

**MAINE COMMISSION ON  
PUBLIC DEFENSE SERVICES**

**May 27, 2025**

**Commissioner's  
Meeting Packet**

# MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

## MAY 27, 2025 MEETING AGENDA

- 1) Rulemaking Public Hearing / Chapters 301 and 301-B
- 2) Approval of the April 29, 2025 Commission Meeting Minutes
- 3) *In re Eden Stuart*, Case No: 2023-020
- 4) Executive Session pursuant to 1 M.R.S. 405(6)(E)
- 5) Report of the Executive Director
  - a. Operations report
  - b. Budget update
  - c. Policy on geographic limitations on practice areas
- 6) Taylor Kilgore pilot project discussion
- 7) Rulemaking discussion
  - a. Chapter 3 / 4 MRS 1807
  - b. 2025-2026 regulatory agenda
- 8) Update from District Defenders
- 9) Set Date, Time and Location of Next Regular Meeting of the Commission
- 10) Public Comment

**Maine Commission on Public Defense Services – Commissioners Meeting**  
**April 29, 2025**  
**Meeting Minutes**

**Commissioners Present:** Donald Alexander, Randall Bates, Michael Carey, Roger Katz, David Soucy, Kimberly Monaghan, Josh Tardy

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

<b>Agenda Item:</b>	<b>Discussion/Outcome:</b>
Approval of the March 25, 2025 & April 1, 2025 Meeting Minutes	Commissioner Alexander moved to approve the minutes. Seconded by Commissioner Carey. All voted in favor. Motion prevailed.
Executive Session	<p>Commissioner Carey moved to go into Executive Session pursuant to 1 MRSA § 405(6)(E) for consultation with legal counsel. Seconded by Chair Tardy. All voted in favor. The Commission went into Executive Session.</p> <p>The Commission returned from Executive Session and Commissioner Carey took over as Chair Pro Temp.</p>
Report of the Executive Director	<p>Executive Director Billings provided the following report:</p> <p>Kelly O'Connor has been confirmed by the Judiciary Committee as a commissioner. She has not yet been sworn in as a commissioner.</p> <p>Recent trends continue. Dollar amounts of vouchers are up approximately 15%. We have paid \$33.4 million this fiscal year; this time last year it was \$29.5 million. The monthly billable hours were higher in March of 2025 than March of 2024. We have a financial order pending to transfer \$1.8 million of personal services to all other. That financial order won't take effect until the middle of July. We will be cutting it close at the end of FY 2025.</p> <p>As of today, there are 157 people on a roster. 112 attorneys are on the roster for trial-level work, of which 31 are accepting child protective cases and 49 are accepting criminal cases.</p>

	<p>There are 363 cases on the adult criminal unrepresented list. 86 of them are in Cumberland County. Approximately 10-15% of the cases on the list have an attorney who has volunteered to take the case, but no notice of appointment has been issued by the court. There is a bill in the Legislature to address the delay in the issuance of notices of appointment.</p> <p>There are 68% (approximately 2,800 cases) more felonies pending now than in 2019. York is the only exception, so whatever they are doing is working. There is a 27% increase in misdemeanors compared to 2019.</p>
<p>Rulemaking Discussion: Chapter 3 &amp; LD 1101</p>	<p>Executive Director Billings provided an explanation of LD 1101 and his proposal to change Chapter 3:</p> <p>LD 1101 amended some of our Chapter 37 statutes, and enacted 4 MRSA § 1807, which allows courts to appoint counsel who we have not deemed eligible. We want to get ahead of § 1807. If judges are going to appoint people under 1807 anyway, we should do everything we can to get them in our program because, otherwise, we have no authority to supervise them. I propose amending Chapter 3 so that we enforce the standards in Chapter 3, or the qualification requirement in 1807, whichever is least restrictive.</p> <p>Discussion ensued about the value of requiring criminal defense experience as opposed to criminal law experience.</p> <p>Chair Pro Temp Carey: Likes Executive Director Billing's proposal of applying the least stringent requirement between LD 1101 and Chapter 3.</p> <p>Commissioner Bates: Agrees with Commissioner Alexander that experience as a prosecutor should count. He does not think the Commission should change Chapter 3. He does not view what's going on as warranting a change in the rules.</p> <p>Commissioner Soucy: Agrees with Commissioner Bates that we should not change Chapter 3. We are being very reactive right now. If someone could be appointed by a judge under LD 1101, then the executive director can waive them in. Commissioner Soucy stated that you don't make a good defense bar with rules. To do it right, you need to create a culture of high expectations. That happens through training, mentorship, and other resources. In our Chapter 3 subcommittee, someone proposed a mentorship path in Chapter 3. Commissioner Soucy supports moving to that method.</p>

	<p>Commissioner Soucy: We may have attorneys who are good at pleading clients out, but jury trials are tough. It makes sense to have a jury trial requirement in the rules.</p> <p>Based on discussion, it was determined not to engage in rulemaking on this.</p>
Rulemaking Discussion: Chapter 103 & Chapter 3	<p>Executive Director Billings explained that this change was initially drafted to address the perceived conflict between court rules and the provision of Chapter 3, which makes an attorney ineligible to represent a client in a child protective appeal when they represented the client at the trial court level. The proposed change would require counsel to review ineffective assistance of counsel with their clients. Then there would be an option for a waiver in Chapter 3 so the attorney could stay on the case.</p> <p>Executive Director Billings: I attended our Child Protective Conference. I asked the attorneys, about 100 in the room, if they wanted to stay on appeals. Almost universally, attorneys said not to change the rule. They like having a reason to withdraw.</p> <p>Executive Director Billings asked the Commission whether it wants to change Chapters 103 and 3, even though the rostered attorneys are opposed to it.</p> <p>Commissioner Alexander: My position was that we should not bar attorneys from handling the appeals of cases that they had at the trial court. If the attorneys don't want to take the appeals, as Jim has indicated, I am okay with that.</p> <p>Chair Pro Temp: I am uncomfortable that the clients are functionally without counsel.</p> <p>Executive Director Billings concluded that there is no need for emergency rulemaking on this issue, but that we could continue to have discussions about this issue.</p> <p>Discussion ensued about the possibility of granting waivers for attorneys who want to keep a case on appeal.</p> <p>Commissioner Soucy referenced correspondence from Chapter 3 subcommittee members regarding this issue. Chair Pro Temp asked Commissioner Soucy to distribute that correspondence.</p>

<p>Rulemaking Discussion: Proposed Chapter 301-B &amp; Chapter 301</p>	<p>Executive Director Billings explained that we want to make paralegal services more accessible. We currently allow the compensation for paralegals through the Chapter 302 process. That process requires a case-by-case application for funds to use paralegals, which can be cumbersome and discourage the widespread use of paralegals. Our objective is to increase attorney capacity. The Audit Division feels that this will increase costs significantly. Executive Director Billings and other staff believe that some of the increased cost will be offset by the fact that we could be paying paralegals at a lower rate for work that we are already paying lawyers \$150/hour to perform. This proposed rule includes a cap of 20 hours per case of paralegal work. We set an hourly rate of \$55/hour which is approximately half of the market rate for paralegals, based on calculations from a survey we distributed. We are also suggesting a one-year expiration date on the rule. There is a bill in the Legislature to require us to do this at the market rate.</p> <p>Commissioner Alexander moved to put Chapters 301 and 301-B out for public comment, with a provision that the changes expire one year after adoption, and adopt the amended regulatory agenda. Seconded by Chair Pro Temp Carey.</p> <p>Discussion: Commissioner Soucy asked about the secretarial services and whether those are overhead expenses. Executive Director Billings explained that we are paying lawyers \$150/hour for lawyers to do work that we could pay \$55/hour for a secretary or paralegal to do.</p> <p>Commissioners Alexander, Soucy, Katz, and Chair Pro- Temp Carey all voted in favor.</p>
<p>District Defender Update</p>	<p>Logan Perkins, District Defender for the Highlands Region Public Defender Office, provided the following report:</p> <p>Parents' Counsel Division: Has an offer out for a parents' counsel I (PCI) position. Received a lot of applications for the legal administrator position.</p> <p>Tri-County PDO: Hired a new ADI and is in the process of hiring a paralegal.</p> <p>Downeast PDO: They are looking forward to having the rest of their office space available to them in July once construction is complete.</p> <p>Capital Region PDO: They have externs. They have had two jury trials in the last month. They received a huge donation of business clothes for clients to wear to court.</p>

	<p>Highlands Region PDO: The final ADI started and is taking approximately five new cases per week. He is an out-of-state practitioner who has provided perspective about how behind the times we are in Maine, which leads to inefficiencies. We have been doing a lot of in-house training. We spent three hours this week talking about mental state cases. We also did trainings on collateral consequences and conflicts of interest. We delivered a designation of eligibility to the Court and—almost two weeks later—we had not been assigned; the Court lost the designation we filed. The Court has also lost other paperwork filed by the PDO. The Chief of Police in Dexter is dodging service of District Defender Perkins’ subpoena. An AAG is also playing hardball and making it difficult for us to appropriately conduct conflict checks. They won’t tell us the name of a cooperating witness so we can conduct a conflict check. The PD presence in Penobscot County has been positive for evaluating processes. In Penobscot, there are 10% (73 cases) more pending felony cases than in 2024. The Highlands Region PDO has 77 cases. Despite that, we have put a dent in the list. As of today, there are 10 people in custody without representation in Penobscot.</p>
Public Comment	<p><u>Rob Ruffner, Esq.</u>: We are opening a second office in Saco. We have four graduating students who have accepted job offers. We will have our first student attorney starting in June. We should use the new statute (4 MRSA § 1807) as a recruitment tool. I support the proposed Chapter 301-B and think it will increase attorney capacity.</p>
Adjournment	<p>The next meeting will be held on May 27, 2025 at 4:00PM in a hybrid format.</p> <p>PDS’ central office is moving back to the Marquardt building, 3<sup>rd</sup> floor, so the next Commission meeting may be held there.</p>

# MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

## April 2025 Operations Report

- 2,500 new cases were opened in the defenderData system. This was a 307 case decrease from April. Year to date, new cases are down 7.5% from last year, from 26,423 at this time last year to 24,418 this year.
- The number of vouchers submitted electronically was 3,769, a decrease of 431 vouchers from April, totaling \$3,750,206, a decrease of \$414,855 from April. Year to date, the number of submitted vouchers is up by 13.6%, from 32,809 at this time last year to 37,286 this year, with the total amount for submitted vouchers up 14.5%, from \$33,836,552 at this time last year to \$38,747,182 this year.
- We paid 3,302 electronic vouchers totaling \$3,365,628 representing a decrease of 814 vouchers and a decrease of \$767,951 compared to April. Year to date, the number of paid vouchers is up 11.4%, from 32,798 vouchers at this time last year to 36,568 this year, and the total amount paid is up 12.4%, from \$33,576,510 this time last year to \$37,741,404 this year.
- The average price per voucher was \$1,019.27, up \$15.00 per voucher from April. Year to date, the average price per voucher is up 0.8%, from \$1,023.74 at this time last year to \$1,032.09 this year.
- Appeal and Petition for Modified Release Treatment had the highest average voucher total. There were 35 vouchers exceeding \$7,500 paid in April. See attached addendum for details.
- We issued 154 authorizations to expend funds: 67 for private investigators, 56 for experts, and 31 for miscellaneous services such as interpreters and transcriptionists. We paid \$301,116 for experts and investigators, etc. One request was denied.
- There were no attorney suspensions.
- In the All Other Account, the total expenses were \$3,407,822. Approximately \$134,635 was devoted to the Commission's operating expenses.
- In the Personal Services Accounts, we had \$640,433 in expenses.
- In the Revenue Account, we had \$402,518 in expenses for attorney payments.
- As of May 23, 2025, there are 161 rostered attorneys of which 113 are available for trial court level work.
- For the first 10 months of this fiscal year, submitted hours are up 8.8% over the same 10-month period last year. April 2025 submitted hours are 1.1 % higher than April 2024 submitted hours.



