

MCILS

**September 11, 2018
Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

SEPTEMBER 11, 2018
COMMISSION MEETING
JUDICIARY COMMITTEE ROOM, ROOM 438, STATEHOUSE, AUGUSTA
AGENDA

- 1) Approval of August 14, 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.)

**August 14, 2018
Commission Meeting
Minutes**

**Maine Commission on Indigent Legal Services – Commissioners Meeting
August 14, 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 July 10, 2018 Commission Meeting Minutes	No discussion of meeting minutes.	Commissioner Welch moved for approval, Commissioner Logan seconded. All voted in favor. Approved.
Operations Reports Review	<u>July 2018 Operations Report:</u> 2,494 new cases were opened in the DefenderData system in July. This was a 125 case increase over June. The number of submitted vouchers in July was 2,823, an increase of 133 vouchers over June, totaling \$1,445,379, a decrease of \$167,000 from June. The average price per voucher was \$499.51, down \$83.47 per voucher from June. Appeal and Post-Conviction Review cases had the highest average vouchers. There were 5 vouchers exceeding \$5,000 paid in July. 118 authorizations to expend funds were issued in July, and we paid \$27,551 for experts and investigators, etc. Director Pelletier noted that this lower than usual amount for experts and attorney voucher payments was due to funds being in a different account at the beginning of the fiscal year, which resulted in additional administrative tasks in order to spend those funds. The monthly transfer from the Judicial Branch for counsel fees for July, which reflects June's collections, totaled \$83,016, down approximately \$12,000 from June. No attorney complaints were received in July.	
Action Items Discussion – Fee Schedule Rule	Director Pelletier updated the Commissioners on a recent meeting with the Judicial Branch about the interface rollout and its desire for the Commission to take over the collection of periodic payments.	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>Chair Carey presented a draft reflecting proposed changes to the Fee Schedule rule. Subjects proposed for modification included, among other things, 1) changing the Rule's characterization of the so-called "fee caps," which the Rule now describes as maximum fees; 2) requiring pre-approval for work on cases expected to exceed the "cap" by a large amount and whether the Commission should be involved in the approval of requests for payment that greatly exceed the "cap;" 3) creating a "cap" for murder cases and modifying the "caps" for appeals, post-conviction review, and juvenile cases; 4) modifying the criteria and approval process for co-counsel on cases; and 5) modifying the time within which vouchers must be submitted after a case disposition and the criteria for payment of vouchers submitted beyond the deadline. A discussion about those changes ensued with the Commissioners suggesting revisions to Chair Carey's draft as well as requesting staff provide some data to aid in further discussions. Chair Carey will provide a revised draft of the rule at the next meeting.</p>	
Miscellaneous Report Back	<p>Director Pelletier reviewed the items listed on the miscellaneous items report back memo. The Commissioners requested staff conduct a detailed analysis of the data provided to the 6th Amendment Center and report back its findings for further discussion.</p>	
Public Comment	None	
Executive Session	None	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Adjournment of meeting	The Commission voted to adjourn with the next meeting to be on September 11, 2018 at 9:30 a.m.	Commissioner Logan moved to adjourn. Commissioner Welch 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 2018 OPERATIONS REPORTS
DATE: SEPTEMBER 4, 2018

Attached you will find the August, 2018, Operations Reports for your review and our discussion at the Commission meeting on September 11, 2018. A summary of the operations reports follows:

- 2,663 new cases were opened in the DefenderData system in August. This was a 169 case increase over July and, for the second month in a row, the highest monthly total for the past twelve months.
- The number of vouchers submitted electronically in August was 2,899, an increase of 76 vouchers over July, totaling \$1,511,896.34, an increase of \$66,000 over July. In August, we paid 3,282 electronic vouchers totaling \$1,662,111.52, representing an increase of 1,647 vouchers and \$846,000 compared to July. The large increases in voucher payments was caused, in part, by payment of costs we were unable to pay in July while we worked out the new budget arrangements created by the Legislature.
- There were no paper vouchers submitted and paid in August.
- The average price per voucher in August was \$506.43, up \$6.92 per voucher over July.
- Appeal and Post-Conviction Review cases had the highest average vouchers in August. There were 10 vouchers exceeding \$5,000 paid in August. See attached addendum for details.
- The contract amount paid for representation in Somerset County in August was \$22,687.50.
- In August, we issued 124 authorizations to expend funds: 76 for private investigators, 32 for experts, and 16 for miscellaneous services such as interpreters and transcriptionists. In August, we paid \$131,092.26 for experts and investigators, etc. In August, three requests for funds were reduced or modified and one was denied. See attached addendum for details.
- In August, we received one complaint and one expression of concern about attorneys. The complaint came by way of the feedback form asserting that during an in-custody appearance session, the Lawyer of the Day discussed the client's potential cooperation with law enforcement in a setting where other prisoners

could hear that information. The form was sent to the attorney, who has responded. The Executive Director intends further follow-up on this complaint. The concern came to us from Resource Counsel who had been approached by a prosecutor about the performance of a new attorney. That attorney was apprised of the concern and referred to Resource Counsel.

In our All Other Account, the total expenses for the month of August were \$1,830,038.43. Of that amount, just under \$14,000 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$56,106.91 in expenses for the month of August.

Regarding Revenue, the July transfer of \$83,016.89, reflecting June's collections, was posted to our current account during August. Also during August, the Judicial Branch informed us that Collections in July totaled \$89,153.94. this normally would have been posted to our account in August, but the transaction was not completed before the end of the month.

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

VOUCHERS EXCEEDING \$5,000 PAID AUGUST 2018

	Voucher Total	Case total
Voucher after 5-day Murder trial that resulted in a Not Guilty verdict. Co-Counsel from the same firm.	\$16,291	\$16,291
Interim voucher in a Murder case. Work to date consisted primarily of case investigation, including over 70 hours of discovery review.	\$9,600	\$9,600
Voucher after a 3-day Aggravated Assault trial that resulted in a Not Guilty verdict. Trial Prep occurred three times due to continuances sought by the State, with one continuance due to a serious discovery violation.	\$8,187	\$8,187
Voucher in an Elevated Aggravated Assault case arising from a shooting on a public street. Fifty-six (56) hours of video to review. Continued on the eve of trial when State discovered new evidence. Later, client discharged counsel just before the second time the trial was set to begin.	\$8,016	\$8,016
Interim voucher in a Murder case. Voucher submitted when junior member of the firm, who was co-counsel, left the firm.	\$7,452	\$7,452
Voucher in a Murder case where Defendant cooperated with the State and testified against a co-defendant. Thirty (30) months between plea and sentencing as parties awaited co-defendant's trial.	\$6,812	\$17,003 (\$10,191 voucher paid after client entered his guilty plea)
Voucher after a 3-day Robbery trial. Defendant found Guilty. Case lasted 18 months with extensive litigation over the defendant's competence.	\$6,294	\$6,294
Voucher after a 3-day trial in an Unlawful Sexual Conduct case. Senior attorney in firm assigned as co-counsel as trial approached.	\$5,980	\$5,980
Voucher covering four separate cases. Client initially admitted to the Co-Occurring Disorders court, but eventually terminated as new cases accumulated.	\$5,536	\$7,415(\$1,529 paid when client initially admitted to CODC, plus \$350 paid on other three cases)
Voucher on Juvenile appeal of sentence to Long Creek. Appeal raised issues of propriety of incarcerating "problem kids" and the quality of treatment at Long Creek. Amicus brief from ACLU. Chief Justice wrote separate opinion about the need for the State to create alternatives to incarceration.	\$5,395	\$5,395

