

**MAINE COMMISSION ON
PUBLIC DEFENSE SERVICES**

June 25, 2025

**Commissioner's
Meeting Packet**

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

JUNE 25, 2025 MEETING AGENDA

- 1) Rulemaking Public Hearing / Chapter 3
- 2) Approval of the May 27, 2025 Commission Meeting Minutes
- 3) Executive Session pursuant to 1 M.R.S. 405(6)(A) and (E)
- 4) Report of the Executive Director
 - a. Operations report
 - b. 1807 update
 - c. Budget update
 - d. Recruiting update
- 5) Rulemaking discussion – Chapters 301 and 301-B
- 6) Update from District Defenders
- 7) Set Date, Time and Location of Next Regular Meeting of the Commission
- 8) Public Comment

Chapter 3: ELIGIBILITY REQUIREMENTS FOR SPECIALIZED PANELS

Summary: Chapter 2 of the Commission’s rules sets out the minimum requirements to be Eligible to accept assignments from the Commission. The rules in this Chapter are promulgated to establish the eligibility requirements for Specialized Panels.

SECTION 1. Definitions. For purposes of this Chapter, the following terms are defined as follows:

1. Executive Director. “Executive Director” means the Executive Director of the Maine Commission on ~~Indigent-Legal~~ Public Defense Services or the Executive Director’s decision-making designee.
2. Co-counsel. “Co-counsel” means an attorney who works with another attorney on a particular case. Both attorneys must be counsel of record, professionally responsible for the case, and actively participate in the representation of the client.
3. Contested Hearing. “Contested Hearing” means a hearing at which a contested issue is submitted to the court for resolution after evidence is taken or witnesses are presented.
4. Homicide. “Homicide” means:
 - A. All offenses contained in 17-A M.R.S.A. §§ 201 (Murder), 202 (Felony Murder), 203 (Manslaughter), 152 (Attempted Murder), and 152-A (Aggravated Attempted Murder).
 - B. 29-A M.R.S.A. § 2411(1-A)(D)(1-A) (Criminal OUI Causing Death).
 - C. Criminal Conspiracy under 17-A M.R.S.A. § 151, Criminal Attempt under 17-A M.R.S.A. § 152, and Criminal Solicitation under 17-A M.R.S.A. § 153 to commit any of the offenses listed above or to commit any crime involving substantially similar conduct.
5. Major Felony. “Major Felony” means:
 - A. An offense under 17-A M.R.S.A. §§ 208 (Aggravated Assault); 208-B (Elevated Aggravated Assault); 208-C (Elevated Aggravated Assault on a Pregnant Person); 208-D (Domestic Violence Aggravated Assault); 301 (Kidnapping), 401(1)(B)(1), (2), or (3) (Burglary with a Firearm, Burglary with Intent to Inflict Bodily Harm, and Burglary with a Dangerous Weapon); 651 (Robbery); 802 (Arson), 803-A (Causing a Catastrophe); 1105-A (Aggravated Trafficking of Scheduled Drugs); 1105-B (Aggravated Trafficking of Counterfeit Drugs); and 1105-C (Aggravated Furnishing of Scheduled Drugs).
 - B. “Major Felony” includes crimes involving substantially similar conduct.
 - C. “Major Felony” also includes Criminal Conspiracy under 17-A M.R.S.A. § 151,

Criminal Attempt under 17-A M.R.S.A. § 152, and Criminal Solicitation under 17-A M.R.S.A. § 153 to commit any of the offenses listed in Subsection 1(5) of this Chapter or to commit any crime involving substantially similar conduct.

6. Sex Offense. “Sex Offense” means:

A. An offense under 17-A M.R.S.A. §§ 253-260 (Sexual Assaults), 281-285 (Sexual Exploitation of Minors), 556 (Incest), 511(1)(D) (Violation of Privacy), 852 (Aggravated Sex Trafficking), 853 (Sex Trafficking), and 855 (Patronizing Prostitution of Minor or Person with Mental Disability).

B. “Sex Offense” includes crimes involving substantially similar conduct.

C. “Sex Offense” also includes Criminal Conspiracy under 17-A M.R.S.A. § 151, Criminal Attempt under 17-A M.R.S.A. § 152, and Criminal Solicitation under 17-A M.R.S.A. § 153 to commit any of the offenses listed in Subsection 1(6) of this Chapter or to commit any crime involving substantially similar conduct.

7. Operating Under the Influence (OUI). “OUI” means:

A. All offenses under 29-A M.R.S.A. § 2411 (Criminal OUI).

B. OUI includes crimes involving substantially similar conduct.

C. OUI also includes Criminal Conspiracy under 17-A M.R.S.A. § 151, Criminal Attempt under 17-A M.R.S.A. § 152, and Criminal Solicitation under 17-A M.R.S.A. § 153 to commit any of the offenses in Subsection 1(7) of this Chapter or to commit a crime involving substantially similar conduct.

8. Domestic Violence (DV). “Domestic Violence” means:

A. Offenses denominated as Domestic Violence under 17-A M.R.S.A. §§ 207-A (Domestic Violence Assault), 208-D (Domestic Violence Aggravated Assault), 209-A (Domestic Violence Criminal Threatening), 210-B (Domestic Violence Terrorizing), 210-C (Domestic Violence Stalking), and 211-A (Domestic Violence Reckless Conduct).

B. Any offense alleged to have been committed against a family or household member or dating partner as defined by 19-A M.R.S.A. § 4002.

C. Any offense of stalking under 17-A M.R.S.A. § 210-A (Stalking).

D. Violation of a protective order under 17-A M.R.S.A. § 506-B.

E. “Domestic Violence” includes crimes involving substantially similar conduct.

F. “Domestic Violence” also includes Criminal Conspiracy under 17-A M.R.S.A. § 151, Criminal Attempt under 17-A M.R.S.A. § 152, and Criminal Solicitation under 17-A M.R.S.A. § 153 to commit any of the offenses listed in Subsection 1(8) of this Chapter, or to commit any crime involving substantially similar conduct.

9. Juvenile Defense. “Juvenile Defense” means any juvenile crime defined by 15 M.R.S.A. §

3103.

10. Child Protective. “Child Protective” means a Maine District Court proceeding in which a parent is entitled to counsel pursuant to 22 M.R.S.A. § 4005(2).

11. Child Protective Appeal. “Child Protective Appeal” means an appeal to the Maine Supreme Judicial Court of any order terminating parental rights.

12. Homicide Appeal. “Homicide Appeal” means an appeal to the Maine Supreme Judicial Court of a conviction involving a Homicide offense as defined by Section 1(4) of this Chapter.

13. Other Criminal Appeal. “Other Criminal Appeal” means an appeal to the Maine Supreme Judicial Court of any criminal conviction other than a conviction for a Homicide offense, as defined by section 1(4) herein.

14. Lawyer of the Day (LOD). “LOD” means an attorney who has been designated by the Commission as Eligible for case assignments and is designated by a court pursuant to M.R.U. Crim. P. 5(e) for the limited purpose of representing a defendant or defendants at their arraignment or initial appearance.

15. Proceeding Type. “Proceeding Type” means the type of proceeding for which an attorney may serve as LOD. The three Proceeding Types are in-custody, walk-in, and juvenile.

A. In-Custody: arraignments or initial appearances for defendants in adult criminal cases who are incarcerated.

B. Walk-In: arraignments or initial appearances for defendants in adult criminal cases who are not incarcerated.

C. Juvenile: arraignments or initial appearances for juvenile defendants.

16. LOD Roster. “LOD Roster” means the list of attorneys designated as Eligible by the Commission to serve as LOD in a Proceeding Type for a particular court.

17. Shadow Session. “Shadow Session” means a session in which an attorney who has applied for LOD eligibility “shadows” an attorney who has been designated as Eligible for LOD for a complete session of the Proceeding Type for which the attorney is applying. The applicant must be present with the Eligible LOD for the entire LOD appearance, including in client interviews (with client consent) and in the courtroom. Rules of client confidentiality and privilege apply to all communications between the client, the LOD, and the attorney participating in a shadow session. If it is a morning LOD session that continues into the afternoon, the applicant must be present the entire time for what will be counted as one shadow session. If the shadowing attorney is Eligible to receive Commission case assignments at the time of the shadow session, the shadowing attorney is Eligible for payment in accordance with Chapter 301, Section 5 of the Commission rules.

18. Resource Counsel. “Resource Counsel” means an attorney who provides mentoring and other services to Eligible counsel as delineated in Chapter 301 of the Commission rules.

19. 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.

20. Specialized Panels. “Specialized Panels” means those types of assignments that are complex in nature. They include the following panels:

- A. Homicide
- B. Sex Offenses
- C. Major Felonies
- D. Operating Under the Influence
- E. Domestic Violence
- F. Juvenile Defense
- G. Child Protective
- H. Child Protective Appeals
- I. Homicide Appeals
- J. Other Criminal Appeals
- K. In-Custody Lawyer of the Day
- L. Walk-In Lawyer of the Day
- M. Juvenile Lawyer of the Day
- N. Resource Counsel
- O. MCILS Liaison

SECTION 2. Powers and Duties of the Executive Director.

1. The Executive Director shall develop an application process for an attorney seeking eligibility for a Specialized Panel to demonstrate the minimum qualifications necessary to be placed on a Specialized Panel. An applicant for a Specialized Panel must present additional information or documents beyond the minimum requirements of this Chapter if requested by the Executive Director.

2. The Executive Director shall have the sole discretion to make the determination if an attorney is qualified to be placed on a Specialized Panel. In addition, the Executive Director shall have the sole discretion to grant or deny a waiver pursuant to, and in accordance with, Section 4.

3. The Executive Director may, in their sole discretion, suspend or remove an attorney from a Specialized Panel at any time if there is reasonable grounds to believe the attorney is not meeting the minimum eligibility requirements.

SECTION 3. Minimum Eligibility Requirements for Specialized Panels.

1. Homicide. To be Eligible for Homicide cases, an attorney must:

- A. Practice Experience: Have at least five years of criminal defense practice experience;
- B. Trial/Litigation Experience:
 - 1) Have tried before a jury, individually or as co-counsel, at least five felony cases within the last ten years, at least two of which were Major Felony, Homicide, or Class C or higher Sex Offense cases;

- 2) Have tried before a jury, individually or as co-counsel, at least one Homicide case in the last fifteen years;
 - C. Demonstrate a knowledge and familiarity with the evidentiary issues relevant to Homicide cases, including but not limited to forensic and scientific issues relating to DNA testing and fingerprint analysis, mental health issues, and eyewitness identification;
 - D. Provide a letter explaining reasons for interest in and qualifications for representing individuals charged with Homicide;
 - E. Have submitted to the Commission three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, that assert that the applicant is qualified to represent individuals charged with Homicide, including OUI manslaughter. The letters of reference must be submitted directly to the Executive Director by the authors;
 - F. If the applicant seeks a waiver of any of these eligibility requirements, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, asserting that the applicant is qualified to represent individuals charged with a Homicide offense. The letters of reference must be submitted directly to the Executive Director by the authors. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant. The references in this section may be the same as those provided in part E of this rule; and
 - G. Certify that they have read, understand, and agree to comply with all Commission standards of practice.
2. Sex Offenses. To be Eligible for Sex Offense cases, an attorney must:
- A. Practice Experience: Have at least three years of criminal defense practice experience;
 - B. Trial/Litigation Experience: Have tried before a jury, individually or as co-counsel, at least three felony cases within the last ten years;
 - C. Provide a letter explaining reasons for interest in and qualifications for representing individuals charged with a Sex Offense; and
 - D. Certify that they have read, understand, and agree to comply with all Commission standards of practice.
 - E. If the applicant seeks a waiver of any of these eligibility requirements, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, asserting that the applicant is qualified to represent individuals charged with a Sex Offense. The letters of reference must be submitted directly to the Executive Director by the authors. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within

the same firm as the applicant.

3. Major Felonies. To be Eligible for Major Felony cases, an attorney must:
 - A. Practice Experience: Have at least two years of criminal defense practice experience;
 - B. Trial/Litigation Experience: Have tried before a jury, individually or as co-counsel, at least four criminal cases in the last ten years;
 - C. Provide a letter explaining reasons for interest in and qualifications for representing individuals charged with a Major Felony; and
 - D. Certify that they have read, understand, and agree to comply with all Commission standards of practice.
 - E. If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, asserting that the applicant is qualified to represent individuals charged with a Major Felony. The letters of reference must be submitted directly to the Executive Director by the authors. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant.
4. Operating Under the Influence. To be Eligible for OUI cases, an attorney must:
 - A. Practice Experience: Have at least one year of criminal defense practice experience;
 - B. Trial/Litigation Experience: Have tried before a jury, individually or as co-counsel, at least two criminal cases, and conducted at least two contested hearings within the last ten years;
 - C. Have obtained in the last three years at least four hours of CLE credit on topics relevant particularly to OUI defense;
 - D. Provide a letter explaining reasons for interest in and qualifications for representing individuals charged with an OUI; and
 - E. Certify that they have read, understand, and agree to comply with all Commission standards of practice.
 - F. If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, asserting that the applicant is qualified to represent individuals charged with an OUI. The letters of reference must be submitted directly to the Executive Director by the authors. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant.
5. Domestic Violence. To be Eligible for Domestic Violence cases, an attorney must:

- A. Practice Experience: Have at least one year of criminal defense experience;
 - B. Trial/Litigation Experience: Have tried before jury, individually or as co-counsel, at least two criminal cases and conducted at least two contested hearings within the last ten years;
 - C. Have obtained in the last three years at least four hours of CLE credit on topics related to Domestic Violence defense, which must include specific training on the collateral consequences of such convictions;
 - D. Provide a letter explaining reasons for interest in and qualifications for representing individuals charged with a Domestic Violence crime; and
 - E. Certify that they have read, understand, and agree to comply with all Commission standards of practice.
 - F. If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, asserting that the applicant is qualified to represent individuals charged with a Domestic Violence crime. The letters of reference must be submitted directly to the Executive Director by the authors. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant.
6. Juvenile Defense. To be Eligible for Juvenile Defense cases, an attorney must:
- A. Repealed.
 - B. For misdemeanor cases:
 - 1) Have completed the Commission's Juvenile Law Minimum Standards Training; and
 - 2) Certify that they have read, understand, and agree to comply with all Commission standards of practice.
 - C. For Felony cases and Sex Offense cases, an attorney must:
 - 1) Practice Experience: Have at least one year of juvenile defense practice experience;
 - 2) Trial/Litigation Experience:
 - i. Have handled at least 10 juvenile cases to conclusion; and
 - ii. Have tried at least 5 contested juvenile hearings (including but not limited to: detention hearings, evidentiary hearings, adjudication hearings, and dispositional hearings), individually or as co-counsel, within the past ten years;

- 3) Have completed the Commission's Juvenile Law Minimum Standards Training;
- 4) Provide a letter explaining reasons for interest in and qualifications for representing juveniles in felony and Sex Offense cases; and
- 5) Certify that they have read, understand, and agree to comply with all Commission standards of practice.
- 6) If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, asserting that the applicant is qualified to represent juveniles in felony and Sex Offenses cases. The letters of reference must be submitted directly to the Executive Director by the authors. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant.

