

MEMORANDUM

To: MCILS Counsel
From: Steve Brochu
Re: LOD Cases—Docket Number Format, Minimum Fees, Case Approval Policy
Date: 5/12/23

Docket Number Format

For LOD cases, the docket number should reflect the court in which the assignment took place, the case type, and the date of the court appearance (in that order).

For the court, Counsel should use the abbreviation that is used for all court pleadings and Orders. For example, the Androscoggin County Unified Criminal Court would be “ANDCD”.

For the case type, Counsel should use one of three types. For juvenile lawyer of the day appearances, the case type is “LODJ”. For LOD appearances where defendants are in custody, the case type is “LODC”. For LOD appearances where defendants are not in custody, also known as walk-in arraignments, the case type is “LODW”.

For the date of the court appearance, Counsel should use an 8-digit number that has no dashes or any other separating figures. The month and the day will have 2 digits each, and the year will have 4 digits.

For example, a walk-in arraignment LOD assignment occurring in Bangor on May 5, 2023, should have the following docket number: **PENCD-LODW-05052023**.

Minimum Fees

Under Chapter 301, §5 of the MCILS Rules, Counsel may bill a minimum fee of 3 hours for each appearance as Lawyer of the Day. Vouchers seeking the minimum fee must show the actual time expended and the size of the minimum fee adjustment rather than just simply stating that the minimum fee is claimed.

If you physically appear for an LOD assignment and are told at that time that you are not needed, you can bill for the minimum fee amount. In that scenario, if you did any work ahead of time (e.g. discovery review, travel time), you should bill for that time and then use the minimum fee adjustment to get to the 3 hours. If you did not appear for the LOD assignment (because you were told ahead of time you were not needed or the court was closed), you can bill only for the actual work done on the case. In either scenario, please leave a brief voucher note to explain what happened.

LOD Case Approval Policy

1. *Timing of Case Creation*—Counsel should create an LOD case in defenderData only after the assignment has been completed. If an unrealized case lingers in defenderData, it reduces the accuracy

of our overall data that we report to the Legislature or the Commission. These cases will only be approved once the assignment is completed.

2. *Case Creation*—Counsel should enter a docket number which complies with the format above. Additionally, Counsel should enter all time entries at the time of the case creation. Since the case will now be created after the assignment is completed and since an LOD assignment typically only includes a few time entries, this task should not present any difficulty for Counsel. The inclusion of time entries will enable us to cross-reference the court date with the docket number to make sure that they match up.

3. *Completion of Assignment*—Once an LOD assignment is completed, Counsel should send an email to Stephen.brochu@maine.gov. This email should contain the following subject line: “LOD CASE APPROVAL (followed by the docket number)”. We are requesting a specific subject line because this will ensure that these emails are sorted and archived properly. In the body of the email, Counsel should simply write “I have completed the above assignment”. Please be sure to include your name somewhere in the email. By doing this, you will be certifying that you covered this assignment and that no further work needs to be done.