

**MCILS**

**April 10, 2024**

**Commissioner's Meeting  
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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**APRIL 10, 2024**

**COMMISSION MEETING**

**AGENDA**

- 1) Approval of the March 11, 2024 Commission Meeting Minutes
- 2) Executive session pursuant to 1 MRS § 405(6)(E) to discuss pending or contemplated litigation
- 3) Report of the Executive Director
  - a. Operations report
  - b. Budget update
  - c. Name change
  - d. Case staffing status report
  - e. Bar Admission Rule 11A amendment request
- 4) Briefing by AAG Hudson-MacRae on appeal hearing process
- 5) Rulemaking discussion – Chapters 2, 4, 301, 301-A, and 302
- 6) Set Date, Time and Location of Next Regular Meeting of the Commission
- 7) Public Comment

**Maine Commission on Indigent Legal Services – Commissioners Meeting  
March 11, 2024  
Meeting Minutes**

**Commissioners Present:** Donald Alexander, Randall Bates, Meegan Burbank, Michael Carey, Kimberly Monaghan, David Soucy, and Joshua Tardy.

**MCILS Staff Present:** Jim Billings and Ellie Maciag.

<b>Agenda Item</b>	<b>Discussion/Outcome</b>
Public Hearing on Chapter 2	<p><u>Executive Director Billings:</u> Chapter 2 is the eligibility rule. This draft includes clarifications to some of the definitions and a procedure added to provide for automatic ineligibility as it pertains to Chapter 4 caseload standards. Other than that, this draft is very similar to the current Chapter 2.</p> <p><u>Public Comment:</u> there was no public comment for, against, or neither for nor against the proposed rule. Public comment closed. Chair Tardy announced that written comments may be submitted until 5:00PM on March 22, 2024 via email to Executive Director Billings at <a href="mailto:jim.billings@maine.gov">jim.billings@maine.gov</a>.</p>
Executive Session	Commissioner Carey moved to go into executive session, pursuant to 1 M.R.S.A. § 405(6)(E), for discussion with legal counsel regarding pending or anticipated litigation; seconded by Chair Tardy. All voted in favor. The Commissioners went into Executive Session.
Approval of the February 12, 2024 Meeting Minutes	Commissioner Monaghan moved to approve the meeting minutes; seconded by Commissioner Carey. All voted in favor. Approved.
Report of the Executive Director	<p>Executive Director Billings provided the following report:</p> <p><u>Budget:</u> The Judiciary budget items are in front of Appropriations and Financial Affairs (AFA) and our statutory change package (LD 2219) is in front of the Judiciary Committee for a work session this afternoon. There is now a standalone emergency bill requiring 2/3 vote in the legislature for the 22 positions that were in the Governor’s budget proposal. We will still have the opportunity to argue for more positions and funding in front of AFA through the normal budget process. If signed, this emergency bill would allow us to start hiring immediately for the Aroostook and Bangor public defender offices instead of waiting 90 days after the close of the legislative session. This would</p>

Agenda Item	Discussion/Outcome
	<p>jumpstart our ability to hire for those two public defender offices by 3-4 months. We are still asking AFA for everything that was in the annual report, including the Aroostook, Bangor, Downeast, Lewiston/Auburn, and Midcoast offices, leaving southern Maine until FY 26. The Judiciary’s report to AFA left off the Midcoast office, but the Judiciary is supporting the rest of the offices and \$2 million in new funding. We would try to fund the new public defender offices with the \$2 million in new funding plus the \$1 million we have in carryover funds.</p> <p><u>Chair Tardy:</u> There was a standalone bill that was unanimous out of the Judiciary Committee that would allow us to immediately hire for the public defender offices if enacted with the emergency preamble. That \$2.2 million package would include 22 positions and two more brick-and-mortar offices. There is unanimous or near unanimous support for another \$2 million appropriation, which would allow us to open an additional two public defender offices.</p> <p><u>Chapter 4 Memo:</u> Executive Director Billings said that there have been complaints that Chapters 3 and 4 cause people to be without counsel. Staff reviewed the data and there are approximately 20,000 unallocated points (points between what attorneys have for a point limit and what they have for points). We have attorney capacity available—even in light of Chapter 4—to take all the cases off the list of individuals needing counsel. We have attorneys setting their caseloads in a way that makes their practice manageable for themselves. Over 40% of attorneys who have received a waiver that would allow them to exceed 270 points have not done so or have only done so by about 10%. There has been an increasing number of cases needing counsel, which seems unrelated to Chapter 4. We are back to about 85% of the roster numbers from December (prior to the implementation of Chapter 4). We have granted 25 out of 26 requests for caseload limit waivers. 60% of the cases on the list of those needing counsel could be handled by attorneys with basic Chapter 2 eligibility; no Chapter 3 eligibility would be required. This is consistent with what was reflected in the attorney burnout survey we conducted last year; attorneys are at capacity.</p> <p>Commissioner Burbank asked about how the numbers were calculated in terms of attorneys’ capacity to accept cases. Executive Director Billings replied that the numbers were based on what attorneys have reported as their workload allocation percentages.</p>

Agenda Item	Discussion/Outcome
Public Comment	<p data-bbox="506 233 1822 448"><u>Neil Prendergast, Esq.:</u> I have been doing some bail reviews in Aroostook County and wanted to register a concern about the way those are going. We have consistently been raising constitutional arguments about how clients have been sitting in jail for 30, 60, or 90 days without counsel. I have had one judge take it seriously once. The rest are dismissing the constitutional arguments and are not changing bail conditions. To the extent that the Court issued an administrative order saying this was going to happen, they are not making any changes to bail really at all.</p> <p data-bbox="506 492 1822 630"><u>Robert Ruffner, Esq.:</u> Echoed what Attorney Prendergast said. The response from the court is eye opening, and not in a good way. We are being used as an excuse to deny a remedy to people for their Sixth Amendment violations. At the 7-day review hearings, some judges have said that you cannot raise constitutional issues unless you previously filed a written motion.</p> <p data-bbox="506 673 1822 888">I apologize to the Commission staff for my Monday morning quarterbacking. I can only imagine how utterly unacceptable it must be to be putting up with comments in public meetings and at the legislature, to be undermined and have their integrity impugned by someone who should be supporting the best interests of the mission of the Commission. I appreciate the MCILS staff accepting my attempts to help and tolerating me. I would really hate it if staff had to put up with something more mean spirited and downright reprehensible from someone acting like a petulant child.</p> <p data-bbox="506 932 1822 1289"><u>Don Hornblower, Esq.:</u> I do not agree that the statutory and system changes have not been a major problem. Paul Corey and I organized 14 attorneys who were willing to take cases in Oxford County. All of us have been stricken from the list, presumably because of points. I didn't get any notice that I was at risk because of points. I called MCILS and was told we should all just apply for waivers; that's not going to happen. This is a huge problem. When I got under the points, I was put back on the roster, but I guess I was the only one, so I got overwhelmed with cases. The economic incentive here is for people to take easy cases; that's a problem. When I got the Androscoggin and Oxford lists, there were no attorneys taking substantive cases, but there were 11 and 10 cases, respectively taking LOD assignments. We need to ask LODs to take a case or two, or we need to tier the payment so attorneys who are taking difficult cases are getting paid more.</p>

Agenda Item	Discussion/Outcome
	<u>Robert Ruffner, Esq.</u> : All cases are paid hourly at the same rate. You cannot predict what is the most taxing case based only on the charge; any charge/case can be draining. There are many attorneys who are only on the LOD roster but maintain a caseload, such is the case in my firm.
Adjournment	The next meeting will be held on April 8, 2024 at 1:00PM.

## MAINE COMMISSION ON INDIGENT LEGAL SERVICES

**TO:** MCILS COMMISSIONERS  
**FROM:** JIM BILLINGS, EXECUTIVE DIRECTOR  
**SUBJECT:** OPERATIONS REPORTS  
**DATE:** April 9, 2024

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Attached you will find the March 2024, Operations Reports for your review and our discussion at the Commission meeting on April 10, 2024. A summary of the operations reports follows:

- 2,440 new cases were opened in the DefenderData system in March. This was a 69 case increase from February. Year to date, new cases are up 7.9% from last year from 22,480 at this time last year to 24,259 this year.
- The number of vouchers submitted electronically in March was 3,570 a decrease of 1 voucher from February, totaling \$3,853,058, a decrease of \$374,070 from February. Year to date, the number of submitted vouchers is up by approximately 14.4%, from 25,816 at this time last year to 29,559 this year, with the total amount for submitted vouchers up approximately 92.7%, from \$15,768,684 at this time last year to \$30,388,297 this year.
- In March, we paid 6,572 electronic vouchers totaling \$3,636,405 representing an increase of 3,159 vouchers and an increase of \$29,675 compared to February. Year to date, the number of paid vouchers is up approximately 13.9%, from 25,579 at this time last year to 29,154 this year, and the total amount paid is up approximately 88.7%, from \$15,656,425 this time last year to \$29,557,604 this year.
- The average price per voucher in March was \$1,106.64 up \$49.88 per voucher from February. Year to date, the average price per voucher is up approximately 66.6%, from \$608.52 at this time last year to \$1,013.84 this year.
- Petition, Release or Discharge and Probate had the highest average voucher in March. There were 30 vouchers exceeding \$7,500 paid in March. See attached addendum for details.
- In February, we issued 143 authorizations to expend funds: 62 for private investigators, 53 for experts, and 28 for miscellaneous services such as interpreters and transcriptionists. In March, we issued 160 authorizations to expend funds: 81 for private investigators, 42 for experts, and 37 for miscellaneous services. In March, we paid \$178,377 for experts and investigators, etc. One request was denied.
- There was one attorney suspension in March.
- In our All Other Account, the total expenses for the month of March were \$214,525. During March, approximately \$35,875 was devoted to the Commission's operating expenses.

- In the Personal Services Accounts, we had \$251,663 in expenses for the month of March.
- In the Revenue Account, February’s transfer of collected counsel fees from the Judicial Branch totaled \$35,668. We paid \$3,636,405 in counsel payments for the month of March.
- Exceptional results – see attached addendum.
- As of April 7, 2024, there are 154 rostered attorneys of which 103 are available for trial court level work.
- For the first 9 months of this fiscal year, submitted hours are up approximately 15.9% over the same 9-month period last year. And March 2024 submitted hours are 13% greater than March 2023 submitted hours.

<b>Submitted Hours</b>													
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Yearly Total
FY21	13,652	15,225	17,333	20,420	17,399	17,244	19,813	17,753	31,671	17,869	19,037	19,270	<b>226,687</b>
FY22	19,764	21,749	19,882	22,228	17,828	17,286	22,006	21,357	24,885	19,723	19,551	21,195	<b>247,454</b>
FY23	19,890	22,083	20,470	20,125	20,820	21,997	21,823	20,666	23,273	19,878	25,420	25,109	<b>261,556</b>
FY24	22,635	24,596	22,244	21,813	22,643	23,608	28,859	28,903	26,406				<b>221,709</b>

**Vouchers over \$7,500**

<b>Comment</b>	<b>Voucher Total</b>	<b>Case Total</b>
Homicide	\$37,355.52	\$37,355.52
Homicide	\$33,119.44	\$33,119.44
Homicide	\$27,588.84	\$36,242.44
Homicide	\$23,162.40	\$23,162.40
Burglary	\$19,065.00	\$19,065.00
PCR Homicide	\$18,492.56	\$18,492.56
Homicide	\$15,915.00	\$54,695.13
Homicide	\$14,906.18	\$39,067.87
Appeal/Domestic Violence Criminal Threatening	\$13,794.74	\$13,794.74
Assault	\$13,606.89	\$13,606.89
Child Protection Petition	\$13,163.56	\$13,163.56
Aggravated Trafficking	\$13,026.40	\$13,026.40
Assault	\$12,465.00	\$12,465.00
Homicide	\$11,323.28	\$24,215.16
OUI	\$11,040.00	\$11,040.00
PCR Homicide	\$10,638.50	\$10,638.50
Child Protection Petition	\$10,197.00	\$15,599.56
Domestic Violence Criminal Threatening	\$9,967.84	\$9,967.84
Elevated Aggravated Assault	\$9,372.36	\$14,753.80
Homicide	\$8,715.00	\$20,070.00
OUI	\$8,690.00	\$8,690.00
Gross Sexual Assault	\$8,511.40	\$36,449.60
Aggravated Assault	\$8,483.00	\$8,483.00
Domestic Violence Aggravated Assault	\$8,126.00	\$8,126.00
Manslaughter	\$8,115.00	\$8,115.00
Burglary	\$7,860.00	\$7,860.00
Child Protection Petition	\$7,853.28	\$7,853.28
NCR Petition for Release/Discharge	\$7,835.58	\$12,063.09
PCR Homicide	\$7,710.00	\$14,175.00
Child Protection Petition	\$7,526.00	\$8,654.00

## Good Outcomes

Review Date	Attorney	Charge(s)	Disposition
3/1/2024	Rhode, Jennifer	Unlawful Possession of Scheduled Drug	Dismissal after Proving Factual Innocence
3/1/2024	Paris, David	Poss. of Sexually Explicit Material	Not Guilty after Trial
3/1/2024	Dube, Daniel	DV Reckless Conduct(C), DV Reckless Conduct(D), VCR, Crim. Mischief	Not Guilty after Trial
3/28/2024	Tanous, Nolan	OUI (Drugs or Combo) - No Test	Not Guilty after Jury Trial
3/29/2024	Swanson, Adam	1 ct. Hunt or Possesss Moose During Closed Season, 1 ct. Hunt or Possess Moose without Permit, 1 ct. Wasting a Wild Bird or Wild Animal, 1 ct. Hunt without a Valid License, 1 ct. Hunting on Sunday	Not Guilty after Jury Trial on all counts except one which was dismissed before trial

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

**As of April 2, 2024**

<b><u>General Funds - 010-Z11201</u></b>	<b><u>QTR1</u></b>	<b><u>QTR2</u></b>	<b><u>QTR3</u></b>	<b><u>QTR4</u></b>	<b><u>TOTAL</u></b>	
Personal Services Allotment	\$ 513,974	\$ 794,706	\$ 1,213,498	\$ 1,295,200	\$ 3,817,378	656,453
Payroll to date	(421,815)	(394,907)	(658,996)	-	(1,475,718)	
Estimated payroll remaining	-	-	-	(596,444)	(596,444)	
<b>Total Personal Services available</b>	<b>\$ 92,159</b>	<b>\$ 399,799</b>	<b>\$ 554,502</b>	<b>\$ 698,756</b>	<b>\$ 1,745,216</b>	
All Other Allotment	\$ 6,334,259	\$ 7,569,389	\$ 4,204,518	\$ 404,570	\$ 18,512,736	(656,453)
Expenditures to date	(5,987,148)	(7,565,389)	(4,217,821)	-	(17,770,359)	
Encumbrances	(347,109)	(3,999)	14,658	-	(336,451)	
<b>Total All Other Available</b>	<b>\$ 1</b>	<b>\$ 1</b>	<b>\$ 1,355</b>	<b>\$ 404,570</b>	<b>\$ 405,926</b>	

**Unencumbered balance forward 0.00**

<b><u>Other Special Revenue Funds - 014-Z11201</u></b>	<b><u>QTR1</u></b>	<b><u>QTR2</u></b>	<b><u>QTR3</u></b>	<b><u>QTR4</u></b>	<b><u>TOTAL</u></b>	
Personal Services Allotment	\$ 199,948	\$ 183,210	\$ 199,948	\$ 98,063	\$ 681,169	
Payroll to date	(177,188)	(155,483)	(186,558)	-	(519,230)	
Estimated payroll remaining	-	-	-	(163,658)	(163,658)	
<b>Total Personal Services available</b>	<b>\$ 22,760</b>	<b>\$ 27,727</b>	<b>\$ 13,390</b>	<b>\$ (65,595)</b>	<b>\$ (1,719)</b>	<b>Q4 FO may be needed</b>
All Other Allotment	\$ 3,050,247	\$ 3,072,747	\$ 11,057,811	\$ 14,991,638	\$ 32,172,443	*FO UBF \$10M Q4/Rec'd
Expenditures to date	(3,050,246)	(3,072,747)	(6,990,336)	-	(13,113,329)	
Encumbrances	-	-	-	-	-	
<b>Total All Other Available</b>	<b>\$ 1</b>	<b>\$ 0</b>	<b>\$ 4,067,475</b>	<b>\$ 14,991,638</b>	<b>\$ 19,059,114</b>	

**CASH ON HAND 4/2/2024 \$ 19,682,825.76**

<b><u>Other Special Revenue Funds - 014-Z11202</u></b>	<b><u>QTR1</u></b>	<b><u>QTR2</u></b>	<b><u>QTR3</u></b>	<b><u>QTR4</u></b>	<b><u>TOTAL</u></b>
All Other Allotment	\$ -	\$ 16,704	\$ 26,962	\$ 13,334	\$ 57,000
Expenditures to date	-	(16,703)	(1,203)	-	(17,907)
Encumbrances	-	-	-	-	-
<b>Total All Other Available</b>	<b>\$ -</b>	<b>\$ 1</b>	<b>\$ 25,759</b>	<b>\$ 13,334</b>	<b>\$ 39,093</b>

**CASH ON HAND 4/2/2024 \$ 13,326.12**

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

**CASH ON HAND 4/2/2024 \$ -**

<b><u>ARPA Funds - 023-Z11201</u></b>	<b><u>QTR1</u></b>	<b><u>QTR2</u></b>	<b><u>QTR3</u></b>	<b><u>QTR4</u></b>	<b><u>TOTAL</u></b>
All Other Allotment	\$ -	\$ -	\$ 1,500,000	\$ -	\$ 1,500,000
Expenditures to date	-	-	-	-	-
Encumbrances	-	-	-	-	-
<b>Total All Other Available</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,500,000</b>	<b>\$ -</b>	<b>\$ 1,500,000</b>

**CASH ON HAND 4/2/2024 \$ -**

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

**Activity Report by Case Type**

3/31/2024

DefenderData Case Type	Mar-24						Fiscal Year 2024			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	10	31	\$75,687.32	21	\$ 54,747.91	\$2,607.04	137	165	\$ 502,464.18	\$3,045.24
Central Office Resource Counsel	0	3	\$645.00	4	\$ 1,575.00	\$393.75	6	34	\$ 46,505.00	\$1,367.79
Child Protection Petition	224	442	\$624,209.88	362	\$ 522,917.42	\$1,444.52	1,623	3,100	\$ 3,975,684.32	\$1,282.48
Drug Court	8	19	\$34,791.00	15	\$ 22,193.50	\$1,479.57	50	134	\$ 287,069.54	\$2,142.31
Emancipation	5	6	\$5,794.12	4	\$ 2,721.00	\$680.25	56	48	\$ 46,510.68	\$968.97
Felony	549	1,006	\$1,416,843.48	937	\$ 1,402,052.64	\$1,496.32	5,887	7,082	\$ 10,022,567.53	\$1,415.22
Involuntary Civil Commitment	134	122	\$65,991.86	105	\$ 56,200.42	\$535.24	1,006	866	\$ 493,837.49	\$570.25
Juvenile	81	147	\$160,645.12	141	\$ 178,422.43	\$1,265.41	895	809	\$ 964,786.30	\$1,192.57
Lawyer of the Day - Custody	273	226	\$156,576.50	230	\$ 153,550.30	\$667.61	2,343	2,252	\$ 1,479,083.74	\$656.79
Lawyer of the Day - Juvenile	11	11	\$5,118.80	9	\$ 7,639.00	\$848.78	149	150	\$ 89,529.40	\$596.86
Lawyer of the Day - Walk-in	140	142	\$99,411.01	133	\$ 88,966.94	\$668.92	1,267	1,271	\$ 848,235.89	\$667.38
MCILS Provided Training	60	42	\$15,089.51	7	\$ 6,397.01	\$913.86	574	506	\$ 376,453.45	\$743.98
Misdemeanor	801	1,076	\$833,978.50	994	\$ 765,645.20	\$770.27	8,595	9,477	\$ 6,550,181.44	\$691.17
Petition, Modified Release Treatment	0	7	\$6,832.53	5	\$ 4,327.53	\$865.51	5	29	\$ 30,254.34	\$1,043.25
Petition, Release or Discharge	0	0		1	\$ 7,835.58	\$7,835.58	2	9	\$ 31,960.81	\$3,551.20
Petition, Termination of Parental Rights	0	23	\$36,599.82	29	\$ 45,966.47	\$1,585.05	119	534	\$ 896,616.01	\$1,679.06
Post Conviction Review	1	18	\$65,670.47	21	\$ 66,914.50	\$3,186.40	43	108	\$ 328,584.70	\$3,042.45
Probate	4	3	\$16,922.26	3	\$ 16,629.26	\$5,543.09	17	31	\$ 69,021.06	\$2,226.49
Probation Violation	132	138	\$115,556.00	137	\$ 113,228.51	\$826.49	1,189	1,263	\$ 1,061,709.01	\$840.62
Represent Witness on 5th Amendment	6	5	\$8,943.69	3	\$ 720.00	\$240.00	24	13	\$ 8,838.50	\$679.88
Resource Counsel Criminal	0	4	\$1,335.00	3	\$ 960.00	\$320.00	6	33	\$ 13,494.00	\$408.91
Resource Counsel Juvenile	0	1	\$150.00	1	\$ 525.00	\$525.00	1	9	\$ 2,805.00	\$311.67
Resource Counsel Mental Health	0	2	\$420.00	2	\$ 615.00	\$307.50	1	4	\$ 810.00	\$202.50
Resource Counsel NCR	0	0		0			0	0		
Resource Counsel Protective Custody	0	4	\$8,974.00	4	\$ 4,335.00	\$1,083.75	6	29	\$ 44,788.50	\$1,544.43
Review of Child Protection Order	0	92	\$96,872.22	114	\$ 110,864.33	\$ 972.49	249	1191	\$ 1,382,385.87	\$ 1,160.69
Revocation of Administrative Release	1	0		1	\$ 456.00	\$456.00	9	7	\$ 3,428.00	\$489.71
Weapons Restrictions Case	0	0		0			0	0		
<b>TOTAL</b>	<b>2,440</b>	<b>3,570</b>	<b>\$3,853,058.09</b>	<b>6,572</b>	<b>\$ 3,636,405.95</b>	<b>\$1,106.64</b>	<b>24,259</b>	<b>29,154</b>	<b>\$ 29,557,604.76</b>	<b>\$ 1,013.84</b>