D. For Bind Over Hearings:

- 1) Practice Experience: Have at least two years of juvenile defense practice experience;
- 2) Trial/Litigation Experience:
 - i. Have handled at least 20 juvenile cases to conclusion within the past ten years; and
 - ii. Have tried, individually or as co-counsel, at least 10 contested juvenile hearings, including but not limited to: detention hearings, evidentiary hearings, adjudication hearings, and dispositional hearings in the past ten years;
- 3) Have attended in the last three years at least eight hours of CLE credit that cover all the following topics devoted to juvenile defense: training and education regarding placement options and dispositional alternatives; child and adolescent brain development; adolescent mental health diagnosis and treatment; and issues and case law related to competency, bind over procedures, and the collateral consequences of juvenile adjudications;
- 4) Provide a letter explaining reasons for interest in and qualifications for representing juveniles in bind over hearings; and
- 5) Certify that they have read, understand, and agree to comply with all Commission standards of practice.
- 6) If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, asserting that the applicant is qualified to represent juveniles in bind over hearings. The letters of reference must be submitted directly to the

Executive Director by the authors. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant.

E. For Bound Over Cases: If a case is bound over, the assigned attorney must be Eligible for the adult criminal case types implicated by the charges, or have Eligible co-counsel appointed in the matter.

7. Child Protective. To be Eligible to represent parents in Child Protective cases, an attorney must:

A. Repealed.

B. Satisfy one of the following Trial/Litigation Experience requirements:

1) Have provided representation to parents in at least three unrelated Child Protective cases from the preliminary protective order stage through disposition of the cases within the past ten years; or

2) Serve as co-counsel with an attorney who is Eligible to receive Commission Child Protective case assignments on two or more assigned Child Protective cases for at least twelve months prior to the date of the application;

C. Complete the Commission's Child Protective Minimum Standards Training;

D. Provide a letter explaining reasons for interest in and qualifications for representing parents in Child Protective proceedings; and

E. Certify that they have read, understand, and agree to comply with all Commission standards of practice.

F. If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, asserting that the applicant is qualified to represent parents in Child Protective cases. The letters of reference must be submitted directly to the Executive Director by the authors. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant.

G. If a Petition to Terminate Parental Rights is filed and the attorney of record has not previously tried a termination of parental rights hearing, then the attorney of record must file a request with the Commission for a more experienced attorney to serve as co-counsel to assist them with the termination of parental rights hearing.

8. Repealed.

9. Maine Supreme Judicial Court Appeals. To accept assignments to Maine Supreme Judicial Court Appeals, an attorney must be Eligible for the applicable appeal type as outlined below.

A. Child Protective Appeals. To be Eligible to accept assignments to Child Protective

Appeals, an attorney must satisfy the below requirements.

- 1) Practice Experience: Have provided representation in five or more Child Protective Appeals in the Maine Supreme Judicial Court, either individually or as co-counsel;
- 2) Provide copies of all briefs the attorney filed, and the opinions/decisions rendered in the five most recent appeals the attorney has handled;
- 3) Have been deemed Eligible to accept Child Protective case assignments pursuant to Section 3(7) of this Chapter;
- 4) Demonstrate, through application and submitted briefs, exceptional legal research, writing, and analytical skills;
- 5) Submit a letter explaining the applicant's interest in and qualifications for providing representation on appeals, including a description of the applicant's experience with appeals, representative examples of issues raised on appeal, and a summary of the results of those appeals; and
- 6) Certify that they have read, understand, and agree to comply with all Commission standards of practice.
- 7) If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, asserting that the applicant is qualified to provide representation in appeal cases. The letters of reference must be submitted directly to the Executive Director by the authors. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant.
- 8) An attorney is not Eligible to represent a client in a Child Protective Appeal when the attorney was trial counsel for that case. If a client wishes to appeal a Child Protective case, the trial attorney shall file a motion to withdraw as counsel simultaneously with the notice of appeal.

B. Homicide Appeals. If trial counsel wants to continue representation on a Homicide Appeal, the attorney must either be Eligible for Homicide Appeals by the time the notice of appeal is filed or file a motion for co-counsel or motion to withdraw simultaneously with the notice of appeal. To be Eligible to accept assignments to Homicide appeals, an attorney must:

- 1) Practice Experience: Have provided representation in seven or more criminal appeals in the Maine Supreme Judicial Court, either individually or as co-counsel, within the last ten years;
- 2) Trial/Litigation Experience: Have completed oral argument in at least two criminal appeals before the Maine Supreme Judicial Court;
- 3) Provide copies of all briefs the attorney filed, and the opinions/decisions

rendered in the seven most recent criminal appeals the attorney has handled;

- 4) Demonstrate, through application and submitted briefs, exceptional legal research, writing, and analytical skills;
- 5) Submit a letter explaining the applicant's interest in and qualifications for providing representation on appeals; including a description of the applicant's experience with appeals, representative examples of issues raised on appeal, and a summary of the results of those appeals; and
- 6) Certify that they have read, understand, and agree to comply with all Commission standards of practice.
- 7) If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, asserting that the applicant is qualified to provide representation in appeal cases. The letters of reference must be submitted directly to the Executive Director by the authors. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant.

C. Other Criminal Appeals. If trial counsel wants to continue representation on an Other Criminal Appeal, the attorney must either be Eligible for Other Criminal Appeals by the time the notice of appeal is filed or file a motion for co-counsel or motion to withdraw simultaneously with the notice of appeal. To be Eligible to accept assignments to Other Criminal Appeals, an attorney must:

- 1) Practice Experience: Have provided representation in five or more criminal appeals in the Maine Supreme Judicial Court, either individually or as co-counsel, within the last ten years;
- 2) Trial/Litigation Experience: Have completed oral argument in at least one criminal appeal before the Maine Supreme Judicial Court;
- 3) Provide copies of all briefs the attorney filed, and the opinions/decisions rendered in the five most recent criminal appeals the attorney has handled;
- 4) Demonstrate, through application and submitted briefs, exceptional legal research, writing, and analytical skills;
- 5) Submit a letter explaining the applicant's interest in and qualifications for providing representation on appeals; including a description of the applicant's experience with appeals, representative examples of issues raised on appeal, and a summary of the results of those appeals; and
- 6) Certify that they have read, understand, and agree to comply with all Commission standards of practice.
- 7) If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same

firm as applicant, asserting that the applicant is qualified to provide representation in appeal cases. The letters of reference must be submitted directly to the Executive Director by the authors. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant.

10. Post-Conviction Review. To be Eligible for post-conviction review cases, an attorney must:

- A. Practice Experience: Have at least three years of criminal defense experience;
- B. Trial/Litigation Experience: Have previously qualified to be placed on the trial roster for the case type applicable to the conviction being challenged on post-conviction review;
- C. Submit a letter explaining the applicant's interest in and qualifications for providing representation in post-conviction review cases, including a description of the applicant's criminal law experience generally and how that experience prepared the applicant to address the issues applicable to post-conviction review cases;
- D. If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, asserting that the applicant is qualified to provide representation in post-conviction cases. The letters of reference must be submitted directly to the Executive Director by the author. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant.; and
- E. Certify that they have read, understand, and agree to comply with all Commission standards of practice.
- F. Writing samples shall also be submitted upon the request of the Executive Director.

11. Lawyer of the Day (LOD).

- A. LOD Specialized Panels:
 - 1) In-Custody. To be Eligible for LOD for in-custody proceedings, an attorney must:
 - i. Complete the Commission's LOD Minimum Standards Training;
 - ii. Be currently Eligible to accept Commission criminal case assignments;
 - iii. Have previously been deemed Eligible for OUI and Domestic Violence cases in accordance with Chapter 3 of the Commission Rules;
 - iv. Complete three full in-custody LOD shadow sessions on three separate days. The Eligible LOD(s) who were shadowed must verify in

writing to the Commission that the applicant completed each shadow session; and

v. Certify that they have read, understand, and agree to comply with all Commission standards of practice.

2) Walk-In. To be Eligible for LOD for walk-in proceedings, an attorney must:

i. Complete the Commission's LOD Minimum Standards Training;

ii. Be currently Eligible to accept Commission criminal case assignments;

iii. Have previously been deemed Eligible for OUI and Domestic Violence cases in accordance with this Chapter;

iv. Complete three full walk-in LOD shadow sessions on three separate days. The Eligible LOD(s) who were shadowed must verify in writing to the Commission that the applicant completed each shadow session; and

v. Certify that they have read, understand, and agree to comply with all Commission standards of practice.

3) Juvenile. To be Eligible for juvenile LOD proceedings, an attorney must:

i. Complete the LOD Minimum Standards Training prior to or within three months of being Eligible for LOD assignments;

ii. Be currently Eligible to accept Commission juvenile case assignments;

iii. Have previously been deemed Eligible for juvenile felony cases in accordance with this Chapter;

iv. Complete three full juvenile walk-in LOD shadow sessions on three separate days. The Eligible LOD(s) who were shadowed must verify in writing that the applicant completed each shadow session;

v. Complete three full juvenile in-custody LOD shadow sessions on three separate days. The Eligible LOD(s) who were shadowed must verify in writing that the applicant completed each shadow session; and

vi. Certify that they have read, understand, and agree to comply with all Commission LOD standards of practice.

12. MCILS Liaison.

A. To be Eligible to serve as a MCILS Liaison, an attorney must:

1) Be Eligible to accept Commission case assignments;

- 2) Have at least five years of experience practicing criminal defense;
- 3) Demonstrate a history of providing high quality legal services;
- 4) Have experience practicing law in the court(s) in which counsel is seeking to serve as the MCILS Liaison; and
- 5) Certify that they have read, understand, and agree to comply with all Commission standards of practice.

13. Resource Counsel.

A. To be Eligible to serve as Resource Counsel, an attorney must:

- 1) Submit three letters of reference from attorneys with whom the attorney applicant does not practice that address the attorney's ability to work with and advise other attorneys of varying experience levels;
- 2) Have at least five years' experience actively practicing in the area of law for which counsel is seeking eligibility as Resource Counsel;
- 3) Be currently Eligible to accept Commission case assignments;
- 4) Demonstrate a history of providing high quality legal services;
- 5) Demonstrate exceptional litigation skills and experience;
- 6) Demonstrate high ethical standards;
- 7) Have not had a Commission investigation or Board of Bar Overseers complaint which resulted in a finding that the attorney violated any Commission rule or Rule of Professional Responsibility within the three years immediately preceding counsel's Resource Counsel Application; and
- 8) Certify that they have read, understand, and agree to comply with all Commission standards of practice.

B. Counsel must reapply to serve as Resource Counsel on an annual basis. That application is due at the same time as the Commission's annual renewal.

C. Counsel serves as Resource Counsel at the discretion of the Executive Director. The Executive Director may terminate someone's eligibility to serve as Resource Counsel at any time, with or without cause.

SECTION 4. Waiver of Certain Eligibility Requirements

1. An attorney who wishes to receive assignments for one or more of the Specialized Panels listed above but who does not meet requirements for both (a) Practice Experience and (b) Trial/Litigation Experience may seek a waiver of either, but not both, requirements.
2. An attorney seeking a waiver must provide the Executive Director with written information

explaining the need for a waiver and the attorney's experience and qualifications to provide high-quality representation to the indigent people whose charges or litigation matters are covered by this rule.

3. The Executive Director may consider other litigation experience, total years of practice, or any other information deemed relevant in granting or denying a waiver to any attorney.

SECTION 5. Overlapping Offenses.

1. If a case involves multiple offenses that are categorized within Specialty Panels, counsel must be Eligible for all Specialty Panels that are implicated to accept assignment to the case.

2. If an offense is categorized as multiple different Specialty Panels, the attorney must be Eligible for all Specialty Panels implicated by the offenses to accept assignment to the case.

SECTION 6. Applicability.

Based on the passage of 4 MRSA § 1807, counsel will be eligible for specialized panels under the least restrictive criteria as between this Rule and 4 MRSA § 1807. This section of Chapter 3 expires on January 31, 2026.

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

EFFECTIVE DATE: July 8, 2011

AMENDED:

June 10, 2016 – filing 2016-091

April 20, 2025 – filing 2025-085

Maine Commission on Public Defense Services – Commissioners Meeting
May 27, 2025
Meeting Minutes

Commissioners Present: Randall Bates, Michael Carey, Roger Katz, David Soucy, Kelly O’Connor, Josh Tardy

PDS Staff Present: Executive Director Jim Billings and Deputy Executive Director Ellie Maciag

Agenda Item:	Discussion/Outcome:
Public Hearing- Chapter 301 Chapter 301-B	<p>Chair Tardy opened the public hearing.</p> <p>Executive Director Billings provided a summary of the proposed rules:</p> <p>Chapter 301-B streamlines the process for assigned counsel to use paralegals for up to 20 hours per case. Currently, counsel use the Chapter 302 non-counsel vendor funds request process to request funds to use paralegals in assigned cases. The proposed changes to Chapter 301 eliminate the distinction between secretarial and paralegal services. Chapter 301-B establishes an hourly rate of \$55 for paralegals. PDS currently pays \$40 per hour for paralegals.</p> <p>Chair Tardy provided an opportunity for public comment. There were no comments for, against, or neither for nor against the proposed rules.</p> <p>The deadline for written comments is June 6, 2025 at 5:00PM. Comments may be submitted to jim.billings@maine.gov.</p>
Approval of the April 29, 2025 Meeting Minutes	<p>Commissioner O’Connor moved to approve the minutes. Seconded by Chair Tardy. No discussion. All voted in favor. Motion prevailed.</p>
Eden Stuart Appeal	<p>Chair Tardy and Commissioner Bates recused themselves. Commissioner Carey assumed the role of Chair Pro Temp.</p> <p>Commissioner Katz moved to approve the recommended decision of the presiding officer. Seconded by Commissioner O’Connor.</p>

	<p>Commissioner Katz amended his motion to adopt the recommended decision of the presiding officer. Seconded by Commissioner O'Connor.</p> <p>Discussion ensued about the merits of the suspension, and the recommended decision.</p> <p>Attorney Stuart asked whether she could make a comment. Chair Carey explained that public comments are not permitted.</p> <p>A member of the public, Attorney Michael Carpenter interjected several times and Chair Carey replied.</p> <p>Chair Pro Temp Carey, Commissioner Katz, Commissioner O'Connor voted to adopt the recommended decision. Commissioner Soucy voted against. Motion prevailed.</p>
Executive Session	<p>Chair Tardy resumed his role as chair.</p> <p>Commissioner Carey moved to go into Executive Session pursuant to 1 MRSA § 405(6)(E) for consultation with legal counsel. Seconded by Commissioner O'Connor. All voted in favor. The Commission went into Executive Session.</p>
Report of the Executive Director	<p>Executive Director Billings provided the following report:</p> <p>Recent trends continue. The total amounts submitted and paid are up from last year. We have had 322,000 hours billed for calendar year 2025, up from 302,000 last year. The unrepresented list has gone down, which will result in more hours billed.</p> <p>There are 158 attorneys on a roster. 112 of those attorneys are accepting trial-level cases, of which 31 are accepting child protective cases and 49 are accepting adult criminal cases (up from 30 last month). The criminal list has gone from 1,000 from the beginning of the year to approximately 300 now. The opposite is true for child protective cases.</p> <p>We need to repost the parents' counsel positions. We are struggling to find someone who wants to do this work on an employed basis.</p> <p>There are roughly 65% more pending felonies now than there were in 2019.</p>

