

MCILS

**April 24, 2023
Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

APRIL 24, 2023
COMMISSION MEETING
AGENDA

- 1) Approval of the March 20, April 3, and April 18, 2023 Commission Meeting Minutes
- 2) Report of the Executive Director
 - a. Operations report
 - b. Case staffing status report
 - c. Recruiting and Training
- 3) Rulemaking discussion
 - a. Chapter 301 hourly rate / major substantive
 - b. Proposed Chapter 301 routine technical
 - c. Proposed new rule Chapter 301-A – payment for attending and reimbursement of expenses incidental to attending trainings
- 4) Student internships
- 5) Set Date, Time and Location of Next Regular Meeting of the Commission
- 6) Public Comment
- 7) Executive Session 1 MRSA §405(6)(E) to discuss pending or contemplated litigation

**Maine Commission on Indigent Legal Services – Commissioners Meeting
March 20, 2023**

Minutes

Commissioners Present: Donald Alexander, Randall Bates, Meegan Burbank, Michael Cantara, Michael Carey, Roger Katz, Kimberly Monaghan, David Soucy, Joshua Tardy

MCILS Staff Present: Justin Andrus, Ellie Maciag

Agenda Item	Discussion/Outcome
Approval of the February 22, 2023 Commission Meeting Minutes	Commissioner Carey moved to approve the February 22, 2023 meeting minutes and to correct the spelling of Sarah Glynn’s last name. Commissioner Cantara seconded. All voted in favor. Approved.
Report of the Executive Director	<p>Operations report. Director Andrus pointed out that the current data shows a decrease in open cases compared to the same timeframe last year. Director Andrus indicated that at this time last year, MCILS requested that rostered attorneys enter all their open cases in defenderData, because many had not been entered, causing a sudden spike in the number of new cases for that period. There was a 6% increase in cases from fiscal year 2021 to fiscal year 2023.</p> <p>Director Andrus reported that MCILS did not receive any additional collections revenue from the Judicial Branch, which is a result of changes made last year. When asked about how that is reflected in the biennial budget, Director Andrus explained that the budget request includes what is needed, not what MCILS has currently. Commissioner Carey suggested that due to the nature of the change, the Appropriations Committee should have a discussion with the Judicial Branch and others that may be affected to discuss how the State should experience revenue going forward. Director Andrus replied that the projected expenses have been calculated without the expected revenue from the Judicial Branch but agreed that it should be part of the conversation.</p> <p>Director Andrus explained that while there has been outside talk of the backlog of cases coming under control, and that continuing to fund at the same rates will result in a surplus of funds very soon, the</p>

Agenda Item	Discussion/Outcome
	<p data-bbox="520 235 1831 634">data suggests otherwise. He provided data comparisons for the percentage of backlog cases for the current fiscal year and fiscal year 2019. Looking at the pending Unified Criminal Docket (UCD) cases for March 2019 and March 2023, the felony difference is an 87.1% increase, and the misdemeanor difference is an 65.2% increase, on average across the state. When comparing FY22 to FY23, the felony backlog was 82.1% and is now 87.1%, and the misdemeanor backlog was at 63.4% and is now 65.2%. Director Andrus pointed out that the Judicial Branch numbers appear to be improving. Director Andrus was asked about hearing talk of the decrease in backlog. He responded that the main discussion point has not been that the backlog is no longer a problem, but that within the next two years the funding will not be needed because “everything is going to be okay.” Director Andrus stated that the current and historical data demonstrate that there will continue to be a need for enhanced staffing.</p> <p data-bbox="520 675 1831 889">Case staffing status report. Director Andrus was happy to report that there has continued to be attorneys joining the roster, including some who had left in previous years and are interested in rejoining. Director Andrus reported that there were 97 attorneys accepting trial-level criminal cases, and 74 accepting trial-level child protective cases. Director Andrus explained that the number may not increase significantly in the short term as attorneys take on cases and max out their availability, but he pointed out that the number will comprise of a larger pool of people.</p> <p data-bbox="520 930 1831 1073">Director Andrus explained that the Rural Defender Unit (RDU) is continuing to accumulate cases to offset the need in different areas of the state, including a sweep of new cases in Aroostook County. There have also been conversations with judges and clerks regarding specific cases that might be appropriate for the RDU to accept.</p> <p data-bbox="520 1114 1831 1219">Someone asked whether the newly rostered attorneys have caused an increase in availability in some of the more difficult to staff counties, to which Director Andrus responded that there has not been much of an increase in those areas.</p> <p data-bbox="520 1260 1831 1399">Draft Policy for reimbursement of certain legal fees. Director Andrus thanked Darcy Fisher for drafting the “Policy for Reimbursement of Certain Legal Fees Incurred by Counsel”. In part, the policy authorizes the Executive Director—at their discretion—to authorize the reimbursement of certain legal fees to counsel if the total fees are less than \$1,000.00. If the legal fees total \$1,000.00 or</p>

Agenda Item	Discussion/Outcome
	more, the policy requires Commission approval for reimbursement. Commissioner Alexander moved to adopt the policy; Commissioner Carey seconded. All voted in favor. Approved.
Budget Update	<p>Director Andrus was happy to report on a positive working session with the Judiciary Committee. The Judiciary Committee voted in support of the funding for the fee increase to \$150 per hour. The Committee also voted in support of one of the two requested brick-and-mortar public defender offices. The focus will be on forming a solid public defender office that will be used as an example to support the request for a second office in the next biennium. The Judiciary Committee also voted to approve a second deputy executive director position. Director Andrus explained that the plan is to split the functions between the two positions into an operational role and a development role. The Judiciary Committee did not approve funding for any supervision and mentoring staff; MCILS will renew that request in the future.</p>
Chapter 4 Caseload Standards Rulemaking Discussion	<p>Director Andrus provided an update on the caseload rulemaking. Due to the nature of one of the revisions, the rule needed to come back to the Commission for review and a vote. Because of that, MCILS took the opportunity to revise the verbiage in the rule to reduce ambiguity. Discussion ensued regarding the process for approving the rule.</p> <p>Commissioner Cantara moved to approve the Commission response to the public comment as well as approving the detailed basis statement for Chapter 4; Commissioner Carey seconded. Discussion ensued regarding whether MCILS used the Delphi method when determining the numbers for the standards. Director Andrus explained that MCILS researched how the Delphi method works and used an approximation of the process to arrive at nearly empirically valid numbers. Director Andrus pointed out that the reason MCILS could not use the Delphi method was not because MCILS has assigned counsel, but because counsel have varying levels of support staff, which eliminates the scientific validity of doing a perfect analysis using the Delphi method. All voted in favor. Approved. Commissioner Soucy moved to approve the amended rule and put it out for public comment; Commissioner Katz seconded. Commissioner Alexander voted against. All others voted in favor. Approved.</p>

Agenda Item	Discussion/Outcome
Public Comment	Robert Ruffner: Attorney Ruffner pointed out that any rostered attorneys who are working as Lawyer of the Day are usually unavailable to attend Commission meetings on Mondays, Wednesdays, and Fridays.
Adjournment of meeting	The next meeting will be held on April 24, 2023 at 1:00PM.

**Maine Commission on Indigent Legal Services – Commissioners Meeting
April 3, 2023**

Minutes

Commissioners Present: Donald Alexander, Michael Cantara, Michael Carey, David Soucy, Joshua Tardy

MCILS Staff Present: Justin Andrus, Ellie Maciag

Agenda Item	Discussion/Outcome
Public Hearing on Chapter 301 – Fee Schedule and Administrative Procedures for Payment of Court or Commission Assigned Counsel	Attorney Tina Nadeau was the only participant at the public hearing and spoke in favor of the rule change. Attorney Nadeau stated that MACDL supports the increase in the hourly rate, as it will assist in allowing attorneys to hire support staff and allow the time for attorneys to invest in their cases in a more in-depth way.

**Maine Commission on Indigent Legal Services – Commissioners Meeting
April 18, 2023**

Minutes

Commissioners Present: Donald Alexander, Randall Bates, Meegan Burbank, Michael Cantara, Michael Carey, Roger Katz, Kimberly Monaghan, David Soucy, Joshua Tardy

MCILS Staff Present: Justin Andrus, Ellie Maciag

Agenda Item	Discussion/Outcome
Executive Session	Commissioner Carey moved to go into executive session pursuant to 1 MRS section 405(6)(e) to discuss a personnel matter. Commissioner Katz seconded. All voted in favor. Following executive session, Commissioner Carey moved to accept the recommendation of the Executive Director ad hoc search committee and authorize the Commission to make an offer to the applicant. Commissioner Alexander seconded. All voted in favor. Approved.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS

FROM: JUSTIN ANDRUS, EXECUTIVE DIRECTOR

SUBJECT: OPERATIONS REPORTS

DATE: April 20, 2023

Attached you will find the February 2022, Operations Reports for your review and our discussion at the Commission meeting on March 20, 2023. A summary of the operations reports follows:

- 2,842 new cases were opened in the DefenderData system in March. This was a 533 case increase from February. Year to date, new cases are down 6.2% from last year from 23,983 at this time last year to 22,480 this year. This apparent decrease in case load is the result of an apparent surge last year. That apparent surge was the result of the Staff instruction to assigned counsel to enter any cases that had not yet been entered.
- The number of vouchers submitted electronically in February was 3,256, an increase of 504 vouchers from February, totaling \$2,259,878, an increase of \$557,347 from February. Year to date, the number of submitted vouchers is up by approximately 3.6%, from 24,912 at this time last year to 25,816 this year, with the total amount for submitted vouchers up approximately 14.0%, from \$13,829,846 at this time last year to \$15,768,684 this year.
- In March, we paid 3,218 electronic vouchers totaling \$2,136,668 representing an increase of 696 vouchers and an increase of \$519,045 compared to February. Year to date, the number of paid vouchers is up approximately 7.2%, from 23,848 at this time last year to 25,579 this year, and the total amount paid is up approximately 17.5%, from \$13,239,366 this time last year to \$15,565,425 this year.
- The average price per voucher in March was \$663.97 up \$22.56 per voucher from February. Year to date, the average price per voucher is up approximately 8.2%, from \$555.16 at this time last year to \$608.52 this year.
- Resource Counsel, Protective Custody and Post-Conviction Review cases had the highest average voucher in March. There were 14 vouchers exceeding \$5,000 paid in March. See attached addendum for details.
- In March, we issued 117 authorizations to expend funds: 60 for private investigators, 43 for experts, and 14 for miscellaneous services such as interpreters and transcriptionists. In February, we paid \$56,207 for experts and investigators, etc. No funds requests were denied.
- There was one attorney suspension in March.

- In our All Other Account, the total expenses for the month of March were \$382,983. During March, approximately \$45,598 was devoted to the Commission's operating expenses.
- In the Personal Services Accounts, we had \$153,275 in expenses for the month of March.
- In the Revenue Account, we received no transfer of collected counsel fees from the Judicial Branch for February's collections. \$2,135,118 was used for the payment of assigned counsel vouchers.
- Exceptional results – see attached addendum.
- As of April 20, 2023, there are 216 rostered attorneys of which 174 are available for trial court level work.

Vouchers over \$5,000

Comment	Voucher Total	Case Total
Homicide	\$ 18,670.70	\$ 18,670.70
Gross Sexual Assault	\$ 13,104.00	\$ 13,104.00
Trafficking	\$ 12,624.00	\$ 12,624.00
Gross Sexual Assault	\$ 12,389.10	\$ 12,525.10
Resource Counsel	\$ 10,519.79	\$ 10,519.79
Post-Conviction Review	\$ 7,880.00	\$ 7,880.00
Post-Conviction Review	\$ 7,500.00	\$ 7,500.00
Resource Counsel	\$ 6,973.00	\$ 6,973.00
Gross Sexual Assault	\$ 6,879.80	\$ 7,255.80
Homicide	\$ 6,570.48	\$ 13,525.28
Homicide	\$ 6,512.00	\$ 6,512.00
Homicide	\$ 6,504.00	\$ 6,504.00
Post-Conviction Review	\$ 6,016.00	\$ 11,813.44
Homicide	\$ 5,184.00	\$ 5,184.00

Good Outcomes

Review Date	Attorney	Charge	Disposition
3/1/2023	Griffin, Henry	Child Protection Petition	Dismissal through PRR
3/2/2023	Ashby, Jefferson	Child Protection Petition	Dismissal through PRR
3/2/2023	Youngblood-Avery, Alec	VCR	DD GO = Dismissal
3/2/2023	Berrymont, Christopher	1 ct. DVA, 1 ct. Refusing to Submit to arrest or Detention (Physical Force)	Dismissal
3/2/2023	Derstine, Tucker	DVA	Dismissal
3/2/2023	Pelletier, John	DV Assault(D)	Dismissal--Client Found Not Competent
3/7/2023	Doane, Wayne	Child Protection Petition	Dismissal through PRR
3/9/2023	Bowe, Matthew	2 cts. DVA, 1 ct. Endangering the Welfare of a Child	DD GO = Dismissal
3/9/2023	Porter, Maurice	Minor Consuming Liquor	Dismissal
3/10/2023	Mattson, Harris	3 cts. Unlawful Trafficking, 1 ct. Possession Cocaine, 1 ct. Possession Sched. Drugs	Dismissal After Suppression Hearing
3/10/2023	Archer, Jesse	2 ct. GSA	Not Guilty after Jury Trial
3/16/2023	Crocker, Eric	Violating Protection from Abuse Order	Not Guilty after Jury Trial
3/16/2023	Cohen, Jennifer	OUI (Drugs or Combo)	Dismissal
3/17/2023	Paradie, Verne	1 ct. DV Criminal Threatening, 1 ct. Criminal Threatening w/ Dangerous Weapon, 1 ct. VCR	Dismissal
3/17/2023	Hanson, Allan	4 cts. OAS, 1 ct. VCR, 1 ct. Attaching False Plates	DD GO = Dismissal
3/17/2023	Hutchinson, Benjamin	OAS	Dismissal
3/17/2023	Matthews, Vicki	Child Protection Petition	Dismissal
3/16/2023	Hanson, Allan	1 ct. DV Assault, 2 ct. Viol. PFA	Not Guilty after Jury Trial
3/17/2023	Leary, Justin	Assault, Refusing to Submit, Disorderly, Failure to Provide Correct Name	Not Guilty after Jury Trial
3/17/2023	Maselli, William	Criminal Restraint by Parent	Dismissed at Jury Selection
3/24/2023	Glynn, Sarah	1 ct. Theft by Unauthorized Taking or Transfer (priors), 1 ct. VCR	Dismissal
3/24/2023	Charest, Richard	Termination of Parental Rights	Dismissal
3/24/2023	Pelletier, John	DVA	Dismissal
3/24/2023	Rabasco, Edward	Child Protection Petition	Dismissal
3/24/2023	Feagans, Deborah	1 ct. DVA, 1 ct. DV Criminal Threatening	Dismissal
3/24/2023	Slaton, Ashley	2 cts. Criminal Speed	Dismissal
3/24/2023	Richter, Julian	Child Protection Petition	Dismissal through PRR

