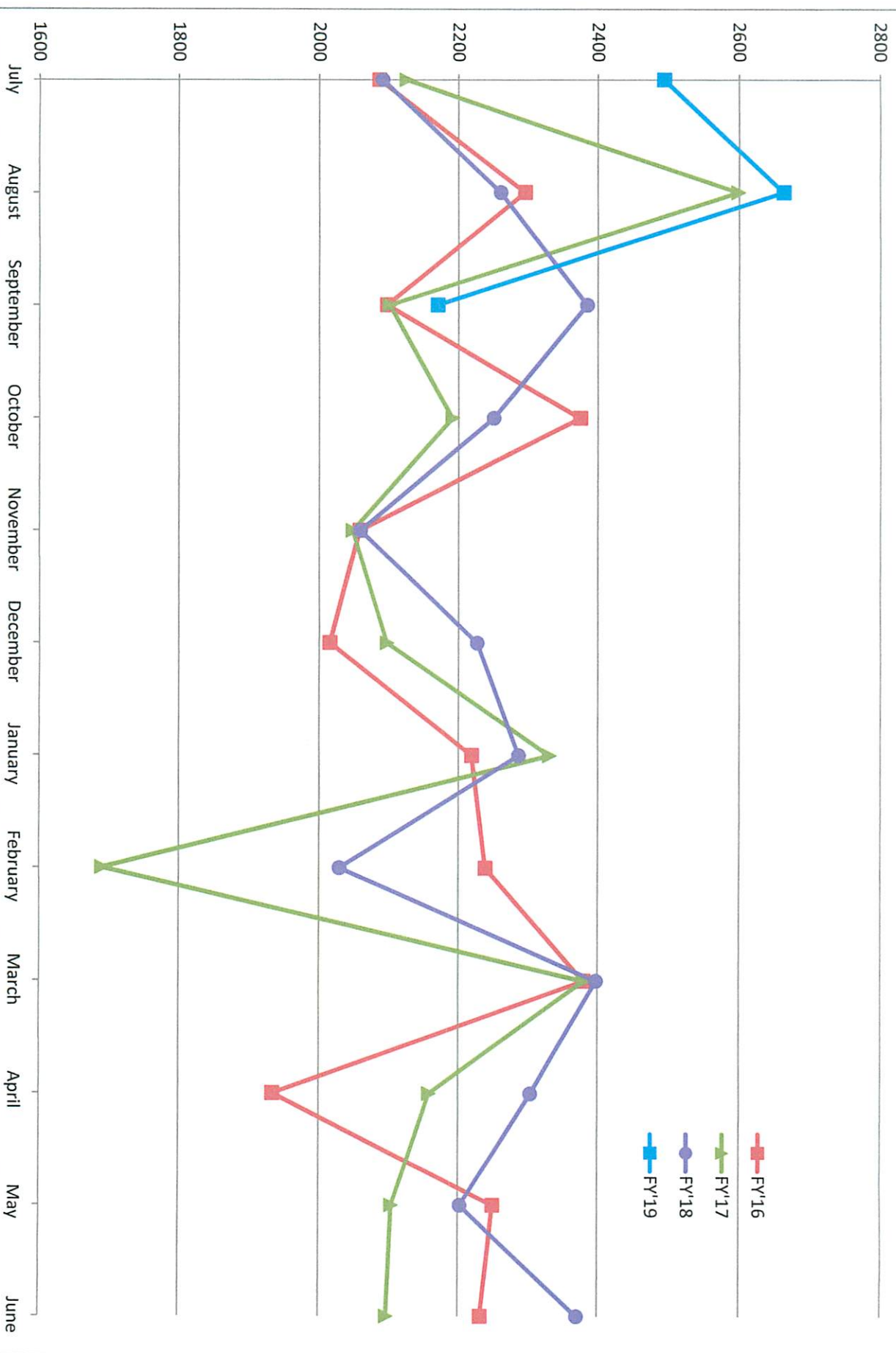
Number of Attorneys Rostered by Court

09/30/2018

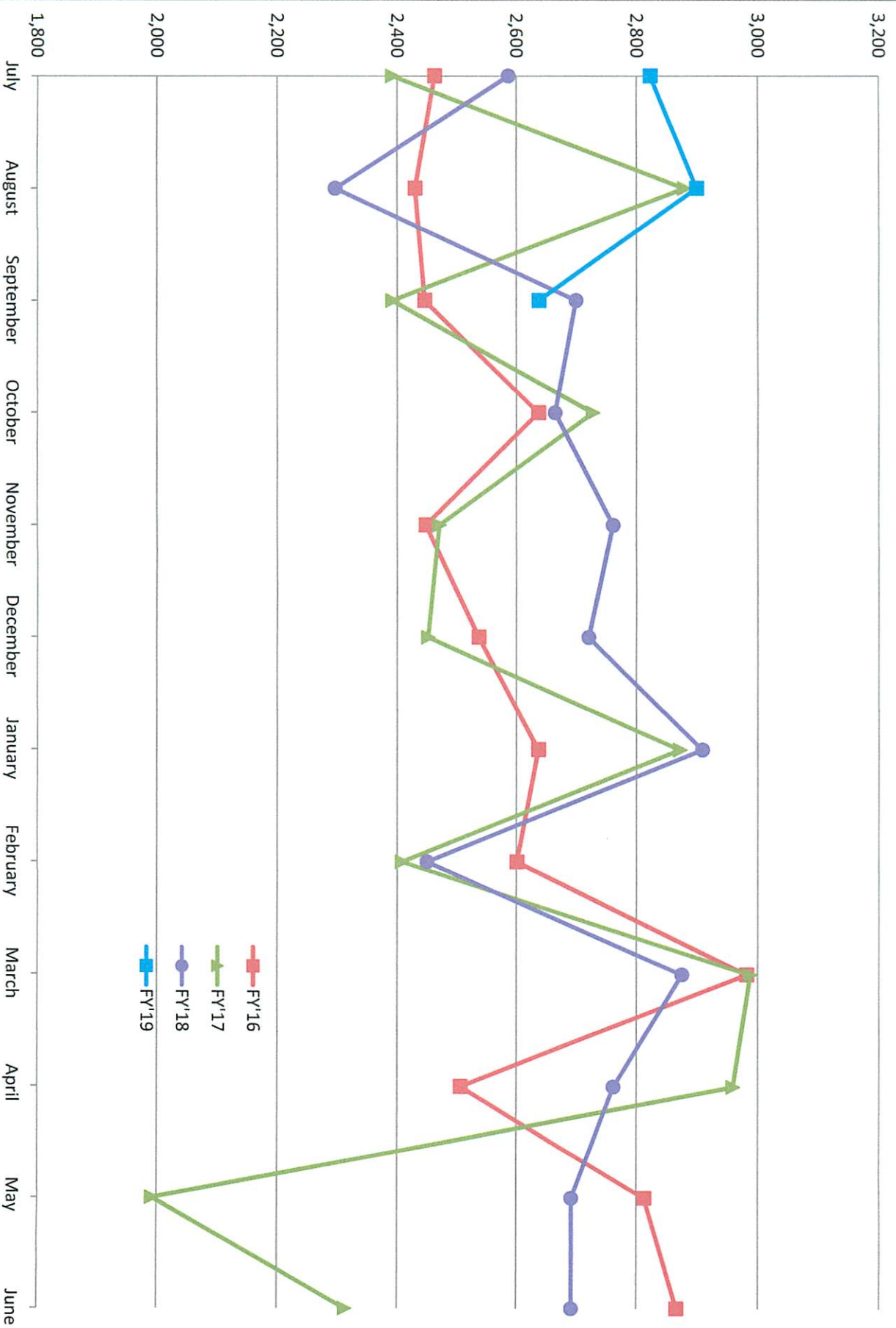
Court	Rostered Attorneys
Augusta District Court	90
Bangor District Court	46
Belfast District Court	45
Biddeford District Court	135
Bridgton District Court	89
Calais District Court	12
Caribou District Court	18
Dover-Foxcroft District Court	25
Ellsworth District Court	35
Farmington District Court	29
Fort Kent District Court	11
Houlton District Court	15
Lewiston District Court	120
Lincoln District Court	23
Machias District Court	17
Madawaska District Court	12
Millinocket District Court	18
Newport District Court	34
Portland District Court	156
Presque Isle District Court	15
Rockland District Court	39
Rumford District Court	22
Skowhegan District Court	24