	<p>We think we can make it through to the end of FY 25.</p> <p>Executive Director Billings explained that there is not much of an update on the budget. We should plan on not getting anything other than the new positions from LD 1101, but we hope to have an opportunity to speak with the Appropriations and Financial Affairs Committee.</p> <p>We have positions posted for the LD 1101 positions. Those postings close June 5, 2025. We already have applicants we are pleased with.</p>
Policy Regarding Geographic Limitation on Practice Areas	<p>Executive Director Billings explained that the travel time we are paying has increased to approximately \$2.5 million annually. Staff think that we need to address this due to budget constraints, the need to increase attorney capacity, and we have some attorneys we are paying \$40,000-\$50,000 per year in just travel time plus mileage. Additionally, we need to ascertain which areas have the greatest need for employed counsel. Due to all of those reasons, staff drafted a Policy Regarding Geographic Limitation on Practice Areas. Executive Director Billings provided an overview of the policy.</p> <p>The Commission had no objection to the policy.</p>
Case Staffing Pilot Project	<p>Resource Counsel Taylor Kilgore has been working on a pilot project to identify attorneys for unrepresented parents in child protective cases. Attorney Kilgore drafted a memo about the project. Executive Director Billings provided a summary of the pilot project. Executive Director Billings asked the Commission whether it was acceptable for Attorney Kilgore to continue serving as resource counsel and, specifically, continue to be compensated as resource counsel for this pilot project given her recent nomination to the Commission.</p> <p>The Commission heard from Attorney Kilgore about the pilot project. The Commission is supportive of Attorney Kilgore continuing the pilot project.</p>
Rulemaking Discussion – Rulemaking Agenda 2025-2026	<p>Deputy Executive Director Maciag provided a summary of what a regulatory agenda is and the timeframe for submission. The rulemaking agenda was included in the Commission packet.</p> <p>Commissioner Carey moved to adopt the proposed regulatory agenda. Seconded by Commissioner O'Connor. All commissioners voted in favor. Motion prevailed.</p>

<p>Rulemaking Discussion: Chapter 3 & LD 1101</p>	<p>Executive Director Billings provided an explanation of LD 1101 and his proposal to change Chapter 3. The concern is that we have no oversight over attorneys appointed under LD 1101. Executive Director Billings thinks that the Commission should defer to the Legislature’s wisdom and make our rule work with our statute. Executive Director Billings wants staff to apply the standards in Chapter 3, or the standards in LD 1101, whichever is less stringent. Executive Director Billings proposed a sunset provision for the changes to Chapter 3 to track the sunset provision in LD 1101.</p> <p>Commissioner Carey moved to set Chapter 3 for a public hearing. Seconded by Commissioner O’Connor. No discussion. All voted in favor except Commissioner Soucy, who voted against. Motion prevailed. The public hearing will be scheduled for June 25, 2025.</p>
<p>District Defender Update</p>	<p>District Defender Max Coolidge provided an update on the public defender offices:</p> <p>Parents’ Counsel Division: One PCI position has been filled. That person is primarily taking cases in Augusta and Ellsworth. There are PCI PCII, and legal administrator vacancies.</p> <p>Highlands Region Public Defender Office: Has one ADII vacancy. Their office is preparing for their first jury trial since they opened.</p> <p>Aroostook Defender Office: A new ADII is beginning in August. District Defender Jandreau is working with judges and clerks to streamline the appointment process.</p> <p>Tri-County Public Defender Office: John Henderson just started as an ADII and is practicing under Rule 11C. Two summer interns started today. There is a paralegal posting open. The in-custody unrepresented list was down to four. The PDO took three of those cases and had a conflict with the fourth.</p> <p>Capital Region Public Defender Office: Is fully staffed. Have been busy with motions and having successes at sentencing.</p> <p>Downeast Region Public Defender Office: Fully staffed. Will be moving to a bigger office soon.</p>
<p>Commissioner Carey Resignation</p>	<p>Commissioner Carey has resigned as a commissioner. Chair Tardy thanked Commissioner Carey for his service.</p>

Public Comment	<p><u>Tina Nadeau, Esq.:</u> Thanked Commissioner Carey for all his work over the years. Thanked the Commission for paying for so many of the defenders to attend the MACDL conference. Expressed concerned that there is a full-time, paid lobbyist for the prosecution function, while the defense only has volunteers and Executive Director Billings when he is available. We need a full-time lobbyist. Shira Burns essentially runs the place because the defense can only provide volunteers when they are available. We need funds to ensure the position of a full-time lobbyist and grant writer. MACDL can't do it alone. We need someone standing up for our clients there full-time.</p> <p><u>Benjamin Lees, Esq.:</u> There are situations in which attorneys are being asked by the judiciary to take cases out of their districts. The geographic limitation policy may discourage attorneys from taking those cases.</p> <p><u>Rob Ruffner, Esq.:</u> Thanked Commissioner Carey for his service. Congratulated Attorney Kilgore on her nomination to the Commission. Attorney Ruffner's office has summer interns. Is surprised 1807 is being interpreted to mean that assigned counsel can qualify as private attorneys under 1807. Noticed that the job postings for the assistant defenders indicate that they will be handling their own appeals, which is not best practice and reduces efficiency. Wonders how the geographic limitation policy will affect Aroostook County.</p> <p><u>Taylor Kilgore, Esq.:</u> Thanked Commissioner Carey for his service. Recommended that the Commission exempt child protective cases from the geographic limitation policy. Regarding Chapter 3, Executive Director Billings mentioned that the Legislature has spoken but so has the Sixth Amendment Center. The <i>Robbins</i> litigation was a result of the State not fulfilling its Sixth Amendment obligations. We should be cognizant of that when we discuss making Chapter 3 equal to 1807.</p>
Adjournment	The next meeting will be held on June 25, 2025 at 1:00PM in a hybrid format.

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

May 2025 Operations Report

- 2,511 new cases were opened in the defenderData system. This was a 11 case increase from April. Year to date, new cases are down 7.2% from last year, from 29,019 at this time last year to 26,929 this year.
- The number of vouchers submitted electronically was 4,190, an increase of 421 vouchers from April, totaling \$4,178,722, an increase of \$428,516 from April. Year to date, the number of submitted vouchers is up by 12.3% from 36,871 at this time last year to 41,442 this year, with the total amount for submitted vouchers up 12.4%, from \$38,155,528 at this time last year to \$42,891,599 this year.
- We paid 4,265 electronic vouchers totaling \$4,386,456 representing an increase of 963 vouchers and an increase of \$1,020,828 compared to April. Year to date, the number of paid vouchers is up 12.3%, from 36,331 vouchers at this time last year to 40,833 this year, and the total amount paid is up 13.1%, from \$37,243,281 this time last year to \$42,127,861 this year.
- The average price per voucher was \$1,028.48, up \$9.21 per voucher from April. Year to date, the average price per voucher is up 0.6%, from \$1,025.11 at this time last year to \$1,031.71 this year.
- Resource Counsel Child Protection and Probate had the highest average voucher total. There were 22 vouchers exceeding \$10,000 paid in May. See attached addendum for details.
- We issued 153 authorizations to expend funds: 58 for private investigators, 54 for experts, and 41 for miscellaneous services such as interpreters and transcriptionists. We paid \$219,502 for experts and investigators, etc. No requests were denied.
- There were no attorney suspensions.
- In the All Other Account, the total expenses were \$325,939. Approximately \$106,437 was devoted to the Commission's operating expenses.
- In the Personal Services Accounts, we had \$656,381 in expenses.
- In the Revenue Account, we received \$30,506 from the Judicial Branch in counsel fee payments and paid \$4,386,332 in attorney payments.
- As of June 19, 2025, there are 163 rostered attorneys of which 114 are available for trial court level work.
- For the first 11 months of this fiscal year, submitted hours are up 7.3% over the same 11-month period last year. May 2025 submitted hours are 4.4 % lower than May 2024 submitted hours.

Submitted Hours													
	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	226,687
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	247,454
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	261,556
FY24	22,635	24,596	22,244	21,813	22,643	23,608	28,859	28,903	26,406	25,109	30,260	25,911	302,875
FY25	26,031	26,409	24,765	27,393	28,283	25,206	30,691	25,872	28,647	25,394	28,810		297,501

Vouchers over \$10,000

Comment	Voucher Total	Case Total
Aggravated Trafficking	\$31,238.00	\$31,238.00
Homicide	\$27,894.80	\$43,599.80
Appeal	\$24,120.00	\$24,120.00
Child Protection	\$22,145.75	\$29,675.75
Child Protection	\$19,335.00	\$19,335.00
Assault	\$16,064.50	\$16,064.50
Aggravated Assault	\$15,016.00	\$15,016.00
Gross Sexual Assault	\$13,071.69	\$13,071.69
Homicide	\$12,743.12	\$52,160.19
Child Protection	\$12,719.28	\$12,719.28
Unlawful Possession of Scheduled Drug	\$12,163.50	\$12,163.50
Criminal Threatening	\$11,790.00	\$11,790.00
Child Protection	\$11,194.88	\$11,923.44
Gross Sexual Assault	\$11,010.00	\$11,010.00
Assault	\$10,920.00	\$24,540.00
Homicide	\$10,867.80	\$136,395.49
Domestic Violence Aggravated Assault	\$10,816.00	\$10,816.00
Robbery	\$10,797.90	\$19,190.90
Burglary	\$10,593.59	\$10,593.59
Kidnapping	\$10,454.44	\$10,454.44
Trafficking	\$10,215.00	\$10,215.00
Homicide	\$10,065.52	\$16,965.52

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

Activity Report by Case Type

5/31/2025

DefenderData Case Type	May-25						Fiscal Year 2025			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	17	31	\$52,775.44	33	\$ 75,762.80	\$2,295.84	151	345	\$ 855,247.97	\$2,478.98
Central Office Resource Counsel	0	2	\$5,010.00	1	\$ 1,125.00	\$1,125.00	1	20	\$ 24,032.66	\$1,201.63
Child Protection Petition	183	685	\$870,839.13	656	\$ 831,199.77	\$1,267.07	1,797	5,913	\$ 7,515,253.58	\$1,270.97
Drug Court	7	19	\$39,402.66	20	\$ 47,764.62	\$2,388.23	75	173	\$ 358,740.20	\$2,073.64
Emancipation	8	10	\$3,285.00	17	\$ 5,750.03	\$338.24	82	87	\$ 69,150.88	\$794.84
Felony	631	1,258	\$1,561,531.98	1,277	\$ 1,601,906.28	\$1,254.43	6,423	11,523	\$ 15,481,917.22	\$1,343.57
Involuntary Civil Commitment	111	99	\$50,214.54	93	\$ 47,014.92	\$505.54	1,224	1,172	\$ 617,541.20	\$526.91
Juvenile	79	169	\$135,639.02	190	\$ 178,827.57	\$941.20	994	1,603	\$ 1,612,318.20	\$1,005.81
Lawyer of the Day - Custody	325	289	\$185,242.50	292	\$ 191,694.00	\$656.49	3,207	3,128	\$ 2,130,479.19	\$681.10
Lawyer of the Day - Juvenile	1	2	\$675.00	3	\$ 1,102.50	\$367.50	44	55	\$ 25,973.30	\$472.24
Lawyer of the Day - Walk-in	150	137	\$85,867.80	132	\$ 82,484.41	\$624.88	1,428	1,368	\$ 911,922.41	\$666.61
PDS Provided Training	49	61	\$86,123.27	140	\$ 172,446.74	\$1,231.76	786	654	\$ 841,099.01	\$1,286.08
Misdemeanor	753	1,138	\$827,939.49	1,139	\$ 874,384.55	\$767.68	8,616	11,701	\$ 8,626,430.00	\$737.24
Petition, Modified Release Treatment	1	3	\$1,815.00	2	\$ 1,350.00	\$675.00	21	40	\$ 59,727.02	\$1,493.18
Petition, Release or Discharge	0	1	\$1,428.78	1	\$ 1,428.78	\$1,428.78	2	10	\$ 28,028.63	\$2,802.86
Petition,Termination of Parental Rights	0	3	\$3,539.00	1	\$ 2,474.00	\$2,474.00	0	80	\$ 137,099.22	\$1,713.74
Post Conviction Review	19	18	\$31,031.28	15	\$ 30,341.28	\$2,022.75	41	183	\$ 323,555.24	\$1,768.06
Probate	1	5	\$11,495.00	2	\$ 8,337.00	\$4,168.50	13	38	\$ 66,368.05	\$1,746.53
Probation Violation	132	192	\$161,331.70	193	\$ 176,324.60	\$913.60	1,523	1,824	\$ 1,519,126.81	\$832.85
Represent Witness on 5th Amendment	2	2	\$1,330.20	3	\$ 1,847.70	\$615.90	20	19	\$ 25,380.72	\$1,335.83
Resource Counsel Criminal	0	3	\$1,260.00	3	\$ 1,305.00	\$435.00	4	45	\$ 26,581.00	\$590.69
Resource Counsel Juvenile	0	2	\$390.00	2	\$ 390.00	\$195.00	2	13	\$ 1,635.00	\$125.77
Resource Counsel Mental Health	0	0		1	\$ 225.00	\$225.00	0	5	\$ 2,445.00	\$489.00
Resource Counsel NCR	0	0		0			0	0		
Resource Counsel Protective Custody	0	1	\$3,510.00	3	\$ 10,890.00	\$3,630.00	0	19	\$ 33,071.00	\$1,740.58
Review of Child Protection Order	0	20	\$36,674.77	14	\$ 26,402.76	\$1,885.91	0	411	\$ 616,324.08	\$1,499.57
Revocation of Administrative Release	1	0		0			3	8	\$ 8,257.50	\$1,032.19
Weapons Restrictions Case	41	40	\$20,370.78	32	\$ 13,677.24	\$427.41	472	396	\$ 210,155.78	\$530.70
TOTAL	2,511	4,190	\$4,178,722.34	4,265	\$ 4,386,456.55	\$1,028.48	26,929	40,833	\$ 42,127,861.87	\$1,031.71