FUNDS REQUESTS DENIED/MODIFIED AUGUST 2018

- Three requests for funds were modified to authorize a reduced amount.
- One request made on behalf of a client who had retained counsel was denied. Our rule provides, consistent with case law, that a defendant who has retained counsel but is without sufficient funds to pay for necessary experts or investigators may apply to the Commission for funds. In such cases, the Commission, rather than the court, makes the determination whether the client is presently indigent. In this case, the request was denied because the Executive Director determined that the client was not indigent.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

8/31/2018

DefenderData Case Type	Aug-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	16	25	\$ 46,435.71	32	\$ 43,096.23	\$ 1,346.76	27	52	\$ 65,997.48	\$ 1,269.18
Child Protection Petition	264	422	\$ 259,202.89	446	\$ 265,724.79	\$ 595.80	508	688	\$ 404,645.99	\$ 588.15
Drug Court	0	8	\$ 8,538.00	7	\$ 7,662.00	\$ 1,094.57	0	11	\$ 11,958.00	\$ 1,087.09
Emancipation	14	8	\$ 2,116.28	9	\$ 2,537.18	\$ 281.91	20	10	\$ 2,783.18	\$ 278.32
Felony	579	613	\$ 522,683.69	692	\$ 560,739.27	\$ 810.32	1,156	1,004	\$ 798,602.75	\$ 795.42
Involuntary Civil Commitment	104	100	\$ 21,582.06	144	\$ 29,750.76	\$ 206.60	210	194	\$ 39,056.46	\$ 201.32
Juvenile	67	64	\$ 31,091.95	70	\$ 33,630.01	\$ 480.43	114	134	\$ 66,523.77	\$ 496.45
Lawyer of the Day - Custody	278	252	\$ 58,326.30	283	\$ 65,650.52	\$ 231.98	514	414	\$ 103,986.44	\$ 251.17
Lawyer of the Day - Juvenile	29	31	\$ 6,262.56	34	\$ 7,062.04	\$ 207.71	63	68	\$ 13,743.98	\$ 202.12
Lawyer of the Day - Walk-in	145	123	\$ 28,564.85	135	\$ 31,565.41	\$ 233.82	263	203	\$ 48,642.24	\$ 239.62
Misdemeanor	858	839	\$ 327,969.98	951	\$ 381,443.86	\$ 401.10	1,686	1,421	\$ 567,272.48	\$ 399.21
Petition, Modified Release Treatment	1	8	\$ 2,646.76	8	\$ 2,646.76	\$ 330.85	1	9	\$ 3,396.76	\$ 377.42
Petition, Release or Discharge	0	0		0			1	1	\$ 576.00	\$ 576.00
Petition, Termination of Parental Rights	26	45	\$ 34,341.59	45	\$ 40,808.39	\$ 906.85	43	66	\$ 56,815.39	\$ 860.84
Post Conviction Review	10	5	\$ 5,251.58	10	\$ 12,552.79	\$ 1,255.28	23	14	\$ 16,809.79	\$ 1,200.70
Probate	1	3	\$ 3,247.80	3	\$ 3,247.80	\$ 1,082.60	4	3	\$ 3,247.80	\$ 1,082.60
Probation Violation	205	200	\$ 74,109.74	230	\$ 84,025.97	\$ 365.33	400	342	\$ 128,986.31	\$ 377.15
Represent Witness on 5th Amendment	5	2	\$ 630.00	5	\$ 1,902.00	\$ 380.40	14	9	\$ 4,343.76	\$ 482.64
Resource Counsel Criminal	5	2	\$ 666.00	1	\$ 264.00	\$ 264.00	6	1	\$ 264.00	\$ 264.00
Resource Counsel Juvenile	1	0		0			1	0		
Resource Counsel Protective Custody	3	0		0			3	0		
Review of Child Protection Order	51	148	\$ 78,186.60	177	\$ 87,801.74	\$ 496.06	95	272	\$ 140,949.62	\$ 518.20
Revocation of Administrative Release	1	1	\$ 42.00	0			2	1	\$ 204.00	\$ 204.00
DefenderData Sub-Total	2,663	2,899	\$ 1,511,896.34	3,282	\$ 1,662,111.52	\$ 506.43	5,154	4,917	\$ 2,478,806.20	\$ 504.13
Paper Voucher Sub-Total		0		0	\$ -	#DIV/0!		0		#DIV/0!
TOTAL	2,663	2,899	\$1,511,896.34	3,282	\$1,662,111.52	\$ 506.43	5,154	4,917	\$ 2,478,806.20	\$ 504.13

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY19 FUND ACCOUNTING

AS OF 08/31/2018

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	\$ -	6	\$ -	9	\$ -	12	\$ -	
Encumbrances (Somerset PDP & Justice Works)		\$ (284,775.00)		\$ -		\$ -		\$ -	
Encumbrances (B Taylor, business cards)		\$ (17,333.33)		\$ -		\$ -		\$ -	
TOTAL REMAINING		\$ 1,683,615.85		\$ 4,590,375.00		\$ 4,838,852.00		\$ 5,038,601.00	\$ 16,151,443.85

Q1 Month 2

INDIGENT LEGAL SERVICES

Counsel Payments	\$ (1,662,111.52)
Somerset County	\$ (22,687.50)
Somerset County Discovery	\$ (190.00)
Subpoena Witness Fees	\$ (1,118.16)
Private Investigators	\$ (48,123.40)
Mental Health Expert	\$ (17,216.25)
Transcripts	\$ (35,256.87)
Other Expert	\$ (24,601.64)
Lodging for Trial	\$ -
Process Servers	\$ (1,947.52)
Interpreters	\$ (2,675.37)
Misc Prof Fees & Serv	\$ (153.05)
SUB-TOTAL ILS	\$ (1,816,081.28)

OPERATING EXPENSES

Risk Management Insurances	\$ -
DefenderData	\$ (6,222.50)
Credit for Stacap in July	
Mileage/Tolls/Parking	\$ (1,346.53)
Mailing/Postage/Freight	\$ (1,523.76)
West Publishing Corp	\$ (168.30)
OIT/TELCO charges	\$ -
Office Supplies/Equip.	\$ (97.45)
Cellular Phones	\$ (154.92)
Subscriptions	\$ -
Office Equipment Rental	\$ (110.36)
Printing & Binding	\$ -
Barbara Taylor monthly fees	\$ (4,333.33)
SUB-TOTAL OE	\$ (13,957.15)