Good Outcomes

3/24/2023	Wommack, Sanders	1 ct. Unlawful Possession of Fentanyl Powder; 1 ct. Aggravated Trafficking in Scheduled Drugs	Dismissal
3/28/2023	Matthews, Vicki	Child Protection Petition	Dismissal through PRR
3/28/2023	Crocker, Erik	DVA	Dismissal
3/28/2023	Avantaggio, William	Stalking	Dismissal
3/28/2023	Hanson, Allan	Child Protection Petition	Dismissal
3/30/2023	Dawson, Andrew	OUI (Drugs)	Not Guilty after Trial
3/30/2023	Peters, Chelsea	JV Arson / Felony Murder	Dismissal, Juvenile Not Competent

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

3/31/2023

	Mar-23						Fiscal Year 2023			
DefenderData Case Type	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	8	19	\$38,538.61	27	\$ 45,794.37	\$1,696.09	109	152	\$ 291,571.99	\$1,918.24
Central Office Resource Counsel	1	0		0			3	0		
Child Protection Petition	209	301	\$283,236.47	324	\$ 284,531.18	\$878.18	1,689	2,850	\$ 2,267,262.93	\$795.53
Drug Court	3	21	\$39,918.81	23	\$ 35,852.81	\$1,558.82	24	115	\$ 178,914.79	\$1,555.78
Emancipation	8	10	\$6,103.43	9	\$ 5,782.43	\$642.49	46	35	\$ 17,285.23	\$493.86
Felony	718	749	\$704,986.20	704	\$ 684,293.33	\$972.01	5,361	5,738	\$ 5,114,574.36	\$891.35
Involuntary Civil Commitment	102	106	\$42,550.23	100	\$ 31,142.12	\$311.42	865	789	\$ 238,055.85	\$301.72
Juvenile	76	59	\$49,728.36	56	\$ 40,186.80	\$717.62	625	686	\$ 529,887.31	\$772.43
Lawyer of the Day - Custody	218	265	\$155,226.00	271	\$ 125,518.80	\$463.17	2,202	2,163	\$ 761,783.01	\$352.19
Lawyer of the Day - Juvenile	21	21	\$9,622.92	18	\$ 7,313.92	\$406.33	198	190	\$ 59,576.13	\$313.56
Lawyer of the Day - Walk-in	157	169	\$100,625.54	172	\$ 86,054.61	\$500.32	1,378	1,352	\$ 499,257.41	\$369.27
MCILS Provided Training	76	48	\$32,941.34	10	\$ 6,288.40	\$628.84	78	10	\$ 6,288.40	\$628.84
Misdemeanor	1,035	1,122	\$502,084.63	1,132	\$ 483,033.38	\$426.71	8,296	8,574	\$ 3,466,969.59	\$404.36
Petition, Modified Release Treatment	2	8	\$5,208.85	5	\$ 2,568.55	\$513.71	8	39	\$ 32,695.37	\$838.34
Petition, Release or Discharge	0	0		0			1	10	\$ 11,880.20	\$1,188.02
Petition, Termination of Parental Rights	32	51	\$46,592.44	44	\$ 45,909.38	\$1,043.40	209	502	\$ 507,962.40	\$1,011.88
Post Conviction Review	5	11	\$27,173.15	8	\$ 31,206.55	\$3,900.82	40	55	\$ 158,186.12	\$2,876.11
Probate	1	7	\$6,049.00	7	\$ 7,879.18	\$1,125.60	25	29	\$ 32,649.53	\$1,125.85
Probation Violation	125	129	\$69,373.69	134	\$ 65,959.47	\$492.23	909	936	\$ 475,547.90	\$508.06
Represent Witness on 5th Amendment	5	4	\$4,831.00	3	\$ 1,908.00	\$636.00	18	11	\$ 5,854.80	\$532.25
Resource Counsel Criminal	2	5	\$4,367.00	4	\$ 2,895.00	\$723.75	7	24	\$ 6,667.00	\$277.79
Resource Counsel Juvenile	0	0		0			0	2	\$ 112.00	\$56.00
Resource Counsel Protective Custody	0	5	\$26,259.79	5	\$ 18,391.79	\$3,678.36	2	6	\$ 18,719.79	\$3,119.97
Review of Child Protection Order	38	146	\$104,461.53	161	\$ 123,982.38	\$770.08	380	1,301	\$ 881,306.56	\$677.41
Revocation of Administrative Release	0	0		1	\$ 176.00	\$176.00	7	10	\$ 2,416.75	\$241.68
DefenderData Sub-Total	2,842	3,256	\$2,259,878.99	3,218	\$2,136,668.45	\$663.97	22,480	25,579	\$15,565,425.42	\$608.52
TOTAL	2,842	3,256	\$2,259,878.99	3,218	\$2,136,668.45	\$ 663.97	22,480	25,579	\$ 15,565,425.42	\$ 608.52

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

3/31/2023

	Mar-23						Fiscal Year 2023			
Court	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	2	2	\$1,360.00	2	\$ 1,360.00	\$680.00	7	14	\$ 12,146.00	\$867.57
AUBSC	2	3	\$3,228.00	4	\$ 3,690.00	\$922.50	3	11	\$ 8,334.00	\$757.64
AUGDC	42	59	\$50,455.60	65	\$ 49,384.90	\$759.77	349	458	\$ 390,699.35	\$853.06
AUGSC	3	9	\$5,616.85	6	\$ 2,976.55	\$496.09	16	47	\$ 43,812.07	\$932.17
BANDC	45	73	\$37,214.56	88	\$ 40,660.03	\$462.05	442	767	\$ 367,255.76	\$478.82
BANSC	2	0		0			8	3	\$ 976.00	\$325.33
BATSC	0	0		0			4	4	\$ 1,832.00	\$458.00
BELDC	13	9	\$13,342.53	9	\$ 7,256.25	\$806.25	107	141	\$ 88,521.19	\$627.81
BELSC	0	2	\$1,458.00	2	\$ 1,458.00	\$729.00	3	3	\$ 5,083.02	\$1,694.34
BIDDC	51	51	\$35,734.14	43	\$ 27,102.88	\$630.30	300	416	\$ 270,204.10	\$649.53
BRIDC	10	12	\$8,626.01	14	\$ 9,973.05	\$712.36	75	109	\$ 59,955.89	\$550.05
CALDC	2	5	\$7,689.00	5	\$ 7,689.00	\$1,537.80	22	39	\$ 29,828.14	\$764.82
CARDC	4	25	\$14,504.22	22	\$ 13,780.22	\$626.37	45	131	\$ 100,761.37	\$769.17
CARSC	0	0		0			4	0		
DOVDC	3	9	\$7,248.60	12	\$ 8,857.72	\$738.14	20	63	\$ 38,381.26	\$609.23
DOVSC	0	0		0			0	0		
ELLDC	22	36	\$40,604.12	30	\$ 37,723.12	\$1,257.44	153	265	\$ 213,721.41	\$806.50
ELLSC	0	0		0			1	3	\$ 1,952.00	\$650.67
FARDC	23	24	\$19,480.23	21	\$ 17,769.17	\$846.15	119	135	\$ 105,367.28	\$780.50
FARSC	1	0		0			2	1	\$ 800.00	\$800.00
FORDC	8	14	\$14,568.79	14	\$ 14,710.55	\$1,050.75	36	80	\$ 64,150.17	\$801.88
HOUDC	7	5	\$1,995.00	11	\$ 6,046.00	\$549.64	75	177	\$ 114,660.79	\$647.80
HOUSC	0	0		0			1	1	\$ 1,396.00	\$1,396.00
LEWDC	75	77	\$60,765.80	90	\$ 71,205.50	\$791.17	484	783	\$ 552,274.08	\$705.33
LINDC	8	11	\$8,799.60	10	\$ 8,444.60	\$844.46	60	115	\$ 66,185.75	\$575.53
MACDC	0	2	\$3,195.00	3	\$ 3,371.00	\$1,123.67	14	26	\$ 25,523.20	\$981.66
MACSC	0	0		0			1	1	\$ 2,403.52	\$2,403.52
MADDC	0	0		0			7	5	\$ 2,228.50	\$445.70
MILDC	2	8	\$3,993.00	7	\$ 3,438.00	\$491.14	24	40	\$ 16,231.55	\$405.79
NEWDC	5	25	\$20,825.53	23	\$ 16,347.61	\$710.77	74	156	\$ 87,887.15	\$563.38
PORDC	66	81	\$62,951.66	68	\$ 54,121.81	\$795.91	610	752	\$ 561,438.57	\$746.59
PORSC	0	1	\$176.00	1	\$ 176.00	\$176.00	10	8	\$ 2,500.00	\$312.50
PREDC	9	24	\$15,670.00	27	\$ 17,760.00	\$657.78	77	153	\$ 120,330.96	\$786.48
ROCD	25	14	\$10,678.96	7	\$ 4,874.40	\$696.34	117	116	\$ 68,006.55	\$586.26
ROCSC	1	1	\$384.00	0			19	16	\$ 3,904.00	\$244.00
RUMDC	14	18	\$22,682.00	20	\$ 17,364.00	\$868.20	137	205	\$ 182,598.38	\$890.72
SKODC	30	48	\$32,067.45	62	\$ 42,110.28	\$679.20	334	491	\$ 366,849.61	\$747.15
SKOSC	0	1	\$8,503.60	1	\$ 2,000.00	\$2,000.00	4	3	\$ 5,814.00	\$1,938.00
SOUDC	6	13	\$11,839.76	14	\$ 13,776.76	\$984.05	101	156	\$ 124,504.00	\$798.10
SOUSC	0	0		0			2	1	\$ 360.00	\$360.00
SPRDC	27	34	\$27,077.01	42	\$ 30,876.85	\$735.16	167	261	\$ 197,792.64	\$757.83
Law Ct	6	15	\$32,332.15	23	\$ 37,374.78	\$1,624.99	85	108	\$ 204,072.23	\$1,889.56
Training	77	52	\$60,032.13	14	\$ 25,572.19	\$1,826.59	80	14	\$ 25,572.19	\$1,826.59
YORCD	400	380	\$267,465.88	392	\$ 246,826.24	\$629.66	2,631	2,999	\$ 1,870,955.61	\$623.86
AROCD	163	200	\$115,833.95	187	\$ 104,727.31	\$560.04	1,588	1,551	\$ 868,697.31	\$560.09
ANDCD	225	200	\$139,975.03	211	\$ 144,152.04	\$683.19	1,693	1,668	\$ 976,378.32	\$585.36
KENCD	226	198	\$121,592.17	206	\$ 142,006.89	\$689.35	1,666	1,604	\$ 894,025.25	\$557.37
PENCD	267	343	\$176,821.34	237	\$ 141,298.85	\$596.20	2,317	2,532	\$ 1,222,992.03	\$483.01
SAGCD	52	35	\$20,420.77	39	\$ 20,685.87	\$530.41	363	308	\$ 149,657.14	\$485.90
WALCD	46	57	\$55,401.38	58	\$ 54,590.04	\$941.21	515	497	\$ 336,002.72	\$676.06
PISCD	11	22	\$17,176.14	13	\$ 4,854.40	\$373.42	166	173	\$ 82,449.60	\$476.59
HANCD	93	81	\$45,615.52	93	\$ 38,324.52	\$412.09	646	564	\$ 305,792.71	\$542.19
FRACD	45	55	\$25,830.88	61	\$ 29,119.26	\$477.36	374	301	\$ 143,583.23	\$477.02
WASCD	39	57	\$43,681.43	68	\$ 46,534.89	\$684.34	351	381	\$ 276,454.55	\$725.60
CUMCD	354	470	\$338,424.82	484	\$ 317,658.02	\$656.32	3,145	3,544	\$ 2,167,054.88	\$611.47
KN OCD	59	68	\$51,894.40	65	\$ 47,603.55	\$732.36	496	487	\$ 290,538.13	\$596.59
SOMCD	106	115	\$59,814.24	121	\$ 62,607.14	\$517.41	775	806	\$ 371,703.84	\$461.17
OXFCD	79	91	\$50,449.37	124	\$ 66,924.47	\$539.71	792	872	\$ 422,884.94	\$484.96
LINCD	44	52	\$35,465.15	32	\$ 19,366.44	\$605.20	323	307	\$ 156,050.76	\$508.31
WATDC	17	38	\$33,262.86	34	\$ 27,306.88	\$803.14	202	363	\$ 226,360.92	\$623.58
WESDC	15	22	\$10,702.36	23	\$ 14,893.54	\$647.55	158	216	\$ 148,351.08	\$686.81
WISDC	1	3	\$1,758.00	5	\$ 5,238.88	\$1,047.78	37	65	\$ 64,368.93	\$990.29
WISSC	0	0		0			0	3	\$ 1,784.00	\$594.67
YORDC	9	6	\$3,194.00	5	\$ 2,698.00	\$539.60	40	59	\$ 52,464.79	\$889.23
TOTAL	2,842	3,256	\$2,259,878.99	3,218	\$2,136,668.45	\$663.97	22,479	25,579	\$15,565,425.42	\$608.52

