

MCILS

**January 8, 2024
Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

JANUARY 8, 2024
COMMISSION MEETING
AGENDA

- 1) Approval of the November 27, 2023 Commission Meeting Minutes
- 2) Executive session pursuant to 1 MRS § 405(6)(E) to discuss pending or contemplated litigation
- 3) Report of the Executive Director
 - a. Operations report
 - b. Case staffing status report
 - c. Hiring update
 - d. Extension of Justin Andrus contract
 - e. Annual Report / additional statutory changes
 - i. 4 MRS § 1806
 - ii. 15 MRS § 3306
- 4) Rulemaking discussion – Chapter 3
- 5) Set Date, Time and Location of Next Regular Meeting of the Commission
- 6) Public Comment

**Maine Commission on Indigent Legal Services – Commissioners Meeting
November 27, 2023**

Minutes

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

MCILS Staff Present: Jim Billings and Ellie Maciag

Agenda Item	Discussion/Outcome
Approval of the September 11 (corrected) & October 11, 2023 Commission Meeting Minutes	Commissioner Alexander moved to approve the minutes and Commissioner Carey seconded. All voted in favor. Approved.
Executive Session	Commissioner Carey moved to go into executive session pursuant 1 MRS § 405(6)(E); seconded by Commissioner Alexander. All voted in favor. The Commission returned from executive session. Chair Tardy reported that they discussed settlement in the <i>Robbins</i> case. Commissioner Carey moved to authorize the Executive Director to move forward with the revised proposed settlement agreement; seconded by Commissioner Katz. Chair Tardy said he will be voting in favor based upon the advice of counsel and Director Billings. Commissioner Alexander voted in the negative. Commissioners Carey, Katz, Monaghan, Soucy, and Chair Tardy voted in the affirmative. Motion prevailed.
Report of the Executive Director	Director Billings provided the following report: <u>Building Update:</u> In the process of hiring for the Capital Region Defender’s Office, it was discovered that at least one of the floors in the Merrill Building would not support the weight of a desk. There was a structural engineering report done in 2021, but MCILS did not receive a copy of it. In early November,

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	<p>MCILS was informed that at least half the offices cannot be used because the floors will not support the weight of a desk and a person. The whole second floor of the Merrill Building is unusable. Approximately half the offices in the Smith Building—which are already occupied—are not usable because they are not secure. The Department of Administrative and Financial Services (DAFS) and the Bureau of General Services (BGS) have no plans to fix the buildings. The soonest this could be in the construction and budget plan would be two years. Deputy Director Maciag and District Defender Tarpinian have begun looking for a new space for the Capital Region Public Defender’s Office (CRPDO). The only available state-owned space in Augusta would be in the old AMHI building, sharing space with other state agencies. There may be space available at 77 Sewall Street in Augusta. Director Billings had to send a letter of intent by last Wednesday to secure the space, so he did so subject to Commission authorization. The lease would be for a 7-year term. MCILS could leave the building after 7 years with no problem, but to leave before the end of the term, MCILS would need to find another State agency to assume the lease. The cost is \$23 per square foot with utilities and janitorial services included. BGS and MCILS staff support this. Moving the CRPDO to that address would allow MCILS staff to spread out at the Smith/Merrill Building.</p> <p>Chair Tardy asked whether there is money budgeted for this. Director Billings stated that he thinks there is money in the revenue account. Chair Tardy asked whether the rental rate and terms are consistent with market rates and terms; Director Billings confirmed that they are. Commissioner Burbank asked whether there is information about the structural integrity of the building. Chair Tardy said it is a fairly modern building. Director Billings said he is relying on BGS and has not asked for an engineering report. Commissioner Alexander asked if it was an accessible building. Deputy Director Maciag confirmed that the building is fully accessible. Commissioner Katz asked whether this is an opportunity to ask for a reduction in what is coming out of our budget and going to the State to pay for the current Smith/Merrill space; Director Billings said yes.</p> <p>Commissioner Alexander moved to authorize Director Billings to proceed with the lease negotiations and execute any necessary documents subject to Counsel’s review and approval. Commissioner Carey seconded. All voted in favor. Approved.</p> <p><u>Vouchers:</u> Vouchers continue to be on the rise, both due to the hourly rate increase to \$150 and because the average amount of hours spent on each case have increased. Staff expects that voucher amounts will</p>

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	<p>continue to increase. MCILS is spending approximately \$3 million per month on outside counsel fees. Commissioner Burbank commented that counsel fees are the best use of MCILS' budget.</p> <p><u>RFP</u>: The intent to award letters were sent out in November. DAFS has a 30-day appeal period. Justice Works received the intent to award letter.</p> <p><u>Standby Counsel Memo</u>: The issue of standby counsel arose because someone asked for second standby counsel. Staff decided to evaluate this to see whether MCILS should be providing standby counsel at all. Director Billings recommended sending the memo, but with the dates amended to December 31, 2023. Director Billings does not think MCILS should be providing counsel to someone who has waived their right to counsel, especially when there are not enough lawyers. Chair Tardy added that there is an argument that MCILS is not authorized to pay for standby counsel.</p> <p>Commissioner Alexander said we should get input from the Judicial Branch before sending the memo. There are any reasons a court may order standby counsel, not just to avoid having to deal with post-conviction reviews. Sometimes standby counsel is appointed after a person has had several lawyers or may have competency issues.</p> <p>Commissioner Soucy agreed with Commissioner Alexander that we should first check with the Judicial Branch. Commissioner Soucy also said that he wants to know how much of our budget is spent on standby counsel.</p> <p>Commissioner Carey said that as long as we are comfortable with the ethical issues, MCILS should continue paying for standby counsel.</p> <p>Chair Tardy said that the Commission will revisit this issue when more information is available.</p> <p><u>Civil Rights Report</u>: Director Billings has been asked to attend a meeting on December 14, 2023 to respond to the report. Director Billings invited commissioners to contact him with information they would like passed along.</p>

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	<p>Commissioner Alexander said this is another hostile thing meant to demean the good work attorneys do. The report starts with a false statement about Maine being the only state that relies on contract counsel. Massachusetts and Oregon rely heavily on contract counsel. The report makes a lot of statements about MCILS being poorly financed and attorneys doing a bad job; that is wrong. Most of our attorneys do a pretty good job. This report is based on a three-day hearing. The report has no recognition of the work the legislature, Executive, and MCILS have done to make improvements. The report does not recognize that the hourly rate was increased to \$150, even though the report is dated in September. The report makes no recognition of the fact that we have gotten authorization for eight new public defenders. The report references a person who is from Maine and would come back to Maine, but there is no student loan forgiveness. Back in August there were changes that allowed contract attorneys providing indigent legal services at least thirty hours per week to get student loan forgiveness. The report ignores that and continues the rhetoric from the Sixth Amendment Center report. Commissioner Alexander said that he found this report offensive because it disregarded current facts. He added that he has communicated that view to the Executive already.</p> <p>Chair Tardy said that there are parts of the report he has substantial disagreements with, but he takes it for what it's worth; it is an editorial on comments received and implores the decision-makers to continue to invest in MCILS and its mission.</p> <p><u>Case Staffing:</u> Director Billings reported that there are 50-60 attorneys accepting trial-level criminal cases and 50-60 accepting child protective cases.</p> <p><u>Hiring Update:</u> Hired two ADIs—Andrew Dawson is one of them. The other ADI is a transfer from the RDU, Hillary Knight. Director Billings will be advertising for the RDU position soon. Director Billings is waiting to hear from HR on the ADII salaries. Director Billings reported that MCILS has lost one candidate already because he had another offer and could not wait the several weeks it takes to hear back from HR on a salary proposal. Director Billings received FJAs back for the support staff positions for the CRPDO and will get back to HR so those positions can get approved and posted.</p> <p>Commissioner Soucy said northern Maine will miss Defender Knight because she did great work under challenging circumstances.</p>

Agenda Item	Discussion/Outcome
	<p><u>Budget:</u> Director Billings reported that the budget categories and been submitted and that he was waiting to hear from DAFS about whether there will be further discussions.</p> <p><u>Social Worker RFP:</u> This RFP is similar to the child protective social worker RFP but is to obtain social worker services for juveniles and defendants in adult criminal cases. These social workers will help with mitigation and obtaining services. The availability of social workers also helps reduce client complaints that they have not heard from their lawyers. Social workers can help communicate with clients and maintain regular contact with them. There is disagreement from some attorneys at the OAG about some of our proposed statutory changes regarding social workers being mandated reporters.</p>
Rulemaking Discussion	<p>Chair Tardy opened a discussion about Commissioner Alexander’s memos.</p> <p>Director Billings disagreed with most of the Commissioner Alexander’s memos. The one part that is germane to rulemaking is about the requirement of criminal law versus criminal defense experience. Director Billings is not sure how we would address the rest of the suggestions in the memos in rulemaking. Judges appointing attorneys would take us backward and not forward.</p> <p>Commissioner Alexander said that he wanted other Commissioners’ opinions on his memos. He thinks judges should be able to deem an attorney competent to handle cases.</p> <p>Discussion ensued about the difference between attorneys who have been deemed eligible versus attorneys who are actively on the roster and accepting cases.</p> <p>Commissioner Alexander’s position is that judges should be able to appoint attorneys who have not been deemed eligible for cases. Some attorneys are qualified but do not want to bother applying for eligibility because of the requirements.</p> <p>Commissioner Carey asked for clarification about whether MCILS is paying attorneys who are appointed but are not eligible. Director Billings replied that if the attorney is eligible but not rostered, MCILS pays them. If they are not eligible because they are not in the program at all or are not eligible for that case type, staff try to help them get eligible co-counsel. If the attorney is not in the program at all and have not filed a W9, that is problematic; they would need to get in the system.</p>

Agenda Item	Discussion/Outcome
	<p data-bbox="520 235 1667 267">Discussion ensued about judges appointing attorneys who are not eligible and/or rostered.</p> <p data-bbox="520 310 1837 488">Commissioner Alexander: Caseload standards are too high. Caseload standards represent only one-third to one-half the work our attorneys can do, according to our own data. The Rand study is just a figment of a bunch of lawyers sitting in a room deciding what should happen. The people who did the Rand study think all the work should be done on every case. There are a lot of cases in which there is really no dispute.</p> <p data-bbox="520 529 1837 670">Chair Tardy: It is not fair to say that there is no relationship between what has taken place on the ground and what our limits are; staff and the subcommittee looked at that. The caseload standard for appellate cases was based, in part, on data. Chair Tardy does not think the Commission should throw out all caseload standards because there is a disagreement about a standard for a particular type.</p> <p data-bbox="520 711 1837 1036">Commissioner Katz: The big issue is how many attorneys in the state are willing to take on new cases. The last number Commissioner Katz saw was 58; that is a huge problem. Commissioner Katz said he thought that problem would largely dissipate with the hourly rate increase. He thinks the reason it has not dissipated is that people feel that they do not have any control over their lives. They do not want to be swamped, so they are choosing not to be on the roster. One way to fix it is to push back on the court appointments when judges have appointed attorneys to cases they do not want to accept. Commissioner Katz thinks that has led to attorneys coming off the rosters. We do not want to send a message to the courts that it okay because it is not. Commissioner Katz thinks that with caseload standards, attorneys will realize they won't get swamped if they go on the roster.</p> <p data-bbox="520 1076 1837 1287">Commissioner Carey: Agreed with Commissioner Katz. We are halfway there to passing the rules we need to meet our statutory charge. Commissioner Carey said that the Commission may need to revisit caseload standards at some point, but he is not convinced that looking at actual hours in the past is the basis upon which we set standards for the future. That takes quality representation out of the analysis. We should let caseload standards run for a while, particularly after the rostering rules are put into effect, and then revisit the caseload standards if needed.</p> <p data-bbox="520 1328 1837 1393">Commissioner Bates: Commissioner Bates has no doubt that the caseload standards will need to be changed, but they have never been implemented. We need to let it run its course. Commissioner Bates</p>

Agenda Item	Discussion/Outcome
	<p>agrees that attorneys are swamped and would like to see the Commission start with this long-term solution we are proposing. Commissioner Bates agreed that the Commission should not sanction rogue appointments but acknowledged that the Commission also does not have an answer.</p> <p>Chapter 3: Chair Tardy stated that the Commission will address this in the December meeting.</p> <p>Chapter 301: Commissioner Alexander moved to adopt Chapter 3 and approve the detailed basis statement and response to public comment. Commissioner Soucy seconded. All voted in favor.</p>
Thank You to Commissioner Cantera	<p>On behalf of MCILS and the entire legal community, Chair Tardy thanked Commissioner Michael Cantera for his service.</p>
Public Comment	<p><u>Rob Ruffner, Esq.:</u> It needs to be statute or rule that the District Defender has the authority to reject cases. Attorney Ruffner is curious about the percentage of rogue appointments. He has heard of attorneys being assigned off-roster without their consent and then the court is reluctant to let the attorney out of the case, even when the motion to withdraw is granted. Attorney Ruffner has seven attorneys in his office who are not on the active rosters because they are at capacity. One of those attorneys, Rob LeBrasseur is able to maintain a full caseload without going on the roster because he notifies the clerks when he is able to take more cases and the court assigns him cases. It would be irresponsible for Attorney LeBrasseur to go on the roster knowing he would receive more cases than he could handle. The rate increase has made it possible to have so many attorneys at his office. His firm has tripled in size, which was only possible due to the rate increase.</p> <p><u>Jeffrey Davidson, Esq.:</u> Attorney Davidsons stated that shadow rosters were created because there was a dispute about who would control how cases were handled. Attorney Davidson asserted that no state employee will ever control his practice. The number of attorneys taking cases is fictitious. There are a number of attorneys on the shadow rosters, and they are not getting 50 cases per month. The Commission should add attorneys on shadow rosters to the counts so there is reality to the numbers. There needs to be a way to control how many cases attorneys receive on the roster. Judges take advantage of attorneys on the roster. Attorney Davidson said that no judge will ever assign rogue appointments to him because he won't show up to court on those dates. Attorney Davidson said that we got rid of slavery and indentured servitude a long time ago.</p>

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Adjournment	Chair Tardy declared the meeting adjourned. The next meeting will be held on December 18, 2023 at 1:00PM.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JIM BILLINGS, EXECUTIVE DIRECTOR
SUBJECT: OPERATIONS REPORTS
DATE: January 3, 2024

Attached you will find the December 2023, Operations Reports for your review and our discussion at the Commission meeting on January 8, 2024. A summary of the operations reports follows:

- 2,577 new cases were opened in the DefenderData system in December. This was a 269 case increase from November. Year to date, new cases are up 12.6% from last year from 14,812 at this time last year to 16,679 this year.
- The number of vouchers submitted electronically in December was 3,193, an increase of 169 vouchers from November, totaling \$3,402,040, an increase of \$176,273 from November. Year to date, the number of submitted vouchers is up by approximately 10.4%, from 17,061 at this time last year to 18,851 this year, with the total amount for submitted vouchers up approximately 84%, from \$10,183,471 at this time last year to \$18,762,654 this year.
- In December, we paid 3,520 electronic vouchers totaling \$3,726,942, representing an increase of 837 vouchers and an increase of \$908,843 compared to November. Year to date, the number of paid vouchers is up approximately 16%, from 16,638 at this time last year to 19,401 this year, and the total amount paid is up approximately 92%, from \$9,922,348 this time last year to \$19,097,141 this year.
- The average price per voucher in December was \$1,058.79 up \$8.44 per voucher from November. Year to date, the average price per voucher is up approximately 65%, from \$596.37 at this time last year to \$984.64 this year.
- Appeal and Probate had the highest average voucher in December. There were 13 vouchers exceeding \$7,500 paid in December. See attached addendum for details.
- In December, we issued 120 authorizations to expend funds: 59 for private investigators, 47 for experts, and 14 for miscellaneous services such as interpreters and transcriptionists. In November, we paid \$102,229 for experts and investigators, etc.
- There were 2 attorney suspension in December.
- In our All Other Account, the total expenses for the month of December were \$2,309,642. During December, approximately \$45,856 was devoted to the Commission's operating expenses.