TOTAL **\$ (1,830,038.43)**

INDIGENT LEGAL SERVICES

Q1 Allotment	\$ 4,698,374.00
Q1 Encumbrances for Somerset PDP & Justice Works contracts	\$ (284,775.00)
Barbara Taylor Contract	\$ (17,333.33)
Q1 Expenses to date	\$ (2,712,649.82)
Remaining Q1 Allotment	\$ 1,683,615.85

Non-Counsel Indigent Legal Services

Monthly Total	\$ (131,092.26)
Total Q1	\$ (158,643.86)
Total Q2	\$ -
Total Q3	\$ -
Total Q4	\$ -
Fiscal Year Total	\$ (158,643.86)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY19 FUND ACCOUNTING
As of 08/31/18

Account 014 95F Z258 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)		\$ -		\$ -	9	\$ -		\$ -	
Collected Revenue from JB	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Returned Checks-stopped payments		\$ -		\$ -		\$ -		\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 83,016.89		\$ -		\$ -		\$ -	\$ 83,016.89
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	\$ -	6	\$ -	9	\$ -	12	\$ -	
REMAINING CASH Year to Date		\$ 80,111.89		\$ -		\$ -		\$ -	\$ 80,111.89

Q1 Month 2	
DEFENDER DATA COUNSEL PAYMENTS	
	\$ -
SUB-TOTAL ILS	\$ -
OVERPAYMENT REIMBURSEMENTS	\$ (2,905.00)
Paper Voucher	\$ -
Somerset County CDs	\$ -
Private Investigators	\$ -
Mental Health Expert	\$ -
Transcripts	\$ -
Other Expert	\$ -
StaCap Expense	\$ -
SUB-TOTAL OE	\$ (2,905.00)
TOTAL	\$ (2,905.00)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY19 FUND ACCOUNTING

AS OF 08/31/2018

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 \$	(55,638.04)	4 \$	-	7 \$	-	10 \$	-	
	2 \$	(56,106.91)	5 \$	-	8 \$	-	11 \$	-	
	3 \$	-	6 \$	-	9 \$	-	12 \$	-	
TOTAL REMAINING	\$	85,336.05	\$	223,111.00	\$	197,084.00	\$	215,289.00	\$ 720,820.05

Q1 Month 2	
Per Diem Payments	\$ (165.00)
Salary	\$ (25,624.18)
Vacation Pay	\$ (1,457.16)
Holiday Pay	\$ -
Sick Pay	\$ (2,758.88)
Employee Hlth Svs/Workers Comp	\$ -
Health Insurance	\$ (9,643.58)
Dental Insurance	\$ (223.22)
Employer Retiree Health	\$ (3,640.61)
Employer Retirement	\$ (2,067.26)
Employer Group Life	\$ (266.00)
Employer Medicare	\$ (439.12)
Retiree Unfunded Liability	\$ (6,505.34)
Retro Pymt	\$ -
Perm Part Time Full Ben	\$ (3,316.56)
TOTAL	\$ (56,106.91)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

