

MCILS

**February 22, 2023
Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

**FEBRUARY 22, 2023
COMMISSION MEETING
AGENDA**

- 1) Emergency Rulemaking – Public Hearing on Chapter 301 fee schedule
- 2) Approval of the January 17 & January 25, 2023 Commission Meeting Minutes
- 3) Report of the Executive Director
 - a. Operations report
 - b. Case staffing status report
 - c. RDU update
 - d. Recruiting and Training
- 4) Legislative and Budget Update
- 5) Rulemaking discussion on Commission responses to public comment – Chapter 4 caseload standards
- 6) Reimbursement request for civil matter defense representation
- 7) Set Date, Time and Location of Next Regular Meeting of the Commission
- 8) Public Comment
- 9) Executive Session 1 MRSA §405(6)(E) to discuss pending or contemplated litigation

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

Summary: This Chapter establishes a fee schedule and administrative procedures for payment of Court Assigned and Commission Assigned counsel. The Chapter sets a standard hourly rate and fee amounts that trigger presumptive review for specific case types. The Chapter also establishes rules for the payment of mileage and other expenses that are eligible for reimbursement by the Commission. Finally, this Chapter requires Counsel that all vouchers must be submitted using the MCILS electronic case management system.

SECTION 1. DEFINITIONS

1. **Court Assigned Counsel.** "Court Assigned Counsel" means counsel licensed to practice law in Maine, designated eligible to receive an assignment to a particular case, and initially assigned by a Court to represent a particular client in a particular matter.
2. **Commission Assigned Counsel.** "Commission Assigned Counsel" means counsel licensed to practice in Maine, designated eligible to be assigned to provide a particular service or to represent a particular client in a particular matter, and assigned by MCILS to provide that service or represent a client.
3. **Counsel.** As used in this Chapter "Counsel" means a Court Assigned Counsel or Commission Assigned Counsel, or both.
4. **MCILS or Commission.** "MCILS" or "Commission" means the Commissioners of the Maine Commission on Indigent Legal Services.
5. **Executive Director.** "Executive Director" means the Executive Director of MCILS or the Executive Director's decision-making designee.

SECTION 2. HOURLY RATE OF PAYMENT

Effective ~~July 1, 2021~~ March 1, 2023:

A rate of ~~One Hundred Fifty Eighty~~ Dollars (~~\$15080.00~~) per hour is authorized for time spent by Counsel, and billed using MCILS electronic case management system, on an assigned case on or after March 1, 2023 ~~July 1, 2021~~. A rate of Eighty Dollars (\$80.00) per hour remains authorized for time spent on an assigned case between July 1, 2021 and February 28, 2023. A rate of Sixty Dollars (\$60.00) per hour remains authorized for time spent on an assigned case between July 1, 2015 and June 30, 2021. A rate of Fifty-five Dollars (\$55.00) per hour remains authorized for time spent on an assigned case between July 1, 2014 and June 30, 2015. A rate of Fifty Dollars (\$50.00) per hour remains authorized for time spent on an assigned case between the inception of the Commission and June 30, 2014.

SECTION 3. EXPENSES

1. **Routine Office Expenses.** Routine Office expenses will not be paid by MCILS. Routine office expenses include, but are not limited to, postage, express postage, regular telephone, cell telephone, fax, office overhead, utilities, secretarial services, the first 100 pages of any one print or copy job, local phone calls, parking (except as stated below), and office supplies, etc. Paralegal time may be billed to MCILS only through the non-counsel cost procedures.
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), 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 MCILS after review. Necessary parking fees associated with multi-day trials and hearings will 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 district and superior court. Mileage reimbursement will not be paid for travel to and from a Counsel's home district and superior courts. Tolls will be reimbursed, except that tolls will not be reimbursed for travel to and from Counsel's home district and superior court. All out-of-state travel or any overnight travel must be approved by MCILS in writing prior to incurring the expense. Use of the telephone, video equipment, and email in lieu of travel is encouraged as appropriate.
4. **Itemization of Claims.** Claims for all expenses must be itemized and include documentation. Claims for mileage shall be itemized and include the start and end points for the travel in question.
5. **Discovery Materials.** MCILS will reimburse only for one set of discovery materials. 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 MCILS. Funds for third-party services will be provided by MCILS only upon written request and a sufficient demonstration of reasonableness, relevancy, and need in accordance with MCILS 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. It is unnecessary for counsel to advance these costs, and they shall not be included as a voucher expense without prior

consent from the Executive Director or designee. 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

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.

1. Trial Court Criminal Fees

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

- 1) **Murder.** All murder cases shall trigger presumptive review.
- 2) **Class A.** \$5,000
- 3) **Class B and C (against person).** \$4,000
- 4) **Class B and C (against property).** \$2,500
- 5) **Class D and E.** \$2,500
- 6) Repealed
- 7) **Post-Conviction Review.** \$3,000
- 8) **Probation Revocation.** \$1,500
- 9) **Miscellaneous (i.e. witness representation on 5th Amendment grounds, etc.)** \$1,000
- 10) **Juvenile.** \$1,500
- 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 most serious count. In cases where a defendant is charged with a number of 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 revocation, will require new application and appointment.
- D. *Repealed.*
- E. Upon written request to MCILS, a second Counsel, may be assigned in a murder case or other complicated cases, 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 MCILS. Counsel should coordinate the submission of voucher so that they can be reviewed together. Co-counsel who practice in the same firm may submit a single voucher that reflects the work done by each Counsel.

2. **District Court Child Protection**

- A. Triggering fees, excluding any itemized expenses, for Commission-assigned counsel in child protective cases are set in accordance with the following schedule:
 - 1) **Child protective cases** (each stage). \$1,500
 - 2) **Termination of Parental Rights stage** (with a hearing). \$ 2,500
- B. Counsel must provide MCILS with written justification for any voucher that exceeds the triggering limit. Each child protective stage ends when a proceeding results in a Preliminary Protective Order, Judicial Review Order, Jeopardy Order, Order on Petition for Termination of Parental Rights, or entry of a Family Matter or other dispositional order. Each distinct stage in on-going child protective cases shall be considered a new appointment for purposes of the triggering fee for that case.

3. **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 MCILS with written justification for any voucher that exceeds the triggering fee.
 - 1) **Application for Involuntary Commitment.** \$1,000
 - 2) **Petition for Emancipation.** \$1,500
 - 3) **Petition for Modified Release Treatment.** \$1,000
 - 4) **Petition for Release or Discharge.** \$1,000

4. **Law Court**
 - A. *Repealed*
 - B. *Repealed*
 - C. Appellate: \$2,000

SECTION 5: MINIMUM FEES

Counsel may bill a minimum fee of 3 hours for appearances as Lawyer of the Day, or 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

Vouchers for payment of counsel fees and expenses shall be submitted within ninety days of a terminal case event. Lawyer of the Day and specialty courts shall be billed within 90 days of the service provided. 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. Counsel are encouraged to submit interim vouchers not more often than once every 90 days per case. Counsel may request reconsideration of a voucher rejected between April 1, 2021 and the effective date of this rule if that voucher would be payable under this rule.

Terminal case events are:

- 1) The withdrawal of counsel
- 2) The entry of dismissal of all charges or petitions
- 3) Judgment in a case, or
- 4) 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.

1. All vouchers must be submitted using MCILS electronic case management program and comply with all instructions for use of the system.
 2. All time on vouchers shall be detailed and accounted for in .10 of an hour increments. The purpose for each time entry must be self-evident or specifically stated. Use of the comment section is recommended.
 3. 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.
-

STATUTORY AUTHORITY:

4 M.R.S. §§ 1804(2)(F), (3)(B), (3)(F) and (4)(D)

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)

**Maine Commission on Indigent Legal Services – Commissioners Meeting
January 17, 2023**

Minutes

Commissioners Present: Donald Alexander, Randall Bates, Meegan Burbank, Michael Cantara, Michael Carey, Kimberly Monaghan, David Soucy, Joshua Tardy

MCILS Staff Present: Justin Andrus, Ellie Maciag

Agenda Item	Discussion/Outcome
Public Hearing on Chapter 4 – Caseload Standards	<p>In favor:</p> <p>Zachary Heiden: On behalf of ACLU of Maine, Attorney Heiden spoke of his appreciation of the caseload standards being formed. He was concerned over how the standards were formed, citing a concern that the backlog of cases was a large factor in the formation of the standards and numbers used. He also indicated his concern that the number of hours per year (2,000 hours) is too high, pointing out that it does not provide enough time for attorneys to adequately prepare for clients or meaningfully maintain their business. He also expressed concern that the caseload standards are an open caseload standard as opposed to an annual caseload standard. On this, he pointed out that it does not consider how long a case takes and how long it takes to close a case, which leads to not having adequate information to properly manage rostered attorneys.</p> <p>Opposed:</p> <p>Seth Berner: Attorney Berner spoke on the point that the Legislature directed the Commission to look at caseload standards, not to impose case load limits. He further went on to point out that there have been no examples given of rostered attorneys neglecting their clients. He expressed concern that with the implementation of caseload limits, there will be clients that will go from having available representation to no representation. He noted that some of the limits are very generous and that attorneys will most likely not hit them, but that others are very restricted.</p> <p>Jim Howaniec: Attorney Howaniec spoke on the large number of cases (157 cases) that he currently has on his plate, and his concern of how cases are not closing in a timely manner.</p>

Agenda Item	Discussion/Outcome
	<p>Neither for nor against:</p> <p>Robert Ruffner: Attorney Ruffner noted that he believes the current need for rostered attorneys has seeped into the development of the standards. Attorney Ruffner indicated that if an attorney only did misdemeanors, they could have up to 270 misdemeanor cases in a year, so long as they didn't exceed the 2,000-hour limit. If they closed them out at dispositional conference, in a county that had dispositional conference every four months, on a rolling basis, that attorney could have 810 misdemeanors they would handle without triggering anything in the system. He further stated that, even with the potential flaws of the standards, caseload limits need to be implemented to better serve indigent clients. He pointed out that with the increase in time it takes to close a case, they are taking time away from attorneys.</p>
Approval of the December 14, 2022 Commission Meeting Minutes	<p>No discussion. Commissioner Cantara moved to approve the December 14, 2022 minutes. Commissioner Carey seconded. All voted in favor. Approved.</p>
Report of the Executive Director	<p>Operations report. Director Andrus discussed the continued increase in cases, which include the struggle the courts are going through with successfully moving cases through the system.</p> <p>Case staffing status report. Director Andrus indicated there were a total of 194 attorneys working on indigent cases, and of those only 147 are on the roster taking cases.</p> <p>Rural Defender Unit (RDU) update. Director Andrus was happy to report that the RDU is up and running, with them having been able to take on new cases that were in need of representation. They have stopped taking new cases for the moment, but once they have the capacity they will take on additional cases. Discussion ensued regarding reviewing the quality of work of the public defenders and showing that an increase in public defenders across the state is needed. A question was brought up regarding how the delay in staffing the RDU affects the budget that was in place as of July 1. Director Andrus indicated that due to the delay, a surplus of roughly 5 months of personal services vacancy funds, of which some amount goes back to the general fund, but some is available to MCILS.</p>

Agenda Item	Discussion/Outcome
	<p>Recruiting and Training. Director Andrus explained that there are a variety of multi-day trainings coming up, of which there will be compensation to the attorneys attending the trainings for the first time.</p> <p>Annual Report. Director Andrus briefly explained that he would be meeting with the Judiciary committee to present the report, stating that he has no intentions to speak the whole hour he has been given. He indicated that the report speaks very clearly for itself in that MCILS is struggling and in need of help.</p>
Legislative and Budget Update	<p>Director Andrus was appreciative to see that the Governor's budget showed that there was reception to the needs that MCILS has stated we have. Director Andrus indicated that there were other bills out regarding rates and rate changes that were in discussion.</p> <p>Discussion ensued regarding the operational challenges related to the implementation of a rate tree based on different case types. Director Andrus explained the limitations of the current defenderData program, and that implementation of a new case (which may or may not be defenderData) that will be in the works will have the potential to fix this issue. He stated that with the current program, there are two short term solutions: one is staff going in and manually changing every pay rate; the other is a single corrective entry being entered into defenderData that would account for the additional pay/hours to account for the adjustment to the different rate. He pointed out that neither solution is ideal, due to time constraints of staff for the first option, and the potential of administrative issues on the second option.</p>
Public Comment	<p>Robert Ruffner: Attorney Ruffner spoke on the need for the placement of new RDU attorneys to be considered going forward. He spoke on concerns surrounding the vast amount of work that court clerks go through to find attorneys to assign to cases across the state (he used Kennebec County as an example), which can take weeks to fill. All of this is done without MCILS ever being informed of the delay in appointment. He further pointed out concern that MCILS focusing efforts of the RDU on Aroostook and Washington county has the potential to ostracize parts of the state that are also struggling, but MCILS has not been made aware of.</p>

Agenda Item	Discussion/Outcome
Executive Session	Commissioner Alexander moved to go into executive session pursuant to 1 MRS Section 405(6)(e). Commissioner Cantara seconded. All voted in favor. No votes were taken.
Adjournment of meeting	The next meeting will be held on February 22, 2023 at 1 pm.

**Maine Commission on Indigent Legal Services – Commissioners Meeting
January 25, 2023**

Minutes

Commissioners Present: Donald Alexander, Randall Bates, Meegan Burbank, Michael Cantara, Michael Carey, Roger Katz, Kimberly Monaghan, David Soucy

MCILS Staff Present: Justin Andrus, Ellie Maciag

Agenda Item	Discussion/Outcome
Emergency Commission Meeting	<p>Attorney Levy has left his position as District Defender of the Rural Defender Unit (RDU). Director Andrus has requested for two motions to be made and passed. One is to authorize Director Andrus to take on additional responsibilities traditionally covered by the District Defender to cover the period of time before a new District Defender for the RDU is hired. The second motion is to authorize Deputy Director Maciag to have full executive authority that Director Andrus has, should he be unavailable due to District Defender obligations.</p> <p>Director Andrus indicated that the primary purpose of his coverage is to supervise remotely, reviewing case setup and briefings, with the additional possibility of attending court. Director Andrus stressed that it is not his intent to be the sole attorney assigned to a case.</p> <p>Discussion was brought up regarding whether there are other attorneys in MCILS available to do this coverage, to which Director Andrus pointed out that he is the only one currently in MCILS who has run a law firm previously, and therefore has the best understanding and knowhow to properly cover the District Defender position and assist with the continued development of the RDU. Director Andrus further pointed out that all other MCILS staff are regularly privy to sensitive information that would conflict with the taking on of District Defender duties. Director Andrus notes that none of the staff of MCILS have the time available to cover this position, but that all staff are ready to step forward to cover where needed as delegated by Director Andrus.</p> <p>Commissioner Alexander moved to authorize for Director Andrus to take on the additional responsibilities, which include the potential of attending court to represent a client of the RDU, for a 6-month duration, or termination date of August 1st. Commissioner Cantara seconded. All voted in favor, the motion passed.</p>

Agenda Item	Discussion/Outcome
	Commissioner Alexander moved to authorize Deputy Director Maciag to take on additional responsibilities to cover Director Andrus, should he be unavailable due to his coverage of the District Defender position. Commissioner Cantara seconded. All voted in favor, the motion passed.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JUSTIN ANDRUS, EXECUTIVE DIRECTOR
SUBJECT: OPERATIONS REPORTS
DATE: February 17, 2023

Attached you will find the January 2022, Operations Reports for your review and our discussion at the Commission meeting on February 22, 2023. A summary of the operations reports follows:

- 2,558 new cases were opened in the DefenderData system in January. This was a 220 case increase from December. Year to date, new cases are up 2.8% from last year from 16,864 at this time last year to 17,353 this year.
- The number of vouchers submitted electronically in January was 2,920, a decrease of 91 vouchers from December, totaling \$1,795,034, a decrease of \$109,876 from December. Year to date, the number of submitted vouchers is up by approximately 7.0%, from 18,582 at this time last year to 19,885 this year, with the total amount for submitted vouchers up approximately 15.7%, from \$10,246,163 at this time last year to \$11,860,284 this year.
- In January, we paid 3,201 electronic vouchers totaling \$1,888,784, representing an increase of 649 vouchers and an increase of \$322,906 compared to December. Year to date, the number of paid vouchers is up approximately 12.4%, from 17,649 at this time last year to 19,839 this year, and the total amount paid is up approximately 21.9%, from \$9,684,105 this time last year to \$11,811,133 this year.
- The average price per voucher in January was \$590.06, down \$23.53 per voucher from December. Year to date, the average price per voucher is up approximately 8.4%, from \$548.71 at this time last year to \$595.35 this year.
- Appeals and Petition, Release or Discharge cases had the highest average voucher in January. There were 18 vouchers exceeding \$5,000 paid in January. See attached addendum for details.
- In January, we issued 87 authorizations to expend funds: 43 for private investigators, 34 for experts, and 10 for miscellaneous services such as interpreters and transcriptionists. In January, we paid \$79,145 for experts and investigators, etc. No funds requests were denied.
- There were no attorney suspensions in January.

