

**MCILS**

**August 21, 2023  
Commissioner's Meeting  
Packet**

---

---

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

---

---

**AUGUST 21, 2023  
COMMISSION MEETING  
AGENDA**

---

- 1) Approval of the July 17, 2023 Commission Meeting Minutes
- 2) Executive Session 1 MRSA §§405(6)(E) to discuss pending or contemplated litigation
- 3) Report of the Executive Director
  - a. Operations report
  - b. Case staffing status report
  - c. Data exchange with Judicial Branch
  - d. Law School outreach
  - e. RFP update
- 4) PD office location discussion
- 5) Cloture and Supplemental Budget deadline discussion
- 6) Rulemaking discussion
- 7) Social worker RFP discussion
- 8) Set Date, Time and Location of Next Regular Meeting of the Commission
- 9) Public Comment

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

**Minutes**

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

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

<b>Agenda Item</b>	<b>Discussion/Outcome</b>
Approval of the June 20, 2023 Commission Meeting Minutes	Commissioner Carey moved to approve the June 20, 2023 minutes. Commissioner Katz seconded. All voted in favor. Approved.
Public Hearings – Chapter 301 and Chapter 301A	Public comment was opened for Chapter 301. No comment was made in favor, in opposition, or neither for nor against.  Public comment was opened for Chapter 301-A. No comment was made in favor, in opposition, or neither for nor against.
Report of the Executive Director	Director Billings explained that there has been a continued increase in dollar value of vouchers, which is due to the hourly rate increase.  Director Billings reported that there were two attorneys suspended from the rosters in June.  The annual renewal deadline has passed and MCILS staff are now going through the process of verifying which attorneys have successfully renewed. Director Billings reported that the number of renewals is approximately 200 so far, but that a significant number of those attorneys are not on the active trial rosters. He further estimated that there are approximately 65-70 attorneys accepting trial-level PC cases and about 75 attorneys accepting trial-level criminal cases. He stated that the number of attorneys on roster appears to be holding steady, despite the increase in the hourly rate.

Agenda Item	Discussion/Outcome
	<p>Discussion ensued regarding the number of rostered attorneys versus how many full-time attorneys MCILS believes it needs to meet the demand of projected cases. Training and Supervision Director Chris Guillory said that approximately 450 full time equivalency attorneys would be required to meet the projected need. Discussion turned to the low number of rostered attorneys, the lowest points of each roster types, and the expectation of raising the hourly rate bringing attorneys back to the rosters. Commissioner Burbank expressed her opinion that raising the hourly rate alone would not bring many attorneys back to the rosters, noting that raising the rate was one part of a more holistic plan to revitalize the attorney rosters. Commissioner Alexander expressed his opinion that the continued backlog of cases that attorneys carry, including private pay cases, has drastically diminished attorneys' willingness and ability to remain on MCILS rosters. Director Billings agreed with Commissioner Alexander regarding the backlog and noted that the backlog has led to some saturation of the bar. Director Billings also noted that nearly a quarter of rostered attorneys take very few cases, and that there is another group of attorneys who do not want to be on the rosters because the courts will assign them upwards of 40 cases in a week. Director Billings explained he has been working to find attorneys who are willing to communicate with court clerks to take on a small batch of cases each month, noting that they would remain off the lists so as not to be overburdened with new assignments.</p> <p>Discussion ensued regarding how MCILS staff, particularly Training and Supervision Counsel Darcy Fisher, are spending time assisting court clerks in finding attorneys for so-called orphan cases. Director Billings indicated that Darcy has created a spreadsheet for assisting in case placement and has been working with clerks to use the spreadsheet. Director Billings noted that in the past, clerks would send out large pdf documents, sometimes upwards of 40 pages long, asking for attorneys to take cases, which was causing the attorneys to completely ignore the emails rather than sort through the information to see if there were any cases they would like to take on.</p> <p>Director Billings provided an update on the RFP and procurement of new software, noting that he believes the process is nearly ready to proceed to the next step for approval.</p>
Budget Update / PD Office Location Discussion	Director Billings explained that eleven new positions had been approved, which includes eight new attorney positions. Of the eight attorney positions, one of them is a deputy director position. Another is going to be part of the RDU and MCILS has been asked to dedicate that person to accepting cases in Aroostook. The other six attorneys will be for the state's first brick-and-mortar public defender office.

Agenda Item	Discussion/Outcome
	<p>The public defender office will have three support staff, including two paralegals and an office manager/assistant. Director Billings indicated MCILS staff have a recommendation for the location of the new public defender office, as well as ideas regarding a satellite office in Aroostook. Director Billings thanked Commissioner Carey for his help with members of the Appropriations Committee during the budget process.</p> <p>Chair Tardy thanked MCILS staff and Commissioner Carey for their efforts in working with the Appropriations Committee and members of the Judiciary Committee to get the budget passed during a tough budget cycle.</p>
Executive Session	<p>Commissioner Carey moved to go into executive session pursuant to 1 MRS § 405(6)(e). Commissioner Cantara seconded. All voted in favor.</p>
Chapter 301 – Final Adoption of Hourly Rate Portion	<p>Commissioner Alexander moved to approve the adoption of the hourly rate change to \$150 an hour in Chapter 301. Commissioner Katz seconded. All voted in favor. The rule was approved.</p>
Chapter 4 Caseload Standards	<p>Commissioner Cantara moved to approve Chapter 4. Commissioner Carey seconded. Discussion ensued regarding the approval.</p> <p>Commissioner Alexander stated his opposition to the standards, reiterating his opinion that the standards are too restrictive. He said that appeals and PCRs do not take as much time as the proposed limits are suggesting. Commissioner Alexander also posited that the standards will deter attorneys from joining the rosters.</p> <p>Director Billings explained that this meeting is the last one before MCILS returns to court for the settlement agreement. He argued that this rule is the only aspect of the proposed settlement agreement which is entirely within the control of the Commission. Director Billings also pointed out that the window of time left for passing Chapter 4 has nearly closed, and if the window closes, the rulemaking process would need to start over from the beginning.</p>

Agenda Item	Discussion/Outcome
	<p>Chair Tardy asked if setting an implementation date of January 1, 2024, would be considered a substantive change. AAG Hudson-MacRae acknowledged that it may, but it is up to the Commission to decide whether it qualifies as a substantive change and depends on what the date is.</p> <p>Chair Tardy proposed amending the motion to approve Chapter 4 with an effective date of January 1, 2024, because it is after the effective date of the new budget. The delayed effective date would also allow staff and assigned counsel to prepare for the implementation of caseload standards. Commissioner Cantara amended his motion to reflect an effective date of January 1, 2024. Commissioner Carey seconded.</p> <p>Commissioner Alexander reiterated his concern about the numbers proposed for appellate work. Deputy Director Maciag explained that the proposed appellate caseload standard is based on the NAC standard, which sets the limit at 25 appeals cases annually.</p> <p>The motion to adopt Chapter 4 was further amended to adopt the basis statement (with an additional comment that the rationale for the January 1, 2024 effective date is to provide staff with necessary time to prepare rostered attorneys for the implementation and to recognize that the impact of the standards on the system may be mitigated by the fact that the most recent budget will be implemented by that time), and accept public comments.</p> <p>Commissioners Cantara, Carey, Katz, Monaghan, Soucy, Tardy voted in favor; Commissioner Alexander voted against. Chapter 4 was adopted.</p>
Chapter 3 - Specialized Panels	<p>Discussion ensued regarding the draft of Chapter 3 that the subcommittee submitted. Deputy Director Maciag explained that the subcommittee is seeking feedback on the draft and will be meeting to work on the rule again.</p> <p>A few commissioners pointed out their concerns regarding trial case requirements. Another commissioner questioned the change in the draft from requiring a certain amount of criminal law experience to requiring criminal defense experience specifically. Commissioner Burbank said that the difference between working on a criminal case from the prosecutorial perspective versus the defense counsel perspective was discussed at the subcommittee meeting.</p>

Agenda Item	Discussion/Outcome
	<p>Commissioner Burbank raised a concern regarding a recent child protective training hosted by MCILS that resulted in an AAG reaching out to MCILS to inquire about who taught the training. Commissioner Burbank’s understanding is that the AAG may have obtained the training materials from a rostered attorney who attended the training. She noted that when the AGs have trainings, they are not available to defense attorneys. She brought up the fact that she is only paid for her time presenting, not preparing the training. She suggested potentially working with the AG to create a joint training so that the costs of the training could be shared.</p> <p>Darcy Fisher added that it was not clear what information or in under what circumstances the information was shared with the AAG. She said that it is generally expected for those attending the trainings to not disseminate the training materials in an inappropriate way to the opposing party.</p> <p>Attorney Tina Nadeau, a member of the subcommittee, echoed Commissioner Burbank’s statements regarding the difference between criminal law experience and criminal defense experience. She elaborated by saying that is that even if a prosecutor has five years of criminal law experience, it is not the same as representing a human being. She noted that criminal defense is qualitatively different than getting paid to put people in prison.</p>
Public Comment	<p>George Hess: Attorney Hess spoke about the difference between criminal law experience generally and criminal defense experience. He noted that he doesn’t know how MCILS could subjectively define who is or is not qualitatively eligible to represent indigent defendants. He stated there are many prosecutors who are excellent people to work with and have skills that could be applied towards defense work, if there was some kind of vetting process which is objective as opposed to subjective.</p>
Adjournment of meeting	<p>The next meeting will be held on August 21, 2023 at 1:00PM.</p>

## MAINE COMMISSION ON INDIGENT LEGAL SERVICES

**TO:** MCILS COMMISSIONERS  
**FROM:** JIM BILLINGS, EXECUTIVE DIRECTOR  
**SUBJECT:** OPERATIONS REPORTS  
**DATE:** August 17, 2023

---

Attached you will find the July 2023, Operations Reports for your review and our discussion at the Commission meeting on August 21, 2023. A summary of the operations reports follows:

- 3,123 new cases were opened in the DefenderData system in July. This was a 308 case increase from June. Year to date, new cases are up 23% from last year from 2,535 at this time last year to 3,123 this year.
- The number of vouchers submitted electronically in July was 3,296, a decrease of 98 vouchers from June, totaling \$2,946,882, a decrease of \$253,172 from June. Year to date, the number of submitted vouchers is up by approximately 18%, from 2,787 at this time last year to 3,296 this year, with the total amount for submitted vouchers up approximately 83%, from \$1,604,722 at this time last year to \$2,946,882, this year.
- In July, we paid 3,685 electronic vouchers totaling \$3,322,933 representing an increase of 696 vouchers and an increase of \$648,654 compared to June. Year to date, the number of paid vouchers is up approximately 12%, from 3,277 at this time last year to 3,685 this year, and the total amount paid is up approximately 75%, from \$1,896,252 this time last year to \$3,322,933 this year.
- The average price per voucher in July was \$901.75 up \$7.04 per voucher from June. Year to date, the average price per voucher is up approximately 55%, from \$578.66 at this time last year to \$901.75 this year.
- Appeal and Post-Conviction Review had the highest average voucher in July. There were 21 vouchers exceeding \$5,000 paid in July. See attached addendum for details.
- In July, we issued 135 authorizations to expend funds: 85 for private investigators, 40 for experts, and 10 for miscellaneous services such as interpreters and transcriptionists. In July, we paid \$88,574 for experts and investigators, etc. One request for funds was denied.
- There were two attorney suspensions in July.
- In our All Other Account, the total expenses for the month of July were \$2,941,048. During July, approximately \$36,391 was devoted to the Commission's operating expenses.
- In the Personal Services Accounts, we had \$177,137 in expenses for the month of July.



- In the Revenue Account, we received no transfer of collected counsel fees from the Judicial Branch for June's collections.
- Exceptional results – see attached addendum.
- As of August 17, 2023, there are 186 rostered attorneys of which 135 are available for trial court level work.

**Vouchers over \$5,000**

<b>Comment</b>	<b>Voucher Total</b>	<b>Case Total</b>
Domestic Violence Aggravated Assault	\$27,426.16	\$27,426.16
Aggravated Trafficking	\$14,898.60	\$14,898.60
Homicide	\$14,309.58	\$14,309.58
Unlawful Sexual Contact	\$13,675.02	\$16,545.70
Gross Sexual Assault	\$13,435.64	\$13,435.64
Burglary	\$12,384.00	\$12,384.00
Aggravated Trafficking	\$12,341.72	\$14,712.70
Kidnapping	\$12,065.00	\$12,065.00
Termination of Parental Rights	\$10,410.89	\$10,410.89
Homicide	\$9,786.52	\$14,461.90
Child Protection Petition	\$9,362.00	\$9,994.00
Theft/Tax Evasion	\$9,110.16	\$9,110.16
Termination of Parental Rights	\$8,710.12	\$8,710.12
Aiding Escape	\$8,697.08	\$11,111.60
Homicide PCR	\$7,616.36	\$7,616.36
Theft	\$6,866.00	\$6,866.00
Termination of Parental Rights Appeal	\$6,844.01	\$6,844.01
Homicide	\$5,780.00	\$5,780.00
OUI	\$5,299.00	\$5,299.00
Unlawful Possession of Scheduled Drug	\$5,206.04	\$5,206.04
OUI	\$5,046.00	\$5,046.00

## Good Outcomes

Review Date	Attorney	Charge(s)	Disposition
7/6/2023	Leonard, Sean	Child Protection Petition	Dismissal
7/6/2023	Griffin, Henry	Child Protection Petition	Dismissal; Successful Reunification
7/6/2023	Richter, Julian	Child Protection Petition	Dismissal
7/6/2023	Wright, Andrew	Child Protection Petition	Dismissal
7/6/2023	Edwards, Andrew	1 ct. Domestic Violence Agg. Assault, 1 ct. DVA, 1 ct. VCR, 1 ct. DV Stalking	Dismissal
7/6/2023	Tzovarras, Hunter	Agg. Trafficking, Trafficking	Dismissed After Jury Selection
7/7/2023	Edwards, Andrew	1 ct. Criminal Mischief, 1 ct. Criminal Trespass	Dismissal
7/7/2023	Owens, Molly	Child Protection Petition	Dismissal
7/7/2023	Bos, C. Peter	Child Protection Petition	Dismissal
7/7/2023	Slaton, Ashley	1 ct. Forgery, 1 ct. Receiving Stolen Property, 2 ct. Theft by Unauthorized Taking or Transfer, 4 ct. VCR, 4 ct. Violating Protection from Abuse Order	Plea to Class D Forgery with Unconditional Discharge - Dismissal of all other Charges
7/7/2023	Notis, Philip	Child Protection Petition	Dismissal
7/7/2023	Foster, Matthew	PCR Petition (DV Assault conviction)	Granted
7/7/2023	Wright, Andrew	GSA	Mistrial
7/13/2023	Wright, Andrew	Weapons Restriction	Dismissal
7/13/2023	McGee, Peter	Child Protection Petition	Dismissal
7/13/2023	Connolly, Thomas	Unlawful Possession of Scheduled Drug	Dismissal
7/13/2023	Dube, Daniel	USC	Not Guilty after Trial
7/13/2023	Duffett, Neale	2 ct. Reckless Conduct	Dismissal
7/14/2023	Catherman, Andrew	VCR	Dismissal
7/14/2023	Matthews, Vicki	JV PC	Dismissal
7/16/2023	Bos, C. Peter	Child Protection Petition	Dismissal; Successful Reunification
7/16/2023	Wentworth, Daniel	Criminal Threatening	Dismissal
7/16/2023	Dube, Daniel	Child Protection Petition	Dismissal through PRR
7/17/2023	Leary, Jusin	2 ct. Criminal Trespass	Dismissal
7/17/2023	Hainke, Hank	Child Protection Petition	Dismissal
7/18/2023	Ashe, William	1 ct. Criminal Restraint, 1 ct. DVA	Dismissal
7/19/2023	Jensen, Angela	Criminal Mischief	Dismissal
7/26/2023	Madison, Lynn	Child Protection Petition	Dismissal
7/27/2023	White, Russell	Child Protection Petition	Dismissal

### Good Outcomes

7/27/2023	Zirschky, David	1 ct. Unlawful Possession of Methamphetamine, 1 ct. Unlawful Possession of Scheduled Drug	Dismissal with Successful Motion to Suppress
7/27/2023	LeBrasseur, Robert	Theft by Unauthorized Taking	Dismissal
7/27/2023	Bell, Nathan	Child Protection Petition	Dismissal
7/27/2023	LeBrasseur, Robert	1 ct. Refusing to Sign Criminal Summons, 1 ct. Attaching False Plates, 1 ct. Operation of Defective Vehicle	Dismissal
7/27/2023	Gregory, Richard	Child Protection Petition	Dismissal
7/27/2023	Fortin, Matthew	Unlawful Possession of Fentanyl Powder	Dismissal
7/28/2023	Perry, Mark	1 ct. Unlawful Possession of Scheduled Drug, 1 ct. Falsifying Physical Evidence, 1 ct. Refusing to Submit to Arrest	Deferred Disposition Good Outcome of Dismissal
7/28/2023	Foster, Matthew	2 ct. Disorderly Conduct	Dismissal
7/28/2023	Lees, Benjamin	Unlawful Possession of Scheduled Drug	Dismissal
7/31/2023	Matthews, Vicki	Child Protection Petition	Dismissal
7/31/2023	Kilgore, Taylor	Child Protection Petition	Dismissal
7/31/2023	Doane, Wayne	Child Protection Petition	Dismissal
7/31/2023	Ledwick, Christopher	Assault	Dismissal
7/31/2023	Holmes, Amanda	Child Protection Petition	Dismissal