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY23 FUND ACCOUNTING

AS OF 03/31/2023

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		\$ -		\$ -		\$ -		\$ 506,889.00	\$ 506,889.06
Budget Order Adjustment		\$ (221,628.00)		\$ 179,034.00		\$ 178,980.00		\$ 178,981.00	\$ 315,367.00
Budget Order Adjustment		\$ -		\$ (20,288.00)		\$ 241,916.00		\$ -	\$ 221,628.00
Financial Order Unencumbered Balance Fwd		\$ -		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 5,999,977.54		\$ 3,287,495.00		\$ 3,549,645.00		\$ 3,814,617.00	\$ 16,651,734.60
Total Expenses	1	\$ (1,935,083.89)	4	\$ (1,843,734.81)	7	\$ (1,563,055.52)	10	\$ -	
	2	\$ (1,607,416.71)	5	\$ (1,433,680.09)	8	\$ (1,732,863.62)	11	\$ -	
	3	\$ (1,207,951.78)	6	\$ (151,089.78)	9	\$ (103,350.90)	12	\$ -	
Encumbrances (Justice Works)		\$ -		\$ (58,722.00)		\$ 21,519.00		\$ -	\$ (37,203.00)
Encumbrances (B Taylor)		\$ (13,260.00)		\$ 13,260.00		\$ (39,780.00)		\$ -	\$ (39,780.00)
Encumbrances (CTB for non attorney expenses)		\$ (1,150,139.32)		\$ 266,906.59		\$ 208,167.30		\$ -	\$ (675,065.43)
Encumbrances (business cards,batteries & address stamps)		\$ (17.14)		\$ -		\$ -		\$ -	\$ (17.14)
Encumbrances (RDU business cards & envelopes)		\$ -		\$ (184.70)		\$ 184.70		\$ -	\$ -
Online Legal Research Services		\$ -		\$ (80,250.00)		\$ 9,981.24		\$ -	\$ (70,268.76)
FY22 CTB Balance Carry Forward		\$ (86,108.40)		\$ -		\$ -		\$ -	\$ (86,108.40)
TOTAL REMAINING		\$ 0.30		\$ 0.21		\$ 350,447.20		\$ 3,814,617.00	\$ 4,165,064.71
Q3 Month 9									
INDIGENT LEGAL SERVICES									
Counsel Payments	\$	(1,550.00)				\$ 3,549,645.00			
Interpreters	\$	(1,990.32)				\$ 21,519.00			
Private Investigators	\$	(14,079.67)				\$ (39,780.00)			
Mental Health Expert	\$	(19,087.50)				\$ 208,167.30			
Misc Prof Fees & Serv	\$	(802.50)				\$ 184.70			
Transcripts	\$	(6,749.79)				\$ (3,399,270.04)			
Other Expert	\$	(12,513.05)				\$ 9,981.24			
Subpoena witness	\$	(22.94)				\$ 350,447.20			
Process Servers	\$	(956.22)							
SUB-TOTAL ILS	\$	(57,751.99)							
OPERATING EXPENSES									
Justice Works	\$	(6,918.00)							
Barbara Taylor monthly fees	\$	(4,420.00)							
Dues	\$	(750.00)							
Mileage/Tolls/Parking	\$	(1,077.32)							
Mailing/Postage/Freight	\$	(108.01)							
West Publishing Corp	\$	(254.24)							
Office Equipment Rental	\$	(115.34)							
Office Supplies/Equip.	\$	(737.65)							
Cellular Phones	\$	-							
OIT/TELCO	\$	(12,679.75)							
Lodging for employees & attorney	\$	(599.00)							
Training refreshments	\$	-							
Employee Registration non-state & Dues	\$	(200.00)							
Office locks for Merrill building	\$	(387.76)							
NAPD membership	\$	(5,000.00)							
RDU adjustable work stations	\$	(4,500.00)							
AAG Legal Svcs Quarterly Payment	\$	(7,851.84)							
SUB-TOTAL OE	\$	(45,598.91)							

INDIGENT LEGAL SERVICES

Q3 Allotment	\$ 3,549,645.00
Q3 Encumbrances for Justice Works contract	\$ 21,519.00
Barbara Taylor Contract	\$ (39,780.00)
CTB Encumbrance for non attorney expenses	\$ 208,167.30
Q3 Encumbrances for RDU business cards & envelopes	\$ 184.70
Q3 Expenses to date	\$ (3,399,270.04)
Online Legal Research Services	\$ 9,981.24
Remaining Q3 Allotment	\$ 350,447.20

Non-Counsel Indigent Legal Services

Monthly Total	\$ (56,201.99)
Total Q1	\$ 249,860.68
Total Q2	\$ 266,906.59
Total Q3	\$ 211,667.30
Total Q4	\$ -
Fiscal Year Total	\$ 728,434.57

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY23 FUND ACCOUNTING
AS OF 03/31/2023

Account 010 95F Z112 01 (Personal Services)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY23 Total
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	\$	-	\$	-	\$	-	\$	-	
Total Budget Allotments	\$	356,376.00	\$	476,920.00	\$	498,590.00	\$	322,211.00	\$ 1,654,097.00
Total Expenses	1 \$	(65,524.90)	4 \$	(67,323.49)	7 \$	(178,162.57)	10 \$	-	
	2 \$	(96,169.15)	5 \$	(68,454.11)	8 \$	(113,507.82)	11 \$	-	
	3 \$	(66,680.15)	6 \$	(83,579.91)	9 \$	(106,682.17)	12 \$	-	
TOTAL REMAINING	\$	128,001.80	\$	257,562.49	\$	100,237.44	\$	322,211.00	\$ 808,012.73

Q3 Month 9	
Per Diem	\$ -
Permanent Regular	\$ (21,860.64)
Perm Vacation Pay	\$ (1,471.60)
Perm Holiday Pay	\$ (1,241.12)
Sick Pay	\$ (249.04)
Standard Overtime	\$ -
Health Insurance	\$ (6,690.85)
Dental Insurance	\$ (182.50)
Employer Retiree Health	\$ (6,605.88)
Employer Retirement	\$ (3,968.94)
Employer Group Life	\$ (679.56)
Employer Medicare	\$ (1,049.14)
Retiree Unfunded Liability	\$ (13,448.71)
Longevity Pay	\$ (112.00)
Lim Perm Part Time Full Ben	\$ (4,568.25)
Limited Period Regular	\$ (38,728.70)
Limited Per Vacation Pay	\$ (1,810.37)
Limited Per Holiday Pay	\$ (2,455.12)
Limit Per Sick Pay	\$ (1,559.75)
TOTAL	\$ (106,682.17)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY23

FUND ACCOUNTING

AS OF 03/31/2023

Account 014 95F Z112 01 (OSR Personal Services Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY23 Total
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	\$	-	\$	-	\$	-	\$	-	
Total Budget Allotments	\$	211,632.00	\$	194,116.00	\$	211,632.00	\$	105,856.00	\$ 723,236.00
Total Expenses	1 \$	(49,018.85)	4 \$	(41,237.93)	7 \$	(75,403.13)	10 \$	-	
	2 \$	(61,002.05)	5 \$	(43,671.56)	8 \$	(50,190.62)	11 \$	-	
	3 \$	(41,197.00)	6 \$	(50,270.65)	9 \$	(46,593.72)	12 \$	-	
TOTAL REMAINING	\$	60,414.10	\$	58,935.86	\$	39,444.53	\$	105,856.00	\$ 264,650.49

Q3 Month 9 PERMANENT	
Per Diem	\$ -
Permanent Regular	\$ (23,321.38)
Perm Vacation Pay	\$ -
Perm Holiday Pay	\$ (1,235.84)
Perm Sick Pay	\$ (159.58)
Health Insurance	\$ (3,456.99)
Dental Insurance	\$ (73.00)
Employer Retiree Health	\$ (2,796.48)
Employer Retirement	\$ (2,465.48)
Employer Group Life	\$ (320.04)
Employer Medicare	\$ (424.87)
Retiree Unfunded Liability	\$ (5,693.24)
Longevity Pay	\$ -
Perm Part Time Full Ben	\$ -
Retro Pay Contract	\$ -
Retro Lump Sum Pymt	\$ -
TOTAL	\$ (39,946.90)

Q3 Month 9 LIMITED PERIOD	
Limited Period Regular	\$ (5,866.59)
Limit Per Holiday Pay	\$ (331.68)
Limit Per Vacation Pay	\$ -
Limit Per Sick Pay	\$ (435.33)
TOTAL	\$ (6,633.60)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY23 FUND ACCOUNTING

As of 03/31/2023

Account 014 95F Z112 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY23 Total
Original Total Budget Allotments		\$ 3,221,844.00		\$ 2,147,897.00		\$ 2,147,896.00		\$ 2,147,896.00	\$ 9,665,533.00
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	\$ -
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Budget Order Adjustment	2	\$ -	5	\$ 2,623,940.00	8	\$ 2,593,461.00	11	\$ -	
Budget Order Adjustment		\$ (2,623,940.00)	6	\$ (2,593,461.00)	9	\$ -	12	\$ -	
Transfer from General Fund Surplus	3	\$ -		\$ -		\$ -		\$ -	\$ 9,288,769.00
Total Budget Allotments		\$ 597,904.00		\$ 2,178,376.00		\$ 4,741,357.00		\$ 2,147,896.00	\$ 9,665,533.00
Cash Carryover from Prior Quarter		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	1	\$ -	4	\$ 39,008.04	7	\$ 34,467.04	10	\$ -	
Collected Revenue from JB	2	\$ 33,135.69	5	\$ 26,946.30	8	\$ -	11	\$ -	
Collected Revenue from JB	3	\$ 36,358.81	6	\$ 28,171.25	9	\$ -	12	\$ -	
Collected for reimbursement of counsel fees		\$ -		\$ -	8	\$ 384.00		\$ -	
Collected for reimbursement of counsel fees		\$ -		\$ -	9	\$ 312.00		\$ -	
Victim Services Restitution		\$ -		\$ -		\$ -		\$ -	
Collected for reimbursement of counsel fees		\$ -		\$ 648.00		\$ -		\$ -	
Refund to KENCDC for bail to be applied to fines		\$ -		\$ -		\$ -		\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 69,494.50		\$ 94,773.59		\$ 35,163.04		\$ -	\$ 199,431.13
Counsel Payments	1	\$ -	4	\$ -	7	\$ (106,827.70)	10	\$ -	
Other Expenses		\$ -		\$ -		\$ -	***	\$ -	
Counsel Payments	2	\$ -	5	\$ (275,019.12)	8	\$ -	11	\$ -	
Other Expenses		\$ -		\$ -	9	\$ -		\$ -	
Counsel Payments	3	\$ (595,342.94)	6	\$ (1,895,447.88)	9	\$ (2,135,118.45)	12	\$ -	
State Cap for period 1	*	\$ (377.35)	**	\$ -	***	\$ -		\$ -	
State Cap for periods 4,5 & 6	*	\$ (2,183.35)	**	\$ (7,908.41)	***	\$ -		\$ -	
State Cap for periods 8 & 9	*	\$ -	**	\$ -	***	\$ (797.22)		\$ -	
REMAINING ALLOTMENT		\$ 0.36		\$ 0.59		\$ 2,498,613.63		\$ 2,147,896.00	\$ 4,646,510.58
Overpayment Reimbursements	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
	3	\$ -	6	\$ -	9	\$ (164.00)	12	\$ -	
REMAINING CASH Year to Date		\$ (528,409.14)		\$ (2,083,601.82)		\$ (2,207,744.33)		\$ -	\$ (4,819,755.29)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY23 FUND ACCOUNTING
AS OF 03/31/2023

Account 014 95F Z258 01 RESERVES)	(OSR	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY23 Total
FY23 Allotment		\$	-	\$	-	\$	-	\$	2,622,679.00	\$ 2,622,679.00
Operating Transfer		\$	-	\$	-	\$	-	\$	-	
Financial Order Adjustments		\$	-	\$	-	\$	-	\$	-	
Budget Order Adjustments		\$	-	\$	-	\$	-	\$	-	
Total Budget Allotments		\$	-	\$	-	\$	-	\$	2,622,679.00	\$ 2,622,679.00
Total Expenses		1 \$	-	4 \$	-	7 \$	-	10 \$	-	
		2 \$	-	5 \$	-	8 \$	-	11 \$	-	
		3 \$	-	6 \$	-	9 \$	-	12 \$	-	
TOTAL REMAINING		\$	-	\$	-	\$	-	\$	2,622,679.00	\$ 2,622,679.00

Q3 Month 9		
	\$	-
	\$	-
	\$	-
	\$	-
	\$	-
TOTAL	\$	-

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY23

FUND ACCOUNTING

AS OF 03/31/2023

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

Q3 Month 9	
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
TOTAL	\$ -

Statement of Revenue and Expenses for Maine Commission of Indigent Legal Services

As of April 10, 2023

<u>General Funds - 010-Z11201</u>	<u>QTR1</u>	<u>QTR2</u>	<u>QTR3</u>	<u>QTR4</u>	<u>TOTAL</u>
Personal Services Allotment	\$ 356,376	\$ 476,920	\$ 498,590	\$ 322,211	\$ 1,654,097
Payroll to date	(228,374)	(219,358)	(398,353)	-	(846,084)
Estimated payroll remaining	-	-	-	(340,681)	(340,681)
Total Personal Services available	\$ 128,002	\$ 257,562	\$ 100,237	\$ (18,470)	\$ 467,332
All Other Allotment	\$ 5,999,978	\$ 3,287,495	\$ 3,549,645	\$ 3,814,617	\$ 16,651,735
Expenditures to date	(4,750,452)	(3,428,505)	(3,399,270)	(53,168)	(11,631,395)
Encumbrances	(1,249,525)	141,010	200,072	39,809	(868,633)
Total All Other Available	\$ 0	\$ 0	\$ 350,447	\$ 3,801,258	\$ 4,151,706