- In our All Other Account, the total expenses for the month of January were \$1,563,055. During January, approximately \$31,522 was devoted to the Commission's operating expenses.
- In the Personal Services Accounts, we had \$253,565 in expenses for the month of January.
- In the Revenue Account, we received no transfer of collected counsel fees from the Judicial Branch for December's collections. The total expenses for counsel fees for the month of January were \$106,827.
- Exceptional results – see attached addendum.
- As of February 17, 2023, there are 201 rostered attorneys of which 156 are available for trial court level work.

Vouchers over \$5,000

Comment	Voucher Total	Case Total
Homicide	\$ 14,138.71	\$ 14,138.71
Aggravated Trafficking	\$ 12,491.98	\$ 12,491.98
Aggravated Assault	\$ 10,696.53	\$ 10,696.53
Homicide	\$ 10,688.00	\$ 41,432.96
Aggravated Assault	\$ 9,028.00	\$ 9,028.00
Theft by Deception	\$ 7,527.00	\$ 7,527.00
Trafficking	\$ 7,314.44	\$ 7,314.44
Burglary/Aggravated Assault	\$ 7,068.13	\$ 7,068.13
Homicide	\$ 6,518.00	\$ 6,518.00
Criminal Threatening	\$ 6,416.00	\$ 6,416.00
Unlawful Possession	\$ 6,200.71	\$ 6,200.71
Domestic Violence Assault	\$ 6,046.00	\$ 6,046.00
Homicide	\$ 5,850.00	\$ 5,850.00
Termination of Parental Rights	\$ 5,615.20	\$ 5,615.20
Assault	\$ 5,433.00	\$ 5,433.00
Criminal Threatening	\$ 5,352.00	\$ 5,352.00
OUI	\$ 5,098.95	\$ 5,098.95
Unlawful Possession	\$ 5,026.00	\$ 5,026.00

Good Outcomes

Review Date	Attorney	Charge	Disposition
1/5/2023	Bos, C. Peter	Child Protection Petition	Dismissal
1/5/2023	Sucy, Stephen	Disorderly Conduct	Dismissal
1/4/2023	Morgan, Matthew	Agg. Trafficking in Schedule W Drug. Illegal Importation	Dismissal after successful Motion to Suppress
1/2/2023	Pratt, Jeremy	5 ct. USC	Not Guilty after Jury Trial
1/13/2023	Calcagni, Luann	Child Protection Petition	Dismissal
1/13/2023	Ward, Robert	Child Protection Petition	Dismissal
1/13/2023	Blaisdell, William	1 ct. VCR, 1 ct. Unlawful Possession of Scheduled Drug	Dismissal
1/13/2023	Jensen, Angela	1 ct. Theft by Unauthorized Taking or Transfer	Dismissal
1/19/2023	Wraight, Marcus	1 ct. Unlawful Tracking in Scheduled Drugs, 1 ct. Unlawful Possession of Fentanyl Powder, 1 ct. Unlawful Possession of Methamphetamine, 1 ct. Unlawful Possession of Scheduled Drug	Dismissal with Suppression Issue Pressure and K9 Expert
1/19/2023	Kenney, Michele	Child Protection Petition	Dismissal
1/19/2023	Miller, Amber	Aggravated Criminal Mischief (JV)	Filing
1/19/2023	Dolley, Jeffrey	Child Protection Petition	Dismissal
1/19/2023	Schmid, Meredith	OUI	Dismissal
1/19/2023	Silverstein, Jeffrey	3 cts. Robbery, 1 ct. Criminal Threatening, 1 ct. Theft by Unauthorized Taking	Dismissal
1/20/2023	Peterson, Kurt	OAS	Dismissal with Motion to Suppress
1/20/2023	Rice, Curtis	Child Protection Petition	Dismissal through PRR
1/20/2023	Mekonis, Joseph	Violating Protection from Abuse Order	Dismissal
1/20/2023	Rice, Curtis	DVA	Dismissal
1/20/2023	Gale, Jon	Domestic Violence Agg. Assault	Dismissal
1/20/2023	Ferm, Jacob	1 ct. Domestic Violence Terrorizing, 1 ct. VCR	Dismissal
1/20/2023	Peterson, Kurt	1 ct. DTE, 1 ct. Domestic Violence Reckless Conduct, 1 ct. Disorderly Conduct	DD GO = Dismissal
1/20/2023	MacLean, Jason	Child Protection Petition	Dismissal through PRR
1/20/2023	Letourneau, Mary-Ann	Child Protection Petition	Dismissal through Guardianship
1/20/2023	Corbett, Dawn	Theft by Unauthorized Taking or Transfer	Dismissal
1/20/2023	Bart, William	DV Agg. Assault(B), DV Assault(C)	Dismissal During Trial

Good Outcomes

1/23/2023	Hewes, James	Probation Violation	Dismissal
1/26/2023	McGee, Peter	Assault	Dismissal
1/26/2023	Bos, C. Peter	Operating after Habitual Offender Revocation	Dismissal
1/26/2023	Crockett, Matthew	1 ct. OUI (Injury or Death), 1 ct. Reckless Conduct, 1 ct. Criminal Mischief, 1 ct. Operating Vehicle Without License	Dismissal
1/27/2023	Harrow, Seth	OUI	Dismissal
1/27/2023	Chipman, Richard	Child Protection Petition	Dismissal
1/27/2023	Slaton, Ashley	1 ct. Disorderly Conduct, 1 ct. Refusing to Submit to Arrest	DD GO = Dismissal
1/27/2023	Fowler, Benjamin	Assault	Dismissal
1/27/2023	Doane, Wayne	Child Protection Petition	Dismissal
1/31/2023	Martin, Mikayla	1 ct. Failure to Stop, Remain, Provide Information, 1 ct. OUI	Dismissal
1/31/2023	Martin, Mikayla	1 ct. Theft by Deception, 1 ct. Negotiate a Worthless Instrument, 1 ct. Forgery	DD GO = Dismissal

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY23 FUND ACCOUNTING
AS OF 01/31/2023

Account 010 95F Z112 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY23 Total
FY23 Professional Services Allotment		\$ 6,173,605.54		\$ 3,080,749.00		\$ 3,080,749.00		\$ 3,080,747.00	\$ 15,415,850.54
FY23 General Operations Allotment		\$ 48,000.00		\$ 48,000.00		\$ 48,000.00		\$ 48,000.00	\$ 192,000.00
FY22 Encumbered Balance Carry Forward		\$ 506,889.06		\$ -		\$ -		\$ -	\$ 506,889.06
Budget Order Adjustment		\$ (221,628.00)		\$ 179,034.00		\$ 178,980.00		\$ 178,981.00	\$ 315,367.00
Budget Order Adjustment		\$ -		\$ 221,628.00		\$ -		\$ -	
Financial Order Unencumbered Balance Fwd		\$ -		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 5,999,977.54		\$ 3,529,411.00		\$ 3,307,729.00		\$ 3,307,728.00	\$ 16,430,106.60
Total Expenses	1	\$ (1,935,083.89)	4	\$ (1,843,734.81)	7	\$ (1,563,055.52)	10	\$ -	
	2	\$ (1,607,416.71)	5	\$ (1,433,680.09)	8	\$ -	11	\$ -	
	3	\$ (1,207,951.78)	6	\$ (151,089.78)	9	\$ -	12	\$ -	
Encumbrances (Justice Works)		\$ -		\$ (58,722.00)		\$ 6,981.00		\$ -	\$ (51,741.00)
Encumbrances (B Taylor)		\$ (13,260.00)		\$ 13,260.00		\$ -		\$ -	\$ -
Encumbrances (CTB for non attorney expenses)		\$ (1,150,139.32)		\$ 266,906.59		\$ 79,145.47		\$ -	\$ (804,087.26)
Encumbrances (business cards,batteries & address stamps)		\$ (17.14)		\$ -		\$ -		\$ -	\$ (17.14)
Encumbrances (RDU business cards & envelopes)		\$ -		\$ (184.70)		\$ 184.70		\$ -	\$ -
Online Legal Research Services		\$ -		\$ (80,250.00)		\$ 6,654.16		\$ -	\$ (73,595.84)
FY22 CTB Balance Carry Forward		\$ (86,108.40)		\$ -		\$ -		\$ -	\$ -
TOTAL REMAINING		\$ 0.30		\$ 241,916.21		\$ 1,837,638.81		\$ 3,307,728.00	\$ 5,894,172.38

Q3 Month 7

INDIGENT LEGAL SERVICES	
Counsel Payments	\$ (1,452,387.58)
Interpreters	\$ (956.00)
Private Investigators	\$ (9,546.09)
Mental Health Expert	\$ (27,538.88)
Misc Prof Fees & Serv	\$ -
Transcripts	\$ (25,044.66)
Other Expert	\$ (14,366.25)
Process Servers	\$ (1,693.59)
SUB-TOTAL ILS	\$ (1,531,533.05)
OPERATING EXPENSES	
Justice Works	\$ (6,981.00)
Barbara Taylor monthly fees	\$ (4,420.00)
Employee Registration non-state	\$ (1,050.00)
Mileage/Tolls/Parking	\$ (640.78)
Mailing/Postage/Freight	\$ (260.39)
West Publishing Corp	\$ (6,908.40)
Office Equipment Rental	\$ -
Office Supplies/Equip.	\$ (2,069.61)
Cellular Phones	\$ -
OIT/TELCO	\$ (8,615.02)
Parking Fees	\$ -
Training refreshments	\$ (92.80)
Dues	\$ (195.00)
RDU business cards & envelopes	\$ (184.70)
Sales tax paid by state for refreshments	\$ (4.77)
AAG Legal Svcs Quarterly Payment	\$ -
Rental Booth from MSBA	\$ (100.00)
SUB-TOTAL OE	\$ (31,522.47)
TOTAL	\$ (1,563,055.52)

INDIGENT LEGAL SERVICES	
Q3 Allotment	\$ 3,307,729.00
Q3 Encumbrances for Justice Works contract	\$ 6,981.00
Barbara Taylor Contract	\$ -
CTB Encumbrance for non attorney expenses	\$ 79,145.47
Q3 Encumbrances for RDU business cards & envelopes	\$ 184.70
Q3 Expenses to date	\$ (1,563,055.52)
Online Legal Research Services	\$ 6,654.16
Remaining Q3 Allotment	\$ 1,837,638.81

Non-Counsel Indigent Legal Services	
Monthly Total	\$ (79,145.47)
Total Q1	\$ 249,860.68
Total Q2	\$ 266,906.59
Total Q3	\$ 79,145.47
Total Q4	\$ -
Fiscal Year Total	\$ 595,912.74

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY23 FUND ACCOUNTING
AS OF 01/31/2023

Account 010 95F Z112 01 (Personal Services)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY23 Total
FY23 Allotment		\$ 285,269.00		\$ 263,599.00		\$ 285,269.00		\$ 115,478.00	\$ 949,615.00
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ 71,107.00		\$ 213,321.00		\$ 213,321.00		\$ 206,733.00	\$ 704,482.00
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 356,376.00		\$ 476,920.00		\$ 498,590.00		\$ 322,211.00	\$ 1,654,097.00
Total Expenses	1	\$ (65,524.90)	4	\$ (67,323.49)	7	\$ (178,162.57)	10	\$ -	
	2	\$ (96,169.15)	5	\$ (68,454.11)	8	\$ -	11	\$ -	
	3	\$ (66,680.15)	6	\$ (83,579.91)	9	\$ -	12	\$ -	
TOTAL REMAINING		\$ 128,001.80		\$ 257,562.49		\$ 320,427.43		\$ 322,211.00	\$ 1,028,202.72

Q3 Month 7	
Per Diem	\$ -
Permanent Regular	\$ (39,774.20)
Perm Vacation Pay	\$ (588.64)
Perm Holiday Pay	\$ (4,922.40)
Sick Pay	\$ (129.16)
Standard Overtime	\$ (82.92)
Health Insurance	\$ (17,485.09)
Dental Insurance	\$ (474.50)
Employer Retiree Health	\$ (10,631.91)
Employer Retirement	\$ (6,284.14)
Employer Group Life	\$ (785.40)
Employer Medicare	\$ (1,665.02)
Retiree Unfunded Liability	\$ (21,645.19)
Longevity Pay	\$ (167.62)
Lim Perm Part Time Full Ben	\$ (5,874.87)
Limited Period Regular	\$ (51,396.73)
Limited Per Vacation Pay	\$ (7,216.57)
Limited Per Holiday Pay	\$ (7,365.36)
Limit Per Sick Pay	\$ (1,672.85)
TOTAL	\$ (178,162.57)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY23

FUND ACCOUNTING

AS OF 01/31/2023

Account 014 95F Z112 01 (OSR Personal Services Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY23 Total
FY23 Allotment		\$ 211,632.00		\$ 194,116.00		\$ 211,632.00		\$ 105,856.00	\$ 723,236.00
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 211,632.00		\$ 194,116.00		\$ 211,632.00		\$ 105,856.00	\$ 723,236.00
Total Expenses	1	\$ (49,018.85)	4	\$ (41,237.93)	7	\$ (75,403.13)	10	\$ -	
	2	\$ (61,002.05)	5	\$ (43,671.56)	8	\$ -	11	\$ -	
	3	\$ (41,197.00)	6	\$ (50,270.65)	9	\$ -	12	\$ -	
TOTAL REMAINING		\$ 60,414.10		\$ 58,935.86		\$ 136,228.87		\$ 105,856.00	\$ 361,434.83

