

## **CASE ENTRY AND BILLING GUIDANCE FOR MCILS ATTORNEYS**

### **I. PURPOSE**

This guidance is written and intended for the following purposes:

- A. To expedite case approvals;
- B. To allow for a more efficient review of vouchers;
- C. To facilitate consistent case entry and billing practices among MCILS attorneys;
- D. To maximize the return on the work performed by MCILS attorneys; and
- E. To reduce the administrative costs of MCILS attorneys associated with case entry, submission of vouchers, and responding to inquiries by MCILS staff.

### **II. CREATING CASES**

#### **A. TIMELINE**

- 1. Cases must be entered within seven calendar days upon receipt of the Notice of Appointment;

#### **B. ELIGIBILITY**

- 1. *Attorneys' Obligation*—Attorneys are responsible for ensuring that they are eligible for the case type(s) in each case to which they are appointed.
  - a. An attorney can check their case eligibility in the Utilities > opt-out function in defenderData.
  - b. The roster categories of serious violent felony, sex offenses, and domestic violence encompass specific offenses which are defined in [Chapter 3, section 1](#).
- 2. *Ineligible Cases*—If an attorney is appointed to a case for which they are not eligible, the attorney must (within seven calendar days upon receipt of the Notice of Appointment):
  - a. Enter the case in defenderData; and
    - i. Apply and be approved for the applicable case type;
    - ii. Obtain eligible co-counsel (with permission of MCILS and order of the appropriate court).

C. INFORMATION TO BE ENTERED

1. *Cases*— The following guidelines apply to entries for cases (not LOD or specialty court appearances).
  - a. Case Information: Date assigned, case type, court, docket number, attorney, and status.
  - b. Court Type: The court for all trial-level criminal cases must be the appropriate UCD, not district or superior court.
  - c. Client Information: Whenever available, the following client information must be entered— first, middle, and last name; suffix; date of birth; address; and phone number.
  - d. Charge Information: Sequence number, statute, charge, and enhancements.

D. DOCKET NUMBER FORMATS:

1. *Cases*—the following applies only to case appointments, not LOD entries:
  - a. In General: always enter the docket number completely and exactly as it is displayed on the docket. Incomplete or inaccurate docket number entries will delay case approvals.
  - b. Court Name:
    - i. District and Superior Courts: use the town/city prefix (*e.g.* POR, WIS, LEW).
    - ii. UCD Courts: use the county prefix (*e.g.* CUM, LIN, AND).
  - c. Court Type:
    - i. District: DC
    - ii. Superior: SC
    - iii. UCD: CD
  - d. Case Type:
    - i. Criminal: CR
    - ii. Juvenile: JV
    - iii. Protective Custody: PC
    - iv. Emancipation: FM
    - v. Mental Health: MH
    - vi. Civil (NCRMT/R): CV
  - e. Numbers:
    - i. Year: must be the complete year (*e.g.* “2022”, not “22”)

- f. Examples:
  - i. Criminal: CUMCD-CR-2022-12345
  - ii. Protective Custody: WISDC-PC-2022-12345
  - iii. Juvenile: BELDC-JV-2022-456
- 2. *Probation Violations*—The docket number is entered exactly the same as the underlying case docket number. Do not add “PV” to the docket number.
  - a. A new case in the system should be created for each new PV assignment. Do not add time to the underlying criminal matter or to an earlier PV that was already disposed of.
- 3. *LOD Entries*—The following guidelines apply to LOD entries only:
  - a. Court Name: always use the court county, regardless of whether the LOD appearance was in the district or UCD court. The only exceptions to this are for Waterville and Bridgton; use the town prefixes for each of those (*i.e.* WATDC and BRIDC).
  - b. Court Type: CD
  - c. Walk-In versus In-Custody:
    - i. Walk-In: LODW
    - ii. In-Custody: LODC
  - d. Date: eight-digit date (MMDDYYYY) of the appearance
  - e. Examples:
    - i. CUMCD-LODW-12302021
    - ii. YRKCD-LODC-01012022

### **III. SUBMITTING VOUCHERS**

#### **A. CASE FILE PAGE**

- 1. *Date Disposed*<sup>≡</sup>—Please be sure to enter the date that the terminal case event occurred in the DISPOSED box. The date that the case was disposed should match with the terminal case event in the time entries, not the date that the file was closed or submitted for payment.
- 2. *File Type*—The file type should relate to the original charges even if the charges change before disposition. E.g. a felony theft charge stays as a FEL file type, even if the charge is resolved as a misdemeanor at disposition.

