

MCILS

**January 14, 2020
Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

JANUARY 14, 2020

COMMISSION MEETING

CRIMINAL JUSTICE ROOM, ROOM 436, STATEHOUSE, AUGUSTA

AGENDA

- 1) Approval of December 16, 2019, Commission Meeting Minutes
- 2) Operations Reports
- 3) Report of Sub-Committee Activity and Next Steps Discussion
- 4) Letter to Government Oversight Committee
- 5) Massachusetts Attorney Monitoring Materials
- 6) Review of Annual Report
- 7) Public Comment
- 8) Set Date, Time and Location of Next Regular Meeting of the Commission
- 9) Executive Session, if needed (Closed to Public)

(1.)

**December 16, 2019
Commission Meeting
Minutes**

**Maine Commission on Indigent Legal Services – Commissioners Meeting
December 16, 2019**

Minutes

Commissioners Present: Michael Carey, Sarah Churchill, Robert Cummins, Roger Katz, Robert LeBrasseur, Ronald Schneider, Joshua Tardy, Mary Zmigrodski

MCILS Staff Present: Ellie Maciag, John Pelletier

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Approval of the November 19, 2019 Commission Meeting Minutes	No discussion of meeting minutes.	Commissioner Cummins moved to approve. Commissioner Schneider seconded. All voted in favor (Commissioners Carey and Katz were absent for the vote). Approved.
Operations Reports Review	<u>November 2019 Operations Report:</u> 2,253 new cases were opened in the DefenderData system in November. This was a 225 case decrease from October. The number of submitted vouchers in November was 2,772, a decrease of 417 vouchers from October, totaling \$1,317,791, a decrease of \$278,000 from October. The average price per voucher was \$468.31, down \$40.55 per voucher from October. Appeal and Post-Conviction Review cases had the highest average vouchers. There were 5 vouchers exceeding \$5,000 paid in November. 91 authorizations to expend funds were issued in November, and we paid \$89,043 for experts and investigators, etc. The monthly transfer from the Judicial Branch for counsel fees for November, which reflects October's collections, totaled \$93,840, up approximately \$7,000 from October.	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Sub-Committee Assignments	Chair Tardy reviewed the four sub-committee assignments, which include financial responsibility, public defender model, practice standards, and training. Chair Tardy asked that the subcommittees have status reports ready for the January meeting and have proposals completed for full Commission consideration by the first February meeting date. Chair Tardy also requested staff review other state's models for managing underperforming attorneys.	
Discussion: Next Steps - Sixth Amendment Center Report	David Carroll of the Sixth Amendment Center was in attendance and offered some guidance about what the next steps Maine should take in light of the Center's report. Mr. Carroll urged the Commission to not only look at changes to the financial oversight, but also at changes to the quality oversight, since that lack of quality oversight is what exposes the Commission to outside litigation. Mr. Carroll's solution to the lack of quality oversight under the current model is to implement a public defender model in the highly populated areas, including a statewide appellate defender office. He noted that a full-time public defender office would create cost certainty and build in supervision. He did not think that a public defender office in every county would work, however. Mr. Carroll suggested looking at the Massachusetts system as a guide for Maine for both financial and quality oversight, including how to revamp the current lawyer of the day program. Under that model, the lawyer of the day would be appointed to all the cases handled that day at initial appearance. Mr. Carroll gave a rough cost estimate of spending between \$20 to \$34/per capita (\$26-\$45 million) on indigent defense to meet <i>Gideon</i> 's requirements. Mr. Carroll cautioned the Commissioners from pursuing a contract model since most other states are banning those types of contracts. When asked how many supervising attorneys Maine would need to hire if it kept the current private assigned counsel model, Mr. Carroll noted that between 18 and 25 new positions would be needed and that people providing the supervision should not be on the rosters. He recommended a rate of \$100 per hour, \$125/hr for serious case types, in order to attract qualified attorneys to the rosters and noted that paying lawyers a reasonable fee plus overhead is essential to reform. He cautioned that by not raising the hourly rate, more attorneys will leave the rosters. When asked about the timeframe for a roll out of a public	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	defender office, Mr. Carroll thought that 9 months to one year for a Cumberland County and appellate PD office would be realistic. He noted that he saw no value in a pilot program and that attorneys should either be state employees or employees of a non-profit, similar to the New Hampshire model. Mr. Carroll recommended keeping the current model for Child Protection cases, explaining that due to so many conflicts the current system is the better model. Mr. Carroll also urged the Commission to inquire about non-indigent caseloads when determining whether hours worked on MCILS cases are justified.	
Update on OPEGA Investigation	Director Pelletier gave a brief status update on the OPEGA investigation. At the December 10 th meeting of the Government Oversight Committee, the Director of OPEGA presented its MCILS Project Direction Statement. The GOC voted to direct OPEGA to proceed with the plan. Commissioner Katz urged the Commission send the GOC a written request to expediate OPEGA's review since its report will offer suggestions for changes that will benefit the Commission.	Commissioner Katz moved for the Commission to send a letter to the GOC requesting the Commission receive high priority. Commissioner Carey seconded. All voted in favor.
Budget Update	Director Pelletier provided an analysis of the recent trend in increased new cases and voucher submissions. Director Pelletier concluded that the Commission appears on track to cover its original budget projection. The average cost per voucher is down and the Commission was left with a positive balance of \$224,979 at the end of the first quarter.	
Enhanced Representation of Juveniles at Long Creek	Director Pelletier gave an update on the status of the program to expand representation for juveniles at Long Creek. He noted that good progress had been made after a meeting with juvenile defense attorneys, Chief Justice Saufley and the Trial Chiefs, and Department of Corrections officials – all committed youth will soon have assigned counsel. Director Pelletier reported that ethical issues arose with the local co-counsel appointment proposal and	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>that further discussions are needed to arrive at the best model for detained juveniles. Commissioner LeBrasseur relayed that he heard feedback from some members of the juvenile defense bar that attorneys were upset that members of this new roster were not selected after an open application process. Chair Tardy indicated that this could be reviewed and that the Commission has the ability to reset the makeup of any panel.</p>	
Public Comment	<p><u>Senator Lisa Keim</u>: Senator Keim told the Commissioners that she is anxious to see change happen and encouraged them to move swiftly with their work. She expressed concern about the lack of financial oversight and relayed several areas where she would like the Commissioners to focus their reform efforts on including, transparency in billing, the assignment of cases with the Commission taking over that function, improving the quality of representation, and ensuring the fair application of who is entitled to counsel. She would like to see the Commission seek repayment of all funds that were the result of overbilling and questioned why that had not been pursued with Attorney Fethke's situation in 2014. Senator Keim believes that work is not getting done at the Commission and faulted executive leadership. Moreover, she does not believe that it is a proper use of the executive director's time to participate in the Maine Criminal Law Advisory Committee.</p> <p><u>James Howaniec, Esq.</u>: Attorney Howaniec stated that in his 35 years in practice that he has never seen the defense bar at a higher quality and viewed recent press coverage as an outrageous attack on the defense bar. He cautioned that good lawyers are leaving the rosters and that the Legislature needs to address the low rate of pay as well as the consequences of the laws that are being passed.</p> <p><u>Zachary Heiden, Esq.</u>: Attorney Heiden urged the Commission take immediate action to the lawyer of the day program and cautioned that a change to a public defender office model will only help in those areas where there is a public defender office. He urged the Commission staff to get out into the community to make the case for why increased funding is necessary.</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p><u>Donald Hornblower Esq.</u>: Attorney Hornblower believes that a public defender office is not the answer and that like Attorney Howaniec, he would not apply to be a public defender if an office was created. He said that technology can fix the gap in between the LOD and the assignment counsel and that the Commission should look to standardize billing practices as a way to reduce costs.</p> <p><u>Robert Ruffner, Esq.</u>: Attorney Ruffner faulted the Commission for only requesting two additional positions in the supplemental budget. He feels that the blame for the current state of indigent legal services should be shared by all three branches of government and not just the Commission. Attorney Ruffner urged immediate action since clients are suffering now.</p>	
Executive Session	None	
Adjournment of meeting	The next meeting will be on January 14, 2020 at 1 pm.	