8/31/2018

Aug-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	10	15	\$ 11,316.74	13	\$ 4,224.38	\$ 324.95	17	16	\$ 8,172.38	\$ 510.77
AUBSC	5	2	\$ 2,934.00	2	\$ 2,934.00	\$ 1,467.00	6	4	\$ 4,325.84	\$ 1,081.46
AUGDC	56	68	\$ 31,688.83	69	\$ 31,804.88	\$ 460.94	100	123	\$ 53,541.85	\$ 435.30
AUGSC	12	21	\$ 10,035.24	28	\$ 12,710.24	\$ 453.94	19	38	\$ 18,800.24	\$ 494.74
BANDC	70	89	\$ 32,050.60	131	\$ 45,413.84	\$ 346.67	140	175	\$ 61,573.01	\$ 351.85
BANSC	2	0		0			2	0		
BATSC	2	0		0			2	0		
BELDC	12	24	\$ 19,919.31	23	\$ 10,687.42	\$ 464.67	16	36	\$ 19,466.42	\$ 540.73
BELSC	1	1	\$ 310.00	1	\$ 310.00	\$ 310.00	1	1	\$ 310.00	\$ 310.00
BIDDC	68	93	\$ 48,942.22	93	\$ 45,111.58	\$ 485.07	136	152	\$ 79,486.58	\$ 522.94
BRIDC	14	18	\$ 7,219.10	15	\$ 7,270.54	\$ 484.70	26	27	\$ 16,510.17	\$ 611.49
CALDC	13	17	\$ 9,408.88	20	\$ 12,584.72	\$ 629.24	21	24	\$ 15,673.20	\$ 653.05
CARDC	10	9	\$ 3,756.00	9	\$ 3,287.85	\$ 365.32	18	12	\$ 5,105.85	\$ 425.49
CARSC	5	5	\$ 1,698.00	4	\$ 947.44	\$ 236.86	6	5	\$ 1,163.44	\$ 232.69
DOVDC	6	9	\$ 2,190.00	7	\$ 1,926.00	\$ 275.14	15	21	\$ 5,610.00	\$ 267.14
DOVSC	0	0		1	\$ 162.00	\$ 162.00	0	1	\$ 162.00	\$ 162.00
ELLDC	10	11	\$ 9,107.92	20	\$ 15,613.52	\$ 780.68	27	30	\$ 20,293.52	\$ 676.45
ELLSC	0	0		0			0	0		
FARDC	14	23	\$ 22,790.85	23	\$ 20,439.07	\$ 888.66	29	36	\$ 24,876.23	\$ 691.01
FARSC	0	0		0			0	0		
FORDC	11	6	\$ 2,799.75	10	\$ 5,504.06	\$ 550.41	12	13	\$ 7,649.02	\$ 588.39
HOUDC	19	26	\$ 12,594.78	34	\$ 17,787.13	\$ 523.15	43	45	\$ 21,477.19	\$ 477.27
HOUSC	0	1	\$ 1,200.00	1	\$ 1,200.00	\$ 1,200.00	0	1	\$ 1,200.00	\$ 1,200.00
LEWDC	83	104	\$ 52,889.98	130	\$ 56,845.88	\$ 437.28	154	212	\$ 94,724.86	\$ 446.82
LINDC	12	18	\$ 5,585.70	20	\$ 6,687.30	\$ 334.37	28	25	\$ 8,697.78	\$ 347.91
MACDC	24	38	\$ 14,043.00	39	\$ 10,905.00	\$ 279.62	39	45	\$ 12,789.00	\$ 284.20
MACSC	1	1	\$ 114.00	2	\$ 582.00	\$ 291.00	2	3	\$ 834.00	\$ 278.00
MADDC	1	1	\$ 461.36	1	\$ 461.36	\$ 461.36	2	3	\$ 1,024.72	\$ 341.57
MILDC	11	7	\$ 2,858.08	5	\$ 2,024.08	\$ 404.82	17	7	\$ 2,741.80	\$ 391.69
NEWDC	11	23	\$ 8,275.50	22	\$ 8,112.98	\$ 368.77	29	35	\$ 12,316.36	\$ 351.90
PORDC	89	99	\$ 46,899.09	128	\$ 50,963.71	\$ 398.15	174	178	\$ 84,144.91	\$ 472.72
PORSC	7	1	\$ 228.00	1	\$ 228.00	\$ 228.00	7	2	\$ 774.00	\$ 387.00
PREDC	24	23	\$ 13,043.25	30	\$ 13,457.25	\$ 448.58	33	36	\$ 15,035.25	\$ 417.65
RODC	25	42	\$ 18,977.33	30	\$ 15,149.11	\$ 504.97	46	40	\$ 21,080.27	\$ 527.01
ROSC	4	2	\$ 296.76	2	\$ 296.76	\$ 148.38	4	5	\$ 895.92	\$ 179.18
RUMDC	10	7	\$ 2,167.80	11	\$ 6,564.96	\$ 596.81	19	17	\$ 9,967.56	\$ 586.33
SKODC	23	44	\$ 22,821.64	56	\$ 38,230.61	\$ 682.69	39	94	\$ 63,749.41	\$ 678.19
SKOSC	0	0		0			0	0		
SODC	9	15	\$ 6,416.76	13	\$ 5,627.04	\$ 432.85	13	17	\$ 6,717.40	\$ 395.14
SOUSC	1	1	\$ 1,655.92	1	\$ 653.20	\$ 653.20	1	1	\$ 653.20	\$ 653.20
SPRDC	63	70	\$ 43,720.77	68	\$ 43,059.96	\$ 633.23	112	109	\$ 63,263.44	\$ 580.40
Law Ct	15	19	\$ 40,367.17	22	\$ 30,974.14	\$ 1,407.92	25	36	\$ 48,587.97	\$ 1,349.67
YORCD	255	283	\$ 180,293.23	290	\$ 199,880.22	\$ 689.24	495	420	\$ 275,710.93	\$ 656.45
AROCD	131	127	\$ 70,224.56	154	\$ 85,291.61	\$ 553.84	241	228	\$ 124,583.81	\$ 546.42
ANDCD	187	183	\$ 89,069.84	244	\$ 103,854.44	\$ 425.63	366	351	\$ 154,549.48	\$ 440.31
KENCD	160	160	\$ 62,079.16	192	\$ 81,927.70	\$ 426.71	316	320	\$ 125,937.98	\$ 393.56
PENCD	260	220	\$ 98,341.23	247	\$ 108,175.86	\$ 437.96	543	373	\$ 170,184.35	\$ 456.26
SAGCD	40	37	\$ 27,286.78	38	\$ 18,233.06	\$ 479.82	67	52	\$ 30,302.66	\$ 582.74
WALCD	41	37	\$ 13,861.88	40	\$ 14,568.89	\$ 364.22	73	55	\$ 22,843.40	\$ 415.33
PISCD	15	12	\$ 2,172.00	15	\$ 2,688.00	\$ 179.20	25	22	\$ 5,153.75	\$ 234.26
HANCD	78	69	\$ 40,052.00	111	\$ 55,455.34	\$ 499.60	200	136	\$ 80,785.38	\$ 594.01
FRACD	30	60	\$ 27,585.45	51	\$ 24,550.01	\$ 481.37	72	91	\$ 43,635.85	\$ 479.51
WASCD	51	68	\$ 30,542.40	88	\$ 40,258.36	\$ 457.48	96	113	\$ 50,653.96	\$ 448.27
CUMCD	417	399	\$ 233,820.60	461	\$ 267,236.47	\$ 579.69	822	680	\$ 365,724.80	\$ 537.83
KNOCD	67	48	\$ 23,558.77	50	\$ 22,261.89	\$ 445.24	121	96	\$ 47,250.31	\$ 492.19
SOMCD	2	0		1	\$ 627.00	\$ 627.00	2	1	\$ 627.00	\$ 627.00
OXFCD	73	113	\$ 44,431.31	54	\$ 24,552.59	\$ 454.68	134	104	\$ 41,981.23	\$ 403.67
LINCD	26	26	\$ 16,098.20	48	\$ 28,643.88	\$ 596.75	58	74	\$ 43,271.60	\$ 584.75
WATDC	30	51	\$ 21,436.86	58	\$ 29,133.90	\$ 502.31	58	97	\$ 48,563.59	\$ 500.66
WESDC	25	33	\$ 10,231.01	29	\$ 9,242.73	\$ 318.71	44	41	\$ 13,100.73	\$ 319.53
WISDC	12	9	\$ 5,627.53	13	\$ 8,072.36	\$ 620.95	24	16	\$ 9,926.36	\$ 620.40
WISSC	0	0		0			0	2	\$ 1,231.04	\$ 615.52
YORDC	10	11	\$ 4,399.20	13	\$ 6,715.20	\$ 516.55	17	20	\$ 9,393.20	\$ 469.66
TOTAL	2,663	2,899	\$ 1,511,896.34	3,282	\$ 1,662,111.52	\$ 506.43	5,154	4,917	\$ 2,478,806.20	\$ 504.13