Q3 Month 7 PERMANENT	
Per Diem	\$ -
Permanent Regular	\$ (32,585.08)
Perm Vacation Pay	\$ (494.41)
Perm Holiday Pay	\$ (3,707.52)
Perm Sick Pay	\$ (288.19)
Health Insurance	\$ (10,611.36)
Dental Insurance	\$ (219.00)
Employer Retiree Health	\$ (4,194.72)
Employer Retirement	\$ (3,698.22)
Employer Group Life	\$ (480.06)
Employer Medicare	\$ (634.31)
Retiree Unfunded Liability	\$ (8,539.86)
Longevity Pay	\$ -
Perm Part Time Full Ben	\$ -
Retro Pay Contract	\$ -
Retro Lump Sum Pymt	\$ -
TOTAL	\$ (65,452.73)

Q3 Month 7 LIMITED PERIOD	
Limited Period Regular	\$ (8,146.89)
Limit Per Holiday Pay	\$ (995.04)
Limit Per Vacation Pay	\$ (642.63)
Limit Per Sick Pay	\$ (165.84)
TOTAL	\$ (9,950.40)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY23 FUND ACCOUNTING

As of 01/31/2023

Account 014 95F Z112 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY23 Total
Original Total Budget Allotments		\$ 3,221,844.00		\$ 2,147,897.00		\$ 2,147,896.00		\$ 2,147,896.00	\$ 9,665,533.00
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	\$ -
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Budget Order Adjustment	2	\$ -	5	\$ 2,623,940.00	8	\$ -	11	\$ -	
Budget Order Adjustment		\$ (2,623,940.00)	6	\$ -	9	\$ -	12	\$ -	
Budget Order Adjustment	3	\$ -		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 597,904.00		\$ 4,771,837.00		\$ 2,147,896.00		\$ 2,147,896.00	\$ 9,665,533.00
Cash Carryover from Prior Quarter		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	1	\$ -	4	\$ 39,008.04	7	\$ -	10	\$ -	
Collected Revenue from JB	2	\$ 33,135.69	5	\$ 26,946.30	8	\$ -	11	\$ -	
Collected Revenue from JB	3	\$ 36,358.81	6	\$ 28,171.25	9	\$ -	12	\$ -	
Collected for reimbursement of counsel fees		\$ -		\$ -		\$ -		\$ -	
Asset Forfeiture		\$ -		\$ -		\$ -		\$ -	
Victim Services Restitution		\$ -		\$ -		\$ -		\$ -	
Collected for reimbursement of counsel fees		\$ -		\$ 648.00		\$ -		\$ -	
Refund to KENCD for bail to be applied to fines		\$ -		\$ -		\$ -		\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 69,494.50		\$ 94,773.59		\$ -		\$ -	\$ 164,268.09
Counsel Payments	1	\$ -	4	\$ -	7	\$ (106,827.70)	10	\$ -	
Other Expenses		\$ -		\$ -		\$ -	***	\$ -	
Counsel Payments	2	\$ -	5	\$ (275,019.12)	8	\$ -	11	\$ -	
Other Expenses		\$ -		\$ -		\$ -		\$ -	
Counsel Payments	3	\$ (595,342.94)	6	\$ (1,895,447.88)	9	\$ -	12	\$ -	
State Cap for period 1	*	\$ (377.35)	**	\$ -	***	\$ -		\$ -	
State Cap for periods 4,5 & 6	*	\$ (2,183.35)	**	\$ (7,908.41)	***	\$ -		\$ -	
State Cap for period 7	*	\$ -	**	\$ -	***	\$ -		\$ -	
REMAINING ALLOTMENT		\$ 0.36		\$ 2,593,461.59		\$ 2,041,068.30		\$ 2,147,896.00	\$ 6,782,426.25
Overpayment Reimbursements	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
REMAINING CASH Year to Date		\$ (528,409.14)		\$ (2,083,601.82)		\$ (106,827.70)		\$ -	\$ (2,718,838.66)

Collections versus Allotment	
Monthly Total	\$ -
Total Q1	\$ -
Total Q2	\$ -
Total Q3	\$ -
Total Q4	\$ -
Expenses to Date	\$ (106,827.70)
Cash Carryover from Prior Year	\$ -
Fiscal Year Total	\$ (106,827.70)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY23

FUND ACCOUNTING

AS OF 01/31/2023

Account 014 95F Z112 02 (Conference Account)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY23 Total
FY23 Allotment		\$ -		\$ 57,000.00		\$ -		\$ -	\$ 57,000.00
Carry Forward		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ -		\$ 57,000.00		\$ -		\$ -	\$ 57,000.00
Total Expenses	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
TOTAL REMAINING		\$ -		\$ 57,000.00		\$ -		\$ -	\$ 57,000.00

Q3 Month 7	
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
TOTAL	\$ -

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

1/31/2023

DefenderData Case Type	Jan-23						Fiscal Year 2023			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	15	14	\$30,133.08	14	\$ 24,554.21	\$1,753.87	84	106	\$ 205,610.32	\$1,939.72
Central Office Resource Counsel	1	0		0			2	0		
Child Protection Petition	242	335	\$245,234.84	353	\$ 280,704.80	\$795.20	1,300	2,253	\$ 1,788,610.88	\$793.88
Drug Court	2	8	\$13,645.48	13	\$ 20,109.48	\$1,546.88	18	83	\$ 129,292.50	\$1,557.74
Emancipation	6	5	\$1,968.00	7	\$ 2,280.00	\$325.71	34	23	\$ 9,888.76	\$429.95
Felony	594	671	\$642,020.04	745	\$ 650,992.66	\$873.82	4,097	4,455	\$ 3,862,376.61	\$866.98
Involuntary Civil Commitment	110	116	\$36,806.04	114	\$ 32,510.79	\$285.18	678	589	\$ 176,860.37	\$300.27
Juvenile	62	69	\$50,467.44	78	\$ 56,571.92	\$725.28	483	549	\$ 440,658.82	\$802.66
Lawyer of the Day - Custody	272	293	\$99,578.30	280	\$ 92,314.00	\$329.69	1,732	1,676	\$ 559,767.49	\$333.99
Lawyer of the Day - Juvenile	17	15	\$5,080.94	20	\$ 5,553.20	\$277.66	156	155	\$ 47,283.07	\$305.05
Lawyer of the Day - Walk-in	167	189	\$65,504.57	195	\$ 66,143.16	\$339.20	1,097	1,067	\$ 373,768.16	\$350.30
MCILS Provided Training	1	0		0			1	0		
Misdemeanor	892	919	\$403,738.21	1,065	\$ 441,996.09	\$415.02	6,466	6,676	\$ 2,653,248.10	\$397.43
Petition, Modified Release Treatment	0	2	\$3,337.20	4	\$ 3,908.70	\$977.18	6	29	\$ 28,978.22	\$999.25
Petition, Release or Discharge	0	2	\$4,932.00	2	\$ 4,932.00	\$2,466.00	1	8	\$ 9,763.35	\$1,220.42
Petition, Termination of Parental Rights	17	39	\$50,398.20	45	\$ 56,757.48	\$1,261.28	150	371	\$ 398,644.60	\$1,074.51
Post Conviction Review	4	3	\$3,796.00	4	\$ 3,118.05	\$779.51	28	39	\$ 91,849.64	\$2,355.12
Probate	2	3	\$3,056.00	4	\$ 3,536.00	\$884.00	21	18	\$ 17,786.35	\$988.13
Probation Violation	106	113	\$55,545.08	119	\$ 54,539.96	\$458.32	680	713	\$ 364,737.11	\$511.55
Represent Witness on 5th Amendment	2	0		1	\$ 886.00	\$ 886.00	9	7	\$ 3,578.80	\$511.26
Resource Counsel Criminal	0	4	\$608.00	3	\$ 616.00	\$205.33	3	16	\$ 3,028.00	\$189.25
Resource Counsel Juvenile	0	1	\$80.00	1	\$ 80.00	\$80.00	0	2	\$ 112.00	\$56.00
Resource Counsel Protective Custody	0	0		0			0	1	\$ 328.00	\$328.00
Review of Child Protection Order	45	118	\$78,908.63	133	\$ 86,483.76	\$650.25	301	994	\$ 642,721.34	\$646.60
Revocation of Administrative Release	1	1	\$196.00	1	\$ 196.00	\$196.00	6	9	\$ 2,240.75	\$248.97
DefenderData Sub-Total	2,558	2,920	\$1,795,034.05	3,201	\$1,888,784.26	\$590.06	17,353	19,839	\$11,811,133.24	\$595.35
TOTAL	2,558	2,920	\$1,795,034.05	3,201	\$1,888,784.26	\$ 590.06	17,353	19,839	\$ 11,811,133.24	\$ 595.35

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

1/31/2023

Court	Jan-23						Fiscal Year 2023			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	0	1	\$ 1,088.00	1	\$ 2,078.00	\$ 2,078.00	5	9	\$ 8,786.00	\$976.22
AUBSC	0	2	\$ 1,144.00	4	\$ 2,720.00	\$ 680.00	1	6	\$ 3,840.00	\$640.00
AUGDC	57	56	\$ 48,001.91	58	\$ 40,900.82	\$ 705.19	282	353	\$ 291,782.47	\$826.58
AUGSC	1	4	\$ 8,269.20	5	\$ 8,597.25	\$ 1,719.45	11	34	\$ 37,570.07	\$1,105.00
BANDC	46	72	\$ 33,613.72	70	\$ 39,041.26	\$ 557.73	340	567	\$ 283,342.31	\$499.72
BANSC	1	0		0			2	3	\$ 976.00	\$325.33
BATSC	0	0		0			3	3	\$ 1,480.00	\$493.33
BELDC	28	16	\$ 14,542.68	22	\$ 14,376.98	\$ 653.50	90	118	\$ 71,198.88	\$603.38
BELSC	0	0		0			3	1	\$ 3,625.02	\$3,625.02
BIDDC	38	47	\$ 26,647.74	53	\$ 31,831.24	\$ 600.59	214	332	\$ 217,144.56	\$654.05
BRIDC	13	10	\$ 5,071.66	12	\$ 5,918.12	\$ 493.18	53	78	\$ 41,968.20	\$538.05
CALDC	7	7	\$ 4,928.00	5	\$ 1,430.48	\$ 286.10	21	29	\$ 17,611.14	\$607.28
CARDC	10	20	\$ 14,324.18	19	\$ 15,277.24	\$ 804.07	30	95	\$ 77,845.17	\$819.42
CARSC	0	0		0			4	0		
DOVDC	0	2	\$ 1,198.28	2	\$ 2,022.28	\$ 1,011.14	12	49	\$ 27,923.54	\$569.87
DOVSC	0	0		0			0	0		
ELLDC	20	42	\$ 28,949.26	49	\$ 31,388.74	\$ 640.59	116	207	\$ 153,235.77	\$740.27
ELLSC	0	0		0			1	3	\$ 1,952.00	\$650.67
FARDC	10	21	\$ 18,543.19	27	\$ 23,164.77	\$ 857.95	87	97	\$ 73,987.41	\$762.76
FARSC	0	0		0			1	1	\$ 800.00	\$800.00
FORDC	5	4	\$ 4,912.00	4	\$ 4,472.00	\$ 1,118.00	23	57	\$ 42,833.02	\$751.46
HOUDC	4	22	\$ 15,488.72	22	\$ 14,708.42	\$ 668.56	62	140	\$ 95,856.75	\$684.69
HOUSC	0	0		0			1	1	\$ 1,396.00	\$1,396.00
LEWDC	44	109	\$ 70,809.79	110	\$ 72,346.62	\$ 657.70	349	631	\$ 439,317.89	\$696.22
LINDC	13	10	\$ 2,832.40	10	\$ 2,437.06	\$ 243.71	46	90	\$ 48,660.27	\$540.67
MACDC	10	5	\$ 5,899.65	2	\$ 3,395.90	\$ 1,697.95	13	16	\$ 16,378.25	\$1,023.64
MACSC	0	0		0			1	0		
MADDC	0	0		0			6	5	\$ 2,228.50	\$445.70
MILDC	1	2	\$ 704.00	2	\$ 704.00	\$ 352.00	22	31	\$ 12,041.55	\$388.44
NEWDC	6	16	\$ 8,278.34	12	\$ 6,224.00	\$ 518.67	61	107	\$ 57,865.14	\$540.80
PORDC	83	73	\$ 50,129.62	82	\$ 50,769.42	\$ 619.14	482	576	\$ 440,802.25	\$765.28
PORSC	0	0		0			7	7	\$ 2,324.00	\$332.00
PREDC	8	11	\$ 10,130.94	22	\$ 23,276.55	\$ 1,058.03	58	115	\$ 93,040.72	\$809.05
ROCDL	16	15	\$ 10,107.70	15	\$ 10,219.03	\$ 681.27	79	91	\$ 54,965.44	\$604.02
ROCSL	1	2	\$ 392.00	2	\$ 200.00	\$ 100.00	16	13	\$ 3,232.00	\$248.62
RUMDC	12	12	\$ 10,363.60	17	\$ 16,672.84	\$ 980.76	107	168	\$ 153,818.38	\$915.59
SKODC	33	49	\$ 39,020.83	44	\$ 39,465.88	\$ 896.95	252	375	\$ 289,984.32	\$773.29
SKOSC	0	0		1	\$ 240.00	\$ 240.00	2	2	\$ 3,814.00	\$1,907.00
SOUDC	27	25	\$ 13,350.76	24	\$ 16,843.41	\$ 701.81	90	125	\$ 96,604.44	\$772.84
SOUSC	0	1	\$ 360.00	0			1	0		
SPRDC	23	34	\$ 21,198.68	35	\$ 24,921.48	\$ 712.04	122	191	\$ 147,736.99	\$773.49
Law Ct	13	7	\$ 18,467.19	10	\$ 20,861.73	\$ 2,086.17	67	75	\$ 142,184.39	\$1,895.79
YORCD	225	424	\$ 304,554.41	411	\$ 307,585.14	\$ 748.38	2,007	2,345	\$ 1,436,327.22	\$612.51
AROCD	204	182	\$ 113,452.51	197	\$ 91,802.43	\$ 466.00	1,255	1,209	\$ 645,294.26	\$533.74
ANDCD	187	202	\$ 119,174.00	212	\$ 102,529.60	\$ 483.63	1,299	1,269	\$ 720,586.30	\$567.84
KENCD	183	188	\$ 109,403.09	217	\$ 119,492.07	\$ 550.65	1,267	1,243	\$ 652,167.83	\$524.67
PENCD	259	313	\$ 148,377.17	372	\$ 164,315.36	\$ 441.71	1,830	2,099	\$ 985,139.58	\$469.34
SAGCD	39	38	\$ 24,494.95	34	\$ 18,738.95	\$ 551.15	271	234	\$ 106,261.27	\$454.11
WALCD	49	56	\$ 37,827.74	75	\$ 54,772.50	\$ 730.30	414	375	\$ 241,541.63	\$644.11
PISCD	9	18	\$ 6,371.65	18	\$ 7,602.46	\$ 422.36	143	142	\$ 69,201.66	\$487.34
HANCD	48	67	\$ 35,221.76	85	\$ 33,420.00	\$ 393.18	475	425	\$ 232,276.55	\$546.53
FRACD	46	17	\$ 11,518.12	23	\$ 11,503.71	\$ 500.16	303	215	\$ 101,558.56	\$472.37
WASCD	43	24	\$ 23,872.11	30	\$ 17,522.00	\$ 584.07	237	295	\$ 214,879.46	\$728.40
CUMCD	397	370	\$ 214,440.71	416	\$ 238,437.38	\$ 573.17	2,479	2,727	\$ 1,626,695.07	\$596.51
KNOCD	42	57	\$ 22,887.39	50	\$ 19,954.97	\$ 399.10	384	371	\$ 208,639.77	\$562.37
SOMCD	106	93	\$ 40,318.51	107	\$ 48,985.82	\$ 457.81	591	617	\$ 284,440.95	\$461.01
OXFCD	84	77	\$ 48,244.43	90	\$ 58,004.97	\$ 644.50	648	654	\$ 304,777.03	\$466.02
LINCD	42	20	\$ 7,386.91	29	\$ 12,234.68	\$ 421.89	252	252	\$ 126,753.85	\$502.99
WATDC	25	44	\$ 21,638.84	60	\$ 37,630.70	\$ 627.18	168	292	\$ 178,258.14	\$610.47
WESDC	27	21	\$ 8,704.58	25	\$ 12,150.00	\$ 486.00	121	173	\$ 120,015.56	\$693.73
WISDC	5	5	\$ 3,646.89	1	\$ 920.00	\$ 920.00	34	52	\$ 51,025.16	\$981.25
WISSC	0	0		0			0	3	\$ 1,784.00	\$594.67
YORDC	7	7	\$ 4,730.24	8	\$ 4,676.00	\$ 584.50	28	45	\$ 42,796.55	\$951.03
TOTAL	2,558	2,920	\$ 1,795,034.05	3,201	\$ 1,888,784.26	\$ 590.06	17,352	19,839	\$11,811,133.24	\$595.35