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

Activity Report by Court

5/31/2025

Court	May-25						Fiscal Year 2025			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	2	1	\$510.00	2	\$ 1,695.00	\$847.50	13	12	\$ 8,973.00	\$747.75
AUBSC	1	3	\$23,015.48	2	\$ 2,820.00	\$1,410.00	15	22	\$ 27,025.00	\$1,228.41
AUGDC	32	59	\$144,202.08	72	\$ 144,548.58	\$2,007.62	427	806	\$ 1,396,903.12	\$1,733.13
AUGSC	1	4	\$3,252.66	4	\$ 2,021.28	\$505.32	31	56	\$ 94,823.90	\$1,693.28
BANDC	84	106	\$83,277.53	100	\$ 94,366.59	\$943.67	733	1,119	\$ 850,786.83	\$760.31
BANSC	0	8	\$25,948.55	8	\$ 18,136.94	\$2,267.12	18	17	\$ 33,427.58	\$1,966.33
BATSC	0	0		0			0	0		
BELDC	4	17	\$31,590.26	15	\$ 30,859.53	\$2,057.30	89	185	\$ 242,917.88	\$1,313.07
BELSC	0	1	\$540.00	1	\$ 540.00	\$540.00	1	2	\$ 3,010.00	\$1,505.00
BIDDC	48	144	\$146,194.99	122	\$ 113,902.77	\$933.63	593	1,171	\$ 1,036,959.45	\$885.53
BRIDC	12	21	\$24,515.94	14	\$ 13,488.29	\$963.45	106	164	\$ 199,281.65	\$1,215.13
CALDC	1	8	\$6,175.44	9	\$ 8,816.52	\$979.61	28	85	\$ 81,115.48	\$954.30
CARDC	6	8	\$4,851.84	14	\$ 14,737.00	\$1,052.64	75	195	\$ 218,167.30	\$1,118.81
CARSC	1	0		0			5	1	\$ 300.00	\$300.00
DOVDC	3	11	\$9,175.62	13	\$ 17,510.40	\$1,346.95	34	106	\$ 119,458.30	\$1,126.97
DOVSC	0	0		0			1	2	\$ 180.00	\$90.00
ELLDC	17	46	\$42,178.74	41	\$ 34,881.06	\$850.76	118	335	\$ 341,002.63	\$1,017.92
ELLSC	0	0		0			4	4	\$ 7,569.50	\$1,892.38
FARDC	8	33	\$38,371.95	40	\$ 43,524.09	\$1,088.10	129	223	\$ 261,225.60	\$1,171.42
FARSC	0	0		0			2	2	\$ 1,455.00	\$727.50
FORDC	2	14	\$11,100.00	10	\$ 8,070.00	\$807.00	38	98	\$ 84,780.00	\$865.10
HOUDC	1	11	\$8,848.20	14	\$ 16,487.10	\$1,177.65	70	195	\$ 188,170.18	\$964.98
HOUSC	0	0		0			0	1	\$ 585.00	\$585.00
LEWDC	59	114	\$110,739.93	120	\$ 105,066.57	\$875.55	566	1,124	\$ 1,315,290.46	\$1,170.19
LINDC	7	16	\$15,531.70	15	\$ 15,986.56	\$1,065.77	79	103	\$ 99,975.08	\$970.63
MACDC	3	11	\$9,584.76	7	\$ 5,887.50	\$841.07	40	109	\$ 119,084.10	\$1,092.51
MACSC	0	0		0			2	2	\$ 107,809.95	\$53,904.98
MADDC	0	0		0			4	0		
MILDC	4	1	\$2,782.92	0			12	10	\$ 19,958.32	\$1,995.83
NEWDC	15	24	\$15,411.22	29	\$ 19,324.56	\$666.36	123	269	\$ 199,331.42	\$741.01
PORDC	58	172	\$136,877.96	180	\$ 157,921.30	\$877.34	790	1,429	\$ 1,445,713.78	\$1,011.70
PORSC	1	1	\$3,240.00	0			12	18	\$ 26,850.19	\$1,491.68
PREDC	9	29	\$39,455.66	23	\$ 34,245.14	\$1,488.92	77	197	\$ 276,337.03	\$1,402.73
RODC	20	22	\$20,884.64	22	\$ 28,460.98	\$1,293.68	153	221	\$ 265,624.27	\$1,201.92
ROCSC	0	1	\$328.08	2	\$ 2,143.08	\$1,071.54	3	9	\$ 7,702.66	\$855.85
RUMDC	5	37	\$33,741.27	34	\$ 31,603.56	\$929.52	79	260	\$ 338,360.68	\$1,301.39
SKODC	22	80	\$97,855.23	70	\$ 97,596.28	\$1,394.23	237	664	\$ 825,338.88	\$1,242.98
SKOSC	0	2	\$1,583.58	2	\$ 1,583.58	\$791.79	2	8	\$ 7,785.48	\$973.19
SODUC	13	33	\$29,742.24	27	\$ 26,613.11	\$985.67	64	165	\$ 184,788.04	\$1,119.93
SOUSC	1	1	\$210.00	2	\$ 735.00	\$367.50	10	10	\$ 5,527.50	\$552.75
SPRDC	3	15	\$40,880.50	10	\$ 25,795.00	\$2,579.50	44	139	\$ 196,331.42	\$1,412.46
Law Ct	16	24	\$41,752.54	26	\$ 62,296.81	\$2,396.03	126	289	\$ 742,002.17	\$2,567.48
Training	49	65	\$94,958.27	144	\$ 184,626.74	\$1,282.13	774	687	\$ 887,053.67	\$1,291.20
YORCD	251	448	\$455,091.86	533	\$ 545,470.81	\$1,023.40	3,020	4,656	\$ 4,843,509.74	\$1,040.27
ARODC	136	246	\$216,723.38	194	\$ 166,464.97	\$858.07	1,527	2,511	\$ 2,199,906.58	\$876.11
ANDCD	179	294	\$249,601.91	322	\$ 287,337.67	\$892.35	1,921	3,341	\$ 3,265,600.79	\$977.43
KENCD	151	225	\$209,645.52	191	\$ 169,349.24	\$886.65	1,707	1,974	\$ 1,795,870.68	\$909.76
PENCD	238	350	\$348,744.21	333	\$ 326,053.28	\$979.14	2,461	3,242	\$ 3,148,136.67	\$971.05
SAGCD	52	67	\$51,391.13	61	\$ 43,650.82	\$715.59	481	591	\$ 510,339.30	\$863.52
WALCD	79	79	\$67,586.16	85	\$ 75,919.38	\$893.17	636	689	\$ 770,691.14	\$1,118.56
PISCD	16	15	\$10,546.41	14	\$ 11,379.77	\$812.84	174	196	\$ 203,471.45	\$1,038.12
HANCD	45	47	\$38,043.28	71	\$ 72,240.00	\$1,017.46	517	806	\$ 733,255.35	\$909.75
FRACD	36	42	\$50,015.89	66	\$ 76,736.06	\$1,162.67	398	649	\$ 615,652.89	\$948.62
WASCD	52	59	\$112,834.00	43	\$ 94,516.12	\$2,198.05	519	551	\$ 717,956.13	\$1,303.01
CUMCD	438	684	\$582,504.78	670	\$ 649,982.89	\$970.12	4,070	6,146	\$ 6,165,591.60	\$1,003.19
KNODC	47	105	\$116,597.90	128	\$ 148,225.88	\$1,158.01	804	875	\$ 858,829.42	\$981.52
SOMCD	75	123	\$114,694.60	93	\$ 92,478.29	\$994.39	1,051	1,169	\$ 1,089,454.58	\$931.95
OXFCD	103	123	\$96,497.00	125	\$ 98,508.26	\$788.07	962	1,402	\$ 1,281,389.43	\$913.97
LINCD	60	60	\$68,340.22	63	\$ 74,261.00	\$1,178.75	474	557	\$ 633,406.65	\$1,137.18
WATDC	12	36	\$41,890.38	31	\$ 30,812.82	\$993.96	200	438	\$ 449,782.04	\$1,026.90
WESDC	25	30	\$30,268.93	26	\$ 27,174.37	\$1,045.17	193	302	\$ 336,141.13	\$1,113.05
WISDC	7	7	\$4,482.96	16	\$ 16,001.80	\$1,000.11	61	161	\$ 166,065.70	\$1,031.46
WISSC	0	0		0			0	0		
YORDC	0	7	\$13,912.04	6	\$ 13,602.20	\$2,267.03	25	55	\$ 70,594.60	\$1,283.54
TOTAL	2,511	4,190	\$4,178,722.34	4,265	\$4,386,456.55	\$1,028.48	26,929	40,833	\$42,127,860.87	\$1,031.71

OSR MCPDS Budget to Actual Report
Department of Administrative & Financial Services
Maine Commission of Public Defense Services
SFY2025 Budget Object Group
As of May 31st, 2025

Appropriation: Z11201

Fund: 014

Object Group	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total FY25	
1 GF AO Allotment	8,200	1,787,960	1,439,893	6,416,525	9,652,578	1
2 40 Prof. Services, Not By State	-	-	-	4,386,232	4,386,232	2
3 41 Prof. Services, By State	-	-	-	-	-	3
4 42 Travel Expenses, In State	-	-	-	-	-	4
5 43 Travel Expenses, Out Of State	-	-	-	-	-	5
6 46 Rents	-	-	-	-	-	6
7 48 Insurance	-	-	-	-	-	7
8 49 General Operations	-	-	-	-	-	8
9 50 Employee Training	-	-	-	-	-	9
10 51 Commodities - Food	-	-	-	-	-	10
11 53 Technology	-	-	-	-	-	11
12 55 Equipment And Technology	-	-	-	-	-	12
13 56 Office & Other Supplies	-	-	-	-	-	13
14 65 Labor and Ins Client Benefits	-	-	-	-	-	14
15 90 Charges to Assets and Liabilities	-	-	-	-	-	15
16 Subtotal AO Expenses	-	-	-	4,386,232	4,386,232	16
17 Contract Encumbrances	-	-	-	-	-	17
18 Contract Expenses	-	-	-	-	-	18
19 Subtotal Encumbrances	-	-	-	-	-	19
20 Total All Other	\$ 8,200	\$ 1,787,960	\$ 1,439,893	\$ 2,030,293	\$ 5,266,346	20

General Fund MCPDS Budget to Actual Report
Department of Administrative & Financial Services
Maine Commission of Public Defense Services
SFY2025 Budget Object Group
As of May 31st, 2025

Appropriation: Z11201

Fund: 010

Object Group	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total FY25
GF PS Allotment	1,145,607	1,754,486	1,760,318	2,041,830	6,702,241
30 Personal Services	-	-	-	656,382	656,382
Total Personal Services	\$ 1,145,607	\$ 1,754,486	\$ 1,760,318	\$ 1,385,448	\$ 6,045,859
GF AO Allotment	11,660,730	11,461,120	11,444,256	6,059,350	40,625,456
4005 Reader & Interpreter Serv	-	-	-	2,392	2,392
4015 Casual Labor	-	-	-	-	-
4021 Entertain & Caterers Serv	-	-	-	-	-
4022 Speech Therapy	-	-	-	-	-
4031 Inspect & Investigation	-	-	-	47,735	47,735
4036 Instructor & Speaker Serv	-	-	-	-	-
4040 Court Appointed Attorneys	-	-	-	(1,553)	(1,553)
4042 Legal Services	-	-	-	2,903	2,903
4047 Psychological Examination	-	-	-	83,191	83,191
4072 Training Services	-	-	-	1,995	1,995
4095 Medical Reports	-	-	-	-	-
4096 Contractual Employee	-	-	-	-	-
4097 Clerical Support Serices	-	-	-	-	-
4099 Misc Prof Fees & Spec Srv	-	-	-	13,185	13,185
4105 Service Center	-	-	-	11,383	11,383
4250 W-2 Reportable In State Travel Nor	-	-	-	-	-
4251 W-2 Reportable In State Travel Mil	-	-	-	-	-
4260 Air Fare In State	-	-	-	-	-
4263 Car Rental In State	-	-	-	-	-
4270 Auto Mileage-Gen In State	-	-	-	2,787	2,787
4271 Other Transportation	-	-	-	11	11
4273 Hotel Room & Lodging	-	-	-	-	-
4274 Meals And Gratuities	-	-	-	-	-
4380 Auto Mileage-Gen Out-Of St	-	-	-	-	-
4381 Other Transportation Cost	-	-	-	-	-
4384 Meals Include Gratuities	-	-	-	-	-
4606 Rent Buildings And Office	-	-	-	-	-
4651 Misc Rents	-	-	-	63	63
4801 Insurance On Buildings	-	-	-	-	-
4825 General Liability Insur	-	-	-	-	-
4841 Employees Bonds	-	-	-	-	-
4852 Automobile Insurance	-	-	-	-	-
4901 Stamps	-	-	-	-	-
4906 Postal Set Up Fees	-	-	-	-	-
4909 Courier Service	-	-	-	75	75
4911 Postage	-	-	-	1,198	1,198
4912 Bus Reply & Postage Due	-	-	-	-	-

42	4913	Intragovernmental Service	-	-	-	106	106	42
43	4922	Waste Recycling	-	-	-	36	36	43
44	4929	Printing And Binding	-	-	-	-	-	44
45	4930	Transcripts	-	-	-	6,713	6,713	45
46	4946	Advertising Notices	-	-	-	-	-	46
47	4959	Expert Witness Fees	-	-	-	66,287	66,287	47
48	4969	Witness Fees	-	-	-	-	-	48
49	4970	Other Than St Mileage	-	-	-	-	-	49
50	4974	Tuition Exp Other Than St	-	-	-	-	-	50
51	4975	Sales Tax Paid By State	-	-	-	-	-	51
52	4982	Periodicals Newspaper Sub	-	-	-	-	-	52
53	4983	Dues	-	-	-	200	200	53
54	4991	General Operating Expense	-	-	-	-	-	54
55	4994	Contract Payments	-	-	-	-	-	55
56	4999	Special Fire Emergency Ch	-	-	-	-	-	56
57	5001	Registration Fee-Non State	-	-	-	2,100	2,100	57
58	5010	Tuition-Continuing Education	-	-	-	-	-	58
59	5020	Books	-	-	-	-	-	59
60	5022	Films/Materials	-	-	-	7,500	7,500	60
61	5030	Training Rooms	-	-	-	-	-	61
62	5031	Training Facilities	-	-	-	-	-	62
63	5035	Trainer Fees-Non State	-	-	-	1,000	1,000	63
64	5080	Training Catered Meals	-	-	-	-	-	64
65	5081	Training Refreshments	-	-	-	-	-	65
66	5150	Food	-	-	-	-	-	66
67	5151	Misc Foodstuffs	-	-	-	-	-	67
68	5301	Oit Professional Charges	-	-	-	-	-	68
69	5302	Telephone Service	-	-	-	-	-	69
70	5304	Cellular Phone Service	-	-	-	-	-	70
71	5310	It End User Services	-	-	-	-	-	71
72	5312	It Consulting-Non State	-	-	-	-	-	72
73	5315	It Applications-By State	-	-	-	-	-	73
74	5331	Network Access	-	-	-	-	-	74
75	5341	Lease Purchase Hardware/System	-	-	-	-	-	75
76	5346	Pc & Ntwrking Software/License	-	-	-	-	-	76
77	5355	Software Maint / Licenses	-	-	-	2,564	2,564	77
78	5357	Printers	-	-	-	-	-	78
79	5370	Minor It Equipment	-	-	-	-	-	79
80	5389	Software Licenses <1 Year	-	-	-	13,843	13,843	80
81	5390	Communication Equipment	-	-	-	-	-	81
82	5401	Clothing	-	-	-	-	-	82
83	5540	Major Household Appliances	-	-	-	-	-	83
84	5562	Cell Phone Services	-	-	-	-	-	84
85	5590	Non-It Minor Equipment	-	-	-	-	-	85
86	5600	Office & Other Supplies	-	-	-	173	173	86
87	5602	Office Supplies	-	-	-	1,505	1,505	87
88	5627	Purchase Of Books	-	-	-	84	84	88
89	5636	Misc Supplies	-	-	-	-	-	89
90	5650	Misc Office Equipment	-	-	-	-	-	90
91	5654	Ergonomic Office Equip	-	-	-	-	-	91
92	5656	Modular Furniture	-	-	-	58,466	58,466	92
93	5661	Paint Supplies	-	-	-	-	-	93

94	Subtotal AO Expenses	-	-	-	325,939	325,939	94
95	Contract Encumbrances	-	-	-	74,550	74,550	95
96	Contract Expenses	-	-	-	(67,166)	(67,166)	96
97	Subtotal Encumbrances	-	-	-	7,384	7,384	97
98	Total All Other	\$ 11,660,730	\$ 11,461,120	\$ 11,444,256	\$ 5,726,027	\$ 40,292,133	98

