

MCILS

**September 15, 2017
Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

SEPTEMBER 15, 2017

COMMISSION MEETING

JUDICIARY COMMITTEE ROOM, ROOM 438, STATEHOUSE, AUGUSTA

AGENDA

- 1) Approval of August 8, 2017 Commission Meeting Minutes
- 2) Operations Reports
- 3) Action Items Discussion
- 4) Public Comment
- 5) Set Date, Time and Location of Next Regular Meeting of the Commission
- 6) Executive Session, if needed (Closed to Public)

(1.)
August 8, 2017
Commission Meeting
Minutes

**Maine Commission on Indigent Legal Services – Commissioners Meeting
August 8, 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 June 9, 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	<p>Since no July meeting was held, Director Pelletier presented both the June and July 2017 Operations Reports.</p> <p><u>June 2017 Operations Report:</u> 2,097 new cases were opened in the DefenderData system in June. This was a 7 case decrease from May. The number of submitted vouchers in June was 2,313, an increase of 321 vouchers over May, totaling \$1,234,964, an increase of \$141,000 over May. In June, the Commission paid 166 vouchers totaling \$76,960, a decrease of 1,584 vouchers and \$1,022,000 from May. The large decrease in vouchers paid was the result of the FY'17 budget shortfall. The average price per voucher was \$463.62, down \$164.97 per voucher from May. Appeal and Termination of Parental Rights cases had the highest average vouchers. There were no vouchers exceeding \$5,000 paid in June. The monthly transfer from the Judicial Branch for counsel fees for June, which reflects May's collections, totaled \$73,595, up approximately \$12,000 from the previous month. Director Pelletier noted that collections during the past several months have caused overall totals to catch up close to where we were at the same time last year. Chair Carey remarked the year-to-date voucher average of \$554 was a pretty good number considering the hourly rate increase.</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p><u>July 2017 Operations Report:</u> 2,091 new cases were opened in the DefenderData system in July. This was a 6 case decrease from June. The number of submitted vouchers in July was 2,587, an increase of 274 vouchers from June, totaling \$1,479,530, an increase of \$245,000 from June. In July, the Commission paid 5,160 vouchers totaling \$2,749,134, an increase of 4,994 vouchers and \$2,673,000 over June. This sharp increase was the result of paying off the FY'17 budget shortfall amount. The average price per voucher was \$532.68, up \$69.06 per voucher over June. Appeal and Post-Conviction Review cases had the highest average vouchers. There were 20 vouchers exceeding \$5,000 paid in July. 88 authorizations to expend funds were issued in July and we paid \$144,315 for experts and investigators, etc. Of that amount, \$78,767 was carried over from FY'17 due to the budget shortfall. Director Pelletier noted that the amount expended for July on experts and investigators, etc., was high since we normally average about \$250,000 per quarter for non-counsel indigent legal services. The monthly transfer from the Judicial Branch for counsel fees for July, which reflects June's collections, totaled \$43,709, down approximately \$30,000 from June. Director Pelletier indicated that collection totals have returned to non-tax offset amounts and are in line with other July totals from previous years. Director Pelletier noted that the statutory change in bail priority had gone into effect and that there was evidence that the Judicial Branch got the word out to court staff about the new priority for counsel fees.</p> <p>A short discussion ensued about whether homicide cases should be a stand-alone category and excluded from the felony case type cost averages. Director Pelletier will gather homicide voucher data from FY'16 for the Commissioners to review and discuss at the September meeting.</p>	
Training Update	Director Pelletier updated the Commissioners on the Fall training schedule, which includes: a full day Protective Custody training with two out-of-state speakers; video replays of OUI and DV trainings for attorneys needing to satisfy the specialized panel training requirements; video replay in Presque Isle of a juvenile law training that was sponsored by the John T. Gorman Foundation; and a live juvenile training to	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>be held in conjunction with the MSBA at the Bridging the Gap program.</p> <p>Commissioner Logan inquired about what happens when people aren't able to attend training opportunities. Director Pelletier said that self-study credit was allowed, but not for minimum standards. He noted that most trainings are videotaped, but that replay opportunities were limited due to staff resources. Director Pelletier sought Commissioner input on whether to pursue an RFP for a service to make our training catalog available online. The Commissioners all agreed that this should be pursued.</p>	
Budget Update	<p>Director Pelletier reviewed the Commission's FY'18-'19 budget. For FY'18, the baseline budget is \$18.3 million, equal to the All Other appropriation for FY'16. Staff positions and our Other Special Revenue accounts were also included. The All Other budget included \$2.8 million to cover the FY'17 costs that were pushed into FY'18. For FY'19, the All Other budget is \$18.3 million and staffing funds were also included. These funds were placed in an Other Special Revenue account (OSR). Director Pelletier was informed by the Office of Program and Fiscal Review that these funds are available without further legislative action. The budget also included statute changes and created a legislative working group to review Commission operations and report back to the Legislature before the next session.</p> <p>Director Pelletier identified two problems with the FY'19 budget for the Commissioners to consider: (1) if the funds remain in an OSR account throughout FY'19, our baseline budget will be \$0.00 for the next budget cycle; and (2) in creating the OSR account, the Legislature failed to include an additional amount for our regular OSR account to cover training and counsel fee reimbursements.</p> <p>Director Pelletier indicated that by the end of FY'19, the Commission's all other budget will have been flat funded for four years in a row at approximately \$18.3 million. Director Pelletier noted that the \$2.8 million shortfall appears to not have fully materialized and that the Commission is on track to meet its budget target. Chair Carey cautioned that attorneys might still be catching up on outstanding billing</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>so an increase might be forthcoming. Director Pelletier agreed, stating that in fact July submissions were \$400,000 ahead of normal submissions for July.</p> <p>The Commissioner went through the statutory changes in Part UUUU of the budget and identified what items the Commission is already doing and what needs to be addressed.</p>	
Action Items Discussion	The Commissioners reviewed the list of potential action items for them to prioritize to allow for more detailed discussions at future meetings. They unanimously agreed that the top two priorities for the next meeting should be cost containment and any statute changes.	
Public Comment	<u>Robert J. Ruffner, Esq.</u> : Attorney Ruffner expressed his displeasure with the Commission's response to the government shutdown and thought that this action undermined the work of the Commission and the staff.	
Executive Session	The Commissioners entered into executive session to discuss a personnel matter. Upon emerging from executive session, the Commissioners stated that no votes were taken.	
Adjournment of meeting	The Commission voted to adjourn with the next meeting to be on September 15, 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: AUGUST 2017 OPERATIONS REPORTS
DATE: SEPTEMBER 5, 2017

Attached you will find the August, 2017, Operations Reports for your review and our discussion at the Commission meeting on September 15, 2017. A summary of the operations reports follows:

- 2,261 new cases were opened in the DefenderData system in August. This was a 170 case increase over July.
- The number of vouchers submitted electronically in August was 2,296, a decrease of 291 vouchers from July, totaling \$1,311,011.59, a decrease of \$168,000 from July. In August, we paid 2,711 electronic vouchers totaling \$1,551,473.17, representing a decrease of 2,449 vouchers and \$1,198,000 compared to July. The large decreases in vouchers paid were the result of having paid a large carry-over amount in July as a result of the FY'17 budget shortfall.
- There were no paper vouchers submitted and paid in August.
- The average price per voucher in August was \$572.29, up \$39.61 per voucher over July.
- Appeal and Post-Conviction Review cases had the highest average vouchers in August. There were 16 vouchers exceeding \$5,000 paid in August. See attached addendum for details.
- Per your request, I have attached a spreadsheet containing data on Homicide vouchers paid during FY'17.
- In August, we issued 124 authorizations to expend funds: 85 for private investigators, 29 for experts, and 10 for miscellaneous services such as interpreters and transcriptionists. In August, we paid \$80,483.43 for experts and investigators, etc.
- In August, we fielded two complaints about assigned counsel. One complaint expressed concerns about an attorney's performance at an LOD session. This complaint is under active investigation. The other complaint came from a friend of a client who was displeased with being barred from the attorney's conference with the client and felt the attorney behaved in a rude manner. This person was asked to put the complaint in writing so it could be investigated, but the complainant failed to do so.

