

MCILS

July 17, 2023

**Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

JULY 17, 2023
COMMISSION MEETING
AGENDA

- 1) Public Hearing for Chapters 301 and 301-A
- 2) Approval of the June 20, 2023 Commission Meeting Minutes
- 3) Report of the Executive Director
 - a. Operations report
 - b. Case staffing status report
 - c. Case management system RFP
- 4) Executive Session 1 MRSA §§405(6)(A) and (E) to discuss pending or contemplated litigation and a personnel matter
- 5) Budget Update / PD office location discussion
- 6) Rulemaking discussion
 - a. Chapter 301 – final adoption of hourly rate portion
 - b. Chapter 4 – caseload standards
 - c. Chapter 3 – specialized panels
- 7) Set Date, Time and Location of Next Regular Meeting of the Commission
- 8) Public Comment

**Maine Commission on Indigent Legal Services – Commissioners Meeting
June 20, 2023**

Minutes

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

MCILS Staff Present: Jim Billings, Ellie Maciag, Darcy Fisher, Chris Guillory

Agenda Item	Discussion/Outcome
Approval of the May 30 and June 12, 2023 Commission Meeting Minutes	Commissioner Cantara moved to approve May 30 and June 12, 2023 minutes. Commissioner Carey seconded. All voted in favor. Approved.
Report of the Executive Director	<p>Director Billings reported that there has been a rise in the cost of vouchers due to the increase of the hourly rate to \$150 and the decrease in remaining cases with the older hourly rates. Director Billings said that the number of actively rostered attorneys is 212; 165 of those are rostered for trial work, with that being split roughly half and half between criminal and PC cases.</p> <p>Director Billings explained that there was a medical emergency by a high-volume attorney in the Augusta area. The attorney had roughly 175-200 cases, the majority of which were criminal defense cases, with the remainder being PC cases. Director Billings explained that the attorney had 80 cases that were part of a backlog blitz that Kennebec County was having over three days. Deputy Director Maciag was able to find co-counsel for 55 of the 80 cases scheduled for the blitz docket, leaving only 25 cases for which the Court had to identify counsel. The strategy was to appoint the new attorneys as co-counsel, so they could get up to speed on the cases faster. Director Billings noted that there is an open line of communication with the indisposed attorney’s office to determine if and when they will be returning.</p> <p>Director Billings explained that MCILS continues to work with OIT regarding the RFP for a new case management system. The hope is that an RFP will be published this summer.</p>

Agenda Item	Discussion/Outcome
	<p>Director Billings indicated that Darcy Fisher has been working diligently to continue to put on trainings for rostered attorneys. Discussion ensued regarding Maine’s First Annual Indigent Defense Conference, which is a 5-day training set for October that is being hosted by MCILS and NACDL. Commissioner Alexander questioned the relevance of the information provided by national speakers to Maine attorneys and expressed concern that the training would last five days instead of two. Darcy provided a brief overview of the training. Darcy explained that the first two days will include speakers from NACDL’s Fourth Amendment Center, the third day is primarily Maine rostered attorneys, and the last two days will be presented by national speakers who will address issues that are relevant to practice in Maine. Commissioner Burbank mentioned that she attended a training co-hosted by MCILS and NACDL earlier this year and it was well-run. Commissioner Burbank said she has no question that the material in the conference will be relevant to Maine attorneys. Commissioner Alexander mentioned having additional PC trainings. Commissioner Burbank replied that there are PC trainings scheduled, including a half-day advanced PC training.</p>
<p>Discussion of Proposed Professional Conduct Rule 6.2</p>	<p>Director Billings explained that the Professional Responsibilities Rules Advisory Committee is seeking MCILS’ input on a proposed modification to Rule 6.2. The goal of the modified rule is to be more consistent with Maine practice and less draconian. Director Billings said that some members of the Bench put considerable pressure on attorneys and ultimately put attorneys in a difficult position by indicating that attorneys are volunteering their time.</p> <p>Discussion ensued regarding the current policy that is in place, and the process for how the Advisory Committee would go about suggesting changes to that policy. One Commissioner said that adding the call to do pro bono work while also acknowledging that failure to do so is not misconduct has the potential to increase the support of MCILS work. Commissioner Carey expressed that the language in the proposed rule about pro bono administrative support is ambiguous.</p>
<p>Executive Session</p>	<p>Commissioner Carey moved to go into executive session pursuant to 1 MRS § 405(6)(e). Commissioner Alexander seconded. All voted in favor.</p>
<p>Chapter 4 – Caseload Standards</p>	<p>A motion to table was made by Commissioner Burbank, Commissioner Cantara seconded. All voted in favor.</p>

Agenda Item	Discussion/Outcome
Chapter 2 – eligibility	<p>Director Billings spoke briefly about Chapter 2, explaining that the changes primarily give the Executive Director more discretion with regard to approving or denying eligibility to accept case assignments. The proposed rule also affords due process to attorneys who are suspended or removed. Director Billings stated that the draft rule also includes an enforcement mechanism if caseload standards are imposed, which makes an attorney automatically ineligible once they reach the caseload limit.</p> <p>Darcy addressed the draft proposed changes to Chapter 2. She provided a summary of the eligibility requirements and application process for case types that are not considered specialized. Darcy explained that a new section regarding technological literacy has been added, which focuses on technological skills that are necessary to practicing law. Darcy indicated that Chapter 2 also includes training requirements. Darcy highlighted that the 8 annual CLE hours MCILS requires is less than the 12 hours required by the Board of Overseers. Darcy pointed out that MCILS has already planned approximately 135 hours of CLEs so far this year. She also noted that attorneys are paid to attend Commission-sponsored trainings. There are many opportunities for attorneys to attend the required CLE trainings, and they also count towards the Board of Overseers requirements. Darcy addressed the annual renewal application for attorneys, noting that even with the few additions to the application, it is still roughly one page long and primarily check boxes. She pointed out that there is no requirement that attorneys requalify for specialized case types.</p> <p>Chapter 2 was tabled until the July 17, 2023 meeting to allow AAG Hudson-MacRae to review it.</p>
Chapter 3 - specialized panel	<p>Darcy provided an overview of Chapter 3, noting the different specialized case types (homicide, sex offense, serious violent felonies, domestic violence, OUI, juvenile, PC appeals, and PCR). Darcy explained that the Rule outlines what the panels are, which offenses they include, and the eligibility requirements for each. She noted that there were no changes to existing panel eligibility requirements, but there were minor changes made to the definitions. Darcy explained that modification to the existing language in each of the sections to account for changes to statutes and new statutes being added, reducing the need to modify the rule whenever there are new, removed, or changed statutes. The serious violent felony panel was renamed to “major felonies” to more accurately reflect the types of offenses that are included in the panel. There were new panels added to the proposed rule, including lawyer of the day, resource counsel, and MCILS liaison. Darcy acknowledged that a commissioner had questioned</p>

Agenda Item	Discussion/Outcome
	<p>the number of panels and perceived complexity of the eligibility requirements. Darcy asserted that there are good reasons for the panels and eligibility requirements.</p> <p>Chair Tardy explained that he would appoint a subcommittee to review the rule, as well as Commissioner Alexander’s proposal to streamline the rosters and specialized panels. Chair Tardy noted that the subcommittee would review the rule and provide an initial report at the July 17, 2023 meeting.</p>
Public Comment	<p>Robert Ruffner: Attorney Ruffner expressed concern that Rule 6.2 takes away from the State’s obligation to provide an attorney to people who are entitled to one. He noted that when it is brought up to the legislature it will be brought up that, “don’t the attorneys of Maine have an obligation to support these services?” He pointed out that there are currently not enough hours being donated by the whole Maine Bar to meet the needs of civil litigants. To expect the Bar to donate time to the State for these services, who has a budget in the billions, is similar to expecting the Bar to donate time to LL Bean or Bath Iron Works. He noted that if there were more volunteers than needed for the civil work, then it would make more sense to move forward with this request of the Bar. He expressed concern that this will allow the State to shift the responsibility to the Bar and reduce their obligations to fully fund MCILS. He also expressed that the tone of the rule feels a little insulting, noting that prosecutors have staff, insurance, and loan forgiveness, but MCILS work should just be charity work that the entire Bar has an obligation to perform.</p> <p>Benjamin Lees: Attorney Lees noted concern regarding the proposed eligibility requirements for lawyer of the day in the proposed Chapter 3. He said that he is concerned that the changes to the requirements would result in him and other attorneys not being eligible to serve as LOD.</p>
Adjournment of meeting	The next meeting will be held on July 17, 2023 at 1pm.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JIM BILLINGS, EXECUTIVE DIRECTOR
SUBJECT: OPERATIONS REPORTS
DATE: July 12, 2023

Attached you will find the June 2023, Operations Reports for your review and our discussion at the Commission meeting on July 17, 2023. A summary of the operations reports follows:

- 2,815 new cases were opened in the DefenderData system in June. This was a 19 case decrease from May. Year to date, new cases are down 3.1% from last year from 31,640 at this time last year to 30,656 this year.
- The number of vouchers submitted electronically in June was 3,394, a decrease of 40 vouchers from May, totaling \$3,197,054, an increase of \$185,655 from May. Year to date, the number of submitted vouchers is up by approximately 6.9%, from 33,075 at this time last year to 35,383 this year, with the total amount for submitted vouchers up approximately 28.9%, from \$18,724,203 at this time last year to \$24,151,040 this year.
- In June, we paid 2,989 electronic vouchers totaling \$2,674,279 representing a decrease of 320 vouchers and a decrease of \$265,317 compared to May. Year to date, the number of paid vouchers is up approximately 8.4%, from 31,808 at this time last year to 34,488 this year, and the total amount paid is up approximately 28.8%, from \$17,946,932 this time last year to \$23,131,908 this year.
- The average price per voucher in June was \$894.71 up \$6.35 per voucher from May. Year to date, the average price per voucher is up approximately 18.8%, from \$564.23 at this time last year to \$670.72 this year.
- Appeal and Post-Conviction Review had the highest average voucher in June. There were 31 vouchers exceeding \$5,000 paid in June. See attached addendum for details.
- In June, we issued 122 authorizations to expend funds: 62 for private investigators, 50 for experts, and 10 for miscellaneous services such as interpreters and transcriptionists. In June, we paid \$201,121 for experts and investigators, etc. No funds requests were denied.
- There were two attorney suspensions in June.
- In our All Other Account, the total expenses for the month of June were \$3,450,155. During June, approximately \$67,904 was devoted to the Commission's operating expenses.
- In the Personal Services Accounts, we had \$186,812 in expenses for the month of June.

- In the Revenue Account, we received no transfer of collected counsel fees from the Judicial Branch for May's collections.
- Exceptional results – see attached addendum.
- As of July 12, 2023, there are 207 rostered attorneys of which 156 are available for trial court level work.

Vouchers over \$5,000

Comment	Voucher Total	Case Total
Homicide	\$ 24,513.83	\$ 24,513.83
Gross Sexual Assault	\$ 21,909.42	\$ 21,909.42
Homicide	\$ 21,182.28	\$ 21,182.28
Homicide	\$ 20,067.96	\$ 20,067.96
Homicide	\$ 19,430.00	\$ 68,509.30
Elevated Aggravated Assault	\$ 16,577.00	\$ 16,577.00
Homicide	\$ 12,715.25	\$ 12,715.25
DV Aggravated Assault	\$ 10,487.00	\$ 10,487.00
Appeal - Termination of Parental Rights	\$ 8,790.00	\$ 8,790.00
Aggravated Trafficking	\$ 8,055.80	\$ 8,055.80
Gross Sexual Assault	\$ 7,806.04	\$ 9,629.74
Child Protection Petition	\$ 7,690.84	\$ 8,452.76
Aggravated Assault	\$ 7,597.20	\$ 7,597.20
Homicide	\$ 7,530.00	\$ 18,807.50
Domestic Violence Terrorizing	\$ 7,223.08	\$ 7,223.08
Homicide	\$ 6,885.50	\$ 6,962.78
Homicide	\$ 6,390.00	\$ 13,424.00
OUI	\$ 6,330.13	\$ 6,330.13
Child Protection Petition	\$ 6,196.90	\$ 6,196.90
PCR Homicide	\$ 6,091.00	\$ 6,091.00
PCR Homicide	\$ 6,061.60	\$ 21,878.30
Domestic Violence Assault	\$ 5,778.00	\$ 5,778.00
Child Protection Petition	\$ 5,556.00	\$ 19,544.00
Illegal Possession of a Firearm	\$ 5,522.60	\$ 5,522.60
Unlawful Trafficking	\$ 5,520.08	\$ 5,520.08
Child Protection Petition	\$ 5,418.00	\$ 19,544.00
Child Protection Petition	\$ 5,384.00	\$ 19,544.00
Aggravated Trafficking	\$ 5,380.52	\$ 5,380.52
Child Protection Petition	\$ 5,361.00	\$ 6,817.00
Termination of Parental Rights	\$ 5,359.00	\$ 14,587.00
Unauthorized Dissemination of Private Images	\$ 5,260.70	\$ 5,260.70

