MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

September 21, 2026

Commissioner's Meeting Packet

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

SEPTEMBER 21, 2026
MEETING AGENDA

1) Rulemaking Public Hearing / Chapter 9 (formerly 401) – Indigency Guidelines

2) Approval of July 21, 2026 Commission Meeting Minutes

3) Executive session pursuant to 1 MRS § 405(6)(E) to discuss pending or contemplated litigation

4) Report of the Executive Director

    a. Operations report
    b. Staffing update – supplemental budget positions
    c. Budget update – FY27 supplemental and additional biennial initiatives
    d. Judicial Branch MOU update – MH and ERPO cases
    e. Attorney burnout survey

5) Update from District Defenders

6) Rulemaking discussion

    a. Chapter 6 – Appeal Rule
    b. Chapter 301 – Fee Rule

7) Set Date, Time and Location of Next Regular Meeting of the Commission

8) Public Comment

94-649 MAINE COMMISSION ON ~~INDIGENT LEGAL~~PUBLIC DEFENSE SERVICES

Chapter 9: GUIDELINES FOR DETERMINATION OF FINANCIAL ELIGIBILITY FOR ~~ASSIGNED COUNSEL~~COUNSEL AT PDS EXPENSE ~~AND REIMBURSEMENT FOR ASSIGNED COUNSEL COSTS~~

Summary: This ~~chapter~~ Chapter establishes guidelines for determining a person's financial eligibility for ~~assigned counsel and for determining whether eligible persons should be required to reimburse the state for some or all of the cost of assigned counsel~~counsel at PDS expense. These guidelines govern the work of financial screeners employed by the C~~c~~ommission and are intended to provide guidance to courts in their determination of financial eligibility ~~and the amount, if any, of reimbursement.~~.

SECTION 1. ~~DETERMINATION OF FINANCIAL ELIGIBILITY~~Definitions.

~~1. **Definitions**. The following definitions shall be used in making a determination of financial eligibility:~~

1. **PDS or Commission.** "PDS" or "Commission" means the Maine Commission on Public Defense Services.

2. **Executive Director.** "Executive Director" means the Executive Director of the Commission or the Executive Director's decision-making designee.

3. **Applicant.** "Applicant" means a person entitled to Indigent Legal Services who has applied for court-appointed counsel at PDS expense.

4. **Indigent Legal Services.** "Indigent Legal Services" is defined by 4 M.R.S. § 1802(4).

5. **Means-Tested Benefit.** "Means-Tested Benefit" means a benefit which the Applicant receives on the basis of their poverty, as determined by a local, state, or United States federal government, and which the Applicant is currently receiving as of the date the eligibility determination is made. Means-Tested Benefits include only:

    a. Medicaid when the Medicaid application was approved based on financial eligibility. Katie Beckett MaineCare does not count as a means-tested benefit for the purposes of this Chapter;

    b. Supplemental Nutrition Assistance Program (SNAP) or food stamps;

c. Special Supplemental Nutrition Program for Women, Infants, and Children (WIC);

d. Section 8 or other housing subsidized by the state or federal government, if the Applicant is a named lessee;

e. Low-Income Home Energy Assistance Program (LIHEAP);

f. Temporary Assistance for Needy Families (TANF); and
g. Supplemental Security Income.

6. ~~A.~~ **Income**. "Income" means Applicant's actual available current annual total cash receipts before taxes ~~of all persons who are resident members of, and contribute to, the support of a family unit.~~. Income also includes any money that the Applicant's spouse, if married, contributes to the Applicant or their Necessary Expenses or Business Expenses, unless the spouse or the spouse's minor children are named alleged victims of a crime with which Applicant is charged. Income may also include potential wages from seasonal employment when the A~~a~~pplicant has a history of seasonal employment. Types of income include, but are not limited to: wages, income from self-employment, rents, royalties, child support, alimony, Social Security ~~benefits, including SSDI~~Disability Income ~~and SSI~~, ~~TANF benefits,~~ VA benefits, general assistance, cash benefits, unemployment compensation, workers compensation, insurance or pension benefits, strike benefits, interest, dividends, and military family allotments. Income does not include in-kind assistance such as food stamps or vouchers.

7. ~~B.~~ **Cash A~~a~~ssets**. "Cash A~~a~~ssets" means Applicant's cash on hand; money in savings, checking, IRA, certificates of deposit or other readily accessible accounts; stocks or bonds that can be sold; money held in trust for the Applicant if the Applicant has access to the funds; and cryptocurrency or other digital funds. ~~and cash bail unless another person has been designated as the owner of the cash pursuant to 15 M.R.S.A. §1074(1).~~

8. ~~C.~~ **Other A~~a~~ssets**. "Other A~~a~~ssets" means ~~include~~ equity in real estate exceeding $100,000 that is Applicant's Primary Residence ~~equal to an amount necessary to obtain a home equity loan~~if it is reasonably likely that the Applicant could obtain a home equity loan; all equity in real estate that is not Applicant's Primary Residence; cash value of insurance policies; cash value of pension, retirement, or profit sharing plans to which the A~~a~~pplicant has access; equity value of major personal property items such as boats, snowmobiles, and motor vehicles that are not needed for work or family transportation; valuable jewelry; antiques or collections; and any other nonessential property that could be sold, exchanged, or used to obtain a loan.

9. **Estimated Retained Counsel Cost.** "Estimated Retained Counsel Cost" means the amount PDS would expect that an Applicant would need to pay a private attorney if they retained counsel for their case. The Estimated Retained Counsel Cost is contained in Appendix B and shall be increased to reflect the cost of inflation on July 1st of each year. The cost of inflation will be calculated based on the Consumer Price Index, as determined by the United States Bureau of Labor Statistics.

10. ~~D.~~ **Necessary Monthly Expenses**. "Necessary M~~m~~onthly E~~e~~xpenses" ~~include only~~means expenses actually paid by the Applicant which are necessary for the following:

a. ~~a. (1) f~~Food for Applicant and their dependents, less any food stamps or food vouchers that Applicant and/or their spouse, if married, receive;

b. ~~(2)~~ S~~s~~helter, including mortgage payments on a principal residence, rent~~,~~ and utilities;

c. ~~b. (3)~~ M~~m~~edical care~~, including medical insurance premiums~~ paid by the A~~a~~pplicant on behalf of the Applicant or their dependents, including medical insurance premiums, medical devices, medication, and installment payments on debts for medical expenses;~~;~~

d. Employment, including uniforms required by the employer;

e. Childcare, child support, diapers, and other expenses necessary to the health or safety of Applicant's minor child(ren) if the children reside with the Applicant;

f. Internet for the Applicant's primary residence;

g. Transportation expenses, including the cost of transportation to get to and from work, school, or medical appointments. This includes vehicle loan payments, fuel, insurance, and money paid to another for transportation to or from work, school, or medical payments; and

h. Debts, including minimum payments on credit card debt and payments on student loans and long term (longer than 6 months) personal loans.

~~Expenses for items not listed above should not be included in the calculation of necessary monthly expenses.~~

11. **Business Expenses.** "Business Expenses" means expenses necessary for the operation of Applicant's self-employment or business ownership and includes rent, utilities, employee

compensation, insurance, office expenses, loans on vehicles used primarily for business purposes, software subscriptions, professional services, and equipment.

12. **Net Income.** "Net Income" means the Applicant's remaining income after Necessary Expenses and Business Expenses are deducted from the Applicant's Income.

13. **Primary Residence.** "Primary Residence" means that place where an individual has a true, fixed and permanent home and principal establishment to which the individual, whenever absent, has the intention of returning. An individual may have only one permanent residence at a time and, once a permanent residence is established, that residence is presumed to continue until circumstances indicate otherwise.

SECTION 2. Procedure for Calculating Net Income of Applicants with Business Expenses.

1. To calculate the Income generated from a business owned by the Applicant, the financial screener or court must total the Income generated from said business from the twelve months preceding the date on which the screening is conducted and divide that number by twelve.

2. To calculate the Business Expenses of the Applicant, the financial screener or court must total all of Applicant's Business Expenses from the twelve months preceding the date on which the screening is conducted. Then, that total must be divided by twelve to arrive at a monthly Business Expense.

3. To calculate the Net Income of the Applicant, the financial screener or court must subtract the Business Expenses calculated in paragraph two, above, from the Income generated from the business calculated in paragraph one, above.

SECTION 3. Procedure for Determination of Financial Eligibility.

~~c. (4) employment, including loan payments on a vehicle used to get to work and uniforms required by the employer;~~

~~(5) debts, including minimum payments on credit card debt and payments on student loans and long term (longer than 6 months) personal loans.~~

~~Expenses for items not listed above should not be included in the calculation of necessary monthly expenses.~~

~~2. Procedure for determining financial eligibility and amount of reimbursement. The following procedures shall be used for determining financial eligibility and the amount of any reimbursement obligation:~~

1. ~~A.~~If the Applicant receives a Means-Tested Benefit, they are indigent for the purposes of assigning counsel and no further inquiry is necessary.

~~Determine gross income and assets of the applicant and all members of the applicant's family unit.~~

2. If the Applicant does not receive a Means-Tested Benefit, the financial screener or court must calculate the Applicant's Cash Assets. If the Applicant's Cash Assets and Other Assets exceed the Estimated Retained Counsel Cost, the Applicant is not indigent for purposes of assigning counsel, unless a court determines that extraordinary circumstances which justify assigning counsel exist.

3. If the Applicant does not receive a Means-Tested Benefit and their Cash Assets do not exceed the Estimated Retained Counsel Cost, the financial screener or court must calculate the Applicant's Net Income. If the Applicant's Net Income is at or below 200% of the federal poverty level, the Applicant is indigent for purposes of assigning counsel and no further inquiry is necessary.

4. If the Applicant does not receive a Means-Tested Benefit and their Net Income exceeds 200% of the federal poverty level, they are not indigent and are not eligible for court-appointed counsel at PDS expense.

~~B. If the cash assets of the applicant and the applicant's family unit exceed the amounts set forth below, the applicant is not eligible for assigned counsel. For adult criminal and juvenile cases: $1,000 in cases where the most serious charge alleges a Class D or E crime; $2,000 in cases where the most serious charge alleges a C crime; $3,000 in cases where the most serious charge alleges a B crime; $4,000 in cases where the most serious charge alleges a Class A crime; and $2,500 for child protective cases.~~

~~C. If the applicant's cash assets are less than the amounts above, it is necessary to determine whether the applicant can convert other assets into cash so that the applicant can retain an attorney. If the other assets are such that they can be used to hire an attorney, the applicant is not eligible. If the applicant is or has been converting cash assets into other assets, such as making a large down payment or substantial monthly payments on a motor vehicle or similar item, this fact can be taken into consideration in determining eligibility.~~

~~D. If the applicant's cash and convertible assets equal less than the amounts listed in Paragraph 2, the income amount should be compared to the appropriate amount on the Income Table attached as Appendix A. The Income Table is based on 110% of the federal poverty guidelines and shall be updated by the Commission annually on July 1st. If the income of the applicant and applicant's family unit is less than the appropriate amount on the Income Table, the applicant is eligible for assigned counsel.~~

~~E. In order to determine whether the applicant can reimburse the State for the expense of assigned counsel, compare the monthly income of the applicant with the applicant's necessary monthly expenses. If income exceeds necessary monthly expenses, the applicant should be required to make periodic payments based on the amount by which income exceeds necessary expenses to reimburse the State for the cost of assigned counsel. Payments should be required up~~

~~to an amount equal to the maximum fee set by the Commission for the type of case for which counsel is assigned. Maximum fees are set forth on Appendix B. Cash and convertible assets that are available but are insufficient to disqualify an applicant under subsection 2 should also be considered when determining whether an applicant can make reimbursement and the amount of reimbursement.~~

~~F. Applicants whose income exceeds 110% of the federal poverty guidelines may be eligible for assigned counsel if they have extraordinary necessary monthly expenses that render them unable to retain counsel. In such cases, an order for reimbursement should be entered unless the interests of justice demand otherwise.~~

~~G. In any case where a person represented by assigned counsel subsequently retains counsel, the court should, when granting assigned counsel leave to withdraw, order the person to reimburse the State for amounts expended for representation by assigned counsel prior to the entry of appearance of retained counsel.~~

~~SECTION 2. BAIL~~

~~1. In all cases where a criminal defendant represented by assigned counsel has posted cash bail that has not been designated the property of another pursuant to 15 M.R.S.A. §1074(1), the bail should be ordered set-off pursuant to 15 M.R.S.A. §1074(3)(c) to reimburse counsel fees and other expenses paid by the state for representation in the proceeding in which bail is posted or in any unrelated proceeding.~~

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

EFFECTIVE DATE:
June 23, 2012 – filing 2012-173

ADMINISTRATIVELY RECODIFIED from 94-649 C.M.R. Ch. 401 to 94-649 C.M.R. Ch. 9:
April 2, 2026

APPENDIX A

INCOME TABLE FOR DETERMINATION OF ELIGIBILITY FOR ~~ASSIGNED COUNSEL~~COUNSEL AT PDS EXPENSE

200% OF THE FEDERAL POVERTY LEVEL

Family Size	Gross Annual Income	Monthly Gross	Weekly Gross
1	$31,920.00~~$17,556.00~~	$2,660.00~~$1,463.00~~	$613.85~~$337.62~~
2	$43,280.00~~$23,804.00~~	$3,606.67~~$1,983.67~~	$832.31~~$457.77~~
3	$54,640.00~~$30,052.00~~	$4,553.33~~$2,504.33~~	$1,050.77~~$577.92~~
4	$66,000.00~~$36,300.00~~	$5,500.00~~$3,025.00~~	$1,269.23~~$698.08~~
5	$77,360.00~~$42,548.00~~	$6,446.67~~$3,545.67~~	$1,487.69~~$818.23~~
6	$88,720.00~~$48,796.00~~	$7,393.33~~$4,066.33~~	$1,706.15~~$938.38~~
7	$100,080.00~~$55,044.00~~	$8,340.00~~$4,587.00~~	$1,924.62~~$1,058.54~~
8	$111,440.00~~$61,292.00~~	$9,286.67~~$5,107.67~~	$2,143.08~~$1,178.69~~
For each additional person add	$11,360~~$6,248.00~~	$946.67~~$520.67~~	$218.46~~$120.15~~

~~Allowable Cash Assets~~	
~~Class A~~	~~$4,000~~
~~Class B~~	~~$3,000~~
~~Class C~~	~~$2,000~~
~~Class D & E~~	~~$1.000~~
~~Protective Custody~~	~~$2,500~~

~~APPENDIX B~~

~~MAXIMUM FEES FOR VARIOUS CASE TYPES~~

~~FEE SCHEDULE AND ADMINISTRATIVE PROCEDURES FOR PAYMENT OF COMMISSION ASSIGNED COUNSEL~~

~~Type~~	**~~Amount~~**
~~Class A~~	~~$2,500.00~~
~~Class B & C (against person)~~	~~$1,875.00~~
~~Class B & C (against property)~~	~~$1,250.00~~
~~Class D & E (Superior or UCD)~~	~~$625.00~~
~~Class D & E (District Court)~~	~~$450.00~~
~~Post-Conviction Review~~	~~$1,000.00~~
~~Probation Revocation~~	~~$450.00~~
~~Miscellaneous~~	~~$450.00~~
~~Juvenile~~	~~$450.00~~
~~Child Protective~~	~~$750.00~~
~~Termination of Parental Rights (with hearing)~~	~~$1,050.00~~
~~Application for Involuntary Commitment~~	~~$350.00~~
~~Petition for Emancipation~~	~~$350.00~~
~~Petition for Modified Release Treatment~~	~~$350.00~~
~~Petition for Release or Discharge~~	~~$350.00~~
~~Criminal Direct Appeals & Appellate work~~	~~$1,000.00~~
~~Unsuccessful Application for Certificate of Probably Cause~~	~~$750.00~~

APPENDIX B

ESTIMATED RETAINED COUNSEL COST:

1. For adult criminal cases:

    i. $4,000 in cases where the most serious charge alleges a Class D or E crime.

    ii. $10,000 in cases where the most serious charge alleges a Class B or C crime.

    iii. $12,000 in cases where the most serious charge alleges a Class A crime.

    iv. $78,200.00 in cases where the most serious charge alleges a homicide offense.

2. For child protection cases, $10,000.

Maine Commission on Public Defense Services
Commissioners Meeting held on July 21, 2026.

Commissioners Present: Joshua Tardy (Chair), Donald Alexander, Anne Jordan, Kelly O'Connor, Taylor Kilgore, Randall Bates, and David Soucy.

PDS Staff Present: Frayla Tarpinian (Executive Director), Ellie Maciag (Deputy Executive Director), Logan Perkins (District Defender).

Agenda Item	Discussion / Outcome
Rulemaking Public Hearing: Chapter 6	Executive Director Tarpinian explained that the proposed rule overhauls the process of appealing the executive director's decisions. The changes include: • Streamlining the process and clarifying language; • Allowing for e-filing of appeals; • Changes the title of "PDS advisor" to "PDS clerk" to more accurately reflect the work; • Implementation of deadlines; and • Establishment of the rules of evidence that will direct the hearings. No members of the public offered testimony; the hearing was closed, and written comments will be accepted until 5:00 p.m. on August 3, 2026.
Approval of Minutes	The Commission reviewed the minutes from the June 16, 2026, meeting. Commissioner Jordan motioned to approve the minutes. Commissioner Alexander seconded. All voted in-favor and the minutes were approved.
Executive Session	Commissioner Alexander motioned to entered executive session to discuss pending litigation pursuant to the Maine Freedom of Access law. Chair Tardy seconded the motion. All voted in-favor.
Report of the Executive Director	**Operations Report:** • There were 325,000 paid attorney hours for the past fiscal year. • New cases remain down by about 6.7% year-to-date. • The system saw a 15.9% increase in submitted vouchers with the total amount of each voucher up by about 5.8%. • Year-to-date, PDS submitted vouchers are up 17.7%. The total amount paid for vouchers has increased by 7.7%. This increase is likely driven by more frequent voucher submission. • Average price per voucher is down 8.4%. **Staffing:** • Eight new supplemental budget positions (including four attorneys and several support staff) will be posted at the end of July, starting with a District Defender for Casco Bay. • Renewal period yielded 325 renewals. Those who did not renew will be surveyed to determine why they are leaving the program. • Commissioner Bates: Inquired as to how many people did not renew with PDS. Executive Director Tarpinian stated that there were about

75 people who did not renew. Feedback has been that there are a large amount of retirements and there are always more who renew late and then there will be a boost after the bar results come out in September. This is a strong number for this time of year.

- PDS is pivoting away from opening a physical Mid-coast office due to geographic difficulties:
  - Casco Bay Office would staff Sagadahoc;
  - Capital Region would cover Wiscasset and Rockland;
  - Determining which office would cover Waldo, whether it would be Bangor or Downeast Office.
  - This shift would reduce overhead costs while maintaining coverage within an hour's drive.
  - Goal is to have a policy to limit assignments to two courthouses to reduce conflicts.
- There is an ongoing plan to restructure the parental defense division so that these attorneys can be housed within existing regional offices.
- Efforts are also underway to launch an "incubator" program to help attorneys start a new practice that incorporates PDS work.

Audit: Investigations are concluding. Executive Director Tarpinian emphasized that the goal of ongoing investigations is not punitive, but rather to bring attorneys into compliance so they can keep working.

Caseload and Evaluation Standards:

- Rulemaking is underway to implement caseload standards that prioritize managerial oversight and flexibility for complex cases (e.g., murders or mental health cases) rather than relying on rigid, hard numbers.

Detailed Data Reporting:

- Executive Director Tarpinian provided specific data requested by the Commission regarding felony-to-misdemeanor ratios in defender offices:
  - Tri-County: 54% felony, 35% misdemeanor, 11% other;
  - Aroostook: 53% felony, 41% misdemeanor, 7% other;
  - Highlands: 46% felony, 49% misdemeanor, 5% other;
  - Casco Bay: 39% felony, 50% misdemeanor, 11% other; and
  - Capital: 35% felony, 56% misdemeanor, 9% other.
- Kennebec and Aroostook Counties: The public defenders are the assigned counsel for treatment courts. All other counties, the defense counsel in treatment courts are assigned counsel.
- Parent Defense has recently had one client graduate from treatment court.
- The percentage of cases in the system assigned to PDS attorneys is hard to calculate as the number is always changing. Executive Director Tarpinian asked for suggestions on how to capture the data

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<tr><td></td><td>requested.
Commissioner Jordan thanked Executive Director Tarpinian for the work that was done to compile the data. She suggested that they could talk about a possible way to collect the data.</td></tr>
<tr><td>District Defender Update</td><td>District Defender Perkins:
Logan Perkins reported that her office is struggling with discovery issues, citing a specific bench trial involving a charge of Operating After Suspension (OAS) following an OUI.
The case carried a seven-day mandatory minimum jail sentence. Although the defense had the case since August of the previous year and the prosecutor claimed discovery was complete in October, essential evidence was missing.
The state had failed to provide the "blue seal" (a certified driving record) or the notice of suspension, which constituted two out of the three elements required for a conviction.
The state uploaded these documents to their discovery system at 3:01 PM the day before the scheduled trial.
After jeopardy was attached the next morning, Attorney Perkins moved for a discovery sanction to exclude the late evidence. The judge ruled that there had not been a discovery violation.
Following the ruling, the defense requested a conditional guilty plea to preserve the issue for appeal. This led the state to settle the case for a simple OAS with a $250 fine.
Inconsistent Judicial Sanctions:
Attorney Perkins highlighted the disproportionate application of the rules by comparing the bench trial to a jury trial held just one week prior:
In that case, the state uploaded a prior conviction judgment in the middle of the trial. The presiding judge in that instance agreed to exclude the evidence, saving the client from mandatory minimums.
Perkins argued that while clients face immediate consequences (like warrants) for failing to follow rules, the state is often told their late disclosures are not violations.
Commission Response:
Commissioner Soucy:
Characterized this disproportionate application of the rules as deeply entrenched practices that have historically gone unchallenged, until the formation of the PD offices.
He noted that in Aroostook County, discovery failures extend to critical items like body camera footage, witness interviews, and exculpatory evidence.
He emphasized that the problem will only be solved if the judiciary applies immediate sanctions and true consequences to reform the State’s behavior.</td></tr>
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	○ Commissioner Soucy praised the district defenders for raising the bar for prosecutors and the judiciary and creating a new culture through their persistent litigation of these issues.
Biennial Budget Discussion	• The proposed budget includes a year-over-year substantial increase in order to stabilize the system. • Executive Director Tarpinian identified a $3 million shortfall in this year's budget. This was known at the time that the supplemental budget was passed which did not include this necessary funding. • The Commission ended the fiscal year on June 30 with only $388,000 in the bank, representing approximately one day of attorney payments. **Proposed Strategy:** • Executive Director Tarpinian proposed a 10% year-over-year increase for the next biennium to stabilize the system. • Revising Rule 301 to put a cap on some costs. • Standards for expert requests. • Finalizing a contract for Title IV-E federal funding for parental defense to reduce reliance on the General Fund. **Cost Drivers:** • Paid hours hit a record 325,817, an increase of 20,000 hours over the previous year. • The Commission is implementing quarterly billing to provide more certain liability projections. • Clearing 1,000 cases off the "uncounseled list" was a major success but substantially drove up costs. • Expenses for experts, translation, and transcription are increasing by hundreds of thousands of dollars annually. • Future new costs: the new "Enterprise Justice" system may charge $900 per attorney for firm-level access. • The Deputy District Defender position remains unfilled because it was funded at only $1,000 and lacks necessary statutory language to enact it. **Outcome:** • Chair Tardy and the Commissioners provided approval for the PDS staff to submit the budget proposal to DAFS in August without a formal vote.
Rulemaking: Chapter 9 (formerly 401)	The rule introduces a simplified three-step framework intended to reduce the administrative burden on the Commission's eight financial screeners: • **Step 1: Automatic Eligibility (Means-Tested Benefits):** If an applicant is *actively receiving* specific federal means-tested benefits, they are automatically deemed indigent. These benefits include SNAP (food stamps), WIC, Section 8 housing, LIHEAP, TANF, and SSI. The rationale is that the federal government has already performed a rigorous financial vetting process. • **Step 2: Asset Determination:** If the applicant does not receive

	federal benefits, their cash and other assets are assessed. • **Step 3: Income Determination (200% of FPL):** If steps one and two do not result in a determination, the applicant's Net Income remaining after necessary monthly and business expenses must be at or below 200% of the federal poverty guidelines, this is an increase from the previous threshold of 110%. **Elimination of Partial Indigency** • The rule eliminates the concept of "partial indigency," where clients were required to reimburse the state a portion of their legal costs. • Executive Director Tarpinian noted that partial indigency affected less than 2% of cases (approximately 670 out of 35,000). • The collection process for small monthly payments was determined to be more expensive than the actual money recovered, creating an overall loss for the state. **Judicial Discretion and Outcomes** • These guidelines serve as recommendations to the court; judges retain the ultimate authority to appoint counsel and can consider other factors, such as mental illness or extraordinary circumstances, to grant eligibility regardless of the financial circumstances. • This rule had not been updated since approximately 2010. Commissioner Jordan: For partial indigency, will these individuals get excluded now? Executive Director Tarpinian indicated that it could go either way but projects that most of those individuals will be assigned counsel due to the higher poverty level calculation. Commissioner Jordan: Can the judges still assign counsel regardless of PDS' assessment? Executive Director Tarpinian indicated that judges will always have judicial discretion to have counsel appointed. Chair Tardy: Asked Deputy Director Maciag if indigency determination has ever been a discussion in the legislature. Deputy Director Maciag indicated that GOC/OPEGA did not evaluate this topic in its earlier review of the Commission. Commissioner Alexander: Motioned to move Chapter 9 out to public comment. Commissioner O'Connor seconded. The Commission voted unanimously to move the proposed rule to the public comment and public hearing phase.
Rulemaking: Chapter 301 (Fee Rule)	**Billing & Timekeeping Reforms** • **Contemporaneous Timekeeping:** Audit identified that some attorneys were pre-filling time for future dates or entering time months later, which was deemed inaccurate. Timekeeping records must be kept to allow for verification during audits. • **Actual Time Requirement:** The proposed rule strengthens the requirement that only actual time spent is billed. It prohibits "block

	billing" or standardized increments (e.g., billing 0.3 hours for every letter regardless of length). Multiple emails or text messages regarding the same client on the same day must be aggregated into a single time entry for the actual total time spent, rather than billing 0.1 hours for each individual message. • **Lawyer of the Day**: Minimum fee remains in the rule. • **Annual Billable Limit**: The most significant proposed change is a 2,500-hour annual billable limit for rostered attorneys. The limit equates to approximately 48 billable hours per week for 52 weeks a year, which Executive Director Tarpinian described as a generous amount that accounts for the fact that attorneys must work many more hours than they can bill. Once an attorney reaches the 2,500-hour cap, they cannot accept new assignments for the remainder of the fiscal year. However, they remain ethically obligated to continue work on their existing cases. • **Travel Limitations:** Need to seek a waiver if you are travelling away from a home court. • **Quarterly Billing:** The rule mandates that practitioners bill on their cases at least once every 90 days. This would provide the Commission and the Department of Administrative and Financial Services (DAFS) with accurate budget projections. • **Non-payment Based on Misconduct:** The rule would grant the Executive Director authority to withhold payment on vouchers during investigations if there is reason to believe an attorney has violated Commission rules or the Rules of Professional Conduct.
Public Comment	**Attorney Benjamin Lees**: • Attorney Lees asked for clarification on where rostered attorneys should send their initial feedback regarding the major proposed changes to the Fee Rule (Chapter 301). • Executive Director Tarpinian and Chair Tardy directed all practitioners to email comments directly to frayla.tarpinian@maine.gov. **Attorney Tina Nadeau**: • Nadeau strongly advocated for the budget to include a Cost of Living Adjustment (COLA) into the hourly rate. • She noted that while the Commission often discusses rising costs for experts and transcripts, the attorney rate has remained stagnant, meaning practitioners are making less in real value than they did three years ago. • She proposed that a standard 3% annual increase over the last three years would bring the current $150 rate to $165 per hour. • Attorney Nadeau pointed out that Commission staff and employed public defenders receive COLAs, and assigned counsel should be treated similarly to ensure retention. **Attorney Robert Ruffner**: • Echoing Attorney Logan Perkins' earlier report on discovery failures,

	Attorney Ruffner suggested the Commission create a database to track discovery problems and the resulting judicial rulings. He argued that having hard data rather than just anecdotes would build a stronger case for judicial reform and "true consequences" for state failures. • Attorney Ruffner supported an annual COLA increase. • Attorney Ruffner supported the move toward monthly billing as an industry standard but cautioned against other changes that deviate from other industry standards. • He expressed concern regarding the "gotcha" nature of the cap, questioning the ethics of expecting an attorney who hits the limit in May to continue working through June without pay. • He disputed the proposed rule requiring 18 minutes of work to bill 0.3 hours, stating the industry standard is typically anything over 12 minutes is billed at 0.3. • Attorney Ruffner welcomed the overhaul of financial guidelines, noting that simplifying the process will reduce delays during initial appearances and arraignments.
Adjournment	The next meeting is scheduled for Monday, August 24, 2026, at 3:00 PM at 77 Sewall Street in a hybrid format.

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

July 2026 Operations Report

- 2,238 new cases were opened in the defenderData system. This was a 100 case decrease from June. Year to date, new cases are down by 15% from last year, from 2,633 at this time last year to 2,238 this year.

- The number of vouchers submitted electronically was 4,443, a decrease of 8 vouchers from June, totaling $4,330,963, an increase of $99,002 from June. Year to date, the number of submitted vouchers is down by 4.6% from 4,660 at this time last year to 4,443 this year, with the total amount for submitted vouchers down 10%, from $4,815,128 at this time last year to $4,330,963 this year.