In our All Other Account, the total expenses for the month of August were \$1,668,718.69. Of that amount, less than \$14,000 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$52,363.61 in expenses for the month of August.

In the Revenue Account, the August transfer of collected revenue, reflecting July's collections, totaled \$48,375.11, up \$5,000.00 from the previous month.

In our Conference Account, we paid costs associated with a training meeting for our financial screeners and collected registration fees for an upcoming child protective training. The account balance stands at \$17,520.53.

VOUCHERS EXCEEDING \$5,000 PAID AUGUST 2017

Double murder case. Defendant pled guilty on eve of trial. Bangor case with Defendant housed in Warren, increasing consultation and trial prep costs.	\$18,926
Murder case. Client pled guilty to manslaughter followed by contested sentencing. Case lasted over 36 months.	\$16,899
Double murder case. Crime scene investigation and analysis lead to pleas to manslaughter with a 10-year cap. Contested sentencing.	\$15,321
Murder case. Client found guilty after 8 day trial.	\$14,827
Double Murder/Arson case. Plea and contested sentencing. Case lasted 28 months. Voucher for co-counsel in same firm.	\$14,713
Interim voucher in 4-county burglary/theft case. 17 hours of pretrial hearings on suppression (Franks) and discovery issues followed by written memorandum.	\$10,233
Interim voucher in murder case with three co-defendants. Client plead guilty to felony murder with sentencing postponed until after trial of principal defendant.	\$10,192
Securities fraud case with 13,000 pages of discovery. Client plead guilty, but counsel's work on sentencing produced a favorable sentence.	\$9,900
Appeal from gross sexual assault conviction. Complicated confrontation clause and discovery violation issues. Conviction affirmed.	\$8,406
Murder case. Client found guilty after 5-day trial.	\$8,268
Class A drug trafficking case with fully litigated, complicated suppression issues. Defendant then retained counsel on eve of trial.	\$7,448
Gross sexual assault case. Client found not guilty after a 3-day trial	\$7,188
Class A drug trafficking case. Client pled guilty and counsel prepared a 15-page sentencing memo. Client then sought to withdraw guilty plea on grounds that forced counsel to withdraw.	\$6,825
Child protective case with 4 day jeopardy hearing over the course of 2 months. Alleged jeopardy involved criminal allegations. Out-of-state law enforcement called to testify. New issues arose mid-trial regarding placement and discovery.	\$6,321
Appeal from a termination of parental rights order. New counsel on appeal. Issues required detailed factual analysis and discussion.	\$5,952
Attempted aggravated assault and criminal threatening with a weapon charges. Client found not guilty after 2-day trial.	\$5,581

FY'17 Homicide Vouchers

Murder			
85		\$ 477,483.00	
8		\$ 47,517.00	
Felony Murder			
5		\$ 42,381.00	
Aggravated Attempted Murder			
13		\$ 20,332.00	
4		\$ 3,004.00	
Attempted Murder			
13		\$ 27,534.00	
Manslaughter			
5		\$ 36,937.00	
8		\$ 25,168.00	
Total Number		Total Amount	Average
141		\$ 680,356.00	\$ 4,825.22

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

8/31/2017

DefenderData Case Type	Aug-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	28	\$ 47,250.09	31	\$ 51,919.64	\$ 1,674.83	31	71	\$ 111,777.04	\$ 1,574.32
Child Protection Petition	185	309	\$ 206,980.91	392	\$ 255,932.20	\$ 652.89	337	1,040	\$ 653,524.39	\$ 628.39
Drug Court	0	3	\$ 3,246.00	4	\$ 3,702.00	\$ 925.50	2	20	\$ 16,280.00	\$ 814.00
Emancipation	11	13	\$ 5,391.44	15	\$ 5,528.44	\$ 368.56	20	27	\$ 11,228.24	\$ 415.86
Felony	492	544	\$ 489,168.84	627	\$ 596,642.34	\$ 951.58	943	1,810	\$ 1,615,596.19	\$ 892.59
Involuntary Civil Commitment	92	80	\$ 19,528.19	85	\$ 19,488.81	\$ 229.28	184	229	\$ 51,460.55	\$ 224.72
Juvenile	70	85	\$ 36,167.20	92	\$ 37,999.12	\$ 413.03	141	220	\$ 92,892.54	\$ 422.24
Lawyer of the Day - Custody	214	194	\$ 46,877.28	237	\$ 53,058.08	\$ 223.87	427	720	\$ 165,646.91	\$ 230.07
Lawyer of the Day - Juvenile	45	43	\$ 7,866.92	43	\$ 7,559.01	\$ 175.79	83	139	\$ 25,728.73	\$ 185.10
Lawyer of the Day - Walk-in	106	93	\$ 22,174.08	102	\$ 24,017.40	\$ 235.46	203	339	\$ 77,418.68	\$ 228.37
Misdemeanor	798	577	\$ 236,020.69	710	\$ 287,338.94	\$ 404.70	1,535	2,127	\$ 877,132.57	\$ 412.38
Petition, Modified Release Treatment	3	3	\$ 823.76	4	\$ 1,060.40	\$ 265.10	3	17	\$ 5,962.39	\$ 350.73
Petition, Release or Discharge	0	0		2	\$ 493.10	\$ 246.55	0	5	\$ 2,361.20	\$ 472.24
Petition, Termination of Parental Rights	13	53	\$ 46,650.77	59	\$ 47,988.84	\$ 813.37	29	145	\$ 115,298.06	\$ 795.16
Post Conviction Review	6	8	\$ 14,992.77	9	\$ 17,934.78	\$ 1,992.75	9	16	\$ 31,798.08	\$ 1,987.38
Probate	3	1	\$ 876.00	0			5	0		
Probation Violation	178	147	\$ 59,642.33	159	\$ 61,048.96	\$ 383.96	327	508	\$ 205,425.36	\$ 404.38
Represent Witness on 5th Amendment	0	1	\$ 294.00	3	\$ 1,515.04	\$ 505.01	3	12	\$ 4,448.28	\$ 370.69
Review of Child Protection Order	32	111	\$ 66,166.32	134	\$ 77,244.07	\$ 576.45	62	421	\$ 234,798.39	\$ 557.72
Revocation of Administrative Release	0	3	\$ 894.00	3	\$ 1,002.00	\$ 334.00	2	5	\$ 1,830.00	\$ 366.00
DefenderData Sub-Total	2,261	2,296	\$ 1,311,011.59	2,711	\$ 1,551,473.17	\$ 572.29	4,346	7,871	\$ 4,300,607.60	\$ 546.39
Paper Voucher Sub-Total	0	0	\$ -	0	\$ -	#DIV/0!	3	3	\$ 1,086.00	\$ 362.00
TOTAL	2,261	2,296	\$1,311,011.59	2,711	\$1,551,473.17	\$ 572.29	4,349	7,874	\$ 4,301,693.60	\$ 546.32