B. CHARGES PAGE

1. *Criminal Charges*—Please enter the charges that exist at the time of the assignment. If one or more of those charges is dismissed, indicate that in the disposition field and create the charges that resulted in conviction, as well as the disposition on those charges.
2. *Disposition and Sentence*—Please be as accurate and complete as possible with this information. If these boxes are left blank, the voucher will be sent back to the attorney for further information.
3. *Deferred Disposition*—All deferred dispositions require a conditional plea. If there is an entry into a deferred disposition, please indicate that a plea has taken place in the disposition box, and then check the Deferred box. Do not list the case as Unresolved. When the final voucher is submitted for a Deferred Disposition matter, and the case is finally disposed, uncheck the Deferred box and fill in the final disposition and sentencing information.
4. *Unresolved*—Vouchers may be submitted on an interim basis. See Interim Vouchers—Section III(E) & IV(D). If the voucher is submitted before a terminal case event has occurred, and the case does not involve a Deferred Disposition, the disposition can be labeled as Unresolved. If the case is only awaiting sentencing, the sentencing information can be left blank.

C. TIME ENTRIES

1. *Ambiguous Time Entries*—Please avoid using event options that do not accurately describe the events in a case. The event drop down menu contains general options such as “Review”, “Review File”, and “Out of Court/Other”. Please select a specific event option, if applicable. If a general option must be used, please describe the work done in the comment section.
2. *Terminal Case Events*—Please list all terminal case events on vouchers. In criminal cases, when there is a court event (e.g. dispositional conference, docket call, status conference, etc.) and a plea occurs, either “Court/Plea” or “Court/Rule 11” is the event option that should be chosen. If the matter is continued for sentencing, the sentencing date should be listed as “Court/Sentencing”. Similarly, for the return date on a deferred disposition, if a sentencing occurs, the event option should be “Court/Sentencing”. Even though a court event may have been labeled a different way by the Court, MCILS staff would rather see whether a plea and/or sentencing has occurred, as those are terminal case events. In child protective cases, the order signifying a terminal case event is often signed and docketed after the corresponding appearance or hearing date. When you submit your voucher, you should provide the date that order was docketed as well as the appearance date either as a time entry comment or a voucher note. Doing so may prevent unnecessary delays in processing.
3. *Withdrawal of Counsel*—As the withdrawal of counsel is a terminal case event, either the date that a Motion to Withdraw was filed or the date that this Motion was granted should be clearly indicated on the voucher.

3. *Granular Recording*—To the extent possible, please be sure to record each task that is performed in a case, as it will more accurately reflect the work that was done. Please do not aggregate multiple tasks into one event.
4. *Multiple Vouchers for The Same Client*—When billing for multiple cases on behalf of one client that were worked on simultaneously and were resolved simultaneously:
  - (a) Enter almost all the time on the lead case or on the case where it makes the most sense (i.e. where most of the work happened or where the most serious charges are).
  - (b) On the other case(s), enter only one or two events and place a note on the voucher that identifies the case with the most time. Each case should at least list the terminal case event, even if the time is split across each voucher.
  - (c) For probation violation matters, please still list all significant court events on the corresponding voucher. Do not list events such as a probation violation hearing or a probation admission/sentencing on any companion criminal vouchers.
  - (d) Please submit all these vouchers on the same day. This will enable MCILS staff to review the vouchers at the same time to guard against duplication of entries.
5. *Travel*—Please describe the starting and ending points in the comment field (e.g. To/From Court, Lewiston to Portland). Also, please clearly list the destination. If the travel is connected with another billable event (e.g. court hearing, meeting with client), please try to enter the travel time entry and the connected event time entry in succession

#### D. EXPENSES

The language that determines whether an expense will be paid or reimbursed by MCILS is found in [Chapter 301, Section 3](#) of the MCILS Rules. This section of the Rules has recently been amended. Please review the language in this Section carefully to determine which expenses will be reimbursed by MCILS. In order to fulfill the purpose of this document, the following areas are highlighted:

1. *Itemization*—All claims for reimbursable expenses must be itemized and must include documentation. Documents should be uploaded and attached to the voucher.
2. *Photocopies*—The first 100 pages of any print or copy job will not be reimbursed by MCILS. Costs for print or copy jobs in excess of 100 pages, beginning with the 101<sup>st</sup> page, may be paid by MCILS after review. When entering photocopy expenses, enter the number of copies in excess of 100 copies in the Quantity section, and the system will calculate the reimbursement rate. Also, list the actual amount of copies in the Comment section so that MCILS staff can more efficiently determine that the

requested reimbursement is covered by Section 3. Failure to make this distinction could result in the voucher being returned to Counsel requesting further information.

3. *Home Court*—Mileage Expenses and Toll Expenses will be reimbursed for travel to and from courts other than an attorney's home district and superior court. A working definition of a superior court is the building which conducts a Unified Criminal Docket. *See Maine Rules of Unified Criminal Procedure*. An attorney's home district court and home superior court are the courts that are closest geographically to that attorney's office. If there is any confusion, it will always be helpful to clarify on the voucher that reimbursement is being sought for mileage to and from a court that is not a home court.
4. *Mileage Expenses*—When entering mileage expenses, enter the number of miles, and the system will calculate the rate. Mileage reimbursement shall be made at the State rate applicable to confidential state employees on the date of the travel. If entitled to mileage, please bill it.
5. *Subpoenas*--Subpoenas should be submitted to the Sheriff for service. When submitting subpoenas, include a certificate of indigency (See M.R.U.C.P. 17(b)) or a copy of your assignment so the Sheriff knows the subpoenas are issued on behalf of an indigent client. Indicate in your cover letter that the Sheriff should submit the bill to MCILS. These expenses should not be included with a submitted voucher. If you receive a bill from the Sheriff's Office, please direct them to send it to MCILS instead.
6. *Witness Fees*—Witness fees and mileage are not required to be served at the time of service, but the witness under subpoena remains entitled to those fees. If witnesses who appear in response to your subpoena inquire about witness fees and mileage, direct them to submit their request to MCILS using the form on the MCILS website: [www.maine.gov/mcils/forms/index.html](http://www.maine.gov/mcils/forms/index.html). If a professional witness is requesting compensation to attend hearing/trial, submit a request for funds to MCILS for approval of this cost and ask the witness to submit an invoice for their appearance fee and forward it along to MCILS to pay the witness directly. The attorney should not pay witness fees and mileage and should not include these expenses on the voucher.

#### E. INTERIM VOUCHERS

1. *Change in Emphasis*—Under the recently amended Section 6 of Chapter 301, interim vouchers are both allowed and encouraged. *See Timeliness of Voucher Submissions Section for further explanation*. Interim vouchers are also operationally encouraged by the MCILS Audit Team.
2. *Policy*—This policy is intended to be a mutually beneficial one in that it will assist attorneys in staying current with billing and will have a more consistent income flow; and MCILS staff will be able to view the work done by rostered attorneys closer to real time.

3. *Signaling Interim Vouchers*—If a voucher is submitted for payment and it is intended to be an interim voucher, please clearly indicate this intent in the note section of the voucher.

#### F. PRESUMPTIVE REVIEW

The language that determines whether a submitted voucher is subject to presumptive review is found in [Chapter 301, Section 4](#) of the MCILS Rules. Section 4 has recently been amended, and the new language is different from the previous language governing MAXIMUM FEES. The highlights of the amended rule are as follows:

1. *Triggers*—The triggers or trigger limits for presumptive review are set forth in the various subsections of Section 4. These limits are similar to the previous MAXIMUM FEE limits. However, the limits have been expanded to account for the increase in the hourly rate for rostered attorneys.
2. *Review Process*—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.
3. *Written Justification*—Vouchers submitted in excess of the trigger for presumptive review must be accompanied by a written justification or explanation of the time on the matter. The explanation shall be set forth in the notes section of the voucher or invoice.