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

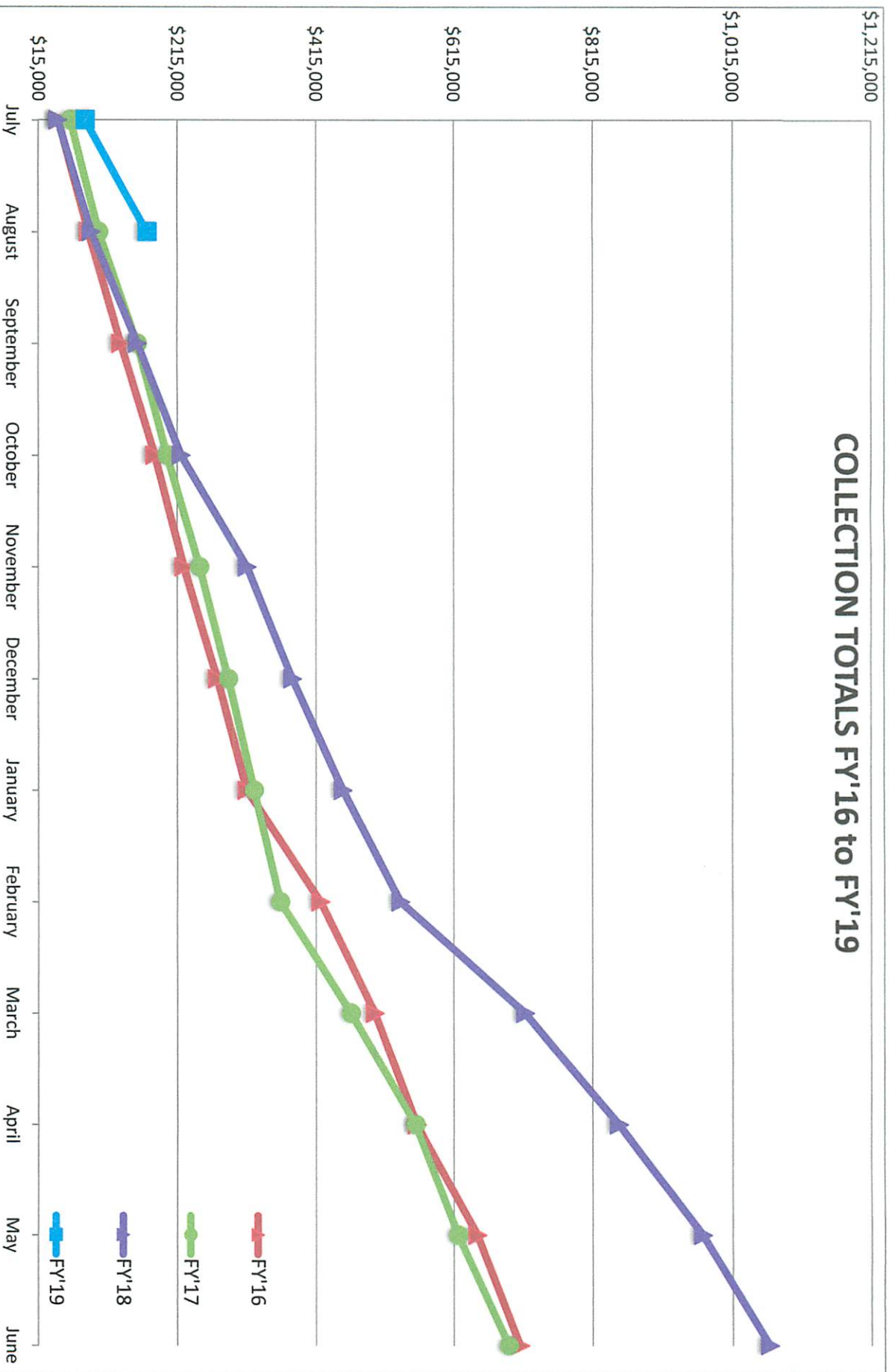
Number of Attorneys Rostered by Court

08/31/2018

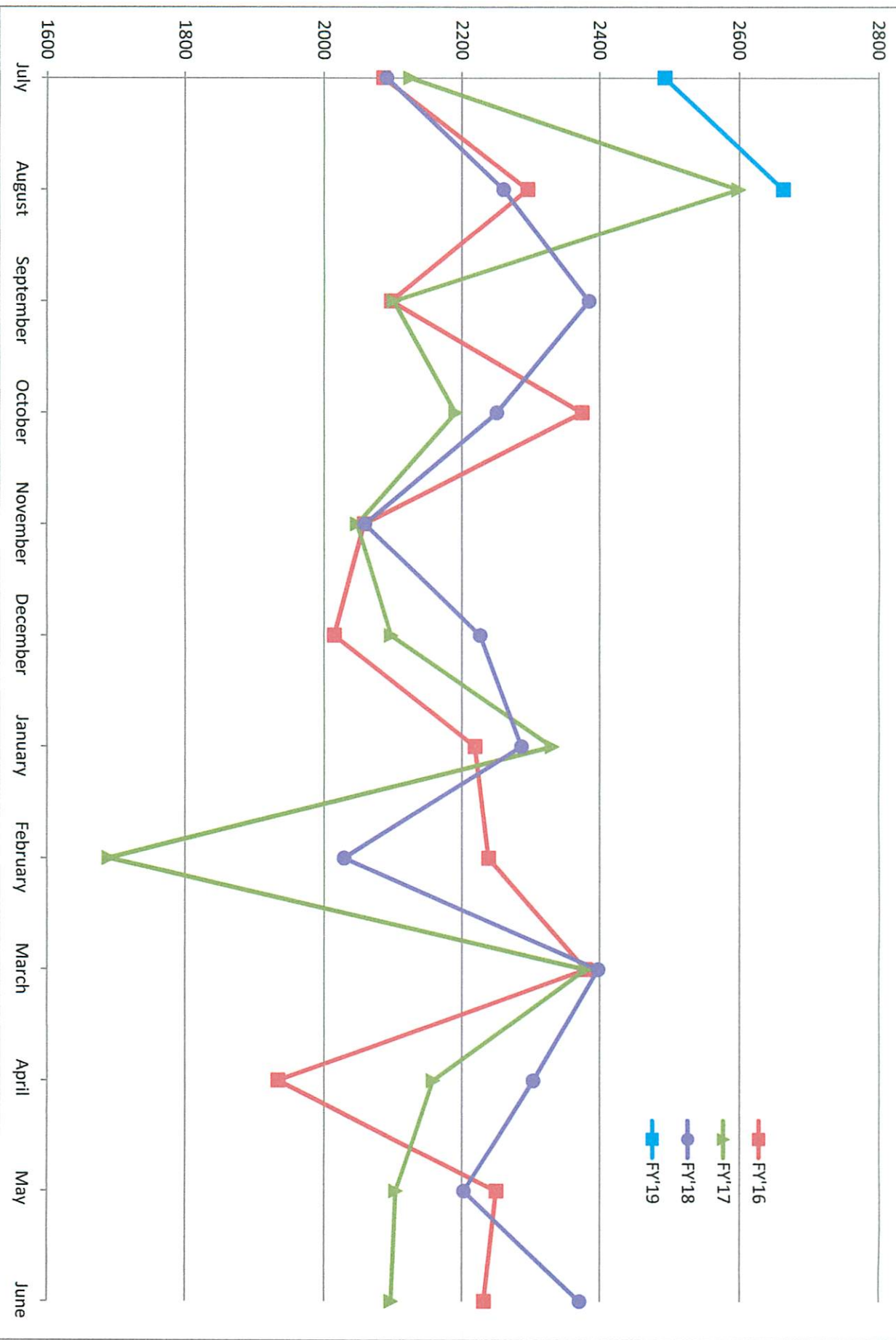
Court	Rostered Attorneys
Augusta District Court	93
Bangor District Court	48
Belfast District Court	46
Biddeford District Court	135
Bridgton District Court	90
Calais District Court	12
Caribou District Court	18
Dover-Foxcroft District Court	26
Ellsworth District Court	37
Farmington District Court	33
Fort Kent District Court	11
Houlton District Court	15
Lewiston District Court	118
Lincoln District Court	25
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	24
Skowhegan District Court	27

Court	Rostered Attorneys
South Paris District Court	56
Springvale District Court	120
Unified Criminal Docket Alfred	120
Unified Criminal Docket Aroostook	23
Unified Criminal Docket Auburn	98
Unified Criminal Docket Augusta	86
Unified Criminal Docket Bangor	49
Unified Criminal Docket Bath	91
Unified Criminal Docket Belfast	45
Unified Criminal Docket Dover Foxcroft	21
Unified Criminal Docket Ellsworth	38
Unified Criminal Docket Farmington	35
Unified Criminal Docket Machias	18
Unified Criminal Docket Portland	156
Unified Criminal Docket Rockland	35
Unified Criminal Docket Skowhegan	21
Unified Criminal Docket South Paris	76
Unified Criminal Docket Wiscasset	55
Waterville District Court	47
West Bath District Court	109
Wiscasset District Court	59
York District Court	102