- In the Personal Services Accounts, we had \$202,583 in expenses for the month of December.
- In the Revenue Account, November’s transfer of collected counsel fees from the Judicial Branch totaled \$33,740. We paid \$1,565,387 in counsel payments for the month of December
- Exceptional results – see attached addendum.
- As of January 3, 2024, there are 107 rostered attorneys of which 73 are available for trial court level work.
- Below is a table of submitted hours since FY21. For the first 6 months of this fiscal year, submitted hours are up approximately 9.6% over the same 6-month period last year.

Submitted Hours													
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Yearly Total
FY21	13,652	15,225	17,333	20,420	17,399	17,244	19,813	17,753	31,671	17,869	19,037	19,270	226,687
FY22	19,764	21,749	19,882	22,228	17,828	17,286	22,006	21,357	24,885	19,723	19,551	21,195	247,454
FY23	19,890	22,083	20,470	20,125	20,820	21,997	21,823	20,666	23,273	19,878	25,420	25,109	261,556
FY24	22,635	24,596	22,244	21,813	22,643	23,608							137,539

Vouchers over \$7,500

Comment	Voucher Total	Case Total
Homicide	\$16,759.56	\$16,759.56
Kidnapping	\$14,430.00	\$26,495.00
Homicide	\$13,373.99	\$13,373.99
Appeal - hindering apprehension or prosecution	\$10,304.58	\$10,304.58
Gross Sexual Assault	\$10,202.50	\$10,202.50
Aggravated Trafficking	\$9,564.00	\$9,564.00
Appeal - DV reckless conduct	\$9,264.82	\$9,264.82
Child Protection	\$8,805.00	\$17,727.00
Child Protection	\$8,280.00	\$8,280.00
Endangering the Welfare of a Child	\$7,985.02	\$7,985.02
Termination of Parental Rights	\$7,950.00	\$7,950.00
Termination of Parental Rights	\$7,619.00	\$12,795.00
Post Conviction Review - Homicide	\$7,581.00	\$7,581.00

Good Outcomes

Review Date	Attorney	Charge(s)	Disposition
12/1/2023	Swanson, Adam	1 ct. OUI (Drugs or Combo), 1 ct. Endangering the Welfare of a Child	Dismissal
12/1/2023	Doane, Wayne	Emancipation	Emancipation Granted
12/1/2023	Cavanagh, Kimberly	Child Protection Petition	Dismissal
12/1/2023	Silverstein, Jeffrey	1 ct. VCR, 1 ct. Unlawful Possession of Fentanyl Powder, 1 ct. Aggravated Trafficking of Scheduled Drugs	Dismissal
12/1/2023	Peltier, Mark	Domestic Violence Assault	Dismissal
12/1/2023	Rohde, Jennifer	1 ct. Unlawful Possession of Scheduled Drug	Dismissal
12/8/2023	Cohen, Jennifer	1 ct. Domestic Violence Aggravated Assault (Class B), 1 ct. Reckless Conduct	Credit for time served (20 days)
12/8/2023	Craig, Sharon	1 ct. Theft by Unauthorized Use of Property, Priors, 1 ct. Operating a Vehicle without a License	Dismissal
12/8/2023	Pratt, Jeremy	Probation Violation	Dismissal Probation to Terminate
12/8/2023	Crockett, Matthew	1 ct. Domestic Violence Assault, 1 ct. Refusing to Sign Criminal Summons	Dismissal
12/8/2023	Rutledge, Ryan	DTE, Failure to Stop	Dismissal
12/15/2023	McNamara, Rory	Appeal--DV Assault	Reversed--Conviction Vacated
12/15/2023	Archer, Jesse	Burglary	Dismissal
12/20/2023	Van Hemmen, Jeanne-Marie	Illegal Possession of Firearm	Filing
12/22/2023	Rutledge, Ryan	Hindering Apprehension or Prosecution	Dismissal
12/22/2023	Wright, Andrew	Gross Sexual Assault	Dismissal--post-trial, where there was a hung jury
12/29/2023	Phalon, Amy	JV Theft	Dismissal--Juvenile Not Competent

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

12/31/2023

DefenderData Case Type	Dec-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	10	18	\$65,529.19	18	\$ 93,878.75	\$5,215.49	97	100	\$ 326,074.32	\$3,260.74
Central Office Resource Counsel	0	2	\$6,180.00	4	\$ 8,912.00	\$2,228.00	5	24	\$ 37,565.00	\$1,565.21
Child Protection Petition	210	359	\$472,988.55	353	\$ 485,481.26	\$1,375.30	1,060	2,002	\$ 2,422,257.00	\$1,209.92
Drug Court	4	12	\$28,559.44	17	\$ 37,177.94	\$2,186.94	27	93	\$ 204,946.54	\$2,203.73
Emancipation	5	8	\$13,290.44	11	\$ 15,930.44	\$1,448.22	44	39	\$ 38,149.68	\$978.20
Felony	671	738	\$1,107,407.13	807	\$ 1,143,068.40	\$1,416.44	4,145	4,509	\$ 6,212,809.72	\$1,377.87
Involuntary Civil Commitment	105	118	\$62,271.76	131	\$ 71,354.48	\$544.69	630	587	\$ 336,807.51	\$573.78
Juvenile	89	99	\$145,201.86	117	\$ 156,112.68	\$1,334.30	577	495	\$ 583,303.22	\$1,178.39
Lawyer of the Day - Custody	228	239	\$150,485.66	283	\$ 181,676.50	\$641.97	1,513	1,549	\$ 1,022,637.42	\$660.19
Lawyer of the Day - Juvenile	11	14	\$8,825.55	20	\$ 13,809.59	\$690.48	107	115	\$ 69,735.30	\$606.39
Lawyer of the Day - Walk-in	133	128	\$84,303.91	156	\$ 101,582.09	\$651.17	859	900	\$ 600,880.86	\$667.65
MCILS Provided Training	70	60	\$62,554.28	55	\$ 87,437.30	\$1,589.77	455	409	\$ 290,232.86	\$709.62
Misdemeanor	872	1,045	\$745,293.77	1,145	\$ 805,266.72	\$703.29	5,963	6,378	\$ 4,283,869.68	\$671.66
Petition, Modified Release Treatment	0	2	\$735.00	4	\$ 2,805.34	\$701.34	3	19	\$ 17,161.17	\$903.22
Petition, Release or Discharge	0	1	\$3,841.03	3	\$ 5,928.38	\$1,976.13	2	7	\$ 23,975.23	\$3,425.03
Petition, Termination of Parental Rights	11	74	\$145,117.64	76	\$ 157,227.10	\$2,068.78	106	375	\$ 662,772.18	\$1,767.39
Post Conviction Review	3	14	\$51,130.61	16	\$ 55,229.44	\$3,451.84	33	62	\$ 206,200.85	\$3,325.82
Probate	1	4	\$15,912.42	3	\$ 10,707.75	\$3,569.25	11	26	\$ 47,733.80	\$1,835.92
Probation Violation	132	138	\$97,490.95	165	\$ 122,761.52	\$744.01	804	844	\$ 702,494.14	\$832.34
Represent Witness on 5th Amendment	1	5	\$4,425.00	5	\$ 4,425.00	\$885.00	14	8	\$ 7,173.50	\$896.69
Resource Counsel Criminal	0	6	\$2,385.00	5	\$ 3,915.00	\$783.00	4	22	\$ 9,465.00	\$430.23
Resource Counsel Juvenile	0	1	\$270.00	1	\$ 270.00	\$270.00	1	6	\$ 2,160.00	\$360.00
Resource Counsel Mental Health	0	0		0			1	1	\$ 105.00	\$105.00
Resource Counsel NCR	0	0		0			0	0		
Resource Counsel Protective Custody	0	4	\$8,790.00	4	\$ 8,850.00	\$2,212.50	2	18	\$ 31,474.50	\$1,748.58
Review of Child Protection Order	20	103	\$118,616.75	120	\$ 152,700.29	\$ 1,272.50	208	809	\$ 955,297.13	\$ 1,180.84
Revocation of Administrative Release	1	1	\$435.00	1	\$ 435.00	\$435.00	8	4	\$ 1,860.00	\$465.00
DefenderData Sub-Total	2,577	3,193	\$3,402,040.94	3,520	\$3,726,942.97	\$1,058.79	16,679	19,401	\$19,097,141.61	\$984.34
TOTAL	2,577	3,193	\$3,402,040.94	3,520	\$3,726,942.97	\$ 1,058.79	16,679	19,401	\$ 19,097,141.61	\$ 984.34

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

12/31/2023

Court	Dec-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	0	1	\$315.00	0			4	7	\$ 6,216.90	\$888.13
AUBSC	1	0		1	\$ 676.00	\$676.00	3	9	\$ 7,880.00	\$875.56
AUGDC	60	60	\$89,640.45	79	\$ 119,812.41	\$1,516.61	311	390	\$ 481,842.50	\$1,235.49
AUGSC	2	4	\$1,577.00	7	\$ 5,584.69	\$797.81	9	26	\$ 42,082.57	\$1,618.56
BANDC	47	88	\$74,732.27	85	\$ 68,887.27	\$810.44	319	532	\$ 446,528.07	\$839.34
BANSC	2	4	\$409.00	0			2	4	\$ 2,966.16	\$741.54
BATSC	0	0		0			1	1	\$ 555.00	\$555.00
BELDC	19	24	\$15,922.02	18	\$ 25,967.75	\$1,442.65	81	111	\$ 136,338.32	\$1,228.27
BELSC	0	1	\$1,532.48	1	\$ 1,532.48	\$1,532.48	4	1	\$ 1,532.48	\$1,532.48
BIDDC	60	80	\$121,457.59	86	\$ 144,818.73	\$1,683.94	292	320	\$ 390,764.32	\$1,221.14
BRIDC	12	7	\$9,525.08	11	\$ 11,725.81	\$1,065.98	57	49	\$ 53,114.30	\$1,083.97
CALDC	8	13	\$10,057.60	12	\$ 8,722.60	\$726.88	38	46	\$ 42,437.30	\$922.55
CARDC	6	16	\$23,936.50	16	\$ 23,876.50	\$1,492.28	34	89	\$ 99,618.38	\$1,119.31
CARSC	0	0		0			5	1	\$ 2,970.00	\$2,970.00
DOVDC	2	9	\$13,433.80	11	\$ 14,847.84	\$1,349.80	26	68	\$ 68,458.84	\$1,006.75
DOVSC	0	0		0			2	0		
ELLDC	8	43	\$67,178.02	27	\$ 38,559.18	\$1,428.12	61	175	\$ 218,344.14	\$1,247.68
ELLSC	0	0		0			0	0		
FARDC	10	23	\$20,967.77	19	\$ 19,077.77	\$1,004.09	101	108	\$ 111,357.80	\$1,031.09
FARSC	0	0		0			2	2	\$ 2,055.00	\$1,027.50
FORDC	12	10	\$9,422.18	11	\$ 12,866.80	\$1,169.71	52	68	\$ 88,868.06	\$1,306.88
HOUDC	9	25	\$22,543.76	23	\$ 23,752.64	\$1,032.72	65	110	\$ 131,501.41	\$1,195.47
HOUSC	0	0		0			0	1	\$ 2,863.00	\$2,863.00
LEWDC	46	74	\$84,726.29	67	\$ 77,190.45	\$1,152.10	340	477	\$ 536,677.82	\$1,125.11
LINDC	1	10	\$19,603.24	10	\$ 20,038.24	\$2,003.82	25	50	\$ 63,605.71	\$1,272.11
MACDC	12	9	\$6,975.00	6	\$ 4,305.00	\$717.50	36	36	\$ 39,158.61	\$1,087.74
MACSC	1	0		0			1	0		
MADDC	2	0		0			5	0		
MILDC	0	1	\$1,275.00	1	\$ 945.00	\$945.00	3	6	\$ 3,699.00	\$616.50
NEWDC	14	34	\$38,412.42	31	\$ 25,686.26	\$828.59	49	126	\$ 110,188.52	\$874.51
PORDC	68	88	\$100,059.40	105	\$ 120,338.40	\$1,146.08	401	546	\$ 638,421.93	\$1,169.27
PORSC	0	2	\$44,798.00	1	\$ 1,440.00	\$1,440.00	6	12	\$ 11,483.00	\$956.92
PREDC	4	21	\$20,060.90	30	\$ 36,444.74	\$1,214.82	51	110	\$ 157,796.27	\$1,434.51
RODC	2	11	\$9,357.34	15	\$ 7,692.34	\$512.82	74	103	\$ 105,427.26	\$1,023.57
ROSC	0	0		0			2	2	\$ 840.00	\$420.00
RUMDC	5	15	\$23,281.60	21	\$ 30,822.60	\$1,467.74	53	106	\$ 149,925.92	\$1,414.40
SKODC	35	47	\$60,529.62	67	\$ 85,565.00	\$1,277.09	170	366	\$ 412,569.01	\$1,127.24
SKOSC	2	2	\$705.00	2	\$ 705.00	\$352.50	3	4	\$ 5,531.04	\$1,382.76
SOUDC	18	19	\$28,484.97	19	\$ 27,681.97	\$1,456.95	68	90	\$ 165,360.70	\$1,837.34
SOUSC	0	2	\$12,897.94	2	\$ 12,897.94	\$6,448.97	3	2	\$ 12,897.94	\$6,448.97
SPRDC	7	27	\$49,330.47	29	\$ 46,350.80	\$1,598.30	56	166	\$ 197,283.95	\$1,188.46
Law Ct	8	15	\$50,415.33	13	\$ 67,017.39	\$5,155.18	75	71	\$ 243,707.80	\$3,432.50
Training	68	63	\$73,106.78	62	\$ 105,724.30	\$1,705.23	453	441	\$ 349,302.36	\$792.07
YORCD	210	314	\$324,269.23	337	\$ 345,477.48	\$1,025.16	1,902	2,205	\$ 2,126,754.53	\$964.51
AROCD	177	203	\$209,309.97	254	\$ 289,408.33	\$1,139.40	1,125	1,179	\$ 1,287,732.12	\$1,092.22
ANDCD	176	216	\$182,825.75	213	\$ 188,041.69	\$882.82	1,136	1,390	\$ 1,238,355.70	\$890.90
KENCD	204	247	\$242,106.39	293	\$ 254,247.86	\$867.74	1,439	1,585	\$ 1,220,987.51	\$770.34
PENCD	290	240	\$202,709.30	266	\$ 224,043.34	\$842.27	1,745	1,628	\$ 1,428,974.71	\$877.75
SAGCD	43	42	\$49,985.21	48	\$ 58,688.32	\$1,222.67	267	288	\$ 270,760.82	\$940.14
WALCD	56	70	\$74,003.48	72	\$ 71,234.04	\$989.36	394	338	\$ 321,223.91	\$950.37
PISCD	11	7	\$14,437.02	6	\$ 10,903.02	\$1,817.17	87	98	\$ 103,561.25	\$1,056.75
HANCD	70	111	\$105,820.98	132	\$ 137,798.50	\$1,043.93	412	459	\$ 444,164.42	\$967.68
FRACD	60	65	\$50,915.65	79	\$ 53,891.50	\$682.17	300	366	\$ 270,936.14	\$740.26
WASCD	37	45	\$51,551.86	40	\$ 44,358.40	\$1,108.96	329	294	\$ 382,248.26	\$1,300.16
CUMCD	363	356	\$375,650.19	434	\$ 437,623.17	\$1,008.35	2,169	2,324	\$ 2,339,164.22	\$1,006.53
KNOCD	79	57	\$70,418.26	53	\$ 50,121.24	\$945.68	343	319	\$ 313,032.60	\$981.29
SOMCD	87	82	\$78,906.72	88	\$ 91,314.52	\$1,037.67	544	618	\$ 547,355.86	\$885.69
OXFCD	72	181	\$116,062.89	180	\$ 110,489.75	\$613.83	586	769	\$ 501,867.02	\$652.62
LINCD	45	44	\$41,839.90	54	\$ 45,535.58	\$843.25	293	232	\$ 198,544.29	\$855.79
WATDC	25	42	\$61,838.31	46	\$ 70,297.23	\$1,528.20	126	248	\$ 255,210.24	\$1,029.07
WESDC	14	15	\$25,420.63	22	\$ 32,008.65	\$1,454.94	92	141	\$ 166,647.34	\$1,181.90
WISDC	2	6	\$8,989.38	11	\$ 13,044.50	\$1,185.86	25	51	\$ 66,181.69	\$1,297.68
WISSC	0	1	\$600.00	2	\$ 630.00	\$315.00	1	2	\$ 630.00	\$315.00
YORDC	4	0		1	\$ 5,524.00	\$5,524.00	13	30	\$ 58,986.56	\$1,966.22
TOTAL	2,577	3,193	\$3,402,040.94	3,520	\$3,726,942.97	\$1,058.79	16,679	19,401	\$19,097,141.61	\$984.34

