
POLICY REGARDING GEOGRAPHIC LIMITATIONS ON PRACTICE AREAS

TO: ASSIGNED COUNSEL

FROM: EXECUTIVE DIRECTOR JIM BILLINGS

SUBJECT: POLICY REGARDING GEOGRAPHIC LIMITATIONS ON PRACTICE AREAS

DATE: MAY 28, 2025

CC: COMMISSION, MAINE JUDICIAL BRANCH

PDS hereby adopts the following policy with respect to Assigned Counsel accepting case assignments in various geographic areas.

SECTION 1. Definitions.

- a. Assigned Counsel. “Assigned Counsel” means a private attorney designated by the Commission to provide indigent legal services at public expense.
- b. Executive Director. “Executive Director” means the Executive Director of the Maine Commission on Public Defense Services or the Executive Director’s decision-making designee.
- c. Homicide. “Homicide” has the same meaning as in Chapter 3 of the Commission rules.

SECTION 2. Rationale.

- a. Many courts have transitioned back to in-person court appearances.
- b. PDS is facing a budget shortfall in fiscal year 2026. The costs of attorney travel time and mileage have increased significantly. From July 1, 2024 until May 15, 2025, PDS paid assigned counsel approximately \$2 million for travel time.
- c. The unrepresented crisis persists, and time spent travelling long distances to courts reduces attorney capacity to perform other work on cases.
- d. It is difficult to predict how best to deploy future increases in attorney capacity, employed or assigned, when so many attorneys are performing services across wide geographic areas of the state. PDS anticipates increasing employed counsel capacity to handle 50% of the adult criminal caseload, but the 50-50 hybrid approach is a statewide goal, and individual regions or counties could vary significantly in the participation by the assigned counsel

bar. It is likely that many areas of the state will not be split exactly 50% assigned and 50% employed counsel. Some regions or counties might have the assigned counsel bar taking less than 50% of the adult criminal cases so that PDS would need to deploy a higher number of employed counsel to certain regions to ensure everyone entitled to counsel has counsel from the inception of a case to its conclusion. The converse is also true: in some regions or counties, the assigned counsel bar may participate to the extent that it handles greater than 50% of adult criminal cases. Long term planning requires PDS to get a more accurate picture of statewide needs broken down by regional/county variations.

SECTION 3. Limitation.

- a. Assigned Counsel may accept case assignments from courts located within the district in which their office is located and will be compensated in accordance with Chapter 301 of the Commission rules.
- b. Assigned Counsel may accept case assignments from courts outside the district within which their office is located but will only be compensated for a maximum of one hour of travel time, each way, for each trip to court. This limitation applies only to travel time to/from court. It does not apply to travel for the purpose of jail, prison, or detention facility visits.
- c. If counsel has more than one office, they must designate a primary office to be used for the purpose of this policy.
- d. The districts are as follows:
 1. York County.
 2. Cumberland County.
 3. Oxford, Franklin, and Androscoggin Counties.
 4. Kennebec and Somerset Counties.
 5. Penobscot, Piscataquis Counties.
 6. Sagadahoc, Lincoln, Knox, and Waldo Counties.
 7. Hancock and Washington Counties.
 8. Aroostook County.

SECTION 4. Exceptions.

- a. This policy does not apply to Homicide cases, post-conviction review cases, or appeals to the Maine Supreme Judicial Court. This policy also does not apply to situations in which a current client has a new case outside counsel's district. Counsel will be paid full travel time in those cases, subject to Chapter 301 of the Commission rules.
- b. The Executive Director has the discretion to exempt counsel from the limitation imposed by Section 3(b) herein. To request authorization to bill for the full travel time for a case assignment from a court outside counsel's district and located more than one hour from counsel's office, counsel must submit a request to PDS@maine.gov.

SECTION 5. Implementation.

- a. Beginning with the annual renewal due on July 15, 2025, and each year thereafter, counsel will confirm the district within which their office is located on the annual renewal form.
- b. Counsel who accept case assignments outside their district from a court located more than one hour from their office without prior written authorization as contemplated by Section 4(b) of this policy will only be paid for a maximum of one hour of travel time, each way, for each court appearance.

SECTION 6. Effective Date.

- a. This policy applies to appointments on or after July 16, 2025.