

**MCILS**

**June 20, 2023**

**Commissioner's Meeting  
Packet**

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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**JUNE 20, 2023  
COMMISSION MEETING  
AGENDA**

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- 1) Approval of the May 30 and June 12, 2023 Commission Meeting Minutes
- 2) Report of the Executive Director
  - a. Operations report
  - b. Case staffing status report
  - c. Case management system RFP
  - d. Training update
- 3) Rulemaking discussion
  - a. Chapter 4 – caseload standards
  - b. Chapters 2 & 3 – eligibility and specialized panel
- 4) Discussion of Proposed Professional Conduct Rule 6.2
- 5) Set Date, Time and Location of Next Regular Meeting of the Commission
- 6) Public Comment
- 7) Executive Session 1 MRSA §405(6)(E) to discuss pending or contemplated litigation

**Maine Commission on Indigent Legal Services – Commissioners Meeting  
May 30, 2023**

**Minutes**

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

**MCILS Staff Present:** Jim Billings, Ellie Maciag

<b>Agenda Item</b>	<b>Discussion/Outcome</b>
Approval of the April 24 and May 2, 2023 Commission Meeting Minutes	Commissioner Alexander moved to approve the April 24 and May 2, 2023 minutes. Commissioner Katz seconded. All voted in favor. Approved.
Report of the Executive Director	<p>Chair Tardy indicated that he and Director Billings met with the Governor’s office to discuss the budget. Chair Tardy was encouraged by that discussion and anticipated a verdict on the biennial budget within the next two or three weeks.</p> <p>Director Billings indicated that MCILS is continuing to meet with MaineIT regarding case management software for the RDU and the RFP for the case management replace. Toby Jandreau has started his position as the District Defender of the RDU. There have been continued requests from Aroostook County for assistance, and each of the RDU defenders have taken on additional cases from that area. Director Billings emphasized that a case management system will be even more important as the caseloads of the RDU defenders increase.</p> <p>Commissioner Burbank commented that a resource counsel voucher was on the list of vouchers exceeding \$5,000. Commissioner Burbank asked whether resource counsel vouchers were submitted per case or for a period of time. Deputy Director Maciag explained that the vouchers are submitted based on a period of time.</p>

Agenda Item	Discussion/Outcome
	<p data-bbox="520 235 1829 342">Deputy Director Maciag indicated that the RFP for the case management system is working its way through IT procurement. Chair Tardy has designated an RFP selection committee, so once it gets approved, the selection process will begin.</p> <p data-bbox="520 380 1829 521">Deputy Director Maciag expressed the continued appreciation of Training &amp; Supervision staff Darcy Fisher and Chris Guillory for their work with recruiting and training, noting that they have continued to produce more trainings. She also noted that there has been a lot of great feedback on the trainings and that there have been new applications from people joining the program.</p>
Chapter 4 – Caseload Standards	<p data-bbox="520 565 1829 743">Director Billings gave a brief overview of where the rule stands, noting that the rule has been in progress for some time. He stated that the Commission is statutorily obligated to have caseload standards for assigned counsel to be consistent with MCILS’ mandate under the Sixth Amendment. He noted that there have been concerns from the public and the Sixth Amendment Center, and there are allegations in lawsuit that this needs to happen.</p> <p data-bbox="520 781 1829 1036">Director Billings said that the current draft was ready for rulemaking and then the AG’s Office provided feedback. AAG Megan Hudson-MacRae clarified that the AG’s Office made one suggested change, Commission staff took the opportunity to make additional changes, the Commission voted to approve all the changes, and then then it went back out for public comment at the March meeting. AAG Hudson-MacRae explained that now the rule is back before the Commission to review the proposed draft responses to public comment and detailed basis statement. It is now up to the Commission to determine whether to vote to adopt the rule or make further changes.</p> <p data-bbox="520 1073 1829 1295">There was discussion about the impact of the proposed rule on the availability of counsel. Commissioner Cantera suggested tabling the matter until after receiving additional information regarding the final budget from Legislature. Commissioner Alexander expressed strong objections to the rule, citing that the information in the rule is not based on Maine data, as well as concern that the rule would drive away large numbers of attorneys from joining the MCILS rosters. Director Billings indicated that the data used to draft the rule is based on ABA standards and defenderData information.</p>

Agenda Item	Discussion/Outcome
	<p>AAG Hudson-MacRae explained that the deadline for getting this draft of the rule approved without needing to go through the rulemaking process again is August 28, 2023. She further noted that any substantial changes to the rule would require it to go back out for public comment.</p> <p>Commissioner Katz inquired about getting data from Maine to use in developing the caseload standards. Deputy Director Maciag explained that the points in the proposed rule are based, in part, on information from defenderData about how much time attorneys spend on cases. Discussion ensued about how the points were calculated, from what data they were derived, and what effect the points have on cases for which multiple attorneys represent the same client as co-counsel.</p> <p>Commissioner Soucy said that focusing on using Maine data for creating the rule is perhaps not the best measure of what the Sixth Amendment might require because there have been multiple outside sources that have suggested that Maine is not providing representation adequately. Commissioner Soucy emphasized that the Commission does not have an option about whether to set a caseload standard; it is statutorily obligated to do so.</p> <p>Commissioner Cantara moved to table the vote on the rule to a later date. Commissioner Katz seconded. All voted in favor.</p>
<p>Rulemaking Discussion – Chapters 2, 3, 301, and 301-A</p>	<p>Discussion ensued regarding the proposed draft of the roster types. Commissioner Alexander expressed concern about the complexity and quantity of the roster types and the difficulties for attorneys to apply and qualify for those rosters. Discussion ensued about the history of the rule and the recent proposed changes.</p> <p>It was suggested that MCILS staff prepare a presentation to give to the Commission at the June meeting detailing the history of the rule and involving people from the working groups that helped draft previous iterations of the rule to share their experiences and recommendations for the rule moving forward. The Chair indicated that after this presentation a subcommittee should be appointed to continue work on the rule.</p> <p>Director Billings noted that one concern expressed to him about simplifying the types of rosters is that it may have the effect of driving away attorneys because it will minimize their ability to specify the</p>

Agenda Item	Discussion/Outcome
	<p>types of cases they accept. Commissioner Alexander said that he has heard from attorneys that they are no longer on the rosters due to the complexity of the rostering requirements and the repetitiveness of having to qualify all the time.</p> <p>Commissioner Alexander made a motion to approve the draft and proceed with the formal process of adopting the Chapter 301 revision. Commissioner Cantara seconded. All voted in favor. Approved.</p> <p>Commissioner Alexander made a motion to approve the draft and proceed with the formal process of adopting Chapter 301-A. Commissioner Soucy seconded. All voted in favor. Approved.</p>
Temporary Contract for Justin Andrus	<p>Chair Tardy noted that there was a two-week temporary services contract between MCILS and former Executive Director Justin Andrus to provide consultation and expertise during the transition of executive directors. Chair Tardy noted that the contract was nearly expired, and he would like to discuss and ultimately extend the temporary agreement for as long as Justin is willing to serve and as Executive Director Billings dictates.</p> <p>Commissioner Alexander made a motion to extend the temporary services agreement with Justin Andrus for a six-month period. Commissioner Cantara seconded. All voted in favor. Approved.</p>
Public Comment	<p>Robert Ruffner: Attorney Ruffner expressed his appreciation and thanks for all the work that Director Andrus put into being the Executive Director and wished Executive Director Billings good luck in taking over. Attorney Ruffner expressed his belief that broadening the case type rosters would cause many experienced attorneys to opt out of taking MCILS cases. He further noted that he finds it difficult to believe that an attorney who would want to take on a complex case type, such as a DNA homicide case, would be daunted by the paperwork necessary to be rostered for such a case. Attorney Ruffner also stressed the importance of securing funding for additional public defender offices because it would be an onramp for attorneys wishing to do indigent work in Maine who do not want to be in private practice to do this work, or for newer attorneys to gain the needed experience to be successful. Attorney Ruffner said he worried about how the staff work in the packet may have been unintentionally slighted or dismissed by comments of some of the commissioners. He invited Commission staff to join his law firm but said he would prefer they stay as Commission staff because it is important that they continue to do the good work.</p>

<b>Agenda Item</b>	<b>Discussion/Outcome</b>
Adjournment of Meeting	The next meeting will be held on June 20, 2023 at 1:00PM.

**Maine Commission on Indigent Legal Services – Commissioners Meeting  
June 12, 2023**

**Minutes**

**Commissioners Present:** Randall Bates, Meegan Burbank, Michael Cantara, Michael Carey, David Soucy, Joshua Tardy

**MCILS Staff Present:** Jim Billings, Ellie Maciag

<b>Agenda Item</b>	<b>Discussion/Outcome</b>
Executive Session	Chair Tardy moved to go into executive session pursuant to 1 MRS § 405(6)(a) and (e). All voted in favor.



## MAINE COMMISSION ON INDIGENT LEGAL SERVICES

**TO:** MCILS COMMISSIONERS  
**FROM:** JIM BILLINGS, EXECUTIVE DIRECTOR  
**SUBJECT:** OPERATIONS REPORTS  
**DATE:** June 15, 2023

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Attached you will find the May 2023, Operations Reports for your review and our discussion at the Commission meeting on June 20, 2023. A summary of the operations reports follows:

- 2,834 new cases were opened in the DefenderData system in May. This was a 278 case increase from April. Year to date, new cases are down 4% from last year from 29,047 at this time last year to 27,858 this year.
- The number of vouchers submitted electronically in May was 3,434, an increase of 629 vouchers from April, totaling \$3,011,399, an increase of \$775,835 from April. Year to date, the number of submitted vouchers is up by approximately 5.7%, from 30,271 at this time last year to 32,013 this year, with the total amount for submitted vouchers up approximately 23.4%, from \$16,996,956 at this time last year to \$20,980,348 this year.
- In May, we paid 3,309 electronic vouchers totaling \$2,939,597 representing an increase of 698 vouchers and an increase of \$986,991 compared to April. Year to date, the number of paid vouchers is up approximately 7.2%, from 29,364 at this time last year to 31,499 this year, and the total amount paid is up approximately 23.9%, from \$16,505,228 this time last year to \$20,457,629 this year.
- The average price per voucher in May was \$888.36 up \$140.52 per voucher from April. Year to date, the average price per voucher is up approximately 15.5%, from \$562.09 at this time last year to \$649.47 this year.
- Resource Counsel, Protective Custody and Post-Conviction Review had the highest average voucher in May. There were 28 vouchers exceeding \$5,000 paid in May. See attached addendum for details.
- In April, we issued 146 authorizations to expend funds: 85 for private investigators, 39 for experts, and 22 for miscellaneous services such as interpreters and transcriptionists. In May, we paid \$94,857 for experts and investigators, etc. No funds requests were denied.
- There was one attorney suspension in May.

- In our All Other Account, the total expenses for the month of May were \$3,092,838. During May, approximately \$58,383 was devoted to the Commission's operating expenses.
- In the Personal Services Accounts, we had \$173,054 in expenses for the month of May
- In the Revenue Account, we received no transfer of collected counsel fees from the Judicial Branch for April's collections.
- Exceptional results – see attached addendum.
- As of June 15, 2023, there are 212 rostered attorneys of which 165 are available for trial court level work.

## Vouchers over \$5,000

<b>Comment</b>	<b>Voucher Total</b>	<b>Case Total</b>
Aggravated Attempted Murder	\$ 32,409.00	\$ 32,409.00
Gross Sexual Assault	\$ 27,938.20	\$ 27,938.20
Gross Sexual Assault	\$ 27,556.00	\$ 27,922.00
Homicide	\$ 18,762.00	\$ 18,762.00
Gross Sexual Assault	\$ 16,685.85	\$ 16,685.85
Gross Sexual Assault	\$ 12,592.90	\$ 12,592.90
Homicide	\$ 10,280.00	\$ 10,280.00
Child Protection Petition	\$ 9,839.20	\$ 25,331.86
Aggravated Assault	\$ 8,856.48	\$ 8,856.48
PCR Homicide	\$ 8,592.00	\$ 8,592.00
Domestic Violence Criminal Threatening	\$ 8,480.30	\$ 8,480.30
Domestic Violence Assault	\$ 8,471.06	\$ 8,471.06
Termination of Parental Rights	\$ 8,077.84	\$ 9,029.84
Domestic Violence Assault	\$ 7,845.00	\$ 7,845.00
Aggravated Trafficking	\$ 7,374.96	\$ 7,374.96
Homicide	\$ 6,640.40	\$ 6,640.40
Aggravated Attempted Murder	\$ 6,451.08	\$ 6,451.08
Aggravated Trafficking	\$ 6,311.58	\$ 6,311.58
Aggravated Trafficking	\$ 6,204.49	\$ 6,204.49
Termination of Parental Rights	\$ 6,146.92	\$ 10,033.72
Aggravated Trafficking	\$ 6,083.00	\$ 6,083.00
Domestic Violence Criminal Threatening	\$ 6,058.11	\$ 12,720.61
Aggravated Assault	\$ 6,047.00	\$ 6,047.00
Probation Violation	\$ 5,577.00	\$ 5,577.00
Homicide	\$ 5,429.00	\$ 5,429.00
Sexual Abuse of a Minor	\$ 5,324.00	\$ 5,324.00
Child Protection Petition	\$ 5,192.00	\$ 5,192.00
Operate after Habitual Offender Revocation	\$ 5,082.61	\$ 5,082.61

## Good Outcomes

Review Date	Attorney	Charge	Disposition
5/1/2023	Silver, Victoria	Child Protection Petition	Dismissal through PRR; Sole PRR to client.
5/1/2023	Macdonald, Bradford	Child Protection Petition	Dismissal
5/1/2023	Reeves, Polly	Child Protection Petition	Dismissal through PRR
5/1/2023	Roberge, Mitchel	Disorderly Conduct, Offensive Words, Gestures	Dismissal
5/1/2023	Ellis, Cameron	Misuse of 911 System	Dismissal
5/1/2023	Jennings, Doug	Child Protection Petition	Dismissal
5/1/2023	Pelletier, John	Disorderly Conduct, Loud Unreasonable Noise	Dismissal
5/4/2023	Bly, William; Hitchcock, Nathan	GSA	Not Guilty after Jury Trial
5/5/2023	White, Russell	Child Protection Petition	Dismissal through PRR
5/5/2023	Hodgkins, Nathan	Criminal Mischief	Not Guilty after Jury Trial
5/8/2023	Drew, Heidi	Child Protection Petition	Dismissal
5/8/2023	Fowler, Nick	Child Protection Petition	Dismissal
5/8/2023	Sucy, Stephen	Child Protection Petition	Dismissal
5/8/2023	Ward, Robert	Child Protection Petition	Dismissal through PRR
5/8/2023	Gray, Elizabeth	DVA	Dismissal
5/8/2023	Brown, Earl	Child Protection Petition	Dismissal through PRR
5/8/2023	Hanson, Allan	VCR	Not Guilty after Jury Trial
5/8/2023	Youngblood-Avery, Alec	Child Protection Petition	Dismissal
5/8/2023	Fowler, Benjamin	Child Protection Petition	Dismissal
5/8/2023	Roberge, Mitchel	1 ct. Unlawful Possession of Fentanyl Powder, 1 ct. Unlawful Possession of Methamphetamine, 1 ct. Operating While License Suspended or Revoked	Dismissal
5/16/2023	Healy, John	Child Protection Petition	Dismissal through PRR
5/16/2023	Milton, Caleigh	2 ct. GSA	Not Guilty after Trial
5/17/2023	Madison, Lynn	1 ct. Robbery, 1 ct. Assault, 1 ct. Theft by Authorized Taking or Transfer, 1 ct. Kidnapping	Dismissal
5/17/2023	Pelletier, John	1 ct. Failing to Stop for Officer, 1 ct. Criminal Speed, 1 ct. Driving to Endanger	DD GO = Dismissal
5/18/2023	Pratt, Jeremy	1 ct. Aggravated Trafficking Marijuana > 1lb, 1 ct. Aggravated Trafficking of Schedule W Drug, 2 cts. Unlawful Possession of Scheduled Drug	Dismissal
5/18/2023	Fey, Zachary	1 ct. DV Criminal Threatening, 1 ct. DVA, 1 ct. Obstructing Report of a Crime, 1 ct. VCR	Dismissal
5/18/2023	Griffin, Henry	Child Protection Petition	Dismissal through Motion to Modify PRR
5/18/2023	Wommack, Sanders	1 ct. Criminal Mischief, 1 ct. VCR	Dismissal

## Good Outcomes

5/18/2023	Wilson, Jeffrey	Theft by Unauthorized Taking	Dismissal
5/18/2023	Coolidge, Max	Assault	Filing
5/18/2023	Greenbaum, Annie	Assault	Filing
5/18/2023	Zirschky, David	1 ct. DVA, 2 cts. DV Reckless Conduct, 1 ct. Agg. Assault	Dismissal
5/18/2023	Hutchinson, Benjamin	Assault	Filing
5/19/2023	Ellis, Cameron	Child Protection Petition	Dismissal through PRR
5/19/2023	Juskewitch, Steven	VCR	Not Guilty after Jury Trial
5/22/2023	Rutledge, Ryan	Unlawful Possession of Scheduled Drug	Dismissal
5/22/2023	Zirschky, David	Unlawful Sexual Touching	Dismissal
5/22/2023	Ramirez, Amanda	1 ct. Criminal Mischief, 1 ct. VCR, 1 ct. Assault, 1 ct. Criminal Trespass, 1 ct. Terrorizing, 1 ct. Refusing to Submit to Arrest or Detention	Dismissal
5/22/2023	Donahue, Temma	OUI (Drugs or Combo)	Filing without Costs
5/22/2023	Catherman, Andrew	Violating Protection from Abuse Order	Dismissal
5/22/2023	Hutchinson, Benjamin	1 ct. Burglary, 1 ct. Criminal Mischief, 1 ct. Criminal Trespass, 1 ct. VCR, 1 ct. Theft by Unauthorized Taking or Transfer (priors)	Dismissal
5/22/2023	Derstine, Tucker	DVA	Dismissal
5/22/2023	Slaton, Ashley	Cruelty to Animals	DD GO = Dismissal
5/22/2023	Yarmosh, Linda	Terrorizing	Dismissal
5/22/2023	Leary, Justin	1 ct. Terrorizing, 1 ct. Disorderly Conduct - Offensive Words or Gestures	Dismissal
5/22/2023	Rutledge, Ryan	Criminal Mischief	Dismissal
5/22/2023	Leary, Justin	Violating Protection from Abuse Order	Dismissal
5/25/2023	Hutchinson, Benjamin	Forgery, Op. w/o License	Dismissal
5/25/2023	Tisdale, Stuart	Agg. Criminal Mischief	Dismissal
5/26/2023	Glynn, Sarah	Agg. DV Assault	Dismissal
5/26/2023	Miller, Amber	Criminal Mischief	Dismissal--Juvenile Not Competent
5/31/2023	Howaniec, James	Criminal Attempt	Dismissal
5/31/2023	Harrow, Seth	Theft by Unauthorized Taking or Transfer	Dismissal
5/31/2023	Carey, Steven	Assault	Filing
5/31/2023	McMorran, Kelly	Child Protection Petition	Dismissal
5/31/2023	Duffett, Neale	1 ct. DVA, 1 ct. Agg. Assault, 1 ct. Endangering the Welfare of a Child	Dismissal

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

5/31/2023

DefenderData Case Type	May-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	19	15	\$34,940.91	20	\$ 49,812.51	\$2,490.63	133	190	\$ 367,928.69	\$1,936.47
Central Office Resource Counsel	2	3	\$4,657.50	3	\$ 4,657.50	\$1,552.50	7	3	\$ 4,657.50	\$1,552.50
Child Protection Petition	200	399	\$464,309.99	406	\$ 462,087.69	\$1,138.15	2,040	3,448	\$ 2,922,575.62	\$847.61
Drug Court	4	12	\$24,686.98	14	\$ 31,525.98	\$2,251.86	31	142	\$ 251,096.25	\$1,768.28
Emancipation	18	7	\$4,817.72	8	\$ 5,344.16	\$668.02	75	47	\$ 24,973.39	\$531.35
Felony	659	791	\$1,020,776.97	765	\$ 970,498.18	\$1,268.63	6,568	7,110	\$ 6,684,004.90	\$940.09
Involuntary Civil Commitment	98	107	\$55,085.30	72	\$ 38,138.60	\$529.70	1,070	950	\$ 318,756.56	\$335.53
Juvenile	68	84	\$64,963.69	90	\$ 72,707.49	\$807.86	754	827	\$ 641,289.29	\$775.44
Lawyer of the Day - Custody	244	240	\$151,940.36	257	\$ 164,953.44	\$641.84	2,687	2,598	\$ 1,043,579.54	\$401.69
Lawyer of the Day - Juvenile	17	14	\$7,851.16	20	\$ 11,349.54	\$567.48	234	228	\$ 80,128.99	\$351.44
Lawyer of the Day - Walk-in	153	157	\$104,290.33	166	\$ 112,180.68	\$675.79	1,669	1,625	\$ 682,995.09	\$420.30
MCILS Provided Training	135	137	\$82,088.26	119	\$ 91,358.27	\$767.72	383	270	\$ 198,959.51	\$736.89
Misdemeanor	992	1,106	\$631,959.46	1,009	\$ 570,362.48	\$565.28	10,149	10,428	\$ 4,453,460.71	\$427.07
Petition, Modified Release Treatment	2	1	\$148.00	2	\$ 2,950.37	\$1,475.19	11	46	\$ 40,799.99	\$886.96
Petition, Release or Discharge	0	0		2	\$ 2,110.30	\$1,055.15	1	14	\$ 15,102.50	\$1,078.75
Petition, Termination of Parental Rights	29	62	\$102,423.46	59	\$ 106,220.39	\$1,800.35	271	651	\$ 693,607.48	\$1,065.45
Post Conviction Review	4	7	\$21,887.46	5	\$ 14,834.86	\$2,966.97	51	64	\$ 175,921.18	\$2,748.77
Probate	2	3	\$3,594.00	4	\$ 4,348.00	\$1,087.00	28	38	\$ 40,578.03	\$1,067.84
Probation Violation	142	144	\$95,599.49	147	\$ 94,014.32	\$639.55	1,168	1,169	\$ 627,895.44	\$537.12
Represent Witness on 5th Amendment	2	2	\$1,395.00	2	\$ 1,125.00	\$562.50	22	17	\$ 11,244.80	\$661.46
Resource Counsel Criminal	2	8	\$3,280.00	6	\$ 3,010.00	\$501.67	10	34	\$ 11,790.00	\$346.76
Resource Counsel Juvenile	0	0		0			0	2	\$ 112.00	\$56.00
Resource Counsel NCR	0	0		0			0	0		
Resource Counsel Protective Custody	0	2	\$13,009.50	1	\$ 4,410.00	\$4,410.00	2	10	\$ 39,509.79	\$3,950.98
Review of Child Protection Order	41	133	\$117,694.37	132	\$ 121,597.71	\$921.19	486	1,578	\$ 1,124,245.01	\$712.45
Revocation of Administrative Release	1	0		0			8	10	\$ 2,416.75	\$241.68
<b>DefenderData Sub-Total</b>	<b>2,834</b>	<b>3,434</b>	<b>\$3,011,399.91</b>	<b>3,309</b>	<b>\$2,939,597.47</b>	<b>\$888.36</b>	<b>27,858</b>	<b>31,499</b>	<b>\$20,457,629.01</b>	<b>\$649.47</b>
<b>TOTAL</b>	<b>2,834</b>	<b>3,434</b>	<b>\$3,011,399.91</b>	<b>3,309</b>	<b>\$2,939,597.47</b>	<b>\$ 888.36</b>	<b>27,858</b>	<b>31,499</b>	<b>\$ 20,457,629.01</b>	<b>\$ 649.47</b>