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

7/31/2023

DefenderData Case Type	Jul-23						Fiscal Year 2024			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	23	14	\$29,178.39	14	\$ 38,942.51	\$2,781.61	23	14	\$ 38,942.51	\$2,781.61
Central Office Resource Counsel	1	4	\$9,505.00	4	\$ 4,125.00	\$1,031.25	1	4	\$ 4,125.00	\$1,031.25
Child Protection Petition	173	378	\$405,984.25	421	\$ 461,682.24	\$1,096.63	173	421	\$ 461,682.24	\$1,096.63
Drug Court	5	14	\$31,858.00	19	\$ 48,125.50	\$2,532.92	5	19	\$ 48,125.50	\$2,532.92
Emancipation	11	10	\$9,485.00	10	\$ 9,820.24	\$982.02	11	10	\$ 9,820.24	\$982.02
Felony	777	742	\$945,906.56	840	\$ 1,057,883.99	\$1,259.39	777	840	\$ 1,057,883.99	\$1,259.39
Involuntary Civil Commitment	94	91	\$54,566.66	105	\$ 60,767.40	\$578.74	94	105	\$ 60,767.40	\$578.74
Juvenile	80	49	\$53,689.75	62	\$ 69,978.71	\$1,128.69	80	62	\$ 69,978.71	\$1,128.69
Lawyer of the Day - Custody	254	273	\$180,321.91	291	\$ 193,394.79	\$664.59	254	291	\$ 193,394.79	\$664.59
Lawyer of the Day - Juvenile	17	17	\$12,148.48	20	\$ 11,883.48	\$594.17	17	20	\$ 11,883.48	\$594.17
Lawyer of the Day - Walk-in	141	150	\$105,637.57	174	\$ 120,693.12	\$693.64	141	174	\$ 120,693.12	\$693.64
MCILS Provided Training	114	110	\$23,797.50	111	\$ 21,795.00	\$196.35	114	111	\$ 21,795.00	\$196.35
Misdemeanor	1,193	1,069	\$665,367.11	1,212	\$ 748,079.26	\$617.23	1,193	1,212	\$ 748,079.26	\$617.23
Petition, Modified Release Treatment	3	2	\$1,425.00	2	\$ 1,294.00	\$647.00	3	2	\$ 1,294.00	\$647.00
Petition, Release or Discharge	0	1	\$4,602.00	0			0	0		
Petition, Termination of Parental Rights	26	66	\$116,665.54	68	\$ 126,438.21	\$1,859.39	26	68	\$ 126,438.21	\$1,859.39
Post Conviction Review	7	6	\$16,735.36	5	\$ 24,362.52	\$4,872.50	7	5	\$ 24,362.52	\$4,872.50
Probate	3	8	\$15,829.13	4	\$ 10,084.36	\$2,521.09	3	4	\$ 10,084.36	\$2,521.09
Probation Violation	161	151	\$118,314.42	174	\$ 134,608.01	\$773.61	161	174	\$ 134,608.01	\$773.61
Represent Witness on 5th Amendment	4	1	\$1,110.00	1	\$ 1,110.00	\$1,110.00	4	1	\$ 1,110.00	\$1,110.00
Resource Counsel Criminal	0	2	\$870.00	3	\$ 1,305.00	\$435.00	0	3	\$ 1,305.00	\$435.00
Resource Counsel Juvenile	0	0		0			0	0		
Resource Counsel NCR	0	0		0			0	0		
Resource Counsel Protective Custody	1	1	\$1,305.00	3	\$ 11,884.50	\$3,961.50	1	3	\$ 11,884.50	\$3,961.50
Review of Child Protection Order	35	136	\$139,279.97	141	\$ 164,375.71	\$1,165.79	35	141	\$ 164,375.71	\$1,165.79
Revocation of Administrative Release	0	1	\$300.00	1	\$ 300.00	\$300.00	0	1	\$ 300.00	\$300.00
<b>DefenderData Sub-Total</b>	<b>3,123</b>	<b>3,296</b>	<b>\$2,943,882.60</b>	<b>3,685</b>	<b>\$3,322,933.55</b>	<b>\$901.75</b>	<b>3,123</b>	<b>3,685</b>	<b>\$3,322,933.55</b>	<b>\$901.75</b>
<b>TOTAL</b>	<b>3,123</b>	<b>3,296</b>	<b>\$2,943,882.60</b>	<b>3,685</b>	<b>\$3,322,933.55</b>	<b>\$ 901.75</b>	<b>3,123</b>	<b>3,685</b>	<b>\$ 3,322,933.55</b>	<b>\$ 901.75</b>

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

7/31/2023

Court	Jul-23						Fiscal Year 2024			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	1	1	\$435.00	3	\$ 1,515.00	\$505.00	1	3	\$ 1,515.00	\$505.00
AUBSC	0	3	\$3,270.00	2	\$ 2,670.00	\$1,335.00	0	2	\$ 2,670.00	\$1,335.00
AUGDC	48	68	\$72,374.98	76	\$ 87,147.96	\$1,146.68	48	76	\$ 87,147.96	\$1,146.68
AUGSC	1	3	\$5,692.00	3	\$ 1,675.00	\$558.33	1	3	\$ 1,675.00	\$558.33
BANDC	50	85	\$77,558.00	108	\$ 89,587.70	\$829.52	50	108	\$ 89,587.70	\$829.52
BANSC	0	0		0			0	0		
BATSC	0	0		0			0	0		
BELDC	8	15	\$13,609.64	16	\$ 16,610.24	\$1,038.14	8	16	\$ 16,610.24	\$1,038.14
BELSC	0	0		0			0	0		
BIDDC	40	48	\$41,916.06	30	\$ 30,827.89	\$1,027.60	40	30	\$ 30,827.89	\$1,027.60
BRIDC	13	9	\$9,019.05	7	\$ 9,448.05	\$1,349.72	13	7	\$ 9,448.05	\$1,349.72
CALDC	4	4	\$5,183.74	5	\$ 5,046.26	\$1,009.25	4	5	\$ 5,046.26	\$1,009.25
CARDC	4	13	\$15,144.98	27	\$ 26,474.36	\$980.53	4	27	\$ 26,474.36	\$980.53
CARSC	5	0		1	\$ 2,970.00	\$2,970.00	5	1	\$ 2,970.00	\$2,970.00
DOVDC	7	16	\$13,327.90	21	\$ 17,173.02	\$817.76	7	21	\$ 17,173.02	\$817.76
DOVSC	0	0		0			0	0		
ELLDC	7	31	\$32,024.70	20	\$ 24,630.11	\$1,231.51	7	20	\$ 24,630.11	\$1,231.51
ELLSC	0	0		0			0	0		
FARDC	13	27	\$28,769.55	27	\$ 25,858.17	\$957.71	13	27	\$ 25,858.17	\$957.71
FARSC	0	0		0			0	0		
FORDC	6	11	\$20,254.18	17	\$ 29,655.48	\$1,744.44	6	17	\$ 29,655.48	\$1,744.44
HOUDC	14	18	\$25,571.60	21	\$ 32,194.60	\$1,533.08	14	21	\$ 32,194.60	\$1,533.08
HOUSC	0	0		0			0	0		
LEWDC	38	84	\$97,845.43	92	\$ 93,984.22	\$1,021.57	38	92	\$ 93,984.22	\$1,021.57
LINDC	8	11	\$17,791.74	9	\$ 11,079.90	\$1,231.10	8	9	\$ 11,079.90	\$1,231.10
MACDC	1	5	\$5,632.80	3	\$ 3,986.32	\$1,328.77	1	3	\$ 3,986.32	\$1,328.77
MACSC	0	0		0			0	0		
MADDC	0	0		0			0	0		
MILDC	2	3	\$1,385.00	2	\$ 1,620.00	\$810.00	2	2	\$ 1,620.00	\$810.00
NEWDC	8	24	\$15,711.60	20	\$ 14,683.46	\$734.17	8	20	\$ 14,683.46	\$734.17
PORDC	74	105	\$142,036.82	113	\$ 148,317.47	\$1,312.54	74	113	\$ 148,317.47	\$1,312.54
PORSC	1	3	\$3,635.00	2	\$ 3,188.00	\$1,594.00	1	2	\$ 3,188.00	\$1,594.00
PREDC	17	17	\$29,939.92	30	\$ 39,863.96	\$1,328.80	17	30	\$ 39,863.96	\$1,328.80
RODC	23	15	\$12,046.84	13	\$ 12,187.84	\$937.53	23	13	\$ 12,187.84	\$937.53
RODC	23	15	\$12,046.84	13	\$ 12,187.84	\$937.53	23	13	\$ 12,187.84	\$937.53
ROSC	0	0		0			0	0		
RUMDC	11	17	\$20,487.86	19	\$ 21,199.86	\$1,115.78	11	19	\$ 21,199.86	\$1,115.78
SKODC	26	57	\$43,316.56	74	\$ 66,745.07	\$901.96	26	74	\$ 66,745.07	\$901.96
SKOSC	0	0		1	\$ 3,297.00	\$3,297.00	0	1	\$ 3,297.00	\$3,297.00
SOUDC	8	9	\$11,261.41	9	\$ 28,565.28	\$3,173.92	8	9	\$ 28,565.28	\$3,173.92
SOUSC	0	0		0			0	0		
SPRDC	12	33	\$30,500.61	28	\$ 34,516.00	\$1,232.71	12	28	\$ 34,516.00	\$1,232.71
Law Ct	19	9	\$20,274.39	12	\$ 34,636.51	\$2,886.38	19	12	\$ 34,636.51	\$2,886.38
Training	115	112	\$27,210.00	116	\$ 37,467.00	\$322.99	115	116	\$ 37,467.00	\$322.99
YORCD	358	406	\$383,837.73	452	\$ 417,921.07	\$924.60	358	452	\$ 417,921.07	\$924.60
AROCD	207	148	\$169,380.16	188	\$ 208,324.97	\$1,108.11	207	188	\$ 208,324.97	\$1,108.11
ANDCD	199	229	\$222,855.71	227	\$ 206,579.82	\$910.04	199	227	\$ 206,579.82	\$910.04
KENCD	325	253	\$180,624.64	358	\$ 243,301.09	\$679.61	325	358	\$ 243,301.09	\$679.61
PENCD	263	300	\$226,227.43	336	\$ 232,572.13	\$692.18	263	336	\$ 232,572.13	\$692.18
SAGCD	71	55	\$48,777.60	68	\$ 58,575.42	\$861.40	71	68	\$ 58,575.42	\$861.40
WALCD	81	59	\$41,788.80	57	\$ 42,071.42	\$738.10	81	57	\$ 42,071.42	\$738.10
PISCD	4	23	\$21,412.08	25	\$ 15,798.04	\$631.92	4	25	\$ 15,798.04	\$631.92
HANCD	54	68	\$60,882.02	65	\$ 81,275.86	\$1,250.40	54	65	\$ 81,275.86	\$1,250.40
FRACD	61	66	\$42,710.33	61	\$ 37,045.64	\$607.31	61	61	\$ 37,045.64	\$607.31
WASCD	68	68	\$63,898.98	93	\$ 93,306.90	\$1,003.30	68	93	\$ 93,306.90	\$1,003.30
CUMCD	484	354	\$301,350.88	397	\$ 348,791.84	\$878.57	484	397	\$ 348,791.84	\$878.57
KN OCD	63	73	\$54,921.28	66	\$ 64,280.88	\$973.95	63	66	\$ 64,280.88	\$973.95
SOMCD	104	78	\$80,012.62	113	\$ 97,233.75	\$860.48	104	113	\$ 97,233.75	\$860.48
OXFCD	116	134	\$87,824.18	108	\$ 82,846.82	\$767.10	116	108	\$ 82,846.82	\$767.10
LINCD	45	45	\$40,523.08	47	\$ 42,647.10	\$907.39	45	47	\$ 42,647.10	\$907.39
WATDC	16	39	\$30,653.86	50	\$ 41,570.23	\$831.40	16	50	\$ 41,570.23	\$831.40
WESDC	12	24	\$26,143.94	30	\$ 29,439.88	\$981.33	12	30	\$ 29,439.88	\$981.33
WISDC	6	12	\$11,353.32	13	\$ 15,963.96	\$1,228.00	6	13	\$ 15,963.96	\$1,228.00
WISSC	0	0		0			0	0		
YORDC	1	6	\$5,476.60	4	\$ 4,565.00	\$1,141.25	1	4	\$ 4,565.00	\$1,141.25
<b>TOTAL</b>	<b>3,123</b>	<b>3,296</b>	<b>\$2,943,882.60</b>	<b>3,685</b>	<b>\$3,322,933.55</b>	<b>\$901.75</b>	<b>3,123</b>	<b>3,685</b>	<b>\$ 3,322,933.55</b>	<b>\$901.75</b>

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY24 FUND ACCOUNTING**  
AS OF 07/31/2023

Account 010 95F Z112 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY24 Total
FY24 Professional Services Allotment		\$ 7,783,128.77	\$	4,923,712.00	\$	4,923,711.00	\$	4,923,711.00	\$ 22,554,262.77
FY24 General Operations Allotment		\$ 48,000.00	\$	48,000.00	\$	48,000.00	\$	48,000.00	\$ 192,000.00
FY23 carry forward appropriation		\$ -	\$	-	\$	-	\$	-	\$ 1,255,608.01
Budget Order Adjustment		\$ -	\$	-	\$	-	\$	-	\$ -
Budget Order Adjustment		\$ -	\$	-	\$	-	\$	-	\$ -
Financial Order Adjustment		\$ -	\$	-	\$	-	\$	-	\$ -
<b>Total Budget Allotments</b>		<b>\$ 7,831,128.77</b>	<b>\$</b>	<b>4,971,712.00</b>	<b>\$</b>	<b>4,971,711.00</b>	<b>\$</b>	<b>4,971,711.00</b>	<b>\$ 24,001,870.78</b>
Total Expenses	1	\$ (2,941,048.40)	4	\$ -	7	\$ -	10	\$ -	
	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
FY23 carry forward appropriation		\$ -	\$	-	\$	-	\$	-	\$ 1,255,608.01
FY23 carry forward encumbrances		\$ -	\$	-	\$	-	\$	-	\$ (587,542.77)
Encumbrances (Justice Works)		\$ (100,272.00)	\$	-	\$	-	\$	-	\$ (100,272.00)
Encumbrances (B Taylor)		\$ (22,100.00)	\$	-	\$	-	\$	-	\$ (22,100.00)
Encumbrances (CTB for non attorney expenses)		\$ 88,574.14	\$	-	\$	-	\$	-	\$ 88,574.14
Encumbrance (Legal Case Management Accelerator User assistance)		\$ (5,550.00)	\$	-	\$	-	\$	-	\$ (5,550.00)
Encumbrance (Justin Andrus contract for temp services)		\$ (132,301.60)	\$	-	\$	-	\$	-	\$ (132,301.60)
Online Legal Research Services		\$ (53,633.36)	\$	-	\$	-	\$	-	\$ (53,633.36)
FY22 CTB Balance Carry Forward		\$ (251,650.23)	\$	-	\$	-	\$	-	\$ (251,650.23)
<b>TOTAL REMAINING</b>		<b>\$ 4,413,147.32</b>	<b>\$</b>	<b>4,971,712.00</b>	<b>\$</b>	<b>4,971,711.00</b>	<b>\$</b>	<b>4,971,711.00</b>	<b>\$ 20,583,889.33</b>

Q1 Month 1	
<b>INDIGENT LEGAL SERVICES</b>	
Counsel Payments	\$ (2,816,083.21)
Interpreters	\$ (100.00)
Private Investigators	\$ (15,531.50)
Mental Health Expert	\$ (16,885.00)
Misc Prof Fees & Serv	\$ (2,555.50)
Transcripts	\$ (19,847.14)
Other Expert	\$ (33,655.00)
Subpoena witness	\$ -
Process Servers	\$ -
<b>SUB-TOTAL ILS</b>	<b>\$ (2,904,657.35)</b>
<b>OPERATING EXPENSES</b>	
Service Center	\$ -
Barbara Taylor monthly fees	\$ (4,420.00)
OIT/TELCO	\$ (8,707.72)
Mileage/Tolls/Parking	\$ (1,753.26)
Mailing/Postage/Freight	\$ (292.45)
West Publishing Corp	\$ (3,581.32)
Office Equipment Rental	\$ (105.13)
Office Supplies/Equip.	\$ (239.19)
Cellular Phones	\$ (442.22)
Books	\$ -
Employee lodging & airfare	\$ (2,561.26)
Justin Andrus contract payments	\$ (5,870.50)
Central fleet vehicle lease	\$ -
Legal ads	\$ -
Dues	\$ -
Registration fees	\$ -
Tuition for CLEs	\$ -
Business cards	\$ -

INDIGENT LEGAL SERVICES	
Q1 Allotment	\$ 7,831,128.77
Encumbrances for Justice Works contract	\$ (100,272.00)
Barbara Taylor Contract	\$ (22,100.00)
CTB Encumbrance for non attorney expenses	\$ 88,574.14
CTB Encumbrance for non attorney expenses carry forward	\$ (251,650.23)
Encumbrance for Justin Andrus contract for temp services	\$ (132,301.60)
Legal Case Management Accelerator User Assistance	\$ (5,550.00)
Online Legal Research Services	\$ (53,633.36)
Expenses to date	\$ (2,941,048.40)
Remaining Q1 Allotment	<b>\$ 4,413,147.32</b>

Non-Counsel Indigent Legal Services	
Monthly Total	\$ (88,574.14)
Total Q1	\$ 88,574.14
Total Q2	\$ -
Total Q3	\$ -
Total Q4	\$ -
Fiscal Year Total	<b>\$ 88,574.14</b>

MAINE COMMISSION ON INDIGENT LEGAL SERVICES  
FY24 FUND ACCOUNTING  
AS OF 07/31/2023

Justice Works	\$	(8,418.00)
Transcript on procurement card	\$	-
<b>SUB-TOTAL OE</b>	<b>\$</b>	<b>(36,391.05)</b>
<b>TOTAL</b>	<b>\$</b>	<b>(2,941,048.40)</b>



**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY24 FUND ACCOUNTING**  
AS OF 07/31/2023

<b>Account 010 95F Z112 01</b>										
<b>(Personal Services)</b>										
	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY24 Total	
FY24 Allotment		\$ 513,974.00		\$ 469,367.00		\$ 513,974.00		\$ 203,769.00	\$ 1,701,084.00	
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	\$ -	
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	\$ -	
Carry forward Q1, Q2 & Q3 Allotment		\$ -		\$ -		\$ -		\$ -	\$ -	
<b>Total Budget Allotments</b>		<b>\$ 513,974.00</b>		<b>\$ 469,367.00</b>		<b>\$ 513,974.00</b>		<b>\$ 203,769.00</b>	<b>\$ 1,701,084.00</b>	
Total Expenses	1	\$ (125,464.57)	4	\$ -	7	\$ -	10	\$ -		
	2	\$ -	5	\$ -	8	\$ -	11	\$ -		
	3	\$ -	6	\$ -	9	\$ -	12	\$ -		
<b>TOTAL REMAINING</b>		<b>\$ 388,509.43</b>		<b>\$ 469,367.00</b>		<b>\$ 513,974.00</b>		<b>\$ 203,769.00</b>	<b>\$ 1,575,619.43</b>	

<b>Q1 Month 1</b>	
Retro lump sum pymt	\$ -
Permanent Regular	\$ (28,280.58)
Perm Vacation Pay	\$ (531.11)
Perm Holiday Pay	\$ (3,520.80)
Sick Pay	\$ (240.17)
Employee hlth svcs/workers comp	\$ (306.00)
Health Insurance	\$ (15,320.48)
Dental Insurance	\$ (394.20)
Employer Retiree Health	\$ (7,007.82)
Employer Retirement	\$ (4,905.23)
Employer Group Life	\$ (909.45)
Employer Medicare	\$ (1,137.74)
Retiree Unfunded Liability	\$ (13,271.61)
Longevity Pay	\$ (110.10)
Lim Perm Part Time Full Ben	\$ (4,047.02)
Limited Period Regular	\$ (37,027.47)
Limited Per Vacation Pay	\$ (1,474.81)
Limited Per Holiday Pay	\$ (4,946.24)
Limit Per Sick Pay	\$ (1,593.74)
Per diem	\$ (440.00)
<b>TOTAL</b>	<b>\$ (125,464.57)</b>