<b>Submitted Hours</b>													
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	<b>Yearly Total</b>
FY21	13,652	15,225	17,333	20,420	17,399	17,244	19,813	17,753	31,671	17,869	19,037	19,270	<b>226,687</b>
FY22	19,764	21,749	19,882	22,228	17,828	17,286	22,006	21,357	24,885	19,723	19,551	21,195	<b>247,454</b>
FY23	19,890	22,083	20,470	20,125	20,820	21,997	21,823	20,666	23,273	19,878	25,420	25,109	<b>261,556</b>
FY24	22,635	24,596	22,244	21,813	22,643	23,608	28,859	28,903	26,406	25,109	30,260	25,911	<b>302,875</b>
FY25	26,031	26,409	24,765	27,393	28,283	25,206	30,691	25,872	28,647	25,394			<b>268,691</b>

**Vouchers over \$7,500**

<b>Comment</b>	<b>Voucher Total</b>	<b>Case Total</b>
Homicide	\$51,510.52	\$125,527.69
Homicide	\$32,745.85	\$46,650.85
Homicide	\$29,908.62	\$29,908.62
Appeal	\$23,129.76	\$23,129.76
Homicide	\$19,676.88	\$19,676.88
Homicide	\$17,010.00	\$17,010.00
Gross Sexual Assault	\$16,578.92	\$16,578.92
Appeal	\$16,474.24	\$16,474.24
Intentionally Endangering Welfare of Dependent Person	\$13,395.00	\$29,610.00
Domestic Violence Aggravated Assault	\$13,005.00	\$13,005.00
Child Protection	\$12,142.50	\$13,650.00
Child Protection	\$12,001.00	\$16,306.00
Child Protection	\$11,353.50	\$11,353.50
Criminal Trespass/Burglary of Motor Vehicle	\$11,210.85	\$14,914.90
Operating While License Suspended	\$10,482.90	\$10,482.90
Domestic Violence Aggravated Assault	\$10,350.00	\$10,350.00
Domestic Violence Aggravated Assault	\$10,281.25	\$13,817.71
Homicide	\$9,900.00	\$27,116.50
Child Protection	\$9,765.00	\$19,965.00
Aggravated Trafficking	\$9,335.02	\$9,335.02
Unlawful Sexual Touching	\$9,090.00	\$9,090.00
Unlawful Possession of Methamphetamine	\$9,088.00	\$9,088.00
Criminal Use of a Laser Pointer	\$9,051.00	\$9,051.00
Domestic Violence Elevated Aggravated Assault	\$8,776.00	\$8,776.00
Child Protection	\$8,757.50	\$9,539.70
Unlawful Trafficking in Scheduled Drugs	\$8,745.00	\$8,745.00
Termination of Parental Rights	\$8,710.91	\$17,509.89
Homicide	\$8,666.16	\$8,666.16
Tampering with Witness/Violating Condition of Release	\$8,280.00	\$8,280.00
Operating After Habitual Offender Revocation	\$8,115.00	\$8,115.00
Child Protection	\$8,047.08	\$10,537.08
Aggravated Trafficking	\$7,822.60	\$7,822.60
Appeal	\$7,713.65	\$7,713.65
Aggravated Criminal Mischief	\$7,650.00	\$7,650.00
Assault	\$7,598.40	\$7,598.40

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

**FY25 As of 5/07/25**

<b><u>General Funds - 010-Z11201</u></b>	<b><u>QTR1</u></b>	<b><u>QTR2</u></b>	<b><u>QTR3</u></b>	<b><u>QTR4</u></b>	<b><u>TOTAL</u></b>
Personal Services Allotment	\$ 1,145,607	\$ 1,754,486	\$ 1,760,318	\$ 3,610,129	\$ 8,270,540
Payroll to date	(1,145,606)	(1,754,485)	(1,760,318)	(961,920)	(5,622,329)
Estimated payroll remaining			-	(961,090)	(961,090)
<b>Total Personal Services available</b>	<b>\$ 0.79</b>	<b>\$ 0.71</b>	<b>\$ 0.40</b>	<b>\$ 1,687,119</b>	<b>\$ 1,687,121</b>
All Other Allotment	\$ 11,660,730	\$ 11,461,120	\$ 11,444,256	\$ 4,140,850	\$ 38,706,956
Expenditures to date	(11,612,366)	(11,210,310)	(11,038,175)	(3,500,912)	(37,361,764)
Encumbrances	(48,364)	(250,810)	(406,080)	12,173	(693,081)
<b>Total All Other Available</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 652,110</b>	<b>\$ 652,111</b>

**Unencumbered balance forward 0.00**

<b><u>Other Special Revenue Funds - 014-Z11201</u></b>	<b><u>QTR1</u></b>	<b><u>QTR2</u></b>	<b><u>QTR3</u></b>	<b><u>QTR4</u></b>	<b><u>TOTAL</u></b>
Personal Services Allotment	\$ -	\$ -	\$ -	\$ -	\$ -
Payroll to date	-	-	-	-	-
Estimated payroll remaining	-	-	-	-	-
<b>Total Personal Services available</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
All Other Allotment	\$ 8,200	\$ 1,787,960	\$ 1,439,893	\$ 6,416,525	\$ 9,652,578
Expenditures to date	(8,200)	(1,787,959)	(1,439,893)	(1,538,787)	(4,774,839)
Encumbrances	(0)	-	-	(79,684)	(79,684)
<b>Total All Other Available</b>	<b>\$ (0)</b>	<b>\$ 1</b>	<b>\$ 0</b>	<b>\$ 4,798,053</b>	<b>\$ 4,798,054</b>

**CASH ON HAND 5/07/25 \$ 4,854,932.29**

<b><u>Other Special Revenue Funds - 014-Z11202</u></b>	<b><u>QTR1</u></b>	<b><u>QTR2</u></b>	<b><u>QTR3</u></b>	<b><u>QTR4</u></b>	<b><u>TOTAL</u></b>
All Other Allotment	\$ -	\$ 1,500	\$ -	\$ 55,500	\$ 57,000
Expenditures to date	-	(1,500)	-	-	(1,500)
Encumbrances	-	-	-	-	-
<b>Total All Other Available</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 55,500</b>	<b>\$ 55,500</b>

**CASH ON HAND 5/07/25 \$ 5,960.66**

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

**CASH ON HAND 5/07/25 \$ -**

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

**CASH ON HAND 5/07/25 \$ -**

**MAINE COMMISSION ON PUBLIC DEFENSE SERVICES**

**Activity Report by Case Type**

4/30/2025

	Apr-25						Fiscal Year 2025			
DefenderData Case Type	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	12	31	\$71,671.24	47	\$ 107,020.95	\$2,277.04	134	309	\$ 773,320.17	\$2,502.65
Central Office Resource Counsel	0	2	\$3,031.86	3	\$ 3,856.86	\$1,285.62	1	19	\$ 22,907.66	\$1,205.67
Child Protection Petition	161	575	\$679,803.54	469	\$ 537,543.89	\$1,146.15	1,614	5,250	\$ 6,673,612.25	\$1,271.16
Drug Court	10	15	\$36,868.14	22	\$ 41,887.98	\$1,904.00	70	153	\$ 310,975.58	\$2,032.52
Emancipation	8	12	\$4,490.03	5	\$ 4,629.82	\$925.96	74	70	\$ 63,400.85	\$905.73
Felony	604	1,103	\$1,269,640.18	1,037	\$ 1,383,642.31	\$1,334.27	5,796	10,245	\$ 13,880,160.94	\$1,354.82
Involuntary Civil Commitment	82	89	\$43,184.04	105	\$ 50,586.00	\$481.77	1,113	1,081	\$ 571,426.28	\$528.61
Juvenile	96	162	\$170,142.67	87	\$ 81,426.88	\$935.94	912	1,410	\$ 1,432,132.95	\$1,015.70
Lawyer of the Day - Custody	300	277	\$192,869.64	207	\$ 138,481.88	\$668.99	2,882	2,836	\$ 1,938,785.19	\$683.63
Lawyer of the Day - Juvenile	2	2	\$900.00	3	\$ 1,350.00	\$450.00	43	52	\$ 24,870.80	\$478.28
Lawyer of the Day - Walk-in	112	109	\$71,943.09	79	\$ 53,240.63	\$673.93	1,278	1,236	\$ 829,438.00	\$671.07
PDS Provided Training	176	128	\$138,786.65	37	\$ 11,157.60	\$301.56	737	514	\$ 668,652.27	\$1,300.88
Misdemeanor	741	1,030	\$843,082.92	962	\$ 740,872.40	\$770.14	7,868	10,567	\$ 7,753,463.13	\$733.74
Petition, Modified Release Treatment	1	0		2	\$ 5,597.52	\$2,798.76	20	38	\$ 58,377.02	\$1,536.24
Petition, Release or Discharge	0	0		0			2	9	\$ 26,599.85	\$2,955.54
Petition,Termination of Parental Rights	0	0		2	\$ 1,409.16	\$704.58	0	80	\$ 141,631.78	\$1,770.40
Post Conviction Review	2	18	\$27,160.68	19	\$ 20,505.10	\$1,079.22	22	168	\$ 293,213.96	\$1,745.32
Probate	3	1	\$30.00	3	\$ 1,530.00	\$510.00	12	39	\$ 64,196.05	\$1,646.05
Probation Violation	147	154	\$136,970.61	138	\$ 104,849.12	\$759.78	1,383	1,630	\$ 1,342,592.21	\$823.68
Represent Witness on 5th Amendment	3	4	\$3,574.50	2	\$ 3,045.00	\$1,522.50	18	16	\$ 23,533.02	\$1,470.81
Resource Counsel Criminal	0	4	\$1,245.00	4	\$ 1,245.00	\$311.25	4	42	\$ 25,276.00	\$601.81
Resource Counsel Juvenile	0	1	\$15.00	1	\$ 15.00	\$15.00	2	11	\$ 1,245.00	\$113.18
Resource Counsel Mental Health	0	1	\$225.00	0			0	4	\$ 2,220.00	\$555.00
Resource Counsel NCR	0	0		0			0	0		
Resource Counsel Protective Custody	0	2	\$8,520.00	0			0	16	\$ 22,181.00	\$1,386.31
Review of Child Protection Order	0	10	\$25,610.70	20	\$ 39,266.76	\$1,963.34	0	403	\$ 593,356.32	\$1,472.35
Revocation of Administrative Release	0	0		0			2	8	\$ 8,257.50	\$1,032.19
Weapons Restrictions Case	40	39	\$20,441.22	48	\$ 32,468.88	\$676.44	431	362	\$ 195,578.54	\$540.27
<b>TOTAL</b>	<b>2,500</b>	<b>3,769</b>	<b>\$3,750,206.71</b>	<b>3,302</b>	<b>\$ 3,365,628.74</b>	<b>\$1,019.27</b>	<b>24,418</b>	<b>36,568</b>	<b>\$ 37,741,404.32</b>	<b>\$1,032.09</b>

