

**MCILS**

**November 9, 2022  
Commissioner's Meeting  
Packet**

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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**NOVEMBER 9, 2022  
COMMISSION MEETING  
AGENDA**

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- 1) Approval of the October 11, 2022 and corrected September 28, 2022 Commission Meeting Minutes
- 2) Report of the Executive Director
  - a. Operations report
  - b. Case staffing status report
  - c. RDU update
  - d. Recruiting and Training
- 3) Annual report
- 4) Caseload Standards discussion
- 5) Tax offset collections discussion
- 6) Set Date, Time and Location of Next Regular Meeting of the Commission
- 7) Public Comment
- 8) Executive Session 1 MRSA §405(6)(E) to discuss pending or contemplated litigation

**Maine Commission on Indigent Legal Services – Commissioners Meeting  
September 28, 2022**

**Minutes**

**Commissioners Present:** Donald Alexander, Meegan Burbank, Michael Carey, Michael Cantara, , Roger Katz, Matthew Morgan , Ronald Schneider, David Soucy, Joshua Tardy.

**MCILS Staff Present:** Justin Andrus, Ellie Maciag

Agenda Item	Discussion/Outcome
Review of proposed decision, <i>In re Patrick Gordon</i>	The Commission held a hearing on the appeal of Attorney Patrick Gordon.. Chair Tardy and Commissioners Katz and Soucy did not participate in the proceeding. All voted in favor of the modified proposed order.
Public Hearing of proposed rule Chapter 303, Procedures Regarding Legal Research Access and Materials	<p>Roll was called to establish a quorum. Chair Tardy, and Commissioner Burbank were not present at the time and arrived later in the meeting.</p> <p>Commissioner Carey explained that notice was posted to the MCILS website on September 6, 2022, with instructions on how to access the hearing online and was sent by email to interested parties, which included commission rostered attorneys, Maine Association of Criminal Defense Lawyers, the Maine Parents Rights Attorneys Association, and the Maine Criminal Law and Child Protection and Juvenile Justice sections of the Maine State Bar Association. On September 7, 2022, notice of the meeting was placed in the Bangor Daily News, Lewiston Sun Journal, Kennebec Journal, and the Portland Press Herald.</p> <p>Director Andrus gave a brief overview of the proposed rule, explaining that the purpose of the rule is to provide resources to assigned counsel to better serve indigent clients.</p> <p>Public comment:</p> <p>Tina Nadeau: Attorney Nadeau expressed her support of the proposed rule, pointing out that the monthly cost of Westlaw was upwards of \$175 when she was doing appellate work, as opposed to prosecutors not paying out of pocket for the same product. Attorney Nadeau requested additional information regarding whether DAs are required to input each client name when accessing Westlaw,</p>

Agenda Item	Discussion/Outcome
	<p>as well as expanding on the definition of research materials that can be reimbursed. Attorney Nadeau also expressed concern over the ambiguity of the phrase ‘extraordinary circumstances’ used in the rule.</p> <p>Robert Ruffner: Attorney Ruffner had a question regarding the use of West Law solely for indigent clients. He questioned whether the use of information previously gathered from the program for an indigent client and then saved as reference material outside of the program would be considered improperly used.</p> <p>No additional public comment was made. The deadline for written public comment is 5:00 PM on October 9, 2022.</p>
Approval of the August 22, 2022 Commission Meeting Minutes	No discussion. Commissioner Alexander moved to approve. Commissioner Schneider seconded. All voted in favor, with Commissioners Carey, Cantara, and Soucy abstaining. Approved.
Report of the Executive Director	<p>Operations report. Director Andrus indicated that after running the numbers before the Oversight Committee meeting, the case count annualized was close to 35,000 versus prior to the Commission Meeting being around 31,000 annualized. It was suggested that discussion regarding the tax offsets take place at the next commission meeting, especially as the new Commissioners would benefit from the discussion.</p> <p>GOC update. The Government Oversight Committee has closed their investigation into MCILS. Director Andrus expressed his appreciation for all the MCILS staff who helped in working towards that end. The Commission members echoed their appreciation on the matter and for all the work staff have accomplished.</p> <p>A question was brought up regarding the five questions of the OPEGA report, of which only two were brought forward by the GOC for review. Director Andrus explained that he is not certain of the status of the report findings or the remaining questions, but that it was clear that the GOC said to each other that there would be no further work done there. Director Andrus further explained that the GOC requested additional information, which will be sent to them over the coming weeks, as well as made a</p>

Agenda Item	Discussion/Outcome
	<p>recommendation to conduct exit polling of attorneys who have left the program to better understand the reasonings behind removing themselves from the roster. The GOC also resolved and voted to pen two letters: one to the Congressional delegation, urging them to support ongoing rule making at the Department of Education regarding loan forgiveness; the second letter being to the rest of the Legislature, urging them to support the MCILS budget initiatives, in whole or in part, recognizing that MCILS will be unable to continue to do the work without increased funding.</p> <p>Case staffing status report. Director Andrus indicated that case staffing is still an ongoing issue, noting that there are currently 204 attorneys in the program: 24 doing lawyer of the day only and 164 attorneys indicating a willingness to accept cases. Director Andrus noted that there are 8 attorneys on the active roster who do not appear to be accepting cases, which he is troubleshooting, meaning the numbers show 172 attorneys, but 8 are not taking cases, leading to the 164 available attorneys.</p> <p>Legislative committee updates. Director Andrus gave an update on the two legislative committees he is on. One relates to early assignment of counsel for child protective matters, and one relates to the access to counsel issue. Regarding child protective issues, it is discussing improvements and outcomes when people have counsel much earlier in the process. Director Andrus indicated that there is a renewed interest in pursuing Title IV-E funds to help support MCILS.</p> <p>Regarding the access to counsel committee, they are working on the jail recording call issues. Director Andrus explained that, in addition to ensuring there is space at the jails for attorneys to meet with their clients without supervision, the jail call issue is a large part of the conversation. Director Andrus noted that the committee has met twice and will meet two more times in October before drafting a report.</p> <p>Director Andrus explained that some of the jail call issues stem from attorneys calling in with phone numbers that have not been registered with the jails, but also that there have been times when the jail staff listening in on the calls do not realize who the client is speaking with. Director Andrus indicated that there is a lack of trust between the attorneys and jail staff with regards to proper reporting of such incidents. Director Andrus further explained that data has been requested from the jails to better assess the situation, and that when former Director Pelletier made a FOAA request of the jails, most of them declined, but that Director Andrus has not renewed those requests.</p>

Agenda Item	Discussion/Outcome
	<p>Westlaw award. Director Andrus gave an update regarding awarding Westlaw a contract. Director Andrus indicated that the program would be ready to be turned on and available to rostered attorneys as soon as the proposed rule Chapter 303 was adopted.</p> <p>Director Andrus gave updates on the questions that were brought forward during the public hearing of the proposed rule. He indicated that the requirement of including the client's name when doing research in Westlaw is a requirement directly from the vendor, due to being offered the government rate pricing in the contract. Director Andrus also explained that he plans to interpret the term 'legal research material' as broadly as reasonable.</p> <p>Clearbrief proposal. Director Andrus gave a brief overview of the product and stated that further discussion on the product would happen at a later date.</p>
Update on Rural Defender Unit positions	<p>Director Andrus explained that the Office of the Attorney General agreed that the Legislature specified that MCILS defenders were to be paid at the same rates as the prosecutors. The Bureau of Human Resources has now specified that the MCILS defenders use the prosecutors pay scale. Director Andrus pointed out that, to the best of his knowledge, Maine is the first in the country to do so.</p> <p>Director Andrus indicated that a lot of interest has been coming in for the positions. Applicants have until October 24<sup>th</sup> to apply.</p> <p>Director Andrus noted that the next question to the Commission is where to deploy these new rural defenders and how. The new rural defenders will not be available on the rosters for courts to appoint. They will have hard caseload limits in place. Director Andrus indicated that he anticipates the process being that MCILS is alerted to a hard to place case, looking at if it can be assigned appropriate assigned counsel, and if not, it gets considered for assignment to the Rural Defender Unit. Discussion ensued regarding the definition of a difficult case, to which Director Andrus defined it as two possibilities: the sophistication of the case itself; or a case that has already gone through several rostered attorneys.</p>
Supplemental budget discussion	<p>Director Andrus gave an overview of the state of the number of current rostered attorneys. He pointed out that the number of rostered attorneys has reduced from 280 attorneys in January 2022, down to 164 at the time of the meeting. Director Andrus requested an emergency appropriation to set the compensation rate for assigned counsel to \$150/per hour. Director Andrus indicated that this is also the rate that will be requested in the biennial budget.</p>

Agenda Item	Discussion/Outcome
	<p>Director Andrus pointed out that, even if the MCILS budget of \$62 million was approved and available today, the problems MCILS faces cannot be solved immediately. He cautioned that the Commission is past an event horizon where things will get worse before they can get better. The more time that passes before action happens to reinforce the program, the longer the period of disruption is going to be.</p> <p>Director Andrus requested the Commission to authorize MCILS to submit a \$13.3 million supplemental budget request.</p> <p>Discussion ensued regarding the need for the Legislature to come into special session. Director Andrus indicated that the staff position of MCILS is that in order to arrest the fall, the Legislature must come into special session, must include the appropriation and the authority, through emergency rule making, followed by formal rule making, to allow the rate increase.</p> <p>Commissioner Schneider moved to approve a formal supplemental budget request of \$13.3 million, Commissioner Carey seconded. All voted in favor.</p> <p>Commissioner Katz moved and Commissioner Schneider seconded to make a formal request to the Legislature to enter into special session with the purpose of approving the supplemental budget request. Commissioners Cantara, Katz, Schneider, Soucy, and Tardy voted in favor. Commissioners Alexander and Carey voted to oppose. The motion passed 5-2.</p>
Approval of amicus oral argument in <i>Winchester v. State of Maine</i>	<p>Director Andrus explained that the Law Court received the MCILS brief and has specified that it would like argument from amicus. Director Andrus requested approval from the Commission to allow Counsel to argue. Commissioner Schneider moved to approve the request for amicus to participate in oral argument and Commissioner Carey seconded. Discussion ensued regarding specifics.</p> <p>Commissioner Alexander abstained from the vote. All others voted in favor and the motion passed.</p>
Rulemaking discussion, Caseload Standards	<p>Director Andrus requested discussion to determine the route for moving forward with approving and implementing caseload standards. Director Andrus agreed to schedule a workshop with rostered attorneys to get their opinions on the proposed standard. Request was made for a draft of the proposed standards for the Commissioners to redline with comment. There was discussion regarding how existing cases come into play with regards to the proposed rule, as well as how attorneys can request to be able to take on more cases if they have reached their caseload limit.</p>

Agenda Item	Discussion/Outcome
Public Comment	<p>Robert Ruffner: Attorney Ruffner expressed concern with the courts successfully assigning counsel in a timely manner. He noted multiple examples that he was made aware of where indigent clients were waiting for counsel to be assigned to them for up to multiple weeks. He also expressed concern with the rural defender unit being pulled in to staff these cases and getting overloaded with assignments. He also noted that changing the number of rosters that attorneys can be on has the potential to drastically reduce the number of rostered attorneys because many attorneys do not wish to take on certain case types and reducing the specificity of the roster types may cause attorneys to remove themselves from rosters completely. He also expressed concern over the need to put specific language in place so that the pay scale of the public defenders remains the same as the prosecutors and is not up for debate and interpretation under future legislative bodies.</p> <p>Robert Cummins: Attorney Cummins expressed the need for the Legislative and Executive branches to work with the Commission to hold a special session, because something needs to be done to fully get Maine in compliance with Constitutional requirements of indigent legal services.</p> <p>Jeremy Pratt: Attorney Pratt expressed his viewpoint with regards to one of Commissioner Alexander's suggestions, concerning a graduated pay scale for case types. He spoke of a conversation he had with another attorney who primarily does misdemeanors, while Attorney Pratt does more serious cases, leading to the other attorney to question why Attorney Pratt does the more stressful cases that take more time when the pay rate is the same. Attorney Pratt also commented on the fact that when post-conviction reviews take place, the time the former attorney takes to prep and testify on the former client is not paid for, ultimately reducing the hourly rate that those serious cases are paid. Attorney Pratt's specifically pointed out that he believes the base rate of pay should be no less than \$150/per hour, but that higher level cases should be at a higher rate of pay, which may in turn entice attorneys to be more likely to take more difficult cases.</p>
Adjournment of meeting	The next meeting will be held on Tuesday, October 11, 2022, at 1 pm.



