

**Maine Commission on Indigent Legal Services
October 12, 2010
Minutes**

Present: Marvin Glazier, Ken Spirer, Ron Schneider, Sally Sutton
Staff: John Pelletier, Jen Smith

Agenda Item	Discussion	Outcome/Action Item/ Responsible Party
Approval of September 14, 2010 Commission Meeting Minutes		Marvin moved. Ken seconded. Approved.
MCILS Operations Report	<p>Jennifer presented Operations Reports and FY 11 1st quarter expense reports. September saw a drastic decrease in the number of vouchers submitted. The AOC backlog is cleared, with the exception of cases appointed prior to July 1.</p> <p>Regarding the expense reports, they are working with AOC to develop spreadsheets for counsel fees so that counsel fees can be subtracted from bail payments. The intention is to put active screeners in York and Portland where there is a lot of debt that can be collected once the financial order is approved to transfer the funds into the personal services account. Each account needs to be spent down at the end of each quarter because funds do not get transferred into the next quarter without a budget order.</p> <p>John reported that there is a working group with members of AOC that is looking at the collections issue and how to get the collections paid directly to the Commission. The status quo will continue for this year. The current focus is to increase and improve communications with the clerks to increase collections. Interviews have been done with the screener positions. They are just waiting for the financial order. A screener is needed at custody arraignments. Ron and Kim met with the AOC people, who support our efforts, but we need to work out the practicalities and work on technological integration.</p> <p>Ron pointed out that we need to monitor if there are payments we would otherwise be making that we are not because there are no funds left in the quarter. Are we not spending money because we don't have it? Another quarter of data is needed to make any decisions. It was also pointed out that not having case management included in the budget was a big omission because it is such an</p>	

	<p>integral part of our operations.</p> <p>John reported that the Commission will need to do an annual report for the last fiscal year and that they are working with the courts to get this done.</p> <p>The FOIA discussion and legislation has been put on hold for this month so the Commission could focus on the rules, but it will be on the agenda in coming months because the Commission will need to put in legislation by December cloture.</p> <p>John reported that there is adequate rostering of attorneys in each county and good working relationships with the courts.</p>	
Introduction of Commission's assigned AAG Carrie Carney	Ron introduced Carrie Carney who will be the Assistant AG assigned to the Commission.	
Commission Training – Appeals Procedure	<p>Carrie discussed the appeals process. She will work with Jennifer on the notice for the hearings. We will need to create a record of the hearing which could be a recorder or a court reporter. If the appeal goes further there will need to be a transcript. As part of his role as chair, Ron will need to read a statement making sure there is no bias or the perception of bias regarding the person appealing the ED's decision. We should try to follow Roberts Rules of Order. There will be presentations by each side, testimony and evidence. The Commission deliberates in public session. Carrie's role is to assist the Commission with our process. There will be an exhibit packet sent out probably received the day of the hearing. Carrie still has some questions about oaths she needs to clarify. A Commission member will need to write up the decision and it should include the relevant facts and who voted what way. There does need to be a fact finding which will be part of the decision. There is a right to appeal to the Superior Court and Carrie would write the brief</p>	
Draft Rule Review	Ron presented the draft rules that were distributed regarding the eligibility requirements for specialized case types. A definition section has been added. He spoke about the reliance on trial experience. There is no waiver provision. His concern is that a waiver would seriously undercut the rules. There was discussion about ways to get qualified, how much second chairing is actually done, if it was mentoring and that we should be paying for it. Before a 2 nd chair is appointed we need to know the cost implications and the Commission would need to have input into who was appointed for the 2 nd chair. How do we make sure the appeal	Further work needs to be done on the proposed rules regarding the Child Protective and Juvenile Defense sections. These will be brought back to the Commission in November.

	<p>process doesn't affect our ability to function?</p> <p>John pointed out that setting up the rosters will be a significant task and not all panels will be set up at once. He raised the question about whether or not it was anticipated that if a person was qualified for 3.A. Homicides, they would also be qualified for B – E?</p> <p>There was discussion about the child protection panels and how to qualify for that work. They are highly managed cases. Each case has the potential to lead to termination of parental rights and does it really make sense for a new attorney to come in at that stage in the process. Is this an appropriate setting for using the 2nd chair in a mentoring role?</p> <p>The rules don't provide for grandfathering.</p>	<p>Regarding the Standards of Practice that were distributed, comments should be sent to Marvin, John and Ron. These will be voted on by the Commission at the next meeting.</p>
Public Comment	<p>Steve Carey submitted language to the Commission regarding the Juvenile Defense panels and suggested that this would work better than what is in the proposed rule.</p> <p>Sarah Churchill raised the point that the rules need to make sure it is feasible for someone to move up the list. Are there enough other misdemeanor cases to allow someone to gain the experience that is required? If there are requirements for co-counsel than they need to be paid. She suggested putting in a waiver.</p> <p>Steve Carey reported that 4 students from the law school are working with Chris Northrop on developing the manual for attorneys.</p> <p>There was further discussion about the proposed rules. John reported that the courts are planning a 2 day training for attorneys representing parents in child protective proceedings. There was discussion of a waiver provision that could be limited. Regarding the new proposed juvenile standards from Steve Carey, John suggested that we need something that works practically in assigning attorneys. Ron clarified that these would be routine technical rules.</p>	
Next Meeting		November 9, 2010.
Adjourn		Marvin moved. Ken seconded. Adjourned.