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

3/31/2024

Court	Mar-24						Fiscal Year 2024			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	0	1	\$1,192.50	1	\$ 1,770.00	\$1,770.00	5	11	\$ 10,641.90	\$967.45
AUBSC	2	0		0			8	12	\$ 12,954.32	\$1,079.53
AUGDC	47	73	\$125,517.00	89	\$ 135,049.97	\$1,517.42	445	596	\$ 786,937.02	\$1,320.36
AUGSC	0	7	\$6,832.53	7	\$ 13,423.11	\$1,917.59	9	39	\$ 69,687.76	\$1,786.87
BANDC	56	90	\$75,775.90	64	\$ 58,033.54	\$906.77	493	765	\$ 661,678.39	\$864.94
BANSC	1	1	\$1,020.00	0			2	8	\$ 3,375.16	\$421.90
BATSC	0	1	\$1,155.00	0			1	1	\$ 555.00	\$555.00
BELDC	11	20	\$17,433.33	38	\$ 72,747.94	\$1,914.42	124	206	\$ 261,860.31	\$1,271.17
BELSC	0	0		0			4	1	\$ 1,532.48	\$1,532.48
BIDDC	46	63	\$73,969.90	56	\$ 60,468.16	\$1,079.79	418	505	\$ 622,111.12	\$1,231.90
BRIDC	5	15	\$20,314.21	15	\$ 25,008.20	\$1,667.21	92	87	\$ 99,526.27	\$1,143.98
CALDC	1	7	\$5,614.00	11	\$ 10,165.70	\$924.15	55	74	\$ 74,204.46	\$1,002.76
CARDC	7	11	\$8,814.00	12	\$ 10,915.00	\$909.58	51	121	\$ 133,306.38	\$1,101.71
CARSC	0	1	\$675.00	1	\$ 675.00	\$675.00	6	2	\$ 3,645.00	\$1,822.50
DOVDC	8	9	\$5,700.00	6	\$ 6,122.10	\$1,020.35	47	88	\$ 93,412.94	\$1,061.51
DOVSC	0	0		1	\$ 1,290.00	\$ 1,290.00	2	1	\$ 1,290.00	\$1,290.00
ELLDC	32	47	\$68,922.84	30	\$ 34,899.50	\$1,163.32	115	258	\$ 339,873.31	\$1,317.34
ELLSC	0	0		0			0	0		
FARDC	10	25	\$37,281.54	18	\$ 22,882.18	\$1,271.23	126	169	\$ 163,574.30	\$967.90
FARSC	0	0		0			2	2	\$ 2,055.00	\$1,027.50
FORDC	2	10	\$10,699.50	9	\$ 12,367.28	\$1,374.14	65	99	\$ 123,451.26	\$1,246.98
HOUDC	9	16	\$16,990.78	20	\$ 32,423.71	\$1,621.19	84	165	\$ 199,820.36	\$1,211.03
HOUSC	0	1	\$ 525.00	1	\$ 525.00	\$ 525.00	1	3	\$ 4,568.00	\$1,522.67
LEWDC	47	110	\$121,251.66	81	\$ 87,395.57	\$1,078.96	464	759	\$ 887,963.48	\$1,169.91
LINDC	0	7	\$7,975.04	6	\$ 6,380.04	\$1,063.34	31	69	\$ 86,026.10	\$1,246.76
MACDC	6	11	\$11,386.00	13	\$ 13,562.00	\$1,043.23	46	66	\$ 72,027.37	\$1,091.32
MACSC	0	0		0			1	1	\$ 1,185.00	\$1,185.00
MADDC	0	1	\$ 975.00	1	\$ 975.00	\$ 975.00	7	1	\$ 975.00	\$975.00
MILDC	0	2	\$1,620.00	2	\$ 1,620.00	\$810.00	6	9	\$ 6,594.00	\$732.67
NEWDC	22	23	\$19,198.18	16	\$ 13,219.88	\$826.24	92	178	\$ 166,579.68	\$935.84
PORDC	79	125	\$153,770.60	94	\$ 111,058.86	\$1,181.48	660	816	\$ 961,870.48	\$1,178.76
PORSC	3	0		1	\$ 360.00	\$360.00	10	16	\$ 58,126.00	\$3,632.88
PREDC	10	20	\$35,200.31	18	\$ 20,066.50	\$1,114.81	77	166	\$ 227,532.51	\$1,370.68
RODC	16	16	\$21,364.42	26	\$ 27,564.42	\$1,060.17	118	161	\$ 168,487.85	\$1,046.51
ROSC	0	1	\$5,413.00	1	\$ 5,413.00	\$5,413.00	4	4	\$ 6,972.00	\$1,743.00
RUMDC	11	23	\$31,931.00	19	\$ 20,105.54	\$1,058.19	86	169	\$ 233,702.06	\$1,382.85
SKODC	30	67	\$69,014.80	61	\$ 60,958.90	\$999.33	248	542	\$ 605,396.09	\$1,116.97
SKOSC	0	0		0			3	4	\$ 5,531.04	\$1,382.76
SOUDC	5	19	\$33,551.80	14	\$ 22,188.80	\$1,584.91	89	156	\$ 264,661.95	\$1,696.55
SOUSC	2	2	\$1,275.00	2	\$ 1,275.00	\$637.50	6	4	\$ 14,172.94	\$3,543.24
SPRDC	6	16	\$16,818.26	25	\$ 34,810.26	\$1,392.41	82	230	\$ 285,640.89	\$1,241.92
Law Ct	8	25	\$63,989.79	18	\$ 50,414.41	\$2,800.80	113	127	\$ 412,809.16	\$3,250.47
Training	58	48	\$24,093.51	14	\$ 11,707.01	\$836.22	571	553	\$ 449,946.95	\$813.65
YORCD	277	379	\$439,817.09	391	\$ 444,053.27	\$1,135.69	2,869	3,320	\$ 3,310,129.48	\$997.03
AROCD	133	201	\$229,149.97	159	\$ 179,013.04	\$1,125.87	1,487	1,741	\$ 1,872,895.52	\$1,075.76
ANDCD	172	261	\$227,521.45	234	\$ 223,796.28	\$956.39	1,705	2,100	\$ 1,915,555.25	\$912.17
KENCD	124	159	\$168,904.68	155	\$ 166,034.51	\$1,071.19	2,038	2,094	\$ 1,719,859.40	\$821.33
PENCD	184	299	\$317,453.60	303	\$ 317,520.54	\$1,047.92	2,311	2,608	\$ 2,388,148.01	\$915.70
SAGCD	49	26	\$24,497.40	22	\$ 17,529.36	\$796.79	400	373	\$ 357,324.83	\$957.98
WALCD	67	71	\$83,594.94	99	\$ 141,629.63	\$1,430.60	602	570	\$ 588,165.50	\$1,031.87
PISCD	15	18	\$17,235.25	12	\$ 12,764.25	\$1,063.69	145	145	\$ 148,362.88	\$1,023.19
HANCD	65	112	\$104,524.01	105	\$ 91,414.30	\$870.61	605	744	\$ 691,960.14	\$930.05
FRACD	36	67	\$57,706.88	63	\$ 51,442.44	\$816.55	417	534	\$ 426,600.82	\$798.88
WASCD	61	47	\$111,327.47	44	\$ 77,535.02	\$1,762.16	510	459	\$ 602,976.84	\$1,313.68
CUMCD	411	521	\$544,719.38	473	\$ 526,107.25	\$1,112.28	3,366	3,583	\$ 3,640,190.34	\$1,015.96
KN OCD	66	61	\$63,980.42	40	\$ 40,942.92	\$1,023.57	477	470	\$ 534,117.72	\$1,136.42
SOMCD	98	125	\$105,588.46	142	\$ 121,518.38	\$855.76	833	949	\$ 829,737.53	\$874.33
OXFCD	63	164	\$122,668.87	124	\$ 90,948.71	\$733.46	818	1,131	\$ 772,807.50	\$683.30
LINCD	45	64	\$59,245.54	57	\$ 52,503.62	\$921.12	428	377	\$ 340,709.71	\$903.74
WATDC	11	36	\$33,403.30	41	\$ 50,800.36	\$1,239.03	165	377	\$ 391,203.10	\$1,037.67
WESDC	17	21	\$15,870.00	17	\$ 16,875.00	\$992.65	149	207	\$ 248,657.32	\$1,201.24
WISDC	5	10	\$13,450.48	5	\$ 6,079.00	\$1,215.80	39	73	\$ 94,423.14	\$1,293.47
WISSC	0	0		0			1	2	\$ 630.00	\$315.00
YORDC	1	12	\$10,577.50	6	\$ 13,501.49	\$2,250.25	18	46	\$ 85,147.41	\$1,851.03
<b>TOTAL</b>	<b>2,440</b>	<b>3,570</b>	<b>\$3,853,058.09</b>	<b>3,286</b>	<b>\$3,636,405.95</b>	<b>\$1,106.64</b>	<b>24,259</b>	<b>29,154</b>	<b>\$29,557,604.76</b>	<b>\$1,013.84</b>

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY24 FUND ACCOUNTING**  
AS OF 03/31/2024

Account 010 95F Z112 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY24 Total
FY24 Professional Services Allotment		\$ 7,783,128.77		\$ 4,923,712.00		\$ 4,923,711.00		\$ 4,923,711.00	\$ 22,554,262.77
FY24 General Operations Allotment		\$ 48,000.00		\$ 48,000.00		\$ 48,000.00		\$ 48,000.00	\$ 192,000.00
FY23 carry forward appropriation		\$ -		\$ 1,255,608.01		\$ -		\$ -	\$ -
FY23 carry forward appropriation		\$ -		\$ (0.01)		\$ -		\$ -	\$ 1,255,608.01
Budget Order Adjustment		\$ (1,496,870.00)		\$ 1,496,870.00		\$ -		\$ -	\$ -
Budget Order Adjustment		\$ -		\$ (197,532.00)		\$ 197,532.00		\$ -	\$ -
Budget Order Adjustment		\$ -		\$ -		\$ 444,809.00		\$ (444,809.00)	\$ -
Financial Order Adjustment		\$ -		\$ 42,731.00		\$ (753,081.00)		\$ (4,122,332.00)	\$ (4,832,682.00)
Transfer to payroll services for new positions		\$ -		\$ -		\$ (656,453.00)		\$ -	\$ (656,453.00)
<b>Total Budget Allotments</b>		<b>\$ 6,334,258.77</b>		<b>\$ 7,569,389.00</b>		<b>\$ 4,204,518.00</b>		<b>\$ 404,570.00</b>	<b>\$ 18,512,735.78</b>
<b>Total Expenses</b>									
	1	\$ (2,941,048.40)	4	\$ (3,750,984.71)	7	\$ (3,005,424.00)	10	\$ -	
	2	\$ (2,953,206.21)	5	\$ (1,504,762.41)	8	\$ (998,144.62)	11	\$ -	
	3	\$ (92,893.88)	6	\$ (2,309,642.06)	9	\$ (214,252.73)	12	\$ -	
FY23 carry forward appropriation		\$ -		\$ -		\$ -		\$ -	\$ 1,255,608.01
FY23 carry forward encumbrances		\$ -		\$ -		\$ -		\$ -	\$ (587,542.77)
Encumbrances (Justice Works)		\$ (82,212.00)		\$ 24,108.00		\$ 23,037.00		\$ -	\$ (35,067.00)
Encumbrances (Justice Works for PD users access)		\$ -		\$ -		\$ (43,100.00)		\$ -	\$ (43,100.00)
Encumbrances (B Taylor)		\$ (13,260.00)		\$ (61,880.00)		\$ 22,099.99		\$ -	\$ (53,040.01)
Encumbrances (CTB for non attorney expenses)		\$ 179,235.71		\$ 15,080.35		\$ 7,538.86		\$ -	\$ 201,854.92
Encumbrance (Legal Case Management Accelerator User assistance)		\$ (5,550.00)		\$ 5,550.00		\$ -		\$ -	\$ -
Encumbrance (Justin Andrus contract for temp services)		\$ (125,693.60)		\$ 3,156.50		\$ 1,327.50		\$ -	\$ (121,209.60)
Online Legal Research Services		\$ (46,979.20)		\$ 10,014.51		\$ 10,081.05		\$ -	\$ (26,883.64)
Encumbrance (K. Guillory contract for website maintenance)		\$ (1,000.00)		\$ -		\$ -		\$ -	\$ (1,000.00)
Encumbrance (business cards)		\$ -		\$ (28.50)		\$ (26.50)		\$ -	\$ (55.00)
Encumbrance (videographer)		\$ -		\$ -		\$ (6,300.00)		\$ -	\$ (6,300.00)
		\$ -		\$ -		\$ -		\$ -	\$ -
FY22 CTB Balance Carry Forward		\$ (251,650.23)		\$ -		\$ -		\$ -	\$ (251,650.23)
<b>TOTAL REMAINING</b>		<b>\$ 0.96</b>		<b>\$ 0.68</b>		<b>\$ 1,354.55</b>		<b>\$ 404,570.00</b>	<b>\$ 405,926.19</b>

Q3 Month 9	
<b>INDIGENT LEGAL SERVICES</b>	
Counsel Payments	\$ -
Interpreters	\$ (9,389.11)
Private Investigators	\$ (31,631.40)
Mental Health Expert	\$ (62,972.96)
Misc Prof Fees & Serv	\$ (1,972.44)
Transcripts	\$ (9,536.96)
Other Expert	\$ (61,865.58)
Subpoena witness	\$ -
Process Servers	\$ (1,008.72)
<b>SUB-TOTAL ILS</b>	<b>\$ (178,377.17)</b>
<b>OPERATING EXPENSES</b>	
Risk Management Insurances	\$ -
Barbara Taylor monthly fees	\$ (5,893.33)
OIT/TELCO	\$ (10,524.00)
Mileage/Tolls/Parking	\$ (5,196.24)
Mailing/Postage/Freight	\$ (591.32)
West Publishing Corp	\$ (3,632.39)
Legal services for staff	\$ -
Office Supplies/Equip.	\$ (298.58)
Cellular Phones	\$ (1,006.33)
Periodicals/Books	\$ -
Employee/counsel lodging	\$ (344.98)
Service center quarterly payment	\$ -

INDIGENT LEGAL SERVICES	
Q3 Allotment	\$ 4,204,518.00
Encumbrances for Justice Works contract	\$ 23,037.00
Encumbrances for Justice Works contract for PD users access	\$ (43,100.00)
Barbara Taylor Contract	\$ 22,099.99
CTB Encumbrance for non attorney expenses	\$ 7,538.86
Encumbrance for Videographer	\$ (6,300.00)
Encumbrance for Justin Andrus contract for temp services	\$ 1,327.50
Legal Case Management Accelerator User Assistance	\$ -
Online Legal Research Services	\$ 10,081.05
Encumbrance (K. Guillory contract for website maintenance)	\$ -
Encumbrance (business cards)	\$ (26.50)
Expenses to date	\$ (4,217,821.35)
Remaining Q3 Allotment	\$ 1,354.55

Non-Counsel Indigent Legal Services	
Monthly Total	\$ (178,377.17)
Total Q1	\$ 386,083.19
Total Q2	\$ 356,772.26
Total Q3	\$ 565,646.09
Total Q4	\$ -
Fiscal Year Total	\$ 1,308,501.54

MAINE COMMISSION ON INDIGENT LEGAL SERVICES  
 FY24 FUND ACCOUNTING  
 AS OF 03/31/2024

Survey Monkey annual fee	\$	-
Central fleet vehicle lease	\$	(599.23)
Minor IT equipment/accessories	\$	(124.63)
Business cards	\$	-
Dues	\$	-
Registration fees	\$	(580.00)
Sales tax paid	\$	-
Justice Works	\$	(7,068.00)
Parking fees for Lewiston	\$	-
Staff meals & gratuity	\$	(16.53)
AAG Legal Svcs Quarterly Payment	\$	-
<b>SUB-TOTAL OE</b>	<b>\$</b>	<b>(35,875.56)</b>
<b>TOTAL</b>	<b>\$</b>	<b>(214,252.73)</b>

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY24 FUND ACCOUNTING

As of 03/31/2024

Account 014 95F Z112 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY24 Total
<b>Original Total Budget Allotments</b>		\$ 7,197,529.00		\$ 4,991,638.00		\$ 4,991,638.00		\$ 4,991,638.00	\$ 22,172,443.00
		\$ -		\$ -		\$ -		\$ -	\$ -
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	\$ -
Financial Order Allotment Adjustment		\$ -		\$ -		\$ -		\$ 10,000,000.00	\$ -
Budget Order Adjustment		\$ (4,147,282.00)		\$ 4,147,282.00		\$ -		\$ -	\$ -
Budget Order Adjustment		\$ -		\$ (6,066,173.00)		\$ 6,066,173.00		\$ -	\$ -
<b>Total Budget Allotments</b>		\$ 3,050,247.00		\$ 3,072,747.00		\$ 11,057,811.00		\$ 14,991,638.00	\$ 32,172,443.00
Cash Carryover from Prior Quarter		\$ -		\$ -		\$ -		\$ -	\$ -
Collected Revenue from JB	1	\$ 25,340.85	4	\$ 17,141.96	7	\$ 32,140.43	10	\$ -	\$ -
Collected Revenue from JB	2	\$ 40,622.70	5	\$ 33,740.51	8	\$ 35,668.00	11	\$ -	\$ -
Collected Revenue from JB	3	\$ 21,472.00	6	\$ 20,014.28	9	\$ -	12	\$ -	\$ -
Collected for reimbursement of counsel fees	1	\$ -	4	\$ 1,151.20	7	\$ 3,006.61	10	\$ -	\$ -
Collected for reimbursement of counsel fees	2	\$ 1,080.00	5	\$ -	8	\$ -	11	\$ -	\$ -
Collected for reimbursement of counsel fees	3	\$ -	6	\$ -	9	\$ 159.00	12	\$ -	\$ -
Maine Justice Foundation Grant		\$ -		\$ -		\$ 10,000.00		\$ -	\$ -
<b>TOTAL CASH PLUS REVENUE COLLECTED</b>		\$ 88,515.55		\$ 72,047.95		\$ 70,974.04		\$ -	\$ 231,537.54
Counsel Payments	1		4	\$ -	7	\$ (489,203.74)	10	\$ -	\$ -
Counsel Payments	2	\$ (93,716.08)	5	\$ (1,465,742.71)	8	\$ (2,819,787.16)	11	\$ -	\$ -
Counsel Payments	3	\$ (2,914,923.00)	6	\$ (1,565,387.04)	9	\$ (3,636,405.95)	12	\$ -	\$ -
				\$ -		\$ -		\$ -	\$ -
State Cap		\$ (41,606.93)		\$ (41,617.18)		\$ (44,939.41)		\$ -	\$ -
		\$ -		\$ -		\$ -		\$ -	\$ -
		\$ -		\$ -		\$ -		\$ -	\$ -
<b>REMAINING ALLOTMENT</b>		\$ 0.99		\$ 0.07		\$ 4,067,474.74		\$ 14,991,638.00	\$ 19,059,113.80

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY24 FUND ACCOUNTING**  
AS OF 03/31/2024

<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>FY24 Total</b>
FY24 Allotment		\$ 513,974.00		\$ 469,367.00		\$ 513,974.00		\$ 203,769.00	\$ 1,701,084.00
Financial Order Adjustments		\$ -		\$ 325,339.00		\$ 699,524.00		\$ 434,978.00	\$ 1,459,841.00
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	\$ -
Funding for additional staff		\$ -		\$ -		\$ -		\$ 656,453.00	\$ -
Projected savings-increase in attrition rate		\$ -		\$ -		\$ -		\$ -	\$ -
Carry forward Q1, Q2 & Q3 Allotment		\$ -		\$ -		\$ -		\$ -	\$ -
<b>Total Budget Allotments</b>		<b>\$ 513,974.00</b>		<b>\$ 794,706.00</b>		<b>\$ 1,213,498.00</b>		<b>\$1,295,200.00</b>	<b>\$ 3,817,378.00</b>
Total Expenses	1	\$ (125,464.57)	4	\$ (115,285.80)	7	\$ (260,396.68)	10	\$ -	
	2	\$ (176,263.37)	5	\$ (128,936.93)	8	\$ (201,488.18)	11	\$ -	
	3	\$ (120,087.49)	6	\$ (150,683.94)	9	\$ (197,110.90)	12	\$ -	
<b>TOTAL REMAINING</b>		<b>\$ 92,158.57</b>		<b>\$ 399,799.33</b>		<b>\$ 554,502.24</b>		<b>\$1,295,200.00</b>	<b>\$ 2,341,660.14</b>