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY24 FUND ACCOUNTING**  
AS OF 07/31/2023

<b>Account 014 95F Z112 01 (OSR Personal Services Revenue)</b>	<b>Mo.</b>	<b>Q1</b>	<b>Mo.</b>	<b>Q2</b>	<b>Mo.</b>	<b>Q3</b>	<b>Mo.</b>	<b>Q4</b>	<b>FY24 Total</b>
FY24 Allotment		\$ 199,948.00		\$ 183,210.00		\$ 199,948.00		\$ 98,063.00	\$ 681,169.00
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Carry Forward Q1 & Q3 Allotment		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	
<b>Total Budget Allotments</b>		<b>\$ 199,948.00</b>		<b>\$ 183,210.00</b>		<b>\$ 199,948.00</b>		<b>\$ 98,063.00</b>	<b>\$ 681,169.00</b>
Total Expenses	1	\$ (51,673.18)	4	\$ -	7	\$ -	10	\$ -	
	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
<b>TOTAL REMAINING</b>		<b>\$ 148,274.82</b>		<b>\$ 183,210.00</b>		<b>\$ 199,948.00</b>		<b>\$ 98,063.00</b>	<b>\$ 629,495.82</b>

<b>Q1 Month 1</b>	
Per Diem	\$ -
Permanent Regular	\$ (22,441.54)
Perm Vacation Pay	\$ (303.52)
Perm Holiday Pay	\$ (2,564.48)
Perm Sick Pay	\$ (335.26)
Health Insurance	\$ (7,219.38)
Dental Insurance	\$ (146.00)
Employer Retiree Health	\$ (2,788.48)
Employer Retirement	\$ (2,805.74)
Employer Group Life	\$ (342.78)
Employer Medicare	\$ (444.34)
Retiree Unfunded Liability	\$ (5,280.86)
Limited Period Regular	\$ (6,031.20)
Limit Per Holiday Pay	\$ (689.28)
Limit Per Vacation Pay	\$ (172.32)
Limit Per Sick Pay	\$ -
Longevity Pay	\$ -
Employee Hlth SVS/Workers comp	\$ (108.00)
Perm Part Time Full Ben	\$ -
Retro Pay Contract	\$ -
Retro Lump Sum Pymt	\$ -
<b>TOTAL</b>	<b>\$ (51,673.18)</b>

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY24 FUND ACCOUNTING

As of 07/31/2023

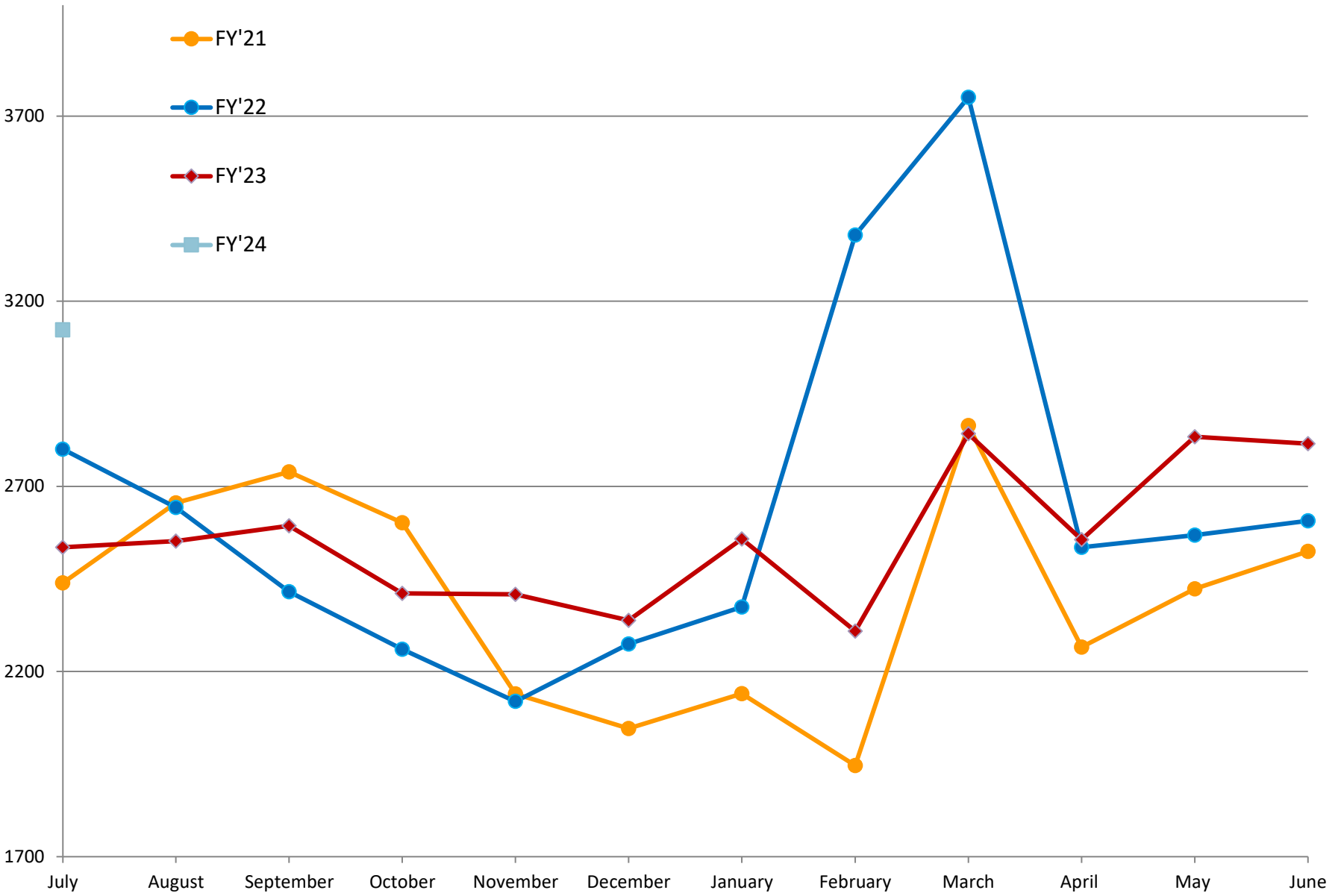
Account 014 95F Z112 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY24 Total
<b>Original Total Budget Allotments</b>		\$ 7,197,529.00		\$ 4,991,638.00		\$ 4,991,638.00		\$ 4,991,638.00	\$ 22,172,443.00
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	\$ -
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Budget Order Adjustment	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Transfer from General Fund Surplus	3	\$ -	6	\$ -	9	\$ -	12	\$ -	\$ -
<b>Total Budget Allotments</b>		\$ 7,197,529.00		\$ 4,991,638.00		\$ 4,991,638.00		\$ 4,991,638.00	\$ 22,172,443.00
Cash Carryover from Prior Quarter		\$ -		\$ -		\$ -		\$ -	
Collected Revenue from JB	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Collected Revenue from JB	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Collected Revenue from JB	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Collected for reimbursement of counsel fees		\$ -		\$ -		\$ -		\$ -	
Collected for reimbursement of counsel fees		\$ -		\$ -		\$ -		\$ -	
Collected for reimbursement of counsel fees		\$ -		\$ -		\$ -		\$ -	
<b>TOTAL CASH PLUS REVENUE COLLECTED</b>		\$ -		\$ -		\$ -		\$ -	\$ -
Counsel Payments	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Counsel Payments	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Counsel Payments	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
State Cap for period 1		\$ -		\$ -		\$ -		\$ -	
State Cap for periods 4,5 & 6		\$ -		\$ -		\$ -		\$ -	
State Cap for periods 8, 9, 10, 11 & 12		\$ -		\$ -		\$ -		\$ -	
<b>REMAINING ALLOTMENT</b>		\$ 7,197,529.00		\$ 4,991,638.00		\$ 4,991,638.00		\$ 4,991,638.00	\$ 22,172,443.00
Overpayment Reimbursements	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
<b>REMAINING CASH Year to Date</b>		\$ -		\$ -		\$ -		\$ -	\$ -

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY24 FUND ACCOUNTING**  
AS OF 07/31/2023

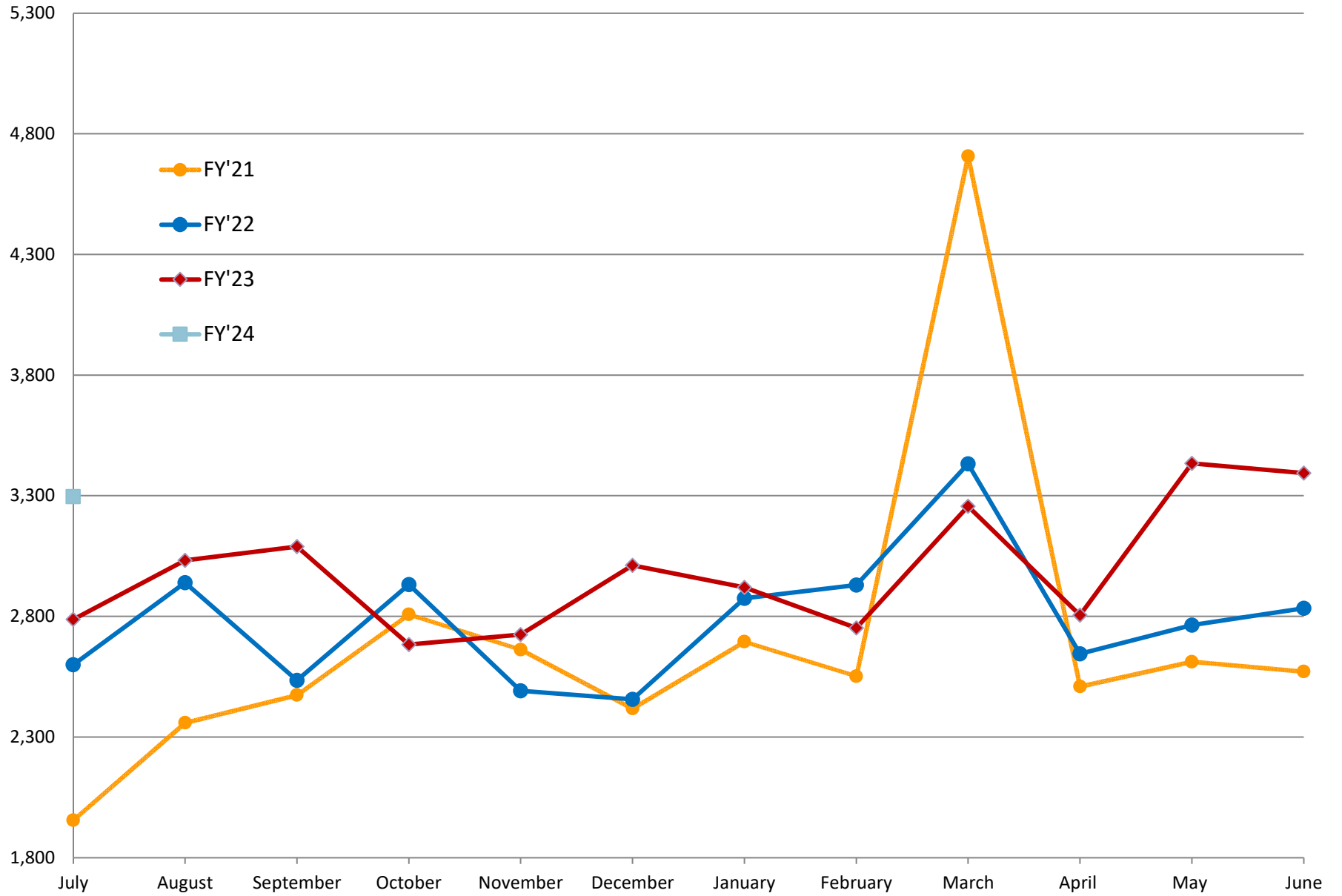
<b>Account 014 95F Z112 02 (Conference Account)</b>	<b>Mo.</b>	<b>Q1</b>	<b>Mo.</b>	<b>Q2</b>	<b>Mo.</b>	<b>Q3</b>	<b>Mo.</b>	<b>Q4</b>	<b>FY24 Total</b>
FY24 Allotment		\$ 13,333.00		\$ 17,000.00		\$ 13,333.00		\$ 13,334.00	\$ 57,000.00
Carry Forward		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	
<b>Total Budget Allotments</b>		<b>\$ 13,333.00</b>		<b>\$ 17,000.00</b>		<b>\$ 13,333.00</b>		<b>\$ 13,334.00</b>	<b>\$ 57,000.00</b>
Total Expenses	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
<b>TOTAL REMAINING</b>		<b>\$ 13,333.00</b>		<b>\$ 17,000.00</b>		<b>\$ 13,333.00</b>		<b>\$ 13,334.00</b>	<b>\$ 57,000.00</b>

<b>Q1 Month 1</b>	
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
<b>TOTAL</b>	<b>\$ -</b>