**MAINE COMMISSION ON PUBLIC DEFENSE SERVICES**

**Activity Report by Court**

4/30/2025

Court	Apr-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	0	1	\$1,185.00	1	\$ 450.00	\$450.00	11	10	\$ 7,278.00	\$727.80
AUBSC	1	2	\$2,775.00	3	\$ 5,415.00	\$1,805.00	14	20	\$ 24,205.00	\$1,210.25
AUGDC	25	73	\$118,513.36	74	\$ 105,812.57	\$1,429.90	395	734	\$ 1,252,354.54	\$1,706.21
AUGSC	2	3	\$981.00	3	\$ 6,121.02	\$2,040.34	30	52	\$ 92,802.62	\$1,784.67
BANDC	53	68	\$59,874.18	64	\$ 38,315.58	\$598.68	649	1,019	\$ 756,420.24	\$742.32
BANSC	1	0		0			18	9	\$ 15,290.64	\$1,698.96
BATSC	0	0		0			0	0		
BELDC	8	12	\$15,417.03	7	\$ 7,197.05	\$1,028.15	85	170	\$ 212,058.35	\$1,247.40
BELSC	1	0		0			1	1	\$ 2,470.00	\$2,470.00
BIDDC	49	127	\$110,849.36	105	\$ 75,051.96	\$714.78	545	1,049	\$ 923,056.68	\$879.94
BRIDC	13	13	\$17,823.21	17	\$ 22,573.70	\$1,327.86	94	150	\$ 185,793.36	\$1,238.62
CALDC	2	8	\$6,495.00	2	\$ 615.00	\$307.50	27	76	\$ 72,298.96	\$951.30
CARDC	2	26	\$26,557.00	27	\$ 21,255.00	\$787.22	69	181	\$ 203,430.30	\$1,123.92
CARSC	1	0		0			4	1	\$ 300.00	\$300.00
DOVDC	5	8	\$13,202.10	3	\$ 1,500.00	\$500.00	31	93	\$ 101,947.90	\$1,096.21
DOVSC	0	0		0			1	2	\$ 180.00	\$90.00
ELDC	22	23	\$15,943.32	18	\$ 15,613.08	\$867.39	101	294	\$ 306,121.57	\$1,041.23
ELLSC	0	0		0			4	4	\$ 7,569.50	\$1,892.38
FARDC	11	35	\$32,747.58	15	\$ 12,600.78	\$840.05	121	183	\$ 217,701.51	\$1,189.63
FARSC	0	0		0			2	2	\$ 1,455.00	\$727.50
FORDC	8	11	\$6,322.50	13	\$ 6,625.50	\$509.65	36	88	\$ 76,710.00	\$871.70
HOUDC	6	26	\$24,504.00	24	\$ 16,432.50	\$684.69	69	181	\$ 171,683.08	\$948.53
HOUSC	0	0		0			0	1	\$ 585.00	\$585.00
LEWDC	48	109	\$127,271.19	101	\$ 148,362.16	\$1,468.93	507	1,004	\$ 1,210,223.89	\$1,205.40
LINDC	5	7	\$6,529.08	12	\$ 7,235.88	\$602.99	72	88	\$ 83,988.52	\$954.42
MACDC	1	6	\$5,527.50	8	\$ 6,556.80	\$819.60	37	102	\$ 113,196.60	\$1,109.77
MACSC	0	0		0			2	2	\$ 107,809.95	\$53,904.98
MADDC	0	0		0			4	0		
MILDC	0	4	\$2,509.20	4	\$ 2,509.20	\$627.30	8	10	\$ 19,958.32	\$1,995.83
NEWDC	11	19	\$11,742.00	11	\$ 5,721.84	\$520.17	108	240	\$ 180,006.86	\$750.03
PORDC	59	167	\$149,873.60	119	\$ 100,267.67	\$842.59	732	1,249	\$ 1,287,792.48	\$1,031.06
PORSC	4	0		0			14	18	\$ 26,850.19	\$1,491.68
PREDC	10	17	\$16,710.00	16	\$ 21,343.56	\$1,333.97	68	174	\$ 242,091.89	\$1,391.33
RODC	17	15	\$18,994.06	8	\$ 6,005.04	\$750.63	133	199	\$ 237,163.29	\$1,191.78
ROCSC	0	1	\$1,815.00	0			3	7	\$ 5,559.58	\$794.23
RUMDC	7	29	\$32,739.11	17	\$ 25,092.48	\$1,476.03	74	226	\$ 306,757.12	\$1,357.33
SKODC	32	50	\$70,295.04	55	\$ 64,968.61	\$1,181.25	215	594	\$ 727,742.60	\$1,225.16
SKOSC	0	3	\$2,513.40	2	\$ 1,313.40	\$656.70	3	6	\$ 6,201.90	\$1,033.65
SOUDC	7	6	\$7,760.00	8	\$ 4,557.00	\$569.63	51	138	\$ 158,174.93	\$1,146.20
SOUSC	2	2	\$675.00	1	\$ 150.00	\$150.00	9	8	\$ 4,792.50	\$599.06
SPRDC	5	8	\$15,895.00	5	\$ 3,060.00	\$612.00	41	129	\$ 170,536.42	\$1,321.99
Law Ct	12	25	\$57,620.67	42	\$ 102,163.47	\$2,432.46	110	263	\$ 679,705.36	\$2,584.43
Training	174	132	\$150,473.51	39	\$ 14,211.96	\$364.41	725	543	\$ 702,426.93	\$1,293.60
YORCD	264	461	\$456,416.25	354	\$ 348,654.94	\$984.90	2,769	4,123	\$ 4,298,038.93	\$1,042.45
ARODC	124	182	\$151,017.17	226	\$ 236,331.21	\$1,045.71	1,391	2,317	\$ 2,033,441.61	\$877.62
ANDCD	161	254	\$224,951.31	244	\$ 213,975.69	\$876.95	1,742	3,019	\$ 2,978,263.12	\$986.51
KENCD	174	181	\$162,846.82	168	\$ 154,776.20	\$921.29	1,556	1,783	\$ 1,626,521.44	\$912.24
PENCD	245	319	\$277,571.50	255	\$ 225,029.98	\$882.47	2,223	2,909	\$ 2,822,083.39	\$970.12
SAGCD	27	54	\$40,515.88	48	\$ 36,605.68	\$762.62	429	530	\$ 466,688.48	\$880.54
WALCD	74	69	\$64,152.32	65	\$ 68,779.48	\$1,058.15	557	604	\$ 694,771.76	\$1,150.28
PISCD	14	11	\$10,033.62	15	\$ 31,515.00	\$2,101.00	158	182	\$ 192,091.68	\$1,055.45
HANCD	60	67	\$69,917.46	37	\$ 46,463.66	\$1,255.77	472	735	\$ 661,015.35	\$899.34
FRACD	43	72	\$60,182.50	56	\$ 51,262.88	\$915.41	362	583	\$ 538,916.83	\$924.39
WASCD	48	45	\$54,244.80	42	\$ 46,126.20	\$1,098.24	467	508	\$ 623,440.01	\$1,227.24
CUMCD	296	563	\$579,744.45	549	\$ 530,064.89	\$965.51	3,629	5,476	\$ 5,515,608.71	\$1,007.23
KNODC	92	97	\$103,783.72	73	\$ 72,594.09	\$994.44	757	747	\$ 710,603.54	\$951.28
SOMCD	91	92	\$95,195.07	69	\$ 106,477.67	\$1,543.15	976	1,076	\$ 996,976.29	\$926.56
OXFCD	119	140	\$146,080.68	155	\$ 179,147.46	\$1,155.79	859	1,277	\$ 1,182,881.17	\$926.30
LINCD	29	42	\$39,041.32	56	\$ 88,611.31	\$1,582.34	414	494	\$ 559,145.65	\$1,131.87
WATDC	15	36	\$46,609.32	29	\$ 36,681.20	\$1,264.87	187	407	\$ 418,969.22	\$1,029.41
WESDC	16	24	\$15,996.48	24	\$ 34,586.51	\$1,441.10	168	276	\$ 308,966.76	\$1,119.44
WISDC	1	18	\$16,442.04	7	\$ 4,113.20	\$587.60	54	145	\$ 150,063.90	\$1,034.92
WISSC	0	0		0			0	0		
YORDC	3	6	\$3,331.00	6	\$ 4,733.68	\$788.95	25	49	\$ 56,992.40	\$1,163.11
<b>TOTAL</b>	<b>2,500</b>	<b>3,769</b>	<b>\$3,750,206.71</b>	<b>3,302</b>	<b>\$3,365,628.74</b>	<b>\$1,019.27</b>	<b>24,418</b>	<b>36,568</b>	<b>\$37,741,404.32</b>	<b>\$1,031.09</b>

**General Fund MCPDS Budget to Actual Report**  
**Maine Commission on Public Defense Services**  
**SFY2025 Budget Object Group**  
**As of April 30th, 2025**

Object Group		Qtr 1		Qtr 2		Qtr 3		Qtr 4		Total FY25
GF PS Allotment		2,024,792		3,478,475		2,003,321		763,952		8,270,540
30 Personal Services		-		-		640,433		-		640,433
<b>Total Personal Services</b>		<b>\$</b>	<b>2,024,792</b>	<b>\$</b>	<b>3,478,475</b>	<b>\$</b>	<b>1,362,888</b>	<b>\$</b>	<b>763,952</b>	<b>\$ 7,630,107</b>
GF AO Allotment		11,660,730		13,395,842		9,741,498		3,908,886		38,706,956
4005	Reader & Interpreter Serv	-	-	-	-	4,153	-	-	-	4,153
4015	Casual Labor	-	-	-	-	-	-	-	-	-
4021	Entertain & Caterers Serv	-	-	-	-	-	-	-	-	-
4022	Speech Therapy	-	-	-	-	-	-	-	-	-
4031	Inspect & Investigation	-	-	-	-	51,555	-	-	-	51,555
4036	Instructor & Speaker Serv	-	-	-	-	-	-	-	-	-
4040	Court Appointed Attorneys	-	-	-	-	2,972,071	-	-	-	2,972,071
4042	Legal Services	-	-	-	-	660	-	-	-	660
4047	Psychological Examination	-	-	-	-	82,735	-	-	-	82,735
4095	Medical Reports	-	-	-	-	-	-	-	-	-
4096	Contractual Employee	-	-	-	-	-	-	-	-	-
4097	Clerical Support Serices	-	-	-	-	-	-	-	-	-
4099	Misc Prof Fees & Spec Srv	-	-	-	-	14,263	-	-	-	14,263
4105	Service Center	-	-	-	-	-	-	-	-	-
4250	W-2 Reportable In State Travel Non	-	-	-	-	-	-	-	-	-
4251	W-2 Reportable In State Travel Mile	-	-	-	-	-	-	-	-	-
4260	Air Fare In State	-	-	-	-	-	-	-	-	-
4263	Car Rental In State	-	-	-	-	-	-	-	-	-
4270	Auto Mileage-Gen In State	-	-	-	-	3,237	-	-	-	3,237
4271	Other Transportation	-	-	-	-	7	-	-	-	7
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	-	-	-	-	97,604	-	-	-	97,604
4651	Misc Rents	-	-	-	-	262	-	-	-	262

4801	Insurance On Buildings	-	-	-	-	-
4825	General Liability Insur	-	-	-	-	-
4841	Employees Bonds	-	-	-	-	-
4852	Automobile Insurance	-	-	-	-	-
4901	Stamps	-	-	-	-	-
4906	Postal Set Up Fees	-	-	-	-	-
4909	Courier Service	-	-	450	-	450
4911	Postage	-	-	422	-	422
4912	Bus Reply & Postage Due	-	-	-	-	-
4913	Intragovernmental Service	-	-	67	-	67
4922	Waste Recycling	-	-	18	-	18
4929	Printing And Binding	-	-	-	-	-
4930	Transcripts	-	-	47,706	-	47,706
4946	Advertising Notices	-	-	-	-	-
4959	Expert Witness Fees	-	-	100,704	-	100,704
4969	Witness Fees	-	-	-	-	-
4970	Other Than St Mileage	-	-	59	-	59
4974	Tuition Exp Other Than St	-	-	-	-	-
4975	Sales Tax Paid By State	-	-	-	-	-
4982	Periodicals Newspaper Sub	-	-	95	-	95
4983	Dues	-	-	-	-	-
4991	General Operating Expense	-	-	205	-	205
4994	Contract Payments	-	-	-	-	-
4999	Special Fire Emergency Ch	-	-	-	-	-
5001	Registration Fee-Non State	-	-	-	-	-
5010	Tuition-Continuing Education	-	-	-	-	-
5020	Books	-	-	-	-	-
5022	Films/Materials	-	-	10,000	-	10,000
5030	Training Rooms	-	-	-	-	-
5031	Training Facilities	-	-	-	-	-
5035	Trainer Fees-Non State	-	-	2,500	-	2,500
5080	Training Catered Meals	-	-	-	-	-
5081	Training Refreshments	-	-	-	-	-
5150	Food	-	-	-	-	-
5151	Misc Foodstuffs	-	-	-	-	-
5301	Oit Professional Charges	-	-	-	-	-
5302	Telephone Service	-	-	-	-	-
5304	Cellular Phone Service	-	-	2,937	-	2,937
5310	It End User Services	-	-	-	-	-
5312	It Consulting-Non State	-	-	-	-	-
5315	It Applications-By State	-	-	-	-	-