Good Outcomes

Review Date	Attorney	Charge	Disposition
6/1/2023	Wright, Andrew	Murder	Not Guilty after Trial
6/1/2023	Hutchinson, Benjamin	1 ct. Falsifying Physical Evidence, 1 ct. Agg. Criminal Mischief, 1 ct. Theft by Unauthorized Taking or Transfer (priors)	Dismissal
6/1/2023	Berner, Seth	DVA	DD GO = Dismissal
6/1/2023	Hutchinson, Benjamin	Criminal Mischief	Dismissal
6/2/2023	McIntosh, Jeremiah	Child Protection Petition	Dismissal
6/2/2023	Berner, Seth	1 ct. Unlawful Trafficking in Scheduled Drugs, 1 ct. Unlawful Possession of Cocaine Base	DD GO = Dismissal
6/2/2023	Berner, Seth	Child Protection Petition	Dismissal through PRR
6/2/2023	Yarmosh, Linda	Dissemination of Sexually Explicit Material	Dismissal
6/2/2023	Juskewitch, Steven	Viol. Condition of Release	Not Guilty After Trial
6/2/2023	Everett, Benjamin	Unlawful Trafficking in Scheduled Drugs	Dismissal
6/6/2023	Bart, William	1 ct. DV Terrorizing, 1 ct. DV Criminal Threatening	Not Guilty after Jury Trial
6/7/2023	Bart, William	DVA	Dismissal
6/7/2023	Smith, Caitlyn	Aggravated Assault	Dismissal
6/8/2023	Fowler, Benjamin	1 ct. Operating After Habitual Offender Revocation, 1 ct. Operating After Habitual Offender Revocation (1 prior)	Criminal complaint dismissed in exchange for admission to a civil violation.
6/8/2023	Cohen, Jennifer	1 ct. DVA, 1 ct. Obstructing the Report of a Crime	Dismissal
6/8/2023	Rohde, Jennifer	2 cts. Criminal Trespass, 2 cts. VCR	Dismissal
6/8/2023	French, Justin	Child Protection Petition	Dismissal through PRR
6/8/2023	Brown, Earl	Child Protection Petition	Dismissal through PRR
6/8/2023	Tisdale, Stuart	1 ct. Aggravated Trafficking of Scheduled Drugs, 1 ct. Unlawful Trafficking in Scheduled Drugs, 1 ct. VCR	Dismissal
6/8/2023	Bart, William	1 ct. DVA, 1 ct. VCR, 1 ct. Assault	Dismissal
6/8/2023	LeBrasseur, Robert	2 cts. Theft by Unauthorized Taking or Transfer	Dismissal
6/9/2023	Emerson, Andrew	2 ct. Unlawful Poss.	Dismissal
6/9/2023	Morgan, Matthew	OUI	Dismissal After Motion to Suppress Granted
6/15/2023	Allen, Melanie	Child Protection Petition	Dismissal

Good Outcomes

6/15/2023	Harrow, Seth	Violation of Privacy	Not Guilty After Trial
6/15/2023	Allen, Melanie	Child Protection Petition	Dismissal
6/15/2023	Kilgore, Taylor	Child Protection Petition	Dismissal through PRR and Guardianship
6/15/2023	Fowler, Nick	Child Protection Petition	Dismissal
6/16/2023	Foster, Matthew	Child Protection Petition	Dismissal
6/16/2023	Bristol, Erika	Child Protection Petition	Dismissal
6/16/2023	Chester, Edwin	JV UST, USC, Terrorizing	Filing
6/20/2023	Bate, David	Agg. Criminal Mischief	Dismissal
6/21/2023	Donahue, Temma	Criminal Trespass	Dismissal through Deferred Disposition
6/21/2023	Handelman, Jonathan	Violating Protection from Abuse Order	Dismissal through Deferred Disposition
6/21/2023	Yamartino, Gina	Assault	Dismissal
6/21/2023	Brown, Earl	Child Protection Petition	Dismissal
6/21/2023	Pratt, Jeremy	Dissemination of Sexually Explicit Material	Dismissal
6/21/2023	Avantaggio, William	OUI (No Test)	Dismissal with Suppression Motion
6/21/2023	Corbett, Dawn	Child Protection Petition	Dismissal
6/21/2023	Crocker, Erik	1 ct. OAR (OUI), 1 ct. OAR	Dismissal through Deferred Disposition
6/21/2023	Feagans, Deborah	Operating Vehicle without License	Dismissal
6/27/2023	Bos, C. Peter	Child Protection Petition	Dismissal through PRR
6/27/2023	Hewes, James	Child Protection Petition	Dismissal
6/27/2023	Madison, Lynn	2 cts. Assault	Dismissal
6/27/2023	Berrymont, Christopher	1 ct. DVA, 1 ct. Agg Assault	Dismissal
6/27/2023	Derstine, Tucker	Assault	Dismissal
6/28/2023	Dawson, Andrew	OUI (No Test)	Dismissal

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

6/30/2023

DefenderData Case Type	Jun-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	11	19	\$53,251.55	14	\$ 39,020.43	\$2,787.17	144	204	\$ 406,949.12	\$1,994.85
Central Office Resource Counsel	2	4	\$10,982.50	2	\$ 2,992.50	\$1,496.25	9	5	\$ 7,650.00	\$1,530.00
Child Protection Petition	188	390	\$470,105.59	320	\$ 377,750.13	\$1,180.47	2,212	3,731	\$ 3,266,413.75	\$875.48
Drug Court	6	16	\$42,972.98	11	\$ 21,350.48	\$1,940.95	36	153	\$ 272,446.73	\$1,780.70
Emancipation	8	7	\$4,054.38	6	\$ 4,181.40	\$696.90	83	53	\$ 29,154.79	\$550.09
Felony	716	778	\$1,061,613.55	685	\$ 913,311.58	\$1,333.30	7,272	7,795	\$ 7,597,316.48	\$974.64
Involuntary Civil Commitment	103	106	\$56,146.20	95	\$ 47,142.50	\$496.24	1,168	1,045	\$ 365,899.06	\$350.14
Juvenile	53	76	\$85,833.51	72	\$ 71,289.63	\$990.13	807	899	\$ 712,578.92	\$792.64
Lawyer of the Day - Custody	243	236	\$149,349.04	230	\$ 145,601.66	\$633.05	2,932	2,828	\$ 1,189,181.20	\$420.50
Lawyer of the Day - Juvenile	16	22	\$11,285.32	16	\$ 8,932.06	\$558.25	250	244	\$ 89,061.05	\$365.00
Lawyer of the Day - Walk-in	140	137	\$96,719.10	118	\$ 82,927.56	\$702.78	1,807	1,743	\$ 765,922.65	\$439.43
MCILS Provided Training	104	91	\$16,328.00	100	\$ 26,341.77	\$263.42	487	370	\$ 225,301.28	\$608.92
Misdemeanor	993	1,123	\$712,703.70	1,019	\$ 649,090.45	\$636.99	11,137	11,447	\$ 5,102,551.16	\$445.75
Petition, Modified Release Treatment	3	11	\$6,770.10	10	\$ 5,369.10	\$536.91	14	56	\$ 46,169.09	\$824.45
Petition, Release or Discharge	0	2	\$1,059.05	2	\$ 1,059.05	\$529.53	1	16	\$ 16,161.55	\$1,010.10
Petition, Termination of Parental Rights	27	58	\$97,728.81	50	\$ 64,607.70	\$1,292.15	301	723	\$ 781,650.38	\$1,081.12
Post Conviction Review	1	4	\$18,214.66	4	\$ 14,057.10	\$3,514.28	52	68	\$ 189,978.28	\$2,793.80
Probate	2	4	\$5,971.00	2	\$ 3,164.00	\$1,582.00	30	40	\$ 43,742.03	\$1,093.55
Probation Violation	138	156	\$107,938.15	107	\$ 70,508.04	\$658.95	1,313	1,276	\$ 698,403.48	\$547.34
Represent Witness on 5th Amendment	2	3	\$3,090.76	5	\$ 4,485.76	\$897.15	24	22	\$ 15,730.56	\$715.03
Resource Counsel Criminal	1	2	\$1,080.00	3	\$ 1,035.00	\$345.00	11	37	\$ 12,825.00	\$346.62
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	3	\$12,859.50	0			2	10	\$ 39,509.79	\$3,950.98
Review of Child Protection Order	58	145	\$170,292.02	117	\$ 119,356.25	\$1,020.14	556	1,710	\$ 1,254,078.06	\$733.38
Revocation of Administrative Release	0	1	\$705.00	1	\$ 705.00	\$705.00	8	11	\$ 3,121.75	\$283.80
DefenderData Sub-Total	2,815	3,394	\$3,197,054.47	2,989	\$2,674,279.15	\$894.71	30,656	34,488	\$23,131,908.16	\$670.72
TOTAL	2,815	3,394	\$3,197,054.47	2,989	\$2,674,279.15	\$ 894.71	30,656	34,488	\$ 23,131,908.16	\$ 670.72

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

6/30/2023

Court	Jun-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	3	3	\$1,776.00	1	\$ 770.47	\$770.47	17	26	\$ 24,668.27	\$948.78
AUBSC	2	3	\$1,286.00	3	\$ 1,286.00	\$428.67	7	15	\$ 11,045.00	\$736.33
AUGDC	52	53	\$73,963.05	43	\$ 51,756.76	\$1,203.65	484	608	\$ 552,192.47	\$908.21
AUGSC	4	12	\$6,493.15	13	\$ 6,206.15	\$477.40	20	73	\$ 62,857.14	\$861.06
BANDC	69	101	\$72,923.66	76	\$ 53,499.95	\$703.95	627	1,003	\$ 555,623.13	\$553.96
BANSC	0	1	\$315.00	1	\$ 315.00	\$315.00	10	4	\$ 1,291.00	\$322.75
BATSC	0	1	\$120.00	1	\$ 120.00	\$120.00	4	6	\$ 2,229.00	\$371.50
BELDC	7	23	\$31,995.91	26	\$ 32,759.65	\$1,259.99	134	189	\$ 144,050.76	\$762.17
BELSC	0	0		0			4	3	\$ 5,083.02	\$1,694.34
BIDDC	39	39	\$36,259.55	54	\$ 45,092.55	\$835.05	417	554	\$ 384,680.09	\$694.37
BRIDC	9	12	\$18,077.59	13	\$ 18,239.87	\$1,403.07	94	140	\$ 98,118.05	\$700.84
CALDC	1	5	\$5,186.50	2	\$ 2,807.50	\$1,403.75	29	47	\$ 39,325.56	\$836.71
CARDC	15	30	\$35,143.20	14	\$ 20,086.20	\$1,434.73	74	181	\$ 148,335.93	\$819.54
CARSC	0	1	\$2,970.00	1	\$ 1,020.00	\$1,020.00	4	2	\$ 1,466.00	\$733.00
DOVDC	8	12	\$13,957.39	6	\$ 9,692.27	\$1,615.38	48	95	\$ 73,659.43	\$775.36
DOVSC	0	0		0			0	0		
ELLDC	15	31	\$38,434.09	41	\$ 45,031.96	\$1,098.34	203	374	\$ 325,373.29	\$869.98
ELLSC	0	0		0			1	3	\$ 1,952.00	\$650.67
FARDC	7	17	\$18,266.40	11	\$ 12,556.08	\$1,141.46	143	196	\$ 158,211.32	\$807.20
FARSC	0	0		0			2	1	\$ 800.00	\$800.00
FORDC	7	19	\$22,867.16	15	\$ 15,729.50	\$1,048.63	53	110	\$ 101,733.49	\$924.85
HOUDC	7	11	\$11,272.50	10	\$ 4,379.50	\$437.95	102	234	\$ 165,490.09	\$707.22
HOUSC	0	0		0			2	1	\$ 1,396.00	\$1,396.00
LEWDC	62	109	\$107,235.94	86	\$ 79,545.30	\$924.95	644	1,018	\$ 767,310.51	\$753.74
LINDC	7	7	\$7,777.72	6	\$ 7,123.12	\$1,187.19	78	136	\$ 87,239.25	\$641.47
MACDC	0	1	\$1,136.00	2	\$ 2,348.26	\$1,174.13	18	36	\$ 34,087.62	\$946.88
MACSC	0	0		0			1	2	\$ 4,945.00	\$2,472.50
MADDC	1	0		0			8	5	\$ 2,228.50	\$445.70
MILDC	1	2	\$1,530.00	1	\$ 285.00	\$285.00	27	45	\$ 19,107.55	\$424.61
NEWDC	6	13	\$7,907.50	9	\$ 8,721.04	\$969.00	113	194	\$ 126,749.09	\$653.35
PORDC	57	96	\$113,574.01	75	\$ 67,961.48	\$906.15	794	993	\$ 786,199.62	\$791.74
PORSC	2	0		1	\$ 282.00	\$282.00	10	9	\$ 2,782.00	\$309.11
PREDC	11	34	\$44,476.16	16	\$ 24,244.02	\$1,515.25	105	194	\$ 180,484.80	\$930.33
RODC	8	18	\$20,132.54	18	\$ 21,649.13	\$1,202.73	157	153	\$ 105,076.72	\$686.78
ROSC	2	2	\$735.00	2	\$ 735.00	\$367.50	22	18	\$ 4,639.00	\$257.72
RUMDC	14	30	\$41,476.96	25	\$ 34,423.96	\$1,376.96	166	276	\$ 270,131.10	\$978.74
SKODC	35	57	\$62,049.67	50	\$ 45,211.15	\$904.22	449	664	\$ 523,504.66	\$788.41
SKOSC	0	1	\$3,297.00	0			4	4	\$ 14,317.60	\$3,579.40
SOUDC	1	17	\$45,368.12	15	\$ 28,770.00	\$1,918.00	125	203	\$ 192,351.45	\$947.54
SOUSC	1	0		0			3	1	\$ 360.00	\$360.00
SPRDC	10	28	\$32,693.25	23	\$ 38,677.12	\$1,681.61	196	346	\$ 295,679.39	\$854.56
Law Ct	9	15	\$38,774.02	11	\$ 26,316.90	\$2,392.45	112	144	\$ 281,180.51	\$1,952.64
Training	102	93	\$31,557.00	97	\$ 26,774.60	\$276.03	480	374	\$ 267,270.40	\$714.63
YORCD	303	364	\$340,166.35	327	\$ 330,795.11	\$1,011.61	3,517	3,922	\$ 2,711,493.35	\$691.35
AROCD	214	161	\$155,793.08	127	\$ 121,585.40	\$957.37	2,140	2,078	\$ 1,278,954.95	\$615.47
ANDCD	259	296	\$235,545.72	341	\$ 257,870.64	\$756.22	2,362	2,434	\$ 1,520,393.22	\$624.65
KENCD	240	270	\$220,732.99	176	\$ 196,675.56	\$1,117.47	2,227	2,177	\$ 1,403,764.39	\$644.82
PENCD	269	293	\$237,609.12	227	\$ 196,603.22	\$866.09	3,144	3,311	\$ 1,805,650.57	\$545.35
SAGCD	41	62	\$69,493.50	38	\$ 49,161.14	\$1,293.71	498	427	\$ 253,231.84	\$593.05
WALCD	69	45	\$45,831.36	48	\$ 47,757.66	\$994.95	707	639	\$ 489,164.11	\$765.52
PISCD	15	27	\$15,579.25	21	\$ 15,190.21	\$723.34	218	217	\$ 121,536.75	\$560.08
HANCD	71	50	\$63,374.00	51	\$ 40,196.19	\$788.16	860	769	\$ 463,735.58	\$603.04
FRACD	52	67	\$37,325.26	62	\$ 26,797.00	\$432.21	516	448	\$ 219,404.23	\$489.74
WASCD	60	78	\$147,532.17	58	\$ 71,199.89	\$1,227.58	510	521	\$ 440,102.39	\$844.73
CUMCD	318	378	\$351,816.71	325	\$ 294,086.15	\$904.88	4,079	4,617	\$ 3,101,793.94	\$671.82
KN OCD	51	57	\$53,946.72	66	\$ 54,036.60	\$818.74	755	646	\$ 437,687.18	\$677.53
SOMCD	85	89	\$58,629.18	59	\$ 43,316.40	\$734.18	1,002	1,042	\$ 536,038.05	\$514.43
OXFCD	107	135	\$93,854.81	178	\$ 98,828.95	\$555.22	1,095	1,228	\$ 612,558.75	\$498.83
LINCD	48	47	\$35,583.72	57	\$ 40,637.64	\$712.94	451	436	\$ 246,587.50	\$565.57
WATDC	19	41	\$45,575.69	33	\$ 35,261.94	\$1,068.54	271	464	\$ 321,058.07	\$691.94
WESDC	16	30	\$24,178.24	19	\$ 14,509.36	\$763.65	208	271	\$ 190,385.84	\$702.53
WISDC	2	6	\$11,738.56	6	\$ 3,298.60	\$549.77	52	85	\$ 85,241.37	\$1,002.84
WISSC	1	0		0			1	3	\$ 1,784.00	\$594.67
YORDC	1	1	\$1,720.00	2	\$ 2,054.00	\$1,027.00	48	71	\$ 64,065.79	\$902.34
TOTAL	2,815	3,394	\$3,197,054.47	2,989	\$2,674,279.15	\$894.71	30,655	34,488	\$ 23,131,908.16	\$670.72