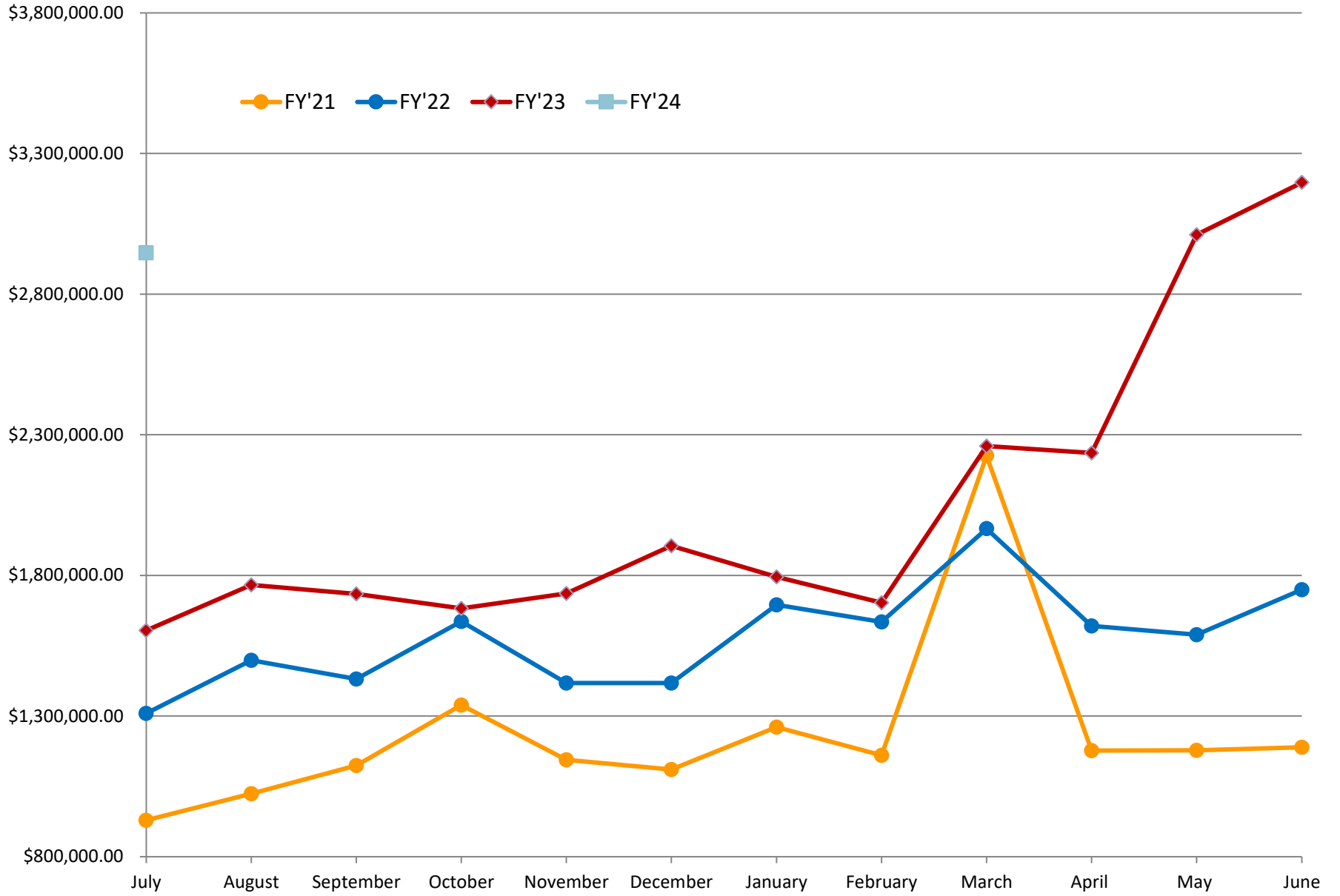
# NEW CASES



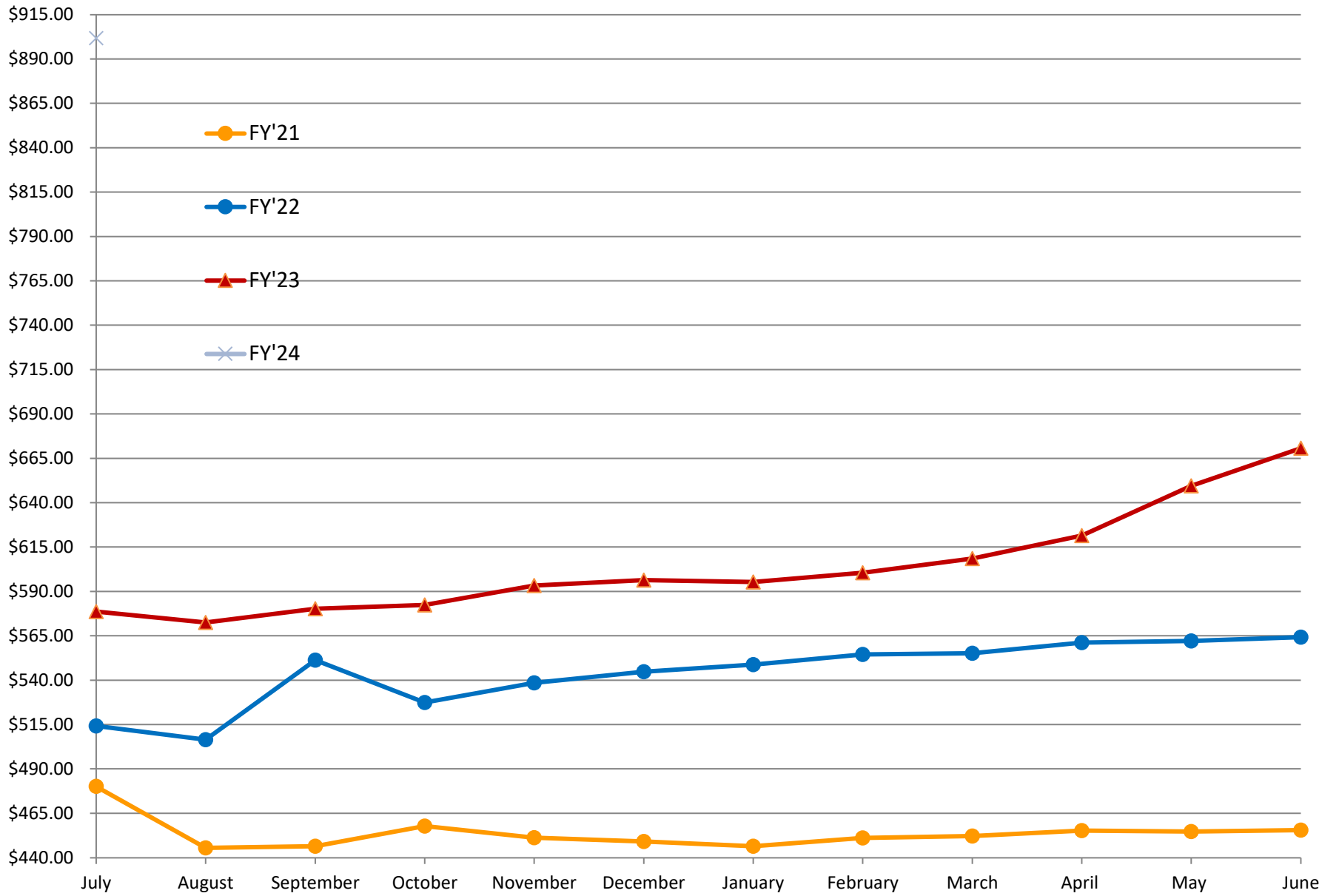
# Submitted Vouchers



# Submitted Voucher Amount

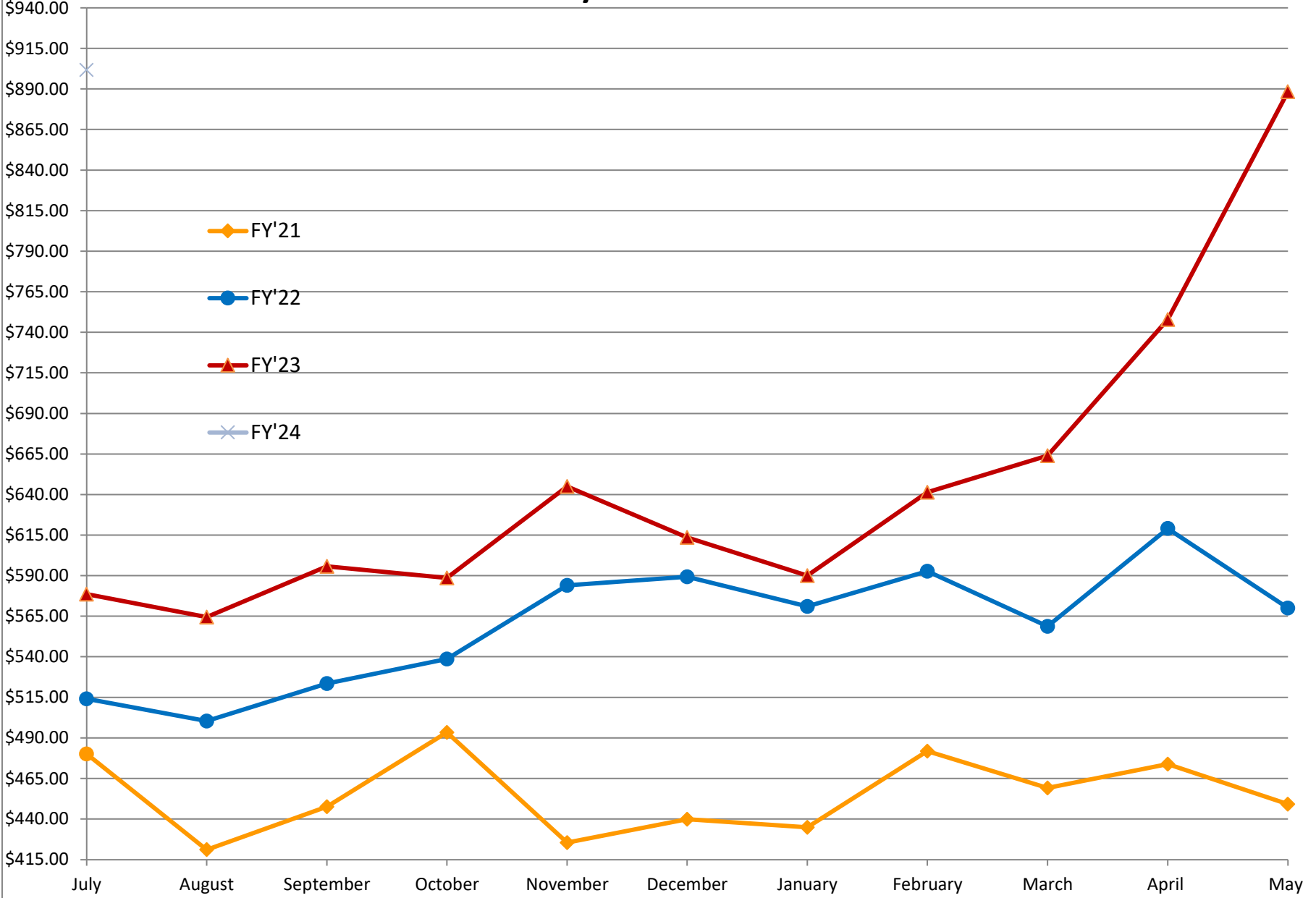


### Average Voucher Price Fiscal Year to Date





# Monthly Price Per Voucher



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

**As of August 4, 2023**

<b><u>General Funds - 010-Z11201</u></b>	<b><u>QTR1</u></b>	<b><u>QTR2</u></b>	<b><u>QTR3</u></b>	<b><u>QTR4</u></b>	<b><u>TOTAL</u></b>
Personal Services Allotment	\$ 513,974	\$ 469,367	\$ 513,974	\$ 203,769	\$ 1,701,084
Payroll to date	(190,699)	-	-	-	(190,699)
Estimated payroll remaining	(252,129)	(391,405)	(447,832)	(391,405)	(1,482,771)
<b>Total Personal Services available</b>	<b>\$ 71,146</b>	<b>\$ 77,962</b>	<b>\$ 66,142</b>	<b>\$ (187,636)</b>	<b>\$ 27,614</b>
All Other Allotment	\$ 7,831,129	\$ 4,971,712	\$ 4,971,711	\$ 4,971,711	\$ 22,746,263
Expenditures to date	(2,993,921)	-	-	-	(2,993,921)
Encumbrances	(452,358)	-	-	-	(452,358)
<b>Total All Other Available</b>	<b>\$ 4,384,850</b>	<b>\$ 4,971,712</b>	<b>\$ 4,971,711</b>	<b>\$ 4,971,711</b>	<b>\$ 19,299,984</b>

**Unencumbered balance forward 1,255,608.01**

<b><u>Other Special Revenue Funds - 014-Z11201</u></b>	<b><u>QTR1</u></b>	<b><u>QTR2</u></b>	<b><u>QTR3</u></b>	<b><u>QTR4</u></b>	<b><u>TOTAL</u></b>
Personal Services Allotment	\$ 199,948	\$ 183,210	\$ 199,948	\$ 98,063	\$ 681,169
Payroll to date	(77,516)	-	-	-	(77,516)
Estimated payroll remaining	(99,634)	(155,056)	(177,162)	(155,056)	(586,908)
<b>Total Personal Services available</b>	<b>\$ 22,798</b>	<b>\$ 28,154</b>	<b>\$ 22,786</b>	<b>\$ (56,993)</b>	<b>\$ 16,745</b>
All Other Allotment	\$ 7,197,529	\$ 4,991,638	\$ 4,991,638	\$ 4,991,638	\$ 22,172,443
Expenditures to date	(675)	-	-	-	(675)
Encumbrances	-	-	-	-	-
<b>Total All Other Available</b>	<b>\$ 7,196,854</b>	<b>\$ 4,991,638</b>	<b>\$ 4,991,638</b>	<b>\$ 4,991,638</b>	<b>\$ 22,171,768</b>

**CASH ON HAND 8/7/2023 \$ 12,405,035.19**

<b><u>Other Special Revenue Funds - 014-Z11202</u></b>	<b><u>QTR1</u></b>	<b><u>QTR2</u></b>	<b><u>QTR3</u></b>	<b><u>QTR4</u></b>	<b><u>TOTAL</u></b>
All Other Allotment	\$ 13,333	\$ 17,000	\$ 13,333	\$ 13,334	\$ 57,000
Expenditures to date	-	-	-	-	-
Encumbrances	-	-	-	-	-
<b>Total All Other Available</b>	<b>\$ 13,333</b>	<b>\$ 17,000</b>	<b>\$ 13,333</b>	<b>\$ 13,334</b>	<b>\$ 57,000</b>

**CASH ON HAND 8/7/2023 \$ 16,232.70**

<b><u>Other Special Revenue Funds - 014-Z25801</u></b>	<b><u>QTR1</u></b>	<b><u>QTR2</u></b>	<b><u>QTR3</u></b>	<b><u>QTR4</u></b>	<b><u>TOTAL</u></b>
All Other Allotment	\$ 7,410,810	\$ 5,191,848	\$ 5,204,919	\$ 5,103,035	\$ 22,910,612
Expenditures to date	-	-	-	-	-
Encumbrances	-	-	-	-	-
<b>Total All Other Available</b>	<b>\$ 7,410,810</b>	<b>\$ 5,191,848</b>	<b>\$ 5,204,919</b>	<b>\$ 5,103,035</b>	<b>\$ 22,910,612</b>

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

<b><u>ARPA Funds - 023-Z11201</u></b>	<b><u>QTR1</u></b>	<b><u>QTR2</u></b>	<b><u>QTR3</u></b>	<b><u>QTR4</u></b>	<b><u>TOTAL</u></b>
All Other Allotment	\$ 1,500,000	\$ -	\$ -	\$ -	\$ 1,500,000
Expenditures to date	-	-	-	-	-
Encumbrances	-	-	-	-	-
<b>Total All Other Available</b>	<b>\$ 1,500,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,500,000</b>

**CASH ON HAND 8/7/2023 (3,750,000.00)**

# Pending UCD Cases as of August 11, 2023

UCD	FELONY				MISDEMEANOR				CIVIL VIOLATION			ALL CASES			
	Pending	On DD	No IA	% No IA	Pending	On DD	No IA	% No IA	Pending	No IA	% No IA	Pending	On DD	No IA	% No IA
<b>Androscoggin</b>	<b>682</b>	<b>104</b>	<b>42</b>	<b>6.2%</b>	<b>1,909</b>	<b>321</b>	<b>327</b>	<b>17.1%</b>	<b>17</b>	<b>10</b>	<b>58.8%</b>	<b>2,608</b>	<b>425</b>	<b>379</b>	<b>14.5%</b>
<b>Aroostook</b>	<b>700</b>	<b>108</b>	<b>62</b>	<b>8.9%</b>	<b>1,093</b>	<b>280</b>	<b>235</b>	<b>21.5%</b>	<b>21</b>	<b>16</b>	<b>76.2%</b>	<b>1,814</b>	<b>388</b>	<b>313</b>	<b>17.3%</b>
Caribou	146	20	13	8.9%	228	80	30	13.2%	3	1	33.3%	377	100	44	11.7%
Fort Kent	115	18	9	7.8%	174	62	22	12.6%	3	2	66.7%	292	80	33	11.3%
Houlton	204	28	15	7.4%	276	67	60	21.7%	11	10	90.9%	491	95	85	17.3%
Presque Isle	235	42	25	10.6%	415	71	123	29.6%	4	3	75.0%	654	113	151	23.1%
<b>Cumberland</b>	<b>1,304</b>	<b>201</b>	<b>146</b>	<b>11.2%</b>	<b>3,739</b>	<b>468</b>	<b>751</b>	<b>20.1%</b>	<b>177</b>	<b>133</b>	<b>75.1%</b>	<b>5,220</b>	<b>669</b>	<b>1,030</b>	<b>19.7%</b>
Bridgton	27	9	3	11.1%	315	45	76	24.1%	97	92	94.8%	439	54	171	39.0%
Portland	1,253	187	141	11.3%	2,946	344	552	18.7%	60	32	53.3%	4,259	531	725	17.0%
West Bath	24	5	2	8.3%	478	79	123	25.7%	20	9	45.0%	522	84	134	25.7%
<b>Franklin</b>	<b>137</b>	<b>34</b>	<b>8</b>	<b>5.8%</b>	<b>432</b>	<b>115</b>	<b>66</b>	<b>15.3%</b>	<b>10</b>	<b>1</b>	<b>10.0%</b>	<b>579</b>	<b>149</b>	<b>75</b>	<b>13.0%</b>
<b>Hancock</b>	<b>439</b>	<b>38</b>	<b>29</b>	<b>6.6%</b>	<b>676</b>	<b>77</b>	<b>157</b>	<b>23.2%</b>	<b>40</b>	<b>21</b>	<b>52.5%</b>	<b>1,155</b>	<b>115</b>	<b>207</b>	<b>17.9%</b>
<b>Kennebec</b>	<b>607</b>	<b>102</b>	<b>57</b>	<b>9.4%</b>	<b>1,556</b>	<b>348</b>	<b>436</b>	<b>28.0%</b>	<b>50</b>	<b>34</b>	<b>68.0%</b>	<b>2,213</b>	<b>450</b>	<b>527</b>	<b>23.8%</b>
Augusta	581	94	54	9.3%	969	217	254	26.2%	21	11	52.4%	1,571	311	319	20.3%
Waterville	26	8	3	11.5%	587	131	182	31.0%	29	23	79.3%	642	139	208	32.4%
<b>Knox</b>	<b>211</b>	<b>51</b>	<b>17</b>	<b>8.1%</b>	<b>494</b>	<b>125</b>	<b>92</b>	<b>18.6%</b>	<b>13</b>	<b>0</b>	<b>0.0%</b>	<b>718</b>	<b>176</b>	<b>109</b>	<b>15.2%</b>
<b>Lincoln</b>	<b>124</b>	<b>37</b>	<b>12</b>	<b>9.7%</b>	<b>375</b>	<b>152</b>	<b>73</b>	<b>19.5%</b>	<b>10</b>	<b>1</b>	<b>10.0%</b>	<b>509</b>	<b>189</b>	<b>86</b>	<b>16.9%</b>
<b>Oxford</b>	<b>450</b>	<b>82</b>	<b>50</b>	<b>11.1%</b>	<b>1,132</b>	<b>177</b>	<b>236</b>	<b>20.8%</b>	<b>19</b>	<b>11</b>	<b>57.9%</b>	<b>1,601</b>	<b>259</b>	<b>297</b>	<b>18.6%</b>
Bridgton	42	7	4	9.5%	116	27	18	15.5%	2	1	50.0%	160	34	23	14.4%
Rumford	168	36	20	11.9%	454	71	92	20.3%	5	2	40.0%	627	107	114	18.2%
South Paris	240	39	26	10.8%	562	79	126	22.4%	12	8	66.7%	814	118	160	19.7%
<b>Penobscot</b>	<b>951</b>	<b>43</b>	<b>110</b>	<b>11.6%</b>	<b>1,717</b>	<b>44</b>	<b>571</b>	<b>33.3%</b>	<b>57</b>	<b>46</b>	<b>80.7%</b>	<b>2,725</b>	<b>87</b>	<b>727</b>	<b>26.7%</b>
Bangor	922	42	105	11.4%	1,322	31	415	31.4%	25	16	64.0%	2,269	73	536	23.6%
Lincoln	8	0	2	25.0%	189	8	78	41.3%	24	23	95.8%	221	8	103	46.6%
Newport	21	1	3	14.3%	206	5	78	37.9%	8	7	87.5%	235	6	88	37.4%
<b>Piscataquis</b>	<b>20</b>	<b>1</b>	<b>4</b>	<b>20.0%</b>	<b>105</b>	<b>3</b>	<b>48</b>	<b>45.7%</b>	<b>36</b>	<b>28</b>	<b>77.8%</b>	<b>161</b>	<b>4</b>	<b>80</b>	<b>49.7%</b>
<b>Sagadahoc</b>	<b>179</b>	<b>54</b>	<b>26</b>	<b>14.5%</b>	<b>462</b>	<b>170</b>	<b>107</b>	<b>23.2%</b>	<b>15</b>	<b>7</b>	<b>46.7%</b>	<b>656</b>	<b>224</b>	<b>140</b>	<b>21.3%</b>
<b>Somerset</b>	<b>256</b>	<b>41</b>	<b>16</b>	<b>6.3%</b>	<b>545</b>	<b>131</b>	<b>138</b>	<b>25.3%</b>	<b>11</b>	<b>8</b>	<b>72.7%</b>	<b>812</b>	<b>172</b>	<b>162</b>	<b>20.0%</b>
<b>Waldo</b>	<b>206</b>	<b>34</b>	<b>17</b>	<b>8.3%</b>	<b>324</b>	<b>95</b>	<b>55</b>	<b>17.0%</b>	<b>7</b>	<b>3</b>	<b>42.9%</b>	<b>537</b>	<b>129</b>	<b>75</b>	<b>14.0%</b>
<b>Washington</b>	<b>166</b>	<b>22</b>	<b>8</b>	<b>4.8%</b>	<b>278</b>	<b>62</b>	<b>58</b>	<b>20.9%</b>	<b>29</b>	<b>22</b>	<b>75.9%</b>	<b>473</b>	<b>84</b>	<b>88</b>	<b>18.6%</b>
Calais	77	7	3	3.9%	117	24	21	17.9%	6	5	83.3%	200	31	29	14.5%
Machias	89	15	5	5.6%	161	38	37	23.0%	23	17	73.9%	273	53	59	21.6%
<b>York</b>	<b>1,166</b>	<b>142</b>	<b>203</b>	<b>17.4%</b>	<b>3,884</b>	<b>816</b>	<b>899</b>	<b>23.1%</b>	<b>90</b>	<b>28</b>	<b>31.1%</b>	<b>5,140</b>	<b>958</b>	<b>1,130</b>	<b>22.0%</b>
<b>TOTAL</b>	<b>7,598</b>	<b>1,094</b>	<b>807</b>	<b>10.6%</b>	<b>18,721</b>	<b>3,384</b>	<b>4,249</b>	<b>22.7%</b>	<b>602</b>	<b>369</b>	<b>61.3%</b>	<b>26,921</b>	<b>4,478</b>	<b>5,425</b>	<b>20.2%</b>