**Maine Commission on Indigent Legal Services – Commissioners Meeting  
October 11, 2022**

**Minutes**

**Commissioners Present:** Donald Alexander, Randy Bates, Meegan Burbank, Michael Carey, Michael Cantara, Kim Monaghan, David Soucy, Joshua Tardy

**MCILS Staff Present:** Justin Andrus, Ellie Maciag

<b>Agenda Item</b>	<b>Discussion/Outcome</b>
Approval of the September 28, 2022 Commission Meeting Minutes	Commissioner Carey moved to approve with the modification of removing the discussion of the appeal hearing. . Commissioner Alexander seconded. All voted in favor. Approved.
Executive Session	Commissioner Carey moved to go into executive session pursuant to 1 MRS section 405(6)(e). Commissioner Alexander seconded. All voted in favor. No votes were taken.
Report of the Executive Director	<p>Operations Report. Director Andrus gave a brief overview of operations numbers, stating that MCILS received \$36,000 for September collections from the judicial branch.</p> <p>Letter request for Special Session. Director Andrus shared that there was a response from the Governor regarding the letter requesting a special session, and that there is a continued dialogue with the Governor’s office.</p> <p>Case staffing status report. Director Andrus pointed out that there has not been any further significant declines in the number of rostered attorneys, and that MCILS is still successfully staffing cases. Director Andrus indicated that he and Deputy Director Maciag met with representatives of the Judicial Branch to discuss protocols that will work for both groups. . Director Andrus indicated that caseloads are still high, but hopefully future conversations will move caseload standards forward.</p>

Agenda Item	Discussion/Outcome
	<p>Director Andrus spoke of the letter sent from the Government Oversight Committee to Congressional Representatives, asking them to support changes in the regulations at the Department of Education that will allow student loan forgiveness for assigned counsel. Director Andrus indicated that there was also a letter from the Government Oversight Committee regarding support of the MCILS budget.</p> <p>Legislative committee updates. Director Andrus gave updates on the two legislative committees he is on. The committee to ensure constitutionally adequate contact with counsel has a consensus from across the stakeholders for uniform and appropriate regulations on all the detention facilities in Maine. This includes phone calls, as well as making sure a client in custody has enough lawyer of the day contact.</p> <p>The commission to develop the pilot program in child protective cases is working on getting legal services for people in matters that are ancillary to the direct representation against the department under a child protective petition. Discussion followed regarding the possible break-off of child protective cases from MCILS.</p> <p>Law school collaboration. Director Andrus indicated that he will be meeting with the dean and representatives of the law school to discuss the foundation of encouraging students to go into serving consumers of indigent legal services.</p> <p>Recruiting. Director Andrus indicated that MCILS will be attending various bar ceremonies across the state, as well as participating in the MSBA Bridging the Gap program, where MCILS will have a space setup for anyone that wants to discuss joining the program. Director Andrus mentioned that MCILS is still working with the Chief Justice, Maine Trial Lawyers, and MSBA to recruit existing lawyers to join the program.</p> <p>Rural Defender Unit interviews. Director Andrus updated that there have been a substantial number of applications coming in from in state and out of state already. Director Andrus offered the Commissioners to contact him if they wished to be part of the hiring committee and assist with the interview process.</p>

Agenda Item	Discussion/Outcome
Rulemaking discussion	<p>Chapter 303 – legal research. Commissioner Carey moved to approve Chapter 303. Commissioner Cantara seconded. Commissioner Alexander abstained. All others voted in favor. Approved.</p> <p>Caseload Standards. Discussion ensued regarding the establishment of caseload standards. Commissioner Carey spoke of steps he believes the Commission should take to finalize a caseload standard to propose to the legislature in time for the budget. He spoke of needing to focus on the math and the numbers used for drafting the standards, then focusing on the language of what that math is used for, and then focusing on determining where MCILS would be if it waited to enforce a final rule. There was discussion on what the number of billable hours should be when setting the caseload standards, as a number of attorneys are concerned with how restrictive the hours feel.</p>
Commissioner Alexander’s proposals	<p>Director Andrus opened a discussion for Commissioner Alexander’s memo of proposed changes regarding various MCILS rules. Discussion was had regarding the rules and requirements to become a rostered attorney. Concern was brought up regarding the requirements currently in place to be added to the specialty rosters being too constrictive, citing that some roster requirements are not attainable at present time. One example is that there are a limited number of cases going to jury trial. It was suggested that the number of specialty rosters be reduced, allowing for a greater overlap of available attorneys. It was suggested to add a more robust mentoring program to allow newer attorneys the ability to gain experience by being assigned second chair. It was suggested to utilize outside trainings on various case types as the requirements for the roster types, allowing for a more people to be eligible for the specialized rosters and streamline the application process.</p> <p>Chair Tardy indicated an interest in appointing a subcommittee on roster eligibility, asking those interested to contact him prior to the next meeting, where he would appoint said subcommittee.</p>
Collections discussion	<p>Director Andrus asked the Commission for input regarding continuing with collections. Discussion ensued regarding the costs versus return on proceeding with the matter. The question was also brought up regarding the philosophical concerns of taking in money that could be better used by the client in getting their life back in balance.</p>

Public Comment	<p>Robert Ruffner: Attorney Ruffner indicated his opinion is that collections would not be worth the resources expended, adding on that the Commission should consider distancing itself from all collections. Regarding roster requirements, Attorney Ruffner pointed out that applying attorneys could argue their case to get a waiver for jury trial requirements. Attorney Ruffner also noted that without meaningful evaluation of rostered attorneys, reducing the requirements to become a rostered attorney invites problems. Attorney Ruffner also agreed that the number of hours used to calculate caseload standards should be higher.</p> <p>Tina Nadeau: Attorney Nadeau spoke of her concern of how some Commission members have disregarded the efforts that were made by rostered attorneys in connection to the current rostering process as well as the proposals the subcommittee made two and a half years ago. Attorney Nadeau spoke of how these attorneys took the 6<sup>th</sup> Amendment report very seriously and took steps to better MCILS. Attorney Nadeau spoke of her concern that the Commission is taking steps to move backwards and not putting the constitutional rights of MCILS clients first.</p>
Adjournment of meeting	<p>The next meeting will be held on Wednesday, November 9, 2022, at 1 pm. A special meeting regarding taking comment on the anticipated draft of caseload standards will be November 29<sup>th</sup>, at 1 pm via zoom only.</p>

## MAINE COMMISSION ON INDIGENT LEGAL SERVICES

**TO:** MCILS COMMISSIONERS

**FROM:** JUSTIN ANDRUS, EXECUTIVE DIRECTOR

**SUBJECT:** OPERATIONS REPORTS

**DATE:** November 4, 2022

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Attached you will find the October 2022, Operations Reports for your review and our discussion at the Commission meeting on November 9, 2022. A summary of the operations reports follows:

- 2,411 new cases were opened in the DefenderData system in October. This was a 182 case decrease from September. Year to date, new cases are flat from last year from 10,108 at this time last year to 10,079 this year.
- The number of vouchers submitted electronically in October was 2,683, a decrease of 406 vouchers from September, totaling \$1,683,052, a decrease of \$50,954 from September. Year to date, the number of submitted vouchers is up by approximately 4.1%, from 11,000 at this time last year to 11,455 this year, with the total amount for submitted vouchers up approximately 13.7%, from \$5,871,184 at this time last year to \$6,676,973 this year.
- In October, we paid 2,952 electronic vouchers totaling \$1,737,681, representing an increase of 81 vouchers and an increase of \$278,287 compared to September. Year to date, the number of paid vouchers is up approximately 9.1%, from 10,654 at this time last year to 11,632 this year, and the total amount paid is up approximately 21.5%, from \$5,571,252 this time last year to \$6,773,751 this year.
- We paid no paper vouchers in October
- The average price per voucher in October was \$588.65, down \$7.10 per voucher from September. Year to date, the average price per voucher is up approximately 10.4%, from \$527.38 at this time last year to \$582.34 this year.
- Appeals and Drug Court cases had the highest average voucher in October. There were 13 vouchers exceeding \$5,000 paid in October. See attached addendum for details.
- In October, we issued 77 authorizations to expend funds: 43 for private investigators, 22 for experts, and 12 for miscellaneous services such as interpreters and transcriptionists. In October, we paid \$75,885 for experts and investigators, etc. Four funds requests were denied pending reevaluation.
- There were no formal attorney suspensions in October.

- In our All Other Account, the total expenses for the month of October were \$1,843,734. During October, approximately \$30,167 was devoted to the Commission's operating expenses.
- In the Personal Services Accounts, we had \$108,561 in expenses for the month of October.
- In the Revenue Account, the transfer from the Judicial Branch for October, reflecting September's collections, totaled \$39,008, an increase of approximately \$2,873 from the previous month.
- Exceptional results – see attached addendum.

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

**FY23 FUND ACCOUNTING**

AS OF 10/31/2022

Account 010 95F Z112 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY23 Total
FY23 Professional Services Allotment		\$ 6,173,605.54		\$ 3,080,749.00		\$ 3,080,749.00		\$ 3,080,747.00	\$ 15,415,850.54
FY23 General Operations Allotment		\$ 48,000.00		\$ 48,000.00		\$ 48,000.00		\$ 48,000.00	\$ 192,000.00
FY22 Encumbered Balance Carry Forward		\$ 506,889.06		\$ -		\$ -		\$ -	\$ 506,889.06
Budget Order Adjustment		\$ -		\$ 179,034.00		\$ 178,980.00		\$ 178,981.00	\$ 536,995.00
Budget Order Adjustment		\$ -		\$ -		\$ -		\$ -	
Financial Order Unencumbered Balance Fwd		\$ -		\$ -		\$ -		\$ -	
<b>Total Budget Allotments</b>		<b>\$ 6,221,605.54</b>		<b>\$ 3,307,783.00</b>		<b>\$ 3,307,729.00</b>		<b>\$ 3,307,728.00</b>	<b>\$ 16,651,734.60</b>
Total Expenses	1	\$ (1,935,083.89)	4	\$ (1,843,734.81)	7	\$ -	10	\$ -	
	2	\$ (1,607,416.71)	5	\$ -	8	\$ -	11	\$ -	
	3	\$ (1,207,951.78)	6	\$ -	9	\$ -	12	\$ -	
Encumbrances (Justice Works)		\$ -		\$ (73,140.00)		\$ -		\$ -	\$ (73,140.00)
Encumbrances (B Taylor)		\$ (13,260.00)		\$ 4,420.00		\$ -		\$ -	\$ (8,840.00)
Encumbrances (CTB for non attorney expenses)		\$ (1,150,139.32)		\$ 75,885.87		\$ -		\$ -	\$ (1,074,253.45)
Encumbrances (business cards, batteries & address stamps)		\$ (17.14)		\$ -		\$ -		\$ -	\$ (17.14)
Online Legal Research Services		\$ -		\$ (80,250.00)		\$ -		\$ -	\$ (80,250.00)
FY22 CTB Balance Carry Forward		\$ (86,108.40)		\$ -		\$ -		\$ -	\$ -
<b>TOTAL REMAINING</b>		<b>\$ 221,628.30</b>		<b>\$ 1,390,964.06</b>		<b>\$ 3,307,729.00</b>		<b>\$ 3,307,728.00</b>	<b>\$ 8,734,938.42</b>
<b>Q2 Month 4</b>									
<b>INDIGENT LEGAL SERVICES</b>									
Counsel Payments	\$	(1,737,681.46)				\$ 3,307,783.00			
Interpreters	\$	(805.00)				\$ (73,140.00)			
Private Investigators	\$	(13,349.15)				\$ 4,420.00			
Mental Health Expert	\$	(9,872.78)				\$ 75,885.87			
Misc Prof Fees & Serv	\$	(1,750.81)				\$ -			
Transcripts	\$	(16,670.12)				\$ (1,843,734.81)			
Other Expert	\$	(32,793.71)				\$ (80,250.00)			
Process Servers	\$	(644.30)				\$ 1,390,964.06			
Subpoena Witness Fees	\$	-							
Lodging for jury consultant	\$	-							
<b>SUB-TOTAL ILS</b>	<b>\$</b>	<b>(1,813,567.33)</b>							
<b>OPERATING EXPENSES</b>									
Justice Works	\$	(22,860.00)				\$ (75,885.87)			
Employee Tuition & Dues	\$	(160.00)				\$ 249,860.68			
Employee Registration non-state	\$	(110.00)				\$ 75,885.87			
Mileage/Tolls/Parking	\$	(898.95)				\$ -			
Mailing/Postage/Freight	\$	(32.46)				\$ -			
West Publishing Corp	\$	(248.84)				\$ 325,746.55			
Office Equipment Rental	\$	(108.37)							
Office Supplies/Equip.	\$	(611.06)							
Cellular Phones	\$	-							
OIT/TELCO	\$	-							
Parking Fees	\$	-							
Barbara Taylor monthly fees	\$	(4,420.00)							
Repairs to buildings(wrong obj code)	\$	(482.80)							
Periodicals	\$	(235.00)							
AAG Legal Svcs Quarterly Payment	\$	-							
<b>SUB-TOTAL OE</b>	<b>\$</b>	<b>(30,167.48)</b>							
<b>TOTAL</b>	<b>\$</b>	<b>(1,843,734.81)</b>							