Unencumbered balance forward 0.06

<u>Other Special Revenue Funds - 014-Z11201</u>	<u>QTR1</u>	<u>QTR2</u>	<u>QTR3</u>	<u>QTR4</u>	<u>TOTAL</u>
Personal Services Allotment	\$ 211,632	\$ 194,116	\$ 211,632	\$ 105,856	\$ 723,236
Payroll to date	(151,218)	(135,180)	(172,187)	-	(458,586)
Estimated payroll remaining	-	-	-	(150,339)	(150,339)
Total Personal Services available	\$ 60,414	\$ 58,936	\$ 39,445	\$ (44,483)	\$ 114,312
All Other Allotment	\$ 597,904	\$ 2,178,376	\$ 4,741,357	\$ 2,147,896	\$ 9,665,533
Expenditures to date	(597,904)	(2,178,375)	(2,250,227)	-	(5,026,506)
Encumbrances	-	-	-	-	-
Total All Other Available	\$ 0	\$ 1	\$ 2,491,130	\$ 2,147,896	\$ 4,639,027

CASH ON HAND 4/10/2023 \$ 11,092,583.74 FO IND00-0003 to allot 6,630,563 in Q4 (S/B END OF APRIL)

<u>Other Special Revenue Funds - 014-Z11202</u>	<u>QTR1</u>	<u>QTR2</u>	<u>QTR3</u>	<u>QTR4</u>	<u>TOTAL</u>
All Other Allotment	\$ -	\$ -	\$ 57,000	\$ -	\$ 57,000
Expenditures to date	-	-	-	-	-
Encumbrances	-	-	-	-	-
Total All Other Available	\$ -	\$ -	\$ 57,000	\$ -	\$ 57,000

CASH ON HAND 4/10/2023 \$ 16,232.70

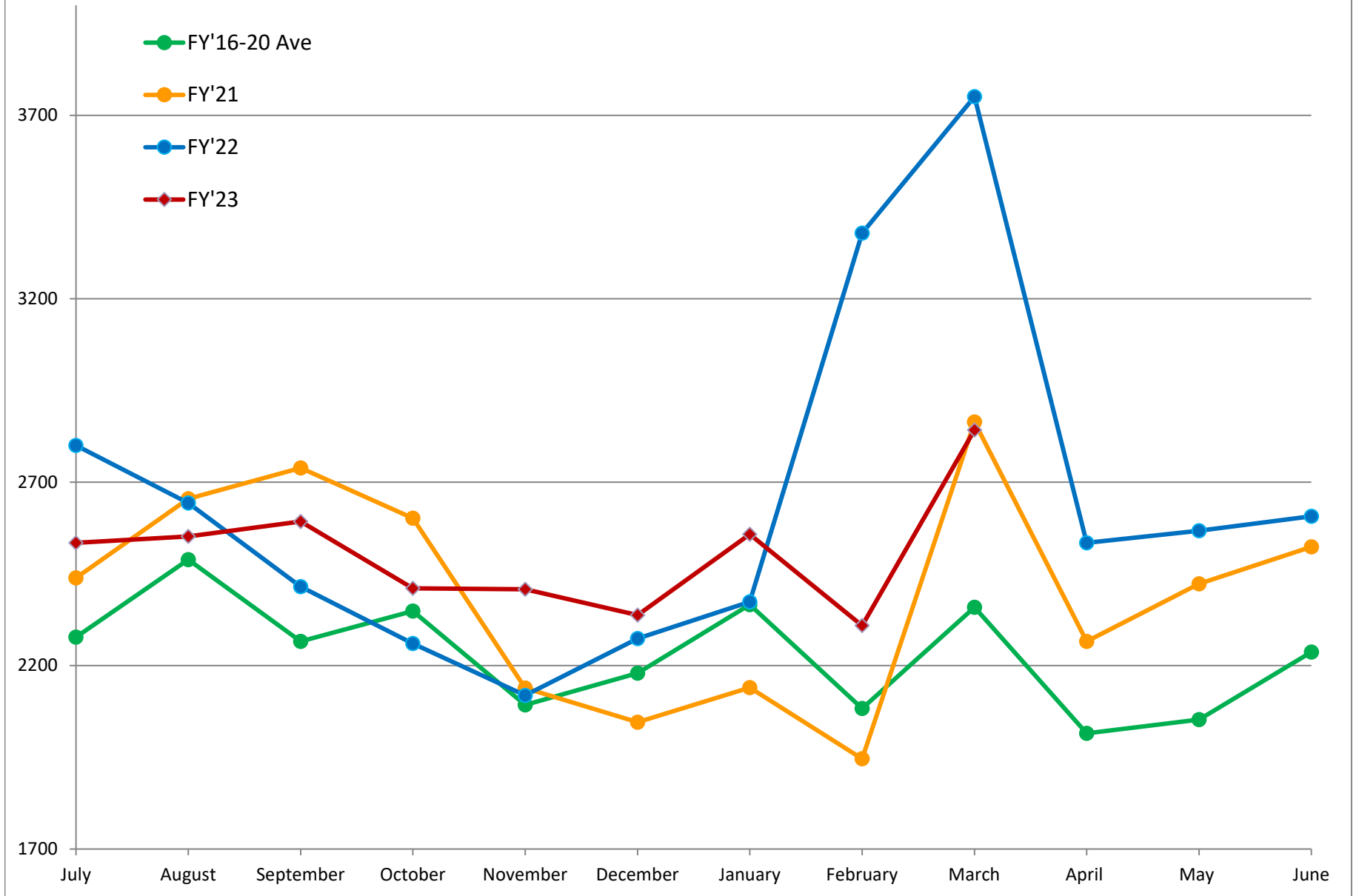
<u>Other Special Revenue Funds - 014-Z25801</u>	<u>QTR1</u>	<u>QTR2</u>	<u>QTR3</u>	<u>QTR4</u>	<u>TOTAL</u>
All Other Allotment	\$ -	\$ -	\$ -	\$ 2,622,679	\$ 2,622,679
Expenditures to date	-	-	-	-	-
Encumbrances	-	-	-	-	-
Total All Other Available	\$ -	\$ -	\$ -	\$ 2,622,679	\$ 2,622,679

Cash on hand/UBF 3/20/2023 \$ 2,622,678.58

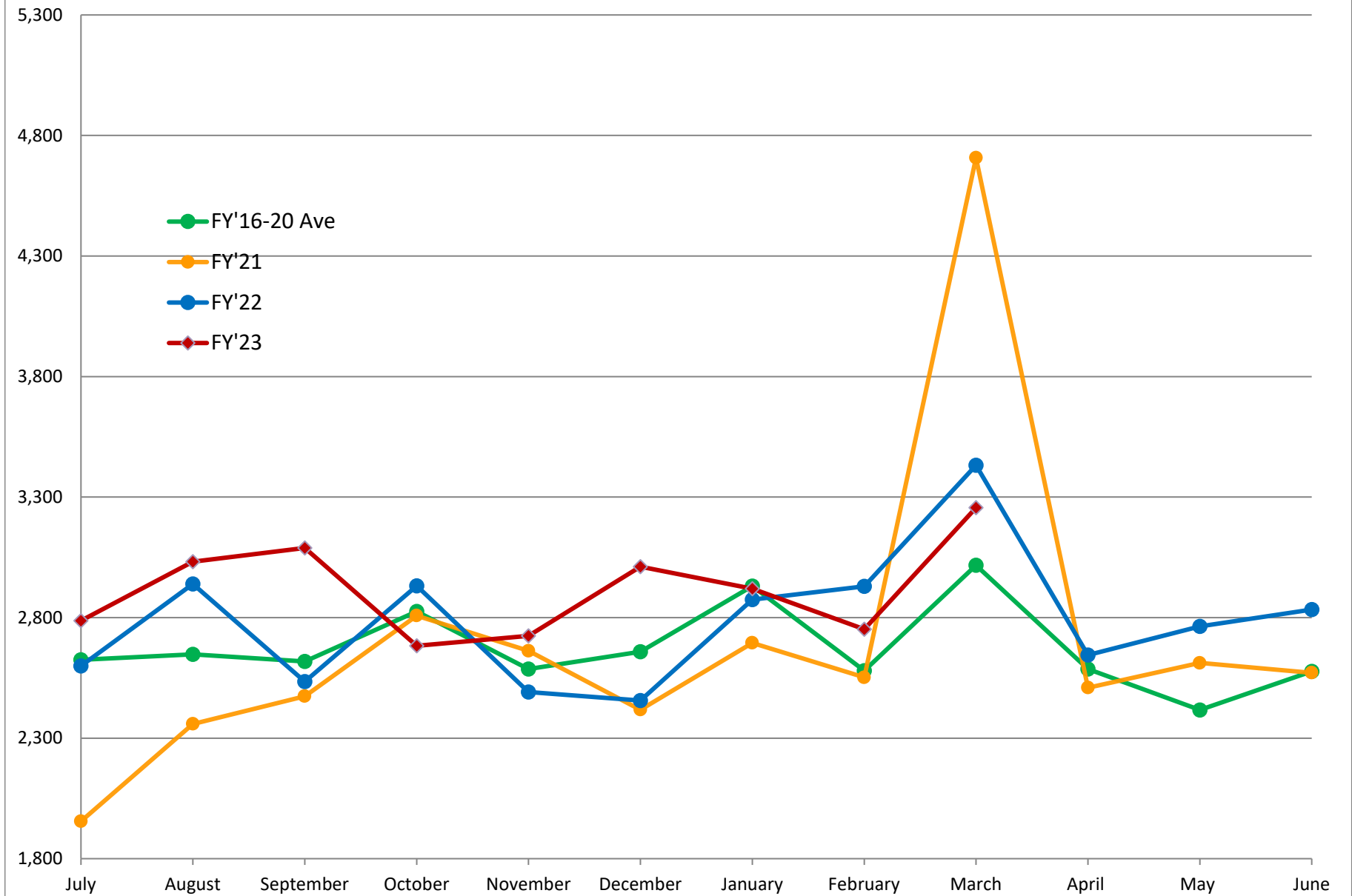
<u>ARPA Funds - 023-Z11201</u>	<u>QTR1</u>	<u>QTR2</u>	<u>QTR3</u>	<u>QTR4</u>	<u>TOTAL</u>
All Other Allotment	\$ -	\$ -	\$ 4,000,000	\$ -	\$ 4,000,000
Expenditures to date	-	-	-	-	-
Encumbrances	-	-	-	-	-
Total All Other Available	\$ -	\$ -	\$ 4,000,000	\$ -	\$ 4,000,000