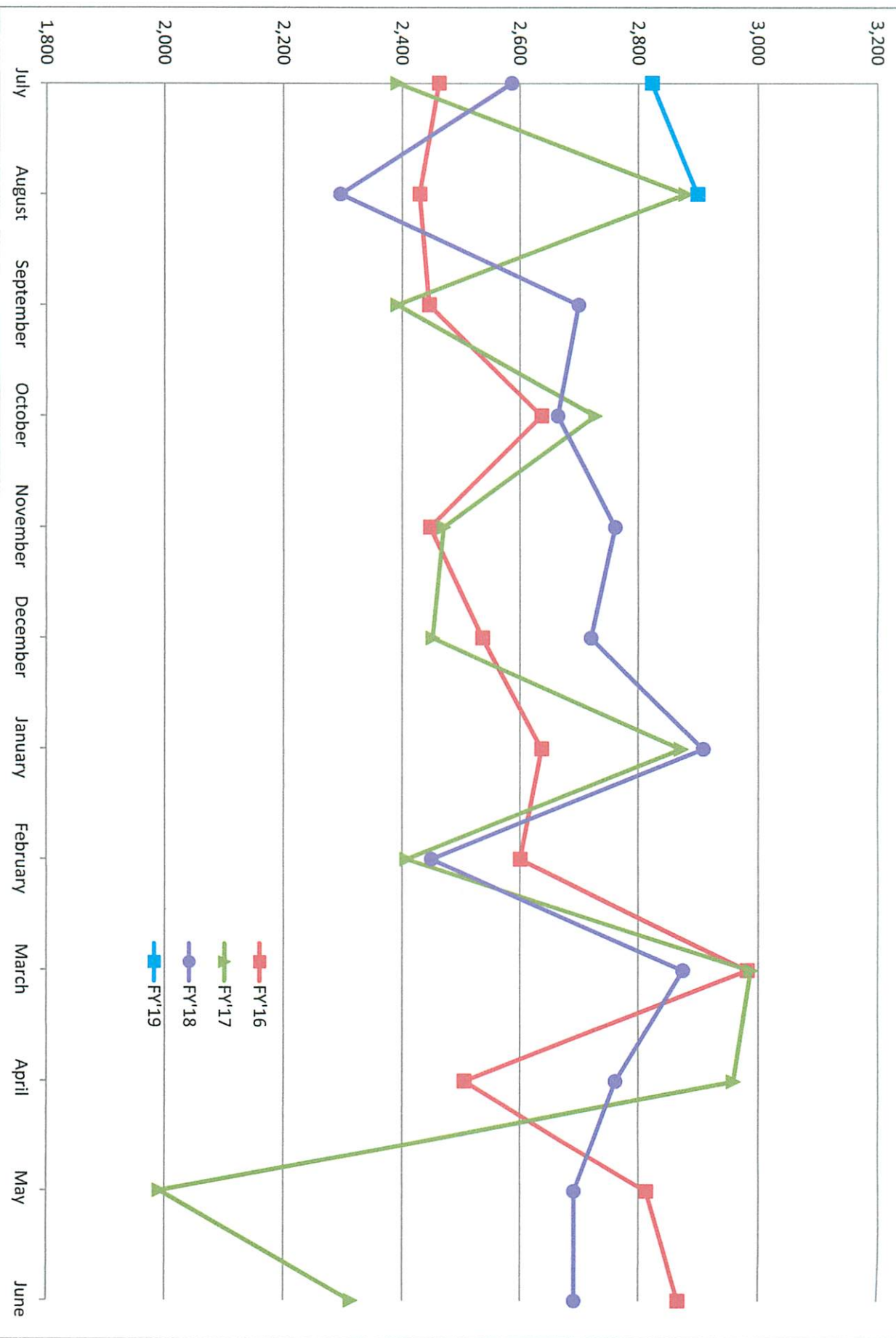
COLLECTION TOTALS FY'16 to FY'19



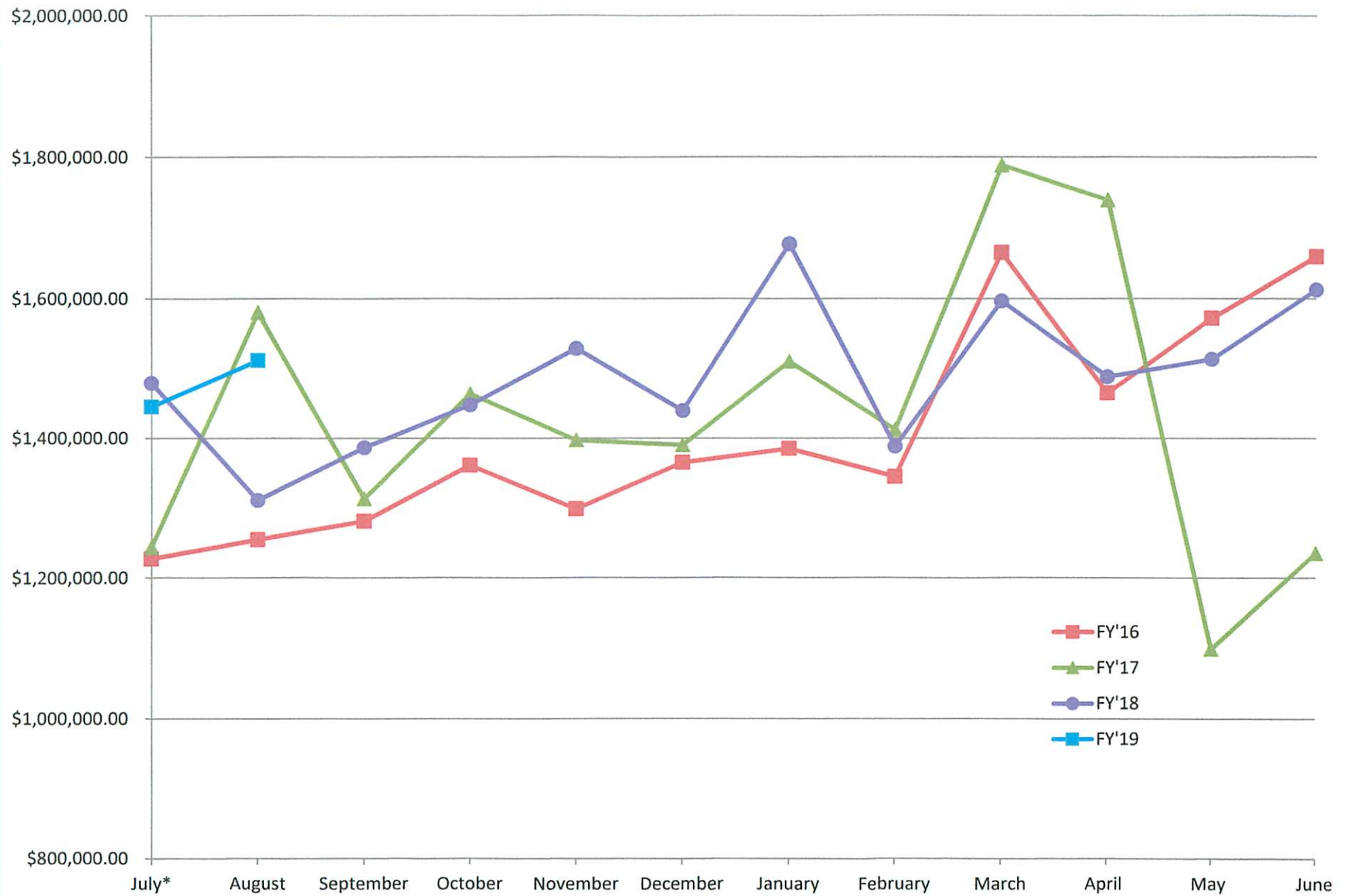
NEW CASES



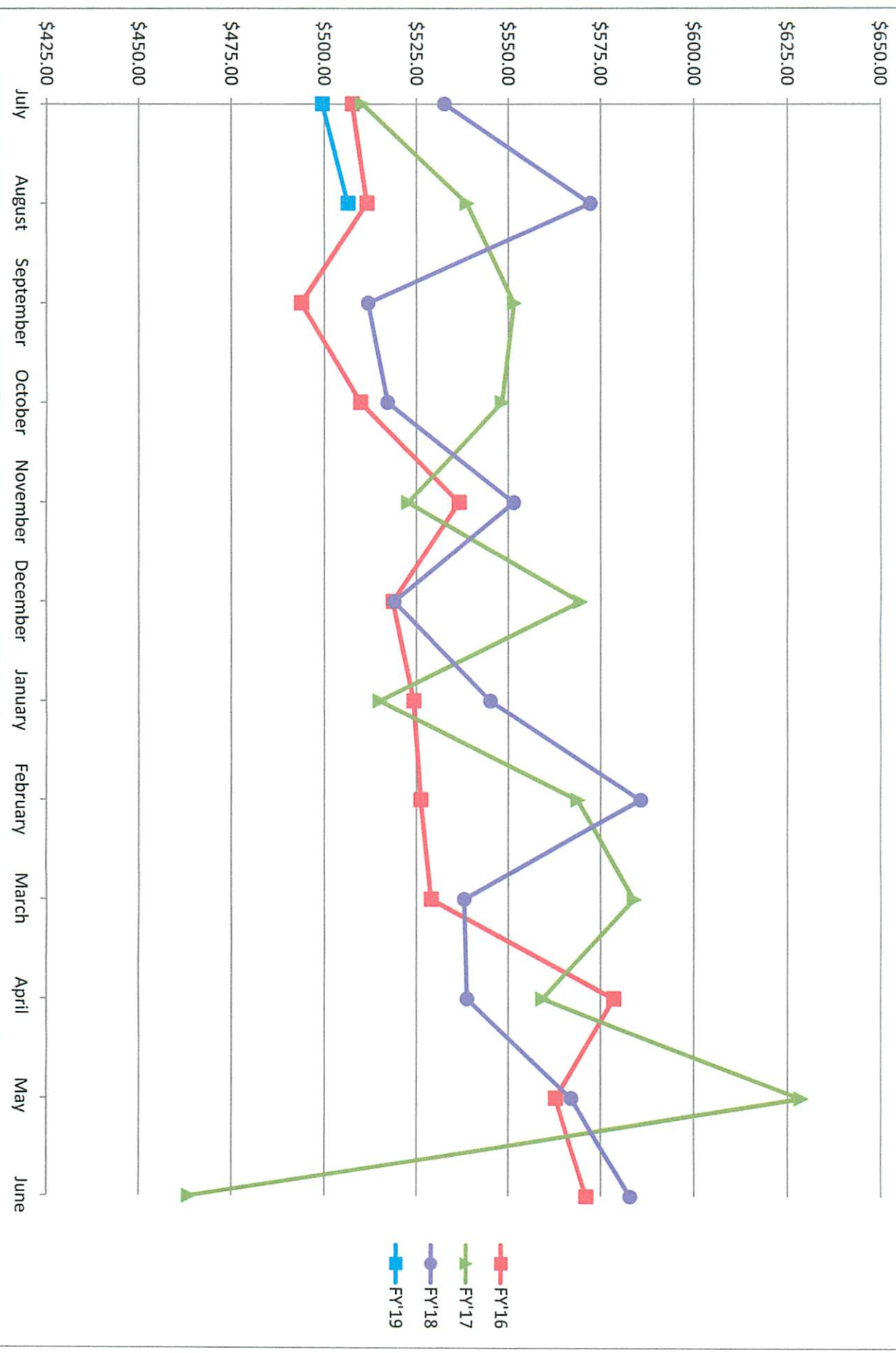
Submitted Vouchers



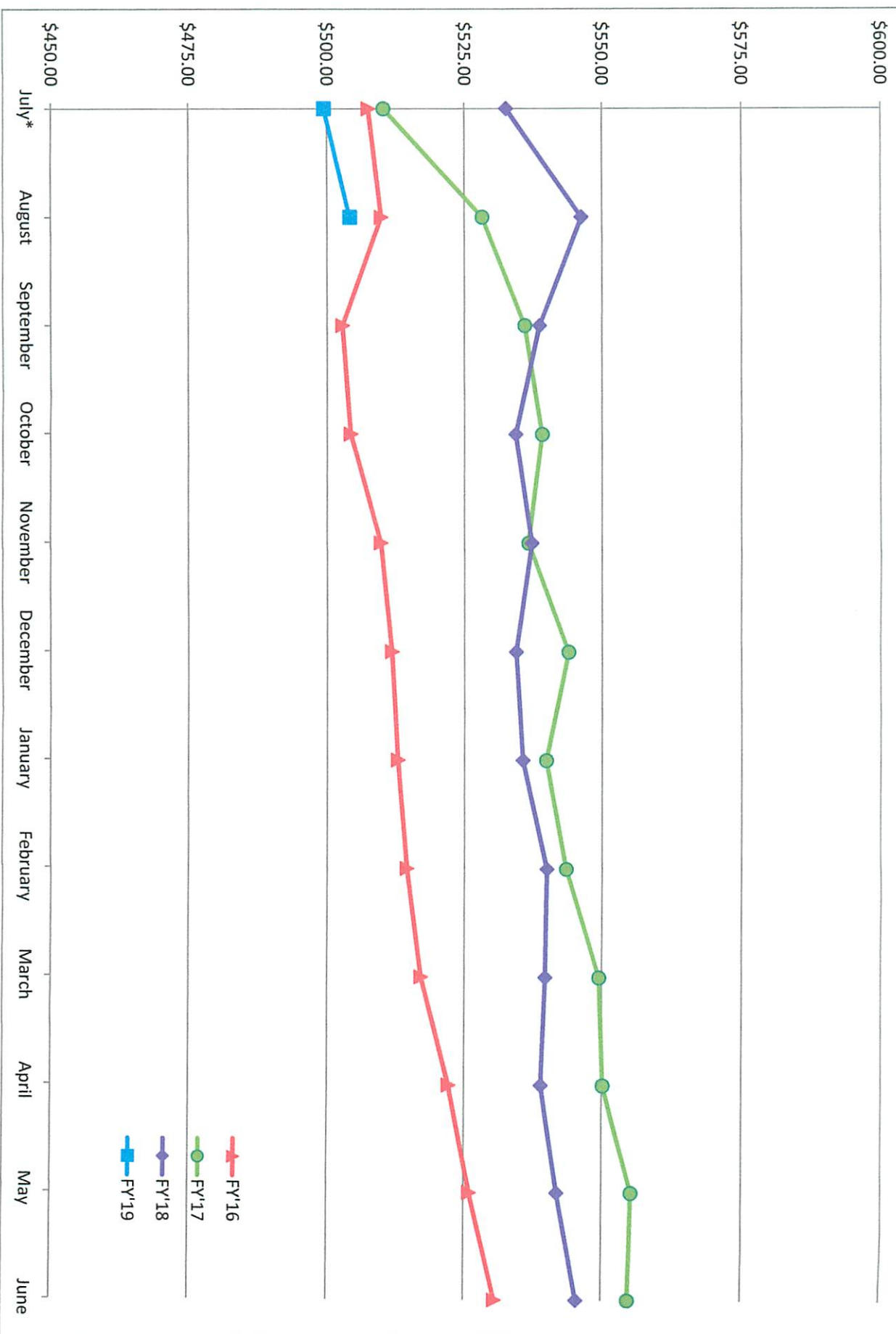
Submitted Voucher Amount



Monthly Price Per Voucher



Average Voucher Price Fiscal Year to Date



(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: SEPTEMBER 6, 2018

At its last meeting, the Commission undertook the task of reviewing the fee schedule rule with an eye toward amending certain aspects of the rule and discussed a draft amendment prepared by Chair Carey. Among the topics addressed for potential modification were 1) changing the Rule's characterization of the so-called "fee caps," which the Rule now describes as maximum fees; 2) requiring pre-approval for work on cases expected to exceed the "cap" by a large amount and whether the Commission should be involved in the approval of requests for payment that greatly exceed the "cap;" 3) creating a "cap" for murder cases and modifying the "caps" for appeals, post-conviction review, and juvenile cases; 4) modifying the criteria and approval process for co-counsel on cases; and 5) modifying the time within which vouchers must be submitted after a case disposition and the criteria for payment of vouchers submitted beyond the deadline.

After the discussion, Chair Carey stated that he would review the various views expressed and prepare an updated draft for the next meeting. It is expected that Chair Carey will circulate a new draft before the upcoming meeting.

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, t~~ 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, ~~such as 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~~ FEE STRUCTURE

~~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~~ Fee Limits, 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. \$10,000. 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~~ \$2,500
- 8) **Probation Revocation.** ~~\$540~~ \$750
- 9) **Miscellaneous (i.e. witness representation on 5th Amendment grounds, etc.)** \$540
- ~~10) **Juvenile.** \$540~~
- 10) Juvenile Class A, B, C and Bindover Proceedings. \$1,200
- 11) Juvenile Class D and E. \$600

- B. In cases involving multiple counts against a single defendant, the ~~maximum fee limit~~ 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.~~
- ~~ED.~~ Upon written request to MCILS, assistant counsel may be appointed in a murder case or other complicated Class A 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. Co-counsel shall not be appointed within the same firm.~~

2. District Court Child Protection