## Columns

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

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

# Change in Pending UCD Cases, August 2022 to August 2023

Pending cases as of August 11 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2022	2023	% Diff	2022	2023	% Diff	2022	2023	% Diff	2022	2023	% Diff
<b>Androscoggin</b>	649	682	5.1%	2,088	1,909	-8.6%	20	17	-15.0%	2,757	2,608	-5.4%
<b>Aroostook</b>	734	700	-4.6%	1,159	1,093	-5.7%	56	21	-62.5%	1,949	1,814	-6.9%
Caribou	171	146	-14.6%	258	228	-11.6%	8	3	-62.5%	437	377	-13.7%
Fort Kent	104	115	10.6%	220	174	-20.9%	4	3	-25.0%	328	292	-11.0%
Houlton	238	204	-14.3%	352	276	-21.6%	27	11	-59.3%	617	491	-20.4%
Presque Isle	221	235	6.3%	329	415	26.1%	17	4	-76.5%	567	654	15.3%
<b>Cumberland</b>	1,334	1,304	-2.2%	3,948	3,739	-5.3%	155	177	14.2%	5,437	5,220	-4.0%
Bridgton	19	27	42.1%	327	315	-3.7%	70	97	38.6%	416	439	5.5%
Portland	1,290	1,253	-2.9%	3,237	2,946	-9.0%	65	60	-7.7%	4,592	4,259	-7.3%
West Bath	25	24	-4.0%	384	478	24.5%	20	20	0.0%	429	522	21.7%
<b>Franklin</b>	117	137	17.1%	390	432	10.8%	21	10	-52.4%	528	579	9.7%
<b>Hancock</b>	337	439	30.3%	668	676	1.2%	82	40	-51.2%	1,087	1,155	6.3%
<b>Kennebec</b>	642	607	-5.5%	1,943	1,556	-19.9%	67	50	-25.4%	2,652	2,213	-16.6%
Augusta	620	581	-6.3%	1,230	969	-21.2%	57	21	-63.2%	1,907	1,571	-17.6%
Waterville	22	26	18.2%	713	587	-17.7%	10	29	190.0%	745	642	-13.8%
<b>Knox</b>	211	211	0.0%	482	494	2.5%	20	13	-35.0%	713	718	0.7%
<b>Lincoln</b>	139	124	-10.8%	334	375	12.3%	13	10	-23.1%	486	509	4.7%
<b>Oxford</b>	446	450	0.9%	1,071	1,132	5.7%	24	19	-20.8%	1,541	1,601	3.9%
Bridgton	44	42	-4.5%	115	116	0.9%	2	2	0.0%	161	160	-0.6%
Rumford	164	168	2.4%	432	454	5.1%	5	5	0.0%	601	627	4.3%
South Paris	238	240	0.8%	524	562	7.3%	17	12	-29.4%	779	814	4.5%
<b>Penobscot</b>	948	951	0.3%	2,327	1,717	-26.2%	101	57	-43.6%	3,376	2,725	-19.3%
Bangor	917	922	0.5%	1,786	1,322	-26.0%	29	25	-13.8%	2,732	2,269	-16.9%
Lincoln	7	8	14.3%	289	189	-34.6%	42	24	-42.9%	338	221	-34.6%
Newport	24	21	-12.5%	252	206	-18.3%	30	8	-73.3%	306	235	-23.2%
<b>Piscataquis</b>	52	20	-61.5%	147	105	-28.6%	55	36	-34.5%	254	161	-36.6%
<b>Sagadahoc</b>	169	179	5.9%	455	462	1.5%	19	15	-21.1%	643	656	2.0%
<b>Somerset</b>	215	256	19.1%	520	545	4.8%	18	11	-38.9%	753	812	7.8%
<b>Waldo</b>	204	206	1.0%	354	324	-8.5%	7	7	0.0%	565	537	-5.0%
<b>Washington</b>	194	166	-14.4%	333	278	-16.5%	35	29	-17.1%	562	473	-15.8%
Calais	82	77	-6.1%	124	117	-5.6%	14	6	-57.1%	220	200	-9.1%
Machias	112	89	-20.5%	209	161	-23.0%	21	23	9.5%	342	273	-20.2%
<b>York</b>	1,208	1,166	-3.5%	4,561	3,884	-14.8%	155	90	-41.9%	5,924	5,140	-13.2%
<b>TOTAL</b>	<b>7,599</b>	<b>7,598</b>	<b>0.0%</b>	<b>20,780</b>	<b>18,721</b>	<b>-9.9%</b>	<b>848</b>	<b>602</b>	<b>-29.0%</b>	<b>29,227</b>	<b>26,921</b>	<b>-7.9%</b>

## Columns

- 2022** Number of cases having at least one charge without a disposition, and without a currently active warrant as of August 11, 2022
- 2023** Number of cases having at least one charge without a disposition, and without a currently active warrant as of August 11, 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, August 2019 to August 2023

Pending cases as of August 11 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2019	2023	% Diff	2019	2023	% Diff	2019	2023	% Diff	2019	2023	% Diff
<b>Androscoggin</b>	397	682	71.8%	1,325	1,909	44.1%	40	17	-57.5%	1,762	2,608	48.0%
<b>Aroostook</b>	403	700	73.7%	740	1,093	47.7%	36	21	-41.7%	1,179	1,814	53.9%
Caribou	71	146	105.6%	175	228	30.3%	8	3	-62.5%	254	377	48.4%
Fort Kent	46	115	150.0%	124	174	40.3%	7	3	-57.1%	177	292	65.0%
Houlton	127	204	60.6%	155	276	78.1%	12	11	-8.3%	294	491	67.0%
Presque Isle	159	235	47.8%	286	415	45.1%	9	4	-55.6%	454	654	44.1%
<b>Cumberland</b>	869	1,304	50.1%	2,630	3,739	42.2%	214	177	-17.3%	3,713	5,220	40.6%
Bridgton	11	27	145.5%	191	315	64.9%	81	97	19.8%	283	439	55.1%
Portland	845	1,253	48.3%	2,108	2,946	39.8%	94	60	-36.2%	3,047	4,259	39.8%
West Bath	13	24	84.6%	331	478	44.4%	39	20	-48.7%	383	522	36.3%
<b>Franklin</b>	86	137	59.3%	313	432	38.0%	23	10	-56.5%	422	579	37.2%
<b>Hancock</b>	203	439	116.3%	484	676	39.7%	66	40	-39.4%	753	1,155	53.4%
<b>Kennebec</b>	374	607	62.3%	1,240	1,556	25.5%	71	50	-29.6%	1,685	2,213	31.3%
Augusta	364	581	59.6%	653	969	48.4%	48	21	-56.3%	1,065	1,571	47.5%
Waterville	10	26	160.0%	587	587	0.0%	23	29	26.1%	620	642	3.5%
<b>Knox</b>	149	211	41.6%	336	494	47.0%	6	13	116.7%	491	718	46.2%
<b>Lincoln</b>	96	124	29.2%	261	375	43.7%	5	10	100.0%	362	509	40.6%
<b>Oxford</b>	208	450	116.3%	543	1,132	108.5%	22	19	-13.6%	773	1,601	107.1%
Bridgton	20	42	110.0%	78	116	48.7%	8	2	-75.0%	106	160	50.9%
Rumford	89	168	88.8%	214	454	112.1%	5	5	0.0%	308	627	103.6%
South Paris	99	240	142.4%	251	562	123.9%	9	12	33.3%	359	814	126.7%
<b>Penobscot</b>	380	951	150.3%	1,165	1,717	47.4%	84	57	-32.1%	1,629	2,725	67.3%
Bangor	371	922	148.5%	905	1,322	46.1%	55	25	-54.5%	1,331	2,269	70.5%
Lincoln	5	8	60.0%	89	189	112.4%	12	24	100.0%	106	221	108.5%
Newport	4	21	425.0%	171	206	20.5%	17	8	-52.9%	192	235	22.4%
<b>Piscataquis</b>	24	20	-16.7%	53	105	98.1%	4	36	800.0%	81	161	98.8%
<b>Sagadahoc</b>	91	179	96.7%	304	462	52.0%	22	15	-31.8%	417	656	57.3%
<b>Somerset</b>	142	256	80.3%	478	545	14.0%	42	11	-73.8%	662	812	22.7%
<b>Waldo</b>	97	206	112.4%	273	324	18.7%	8	7	-12.5%	378	537	42.1%
<b>Washington</b>	107	166	55.1%	189	278	47.1%	46	29	-37.0%	342	473	38.3%
Calais	42	77	83.3%	95	117	23.2%	17	6	-64.7%	154	200	29.9%
Machias	65	89	36.9%	94	161	71.3%	29	23	-20.7%	188	273	45.2%
<b>York</b>	722	1,166	61.5%	2,478	3,884	56.7%	102	90	-11.8%	3,302	5,140	55.7%
<b>TOTAL</b>	<b>4,348</b>	<b>7,598</b>	<b>74.7%</b>	<b>12,812</b>	<b>18,721</b>	<b>46.1%</b>	<b>791</b>	<b>602</b>	<b>-23.9%</b>	<b>17,951</b>	<b>26,921</b>	<b>50.0%</b>

## Columns

- 2019** Number of cases having at least one charge without a disposition, and without a currently active warrant as of August 11, 2019
- 2023** Number of cases having at least one charge without a disposition, and without a currently active warrant as of August 11, 2023
- % Diff** Percent change in pending cases from 2019 to 2023. Red percentages represent an increase, green percentages a decrease.

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

**Chapter 301-A: PAYMENT FOR ATTENDING AND REIMBURSEMENT OF EXPENSES INCIDENTAL TO ATTENDING TRAININGS**

---

**Summary:** This Chapter establishes eligibility for payment to private court and/or Commission-Assigned Counsel for attending and reimbursement of expenses incidental to attending trainings. This Chapter also sets forth administrative procedures for payment and reimbursement of eligible training expenses. This Chapter supersedes the Payments for Attending Training Policy, which was promulgated on May 15, 2023.

---

**SECTION 1. DEFINITIONS**

1. Court-Assigned Counsel. “Court-Assigned Counsel” means private 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. For the purposes of this rule, “Court-Assigned Counsel” does not include any employee of MCILS.
2. Commission-Assigned Counsel. “Commission-Assigned Counsel” means private 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. For the purposes of this rule, “Commission-Assigned Counsel” does not include any employee of MCILS.
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. Training Provided by the Commission. “Training Provided by the Commission” means and includes any training, whether or not that training qualifies for CLE credit through the Board of Overseers, that is:
  - a. Prepared and/or presented by MCILS staff at a MCILS sponsored event; or,
  - b. Prepared and/or presented on behalf of, or at the direction of, MCILS or its staff; and,
  - c. Is presented live, including live webcast; or,
  - d. Is presented through proctored playback of a recording, in whole or in part.

6. Executive Director. "Executive Director" means the Executive Director of MCILS or the Executive Director's decision-making designee.
7. On Camera. "On Camera" means that Counsel's camera is turned on, pointing toward Counsel, and Counsel's entire face is visible on the screen.

## **SECTION 2. ELIGIBILITY**

1. The prerogative to request payment or reimbursement pursuant to this Chapter is limited to Counsel who—on the date the training occurs—are eligible to receive assignments through the MCILS system and are representing five or more assigned clients.
2. Payment or reimbursement pursuant to this Chapter will only be made to eligible Counsel for payment to attend or reimbursement of expenses incidental to attending a training provided by the Commission.

## **SECTION 3. PAYMENT**

1. To receive payment for attending a training, counsel must attend personally, be engaged with the training, and not otherwise engaged or multitasking during its presentation. Driving while attending a training is strictly prohibited. Counsel will be removed from the training and not paid for any training time while driving. Where a training may be provided remotely, counsel must be on camera during the entire presentation absent specific direction from the presenter to the contrary.
2. Notwithstanding any other provisions of this or other Commission rules, payment will only be made if counsel attends at least 75% of the instructional time of a training provided by the Commission. No payment will be made to counsel who attend less than 75% of the instructional time.
3. Payment will be made at the authorized rate in effect on the date of the training.
4. Payment will be made for actual training time attended, exclusive of breaks.
5. Payment will also be made at the then-current hourly rate for time spent traveling to and from the training.
6. Payment will be made in increments of .1 hours and only for time spent attending the training or traveling to and from the training. Counsel may not record, or seek payment for, any time spent opening or closing the case file as described in section 6(3), below.

## **SECTION 4. REIMBURSABLE EXPENSES**

1. Reimbursable expenses include only:
  - a. Training registration fees.

- b. Mileage. Mileage reimbursement shall be made at the State rate applicable to confidential state employees on the date of the travel. Mileage is calculated based upon the distance between the attorney's office address, or the location from which the attorney departs for the training, whichever is nearer to the training, and the location of the training. If multiple attorneys travel to a training in a single vehicle, only one attorney may be reimbursed for the mileage.
- c. Tolls. Tolls for travel to and from the training. The attorney must have a receipt
- d. Hotels. Hotel stays necessary to attend a training are reimbursable at the [Standard Rate](#), as set by the U.S. General Services Administration, that is effective on the date of the hotel stay.
  - i. Counsel must receive prior written authorization from MCILS for hotel stays to be reimbursable.
  - ii. Absent exceptional circumstances and at the discretion of the Executive Director, hotel stays for attending trainings will not be authorized if the training is less than 35 miles from Counsel's office.
- e. Parking. Fees paid to park at a training.

#### **SECTION 5. MAXIMUM.**

1. Counsel is only eligible for payment under this Chapter for a maximum of 40 hours per fiscal year, beginning on July 1, 2023. There is no maximum number of billable hours pursuant to this Chapter prior to July 1, 2023.
2. The 40-hour maximum includes time spent attending and travel for the purpose of attending eligible trainings.
3. For purposes of calculating the maximum billable hours, the relevant date is the date of the training for which counsel is seeking payment.

#### **SECTION 6. ADMINISTRATION.**

1. Enforcement. MCILS staff reserve the right to deny Counsel access to a training or to remove Counsel from a training to enforce compliance with this policy, Commission Rules, or eligibility requirements for a particular training. If Counsel is removed from a training by MCILS staff, they will not be paid for the period during which they were removed, nor will that period count toward the 75% attendance provision of Section 3(2), above.
2. 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.
3. Payment will be made through the MCILS electronic case management system. To request payment, counsel must:



- a. Create a “case” in the MCILS electronic case management system for each training for which counsel requests payment or reimbursement. Do not enter a case in the MCILS electronic case management system until after the training has occurred. If one training lasts multiple days, only one case should be entered for the entire training;
  - b. Court must be set to “Training”;
  - c. The file type must be set to “TRAIN”;
  - d. Client information must reflect counsel’s first and last names. Other client demographic information does not need to be completed;
  - e. The docket number will be provided at the training and must be entered precisely as provided or payment will not be available;
  - f. Assignment and disposition date must both be the date of the training for which payment is sought;
  - g. The charge sequence number must be: 100031;
  - h. The disposition must be “Attend Training”;
  - i. The time entry for attendance must be “Attend MCILS Training”;
  - j. The time entry for travel must be “Training Travel”;
  - k. Expenses, if any, must be itemized; and
  - l. Then create and submit a voucher.
4. Notwithstanding any other provision of any MCILS rule or policy, vouchers for payment for attending a training must be submitted within 90 days of the training without exception. Attorneys are encouraged to submit their vouchers at the conclusion of the training without delay.
  5. The opportunity to request payment for attending trainings does not create a right to attend any specific number of trainings, or any particular training. There are, or may be, limits on the number of people who may attend a particular training. There are, or may be, limits on the eligibility to attend a particular training.

STATUTORY AUTHORITY: 4 M.R.S. §1804(2)(F),

EFFECTIVE DATE:

## Detailed Basis Statement for Chapter 301-A


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. 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, they must continue their legal education and stay current with changes in the law. The Commission is statutorily obligated to develop, "Standards for the reimbursement of expenses incurred by assigned counsel and contract counsel, including attendance at training events provided by the commission..." 4 M.R.S. §1804(2)(F). Chapter 301-A is promulgated to satisfy the Commission's mandates to ensure the delivery of high-quality legal services and develop standards for the reimbursement of expenses counsel incur incidental to attending trainings provided by the Commission.

**STATE OF MAINE**  
**Maine Commission on Indigent Legal Services**



**RFP# (Inserted by Procurement Services when assigned/approved)**

**Social Worker Services for Indigent Parents in Child Protective Cases**

<b>RFP Coordinator</b>	<p><i>All communication regarding the RFP <u>must</u> be made through the RFP Coordinator identified below.</i></p> <p><b>Name:</b> Jim Billings <b>Title:</b> Executive Director  <b>Contact Information:</b> <a href="mailto:MCILS@maine.gov">MCILS@maine.gov</a></p>
	
<b>Submitted Questions Due</b>	<p><i>All questions <u>must</u> be received by the RFP Coordinator identified above by:</i></p> <p><b>Date:</b> (Insert Date), no later than 11:59 p.m., local time</p>
<b>Proposal Submission</b>	<p><i>Proposals <u>must</u> be received by the Division of Procurement Services by:</i></p> <p><b>Submission Deadline:</b> (Insert Date), no later than 11:59 p.m., local time.  <i>Proposals <u>must</u> be submitted electronically to the following address:</i></p> <p><b>Electronic (e-mail) Submission Address:</b> <a href="mailto:Proposals@maine.gov">Proposals@maine.gov</a></p>

## TABLE OF CONTENTS

	Page
<b>PUBLIC NOTICE</b>	
<b>RFP DEFINITIONS/ACRONYMS</b>	
<b>PART I INTRODUCTION</b>	
<b>A. PURPOSE AND BACKGROUND</b>	
<b>B. GENERAL PROVISIONS</b>	
<b>C. ELIGIBILITY TO SUBMIT BIDS</b>	
<b>D. CONTRACT TERMS</b>	
<b>E. NUMBER OF AWARDS</b>	
<b>PART II SCOPE OF SERVICES TO BE PROVIDED</b>	
<b>PART III KEY RFP EVENTS</b>	
<b>A. BIDDERS' CONFERENCE</b>	
<b>B. QUESTIONS</b>	
<b>C. AMENDMENTS</b>	
<b>D. SUBMITTING THE PROPOSAL</b>	
<b>PART IV PROPOSAL SUBMISSION REQUIREMENTS</b>	
<b>PART V PROPOSAL EVALUATION AND SELECTION</b>	
<b>A. EVALUATION PROCESS – GENERAL INFORMATION</b>	
<b>B. SCORING WEIGHTS AND PROCESS</b>	
<b>C. SELECTION AND AWARD</b>	
<b>D. APPEAL OF CONTRACT AWARDS</b>	
<b>PART VI CONTRACT ADMINISTRATION AND CONDITIONS</b>	
<b>A. CONTRACT DOCUMENT</b>	
<b>B. STANDARD STATE CONTRACT PROVISIONS</b>	
<b>PART VII RFP APPENDICES AND RELATED DOCUMENTS</b>	
<b>APPENDIX A – PROPOSAL COVER PAGE</b>	
<b>APPENDIX B – DEBARMENT, PERFORMANCE, and NON-COLLUSION CERTIFICATION</b>	
<b>APPENDIX C – QUALIFICATIONS and EXPERIENCE FORM</b>	
<b>APPENDIX D – COST PROPOSAL FORM</b>	
<b>APPENDIX E – SUBMITTED QUESTIONS FORM</b>	

**PUBLIC NOTICE**

\*\*\*\*\*

**State of Maine  
Maine Commission on Indigent Legal Services  
RFP# (Inserted by Procurement Services when assigned/approved)  
Social Worker Services for Indigent Parents in Child Protective Cases**

The State of Maine is seeking proposals for social worker services for indigent parents in child protective cases.