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

As of January 3, 2024

<u>General Funds - 010-Z11201</u>	<u>QTR1</u>	<u>QTR2</u>	<u>QTR3</u>	<u>QTR4</u>	<u>TOTAL</u>
Personal Services Allotment	\$ 513,974	\$ 794,706	\$ 1,213,498	\$ 638,747	\$ 3,160,925
Payroll to date	(421,815)	(394,907)	(84,058)	-	(900,780)
Estimated payroll remaining	-	-	(521,313)	(530,907)	(1,052,220)
Total Personal Services available	\$ 92,159	\$ 399,799	\$ 608,128	\$ 107,840	\$ 1,207,926
All Other Allotment	\$ 6,334,259	\$ 7,766,921	\$ 4,218,630	\$ 849,379	\$ 19,169,189
Expenditures to date	(5,987,148)	(7,565,389)	-	-	(13,552,538)
Encumbrances	(347,109)	(3,999)	-	-	(351,108)
Total All Other Available	\$ 1	\$ 197,533	\$ 4,218,630	\$ 849,379	\$ 5,265,543

Unencumbered balance forward 0.00

<u>Other Special Revenue Funds - 014-Z11201</u>	<u>QTR1</u>	<u>QTR2</u>	<u>QTR3</u>	<u>QTR4</u>	<u>TOTAL</u>
Personal Services Allotment	\$ 199,948	\$ 183,210	\$ 199,948	\$ 98,063	\$ 681,169
Payroll to date	(177,188)	(155,483)	(25,960)	-	(358,632)
Estimated payroll remaining	-	-	(159,739)	(163,581)	(323,321)
Total Personal Services available	\$ 22,760	\$ 27,727	\$ 14,249	\$ (65,518)	\$ (784)
All Other Allotment	\$ 3,050,247	\$ 9,138,920	\$ 4,991,638	\$ 4,991,638	\$ 22,172,443
Expenditures to date	(3,050,246)	(3,051,625)	-	-	(6,101,871)
Encumbrances	-	-	-	-	-
Total All Other Available	\$ 1	\$ 6,087,295	\$ 4,991,638	\$ 4,991,638	\$ 16,070,572

CASH ON HAND 1/3/2024 \$ 6,137,931.12

<u>Other Special Revenue Funds - 014-Z11202</u>	<u>QTR1</u>	<u>QTR2</u>	<u>QTR3</u>	<u>QTR4</u>	<u>TOTAL</u>
All Other Allotment	\$ -	\$ 30,333	\$ 13,333	\$ 13,334	\$ 57,000
Expenditures to date	-	(16,565)	-	-	(16,565)
Encumbrances	-	-	-	-	-
Total All Other Available	\$ -	\$ 13,768	\$ 13,333	\$ 13,334	\$ 40,435

CASH ON HAND 1/3/2024 \$ 4,667.89

<u>Other Special Revenue Funds - 014-Z25801</u>	<u>QTR1</u>	<u>QTR2</u>	<u>QTR3</u>	<u>QTR4</u>	<u>TOTAL</u>
All Other Allotment	\$ -	\$ -	\$ -	\$ -	\$ -
Expenditures to date	-	-	-	-	-
Encumbrances	-	-	-	-	-
Total All Other Available	\$ -				

CASH ON HAND 1/3/2024 \$ -

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

CASH ON HAND 1/3/2024 \$ -

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY24 FUND ACCOUNTING

AS OF 12/31/2023

Account 010 95F Z112 01 Other)	(All 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		\$ -		\$ -	\$ 1,255,608.01
FY23 carry forward appropriation		\$ -		\$ (0.01)		\$ -		\$ -	\$ 1,255,608.01
Budget Order Adjustment		\$ (1,496,870.00)		\$ 1,496,870.00		\$ -		\$ -	\$ -
Financial Order Adjustment		\$ -		\$ 42,731.00		\$ (753,081.00)		\$ (4,122,332.00)	\$ (4,832,682.00)
FY23 One-time reduction		\$ -		\$ -		\$ -		\$ -	\$ -
Total Budget Allotments		\$ 6,334,258.77		\$ 7,766,921.00		\$ 4,218,630.00		\$ 849,379.00	\$ 19,169,188.78
Total Expenses	1	\$ (2,941,048.40)	4	\$ (3,750,984.71)	7	\$ -	10	\$ -	
	2	\$ (2,953,206.21)	5	\$ (1,504,762.41)	8	\$ -	11	\$ -	
	3	\$ (92,893.88)	6	\$ (2,309,642.06)	9	\$ -	12	\$ -	
FY23 carry forward appropriation		\$ -		\$ -		\$ -		\$ -	\$ 1,255,608.01
FY23 carry forward encumbrances		\$ -		\$ -		\$ -		\$ -	\$ (587,542.77)
Encumbrances (Justice Works)		\$ (82,212.00)		\$ 24,108.00		\$ -		\$ -	\$ (58,104.00)
Encumbrances (B Taylor)		\$ (13,260.00)		\$ (61,880.00)		\$ -		\$ -	\$ (75,140.00)
Encumbrances (CTB for non attorney expenses)		\$ 179,235.71		\$ 15,080.35		\$ -		\$ -	\$ 194,316.06
Encumbrance (Legal Case Management Accelerator User assistance)		\$ (5,550.00)		\$ 3,156.50		\$ -		\$ -	\$ -
Encumbrance (Justin Andrus contract for temp services)		\$ (125,693.60)		\$ 3,156.50		\$ -		\$ -	\$ (122,537.10)
Online Legal Research Services		\$ (46,979.20)		\$ 10,014.51		\$ -		\$ -	\$ (36,964.69)
Encumbrance (K. Guillory contract for website maintenance)		\$ (1,000.00)		\$ -		\$ -		\$ -	\$ (1,000.00)
Encumbrance (business cards)		\$ -		\$ (28.50)		\$ -		\$ -	\$ (28.50)
FY22 CTB Balance Carry Forward		\$ (251,650.23)		\$ -		\$ -		\$ -	\$ (251,650.23)
TOTAL REMAINING		\$ 0.96		\$ 197,532.68		\$ 4,218,630.00		\$ 849,379.00	\$ 5,265,542.64

Q2 Month 6	
INDIGENT LEGAL SERVICES	
Counsel Payments	\$ (2,161,555.93)
Interpreters	\$ (3,975.13)
Private Investigators	\$ (15,326.21)
Mental Health Expert	\$ (18,187.50)
Misc Prof Fees & Serv	\$ (900.00)
Transcripts	\$ (21,617.85)
Other Expert	\$ (40,781.59)
Subpoena witness	\$ -
Process Servers	\$ (1,441.51)
SUB-TOTAL ILS	\$ (2,263,785.72)
OPERATING EXPENSES	
Service Center	\$ -
Barbara Taylor monthly fees	\$ -
OIT/TELCO	\$ (15,328.84)
Mileage/Tolls/Parking	\$ (1,247.06)
Mailing/Postage/Freight	\$ (48.23)
West Publishing Corp	\$ (3,632.39)

INDIGENT LEGAL SERVICES	
Q2 Allotment	\$ 7,766,921.00
Encumbrances for Justice Works contract	\$ 24,108.00
Barbara Taylor Contract	\$ (61,880.00)
CTB Encumbrance for non attorney expenses	\$ 15,080.35
CTB Encumbrance for non attorney expenses carry forward	\$ -
Encumbrance for Justin Andrus contract for temp services	\$ 3,156.50
Legal Case Management Accelerator User Assistance	\$ 5,550.00
Online Legal Research Services	\$ 10,014.51
Encumbrance (K. Guillory contract for website maintenance)	\$ -
Encumbrance (business cards)	\$ (28.50)
Expenses to date	\$ (7,565,389.18)
Remaining Q2 Allotment	\$ 197,532.68

Non-Counsel Indigent Legal Services	
Monthly Total	\$ (102,229.79)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY24 FUND ACCOUNTING
AS OF 12/31/2023

Legal services for staff	\$	-
Office Supplies/Equip.	\$	(839.79)
Cellular Phones	\$	(755.96)
Periodicals/Books	\$	(300.00)
Employee/counsel lodging	\$	(214.00)
Justin Andrus contract payments	\$	-
Central fleet vehicle lease	\$	(701.30)
Legal ads	\$	(1,183.53)
Dues	\$	(525.00)
Registration fees	\$	(195.00)
Sales tax paid	\$	-
Minor IT equipment	\$	(175.60)
Justice Works	\$	(6,903.00)
Legal case management accelerator	\$	(5,550.00)
Staff meals & gratuity	\$	-
Interpreter paid with procurement card	\$	(56.16)
AAG Legal Svcs Quarterly Payment	\$	(8,200.48)
SUB-TOTAL OE	\$	(45,856.34)
TOTAL	\$	(2,309,642.06)

Total Q1	\$	386,083.19
Total Q2	\$	356,772.26
Total Q3	\$	-
Total Q4	\$	-
Fiscal Year Total	\$	742,855.45

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY24 FUND ACCOUNTING
AS OF 12/31/2023

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		\$ -		\$ 325,339.00		\$ 699,524.00		\$ 434,978.00	\$ 1,459,841.00
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	\$ -
Funding for additional staff		\$ -		\$ -		\$ -		\$ -	\$ -
Projected savings-increase in attrition rate		\$ -		\$ -		\$ -		\$ -	\$ -
Carry forward Q1, Q2 & Q3 Allotment		\$ -		\$ -		\$ -		\$ -	\$ -
Total Budget Allotments		\$ 513,974.00		\$ 794,706.00		\$ 1,213,498.00		\$ 638,747.00	\$ 3,160,925.00
Total Expenses	1	\$ (125,464.57)	4	\$ (115,285.80)	7	\$ -	10	\$ -	
	2	\$ (176,263.37)	5	\$ (128,936.93)	8	\$ -	11	\$ -	
	3	\$ (120,087.49)	6	\$ (150,683.94)	9	\$ -	12	\$ -	
TOTAL REMAINING		\$ 92,158.57		\$ 399,799.33		\$ 1,213,498.00		\$ 638,747.00	\$ 2,344,202.90

Q2 Month 6	
Retro lump sum pymt	\$ (284.64)
Permanent Regular	\$ (48,210.96)
Perm Vacation Pay	\$ (1,148.72)
Perm Holiday Pay	\$ (5,022.72)
Sick Pay	\$ -
Employee hlth svcs/workers comp	\$ (315.00)
Health Insurance	\$ (15,294.13)
Dental Insurance	\$ (379.60)
Employer Retiree Health	\$ (8,674.49)
Employer Retirement	\$ (5,846.53)
Employer Group Life	\$ (1,004.40)
Employer Medicare	\$ (1,411.94)
Retiree Unfunded Liability	\$ (16,428.00)
Longevity Pay	\$ (112.00)
Lim Perm Part Time Full Ben	\$ (4,456.56)
Limited Period Regular	\$ (33,893.97)
Limited Per Vacation Pay	\$ (1,437.66)
Limited Per Holiday Pay	\$ (4,644.08)
Limit Per Sick Pay	\$ (2,008.54)
Per diem	\$ (110.00)
TOTAL	\$ (150,683.94)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY24 FUND ACCOUNTING
AS OF 12/31/2023

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	\$ (51,685.02)	7	\$ -	10	\$ -	
	2	\$ (73,802.05)	5	\$ (51,899.14)	8	\$ -	11	\$ -	
	3	\$ (51,713.22)	6	\$ (51,899.14)	9	\$ -	12	\$ -	
TOTAL REMAINING		\$ 22,759.55		\$ 27,726.70		\$ 199,948.00		\$ 98,063.00	\$ 348,497.25

Q2 Month 6	
Standard Overtime	\$ -
Permanent Regular	\$ (22,578.04)
Perm Vacation Pay	\$ -
Perm Holiday Pay	\$ (2,564.48)
Perm Sick Pay	\$ (502.28)
Health Insurance	\$ (7,430.44)
Dental Insurance	\$ (146.00)
Employer Retiree Health	\$ (2,788.48)
Employer Retirement	\$ (2,805.74)
Employer Group Life	\$ (354.60)
Employer Medicare	\$ (447.42)
Retiree Unfunded Liability	\$ (5,280.86)
Limited Period Regular	\$ (5,858.88)
Limit Per Holiday Pay	\$ (689.28)
Limit Per Vacation Pay	\$ -
Limit Per Sick Pay	\$ (344.64)
Longevity Pay	\$ -
Employee Hlth SVS/Workers comp	\$ (108.00)
Perm Part Time Full Ben	\$ -
Retro Pay Contract	\$ -
Retro Lump Sum Pymt	\$ -
TOTAL	\$ (51,899.14)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