CASH ON HAND 4/10/2023 \$ 250,000.00

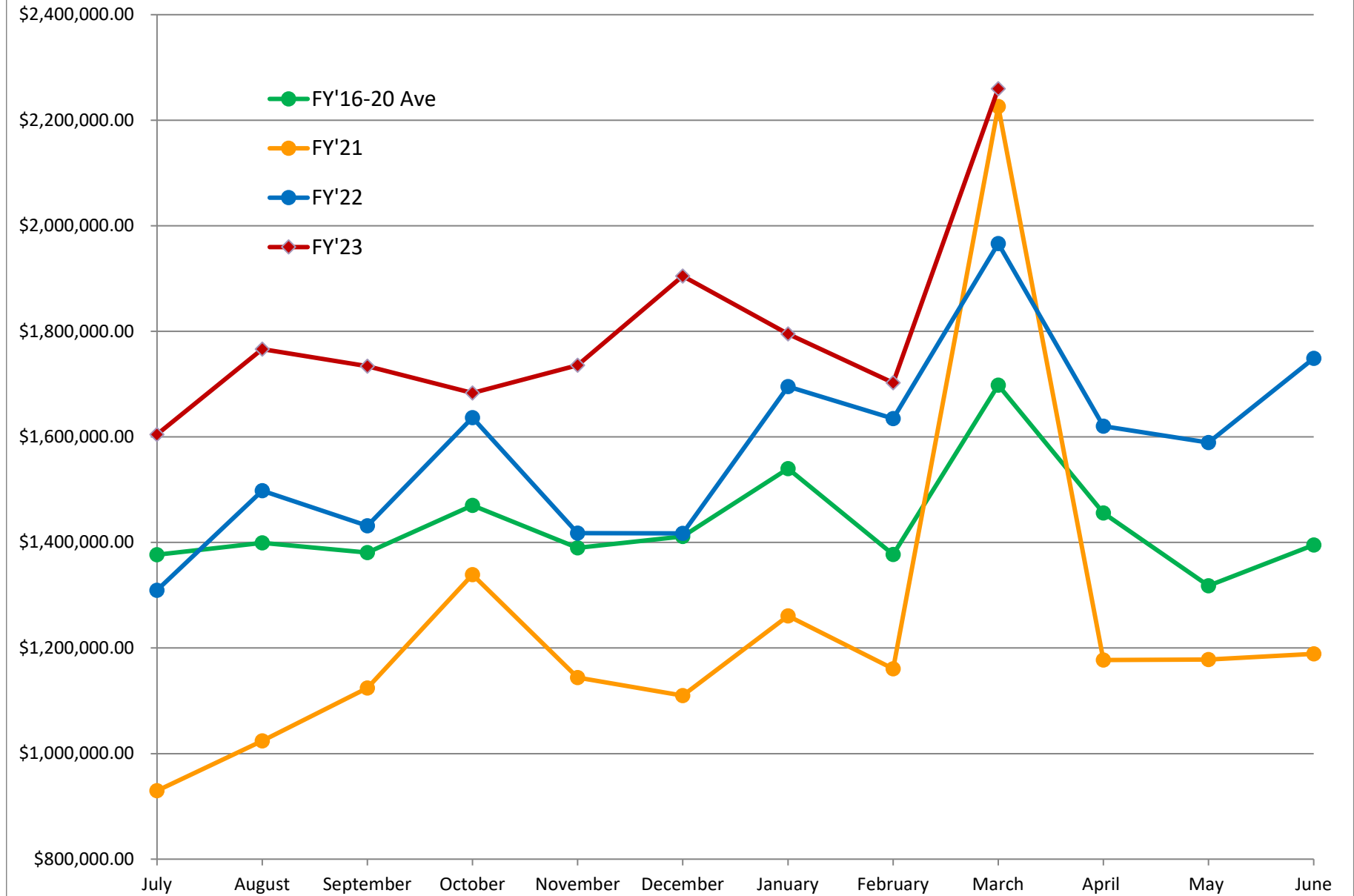
NEW CASES



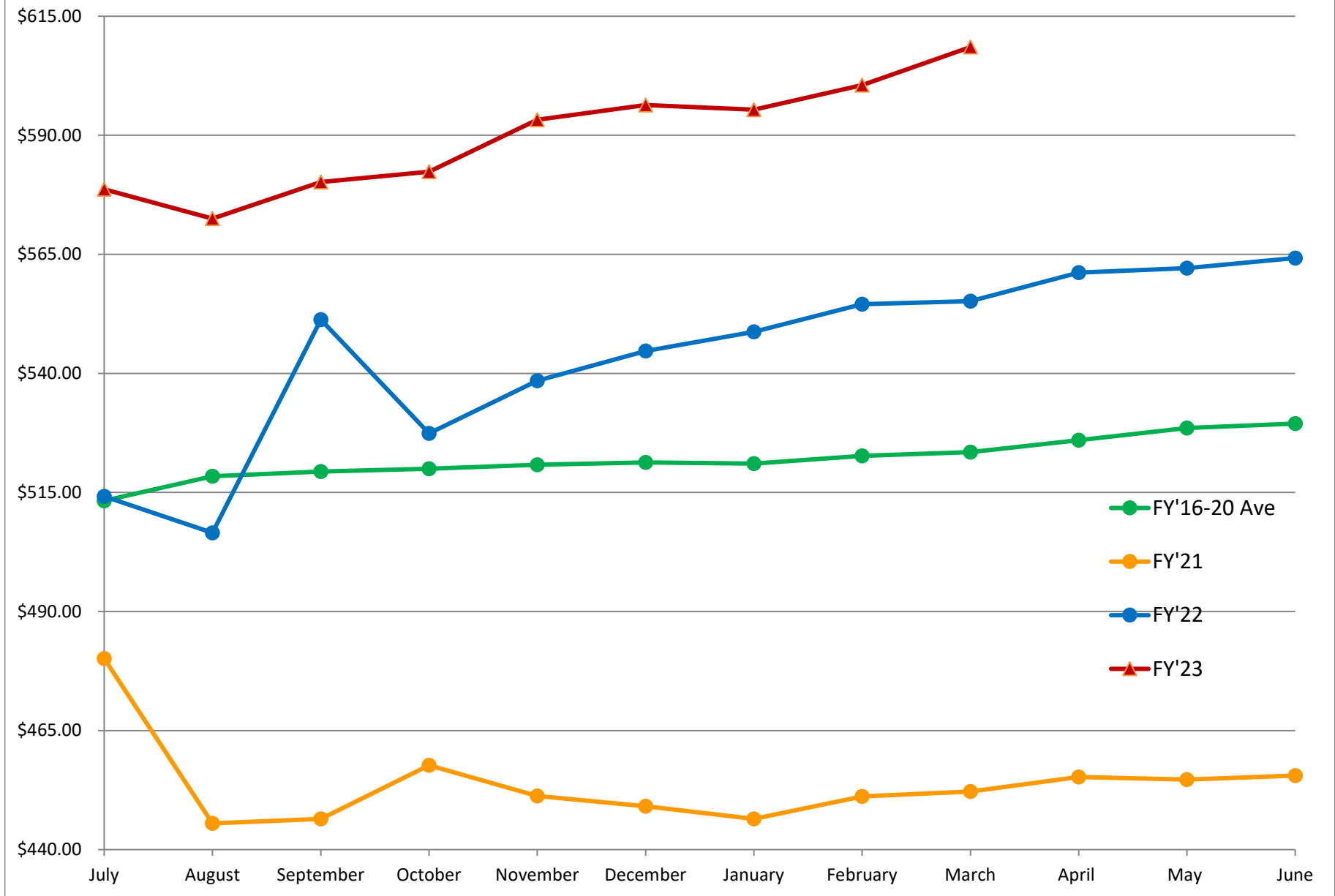
Submitted Vouchers

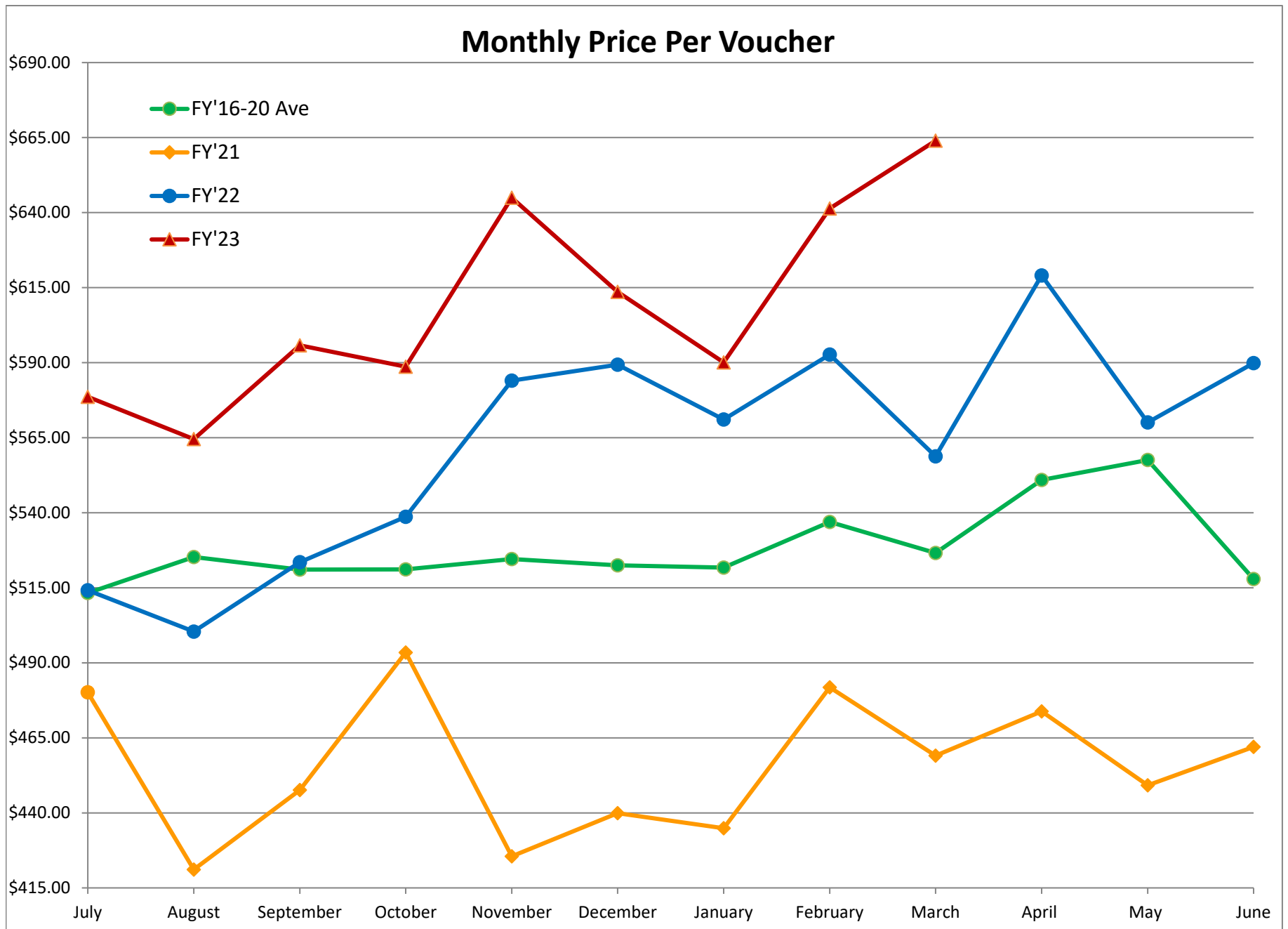


Submitted Voucher Amount

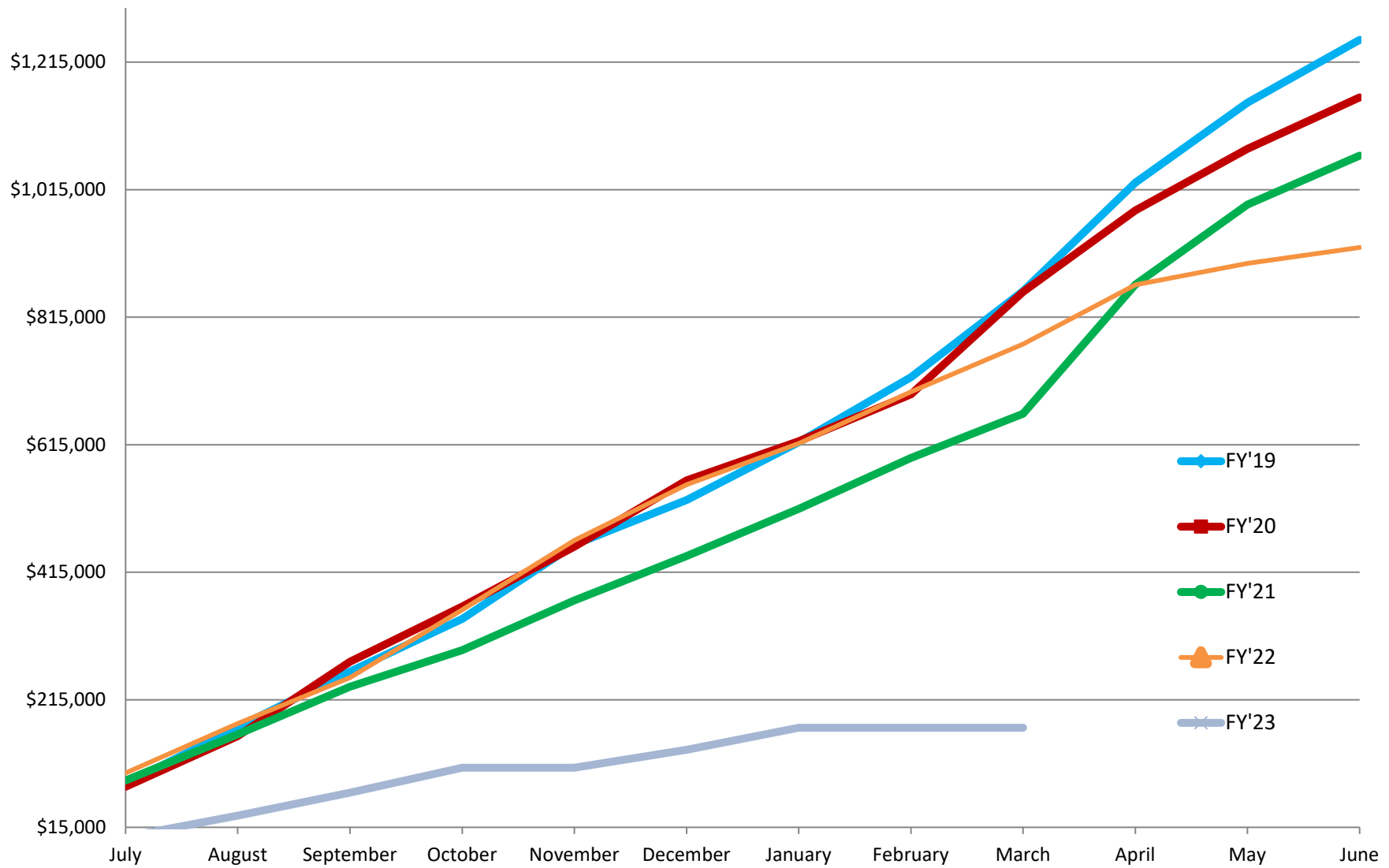


Average Voucher Price Fiscal Year to Date





COLLECTION TOTALS FY'19 to FY'23



Pending UCD Cases as of April 7, 2023

UCD	FELONY				MISDEMEANOR				CIVIL VIOLATION			ALL CASES			
	Pending	On DD	No IA	% No IA	Pending	On DD	No IA	% No IA	Pending	No IA	% No IA	Pending	On DD	No IA	% No IA
Androscoggin	681	79	61	9.0%	2,163	229	310	14.3%	11	8	72.7%	2,855	308	379	13.3%
Aroostook	706	119	47	6.7%	977	239	221	22.6%	73	64	87.7%	1,756	358	332	18.9%
Caribou	171	21	9	5.3%	199	64	26	13.1%	14	11	78.6%	384	85	46	12.0%
Fort Kent	126	18	6	4.8%	163	53	26	16.0%	20	19	95.0%	309	71	51	16.5%
Houlton	199	29	9	4.5%	266	68	56	21.1%	10	8	80.0%	475	97	73	15.4%
Presque Isle	210	51	23	11.0%	349	54	113	32.4%	29	26	89.7%	588	105	162	27.6%
Cumberland	1,263	200	125	9.9%	3,744	495	726	19.4%	71	27	38.0%	5,078	695	878	17.3%
Bridgton	26	9	3	11.5%	313	53	73	23.3%	13	8	61.5%	352	62	84	23.9%
Portland	1,213	187	121	10.0%	2,940	361	546	18.6%	41	14	34.1%	4,194	548	681	16.2%
West Bath	24	4	1	4.2%	491	81	107	21.8%	17	5	29.4%	532	85	113	21.2%
Franklin	138	24	6	4.3%	442	110	80	18.1%	17	6	35.3%	597	134	92	15.4%
Hancock	435	35	33	7.6%	656	91	132	20.1%	48	26	54.2%	1,139	126	191	16.8%
Kennebec	645	75	41	6.4%	1,716	315	342	19.9%	28	8	28.6%	2,389	390	391	16.4%
Augusta	612	70	39	6.4%	1,052	193	200	19.0%	20	2	10.0%	1,684	263	241	14.3%
Waterville	33	5	2	6.1%	664	122	142	21.4%	8	6	75.0%	705	127	150	21.3%
Knox	234	53	16	6.8%	569	153	96	16.9%	22	4	18.2%	825	206	116	14.1%
Lincoln	135	41	6	4.4%	361	139	68	18.8%	9	3	33.3%	505	180	77	15.2%
Oxford	481	65	56	11.6%	1,216	162	294	24.2%	31	19	61.3%	1,728	227	369	21.4%
Bridgton	43	9	4	9.3%	128	30	22	17.2%	3	2	66.7%	174	39	28	16.1%
Rumford	177	28	26	14.7%	463	54	117	25.3%	11	6	54.5%	651	82	149	22.9%
South Paris	261	28	26	10.0%	625	78	155	24.8%	17	11	64.7%	903	106	192	21.3%
Penobscot	905	37	97	10.7%	1,753	45	509	29.0%	58	42	72.4%	2,716	82	648	23.9%
Bangor	871	36	87	10.0%	1,356	31	380	28.0%	33	23	69.7%	2,260	67	490	21.7%
Lincoln	10	1	3	30.0%	173	5	50	28.9%	15	12	80.0%	198	6	65	32.8%
Newport	24	0	7	29.2%	224	9	79	35.3%	10	7	70.0%	258	9	93	36.0%
Piscataquis	37	3	8	21.6%	120	4	51	42.5%	36	28	77.8%	193	7	87	45.1%
Sagadahoc	189	53	21	11.1%	497	188	70	14.1%	12	4	33.3%	698	241	95	13.6%
Somerset	246	42	17	6.9%	509	131	115	22.6%	21	12	57.1%	776	173	144	18.6%
Waldo	178	33	19	10.7%	325	84	60	18.5%	9	2	22.2%	512	117	81	15.8%
Washington	189	22	9	4.8%	299	50	42	14.0%	22	9	40.9%	510	72	60	11.8%
Calais	82	4	7	8.5%	122	18	19	15.6%	5	0	0.0%	209	22	26	12.4%
Machias	107	18	2	1.9%	177	32	23	13.0%	17	9	52.9%	301	50	34	11.3%
York	1,185	134	211	17.8%	3,875	795	839	21.7%	87	18	20.7%	5,147	929	1,068	20.7%
Alfred	1,133	130	199	17.6%	95	23	26	27.4%	1	1	--	1,229	153	226	18.4%
Biddeford	27	1	6	22.2%	2,022	442	348	17.2%	50	5	10.0%	2,099	443	359	17.1%
Springvale	16	0	5	31.3%	1,234	205	341	27.6%	28	9	32.1%	1,278	205	355	27.8%
York	9	3	1	11.1%	524	125	124	23.7%	8	3	37.5%	541	128	128	23.7%
TOTAL	7,647	1,015	773	10.1%	19,222	3,230	3,955	20.6%	555	280	50.5%	27,424	4,245	5,008	18.3%