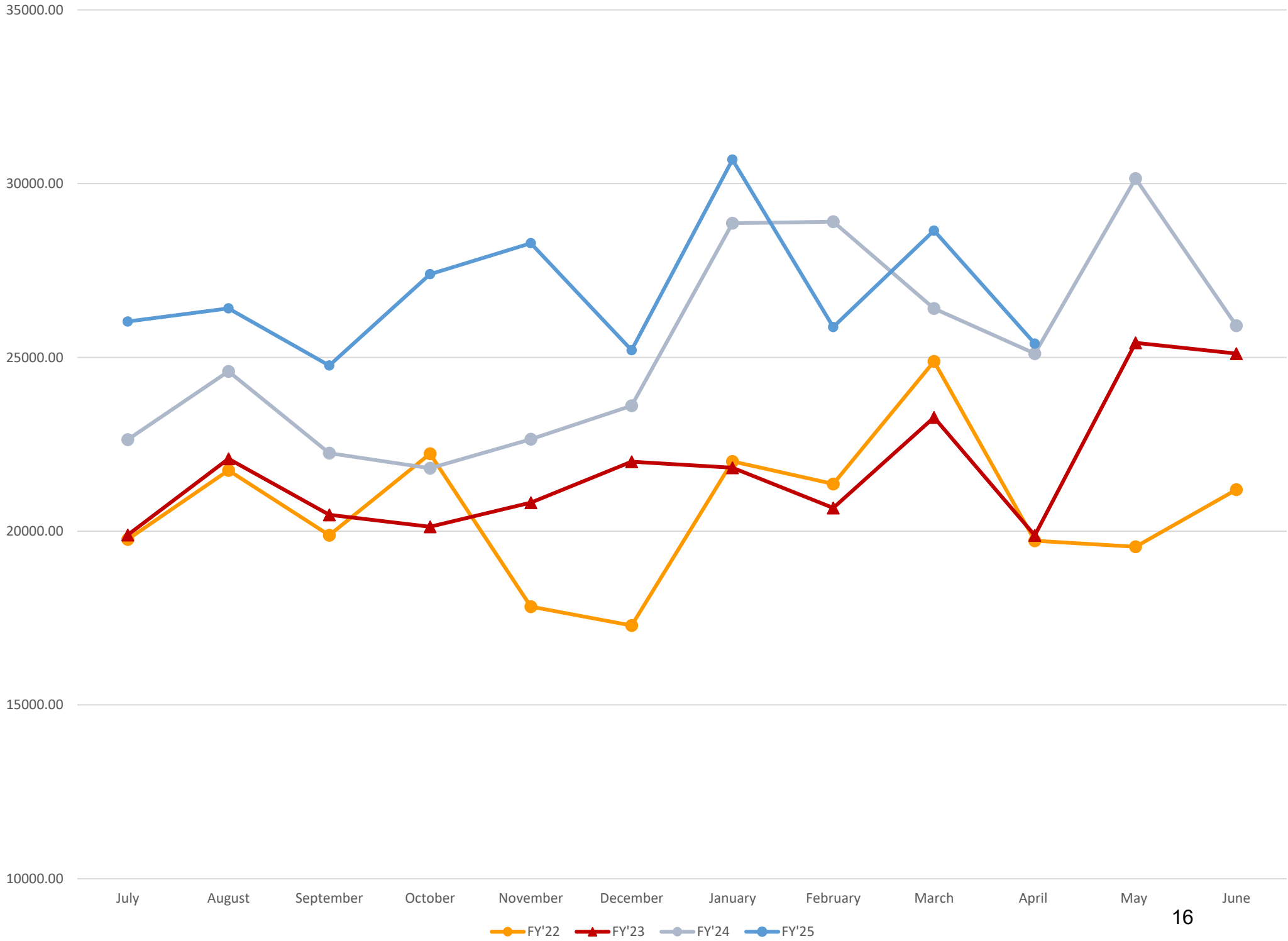
5331	Network Access	-	-	-	-	-
5341	Lease Purchase Hardware/System	-	-	-	-	-
5346	Pc & Ntwrking Software/License	-	-	-	-	-
5355	Software Maint / Licenses	-	-	10,874	-	10,874
5357	Printers	-	-	-	-	-
5370	Minor It Equipment	-	-	-	-	-
5389	Software Licenses <1 Year	-	-	1,523	-	1,523
5390	Communication Equipment	-	-	-	-	-
5401	Clothing	-	-	-	-	-
5540	Major Household Appliances	-	-	279	-	279
5562	Cell Phone Services	-	-	-	-	-
5590	Non-It Minor Equipment	-	-	-	-	-
5600	Office & Other Supplies	-	-	-	-	-
5602	Office Supplies	-	-	2,428	-	2,428
5627	Purchase Of Books	-	-	170	-	170
5636	Misc Supplies	-	-	88	-	88
5650	Misc Office Equipment	-	-	750	-	750
5654	Ergonomic Office Equip	-	-	-	-	-
5656	Modular Furniture	-	-	-	-	-
5661	Paint Supplies	-	-	-	-	-
	<b>Subtotal AO Expenses</b>	-	-	<b>3,407,822</b>	-	<b>3,407,822</b>
	<b>Contract Encumbrances</b>	-	-	<b>58,466</b>	-	<b>58,466</b>
	<b>Contract Expenses</b>	-	-	<b>(12,173)</b>	-	<b>(12,173)</b>
	<b>Subtotal Encumbrances</b>	-	-	<b>46,293</b>	-	<b>46,293</b>
<hr/>						
	<b>Total All Other</b>	<b>\$</b>	<b>11,660,730</b>	<b>\$</b>	<b>13,395,842</b>	<b>\$</b>
				<b>\$</b>	<b>6,287,382</b>	<b>\$</b>
					<b>3,908,886</b>	<b>\$</b>
						<b>35,252,840</b>



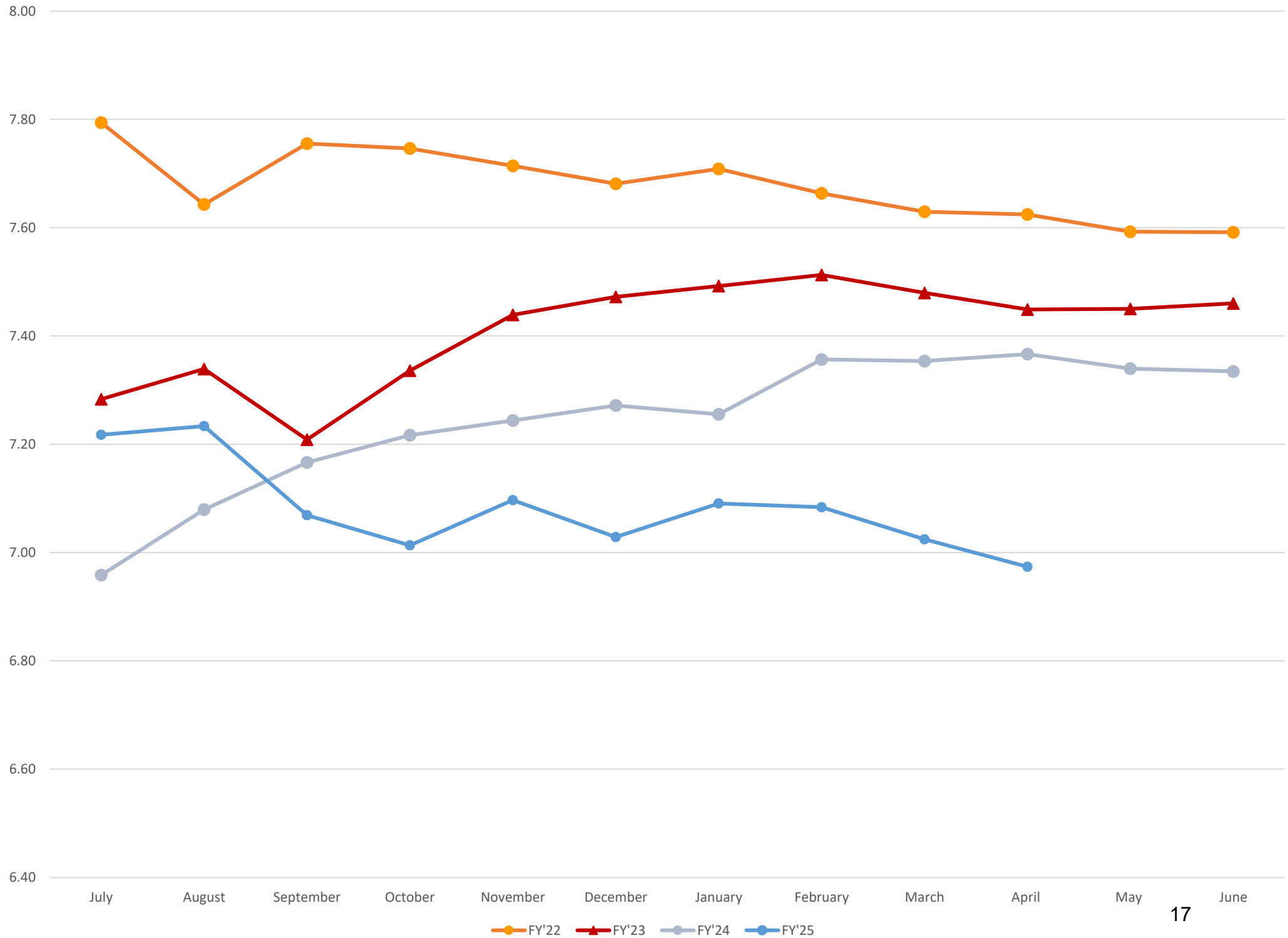
**OSR MCPDS Budget to Actual Report**  
**Maine Commission on Public Defense Services**  
**SFY2025 Budget Object Group**  
**As of April 30th, 2025**

Object Group	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total FY25
GF AO Allotment	8,200	8,679,940	482,219	482,219	9,652,578
40 Prof. Services, Not By State	-	-	402,518	-	402,518
41 Prof. Services, By State	-	-	-	-	-
42 Travel Expenses, In State	-	-	-	-	-
43 Travel Expenses, Out Of State	-	-	-	-	-
46 Rents	-	-	-	-	-
48 Insurance	-	-	-	-	-
49 General Operations	-	-	-	-	-
50 Employee Training	-	-	-	-	-
51 Commodities - Food	-	-	-	-	-
53 Technology	-	-	-	-	-
55 Equipment And Technology	-	-	-	-	-
56 Office & Other Supplies	-	-	-	-	-
65 Labor and Ins Client Benefits	-	-	-	-	-
90 Charges to Assets and Liabilities	-	-	-	-	-
<b>Subtotal AO Expenses</b>	-	-	<b>402,518</b>	-	<b>402,518</b>
Contract Encumbrances	-	-	79,684	-	79,684
Contract Expenses	-	-	-	-	-
<b>Subtotal Encumbrances</b>	-	-	<b>79,684</b>	-	<b>79,684</b>
<b>Total All Other</b>	<b>\$ 8,200</b>	<b>\$ 8,679,940</b>	<b>\$ 17</b>	<b>\$ 482,219</b>	<b>\$ 9,170,376</b>