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

As of February 9, 2023

<u>General Funds - 010-Z11201</u>		<u>QTR1</u>		<u>QTR2</u>		<u>QTR3</u>		<u>QTR4</u>		<u>TOTAL</u>
Personal Services Allotment	\$	356,376	\$	476,920	\$	498,590	\$	322,211	\$	1,654,097
Payroll to date		(228,374)		(219,358)		(178,163)		-		(625,894)
Estimated payroll remaining		-		-		(138,363)		(223,336)		(361,698)
Total Personal Services available	\$	128,002	\$	257,562	\$	182,065	\$	98,875	\$	666,504

All Other Allotment	\$	5,999,978	\$	3,287,495	\$	3,549,645	\$	3,307,728	\$	16,144,846
Expenditures to date		(4,750,452)		(3,428,505)		(1,917,072)		-		(10,096,029)
Encumbrances		(1,249,525)		141,010		93,665		-		(1,014,850)
Total All Other Available	\$	0	\$	0	\$	1,726,238	\$	3,307,728	\$	5,033,967

Unencumbered balance forward 506,889.06 Requires Financial Order to Allot Balance Forward

<u>Other Special Revenue Funds - 014-Z11201</u>		<u>QTR1</u>		<u>QTR2</u>		<u>QTR3</u>		<u>QTR4</u>		<u>TOTAL</u>
Personal Services Allotment	\$	211,632	\$	194,116	\$	211,632	\$	105,856	\$	723,236
Payroll to date		(151,218)		(135,180)		(75,403)		-		(361,801)
Estimated payroll remaining		-		-		(96,928)		(150,807)		(247,734)
Total Personal Services available	\$	60,414	\$	58,936	\$	39,301	\$	(44,951)	\$	113,701

All Other Allotment	\$	597,904	\$	2,178,376	\$	4,741,357	\$	2,147,896	\$	9,665,533
Expenditures to date		(597,904)		(2,178,375)		(107,453)		-		(2,883,732)
Encumbrances		-		-		-		-		-
Total All Other Available	\$	0	\$	1	\$	4,633,904	\$	2,147,896	\$	6,781,801

CASH ON HAND 1/5/2023 \$ 4,206,542.42

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

CASH ON HAND 1/5/2023 \$ 16,232.70

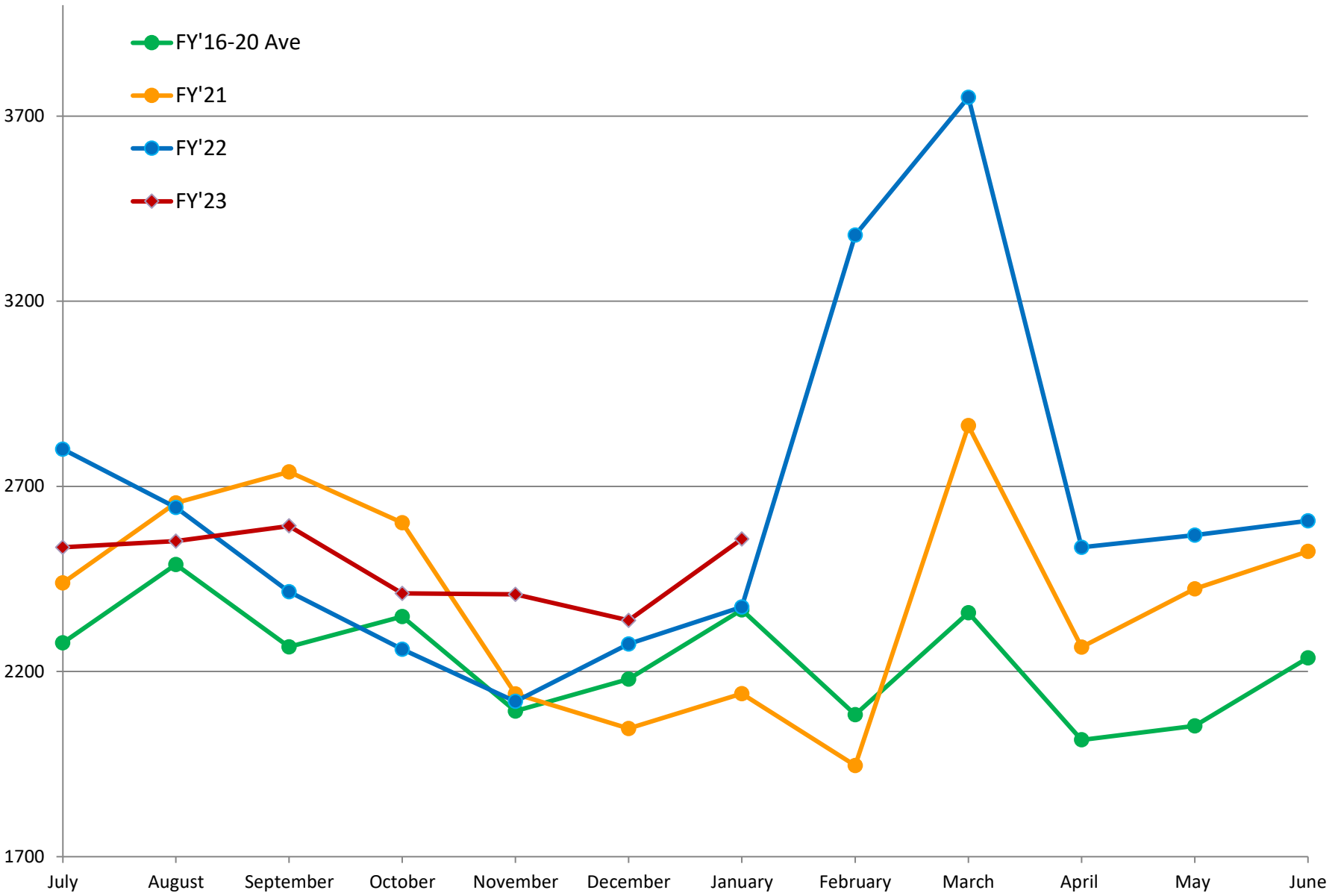
<u>ARPA Funds - 023-Z11201</u>		<u>QTR1</u>		<u>QTR2</u>		<u>QTR3</u>		<u>QTR4</u>		<u>TOTAL</u>
All Other Allotment	\$	-	\$	4,000,000	\$	-	\$	-	\$	4,000,000
Expenditures to date		-		-		-		-		-
Encumbrances		-		-		-		-		-
Total All Other Available	\$	-	\$	4,000,000	\$	-	\$	-	\$	4,000,000

CASH ON HAND 1/5/2023 \$ 250,000.00

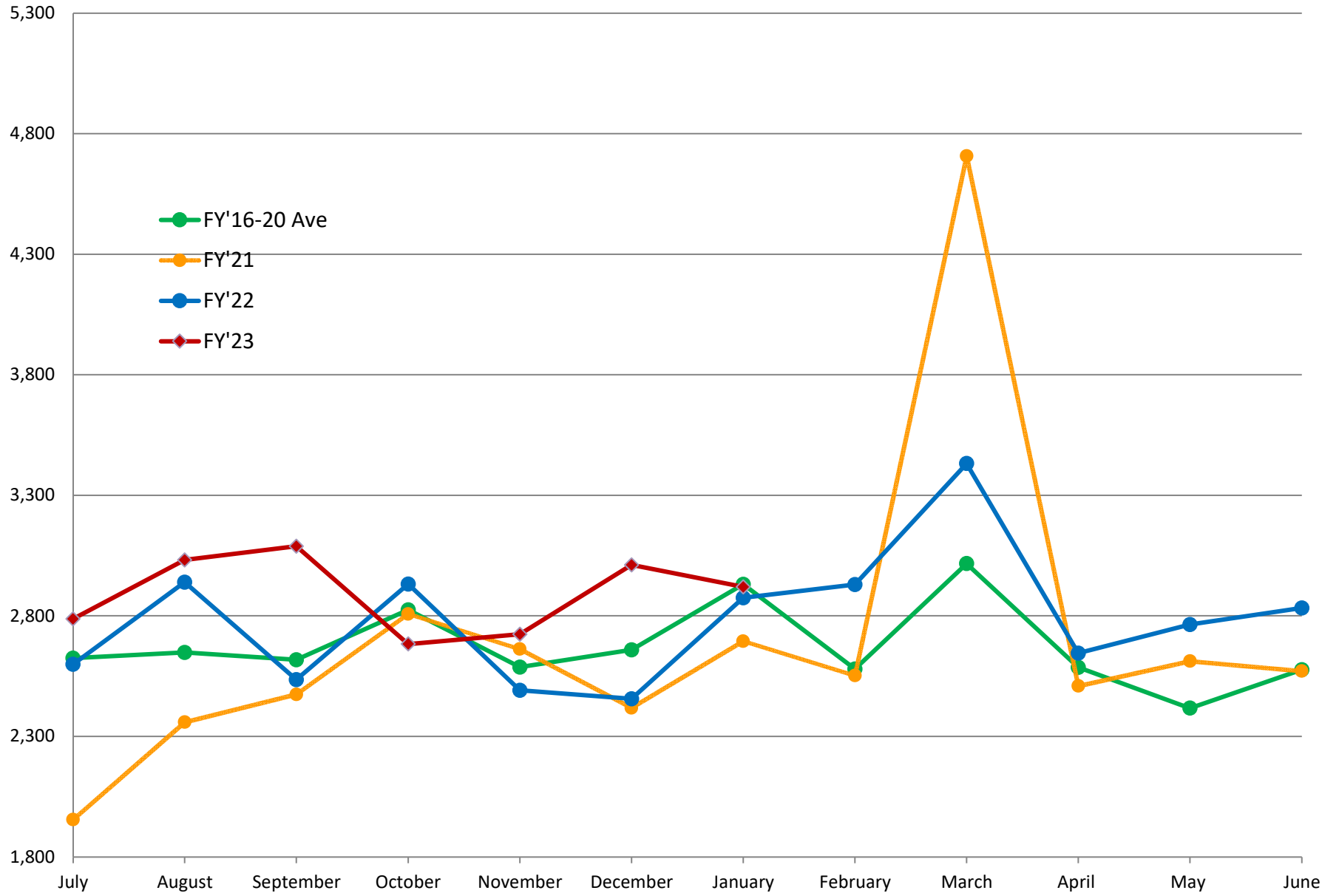
Other Special Revenue Funds - 014-Z25801

Reserve for ILS Cash on hand/UBF 1/5/2023 \$ 2,622,678.58 Requires Financial Order to Allot Balance Forward

