

Maine Commission on Indigent Legal Services
July 13, 2010
Minutes

Present: Sally Sutton, Ron Schneider, Kim Moody, Marvin Glazier
Staff: John Pelletier, Jen Smith

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Accept Minutes from 6/8/10		Ken moved. Ron seconded. Approved.
Executive Director's Report	<p>1. Office Space – John reported that the Commission moved into its office space on the 3rd floor of the Marquardt Bldg. on the AMHI campus on June 28th after it appeared that space in the Cross Office Building would not meet the Commission's needs. The space at Marquardt includes a conference room which will have video feed available for Commission meetings.</p> <p>2. John introduced Lynne Nash who started working as the Accounting Associate on June 21st. He also stated that the staff has done a tremendous job with the move to the new office space and everything involved with going live on July 1st.</p> <p>3. Start-up – John reported that he felt that the objectives of rostering attorneys (355) and having the ability to review and pay vouchers by July 1st had been met. The courts were anxious to have the rosters and they were sent out June 28th. Updated rosters will be sent out this week. There are some system sorting limitations regarding attorneys rostered in more than one court who might also be doing different cases that will need to be worked out. There are still issues that are being worked on with the vendor, but they have been very responsive.</p> <p>The rosters are overly broad geographically so clerks are being advised to pick local attorneys when possible to keep travel costs down. The Chief Judge is advising courts that lawyers are not to be assigned unless on the roster.</p> <p>The biggest challenge now is keeping up with the eligibility of</p>	

	<p>assigned attorneys. Clerks fax over assignments and attorneys must enter the system and sometimes there is a disconnect between the two. General discussion. It is a high priority to work with the courts on this and the ultimate goal is to communicate electronically with the courts, but they are not able to do this yet. The Criminal Justice Data Broker is being rolled out incrementally.</p> <p>There was discussion of year-end carry-over vouchers.</p> <p>Kim asked that prior to meetings we get financial statements.</p> <p>There was discussion about payment of vouchers and how AdvantageME works.</p>	<p>John agreed that he will have financial information at future meetings.</p>
Case Management System Discussion	<p>John reported that 350 lawyers had been sent an email with passwords and login information. The system is still being developed and there are some user help functions that need to be added. The vendors are responsive and lawyers are reporting good experiences with customer support.</p> <p>Sally asked about having access to see the system. John reported that the case management people had previously discussed a webinar but are now focused on getting the system working.</p>	<p>John will figure out how to get Commission members access to see how the system works.</p>
Fee Schedule	<p>John reported that the fee schedule that had been approved by the Commission at the last meeting did not contain all of the types of cases. Cases not covered include: involuntary commitments, petitions for emancipation, NCR release hearings.</p> <p>John requested that the Commission approve a cap of \$350 for these cases. More information may need to be gotten regarding emancipation hearings. There was discussion about the level of fees generally and that they may be too low but more information will need to be gathered before changes can be made. There was discussion about fees for Lawyer of the Day.</p> <p>Steve Carey stated that he felt that \$450 for a juvenile case may not be sufficient and that this is something that the Commission should reconsider in the future. He also pointed out MACDL's concern about the language in the fee schedule regarding hourly pay of "up to \$50 hour" and that this raised concern for many people. He also pointed out that he hopes that as the fee schedule gets more sophisticated the caps will better reflect the complexities of a case and that the caps</p>	<p>Sally moved and Marvin seconded approval of John's recommendation of a \$350 cap for the cases not previously covered by the fee schedule. Approved.</p> <p>Sally moved and Kim seconded removal of the language of "up to" from the fee schedule. Approved.</p>

	<p>should not be based on averages but what it takes to do a case according to best practices.</p> <p>John distributed for Commission approval Procedures Regarding Funds for Experts and Investigators that under his authority as Executive Director went into effect July 1. There was discussion about the Commission's need to get materials prior to meetings. There was discussion about the need for the Commission to adopt an appeal process and what such a process might look like: simple, fast and not administratively cumbersome.</p>	<p>It was agreed that the Procedures could stay in place under John's authority and that the Commission would consider them at a future time when a process for appeals had been set up.</p> <p>John will begin to draft language for an appeal process.</p>
<p>Discussion of training, Specialized Defense Panels and Performance Standards</p>	<p>There was general discussion about the lawyers on the rosters. John explained that he looked at the minimum standards approved by the commission and the information submitted by attorneys. There are a number of people who were screened off the most serious cases and a number screened off by distance. Until there are standards for the panels there are not other criteria on which to base a decision for the specialized panels. This will change as minimum standards are developed. Judges still have the discretion to pick a lawyer for a case that they think is qualified, they just cannot pick someone who is not on the list.</p> <p>Ron reported that he has started to draft a rule that will be distributed to the Commission and the defense bar for input on what they think eligibility requirements should be. He will make sure it is clear that it is not a final rule. Rulemaking encourages a consensus development process. Public comment would also be taken through the rulemaking process. The Standards Committee has not met and will need to meet. Ron reported that he is beginning to start work on the training curriculum. There was discussion about eligibility standards which will be used to assign cases based on current experience and qualification. There was discussion about performance standards which won't be used to remove someone from a list, but to evaluate their performance.</p> <p>John reported that he is submitting paperwork for an exemption from the hiring freeze so that he can recruit for the lawyer position.</p>	<p>Ron will distribute draft rule to Commission and to defense bar for input on eligibility standards.</p>

	<p>Steve Carey suggested that some notice should be sent out clarifying that the current rosters are not the final list. He suggested that there be some communication with judges and clerks so that they understand how the lists can be used. John reported that he has had discussion with the Chief Justice. Rob, Sarah and Steve are happy to meet to work on the performance panel standards.</p>	<p>The Performance Standards Committee will meet.</p>
Public Comment	<p>Rob Ruffner reiterated what Steve Carey said; thought it was a mistake to generate the panel lists and that the Commission should be considering "how can we justify giving any case to any attorney." He recommended that as a stop gap measure until standards are developed, that people not take any type of case that they haven't done previously. Notice of assignment from the courts is an issue. LOD was discussed. In courthouses where they currently exist, they will be kept. Expansion is still a question to be addressed.</p> <p>Sarah Churchill suggested it might be helpful in the long run to have a disclaimer about who is on the list, that the process is not final and qualifications are still being determined. She suggested that MACDL and others are available to help. She raised concerns that have been voiced about major things, like the budget being missed. People expect a budgetary crisis. What will happen when the money runs out?</p> <p>Rob Ruffner suggested that how people are entering their time into the system needs to be more efficient.</p>	<p>Sally requested that John provide a budgetary calendar which includes the steps in the budget process, what information is needed, where are the pressure points and what do we need to do to influence ay decisions?</p>
Next Meeting		<p>August 10, 2010 9:30</p>