(2.)

Operations Reports

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
SUBJECT: DECEMBER 2019 OPERATIONS REPORTS
DATE: JANUARY 8, 2020

Attached you will find the December, 2019, Operations Reports for your review and our discussion at the Commission meeting on January 14, 2020. A summary of the operations reports follows:

- 2,550 new cases were opened in the DefenderData system in December. This was a 297 case increase over November.
- The number of vouchers submitted electronically in December was 2,965, an increase of 193 vouchers over November, totaling \$1,414,057.04, an increase of \$96,000 over November. In December, we paid 4,240 electronic vouchers totaling \$1,981,133.97, representing an increase of 1,106 vouchers and \$982,000 compared to November.
- The average price per voucher in December was \$467.25, down \$1.06 per voucher from November.
- Appeal and Post-Conviction Review cases had the highest average voucher in December. There were 8 vouchers exceeding \$5,000 paid in December. See attached addendum for details.
- In December, we issued 122 authorizations to expend funds: 67 for private investigators, 33 for experts, and 22 for miscellaneous services such as interpreters and transcriptionists. In December, we paid \$63,133.25 for experts and investigators, etc. Three requests for funds were modified in December. See attached addendum for details.
- In December, we did not receive any complaints about attorneys.
- In December, we approved three requests for co-counsel. One involved a Class A Elevated Aggravated Assault case. The other two involved two lawyers for co-defendants in a case headed to trial. Because either had tried a jury case, each was approved to co-counsel with an experienced attorney for the trial.

In our All Other Account, the total expenses for the month of December were \$2,053,491.02. Of that amount, just under \$10,000 was devoted to the Commission's operating expenses. On a quarterly basis, the budget posture is healthy as the Commission ended the second quarter with approximately \$340,000 in unspent allotment that can be carried into subsequent quarters. As compared to the same quarter in 2018,

the number of new cases and submitted vouchers increased but an approximately 10% decline in the average cost per voucher resulted in lower expenditures overall.

In the Personal Services Account, we had \$69,821.39 in expenses for the month of December.

In the Revenue Account, the transfer for December, reflecting November's collections, totaled \$103,917.30, an increase of approximately \$10,000 over the previous month.

During December, we paid expenses related to our Fall minimum standards trainings.

VOUCHERS EXCEEDING \$5,000 PAID DECEMBER 2019

	Voucher Total	Case total
Voucher after an eight-day Theft/Embezzlement trial. Case alleged conduct over several years and a total theft of over \$3 million. Approximately 30,000 pages of discovery. The case also involved territorial jurisdiction issues as much of the alleged conduct took place in other states. Defendant found guilty.	\$18,570	\$35,562 (\$16,992 paid to co-counsel from a different firm)
Voucher after an 8-day trial (incl. 2.5 days of deliberations) in a Murder case. Defendant found guilty.	\$11,995	\$60,521 (This case had co-counsel from different firms and went to trial twice, with the first ending in a mistrial after medical examiner altered his opinion. Interim vouchers of \$6,442, \$2,135, \$1,924, and \$2,152 paid to this attorney. Vouchers of \$14,220, \$12,049 and \$9,600 paid to co-counsel. Case lasted 23 months.)
Voucher in an appeal of both the conviction and life sentence in a double Murder case. New counsel on appeal. Trial lasted 9 days.	\$8,876	\$8,876
Voucher for an appeal from convictions for Felony Murder and Robbery. Felony Murder conviction vacated on double jeopardy grounds. Voucher includes work litigating the scope of re-sentencing on remand.	\$8,024	\$8,024
Interim voucher after filing of the appellant's brief in a Theft/Embezzlement case. New counsel on appeal. Trial lasted 8 days.	\$7,877	\$7,877
Interim voucher in a Gross Sexual Assault submit due to the transfer to another firm of one of the attorneys who worked on the case.	\$6,089	\$6,089
Voucher in a class A Aggravated Trafficking case. Extensive suppression litigation. Case resolved on eve of jury selection with a plea to Class B trafficking and a sentence of time served plus probation.	\$5,545	\$5,545
Voucher after a contested jeopardy hearing in a Child Protective case. Hearing took place over 5 days and	\$5,334	\$5,334

involved allegations of inflicted injury to a child. Medical experts on both sides.		
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FUNDS REQUESTS DENIED/MODIFIED DECEMBER 2019

- Three requests for funds were modified in December to authorize a reduced amount.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

12/31/2019

	Dec-19						Fiscal Year 2020			
DefenderData Case Type	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	19	24	\$ 40,438.80	29	\$ 56,751.25	\$ 1,956.94	96	125	\$ 206,828.18	\$ 1,654.63
Child Protection Petition	264	576	\$ 299,940.60	788	\$ 393,788.31	\$ 499.73	1,390	2,953	\$ 1,611,485.88	\$ 545.71
Drug Court	0	10	\$ 12,348.04	13	\$ 15,360.04	\$ 1,181.54	3	45	\$ 46,576.51	\$ 1,035.03
Emancipation	7	4	\$ 1,132.90	8	\$ 1,904.90	\$ 238.11	42	34	\$ 9,950.70	\$ 292.67
Felony	556	551	\$ 386,412.18	779	\$ 564,014.55	\$ 724.02	3,490	3,373	\$ 2,564,956.07	\$ 760.44
Involuntary Civil Commitment	61	89	\$ 18,448.20	126	\$ 25,200.76	\$ 200.01	496	474	\$ 106,146.72	\$ 223.94
Juvenile	90	64	\$ 37,873.51	104	\$ 51,646.27	\$ 496.60	447	456	\$ 217,533.15	\$ 477.05
Lawyer of the Day - Custody	275	224	\$ 51,331.72	325	\$ 73,707.72	\$ 226.79	1,558	1,446	\$ 339,357.41	\$ 234.69
Lawyer of the Day - Juvenile	48	35	\$ 7,073.46	55	\$ 10,125.06	\$ 184.09	239	227	\$ 44,067.12	\$ 194.13
Lawyer of the Day - Walk-in	144	110	\$ 26,123.00	160	\$ 38,127.95	\$ 238.30	755	706	\$ 173,522.60	\$ 245.78
Misdemeanor	829	742	\$ 265,954.69	1,129	\$ 397,561.36	\$ 352.14	4,852	4,607	\$ 1,709,970.27	\$ 371.17
Petition, Modified Release Treatment	1	3	\$ 1,236.53	6	\$ 2,749.25	\$ 458.21	6	24	\$ 10,761.07	\$ 448.38
Petition, Release or Discharge	0	1	\$ 180.00	1	\$ 180.00	\$ 180.00	0	4	\$ 1,428.00	\$ 357.00
Petition, Termination of Parental Rights	29	73	\$ 50,088.48	102	\$ 71,878.49	\$ 704.69	155	336	\$ 249,141.46	\$ 741.49
Post Conviction Review	6	5	\$ 8,275.74	7	\$ 11,099.34	\$ 1,585.62	65	53	\$ 75,749.11	\$ 1,429.23
Probate	2	4	\$ 4,664.72	5	\$ 4,938.88	\$ 987.78	17	17	\$ 17,172.20	\$ 1,010.13
Probation Violation	161	177	\$ 68,896.74	234	\$ 89,485.24	\$ 382.42	1,035	989	\$ 391,859.02	\$ 396.22
Represent Witness on 5th Amendment	1	2	\$ 3,186.00	3	\$ 3,288.00	\$ 1,096.00	4	6	\$ 3,813.00	\$ 635.50
Resource Counsel Criminal	0	3	\$ 396.00	3	\$ 354.00	\$ 118.00	1	18	\$ 1,602.00	\$ 89.00
Resource Counsel Juvenile	0	1	\$ 12.00	2	\$ 102.00	\$ 51.00	0	4	\$ 168.00	\$ 42.00
Resource Counsel Protective Custody	0	1	\$ 96.00	1	\$ 96.00	\$ 96.00	0	5	\$ 474.00	\$ 94.80
Review of Child Protection Order	55	264	\$ 129,008.73	358	\$ 167,835.60	\$ 468.81	379	1,362	\$ 653,102.16	\$ 479.52
Revocation of Administrative Release	2	2	\$ 939.00	2	\$ 939.00	\$ 469.50	10	7	\$ 2,871.28	\$ 410.18
DefenderData Sub-Total	2,550	2,965	\$ 1,414,057.04	4,240	\$ 1,981,133.97	\$ 467.25	15,040	17,271	\$ 8,438,535.91	\$ 488.60
Paper Voucher Sub-Total		0		0	\$ -	#DIV/0!		0		#DIV/0!
TOTAL	2,550	2,965	\$1,414,057.04	4,240	\$1,981,133.97	\$ 467.25	15,040	17,271	\$ 8,438,535.91	\$ 488.60