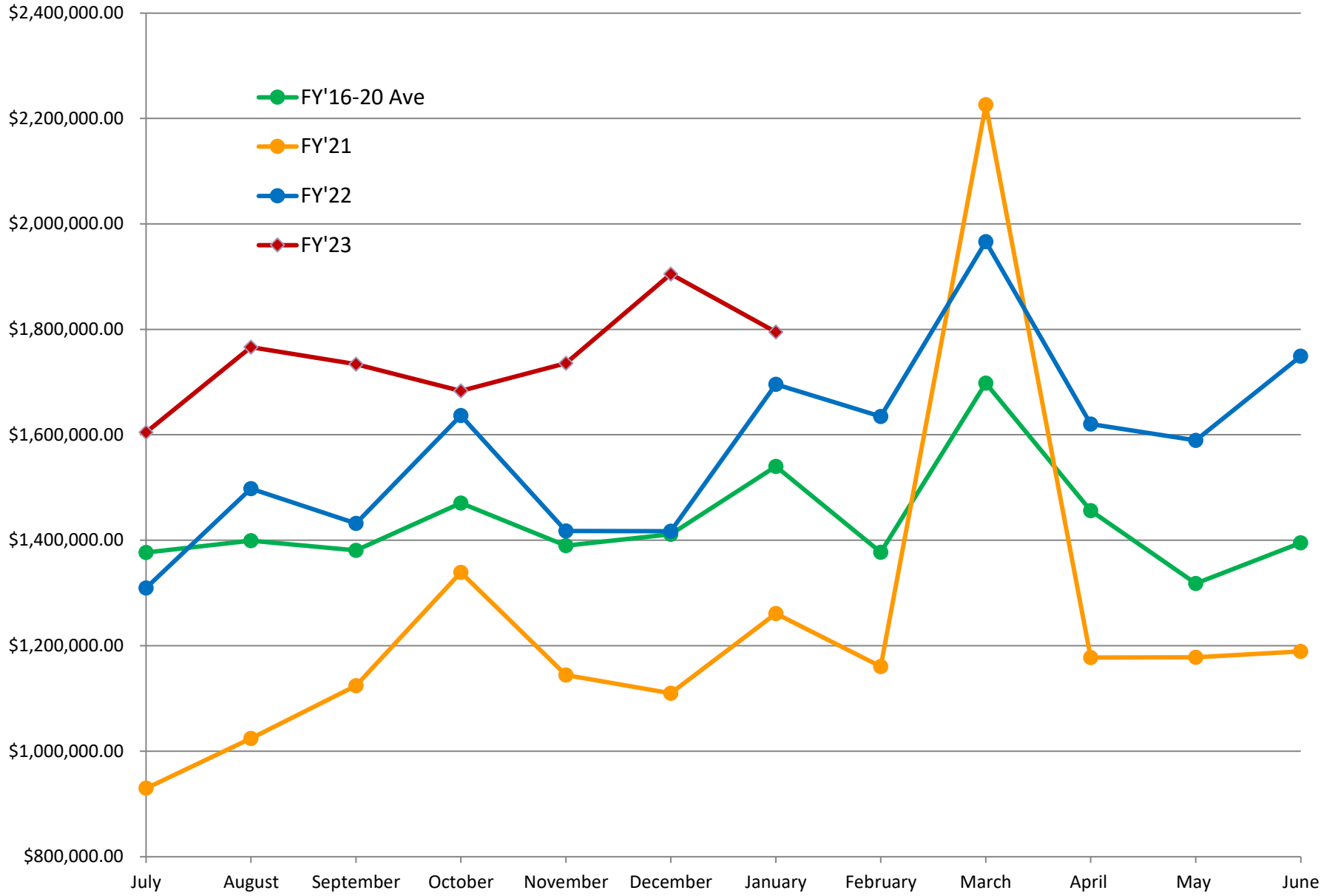
NEW CASES



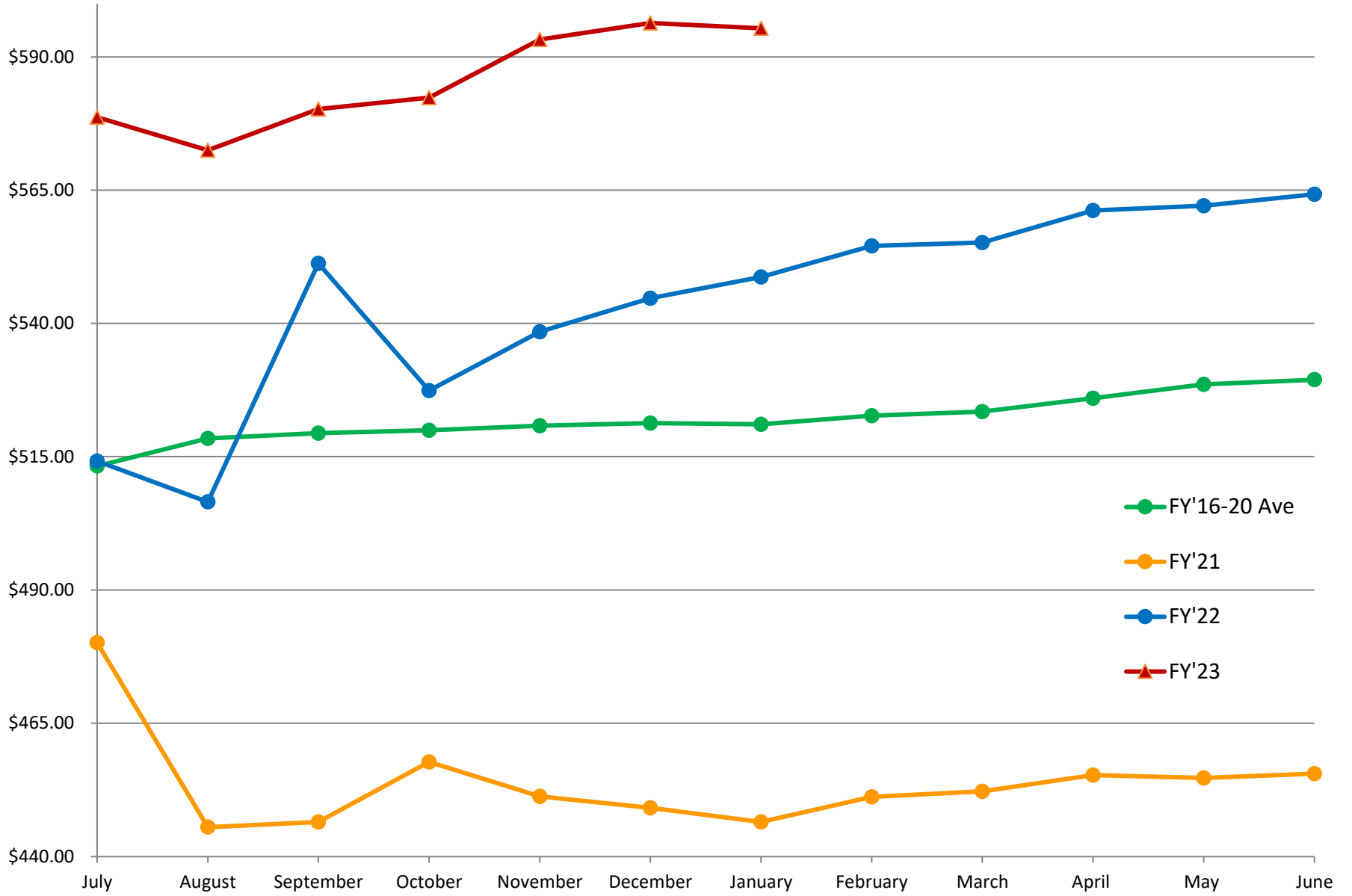
Submitted Vouchers



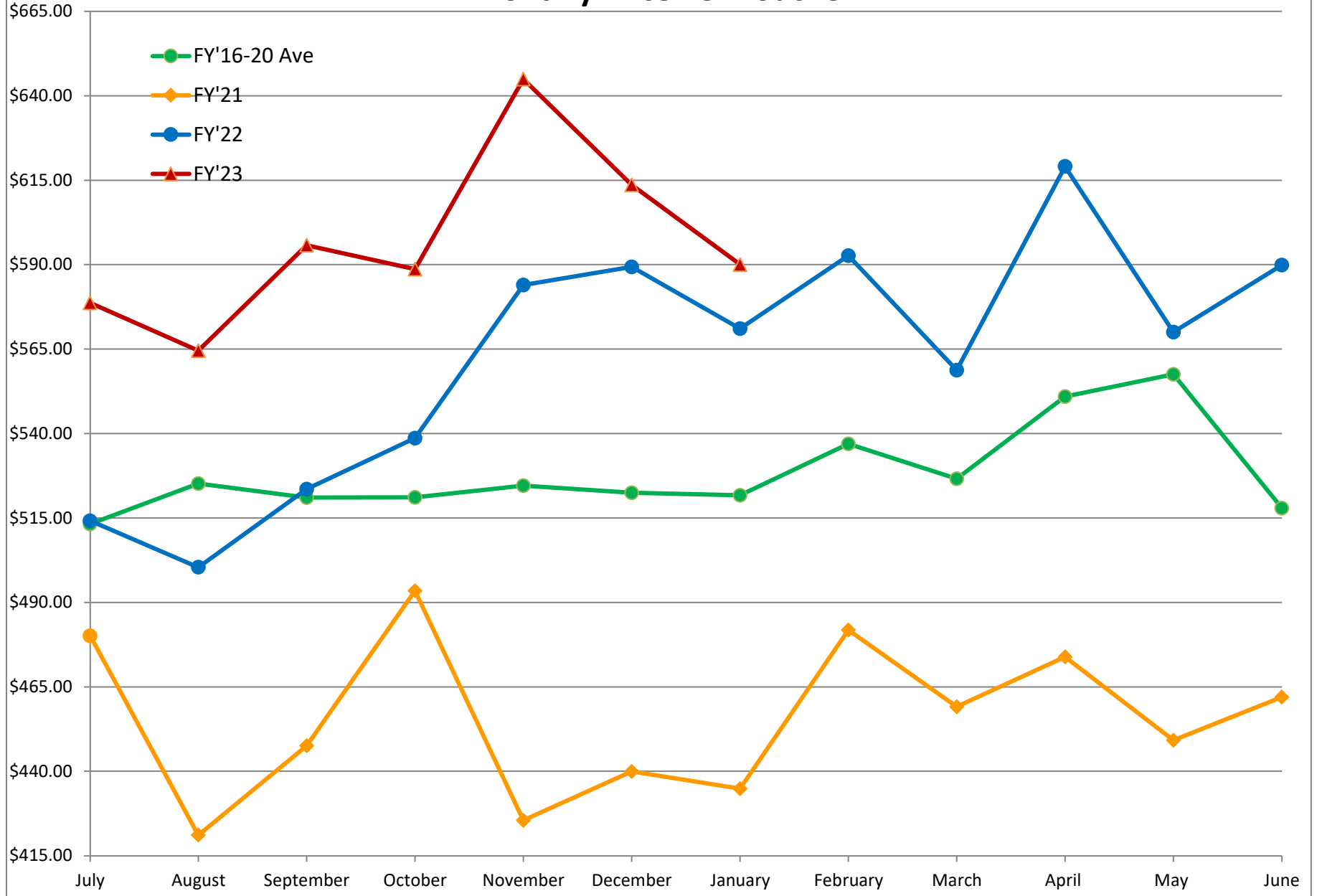
Submitted Voucher Amount



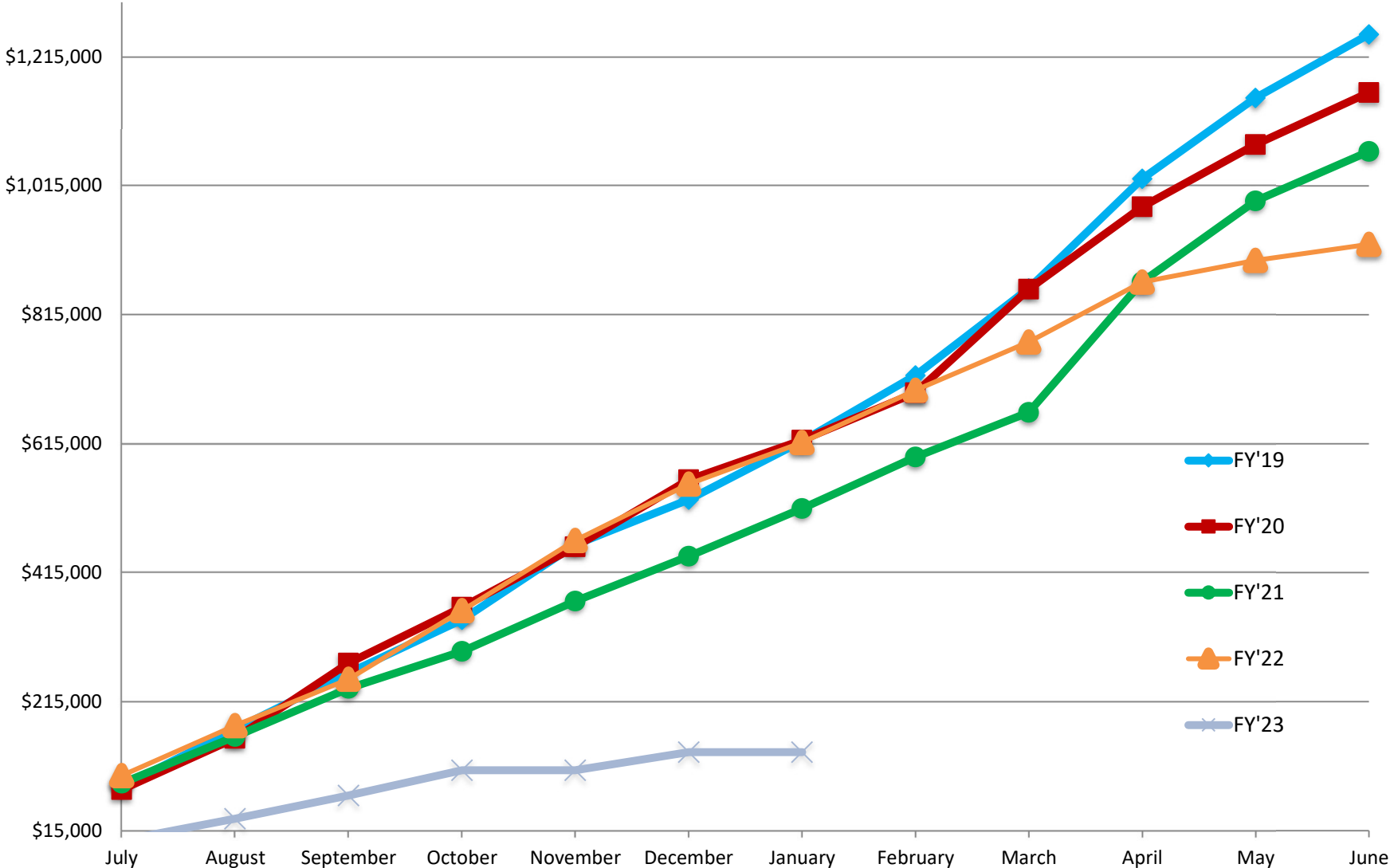
Average Voucher Price Fiscal Year to Date



Monthly Price Per Voucher



COLLECTION TOTALS FY'19 to FY'23



Pending UCD Cases as of February 10, 2023

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	684	74	35	5.1%	2,139	250	287	13.4%	12	3	25.0%	2,835	324	325	11.5%
Aroostook	730	113	64	8.8%	1,008	256	194	19.2%	26	11	42.3%	1,764	369	269	15.2%
Caribou	178	23	14	7.9%	230	66	41	17.8%	5	4	80.0%	413	89	59	14.3%
Fort Kent	134	13	18	13.4%	191	61	33	17.3%	5	1	20.0%	330	74	52	15.8%
Houlton	212	30	12	5.7%	281	72	42	14.9%	9	4	44.4%	502	102	58	11.6%
Presque Isle	206	47	20	9.7%	306	57	78	25.5%	7	2	28.6%	519	104	100	19.3%
Cumberland	1,239	197	114	9.2%	3,769	500	764	20.3%	76	36	47.4%	5,084	697	914	18.0%
Bridgton	23	8	3	13.0%	317	51	66	20.8%	15	10	66.7%	355	59	79	22.3%
Portland	1,194	184	107	9.0%	2,962	365	577	19.5%	39	17	43.6%	4,195	549	701	16.7%
West Bath	22	5	4	18.2%	490	84	121	24.7%	22	9	40.9%	534	89	134	25.1%
Franklin	150	31	7	4.7%	470	108	131	27.9%	26	11	42.3%	646	139	149	23.1%
Hancock	399	37	34	8.5%	690	112	148	21.4%	42	19	45.2%	1,131	149	201	17.8%
Kennebec	645	74	48	7.4%	1,754	310	364	20.8%	24	10	41.7%	2,423	384	422	17.4%
Augusta	616	69	46	7.5%	1,064	187	227	21.3%	18	6	33.3%	1,698	256	279	16.4%
Waterville	29	5	2	6.9%	690	123	137	19.9%	6	4	66.7%	725	128	143	19.7%
Knox	231	51	19	8.2%	608	149	123	20.2%	25	9	36.0%	864	200	151	17.5%
Lincoln	138	40	12	8.7%	367	133	65	17.7%	9	4	44.4%	514	173	81	15.8%
Oxford	456	66	57	12.5%	1,097	157	262	23.9%	22	10	45.5%	1,575	223	329	20.9%
Bridgton	42	11	2	4.8%	126	30	20	15.9%	2	1	50.0%	170	41	23	13.5%
Rumford	169	27	26	15.4%	402	54	100	24.9%	10	4	40.0%	581	81	130	22.4%
South Paris	245	28	29	11.8%	569	73	142	25.0%	10	5	50.0%	824	101	176	21.4%
Penobscot	886	33	106	12.0%	1,727	40	556	32.2%	52	33	63.5%	2,665	73	695	26.1%
Bangor	858	32	101	11.8%	1,311	29	398	30.4%	26	17	65.4%	2,195	61	516	23.5%
Lincoln	8	1	3	37.5%	207	3	96	46.4%	13	10	76.9%	228	4	109	47.8%
Newport	20	0	2	10.0%	209	8	62	29.7%	13	6	46.2%	242	8	70	28.9%
Piscataquis	43	2	8	18.6%	97	4	26	26.8%	9	4	44.4%	149	6	38	25.5%
Sagadahoc	186	58	19	10.2%	524	181	96	18.3%	14	4	28.6%	724	239	119	16.4%
Somerset	234	37	14	6.0%	540	125	99	18.3%	12	2	16.7%	786	162	115	14.6%
Waldo	193	31	20	10.4%	313	88	67	21.4%	7	2	28.6%	513	119	89	17.3%
Washington	188	15	5	2.7%	338	45	47	13.9%	23	8	34.8%	549	60	60	10.9%
Calais	82	2	1	1.2%	141	15	20	14.2%	6	0	0.0%	229	17	21	9.2%
Machias	106	13	4	3.8%	197	30	27	13.7%	17	8	47.1%	320	43	39	12.2%
York	1,151	124	229	19.9%	3,927	739	793	20.2%	88	18	20.5%	5,166	863	1,040	20.1%
Alfred	1,099	121	219	19.9%	94	22	28	29.8%	1	1	--	1,194	143	248	20.8%
Biddeford	24	1	3	12.5%	2,103	390	365	17.4%	59	10	16.9%	2,186	391	378	17.3%
Springvale	17	0	6	35.3%	1,194	197	301	25.2%	23	5	21.7%	1,234	197	312	25.3%
York	11	2	1	9.1%	536	130	99	18.5%	5	2	40.0%	552	132	102	18.5%
TOTAL	7,553	983	791	10.5%	19,368	3,197	4,022	20.8%	467	184	39.4%	27,388	4,180	4,997	18.2%