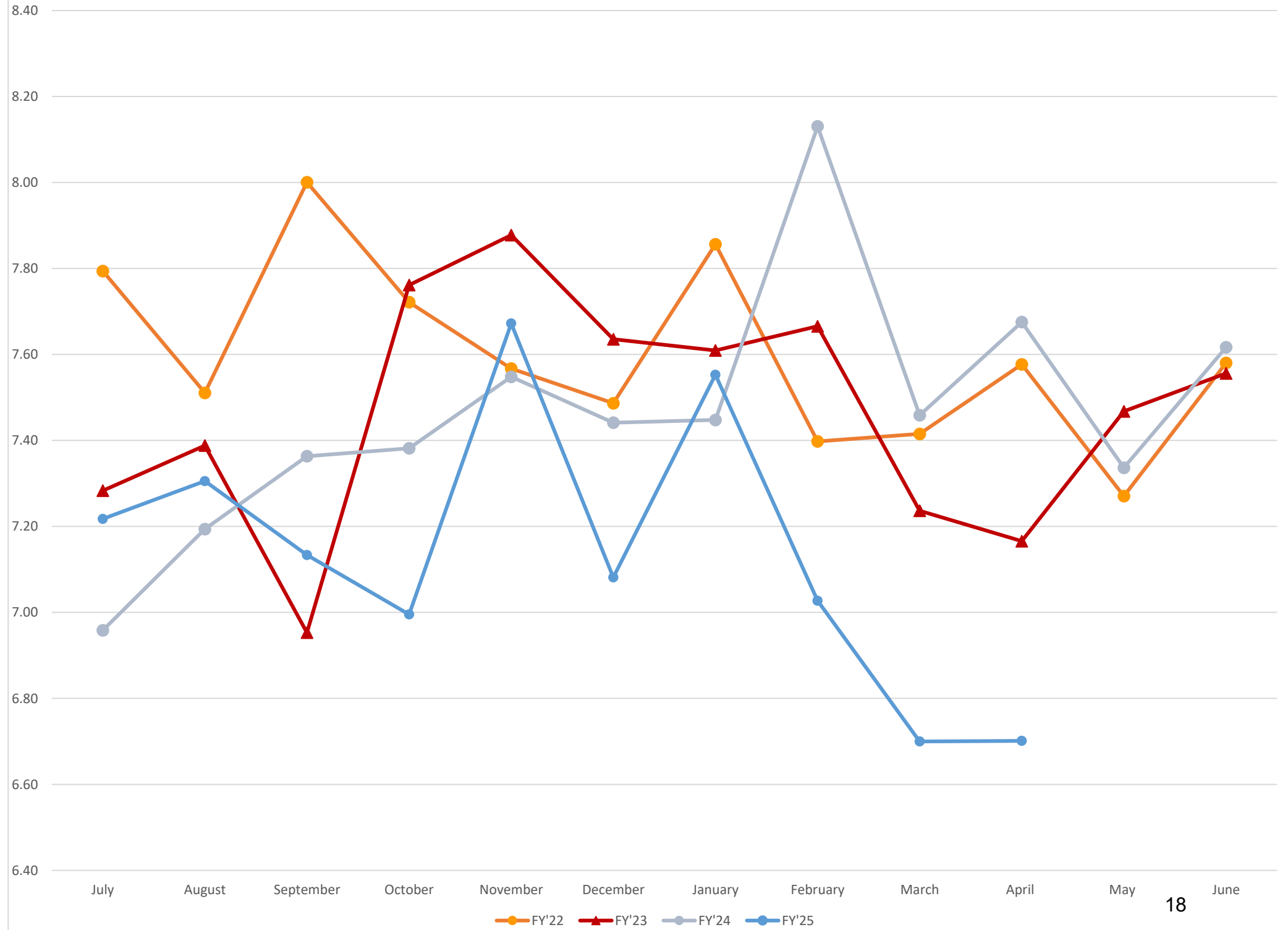
Submitted Hours Amount



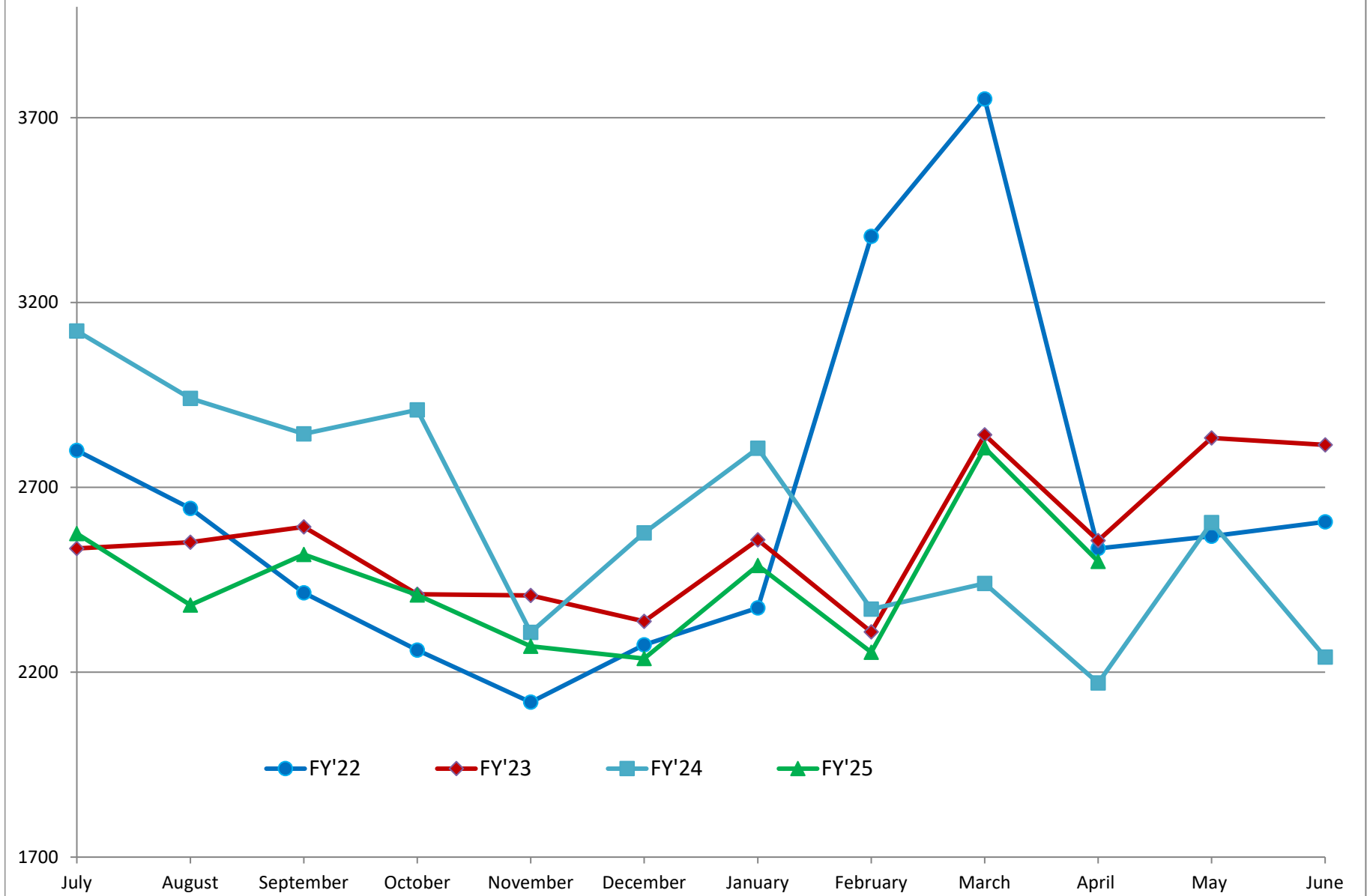
Average Hours per Voucher FYTD



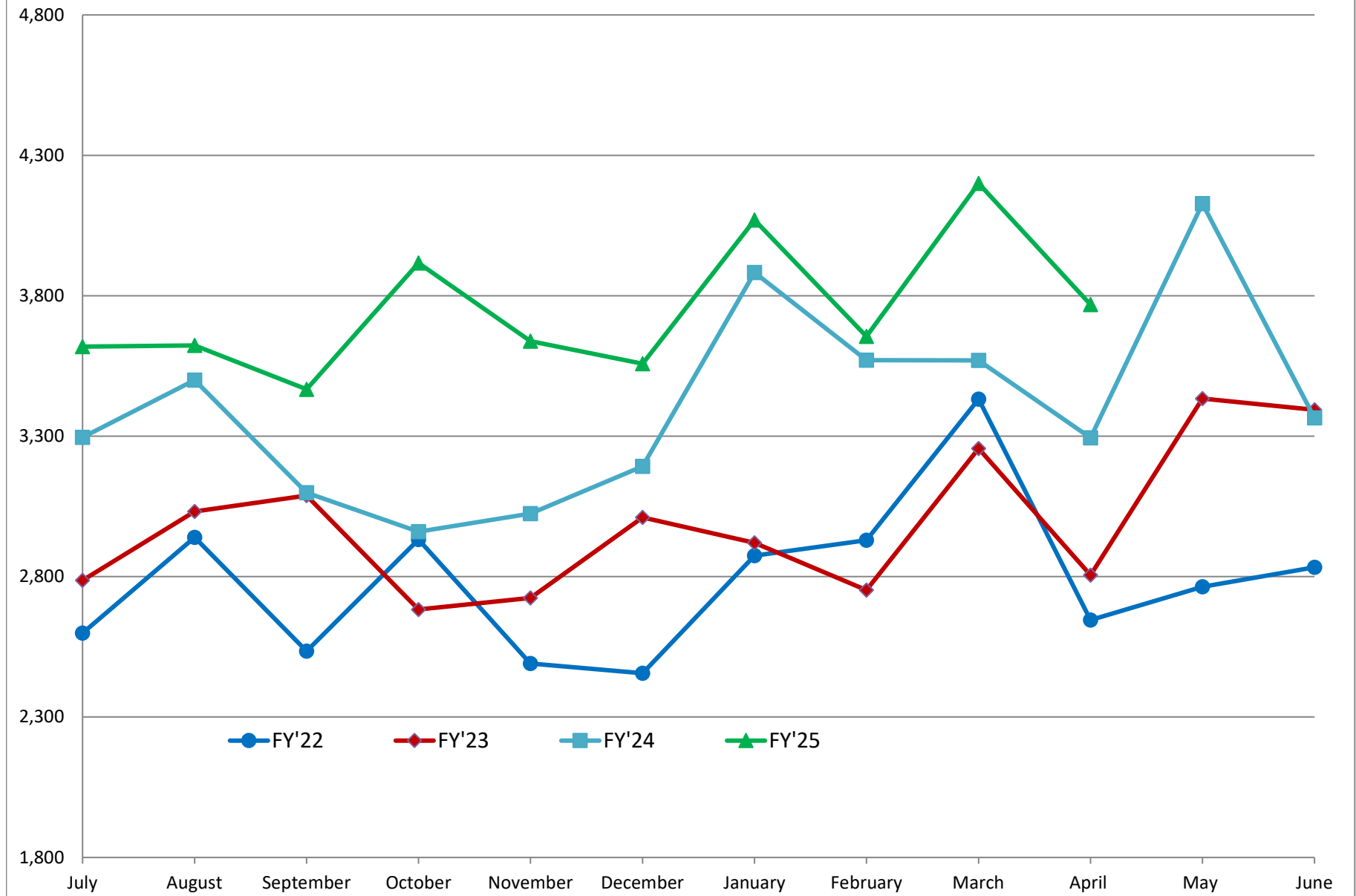
Monthly Average Hours per Voucher



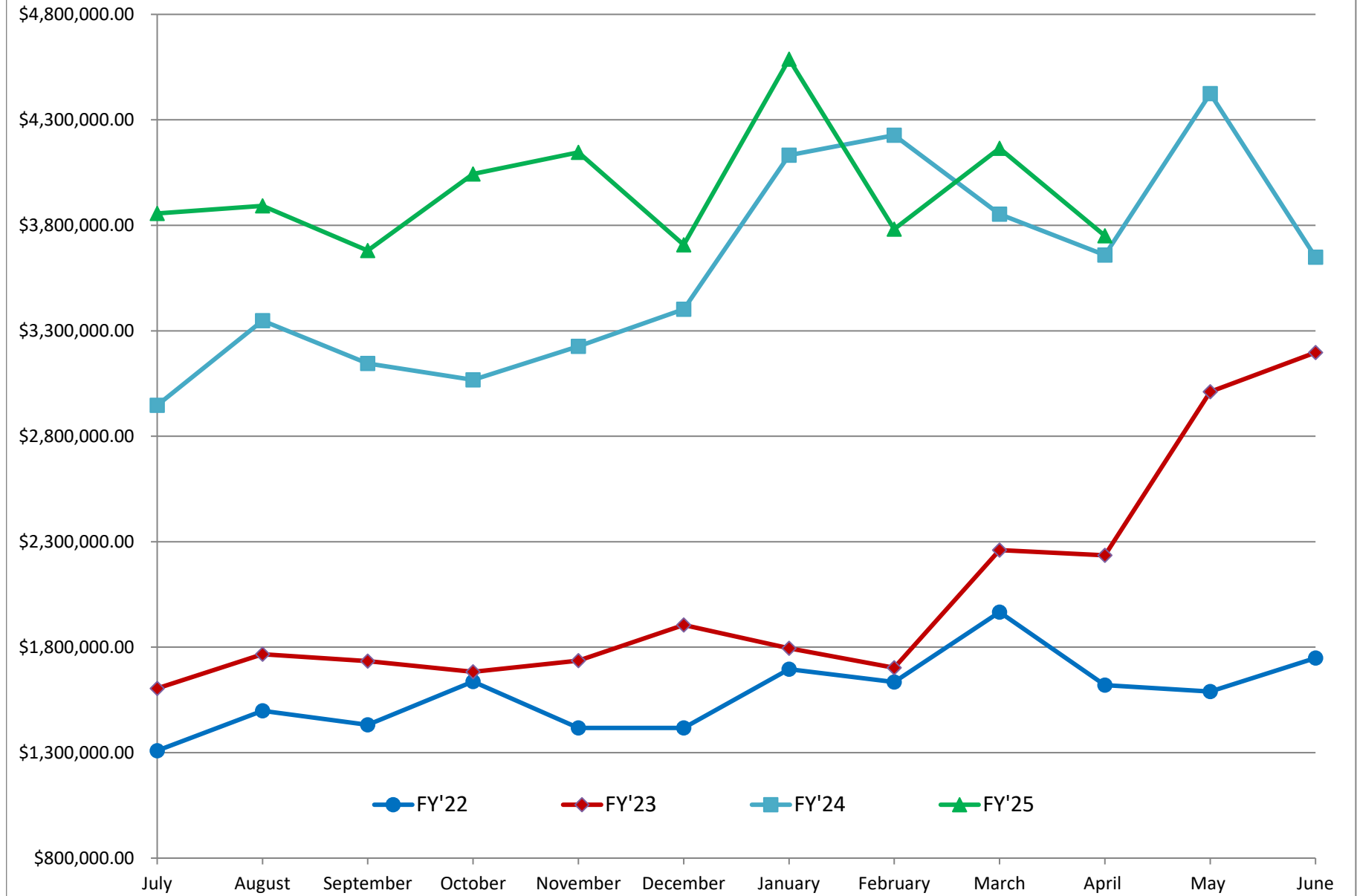
## NEW CASES



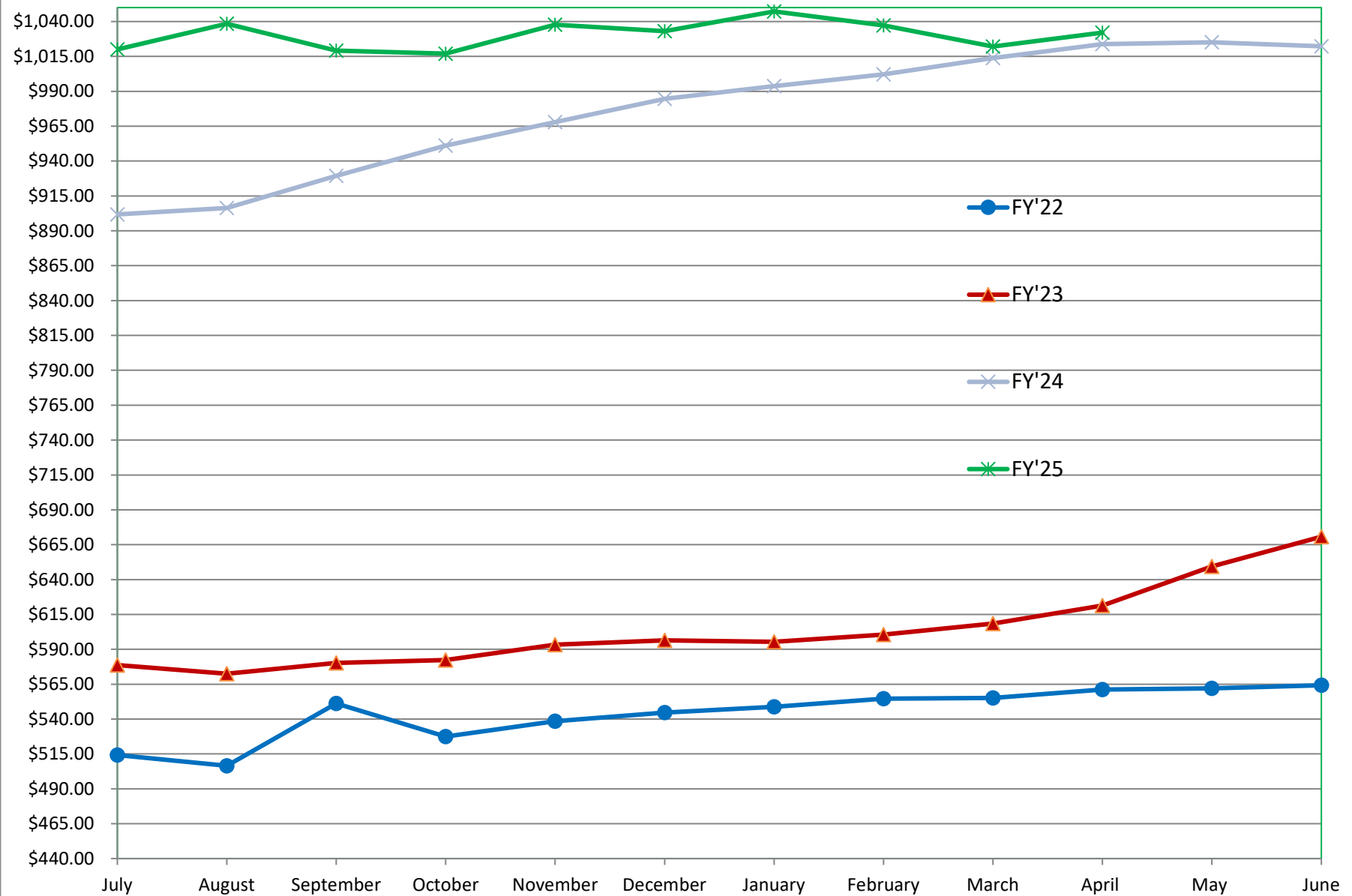
## Submitted Vouchers



## Submitted Voucher Amount

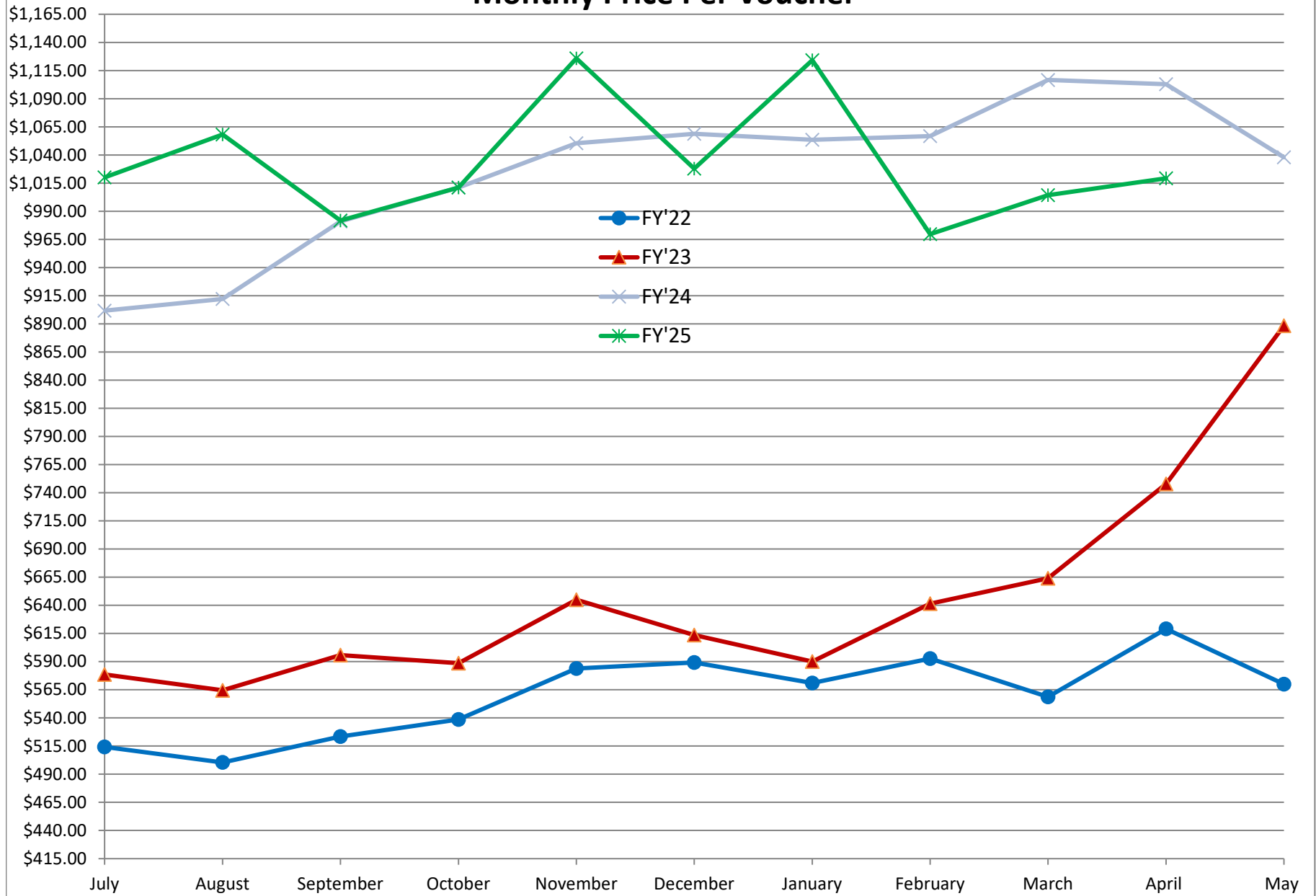


## Average Voucher Price Fiscal Year to Date





## Monthly Price Per Voucher



Pending UCD Cases as of May 9, 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	763	95	55	7.2%	1,387	229	250	18.0%	7	2	28.6%	2,157	324	307	14.2%
Aroostook	500	108	39	7.8%	705	250	103	14.6%	14	3	21.4%	1,219	358	145	11.9%
Caribou	100	21	10	10.0%	140	42	23	16.4%	6	0	0.0%	246	63	33	13.4%
Fort Kent	70	18	10	14.3%	143	66	19	13.3%	2	0	0.0%	215	84	29	13.5%
Houlton	130	23	5	3.8%	177	70	23	13.0%	4	2	50.0%	311	93	30	9.6%
Presque Isle	200	46	14	7.0%	245	72	38	15.5%	2	1	50.0%	447	118	53	11.9%
Cumberland	1,395	235	94	6.7%	3,305	555	539	16.3%	97	44	45.4%	4,797	790	677	14.1%
Bridgton	22	7	0	0.0%	303	55	57	18.8%	37	29	78.4%	362	62	86	23.8%
Portland	1,351	223	92	6.8%	2,672	425	409	15.3%	34	7	20.6%	4,057	648	508	12.5%
West Bath	22	5	2	9.1%	330	75	73	22.1%	26	8	30.8%	378	80	83	22.0%
Franklin	110	28	8	7.3%	296	89	73	24.7%	12	10	83.3%	418	117	91	21.8%
Hancock	243	33	13	5.3%	389	52	98	25.2%	30	20	66.7%	662	85	131	19.8%
Kennebec	546	106	36	6.6%	1,450	331	313	21.6%	27	20	74.1%	2,023	437	369	18.2%
Augusta	519	97	36	6.9%	923	204	207	22.4%	20	13	65.0%	1,462	301	256	17.5%
Waterville	27	9	0	0.0%	527	127	106	20.1%	7	7	100.0%	561	136	113	20.1%
Knox	199	17	19	9.5%	522	110	105	20.1%	11	5	45.5%	732	127	129	17.6%