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY18 FUND ACCOUNTING

AS OF 08/31/2017

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	\$ -	6	\$ -	9	\$ -	12	\$ -	\$ -
Encumbrances (Somerset PDP & Justice Works)		\$ (292,288.50)		\$ -		\$ -		\$ -	\$ (292,288.50)
Encumbrances (Barbara Taylor, envelopes)		\$ (17,333.36)				\$ -		\$ -	\$ (17,333.36)
TOTAL REMAINING		\$ 2,269,295.89		\$ 4,392,001.00		\$ 4,746,575.00		\$ 4,940,227.00	\$ 16,348,098.89

Q1 Month 2

INDIGENT LEGAL SERVICES

Counsel Payments	\$ (1,551,473.17)
Somerset County	\$ (23,302.50)
Subpoena Witness Fees	\$ -
Private Investigators	\$ (23,948.67)
Mental Health Expert	\$ (14,550.00)
Transcripts	\$ (25,146.08)
Other Expert	\$ (13,804.78)
Lodging & Meals for trial	\$ (549.56)
Process Servers	\$ (319.34)
Interpreters	\$ (268.50)
Misc Prof Fees & Serv	\$ (1,896.50)
SUB-TOTAL ILS	\$ (1,655,259.10)

OPERATING EXPENSES

Service Center	\$ (773.75)
DefenderData	\$ (5,195.00)
Risk Management Insurances	\$ (1,654.40)
Mileage/Tolls/Parking	\$ (856.37)
Mailing/Postage/Freight	\$ (30.56)
West Publishing Corp	\$ -
Annual Report Print Cost	\$ -
Office Supplies/Equip.	\$ (235.86)
Cellular Phones	\$ (121.27)
Subscriptions	\$ -
Office Equipment Rental	\$ (109.05)
Eyeglasses reimbursement	\$ (150.00)
Barbara Taylor monthly fees	\$ (4,333.33)
SUB-TOTAL OE	\$ (13,459.59)
TOTAL	\$ (1,668,718.69)

INDIGENT LEGAL SERVICES

Q1 Allotment	\$ 7,176,361.02
Q1 Encumbrances for Somerset PDP & Justice Works contracts	\$ (292,288.50)
Barbara Taylor Contract, envelopes	\$ (17,333.36)
Q1 Expenses to date	\$ (4,597,443.27)
Remaining Q1 Allotment	\$ 2,269,295.89

Non-Counsel Indigent Legal Services

Monthly Total	\$ (80,483.43)
Total Q1	\$ (224,798.56)
Total Q2	\$ -
Total Q3	\$ -
Total Q4	\$ -
Fiscal Year Total	\$ (224,798.56)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY18 FUND ACCOUNTING
As of 08/31/17

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	\$ -	6	\$ -	9	\$ -	12	\$ -	
Returned Checks-stopped payments		\$ -		\$ -		\$ -		\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 95,046.43		\$ -		\$ -		\$ -	\$ 95,046.43
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		\$ 184,125.00		\$ 184,124.00		\$ 184,124.00		\$ 184,124.00	\$ 736,497.00
Overpayment Reimbursements	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
	2	\$ (183.00)	5	\$ -	8	\$ -	11	\$ -	
	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
REMAINING CASH Year to Date		\$ 94,863.43		\$ -		\$ -		\$ -	\$ 94,863.43

Q1 Month 2	
DEFENDER DATA COUNSEL PAYMENTS	
	\$ -
SUB-TOTAL ILS	\$ -
OVERPAYMENT REIMBURSEMENTS	\$ (183.00)
Paper Voucher	\$ -
Somerset County CDs	\$ -
Private Investigators	\$ -
Mental Health Expert	\$ -
Transcripts	\$ -
Other Expert	\$ -
StaCap Expense	\$ -
SUB-TOTAL OE	\$ (183.00)
TOTAL	\$ (183.00)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY18 FUND ACCOUNTING
AS OF 08/31/2017

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 \$	-	6 \$	-	9 \$	-	12 \$	-	
TOTAL REMAINING	\$	90,310.10	\$	216,894.00	\$	191,873.00	\$	184,672.00	\$ 683,749.10

Q1 Month 2	
Per Diem Payments	\$ (165.00)
Salary	\$ (24,929.25)
Vacation Pay	\$ (2,245.64)
Holiday Pay	\$ -
Sick Pay	\$ (636.80)
Employee Hlth Svs/Workers Comp	\$ -
Health Insurance	\$ (9,024.08)
Dental Insurance	\$ (249.48)
Employer Retiree Health	\$ (3,317.96)
Employer Retirement	\$ (1,916.06)
Employer Group Life	\$ (279.30)
Employer Medicare	\$ (410.35)
Retiree Unfunded Liability	\$ (6,079.25)
Retro Pymt	\$ -
Perm Part Time Full Ben	\$ (3,110.44)
TOTAL	\$ (52,363.61)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY18 FUND ACCOUNTING
As of 08/31/17

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	\$ -	6	\$ -	9	\$ -	12	\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 19,192.80		\$ -		\$ -		\$ -	\$ 4,250.00
Total Expenses	1	\$ (1,559.99)	4	\$ -	7	\$ -	10	\$ -	
	2	\$ (112.28)	5	\$ -	8	\$ -	11	\$ -	
	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Encumbrances		\$ (8,000.00)		\$ -		\$ -		\$ -	\$ (8,000.00)
REMAINING ALLOTMENT		\$ 10,827.73		\$ 15,000.00		\$ 15,000.00		\$ 12,000.00	\$ 52,827.73
REMAINING CASH Year to Date		\$ 17,520.53		\$ -		\$ -		\$ -	\$ 17,520.53

Q1 Month 1	
Training Manuals Printing	\$ -
Training Refreshments/Meals	\$ (90.19)
Media Northeast	\$ -
Training Facility Fees	\$ -
Office Supplies	\$ -
State Cap Expense posted 7/6/17	\$ -
State Cap Expense	\$ (22.09)
TOTAL	\$ (112.28)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