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, February 2022 to February 2023

Pending cases as of February 10 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2022	2023	% Diff	2022	2023	% Diff	2022	2023	% Diff	2022	2023	% Diff
Androscoggin	636	684	7.5%	2,079	2,139	2.9%	24	12	-50.0%	2,739	2,835	3.5%
Aroostook	724	730	0.8%	1,103	1,008	-8.6%	16	26	62.5%	1,843	1,764	-4.3%
Caribou	162	178	9.9%	227	230	1.3%	4	5	25.0%	393	413	5.1%
Fort Kent	89	134	50.6%	198	191	-3.5%	1	5	400.0%	288	330	14.6%
Houlton	232	212	-8.6%	365	281	-23.0%	9	9	0.0%	606	502	-17.2%
Presque Isle	241	206	-14.5%	313	306	-2.2%	2	7	250.0%	556	519	-6.7%
Cumberland	1,316	1,239	-5.9%	3,811	3,769	-1.1%	117	76	-35.0%	5,244	5,084	-3.1%
Bridgton	19	23	21.1%	358	317	-11.5%	39	15	-61.5%	416	355	-14.7%
Portland	1,273	1,194	-6.2%	3,051	2,962	-2.9%	58	39	-32.8%	4,382	4,195	-4.3%
West Bath	24	22	-8.3%	402	490	21.9%	20	22	10.0%	446	534	19.7%
Franklin	97	150	54.6%	260	470	80.8%	11	26	136.4%	368	646	75.5%
Hancock	276	399	44.6%	577	690	19.6%	45	42	-6.7%	898	1,131	25.9%
Kennebec	585	645	10.3%	1,723	1,754	1.8%	43	24	-44.2%	2,351	2,423	3.1%
Augusta	562	616	9.6%	1,118	1,064	-4.8%	28	18	-35.7%	1,708	1,698	-0.6%
Waterville	23	29	26.1%	605	690	14.0%	15	6	-60.0%	643	725	12.8%
Knox	197	231	17.3%	457	608	33.0%	16	25	56.3%	670	864	29.0%
Lincoln	133	138	3.8%	300	367	22.3%	17	9	-47.1%	450	514	14.2%
Oxford	384	456	18.8%	919	1,097	19.4%	27	22	-18.5%	1,330	1,575	18.4%
Bridgton	33	42	27.3%	122	126	3.3%	4	2	-50.0%	159	170	6.9%
Rumford	151	169	11.9%	367	402	9.5%	10	10	0.0%	528	581	10.0%
South Paris	200	245	22.5%	430	569	32.3%	13	10	-23.1%	643	824	28.1%
Penobscot	891	886	-0.6%	2,322	1,727	-25.6%	89	52	-41.6%	3,302	2,665	-19.3%
Bangor	866	858	-0.9%	1,792	1,311	-26.8%	34	26	-23.5%	2,692	2,195	-18.5%
Lincoln	5	8	60.0%	275	207	-24.7%	20	13	-35.0%	300	228	-24.0%
Newport	20	20	0.0%	255	209	-18.0%	35	13	-62.9%	310	242	-21.9%
Piscataquis	42	43	2.4%	110	97	-11.8%	15	9	-40.0%	167	149	-10.8%
Sagadahoc	151	186	23.2%	439	524	19.4%	19	14	-26.3%	609	724	18.9%
Somerset	194	234	20.6%	495	540	9.1%	13	12	-7.7%	702	786	12.0%
Waldo	193	193	0.0%	350	313	-10.6%	16	7	-56.3%	559	513	-8.2%
Washington	159	188	18.2%	307	338	10.1%	25	23	-8.0%	491	549	11.8%
Calais	72	82	13.9%	115	141	22.6%	8	6	-25.0%	195	229	17.4%
Machias	87	106	21.8%	192	197	2.6%	17	17	0.0%	296	320	8.1%
York	1,124	1,151	2.4%	4,301	3,927	-8.7%	147	88	-40.1%	5,572	5,166	-7.3%
Alfred	1,076	1,099	2.1%	124	94	-24.2%	0	1	0.0%	1,200	1,194	-0.5%
Biddeford	24	24	0.0%	2,394	2,103	-12.2%	109	59	-45.9%	2,527	2,186	-13.5%
Springvale	13	17	30.8%	1,179	1,194	1.3%	29	23	-20.7%	1,221	1,234	1.1%
York	11	11	0.0%	604	536	-11.3%	9	5	-44.4%	624	552	-11.5%
TOTAL	7,102	7,553	6.4%	19,553	19,368	-0.9%	640	467	-27.0%	27,295	27,388	0.3%

Columns

2022	Number of cases having at least one charge without a disposition, and without a currently active warrant as of February 10, 2022
2023	Number of cases having at least one charge without a disposition, and without a currently active warrant as of February 10, 2023
% Diff	Percent change in pending cases from 2022 to 2023. 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, February 2019 to February 2023

Pending cases as of February 10 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2019	2023	% Diff	2019	2023	% Diff	2019	2023	% Diff	2019	2023	% Diff
Androscoggin	364	684	87.9%	1,204	2,139	77.7%	16	12	-25.0%	1,584	2,835	79.0%
Aroostook	329	730	121.9%	585	1,008	72.3%	36	26	-27.8%	950	1,764	85.7%
Caribou	62	178	187.1%	138	230	66.7%	10	5	-50.0%	210	413	96.7%
Fort Kent	34	134	294.1%	103	191	85.4%	3	5	66.7%	140	330	135.7%
Houlton	99	212	114.1%	132	281	112.9%	5	9	80.0%	236	502	112.7%
Presque Isle	134	206	53.7%	212	306	44.3%	18	7	-61.1%	364	519	42.6%
Cumberland	766	1,239	61.7%	2,386	3,769	58.0%	117	76	-35.0%	3,269	5,084	55.5%
Bridgton	9	23	155.6%	202	317	56.9%	16	15	-6.3%	227	355	56.4%
Portland	741	1,194	61.1%	1,865	2,962	58.8%	78	39	-50.0%	2,684	4,195	56.3%
West Bath	16	22	37.5%	319	490	53.6%	23	22	-4.3%	358	534	49.2%
Franklin	86	150	74.4%	261	470	80.1%	15	26	73.3%	362	646	78.5%
Hancock	204	399	95.6%	448	690	54.0%	34	42	23.5%	686	1,131	64.9%
Kennebec	314	645	105.4%	1,034	1,754	69.6%	46	24	-47.8%	1,394	2,423	73.8%
Augusta	302	616	104.0%	550	1,064	93.5%	25	18	-28.0%	877	1,698	93.6%
Waterville	12	29	141.7%	484	690	42.6%	21	6	-71.4%	517	725	40.2%
Knox	126	231	83.3%	271	608	124.4%	2	25	1150.0%	399	864	116.5%
Lincoln	92	138	50.0%	201	367	82.6%	3	9	200.0%	296	514	73.6%
Oxford	207	456	120.3%	498	1,097	120.3%	27	22	-18.5%	732	1,575	115.2%
Bridgton	27	42	55.6%	84	126	50.0%	7	2	-71.4%	118	170	44.1%
Rumford	93	169	81.7%	179	402	124.6%	8	10	25.0%	280	581	107.5%
South Paris	87	245	181.6%	235	569	142.1%	12	10	-16.7%	334	824	146.7%
Penobscot	349	886	153.9%	1,023	1,727	68.8%	109	52	-52.3%	1,481	2,665	79.9%
Bangor	337	858	154.6%	808	1,311	62.3%	72	26	-63.9%	1,217	2,195	80.4%
Lincoln	6	8	33.3%	58	207	256.9%	21	13	-38.1%	85	228	168.2%
Newport	6	20	233.3%	157	209	33.1%	16	13	-18.8%	179	242	35.2%
Piscataquis	15	43	186.7%	28	97	246.4%	19	9	-52.6%	62	149	140.3%
Sagadahoc	75	186	148.0%	230	524	127.8%	26	14	-46.2%	331	724	118.7%
Somerset	134	234	74.6%	504	540	7.1%	58	12	-79.3%	696	786	12.9%
Waldo	103	193	87.4%	220	313	42.3%	4	7	75.0%	327	513	56.9%
Washington	106	188	77.4%	180	338	87.8%	34	23	-32.4%	320	549	71.6%
Calais	31	82	164.5%	79	141	78.5%	8	6	-25.0%	118	229	94.1%
Machias	75	106	41.3%	101	197	95.0%	26	17	-34.6%	202	320	58.4%
York	771	1,151	49.3%	2,570	3,927	52.8%	101	88	-12.9%	3,442	5,166	50.1%
Alfred	720	1,099	52.6%	71	94	32.4%	0	1	0.0%	791	1,194	50.9%
Biddeford	26	24	-7.7%	1,178	2,103	78.5%	38	59	55.3%	1,242	2,186	76.0%
Springvale	18	17	-5.6%	847	1,194	41.0%	43	23	-46.5%	908	1,234	35.9%
York	7	11	57.1%	474	536	13.1%	20	5	-75.0%	501	552	10.2%
TOTAL	4,041	7,553	86.9%	11,643	19,368	66.3%	647	467	-27.8%	16,331	27,388	67.7%

Columns

- 2019** Number of cases having at least one charge without a disposition, and without a currently active warrant as of February 10, 2019
- 2023** Number of cases having at least one charge without a disposition, and without a currently active warrant as of February 10, 2023
- % Diff** Percent change in pending cases from 2019 to 2023. 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.

Chapter 4: CASELOAD STANDARDS FOR ASSIGNED COUNSEL AND CONTRACT COUNSEL

Summary: The purpose of this rule is to implement 4 M.R.S. § 1804(2)(C) by prescribing “[s]tandards for assigned counsel and contract counsel case loads” for attorneys accepting assignments to represent consumers of indigent legal services. The objective is to ensure that attorneys are not overscheduled or overworked and are able to provide effective, high quality, representation to each client.

SECTION 1. DEFINITIONS

- A. **Points:** the weight assigned to each case type.
- B. **Case type:** the type of matter to which the attorney is assigned.
- C. **Maximum case type:** represents the maximum number of cases of a particular case type that an attorney could carry at one time, if the attorney only accepted cases of that one type.
- D. **Average hours per case:** the anticipated average amount of hours that would be spent on a case of a particular type.
- E. **Maximum active caseload limit:** the maximum total points across all case types that an attorney may carry on their caseload at any given time, based on the percentage of an attorney’s work hours which are dedicated to assigned cases.
- F. **Maximum annual hours limit:** the maximum number of hours that an attorney may bill to MCILS over a rolling 12-month period, based on the percentage of an attorney’s work hours which are dedicated to assigned cases.
 - i. The maximum annual hours limit is only used for purposes of applying the caseload limits. If an attorney’s vouchers exceed the maximum annual hours, the attorney will still be paid in accordance with Commission rules.

SECTION 2. CASE TYPE CALCULATION

- A. Criminal & Juvenile Cases:
 - i. In each docket, the charge assigned the highest points—at the time of appointment—determines the case type.

- ii. Other offenses contained within a single charging instrument are not assigned a point value.
- iii. If an attorney represents a client on multiple dockets, each docket is considered a new case type. Each case type is assigned cumulative points.
- iv. The point value assigned is applicable to each case from assignment through disposition of the matter. Post-conviction reviews and probation violations are considered new case types, regardless of whether the attorney represented the client in the original case.

B. Child Protective Cases:

- i. The point value assigned is applicable to the entire case, from assignment through final resolution of the matter at the district court level. Points are not assigned to each distinct phase (*e.g.*, jeopardy, termination of parental rights).
- ii. If a client has multiple pending PC docket numbers because the client has multiple children, only one docket number is assigned a point value.

C. Appeals to the Supreme Court of Maine:

- i. Appeals to the Supreme Court of Maine are considered new case types, regardless of whether the attorney represented the client in the trial court.

D. Lawyer of the Day:

- i. The point value associated with lawyer for the day duties is assigned per appearance.
 - 1. 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 of the day for a morning session and then a subsequent afternoon session with a second appearance time and list, that will be two appearances.

E. Specialty Courts and Projects:

- i. The point value assigned to specialty courts only applies to the attorney who is the defense representative for that specialty court, or who performs an administrative function for MCILS with respect to that specialty court or project, not to every attorney who has a client sentenced to the specialty court or otherwise engaged in a project.
- ii. The point value assigned to specialty courts and projects applies per court appearance, regardless of duration.

1. Court appearance is defined by an instance in which the specialty court is in session, not by the number of participants who appear in court at a particular session.

SECTION 3. POINTS

A. MCILS has established the following point values for each respective case type:

Case Type:	Point Value:	Maximum Case Type:	Average Hours Per Case:
Class A Crime	4	67	29.6
Class B & C Person Crime	3	90	22.2
Class B & C Property Crime	2	135	14.8
Class D & E Crime	1	270	7.4
Probation Violation	1.25	216	9.25
Post-Conviction Review	6	45	44.4
Appeal	10	27	74
Juvenile	2	135	14.8
Lawyer of the Day (per appearance)	0.5	540	3.7
Protective Custody	5	54	37
Involuntary Commitment	1.25	270	7.4
Inv. Commit. Appeal to Superior Court	2	135	14.8
Emancipation	0.75	357	5.6
Probate	3	90	22.2
Specialty Courts (per appearance)	0.5	540	3.7
Pet. for Mod. of Release or Treatment	3	90	22.2
Petition for Release	3	90	22.2

B. MCILS will reevaluate and update the point values as appropriate.

SECTION 4. LIMITS

- A. MCILS has established a maximum active caseload limit of 270 points. An attorney may not maintain a caseload exceeding 270 points at any one time, unless granted a waiver pursuant to Section 7 below.
- B. For purposes of the maximum annual hours limit, the hours are calculated based on vouchers submitted for work performed within the preceding 12 months.

