

MCILS

**October 11, 2023
Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

**OCTOBER 11, 2023
COMMISSION MEETING
AGENDA**

- 1) Rulemaking Public Hearing – Chapters 3 and 301
- 2) Executive session
- 3) Approval of the September 11 and 18, 2023 Commission Meeting Minutes
- 4) Report of the Executive Director
 - a. Operations report
 - b. Case staffing status report
 - c. Hiring update
 - d. Burnout survey
- 5) Supplemental budget discussion
- 6) Set Date, Time and Location of Next Regular Meeting of the Commission
- 7) Public Comment

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.
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.
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;~~
 - 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).~~ All offenses contained in 17-A M.R.S.A. § 201 (Murder), § 202 (Felony Murder), § 203 (Manslaughter), § 152 (Attempted Murder), and § 152-A (Aggravated Attempted Murder).
 - D. ~~29-A M.R.S.A. § 210-A; 2411(1-A)(D)(1-A) (Criminal OUI Causing Death).~~
 - E. ~~Violation of a protection order under 17-A M.R.S.A. § 506-B.~~
 - F. ~~“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.~~ _____

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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) 5)~~ Provide a letter explaining reasons for interest in and qualifications for representing juveniles in felony and sex offense cases; 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 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. — **Law**Maine Supreme Judicial Court Appeals. ~~In order to be rostered for To accept assignments to Law~~Maine 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)~~

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

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

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. **Executive Director.** “Executive Director” means the Executive Director of MCILS or the Executive Director’s decision-making designee.
6. **Commission-Employed Counsel.** “Commission-Employed Counsel” means counsel employed by the Commission to provide direct representation to indigent persons.
7. **Home Court.** “Home Court” means the physical location of the court in closest proximity to Counsel’s office or reasonably accessible private meeting space as contemplated by 94-649 C.M.R. ch. 2 § 3.
8. **MCILS Liaison.** “MCILS Liaison” means the attorney who performs services for clients as part of the specialty court team but who has not otherwise been appointed to represent a specific client in a specific docket.

9. **Interim Voucher.** “Interim Voucher” means any voucher submitted in a case before counsel’s professional responsibility in a matter ends.
10. **Particular Client Assignment.** “Particular Client Assignment” means an assignment of Counsel to represent a particular client in a particular matter either by MCILS or the Court under Rule 44 of the Maine Rules of Unified Criminal Procedure or Rule 88 of the Maine Rules of Civil Procedure. For the purpose of this rule a “particular matter” is a matter described by a particular docket number in a Court.
11. **Days.** “Days” means calendar days.
12. **Paralegal.** A “paralegal” is a person, qualified by education, training, or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency, or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible.
13. **Paralegal services.** “Paralegal services” constitute specifically delegated substantive legal work for which a lawyer is responsible.
14. **Secretarial services.** “Secretarial services” means staff support services other than paralegal services.
15. **Resource Counsel.** Counsel designated eligible to serve as Resource Counsel pursuant to Chapter 3 of the Commission Rules.
16. **Final Voucher.** Final Voucher means and includes the voucher required by Section 6 of this Chapter to be submitted within 90 days of a terminal case event.
17. **Supplemental Voucher.** Supplemental Voucher means any voucher submitted for work performed by Counsel on behalf of their indigent client after the terminal case event has occurred.
- ~~5-18.~~ **Case.** Case means particular client assignment as defined by this Chapter.

SECTION 2. HOURLY RATE OF PAYMENT

Effective March 1, 2023:

A rate of One Hundred Fifty Dollars (\$150.00) per hour is authorized for time spent by Counsel, and billed using MCILS electronic case management system, on an assigned case on or after March 1, 2023. A rate of Eighty Dollars (\$80.00) per hour remains authorized for time spent on

an assigned case between July 1, 2021 and February 28, 2023. A rate of Sixty Dollars (\$60.00) per hour remains authorized for time spent on an assigned case between July 1, 2015 and June 30, 2021. A rate of Fifty-five Dollars (\$55.00) per hour remains authorized for time spent on an assigned case between July 1, 2014 and June 30, 2015. A rate of Fifty Dollars (\$50.00) per hour remains authorized for time spent on an assigned case between the inception of the Commission and June 30, 2014.

SECTION 3. EXPENSES

- 1. Routine Office Expenses.** Routine Office expenses will not be paid by MCILS. Routine office expenses include, but are not limited to: postage other than overnight and express postage, regular telephone, cell telephone, fax, office overhead, utilities, secretarial services, the first 100 pages of any one print or copy job, local phone calls, parking (except as stated below), and office supplies, ~~etc.~~ Any and all requests for fees or reimbursement for pParalegal services and secretarial services ~~time~~ may be submitted billed to MCILS only through the non-counsel cost procedures.
- 2. Itemized Non-Routine Expenses.** Itemized non-routine expenses, such as discovery from the State or other agency, long distance calls (only if billed for long distance calls by your phone carrier), overnight and express postage, collect phone calls, copy costs for print or copy jobs in excess of 100 pages, beginning with the 101st page, printing/copying/binding of legal appeal brief(s), relevant in-state mileage (as outlined below), tolls (as outlined below), and fees paid to third parties, may be paid by MCILS after review. Necessary parking fees associated with multi-day trials and hearings will be reimbursed. Parking tickets, fines, and/or fees for other violations will not be reimbursed.
- 3. Travel Reimbursement.** Mileage reimbursement shall be made at the State rate applicable to confidential state employees on the date of the travel. Mileage reimbursement will be paid for travel to and from courts other than Counsel's home ~~district and superior~~ court. Mileage reimbursement will not be paid for travel to and from a Counsel's home ~~district and superior~~ courts. Tolls will be reimbursed, ~~except that tolls will not be reimbursed for travel to and from Counsel's home district and superior court.~~ All out-of-state travel, ~~or any~~ overnight travel, and any other expense associated with such travel including but not limited to airfare, lodging, and food, must be approved by MCILS in writing prior to incurring the expense. Reimbursement will be subject to the State's per diem maximum rate policies with respect to the reimbursement of any expense must be approved by MCILS in writing prior to incurring the expense. Use of the telephone, video equipment, and email in lieu of travel is encouraged as appropriate.
- 4. Itemization of Claims.** Claims for all expenses must be itemized and include documentation. All expense documentation must be attached to the voucher used to seek reimbursement for the expense claimed. Claims for mileage shall be itemized and include the start and end points for the travel in question.
- 5. Discovery Materials.** MCILS will reimburse only for one set of discovery materials per assignment. If counsel is permitted to withdraw, appropriate copies of discovery materials must be forwarded to new counsel within one week of notice of new counsel's

assignment. Counsel may retain a copy of a file transferred to new counsel, or to a client. Counsel shall perform any scanning or make any copies necessary to retain a copy of the file at counsel's expense. The client owns the file. The original file shall be tendered to new counsel, or to the client, as directed.

6. **Expert and Investigator Expenses.** Other non-routine expenses for payment to third parties, (e.g., investigators, interpreters, medical and psychological experts, testing, depositions, etc.) shall be approved in advance by MCILS. Funds for third-party services will be provided by MCILS only upon written request and a sufficient demonstration of reasonableness, relevancy, and need in accordance with MCILS rules and procedures governing requests for funds for experts and investigators. See Chapter 302 Procedures Regarding Funds for Experts and Investigators.
7. **Witness, Subpoena, and Service Fees.** Witness, subpoena, and service fees will be reimbursed only pursuant to the Maine Rules of Court. ~~Counsel should not~~ ~~It is unnecessary for counsel to~~ advance these costs. ~~These costs and they~~ shall not be included as a voucher expense without prior consent from the Executive Director ~~or~~ ~~designee~~. Fees for service of process by persons other than the sheriff shall not exceed those allowed by 30-A M.R.S. §421. The same procedure shall be followed in civil cases.

SECTION 4. PRESUMPTIVE REVIEW

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

1. Trial Court Criminal Fees

- A. Triggers for presumptive review, excluding any itemized expenses, are set in accordance with this subsection. Counsel must provide MCILS with written justification for any voucher that exceeds the trigger limit.
 - 1) **Murder.** All murder cases shall trigger presumptive review.
 - 2) **Class A.** ~~\$5,000~~9,400
 - 3) **Class B and C (against person).** ~~\$4,000~~7,500
 - 4) **Class B and C (against property).** ~~\$2,500~~4,700
 - 5) **Class D and E.** ~~\$2,500~~4,700
 - 6) *[Repealed]*
 - 7) **Post-Conviction Review.** ~~\$3,000~~5,600
 - 8) **Probation Revocation.** ~~\$1,500~~2,800

9) **Miscellaneous (i.e. witness representation on 5th Amendment grounds, etc.).** ~~\$1,000~~900

10) **Juvenile.** ~~\$1,500~~2,800

11) **Bindover:** applicable criminal class trigger

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

C. Criminal and juvenile cases will include all proceedings through a terminal case event as defined in Section 6₂ below. Any subsequent proceedings, such as probation revocations_s, will require new application and appointment.

D. *[Repealed]*

E. Upon written request to MCILS, a second Counsel_; may be assigned in a murder ~~case~~ or other complicated cases_s, to provide for mentorship, or for other good cause at the discretion of the Executive Director:

1) the duties of each Counsel must be clearly and specifically defined, and ~~e~~Counsel must avoid unnecessary duplication of effort;

2) each Counsel must submit a voucher to MCILS. Counsel should coordinate the submission of vouchers_s so that they can be reviewed together. ~~Co-counsel who practice in the same firm may submit a single voucher that reflects the work done by each Counsel.~~

2. **District Court Child Protection**

A. Triggering fees, excluding any itemized expenses, for ~~Commission assigned~~ ~~e~~Counsel in child protective cases are ~~set in accordance with the following schedule~~:

1) **Child protective cases** ~~(each stage).~~ ~~\$1,500~~10,200

2) ~~*[Repealed]*~~ **Termination of Parental Rights stage** (with a hearing). ~~\$~~2,500

B. ~~*[Repealed]*~~ Counsel must provide MCILS with written justification for any voucher that exceeds the triggering limit. Each child protective stage ends when a proceeding results in a Preliminary Protective Order, Judicial Review Order, Jeopardy Order, Order on Petition for Termination of Parental Rights, or entry of a Family Matter or other dispositional order. Each distinct stage in on-going child protective cases shall be considered a new appointment for purposes of the triggering fee for that case.

3. **Other District Court Civil**

A. Triggering fees in District Court civil actions, excluding any itemized expenses, are set in accordance with this subsection. Counsel must provide MCILS with written justification for any voucher that exceeds the triggering fee.

1) **Application for Involuntary Commitment.** ~~\$1,000~~1,900

2) **Petition for Emancipation.** ~~\$1,500~~2,800

3) **Petition for Modified Release Treatment.** ~~\$1,000~~1,900

4) **Petition for Release or Discharge.** ~~\$1,000~~1,900

4. **Law Court**

A. *[Repealed]*

B. *[Repealed]*

C. Appellate: ~~\$2,000~~3,750

SECTION 5: MINIMUM FEES

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

SECTION 6: ADMINISTRATION

1. Timing

A. Vouchers for payment of counsel fees and expenses associated with a particular client assignment shall be submitted within 90 (ninety) calendar days of a terminal case event. Lawyer of the Day, ~~and~~ specialty courts, Resource Counsel, and all other services rendered on behalf of the Commission and not associated with a particular client assignment shall be billed within 90 days of the service provided. ~~Vouchers not submitted within 90 days of a terminal case event cannot be paid, except on a showing by counsel that a voucher could not have been timely submitted for reasons outside the actual or constructive control of counsel.~~

~~Counsel are encouraged to submit interim vouchers not more often than once every 90 days per case. Counsel may request reconsideration of a voucher rejected between April 1, 2021 and the effective date of this rule if that voucher would be payable under this rule.~~

- ~~B. The period for submitting a voucher established by subsection (1)(A) of this section shall run from the date that the terminal case event is docketed. Services are rendered on Lawyer of the Day assignments on the date Counsel appears in court and serves as Lawyer of the Day. Services in specialty courts as an MCILS liaison, Resource Counsel, or as part of any other MCILS-sponsored program are rendered on the date the individual tasks were performed as indicated by the date associated with the time entry recorded to account for that time.~~
- ~~C. Vouchers not submitted within 90 days of a terminal case event or the timeframe otherwise established by this Chapter shall be reduced according to the schedule established by subsection (3)(C) of this section below, except on a showing by counsel that a voucher could not have been timely submitted for reasons outside the actual or constructive control of counsel. If an exception decision is rendered by the Executive Director's decision-making designee, counsel may submit an appeal in writing to the Executive Director on this issue only, within 10 days of the designee's decision. A decision on an exception under this section is final agency action.~~
- ~~D. Counsel may submit interim vouchers not more often than once every calendar month per case.~~
- ~~E. Cases must be entered in the MCILS case management system within seven days upon receipt of the Notice of Appointment. If counsel has been informed that they have been assigned to a case but have not received the Notice of Appointment, counsel shall exercise due diligence in obtaining a copy of the Notice as soon as possible.~~
- ~~A.F. _____~~

~~4.2. Terminal Cease Events are:~~

~~A terminal case event is the order, decision or judgment that signifies the final resolution of a particular client assignment such that substantive appearances before the court are no longer necessary to resolve the issues raised by the complaint, indictment, petition, appeal or other initial pleading that provided the impetus of the case. There can be only one terminal case event in a particular client assignment. Terminal case events exclusively include:~~

- ~~1) The withdrawal of counsel;~~
- ~~2) The entry of dismissal of all charges or petitions; or~~
- ~~3) Judgment or other final order or decision of the court in a case, or~~
- ~~4) *[Repealed]* Final resolution of post-judgment proceedings for which counsel is responsible.~~

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

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

3. Reduction for Untimely Voucher Submission

A. The total reduction applied to vouchers submitted after the 90-day deadline is calculated by multiplying the total voucher amount by the applicable percentage according to the schedule established by subsection (3)(C) of this section.

B. The days elapsed since the relevant terminal case event are calculated in the same manner as in determining compliance with the 90-day deadline.

C. Reduction Schedule:

<u>Days After Terminal Case Event</u>	<u>Reduction</u>
<u>91 – 104</u>	<u>10%</u>
<u>105 – 150</u>	<u>25%</u>
<u>151 – 180</u>	<u>50%</u>
<u>181 or more</u>	<u>100%</u>

D. Any reduction for the untimely submission of a voucher may only be applied after Counsel is provided with an opportunity to request an exception pursuant to subsection (1)(C) of this section.

4. Voucher Submission

1. All vouchers must be submitted using MCILS electronic case management system and comply with all instructions for use of the system.
2. All time on vouchers shall be detailed and accounted for in .10 of an hour increments rounding up to the nearest .10 of an hour. The purpose of each time entry must be specifically stated by using the most relevant time entry

category and providing a reasonably descriptive comment/note for each time entry.

3. Unless otherwise stated in this Chapter, Counsel may only record and seek payment for actual time spent working on Counsel's appointed or assigned cases using the MCILS electronic case management system. Counsel may not record a minimum amount for any time entries notwithstanding any previous policy or practice of the Commission.
4. All expenses claimed for reimbursement must be fully itemized on the voucher. Copies of receipts for payments to third parties shall be retained and appended to the voucher.
5. If a particular client assignment requires additional, supplemental work be performed by Counsel after the terminal case event occurs, Counsel may submit a supplemental voucher for the work performed after the final voucher is submitted. All time included on a supplemental voucher must be billed within a reasonable period of time after the task was completed. Notwithstanding any other provision of this Chapter, any time included on a supplemental voucher that is not submitted within a reasonable period of time is not payable except on a showing by counsel that the voucher could not have been timely submitted for reasons outside the actual or constructive control of counsel.
6. Time for work performed by Counsel before the terminal case event occurred may not be included on a supplemental voucher.
7. Time for work performed by Counsel after the terminal case event occurred may be included on a final voucher. If a final voucher is submitted greater than 90 days after a terminal case event, the entire voucher will be reduced according to the reduction schedule established by this Chapter including any time for work performed after the terminal case occurred.

5. Payments & Reimbursement of Expenses for Attending Training

- A. Payments to attend and reimbursement of expenses incurred incidental to attending trainings are governed by Chapter 301-A.
- B. Vouchers submitted in accordance with Chapter 301-A shall be submitted within 90 calendar days of attending the training.

Notwithstanding any other provision of this Chapter or other Commission rules, untimely vouchers for payment or reimbursement of expenses governed by Chapter 301-A will not be paid.

SECTION 7. RESOURCE COUNSEL

1. Resource Counsel may bill pursuant to Section 6(4), above, for any billable tasks outlined in subsection 2 and subject to the limitations in subsection 3 of this section.
2. Billable Tasks:
 - a. Meeting with Court-Assigned, Commission-Assigned, and Commission-Employed counsel upon the written request of the Executive Director.
 - b. Meetings and other communications with Court-Assigned, Commission-Assigned, and Commission-Employed counsel about the practice of law or ethical or legal issues related to assigned cases.
 - c. Assisting Court-Assigned, Commission-Assigned, and Commission-Employed counsel with drafting documents and with litigation preparation for assigned cases.
 - d. Meetings and other communications with members of the judiciary or prosecution about matters pertaining to indigent representation upon the written request of the Executive Director.
 - e. Preparing and presenting trainings at the request of the Executive Director or Training & Supervision staff.
 - f. In-court observation of Counsel if requested by the Executive Director or MCILS Training & Supervision staff.
 - g. Responding to calls, emails, and/or webform submissions from individuals who contact MCILS through the MCILS hotline and/or website. This includes:
 - i. Communication with the person who called;
 - ii. Communication with others to address the individual's matter; and
 - iii. Limited scope representation undertaken to resolve urgent issues for indigent persons concerning matters for which the person would be entitled to appointment of counsel.
 - h. Other tasks as deemed appropriate by the Executive Director and with prior written authorization of the Executive Director.
3. Limitations:
 - a. Any services rendered as Resource Counsel must be strictly limited to matters relating to assigned—not retained or pro bono—cases.
 - b. Resource Counsel may not bill for services rendered to an attorney who is not a Court-Assigned, Commission-Assigned, or Commission-Employed counsel.
 - c. If Resource Counsel serves as co-counsel on an assigned case, then Resource Counsel must enter the case in the Commission's electronic case management system and bill for it as a typical case, not as Resource Counsel.
 - d. Prior to preparing a training at the Commission's request, Resource Counsel must have prior written authorization from the Executive Director or MCILS Training &

- Supervision staff, which must include a cap on the maximum number of hours the Commission will pay Resource Counsel to prepare and present the training.
- e. Resource Counsel must be licensed to practice law in Maine and eligible to accept MCILS case assignments at all times while performing Resource Counsel duties. Resource Counsel will not be paid for work done unless Resource Counsel is licensed to practice law in Maine and eligible to accept MCILS case assignments.
 - f. As a condition of the opportunity to serve as Resource Counsel, Resource Counsel must maintain detailed records of the services they perform and provide copies of those records to MCILS upon request. At a minimum, those records must include:
 - i. The number of attorneys to whom Resource Counsel services are rendered; and
 - ii. A running log of the number of hours Resource Counsel spends on:
 - 1. Rendering general Resource Counsel services to attorneys;
 - 2. Rendering client-specific services; and
 - 3. Preparing and presenting trainings.
 - g. Resource Counsel will not be paid for billing more than 40 hours in one seven-day period.
 - h. Resource Counsel do not develop any property interest in the opportunity to serve in that role. There is no guarantee that MCILS will provide any number of hours to Resource Counsel.
 - i. Resource Counsel may not incur any expenses of any type on behalf of MCILS without prior written approval from the Executive Director.
4. Court-Assigned and Commission-Assigned Counsel may bill pursuant to Section 6(4), above, for time spent receiving the services of Resource Counsel.
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STATUTORY AUTHORITY:

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

EFFECTIVE DATE:

August 21, 2011 – filing 2011-283

AMENDED:

March 19, 2013 – filing 2013-062

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

October 5, 2013 – filing 2013-228

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

June 10, 2016 – filing 2016-092

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

January 17, 2022 – filing 2022-007

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

February 24, 2023 – filing 2023-028 (Emergency adoption)
September 1, 2023 – filing 2023-122 (Final adoption, major substantive)

**Maine Commission on Indigent Legal Services – Commissioners Meeting
September 11, 2023**

Minutes

Commissioners Present: Donald Alexander, Randall Bates, Meegan Burbank, Michael Cantara, Michael Carey (Chair Pro Tempore), David Soucy, Josh Tardy

MCILS Staff Present: Jim Billings, Ellie Maciag

Agenda Item	Discussion/Outcome
Approval of the August 21, 2023 Commission Meeting Minutes	Commissioner Cantara moved to approve August 21, 2023 minutes. Commissioner Alexander seconded. All voted in favor. Approved.
Report of the Executive Director	<p><u>Vouchers:</u> Executive Director Billings indicated that voucher totals increased by 86% compared to last year, primarily due to the increase in the hourly rate.</p> <p><u>Rosters:</u> As of September 11, 2023, there were 180 attorneys on the rosters. Of the 180, 129 were rostered for trial work (58 for child protective and 55 for adult criminal cases), and 39 were rostered for lawyer of the day only.</p> <p><u>Vouchers Exceeding \$5,000:</u> Director Billings pointed out that there are now two pages of vouchers over \$5,000 in the Commission packet, noting that the increase in the hourly rate has caused the number vouchers exceeding \$5,000 to increase. He suggested changing the threshold to \$10,000 or some other amount. Commissioner Burbank agreed that the number should be higher than \$5,000 and suggested that staff perform a review to determine what an appropriate number would be. Commissioner Alexander suggested that the threshold be changed to \$7,500.</p> <p><u>Supplemental Budget:</u> Staff have begun discussing the supplemental budget. Director Billings wants to talk about the supplemental budget at the October Commission meeting because it is due in November.</p>

Agenda Item	Discussion/Outcome
	<p><u>Case staffing:</u> the Judicial Branch is now handling case staffing because MCILS did not have the capacity to continue with that. Director Billings is meeting with the Judicial Branch on September 22nd to discuss how case staffing is going.</p> <p><u>Hiring:</u> Director Billings reported that he has decided on a preferred candidate for the vacant Rural Defender Unit (RDU) position, is working with Human Resources on next steps, and anticipates making an offer to the person this week. The new District Defender position for the public defender’s office is open. The position is posted, but MCILS is not permitted to fill it until October 25, 2023. Director Billings said that staff are looking for satellite office in Aroostook. Toby Jandreau is approaching representatives at the University of Maine Presque Isle and others to see what is available. The plan is to make the Aroostook satellite office the designated office for the new assistant defender I position that is dedicated to Aroostook. Director Billings said that he is waiting to hire the new assistant defenders until the district defender is hired so that they may participate in the hiring process of the assistant defenders.</p> <p><u>Public Service Student Loan Forgiveness (PSLF):</u> Director Billings announced that there has been a change to the PSLF program which now provides a route for contract attorneys to obtain loan forgiveness if they certify that they are performing full-time indigent defense work.</p>
Executive Session	Commissioner Alexander moved to go into executive session pursuant to 1 MRS § 405(6)(e). Commissioner Cantara seconded. All voted in favor.
Rulemaking Discussion- Chapters 3 & 301	<u>Chapter 301:</u> Director Billings reminded the Commission that the major substantive portion of Chapter 301 (involving the rate change to \$150 per hour) has already passed. The current proposed changes to Chapter 301 involve adding resource counsel and specialty court liaisons and amending the 90-day voucher submission rule. He explained that the proposed rule would allow attorneys to get paid for vouchers beyond the 90-day submission deadline, but the amount paid would decrease over time, on a schedule outlined in the draft. Director Billings expressed that this new schedule is more lenient than the current rule, while also encouraging attorneys to submit bills earlier rather than later. He relayed staff’s position that vouchers are more accurate when they are submitted more closely in time to when the billable events occurred.