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY20 FUND ACCOUNTING
AS OF 12/31/2019

Account 014 95F Z258 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY20 Total
FY20 Professional Services Allotment		\$ 4,727,001.00		\$ 4,597,001.00		\$ 4,737,477.00		\$ 2,413,246.00	
FY20 General Operations Allotment		\$ 48,000.00		\$ 48,000.00		\$ 48,000.00		\$ 48,000.00	
FY19 Encumbered Balance Forward		\$ 32,712.53		\$ -		\$ -		\$ -	
Budget Order		\$ (224,979.00)		\$ 224,979.00				\$ 768,774.00	
Total Budget Allotments		\$ 4,582,734.53		\$ 4,869,980.00		\$ 4,785,477.00		\$ 3,230,020.00	\$ 17,468,211.53
Total Expenses	1	\$ (947,049.13)	4	\$ (1,377,980.25)	7	\$ -	10	\$ -	
	2	\$ (1,849,796.47)	5	\$ (1,100,530.17)	8	\$ -	11	\$ -	
	3	\$ (1,715,368.33)	6	\$ (2,053,491.02)	9	\$ -	12	\$ -	
Encumbrances (Justice Works)		\$ (52,720.00)		\$ 18,135.00		\$ -			\$ (34,585.00)
Encumbrances (B Taylor)		\$ (13,000.04)		\$ (17,853.34)		\$ -		\$ -	\$ (30,853.38)
Encumbrances (Videographer & business cards)		\$ (4,800.00)		\$ -		\$ -		\$ -	\$ (4,800.00)
TOTAL REMAINING		\$ 0.56		\$ 338,260.22		\$ 4,785,477.00		\$ 3,230,020.00	\$ 7,584,983.78

Q2 Month 6	
INDIGENT LEGAL SERVICES	
Counsel Payments	\$ (1,981,133.97)
Interpreters	\$ (990.05)
Private Investigators	\$ (14,464.86)
Mental Health Expert	\$ (18,797.52)
Misc Prof Fees & Serv	\$ (100.00)
Transcripts	\$ (7,423.85)
Other Expert	\$ (21,220.36)
Process Servers	\$ (136.61)
Subpoena Witness Fees	\$ -
Out of State Witness Travel	\$ -
SUB-TOTAL ILS	\$ (2,044,267.22)
OPERATING EXPENSES	
Business Cards	\$ (19.50)
DefenderData	\$ (5,560.00)
Parking Fees	\$ -
Mileage/Tolls/Parking	\$ (810.92)
Mailing/Postage/Freight	\$ (54.40)
West Publishing Corp	\$ -
Shredding on Site	\$ (1.30)
Office Supplies/Equip.	\$ -
Cellular Phones	\$ -
OIT/TELCO	\$ (2,477.53)
Office Equipment Rental	\$ (116.00)
Legal Ads	\$ -
Barbara Taylor monthly fees	\$ -
Notary Fees	\$ -
Court Settlement	\$ -
Training Refreshments	\$ (184.15)
SUB-TOTAL OE	\$ (9,223.80)
TOTAL	\$ (2,053,491.02)

INDIGENT LEGAL SERVICES	
Q2 Allotment	\$ 4,869,980.00
Q2 Encumbrances for Justice Works contract	\$ 18,135.00
Barbara Taylor Contract	\$ (17,853.34)
Business cards	\$ -
Q2 Expenses to date	\$ (4,532,001.44)
Remaining Q2 Allotment	\$ 338,260.22

Non-Counsel Indigent Legal Services	
Monthly Total	\$ (63,133.25)
Total Q1	\$ 276,360.62
Total Q2	\$ 230,435.64
Total Q3	\$ -
Total Q4	\$ -
Fiscal Year Total	\$ 506,796.26

Conference Account Transactions	
Training Videographer	\$ -
Training Facilities & Meals	\$ (184.15)
Printing/Binding	\$ -
Overseers of the Bar CLE fee	\$ -
Collected Registration Fees	\$ -
Current Month Total	\$ (184.15)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY20 FUND ACCOUNTING

As of 12/31/19

Account 014 95F Z258 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY20 Total
Total Budget Allotments		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00	\$ 1,100,000.00
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Financial Order Adjustment	2	\$ -	5	\$ -	8	\$ -	11		
Budget Order Adjustment	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Budget Order Adjustment		\$ -		\$ -		\$ -	12	\$ -	\$ -
Total Budget Allotments		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00	\$ 1,100,000.00
Cash Carryover from Prior Quarter		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	1	\$ 78,559.60	4	\$ 86,636.49	7	\$ -	10	\$ -	
Promissory Note Payments		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	2	\$ 79,457.90	5	\$ 93,840.18	8	\$ -	11	\$ -	
Court Ordered Counsel Fee		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB (late transfer)		\$ -		\$ -	9	\$ -		\$ -	
Collected Revenue from JB	3	\$ 114,887.22	6	\$ 103,917.30	9	\$ -	12	\$ -	
Returned Checks-stopped payments		\$ -		\$ -		\$ -		\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 272,904.72		\$ 284,393.97		\$ -		\$ -	\$ 557,298.69
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		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00		\$ 275,000.00	\$ 1,100,000.00
Overpayment Reimbursements	1	\$ (168.00)	4	\$ (434.53)	7	\$ -	10	\$ -	
	2	\$ (904.00)	5	\$ (200.00)	8	\$ -	11	\$ -	
	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
REMAINING CASH Year to Date		\$ 271,832.72		\$ 283,759.44		\$ -		\$ -	\$ 555,592.16

Collections versus Allotment

Monthly Total	\$ 103,917.30
Total Q1	\$ 274,669.72
Total Q2	\$ 284,393.97
Total Q3	\$ -
Total Q4	\$ -
Allotment Expended to Date	\$ -
Fiscal Year Total	\$ 559,063.69

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY20 FUND ACCOUNTING
AS OF 12/31/2019

Account 014 95F Z258 01 (Personal Services)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY20 Total
FY20 Allotment		\$ 326,128.00		\$ 242,565.00		\$ 214,283.00		\$ 233,702.00	\$ -
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments				\$ -		\$ -			
Total Budget Allotments		\$ 326,128.00		\$ 242,565.00		\$ 214,283.00		\$ 233,702.00	\$ 1,016,678.00
Total Expenses	1	\$ (62,240.56)	4	\$ (99,140.23)	7	\$ -	10	\$ -	
	2	\$ (174,797.03)	5	\$ (71,894.07)	8	\$ -	11	\$ -	
	3	\$ (68,346.25)	6	\$ (69,821.39)	9	\$ -	12	\$ -	
TOTAL REMAINING		\$ 20,744.16		\$ 1,709.31		\$ 214,283.00		\$ 233,702.00	\$ 470,438.47

Q2 Month 6	
Per Diem	\$ -
Salary	\$ (33,328.79)
Vacation Pay	\$ (1,716.33)
Holiday Pay	\$ (4,205.25)
Sick Pay	\$ (678.96)
Empl Hlth SVS/Worker Comp	\$ (166.00)
Health Insurance	\$ (11,256.96)
Dental Insurance	\$ (366.88)
Employer Retiree Health	\$ (4,282.09)
Employer Retirement	\$ (2,591.19)
Employer Group Life	\$ (399.43)
Employer Medicare	\$ (577.71)
Retiree Unfunded Liability	\$ (7,488.33)
Longevity Pay	\$ (96.00)
Perm Part Time Full Ben	\$ (2,637.07)
Retro Lump Sum Pymt	\$ (30.40)
Comp U/P no Retirement	\$ -
TOTAL	\$ (69,821.39)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

