

**Maine Commission on Indigent Legal Services – Commissioners Meeting
June 14, 2011**

Minutes

Commissioners Present: Ron Schneider, Marvin Glazier, Sally Sutton, Kim Moody

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

AAG Representative: Carrie Carney

| Agenda Item | Discussion | Outcome/Action Item/Responsible Party |
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| Approval of 5/10/11 Commission Meeting Minutes | Copy of minutes received by all Commissioners. | Kim made motion to accept minutes. Marvin seconded. All present voted in favor. Approved. |
| Operations Report and Budget Update | <p>Jennifer presented the <u>Operations Report</u> memo for June 2011 to the Commissioners.</p> <p>Since our last meeting:</p> <ul style="list-style-type: none"><input type="checkbox"/> The number of rostered attorneys rose to 464.<input type="checkbox"/> 2,148 new cases were opened in the DefenderData system in May.<input type="checkbox"/> The number of vouchers submitted electronically in May was 2,184. We paid 2,401 electronic vouchers totaling \$919,192.49.<input type="checkbox"/> 14 paper vouchers were submitted and paid in May totaling \$14,423.80.<input type="checkbox"/> Combined, there were 2,415 electronic and paper vouchers paid in May totaling \$933,616.29. The average per voucher amount on the electronic system in May was \$382.84, with fiscal year to date averaging \$369.38. Paper vouchers averaged \$1,030.27 in May, bringing the fiscal year to date average to \$632.22. With electronic and paper vouchers combined, the average price per voucher to date is \$388.81. <p>The Financial Order to move \$30,000 from Personal Services back to All Other took effect on May 7, 2011. Thus, you will note a \$30,000 debit in PS and a \$30,000 credit in AO in the reports. In addition, a Budget Order was completed on May 23, 2011 to bring forward \$25,000 in PS reserves from previous quarters to fully fund the 4th quarter PS expenditures. Jennifer commented that the delay in hiring had produced</p> | |

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| Operations Report and Budget Update (continued) | <p>left over funds in the first three quarters that we were able to move forward to the final quarter to cover expenses now that we are almost fully staffed.</p> <p>Collections are up substantially in the Revenue Account this quarter. The revenue transfer from the Judicial Branch in May was \$42,101.68, bringing quarter to date revenue to \$91,297.18. Anticipating the year-end crunch, the Judicial Branch also pushed forward our June revenue transfer, journaling \$51,425 in collection into our revenue account for June. Jennifer commented that only \$7,000 of these funds came from the tax offset meaning the majority came due to the hard work our screeners are doing on collections. See additional discussions about collections below.</p> <p>Although our revenue collections for FY' 11 will still fall \$100,000 short of the total allotment allowed in the account (actual collection will be approximately \$399,000 of the \$506,000 allowed), revenue receipts for the 4th quarter exceeded the amount allotted for that quarter in our work plan. The Commissioners questioned what we had to do about that. Jennifer commented that "everyday in the Commission we learn something new, don't we John" then explained thanks to the early transfer by the Judicial Branch, we have enough time to prepare a Budget Order to transfer unmet allotment from previous quarters 2 forward so that all revenue collected this quarter can be utilized in paying indigent legal services.</p> <p><u>Budget Report:</u></p> <p>The Appropriations Committee has voted to include the additional funds appropriated to MCILS in the FY' 12/13 biennial budget by the Governor in both the original budget proposal and the change package. As passed, the Commission will now receive an additional \$441,164 in All Other each year above the All Other baseline budget in FY' 10/11. This will bring the All Other budget for both fiscal years to \$9,800,000. We are preparing a work plan using these figures for submission to the Budget Office once the complete budget is approved in the Legislature and signed by the Governor in the coming weeks. John pointed out that this year we started out with 9.3 million but due to additional funding we ended up with 10.09 million. Ron stated we did get \$750,000 in additional funding but we still started of year with receiving a de-appropriation. John explained that so for this year we got 10.1 million but even</p> | |