Agenda Item	Discussion/Outcome
	<p>Commissioner Alexander asked—and Director Billings confirmed—that the deadline to submit a voucher and the reduction in payment schedule are based on the terminal case event; attorneys are not required to submit vouchers every 90 days. Director Billings added that interim vouchers are permitted, but not required. Chair Tardy added that the 90-day rule was recommended by the Government Oversight Committee. He said that he understands the rationale and necessity of deadlines for billing but thinks that it is important to have discretion built into the rule. Chair Tardy said that this is a step in the right direction and supports it.</p> <p>Commissioner Burbank expressed that the current software used by MCILS (defenderData) does not support contemporaneous billing. She posited that many attorneys are having to enter time into their own systems and then transfer it to defenderData, adding unnecessary work. She stated that the Commission needs to provide a product that allows attorneys to do what they need to do. Director Billings reported that there is a request for proposals (RFP) out right now to obtain newer software that will do billing for contract attorneys and case management for employed defenders. The submissions for those are due by September 19th. Director Billings added that MCILS pays attorneys to enter their time. Commissioner Carey said he hoped for the presumptive limits to be based on hours and not dollars. Director Billings replied that the rule is drafted based on dollar amount because that is the way defenderData is configured; it reports based on dollars. He added that it may be possible to make the presumptive limits based on hours with the new software system.</p> <p>Commissioner Cantara made a motion to set Chapter 301 for public hearing on October 11, 2023 at 1:00PM. Commissioner Tardy seconded. All voted in favor.</p> <p><u>Chapter 3:</u> Director Billings provided a summary of the subcommittee’s determinations and the staff version of the proposed rule. He highlighted that there were two main issues discussed in the subcommittee meetings. First, there was discussion of whether criminal law experience generally or criminal defense experience specifically should be required. The majority of the subcommittee decided that although criminal law experience is relevant, criminal defense experience is determinative. The second issue was whether trial counsel should be permitted to remain as counsel on appeal.</p> <p>Commissioner Alexander argued that these changes make it dramatically more difficult for attorneys to do this work. He referenced his memoranda. He said that Massachusetts has a “pay-to-play system.”</p>

Agenda Item	Discussion/Outcome
	<p>Defendants must pay money up front or commit to paying money to get indigent representation, so a lot of people elect not to have assigned counsel. He also claimed that experience as a prosecutor or civil litigant counts for nothing under the proposed rule. Commissioner Alexander believes that the appeal standards are insulting to the request the Chief Justice Stanfill has made to the Commission and to the bar to get private attorneys involved.</p> <p>Commissioner Cantera said that the Commission should not unnecessarily limit the people who can do this work. Someone with civil litigation or prosecutorial experience can do this work. Prosecutors know the rules of evidence, how to try a case, and how to stand up on their feet to defend one side or another. Commissioner Soucy pointed out that although the eligibility requirements are increased, the Commission is providing resource counsel and training to attorneys. He said that this is an opportunity to improve skills and that it should be acknowledged that the Commission is offering the resources to meet the eligibility requirements. Commissioner Burbank said there are people who may be able to do this work well who may not automatically be eligible, but they have opportunities under the proposed rule to be deemed eligible. Commissioner Burbank clarified that these requirements pertain to automatic eligibility and if someone does not meet all the requirements, they can apply for a waiver.</p> <p>Attorney Tina Nadeau, who was a subcommittee member, stated that the Chief Justice’s letter is problematic because it insinuated that anyone could represent a client in a post-conviction review because they all get affirmed anyway. Attorney Nadeau reminded the Commission that is the Commission’s job to provide effective counsel; not to make it easier for people to do this work.</p> <p>Commissioners Bates and Carey indicated that the rule should allow for criminal law experience and not be limited to criminal defense experience. Director Billings recommended a compromise of requiring a certain number of criminal law experience, some of which must include criminal law experience.</p> <p>The commissioners were split between requiring criminal law experience, criminal defense experience, or a hybrid requirement involving criminal law experience, some of which must be criminal defense experience.</p>

Agenda Item	Discussion/Outcome
	<p>Commissioner Tardy moved to send the draft of Chapter 3 out for public comment and hearing. Commissioner Cantara seconded. Discussion ensued about the rulemaking process if the Commission were to change the requirements after the public hearing. AAG Johnson explained that if there were a substantial change to the draft after the public hearing, a new comment period would be required, but a new public hearing would not. Commissioner Alexander voted in the negative. Commissioners Cantera, Carey, Soucy, Tardy voted in the affirmative. The public hearing for Chapter 3 was set for October 11, 2023 at 1:00PM.</p>
<p>Discussion Regarding Proposals for Statutory Changes</p>	<p>Director Billings reviewed some of staff’s proposed statutory changes:</p> <ul style="list-style-type: none"> • 4 M.R.S.A. §1806: to reflect that the Commission has employed counsel, that employed counsel’s records are confidential, and to clarify that information MCILS obtains from the Judicial Branch is confidential. • 15 M.R.S.A. § 1029: to add a procedure for single justice review of bail. Commissioner Alexander suggested that the Commission solicit input from the Criminal Law Advisory Committee (CLAC) and Judiciary for supporting this. • 15 M.R.S.A. § 1092: to abolish Violation of Condition of Release as a crime. Commissioner Alexander said his vote would be “no” because he believes that law should remain in effect. • 15 MR.S.A. §§ 3308(c) & 3010: to promote MCILS access to juvenile court records and to include procedural changes that would facilitate data exchange with the Judicial Branch. • Procedural change to M.R.U. Crim. P. 48 and 17-A M.R.S.A. §1905. • 22 M.R.S.A. § 4015: to clarify that attorneys, their staff, and experts they retain are not mandatory reporters. • 22 M.R.S.A. §§ 4005, 4006 & 4008: to specifically permit the Judicial Branch to give MCILS records in child protective matters and allow MCILS staff to observe court proceedings in child protective cases. <p>Chair Tardy said that the Commission should be cautious about weighing in on proposed legislation unless it is directly related to Commission’s structure or budget requests. Chair Tardy also said that has a bill he wants to put forward that deletes the non-voting member language so that the MACDL and MSBA representatives can be voting members of the Commission.</p>

Agenda Item	Discussion/Outcome
	<p>The Commission decided that Director Billings may proceed with the proposed statutory changes that are procedural in nature. The Commission declined to proceed with the proposed changes to 15 M.R.S.A. §§ 1029 and 1092.</p>
Public Comment	<p><u>Attorney Donald Hornblower</u>: said that the Commission needs to find a way to attract lawyers to the rosters, be careful about having supervision that is too restrictive, and be flexible with billing and understand that people make mistakes. He added that the Commission needs to be more lawyer friendly.</p> <p><u>Attorney Ron Schneider</u>: stated that specialized panels were put in place for a reason. He said the plan was for the Commission to be completely responsible for rostering and assigning cases, which has not happened due to lack of funding. He explained that judges are now assigning attorneys who are not rostered and have not ever been rostered. There are people sitting in jail with no lawyers. Despite the crisis, the last thing the Commission should be doing is relaxing the standards. Attorney Schneider's firm received Chief Justice Stanfill's letter. Anyone in his firm who wants to take indigent cases will have to meet the MCILS requirements; they will not be asking for a relaxation of the standards. Attorney Schneider would like the Commission to be able to seek substantive change to laws.</p> <p><u>Attorney Robert Ruffner</u>: Attorney Ruffner stated that defendants not getting assigned counsel at arraignment or initial appearance is a disaster and courts do not know how many people are without a lawyer. People have been without counsel for months. Attorney Ruffner explained that he filed motions for speedy trial, motions to dismiss, and other motions on behalf of clients he represented as lawyer of the day; those motions were denied. Fifteen days later, the Court appointed Attorney Ruffner to fourteen cases even though he has not been on the roster for cases in two years. The Court claimed that by filing motions, Attorney Ruffner had entered his appearance in those cases. Attorney Ruffner filed motions asking the Court to reconsider; the Court has not acted on the motions.</p>
Adjournment	<p>The next meeting will be held on October 11, 2023 at 1:00PM.</p>

**Maine Commission on Indigent Legal Services – Commissioners Meeting
September 18, 2023**

Minutes

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

MCILS Staff Present: Jim Billings, Ellie Maciag

Agenda Item	Discussion/Outcome
Executive Session	Commissioner Carey moved to go into executive session pursuant to 1 MRS § 405(6)(e). Commissioner Alexander seconded. All voted in favor. No votes were taken.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JIM BILLINGS, EXECUTIVE DIRECTOR
SUBJECT: OPERATIONS REPORTS
DATE: October 6, 2023

Attached you will find the September 2023, Operations Reports for your review and our discussion at the Commission meeting on October 11, 2023. A summary of the operations reports follows:

- 2,845 new cases were opened in the DefenderData system in September. This was a 96 case decrease from August. Year to date, new cases are up 16% from last year from 7,676 at this time last year to 8,903 this year.
- The number of vouchers submitted electronically in September was 3,099, a decrease of 401 vouchers from August, totaling \$3,144,645, a decrease of \$203,872 from August. Year to date, the number of submitted vouchers is up by approximately 10%, from 8,878 at this time last year to 9,817 this year, with the total amount for submitted vouchers up approximately 83%, from \$5,087,332 at this time last year to \$9,319,856, this year.
- In September, we paid 2,971 electronic vouchers totaling \$2,914,741 representing a decrease of 58 vouchers and an increase of \$152,086 compared to August. Year to date, the number of paid vouchers is up approximately 11%, from 8,680 at this time last year to 9,685 this year, and the total amount paid is up approximately 78%, from \$5,036,069 this time last year to \$9,000,330 this year.
- The average price per voucher in September was \$981.06 up \$68.99 per voucher from August. Year to date, the average price per voucher is up approximately 60%, from \$580.19 at this time last year to \$929.31 this year.
- Petition, Release or Discharge and Post-Conviction Review had the highest average voucher in September. There were 21 vouchers exceeding \$7,500 paid in September. See attached addendum for details.
- In September, we issued 95 authorizations to expend funds: 43 for private investigators, 39 for experts, and 13 for miscellaneous services such as interpreters and transcriptionists. In August, we paid \$64,099 for experts and investigators, etc. Two requests for funds were denied.
- There were no attorney suspensions in September.

- In our All Other Account, the total expenses for the month of September were \$92,893. Most counsel fee payments were paid out of the revenue account this month since we were waiting on a decision from the State Controller's Office about whether we needed to encumber funds for our non-counsel expenditures, approximately \$1.4 million for the year. Contract encumbrances happen in the first quarter of a fiscal year. During September, approximately \$28,794 was devoted to the Commission's operating expenses.
- In the Personal Services Accounts, we had \$171,800.74 in expenses for the month of September.
- In the Revenue Account, we received no transfer of collected counsel fees from the Judicial Branch. We paid \$2,914,923 in counsel fee payments during the month of September.
- Exceptional results – see attached addendum.
- As of October 6, 2023, there are 187 rostered attorneys of which 132 are available for trial court level work.

Good Outcomes

Review Date	Attorney	Charge(s)	Disposition
9/7/2023	Wilson, Jeffrey	Domestic Violence Assault	Not Guilty after Jury Trial and Successful Motion to Suppress
9/7/2023	Martin, Mikayla	Theft of Services	Dismissal after Filing
9/7/2023	Carey, Steven	Aggravated Criminal Mischief	Juvenile Dismissal
9/8/2023	Smith, Evan	Burglary	Dismissal
9/8/2023	Wright, Andrew	Driving to Endanger	Dismissal after Successful Motion to Suppress
9/14/2023	Connolly, Thomas	2 cts. Attempted Murder, 2 cts. Criminal Threatening with a Dangerous Weapon, 3 cts. Domestic Violence Assault	Not Guilty by Reason of Insanity on all counts
9/15/2023	Hutchinson, Benjamin	Theft by Unauthorized Taking	Dismissal
9/18/2023	Dolley, Jeffrey	Child Protection Petition	Dismissal through Parental Rights and Responsibilities Order
9/19/2023	Tanous, Nolan	2 ct. Aggravated Trafficking of Scheduled Drugs, 2 ct. Unlawful Trafficking in Scheduled Drugs, 2 ct. Unlawful Possession of Cocaine Base, 2 ct. Unlawful Possession of Fentanyl Powder	Dismissal with Pressure from Motion to Suppress
9/19/2023	Toothaker, Jeffrey	Assault	Dismissal
9/28/2023	Charest, Richard	Child Protection Petition	Dismissal
9/28/2023	Wright, Andrew	Child Protection Petition	Dismissal; Sole Parental Rights and Responsibilities to Client
9/28/2023	Shea, Stephen	1 ct. Aggravated Trafficking of Schedule W Drug, 1 ct. Falsifying Evidence, 1 ct. Unlawful Trafficking in Scheduled Drugs	Dismissal after Successful Motion to Suppress

Vouchers over \$7,500

Comment	Voucher Total	Case Total
Homicide	\$27,648.00	\$27,648.00
Domestic Violence Aggravated Assault	\$24,814.84	\$24,814.84
Homicide	\$23,339.00	\$23,339.00
Homicide	\$16,380.00	\$29,819.00
Attempted Murder	\$13,491.44	\$13,491.44
PCR Homicide	\$13,335.00	\$22,365.90
Homicide	\$13,011.80	\$19,652.20
Burglary	\$11,925.00	\$11,925.00
Domestic Violence Aggravated Assault	\$11,805.00	\$11,805.00
Homicide	\$10,901.62	\$10,901.62
Gross Sexual Assault	\$10,386.74	\$12,313.60
Termination of Parental Rights	\$9,717.00	\$13,621.00
Homicide	\$9,034.20	\$9,034.20
Child Protection Petition	\$9,024.58	\$9,024.58
Burglary	\$8,955.00	\$8,955.00
Aggravated Trafficking	\$8,919.07	\$8,919.07
Robbery	\$8,887.90	\$8,887.90
Aggravated Trafficking	\$8,593.00	\$8,593.00
Burglary	\$8,590.90	\$8,590.90
Theft	\$8,426.66	\$8,426.66
Juvenile Criminal Mischief	\$8,235.00	\$8,235.00

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

9/30/2023

DefenderData Case Type	Sep-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	13	15	\$43,760.66	15	\$ 28,791.75	\$1,919.45	57	48	\$ 113,150.94	\$2,357.31
Central Office Resource Counsel	0	5	\$5,460.00	4	\$ 2,685.00	\$671.25	4	12	\$ 18,018.00	\$1,501.50
Child Protection Petition	162	295	\$378,255.56	310	\$ 371,376.51	\$1,197.99	525	1,053	\$ 1,201,220.23	\$1,140.76
Drug Court	4	17	\$39,592.92	13	\$ 29,452.38	\$2,265.57	14	45	\$ 103,953.88	\$2,310.09
Emancipation	9	3	\$3,363.00	1	\$ 1,215.00	\$1,215.00	26	17	\$ 14,281.24	\$840.07
Felony	760	744	\$1,062,256.62	759	\$ 1,049,675.91	\$1,382.97	2,225	2,323	\$ 3,082,757.71	\$1,327.06
Involuntary Civil Commitment	88	73	\$46,535.93	36	\$ 22,408.69	\$622.46	278	241	\$ 139,693.33	\$579.64
Juvenile	104	83	\$78,274.63	76	\$ 69,649.93	\$916.45	303	194	\$ 205,733.57	\$1,060.48
Lawyer of the Day - Custody	261	278	\$190,812.81	215	\$ 142,025.84	\$660.59	796	751	\$ 498,735.85	\$664.10
Lawyer of the Day - Juvenile	22	22	\$12,695.29	31	\$ 16,269.58	\$524.83	64	61	\$ 34,370.60	\$563.45
Lawyer of the Day - Walk-in	142	187	\$118,985.79	127	\$ 88,207.16	\$694.54	436	406	\$ 280,963.74	\$692.03
MCILS Provided Training	54	47	\$16,466.92	31	\$ 5,025.00	\$162.10	276	250	\$ 45,034.50	\$180.14
Misdemeanor	1,047	1,002	\$714,651.76	1,032	\$ 700,928.67	\$679.39	3,277	3,211	\$ 2,038,750.79	\$634.93
Petition, Modified Release Treatment	0	8	\$8,088.53	5	\$ 6,029.88	\$1,205.98	3	7	\$ 7,323.88	\$1,046.27
Petition, Release or Discharge	1	1	\$4,929.55	2	\$ 6,384.85	\$3,192.43	1	3	\$ 10,986.85	\$3,662.28
Petition, Termination of Parental Rights	14	50	\$106,314.58	44	\$ 83,804.71	\$1,904.65	56	166	\$ 271,430.46	\$1,635.12
Post Conviction Review	8	8	\$28,057.13	7	\$ 26,157.86	\$3,292.39	21	28	\$ 88,420.58	\$3,157.88
Probate	0	4	\$7,765.60	2	\$ 3,127.60	\$1,563.80	5	14	\$ 24,556.05	\$1,754.00
Probation Violation	136	120	\$98,860.25	133	\$ 114,597.78	\$861.64	423	429	\$ 352,211.02	\$821.00
Represent Witness on 5th Amendment	2	0		1	\$ 420.00	\$420.00	10	2	\$ 1,530.00	\$765.00
Resource Counsel Criminal	0	1	\$885.00	4	\$ 840.00	\$210.00	2	9	\$ 2,925.00	\$325.00
Resource Counsel Juvenile	0	1	\$180.00	0			0	1	\$ 120.00	\$120.00
Resource Counsel NCR	0	0		0			0	0		
Resource Counsel Protective Custody	0	2	\$600.00	2	\$ 600.00	\$300.00	1	8	\$ 15,379.50	\$1,922.44
Review of Child Protection Order	18	132	\$177,190.65	121	\$ 145,067.63	\$1,198.91	95	405	\$ 448,483.11	\$1,107.37
Revocation of Administrative Release	0	1	\$662.00	0			5	1	\$ 300.00	\$300.00
DefenderData Sub-Total	2,845	3,099	\$3,144,645.18	2,971	\$2,914,741.73	\$980.76	8,903	9,685	\$9,000,330.83	\$929.31
TOTAL	2,845	3,099	\$3,144,645.18	2,971	\$2,914,741.73	\$ 981.06	8,903	9,685	\$ 9,000,330.83	\$ 929.31