FY24 FUND ACCOUNTING

As of 12/31/2023

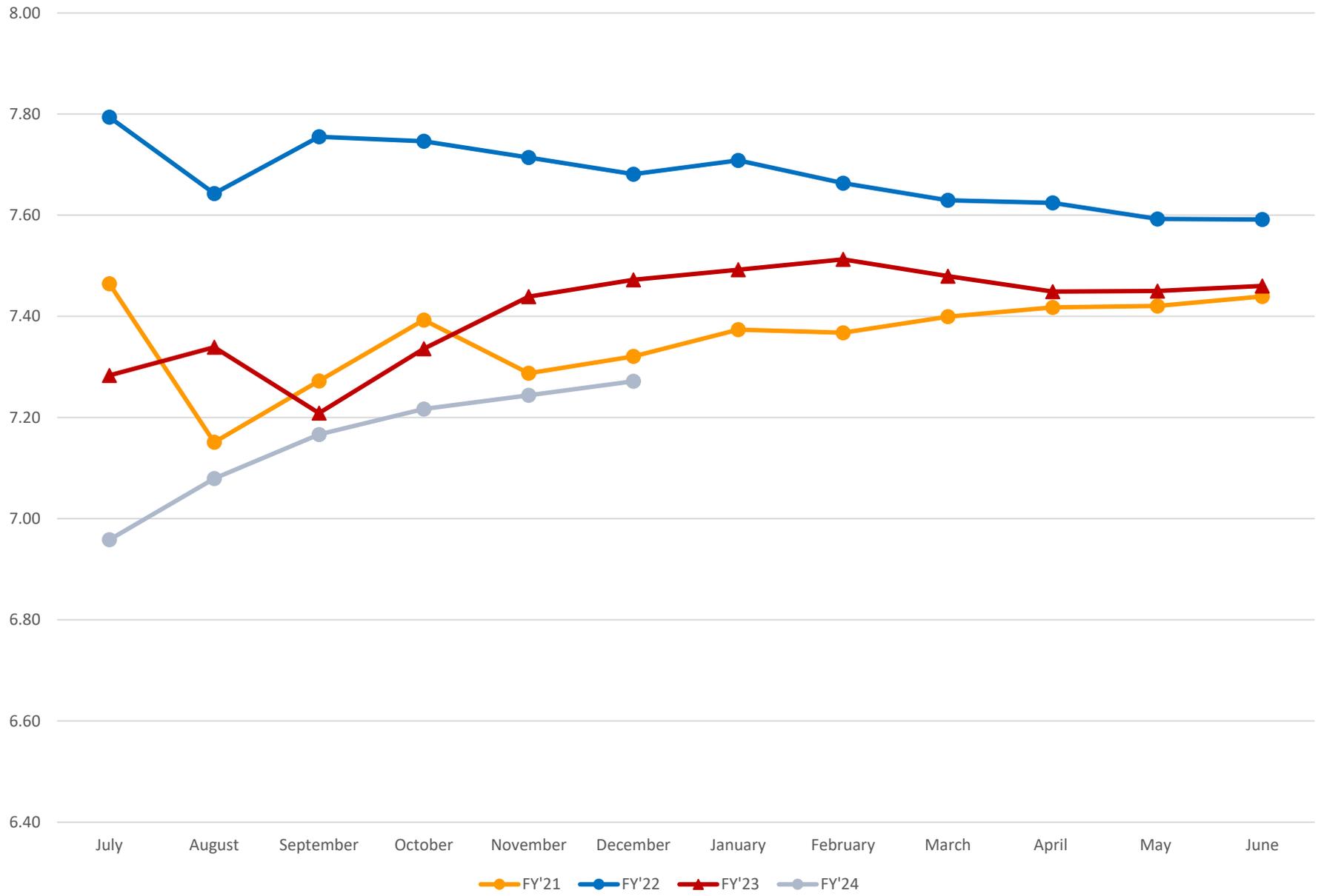
Account 014 95F Z112 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY24 Total
Original Total Budget Allotments		\$ 7,197,529.00		\$ 4,991,638.00		\$ 4,991,638.00		\$ 4,991,638.00	\$ 22,172,443.00
		\$ -		\$ -		\$ -		\$ -	\$ -
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	\$ -
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	\$ -
Budget Order Adjustment		\$ (4,147,282.00)		\$ 4,147,282.00		\$ -		\$ -	\$ -
Total Budget Allotments		\$ 3,050,247.00		\$ 9,138,920.00		\$ 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	\$ 17,141.96	7	\$ -	10	\$ -	
Collected Revenue from JB	2	\$ 40,622.70	5	\$ 33,740.51	8	\$ -	11	\$ -	
Collected Revenue from JB	3	\$ 21,472.00	6	\$ -	9	\$ -	12	\$ -	
		\$ -		\$ -		\$ -		\$ -	
Collected for reimbursement of counsel fees	1	\$ -	4	\$ 1,151.20	7	\$ -	10	\$ -	
Collected for reimbursement of counsel fees	2	\$ 1,080.00	5	\$ -	8	\$ -	11	\$ -	
Collected for reimbursement of counsel fees	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
TOTAL CASH PLUS REVENUE COLLECTED		\$ 88,515.55		\$ 52,033.67		\$ -		\$ -	\$ 140,549.22
Counsel Payments	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Counsel Payments	2	\$ (93,716.08)	5	\$ (1,465,742.71)	8	\$ -	11	\$ -	
Counsel Payments	3	\$ (2,914,923.00)	6	\$ (1,565,387.04)	9	\$ -	12	\$ -	
		\$ -		\$ -		\$ -		\$ -	
State Cap for periods 1 - 6		\$ (41,606.93)		\$ (20,495.43)		\$ -		\$ -	
		\$ -		\$ -		\$ -		\$ -	
		\$ -		\$ -		\$ -		\$ -	
REMAINING ALLOTMENT		\$ 0.99		\$ 6,087,294.82		\$ 4,991,638.00		\$ 4,991,638.00	\$ 16,070,571.81

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY24 FUND ACCOUNTING
AS OF 12/31/2023

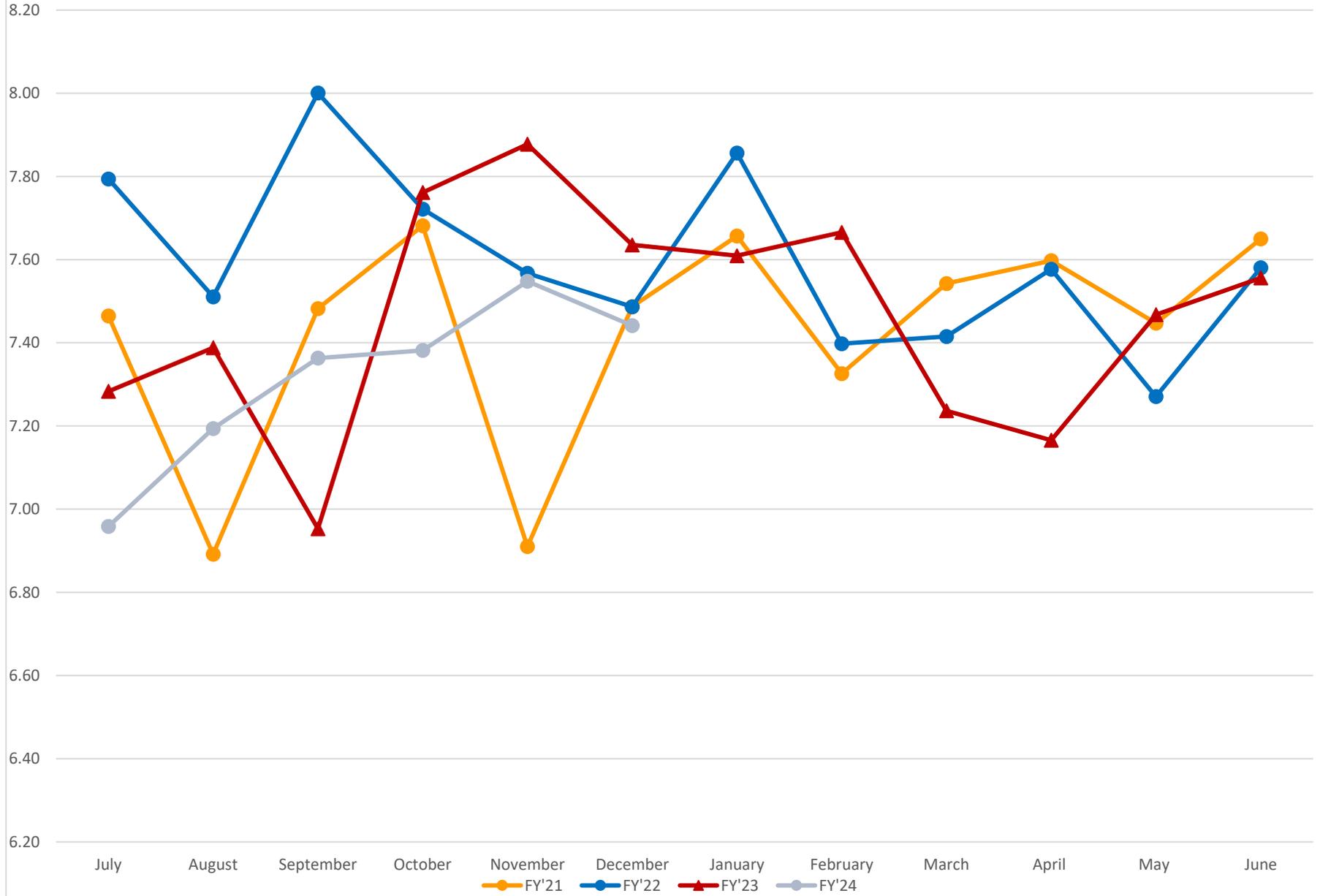
Account 014 95F Z112 02 (Conference Account)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY24 Total
FY24 Allotment		\$ 13,333.00		\$ 17,000.00		\$ 13,333.00		\$ 13,334.00	\$ 57,000.00
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ (13,333.00)		\$ 13,333.00		\$ -		\$ -	
Contribution from private source-JJAG		\$ -		\$ 5,000.00		\$ -		\$ -	\$ 5,000.00
Total Budget Allotments		\$ -		\$ 30,333.00		\$ 13,333.00		\$ 13,334.00	\$ 57,000.00
Total Expenses	1	\$ -	4	\$ (5,149.70)	7	\$ -	10	\$ -	
	2	\$ -	5	\$ (724.59)	8	\$ -	11	\$ -	
	3	\$ -	6	\$ (10,613.79)	9	\$ -	12	\$ -	
State cap Q2		\$ -		\$ (76.73)		\$ -		\$ -	
TOTAL REMAINING		\$ -		\$ 13,768.19		\$ 13,333.00		\$ 13,334.00	\$ 40,435.19

Q2 Month 6	
Instructor & Speaker services	\$ -
Refreshments & Catered meals	\$ (10,019.79)
Sales tax	\$ -
Mileage & parking fees for staff	\$ -
Employee lodging for training	\$ (594.00)
TOTAL	\$ (10,613.79)