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY23 FUND ACCOUNTING**  
AS OF 10/31/2022

<b>Account 010 95F Z112 01 (Personal Services)</b>	<b>Mo.</b>	<b>Q1</b>	<b>Mo.</b>	<b>Q2</b>	<b>Mo.</b>	<b>Q3</b>	<b>Mo.</b>	<b>Q4</b>	<b>FY23 Total</b>
FY23 Allotment		\$ 285,269.00		\$ 263,599.00		\$ 285,269.00		\$ 115,478.00	\$ 949,615.00
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ 71,107.00		\$ 213,321.00		\$ 213,321.00		\$ 206,733.00	\$ 704,482.00
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	
<b>Total Budget Allotments</b>		<b>\$ 356,376.00</b>		<b>\$ 476,920.00</b>		<b>\$ 498,590.00</b>		<b>\$ 322,211.00</b>	<b>\$ 1,654,097.00</b>
Total Expenses	1	\$ (65,524.90)	4	\$ (67,323.49)	7	\$ -	10	\$ -	
	2	\$ (96,169.15)	5	\$ -	8	\$ -	11	\$ -	
	3	\$ (66,680.15)	6	\$ -	9	\$ -	12	\$ -	
<b>TOTAL REMAINING</b>		<b>\$ 128,001.80</b>		<b>\$ 409,596.51</b>		<b>\$ 498,590.00</b>		<b>\$ 322,211.00</b>	<b>\$ 1,358,399.31</b>

<b>Q2 Month 4</b>	
Per Diem	\$ (275.00)
Salary	\$ (37,730.63)
Vacation Pay	\$ (2,106.96)
Holiday Pay	\$ (2,447.84)
Sick Pay	\$ (2,250.59)
Empl Hlth SVS/Worker Comp	\$ -
Health Insurance	\$ -
Dental Insurance	\$ (248.20)
Employer Retiree Health	\$ (4,402.71)
Employer Retirement	\$ (2,961.24)
Employer Group Life	\$ (405.72)
Employer Medicare	\$ (709.85)
Retiree Unfunded Liability	\$ (8,963.33)
Longevity Pay	\$ (112.00)
Perm Part Time Full Ben	\$ (4,709.42)
Retro Lump Sum Pymt Contract	\$ -
Standard Overtime	\$ -
<b>TOTAL</b>	<b>\$ (67,323.49)</b>



**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

**FY23**

**FUND ACCOUNTING**

AS OF 10/31/2022

<b>Account 014 95F Z112 01 (OSR Personal Services Revenue)</b>	<b>Mo.</b>	<b>Q1</b>	<b>Mo.</b>	<b>Q2</b>	<b>Mo.</b>	<b>Q3</b>	<b>Mo.</b>	<b>Q4</b>	<b>FY23 Total</b>
FY23 Allotment		\$ 211,632.00		\$ 194,116.00		\$ 211,632.00		\$ 105,856.00	\$ 723,236.00
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	
<b>Total Budget Allotments</b>		<b>\$ 211,632.00</b>		<b>\$ 194,116.00</b>		<b>\$ 211,632.00</b>		<b>\$ 105,856.00</b>	<b>\$ 723,236.00</b>
Total Expenses	1	\$ (49,018.85)	4	\$ (41,237.93)	7	\$ -	10	\$ -	
	2	\$ (61,002.05)	5	\$ -	8	\$ -	11	\$ -	
	3	\$ (41,197.00)	6	\$ -	9	\$ -	12	\$ -	
<b>TOTAL REMAINING</b>		<b>\$ 60,414.10</b>		<b>\$ 152,878.07</b>		<b>\$ 211,632.00</b>		<b>\$ 105,856.00</b>	<b>\$ 530,780.17</b>

<b>Q2 Month 4 PERMANENT</b>	
Per Diem	\$ -
Salary	\$ (20,183.66)
Vacation Pay	\$ (1,442.80)
Holiday Pay	\$ (1,235.84)
Sick Pay	\$ (411.70)
Limited Period Regular	\$ -
Health Insurance	\$ -
Dental Insurance	\$ (146.00)
Employer Retiree Health	\$ (2,667.78)
Employer Retirement	\$ (2,337.36)
Employer Group Life	\$ (320.04)
Employer Medicare	\$ (427.92)
Retiree Unfunded Liability	\$ (5,431.23)
Longevity Pay	\$ -
Perm Part Time Full Ben	\$ -
Retro Pay Contract	\$ -
Retro Lump Sum Pymt	\$ -
<b>TOTAL</b>	<b>\$ (34,604.33)</b>

<b>Q2 Month 4 LIMITED PERIOD</b>	
Limited Period Regular	\$ (6,239.73)
Limit Per Holiday Pay	\$ (331.68)
Limit Per Vacation Pay	\$ -
Limit Per Sick Pay	\$ (62.19)
<b>TOTAL</b>	<b>\$ (6,633.60)</b>

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

**FY23 FUND ACCOUNTING**

As of 10/31/2022

<b>Account 014 95F Z112 01 (Revenue)</b>	<b>Mo.</b>	<b>Q1</b>	<b>Mo.</b>	<b>Q2</b>	<b>Mo.</b>	<b>Q3</b>	<b>Mo.</b>	<b>Q4</b>	<b>FY23 Total</b>
<b>Original Total Budget Allotments</b>		<b>\$ 3,221,844.00</b>		<b>\$ 2,147,897.00</b>		<b>\$ 2,147,896.00</b>		<b>\$ 2,147,896.00</b>	<b>\$ 9,665,533.00</b>
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	\$ -
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Budget Order Adjustment	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Budget Order Adjustment		\$ -	6	\$ -	9	\$ -	12	\$ -	
Budget Order Adjustment	3	\$ -		\$ -		\$ -		\$ -	
<b>Total Budget Allotments</b>		<b>\$ 3,221,844.00</b>		<b>\$ 2,147,897.00</b>		<b>\$ 2,147,896.00</b>		<b>\$ 2,147,896.00</b>	<b>\$ 9,665,533.00</b>
Cash Carryover from Prior Quarter		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	1	\$ -	4	\$ 39,008.04	7	\$ -	10	\$ -	
Collected Revenue from JB	2	\$ 33,135.69	5	\$ -	8	\$ -	11	\$ -	
Collected Revenue from JB	3	\$ 36,358.81	6	\$ -	9	\$ -	12	\$ -	
Collected for reimbursement of counsel fees		\$ -		\$ -		\$ -		\$ -	
Asset Forfeiture		\$ -		\$ -		\$ -		\$ -	
Victim Services Restitution		\$ -		\$ -		\$ -		\$ -	
Collected for reimbursement of counsel fees		\$ -		\$ -		\$ -		\$ -	
Refund to KENCD for bail to be applied to fines		\$ -		\$ -		\$ -		\$ -	
<b>TOTAL CASH PLUS REVENUE COLLECTED</b>		<b>\$ 69,494.50</b>		<b>\$ 39,008.04</b>		<b>\$ -</b>		<b>\$ -</b>	<b>\$ 108,502.54</b>
Counsel Payments	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Other Expenses		\$ -		\$ -		\$ -	***	\$ -	
Counsel Payments	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Other Expenses		\$ -		\$ -		\$ -		\$ -	
Counsel Payments	3	\$ (595,342.94)	6	\$ -	9	\$ -	12	\$ -	
State Cap for period 1	*	\$ (377.35)	**	\$ -	***	\$ -		\$ -	
State Cap for period 4	*	\$ (2,183.35)	**	\$ -	***	\$ -		\$ -	
State Cap for period 7	*	\$ -	**	\$ -	***	\$ -		\$ -	
<b>REMAINING ALLOTMENT</b>		<b>\$ 2,623,940.36</b>		<b>\$ 2,147,897.00</b>		<b>\$ 2,147,896.00</b>		<b>\$ 2,147,896.00</b>	<b>\$ 9,067,629.36</b>
Overpayment Reimbursements	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
<b>REMAINING CASH Year to Date</b>		<b>\$ (528,409.14)</b>		<b>\$ 39,008.04</b>		<b>\$ -</b>		<b>\$ -</b>	<b>\$ (489,401.10)</b>

**Collections versus Allotment**

Monthly Total	\$ 39,008.04
Total Q1	\$ 69,494.50
Total Q2	\$ 39,008.04
Total Q3	\$ -
Total Q4	\$ -
Expenses to Date	\$ (597,903.64)
Cash Carryover from Prior Year	\$ -
<b>Fiscal Year Total</b>	<b>\$ (489,401.10)</b>

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

**FY23**

**FUND ACCOUNTING**

AS OF 10/31/2022

<b>Account 014 95F Z112 02 (Conference Account)</b>	<b>Mo.</b>	<b>Q1</b>	<b>Mo.</b>	<b>Q2</b>	<b>Mo.</b>	<b>Q3</b>	<b>Mo.</b>	<b>Q4</b>	<b>FY23 Total</b>
FY23 Allotment	\$	-	\$	57,000.00	\$	-	\$	-	\$ 57,000.00
Carry Forward	\$	-	\$	-	\$	-	\$	-	
Financial Order Adjustments	\$	-	\$	-	\$	-	\$	-	
Budget Order Adjustments	\$	-	\$	-	\$	-	\$	-	
<b>Total Budget Allotments</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>57,000.00</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>-</b>	<b>\$ 57,000.00</b>
Total Expenses	1 \$	-	4 \$	-	7 \$	-	10 \$	-	
	2 \$	-	5 \$	-	8 \$	-	11 \$	-	
	3 \$	-	6 \$	-	9 \$	-	12 \$	-	
<b>TOTAL REMAINING</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>57,000.00</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>-</b>	<b>\$ 57,000.00</b>

<b>Q2 Month 4</b>	
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
<b>TOTAL</b>	<b>\$ -</b>