- We paid 4,502 electronic vouchers totaling $4,273,403 representing an increase of 396 vouchers and an increase of $322,695 compared to June. Year to date, the number of paid vouchers is down 6.6%, from 4,824 vouchers at this time last year to 4,502 this year, and the total amount paid is down 11.6%, from $4,834,409 this time last year to $4,273,403 this year.

- The average price per voucher was $949.22, up $23.04 per voucher from June. Year to date, the average price per voucher is down 5.2%, from $1,002.16 at this time last year to $949.22 this year.

- Probate and Drug Court had the highest average voucher total. There were 12 vouchers exceeding $10,000 paid in July. See attached addendum for details.

- We issued 195 authorizations to expend funds: 89 Private investigators, 89 for experts, and 15 for miscellaneous services such as interpreters, transcriptionists, polygraph exams, and paralegals. We paid $305,080 for experts and investigators, etc. Two were denied.

- There was one attorney suspension.

- In the All Other Account, the total expenses were $4,897,439. Approximately $319,245 was devoted to the Commission’s operating expenses.

- In the Personal Services Accounts, we had $1,130,495 in expenses.

- In the Revenue Account, the Judicial Branch transferred $19,930 for counsel fee payments.

- As of August 10, 2026, there are 185 rostered attorneys of which 127 are available for trial court level work.

- July 2026 paid hours are down 5.1% over July 2025 paid hours.

Paid Hours													
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	**Yearly Total**
FY22	27215	20122	23699	19917	20289	14422	15689	21060	30339	19984	19176	21343	253,255
FY23	19654	22596	21511	21151	20771	19576	23786	18811	22669	19232	27112	22334	259,203
FY24	21550	25799	21317	25400	19983	16857	31200	25274	23804	28726	24288	22486	286,684
FY25	24574	24296	20907	29382	26430	28126	24409	24710	23162	27051	26447	26588	306,081
FY26	30347	26144	29265	26275	21122	29574	27069	25410	38542	20562	24935	26572	325,817
FY27	28773												28,773

Vouchers over $10,000 - July 2026

Comment	Voucher Total	Case Total
Gross Sexual Assault	$39,990.00	$39,990.00
Homicide	$28,495.92	$82,390.94
Aggravated Trafficking	$20,505.00	$20,505.00
Aggravated Criminal Mischief	$15,702.89	$17,187.89
Gross Sexual Assault	$12,705.00	$14,073.00
Appeal - TPR	$12,270.00	$12,270.00
Homicide	$12,225.00	$12,225.00
Protective Custody	$12,037.20	$12,037.20
Homicide	$11,850.00	$87,010.00
Aggravated Assault	$11,355.00	$30,992.52
Juvenile Assault on Officer	$11,279.00	$11,279.00
Termination of Parental Rights	$10,680.00	$10,680.00

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

Activity Report by Case Type

7/31/2026

	Jul-26						Fiscal Year 2027			
DefenderData Case Type	**New Cases**	**Vouchers Submitted**	**Submitted Amount**	**Vouchers Paid**	**Approved Amount**	**Average Amount**	**Cases Opened**	**Vouchers Paid**	**Amount Paid**	**Average Amount**
Appeal	17	69	$136,649.45	52	$ 113,245.25	$2,177.79	17	52	$ 113,245.25	$2,177.79
Central Office Resource Counsel	0	3	$675.00	3	$ 450.05	$150.02	0	3	$ 450.05	$150.02
Child Protection Petition	88	604	$794,601.23	597	$ 776,217.51	$1,300.20	88	597	$ 776,217.51	$1,300.20
Drug Court	4	24	$72,673.70	22	$ 62,679.56	$2,849.07	4	22	$ 62,679.56	$2,849.07
Emancipation	5	5	$2,393.74	10	$ 5,286.58	$528.66	5	10	$ 5,286.58	$528.66
Felony	602	1,453	$1,700,465.58	1,392	$ 1,578,855.05	$1,134.23	602	1,392	$ 1,578,855.05	$1,134.23
Involuntary Civil Commitment	12	2	$1,170.00	4	$ 1,843.32	$460.83	12	4	$ 1,843.32	$460.83
Juvenile	96	148	$121,780.83	181	$ 166,412.42	$919.41	96	181	$ 166,412.42	$919.41
Lawyer of the Day - Custody	280	281	$198,571.45	284	$ 204,849.09	$721.30	280	284	$ 204,849.09	$721.30
Lawyer of the Day - Juvenile	0	1	$345.00	2	$ 795.00	$397.50	0	2	$ 795.00	$397.50
Lawyer of the Day - Walk-in	110	104	$69,384.58	141	$ 87,417.64	$619.98	110	141	$ 87,417.64	$619.98
PDS Provided Training	78	84	$24,632.09	144	$ 40,906.51	$284.07	78	144	$ 40,906.51	$284.07
Misdemeanor	780	1,367	$989,450.42	1,404	$ 1,009,545.33	$719.05	780	1,404	$ 1,009,545.33	$719.05
Petition, Modified Release Treatment	0	2	$4,742.78	4	$ 10,027.98	$2,507.00	0	4	$ 10,027.98	$2,507.00
Petition, Release or Discharge	0	0		0			0	0		
Petition,Termination of Parental Rights	0	0		1	$ 766.00	$766.00	0	1	$ 766.00	$766.00
Post Conviction Review	3	21	$14,345.86	26	$ 18,668.21	$718.01	3	26	$ 18,668.21	$718.01
Probate	3	3	$8,629.48	5	$ 20,485.48	$4,097.10	3	5	$ 20,485.48	$4,097.10
Probation Violation	152	253	$179,410.71	205	$ 157,179.24	$766.73	152	205	$ 157,179.24	$766.73
Represent Witness on 5th Amendment	0	2	$315.00	2	$ 945.12	$472.56	0	2	$ 945.12	$472.56
Resource Counsel Criminal	2	3	$5,145.00	3	$ 4,995.00	$1,665.00	2	3	$ 4,995.00	$1,665.00
Resource Counsel Juvenile	0	2	$1,245.00	3	$ 7,738.00	$2,579.33	0	3	$ 7,738.00	$2,579.33
Resource Counsel Mental Health	0	0		1	$ 75.00	$75.00	0	1	$ 75.00	$75.00
Resource Counsel NCR	2	2	$391.25	0			2	0		
Resource Counsel Protective Custody	0	2	$885.00	1	$ 555.00	$555.00	0	1	$ 555.00	$555.00
Review of Child Protection Order	0	2	$615.00	2	$ 1,185.00	$592.50	0	2	$ 1,185.00	$592.50
Revocation of Administrative Release	0	3	$375.00	1	$ 195.00	$195.00	0	1	$ 195.00	$195.00
Weapons Restrictions Case	4	3	$2,070.00	12	$ 2,085.00	$173.75	4	12	$ 2,085.00	$173.75
TOTAL	**2,238**	**4,443**	**$4,330,963.15**	**4,502**	**$ 4,273,403.34**	**$949.22**	**2,238**	**4,502**	**$ 4,273,403.34**	**$949.22**

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

Activity Report by Court

7/31/2026

	Jul-26						Fiscal Year 2027			
Court	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	1	4	$3,739.18	5	$ 6,154.88	$1,230.98	1	5	$ 6,154.88	$1,230.98
AUBSC	1	2	$5,955.00	3	$ 6,378.40	$2,126.13	1	3	$ 6,378.40	$2,126.13
AUGDC	16	57	$103,047.75	50	$ 73,016.71	$1,460.33	16	50	$ 73,016.71	$1,460.33
AUGSC	2	4	$5,134.03	4	$ 9,098.03	$2,274.51	2	4	$ 9,098.03	$2,274.51
BANDC	16	71	$90,875.40	70	$ 76,593.00	$1,094.19	16	70	$ 76,593.00	$1,094.19
BANSC	0	0		0			0	0		
BATSC	1	0		0			1	0		
BELDC	13	20	$22,184.51	30	$ 36,277.34	$1,209.24	13	30	$ 36,277.34	$1,209.24
BELSC	0	0		0			0	0		
BIDDC	54	97	$103,162.90	120	$ 132,032.82	$1,100.27	54	120	$ 132,032.82	$1,100.27
BRIDC	6	15	$23,535.82	18	$ 10,661.06	$592.28	6	18	$ 10,661.06	$592.28
CALDC	5	8	$4,995.00	5	$ 4,065.00	$813.00	5	5	$ 4,065.00	$813.00
CARDC	3	26	$20,673.70	20	$ 23,236.30	$1,161.82	3	20	$ 23,236.30	$1,161.82
CARSC	0	1	$1,065.00	1	$ 1,065.00	$1,065.00	0	1	$ 1,065.00	$1,065.00
DOVDC	1	6	$8,596.40	6	$ 9,996.76	$1,666.13	1	6	$ 9,996.76	$1,666.13
DOVSC	0	0		0			0	0		
ELLDC	4	53	$49,413.10	54	$ 49,861.50	$923.36	4	54	$ 49,861.50	$923.36
ELLSC	0	0		0			0	0		
FARDC	5	19	$26,216.80	17	$ 19,286.48	$1,134.50	5	17	$ 19,286.48	$1,134.50
FARSC	1	0		0			1	0		
FORDC	3	6	$3,945.16	7	$ 5,160.16	$737.17	3	7	$ 5,160.16	$737.17
HOUDC	1	15	$14,160.00	12	$ 9,960.00	$830.00	1	12	$ 9,960.00	$830.00
HOUSC	0	0		0			0	0		
LEWDC	36	137	$181,309.92	151	$ 209,603.07	$1,388.10	36	151	$ 209,603.07	$1,388.10
LINDC	2	14	$21,751.84	11	$ 18,158.76	$1,650.80	2	11	$ 18,158.76	$1,650.80
MACDC	2	10	$17,972.76	11	$ 18,521.00	$1,683.73	2	11	$ 18,521.00	$1,683.73
MACSC	0	0		0			0	0		
MADDC	0	0		0			0	0		
MILDC	0	1	$2,004.88	0			0	0		
NEWDC	1	23	$19,727.00	18	$ 24,873.78	$1,381.88	1	18	$ 24,873.78	$1,381.88
PORDC	30	104	$81,909.09	122	$ 120,140.98	$984.76	30	122	$ 120,140.98	$984.76
PORSC	0	0		0			0	0		
PREDC	2	27	$21,259.28	24	$ 13,609.28	$567.05	2	24	$ 13,609.28	$567.05
ROCDC	2	16	$30,116.60	15	$ 22,973.38	$1,531.56	2	15	$ 22,973.38	$1,531.56
ROCSC	0	1	$855.00	0			0	0		
RUMDC	1	25	$21,730.93	25	$ 22,923.29	$916.93	1	25	$ 22,923.29	$916.93
SKODC	11	48	$61,181.41	51	$ 55,187.88	$1,082.12	11	51	$ 55,187.88	$1,082.12
SKOSC	0	1	$2,325.00	0			0	0		
SOUDC	4	18	$20,802.99	19	$ 22,463.76	$1,182.30	4	19	$ 22,463.76	$1,182.30
SOUSC	3	1	$22,761.80	0			3	0		
SPRDC	3	2	$2,325.00	3	$ 3,300.00	$1,100.00	3	3	$ 3,300.00	$1,100.00
Law Ct	17	65	$131,968.65	51	$ 113,035.25	$2,216.38	17	51	$ 113,035.25	$2,216.38
Training	78	89	$26,972.09	142	$ 41,881.51	$294.94	78	142	$ 41,881.51	$294.94
YORCD	319	525	$455,038.98	562	$ 503,110.87	$895.22	319	562	$ 503,110.87	$895.22
AROCD	84	220	$164,290.21	175	$ 127,379.17	$727.88	84	175	$ 127,379.17	$727.88
ANDCD	178	282	$247,934.13	278	$ 212,554.46	$764.58	178	278	$ 212,554.46	$764.58
KENCD	220	395	$336,520.55	304	$ 261,890.81	$861.48	220	304	$ 261,890.81	$861.48
PENCD	195	416	$446,895.53	430	$ 362,335.89	$842.64	195	430	$ 362,335.89	$842.64
SAGCD	38	68	$85,066.92	68	$ 67,763.12	$996.52	38	68	$ 67,763.12	$996.52
WALCD	50	103	$93,459.39	110	$ 116,732.12	$1,061.20	50	110	$ 116,732.12	$1,061.20
PISCD	16	29	$24,593.74	35	$ 24,780.20	$708.01	16	35	$ 24,780.20	$708.01
HANCD	44	60	$39,081.79	71	$ 44,154.12	$621.89	44	71	$ 44,154.12	$621.89
FRACD	35	63	$72,159.01	55	$ 51,997.77	$945.41	35	55	$ 51,997.77	$945.41
WASCD	38	37	$47,777.06	61	$ 71,309.30	$1,169.00	38	61	$ 71,309.30	$1,169.00
CUMCD	377	699	$665,920.09	731	$ 716,251.55	$979.82	377	731	$ 716,251.55	$979.82
KNOCD	71	137	$120,518.62	147	$ 137,819.56	$937.55	71	147	$ 137,819.56	$937.55
SOMCD	89	137	$106,894.14	114	$ 103,371.39	$906.77	89	114	$ 103,371.39	$906.77
OXFCD	63	129	$133,812.36	137	$ 165,608.06	$1,208.82	63	137	$ 165,608.06	$1,208.82
LINCD	46	50	$45,496.61	47	$ 38,246.74	$813.76	46	47	$ 38,246.74	$813.76
WATDC	17	21	$17,703.14	27	$ 22,258.22	$824.38	17	27	$ 22,258.22	$824.38
WESDC	7	23	$26,456.08	29	$ 48,272.64	$1,664.57	7	29	$ 48,272.64	$1,664.57
WISDC	1	10	$20,695.64	7	$ 11,320.64	$1,617.23	1	7	$ 11,320.64	$1,617.23
WISSC	0	0		0			0	0		
YORDC	2	20	$9,438.50	15	$ 6,319.04	$421.27	2	15	$ 6,319.04	$421.27
TOTAL	2,238	4,443	$4,330,963.15	4,502	$4,273,403.34	$949.22	2,238	4,502	$4,273,403.34	$949.22

STATEMENT OF ALLOTMENTS/BUDGET
Maine Commission on Public Defense Services
FY26 As of 07/31/2026

Fund Approp Account Name	Quarter 1		Quarter 2		Quarter 3		Quarter 4		Total	
GENERAL										
010 Z11201 MAINE COMMISSI	1	2	1	2	1	2	1	2	1	2
Object Class	PS	AO	PS	AO	PS	AO	PS	AO	PS	AO
Budget/Allotmen	3,506,726.00	20,727,271.00	3,505,726.00	17,835,373.00	3,091,679.00	10,216,720.00	1,864,595.00	2,598,061.00	11,968,726.00	51,377,425.00
Expenditures to date	(1,130,495.08)	(4,897,429.00)	-	-	-	-	-	-	(1,130,495.08)	(4,897,429.00)
Encumbrances		(1,637,351.36)		-		-		-		(1,637,351.36)
Total Available Allotment	*2,376,230.92*	*14,192,490.64*	*3,505,726.00*	*17,835,373.00*	*3,091,679.00*	*10,216,720.00*	*1,864,595.00*	*2,598,061.00*	*10,838,230.92*	*44,842,644.64*

OTHER SPECIAL REVENUE FUNDS	Quarter 1		Quarter 2		Quarter 3		Quarter 4		Total	
014 Z11201 MAINE COMMISSI	1	2	1	2	1	2	1	2	1	2
Object Class	PS	AO	PS	AO	PS	AO	PS	AO	PS	AO
Budget/Allotment	-	350,000.00	-	-	-	-	-	-	-	350,000.00
Expenditures to date	-	-	-	-	-	-	-	-	-	-
Encumbrances		-		-		-		-		-
Total Available Allotment	*-*	*350,000.00*	*-*	*-*	*-*	*$0.00*	*-*	*$0.00*	*-*	*$350,000.00*

		PS	All Other Expenditures														Total All Other	Expenditures
			PROF. SERVICES, NOT BY STATE	PROF. SERVICES, BY STATE	TRAVEL EXPENSES, IN STATE	EXPENSES, OUT OF STATE	RENTS	INSURANCE	GENERAL OPERATIONS	EMPLOYEE TRAINING	COMMODITIES - FOOD	TECHNOLOGY	EQUIPMENT AND TECHNOLOGY	OFFICE & OTHER SUPPLIES	LABOR AND INS CLIENT BENEFITS	TELECOMMU NICATIONS		
		31-39	40	41	42	43	46	48	49	50	51	53	55	56	65	95		
Budget		11,968,726.00	31,236,230.00	18,705,152.00	236,350.00	-	258,377.00	3,760.00	67,385.00	8,400.00	234.00	696,467.00	23,299.00	136,771.00	-	5,000.00	51,377,425.00	63,346,151.00
Jul-25	1	1,130,495.08	4,483,733.02	26,389.62	5,409.89	157.68	143,875.85	31,213.82	149,345.15	50.00	-	55,568.42	-	1,314.81	370.74	-	4,897,429.00	6,027,924.08
Aug-25	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sep-25	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Oct-25	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nov-25	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dec-25	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Jan-26	7	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Feb-26	8	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mar-26	9	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Apr-26	10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
May-26	11	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Jun-26	12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Expenditures		***1,130,495.08***	***4,483,733.02***	***26,389.62***	***5,409.89***	***157.68***	***143,875.85***	***31,213.82***	***149,345.15***	***50.00***	***-***	***55,568.42***	***-***	***1,314.81***	***370.74***	***-***	***4,897,429.00***	***6,027,924.08***
Encumbrances			1,500,048.72	-	-	-	-	-	534.03	8,000.00	233.64	39,053.21	-	89,481.76	-	-	1,637,351.36	1,637,351.36
Estimated Remaining Expenses																	-	-
Total Estimated Expenses		***1,130,495.08***	***5,983,781.74***	***26,389.62***	***5,409.89***	***157.68***	***143,875.85***	***31,213.82***	***149,879.18***	***8,050.00***	***233.64***	***94,621.63***	***-***	***90,796.57***	***370.74***	***-***	***6,534,780.36***	***7,665,275.44***
Remaining Funds Available		**10,838,230.92**	**25,252,448.26**	**18,678,762.38**	**230,940.11**	**(157.68)**	**114,501.15**	**(27,453.82)**	**(82,494.18)**	**350.00**	**0.36**	**601,845.37**	**23,299.00**	**45,974.43**	**(370.74)**	**5,000.00**	**44,842,644.64**	**55,680,875.56**

Sum of Expended Amount		Fund 010 Z11201	Approp Grand Total
Object Revenue	Object Name		
4003	ACCOUNT & AUDIT SERVICES	8,544.75	8,544.75
4005	READER & INTERPRETER SERV	18,479.01	18,479.01
4031	INSPECT & INVESTIGATION	56,798.16	56,798.16
4040	COURT APPOINTED ATTORNEYS	4,273,103.34	4,273,103.34
4042	LEGAL SERVICES	26,738.14	26,738.14
4047	PSYCHOLOGICAL EXAMINATION	42,340.40	42,340.40
4075	CASE MANAGEMENT SERVICES	31,913.69	31,913.69
4096	CONTRACTUAL EMPLOYEE	17,859.21	17,859.21
4099	MISC PROF FEES & SPEC SRV	6,042.89	6,042.89
4105	SERVICE CENTER	26,389.62	26,389.62
4270	AUTO MILEAGE-GEN IN STATE	4,854.37	4,854.37
4271	OTHER TRANSPORTATION	23.87	23.87
4273	HOTEL ROOM & LODGING	433.67	433.67
4274	MEALS AND GRATUITIES	97.98	97.98
4398	OUT OF STATE TRAVEL ADV.	157.68	157.68
4606	RENT BUILDINGS AND OFFICE	143,875.85	143,875.85
4801	INSURANCE ON BUILDINGS	171.82	171.82
4825	GENERAL LIABILITY INSUR	30,870.00	30,870.00
4901	STAMPS	44.70	44.70
4911	POSTAGE	868.71	868.71
4913	INTRAGOVERNMENTAL SERVICE	105.16	105.16
4922	WASTE RECYCLING	31.50	31.50
4929	PRINTING AND BINDING	62.16	62.16
4930	TRANSCRIPTS	26,435.11	26,435.11
4959	EXPERT WITNESS FEES	120,739.65	120,739.65
4969	WITNESS FEES	418.16	418.16
4983	DUES	640.00	640.00
5001	REGISTRATION FEE-NON STATE	50.00	50.00
5301	OIT PROFESSIONAL CHARGES	1,032.94	1,032.94
5302	TELEPHONE SERVICE	1,855.75	1,855.75
5304	CELLULAR PHONE SERVICE	1,690.18	1,690.18
5310	IT END USER SERVICES	18,614.58	18,614.58
5312	IT CONSULTING-NON STATE	16,623.00	16,623.00
5315	IT APPLICATIONS-BY STATE	5,208.81	5,208.81
5331	NETWORK ACCESS	145.62	145.62
5341	LEASE PURCHASE HARDWARE/SYSTEM	1,352.58	1,352.58
5355	SOFTWARE MAINT / LICENSES	7,973.27	7,973.27
5370	MINOR IT EQUIPMENT	1,071.69	1,071.69
5600	OFFICE & OTHER SUPPLIES	74.43	74.43
5602	OFFICE SUPPLIES	772.38	772.38
5654	ERGONOMIC OFFICE EQUIP	468.00	468.00
4049	SUBPOENA SERVICE	1,913.43	1,913.43
4841	EMPLOYEES BONDS	172.00	172.00
6501	UNEMPLOYMENT COMP BENEFIT	370.74	370.74
Grand Total		**4,897,429.00**	**4,897,429.00**

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

August 2026 Operations Report

- 2,417 new cases were opened in the defenderData system. This was a 179 case increase from July. Year to date, new cases are down by 11.1% from last year, from 5,227 at this time last year to 4,642 this year.

- The number of vouchers submitted electronically was 4,416, a decrease of 27 vouchers from July, totaling $3,977,066, a decrease of $353,897 from July. Year to date, the number of submitted vouchers is down by 3.9% from 9,125 at this time last year to 8,762 this year, with the total amount for submitted vouchers down 5.8%, from $8,702,499 at this time last year to $8,192,227 this year.

- We paid 4,347 electronic vouchers totaling $4,099,652 representing a decrease of 155 vouchers and a decrease of $173,751 compared to July. Year to date, the number of paid vouchers is up 1.3%, from 8,728 vouchers at this time last year to 8,849 this year, and the total amount paid is down 1.5%, from $8,508,112 this time last year to $8,373,055 this year.

- The average price per voucher was $943.10, down $6.12 per voucher from July. Year to date, the average price per voucher is down 2.9%, from $974.81 at this time last year to $946.21 this year.

- Appeal and Drug Court had the highest average voucher total. There were 15 vouchers exceeding $10,000 paid in August. See attached addendum for details.

- We issued 143 authorizations to expend funds: 50 Private investigators, 73 for experts, and 20 for miscellaneous services such as interpreters, transcriptionists, polygraph exams, and paralegals. We paid $300,954 for experts and investigators, etc. One was denied.

- There were no attorney suspensions.

- In the All Other Account, the total expenses were $4,489,472. Approximately $88,865 was devoted to the Commission's operating expenses.

- In the Personal Services Accounts, we had $805,816 in expenses.

- In the Revenue Account, the Judicial Branch transferred $34,997 for counsel fee payments.

- As of September 16, 2026, there are 186 rostered attorneys of which 122 are available for trial court level work.

- For the first 2 months of this fiscal year, paid hours are down 13% over the same 2-month period last year. August 2026 paid hours are 8.8% lower than August 2025 paid hours.

Paid Hours													
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	**Yearly Total**
FY22	27215	20122	23699	19917	20289	14422	15689	21060	30339	19984	19176	21343	253,255
FY23	19654	22596	21511	21151	20771	19576	23786	18811	22669	19232	27112	22334	259,203
FY24	21550	25799	21317	25400	19983	16857	31200	25274	23804	28726	24288	22486	286,684
FY25	24574	24296	20907	29382	26430	28126	24409	24710	23162	27051	26447	26588	306,081
FY26	30347	26144	29265	26275	21122	29574	27069	25410	38542	20562	24935	26572	325,817
FY27	28773	22744											51,517

Vouchers over $10,000 - August 2026

Comment	Voucher Total	Case Total
Homicide	$32,620.88	$40,714.18
Homicide Appeal	$19,710.00	$19,710.00
Homicide	$18,168.52	$18,168.52
Homicide	$17,975.10	$20,907.60
Homicide	$17,857.45	$17,857.45
Elevated Aggravated Assault	$17,528.27	$30,206.03
Aggravated Forgery	$15,096.04	$15,096.04
Domestic Violence Assault	$14,686.04	$14,686.04
Domestic Violence Reckless Conduct	$14,588.07	$14,588.07
Homicide	$11,655.00	$15,984.44
Manslaughter	$11,622.42	$11,622.42
Aggravated Assault	$10,940.92	$10,940.92
Domestic Violence Assault	$10,803.50	$10,803.50
Gross Sexual Assault	$10,104.00	$10,104.00
Child Protection Petition	$10,020.00	$10,020.00

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

Activity Report by Case Type

8/31/2026

DefenderData Case Type	Aug-26 New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Fiscal Year 2027 Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	11	43	$131,820.38	68	$ 162,780.26	$2,393.83	28	120	$ 276,025.51	$2,300.21
Central Office Resource Counsel	0	1	$240.00	2	$ 480.00	$240.00	0	5	$ 930.05	$186.01
Child Protection Petition	117	569	$631,990.50	559	$ 696,340.14	$1,245.69	207	1,156	$ 1,472,557.65	$1,273.84
Drug Court	5	18	$40,442.40	20	$ 43,755.96	$2,187.80	9	42	$ 106,435.52	$2,534.18
Emancipation	7	8	$5,914.33	7	$ 4,422.00	$631.71	12	17	$ 9,708.58	$571.09
Felony	637	1,471	$1,621,308.96	1,513	$ 1,699,646.08	$1,123.36	1,237	2,906	$ 3,278,666.13	$1,128.24
Involuntary Civil Commitment	7	14	$2,640.00	14	$ 2,640.00	$188.57	7	18	$ 4,483.32	$249.07
Juvenile	118	174	$141,452.26	174	$ 145,393.49	$835.59	213	355	$ 311,805.91	$878.33
Lawyer of the Day - Custody	259	266	$189,146.65	240	$ 162,713.07	$677.97	539	524	$ 367,562.16	$701.45
Lawyer of the Day - Juvenile	2	1	$450.00	0			2	2	$ 795.00	$397.50
Lawyer of the Day - Walk-in	127	126	$80,186.09	97	$ 62,915.77	$648.62	237	238	$ 150,333.41	$631.65
PDS Provided Training	187	117	$17,647.50	22	$ 3,855.00	$175.23	265	166	$ 44,761.51	$269.65
Misdemeanor	796	1,317	$910,130.12	1,329	$ 907,101.84	$682.54	1,575	2,732	$ 1,916,482.17	$701.49
Petition, Modified Release Treatment	0	2	$1,725.00	3	$ 2,655.00	$885.00	0	7	$ 12,682.98	$1,811.85
Petition, Release or Discharge	0	0		0			0	0		
Petition,Termination of Parental Rights	0	1	$1,335.00	0			0	1	$ 766.00	$766.00
Post Conviction Review	3	27	$27,734.02	23	$ 22,585.00	$981.96	6	49	$ 41,253.21	$841.90
Probate	1	7	$8,880.82	3	$ 5,580.82	$1,860.27	4	8	$ 26,066.30	$3,258.29
Probation Violation	136	240	$156,589.04	255	$ 169,654.16	$665.31	290	460	$ 326,833.40	$710.51
Represent Witness on 5th Amendment	0	0		2	$ 315.00	$157.50	0	4	$ 1,260.12	$315.03
Resource Counsel Criminal	1	2	$810.00	2	$ 1,140.00	$570.00	3	5	$ 6,135.00	$1,227.00
Resource Counsel Juvenile	0	2	$165.00	1	$ 60.00	$60.00	0	4	$ 7,798.00	$1,949.50
Resource Counsel Mental Health	0	0		0			0	1	$ 75.00	$75.00
Resource Counsel NCR	2	2	$255.00	4	$ 646.25	$161.56	4	4	$ 646.25	$161.56
Resource Counsel Protective Custody	0	1	$690.00	2	$ 1,020.00	$510.00	0	3	$ 1,575.00	$525.00
Review of Child Protection Order	0	3	$3,727.52	3	$ 3,517.52	$1,172.51	0	5	$ 4,702.52	$940.50
Revocation of Administrative Release	1	1	$60.00	3	$ 240.00	$80.00	1	4	$ 435.00	$108.75
Weapons Restrictions Case	0	3	$1,726.26	1	$ 195.00	$195.00	3	13	$ 2,280.00	$175.38
TOTAL	**2,417**	**4,416**	**$3,977,066.85**	**4,347**	**$ 4,099,652.36**	**$943.10**	**4,642**	**8,849**	**$ 8,373,055.70**	**$946.21**