- C. The applicable maximum caseload and hours limits are reduced proportionately, based upon the percentage of the attorney’s work hours that are dedicated to MCILS cases. The following chart reflects this calculation, based on an active caseload limit of 250 points and an annual limit of 2,000 billed hours:

% of Attorney’s Work Hours Spent on MCILS Cases:	Caseload Limit:	Hours Limit:
100%	250	2,000
75%	188	1500
50%	125	1000
25%	63	500
10%	25	200

D. Case Closed:

- i. When a case is closed in defenderData, the points assigned to that case are deducted from the attorney’s active caseload points total.

E. Deferred Disposition:

- i. When the disposition of a case in defenderData is changed to reflect a deferment, the points assigned to that case are deducted from the attorney’s active caseload points total.

F. Other events that toll cases:

- i. When a case enters a status that effectively tolls its progress, the points assigned to that case may be deducted from the attorney’s active caseload points total at the discretion of the Executive Director or designee. Events that effectively toll the progress of a case may include a filing; long-term continuance; client in absent of fugitive status; or, similar events.

SECTION 5. APPLICATION

A. Applicable Caseload Limit:

- i. All attorneys accepting assignments to represent consumers of indigent legal services are required to annually certify to MCILS approximately what portion of their annual working hours are dedicated to assigned cases.
- ii. All attorneys who are seeking, or will seek, assignments are required to submit their certification 30 days prior to the effective date of this rule.

- iii. Attorneys who apply to accept MCILS cases will be required to submit this certification prior to receiving any additional case assignments.
 - iv. After a certification is submitted, the attorney's maximum caseload limit will be set in the MCILS information management system.
 - v. If an attorney's workload percentages change significantly prior to the annual certification, the attorney can request that MCILS adjust their maximum caseload and/or hours limits.
 - 1. Attorneys will always have the ability to opt out of case types and courts to reduce the number of new assignments they receive.
 - vi. This certification must be completed on the form provided by MCILS. The form may be a webform. If so, the certification must be provided through that webform.
 - vii. Failure to complete the certification as required will result in suspension from all rosters until the certification has been completed to the satisfaction of the Executive Director or their designee.
 - viii. Suspected falsification of a certification will result in the initiation of an MCILS assessment and/or investigation.
- B. Case Entry & Closing:
- i. Counsel are responsible for ensuring that all cases are opened in Defender Data within 7 calendar days of the receipt of notice of assignment in any form, and that cases are closed in Defender Data within 7 days of the completion of work in the file.

SECTION 6. EXCEPTIONS

- A. If an attorney has reached the active caseload and/or annual hours limit, the attorney may exceed those limits to accept new assigned cases for a client the attorney then presently represents. The points and hours associated with the new cases will be calculated and added to the attorney's total in accordance with this rule.

SECTION 7. WAIVER

- A. An attorney may apply for a temporary waiver of the active caseload limit or the annual hours limit, but not both.

- B. A temporary waiver may be granted for a period of up to 6 months.
- C. Application must be made to the Executive Director or their designee in the manner designated by MCILS.
- D. Waivers are discretionary and will only be granted for good cause.
- E. In determining whether to grant a waiver, the Executive Director or their designee may consider some or all the following factors:
 - i. The attorney's representation about their current capacity to accept additional cases;
 - ii. The reason the waiver is being requested;
 - iii. The attorney's experience level;
 - iv. Whether the attorney has support staff;
 - v. Whether the attorney represents a client in multiple, related dockets which require less time to resolve;
 - vi. To the extent that data is available to MCILS, whether the attorney practices primarily in courts experiencing longer average times to resolution of cases than the 12 months indicated in Section 4(B) as the basis for calculating annual workload and caseload limits; and/or
 - vii. Any other factors relevant to whether in the discretion of the Executive Director or designee the waiver should be granted.

STATUTORY AUTHORITY:

4 M.R.S. §§ 1804(2)(C), (2)(GA) and (4)(D)

EFFECTIVE DATE:

January 26, 2023

Justin Andrus, Executive Director
Maine Commission on Indigent Legal Services
154 State House Station
Augusta, Maine 04333
justin.andrus@maine.gov

Re: ACLU of Maine Comment on Proposed MCILS Rule 2022-P234
Governing Caseload Standards for Assigned and Contract Counsel (94-
649, Ch. 4)

Dear Mr. Andrus:

My name is Zachary Heiden, and I am Chief Counsel at the American Civil Liberties Union of Maine, a statewide nonpartisan nonprofit advocacy organization dedicated to protecting and defending the constitutional rights of the people of this state. In that role, I currently serve as class counsel in *Robbins v. MCILS*, a class action civil rights case alleging that the Maine Commission on Indigent Legal Services (“MCILS”) is violating the Sixth Amendment rights of individuals accused of crimes by, *inter alia*, failing to adequately screen, train, evaluate, supervise, and support the attorneys provided to those individuals.¹ I am writing to provide our organization’s position on the proposed rule governing caseload standards for assigned and contract counsel.

¹ *Robbins et al. v. MCILS et al.*, No. KENSC-CV-22-54.

A. We Support MCILS Adopting and Enforcing Caseload Standards.

It is commendable that MCILS is adopting standards governing caseloads of the attorneys that it supervises. The American Bar Association’s “10 Principles of a Public Defense Delivery System” includes the exhortation that defense counsel must be “provided sufficient time and a confidential space within which to meet with the client” (Principle 4) and that the workload of defense counsel must be “controlled to permit the rendering of quality representation” (Principle 5). These two principles are closely connected: defense counsel will not have sufficient time to do all that is required to provide constitutionally adequate counsel unless their workload is carefully controlled.

In recognition of the importance of these principles, Maine law requires MCILS to adopt standards “for assigned counsel and contract counsel caseloads.” 4 M.R.S. § 1804(2)(C). Enforceable caseload standards will provide an important tool for MCILS to ensure that individual lawyers are not being assigned more work than they can handle, and they will also enhance the ability of MCILS to engage in planning to address staffing inadequacies in various regions or for various types of cases.

B. The Proposed Standards Are Insufficiently Granular Because They Are Organized Around Overbroad Categories of Cases.

One of the goals of caseload standards is to ensure that attorneys have the capacity to engage in each of the tasks required to provide constitutionally adequate counsel: client interview, record review, factual investigation, expert consultation,

legal research, client counseling, motion practice, negotiations, trial preparation, trial, sentence mitigation, and appeal. Each of these tasks take a different amount of time depending on the subject matter of the case and the personal history of the client.

The proposed standards are insufficiently granular, because they are organized around extremely broad categories of cases: Class A; Class B & C Crimes Against a Person; etc. Many diverse types of offenses fall within these broad categories, and each of those offenses require vastly different times for investigation or motion practice.

The ABA Standing Committee on Legal Aid and Indigent Defense has relied on the “Delphi method” developed by the Rand Corporation in the 1960s to assess and develop caseload standards. This method is based on the identification of lawyers who consistently and demonstrably provide constitutionally adequate representation; the survey of these lawyers concerning the time required for various tasks within specific cases; the re-survey of these lawyers about the same questions after providing the lawyers with the mean and median responses from the first round of surveys; and finally an in-person discussion with this panel of lawyers aimed at arriving at consensus. *See, e.g.,* ABA Standing Committee on Legal Aid and Indigent Defense, *The New Mexico Project: An Analysis of the New Mexico Public Defense System and Attorney Workload Standards* (January 2022), available at

https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_de

[fendants/l-sclaid-moss-adams-nm-proj.pdf](#). The ABA will, within the next few months, be releasing a set of guidelines concerning the amount of time required for constitutionally adequate representation across a range of types of cases. Maine lawyers are not uniquely efficient at criminal defense practice, and the constitutionally adequate amount of time required to investigate a DUI, or to prepare a suppression motion for a trafficking charge, does not depend on the state in which the charge was made.

MCILS could undertake a “Delphi” process of its own. The first step in this process would be to identify a panel of attorneys who are consistently providing constitutionally adequate representation, based on a review of voucher submissions, peer assessment, and conversations with the judicial branch. We urge MCILS to take these steps so that it can develop empirically based caseload standards.

C. Caseload Standards Must Not Be Tailored to the Needs of Police and Prosecutors.

The purpose of MCILS is “to provide efficient high-quality representation to indigent criminal defendants, juvenile defendants and children and parents in child protective cases, consistent with federal and state constitutional and statutory obligations.” 4 M.R.S. § 1801. Those “federal and state constitutional and statutory obligations” apply to the clients served by attorneys supervised by MCILS. The needs of these clients should, therefore, provide the underlying basis for the MCILS caseload standards. Flowing from that basis, MCILS ought to have focused its inquiry on how much time those clients require for the various components of their

cases, and adopted caseload standards reasonably calculated to ensure that every client had a lawyer with the time available to perform each of those components.

Unfortunately, after listening to discussions at the Commission level and reviewing written material produced by Commissioners, I have the impression that too much weight was given to back-of-the napkin estimates of how quickly a lawyer could get through a particular task. Worse, discussions also touched on how best to accommodate the interests of individuals who are not within the protective ambit of MCILS's mission: the police and prosecutors. The Sixth Amendment rights of people accused of crimes are in no way dependent upon, or circumscribed by, the number of people that the police decide to arrest or that the prosecutors of this state decide to charge. It is not this Commission's responsibility—it is, in fact, very directly contrary to this Commission's responsibility—to privilege the needs of police and prosecutors in determining how much time defense attorneys ought to have available for each case.

There are, currently, vastly more criminal cases than the system can handle, and there are two—and only two—responses to that problem: prosecutors can charge fewer people, or the State of Maine can hire more defense attorneys. Permitting attorneys to take more cases, work longer hours, or provide less than the full measure of representation required by the constitution are impermissible, yet the process that produced these rules, as well as the rules themselves, reflect exactly these sorts of concerns. The criminal case backlog in Maine is unprecedented, and the State must address it. But, MCILS cannot sacrifice the

rights of poor people who are accused of crimes in order to help the State dig itself out of its backlog.

D. MCILS Should Reevaluate the Number of Hours It Expects Criminal Defense Attorneys To Work.

Attorney attrition has plagued MCILS for the past three years, and MCILS's proposed caseload standards will only make this worse: 2,000 annual billable hours is unsustainable for attorneys who are doing some of the most intellectually challenging, emotionally draining work. Those hours do not include time spent on study or training, time spent handling the responsibilities of running a small business (since nearly all lawyers in the MCILS system are solo practitioners or are part of small practices), or time spent engaging in self-care. Instead, MCILS expects lawyers to work 40 hours per week, with only two weeks of vacation per year. Lawyers who provide constitutionally adequate representation spend a significant amount of time travelling to jails, investigating traumatic incidents, researching complicated questions of constitutional law, drafting and arguing motions, and negotiating with adversarial prosecutors. These activities take a toll, and MCILS's caseload standards should be calculated to accommodate and mitigate that toll.

E. MCILS Should Not Attempt to Adopt an "Open" Caseload Standard; It Should Instead Adopt an Annual Caseload Standard.

Most indigent defense systems have adopted annual caseload standards. For example, the Massachusetts Committee for Public Counsel Services ("CPCS") policies and procedures governing billing and compensation includes "Annual

Caseload Limits,” organized around a weighted system of caseload limits for each fiscal year, as well as an absolute limit of 250 cases per year.

In contrast, the proposed MCILS standards are “open” caseload standards—in other words, they govern how many cases an attorney can have open at a given time. In order to meaningfully enforce an open caseload standard, it is necessary to know how many cases an attorney can reasonably handle (while providing constitutionally adequate representation), as well as how long it takes for a case to close. Unfortunately, MCILS does not have any actionable data about how long it takes to resolve cases because MCILS does not require attorneys to inform it that a case has been closed. And, even if MCILS adopted such a requirement, and collected and analyzed the relevant data, those data would be severely distorted by the court system’s ongoing backlog.

Given the lack of actionable information, MCILS should not attempt to adopt an “open” caseload standard, but rather should adopt an annual caseload standard that governs how many cases assigned counsel may take on in a given year.

Conclusion

We commend MCILS for proposing caseload standards, a critical first step for any entity charged with guaranteeing effective assistance of counsel for indigent defendants. But the specific caseload standards proposed by MCILS fall short of fulfilling the Commission’s constitutional mandate. The standards fail to center the basic rights of the people MCILS is charged with protecting—poor people accused of crimes—and instead reflects the needs of police, prosecutors, and court personnel.

And the standards are not sufficiently grounded in empirical data, adopting an impossibly high annual billable hours requirement and failing to develop granular standards based on the well-established Delphi method. While these standards are an important first step, the history of indigent defense in Maine has suggested that taking necessary second and third and fourth steps is often quite difficult. We urge MCILS to propose revised caseload standards that are grounded in the fundamental goal to provide effective assistance of counsel for every poor person accused of a crime in Maine, and that reflect the reality of how much time and effort providing that effective representation takes.

Very truly yours,

A handwritten signature in black ink, appearing to read "Zachary L. Heiden". The signature is fluid and cursive, with a prominent initial "Z" and a long, sweeping underline.

Zachary L. Heiden, Chief Counsel



BONNIE HOFFMAN
Director of Public Defense
Reform and Training

January 27, 2023

Justin Andrus, Esq.,
MCILS Rule-Making Liaison,
154 State House Station, Augusta, ME 04333,
By Email: justin.andrus@maine.gov

Dear Director Andrus,

On behalf of the National Association of Criminal Defense Lawyers (NACDL), please accept the below comments regarding the Maine Commission on Indigent Legal Services' (MCILS) proposed rule on Caseload Standards for Assigned Counsel and Contract Counsel.

Introduction

NACDL is a non-profit voluntary professional bar association that promotes a society in which all individuals receive fair, rational, and humane treatment within the criminal legal system. To that end, NACDL seeks to identify and reform systemic flaws and inequities, redress systemic racism, and ensure that its members and others in the criminal defense system are fully equipped to serve all accused persons at the highest level. Founded in 1958, NACDL's more than 10,000 direct members -- and 90 state and local affiliate organizations totaling up to 40,000 attorneys -- include private criminal defense lawyers, public defenders, active U.S. military defense counsel, law professors, and judges dedicated to advancing the proper, efficient, and fair administration of justice.

As an organization, NACDL has issued numerous reports examining public defense systems in states such as Louisiana ([State of Crisis](#)), South Carolina ([Summary Injustice](#) and [Rush to Judgment](#)), and Florida ([3 Minute Justice](#)); a three-part examination of public defense in America ([Gideon at 50](#) Parts 1, 2 and 3); and an examination of the Federal Indigent Defense System ([Federal Indigent Defense 2015: The Independence Imperative](#)). In 2017, in partnership with the American Bar Association, NACDL published [The Rhode Island Project: A Study of the Rhode Island Public Defender System and Attorney Workload Standards](#).

NACDL has also served as amicus on numerous filings related to the provision of public defense services in state and local courts including [Hurrell-Harrinq v. State of New York](#), [Tucker v. Idaho](#), [Kuren v. Luzerne County](#) (PA), and [Lee v. Wisconsin](#) and is currently co-counsel in [litigation in Wisconsin](#)¹ addressing the state's inability to timely provide public defense lawyers to eligible defendants. For more than a year, NACDL has examined Maine's public defense system,

¹ [Antrell Thomas, et al. v. Antony Evers](#), 2022CV001027 (Brown Cir., filed Aug. 23, 2022).

providing technical assistance to MCILS under a grant from the Department of Justice's Bureau of Justice Assistance. In addition to regularly attending MICALS's public meetings NACDL's public defense staff traveled to Maine to observe court proceedings in various jurisdictions across the state. During that time, the team spoke with defenders, prosecutors, and judges about the state's public defense system.²

NACDL hopes that its national perspective, drawn from more than sixty years of advocacy, investigation, training, and public defense reform efforts will be of help. As the nation's preeminent criminal defense bar, NACDL is keenly interested in ensuring public defense providers have caseloads that are reasonable and allow them to fulfill their legal, ethical, and constitutional obligations.