Court	Rostered Attorneys
South Paris District Court	56
Springvale District Court	119
Unified Criminal Docket Alfred	121
Unified Criminal Docket Aroostook	22
Unified Criminal Docket Auburn	98
Unified Criminal Docket Augusta	84
Unified Criminal Docket Bangor	48
Unified Criminal Docket Bath	91
Unified Criminal Docket Belfast	44
Unified Criminal Docket Dover Foxcroft	23
Unified Criminal Docket Ellsworth	37
Unified Criminal Docket Farmington	32
Unified Criminal Docket Machias	18
Unified Criminal Docket Portland	158
Unified Criminal Docket Rockland	35
Unified Criminal Docket Skowhegan	18
Unified Criminal Docket South Paris	40
Unified Criminal Docket Wiscasset	55
Waterville District Court	45
West Bath District Court	108
Wiscasset District Court	59
York District Court	102

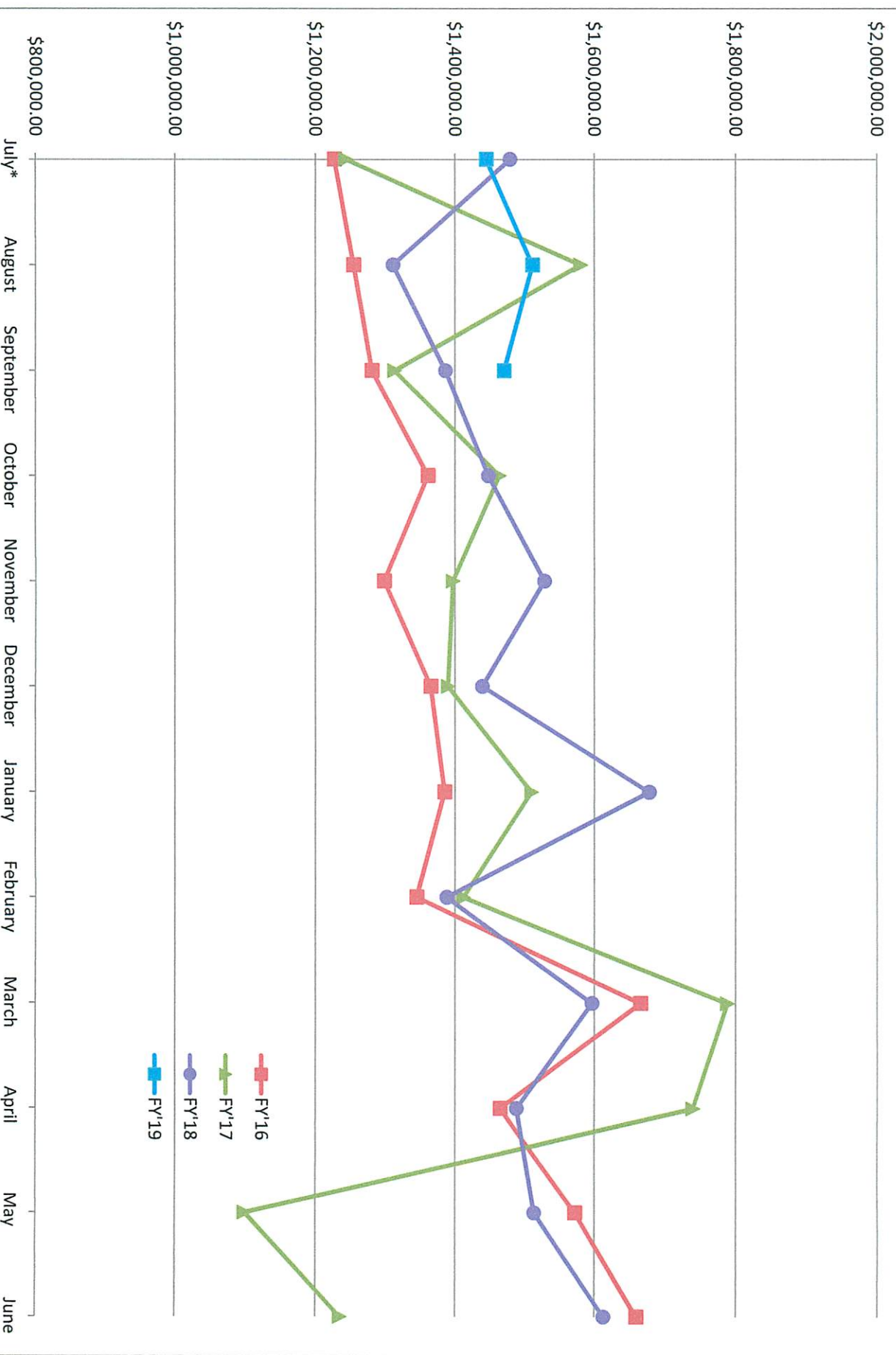
NEW CASES