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

5/31/2023

Court	May-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	2	5	\$6,810.47	10	\$ 11,468.80	\$1,146.88	14	25	\$ 23,897.80	\$955.91
AUBSC	1	1	\$1,425.00	1	\$ 1,425.00	\$1,425.00	5	12	\$ 9,759.00	\$813.25
AUGDC	43	58	\$61,189.89	57	\$ 70,717.36	\$1,240.66	432	565	\$ 500,435.71	\$885.73
AUGSC	1	3	\$934.00	5	\$ 5,696.67	\$1,139.33	17	60	\$ 56,650.99	\$944.18
BANDC	59	101	\$88,839.48	89	\$ 80,926.49	\$909.29	558	927	\$ 502,123.18	\$541.66
BANSC	1	1	\$992.00	0			10	3	\$ 976.00	\$325.33
BATSC	0	0		0			4	5	\$ 2,109.00	\$421.80
BELDC	13	22	\$20,314.46	17	\$ 14,958.42	\$879.91	127	163	\$ 111,291.11	\$682.77
BELSC	1	0		0			4	3	\$ 5,083.02	\$1,694.34
BIDDC	46	55	\$44,438.59	44	\$ 37,930.88	\$862.07	382	500	\$ 339,587.54	\$679.18
BRIDC	9	9	\$12,808.56	10	\$ 9,076.28	\$907.63	85	127	\$ 79,878.18	\$628.96
CALDC	0	4	\$4,996.92	4	\$ 4,996.92	\$1,249.23	28	45	\$ 36,518.06	\$811.51
CARDC	8	16	\$16,777.30	25	\$ 21,895.86	\$875.83	59	167	\$ 128,249.73	\$767.96
CARSC	0	2	\$1,466.00	1	\$ 446.00	\$446.00	4	1	\$ 446.00	\$446.00
DOVDC	5	8	\$11,074.57	14	\$ 17,674.74	\$1,262.48	40	89	\$ 63,967.16	\$718.73
DOVSC	0	0		0			0	0		
ELLDC	27	48	\$51,780.12	44	\$ 48,204.12	\$1,095.55	188	333	\$ 280,341.33	\$841.87
ELLSC	0	0		0			1	3	\$ 1,952.00	\$650.67
FARDC	7	18	\$15,665.20	24	\$ 24,025.48	\$1,001.06	136	185	\$ 145,655.24	\$787.33
FARSC	0	0		0			2	1	\$ 800.00	\$800.00
FORDC	4	12	\$14,430.74	10	\$ 15,424.56	\$1,542.46	46	95	\$ 86,003.99	\$905.31
HOUDC	19	29	\$23,793.10	34	\$ 33,176.98	\$975.79	95	224	\$ 161,110.59	\$719.24
HOUSC	1	0		0			2	1	\$ 1,396.00	\$1,396.00
LEWDC	46	86	\$80,991.37	83	\$ 87,697.33	\$1,056.59	583	932	\$ 687,765.21	\$737.95
LINDC	5	7	\$9,610.06	11	\$ 11,639.54	\$1,058.14	71	130	\$ 80,116.13	\$616.28
MACDC	2	1	\$1,212.26	5	\$ 5,107.16	\$1,021.43	18	34	\$ 31,739.36	\$933.51
MACSC	0	1	\$2,541.48	1	\$ 2,541.48	\$2,541.48	1	2	\$ 4,945.00	\$2,472.50
MADDC	0	0		0			7	5	\$ 2,228.50	\$445.70
MILDC	0	0		1	\$ 300.00	\$300.00	26	44	\$ 18,822.55	\$427.79
NEWDC	14	16	\$19,121.52	16	\$ 15,682.42	\$980.15	107	185	\$ 118,028.05	\$637.99
PORDC	69	95	\$87,948.68	91	\$ 93,565.29	\$1,028.19	744	918	\$ 718,238.14	\$782.39
PORSC	1	1	\$282.00	0			9	8	\$ 2,500.00	\$312.50
PREDC	8	19	\$30,552.98	15	\$ 22,194.98	\$1,479.67	94	178	\$ 156,240.78	\$877.76
RODC	14	12	\$12,365.07	9	\$ 8,773.48	\$974.83	149	135	\$ 83,427.59	\$617.98
ROSC	0	0		0			20	16	\$ 3,904.00	\$244.00
RUMDC	12	26	\$27,046.60	29	\$ 33,011.36	\$1,138.32	152	251	\$ 235,707.14	\$939.07
SKODC	31	72	\$63,155.29	68	\$ 61,424.06	\$903.30	414	614	\$ 478,293.51	\$778.98
SKOSC	0	0		0			4	4	\$ 14,317.60	\$3,579.40
SOUDC	8	14	\$23,680.62	19	\$ 25,541.45	\$1,344.29	124	188	\$ 163,581.45	\$870.11
SOUSC	0	0		0			2	1	\$ 360.00	\$360.00
SPRDC	11	29	\$47,900.52	32	\$ 33,726.46	\$1,053.95	186	323	\$ 257,002.27	\$795.67
Law Ct	16	8	\$16,713.89	11	\$ 29,089.49	\$2,644.50	103	133	\$ 254,863.61	\$1,916.27
Training	132	139	\$97,548.59	122	\$ 99,450.77	\$815.17	378	277	\$ 240,495.80	\$868.22
YORCD	302	357	\$346,112.84	292	\$ 290,343.45	\$994.33	3,210	3,595	\$ 2,380,698.24	\$662.22
AROCD	181	209	\$179,040.53	243	\$ 190,740.59	\$784.94	1,931	1,951	\$ 1,157,369.55	\$593.22
ANDCD	206	340	\$232,148.98	282	\$ 191,889.69	\$680.46	2,101	2,093	\$ 1,262,522.58	\$603.21
KENCD	194	193	\$186,678.92	209	\$ 162,408.96	\$777.08	1,990	2,001	\$ 1,207,088.83	\$603.24
PENCD	300	273	\$196,805.21	286	\$ 238,911.18	\$835.35	2,875	3,084	\$ 1,609,047.35	\$521.74
SAGCD	59	48	\$36,050.64	55	\$ 37,849.34	\$688.17	457	389	\$ 204,070.70	\$524.60
WALCD	80	49	\$64,154.45	58	\$ 70,907.57	\$1,222.54	638	591	\$ 441,406.45	\$746.88
PISCD	18	6	\$13,797.40	6	\$ 10,024.94	\$1,670.82	203	196	\$ 106,346.54	\$542.58
HANCD	82	74	\$55,480.07	79	\$ 59,757.88	\$756.43	789	718	\$ 423,539.39	\$589.89
FRACD	31	53	\$27,525.88	49	\$ 30,403.40	\$620.48	464	386	\$ 192,607.23	\$498.98
WASCD	43	49	\$81,721.06	50	\$ 71,445.88	\$1,428.92	450	463	\$ 368,902.50	\$796.77
CUMCD	308	402	\$340,825.72	416	\$ 358,571.91	\$861.95	3,759	4,292	\$ 2,807,707.79	\$654.17
KN OCD	136	77	\$77,771.62	61	\$ 60,800.98	\$996.74	704	580	\$ 383,650.58	\$661.47
SOMCD	83	107	\$87,198.40	100	\$ 80,010.78	\$800.11	917	983	\$ 492,721.65	\$501.24
OXFCD	78	152	\$80,053.72	113	\$ 63,530.32	\$562.22	991	1,050	\$ 513,729.80	\$489.27
LINCD	47	43	\$29,208.43	30	\$ 18,920.98	\$630.70	403	379	\$ 205,949.86	\$543.40
WATDC	34	45	\$35,920.52	41	\$ 35,452.57	\$864.70	252	431	\$ 285,796.13	\$663.10
WESDC	21	20	\$16,718.40	20	\$ 16,132.40	\$806.62	192	252	\$ 175,876.48	\$697.92
WISDC	10	12	\$17,370.31	10	\$ 15,209.34	\$1,520.93	50	79	\$ 81,942.77	\$1,037.25
WISSC	0	0		0			0	3	\$ 1,784.00	\$594.67
YORDC	4	6	\$6,919.00	6	\$ 7,005.00	\$1,167.50	47	69	\$ 62,011.79	\$898.72
<b>TOTAL</b>	<b>2,834</b>	<b>3,434</b>	<b>\$3,011,399.91</b>	<b>3,309</b>	<b>\$2,939,597.47</b>	<b>\$888.36</b>	<b>27,857</b>	<b>31,499</b>	<b>\$20,457,629.01</b>	<b>\$649.47</b>

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY23 FUND ACCOUNTING**  
AS OF 05/31/2023

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		\$ -		\$ -		\$ -		\$ 506,889.00	\$ 506,889.06
Budget Order Adjustment		\$ (221,628.00)		\$ 179,034.00		\$ 178,980.00		\$ 178,981.00	\$ 315,367.00
Budget Order Adjustment		\$ -		\$ (20,288.00)		\$ (108,531.00)		\$ 350,447.00	\$ 221,628.00
Financial Order Unencumbered Balance Fwd		\$ -		\$ -		\$ -		\$ -	
<b>Total Budget Allotments</b>		<b>\$ 5,999,977.54</b>		<b>\$ 3,287,495.00</b>		<b>\$ 3,199,198.00</b>		<b>\$ 4,165,064.00</b>	<b>\$ 16,651,734.60</b>
Total Expenses	1	\$ (1,935,083.89)	4	\$ (1,843,734.81)	7	\$ (1,563,055.52)	10	\$ (1,879,433.72)	
	2	\$ (1,607,416.71)	5	\$ (1,433,680.09)	8	\$ (1,732,863.62)	11	\$ (3,092,838.24)	
	3	\$ (1,207,951.78)	6	\$ (151,089.78)	9	\$ (103,350.90)	12	\$ -	
Counsel fees to be transferred to OSR account		\$ -		\$ -		\$ -		\$ 2,622,678.58	
Encumbrances (Justice Works)		\$ -		\$ (58,722.00)		\$ 21,519.00		\$ 16,053.00	\$ (21,150.00)
Encumbrances (B Taylor)		\$ (13,260.00)		\$ 13,260.00		\$ (39,780.00)		\$ 4,420.00	\$ (35,360.00)
Encumbrances (CTB for non attorney expenses)		\$ (1,150,139.32)		\$ 266,906.59		\$ 208,167.30		\$ 222,293.47	\$ (452,771.96)
Encumbrances (CTB for non attorney expenses additional funds)		\$ -		\$ -		\$ -		\$ -	\$ -
Encumbrances (business cards, batteries & address stamps)		\$ (17.14)		\$ -		\$ -		\$ -	\$ (17.14)
Encumbrances (RDU business cards & envelopes)		\$ -		\$ (184.70)		\$ 184.70		\$ (244.00)	\$ (244.00)
Encumbrance (Legal Case Management Accelerator User assistance)		\$ -		\$ -		\$ -		\$ (5,550.00)	\$ (5,550.00)
Encumbrance (Justin Andrus contract for temp services)		\$ -		\$ -		\$ -		\$ (153,400.00)	\$ (153,400.00)
Online Legal Research Services		\$ -		\$ (80,250.00)		\$ 9,981.24		\$ 9,981.24	\$ (60,287.52)
FY22 CTB Balance Carry Forward		\$ (86,108.40)		\$ -		\$ -		\$ -	\$ (86,108.40)
<b>TOTAL REMAINING</b>		<b>\$ 0.30</b>		<b>\$ 0.21</b>		<b>\$ 0.20</b>		<b>\$ 1,909,024.33</b>	<b>\$ 1,909,025.04</b>

**Q4 Month 11**

<b>INDIGENT LEGAL SERVICES</b>	
Counsel Payments	\$ (2,939,597.47)
Interpreters	\$ (3,016.63)
Private Investigators	\$ (14,093.07)
Mental Health Expert	\$ (32,994.09)
Misc Prof Fees & Serv	\$ -
Transcripts	\$ (3,458.00)
Other Expert	\$ (39,943.23)
Subpoena witness	\$ -
Process Servers	\$ (1,352.52)
<b>SUB-TOTAL ILS</b>	<b>\$ (3,034,455.01)</b>
<b>OPERATING EXPENSES</b>	
Service Center	\$ (1,829.25)
Barbara Taylor monthly fees	\$ -
OIT/TELCO	\$ (17,068.60)
Mileage/Tolls/Parking	\$ (1,635.04)
Mailing/Postage/Freight	\$ (92.95)
West Publishing Corp	\$ (3,581.32)
Office Equipment Rental	\$ (101.86)
Office Supplies/Equip.	\$ (78.84)
Cellular Phones	\$ (457.30)
Books	\$ (195.00)
Lodging & meals	\$ (621.00)
Training refreshments & meals	\$ (1,250.68)
Minor IT equipment	\$ (119.99)
Misc Rents	\$ (102.50)
Training speaker fees	\$ (2,000.00)
Registration fees	\$ (150.00)

<b>INDIGENT LEGAL SERVICES</b>	
Q4 Allotment	\$ 4,165,064.00
Encumbrances for Justice Works contract	\$ 16,053.00
Barbara Taylor Contract	\$ 4,420.00
CTB Encumbrance for non attorney expenses	\$ 222,293.47
CTB Encumbrance for non attorney expenses increase	\$ -
Encumbrance for business cards	\$ (244.00)
Encumbrance for Justin Andrus contract for temp services	\$ (153,400.00)
Legal Case Management Accelerator User Assistance	\$ (5,550.00)
Online Legal Research Services	\$ 9,981.24
Counsel fees to be transferred to OSR account	\$ 2,622,678.58
Expenses to date	\$ (4,972,271.96)
Remaining Q4 Allotment	\$ <b>1,909,024.33</b>

<b>Non-Counsel Indigent Legal Services</b>	
Monthly Total	\$ (94,857.54)
Total Q1	\$ 249,860.68
Total Q2	\$ 266,906.59
Total Q3	\$ 211,667.30
Total Q4	\$ 222,293.47
Fiscal Year Total	\$ <b>950,728.04</b>



MAINE COMMISSION ON INDIGENT LEGAL SERVICES  
FY23 FUND ACCOUNTING  
AS OF 05/31/2023

RDU office furniture & etc.	\$	(4,893.86)
AAG Legal Svcs Quarterly Payment	\$	(7,851.84)
Justice Works	\$	(16,053.00)
Transcript on procurement card	\$	(300.20)
<b>SUB-TOTAL OE</b>	<b>\$</b>	<b>(58,383.23)</b>
<b>TOTAL</b>	<b>\$</b>	<b>(3,092,838.24)</b>

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY23 FUND ACCOUNTING**  
AS OF 05/31/2023

<b>Account 010 95F Z112 01 (Personal Services)</b>	<b>Mo.</b>	<b>Q1</b>	<b>Mo.</b>	<b>Q2</b>	<b>Mo.</b>	<b>Q3</b>	<b>Mo.</b>	<b>Q4</b>	<b>FY23 Total</b>
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
Carry forward Q1, Q2 & Q3 Allotment		\$ (128,001.00)		\$ (71,999.00)		\$ -		\$ 200,000.00	
<b>Total Budget Allotments</b>		<b>\$ 228,375.00</b>		<b>\$ 404,921.00</b>		<b>\$ 498,590.00</b>		<b>\$ 522,211.00</b>	<b>\$ 1,654,097.00</b>
Total Expenses	1	\$ (65,524.90)	4	\$ (67,323.49)	7	\$ (178,162.57)	10	\$ (113,003.26)	
	2	\$ (96,169.15)	5	\$ (68,454.11)	8	\$ (113,507.82)	11	\$ (113,213.46)	
	3	\$ (66,680.15)	6	\$ (83,579.91)	9	\$ (106,682.17)	12	\$ -	
<b>TOTAL REMAINING</b>		<b>\$ 0.80</b>		<b>\$ 185,563.49</b>		<b>\$ 100,237.44</b>		<b>\$ 295,994.28</b>	<b>\$ 581,796.01</b>

<b>Q4 Month 11</b>	
Per Diem	\$ (220.00)
Permanent Regular	\$ (22,605.53)
Perm Vacation Pay	\$ (717.43)
Perm Holiday Pay	\$ (1,241.12)
Sick Pay	\$ (258.32)
Standard Overtime	\$ -
Health Insurance	\$ (13,381.70)
Dental Insurance	\$ (365.00)
Employer Retiree Health	\$ (6,566.66)
Employer Retirement	\$ (3,950.99)
Employer Group Life	\$ (721.56)
Employer Medicare	\$ (1,021.61)
Retiree Unfunded Liability	\$ (13,368.89)
Longevity Pay	\$ (112.00)
Lim Perm Part Time Full Ben	\$ (4,003.76)
Limited Period Regular	\$ (38,155.06)
Limited Per Vacation Pay	\$ (2,299.00)
Limited Per Holiday Pay	\$ (2,455.12)
Limit Per Sick Pay	\$ (1,769.71)
<b>TOTAL</b>	<b>\$ (113,213.46)</b>

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

**FY23**

**FUND ACCOUNTING**

AS OF 05/31/2023

<b>Account 014 95F Z112 01 (OSR Personal Services Revenue)</b>	<b>Mo.</b>	<b>Q1</b>	<b>Mo.</b>	<b>Q2</b>	<b>Mo.</b>	<b>Q3</b>	<b>Mo.</b>	<b>Q4</b>	<b>FY23 Total</b>
FY23 Allotment		\$ 211,632.00		\$ 194,116.00		\$ 211,632.00		\$ 105,856.00	\$ 723,236.00
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Carry Forward Q1 & Q3 Allotment		\$ (60,414.00)		\$ (14,586.00)		\$ -		\$ 75,000.00	
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	
<b>Total Budget Allotments</b>		<b>\$ 151,218.00</b>		<b>\$ 179,530.00</b>		<b>\$ 211,632.00</b>		<b>\$ 180,856.00</b>	<b>\$ 723,236.00</b>
Total Expenses	1	\$ (49,018.85)	4	\$ (41,237.93)	7	\$ (75,403.13)	10	\$ (50,118.08)	
	2	\$ (61,002.05)	5	\$ (43,671.56)	8	\$ (50,190.62)	11	\$ (59,841.10)	
	3	\$ (41,197.00)	6	\$ (50,270.65)	9	\$ (46,593.72)	12	\$ -	
<b>TOTAL REMAINING</b>		<b>\$ 0.10</b>		<b>\$ 44,349.86</b>		<b>\$ 39,444.53</b>		<b>\$ 70,896.82</b>	<b>\$ 154,691.31</b>

<b>Q4 Month 11 PERMANENT</b>	
Per Diem	\$ -
Permanent Regular	\$ (23,426.16)
Perm Vacation Pay	\$ (936.40)
Perm Holiday Pay	\$ (1,282.24)
Perm Sick Pay	\$ -
Health Insurance	\$ (6,913.98)
Dental Insurance	\$ (146.00)
Employer Retiree Health	\$ (3,428.38)
Employer Retirement	\$ (3,077.50)
Employer Group Life	\$ (330.96)
Employer Medicare	\$ (529.71)
Retiree Unfunded Liability	\$ (6,979.77)
Longevity Pay	\$ -
Perm Part Time Full Ben	\$ -
Retro Pay Contract	\$ -
Retro Lump Sum Pymt	\$ (6,059.20)
<b>TOTAL</b>	<b>\$ (53,110.30)</b>