#### IV. TIMELINESS OF VOUCHER SUBMISSIONS

The language that determines whether the submission of a voucher is timely is found in [Chapter 301, Section 6](#) of the MCILS Rules. Section 6 has recently been amended, and the new language is substantially different from the previous language. The highlights of the amended Rule are as follows:

- A. *90-Day Rule*—Vouchers for payment of counsel fees and expenses shall be submitted within ninety days of a terminal case event.
- B. *Distinctions Between Criminal Cases and Child Protection Cases*—The prior language which defined dispositional events in criminal, juvenile, and appeals cases; and the completion of stages in a child protection case has been eliminated.
- C. *Terminal Case Events*—Terminal case events are the withdrawal of counsel, the dismissal of all charges or petitions, Judgment in a case, or Final resolution of post-judgment proceedings for which Counsel is responsible. The 90-day period for submitting a voucher shall run from the date that an Order, Judgment, or Dismissal is docketed.
- D. *Interim Vouchers*—The new rule specifically allows and encourages the submission of interim vouchers. Interim vouchers are defined as vouchers which do not include any

terminal case events. Counsel should submit interim vouchers not more often than once every 90 days per case.

- E. *Untimely Vouchers*—Under the old Rule, if a voucher was submitted past the 90-day deadline, MCILS staff did not have any discretion to override the rule and approve that voucher for payment. The language in the new rule allows for some discretion. Vouchers not submitted within 90 days of a terminal case event cannot be paid, 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.
- F. *Calculation of the 90-Day Deadline*—Although this calculation is not any different in the new Rule, some clarification is necessary. The counting of the 90 days will begin on the date immediately following the date of the terminal case event. This date will be Day 1. Since the submission of vouchers is achieved electronically, weekends and holidays will not be excluded from this count. Once the counting of days reaches the number 90, that day will be considered to be the 90<sup>th</sup> day. Any voucher submitted beyond the 90<sup>th</sup> day will be considered to be untimely. Since different months contain a different amount of days, a strict counting of each day is necessary.

## V. **PROCESSING VOUCHERS**

### A. SCHEDULE

MCILS staff aspire to process submitted vouchers at the end of every week usually on Thursday, Friday, or both. In some circumstances, due to operational needs, vouchers will be processed earlier in the week. When vouchers are reviewed for processing, MCILS staff review all vouchers submitted during the previous week (Monday through Sunday). This process provides additional time for attorneys to correct any mistakes in submitted vouchers before they are processed for payment. Unfortunately, this practice has the effect of delaying payment where additional information is required as described below.

### B. REQUESTS FOR INFORMATION

When MCILS staff review vouchers each week, there are inevitably vouchers which require additional information for a variety of reasons. If the staff member reviewing vouchers has a question, they will submit the question as a voucher note and put the voucher into “information needed” status. Once the voucher is in information needed status, the attorney is required to respond to the inquiry. The attorney should do this by making any necessary adjustments to the voucher, responding to the inquiry by providing a response as a voucher note, and resubmitting the edited voucher. Once a voucher is placed into “information needed” status, it will not be reviewed again until after the attorney submitting the voucher responds to the inquiry, and in no event earlier than the following week when MCILS staff conduct voucher review.



## VI. HIGH DAILY ALERTS

Any attorney who has billed in excess of 12 hours for a single day will receive an email alert. This email will identify the cases in defenderData that contain time entries for the date in question.

Attorneys are required to respond to these emails within 14 days of receipt, except where counsel could not have responded to this alert for reasons outside their actual or constructive control. In responding to these emails, the following areas are highlighted:

- A. *Separate Daily Time Sheets*—It is highly recommended that attorneys keep separate daily time sheets to facilitate easy retrieval of billing information.
- B. *Time Entries In Question*—The case management system will identify all events and times that were entered on a particular day. Attorneys should review all time entries in a case, and not just the time entries that appear on any voucher submitted for payment.
- C. *Detailed Responses*—If the time that was billed on the date in question was accurate, the attorney should still respond with an explanation as to why the time exceeded 12 hours. If the time that was billed was not accurate, the attorney should specifically identify each and every time entry error from each case.
- D. *Unbilled Cases*—If the time entry error(s) occur in unbilled cases or vouchers that have not yet been submitted, the attorney should correct the error(s) and document each correction in a responsive email.
- E. *Billed Cases*—If the time entry error(s) occur in billed cases, the attorney should send a reimbursement check to MCILS. The check should amount to the difference between the amount billed and the amount actually worked. Please do not reduce the time in another unbilled matters to compensate for the incorrectly billed time.