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

**Activity Report by Case Type**

10/31/2022

DefenderData Case Type	Oct-22						Fiscal Year 2023			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	6	18	\$43,067.33	16	\$ 32,143.12	\$2,008.95	41	55	\$ 101,345.70	\$1,842.65
Child Protection Petition	195	298	\$239,989.33	314	\$ 242,095.49	\$771.00	718	1,348	\$ 1,069,830.25	\$793.64
Drug Court	3	15	\$24,353.10	13	\$ 21,953.10	\$1,688.70	12	48	\$ 70,662.02	\$1,472.13
Emancipation	7	2	\$1,248.00	4	\$ 1,416.00	\$354.00	18	14	\$ 6,800.76	\$485.77
Felony	571	626	\$590,832.25	703	\$ 627,583.05	\$892.72	2,423	2,576	\$ 2,196,145.67	\$852.54
Involuntary Civil Commitment	98	74	\$20,878.62	74	\$ 19,866.18	\$268.46	388	348	\$ 107,866.40	\$309.96
Juvenile	72	70	\$54,193.42	60	\$ 53,104.68	\$885.08	291	292	\$ 244,100.56	\$835.96
Lawyer of the Day - Custody	251	249	\$82,584.56	230	\$ 77,314.96	\$336.15	987	1,008	\$ 336,816.89	\$334.14
Lawyer of the Day - Juvenile	30	30	\$9,363.84	27	\$ 8,298.59	\$307.36	102	96	\$ 29,712.21	\$309.50
Lawyer of the Day - Walk-in	132	152	\$56,136.95	181	\$ 65,881.05	\$363.98	626	656	\$ 229,615.23	\$350.02
Misdemeanor	894	898	\$382,049.16	1,057	\$ 433,450.83	\$410.08	3,774	3,901	\$ 1,513,022.46	\$387.86
Petition, Modified Release Treatment	1	7	\$3,361.00	7	\$ 3,714.85	\$530.69	3	17	\$ 18,420.19	\$1,083.54
Petition, Release or Discharge	1	4	\$3,651.55	3	\$ 3,187.55	\$1,062.52	3	5	\$ 4,367.35	\$873.47
Petition, Termination of Parental Rights	14	35	\$39,252.06	27	\$ 17,219.22	\$637.75	89	201	\$ 213,442.23	\$1,061.90
Post Conviction Review	8	4	\$7,560.00	6	\$ 6,726.00	\$1,121.00	19	19	\$ 29,528.80	\$1,554.15
Probate	3	3	\$2,536.00	1	\$ 560.00	\$560.00	11	8	\$ 9,186.35	\$1,148.29
Probation Violation	99	76	\$46,862.00	99	\$ 48,411.67	\$489.01	388	427	\$ 223,497.50	\$523.41
Represent Witness on 5th Amendment	1	2	\$ 552.00	1	\$ 160.00	\$ 160.00	4	3	\$ 1,100.80	\$366.93
Resource Counsel Criminal	0	3	\$264.00	4	\$ 656.00	\$164.00	1	10	\$ 1,828.00	\$182.80
Resource Counsel Juvenile	0	0		0			0	1	\$ 32.00	\$32.00
Resource Counsel Protective Custody	0	0		0			0	1	\$ 328.00	\$328.00
Review of Child Protection Order	24	116	\$74,053.54	125	\$ 73,939.12	\$591.51	176	591	\$ 364,321.11	\$616.45
Revocation of Administrative Release	1	1	\$264.00	0			5	7	\$ 1,780.75	\$254.39
DefenderData Sub-Total	2,411	2,683	\$1,683,052.71	2,952	\$1,737,681.46	\$588.65	10,079	11,632	\$6,773,751.23	\$582.34
Paper Voucher Sub-Total										
<b>TOTAL</b>	<b>2,411</b>	<b>2,683</b>	<b>\$1,683,052.71</b>	<b>2,952</b>	<b>\$1,737,681.46</b>	<b>\$ 588.65</b>	<b>10,079</b>	<b>11,632</b>	<b>\$ 6,773,751.23</b>	<b>\$ 582.34</b>

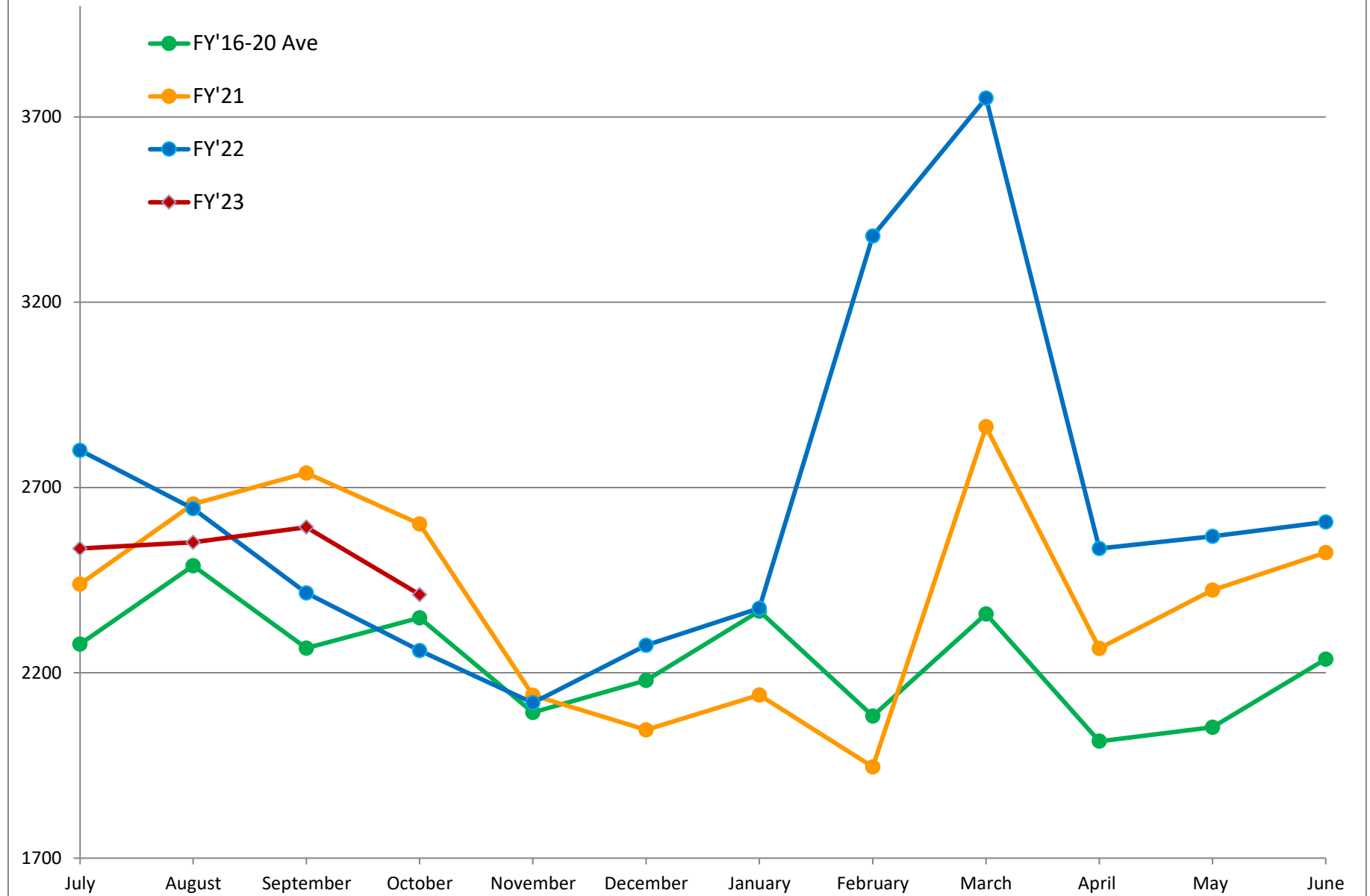
**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