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

Activity Report by Court

8/31/2026

	Aug-26						Fiscal Year 2027			
Court	**New Cases**	**Vouchers Submitted**	**Submitted Amount**	**Vouchers Paid**	**Approved Amount**	**Average Amount**	**Cases Opened**	**Vouchers Paid**	**Amount Paid**	**Average Amount**
ALFSC	0	1	$435.00	2	$ 1,660.54	$830.27	1	7	$7,815.42	$1,116.49
AUBSC	3	0		1	$ 750.00	$750.00	4	4	$7,128.40	$1,782.10
AUGDC	20	49	$57,681.97	48	$ 81,049.36	$1,688.53	36	92	$151,456.07	$1,646.26
AUGSC	2	4	$2,238.00	7	$ 3,559.25	$508.46	4	11	$12,657.28	$1,150.66
BANDC	23	80	$63,000.00	45	$ 47,934.15	$1,065.20	39	115	$124,527.15	$1,082.84
BANSC	0	0		0			0	0		
BATSC	0	0		0			1	0		
BELDC	7	19	$19,480.21	18	$ 15,933.02	$885.17	20	48	$52,210.36	$1,087.72
BELSC	0	1	$210.00	1	$ 210.00	$210.00	0	1	$210.00	$210.00
BIDDC	46	84	$64,640.24	86	$ 61,390.10	$713.84	94	206	$193,422.92	$938.95
BRIDC	8	13	$9,092.70	9	$ 13,192.68	$1,465.85	14	27	$23,853.74	$883.47
CALDC	2	13	$10,325.92	17	$ 12,935.92	$760.94	7	22	$17,000.92	$772.77
CARDC	5	24	$23,353.56	34	$ 26,297.56	$773.46	8	54	$49,533.86	$917.29
CARSC	0	1	$270.00	1	$ 270.00	$270.00	0	2	$1,335.00	$667.50
DOVDC	6	10	$9,075.52	9	$ 10,156.40	$1,128.49	7	15	$20,153.16	$1,343.54
DOVSC	0	0		0			0	0		
ELLDC	6	49	$29,939.64	43	$ 31,530.52	$733.27	10	97	$81,392.02	$839.09
ELLSC	0	0		0			0	0		
FARDC	11	18	$12,019.31	22	$ 19,248.26	$874.92	16	39	$38,534.74	$988.07
FARSC	0	2	$540.00	2	$ 540.00	$ 270.00	1	2	$540.00	$270.00
FORDC	0	8	$5,835.00	10	$ 7,110.00	$711.00	3	17	$12,270.16	$721.77
HOUDC	1	12	$19,785.72	16	$ 24,210.72	$1,513.17	2	28	$34,170.72	$1,220.38
HOUSC	0	0		0			0	0		
LEWDC	47	119	$147,836.38	147	$ 186,973.15	$1,271.93	83	298	$396,576.22	$1,330.79
LINDC	0	15	$20,652.08	7	$ 16,926.20	$2,418.03	2	18	$35,084.96	$1,949.16
MACDC	2	14	$14,127.48	12	$ 15,124.92	$1,260.41	4	23	$33,645.92	$1,462.87
MACSC	0	0		0			0	0		
MADDC	0	0		0			0	0		
MILDC	0	1	$1,551.96	1	$ 2,004.88	$2,004.88	0	1	$2,004.88	$2,004.88
NEWDC	1	23	$19,331.28	16	$ 17,578.28	$1,098.64	2	34	$42,452.06	$1,248.59
PORDC	46	123	$137,238.10	108	$ 112,751.96	$1,044.00	69	230	$232,892.94	$1,012.58
PORSC	2	5	$1,620.00	4	$ 1,380.00	$345.00	2	4	$1,380.00	$345.00
PREDC	2	12	$12,510.00	19	$ 21,240.00	$1,117.89	4	43	$34,849.28	$810.45
ROCDC	1	11	$12,707.52	14	$ 20,936.40	$1,495.46	3	29	$43,909.78	$1,514.13
ROCSC	0	1	$105.00	2	$ 960.00	$480.00	0	2	$960.00	$480.00
RUMDC	4	23	$21,317.00	25	$ 25,074.64	$1,002.99	5	50	$47,997.93	$959.96
SKODC	17	46	$59,562.91	49	$ 73,452.91	$1,499.04	28	100	$128,640.79	$1,286.41
SKOSC	1	1	$600.00	2	$ 2,925.00	$1,462.50	1	2	$2,925.00	$1,462.50
SOUDC	5	11	$11,131.50	13	$ 13,469.99	$1,036.15	9	32	$35,933.75	$1,122.93
SOUSC	0	4	$2,370.23	4	$ 2,370.23	$592.56	3	4	$2,370.23	$592.56
SPRDC	2	2	$1,635.00	2	$ 1,980.00	$990.00	5	5	$5,280.00	$1,056.00
Law Ct	10	41	$126,657.16	64	$ 157,872.35	$2,466.76	27	115	$270,907.60	$2,355.72
Training	185	117	$18,277.50	26	$ 5,355.00	$205.96	263	168	$47,236.51	$281.17
YORCD	268	495	$499,683.41	467	$ 450,074.54	$963.76	588	1,029	$953,185.41	$926.32
AROCD	120	176	$113,063.49	253	$ 165,942.39	$655.90	203	428	$293,321.56	$685.33
ANDCD	172	369	$317,001.04	350	$ 296,735.15	$847.81	350	628	$509,289.61	$810.97
KENCD	213	340	$250,015.07	397	$ 309,999.32	$780.85	432	707	$574,500.13	$812.59
PENCD	248	389	$367,373.26	386	$ 414,929.52	$1,074.95	442	816	$777,265.41	$952.53
SAGCD	29	71	$57,781.78	69	$ 65,420.56	$948.12	67	137	$133,183.68	$972.14
WALCD	61	92	$92,216.14	103	$ 114,515.50	$1,111.80	111	213	$231,247.62	$1,085.67
PISCD	22	28	$15,865.93	14	$ 6,382.69	$455.91	38	49	$31,162.89	$635.98
HANCD	43	75	$56,697.13	67	$ 51,877.83	$774.30	88	138	$96,031.95	$695.88
FRACD	25	41	$53,952.10	51	$ 56,631.88	$1,110.43	60	106	$108,629.65	$1,024.81
WASCD	46	62	$63,323.22	41	$ 27,550.66	$671.97	84	102	$98,859.96	$969.22
CUMCD	399	740	$682,052.86	677	$ 631,703.51	$933.09	777	1,408	$1,347,955.06	$957.35
KNOCD	79	138	$92,735.10	133	$ 99,987.09	$751.78	150	280	$237,806.65	$849.31
SOMCD	74	128	$112,703.63	139	$ 116,704.35	$839.60	163	253	$220,075.74	$869.86
OXFCD	65	133	$103,008.55	123	$ 101,974.96	$829.06	128	260	$267,583.02	$1,029.17
LINCD	27	64	$56,418.83	68	$ 54,292.52	$798.42	73	115	$92,539.26	$804.69
WATDC	18	39	$39,177.31	36	$ 33,987.89	$944.11	35	63	$56,246.11	$892.80
WESDC	5	27	$26,126.98	27	$ 19,064.70	$706.10	12	56	$67,337.34	$1,202.45
WISDC	1	6	$8,769.88	9	$ 14,438.96	$1,604.33	2	16	$25,759.60	$1,609.98
WISSC	0	0		0			0	0		
YORDC	6	10	$3,082.40	16	$ 8,117.76	$507.36	8	31	$14,436.80	$465.70
TOTAL	**2,416**	**4,416**	**$3,977,066.85**	**4,347**	**$4,099,652.36**	**$943.10**	**4,641**	**8,849**	**$8,373,055.70**	**$946.21**

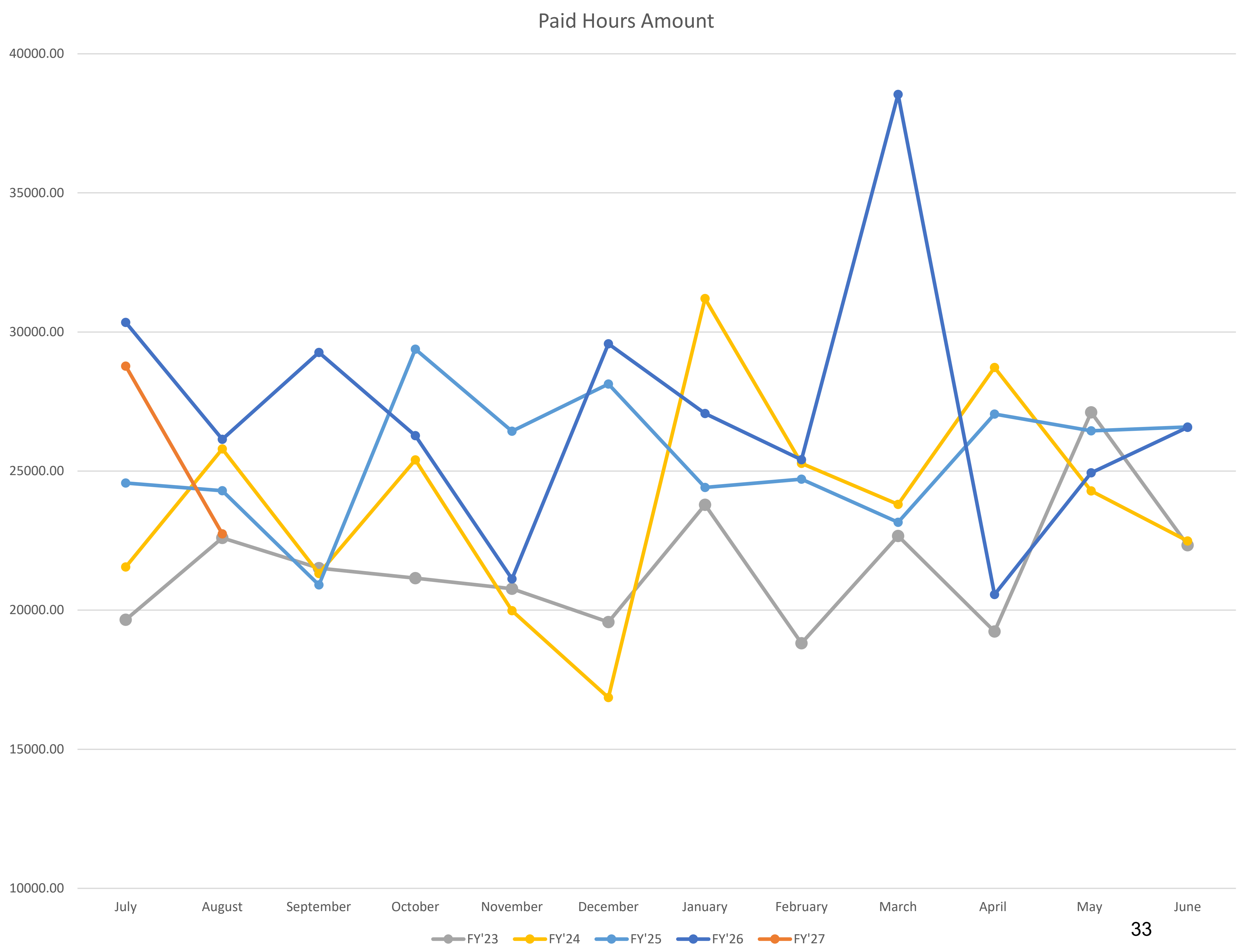
STATEMENT OF ALLOTMENTS/BUDGET
Maine Commission on Public Defense Services
FY26 As of 08/31/2026

Fund Appro| Account Name	Quarter 1		Quarter 2		Quarter 3		Quarter 4		Total	
GENERAL 010 Z11201										
	1	2	1	2	1	2	1	2	1	2
Object Class	PS	AO	PS	AO	PS	AO	PS	AO	PS	AO
Budget/Allo	3,506,726.00	20,660,959.00	3,505,726.00	17,835,373.00	3,091,679.00	10,216,720.00	1,864,595.00	2,598,061.00	11,968,726.00	51,311,113.00
Expenditures to date	(1,936,311.58)	(9,386,834.84)	-	-	-	-	-	-	(1,936,311.58)	(9,386,834.84)
Encumbrances		(1,534,039.96)		-		-		-		(1,534,039.96)
Total Available Allotment	*1,570,414.42*	*9,740,084.20*	*3,505,726.00*	*17,835,373.00*	*3,091,679.00*	*10,216,720.00*	*1,864,595.00*	*2,598,061.00*	*10,032,414.42*	*40,390,238.20*

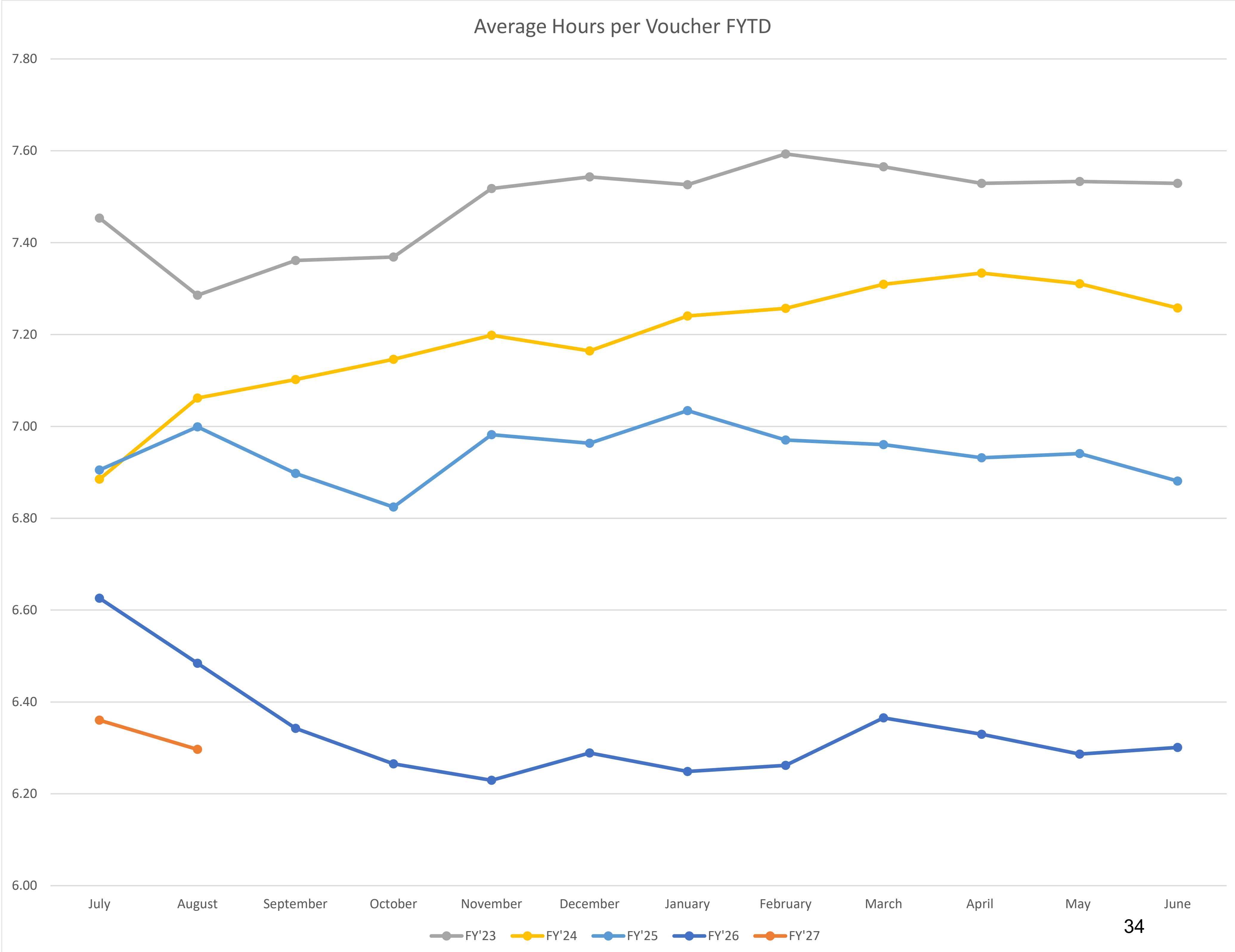
OTHER SPECIAL REVENUE F 014 Z11201	Quarter 1		Quarter 2		Quarter 3		Quarter 4		Total	
	1	2	1	2	1	2	1	2	1	2
Object Class	PS	AO	PS	AO	PS	AO	PS	AO	PS	AO
Budget/Allotment	-	350,000.00	-	-	-	-	-	-	-	350,000.00
Expenditures to date	-	(66.41)	-	-	-	-	-	-	-	(66.41)
Encumbrances		-		-		-		-		-
Total Available Allotment	*-*	*349,933.59*	*-*	*-*	*-*	*$0.00*	*-*	*$0.00*	*-*	*$349,933.59*

		PS	All Other Expenditures															Total All Other	Expenditures
			PROF. SERVICES, NOT BY STATE	PROF. SERVICES, BY STATE	TRAVEL EXPENSES, IN STATE	EXPENSES, OUT OF STATE	RENTS	INSURANCE	GENERAL OPERATIONS	EMPLOYEE TRAINING	COMMODITIES - FOOD	TECHNOLOGY	EQUIPMENT AND TECHNOLOGY	OFFICE & OTHER SUPPLIES	LABOR AND INS CLIENT BENEFITS	ASSISTANCE AND RELIEF GRANT	TELECOMMU NICATIONS		
		31-39	**40**	**41**	**42**	**43**	**46**	**48**	**49**	**50**	**51**	**53**	**55**	**56**	**65**	**67**	**95**		
Budget		11,968,726.00	31,177,918.00	18,705,152.00	236,350.00	-	258,377.00	3,760.00	67,385.00	400.00	234.00	696,467.00	23,299.00	136,771.00	-	-	5,000.00	51,311,113.00	63,279,839.00
Jul-26	1	1,130,495.08	4,483,733.02	26,389.62	5,409.89	157.68	143,875.85	31,213.82	149,345.15	50.00	-	55,568.42	-	1,314.81	370.74	-	-	4,897,429.00	6,027,924.08
Aug-26	2	805,816.50	4,281,587.36	350.00	4,401.08	-	2,210.00	-	147,771.23	230.00	-	50,309.19	-	2,540.44	-	6.54	-	4,489,405.84	5,295,222.34
Sep-26	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Oct-26	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nov-26	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dec-26	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Jan-27	7	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Feb-27	8	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mar-27	9	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Apr-27	10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
May-27	11	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Jun-27	12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Expenditures		***1,936,311.58***	***8,765,320.38***	***26,739.62***	***9,810.97***	***157.68***	***146,085.85***	***31,213.82***	***297,116.38***	***280.00***	***-***	***105,877.61***	***-***	***3,855.25***	***370.74***	***6.54***	***-***	***9,386,834.84***	***11,323,146.42***
Encumbrances			1,405,869.32	-	-	-	-	-	534.03	8,000.00	233.64	29,921.21	-	89,481.76	-	-	-	1,534,039.96	1,534,039.96
Estimated Remaining Expenses																		-	-
Total Estimated Expenses		***1,936,311.58***	***10,171,189.70***	***26,739.62***	***9,810.97***	***157.68***	***146,085.85***	***31,213.82***	***297,650.41***	***8,280.00***	***233.64***	***135,798.82***	***-***	***93,337.01***	***370.74***	***6.54***	***-***	***10,920,874.80***	***12,857,186.38***
Remaining Funds Available		**10,032,414.42**	**21,006,728.30**	**18,678,412.38**	**226,539.03**	**(157.68)**	**112,291.15**	**(27,453.82)**	**(230,265.41)**	**(7,880.00)**	**0.36**	**560,668.18**	**23,299.00**	**43,433.99**	**(370.74)**	**(6.54)**	**5,000.00**	**40,390,238.20**	**50,422,652.62**

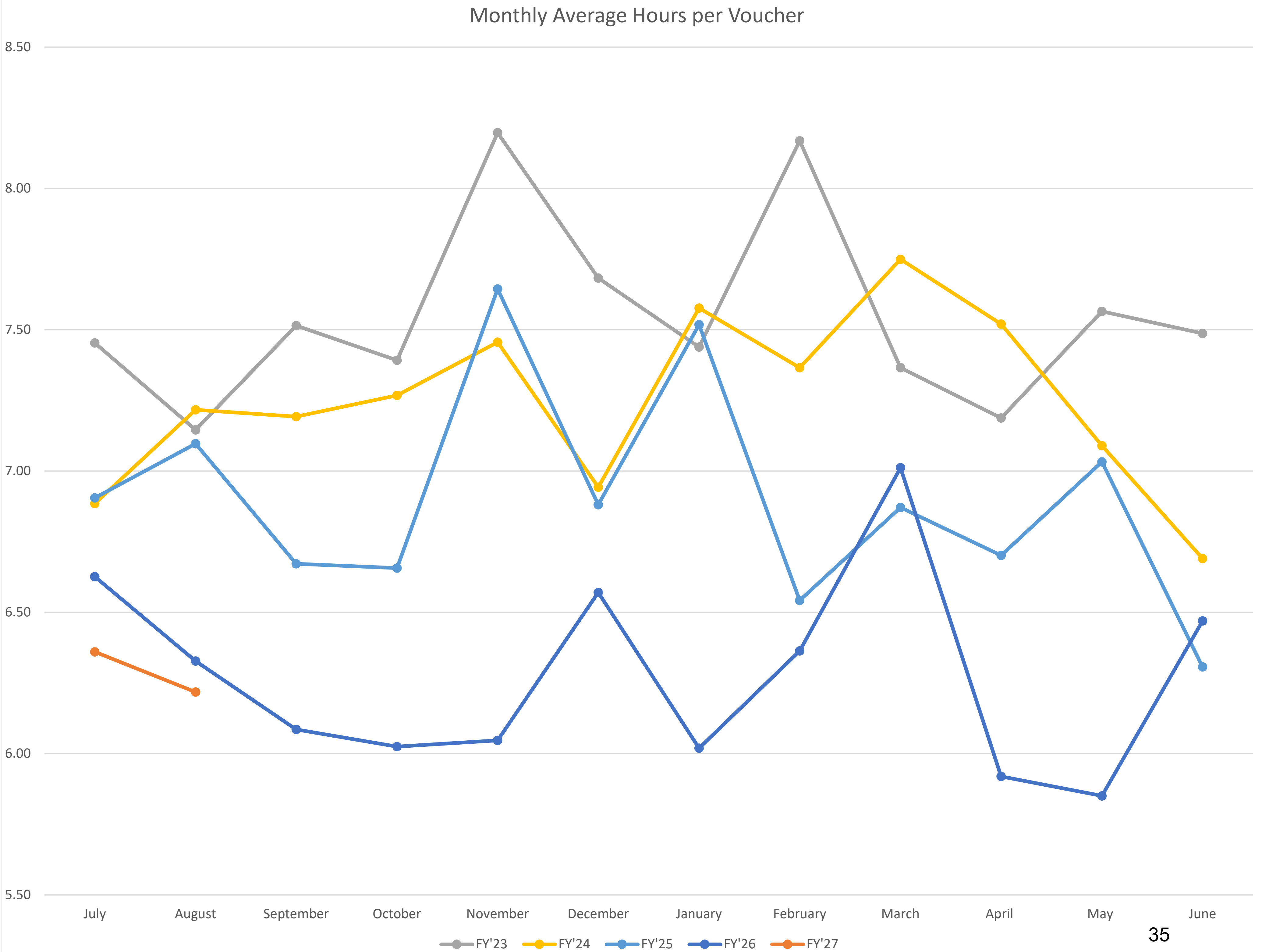
Sum of Expended Amount		Fund 010 Z11201	Approp 014 Z11201	Grand Total
Object Revenue	**Object Name**			
4003	ACCOUNT & AUDIT SERVICES	2,421.00		2,421.00
4005	READER & INTERPRETER SERV	9,742.40		9,742.40
4031	INSPECT & INVESTIGATION	31,355.98		31,355.98
4040	COURT APPOINTED ATTORNEYS	4,099,652.36		4,099,652.36
4042	LEGAL SERVICES	1,260.00		1,260.00
4047	PSYCHOLOGICAL EXAMINATION	41,687.50		41,687.50
4075	CASE MANAGEMENT SERVICES	56,411.95		56,411.95
4095	MEDICAL REPORTS	378.36		378.36
4096	CONTRACTUAL EMPLOYEE	12,613.56		12,613.56
4099	MISC PROF FEES & SPEC SRV	22,808.89		22,808.89
4270	AUTO MILEAGE-GEN IN STATE	4,098.08		4,098.08
4271	OTHER TRANSPORTATION	5.00		5.00
4273	HOTEL ROOM & LODGING	298.00		298.00
4651	MISC RENTS	2,210.00		2,210.00
4911	POSTAGE	763.58		763.58
4913	INTRAGOVERNMENTAL SERVICE	34.28		34.28
4922	WASTE RECYCLING	21.50		21.50
4929	PRINTING AND BINDING	181.99		181.99
4930	TRANSCRIPTS	20,840.82		20,840.82
4946	ADVERTISING NOTICES	1,980.56		1,980.56
4959	EXPERT WITNESS FEES	114,611.50		114,611.50
4983	DUES	8,735.00		8,735.00
5001	REGISTRATION FEE-NON STATE	230.00		230.00
5301	OIT PROFESSIONAL CHARGES	1,923.68		1,923.68
5302	TELEPHONE SERVICE	1,462.00		1,462.00
5304	CELLULAR PHONE SERVICE	1,930.49		1,930.49
5310	IT END USER SERVICES	18,469.92		18,469.92
5312	IT CONSULTING-NON STATE	9,132.00		9,132.00
5315	IT APPLICATIONS-BY STATE	5,563.34		5,563.34
5331	NETWORK ACCESS	145.62		145.62
5341	LEASE PURCHASE HARDWARE/SYSTEM	1,346.21		1,346.21
5355	SOFTWARE MAINT / LICENSES	9,544.07		9,544.07
5370	MINOR IT EQUIPMENT	770.72		770.72
5602	OFFICE SUPPLIES	1,640.71		1,640.71
5627	PURCHASE OF BOOKS	399.73		399.73
5636	MISC SUPPLIES	500.00		500.00
6755	MEDICAL REPORTS/RECORDS	6.54		6.54
8511	TRANS TO GEN FUND STACAP		66.41	66.41
4049	SUBPOENA SERVICE	2,738.74		2,738.74
4015	CASUAL LABOR	488.64		488.64
4028	MEDICAL SERVICES	27.98		27.98
4199	MISC PROF FEES AND SPEC S	350.00		350.00
4905	POSTAL MACHINE CHARGES	602.00		602.00
5390	COMMUNICATION EQUIPMENT	21.14		21.14
Grand Total		**4,489,405.84**	**66.41**	**4,489,472.25**



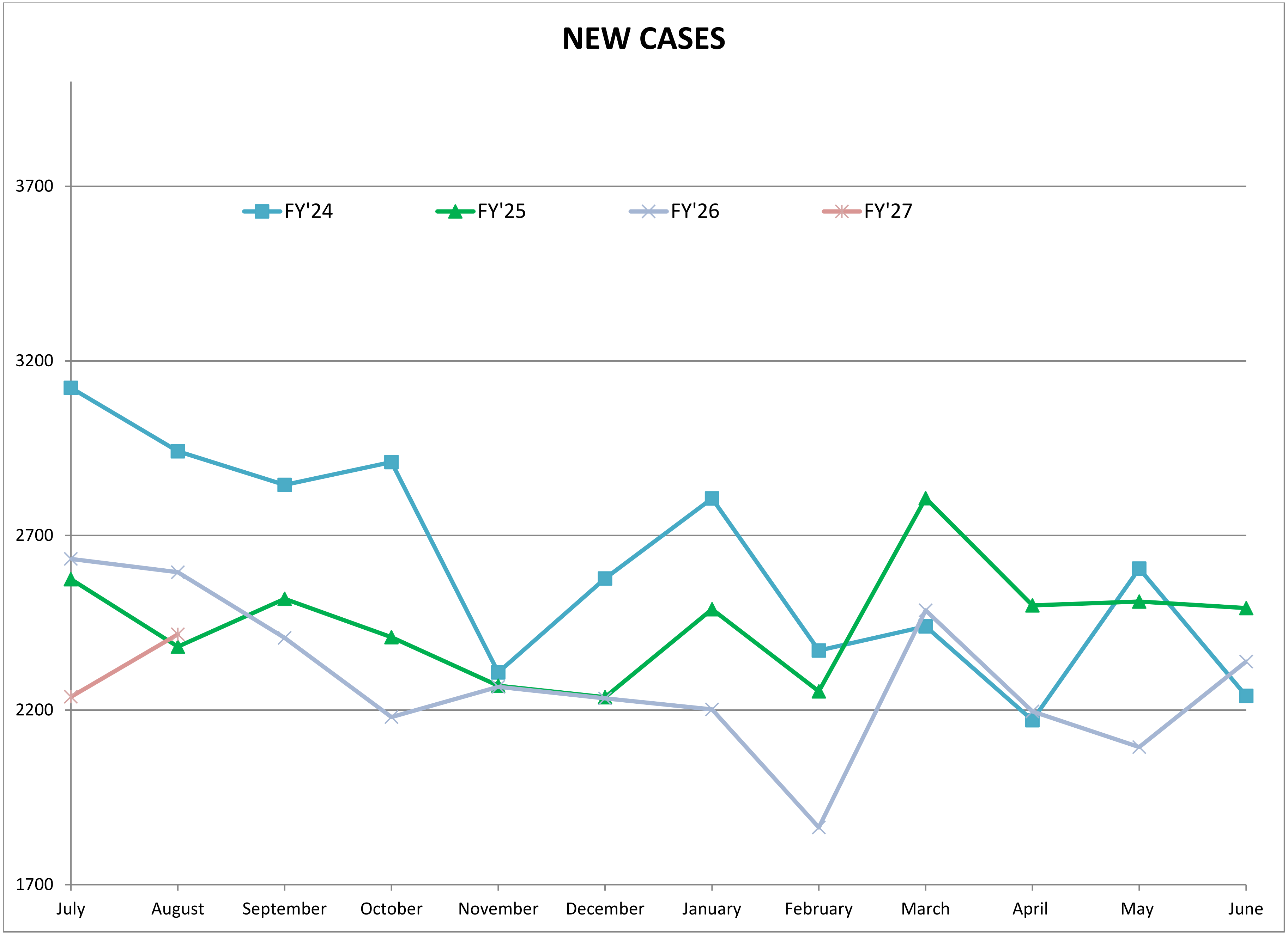
Paid Hours Amount
40000.00
35000.00
30000.00
25000.00
20000.00
15000.00
10000.00
July
August
September
October
November
December
January
February
March
April
May
June
FY'23
FY'24
FY'25
FY'26
FY'27