<b>Q3 Month 9</b>	
Standard Overtime	\$ (351.52)
Permanent Regular	\$ (67,849.98)
Perm Vacation Pay	\$ (1,812.64)
Perm Holiday Pay	\$ (4,071.84)
Sick Pay	\$ (1,822.35)
Employee hlth svcs/workers comp	\$ (396.00)
Health Insurance	\$ (19,322.30)
Dental Insurance	\$ (496.40)
Employer Retiree Health	\$ (11,405.72)
Employer Retirement	\$ (7,448.12)
Employer Group Life	\$ (1,496.95)
Employer Medicare	\$ (1,856.11)
Retiree Unfunded Liability	\$ (21,600.34)
Longevity Pay	\$ (200.00)
Lim Perm Part Time Full Ben	\$ (4,412.92)
Limited Period Regular	\$ (45,323.35)
Limited Per Vacation Pay	\$ (3,089.84)
Limited Per Holiday Pay	\$ (2,469.60)
Limit Per Sick Pay	\$ (1,285.72)
Retro lump sum pymt	\$ (399.20)
<b>TOTAL</b>	<b>\$ (197,110.90)</b>

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY24 FUND ACCOUNTING**  
AS OF 03/31/2024

<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>FY24 Total</b>
FY24 Allotment		\$ 199,948.00		\$ 183,210.00		\$ 199,948.00		\$ 98,063.00	\$ 681,169.00
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Carry Forward Q1 & Q3 Allotment		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	
<b>Total Budget Allotments</b>		<b>\$ 199,948.00</b>		<b>\$ 183,210.00</b>		<b>\$ 199,948.00</b>		<b>\$ 98,063.00</b>	<b>\$ 681,169.00</b>
Total Expenses	1	\$ (51,673.18)	4	\$ (51,685.02)	7	\$ (75,829.14)	10	\$ -	
	2	\$ (73,802.05)	5	\$ (51,899.14)	8	\$ (56,176.10)	11	\$ -	
	3	\$ (51,713.22)	6	\$ (51,899.14)	9	\$ (54,552.88)	12	\$ -	
<b>TOTAL REMAINING</b>		<b>\$ 22,759.55</b>		<b>\$ 27,726.70</b>		<b>\$ 13,389.88</b>		<b>\$ 98,063.00</b>	<b>\$ 161,939.13</b>

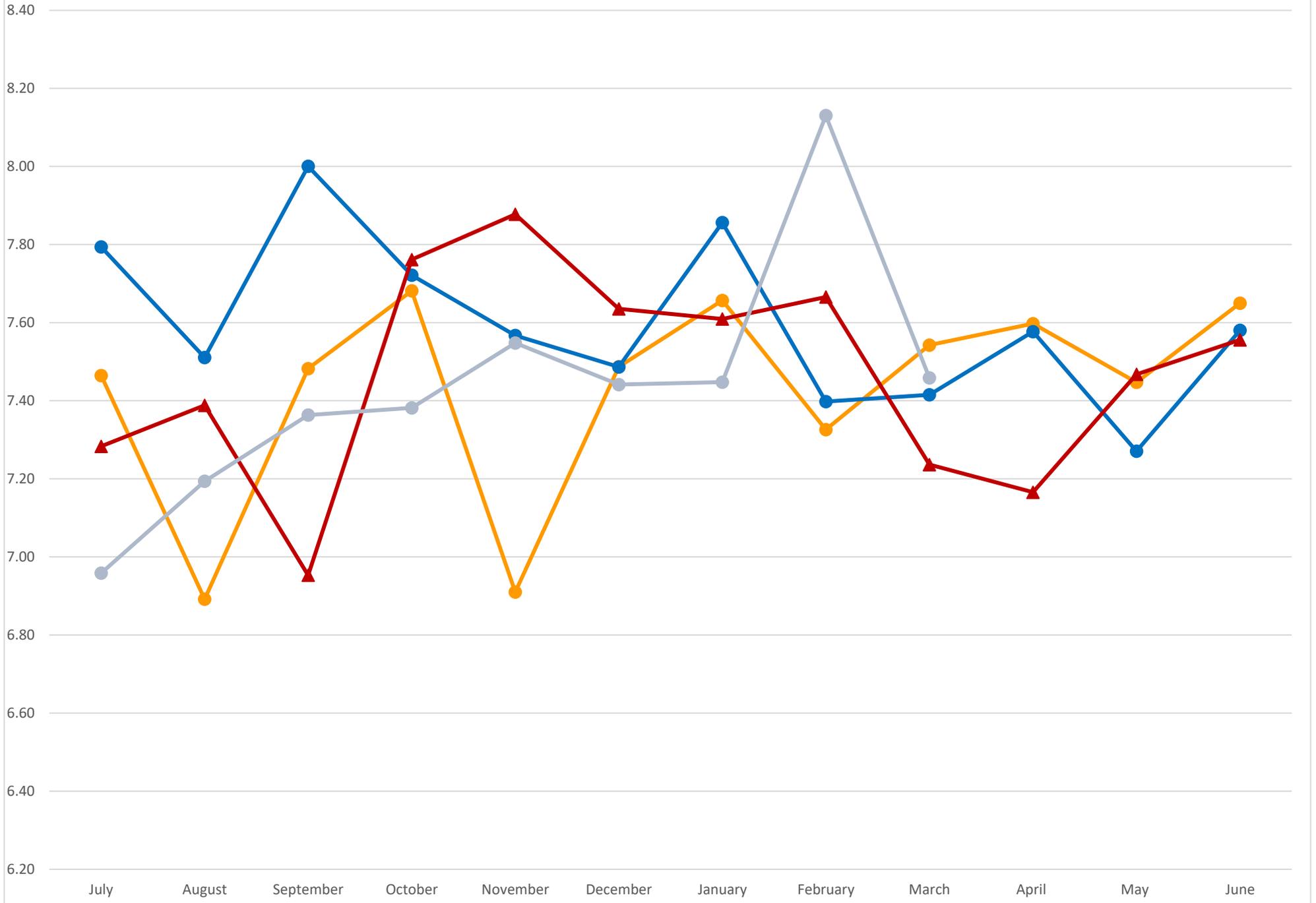
<b>Q3 Month 9</b>	
Standard Overtime	\$ -
Permanent Regular	\$ (24,409.44)
Perm Vacation Pay	\$ -
Perm Holiday Pay	\$ (1,359.20)
Perm Sick Pay	\$ (1,415.36)
Health Insurance	\$ (7,430.44)
Dental Insurance	\$ (146.00)
Employer Retiree Health	\$ (2,955.76)
Employer Retirement	\$ (2,974.12)
Employer Group Life	\$ (386.12)
Employer Medicare	\$ (465.18)
Retiree Unfunded Liability	\$ (5,597.66)
Limited Period Regular	\$ (6,301.08)
Limit Per Holiday Pay	\$ (365.28)
Limit Per Vacation Pay	\$ (182.64)
Limit Per Sick Pay	\$ (456.60)
Longevity Pay	\$ -
Employee Hlth SVS/Workers comp	\$ (108.00)
Perm Part Time Full Ben	\$ -
Retro Pay Contract	\$ -
Retro Lump Sum Pymt	\$ -
<b>TOTAL</b>	<b>\$ (54,552.88)</b>

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY24 FUND ACCOUNTING**  
AS OF 03/31/2024

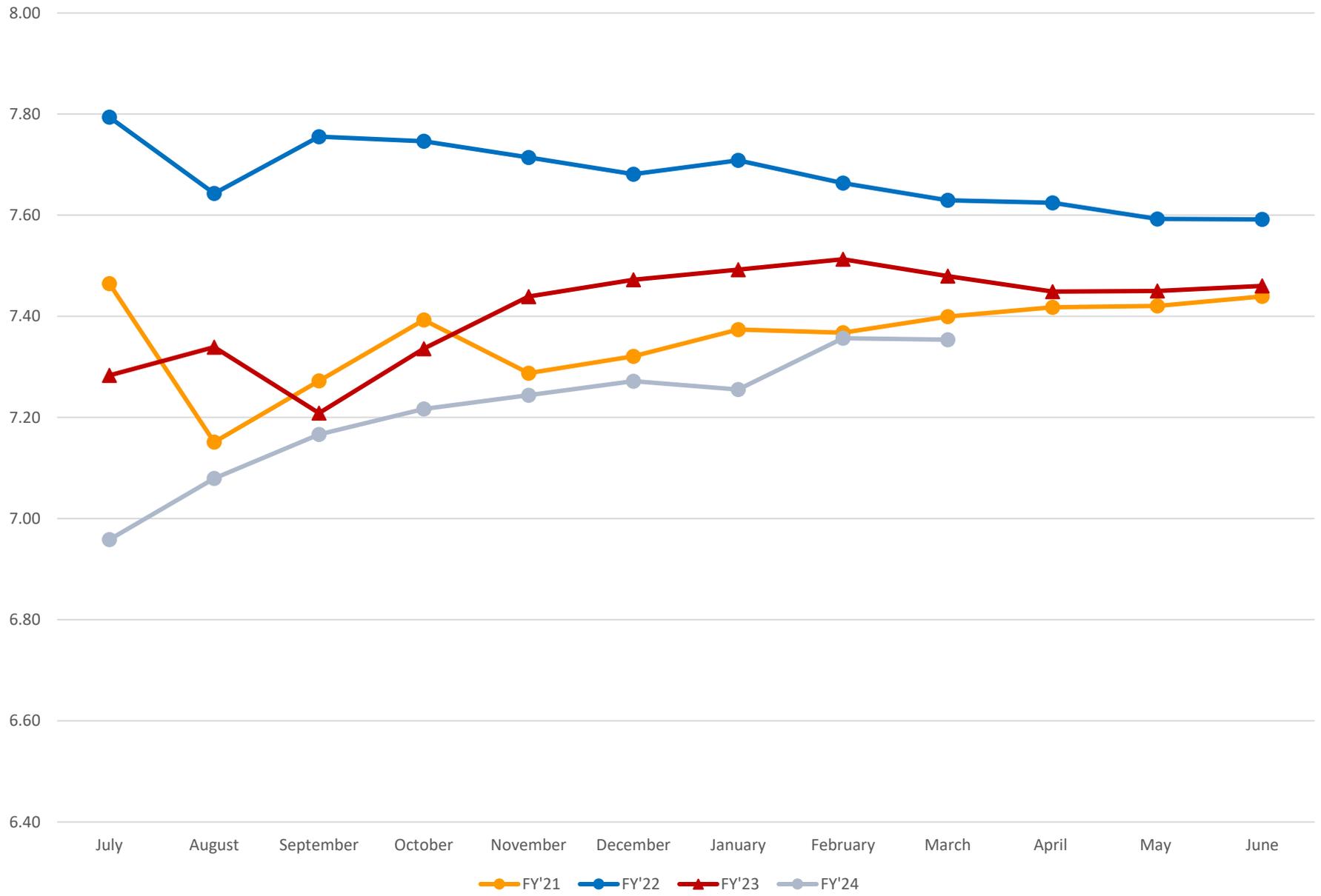
<b>Account 014 95F Z112 02 (Conference Account)</b>	<b>Mo.</b>	<b>Q1</b>	<b>Mo.</b>	<b>Q2</b>	<b>Mo.</b>	<b>Q3</b>	<b>Mo.</b>	<b>Q4</b>	<b>FY24 Total</b>
FY24 Allotment		\$ 13,333.00		\$ 17,000.00		\$ 13,333.00		\$ 13,334.00	\$ 57,000.00
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ (13,333.00)		\$ 13,333.00		\$ -		\$ -	
Budget Order Adjustments		\$ -		\$ (13,629.00)		\$ 13,629.00		\$ -	
Contribution from private source-JJAG		\$ -		\$ 5,000.00		\$ -		\$ -	\$ 5,000.00
<b>Total Budget Allotments</b>		<b>\$ -</b>		<b>\$ 16,704.00</b>		<b>\$ 26,962.00</b>		<b>\$ 13,334.00</b>	<b>\$ 57,000.00</b>
Total Expenses	1	\$ -	4	\$ (5,149.70)	7	\$ (584.16)	10	\$ -	
	2	\$ -	5	\$ (724.59)	8	\$ (603.48)	11	\$ -	
	3	\$ -	6	\$ (10,613.79)	9	\$ -	12	\$ -	
State cap		\$ -		\$ (215.35)		\$ (15.51)		\$ -	
<b>TOTAL REMAINING</b>		<b>\$ -</b>		<b>\$ 0.57</b>		<b>\$ 25,758.85</b>		<b>\$ 13,334.00</b>	<b>\$ 39,093.42</b>

<b>Q3 Month 9</b>	
Instructor & Speaker services	\$ -
Refreshments & Catered meals	\$ -
Sales tax	\$ -
Mileage & parking fees for staff	\$ -
Training rooms	\$ -
Registrations	\$ -
Lodging for counsel	\$ -
Mileage for counsel	\$ -
<b>TOTAL</b>	<b>\$ -</b>