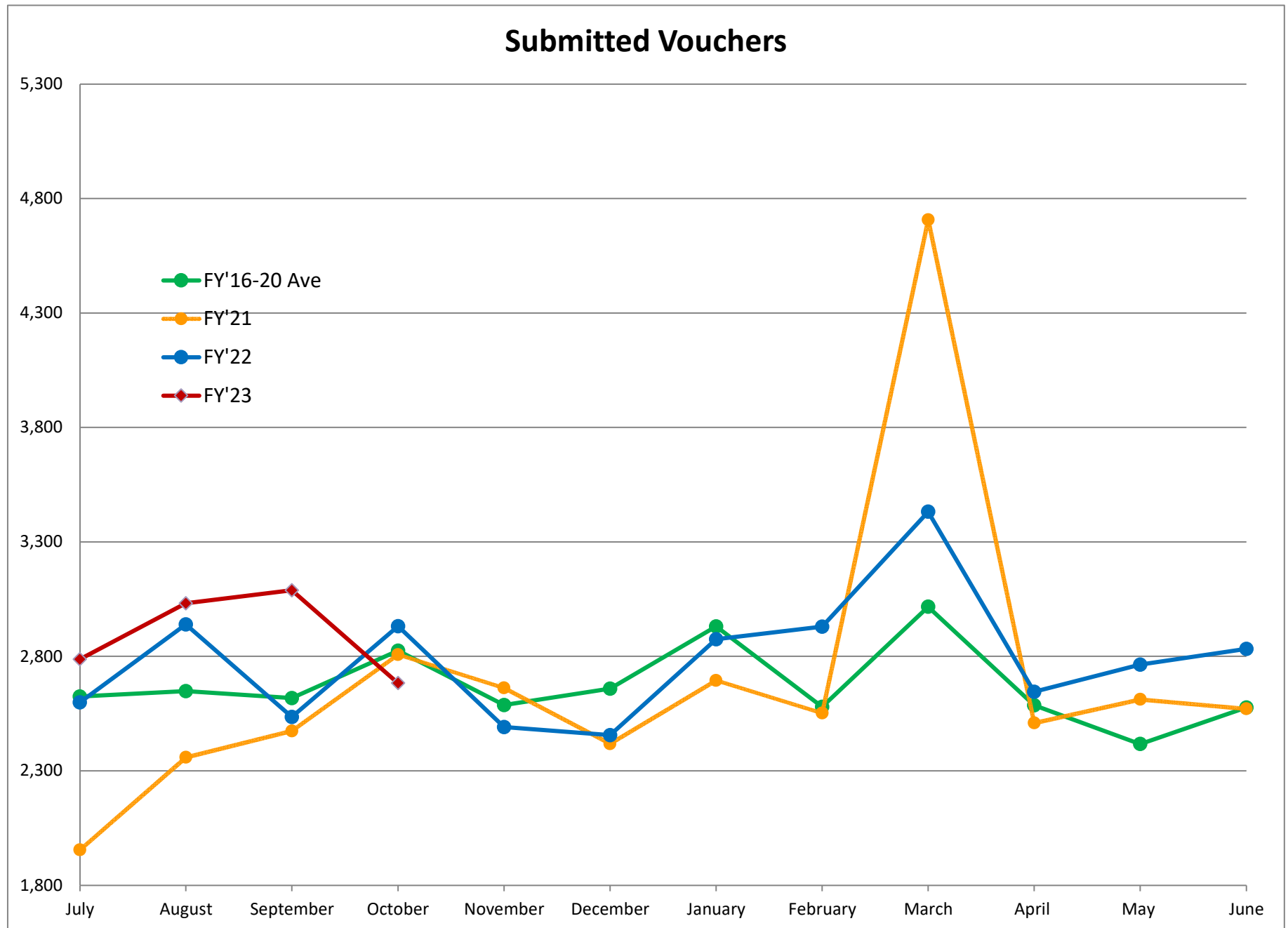
**Activity Report by Court**

10/31/2022

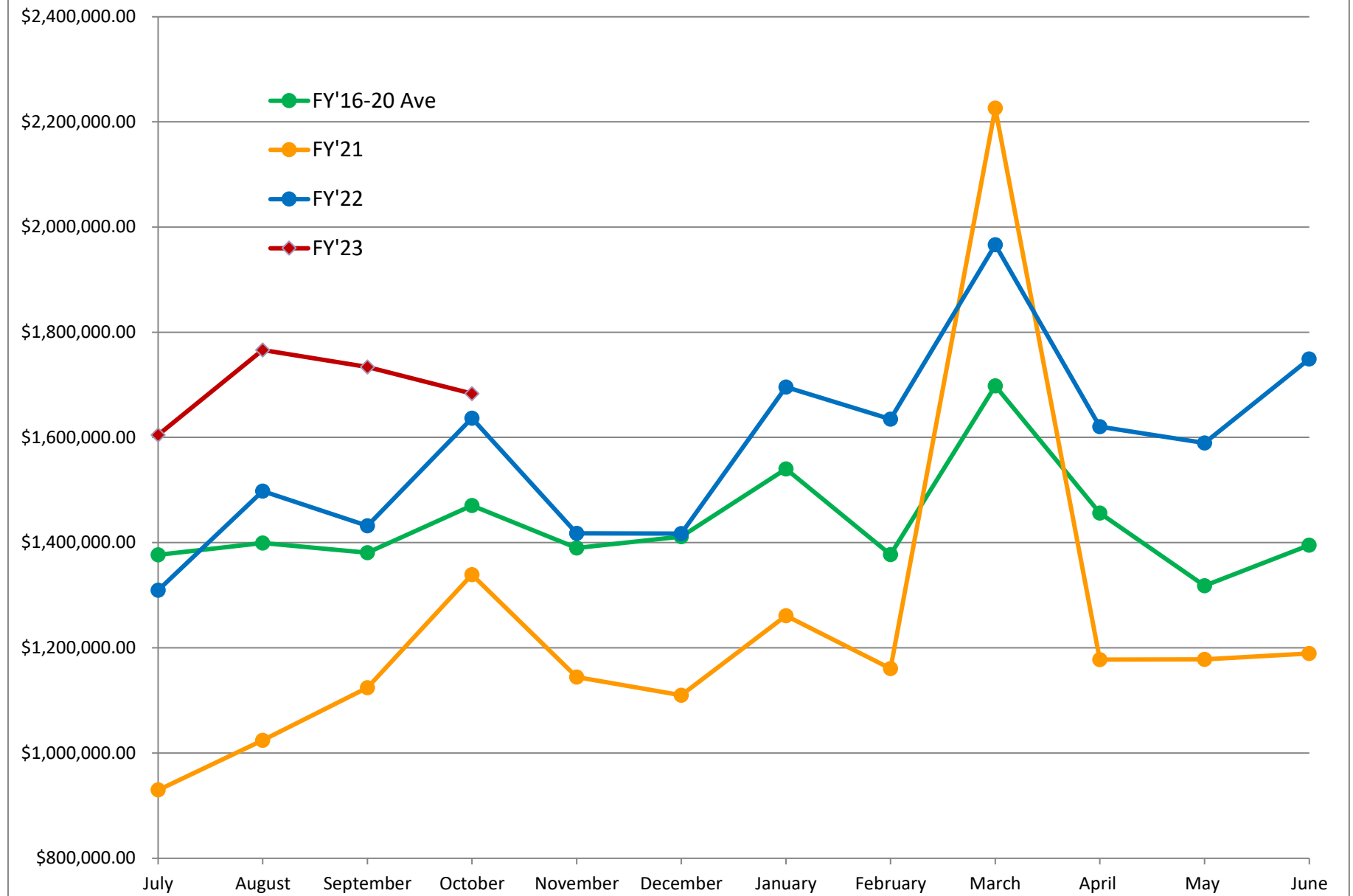
Court	Oct-22						Fiscal Year 2023			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	1	3	\$ 3,262.00	1	\$ 344.00	\$ 344.00	4	3	\$ 2,230.00	\$743.33
AUBSC	0	0		0			0	2	\$ 1,120.00	\$560.00
AUGDC	29	30	\$ 29,044.53	42	\$ 31,145.78	\$ 741.57	146	197	\$ 169,390.48	\$859.85
AUGSC	2	10	\$ 6,508.50	9	\$ 6,398.35	\$ 710.93	8	20	\$ 21,859.49	\$1,092.97
BANDC	61	88	\$ 38,694.44	84	\$ 37,453.00	\$ 445.87	202	321	\$ 154,446.12	\$481.14
BANSC	0	1	\$ 56.00	2	\$ 360.00	\$ 180.00	1	3	\$ 976.00	\$325.33
BATSC	0	0		0			2	0		
BELDC	4	15	\$ 3,674.00	12	\$ 5,440.83	\$ 453.40	46	60	\$ 38,985.49	\$649.76
BELSC	0	0		0			2	0		
BIDDC	21	43	\$ 22,672.75	42	\$ 21,174.20	\$ 504.15	140	191	\$ 125,567.61	\$657.42
BRIDC	5	10	\$ 7,637.76	14	\$ 10,185.16	\$ 727.51	28	47	\$ 24,959.35	\$531.05
CALDC	3	7	\$ 5,844.66	5	\$ 3,919.60	\$ 783.92	10	14	\$ 9,575.60	\$683.97
CARDC	0	4	\$ 6,148.65	6	\$ 7,980.65	\$ 1,330.11	9	57	\$ 48,226.85	\$846.09
CARSC	0	0		0			2	0		
DOVDC	0	7	\$ 6,381.34	9	\$ 4,679.40	\$ 519.93	7	34	\$ 18,237.70	\$536.40
DOVSC	0	0		0			0	0		
ELLDC	17	12	\$ 6,233.30	17	\$ 11,789.30	\$ 693.49	62	113	\$ 88,267.45	\$781.13
ELLSC	1	0		1	\$ 320.00	\$ 320.00	1	2	\$ 1,328.00	\$664.00
FARDC	13	9	\$ 3,048.95	11	\$ 3,896.95	\$ 354.27	54	54	\$ 33,959.63	\$628.88
FARSC	1	0		0			1	1	\$ 800.00	\$800.00
FORDC	3	7	\$ 4,087.12	6	\$ 3,399.12	\$ 566.52	14	40	\$ 31,321.02	\$783.03
HOUDC	11	17	\$ 13,100.10	18	\$ 14,526.85	\$ 807.05	36	79	\$ 56,886.51	\$720.08
HOUSC	0	0		0			1	0		
LEWDC	57	69	\$ 54,717.74	58	\$ 41,574.80	\$ 716.81	204	381	\$ 256,966.28	\$674.45
LINDC	6	8	\$ 3,251.40	9	\$ 3,823.40	\$ 424.82	24	55	\$ 32,744.25	\$595.35
MACDC	1	3	\$ 1,591.00	3	\$ 1,498.00	\$ 499.33	3	11	\$ 10,815.35	\$983.21
MACSC	0	0		0			0	0		
MADDc	1	1	\$ 400.00	2	\$ 800.00	\$ 400.00	4	5	\$ 2,228.50	\$445.70
MILDc	3	3	\$ 928.00	3	\$ 928.00	\$ 309.33	16	16	\$ 6,951.30	\$434.46
NEWDC	13	9	\$ 4,159.84	13	\$ 6,521.04	\$ 501.62	41	58	\$ 30,630.74	\$528.12
PORDC	64	70	\$ 59,743.94	65	\$ 51,475.86	\$ 791.94	268	336	\$ 258,338.72	\$768.87
PORSC	0	0		0			3	4	\$ 1,308.00	\$327.00
PREDc	11	17	\$ 13,662.74	21	\$ 15,818.74	\$ 753.27	40	71	\$ 45,378.24	\$639.13
RODC	17	12	\$ 8,613.92	13	\$ 8,425.48	\$ 648.11	45	53	\$ 31,992.61	\$603.63
ROCSC	1	1	\$ 80.00	0			10	8	\$ 2,392.00	\$299.00
RUMDC	17	44	\$ 47,134.51	35	\$ 26,415.51	\$ 754.73	65	104	\$ 87,680.36	\$843.08
SKODC	36	47	\$ 30,652.90	55	\$ 35,269.40	\$ 641.26	145	217	\$ 163,625.90	\$754.04
SKOSC	1	0		0			1	1	\$ 3,574.00	\$3,574.00
SOUDC	14	15	\$ 13,794.70	16	\$ 12,609.90	\$ 788.12	47	72	\$ 51,993.03	\$722.13
SOUSC	1	0		0			1	0		
SPRDC	13	31	\$ 19,244.36	22	\$ 11,598.00	\$ 527.18	51	101	\$ 75,787.16	\$750.37
Law Ct	6	15	\$ 36,004.27	16	\$ 32,143.12	\$ 2,008.95	35	43	\$ 80,140.38	\$1,863.73
YORCD	319	307	\$ 207,397.34	345	\$ 221,512.35	\$ 642.06	1,295	1,340	\$ 751,432.32	\$560.77
ARODC	150	187	\$ 130,532.92	203	\$ 130,971.02	\$ 645.18	706	732	\$ 414,073.73	\$565.67
ANDCD	217	142	\$ 78,393.80	167	\$ 107,554.62	\$ 644.04	767	684	\$ 422,966.82	\$618.37
KENCD	160	188	\$ 93,531.62	202	\$ 103,796.22	\$ 513.84	732	701	\$ 356,245.95	\$508.20
PENCD	195	319	\$ 156,852.92	314	\$ 137,270.02	\$ 437.17	1,089	1,278	\$ 590,580.87	\$462.11
SAGCD	43	30	\$ 15,425.51	37	\$ 11,036.80	\$ 298.29	170	140	\$ 53,508.55	\$382.20
WALCD	52	40	\$ 29,456.87	50	\$ 29,380.66	\$ 587.61	234	235	\$ 130,757.17	\$556.41
PISCD	19	13	\$ 5,296.46	18	\$ 10,782.64	\$ 599.04	84	73	\$ 32,914.87	\$450.89
HANCD	46	53	\$ 28,490.00	71	\$ 34,782.00	\$ 489.89	253	245	\$ 132,391.14	\$540.37
FRACD	51	42	\$ 20,192.07	40	\$ 19,828.07	\$ 495.70	170	118	\$ 57,183.76	\$484.61
WASCD	43	53	\$ 24,388.17	63	\$ 33,332.25	\$ 529.08	130	218	\$ 157,006.84	\$720.21
CUMCD	380	383	\$ 258,266.23	487	\$ 287,593.50	\$ 590.54	1,372	1,609	\$ 903,434.39	\$561.49
KNOCD	43	40	\$ 33,708.05	51	\$ 35,537.21	\$ 696.81	230	231	\$ 135,476.18	\$586.48
SOMCD	70	72	\$ 38,616.14	64	\$ 36,054.90	\$ 563.36	322	368	\$ 165,607.62	\$450.02
OXFCD	111	91	\$ 43,791.92	108	\$ 53,220.62	\$ 492.78	411	395	\$ 178,034.96	\$450.72
LINCD	34	34	\$ 13,960.09	35	\$ 14,641.27	\$ 418.32	149	150	\$ 73,004.86	\$486.70
WATDC	15	39	\$ 24,580.89	49	\$ 31,531.81	\$ 643.51	89	169	\$ 106,359.60	\$629.35
WESDC	19	24	\$ 14,262.20	25	\$ 18,110.20	\$ 724.41	62	110	\$ 76,073.56	\$691.58
WISDC	7	13	\$ 10,167.69	9	\$ 6,552.46	\$ 728.05	22	34	\$ 36,568.32	\$1,075.54
WISSC	0	0		0			0	2	\$ 1,616.00	\$808.00
YORDC	3	4	\$ 4,808.40	3	\$ 1,718.40	\$ 572.80	12	25	\$ 27,269.60	\$1,090.78
<b>TOTAL</b>	<b>2,411</b>	<b>2,683</b>	<b>\$ 1,683,052.71</b>	<b>2,952</b>	<b>\$ 1,737,681.46</b>	<b>\$ 588.65</b>	<b>10,079</b>	<b>11,632</b>	<b>\$6,773,751.23</b>	<b>\$582.34</b>