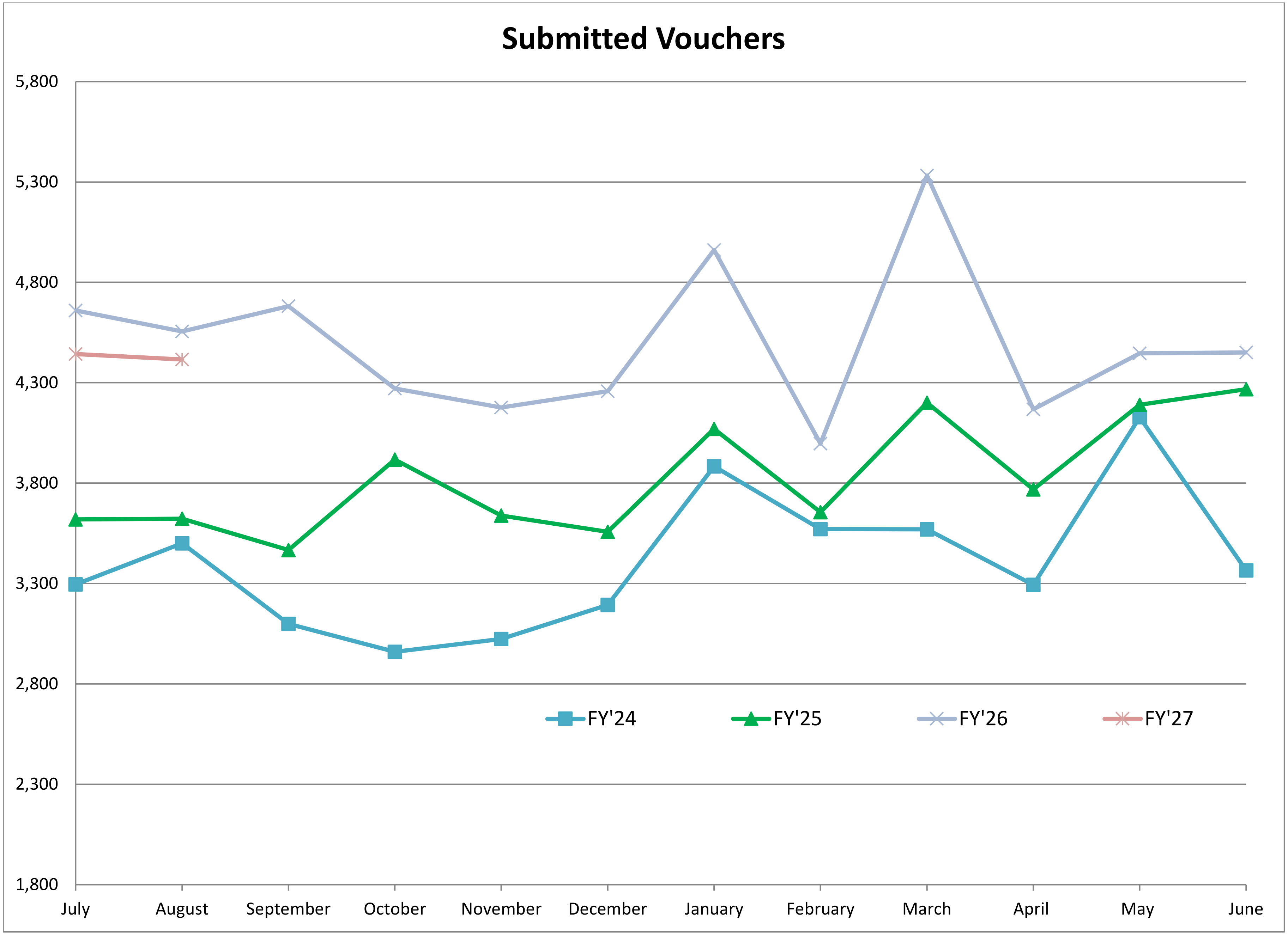


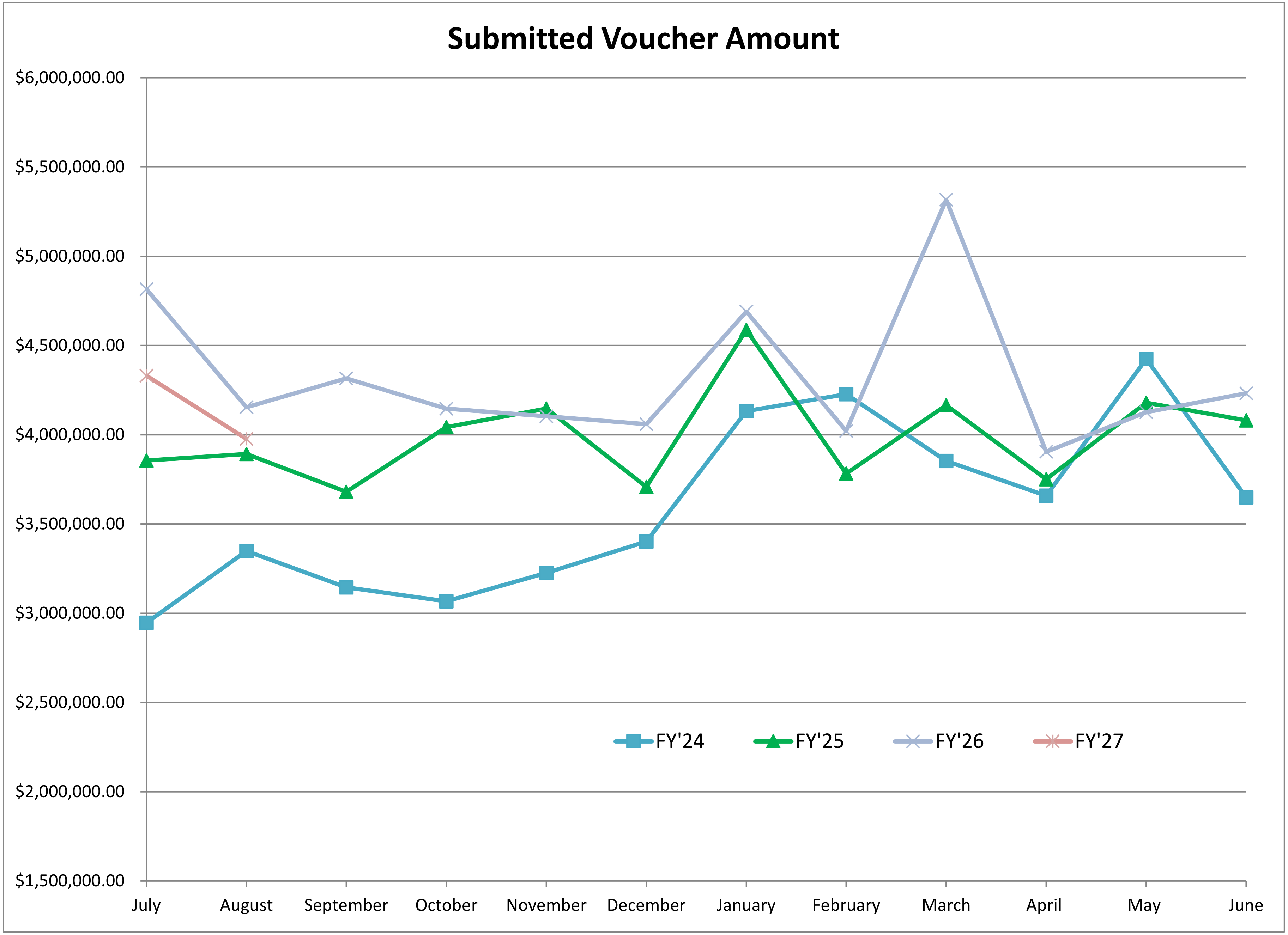
Average Hours per Voucher FYTD
7.80
7.60
7.40
7.20
7.00
6.80
6.60
6.40
6.20
6.00
July
August
September
October
November
December
January
February
March
April
May
June
FY'23
FY'24
FY'25
FY'26
FY'27

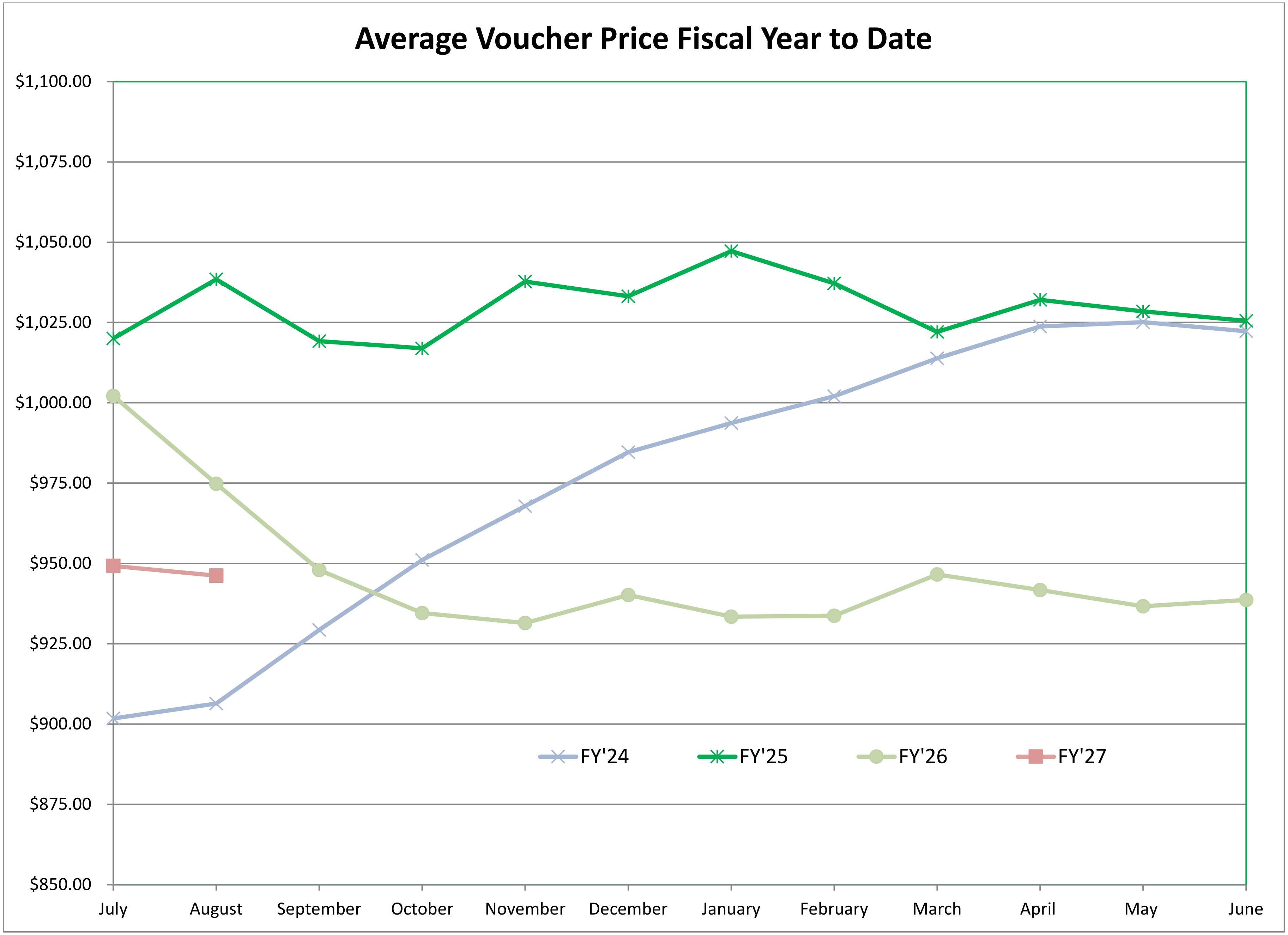


Monthly Average Hours per Voucher
8.50
8.00
7.50
7.00
6.50
6.00
5.50
July
August
September
October
November
December
January
February
March
April
May
June
FY'23
FY'24
FY'25
FY'26
FY'27


NEW CASES
3700
3200
2700
2200
1700
FY'24
FY'25
FY'26
FY'27
July
August
September
October
November
December
January
February
March
April
May
June


Submitted Vouchers
5,800
5,300
4,800
4,300
3,800
3,300
2,800
2,300
1,800
July
August
September
October
November
December
January
February
March
April
May
June
FY'24
FY'25
FY'26
FY'27


Submitted Voucher Amount
$6,000,000.00
$5,500,000.00
$5,000,000.00
$4,500,000.00
$4,000,000.00
$3,500,000.00
$3,000,000.00
$2,500,000.00
$2,000,000.00
$1,500,000.00
July
August
September
October
November
December
January
February
March
April
May
June
FY'24
FY'25
FY'26
FY'27


Average Voucher Price Fiscal Year to Date
$1,100.00
$1,075.00
$1,050.00
$1,025.00
$1,000.00
$975.00
$950.00
$925.00
$900.00
$875.00
$850.00
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January
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March
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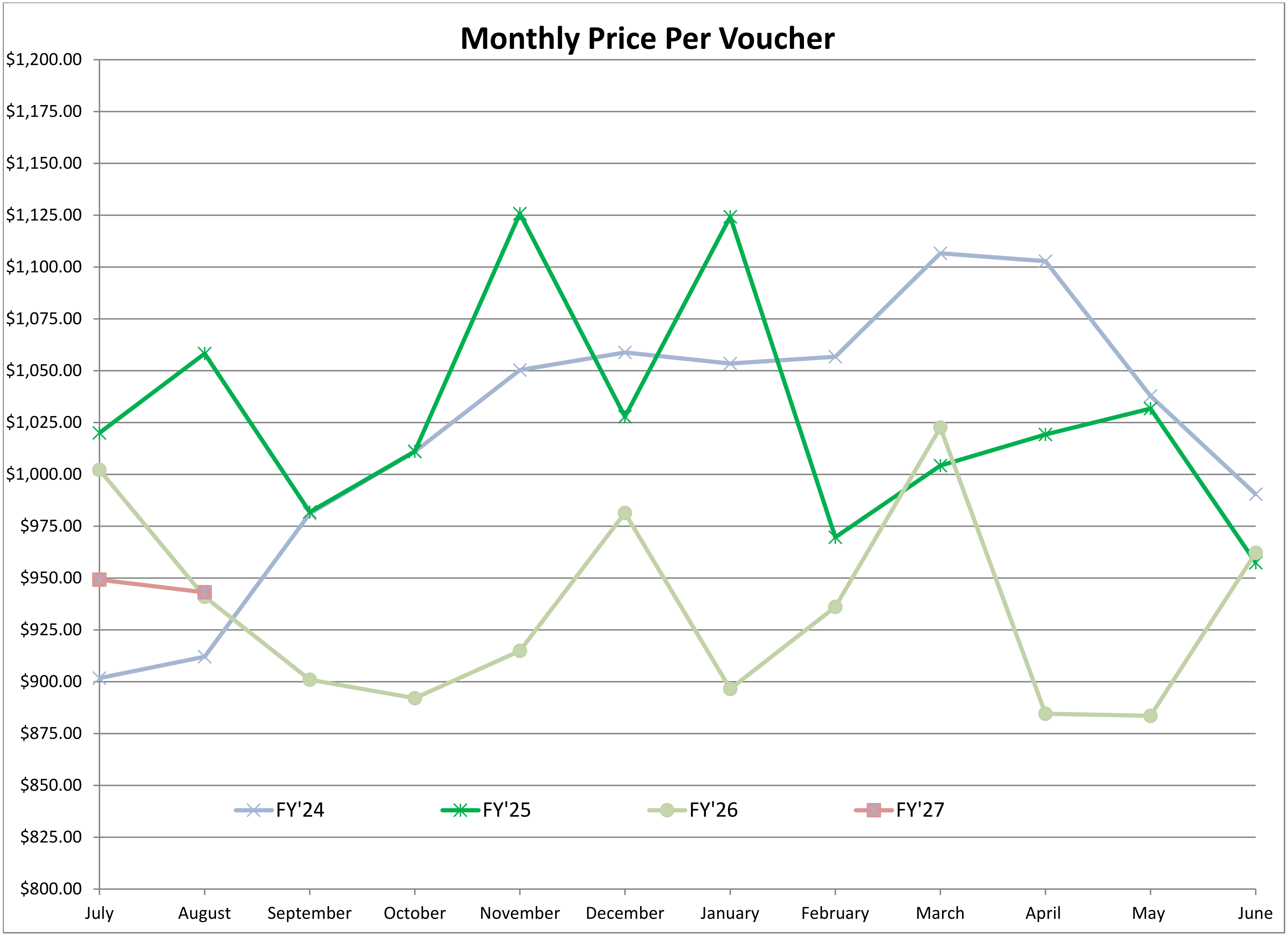
May
June
FY'24
FY'25
FY'26
FY'27



Monthly Price Per Voucher
$1,200.00
$1,175.00
$1,150.00
$1,125.00
$1,100.00
$1,075.00
$1,050.00
$1,025.00
$1,000.00
$975.00
$950.00
$925.00
$900.00
$875.00
$850.00
$825.00
$800.00
July
August
September
October
November
December
January
February
March
April
May
June
FY'24
FY'25
FY'26
FY'27

Pending UCD Cases as of September 4, 2026

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	**627**	**147**	**104**	**16.6%**	**1,120**	**223**	**483**	**43.1%**	**43**	**20**	**46.5%**	***1,790***	***370***	**607**	**33.9%**
Aroostook	**477**	**114**	**39**	**8.2%**	**699**	**230**	**154**	**22.0%**	**24**	**12**	**50.0%**	***1,200***	***344***	**205**	**17.1%**
Caribou	103	26	9	8.7%	141	47	44	31.2%	9	6	66.7%	*253*	*73*	59	23.3%
Fort Kent	50	21	4	8.0%	122	52	22	18.0%	2	1	50.0%	*174*	*73*	27	15.5%
Houlton	145	19	8	5.5%	216	66	45	20.8%	6	3	50.0%	*367*	*85*	56	15.3%
Presque Isle	179	48	18	10.1%	220	65	43	19.5%	7	2	28.6%	*406*	*113*	63	15.5%
Cumberland	**1,163**	**206**	**79**	**6.8%**	**2,549**	**428**	**479**	**18.8%**	**172**	**123**	**71.5%**	***3,884***	***634***	**681**	**17.5%**
Bridgton	20	6	3	15.0%	179	39	47	26.3%	95	89	93.7%	*294*	*45*	139	47.3%
Portland	1,133	196	75	6.6%	2,165	349	372	17.2%	60	27	45.0%	*3,358*	*545*	474	14.1%
West Bath	10	4	1	10.0%	205	40	60	29.3%	17	7	41.2%	*232*	*44*	68	29.3%
Franklin	**122**	**30**	**32**	**26.2%**	**265**	**117**	**108**	**40.8%**	**40**	**35**	**87.5%**	***427***	***147***	**175**	**41.0%**
Hancock	**244**	**27**	**35**	**14.3%**	**621**	**62**	**274**	**44.1%**	**112**	**91**	**81.3%**	***977***	***89***	**400**	**40.9%**
Kennebec	**643**	**113**	**109**	**17.0%**	**1,473**	**242**	**607**	**41.2%**	**84**	**74**	**88.1%**	***2,200***	***355***	**790**	**35.9%**
Augusta	617	104	107	17.3%	998	158	422	42.3%	61	55	90.2%	*1,676*	*262*	584	34.8%
Waterville	26	9	2	7.7%	475	84	185	38.9%	23	19	82.6%	*524*	*93*	206	39.3%
Knox	**218**	**21**	**13**	**6.0%**	**442**	**104**	**100**	**22.6%**	**11**	**1**	**9.1%**	***671***	***125***	**114**	**17.0%**
Lincoln	**185**	**40**	**23**	**12.4%**	**376**	**108**	**100**	**26.6%**	**12**	**5**	**41.7%**	***573***	***148***	**128**	**22.3%**
Oxford	**351**	**108**	**76**	**21.7%**	**655**	**191**	**248**	**37.9%**	**37**	**27**	**73.0%**	***1,043***	***299***	**351**	**33.7%**
Bridgton	41	19	14	34.1%	60	17	21	35.0%	0	0	0.0%	*101*	*36*	35	34.7%
Rumford	48	19	2	4.2%	98	39	11	11.2%	6	4	66.7%	*152*	*58*	17	11.2%
South Paris	262	70	60	22.9%	497	135	216	43.5%	31	23	74.2%	*790*	*205*	299	37.8%
Penobscot	**651**	**23**	**67**	**10.3%**	**1,608**	**51**	**511**	**31.8%**	**76**	**56**	**73.7%**	***2,335***	***74***	**634**	**27.2%**
Bangor	627	23	63	10.0%	1,194	35	355	29.7%	29	26	89.7%	*1,850*	*58*	444	24.0%
Lincoln	6	0	1	16.7%	169	6	82	48.5%	25	23	92.0%	*200*	*6*	106	53.0%
Newport	18	0	3	16.7%	245	10	74	30.2%	22	7	31.8%	*285*	*10*	84	29.5%
Piscataquis	**29**	**1**	**3**	**10.3%**	**104**	**1**	**60**	**57.7%**	**36**	**34**	**94.4%**	***169***	***2***	**97**	**57.4%**
Sagadahoc	**118**	**29**	**10**	**8.5%**	**317**	**114**	**81**	**25.6%**	**8**	**3**	**37.5%**	***443***	***143***	**94**	**21.2%**
Somerset	**338**	**71**	**52**	**15.4%**	**642**	**98**	**334**	**52.0%**	**40**	**31**	**77.5%**	***1,020***	***169***	**417**	**40.9%**
Waldo	**184**	**30**	**14**	**7.6%**	**307**	**86**	**72**	**23.5%**	**6**	**4**	**66.7%**	***497***	***116***	**90**	**18.1%**
Washington	**211**	**17**	**32**	**15.2%**	**308**	**57**	**101**	**32.8%**	**42**	**39**	**92.9%**	***561***	***74***	**172**	**30.7%**
Calais	83	7	11	13.3%	128	23	37	28.9%	8	7	87.5%	*219*	*30*	55	25.1%
Machias	128	10	21	16.4%	180	34	64	35.6%	34	32	94.1%	*342*	*44*	117	34.2%
York	**768**	**119**	**198**	**25.8%**	**2,742**	**548**	**1,079**	**39.4%**	**121**	**76**	**62.8%**	***3,631***	***667***	**1,353**	**37.3%**
TOTAL	***6,329***	***1,096***	***886***	**14.0%**	***14,228***	***2,660***	***4,791***	**33.7%**	***864***	***631***	**73.0%**	***21,421***	***3,756***	***6,308***	**29.4%**

Columns

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

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

Change in Pending UCD Cases, September 2025 to September 2026

Pending cases as of September 4 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2025	2026	% Diff	2025	2026	% Diff	2025	2026	% Diff	2025	2026	% Diff
Androscoggin	**820**	**627**	**-23.5%**	**1,651**	**1,120**	**-32.2%**	**20**	**43**	**115.0%**	**2,491**	***1,790***	**-28.1%**
Aroostook	**480**	**477**	**-0.6%**	**791**	**699**	**-11.6%**	**35**	**24**	**-31.4%**	***1,306***	***1,200***	**-8.1%**
Caribou	105	103	-1.9%	150	141	-6.0%	13	9	-30.8%	*268*	*253*	-5.6%
Fort Kent	59	50	-15.3%	148	122	-17.6%	2	2	0.0%	*209*	*174*	-16.7%
Houlton	135	145	7.4%	210	216	2.9%	7	6	-14.3%	*352*	*367*	4.3%
Presque Isle	181	179	-1.1%	283	220	-22.3%	13	7	-46.2%	*477*	*406*	-14.9%
Cumberland	**1,438**	**1,163**	**-19.1%**	**3,273**	**2,549**	**-22.1%**	**150**	**172**	**14.7%**	***4,861***	***3,884***	**-20.1%**
Bridgton	20	20	0.0%	258	179	-30.6%	49	95	93.9%	*327*	*294*	-10.1%
Portland	1,393	1,133	-18.7%	2,691	2,165	-19.5%	69	60	-13.0%	*4,153*	*3,358*	-19.1%
West Bath	25	10	-60.0%	324	205	-36.7%	32	17	-46.9%	*381*	*232*	-39.1%
Franklin	**110**	**122**	**10.9%**	**259**	**265**	**2.3%**	**7**	**40**	**471.4%**	***376***	***427***	**13.6%**
Hancock	**228**	**244**	**7.0%**	**436**	**621**	**42.4%**	**65**	**112**	**72.3%**	***729***	***977***	**34.0%**
Kennebec	**591**	**643**	**8.8%**	**1,421**	**1,473**	**3.7%**	**34**	**84**	**147.1%**	***2,046***	***2,200***	**7.5%**
Augusta	564	617	9.4%	925	998	7.9%	30	61	103.3%	*1,519*	*1,676*	10.3%
Waterville	27	26	-3.7%	496	475	-4.2%	4	23	475.0%	*527*	*524*	-0.6%
Knox	**220**	**218**	**-0.9%**	**540**	**442**	**-18.1%**	**14**	**11**	**-21.4%**	***774***	***671***	**-13.3%**
Lincoln	**194**	**185**	**-4.6%**	**410**	**376**	**-8.3%**	**16**	**12**	**-25.0%**	***620***	***573***	**-7.6%**
Oxford	**440**	**351**	**-20.2%**	**764**	**655**	**-14.3%**	**19**	**37**	**94.7%**	***1,223***	***1,043***	**-14.7%**
Bridgton	49	41	-16.3%	90	60	-33.3%	5	0	-100.0%	*144*	*101*	-29.9%
Rumford	137	48	-65.0%	218	98	-55.0%	6	6	0.0%	*361*	*152*	-57.9%
South Paris	254	262	3.1%	456	497	9.0%	8	31	287.5%	*718*	*790*	10.0%
Penobscot	**649**	**651**	**0.3%**	**1,702**	**1,608**	**-5.5%**	**97**	**76**	**-21.6%**	***2,448***	***2,335***	**-4.6%**
Bangor	636	627	-1.4%	1,277	1,194	-6.5%	31	29	-6.5%	*1,944*	*1,850*	-4.8%
Lincoln	2	6	200.0%	157	169	7.6%	36	25	-30.6%	*195*	*200*	2.6%
Newport	11	18	63.6%	268	245	-8.6%	30	22	-26.7%	*309*	*285*	-7.8%
Piscataquis	**43**	**29**	**-32.6%**	**95**	**104**	**9.5%**	**40**	**36**	**-10.0%**	***178***	***169***	**-5.1%**
Sagadahoc	**152**	**118**	**-22.4%**	**393**	**317**	**-19.3%**	**15**	**8**	**-46.7%**	***560***	***443***	**-20.9%**
Somerset	**312**	**338**	**8.3%**	**435**	**642**	**47.6%**	**5**	**40**	**700.0%**	***752***	***1,020***	**35.6%**
Waldo	**191**	**184**	**-3.7%**	**391**	**307**	**-21.5%**	**5**	**6**	**20.0%**	***587***	***497***	**-15.3%**
Washington	**196**	**211**	**7.7%**	**312**	**308**	**-1.3%**	**22**	**42**	**90.9%**	***530***	***561***	**5.8%**
Calais	93	83	-10.8%	149	128	-14.1%	6	8	33.3%	*248*	*219*	-11.7%
Machias	103	128	24.3%	163	180	10.4%	16	34	112.5%	*282*	*342*	21.3%
York	**788**	**768**	**-2.5%**	**2,395**	**2,742**	**14.5%**	**63**	**121**	**92.1%**	***3,246***	***3,631***	**11.9%**
TOTAL	***6,852***	***6,329***	**-7.6%**	***15,268***	***14,228***	**-6.8%**	***607***	***864***	**42.3%**	***22,727***	***21,421***	**-5.7%**

Columns

2025 Number of cases having at least one charge without a disposition, and without a currently active warrant as of September 4, 2025

2026 Number of cases having at least one charge without a disposition, and without a currently active warrant as of September 4, 2026

% Diff Percent change in pending cases from 2025 to 2026. 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, September 2019 to September 2026