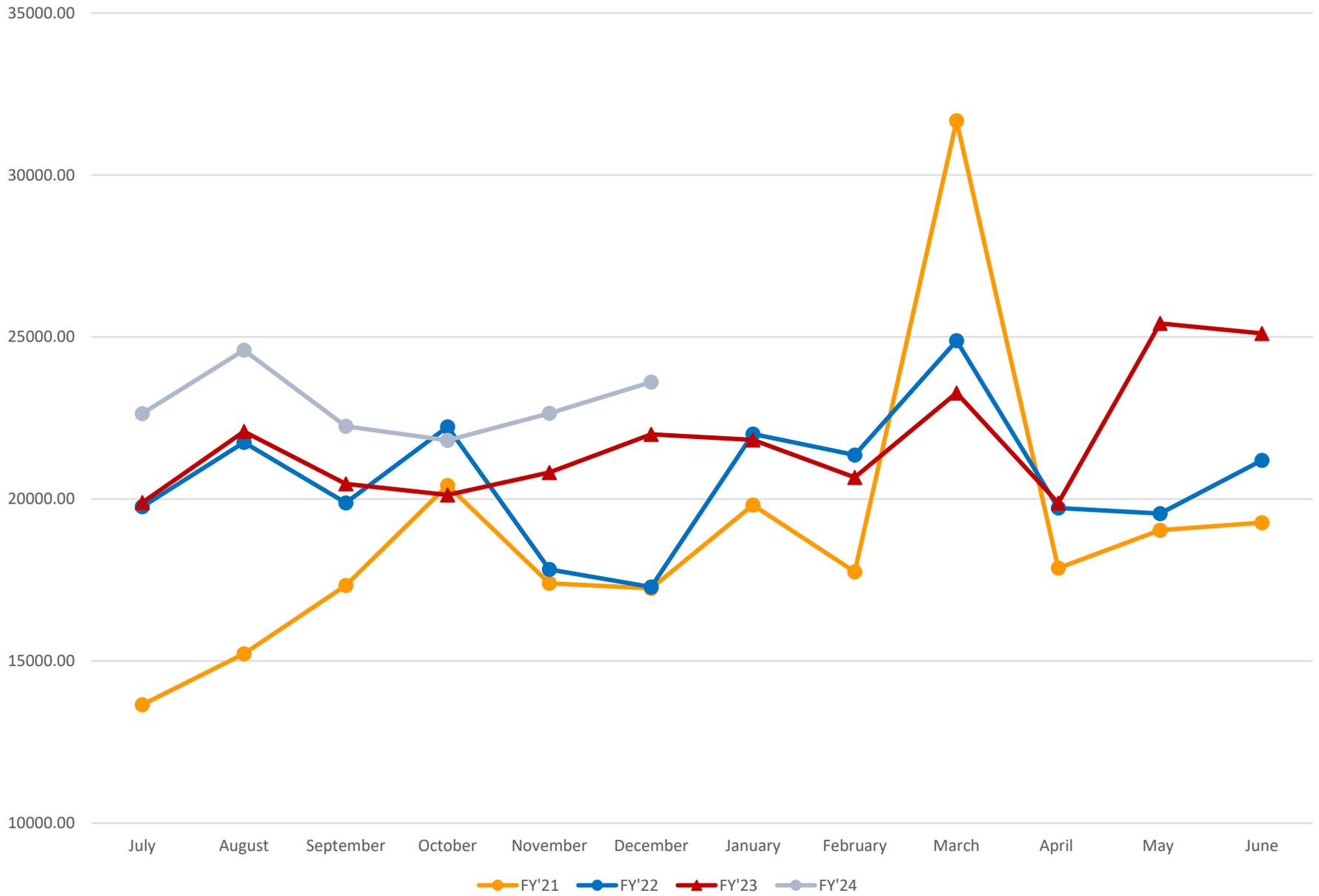
Average Hours Per Voucher



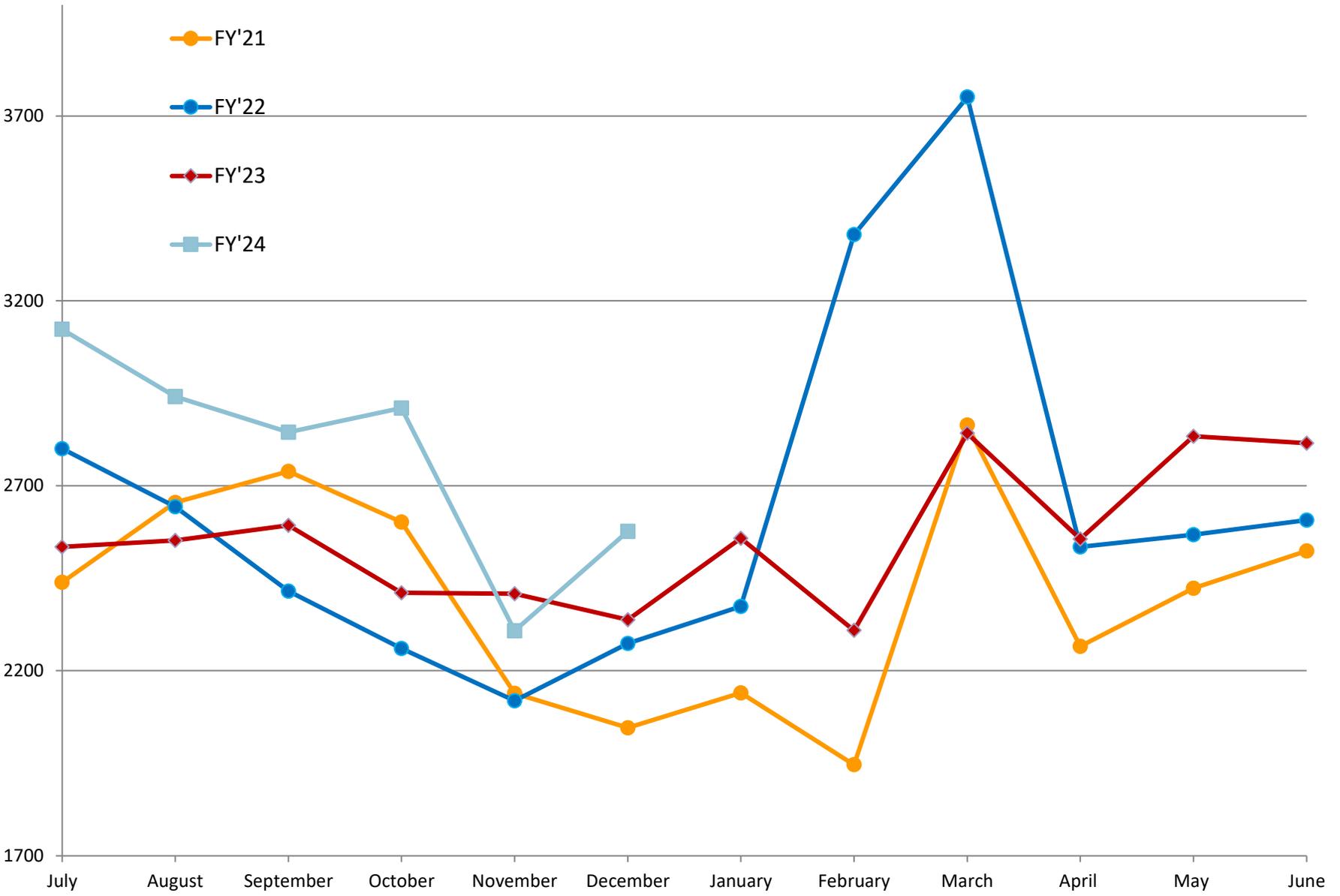
Monthly Average Hours per Voucher



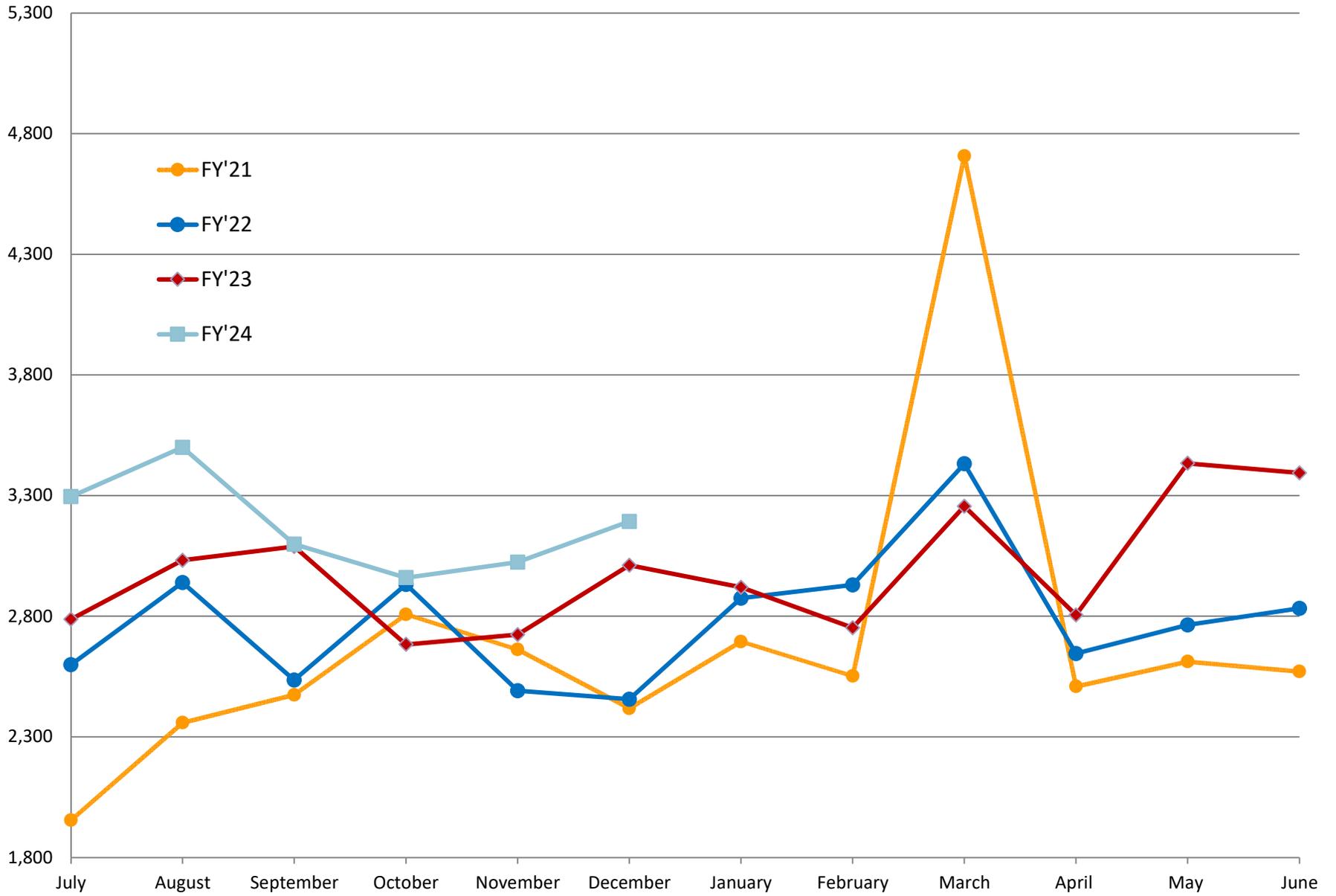
Submitted Hours Amount



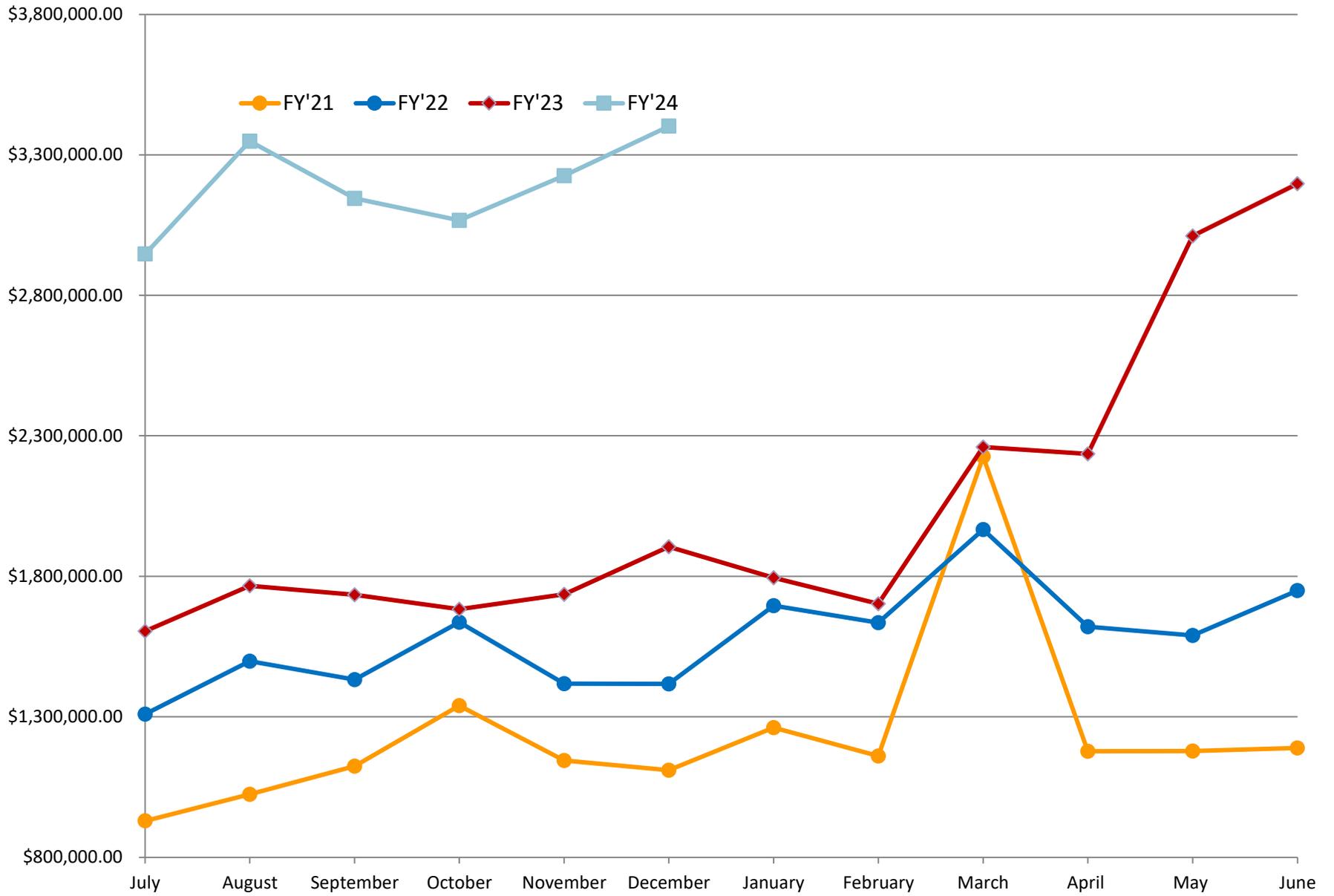
NEW CASES



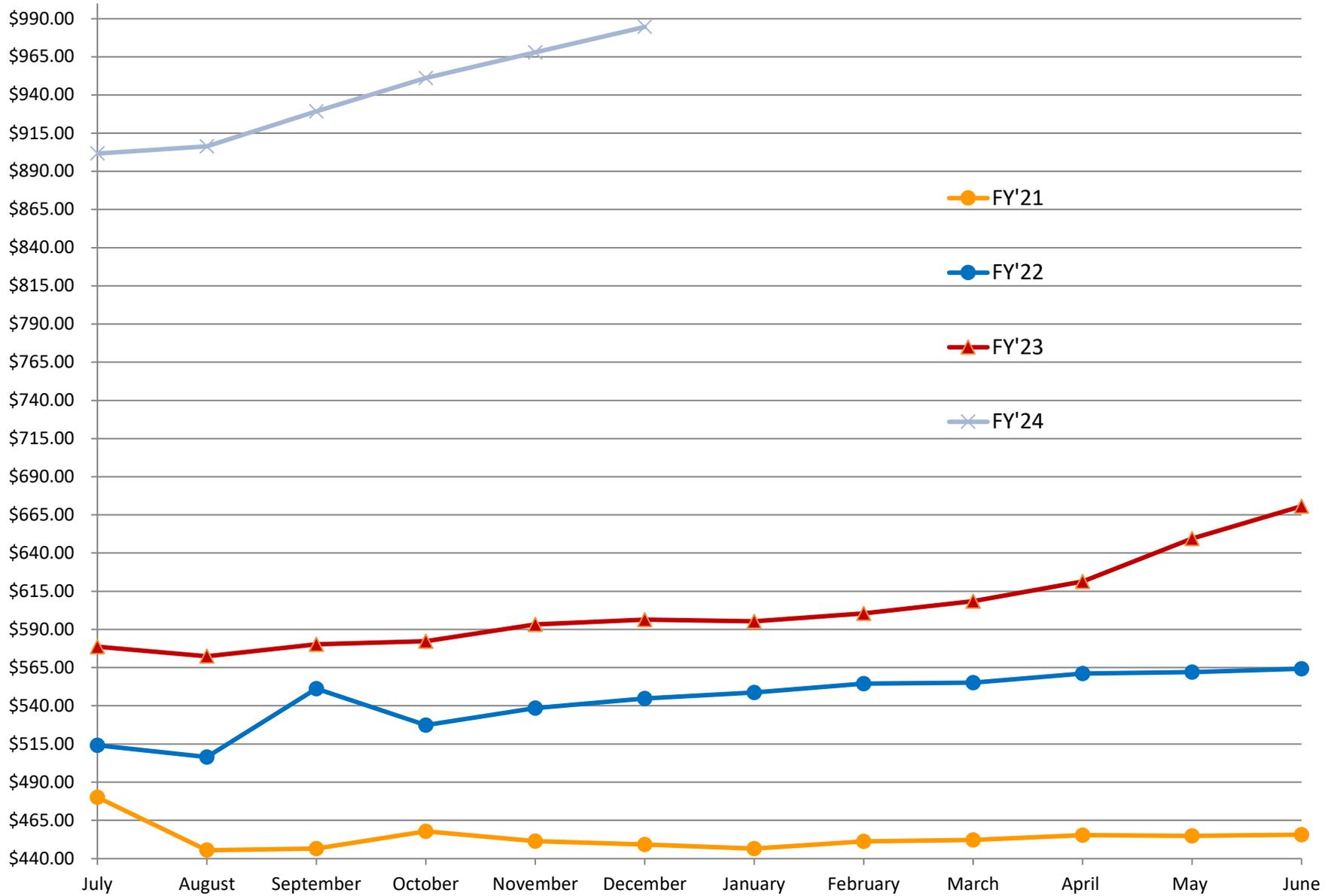
Submitted Vouchers



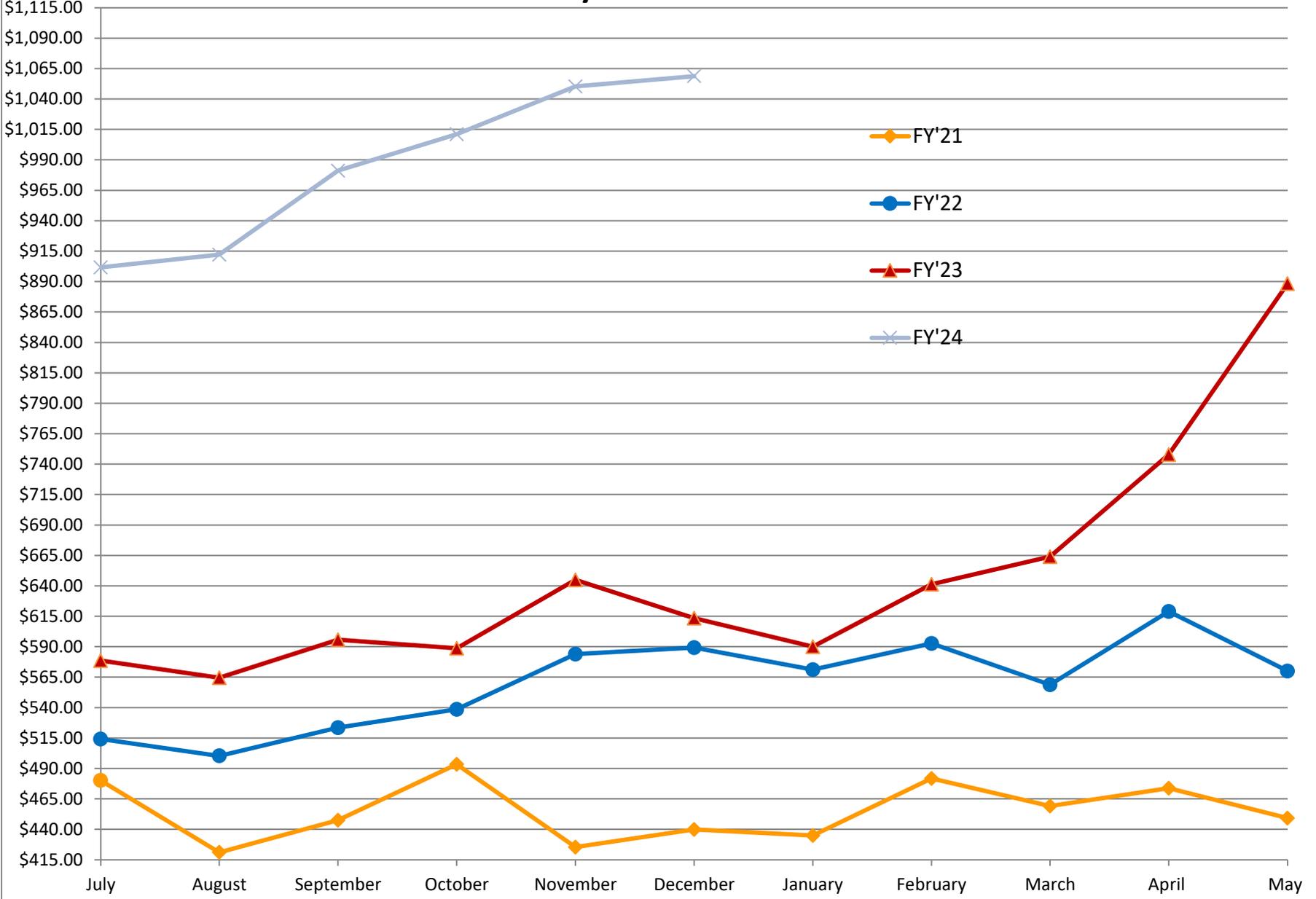
Submitted Voucher Amount



Average Voucher Price Fiscal Year to Date



Monthly Price Per Voucher



Pending UCD Cases as of December 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	770	112	46	6.0%	1,722	318	269	15.6%	11	4	36.4%	2,503	430	319	12.7%
Aroostook	579	115	35	6.0%	955	300	208	21.8%	24	10	41.7%	1,558	415	253	16.2%
Caribou	115	21	11	9.6%	167	73	27	16.2%	7	2	28.6%	289	94	40	13.8%
Fort Kent	96	22	6	6.3%	201	65	62	30.8%	7	5	71.4%	304	87	73	24.0%
Houlton	168	34	6	3.6%	257	79	62	24.1%	4	1	25.0%	429	113	69	16.1%
Presque Isle	200	38	12	6.0%	330	83	57	17.3%	6	2	33.3%	536	121	71	13.2%
Cumberland	1,292	198	133	10.3%	3,606	496	705	19.6%	87	36	41.4%	4,985	694	874	17.5%
Bridgton	28	9	5	17.9%	275	36	74	26.9%	10	3	30.0%	313	45	82	26.2%
Portland	1,242	184	126	10.1%	2,848	350	513	18.0%	57	25	43.9%	4,147	534	664	16.0%
West Bath	22	5	2	9.1%	483	110	118	24.4%	20	8	40.0%	525	115	128	24.4%
Franklin	157	35	8	5.1%	399	104	65	16.3%	10	4	40.0%	566	139	77	13.6%
Hancock	427	34	14	3.3%	686	68	146	21.3%	37	14	37.8%	1,150	102	174	15.1%
Kennebec	619	95	59	9.5%	1,499	333	362	24.1%	19	12	63.2%	2,137	428	433	20.3%
Augusta	589	84	53	9.0%	976	216	202	20.7%	13	6	46.2%	1,578	300	261	16.5%
Waterville	30	11	6	20.0%	523	117	160	30.6%	6	6	100.0%	559	128	172	30.8%
Knox	182	46	12	6.6%	427	117	90	21.1%	9	2	22.2%	618	163	104	16.8%
Lincoln	134	26	12	9.0%	399	123	69	17.3%	7	1	14.3%	540	149	82	15.2%
Oxford	432	95	38	8.8%	979	188	201	20.5%	27	14	51.9%	1,438	283	253	17.6%
Bridgton	36	10	1	2.8%	78	22	7	9.0%	1	0	0.0%	115	32	8	7.0%
Rumford	156	33	10	6.4%	413	83	66	16.0%	5	3	60.0%	574	116	79	13.8%
South Paris	240	52	27	11.3%	488	83	128	26.2%	21	11	52.4%	749	135	166	22.2%
Penobscot	912	48	92	10.1%	1,641	43	500	30.5%	32	17	53.1%	2,585	91	609	23.6%
Bangor	877	47	81	9.2%	1,226	27	343	28.0%	9	4	44.4%	2,112	74	428	20.3%
Lincoln	10	0	5	50.0%	201	11	88	43.8%	11	8	72.7%	222	11	101	45.5%
Newport	25	1	6	24.0%	214	5	69	32.2%	12	5	41.7%	251	6	80	31.9%
Piscataquis	32	2	7	21.9%	119	4	60	50.4%	23	20	87.0%	174	6	87	50.0%
Sagadahoc	179	52	17	9.5%	433	163	103	23.8%	12	3	25.0%	624	215	123	19.7%
Somerset	254	46	12	4.7%	488	148	92	18.9%	6	2	33.3%	748	194	106	14.2%
Waldo	200	42	21	10.5%	322	101	68	21.1%	3	1	33.3%	525	143	90	17.1%
Washington	153	19	7	4.6%	311	52	99	31.8%	23	18	78.3%	487	71	124	25.5%
Calais	70	5	2	2.9%	132	22	27	20.5%	7	5	71.4%	209	27	34	16.3%
Machias	83	14	5	6.0%	179	30	72	40.2%	16	13	81.3%	278	44	90	32.4%
York	1,025	144	167	16.3%	3,658	771	892	24.4%	114	59	51.8%	4,797	915	1,118	23.3%
TOTAL	7,347	1,109	680	9.3%	17,644	3,329	3,929	22.3%	444	217	48.9%	25,435	4,438	4,826	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, December 2022 to December 2023

Pending cases as of December 22 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2022	2023	% Diff	2022	2023	% Diff	2022	2023	% Diff	2022	2023	% Diff
Androscoggin	695	770	10.8%	2,109	1,722	-18.3%	13	11	-15.4%	2,817	2,503	-11.1%
Aroostook	709	579	-18.3%	986	955	-3.1%	24	24	0.0%	1,719	1,558	-9.4%
Caribou	170	115	-32.4%	227	167	-26.4%	5	7	40.0%	402	289	-28.1%
Fort Kent	121	96	-20.7%	196	201	2.6%	3	7	133.3%	320	304	-5.0%
Houlton	215	168	-21.9%	289	257	-11.1%	9	4	-55.6%	513	429	-16.4%
Presque Isle	203	200	-1.5%	274	330	20.4%	7	6	-14.3%	484	536	10.7%
Cumberland	1,258	1,292	2.7%	3,606	3,606	0.0%	67	87	29.9%	4,931	4,985	1.1%
Bridgton	24	28	16.7%	317	275	-13.2%	10	10	0.0%	351	313	-10.8%
Portland	1,210	1,242	2.6%	2,865	2,848	-0.6%	37	57	54.1%	4,112	4,147	0.9%
West Bath	24	22	-8.3%	424	483	13.9%	20	20	0.0%	468	525	12.2%
Franklin	143	157	9.8%	435	399	-8.3%	19	10	-47.4%	597	566	-5.2%
Hancock	367	427	16.3%	699	686	-1.9%	39	37	-5.1%	1,105	1,150	4.1%