## NEW CASES



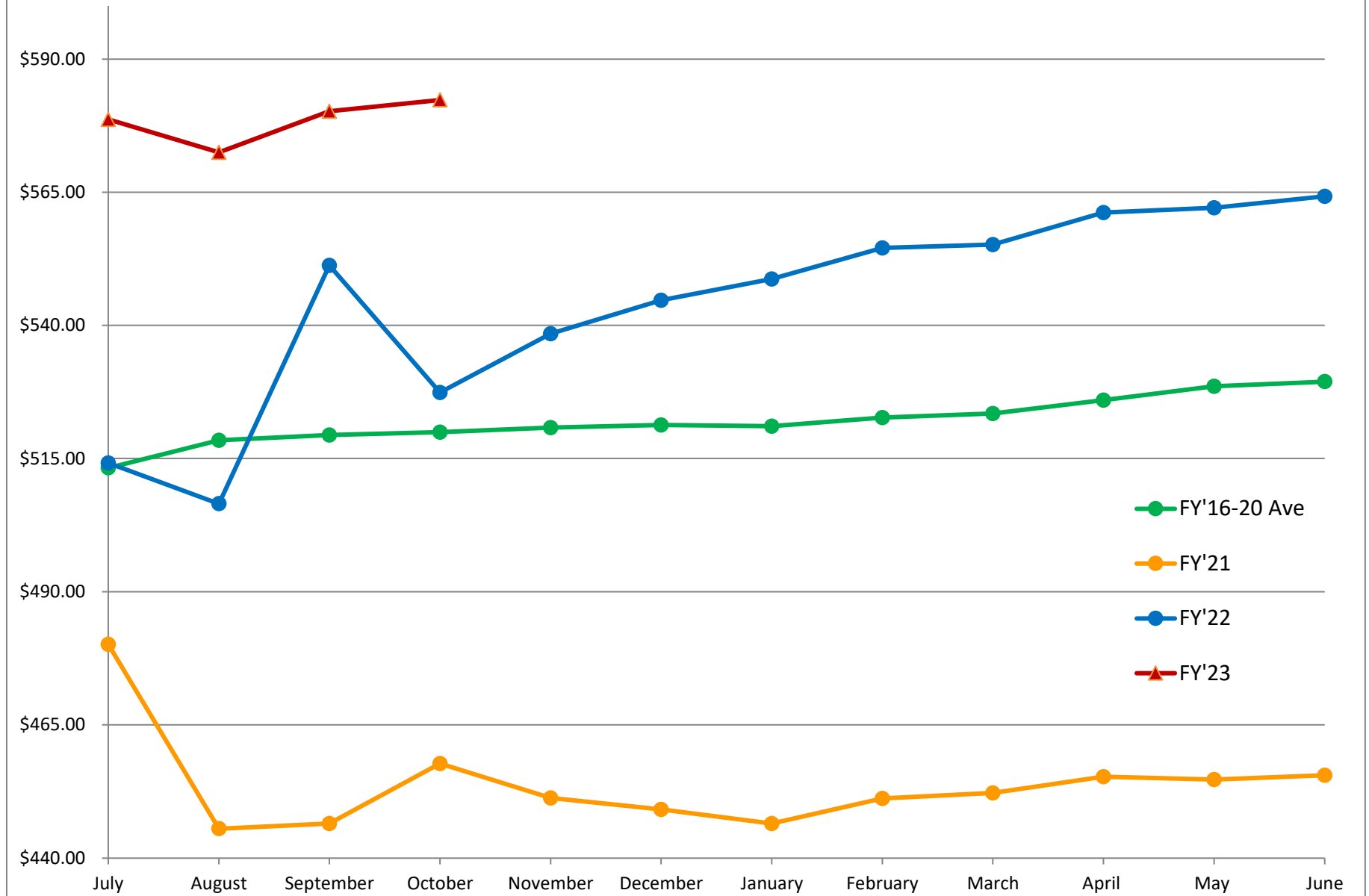


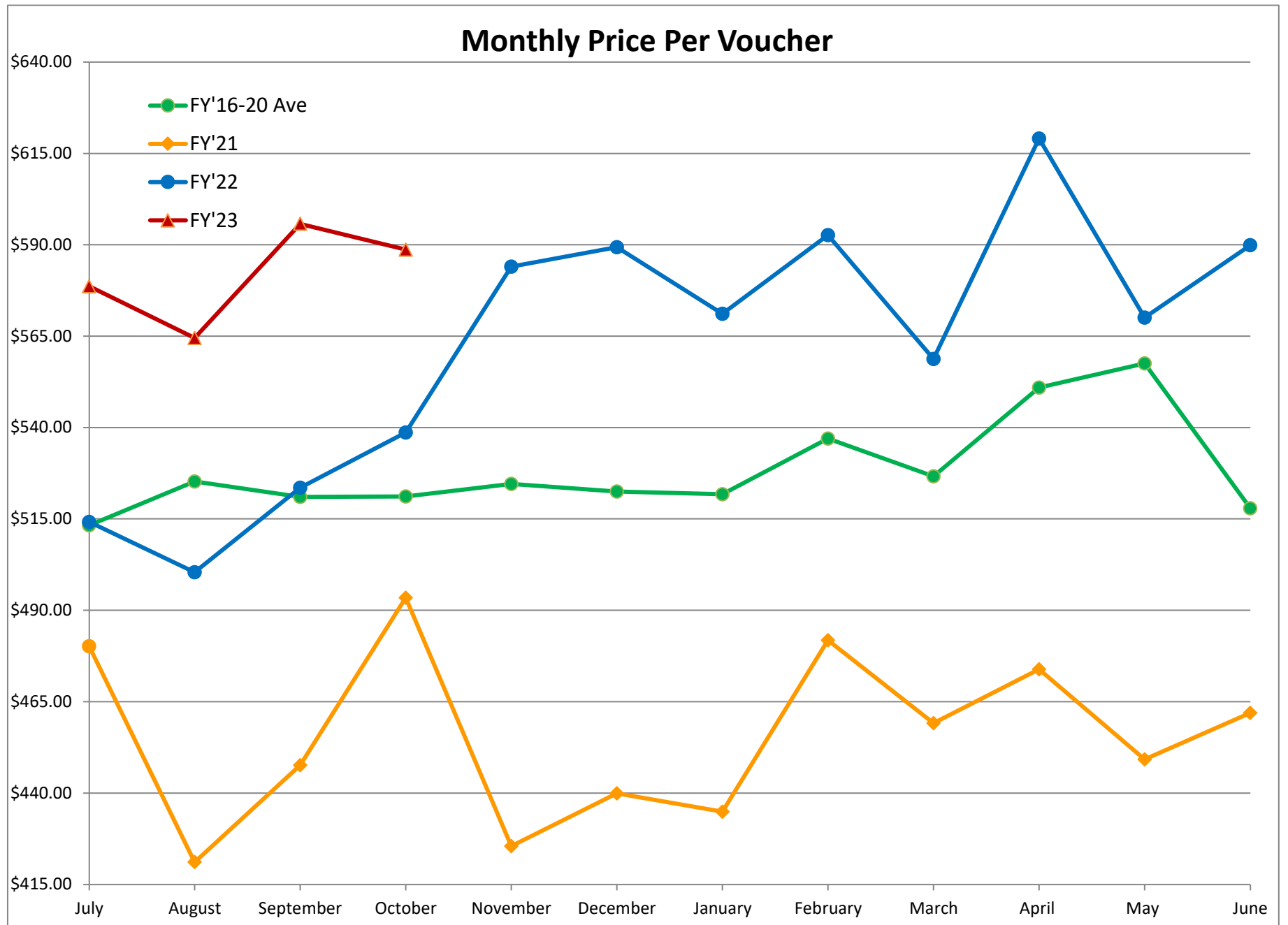
## Submitted Voucher Amount



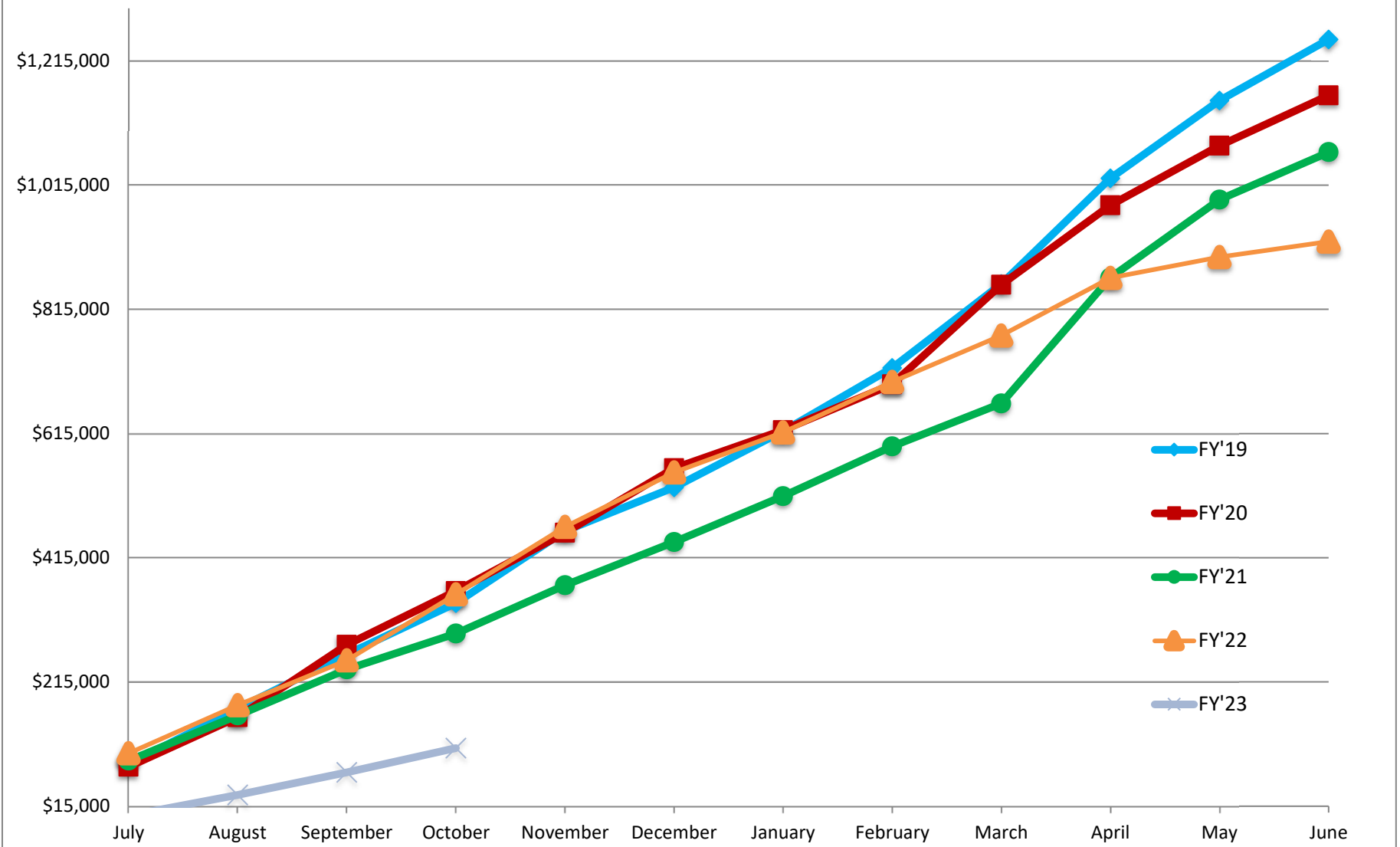


## Average Voucher Price Fiscal Year to Date





**COLLECTION TOTALS FY'19 to FY'23**



**Vouchers over \$5,000**

<b>Comment</b>	<b>Voucher Total</b>	<b>Case Total</b>
Homicide	\$ 14,835.63	\$ 40,359.28
Aggravated Attempted Murder	\$ 14,563.45	\$ 14,563.45
Unlawful Sexual Contact	\$ 10,676.00	\$ 10,676.00
Aggravated Trafficking	\$ 9,793.61	\$ 9,793.61
Gross Sexual Assault	\$ 8,944.00	\$ 8,944.00
Domestic Violence Assault	\$ 8,402.20	\$ 8,402.20
Gross Sexual Assault	\$ 8,242.00	\$ 8,242.00
Robbery	\$ 7,234.84	\$ 8,435.69
Kidnapping/Aggravated Assault	\$ 6,486.80	\$ 6,486.80
Domestic Violence Aggravated Assault	\$ 5,636.83	\$ 5,636.83
Aggravated Assault	\$ 5,552.36	\$ 5,552.36
Reckless Conduct/Illegal Possession of Firearm	\$ 5,552.00	\$ 5,552.00
Assault	\$ 5,300.06	\$ 5,300.06

## Good Outcomes

Review Date	Attorney	Charge	Disposition
10/6/2022	Crocker, Erik	Assault	Dismissal
10/6/2022	Berner, Seth	Violating Protection from Abuse Order	Deferred GO = Dismissal
10/6/2022	Harrow, Seth	5 cts. Burglary of a Motor Vehicle, 1 ct. Theft by Unauthorized Taking	Dismissal
10/6/2022	Charest, Richard	Violating Protection from Abuse Order	DD GO = Dismissal
10/6/2022	Bos, C. Peter	Child Protection Petition	Dismissal through PRR
10/6/2022	Smith, Zachary	DVA Priors	Dismissal
10/6/2022	Gray, Mary	Child Protection Petition	Dismissal through PRR
10/6/2022	Harrow, Seth	1 ct. Operating After Habitual Offender Revocation (1 prior), 1 ct. Displaying Fictitious Vehicle Certificate, 1 ct. Attaching False Plates	Dismissal
10/6/2022	Slaton, Ashley	1 ct. DVA, 1 ct. DV Criminal Threatening	Dismissal
10/6/2022	Pelletier, John	1 ct. Assault on an Officer, 1 ct. Refusing to Submit, 1 ct. Assault	DD GO = Dismissal
10/7/2022	Dube, Daniel	Assault	NG after Trial
10/7/2022	Clifford, John	DV Assault	NG after Trial
10/7/2022	L'Heureux, Ian	DV Assault	NG after Trial
10/13/2022	Matthews, Vicki	Child Protection Petition	Dismissal through PRR
10/13/2022	Cavanagh, Kimberly	Child Protection Petition	Dismissal through PRR
10/13/2022	Coolidge, Max	1 ct. Unlawful Possession of Meth, 2 cts. Unlawful Possession of Scheduled Drugs, 1 ct. Criminal Trespass	Dismissal
10/13/2022	McGee, Peter	1 ct. Criminal Trespass, 1 ct. Possession of Burglar's Tools	Dismissal
10/13/2022	Peters, Chelsea	Emancipation	Granted
10/14/2022	Brown, Earl	Child Protection Petition	Dismissal through PRR
10/14/2022	Ranger, Jason	1 ct. Theft by Unauthorized Taking, 1 ct. VCR	Dismissal
10/14/2022	O'Donnell, John	OUI (Drugs or Combo) - No Test	NG after Jury Trial
10/14/2022	Corbett, Dawn	1 ct. DVA, 1 ct. Endangering the Welfare of a Child, 1 ct. Refusing to Submit	Dismissal
10/14/2022	McGarry, Amy	1 ct. DV Terrorizing, 1 ct. DVA	Dismissal
10/17/2022	Feagans, Deborah	Child Protection Petition	Dismissal through PRR
10/17/2022	Chard, Colin	2 cts. DVA, 2 cts. DV Criminal Threatening	Dismissal
10/17/2022	Bos, C. Peter	Theft by Unauthorized Taking or Transfer, priors	Dismissal
10/17/2022	Corbett, Dawn	2 cts. DVA	Dismissal
10/17/2022	Milton, Caleigh	3 cts. VCR	Dismissal