8/31/2017

Aug-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	6	23	\$ 33,477.92	23	\$ 32,006.11	\$ 1,391.57	14	86	\$ 75,438.82	\$ 877.20
AUBSC	12	12	\$ 23,016.83	15	\$ 27,991.11	\$ 1,866.07	22	52	\$ 70,410.64	\$ 1,354.05
AUGDC	36	45	\$ 22,516.17	66	\$ 31,039.89	\$ 470.30	86	212	\$ 93,881.99	\$ 442.84
AUGSC	20	31	\$ 13,561.76	36	\$ 16,907.24	\$ 469.65	45	112	\$ 52,906.08	\$ 472.38
BANDC	51	69	\$ 30,254.68	89	\$ 35,184.36	\$ 395.33	113	269	\$ 93,511.43	\$ 347.63
BANSC	3	2	\$ 1,133.00	2	\$ 1,097.00	\$ 548.50	4	6	\$ 2,729.06	\$ 454.84
BATSC	2	1	\$ 321.00	1	\$ 150.00	\$ 150.00	2	3	\$ 1,183.00	\$ 394.33
BELDC	11	11	\$ 6,459.96	24	\$ 15,887.11	\$ 661.96	22	56	\$ 32,779.17	\$ 585.34
BELSC	0	1	\$ 1,026.00	1	\$ 1,026.00	\$ 1,026.00	0	5	\$ 3,882.40	\$ 776.48
BIDDC	36	84	\$ 38,843.68	90	\$ 45,613.56	\$ 506.82	96	256	\$ 140,191.58	\$ 547.62
BRIDC	18	19	\$ 13,513.02	24	\$ 15,865.58	\$ 661.07	26	54	\$ 30,224.62	\$ 559.72
CALDC	8	16	\$ 6,476.24	19	\$ 8,111.36	\$ 426.91	11	33	\$ 20,451.92	\$ 619.76
CARDC	7	19	\$ 4,405.52	14	\$ 5,011.22	\$ 357.94	16	37	\$ 22,467.41	\$ 607.23
CARSC	1	6	\$ 1,809.60	7	\$ 25,064.71	\$ 3,580.67	16	40	\$ 42,800.22	\$ 1,070.01
DOVDC	8	10	\$ 3,258.00	8	\$ 2,970.00	\$ 371.25	11	28	\$ 8,460.00	\$ 302.14
DOVSC	0	1	\$ 300.00	1	\$ 300.00	\$ 300.00	0	2	\$ 324.00	\$ 162.00
ELLDC	18	13	\$ 7,890.00	28	\$ 16,149.00	\$ 576.75	30	75	\$ 38,400.00	\$ 512.00
ELLSC	1	0		0			2	8	\$ 1,536.00	\$ 192.00
FARDC	11	13	\$ 7,831.52	17	\$ 7,546.00	\$ 443.88	25	44	\$ 22,683.65	\$ 515.54
FARSC	1	0		0			2	3	\$ 1,739.28	\$ 579.76
FORDC	3	6	\$ 1,927.92	6	\$ 1,927.92	\$ 321.32	6	14	\$ 6,760.95	\$ 482.93
HOUDC	26	29	\$ 13,704.78	28	\$ 12,935.82	\$ 461.99	58	83	\$ 36,250.95	\$ 436.76
HOUSC	1	1	\$ 575.80	3	\$ 1,424.16	\$ 474.72	1	4	\$ 2,424.20	\$ 606.05
LEWDC	63	68	\$ 28,941.88	110	\$ 43,847.40	\$ 398.61	117	293	\$ 118,860.80	\$ 405.67
LINDC	19	15	\$ 8,452.00	15	\$ 8,542.00	\$ 569.47	26	40	\$ 19,645.08	\$ 491.13
MACDC	16	24	\$ 10,050.64	30	\$ 13,470.96	\$ 449.03	24	53	\$ 28,746.80	\$ 542.39
MACSC	2	0		0			5	3	\$ 6,094.80	\$ 2,031.60
MADDC	3	2	\$ 365.36	2	\$ 365.36	\$ 182.68	4	5	\$ 1,216.08	\$ 243.22
MILDC	4	1	\$ 462.00	1	\$ 420.00	\$ 420.00	8	2	\$ 902.48	\$ 451.24
NEWDC	16	15	\$ 3,408.64	23	\$ 6,306.48	\$ 274.19	28	85	\$ 29,336.74	\$ 345.14
PORDC	99	110	\$ 58,183.90	123	\$ 64,272.07	\$ 522.54	174	303	\$ 152,390.43	\$ 502.94
PORSC	1	2	\$ 714.00	3	\$ 10,946.84	\$ 3,648.95	3	8	\$ 12,951.84	\$ 1,618.98
PREDC	10	27	\$ 16,219.92	30	\$ 21,523.98	\$ 717.47	22	105	\$ 60,845.51	\$ 579.48
RODC	23	15	\$ 5,956.56	31	\$ 16,064.76	\$ 518.22	42	73	\$ 35,013.00	\$ 479.63
ROCSC	2	3	\$ 1,378.16	4	\$ 6,148.16	\$ 1,537.04	3	9	\$ 11,449.10	\$ 1,272.12
RUMDC	7	13	\$ 7,297.40	4	\$ 642.00	\$ 160.50	17	29	\$ 12,070.20	\$ 416.21
SKODC	14	71	\$ 47,656.18	80	\$ 47,942.82	\$ 599.29	28	157	\$ 95,603.94	\$ 608.94
SKOSC	0	0		0			0	0		
SOUNDC	8	18	\$ 11,319.65	14	\$ 8,234.60	\$ 588.19	14	27	\$ 15,375.74	\$ 569.47
SOUNSC	1	4	\$ 1,386.00	5	\$ 3,884.15	\$ 776.83	4	21	\$ 16,316.79	\$ 776.99
SPRDC	42	55	\$ 31,014.40	49	\$ 28,942.44	\$ 590.66	83	184	\$ 107,661.06	\$ 585.11
Law Ct	10	21	\$ 35,090.25	23	\$ 39,220.89	\$ 1,705.26	24	49	\$ 90,779.11	\$ 1,852.63
YORCD	167	171	\$ 108,256.12	192	\$ 145,331.19	\$ 756.93	328	631	\$ 458,093.32	\$ 725.98
AROCD	109	92	\$ 47,750.12	100	\$ 55,949.53	\$ 559.50	222	284	\$ 164,651.57	\$ 579.76
ANDCD	162	99	\$ 61,001.60	114	\$ 63,567.89	\$ 557.61	293	347	\$ 183,329.69	\$ 528.33
KENCD	150	142	\$ 94,930.08	170	\$ 96,973.36	\$ 570.43	267	505	\$ 253,779.49	\$ 502.53
PENCD	214	190	\$ 99,617.30	224	\$ 117,342.64	\$ 523.85	396	713	\$ 346,550.71	\$ 486.05
SAGCD	57	24	\$ 11,035.80	28	\$ 12,937.88	\$ 462.07	83	91	\$ 46,579.66	\$ 511.86
WALCD	33	25	\$ 11,850.28	30	\$ 13,533.16	\$ 451.11	59	103	\$ 43,246.32	\$ 419.87
PISCD	16	17	\$ 7,232.82	20	\$ 4,632.00	\$ 231.60	36	63	\$ 12,297.76	\$ 195.20
HANCD	69	23	\$ 6,630.65	71	\$ 23,406.65	\$ 329.67	124	166	\$ 71,752.15	\$ 432.24
FRACD	48	41	\$ 21,422.04	45	\$ 22,877.80	\$ 508.40	99	132	\$ 73,050.17	\$ 553.41
WASCD	47	37	\$ 16,883.60	44	\$ 20,145.56	\$ 457.85	92	125	\$ 56,234.72	\$ 449.88
CUMCD	358	299	\$ 162,275.72	334	\$ 180,035.96	\$ 539.03	687	962	\$ 539,130.07	\$ 560.43
KNOCD	48	51	\$ 28,901.08	66	\$ 33,231.20	\$ 503.50	101	173	\$ 106,194.44	\$ 613.84
SOMCD	0	0		1	\$ 60.00	\$ 60.00	1	1	\$ 60.00	\$ 60.00
OXFCD	64	56	\$ 30,907.36	80	\$ 41,463.65	\$ 518.30	138	213	\$ 93,527.65	\$ 439.10
LINCD	47	51	\$ 41,175.46	48	\$ 34,452.32	\$ 717.76	78	132	\$ 77,656.11	\$ 588.30
WATDC	16	46	\$ 34,262.60	50	\$ 32,807.90	\$ 656.16	35	147	\$ 77,956.62	\$ 530.32
WESDC	18	33	\$ 15,176.11	25	\$ 14,301.30	\$ 572.05	43	77	\$ 31,539.28	\$ 409.60
WISDC	12	12	\$ 7,389.43	10	\$ 6,186.72	\$ 618.67	17	33	\$ 23,881.57	\$ 723.68
WISSC	0	2	\$ 574.72	3	\$ 3,867.28	\$ 1,289.09	1	8	\$ 5,489.00	\$ 686.13
YORDC	6	9	\$ 3,538.36	7	\$ 3,386.12	\$ 483.73	12	37	\$ 18,910.43	\$ 511.09
TOTAL	2,261	2,296	\$ 1,311,011.59	2,711	\$ 1,551,473.17	\$ 572.29	4,346	7,871	\$ 4,300,607.60	\$ 546.39