Kennebec	647	619	-4.3%	1,771	1,499	-15.4%	27	19	-29.6%	2,445	2,137	-12.6%
Augusta	614	589	-4.1%	1,043	976	-6.4%	20	13	-35.0%	1,677	1,578	-5.9%
Waterville	33	30	-9.1%	728	523	-28.2%	7	6	-14.3%	768	559	-27.2%
Knox	211	182	-13.7%	539	427	-20.8%	13	9	-30.8%	763	618	-19.0%
Lincoln	118	134	13.6%	320	399	24.7%	4	7	75.0%	442	540	22.2%
Oxford	451	432	-4.2%	1,057	979	-7.4%	26	27	3.8%	1,534	1,438	-6.3%
Bridgton	43	36	-16.3%	120	78	-35.0%	1	1	0.0%	164	115	-29.9%
Rumford	165	156	-5.5%	385	413	7.3%	5	5	0.0%	555	574	3.4%
South Paris	243	240	-1.2%	552	488	-11.6%	20	21	5.0%	815	749	-8.1%
Penobscot	850	912	7.3%	1,983	1,641	-17.2%	47	32	-31.9%	2,880	2,585	-10.2%
Bangor	832	877	5.4%	1,521	1,226	-19.4%	21	9	-57.1%	2,374	2,112	-11.0%
Lincoln	8	10	25.0%	236	201	-14.8%	14	11	-21.4%	258	222	-14.0%
Newport	10	25	150.0%	226	214	-5.3%	12	12	0.0%	248	251	1.2%
Piscataquis	44	32	-27.3%	146	119	-18.5%	19	23	21.1%	209	174	-16.7%
Sagadahoc	182	179	-1.6%	491	433	-11.8%	12	12	0.0%	685	624	-8.9%
Somerset	221	254	14.9%	541	488	-9.8%	13	6	-53.8%	775	748	-3.5%
Waldo	185	200	8.1%	333	322	-3.3%	4	3	-25.0%	522	525	0.6%
Washington	185	153	-17.3%	391	311	-20.5%	26	23	-11.5%	602	487	-19.1%
Calais	79	70	-11.4%	158	132	-16.5%	10	7	-30.0%	247	209	-15.4%
Machias	106	83	-21.7%	233	179	-23.2%	16	16	0.0%	355	278	-21.7%
York	1,114	1,025	-8.0%	4,164	3,658	-12.2%	130	114	-12.3%	5,408	4,797	-11.3%
TOTAL	7,380	7,347	-0.4%	19,571	17,644	-9.8%	483	444	-8.1%	27,434	25,435	-7.3%

Columns

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

Pending cases as of December 22 of each year

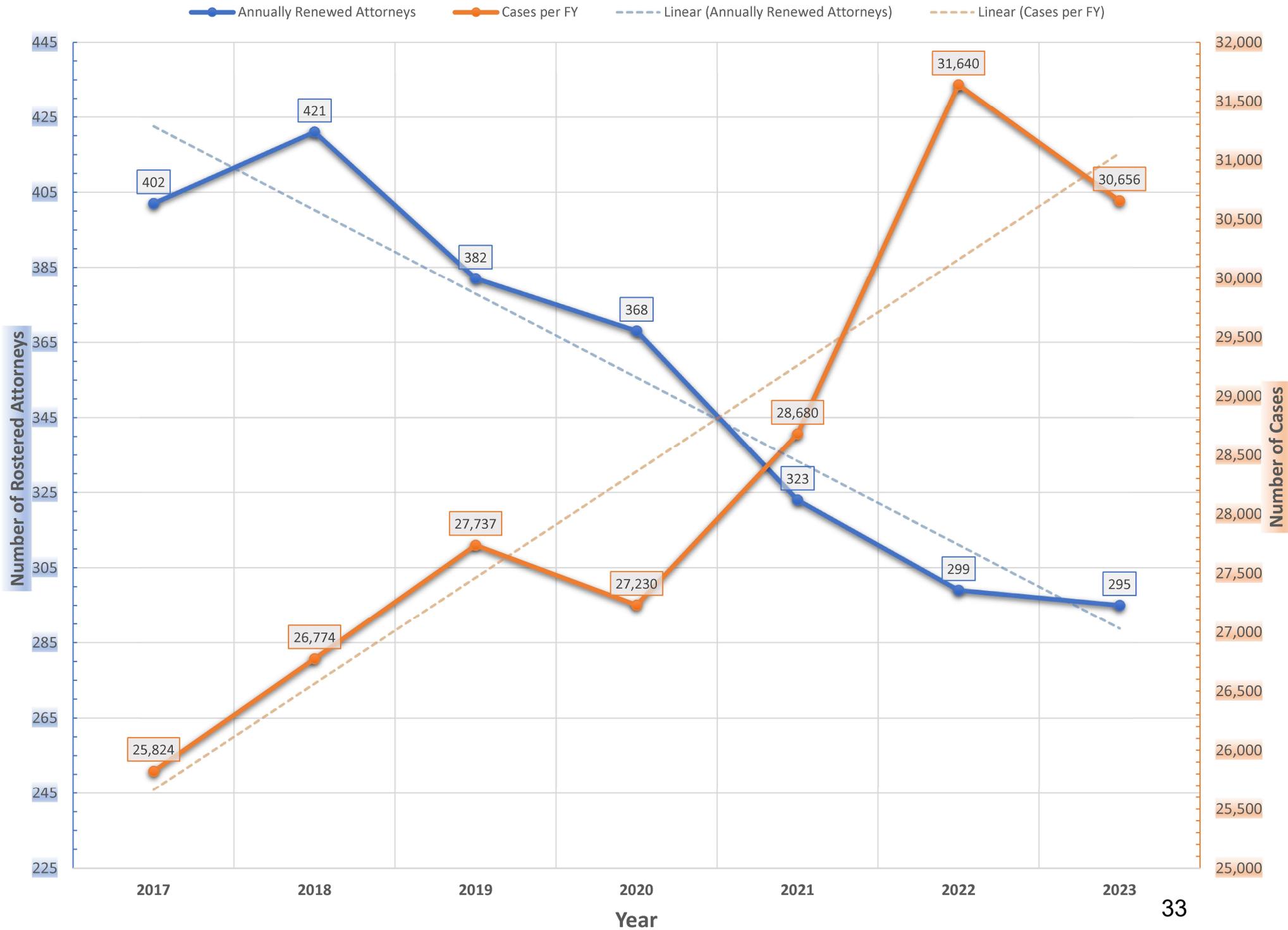
UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2019	2023	% Diff	2019	2023	% Diff	2019	2023	% Diff	2019	2023	% Diff
Androscoggin	427	770	80.3%	1,356	1,722	27.0%	35	11	-68.6%	1,818	2,503	37.7%
Aroostook	440	579	31.6%	738	955	29.4%	26	24	-7.7%	1,204	1,558	29.4%
Caribou	72	115	59.7%	179	167	-6.7%	2	7	250.0%	253	289	14.2%
Fort Kent	47	96	104.3%	137	201	46.7%	4	7	75.0%	188	304	61.7%
Houlton	146	168	15.1%	180	257	42.8%	12	4	-66.7%	338	429	26.9%
Presque Isle	175	200	14.3%	242	330	36.4%	8	6	-25.0%	425	536	26.1%
Cumberland	893	1,292	44.7%	2,560	3,606	40.9%	97	87	-10.3%	3,550	4,985	40.4%
Bridgton	9	28	211.1%	192	275	43.2%	16	10	-37.5%	217	313	44.2%
Portland	865	1,242	43.6%	2,052	2,848	38.8%	59	57	-3.4%	2,976	4,147	39.3%
West Bath	19	22	15.8%	316	483	52.8%	22	20	-9.1%	357	525	47.1%
Franklin	79	157	98.7%	309	399	29.1%	18	10	-44.4%	406	566	39.4%
Hancock	191	427	123.6%	517	686	32.7%	35	37	5.7%	743	1,150	54.8%
Kennebec	388	619	59.5%	1,184	1,499	26.6%	33	19	-42.4%	1,605	2,137	33.1%
Augusta	376	589	56.6%	627	976	55.7%	19	13	-31.6%	1,022	1,578	54.4%
Waterville	12	30	150.0%	557	523	-6.1%	14	6	-57.1%	583	559	-4.1%
Knox	155	182	17.4%	333	427	28.2%	8	9	12.5%	496	618	24.6%
Lincoln	102	134	31.4%	210	399	90.0%	7	7	0.0%	319	540	69.3%
Oxford	211	432	104.7%	529	979	85.1%	12	27	125.0%	752	1,438	91.2%
Bridgton	25	36	44.0%	73	78	6.8%	0	1	0.0%	98	115	17.3%
Rumford	83	156	88.0%	211	413	95.7%	9	5	-44.4%	303	574	89.4%
South Paris	103	240	133.0%	245	488	99.2%	3	21	600.0%	351	749	113.4%
Penobscot	399	912	128.6%	1,171	1,641	40.1%	51	32	-37.3%	1,621	2,585	59.5%
Bangor	392	877	123.7%	960	1,226	27.7%	29	9	-69.0%	1,381	2,112	52.9%
Lincoln	2	10	400.0%	73	201	175.3%	9	11	22.2%	84	222	164.3%
Newport	5	25	400.0%	138	214	55.1%	13	12	-7.7%	156	251	60.9%
Piscataquis	29	32	10.3%	84	119	41.7%	9	23	155.6%	122	174	42.6%
Sagadahoc	98	179	82.7%	312	433	38.8%	21	12	-42.9%	431	624	44.8%
Somerset	165	254	53.9%	443	488	10.2%	9	6	-33.3%	617	748	21.2%
Waldo	100	200	100.0%	288	322	11.8%	4	3	-25.0%	392	525	33.9%
Washington	103	153	48.5%	237	311	31.2%	21	23	9.5%	361	487	34.9%
Calais	43	70	62.8%	96	132	37.5%	11	7	-36.4%	150	209	39.3%
Machias	60	83	38.3%	141	179	27.0%	10	16	60.0%	211	278	31.8%
York	728	1,025	40.8%	2,627	3,658	39.2%	91	114	25.3%	3,446	4,797	39.2%
TOTAL	4,508	7,347	63.0%	12,898	17,644	36.8%	477	444	-6.9%	17,883	25,435	42.2%