### Good Outcomes

10/17/2022	Gioia, James	Child Protection Petition	Dismissal
10/18/2022	Hornblower, Don	OUI (Alcohol)-No Test	DD GO = Dismissal
10/19/2022	Johnson, Samuel	Failing to Report	Dismissal
10/19/2022	Champagne, Roger	Child Protection Petition	Dismissal
10/19/2022	Paradie, Verne	Criminal Mischief	Dismissal
10/19/2022	Fey, Zacharay	OAS	Dismissal
10/19/2022	Hanson, Allan	1 ct. OAS, 1 ct. Attaching False Plates, 1 ct. VCR	Dismissal
10/19/2022	Slaton, Ashley	1 ct. OUI-No Test, 1 ct. Falsifying Physical Evidence, 1 ct. Unlawful Possession of Scheduled Drug, 1 ct. DTE	Dismissal of all but DTE
10/19/2022	Ellis, Cameron	Falsifying Physical Evidence	Dismissal
10/26/2022	Rosenberg, Peter	Criminal Mischief	Dismissal
10/27/2022	Rabasco, Edward	Child Protection Petition	Dismissal
10/27/2022	Edwards, Andrew	OUI	DD GO = Dismissal
10/27/2022	Brunelle, Roger	3 cts. Unlawful Sexual Contact	Dismissal
10/27/2022	Cavanagh, Kimberly	Child Protection Petition	Dismissal
10/27/2022	Harrow, Seth	Operating after Habitual Offender Revocation	NG after Trial
10/27/2022	Burbank, Meegan	Child Protection Petition	Dismissal through PRR
10/27/2022	Bart, William	1 ct. Obstructing Report of a Crime, 1 ct. DVA	Dismissal
10/27/2022	Paris, David	Child Protection Petition	Dismissal
11/2/2022	Hewes, James	Child Protection Petition	Dismissal through PRR
11/2/2022	Hockenbury, Michael	1 ct. Theft by Unauthorized Taking, 8 cts. Burglary of a Motor Vehicle	Dismissal

## MAINE COMMISSION ON INDIGENT LEGAL SERVICES

**TO:** MCILS COMMISSIONERS

**FROM:** MIKE CAREY, COMMISSIONER

**SUBJECT:** *AD HOC* CASELOAD SUBCOMMITTEE UPDATE

**DATE:** November 7, 2022

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Commissioners Alexander, Bates, Burbank, Cantara, and Carey participated as an *ad hoc* MCILS subcommittee in a public conversation regarding staff's draft of possible caseload standards. The subcommittee primarily considered a redline provided by Commissioner Alexander and suggestions provided by Commissioner Burbank after she discussed the issue with many rostered attorneys. In addition, the group took public comment from Rory McNamara and Rob Ruffner. I found Rory's and Rob's comments helpful and thought the rest of the Commission may appreciate them. I invited them to provide written comment and thank them for their time in doing so.

The attached draft reflects the general consensus of the five Commissioners, with three exceptions. First, there was significant discussion regarding the annual number of billable hours on which to base the analysis. Staff proposed 1,850; three of us support 2,100; and, two of us support 2,000. For ease of review, the attached draft is built on 2,100 billed hours, annually. Second, we discussed the point value for Post-Conviction Review and Appeal cases. Staff proposed 6 and 10 points, respectively. Commissioner Alexander suggests lowering them to 4 and 6 points, respectively. In the absence of a consensus for a change, the enclosed version reflects staff's proposal without adoption. Third, we did not have time to review Commissioner Alexander's Section I language. The enclosed draft includes his proposal and we have asked Director Andrus to flag any suggested changes or concerns.

November 3, 2022

*Ruffner's and McNamara's proposal concerning MCILS caseload limits*

**Assumptions:**

- Caseload limits serve multiple purposes: (A) to ensure that counsel perform satisfactorily; (B) to ensure longevity and avoid burn-out; (C) to serve as an easy-to-compare proxy for resources (*e.g.*, “We need 3 more full-time attorneys in X County.”); and (D) to ensure that attorneys wishing to represent indigent clients can develop the skills and experience necessary to do so while being remunerated fairly.
- Some of the better-situated, more experienced, or just plain hard-working attorneys can reasonably and competently carry significantly higher caseloads than can other attorneys.
- If caseload limits are designed with an eye towards those attorneys who are best situated to accept a high volume of work, those limits will significantly overstate what most attorneys can reasonably and competently undertake.

**Proposal:**

There are two primary pillars to our proposal:

- (1) MCILS caseloads should be formulated considering the “typical attorney”<sup>1</sup> – in other words, an attorney who, for whatever reason, is *not* capable of carrying extraordinary caseloads.
- (2) At the same time, in recognition of the fact that some extraordinary attorneys are capable of satisfactorily representing more clients, MCILS staff ought to have considerable authority to grant exceptions to attorneys who wish to and are able to exceed

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<sup>1</sup> At the subcommittee hearing on November 2, we distinguished between “least common denominator” and highest common denominator” attorneys. No slight is intended by this term. In fact, Attorneys Ruffner and McNamara consider ourselves to be amongst the “least common denominators.” Anyway, we note that, often, some of the best attorneys are those who carry lower caseloads. Nonetheless, “typical attorney” may be a less pejorative-sounding term.



the caseload limits. It is essential that the exception process be easy, quick, and liberally implemented.

### **Numbers:**

A total of 1875 (37.5 hours per week for 50 weeks a year) billable hours per year is an appropriate baseline for most attorneys. While there are no doubt many attorneys who are capable and willing to work more than what is considered “full-time” for any other worker, caseload limits in excess of “full-time” would stretch many less capable attorneys beyond what they should be doing. It should not be assumed that most – let alone *all* – MCILS attorneys are capable of exceeding “full-time” expectations.

For those attorneys willing and able to work more, MCILS staff should have authority to liberally and quickly grant exceptions to these limits. All other employers must authorize overtime work or otherwise monitor their workers’ performance and well-being in light of excess work; our proposal generally mirrors that practice.

### **Liberal, easy exceptions:**

An attorney who desires to accept appointment to cases in excess of the maximum baseline caseload (based on 1875 billable hours per year) should be able to seek and receive approval in the appropriate circumstances. While we leave it to the Commission to craft standards for assessing a request to exceed the limits, in our experience, these are some *possible*<sup>2</sup> relevant considerations:

- Were any of the cases that caused counsel to be “over the limit” somehow not worthy of the point value assigned to them (*e.g.*, a 10-point case was dismissed at an early stage)?

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<sup>2</sup> These are general starter concepts for possible factors. What would not be a factor, for or against, granting an exception the perceived need, or lack thereof, for additional attorneys in the system. The needs of the system should not change the calculus of gauging the impact on existing clients of the attorney seeking an exception.

- Does the attorney seeking the exception have a recent demonstrable capacity for working more than 37.5 hours/week?
- Does the attorney seeking an exception have MCILS-compensated staff<sup>3</sup> or other assistance that increases her ability to take on more work?
- Does the attorney have a recent demonstrable record of contesting/litigating cases where appropriate?<sup>4</sup> and/or does the attorney have a recent<sup>5</sup> demonstrable record of quality outcomes for clients?
- Are there any “red flags” (*e.g.*, complaints that the attorney is somehow performing deficiently)?

It is imperative that this process be quick and easy for an attorney to follow. Adding more “bureaucratic” hurdles could dissuade qualified attorneys from participating in the MCILS system.

### **Built-in self-assessment:**

A benefit comes from the exception process: The very act of requesting an exception is a moment of reflection. By asking for an exception, an attorney is critically assessing her current workload and is certifying that, yes, she can indeed accept additional cases without negatively impacting her current clients. Whereas MCILS has previously been criticized for lacking supervision mechanisms, this is a low-

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<sup>3</sup> This factor assumes that, in the foreseeable future, MCILS will either be able to directly compensate non-attorney staff-work or pay attorneys an hourly rate (*e.g.*, \$150/hour) that permits attorneys to compensate their staff for work done on MCILS cases. We vehemently oppose any policy that encourages MCILS attorneys to “donate” their staff’s time.

<sup>4</sup> This factor is motivated by the perception among some that overworked defense attorneys tend to “plead out” their clients rather than try their cases.

<sup>5</sup> *Recent* experience is most relevant when the request for an exception is coming from an attorney currently operating at an “exceptional”-level caseload in order to address any concerns that carrying so many cases has negatively impacted the attorney’s performance.

expenditure means to increase oversight and accountability in close to real time.

In comparison, were MCILS to set caseload limits at the higher range (*i.e.*, on par with the pace of a “highest common denominator”), a more widespread and proactive monitoring system would likely be necessary to ensure that even those attorneys below the caseload limits are capable of handling so many cases at once. Likewise, attorneys might feel pressure to work “full time,” accepting more cases than they are able to reasonably handle, all because the caseload limits are artificially inflated to accommodate the work pace of our highest achievers. As social science tends to suggest, “opting in” to higher workloads will ensure better qualified and healthier attorneys than will a system premised on inflated notions what is “full time.”

## **Conclusion**

Just because some attorneys are capable of carrying caseloads beyond what a typical “full-time” attorney can reasonably handle, it should not be assumed that all attorneys may or should do the same. Caseload limits should be established with the “typical attorney” in mind, allowing for easy-to-obtain exceptions for the most capable attorneys amongst us.

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**DGA Suggested Redline to Caseloads Limits Rule  
(As amended 11/7/2022)**

**October 27, 2022**

———— Suggested edits are in red, comments are in green. Some preliminary observations:

1. The terminology for the purpose of the Rule is changed to quote from the applicable statute.
2. The Rule is amended to recognize that each type of case may involve very different and diverse challenges and thus workload demands, making a one-size-fits-all workload number difficult or impossible to identify. Further, the Rule recognizes that the mix of cases each attorney's caseload may vary greatly.
3. The Rule amendment attempts to limit the focus of workload analysis to those cases that will require significant work over a long period of time by not counting those cases that may be subject to early diversion, deferred disposition, or, for child protective cases, parent or family placements or reunification plans. This addresses the concerns expressed by some attorneys at our caseload work session that such cases that either are quickly resolved or may be inactive for a year or more to see if specified conditions are met, should not count against caseload or workload limits.  
  
—Recognizing that these early or deferred disposition cases do require some work, I have not increased the 1850 annual hours limit that now would only apply to (a) cases not subject to early or deferred disposition, or (b) other functions such as appeals, post-conviction actions, lawyer-for-the-day, etc. If the annual hours limit continues to apply to all types of cases and all stages of each case, then we should consider the higher hours limits that Meegan previously suggested.
4. My sense of the time within which early or deferred dispositions might be achieved (5 months after first court appearance for criminal, 3 months after first court appearance for juvenile and CP) is based on my experience in trial courts before the pandemic workload changes. Those numbers may need to be adjusted to reflect today's practice. Though the numbers are suggested as an incentive for the courts and the bar to promptly resolve whether there will be early or deferred dispositions or whether the case will move to the later more litigious stages.
5. I added to the justifications for a waiver of the limits court case management practices that are slower than usual in resolving cases, thus requiring that the individual hearings and preparation for actions not be as frequent as anticipated in the caseload limits.