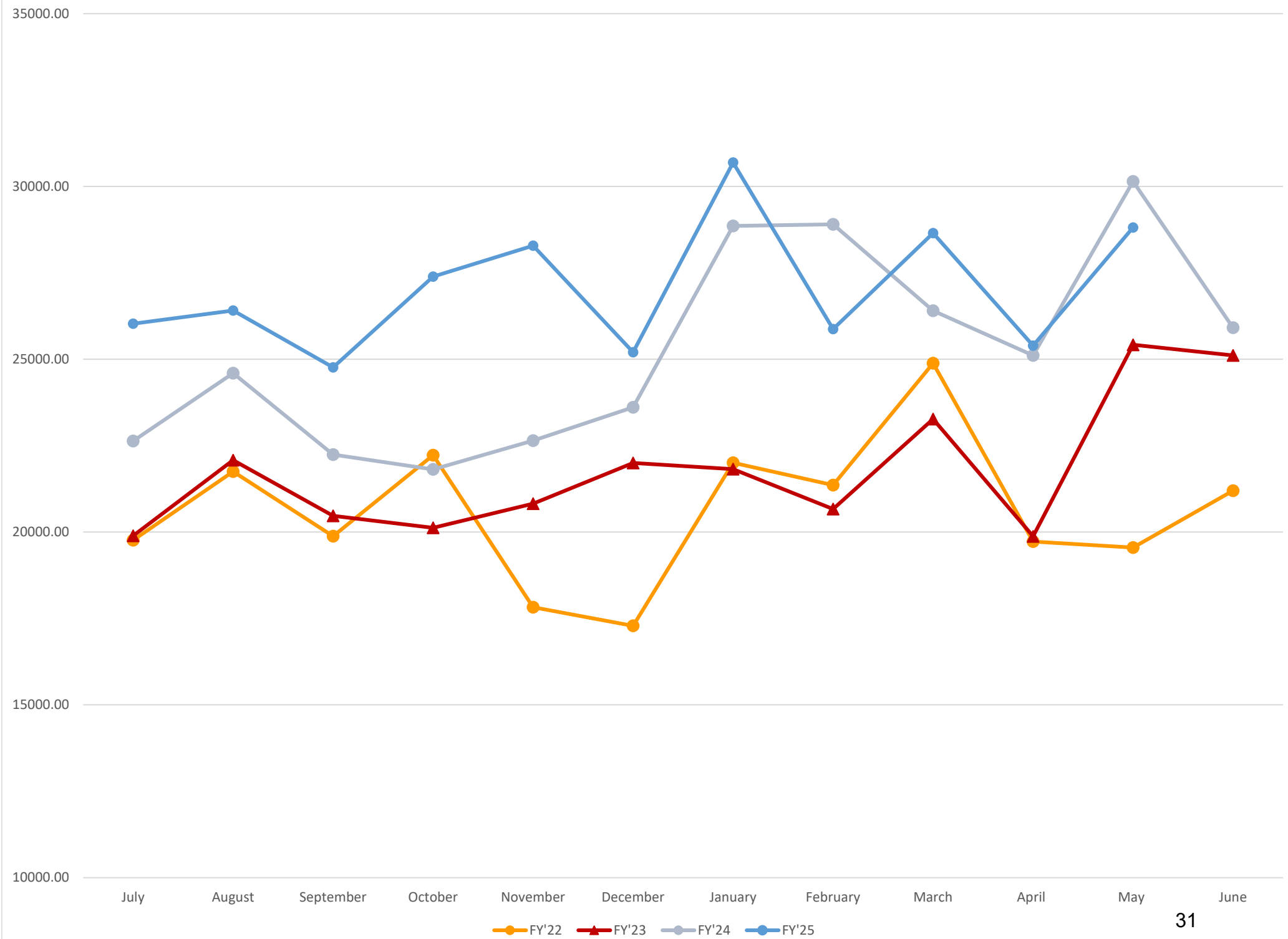
OSR MCPDS Budget to Actual Report
Department of Administrative & Financial Services
Maine Commission of Public Defense Services
SFY2025 Budget Object Group
As of May 31st, 2025

Appropriation: Z11202

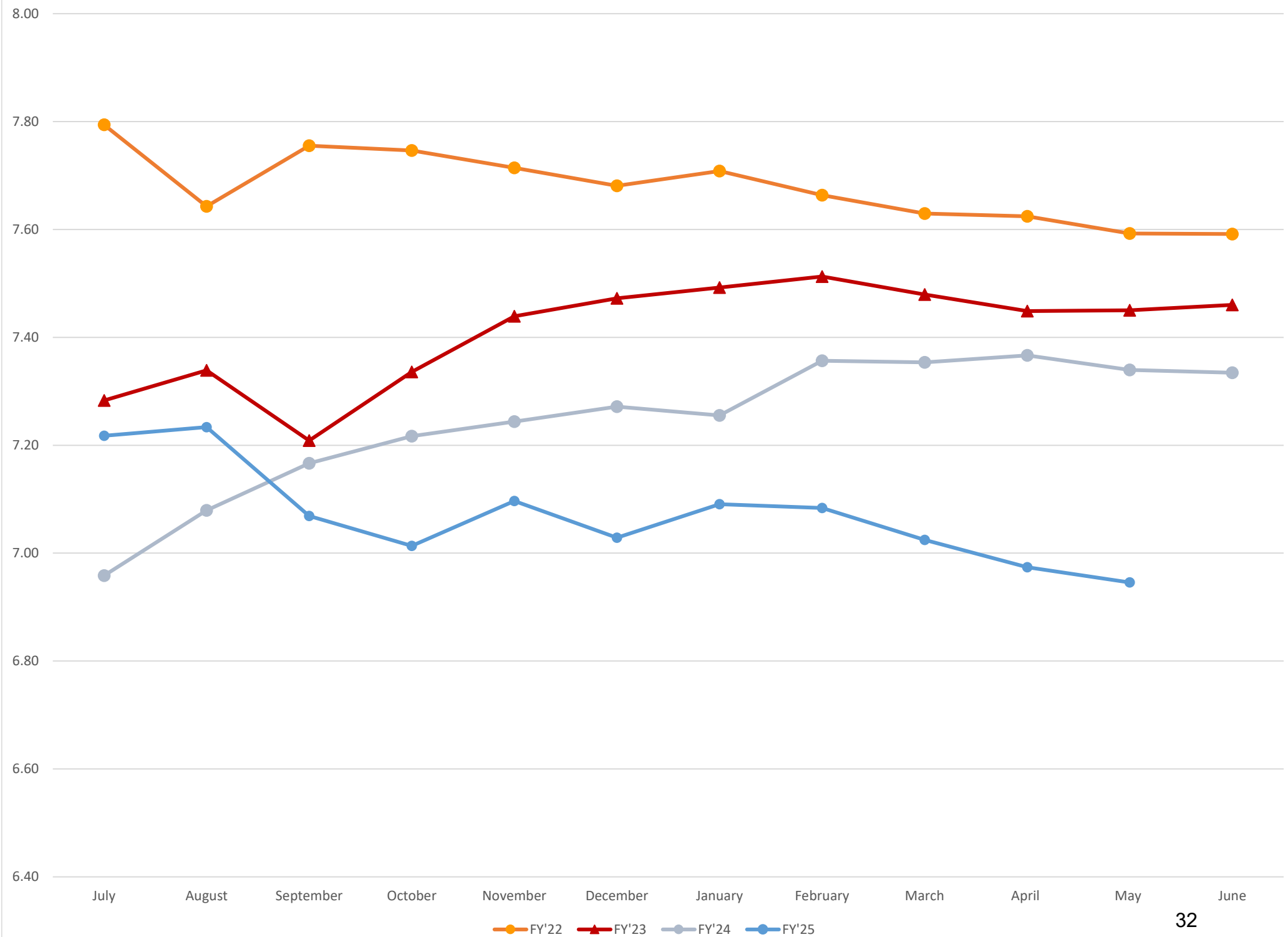
Fund: 014

Object Group	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total FY25
1 GF AO Allotment	-	1,500	-	55,500	57,000
2 40 Prof. Services, Not By State	-	-	-	-	-
3 41 Prof. Services, By State	-	-	-	-	-
4 42 Travel Expenses, In State	-	-	-	-	-
5 43 Travel Expenses, Out Of State	-	-	-	-	-
6 46 Rents	-	-	-	-	-
7 48 Insurance	-	-	-	-	-
8 49 General Operations	-	-	-	-	-
9 50 Employee Training	-	-	-	-	-
10 51 Commodities - Food	-	-	-	-	-
11 53 Technology	-	-	-	-	-
12 55 Equipment And Technology	-	-	-	-	-
13 56 Office & Other Supplies	-	-	-	-	-
14 65 Labor and Ins Client Benefits	-	-	-	-	-
15 90 Charges to Assets and Liabilities	-	-	-	-	-
16 Subtotal AO Expenses	-	-	-	-	-
17 Contract Encumbrances	-	-	-	-	-
18 Contract Expenses	-	-	-	-	-
19 Subtotal Encumbrances	-	-	-	-	-
20 Total All Other	\$ -	\$ 1,500	\$ -	\$ 55,500	\$ 57,000