- A. ~~Maximum fees~~ Fee Limits, 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 fee limits ~~maximum fee~~. A separate voucher must be submitted at the end of each stage.
- C. Upon written request to MCILS, assistant counsel may be appointed in a child protective case only for the purpose of the termination of parental rights hearing and if counsel of record has not tried a termination of parental rights before.
- 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 shall not be appointed within the same firm.

3. Other District Court Civil

- A. ~~Maximum fees~~ Fee Limits, 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~~ Fees Limits, 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~~ \$2,500

- 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.

Vouchers submitted for amounts greater than the fee limits outlined above must be accompanied by written justification by counsel and will not be approved for payment unless approved by the Executive Director or Deputy Executive Director.

Vouchers submitted for amounts greater than 150% of the fee limits outlined above must be approved in advance by the Executive Director or Deputy Executive Director.

Vouchers submitted for amounts greater than 200% of the fee limits outlined above must be approved by the Commission.

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*different
bw drafts*

SECTION 5: LAWYER OF THE DAY 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~~ sixty 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~~ sixty days after final disposition, or completion of a stage of a child protection case, shall not be paid unless good cause provided and must be approved by the Executive Director.

- 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, a~~ 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 encouraged and is required for an entry over one hour or upon request. ~~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

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.~~

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- ED. Upon written request to MCILS, assistant counsel may be appointed in a murder case or other complicated Class A 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. Co-counsel shall not be appointed within the same firm.~~

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The Executive Director has the authority to approve supplemental funding over the fee limits up to twice the fee limits outlined below. Any amounts over twice the fee limits must be approved by the Commission.

SECTION 5: LAWYER OF THE DAY 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~~ sixty 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~~ sixty days after final disposition, or completion of a stage of a child protection case, shall not be paid unless good cause provided and must be approved by the Executive Director.
