

Chapter 301-B: REQUIREMENTS FOR PAYMENT OF PARALEGAL AND SECRETARIAL SERVICES

Summary: This Chapter establishes a method for Counsel to seek payment for Secretarial Services and Paralegal Services on assigned cases.

SECTION 1. Definitions.

1. PDS or Commission. “PDS” or “Commission” means the Commissioners of the Maine Commission on Public Defense Services.
2. Executive Director. “Executive Director” means the Executive Director of PDS or the Executive Director’s decision-making designee.
3. Counsel. “Counsel” means a private attorney designated eligible by the Commission to be assigned to provide a particular service or to represent a particular client in a particular matter, and assigned by PDS or a court to provide that service or represent a client.
4. Paralegal. “Paralegal” 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.
5. Paralegal Services. “Paralegal Services” means specifically delegated substantive legal work for which a lawyer is responsible.
6. Secretary. “Secretary” means a person who is employed or retained by a lawyer, law office, corporation, governmental agency, or other entity to provide Secretarial Services.
7. Secretarial Services. “Secretarial Services” means administrative staff support services other than Paralegal Services.
8. Payee. The person or entity that Counsel has designated to receive payment for services rendered by Counsel through submitting a Designation of Payee form to PDS.

SECTION 2. Hourly Rate of Payment.

Paralegal Services and Secretarial Services will be compensated at a rate of \$55 per hour subject to the limitations established by this Chapter and Chapter 301.

SECTION 3. Limitations.

1. **Compensable Tasks.** Counsel may be compensated for all Secretarial Services and Paralegal Services which would be compensable under Chapter 301, subject to the following limitations:
 - A. Counsel will only be compensated for tasks which may be delegated, consistent with the Maine Rules of Professional Conduct and Commission rules.
 - B. Secretarial Services and/or Paralegal Services must be attributable to a particular assigned client's case to be compensable. General office or file maintenance tasks are not compensable.
 - C. Counsel will only be compensated for a maximum of 20 hours of Secretarial Services and/or Paralegal Services, combined, per case.
 - D. Counsel will not be compensated for travel time or travel-related expenses incurred by Paralegals or Secretaries unless Counsel obtains prior written authorization from the Executive Director.

SECTION 4. Administration.

1. **Billing Method.**
 - A. Counsel may only be compensated for Secretarial Services and Paralegal Services via vouchers submitted through the PDS electronic case management system. Invoices seeking such compensation which are submitted through any other means will not be paid. Any voucher submitted for payment may include both time for Secretarial Services and/or Paralegal Services and the legal services of Counsel. Counsel need not enter a separate voucher for Secretarial Services and/or Paralegal Services.
 - B. Time submitted for Paralegal Services or Secretarial Services performed by someone who is an employee of Counsel shall be submitted as a time entry by the Paralegal or Secretary under their own profile in the PDS electronic case management system.
 - C. Time submitted for Paralegal Services or Secretarial Services performed by someone who is a contractor of Counsel shall be submitted by Counsel as an expense and attached to the relevant voucher in the PDS electronic case management system. Said expense must be accompanied by a receipt reflecting that Counsel paid that amount to the person who performed the Paralegal Services and/or Secretarial Services.
2. **Timekeeping.** Paralegal Services and Secretarial Services must be recorded in increments of 0.10 hours. Each distinct task performed must be itemized and include the date the task was performed, the hours expended, the name of the person who performed the task, the type of task, and a description of the task that is sufficiently specific and detailed to enable one to understand the nature and extent of the services provided.

3. Payment. Payment for Paralegal Services or Secretarial Services shall be made to Counsel's Payee. No payment allowable under this Chapter shall be made directly to any Paralegal or Secretary.
4. Timing. Vouchers submitted greater than 90 days after the terminal case event shall be reduced in accordance with Chapter 301, Section 6.

SECTION 5. Expiration.

Absent further rulemaking by the Commission, this Rule expires one year after its effective date.