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

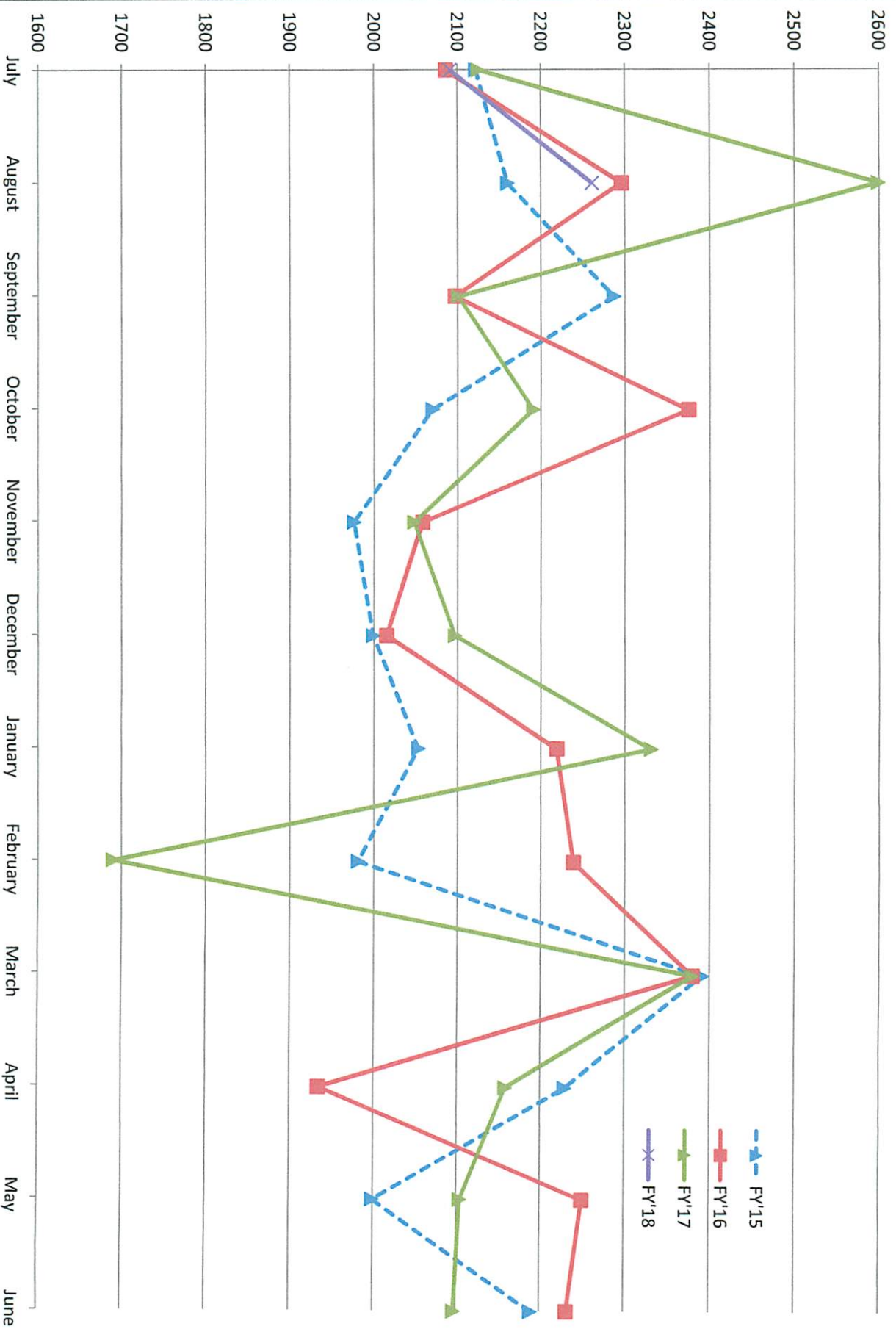
Number of Attorneys Rostered by Court

08/31/2017

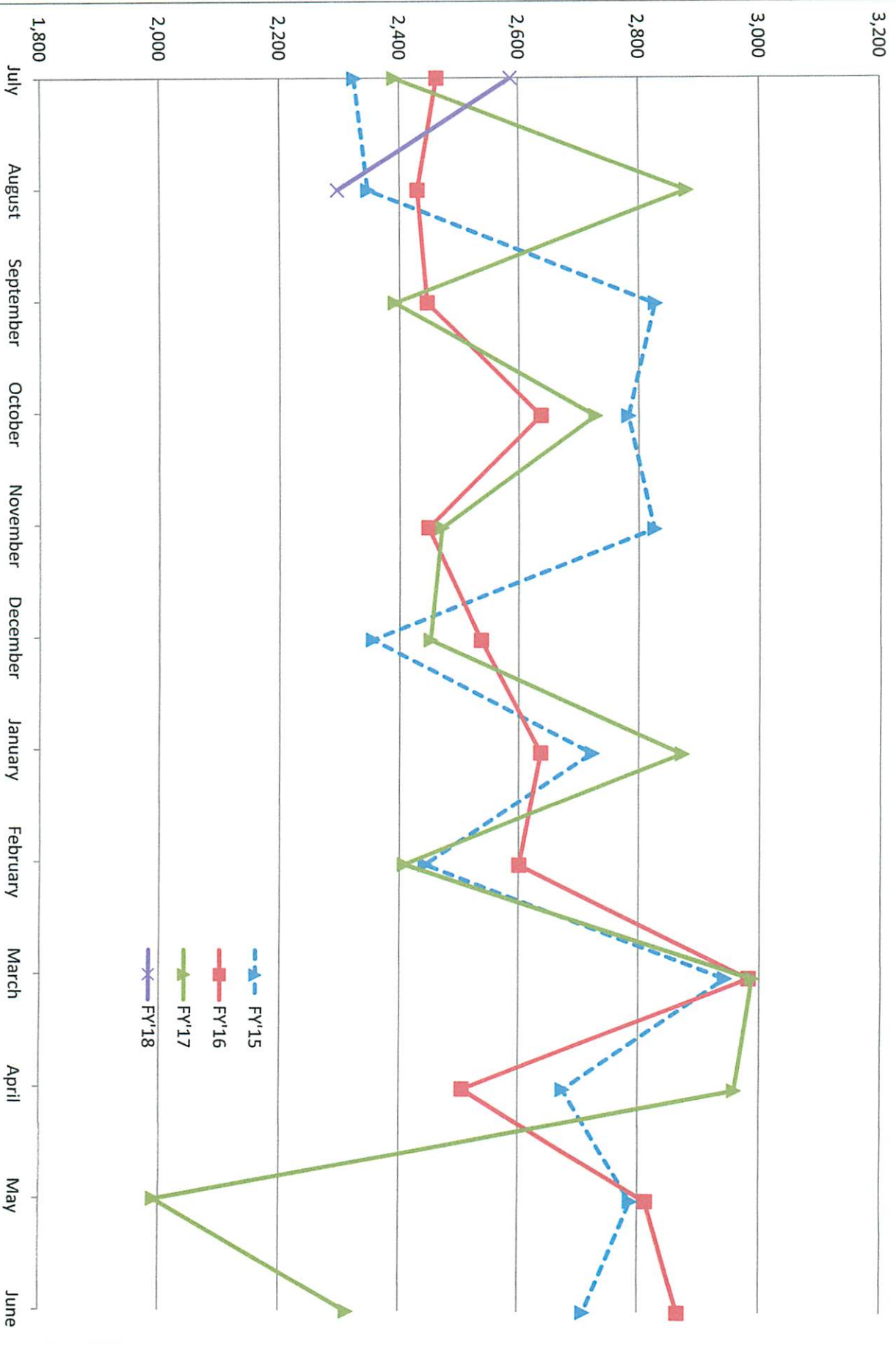
Court	Rostered Attorneys
Augusta District Court	98
Bangor District Court	50
Belfast District Court	51
Biddeford District Court	134
Bridgton District Court	98
Calais District Court	11
Caribou District Court	17
Dover-Foxcroft District Court	25
Ellsworth District Court	41
Farmington District Court	30
Fort Kent District Court	10
Houlton District Court	13
Lewiston District Court	125
Lincoln District Court	27
Machias District Court	17
Madawaska District Court	11
Millinocket District Court	20
Newport District Court	36
Portland District Court	158
Presque Isle District Court	14
Rockland District Court	41
Rumford District Court	27
Skowhegan District Court	24

Court	Rostered Attorneys
South Paris District Court	57
Springvale District Court	121
Unified Criminal Docket Alfred	114
Unified Criminal Docket Aroostook	23
Unified Criminal Docket Auburn	102
Unified Criminal Docket Augusta	88
Unified Criminal Docket Bangor	54
Unified Criminal Docket Bath	92
Unified Criminal Docket Belfast	49
Unified Criminal Docket Dover Foxcroft	22
Unified Criminal Docket Ellsworth	42
Unified Criminal Docket Farmington	33
Unified Criminal Docket Machias	17
Unified Criminal Docket Portland	152
Unified Criminal Docket Rockland	36
Unified Criminal Docket Skowhegan	18
Unified Criminal docket Soperth Paris	94
Unified Criminal Docket Wiscasset	58
Waterville District Court	49
West Bath District Court	112
Wiscasset District Court	63
York District Court	107