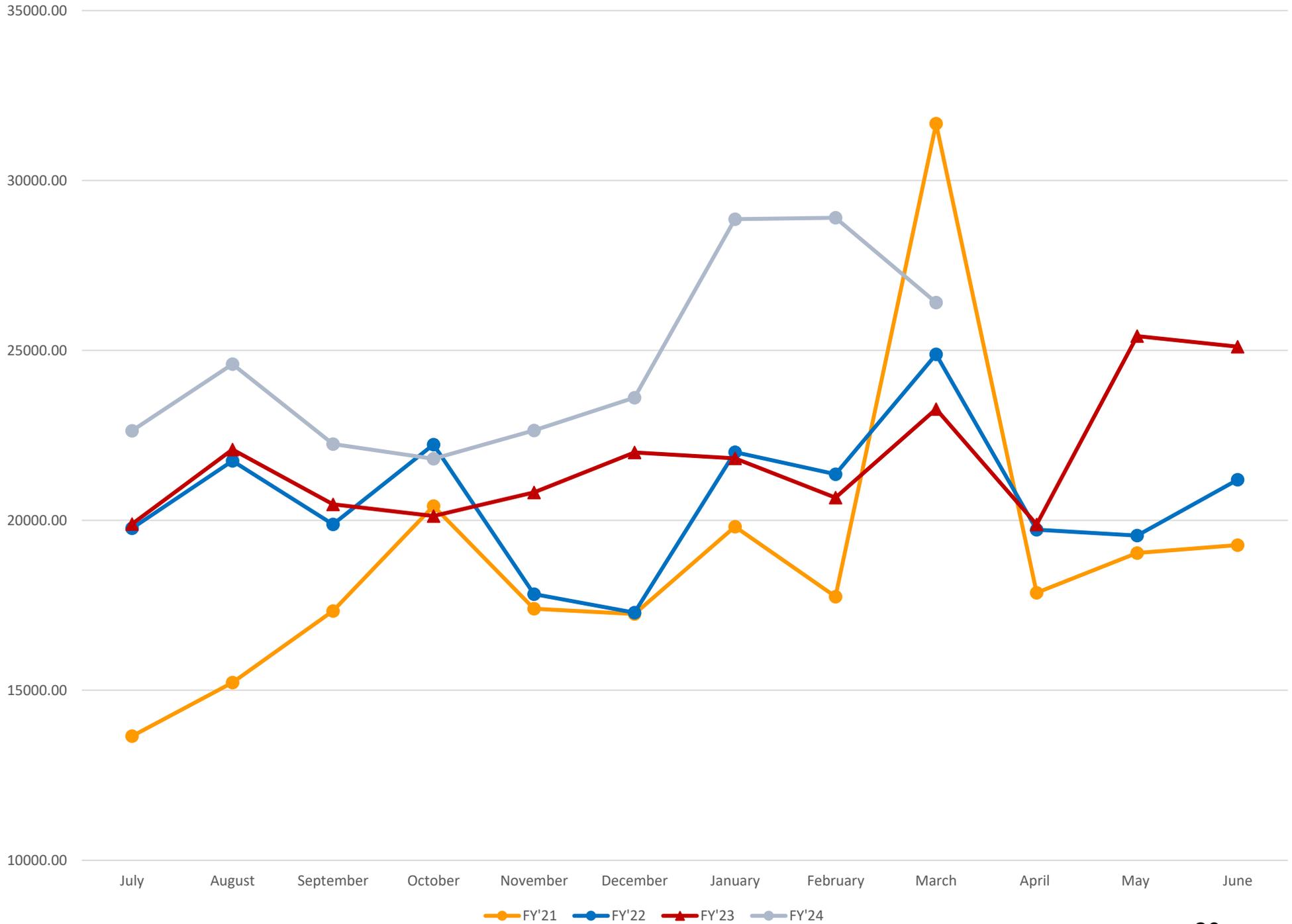
Monthly Average Hours per Voucher



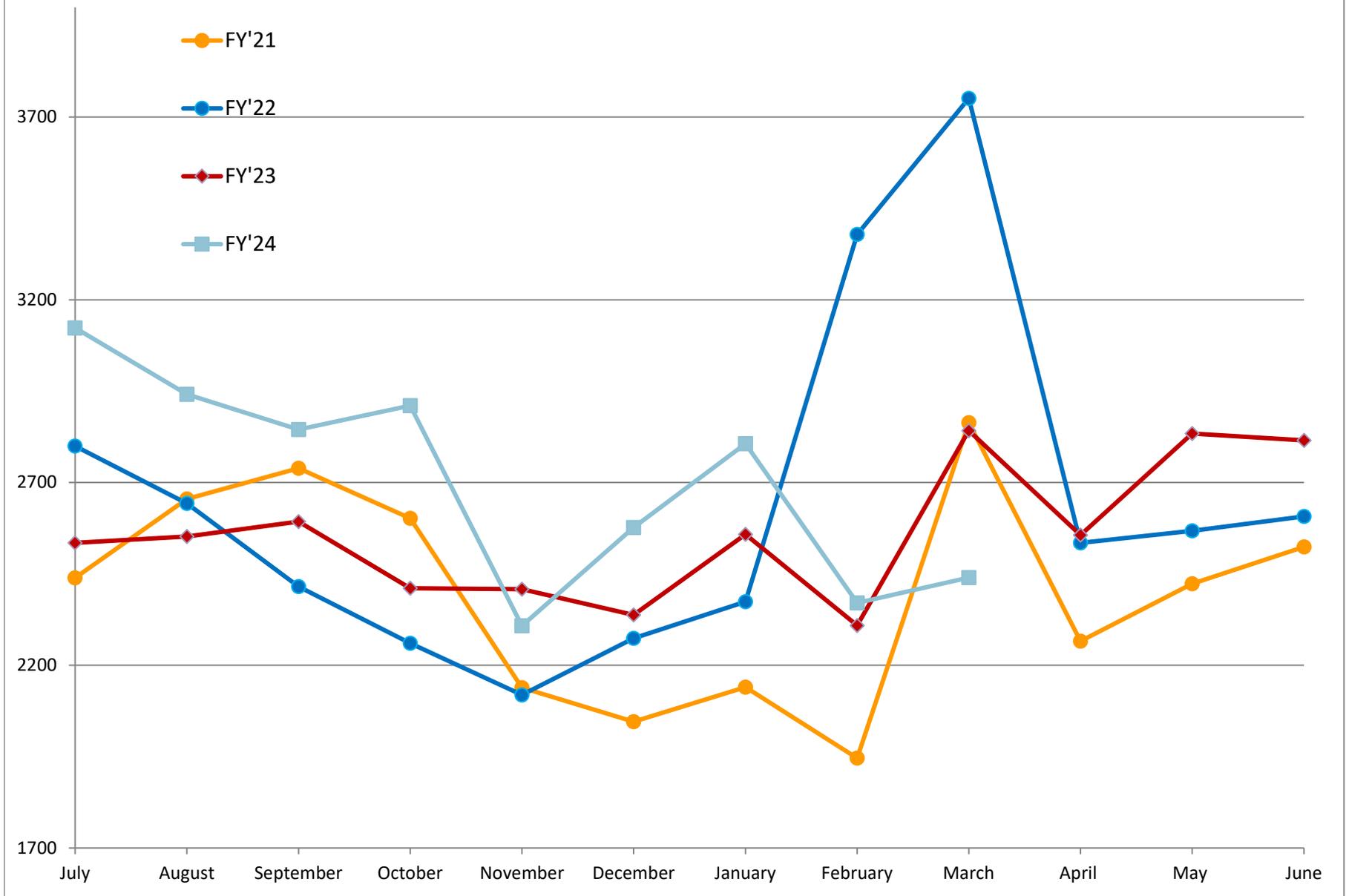
Average Hours per Voucher



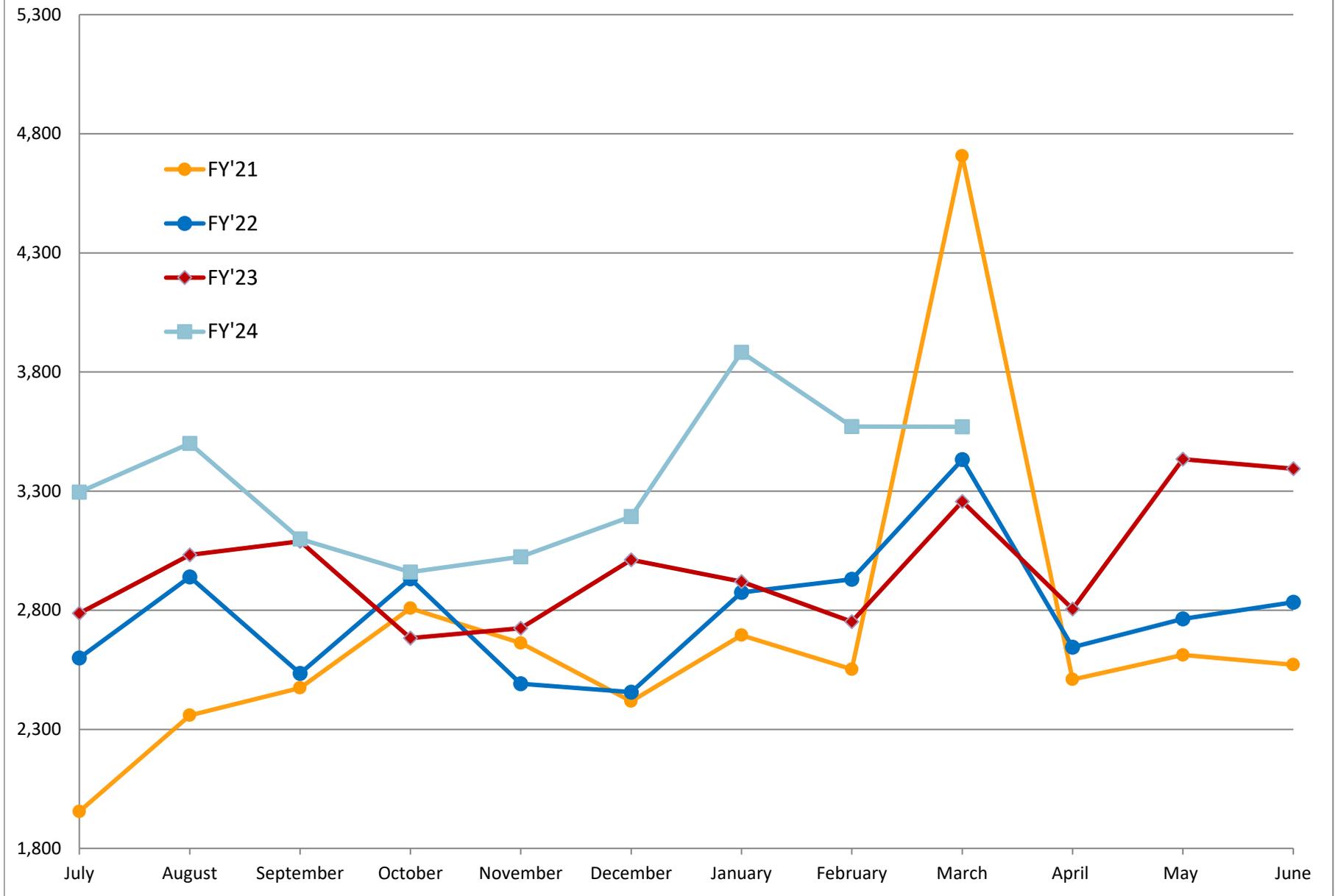
# Submitted Hours Amount



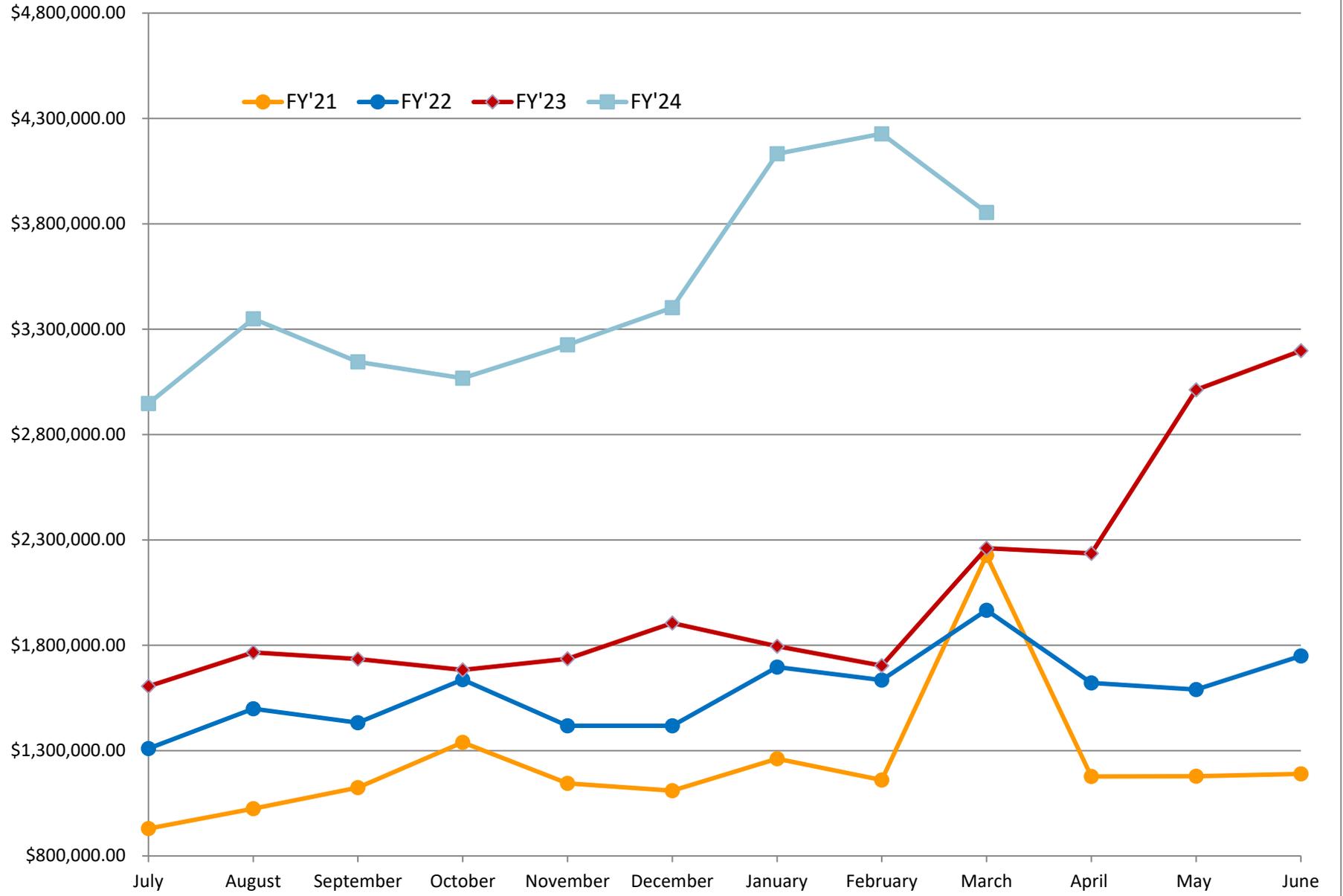
# NEW CASES



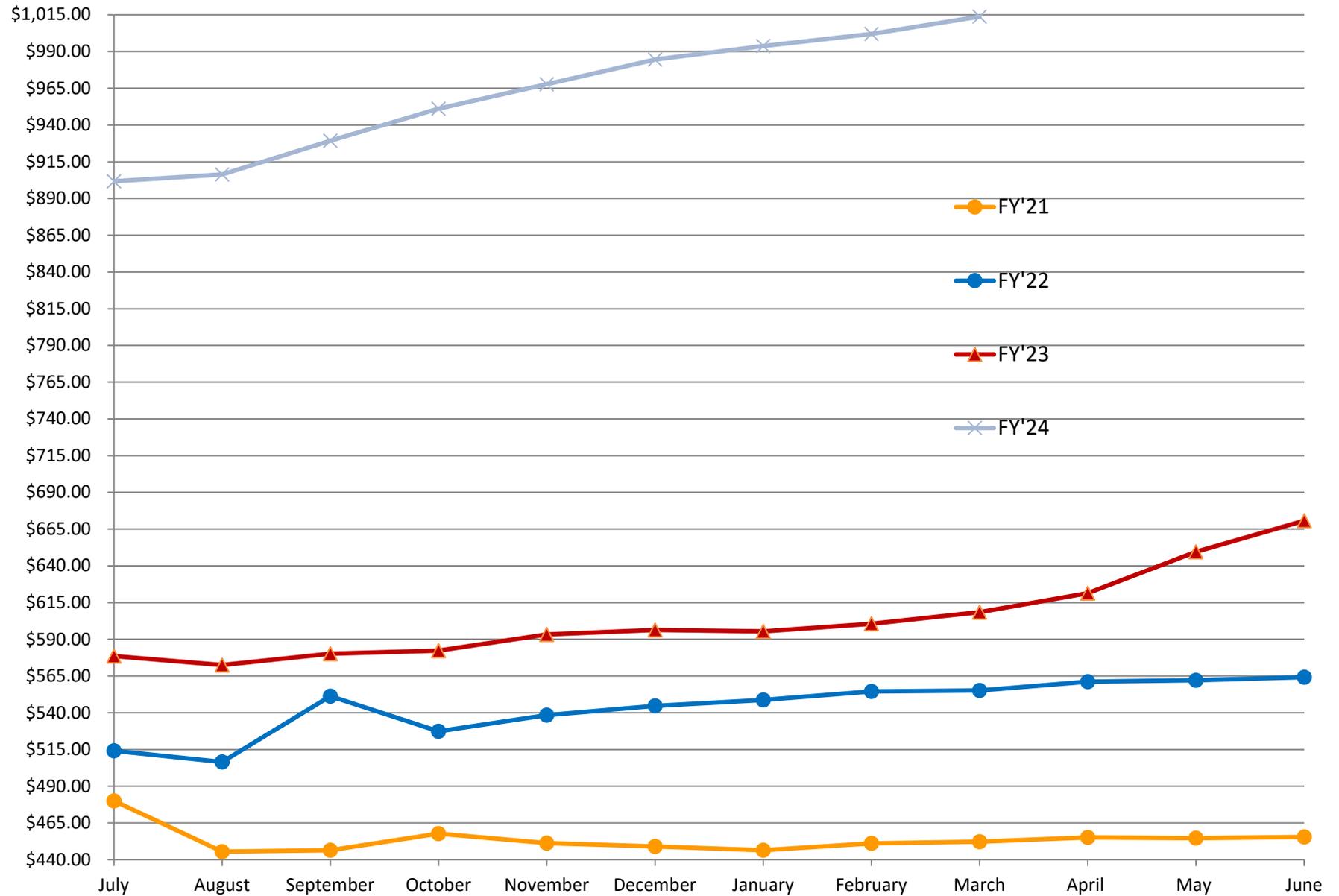
# Submitted Vouchers



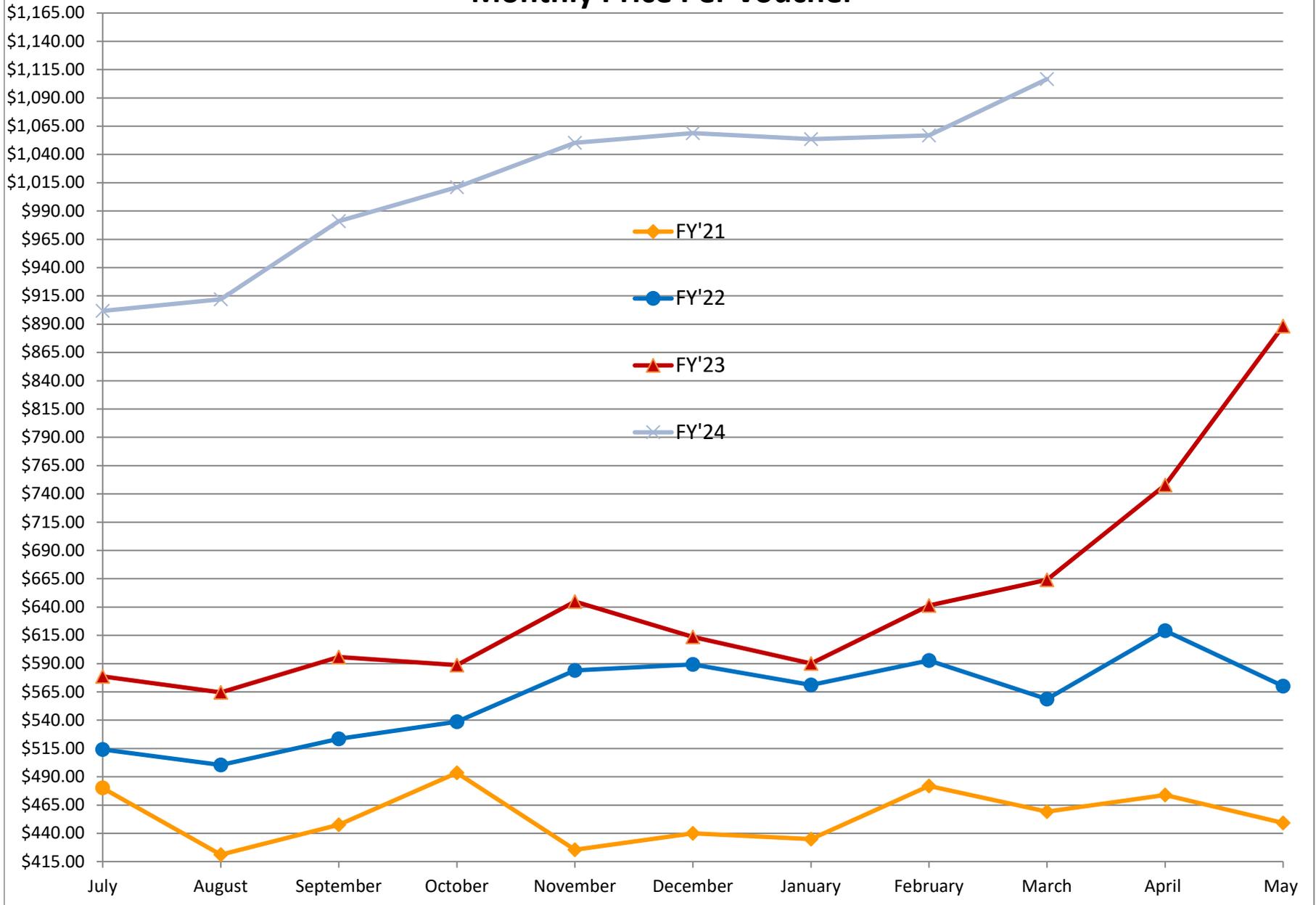
### Submitted Voucher Amount



## Average Voucher Price Fiscal Year to Date



# Monthly Price Per Voucher



## Pending UCD Cases as of March 22, 2024

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
<b>Androscoggin</b>	<b>787</b>	<b>122</b>	<b>66</b>	<b>8.4%</b>	<b>1,631</b>	<b>334</b>	<b>306</b>	<b>18.8%</b>	<b>17</b>	<b>14</b>	<b>82.4%</b>	<b>2,435</b>	<b>456</b>	<b>386</b>	<b>15.9%</b>
<b>Aroostook</b>	<b>536</b>	<b>118</b>	<b>41</b>	<b>7.6%</b>	<b>906</b>	<b>317</b>	<b>164</b>	<b>18.1%</b>	<b>42</b>	<b>30</b>	<b>71.4%</b>	<b>1,484</b>	<b>435</b>	<b>235</b>	<b>15.8%</b>
Caribou	102	23	5	4.9%	145	59	25	17.2%	11	8	72.7%	258	82	38	14.7%
Fort Kent	87	19	10	11.5%	211	79	35	16.6%	13	7	53.8%	311	98	52	16.7%
Houlton	144	34	6	4.2%	246	87	46	18.7%	8	5	62.5%	398	121	57	14.3%
Presque Isle	203	42	20	9.9%	304	92	58	19.1%	10	10	100.0%	517	134	88	17.0%
<b>Cumberland</b>	<b>1,331</b>	<b>201</b>	<b>130</b>	<b>9.8%</b>	<b>3,583</b>	<b>525</b>	<b>611</b>	<b>17.1%</b>	<b>77</b>	<b>27</b>	<b>35.1%</b>	<b>4,991</b>	<b>726</b>	<b>768</b>	<b>15.4%</b>
Bridgton	27	10	2	7.4%	283	35	81	28.6%	10	3	30.0%	320	45	86	26.9%
Portland	1,286	185	126	9.8%	2,844	378	441	15.5%	45	14	31.1%	4,175	563	581	13.9%
West Bath	18	6	2	11.1%	456	112	89	19.5%	22	10	45.5%	496	118	101	20.4%
<b>Franklin</b>	<b>157</b>	<b>36</b>	<b>17</b>	<b>10.8%</b>	<b>392</b>	<b>108</b>	<b>82</b>	<b>20.9%</b>	<b>83</b>	<b>79</b>	<b>95.2%</b>	<b>632</b>	<b>144</b>	<b>178</b>	<b>28.2%</b>
<b>Hancock</b>	<b>423</b>	<b>36</b>	<b>17</b>	<b>4.0%</b>	<b>606</b>	<b>80</b>	<b>111</b>	<b>18.3%</b>	<b>43</b>	<b>22</b>	<b>51.2%</b>	<b>1,072</b>	<b>116</b>	<b>150</b>	<b>14.0%</b>
<b>Kennebec</b>	<b>631</b>	<b>107</b>	<b>48</b>	<b>7.6%</b>	<b>1,448</b>	<b>351</b>	<b>283</b>	<b>19.5%</b>	<b>17</b>	<b>3</b>	<b>17.6%</b>	<b>2,096</b>	<b>458</b>	<b>334</b>	<b>15.9%</b>
Augusta	593	96	45	7.6%	939	221	175	18.6%	15	3	20.0%	1,547	317	223	14.4%
Waterville	38	11	3	7.9%	509	130	108	21.2%	2	0	0.0%	549	141	111	20.2%
<b>Knox</b>	<b>204</b>	<b>39</b>	<b>16</b>	<b>7.8%</b>	<b>443</b>	<b>107</b>	<b>91</b>	<b>20.5%</b>	<b>7</b>	<b>1</b>	<b>14.3%</b>	<b>654</b>	<b>146</b>	<b>108</b>	<b>16.5%</b>
<b>Lincoln</b>	<b>143</b>	<b>21</b>	<b>11</b>	<b>7.7%</b>	<b>354</b>	<b>129</b>	<b>53</b>	<b>15.0%</b>	<b>4</b>	<b>0</b>	<b>0.0%</b>	<b>501</b>	<b>150</b>	<b>64</b>	<b>12.8%</b>
<b>Oxford</b>	<b>404</b>	<b>99</b>	<b>40</b>	<b>9.9%</b>	<b>794</b>	<b>203</b>	<b>167</b>	<b>21.0%</b>	<b>17</b>	<b>11</b>	<b>64.7%</b>	<b>1,215</b>	<b>302</b>	<b>218</b>	<b>17.9%</b>
Bridgton	34	13	4	11.8%	51	19	7	13.7%	0	0	0.0%	85	32	11	12.9%
Rumford	153	36	18	11.8%	352	81	71	20.2%	6	4	66.7%	511	117	93	18.2%
South Paris	217	50	18	8.3%	391	103	89	22.8%	11	7	63.6%	619	153	114	18.4%
<b>Penobscot</b>	<b>792</b>	<b>48</b>	<b>93</b>	<b>11.7%</b>	<b>1,584</b>	<b>40</b>	<b>507</b>	<b>32.0%</b>	<b>45</b>	<b>26</b>	<b>57.8%</b>	<b>2,421</b>	<b>88</b>	<b>626</b>	<b>25.9%</b>
Bangor	756	46	79	10.4%	1,202	24	380	31.6%	19	13	68.4%	1,977	70	472	23.9%
Lincoln	10	0	5	50.0%	149	8	50	33.6%	12	4	33.3%	171	8	59	34.5%
Newport	26	2	9	34.6%	233	8	77	33.0%	14	9	64.3%	273	10	95	34.8%
<b>Piscataquis</b>	<b>33</b>	<b>2</b>	<b>8</b>	<b>24.2%</b>	<b>82</b>	<b>1</b>	<b>36</b>	<b>43.9%</b>	<b>61</b>	<b>59</b>	<b>96.7%</b>	<b>176</b>	<b>3</b>	<b>103</b>	<b>58.5%</b>
<b>Sagadahoc</b>	<b>181</b>	<b>50</b>	<b>22</b>	<b>12.2%</b>	<b>413</b>	<b>141</b>	<b>96</b>	<b>23.2%</b>	<b>12</b>	<b>4</b>	<b>33.3%</b>	<b>606</b>	<b>191</b>	<b>122</b>	<b>20.1%</b>
<b>Somerset</b>	<b>242</b>	<b>57</b>	<b>17</b>	<b>7.0%</b>	<b>426</b>	<b>160</b>	<b>98</b>	<b>23.0%</b>	<b>22</b>	<b>16</b>	<b>72.7%</b>	<b>690</b>	<b>217</b>	<b>131</b>	<b>19.0%</b>
<b>Waldo</b>	<b>177</b>	<b>38</b>	<b>5</b>	<b>2.8%</b>	<b>310</b>	<b>99</b>	<b>51</b>	<b>16.5%</b>	<b>3</b>	<b>2</b>	<b>66.7%</b>	<b>490</b>	<b>137</b>	<b>58</b>	<b>11.8%</b>
<b>Washington</b>	<b>142</b>	<b>18</b>	<b>7</b>	<b>4.9%</b>	<b>271</b>	<b>52</b>	<b>43</b>	<b>15.9%</b>	<b>17</b>	<b>5</b>	<b>29.4%</b>	<b>430</b>	<b>70</b>	<b>55</b>	<b>12.8%</b>
Calais	62	6	3	4.8%	121	22	18	14.9%	10	4	40.0%	193	28	25	13.0%
Machias	80	12	4	5.0%	150	30	25	16.7%	7	1	14.3%	237	42	30	12.7%
<b>York</b>	<b>937</b>	<b>145</b>	<b>127</b>	<b>13.6%</b>	<b>3,080</b>	<b>759</b>	<b>581</b>	<b>18.9%</b>	<b>109</b>	<b>20</b>	<b>18.3%</b>	<b>4,126</b>	<b>904</b>	<b>728</b>	<b>17.6%</b>
<b>TOTAL</b>	<b>7,120</b>	<b>1,137</b>	<b>665</b>	<b>9.3%</b>	<b>16,323</b>	<b>3,406</b>	<b>3,280</b>	<b>20.1%</b>	<b>576</b>	<b>319</b>	<b>55.4%</b>	<b>24,019</b>	<b>4,543</b>	<b>4,264</b>	<b>17.8%</b>