A copy of the RFP, as well as the Question & Answer Summary and all amendments related to the RFP, can be obtained at:

<https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps>



Proposals must be submitted to the State of Maine Division of Procurement Services, via e-mail, at: [Proposals@maine.gov](mailto:Proposals@maine.gov). Proposal submissions must be received no later than 11:59 p.m., local time, on (Insert date). Proposals will be opened the following business day. Proposals not submitted to the Division of Procurement Services' aforementioned e-mail address by the aforementioned deadline will not be considered for contract award.

\*\*\*\*\*

DRAFT

## RFP TERMS/ACRONYMS with DEFINITIONS

The following terms and acronyms, as referenced in the RFP, shall have the meanings indicated below:

<u>Term/Acronym</u>	<u>Definition</u>
<b>Department</b>	Maine Commission on Indigent Legal Services
<b>RFP</b>	Request for Proposal
<b>State</b>	State of Maine

DRAFT

**State of Maine - Maine Commission on Indigent Legal Services**  
**RFP# (Inserted by Procurement Services when assigned/approved)**  
**Social Worker Services for Indigent Parents in Child Protective Cases**

**PART I INTRODUCTION**

**A. Purpose and Background**

The Maine Commission on Indigent Legal Services (Department) is seeking social worker services for indigent parents in child protective cases as defined in this Request for Proposal (RFP) document. This document provides instructions for submitting proposals, the procedure and criteria by which the awarded Bidder will be selected, and the contractual terms which will govern the relationship between the State of Maine (State) and the awarded Bidder.

The Department is charged with providing high-quality representation to indigent parents in child protective cases consistent with constitutional and statutory obligations. 4 M.R.S.A. § 1801. The Department is also obligated to consider other programs which are necessary to achieve that objective. 4 M.R.S.A. § 1801(3)(A). In many child protective cases, identifying the parents' needs and connecting them to the appropriate services to remedy the issues which led to their involvement with the child protective system is an integral part of achieving a favorable outcome. The Department is seeking qualified bidders who are adept at assessing a client's strengths, challenges, and needs and aiding the client in getting connected with resources that could benefit them. Some resources include but are not limited to, mental health treatment, substance use treatment, medical care, case management, parenting classes, and anger management classes. This includes helping the client overcome barriers to accessing resources, including transportation, insurance, and lack of financial resources.

**B. General Provisions**

1. From the time the RFP is issued until award notification is made, all contact with the State regarding the RFP must be made through the RFP Coordinator. No other person/ State employee is empowered to make binding statements regarding the RFP. Violation of this provision may lead to disqualification from the bidding process, at the State's discretion.
2. Issuance of the RFP does not commit the Department to issue an award or to pay expenses incurred by a Bidder in the preparation of a response to the RFP. This includes attendance at personal interviews or other meetings and software or system demonstrations, where applicable.
3. All proposals must adhere to the instructions and format requirements outlined in the RFP and all written supplements and amendments (such as the Summary of Questions and Answers), issued by the Department. Proposals are to follow the format and respond to all questions and instructions specified below in the "Proposal Submission Requirements" section of the RFP.
4. Bidders will take careful note that in evaluating a proposal submitted in response to the RFP, the Department will consider materials provided in the proposal, information obtained through interviews/presentations (if any), and internal Departmental information of previous contract history with the Bidder (if any). The Department also reserves the right to consider other reliable references and publicly available information in evaluating a Bidder's experience and capabilities.
5. The proposal must be signed by a person authorized to legally bind the Bidder and must

contain a statement that the proposal and the pricing contained therein will remain valid and binding for a period of 180 days from the date and time of the bid opening.

6. The RFP and the awarded Bidder's proposal, including all appendices or attachments, will be the basis for the final contract, as determined by the Department.
7. Following announcement of an award decision, all submissions in response to this RFP will be public records, available for public inspection pursuant to the State of Maine Freedom of Access Act (FOAA) ([1 M.R.S. § 401](#) et seq.).
8. The Department, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in proposals received in response to the RFP.
9. All applicable laws, whether or not herein contained, are included by this reference. It is the Bidder's responsibility to determine the applicability and requirements of any such laws and to abide by them.

### C. Eligibility to Submit Bids

All interested parties are invited to submit bids in response to this Request for Proposals.

Bidder must have, at a minimum, a bachelor's degree in psychology, sociology, social and behavioral science, social work, or related field. Licensed clinical social workers are preferred.

### D. Contract Term

The Department is seeking a cost-efficient proposal to provide services, as defined in the RFP, for the anticipated contract period defined in the table below. Please note, the dates below are estimated and may be adjusted, as necessary, in order to comply with all procedural requirements associated with the RFP and the contracting process. The actual contract start date will be established by a completed and approved contract.

Contract Renewal: Following the initial term of the contract, the Department may opt to renew the contract for **three (3) one (1) year** renewal periods, as shown in the table below, and subject to continued availability of funding and satisfactory performance.

The term of the anticipated contract, resulting from the RFP, is defined as follows:

Period	Start Date	End Date
Initial Period of Performance	January 1, 2024	December 31, 2025
Renewal Period #1	January 1, 2026	December 31, 2026
Renewal Period #2	January 1, 2027	December 31, 2027
Renewal Period #3	January 1, 2028	December 31, 2028

### E. Number of Awards

The Department anticipates making a **single** award as a result of the RFP process.



## **PART II SCOPE OF SERVICES TO BE PROVIDED**

The successful Bidder will serve as a social worker for indigent parents in child protective cases, upon the request of the parent's attorney. The specific tasks are outlined below. The work will be performed at the Bidder's office or a State facility, at the Bidder's election. The work may require travel as outlined below. The Bidder will be required to provide a minimum of 1,500 and a maximum of 2,000 hours of service annually.

- A.** Meet and correspond with clients, their attorneys, their providers, or child protective caseworkers, upon request of the client's attorney.
- B.** Aid clients with scheduling and attending appropriate evaluations.
- C.** Assist clients in getting connected with needed services which will help them achieve a favorable outcome in their child protective cases, including but not limited to:
  - 1.** Mental health treatment
  - 2.** Substance use treatment
  - 3.** Medical care
  - 4.** Case management
  - 5.** Parenting classes
  - 6.** Anger management classes
  - 7.** Childcare, or any other necessary services for children in their care
- D.** Assist clients with achieving goals which will help them achieve a favorable outcome in their child protective cases, including but not limited to:
  - 1.** Obtaining a driver's license
  - 2.** Securing stable housing
  - 3.** Enrolling in education programs
- E.** Assist clients with overcoming barriers to obtaining services and achieving goals that will help them achieve a favorable outcome in their child protective cases, including but not limited to:
  - 1.** Health insurance
  - 2.** Transportation
  - 3.** Lack of financial resources
- F.** Attend family team meetings if requested by clients' attorneys.
- G.** Obtain releases of information and communicate with other service providers working with the client or their family.
- H.** Attend court proceedings, if requested by clients' attorneys.
- I.** Maintain a statewide list of service providers and resources for parents in child protective cases. This includes keeping the contact and other information about the provider or resource current.
- J.** Provide trainings to employed counsel and assigned counsel, at the request of the Department.

## PART III KEY RFP EVENTS

### A. Questions

1. **General Instructions:** It is the responsibility of all Bidders and other interested parties to examine the entire RFP and to seek clarification, in writing, if they do not understand any information or instructions.
  - a. Bidders and other interested parties must use **Appendix E – Submitted Questions Form** – for submission of questions. The form is to be submitted as a WORD document.
  - b. The Submitted Questions Form must be submitted, by e-mail, and received by the RFP Coordinator, identified on the cover page of the RFP, as soon as possible but no later than the date and time specified on the RFP cover page.
  - c. Submitted Questions must include the RFP Number and Title in the subject line of the e-mail. The Department assumes no liability for assuring accurate/complete/on time e-mail transmission and receipt.
2. **Question & Answer Summary:** Responses to all questions will be compiled in writing and posted on the following website no later than seven (7) calendar days prior to the proposal due date: [Division of Procurement Services RFP Page](#). It is the responsibility of all interested parties to go to this website to obtain a copy of the Question & Answer Summary. Only those answers issued in writing on this website will be considered binding.

### B. Amendments

All amendments released in regard to the RFP will also be posted on the following website: [Division of Procurement Services RFP Page](#). It is the responsibility of all interested parties to go to this website to obtain amendments. Only those amendments posted on this website are considered binding.

### C. Submitting the Proposal

1. **Proposals Due:** Proposals must be received no later than 11:59 p.m. local time, on the date listed on the cover page of the RFP. E-mails containing original proposal submissions, or any additional or revised proposal files, received after the 11:59 p.m. deadline will be rejected without exception.
2. **Delivery Instructions:** E-mail proposal submissions are to be submitted to the State of Maine Division of Procurement Services at [Proposals@maine.gov](mailto:Proposals@maine.gov).
  - a. Only proposal submissions received by e-mail will be considered. The Department assumes no liability for assuring accurate/complete e-mail transmission and receipt.
  - b. E-mails containing links to file sharing sites or online file repositories will not be accepted as submissions. Only e-mail proposal submissions that have the actual requested files attached will be accepted.
  - c. Encrypted e-mails received which require opening attachments and logging into a proprietary system will not be accepted as submissions. Please check with your organization's Information Technology team to ensure that your security settings will not encrypt your proposal submission.
  - d. File size limits are 25MB per e-mail. Bidders may submit files separately across multiple e-mails, as necessary, due to file size concerns. All e-mails and files must be

received by the due date and time listed above.

- e. Bidders are to insert the following into the subject line of their e-mail proposal submission: “**RFP# (Inserted by Procurement Services when assigned/approved) Proposal Submission – [Bidder’s Name]**”
- f. Bidder’s proposal submissions are to be broken down into multiple files, with each file named as it is titled in bold below, and include:

- **File 1 [Bidder’s Name] – Preliminary Information:**

*PDF format preferred*

**Appendix A** (Proposal Cover Page)

**Appendix B** (Debarment, Performance and Non-Collusion Certification)

All required eligibility documentation stated in PART IV, Section I

- **File 2 [Bidder’s Name] – Organization Qualifications and Experience:**

*PDF format preferred*

**Appendix C** (Organization Qualifications and Experience Form) and all required information and attachments stated in PART IV, Section II.

- **File 3 [Bidder’s Name] – Proposed Services:**

*PDF format preferred*

All required information and attachments stated in PART IV, Section III.

- **File 4 [Bidder’s Name] – Cost Proposal:**

*PDF format preferred*

**Appendix D** (Cost Proposal Form) and all required information and attachments stated in PART IV, Section IV.

## PART IV PROPOSAL SUBMISSION REQUIREMENTS

This section contains instructions for Bidders to use in preparing their proposals. The Department seeks detailed yet succinct responses that demonstrate the Bidder's qualifications, experience, and ability to perform the requirements specified throughout the RFP.

The Bidder's proposal must follow the outline used below, including the numbering, section, and sub-section headings. Failure to use the outline specified in PART IV, or failure to respond to all questions and instructions throughout the RFP, may result in the proposal being disqualified as non-responsive or receiving a reduced score. The Department, and its evaluation team, has sole discretion to determine whether a variance from the RFP specifications will result either in disqualification or reduction in scoring of a proposal. Rephrasing of the content provided in the RFP will, at best, be considered minimally responsive.

Bidders are not to provide additional attachments beyond those specified in the RFP for the purpose of extending their response. Additional materials not requested will not be considered part of the proposal and will not be evaluated. Include any forms provided in the submission package or reproduce those forms as closely as possible. All information must be presented in the same order and format as described in the RFP.

### Proposal Format and Contents

#### Section I Preliminary Information (File #1)

##### 1. Proposal Cover Page

Bidders must complete **Appendix A** (Proposal Cover Page). It is critical that the cover page show the specific information requested, including Bidder address(es) and other details listed. The Proposal Cover Page must be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

##### 2. Debarment, Performance and Non-Collusion Certification

Bidders must complete **Appendix B** (Debarment, Performance and Non-Collusion Certification Form). The Debarment, Performance and Non-Collusion Certification Form must be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

##### 3. Eligibility Requirements

Bidders must provide documentation to demonstrate meeting eligibility requirements stated in PART I, C. of the RFP. This documentation includes:

**Proof of bachelor's degree in psychology, sociology, social and behavioral science, social work, or related field.**

#### Section II Organization Qualifications and Experience (File #2)

##### 1. Overview of the Organization

Bidders must complete **Appendix C** (Qualifications and Experience Form) describing their qualifications and skills to provide the requested services in the RFP. Bidders must include three examples of projects which demonstrate their experience and expertise in performing these services as well as highlighting the Bidder's stated qualifications and skills.

## 2. Subcontractors

If subcontractors are to be used, Bidders must provide a list that specifies the name, address, phone number, contact person, and a brief description of the subcontractors' organizational capacity and qualifications.

## 3. Organizational Chart

Bidders must provide an organizational chart. The organizational chart must include the project being proposed. Each position must be identified by position title and corresponding to the personnel job descriptions.

## 4. Litigation

Bidders must attach a list of all current litigation in which the Bidder is named and a list of all closed cases that have closed within the past five (5) years in which the Bidder paid the claimant either as part of a settlement or by decree. For each, list the entity bringing suit, the complaint, the accusation, amount, and outcome.

## 5. Licensure/Certification

Bidders may provide documentation of any applicable licensure/certification or specific credentials that are related to providing the proposed services of the RFP. This documentation may include:

- If Bidder is a licensed clinical social worker, proof of licensure must be provided.

## 6. Certificate of Insurance

Bidders must provide a certificate of insurance on a standard ACORD form (or the equivalent) evidencing the Bidder's general liability, professional liability and any other relevant liability insurance policies that might be associated with the proposed services.

### Section III Proposed Services (File #3)

#### 1. Services to be Provided

Describe the Bidder's plan for providing effective, comprehensive, and prompt services as described in Part II of this RFP. The plan should address how Bidder will aid clients with each of the tasks outlined in Part II of this RFP. The successful Bidder will be required to provide monthly reporting to the Department, including the number of attorney referrals received, the number clients assisted, the number of hours spent providing direct client services, and an itemized list of the number of hours spent on other tasks (such as maintaining the list of available resources and providing trainings).

### Section IV Cost Proposal (File #4)

#### 1. General Instructions

- The Bidder must submit a cost proposal that covers the entire period of the initial contract and any optional renewal periods. Please use the expected "Initial Period of Performance" dates stated in PART I, D.
- The cost proposal must include the costs necessary for the Bidder to fully comply with the contract terms, conditions, and RFP requirements.
- No costs related to the preparation of the proposal for the RFP, or to the negotiation of the contract with the Department, may be included in the proposal. Only costs to be incurred after the contract effective date that are specifically related to the

implementation or operation of contracted services may be included.

## 2. Cost Proposal Form Instructions

The Department is seeking proposals for social worker services on a fixed annual cost basis. The successful bidder will be required to provide a minimum of 1,500 and a maximum of 2,000 hours of service annually.

Bidders must fill out **Appendix D** (Cost Proposal Form), following the instructions detailed here and in the form. Failure to provide the requested information, and to follow the required cost proposal format provided, may result in the exclusion of the proposal from consideration, at the discretion of the Department.

DRAFT

## PART V PROPOSAL EVALUATION AND SELECTION

Evaluation of the submitted proposals will be accomplished as follows:

### A. Evaluation Process - General Information

1. An evaluation team, composed of qualified reviewers, will judge the merits of the proposals received in accordance with the criteria defined in the RFP.
2. Officials responsible for making decisions on the award selection will ensure that the selection process accords equal opportunity and appropriate consideration to all who are capable of meeting the specifications. The goals of the evaluation process are to ensure fairness and objectivity in review of the proposals and to ensure that the contract is awarded to the Bidder whose proposal provides the best value to the State of Maine.
3. The Department reserves the right to communicate and/or schedule interviews/presentations with Bidders, if needed, to obtain clarification of information contained in the proposals received. The Department may revise the scores assigned in the initial evaluation to reflect those communications and/or interviews/presentations. Changes to proposals, including updating or adding information, will not be permitted during any interview/presentation process and, therefore, Bidders must submit proposals that present their rates and other requested information as clearly and completely as possible.

### B. Scoring Weights and Process

1. **Scoring Weights:** The score will be based on a 100-point scale and will measure the degree to which each proposal meets the following criteria.

**Section I. Preliminary Information (No Points – Eligibility Requirements)**

Includes all elements addressed above in Part IV, Section I.

**Section II. Organization Qualifications and Experience (50 points)**

Includes all elements addressed above in Part IV, Section II.

**Section III. Proposed Services (25 points)**

Includes all elements addressed above in Part IV, Section III.

**Section IV. Cost Proposal (25 points)**

Includes all elements addressed above in Part IV, Section IV.

2. **Scoring Process:** For proposals that demonstrate meeting the eligibility requirements in Section I, the evaluation team will use a consensus approach to evaluate and score Sections II & III above. Members of the evaluation team will not score those sections individually but, instead, will arrive at a consensus as to assignment of points for each of those sections. Sections IV, the Cost Proposal, will be scored as described below.
3. **Scoring the Cost Proposal:** The total cost proposed for conducting all the functions specified in the RFP will be assigned a score according to a mathematical formula. The lowest bid will be awarded 25 points. Proposals with higher bids values will be awarded proportionately fewer points calculated in comparison with the lowest bid.

The scoring formula is:

(Lowest submitted cost proposal / Cost of proposal being scored) x 25 = pro-rated score

No Best and Final Offers: The State of Maine will not seek or accept a best and final offer (BAFO) from any Bidder in this procurement process. All Bidders are expected to provide their best value pricing with the submission of their proposal.

- 4. Negotiations:** The Department reserves the right to negotiate with the awarded Bidder to finalize a contract. Such negotiations may not significantly vary the content, nature or requirements of the proposal or the Department's Request for Proposal to an extent that may affect the price of goods or services requested. The Department reserves the right to terminate contract negotiations with an awarded Bidder who submits a proposed contract significantly different from the proposal they submitted in response to the advertised RFP. In the event that an acceptable contract cannot be negotiated with the highest ranked Bidder, the Department may withdraw its award and negotiate with the next-highest ranked Bidder, and so on, until an acceptable contract has been finalized. Alternatively, the Department may cancel the RFP, at its sole discretion.

