

**Maine Commission on Indigent Legal Services – Commissioners Meeting
December 14, 2010**

Minutes

Commissioners Present: Ron Schneider, Ken Spirer, Kim Moody, Marvin Glazier

Commissioners Attending by Phone: Sally Sutton

MCIL Staff Present: John Pelletier, Steve Carey, Jennifer Smith

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Approval of November 9, 2010 Commission Meeting Minutes	Copy of minutes received by all Commissioners.	Marvin moved approval of the November 9, 2010 minutes. Kim seconded. All present voted in favor. Approved.
MCILS Operations Report and Financial Reports	<p>Jennifer presented the Operations Report. The number of rostered attorneys rose. The number of cases being opened in DefenderData is stabilizing. The average amount per voucher went down from \$394.81 to \$372.36.</p> <p>Accounts were reviewed. The personal services accounts are on target and we have now hired both the York and Cumberland County Screeners. The newly hired Screener will appear in the numbers of Quarter #3.</p> <p>Revenue account is larger then normal since we did not receive the transfer from the Judiciary in time to pay DefenderData and the Somerset County bills, those bills had to be paid out of the All Other Account. We will make up the difference by using funds from the Revenue Account to pay some attorney vouchers.</p> <p>Expert witness funds and Private Investigator funds were up a bunch.</p> <p>John informed that vouchers are being approved for payment at the rate of approximately 9 business days from submission depending on holidays and shutdown days. Meaning that attorneys are receiving payment in 11 to 15 days from submission of the voucher.</p>	

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	<p>John stated that he is following the budget closely and we are already paying vouchers for December so we are well within the 30 day payment requirements of the State. The voucher submissions have continued to vary. There was a spike in November and it trailed off in December. At the end of December we may not be able to stay on our schedule so once the January allocation is in we will play catch up.</p> <p>Jennifer noted that the Budget Department is happy we are spending down our budget each quarter and that we are paying our bills within 30 days.</p>	
Annual Reports	<p>Jennifer explained that the annual budget report was created by Jennifer and John already submitted.</p> <p>Jennifer presented information about the Commissions Annual Report to the Secretary of State.</p> <p>Under 5 M.R.S.A. § 12005-A the Commission must file an annual report with the Secretary of State. The Statute also requires the Commission appoint a “Clerk of the Board” and the Executive Director recommended the Commission appoint Jennifer.</p> <p>Jennifer outlined that the enabling statute requires that a different annual report be fled with the Legislature, the Chief Justice, and the Governor. The Staff will work on this report and get it ready to submit after the beginning of the year.</p>	Ken moved that the Commission appointed Jennifer as Clerk of the Board. Marvin seconded. All present voted in favor. Approved.
Training Update	<p>John updated the Commissioners on training. The biggest hurdle has been that if we charge a fee for trainings we have to have an account. Steve coming on has relived a lot of day-to-day pressures so we have been able to spend time working this issue. Jen has inquired how to create a new revenue account just for training. It required us drafting and submitting a budget order within a 48 hour deadline. Jennifer and Steve did it though.</p> <p>We are working on the minimum standards training which is required for recent grads and newer attorneys that were only grandfathered for one year. It is going to be a full day of Criminal Law training, a half-day Juvenile Law training and a half-day</p>	

