

**Maine Commission on Indigent Legal Services – Commissioners Meeting  
April 12, 2011**

**Minutes**

**Commissioners Present:** Ron Schneider, Ken Spirer, Marvin Glazier, Sally Sutton  
**MCILS Staff Present:** John Pelletier, Steve Carey, Jennifer Smith  
 AAG assigned to MCILS: Carrie

<b>Agenda Item</b>	<b>Discussion</b>	<b>Outcome/Action Item/Responsible Party</b>
Approval of 3/8/11 Commission Meeting Minutes	Copy of minutes received by all Commissioners.	Sally moved approval of the March 8, 2011 minutes. Ken seconded. All present voted in favor. Approved.
Operations Report	<p>Jennifer presented the Operations Report for January of 2011 and February of 2011.</p> <p>There was some discussion of where each attorney is located, what their years of experience are, etc...</p> <p>Ron asked for a break down of where attorney's home base is? He would like to know if we are losing experienced attorneys and only gaining new attorneys.</p> <p>Ken stated that this type of information would be good to provide to our oversight committee.</p> <p>Sally felt it would be helpful to have a break down of years of practice, years they may wish to continue to practice, and locations of practice.</p> <p>Jen reviewed account charts for Revenue Account and a 3<sup>rd</sup> Quarter Expense Report.</p> <p>Fiscal Year 2011 report has been updated using actually quarter three numbers. Numbers have gone up again slightly. We have put in the proposed \$550,000.00. Even with that money there is a projected \$602, 366.87 shortfall at the end of this year.</p>	

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<p>Operations Report (continued)</p>	<p>MCILS staff will do a work plan for next year and will front load the first three quarters to fully fund those quarters. That means any shortfall will only happen in fourth quarter.</p> <p>Ken asked if these numbers mean we will start next year further behind. John and Jennifer estimated that the current numbers will level off. John explained that we have been after attorneys for non-compliance with voucher submission deadlines. Jennifer stated once the electronic interface with the courts begins the cases opened numbers should jump.</p> <p>Ron asked if once the interface in place, will attorneys still have set up cases files or will it happen automatically? John said eventually they will not have to but the interface may be a two set process. The first step will eliminate the assignment paperwork which the courts send to MCILS daily. The second step would eliminate the need to set up cases files for each assignment. Jen said that mental health cases are not docketed in MEJIS so they will have to be entered still by the attorneys. John agreed that there is no electronic docketing in those cases.</p>	
<p>Budget Report</p>	<p>John presented the Budget update.</p> <p>Since the State had to deal with a Maine Care short fall the Governor's Office included an additional \$550,000 for our end of year funding in a second budget supplement. John expressed thanks to the Governor's Office, Chief Counsel Dan Billings, and the Appropriations Committee for supporting our budget needs. The additional funding was unanimously approved by the Appropriations Committee. Once new budget supplement is signed we will be able to use it.</p> <p>The Governor's Biennial Budget included funding for MCILS which is higher then we expected but not as much as we need. We maybe able to advocate for more through a change package in the future. MCILS will continue to watch it and work for both of the committees and the governor's office.</p> <p>Ron would like to thank the committees, the governor's office, and our staff. The staff did a great job pulling all the budget numbers together.</p>	

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Budget Report (continued)	<p>Marvin seconded that. Marvin asked if MCILS received a lot of calls from attorneys when voucher payment time was extended. John stated that we did not get a lot of calls. We were able to keep attorneys informed via emails and were very up front about the issue. We were able to use some leftover funds to pay attorneys that expressed an immediate need for payment.</p> <p>Ken we notified them how? John said we sent them emails to all rostered attorneys thru DefenderData.</p> <p>Ron just stressed we need to keep sending the message that we can not randomly reduce vouchers just to fit our budget. If employees work for eight hours and then we as a business said we are only going to pay you for five out of the eight hours, the employees would run to the department of labor. It is our obligations to make sure the budget is fully funded.</p>	
Regulatory & Legislative Update	<p>John presented the Regulatory and Legislative Update.</p> <p>LD 593 (HP 451), Resolve, Regarding Legislative Review of Chapter 3: Eligibility Requirements for Specialized Case Types was voted Ought to Pass out of Committee on March 24, 2011.</p> <p>LD 602 (SP 182), An Act to Clarify the Method of Appealing Decisions of the Executive Director of the Maine Commission on Indigent Legal Services was voted Ought to Pass as Amended out of Committee on March 24, 2011.</p> <p>LD 609 (SP 189), An Act to Declare Certain Records of the Maine Commission on Indigent Legal Services Confidential. After public hearing, the Chair asked us to draft an amendment which MCILS did but we noted that MCILS was not in support of the language of the amendment. Ron stated that he is worried that if someone wanted to use the information to create a website rather easily. Ron pointed out that many of the individuals names that would be given out would later have their cases dismissed. There is a real risk of a data dump. Additionally it would require time and</p>	

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<p>Regulatory &amp; Legislative Update (continued)</p>	<p>expense from vendor and staff. At the work session the Committee referred the LD to the Right to Know Advisory Committee for consideration.</p> <p>Sally questioned if the Court has a Committee to discuss this issue? John said there was a group that looked this issue. The group found that some states place all filings are on the web. The group felt that there was a distinction between public at court and on the web.</p> <p>Ron stated the other issue that was brought to his attention was a concern of equal treatment since we only have information as to indigent people. Ron felt we should continue to press that issue. If electronically available it is easy to someone to put on the web and also easy to make a mistake as to what is public. We also receive this information involuntarily.</p> <p>We have begun working on a rule for appeal and will have it to you all by next meeting.</p> <p>Sally asked whether MCILS has been providing fiscal notes on bills. John stated that we have been doing that but only respond to after bills come out of committee. In May we submitted info on eight different bills. An example he gave as in reference to a bill that would make Possession of Cocaine a Class C instead a class D. We pulled up vouchers and noted increase from D to C. Using the number of cases and the average vouchers we projected a number. Ron stated that it is a great question. The issue was raised by a representative in appropriation. If they want to get tough on crime then not pay for the defense attorneys. We are seeing that 80% to 90 % of the people are indigent. As a Commission we need to keep letting them know that. John stated our fiscal note was \$20K a year but that the courts and DOC may have submitted information as well. Sally feels that this is an important role MCILS can play.</p>	



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	suggestions continue to be sent to Steve.	
Public Comment	<p>Sarah Churchill (MACDL) – We did circulate then back in October and have not heard much feedback.</p> <p>David Mitchell (MACDL President) – At the MACDL Board Meeting an issue was raised about collect phone calls from jails. The Knox County Jail only is jail that allows inmates to call their attorneys directly without collect call fees. It would cut back on travel related costs and would increase communication. There was a brief discussion that followed between the commissioners and David about this issue.</p>	
Adjournment of Meeting	Next meeting May 10, 2011 at 9:30 am.	Marvin moved to adjourn. Ken seconded. All present voted in favor. Approved.