### 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, March 2023 to March 2024

Pending cases as of March 22 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2023	2024	% Diff	2023	2024	% Diff	2023	2024	% Diff	2023	2024	% Diff
<b>Androscoggin</b>	678	787	16.1%	2,118	1,631	-23.0%	5	17	240.0%	2,801	2,435	-13.1%
<b>Aroostook</b>	708	536	-24.3%	1,006	906	-9.9%	54	42	-22.2%	1,768	1,484	-16.1%
Caribou	172	102	-40.7%	210	145	-31.0%	14	11	-21.4%	396	258	-34.8%
Fort Kent	127	87	-31.5%	182	211	15.9%	9	13	44.4%	318	311	-2.2%
Houlton	202	144	-28.7%	284	246	-13.4%	8	8	0.0%	494	398	-19.4%
Presque Isle	207	203	-1.9%	330	304	-7.9%	23	10	-56.5%	560	517	-7.7%
<b>Cumberland</b>	1,241	1,331	7.3%	3,663	3,583	-2.2%	78	77	-1.3%	4,982	4,991	0.2%
Bridgton	26	27	3.8%	285	283	-0.7%	13	10	-23.1%	324	320	-1.2%
Portland	1,190	1,286	8.1%	2,882	2,844	-1.3%	43	45	4.7%	4,115	4,175	1.5%
West Bath	25	18	-28.0%	496	456	-8.1%	22	22	0.0%	543	496	-8.7%
<b>Franklin</b>	145	157	8.3%	477	392	-17.8%	36	83	130.6%	658	632	-4.0%
<b>Hancock</b>	405	423	4.4%	693	606	-12.6%	52	43	-17.3%	1,150	1,072	-6.8%
<b>Kennebec</b>	634	631	-0.5%	1,697	1,448	-14.7%	29	17	-41.4%	2,360	2,096	-11.2%
Augusta	600	593	-1.2%	1,034	939	-9.2%	21	15	-28.6%	1,655	1,547	-6.5%
Waterville	34	38	11.8%	663	509	-23.2%	8	2	-75.0%	705	549	-22.1%
<b>Knox</b>	239	204	-14.6%	562	443	-21.2%	22	7	-68.2%	823	654	-20.5%
<b>Lincoln</b>	126	143	13.5%	329	354	7.6%	6	4	-33.3%	461	501	8.7%
<b>Oxford</b>	469	404	-13.9%	1,140	794	-30.4%	30	17	-43.3%	1,639	1,215	-25.9%
Bridgton	43	34	-20.9%	125	51	-59.2%	1	0	-100.0%	169	85	-49.7%
Rumford	170	153	-10.0%	437	352	-19.5%	15	6	-60.0%	622	511	-17.8%
South Paris	256	217	-15.2%	578	391	-32.4%	14	11	-21.4%	848	619	-27.0%
<b>Penobscot</b>	803	792	-1.4%	1,908	1,584	-17.0%	76	45	-40.8%	2,787	2,421	-13.1%
Bangor	775	756	-2.5%	1,469	1,202	-18.2%	34	19	-44.1%	2,278	1,977	-13.2%
Lincoln	10	10	0.0%	211	149	-29.4%	31	12	-61.3%	252	171	-32.1%
Newport	18	26	44.4%	228	233	2.2%	11	14	27.3%	257	273	6.2%
<b>Piscataquis</b>	40	33	-17.5%	135	82	-39.3%	59	61	3.4%	234	176	-24.8%
<b>Sagadahoc</b>	188	181	-3.7%	496	413	-16.7%	11	12	9.1%	695	606	-12.8%
<b>Somerset</b>	243	242	-0.4%	499	426	-14.6%	33	22	-33.3%	775	690	-11.0%
<b>Waldo</b>	179	177	-1.1%	311	310	-0.3%	8	3	-62.5%	498	490	-1.6%
<b>Washington</b>	167	142	-15.0%	310	271	-12.6%	31	17	-45.2%	508	430	-15.4%
Calais	75	62	-17.3%	127	121	-4.7%	10	10	0.0%	212	193	-9.0%
Machias	92	80	-13.0%	183	150	-18.0%	21	7	-66.7%	296	237	-19.9%
<b>York</b>	1,119	937	-16.3%	3,874	3,080	-20.5%	94	109	16.0%	5,087	4,126	-18.9%
<b>TOTAL</b>	<b>7,384</b>	<b>7,120</b>	<b>-3.6%</b>	<b>19,218</b>	<b>16,323</b>	<b>-15.1%</b>	<b>624</b>	<b>576</b>	<b>-7.7%</b>	<b>27,226</b>	<b>24,019</b>	<b>-11.8%</b>

## Columns

- 2023** Number of cases having at least one charge without a disposition, and without a currently active warrant as of March 22, 2023
- 2024** Number of cases having at least one charge without a disposition, and without a currently active warrant as of March 22, 2024
- % Diff** Percent change in pending cases from 2023 to 2024. 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, March 2019 to March 2024

Pending cases as of March 22 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2019	2024	% Diff	2019	2024	% Diff	2019	2024	% Diff	2019	2024	% Diff
<b>Androscoggin</b>	349	787	125.5%	1,270	1,631	28.4%	47	17	-63.8%	1,666	2,435	46.2%
<b>Aroostook</b>	332	536	61.4%	574	906	57.8%	52	42	-19.2%	958	1,484	54.9%
Caribou	63	102	61.9%	124	145	16.9%	3	11	266.7%	190	258	35.8%
Fort Kent	34	87	155.9%	119	211	77.3%	14	13	-7.1%	167	311	86.2%
Houlton	100	144	44.0%	115	246	113.9%	5	8	60.0%	220	398	80.9%
Presque Isle	135	203	50.4%	216	304	40.7%	30	10	-66.7%	381	517	35.7%
<b>Cumberland</b>	796	1,331	67.2%	2,507	3,583	42.9%	115	77	-33.0%	3,418	4,991	46.0%
Bridgton	10	27	170.0%	196	283	44.4%	22	10	-54.5%	228	320	40.4%
Portland	772	1,286	66.6%	1,970	2,844	44.4%	69	45	-34.8%	2,811	4,175	48.5%
West Bath	14	18	28.6%	341	456	33.7%	24	22	-8.3%	379	496	30.9%
<b>Franklin</b>	86	157	82.6%	278	392	41.0%	36	83	130.6%	400	632	58.0%
<b>Hancock</b>	214	423	97.7%	429	606	41.3%	42	43	2.4%	685	1,072	56.5%
<b>Kennebec</b>	314	631	101.0%	1,032	1,448	40.3%	56	17	-69.6%	1,402	2,096	49.5%
Augusta	304	593	95.1%	591	939	58.9%	32	15	-53.1%	927	1,547	66.9%
Waterville	10	38	280.0%	441	509	15.4%	24	2	-91.7%	475	549	15.6%
<b>Knox</b>	132	204	54.5%	296	443	49.7%	7	7	0.0%	435	654	50.3%
<b>Lincoln</b>	96	143	49.0%	210	354	68.6%	7	4	-42.9%	313	501	60.1%
<b>Oxford</b>	208	404	94.2%	464	794	71.1%	25	17	-32.0%	697	1,215	74.3%
Bridgton	25	34	36.0%	75	51	-32.0%	3	0	-100.0%	103	85	-17.5%
Rumford	93	153	64.5%	177	352	98.9%	9	6	-33.3%	279	511	83.2%
South Paris	90	217	141.1%	212	391	84.4%	13	11	-15.4%	315	619	96.5%
<b>Penobscot</b>	374	792	111.8%	1,056	1,584	50.0%	155	45	-71.0%	1,585	2,421	52.7%
Bangor	365	756	107.1%	826	1,202	45.5%	96	19	-80.2%	1,287	1,977	53.6%
Lincoln	5	10	100.0%	73	149	104.1%	41	12	-70.7%	119	171	43.7%
Newport	4	26	550.0%	157	233	48.4%	18	14	-22.2%	179	273	52.5%
<b>Piscataquis</b>	16	33	106.3%	63	82	30.2%	23	61	165.2%	102	176	72.5%
<b>Sagadahoc</b>	79	181	129.1%	218	413	89.4%	26	12	-53.8%	323	606	87.6%
<b>Somerset</b>	135	242	79.3%	436	426	-2.3%	62	22	-64.5%	633	690	9.0%
<b>Waldo</b>	103	177	71.8%	245	310	26.5%	3	3	0.0%	351	490	39.6%
<b>Washington</b>	102	142	39.2%	178	271	52.2%	50	17	-66.0%	330	430	30.3%
Calais	27	62	129.6%	78	121	55.1%	11	10	-9.1%	116	193	66.4%
Machias	75	80	6.7%	100	150	50.0%	39	7	-82.1%	214	237	10.7%
<b>York</b>	748	937	25.3%	2,504	3,080	23.0%	110	109	-0.9%	3,362	4,126	22.7%
<b>TOTAL</b>	<b>4,084</b>	<b>7,120</b>	<b>74.3%</b>	<b>11,760</b>	<b>16,323</b>	<b>38.8%</b>	<b>816</b>	<b>576</b>	<b>-29.4%</b>	<b>16,660</b>	<b>24,019</b>	<b>44.2%</b>

## Columns

- 2019** Number of cases having at least one charge without a disposition, and without a currently active warrant as of March 22, 2019
- 2024** Number of cases having at least one charge without a disposition, and without a currently active warrant as of March 22, 2024
- % Diff** Percent change in pending cases from 2019 to 2024. 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.



**Maine Advisory Committee to the U.S. Commission on Civil Rights**  
**Report Addendum:**  
**The Right to Criminal Legal Defense in Maine**

We, the members of the Maine Advisory Committee to the U.S. Commission on Civil Rights, released a [report on November 1, 2023](#) detailing the impact of Maine’s system of criminal defense on the civil rights of indigent criminal defendants. Since the report’s release, the environment surrounding indigent legal services in Maine continues to receive much public attention, yet a system of public defense has not yet been fully funded.

Within this context, our Committee sought to understand the current barriers to fully funding a system for indigent public defense in Maine. The Committee heard testimony on December 14, 2023<sup>1</sup> from State Senator and Chair of the legislature’s Judiciary Committee Anne Carney and Maine Commission on Indigent Legal Services (MCILS)<sup>2</sup> Executive Director Jim Billings on what barriers they thought existed to fully funding a system for public defense in Maine, a system that would include full-time state-run offices and attorneys as well as private contracted attorneys. Committee members were encouraged by their testimony, which indicated that support for expanding full-time dedicated offices and attorneys for public defense in Maine is growing. Barriers to fully funding such a system remain, but the testimony highlights promising proposals and opportunities that have the potential to overcome the existing barriers.

**A key barrier to fully funding a public defense system has been a lack of consensus as to how to address issues in the current defense system.<sup>3</sup>**

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<sup>1</sup> Materials related to this briefing, including the transcript, are available here:

[https://securisync.intermedia.net/us2/s/folder?public\\_share=409J0xbKeIQ2vuMJBvQond0011ef58&id=L01FL0luZGlnZW50IFNlcnZpY2Vz](https://securisync.intermedia.net/us2/s/folder?public_share=409J0xbKeIQ2vuMJBvQond0011ef58&id=L01FL0luZGlnZW50IFNlcnZpY2Vz)

<sup>2</sup> At the time of the Committee’s study, this office was called the Maine Commission on Indigent Legal Services, but will be known as the Maine Commission on Public Defense Services following implementation of LD 653.

<sup>3</sup> Carney Testimony, p. 4 lines 13-16; Billings Testimony, p. 5 lines 22-27

Executive Director Billings argued that a lack of agreement within the Legislature regarding what government funding allocations are required versus optional poses a barrier to fully funding a system of public defense.<sup>4</sup> Despite the constitutional mandate for right to counsel,<sup>5</sup> indigent legal services in Maine are often funded by leftover or supplemental budget allocations, which creates barriers to fully funding an effective system of public defense.<sup>6</sup> Senator Carney added that the Legislature must simultaneously uphold its constitutional mandate to provide right to counsel while also maintaining a balanced budget; she contended that increased legislative support for a system of public defense may lead to more permanent funding allocations for indigent legal services.<sup>7</sup>

**Recent legislative attention to the defense system has altered indigent legal services, yet sustainable funding and capacity building are still needed to overcome barriers to implementing a system of public defense.<sup>8</sup>**

Senator Carney described a number of legislative initiatives enacted in the past three years, including measures that strengthened the contracted attorney system such as increased hourly reimbursement rates for contracted attorneys, additional support and training for contracted attorneys, and increased authority for MCILS to supervise contracted attorneys.<sup>9</sup> She also discussed initiatives that encouraged a transition towards state-run public defense in Maine, such as the establishment of the Rural Defender Unit and the funding of a Deputy Director of Public Defense Development position.<sup>10</sup> She stated that these changes allowed the Legislature to better understand how the current system needed to change, which has fostered more political support for transitioning towards a public defense system.<sup>11</sup> Despite increased support for a state-run system of public defense, on par with the state’s prosecutors’ offices, barriers may still arise in building out and sustaining funding for a new public defense system.

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<sup>4</sup> Billings Testimony, p. 5 lines 25-29

<sup>5</sup> 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 (*Gideon v. Wainwright*, 372 U.S. 335, 344-345 (1963)), 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 (*U.S. v. Cronin*, 466 U.S. 648, 659-60 (1984)). Maine’s own Constitution guarantees indigent persons the right to counsel when imprisonment will actually be imposed under *State v. Cook* (*State v. Cook*, 706 A.2d 603, 605, 1998 ME 40, ¶ 6 (Me.,1998)).

<sup>6</sup> Billings Testimony, p. 5 lines 31-44

<sup>7</sup> Carney Testimony, p. 4 lines 21-30; Carney Testimony, p. 10 lines 8-21

<sup>8</sup> Carney Testimony, p. 4 line 16 – p. 5 line 7; Billings Testimony, p. 9 line 29 – p. 10 line 6

<sup>9</sup> Carney Testimony p. 3 lines 10-21; Carney Testimony, p. 3 lines 30-40

<sup>10</sup> Carney Testimony, p. 3 lines 18-26; Carney Testimony, p. 3 line 41 – p. 4 line 8

<sup>11</sup> Carney Testimony p. 4 lines 9-20

Executive Director Billings explained that moving to a new public defense system will require sustained funding and time to build the capacity of the new public defense offices, and that the long-run benefits will outweigh high initial costs.<sup>12</sup> Both Senator Carney and Executive Director Billings expressed optimism about MCILS goals that include creating public defense offices and gradually scaling them up with staff and resources as a realistic starting point for building up the capacity of public defense offices to serve public defense needs throughout the state.<sup>13</sup>

**Additional barriers to fully funding Maine’s public defense system include the failure to recognize how the current system disincentivizes public defense attorneys from pursuing employment opportunities within the State.<sup>14</sup>**

Executive Director Billings highlighted how transitioning to a public defense system could expand job opportunities within the state by attracting new and passionate attorneys to Maine, whereas the current contracted attorney system fails to provide an incentive to criminal defense attorneys to move to and provide indigent legal services in Maine.<sup>15</sup> Both Senator Carney and Executive Director Billings expressed interest and enthusiasm about attracting a labor pool of public defenders to Maine through student loan forgiveness programs, mentorship opportunities within public defense offices, and partnerships with law schools in Maine and elsewhere.<sup>16</sup>

## **Recommendations**

As an Advisory Committee to the U.S. Commission on Civil Rights, we request that the Commission forward the report and its recommendations, along with this statement, to the Maine Legislature’s leadership, the Governor’s Office, and the Judiciary:<sup>17</sup>

**We recommend that Maine’s Legislature allocate sustainable, long-term funding to building a system for public defense in Maine in line with the proposed plan by MCILS. We urge the Governor to support funding allocations by the Legislature that are in alignment with this recommendation.**

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<sup>12</sup> Billings Testimony, p. 9 line 21 – p. 10 line 6

<sup>13</sup> Carney Testimony, p. 4, lines 16-20; Billings Testimony, p. 7 lines 6-18.

<sup>14</sup> Billings Testimony p. 6 lines 13-25

<sup>15</sup> Billings Testimony, p. 6 lines 13-37

<sup>16</sup> Carney Testimony, p. 11 lines 15-22, p. 13 lines 18-26; Billings Testimony, p. 6 line 38 – p. 7 line 5, p. 12 lines 16-23, p. 12 line 41 – p. 13 line 16

<sup>17</sup> As of March 14, 2024, the case of *Robbins v. MCILS* is moving towards trial because the Court has not agreed to the parties’ proposed settlements. See *Robbins v. MCILS*, No. KENSC-CV-22-54 (Me. Super. Jun. 2, 2022). The lawsuit alleges that Maine’s “systemic failures deprive indigent defendants facing criminal proceedings in Maine of their Sixth Amendment right to the effective assistance of counsel.” (Aclumaine.org)

**We also recommend that, while building a system for public defense in Maine, the Legislature and involved parties, which includes the Governor’s Office, Chief Justice and members of the Judiciary, and MCILS, prioritize creating a system that embodies parity between prosecution and public defense in equality of representation and the resources allocated to support representation.**

**Finally, our Committee recommends the Legislature, Governor’s Office, and MCILS pursue initiatives that will attract and support new attorneys that are interested in practicing public defense in Maine through student loan forgiveness programs, mentorship within new public defense offices, and partnerships with law schools.**

With these changes, we believe there can be significant and sustainable progress towards ensuring Maine meets its Constitutional obligations. This addendum was adopted by a vote of 5 to 0 at a Committee meeting held March 14, 2024.

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

April 15, 2020 – April 14, 2024

Samantha Le, Chair, *Maine Advisory Committee*, Bangor

Diane A. Khiel, *Vice Chair*, Orono

Mufalo Chitham, Old Orchard Beach

Gia Drew, Portland

Judith D. Jones, Camden

Eric M. Mehnert, Lincoln

Nicole Rancourt, Minot

**Maine Advisory Committee to the  
United States Commission on Civil Rights**



**U.S. Commission on Civil Rights Contact**

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USCCR Contact	Regional Programs Unit U.S. Commission on Civil Rights 230 S. Dearborn, Suite 2120 Chicago IL, 60604 (312) 353-8311
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*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.*

STATE OF MAINE  
SUPREME JUDICIAL COURT



VALERIE STANFILL  
CHIEF JUSTICE

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March 21, 2024

Jim Billings, Esq.  
Executive Director  
Maine Commission on Indigent Legal Services  
154 State House Station  
Augusta, Maine 04333  
(via electronic mail)

Dear Jim,

I am in receipt of your letter of March 5, 2024 to Justice Connors and Chris MacLean at the Board of Bar Examiners regarding a proposal to amend Rule 11A of the Maine Bar Admission Rules to permit temporary practice. Justice Connors gave it to me for response.

I wanted to clarify one point. Your proposed Rule 11A(f) says a lawyer may be granted a TPA "allowing them to practice law in Maine during the pendency of their application for full membership to the bar pursuant to this Rule." However, it then says "The TPA shall remain in effect for the duration of the applicant's employment with the qualifying employer, subject to adherence to a Master Supervision Plan," Rule 11A(f)(3), and goes on to talk about annual reviews. So, it really sounds like you are proposing a long term TPA, independent of a pending application for admission by motion. Could you clarify, please?

Although your letter seems to suggest this could make a big difference in the availability of counsel in this state, I am not sure I agree. On the other hand, it may be valuable for recruitment and retention, so we are not ruling out some form of temporary authorization to practice.

The Board of Bar Examiners is considering a variety of issues related to admission of lawyers from other states and other countries. We hope to address this soon.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Valerie Stanfill', written over a circular stamp or mark.

Valerie Stanfill  
Chief Justice

VS:lr

cc: Catherine R. Connors, Associate Justice, Maine Supreme Judicial Court  
Chris MacLean, Esq., Chair, Maine Board of Bar Examiners  
Shira Burns, Esq., Executive Director, Maine Prosecutors Association

**From:** [Billings, Jim](#)  
**To:** [Stanfill, Valerie](#)  
**Cc:** [donald.g.alexander](#); [Joshua A. Tardy](#); [Chris MacLean](#); [Connors, Catherine](#); [Shira Burns](#)  
**Subject:** MCILS proposal on amending Rule 11A  
**Date:** Friday, March 29, 2024 11:21:09 AM  
**Attachments:** [FW Status application for admission to the Maine bar by motion.msg](#)  
[J. Billings MCILS Rule 11A Proposed Amendment \(003\).pdf](#)

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Justice Stanfill:

I write in response to your letter from March 21, which is attached. First, let me note our experience so far in getting the RDU attorneys coming from out of state public defense practice admitted here by motion. Shannon Meade started here October 23, and his application is still pending. His story is attached by email. Dagan VanDemark took about 8 months to get admitted here coming from New Hampshire, and our central office staff attorney Darcy Fisher took about 6 months coming from Virginia. So there is considerable delay under the existing system at a time when Maine is desperate for attorneys to do indigent defense work.

Second, as mentioned above, we've already hired two out of state lawyers in our limited positions for employed public defenders. In addition, we had quality applicants from Alaska, Alabama, and Massachusetts when we were hiring the District Defender (DD) position in our Capital Region office. I'm finding that there are many people with a Maine connection who are aware we're now creating public defender offices and hiring employed defenders. We have the Bangor and Caribou offices coming along that are now approved by the legislature and governor's office as an emergency measure, and we'll be hiring 10 lawyers for those two offices. We're still seeking additional offices for Ellsworth and Lewiston/Auburn from the legislature this session. Those offices would include another 10 lawyers. We anticipate more offices for the mid-Coast and Southern Maine in FY 26 and beyond.