Pending cases as of September 4 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2019	2026	% Diff	2019	2026	% Diff	2019	2026	% Diff	2019	2026	% Diff
Androscoggin	**410**	**627**	**52.9%**	**1,367**	**1,120**	**-18.1%**	**43**	**43**	**0.0%**	**1,820**	***1,790***	**-1.6%**
Aroostook	**423**	**477**	**12.8%**	**783**	**699**	**-10.7%**	**42**	**24**	**-42.9%**	***1,248***	***1,200***	**-3.8%**
Caribou	67	103	53.7%	177	141	-20.3%	6	9	50.0%	*250*	*253*	1.2%
Fort Kent	49	50	2.0%	165	122	-26.1%	16	2	-87.5%	*230*	*174*	-24.3%
Houlton	138	145	5.1%	146	216	47.9%	8	6	-25.0%	*292*	*367*	25.7%
Presque Isle	169	179	5.9%	295	220	-25.4%	12	7	-41.7%	*476*	*406*	-14.7%
Cumberland	**881**	**1,163**	**32.0%**	**2,638**	**2,549**	**-3.4%**	**189**	**172**	**-9.0%**	***3,708***	***3,884***	**4.7%**
Bridgton	11	20	81.8%	204	179	-12.3%	68	95	39.7%	*283*	*294*	3.9%
Portland	856	1,133	32.4%	2,118	2,165	2.2%	81	60	-25.9%	*3,055*	*3,358*	9.9%
West Bath	14	10	-28.6%	316	205	-35.1%	40	17	-57.5%	*370*	*232*	-37.3%
Franklin	**95**	**122**	**28.4%**	**262**	**265**	**1.1%**	**4**	**40**	**900.0%**	***361***	***427***	**18.3%**
Hancock	**212**	**244**	**15.1%**	**481**	**621**	**29.1%**	**48**	**112**	**133.3%**	***741***	***977***	**31.8%**
Kennebec	**403**	**643**	**59.6%**	**1,199**	**1,473**	**22.9%**	**69**	**84**	**21.7%**	***1,671***	***2,200***	**31.7%**
Augusta	386	617	59.8%	625	998	59.7%	44	61	38.6%	*1,055*	*1,676*	58.9%
Waterville	17	26	52.9%	574	475	-17.2%	25	23	-8.0%	*616*	*524*	-14.9%
Knox	**137**	**218**	**59.1%**	**315**	**442**	**40.3%**	**2**	**11**	**450.0%**	***454***	***671***	**47.8%**
Lincoln	**96**	**185**	**92.7%**	**265**	**376**	**41.9%**	**6**	**12**	**100.0%**	***367***	***573***	**56.1%**
Oxford	**209**	**351**	**67.9%**	**508**	**655**	**28.9%**	**35**	**37**	**5.7%**	***752***	***1,043***	**38.7%**
Bridgton	18	41	127.8%	70	60	-14.3%	3	0	-100.0%	*91*	*101*	11.0%
Rumford	85	48	-43.5%	193	98	-49.2%	13	6	-53.8%	*291*	*152*	-47.8%
South Paris	106	262	147.2%	245	497	102.9%	19	31	63.2%	*370*	*790*	113.5%
Penobscot	**395**	**651**	**64.8%**	**1,185**	**1,608**	**35.7%**	**80**	**76**	**-5.0%**	***1,660***	***2,335***	**40.7%**
Bangor	387	627	62.0%	938	1,194	27.3%	37	29	-21.6%	*1,362*	*1,850*	35.8%
Lincoln	5	6	20.0%	89	169	89.9%	25	25	0.0%	*119*	*200*	68.1%
Newport	3	18	500.0%	158	245	55.1%	18	22	22.2%	*179*	*285*	59.2%
Piscataquis	**29**	**29**	**0.0%**	**61**	**104**	**70.5%**	**36**	**36**	**0.0%**	***126***	***169***	**34.1%**
Sagadahoc	**87**	**118**	**35.6%**	**324**	**317**	**-2.2%**	**20**	**8**	**-60.0%**	***431***	***443***	**2.8%**
Somerset	**145**	**338**	**133.1%**	**480**	**642**	**33.8%**	**37**	**40**	**8.1%**	***662***	***1,020***	**54.1%**
Waldo	**93**	**184**	**97.8%**	**293**	**307**	**4.8%**	**16**	**6**	**-62.5%**	***402***	***497***	**23.6%**
Washington	**119**	**211**	**77.3%**	**202**	**308**	**52.5%**	**38**	**42**	**10.5%**	***359***	***561***	**56.3%**
Calais	53	83	56.6%	110	128	16.4%	19	8	-57.9%	*182*	*219*	20.3%
Machias	66	128	93.9%	92	180	95.7%	19	34	78.9%	*177*	*342*	93.2%
York	**778**	**768**	**-1.3%**	**2,572**	**2,742**	**6.6%**	**119**	**121**	**1.7%**	***3,469***	***3,631***	**4.7%**
TOTAL	***4,512***	***6,329***	**40.3%**	***12,935***	***14,228***	**10.0%**	***784***	***864***	**10.2%**	***18,231***	***21,421***	**17.5%**

Columns

2019 Number of cases having at least one charge without a disposition, and without a currently active warrant as of September 4, 2019

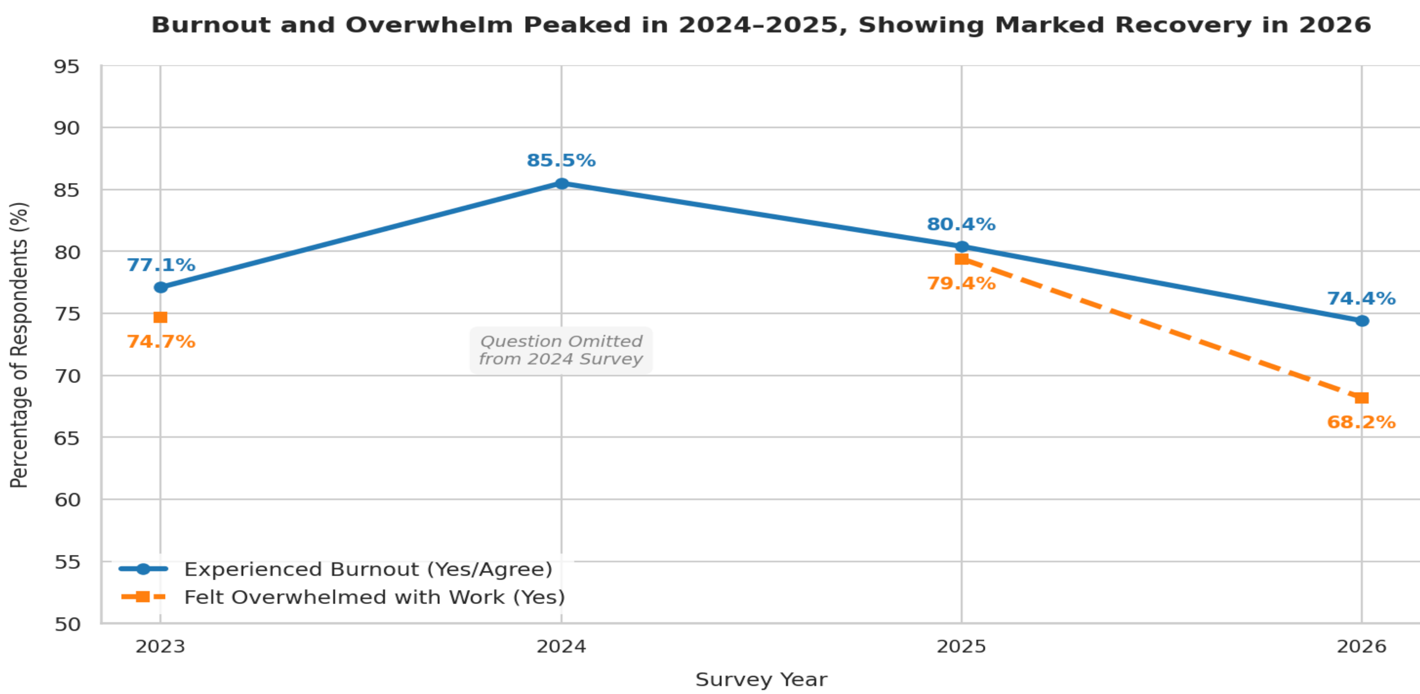
2026 Number of cases having at least one charge without a disposition, and without a currently active warrant as of September 4, 2026

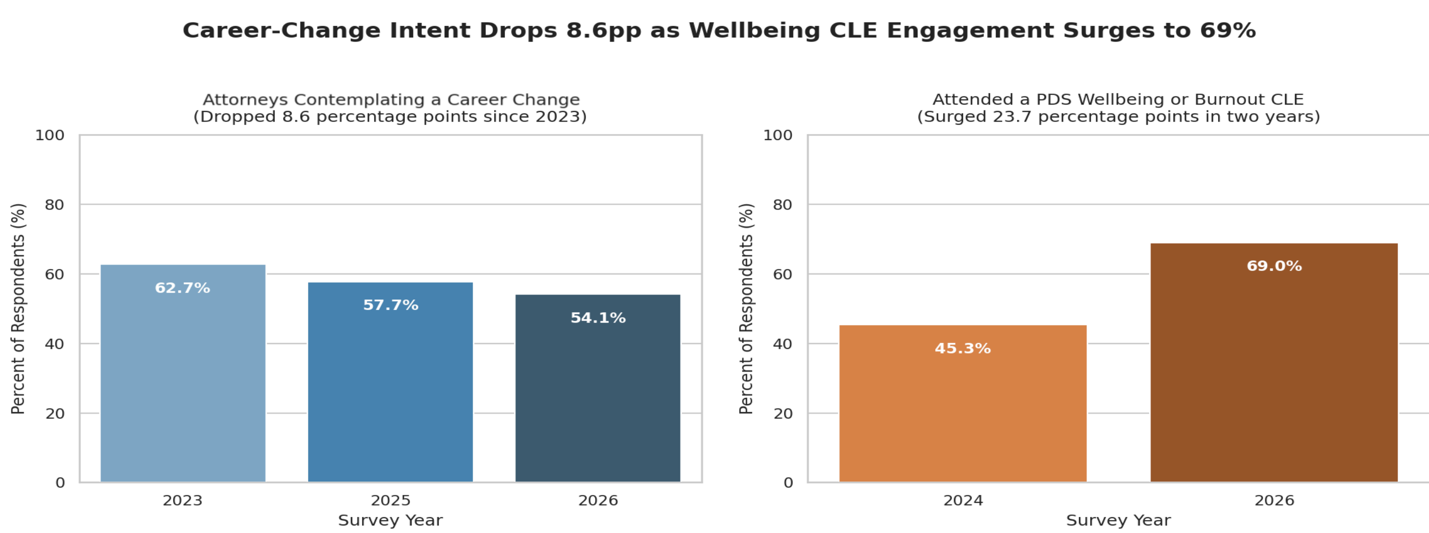
% Diff Percent change in pending cases from 2019 to 2026. Red percentages represent an increase, green percentages a decrease.

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

2026 PDS BURNOUT SURVEY DATA OVERVIEW

	2023	2024	2025	2026	2023 -> 2026 Change
Total Survey Respondents	83	56	97	86	+3
Core Burnout Prevalence (% Strongly Agree/Agree)	77.1%	85.5%	80.4%	74.4%	-2.7%p.p.
Feel Overwhelmed with Work (% Yes)	74.7%		79.4%	68.2%	-6.5%p.p.
Contemplated Career Change (% Yes)	62.7%		57.7%	54.1%	-8.5%p.p.
Attended Wellbeing CLE (% Yes)		45.3%		69.0%	
Severe Sleep Disturbance (% Usually/Always)			41.2%	34.1%	
Burnout Negatively Impacted Professional Work (% Agre	43.4%		51.5%	52.9%	+9.6%p.p.
Burnout Negatively Impacted Personal Life (% Agree)	71.1%		70.1%	65.1%	-6.0%p.p.
In-Person Court Increased Burnout (% Yes)	49.4%		38.5%	32.9%	-16.5%p.p.
Have Resources to Prevent/Mitigate Burnout (% Agree)	55.4%		49.5%	54.7%	-0.8%p.p.

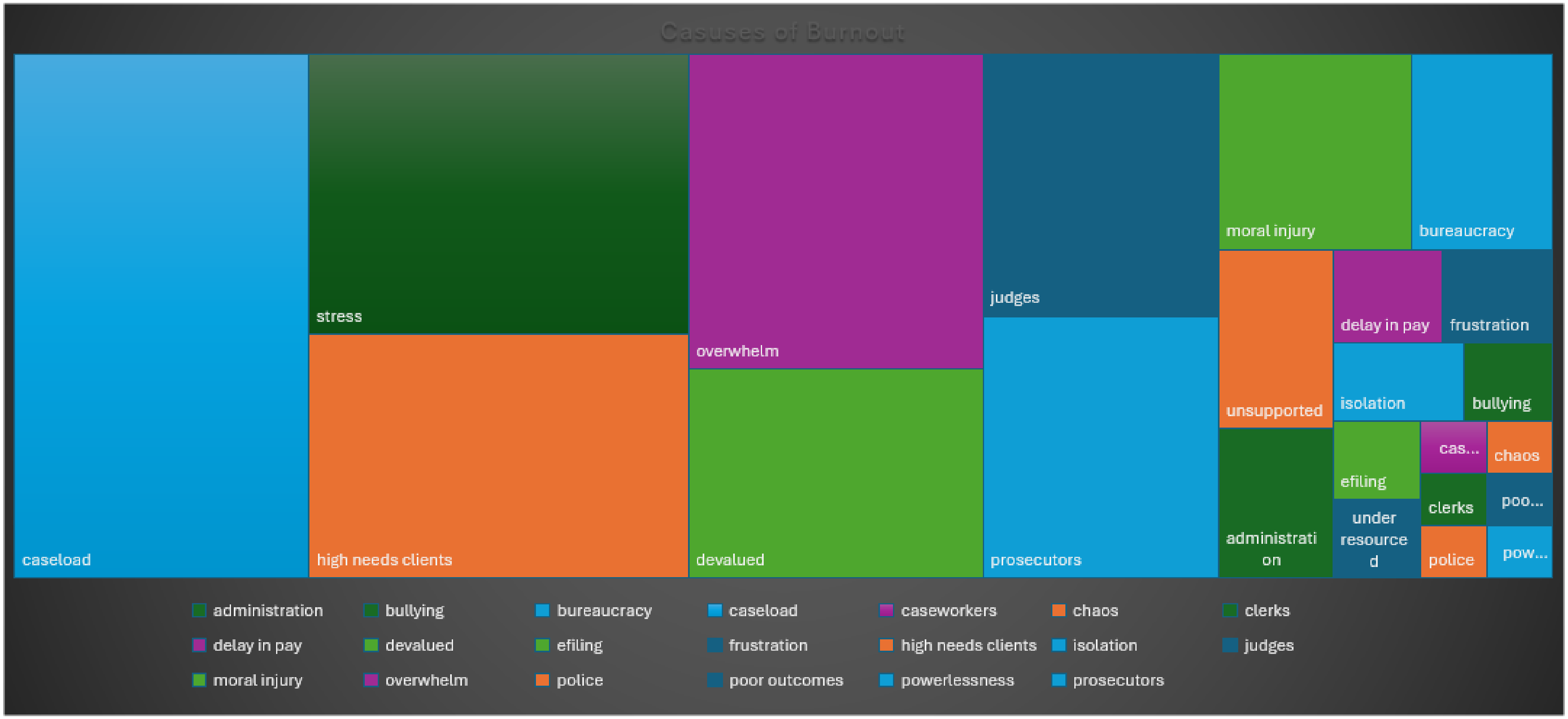




Source: PDS Attorney Burnout Surveys (2023-2026). Percentages exclude non-responses.

Causes of Burnout

This graphic shows different themes that emerged when counsel were asked to list the causes of burnout. The larger size relates to the number of responses which indicated that reasoning.



MEMORANDUM OF UNDERSTANDING
Between
The Maine Commission on Public Defense Services and
The Maine Judicial Branch

I. Purpose

The purpose of this Memorandum of Understanding (MOU) is to create an agreement between the Maine Commission on Public Defense Services (PDS) and the Maine Judicial Branch (MJB) establishing that PDS will (1) resume responsibility for the process of paying attorneys appointed in mental health (MH) and Extreme Risk Protection Order (ERPO) matters and (2) bill the MJB for these payments on a quarterly basis.

II. Affected Case Types Definitions

A. Affected Case Types
This agreement applies only to payments to attorneys appointed in MH and ERPO matters, defined for the purposes of this agreement as follows:
- **Mental health (MH)** matters are civil commitment cases pursuant to 34-B M.R.S. § 3864 and § 3873 and
- **Extreme Risk Protection Order (ERPO)** matters are "yellow flag" matters pursuant to 34-B M.R.S. § 3862-A and "red flag" matters pursuant to 25 M.R.S. § 2241-2252.

B. Unaffected Case Types
This agreement does not apply to or affect MJB payments to attorneys appointed in other case types including
- Title 18-C matters, including guardianship of a minor or adoption,
- Title 19-A termination of parental rights matters for petitioners only, and
- Title 22 child protection matters for children.

III. Historical Background

Prior to September 1, 2025, PDS paid attorneys appointed in MH and ERPO matters. Due to a funding crisis, PDS commissioners voted to stop paying attorneys appointed in these matters on or after September 1, 2025.

The MJB took over these payments and has paid attorneys appointed in MH and ERPO matters on or after September 1, 2025. The MJB received an allocation in the fiscal year 2027 supplemental budget for payments to attorneys appointed in these case types.

IV. Roles and Responsibilities

A. Transition Date:
The transition date for this agreement is **October 1, 2026**.

B. Payments to Attorneys Appointed Prior to the Transition Date:
The MJB will pay attorneys appointed to MH and ERPO matters before the transition date of October 1, 2026. This includes requests for payments submitted by attorneys after the transition date if the appointment was made before the transition date. The process for attorneys to submit billing to the MJB and for the MJB to pay the attorneys is governed by the Standing Order on Attorney Payments.

C. Payments to Attorneys Appointed On or After the Transition Date:
PDS will pay attorneys appointed to MH and ERPO matters on or after the transition date of October 1, 2026. The process for attorneys to submit billing to PDS and for PDS to pay the attorneys is governed by PDS's rules and standards.

D. Quarterly Billing by PDS to the MJB
PDS will bill the MJB on a quarterly basis for the actual amount it has expended on payments to attorneys appointed in MH and ERPO matters. PDS must submit billing requests to the MJB via the Chief of Court Operations or her designee.
PDS must include with its billing request an itemized list for each attorney payment including
1. Attorney name
2. Case docket number
3. Case name
4. Payment amount
5. Payment date

E. Payments by the MJB to PDS
As soon as practicable after receipt and review of PDS's billing request, the MJB will pay the requested amount to PDS by journal transfer. If there are any concerns with the itemization or any other issues the MJB and PDS will promptly work together on a resolution.

V. Duration and Termination

This MOU becomes effective upon the signature of all parties. This MOU remains in effect for the 2027 fiscal year. The agreement may be extended by agreement of the parties.

The parties may terminate the agreement for cause at any time, or on 30 days' written notice for no cause.

VI. Agreement Regarding Legislative Changes

The parties agree that PDS is the more practical entity to manage the payment process for attorneys appointed in MH and ERPO matters. For the purpose of any potential legislative changes, the parties agree that their joint position is in support of (1) a statutory change that clearly and permanently establishes PDS as the entity responsible for the payment process for attorneys appointed MH and ERPO matters and (2) the allocation of appropriate funds to PDS to make these payments. The parties agree to advocate for this position to the extent possible.

For the Maine Judicial Branch:

____________________________ ________________

Amy Quinlan, Esq. Date
State Court Administrator
Maine Judicial Branch

For the Maine Commission on Public Defense Services:

____________________________ ________________

Frayla Tarpinian, Esq. Date
Executive Director
Maine Commission on Public Defense Services

DISTRICT DEFENDERS' COMMISSION REPORT

August/September 2026

Casco Bay Defender Leverages Alibi to Obtain Dismissal

Last month at jury selection in Portland, Darius Wadia, assisted by Emma Izaguirre had a case scheduled to start the next day when they obtained a dismissal of all charges after serious due process violations were uncovered.

After diligent and extensive investigation, they argued a motion for sanctions based on the State not preserving exculpatory evidence. Darius knew every fact of the case cold and Emma flexed her mastery of Westlaw. The charge was a class B Aggravated Assault.

At the time of arrest the client informed the officers of his alibi. He was at the hospital and then checked into a sober living facility. Once they got the case, CBPD attorneys jumped into action and identified an iron-clad alibi. Darius submitted a notice of alibi which the State failed to respond to, as required.

In fact, the State did not provide anything in discovery relating to the client's alibi, including correspondence from the investigating officer stating that he watched the video footage of the defendant at the hospital at the exact time the assault allegedly occurred in a different location.

The officer had requested a subpoena from the District Attorney's office to obtain the video footage, but one was never generated. There was significant additional exculpatory evidence that was not turned over and some of the evidence was lost and not preserved.

The Judge told the State if they wouldn't dismiss the case she would. With that, the State dismissed the case.

Dismissal in Aroostook on Morning of Jury Trial

Tristain Dewdney took a DV Assault case where the ADA wanted jail and probation and the client would only be satisfied with a dismissal or acquittal. There was scant evidence of an assault. One witness was a teenager who denied an assault took place.

Tristan diligently went to work on reviewing and investigating the case. He discovered improper motives for the call to the police and long-standing, on-going verbal conflict between the parties. Tristan painstakingly prepared cross examination, including audio and video snippets of statements that were made with the new tools available through JusticeText. He was able to pull out conflicting versions of events. He had a narrative, motive, and the receipts and was going to present a strong case.

The client had been arraigned, had a dispositional conference, and a Docket Call with no resolution. A jury was picked and the case was set for trial on Tuesday, August 11.

Attorneys were scheduled to appear at 8:10 to go over preliminary matters. Jurors were told to arrive at 8:30am.

At 7:31, he received an efiling notification that something had been filed in the case. It was a dismissal. The prosecutor called Tristan to explain that she read the file on Monday, August 10 and did not have sufficient evidence to prove the case dismissed it electronically the morning of trial.

Tristan went to the courthouse to find the State's witnesses milling about, all having been subpoenaed to be there. Jurors were in the parking lot, waiting to go in.

There are a number of checks in the system to weed out poor charging decisions: arraignment, dispositional conference, conversation with defense counsel. None of these work when the State fails to review and prepare their cases. Client's lives are upended, their liberty is needlessly restricted, and they are subject to strict bail requirements under penalty of additional charges and incarceration for months. All because a case is not properly reviewed and handled.

More Discovery Violations in Aroostook

In a complex theft case that has been open since late 2025, Assistant Defenders Hoeffgen and Genzlinger noticed items that should have been in discovery were not. Upon further investigation, it became clear that an entire alternate suspect was never disclosed to the defendant while he waited in jail. This Brady exculpatory information is required to be turned over. The defenders noticed a reference to a report that was not in the file. The additional report included a name, description, and an offer of evidence implicating someone other than the Defendant in the crimes charged. That led to numerous other pieces of missing discovery.

When prosecutors fail to fulfill their discovery obligations, it inappropriately shifts their burden to the defense. Despite being under their control, their failure to exercise due diligence with their files has no consequence to the State unless the Defense manages to recognize that there is missing information. There is a perverse incentive to ignore and not explore additional information that is damaging their cases, despite their oath to uphold Due Process.

The purpose of discovery sanctions is to sufficiently motivate prosecutors to fulfill these obligations. Unfortunately, when the sanction does not discourage future errors, the situation persists. In order to work, sanctions must be harsh and immediate.

Jury Trials Ramp Up Downeast

Jury trials are happening again in Hancock County. DRPD had two trials in August. Shannon Meade tried a domestic violence assault case on August 10, winning a dismissal of one count before it went to the Jury and a split verdict of not guilty on one count and guilty on the other. Shannon was well prepared with strong objections and sharp cross-examination that advanced his theory of the defense.

Isabel Mullin and DD Max Coolidge got a split verdict on a complex healthcare related misdemeanor on August 17-19.

During jury selection, the Downeast office took advantage of pro bono services offered by a nationwide team of jury consultants who partner with MCPDS. They provided research about the people in the jury pool and helped craft a detailed jury questionnaire. The questionnaire was able to identify bias or personal experience with aspects of the case among a large number of the jury pool. The answers to the questions also generated several follow-up questions that were addressed with individual voir dire in chambers.

The increased availability of outside consulting services has been one of the important ways MCPDS has improved the delivery of legal services in the state. Both rostered and employed counsel have access to funding for experts, investigators, consultants, and many other services. Lawyers obviously play a vital and central role in defending people charged with crime – after all, it is the constitutional right "to counsel" that our agency provides. However, non-lawyer services can be equally as important to a competent defense.

Capital Region Defenders Win Bench Trial and PCR

Troy Curfman won an acquittal of charges of criminal mischief and violation of condition of release.

The allegation was that the client scratched a CO's car in the jail's parking lot. The evidence the ADA relied on was a video of an individual that may have been the client walking across the parking lot and testimony from the CO that the car was scratched during that time frame.

The Court found that the only thing that the State proved was that our client was in the parking lot at a time around when this was said to have occurred. It was vindication because for the last 9 months, the State said the video showed something it clearly did not. He was assisted in this trial by ADI Hillary Knight and together made a formidable team.

Dan Lawson obtained a favorable order on a Post-Conviction Review matter in Knox County. This has to do with a situation where a split sentence was imposed on a defendant who was already serving a split sentence. A split sentence is a sentence that includes a term of incarceration and a period of probation.

Pursuant to 17-A MRS sec. 1803, the previously imposed probation should have been terminated when the subsequent sentence was imposed. In Maine, courts are prohibited from imposing consecutive split sentences pursuant to 17 MRS sec. 1608(7).

The options for sentencing in that scenario are either a termination of the previous probation and imposition of subsequent split sentence, a fully suspended sentence with a consecutive period of probation, or a different non-custodial sentence. This avoids a result where a client could conclude a successful term of probation only to be compelled to return to jail. It acknowledges that a split sentence can't be paused to serve a custodial sentence. This is an issue that CRPD attorneys have been pressing for some time, and to receive an order such as this vindicates the argument and provides us all with necessary guidance to educate ourselves, the State, and the Courts on how these cases need to be managed.

Reunification Victory for Parent Defense Division

The newest addition to the Parents Defense Division, Jess Mizzi, celebrated a big victory last month when one of her cases was dismissed with full custody being restored to her client, the child's father. After locating her client, having him paternity tested, and challenging the department at the summary preliminary hearing – the earliest stage at which a parent can regain custody of their child – the client's case was dismissed at the jeopardy phase and the father was awarded primary residence of the child with a parental rights and responsibilities order. Jess exhibited patient but firm negotiation skills with the Department in service of her client, while showing her client great kindness and compassion though this difficult time. Her dedication to family reunification in the shortest possible time was inspiring for the entire team.

Continued Challenges to Family Reunification

Our attorneys continue to struggle with getting their clients access to meaningful reunification services, including appropriate mental health evaluations, counseling, and housing. However, not having consistent and frequent visitation with their children is universally the biggest struggle for our clients. The majority of cases where children are in State custody are related to neglect, parent mental health issues, substance use and poverty related challenges. When the department removes children, parents, almost always, are only allowed to visit with their children at a visitation agency, where a professional supervisor/stranger observes and takes notes in the room. These visit agencies typically operate only during business hours Monday through Friday, making visits challenging for a parent who is employed or in school, and a challenge for school-aged children during the school year. Visit agencies are often understaffed so that parents only see their children approximately twice per week for 1-2 hours per visit. Due to agency and/or department rules, the parent and child are often not allowed to go into the community together to a park or an event with the visit supervisor, making the visit even more limiting. This structure often lasts for many months regardless of the parent's cooperation with the department.

Parent attorneys find that often, members of the parent's family who are willing and able to act as a "visit supervisor" are not given permission to supervise visits until much later in the case. By denying this more natural setting and family "supervisor" early in reunification, the visits often feel uncomfortable and discouraging for the parent and both uncomfortable and confusing for the child. Attorneys across the state are challenging that status quo in negotiations with the department and in court by pressing for visits in the least restrictive environment with the least restrictive supervisor, including advocating for visits in the evenings and weekends and supervised – when necessary – by a safe family member. This more natural arrangement provides an opportunity for the family to have frequent and meaningful contact, while assuring child safety. We find that when families have natural supports – family members, clergy members, community members – who are willing to be background checked, meet with the department to be fully vetted, and follow department rules for visitation, visits are more enjoyable, flexible, and meaningful for the parent and child. Our attorneys will continue to advocate for changes to the stilted visitation structure that is currently in place, in an effort to help families safely, and quickly reunify.

Dismissals for the Tri-County Team

Tom Bell and Jen Rhode got a Felony DV Dismissal at Jury Selection and a Dismissal of Violating Protection Order and SORNA violation on day of trial.

Client was charged in *three* dockets in *two* counties of:

- Felony DV=Dismissed at Jury Selection
- Violating PFA=Dismissed on day of DV /SORNA Trial
- Violating SORNAx2=Dismissed on day of DV/SORNA Trial
- VCRx2=Dismissed on Day of DV/SORNA Trial

Tom had been working this case for a *long* time, as this was a 2024 case. The second docket was not even his, it was staffed by an assigned counsel, and he *still* got that case dismissed entirely. Jen got involved as co-counsel around the time of Docket Call and was also instrumental in this result. The DA thought this was a cut and dry case and didn't pay attention to his many hearsay and confrontation clause issues. The takeaway from this case is universally applicable—thoroughly working a case always pays off. Being better prepared than the DA is why Tom and Jen got this result and why the Tri-County office has had a rash of eve-of and day-of trial/docket call/jury selection dismissals.

Highlands Teamwork

Teamwork makes the dream work! Over the last two months, the team at HRPD has shown impressive abilities to collaborate and work together to advance our client's interests. One particular example stands out. In early September 8 days before a specially set Aggravated Trafficking trial with Spanish interpreters, HRPD received 10,000 pages of new discovery. This material was a data extraction from our client's cell phone which the State had been in possession of for 19 months. The text included in this data was in Spanish. Paralegals immediately downloaded and organized the materials. Two interns and an assistant defender stayed late to sort through and attempt translation of the text messages to determine if the evidence was inculpatory or exculpatory. Meanwhile, the primary attorney on the case drafted a Motion for Discovery Sanctions. At the same time, the team generated motions in limine, and requests for voir dire. Ultimately, having been thoroughly outworked by the HRPD, the State flinched and made its first offer on a Class B trafficking and reduced the time to serve to 2.5 years, which the client accepted, avoiding a likely double digit sentence if convicted at trial.