12/31/2019

Court	Dec-19						Fiscal Year 2020			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	6	2	\$ 520.40	5	\$ 721.40	\$ 144.28	36	29	\$ 15,126.13	\$ 521.59
AUBSC	2	4	\$ 2,150.00	4	\$ 2,976.00	\$ 744.00	12	12	\$ 8,770.20	\$ 730.85
AUGDC	62	73	\$ 38,175.92	118	\$ 57,426.04	\$ 486.66	327	410	\$ 207,370.24	\$ 505.78
AUGSC	4	8	\$ 4,230.00	14	\$ 8,178.45	\$ 584.18	28	62	\$ 30,272.27	\$ 488.26
BANDC	73	169	\$ 54,374.56	234	\$ 72,710.92	\$ 310.73	378	717	\$ 231,048.61	\$ 322.24
BANSC	1	0		0			3	4	\$ 450.00	\$ 112.50
BATSC	0	0		0			1	1	\$ 132.00	\$ 132.00
BELDC	8	28	\$ 16,346.77	39	\$ 19,808.21	\$ 507.90	87	219	\$ 108,456.04	\$ 495.23
BELSC	0	0		0			0	1	\$ 1,530.64	\$ 1,530.64
BIDDC	80	100	\$ 64,511.92	130	\$ 73,281.01	\$ 563.70	390	514	\$ 285,671.08	\$ 555.78
BRIDC	12	21	\$ 11,700.08	28	\$ 13,676.39	\$ 488.44	53	119	\$ 59,780.26	\$ 502.36
CALDC	2	9	\$ 4,819.84	19	\$ 11,053.36	\$ 581.76	42	63	\$ 29,288.88	\$ 464.90
CARDC	25	40	\$ 16,049.81	42	\$ 16,305.39	\$ 388.22	78	162	\$ 63,932.35	\$ 394.64
CARSC	1	1	\$ 348.00	1	\$ 348.00	\$ 348.00	8	5	\$ 3,299.50	\$ 659.90
DOVDC	5	17	\$ 6,840.35	32	\$ 12,448.53	\$ 389.02	31	89	\$ 31,866.54	\$ 358.05
DOVSC	0	0		0			0	0		
ELLDC	22	47	\$ 21,086.04	64	\$ 29,060.04	\$ 454.06	97	244	\$ 145,338.75	\$ 595.65
ELLSC	0	0		0			3	2	\$ 831.00	\$ 415.50
FARDC	11	23	\$ 17,349.86	34	\$ 21,207.94	\$ 623.76	53	124	\$ 80,963.64	\$ 652.93
FARSC	0	0		0			3	2	\$ 328.16	\$ 164.08
FORDC	11	9	\$ 1,953.00	9	\$ 2,931.00	\$ 325.67	27	46	\$ 21,993.75	\$ 478.13
HOUDC	30	54	\$ 22,967.63	71	\$ 29,772.27	\$ 419.33	155	217	\$ 89,163.87	\$ 410.89
HOUSC	4	0		1	\$ 462.00	\$ 462.00	6	2	\$ 816.00	\$ 408.00
LEWDC	101	110	\$ 50,854.28	158	\$ 66,360.48	\$ 420.00	486	653	\$ 294,489.40	\$ 450.98
LINDC	6	20	\$ 13,796.00	34	\$ 18,497.48	\$ 544.04	62	112	\$ 54,110.16	\$ 483.13
MACDC	11	22	\$ 7,969.41	21	\$ 7,560.00	\$ 360.00	67	111	\$ 49,889.88	\$ 449.46
MACSC	0	0		0			0	2	\$ 360.00	\$ 180.00
MADDC	1	3	\$ 812.04	3	\$ 812.04	\$ 270.68	13	13	\$ 4,116.64	\$ 316.66
MILDC	6	23	\$ 6,333.60	25	\$ 6,981.60	\$ 279.26	35	63	\$ 17,756.40	\$ 281.85
NEWDC	11	35	\$ 14,986.74	50	\$ 17,314.10	\$ 346.28	96	229	\$ 80,969.19	\$ 353.58
PORDC	73	101	\$ 55,292.13	141	\$ 80,118.52	\$ 568.22	451	609	\$ 310,015.00	\$ 509.06
PORSC	2	1	\$ 552.00	1	\$ 552.00	\$ 552.00	6	5	\$ 2,319.44	\$ 463.89
PREDC	16	33	\$ 18,907.55	43	\$ 20,219.90	\$ 470.23	122	167	\$ 69,959.41	\$ 418.92
RODC	14	16	\$ 8,918.44	31	\$ 11,639.36	\$ 375.46	120	203	\$ 91,603.18	\$ 451.25
ROCSC	2	0		0			9	8	\$ 2,509.56	\$ 313.70
RUMDC	29	12	\$ 5,202.04	18	\$ 9,536.88	\$ 529.83	83	83	\$ 77,694.78	\$ 936.08
SKODC	26	80	\$ 26,346.93	111	\$ 37,970.25	\$ 342.07	210	459	\$ 182,725.42	\$ 398.09
SKOSC	1	0		0			3	0		
SODUC	16	29	\$ 19,913.78	34	\$ 22,403.78	\$ 658.93	96	138	\$ 78,754.36	\$ 570.68
SQUSC	0	1	\$ 756.00	2	\$ 924.00	\$ 462.00	2	6	\$ 4,307.75	\$ 717.96
SPRDC	30	42	\$ 21,194.84	90	\$ 51,202.13	\$ 568.91	245	356	\$ 194,487.71	\$ 546.31
Law Ct	11	19	\$ 27,068.55	23	\$ 43,693.00	\$ 1,899.70	71	96	\$ 170,601.16	\$ 1,777.10
YORCD	224	198	\$ 116,790.27	277	\$ 175,645.46	\$ 634.10	1,297	1,386	\$ 951,569.66	\$ 686.56
AROCD	124	134	\$ 58,605.74	153	\$ 75,458.57	\$ 493.19	782	766	\$ 374,406.08	\$ 488.78
ANDCD	166	207	\$ 96,096.88	280	\$ 128,146.38	\$ 457.67	950	932	\$ 400,075.94	\$ 429.27
KENCD	170	189	\$ 93,601.48	269	\$ 118,705.30	\$ 441.28	1,100	1,011	\$ 430,401.64	\$ 425.72
PENCD	333	228	\$ 82,056.93	326	\$ 135,563.30	\$ 415.84	1,573	1,359	\$ 538,864.87	\$ 396.52
SAGCD	16	31	\$ 12,808.00	39	\$ 17,863.88	\$ 458.05	167	157	\$ 70,356.61	\$ 448.13
WALCD	48	38	\$ 18,456.72	54	\$ 24,079.52	\$ 445.92	226	220	\$ 125,574.79	\$ 570.79
PISCD	18	16	\$ 3,424.68	19	\$ 4,145.80	\$ 218.20	113	112	\$ 33,059.89	\$ 295.18
HANCD	38	54	\$ 14,061.00	77	\$ 22,491.00	\$ 292.09	283	320	\$ 161,996.12	\$ 506.24
FRACD	40	39	\$ 27,364.74	61	\$ 34,324.05	\$ 562.69	229	286	\$ 149,073.99	\$ 521.24
WASCD	29	26	\$ 7,669.84	67	\$ 19,453.04	\$ 290.34	220	259	\$ 100,711.32	\$ 388.85
CUMCD	326	377	\$ 201,303.49	553	\$ 284,960.15	\$ 515.30	2,143	2,245	\$ 1,246,824.31	\$ 555.38
KNODC	79	36	\$ 13,680.97	68	\$ 29,571.61	\$ 434.88	347	307	\$ 136,545.86	\$ 444.77
NOMCD	84	44	\$ 14,175.41	81	\$ 20,839.38	\$ 257.28	583	329	\$ 77,124.45	\$ 234.42
OXFCD	70	59	\$ 24,624.95	81	\$ 32,202.44	\$ 397.56	467	441	\$ 169,588.68	\$ 384.55
LINCD	20	23	\$ 10,419.62	42	\$ 18,315.50	\$ 436.08	186	193	\$ 90,110.64	\$ 466.89
WATDC	23	48	\$ 23,174.79	75	\$ 31,148.51	\$ 415.31	166	284	\$ 132,697.87	\$ 467.25
WESDC	18	33	\$ 16,255.81	42	\$ 18,631.49	\$ 443.61	131	176	\$ 81,075.62	\$ 460.66
WISDC	3	18	\$ 9,216.88	23	\$ 10,344.04	\$ 449.74	32	68	\$ 35,217.66	\$ 517.91
WISSC	0	0		0			3	2	\$ 1,055.50	\$ 527.75
YORDC	6	15	\$ 7,940.33	23	\$ 11,092.08	\$ 482.26	47	61	\$ 29,105.06	\$ 477.13
TOTAL	2,550	2,965	\$ 1,414,057.04	4,240	\$ 1,981,133.97	\$ 467.25	15,040	17,271	\$ 8,438,535.91	\$ 488.60