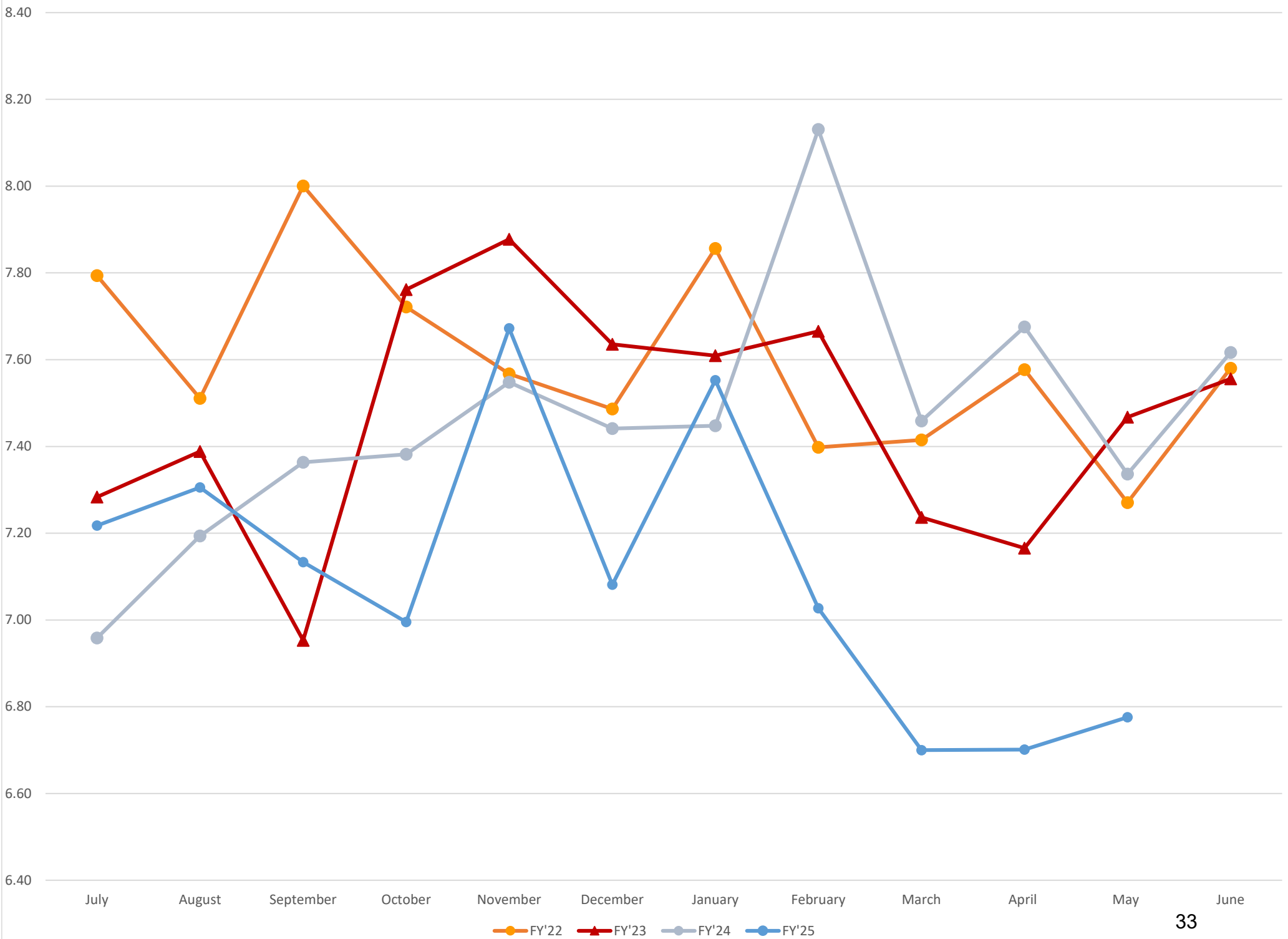
Submitted Hours Amount



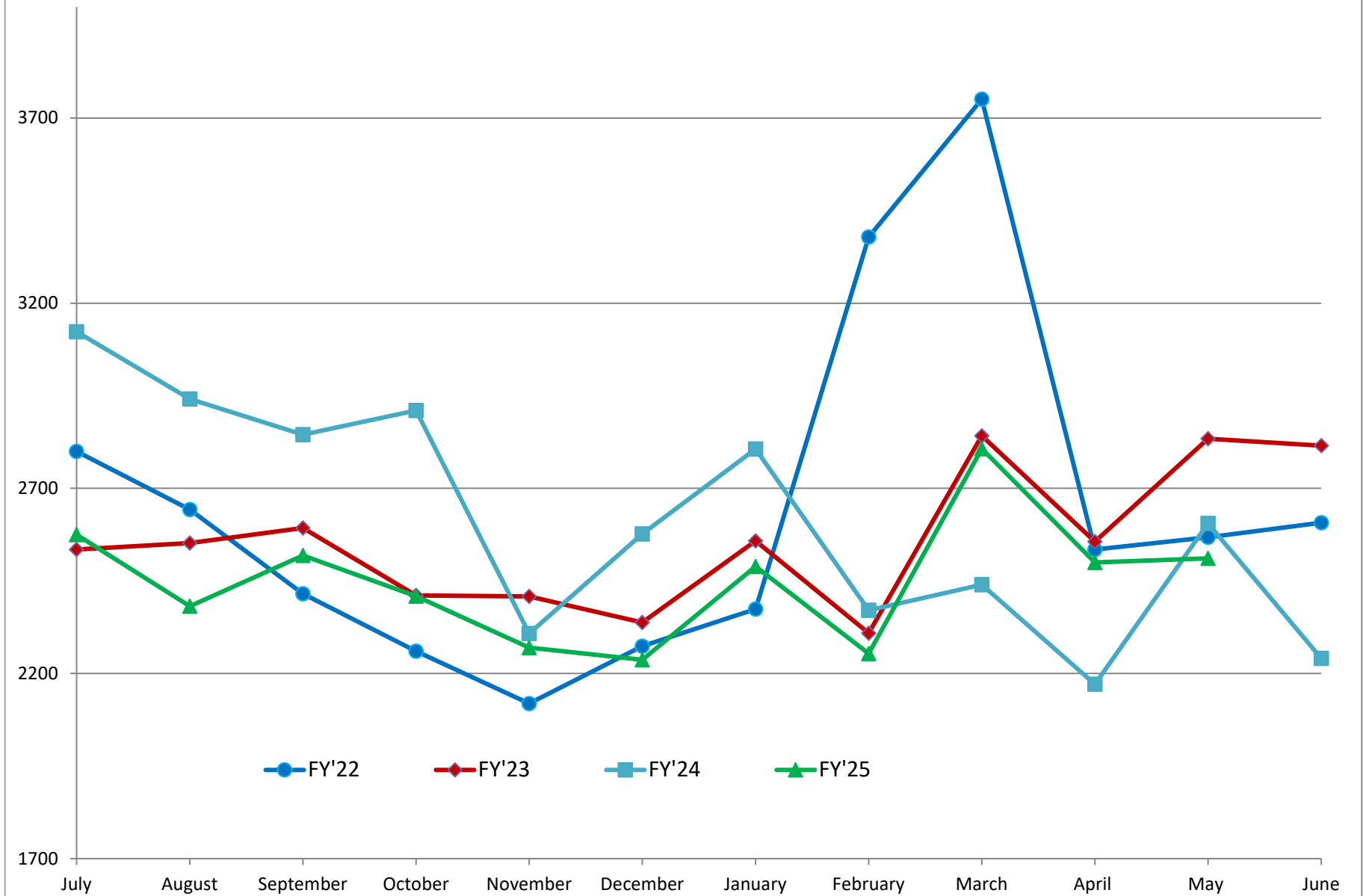
Average Hours per Voucher FYTD



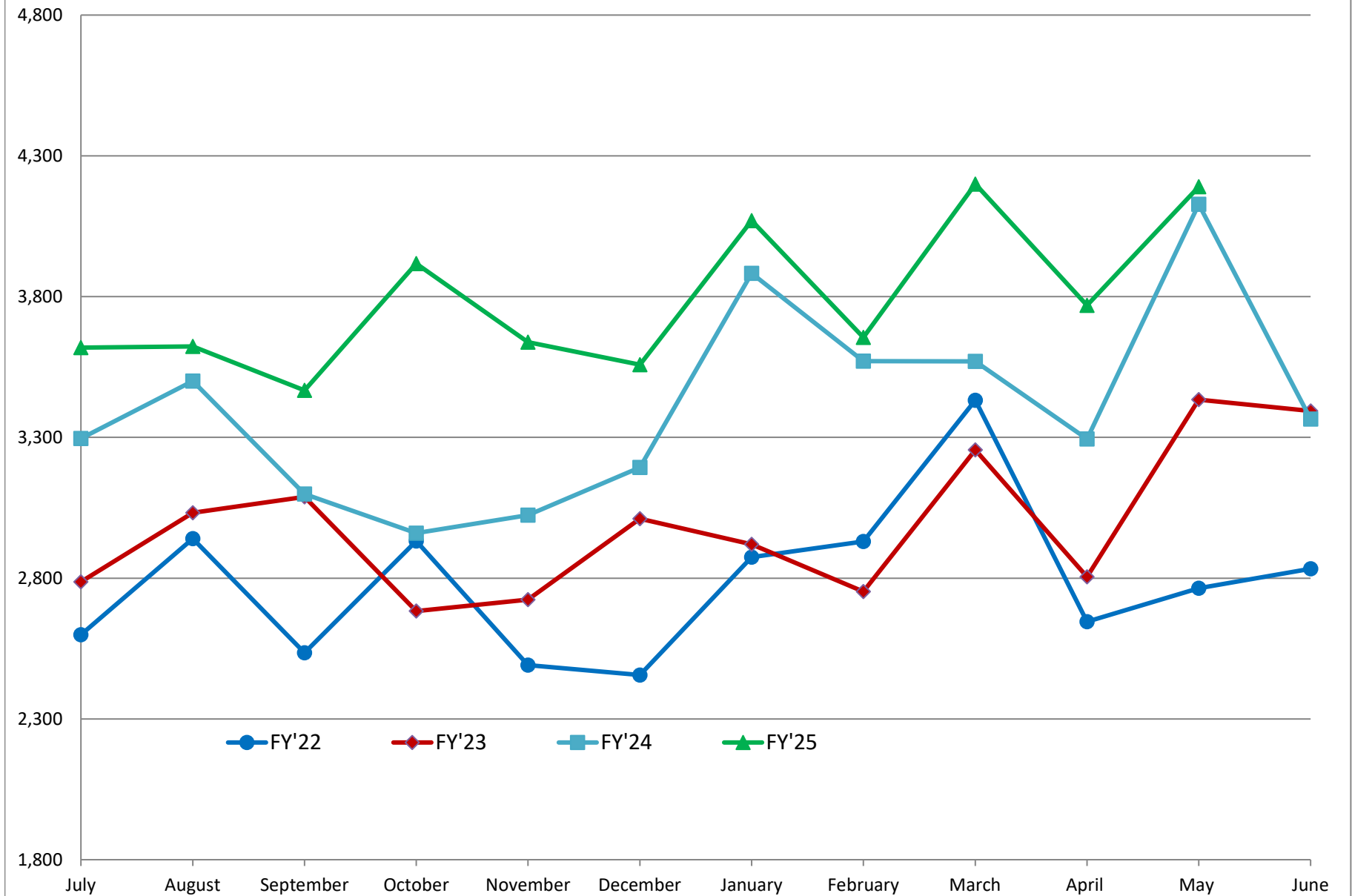
Monthly Average Hours per Voucher



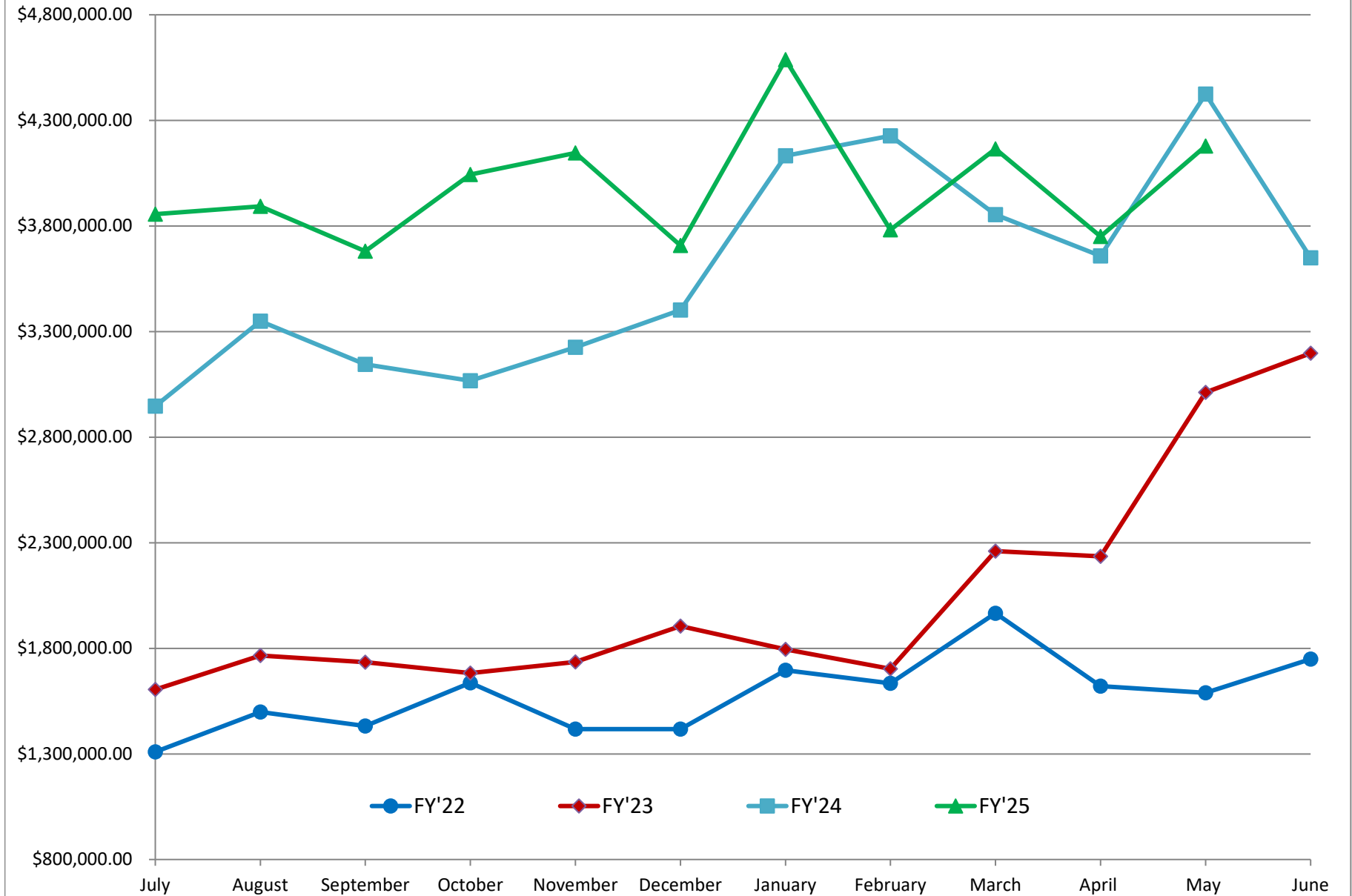
NEW CASES

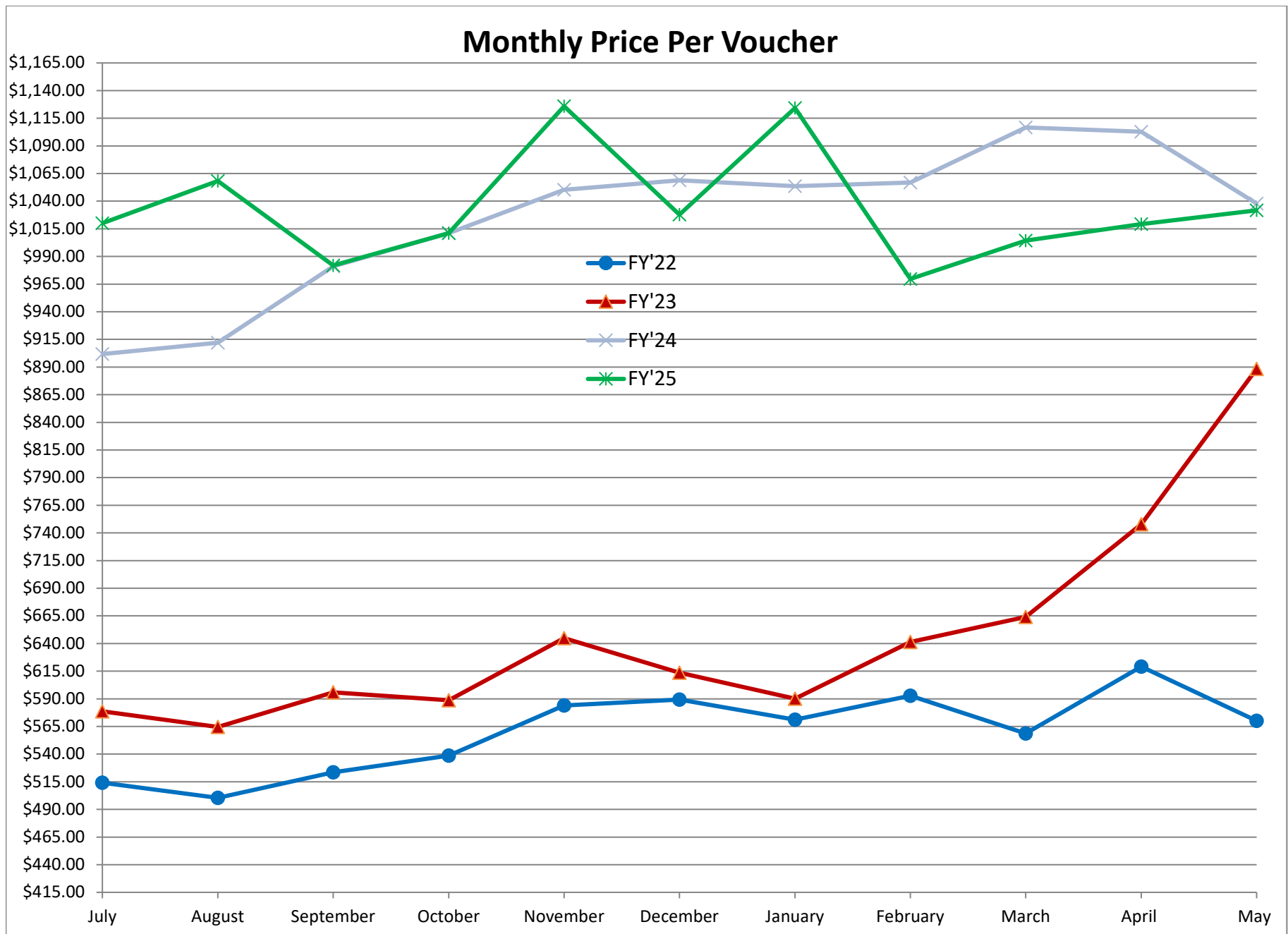


Submitted Vouchers

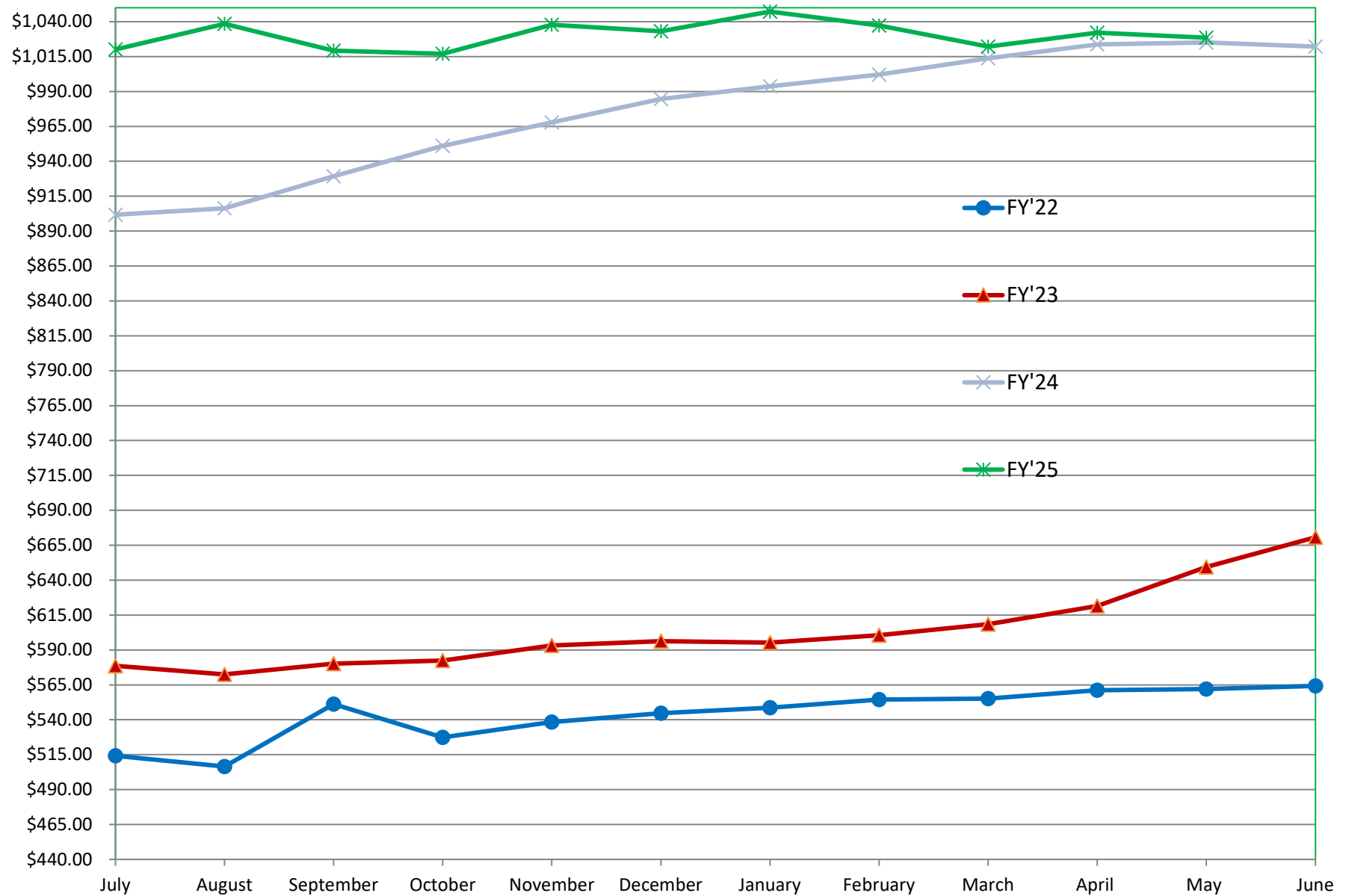


Submitted Voucher Amount





Average Voucher Price Fiscal Year to Date



Pending UCD Cases as of June 6, 2025

UCD	FELONY				MISDEMEANOR				CIVIL VIOLATION			ALL CASES			
	Pending	On DD	No IA	% No IA	Pending	On DD	No IA	% No IA	Pending	No IA	% No IA	Pending	On DD	No IA	% No IA
Androscoggin	751	100	53	7.1%	1,388	216	240	17.3%	10	6	60.0%	2,149	316	299	13.9%
Aroostook	503	100	47	9.3%	749	253	140	18.7%	12	5	41.7%	1,264	353	192	15.2%
Caribou	102	19	8	7.8%	139	41	17	12.2%	3	0	0.0%	244	60	25	10.2%
Fort Kent	74	17	13	17.6%	152	66	26	17.1%	3	1	33.3%	229	83	40	17.5%
Houlton	130	20	5	3.8%	199	73	40	20.1%	4	2	50.0%	333	93	47	14.1%
Presque Isle	197	44	21	10.7%	259	73	57	22.0%	2	2	100.0%	458	117	80	17.5%
Cumberland	1,435	236	114	7.9%	3,318	555	575	17.3%	95	46	48.4%	4,848	791	735	15.2%
Bridgton	24	7	2	8.3%	287	57	42	14.6%	31	24	77.4%	342	64	68	19.9%
Portland	1,390	224	111	8.0%	2,707	432	435	16.1%	36	13	36.1%	4,133	656	559	13.5%
West Bath	21	5	1	4.8%	324	66	98	30.2%	28	9	32.1%	373	71	108	29.0%
Franklin	112	28	10	8.9%	288	85	48	16.7%	9	4	44.4%	409	113	62	15.2%
Hancock	234	33	14	6.0%	380	52	96	25.3%	27	17	63.0%	641	85	127	19.8%
Kennebec	545	103	40	7.3%	1,465	316	350	23.9%	13	5	38.5%	2,023	419	395	19.5%
Augusta	520	94	39	7.5%	928	191	235	25.3%	12	4	33.3%	1,460	285	278	19.0%
Waterville	25	9	1	4.0%	537	125	115	21.4%	1	1	100.0%	563	134	117	20.8%
Knox	194	18	21	10.8%	508	122	113	22.2%	10	4	40.0%	712	140	138	19.4%
Lincoln	177	36	26	14.7%	409	120	98	24.0%	8	5	62.5%	594	156	129	21.7%
Oxford	451	84	32	7.1%	812	189	100	12.3%	11	3	27.3%	1,274	273	135	10.6%
Bridgton	53	13	4	7.5%	85	20	12	14.1%	1	0	0.0%	139	33	16	11.5%
Rumford	179	26	12	6.7%	336	59	32	9.5%	5	2	40.0%	520	85	46	8.8%
South Paris	219	45	16	7.3%	391	110	56	14.3%	5	1	20.0%	615	155	73	11.9%
Penobscot	779	27	88	11.3%	1,552	36	489	31.5%	39	19	48.7%	2,370	63	596	25.1%
Bangor	753	27	81	10.8%	1,160	27	331	28.5%	16	12	75.0%	1,929	54	424	22.0%
Lincoln	6	0	4	66.7%	137	3	59	43.1%	18	4	22.2%	161	3	67	41.6%
Newport	20	0	3	15.0%	255	6	99	38.8%	5	3	60.0%	280	6	105	37.5%
Piscataquis	39	0	7	17.9%	105	2	37	35.2%	17	10	58.8%	161	2	54	33.5%
Sagadahoc	158	38	16	10.1%	387	127	104	26.9%	18	6	33.3%	563	165	126	22.4%
Somerset	303	67	21	6.9%	459	125	75	16.3%	12	3	25.0%	774	192	99	12.8%
Waldo	204	39	15	7.4%	349	108	59	16.9%	4	0	0.0%	557	147	74	13.3%
Washington	196	17	14	7.1%	294	42	39	13.3%	12	2	16.7%	502	59	55	11.0%
Calais	80	8	4	5.0%	128	15	15	11.7%	6	1	16.7%	214	23	20	9.3%
Machias	116	9	10	8.6%	166	27	24	14.5%	6	1	16.7%	288	36	35	12.2%
York	760	123	113	14.9%	2,195	664	505	23.0%	46	20	43.5%	3,001	787	638	21.3%
TOTAL	6,841	1,049	631	9.2%	14,658	3,012	3,068	20.9%	343	155	45.2%	21,842	4,061	3,854	17.6%

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, June 2024 to June 2025

Pending cases as of June 6 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2024	2025	% Diff	2024	2025	% Diff	2024	2025	% Diff	2024	2025	% Diff
Androscoggin	780	751	-3.7%	1,553	1,388	-10.6%	13	10	-23.1%	2,346	2,149	-8.4%
Aroostook	524	503	-4.0%	814	749	-8.0%	22	12	-45.5%	1,360	1,264	-7.1%
Caribou	96	102	6.3%	152	139	-8.6%	3	3	0.0%	251	244	-2.8%
Fort Kent	84	74	-11.9%	177	152	-14.1%	6	3	-50.0%	267	229	-14.2%
Houlton	153	130	-15.0%	201	199	-1.0%	8	4	-50.0%	362	333	-8.0%
Presque Isle	191	197	3.1%	284	259	-8.8%	5	2	-60.0%	480	458	-4.6%
Cumberland	1,362	1,435	5.4%	3,643	3,318	-8.9%	81	95	17.3%	5,086	4,848	-4.7%
Bridgton	24	24	0.0%	321	287	-10.6%	14	31	121.4%	359	342	-4.7%
Portland	1,318	1,390	5.5%	2,859	2,707	-5.3%	46	36	-21.7%	4,223	4,133	-2.1%
West Bath	20	21	5.0%	463	324	-30.0%	21	28	33.3%	504	373	-26.0%
Franklin	153	112	-26.8%	380	288	-24.2%	20	9	-55.0%	553	409	-26.0%
Hancock	362	234	-35.4%	573	380	-33.7%	43	27	-37.2%	978	641	-34.5%
Kennebec	584	545	-6.7%	1,481	1,465	-1.1%	26	13	-50.0%	2,091	2,023	-3.3%
Augusta	546	520	-4.8%	940	928	-1.3%	12	12	0.0%	1,498	1,460	-2.5%
Waterville	38	25	-34.2%	541	537	-0.7%	14	1	-92.9%	593	563	-5.1%
Knox	182	194	6.6%	455	508	11.6%	6	10	66.7%	643	712	10.7%
Lincoln	150	177	18.0%	339	409	20.6%	5	8	60.0%	494	594	20.2%