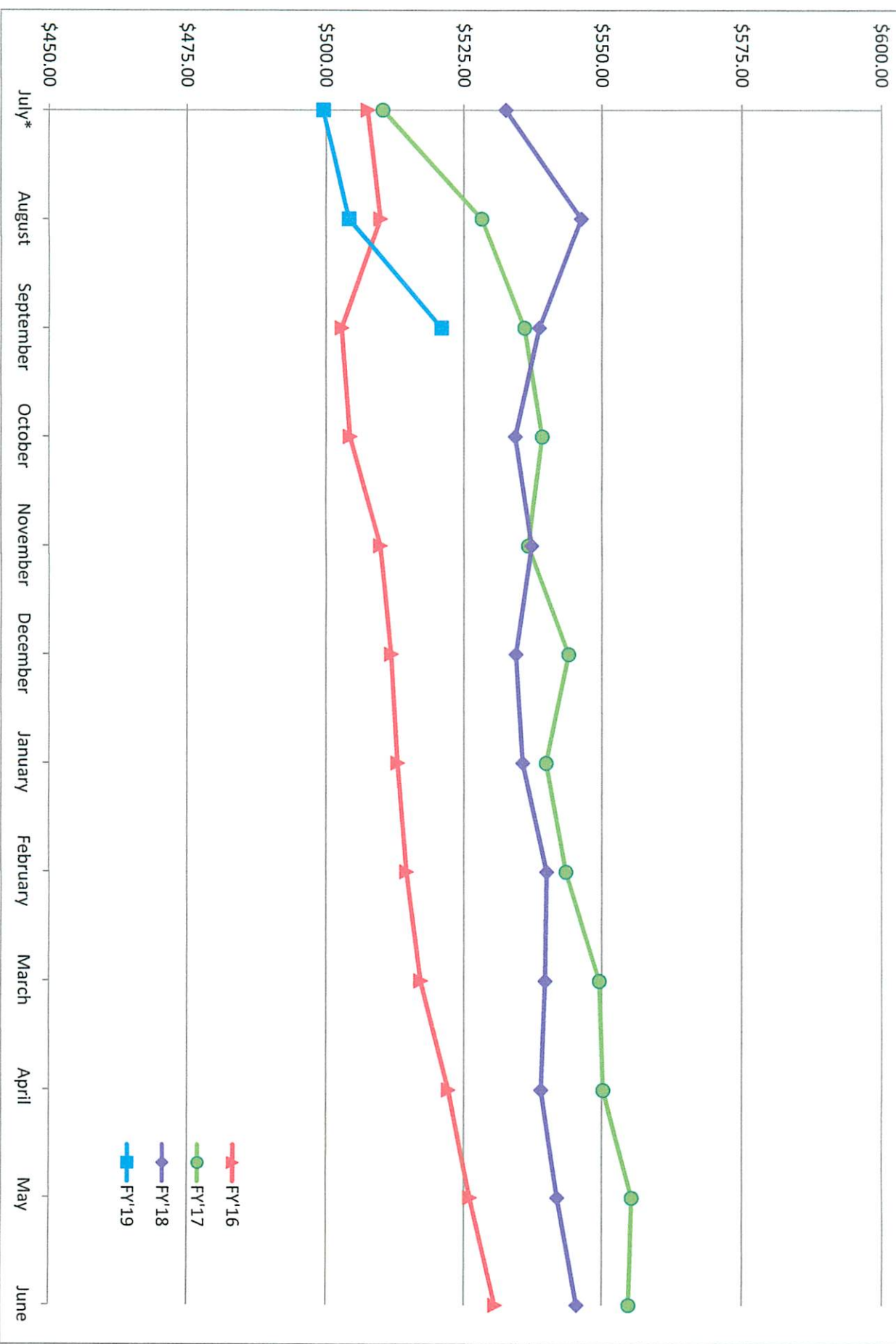
Submitted Vouchers



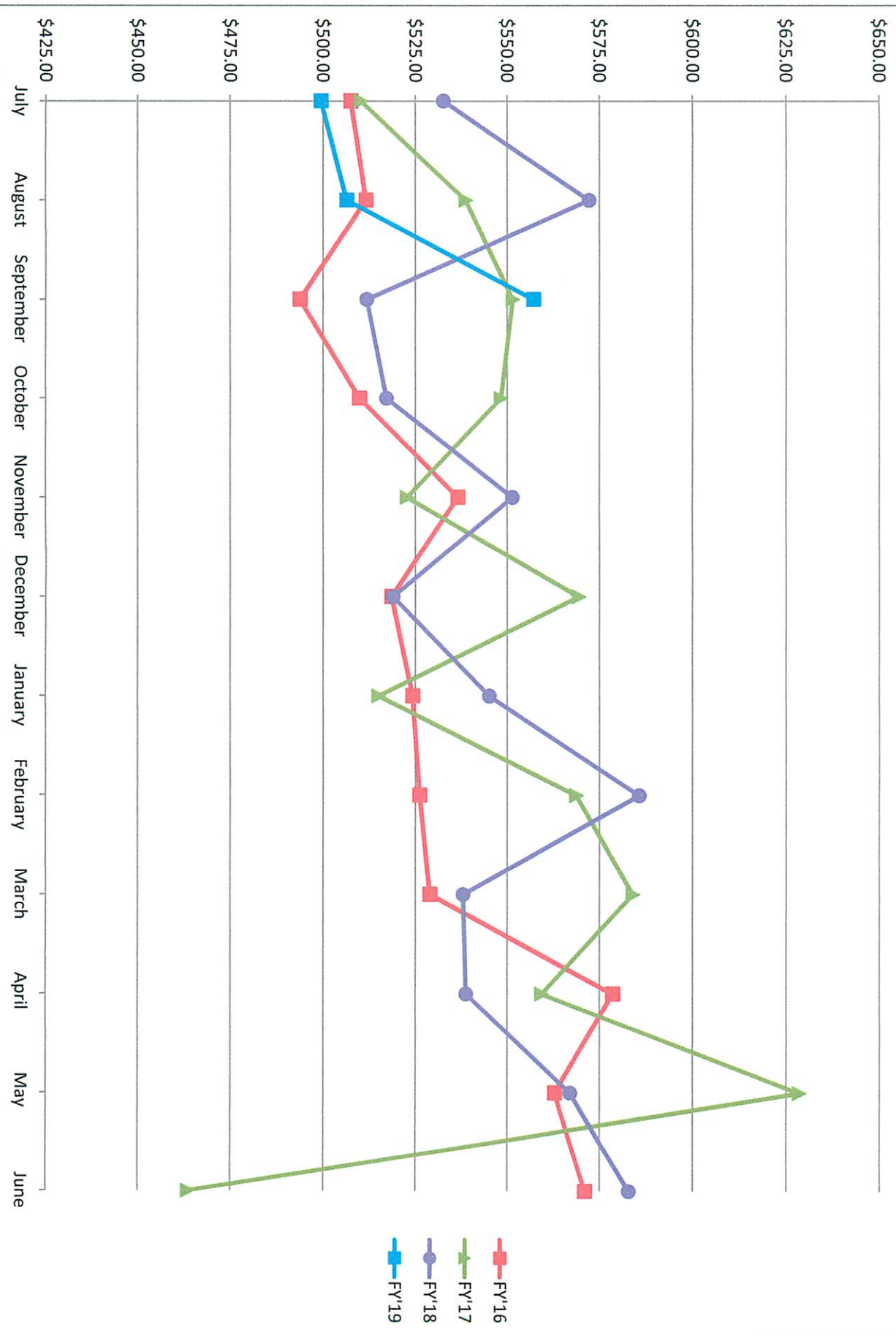
Submitted Voucher Amount



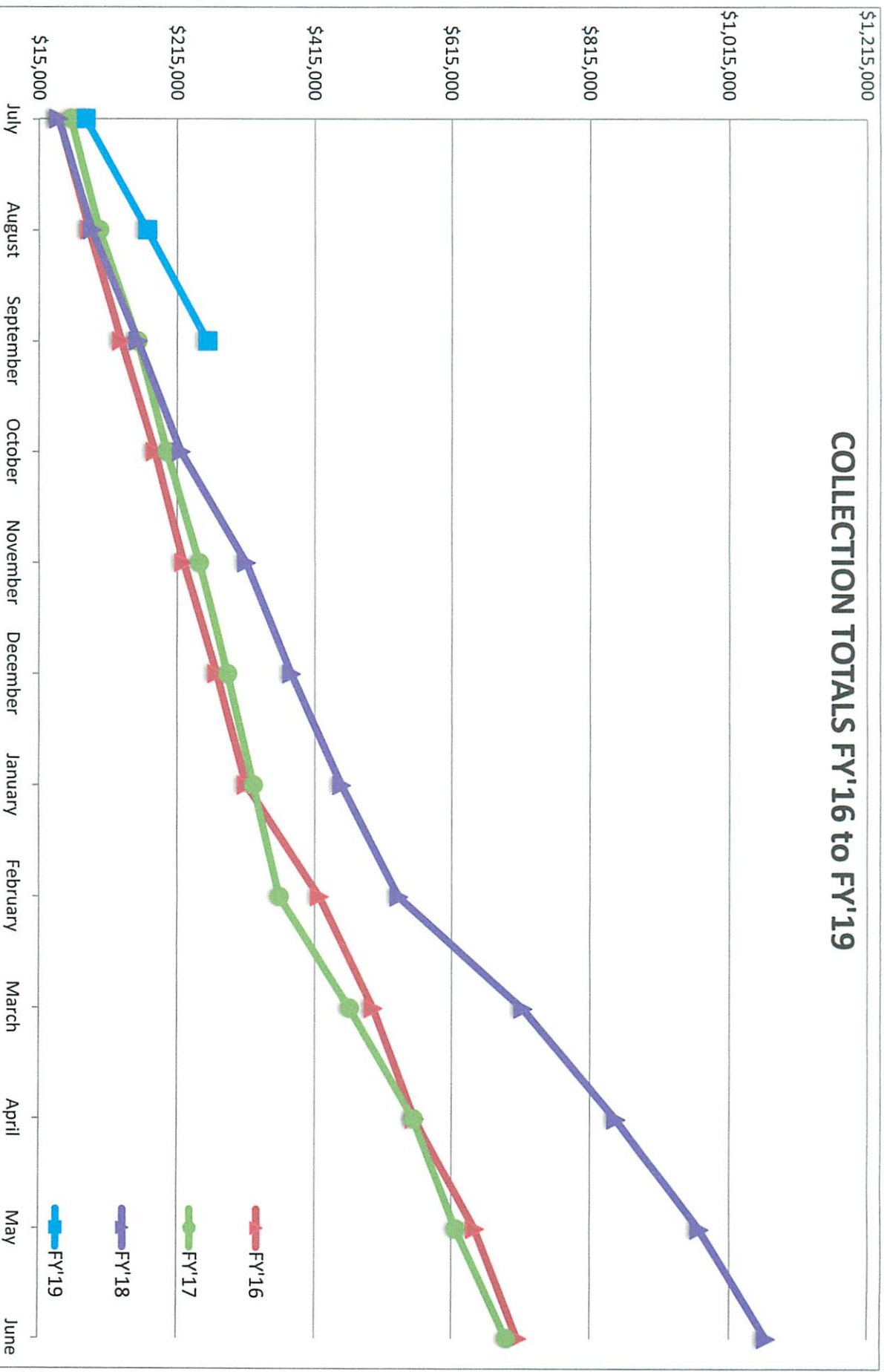
Average Voucher Price Fiscal Year to Date



Monthly Price Per Voucher



COLLECTION TOTALS FY'16 to FY'19



(3.)