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY23 FUND ACCOUNTING

AS OF 06/30/2023

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
FY22 CTB Balance Carry Forward & closed battery DO		\$ -		\$ -		\$ -		\$ (86,125.54)	
Total Budget Allotments		\$ 5,999,977.54		\$ 3,287,495.00		\$ 3,199,198.00		\$ 4,078,938.46	\$ 16,651,734.60
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	\$ (3,450,155.34)	
Counsel fees transferred to OSR account		\$ -		\$ -		\$ -		\$ 2,622,678.58	
Counsel fees COVID related to ARPA funds		\$ -		\$ -		\$ -		\$ 2,569,392.00	
Encumbrances (Justice Works)		\$ -		\$ (58,722.00)		\$ 21,519.00		\$ (71,487.00)	\$ (108,690.00)
Encumbrances (B Taylor)		\$ (13,260.00)		\$ 13,260.00		\$ (39,780.00)		\$ 13,260.00	\$ (26,520.00)
Encumbrances (CTB for non attorney expenses)		\$ (1,150,139.32)		\$ 266,906.59		\$ 208,167.30		\$ 423,415.20	\$ (251,650.23)
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		\$ -	\$ -
Encumbrance (Legal Case Management Accelerator User assistance)		\$ -		\$ -		\$ -		\$ (5,550.00)	\$ (5,550.00)
Encumbrance (Justin Andrus contract for temp services)		\$ -		\$ -		\$ -		\$ (138,172.10)	\$ (138,172.10)
Online Legal Research Services		\$ -		\$ (80,250.00)		\$ 9,981.24		\$ 13,308.32	\$ (56,960.44)
FY22 CTB Balance Carry Forward		\$ (86,108.40)		\$ -		\$ -		\$ 86,108.40	\$ -
TOTAL REMAINING		\$ 0.30		\$ 0.21		\$ 0.20		\$ 1,169,481.70	\$ 1,169,482.41

Q4 Month 12	
INDIGENT LEGAL SERVICES	
Counsel Payments	\$ (3,181,129.49)
Interpreters	\$ (14,128.82)
Private Investigators	\$ (29,109.63)
Mental Health Expert	\$ (42,410.42)
Misc Prof Fees & Serv	\$ (2,056.75)
Transcripts	\$ (21,037.94)
Other Expert	\$ (90,729.44)
Subpoena witness	\$ -
Process Servers	\$ (1,648.73)
SUB-TOTAL ILS	\$ (3,382,251.22)
OPERATING EXPENSES	
Service Center	\$ -
Barbara Taylor monthly fees	\$ (8,840.00)
OIT/TELCO	\$ (16,619.79)
Mileage/Tolls/Parking	\$ (4,618.30)
Mailing/Postage/Freight	\$ (310.55)
West Publishing Corp	\$ (3,581.32)
Office Equipment Rental	\$ (118.48)
Office Supplies/Equip.	\$ (291.09)
Cellular Phones	\$ (1,243.34)
Books	\$ (1,739.95)
Lodging & meals	\$ (980.59)
Justin Andrus contract payments	\$ (15,227.90)
Central fleet vehicle lease	\$ (616.46)
Legal ads	\$ (1,801.15)
Dues	\$ (50.00)

INDIGENT LEGAL SERVICES	
Q4 Allotment	\$ 4,078,938.46
Encumbrances for Justice Works contract	\$ (71,487.00)
Barbara Taylor Contract	\$ 13,260.00
CTB Encumbrance for non attorney expenses	\$ 423,415.20
CTB Encumbrance for non attorney expenses increase	\$ -
FY22 CTB Balance Carry Forward & closed battery DO	\$ 86,125.54
Encumbrance for Justin Andrus contract for temp services	\$ (138,172.10)
Legal Case Management Accelerator User Assistance	\$ (5,550.00)
Online Legal Research Services	\$ 13,308.32
Counsel fees to be transferred to OSR account	\$ 2,622,678.58
Counsel fees COVID related to ARPA funds	\$ 2,569,392.00
Expenses to date	\$ (8,422,427.30)
Remaining Q4 Allotment	\$ 1,169,481.70

Non-Counsel Indigent Legal Services	
Monthly Total	\$ (201,121.73)
Total Q1	\$ 249,860.68
Total Q2	\$ 266,906.59
Total Q3	\$ 211,667.30
Total Q4	\$ 423,415.20
Fiscal Year Total	\$ 1,151,849.77

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY23 FUND ACCOUNTING
AS OF 06/30/2023

Registration fees	\$	(400.00)
Tuition for CLEs	\$	(2,700.00)
Business cards	\$	(244.00)
Justice Works	\$	(8,460.00)
Transcript on procurement card	\$	(61.20)
SUB-TOTAL OE	\$	(67,904.12)
TOTAL	\$	(3,450,155.34)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY23 FUND ACCOUNTING
AS OF 06/30/2023

Account 010 95F Z112 01 (Personal Services)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY23 Total
FY23 Allotment		\$ 285,269.00		\$ 263,599.00		\$ 285,269.00		\$ 115,478.00	\$ 949,615.00
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ 71,107.00		\$ 213,321.00		\$ 213,321.00		\$ 206,733.00	\$ 704,482.00
Carry forward Q1, Q2 & Q3 Allotment		\$ (128,001.00)		\$ (71,999.00)		\$ -		\$ 200,000.00	
Total Budget Allotments		\$ 228,375.00		\$ 404,921.00		\$ 498,590.00		\$ 522,211.00	\$ 1,654,097.00
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	\$ (135,070.44)	
TOTAL REMAINING		\$ 0.80		\$ 185,563.49		\$ 100,237.44		\$ 160,923.84	\$ 446,725.57

Q4 Month 12	
Retro lump sum pymt	\$ (1,760.40)
Permanent Regular	\$ (26,130.18)
Perm Vacation Pay	\$ (853.64)
Perm Holiday Pay	\$ (1,241.12)
Sick Pay	\$ (362.24)
Employee hlth svcs/workers comp	\$ (166.00)
Health Insurance	\$ (13,921.69)
Dental Insurance	\$ (379.60)
Employer Retiree Health	\$ (7,964.91)
Employer Retirement	\$ (5,064.71)
Employer Group Life	\$ (819.00)
Employer Medicare	\$ (1,246.38)
Retiree Unfunded Liability	\$ (16,215.55)
Longevity Pay	\$ (112.00)
Lim Perm Part Time Full Ben	\$ (4,080.75)
Limited Period Regular	\$ (39,898.91)
Limited Per Vacation Pay	\$ (11,366.22)
Limited Per Holiday Pay	\$ (2,473.12)
Limit Per Sick Pay	\$ (1,014.02)
TOTAL	\$ (135,070.44)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY23

FUND ACCOUNTING

AS OF 06/30/2023

Account 014 95F Z112 01 (OSR Personal Services Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY23 Total
FY23 Allotment		\$ 211,632.00		\$ 194,116.00		\$ 211,632.00		\$ 105,856.00	\$ 723,236.00
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Carry Forward Q1 & Q3 Allotment		\$ (60,414.00)		\$ (14,586.00)		\$ -		\$ 75,000.00	
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 151,218.00		\$ 179,530.00		\$ 211,632.00		\$ 180,856.00	\$ 723,236.00
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	\$ (51,742.42)	
TOTAL REMAINING		\$ 0.10		\$ 44,349.86		\$ 39,444.53		\$ 19,154.40	\$ 102,948.89

Q4 Month 12 PERMANENT	
Per Diem	\$ -
Permanent Regular	\$ (21,073.44)
Perm Vacation Pay	\$ (2,251.60)
Perm Holiday Pay	\$ (1,282.24)
Perm Sick Pay	\$ (1,037.52)
Health Insurance	\$ (6,913.98)
Dental Insurance	\$ (146.00)
Employer Retiree Health	\$ (2,902.36)
Employer Retirement	\$ (2,558.50)
Employer Group Life	\$ (330.96)
Employer Medicare	\$ (444.20)
Retiree Unfunded Liability	\$ (5,908.82)
Longevity Pay	\$ -
Perm Part Time Full Ben	\$ -
Retro Pay Contract	\$ -
Retro Lump Sum Pymt	\$ -
Limited Period Regular	\$ (6,375.84)
Limit Per Holiday Pay	\$ (344.64)
Limit Per Vacation Pay	\$ -
Limit Per Sick Pay	\$ (172.32)
TOTAL	\$ (51,742.42)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY23 FUND ACCOUNTING

As of 06/30/2023

Account 014 95F Z112 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY23 Total
Original Total Budget Allotments		\$ 3,221,844.00		\$ 2,147,897.00		\$ 2,147,896.00		\$ 2,147,896.00	\$ 9,665,533.00
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	\$ -
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ 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
Total Budget Allotments		\$ 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	12	\$ 1,220.00	
Collected for reimbursement of counsel fees		\$ -		\$ 648.00		\$ -		\$ -	
Refund to KENCDC for bail to be applied to fines		\$ -		\$ -		\$ -		\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 69,494.50		\$ 94,773.59		\$ 35,163.04		\$ 3,433.40	\$ 202,864.53
Counsel Payments	1	\$ -	4	\$ -	7	\$ (106,827.70)	10	\$ (227,004.61)	
Other Expenses		\$ -		\$ -		\$ -	***	\$ -	
Counsel Payments	2	\$ -	5	\$ (275,019.12)	8	\$ -	11	\$ -	
		\$ -		\$ -	9	\$ -		\$ -	
Eligible COVID expenses from ARPA funding		\$ -		\$ -	9	\$ -	12	\$ 1,430,608.00	
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 & 12	*	\$ -	**	\$ -	***	\$ (8,280.50)		\$ (10,151.57)	
REMAINING ALLOTMENT		\$ 0.36		\$ 0.59		\$ 0.35		\$ 12,463,040.82	\$ 12,463,042.12
Overpayment Reimbursements	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
	3	\$ -	6	\$ -	9	\$ (164.00)	12	\$ (2,668.00)	
REMAINING CASH Year to Date		\$ (528,409.14)		\$ (2,083,601.82)		\$ (2,215,227.61)		\$ 1,194,217.22	\$ (3,633,021.35)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY23

FUND ACCOUNTING

AS OF 06/30/2023

Account 014 95F Z112 01 (ARPA Account)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY23 Total
FY23 Allotment		\$ -		\$ -		\$ -		\$ 4,000,000.00	\$ 4,000,000.00
Carry Forward		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ -		\$ -		\$ -		\$ 4,000,000.00	\$ 4,000,000.00
	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Transfer to general fund	2	\$ -	5	\$ -	8	\$ -	12	\$ (2,569,392.00)	
Transfer to revenue	3	\$ -	6	\$ -	9	\$ -	12	\$ (1,430,608.00)	
TOTAL REMAINING		\$ -		\$ -		\$ -		\$ -	\$ -