Oxford	444	451	1.6%	804	812	1.0%	24	11	-54.2%	1,272	1,274	0.2%
Bridgton	39	53	35.9%	63	85	34.9%	1	1	0.0%	103	139	35.0%
Rumford	177	179	1.1%	332	336	1.2%	7	5	-28.6%	516	520	0.8%
South Paris	228	219	-3.9%	409	391	-4.4%	16	5	-68.8%	653	615	-5.8%
Penobscot	740	779	5.3%	1,740	1,552	-10.8%	67	39	-41.8%	2,547	2,370	-6.9%
Bangor	717	753	5.0%	1,343	1,160	-13.6%	18	16	-11.1%	2,078	1,929	-7.2%
Lincoln	6	6	0.0%	171	137	-19.9%	38	18	-52.6%	215	161	-25.1%
Newport	17	20	17.6%	226	255	12.8%	11	5	-54.5%	254	280	10.2%
Piscataquis	33	39	18.2%	98	105	7.1%	11	17	54.5%	142	161	13.4%
Sagadahoc	184	158	-14.1%	429	387	-9.8%	14	18	28.6%	627	563	-10.2%
Somerset	261	303	16.1%	401	459	14.5%	15	12	-20.0%	677	774	14.3%
Waldo	162	204	25.9%	339	349	2.9%	2	4	100.0%	503	557	10.7%
Washington	109	196	79.8%	260	294	13.1%	23	12	-47.8%	392	502	28.1%
Calais	46	80	73.9%	124	128	3.2%	6	6	0.0%	176	214	21.6%
Machias	63	116	84.1%	136	166	22.1%	17	6	-64.7%	216	288	33.3%
York	862	760	-11.8%	3,090	2,195	-29.0%	99	46	-53.5%	4,051	3,001	-25.9%
TOTAL	6,892	6,841	-0.7%	16,399	14,658	-10.6%	471	343	-27.2%	23,762	21,842	-8.1%

Columns	
2024	Number of cases having at least one charge without a disposition, and without a currently active warrant as of June 6, 2024
2025	Number of cases having at least one charge without a disposition, and without a currently active warrant as of June 6, 2025
% Diff	Percent change in pending cases from 2024 to 2025. 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, June 2019 to June 2025

Pending cases as of June 6 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2019	2025	% Diff	2019	2025	% Diff	2019	2025	% Diff	2019	2025	% Diff
Androscoggin	358	751	109.8%	1,247	1,388	11.3%	17	10	-41.2%	1,622	2,149	32.5%
Aroostook	348	503	44.5%	652	749	14.9%	32	12	-62.5%	1,032	1,264	22.5%
Caribou	72	102	41.7%	159	139	-12.6%	8	3	-62.5%	239	244	2.1%
Fort Kent	37	74	100.0%	102	152	49.0%	7	3	-57.1%	146	229	56.8%
Houlton	103	130	26.2%	141	199	41.1%	10	4	-60.0%	254	333	31.1%
Presque Isle	136	197	44.9%	250	259	3.6%	7	2	-71.4%	393	458	16.5%
Cumberland	827	1,435	73.5%	2,542	3,318	30.5%	159	95	-40.3%	3,528	4,848	37.4%
Bridgton	9	24	166.7%	198	287	44.9%	37	31	-16.2%	244	342	40.2%
Portland	801	1,390	73.5%	2,010	2,707	34.7%	95	36	-62.1%	2,906	4,133	42.2%
West Bath	17	21	23.5%	334	324	-3.0%	27	28	3.7%	378	373	-1.3%
Franklin	85	112	31.8%	275	288	4.7%	10	9	-10.0%	370	409	10.5%
Hancock	191	234	22.5%	461	380	-17.6%	33	27	-18.2%	685	641	-6.4%
Kennebec	310	545	75.8%	1,068	1,465	37.2%	52	13	-75.0%	1,430	2,023	41.5%
Augusta	301	520	72.8%	610	928	52.1%	32	12	-62.5%	943	1,460	54.8%
Waterville	9	25	177.8%	458	537	17.2%	20	1	-95.0%	487	563	15.6%
Knox	169	194	14.8%	305	508	66.6%	3	10	233.3%	477	712	49.3%
Lincoln	95	177	86.3%	224	409	82.6%	2	8	300.0%	321	594	85.0%
Oxford	214	451	110.7%	488	812	66.4%	18	11	-38.9%	720	1,274	76.9%
Bridgton	21	53	152.4%	69	85	23.2%	3	1	-66.7%	93	139	49.5%
Rumford	92	179	94.6%	202	336	66.3%	6	5	-16.7%	300	520	73.3%
South Paris	101	219	116.8%	217	391	80.2%	9	5	-44.4%	327	615	88.1%
Penobscot	343	779	127.1%	1,062	1,552	46.1%	77	39	-49.4%	1,482	2,370	59.9%
Bangor	335	753	124.8%	859	1,160	35.0%	64	16	-75.0%	1,258	1,929	53.3%
Lincoln	6	6	0.0%	60	137	128.3%	3	18	500.0%	69	161	133.3%
Newport	2	20	900.0%	143	255	78.3%	10	5	-50.0%	155	280	80.6%
Piscataquis	22	39	77.3%	48	105	118.8%	6	17	183.3%	76	161	111.8%
Sagadahoc	100	158	58.0%	265	387	46.0%	19	18	-5.3%	384	563	46.6%
Somerset	142	303	113.4%	456	459	0.7%	21	12	-42.9%	619	774	25.0%
Waldo	92	204	121.7%	256	349	36.3%	4	4	0.0%	352	557	58.2%
Washington	104	196	88.5%	174	294	69.0%	32	12	-62.5%	310	502	61.9%
Calais	40	80	100.0%	86	128	48.8%	8	6	-25.0%	134	214	59.7%
Machias	64	116	81.3%	88	166	88.6%	24	6	-75.0%	176	288	63.6%
York	727	760	4.5%	2,355	2,195	-6.8%	84	46	-45.2%	3,166	3,001	-5.2%
TOTAL	4,127	6,841	65.8%	11,878	14,658	23.4%	569	343	-39.7%	16,574	21,842	31.8%

Columns

2019	Number of cases having at least one charge without a disposition, and without a currently active warrant as of June 6, 2019
2025	Number of cases having at least one charge without a disposition, and without a currently active warrant as of June 6, 2025
% Diff	Percent change in pending cases from 2019 to 2025. Red percentages represent an increase, green percentages a decrease.

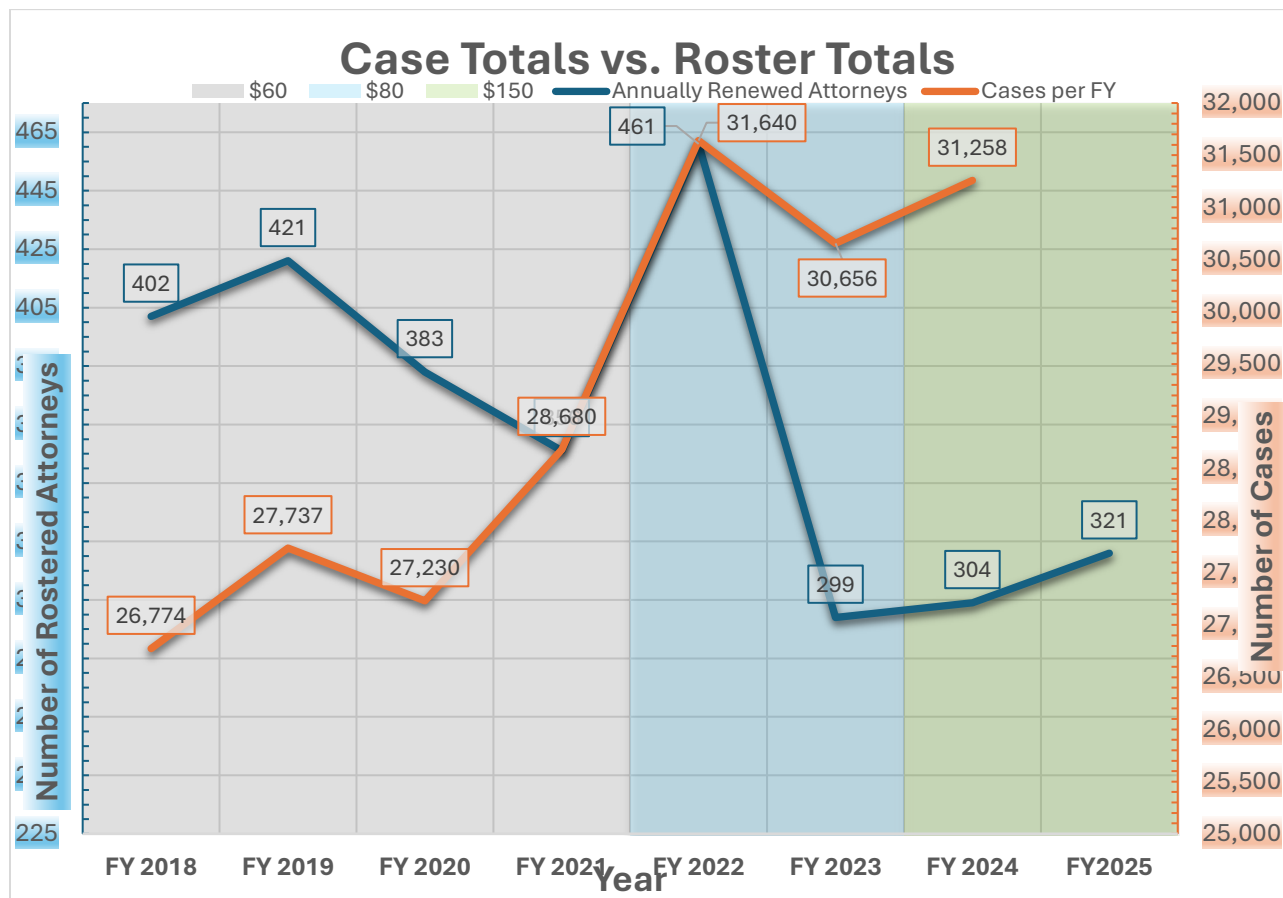
Cases are categorized based on the most serious offense charged. Local ordinance violations filed with the courts are not included in the reported counts.