In order to build out these offices, our model is to hire the DD first, so that person, who supervises the entire office, can be involved in hiring his or her line attorneys and staff. The DD needs to be someone experienced in criminal practice here in Maine and with significant experience supervising other lawyers. So, we really cannot hire someone not licensed in Maine for this position because we cannot afford any delay in rolling out these offices. However, the line attorney positions could be—and have been—filled by some mix of already licensed Maine lawyers and lawyers from out of state. We don't really add capacity to our system by converting a lawyer who is already doing indigent defense full time from a contract attorney to an employed defender. So our model is to hire one very experienced attorney as the DD, and 1-2 attorneys with some criminal defense experience as assistant defenders (ADI's), with other lawyer who can have little to no experience—either new graduates or lawyers who are here practicing but with little criminal experience (ADII's). We add capacity by adding new graduates, taking lawyers from Maine who are doing little criminal work and “converting them,” and by bringing folks in from out of state; as indicated above we've had some success in out of state recruiting. Given the number of positions we have coming online and some expected turnover, we need to continue recruiting in-state and out of state—both lawyers and law students.

Finally, the proposed amendments to Rule 11A are designed with the intent to integrate the TPA within the framework of the existing admission by motion process. The TPA is structured as a

temporary mechanism to address Maine's urgent need for legal representation, particularly in specialized legal fields, by allowing qualified out-of-state attorneys to practice in Maine in limited situations *while their application for full admission is pending*. The TPA is available to attorneys who meet specific qualifications under proposed amended Rule 11A and are engaged with a qualifying employer in Maine. This provision ensures that the authorization is directly connected to the attorney's pursuit of full bar membership in Maine, and *only lasts while the TPA holder remains employed at the qualifying institution*. The stipulation of a Master Supervision Plan, which we contemplate needing approval by the Maine Board of Bar Examiners, underscores the temporary and transitional nature of the TPA. This plan ensures that attorneys practicing under the TPA are subject to consistent oversight, aligning with our commitment to maintaining high professional standards. Our proposal envisions the TPA not as a standalone authorization but as a strategic element within the continuum of legal licensure in Maine. It is conceived as a provisional step that enables immediate legal practice under stringent supervision while an out-of-state attorney's application for admission by motion is being processed. The integration of the TPA into Rule 11A is a thoughtful response to the immediate needs of our legal system, ensuring that while we address the current shortages, we do not compromise on the rigorous standards that underpin the practice of law in Maine. It is our belief that this amendment will facilitate a smoother transition for out of state attorneys seeking full admission, thereby bolstering our legal workforce with competent, qualified professionals. In our specific circumstances: coming from an out of state criminal defense practice or PD office into our public defender system with supervision by the District Defender.

I appreciate your attention to this matter. I'm confident that the proposed amendments will significantly contribute to enhancing the quality and accessibility of legal services in Maine. I look forward to an opportunity to address any further questions you might have or discussions regarding this amendment.

Best Regards,  
Jim

Jim Billings  
Executive Director  
Maine Commission on Indigent Legal Services  
154 SHS  
Augusta, ME 04333  
(207) 287-3254

## Chapter 2: STANDARDS FOR QUALIFICATIONS OF CONTRACT AND ASSIGNED COUNSEL

**Summary:** This ~~chapter~~Chapter establishes the standards prescribing minimum experience, training, and other qualifications for contract counsel and assigned counsel to be ~~eligible~~Eligible to ~~accept appointments~~receive assignments to represent indigent people, who are ~~eligible for~~entitled to a statutorily and/or constitutionally-~~required~~ attorney.

### SECTION 1. Definitions~~Application~~

1. ~~A#~~Executive Director. "Executive Director" means the Executive Director of the Commission or the Executive Director's decision-making designee.
2. Assignment. "Assignment" means a case or lawyer of the day assignment made by a court or the Commission, and specialty court liaison or resource counsel assignments made by the Commission.
3. Eligible. "Eligible" is the status assigned to an attorney who has satisfied all the requirements of this Chapter, ~~has satisfied all requirements of Chapter 3 for any applicable Specialized Panels, has applied and been approved by the Commission to receive assignments of the applicable case type, is current on their annual renewal, and is not under suspension by the Commission.~~
4. Roster. "Roster" is a list of attorneys ~~wishing to accept case~~ who are both Eligible and actively accepting cases of a particular type in a particular court or location.
5. Specialized Panels. "Specialized Panels" means those types of assignments ~~by that are complex in nature. They include the panels listed in Chapter 3 of the Commission Rules.~~

### SECTION 2. ~~must~~ Applicability

1. Whenever the eligibility standards are amended, the Executive Director shall create an application for all then-currently Eligible counsel to complete to demonstrate they meet all eligibility requirements of this Chapter. Counsel who are Eligible to receive assignments at the time this Chapter is amended shall maintain their eligibility until July 15, 2024. As a condition of continued eligibility, counsel must successfully complete the application by July 15, 2024. If counsel fail to successfully complete the application by July 15, 2024, they will automatically become ineligible to receive Assignments until they do so.
2. An attorney who is Eligible for one or more case types prior to the amendment of this Chapter will not be deemed Eligible for additional case types until they comply with the amended Chapter.

3. Any attorney not previously Eligible to receive Assignments from the Commission when this Chapter is amended must comply with the requirements of this Chapter and all other Commission rules to become Eligible.

### **SECTION 3. Minimum Eligibility Requirements**

To become and/or remain Eligible, an attorney must—at a minimum—satisfy the following conditions:

#### **1. Application**

- a. Complete an application in the manner prescribed by the Commission— through its Executive Director. ~~The Commission~~Executive Director will not act on an application until it is complete.
- b. If any of the information on the application changes prior to the Executive Director acting on the application, the attorney must immediately notify the Commission via email prior to receiving a decision on the application.
- c. No attorney will be assigned a case receive an Assignment until that attorney completes an application and is placed on the roster of attorneys eligible deemed Eligible to receive assignments Assignments of that type.

### ~~1. SECTION 2. Minimum Experience, Training And Other Eligibility Requirements~~

~~Any attorney wishing to accept case assignments from the Commission, serve as contract counsel or otherwise be approved by the Commission to accept assignments must satisfy the following conditions.~~

#### ~~2. 1. Licensed to Practice~~

- a. a) ~~The attorney must be licensed to practice law in the State of Maine and be in good standing with the Maine Board of Overseers of the Bar.~~
- b. b) ~~The attorney must promptly inform the Commission, in writing, of any complaint against the attorney filed with the Maine Board of Overseers of the Bar that has been set for a grievance panel hearing, or hearing before a single justice any entity charged with governing the conduct of the Supreme Judicial Court attorneys in any other jurisdiction. The attorney must so inform the Commission within 5 days of knowing or having reason to know of such complaint. Failure to comply with this requirement is grounds for removal from the roster or suspension in accordance with Section 5 herein.~~
- c. e) ~~The attorney must inform the Commission, in writing, of any suspension of the attorney's privilege to practice law in any jurisdiction within 24 hours of receiving actual or constructive notice of the suspension. Failure to comply with this requirement is grounds for suspension or removal in accordance with Section 5 herein.~~

- d. The attorney must inform the Commission, in writing, within 5 days of any criminal charge filed against the attorney in any jurisdiction and promptly inform the Commission of any disposition of such charge. Failure to comply with this requirement is grounds for suspension or removal from the roster, in accordance with Section 5 herein.

### 3. Proficiency

- a. The attorney must be knowledgeable of the Maine Rules of Evidence.
- b. The attorney must be knowledgeable of the rules of procedure applicable to the area(s) of law they practice.
- c. The attorney must be knowledgeable of the applicable law in their area(s) of practice.
- d. The attorney must be knowledgeable of the Maine Rules of Professional Conduct.
- e. The attorney must only represent clients in assigned cases for which they are Eligible. If an attorney is assigned to a case for which they are not Eligible, the attorney must—within three business days of receiving actual or constructive notice of the appointment—submit a complete application for the applicable case type, file a motion for appointment of eligible co-counsel, or file a motion to withdraw from the case. If the attorney elects to withdraw from the case, the attorney must fulfill their obligations pursuant to the Maine Rules of Professional Responsibility and the relevant rules of procedure.

### Training 2. ~~Attorney Cooperation with Procedures and Monitoring~~

#### 4.

- a. Before being deemed Eligible and receiving Assignments, an attorney must satisfactorily complete a designated Commission-sponsored or Commission-approved training course in each area of the law for which the attorney is seeking to receive Assignments. This includes but is not limited to the following areas of law: criminal defense, lawyer of the day, juvenile defense, civil commitment, child protective, not criminally responsible release hearings, guardianship, and emancipation.
- b. The attorney shall meet any specific training requirements of any Specialized Panels.
- c. To maintain their eligibility, an attorney must annually complete 8 hours of continuing legal education (CLE) approved by the Commission. All the CLE hours must be related to the area(s) of law that the attorney practices.

### 5. Technological Literacy

- a. The attorney must personally have the ability to do the following:

- i. Open, read, reply to, forward, save, and print emails. Attach files to and download attachments from emails.
- ii. Electronically sign documents.
- iii. Scan, attach, and upload or email documents.
- iv. Use ShareFile and other systems used by courts for the purpose of e-filing or sharing information with attorneys.
- v. View, download, save, copy, and disseminate in a confidential manner all discovery received in electronic form.
- vi. Opt in and out of Rosters using the Commission's electronic case management system.

#### 6. Annual Renewal

- a. The attorney must register with the Commission annually in a manner prescribed by the Commission. ~~The attorney must comply with all applicable Commission rules and procedures. The attorney must comply with Commission monitoring and performance evaluations. The attorney must also comply with any Commission investigation of~~
- b. The annual renewal form will require the attorney to provide certain information, including but not limited to:
  - i. The attorney's contact information.
  - ii. A list of the qualifying CLE credits the attorney has completed for the relevant period.
  - iii. Whether they have had any bar complaints, ~~billing discrepancies,~~ since their last successful renewal.
  - iv. Whether they have been charged with a civil or criminal offense since their last successful renewal.
  - v. Any other information ~~that, in~~ deemed appropriate by the ~~view of the~~ Executive Director, ~~concerns the question of whether,~~
- c. The annual renewal form may also require the attorney to make certifications, including but not limited to:
  - i. That the attorney has read, understands, and agrees to abide by all Commission rules and policies.
  - ii. That the attorney is ~~fit to remain~~ licensed to practice law in Maine.

- iii. A statement about what percentage of the attorney's work hours is spent on the roster. Except as pertains to indigent cases assigned to the attorney, cases.
- iv. That the attorney has not been charged with a criminal offense which they have failed to disclose to the Commission.
- v. That the attorney has not been the subject of any Board of Bar Overseers complaints which they have failed to disclose to the Commission.
- vi. That all information submitted and certifications made on the annual renewal form are complete and accurate.
- vii. Any certification designed to assess compliance with Commission rules or policies.
- viii. Any other certifications deemed appropriate by the Executive Director cannot require an attorney to disclose information that is privileged or made confidential by statute, by court rule or by court order.

d. SECTION 3. — Any attorney who fails to successfully and timely complete the annual renewal will be deemed ineligible to receive Assignments. The attorney may have their eligibility restored upon successful completion of the annual renewal if they are in compliance with all Commission rules.

#### 7. Office, Telephone, and Electronic Mail

- a. The attorney must maintain an office or have the use of space that is reasonably accessible to clients and that permits the private discussion of confidential and other sensitive matters.
- b. The attorney must maintain a telephone number, which shall be staffed by personnel available for answering telephone calls or an answering service, an answering machine or voicemail capability that ensures client confidentiality.
- c. The attorney must maintain a confidential working e-mail account as a means of receiving information from and providing information to the Commission. The e-mail address must not be owned or accessible by any person or entity other than the attorney or the entity they own or are employed by.
- d. The attorney must keep the Commission and the courts in which the attorney represents indigent clients apprised of the attorney's work telephone number and postal and ~~electronic e-mail~~ addresses. The attorney must ensure that the court has the ability to contact the attorney by e-mail, mail, and ~~by~~ telephone.

### ~~SECTION 4. Experience and Proficiency~~

#### 8. Attorney Cooperation with Procedures and Monitoring

~~The attorney shall demonstrate the necessary and sufficient experience and proficiency required to accept appointments as provided below.~~

~~1. *[Repealed]*~~

~~a. 2. — Any attorney not previously having been accepted to receive assignments from the must comply with all applicable Commission ~~must satisfactorily complete a Commission-sponsored or Commission-approved training course for the area of the law for which the attorney is seeking to receive assignments, including but not limited to, criminal defense, juvenile defense, civil commitment, child protective, or emancipation prior to being placed on the roster and receiving assignments; or rules and procedures.~~~~

~~b. 3. — An The attorney may be accepted for placement on the roster and receive assignments from the must comply with Commission ~~without completing a monitoring and performance evaluations.~~~~

~~c. The attorney must comply with any Commission-sponsored investigation of complaints, billing discrepancies, or Commission-approved training course ~~other information. Except as provided above if the attorney demonstrates pertains to indigent cases assigned to the attorney, the Executive Director cannot require an attorney to disclose information that is privileged or made confidential by statute, court rule or court order.~~~~

#### **SECTION 4.** ~~the~~ **Eligibility**

##### 1. Cause

~~a. The Executive Director may determine that an attorney is not Eligible to receive assignments generally or of a particular type if:~~

~~i. The attorney made any misrepresentation or material omission on any application they submitted to the Commission.~~

~~ii. The attorney fails to satisfy any requirement of any Commission rule.~~

~~iii. The attorney has a commitment to and proficiency in the practice of the area of law for prior criminal record which the Attorney is willing to accept assignments over ~~Executive Director determines could affect the attorney's ability to provide high quality legal services.~~~~

~~iv. The attorney has a prior bar disciplinary history which the Executive Director determines could affect the attorney's ability to provide high quality legal services.~~

~~v. The Executive Director concludes that the course of at least attorney is unfit to provide high quality indigent legal services.~~

## 2. Process

- a. If the three years prior to Executive Director determines that an attorney is not Eligible to receive Assignments generally or of a particular type pursuant to Section 5(1) of this Chapter:
  - i. The Executive Director's decision shall be in writing and shall reflect the Executive Director's reasoning in a manner sufficient to inform the attorney of the basis for the Executive Director's action.
  - ii. The Executive Director's decision that an attorney does not satisfy the minimum eligibility requirements to receive Assignments may be appealed to the full Commission pursuant to 4 M.R.S.A. §1804(3)(J) and Chapter 201 of the Commission rules.

## 3. Automatic Ineligibility

- a. If an attorney exceeds the maximum caseload standard as set forth by Chapter 4 of the Commission rules and has not been granted a waiver pursuant to Chapter 4, they will become ineligible to receive new case Assignments.
- b. Any attorney who voluntarily accepts a new case after having been deemed ineligible pursuant to subsection 2(a), above, will not be paid by the Commission for any time spent on the case.
- c. Any attorney who is assigned a case by a court without the attorney's consent after the attorney has been deemed ineligible pursuant to subsection 2(a), above, must within seven calendar days of receiving assignments actual or constructive notice of the assignment, file a motion to withdraw from the case and notify the Commission of the improper assignment. The attorney will only be paid for time spent withdrawing from the Commission case, any work performed on the case pending a court's ruling on the motion to withdraw and appointment of successor counsel, and the time spent communicating with the Commission about the improper assignment. If the attorney fails to file a motion to withdraw within seven calendar days of receiving notice of the assignment, the attorney will not be paid by the Commission for any time spent on the case.

## **SECTION 5. Training**

~~The attorney shall annually complete 8 hours of continuing legal education (CLE) approved by the Commission.~~

~~The attorney shall meet any specific training requirements of any specialized panels.~~

## **SECTION 6.—Removal or Suspension ~~from the Roster of Eligibility~~**

1. Cause. The Executive Director may remove indefinitely or suspend an ~~attorney from the roster completely or from the roster for certain case types and court locations for attorney's Eligibility to receive Assignments, or to receive Assignments of a particular type:~~
  - a. For any failure to comply with this rule or any other Commission rule. ~~In addition, the Executive Director may remove indefinitely or suspend an attorney from the roster completely or from the roster for certain case types and court locations if~~
  - b. If the Executive Director determines that the attorney ~~is~~ can no longer ~~qualified to provide high quality indigent legal services based on the nature of any criminal charge or on investigation by the Executive Director.~~
  - c. If it is discovered that the attorney made any misrepresentation or ~~the Executive Director's designee~~ material omission on any application they submitted to the Commission.
  - d. If the Executive Director determines that the attorney can no longer ~~provide quality indigent legal services based on investigation by the Executive Director~~ of any complaint or other information.
2. Process.
  - a. The Executive Director's decision to remove or suspend an ~~attorney from the roster~~ attorney's eligibility shall be in writing and ~~shall~~ reflect the Executive Director's reasoning in a manner sufficient to inform the attorney ~~and the public~~ of the basis for the Executive Director's action.
  - b. Attorneys removed indefinitely must re-apply to the Commission if they wish to receive ~~assignments~~ Assignments in the future. Attorneys who are suspended ~~from the roster~~ need not re-apply, but must demonstrate compliance with any conditions made part of a suspension.
  - c. Removal or suspension may also include a requirement that the attorney ~~immediately~~ identify to the Commission all open assigned cases and file a motion to withdraw in each case within seven calendar days of the date of the suspension or removal decision. If an attorney is directed to withdraw from all their assigned cases and fails to do so within seven calendar days of the date of the suspension or removal decision, the attorney will not be entitled to payment from the Commission for work done on any of the cases after the date of the suspension or removal decision.
  - d. The Executive Director's decision to remove or suspend an ~~attorney~~ attorney's Eligibility may be appealed to the full Commission pursuant to 4 M.R.S.A. §1804(3)(J) and Chapter 201 of the Commission ~~rule 94-649 Chapter 201~~ rules.

STATUTORY AUTHORITY: 4 M.R.S.A. §1804(2)(B)

EFFECTIVE DATE:

June 25, 2010 – filing 2010-214 (Final adoption, major substantive)

AMENDED:

September 17, 2015 – filing 2015-152 (Final adoption, major substantive)

DRAFT

94-649 MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Chapter 2: STANDARDS FOR QUALIFICATIONS OF CONTRACT AND ASSIGNED COUNSEL DGA COMMENTS and SUGGESTIONS in YELLOW/RED, 02-05-2024

MCILS Staff comments/responses in margins

**Summary:** This ~~chapter~~Chapter establishes the standards prescribing minimum experience, training, and other qualifications for contract counsel and assigned counsel to be ~~eligible~~Eligible to ~~accept appointments~~receive assignments to represent indigent people, who are ~~eligible for~~entitled to a statutorily and/or constitutionally-required attorney.

**SECTION 1.** ~~Application~~ Definitions

1. ~~Executive Director.~~ "Executive Director" means the Executive Director of the Commission or the Executive Director's decision-making designee.
2. Assignment. "Assignment" means a case or lawyer of the day assignment made by a court or the Commission, and specialty court liaison or resource counsel assignments made by the Commission.
3. Eligible. "Eligible" is the status assigned to an attorney who has satisfied all the requirements of this Chapter, has satisfied all requirements of Chapter 3 for any applicable Specialized Panels, has applied and been approved by the Commission to receive assignments of the applicable case type, is current on their annual renewal, and is not under suspension by the Commission.
4. Roster. "Roster" is a list of attorneys ~~wishing to accept case~~ who are both Eligible and actively accepting cases of a particular type in a particular court or location.
5. **Specialized Panels.** "Specialized Panels" means those types of assignments by ~~that are~~ complex in nature. They include the panels listed in Chapter 3 of the Commission Rules.

**SECTION 2.** ~~must~~ Applicability

1. Whenever the eligibility standards are amended, the Executive Director shall create an application for all then-currently Eligible counsel to complete to demonstrate they meet all eligibility requirements of this Chapter. Counsel who are Eligible to receive assignments at the time this Chapter is amended shall maintain their eligibility until July 15, 2024. As a condition of continued eligibility, counsel must successfully complete the application by July 15, 2024. If counsel fail to successfully complete the application by July 15, 2024, they will automatically become ineligible to receive Assignments until they do so. Change all three dates to November 1, 2024 so that: (A) the continuing eligibility applications do not coincide with the end of the fiscal year when MCILS staff must address many other fiscal and workload calculation, reporting, drafting, and supervision responsibilities; and (B) continued eligibility determinations follow the MCILS annual conference and training

event.

2. An attorney who is Eligible for one or more case types prior to the amendment of this Chapter will not be deemed Eligible for additional case types until they comply with the amended Chapter.
3. Any attorney not previously Eligible to receive Assignments from the Commission when this Chapter is amended must comply with the requirements of this Chapter and all other Commission rules to become Eligible.

**Commented [FD1]:** The deadline should remain July 15<sup>th</sup> because that is when annual renewals are due. It is important to note that there will not be continuing eligibility applications. Instead, the annual renewal (that counsel already have to complete) will be designed to confirm that attorneys meet the new eligibility criteria.

### **SECTION 3. Minimum Eligibility Requirements**

To become and/or remain Eligible, an attorney must—at a minimum—satisfy the following conditions:

1. Application
  - a. Complete an application in the manner prescribed by the Commission— through its Executive Director. The Commission Executive Director will not act on an application until it is complete.
  - b. If any of the information on the application changes prior to the Executive Director acting on the application, the attorney must immediately notify the Commission via email prior to receiving a decision on the application.
  - c. No attorney will be assigned a case receive an Assignment until that attorney completes an application and is placed on the roster of attorneys eligible deemed Eligible to receive assignments Assignments of that type.