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

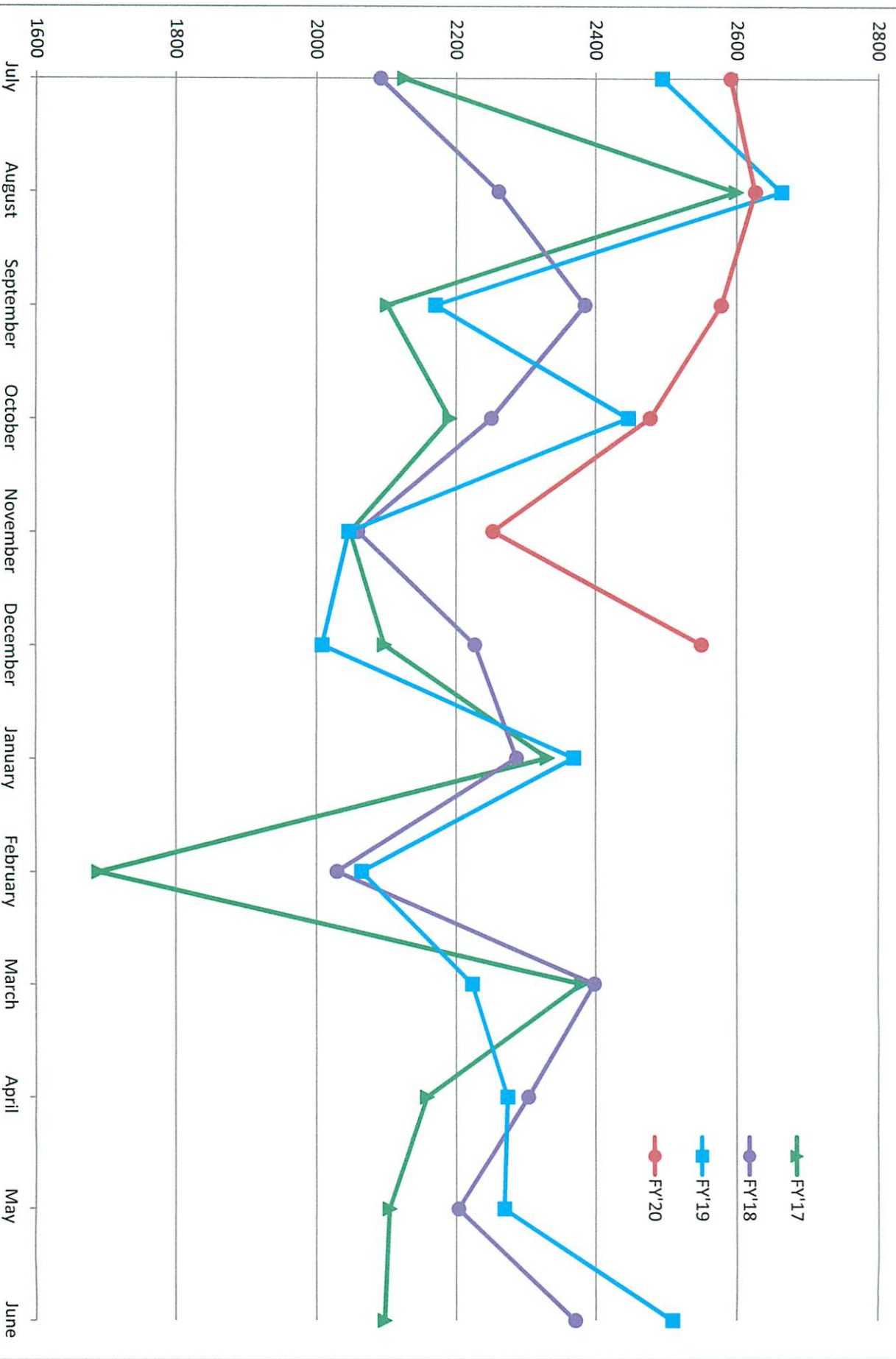
Number of Attorneys Rostered by Court

12/31/2019

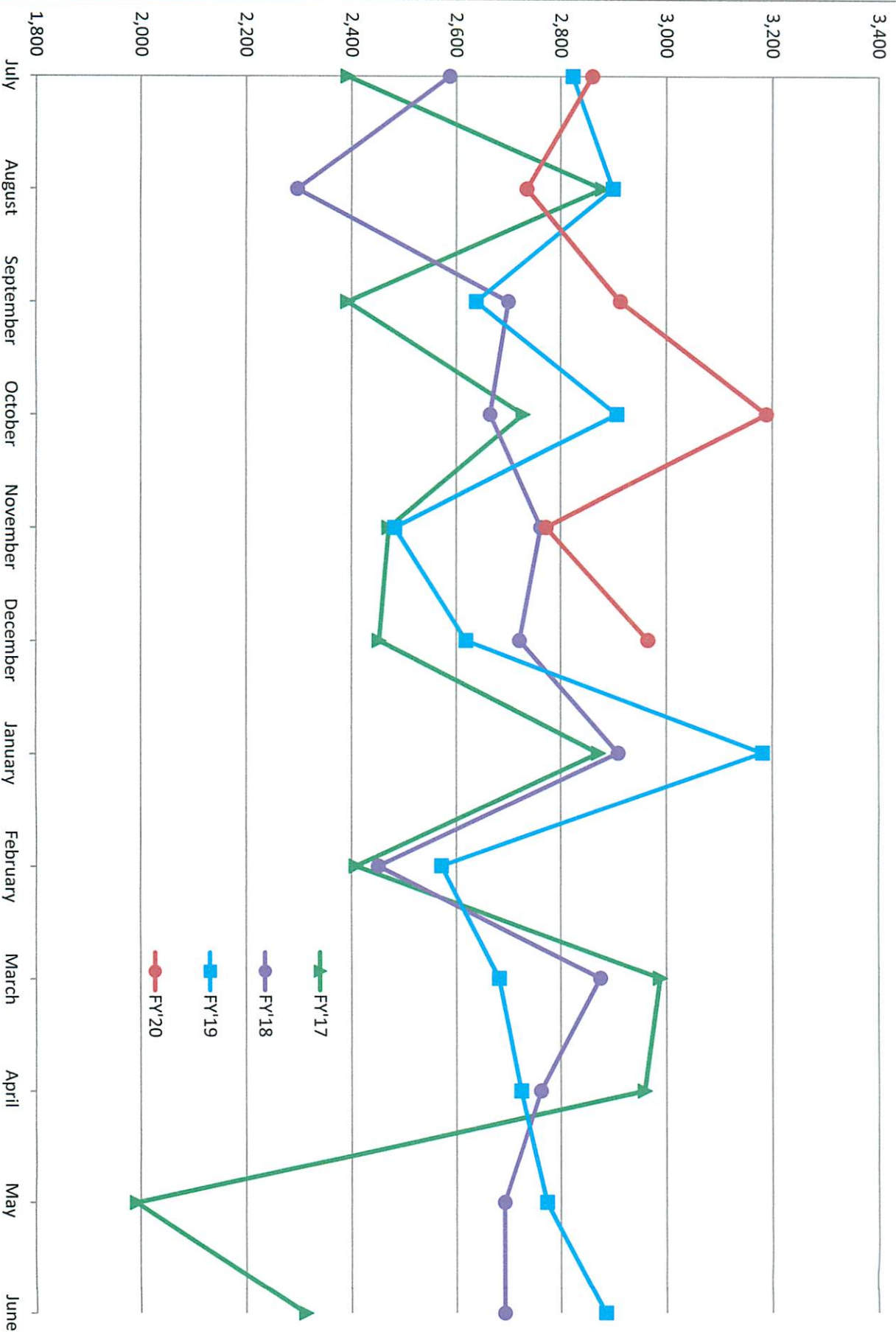
Court	Rostered Attorneys
Augusta District Court	75
Bangor District Court	39
Belfast District Court	38
Biddeford District Court	115
Bridgton District Court	71
Calais District Court	9
Caribou District Court	15
Dover-Foxcroft District Court	22
Ellsworth District Court	28
Farmington District Court	32
Fort Kent District Court	9
Houlton District Court	12
Lewiston District Court	110
Lincoln District Court	20
Machias District Court	13
Madawaska District Court	10
Millinocket District Court	12
Newport District Court	28
Portland District Court	136
Presque Isle District Court	13
Rockland District Court	29
Rumford District Court	23
Skowhegan District Court	24