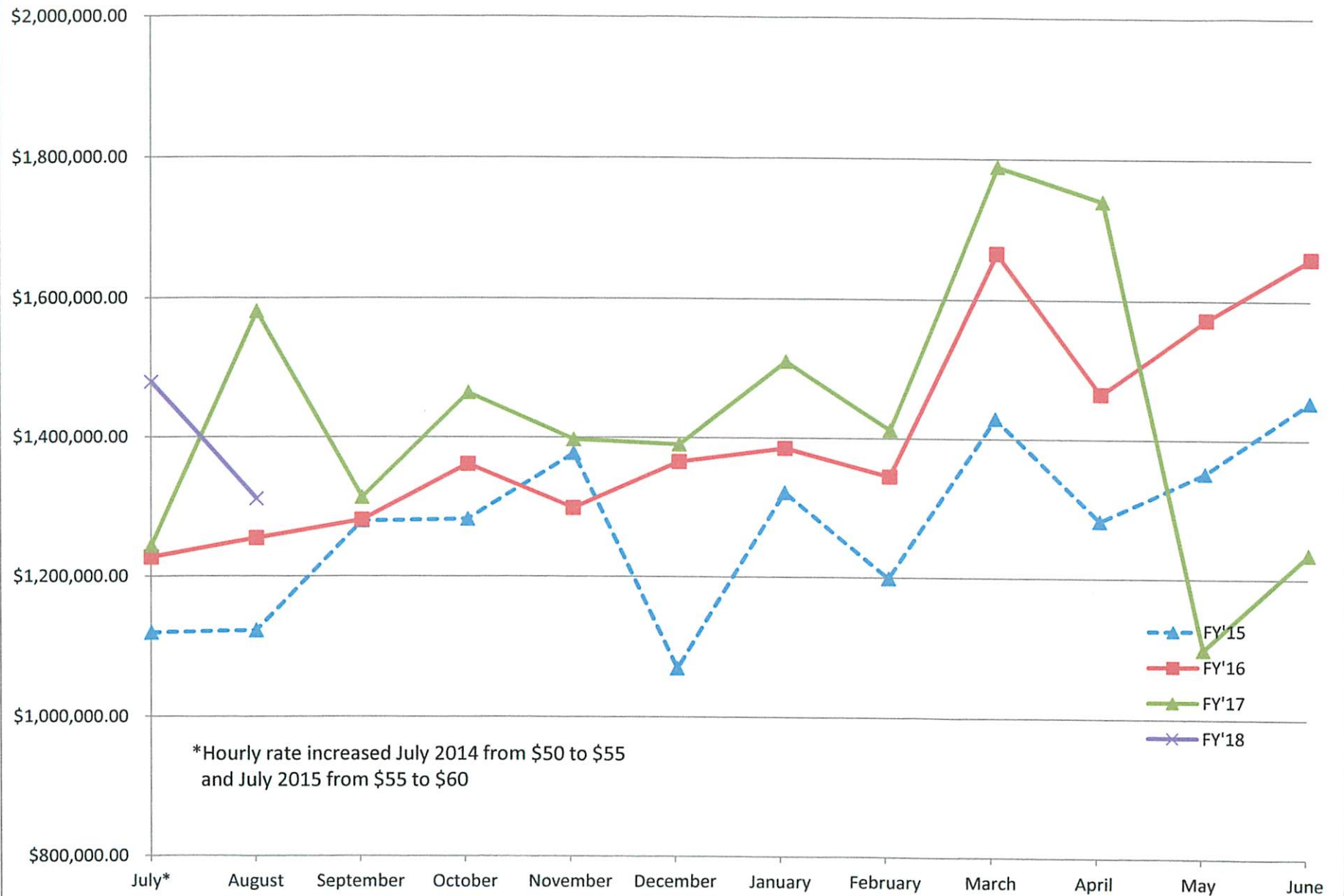
NEW CASES



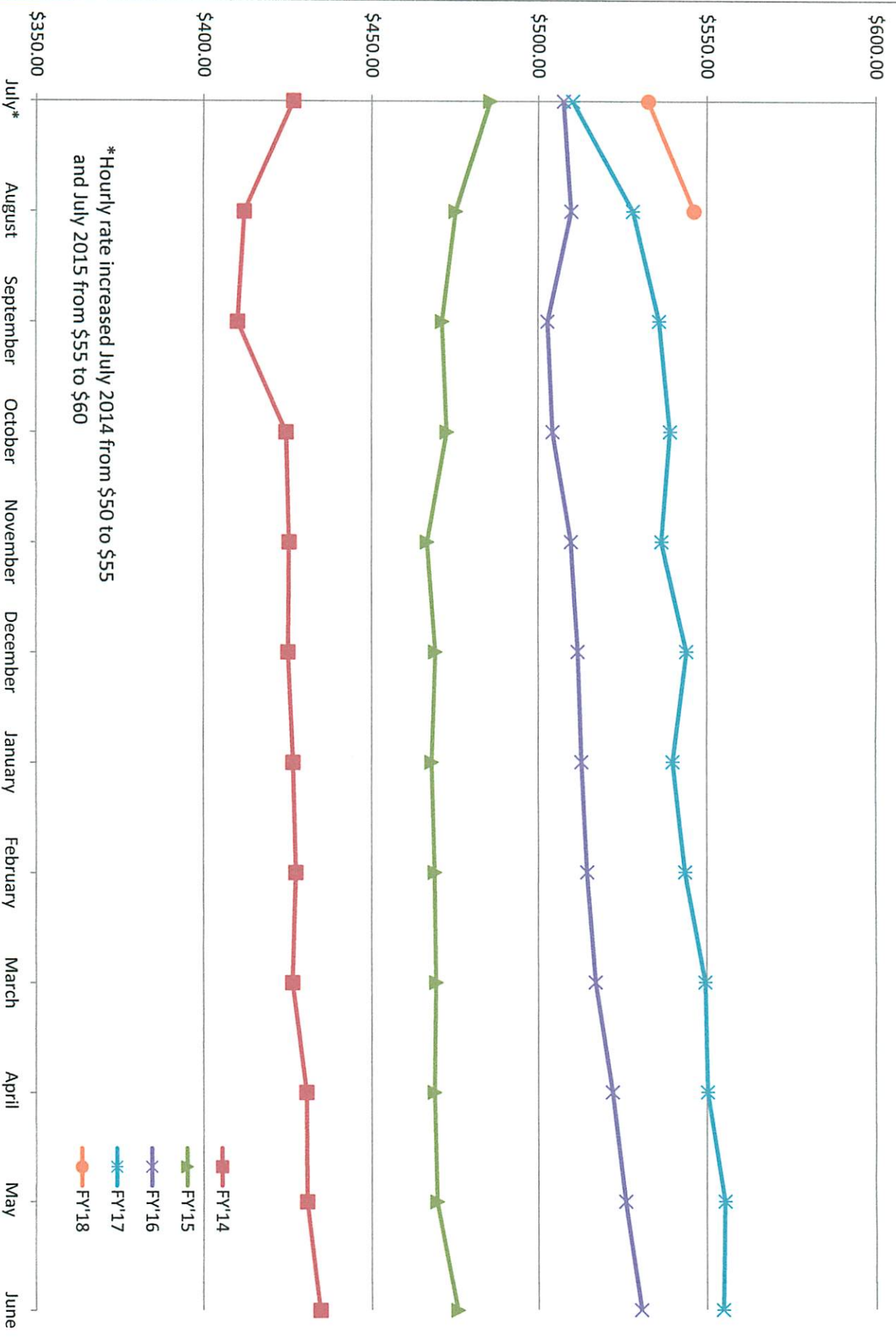
Submitted Vouchers



Submitted Voucher Amount

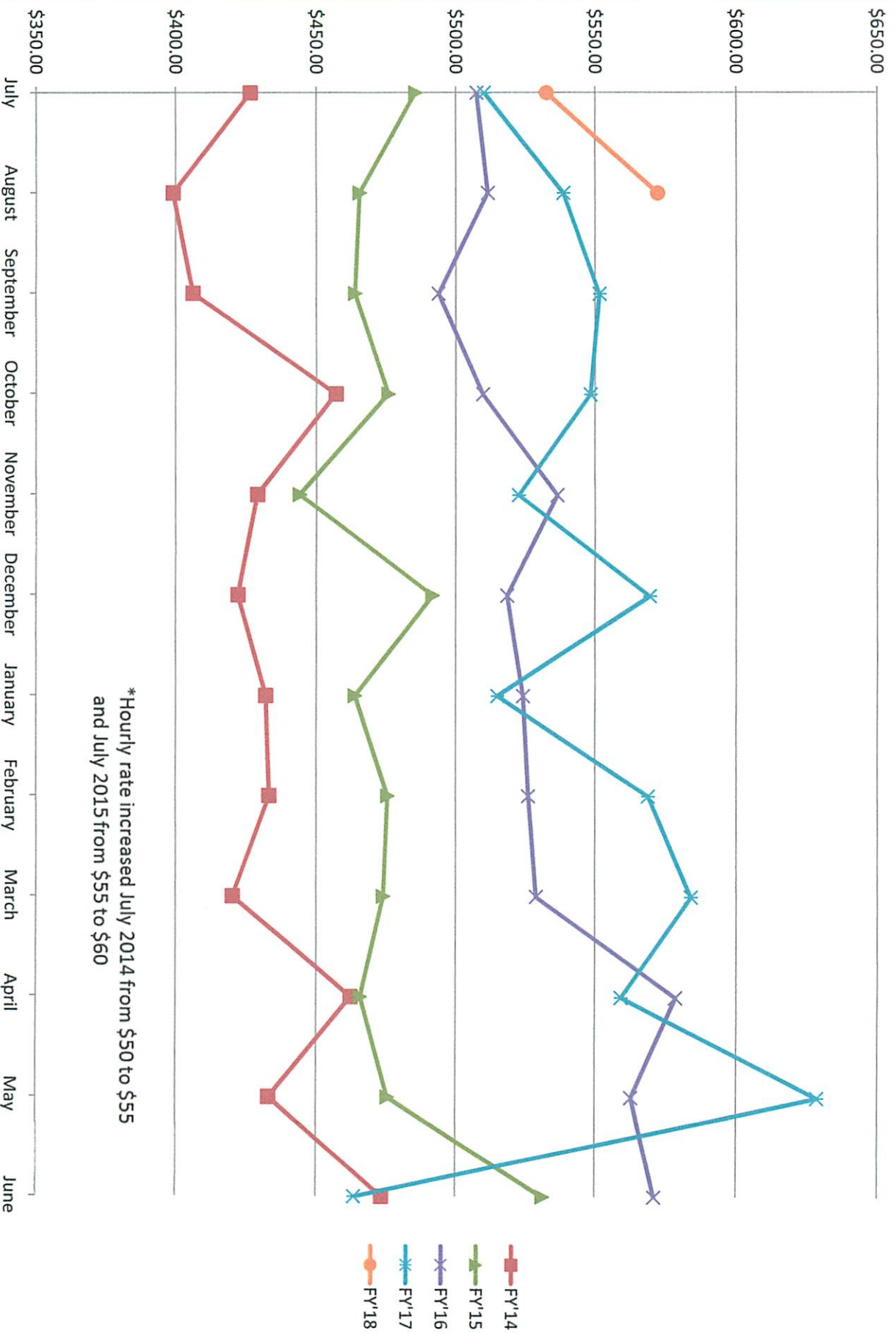


Average Voucher Price Fiscal Year to Date



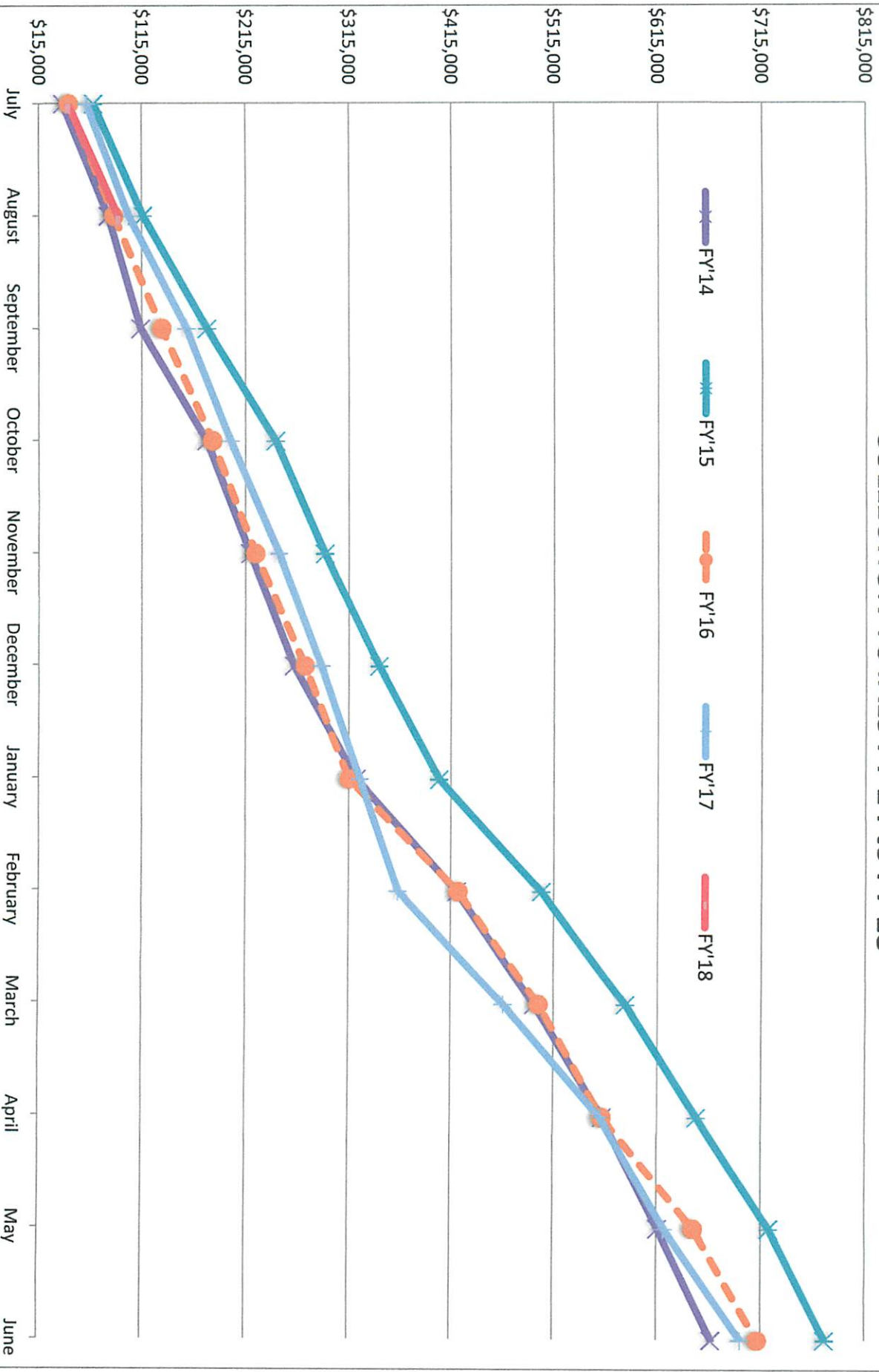
*Hourly rate increased July 2014 from \$50 to \$55 and July 2015 from \$55 to \$60

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.)
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: September 11, 2017

At its last meeting, the Commission agreed to discuss three items at the September meeting from the working list of action items presented in August. They are 1) geographic limitation on roster eligibility, 2) over-the cap vouchers, and 3) voucher procedure compliance.

Attached for background to this discussion are 1) a spreadsheet showing total amounts of travel time and mileage entries on vouchers for the various Unified Criminal Dockets 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.