Columns

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

Case Totals vs. Roster Totals



CHAPTER 37

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

§1806. Information not public record

Disclosure of information and records in the possession of the commission is governed by this section. [PL 2011, c. 260, §1 (NEW).]

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Individual client information" means name, date of birth, social security number, gender, ethnicity, home, ~~work, school or other~~ -address, ~~home~~ telephone number, ~~home~~ facsimile number, ~~home~~ e-mail address, ~~personal~~ cellular telephone number, ~~personal~~ pager number and any information protected under Maine Rules of Evidence 501 – 509, Maine Rule of Professional Conduct 1.6, or otherwise the-protected by an attorney-client relationship. [PL 2011, c. 260, §1 (NEW).]

B. "~~Personal contact~~Contact information" means ~~home~~any address, ~~home~~ telephone number, ~~home~~ facsimile number, ~~home~~ e-mail address, ~~personal~~ cellular telephone number, ~~personal~~ pager number, date of birth and social security number. [PL 2011, c. 260, §1 (NEW).]

C. "Request for funds for ~~expert or investigative assistance~~non-counsel funds" means a request submitted to the commission by an indigent party or by an attorney on behalf of an indigent client seeking authorization to expend funds for ~~expert or investigative~~non-counsel assistance, which includes, but is not limited to, the assistance of a private investigator, interpreter or translator, psychiatrist, psychologist or other mental health expert, medical expert and scientific expert. [PL 2011, c. 260, §1 (NEW).]

D. "Case information" means:

- (1) The court in which a case is brought;
- (2) Any criminal charges or juvenile crime charges and the type, but not the contents, of any petition giving rise to a case;
- (3) The docket number;
- (4) The identity of assigned counsel and the date of assignment;
- (5) The withdrawal of assigned counsel and the date of withdrawal; and
- (6) Any order for reimbursement of assigned counsel fees. [PL 2011, c. 547, §1 (NEW).]

[PL 2011, c. 547, §1 (AMD).]

2. Confidential information. The following information and records in the possession of the commission are not open to public inspection and do not constitute public records as defined in Title 1, section 402, subsection 3.

A. Individual client information ~~that is submitted by a commission rostered attorney or a court in the possession, or under the control, of the commission~~ is confidential, except that the names of criminal defendants and the names of juvenile defendants charged with offenses that if committed by an adult would constitute murder or a Class A, Class B or Class C crime are not confidential. [PL 2011, c. 260, §1 (NEW).]

B. Information protected under Maine Rules of Evidence 501 – 509, Maine Rule of Professional Conduct 1.6, or otherwise protected by an attorney-client relationship ~~subject to the lawyer-client~~

~~privilege set forth in the Maine Rules of Evidence, Rule 502 or that constitutes a confidence or secret under the Maine Rules of Professional Conduct, Rule 1.6~~ is remains confidential. [PL 2011, c. 260, §1 (NEW).]

C. Personal contact information of ~~a commission rostered attorney~~ assigned and contract counsel is confidential. [PL 2011, c. 260, §1 (NEW).]

D. Personal contact information of a member of the commission or a commission staff member is confidential. [PL 2011, c. 260, §1 (NEW).]

E. A request for funds for ~~expert or investigative assistance~~ non-counsel funds that is submitted by ~~an indigent party or by an attorney~~ on behalf of a consumer of indigent legal services, or a person otherwise seeking commission funding for non-counsel services ~~is indigent client~~ is confidential. The decision of the executive director of the commission hired pursuant to section 1804, subsection 1, or the executive director's designee, to grant or deny such a request is not confidential after a case has been completed. A case is completed when the judgment is affirmed on appeal or the period for appeal has expired. [PL 2011, c. 260, §1 (NEW).]

F. Any information obtained or gathered by the commission in or through a complaint, whether formal or informal, or when performing an evaluation or investigation of an attorney is confidential, subject to the following exceptions:

(1) ~~Information~~ that would be confidential under subsection F may be disclosed to the attorney being evaluated or investigated.

(2) ~~The commission, through its Executive Director or designee, may nevertheless disclose information that would be confidential under this paragraph~~ subsection F to the Maine Assistance Program and/or the Maine Board of Overseers of the Bar.

(3) If the attorney who was evaluated or investigated is suspended or removed from eligibility to accept MCILS case assignments and appeals that decision, information that would be confidential under subsection F is no longer confidential if the Commission holds a full public hearing on the appeal, except that information which is protected by attorney-client privilege or is confidential by statute, the Maine Rules of Evidence, or the Maine Rules of Professional Conduct remains confidential.

[PL 2015, c. 290, §1 (AMD).]

[PL 2015, c. 290, §1 (AMD).]

3. Confidential information disclosed by the Judicial Department. The Judicial Department may disclose to the commission ~~confidential~~ confidential-information necessary for the commission to carry out its functions, including, without limitation, the collection of amounts owed to reimburse the State for the cost of assigned counsel, as follows:

A. Case information and individual client information with respect to court proceedings that are confidential by statute or court rule in which one or more parties are represented by assigned counsel; and [PL 2011, c. 547, §2 (NEW).]

B. The name, address, date of birth and social security number of any person ordered by the court to reimburse the State for some or all of the cost of assigned counsel. [PL 2011, c. 547, §2 (NEW).]

This information received from the Judicial Department remains confidential in the possession of the commission and is not open to public inspection, except that the names of criminal defendants and the names of juvenile defendants charged with offenses that if committed by an adult would constitute murder or a Class A, Class B or Class C crime are not confidential-

[PL 2011, c. 547, §2 (NEW).]

4. Confidential or Privileged Client Information in the possession of Employed Counsel. All material created, received, obtained, maintained, or stored by, or on behalf of, any Employed Counsel, that is protected under Maine Rules of Evidence 501 – 509, Maine Rule of Professional Conduct 1.6, or otherwise protected by an attorney-client relationship ~~is~~ remains confidential.

SECTION HISTORY

PL 2011, c. 260, §1 (NEW). PL 2011, c. 547, §§1, 2 (AMD). PL 2015, c. 290, §1 (AMD).

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Proposed text - Maine

[15 M.R.S. § 3306. Right to counsel](#)

3. All juveniles shall be considered indigent for the purposes of appointment of counsel.
 - A. If, after counsel is appointed, a juvenile seeks to retain private counsel, appointed counsel shall file a motion to withdraw after private counsel has entered an appearance.

Other similar statutes

- Each of these use the term “presumed” rather than “considered.”
 - In NC, the presumption is non-rebuttable.
 - In LA, it’s unclear whether presumption can be rebutted.
 - In PA, the presumption is rebuttable but the court cannot consider the resources of the family / parent / guardian to rebut.

[Louisiana](#) - presumes all children to be indigent. No language indicates whether or not this presumption is rebuttable.

Art. 320. Indigency determination

- A. **For purposes of the appointment of counsel, children are presumed to be indigent.**
- B. Except as provided in [Article 608](#), the determination of the indigency of any person entitled to counsel in accordance with this Code may be made by the court at any stage of the proceedings. If necessary, the person shall be allowed to summon witnesses to testify before the court concerning the person's financial ability to employ counsel.
- C.
 - (1) In determining whether a person is indigent and entitled to the appointment of counsel, the court shall consider whether the person is a needy person and the extent of the person's ability to pay.
 - (2) The court shall consider such factors as income, property owned, outstanding obligations, and the number and ages of dependents.
 - (3) Release on bail shall not alone disqualify either an adult or child for appointment of counsel.
- D. In each case, subject to the penalty of perjury, the person shall certify in writing the material factors relating to the person's ability to pay as the court prescribes.

La. Child. Code art. 320

[Pennsylvania](#) - presumes all children to be indigent. Allows this presumption to be rebutted if the court determines the child has sufficient financial resources to retain counsel, but does not allow the court to consider the resources of the child’s parent, guardian, or custodian when making this determination.

§ 6337.1. Right to counsel for children in dependency and delinquency proceedings.

[...]

(b) Children in delinquency proceedings.--

- (1) **In delinquency cases, all children shall be presumed indigent.** If a child appears at any hearing without counsel, the court shall appoint counsel for the child prior to the commencement of the hearing. The **presumption** that a child is indigent **may be rebutted** if the **court ascertains** that the **child has the financial resources to retain counsel of his choice at his own expense**. **The court may not consider the financial resources of the child's parent, guardian or custodian** when ascertaining whether the child has the financial resources to retain counsel of his choice at his own expense.
- (2) Although a child alleged to be delinquent may appear with counsel at the intake conference conducted by a juvenile probation officer following the submission of a written allegation, counsel shall not be mandatory at the proceeding.
- (3) Notwithstanding paragraph (1), a child who is 14 years of age or older may waive the right to counsel if the court has determined that the waiver is knowingly, intelligently and voluntarily made after having conducted a colloquy with the child on the record, in accordance with the Pennsylvania Rules of Juvenile Court Procedure, and the hearing for which waiver is sought is not one of the following:
 - (i) An informal detention or shelter hearing under section 6332 (relating to informal hearing).
 - (ii) A hearing to consider transfer to criminal proceedings under section 6355 (relating to transfer to criminal proceedings).
 - (iii) A hearing to consider evidence on the petition or accept an admission to an alleged delinquent act under section 6341 (relating to adjudication).
 - (iv) A hearing to consider evidence as to whether the child is in need of treatment, supervision or rehabilitation under section 6341.
 - (v) A disposition hearing under section 6341 or 6352 (relating to disposition of delinquent child).
 - (vi) A hearing to modify or revoke probation or other disposition entered under section 6352.
- (4) The court may assign stand-by counsel if the child waives counsel at any hearing.
- (5) If a child waives counsel for any hearing, the waiver shall only apply to that hearing and the child may revoke the waiver of counsel at any time. At any subsequent hearing, the child shall be informed of the right to counsel.

42 PA. Cons. Stat. Ann. § 6337.1(b) (1)

[North Carolina](#) - conclusive presumption that juveniles are indigent under the juvenile code.

§ 7B-2000. Juvenile's right to counsel; presumption of indigence.

- (a) A juvenile alleged to be within the jurisdiction of the court has the right to be represented by counsel in all proceedings. **Counsel for the juvenile shall be appointed** in accordance with rules adopted by the Office of Indigent Defense Services, **unless counsel is retained for the juvenile**, in any proceeding in which the juvenile is alleged to be (i) delinquent or (ii) in contempt of court when alleged or adjudicated to be undisciplined.
- (b) **All juveniles shall be conclusively presumed to be indigent**, and it shall not be necessary for the court to receive from any juvenile an affidavit of indigency.

N.C. GEN. STAT. § 7B-2000 (2012).

94-649 — MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Chapter 3: ELIGIBILITY REQUIREMENTS FOR SPECIALIZED CASE TYPES PANELS

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

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.

~~Domestic Violence.~~ “Domestic Violence

~~2.4.Homicide.~~ “Homicide” means:

- A. ~~Offenses denominated as Domestic Violence under 17-A M.R.S.A. §§ 207-A, 209-A, 210-B, 210-C, and 211-A;~~
- B. ~~Any class D or E offense alleged to have been committed against a family or household member or dating partner;~~
- A. C. ~~The class D offense of stalking under 17-~~All offenses contained in 17-A M.R.S.A. § 201 (Murder), § 202 (Felony Murder), § 203 (Manslaughter), § 152 (Attempted Murder), and § 152-A (Aggravated Attempted Murder);
- B. 29-A M.R.S.A. § ~~210-A; 2411(1-A)(D)(1-A) (Criminal OUI Causing Death);~~ and

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

~~E. “Domestic Violence” includes crimes involving substantially similar conduct in another jurisdiction.~~

~~A. 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.~~

C.