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY23

FUND ACCOUNTING

AS OF 06/30/2023

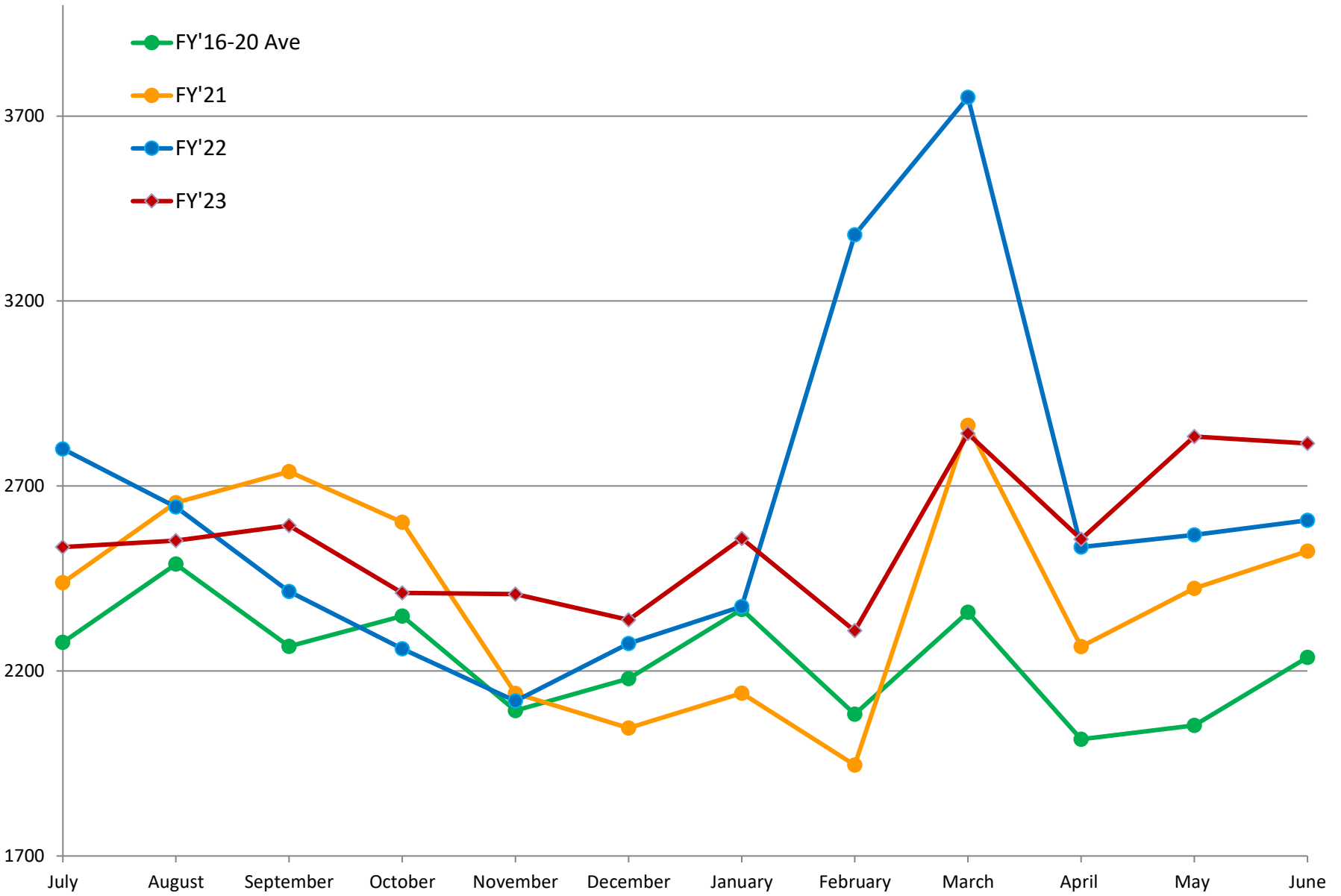
Account 014 95F Z112 02 (Conference Account)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY23 Total
FY23 Allotment		\$ -		\$ -		\$ -		\$ 57,000.00	\$ 57,000.00
Carry Forward		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Total Budget Allotments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

Q4 Month 12	
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
TOTAL	\$ -

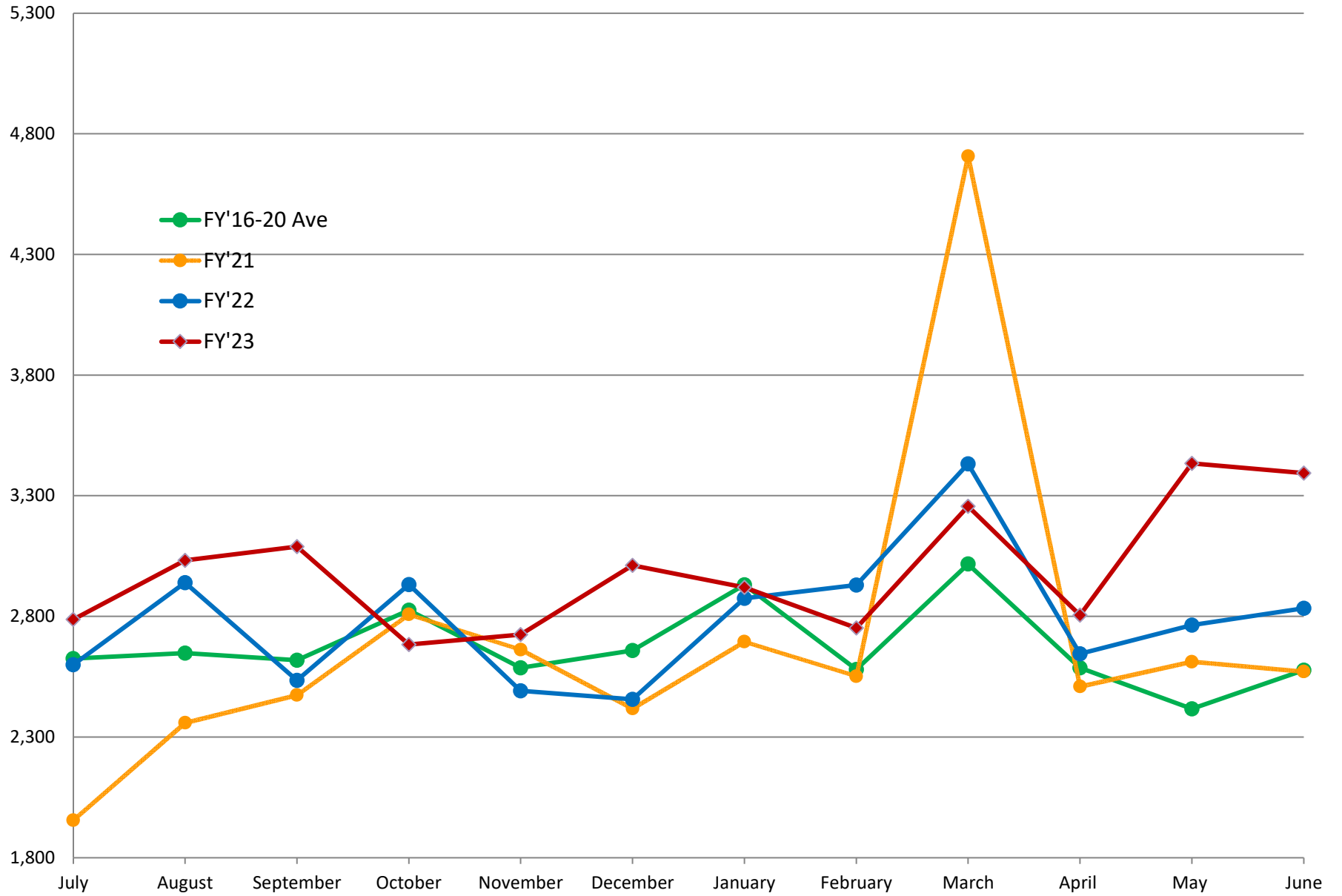
MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY23 FUND ACCOUNTING
AS OF 06/30/2023