### ~~1. SECTION 2. Minimum Experience, Training And Other Eligibility Requirements~~

~~Any attorney wishing to accept case assignments from the Commission, serve as contract counsel or otherwise be approved by the Commission to accept assignments must satisfy the following conditions.~~

2. ~~1. Licensed to Practice~~
  - a. ~~a) The attorney must be licensed to practice law in the State of Maine and be in good standing with the Maine Board of Overseers of the Bar.~~
  - b. ~~b) The attorney must promptly inform the Commission, in writing, of any complaint, or any legal ethics opinion or decision, against the attorney filed with the Maine Board of Overseers of the Bar that has been set for a grievance panel hearing, or a Maine court, or hearing before a single justice any entity charged with governing the conduct of the Supreme Judicial Court attorneys in any other jurisdiction. The attorney must so inform the Commission within 5 days of knowing or having reason to know of such complaint,~~

**Commented [FD2]:** I don't think we need the "legal ethics opinion" language because I don't think the Board of Overseers issues opinions against a particular attorney. Instead, the opinions interpret rules.

opinion, or decision. Failure to comply with this requirement is grounds for removal ~~from the roster or suspension in accordance with Section 5 herein.~~

c. e) The attorney must inform the Commission, in writing, of any suspension of the attorney's privilege to practice law in any jurisdiction within 24 hours of receiving actual or constructive notice of the suspension. Failure to comply with this requirement is grounds for suspension or removal in accordance with Section 5 herein.

d. The attorney must inform the Commission, in writing, within 5 days of any criminal charge filed against the attorney—in any jurisdiction and promptly inform the Commission of any disposition of such charge. Failure to comply with this requirement is grounds for suspension or removal ~~from the roster, in accordance with Section 5 herein.~~

### 3. Proficiency

a. The attorney must be knowledgeable of the Maine Rules of Evidence.

b. The attorney must be knowledgeable of the rules of procedure applicable to the area(s) of law they practice.

c. The attorney must be knowledgeable of the applicable law in their area(s) of practice.

d. The attorney must be knowledgeable of the Maine Rules of Professional Conduct.

e. The attorney must only represent clients in assigned cases for which they are Eligible. If an attorney is assigned to a case for which they are not Eligible, the attorney must—within three business days of receiving actual or constructive notice of the appointment—submit a complete application for the applicable case type, file a motion for appointment of eligible co-counsel, or file a motion to withdraw from the case. If the attorney elects to withdraw from the case, the attorney must fulfill their obligations pursuant to the Maine Rules of Professional Responsibility and the relevant rules of procedure.

This needs to be amended to permit more flexibility and allow more time for adjustment or waiver when an attorney is assigned a case for which the attorney is eligible, but, after assignment, the nature of the case and the pending charges change, for example, as result of: (A) later indictment when the attorney was assigned at first appearance; (B) a court approved amendment of the charge, which could be a more serious or a less serious charge for a Specialized Panel offense which the attorney has not sought to be rostered; (C) the client commits a new offense.

### Training 2. — Attorney Cooperation with Procedures and Monitoring

#### 4.

a. Before being deemed Eligible and receiving Assignments, an attorney must satisfactorily complete a designated Commission-sponsored or Commission-approved training course in each area of the law for which the attorney is seeking to receive Assignments.

**Commented [FD3]:** The deadline should remain as proposed, three business days. It is important for eligible counsel to start working on the case as soon as possible.

**Commented [BJ4R3]:** Also, the 3 days only runs from notice, not from an appointment there's no notice of.

This includes but is not limited to the following areas of law: criminal defense, lawyer of the day, juvenile defense, civil commitment, child protective, not criminally responsible release hearings, guardianship, and emancipation. Lawyer of the day should be a specialized panel within the criminal defense category, only available to attorneys otherwise eligible for appointment to criminal cases.

**Commented [FD5]:** This is already the case, but there is still a minimum standards training required, so it is appropriately listed here. See Ch. 3.

b. The attorney shall meet any specific training requirements of any Specialized Panels.

c. To maintain their eligibility, an attorney must annually complete 8 hours of continuing legal education (CLE) approved by the Commission. All the CLE hours must be related to the area(s) of law that the attorney practices. The explanation for the Rule should indicate that a CLE on the Rules of Evidence, Trial Practice, Preserving Objections, Appellate Practice, Trial Practice Ethics, or Jury Selection and Practice would qualify for these CLE credits if approved by the Commission – even if presented by another organization such as: Board of Overseers, MACDL, MTLA, MSBA, U. Maine School of Law.

**Commented [FD6]:** These explanations are potentially limiting. The current proposed language makes clear that CLEs just must be approved by the Commission (not “provided by”, as Ch. 301-A requires). A list of the CLEs MCILS has approved is on our website and includes CLEs related to these topics and sponsored by most of these entities.

## 5. Technological Literacy

a. The attorney must personally have the ability to do the following:

i. Open, read, reply to, forward, save, and print emails. Attach files to and download attachments from emails.

ii. Electronically sign documents.

iii. Scan, attach, and upload or email documents.

iv. Use ShareFile and other systems used by courts for the purpose of e-filing or sharing information with attorneys. Only when up and running with the courts: right now e-filing rules do not apply to most MCILS type cases in most courts. [Notes from attending an e-filing training session put on by the courts at the MSBA meeting, 01-25-24.]

**Commented [FD7]:** Most DA’s offices use ShareFile to share discovery, so attorneys need to be able to use it regardless of whether SF is used for eFiling. Also, we want attys to have eFiling skills now because some courts are already using eFiling.

v. View, download, save, copy, and disseminate in a confidential manner all discovery received in electronic form.

**Commented [BJ8R7]:** And the SJC just announced an expansion of eFile into more courts.

vi. Opt in and out of Rosters using the Commission’s electronic case management system. Should this also include submitting vouchers and any other case specific or attorney specific reports and information through the electronic case management system?

**Commented [FD9]:** If attorneys can’t submit vouchers, they can’t get paid.

## 6. Annual Renewal

a. The attorney must register with the Commission annually in a manner prescribed by the Commission. The attorney must comply with all applicable Commission rules and procedures. The attorney must comply with Commission monitoring and performance evaluations. The attorney must also comply with any Commission investigation of

**Commented [BJ10R9]:** Staff are helpful in answering questions or assisting with defenderData troubleshooting.

b. The annual renewal form will require the attorney to provide certain information, including but not limited to:

- i. The attorney's contact information.
- ii. A list of the qualifying CLE credits the attorney has completed for the relevant period.
- iii. Whether they have had any bar complaints, billing discrepancies, since their last successful renewal.
- iv. Whether they have been charged with a civil or criminal offense since their last successful renewal. Would this include a local ordinance violation? Any limits on what civil violations that must be reported?
- v. Any other information that, in the view of the Executive Director, concerns the question of whether

**Commented [FD11]:** We do not need every ordinance violation or civil infraction reported to us.

**Commented [FD12]:** Should remain ED.

**Commented [BJ13R12]:** The Commission is likely to serve in an appellate/review capacity on appeals from ED decisions on eligibility and suspensions after hearing; keeping this with ED makes more sense operationally and in separating out initial adjudication from agency review procedures.

c. The annual renewal form may also require the attorney to make certifications, including but not limited to:

- i. That the attorney has read, understands, and agrees to abide by all Commission rules and policies.
- ii. That the attorney is fit to remain licensed to practice law in Maine.
- iii. A statement about what percentage of the attorney's work hours is spent on the roster. Except as pertains to indigent cases assigned to the attorney, cases.
- iv. That the attorney has not been charged with a criminal offense which they have failed to disclose to the Commission.
- v. That the attorney has not been the subject of any Board of Bar Overseers complaints or other ethics complaints in any jurisdiction which they have failed to disclose to the Commission.
- vi. That all information submitted and certifications made on the annual renewal form are complete and accurate.
- vii. Any certification designed to assess compliance with Commission rules or policies.
- viii. Any other certifications deemed appropriate by the Executive Director cannot require an attorney to disclose information that is privileged or made confidential by statute, by court rule or by court order. Commission.

**Commented [FD14]:** Should remain ED.

d. SECTION 3.— Any attorney who fails to successfully and timely complete the annual renewal will be deemed ineligible to receive Assignments. The attorney may have their eligibility restored upon successful completion of the annual renewal if they are in compliance with all Commission rules.

#### 7. Office, Telephone, and Electronic Mail

a. The attorney must maintain an office or have the use of space that is reasonably accessible to clients and that permits the private discussion of confidential and other sensitive matters.

b. The attorney must maintain a telephone number, which shall be staffed by personnel available for answering telephone calls or an answering service, an answering machine or voicemail capability that ensures client confidentiality.

c. The attorney must maintain a confidential working e-mail account as a means of receiving information from and providing information to the Commission. The e-mail address must not be owned or accessible by any person or entity other than the attorney or the entity they own or are employed by.

Does this mean that an attorney must have an email account different from the email address registered with the courts for purpose of filing and receipt of documents from the courts? Must this email account be different from the attorney's published business email address registered with the Board of Overseers? Rather than requiring attorneys to have separate email accounts for filings to and receipt of information from MCILS, suggest having a system of encryption or password protection for filing and receipt of confidential information to or from MCILS!

d. The attorney must keep the Commission and the courts in which the attorney represents indigent clients apprised of the attorney's work telephone number and postal and ~~electronic e-mail~~ addresses. The attorney must ensure that the court has the ability to contact the attorney by e-mail, mail, and by telephone.

**Commented [FD15]:** This is not what is intended. We are not requiring the attorney to have a separate email; just a confidential one (which will likely/should be the same as the one they're providing to the courts).

### **SECTION 4. Experience and Proficiency**

#### 8. Attorney Cooperation with Procedures and Monitoring

The attorney shall demonstrate the necessary and sufficient experience and proficiency required to accept appointments as provided below.

1.— *[Repealed]*

a. 2.— Any attorney not previously having been accepted to receive assignments from the must comply with all applicable Commission ~~must satisfactorily complete a Commission-sponsored or Commission-approved training course for the area of the law for which the attorney is seeking to receive assignments, including but not limited to, criminal defense, juvenile defense, civil commitment, child protective, or emancipation prior to being placed on the roster and receiving assignments; or rules and procedures.~~

b. 3. ~~An~~ The attorney may be accepted for placement on the roster and receive assignments from the must comply with Commission without completing a monitoring and performance evaluations. The type of monitoring and performance evaluations that are contemplated must be more clearly spelled out. This issue is of concern to many competent, experienced attorneys. For experienced attorneys, this monitoring should not extend to looking over an attorney's shoulder and second guessing an attorney's strategy and decisions while a case is ongoing.

**Commented [FD16]:** We are charged with providing oversight to all assigned counsel, not just new lawyers.

c. The attorney must comply with any Commission-sponsored investigation of complaints, billing discrepancies, or Commission-approved training course other information. Except as ~~provided above if the attorney demonstrates~~ pertains to indigent cases assigned to the attorney, the Executive Director cannot require an attorney to disclose information that is privileged or made confidential by statute, court rule or court order.

**Commented [BJ17R16]:** I'm not aware of a single instance of this. Conscious choices during litigation such as strategic and tactical decisions are for the lawyer and client to navigate. We're talking about after the fact evaluations based on complaints or for systemic review to ascertain appropriate action, such as focused training.

#### SECTION 4, the Eligibility

##### 1. Cause

a. The Executive Director may determine that an attorney is not Eligible to receive assignments generally or of a particular type if:

i. The attorney made any intentional misrepresentation or material omission on any application they submitted to the Commission.

**Commented [FD18]:** A culpability standard is not necessary here and could lead to confusion. "Misrepresentation" is defined as, "the action or offense of giving a false or misleading account of the nature of something." (Cite: Oxford Languages). If the Commission decides that some standard is necessary, I would recommend "knowing."

ii. The attorney fails to satisfy any requirement of any Commission rule.

iii. The attorney has a commitment to and proficiency in the practice of the area of law for prior criminal record which the Attorney is willing to accept assignments over Executive Director determines could affect the attorney's ability to provide high quality legal services.

iv. The attorney has a prior bar disciplinary history which the Executive Director determines could affect the attorney's ability to provide high quality legal services.

v. The Executive Director concludes that the course of at least attorney is unfit to provide high quality indigent legal services.

[ (iii), (iv), and (v) above need more specific definitions than the ED's discretion to meet constitutional due process standards to justify exclusion of an individual from receiving MCILS assignments.]

**Commented [FD19]:** Some discretion is necessary because it is impossible to predict everything. If there is concern that the ED abused their discretion in a particular instance, there is an appeals process.

##### 2. Process

a. If the three years prior to Executive Director determines that an attorney is not Eligible to receive Assignments generally or of a particular type pursuant to Section 5(1) of this Chapter:

**Commented [BJ20R19]:** The ED's discretion is constrained by the statutes governing us, our rules, and admin law's arbitrary and capricious standard, as well as Commission review of individual matters and in selecting--or replacing--the ED.

i. The Executive Director's decision shall be in writing and shall reflect the Executive Director's reasoning in a manner sufficient to inform the attorney of the basis for the Executive Director's action. [Can this decision be appealed to the Commission? It is not clear if the process in Section 5(2) applies to this eligibility determination. The 5(2) process should apply. If not, is the only appeal one to the Superior Court under M.R. Civ. P. 80C?]

**Commented [FD21]:** This is governed by statute 4 M.R.S. § 1804(3)(J)

ii. The Executive Director's decision that an attorney does not satisfy the minimum eligibility requirements to receive Assignments may be appealed to the full Commission pursuant to 4 M.R.S.A. §1804(3)(J) and Chapter 201 of the Commission rules.

### 3. Automatic Ineligibility

a. If an attorney exceeds the maximum caseload standard as set forth by Chapter 4 of the Commission rules and has not been granted a waiver pursuant to Chapter 4, they will become ineligible to receive new case Assignments.

- The current caseload standards limit attorneys to 1/3 to 1/2 of the caseload that our own data show that our attorneys are capable of accepting and competently representing clients before the courts. An attorney should not be excluded from new assignments unless their pending caseload, measured by the average hours per case that MCILS FY 2023 data show competent, ethical attorneys are putting in to defend the particular case types at issue, is at least double the number set in the caseload standards. For example, MCILS caseload standards for appeals states that attorneys average approximately 74 hours for each criminal appeal, with a caseload limit of 25 appeals. MCILS FY 2023 data show that MCILS attorneys average approximately 25 hours for each criminal appeal. With this example, attorneys should not be removed from rosters if they had 50 or less pending appeals – if they only do appeal work.

**Commented [FD22]:** We cannot change caseload standards through Ch. 2.

b. Any attorney who voluntarily accepts a new case after having been deemed ineligible pursuant to subsection 2(a), above, will not be paid by the Commission for any time spent on the case.

There must be an exception to this rule for cases where (1) MCILS has advised a court that it does not have an attorney available to take an assignment, and (2) the court then assigns to the case a consenting attorney whom the court has deemed competent and available to represent the client. As a matter of constitutional law and legal ethics, when MCILS is unable or unwilling to provide counsel to an individual qualifying for MCILS representation, it cannot also prevent the court from assuring that the individual's constitutional right to the assistance of competent counsel is met. The court may, in fact must, assign the individual competent counsel who will receive appropriate compensation to assure that the individual receives constitutionally required representation.

**Commented [FD23]:** It is not appropriate for a court to determine whether counsel is competent and available. Courts must follow MRU Crim P. 44. Also, Ch. 4 already makes counsel ineligible when they're over their limit.

c. Any attorney who is assigned a case by a court without the attorney's consent after the attorney has been deemed ineligible pursuant to subsection 2(a), above, must within seven calendar days of receiving assignments actual or constructive notice of the assignment, file a motion to withdraw from the case and notify the Commission of the improper assignment. The attorney will only be paid for time spent withdrawing from the Commission case, any work performed on the case pending a court's ruling on the

motion to withdraw and appointment of successor counsel, and the time spent communicating with the Commission about the improper assignment. If the attorney fails to file a motion to withdraw within seven calendar days of receiving notice of the assignment, the attorney will not be paid by the Commission for any time spent on the case.

#### **SECTION 5. Training**

The attorney shall annually complete 8 hours of continuing legal education (CLE) approved by the Commission.

The attorney shall meet any specific training requirements of any specialized panels.

#### **SECTION 6. ~~Removal or Suspension from the Roster of Eligibility~~**

1. Cause. The Executive Director may remove indefinitely or suspend an attorney from the roster completely or from the roster for certain case types and court locations for attorney's Eligibility to receive Assignments, or to receive Assignments of a particular type:

a. For any failure to comply with this rule or any other Commission rule. In addition, the Executive Director may remove indefinitely or suspend an attorney from the roster completely or from the roster for certain case types and court locations if

b. If the Executive Director determines that the attorney ~~is~~ can no longer qualified to provide high quality indigent legal services based on the nature of any criminal charge or on investigation by the Executive Director.

c. If it is discovered that the attorney made any intentional misrepresentation or the Executive Director's designee material omission on any application they submitted to the Commission.

d. If the Executive Director determines that the attorney can no longer provide quality indigent legal services based on investigation by the Executive Director of any complaint or other information.

#### 2. Process.

a. The Executive Director's decision to remove or suspend an attorney from the roster attorney's eligibility shall be in writing and shall reflect the Executive Director's reasoning in a manner sufficient to inform the attorney and the public of the basis for the Executive Director's action.

b. Attorneys removed indefinitely must re-apply to the Commission if they wish to receive assignments Assignments in the future. Attorneys who are suspended from the roster need not re-apply, but must demonstrate compliance with any conditions made part of a suspension.

**Commented [FD24]:** Same comment as above. If a standard is needed, recommend "knowing."

c. Removal or suspension may also include a requirement that the attorney ~~immediately~~ identify to the Commission all open assigned cases and file a motion to withdraw in each case, within seven calendar days of the date of the suspension or removal decision. If an attorney is directed to withdraw from all their assigned cases and fails to do so within seven calendar days of the date of the suspension or removal decision, the attorney will not be entitled to payment from the Commission for work done on any of the cases after the date of the suspension or removal decision.

d. The Executive Director's decision to remove or suspend an ~~attorney~~ attorney's Eligibility may be appealed to the full Commission pursuant to 4 M.R.S.A. §1804(3)(J) and Chapter 201 of the Commission ~~rule 94-649 Chapter 201~~ rules.

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STATUTORY AUTHORITY: 4 M.R.S.A. §1804(2)(B)

EFFECTIVE DATE:

June 25, 2010 – filing 2010-214 (Final adoption, major substantive)

AMENDED:

September 17, 2015 – filing 2015-152 (Final adoption, major substantive)

## 94-649 MAINE COMMISSION ON INDIGENT LEGAL SERVICES

### Chapter 4: CASELOAD STANDARDS FOR ASSIGNED COUNSEL AND CONTRACT COUNSEL

**Summary:** 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” 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 each client.

#### SECTION 1. DEFINITIONS

- A. **Points.** “Points” means: the weight assigned to each case type.
- B. **Case ~~type~~Type.** “Case type” means: the type of matter to which the attorney is assigned.
- C. **Maximum ~~case~~Case ~~type~~Type.** “Maximum case type” means: ~~represents~~ the maximum number of 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~~Hours ~~per~~Per ~~case~~Case.** “Hours Per Case” means: the anticipated average number of hours that would be spent on a case of a particular type.
- E. **Maximum ~~A~~active ~~C~~aseload ~~L~~imit.** “Maximum Active Caseload Limit” means: the maximum total points across all case types that an attorney may carry on their caseload at any given time and remain eligible to receive assignments, based on the percentage of an attorney’s work hours which are dedicated to assigned cases.
- F. **Maximum ~~A~~nnual ~~H~~ours ~~L~~imit.** “Maximum Annual Hours Limit” means: the presumptive maximum number of hours that the Commission holds an attorney should work for consumers of indigent legal services over a rolling 12-month period, as modified by 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.
- G. **Homicide.** “Homicide” has the same meaning as defined by Chapter 3 of the Commission rules.

**H. Executive Director.** "Executive Director" means the Executive Director of MCILS or the Executive Director's decision-making designee.

**I. MCILS Liaison.** "MCILS Liaison" means the attorney who performs services for clients as part of a specialty court team but who has not otherwise been appointed to represent a specific client on a specific docket.

†

## SECTION 2. 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 separate case. Each separate case is assigned cumulative points.
- iv. The point value assigned is applicable to each case from assignment through disposition of the matter. 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 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 child protective docket numbers because the client has multiple children, only one docket number is assigned a point value at any one time.

### C. Appeals to the Supreme Judicial Court of Maine:

- i. Appeals to the Supreme Judicial 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.

4.2. Lawyer of the Day points are calculated on a rolling 12-month basis. This means that all of an attorney's LOD appearances from the preceding 12 months will be included in the attorney's point calculation.