### C. Selection and Award

1. The final decision regarding the award of the contract will be made by representatives of the Department subject to approval by the State Procurement Review Committee.
2. Notification of conditional award selection or non-selection will be made in writing by the Department.
3. Issuance of the RFP in no way constitutes a commitment by the State of Maine to award a contract, to pay costs incurred in the preparation of a response to the RFP, or to pay costs incurred in procuring or contracting for services, supplies, physical space, personnel or any other costs incurred by the Bidder.
4. The Department reserves the right to reject any and all proposals or to make multiple awards.

### D. Appeal of Contract Awards

Any person aggrieved by the award decision that results from the RFP may appeal the decision to the Director of the Bureau of General Services in the manner prescribed in [5 M.R.S.A. § 1825-E](#) and [18-554 Code of Maine Rules Chapter 120](#). The appeal must be in writing and filed with the Director of the Bureau of General Services, 9 State House Station, Augusta, Maine, 04333-0009 within 15 calendar days of receipt of notification of conditional contract award.



## PART VI CONTRACT ADMINISTRATION AND CONDITIONS

### A. Contract Document

1. The awarded Bidder will be required to execute a State of Maine **Service Contract** with appropriate riders as determined by the issuing department.

The complete set of standard State of Maine Service Contract documents, along with other forms and contract documents commonly used by the State, may be found on the Division of Procurement Services' website at the following link: [Division of Procurement Services Forms Page](#)

2. Allocation of funds is final upon successful negotiation and execution of the contract, subject to the review and approval of the State Procurement Review Committee. Contracts are not considered fully executed and valid until approved by the State Procurement Review Committee and funds are encumbered. No contract will be approved based on an RFP which has an effective date less than fourteen (14) calendar days after award notification to Bidders. (Referenced in the regulations of the Department of Administrative and Financial Services, [Chapter 110, § 3\(B\)\(i\)](#).)

This provision means that a contract cannot be effective until at least 14 calendar days after award notification.

3. The State recognizes that the actual contract effective date depends upon completion of the RFP process, date of formal award notification, length of contract negotiation, and preparation and approval by the State Procurement Review Committee. Any appeals to the Department's award decision(s) may further postpone the actual contract effective date, depending upon the outcome. The contract effective date listed in the RFP may need to be adjusted, if necessary, to comply with mandated requirements.
4. In providing services and performing under the contract, the awarded Bidder must act as an independent contractor and not as an agent of the State of Maine.

### B. Standard State Contract Provisions

1. Contract Administration

Following the award, a Contract Administrator from the Department will be appointed to assist with the development and administration of the contract and to act as administrator during the entire contract period. Department staff will be available after the award to consult with the awarded Bidder in the finalization of the contract.

2. Payments and Other Provisions

The State anticipates paying the Contractor on the basis of net 30 payment terms, upon the receipt of an accurate and acceptable invoice. An invoice will be considered accurate and acceptable if it contains a reference to the State of Maine contract number, contains correct pricing information relative to the contract, and provides any required supporting documents, as applicable, and any other specific and agreed-upon requirements listed within the contract that results from the RFP.

**PART VII LIST OF RFP APPENDICES AND RELATED DOCUMENTS**

**Appendix A** – Proposal Cover Page

**Appendix B** – Debarment, Performance, and Non-Collusion Certification

**Appendix C** – Qualifications and Experience Form

**Appendix D** – Cost Proposal Form

**Appendix E** – Submitted Question Form

DRAFT

APPENDIX A

**State of Maine**  
**Department of Maine Commission on Indigent Legal Services**  
**PROPOSAL COVER PAGE**  
**RFP# (Inserted by Procurement Services when assigned/approved)**

**Social Worker Services for Indigent Parents in Child Protective Cases**

<b>Bidder's Organization Name:</b>			
<b>Chief Executive - Name/Title:</b>			
<b>Tel:</b>		<b>E-mail:</b>	
<b>Headquarters Street Address:</b>			
<b>Headquarters City/State/Zip:</b>			
<i>(Provide information requested below if different from above)</i>			
<b>Lead Point of Contact for Proposal - Name/Title:</b>			
<b>Tel:</b>		<b>E-mail:</b>	
<b>Headquarters Street Address:</b>			
<b>Headquarters City/State/Zip:</b>			

- This proposal and the pricing structure contained herein will remain firm for a period of 180 days from the date and time of the bid opening.
- No personnel currently employed by the Department or any other State agency participated, either directly or indirectly, in any activities relating to the preparation of the Bidder's proposal.
- No attempt has been made, or will be made, by the Bidder to induce any other person or firm to submit or not to submit a proposal.
- The above-named organization is the legal entity entering into the resulting contract with the Department if they are awarded the contract.
- The undersigned is authorized to enter contractual obligations on behalf of the above-named organization.

*To the best of my knowledge, all information provided in the enclosed proposal, both programmatic and financial, is complete and accurate at the time of submission.*

<b>Name (Print):</b>	<b>Title:</b>
<b>Authorized Signature:</b>	<b>Date:</b>

**State of Maine**  
**Department of Maine Commission on Indigent Legal Services**  
**DEBARMENT, PERFORMANCE, and NON-COLLUSION CERTIFICATION**  
**RFP# (Inserted by Procurement Services when assigned/approved)**

**Social Worker Services for Indigent Parents in Child Protective Cases**

<b>Bidder's Organization Name:</b>	
------------------------------------	--

*By signing this document, I certify to the best of my knowledge and belief that the aforementioned organization, its principals and any subcontractors named in this proposal:*

- a. *Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from bidding or working on contracts issued by any governmental agency.*
- b. *Have not within three years of submitting the proposal for this contract been convicted of or had a civil judgment rendered against them for:*
  - i. *Fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local government transaction or contract.*
  - ii. *Violating Federal or State antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.*
- c. *Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (b) of this certification.*
- d. *Have not within a three (3) year period preceding this proposal had one or more federal, state, or local government transactions terminated for cause or default.*
- e. *Have not entered into a prior understanding, agreement, or connection with any corporation, firm, or person submitting a response for the same materials, supplies, equipment, or services and this proposal is in all respects fair and without collusion or fraud. The above-mentioned entities understand and agree that collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.*

<b>Name (Print):</b>	<b>Title:</b>
<b>Authorized Signature:</b>	<b>Date:</b>

**State of Maine**  
**Department of Maine Commission on Indigent Legal Services**  
**QUALIFICATIONS and EXPERIENCE FORM**  
**RFP# (Inserted by Procurement Services when assigned/approved)**

**Social Worker Services for Indigent Parents in Child Protective Cases**

<b>Bidder's Organization Name:</b>	
------------------------------------	--

**Present a brief statement of qualifications. Describe the history of the Bidder's organization, especially regarding skills pertinent to the specific work required by the RFP and any special or unique characteristics of the organization which would make it especially qualified to perform the required work activities. You may expand this form and use additional pages to provide this information.**

DRAFT

**APPENDIX C (continued)**

**Provide a description of projects that occurred within the past five years which reflect experience and expertise needed in performing the functions described in the “Scope of Services” portion of the RFP. For each of the project examples provided, a contact person from the client organization involved should be listed, along with that person’s telephone number and e-mail address. Please note that contract history with the State of Maine, whether positive or negative, may be considered in rating proposals even if not provided by the Bidder.**

*If the Bidder has not provided similar services, note this, and describe experience with projects that highlight the Bidder’s general capabilities.*

<b>Project One</b>	
<b>Client Name:</b>	
<b>Client Contact Person:</b>	
<b>Telephone:</b>	
<b>E-Mail:</b>	
<b>Brief Description of Project</b>	

<b>Project Two</b>	
<b>Client Name:</b>	
<b>Client Contact Person:</b>	
<b>Telephone:</b>	
<b>E-Mail:</b>	
<b>Brief Description of Project</b>	

APPENDIX C (continued)

Project Three	
Client Name:	
Client Contact Person:	
Telephone:	
E-Mail:	
Brief Description of Project	

DRAFT

**State of Maine**  
**Department of Maine Commission on Indigent Legal Services**  
**COST PROPOSAL FORM**  
**RFP# (Inserted by Procurement Services when assigned/approved)**

**Social Worker Services for Indigent Parents in Child Protective Cases**

<b>Bidder's Organization Name:</b>	
<b>Proposed Cost:</b>	\$

This fixed annual cost shall remain in effect should the Department opt for any of the renewal periods referenced in Part I, section D.

DRAFT





#### 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.

The implementation of this Chapter will further reduce the number of attorneys available to accept indigent cases during a time when Maine is experiencing a critical shortage of such attorneys. Additionally, there are technical and administrative barriers which the Commission needs to overcome to enforce this Chapter. Therefore, the Commission has voted to pass this Chapter with an effective date of January 1, 2024. The intent of the Commission is to provide attorneys, Commission staff, courts, and other interested parties sufficient time to prepare for the implementation of this Chapter.

After the Commission voted to pass Chapter 4 on July 21, 2023, the Commission received feedback from the Attorney General’s Office. Based on that feedback, the Commission made the following non-substantive changes to ensure that consistent language was used throughout the Rule: changed “MCILS” to “Commission” throughout the Rule, changed “PC” to “child protective”, added the word “Judicial” to “Supreme Court of Maine”, added “Maximum Active” to “Caseload Limit”, and “Maximum Annual” to “Hours Limit”. The Commission also deleted “than the 12 months indicated in Section 4(B)” from Section 7(E)(vi), which was inadvertently left in the Rule after the former Section 4(B) was deleted from an earlier draft. Finally, the Commission corrected a typographical error in the statutory authority, which included an extra letter “A”.

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

Formatted: Font: 12 pt

**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.

Formatted: Justified

Formatted: Font: 12 pt

**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 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 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 MCHLS-the Commission holds an attorney should work for consumers of indigent legal services over a rolling 12-month period, as modified by the percentage of an attorney’s work hours which are dedicated to assigned cases.
  - i. The maximum annual hours limit is only used for purposes of applying the caseload limits. If an attorney’s vouchers exceed the maximum annual hours, the attorney will still be paid in accordance with Commission rules.

**SECTION 2. CASE TYPE CALCULATION**

- A. Criminal & Juvenile Cases:

- i. In each docket, the charge assigned the highest points—at the time of appointment—determines the case type.
  - ii. Other offenses contained within a single charging instrument are not assigned a point value.
  - iii. If an attorney represents a client on multiple dockets, each docket is considered a separate case. 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-child protective 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 Judicial Court of Maine:
- i. Appeals to the Supreme Judicial 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 MCJLS-the Commission 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. ~~MCHS~~ The Commission has established the following point values for each respective case type:

Case Type:	Points:	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	216	9.25
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

### SECTION 4. LIMITS

- A. ~~MCHS~~ The Commission has established a maximum active caseload limit of 270 points, based on a presumptive maximum annual hours limit of 2,000. An attorney whose caseload exceeds 270 points at any one time— is ineligible to receive

additional assignments to represent consumers of indigent legal services, unless granted a waiver pursuant to Section 7 below.

- 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 MCHLS Commission cases. The following chart reflects this calculation, based on an active caseload limit of 270 points and an annual limit of 2,000 billed hours:

<b>% of Attorney's Work Hours Spent on <u>MCHLS Commission</u> Cases:</b>	<b><u>Maximum Active Caseload Limit:</u></b>	<b><u>Maximum Annual Hours Limit:</u></b>
100%	270	2,000
75%	202	1500
50%	135	1000
25%	67	500
10%	27	200

C. Case Closed:

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

D. Deferred Disposition:

- i. When the disposition of a case in the MCHLS Commission's 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.

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 toll the progress of a case may include a filing; long-term continuance; client in absent or 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 MCHLS the Commission approximately what portion of their annual working hours are dedicated to assigned cases.

- ii. All attorneys who are eligible to accept case assignments on the effective date of this rule must submit their first certification not later than 30 calendar days after the effective date of this rule and by July 15<sup>th</sup> of that year and every year thereafter, as outlined below.
  - iii. Attorneys who apply to accept ~~MCILS-Commission~~ cases will be required to submit this certification prior to receiving case assignments.
  - iv. Attorneys who renew their eligibility to accept ~~MCILS~~Commission 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~~the Commission no later than July 15<sup>th</sup> of each year.
  - v. After a certification is submitted, the attorney's maximum active caseload limit will be set in the ~~MCILS-Commission's~~ information management system.
  - vi. If an attorney's workload percentages change significantly prior to the annual certification, the attorney can request that ~~MCILS-the Commission~~ adjust their maximum caseload and/or annual 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.
  - vii. This certification must be completed on the form provided by ~~MCILS~~the Commission.
  - 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.
  - ix. Suspected falsification of a certification will result in the initiation of a ~~an~~ ~~MCILS-Commission~~ assessment and/or investigation.
- B. Case Entry & Closing:
- i. Counsel are responsible for ensuring that all cases are opened in- the ~~MCILS~~Commission's case management system within 7 calendar days of the receipt of notice of assignment in any form, and that cases are closed in the ~~MCILS~~Commission's case management system- within 7 days of the completion of work in the file.

## SECTION 6. EXCEPTIONS

- A. If an attorney has reached the maximum 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 maximum active caseload limit.
- 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 MCHS the Commission.
- 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 MCHS the Commission, 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.

#### **SECTION 8. EFFECTIVE DATE**

- A. This Chapter becomes effective on January 1, 2024.

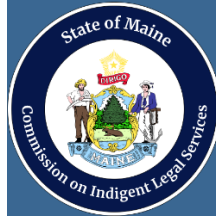
Formatted: Font: 12 pt



STATUTORY AUTHORITY:

4 M.R.S. §§ 1804(2)(C), (2)(G~~A~~) and (4)(D)

EFFECTIVE DATE:



## MAINE COMMISSION ON INDIGENT LEGAL SERVICES

**TO:** COMMISSION  
**FROM:** CHAPTER 3 SUBCOMMITTEE  
**SUBJECT:** CHAPTER 3  
**DATE:** AUGUST 18, 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. The Chapter 3 subcommittee met on July 10, 2023. After that meeting, the subcommittee provided the Commission with a working draft of the Rule and corresponding memo dated July 13, 2023. At the July 17, 2023 Commission meeting, the subcommittee requested Commission feedback on the revised draft. Commissioners indicated that they would like the subcommittee to explore whether the change from requiring criminal law experience generally to requiring criminal defense experience specifically in many of the specialized panels was necessary.

### **Report:**

The Chapter 3 subcommittee met on August 11, 2023 and August 18, 2023.

#### Criminal Law vs. Criminal Defense Experience:

The subcommittee discussed at great length whether the specialized panels should require criminal law experience or criminal defense experience. **The overwhelming consensus was that it should be criminal defense experience that is required.** In arriving at this recommendation, subcommittee members made the following points (this is not an exhaustive list):

- Although some skills gained from prosecutorial experience are transferable to defense work, representing human clients is much different from representing the State.
- Defense investigations are unique.

- If an attorney has significant prosecutorial or civil law experience, they may include that information to support a request for a waiver from the years of criminal defense experience requirement.
- An attorney who cannot satisfy the years of criminal defense experience requirement, cannot get a waiver, or is otherwise ineligible for the relevant case type may still represent clients charged with crimes of that type with eligible co-counsel.

#### Lawyer of the Day:

The subcommittee also discussed staff's recommendation that LODs be required to carry a minimum number of active assigned cases. This was proposed to support LODs in maintaining current knowledge of the law, awareness of what constitutes a good resolution to a case, and ability to assess the strengths and weaknesses of a case should it proceed to trial. This was also suggested because MCILS has a significant number of LODs who do not accept case assignments and the goal was to encourage LODs to mitigate the number of defendants who are without counsel. Because of the minimum fee for LOD assignments, serving as LOD has the potential to be much more profitable than working on cases at the hourly rate.

**The consensus of the subcommittee was to not require LODs to maintain an active caseload or be on the active rosters for case assignments.** One reason for this is that the requirement may result in attorneys removing themselves from the LOD roster, and then there may not be enough LODs. A subcommittee member also pointed out that such a requirement would be unique to the LOD panel because none of the other specialized case types include an eligibility requirement that an attorney be on the active roster for an unrelated case type.

#### Appeals:

When the subcommittee met on August 11<sup>th</sup>, it reached a consensus on most of the eligibility requirements for appeals. The subcommittee agreed that any attorney who was assigned to a Law Court appeal must be eligible for appeals cases, or have eligible co-counsel, even if the attorney was trial counsel. This is a departure from the current rule, which permits trial counsel to continue on appeal, even if they are not eligible for appeals cases. The one issue that remained was whether trial counsel should be able to continue representation of the client on appeal, even if they were eligible for appeals.

Subcommittee members recognized that there exists a clear conflict of interest if trial counsel is also appellate counsel in a child protective case because ineffective assistance of counsel claims may be brought on direct appeal in those cases. In criminal cases, the avenue for ineffective assistance of counsel claims is typically a post-conviction review petition, for which trial counsel does not represent the client. It was unclear what the consensus was from the subcommittee on this issue. Therefore, this specific part of the draft rule reflects the staff's position. Staff's position is that trial counsel should not continue representation of a client on appeal in child protective cases because of

the inherent conflict. Staff's position with regards to criminal cases is that trial counsel may continue to represent the client on appeal if they are eligible for appeals or have eligible co-counsel.

**Conclusion:**

The majority of the subcommittee has included a draft Chapter 3 for the Commission's consideration. Also included are minority memoranda authored by Commissioner Alexander.

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 August 21, 2023 Commission meeting.

**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.

**Commented [AJ1]:** We will need formal rule making on this issue. I am open to your proposed rules.

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

Commented [AJ2]: How will this be defined?

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

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

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

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



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

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

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

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

## MEMORANDUM: MCILS Drafting Subcommittee

August 9, 2023

To: Subcommittee for Drafting Qualification and Rostering Rules for MCILS  
Fr: Donald G. Alexander

I regret that because of a conflicting commitment, I will not be able to participate in the Drafting Subcommittee discussion on August 11. This memo and my memo of May 23, attached, discuss my views and recommendations on the issues before the Subcommittee.