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

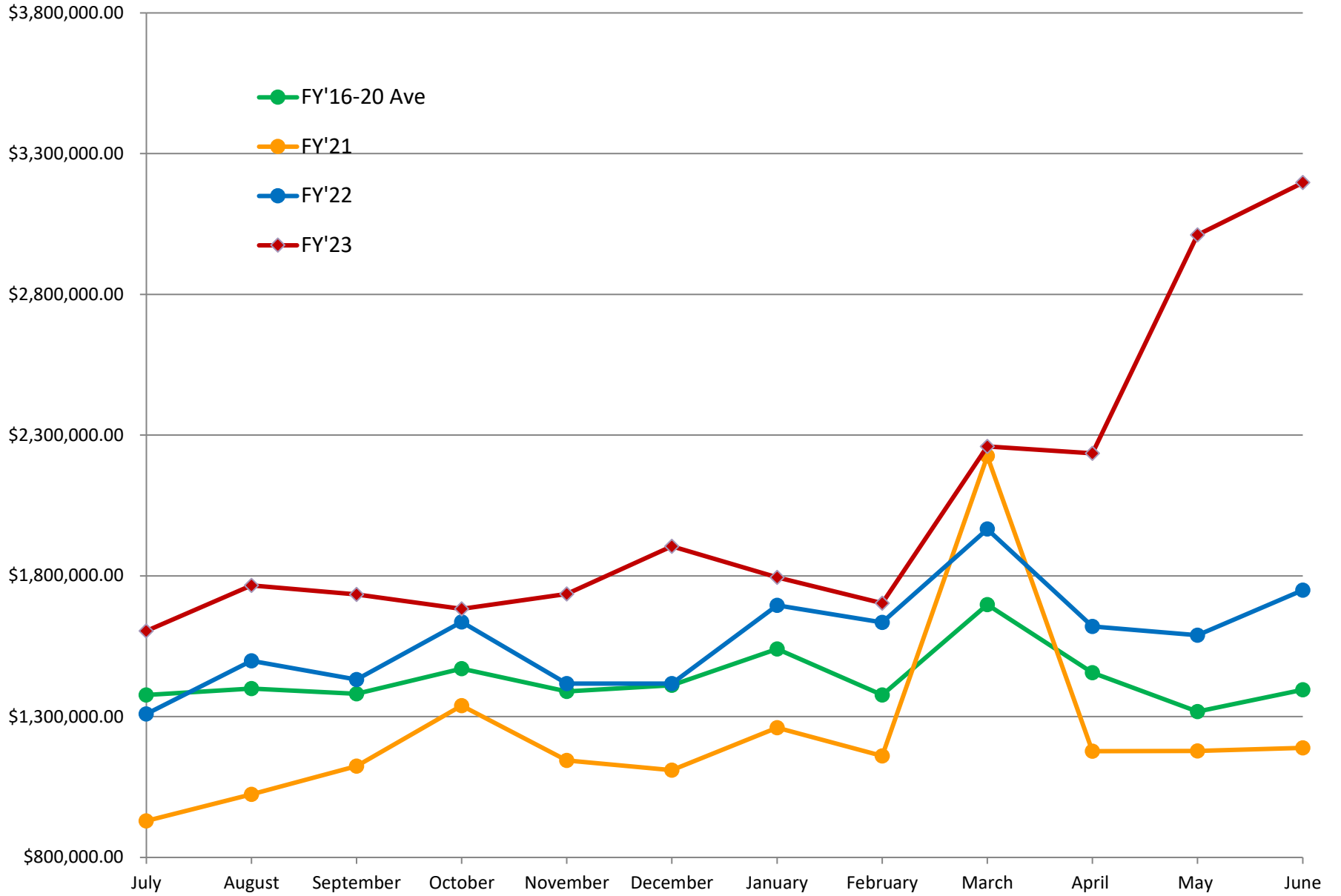
NEW CASES



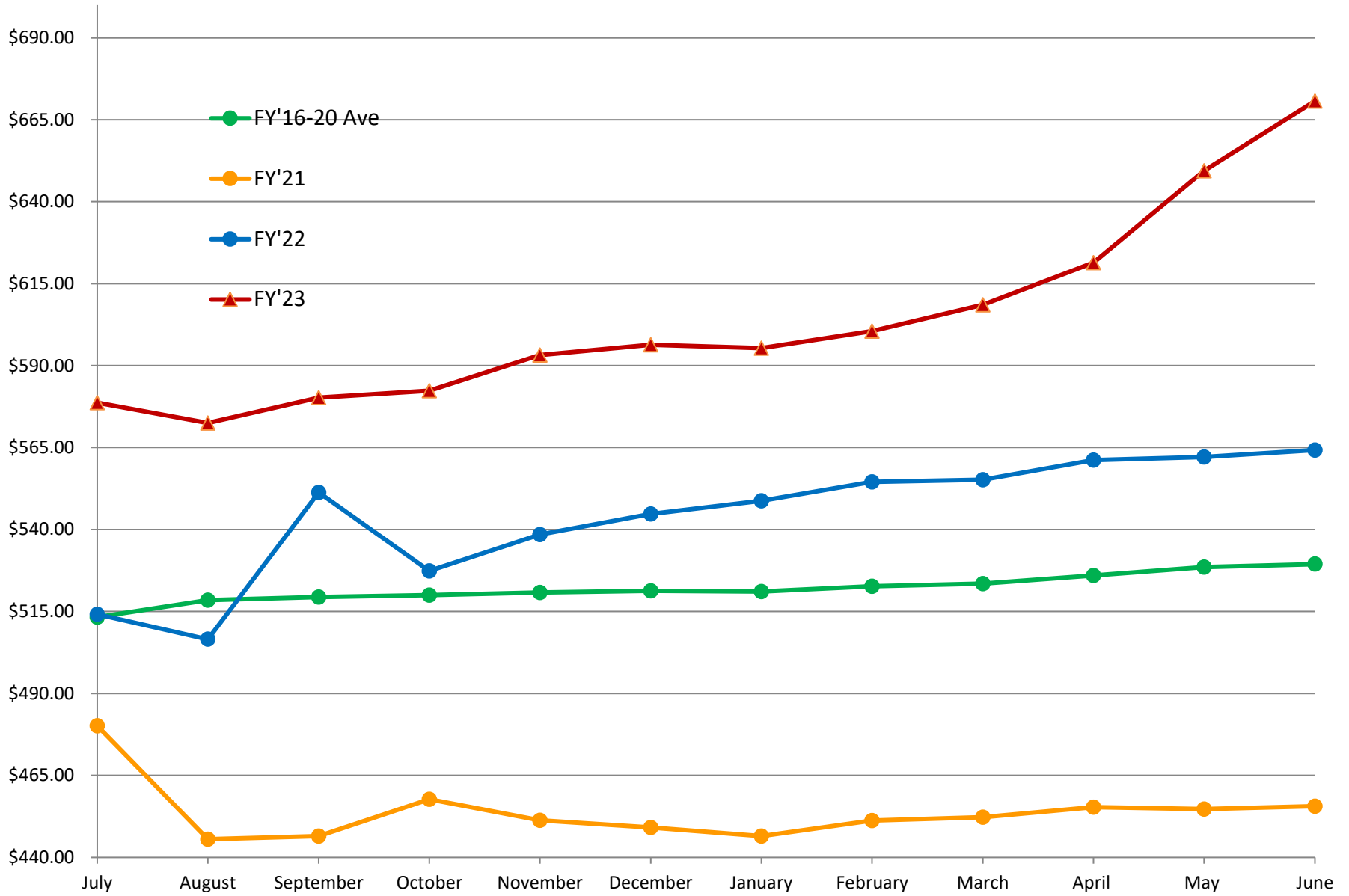
Submitted Vouchers



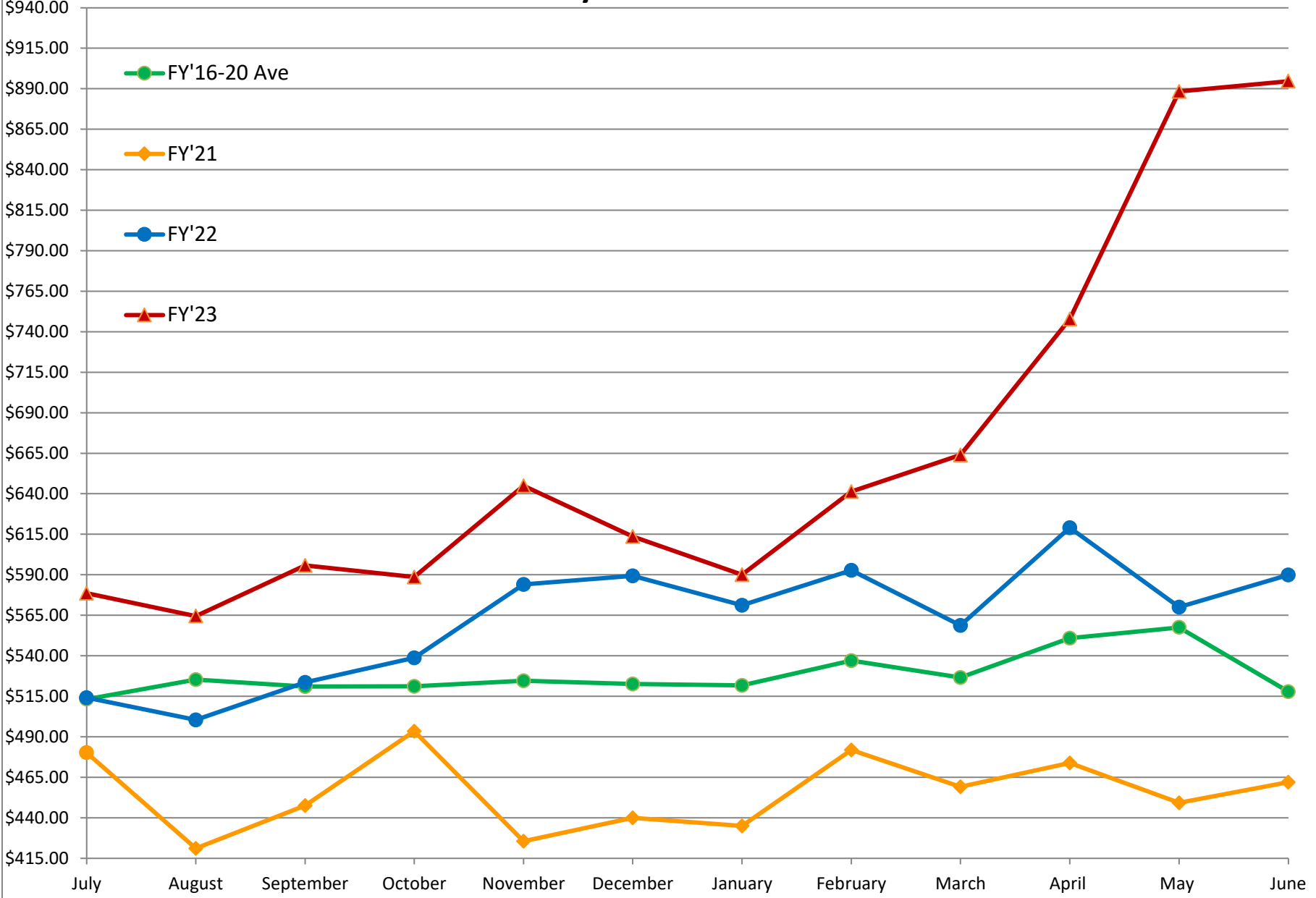
Submitted Voucher Amount



Average Voucher Price Fiscal Year to Date



Monthly Price Per Voucher



Pending UCD Cases as of June 23, 2023

UCD	FELONY				MISDEMEANOR				CIVIL VIOLATION			ALL CASES			
	Pending	On DD	No IA	% No IA	Pending	On DD	No IA	% No IA	Pending	No IA	% No IA	Pending	On DD	No IA	% No IA
Androscoggin	622	98	41	6.6%	1,841	295	282	15.3%	12	4	33.3%	2,475	393	327	13.2%
Aroostook	688	118	56	8.1%	1,033	284	267	25.8%	15	8	53.3%	1,736	402	331	19.1%
Caribou	160	20	14	8.8%	223	75	52	23.3%	6	2	33.3%	389	95	68	17.5%
Fort Kent	110	20	4	3.6%	198	66	43	21.7%	2	1	50.0%	310	86	48	15.5%
Houlton	189	30	11	5.8%	249	71	62	24.9%	4	3	75.0%	442	101	76	17.2%
Presque Isle	229	48	27	11.8%	363	72	110	30.3%	3	2	66.7%	595	120	139	23.4%
Cumberland	1,273	202	144	11.3%	3,576	482	618	17.3%	85	47	55.3%	4,934	684	809	16.4%
Bridgton	23	10	2	8.7%	287	52	32	11.1%	28	25	89.3%	338	62	59	17.5%
Portland	1,228	188	140	11.4%	2,845	353	507	17.8%	42	16	38.1%	4,115	541	663	16.1%
West Bath	22	4	2	9.1%	444	77	79	17.8%	15	6	40.0%	481	81	87	18.1%
Franklin	133	32	11	8.3%	455	116	91	20.0%	14	5	35.7%	602	148	107	17.8%
Hancock	442	40	26	5.9%	663	82	139	21.0%	48	26	54.2%	1,153	122	191	16.6%
Kennebec	620	101	50	8.1%	1,527	340	328	21.5%	54	40	74.1%	2,201	441	418	19.0%
Augusta	590	93	48	8.1%	938	212	163	17.4%	20	12	60.0%	1,548	305	223	14.4%
Waterville	30	8	2	6.7%	589	128	165	28.0%	34	28	82.4%	653	136	195	29.9%
Knox	221	55	15	6.8%	539	138	101	18.7%	19	4	21.1%	779	193	120	15.4%
Lincoln	117	40	5	4.3%	365	153	58	15.9%	5	2	40.0%	487	193	65	13.3%
Oxford	437	87	42	9.6%	1,127	188	224	19.9%	16	5	31.3%	1,580	275	271	17.2%
Bridgton	43	9	2	4.7%	119	26	19	16.0%	2	1	50.0%	164	35	22	13.4%
Rumford	156	39	15	9.6%	434	78	86	19.8%	8	2	25.0%	598	117	103	17.2%
South Paris	238	39	25	10.5%	574	84	119	20.7%	6	2	33.3%	818	123	146	17.8%
Penobscot	898	38	100	11.1%	1,696	43	547	32.3%	33	18	54.5%	2,627	81	665	25.3%
Bangor	868	37	93	10.7%	1,351	30	415	30.7%	23	11	47.8%	2,242	67	519	23.1%
Lincoln	9	0	3	33.3%	150	8	57	38.0%	7	7	100.0%	166	8	67	40.4%
Newport	21	1	4	19.0%	195	5	75	38.5%	3	0	0.0%	219	6	79	36.1%
Piscataquis	33	2	10	30.3%	141	4	62	44.0%	24	10	41.7%	198	6	82	41.4%
Sagadahoc	174	52	16	9.2%	475	186	94	19.8%	9	1	11.1%	658	238	111	16.9%
Somerset	225	46	10	4.4%	500	140	114	22.8%	9	4	44.4%	734	186	128	17.4%
Waldo	179	31	14	7.8%	298	82	54	18.1%	5	0	0.0%	482	113	68	14.1%
Washington	161	25	8	5.0%	309	58	71	23.0%	21	13	61.9%	491	83	92	18.7%
Calais	78	7	3	3.8%	138	21	34	24.6%	10	8	80.0%	226	28	45	19.9%
Machias	83	18	5	6.0%	171	37	37	21.6%	11	5	45.5%	265	55	47	17.7%
York	1,142	139	185	16.2%	3,777	820	722	19.1%	78	14	17.9%	4,997	959	921	18.4%
TOTAL	7,365	1,106	733	10.0%	18,322	3,411	3,772	20.6%	447	201	45.0%	26,134	4,517	4,706	18.0%

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 23 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2022	2023	% Diff	2022	2023	% Diff	2022	2023	% Diff	2022	2023	% Diff
Androscoggin	633	622	-1.7%	2,082	1,841	-11.6%	16	12	-25.0%	2,731	2,475	-9.4%
Aroostook	738	688	-6.8%	1,137	1,033	-9.1%	53	15	-71.7%	1,928	1,736	-10.0%
Caribou	161	160	-0.6%	234	223	-4.7%	5	6	20.0%	400	389	-2.8%
Fort Kent	98	110	12.2%	228	198	-13.2%	16	2	-87.5%	342	310	-9.4%
Houlton	239	189	-20.9%	359	249	-30.6%	17	4	-76.5%	615	442	-28.1%
Presque Isle	240	229	-4.6%	316	363	14.9%	15	3	-80.0%	571	595	4.2%
Cumberland	1,326	1,273	-4.0%	3,760	3,576	-4.9%	87	85	-2.3%	5,173	4,934	-4.6%
Bridgton	20	23	15.0%	317	287	-9.5%	32	28	-12.5%	369	338	-8.4%
Portland	1,281	1,228	-4.1%	3,029	2,845	-6.1%	39	42	7.7%	4,349	4,115	-5.4%
West Bath	25	22	-12.0%	414	444	7.2%	16	15	-6.3%	455	481	5.7%
Franklin	114	133	16.7%	366	455	24.3%	15	14	-6.7%	495	602	21.6%
Hancock	309	442	43.0%	594	663	11.6%	46	48	4.3%	949	1,153	21.5%
Kennebec	617	620	0.5%	1,885	1,527	-19.0%	41	54	31.7%	2,543	2,201	-13.4%
Augusta	598	590	-1.3%	1,237	938	-24.2%	32	20	-37.5%	1,867	1,548	-17.1%
Waterville	19	30	57.9%	648	589	-9.1%	9	34	277.8%	676	653	-3.4%
Knox	213	221	3.8%	498	539	8.2%	21	19	-9.5%	732	779	6.4%
Lincoln	124	117	-5.6%	270	365	35.2%	10	5	-50.0%	404	487	20.5%
Oxford	423	437	3.3%	977	1,127	15.4%	16	16	0.0%	1,416	1,580	11.6%
Bridgton	37	43	16.2%	116	119	2.6%	3	2	-33.3%	156	164	5.1%
Rumford	161	156	-3.1%	401	434	8.2%	2	8	300.0%	564	598	6.0%
South Paris	225	238	5.8%	460	574	24.8%	11	6	-45.5%	696	818	17.5%
Penobscot	920	898	-2.4%	2,253	1,696	-24.7%	90	33	-63.3%	3,263	2,627	-19.5%
Bangor	892	868	-2.7%	1,751	1,351	-22.8%	36	23	-36.1%	2,679	2,242	-16.3%
Lincoln	8	9	12.5%	257	150	-41.6%	29	7	-75.9%	294	166	-43.5%
Newport	20	21	5.0%	245	195	-20.4%	25	3	-88.0%	290	219	-24.5%
Piscataquis	45	33	-26.7%	133	141	6.0%	10	24	140.0%	188	198	5.3%
Sagadahoc	162	174	7.4%	471	475	0.8%	18	9	-50.0%	651	658	1.1%
Somerset	208	225	8.2%	445	500	12.4%	11	9	-18.2%	664	734	10.5%
Waldo	195	179	-8.2%	328	298	-9.1%	32	5	-84.4%	555	482	-13.2%
Washington	190	161	-15.3%	327	309	-5.5%	40	21	-47.5%	557	491	-11.8%
Calais	84	78	-7.1%	119	138	16.0%	13	10	-23.1%	216	226	4.6%
Machias	106	83	-21.7%	208	171	-17.8%	27	11	-59.3%	341	265	-22.3%
York	1,155	1,142	-1.1%	4,429	3,777	-14.7%	169	78	-53.8%	5,753	4,997	-13.1%
TOTAL	7,372	7,365	-0.1%	19,955	18,322	-8.2%	675	447	-33.8%	28,002	26,134	-6.7%

Columns

2022	Number of cases having at least one charge without a disposition, and without a currently active warrant as of June 23, 2022
2023	Number of cases having at least one charge without a disposition, and without a currently active warrant as of June 23, 2023
% Diff	Percent change in pending cases from 2022 to 2023. Red percentages represent an increase, green percentages a decrease.