Fee Schedule Rule Discussion

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: FEE SCHEDULE RULE
DATE: OCTOBER 9, 2018

At its last meeting, the Commission reviewed alternative drafts prepared by Chair Carey with potential changes to the fee schedule rule. The discussion focused primarily on the appropriate level for the "fee caps" set forth in the rule and the appropriate procedure for approving vouchers that are over the "cap." The Commission requested additional information breaking down vouchers subject to the various fee caps by percentile amount. Attached is the requested breakdown, which was provided to the Commissioners for review on October 4, 2018.

It is expected that the Commission will continue its discussion of these issues.

Probation Violation - Cap \$540

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

Post-Conviction Review - Cap \$1,200

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

Juvenile - Cap \$540

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

Child Protection Petition - Cap \$900

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

	Appeal - Cap \$1,200		
	FY16	FY17	FY18
Number of Vouchers Paid	301	271	292
Number Exceeding the Cap	117	113	134
Percentage Exceeding the Cap	38.87%	41.70%	45.89%
95th Percentile Amount	\$ 3,579.00	\$ 4,818.00	\$ 4,476.00
90th Percentile Amount	\$ 2,770.00	\$ 3,529.00	\$ 3,130.00
85th Percentile Amount	\$ 2,375.00	\$ 2,868.00	\$ 2,604.00
80th Percentile Amount	\$ 1,975.00	\$ 2,256.00	\$ 2,148.00
Median Voucher Amount	\$ 955.50	\$ 967.98	\$ 1,128.00
Mean Voucher Amount	\$ 1,386.74	\$ 1,623.93	\$ 1,510.94

	Murder - No Cap		
	FY16	FY17	FY18
Number of Vouchers Paid	62	52	56
Number Exceeding the Cap	N/A	N/A	N/A
Percentage Exceeding the Cap	NA	N/A	N/A
95th Percentile Amount	\$ 17,477.90	\$ 17,180.82	\$ 24,678.80
90th Percentile Amount	\$ 11,417.48	\$ 14,550.00	\$ 17,200.34
85th Percentile Amount	\$ 8,567.60	\$ 12,615.39	\$ 16,896.00
80th Percentile Amount	\$ 5,954.36	\$ 8,482.79	\$ 15,537.16
Median Voucher Amount	\$ 3,060.00	\$ 3,890.00	\$ 5,474.08
Mean Voucher Amount	\$ 4,938.23	\$ 5,363.10	\$ 9,429.93

Class A - Cap \$3,000

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

Class B/C Person - Cap 2,250

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

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

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

MISDEMEANOR - Cap \$750

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

(4.)

Sixth Amendment Center

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: SIXTH AMENDMENT CENTER UPDATE
DATE: OCTOBER 11, 2018

During September, Nancy Bennett of the Sixth Amendment Center contacted the staff for assistance setting up a phone conference with Phil Mohlar, Esq., the representative attorney for the Somerset County project. Other than that, the staff has not heard from the Sixth Amendment Center or received feedback on their activities.

I have reached out to the Six Amendment Center for an update on their activities and progress. To date, I have not had a response. I will provide an update should I hear from them prior to the meeting on the 16th.

(5.)

Resource Counsel Update

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: RESOURCE COUNSEL UPDATE
DATE: OCTOBER 9, 2018

During September, the Commission began receiving and paying vouchers for work done by resource counsel. The number of vouchers is reflected on the September Activity Report by Case Type.

Central office staff has continued to receive feedback that attorneys are making use of the mentoring resource provided by the resource counsel program. Moreover, several resource counsel have brought issues related to attorney performance to the staff's attention seeking guidance on how to proceed. At staff's direction, plans have been put in place to address and monitor such issues.

In sum, the program appears to be working as intended. Issues are coming to the staff's attention more promptly and there is now a local resource to address the issues and monitor the situation over time. It looks like having "eyes and ears" in courthouses around the state and experienced counsel ready to address issues on an ongoing basis will, as intended, greatly enhance the Commission's ability to monitor and improve attorney performance.