Detailed Basis Statement for Chapters 6 & 201:

The Commission is statutorily obligated to:

"Develop an administrative review and appeal process for attorneys who are aggrieved by a decision of the executive director, or the executive director's designee, determining:

(1) Whether an attorney meets the minimum eligibility requirements to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements;

(2) Whether an attorney previously found eligible is no longer eligible to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements; and

(2) Whether to grant or withhold a waiver of the eligibility requirements set forth in any commission rule."

4 M.R.S. §1804(3)(J) .

Chapter 6 is promulgated to satisfy the Commission's statutory duty to satisfy this obligation.

Chapter 201 is repealed in favor of the new Chapter 6.

Maine Commission on Public Defense Services

Proposed Rule:

Chapters 6 & 201 Appeals of Decisions of the Executive Director

Response to Public Comments

Comment #1 (Jim Billings, Esq.):

"I am in favor of revamping the standard of review the Commission uses when reviewing the decisions of the Executive Director covered by the rule. The old de novo standard is an outlier in Maine administrative procedure law—I cannot think of another single state agency (off the top of my head) that uses this standard of review when reviewing its own decisions. Even courts afford agencies more discretion than this standard. The changes in proposed chapter 6 bring the PDS review of agency action more into line with the traditional agency standard of review. This is appropriate for multiple reasons. First, the abuse of discretion and/or arbitrary and capricious standard has been examined by courts in numerous decisions these terms have a recognized meaning from case law. Second, giving the professional staff more deference in making the important decision to suspend an attorney from the PDS roster is more likely to ensure the statutory and constitutional standards for counsel are met than the current formulation, which gives a politically appointed body carte blanche in the area of rostered attorney supervision. This is not appropriate given the Executive Director's statutory obligations.

Finally, please look carefully at new section 12(1) dismissal. As drafted, it requires the PDS staff and the attorney subject to evaluation file a writing with the Commission that "outlines the agreement reached." This should be clarified to ensure that what is intended here is the most basic outline. My concern is that if an attorney has chosen the expedited track, then the details of the evaluation and the appeal remain confidential under 4 MRS section 1806(2)(F)(3). This statute was recently changed to make clear that a full hearing becomes public, but I believe the expedited appeal would remain confidential. Thus, if an expedited appeal is resolved by agreement, requiring a writing be generated and filed with the Presiding Officer could create a situation where a rostered attorney chose not to have a full public hearing and yet there could be a risk of disclosure created by this section of the new rule. PDS certainly should not undermine any incentive that an attorney chooses an expedited appeal, and should not discourage resolving such an appeal by agreement by having an additional disclosure requirement built into the rule."

94-649 MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

Chapter 6: APPEALS OF DECISIONS OF THE EXECUTIVE DIRECTOR

Summary: This Chapter establishes the process for an appeal from a decision of the Executive Director to the Commissioners of the Commission on Public Defense Services pursuant to 4 M.R.S. § 1804(3)(J).

SECTION 1. DEFINITIONS.

1. Appellant. "Appellant" means a person who has filed an appeal.

2. Commission or PDS. "Commission" or "PDS" means the Maine Commission on Public Defense Services.

3. Executive Director. "Executive Director" means the Executive Director of the Maine Commission on Public Defense Services or their decision-making designee.

4. File or Filed. "File" or "Filed" means delivery of a document to PDS. Delivery may be in-hand, by regular mail, by commercial delivery service, or by email to the Executive Director.

5. PDS Clerk. "PDS Clerk" means a PDS staff member designated by the Commission Chair to act in an administrative role to support the Presiding Officer in discharging their duties.

6. Party. "Party" means the person bringing an appeal and the Executive Director.

7. Presiding Officer. "Presiding Officer" means the individual appointed by the Commission Chair to preside over the appeal proceeding under this Chapter.

8. Record. "Record" means those materials required by 5 M.R.S. § 9059.

SECTION 2. APPLICABILITY; WHO MAY APPEAL.

1. **Application.**

   A. This Chapter applies to appeals to the Commission from decisions of the Executive Director on issues specifically set forth in 4 M.R.S. § 1804(3)(J).

   B. A decision of the Executive Director concerning issues not specifically set forth in 4 M.R.S. § 1804(3)(J) constitutes final agency action and is not subject to appeal under this Chapter.

2. **Who may Appeal**. A person who has been aggrieved by a decision of the Executive Director pertaining to the issues set forth in 4 M.R.S. § 1804(3)(J) may appeal the decision to the Commission. An Appellant may be represented by another person—at Appellant's expense—in accordance with 4 M.R.S. § 807 or may proceed without representation.

SECTION 3. BRINGING AN APPEAL.

1. **Decision**. Except as stated below, a decision of the Executive Director becomes final if no appeal is filed within the time limits set forth in this Section.

2. **Reconsideration.** A person aggrieved by a decision of the Executive Director may, within 10 calendar days after receipt of the decision of the Executive Director, request that the Executive Director reconsider that decision. Such a request must be accompanied by additional materials not previously submitted with respect to the original decision. If a request for reconsideration is filed in accordance with this subsection, the deadline to file an appeal pursuant to Section 3(3) herein, is tolled, and the time for filing a Statement of Appeal shall be 30 calendar days after receipt of the decision on reconsideration.

3. **Statement of appeal.** An individual who wishes to appeal a decision must File a written statement of appeal with PDS within 30 calendar days after receipt of the Executive Director's decision. For purposes of this section, a statement of appeal is Filed on the date it is received by PDS if it is received by PDS by 4:30PM eastern standard time. A statement of appeal that is received by PDS after 4:30PM eastern standard time is Filed on the next business day.

4. **Contents of the statement of appeal**. The statement of appeal shall include, but is not limited to, a copy of the Executive Director's decision, the grounds for the appeal, and a statement of the Appellant's position.

5. **Assignment to Presiding Officer & PDS Clerk**. When a statement of appeal is received, the Commission Chair should assign the appeal to a Presiding Officer and PDS Clerk within 30 calendar days.

SECTION 4. CHOICE OF APPEALS PROCESS.

1. Within 7 calendar days of receiving notice of assignment as PDS Clerk, the PDS Clerk shall notify the Appellant in writing of the option to choose one of two appeal processes:

    A. The Appellant may choose to rely solely on the documentary evidence considered by the Executive Director and the Statement of Appeal. The decision to proceed under the Expedited Appeal process is irrevocable once the expedited process has commenced.

B. Alternatively, the Appellant may request to have a hearing pursuant to 5 M.R.S. § 9052.

2. The Appellant must respond in writing to the PDS Clerk as to their selection of the type of appeal process within 15 calendar days after the written notice by the PDS Clerk is received. If the Appellant does not respond within the timeframe prescribed herein the appeal process shall default to the Expedited Appeal process set forth in Section 4(1)(A).

3. If the Appellant elects a Hearing on Appeal process, the Presiding Officer shall notify the Appellant in writing of the hearing date.

SECTION 5. PRESIDING OFFICER.

1. **Appointment.** The Commission Chair shall appoint a Presiding Officer to perform the duties and exercise the powers set forth in this Chapter. The Presiding Officer must be fair; impartial; unbiased; and able to conduct a fair, effective, and efficient appeal process.

2. **Who can serve.** The Commission Chair may appoint any Commissioner or other qualified person as the Presiding Officer. The fact that the Presiding Officer is a PDS rostered attorney does not constitute, by itself, direct or indirect personal or financial interest in an appeal or its outcome.

3. **Appointment, removal, & replacement.**

   A. An appeal will be assigned to a Presiding Officer who has no personal or financial interest, direct or indirect, in the appeal or its outcome, and who has not been involved directly or indirectly in the matter that is the subject of the appeal.

   B. If a party files a timely charge of bias, prejudice, or personal or financial interest, either direct or indirect, with the Presiding Officer, the Presiding Officer will promptly determine whether to recuse from the appeal and will include that determination in the record.

   C. A Presiding Officer may also independently decide to recuse from the appeal if the Presiding Officer cannot be fair, impartial, and unbiased.

   D. When a Presiding Officer decides to recuse or cannot continue, the Commission Chair will assign the appeal to a new Presiding Officer pursuant to this Section. The Presiding Officer will continue the ongoing appeal process, unless the Presiding Officer determines that, to avoid substantial prejudice to any party, it is necessary to start the process anew.

4. **Duty and powers of the Presiding Officer.** The Presiding Officer has the duty to preside over any hearing in a fair and impartial manner in accordance with this Chapter and has all the powers and duties as set forth in 5 M.R.S. § 9062. In addition, it is the duty of the

Presiding Officer to disclose, upon the request of any party, the substance of the Presiding Officer's communication with the PDS Clerk.

5. **Recommended Decision of Presiding Officer.**

A. If an Appellant requests an Expedited Appeal pursuant to Section 4(1)(A), the Presiding Officer shall issue a recommended decision to the Commission, as set forth in Section 10, within 30 calendar days of the date on which Appellant elected an expedited appeal.

B. If an Appellant requests a Hearing on Appeal pursuant to Section 4(1)(B), the Presiding Officer will conduct a hearing in accordance with the requirements of the Maine Administrative Procedure Act, 5 M.R.S. § 9051 *et seq.*, and provide the parties notice of any hearing pursuant to 5 M.R.S. § 9052. A hearing before the Presiding Officer shall be scheduled to occur expeditiously.

SECTION 6. PDS CLERK.

The PDS Clerk shall:

1. Upon request of the Presiding Officer, provide information and documents to the Presiding Officer about the operations and administrative procedures of PDS; and

2. Provide technical and administrative assistance to the Presiding Officer at any hearing or pre-hearing conference, including ensuring that all events are recorded in a form susceptible to transcription.

SECTION 7. DEFAULT.

If an Appellant fails to appear at a hearing, the Appellant shall be deemed by the Presiding Officer to have abandoned the appeal. The Presiding Officer shall immediately notify the Appellant in writing of the finding of default. If, within 10 calendar days after the issuance of the notice of default, the Appellant submits information that demonstrates, in the judgment of the Presiding Officer, that the Appellant had good cause for failing to appear, the appeal will be reinstated. If the Appellant does not submit such information to the Presiding Officer within the timeframe herein, the appeal will be dismissed, and the decision of the Executive Director will become final agency action.

SECTION 8. SUBPOENAS AND DISCOVERY.

1. Any party may request the issuance of a subpoena by presenting the request to the Presiding Officer. The request must contain:

A. The name and address of the party requesting the subpoena;

B. The name and address of the person to be subpoenaed, or other place where the person to be subpoenaed may be found; and

C. A brief statement why the testimony or evidence of the person to be subpoenaed is relevant to an issue of fact in the appeal.

2. If the Presiding Officer determines that the request pertains to testimony or evidence relevant to an issue of fact in the appeal, the Presiding Officer must submit the subpoena for approval by the Attorney General or a Deputy Attorney General who is not involved in the appeal.

3. A subpoena shall comply with the requirements of 5 M.R.S. § 9060.

4. No prehearing discovery is allowed, except that any party may conduct its own investigation and offer evidence it believes is relevant to the issues to be decided regarding the decision on appeal.

5. **Pre-hearing conference**.

A. If a full hearing under Section 4(1)(B) is elected, then the Presiding Officer shall conduct a pre-hearing conference with the parties and/or their representatives at least 30 calendar days before the hearing date.

B. The scope of the prehearing conference will encompass:

I. Any evidentiary issues the parties wish to address in advance of the hearing;

II. The potential for stipulations;

III. Arrangements for remote appearance by witnesses;

IV. The exchange of witness and exhibit lists and exhibits, which must occur at least 14 calendar days in advance of the hearing;

V. The filing of objections to evidence or witnesses, which must occur at least 7 calendar days in advance of the hearing; and

VI. A good faith estimate of time needed for the hearing.

SECTION 9. HEARING.

1. **Recording.** All hearings will be recorded in a form susceptible to transcription.

2. **Public hearing.** The hearing shall be public unless there will be substantial confidential information presented. If there will be substantial confidential information presented, the Presiding Officer may utilize the provisions of 5 M.R.S. § 9057(6) to protect the confidentiality of the information, including but not limited to, closing portions—or in a rare case concerning underlying case information from youth representation or Title 22 child protection proceedings—all of the proceeding to the public.

3. **Presiding Officer's powers and duties.** The Presiding Officer will have those powers and duties set out in 5 M.R.S. § 9062, including the power to administer oaths, rule on the admissibility of evidence, regulate the course of the proceedings, issue a recommended decision for consideration by the Commission, and otherwise control the procedure of the appeal from inception through the rendering of a recommended decision to the Commission.

4. **Evidence.**

   A. Rulings on evidence must be made pursuant to 5 M.R.S § 9057.

   B. Witnesses may provide testimony orally before the Presiding Officer or in-person by deposition, by video, or by a sworn written statement. Parties must ensure that witnesses who provide sworn written statements or testimony are available for cross-examination at the hearing, although the cross-examination of a witness may, at the request of a party, take place at a later date.

   C. Evidence that is irrelevant or unduly repetitive may be excluded. Evidence pertaining to the Appellant's fitness or qualifications to provide indigent legal services consistent with constitutional, statutory, or ethical provisions or Commission rules is relevant, whether the evidence arose prior or subsequent to the decision being appealed.

   D. The fact that evidence is admitted shall not limit the authority of the Presiding Officer to determine the weight to be given the evidence.

   E. Hearsay evidence shall not be excluded simply because of its hearsay nature. The Presiding Officer will, in accordance with administrative law, determine the weight to be given to hearsay evidence.

   F. Rules of privilege as provided in the Maine Rules of Evidence, Article 5, shall be observed.

   G. When all parties stipulate to a fact, the Presiding Officer may make draft findings of fact based on the stipulation, and the Commission shall decide what weight to give the stipulated facts. Signed statements or on-the-record oral statements by parties are sufficient as stipulations.

H. The Presiding Officer may take official notice of a fact upon its own initiative or at the request of a party. Official notice may be taken of any fact of which judicial notice could be taken, and of any statutes, rules and non-confidential public records. The Presiding Officer will notify the parties when official notice is taken and shall afford the parties an opportunity to contest the substance or materiality of the material noticed.

SECTION 10. RECOMMENDED DECISION.

1. **Standard.** In rendering a recommended decision, the Presiding Officer shall afford high deference to the Executive Director's decision and will only recommend that the Executive Director's decision be vacated—in whole or in part—if the Presiding Officer determines that the Executive Director's decision was arbitrary and capricious or constituted an abuse of discretion.

2. **Basis.**

   A. Expedited Appeal. If the Appellant has chosen an Expedited Appeal, following review of the documentary record, the Presiding Officer will prepare a recommended decision based on a review of the materials submitted by the Appellant with Appellant's notice of appeal and any materials considered by the Executive Director in rendering a decision, including any materials submitted or relied upon as part of a motion for reconsideration.

   B. Hearing on Appeal. The recommended decision following a hearing on appeal must be based only on the evidence, filings, argument presented to the Presiding Officer by the Parties, and any statements made by the Parties throughout the appellate process.

3. **Timing.**

   A. In the event of an expedited appeal, the Presiding Officer shall issue a recommended decision within 30 calendar days of the date on which the Appellant elected an expedited appeal.

   B. In the event of a hearing on appeal, the Presiding Officer shall issue a recommended decision within 30 calendar days of the close of all evidence and argument.

4. **Contents.** The recommended decision shall comply with 5 M.R.S. § 9061 and include:

   A. A clear statement of the subject(s) of the appeal and of the issue(s) that must be resolved to decide the appeal;

   B. A list of all evidence considered and upon which the recommended final decision is based;

C. Findings of fact reasonably supported by the materials considered, which must be sufficient to apprise the parties of the basis for the recommended decision; and

D. A clear statement indicating whether the Presiding Officer concludes the Executive Director's decision was or was not arbitrary and capricious or constituted an abuse of discretion.

5. **Delivery.** The Presiding Officer will have the PDS Clerk deliver copies of the recommended decision to the parties. The parties will have 10 calendar days from receipt of the recommended decision to submit written responses or objections to the recommended decision. If the Presiding Officer amends the recommended decision based on responses or objections by a party or parties, the Presiding Officer will have the PDS Clerk deliver copies of the final recommended decision to the parties with no further opportunity to respond. The PDS Clerk will then deliver to the Commission the final recommended decision and all written documents in the record to the Commission.

SECTION 11. ACTION BY THE COMMISSION.

1. A quorum of the voting members of the Commission will consider the Presiding Officer's recommended decision at the next regularly scheduled Commission meeting, unless the next regularly scheduled Commission meeting is set to occur less than 14 calendar days after the Presiding Officer's recommended decision issues, in which case, the recommended decision will be considered at the following Commission meeting. No additional evidence, testimony, or argument will be heard.

2. If requested by the Commission, the Presiding Officer may be present to assist the Commission. If the Presiding Officer appointed by the Commission Chair is a Commissioner, that Commissioner shall recuse from voting on Commission action on the recommended decision.

3. After considering the recommended decision, a quorum of the voting members of the Commission shall vote as to whether the decision of the Executive Director was arbitrary and capricious or constituted an abuse of discretion.

   A. If a majority of the Commission votes that the decision of the Executive Director was either arbitrary and capricious or constituted an abuse of discretion, then the Executive Director's decision shall be vacated.

   B. If a majority of the Commission (or the vote is equally split) votes that the Executive Director's decision was neither an abuse of discretion nor arbitrary and capricious, the Commission shall uphold the Executive Director's decision

4. A decision as adopted by the Commission pursuant to this Section is the final administrative decision in the appeal and constitutes final agency action.

SECTION 12. DISMISSAL OF APPEAL.

1. At any time before receipt of notice of the Presiding Officer's recommended decision, the parties may enter into an agreement as to resolution of the issues subject to the appeal. If they reach such an agreement, they shall file with the Presiding Officer a stipulation of dismissal that outlines the agreement reached. Upon receipt, the Presiding Officer shall recommend dismissal to the Commission.

2. At any time before receipt of notice of the Presiding Officer's recommended decision, the Appellant may withdraw the appeal by written notice to the Presiding Officer. Upon receipt of notice withdrawal of the appeal, the Presiding Officer shall recommend dismissal of the appeal to the Commission.

3. The Commission must dismiss the appeal if the Presiding Officer recommends dismissal on the grounds set forth in subsections 1 or 2.

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

EFFECTIVE DATE:

~~**94-649 MAINE COMMISSION ON INDIGENT LEGAL SERVICES**~~

~~**Chapter 201: APPEALS OF DECISIONS OF THE EXECUTIVE DIRECTOR**~~

~~**Summary:** This Chapter establishes the process for an appeal from a decision of the Executive Director to the Commissioners of the Commission on Indigent Legal Services ("Commission") pursuant to 4 M.R.S. §1804(3)(J). It provides for the appointment by the Commission Chair of a Presiding Officer to conduct an appeal process and to prepare a recommended decision for consideration and action by the Commission.~~

ENTIRE RULE REPEALED.

~~**SECTION 1. DEFINITIONS**~~

~~1. **Appellant**. "Appellant" means a person who has filed an appeal.~~

~~2. **Commission or MCILS**. "Commission" or "MCILS" means the Maine Commission on Indigent Legal Services.~~

~~3. **Executive Director**. "Executive Director" means the Executive Director of the Maine Commission on Indigent Legal Services or the Executive Director's decision-making designee.~~

~~4. **Filing**. "File" or "filed" means delivery of an original document to the MCILS Central Office. Delivery may be in-hand, by regular mail, by commercial delivery service or the like. Delivery may not be by electronic means such as email or facsimile.~~

~~5. **MCILS Advisor**. "MCILS Advisor" means a MCILS staff member designated by the Commission Chair to act as MCILS advisor with respect to an appeal.~~

~~**Party**. "Party" means the person bringing an appeal and the MCILS Executive Director.~~

~~7. **Presiding Officer**. "Presiding Officer" means the individual appointed by the Commission Chair to conduct the appeal proceedings under this Chapter and make a recommended decision to the Commission.~~

~~8. **Record**. "Record" means those materials required by 5 M.R.S. §9059.~~

~~**SECTION 2. APPLICABILITY; WHO MAY APPEAL**~~

~~1. **Application**~~

~~This rule applies to appeals to the Commission from decisions of the Executive Director on issues specifically set forth in 4 M.R.S. §1804(3)(J).A decision of the Executive Director concerning issues not specifically set forth in 4 M.R.S. §1804(3)(J) constitutes final agency action and is not subject to appeal under this Chapter.~~

~~2. **Who may Appeal**. A person who has been aggrieved by a decision of the Executive Director pertaining to the issues set forth in 4 M.R.S. §1804(3)(J) may appeal the decision to the Commission. An appellant may be represented by another person in accordance with 4 M.R.S. §807 or may proceed without representation.~~

~~SECTION 3. BRINGING AN APPEAL~~

~~**Decision, reconsideration**. Except as stated below, a decision of the Executive Director becomes final if no appeal is filed within the time limits set forth in this section. A person aggrieved by a decision of the Executive Director may, within 10 days after receipt of the decision of the Executive Director, request that the Executive Director reconsider that decision. Such a request must be accompanied by additional materials not previously submitted with respect to the original decision. If a request for reconsideration is filed in accordance with this subsection, the running of that period is tolled, and the time for filing a Statement of Appeal shall be 30 calendar days after receipt of the decision on reconsideration.~~

~~**Statement of Appeal**. An individual who wishes to appeal a decision must file a written Statement of Appeal with MCIS within 30 calendar days after receipt of the Executive Director's decision. For purposes of this section, a statement of appeal is "filed" on the date it is received at the MCILS Central Office during normal business hours.~~

~~3. **Contents of the Statement of Appeal**. The Statement of Appeal shall include, but is not limited to, a copy of the Executive Director's decision, the grounds for the appeal, and a statement of the appellant's position.~~

~~4. Only issues that have previously been decided by the Executive Director can be appealed.~~

~~5. **Assignment to Presiding Officer**. When a statement of appeal is received, the Commission Chair shall assign the appeal to a Presiding Officer, in accordance with Section 5. Upon assignment of a Presiding Officer, MCILS staff shall notify the appellant in writing of the Presiding Officer's name and contact information and provide the appellant with a copy of this Chapter.~~

~~6. **Assignment of the MCILS Advisor**. When the Commission Chair assigns a Presiding Officer to the appeal, the Commission Chair shall also designate the MCILS Advisor. No person authorized to make decisions subject to the appeal process may be designated as MCILS Advisor.~~

~~SECTION 4. CHOICE OF APPEALS PROCESS~~

~~1. The Presiding Officer shall notify the appellant in writing of the option to choose one of two appeal processes:~~

~~A. **Expedited Appeal**. The appellant may choose to rely solely on the documentary evidence considered by the Executive Director and the Statement of Appeal. The decision to proceed under the Expedited Appeal process is irrevocable once the expedited process has commenced.~~

~~B. **Hearing on Appeal**. Alternatively, the appellant may request to have a hearing pursuant to 5 M.R.S. §9052.~~

~~2. The appellant must respond in writing to the Presiding Officer as to his or her selection of the type of appeal process within 15 calendar days after the written notice by the Presiding Officer. If the appellant does not respond within the timeframe prescribed herein, the Presiding Officer shall commence the Expedited Appeal process set forth in Section 4(1)(A).~~

~~3. If the appellant elects a hearing process, the Presiding Officer shall notify the appellant in writing of the hearing date and provide notice that if the appellant fails to appear at any hearing, the appeal may be deemed to have been abandoned in accordance with Section 7.~~

~~SECTION 5. PRESIDING OFFICER~~

~~1. **Appointment**. The Commission Chair shall appoint a Presiding Officer to perform the duties and exercise the powers set forth in this Chapter. The Presiding Officer must be fair, impartial, unbiased, and able to conduct a fair, efficient and effective appeal process.~~

~~2. **Who Can Serve**. The Commission Chair may appoint any Commissioner or other qualified person as the Presiding Officer. The fact that the Presiding Officer is a MCILS rostered attorney does not constitute, by itself, direct or indirect personal or financial interest in an appeal or its outcome.~~

~~3. **Assignment: Removal: Replacement**~~

~~A. An appeal will be assigned to a Presiding Officer who has no personal or financial interest, direct or indirect, in the appeal or its outcome, and who has not been involved directly or indirectly in the matter that is the subject of the appeal.~~

~~B. If a party files a timely charge of bias, prejudice or personal or financial interest, either direct or indirect, with the Presiding Officer, the Presiding Officer will promptly determine whether to recuse from the appeal and will include that determination in the record.~~

~~C. A Presiding Officer may also independently decide to recuse from the appeal if the Presiding Officer cannot be fair, impartial and unbiased.~~

~~D. When a Presiding Officer decides to recuse or cannot continue, the Commission Chair will assign the appeal to a new Presiding Officer pursuant to this Section. The Presiding Officer will continue the ongoing appeal process, unless the Presiding Officer determines that in order to avoid substantial prejudice to any party it is necessary to start the process anew.~~

~~3. **Duty and powers of the Presiding Officer**. The Presiding Officer has the duty to render a fair and impartial recommended decision to the Commission in accordance with Section 12 and has all the powers and duties as set forth in 5 M.R.S. §9062. In addition, it is the duty of the Presiding Officer to disclose, upon the request of any party, the substance of the Presiding Officer's communication with the MCILS Advisor.~~

~~4. **Recommended Decision of Presiding Officer**~~

~~a. A. If an appellant requests an Expedited Appeal pursuant to Section 4(1)(A), the Presiding Officer shall issue a recommended decision to the Commission, as set forth in Section 12, within a reasonable time period.~~

~~B. If an appellant requests a hearing pursuant to Section 4(1)(B), the Presiding Officer will conduct a hearing in accordance with the requirements of the Maine Administrative Procedure Act, 5 M.R.S. §9051 *et seq*.~~

~~SECTION 6. MCILS ADVISOR~~

~~The MCILS Advisor shall:~~

~~1. Upon request of the Presiding Officer, provide information and documents to the Presiding Officer about the operations and administrative procedures of MCILS; and~~

~~2. Provide technical and administrative assistance to the Presiding Officer at any hearing.~~

~~**SECTION 7. DEFAULT**~~

~~1. **Failure to appear**. If an appellant fails to appear at a hearing, the appellant may be deemed by the Presiding Officer to have abandoned the appeal. The Presiding Officer shall immediately notify the appellant in writing of the finding of default. If within 15 calendar days after the issuance of the notice of default the appellant submits information that demonstrates, in the judgment of the Presiding Officer, that the appellant had good cause for failing to appear, the appeal will be reinstated. If the appellant does not submit such information to the Presiding Officer within the timeframe herein, the decision of the Executive Director will become final.~~

~~2. **Hearing in the absence of the appellant**. A hearing may be held in the absence of the appellant when the Presiding Officer chooses to proceed with the hearing as an alternative to a default.~~

~~**SECTION 8. EVIDENCE**~~

~~1. **Admissibility**. Evidence shall be admitted if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs.~~

~~2. **Testimony**. Witnesses may provide testimony orally before the Presiding Officer or in-person by deposition, by video, or by a sworn written statement. Parties must ensure that witnesses who provide sworn written statements or testimony are available for cross-examination at the hearing, although the cross-examination of a witnesses may, at the request of a party, take place at a later date.~~

~~3. **Irrelevant or repetitious evidence**. Evidence that is irrelevant or unduly repetitive may be excluded.~~

~~4. **Weight of evidence**. The fact that evidence is admitted shall not limit the authority of the Presiding Officer to determine the weight to be given the evidence.~~

~~5. **Hearsay**. Hearsay evidence shall not be excluded simply because of its hearsay nature. The Presiding Officer will, in accordance with law, determine the weight to be given to hearsay evidence.~~

~~6. **Rules of privilege**. Rules of privilege as provided in the Maine Rules of Evidence, Article 5, shall be observed.~~

~~7. **Stipulation of facts**. When all parties stipulate to a fact, the Presiding Officer may make a finding of fact on the basis of the stipulation. Signed statements or on-the-record oral statements by parties are sufficient as stipulations.~~

~~8. **Official notice of facts**. The Presiding Officer may take official notice of a fact upon his or her own initiative or at the request of a party. Official notice may be taken of any fact of which judicial notice could be taken, and in addition, of any general or technical matter within the specialized experience or knowledge of the Presiding Officer, and of any statutes, rules and non-confidential public records. The Presiding Officer will notify the parties when official notice is taken and shall afford the parties an opportunity to contest the substance or materiality of the material noticed.~~

~~SECTION 9. SUBPOENAS~~

~~1. **Request for subpoenas**. Any party may request the issuance of a subpoena by presenting the request to the Presiding Officer. The request must contain:~~

~~A. The name and address of the party requesting the subpoena; and~~

~~B. The name and address of the person to be subpoenaed, or other place where the person to be subpoenaed may be found; and~~

~~C. A brief statement why the testimony or evidence of the person to be subpoenaed is relevant to an issue of fact in the appeal.~~

~~2. **Issuance on approval**. If the Presiding Officer determines that the request pertains to testimony or evidence relevant to an issue of fact in the appeal, the Presiding Officer must submit the subpoena for approval by the Attorney General or a Deputy Attorney General who is not involved in the appeal.~~

~~**Requirements**. A subpoena shall comply with the requirements of 5 M.R.S. §9060.~~

~~SECTION 10. HEARINGS RECORDED~~

~~1. All hearings will be recorded in a form susceptible for transcription.~~

~~SECTION 11. DISMISSAL OF APPEAL~~

~~1. At any time before receipt of notice of the Presiding Officer's recommended decision, the parties may enter into an agreement as to resolution of the issues subject to the appeal. If they reach such an agreement, they shall file with the Presiding Officer a stipulation of dismissal that outlines the agreement reached. Upon receipt, the Presiding Officer shall recommend dismissal to the Commission.~~

~~2. At any time before receipt of notice of the Presiding Officer's recommended decision, the appellant may withdraw the appeal by written notice to the Presiding Officer. Upon receipt of notice withdrawal of the appeal, the Presiding Officer shall recommend dismissal of the appeal.~~

~~3. The Commission must dismiss the appeal if the Presiding Officer recommends dismissal on the grounds set forth in subsection 1 or 2.~~

~~SECTION 12. RECOMMENDED DECISION OF THE PRESIDING OFFICER~~

~~**Contents**. Following the hearing or, if the appellant has chosen an Expedited Appeal following review of the documentary record, the Presiding Officer will prepare a recommended decision, which will include:~~

~~A. A clear statement of the subject(s) of the appeal and of the issue(s) that must be resolved to decide the appeal;~~

~~B. A listing of the date of hearing, place of hearing, and participants at the hearing or, if no hearing was held, the written agreement from the appellant attorney to proceed without a hearing;~~

~~C. A listing of all evidence admitted and upon which the recommended final decision is based;~~

~~D. Findings of fact, which must be sufficient to apprise the parties of the basis for the recommended decision;~~

~~E. A clear statement of result resolving all issues under consideration;~~

~~F. A clear explanation of the reasoning underlying the result, including references to applicable law, procedures, and rules.~~

~~2. **Comments, modification, and delivery to the Commission**~~

~~A. The Presiding Officer will send a copy of the recommended decision to each of the parties for comment. A may submit comments regarding the recommended decision, which must be in writing and must be filed with the Presiding Officer within 10 days of receipt of the Presiding Officer's recommended decision.~~

~~B. The Presiding Officer may, but is not required to, modify the recommended decision in response to the parties' comments. If in the judgment of the Presiding Officer the previously issued recommended decision should be substantially modified, the Presiding Officer will send the recommended decision as modified to the parties for further comment, as provided in subparagraph A.~~

~~C. The Presiding Officer will deliver copies of the recommended decision, as originally prepared and as modified, to the Commission. The Presiding Officer will deliver the written comments made by the parties with the recommended decision. When the recommended decision is not modified, the Presiding Officer will also deliver to the Commission its written response to the parties' written comments.~~

~~SECTION 13. ACTION BY THE COMMISSION~~

~~1. **Commission Consideration**. A quorum of the Commission will consider the Presiding Officer's recommended decision on a timely basis.~~

~~2. **Recommended decision and record**. In advance of consideration, a copy of the Presiding Officer's recommended decision must be sent to each Commissioner, with parties' comments as provided in Section 12.~~

~~3. **Presiding Officer**. If requested by the Commission, the Presiding Officer may be present to assist the Commission. If the Presiding Officer appointed by the Commission Chair is a Commissioner, that Commissioner shall recuse from consideration of or voting on Commission action on the recommended decision.~~

~~4. **Action after consideration**. After considering the recommended final decision, a quorum of the Commission shall:~~

~~A. Adopt the Presiding Officer's recommended decision as delivered;~~

~~B. Modify the Presiding Officer's recommended decision;~~

~~C. Send the matter back to the Presiding Officer for the taking of further evidence or for additional consideration of issues, as set forth by the Commission; or~~

~~D. Reject the Presiding Officer's recommended decision in whole or in part and decide the appeal itself on the basis of the existing record.~~

~~5. A decision as adopted by the Commission pursuant to this Section is the final administrative decision in the appeal.~~

~~6. If the vote of the Commission to accept or not accept the Presiding Officer's recommended decision is evenly divided, the decision of the Executive Director is affirmed.~~

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

~~EFFECTIVE DATE:~~
~~August 21, 2011 – filing 2011-282~~

94-649 MAINE COMMISSION ON PUBLIC DEFENSE SERVICES (PDS)

Chapter 301: FEE SCHEDULE AND ADMINISTRATIVE PROCEDURES FOR PAYMENT OF COUNSEL

Summary: This Chapter establishes an hourly rate, fee schedule, and ~~and~~ administrative procedures for payment of Counsel. ~~The Chapter sets a standard hourly rate and fee amounts that trigger presumptive review for specific case types.~~ The Chapter also establishes rules for the payment of ~~mileage and other~~ expenses that are eligible for reimbursement by the Commission. Finally, this Chapter requires that all vouchers for attorney fees and reimbursable expenses must be submitted using ~~the~~ PDS' E~~e~~lectronic C~~c~~ase M~~m~~anagement S~~s~~ystem.