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

Change in Pending UCD Cases, June 2019 to June 2023

Pending cases as of June 23 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2019	2023	% Diff	2019	2023	% Diff	2019	2023	% Diff	2019	2023	% Diff
Androscoggin	361	622	72.3%	1,270	1,841	45.0%	17	12	-29.4%	1,648	2,475	50.2%
Aroostook	355	688	93.8%	663	1,033	55.8%	31	15	-51.6%	1,049	1,736	65.5%
Caribou	74	160	116.2%	159	223	40.3%	10	6	-40.0%	243	389	60.1%
Fort Kent	39	110	182.1%	115	198	72.2%	9	2	-77.8%	163	310	90.2%
Houlton	102	189	85.3%	133	249	87.2%	9	4	-55.6%	244	442	81.1%
Presque Isle	140	229	63.6%	256	363	41.8%	3	3	0.0%	399	595	49.1%
Cumberland	811	1,273	57.0%	2,601	3,576	37.5%	162	85	-47.5%	3,574	4,934	38.1%
Bridgton	8	23	187.5%	187	287	53.5%	38	28	-26.3%	233	338	45.1%
Portland	787	1,228	56.0%	2,072	2,845	37.3%	93	42	-54.8%	2,952	4,115	39.4%
West Bath	16	22	37.5%	342	444	29.8%	31	15	-51.6%	389	481	23.7%
Franklin	83	133	60.2%	296	455	53.7%	13	14	7.7%	392	602	53.6%
Hancock	201	442	119.9%	451	663	47.0%	53	48	-9.4%	705	1,153	63.5%
Kennebec	320	620	93.8%	1,086	1,527	40.6%	66	54	-18.2%	1,472	2,201	49.5%
Augusta	311	590	89.7%	613	938	53.0%	43	20	-53.5%	967	1,548	60.1%
Waterville	9	30	233.3%	473	589	24.5%	23	34	47.8%	505	653	29.3%
Knox	178	221	24.2%	302	539	78.5%	2	19	850.0%	482	779	61.6%
Lincoln	95	117	23.2%	232	365	57.3%	4	5	25.0%	331	487	47.1%
Oxford	200	437	118.5%	469	1,127	140.3%	12	16	33.3%	681	1,580	132.0%
Bridgton	20	43	115.0%	63	119	88.9%	3	2	-33.3%	86	164	90.7%
Rumford	90	156	73.3%	203	434	113.8%	3	8	166.7%	296	598	102.0%
South Paris	90	238	164.4%	203	574	182.8%	6	6	0.0%	299	818	173.6%
Penobscot	334	898	168.9%	1,059	1,696	60.2%	84	33	-60.7%	1,477	2,627	77.9%
Bangor	328	868	164.6%	826	1,351	63.6%	62	23	-62.9%	1,216	2,242	84.4%
Lincoln	4	9	125.0%	98	150	53.1%	11	7	-36.4%	113	166	46.9%
Newport	2	21	950.0%	135	195	44.4%	11	3	-72.7%	148	219	48.0%
Piscataquis	26	33	26.9%	61	141	131.1%	11	24	118.2%	98	198	102.0%
Sagadahoc	106	174	64.2%	256	475	85.5%	8	9	12.5%	370	658	77.8%
Somerset	145	225	55.2%	461	500	8.5%	36	9	-75.0%	642	734	14.3%
Waldo	94	179	90.4%	250	298	19.2%	1	5	400.0%	345	482	39.7%
Washington	97	161	66.0%	183	309	68.9%	42	21	-50.0%	322	491	52.5%
Calais	35	78	122.9%	82	138	68.3%	13	10	-23.1%	130	226	73.8%
Machias	62	83	33.9%	101	171	69.3%	29	11	-62.1%	192	265	38.0%
York	705	1,142	62.0%	2,413	3,777	56.5%	76	78	2.6%	3,194	4,997	56.4%
TOTAL	4,111	7,365	79.2%	12,053	18,322	52.0%	618	447	-27.7%	16,782	26,134	55.7%

Columns

- 2019** Number of cases having at least one charge without a disposition, and without a currently active warrant as of June 23, 2019
- 2023** Number of cases having at least one charge without a disposition, and without a currently active warrant as of June 23, 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.

From: [Billings, Jim](#)
To: [Maciag, Eleanor](#)
Cc: [Fisher, Darcy](#); [Guillory, Christopher](#)
Subject: FW: Appointments
Date: Wednesday, June 28, 2023 8:27:47 AM

From: [REDACTED]
Sent: Tuesday, June 27, 2023 4:00 PM
To: Billings, Jim <Jim.Billings@maine.gov>
Subject: Appointments

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jim - I stopped taking cases some time ago because there was no way to limit what the courts would give me to manage my caseload. At the time it was an all or nothing approach where if an attorney was on the list , they got as many cases as the courts wanted to give them. I've been waiting for the max case load issue to resolve itself so I can get back on the list in a limited way to help out down here in [REDACTED]. I'd like to know if there is currently a way for me to get back on the appointment list, but only take 3 cases per month. For about a year or two before I stopped taking cases altogether, I had explained to the clerks that I would take cases with co-defendants who needed local counsel, cases where other attorneys withdrew, homicide and sex case, etc. I was just taking the ones where no one else was qualified or where there was a problem that needed to be solved. When they ran out of people to appoint on cases, the clerks gave me 20 cases in one day and said the commission had told them that if an attorney was on the lists, the attorney couldn't limit what they got. That didn;t work for me or my practice. Ten minutes later I wasn't on the list anymore and have not been for some time. I would like to return to taking a limited number of appointments if this can be done under the current rules. If that can't be done in the current system, I plan on not completing the yearly renewal application that's due next month. Can you let me know what I would have to do to get back on in a limited way?

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

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

SECTION 1. DEFINITIONS

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

SECTION 2. HOURLY RATE OF PAYMENT

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

A rate of ~~One Hundred Fifty Eighty~~ Dollars (\$~~150~~80.00) per hour is authorized for time spent by Counsel, and billed using MCILS electronic case management system, on an assigned case on or after March 1, 2023 ~~July 1, 2021~~. A rate of Eighty Dollars (\$80.00) per hour remains authorized for time spent on an assigned case between July 1, 2021 and February 28, 2023. A rate of Sixty Dollars (\$60.00) per hour remains authorized for time spent on an assigned case between July 1, 2015 and June 30, 2021 A rate of Fifty-five Dollars (\$55.00) per hour remains authorized for time spent on an assigned case between July 1, 2014 and June 30, 2015. A rate of Fifty Dollars (\$50.00) per hour remains authorized for time spent on an assigned case between the inception of the Commission and June 30, 2014.

SECTION 3. EXPENSES

1. **Routine Office Expenses.** Routine Office expenses will not be paid by MCILS. Routine office expenses include, but are not limited to, postage, express postage, regular telephone, cell telephone, fax, office overhead, utilities, secretarial services, the first 100 pages of any one print or copy job, local phone calls, parking (except as stated below), and office supplies, etc. Paralegal time may be billed to MCILS only through the non-counsel cost procedures.
2. **Itemized Non-Routine Expenses.** Itemized non-routine expenses, such as discovery from the State or other agency, long distance calls (only if billed for long distance calls by your phone carrier), collect phone calls, copy costs for print or copy jobs in excess of 100 pages, beginning with the 101st page, printing/copying/binding of legal appeal brief(s), relevant in-state mileage (as outlined below), tolls (as outlined below), and fees paid to third parties, may be paid by MCILS after review. Necessary parking fees associated with multi-day trials and hearings will be reimbursed.
3. **Travel Reimbursement.** Mileage reimbursement shall be made at the State rate applicable to confidential state employees on the date of the travel. Mileage reimbursement will be paid for travel to and from courts other than Counsel's home district and superior court. Mileage reimbursement will not be paid for travel to and from a Counsel's home district and superior courts. Tolls will be reimbursed, except that tolls will not be reimbursed for travel to and from Counsel's home district and superior court. All out-of-state travel or any overnight travel must be approved by MCILS in writing prior to incurring the expense. Use of the telephone, video equipment, and email in lieu of travel is encouraged as appropriate.
4. **Itemization of Claims.** Claims for all expenses must be itemized and include documentation. Claims for mileage shall be itemized and include the start and end points for the travel in question.
5. **Discovery Materials.** MCILS will reimburse only for one set of discovery materials. If counsel is permitted to withdraw, appropriate copies of discovery materials must be forwarded to new counsel within one week of notice of new counsel's assignment. Counsel may retain a copy of a file transferred to new counsel, or to a client. Counsel shall perform any scanning or make any copies necessary to retain a copy of the file at counsel's expense. The client owns the file. The original file shall be tendered to new counsel, or to the client, as directed.
6. **Expert and Investigator Expenses.** Other non-routine expenses for payment to third parties, (e.g., investigators, interpreters, medical and psychological experts, testing, depositions, etc.) shall be approved in advance by MCILS. Funds for third-party services will be provided by MCILS only upon written request and a sufficient demonstration of reasonableness, relevancy, and need in accordance with MCILS rules and procedures governing requests for funds for experts and investigators. See Chapter 302 Procedures Regarding Funds for Experts and Investigators.
7. **Witness, Subpoena, and Service Fees.** Witness, subpoena, and service fees will be reimbursed only pursuant to the Maine Rules of Court. It is unnecessary for counsel to advance these costs, and they shall not be included as a voucher expense without prior

consent from the Executive Director or designee. Fees for service of process by persons other than the sheriff shall not exceed those allowed by 30-A M.R.S. §421. The same procedure shall be followed in civil cases.

SECTION 4. PRESUMPTIVE REVIEW

Vouchers submitted for amounts in excess of the applicable trigger for presumptive review will be considered for payment after review by the Executive Director or designee. Vouchers submitted in excess of the trigger for presumptive review must be accompanied by an explanation of the time spent on the matter. The explanation shall be set forth in the notes section of a voucher or invoice.

1. Trial Court Criminal Fees

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

- 1) **Murder.** All murder cases shall trigger presumptive review.
- 2) **Class A.** \$5,000
- 3) **Class B and C (against person).** \$4,000
- 4) **Class B and C (against property).** \$2,500
- 5) **Class D and E.** \$2,500
- 6) Repealed
- 7) **Post-Conviction Review.** \$3,000
- 8) **Probation Revocation.** \$1,500
- 9) **Miscellaneous (i.e. witness representation on 5th Amendment grounds, etc.)** \$1,000
- 10) **Juvenile.** \$1,500
- 11) **Bindover:** applicable criminal class trigger

B. In cases involving multiple counts against a single defendant, the triggering fee shall be that which applies to the most serious count. In cases where a defendant is charged with a number of unrelated offenses, counsel shall coordinate and consolidate services as much as possible.

- C. Criminal and juvenile cases will include all proceedings through a terminal case event as defined in Section 6 below. Any subsequent proceedings, such as probation revocation, will require new application and appointment.
- D. *Repealed.*
- E. Upon written request to MCILS, a second Counsel, may be assigned in a murder case or other complicated cases, to provide for mentorship, or for other good cause at the discretion of the Executive Director:
 - 1) the duties of each Counsel must be clearly and specifically defined, and counsel must avoid unnecessary duplication of effort;
 - 2) each Counsel must submit a voucher to MCILS. Counsel should coordinate the submission of voucher so that they can be reviewed together. Co-counsel who practice in the same firm may submit a single voucher that reflects the work done by each Counsel.

2. **District Court Child Protection**

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

3. **Other District Court Civil**

- A. Triggering fees in District Court civil actions, excluding any itemized expenses, are set in accordance with this subsection. Counsel must provide MCILS with written justification for any voucher that exceeds the triggering fee.
 - 1) **Application for Involuntary Commitment.** \$1,000
 - 2) **Petition for Emancipation.** \$1,500
 - 3) **Petition for Modified Release Treatment.** \$1,000
 - 4) **Petition for Release or Discharge.** \$1,000

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

SECTION 5: MINIMUM FEES

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

SECTION 6: ADMINISTRATION

Vouchers for payment of counsel fees and expenses shall be submitted within ninety days of a terminal case event. Lawyer of the Day and specialty courts shall be billed within 90 days of the service provided. Vouchers not submitted within 90-days of a terminal case event cannot be paid, except on a showing by counsel that a voucher could not have been timely submitted for reasons outside the actual or constructive control of counsel. Counsel are encouraged to submit interim vouchers not more often than once every 90 days per case. Counsel may request reconsideration of a voucher rejected between April 1, 2021 and the effective date of this rule if that voucher would be payable under this rule.

Terminal case events are:

- 1) The withdrawal of counsel
- 2) The entry of dismissal of all charges or petitions
- 3) Judgment in a case, or
- 4) Final resolution of post-judgment proceedings for which counsel is responsible

The 90 day period for submitting a voucher shall run from the date that an Order, Judgment, or Dismissal is docketed.

