

**Maine Commission on Indigent Legal Services
August 10, 2010
Commission Meeting
Minutes**

Present: Sally Sutton, Ron Schneider, Kim Moody, Ken Spirer, Marvin Glazier

Staff: John Pelletier, Jen Smith

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Approval of July 13, 2020 Minutes		Kim moved. Marvin seconded. Approved.
MCILS Operations Report	<p>Jennifer reviewed the operations report which contained such data as number and type of cases, vouchers received and paid, numbers of attorneys rostered, expenses and numbers of calls to the office. It is possible to break down data by case and rostered attorneys for each court.</p> <p>Jennifer also reviewed the budget to date and provided a technology update on DefenderData which included future plans. Questions were asked about our ability and plans to conduct audits. The system includes controls which will be reviewed once we are through the initial transition phase. We may need to build in more operational procedures. The state also conducts an annual audit.</p> <p>Jennifer pointed out that the Revenue account figure may be higher than we should anticipate receiving. This fund will be used as a reserve account for larger expenses such as the Somerset County contract and the payment to DefenderData.</p> <p>Ron pointed out that the feedback he has</p>	Jennifer will provide this information to the Commission before the next meetings

	<p>received has been good and he applauded the staff for their good work and the responsiveness of the DefenderData technology support.</p> <p>John pointed out that from his review of the vouchers he can see that many lawyers are doing amazing work. He also pointed out that it is possible for him to see patterns where some attorneys are not spending the time they should with clients, or that routinely clients are pleading guilty as charged.</p>	
<p>Budget Discussion</p>	<p>John discussed the Personal Services Budget and the need to access \$122,488 from the All Other account to cover the Commission’s personnel costs, as was intended. Options include: asking for action by the Legislature as part of the supplemental budget process; or getting a financial order from the administration to transfer the funds from All Other to Personal Services. John recommended the Commission seek a meeting with Ellen Schneiter of the budget office and someone from the Governor’s office.</p> <p>John pointed out that the originally estimated technology costs were low, about \$25,000 when actual costs are about \$57,000.</p> <p>John pointed out that the intentions of the Judicial Branch are not to continue to collect fees at the courthouses and through the clerk’s offices. This is contrary to the working assumptions that the Commission has had and places an unanticipated burden in terms of</p>	<p>The Commission agreed with John’s recommendation and Ron and John will make arrangements for a meeting.</p> <p>Marvin moved that John be directed to take any action he feels is necessary to make it clear that it was the understanding of the Commission that the court was to collect fees and make it clear that the Commission cannot start its fiscal year with a 1.5 million deficit.</p>

	<p>costs and staffing on the Commission. Concerns were raised about the unique position of the courts to collect fees that make it more effective than the Commission could be. There was discussion.</p> <p>John pointed out that the 2012/13 budget submission is due Sept. 1st.</p>	<p>Kim seconded. Approved.</p> <p>A request was made to Jennifer for the actual revenue figures.</p> <p>The Commission will meet on 8/31 at 9:30 to approve the budget.</p>
Somerset County RFP	The Commission needs to send out an RFP for the provision of legal services in Somerset County which are currently being provided under an MOA between the Somerset County Private Defenders Program and the Judicial Branch.	RFP approved with removal of references under 4. Eligibility, that are not consistent with Eligibility Requirements and CLE references. The RFP process can get started.
MCILS Procedures for Appeals of Decisions of ED	John reviewed the Procedures Regarding Funds for Experts and Investigators which now includes an appeal process.	Kim moved and Ken seconded approval of the Procedures including Article V. A – D. Approved.
MCILS Fee Schedule	John raised an issue about minimum fees for companion cases and recommended making an adjustment in the minimum fee that could be claimed. There was discussion.	Kim moved and Marvin seconded to accept the language: “For separate cases involving the same client that are resolved on the same day, no minimum fee adjustment may be claimed if the total fee for all such cases exceeds \$175.” Approved.
Training, Specialized Defense Panels and Performance Standards	Ron reviewed the draft Eligibility Requirements for Specialized Defense Panels. He discussed adding a waiver provision, asked for feedback about whether or not there were too many panels and raised the concern about whether or not there were enough types of cases not included under specialized panels. He pointed out that the criteria are being driven by trial experience. There was discussion about whether or not we needed a resume and cover letter, if we should require references and how best we could measure a	Comments should be sent to Ron. The final draft for Commission approval prior to rulemaking process will be discussed in September.

	<p>subjective experience. There was discussion about combining some panels, that in some of the smaller counties lawyers may not be doing a lot of trials and that drug offenses could be wrapped into other felonies. The Commission thanked committee members: Ron, Sarah, Rob, Chris and Steve.</p>	
Public Comment	<p>Chris Northrop said that he is moving forward with the juvenile training manual and will have students working on it this fall. He is still waiting for templates from New Hampshire.</p> <p>Sarah Churchill recommended that given the upcoming budget discussions now may be the time to begin looking at whether or not the \$50/hour rate is appropriate. Is this the right rate or should we be thinking about changing it?</p>	Ron will send Chris the New Hampshire training manual.
Next Meeting		8/31 at 9:30 for approval of budget; 9/14 at 9:30.
Executive Sessions		Marvin moved and Kim seconded to go into Executive Session to discuss personnel matters pursuant to 1 MRSA §405(6)(A). Approved.
Adjourn		Kim moved and Ken seconded to adjourn the regular meeting. Approved.