Columns

Pending	Number of cases having at least one charge without a disposition, and without a currently active warrant.
On DD	Number of pending cases with an Order of Deferred Disposition entered.
No IA	Number of pending cases with a complaint filed, but not having an initial appearance or arraignment held or waived.
% No IA	Percent of pending cases without an initial appearance/arraignment.

Cases are categorized based on the most serious offense charged. Local ordinance violations filed with the court are not included in the reported counts.

Change in Pending UCD Cases, April 2022 to April 2023

Pending cases as of April 7 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2022	2023	% Diff	2022	2023	% Diff	2022	2023	% Diff	2022	2023	% Diff
Androscoggin	633	681	7.6%	2,155	2,163	0.4%	17	11	-35.3%	2,805	2,855	1.8%
Aroostook	717	706	-1.5%	1,097	977	-10.9%	34	73	114.7%	1,848	1,756	-5.0%
Caribou	165	171	3.6%	207	199	-3.9%	2	14	600.0%	374	384	2.7%
Fort Kent	94	126	34.0%	195	163	-16.4%	5	20	300.0%	294	309	5.1%
Houlton	226	199	-11.9%	365	266	-27.1%	14	10	-28.6%	605	475	-21.5%
Presque Isle	232	210	-9.5%	330	349	5.8%	13	29	123.1%	575	588	2.3%
Cumberland	1,319	1,263	-4.2%	3,765	3,744	-0.6%	95	71	-25.3%	5,179	5,078	-2.0%
Bridgton	22	26	18.2%	318	313	-1.6%	18	13	-27.8%	358	352	-1.7%
Portland	1,273	1,213	-4.7%	3,054	2,940	-3.7%	56	41	-26.8%	4,383	4,194	-4.3%
West Bath	24	24	0.0%	393	491	24.9%	21	17	-19.0%	438	532	21.5%
Franklin	101	138	36.6%	279	442	58.4%	20	17	-15.0%	400	597	49.3%
Hancock	281	435	54.8%	544	656	20.6%	35	48	37.1%	860	1,139	32.4%
Kennebec	596	645	8.2%	1,749	1,716	-1.9%	38	28	-26.3%	2,383	2,389	0.3%
Augusta	574	612	6.6%	1,132	1,052	-7.1%	27	20	-25.9%	1,733	1,684	-2.8%
Waterville	22	33	50.0%	617	664	7.6%	11	8	-27.3%	650	705	8.5%
Knox	195	234	20.0%	480	569	18.5%	20	22	10.0%	695	825	18.7%
Lincoln	134	135	0.7%	272	361	32.7%	9	9	0.0%	415	505	21.7%
Oxford	411	481	17.0%	926	1,216	31.3%	21	31	47.6%	1,358	1,728	27.2%
Bridgton	32	43	34.4%	115	128	11.3%	2	3	50.0%	149	174	16.8%
Rumford	163	177	8.6%	379	463	22.2%	9	11	22.2%	551	651	18.1%
South Paris	216	261	20.8%	432	625	44.7%	10	17	70.0%	658	903	37.2%
Penobscot	932	905	-2.9%	2,314	1,753	-24.2%	89	58	-34.8%	3,335	2,716	-18.6%
Bangor	905	871	-3.8%	1,827	1,356	-25.8%	36	33	-8.3%	2,768	2,260	-18.4%
Lincoln	4	10	150.0%	250	173	-30.8%	16	15	-6.3%	270	198	-26.7%
Newport	23	24	4.3%	237	224	-5.5%	37	10	-73.0%	297	258	-13.1%
Piscataquis	50	37	-26.0%	112	120	7.1%	41	36	-12.2%	203	193	-4.9%
Sagadahoc	152	189	24.3%	436	497	14.0%	15	12	-20.0%	603	698	15.8%
Somerset	206	246	19.4%	437	509	16.5%	12	21	75.0%	655	776	18.5%
Waldo	201	178	-11.4%	316	325	2.8%	23	9	-60.9%	540	512	-5.2%
Washington	188	189	0.5%	317	299	-5.7%	32	22	-31.3%	537	510	-5.0%
Calais	88	82	-6.8%	113	122	8.0%	17	5	-70.6%	218	209	-4.1%
Machias	100	107	7.0%	204	177	-13.2%	15	17	13.3%	319	301	-5.6%
York	1,143	1,185	3.7%	4,390	3,875	-11.7%	141	87	-38.3%	5,674	5,147	-9.3%
Alfred	1,093	1,133	3.7%	129	95	-26.4%	0	1	0.0%	1,222	1,229	0.6%
Biddeford	29	27	-6.9%	2,438	2,022	-17.1%	110	50	-54.5%	2,577	2,099	-18.5%
Springvale	10	16	60.0%	1,205	1,234	2.4%	23	28	21.7%	1,238	1,278	3.2%
York	11	9	-18.2%	618	524	-15.2%	8	8	0.0%	637	541	-15.1%
TOTAL	7,259	7,647	5.3%	19,589	19,222	-1.9%	642	555	-13.6%	27,490	27,424	-0.2%

Columns

2022	Number of cases having at least one charge without a disposition, and without a currently active warrant as of April 7, 2022
2023	Number of cases having at least one charge without a disposition, and without a currently active warrant as of April 7, 2023
% Diff	Percent change in pending cases from 2022 to 2023. Red percentages represent an increase, green percentages a decrease.

Cases are categorized based on the most serious offense charged. Local ordinance violations filed with the courts are not included in the reported counts.

Change in Pending UCD Cases, April 2019 to April 2023

Pending cases as of April 7 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2019	2023	% Diff	2019	2023	% Diff	2019	2023	% Diff	2019	2023	% Diff
Androscoggin	344	681	98.0%	1,264	2,163	71.1%	21	11	-47.6%	1,629	2,855	75.3%
Aroostook	332	706	112.7%	579	977	68.7%	41	73	78.0%	952	1,756	84.5%
Caribou	63	171	171.4%	132	199	50.8%	5	14	180.0%	200	384	92.0%
Fort Kent	28	126	350.0%	104	163	56.7%	11	20	81.8%	143	309	116.1%
Houlton	104	199	91.3%	116	266	129.3%	11	10	-9.1%	231	475	105.6%
Presque Isle	137	210	53.3%	227	349	53.7%	14	29	107.1%	378	588	55.6%
Cumberland	833	1,263	51.6%	2,533	3,744	47.8%	115	71	-38.3%	3,481	5,078	45.9%
Bridgton	10	26	160.0%	197	313	58.9%	16	13	-18.8%	223	352	57.8%
Portland	805	1,213	50.7%	1,980	2,940	48.5%	71	41	-42.3%	2,856	4,194	46.8%
West Bath	18	24	33.3%	356	491	37.9%	28	17	-39.3%	402	532	32.3%
Franklin	93	138	48.4%	302	442	46.4%	10	17	70.0%	405	597	47.4%
Hancock	207	435	110.1%	459	656	42.9%	30	48	60.0%	696	1,139	63.6%
Kennebec	299	645	115.7%	1,029	1,716	66.8%	49	28	-42.9%	1,377	2,389	73.5%
Augusta	289	612	111.8%	590	1,052	78.3%	27	20	-25.9%	906	1,684	85.9%
Waterville	10	33	230.0%	439	664	51.3%	22	8	-63.6%	471	705	49.7%
Knox	138	234	69.6%	296	569	92.2%	4	22	450.0%	438	825	88.4%
Lincoln	87	135	55.2%	214	361	68.7%	5	9	80.0%	306	505	65.0%
Oxford	200	481	140.5%	485	1,216	150.7%	33	31	-6.1%	718	1,728	140.7%
Bridgton	22	43	95.5%	67	128	91.0%	6	3	-50.0%	95	174	83.2%
Rumford	89	177	98.9%	194	463	138.7%	12	11	-8.3%	295	651	120.7%
South Paris	89	261	193.3%	224	625	179.0%	15	17	13.3%	328	903	175.3%
Penobscot	358	905	152.8%	1,105	1,753	58.6%	130	58	-55.4%	1,593	2,716	70.5%
Bangor	350	871	148.9%	865	1,356	56.8%	90	33	-63.3%	1,305	2,260	73.2%
Lincoln	5	10	100.0%	63	173	174.6%	25	15	-40.0%	93	198	112.9%
Newport	3	24	700.0%	177	224	26.6%	15	10	-33.3%	195	258	32.3%
Piscataquis	14	37	164.3%	62	120	93.5%	41	36	-12.2%	117	193	65.0%
Sagadahoc	85	189	122.4%	234	497	112.4%	25	12	-52.0%	344	698	102.9%
Somerset	140	246	75.7%	473	509	7.6%	66	21	-68.2%	679	776	14.3%
Waldo	96	178	85.4%	229	325	41.9%	4	9	125.0%	329	512	55.6%
Washington	102	189	85.3%	174	299	71.8%	36	22	-38.9%	312	510	63.5%
Calais	31	82	164.5%	81	122	50.6%	5	5	0.0%	117	209	78.6%
Machias	71	107	50.7%	93	177	90.3%	31	17	-45.2%	195	301	54.4%
York	750	1,185	58.0%	2,462	3,875	57.4%	97	87	-10.3%	3,309	5,147	55.5%
Alfred	699	1,133	62.1%	86	95	10.5%	0	1	0.0%	785	1,229	56.6%
Biddeford	26	27	3.8%	1,184	2,022	70.8%	35	50	42.9%	1,245	2,099	68.6%
Springvale	17	16	-5.9%	722	1,234	70.9%	44	28	-36.4%	783	1,278	63.2%
York	8	9	12.5%	470	524	11.5%	18	8	-55.6%	496	541	9.1%
TOTAL	4,078	7,647	87.5%	11,900	19,222	61.5%	707	555	-21.5%	16,685	27,424	64.4%

Columns

2019	Number of cases having at least one charge without a disposition, and without a currently active warrant as of April 7, 2019
2023	Number of cases having at least one charge without a disposition, and without a currently active warrant as of April 7, 2023
% Diff	Percent change in pending cases from 2019 to 2023. Red percentages represent an increase, green percentages a decrease.

Cases are categorized based on the most serious offense charged. Local ordinance violations filed with the courts are not included in the reported counts.



Indigent Legal Services for Criminal Defendants in Maine

March 2023

Maine Advisory Committee to the U.S. Commission on Civil Rights

The Maine Advisory Committee (Committee) to the U.S. Commission on Civil Rights (Commission) is examining whether Maine's lack of a robust public criminal defender system impacts the civil rights of indigent criminal defendants. The Committee received testimony¹ on three occasions in 2022, from impacted individuals, advocates, academics, and government officials familiar with Maine's system for providing public defense. The Committee is drafting its findings and recommendations based on these testimonies for the Commission's attention.

The state cannot incarcerate a defendant for any period of time, without providing counsel: a defendant's right to an attorney is found in the Sixth Amendment of the U.S. Constitution,² which guarantees the assistance of counsel for the accused facing actual incarceration. This means that a defendant facing incarceration has a constitutional right to be represented by an attorney, and if they cannot afford one, the state government must appoint legal counsel, at no cost to the defendant. The Supreme Court has held that the right to legal counsel guaranteed by the Sixth Amendment requires that the legal counsel is "effective" and must include "meaningful adversarial testing" of the prosecutor's case.³ Maine's own Constitution guarantees indigent persons the right to counsel when imprisonment will actually be imposed under *State v. Cook*.⁴

Recent articles⁵ highlight that the Maine Legislature is currently receiving proposals to fund Maine's system of indigent legal service provision at levels far below what the Committee heard⁶ would be necessary for Maine to provide effective legal counsel and

¹https://securisync.intermedia.net/us2/s/folder?public_share=409J0xbKeIQ2vuMJBvQond0011ef58&id=L01FL0luZGlnZW50IFNlcuZpY2Vz.

² *Gideon v. Wainwright*, 372 U.S. 335, 344-345 (1963).

³ *U.S. v. Cronin*, 466 U.S. 648, 659-60 (1984).

⁴ *State v. Cook*, 706 A.2d 603, 605, 1998 ME 40, ¶ 6 (Me., 1998).