Court	Rostered Attorneys
South Paris District Court	48
Springvale District Court	101
Unified Criminal Docket Alfred	102
Unified Criminal Docket Aroostook	20
Unified Criminal Docket Auburn	92
Unified Criminal Docket Augusta	67
Unified Criminal Docket Bangor	38
Unified Criminal Docket Bath	77
Unified Criminal Docket Belfast	38
Unified Criminal Docket Dover Foxcroft	20
Unified Criminal Docket Ellsworth	32
Unified Criminal Docket Farmington	35
Unified Criminal Docket Machias	15
Unified Criminal Docket Portland	132
Unified Criminal Docket Rockland	25
Unified Criminal Docket Skowhegan	23
Unified Criminal Docket South Paris	39
Unified Criminal Docket Wiscasset	44
Waterville District Court	37
West Bath District Court	93
Wiscasset District Court	51
York District Court	86

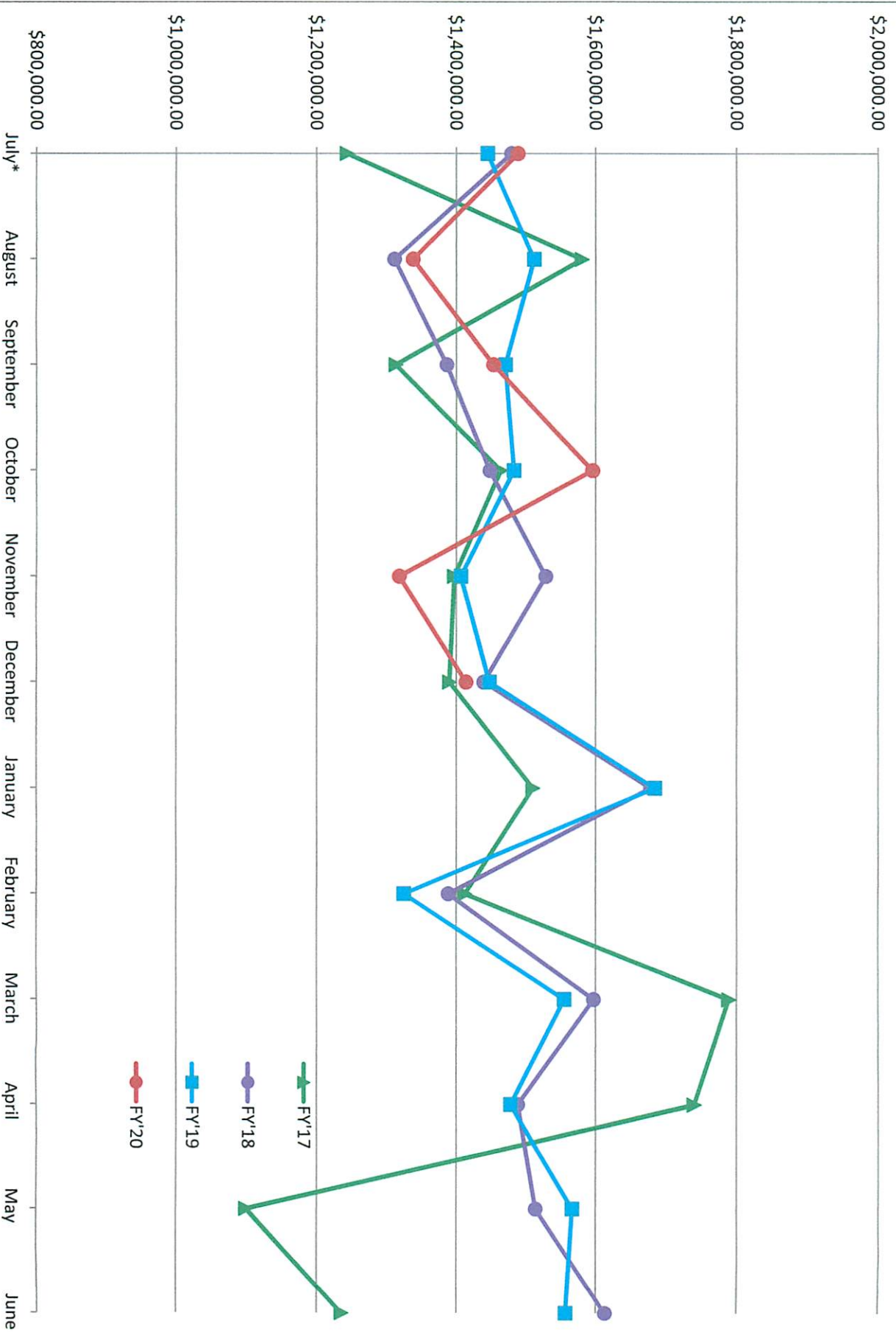
NEW CASES



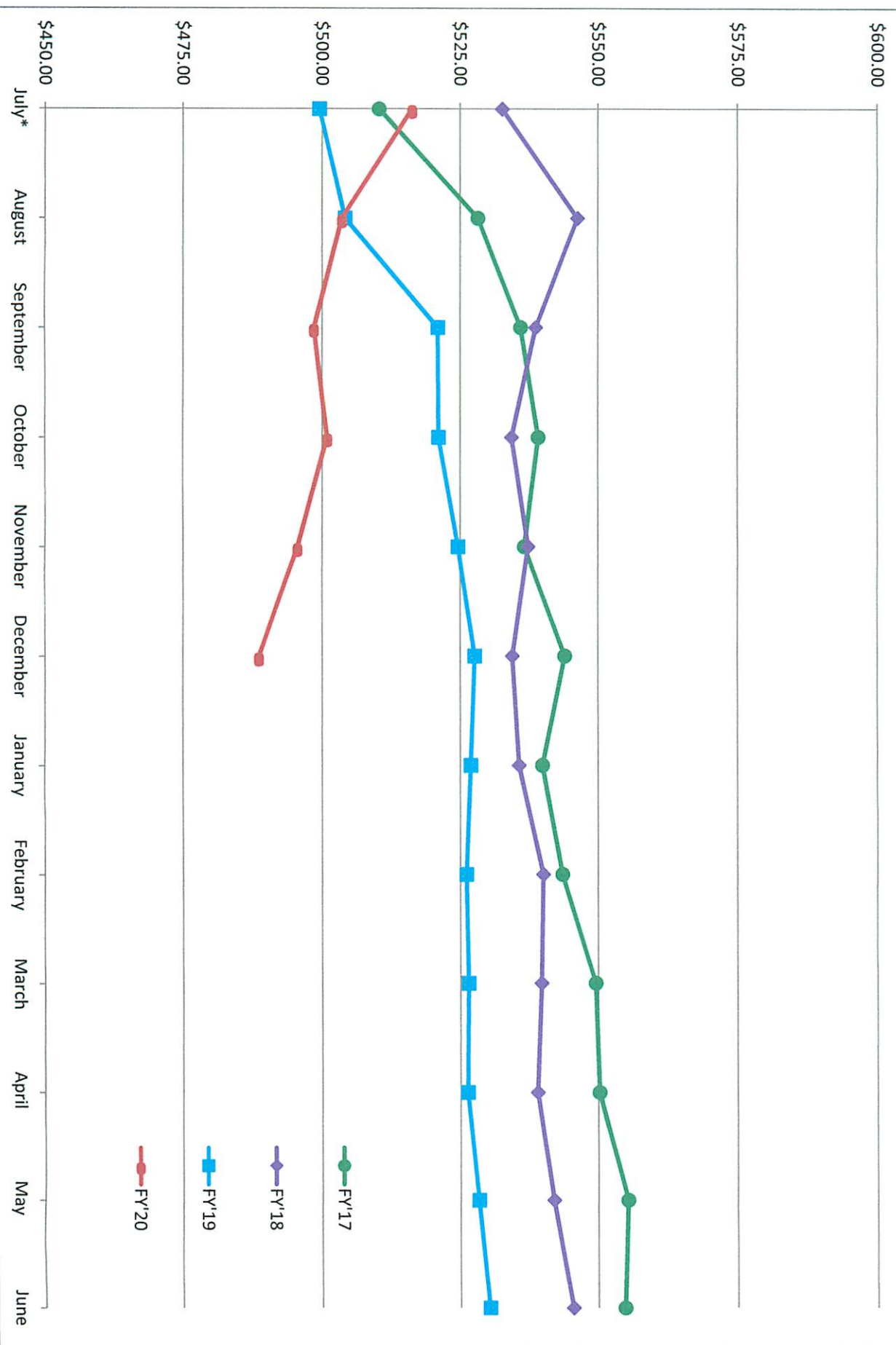
Submitted Vouchers



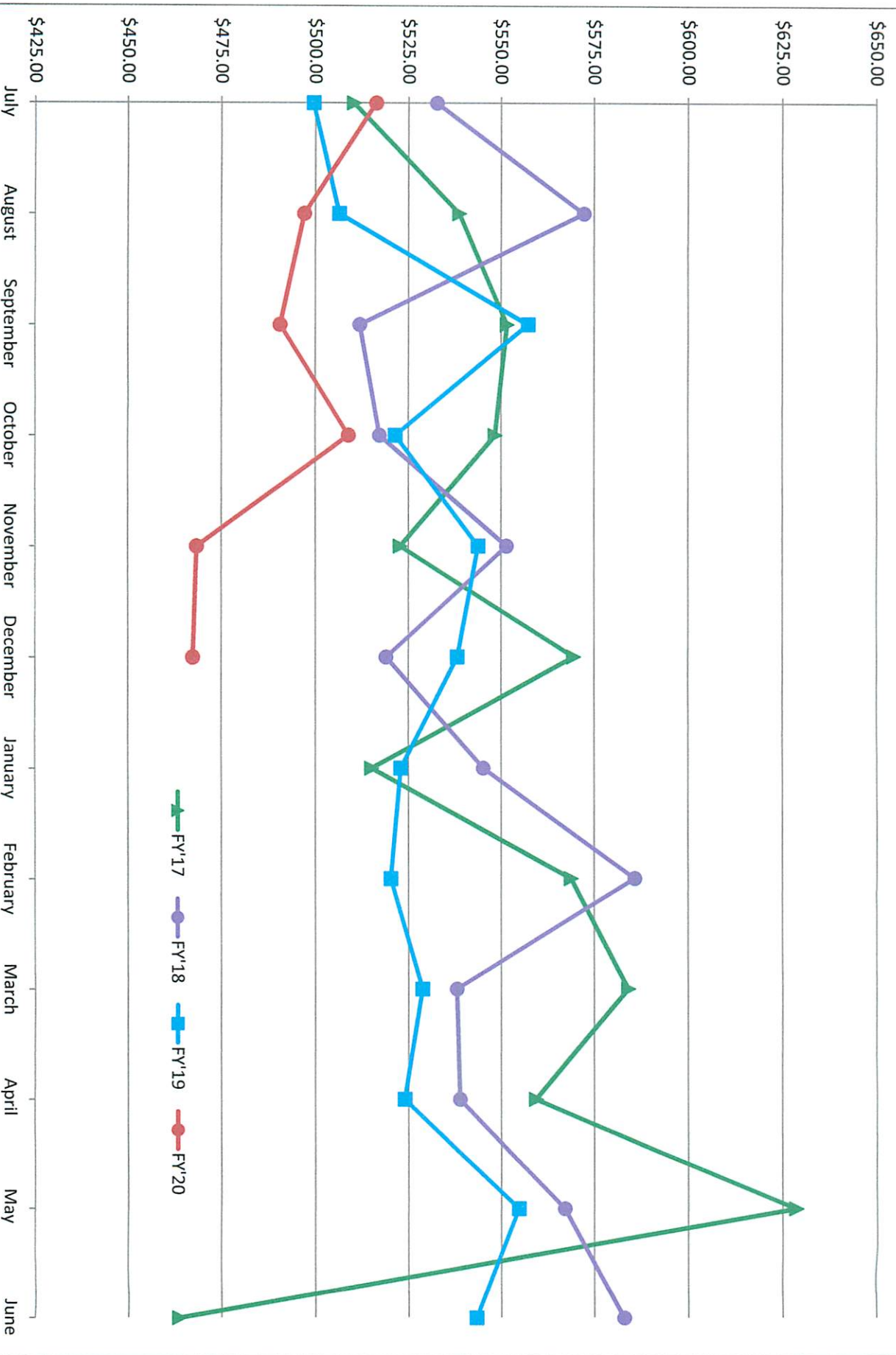
Submitted Voucher Amount



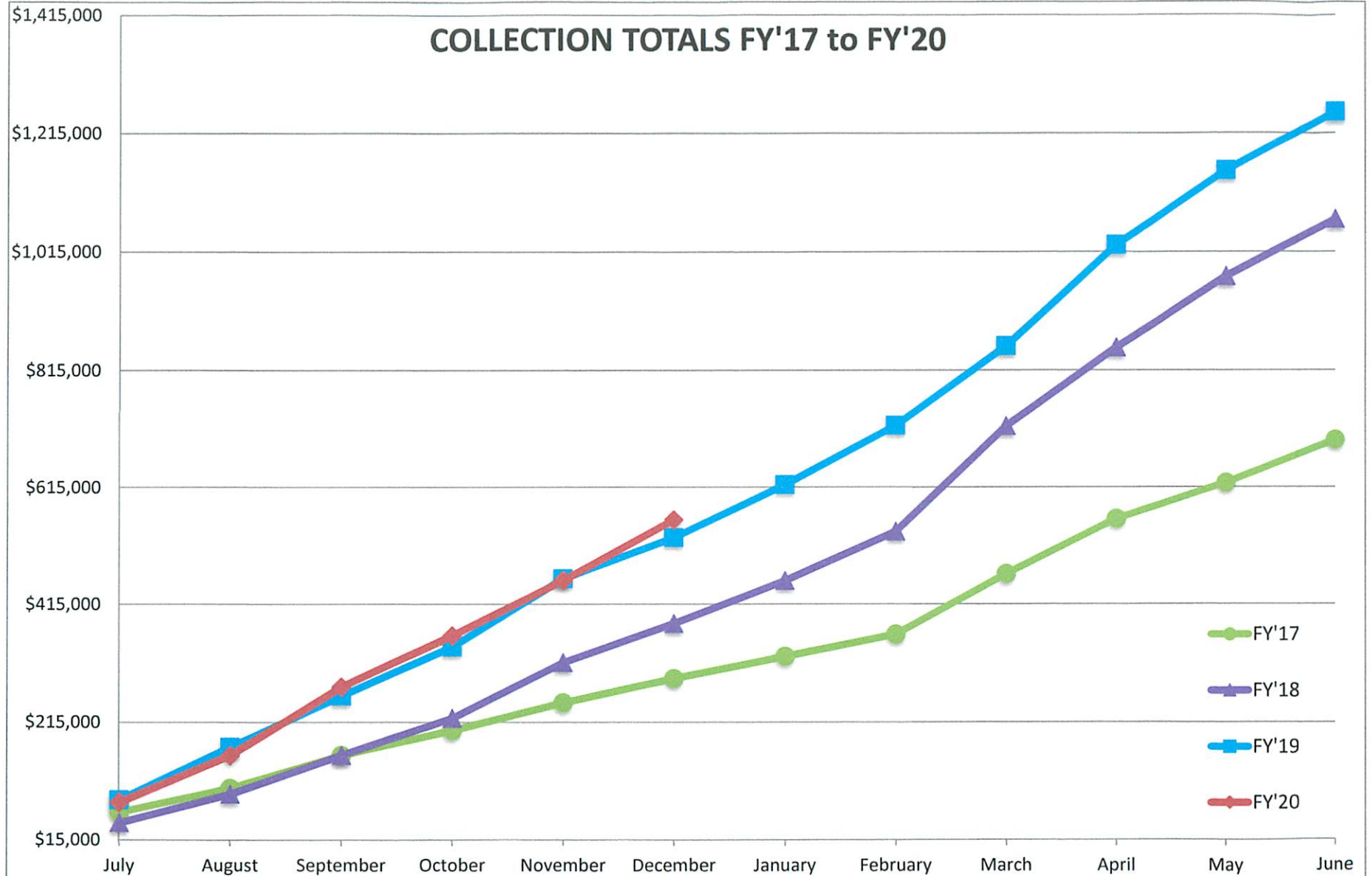
Average Voucher Price Fiscal Year to Date



Monthly Price Per Voucher



COLLECTION TOTALS FY'17 to FY'20



(3.)

**Sub-Committee Reports
and Next Steps Discussion**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: SUB-COMMITTEE REPORTS
DATE: JANUARY 8, 2020

At the last meeting, Chair Tardy assigned sub-committees to work on financial oversight, a Public Defender Office, practice standards and training. He stated that he would like progress reports at the January meeting.

(4.)

**Letter to Government
Oversight Committee**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: LETTER TO THE GOVERNMENT OVERSIGHT COMMITTEE
DATE: JANUARY 8, 2020

At the last meeting, the Commission voted to send a letter to the Government Oversight Committee asking them to expedite the OPEGA investigation. Commissioner Katz drafted a letter and Commission Carey sent it to the Committee. A copy is attached.

Also regarding OPEGA, when they are assigned an investigation, they arrange an “entrance conference” with the agency involved to inform the agency about the scope of their work and to discuss the process they will follow. Based on a conversation between the Director of OPEGA and Chair Tardy, a new entrance conference is being arranged given the new membership of the Commission.

Michael Carey

From: Kris Barron <kbarron@lipmankatz.com>
Sent: Friday, December 27, 2019 11:47 AM
To: GOC@legislature.maine.gov
Cc: jtardy@rudmanwinchell.com; Michael Carey; schurchill@nicholschurchill.com; rcummins@nhdlaw.com; bob@mainecrimes.com; 'lawmjz@gmail.com'; john.pelletier@maine.gov; Roger Katz
Subject: [External] Email from Roger J. Katz, Esq. - Financial Responsibility Committee Letter to Judiciary

Karen Lipman Boston
Caleb J. Gannon
Stephen C. Smith
Lester F. Wilkinson, Jr.
John E. Baldacci, Jr.
Leah M. Baldacci
Roger J. Katz
David M. Lipman



December 27, 2019

Via US Mail and Email – GOC@legislature.maine.gov

Hon. Justin Chenette, Senate Chair
Hon. Anne-Marie Mastraccio, House Chair
Government Oversight Committee
Office of Program Evaluation and
Government Accountability
82 State House Station
Augusta, Maine 04333-0082

Dear Senator Chenette and Representative Mastraccio:

First of all, very best wishes for a Happy New Year! Life as a former State Senator and Chair of your committee is full and definitely more relaxed! One of my new tasks is as a member of the reconstituted Maine Commission on Indigent Legal Services (MCILS). I write on behalf of the Commission.

As you may know, MCILS has organized itself in four subcommittees to review the Sixth Amendment Center's report, and other information the Commission has received, to determine how it will better provide efficient, high-quality representation to indigent criminal defendants, juvenile defendants and children and parents in child protective cases. Each subcommittee will develop recommendations to the full Commission for changes to its policies and practices, requests to the Legislature for statutory and/or budgetary changes, and communications to Judiciary regarding Court Rules or court operations.

As you know, the Government Oversight Committee and OPEGA has been considering a request to review the effectiveness of the Commission in meeting its mission and the economical use of resources. On December 10,

2019, OPEGA recommended that the Government Oversight Committee charge it to conduct a full review of the:

1. Adequacy of systems and procedures used by MCILS staff to process payments and expenditures associated with providing legal representation to clients who have been determined to be indigent or partially indigent.
2. Reasonableness of and consistency in the application of standards, criteria and procedures which inform the determination of whether a defendant/client is indigent.
3. Reasonableness of and consistency in the application of criteria and procedures used in determining, ordering and monitoring payments towards counsel fees by those who have been determined to be partially indigent.
4. Sufficiency of response by MCILS, or MCILS staff, to internally identified concerns and to recommendations made in reports which examined or evaluated the operations of the Commission regarding financial oversight.
5. Adequacy of the oversight structure of MCILS in ensuring that operations align with and accomplish the organization's purpose.

The Government Oversight Committee approved that review. OPEGA apparently indicated that, absent changes in the office's work plan, a full report could take as long as a year and certainly would not be complete by March to inform changes by this Legislature.

At its December 16, 2019 meeting, the Commission observed a high degree of overlap between OPEGA's review and the Commission's review and, further, that OPEGA's findings would be likely be very helpful to its work. Accordingly, it voted unanimously to request the Government Oversight Committee to give a high priority on OPEGA's work plan to its review of the Commission.

We are well aware that there are other important topics on OPEGA's workplan. I am uniquely aware of the difficult job you have in setting priorities. Having said that, we now have significant momentum in addressing the pressing concerns of indigent representation, and we would like to "strike while the iron is hot", so to speak. Therefore, to the extent this project can be given priority as you consider OPEGA's workplan, it would be of huge assistance to the Commission as we move forward.

Best regards,

/s/ Roger J. Katz

Roger J. Katz, Esq.
rkatz@lipmankatz.com

RJK/kab

cc: Joshua Tardy (jtardy@rudmanwinchell.com)
Michael Carey (MCarey@brannlaw.com)
Sarah Churchill (schurchill@nicholschurchill.com)
Robert P. Cummins (rcummins@nhdlaw.com)
Robert LeBrasseur (bob@mainecrimes.com)
Mary Zmigrodski (lawmjz@gmail.com)
John Pelletier (John.Pelletier@maine.gov)

Physical address: 5 Community Drive, Suite 3
Mailing address: P.O. Box 1051
Augusta, Maine 04332-1051

(5.)

Massachusetts Materials

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE MACIAG, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: MASSACHUSETTS ATTORNEY MONITORING MATERIALS
DATE: JANUARY 8, 2020

At the last meeting, Chair Tardy expressed interest in materials from other states regarding monitoring and supervision of attorneys doing assigned cases. When the Commission was preparing to implement the resource counsel system, the staff obtained materials from Massachusetts about their process. These materials were included as attachments to the email transmitting the January meeting packet. They are too voluminous to include in the printed packet, but they will be posted to our website with other meeting materials. Also attached to the transmittal email was a report prepared by MCILS in 2015 surveying methods other states use to evaluate attorney performance.