<b>Q4 Month 11 LIMITED PERIOD</b>	
Limited Period Regular	\$ (5,978.04)
Limit Per Holiday Pay	\$ (331.68)
Limit Per Vacation Pay	\$ (213.78)
Limit Per Sick Pay	\$ (207.30)
<b>TOTAL</b>	<b>\$ (6,730.80)</b>

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY23 FUND ACCOUNTING

As of 05/31/2023

Account 014 95F Z112 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY23 Total
<b>Original Total Budget Allotments</b>		\$ 3,221,844.00		\$ 2,147,897.00		\$ 2,147,896.00		\$ 2,147,896.00	\$ 9,665,533.00
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	\$ -
Budget Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ 6,630,563.00	
Budget Order Adjustment	2	\$ -	5	\$ 2,623,940.00	8	\$ 102,331.00	11	\$ 2,491,130.00	
Budget Order Adjustment		\$ (2,623,940.00)	6	\$ (2,593,461.00)	9	\$ -	12	\$ -	
Transfer from General Fund Surplus	3	\$ -		\$ -		\$ -		\$ -	\$ 9,288,769.00
<b>Total Budget Allotments</b>		\$ 597,904.00		\$ 2,178,376.00		\$ 2,250,227.00		\$ 11,269,589.00	\$ 16,296,096.00
Cash Carryover from Prior Quarter		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	1	\$ -	4	\$ 39,008.04	7	\$ 34,467.04	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		\$ -		\$ -	8	\$ 384.00	10	\$ 2,213.40	
Collected for reimbursement of counsel fees		\$ -		\$ -	9	\$ 312.00		\$ -	
Victim Services Restitution		\$ -		\$ -		\$ -		\$ -	
Collected for reimbursement of counsel fees		\$ -		\$ 648.00		\$ -		\$ -	
Refund to KENCDC for bail to be applied to fines		\$ -		\$ -		\$ -		\$ -	
<b>TOTAL CASH PLUS REVENUE COLLECTED</b>		\$ 69,494.50		\$ 94,773.59		\$ 35,163.04		\$ 2,213.40	\$ 201,644.53
Counsel Payments	1	\$ -	4	\$ -	7	\$ (106,827.70)	10	\$ (227,004.61)	
Other Expenses		\$ -		\$ -		\$ -	***	\$ -	
Counsel Payments	2	\$ -	5	\$ (275,019.12)	8	\$ -	11	\$ -	
ABSJ by Ron Looman		\$ -		\$ -	9	\$ -		\$ (8,995.79)	
Counsel Payments	3	\$ (595,342.94)	6	\$ (1,895,447.88)	9	\$ (2,135,118.45)	12	\$ -	
State Cap for period 1	*	\$ (377.35)	**	\$ -	***	\$ -		\$ -	
State Cap for periods 4,5 & 6	*	\$ (2,183.35)	**	\$ (7,908.41)	***	\$ -		\$ -	
State Cap for periods 8, 9, 10 & 11	*	\$ -	**	\$ -	***	\$ (8,280.50)		\$ (950.53)	
<b>REMAINING ALLOTMENT</b>		\$ 0.36		\$ 0.59		\$ 0.35		\$ 11,032,638.07	\$ 11,032,639.37
Overpayment Reimbursements	1	\$ -	4	\$ -	7	\$ -	10	\$ (2,213.40)	
	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
	3	\$ -	6	\$ -	9	\$ (164.00)	12	\$ -	
<b>REMAINING CASH Year to Date</b>		\$ (528,409.14)		\$ (2,083,601.82)		\$ (2,215,227.61)		\$ (236,950.93)	\$ (5,064,189.50)

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY23 FUND ACCOUNTING**  
AS OF 05/31/2023

<b>Account 014 95F Z258 01 (OSR RESERVES)</b>	<b>Mo.</b>	<b>Q1</b>	<b>Mo.</b>	<b>Q2</b>	<b>Mo.</b>	<b>Q3</b>	<b>Mo.</b>	<b>Q4</b>	<b>FY23 Total</b>
FY23 Allotment	\$	-	\$	-	\$	-	\$	2,622,679.00	\$ 2,622,679.00
Operating Transfer	\$	-	\$	-	\$	-	\$	-	
Financial Order Adjustments	\$	-	\$	-	\$	-	\$	-	
Budget Order Adjustments	\$	-	\$	-	\$	-	\$	-	
<b>Total Budget Allotments</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>2,622,679.00</b>	<b>\$ 2,622,679.00</b>
Total Expenses	1 \$	-	4 \$	-	7 \$	-	10 \$	(2,622,678.58)	
	2 \$	-	5 \$	-	8 \$	-	11 \$	-	
	3 \$	-	6 \$	-	9 \$	-	12 \$	-	
<b>TOTAL REMAINING</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>0.42</b>	<b>\$ 0.42</b>

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY23

FUND ACCOUNTING

AS OF 05/31/2023

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

<b>Q4 Month 11</b>	
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
<b>TOTAL</b>	<b>\$ -</b>

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

**As of June 8, 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	\$ 228,375	\$ 404,921	\$ 498,590	\$ 522,211	\$ 1,654,097
Payroll to date	(228,374)	(219,358)	(398,353)	(286,010)	(1,132,094)
Estimated payroll remaining	-	-	-	(58,065)	(58,065)
<b>Total Personal Services available</b>	<b>\$ 1</b>	<b>\$ 185,563</b>	<b>\$ 100,237</b>	<b>\$ 178,136</b>	<b>\$ 463,937</b>
All Other Allotment	\$ 5,999,978	\$ 3,287,495	\$ 3,199,198	\$ 4,165,064	\$ 16,651,735
Expenditures to date	(4,750,452)	(3,428,505)	(3,399,270)	(434,541)	(12,012,769)
Encumbrances	(1,249,525)	141,010	200,072	135,522	(772,921)
<b>Total All Other Available</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 3,866,044</b>	<b>\$ 3,866,045</b>

**Unencumbered balance forward 0.06**

<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	\$ 151,218	\$ 179,530	\$ 211,632	\$ 180,856	\$ 723,236
Payroll to date	(151,218)	(135,180)	(172,187)	(135,831)	(594,416)
Estimated payroll remaining	-	-	-	(26,172)	(26,172)
<b>Total Personal Services available</b>	<b>\$ 0</b>	<b>\$ 44,350</b>	<b>\$ 39,445</b>	<b>\$ 18,854</b>	<b>\$ 102,648</b>
All Other Allotment	\$ 597,904	\$ 2,178,376	\$ 2,250,227	\$ 11,269,589	\$ 16,296,096
Expenditures to date	(597,904)	(2,178,375)	(2,250,227)	1,193,452	(3,833,054)
Encumbrances	-	-	-	-	-
<b>Total All Other Available</b>	<b>\$ 0</b>	<b>\$ 1</b>	<b>\$ 0</b>	<b>\$ 12,463,041</b>	<b>\$ 12,463,042</b>

**CASH ON HAND 6/9/2023 \$ 12,450,431.31**

<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	-	-	-	-	-
<b>Total All Other Available</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 57,000</b>	<b>\$ 57,000</b>

**CASH ON HAND 6/2/2023 \$ 16,232.70**

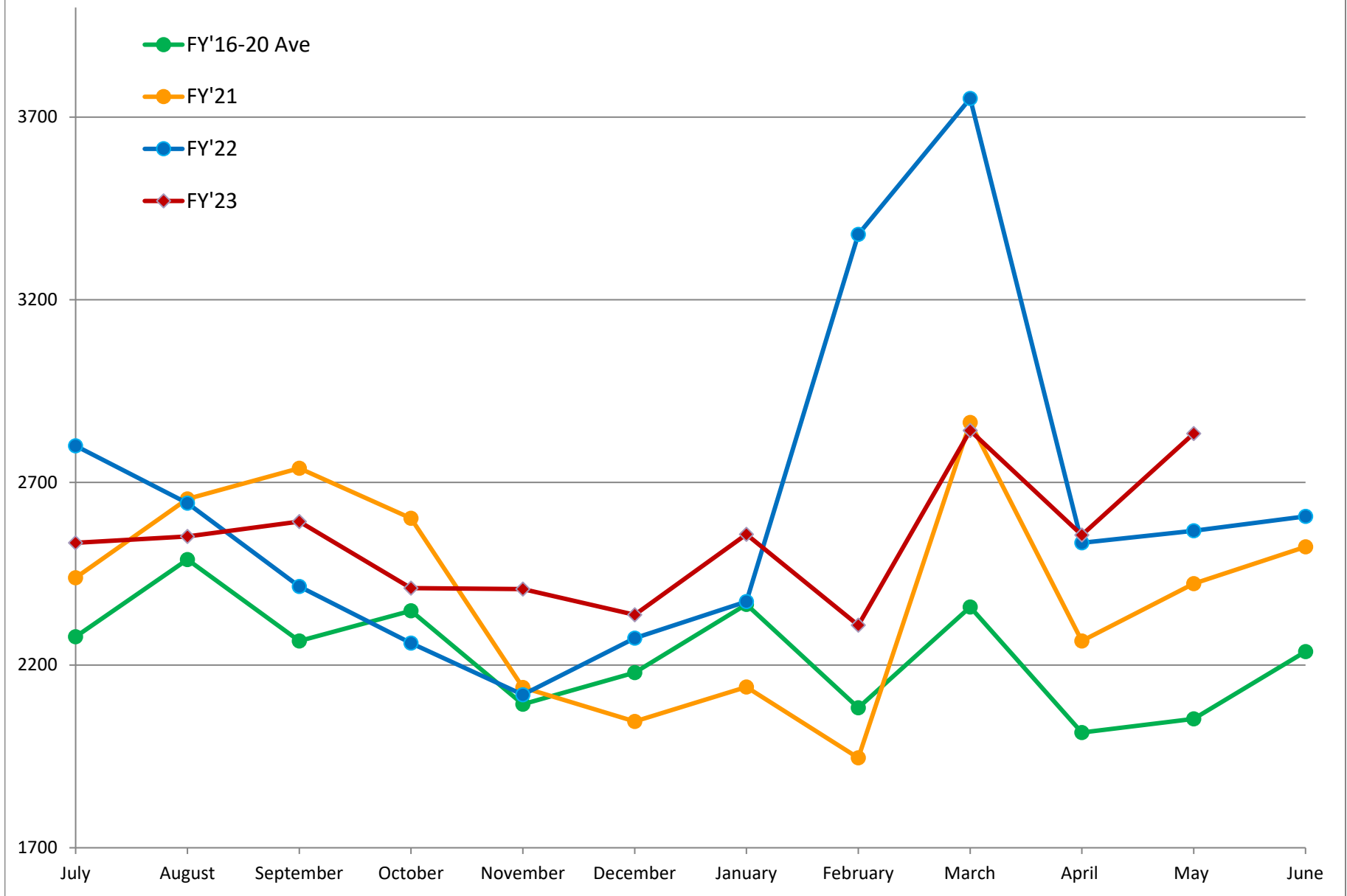
<u>Other Special Revenue Funds - 014-Z25801</u>	<u>QTR1</u>	<u>QTR2</u>	<u>QTR3</u>	<u>QTR4</u>	<u>TOTAL</u>
All Other Allotment	\$ -	\$ -	\$ -	\$ 2,622,679	\$ 2,622,679
Expenditures to date	-	-	-	(2,622,679)	(2,622,679)
Encumbrances	-	-	-	-	-
<b>Total All Other Available</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 0</b>	<b>\$ 0</b>

**Cash on hand/UBF 6/9/2023 \$ -**

<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	-	-	-	(4,000,000)	(4,000,000)
Encumbrances	-	-	-	-	-
<b>Total All Other Available</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

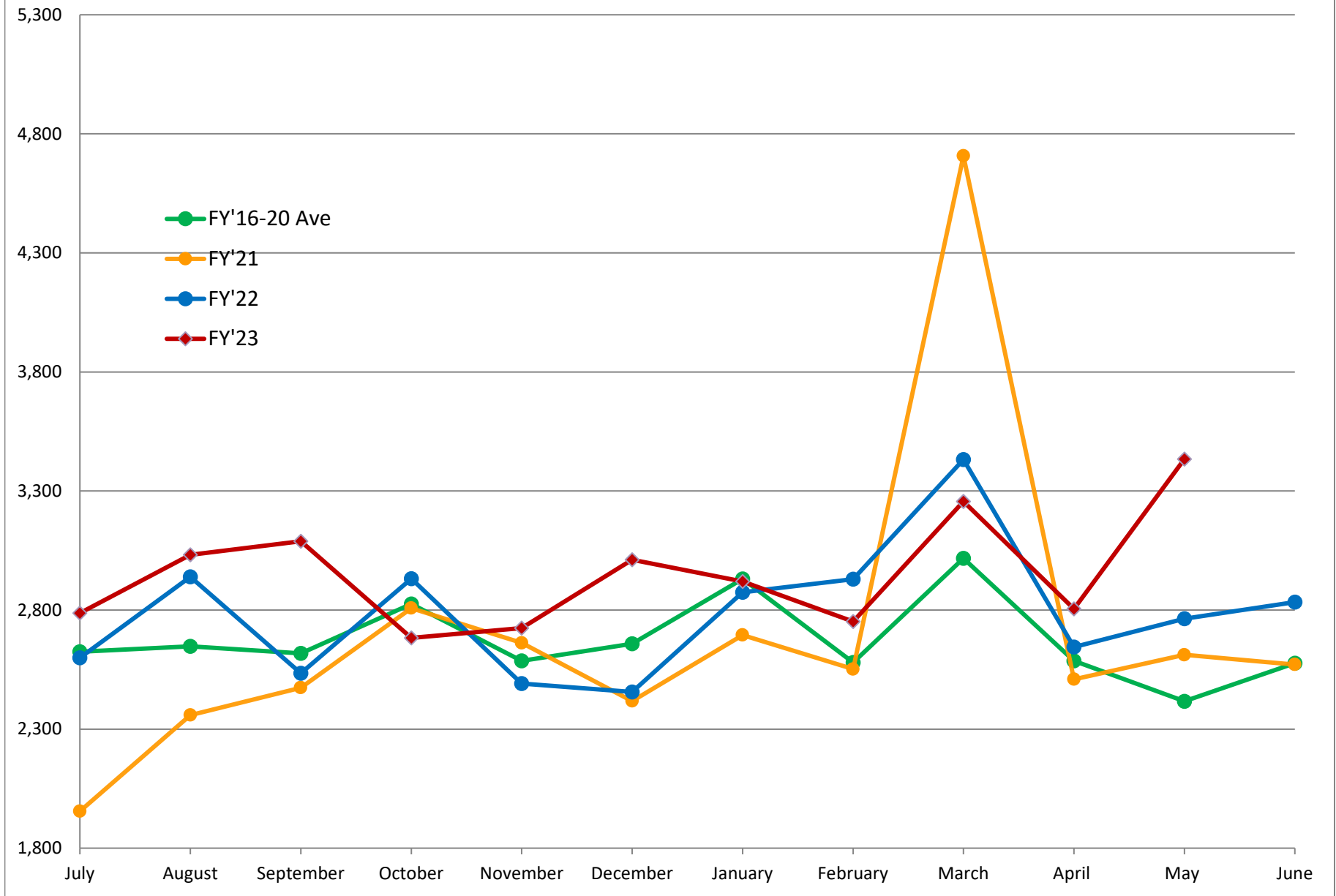
**CASH ON HAND 6/9/2023 (3,750,000.00)**