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

9/30/2023

Court	Sep-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	0		0			2	6	\$ 5,804.40	\$967.40
AUBSC	0	1	\$2,550.00	1	\$ 349.00	\$349.00	1	4	\$ 3,619.00	\$904.75
AUGDC	32	53	\$72,382.92	42	\$ 62,378.64	\$1,485.21	144	182	\$ 212,314.72	\$1,166.56
AUGSC	5	8	\$13,123.08	7	\$ 16,236.93	\$2,319.56	7	12	\$ 23,560.93	\$1,963.41
BANDC	53	66	\$49,919.25	64	\$ 58,155.71	\$908.68	162	270	\$ 243,132.85	\$900.49
BANSC	1	0		1	\$ 225.00	\$225.00	1	3	\$ 1,991.66	\$663.89
BATSC	0	0		0			0	0		
BELDC	13	18	\$21,795.33	29	\$ 27,394.20	\$944.63	33	52	\$ 51,745.40	\$995.10
BELSC	1	0		0			1	0		
BIDDC	52	50	\$60,805.49	39	\$ 48,129.29	\$1,234.08	128	134	\$ 131,783.30	\$983.46
BRIDC	11	10	\$14,180.54	5	\$ 8,596.46	\$1,719.29	26	18	\$ 24,130.51	\$1,340.58
CALDC	5	5	\$4,957.50	8	\$ 6,037.00	\$754.63	12	19	\$ 16,328.74	\$859.41
CARDC	3	15	\$12,156.40	4	\$ 1,485.00	\$371.25	12	41	\$ 41,514.86	\$1,012.56
CARSC	0	0		0			5	1	\$ 2,970.00	\$2,970.00
DOVDC	2	9	\$7,043.96	7	\$ 6,135.88	\$876.55	14	34	\$ 27,852.00	\$819.18
DOVSC	0	0		0			1	0		
ELLDC	8	22	\$21,737.68	33	\$ 38,575.03	\$1,168.94	32	96	\$ 110,982.30	\$1,156.07
ELLSC	0	0		0			0	0		
FARDC	26	19	\$23,505.01	12	\$ 13,894.60	\$1,157.88	62	51	\$ 52,679.15	\$1,032.92
FARSC	0	0		1	\$ 1,605.00	\$ 1,605.00	0	1	\$ 1,605.00	\$1,605.00
FORDC	19	8	\$9,134.14	9	\$ 8,342.12	\$926.90	32	32	\$ 44,972.70	\$1,405.40
HOUDC	6	21	\$26,253.69	25	\$ 28,167.91	\$1,126.72	38	58	\$ 70,707.16	\$1,219.09
HOUSC	0	0		0			0	0		
LEWDC	58	78	\$100,740.68	84	\$ 101,480.10	\$1,208.10	156	264	\$ 284,317.39	\$1,076.96
LINDC	8	10	\$9,094.55	9	\$ 5,983.00	\$664.78	18	29	\$ 29,338.94	\$1,011.69
MACDC	10	8	\$8,323.13	7	\$ 7,083.72	\$1,011.96	17	12	\$ 12,716.52	\$1,059.71
MACSC	0	0		0			0	0		
MADDC	0	0		0			0	0		
MILDC	0	0		1	\$ 124.00	\$124.00	3	5	\$ 2,754.00	\$550.80
NEWDC	6	14	\$12,746.10	18	\$ 18,898.02	\$1,049.89	22	62	\$ 55,931.10	\$902.11
PORDC	48	68	\$74,874.42	69	\$ 69,363.21	\$1,005.26	200	274	\$ 310,096.00	\$1,131.74
PORSC	2	7	\$3,588.00	7	\$ 3,588.00	\$512.57	4	11	\$ 10,043.00	\$913.00
PREDC	5	11	\$18,291.86	16	\$ 25,346.96	\$1,584.19	34	62	\$ 97,073.83	\$1,565.71
RODC	13	23	\$26,968.67	24	\$ 14,322.33	\$596.76	51	50	\$ 36,603.57	\$732.07
ROSC	2	1	\$450.00	0			2	0		
RUMDC	4	21	\$35,593.72	20	\$ 31,511.55	\$1,575.58	22	51	\$ 67,282.26	\$1,319.26
SKODC	24	49	\$76,720.16	44	\$ 57,226.52	\$1,300.60	72	167	\$ 177,718.29	\$1,064.18
SKOSC	0	1	\$1,529.04	1	\$ 1,529.04	\$1,529.04	0	2	\$ 4,826.04	\$2,413.02
SOUDC	11	10	\$26,837.01	13	\$ 15,790.02	\$1,214.62	31	36	\$ 66,112.05	\$1,836.45
SOUSC	1	0		0			2	0		
SPRDC	7	31	\$30,226.34	17	\$ 25,515.64	\$1,500.92	34	72	\$ 88,550.25	\$1,229.86
Law Ct	9	11	\$38,459.66	11	\$ 24,747.27	\$2,249.75	42	33	\$ 80,646.96	\$2,443.85
Training	53	53	\$22,316.92	36	\$ 8,040.00	\$223.33	277	263	\$ 70,899.50	\$269.58
YORCD	371	356	\$331,742.46	343	\$ 372,391.89	\$1,085.69	1,162	1,114	\$ 1,079,821.09	\$969.32
AROCD	200	189	\$215,895.74	194	\$ 192,709.46	\$993.35	624	578	\$ 609,252.91	\$1,054.07
ANDCD	169	195	\$186,732.09	254	\$ 231,982.49	\$913.32	580	716	\$ 632,649.15	\$883.59
KENCD	237	236	\$183,507.18	221	\$ 149,238.09	\$675.29	839	759	\$ 537,327.41	\$707.94
PENCD	343	297	\$306,026.47	310	\$ 307,670.56	\$992.49	878	928	\$ 767,912.07	\$827.49
SAGCD	48	47	\$40,214.48	37	\$ 34,648.16	\$936.44	149	154	\$ 135,925.28	\$882.63
WALCD	79	36	\$36,329.80	42	\$ 38,599.84	\$919.04	208	156	\$ 128,735.18	\$825.23
PISCD	20	19	\$21,782.59	17	\$ 36,635.89	\$2,155.05	48	59	\$ 66,820.35	\$1,132.55
HANCD	90	79	\$68,637.88	78	\$ 58,235.88	\$746.61	210	197	\$ 196,893.18	\$999.46
FRACD	61	58	\$46,980.41	49	\$ 32,804.60	\$669.48	158	168	\$ 115,130.83	\$685.30
WASCD	48	38	\$45,522.50	32	\$ 31,491.49	\$984.11	157	154	\$ 218,970.30	\$1,421.89
CUMCD	342	420	\$451,353.16	338	\$ 360,045.64	\$1,065.22	1,163	1,091	\$ 1,021,474.23	\$936.27
KN OCD	50	55	\$57,331.86	52	\$ 53,095.70	\$1,021.07	146	170	\$ 169,415.02	\$996.56
SOMCD	81	112	\$98,238.57	125	\$ 106,189.48	\$849.52	288	327	\$ 273,444.95	\$836.22
OXFCD	110	136	\$86,800.10	114	\$ 70,888.79	\$621.83	324	369	\$ 249,133.75	\$675.16
LINCD	56	49	\$43,883.23	50	\$ 46,840.66	\$936.81	144	128	\$ 118,123.36	\$922.84
WATDC	19	40	\$41,799.10	28	\$ 25,485.52	\$910.20	56	112	\$ 96,576.89	\$862.29
WESDC	14	16	\$21,538.00	15	\$ 17,532.10	\$1,168.81	46	64	\$ 76,056.12	\$1,188.38
WISDC	4	10	\$17,799.67	7	\$ 11,843.24	\$1,691.89	14	25	\$ 35,401.20	\$1,416.05
WISSC	0	0		0			1	0		
YORDC	2	10	\$16,224.64	1	\$ 155.10	\$155.10	5	7	\$ 5,895.10	\$842.16
TOTAL	2,845	3,099	\$3,144,645.18	2,971	\$2,914,741.73	\$981.06	8,903	9,685	\$9,000,330.83	\$1,129.31

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY24 FUND ACCOUNTING

AS OF 09/30/2023

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		\$ -		\$ -		\$ -		\$ -	\$ -
Total Budget Allotments		\$ 7,831,128.77		\$ 4,971,712.00		\$ 4,971,711.00		\$ 4,971,711.00	\$ 24,001,870.78
Total Expenses	1	\$ (2,941,048.40)	4	\$ -	7	\$ -	10	\$ -	
	2	\$ (2,953,206.21)	5	\$ -	8	\$ -	11	\$ -	
	3	\$ (92,893.88)	6	\$ -	9	\$ -	12	\$ -	
FY23 carry forward appropriation		\$ -		\$ -		\$ -		\$ -	\$ 1,255,608.01
FY23 carry forward encumbrances		\$ -		\$ -		\$ -		\$ -	\$ (587,542.77)
Encumbrances (Justice Works)		\$ (82,212.00)		\$ -		\$ -		\$ -	\$ (82,212.00)
Encumbrances (B Taylor)		\$ (13,260.00)		\$ -		\$ -		\$ -	\$ (13,260.00)
Encumbrances (CTB for non attorney expenses)		\$ 179,235.71		\$ -		\$ -		\$ -	\$ 179,235.71
Encumbrance (Legal Case Management Accelerator User assistance)		\$ (5,550.00)		\$ -		\$ -		\$ -	\$ (5,550.00)
Encumbrance (Justin Andrus contract for temp services)		\$ (125,693.60)		\$ -		\$ -		\$ -	\$ (125,693.60)
Online Legal Research Services		\$ (46,979.20)		\$ -		\$ -		\$ -	\$ (46,979.20)
Encumbrance (K. Guillory contract for website maintenance)		\$ (1,000.00)		\$ -		\$ -		\$ -	\$ (1,000.00)
FY22 CTB Balance Carry Forward		\$ (251,650.23)		\$ -		\$ -		\$ -	\$ (251,650.23)
TOTAL REMAINING		\$ 1,496,870.96		\$ 4,971,712.00		\$ 4,971,711.00		\$ 4,971,711.00	\$ 17,667,612.97

Q1 Month 3

INDIGENT LEGAL SERVICES

Counsel Payments	\$ -
Interpreters	\$ (2,985.14)
Private Investigators	\$ (18,709.50)
Mental Health Expert	\$ (17,300.00)
Misc Prof Fees & Serv	\$ (1,393.04)
Transcripts	\$ (3,467.50)
Other Expert	\$ (17,860.19)
Subpoena witness	\$ -
Process Servers	\$ (2,383.96)
SUB-TOTAL ILS	\$ (64,099.33)

OPERATING EXPENSES

Service Center	\$ -
Barbara Taylor monthly fees	\$ (4,420.00)
OIT/TELCO	\$ -
Mileage/Tolls/Parking	\$ (3,953.46)
Mailing/Postage/Freight	\$ (114.42)
West Publishing Corp	\$ (3,581.32)
Office Equipment Rental	\$ -
Office Supplies/Equip.	\$ (254.84)
Cellular Phones	\$ (449.35)
Periodicals	\$ -
Employee lodging & airfare	\$ (461.49)
Justin Andrus contract payments	\$ (4,159.50)
Central fleet vehicle lease	\$ (1,457.17)
Legal ads	\$ -
Dues	\$ (690.00)
Registration fees	\$ (440.00)
Meter Postage cards print	\$ (80.00)

INDIGENT LEGAL SERVICES

Q1 Allotment	\$ 7,831,128.77
Encumbrances for Justice Works contract	\$ (82,212.00)
Barbara Taylor Contract	\$ (13,260.00)
CTB Encumbrance for non attorney expenses	\$ 179,235.71
CTB Encumbrance for non attorney expenses carry forward	\$ (251,650.23)
Encumbrance for Justin Andrus contract for temp services	\$ (125,693.60)
Legal Case Management Accelerator User Assistance	\$ (5,550.00)
Online Legal Research Services	\$ (46,979.20)
Encumbrance (K. Guillory contract for website maintenance)	\$ (1,000.00)
Expenses to date	\$ (5,987,148.49)
Remaining Q1 Allotment	\$ 1,496,870.96

Non-Counsel Indigent Legal Services

Monthly Total	\$ (64,099.33)
Total Q1	\$ 386,083.19
Total Q2	\$ -
Total Q3	\$ -
Total Q4	\$ -
Fiscal Year Total	\$ 386,083.19

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY24 FUND ACCOUNTING
AS OF 09/30/2023

Shredsafe	\$	(18.00)
Justice Works	\$	(8,715.00)
Transcript on procurement card	\$	-
SUB-TOTAL OE	\$	(28,794.55)
TOTAL	\$	(92,893.88)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY24 FUND ACCOUNTING
AS OF 09/30/2023

Account 010 95F Z112 01										
(Personal Services)										
	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		\$ -		\$ -		\$ -		\$ -	\$ -	
Total Budget Allotments		\$ 513,974.00		\$ 469,367.00		\$ 513,974.00		\$ 203,769.00	\$ 1,701,084.00	
Total Expenses	1	\$ (125,464.57)	4	\$ -	7	\$ -	10	\$ -		
	2	\$ (176,263.37)	5	\$ -	8	\$ -	11	\$ -		
	3	\$ (120,087.49)	6	\$ -	9	\$ -	12	\$ -		
TOTAL REMAINING		\$ 92,158.57		\$ 469,367.00		\$ 513,974.00		\$ 203,769.00	\$ 1,279,268.57	

Q1 Month 3	
Retro lump sum pymt	\$ (4,280.01)
Permanent Regular	\$ (25,842.94)
Perm Vacation Pay	\$ (193.74)
Perm Holiday Pay	\$ (1,426.00)
Sick Pay	\$ (778.92)
Employee hlth svcs/workers comp	\$ (288.00)
Health Insurance	\$ (16,008.00)
Dental Insurance	\$ (365.00)
Employer Retiree Health	\$ (6,642.89)
Employer Retirement	\$ (4,699.14)
Employer Group Life	\$ (911.70)
Employer Medicare	\$ (1,078.12)
Retiree Unfunded Liability	\$ (12,580.54)
Longevity Pay	\$ (112.00)
Lim Perm Part Time Full Ben	\$ (4,354.36)
Limited Period Regular	\$ (32,158.99)
Limited Per Vacation Pay	\$ (4,137.35)
Limited Per Holiday Pay	\$ (2,315.56)
Limit Per Sick Pay	\$ (1,914.23)
Per diem	\$ -
TOTAL	\$ (120,087.49)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY24 FUND ACCOUNTING
AS OF 09/30/2023

Account 014 95F Z112 01 (OSR Personal Services Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY24 Total
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		\$ -		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 199,948.00		\$ 183,210.00		\$ 199,948.00		\$ 98,063.00	\$ 681,169.00
Total Expenses	1	\$ (51,673.18)	4	\$ -	7	\$ -	10	\$ -	
	2	\$ (73,802.05)	5	\$ -	8	\$ -	11	\$ -	
	3	\$ (51,713.22)	6	\$ -	9	\$ -	12	\$ -	
TOTAL REMAINING		\$ 22,759.55		\$ 183,210.00		\$ 199,948.00		\$ 98,063.00	\$ 503,980.55

Q1 Month 3	
Standard Overtime	\$ (21.54)
Permanent Regular	\$ (19,589.28)
Perm Vacation Pay	\$ (4,604.48)
Perm Holiday Pay	\$ (1,282.24)
Perm Sick Pay	\$ (168.80)
Health Insurance	\$ (7,219.38)
Dental Insurance	\$ (146.00)
Employer Retiree Health	\$ (2,790.32)
Employer Retirement	\$ (2,806.79)
Employer Group Life	\$ (354.60)
Employer Medicare	\$ (444.64)
Retiree Unfunded Liability	\$ (5,284.35)
Limited Period Regular	\$ (5,234.22)
Limit Per Holiday Pay	\$ (344.64)
Limit Per Vacation Pay	\$ (1,033.92)
Limit Per Sick Pay	\$ (280.02)
Longevity Pay	\$ -
Employee Hlth SVS/Workers comp	\$ (108.00)
Perm Part Time Full Ben	\$ -
Retro Pay Contract	\$ -
Retro Lump Sum Pymt	\$ -
TOTAL	\$ (51,713.22)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY24 FUND ACCOUNTING

As of 09/30/2023

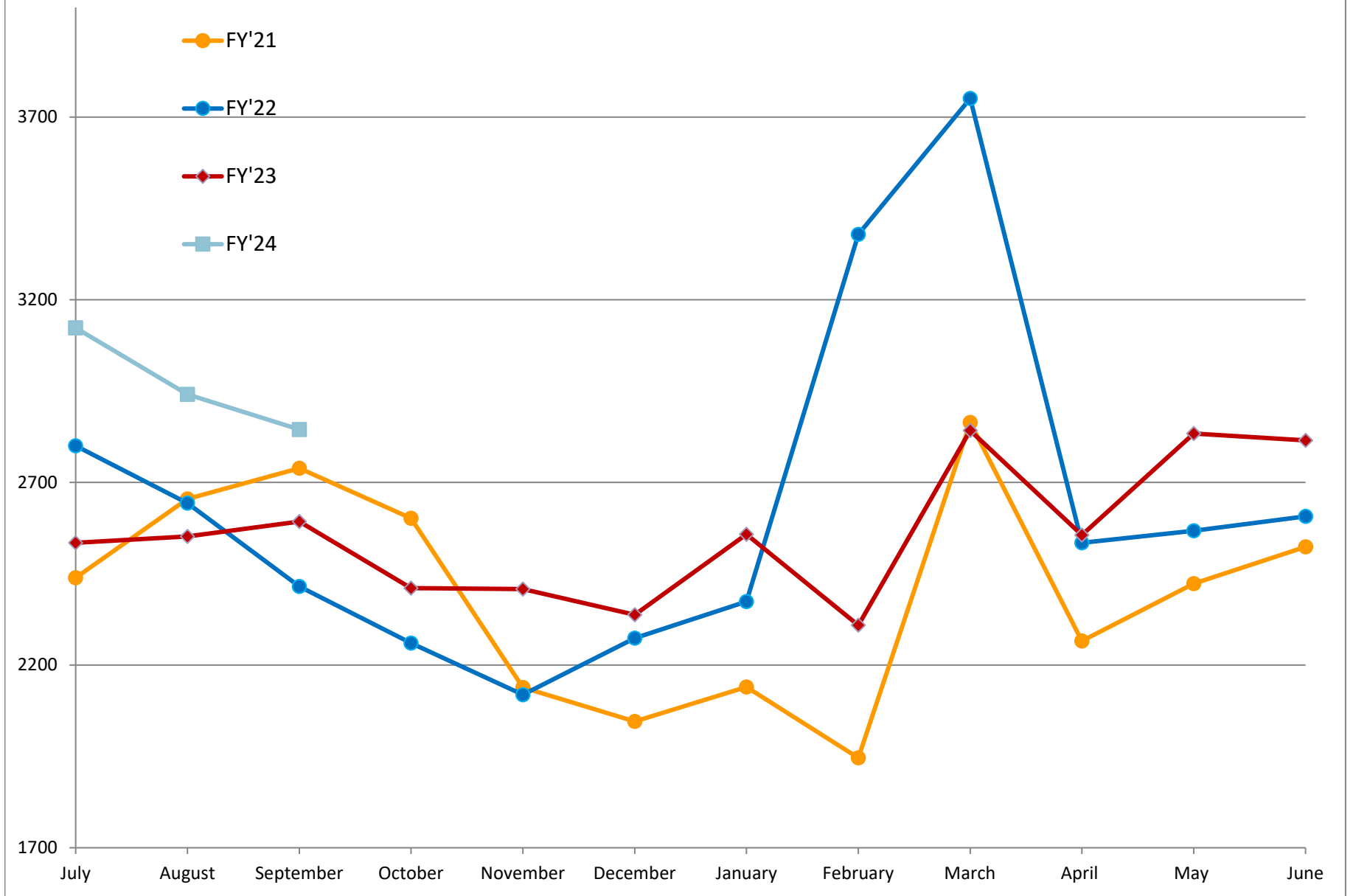
Account 014 95F Z112 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY24 Total
Original Total Budget Allotments		\$ 7,197,529.00		\$ 4,991,638.00		\$ 4,991,638.00		\$ 4,991,638.00	\$ 22,172,443.00
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	\$ -
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	\$ -
Budget Order Adjustment		\$ -		\$ -		\$ -		\$ -	\$ -
Total Budget Allotments		\$ 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	\$ 25,340.85	4	\$ -	7	\$ -	10	\$ -	\$ -
Collected Revenue from JB	2	\$ 40,622.70	5	\$ -	8	\$ -	11	\$ -	\$ -
Collected Revenue from JB	3	\$ -	6	\$ -	9	\$ -	12	\$ -	\$ -
Collected for overpayment of counsel fees	1	\$ -		\$ -		\$ -		\$ -	\$ -
Collected for overpayment of counsel fees	2	\$ 1,080.00		\$ -		\$ -		\$ -	\$ -
Collected for overpayment of counsel fees	3	\$ -		\$ -		\$ -		\$ -	\$ -
TOTAL CASH PLUS REVENUE COLLECTED		\$ 67,043.55		\$ -		\$ -		\$ -	\$ 67,043.55
Counsel Payments	1	\$ -	4	\$ -	7	\$ -	10	\$ -	\$ -
Counsel Payments	2	\$ (93,716.08)	5	\$ -	8	\$ -	11	\$ -	\$ -
Counsel Payments	3	\$ (2,914,923.00)	6	\$ -	9	\$ -	12	\$ -	\$ -
State Cap for period 1 & 2		\$ (2,862.66)		\$ -		\$ -		\$ -	\$ -
State Cap for periods 4,5 & 6		\$ -		\$ -		\$ -		\$ -	\$ -
State Cap for periods 8, 9, 10, 11 & 12		\$ -		\$ -		\$ -		\$ -	\$ -
REMAINING ALLOTMENT		\$ 4,186,027.26		\$ 4,991,638.00		\$ 4,991,638.00		\$ 4,991,638.00	\$ 19,160,941.26
REMAINING CASH Year to Date		\$ (2,944,458.19)		\$ -		\$ -		\$ -	\$ (2,944,458.19)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY24 FUND ACCOUNTING
AS OF 09/30/2023