Lincoln	165	36	16	9.7%	413	118	105	25.4%	7	3	42.9%	585	154	124	21.2%
Oxford	465	81	31	6.7%	850	192	159	18.7%	25	21	84.0%	1,340	273	211	15.7%
Bridgton	52	14	2	3.8%	93	18	17	18.3%	5	4	80.0%	150	32	23	15.3%
Rumford	189	26	17	9.0%	341	58	46	13.5%	13	12	92.3%	543	84	75	13.8%
South Paris	224	41	12	5.4%	416	116	96	23.1%	7	5	71.4%	647	157	113	17.5%
Penobscot	804	29	80	10.0%	1,629	37	497	30.5%	42	17	40.5%	2,475	66	594	24.0%
Bangor	779	29	75	9.6%	1,237	27	353	28.5%	8	4	50.0%	2,024	56	432	21.3%
Lincoln	4	0	2	50.0%	127	5	43	33.9%	22	7	31.8%	153	5	52	34.0%
Newport	21	0	3	14.3%	265	5	101	38.1%	12	6	50.0%	298	5	110	36.9%
Piscataquis	36	0	6	16.7%	95	2	35	36.8%	33	25	75.8%	164	2	66	40.2%
Sagadahoc	172	40	14	8.1%	381	129	86	22.6%	15	3	20.0%	568	169	103	18.1%
Somerset	309	61	16	5.2%	530	131	99	18.7%	14	4	28.6%	853	192	119	14.0%
Waldo	209	42	14	6.7%	339	111	53	15.6%	7	5	71.4%	555	153	72	13.0%
Washington	181	16	7	3.9%	276	43	44	15.9%	16	6	37.5%	473	59	57	12.1%
Calais	79	7	3	3.8%	115	17	10	8.7%	7	1	14.3%	201	24	14	7.0%
Machias	102	9	4	3.9%	161	26	34	21.1%	9	5	55.6%	272	35	43	15.8%
York	740	119	88	11.9%	2,256	696	520	23.0%	46	18	39.1%	3,042	815	626	20.6%
TOTAL	6,837	1,046	536	7.8%	14,823	3,075	3,079	20.8%	403	206	51.1%	22,063	4,121	3,821	17.3%

Columns

<b>Pending</b>	Number of cases having at least one charge without a disposition, and without a currently active warrant.
<b>On DD</b>	Number of pending cases with an Order of Deferred Disposition entered.
<b>No IA</b>	Number of pending cases with a complaint filed, but not having an initial appearance or arraignment held or waived.
<b>% No IA</b>	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, May 2024 to May 2025