1. All vouchers must be submitted using MCILS electronic case management program and comply with all instructions for use of the system.
 2. All time on vouchers shall be detailed and accounted for in .10 of an hour increments. The purpose for each time entry must be self-evident or specifically stated. Use of the comment section is recommended.
 3. All expenses claimed for reimbursement must be fully itemized on the voucher. Copies of receipts for payments to third parties shall be retained and appended to the voucher.
-

STATUTORY AUTHORITY:

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

EFFECTIVE DATE:

August 21, 2011 – filing 2011-283

AMENDED:

March 19, 2013 – filing 2013-062

July 1, 2013 – filing 2013-150 (EMERGENCY)

October 5, 2013 – filing 2013-228

July 1, 2015 – filing 2015-121 (EMERGENCY)

June 10, 2016 – filing 2016-092

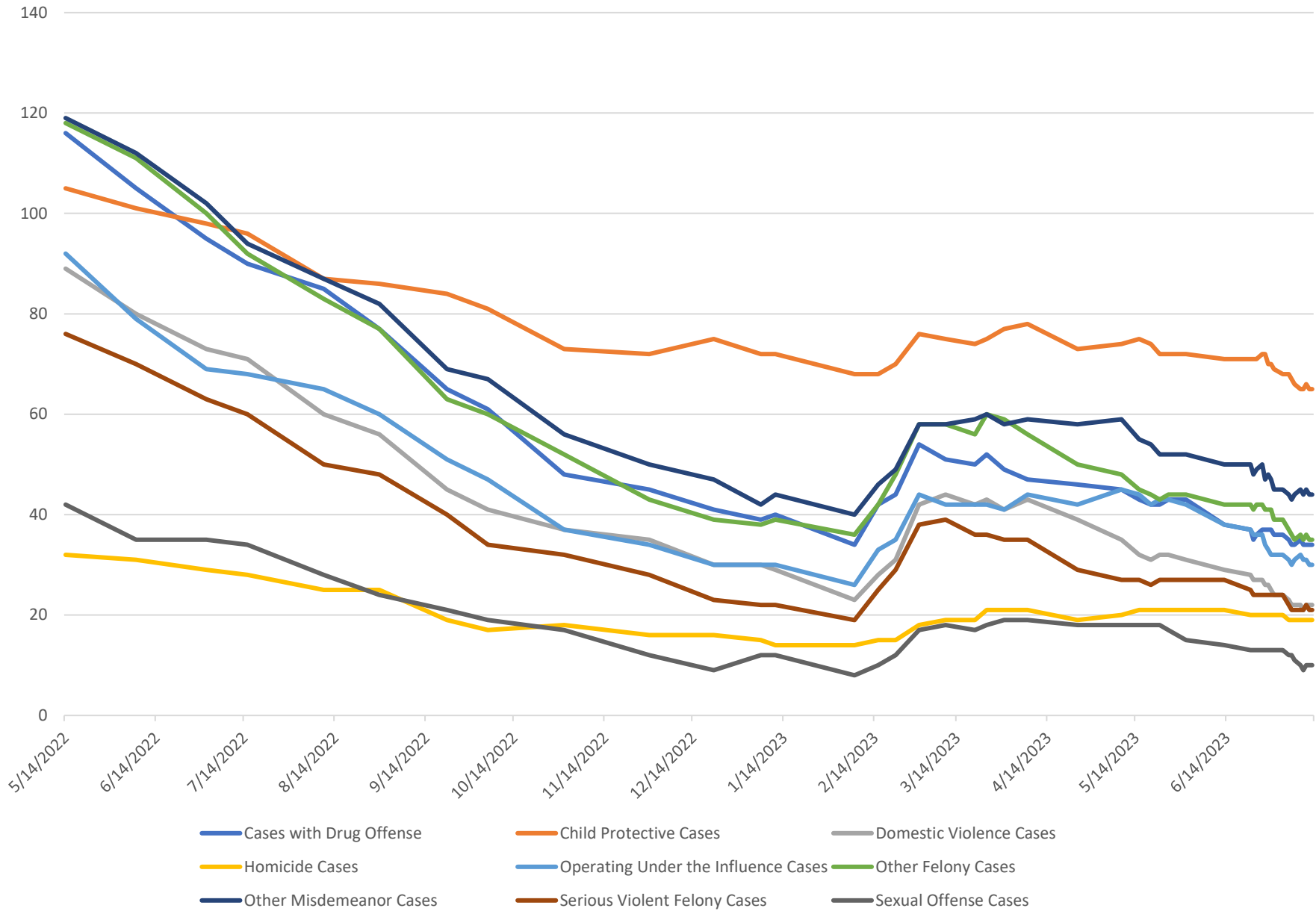
July 21, 2021 – filing 2021-149 (EMERGENCY)

January 17, 2022 – filing 2022-007

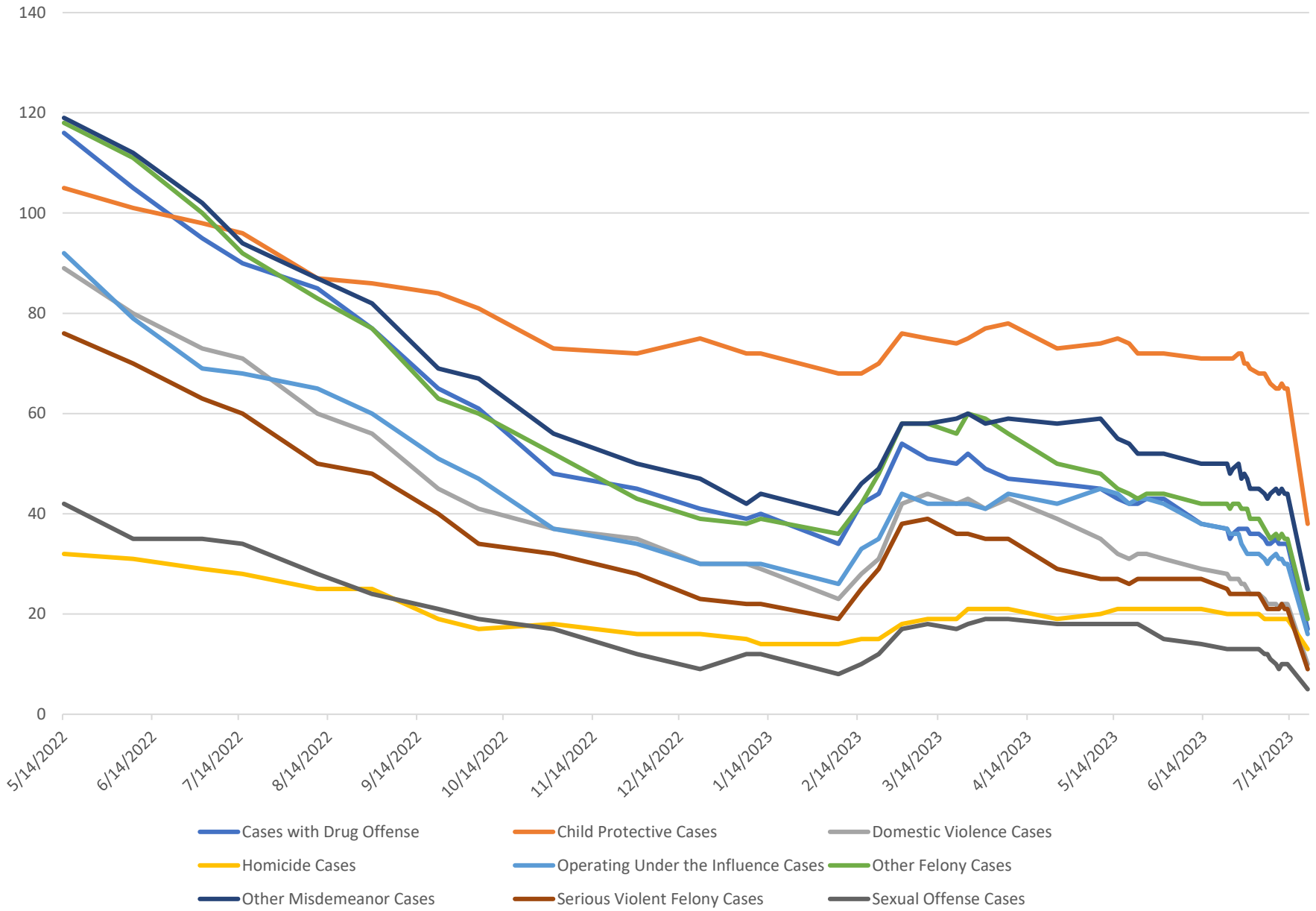
June 23, 2022 – filing 2022-100 (Final adoption, major substantive)

Case Type	7/13/2023	over 270	% over
Adoption Cases	24	6	25%
Appeal Child Protective	13	6	46%
Appeal Homicide	8	1	13%
Appeal Other Criminal	19	6	32%
Cases with Drug Offense	34	17	50%
Child Protective Cases	65	27	42%
Civil Commitment Cases	20	6	30%
Domestic Violence Cases	22	12	55%
Emancipation Cases	35	13	37%
Guardianship Cases	30	10	33%
Homicide Cases	19	6	32%
Juvenile bind-over/competence cases	18	8	44%
Juvenile Felony Cases	29	11	38%
Juvenile Misdemeanor Cases	43	12	28%
Lawyer of the Day - Arraignment	88	31	35%
Lawyer of the Day - Custody	74	28	38%
Lawyer of the Day - Juvenile	41	16	39%
NCR Release Hearings	1	0	0%
Operating Under the Influence Cases	30	14	47%
Other Felony Cases	35	16	46%
Other Misdemeanor Cases	44	19	43%
Post-Conviction Review Homicide	2	1	50%
Post-Conviction Review Other Criminal	3	2	67%
PCR- Sex	1	1	100%
Serious Violent Felony Cases	21	12	57%
Sexual Offense Cases	10	5	50%

Rosters Over Time



Implementation of Caseloads Simulation



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

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

SECTION 1. DEFINITIONS

- A. **Points:** the weight assigned to each case type.
- B. **Case type:** the type of matter to which the attorney is assigned.
- C. **Maximum case type:** represents the maximum number of cases of a particular case type that an attorney could carry at one time, if the attorney only accepted cases of that one type.
- D. **Average hours per case:** the anticipated average ~~amount~~ 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~~ 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	270 216	9.25 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:

% of Attorney’s Work Hours Spent on MCILS Cases:	Caseload Limit:	Hours Limit:
100%	270 250	2,000
75%	202 188	1500
50%	135 125	1000
25%	67 63	500
10%	27 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 15th 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 15th 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.



MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: COMMISSION
FROM: CHAPTER 3 SUBCOMMITTEE
SUBJECT: CHAPTER 3
DATE: JULY 13, 2023

Background:

Staff prepared a draft revised Chapter 3 and provided it to the Commission in the packet for the June 20, 2023 Commission meeting. At the June 20, 2023 Commission meeting, Chair Tardy formed a subcommittee, which consisted of Commissioner Burbank, Commissioner Alexander, Commissioner Soucy, Attorney Tina Nadeau, and Commission staff.

Report:

The Chapter 3 subcommittee met on July 10, 2023. During the meeting, there was discussion of the various specialized case types and the eligibility requirements for those case types. Those who supported the case types in the proposed rule pointed out that the case types are needed because those cases require specialized knowledge and expertise. They also noted that the variety of case types allows attorneys to choose what types of cases they want to accept. Additionally, there are several case types which are not classified as specialized, including: other misdemeanors, other felonies, drug offenses, emancipation, guardianship, and civil commitment. Attorneys may be deemed eligible for those cases by satisfying the requirements of Chapter 2 and do not need to satisfy the Chapter 3 eligibility requirements. The subcommittee member who did not support the specialized case types that are proposed indicated that there were too many case types.

In discussing the eligibility requirements, the subcommittee addressed the trial requirements in the proposed rule. Some subcommittee members pointed out that it is difficult to gain jury trial experience with so few cases going to trial, particularly during COVID. Others were of the opinion that trial requirements were necessary to ensure that competent counsel are handling these cases. It was also discussed that attorneys could gain trial experience by serving as co-counsel on cases for which they are not eligible.

The subcommittee also reviewed Commissioner Alexander's proposal and declined to adopt it.

There was a consensus among subcommittee members that Chapter 3 should include the following:

- Keep the specialized case types the same.
- Jury trial requirements for all adult criminal cases.
- Remove the first and second chair distinctions in the rule and replace it with “co-counsel”, including a definition of what qualifies as co-counsel.
- Attempted murder, Aggravated Attempted Murder, and Manslaughter (including OUI Manslaughter) should be included as Homicide offenses.
- Class D Sex Trafficking should be included as a Sex Offense.
- The years of experience requirement must be specifically time spent practicing criminal defense (not criminal law generally).

At the end of the meeting, the subcommittee decided to submit to the Commission a revised draft Chapter 3 for consideration at the July 17, 2023 Commission meeting. That draft was to incorporate the above points. Staff revised Chapter 3 to include those changes. In doing so, staff noticed a few other areas of improvement and made additional modifications beyond what was contemplated in the subcommittee meeting. The newest draft of Chapter 3 is attached hereto. The subcommittee thanks Attorney Nadeau for assisting staff with editing various versions of this document.

One subcommittee member was opposed to much of the draft rule and the points outlined above. It is anticipated that the opposing subcommittee member will be providing their own Chapter 3 draft.

The subcommittee thanks Chair Tardy for the opportunity to work on this important rule. Many of the subcommittee members will be available to answer questions at the July 17, 2023 Commission meeting.

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

94-649 MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Chapter 3: ELIGIBILITY REQUIREMENTS FOR SPECIALIZED PANELS

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

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.
2. Co-counsel. “Co-counsel” means an attorney who works with another attorney on a particular case. Both attorneys must be counsel of record, professionally responsible for the case, and actively participate in the representation of the client.
- ~~2-3.~~ 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.
- ~~3-4.~~ Domestic Violence. ~~“Domestic Violence~~Homicide. “Homicide” 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 offense alleged to have been committed against a family or household member or dating partner.~~
 - ~~C. Any offense of stalking under 17-A M.R.S.A. § 210-A.~~
 - A. All offenses contained in 17-A M.R.S.A. § 201 (Murder), § 202 (Felony Murder), § 203 (Manslaughter), § 152 (Attempted Murder), and § 152-A (Aggravated Attempted Murder).
 - B. 29-A M.R.S.A. § 2411(1-A)(D)(1-A) (Criminal OUI Causing Death).
 - C. Homicide 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.
- ~~4-5.~~ Major Felony. “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), ~~208-D (Domestic Violence Aggravated Assault)~~, 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. "Major Felony" includes crimes involving substantially similar conduct.