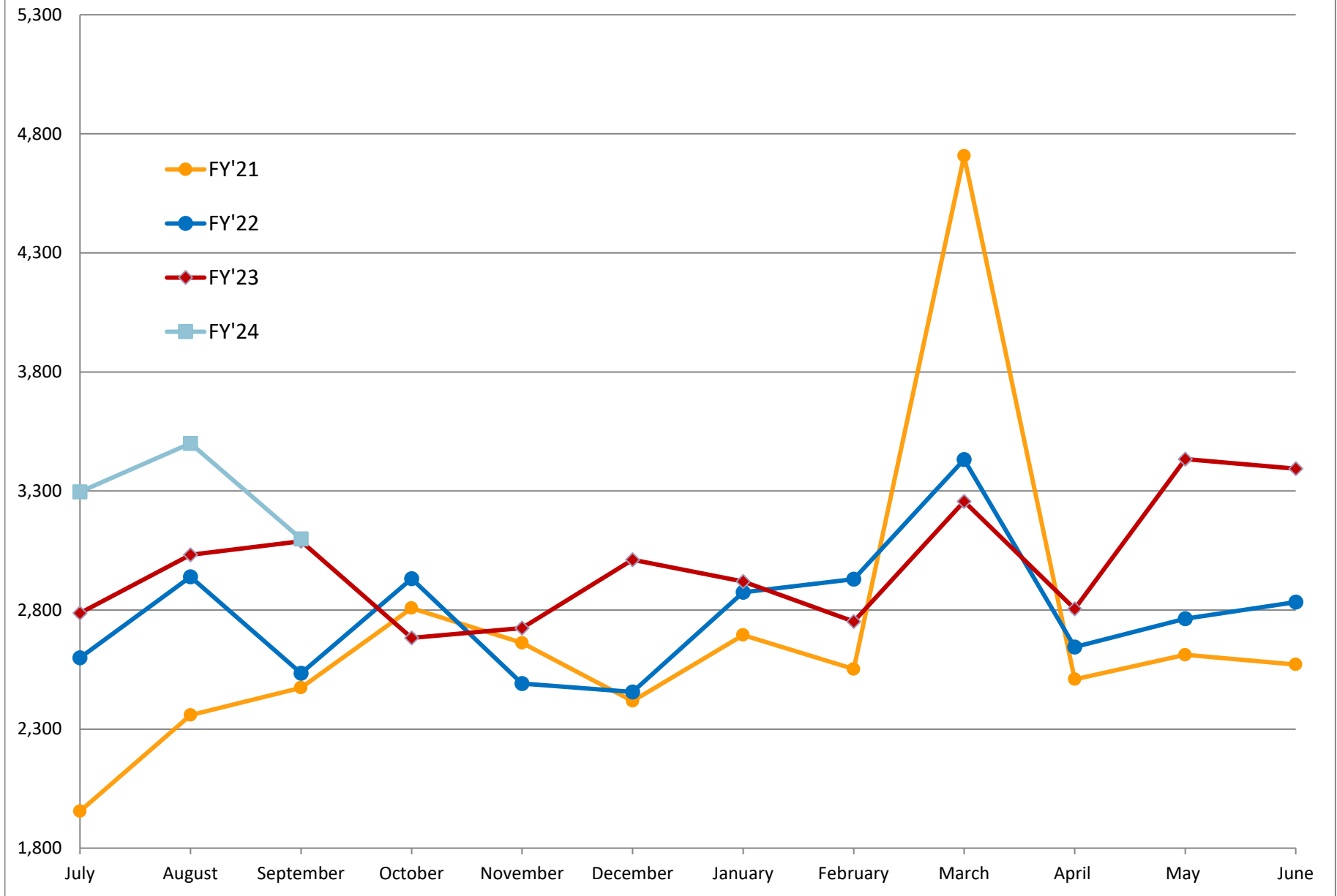
Account 014 95F Z112 02 (Conference Account)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY24 Total
FY24 Allotment		\$ 13,333.00		\$ 17,000.00		\$ 13,333.00		\$ 13,334.00	\$ 57,000.00
Carry Forward		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ -		\$ -		\$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

Q1 Month 3	
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
TOTAL	\$ -

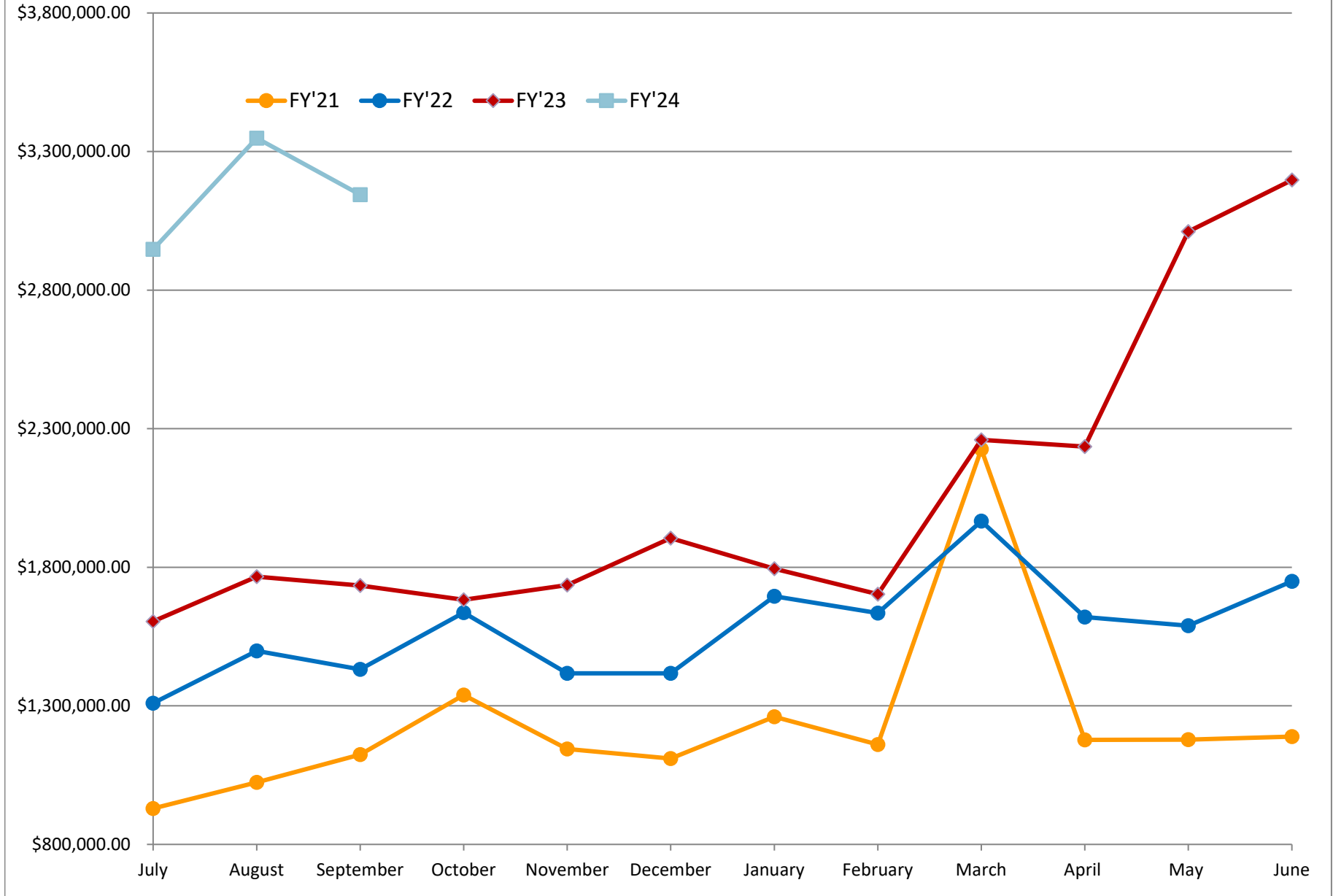
NEW CASES



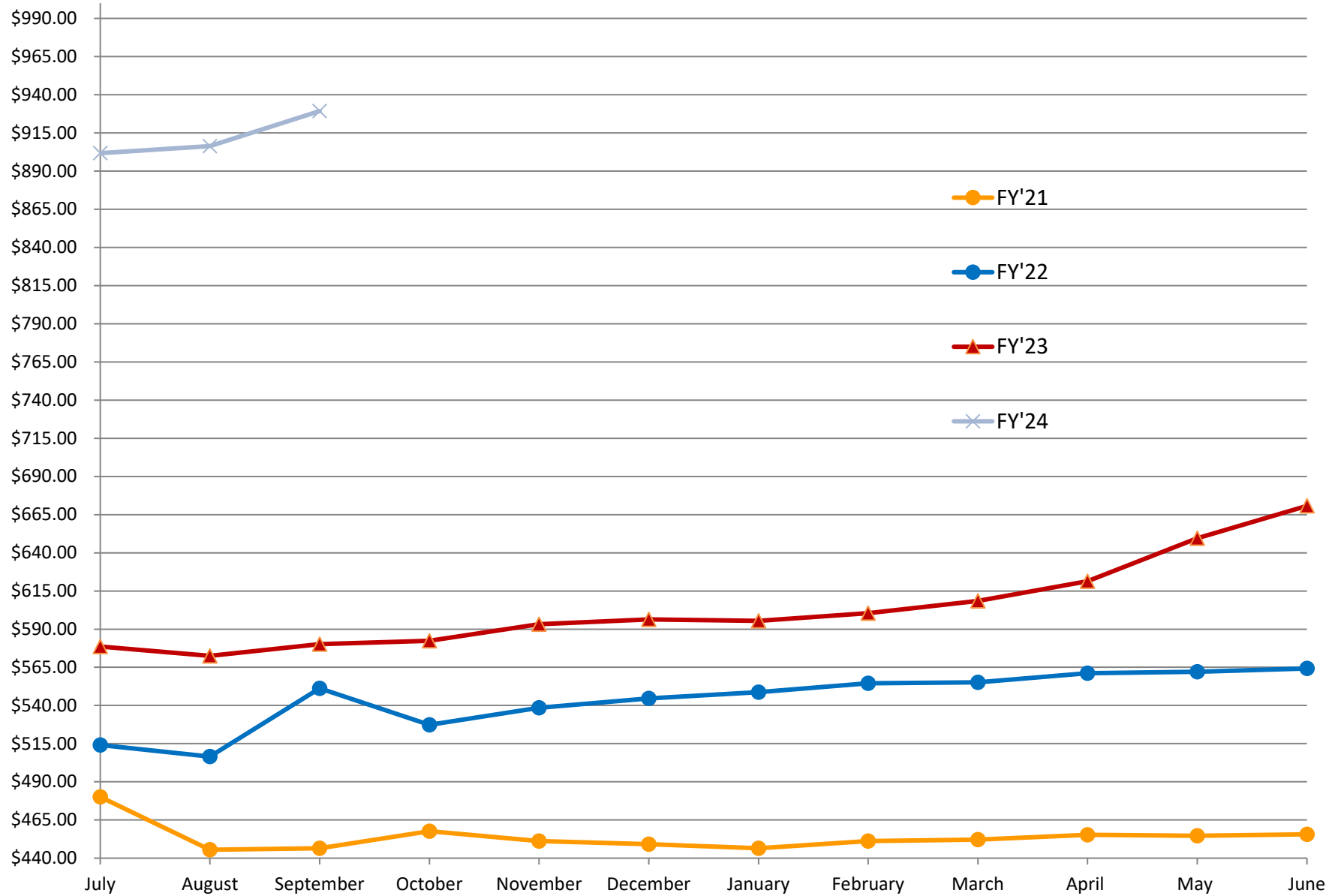
Submitted Vouchers



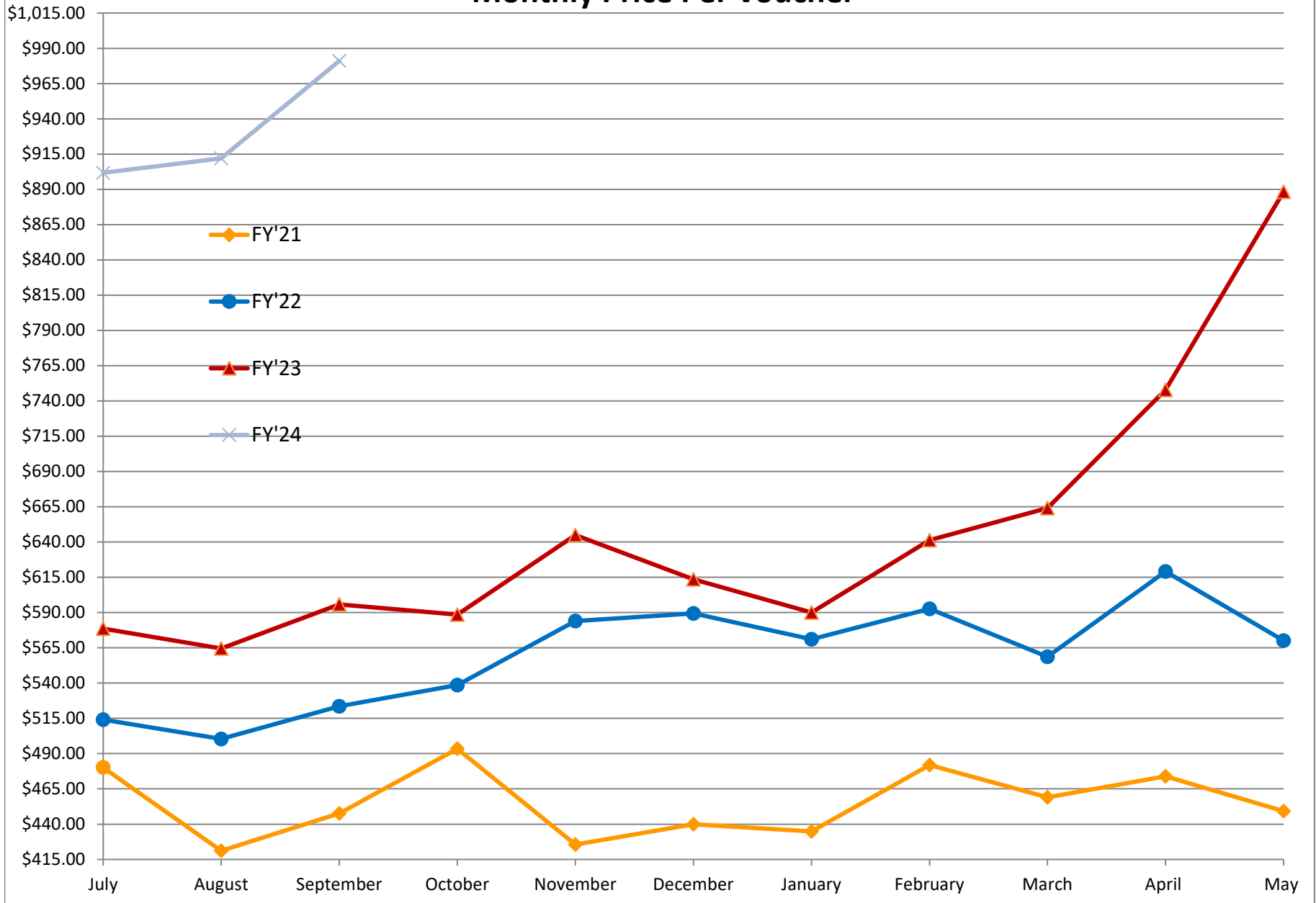
Submitted Voucher Amount



Average Voucher Price Fiscal Year to Date



Monthly Price Per Voucher



Pending UCD Cases as of September 22, 2023

UCD	FELONY				MISDEMEANOR				CIVIL VIOLATION			ALL CASES			
	Pending	On DD	No IA	% No IA	Pending	On DD	No IA	% No IA	Pending	No IA	% No IA	Pending	On DD	No IA	% No IA
Androscoggin	718	99	53	7.4%	1,921	319	316	16.4%	37	28	75.7%	2,676	418	397	14.8%
Aroostook	661	107	53	8.0%	1,009	283	217	21.5%	31	24	77.4%	1,701	390	294	17.3%
Caribou	142	21	12	8.5%	194	77	33	17.0%	6	2	33.3%	342	98	47	13.7%
Fort Kent	100	16	9	9.0%	181	61	34	18.8%	7	6	85.7%	288	77	49	17.0%
Houlton	188	28	12	6.4%	265	69	66	24.9%	14	12	85.7%	467	97	90	19.3%
Presque Isle	231	42	20	8.7%	369	76	84	22.8%	4	4	100.0%	604	118	108	17.9%
Cumberland	1,337	189	154	11.5%	3,732	448	739	19.8%	145	104	71.7%	5,214	637	997	19.1%
Bridgton	26	9	2	7.7%	285	40	50	17.5%	78	73	93.6%	389	49	125	32.1%
Portland	1,287	175	148	11.5%	2,964	324	559	18.9%	50	24	48.0%	4,301	499	731	17.0%
West Bath	24	5	4	16.7%	483	84	130	26.9%	17	7	41.2%	524	89	141	26.9%
Franklin	153	36	12	7.8%	420	114	59	14.0%	8	1	12.5%	581	150	72	12.4%
Hancock	441	35	17	3.9%	700	74	140	20.0%	36	21	58.3%	1,177	109	178	15.1%
Kennebec	625	105	54	8.6%	1,512	356	379	25.1%	61	32	52.5%	2,198	461	465	21.2%
Augusta	598	94	50	8.4%	958	228	215	22.4%	26	14	53.8%	1,582	322	279	17.6%
Waterville	27	11	4	14.8%	554	128	164	29.6%	35	18	51.4%	616	139	186	30.2%
Knox	192	49	14	7.3%	441	122	82	18.6%	11	2	18.2%	644	171	98	15.2%
Lincoln	123	32	13	10.6%	379	144	72	19.0%	15	3	20.0%	517	176	88	17.0%
Oxford	450	84	47	10.4%	1,053	182	204	19.4%	21	10	47.6%	1,524	266	261	17.1%
Bridgton	42	8	1	2.4%	97	27	13	13.4%	4	3	75.0%	143	35	17	11.9%
Rumford	163	32	20	12.3%	450	80	93	20.7%	5	3	60.0%	618	112	116	18.8%
South Paris	245	44	26	10.6%	506	75	98	19.4%	12	4	33.3%	763	119	128	16.8%
Penobscot	935	46	88	9.4%	1,655	43	466	28.2%	57	34	59.6%	2,647	89	588	22.2%
Bangor	905	45	79	8.7%	1,233	27	297	24.1%	23	9	39.1%	2,161	72	385	17.8%
Lincoln	12	0	5	41.7%	225	9	106	47.1%	25	21	84.0%	262	9	132	50.4%
Newport	18	1	4	22.2%	197	7	63	32.0%	9	4	44.4%	224	8	71	31.7%
Piscataquis	22	1	4	18.2%	111	3	53	47.7%	29	22	75.9%	162	4	79	48.8%
Sagadahoc	172	55	21	12.2%	439	168	104	23.7%	14	5	35.7%	625	223	130	20.8%
Somerset	252	51	16	6.3%	527	134	151	28.7%	18	13	72.2%	797	185	180	22.6%
Waldo	199	35	15	7.5%	312	96	53	17.0%	6	4	66.7%	517	131	72	13.9%
Washington	179	19	15	8.4%	318	55	81	25.5%	28	18	64.3%	525	74	114	21.7%
Calais	84	6	10	11.9%	145	20	42	29.0%	5	4	80.0%	234	26	56	23.9%
Machias	95	13	5	5.3%	173	35	39	22.5%	23	14	60.9%	291	48	58	19.9%
York	1,080	144	162	15.0%	3,715	829	817	22.0%	81	23	28.4%	4,876	973	1,002	20.5%
TOTAL	7,539	1,087	738	9.8%	18,244	3,370	3,933	21.6%	598	344	57.5%	26,381	4,457	5,015	19.0%

Columns

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

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

Change in Pending UCD Cases, September 2022 to September 2023

Pending cases as of September 22 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2022	2023	% Diff	2022	2023	% Diff	2022	2023	% Diff	2022	2023	% Diff
Androscoggin	669	718	7.3%	2,093	1,921	-8.2%	24	37	54.2%	2,786	2,676	-3.9%
Aroostook	702	661	-5.8%	1,057	1,009	-4.5%	43	31	-27.9%	1,802	1,701	-5.6%
Caribou	173	142	-17.9%	230	194	-15.7%	5	6	20.0%	408	342	-16.2%
Fort Kent	103	100	-2.9%	201	181	-10.0%	1	7	600.0%	305	288	-5.6%
Houlton	223	188	-15.7%	319	265	-16.9%	22	14	-36.4%	564	467	-17.2%
Presque Isle	203	231	13.8%	307	369	20.2%	15	4	-73.3%	525	604	15.0%
Cumberland	1,287	1,337	3.9%	3,813	3,732	-2.1%	128	145	13.3%	5,228	5,214	-0.3%
Bridgton	22	26	18.2%	306	285	-6.9%	48	78	62.5%	376	389	3.5%
Portland	1,242	1,287	3.6%	3,122	2,964	-5.1%	61	50	-18.0%	4,425	4,301	-2.8%
West Bath	23	24	4.3%	385	483	25.5%	19	17	-10.5%	427	524	22.7%
Franklin	139	153	10.1%	435	420	-3.4%	23	8	-65.2%	597	581	-2.7%
Hancock	333	441	32.4%	657	700	6.5%	52	36	-30.8%	1,042	1,177	13.0%
Kennebec	628	625	-0.5%	1,807	1,512	-16.3%	55	61	10.9%	2,490	2,198	-11.7%
Augusta	603	598	-0.8%	1,138	958	-15.8%	42	26	-38.1%	1,783	1,582	-11.3%
Waterville	25	27	8.0%	669	554	-17.2%	13	35	169.2%	707	616	-12.9%
Knox	211	192	-9.0%	504	441	-12.5%	15	11	-26.7%	730	644	-11.8%
Lincoln	128	123	-3.9%	330	379	14.8%	5	15	200.0%	463	517	11.7%
Oxford	442	450	1.8%	1,034	1,053	1.8%	35	21	-40.0%	1,511	1,524	0.9%
Bridgton	48	42	-12.5%	117	97	-17.1%	7	4	-42.9%	172	143	-16.9%
Rumford	166	163	-1.8%	405	450	11.1%	7	5	-28.6%	578	618	6.9%
South Paris	228	245	7.5%	512	506	-1.2%	21	12	-42.9%	761	763	0.3%
Penobscot	885	935	5.6%	2,279	1,655	-27.4%	78	57	-26.9%	3,242	2,647	-18.4%
Bangor	863	905	4.9%	1,752	1,233	-29.6%	26	23	-11.5%	2,641	2,161	-18.2%
Lincoln	6	12	100.0%	294	225	-23.5%	37	25	-32.4%	337	262	-22.3%
Newport	16	18	12.5%	233	197	-15.5%	15	9	-40.0%	264	224	-15.2%
Piscataquis	51	22	-56.9%	143	111	-22.4%	55	29	-47.3%	249	162	-34.9%
Sagadahoc	167	172	3.0%	455	439	-3.5%	15	14	-6.7%	637	625	-1.9%
Somerset	212	252	18.9%	514	527	2.5%	21	18	-14.3%	747	797	6.7%
Waldo	211	199	-5.7%	333	312	-6.3%	8	6	-25.0%	552	517	-6.3%
Washington	180	179	-0.6%	327	318	-2.8%	39	28	-28.2%	546	525	-3.8%
Calais	74	84	13.5%	130	145	11.5%	15	5	-66.7%	219	234	6.8%
Machias	106	95	-10.4%	197	173	-12.2%	24	23	-4.2%	327	291	-11.0%
York	1,222	1,080	-11.6%	4,435	3,715	-16.2%	154	81	-47.4%	5,811	4,876	-16.1%
TOTAL	7,467	7,539	1.0%	20,216	18,244	-9.8%	750	598	-20.3%	28,433	26,381	-7.2%