 - 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, a~~ 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 encouraged and is required for an entry over one hour or upon request. ~~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

(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: SEPTEMBER 6, 2018

Since the Commission's August meeting, we have received two requests for information from the Sixth Amendment Center, one for 5-year data on expenditures on experts and investigators, etc., and the other for copies of all iterations of the Somerset County contract. The requested information has been provided. Other than responding to these requests, the staff have not had any further contact with the Sixth Amendment Center nor feedback from people in the system regarding their activities.

After review and discussion of the data on payments to attorneys that were sent to the Sixth Amendment Center in July, the Commission asked the Executive Director to look more closely into certain aspects of the data. As a result, the Executive Director decided to investigate the billing practices of several attorneys and gathered additional information regarding billing submitted to the Commission by those attorneys. The Executive Director is prepared to share preliminary results of that investigation with the Commission. Because information gathered as part of investigations of attorneys is made confidential by the Commission's governing statute, 4 M.R.S.A. § 1806(2)(F), the Executive Director suggests that discussion take place in executive session.

(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: SEPTEMBER 6, 2018

During August, the staff provided resource counsel with instructions on how to bill for their work through the DefenderData system. In addition, we provided each resource counsel with a letter signed by the Executive Director certifying the attorney's designation as resource counsel with respect to applicable case type(s) and geographic location(s). Such a letter had been requested by some attorneys who wanted a way to show, to a court or otherwise, that they had, in fact, been designated as resource counsel.

Informal feedback from several resource counsel indicates that the program is being utilized by both new and experienced attorneys. In addition, at least one prosecutor has reached out to resource counsel with a concern about a new attorney. We expect that more detailed information will be provided once the attorneys start billing for their work as resource counsel, which we expect to happen during the first half of September.