TO: PDS
FROM: Chris Guillory
SUBJECT: 2025 Recruitment Memorandum
DATE: June 19, 2025

DATA:

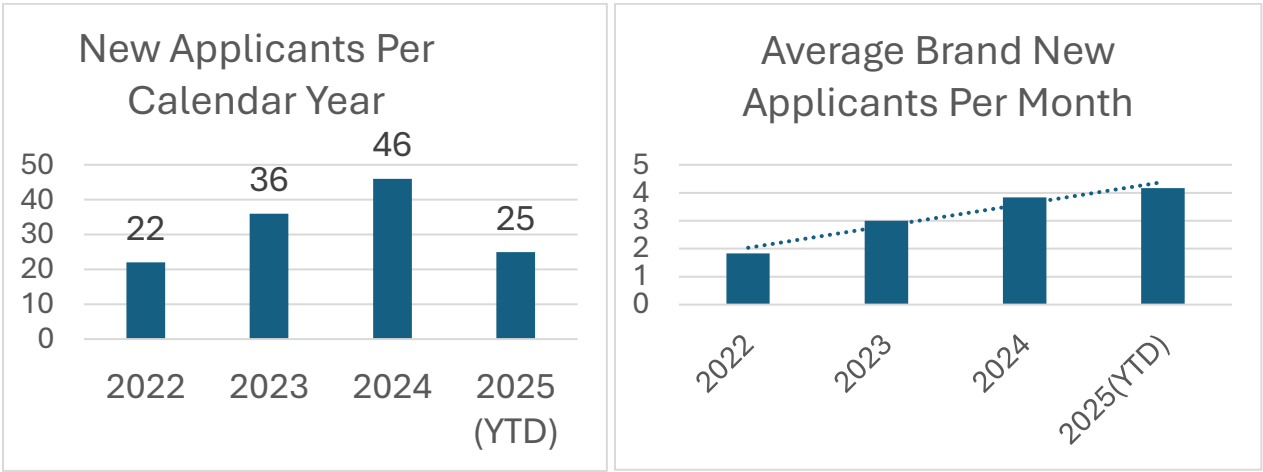
As the annual renewal cycle for fiscal year 2025 ends and the cycle for fiscal year 2026 begins, PDS staff was asked to provide an updated memorandum on agency recruiting activities so far this calendar year.

For the FY25 renewal cycle, PDS has seen statistically significant overall growth year over year from the end of the FY24 cycle. While case totals for FY25 cannot yet be finalized, we can make a year-end update to our graph contrasting case totals vs renewals reflecting the increase in the number of attorneys participating in the PDS program.

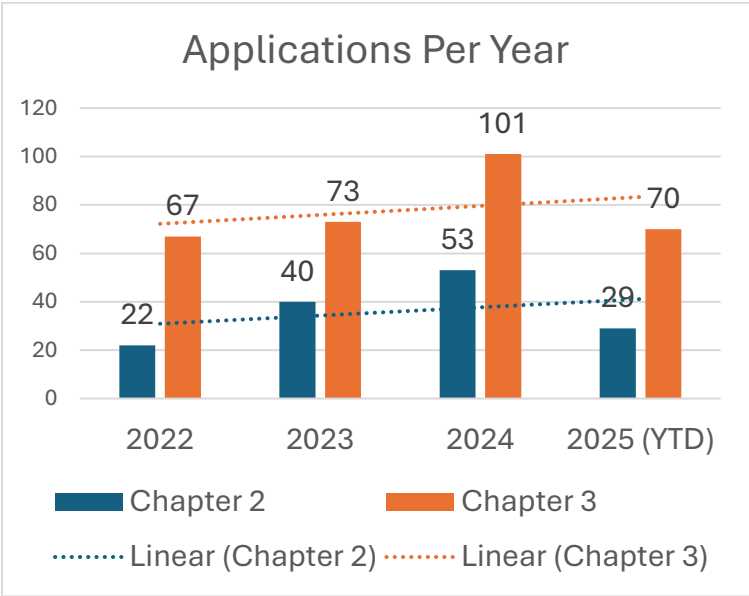


This increase continues the upward trend since the increase of the hourly rate in 2023 from \$80 to \$150per hour. This rate of compensation continues to be one of the highest for contracted indigent legal services regionally and has proven to be an effective method of increasing new recruits coming into the PDS program.

This growth can be demonstrated by the overall number of new applicants applying to join PDS year over year. In 2024 PDS received 46 new attorneys who applied to and joined the program. So far this year, PDS has received 25 applications from attorneys not previously affiliated with the program putting PDS on track towards matching or exceeding that number for this calendar year. The FY25 cycle also marks the second consecutive year where new recruiting exceeded attorney retirements/exits from the program.



PDS also continues to see the number of applications for various case types increase. With 29 applications to join chapter 2 panels and 70 applications to join chapter 3 specialized panels so far this year it appears recruitment is on track to meet or exceed the levels seen in 2024.



RECRUITMENT EFFORTS:

PDS has engaged in some direct recruiting activities so far this year.

On February 6, 2025, PDS sent an email message to all attorneys who had ever been affiliated with the program seeking to inform them of the updates and improvements that have been made and to urge them to reactivate with us.

On March 25, 2025, PDS staff sent an email to a list of all attorneys currently associated with any pending criminal case in the state provided by the judicial branch. PDS only received 30 responses to that email. 14 responding attorneys engaged with PDS staff to get more information about joining, and as of this writing 6 have successfully become rostered.

PDS has already been contacted by at least one Boston area law school about attending their fall public service recruiting event.

PDS also continues to see significant recruitment interest from out of state. PDS currently has 8 public defender attorneys who were hired from out of state currently working in its offices with another 3 out of state attorneys having accepted offers but not yet started with PDS. PDS has also seen a broad interest in internship opportunities in its public defenders offices with applicants from schools as far away as North Carolina and Ohio. Integral to the success of these out of state hires has been the recent modification to the Maine Bar Admission Rules Rule 11C. This rule was modified in the past year and has allowed staff attorneys to begin practicing after joining a PDS office while their petitions for admission by motion are processed. PDS staff continue to hear reports that the process for admission by motion can take in excess of six months to complete.

While PDS has seen its recruitment numbers grow over the last few years, and is now seeing net growth of the number of renewing attorneys year over year the rate of growth appears to be reaching a plateau. In order to better try and forecast future recruiting needs PDS requested demographic information about the age of the Maine bar from the Maine Board of Bar Overseers in September of 2024. Based off the last reported data from the Overseers in 2018, roughly 30% of the active bar at that time were over the age of 60. Based upon the contact staff has with attorneys in and out of the PDS program, the responses to both recruiting emails sent by staff to the Maine Bar at large this year, and the lack of any attorneys stepping forwards to accept assignments of criminal cases under the new §1807, it seems that there is evidence to reasonably support the conclusion that any Maine attorneys willing or able to take on indigent defense cases are likely already doing so. Moving forwards, outside of engaging with Maine Law, PDS should be focusing its recruitment efforts out of state.

Detailed Basis Statement for Chapter 301

The Commission is statutorily obligated to “Establish rates of compensation for assigned counsel...” (4 M.R.S. §1804(3)(F)) and develop “Standards for the reimbursement of expenses incurred by assigned counsel and contract counsel ...” 4 M.R.S. §1804(2)(F). Chapter 301 is promulgated to satisfy the Commission’s statutory duty to satisfy these obligations. Chapter 301 sets rates of compensation and procedures for payment to private assigned counsel, establishes rules for the reimbursement of eligible expenses, and sets fee amounts that trigger presumptive voucher review.

Maine Commission on Public Defense Services

Proposed Rule: Chapter 301-B, Requirements for Payment of Paralegal and Secretarial Services

Detailed Basis Statement:

Pursuant to statute,

The Maine Commission on Public Defense Services, established by [Title 5, section 12004-G, subsection 25-A](#), is an independent commission whose purpose is to provide high-quality, effective and efficient representation and promote due process for persons who receive indigent legal services in parity with the resources of the State and consistent with federal and state constitutional and statutory obligations. The commission shall work to ensure the delivery of indigent legal services by qualified and competent counsel in a manner that is fair and consistent throughout the State and to ensure adequate funding of a statewide system of indigent legal services, which must be provided and managed in a fiscally responsible manner, free from undue political interference and conflicts of interest. 4 M.R.S. § 1801.

The Commission is charged with, “Establish[ing] processes and procedures to acquire investigative and expert services that may be necessary for a case, including contracting for such services” 4 M.R.S. § 1804(3)(L).

The Commission is statutorily obligated to adopt rules regarding “Other standards considered necessary and appropriate to ensure the delivery of high-quality, effective and efficient indigent legal services.” 4 M.R.S. § 1804(2)(G).

This Chapter establishes a method for Counsel to seek payment for Secretarial Services and Paralegal Services on assigned cases, consistent with the Commission’s mission and statutory obligations.

Maine Commission on Public Defense Services

Proposed Rule:

Chapter 301-B, Requirements for Payment of Paralegal and Secretarial Services

Response to Public Comments

Comment #1 (Karsten Rees, Paralegal Specialist, Law Offices of Dylan Boyd):

Many firms use their own timekeeping system in addition to defenderData. Having to make time entries in both defenderData and the firm system can be cumbersome, duplicative, and actually prevent paralegal specialists and secretaries from providing public defense services.

It would be helpful to have the option to port time entries from one system into defenderData, while still maintaining accuracy.

The US Courts allow this; their CJA eVoucher system allows users to upload time entries in .CSV format, subject to light reformatting to match the CJA formatting requirements.

The accuracy of imported time entries is guaranteed through a certification of their accuracy -- and of course, the paralegal specialist or secretary would still be entering them accurately into the source timekeeping system.

PDS Response: The new version of defenderData, which is in development, will be LEDES compliant.

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

Summary: This ~~C~~chapter establishes a fee schedule and administrative procedures for payment of ~~private Court Assigned and/or Commission Assigned Counsel~~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 PDS electronic case management system.

SECTION 1. DEFINITIONS.

~~1. Court Assigned Counsel. "Court Assigned Counsel" means private counsel licensed to practice law in Maine, designated eligible to receive an assignment to a particular case, and initially assigned by a Court to represent a particular client in a particular matter. For the purposes of this rule, "Court Assigned Counsel" does not include any employee of PDS.~~

~~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 PDS to provide that service or represent a client. For the purposes of this rule, "Commission Assigned Counsel" does not include any employee of PDS.~~

~~3. Counsel. As used in this Chapter "Counsel" means a Court Assigned Counsel or Commission Assigned Counsel, or both.~~

4.1. 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.

5.

Employed Counsel. "Employed Counsel" means an attorney employed by the Commission to provide legal services directly to persons who are eligible to receive indigent legal services in civil proceedings. ~~Commission-Employed Counsel. "Commission-Employed Counsel" means counsel employed by the Commission to provide direct representation to indigent persons.~~

4.

5. Public Defender. "Public Defender" means an attorney employed by the Commission to provide legal services directly to persons who are eligible to receive indigent legal services in criminal and juvenile proceedings.

6. Home Court. "Home Court" means the physical location of the court in closest proximity to Counsel's office or reasonably accessible private meeting space as contemplated by 94-649 C.M.R. ch. 2 § 3.

7. 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.

8. Interim Voucher. "Interim Voucher" means any voucher submitted in a case before Counsel's professional responsibility in a matter ends.

9. Particular Client Assignment. "Particular Client Assignment" means an assignment of Counsel to represent a particular client in a particular matter either by PDS or ~~the a Court 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~~ Rule a "particular matter" is a matter described by a particular docket number in a ~~Court court~~.

10. Days. "Days" means calendar days.

11. 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.

12. Paralegal Services. "Paralegal Services" means specifically delegated substantive legal work for which a lawyer is responsible.

12. Secretary. "Secretary" means a person who is employed or retained by a lawyer, law office, corporation, government agency, or other entity to provide Secretarial Services.

13.

~~13.14.~~ Secretarial Services. “Secretarial Services” means staff support services other than Paralegal Services.

~~14.15.~~ Resource Counsel. “Resource Counsel” means counsel designated eligible to serve as Resource Counsel pursuant to Chapter 3 of the Commission Rules.

~~15.16.~~ 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.

~~16.17.~~ 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.

~~17.18.~~ Case. “Case” means a Particular Client Assignment 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 PDS 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-office~~ expenses will not be paid by PDS. 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 Pparalegal services-Services and secretarial Secretarial services-Services may be submitted to PDS only through the non-counsel cost procedures-compensated in accordance with Chapter 301-B.~~
2. **Itemized Non-Routine Expenses.** Itemized non-routine expenses, such as discovery from the State or other agency, long distance calls (only if billed for long distance calls by your phone carrier), overnight and express postage, collect phone calls, copy costs for print or copy jobs in excess of 100 pages, beginning with the 101st page, printing/copying/binding of legal appeal brief(s), relevant in-state mileage (as outlined below), tolls (as outlined below), and fees paid to third parties, may be paid by PDS 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 PDS 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 PDS in writing prior to incurring the expense. Use of the telephone, video equipment, and email in lieu of travel is encouraged as appropriate.
 - 3-A. 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.
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.** PDS 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~~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 PDS. Funds for third-party services will be provided by PDS only upon written request and a sufficient demonstration of reasonableness, relevancy, and need in accordance with PDS 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 PDS 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 5th 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 PDS, 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 PDS. 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 PDS 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 PDS-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 PDS 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 the PDS 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 PDS 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~~Counsel, Employed Counsel, and Public Defenders upon the written request of the Executive Director.
 - B. Meetings and other communications with ~~Court Assigned, Commission Assigned, and Commission-Employed Counsel~~Counsel, Employed

Counsel, and Public Defenders about the practice of law or ethical or legal issues related to assigned cases.

- C. Assisting Counsel, Employed Counsel, and Public Defenders ~~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 PDS Training & Supervision staff.~~
- G. Responding to calls, emails, and/or webform submissions from individuals who contact PDS through the PDS 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 c~~C~~ounsel.
- 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.~~
- E.B. 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.C. Prior to preparing a training at the Commission's request, Resource Counsel must have prior written authorization from the Executive Director ~~or PDS~~

~~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.

~~F.D.~~ Resource Counsel must be licensed to practice law in Maine and eligible to accept PDS 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 PDS case assignments.

~~F.E.~~ 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 PDS 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 PDS will provide any number of hours to Resource Counsel.

I. Resource Counsel may not incur any expenses of any type on behalf of PDS 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. Pursuant to 4 M.R.S. § 1804(3)(J), a 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); 4 M.R.S. § 1805(12).

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)

September 1, 2024 – filing 2024-204

NONSUBSTANTIVE EDITS:

September 3, 2024 (Addition of a statutory citation in Section 8, subsection 1 of the rule, as well as in the statutory authority/rule history section).

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.