# NEW CASES

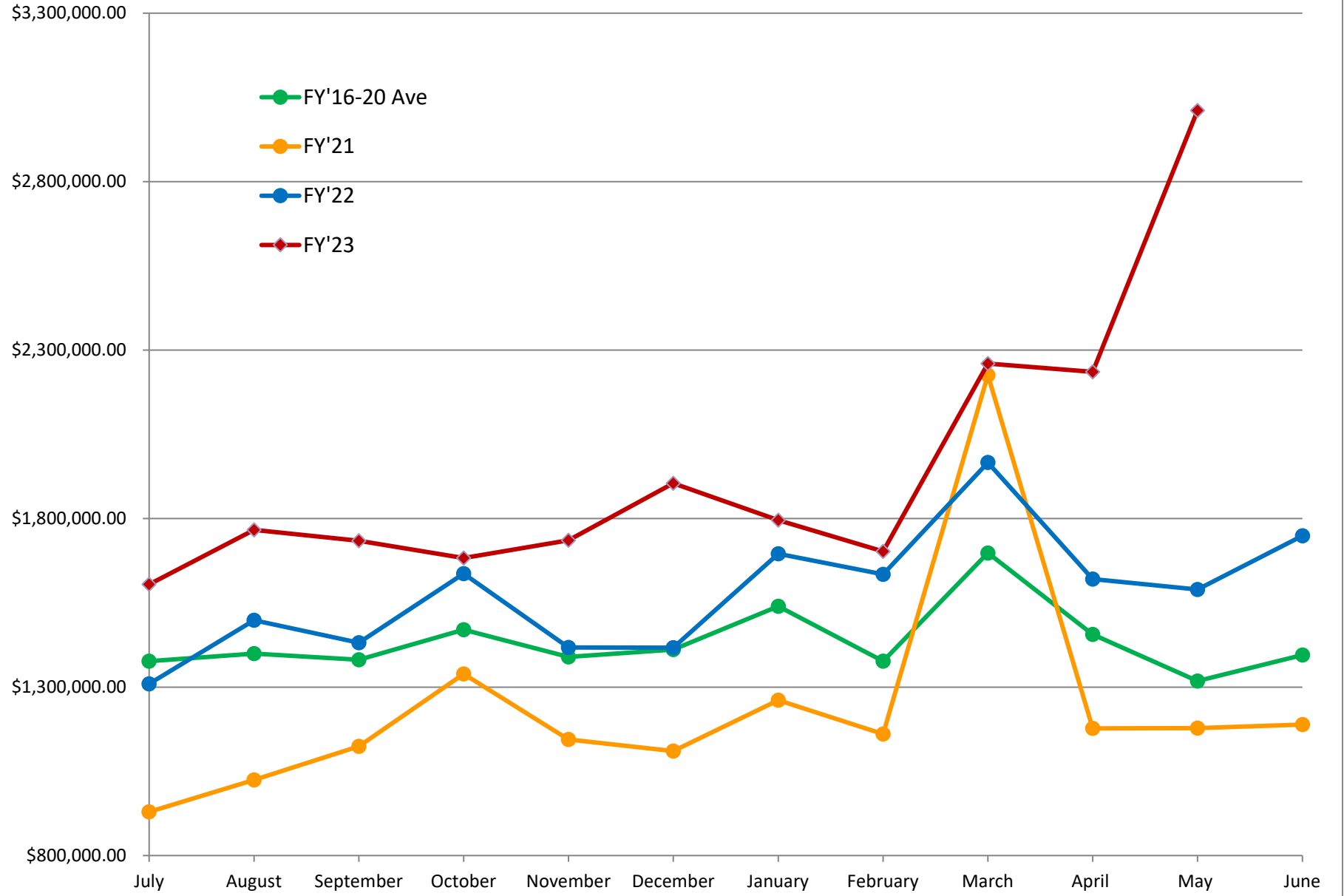




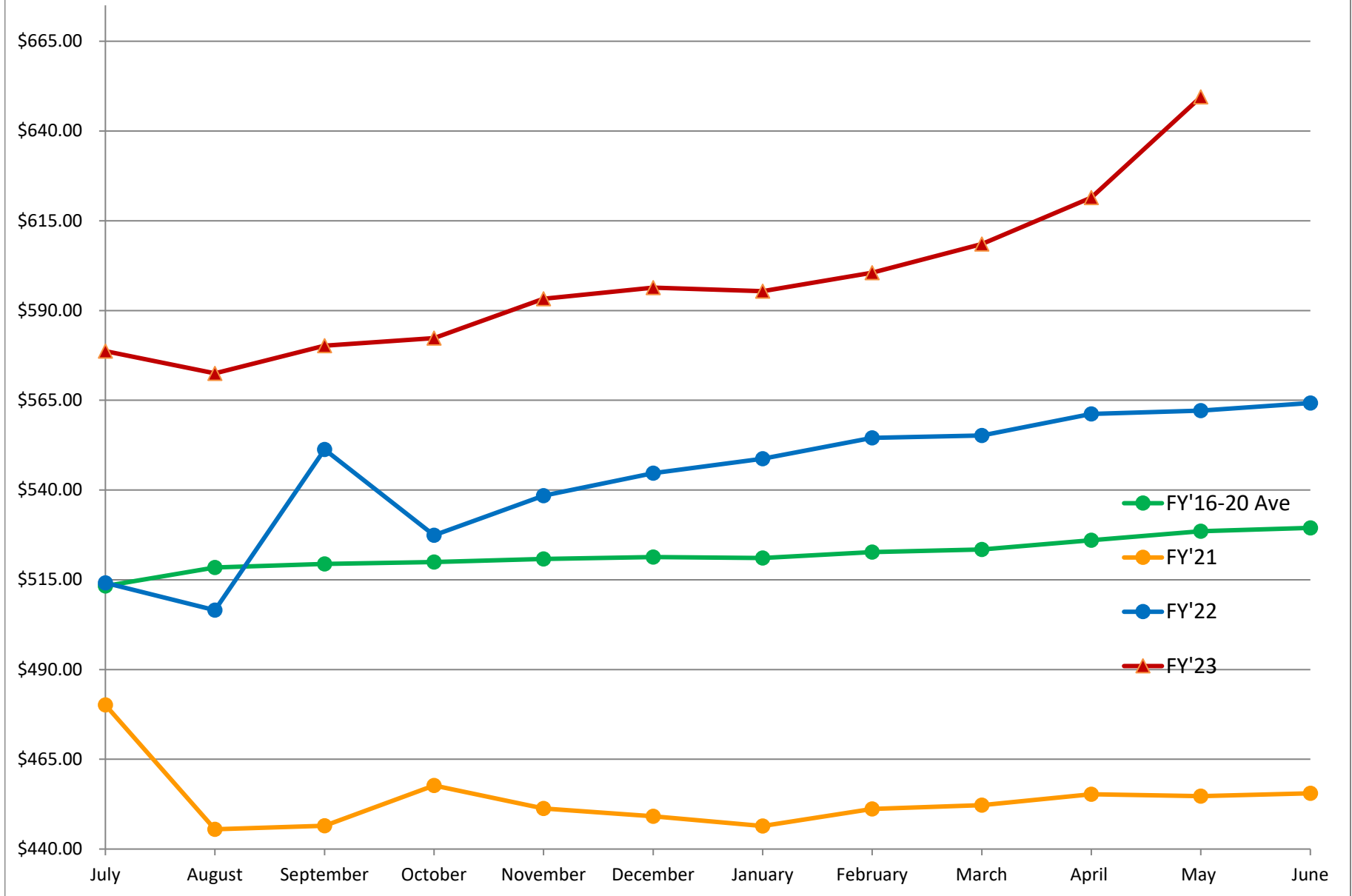
# Submitted Vouchers



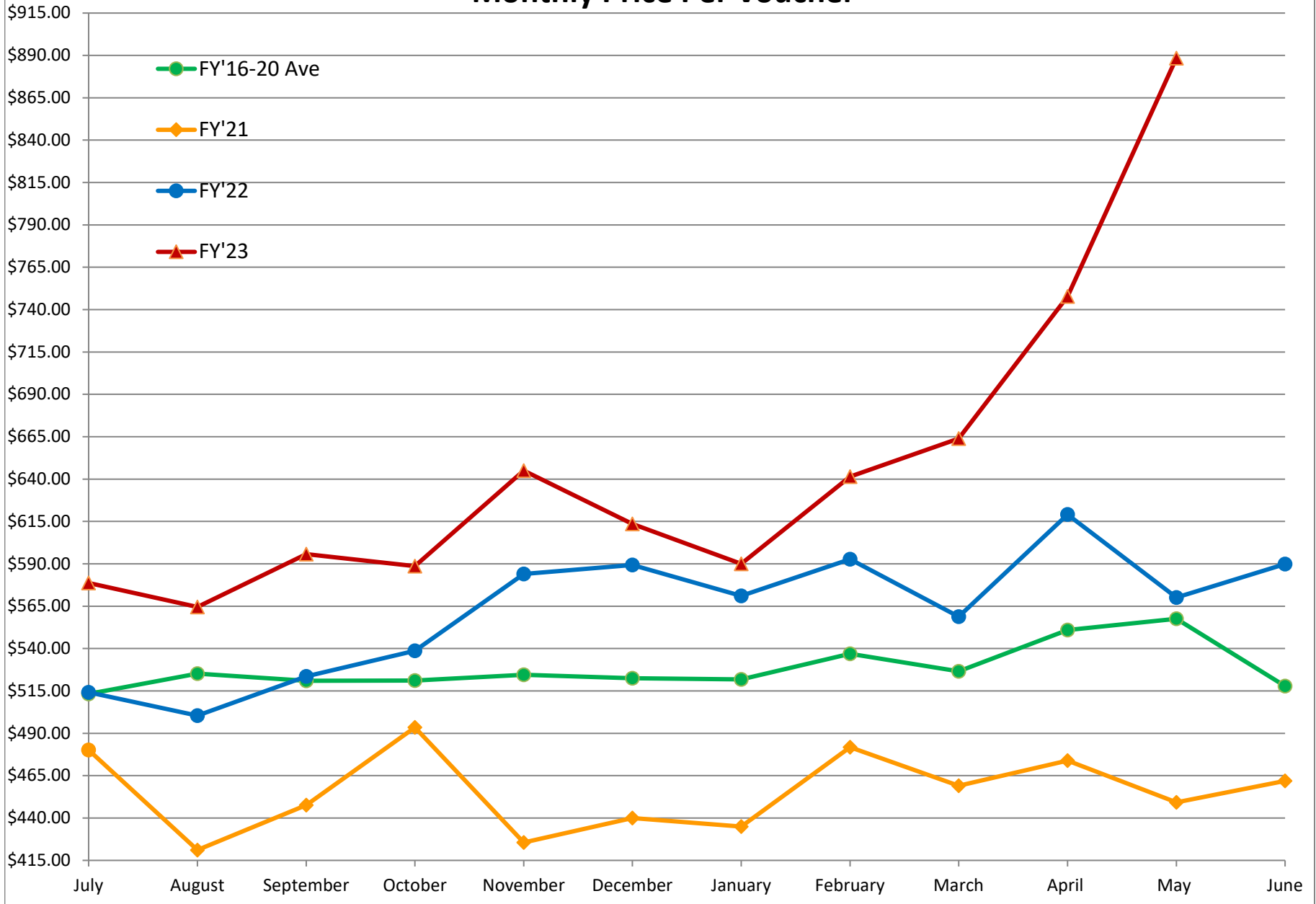
# Submitted Voucher Amount



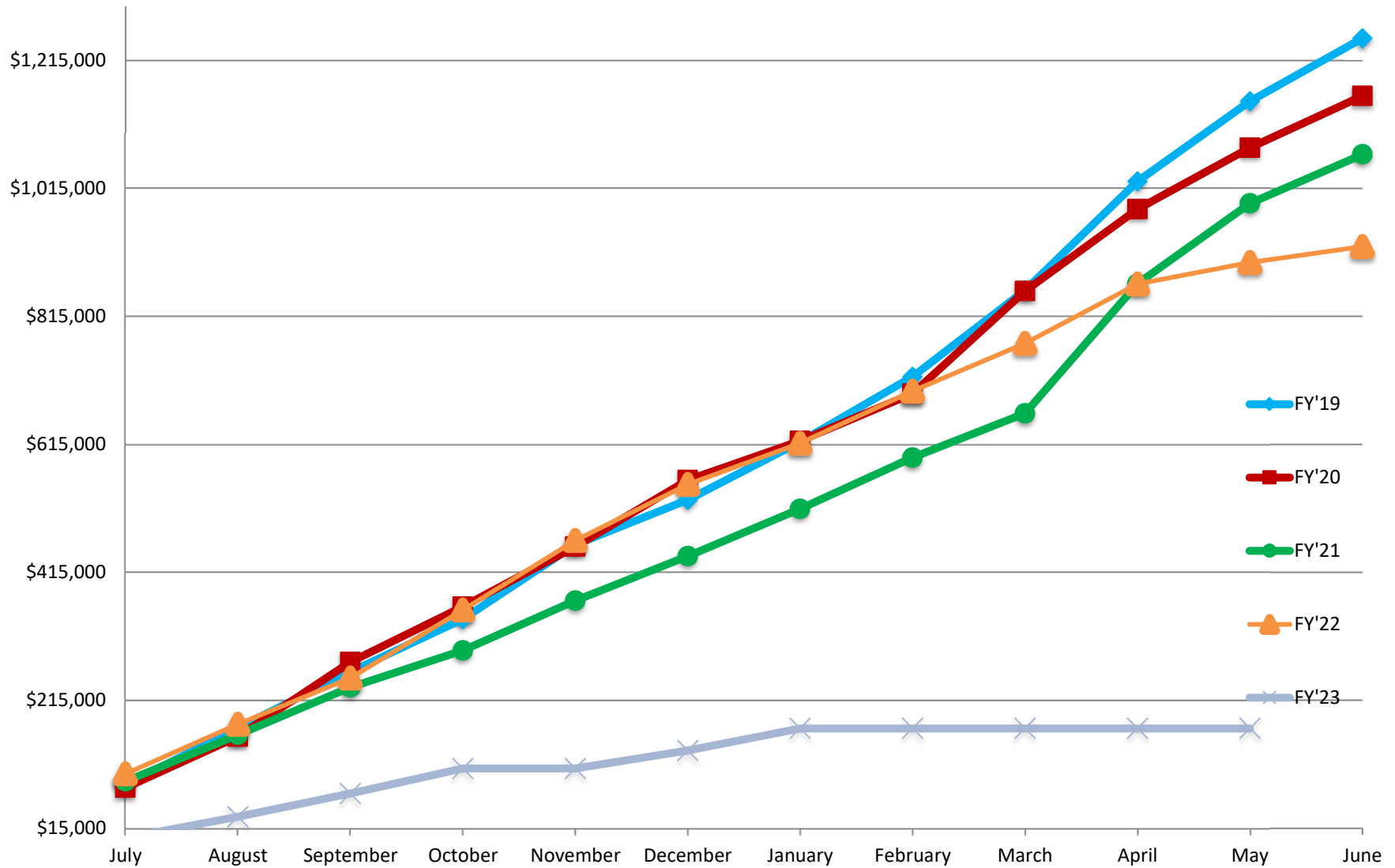
## Average Voucher Price Fiscal Year to Date



# Monthly Price Per Voucher



### COLLECTION TOTALS FY'19 to FY'23



# Pending UCD Cases as of June 9, 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
<b>Androscoggin</b>	<b>616</b>	<b>93</b>	<b>48</b>	<b>7.8%</b>	<b>1,869</b>	<b>269</b>	<b>352</b>	<b>18.8%</b>	<b>24</b>	<b>19</b>	<b>79.2%</b>	<b>2,509</b>	<b>362</b>	<b>419</b>	<b>16.7%</b>
<b>Aroostook</b>	<b>702</b>	<b>118</b>	<b>48</b>	<b>6.8%</b>	<b>1,027</b>	<b>272</b>	<b>232</b>	<b>22.6%</b>	<b>14</b>	<b>5</b>	<b>35.7%</b>	<b>1,743</b>	<b>390</b>	<b>285</b>	<b>16.4%</b>
Caribou	170	20	15	8.8%	235	70	47	20.0%	6	2	33.3%	411	90	64	15.6%
Fort Kent	120	20	3	2.5%	193	63	42	21.8%	2	1	50.0%	315	83	46	14.6%
Houlton	188	29	8	4.3%	248	69	48	19.4%	3	1	33.3%	439	98	57	13.0%
Presque Isle	224	49	22	9.8%	351	70	95	27.1%	3	1	33.3%	578	119	118	20.4%
<b>Cumberland</b>	<b>1,264</b>	<b>198</b>	<b>120</b>	<b>9.5%</b>	<b>3,567</b>	<b>483</b>	<b>642</b>	<b>18.0%</b>	<b>82</b>	<b>41</b>	<b>50.0%</b>	<b>4,913</b>	<b>681</b>	<b>803</b>	<b>16.3%</b>
Bridgton	25	9	3	12.0%	294	51	60	20.4%	17	14	82.4%	336	60	77	22.9%
Portland	1,217	184	115	9.4%	2,814	356	495	17.6%	47	19	40.4%	4,078	540	629	15.4%
West Bath	22	5	2	9.1%	459	76	87	19.0%	18	8	44.4%	499	81	97	19.4%
<b>Franklin</b>	<b>131</b>	<b>29</b>	<b>9</b>	<b>6.9%</b>	<b>444</b>	<b>108</b>	<b>72</b>	<b>16.2%</b>	<b>16</b>	<b>2</b>	<b>12.5%</b>	<b>591</b>	<b>137</b>	<b>83</b>	<b>14.0%</b>
<b>Hancock</b>	<b>431</b>	<b>39</b>	<b>38</b>	<b>8.8%</b>	<b>680</b>	<b>93</b>	<b>152</b>	<b>22.4%</b>	<b>50</b>	<b>27</b>	<b>54.0%</b>	<b>1,161</b>	<b>132</b>	<b>217</b>	<b>18.7%</b>
<b>Kennebec</b>	<b>636</b>	<b>88</b>	<b>53</b>	<b>8.3%</b>	<b>1,658</b>	<b>319</b>	<b>402</b>	<b>24.2%</b>	<b>49</b>	<b>32</b>	<b>65.3%</b>	<b>2,343</b>	<b>407</b>	<b>487</b>	<b>20.8%</b>
Augusta	604	80	50	8.3%	961	201	176	18.3%	15	4	26.7%	1,580	281	230	14.6%
Waterville	32	8	3	9.4%	697	118	226	32.4%	34	28	82.4%	763	126	257	33.7%
<b>Knox</b>	<b>225</b>	<b>58</b>	<b>15</b>	<b>6.7%</b>	<b>546</b>	<b>143</b>	<b>108</b>	<b>19.8%</b>	<b>17</b>	<b>2</b>	<b>11.8%</b>	<b>788</b>	<b>201</b>	<b>125</b>	<b>15.9%</b>
<b>Lincoln</b>	<b>128</b>	<b>40</b>	<b>6</b>	<b>4.7%</b>	<b>379</b>	<b>156</b>	<b>68</b>	<b>17.9%</b>	<b>7</b>	<b>1</b>	<b>14.3%</b>	<b>514</b>	<b>196</b>	<b>75</b>	<b>14.6%</b>
<b>Oxford</b>	<b>437</b>	<b>85</b>	<b>49</b>	<b>11.2%</b>	<b>1,108</b>	<b>188</b>	<b>236</b>	<b>21.3%</b>	<b>25</b>	<b>12</b>	<b>48.0%</b>	<b>1,570</b>	<b>273</b>	<b>297</b>	<b>18.9%</b>
Bridgton	45	10	4	8.9%	123	27	30	24.4%	6	5	83.3%	174	37	39	22.4%
Rumford	153	39	17	11.1%	411	78	76	18.5%	12	6	50.0%	576	117	99	17.2%
South Paris	239	36	28	11.7%	574	83	130	22.6%	7	1	14.3%	820	119	159	19.4%
<b>Penobscot</b>	<b>878</b>	<b>35</b>	<b>102</b>	<b>11.6%</b>	<b>1,702</b>	<b>44</b>	<b>575</b>	<b>33.8%</b>	<b>38</b>	<b>19</b>	<b>50.0%</b>	<b>2,618</b>	<b>79</b>	<b>696</b>	<b>26.6%</b>
Bangor	850	34	95	11.2%	1,339	30	433	32.3%	25	12	48.0%	2,214	64	540	24.4%
Lincoln	9	0	3	33.3%	155	8	56	36.1%	8	7	87.5%	172	8	66	38.4%
Newport	19	1	4	21.1%	208	6	86	41.3%	5	0	0.0%	232	7	90	38.8%
<b>Piscataquis</b>	<b>34</b>	<b>2</b>	<b>10</b>	<b>29.4%</b>	<b>128</b>	<b>4</b>	<b>50</b>	<b>39.1%</b>	<b>27</b>	<b>14</b>	<b>51.9%</b>	<b>189</b>	<b>6</b>	<b>74</b>	<b>39.2%</b>
<b>Sagadahoc</b>	<b>179</b>	<b>52</b>	<b>18</b>	<b>10.1%</b>	<b>505</b>	<b>185</b>	<b>118</b>	<b>23.4%</b>	<b>12</b>	<b>4</b>	<b>33.3%</b>	<b>696</b>	<b>237</b>	<b>140</b>	<b>20.1%</b>
<b>Somerset</b>	<b>228</b>	<b>48</b>	<b>15</b>	<b>6.6%</b>	<b>485</b>	<b>133</b>	<b>111</b>	<b>22.9%</b>	<b>8</b>	<b>4</b>	<b>50.0%</b>	<b>721</b>	<b>181</b>	<b>130</b>	<b>18.0%</b>
<b>Waldo</b>	<b>169</b>	<b>34</b>	<b>7</b>	<b>4.1%</b>	<b>298</b>	<b>78</b>	<b>57</b>	<b>19.1%</b>	<b>5</b>	<b>0</b>	<b>0.0%</b>	<b>472</b>	<b>112</b>	<b>64</b>	<b>13.6%</b>
<b>Washington</b>	<b>164</b>	<b>24</b>	<b>5</b>	<b>3.0%</b>	<b>295</b>	<b>56</b>	<b>52</b>	<b>17.6%</b>	<b>19</b>	<b>10</b>	<b>52.6%</b>	<b>478</b>	<b>80</b>	<b>67</b>	<b>14.0%</b>
Calais	77	6	2	2.6%	140	20	27	19.3%	9	7	77.8%	226	26	36	15.9%
Machias	87	18	3	3.4%	155	36	25	16.1%	10	3	30.0%	252	54	31	12.3%
<b>York</b>	<b>1,159</b>	<b>135</b>	<b>204</b>	<b>17.6%</b>	<b>3,874</b>	<b>828</b>	<b>864</b>	<b>22.3%</b>	<b>83</b>	<b>20</b>	<b>24.1%</b>	<b>5,116</b>	<b>963</b>	<b>1,088</b>	<b>21.3%</b>
Alfred	1,102	130	187	17.0%	531	23	354	66.7%	23	15	--	1,656	153	556	33.6%
Biddeford	31	2	12	38.7%	1,822	461	246	13.5%	37	2	5.4%	1,890	463	260	13.8%
Springvale	15	0	4	26.7%	1,055	215	196	18.6%	17	3	17.6%	1,087	215	203	18.7%
York	11	3	1	9.1%	466	129	68	14.6%	6	0	0.0%	483	132	69	14.3%
<b>TOTAL</b>	<b>7,381</b>	<b>1,078</b>	<b>747</b>	<b>10.1%</b>	<b>18,565</b>	<b>3,359</b>	<b>4,091</b>	<b>22.0%</b>	<b>476</b>	<b>212</b>	<b>44.5%</b>	<b>26,422</b>	<b>4,437</b>	<b>5,050</b>	<b>19.1%</b>

## 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, June 2022 to June 2023

Pending cases as of June 9 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2022	2023	% Diff	2022	2023	% Diff	2022	2023	% Diff	2022	2023	% Diff
<b>Androscoggin</b>	633	616	-2.7%	2,099	1,869	-11.0%	16	24	50.0%	2,748	2,509	-8.7%
<b>Aroostook</b>	703	702	-0.1%	1,053	1,027	-2.5%	17	14	-17.6%	1,773	1,743	-1.7%
Caribou	157	170	8.3%	201	235	16.9%	3	6	100.0%	361	411	13.9%
Fort Kent	96	120	25.0%	221	193	-12.7%	1	2	100.0%	318	315	-0.9%
Houlton	227	188	-17.2%	352	248	-29.5%	10	3	-70.0%	589	439	-25.5%
Presque Isle	223	224	0.4%	279	351	25.8%	3	3	0.0%	505	578	14.5%
<b>Cumberland</b>	1,320	1,264	-4.2%	3,730	3,567	-4.4%	69	82	18.8%	5,119	4,913	-4.0%
Bridgton	20	25	25.0%	304	294	-3.3%	23	17	-26.1%	347	336	-3.2%
Portland	1,275	1,217	-4.5%	3,027	2,814	-7.0%	29	47	62.1%	4,331	4,078	-5.8%
West Bath	25	22	-12.0%	399	459	15.0%	17	18	5.9%	441	499	13.2%
<b>Franklin</b>	109	131	20.2%	335	444	32.5%	14	16	14.3%	458	591	29.0%
<b>Hancock</b>	297	431	45.1%	564	680	20.6%	36	50	38.9%	897	1,161	29.4%
<b>Kennebec</b>	621	636	2.4%	1,866	1,658	-11.1%	41	49	19.5%	2,528	2,343	-7.3%
Augusta	601	604	0.5%	1,237	961	-22.3%	33	15	-54.5%	1,871	1,580	-15.6%
Waterville	20	32	60.0%	629	697	10.8%	8	34	325.0%	657	763	16.1%
<b>Knox</b>	207	225	8.7%	510	546	7.1%	21	17	-19.0%	738	788	6.8%
<b>Lincoln</b>	131	128	-2.3%	282	379	34.4%	14	7	-50.0%	427	514	20.4%
<b>Oxford</b>	414	437	5.6%	973	1,108	13.9%	25	25	0.0%	1,412	1,570	11.2%
Bridgton	36	45	25.0%	114	123	7.9%	5	6	20.0%	155	174	12.3%
Rumford	159	153	-3.8%	403	411	2.0%	3	12	300.0%	565	576	1.9%
South Paris	219	239	9.1%	456	574	25.9%	17	7	-58.8%	692	820	18.5%
<b>Penobscot</b>	931	878	-5.7%	2,307	1,702	-26.2%	93	38	-59.1%	3,331	2,618	-21.4%
Bangor	902	850	-5.8%	1,822	1,339	-26.5%	38	25	-34.2%	2,762	2,214	-19.8%
Lincoln	7	9	28.6%	232	155	-33.2%	23	8	-65.2%	262	172	-34.4%
Newport	22	19	-13.6%	253	208	-17.8%	32	5	-84.4%	307	232	-24.4%
<b>Piscataquis</b>	45	34	-24.4%	120	128	6.7%	7	27	285.7%	172	189	9.9%
<b>Sagadahoc</b>	155	179	15.5%	468	505	7.9%	14	12	-14.3%	637	696	9.3%
<b>Somerset</b>	206	228	10.7%	447	485	8.5%	8	8	0.0%	661	721	9.1%
<b>Waldo</b>	194	169	-12.9%	345	298	-13.6%	33	5	-84.8%	572	472	-17.5%
<b>Washington</b>	189	164	-13.2%	309	295	-4.5%	33	19	-42.4%	531	478	-10.0%
Calais	87	77	-11.5%	114	140	22.8%	10	9	-10.0%	211	226	7.1%
Machias	102	87	-14.7%	195	155	-20.5%	23	10	-56.5%	320	252	-21.3%
<b>York</b>	1,175	1,159	-1.4%	4,422	3,874	-12.4%	175	83	-52.6%	5,772	5,116	-11.4%
Alfred	1,119	1,102	-1.5%	135	531	293.3%	0	23	0.0%	1,254	1,656	32.1%
Biddeford	32	31	-3.1%	2,442	1,822	-25.4%	128	37	-71.1%	2,602	1,890	-27.4%
Springvale	11	15	36.4%	1,222	1,055	-13.7%	40	17	-57.5%	1,273	1,087	-14.6%
York	13	11	-15.4%	623	466	-25.2%	7	6	-14.3%	643	483	-24.9%
<b>TOTAL</b>	<b>7,330</b>	<b>7,381</b>	<b>0.7%</b>	<b>19,830</b>	<b>18,565</b>	<b>-6.4%</b>	<b>616</b>	<b>476</b>	<b>-22.7%</b>	<b>27,776</b>	<b>26,422</b>	<b>-4.9%</b>