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| Operations Report and Budget Update (continued) | <p>with the additional appropriations our budgets for the next two years are 9.8 million so we will probably still have to address it in supplement budgets.</p> <p>Kim asked if it would be possible to run budget numbers based on a change of rate such as for if the rate was increased to: \$55, \$65, \$75, etc? Sally added or if the rate was changed for some charges but not other? Steve commented that it would be hard to justify a rate change on some charges but not others.</p> <p>Ron asked while looking at the average voucher per case types, if we could run reports on even smaller levels such as on each charge? John stated that we can run reports on the average for particular charges? Ron asked like for example VCR? Jennifer stated we could run a report of the top ten most expensive charges. Ron asked about sentencing data. He explained that a footnote in a recent Law Court case stated that State has no way to track sentences. John and Steve stated that we could look at extending our drop down menus for dispositions. John explained that the coding is very difficult for using text fields though.</p> <p><u>Additional discussion on Operations Reports while reviewing actually reports:</u></p> <p>Ron commented on the # of Attorneys Rostered by Courts Report. He asked, for example, of the 117 rostered attorneys in Auburn, how many are from Auburn or that is their home court? Jennifer said we currently could not tell you that. John stated that the home court designation is new under the proposed Fee Schedule. Marvin asked how that will be determined. John stated it would be designated to the attorney based on office location. Ron expressed that just as many have expressed concern on having too few attorneys in some areas, he is concerned with have too many attorneys in some areas. Jennifer expressed that how the courts are assigned is an issue we are discussion with Justice Works. Steve stated as of right now the courts are assigned to the attorney as a firm not individually. John stated that is of high priority to fix.</p> <p>I have attached two new reports – Indigency Statistics and Collection Statistics – containing information requested by you at previous Commission meetings. There is a large amount of data contained in these reports, particularly the collection statistics report. I attempted to present the data in a manageable and useful way for your</p> | |

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| Operations Report and Budget Update (continued) | <p>consumption, but I welcome any input on alternative ways to present it and/or additional information you would like to see reflected in the reports.</p> <p>The data contained in the Indigency Statistics Report was compiled using information provided to the Central Office by the Financial Screeners on a monthly basis. Statistics are only available for courts with screeners. The black box at the top of the report contains overall indigency statistics, with individual screener coverage areas grouped below. Jennifer reviewed the Midcoast Courts statistics as an example of how the report is laid out. Steve pointed out that the totals do not add up to 100% as pointed out by an audience member. Jennifer stated that it must have been the way the computer added it.</p> <p>The data contained in the Collection Statistics Report was compiled using information provided to the Central Office each month by the Judicial Branch when the revenue transfer is completed. In the future, this report will also include any funds collected directly by the Central Office. The black box at the top of the report contains overall collections statistics, with an additional break-down of collections in screened vs. non-screened courts. Information in regard to collection in individual screener covered courts, by screener coverage area, as well as individual courts in non-screened courts, follows. Jennifer noted that the average monthly collections for courts with screeners is \$32,404 while the average monthly collections for courts without screeners is \$2,188. Ron stated that these numbers show that we should have a screener in Bangor. Jennifer pointed out that it is something that we are trying to work out due to the shortage left over in the budget that was caused by hiring staff at higher steps or more benefits than anticipated. Jennifer explained that the yellow on the report marks months where there were no screeners in those courts. Jennifer noted that for example York almost decreased to nothing before Tina came back and that it is really nice to have her back since that county does well on collections.</p> | |

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| Training Update | <p>Steve presented the Training Update Memo for June 2011 to the Commissioners.</p> <p>MCILS has completed the second round of minimum standards training in the areas of Criminal Defense, Juvenile Defense, Child Protective Defense, and Emancipation Representation.</p> <p>On May 18, 2011 we presented a full day Criminal Defense Minimum Standards Training at the Hollywood Slots Hotel in Bangor. The training consisted of ten sessions covering various areas of criminal defense representation. The training provided 7.0 hours of CLE credit and was attended by 80 attorneys.</p> <p>On May 19, 2011 we presented a full day Juvenile Defense Minimum Standards Training at the Hollywood Slots Hotel in Bangor. The training consisted of six sessions covering various areas of juvenile defense representation. This training provided 7.0 hours of CLE credit and was attended by 60 attorneys.</p> <p>On May 20, 2011 we presented a two hour Emancipation Minimum Standards Training. There were three speakers who covered all areas of emancipation representation. The training provided 2.0 hours of CLE credit and was attended by 45 attorneys.</p> <p>During the remainder of the day on May 20, 2011 we presented a five hour Child Protective Minimum Standards Training. The training consisted of five sessions covering various areas of child protective representation from the start of the case through termination of parental rights. The training provided 5.0 hours of CLE credit and was attend by 50 attorneys.</p> <p>Copies of the training materials for the May trainings were passed around to the Commissioners to see. Ron stated if we have good forms that our attorneys could be using perhaps we can put it on the website.</p> | |