Columns

- 2022** Number of cases having at least one charge without a disposition, and without a currently active warrant as of September 22, 2022
- 2023** Number of cases having at least one charge without a disposition, and without a currently active warrant as of September 22, 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, September 2019 to September 2023

Pending cases as of September 22 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2019	2023	% Diff	2019	2023	% Diff	2019	2023	% Diff	2019	2023	% Diff
Androscoggin	386	718	86.0%	1,277	1,921	50.4%	21	37	76.2%	1,684	2,676	58.9%
Aroostook	411	661	60.8%	734	1,009	37.5%	33	31	-6.1%	1,178	1,701	44.4%
Caribou	63	142	125.4%	181	194	7.2%	6	6	0.0%	250	342	36.8%
Fort Kent	48	100	108.3%	154	181	17.5%	7	7	0.0%	209	288	37.8%
Houlton	139	188	35.3%	150	265	76.7%	10	14	40.0%	299	467	56.2%
Presque Isle	161	231	43.5%	249	369	48.2%	10	4	-60.0%	420	604	43.8%
Cumberland	904	1,337	47.9%	2,568	3,732	45.3%	147	145	-1.4%	3,619	5,214	44.1%
Bridgton	12	26	116.7%	177	285	61.0%	35	78	122.9%	224	389	73.7%
Portland	874	1,287	47.3%	2,087	2,964	42.0%	74	50	-32.4%	3,035	4,301	41.7%
West Bath	18	24	33.3%	304	483	58.9%	38	17	-55.3%	360	524	45.6%
Franklin	90	153	70.0%	283	420	48.4%	29	8	-72.4%	402	581	44.5%
Hancock	187	441	135.8%	452	700	54.9%	46	36	-21.7%	685	1,177	71.8%
Kennebec	389	625	60.7%	1,175	1,512	28.7%	56	61	8.9%	1,620	2,198	35.7%
Augusta	376	598	59.0%	628	958	52.5%	32	26	-18.8%	1,036	1,582	52.7%
Waterville	13	27	107.7%	547	554	1.3%	24	35	45.8%	584	616	5.5%
Knox	136	192	41.2%	314	441	40.4%	10	11	10.0%	460	644	40.0%
Lincoln	102	123	20.6%	256	379	48.0%	7	15	114.3%	365	517	41.6%
Oxford	208	450	116.3%	488	1,053	115.8%	19	21	10.5%	715	1,524	113.1%
Bridgton	23	42	82.6%	66	97	47.0%	3	4	33.3%	92	143	55.4%
Rumford	84	163	94.0%	189	450	138.1%	12	5	-58.3%	285	618	116.8%
South Paris	101	245	142.6%	233	506	117.2%	4	12	200.0%	338	763	125.7%
Penobscot	387	935	141.6%	1,120	1,655	47.8%	82	57	-30.5%	1,589	2,647	66.6%
Bangor	382	905	136.9%	876	1,233	40.8%	46	23	-50.0%	1,304	2,161	65.7%
Lincoln	1	12	1100.0%	87	225	158.6%	18	25	38.9%	106	262	147.2%
Newport	4	18	350.0%	157	197	25.5%	18	9	-50.0%	179	224	25.1%
Piscataquis	29	22	-24.1%	60	111	85.0%	53	29	-45.3%	142	162	14.1%
Sagadahoc	91	172	89.0%	303	439	44.9%	16	14	-12.5%	410	625	52.4%
Somerset	146	252	72.6%	480	527	9.8%	30	18	-40.0%	656	797	21.5%
Waldo	99	199	101.0%	287	312	8.7%	8	6	-25.0%	394	517	31.2%
Washington	115	179	55.7%	221	318	43.9%	37	28	-24.3%	373	525	40.8%
Calais	51	84	64.7%	106	145	36.8%	15	5	-66.7%	172	234	36.0%
Machias	64	95	48.4%	115	173	50.4%	22	23	4.5%	201	291	44.8%
York	719	1,080	50.2%	2,469	3,715	50.5%	100	81	-19.0%	3,288	4,876	48.3%
TOTAL	4,399	7,539	71.4%	12,487	18,244	46.1%	694	598	-13.8%	17,580	26,381	50.1%

Columns

- 2019** Number of cases having at least one charge without a disposition, and without a currently active warrant as of September 22, 2019
- 2023** Number of cases having at least one charge without a disposition, and without a currently active warrant as of September 22, 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.

**MAINE COMMISSION ON INDIGENT LEGAL
SERVICES**

TO: COMMISSIONERS
FROM: COMMISSION STAFF
CC: ALL ELIGIBLE COUNSEL & JUDICIAL BRANCH
SUBJECT: ATTORNEY BURNOUT
DATE: October 2, 2023

On September 19, 2023, staff asked all eligible counsel to complete an anonymous survey which was designed to assess the extent to which attorneys were experiencing feelings of burnout. The survey asked participants to define burnout, identify triggers and causes of burnout, share their personal experiences with burnout, and provide feedback about what MCILS could do to mitigate burnout in assigned counsel. 78 attorneys responded to the survey.

The survey results are attached hereto, but the following is a summary of the data:

- 74% of attorneys who responded feel overwhelmed with work.
- 76% of attorneys have experienced burnout in the last 12 months.
- 62% of attorneys have contemplated a career change in the last 12 months.
- 49% of attorneys reported that returning to in-court proceedings contributes to their feelings of burnout.
- 40% of attorneys indicated that burnout has negatively impacted their professional work.
- 69% of attorneys said that burnout has negatively impacted their personal lives.

Attorneys shared ideas about what they think would help mitigate burnout:

- Health insurance
- Disability insurance
- Mandatory mental health CLEs
- More understanding from the judiciary about attorneys' busy schedules
- Input into how MCILS rules are implemented
- Free counseling
- Support groups
- Ability to bill for secretarial or paralegal work
- Reduced court schedules
- Helpline for attorneys
- Administrative staff
- More understanding by MCILS and courts

- Caseload limits
- No caseload limits
- More pay
- Vouchers paid sooner and more consistently
- More flexibility with vouchers and voucher deadlines
- Change of culture so that attorneys prioritize their mental health
- Reduce barriers to attorneys becoming eligible
- Get rid of defenderData, get a new case management system
- Advocate for Zoom court appearances
- Mentorship

The survey results are unsurprising, but highly concerning. The results reflect what we already knew: that indigent representation is stressful, that stress causes burnout, and burnout causes attorneys to perform poorly and stop doing this work. Some of the suggestions by counsel are resources MCILS already offers, such as resource counsel, mental health CLEs, and the ability to bill for paralegal and secretarial services (see Chapter 301). Other suggestions have recently been addressed in rulemaking, such as caseload standards in Chapter 4 and increased flexibility in voucher deadlines in Chapter 301. MCILS is also already working on getting a new case management system to replace the current version of defenderData.

Staff have met with a representative from the Maine Assistance Program for Lawyers and Judges (MAP) and a child protective resource counsel. MCILS will coordinate with MAP, a child protective resource counsel, and a criminal law resource counsel, to start regular meetups (via Zoom, in-person, or a hybrid format) for attorneys who are eligible to accept MCILS cases. This will be an opportunity for counsel to discuss challenges they are experiencing with colleagues. Though MCILS staff will assist in planning and promoting the events, staff will not be present at the meetups.

Staff also plan to schedule periodic lunchtime forums, at which staff will provide updated about MCILS resources, rules, policies, and programs. This will also serve as an opportunity for counsel to ask staff any questions they may have or provide feedback on anything related to MCILS or indigent representation generally. The objective is to increase communication and understanding between MCILS and counsel.

Staff also intend to increase mental health CLEs focused on attorney well-being and finish redeveloping and then promote the resource counsel program.

Executive Director Billings has regular communication with members of the Judicial Branch. He will continue to advocate for flexibility in court scheduling to better accommodate the realities of indigent representation during a time when there is a shortage of available attorneys and a backlog of cases.

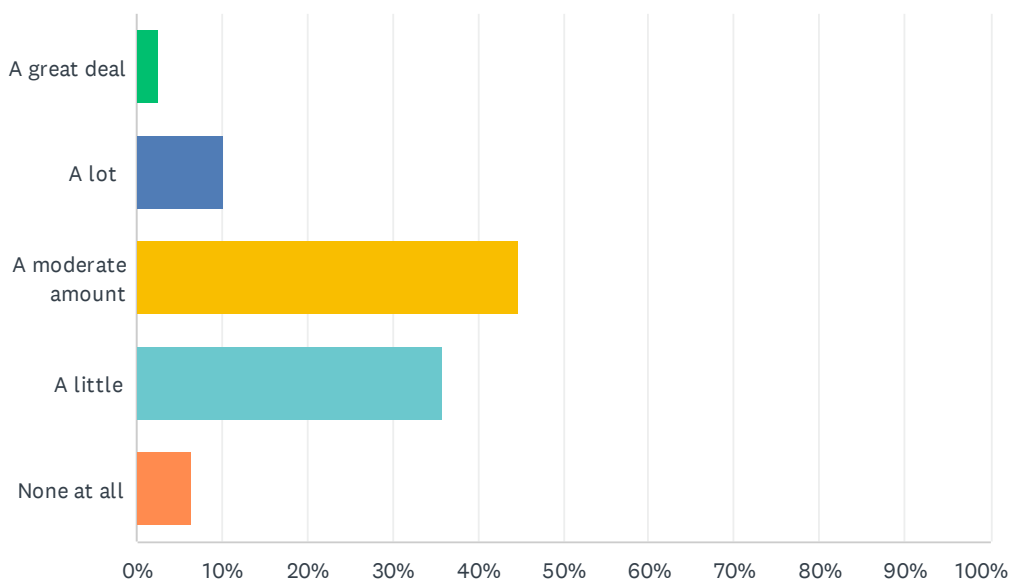
Although staff will make significant efforts to address the concerns raised in the survey results, some of the most common suggestions revolved around attorneys not having the resources to obtain mental health services. Unfortunately, MCILS is not able to provide health insurance for contract counsel because they are not employees. It is staff's understanding that it is not possible

for MCILS to get a group rate on health insurance for contract counsel. Staff recommend that the Commission discuss ways to address the lack of resources available to contract counsel to obtain mental health services. Options may include reimbursing counsel up to a fixed dollar amount for expenses associated with receiving mental health services or contracting with a mental health provider to offer services to contract counsel.

In sum, staff thank all the attorneys who provided their feedback on the survey. Staff are working to reduce burnout and provide resources for attorneys who are experiencing burnout. Staff look forward to working with the Commission on this very important topic.

Q1 Do you feel appreciated in the work you do?

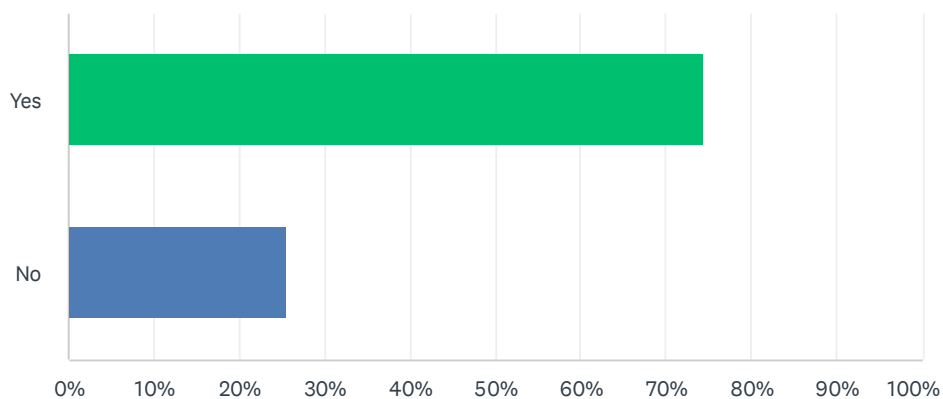
Answered: 78 Skipped: 0



ANSWER CHOICES	RESPONSES	
A great deal	2.56%	2
A lot	10.26%	8
A moderate amount	44.87%	35
A little	35.90%	28
None at all	6.41%	5
TOTAL		78

Q2 Do you feel overwhelmed with work?

Answered: 78 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	74.36%	58
No	25.64%	20
TOTAL		78

Q3 What does "burnout" mean to you?

Answered: 71 Skipped: 7

#	RESPONSES	DATE
1	Feeling that you are exhausted, frustrated and overly stressed, leading to impacts on your personal life. That you no longer want to practice the area(s) of law that you currently do and are good at due to this.	9/28/2023 10:01 AM
2	Not having the ability or motivation to maintain a quality of work due to the stress associated with the profession.	9/28/2023 6:40 AM
3	Mental or physical exhaustion caused by work conditions.	9/26/2023 11:02 AM
4	Loss of executive functioning due to overwhelm at work. Could include depression, anxiety, physical symptoms.	9/25/2023 1:38 PM
5	Being physically and mentally exhausted to the point where almost nothing even matters any more. Burnout means going through the motions with a deep sense of exhaustion and lack of control over the burnt-out person's life.	9/25/2023 9:38 AM
6	Losing my passion for my work. Feeling uninspired. Exhaustion. Being over worked.	9/21/2023 1:43 PM
7	A complete lack of work-life balance leading to utter exhaustion physically, mentally, and emotionally.	9/21/2023 10:53 AM
8	Depends - sometimes it just not wanting to deal with any of it. At the worst, it's been full on panic attacks.	9/20/2023 2:52 PM
9	Losing the desire to continue with work due to feeling overworked and under appreciated.	9/20/2023 12:35 PM
10	Stress that significantly affects my non-work life.	9/20/2023 12:33 PM
11	Having too much to do and feeling overwhelmed and disorganized all the time. Feeling like I am just avoiding disasters but not getting anywhere.	9/20/2023 11:51 AM
12	thoughts, fears, and anxieties of work overwhelm all other thoughts and feelings etc.	9/20/2023 10:35 AM
13	The physical and mental fatigue, exhaustion, and or defeat from work that permeates both work and personal life.	9/20/2023 9:22 AM
14	Being at a constant level of stress, such that I am never able to fully restore my physical, psychological, and emotional resources (paraphrased from "Burnout" by Amelia and Emily Nagoski)	9/20/2023 8:53 AM
15	Feeling overwhelmed, lack of motivation.	9/20/2023 8:19 AM
16	Unable to accomplish every important task.	9/20/2023 7:18 AM
17	The stress of chronic overwhelm and an inability to be fully prepared.	9/20/2023 6:00 AM
18	Having to get to work at 5 a.m. every weekday morning and stay until 5 p.m. and then work every Sunday morning just to stay caught up on filings and other paperwork.	9/20/2023 4:20 AM
19	Not caring sufficiently about work, not feeling the energy to do work well.	9/19/2023 10:42 PM
20	having a hard time getting motivated to do work	9/19/2023 9:21 PM
21	Tired of fighting the fight every single day. Clients are often not patient or understanding of the need to prioritize some cases ahead of others.	9/19/2023 8:32 PM
22	Being tired of the work.	9/19/2023 8:22 PM
23	I occasionally hate everyone - does that count?	9/19/2023 7:35 PM
24	There are days that are overwhelming. When one's personal life button into the already treacherous PC schedule, it can too much. Hopefully though the distress is short-lived. After	9/19/2023 7:14 PM

Attorney Burnout Survey

all, 43 years into the job and still enjoying most of it...

25	A deep feeling of absolute lack of capacity- where you have burned through all your reserves; have nothing left; and are simply trying to get through each day without falling apart.	9/19/2023 6:58 PM
26	Hard to pin down. But definitely would include a general feeling of being overwhelmed, anxious about the outcome of cases, always waiting for the proverbial shoe to drop, underappreciated, overworked etc.	9/19/2023 6:55 PM
27	or #2 - the overwhelming comes and goes with cases. Sometimes you have 5-10 cases of very needy clients with serious issues - that can be overwhelming when trying to keep up with other cases. Burnout is waking up in the middle of the night for a week thinking about cases, worrying about missing scheduled items, running out of time to keep up with discovery all while managing DHHS issues with cases.	9/19/2023 6:38 PM
28	Burn out is total exhaustion to the point that it is difficult to concentrate and find the silver linings in these difficult cases.	9/19/2023 6:29 PM
29	When enthusiasm wanes for want of relief or the prospect of aspirational accomplishments	9/19/2023 6:10 PM
30	stressed to the point of being less or not effective	9/19/2023 6:06 PM
31	Not feeling good or excited about your job.	9/19/2023 6:06 PM
32	Becoming tired of being the only one in the courtroom who believes in the presumption of innocence, fair bail conditions or the right to timely discovery	9/19/2023 5:44 PM
33	Overwork, lack of appreciation by the court administration and clerks (not the judges), and the Commission	9/19/2023 5:43 PM
34	responsible for too much	9/19/2023 5:42 PM
35	Having a lack of mental ability to continue doing the job and when the job interferes with your home life. Or when it completely prevents you from having a home life.	9/19/2023 5:11 PM
36	You have lost the desire to move forward towards a goal. This can be temporary.	9/19/2023 5:11 PM
37	Feeling that you don't wish to take on more cases or feeling that you are not effective with the case you have, thus causing you to "go through the motions" and being left with the feeling that you could have done more even if you did all that you could.	9/19/2023 5:10 PM
38	mentally and emotionally exhausted to the point where it is difficult to focus/care about the cases/hearings/defendants	9/19/2023 5:03 PM
39	Not being able to empathize with clients and not taking the time to counsel them as well as go to court with them	9/19/2023 4:47 PM
40	unable to get pleasure out of work to the point that you stop.	9/19/2023 4:44 PM
41	It means the exhaustion and overwhelmed feeling that comes with too many cases, with no sign whatever of any let up.	9/19/2023 4:38 PM
42	Burnout is a pervasive feeling of exhaustion accompanied by a sense that one's work is useless, ineffective, or worthless.	9/19/2023 4:27 PM
43	hitting a wall where you feel like you are struggling to keep up with the demands of the job. feeling demoralized by the inefficiencies and injustices of the criminal justice system. To clarify question 2: Do you feel overwhelmed with work? - I sometimes feel overwhelmed-- particularly when preparing for trial or in trial, when attention cannot be devoted to other cases, etc.	9/19/2023 4:19 PM
44	You give up	9/19/2023 4:19 PM
45	I dread going to work. I dread talking to the clients. I feel like I am not getting my own needs met.	9/19/2023 4:07 PM
46	Never being able to catch up or be proactive - always putting out one fire after another, day in and day out.	9/19/2023 4:06 PM
47	Feeling like you just do not want to do the work anymore - the well has run dry on your ability/desire to tackle the job	9/19/2023 4:06 PM

Attorney Burnout Survey

48	Headaches, not enough personal/family time, less than best practices work product.	9/19/2023 3:58 PM
49	Exhausted my internal resources and feeling depleted.	9/19/2023 3:52 PM
50	you feel trapped and have to work even though you do not want to	9/19/2023 3:50 PM
51	So busy and stressed that you don't even want to work on cases	9/19/2023 3:50 PM
52	mental fatigue leading to inability to work or significant reduction in productivity	9/19/2023 3:48 PM
53	No longer enjoying my work and dreading it	9/19/2023 3:42 PM
54	Dealing with an out of touch bureucracy.	9/19/2023 3:42 PM
55	Beyond stressed or bombarded with work to the point you are not enjoying other aspects of life, you aren't able to give your full effort to your cases/clients, you feel overwhelmed and unmotivated to do well/cannot meet expectations you set for yourself as well as you want to.	9/19/2023 3:40 PM
56	Decreased work performance (and physical and mental health) due to stress and overwork.	9/19/2023 3:39 PM
57	little patience with those around me/easily frustrated, avoidance, tired just not enjoying life, and feeling guilt for having a life outside of work	9/19/2023 3:36 PM
58	I cannot sleep due to stress at work. My calendar is full, so I have to write and have meetings at night.	9/19/2023 3:36 PM
59	That you have too much to do, can't do it, and lose the drive to get it done.	9/19/2023 3:35 PM
60	Relentless amount of work with no time off. Doing a hard job and then having MCILS refuse to pay for any of the work done because a bill is beyond 90 days.	9/19/2023 3:33 PM
61	No work/life balance; emotional reserve depleted; and lethargic.	9/19/2023 3:33 PM
62	feel defeated and that I cannot perform the work as well as I'd like to; that I can't devote sufficient time to any particular task and lose sleep thinking about it.	9/19/2023 3:31 PM
63	Feeling utterly sick of having an irrelevant part of the process (court rule, judicial attitude, constantly losing reasonable arguments) and being merely a means of checking boxes for the state and judiciary.	9/19/2023 3:31 PM
64	The feeling that I am tired of dealing with the work that I do and don't want to do it anymore	9/19/2023 3:30 PM
65	Too overwhelmed or worn out to perform quality work.	9/19/2023 3:29 PM
66	Exhausted by your job to the point that you don't even want to do that kind of job anymore/ wonder why you wanted to do that kind of job/ consider other jobs.	9/19/2023 3:28 PM
67	Not caring. Trying to put out fires but never able to truly "lawyer" for my clients. Just making it through the days. Freezing up/procrastination because of overwhelming anxiety.	9/19/2023 3:27 PM
68	Having to work all the time and never see the bottom of the pile, reacting instead of planning	9/19/2023 3:27 PM
69	Regretting the morning	9/19/2023 3:27 PM
70	Feeling paralyzed regarding work along with a feeling of apathy.	9/19/2023 3:26 PM
71	Thinking about this crap all the time	9/19/2023 3:25 PM

Q4 What are signs of burnout in attorneys?