Why Caseloads Matter

Constitutional Foundations

Our American criminal justice system's core values include an assurance that individuals who are facing the vast power and resources of the state have access to an advocate who can help level the playing field. Rooted in notions of fairness and predicated on the principle that every person is presumed innocent, the right to counsel is a hallmark of our adversarial system of justice. It is well-documented that excessive caseloads can be so burdensome that lawyers are unable to perform their essential functions. Attorneys with too many cases do not have time to properly review discovery and assess cases; conduct needed legal research; and spend sufficient time with the client and their network to both gain and provide necessary information regarding case facts, legal issues, areas for investigation and challenge.³ In short, without adequate time, an attorney cannot meaningfully subject the state's case to "the crucible of meaningful adversarial testing."⁴

When an attorney fails to perform the essential duties of a defense lawyer, those failings can function as a denial of the right to counsel in violation of the Sixth Amendment.⁵ The need to ensure meaningful public defense representation, including appropriate caseloads, is supported by both ends of the political spectrum. To ensure that the right to counsel is not reduced to merely providing a warm body with a bar card, agencies overseeing public defense must make sure that lawyers have the time resources, and expertise to perform their essential functions. Moreover, s defense lawyers must operate with a sufficient level of independence to allow them to be robust advocates for the clients they represent.

² Between June 6 and June 10, 2022, NACDL's Director of Public Defense, Bonnie Hoffman, and Public Defense Counsel, Monica Milton, attended district court hearings in Machias, Lincoln, Presque Isle, Caribou, and Bangor.

³ For an overview see Primus, Eve Brensike. "[Defense Counsel and Public Defence](#)." In *Reforming Criminal Justice: Pretrial and Trial Processes*, edited by E. Luna, 3, 121-45. Phoenix, AZ: Academy for Justice, 2017 and Lauren Sudeall Lucas, [Public Defense Litigation: An Overview](#), 51 Ind. L. Rev. 89 (2018).

⁴ *U.S. v. Chronic*, 466 US 648, 656 (1984). See also *Avery v. Alabama*, 308 US 444, 446 (1940) ("The Constitution's guarantee of assistance of counsel cannot be satisfied by mere formal appointment.") (Footnote omitted).

⁵ See e.g. [Wilbur v. City of Mount Vernon](#), No. 2:2011cv01100 (WD WA 2013). See also [Kuren v. Luzerne County \(PA\)](#), [Amicus Brief of the U.S. Department of Justice to Pennsylvania Supreme Court](#).

Professional Standards

Attorneys in Maine are bound by the Rules of Professional Conduct. These rules apply with equal force and effect when attorneys are providing public defense representation as when they are working on behalf of privately retained clients.⁶ Rule 1.3 requires all lawyers to be both diligent and prompt in their work. To effectuate this rule the “lawyer’s workload must be controlled so that each matter can be handled competently,” and in a timely manner because “[e]ven when the client’s interests are not affected in substance [by a delay] . . . unreasonable delay can cause a client needless anxiety and undermine confidence in the lawyer’s trustworthiness.”⁷ As such, the Rules of Professional Responsibility recognize the practical, procedural, personal, and systemic harms of excessive workloads and the attorney’s obligation to mitigate such harms by controlling their workload. Attorneys with excessive caseloads risk both harming their clients and disciplinary action.⁸

Beyond state rules of professional conduct, jurisdictions often look to The American Bar Association’s [Ten Principles of a Public Defense Delivery System](#) (“ABA 10 Principles”), as it is recognized as a national guidepost for public defense system operations. Principle 5 specifically addresses attorney workloads, explaining a constitutional public defense system is one in which, “[d]efense counsel’s *workload* is controlled to permit the rendering of quality representation.”⁹ In further detailing this standard, the ABA 10 Principles make clear that the determination of a “*caseload*” (the number of cases the attorney has) is only one factor to be considered. In addition to considering the number of cases the lawyer has, it is necessary to examine and control the whole of the lawyer’s “*workload*,” taking into consideration their level of experience, the degree of support staff, and each lawyer’s other non-representational responsibilities.¹⁰ It is this whole workload that must be controlled to ensure that the attorney can provide ethically and constitutionally adequate representation.

Creating Caseload Standards

Although caseload standards, by their nature, represent an average, every individual case and client is unique. Sometimes a low-level charge may involve extensive investigation, research, and substantial motions practice; other times a serious charge may reach resolution quickly with little time or resources expended. However, the fact that individual case complexity varies is not, in and of itself, a barrier to implementing caseload standards. Rather, it is a reminder, that caseload systems benefit from a degree of flexibility that is managed and informed by those with criminal defense expertise who can operate with the necessary degree of independence that protects client confidences while allowing for full and frank disclosures.¹¹

⁶ ABA Comm. on Ethics and Prof’l Responsibility, [Formal Op. 06-441](#) (2006).

⁷ Maine Rules of Professional Conduct, [Rule 1.3, Comments \(2\) and \(3\)](#).

⁸ See, e.g., [In Re: Karl William Hinkebein](#) (MO Supreme Court, Sept. 12, 2017); [ABA Journal](#) (Sept. 18, 2017).

⁹ [ABA Ten Principles of a Public Defense Delivery System, Principle 5](#) (ABA 2002)(emphasis added).

¹⁰ *Id.* at p. 2, ABA [Formal Ethics Opinion 06-441](#), “Ethical Obligations of Lawyers Who Represent Indigent Criminal Defendants When Excessive Caseloads Interfere With Competent and Diligent Representation.” (May 2006).

¹¹ “The public defense function, including the selection, funding, and payment of defense counsel, is independent.” [ABA Ten Principles of a Public Defense Delivery System, Principle 1](#).

Typically, modern state-level public defense caseload standards are developed through a process that defines relevant case types and representation tasks and then considers the frequency that the various tasks should occur for each case type and the amount of time each task should take.¹² This creates the averages upon which a caseload standard is built.

In addition to state-specific considerations such as charging practices and sentencing schemes, it is also important to account for other factors that add time or complexity to a case. These can include travel distance to meet with clients and attend court proceedings; communication and comprehension complications that arise as a result of language barriers, developmental disabilities, or mental illness; the volume and nature of discovery, including lengthy video and body camera footage and digital data; and the extent and impact of collateral consequences. Caseloads may also be impacted by the presence or absence of support staff, investigator, and social worker assistance, and even the nature of court calendars and procedures that can either reduce or compound the time required for filing motions, scheduling cases, waiting in court, and the duration of proceedings. As a result, we encourage MCILS to include provisions in the rules for regular review and adjustments to the caseload standards to reflect changes in practices.

When developing standards, MCILS should afford due consideration to attorneys' ancillary obligations that may contribute to their workload. While "*caseload*" refers to the number of cases an attorney handles over a given time,¹³ "*workload*" considers the whole of an attorney's obligations and more accurately reflects the time and resources an attorney has to devote to a particular case. Attorneys of all levels have varying factors that contribute to their workload. These can include attending training, supervising staff, data entry, and even their level of experience.

Caseload Standards Must Include a Focus on Ensuring Meaningful Representation

While NACDL does not take a position on whether the proposed case types, point values, or average hours proposed in Chapter 4 are reasonable for Maine, any standards should be informed by prevailing professional standards for ethical, effective, and constitutional representation.¹⁴ Desires to ensure an adequate stream of income for defense lawyers, or to minimize state expenditures for public defense services, cannot be factors in determining the

¹² Examples of recent caseload studies include those done in [Colorado](#) (ABA), [Idaho](#) (Boise State University), [New Mexico](#) (ABA), [Oregon](#) (ABA), [Rhode Island](#) (ABA/NACDL), [Texas](#) (Texas A&M) and [Utah](#) (RAND). A description of the Delphi Method and other considerations in undertaking caseload studies can be found in [Use of Delphi Method in ABA SCLAID Public Defender Workload Studies](#), ABA (2021).

¹³ Note that caseload measurements can be made on a rolling basis, examining the number of cases an attorney has in any 12-month period, or it can be measured on a fixed, annual basis. Decisions about which is the most effective measure should be made by considering factors such as the sophistication of the jurisdiction's data management system, level of staffing, and the quality and timeliness of data inputs.

¹⁴ See e.g., ABA [Criminal Justice Standards for the Defense Function](#), 4th ed. (2017) and National Legal Aid and Defender Association [Performance Guidelines for Defense Representation](#), 4th ed. (2006). See also, Guideline 1, [ABA Eight Guidelines of Public Defense Related to Excessive Workloads](#) (2009).

number of cases an attorney may handle or the number of hours a particular case type might require. Caseload numbers must allow attorneys to be able to engage in all of the core functions of a criminal defense lawyer including regular, timely and substantive client communication; research and investigation; review of discovery and a robust motions practice; preparing for trials, negotiating pleas, and presenting meaningful sentencing arguments.¹⁵

The consequences of an underfunded public defense system should not be foisted on the backs of either the attorneys providing public defense services or the clients they represent. If the state wishes to minimize the cost of providing constitutionally mandated public defense, it should pursue steps to reduce the number of cases being funneled into the legal system rather than attempt to overwork or underpay public defense lawyers. Concerns that caseload limits are set too low to allow attorneys to earn sufficient income to retain them as court appointed counsel should be resolved with efforts to increase compensation rather than grow caseloads.

Adequate Compensation Can Mitigate the Need to Maintain an Excessive Caseload

When defenders are not adequately compensated for their time, they can be forced to increase the volume of their work¹⁶ in order to sustain their practice.¹⁷ Relying almost exclusively on private attorneys to meet the state's public defense obligation, it is especially critical that the state ensure assigned counsel rates are appropriate to meet the costs associated with a functional law practice. Recognizing the state's public defense providers must cover operating expenses from office space and office staff, pay taxes and health care costs, and make payments for everything from internet service to student loans all from the state's hourly rate, it is easy to understand the thin margins many public defense providers are operating under. Forcing attorneys to juggle a large-volume practice is harmful to individual clients, the community, the individual attorney, and the legal system as a whole. Insufficient time to conduct investigation can lead to wrongful convictions; overburdened attorneys will fail to gather critical mitigating evidence leading to excessive sentences; unprepared attorneys will require continuances crowding court dockets and delaying resolution for victims; and burnout will drive lawyers from the profession all together.¹⁸

The recent increase of the state's hourly rate from \$60 to \$80 represents a modest but important step in providing adequate compensation, but a substantial gap remains.¹⁹ Without a reasonable hourly rate, with a provision for regular increases to account for inflation, lawyers

¹⁵ ABA Criminal Justice Standards, [Defense Function](#) (4th ed., 2017).

¹⁶ This can include taking on federal appointments in addition to state court cases, maintaining a substantial private practice, handling cases in multiple states, or pursuing additional income streams.

¹⁷ Norman Lefstein, [Excessive Public Defense Workloads: Are ABA Standards for Criminal Justice Adequate](#), 38 *Hastings Const. L.Q.* 949 (2011).

¹⁸ See e.g. ["At some point the dam is going to break": NH Faces Shortage of Public Defenders](#), *Cassidy Jensen, Concord Monitor*, October 31, 2021.

¹⁹ In comparison, effective January 1, 2023, attorneys providing public defense representation in federal court in Maine and elsewhere are compensated at \$164.00 per hour. For nearly a decade the federal CJA rate has been regularly increased each year to account for increases in the cost of living. [CJA Panel Attorney Hourly Rates](#), last visited January 26, 2023.

will either be unable to afford to continue to provide public defense representation or be compelled to take on an excessive number of cases to meet their costs. Public defense lawyers, like other public sector service providers, should be paid a wage that is commensurate with their government employee peers and encourages and supports this work as a meaningful, sustainable career.²⁰

The Importance of Providing Adequate Resources for Supervision and Support

To provide meaningful insight to Maine regarding its effort to develop caseload standards, NACDL conducted outreach to four public defense systems that provide oversight to local offices and rely heavily on the private bar to provide representation. Interviews were conducted with senior leadership in Indiana, upstate New York, Texas and Washington. Although each state's system had areas of variation, when it came to monitoring and enforcing caseload standards, these leaders shared many common experiences, expectations, and cautions.

All four agencies made clear that the efficacy of caseload standards are only as good as the reporting, monitoring, and support systems put into place with them. Absent mechanisms that make it easy for attorneys to regularly and accurately provide caseload information, agencies like MCILS will struggle to monitor and accurately assess caseloads as they change over time. Common challenges included insufficient, incomplete, or untimely data regarding appointed and overall caseload, leading all four to emphasize the need for low-burden systems that facilitate accurate and timely reporting. They also recommended that oversight agencies consider the frequency of the required data reporting, looking to ensure data is collected frequently enough to allow meaningful oversight and feedback while not doing it so frequently, that the reporting becomes a burden which can lead to incomplete or untimely data and, even worse, attorneys opting out of providing public defense services.

All four agencies reported it was common for attorneys to reach their maximum caseloads. As a result, they all echoed the importance of state oversight agencies acting to support the defense lawyers, notifying them in advance if they are on a track to reach/exceed the maximums; meeting with attorneys to discuss current caseloads, troubleshoot issues, and develop plans to mitigate impacts on clients and the court system if an attorney is going to reach capacity; and identifying needs and ways the agency can support and assist attorneys, especially small and solo practitioners, to help make their current caseloads more manageable.

As a result, NACDL suggests that the implementation of any caseload standards be accompanied by sufficient staffing, resources and infrastructure to support quality oversight, not merely quantity oversight. Staff must have the personnel and resources to engage in court observations and meet regularly with all system stakeholders, including defense lawyers,

²⁰ See e.g. [ALEC Resolution in Support of Public Defense](#), (Sept. 2019) "That compensation for public defense providers is sufficient to ensure the recruitment and retention of qualified and skilled advocates taking into consideration for public defenders the rates being paid to other government employees performing similar functions, and for court-appointed counsel the overhead costs and prevailing attorneys' fees for the jurisdiction."

directly impacted individuals and community members for feedback. MCILS must be sufficiently empowered to advocate on behalf of defenders to address issues that impact caseload such as timely access to clients and confidential meeting spaces for those in custody; funding for investigators, social workers, and experts; timely and complete provision of discovery and other case related materials; and barriers created by court procedures and processes.

Empowering MCILS through adequate staffing, resources, and authority to be able to help support public defense lawyers will have long-term benefits for both retaining lawyers within the system and effective representation that benefits the client and the community.

Conclusion

Controllable workloads produce quality, ethical, and constitutional representation. Reasonable caseloads allow attorneys to fulfill their role—shining a light on government overreach and abuses of power; protecting against wrongful convictions and excessive punishments; facilitating connections to services and supports to mitigate against recidivism; and ensuring fair trials. When defenders are provided with adequate compensation, time, resources, and support, the entire community benefits.

NACDL applauds the efforts of MCILS to promote a constitutional public defense system for the people of Maine, and remains available to provide assistance, guidance, and support. Any questions relating to this submission may be directed to Bonnie Hoffman, NACDL Senior Director of Public Defense (bhoffman@nacdl.org, 202-465-7649).

Thank you for your time and consideration of this important issue.