

**MAINE COMMISSION ON
PUBLIC DEFENSE SERVICES**

October 15, 2024

**Commissioner's
Meeting Packet**

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

OCTOBER 15, 2024
MEETING AGENDA

- 1) Approval of the September 17, 2024 Commission Meeting Minutes
- 2) Executive Session
- 3) Report of the Executive Director
 - a. Operations report
 - b. Public Defender staffing and office report
- 4) Rulemaking discussion – Chapter 3 specialized panel rule
- 5) Set Date, Time and Location of Next Regular Meeting of the Commission
- 6) Public Comment

**Maine Commission on Public Defense Services – Commissioners Meeting
September 17, 2024
Meeting Minutes**

Commissioners Present: Donald Alexander, Randall Bates, Michael Carey, David Soucy, & Joshua Tardy

PDS Staff Present: Executive Director Jim Billings and Deputy Executive Director Ellie Maciag.

| Agenda Item: | Discussion/Outcome: |
|--|---|
| Resignation of Commissioner Burbank | Chair Tardy announced the resignation of Commissioner Burbank and thanked her for her service. |
| Approval of the Augus 26, 2024 Meeting Minutes | <p>Commissioner Carey proposed a minor addition to the minutes to expand upon his position regarding paying attorneys stipends for accepting cases of certain types or in certain geographic locations. The proposed change would amend the minutes to read, “Commissioner Carey expressed initial support hesitance about the stipend idea and believes the details will be complicated and it will need more development and deliberation. He proposed a pilot project for it.”</p> <p>Commissioner Carey moved to approve the minutes with the proposed edit, seconded by Commissioner Alexander. All voted in favor; approved.</p> |
| Executive Session | Commissioner Carey moved to go into the executive session pursuant to 1 MRSA § 405(6)(E), seconded by Commissioner Alexander. All voted in favor; motion prevailed, and the Commission went into executive session. The Commission returned from executive session. |
| Report of the Executive Director | <p>Executive Director Billings provided the following report:</p> <p>Average voucher amounts continue to increase. There was a slight downtick in the number of vouchers from July to August. We had over 26,000 billable hours for both July and August. We are still on track for about 300,000 billable hours annually.</p> <p>There are 146 actively rostered attorneys. The unrepresented list is holding steady for the most part.</p> |

| Agenda Item: | Discussion/Outcome: |
|----------------|---|
| | <p>Public Defender Offices:</p> <p>Lewiston- There are a lot of qualified AD I candidates.</p> <p>Bangor- We will have another round of hiring. District Defender Logan Perkins will have access to the office next week and she has ordered furniture. There is one AD for that office.</p> <p>Caribou- The lawyers from Louisiana have started. The RDU attorneys have had some good success at trial.</p> <p>Downeast- Shannon Meade moved to the Downeast Office from the RDU. We had a candidate for the AD II spot. Negotiations broke down on the office space we thought we had, so we are searching for a suitable office.</p> <p>We've gone from having 22 positions to 73 positions, of which approximately 43-45 are filled. We are continuing to work on recruiting efforts. Molly Owens started as the Parents Counsel Division Chief this Monday. Molly will have three positions to fill.</p> <p>We have lost some rostered attorneys recently. One is becoming a judge, and one is going to another institutional office.</p> <p>The budget proposal has been submitted to DAFS. We are awaiting feedback from the administration and budget office.</p> |
| Public Comment | <p>Paula Michaud: I am from Aroostook County and live in Lewiston now. I am wondering if it would be beneficial to get Husson College law students. Cash bail clearly discriminates against the poor. There is supposed to be equal justice for all. When you allow someone with money to avoid jail, that's discrimination. When people in jail aren't being given the attorney they are constitutionally entitled to, we should have an evaluation by the common people. My son had ineffective assistance of counsel.</p> |
| Adjournment | <p>The next meeting will be held on October 15, 2024 at 9:30AM.</p> |

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

September 2024 Operations Report

- 2,519 new cases were opened in the defenderData system. This was a 137 case increase from August. Year to date, new cases are down 19.2% from last year from 8,903 at this time last year to 7,468 this year.
- The number of vouchers submitted electronically was 3,467, a decrease of 156 vouchers from August, totaling \$3,680,249, a decrease of \$212,368 from August. Year to date, the number of submitted vouchers is up by approximately 8.8%, from 9,817 at this time last year to 10,684 this year, with the total amount for submitted vouchers up approximately 20.4%, from \$9,319,856 at this time last year to \$11,223,383 this year.
- We paid 3,608 electronic vouchers totaling \$3,542,358, representing an increase of 239 vouchers and a decrease of \$288,539 compared to August. Year to date, the number of paid vouchers is up approximately 9.4%, from 9,685 vouchers at this time last year to 10,605 this year, and the total amount paid is up approximately 20%, from \$9,000,330 this time last year to \$10,808,496 this year.
- The average price per voucher was \$981.81 down \$76.49 per voucher from August. Year to date, the average price per voucher is up approximately 9.6%, from \$929.31 at this time last year to \$1,019.19 this year.
- Probate and Petition, Modified Release Treatment had the highest average voucher total. There were 20 vouchers exceeding \$7,500 paid in September. See attached addendum for details.
- We issued 159 authorizations to expend funds: 81 for private investigators, 50 for experts, and 28 for miscellaneous services such as interpreters and transcriptionists. We paid \$102,439 for experts and investigators, etc. Six requests were denied.
- There were no attorney suspensions.
- In the All Other Account, the total expenses were \$3,654,095. Approximately \$54,459 was devoted to the Commission's operating expenses.
- In the Personal Services Accounts, we had \$404,777 in expenses.
- The August transfer from the Judicial Branch for collected counsel fees was \$39,749.
- As of October 10, 2024, there are 137 rostered attorneys of which 90 are available for trial court level work.