Answered: 68 Skipped: 10

#	RESPONSES	DATE
1	Depression, anxiety, frustration, insomnia for some; for others just "mailing it in", anger, giving up, zombie like movement through the day; not sharp in court.	9/28/2023 10:01 AM
2	Missing deadlines. Not promptly returning calls. Being apathetic about case results.	9/28/2023 6:40 AM
3	I don't know.	9/26/2023 11:02 AM
4	Scheduling - not being in the right place at the right time, clients not being in the right place at the right time. Late billing. I don't think anything else would necessarily be obvious except, perhaps, to the court, who might notice a decline in motion frequency and quality or something like that. In oneself signs would be loss of joy, procrastination, brain fog, irritation, anxiety, loss of self-esteem, financial problems, suicidal ideation.	9/25/2023 1:38 PM
5	Higher than average rate of mistakes, typos, bad judgment, hostility toward others (for some), depression, substance abuse.	9/25/2023 9:38 AM
6	Losing their zeal in their advocacy. Poor mental health. Quality of work going down. Leaving the practice, the roster etc.	9/21/2023 1:43 PM
7	Exhaustion. Family problems. Addiction and mental health issues. Ineffective assistance to client. Lack of effective communication with clients and parties on cases. Not showing up to court. Not filing necessary motions (and in a timely fashion). Overloaded caseloads. Not being prepared for hearings.	9/21/2023 10:53 AM
8	Above.	9/20/2023 2:52 PM
9	Increased substance use, irritability, tired/exhaustion, feelings of hopelessness	9/20/2023 12:35 PM
10	Anxiety; loss of sleep; overuse of sleep medications, alcohol or other drugs; significantly affects relationships with loved ones; significant disruption of work-life balance.	9/20/2023 12:33 PM
11	irritability, panic, lack of concentration	9/20/2023 11:51 AM
12	disorganization, procrastination, anxiety, depression	9/20/2023 10:35 AM
13	Depression, fatigue, exhaustion, disinterest in things that previously provided interest, defeat, and other impacts to physical and mental health.	9/20/2023 9:22 AM
14	apathy mood swings - inappropriate outbursts of anger shutdown	9/20/2023 8:53 AM
15	See above	9/20/2023 8:19 AM
16	Late filings. Lack of common courtesy. Lack of sense of humor. Unwillingness to share knowledge or experience with contemporaries.	9/20/2023 7:18 AM
17	Agitation, alcohol/drug use, angry/neglected clients.	9/20/2023 6:00 AM
18	mood swings, and outbursts that aren't typical of the attorney.	9/20/2023 4:20 AM
19	Failure to perform tasks well, clients being frustrated, apathy,	9/19/2023 10:42 PM
20	lack of effort	9/19/2023 9:21 PM
21	Missed court dates. Communication struggles. Bar complaints. Lack of zealousness.	9/19/2023 8:32 PM
22	Depression, irritability.	9/19/2023 8:22 PM
23	Excessive alcohol mostly. Problems in personal relationships.	9/19/2023 7:35 PM
24	Depression, not meeting deadlines, not returning phone calls for a week at a time, and similar crashes in the work flow.	9/19/2023 7:14 PM

Attorney Burnout Survey

25	Anxiety, panic, feelings of helplessness and never being able to dig out of the hole of unending work; missing deadlines and details, not taking care of yourself, depression, increased executive dysfunction	9/19/2023 6:58 PM
26	Not sure there are clear "signs" that apply across the board. I think every attorney handles things in a different way.	9/19/2023 6:55 PM
27	agitation, anxiety, exhaustion	9/19/2023 6:38 PM
28	Feeling like I am not able to meet all of my clients' needs while maintaining a work-life balance and caring for my children.	9/19/2023 6:29 PM
29	Fatigue, lack of focus, diminished sense of meaningful participation, even depression	9/19/2023 6:10 PM
30	lack of interest in outcomes, lack if interest in preparing, lack of patience with clients, trouble sleeping	9/19/2023 6:06 PM
31	Feeling irritable and tired all the time.	9/19/2023 6:06 PM
32	Walking away completely from criminal defense, which had happened all over the state. At this point people are finding other better things to do.	9/19/2023 5:44 PM
33	headaches bursts of anger over use of meds or alcohol	9/19/2023 5:42 PM
34	Fatigue, depression, inability to prepare for hearings, etc.	9/19/2023 5:11 PM
35	There is a change of attitude, a loss of enthusiasm or positivity, not working as hard, showing up late, minimizing responsibilities.	9/19/2023 5:11 PM
36	Attorneys who don't respond to clients in a timely manner, attorneys who frequently fail to appear for scheduled hearings, and attorneys who fail to file motions with the court when it is appropriate.	9/19/2023 5:10 PM
37	Acting out; missing hearings/deadlines; cutting corners; appearing depressed	9/19/2023 5:03 PM
38	Not being available to clients and not answering thei phone calls	9/19/2023 4:47 PM
39	grumpy, negative, avoidant, aggrieved all the time.	9/19/2023 4:44 PM
40	General demeanor: grumpy, moody, depressed, angry, lack of patience with others, attorneys, staff, family, friends. Manifestations: missed deadlines, unhappy clients, poor sleep, lack of satisfaction.	9/19/2023 4:38 PM
41	Exhaustion, hopelessness, not caring.	9/19/2023 4:27 PM
42	not keeping up with client communication, calendaring, or court events.	9/19/2023 4:19 PM
43	Lack of enthusiasm for ones work. fatigue	9/19/2023 4:19 PM
44	See above	9/19/2023 4:07 PM
45	Feeling exhausted all the time, unable to get fired up about issues because there is too much to do, generalizing amongst cases, and dropping the ball on meetings and court appearances.	9/19/2023 4:06 PM
46	Lack of passion for the work; underperforming; missing deadlines, court dates; substance misuse; depression/anxiety	9/19/2023 4:06 PM
47	see above	9/19/2023 3:58 PM
48	Irritability, avoidance of responsibilities, exhaustion.	9/19/2023 3:52 PM
49	can't return calls on time, your not satisfied with your writing, do not do adequate research or trial prep, lack of focus	9/19/2023 3:50 PM
50	bad temper, poor work performance, family disfunction, substance abuse	9/19/2023 3:50 PM
51	drinking, failure to respond to emails and calls, reduction in quality of submissions, missed court dates, failure to take part in social activities	9/19/2023 3:48 PM
52	Unresponsive, just accepting offers. Not arguing. Working less	9/19/2023 3:42 PM
53	Frustration, fatigue, resentment	9/19/2023 3:42 PM

Attorney Burnout Survey

54	Mood swings, frustration, lack of motivation, unable to focus, physical illness	9/19/2023 3:40 PM
55	Short tempered, disorganization, s/a & m/h issues, client dissatisfaction, missing deadlines and poor performance.	9/19/2023 3:39 PM
56	neglecting tasks, anger, no outside of work interests	9/19/2023 3:36 PM
57	Lackadaisical performance (when previously was gung-ho and zealous in their advocacy) and disarray (in personal appearance, preparation for court).	9/19/2023 3:35 PM
58	No work/life balance; emotional reserve depleted; and lethargic.	9/19/2023 3:33 PM
59	Fatigue, loss of empathy and compassion, slip-ups/mistakes, ill-preparedness	9/19/2023 3:31 PM
60	See above.	9/19/2023 3:31 PM
61	Worsening attention to detail, less concern with outcomes of cases, sloppy lawyering.	9/19/2023 3:30 PM
62	Ennui. Short temper. Sloppiness.	9/19/2023 3:29 PM
63	I don't know, I'm a fairly new attorney.	9/19/2023 3:28 PM
64	Exhaustion. Snippiness. Impatience. Procrastination. Missing deadlines/court appearances. Avoiding clients.	9/19/2023 3:27 PM
65	being unprepared for court, missing deadlines, taking longer and longer to return calls	9/19/2023 3:27 PM
66	No patience	9/19/2023 3:27 PM
67	Depression. Not getting work done.	9/19/2023 3:26 PM
68	Loss of sleep, utter frustration	9/19/2023 3:25 PM

Q5 What causes burnout in attorneys?

Answered: 72 Skipped: 6

#	RESPONSES	DATE
1	Excessive work, failure to draw the line at an appropriate stopping time, constant "losing" that is the nature of court appointed case types, unrealistic demands of attorneys by the court in regards to scheduling, lack of appreciation/overt hostility from clients, never ending negative treatment in the media as if we are incompetent or criminals ourselves over the years, lack of branches/agencies "having our backs" in regard to public criticism, overly complicated and ever-changing rules by MCILS that occur at meetings during attorney court time	9/28/2023 10:01 AM
2	The biggest frustration for me is the chaotic operation of the courts. Trial days often have multiple backups. It takes a huge amount of time to get trials/hearings. Our time and our client's time/expense of litigation is not valued. For example, I represent a parent in a PC matter. The case is 3 months beyond the review deadline. We started a hearing in August. The second day was scheduled for October 11th. Then we received an email that the scheduling judge (not the presiding judge) was canceling the trial date because it was the trial judge's "writing day." My client has been under significant (and in our view unnecessary) restrictions regarding contact with his children for months. It is hurting the kids, and is frustrating that I cannot do anything about it. Also, I personally feel that the climate and informality of Zoom proceedings for important matters has really diminished the quality of representation, but also contributes to burnout because it diminishes the decorum of respect that used to accompany our work. It allows everyone to adopt sloppy practices, which I think has the long term effect of resulting in a diminution of how important we perceive our work to be.	9/28/2023 6:40 AM
3	Excessive hours of work and stressful job duties?	9/26/2023 11:02 AM
4	Too much work. Appearing in too many different courts on too many different types of cases. Other attorneys making everything look easy (when in fact everyone is struggling). Billing issues - vouchers bounced back or not being paid quickly - feels Sisyphean and also means financial stress. Second-hand trauma. Hearing terrible stories can take the meaning out of life and it becomes very hard to think straight or get motivated. Nasty opposing counsel. Disorganized DA's offices. Underlying mental health/neurological issue, particularly if undiagnosed. Feeling isolated.	9/25/2023 1:38 PM
5	For me it is lack of control over where and how I conduct my work. Constant negative criticism (without any positive reinforcement) and an office culture that does not appreciate work life balance definitely contribute to burn out.	9/25/2023 9:38 AM
6	Difficult clients, DHHS not doing their job, being overburdened with cases because of the lack of attorneys on the roster, court not being mindful of our scheduling needs, having to sit on a docket for hours to find out if I am actually getting a hearing	9/21/2023 1:43 PM
7	A complete lack of work-life balance. Too high of a caseload. Low morale. Uncertainty about MCILS rules and regulations (and whether we will still have "jobs"). Secondary trauma/compassion fatigue from clients. Complex home/personal life situations. Lack of medical insurance. Concerns that clients will make frivolous bar complaints. Lack of support from MCILS and the Court. Demanding and exacting schedules from the court without relent. Minimization/disregard of the of the skill and specialization that PC attorneys do by even the TOP people at the Commission and the Court.	9/21/2023 10:53 AM
8	Amount of work. Difficult clients. More cases consistently coming in.	9/20/2023 2:52 PM
9	Powerlessness to control what is procedurally happening, large case loads/needy clients, perceptions of no one appreciating the work we do (judges, administrative staff, etc.), perception of a lack of accountability against everyone but you and your client, no control over scheduling without additional work to change scheduling (motions to continue for in person hearings, jumping between zoom calls due to scheduling, etc).	9/20/2023 12:35 PM
10	Responsibility for the well-being of Inherently difficult clients who have had crappy lives; lack of alternatives to adjudication and incarceration; lack of non-legal support to address client's	9/20/2023 12:33 PM

Attorney Burnout Survey

	issues and the effect that has on the court case.	
11	too much to do all with serious consequences	9/20/2023 11:51 AM
12	same as above	9/20/2023 10:35 AM
13	Over work, lack of support, lack of time (from over work), tough subject areas that drain on ones physical and mental capacity more than others.	9/20/2023 9:22 AM
14	working in a legal system built to protect a white supremacist patriarchy that perpetuates violence against our clients at a pace no one human could possibly be equipped to mitigate	9/20/2023 8:53 AM
15	Stress, trauma, having more cases, then you can effectively deal with, constant barrage of emails, and phone calls, angry clients.	9/20/2023 8:19 AM
16	See answers to #4. Clear inefficiencies in the judicial process, an example is rigid adherence to the alphabet in addressing matters. Another example is 60 cases on a docket with 10 attorneys: 3 attorneys each have 2 case, 4 attorneys have 4 cases each, 2 attorneys have 10 cases each, and one attorney has 18 cases. How does it make any sense efficiently to have seven (7) attorneys with 22 cases wait while three (3) attorneys resolve twenty-eight (28) cases? Also, out of town counsel with one or two cases should receive priority in order to achieve system-wide efficiency. The concept that an attorney and client can be productive while waiting for hours on zoom for their case to be addressed is a fallacy.	9/20/2023 7:18 AM
17	Too many cases and a massive imbalance in resources compared to the State.	9/20/2023 6:00 AM
18	Too many cases to handle. Clerks call and email on a daily basis, and there are only about a third of the attorneys willing to take these PC cases that are needed to meet the demand.	9/20/2023 4:20 AM
19	too much work, having to do work without getting paid, lack of appreciation for work completed, lack of being treated considerately by opposing counsel, clients and the court. I also believe that the constant use of email by clients, other attorneys and the courts causes a never ending work day for attorneys and places an unreasonable demands on attorneys.	9/19/2023 10:42 PM
20	underappreciation, caseloads, schedules, courts with no respect, no services for clients, lack of ownership of issues by judiciary and state	9/19/2023 9:21 PM
21	Large caseloads. Demanding clients. A sense of pressure to take more on because if we don't, who will help those who need it? Lack of vacation. Vicarious trauma.	9/19/2023 8:32 PM
22	Uncertainty and oppressive caseloads	9/19/2023 8:22 PM
23	Dealing with stupidity in all forms - from the courts, from other attorneys, from clients, from MCILS - it's everywhere.	9/19/2023 7:35 PM
24	Overloaded courts needing more help than we can give. Then the specter of artificial limits on caseload will crash the entire system that is already short-handed.	9/19/2023 7:14 PM
25	Unreasonable caseloads, unreasonable prosecutors, unreasonable judges, much administrative work, getting too many cases at once, trial prep vs. everything else, time lost in travel, lack of supervision, lack of peer support, micromanagement	9/19/2023 6:58 PM
26	Everyone else's problems become the attorney's problems. But the attorney is a human being too and has his or her own problems. However, we have to remain professional even though nobody else really understands the impact this has on us. Also, we can be right 999 times out of a thousand and people want to throw us under the bus, sue us and blame us for the 1 time in a thousand that we may make a mistake or things don't go as planned.	9/19/2023 6:55 PM
27	representing clients that are so unrealistic and overbearing that the time they suck from you on a weekly basis is ridiculous that no one would ever take in private practice and that has a significant detrimental effect on the rest of those clients you represent. Dealing with DHHS constant revolving door of brand new workers, trying to balance courts I serve when there are some that still require in person for routine Call, CMC, and Judicial Reviews.	9/19/2023 6:38 PM
28	Trying to balance having a family and meeting the needs of my clients. Attempting to manage a firm with little resources or help.	9/19/2023 6:29 PM
29	Too many possible factors to generalize	9/19/2023 6:10 PM
30	demanding too much of oneself	9/19/2023 6:06 PM

Attorney Burnout Survey

31	Clients.	9/19/2023 6:06 PM
32	Getting grief from everyone, the courts, clerks, and then Art washer when I try to get paid.	9/19/2023 5:44 PM
33	Overscheduling, lack of appreciation(see above), overwork. Courts scheduling one in multiple locations in the same day, reluctance by the courts to use zoom, trailing dockets	9/19/2023 5:43 PM
34	too many cases to earn enough	9/19/2023 5:42 PM
35	Overwork and the stress from it. Client's in custody cause the most work for me and rightly so. Additionally, finding substance use services for clients is something that can take huge amounts of time and resources but is some of the most important critical work.	9/19/2023 5:11 PM
36	Perception of injustice, repeated negative results, lack of positive feedback.	9/19/2023 5:11 PM
37	Overwhelming workload, and the constant threat that the system will change and MCILS criminal defense attorneys will become obsolete due to lawsuits from outside organizations and judicial interference.	9/19/2023 5:10 PM
38	overscheduling; negative treatment; lack of free-time	9/19/2023 5:03 PM
39	Too many cases	9/19/2023 4:47 PM
40	overwork, difficult counterparts, unsatisfactory remuneration, thankless interactions	9/19/2023 4:44 PM
41	Too much work, too many cases, not enough attorneys in rural areas to handle cases of all kinds, not just court appointed.	9/19/2023 4:38 PM
42	Billable hours quotas.	9/19/2023 4:27 PM
43	being overwhelmed with cases, client needs, professional obligations. Not having a proper work-life balance.	9/19/2023 4:19 PM
44	Not taking regular time off.	9/19/2023 4:19 PM
45	We are always taking care of others. It is a stressful job and we don't get enough time for self care. The BOOB is coming down a lot harder on attorneys.	9/19/2023 4:07 PM
46	Too many cases, not enough support.	9/19/2023 4:06 PM
47	Being overworked and underappreciated; not being fairly compensated for the work; difficult clients; impossible court schedules; lack of cooperation by DHHS and the AAG's	9/19/2023 4:06 PM
48	too much work, no real breaks, no end in sight	9/19/2023 3:58 PM
49	Lack of appreciation, second hand trauma from cases and clients, isolation from other practitioners, adversarial nature of the job, long hours.	9/19/2023 3:52 PM
50	too many cases, the feeling of unjust results, getting verbally assaulted by clients, a perception that other participants in the legal system are not doing their job well	9/19/2023 3:50 PM
51	Too many cases, having to be in more than one place at a time, difficult clients	9/19/2023 3:50 PM
52	client's who do not appreciate the amount we do for them, the fact that they can force us into arbitration when they dislike their fees, judges who rule based on personal feelings (eg: DHHS is always right), lack of support from agencies such as MCILS, additional requirements heaped on attorneys by the bar or MCILS without explanation, or when they request assistance, the fact that defense attorneys are financially supported at a far lower rate than prosecuting attorneys and it seems no one cares.	9/19/2023 3:48 PM
53	Types of cases, too many cases, always fighting uphill, being viewed as lesser part in the system, disrespect from the judiciary	9/19/2023 3:42 PM
54	Bureaucracy	9/19/2023 3:42 PM
55	Too many cases/expectations, difficult clients, billing cases expectations, difficult scheduling and cases being scheduled at the same time, difficulty with getting the court to move court events when double booked.	9/19/2023 3:40 PM
56	Number of cases. Lack of coordination in defense bar. Lack of respect/standing with the Court. MCILS not paying vouchers when they are beyond 90 days which occurs trying to keep pace	9/19/2023 3:39 PM

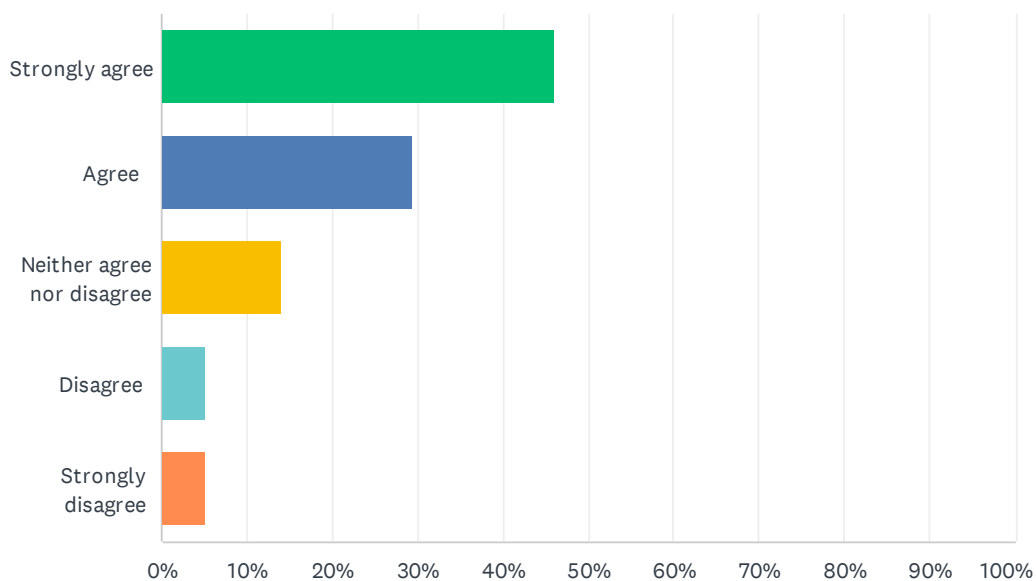
Attorney Burnout Survey

with the cases and lack of support staff. Having to be in multiple courts at the same time all with differing and inconsistent policies on zoom v in person.