1. The great majority of Maine lawyers are competent, ethical, hard-working professionals, willing to go the extra mile, when needed, to achieve a good result for their clients. Even attorneys newly admitted to practice, with their courses in criminal law, constitutional law, evidence, and other courses, and their clinical and extern work experience can take some case assignments – as newly admitted attorneys have done for the last 50 years – if they have brief training, available mentoring, and access to the important practice books to guide on the finer points of the law.
2. MCILS needs many good lawyers who were formerly rostered and accepting assignments to again join our rosters and accept assignments, and we need to welcome new lawyers joining the profession to join our rosters and accept cases. The \$150 hourly rate provides considerable incentive to return to or join our rosters and accept cases, but attorney workloads in the current court backlog make it difficult to accept new assignments, particularly with concerns that an expressed willingness to accept 4 or 5 assignments may result in assignments of 15 or 20 cases - driving attorneys off rosters for the good of their existing clients and their quality of practice.
3. In the circumstances, and respecting the good quality of the Maine Bar, our qualification and rostering needs to be open and welcoming to new attorneys and existing attorneys. Instead, our qualification and rostering requirements are excessively complex and demand experience that, because of COVID issues, have been unachievable now for going on four years. The complexity poses problems for competent attorneys willing to take cases, and equal problems for those making assignments - judges, court clerks, attorneys for the day, financial

screeners - to determine if an attorney can take an assignment with several charges.

The rostering and qualification requirements under consideration are not new, and drafted to meet today's challenges. Instead, they are based on criteria casually drafted in 2010 and 2011, by a very different Commission in a very different time. Experienced attorneys objected to the criteria at the time as too complex and demanding recent experience that did not reflect the reality of practice. The concern at the time disappeared when it became apparent that the complex rostering and qualification criteria were largely being ignored, except for homicide cases. Attorneys were appointed to cases for which they were perceived to be competent, and for most cases, those perceptions of competence proved to be accurate. It is only in the last two years that MCILS has started to consider removing attorneys from cases where the attorney, though competent, may not have met the technical rostering or qualification requirements. And in most of those cases, as I understand it, MCILS has worked with the attorney to qualify for the roster, rather than remove an attorney from a case.

4. Drafting, overseeing, and enforcing the overly complex qualification, rostering, and caseload standards, with attorney oversight, as contemplated in various rules drafts, will require a significant expansion of MCILS staff. This will make MCILS compete with itself for staff expansion. We urgently need more attorneys to fill RDF attorney slots and the newly approved public defender office positions, and we need more attorneys for contract counsel work across the State to represent indigent clients in criminal, protective custody, guardianship, and other cases. A large expansion of MCILS staff attorneys will necessarily take away attorneys who could otherwise staff cases for our indigent clients.

5. The experience requirements should be reduced for all cases except homicides, and a mentor should be able to be a substitute for experience. Also, prescribed experience should not be limited to criminal defense practice. As I noted at a recent bar program in Aroostook County, the United States Attorney, who was present and has 25 years criminal practice experience, would not qualify as experienced in criminal practice under our present draft rule. This hardly suggests MCILS is seeking or welcoming competent experienced attorneys.

6. As suggested in my memo dated May 23, 2023, we should reduce our rostering categories to no more than six. My views on those issues are addressed in that memo and are not repeated here.

\* \* \* \* \*

Chapter 3: ELIGIBILITY REQUIREMENTS FOR SPECIALIZED CASE TYPES PANELS

---

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

---

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

1. Executive Director. “Executive Director” means the Executive Director of the Maine Commission on Indigent Legal Services or the Executive Director’s decision-making designee.
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.
- 1.3. 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.
- 2.4. ~~Domestic Violence.~~ Homicide. “Homicide” means:
  - A. ~~Offenses denominated as Domestic Violence under 17-A M.R.S.A. §§ 207-A, 209-A, 210-B, 210-C, and 211-A;~~
  - B. ~~Any class D or E offense alleged to have been committed against a family or household member or dating partner;~~
  - A. C. ~~The class D offense of stalking under 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. § 210-A; 2411(1-A)(D)(1-A) (Criminal OUI Causing Death).
  - D. ~~Violation of a protection order under 17-A M.R.S.A. § 506-B.~~
  - E. ~~“Domestic Violence” includes crimes involving substantially similar conduct in another jurisdiction.~~
  - C. F. ~~“Domestic Violence”~~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.

~~3. Serious Violent~~Major Felony. ~~“Serious Violent”~~“Major Felony” means:

5. A. \_\_\_\_\_

DRAFT

A. An offense under 17-A M.R.S.A. §§ ~~152-A (Aggravated Attempted Murder)~~, 208 (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. ~~B.~~ —“~~Serious Violent~~“Major Felony” includes crimes involving substantially similar conduct ~~in another jurisdiction.~~

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

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

#### 4.6. Sex Offense. “Sex Offense” means:-

A. ~~A.~~ —An offense under 17-A M.R.S.A. §§ ~~251-259-A~~253-260 (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. ~~B.~~ —“Sex Offense” includes crimes involving substantially similar conduct ~~in another jurisdiction.~~

C. ~~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)
- 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.
9. Child Protective. “Child Protective” means a district court proceeding in which a parent is entitled to counsel pursuant to 22 M.R.S.A. § 4005(2).
10. Child Protective Appeal. “Child Protective Appeal” means an appeal to the Maine Supreme Judicial Court of any order terminating parental rights.
11. Homicide Appeal. “Homicide Appeal” means an appeal to the Maine Supreme Judicial Court of a conviction involving a homicide offense, as defined by section 1(4) herein.
12. Other Criminal Appeal. “Other Criminal Appeal” means an appeal to the Maine Supreme Judicial Court of any criminal conviction other than a conviction for a homicide offense, as defined by section 1(4) herein.
13. Lawyer of the Day (LOD). “LOD” means:
- A. An attorney who has been designated by the Commission 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.
14. Proceeding Type. “Proceeding Type” means 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.
15. LOD Roster: the list of attorneys designated as eligible by the Commission to serve as LOD in a proceeding type for a particular court.
16. 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 LOD session that continues into the afternoon, the applicant must be present the entire time for what will be counted as one shadow session. If the shadowing attorney is eligible to receive Commission case assignments at the time of the shadow session, the shadowing attorney is eligible for payment in accordance with Commission Rule 301, Section 5.

17. 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.

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

5.19. Specialized ~~Case Types~~ Panels. “Specialized ~~Case Types~~ Panels” means those ~~cases~~ types of assignments that are complex in nature ~~due to the allegations against the person as well as the severity of the consequences if a conviction occurs.~~ They include the following ~~case types~~ panels:

A. Homicide, including OUI ~~manslaughter~~ Manslaughter

B. Sex ~~offenses~~ Offenses

~~C. — Serious violent felonies~~

C. Major Felonies

D. Operating ~~under~~ Under the ~~influence~~ Influence

E. Domestic ~~violence~~ Violence

F. Juvenile ~~defense~~ Defense

G. Child Protective ~~custody matters~~

~~H. — [Repealed]~~

H. Child Protective Appeals

I. Homicide Appeals

J. Other Criminal Appeals

K. In-Custody Lawyer of the Day

L. Walk-In Lawyer of the Day

M. Juvenile Lawyer of the Day

N. Resource Counsel

O. Commission Liaison

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

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

### SECTION 3. Minimum Eligibility Requirements for Specialized Case Types Panels.

1. 1. Homicide. ~~In order to~~ 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~~ co-counsel, at least five felony cases within the last ten years, at least two of which were ~~serious violent~~ major felony, homicide, or Class C or higher sex offense cases, ~~AND at least two of which were jury trials~~;
- C. Have tried before a jury, individually or as ~~first chair a homicide case in the last fifteen years,~~ OR have tried as second chair co-counsel, at least one homicide case ~~with an experienced homicide defense attorney within~~ in the ~~past five~~ last fifteen years;-
- D. Demonstrate a knowledge and familiarity with the evidentiary issues relevant to homicide cases, including but not limited to forensic and scientific issues relating to DNA testing and fingerprint analysis, mental health issues, and eyewitness identification;-
- E. Provide a letter explaining reasons for interest in and qualifications for representing

individuals charged with homicide; and

- F. Have submitted to the Commission three letters of reference from attorneys with whom the applicant does not practice, that assert that the applicant is qualified to represent individuals charged with homicide, including OUI manslaughter. The letters of reference must be submitted directly to the Executive Director, ~~or his or her designee~~, by the ~~author~~authors.

2. 2.—Sex Offenses. ~~In order to~~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~~within the last ten years, ~~at least two of which were jury trials~~;
- C. Provide a letter explaining reasons for interest in and qualifications for representing individuals charged with a sex offense; ~~and~~
- D. If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the applicant is qualified to represent individuals charged with a sex offense. The letters of reference must be submitted directly to the Executive Director, ~~or his or her designee~~, by the ~~author~~authors; ~~and~~
- E. ~~Letters of reference shall also be submitted upon the request of the Executive Director, or his or her designee.~~

3. 3.—Serious Violent~~Major~~ Felonies. ~~In order to~~To be rostered for ~~serious violent~~major felony cases an attorney must:

- A. Have at least two years of criminal ~~law~~defense practice experience;
- B. Have tried ~~before a jury, individually~~ or as ~~first chair~~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 ~~serious violent~~major felony; and
- D. If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the applicant is qualified to represent individuals charged with a ~~serious violent~~major felony. The letters of reference must be submitted directly to the Executive Director, ~~or his or her designee~~, by the ~~author~~authors.
- E. ~~Letters of reference shall also be submitted upon the request of the Executive Director, or his or her designee.~~

**4. 4-Operating Under the Influence.** ~~In order to~~ 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 or jury~~, individually or as ~~first chair~~ 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,~~ ~~or his or her designee,~~ by the ~~author~~ authors.

~~F. — Letters of reference shall also be submitted upon the request of the Executive Director, or his or her designee.~~

**5. 5-Domestic Violence.** ~~In order to~~ 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 or jury~~, individually or as ~~first chair~~ 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, ~~or his or her designee,~~ by the ~~author~~ authors.

~~F. — Letters of reference shall also be submitted upon the request of the Executive Director, or his or her designee.~~

~~6. 6.—~~ **Juvenile Defense.** ~~In order to~~ **To** be rostered for felony, sex offense, and bind-over juvenile defense cases an attorney must:

A. ~~f~~Repealed~~g~~.

B. ~~B.~~—For felony cases and sex offense cases:

- ~~1) 1)~~ Have at least one year of juvenile ~~law~~defense practice experience;
- ~~2) 2)~~ Have handled at least 10 juvenile cases to conclusion;-
- ~~3) 3)~~ Have tried at least 5 contested juvenile hearings (including but not limited to: detention hearings, evidentiary hearings, adjudication hearings, and dispositional hearings); individually or as co-counsel, within the past ten years;
  - ~~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) 5)~~ Have completed the Commission’s Juvenile Law Minimum Standards Training;
- ~~5) 6)~~ Provide a letter explaining reasons for interest in and qualifications for representing juveniles in felony and sex offense cases; and
- ~~6) 7)~~ If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the applicant is qualified to represent juveniles in felony and sex offenses cases. The letters of reference must be submitted directly to the Executive Director, ~~or his or her designee,~~ by the ~~author~~authors.
  - ~~7) —~~ Letters of reference shall also be submitted upon the request of the Executive Director, ~~or his or her designee.~~
  - ~~8) —~~ Upon notice from the State, whether formal or informal, that it may be seeking bind-over in the case, the attorney must immediately notify the Executive Director.

C. ~~C.~~—For Bind-over~~er~~Over Hearings:

- ~~1) 1)~~ Have at least two years of juvenile ~~law~~defense practice experience;
- ~~2) 2)~~ Have handled at least 20 juvenile cases to conclusion ~~in~~within the past ten years;

- 3) ~~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) ~~4)~~ Have attended in the last three years at least eight hours of CLE credit that cover all ~~of~~ the following topics devoted to juvenile defense ~~including:~~ training and education regarding placement options and dispositional alternatives; child and adolescent brain development; adolescent mental health diagnosis and treatment; and issues and case law related to competency, bind-over procedures, and the collateral consequences of juvenile adjudications;
- 5) ~~5)~~ Provide a letter explaining reasons for interest in and qualifications for representing juveniles in bind-over hearings; and
- 6) ~~6)~~ If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the applicant is qualified to represent juveniles in bind-over hearings. The letters of reference must be submitted directly to the Executive Director, ~~or his or her designee,~~ by the ~~author~~ authors.
- 7) ~~Letters of reference shall also be submitted upon the request of the Executive Director, or his or her designee.~~

D. 7.—For Bound Over Cases:

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

7. Child Protective Custody Matters. In order to, To be rostered to represent parents in child protective ~~custody~~ cases an attorney must:

A. A.—/Repealed/.

B. B.—Satisfy one of the following litigation requirements:

- 1) Have ~~conducted~~ provided representation to parents in at least four contested hearings in civil or criminal three unrelated child protective cases from the preliminary protective order stage through disposition of the cases within the last five past ten years; or
- 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;~~

- 2) ~~D. Serve as co-counsel with an attorney who is eligible to receive Commission child protective case assignments on two or more assigned child protective cases for at least twelve months prior to the date of the application.~~

C. Complete the Commission’s Child Protective Minimum Standards Training;

D. Provide a letter explaining reasons for interest in and qualifications for representing parents in child protective ~~custody~~ proceedings; and

E. 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 child protective ~~custody~~ cases. The letters of reference must be submitted directly to the Executive Director, ~~or his or her designee~~, by the ~~author~~authors.

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

~~F. 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~~fewer than ~~6~~six months of child protection experience, then the attorney of record must file a request with the ~~MCILS~~Commission for a more experienced attorney to serve as ~~a second chair~~co-counsel to assist ~~the attorney of record~~them with the termination of parental rights hearing.~~

~~8. 8. — Repealed.~~

~~9.~~

~~9. — LawMaine Supreme Judicial Court Appeals. In order to be rostered for To accept assignments to LawMaine Supreme Judicial Court appeals, an attorney must be eligible for the applicable appeal type as outlined below.~~

~~A. Child Protective Appeals. To be eligible to accept assignments to child protective appeals, an attorney must satisfy the below requirements. Even if an attorney is eligible for child protective appeals, the attorney is not eligible to represent a client in ~~eases where~~a child protective appeal when the attorney was trial counsel is ~~not continuing on appeal, an attorney must~~ for that case. If a client wishes to appeal a child protective case, the attorney shall file a motion to withdraw as counsel simultaneously with the notice of appeal.~~

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

~~1) 1) In criminal and juvenile cases, the entry of sentence or disposition in five or more child protective appeals in the Maine Supreme Judicial Court, either after plea or trial or the entry into a deferred disposition; individually or as co-counsel;~~

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

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

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

~~D. 1) — 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~~

- ~~2) 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~~
- ~~E.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, or his or her designee, by the author/authors.~~

**B. Homicide Appeals** If trial counsel wants to continue representation on a homicide appeal, the attorney must either be eligible for homicide appeals by the time the notice of appeal is filed, or file a motion for co-counsel or motion to withdraw simultaneously with the notice of appeal. To be eligible to accept assignments to homicide appeals, an attorney must:

- 1) Have provided representation in seven or more criminal appeals in the Maine Supreme Judicial Court, either individually or as co-counsel, within the last ten years;
- 2) Have completed oral argument in at least two criminal appeals before the Maine Supreme Judicial Court;
- 3) Provide copies of 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 applicant is qualified to provide representation in appeal cases. The letters of reference must be submitted directly to the Executive Director by the authors.

**C. Other Criminal Appeals.** If trial counsel wants to continue representation on an other criminal appeal, the attorney must either be eligible for other criminal appeals by the time the notice of appeal is filed, or file a motion for co-counsel or motion to withdraw simultaneously with the notice of appeal. To be eligible to accept assignments to other criminal appeals, an attorney must:

- 1) Have provided representation in five or more criminal appeals in the Maine Supreme Judicial Court, either individually or as co-counsel, within the last ten years;
  - 2) Have completed oral argument in at least one criminal appeal before the Maine Supreme Judicial 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
- F.6) Letters ~~If the applicant seeks a waiver, the applicant shall submit three letters of reference shall 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 upon the request of directly to the Executive Director, or his or her designee.~~ by the authors.

G. ~~This rule is not applicable to cases where trial counsel continues on appeal.~~

10.10. Post-Conviction Review. ~~In order to~~ 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, ~~or his or her designee,~~ by the author.-
- E. ~~Letters of reference and writing~~ Writing samples shall also be submitted upon the request of the Executive Director.;

### 11. Lawyer of the Day (LOD).

#### A. LOD Specialized Panels:

- 1) In-Custody. To be rostered for LOD for in-custody proceedings, an attorney must:

- a. Complete the Commission’s LOD Minimum Standards Training;
- b. Be currently eligible to accept Commission criminal case assignments;
- c. Have previously been deemed eligible for OUI and domestic violence cases in accordance with Chapter 3 of the Commission Rules;
- d. Complete three full in-custody LOD shadow sessions on three separate days. The eligible LOD(s) who were shadowed must verify in writing to the Commission that the applicant completed each shadow session; and
- e. Certify that they have read, understand, and agree to comply with all Commission standards of practice.

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

- a. Complete the Commission’s LOD Minimum Standards Training;
- b. Be currently eligible to accept Commission criminal case assignments;
- c. Have previously been deemed eligible for OUI and domestic violence cases in accordance with Chapter 3 of the Commission Rules;
- d. Complete three full walk-in LOD shadow sessions on three separate days. The eligible LOD(s) who were shadowed must verify in writing to the Commission that the applicant completed each shadow session; and
- e. Certify that they have read, understand, and agree to comply with all Commission standards of practice.

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

- a. Complete the LOD Minimum Standards Training prior to or ~~his~~within three months of being rostered for LOD assignments;
- b. Be currently eligible to accept Commission juvenile case assignments;
- c. Have previously been deemed eligible for juvenile felony cases in accordance with Chapter 3 of the Commission Rules;
- d. 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;
- e. 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
- f. Certify that they have read, understand, and agree to comply with all Commission LOD standards of practice.

**12. Commission Liaison.**

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

- 1) Be eligible to accept Commission case assignments;
- 2) Have at least five years of experience practicing criminal defense;
- 3) Demonstrate a history of providing high quality legal services; and
- 4) Have experience practicing law in the court(s) in which counsel is seeking to serve as the Commission Liaison.

**13. Resource Counsel.**

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

- 1) 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 Commission 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
- E-7) Have no substantiated Commission assessments or her designee investigations or substantiated Board of Bar Overseers complaints within the three years immediately preceding counsel’s Resource Counsel application.

B. Counsel must reapply to serve as Resource Counsel on an annual basis. That application is due at the same time as the Commission 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 ~~ease types~~panels listed above but who does not meet both requirements of: ~~(1a)~~ years of practice experience; ~~and (2 or (b))~~ 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, ~~or his or her designee,~~ 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, ~~or his or her designee,~~ may consider other litigation experience, and total years of practice, ~~and regional conditions and needs~~ in granting or denying a waiver to any ~~particular~~ attorney.-

**STATUTORY SECTION 5. Overlapping Offenses.**

- 1. If a case involves multiple offenses that are categorized within 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 by the offenses to accept assignment the case.

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

EFFECTIVE DATE:

— July 8, 2011 — ~~filing 2011-181 (Final adoption, major substantive)~~

AMENDED:

— June 10, 2016 — filing 2016-091 — ~~(Final adoption, major substantive)~~