Court	Event	# of Entries	Total	Event	# of Entries	Total
Androscoggin UCD	mileage	32	\$ 1,143.03	travel	41	\$ 3,504.00
Aroostook UCD	mileage	179	\$ 5,931.83	travel	131	\$ 12,459.00
Cumberland UCD	mileage	261	\$ 6,657.69	travel	432	\$ 21,660.00
Franklin UCD	mileage	343	\$ 5,892.19	travel	135	\$ 8,858.40
Hancock	mileage	5	\$ 243.32	travel	83	\$ 3,828.00
Kennebec UCD	mileage	214	\$ 5,806.38	travel	188	\$ 10,479.00
Knox UCD	mileage	169	\$ 5,153.71	travel	201	\$ 14,766.00
Lincoln UCD	mileage	178	\$ 3,057.56	travel	82	\$ 5,457.00
Oxford UCD	mileage	123	\$ 3,459.68	travel	153	\$ 12,048.00
Penobscot UCD	mileage	171	\$ 5,397.36	travel	170	\$ 15,795.00
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	107	\$ 3,150.44	travel	146	\$ 12,213.60
Washington UCD	mileage	36	\$ 1,634.16	travel	7	\$ 768.00
York UCD	mileage	402	\$ 11,445.10	travel	360	\$ 27,642.00
		2320	\$ 61,124.76		2202	\$ 153,645.00

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%
RODC	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.
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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

POTENTIAL ACTION ITEMS

Geographic limitations on rosters. Travel and mileage policy for courts with plenty of lawyers.

Cap enforcement, e.g., require pre-approval.

Resource Counsel system.

System to facilitate filing of complaints by clients.

Evaluation surveys.

Items requiring court cooperation:

- New form for application for counsel and new procedure for collection hearings.

- Reimbursement of counsel fees when client with assigned counsel retains counsel.

- Early interface with new court case management system

- Block case assignments

Less formal briefs (avoid printing costs) in the Law Court.

Refusing to pay for discovery.

Billing practices that inflate average cost per voucher.

How to address vouchers submitted beyond the deadline.

Closing rosters to new lawyers in areas flush with lawyers.

Identifying locales similar to Somerset that could benefit from a contract.