## Columns

<b>2022</b>	Number of cases having at least one charge without a disposition, and without a currently active warrant as of June 9, 2022
<b>2023</b>	Number of cases having at least one charge without a disposition, and without a currently active warrant as of June 9, 2023
<b>% Diff</b>	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, June 2019 to June 2023

Pending cases as of June 9 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2019	2023	% Diff	2019	2023	% Diff	2019	2023	% Diff	2019	2023	% Diff
<b>Androscoggin</b>	361	616	70.6%	1,257	1,869	48.7%	17	24	41.2%	1,635	2,509	53.5%
<b>Aroostook</b>	345	702	103.5%	627	1,027	63.8%	28	14	-50.0%	1,000	1,743	74.3%
Caribou	72	170	136.1%	147	235	59.9%	6	6	0.0%	225	411	82.7%
Fort Kent	37	120	224.3%	102	193	89.2%	7	2	-71.4%	146	315	115.8%
Houlton	102	188	84.3%	140	248	77.1%	10	3	-70.0%	252	439	74.2%
Presque Isle	134	224	67.2%	238	351	47.5%	5	3	-40.0%	377	578	53.3%
<b>Cumberland</b>	812	1,264	55.7%	2,500	3,567	42.7%	154	82	-46.8%	3,466	4,913	41.7%
Bridgton	10	25	150.0%	198	294	48.5%	34	17	-50.0%	242	336	38.8%
Portland	787	1,217	54.6%	1,976	2,814	42.4%	93	47	-49.5%	2,856	4,078	42.8%
West Bath	15	22	46.7%	326	459	40.8%	27	18	-33.3%	368	499	35.6%
<b>Franklin</b>	82	131	59.8%	283	444	56.9%	12	16	33.3%	377	591	56.8%
<b>Hancock</b>	189	431	128.0%	450	680	51.1%	34	50	47.1%	673	1,161	72.5%
<b>Kennebec</b>	308	636	106.5%	1,046	1,658	58.5%	49	49	0.0%	1,403	2,343	67.0%
Augusta	300	604	101.3%	608	961	58.1%	32	15	-53.1%	940	1,580	68.1%
Waterville	8	32	300.0%	438	697	59.1%	17	34	100.0%	463	763	64.8%
<b>Knox</b>	169	225	33.1%	304	546	79.6%	3	17	466.7%	476	788	65.5%
<b>Lincoln</b>	96	128	33.3%	225	379	68.4%	2	7	250.0%	323	514	59.1%
<b>Oxford</b>	209	437	109.1%	459	1,108	141.4%	13	25	92.3%	681	1,570	130.5%
Bridgton	20	45	125.0%	70	123	75.7%	3	6	100.0%	93	174	87.1%
Rumford	93	153	64.5%	206	411	99.5%	5	12	140.0%	304	576	89.5%
South Paris	96	239	149.0%	183	574	213.7%	5	7	40.0%	284	820	188.7%
<b>Penobscot</b>	344	878	155.2%	1,018	1,702	67.2%	76	38	-50.0%	1,438	2,618	82.1%
Bangor	337	850	152.2%	816	1,339	64.1%	61	25	-59.0%	1,214	2,214	82.4%
Lincoln	5	9	80.0%	63	155	146.0%	5	8	60.0%	73	172	135.6%
Newport	2	19	850.0%	139	208	49.6%	10	5	-50.0%	151	232	53.6%
<b>Piscataquis</b>	23	34	47.8%	48	128	166.7%	6	27	350.0%	77	189	145.5%
<b>Sagadahoc</b>	100	179	79.0%	266	505	89.8%	18	12	-33.3%	384	696	81.3%
<b>Somerset</b>	144	228	58.3%	467	485	3.9%	22	8	-63.6%	633	721	13.9%
<b>Waldo</b>	92	169	83.7%	246	298	21.1%	2	5	150.0%	340	472	38.8%
<b>Washington</b>	105	164	56.2%	176	295	67.6%	35	19	-45.7%	316	478	51.3%
Calais	40	77	92.5%	88	140	59.1%	11	9	-18.2%	139	226	62.6%
Machias	65	87	33.8%	88	155	76.1%	24	10	-58.3%	177	252	42.4%
<b>York</b>	717	1,159	61.6%	2,342	3,874	65.4%	85	83	-2.4%	3,144	5,116	62.7%
Alfred	661	1,102	66.7%	93	531	471.0%	0	23	0.0%	754	1,656	119.6%
Biddeford	29	31	6.9%	1,095	1,822	66.4%	39	37	-5.1%	1,163	1,890	62.5%
Springvale	17	15	-11.8%	686	1,055	53.8%	23	17	-26.1%	726	1,087	49.7%
York	10	11	10.0%	468	466	-0.4%	23	6	-73.9%	501	483	-3.6%
<b>TOTAL</b>	<b>4,096</b>	<b>7,381</b>	<b>80.2%</b>	<b>11,714</b>	<b>18,565</b>	<b>58.5%</b>	<b>556</b>	<b>476</b>	<b>-14.4%</b>	<b>16,366</b>	<b>26,422</b>	<b>61.4%</b>

## Columns

- 2019** Number of cases having at least one charge without a disposition, and without a currently active warrant as of June 9, 2019
- 2023** Number of cases having at least one charge without a disposition, and without a currently active warrant as of June 9, 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.



<b>Date:</b>	<b>Time:</b>	<b>Topic:</b>	<b>Presenters:</b>	<b>CLE Hours:</b>
January 24-25, 2023	8:30AM-4:30PM	PC Minimum Standards Training	Taylor Kilgore & Julian Richter	13
January 30-31, 2023	8:30AM-4:30PM	CR Minimum Standards Training	Justin Andrus, Chris Guillory, Barbara Taylor, Jeremy Pratt, Jesse Archer, Rob Ruffner, Heather Seasonwein, Heather Gonzales, Tina Nadeau, Kristine Hanly, Rory McNamara	13
February. 3, 2023	12-1PM	Maine Assistance Program for Lawyers and Judges	Kristin Murray-James	1
March. 16, 2023	12-4:15PM	Above & Beyond	Kristin Murray-James, Terry Frahllich, & Amy Wood	4
March. 27, 2023	8:30AM-1:30PM	Civil Commitment Minimum Standards Training	Meegan Burbank	5
March 30-31, 2023	8:30AM-4:00PM	Strengthening the Sixth in Maine	Bonnie Hoffman, Deja Vishny, Bridgette Prowsy, Jennifer Siletti, Jesse, Devie, Tina, & Dan Dube	12.25
April. 6, 2023	12-2PM	State Forensic Service	Dr. Sarah Miller	2
April. 7, 2023	12-1PM	Maine State Court Access: Disability Accommodations and Best Practices for Working with Interpreters	Court Access Coordinator, Allison Gray, Esq. & Communication Access Specialist, Nickole Wesley	1
April. 21, 2023	8:30AM-4:30PM	NCR Minimum Standards Training	Hank Hainke	6.5
April. 27, 2023	8:30AM-4:30PM	Navigating Medical Records	Jennifer Grossman, Tristan	6.5
May. 9, 2023	12-1PM	Abusive Head Trauma	Godoy Medical Forensics- Erin	1
May. 12, 2023	8:30AM-4:30PM	Using PIs in Defense Investigations	Mark Teceno	6.5
May 19., 2023	12-1PM	Introduction to Crimmigration	Barbara Taylor	1
May 26., 2023	12-1PM	Bail 101	Devie Hamlen	1
June 5., 2023	12-1PM	TBI	Godoy Medical Forensics-Merriam	1
June 16., 2023	12-1PM	Using Cross Examination to Win a Confession Case	Caleigh Milton	1
June 29., 2023	12-1:30PM	LOD 101	Devie Hamlen & Rob Ruffner	1
July 10., 2023	12-1PM	Reviewing Medical Records: What Really Happened??	Merriam Young	1

July 10., 2023	4-5PM	Introduction to Research on Westlaw Edge	Trevor Friend	1
July 11., 2023	8AM-12:30PM	Successful Dispositions: An A-Z on how to get from PC to FM	Julian Richter & Meegan Burbank	3
July 20., 2023	11AM-12PM	Intermediate Research on Westlaw Edge	Trevor Friend	1
August 3., 2023	12-1:30PM	Advanced Immigration	Barbara Taylor	1.5
August 9., 2023	12-1PM	Vicarious Trauma for Lawyers	Kyra Hazilla	1
August 16., 2023	12-1PM	Head Trauma, Intoxication, and Comprehension: What to Look for in Every Case	Tara Godoy	1
September 21., 2023	1-4PM	Mental Health: Competency, Abnormal Condition, & NCR	Tina Nadeau, Bob LeBrasseur	2.75
September 28-29, 2023	8:30AM-4:30PM	JV Minimum Standards Training	Sarah Branch, Jill Ward, Barbara Taylor, TBD	12
October 5-6, 2023	12-3PM	Navigating Medical Records	Jennifer Grossman, Tristan Wristen	5
October 23-27, 2023	8:30AM-5:15PM	Maine's First Annual Public Defense Conference	Jim Billings, Jesse Archer, Justin Andrus, Tina Nadeau, national faculty	32.5
<b>TOTAL:</b>				<b>138.5</b>

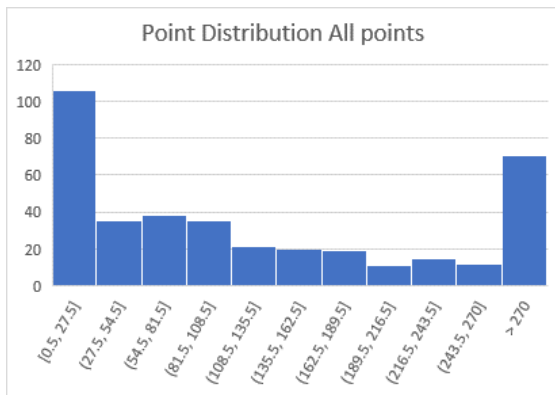
**From:** [Guillory, Christopher](#)  
**To:** [Maciag, Eleanor](#); [Billings, Jim](#)  
**Subject:** Numbers today  
**Date:** Tuesday, June 13, 2023 9:39:19 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

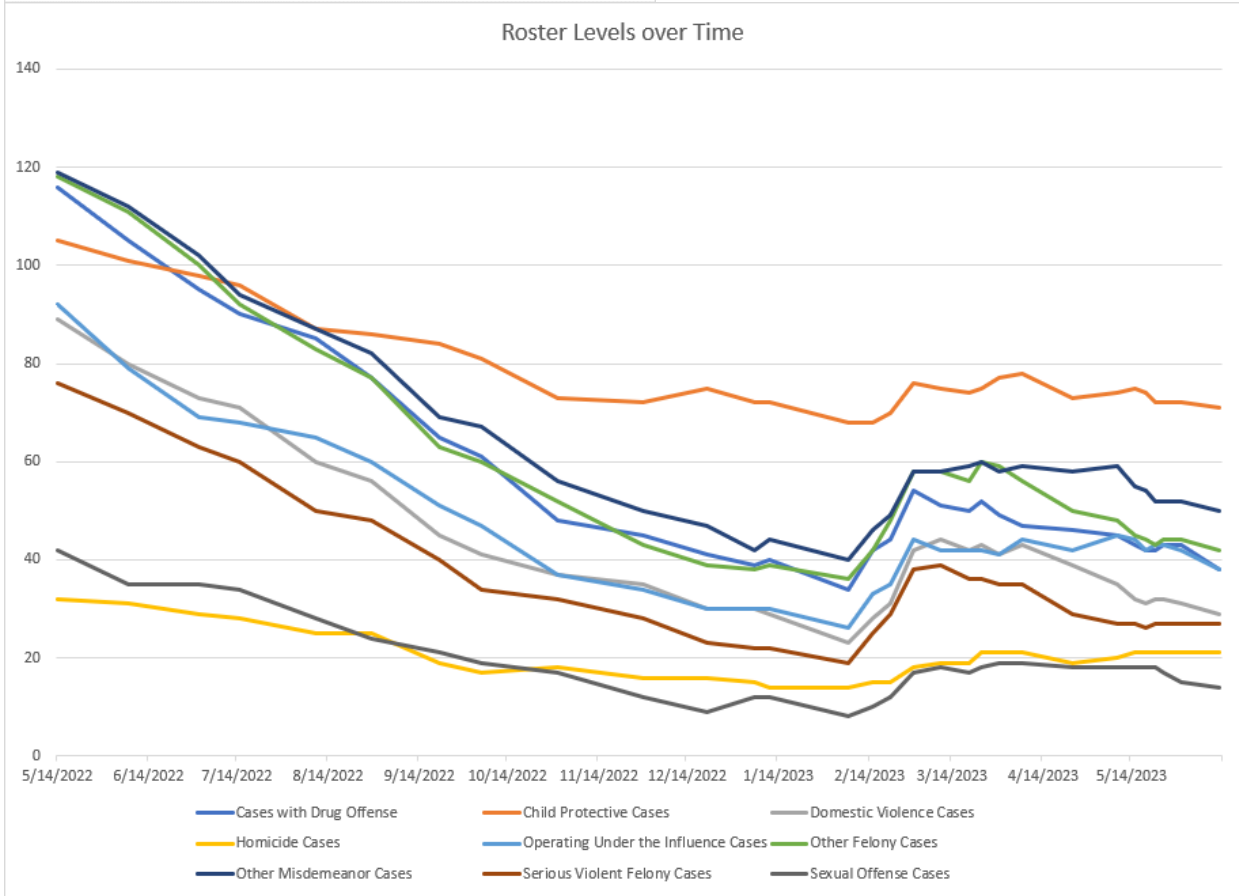
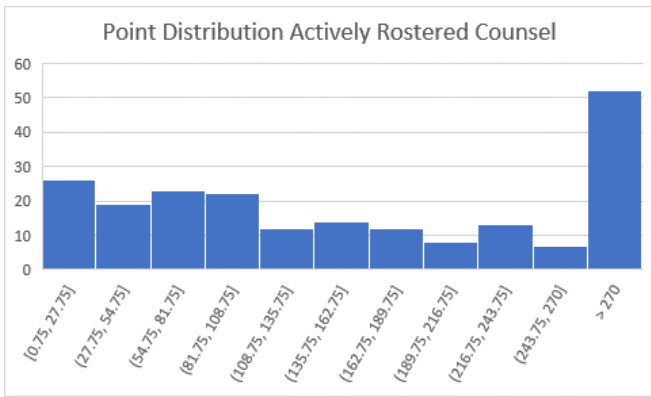
Total active attorneys : 212  
 Total active trial level attorneys : 165  
 Total active adult criminal : 83  
 Total Active Child Protective : 71

There are currently 72 attorneys over the proposed cap of 270 points. 53 of those attorneys are actively on the rosters and account for 55% of all open points in the system. Of the 19 inactive attorneys over the cap 2 have been suspended from the program and 1 is voluntarily de-rostered. Roster Density and Gross program participation are at their 2<sup>nd</sup> lowest tracked levels with the lowest level in both being observed February 7, 2023.

Charts and figures below:

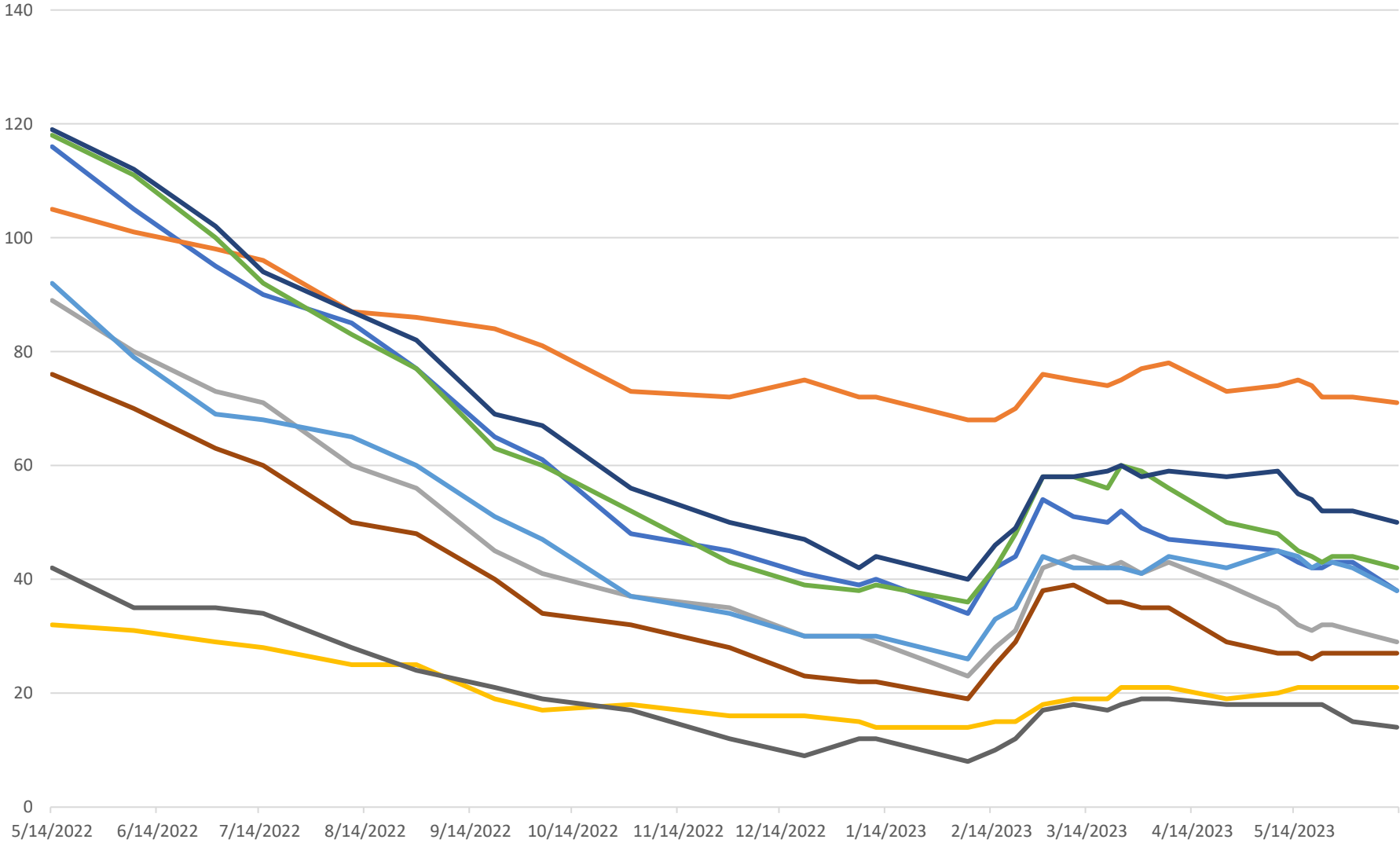
Case Type	Active attorneys 6/13/2023	over 270	% over cap
Adoption Cases	26	5	19%
Appeal Child Protective	14	6	43%
Appeal Homicide	9	1	11%
Appeal Other Criminal	20	5	25%
Cases with Drug Offense	38	14	37%
Child Protective Cases	71	26	37%
Civil Commitment Cases	21	6	29%
Domestic Violence Cases	29	13	45%
Emancipation Cases	38	12	32%
Guardianship Cases	32	9	28%
Homicide Cases	21	7	33%
Juvenile bind-over/competence cases	18	7	39%
Juvenile Felony Cases	31	12	39%
Juvenile Misdemeanor Cases	47	13	28%
Lawyer of the Day - Arraignment	87	30	34%
Lawyer of the Day - Custody	73	28	38%
Lawyer of the Day - Juvenile	41	16	39%
NCR Release Hearings	1		0%
Operating Under the Influence Cases	38	12	32%
Other Felony Cases	42	14	33%
Other Misdemeanor Cases	50	17	34%
Post-Conviction Review Homicide	2	1	50%
Post-Conviction Review Other Criminal	3	1	33%
PCR- Sex	1	1	100%
Serious Violent Felony Cases	27	12	44%
Sexual Offense Cases	14	8	57%