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| Training Update (continued) | <p>The Maine State Bar Association presented a training titled <i>Mental Health Law: Involuntary Hospitalization and Community Commitment</i>, which MCILS approved as meeting the requirements for the Minimum Standards Training for the area of Involuntary Commitment. The webcast program has run twice now. There was a video replay on May 26, 2011. MSBA has set up two Replay Webcasts on June 22nd and 29th of 2011. The attendees received two and a half hours of CLE credit.</p> <p>The Maine Association of Criminal Defense Lawyers had their annual two-day training on June 2nd and June 3rd. The first day was a full day of training on handling an OUI case presented by experienced OUI attorneys. MCILS approved this training to qualify for the OUI CLE requirement under the OUI Specialized Panel. This training was attended by over 100 attorneys. Both days also qualified as CLE credit towards meeting the general rule that all rostered attorneys attend 8 hours of CLE annually. I attended day two of this training to give members an update on our current and proposed rules.</p> <p>The Judicial Branch's Family Division had their yearly two-day training for attorneys who represent parents in Child Protective matters on June 2nd and June 3rd. Both John and I attended and participated in planning sessions for this training. Both days qualified as CLE credit towards meeting the general rule that all rostered attorneys attend 8 hours of CLE annually. I attended day-one of this training and John attended day-two of this training to be present if any MCILS issues or questions arose.</p> <p>John discussed his invite to attend forensic training in Los Angeles. The cost will be covered by a grant received by the LA Public Defender's Office. Part of the deal is that he will come back and incorporate the teaching into our trainings. John feels</p> | |
| Legislative Update | <p>John presented the Legislative Update for June 2011 to the Commissioners.</p> <p>All bills below have been passed and signed. The bottom two had some minor modifications made throughout the process.</p> | |

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| Legislative Update (continued) | <p>L.D. 593, <u>Resolve, Regarding Legislative Review of Chapter 3: Eligibility Requirements for Specialized Case Types, a Major Substantive Rule of the Maine commission on Indigent Legal Services.</u></p> <p>LD 602 (SP 182), <u>An Act to Clarify the Method of Appealing Decisions of the Executive Director of the Maine Commission on Indigent Legal Services.</u> .</p> <p>LD 609 (SP 189), <u>An Act to Declare Certain Records of the Maine Commission on Indigent Legal Services Confidential.</u></p> | |
| Public Comment | <p>Rob Ruffner – Rob stated that in reference to financial screening, he is wondering if the standards that the screeners are using would be evaluated to see if it is too harsh or too lenient. He asked if one’s ability to post bail or having money to post bail is counted during screening. In reference to the lack of full funding needed to hire the Bangor screener, he asked if it could be a 9 month hire. In reference to Ron’s comment into looking into the average voucher for a VCR charge, Rob stated it may be cheaper than you think since most of the time it is resolved while dealing with another case. Rob mentioned that some attorneys from Maine have been invited to attend a training by the innocence project and that he hopes it will could for MCILS credit.</p> | |
| Adjournment of Meeting | <p>Next meeting will be July 12, 2011 at 9:30 am at the Judicial Committee Meeting Room at the State House. Ron stated that we can celebrate the first full year in operation and that it is a testimonial to our staff. Steve wanted to make sure he said thank you to all our presenters at our recent trainings who volunteered their time.</p> | <p>Kim made motion to adjourn and Ron seconded. All present voted in favor. Approved.</p> |