57	carrying client's trauma, fulfilling multiple roles besides attorney (often also being a caseworker), constantly fighting with the DA's office for even simple things Nearly every client is suffering in one way or another and it wears you down hearing people suffering day in and day out and not having very limited, to no, power to help.	9/19/2023 3:36 PM
58	The judiciary doesn't care about us. They beg us to cover cases, and then turn around and deny continuances for conflict with other courts. MCILS denying bills when we worked really hard to earn payments. The uncertainty of the criminal future in Maine and trying to balance the likelihood that all criminal work might be pulled with bringing in private work to offset that loss. Clients in jails that want out and call daily to express that.	9/19/2023 3:36 PM
59	In ability to balance life's pressure.	9/19/2023 3:35 PM
60	Inflexible and arbitrary rules	9/19/2023 3:33 PM
61	The new in-person zoom rule is stretching me thin; emotionally abusive clients; job security because of the ACLU lawsuit; etc.	9/19/2023 3:33 PM
62	Too much multitasking with too little time to devote to individual issues.	9/19/2023 3:31 PM
63	See above. Also bullying by other attorneys.	9/19/2023 3:31 PM
64	For me personally, having to spend 50-60 hours per week being a lawyer plus having to spend another 10-20 being an office administrator. Then having to go home and deal with all the normal housework that being an adult entails. So I have to choose between having time to myself and getting sleep.	9/19/2023 3:30 PM
65	Too much work, too little pay, too little appreciation.	9/19/2023 3:29 PM
66	Same answer to #4	9/19/2023 3:28 PM
67	OVERWORK. Too many cases. Too many emergencies. Isolation.	9/19/2023 3:27 PM
68	Too many cases, too many courts, clients who are not pleasant to deal with/mental health conditions. Needing to be in multiple courts at the same time	9/19/2023 3:27 PM
69	excessive work stress	9/19/2023 3:27 PM
70	Case load. No support staff.	9/19/2023 3:27 PM
71	Too much work and not good time management.	9/19/2023 3:26 PM
72	Too many cases, too high expectations from all sides, no free time	9/19/2023 3:25 PM

Q6 I have experienced burnout in the last 12 months.

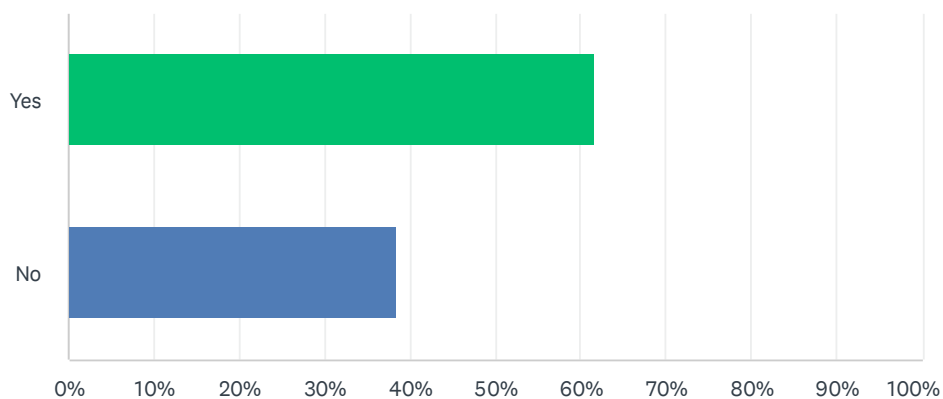
Answered: 78 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly agree	46.15%	36
Agree	29.49%	23
Neither agree nor disagree	14.10%	11
Disagree	5.13%	4
Strongly disagree	5.13%	4
TOTAL		78

Q7 In the last 12 months have you contemplated a career change?

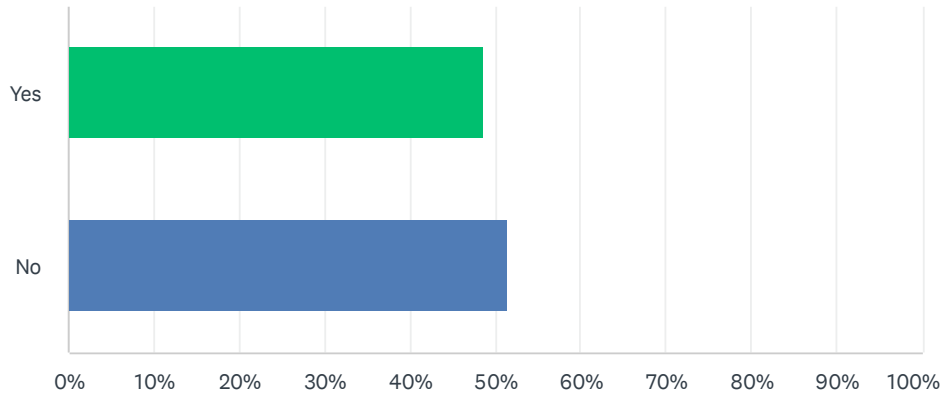
Answered: 78 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	61.54%	48
No	38.46%	30
TOTAL		78

Q8 Has or will returning to in-person court proceedings increased your feelings of burnout?

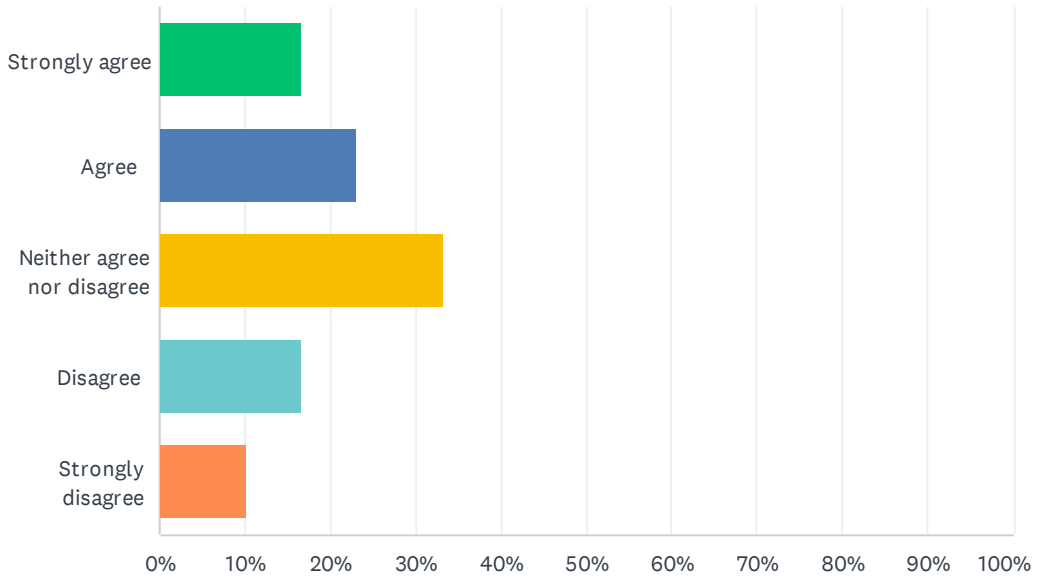
Answered: 78 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	48.72%	38
No	51.28%	40
TOTAL		78

Q9 My feelings of burnout have negatively impacted my professional work.

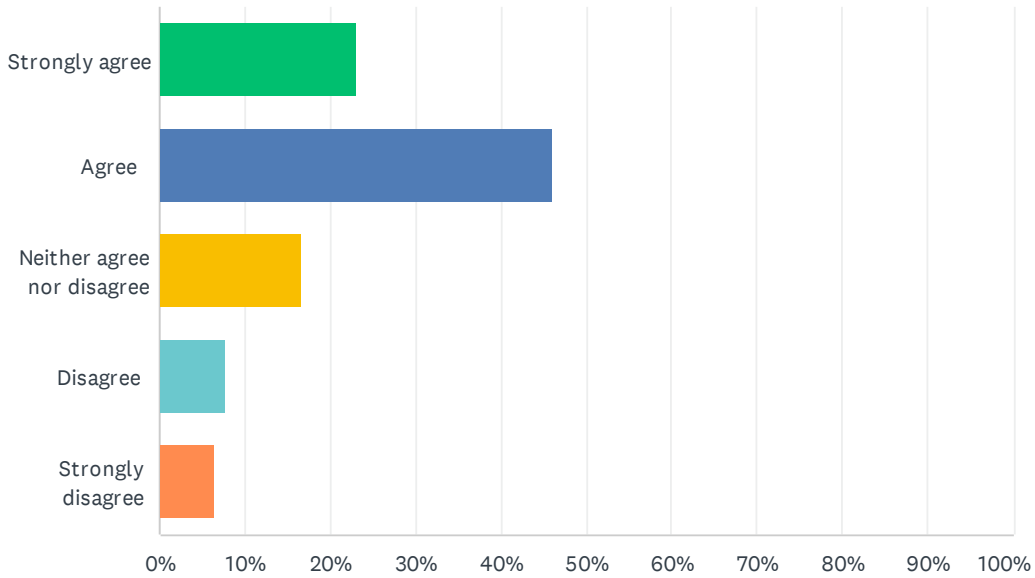
Answered: 78 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly agree	16.67%	13
Agree	23.08%	18
Neither agree nor disagree	33.33%	26
Disagree	16.67%	13
Strongly disagree	10.26%	8
TOTAL		78

Q10 My feelings of burnout have negatively impacted my personal life.

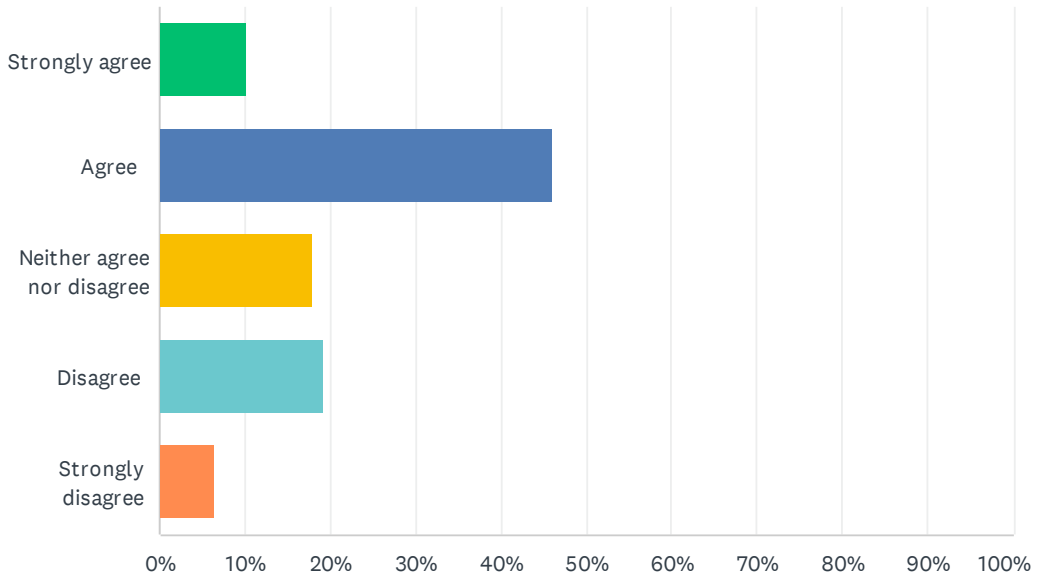
Answered: 78 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly agree	23.08%	18
Agree	46.15%	36
Neither agree nor disagree	16.67%	13
Disagree	7.69%	6
Strongly disagree	6.41%	5
TOTAL		78

Q11 I have resources to help me prevent or mitigate burnout.

Answered: 78 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly agree	10.26%	8
Agree	46.15%	36
Neither agree nor disagree	17.95%	14
Disagree	19.23%	15
Strongly disagree	6.41%	5
TOTAL		78

Q12 What resources would be most beneficial to prevent or mitigate burnout in attorneys?

Answered: 64 Skipped: 14

#	RESPONSES	DATE
1	Friends, spouses and family help a lot; other than that mandatory time off (though it would have to be some pay so we don't go broke) - seriously, I know they do it with airline pilots and the like, or paid vacation time; health insurance and disability insurance as it honestly keeps me up at night knowing if I go down hard I am so screwed without disability insurance; mandatory MH training and incentives to attend counseling, exercise, etc for things that are proven to reduce burnout/stress; more say over how MCILS implements rules as honestly the attorneys doing the work know best; more understanding from the court when we are late as we are jumping between courtrooms or courthouses; get rid of DefenderData, as that alone can burn you out - its the same system as when I started as a law student in 2010 or whatever, it can and needs to be easier and faster to submit vouchers; rally some branches/agencies to "get out backs" as we truly feel lonely and ostracized over the past several years in the media	9/28/2023 10:01 AM
2	Under the current circumstances I think that the only thing that attorney's can do to mitigate burnout is to limit their caseloads to a manageable level and decline taking cases all over the state and allowing themselves to be double/triple booked. I have spoken to many attorney's who will be double booked for serous hearings, such a jeopardy, TPRs, etc. I don't put myself in that position and I do not fathom how an attorney can 1) adequately prepare for multiple hearings in one day, and 2) deal with the stress of doing so.	9/28/2023 6:40 AM
3	I don't know.	9/26/2023 11:02 AM
4	Free therapy. Temporary practical and financial support when burnout starts to show. Grief counseling - for if we experience a personal loss but also if something happens to a client or even a bad case outcome. We are all carrying a lot of grief and it is very difficult to sort through. CRUSE in the UK has an excellent website.	9/25/2023 1:38 PM
5	More time without distractions and less time in the office.	9/25/2023 9:38 AM
6	Mental health counseling.	9/21/2023 1:43 PM
7	Support from MCILS and the Courts to resolve the issues with scheduling and caseloads. The ability to bill for secretarial/paralegal work (so I don't have to do EVERYTHING myself). Access to cost-effective mental health professionals that understand lawyers and the stressors presented. Not downplaying the importance of the service we provide (the court) or the specialty that representation in Pc cases is (court and MCILS). Court not being biased against clients before they've ever met them just because of the allegations against them.	9/21/2023 10:53 AM
8	Support systems, either for recognition of the stress or to help offer solutions.	9/20/2023 12:35 PM
9	better health care coverage that would include mental health support	9/20/2023 12:33 PM
10	secretarial/ book keeping help	9/20/2023 11:51 AM
11	Understanding from Courts and government prosecutors--which we currently do not get.	9/20/2023 10:35 AM
12	Not sure.	9/20/2023 9:22 AM
13	a directory or other list of mental health practitioners with expertise working with legal professionals (that includes providers accepting clients outside of just southern maine)	9/20/2023 8:53 AM
14	Not sure	9/20/2023 8:19 AM
15	Respect. Cooperation. Competence. Experience (not the same as competence, a person can have lots of experience without being competent.) A global understanding of the system and why it exists imagine the real life experiences of inquiring of the court whether there is an outstanding warrant for a client and receiving the answer "We can't tell you that." and calling the court for a potential client who wants to hire you but doesn't know what his charges are and	9/20/2023 7:18 AM

Attorney Burnout Survey

	being told "the person (or you) have to come to the window, make the request, and pay for the copies".	
16	Trial college. Mandatory time off.	9/20/2023 6:00 AM
17	someone to call and talk with to bounce ideas off regarding remedies and services available to help attorneys.	9/20/2023 4:20 AM
18	Reducing court schedules so that attorneys have more time to count on being able to prepare for court or take time off.	9/19/2023 10:42 PM
19	r.e.s.p.e.c.t.	9/19/2023 9:21 PM
20	The more recent CLEs about self-care have been helpful, and I think would have helped, had this been a theme prior to my own feeling burnt out. We often get so busy, trying to meet all professional expectations and those at home that we don't even realize that we are not paying enough attention to ourselves.	9/19/2023 8:32 PM
21	Children	9/19/2023 7:35 PM
22	Support groups, but systemic change above all	9/19/2023 6:58 PM
23	Paid time off. Problem is that we have to continue working cases to keep money coming in. It becomes relentless. Don't work and we don't earn.	9/19/2023 6:55 PM
24	Being able to opt out of rosters has been helpful, however it remains to be seen how the Judges or Courts will view the attorneys who are doing this regularly - it does not seem apparent that other parties in PC are aware of the restrictions placed on us now with the case load, etc.	9/19/2023 6:38 PM
25	Smaller case loads, courts paying more attention to the rosters to ensure that they are not assigning cases to those who have removed their names from the roster due to large case sizes	9/19/2023 6:29 PM
26	Ability to allocate personal v professional time	9/19/2023 6:10 PM
27	family supports, scheduled time off	9/19/2023 6:06 PM
28	A Judicial branch which doesn't seek to excuse poor prosecutorial practice.	9/19/2023 5:44 PM
29	No idea	9/19/2023 5:43 PM
30	communicating with friends, family staff and other attorneys	9/19/2023 5:42 PM
31	Self reflection amongst the Judiciary and the Executive that not as many people need to be in jail as we put in. During COVID few people except those who actually posed a danger to the community were placed in custody. Crime rates did not increase to any significant degree. This should have led to to some hard conversations questioning if incarceration is the best thing to combat crime. If my client is out of custody there is a lot less pressure to have to do as much work as possible to get a resolution for them. Incarcerated clients need the most support and attention from me.	9/19/2023 5:11 PM
32	Solid work-life balance, meaningful personal pursuits aside from work, connections with family, friends, community, fulfilling hobbies.	9/19/2023 5:11 PM
33	A help line that allows attorneys to reach out when they are overwhelmed. The helpline should be based on assistance and not punitive. Punishing attorneys for taking on too many cases makes no sense when the court keeps appointing attorneys who are not on any lists and are trying to effectively manage existing clients.	9/19/2023 5:10 PM
34	Flexible (zoom) scheduling. Maybe some partnership with counseling (I know MAP helps with that stuff).	9/19/2023 5:03 PM
35	opportunities to interact with colleagues, opportunities to be recognized, better support	9/19/2023 4:44 PM
36	I really have no idea, the issue is pervasive in court staff, attorneys, attorney staff, and the poor folks that still love us.	9/19/2023 4:38 PM
37	Non-competitive peer support. Staff.	9/19/2023 4:27 PM
38	remote proceedings were critical to the balance I had achieved over the last couple of years. returning to in person court appearances has already disrupted my ability to efficiently keep up	9/19/2023 4:19 PM

Attorney Burnout Survey

	with all aspects of my law practice. Easier access to remote proceedings.	
39	Counseling. A long walk in the woods	9/19/2023 4:19 PM
40	More opportunities for interaction with colleagues. More efficiency with the courts.	9/19/2023 4:07 PM
41	Self care support opportunities - not trainings, but actual support. For example, a monthly get together (bowling? mini golf?) with free food to hang out and vent/connect. Or a monthly gym/yoga membership as a perk of being an MCILS attorney. Or a gift certificate for a massage. Or a certain number of free therapy sessions.	9/19/2023 4:06 PM
42	Having more resources for parents in DHHS cases - more access to counseling, housing, etc. which would make representing them easier	9/19/2023 4:06 PM
43	Judges and MCILS overseers being more patient and understanding. I don't need or expect their appreciation, I get that from my clients.	9/19/2023 3:58 PM
44	Funding for one on one counseling for those on the rosters. Prosecutors and Judges who understand their ability to control the case loads and not look to use to solve the backlog. Some form of regular checkins with another in the field about our cases/case loads/etc. Not mandatory but something to give attorneys a place to talk about their cases and needs and get feedback (compare to "supervision for counselors/therapists, etc.)	9/19/2023 3:52 PM
45	less cases, meditation, mindfulness, more education about your field	9/19/2023 3:50 PM
46	a spouse who understands, clients who understand, recreation	9/19/2023 3:50 PM
47	a MAP program that isn't just designed for punishment. No one is voluntarily reaching out to them because they will force you into contracts requiring significantly more work leading to more burnout. There is no one who will just help.	9/19/2023 3:48 PM
48	Therapy. Appreciation. Feeling equal.	9/19/2023 3:42 PM
49	Less bureaucracy	9/19/2023 3:42 PM
50	Support staff, a representative at the table for policy decisions (court and commission)	9/19/2023 3:39 PM
51	Most resources I secure myself, through therapy and setting boundaries when I feel burn out setting in. It would be helpful for the Courts to understand how much effort is put in by Defense counsel to work with the DA's Office and that effort is not returned, leading to extra work and frustration.	9/19/2023 3:36 PM
52	More understanding judges	9/19/2023 3:36 PM
53	When requested, allow zoom, allow electronic filings, be understanding when attorneys need to juggle priorities. One client (be it criminal or civil) is no more important than another - they all need us, and it's our duty to do our best for them.	9/19/2023 3:35 PM
54	Paying us for the work we've done.	9/19/2023 3:33 PM
55	Mentorship; MCILS flexibility; gym/fitness class membership	9/19/2023 3:33 PM
56	A court schedule that allows reliable stretches of in-office time to concentrate and focus on research and writing.	9/19/2023 3:31 PM
57	Someone to answer my phones and emails	9/19/2023 3:30 PM
58	My own time management/case management. A cadre of supportive, talented friends in the profession, a supportive family.	9/19/2023 3:29 PM
59	I don't know.	9/19/2023 3:28 PM
60	CASE LOAD LIMITS. I know attorneys want to fight these, but the only way I was able to crawl out of burnout land was to take myself off the active rosters, close cases, and keep my caseload VERY manageable with higher level work. I feel like I have control of my life back, finally. (The rate increase has also made this financially viable, which it wouldn't have been before.) It would help to have a counselor or two on staff, apart from MAP, to address issues that are associated with our particular work.	9/19/2023 3:27 PM
61	The courts seem to have taken on a negative opinion of zoom. If I have to be in court in two different counties at the same time I should not have to beg and plead to appear by zoom	9/19/2023 3:27 PM

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62	I need more hours in the day	9/19/2023 3:27 PM
63	Resources that weren't burnt out themselves.	9/19/2023 3:27 PM
64	More help, more appreciation, more understanding	9/19/2023 3:25 PM

Q13 What can MCILS do to help prevent or mitigate burnout in attorneys?