Pending cases as of May 9 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2024	2025	% Diff	2024	2025	% Diff	2024	2025	% Diff	2024	2025	% Diff
Androscoggin	769	763	-0.8%	1,553	1,387	-10.7%	11	7	-36.4%	2,333	2,157	-7.5%
Aroostook	530	500	-5.7%	857	705	-17.7%	16	14	-12.5%	1,403	1,219	-13.1%
Caribou	96	100	4.2%	147	140	-4.8%	1	6	500.0%	244	246	0.8%
Fort Kent	88	70	-20.5%	185	143	-22.7%	7	2	-71.4%	280	215	-23.2%
Houlton	154	130	-15.6%	226	177	-21.7%	5	4	-20.0%	385	311	-19.2%
Presque Isle	192	200	4.2%	299	245	-18.1%	3	2	-33.3%	494	447	-9.5%
Cumberland	1,366	1,395	2.1%	3,667	3,305	-9.9%	74	97	31.1%	5,107	4,797	-6.1%
Bridgton	27	22	-18.5%	302	303	0.3%	7	37	428.6%	336	362	7.7%
Portland	1,320	1,351	2.3%	2,902	2,672	-7.9%	46	34	-26.1%	4,268	4,057	-4.9%
West Bath	19	22	15.8%	463	330	-28.7%	21	26	23.8%	503	378	-24.9%
Franklin	160	110	-31.3%	390	296	-24.1%	29	12	-58.6%	579	418	-27.8%
Hancock	375	243	-35.2%	591	389	-34.2%	43	30	-30.2%	1,009	662	-34.4%
Kennebec	600	546	-9.0%	1,496	1,450	-3.1%	32	27	-15.6%	2,128	2,023	-4.9%
Augusta	562	519	-7.7%	949	923	-2.7%	16	20	25.0%	1,527	1,462	-4.3%
Waterville	38	27	-28.9%	547	527	-3.7%	16	7	-56.3%	601	561	-6.7%
Knox	198	199	0.5%	479	522	9.0%	8	11	37.5%	685	732	6.9%
Lincoln	157	165	5.1%	342	413	20.8%	4	7	75.0%	503	585	16.3%
Oxford	438	465	6.2%	863	850	-1.5%	32	25	-21.9%	1,333	1,340	0.5%
Bridgton	38	52	36.8%	65	93	43.1%	0	5	0.0%	103	150	45.6%
Rumford	174	189	8.6%	369	341	-7.6%	16	13	-18.8%	559	543	-2.9%
South Paris	226	224	-0.9%	429	416	-3.0%	16	7	-56.3%	671	647	-3.6%
Penobscot	771	804	4.3%	1,763	1,629	-7.6%	82	42	-48.8%	2,616	2,475	-5.4%
Bangor	746	779	4.4%	1,351	1,237	-8.4%	19	8	-57.9%	2,116	2,024	-4.3%
Lincoln	9	4	-55.6%	183	127	-30.6%	49	22	-55.1%	241	153	-36.5%
Newport	16	21	31.3%	229	265	15.7%	14	12	-14.3%	259	298	15.1%
Piscataquis	34	36	5.9%	74	95	28.4%	7	33	371.4%	115	164	42.6%
Sagadahoc	190	172	-9.5%	449	381	-15.1%	14	15	7.1%	653	568	-13.0%
Somerset	274	309	12.8%	445	530	19.1%	10	14	40.0%	729	853	17.0%
Waldo	164	209	27.4%	361	339	-6.1%	3	7	133.3%	528	555	5.1%
Washington	125	181	44.8%	248	276	11.3%	21	16	-23.8%	394	473	20.1%
Calais	53	79	49.1%	114	115	0.9%	6	7	16.7%	173	201	16.2%
Machias	72	102	41.7%	134	161	20.1%	15	9	-40.0%	221	272	23.1%
York	875	740	-15.4%	3,126	2,256	-27.8%	113	46	-59.3%	4,114	3,042	-26.1%
TOTAL	7,026	6,837	-2.7%	16,704	14,823	-11.3%	499	403	-19.2%	24,229	22,063	-8.9%

Columns	
2024	Number of cases having at least one charge without a disposition, and without a currently active warrant as of May 9, 2024
2025	Number of cases having at least one charge without a disposition, and without a currently active warrant as of May 9, 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, May 2019 to May 2025

Pending cases as of May 9 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2019	2025	% Diff	2019	2025	% Diff	2019	2025	% Diff	2019	2025	% Diff
Androscoggin	369	763	106.8%	1,327	1,387	4.5%	26	7	-73.1%	1,722	2,157	25.3%
Aroostook	349	500	43.3%	602	705	17.1%	26	14	-46.2%	977	1,219	24.8%
Caribou	69	100	44.9%	147	140	-4.8%	6	6	0.0%	222	246	10.8%
Fort Kent	31	70	125.8%	108	143	32.4%	8	2	-75.0%	147	215	46.3%
Houlton	109	130	19.3%	112	177	58.0%	3	4	33.3%	224	311	38.8%
Presque Isle	140	200	42.9%	235	245	4.3%	9	2	-77.8%	384	447	16.4%
Cumberland	825	1,395	69.1%	2,561	3,305	29.1%	126	97	-23.0%	3,512	4,797	36.6%
Bridgton	10	22	120.0%	205	303	47.8%	25	37	48.0%	240	362	50.8%
Portland	797	1,351	69.5%	2,019	2,672	32.3%	79	34	-57.0%	2,895	4,057	40.1%
West Bath	18	22	22.2%	337	330	-2.1%	22	26	18.2%	377	378	0.3%
Franklin	97	110	13.4%	319	296	-7.2%	13	12	-7.7%	429	418	-2.6%
Hancock	189	243	28.6%	465	389	-16.3%	47	30	-36.2%	701	662	-5.6%
Kennebec	309	546	76.7%	1,104	1,450	31.3%	56	27	-51.8%	1,469	2,023	37.7%
Augusta	299	519	73.6%	643	923	43.5%	33	20	-39.4%	975	1,462	49.9%
Waterville	10	27	170.0%	461	527	14.3%	23	7	-69.6%	494	561	13.6%
Knox	146	199	36.3%	303	522	72.3%	3	11	266.7%	452	732	61.9%
Lincoln	88	165	87.5%	208	413	98.6%	5	7	40.0%	301	585	94.4%
Oxford	202	465	130.2%	505	850	68.3%	31	25	-19.4%	738	1,340	81.6%
Bridgton	21	52	147.6%	71	93	31.0%	9	5	-44.4%	101	150	48.5%
Rumford	89	189	112.4%	220	341	55.0%	11	13	18.2%	320	543	69.7%
South Paris	92	224	143.5%	214	416	94.4%	11	7	-36.4%	317	647	104.1%
Penobscot	377	804	113.3%	1,167	1,629	39.6%	102	42	-58.8%	1,646	2,475	50.4%
Bangor	368	779	111.7%	939	1,237	31.7%	86	8	-90.7%	1,393	2,024	45.3%
Lincoln	6	4	-33.3%	54	127	135.2%	7	22	214.3%	67	153	128.4%
Newport	3	21	600.0%	174	265	52.3%	9	12	33.3%	186	298	60.2%
Piscataquis	18	36	100.0%	51	95	86.3%	10	33	230.0%	79	164	107.6%
Sagadahoc	92	172	87.0%	255	381	49.4%	23	15	-34.8%	370	568	53.5%
Somerset	135	309	128.9%	465	530	14.0%	38	14	-63.2%	638	853	33.7%
Waldo	96	209	117.7%	259	339	30.9%	7	7	0.0%	362	555	53.3%
Washington	113	181	60.2%	200	276	38.0%	43	16	-62.8%	356	473	32.9%
Calais	42	79	88.1%	101	115	13.9%	12	7	-41.7%	155	201	29.7%
Machias	71	102	43.7%	99	161	62.6%	31	9	-71.0%	201	272	35.3%
York	755	740	-2.0%	2,481	2,256	-9.1%	91	46	-49.5%	3,327	3,042	-8.6%
<b>TOTAL</b>	<b>4,160</b>	<b>6,837</b>	<b>64.4%</b>	<b>12,272</b>	<b>14,823</b>	<b>20.8%</b>	<b>647</b>	<b>403</b>	<b>-37.7%</b>	<b>17,079</b>	<b>22,063</b>	<b>29.2%</b>

## Columns

<b>2019</b>	Number of cases having at least one charge without a disposition, and without a currently active warrant as of May 9, 2019
<b>2025</b>	Number of cases having at least one charge without a disposition, and without a currently active warrant as of May 9, 2025
<b>% Diff</b>	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.

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POLICY REGARDING GEOGRAPHIC LIMITATIONS ON PRACTICE AREAS

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**TO:** ASSIGNED COUNSEL

**FROM:** EXECUTIVE DIRECTOR JIM BILLINGS

**SUBJECT:** POLICY REGARDING GEOGRAPHIC LIMITATIONS ON PRACTICE AREAS

**DATE:** MAY 27, 2025

**CC:** COMMISSION, MAINE JUDICIAL BRANCH

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

**SECTION 1. Definitions.**

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

**SECTION 2. Rationale.**

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

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

### **SECTION 3. Limitation.**

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

### **SECTION 4. Exceptions.**

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

## **SECTION 5. Implementation.**

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

## **SECTION 6. Effective Date.**

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

DRAFT

**To: Jim Billings, Executive Director, Maine Commission on Public Defense Services**

**From: Taylor Kilgore, Esq., Resource Counsel**

**Date: May 21, 2025**

**Subject: Pilot Projects to Place Protective Custody Cases Needing Counsel**

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In October/November 2024, Director Billings supported my idea to allow me to assist with placing protective custody cases via a pilot project in Lewiston District Court. At the time, Lewiston had one of the highest occurrences of unstaffed cases for protective custody (“PC”) matters. The plan was that I would visit Lewiston District Court, review the docket record (or “Registry of Actions”) and the Petitions generally on cases that remained without counsel. PDS provided me with a list of “PC” eligible counsel across the state that included current caseload points and their maximum approved caseload points for each attorney. This “triage” method was potentially preferred because attorneys would be able to know the issues within a case, how potentially active a prospective client would be within the case, and any preliminary filings within the case that may need pressing attention from counsel.

#### **LEWISTON DISTRICT COURT**

My work in Lewiston is based on the “Needs Counsel” list from November 22, 2024 (“the November list”). As of that date, there were 43 docket numbers that lacked counsel for at least one party. These 43 docket numbers represented 56 individual parents without counsel. I found that 4 docket numbers on the list were already fully staffed and shouldn’t have been on the list as of that date (9% of the total docket records reviewed). The individual that had been without counsel the longest had gone 281 days without counsel by the time new counsel was identified. I spent 5.7 hours reviewing files in person at Lewiston District Court. Within the first two weeks of placing cases, 13 of the 56 parents had been assigned counsel.

As of the “Needs Counsel” list dated May 19, 2025, only 7 of the individual parents that were on the November list continue to need counsel (13% of parents on the November list).<sup>1</sup> I have record of assisting with securing counsel for at least 33 individual parents (out of the original 56 that were without

<sup>1</sup> One of the parents did obtain counsel in early 2025, however a later discovered conflict led that attorney to withdraw and that parent went back on the list. That counsel remains obligated to the client while new counsel is being sought. Additionally, two of the 7 parents that have been on the “Needs Counsel” list previously had counsel but counsel withdrew – it is unclear to me whether those “withdrawn” counsel are still obligated to their clients while new counsel is sought. One of those parents has been “without counsel” since March 2024. It is particularly difficult to find replacement counsel because of the amount of prior attorneys on the case disqualifies most of the folks in Lewiston.



counsel in November; 59% of the parents on the November list). Between November 2024 and May 19, 2025, PDS paid me for 13.6 hours of work related to placing PC cases in Lewiston.<sup>2</sup>

On April 28, 2025, Judge Robinson asked if I was able to come back and do another round of assisting with placing cases. My understanding is that Ex. Director Billings is considering this request and will make a decision after reviewing additional information, including this memo.

As of the May 19, 2025 list, a total of 39 individual parents lack counsel in Lewiston.

## **PORTLAND DISTRICT COURT**

In late February 2025, I expanded the project to Portland District Court at MCPDS' request. For purposes of that project, I used the "Needs Counsel" list dated February 21, 2025 ("the February list"). As of that date, there were 3 juvenile cases on the list (3 parents that needed counsel) and 19 protective custody docket numbers (25 individual parents) needing counsel.

As of the May 19, 2025 list, 2 of the 3 juvenile cases remain on the "Needs Counsel" list. Only 1 of the PC docket numbers that was on the "Needs Counsel" list on the February list continues to be on the list as of May 19, 2025. I have record of assisting with securing counsel for at least 22 parents (out of the original 25 on the February list; 88% of the parents on the February list). Between February and May 2025, PDS paid me for 9.5 hours of work related to placing PC cases in Portland.<sup>3</sup>

As of the May 19, 2025 list, 23 individual parents lack counsel in Portland.

## **LAW COURT**

In March 2025, I expanded the project to the Law Court at MCPDS' request. This process worked slightly differently than the trial-level cases that I had been assisting with. Instead of reviewing files at the courthouse, the Law Court clerk provided me with an excel spreadsheet that included: Law Court Docket No., Trial Court Docket No., Name of the Parent Needing Counsel, Name of the Withdrawn Counsel, Names of Other Parties to the Case (for conflict checks), the name of the GAL on the case, and any other notes the clerk found important to pass along. This spreadsheet was shared with me as well as the Assistant Attorney General that handles appeals. When I received this list on March 24, 2025, there were 38 docket numbers and 43 parents on this list.

On April 10, 2025, the AAG responded to both the Law Court Clerk and me identifying two appellate docket numbers that were not on the list that we had been provided but were awaiting counsel

<sup>2</sup> This includes the previously stated 5.7 hours of reviewing files, 1.2 hours of travel time to LEWDC to review files, and a couple hours of time in April 2025 related to a special request from Judge Robinson regarding counsel needing to be replaced in a very difficult case mid-hearing due to safety issues.