———— I hope others have good suggestions for more realistic and flexible caseload limits

———— The redlined Rule follows:

**CASELOAD LIMITS RULE:**

- I. **PURPOSE:** The purpose of this rule is to implement 4 M.R.S. § 1804(2)(C) by prescribing "[s]tandards for assigned counsel and contract counsel case loads." *Id.*, ~~establish caseload limits and standards for the enforcement of those standards~~ for attorneys accepting assignments to represent consumers of indigent legal services. The

objective is to ensure that attorneys are not overscheduled or overworked and are able to provide effective, high quality, representation to ~~every~~ each client.

This rule recognizes that many factors can affect attorney workload and the number of individual cases that an attorney may competently and ethically handle. For criminal and juvenile cases, those factors may include for example: (a) the sentencing class of the pending charge; (b) whether the particular docket includes one or more charges; (c) whether the client is incarcerated or released on bail or a summons; (d) the factual simplicity or complexity of the case; and (e) whether the case may result in (i) an agreed early or deferred disposition or plea, or (ii) one or more contested testimonial hearings, or (iii) a trial, and, if convicted, a contested sentencing.

For child protective cases, those factors may include for example: (a) the willingness or unwillingness of the parent-client to cooperate with counsel; (b) whether the facts of the case may subject the parent-client to criminal liability; (c) the number and age(s) of the child or children involved; (d) the factual simplicity or complexity of the case; and (e) whether the case may result in (i) a dismissal after investigation, (ii) a supervised placement with the parent-client or a family member, (iii) a foster care placement pursuant to a reunification plan with a cooperative parent-client, or (iv) a contested jeopardy or termination of parental rights hearing.

The mix of simple or complex cases assigned to each attorney may vary greatly depending on each attorney's individual experience and skills, willingness to accept assignments, and capacity to work towards agreed resolutions of cases or take cases to trial. ~~making assignment of weight to be given to any particular type of case in the attorney's total workload difficult.~~

**Commented [AJ1]:** The staff perspective is that assigning weight to a case is an empirical exercise.

**II. APPLICATION:** This rule applies to all attorneys accepting assignments to represent consumers of indigent legal services.

**III. DEFINITIONS:**

- a. Points: the weight assigned to each case type. The weight of each case shall be established 5 months after the first court appearance of the client in a criminal case, and 3 months after the first court appearance of the client in a juvenile or child protective case or a probation revocation proceeding. The delay in weight assignments allows cases that can be promptly resolved or result in a deferred or supervised disposition to not count against the case load limits. If any case that has a deferred or supervised disposition is later scheduled for a contested hearing because it is alleged that the conditions of the deferred or supervised disposition (or supervised placement or reunification plan in a child protective case) have not been met, the designated weight shall be assigned upon scheduling of the contested hearing.

- b. Case type: the type of matter to which the attorney is assigned.
- c. Maximum case type: represents the maximum number of ~~weighted~~ cases of a particular case type that an attorney could carry at one time, if the attorney only accepted cases of that one type.
- d. Average hours per case: the anticipated average amount of hours that would be spent on a case of a particular type.
- e. Maximum active caseload limit: the maximum total points across all case types that an attorney may carry on their caseload at any given time, based on the percentage of an attorney's work hours which are dedicated to assigned cases.
- f. Maximum annual hours limit: the maximum number of hours that an attorney may bill to MCILS over a rolling 12-month period, based on the percentage of an attorney's work hours which are dedicated to assigned cases.
  - i. The maximum annual hours limit is only used for purposes of applying the caseload limits. If an attorney's vouchers exceed the maximum annual hours, the attorney will still be paid in accordance with Commission rules.

#### IV. CASE TYPE CALCULATION:

- a. Criminal & Juvenile Cases:
  - i. In each docket, the charge assigned the highest points—at the time of appointment—determines the case type.
  - ii. Other offenses contained within a single charging instrument are not assigned a point value.
  - iii. If an attorney represents a client on multiple dockets, each docket is considered a new case type. Each case type is assigned cumulative points.
  - iv. The point value assigned is applicable to each case from assignment appointment the time indicated in § III a. above through disposition of the matter in the unified court or the District Court. Post-conviction reviews and probation violations are considered new case types, regardless of whether the attorney represented the client in the original case.
- b. Child Protective Cases:
  - i. The point value assigned is applicable to the entire case, from assignment appointment the time indicated in § III a. above through final resolution of the matter at the district court level. Points are not assigned to each distinct phase (e.g., jeopardy, termination of parental rights).

- ii. If a client has multiple pending PC docket numbers because the client has multiple children, only one docket number is assigned a point value. ~~[We may want to consider a higher point value for PC cases involving more than one or two children.]~~
- c. Appeals to the Supreme Court of Maine:
  - i. Appeals to the Supreme Court of Maine are considered new case types, regardless of whether the attorney represented the client in the trial court.
- d. Lawyer of the Day:
  - i. The point value associated with lawyer for the day duties is assigned per appearance.
    - 1. If counsel serves as lawyer of the day for a morning session that continues into the afternoon, that will be one appearance. If counsel serves as lawyer of the day for a morning session and then a subsequent afternoon session with a second appearance time and list, that will be two appearances.
- e. Specialty Courts and Projects:
  - i. The point value assigned to specialty courts only applies to the attorney who is the defense representative for that specialty court, or who performs an administrative function for MCILS with respect to that specialty court or project, not to every attorney who has a client sentenced to the specialty court or otherwise engaged in a project.
  - ii. The point value assigned to specialty courts and projects applies per court appearance, regardless of duration.
    - 1. Court appearance is defined by an instance in which the specialty court is in session, not by the number of participants who appear in court at a particular session.

## V. POINTS:

a. MCILS has established the following point values for each respective case type:

Case Type:	Point Value:	Maximum Case Type:	Average Hours Per Case:
Class A Crime	4	<del>63</del> 70	29.6
Class B & C Person Crime	3	<del>83</del> 94	22.2
Class B & C Property Crime	2	<del>125</del> 141	14.8
Class D & E Crime	1	<del>250</del> 283	7.4
Probation Violation	1.25	<del>200</del> 227	9.25
Post-Conviction Review	<del>6</del> 4	<del>42</del> 62	<del>44.4</del> 30
Appeal	<del>10</del> 6	<del>25</del> 43	<del>74</del> 44
Juvenile	2	<del>125</del> 141	14.8
Lawyer of the Day (per appearance)	.5	<del>500</del> 567	3.7
Protective Custody	5	<del>50</del> 56	37
Involuntary Commitment	1.25	<del>200</del> 283	7.4
Inv. Commit. Appeal to Superior Court	2	<del>125</del> 141	14.8
Emancipation	.75	<del>333</del> 375	5.6
Probate	3	<del>83</del> 94	22.2
Specialty Courts (per appearance)	.5	<del>500</del> 567	3.7
Pet. for Mod. of Release or Treatment	3	<del>83</del> 94	22.2
Petition for Release	3	<del>83</del> 94	22.2

**Commented [AJ2]:** The assumption for the total number of permissible annual hours has been updated to 2100 with these edits (excepting PCR and Appeal assignments), as requested by the subcommittee. (See the notes below)

**Commented [MC3]:** Please revert to staff proposal, with this note:

\*\*\*The subcommittee did not have consensus on changes to these two rows. Commissioner Alexander suggests point totals for PCR at 4 and Appeals at 6. No consensus developed. This reflects staff's proposal without any adoption by the subcommittee.

[The average hours for post-conviction reviews and appeals appear high, likely driven by a few unusual appeals or post-conviction reviews. The hours and point values are reduced accordingly.]

b. MCILS will reevaluate and update the point values as appropriate.

## VI. LIMITS:

a. MCILS has established a maximum active caseload limit of 250 points. An attorney may not maintain a caseload exceeding 250 points at any one time, unless granted a waiver pursuant to Section IX below.

b. For purposes of the maximum annual hours limit, the hours are calculated based on vouchers submitted for work performed within the preceding 12 months.

c. The applicable maximum caseload and hours limits are reduced proportionately, based upon the percentage of the attorney's work hours that are dedicated to MCILS cases that have not resulted in early or deferred dispositions. The following chart reflects this calculation, based on an active caseload limit of 250 points and an annual limit of ~~1,850~~ 2,100 billed hours:

**Commented [MC4]:** Please change to 2,100 and include the following:

\*\*\*This reflects the subcommittee's bare majority and interest in providing the Commission with a clear proposal. However, (i) a straw poll was 3-2, split between 2000 hr/yr and 2100 hr/yr; (ii) staff suggest waiting for potentially forthcoming report before changing 1850 suggestion



% of Attorney's Work Hours Spent on MCILS Cases:	Caseload Limit:	Hours Limit:
100%	250	<del>1,850</del> 2,100
75%	188	<del>1,388</del> 1,575
50%	125	<del>925</del> 1,050
25%	63	<del>463</del> 525
10%	25	<del>185</del> 210

- d. Case Closed:
- When a case is closed in defenderData, the points assigned to that case are deducted from the attorney's active caseload points total.
- e. Deferred Disposition ~~occurring after 3 or 5 months~~:
- When the disposition of a case in defenderData is changed to reflect a deferment ~~after 3 or 5 months~~, the points assigned to that case are deducted from the attorney's active caseload points total.
- f. ~~Other events that toll cases~~:
- ~~When a case enters a status that effectively tolls its progress, the points assigned to that case may be deducted from the attorney's active caseload points total at the discretion of the Executive Director or designee. Events that effective toll the progress of a case may include a filing; long-term continuance; client in absent of fugitive status; or, similar events.~~

**Commented [AJ5]:** Staff have added this language because it tracks with the apparent intent of the sub-committee.

## VII. APPLICATION:

- a. Applicable Caseload Limit:
- All attorneys accepting assignments to represent consumers of indigent legal services are required to annually certify to MCILS approximately what portion of their annual working hours are dedicated to assigned cases.
  - All attorneys ~~with active assigned cases who are seeking, or will seek, assignments~~ are required to submit their certification 30 days ~~prior to~~ after the effective date of this rule.
  - Attorneys who apply to accept MCILS cases ~~after the effective date of this rule~~ will be required to submit this certification prior to receiving any additional case assignments.
  - After a certification is submitted, the attorney's maximum caseload limit will be set in the MCILS information management system.

**Commented [AJ6]:** This edit is necessary because the rule cannot become effective if MCILS does not receive this information from counsel.

**Commented [AJ7]:** Staff recommend this edit to ensure no conflict with existing assignments, and permit implementation of the rule as to then-future assignments.

- v. If an attorney's workload percentages change significantly prior to the annual certification, the attorney can request that MCILS adjust their maximum caseload and/or hours limits.
    - 1. Attorneys will always have the ability to opt out of case types and courts to reduce the number of new assignments they receive.
  - vi. This certification must be completed on the form provided by MCILS. The form may be a webform. If so, the certification must be provided through that webform.
  - vii. Failure to complete the certification as required will result in suspension from all rosters until the certification has been completed to the satisfaction of the Executive Director or their designee.
  - viii. Suspected falsification of a certification will result in the initiation of an MCILS assessment and/or investigation.
- b. Case Entry & Closing:
- i. Counsel are responsible for ensuring that all cases are opened in Defender Data within 7 calendar days of the receipt of notice of assignment in any form, and that cases are closed in Defender Data within 7 days of the completion of work in the file.

#### **VIII. EXCEPTIONS:**

- a. If an attorney has reached the active caseload and/or annual hours limit, the attorney may exceed those limits to accept new assigned cases for a client the attorney then presently represents. The points and hours associated with the new cases will be calculated and added to the attorney's total in accordance with this rule.

#### **IX. WAIVER:**

- a. An attorney may apply for a temporary waiver of the active caseload limit or the annual hours limit, but not both.
- b. A temporary waiver may be granted for a period of up to ~~90 calendar days~~ 6 months.
- c. Application must be made to the Executive Director or their designee in the manner designated by MCILS.
- d. Waivers are discretionary and will only be granted for good cause.
- e. In determining whether to grant a waiver, the Executive Director or their designee may consider some or all the following factors:
  - i. The attorney's representation about their current capacity to accept additional cases;

- ii. The reason the waiver is being requested;
- iii. The attorney's experience level;
- iv. Whether the attorney has support staff;
- v. Whether the attorney represents a client in multiple, related dockets which require less time to resolve;
- vi. To the extent that data is available to MCILS, whether the attorney practices primarily in courts experiencing with management practices that result in longer average times to resolution of cases than the 12 months indicated in § VI b. as the basis for calculating annual workload and caseload limits; and/or
- vii. Any other factors relevant to whether in the discretion of the Executive Director or designee the waiver should be granted.