Answered: 64 Skipped: 14

#	RESPONSES	DATE
1	See above	9/28/2023 10:01 AM
2	Caseload limits. Lobby for more judges, clerks, marshals, etc.	9/28/2023 6:40 AM
3	I don't know.	9/26/2023 11:02 AM
4	<p>Take a preemptive approach. MLAP and the Bar fail to prevent things because they are focused on addressing a problem once it arises instead of preventing the problem. Encourage pride in our work. Show a clear path for career development. Change the way special case types work, not necessarily even the rules, but make it feel like a natural progression. Encourage attorneys talking openly about their experiences regularly, not just when they first start practice. Encourage judges to get on board so that when an attorney says no, the judge accepts that. Encourage attorneys to talk openly about how they are doing but also about mistakes. Make sure they can ask for help and own up to making mistakes without repercussions, and make sure they know they can. Make sure attorneys know they can admit weakness. Provide information on how long things take, in other words, what can an attorney expect to manage with their personal usable hours per week. Get attorneys to evaluate what their ideal work-week might look like. Some people can go flat out, some can't. We all wonder why we are not doing better but actually we should just focus on doing different. Pay vouchers the week immediately after the are submitted every time, unless there is an issue. Predictability is important. I know you are trying and, indeed, you are quite predictable so thank you. This would also help people who want to focus entirely on MCILS work. They would not feel the need to diversify their revenue streams. This would also prevent them from being spread too thin. Change the culture so attorneys put their mental health first, not the judge. Teach attorneys how to say no politely. MCILS could use volunteers to assist attorneys who start getting behind with billing etc. Utilize volunteers to provide court coverage. Suspension from MCILS as a support not a punishment (I know it is not a punishment but people see it that way). Reinforce feelings of camaraderie. MCILS staff could be trained in active listening so when they have to deal with a lawyer who is getting their feelings hurt because their voucher is wrong then MCILS can turn it into a positive experience instead of the lawyer perceiving it as a negative one. Train in trauma-informed communication. Provide trainings on second-hand trauma. Trick us into thinking we are fighting the good fight as opposed to getting swallowed torturously by the broken U.S. judicial system. Partnering with NACDL has helped with this, I think. Even something as simple as giving us cool water bottles or pins once a year might help. MCILS could educate the judiciary on poverty, drugs, and human behavior by, for example, providing written overviews of recent academic work, providing trainings on recent academic work. I would be happy to talk about my experience with burnout. I quit for a year and honestly thought I would never be an attorney again. I am tentatively enjoying being back. I would also be glad to lead a training. I am no expert but I have done a ton of reading and could at least provide a starting point and encouraging words.</p>	9/25/2023 1:38 PM
5	I do not know.	9/25/2023 9:38 AM
6	Not having the court question the dates I ask for protection or force us to schedule multiple hearings on one day on different cases. Not question our billing when we spend an extensive amount of time on a case. Trust our judgment as lawyers.	9/21/2023 1:43 PM
7	See above. Action instead of only constant "discussions" on what is needed. The bar has told MCILS what we need. We continue to be ignored.	9/21/2023 10:53 AM
8	Offer support groups for MCILS attorneys via Zoom or in person to talk about the stressors of the practice amongst like minded people (MCILS attorneys) to know at the very least they are not alone, but perhaps this would create ideas that are more easily spread to combat the issues we face.	9/20/2023 12:35 PM
9	I think MCILS is doing what it can to help with this issue. I am very happy with the support I get from MCILS. You provide money for resources when I need it, your trainings are improving	9/20/2023 12:33 PM

Attorney Burnout Survey

and being able to set aside work to attend because we can still get paid for the time is a big help.

10	less draconian and convoluted rules about billing, especially timing of getting bills in	9/20/2023 11:51 AM
11	More MH programs/seminars. Lobbying Court and Legislation on our behalf. For example, we have to stop having 5.6.7 dispositional conferences in one day. The court cant handle it and neither can defense attorneys.	9/20/2023 10:35 AM
12	Support, funding for the program generally, advocating for zoom dispositional conferences with only attorneys at scheduled times for each attorney (see e.g. Lincoln county) which alleviates travel time and saves resources such as time and money if everyone is not waiting for hours on giant docket calls.	9/20/2023 9:22 AM
13	Probably nothing	9/20/2023 8:19 AM
14	Try to make sure that the time to prepare the invoice and to modify it to meet the MCILS requirements is less than the time it took to resolve the case. Hlrre people, like Justin Andrus, who understand the bigger picture.	9/20/2023 7:18 AM
15	Stop adding regulations!	9/20/2023 6:00 AM
16	fund the services referenced above.	9/20/2023 4:20 AM
17	advocate that the schedules of attorneys be considered when ever possible.	9/19/2023 10:42 PM
18	message against these morons who constantly put us down. Yes chief justice, we are "real" attorneys	9/19/2023 9:21 PM
19	Be open to communication. When an attorney seems to be experiencing burnout, don't add to the problem by starting "investigations" and then not following through or communicating with the attorney for months about it. Instead of jumping to what feels like punitive measures that are time-consuming (more work and pressure), perhaps a more sympathetic approach that does not complicate the issue when there is one. A conversation. A mentor. A therapist who is available.	9/19/2023 8:32 PM
20	So many things for those who take appointments. No more rules which only serve to push people away, less bickering over invoices. Stop trying to manage private attorneys and return to trying to assist them so they can do the good work that they always done.	9/19/2023 7:35 PM
21	Stop with the artificial limits on caseload as planned. Pay appropriate salaries and the numbers of lawyers will increase. Of course the learning curve for PC work is treacherous in its own light, so newbies must be mentored	9/19/2023 7:14 PM
22	I don't know.	9/19/2023 6:58 PM
23	Stop being so bureaucratic. Change the narrative so it seems like you are actually helping the attorneys who are doing the work.	9/19/2023 6:57 PM
24	I am sorry to say that I do not know. But it should be strongly considered as to when/how MCILS and the profession in general can help	9/19/2023 6:55 PM
25	Push for universal Court usage of Zoom for Call, CMCs and non trial events.	9/19/2023 6:38 PM
26	Reduce case loads, provide health care and insurance, allow more flexibility with colleagues covering cases so that we can take a few days off. It is so difficult to take time off to recover from the constant stressors and secondary trauma that we deal with on a daily basis. Please take a look at why there are so few women on the roster. This is something that is never discussed and the voices in our field are overwhelmingly male. It is nearly impossible to be a primary caregiver in a family in this profession. The lack of health care and resources make it impossible to afford to have a child, let alone take a leave to care for a family member. It seems as if no attention has been paid to the fact that our bar has very little gender or racial diversity. It may be a passing comment in meetings, but I have never heard talk as to how we are going to address the problem, or what the root of this problem may be.	9/19/2023 6:29 PM
27	Publish general (statistical) case results and recognize individual accomplishments	9/19/2023 6:10 PM
28	limiting caseloads might help, but I think the limits should be higher than what is proposed	9/19/2023 6:06 PM
29	Talk to Aroostook County about having attorney's on zoom all day when our schedules could be staggered. It's a waste of everyone's time.	9/19/2023 6:06 PM

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30	Get the judiciary to obey the bail code, stop constantly making excuses for sloppy prosecution, practices and to actually to take seriously the requirements of the Constitution instead of acting as they have no role in the current crisis	9/19/2023 5:44 PM
31	Get more attorneys involved. Get rid of barriers to new attorneys getting rostered. One is either licensed to practice law or not.	9/19/2023 5:43 PM
32	find a way to have more lawyers rostered	9/19/2023 5:42 PM
33	Getting some sort of case management services coordinator for clients or compiling lists of substance use disorder services throughout the State (and beyond) would be phenomenal. I spend huge amounts of time trying to get clients into substance use services and, while the jail can help with that, it is often left to me to find services. This can take days/weeks of work for a single client in order to formulate a good release plan for a client. In an ideal world I would hire a full time case manager to coordinate SUD services for all of my clients. This would be a huge a huge benefit to my clients, as the single most critical factor in ensuring a good outcome for a client is if they are released on bail.	9/19/2023 5:11 PM
34	That is hard to answer, you are already managing so much. Really it boils down to a positive message towards the bar and adequate time to recharge outside of work.	9/19/2023 5:11 PM
35	Develop a systematic understanding that attorneys are working to keep the system working for the clients that they represent.	9/19/2023 5:10 PM
36	Help advocate for flexible (zoom) scheduling.	9/19/2023 5:03 PM
37	focus on practice management and perhaps pooling resources for administrative relief. offer hotline, substance use intervention for more signifiant crises, communicate to stakeholders and community what the effort entails.	9/19/2023 4:44 PM
38	Encourage the law school to encourage the actual practice of law in their graduates.	9/19/2023 4:38 PM
39	IDK	9/19/2023 4:27 PM
40	Help defend the very hard working attorneys representing Maine's indigent by supporting us in the public eye-- helping avoid a full scale public defenders office. There are so many of us that work so hard for our clients, genuinely care for our clients, and love this work, but have no interest in being public defenders or working in a PC defenders office. Many of us are demoralized that we are portrayed in news articles as low level lazy attorneys getting overpaid from the state, despite consistently receiving feedback of extreme gratitude and appreciation from clients who know we fought for them on numerous levels of representation.	9/19/2023 4:19 PM
41	I do not think you can do much to improve the behavior of our clients or the lack of appreciation by the judiciary of the difficulty of our work or the failure of man Judges to show real empathy for our disadvantaged clients.	9/19/2023 4:19 PM
42	Provide supportive services as listed above!	9/19/2023 4:06 PM
43	Don't be so inflexible with billing - my \$5,000 bill was denied in an extremely challenging TPR case I tried because I was deemed a couple of weeks late in sending in my voucher - there was no doubt I did the work, but there was absolutely no flexibility with payment. It was a tremendous amount of work that I will never get paid for. I felt disrespected and unappreciated, and took myself off the MCILS list because of it.	9/19/2023 4:06 PM
44	Take a proactive approach to the court system. The DA's get all kinds of breaks, understanding, patience, and rulings from the court, and much of that is due to their making their own rules that the court has to ascribe to. With defense attorneys, it's the other way around-- we have to bend to the will of the court every time. We need an ombudsman to petition the court for more fairness in scheduling and evenhanded treatment procedurally and substantively.	9/19/2023 3:58 PM
45	See above.	9/19/2023 3:52 PM
46	get more attorneys	9/19/2023 3:50 PM
47	not sure	9/19/2023 3:50 PM
48	stop acting like we are out to scam you. trust that we record the hours we work, that we need the funds to stay in lodging without pre approval, pay us more and pay us quickly, provide	9/19/2023 3:48 PM

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greater support such as funds for paralegals and/or office space. If adding or changing requirements do so at regular intervals not sporadically through the year.

49	Approach the judiciary and make sure they understand their role in this. Tell jurist no just anyone can do this -see the chief justices letter to get big firms to take cases	9/19/2023 3:42 PM
50	Stop treating the rostered attorneys like children	9/19/2023 3:42 PM
51	Make more attorneys and pay vouchers when we submit them. (We aren't intentionally lending the State money). Actually manage the rosters so more attorneys can be on a single county's roster while being secure they will have a "full" caseload (for their % MCILS) practice when the current crisis passes. Hire more public defenders and open REAL properly staffed offices.	9/19/2023 3:39 PM
52	Encourage attorneys to take time off. A training on trauma stewardship (carrying client trauma). We need more systemic support for clients, to make our jobs a little easier, this would require more alliances between MCILS and other agencies. We need more help to do our jobs in a holistic approach.	9/19/2023 3:36 PM
53	A better billing practice and program from MCILS that gives us better notices of assignments, needs, and forgiveness when billing windows are missed. Less stringent requirements for small things. Getting emails because something was submitted in PDF, getting a link to something instead of an answer, denying a bill for some small reason. It's all very frustrating	9/19/2023 3:36 PM
54	Serve as an intermediary when one of your attorneys comes to you to express their frustration at lack of consideration or accommodation by the Court. Step in and address this with the judiciary. I personally have not had an issue, but have heard some horror stories about attorneys being placed in impossible situations (e.g. not being let out of a "blitz" call even though they were scheduled for a Law Court argument!).	9/19/2023 3:35 PM
55	Put retention and recruitment of attorneys above the worship of the arbitrary rules.	9/19/2023 3:33 PM
56	Mentorship; MCILS flexibility; gym/fitness class membership	9/19/2023 3:33 PM
57	MCILS has been great - I appreciate being able to opt in/out of cases easily and the training has been incredibly helpful in helping my confidence, knowledge and productivity.	9/19/2023 3:31 PM
58	Not within MCILS's control.	9/19/2023 3:31 PM
59	Pay me more so I can hire someone to do all my housework while I'm at work	9/19/2023 3:30 PM
60	I don't know.	9/19/2023 3:28 PM
61	Case load limit enforcements. Backing up attorneys when courts/clerks/judges are acting foolish. Having real supervision so we can maybe catch burnout before it happens? People are hurting out there.	9/19/2023 3:27 PM
62	Figure out a system where we don't get overloaded with cases just by being rostered. Get us the appointment paperwork faster so we can manage caseloads in a more efficient manner.	9/19/2023 3:27 PM
63	MCILS is alright.	9/19/2023 3:27 PM
64	?	9/19/2023 3:25 PM

SUPPLEMENTAL BUDGET REQUEST

TO: COMMISSION

FROM: JIM BILLINGS, EXECUTIVE DIRECTOR

SUBJECT: STAFF RECOMMENDED SUPPLEMENTAL BUDGET REQUEST

DATE: 10/6/2023

The deadline for submitting our FY24 supplemental budget request to the Budget Office is November 8, 2023. Staff recommends submitting a request in the amount of \$3,203,685 to support:

1. The creation of 2 public defender offices (Aroostook and Penobscot/Piscataquis Counties).
2. The hiring of 1 paralegal and 1 investigator for the Rural Defender Unit and 1 investigator for the Kennebec Public Defender Office.
3. The creation of positions for 4 public defender offices (Washington/Hancock, Androscoggin/Franklin/Oxford, Midcoast, and Cumberland/York), who will be hired in FY25.
4. Additional central office staff for administrative support for the Audit and Training & Supervision Divisions, and the creation of a Director of Systems/Data Infrastructure position.
5. The increased personal services costs to fund a salary reclassification for RDU attorney to be in line with their state counterparts (has been authorized by BHR).

The costs listed below for all the public defender offices would cover the personal services, all other costs, and rent for a staff that could handle approximately 30% of the adult criminal caseload based on our current case counts in these areas.

We selected these locations due to population centers where office resources could be housed and could service the surrounding courts within a one-hour drive or so. Office space and employee recruitment factored into our decision to house these offices in population centers. We also took prosecutorial districts into consideration.

We are requesting the creation of public defender positions in FY24 with funding to begin in FY25 for an additional 4 offices. This is a result of our discussions with the Office of Leased Space, where we learned that it would take some time to secure office space, especially in Hancock and Washington Counties. We were given a 6-to-9-month timeline to acquire space and many options require build-out modifications that could take additional time.

Rent amounts included below do not include upfront build-out costs that might require an initial lump sum payment. The \$75,000 figured was used where we are unsure of rent amounts since that is the amount used by DAFS during the PD office build out in the biennial budget.

Due to this potentially long lead time for office space and the time it takes BHR to process new position FJA requests, we are seeking the headcount necessary to open offices in Hancock/Washington, Androscoggin/Franklin/Oxford, Cumberland/York, and the Midcoast in FY24, but not the personal services funding for those positions until FY25. This will allow staff adequate time to secure office space and ample time to allow BHR to process the FJAs to establish these positions.

1. Public Defender Offices – Positions and Funding

Aroostook Office		Contract Counsel Cost
1 District Defender	\$209,967	Since District Defenders will have a reduced caseload due to supervision obligations, 3.5 contract attorneys at the full 270 points (2000 hours) at \$150/hr will cost: \$1,050,000 Investigator and paralegal services and supervision are not factored into the above cost.
1 Assistant Defender I	\$167,003	
2 Assistant Defender II	\$249,796	
1 Paralegal	\$85,256	
1 Investigator	\$85,161	
1 Office Manager	\$94,599	
All Other costs	\$65,233	
Rent	\$25,000	
Total Office Cost	\$982,015	
Subtotal of Attorney Costs	\$707,766	

Penobscot/Piscataquis Office		Contract Counsel Costs
1 District Defender	\$209,967	5.5 contract attorneys will cost: \$1,650,000
2 Assistant Defender I	\$334,006	
3 Assistant Defender II	\$347,694	
2 Paralegals	\$170,512	
2 Investigator	\$170,322	
1 Office Manager	\$94,599	
All Other costs	\$102,509	
Rent	\$75,000	
Total Office Cost	\$1,504,609	
Subtotal of Attorney Costs	\$891,667	

2. Additional Staff for Rural Defender Unit + Kennebec Office

1 Paralegal for RDU	\$85,256
1 Investigator for RDU	\$85,161
1 Investigator for Kennebec Office	\$85,161
All Other costs	\$27,957
Total Cost	\$283,535

Total FY24 PD office costs: \$2,770,159

3. Public Defender Offices – Positions Only, Funding in FY25

Hancock/Washington Office		Contract Counsel Costs
1 District Defender	\$209,967	2.5 contract attorneys will cost: \$750,000
1 Assistant Defender I	\$167,003	
1 Assistant Defender II	\$124,898	
1 Paralegal	\$85,256	
1 Investigator	\$85,161	
1 Office Manager	\$94,599	
Rent	\$25,000	
All Other costs	\$55,914	
Total Office Cost for FY25	\$847,798	
<i>Subtotal of Attorney Costs</i>	<i>\$501,868</i>	

Androscoggin/Franklin/Oxford Office		Contract Counsel Costs
1 District Defender	\$209,967	6.5 contract attorneys will cost: \$1,950,000
3 Assistant Defender I	\$501,009	
3 Assistant Defender II	\$347,694	
2 Paralegal	\$170,512	
2 Investigator	\$170,322	
1 Office Manager	\$94,599	
Rent	\$75,000	
All Other costs	\$111,828	
Total Office Cost for FY25	\$1,680,931	
<i>Subtotal of Attorney Costs</i>	<i>\$1,058,670</i>	

Midcoast Office (Sagadahoc/Lincoln/Knox/Waldo)		Contract Counsel Costs
1 District Defender	\$209,967	4.5 contract attorneys will cost: \$1,350,000
2 Assistant Defender I	\$334,006	
2 Assistant Defender II	\$249,796	
1 Paralegal	\$85,256	
1 Investigator	\$85,161	
1 Office Manager	\$94,599	
Rent	\$75,000	
All Other costs	\$74,552	
Total Office Cost for FY25	\$1,208,337	
<i>Subtotal of Attorney Costs</i>	<i>\$793,769</i>	

Cumberland/York Office		Contract Counsel Costs
1 District Defender	\$209,967	7.5 contract attorneys will cost: \$2,250,000
3 Assistant Defender I	\$501,009	
4 Assistant Defender II	\$499,592	
2 Paralegal	\$170,512	
3 Investigator	\$255,483	
1 Office Manager	\$94,599	
Rent	\$75,000	
All Other costs	\$130,466	
Total Office Cost for FY25	\$1,936,628	
<i>Subtotal of Attorney Costs</i>	<i>\$1,210,568</i>	

Total FY25 costs for 4 new PD offices: \$5,673,694

**Total costs for same number of contract attorneys as public defender attorneys:
\$7,050,000**

4. Central Office Staff

1 Director of Systems/Data Infrastructure	\$140,482
1 Paralegal for Audit	\$85,256
2 administrative staff for Training & Supervision	\$170,512
All Other costs	\$37,276
Total Central Office Cost	\$433,526

5. Increase in Personal Services Costs for RDU

Our RDU positions were created to be on the same salary schedule as the AG/DA employees. When the AG/DA office modified their salary schedule to match the confidential grades 30 and 38, this resulted on our RDU employees’ salaries being modified as well. We will therefore need to request an additional personal services appropriation to cover this increase in salary costs. Staff is waiting on that amount from our financial analyst at GGSC.

TOTAL FY24 SUPPLEMENTAL REQUEST: **\$3,203,685**

TOTAL FY24 SUPPLEMENTAL + FY25 COSTS: **\$8,877,379**