<sup>3</sup> This includes 2 hours of travel time to PORDC to review files.

according to the Office of the Attorney General. The AAG requested an updated list from the clerk but we did not receive a response. The AAG requested an updated list again on April 24<sup>th</sup>. The Law Court Clerk did respond on April 28<sup>th</sup>, but did not verify the two cases that had been missing from the list and did not provide a new list. The Law Court Clerk informed us that he would provide an updated list when he was able but would first be assigning counsel to cases based on the newly passed emergency legislation. As of the time of this memo, I have not been provided with an updated list from the Law Court. I have been told by Ex. Director Billings to stop work on placing Law Court cases. I had otherwise “paused” my efforts around April 28<sup>th</sup> because I knew that the list I had was now out of date if the clerk was separately assigning counsel to cases.

Prior to my stop work on these cases, I assisted with finding counsel for 10 assignments at the Law Court (out of the initial 43 parents on the list; this is 23% of parents that had been waiting). Since March 2025, PDS paid me for 2.2 hours of time related to assisting with finding counsel for Law Court cases.

#### ISSUES NOTED:

- **Delays in appointments:** At different times, there has been a significant lag at all courts between when I have provided them with names of counsel able to accept a specific appointment and when counsel has then actually been appointed and receives any documents from the court file to begin working on the case. This has been frustrating to counsel because they accept an appointment when they see on their calendar that they have time to review a new case and spend the time getting the case rolling. Protective custody matters are very front-loaded with work. When the court delays making an appointment and getting counsel the necessary paperwork, those days that counsel saw available in their calendar have come and gone. It makes counsel reluctant to agree to take more assignments for that court in the future because of the variability of when they may actually be able to start work on the case.
- **Attorneys that are Parents Counsel and Guardians ad litem:** In many areas, but especially in Lewiston, a large majority of the Guardians ad litem are also parents attorneys. Lewiston, in particular, has had the additional difficulty of having cases go without Guardians ad litem for extended periods of time. This leads to a smaller pool of available parents’ counsel because attorneys are being called to fill so many roles at the same time. Additionally, Lewiston has lost some of its Guardians ad litem in the past year for various reasons (I can think of one GAL-only that passed away recently, another that was briefly off the GAL roster, and two that changed professional roles and did not continue GAL or parents counsel work in just the Lewiston area within the past year and a half or so – these have been big hits to the system in

Lewiston.)

- **Attorneys continue to be Overloaded:** Not to state the obvious, but attorneys, in Lewiston especially, have full caseloads. This is not an issue of caseload points, as a large contingent of the attorneys taking Lewiston District Court cases have waivers to substantially exceed the caseload limits. However, the attorneys that serve the Lewiston District Court are doing well at knowing their own caseloads and what they have for “bandwidth.” This leads to counsel often not just taking a case “off the list” because they don’t know the issues that they may be signing up for. This project’s type of “triage” has been particularly helpful to counsel in this area because they are aware of what the issues are in the case and whether they are picking up the “more active” client and timelines that have elapsed, etc. We’ve also had wonderful assistance from the Office of the Attorney General in Lewiston who have helped me identify which cases are ripe for resolution but for the lack of counsel. This is helping counsel be able to take cases that may have shorter upcoming timelines to help fully clear cases in Lewiston, too.

In conclusion, I would say that this type of triage has some efficacy in locations where cases are high and there is some ability of the bar to assist in picking them up - but only when this level of information can be provided to counsel prior to accepting the appointment. There are other locations where this would not be helpful, like the Law Court. I didn’t have any additional information beyond what the Law Court could provide to counsel. I was simply one more person asking them to take on a case.

Moving forward, I would make a few recommendations to PDS and the Courts based on the discussions and observations from this project:

- **Onsite Triage:** Places like Lewiston District Court, who encounter a high number of filings overall and have some level of availability of counsel, can continue to benefit from this triage approach to placing cases. It needs to be done by someone that can quickly identify issues in a case just by reviewing a Petition and docket record. It also needs to be done by someone who knows the Bar in the community. I have been capitalizing on my own relationship with the Bar in Lewiston (and Portland) to get cases placed. I have quite enjoyed this project and would be happy to continue to do this as Resource Counsel if it was helpful to PDS and the Courts.
- **Default Remote Appearances for Counsel and Clients:** Places like Ellsworth and Aroostook County that have a very short roster of counsel for PC cases should take notes from successes in other courts. For example, Rumford and South Paris District Courts have had almost no

cases on the “Needs Counsel” list. These courts have been victims of withdrawing counsel and dual eligible parent attorneys and GALs but only have 1 case on the “Needs Counsel” list as of May 19, 2025 because ALL of their proceedings remain remote by default and they have a system of scheduling that is clear and predictable with dates certain for hearing months in advance. This takes away a geographic strain on PDS and creates a “wider net” for attorneys who may have some space on their caseloads. Currently, I understand that Aroostook County offers to allow *counsel* to be remote only – still requiring clients to appear in person at court. To be clear, I personally would not agree to those conditions and had conversations with many other counsel who felt similarly. I do not feel comfortable asking my client to be present in a courtroom with a Judge and prosecutor with me simply being a face on a screen. If the court allowed both counsel and the client to appear remotely by default, this may entice attorneys in other geographic areas to take those appointments. This would also benefit MCPDS in terms of reducing payments for travel time if attorneys outside of a specific geographic area have capacity to assist in an otherwise far-away area. While I understand that the Courts certainly allow counsel to make motions to appear remotely, this is an additional task and more time spent by counsel that is much better spent on substantive matters for the client. It also increases the administrative burden on the Courts to have to constantly address Motions for Remote participation (which are also not guaranteed to be granted, leaving counsel in a potentially precarious position if the Court is far from counsel).

- **Reduce Time Between Counsel Taking a Case and Being Assigned/Receiving the File:** I’m not sure what the best solution to this particular issue is, and it may be solely within the hands of the Administrative Office of the Courts, but there has to be an effort to reduce the time between a clerk being notified that counsel can accept a client and when counsel receives their appointment order and a copy of the Petition so that they can begin work on the case. Perhaps if the triage project continues, something can be arranged that allows me to have a copy of the Petition to provide to accepting counsel and pre-fill the appointment order with the pertinent information and then email it directly to the clerk and presiding judicial officer? The clerks are already so overwhelmed, and I understand that there simply aren’t more hours in the day. This wouldn’t alleviate the need for the clerk to process the appointment and do the necessary pieces in MEJIS or Odyssey, so I am unsure whether it is actually helpful. But I’m happy to continue brainstorming. This is an issue that has a major impact on counsel’s ability and willingness to continue to accept appointments, so it does need attention and fixing urgently.

Hopefully this has been a helpful re-cap of the pilot project so far. Please do not hesitate to contact me with any questions. I've greatly appreciated the Commission's confidence in me to assist with this very important project.

# **MAINE COMMISSION ON PUBLIC DEFENSE SERVICES 2026-2026 REGULATORY AGENDA**

AGENCY UMBRELLA-UNIT NUMBER: **94-649**

AGENCY NAME: **Maine Commission on Public Defense Services**

**Contact Person:** Jim Billings, Executive Director, 154 State House Station, Augusta, Maine 04333-0154. Telephone: (207) 287-3254; jim.billings@maine.gov

## **EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**

Chapter 3: effective: July 31, 2024-October 29, 2024.

## **EXPECTED 2025-2026 RULE-MAKING ACTIVITY:**

### **AMENDMENT - CHAPTER 2: Standards for Qualifications of Contract and Assigned Counsel**

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

PURPOSE: To provide the Commission with a basis for determining which attorneys are qualified to be assigned to represent indigent people.

ANTICIPATED SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel and contract counsel.

### **AMENDMENT - CHAPTER 3: Eligibility Requirements for Specialized Panels**

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

PURPOSE: To provide the Commission with a basis for determining which attorneys are qualified to be assigned to represent indigent people in specialized case types.

ANTICIPATED SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel, contract counsel, and licensed attorneys who apply to become eligible to receive assignments in specialized case types.

### **AMENDMENT- CHAPTER 4: Caseload Standards for Assigned Counsel and Contract Counsel**

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(C), (2)(G), and (4)(D)

PURPOSE: To establish caseload standards for assigned and contract counsel and a method for tracking and monitoring caseloads on an ongoing basis.

ANTICIPATION SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel and contract counsel.

### **CHAPTER 8: Audit Procedures for the Review of Counsel Vouchers and Non-Counsel Vendor Invoices**

STATUTORY AUTHORITY: §§ 1804(3)(O) and (4)(D)

PURPOSE: To establish procedures for implementation of the audit management program to review the billing of assigned counsel and non-counsel vendor invoices.

ANTICIPATED SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel, contract counsel, and non-counsel vendors who provide necessary services in indigent cases.

**AMENDMENT - CHAPTER 101: Juvenile Practice Standards**

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

PURPOSE: To amend performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in juvenile cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel and contract counsel.

**AMENDMENT - CHAPTER 102: Adult Criminal Practice Standards**

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

PURPOSE: To amend performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in criminal cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel and contract counsel.

**AMENDMENT - CHAPTER 103: Child Protective Practice Standards**

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

PURPOSE: To amend performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in child protective cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel and contract counsel.

**CHAPTER 104: Involuntary Commitment Practice Standards**

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

PURPOSE: To establish performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in involuntary commitment cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel and contract counsel.

**CHAPTER 105: Appellate Practice Standards**

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

PURPOSE: To establish performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in appellate cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel and contract counsel.

**CHAPTER 106: Post-Conviction Practice Standards**

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

PURPOSE: To establish performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in post-conviction review cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel and contract counsel.

**CHAPTER 107: Lawyer of the Day Practice Standards**

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

**PURPOSE:** To establish performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in adult and juvenile lawyer of the day appearances.

**ANTICIPATION SCHEDULE:** Prior to October 1, 2026

**AFFECTED PARTIES:** Assigned counsel and contract counsel.

**AMENDMENT – CHAPTER 201:** Appeals of Decisions of the Executive Director

**STATUTORY AUTHORITY:** 4 M.R.S.A. §§ 1804(3)(J) and (4)(D)

**PURPOSE:** To amend the administrative review and appeal process for attorneys who are aggrieved by a decision of the Executive Director or the Executive Director’s designee.

**ANTICIPATION SCHEDULE:** Prior to October 1, 2026

**AFFECTED PARTIES:** Assigned counsel, contract counsel, and licensed attorneys who apply to become eligible to receive assignments in indigent cases.

**AMENDMENT - CHAPTER 301:** Fee Schedule and Administrative Procedures for Payment of Court or Commission Assigned Counsel

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

**PURPOSE:** To amend established standards for compensation of counsel and the reimbursement of counsel expenses for rostered attorneys.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2026

**AFFECTED PARTIES:** Assigned counsel and contract counsel.

**AMENDMENT CHAPTER 301-A (TO BE RENAMED TO 301.1):** Payment for Attending and Reimbursement of Expenses Incidental to Attending Trainings

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

**PURPOSE:** To amend the eligibility for payment to private court and/or Commission assigned counsel for attending and reimbursement of expenses incidental to attending trainings, and to set forth administrative procedures for payment and reimbursement of eligible training expenses.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2026

**AFFECTED PARTIES:** Assigned counsel and contract counsel.

**AMENDMENT CHAPTER 301-B (TO BE RENAMED 301.2):** Requirements for Payment of Paralegal and Secretarial Services

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

**PURPOSE:** To establish a method for Counsel to seek payment for Secretarial Services and Paralegal Services on assigned cases.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2026

**AFFECTED PARTIES:** Assigned counsel and contract counsel.

**AMENDMENT - CHAPTER 302:** Procedures Regarding Funds for Experts and Investigators

**STATUTORY AUTHORITY:** 4 M.R.S.A. §§ 1804(3)(L) and 4(D)

**PURPOSE:** To amend how requests for funds for non-counsel services must be filed with the Commission.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2026

**AFFECTED PARTIES:** Assigned counsel and contract counsel.

**AMENDMENT CHAPTER 303:** Procedures Regarding Legal Research Access and Materials

**STATUTORY AUTHORITY:** §§ 1804(2)(G) and (4)(D)

**PURPOSE:** To amend the procedures for the reimbursement for necessary legal research materials for assigned or contract counsel.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2026.



AFFECTED PARTIES: Assigned counsel and contract counsel.

**AMENDMENT - CHAPTER 401:** Indigency Guidelines

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

PURPOSE: To amend established standards for determination of eligibility for indigent legal services.

ANTICIPATED SCHEDULE: Prior to October 1, 2026.

AFFECTED PARTIES: Indigent people who may be entitled to representation a state expenses under the United States Constitution or the Constitution or Laws of Maine.

**Chapter 3: ELIGIBILITY REQUIREMENTS FOR SPECIALIZED PANELS**

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**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.

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**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 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.

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

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