⁵ <https://www.pressherald.com/2023/01/17/new-funding-for-maines-legal-defense-system-for-the-poor-not-enough-to-solve-problem-commission-says/>, also found at <https://news.yahoo.com/funding-maines-legal-defense-system-045900395.html>; <https://www.themainemonitor.org/new-public-defenders-help-but-dont-fully-alleviate-courts-troubles-finding-enough-defense-lawyers/>.

⁶ Justin Andrus, Testimony, November 15, 2022, Briefing before the Maine Advisory Committee, pp. 16-18; Maloney Testimony, November 15, 2022, Briefing, p. 9; Tina Nadeau, October 20, 2022 Briefing before the Maine Advisory Committee, p. 6; Allen Testimony, October 20, 2022 Briefing, p. 9; Anderson Testimony, October 20,

meaningful defense against prosecution. Based on the evidence we received,⁷ we initially conclude that Governor Mills' 2023 budget proposal is far below the funding levels necessary for effective legal counsel and meaningful defense.⁸

Due to the time sensitive nature of addressing this concern while the Maine Legislature is considering funding proposals, the Committee wishes to issue a preliminary recommendation to the U.S. Commission on Civil Rights to forward this memo to the Maine Legislature's leadership, the Committee on Judiciary, the Committee on Appropriations and Financial Affairs, and the Legislative Budget Subcommittee; to Governor Mills; to the Chief Justice of the Maine Supreme Judicial Court; and to the Maine Commission on Indigent Legal Services. Our preliminary recommendation is as follows:

Provide funding at the minimum level recommended by the Maine Commission on Indigent Legal Services to ensure enough provision for effective legal services.

After the completion of the Committee's deliberations on this topic, the Committee's goal is to produce a comprehensive report identifying issues raised in the testimonies it heard and recommendations for addressing these issues.

This memo was adopted by a vote of 6 to 0 at a Committee meeting held February 9, 2023.

**Maine Advisory Committee to the
U.S. Commission on Civil Rights**

April 2020 to April 2024

Samantha Le, Chair, Bangor

Judith D. Jones, Camden

Diane A. Khriel, Vice Chair, Orono

Eric M. Mehnert, Lincoln

Mufalo Chitam, Old Orchard Beach

Nicole Rancourt, Minot

Gia Drew, Portland

Maine Advisory Committee to the

2022 Briefing, p. 17; Lisa Keim, December 15, 2022 Briefing before the Maine Advisory Committee, p. 4; Branch Testimony, December 15, 2022 Briefing, p. 6.

⁷ Ibid.

⁸ <https://www.maine.gov/governor/mills/news/governor-mills-unveils-biennial-budget-proposal-2023-01-11>.

United States Commission on Civil Rights



U. S. Commission on Civil Rights Contact

USCCR Contact Regional Programs Unit

 U.S. Commission on Civil Rights

 230 S. Dearborn, Suite 2120

 Chicago IL, 60604

 (312) 353-8311

This advisory memorandum is the work of the Maine Advisory Committee to the U.S. Commission on Civil Rights. The interim report, which may rely on studies and data generated by third parties, is not subject to an independent review by Commission staff. Advisory Committee reports to the Commission are wholly independent and reviewed by Commission staff only for legal and procedural compliance with Commission policies and procedures. Advisory Committee reports are not subject to Commission approval, fact-checking, or policy changes. The views expressed in this memorandum and the findings and recommendations contained herein are those of a majority of the Advisory Committee members and do not necessarily represent the views of the Commission or its individual members, nor do they represent the policies of the U.S. Government.

Maine Commission on Indigent Legal Services

Response to Public Comments

Proposed Rule: Chapter 301- Fee Schedule and Administrative Procedures for Payment of Court or Commission Assigned Counsel

Comment #1:

MACDL supports the increase in the hourly rate paid to assigned counsel as it will allow attorneys to be able to spend more in-depth time on their cases and will also allow attorneys to hire support staff.

Tina Nadeau, Esq., Executive Director, Maine Association of Criminal Defense Lawyers

MCILS Response:

Two primary objectives in raising the hourly rate were to ensure that assigned counsel are adequately compensated for their work and to allow them the ability to afford hiring staff to support their practice. The Commission expects this rate increase to allow counsel to dedicate the appropriate time to all their cases so clients can receive the highest quality representation.

Detailed Basis Statement for Chapter 301

Since July 1, 2021, MCILS Rules Chapter 301, Section 2, has authorized a rate of Eighty Dollars (\$80.00) per hour for time spent on an assigned case. Court appointed counsel operating under the MCILS system have been withdrawing from that system in part because the rate of payment for work on assigned cases did not permit counsel to operate cost efficiently. MCILS relies on appointed counsel to discharge its constitutional and statutory obligations. In Sec. Q-1 of the supplemental appropriations bill passed by the Legislature for fiscal year 2023, the Legislature authorized MCILS to engage in rulemaking to raise the rate up to \$150.00 per hour. Section 2 must be amended to permit MCILS to pay appointed counsel the \$150.00 per hour authorized by the Legislature. Without immediate action to implement the legislatively authorized rate increase, the Commission is in jeopardy of losing additional lawyers off the roster and imperiling the continued operation of the assigned counsel system.

Chapter 301: FEE SCHEDULE AND ADMINISTRATIVE PROCEDURES FOR PAYMENT OF COURT OR COMMISSION ASSIGNED COUNSEL

Summary: This Chapter establishes a fee schedule and administrative procedures for payment of private ~~Court-court Assigned~~ and/or Commission ~~Assigned-assigned~~ counsel. ~~The-This~~ Chapter sets a standard hourly rate and fee amounts that trigger presumptive review for specific case types. ~~The-This~~ Chapter also establishes rules for the payment of mileage and other expenses that are eligible for reimbursement by the Commission. Finally, this Chapter requires ~~Counsel~~ that all vouchers for attorney fees and reimbursable expenses must be submitted using the MCILS electronic case management system.

SECTION 1. DEFINITIONS

1. Court Assigned Counsel. "Court Assigned Counsel" means private counsel licensed to practice law in Maine, designated eligible to receive an assignment to a particular case, and initially assigned by a Court to represent a particular client in a particular matter. For the purposes of this rule, "Court Assigned Counsel" does not include any employee of MCILS.
2. Commission Assigned Counsel. "Commission Assigned Counsel" means private counsel licensed to practice in Maine, designated eligible to be assigned to provide a particular service or to represent a particular client in a particular matter, and assigned by MCILS to provide that service or represent a client. For the purposes of this rule, "Commission Assigned Counsel" does not include any employee of MCILS.
3. Counsel. As used in this Chapter "Counsel" means a Court Assigned Counsel or Commission Assigned Counsel, or both.
4. MCILS or Commission. "MCILS" or "Commission" means the Commissioners of the Maine Commission on Indigent Legal Services.
5. Executive Director. "Executive Director" means the Executive Director of MCILS or the Executive Director's decision-making designee.
6. Home Court. "Home Court" means the physical location of the court in closest proximity to Counsel's office or reasonably accessible private meeting space as contemplated by 94-649 C.M.R. ch. 2 § 3.
7. MCILS Liaison. "MCILS Liaison" means the attorney thatwho performs services for clients as part of the specialty court team but who otherwise has not otherwise been appointed to represent a specific client in a specific docket.
8. Interim Voucher. "Interim Voucher" means any voucher submitted in a case before counsel's professional responsibility in a matter ends. a terminal case event is docketed.

9. Particular Client Assignment. “Particular Client Assignment” means an assignment of Counsel to represent a particular client in a particular matter either by MCILS or the Court under Rule 44 of the Maine Rules of Unified Criminal Procedure or Rule 88 of the Maine Rules of Civil Procedure. For the purpose of this rule a “particular matter” is a matter described by a particular docket number in a Court.
10. Days. “Days” means calendar days.
~~Secretarial services mean staff support services other than paralegal services.~~
11. Paralegal. A “paralegal” is a person, qualified by education, training, or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency, or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible.
12. Paralegal services. “Paralegal services” constitute specifically delegated substantive legal work for which a lawyer is responsible.
13. Secretarial services. “Secretarial services” means staff support services other than paralegal services.

SECTION 2. HOURLY RATE OF PAYMENT

Effective ~~July 1, 2021~~ March 1, 2023:

A rate of One Hundred Fifty Dollars (\$150) per hour is authorized for time spent by Counsel, and billed using the MCILS electronic case management system, on an assigned case on or after March 1, 2023. A rate of Eighty Dollars (\$80.00) per hour ~~is remains~~ authorized for time spent by Counsel, ~~and billed using MCILS electronic case management system, on~~ an assigned case on or after July 1, 2021. A rate of Sixty Dollars (\$60.00) per hour remains authorized for time spent on an assigned case between July 1, 2015 and June 30, 2021. A rate of Fifty-five Dollars (\$55.00) per hour remains authorized for time spent on an assigned case between July 1, 2014 and June 30, 2015. A rate of Fifty Dollars (\$50.00) per hour remains authorized for time spent on an assigned case between the inception of the Commission and June 30, 2014.

SECTION 3. EXPENSES

1. **Routine Office Expenses.** Routine Office-office expenses will not be paid by MCILS. Routine office expenses include, but are not limited to, postage other than overnight and express postage, express postage, regular telephone, cell telephone, fax, office overhead, utilities, secretarial services, the first 100 pages of any one print or copy job, local phone calls, parking (except as stated below), and office supplies, ~~etc.~~ ~~Secretarial services mean staff support services other than paralegal services.~~ A paralegal is a person, qualified by education, training or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible. Paralegal services constitute specifically delegated substantive legal work for which a lawyer is responsible. Any and all requests for fees or reimbursement for Paralegal-time paralegal services and

secretarial services may be ~~billed~~ submitted to MCILS only through the non-counsel cost procedures.

2. **Itemized Non-Routine Expenses.** Itemized non-routine expenses, such as discovery from the State or other agency, long distance calls (only if billed for long distance calls by your phone carrier), overnight and express postage, collect phone calls, copy costs for print or copy jobs in excess of 100 pages, beginning with the 101st page, printing/copying/binding of legal appeal brief(s), relevant in-state mileage (as outlined below), tolls (as outlined below), and fees paid to third parties, may be paid by MCILS after review. Necessary parking fees associated with multi-day trials and hearings will be reimbursed. Parking tickets, fines, and/or fees for other violations will not be reimbursed.
3. **Travel Reimbursement.** Mileage reimbursement shall be made at the State rate applicable to confidential state employees on the date of the travel. Mileage reimbursement will be paid for travel to and from courts other than Counsel's home ~~district and superior~~ court. Mileage reimbursement will not be paid for travel to and from a Counsel's home ~~district and superior~~ courts. Tolls will be reimbursed, ~~except that tolls will not be reimbursed for travel to and from Counsel's home district and superior court.~~ All out-of-state travel or any overnight travel must be approved by MCILS in writing prior to incurring the expense. All out-of-state travel, overnight travel, and any other expense associated with such travel including but not limited to airfare, lodging, and food, must be approved by MCILS in writing prior to incurring the expense. Counsel Reimbursement will be subject limited to the State's per diem maximum rate policies with respect to the reimbursement of any expense. Use of the telephone, video equipment, and email in lieu of travel is encouraged as appropriate.
4. **Itemization of Claims.** Claims for all expenses must be itemized and include documentation. All expense documentation must be attached to the voucher used to seek reimbursement for the expense claimed. Claims for mileage shall be itemized and include the start and end points for the travel in question.
5. **Discovery Materials.** MCILS will reimburse only for one set of discovery materials per assignment. If counsel is permitted to withdraw, appropriate copies of discovery materials must be forwarded to new counsel within one week of notice of new counsel's assignment. Counsel may retain a copy of a file transferred to new counsel, or to a client. Counsel shall perform any scanning or make any copies necessary to retain a copy of the file at counsel's expense. The client owns the file. The original file shall be tendered to new counsel, or to the client, as directed.
6. **Expert and Investigator Expenses.** Other non-routine expenses for payment to third parties, (e.g., investigators, interpreters, medical and psychological experts, testing, depositions, etc.) shall be approved in advance by MCILS. Funds for third-party services will be provided by MCILS only upon written request and a sufficient demonstration of reasonableness, relevancy, and need in accordance with MCILS rules and procedures governing requests for funds for experts and investigators. See Chapter 302 Procedures Regarding Funds for Experts and Investigators.
7. **Witness, Subpoena, and Service Fees.** Witness, subpoena, and service fees will be reimbursed only pursuant to the Maine Rules of Court. ~~It is unnecessary for counsel~~

~~to~~Counsel should not advance these costs, ~~and~~~~that~~These costs shall not be included as a voucher expense without prior consent from the Executive Director ~~or designee~~. Fees for service of process by persons other than the sheriff shall not exceed those allowed by 30-A M.R.S. § 421. The same procedure shall be followed in civil cases.

SECTION 4. PRESUMPTIVE REVIEW

Vouchers submitted for amounts in excess of the applicable trigger for presumptive review will be considered for payment after review by the Executive Director ~~or designee~~. Vouchers submitted in excess of the trigger for presumptive review must be accompanied by an explanation of the time spent on the matter. The explanation shall be set forth in the notes section of a voucher or invoice.

1. Trial Court Criminal Fees

A. Triggers for presumptive review, excluding any itemized expenses, are set in accordance with this subsection. Counsel must provide MCILS with written justification for any voucher that exceeds the trigger limit.

- 1) **Murder.** All murder cases shall trigger presumptive review.
- 2) **Class A.** ~~\$5,000~~\$9,400
- 3) **Class B and C (against person).** ~~\$7,500~~\$4,000
- 4) **Class B and C (against property).** ~~\$4,700~~\$2,500
- 5) **Class D and E.** ~~\$4,700~~\$2,500
- 6) Repealed
- 7) **Post-Conviction Review.** ~~\$3,000~~\$5,600
- 8) **Probation Revocation.** ~~\$1,500~~\$2,800
- 9) **Miscellaneous (~~i.e.,~~ witness representation on 5th Amendment grounds, etc.)** ~~\$1,900~~\$1,000
- 10) **Juvenile.** ~~\$2,800~~\$1,500
- 11) **Bindover:** applicable criminal class trigger.