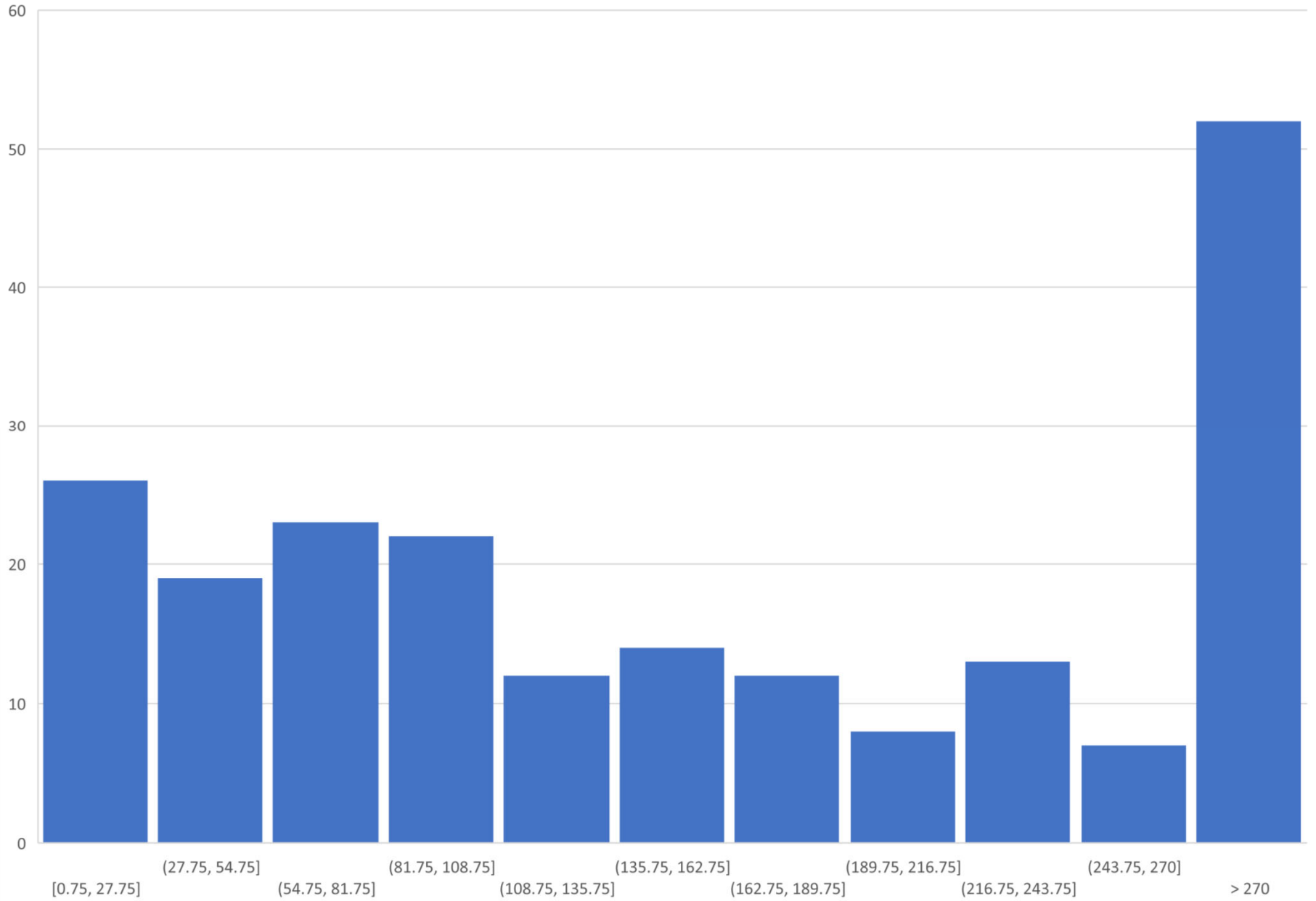
Chris Guillory  
 Director of Training and Supervision  
 Maine Commission on Indigent Legal Services  
 154 State House Station  
 Augusta, ME 04333  
 Phone : 207-287-3264  
[Christopher.Guillory@maine.gov](mailto:Christopher.Guillory@maine.gov)

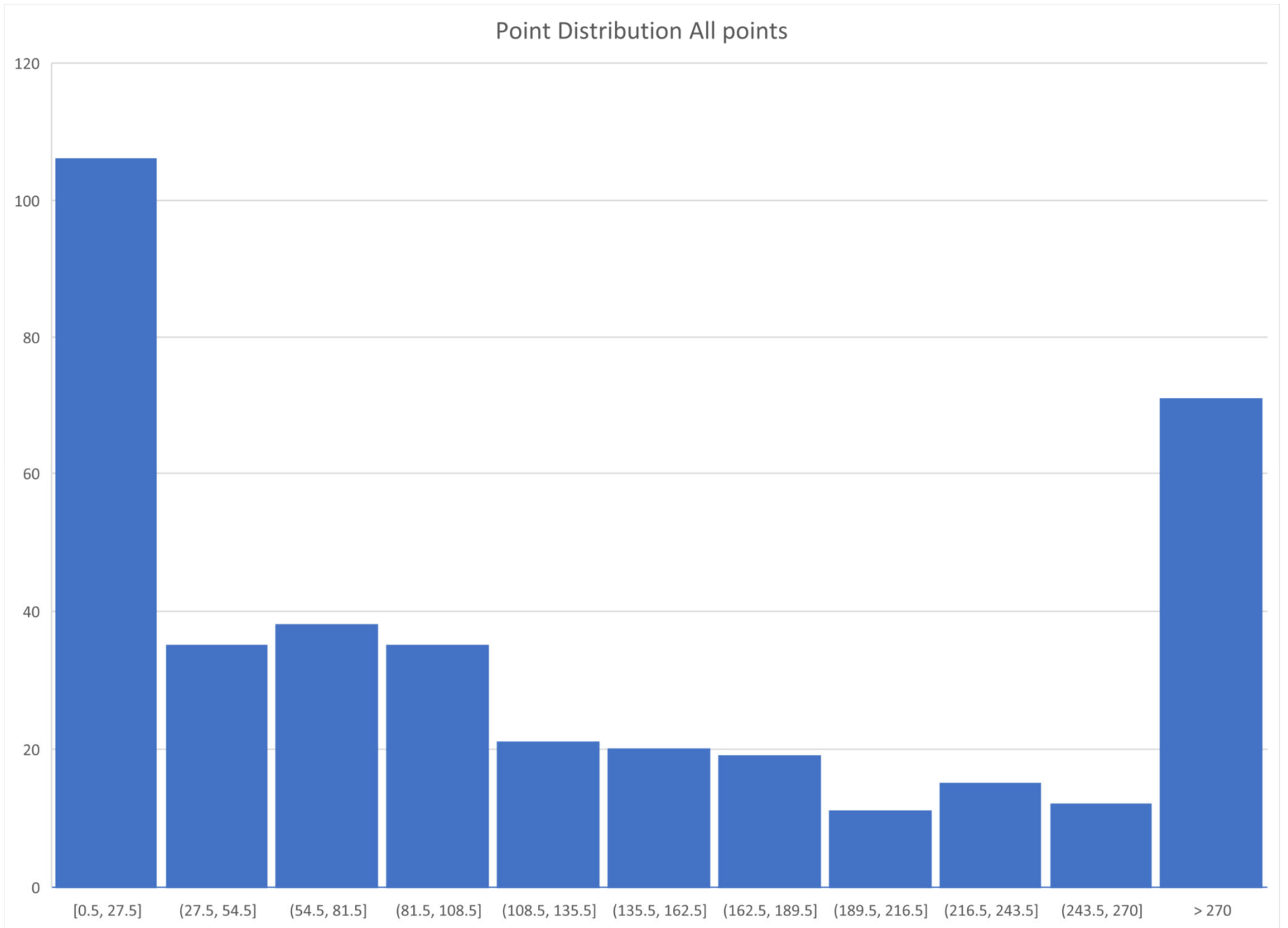
Roster Levels over Time



Case Type	Active attorneys 6/13/2023	over 270	% over cap
Adoption Cases	26	5	19%
Appeal Child Protective	14	6	43%
Appeal Homicide	9	1	11%
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Lawyer of the Day - Custody	73	28	38%
Lawyer of the Day - Juvenile	41	16	39%
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Operating Under the Influence Cases	38	12	32%
Other Felony Cases	42	14	33%
Other Misdemeanor Cases	50	17	34%
Post-Conviction Review Homicide	2	1	50%
Post-Conviction Review Other Criminal	3	1	33%
PCR- Sex	1	1	100%
Serious Violent Felony Cases	27	12	44%
Sexual Offense Cases	14	8	57%

Point Distribution Actively Rostered Counsel







**94-649 MAINE COMMISSION ON INDIGENT LEGAL SERVICES****Chapter 4: CASELOAD STANDARDS FOR ASSIGNED COUNSEL AND CONTRACT COUNSEL**


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**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.

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**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~~number 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 and remain qualified to be on a roster of attorneys eligible to receive assignments, based on the percentage of an attorney’s work hours which are dedicated to assigned cases.
- F. **Maximum annual hours limit:** the presumptive maximum number of hours that MCILS holds an attorney ~~may bill to MCILS~~should work for consumers of indigent legal services over a rolling 12-month period, ~~based on~~as modified by 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 a separate case. Each case type is assigned cumulative points. That case is valued according to the charge with the highest point value. Each separate case 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 at any one time.

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	<del>270</del> 216	<del>9.25</del> 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, based on a presumptive maximum annual hours limit of 2,000. An attorney ~~may not maintain~~

~~whose~~ caseload ~~exceeding~~ ~~exceeds~~ 270 points at any one time ~~and remain on a roster(s) of attorneys eligible to receive assignments is ineligible to receive additional assignments to represent consumers of indigent legal services,~~ 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.B.~~ 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 ~~270~~250 points and an annual limit of 2,000 billed hours:

<b>% of Attorney's Work Hours Spent on MCILS Cases:</b>	<b>Caseload Limit:</b>	<b>Hours Limit:</b>
100%	<del>270</del> 250	2,000
75%	<del>202</del> 188	1500
50%	<del>135</del> 125	1000
25%	<del>67</del> 63	500
10%	<del>27</del> 25	200

~~D.C.~~ Case Closed:

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

~~E.D.~~ Deferred Disposition:

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

~~F.E.~~ 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~~effectively toll the progress of a case may include a filing; long-term continuance; client in absent ~~of~~for 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.~~

ii. All attorneys who are eligible to accept case assignments on the effective date of this rule must submit their first certification not later than 30 calendar days after the effective date of this rule and by July 15<sup>th</sup> of that year and every year thereafter, as outlined below.

iii. Attorneys who apply to accept MCILS cases will be required to submit this certification prior to receiving ~~any additional~~ case assignments.

~~iii.iv.~~ Attorneys who renew their eligibility to accept MCILS cases must, at the time of the submission of their renewal application, submit a new certification of approximately what portion of their annual working hours are dedicated to assigned cases. This certification must be submitted to MCILS no later than July 15<sup>th</sup> of each year.

~~iv.v.~~ After a certification is submitted, the attorney's maximum active caseload limit will be set in the MCILS information management system.

~~v.vi.~~ 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.vii.~~ 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.viii.~~ 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.ix.~~ 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~~defenderData the MCILS case management system within 7 calendar days of the receipt of notice of assignment in any form, and that cases are closed in ~~Defender Data~~defenderData the MCILS case management system 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:

## Maine Commission on Indigent Legal Services

### Response to Public Comments

**Proposed Rule:** Chapter 4- Caseload Standards for Assigned Counsel and Contract Counsel

#### **Comment #1:**

**The proposed standards are insufficiently granular because they are organized around overbroad categories of cases.**

- a. There are many different types of offenses which fall into the categories of cases set forth in the proposed rule. Those offenses require varying amounts of time to provide constitutionally adequate counsel.**
- b. MCILS should undertake a Delphi process.**

Zachary L. Heiden, Chief Counsel, American Civil Liberties Union Maine

#### **MCILS Response:**

There are hundreds of criminal offenses in the Maine Criminal Code. It would not be feasible to set caseload standards for each offense. Even within narrow categories of offenses (*e.g.*, OUIs), the amount of time it takes to provide constitutionally adequate counsel varies based on many factors. Those factors—among others—can include: the nature of the allegations, the volume and type of discovery, the jurisdiction, geography, the number of witnesses, and client-specific factors. In arriving at these proposed standards, one of the steps MCILS staff undertook was to calculate averages of voucher submissions for the various case types. Those averages take into consideration all the various factors which can affect the appropriate amount of time which should be spent on a given case. Undertaking a Delphi process in Maine would be less effective than in other states due to attributes that are unique to Maine. Excepting the five employed defenders in the Rural Defender Unit, Maine relies entirely on contract counsel. Those contract counsel have varying levels of experience, staff, and portion of their caseloads that are dedicated to case types that fall within the purview of MCILS.

#### **Comment #2:**

**Caseload standards must not be tailored to the needs of police and prosecutors.**

Zachary L. Heiden, Chief Counsel, American Civil Liberties Union Maine

#### **MCILS Response:**

In imposing caseload standards, the Commission's primary objective is to ensure that all clients receive high quality representation from attorneys who have the time to dedicate to their cases. The needs of police and prosecutors are not a consideration involved in the proposed standards.



**Comment #3:**

**MCILS should reevaluate the number of hours it expects criminal defense attorneys to work.**

- a. **“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.”**
- b. **“Those hours [2,000 annual hours] do not include time spent on study or training...”**

Zachary L. Heiden, Chief Counsel, American Civil Liberties Union Maine

**MCILS Response:**

The caseload standard was drafted and revised based on feedback from practicing contract counsel. The 2,000 annual hours limit is a maximum, not a minimum, or an expectation. The proposed annual hours limit includes all training hours which are eligible for payment by the Commission.

**Comment #4:**

**MCILS should not attempt to adopt an “open” caseload standard; it should instead adopt an annual caseload standard.**

Zachary L. Heiden, Chief Counsel, American Civil Liberties Union Maine

**MCILS Response:**

The proposed rule includes both an open standard (*i.e.*, the maximum active caseload limit) and an annual standard (*i.e.*, the maximum annual hours limit).

**Comment #5:**

**When developing standards, MCILS should afford due consideration to attorneys’ ancillary obligations that may contribute to their workload.**

Bonnie Hoffman, Director of Public Defense, National Association of Criminal Defense Lawyers

**MCILS Response:**

Case-related tasks are reimbursable in accordance with Commission Rules. Attending eligible trainings is reimbursable in accordance with Commission policy and is, therefore, included in the proposed annual hours limit. The proposed standards contemplate time to complete nonbillable tasks. Additionally, the proposed standards set forth maximums—not minimums—by which attorneys will be required to abide if the standards are adopted. Attorneys are encouraged to manage their caseloads in a way that appropriately accounts for their ancillary obligations.

**Comment # 6:**

**7.4 hours for civil commitment cases and 22 hours for probate cases is too low.**

Beth Berry

**MCILS Response:**

The estimated hours for each case type are not themselves caseload standards pursuant to this proposal. The hours were used as a basis upon which the point values were calculated. Based on the analysis Commission staff undertook in drafting the standards and feedback from interested parties, it is the Commission's position that the proposed point values are appropriate. The standard does not limit attorneys to spending any number of hours on a given case. Attorneys should spend as much time on each case as is required to provide the highest quality representation.

**Comment #7:**

**MCILS does not need to establish caseload standards. Attorneys' ethical obligations pursuant to the Rules of Professional Responsibility are sufficient. Imposing caseload standards will result in cases going from very capable attorneys to no one.**

Seth Berner, Esq.

**MCILS Response:**

4 M.R.S. § 1804(2)(C) unequivocally requires that the Commission develop caseload standards.

**Comment 8:**

**How do the proposed standards affect current caseloads?**

James Howaniec, Esq.

**MCILS Response:**

The proposed standards do not have retroactive applicability.

**Comment 9:**

**The current crisis with attorney availability may have subconsciously seeped into the development of these standards. The standards, though flawed, need to be adopted and implemented.**

Robert Ruffner, Esq.

**MCILS Response:**

The proposed caseload standards are based on what the Commission believes are appropriate. Attorney availability was not a factor in drafting the standards.

**Comment 10:**

**The proposed point system is overly simplistic and does not account for factors unique to individual cases, or the experience and skill of assigned counsel.**

Robert C. LeBrasseur, Esq.

**MCILS Response:**

Any caseload standard must involve averages to some extent; it is impossible to set caseload standards based on each individual case and attorney. The proposed standards are based, in part, on the average time attorneys with varying experience levels spend on cases of varying complexity. The proposed standards set a maximum, not a minimum. Attorneys are encouraged to self-manage their caseloads accordingly. Additionally, the proposed rule contains a process through which counsel may apply for a waiver. One of the factors to be considered in determining whether a waiver would be granted is an attorney's experience level.

**Comment 11:**

**The proposal does not detail how the active caseload will be determined. Requiring assigned counsel to track their assigned points and limits imposes a non-income generating requirement and micromanagement of assigned counsel.**

Robert C. LeBrasseur, Esq.

**MCILS Response:**

The proposal does detail how the active caseload will be determined. Section 2 of the proposed rule explains how the points are assigned. Various sections of the proposed rule explain how points will be added and removed by the Commission's case management system. *See e.g.*, Section 4 (C): "When a case is closed in the MCILS case management system, the points assigned to that case are deducted from the attorney's active caseload points total." *See also* Section 4(D): "When the disposition of a case in the MCILS case management system is changed to reflect a deferment, the points assigned to that case are deducted from the attorney's active caseload points total."

The points will be calculated automatically by the case management system as long as counsel maintain basic, accurate records in the MCILS case management system, which they are already expected to do. If at some point the Judicial Branch agrees to allow MEJIS to interface with the Commission's case management system, that would significantly reduce the administrative work attendant to opening, updating, and closing cases.

**Comment 12:**

**The current checks available to MCILS and reliance on attorneys to be professional and uphold their oath are sufficient to meet the goals of this proposal.**

Robert C. LeBrasseur, Esq.

MCILS Response:

The Commission is statutorily mandated to develop caseload standards. *See* 4 M.R.S. § 1804(2)(C).

#### Detailed Basis Statement for Chapter 4

The Commission is charged with providing "...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. MCILS is statutorily obligated to develop standards for the caseloads of assigned and contract counsel. 4 M.R.S. § 1804(2)(C). The right to effective counsel is protected by the United States Constitution and the Constitution of Maine. For counsel to provide high-quality, effective representation, their caseloads must be at a level that allows them to dedicate sufficient time and resources to every case. Chapter 4 is promulgated to ensure that the Commission fulfills its statutory and constitutional obligations by setting maximum caseload standards to ensure the delivery of high-quality representation to indigent persons.

**Chapter 2: STANDARDS FOR QUALIFICATIONS OF ASSIGNED COUNSEL**

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**Summary:** This ~~chapter~~Chapter establishes the standards prescribing minimum experience, training, and other qualifications for contract counsel and assigned counsel to be eligible to ~~accept~~receive ~~appointments~~assignments to represent indigent people; who are eligible for a constitutionally ~~required~~ attorney.

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**SECTION 1. Definitions.**

1. MCILS or Commission. "MCILS" or "Commission" means the Commissioners of the Maine Commission on Indigent Legal Services.
2. Executive Director. "Executive Director" means the Executive Director of MCILS or the Executive Director's decision-making designee.
3. Assignments. "Assignments" includes cases assignments made by a court or the Commission, and lawyer of the day, specialty court liaison, and resource counsel assignments by the Commission.
4. Eligible. "Eligible" means an attorney who satisfies all the qualifications to receive assignments or a certain type, has applied and been approved by the Commission to receive assignments, is current on their MCILS annual renewal, and is not under suspension by the Commission.

**SECTION 2. Application.**

All attorneys wishing to ~~accept~~receive ~~case~~ assignments ~~by the Commission~~ must complete an application in the manner prescribed by the Commission through its Executive Director. The ~~Commission~~Executive Director will not act on an application until it is complete. No attorney will ~~be assigned a case~~ receive an assignment until that attorney completes an application and is placed on the applicable roster of attorneys eligible to receive assignments of that type.

**SECTION 3. Applicability.**

1. Counsel who are eligible to receive assignments at the time this Chapter is amended shall maintain their status on rosters for the first year after the enactment of the amendment. Whenever the qualification standards are amended, the Executive Director shall create an application for all then-currently eligible counsel to complete to demonstrate they meet all new eligibility requirements. After the first year following the enactment of amended rules and standards, eligible counsel must comply with all eligibility requirements of this Chapter as a condition of remaining eligible.
2. An attorney who is eligible for one or more case types prior to the amendment of this Chapter will not be deemed eligible for additional case types until they comply with the amended Chapter.

3. Any attorney not previously eligible to receive assignments from the Commission when this Chapter is amended must comply with the requirements of this Chapter and all other MCILS rules to become eligible.

## **SECTION 24. Minimum ~~Experience, Training And Other~~ Eligibility Requirements.**

Any attorney wishing to ~~accept~~receive ~~case~~-assignments ~~from the Commission, or~~ serve as contract counsel ~~or otherwise be approved by the Commission to accept assignments~~ must satisfy at a minimum the following conditions. :

### 1. **1. Application**

- a. Complete an application in the manner prescribed by the Commission through its Executive Director. The Executive Director will not act on an application until it is complete. No attorney will receive an assignment until that attorney completes an application and is placed on the applicable roster of attorneys eligible to receive assignments of that type.

### 2. **Licensed to Practice**

- a. a) — The attorney must be licensed to practice law in the State of Maine and be in good standing with the Maine Board of Overseers of the Bar.
- b. b) — The attorney must ~~promptly~~ inform the Commission, in writing, of any complaint against the attorney filed with the Maine Board of Overseers of the Bar, or any entity charged with governing the conduct of attorneys in any other jurisdiction that has been set for a grievance panel hearing or hearing before a single justice of the Supreme Judicial Court. The attorney must so inform the Commission within 5 days of receiving actual or constructive notice of such complaint. Failure to comply with this requirement is grounds for removal from the roster.
- c. The attorney must inform the Commission, in writing, of any suspension of the attorney's privilege to practice law in any jurisdiction within 24 hours of receiving actual or constructive notice of the suspension. Failure to comply with this requirement is grounds for removal from the roster.
- d. e) The attorney must inform the Commission, in writing, within 5 days of any criminal charge filed against the attorney in any jurisdiction and promptly inform the Commission of any disposition of such charge. Failure to comply with this requirement is grounds for removal from the roster.

### 4. **Proficiency**

- a. The attorney must be knowledgeable of the Maine Rules of Evidence.
- b. The attorney must be knowledgeable of the rules of procedure applicable to the area(s) of law they practice.
- c. The attorney must be knowledgeable of the applicable law in their area(s) of practice.
- d. The attorney must be knowledgeable of the Maine Rules of Professional Responsibility.
- e. The attorney must only represent clients in assigned cases for which they are eligible. If an attorney is assigned to a case for which they are not eligible, the attorney must—within three business days of receiving actual or constructive notice of the appointment—submit a complete application for the applicable case type, file a motion for appointment of co-counsel, or file a motion to withdraw from the case. If the attorney elects to withdraw from the case, the attorney is still professionally responsible for the case until successor counsel is appointed, pursuant to 44B of the Maine Rules of Unified Criminal Procedure.

## 5. Training

- a. Before being placed on a roster and receiving assignments, an attorney must satisfactorily complete a designated Commission-sponsored or Commission-approved training course in each area of the law for which the attorney is seeking to receive assignments. This includes but is not limited to the following areas of law: criminal defense, lawyer of the day, juvenile defense, civil commitment, child protective, not criminally responsible release hearings, guardianship, and emancipation.
- b. The attorney shall meet any specific training requirements of any specialized panels.
- c. To maintain their roster status, an attorney must annually complete 8 hours of continuing legal education (CLE) approved by the Commission. All the CLE hours must be related to the area(s) of law that the attorney practices.

## 6. Technological Literacy

- a. The attorney must personally have the ability to do the following:
  - i. Open, read, reply to, forward, save, and print emails. Attach files to and download attachments from emails.
  - ii. Electronically sign documents.
  - iii. Scan, attach, and upload or email documents.
  - iv. Use ShareFile and other systems used by courts for the purpose of e-filing or sharing information with attorneys.



- v. View, download, save, copy, and disseminate in a confidential manner all discovery received in electronic form.
- vi. Opt in and out of rosters using the Commission's electronic case management system.

## **7. Annual Renewal.**

- a. The attorney must register with the Commission annually in a manner prescribed by the Commission.
- b. The annual renewal form will require the attorney to provide certain information, including but not limited to:
  - i. The attorney's contact information.
  - ii. A list of the qualifying CLE credits the attorney has completed for the relevant period.
  - iii. Any other information deemed appropriate by the Executive Director.
- c. The annual renewal form may also require the attorney to make certifications, including but not limited to:
  - i. That the attorney has read, understands, and agrees to abide by all Commission rules and policies.
  - ii. That the attorney is licensed to practice law in Maine.
  - iii. A statement about what percentage of the attorney's work hours is spent on assigned cases.
  - iv. That the attorney has not been charged with a criminal offense which they have failed to disclose to the Commission.
  - v. That the attorney has not been the subject of any Board of Bar Overseers complaints which they have failed to disclose to the Commission.
  - vi. That all information submitted and certifications made on the annual renewal form are complete and accurate.
  - vii. Any certification designed to assess compliance with Commission rules or policies.
  - viii. Any other certifications deemed appropriate by the Executive Director.
- d. Any attorney who fails to successfully and timely complete the annual renewal will be removed from all rosters and deemed ineligible to receive assignments. The attorney may be restored to the roster and deemed eligible to receive assignments upon successful completion of the annual renewal if they are in compliance with all Commission rules.

i. \_\_\_\_\_

## **8. Office, Telephone, and Electronic Mail.**

- a. The attorney must maintain an office or have the use of space that is reasonably accessible to clients and that permits the private discussion of confidential and other sensitive matters.
- b. The attorney must maintain a telephone number, which shall be staffed by personnel available for answering telephone calls or an answering service, an answering machine or voicemail capability that ensures client confidentiality.
- c. The attorney must maintain a confidential working e-mail account as a means of receiving information from and providing information to the Commission. The e-mail address must not be owned or accessible by any person or entity other than the attorney or the entity they own or are employed by.
- d. The attorney must keep the Commission and the courts in which the attorney represents indigent clients apprised of the attorney's work telephone number and postal and e-mail addresses. The attorney must ensure that the court has the ability to contact the attorney by e-mail, mail, telephone.

#### 9. Attorney Cooperation with Procedures and Monitoring

- a. The attorney must comply with all applicable Commission rules and procedures.
- b. The attorney must comply with Commission monitoring and performance evaluations.
- c. The attorney must also comply with any Commission investigation of complaints, billing discrepancies, or other information. Except as pertains to indigent cases assigned to the attorney, the Executive Director cannot require an attorney to disclose information that is privileged or made confidential by statute, by court rule or by court order.

#### ~~2. Attorney Cooperation with Procedures and Monitoring~~

~~The attorney must register with the Commission annually in a manner prescribed by the Commission. The attorney must comply with all applicable Commission rules and procedures. The attorney must comply with Commission monitoring and performance evaluations. The attorney must also comply with any Commission investigation of complaints, billing discrepancies, or other information that, in the view of the Executive Director, concerns the question of whether the attorney is fit to remain on the roster. Except as pertains to indigent cases assigned to the attorney, the Executive Director cannot require an attorney to disclose information that is privileged or made confidential by statute, by court rule or by court order.~~

#### **SECTION 3. \_\_\_\_\_ Office, Telephone, and Electronic Mail**

~~The attorney must maintain an office or have the use of space that is reasonably accessible to clients and that permits the private discussion of confidential and other sensitive matters.~~

~~The attorney must maintain a telephone number, which shall be staffed by personnel available for answering telephone calls or an answering service, an answering machine or voicemail capability that ensures client confidentiality.~~

~~The attorney must maintain a confidential working e-mail account as a means of receiving information from and providing information to the Commission.~~

~~The attorney must keep the Commission and the courts in which the attorney represents indigent clients apprised of the attorney's work telephone number and postal and electronic mail addresses. The attorney must ensure that the court has the ability to contact the attorney by mail and by telephone.~~

#### **SECTION 4. Experience and Proficiency**

~~The attorney shall demonstrate the necessary and sufficient experience and proficiency required to accept appointments as provided below.~~

~~1. *[Repealed]*~~

~~2. Any attorney not previously having been accepted to receive assignments from the Commission must satisfactorily complete a Commission-sponsored or Commission-approved training course for the area of the law for which the attorney is seeking to receive assignments, including but not limited to, criminal defense, juvenile defense, civil commitment, child protective, or emancipation prior to being placed on the roster and receiving assignments; or~~

~~3. An attorney may be accepted for placement on the roster and receive assignments from the Commission without completing a Commission-sponsored or Commission-approved training course as provided above if the attorney demonstrates to the Commission a commitment to and proficiency in the practice of the area of law for which the Attorney is willing to accept assignments over the course of at least the three years prior to receiving assignments from the Commission.~~

#### **SECTION 5. Training**

~~The attorney shall annually complete 8 hours of continuing legal education (CLE) approved by the Commission.~~

~~The attorney shall meet any specific training requirements of any specialized panels.~~

#### **SECTION 5. Eligibility.**

1. Cause.

- a. The Executive Director may determine that an attorney is not eligible to receive assignments or to be added to one or more rosters if:
    - i. The attorney fails to satisfy any requirement of any Commission rule.
    - ii. The attorney has a prior criminal record which the Executive Director determines could affect the attorney's ability to provide high quality legal services.
    - iii. The attorney has a prior bar disciplinary history which the Executive Director determines could affect the attorney's ability to provide high quality legal services.
    - iv. The Executive Director concludes that the attorney is unfit to provide high quality indigent legal services.
  - b. Process. If the Executive Director determines that an attorney is not eligible to receive assignments or to be added to one or more rosters pursuant to Section 5(1)(a) of this Chapter:
    - i. The Executive Director's decision shall be in writing and shall reflect the Executive Director's reasoning in a manner sufficient to inform the attorney and the public of the basis for the Executive Director's action.
    - ii. The Executive Director's decision that an attorney does not satisfy the minimum eligibility requirements to receive assignments may be appealed to the full Commission pursuant to 4 M.R.S.A. §1804(3)(J) and Chapter 201 of the Commission rules.
2. Automatic Ineligibility.
- a. If an attorney exceeds the maximum caseload standard, as set forth by Chapter 4 of the Commission rules and has not been granted a waiver pursuant to Chapter 4, they will become ineligible to receive new case assignments.
  - b. Any attorney who voluntarily accepts a new case after having been deemed ineligible pursuant to subsection 2(a), above, will not be paid by the Commission for any time spent on the case.
  - c. Any attorney who is assigned a case by a court without the attorney's consent after the attorney has been deemed ineligible pursuant to subsection 2(a), above, must immediately file a motion to withdraw from the case and notify the Commission of the improper assignment. The attorney will only be paid for time spent withdrawing from the case, any work performed on the case pending a court's ruling on the motion to withdraw, and the time spent communicating with the Commission about the improper assignment. If the attorney fails to file a motion to withdraw immediately after receiving notice of the assignment, the attorney will not be paid by the Commission for any time spent on the case.

a. \_\_\_\_\_

## SECTION 6. Removal or Suspension from the Roster.

1. Cause. The Executive Director may remove indefinitely or suspend an attorney from the roster completely or from the roster for certain case types and court locations ~~for:~~
  - a. ~~For~~ any failure to comply with this or any other Commission rule.
  - b. ~~In addition, the Executive Director may remove indefinitely or suspend an attorney from the roster completely or from the roster for certain case types and court locations if~~ If the Executive Director determines that the attorney is no longer ~~qualified~~eligible to provide quality indigent legal services based on the nature of any criminal charge.
  - c. ~~If the Executive Director determines that the attorney is no longer eligible to provide quality indigent legal services based~~ ~~or~~ on investigation by the Executive Director ~~or the Executive Director's designee~~ of any complaint or other information.
2. Process.
  - a. The Executive Director's decision to remove or suspend an attorney from the roster shall be in writing and shall reflect the Executive Director's reasoning in a manner sufficient to inform the attorney and the public of the basis for the Executive Director's action.
  - b. Attorneys removed indefinitely must re-apply to the Commission if they wish to receive assignments in the future. Attorneys suspended from the roster need not re-apply; but must demonstrate compliance with any conditions made part of a suspension.
  - c. Removal or suspension may also include a requirement that the attorney immediately identify to the Commission all open assigned cases and immediately file a motion to withdraw in each case. If an attorney is directed to immediately withdraw from all their assigned cases and fails to do so, the attorney will not be entitled to payment from the Commission for work done on any of the cases after the point at which the attorney was directed to withdraw.
  - d. The Executive Director's decision to remove or suspend an attorney may be appealed to the full Commission pursuant to 4 M.R.S.A. §1804(3)(J) and ~~Commission rule 94-649~~ Chapter 201 of the Commission rules.

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

EFFECTIVE DATE:

June 25, 2010 – filing 2010-214 (Final adoption, major substantive)

AMENDED:

September 17, 2015 – filing 2015-152 (Final adoption, major substantive)

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**Chapter 3: ELIGIBILITY REQUIREMENTS FOR ~~SPECIALIZED—CASE~~  
TYPES SPECIALIZED PANELS**

**Summary:** Chapter 2 of the Commission’s Rules sets out the minimum eligibility requirements to be rostered to accept appointments from the Maine Commission on Indigent Legal Services (“MCILS”). The ~~Rules—rules~~ in this Chapter are promulgated to establish the eligibility requirements ~~to be rostered on specialty panels for specific~~ for Specialized Panels, Lawyer of the Day assignments, and Resource Counsel. ~~types of cases.~~

**SECTION 1. Definitions.** For purposes of this Chapter, the following terms are defined as follows:

1. ~~Executive Director.~~ “Executive Director” means the Executive Director of the Maine Commission on Indigent Legal Services or the Executive Director’s decision-making designee.

1.2. ~~Contested Hearing.~~ “Contested Hearing” means a hearing at which a contested issue is submitted to the court for resolution after evidence is taken or witnesses are presented.

2.3. ~~Domestic Violence.~~ “Domestic Violence” means:

- A. Offenses denominated as Domestic Violence under 17-A M.R.S.A. §§ 207-A, 208-D, 209-A, 210-B, 210-C, and 211-A.;
- B. Any ~~class D or E~~ offense alleged to have been committed against a family or household member or dating partner.;
- C. ~~The class D~~ Any offense of stalking under 17-A M.R.S.A. § 210-A.;
- D. Violation of a ~~protection~~ protective order under 17-A M.R.S.A. § 506-B.;
- E. “Domestic Violence” includes crimes involving substantially similar conduct ~~in~~ another jurisdiction.

F. “Domestic Violence” also includes Criminal Conspiracy under 17-A M.R.S.A. § 151, Criminal Attempt under 17-A M.R.S.A. § 152, and Criminal Solicitation under 17-A M.R.S.A. § 153 to commit any of the offenses listed above, or to commit any crime involving substantially similar conduct.

3.4. Serious Violent Major Felony. “~~Serious Violent Major~~ Felony” means:

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A. An offense under 17-A M.R.S.A. §§ 152-A (Aggravated Attempted Murder), 201 and 152 (Attempted Murder), 208 (Aggravated Assault), 208-D (Domestic Violence Aggravated Assault), 208-B (Elevated Aggravated Assault), 208-C (Elevated Aggravated Assault on a Pregnant Person), 301 (Kidnapping), 401(1)(B)(1), (2), or (3) (Burglary with a Firearm, Burglary with Intent to Inflict Bodily Harm, and Burglary with a Dangerous Weapon), 651 (Robbery), 802 (Arson), 803-A (Causing a Catastrophe), 1105-A (Aggravated Trafficking of Scheduled Drugs), 1105-B (Aggravated Trafficking of Counterfeit Drugs), and 1105-C (Aggravated Furnishing of Scheduled Drugs).

B. “~~Serious-Violent~~Major Felony” includes crimes involving substantially similar conduct ~~in another jurisdiction~~.

C. “~~Serious-Violent~~Major Felony” also includes Criminal Conspiracy under 17-A M.R.S.A.

§ 151, Criminal Attempt under 17-A M.R.S.A. § 152, and Criminal Solicitation under 17-A M.R.S.A. § 153 to commit any of the offenses listed above, or to commit a crime involving substantially similar conduct.

4.5. Sex Offense. “Sex Offense” means:

A. An offense under 17-A M.R.S.A. §§ 251-259-A (Sexual Assaults), §§ 281-285 (Sexual Exploitation of Minors), § 556 (Incest), § 511(1)(D) (Violation of Privacy), § 852 (Aggravated Sex Trafficking), and § 855 (Patronizing Prostitution of Minor or Person with Mental Disability).

B. “Sex Offense” includes crimes involving substantially similar conduct ~~in another jurisdiction~~.

C. “Sex Offense” also includes Criminal Conspiracy under 17-A M.R.S.A. § 151, Criminal Attempt under 17-A M.R.S.A. § 152, and Criminal Solicitation under 17-A M.R.S.A. § 153 to commit any of the offenses listed above, or to commit a crime involving substantially similar conduct.

6. Lawyer of the Day. “Lawyer of the Day” means:

A. an attorney who has been designated by MCILS as eligible for case assignments and is designated by a court pursuant to M.R.U. Crim. P. 5(e) for the limited purpose of representing a defendant or defendants at their arraignment or initial appearance.

7. Proceeding Type: the type of proceeding for which an attorney may serve as LOD. The three proceeding types are in-custody, walk-in, and juvenile.

A. In-Custody: arraignments or initial appearances for defendants in adult criminal

- cases who are incarcerated.
- B. Walk-In: arraignments or initial appearances for defendants in adult criminal cases who are not incarcerated.
- C. Juvenile: arraignments or initial appearances for juvenile defendants.
8. LOD Roster: the list of attorneys designated as eligible by MCILS to serve as LOD in a proceeding type.
9. Shadow Session: an attorney applying for LOD eligibility “shadows” an eligible LOD for a complete session of the proceeding type for which the attorney is applying. The applicant must be present with the eligible LOD for the entire LOD appearance, including in client interviews (with client consent) and in the courtroom. If it is a morning appearance that continues into the afternoon, the applicant must be present the entire time and that counts as one shadow session.
10. Resource Counsel. “Resource Counsel” means an attorney who provides mentoring and other services to rostered counsel as delineated in Chapter 301 of the Commission Rules.
11. MCILS Liaison. “MCILS Liaison” means the attorney who performs services for clients as part of the specialty court team but who has not otherwise been appointed to represent a specific client in a specific docket.
- 5.12. Specialized Case TypesSpecialized Panels. “Specialized Case TypesSpecialized Panels” means those cases that are complex in nature due to the allegations ~~against the person as well as the~~ and severity of the consequences if a conviction occurs. They include the following ~~case typespanels~~:
- A. Homicide, including OUI ~~manslaughter~~Manslaughter
  - B. Sex ~~offenses~~Offenses
  - C. ~~Serious violent~~Major feloniesFelonies
  - D. Operating Under the Influence
  - E. Domestic Violence
  - F. Juvenile Defense
  - G. Protective Ceustody ~~matters~~
  - H. ~~Repealed~~ In-Custody Lawyer of the Day
  - I. Walk-In Lawyer of the Day
  - J. Juvenile Lawyer of the Day
  - K. Resource Counsel

H.

## SECTION 2. Powers and Duties of the Executive Director

1. The Executive Director, ~~or his or her designee,~~ shall develop an application process for an attorney seeking ~~appointment(s) eligibility for in Specialized Case Types~~ Specialized Panels to demonstrate the minimum qualifications necessary to be placed on Specialized ~~Case Type Rosters~~. An applicant for a Specialized ~~Case Type Roster~~ Panel must present additional information beyond the minimum requirements of this Chapter if requested by the Executive Director, ~~or his or her designee.~~
2. The Executive Director, ~~or his or her designee,~~ shall have the sole discretion to make the determination if an attorney is qualified to be placed on a Specialized ~~Panel~~ Case Type Roster. In addition, the Executive Director, ~~or his or her designee,~~ shall have the sole discretion, to grant or deny a waiver pursuant to, and in accordance with, Section 4.
3. The Executive Director, ~~or his or her designee,~~ may, in his or her sole discretion, remove an attorney from a Specialized ~~Case Type~~ Panel Roster at any time if the attorney is not meeting the minimum qualifications and standards as determined by the Executive Director, ~~or his or her designee.~~
4. This subsection does not exempt an attorney from satisfying the requirements of this Chapter at any time thereafter or limit the authority of the Executive Director, ~~or his or her designee,~~ to remove an attorney from any Specialized ~~Case Type Roster~~ Panel at any time.

**SECTION 3. Minimum Eligibility Requirements for ~~Specialized Case Types~~ Specialized Panels.**

1. **Homicide.** ~~In order to~~ be rostered for homicide cases an attorney must:
  - A. Have at least five years of criminal law practice experience;
  - B. Have tried before a judge or jury as first chair at least five felony cases within the last ten years, at least two of which were ~~serious violent~~ major felony, homicide, or Class C or higher sex offense cases, AND at least two of which were jury trials;
  - C. Have tried as first chair a homicide case in the last fifteen years, OR have tried as second chair at least one homicide case with an experienced homicide defense

attorney within the past five years;

- D. Demonstrate a knowledge and familiarity with the evidentiary issues relevant to homicide cases, including but not limited to forensic and scientific issues relating to DNA testing and fingerprint analysis, mental health issues, and eyewitness identification;
  - E. Provide a letter explaining reasons for interest in and qualifications for representing individuals charged with homicide; and
  - F. Have submitted to the Commission three letters of reference from attorneys with whom the applicant does not practice, that assert that the applicant is qualified to represent individuals charged with homicide, including OUI manslaughter. The letters of reference must be submitted directly to the Executive Director, ~~or his or her designee~~, by the author.
2. **Sex Offenses.** ~~In order to~~ be rostered for sex offense cases an attorney must:
- A. Have at least three years of criminal law practice experience;
  - B. Have tried before a judge or jury as first chair at least three felony cases in the last ten years, at least two of which were jury trials;
  - C. Provide a letter explaining reasons for interest in and qualifications for representing individuals charged with a sex offense; ~~and~~
  - D. If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the applicant is qualified to represent individuals charged with a sex offense. The letters of reference must be submitted directly to the Executive Director, ~~or his or her designee~~, by the author; ~~and~~
  - E. Letters of reference shall also be submitted upon the request of the Executive Director, ~~or his or her designee~~.
3. **Serious Violent Major Felonies.** ~~In order to~~ be rostered for ~~serious violent major~~ felony cases an attorney must:
- A. Have at least two years of criminal law practice experience;
  - B. Have tried as first chair at least four criminal or civil cases in the last ten years, at least two of which were jury trials and at least two of which were criminal trials;
  - C. Provide a letter explaining reasons for interest in and qualifications for representing individuals charged with a ~~serious violent major~~ felony; and

- D. If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the applicant is qualified to represent individuals charged with a ~~serious-violent~~major felony. The letters of reference must be submitted directly to the Executive Director, ~~or his or her designee,~~ by the author.
  - E. Letters of reference shall also be submitted upon the request of the Executive Director, ~~or his or her designee.~~
4. **Operating Under the Influence.** ~~In order~~ to be rostered for OUI cases an attorney must:
- A. Have at least one year of criminal law practice experience;
  - B. Have tried before a judge or jury as first chair at least two criminal cases, and conducted at least two contested hearings within at least the last ten years;
  - C. Have obtained in the last three years at least four hours of CLE credit on topics relevant particularly to OUI defense;
  - D. Provide a letter explaining reasons for interest in and qualifications for representing individuals charged with an OUI; and
  - E. If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the applicant is qualified to represent individuals charged with an OUI. The letters of reference must be submitted directly to the Executive Director, ~~or his or her designee,~~ by the author.
  - F. Letters of reference shall also be submitted upon the request of the Executive Director, ~~or his or her designee.~~
5. **Domestic Violence.** ~~In order~~ to be rostered for domestic violence cases an attorney must:
- A. Have at least one year of criminal law practice experience;
  - B. Have tried before a judge or jury as first chair at least two criminal cases and conducted at least two contested hearings within at least the last ten years;
  - C. Have obtained in the last three years at least four hours of CLE credit on topics related to domestic violence defense which included training on the collateral consequences of such convictions;
  - D. Provide a letter explaining reasons ~~for~~ interest in and qualifications for

representing individuals charged with a domestic violence crime; and

- E. If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the applicant is qualified to represent individuals charged with a domestic violence crime. The letters of reference must be submitted directly to the Executive Director, ~~or his or her designee,~~ by the author.
  - F. Letters of reference shall also be submitted upon the request of the Executive Director, ~~or his or her designee.~~
6. **Juvenile Defense.** ~~In order to~~ be rostered for felony, sex offense, and bind-over juvenile defense cases an attorney must:
- A. Repealed.
  - B. For felony cases and sex offense cases:
    - 1) Have at least one year of juvenile law practice experience;
    - 2) Have handled at least 10 juvenile cases to conclusion;
    - 3) Have tried at least 5 contested juvenile hearings (including but not limited to: detention hearings, evidentiary hearings, adjudication hearings, and dispositional hearings);
    - 4) Have attended in the last three years at least four hours of CLE credit on two or more of the following topics related to juvenile defense including training and education regarding placement options and dispositions, child development, adolescent mental health diagnosis and treatment, and the collateral consequences of juvenile adjudications;
    - 5) Provide a letter explaining reasons for interest in and qualifications for representing juveniles in felony and sex offense cases; and
    - 6) If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the applicant is qualified to represent juveniles in felony and sex offenses cases. The letters of reference must be submitted directly to the Executive Director, ~~or his or her designee,~~ by the author.
    - 7) Letters of reference shall also be submitted upon the request of the Executive Director, ~~or his or her designee.~~
    - 8) Upon notice from the State, whether formal or informal, that it may be seeking bind-over in the case, the attorney must immediately notify the

Executive Director.

- C. For ~~Bind-over~~Over Hearings:
- 1) Have at least two years of juvenile law practice experience;
  - 2) Have handled at least 20 juvenile cases to conclusion in the past ten years;
  - 3) Have tried at least 10 contested juvenile hearings (including but not limited to: detention hearings, evidentiary hearings, adjudication hearings, and dispositional hearings in the past ten years);
  - 4) Have attended in the last three years at least eight hours of CLE credit that cover all ~~of~~ the following topics devoted to juvenile defense: including training and education regarding placement options and dispositional alternatives, child development, adolescent mental health diagnosis and treatment, issues and case law related competency, bind-over procedures, and the collateral consequences of juvenile adjudications;
  - 5) Provide a letter explaining reasons for interest in and qualifications for representing juveniles in bind-over hearings; and
  - 6) If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the applicant is qualified to represent juveniles in bind-over hearings. The letters of reference must be submitted directly to the Executive Director; ~~or his or her designee,~~ by the author.
  - 7) Letters of reference shall also be submitted upon the request of the Executive Director; ~~or his or her designee.~~
7. **Protective Custody Matters.** ~~In order to~~ be rostered to represent parents in protective custody cases an attorney must:
- A. Repealed.
  - B. Have conducted at least four contested hearings in civil or criminal cases within the last five years;
  - C. Have attended in the last three years at least four hours of CLE credit on topics related to the representation of parents in protective custody proceedings;
  - D. Provide a letter explaining reasons for interest in and qualifications for representing parents in protective custody proceedings; and
  - E. If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the

applicant is qualified to represent parents in protective custody cases. The letters of reference must be submitted directly to the Executive Director, ~~or his or her designee,~~ by the author.

E-1. Letters of reference shall also be submitted upon the request of the Executive Director, ~~or his or her designee.~~

F. If a Petition to Terminate Parental Rights is filed and the attorney of record has not previously tried as a first or second chair a termination of parental rights hearing, ~~or~~ has less than ~~6~~six months of child protection experience, then the attorney of record must file a request with the MCILS for a more experienced attorney to serve as a second chair to assist the attorney of record with the termination of parental rights hearing.

## 8. Repealed.

9. **Law Court Appeals.** ~~In order to~~ be rostered for assignments to Law Court appeals in cases where trial counsel is not continuing on appeal, an attorney must:

A. Have provided representation to the conclusion of six cases. “Conclusion” means:

1) In criminal and juvenile cases, the entry of sentence or disposition either after plea or trial or the entry into a deferred disposition;

2) In child protective cases, the issuance of a jeopardy order or an order terminating parental rights;

B. Applicants who have provided representation in three or more appeals, including appeals to the Law Court and Rule 80B or Rule 80C appeals to the Superior Court, must submit copies of briefs that they have filed in the three appeals most closely pre-dating the date of their application for placement on the appellate roster~~;~~

C. Applicants who have not provided representation in three or more appeals must submit copies of any briefs that they have filed in an appeal, together with copies of a sufficient number of memoranda of law submitted to any court so that the submissions total three~~;~~

D. Submit a letter explaining the applicant’s interest in and qualifications for providing representation on appeals; including a description of the applicant’s experience with appeals, representative examples of issues raised on appeal, and a summary of the results of those appeals; and

E. If the applicant seeks a waiver, the applicant shall submit three letters of reference



from attorneys with whom the applicant does not practice asserting that the applicant is qualified to provide representation in appeal cases. The letters of reference must be submitted directly to the Executive Director, ~~or his or her designee,~~ by the author.

- F. Letters of reference shall be submitted upon the request of the Executive Director, ~~or his or her designee.~~
  - G. This rule is not applicable to cases ~~where-in which~~ trial counsel continues on appeal.
10. **Post-Conviction Review.** ~~The order to~~ be rostered for post-conviction review cases an attorney must:
- A. Have at least three years of criminal law experience;
  - B. Have previously qualified to be placed on the trial roster for the case type applicable to the conviction being challenged on post-conviction review;
  - C. Submit a letter explaining the applicant's interest in and qualifications for providing representation in post-conviction review cases, including a description of the applicant's criminal law experience generally and how that experience prepared the applicant to address the issues applicable to post-conviction review cases; and
  - D. If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the applicant is qualified to provide representation in post-conviction cases. The letters of reference must be submitted directly to the Executive Director, ~~or his or her designee,~~ by the author.
  - E. Letters of reference and writing samples shall also be submitted upon the request of the Executive Director, ~~or his or her designee.~~

11. Lawyer of the Day (LOD).

A. LOD Specialized Panels:

- 1) In-Custody. To be rostered for LOD for in-custody proceedings, an attorney must:
  - a. Submit a complete Application for LOD Assignments;
  - b. Complete the LOD Minimum Standards Training;
  - c. Be currently eligible to accept MCILS criminal case assignments, even if not actively accepting assignments;
  - d. Have previously been deemed eligible for OUI and domestic violence cases in accordance with Chapter 3 of the Commission Rules;
  - e. Complete three full in-custody LOD shadow sessions on three separate days. The eligible LOD(s) who were shadowed must verify in writing to MCILS that the applicant completed each shadow session; and

f. Certify that they have read, understand, and agree to comply with all MCILS standards of practice.

2) **Walk-In.** To be rostered for LOD for walk-in proceedings, an attorney must:

- a. Submit a complete Application for LOD Assignments;
- b. Complete the LOD Minimum Standards Training;
- c. Be currently eligible to accept MCILS criminal case assignments, even if not actively accepting assignments;
- d. Have previously been deemed eligible for OUI and domestic violence cases in accordance with Chapter 3 of the Commission Rules;
- e. Complete three full walk-in LOD shadow sessions on three separate days. The eligible LOD(s) who were shadowed must verify in writing to MCILS that the applicant completed each shadow session; and
- f. Certify that they have read, understand, and agree to comply with all MCILS standards of practice.

3) **Juvenile.** To be rostered for juvenile LOD proceedings, an attorney must:

- a. Submit a complete Application for LOD Assignments;
- b. Complete the LOD Minimum Standards Training prior to or within three months of being rostered for LOD assignments;
- c. Be currently eligible to accept MCILS juvenile case assignments, even if not actively accepting assignments;
- d. Have previously been deemed eligible for juvenile felony cases in accordance with Chapter 3 of the Commission Rules;
- e. Complete three full juvenile walk-in LOD shadow sessions on three separate days. The eligible LOD(s) who were shadowed must verify in writing that the applicant completed each shadow session;
- f. Complete three full juvenile in-custody LOD shadow sessions on three separate days. The eligible LOD(s) who were shadowed must verify in writing that the applicant completed each shadow session; and
- g. Certify that they have read, understand, and agree to comply with all MCILS LOD standards of practice.

## 12. MCILS Liaison.

A. To be eligible to serve as an MCILS Liaison, an attorney must:

- 1) Submit a complete MCILS Liaison application;
- 2) Be eligible to accept MCILS case assignments;
- 3) Have at least two years of experience practicing law;
- 4) Demonstrate a history of providing high quality legal services; and
- 5) Have experience practicing law in the jurisdiction in which counsel is seeking to serve as the MCILS Liaison.

### 13. Resource Counsel.

A. To be eligible to serve as Resource Counsel, an attorney must:

- 1) Submit a complete Resource Counsel application;
- 2) Have at least five years' experience actively practicing in the area of law for which counsel is seeking eligibility as Resource Counsel;
- 3) Be currently eligible to accept MCILS case assignments;
- 4) Demonstrate a history of providing high quality legal services;
- 5) Demonstrate exceptional litigation skills and experience;
- 6) Demonstrate high ethical standards; and
- 7) Have no substantiated MCILS assessments or investigations or Board of Overseers complaints within 1 year immediately preceding counsel's Resource Counsel application.

B. Counsel must reapply to serve as Resource Counsel on an annual basis. That application is due at the same time as the MCILS annual renewal.

C. Counsel serves as Resource Counsel at the discretion of the Executive Director. The Executive Director may terminate someone's eligibility to serve as Resource Counsel at any time, with or without cause.

4) —

### **SECTION 4. Waiver of Certain Eligibility Requirements**

1. An attorney who wishes to receive assignments for one or more of the ~~specialized case types~~ specialized panels listed above but who does not meet both requirements of: (1) years of practice experience; and (2) trial or litigation experience, may seek a waiver of either, but not both, requirements. An attorney seeking a waiver must provide the Executive Director, ~~or his or her designee,~~ with written information explaining the need for a waiver and the attorney's experience and qualifications to provide representation to the indigent people whose charges or litigation matters are covered by this rule.

2.

2.3. An attorney may apply for a conditional waiver if additional time is needed to meet CLE requirements.

4. The Executive Director, ~~or his or her designee,~~ may consider other litigation experience and, total years of practice, ~~and regional conditions and needs~~ in granting or denying a waiver to any particular attorney.

**SECTION 5. Overlapping Offenses.**

1. If a case involves multiple offenses which are categorized as specialty panels, counsel must be eligible for all specialty panels that are implicated to accept the case.

3-2. If an offense is categorized as multiple different specialty panels, the attorney must be eligible for all specialty panels implicated to accept the case.

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

EFFECTIVE DATE:  
July 8, 2011

AMENDED:  
June 10, 2016 – filing 2016-091

## MEMORANDUM: Complexity of Current Rostering Requirements

May 23, 2023

To: Maine Commission on Indigent Legal Services  
From: Donald G. Alexander

*DGA*

**Re: *Concerns about the complexity of rostering and anticipated MCILS supervision:***

MCILS presently has 16 different roster categories on which attorneys must qualify to accept MCILS case assignments. These roster categories were originally created when MCILS was began operations in 2010 and 2011. They have remained largely unchanged since that time, though, in the past decade, there have been major changes in criminal rules and case processing practices.

Because of the complexity of the original rostering requirements, some excellent attorneys, very experienced with criminal practice and trials, elected not to join the rosters, though they continued to represent privately retained clients, and, sometimes, accepted assignment of MCILS cases when requested by judges. After adoption, the complexity of the rostering requirements and very limited MCILS staff resulted in the rostering requirements being largely ignored in the case assignment process – a process then largely done at the individual courts by judges or court clerks who relied on their knowledge of each attorney’s perceived skill and experience to decide which cases to assign to that attorney. Often this process resulted in attorneys being assigned to cases less complex than the types of cases they were rostered to accept because they were the only, or one of the few, attorneys available to take a case at that particular court at that particular time.

Rostering requirements started to be more rigorously applied beginning about three years ago as MCILS was itself reformed to assure more review and accountability of the program it manages. MCILS has taken on more direct responsibility for assigning some attorneys to cases, and it began reviewing attorneys who, though competent, had been assigned to types of cases they were not rostered to take.

Some attorneys believe MCILS has become more rigorous in removing from cases attorneys who, though competent and qualified, were assigned to

cases for which they were not rostered. Presently, MCILS is attempting to address these concerns, working to qualify attorneys for rosters after case assignments. In addition, some of the rostering requirements are unduly complex. For example, jury trial experience requirements that are not reasonably attainable with today's dramatically reduced number of jury trials. Some attorneys are electing not to register or not renew their registration with these complex and in some cases unrealistic rostering requirements.

Some attorneys are also concerned with a proposal, not yet implemented, for MCILS staff to view attorneys' in court actions and meet with attorneys up to four times a year to review their cases and case strategies. This is a particular concern to experienced attorneys, with some indicating they may withdraw from MCILS work in anticipation of the proposed attorney supervision practices.

*Suggestions for Improvement:* The current complex rostering requirements should be simplified to no more than 6 separate rosters for trial court and related appellate work:

- A. child protective,
- B. juvenile,
- C. homicide,
- D. violence and drug felonies,
- E. property felonies, misdemeanor crimes of violence and OUIs ("crimes of violence" include all sex crimes), and
- F. "other" crimes (Title 17-A misdemeanors, Title 12 and Title 29-A non-violent crimes, and other non-violent crimes in the statutes).

Minimum eligibility requirements should be developed for each roster category. The MCILS roster qualification and attorney supervision requirements must recognize the realities of today's practice and that fact that over the years, many attorneys have represented clients in MCILS type cases very competently with not a great amount of prior in court experience. In fact, one way good attorneys gained valuable experience in the past was by taking cases in the proposed E & F categories above after they have had some training – which may have included law school clinical work. One cannot get that court experience, if, before you qualify, you must have already had that court experience.

Proposed training expectations and standards and a revised, simplified rostering plan are addressed below.

*Simplifying Rostering Requirements and Categories.* Newly admitted attorneys – and any other qualified attorneys – should be allowed to qualify for E & F criminal cases or A child protective cases if they (a) did litigation related clinical work or externships in law school or in-court litigation work in subsequent employment, and (b) have completed the annual training for criminal or child protective work. The annual training program should be scheduled to be held after the summer bar exam results are announced. The annual training programs, at least for A, E, and F cases, might be recorded so that attorneys seeking to qualify to take such MCILS cases at other times of the year can have the benefit of the training programs.

*Mentoring Assistance.* In addition, to qualify for rostering for and assignment of A (child protective cases) and E (property felonies, violent misdemeanors, OUI) an attorney without at least two years prior litigation experience would be required to have a designated mentor, with experience in the relevant case type, to assist and advise the new attorney for the first five cases assigned to that attorney. A designated mentor would be recommended and compensated, but not required, for new attorneys accepting category F case assignments. Alternatively, a new attorney accepting an assignment and associated with a firm could accept the assignment as co-counsel with another experienced attorney in the firm – a practice quite common in the past when new attorneys from firms were urged to gain experience by taking court appointed cases with oversight by another attorney at the firm.

Also relative to mentoring, the current prior jury trial experience prerequisites are difficult or impossible to meet today. Except for homicides, the prior jury trial experience prerequisites should be eliminated. Prior to the pandemic, except for homicides, less than 1 % of criminal cases went to a jury trial. If a jury trial is in prospect late in a proceeding, and an assigned attorney for any category of cases has little or no jury trial experience, another attorney with jury trial experience should join the representation as a mentor or co-counsel.

Attorneys with substantial criminal practice experience, including a specified number of jury trials, who MCILS recognizes to have substantial experience and a good reputation, should be invited to present at MCILS

training programs and to mentor new MCILS attorneys for: (1) strategy and planning for pretrial practice, including consideration of motions to suppress, and/or (2) strategy, preparation for, and conduct of jury and nonjury trials. A very experienced attorney could be a mentor or a trainer, even if not a rostered attorney.

*Specific Rosters.* Once an attorney demonstrates qualification for a roster, the attorney would not need to qualify again as long as the attorney maintains an active criminal practice or child protective practice, as appropriate.

*Recognition of Attorney Education, Law School Practical Experience, and Available Resource Materials:* In considering attorney qualifications to take MCILS cases, MCILS should assume that attorneys recently graduating from law school, passing the bar exam, and being admitted to the bar: 1) took and passed courses on constitutional law, criminal law and practice, civil procedure, and evidence; 2) drafted at least one appeal type brief and engaged in other legal research and writing exercises; and 3) took and passed a trial practice course, and/or engaged in a clinical program, or an externship, that provided experience in courtroom practice and advocacy before the court or another adjudicatory forum. The occasional applicant seeking assignment to MCILS cases right out of law school who does not meet any one of these law school experience assumptions would be required to engage in a prescribed training program to make up for the missing law school experience requirement.

MCILS should also assume, and attorneys seeking to take MCILS cases might be asked to acknowledge, that attorneys are aware of and have access to – directly or through a law library or online – the relatively current Maine litigation practice books including rules, advisory notes, and commentary, on 1) civil rules and practice, 2) criminal rules and practice, 3) appellate rules and practice, 4) jury trial practice, and 5) evidence. (The evidence book, Field & Murray, *Maine Evidence* (6<sup>th</sup> ed. 2007), is dated, but can be supplemented by review of the 2015 Order restyling the Maine Rules of Evidence with advisory notes and the later amendments to the Rules of Evidence that appear on the Maine Judicial Branch website.) Other practice books, legal publications, or law review articles specifically addressing Maine court practice are available to provide the necessary practice and research guidance for counsel. An extensive list of Maine practice books and other research materials for all aspects of law practice is available through the “Maine Practice Materials Guide” hyperlink on the Cleaves Law Library website.



*Annual Training for New Attorneys and All Attorneys:* During the week in the Fall when the courts take an administrative week to accommodate the annual prosecutors conference, MCILS, in cooperation with other bar organizations (and perhaps AG/DHHS for child protective proceedings) should plan an annual training program that would include training sessions on:

*For Criminal Cases:* 1. Initial client contact and communication, explanation of rights, discussion of expectations, obtaining and review of discovery; 2. Consideration of available early diversion programs; preparation for and participation in early resolution discussions; 3. Pretrial practice, suppression motions, dispositive motions, limitation of issues; 4. Approaches to plea and sentencing preparation and discussions (i) with the client; (ii) with the prosecutor; 5. Practice points for jury or nonjury trials; 6. New developments in law and practice since the last training program.

*For Child Protective Cases:* 1. Initial client contact and communication, confidentiality of proceedings, explanation of rights, discussion of expectations, obtaining and review of discovery; 2. Difficulties in dealing with parent/client, lack of cooperation, reluctance to participate or openly communicate, evaluation of client's risk of exposure to criminal charges, relations with other parent and counsel, access to child; 3. Working with other professionals in the community (social workers, health professionals, educators, GALs etc.) to support the parent and the child or children; 4. Preliminary proceedings, jeopardy hearings, role of GALs, placement of child – relatives or foster parents, family reunification efforts; 5. Termination of parental rights proceedings, practice for such hearings; 6. New developments in law and practice since the last training program.

The training should be conducted primarily by attorneys or judges with extensive experience in criminal law and practice or child protective law and practice. Most CLE or training programs conducted by the Board of Overseers, MTLA, MSBA, and other CLE providers in Maine are presented by attorneys very experienced in the area in which the CLE is offered. Most of the Maine attorneys make these presentations without cost to the organization; they do get annual CLE credit for their presentations.

## **Current M.R. Prof. Conduct 6.2:**

### 6.2 Accepting Appointments

A lawyer shall not seek to avoid appointment by a tribunal to represent a person except for good cause, such as:

- (a) representing the client is likely to result in violation of the Rules of Professional Conduct or other law;
- (b) representing the client is likely to result in an unreasonable financial burden on the lawyer; or
- (c) the client or the cause is so repugnant to the lawyer as to be likely to impair the client-lawyer relationship or the lawyer's ability to represent the client.

## **Proposed Amended M.R. Prof. Conduct 6.2:**

### 6.2 Representation of Indigent Clients with Right to Counsel

Attorneys and law firms should support the delivery of indigent legal services to individuals who have a right to counsel at public expense. Some attorneys fulfill this goal directly by taking court assignments through Maine's statutory framework for the delivery of indigent legal services. Other attorneys and law firms should, subject to their capacity to do so, allocate some resources to support the delivery of indigent legal services to individuals who have a right to counsel at public expense. Such resources include, for example, pro bono administrative support or confidential peer-to-peer consultation to counsel delivering these services. Attorneys practicing in the non-profit or the public sectors may be restricted from participating in this goal while thus employed. Failure to comply with this rule is not misconduct; this rule is not subject to disciplinary authority.