SECTION 1. DEFINITIONS.

~~1. CommissionPDS or Commission. "PDS" or "Commission" means the Commissioners of the Maine Commission on Public Defense Services.Maine Commission on Public Defense Services.~~

~~2~~31~~.~~ ~~Commission PDS Liaison. "Commission PDS Liaison" means the attorney who performs services for clients as part of the specialty court team but who has not otherwise been appointed to represent a specific client in a specific docket.has the same meaning as defined by 94-649 C.M.R. ch. 3.~~
~~Executive Director. "Executive Director" means the Executive Director of PDS or the Executive Director's decision-making designee.~~

~~3.~~. Counsel. "Counsel" means a private attorney designated eligible by the Commission to be assigned to provide a particular service or to represent a particular client in a particular matter~~,~~ and assigned by PDS or a court to provide that service or represent a client. For the purposes of this Chapter, "Counsel" does not include Employed Counsel or Public Defenders.

2. Days. "Days" means calendar days.

34. Employed Counsel. "Employed Counsel" ~~means an attorney employed by the Commission to provide legal services directly to persons who are eligible to receive indigent legal services in civil proceedings.~~has the same meaning as defined by 4 M.R.S. § 1802.

4. Executive Director. "Executive Director" means the Executive Director of PDS or ~~the Executive Director's decision~~their decision-making designee.

5. Final Voucher. "Final Voucher" means and includes the voucher required by Section 8 of this Chapter to be submitted within 90 days of a Terminal Case Event.

6. Home Court. “Home Court” means the physical location of the court in closest proximity to Counsel’s Primary Office Location.

7. Homicide. “Homicide” has the same meaning as in 94-649 C.M.R. ch. 3.

8. Interim Voucher. ~~–~~“Interim Voucher” means any voucher submitted in a case before Counsel’s professional responsibility in a matter ends.

9. PDS or Commission. “PDS” or “Commission” means the Maine Commission on Public Defense Services.

10. PDS Liaison. “PDS Liaison” has the same meaning as defined by 94-649 C.M.R. ch. 3.

11. PDS’ Electronic Case Management System. “PDS’ Electronic Case Management System” means the electronic case management, billing, voucher, assignment, and records platform for the administration of Counsel services, including the entry of case information, time records, expenses, vouchers, assignments, and related data.

12. Particular Client Assignment. “Particular Client Assignment” means an assignment of Counsel to represent a particular client in a particular matter either by PDS or a court under Rule 44 of the Maine Rules of Unified Criminal Procedure or Rule 88 of the Maine Rules of Civil Procedure. For the purpose of this Rule a “particular matter” is a matter described by a particular docket number in a court.

13. Primary Office Location. “Primary Office Location” means a single physical location within the State of Maine which Counsel designates as their principal place of doing business. If Counsel has more than one office location, they must designate one single office as their Primary Office Location agrees to abide while performing work for PDS.

~~5~~14. Public Defender. ~~-~~"Public Defender" has the same meaning as defined by 4 M.R.S. § 1802. ~~means an attorney employed by the Commission to provide legal services directly to persons who are eligible to receive indigent legal services in criminal and juvenile proceedings.~~

1~~5~~5~~8~~. Resource Counsel. ~~-~~“Resource Counsel” means counsel designated eligible to serve as Resource Counsel pursuant to 94-649 C.M.R. ch. 3.

~~2~~18~~1. Secretary. “Secretary” means a person who is employed or retained by a lawyer, law office, corporation, government agency, or other entity to provide Secretarial Services.~~

~~228. Secretarial Services. “Secretarial Services” means staff support services other than Paralegal Services.~~

1~~96~~20~~66~~9. Supplemental Voucher. "Supplemental Voucher” means any voucher submitted for work performed by Counsel on behalf of their indigent client after the Terminal Case Event has occurred. ~~Home Court. “Home Court” means the physical location of the court in closest~~

~~proximity to Counsel's office or reasonably accessible private meeting space as contemplated by 94-649 C.M.R. ch. 2 § 3.~~Primary Office Location.

170~~1~~

~~7~~1720. Terminal ~~Event Date~~Case Event. "Terminal ~~Event Date~~Case Event" means the order, decision or judgment that signifies the final resolution of a Particular Client Assignment such that substantive appearances before the court are no longer necessary to resolve the issues raised by the complaint, indictment, petition, appeal, or other initial pleading that provided the impetus of the case.

~~8. Commission Liaison. "Commission Liaison" means the attorney who performs services for clients as part of the specialty court team but who has not otherwise been appointed to represent a specific client in a specific docket.~~

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

~~1810. Particular Client Assignment~~Particular Client Assignment. ~~"Particular Client Assignment~~Particular Client Assignment~~" means an assignment of Counsel to represent a particular client in a particular matter either by PDS or a court under Rule 44 of the Maine Rules of Unified Criminal Procedure or Rule 88 of the Maine Rules of Civil Procedure. For the purpose of this Rule a "particular matter" is a matter described by a particular docket number in a court.~~

~~19.~~

~~11. Days. "Days" means calendar days.~~
~~1. Paralegal. "Paralegal" means a person, qualified by education, training, or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency, or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible.~~

~~2. 20. Paralegal Services. "Paralegal Services" means specifically delegated substantive legal work for which a lawyer is responsible.~~

~~3. 21. Secretary. "Secretary" means a person who is employed or retained by a lawyer, law office, corporation, government agency, or other entity to provide Secretarial Services.~~

~~4. 22. Secretarial Services. "Secretarial Services" means staff support services other than Paralegal Services.~~

~~2312. Resource Counsel. "Resource Counsel" means counsel designated eligible to serve as Resource Counsel pursuant to Chapter 3 of the Commission Rules.~~

~~2413. Final Voucher. "Final Voucher" means and includes the voucher required by Section 6 of this Chapter to be submitted within 90 days of a terminal case event~~Terminal Case Event~~.~~

~~2514. Supplemental Voucher. "Supplemental Voucher" means any voucher submitted for work performed by Counsel on behalf of their indigent client after the terminal case eventTerminal Case Event has occurred.~~

~~15. Case. "Case" means a Particular Client Assignment as defined by this Chapter.~~

~~2619. Primary Office Location. "Primary Office Location" means , aA single physical location within the State of Maine which Ccounsel designates as their principal place of doing business. If Ccounsel has more than one office location, they must designate one single office as their primaryPrimary Ooffice Location counsel agrees to abide while performing work for PDS. Such a plan shall include Counsel's preferred Home District, location where they will meet with clients, Counsel's ability to attend court events and meetings with clients, and how clients or successor counsel may retrieve file materials, if necessary.~~

SECTION 2: APPLICABILITY.

~~1.~~ This Chapter applies to ~~all Assigned Counsel and Contract Counsel.~~Counsel.

SECTION 3: REQUIREMENTS OF COUNSEL.

1. Timekeeping and Recordkeeping:

A. Contemporaneous Timekeeping. Counsel shall record their time at the time work is performed or as soon thereafter as is reasonably practicable. ~~but in no event later than the endmore than 48 hours of the day on which the work was performed, exceptional circumstances as determined by the Executive Director.~~

B. Independent Daily Log Recordkeeping. Counsel shall maintain timekeeping records independent of the PDS' Eelectronic Ccase mManagement sSystem. Those records must be maintained as a daily log where all time events from a particular date are recorded on that date's log.
~~AB. Counsel shall record time on a daily basis. Time shall be contemporaneously recorded. Contemporaneous means recorded at the time work is performed or as soon thereafter as practicable, but in no event later than the end of the day on which the work was performed was performed, exceptional circumstances as determined by the Executive Director.~~

~~B~~
~~B. Counsel shall record time on a daily basis. Time shall be contemporaneously recorded.~~

~~(1) Contemporaneous means recorded at the time work is performed or as soon thereafter as practicable, but in no event later than the end of the day on which the work was~~

~~performed was performed, exceptional circumstances as determined by the Executive Director.~~
C. Timekeeping records must be sufficiently detailed to permit independent review and verification of the work performed and shall include, at a minimum:

(1) Client name;

(2) Docket number;

(3) Date of service;

(4) Detailed description of work performed;

(5) Duration of the work performed, recorded in ~~actual minutes worked and capable of conversion to~~ tenths of an hour ~~for billing purposes~~; and

(6) The name of the individual who performed the work.

D. Timekeeping records shall be legible, organized chronologically, and capable of being provided electronically to PDS upon request.

E. Timekeeping records shall minimize to the extent possible confidential information, while still providing enough detail to permit a review to determine what service was provided and should not contain information related to non-PDS clients.

~~E~~F. Counsel shall preserve all timekeeping records for the period required by the Maine Rules of Professional Conduct.

~~F~~G. Upon request, Counsel shall promptly provide timekeeping records to PDS for audit, monitoring, investigation, quality review, or other authorized purposes.

~~G~~H. Failure to maintain records as required by this Chapter creates a rebuttable presumption that disputed time entries are not compensable.

2. Actual Time Requirement.

A. Counsel may only record and seek payment for actual time spent performing compensable work ~~on an Assignment.~~. The sole exception to this is for Lawyer of the Day minimum fees as provided by Section 4(2) herein.

B. Counsel shall not bill based upon standardized increments, presumptive values, estimates, averages, customary durations, minimum billing units, or other billing methodologies that do not reflect actual time spent. ~~Nothing in this paragraph prohibits Counsel from billing the minimum .1 hourly increment – until that minimum increment is phased out in accordance with this Chapter – for a task as long as Counsel does not divide tasks as prohibited by Section 3(2)(C) herein.~~

C. Counsel shall not divide a single task into multiple time entries when the task was performed as one continuous activity and division would result in an overstatement of time.

D. If multiple emails and/or texts occur on the same day concerning the same client and recipient(s), those communications shall be aggregated into a single time entry reflecting the actual time spent. Examples include without limitation:

(1) Review of Emails/Text Messages: If Counsel reviews multiple emails and text messages regarding one client in a single day, Counsel shall bill that as one entry and may only bill for the actual time that it took to review those correspondences.

(2) Preparation of Emails: If Counsel sends multiple emails regarding one client on a single day, Counsel shall bill that as one entry for the actual time spent. Since it is likely that the preparation of emails is the main billing event in that sequence, Counsel should use the "Prepare Email" event option to describe this activity. If there are multiple emails contained within a single billing event, Counsel should include a time entry comment listing the number of emails.

E. Block Billing. Counsel shall not engage in block billing that prevents meaningful review of the time spent on individual tasks. Counsel shall not combine substantively different legal tasks performed on the same date into a single time entry.

3. PDS' Electronic Case Management System:

A. Counsel shall open cases in PDS' Electronic Case Management System within seven (7) days of receiving the actual or constructive notice of appointment.

B. Counsel shall enter time into PDS' Electronic Case Management System no later than thirty (30) days after the date on which the work was performed.

(1) Time entered more than thirty (30) days after the work was performed creates a rebuttable presumption that the time is not compensable.

C. Counsel shall not enter time into PDS' Electronic Case Management System before the work has been performed.

~~(1)~~ Time entered before the work was performed creates a rebuttable presumption that the time is not compensable.

D. Time entered into PDS' Electronic Case Management System shall accurately reflect the underlying timekeeping records maintained pursuant to this Section.

E. Time entered in PDS' Electronic Case Management System shall accurately reflect the name of the person who performed the work.

F. Counsel shall submit vouchers in accordance with the requirements of this Chapter.

4. Certifications:

A. Information entered in PDS' Electronic Case Management System constitutes the good faith representation of C~~c~~ounsel that the information is accurate; reflects the actual time spent; complies with all Commission rules; and complies with the Maine Rules of Professional Conduct, including but not limited to, Maine Rule of Professional Conduct 1.5~~(f)~~.~~.~~

B. Counsel shall be personally and exclusively responsible for the~~ir~~ PDS' Electronic Case Management System~~ account~~ ~~assigned to that attorney~~account assigned to them. Each ~~attorney~~Counsel shall personally maintain access to that account. ~~No attorney~~~~CounselNo~~ Counsel may not permit any other person to use ~~the~~their account, nor may any attorney provide any other person with that attorney's login credentials.

C. Counsel's staff may be provided their own account to PDS' Electronic Case Management System upon a written request of Counsel. Counsel shall ensure that each staff member is~~be~~ personally and exclusively responsible for and maintains access to their ~~Eelectronic Ccase Mmanagement Ssystem~~ account~~ assigned to that staff member~~. ~~Counsel shall ensure that each staff member personally maintain access to that account.~~ Counsel shall ensure that no staff member permits any other person to use the account, nor may any staff member provide any other person with that staff member's login credentials. Counsel is responsible for ensuring the accuracy of all data entered into PDS' E~~e~~lectronic C~~c~~ase M~~m~~anagement S~~s~~ystem, whether entered by Counsel or their staff.

5. ~~Multiple Dockets with the Same Client~~Clients with Multiple Cases. When Counsel submits vouchers for multiple cases on behalf of the same client that were worked on and resolved simultaneously:

A. Counsel shall designate one lead docket and record shared work on that docket.

B. Time shall not be duplicated across multiple dockets.

C. Case-specific work may be billed to the individual docket in which the work was performed.

D. All vouchers referenced in this Subsection shall be submitted on the same day.

6. Payment & Reimbursement of Expenses for Creating File for Client.

A. Counsel may submit a voucher for reasonable time and expenses incurred in copying, scanning, or otherwise reproducing a client's file when providing the file to the client or successor counsel, regardless of when the client or successor counsel requests the file.

B. Compensation for time shall be billed at the hourly rate established in this Chapter.

C. Reimbursement for copying or scanning expenses shall be subject to the same limits and documentation requirements set forth in this Chapter, including the exclusion of the first 100 pages of any single print or copy job.

D. Vouchers for compensation under this Subsection may be submitted as a Supplemental Voucher associated with the original Particular Client Assignment.

7. Payment & Reimbursement of Expenses for Work Performed in a Post Conviction Review Matter for a Former Client.

A. If Counsel is subpoenaed or otherwise required to perform work in a post-conviction review proceeding concerning a case in which the Counsel previously represented the petitioner, the Counsel may seek compensation for the time and expenses reasonably incurred in connection with such testimony.

B. Compensation for time shall be billed at the hourly rate established in this Chapter. Travel and related expenses shall be reimbursed in accordance with this Chapter.

C. Vouchers for compensation under this Subsection shall be submitted as a Supplemental Voucher associated with the original Particular Client Assignment.

SECTION ~~2~~4. HOURLY RATE OF PAYMENT.

1.~~1.~~ Effective March 1, 2023:

A. A rate of One Hundred Fifty Dollars ($150.00) per hour is authorized for time spent by Counsel, and billed using PDS electronic case management system, on an assigned case on or after March 1, 2023.

B. A rate of Eighty Dollars ($80.00) per hour remains authorized for time spent on an assigned case between July 1, 2021 and February 28, 2023.

C. A rate of Sixty Dollars ($60.00) per hour remains authorized for time spent on an assigned case between July 1, 2015 and June 30, 2021.

~~D. A rate of Fifty-five Dollars ($55.00) per hour remains authorized for time spent on an assigned case between July 1, 2014 and June 30, 2015.~~

~~E. A rate of Fifty Dollars ($50.00) per hour remains authorized for time spent on an assigned case between the inception of the Commission and June 30, 2014.~~

2. Lawyer of the Day, Minimum Fees:

~~A.~~ Counsel may bill a minimum fee of three (3) hours for appearances as Lawyer of the Day~~, or Commission Liaison in specialty or diversionary courts or programs.~~. A single minimum fee may be charged for each appearance at which Counsel serves. If Counsel serves as Lawyer of the Day for a morning session that continues into the afternoon, that will be one appearance. If Counsel serves as Lawyer for the Day for a morning session and then a subsequent afternoon session with a second appearance time and list, that will be two appearances. Vouchers seeking the minimum fee must show the actual time ~~expended~~spent and the size of the minimum fee adjustment rather than simply stating that the minimum fee is claimed. In addition to previously scheduled representation at initial appearance sessions, Lawyer of the Day representation includes representation of otherwise unrepresented parties at the specific request of the court on a matter that concludes the same day. Only a single minimum fee may be charged per appearance regardless of the number of clients consulted at the request of the court.

SECTION 5: COMPENSABLE TIME AND EXPENSES.

1. Compensable Time. Counsel is eligible for compensation by PDS for reasonable and necessary legal services that directly advance the representation of an assigned client, subject to the limitations of this Chapter. The burden is on Counsel to demonstrate that claimed time directly advanced the representation.

2. Expenses. PDS may reimburse reasonable and necessary litigation and case-related expenses authorized by this Chapter. Claims for all expenses must be itemized and include documentation. All expense documentation must be attached to the voucher used to seek reimbursement for the expense claimed.

A. Mileage. Mileage reimbursement shall be made at the State rate applicable to confidential State employees on the date of the travel.

(1) Mileage reimbursement will not be paid for travel to and from a Counsel's Home Court.

B. Tolls.

C. Parking. Necessary parking fees associated with multi-day trials and hearings will be reimbursed.

D. Non-Routine Office Expenses. Itemized, necessary, non-routine expenses may be paid by PDS after review. Non-routine office expenses include without limitation: overnight and express postage; collect phone calls; copy costs for print or copy jobs in excess of 100 pages, beginning with the 101st page; printing/copying/binding of legal appeal brief(s).

E. Expert and Investigator Expenses. Other non-routine expenses for payment to third parties, (*e.g.*, investigators, interpreters, medical and psychological experts, testing, depositions, etc.) will only be paid pursuant to 94-649 C.M.R. ch. 302.

F. Witness, Subpoena, and Service Fees. Witness, subpoena, and service fees will be reimbursed only pursuant to the Maine Rules of Court. Counsel should not advance these costs. These costs shall not be included as a voucher expense without prior consent from the Executive Director.~~. Fees for service of process by persons other than the sheriff shall not exceed those allowed by 30-A M.R.S. §421. The same procedure shall be followed in civil cases.~~

SECTION 6: LIMITATIONS ON PAYMENT OF TIME AND EXPENSES.

1. Annual Billable Hours Limit:

A. Counsel shall not be compensated for more than two thousand five hundred (2,500) hours of billable time during a state fiscal year (July 1-June 30). At 52 weeks per year, 2,500 billable hours equates to approximately 48 billable hours every week of the year

B. For purposes of this Section, billable time includes all compensable attorney hours recorded in PDS' Electronic Case Management System, regardless of whether the time relates to a Particular Client Assignment, training provided by PDS, Lawyer of the Day services, Resource Counsel services, ~~Commission~~PDS Liaison, and specialty court services.

C. Counsel shall be exclusively responsible for keeping track of their compensation and billable hours.

D. Upon reaching two thousand five hundred (2,500) billable hours in a fiscal year, Counsel shall not accept any new case assignments.

E. Nothing in this Section relieves Counsel of any professional or ethical obligation owed to existing clients. Counsel shall continue to provide competent, diligent, and zealous representation to all clients for whom Counsel has already accepted an assignment, notwithstanding the fact that the annual compensation limit has been reached.

F. The annual billable hours limit established in this Section shall apply only to time incurred on or after July 1, 2027.

2. Limitations on Travel Time:

A. Designation of Primary Office Location. Upon registration and annual renewal with PDS, Counsel must designate their primary office location. If Counsel has more than one office, they must designate a single primary office to be used for the purpose of this Section. Counsel's designated primary office location determines their Home District.

(1) The districts are as follows:

(a) York County
(b) Cumberland County
(c) Oxford, Franklin, and Androscoggin Counties
(d) Kennebec and Somerset Counties
(e) Penobscot, Piscataquis Counties
(f) Sagadahoc, Lincoln, Knox, and Waldo Counties
(g) Hancock and Washington Counties
(h) Aroostook County.

B. Travel Time on Particular Client Assignments within Home District. Counsel may be compensated for travel time to and from all courts within their Home District.

~~C~~D. Travel Time on Particular Client Assignments Outside of Home District. Counsel may accept Assignments from courts outside of their Home District but will only be compensated for a maximum of one hour of travel time, each way, for each trip to court.

(1) Exceptions to Travel Time on Particular Client Assignments Outside of Home District.

(a) Counsel may be compensated for travel time for client visits or any other purpose.

(b) This limitation does not apply to Homicide cases, post-conviction review cases, or appeals to the Maine Supreme Judicial Court.

(c) This limitation does not apply to situations in which a current client has a new case outside counsel's Home District. Counsel may be paid full travel time in those cases, subject to other relevant provisions of the Commission rules.

E. Waiver of Travel Time Limitations and Home District limitation. The Executive Director has the discretion to grant a waiver of the travel time limitation imposed by this Subsection and to grant Counsel an additional Home District. To request a waiver, counsel must submit a request on a form provided by PDS prior to acceptance of the Particular Client Assignment.

3. Out-of-State Travel, Overnight Travel, and Associated Expenses. All out-of-state travel, overnight travel, and any associated expenses must be approved by the Executive Director in writing prior to incurring the expense.

A. Reimbursement will be subject to the State's per diem maximum rate policies.

B. Use of the telephone, video equipment, and email in lieu of travel is encouraged as appropriate.
~~4. Expenses.~~

~~A. Mileage. Mileage reimbursement will not be paid for travel to and from a Counsel's Home Court.~~

~~B. Routine Office Expenses, including without limitation postage other than overnight and express postage, telephone, cell telephone, fax, office overhead, utilities, the first 100 pages of any one print or copy job, local phone calls, and office supplies.~~

SECTION 7: NON-COMPENSABLE ~~PAYMENT OF~~ TIME AND EXPENSES.

1. Non-Compensable Time. Unless otherwise authorized by this Chapter, Counsel shall not seek compensation for and will not be compensated for:

A. Administrative activities, including without limitation:

(1) Timekeeping.

(2) Entering time or other data into PDS' Electronic Case Management System or any other timekeeping software.

(3) Preparing, reviewing, editing or submitting vouchers.

(4) Reviewing billing records.

(5) Responding to PDS inquiries related to monitoring and performance evaluations, investigation of complaints, billing discrepancies, or other information.

(6) Maintaining office records.

(7) Creating files or closing files.

(8) Counsel's obligations pursuant to Maine Rules of Professional Conduct 5.1.

(9) Office management activities.

B. Duplicative activities, including without limitation:

(1) Multiple billings for substantially identical work.

(2) Unnecessary duplication of correspondence or other work.

(3) Reviewing an ~~an "Attached please find"~~ email and the attached document separately. Counsel may only bill for actual time spent.

C. Work that could not provide any substantial benefit to the client or representation.

D. Work that is generated for the sole or primary purpose of generating billable hours.

2. Expenses, including without limitation:

A. Single-day parking fees.

B. Parking tickets, fines, and/or fees for other violations will not be reimbursed.

C. Mileage. Mileage reimbursement will not be paid for travel to and from Counsel's Home Court.

D. Routine Office Expenses, including without limitation postage other than overnight and express postage, telephone, cell telephone, fax, office overhead, utilities, the first 100 pages of any one print or copy job, local phone calls, and office supplies.

SECTION 8. ADMINISTRATION.

1. Quarterly Billing – Timing Requirements.

A. Quarterly Billing Required. Counsel shall submit vouchers for every Particular Client ~~assigned docket number~~ Assignment at least once each calendar quarter, in accordance with the schedule below. For example, for work performed between January 1~~, 2028~~-March 31~~, 2028~~, a voucher with those time entries and expenses must be submitted on or before June 30 of that same year. ~~, 2028.~~

Work Performed	**Voucher Due**
January 1st-March 31st	June 30th
April 1st-June 30th	September 30th
July 1st-September 30th	December 31st
October 1st-December 31st	March 31st

B. Late Submissions. Vouchers not submitted within the timeframes established by this Section are not payable unless an exception is granted pursuant to this Section.

(1) Exception. Counsel may request an exception in writing to the PDS Audit Director or their designee by demonstrating that a voucher could not have been timely submitted for reasons outside the actual or constructive control of Counsel.

(a) "Reasons outside the actual or constructive control of Counsel" means that the event could not reasonably have been anticipated, prevented, or mitigated by ordinary professional diligence, and the event directly prevented timely submission or compliance.

(i) Reasons outside the actual or constructive control of Counsel may include without limitation: serious medical emergencies, death or critical illness of immediate family members, natural disasters, military or government service, death or incapacity of staff, and technology failures outside of Counsel's control.

(ii) Reasons not outside the actual or constructive control of Counsel include without limitation: caseload, trial schedule, vacation or planned absences, and office disorganization.

(2) If an exception decision is rendered, Counsel may submit an appeal in writing to the Executive Director, within 10 days of the Audit Director's decision. A decision on an exception under this Subsection is final agency action.

C. Counsel shall remain responsible for timely submission of vouchers regardless of whether the case remains pending. The pendency of a case shall not constitute good cause for failure to comply with the quarterly billing requirements of this Chapter.

D. Monthly Billing Encouraged. Counsel may submit I~~i~~nterim V~~v~~ouchers for payment of counsel fees and expenses associated with a Particular Client ~~particular~~ Assignment a maximum of once every calendar month, and monthly billing is strongly encouraged to promote timely payment and accurate recordkeeping.

2. Transition to Quarterly Billing. Notwithstanding any other provision of this Chapter, the quarterly billing requirements established herein shall be phased in according to the following schedule:

A. All time incurred prior to January 1, 2024 shall be included on a voucher submitted no later than January 1, 2027.

B. All time incurred between January 1, 2024 and December 31, 2024 shall be included on a voucher submitted no later than July 1, 2027.

C. All time incurred between January 1, 2025 and December 31, 2025 shall be included on a voucher submitted no later than January 1, 2028.

D. All time incurred between January 1, 2026 and December 31, 2026 shall be included on a voucher submitted no later than March 31, 2027.

E. Beginning January 1, 2027, Counsel shall comply with the quarterly billing requirements established by this Chapter for all work performed on or after January 1, 2027.

3. Billing – Timing Requirements. The following provisions shall remain in effect during the phasing in of quarterly billing, on the same schedule as outlined by Section 8(2) herein. Once

the date of the time events are governed by the quarterly billing schedule contained in Section 8(2) herein, the timing requirements provided in Section 8(3) no longer apply.~~.~~

A. Vouchers for payment of counsel fees and expenses associated with a P~~p~~articular Client ~~client a~~Assignment shall be submitted within 90 (ninety) calendar days of a T~~t~~erminal C~~c~~ase E~~e~~vent.

(1) A ~~terminal case event~~Terminal Case Event is the order, decision or judgment that signifies the final resolution of a ~~particular client assignment~~Particular Client Assignment such that substantive appearances before the court are no longer necessary to resolve the issues raised by the complaint, indictment, petition, appeal, or other initial pleading that provided the impetus of the case. There can be only one ~~terminal case event~~Terminal Case Event in a ~~particular client assignment~~Particular Client Assignment. ~~Terminal case event~~Terminal Case Events exclusively include:

(a) The order granting a motion to withdraw Counsel;

(b) The entry of dismissal of all charges or petitions; or

(c) Judgment or other final order or decision of the court.

(2) Lawyer of the Day, ~~specialty courts~~Specialty Court Liaison, Resource Counsel, and all other services rendered on behalf of the Commission and not associated with a ~~particular client assignment~~Particular Client Assignment shall be billed within 90 days of the service provided.

B. The period for submitting a voucher established by this Subsection shall run from the date that the ~~terminal case event~~Terminal Case Event is docketed.

(1) Services are rendered on Lawyer of the Day assignments on the date Counsel appears in court and serves as Lawyer of the Day. Services performed ~~in specialty courts~~ as a ~~Commission~~PDS Liaison, Resource Counsel, or as part of any other PDS-sponsored program are rendered on the date the individual tasks were performed as indicated by the date associated with the time entry recorded to account for that time.

C. Vouchers not submitted within 90 days of a ~~terminal case event~~Terminal Case Event or the timeframe otherwise established by this Chapter shall be reduced according to the schedule established by this Section below, except on a showing by Counsel that a voucher could not have been timely submitted for reasons outside the actual or constructive control of Counsel. If an exception decision is rendered by the ~~Executive Director's decision-making designee,~~Audit Director, Counsel may submit an appeal in writing to the Executive Director on this issue only, within 10 days of the ~~designee's~~Audit Director's decision. The Executive Director's~~A~~ decision on an exception under this Section is final agency action.

(1) Reduction for Untimely Voucher Submission. The total reduction applied to vouchers submitted after the 90-day deadline is calculated by multiplying the total

voucher amount by the applicable percentage according to the schedule established below.

(2) The days elapsed since the relevant ~~terminal case event~~Terminal Case Event are calculated in the same manner as in determining compliance with the 90-day deadline.

(3) Reduction Schedule:

Days After ~~Terminal Case Event~~Terminal Case Event	Reduction
91 – 104	10%
105 – 150	25%
151 – 180	50%
181 or more	100%

(4) Any reduction for the untimely submission of a voucher may only be applied after Counsel is provided with an opportunity to request an exception pursuant to subsection (1)(C) of this Section.

D. Counsel may submit interim vouchers not more often than once every calendar month per case.

E. Sunset of this Section.

(1) Notwithstanding any other provision of this Chapter, the voucher submission requirements and reduction ~~schedule previously~~ contained in ~~Chapter 301~~Section 8(3) shall remain applicable only to vouchers containing time incurred before January 1, 2027.

(2) Effective July 1, 2028, ~~all provisions relating to terminal-event billing deadlines, untimely voucher reductions, and associated appeal procedures are repealed and shall no longer apply~~Section 8(3) is repealed. Thereafter, all voucher submissions shall be governed exclusively by the quarterly billing requirements established in Section 8(2).~~.~~

4. Time Entries and Voucher Submission.

A. Detailed Billing. All time on vouchers shall be detailed and accounted for in .10 of an hour increment, rounding up to the nearest .10 of an hour. Each time entry shall identify the purpose of the work performed by selecting the most relevant event option from PDS' Electronic Case Management System.

B. Supplemental Vouchers. If a Particular Client Assignment requires additional, supplemental work be performed by Counsel after the Terminal Case Event occurs, Counsel may submit a Supplemental Voucher for the work performed after the final voucher is submitted. All time included on a supplemental voucher must be billed within 90 days after the ~~a reasonable period of time after the~~ task was completed~~, but no more~~

~~than 90 days after the work was performed~~. Notwithstanding any other provision of this Chapter, any time included on a supplemental voucher that is not submitted within a reasonable period of time is not payable except on a showing by Counsel that the voucher could not have been timely submitted for reasons outside the actual or constructive control of Counsel.

(~~a~~1) Time for work performed by Counsel before the Terminal Case Event occurred may not be included on a supplemental voucher.

C. Time for work performed by Counsel after the Terminal Case Event occurred may be included on a final voucher. If a final voucher is submitted greater than 90 days after a Terminal Case Event, the entire voucher will be reduced according to the reduction schedule established by this Chapter including any time for work performed after the terminal case occurred.

~~A. Detailed Billing. All time on vouchers shall be detailed and accounted for in .10 of an hour increment, rounding up to the nearest .10 of an hour. Each time entry shall identify the purpose of the work performed by selecting the most relevant event option from PDS' Electronic Case Management System.~~

~~B. Supplemental Vouchers. If a particular client assignment requires additional, supplemental work be performed by Counsel after the terminal case event occurs, Counsel may submit a supplemental voucher for the work performed after the final voucher is submitted. All time included on a supplemental voucher must be billed within a reasonable period of time after the task was completed. Notwithstanding any other provision of this Chapter, any time included on a supplemental voucher that is not submitted within a reasonable period of time is not payable except on a showing by Counsel that the voucher could not have been timely submitted for reasons outside the actual or constructive control of Counsel.~~

~~(1) Time for work performed by Counsel before the terminal case event occurred may not be included on a supplemental voucher.~~

~~C. Time for work performed by Counsel after the terminal case event occurred may be included on a final voucher. If a final voucher is submitted greater than 90 days after a terminal case event, the entire voucher will be reduced according to the reduction schedule established by this Chapter including any time for work performed after the terminal case occurred.~~

5. Audit/Voucher Review. PDS may conduct audits, investigations and billing reviews of Counsel at any time. Counsel shall fully cooperate. Failure to cooperate constitutes grounds for suspension, removal from eligibility lists, denial of payment, and~~or~~ any other authorized action.

A. High Daily Alerts. PDS will generate an alert when Counsel submits time entries exceeding t~~welve~~en (10~~2~~) hours in a single day. The alert will identify the cases in PDS' electronic case management system associated with time entries on that date.

(1) Counsel shall provide a response to the alert.

(2) Counsel's response must address all time entries recorded on the date in question, including entries from cases not yet billed. The response shall:

(a) Confirm the accuracy of the time billed and provide a written explanation of why the billed time exceeded t~~welve~~en (10~~2~~) hours; or

(b) Identify each inaccurate entry and provide corrections as set forth in this Section.

(3) If errors are found in unbilled cases or vouchers not yet submitted, Counsel shall correct the errors in the E~~e~~lectronic C~~c~~ase M~~m~~anagement S~~s~~ystem and document the corrections in the response.

(4) If errors are found in billed cases, Counsel shall remit reimbursement to the Commission in an amount equal to the overbilled time. Counsel may not offset the error by reducing time entries in other matters.

(5) Vouchers containing outstanding high daily alerts will not be paid until a response to the alert is received.

(6) Upon request, Counsel shall provide underlying timekeeping records supporting any date that generated a h~~H~~igh d~~D~~aily a~~A~~lert.

~~B. Presumptive Triggers.~~

~~(1) Vouchers submitted for amounts in excess of the applicable trigger for presumptive review will be considered for payment after review by the Executive Director.~~

~~(2) Vouchers submitted in excess of the trigger for presumptive review must be accompanied by an explanation of the time spent on the matter. The explanation shall be set forth in the notes section of a voucher or invoice.~~

~~(3) In cases involving multiple counts against a single defendant, the triggering fee shall be that which applies to the count assigned with the highest class. In cases where a defendant is charged with multiple unrelated offenses, Counsel shall coordinate and consolidate services as much as possible.~~

~~(4). Criminal and juvenile cases will include all proceedings through a terminal case event as defined in Section 6, below. Any subsequent proceedings, such as probation revocations, will require new application and appointment.~~

~~(5) Upon written request to PDS, a second Counsel may be assigned in a murder or other complicated case, to provide for mentorship, or for other good cause at the discretion of the Executive Director:~~

~~(a) the duties of each Counsel must be clearly and specifically defined, and Counsel must avoid unnecessary duplication of effort;~~

~~(b) each Counsel must submit a voucher to PDS. Counsel should coordinate the submission of vouchers so that they can be reviewed together.~~

~~(6) Trial Court Criminal Fees. Triggers for presumptive review, excluding any itemized expenses, are set in accordance with this subsection. Counsel must provide PDS with written justification for any voucher that exceeds the trigger limit.~~

~~(a) Murder. All murder cases shall trigger presumptive review.~~

~~(b) Class A. $9,400~~

~~(c) Class B and C (against person). $7,500~~

~~(d) Class B and C (against property). $4,700~~

~~(e) Class D and E. $4,700~~

~~(f) *[Repealed]*~~

~~(g) Post-Conviction Review. $5,600~~

~~(h) Probation Revocation. $2,800~~

~~(i) Miscellaneous (i.e., witness representation on 5th Amendment grounds, etc.). $1,900~~

~~(j) Juvenile. $2,800~~

~~(k) Bindover. applicable criminal class trigger~~

~~(7). District Court Child Protection. Triggering fees, excluding any itemized expenses, for Counsel in child protective cases are:~~

~~(a) Child protective cases. $10,200~~

~~(8) Other District Court Civil. Triggering fees in District Court civil actions, excluding any itemized expenses, are set in accordance with this subsection.~~

~~Counsel must provide PDS with written justification for any voucher that exceeds the triggering fee.~~

~~(a) Application for Involuntary Commitment. $1,900~~

~~(b) Petition for Emancipation. $2,800~~

~~(c) Petition for Modified Release Treatment. $1,900~~

~~(d) Petition for Release or Discharge. $1,900~~

~~(9) Law Court.~~

~~(a) Appellate: $3,750~~

B~~C~~. Upon request by PDS, Counsel shall provide additional information or documentation.

(1) All ~~invoices~~vouchers ~~in~~about which PDS ~~does~~ requests additional information or documentation are deemed ~~an~~ improper invoices until questions satisfactorily answered.

(2) If Counsel fails to respond to a request for additional information within ninety (~~12~~90) days, the voucher shall be denied and is no longer eligible for payment.

~~SECTION 3.EXPENSES.~~ ~~**REPEALED**~~

~~1. **Routine Office Expenses.** Routine office expenses will not be paid by PDS. Routine office expenses include but are not limited to: postage other than overnight and express postage, regular telephone, cell telephone, fax, office overhead, utilities, the first 100 pages of any one print or copy job, local phone calls, parking (except as stated below), and office supplies. Paralegal Services and Secretarial Services may be compensated in accordance with Chapter 301-B.~~

~~2. **Itemized Non-Routine Expenses.** Itemized non-routine expenses, such as discovery from the State or other agency, long distance calls (only if billed for long distance calls by your phone carrier), overnight and express postage, collect phone calls, copy costs for print or copy jobs in excess of 100 pages, beginning with the 101st page, printing/copying/binding of legal appeal brief(s), relevant in-state mileage (as outlined below), tolls (as outlined below), and fees paid to third parties, may be paid by PDS after review. Necessary parking fees associated with multi-day trials and hearings will be reimbursed. Parking tickets, fines, and/or fees for other violations will not be reimbursed.~~

~~3. **Travel Reimbursement.** Mileage reimbursement shall be made at the State rate applicable to confidential state employees on the date of the travel. Mileage reimbursement will be paid for travel to and from courts other than Counsel's home court. Mileage reimbursement will not be paid for travel to and from a Counsel's home court. Tolls will~~

~~be reimbursed. All out-of-state travel, overnight travel, and any other expense associated with such travel including but not limited to airfare, lodging, and food, must be approved by PDS in writing prior to incurring the expense. Reimbursement will be subject to the State's per diem maximum rate policies with respect to the reimbursement of any expense must be approved by PDS in writing prior to incurring the expense. Use of the telephone, video equipment, and email in lieu of travel is encouraged as appropriate.~~

~~A. Counsel will not be compensated for travel time or travel-related expenses incurred by Paralegals or Secretaries unless Counsel obtains prior written authorization from the Executive Director.~~

~~4. **Itemization of Claims.** Claims for all expenses must be itemized and include documentation. All expense documentation must be attached to the voucher used to seek reimbursement for the expense claimed. Claims for mileage shall be itemized and include the start and end points for the travel in question.~~

~~5. **Discovery Materials.** PDS will reimburse only for one set of discovery materials per assignment. If Counsel is permitted to withdraw, appropriate copies of discovery materials must be forwarded to new counsel within one week of notice of new counsel's assignment. Counsel may retain a copy of a file transferred to new counsel, or to a client. Counsel shall perform any scanning or make any copies necessary to retain a copy of the file at Counsel's expense. The client owns the file. The original file shall be tendered to new counsel, or to the client, as directed.~~

~~6. **Expert and Investigator Expenses.** Other non-routine expenses for payment to third parties, (*e.g.*, investigators, interpreters, medical and psychological experts, testing, depositions, etc.) shall be approved in advance by PDS. Funds for third-party services will be provided by PDS only upon written request and a sufficient demonstration of reasonableness, relevancy, and need in accordance with PDS rules and procedures governing requests for funds for experts and investigators. See Chapter 302 Procedures Regarding Funds for Experts and Investigators.~~

~~7. **Witness, Subpoena, and Service Fees.** Witness, subpoena, and service fees will be reimbursed only pursuant to the Maine Rules of Court. Counsel should not advance these costs. These costs shall not be included as a voucher expense without prior consent from the Executive Director. Fees for service of process by persons other than the sheriff shall not exceed those allowed by 30-A M.R.S. §421. The same procedure shall be followed in civil cases.~~

~~SECTION 4. PRESUMPTIVE REVIEW~~. **REPEALED**

~~1. Vouchers submitted for amounts in excess of the applicable trigger for presumptive review will be considered for payment after review by the Executive Director or designee. Vouchers submitted in excess of the trigger for presumptive review must be accompanied~~

~~by an explanation of the time spent on the matter. The explanation shall be set forth in the notes section of a voucher or invoice.~~

~~2. **Trial Court Criminal Fees**~~

~~A. Triggers for presumptive review, excluding any itemized expenses, are set in accordance with this subsection. Counsel must provide PDS with written justification for any voucher that exceeds the trigger limit.~~

~~(1) **Murder.** All murder cases shall trigger presumptive review.~~

~~(2) **Class A.** $9,400~~

~~(3) **Class B and C (against person).** $7,500~~

~~(4) **Class B and C (against property).** $4,700~~

~~(5) **Class D and E.** $4,700~~

~~(6) *[Repealed]*~~

~~(7) **Post-Conviction Review.** $5,600~~

~~(8) **Probation Revocation.** $2,800~~

~~(9) **Miscellaneous (i.e., witness representation on 5th Amendment grounds, etc.).** $1,900~~

~~(10) **Juvenile.** $2,800~~

~~(11) **Bindover.** applicable criminal class trigger~~

~~B. In cases involving multiple counts against a single defendant, the triggering fee shall be that which applies to the count assigned with the highest class. In cases where a defendant is charged with multiple unrelated offenses, Counsel shall coordinate and consolidate services as much as possible.~~

~~C. Criminal and juvenile cases will include all proceedings through a terminal case event as defined in Section 6, below. Any subsequent proceedings, such as probation revocations, will require new application and appointment.~~

~~D. *[Repealed]*~~

~~E. Upon written request to PDS, a second Counsel may be assigned in a murder or other complicated case, to provide for mentorship, or for other good cause at the discretion of the Executive Director:~~

~~(1) the duties of each Counsel must be clearly and specifically defined, and Counsel must avoid unnecessary duplication of effort;~~

~~(2) each Counsel must submit a voucher to PDS. Counsel should coordinate the submission of vouchers so that they can be reviewed together.~~

~~3. **District Court Child Protection**~~

~~A. Triggering fees, excluding any itemized expenses, for Counsel in child protective cases are:~~

~~(1) **Child protective cases**. $10,200~~

~~(2) *[Repealed]*~~

~~B. *[Repealed]*~~

~~4. **Other District Court Civil**~~

~~A. Triggering fees in District Court civil actions, excluding any itemized expenses, are set in accordance with this subsection. Counsel must provide PDS with written justification for any voucher that exceeds the triggering fee.~~

~~(1) **Application for Involuntary Commitment.** $1,900~~

~~(2) **Petition for Emancipation.** $2,800~~

~~(3) **Petition for Modified Release Treatment.** $1,900~~

~~(4) **Petition for Release or Discharge.** $1,900~~

~~5. **Law Court**~~

~~A. *[Repealed]*~~

~~B. *[Repealed]*~~

~~C. Appellate: $3,750~~

~~SECTION 5. MINIMUM FEES~~**. REPEALED**

~~1. Counsel may bill a minimum fee of 3 hours for appearances as Lawyer of the Day, or Commission Liaison in specialty or diversionary courts or programs. A single minimum fee may be charged for each appearance at which the Counsel serves. If Counsel serves as Lawyer of the Day for a morning session that continues into the afternoon, that will be one~~

~~appearance. If Counsel serves as Lawyer for the Day for a morning session and then a subsequent afternoon session with a second appearance time and list, that will be two appearances. Vouchers seeking the minimum fee must show the actual time expended and the size of the minimum fee adjustment rather than simply stating that the minimum fee is claimed. In addition to previously scheduled representation at initial appearance sessions, Lawyer of the Day representation includes representation of otherwise unrepresented parties at the specific request of the court on a matter that concludes the same day. Only a single minimum fee may be charged per appearance regardless of the number of clients consulted at the request of the court.~~

~~SECTION 6. ADMINISTRATION~~**. REPEALED**

~~1.~~ ~~**Timing**~~

~~A. Vouchers for payment of counsel fees and expenses associated with a particular client assignment shall be submitted within 90 (ninety) calendar days of a terminal case event. Lawyer of the Day, specialty courts, Resource Counsel, and all other services rendered on behalf of the Commission and not associated with a particular client assignment shall be billed within 90 days of the service provided.~~

~~B. The period for submitting a voucher established by subsection (1)(A) of this section shall run from the date that the terminal case event is docketed. Services are rendered on Lawyer of the Day assignments on the date Counsel appears in court and serves as Lawyer of the Day. Services in specialty courts as an Commission Liaison, Resource Counsel, or as part of any other PDS-sponsored program are rendered on the date the individual tasks were performed as indicated by the date associated with the time entry recorded to account for that time.~~

~~A. C. Vouchers not submitted within 90 days of a terminal case event or the timeframe otherwise established by this Chapter shall be reduced according to the schedule established by subsection (3)(C) of this section below, except on a showing by Counsel that a voucher could not have been timely submitted for reasons outside the actual or constructive control of Counsel. If an exception decision is rendered by the Executive Director's decision-making designee, Counsel may submit an appeal in writing to the Executive Director on this issue only, within 10 days of the designee's decision. A decision on an exception under this section is final agency action. (1) (a) (b)~~

~~D. Counsel may submit interim vouchers not more often than once every calendar month per case.~~

~~E. Cases must be entered in the PDS case management system within seven days upon receipt of the Notice of Appointment. If Counsel has been informed that they have been assigned to a case but have not received the Notice of Appointment, Counsel shall exercise due diligence in obtaining a copy of the Notice as soon as possible.~~

~~**2. Terminal Case Events**~~

~~A. A terminal case event is the order, decision or judgment that signifies the final resolution of a particular client assignment such that substantive appearances before the court are no longer necessary to resolve the issues raised by the complaint, indictment, petition, appeal, or other initial pleading that provided the impetus of the case. There can be only one terminal case event in a particular client assignment. Terminal case events exclusively include:~~

~~(1) The withdrawal of Counsel;~~

~~(2) The entry of dismissal of all charges or petitions; or~~

~~(3) Judgment or other final order or decision of the court.~~

~~(4) *[Repealed]*~~

~~**3. Reduction for Untimely Voucher Submission**~~

~~A. The total reduction applied to vouchers submitted after the 90-day deadline is calculated by multiplying the total voucher amount by the applicable percentage according to the schedule established by subsection (3)(C) of this section.~~

~~B. The days elapsed since the relevant terminal case event are calculated in the same manner as in determining compliance with the 90-day deadline.~~

~~C. Reduction Schedule:~~

~~Days After Terminal Case Event~~	~~Reduction~~
~~91 – 104~~	~~10%~~
~~105 – 150~~	~~25%~~
~~151 – 180~~	~~50%~~
~~181 or more~~	~~100%~~

~~D. Any reduction for the untimely submission of a voucher may only be applied after Counsel is provided with an opportunity to request an exception pursuant to subsection (1)(C) of this section.~~

~~4. Voucher Submission~~

~~A. All vouchers must be submitted using the PDS electronic case management system and comply with all instructions for use of the system.~~

~~B. All time on vouchers shall be detailed and accounted for in .10 of an hour increments rounding up to the nearest .10 of an hour. The purpose of each time entry must be specifically stated by using the most relevant time entry category and providing a reasonably descriptive comment/note for each time entry.~~

~~C. Unless otherwise stated in this Chapter, Counsel may only record and seek payment for actual time spent working on Counsel's appointed or assigned cases using the PDS electronic case management system. Counsel may not record a minimum amount for any time entries notwithstanding any previous policy or practice of the Commission.~~

~~D. All expenses claimed for reimbursement must be fully itemized on the voucher. Copies of receipts for payments to third parties shall be retained and appended to the voucher.~~

~~E. If a particular client assignment requires additional, supplemental work be performed by Counsel after the terminal case event occurs, Counsel may submit a supplemental voucher for the work performed after the final voucher is submitted. All time included on a supplemental voucher must be billed within a reasonable period of time after the task was completed.~~

~~Notwithstanding any other provision of this Chapter, any time included on a supplemental voucher that is not submitted within a reasonable period of time is not payable except on a showing by Counsel that the voucher could not have been timely submitted for reasons outside the actual or constructive control of Counsel.~~

~~A. ()Time for work performed by Counsel before the terminal case event occurred may not be included on a supplemental voucher.~~

~~F. Time for work performed by Counsel after the terminal case event occurred may be included on a final voucher. If a final voucher is submitted greater than 90 days after a terminal case event, the entire voucher will be reduced according to the reduction schedule established by this Chapter including any time for work performed after the terminal case occurred.G.~~ 6. Ancillary Matters. Counsel may be paid for work on an ancillary matter while the PDS case ~~they have been assigned to~~to which they have been assigned is pending, if the work on that ancillary matter is ~~geared towards aiding~~ necessary to assist in the defense of the pending PDS matter.

A. Representation on the collateral matter must further the client's interest in the case to which counsel was assigned. PDS' payment in the collateral matter ends when the case to which counsel was appointed ends.

B. Prior authorization from PDS for payment for work outside the scope of the case to which Counsel was a~~ppointed~~ssigned is required.

~~H. (1) (2) (3)~~

~~B. I. (1) (2) (a) (b) (3) (4) (5)~~

~~**5. Payments & Reimbursement of Expenses for Attending Training**~~

~~A. Payments to attend and reimbursement of expenses incurred incidental to attending trainings are governed by Chapter 7-C.~~

~~B. Vouchers submitted in accordance with Chapter 7-C shall be submitted within 90 calendar days of attending the training.~~

~~C. Notwithstanding any other provision of this Chapter or other Commission rules, untimely vouchers for payment or reimbursement of expenses governed by Chapter 7-C will not be paid.~~

~~6.~~

~~**A. B. C. D.** 7. **A. B. C. SVParticular Client Assignment.**~~ **SECTION ~~7~~9. RESOURCE COUNSEL.**

1. Resource Counsel may bill pursuant to ~~Section 36(4), above,~~this Chapter for any billable tasks outlined in ~~subs~~Section ~~2~~ 9(2) and subject to the limitations in ~~subs~~Section ~~3~~ 9(3) of this ~~section~~Section.

2. Billable Tasks.

~~A. Meeting with Counsel, Employed Counsel, and Public Defenders upon the written request of the Executive Director.~~

A~~B~~. Meetings and other communications with Counsel, Employed Counsel, and Public Defenders about the practice of law or ethical or legal issues related to assigned cases.

B~~C~~. Assisting Counsel, Employed Counsel, and Public Defenders with drafting documents and with litigation preparation for assigned cases.

C~~D~~. Meetings and other communications with members of the judiciary or prosecution about matters pertaining to indigent representation upon the written request of the Executive Director.

D~~E~~. Preparing and presenting trainings at the request of the Executive Director~~ or Training & Supervision staff~~.

E~~F~~. In-court observation of Counsel if requested by the Executive Director.

F~~G~~. Responding to calls, emails, and/or webform submissions from individuals who contact PDS through the PDS hotline and/or website. This includes:

(1) Communication with the person who called;

(2) Communication with others to address the individual's matter; and

(3) Limited scope representation undertaken to resolve urgent issues for indigent persons concerning matters for which the person would be entitled to appointment of counsel.

G~~H~~. Other tasks as deemed appropriate by the Executive Director and with prior written authorization of the Executive Director.

3. Limitations.

A. Any services rendered as Resource Counsel must be strictly limited to matters relating to assigned—not retained or pro bono—cases.

B. If Resource Counsel serves as co-counsel on a~~n assigned case~~ Particular Client Assignment, then Resource Counsel must enter the case in the ~~Commission's electronic case management system~~PDS' Electronic Case Management System and bill for it as a typical case, not as Resource Counsel.

C. Prior to preparing a training at the Commission's request, Resource Counsel must have prior written authorization from the Executive Director, which must include a cap on the maximum number of hours the Commission will pay Resource Counsel to prepare and present the training.

D. Resource Counsel must be licensed to practice law in Maine and eligible to accept PDS case assignments at all times while performing Resource Counsel duties. Resource Counsel will not be paid for work done unless Resource Counsel is licensed to practice law in Maine and eligible to accept PDS case assignments.

E. As a condition of the opportunity to serve as Resource Counsel, Resource Counsel must maintain detailed records of the services they perform and provide copies of those records to PDS upon request. At a minimum, those records must include:

(1) The number of attorneys to whom Resource Counsel services are rendered; and

(2) A running log of the number of hours Resource Counsel spends on:

(a) Rendering general Resource Counsel services to attorneys;

(b) Rendering client-specific services; and

(c) Preparing and presenting trainings.

F. Resource Counsel will not be paid for billing more than 40 hours in one seven-day period.

G. Resource Counsel do not develop any property interest in the opportunity to serve in that role. There is no guarantee that PDS will provide any number of hours to Resource Counsel.

H. Resource Counsel may not incur any expenses of any type on behalf of PDS without prior written approval from the Executive Director.

4. Counsel may bill pursuant to ~~Section 6(4)3,~~this Chapter ~~above,~~ for time spent receiving the services of Resource Counsel.

SECTION ~~8~~10. NON-PAYMENT BASED ON MISCONDUCT.

1. The Executive Director may withhold payment of some or all of Counsel's vouchers during the pendency of any investigation of Counsel if the Executive Director has reason to believe that Counsel violated any Commission Rule or any of the Maine Rules of Professional Conduct.

2~~1.~~ If, upon investigation, the ~~Counsel submits a voucher for work completed that, upon investigation, the~~ Executive Director concludes that Counsel violated any ~~of the Maine Rules of Professional Conduct or Commission Rules~~Commission Rule or a Maine Rule of Professional Conduct, ~~the voucher may be rejected – in whole or in part – and the Executive Director may deny payment for the same. Pursuant to 4 M.R.S. § 1804(3)(J), a decision of the Executive Director pursuant to this subsection constitutes final agency action.~~ the Executive Director may withhold or deny payment, in whole or in part, of some or all of Counsel's vouchers.

~~2. The Executive Director may withhold payment during the pendency of an investigation if the Executive Director has reason to believe counsel is not in compliance with this Chapter.~~

~~3. The Executive Director may withhold payment if, upon investigation, the Executive Director determines Counsel has violated any PDS rule or Maine Rules of Professional Conduct.~~

~~1.~~ 34. Pursuant to 4 M.R.S. § 1804(3)(J), a decision of the Executive Director pursuant to this S~~subsection~~ection constitutes final agency action.

STATUTORY AUTHORITY:
4 M.R.S. §§ 1804(2)(F), (3)(B), (3)(F) and (4)(D); 4 M.R.S. § 1805(12).

EFFECTIVE DATE:
August 21, 2011 – filing 2011-283

AMENDED:
March 19, 2013 – filing 2013-062
July 1, 2013 – filing 2013-150 (EMERGENCY)
October 5, 2013 – filing 2013-228
July 1, 2015 – filing 2015-121 (EMERGENCY)
June 10, 2016 – filing 2016-092
July 21, 2021 – filing 2021-149 (EMERGENCY)
January 17, 2022 – filing 2022-007
June 23, 2022 – filing 2022-100 (Final adoption, major substantive)
February 24, 2023 – filing 2023-028 (Emergency adoption)
September 1, 2023 – filing 2023-122 (Final adoption, major substantive)
September 1, 2024 – filing 2024-204

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

APAO ACCESSIBILITY CHECK: July 24, 2025

APAO ACCESSIBILITY CHECK: August 14, 2025

AMENDED:
August 17, 2025 – filing 2025-159

NONSUBSTANTIVE CORRECTIONS (cross-reference update):
April 2, 2026