B. In cases involving multiple counts against a single defendant, the triggering fee shall be that which applies to the ~~most serious count~~count assigned with the highest class. In cases where a defendant is charged with ~~a number of multiple~~ unrelated offenses, counsel shall coordinate and consolidate services as much as possible.

- C. Criminal and juvenile cases will include all proceedings through a terminal case event as defined in Section 6 below. Any subsequent proceedings, such as probation revocation, will require new application and appointment.
- D. Repealed.
- E. Upon written request to MCILS, a second Counsel, may be assigned in a murder ~~case~~ or other complicated cases, to provide for mentorship, or for other good cause at the discretion of the Executive Director:
 - 1) the duties of each Counsel must be clearly and specifically defined, and counsel must avoid unnecessary duplication of effort;
 - 2) each Counsel must submit a voucher to MCILS. Counsel should coordinate the submission of vouchers so ~~that~~ they can be reviewed together. Co-counsel who practice in the same firm may submit a single voucher that reflects the work done by each Counsel.

2. District Court Child Protection

- A. Triggering fees, excluding any itemized expenses, for Commission-assigned counsel in child protective cases are ~~set in accordance with the following schedule:~~
 - 1) **Child protective cases** ~~(each stage)~~. \$1,500 10,200
 - 2) ~~Termination of Parental Rights stage (with a hearing)~~. \$ 2,500
- ~~B. Counsel must provide MCILS with written justification for any voucher that exceeds the triggering limit. Each child protective stage ends when a proceeding results in a Preliminary Protective Order, Judicial Review Order, Jeopardy Order, Order on Petition for Termination of Parental Rights, or entry of a Family Matter or other dispositional order. Each distinct stage in on-going child protective cases shall be considered a new appointment for purposes of the triggering fee for that case.~~

3. Other District Court Civil

- A. Triggering fees in District Court civil actions, excluding any itemized expenses, are set in accordance with this subsection. Counsel must provide MCILS with written justification for any voucher that exceeds the triggering fee.
 - 1) **Application for Involuntary Commitment.** \$1, ~~900~~
 - 2) **Petition for Emancipation.** \$1,500 2,800
 - 3) **Petition for Modified Release Treatment.** \$1, 900
 - 4) **Petition for Release or Discharge.** \$1, 900

4. Law Court

- A. Repealed
- B. Repealed
- C. Appellate: \$3,7502,000

SECTION 5: MINIMUM FEES

Counsel may bill a minimum fee of 3 hours for appearances as Lawyer of the Day, or [MCILS Liaison](#) in specialty or diversionary courts or programs. A single minimum fee may be charged for each appearance at which the Counsel serves. 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 for the Day for a morning session and then a subsequent afternoon session with a second appearance time and list, that will be two appearances. Vouchers seeking the minimum fee must show the actual time expended and the size of the minimum fee adjustment rather than simply stating that the minimum fee is claimed. In addition to previously scheduled representation at initial appearance sessions, Lawyer of the Day representation includes representation of otherwise unrepresented parties at the specific request of the court on a matter that concludes the same day. Only a single minimum fee may be charged per appearance regardless of the number of clients consulted at the request of the court.

SECTION 6: ADMINISTRATION

1. Timing

- A. Vouchers for payment of counsel fees and expenses associated with a particular client assignment shall be submitted within 90 (ninety) calendar days of a terminal case event. Lawyer of the Day ~~and~~, specialty courts, and all other services rendered on behalf of the Commission and not associated with a particular client assignment shall be billed within 90 days of the service provided.
- B. The period for submitting a voucher established by subsection (1)(A) of this section shall run from the date that the terminal case event is docketed, or the date Counsel receives actual notice of the terminal case event, whichever is later. Services are rendered on Lawyer of the Day assignments on the date Counsel appears in Court and ~~acts~~serves as Lawyer of the Day. Services in specialty courts as an MCILS liaison or as part of any other MCILS-sponsored program are rendered on the date the individual tasks were performed as indicated by the date associated with the time entry recorded to account for that time.
- C. Vouchers not submitted within 90-days of a terminal case event ~~the timeframe established by subsection (1)(A) of this section cannot be paid~~ shall be reduced according to the schedule established by subsection (3)(C) of this section below, except on a showing by counsel that a voucher could not have been timely submitted for reasons outside the actual or constructive control of counsel.

D. ~~Counsel are encouraged to~~may submit interim vouchers not more often than once every ~~90 days~~ calendar month per case. ~~Counsel may request reconsideration of a voucher rejected between April 1, 2021 and the effective date of this rule if that voucher would be payable under this rule.~~

E. Cases must be entered in the MCILS case management system within seven days upon receipt of the Notice of Appointment. If counsel has been informed that they have been assigned to a case but have not received the Notice of Appointment, counsel shall exercise due diligence in obtaining a copy of the Notice as soon as possible.

2. **Terminal Case Events**~~case events are:~~

A terminal case event is the event that signifies the final resolution of a matter from the perspective of assigned counsel such that substantive work before the court is no longer necessary. Terminal case events include:

- ~~1)A.~~ The withdrawal of counsel;
- ~~2)B.~~ The entry of dismissal of all charges or petitions;
- ~~3)C.~~ Judgment in a case; or
- ~~4)D.~~ Final resolution of post-judgment proceedings for which counsel is responsible.

~~The 90-day period for submitting a voucher shall run from the date that an Order, Judgment, or Dismissal is docketed.~~

3. **Penalty for Untimely Voucher Submission**

A. ~~The total penalty applied to vouchers submitted after the 90-day deadline outside the timeframe established by subsection (1)(A) of this section is calculated by multiplying the total voucher amount by the applicable percentage according to the schedule established by subsection (3)(C) of this section.~~

B. ~~The days elapsed since the relevant terminal case event are calculated in the same manner as in determining compliance with the 90-day deadline. subsection (1)(A) of this section. "Days" means calendar days.~~

C. Penalty Schedule:

<u>Days After Terminal Case Event</u>	<u>Penalty</u>
<u>91 – 104</u>	<u>10%</u>
<u>105 – 150</u>	<u>25%</u>
<u>151 – 180</u>	<u>50%</u>
<u>181 or more</u>	<u>75%</u>

D. Any penalty for the untimely submission of a voucher may only be applied after Counsel is provided with an opportunity to request an exception pursuant to subsection (1)(C) of this section.

4. **Voucher Submission**

- A. All vouchers must be submitted using MCILS electronic case management program-system and comply with all instructions for use of the system.
- B. All time on vouchers shall be detailed and accounted for in .10 of an hour increments rounding up to the nearest .10 of an hour. The purpose ~~for of~~ each time entry must be ~~self-evident or~~ specifically stated by using the most relevant time entry category and providing a reasonably descriptive time-entry comment/note for each time entry. ~~Use of the comment section is recommended.~~
- ~~B.C.~~ Unless otherwise stated in this Chapter, Counsel may only record and seek payment for actual time spent working on Counsel's appointed or assigned cases using the MCILS electronic case management programsystem. Counsel may not record a minimum amount for any time entries notwithstanding any previous policy or practice of the Commission.
- D. All expenses claimed for reimbursement must be fully itemized on the voucher. Copies of receipts for payments to third parties shall be retained and appended to the voucher.

5. Payments & Reimbursement of Expenses for Attending Training

A. Payments to attend and reimbursement of expenses incurred incidental to attending trainings are governed by Chapter 301-A.

B. Vouchers submitted in accordance with Chapter 301-A shall be submitted within 90 calendar days of attending the training.

Notwithstanding any other provision of this Chapter or other Commission rules, untimely vouchers for payment or reimbursement of expenses governed by Chapter 301-A will not be paid.

STATUTORY AUTHORITY: 4 M.R.S. §§ 1804(2)(F), (3)(B), (3)(F) and (4)(D)

EFFECTIVE DATE:

August 21, 2011 – filing 2011-283

AMENDED:

March 19, 2013 – filing 2013-062

July 1, 2013 – filing 2013-150 (EMERGENCY)

October 5, 2013 – filing 2013-228

July 1, 2015 – filing 2015-121 (EMERGENCY)

June 10, 2016 – filing 2016-092

July 21, 2021 – filing 2021-149 (EMERGENCY)

January 17, 2022 – filing 2022-007

Chapter 301-A: PAYMENT FOR ATTENDING AND REIMBURSEMENT OF EXPENSES INCIDENTAL TO ATTENDING TRAININGS

Summary: This Chapter establishes eligibility for payment to private court and/or Commission assigned counsel for attending and reimbursement of expenses incidental to attending trainings. This Chapter also sets forth administrative procedures for payment and reimbursement of eligible training expenses. This Chapter supersedes the Payments for Attending Training Policy, which was promulgated on February 22, 2023.

SECTION 1. DEFINITIONS

1. Court Assigned Counsel. “Court Assigned Counsel” means private counsel licensed to practice law in Maine, designated eligible to receive an assignment to a particular case, and initially assigned by a Court to represent a particular client in a particular matter. For the purposes of this rule, “Court Assigned Counsel” does not include any employee of MCILS.
2. Commission Assigned Counsel. “Commission Assigned Counsel” means private counsel licensed to practice in Maine, designated eligible to be assigned to provide a particular service or to represent a particular client in a particular matter, and assigned by MCILS to provide that service or represent a client. For the purposes of this rule, “Commission Assigned Counsel” does not include any employee of MCILS.
3. Counsel. As used in this Chapter “Counsel” means a court assigned counsel or Commission assigned counsel, or both.
4. MCILS or Commission. “MCILS” or “Commission” means the Commissioners of the Maine Commission on Indigent Legal Services.
5. Training Provided by the Commission. “Training Provided by the Commission” means and includes any training, whether or not that training qualifies for CLE credit through the Board of Overseers, that is:
 - a. Prepared and/or presented by MCILS staff at a MCILS sponsored event; or,
 - b. Prepared and/or presented on behalf of, or at the direction of, MCILS or its staff; and,
 - c. Is presented live, including live webcast; or,
 - d. Is presented through proctored playback of a recording, in whole or in part.

6. Executive Director. "Executive Director" means the Executive Director of MCILS or the Executive Director's decision-making designee.
7. On Camera. "On Camera" means that Counsel's camera is turned on, pointing toward Counsel, and Counsel's entire face is visible on the screen.

SECTION 2. ELIGIBILITY

1. The prerogative to request payment or reimbursement pursuant to this Chapter is limited to Counsel who—on the date the training occurs—are eligible to receive assignments through the MCILS system and are representing five or more assigned clients.
2. Payment or reimbursement pursuant to this Chapter will only be made to eligible counsel for payment to attend or reimbursement of expenses incidental to attending a training provided by the Commission.

SECTION 3. PAYMENT

1. To receive payment for attending a training, counsel must attend personally, be engaged with the training, and not otherwise engaged or multitasking during its presentation. Where a training may be provided remotely, counsel must be on camera during the entire presentation absent specific direction from the presenter to the contrary.
2. Notwithstanding any other provisions of this or other Commission rules, payment will only be made if counsel attends at least 75% of the instructional time of a training provided by the Commission. No payment will be made to counsel who attend less than 75% of the instructional time.
3. Payment will be made at the authorized rate in effect on the date of the training.
4. Payment will be made for actual training time attended, exclusive of breaks.
5. Payment will also be made at the then-current hourly rate for time spent traveling to and from the training.
6. Payment will be made in increments of .1 hours and only for time spent attending the training or traveling to and from the training. Counsel may not record, or seek payment for, any time spent opening or closing the case file as described in section 5(2), below.

SECTION 4. REIMBURSABLE EXPENSES

1. Reimbursable expenses include only:
 - a. Training registration fees.
 - b. Mileage. Mileage reimbursement shall be made at the State rate applicable to confidential state employees on the date of the travel. Mileage is calculated based upon the distance between the attorney's office address, or the location from which

the attorney departs for the training, whichever is nearer to the training, and the location of the training. If multiple attorneys travel to a training in a single vehicle, only one attorney may be reimbursed for the mileage.

- c. Tolls. Tolls for travel to and from the training. The attorney must have a receipt
- d. Hotels. Hotel stays necessary to attend a training are reimbursable at the [Standard Rate](#), as set by the U.S. General Services Administration, that is effective on the date of the hotel stay.
 - i. Counsel must receive prior written authorization from MCILS for hotel stays to be reimbursable.
 - ii. Absent exceptional circumstances and at the discretion of the Executive Director, hotel stays for attending trainings will not be authorized if the training is less than 35 miles from Counsel's office.
- e. Parking. Fees paid to park at a training.

SECTION 5. ADMINISTRATION.

1. Itemization of Claims. Claims for all expenses must be itemized and include documentation. Claims for mileage shall be itemized and include the start and end points for the travel in question.
2. Payment will be made through the MCILS electronic case management system. To request payment, counsel must:
 - a. Create a "case" in defenderData for each training for which counsel requests payment or reimbursement. If one training lasts multiple days, only one case should be entered for the entire training;
 - b. Court must be set to: Training;
 - c. The file type must be set to: TRAIN;
 - d. Client information must reflect counsel's first and last names. Other client demographic information does not need to be completed;
 - e. The docket number will be provided at the training and must be entered precisely as provided, or payment will not be available;
 - f. Assignment and disposition date must both be the date of the training for which payment is sought;
 - g. The charge sequence number must be: 100031;
 - h. The disposition must be: Attend Training;
 - i. The time entry for attendance must be: Attend MCILS training;
 - j. The time entry for travel must be: Training Travel;
 - k. Expenses, if any, must be itemized; and
 - l. Then create and submit a voucher.
3. Notwithstanding any other provision of any MCILS rule or policy, vouchers for payment for attending a training must be submitted within 90 days of the training without exception. Attorneys are encouraged to submit their vouchers at the conclusion of the training without delay.

4. The opportunity to request payment for attending trainings does not create a right to attend any specific number of trainings, or any particular training. There are, or may be, limits on the number of people who may attend a particular training. There are, or may be, limits on the eligibility to attend a particular training.

STATUTORY AUTHORITY: 4 M.R.S. §1804(2)(F),

EFFECTIVE DATE: