

**Maine Commission on Indigent Legal Services – Commissioners Meeting
August 9, 2011**

Minutes

Commissioners Present: Ron Schneider, Marvin Glazier, Sally Sutton, Ken Spirer, Kim Moody
MCILS Staff Present: Steve Carey, Jennifer Smith
AAG Representative: Carrie Carney

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Approval of 7/12/11 Commission Meeting Minutes	Copy of minutes received by all Commissioners.	Commissioner Sutton made motion to accept minutes. Commissioner Glazier seconded. All present voted in favor. Approved.
Operations Report and Budget Update	<p>Office Manager Smith presented the <u>July 2011 Operations Reports</u> to the Commissioners.</p> <p>Commission Chair Schneider expressed his on going concerns that the number of attorneys continues to rise. Commissioner Sutton asked how the MCILS numbers of rostered attorneys compared to the Judicial numbers. Commission Chair Schneider stated that the Judicial Branch did not have those stats but that it was his understanding that there were around 400 attorneys who were paid by the Judicial Branch about approximately 200 of those received regular appointments throughout the year. Commission Chair Schneider worries if there are too many lawyers in some areas. Commissioner Glazier stated that if lawyers meet the standards then they get listed, it can't be a closed shop. Commissioner Sutton expressed that we need to continue to review data to see if it needs to be addressed.</p> <p>Commission Chair Schneider wondered whether the differences in indigency numbers are explainable by demographic differences or style differences. Office Manager Smith noted that Deputy Director Carey has been out shadowing each of the screeners recently. Smith felt that all of the screeners have some style differences but they are using the same numbers so it is most attributable to demographic differences.</p>	

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Budget Update	<p>Office Manager Smith presented the <u>Budget Update</u> to the Commissioners.</p> <p>Office Manager Smith began by discussing the <u>Memo from DAFS Commissioner Millet regarding the Initiative to Streamline and Prioritize Core Government Services</u>. MCILS received a spending reduction target from the budget office of \$260,203.00. Smith reported that she and Director Pelletier sat down and looked at the reduction target. They reviewed the personnel budget by discussing the importance of the screeners for collections and the fact that we have a very small central office staff with an operating cost of less than 1% of the overall budget. Director Pelletier was instructed to respond back to DAFS Commissioner Millet by drafting a memo.</p> <p>Commissioner Sprier stated that the memo makes all the factual points but that we should hammer home our constitutional mandates. He noted that our system is already efficient and that it is now a data driven process with limited resources. Commission Chair Schneider agreed that the memo is fine and that he feels we are no way excessive, redundant, or inefficient. We only have four people in our office and five screeners. We have reduced any duplication by the use of the computer system. Commissioner Moody added that MCILS never got the initial operating budget we need from the start. A decision was made to approve the memo drafted by the Director but that the Commissioners would draft an additional letter in support of the fact that MCILS is unable to meet the reduction target.</p> <p>Office Manager Smith discussed that she and Director Pelletier were preparing in advance for the <u>Supplement Budget process</u>. The current numbers show an approximate \$1,000,00.00 shortfall for fiscal year 2012.</p> <p>Commissioner Spierer stated it is hard to budget when we have no control over the caseload and case types. Commission Chair Schneider commented that he believed the estimate of a \$1,000,00.00 shortfall seemed conservative. Commissioners voted to allow staff permission to submit the supplement budget request as is if the numbers do not change.</p>	<p>Commissioner Spierer made a motion to approve the supplemental budget request as noted. Commissioner Glazier seconded. All present voted in favor. Approved.</p>

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Budget Update	<p>Office Manager Smith discussed the <u>need to hire a Financial Screener in Bangor</u>. Smith explained that once the reductions to the Personal Services Account hit that there will not be enough to hire the Bangor Screener position. MCILS could use a percentage of the revenue account to fund the position.</p> <p>Commission Chair Schneider pointed out that this was a position already allocated to MCILS. Deputy Director Carey explained that the Judicial Branch will be stopping all collections of counsel fees in July of next year so MCILS will need a Collections Clerk position as well. Smith explained that the Judicial Branch was going to stop collections initially on July 1, 2011 but did not. Commission Chair Schneider questioned whether or not the screeners could do collections. Smith stated that is a possibility. Commissioner Glazier stated that a screener in Bangor could possibly cover other courts such as Ellsworth and Newport. The Commissioners voted on allowing staff to draft a Financial Order to address the funding issue and to hire the Bangor Screener position.</p>	<p>Commissioner Moody made a motion to approve request to draft a financial order in order to hire the Bangor Screener position. Commissioner Glazier seconded. All present voted in favor. Approved.</p>
Training Update	<p>Deputy Director Carey presented the <u>Training Update</u> to the Commissioners. Carey explained that all attorneys who did not complete the required minimum standards training requirements have received a letter stating that they are off the rosters until they attend the trainings. A total of 11 attorneys are now completely inactive based on these requirements.</p> <p>MCILS is planning a video replay of all the minimum standards trainings. There are some specialized panel trainings taking place in the next few months. The York County Bar Association is putting together a Domestic Violence training and the New England Juvenile Defender Center is putting on a Juvenile Defense training. The MCILS website has been updated with a list of sponsored and approved trainings.</p>	
Annual Renewal Update	<p>Deputy Director Carey presented the <u>2011 Annual Renewal of Registration Update</u> to the Commissioners. The first deadline given to attorneys to complete the renewal form was July 15, 2011. Since there were many forms still outstanding that deadline was extended to August 1, 2011. As of now there are 52 attorneys who have not submitted their renewal form and 19 who have submitted the form but not completed the required</p>	

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Annual Renewal Update	CLE. We have emailed them that as of August 15, 2011 they will be off the rosters if that form is not submitted.	
Standard of Practice	Commission Chair Schneider requested that the Standards of Practice be put in rule making form so that the Commissioners can review them next month and vote on putting them out for public comment and hearing.	
Public Comment	<p>Robert Ruffner, Esq., Director of MIDC. He stated a concern that there are screening differences and that could be a barrier to accessing the right to counsel. He expressed frustration that the rate of pay for counsel is the biggest barrier to quality representation. Best practice would be to have office staff but that is impossible with the rate. The number of attorneys is an issue and may not be efficient. Counsel time is sometimes wasted by having numerous attorneys sitting around in court on a single case. It is 3 hours if you are there for one case or three cases.</p> <p>Commission Chair Schneider pointed out that there is a difference between quality and efficiency. More cases means less time with each client.</p>	
Adjournment of Meeting	<p>Next meeting will be September 13, 2011 at 9:30 am at the Judicial Committee Meeting Room at the State House.</p> <p>Commission Chair Schneider commented that he is sad that the Commission will be losing Commissioner Moody since her term is up and the Governor will be naming a replacement. Commissioner Sutton will be reappointed.</p>	<p>Commissioner Moody made motion to adjourn.</p> <p>Commissioner Chair Schneider seconded. All present voted in favor. Approved.</p>