C. "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

5-6. 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), § 853 (Sex Trafficking), and § 855 (Patronizing Prostitution of Minor or Person with Mental Disability).

B. "Sex Offense" includes crimes involving substantially similar conduct.

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.

7. Operating Under the Influence (OUI). "OUI" means:

A. All offenses under 29-A M.R.S.A. § 2411 (Criminal OUI).

B. "OUI" includes crimes involving substantially similar conduct.

C. OUI 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.

8. Domestic Violence (DV). "Domestic Violence" means:

A. Offenses denominated as Domestic Violence under 17-A M.R.S.A. § 207-A (Domestic Violence Assault), § 208-D (Domestic Violence Aggravated Assault), § 209-A (Domestic Violence Criminal Threatening), § 210-B (Domestic Violence Terrorizing), § 210-C (Domestic Violence Stalking), and § 211-A (Domestic Violence Reckless Conduct).

B. Any offense alleged to have been committed against a family or household member or dating partner as defined by 19-A M.R.S.A. § 4002.

C. Any offense of stalking under 17-A M.R.S.A. § 210-A (Stalking)

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D. Violation of a protective order under 17-A M.R.S.A. § 506-B.

E. “Domestic Violence” includes crimes involving substantially similar conduct.

~~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.

~~G.~~

~~6-9.~~ Lawyer of the Day. ~~“Lawyer of the Day (LOD).~~ “LOD” means:

A. ~~an~~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.

~~7-10.~~ Proceeding Type: ~~the~~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.

~~11.~~ LOD Roster: the list of attorneys designated as eligible by MCILS to serve as LOD in a proceeding type ~~for a particular court.~~

~~12.~~ 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. Rules of client confidentiality and privilege apply to all communications between the client, the LOD, and the attorney participating in a shadow session. If it is a morning ~~appearance~~ LOD session that continues into the afternoon, the applicant must be present the entire time ~~and that counts for what will be counted~~ as one shadow session. If the shadowing attorney is eligible to receive MCILS case assignments at the time of the shadow session, the shadowing attorney is eligible for payment in accordance with Commission Rule 301, Section 5.

~~8-13.~~ 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~~rules.

~~14.~~ MCILS Liaison. “MCILS Liaison” means the attorney who performs services for clients as part of ~~the~~a specialty court team but who has not otherwise been appointed to represent a specific client ~~in~~on a specific docket.

~~9-15.~~ Specialized Panels. “Specialized Panels” means those cases that are complex in nature due to the allegations ~~and~~ severity of the consequences if a conviction occurs. They include the following panels:

- A. Homicide, including OUI Manslaughter
- B. Sex Offenses
- C. Major Felonies
- D. Operating Under the Influence
- E. Domestic Violence
- F. Juvenile Defense
- G. Protective Custody
- H. In-Custody Lawyer of the Day
- I. Walk-In Lawyer of the Day
- J. Juvenile Lawyer of the Day
- K. Resource Counsel

SECTION 2. Powers and Duties of the Executive Director.

1. The Executive Director ~~shall~~ develop an application process for an attorney seeking eligibility for ~~Specialized Panels~~specialized panels to demonstrate the minimum qualifications necessary to be placed on ~~Specialized a specialized panel~~. An applicant for a ~~Specialized Panels~~specialized panel must present additional information or documents beyond the minimum requirements of this Chapter if requested by the Executive Director.
2. The Executive Director shall have the sole discretion to make the determination if an attorney is qualified to be placed on a ~~Specialized Panel~~specialized panel. In addition, the Executive Director ~~shall~~ have the sole discretion, to grant or deny a waiver pursuant to, and in accordance with, Section 4.
3. The Executive Director ~~may~~, in ~~his or her~~their sole discretion, remove an attorney from a ~~Specialized Panels~~specialized panel at any time if there is reasonable grounds to believe the attorney is not meeting the minimum qualifications and standards as determined by the Executive Director.
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 ~~to~~ remove an attorney from any ~~Specialized Panels~~specialized panel at any time.

SECTION 3. Minimum Eligibility Requirements for Specialized Panels.

1. **Homicide.** To be rostered for homicide cases an attorney must:
 - A. Have at least five years of criminal ~~law~~defense practice experience;
 - B. Have tried before a ~~judge~~jury, individually or ~~jury as first chair~~with co-counsel, at

least five felony cases within the last ten years, at least two of which were 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 before a homicide case in the last fifteen years, OR have tried as second chair jury, individually or with co-counsel, at least one homicide case with an experienced homicide defense~~

~~attorney within~~ the ~~past five~~last fifteen years;

~~D.C.~~ 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.D.~~ Provide a letter explaining reasons for interest in and qualifications for representing individuals charged with homicide; and

~~F.E.~~ 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 by the author.

2. **Sex Offenses.** To be rostered for sex offense cases an attorney must:

A. Have at least three years of criminal ~~law~~defense practice experience;

B. Have tried before a ~~judge~~jury, individually or jury as ~~first chair~~co-counsel, 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;

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 by the author; and

~~E. Letters of reference shall also be submitted upon the request of the Executive Director.~~

3. **Major Felonies.** To be rostered for major felony cases an attorney must:

A. Have at least two years of criminal ~~law~~defense practice experience;

B. Have tried ~~as first chair~~before a jury, individually or with co-counsel, 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 major felony; and

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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 major felony. The letters of reference must be submitted directly to the Executive Director ~~by the author.~~

~~E. Letters of reference shall also be submitted upon the request of the Executive Director.~~

4. **Operating Under the Influence.** To be rostered for OUI cases an attorney must:

A. Have at least one year of criminal ~~law~~defense practice experience;

B. Have tried before a ~~judge~~jury, individually or ~~jury as first chair~~with co-counsel, 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 by the author.

~~F. Letters of reference shall also be submitted upon the request of the Executive Director.~~

5. **Domestic Violence.** To be rostered for domestic violence cases an attorney must:

A. Have at least one year of criminal ~~law~~defense practice experience;

B. Have tried before a ~~judge~~jury, individually or ~~jury as first chair~~with co-counsel, 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~~must include specific 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 by the author.

~~F. Letters of reference shall also be submitted upon the request of the Executive Director.~~

6. **Juvenile Defense.** 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~~defense 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;~~
- ~~4) Have completed the MCILS Juvenile Law Minimum Standards Training;~~
- 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 -by the author.

~~Letters of reference shall also be submitted upon the request of the Executive Director.~~

C. For Bind-Over Hearings:

- ~~7) Letters of reference shall also be submitted upon the request of the Executive Director.~~
- ~~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.A. For Bind Over Hearings:

- 1) Have at least two years of juvenile law defense practice experience;
- 2) Have handled at least 20 juvenile cases to conclusion in the past ten years;
- ~~2)1) Have handled at least 20 juvenile cases to conclusion in the past ten years;~~
- 3) Have tried, individually or as co-counsel, 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 the following topics devoted to juvenile defense: 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 by the author.
- ~~7)1) Letters of reference shall also be submitted upon the request of the Executive Director.~~

D. For Bound Over Cases:

- 1) If a case is bound over, the attorney must be eligible for the adult criminal case types implicated by the charges, or have eligible co-counsel appointed in the matter

7. **Protective Custody.** 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;~~

C. Complete the MCILS Protective Custody Minimum Standards Training;

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 by the author.

~~E 1. Letters of reference shall also be submitted upon the request of the Executive Director.~~

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 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/co-counsel~~ to assist ~~the attorney of record~~ with the termination of parental rights hearing.

8. Repealed.

9. Law Court Appeals.

A. **Protective Custody.** To be ~~rostered for eligible to accept~~ assignments to Law Court appeals in ~~cases where trial counsel is not continuing on appeal, protective custody cases,~~ an attorney must:

~~B. 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;~~

~~3) 1) Have provided representation Applicants who have provided representation in three in five or more appeals, including appeals to in 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;~~

~~2) Applicants who have Provide copies of all briefs the attorney filed, and the opinions/decisions rendered in the five most recent appeals the attorney has handled;~~

~~3) Have been deemed eligible to accept PC case assignments pursuant to Section 3(7) of this Chapter;~~

~~4) Demonstrate, through application and submitted briefs, exceptional legal research, writing, and analytical skills;~~

~~5) 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~~

~~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 provide representation in appeal cases. The letters of reference must be submitted directly to the Executive Director by the author.~~

B. **Homicide.** To be eligible to accept assignments to Law Court appeals in cases

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involving an offense which qualifies as a homicide pursuant to Section 1(4) of this Chapter, an attorney must:

- 1) Have provided representation in ~~three~~seven or more appeals must submit copies of any briefs that they have filed in an appeal, together with criminal appeals in the Law Court;
- 2) Have completed oral argument in at least two criminal appeals before the Law Court;
- 3) Provide copies of a sufficient number of memoranda of law submitted to any court so all briefs the attorney filed, and the opinions/decisions rendered in the seven most recent criminal appeals the attorney has handled;
- 4) Demonstrate, through application and submitted briefs, exceptional legal research, writing, and analytical skills;
- 5) 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
- 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 ~~submissions total three;~~ applicant is qualified to provide representation in appeal cases. The letters of reference must be submitted directly to the Executive Director by the author.

C. Other Criminal. To be eligible to accept assignments to Law Court appeals involving any criminal offense other than homicide, an attorney must:

- 1) Have provided representation in five or more criminal appeals in the Law Court;
- 2) Have completed oral argument in at least one criminal appeal before the Law Court;
- 3) Provide copies of all briefs the attorney filed, and the opinions/decisions rendered in the five most recent criminal appeals the attorney has handled; and
- 4) Demonstrate, through application and submitted briefs, exceptional legal research, writing, and analytical skills.
- 5) 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

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

~~4)6)~~ 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 -by the author.

~~D. Letters of reference shall be submitted upon the request of the Executive Director.~~

~~E. This rule is not applicable to cases in which trial counsel continues on appeal.~~

~~9-10.~~ **Post-Conviction Review.** To be rostered for post-conviction review cases an attorney must:

- A. Have at least three years of criminal ~~law~~defense 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 ~~by the author.~~
- E. Letters of reference and writing samples shall also be submitted upon the request of the Executive Director.

11. Lawyer of the Day (LOD).

~~F.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.a.~~ Complete the MCILS LOD Minimum Standards Training;
- ~~b.~~ Be currently eligible to accept MCILS criminal case assignments, ~~even if not~~ actively ~~accepting~~ rostered to accept criminal case 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.

a. **Walk-In.** To be rostered for LOD for walk-in proceedings, an attorney must: Complete the MCILS LOD Minimum Standards Training;

- ~~b. Submit a complete Application for LOD Assignments;~~
- ~~e. Complete the LOD Minimum Standards Training;~~
- ~~b.~~ Be currently eligible to accept MCILS criminal case assignments, ~~even if not~~ actively ~~accepting~~ assignments;
- ~~e.c.~~ Have previously been deemed eligible for OUI and domestic violence cases in accordance with Chapter 3 of the Commission Rules;
- ~~d.~~ Have at least ten open assigned criminal cases, or be actively rostered to accept criminal case assignments;

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

- 2) **Juvenile.** To be rostered for juvenile LOD proceedings, an attorney must:
- ~~a.~~ ~~Submit a complete Application for LOD Assignments;~~
 - ~~b.a.~~ Complete the LOD Minimum Standards Training prior to or within three months of being rostered for LOD assignments;
 - ~~e.b.~~ Be currently eligible to accept MCILS juvenile case assignments, ~~even if not actively accepting assignments;~~
 - ~~d.c.~~ Have previously been deemed eligible for juvenile felony cases in accordance with Chapter 3 of the Commission Rules;
 - ~~d.~~ Have at least ten open assigned juvenile cases, or be actively rostered to accept juvenile case assignments;
 - 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.

~~10.~~12. **MCILS Liaison.**

- A. To be eligible to serve as an MCILS Liaison, an attorney must:
- ~~1)~~ ~~Submit a complete MCILS Liaison application;~~
 - ~~2)1)~~ Be eligible to accept MCILS case assignments;
 - ~~3)2)~~ Have at least ~~two~~five years of experience practicing ~~law~~criminal defense;
 - ~~4)3)~~ Demonstrate a history of providing high quality legal services; and
 - ~~5)4)~~ Have experience practicing law in the ~~jurisdiction~~court(s) in which counsel is seeking to serve as the MCILS Liaison.

~~11.~~13. **Resource Counsel.**

- A. To be eligible to serve as Resource Counsel, an attorney must:
- 1) ~~Submit a complete Resource Counsel application;~~Submit three letters of reference from attorneys with whom the attorney applicant does not practice that address the attorney's ability to work with and advise other attorneys of varying experience levels;
 - 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 ~~Bar~~ Overseers complaints within ~~1-year~~the three years immediately preceding

counsel's ~~Reecourse~~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.

SECTION 4. Waiver of Certain Eligibility Requirements

1. An attorney who wishes to receive assignments for one or more of the specialized panels listed above but who does not meet both requirements of: ~~(1a)~~ years of practice experience; and ~~(2b)~~ trial or litigation experience, may seek a waiver of either, but not both, requirements.

~~1.2.~~ An attorney seeking a waiver must provide the Executive Director with written information explaining the need for a waiver and the attorney's experience and qualifications to provide high-quality representation to the indigent people whose charges or litigation matters are covered by this rule.

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

~~3.4.~~ The Executive Director may consider other litigation experience and total years of practice 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.
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* (6th 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.