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	<p>Child Protective Training. The full day will cost attendees \$50 and the half-day sessions will each cost \$25. We are looking at it being scheduled for February 3rd and February 4th of 2011 in a Central Maine location. We are working with purchasing to confirm a venue.</p> <p>Ron stated that if we set it up for replays then the replay should have to be a fee as well.</p> <p>There was a discussion between Ron, John and Steve about working on getting CLE credit for all the trainings.</p>	
Budget Update	<p>Jennifer presented a budget update. In order to create a “conference fee account” staff had to prepare and submit financial orders for the remainder of fiscal year 2011, as well as a change package for the fiscal year 2012/2013 budget. Due to deadlines from the Budget Office staff had to submit these orders without prior approval by the Commissioners.</p> <p>Jennifer explained that the Personal Services Account has a projected surplus.</p> <p>John outlined that the Budget Office had told us that we did not have enough money to hire so we did the \$42,000 Financial Order to move money from the All Other Account to our Personal Services Account to cover the projected gap. The Budget Office was conservative in there projections and along with hiring Steve late, the screeners late we now have a surplus. The surplus from quarter #1 which was brought forward to quarter #2 and a surplus in quarter #2 equaled a \$75,000 surplus.</p> <p>John and Jennifer stated that we are recommending that the Commission rescind the previous Financial Order of \$42,000.</p> <p>Ron commented that staff should keep our eye on the screener issues in Bangor. How does the screening happen? Are we getting partial fees assigned there or not?</p> <p>Marvin stated that they had a screener in Bangor about five or six years ago.</p>	<p>Kim moved to approve the financial orders and change package. Marvin seconded. All present voted in favor. Approved.</p> <p>Kim moved to rescind the financial order and move the \$42,000 back to the All Other Account. Marvin seconded. All present voted in favor. Approved.</p>
Regulatory and	John outlined that MCILS was required to file a rule making agenda with was	Ken moved to allow the staff to

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Legislative Report	<p>included in the meeting packet. John asked Jennifer about the rule titled Submission of Case Information by Rostered Attorneys. Jennifer stated that it may not be needed.</p> <p>Ken suggested that the Commissioners be provided a calendar of important dates and deadlines that they should be aware of.</p> <p>John reviewed the draft legislation titled “Information Not Public Record.” Marvin and Ken noted some typos to be corrected. Ron requested that information subject to attorney/client privilege be added.</p> <p>Jennifer informed the Commissioners that that Commission is able to submit our own legislation but that we have missed that deadline so any legislation now will have to be submitted by a legislator.</p> <p>John pointed out the suggested redraft of the appeal language in the enabling statute.</p> <p>Ron noted that it is not limiting a person’s right to appeal just outlining how they seek redress.</p> <p>Ken questioned the use of “must” and “may” in subsection #4. Ron stated that it gives the Commission discretion to have any waiver decision heard by a smaller number of Commissioners which would be considered final agency action. Any decisions to take an attorney off a list or not put an attorney on the lists are heard by the full Commission. Ken stated he understood that but was suggesting that instead of “may” it should be “can.”</p>	<p>move forward with proposed legislations as revised. Marvin seconded. All present voted in favor. Approved.</p>
Draft Standards Review and Discussion	<p>Ron and Steve suggested that each Commissioner send any edits, corrections or thoughts about the Standards to Steve for redraft.</p> <p>Ron suggested working collaboratively with MACDL, CPJJ Section of MSBA, the MSBA in general and other stakeholders to come up with final drafts of the Performance Standards/Standards of Practice. Ron suggested have a workshop on it with two Commissioners, John, Steve and the stakeholders sometime in January.</p>	

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	Ken suggested putting dates on the drafts (directly on the document) so there is less confusion.	
Public Comment	<p>Sarah Churchill, President-Elect of MACDL and attorney at Strike, Goodwin and O’Brien in Portland questioned how the standards of practice will be used. Ron stated that they will be guideline for behavior, a practice guide and used as a performance standard tool in order to evaluate attorneys.</p> <p>John stated that he would use it to review for chronic and repetitive behaviors.</p>	
<p>Enter into Executive Session</p> <p>Leave Executive Session</p>		<p>Marvin moved for the Commission to enter executive session to get legal advice from the Commission’s AAG. Kim seconded. All present voted in favor. Approved.</p> <p>Ron moved to leave executive session. Kim seconded. All present voted in favor. Approved.</p>
<p>Adjournment</p> <p>Date and Time of Next Meeting</p>		<p>Kim moved to adjourn. Marvin seconded. All present voted in favor. Approved.</p> <p>Next meeting January 11, 2011 at 9:30 AM.</p>