~~2. **Serious Violent**Major Felony. “Serious Violent”Major Felony” means:~~

~~5.~~

~~3. 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).-~~

A.

~~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.~~

~~3.6. Sex Offense. “Sex Offense” means:-~~

~~A. A. — An offense under 17-A M.R.S.A. §§ 251-259-A253-260 (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. Juvenile Defense. “Juvenile Defense” means any juvenile crime, as defined by 15 M.R.S.A. § 3103.

10. Child Protective. “Child Protective” means a Maine District Court proceeding in which a parent is entitled to counsel pursuant to 22 M.R.S.A. § 4005(2).

11. Child Protective Appeal. “Child Protective Appeal” means an appeal to the Maine Supreme Judicial Court of any order terminating parental rights.

12. 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) of this Chapter.

13. 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.
14. 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.
15. 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.
16. LOD Roster. “LOD Roster” means the list of attorneys designated as **Eligible** by the Commission to serve as LOD in a **Proceeding Type** for a particular court.
17. Shadow Session. “Shadow Session” means a session in which an attorney who has **applied** for LOD eligibility “shadows” an attorney who has been designated as **Eligible** for **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 **Chapter 301, Section 5 of the Commission rules.**
18. Resource Counsel. “Resource Counsel” means an attorney who provides mentoring and other services to **Eligible** counsel as delineated in Chapter 301 of the Commission rules.
19. **MCILS** Liaison. “**MCILS** 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.
- 4.20. 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~~
- 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. MCILS 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 eligibility for a~~ Specialized Case Types Panel to demonstrate the minimum qualifications necessary to be placed on a Specialized Case Type Roster Panel. An applicant for a Specialized Case Type Roster 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 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, suspend or remove an attorney from a Specialized Case Type Roster 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.

~~4.3. This subsection does not exempt an attorney from satisfying the eligibility 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 at any time.~~

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

~~1. 1.—~~**Homicide.** ~~In order to~~To be ~~rostered~~Eligible for ~~homicide~~Homicide cases an attorney must:

- A. Have at least five years of criminal ~~law~~defense practice experience;-
- B. Have tried before a ~~judge or jury, individually or as first chair~~co-counsel, at least five felony cases within the last ten years, at least two of which were ~~serious violent felony, homicide~~Major Felony, Homicide, or Class C or higher ~~sex offense~~Sex Offense cases, AND at least two of which were jury trials;
- C. Have tried ~~as first chair~~before a ~~homicide~~jury, individually or as co-counsel, at least one Homicide case in the last fifteen years, ~~OR have tried as second chair at least one homicide case with an experienced homicide defense attorney within the past five years;~~ ;
- D. Demonstrate a knowledge and familiarity with the evidentiary issues relevant to ~~homicide~~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~~Homicide;
- 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~~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; and
- G. 2.— Certify that they have read, understand, and agree to comply with all Commission standards of practice.

~~2. 2.—~~**Sex Offenses.** ~~In order to~~To be ~~rostered~~Eligible for ~~sex offense~~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.~~
 - E. ~~Letters of reference shall also be submitted upon the request of the Executive Director, or his or her designee.~~
3. ~~**Serious Violent Felonies.** In order to be rostered for serious violent felony cases an attorney must:~~
- A. ~~Have at least two years of criminal law practice experience;~~
 - B. ~~Have tried as first chair at least four criminal or civil cases in the last ten years, at least two of which were jury trials and at least two of which were criminal trials;~~
 - C. ~~Provide a letter explaining reasons for interest in and qualifications for representing individuals charged with a serious violent felony~~Sex Offense; and
 - D. Certify that they have read, understand, and agree to comply with all Commission standards of practice.
 - E. If the applicant seeks a waiver of any of these eligibility requirements, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the applicant is qualified to represent individuals charged with a Sex Offense. The letters of reference must be submitted directly to the Executive Director by the authors; and
3. **Major Felonies.** To be Eligible for Major Felony cases an attorney must:
- A. Have at least two years of criminal defense practice experience;
 - B. Have tried before a jury, individually or as co-counsel, at least four criminal cases in the last ten years; and
 - C. Provide a letter explaining reasons for interest in and qualifications for representing individuals charged with a Major Felony; and
 - D. Certify that they have read, understand, and agree to comply with all Commission standards of practice.

~~D.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 ~~serious-violent felony~~ **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~~ **Eligible** 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.~~ **Certify that they have read, understand, and agree to comply with all Commission standards of practice.**

~~E.F.~~ 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~~ **Eligible** for ~~domestic violence~~ **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~~ **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~~ **Domestic Violence** crime; and
 - E. Certify that they have read, understand, and agree to comply with all Commission standards of practice.
 - ~~E.~~ F. 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~~ **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 **Eligible** ~~for felony, sex offense, and~~ bind over juvenile defense **Juvenile Defense** cases an attorney must:
- A. ~~Repealed~~.
 - B. For felony ~~felony~~ misdemeanor ~~misdemeanor~~ cases:
 - 1) Have completed the Commission's Juvenile Law Minimum Standards Training; and ~~sex offense~~
 - 2) Certify that they have read, understand, and agree to comply with all Commission standards of practice.
 - C. For felony ~~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) Provide a letter explaining reasons for interest in and qualifications for representing juveniles in felony and ~~sex offense~~ Sex Offense cases; and~~

~~6) 6) Certify that they have read, understand, and agree to comply with all Commission standards of practice.~~

~~7) If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the applicant is qualified to represent juveniles in felony and ~~sex offenses~~ 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.~~

D. C. — For Bind-over 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; 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) Certify that they have read, understand, and agree to comply with all Commission standards of practice.~~

~~7) If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the applicant is qualified to represent juveniles in 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.~~

E. 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 Eligible to represent parents in protective custody Child Protective 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 ~~protective custody~~ **Child Protective** proceedings; and

E. E.—Certify that they have read, understand, and agree to comply with all Commission standards of practice.

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-

F. ~~_____~~ applicant is qualified to represent parents in ~~protective custody~~ **Child Protective** 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.~~

~~G. 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 six~~ **six** months of child protection experience, then the attorney of record must file a request with the **MCHS 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** ~~in cases where trial counsel is not continuing on appeal~~ **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.

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

- ~~1) — In criminal and juvenile cases, the entry of sentence or disposition either after plea or trial or the entry into a deferred disposition;~~
- ~~2) — In child protective cases, the issuance of a jeopardy order or an order terminating parental rights;~~

~~1) Applicants who have provided representation in three in five or more appeals, including appeals to the Law~~ **Child Protective Appeals** ~~in the Maine Supreme Judicial Court and Rule 80B or Rule 80C appeals to the Superior Court, must submit~~, either individually or as co-counsel;

~~2) Provide copies of all briefs that they have the attorney filed, and the opinions/decisions rendered in the three appeals~~ **five** ~~most closely pre-dating recent appeals the date~~ **attorney has handled;**

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

~~B.4) Demonstrate, through application for placement on the appellate roster 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) Certify that they have read, understand, and agree to comply with all Commission standards of practice.

If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does

7) Applicants who have 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.

8) An attorney is not Eligible to represent a client in a Child Protective Appeal when the attorney was trial counsel for that case. If a client wishes to appeal a Child Protective case, the trial attorney shall file a motion to withdraw as counsel simultaneously with the notice of appeal.

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 threesseven or more appeals must submit 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;

~~C.3)~~ Provide copies of anyall 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;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;

~~D.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) Certify that they have read, understand, and agree to comply with all Commission standards of practice.

7) If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the applicant is qualified to 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;

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

~~E.7) If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys with whom the applicant does not practice asserting that the applicant is qualified to 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.~~

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

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

~~10.10.~~ **Post-Conviction Review.** In order to To be rostered Eligible 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; ~~and~~
- E. ~~Letters of reference~~ Certify that they have read, understand, and writing agree to comply with all Commission standards of practice.
- F. 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 **Eligible** 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 **Eligible** 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 Eligible for juvenile LOD proceedings, an attorney must:

- a. Complete the LOD Minimum Standards Training prior to or within three months of being Eligible 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. MCILS Liaison.

A. To be Eligible to serve as a MCILS 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;
- 4) Have experience practicing law in the court(s) in which counsel is seeking to serve as the MCILS Liaison; and
- 5) Certify that they have read, understand, and agree to comply with all Commission standards of practice.

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;
- E-7) Have not had a Commission investigation or her designee Board of Bar Overseers complaint which resulted in a finding that the attorney violated any Commission rule or Rule of Professional Responsibility within the three years immediately preceding counsel's Resource Counsel Application.

8) Certify that they have read, understand, and agree to comply with all Commission standards of practice.

B. Counsel must reapply to serve as Resource Counsel on an annual basis. That application is due at the same time as the Commission's 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 case types Specialized Panels listed above but who does not meet both requirements of: (1) 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)~~

Detailed Basis Statement for Chapter 3

The Commission is charged with providing "...high-quality representation to indigent criminal defendants, juvenile defendants and children and parents in child protective cases, consistent with federal and state constitutional and statutory obligations." 4 M.R.S. § 1801. MCILS is also statutorily obligated to develop standards for "minimum experience, training and other qualifications for contract counsel and assigned counsel..." 4 M.R.S. § 1804(B). The right to effective counsel is protected by the United States Constitution and the Constitution of Maine.

Chapter 3 is promulgated to ensure that the Commission fulfills its statutory and constitutional obligations to ensure the delivery of high-quality representation to indigent persons by setting eligibility standards for determining which attorneys are qualified to represent clients in specialized cases.

Maine Commission on Indigent Legal Services

Proposed Rule: Chapter 3, Eligibility Requirements for Specialized Cases

Response to Public Comments

Comment #1:

The rostering process is unduly burdensome and is one of the barriers to getting new attorneys in the rural areas. Barriers to rostering attorneys imposes a financial burden on new lawyers or their employers. It takes too long for an attorney to complete the core trainings for rostering.

Attorney Dennis Mahar

MCILS Response:

The Commission is statutorily obligated to develop standards for “minimum experience, training and other qualifications for contract counsel and assigned counsel...” 4 M.R.S. § 1804(B). The eligibility requirements contained within the proposed Chapter 3 are designed to fulfill that obligation in a meaningful way. The proposed eligibility requirements only apply to specialized panels. Chapter 2 provides the eligibility requirements for non-specialized cases and are minimal. For an attorney to be eligible for other misdemeanors, other felonies, drug offenses, and probation violations, they only need to submit a successful application and complete a two-day minimum standards training or apply for a waiver of the training requirement. The minimum standards training is offered multiple times per year for CLE credit. An attorney who is unable to attend scheduled minimum standards training can schedule an individually moderated replay of the training. Staff conduct moderated replays of the training several times per year. The Criminal Law Minimum Standards Training has been offered approximately twelve times in 2023.

The requirements specified in the proposed Chapter 3 pertain to automatic eligibility. The proposed Rule includes a provision for an attorney to request a waiver from the litigation or years of experience requirements. Thus, an attorney who does not satisfy all the enumerated rostering requirements may nonetheless be deemed eligible for a particular panel if they obtain a waiver.

With permission from MCILS, any attorney who is eligible to receive MCILS case assignments may represent a client in a specialized case if the attorney has co-counsel who is eligible for the applicable specialized panel. Thus, Chapter 3 is not a barrier to an attorney accepting cases of any type and encourages attorneys to gain the requisite experiencing by working with eligible co-counsel.

Comment #2:

Criminal defense experience is more relevant than criminal law experience.

Attorney Rory McNamara

MCILS Response:

The Commission has considered this comment. There are various perspectives on this point. Those who support the contention that criminal defense experience is more relevant than criminal law experience argue that representing a person is unique and requires a different skillset than representing the State. Criminal defense attorneys must have interpersonal skills, the ability to thoroughly investigate allegations, and the ability to prioritize and advocate for a client's preferences over their own. Those who support the requirement of criminal defense experience also point out that such a requirement does not render prosecutorial experience meaningless; rather, that experience may be a factor in determining whether the applicant receives a waiver. Those who support a criminal law experience requirement argue that the skills used by prosecutors, particularly trial skills, translate into defense work. Another point that has been made is that there are attorneys who have decades of prosecutorial experience who would not be facially eligible for some of the specialized panels under the proposed Rule.

Comment #3:

Automatic-qualification standards should be stringent.

Attorney Rory McNamara

MCILS Response:

The Commission agrees with this comment. The Commission believes that the proposed requirements for automatic qualification are appropriately stringent.

Comment #4:

There has been discussion that these proposed standards are causing the problem of not being able to find counsel for cases. The current standards and proposed standards are doing no such thing. There are hundreds if not thousands of cases that need lawyers for other felonies and other misdemeanors, which do not require any specialized eligibility. If there were a bunch of lawyers willing to take cases but for the specialized requirements, they would have already gone on the roster. This will not exacerbate the shortage of attorneys.

Attorney Robert Ruffner

MCILS Response:

The Commission agrees that the proposed Chapter 3 will not exacerbate the shortage of attorneys because: Chapter 3 does not apply to other felonies, other misdemeanors, drug offenses, probation violations, civil commitments, emancipations, or guardianships; an attorney who has been deemed eligible to accept case assignments may represent a client in a specialized case with eligible co-counsel; and, the Rule provides a waiver process for attorneys who cannot meet the automatic qualification standards.

Comment #5:

Trial counsel should be prohibited from staying on as appellate counsel in child protective cases. In child protective cases, ineffective assistance of counsel claims can be made on direct appeal so it is important for someone with fresh eyes to look at the case.

Attorney Taylor Kilgore

MCILS Response:

The Commission agrees with this comment because ineffective assistance of counsel claims may be raised on direct appeal in child protective cases. Because ineffective assistance claims in criminal cases are raised via post-conviction review (PCR) proceedings, and new counsel is appointed to the client in the PCR, the Commission does not think that Chapter 3 must require new counsel on appeal in a criminal case. The Commission encourages trial counsel in criminal cases to evaluate whether it is prudent to seek appointment of successor counsel in cases that are appealed.

Comment 6:

22 MRS § 4006 automatically continues representation for trial counsel once an appeal has been filed. We do not have enough attorneys on the child protective appellate roster to remove trial counsel from pool of people who can handle the appeals. This proposed rule would also require trial counsel to withdraw anytime they litigate jeopardy and lost because the client could pursue ineffective assistance of counsel.

Attorney Julian Richter

MCILS Response:

22 MRS § 4006 states that, “Any attorney appointed to represent a party in a District Court proceeding under this chapter shall continue to represent that client in any appeal *unless otherwise ordered by the court.*” Emphasis added. The proposed Chapter 3 would deem trial counsel ineligible for the appeal and require them to file a motion to withdraw, which would seek an order from the court permitting them to withdraw. The Commission’s position is that the proposed Chapter 3 is not in conflict with 22 MRS § 4006, but for purposes of clarity, the Commission should seek a statutory change to reflect that new counsel must be appointed to parents whose cases are appealed. The lack of available attorneys is a crisis but is not justification for lowering the standards of eligibility for counsel to represent indigent clients. The quality of representation cannot be sacrificed merely to increase the quantity of attorneys.

The proposed rule would not require trial counsel to withdraw if the client appealed a jeopardy order. The rule limits the definition of “child protective appeal” to an appeal of a termination of parental rights order.