E. ~~Specialty Courts and Projects: MCILS Liaison:~~

~~A. The point value MCILS Liaison assignments are assigned points based on the hours the particular MCILS Liaison spent performing MCILS Liaison services in the preceding 12 months. The total hours performed as MCILS Liaison are then converted to points based on 7.4 hours being worth 1 point.~~

~~i. 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 the Commission 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.~~

### SECTION 3. POINTS

A.B. The Commission has established the following point values for each respective case type:

Case Type:	Points:	Maximum Case Type:	Average Hours Per Case:
<u>Homicide</u>	<u>33.75</u>	<u>8</u>	<u>248</u>
Class A Crime <u>other than Homicide</u>	4	67	29.6
Class B & C Person Crime	3	90	22.2
Class B & C Property Crime	2	135	14.8
Class D & E Crime	1	270	7.4
Probation Violation	1.25	216	9.25
Post-Conviction Review	6	45	44.4
Appeal	10	27	74
Juvenile	2	135	14.8
Lawyer of the Day (per appearance)	0.5	540	3.7
Protective Custody	5	54	37
Involuntary Commitment	1.25	216	9.25
Inv. Commit. Appeal to Superior Court	2	135	14.8

Emancipation	0.75	357	5.6
Probate	3	90	22.2
<del>Specialty Courts (per appearance)</del>	<del>0.5</del>	<del>540</del>	<del>3.7</del>
Pet. for Mod. of Release or Treatment	3	90	22.2
Petition for Release	3	90	22.2

#### SECTION 4. LIMITS

- A. The Commission has established a maximum active caseload limit of 270 points, based on a presumptive maximum annual hours limit of 2,000. An attorney whose caseload exceeds their 270 points Maximum Active Caseload Limit at any one time is ineligible to receive additional assignments to represent consumers of indigent legal services, other than additional case assignments for existing clients, unless granted a waiver pursuant to Section 7 below.
- B. The applicable maximum caseload and hours limits are reduced proportionately, based upon the percentage of the attorney's work hours that are dedicated to Commission cases. The following chart reflects this calculation, based on an active caseload limit of 270 points and an annual limit of 2,000 billed hours:

<b>% of Attorney's Work Hours Spent on Commission Cases:</b>	<b>Maximum Active Caseload Limit:</b>	<b>Maximum Annual Hours Limit:</b>
100%	270	2,000
75%	202	1500
50%	135	1000
25%	67	500
10%	27	200

- C. Case Closed:
- i. When a case is closed in the Commission's case management system, the points assigned to that case are deducted from the attorney's active caseload points total.
- D. Deferred Disposition:
- i. When the disposition of a case in the Commission's case management system is changed to reflect a deferment, the points assigned to that case are deducted from the attorney's active caseload points total.
- E. Other events that toll cases:
- i. 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 effectively toll the progress of a case may include a filing; long-term continuance; client in absent or fugitive status; - for the time after oral argument, pending a decision in a case before the Maine Supreme Judicial Court; or; similar events.

## SECTION 5. APPLICATION

### A. Applicable Caseload Limit:

- i. All attorneys accepting assignments to represent consumers of indigent legal services are required to annually certify to the Commission approximately what portion of their annual working hours are dedicated to assigned cases.
- ii. All attorneys who are eligible to accept case assignments on the effective date of this rule must submit their first certification not later than 30 calendar days after the effective date of this rule and by July 15<sup>th</sup> of that year and every year thereafter, as outlined below.
- iii. Attorneys who apply to accept Commission cases will be required to submit this certification prior to receiving case assignments.
- iv. Attorneys who renew their eligibility to accept Commission cases must, at the time of the submission of their renewal application, submit a new certification of approximately what portion of their annual working hours are dedicated to assigned cases. This certification must be submitted to the Commission no later than July 15<sup>th</sup> of each year.
- v. After a certification is submitted, the attorney's Mmaximum Aactive Caseload Limit will be set in the Commission's information management system.
- vi. If an attorney's workload percentages changes significantly prior to the annual certification, the attorney can ~~request that the Commission~~ adjust their Mmaximum Active Caseload ~~and/or annual hours limits~~ Limit.
1. Eligible aAttorneys who are under the Maximum Active Caseload Limit will always have the ability to opt out of case types and courts to reduce the number of new assignments they receive.
- vii. This certification must be completed on the form provided by the Commission.
- viii. 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~~.

ix. Suspected falsification of a certification will result in the initiation of a Commission ~~assessment and/or~~ investigation.

~~ix.x.~~ An attorney may set their workload percentage to lower than the actual number but may not set it higher than the actual number. For example, if 75% of an attorney's workload is dedicated to assigned cases, they may set their percentage to a number lower than 75% but may not set it to a number higher than 75%.

B. Case Entry & Closing:

- i. Counsel are responsible for ensuring that all cases are opened in the Commission's case management system within 7 calendar days of ~~the receipt of~~receiving notice of assignment in any form, and that cases are closed in the Commission's case management system within 7 days of the completion of work ~~o~~in the file. \_\_\_\_\_

## SECTION 6. EXCEPTIONS

- A. If an attorney has reached the maximum 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.

## SECTION 7. WAIVER

- A. An attorney may apply for a temporary waiver of the maximum active caseload limit.
- B. A temporary waiver may be granted for a period of up to 6 months.
- C. Application must be made to the Executive Director ~~or their designee~~ in the manner designated by the ~~Commission~~Executive Director.
- D. Waivers are discretionary and will only be granted for good cause.

~~D.~~ \_\_\_\_\_

- 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 the Commission, whether the attorney practices primarily in courts experiencing longer average times to resolution of cases; and/or
- vii. Any other factors relevant to whether, in the discretion of the Executive Director, ~~or designee~~ the waiver should be granted.

## **SECTION 8. EFFECTIVE DATE**

- A. This Chapter becomes effective on January 1, 2024.
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### **STATUTORY AUTHORITY:**

4 M.R.S. §§ 1804(2)(C), (2)(G) and (4)(D)

### **EFFECTIVE DATE:**

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

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**Summary:** This chapter establishes a fee schedule and administrative procedures for payment of private Court Assigned and/or Commission-Assigned Counsel. The Chapter sets a standard hourly rate and fee amounts that trigger presumptive review for specific case types. The 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.

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**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. Commission-Employed Counsel. “Commission-Employed Counsel” means counsel employed by the Commission to provide direct representation to indigent persons.
7. 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.

8. Commission Liaison. “Commission Liaison” means the attorney who performs services for clients as part of the specialty court team but who has not otherwise been appointed to represent a specific client in a specific docket.
9. Interim Voucher. “Interim Voucher” means any voucher submitted in a case before Counsel’s professional responsibility in a matter ends.
10. 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.
11. Days. “Days” means calendar days.
12. Paralegal. ~~A~~ “~~P~~aralegal” ~~means~~ 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.
13. Paralegal ~~S~~services. “Paralegal ~~S~~services” ~~constitute~~ ~~means~~ specifically delegated substantive legal work for which a lawyer is responsible.
14. Secretarial ~~S~~services. “Secretarial ~~S~~services” means staff support services other than ~~P~~aralegal ~~S~~services.
15. Resource Counsel. “~~Resource Counsel~~” ~~means~~ ~~Counsel~~ ~~counsel~~ designated eligible to serve as Resource Counsel pursuant to Chapter 3 of the Commission Rules.
16. Final Voucher. “~~Final Voucher~~” ~~means~~ and includes the voucher required by Section 6 of this Chapter to be submitted within 90 days of a terminal case event.
17. Supplemental Voucher. “~~Supplemental Voucher~~” ~~means~~ any voucher submitted for work performed by Counsel on behalf of their indigent client after the terminal case event has occurred.
18. Case. “~~Case~~” ~~means~~ ~~a~~ ~~P~~articular ~~C~~lient ~~A~~ssignment as defined by this Chapter.

## **SECTION 2. HOURLY RATE OF PAYMENT.**

1. Effective March 1, 2023:

A rate of One Hundred Fifty Dollars (\$150.00) per hour is authorized for time spent by Counsel, and billed using MCILS electronic case management system, on an

assigned case on or after March 1, 2023. A rate of Eighty Dollars (\$80.00) per hour remains authorized for time spent on an assigned case between July 1, 2021 and February 28, 2023. 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 expenses will not be paid by MCILS. Routine office expenses include, but are not limited to: postage other than overnight and 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. Any and all requests for fees or reimbursement for paralegal services and secretarial services may be 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 101<sup>st</sup> 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 court. Mileage reimbursement will not be paid for travel to and from a Counsel's home court. Tolls will be reimbursed. 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. Reimbursement will be subject to the State's per diem maximum rate policies with respect to the reimbursement of any expense must be approved by MCILS in writing prior to incurring the 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. Counsel should not advance these costs. These costs shall not be included as a voucher expense without prior consent from the Executive Director. 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.

1. 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.
2. **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.** \$9,400
    - (3) **Class B and C (against person).** \$7,500
    - (4) **Class B and C (against property).** \$4,700
    - (5) **Class D and E.** \$4,700
    - (6) *[Repealed]*
    - (7) **Post-Conviction Review.** \$5,600
    - (8) **Probation Revocation.** \$2,800

- (9) **Miscellaneous (i.e., witness representation on 5<sup>th</sup> Amendment grounds, etc.).** \$1,900
  - (10) **Juvenile.** \$2,800
  - (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 count assigned with the highest class. In cases where a defendant is charged with 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 revocations, will require new application and appointment.
  - D. *[Repealed]*
  - E. Upon written request to MCILS, a second Counsel may be assigned in a murder or other complicated case, 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.
3. **District Court Child Protection**
- A. Triggering fees, excluding any itemized expenses, for Counsel in child protective cases are:
    - (1) **Child protective cases.** \$10,200
    - (2) *[Repealed]*
  - B. *[Repealed]*
4. **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.** \$2,800
- (3) **Petition for Modified Release Treatment.** \$1,900
- (4) **Petition for Release or Discharge.** \$1,900

5. **Law Court**

- A. *[Repealed]*
- B. *[Repealed]*
- C. Appellate: \$3,750

**SECTION 5: MINIMUM FEES.**

1. Counsel may bill a minimum fee of 3 hours for appearances as Lawyer of the Day, or Commission 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, specialty courts, Resource Counsel, 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. Services are rendered on Lawyer of the Day assignments on the date Counsel appears in court and serves as Lawyer of the Day. Services in specialty courts as an Commission Liaison, Resource Counsel, 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 or the timeframe otherwise established by this Chapter 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. If an exception decision is rendered by the Executive Director's decision-making designee, Counsel may submit an appeal in writing to the Executive Director on this issue only, within 10 days of the designee's decision. A decision on an exception under this section is final agency action.
- D. Counsel may submit interim vouchers not more often than once every calendar month per case.
- 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

- A. A terminal case event is the order, decision or judgment that signifies the final resolution of a particular client assignment such that substantive appearances before the court are no longer necessary to resolve the issues raised by the complaint, indictment, petition, appeal, or other initial pleading that provided the impetus of the case. There can be only one terminal case event in a particular client assignment. Terminal case events exclusively include:
  - (1) The withdrawal of Counsel;
  - (2) The entry of dismissal of all charges or petitions; or
  - (3) Judgment or other final order or decision of the court.
  - (4) *[Repealed]*

### 3. **Reduction for Untimely Voucher Submission**

- A. The total reduction applied to vouchers submitted after the 90-day deadline 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.
- C. Reduction Schedule:

Days After Terminal Case Event	Reduction
91 – 104	10%
105 – 150	25%
151 – 180	50%
181 or more	100%

- D. Any reduction 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 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 of each time entry must be specifically stated by using the most relevant time entry category and providing a reasonably descriptive comment/note for each time entry.
- 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 system. 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.
- E. If a particular client assignment requires additional, supplemental work be performed by Counsel after the terminal case event occurs, Counsel may submit a supplemental voucher for the work performed after the final

voucher is submitted. All time included on a supplemental voucher must be billed within a reasonable period of time after the task was completed. Notwithstanding any other provision of this Chapter, any time included on a supplemental voucher that is not submitted within a reasonable period of time is not payable except on a showing by Counsel that the voucher could not have been timely submitted for reasons outside the actual or constructive control of Counsel.

- F. Time for work performed by Counsel before the terminal case event occurred may not be included on a supplemental voucher.
- G. Time for work performed by Counsel after the terminal case event occurred may be included on a final voucher. If a final voucher is submitted greater than 90 days after a terminal case event, the entire voucher will be reduced according to the reduction schedule established by this Chapter including any time for work performed after the terminal case occurred.

#### 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.
- C. 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.

### **SECTION 7. RESOURCE COUNSEL.**

- 1. Resource Counsel may bill pursuant to Section 6(4), above, for any billable tasks outlined in subsection 2 and subject to the limitations in subsection 3 of this section.
- 2. **Billable Tasks:**
  - A. Meeting with Court-Assigned, Commission-Assigned, and Commission-Employed Counsel upon the written request of the Executive Director.
  - B. Meetings and other communications with Court-Assigned, Commission-Assigned, and Commission-Employed Counsel about the practice of law or ethical or legal issues related to assigned cases.
  - C. Assisting Court-Assigned, Commission-Assigned, and Commission-Employed Counsel with drafting documents and with litigation preparation for assigned cases.

- D. Meetings and other communications with members of the judiciary or prosecution about matters pertaining to indigent representation upon the written request of the Executive Director.
- E. Preparing and presenting trainings at the request of the Executive Director or Training & Supervision staff.
- F. In-court observation of Counsel if requested by the Executive Director or MCILS Training & Supervision staff.
- G. Responding to calls, emails, and/or webform submissions from individuals who contact MCILS through the MCILS hotline and/or website. This includes:
  - (1) Communication with the person who called;
  - (2) Communication with others to address the individual's matter; and
  - (3) Limited scope representation undertaken to resolve urgent issues for indigent persons concerning matters for which the person would be entitled to appointment of Counsel.
- H. Other tasks as deemed appropriate by the Executive Director and with prior written authorization of the Executive Director.

**3. Limitations:**

- A. Any services rendered as Resource Counsel must be strictly limited to matters relating to assigned—not retained or pro bono—cases.
- B. Resource Counsel may not bill for services rendered to an attorney who is not a Court-Assigned, Commission-Assigned, or Commission-Employed counsel.
- C. If Resource Counsel serves as co-counsel on an assigned case, then Resource Counsel must enter the case in the Commission's electronic case management system and bill for it as a typical case, not as Resource Counsel.
- D. Prior to preparing a training at the Commission's request, Resource Counsel must have prior written authorization from the Executive Director or MCILS Training & Supervision staff, which must include a cap on the maximum number of hours the Commission will pay Resource Counsel to prepare and present the training.
- E. Resource Counsel must be licensed to practice law in Maine and eligible to accept MCILS case assignments at all times while performing Resource

Counsel duties. Resource Counsel will not be paid for work done unless Resource Counsel is licensed to practice law in Maine and eligible to accept MCILS case assignments.

- F. As a condition of the opportunity to serve as Resource Counsel, Resource Counsel must maintain detailed records of the services they perform and provide copies of those records to MCILS upon request. At a minimum, those records must include:
- (1) The number of attorneys to whom Resource Counsel services are rendered; and
  - (2) A running log of the number of hours Resource Counsel spends on:
    - (a) Rendering general Resource Counsel services to attorneys;
    - (b) Rendering client-specific services; and
    - (c) Preparing and presenting trainings.
- G. Resource Counsel will not be paid for billing more than 40 hours in one seven-day period.
- H. Resource Counsel do not develop any property interest in the opportunity to serve in that role. There is no guarantee that MCILS will provide any number of hours to Resource Counsel.
- I. Resource Counsel may not incur any expenses of any type on behalf of MCILS without prior written approval from the Executive Director.
4. Court-Assigned and Commission-Assigned Counsel may bill pursuant to Section 6(4), above, for time spent receiving the services of Resource Counsel.

### **SECTION 8. NON-PAYMENT BASED ON MISCONDUCT.**

1. If Counsel submits a voucher for work completed that, upon investigation, the Executive Director concludes violated any of the Maine Rules of Professional Conduct or Commission Rules, the voucher may be rejected—in whole or in part—and the Executive Director may deny payment for the same. Decision of the Executive Director pursuant to this subsection constitutes final agency action.

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

June 23, 2022 – filing 2022-100 (Final adoption, major substantive)

February 24, 2023 – filing 2023-028 (Emergency adoption)

September 1, 2023 – filing 2023-122 (Final adoption, major substantive)

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

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**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 May 15, 2023.

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**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. Driving while attending a training is strictly prohibited. Counsel will be removed from the training and not paid for any training time while driving. 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.

2-a. For multiday trainings, the 75% attendance requirement will be applied based on counsel's attendance at the entire training, rather than a per-day basis, unless otherwise specified in writing by the Executive Director.

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 6(3), 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. MAXIMUM.**

1. Counsel is only eligible for payment under this Chapter for a maximum of 40 hours per fiscal year, beginning on July 1, 2023. There is no maximum number of billable hours pursuant to this Chapter prior to July 1, 2023.
2. The 40-hour maximum includes time spent attending and travel for the purpose of attending eligible trainings.
3. For purposes of calculating the maximum billable hours, the relevant date is the date of the training for which counsel is seeking payment.

#### **SECTION 6. ADMINISTRATION.**

1. Enforcement. MCILS staff reserve the right to deny Counsel access to a training or to remove Counsel from a training to enforce compliance with this policy, Commission Rules, or eligibility requirements for a particular training. If Counsel is removed from a training by MCILS staff, they will not be paid for the period during which they were removed, nor will that period count toward the 75% attendance provision of Section 3(2), above.
2. 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.
3. Payment will be made through the MCILS electronic case management system. To request payment, counsel must:

- a. Create a “case” in the MCILS electronic case management system for each training for which counsel requests payment or reimbursement. Do not enter a case in the MCILS electronic case management system until after the training has occurred. 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 date must be the first date of the training and the disposition date must ~~both~~ be the last 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.

~~4.~~ 4. Notwithstanding any other provision of any MCILS-Commission rule or policy, vouchers for payment for attending a training must be submitted within 90 days of the training without exception. Untimely vouchers for payment or reimbursement of expenses governed by this Chapter will not be paid. Attorneys are encouraged to submit their vouchers at the conclusion of the training without delay.

~~5.~~ 5. 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:

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**Chapter 302: PROCEDURES REGARDING FUNDS FOR EXPERTS AND INVESTIGATORS**


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**Summary:** This Chapter establishes the procedures for attorneys and pro se parties to request funds for experts and investigators from the Commission and provides that the Executive Director shall make the determination to grant or deny the request. It also establishes the procedures for payment of expert and investigator services authorized in this Chapter.

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**SECTION 1. DEFINITIONS**

1. **Executive Director.** "Executive Director" means the Executive Director of the Maine Commission on Indigent Legal Services or the Executive Director's decision-making designee.
2. **MCILS or Commission.** "MCILS" or "Commission" means the Maine Commission on Indigent Legal Services.

**SECTION 2. APPLICATION FOR FUNDS FOR EXPERT AND INVESTIGATIVE ASSISTANCE**

1. **Who May Apply.** Any person who is entitled to representation at state expense under the United States Constitution or the Constitution or laws of Maine and who has been found indigent by a state court or who claims to be without sufficient funds to employ necessary expert or investigative assistance may file, on ~~his or her~~their own or through ~~his or her~~their attorney, applications to MCILS for funds to obtain expert or investigative assistance or both.
2. **Application Directed to the Executive Director.** An application for funds to obtain necessary expert or investigative assistance or both shall be directed to the Executive Director.
3. **Form and Contents of Application.** The application shall:
  - ~~A.~~ A. Be completed on a form designated by the Executive Director.
  - ~~A.B.~~ A.B. Be in writing and include ~~a the~~ case caption ~~setting forth the court in which the case is pending, and~~ the docket number, ~~and the parties~~;
  - ~~B.C.~~ B.C. Set forth the date on which the applicant was found indigent or, if the applicant has not been found indigent, set forth the basis on which the applicant claims to be without sufficient funds. For persons not found indigent by a court, the application shall be supported by an affidavit demonstrating financial need;
  - ~~C.D.~~ C.D. Describe the nature of the proceeding for which assistance is sought, and in proceedings with respect to adult or juvenile crimes, specifically identify ~~each pending charge and class of each pending charge; the name and class or statutory~~

cite of the most serious charge, or of the charge which is the basis for the request for funds.

~~D.E.~~ Set forth a clear and concise statement of the reasons why the assistance is necessary for adequate presentation of the applicant's claim or defense; and

~~E.F.~~ Set forth a clear and concise statement as to the work that will be done by the expert and/or investigator.

4. **Electronic Filing Permitted.** The application must be filed with MCILS according to the procedure directed by the Executive Director. Any procedure developed by the Executive Director shall be designed to protect privileged information from disclosure, and to promote the efficient handling of funds requests by Commission staff.

A. ~~Email. Applications filed by email shall be directed to the Executive Director at the email address for the Executive Director listed on the MCILS website. The application shall be transmitted as an attached document and not set forth in the body of the email. Electronic documents that reflect the signature of the applicant or the applicant's attorney are preferred but are not required.~~ **Repealed.**

B. *Repealed.*

C. *Repealed.*

### SECTION 3. DETERMINATION BY THE EXECUTIVE DIRECTOR

The Executive Director shall review the application and the grounds therefore and, in the Executive Director's sole discretion, shall either grant the funds applied for, in whole or in part, or deny the application. When granting an application in whole or in part, the Executive Director may condition the expenditure of funds as set forth in MCILS Rule Chapter 301, *Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel*, and other MCILS procedures. The determination of the Executive Director shall be in writing and may be communicated to the applicant by electronic means.

### SECTION 4. PAYMENT FOR EXPERT OR INVESTIGATIVE ASSISTANCE

Upon receipt of an invoice for services for which the expenditure of funds has previously been authorized, the applicant or the applicant's attorney shall forward the invoice to MCILS for processing and payment, together with the relevant authorization. Attorneys shall comply with any procedures established by the Executive Director. The applicant or the applicant's attorney must state that the services were satisfactory and that all applicable reports and other information have been received. The applicant or the applicant's attorney should review the invoice to verify that it conforms to MCILS requirements and that the appropriate rates for services and mileage were billed. The applicant or the applicant's attorney is not required by the Commission to advance funds to investigators or other service providers, subject to any professional conduct requirements. The applicant should make every effort to ensure that the service providers include a State of Maine Vendor Code number on each invoice.

**SECTION 5. Transition**

*Repealed.*

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STATUTORY AUTHORITY:

4 M.R.S. §§ 1804(2)(G), (3)(A) and (4)(D)

EFFECTIVE DATE:

August 21, 2011 – filing 2011-284

AMENDED:

August 1, 2021 – filing 2021-150