- For the first 3 months of this fiscal year, submitted hours are up approximately 11.1% over the same 3-month period last year. September 2024 submitted hours are 11.3% greater than September 2023 submitted hours.

| 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 | 28,859 | 28,903 | 26,406 | 25,109 | 30,260 | 25,911 | 302,875 |
| FY25 | 26,031 | 26,409 | 24,765 | | | | | | | | | | 77,205 |

Vouchers over \$7,500

| Comment | Voucher Total | Case Total |
|--------------------------------|---------------|-------------|
| Appeal | \$16,980.82 | \$16,980.82 |
| Child Protection Petition | \$12,630.00 | \$16,245.00 |
| Robbery | \$11,547.54 | \$11,547.54 |
| Appeal | \$10,935.58 | \$10,935.58 |
| Aggravated Trafficking | \$10,662.54 | \$15,072.24 |
| Theft | \$10,410.00 | \$10,410.00 |
| Gross Sexual Assault | \$10,360.00 | \$10,360.00 |
| Post-Conviction Review | \$10,230.00 | \$19,595.38 |
| Appeal | \$9,370.73 | \$9,370.73 |
| Arson | \$9,135.00 | \$9,135.00 |
| Manslaughter | \$8,940.00 | \$8,940.00 |
| Child Protection Petition | \$8,639.90 | \$8,639.90 |
| Post-Conviction Review | \$8,026.00 | \$8,026.00 |
| Theft | \$7,965.00 | \$7,965.00 |
| Domestic Violence Assault | \$7,932.75 | \$7,932.75 |
| Child Protection Petition | \$7,931.48 | \$7,931.48 |
| Manslaughter | \$7,830.00 | \$33,333.52 |
| Probation Violation | \$7,687.50 | \$7,687.50 |
| Burglary | \$7,675.20 | \$7,675.20 |
| Termination of Parental Rights | \$7,566.40 | \$7,566.40 |

Statement of Revenue and Expenses for Maine Commission on Public Defense Services

FY25 As of September 25, 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 | \$ 2,857,398 | \$ 2,841,262 | \$ 2,003,321 | \$ 763,952 | \$ 8,465,933 |
| Payroll to date | (1,145,606) | - | - | - | (1,145,606) |
| Estimated payroll remaining | - | (1,363,649) | (1,182,732) | (1,182,593) | (3,728,973) |
| Total Personal Services available | \$ 1,711,792 | \$ 1,477,613 | \$ 820,589 | \$ (418,641) | \$ 3,591,353 |
| All Other Allotment | \$ 13,289,365 | \$ 9,908,896 | \$ 8,908,892 | \$ 3,908,886 | \$ 36,016,039 |
| Expenditures to date | (11,130,835) | - | - | - | (11,130,835) |
| Encumbrances | (48,364) | - | - | - | (48,364) |
| Total All Other Available | \$ 2,110,167 | \$ 9,908,896 | \$ 8,908,892 | \$ 3,908,886 | \$ 24,836,841 |

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 | \$ - | \$ - | \$ - | \$ - | \$ - |
| Payroll to date | - | - | - | - | - |
| Estimated payroll remaining | - | - | - | - | - |
| Total Personal Services available | \$ - | \$ - | \$ - | \$ - | \$ - |
| All Other Allotment | \$ 8,205,921 | \$ 482,219 | \$ 482,219 | \$ 482,219 | \$ 9,652,578 |
| Expenditures to date | (8,200) | - | - | - | (8,200) |
| Encumbrances | - | - | - | - | - |
| Total All Other Available | \$ 8,197,721 | \$ 482,219 | \$ 482,219 | \$ 482,219 | \$ 9,644,378 |

PUBLIC DEFENSE SERVICES

CASH ON HAND 09/25/2024 \$ 9,390,178.62

| <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 | \$ 35,000 | \$ 22,000 | \$ - | \$ - | \$ 57,000 |
| Expenditures to date | - | - | - | - | - |
| Encumbrances | - | - | - | - | - |
| Total All Other Available | \$ 35,000 | \$ 22,000 | \$ - | \$ - | \$ 57,000 |

PUBLIC DEFENSE SERVICES CONFERENCE

CASH ON HAND 09/25/2024 \$ 7,460.66

| <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 |

Requesting deduction to \$500

CASH ON HAND 09/25/2024 \$ -

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

Activity Report by Case Type

9/30/2024

| DefenderData Case Type | Sep-24 | | | | | | Fiscal Year 2025 | | | |
|---|--------------|--------------------|-----------------------|---------------|------------------------|-----------------|------------------|---------------|-------------------------|-------------------|
| | New Cases | Vouchers Submitted | Submitted Amount | Vouchers Paid | Approved Amount | Average Amount | Cases Opened | Vouchers Paid | Amount Paid | Average Amount |
| Appeal | 11 | 19 | \$28,461.97 | 38 | \$ 86,620.89 | \$2,279.50 | 42 | 86 | \$ 192,317.43 | \$2,236.25 |
| Central Office Resource Counsel | 0 | 2 | \$105.00 | 4 | \$ 4,305.00 | \$1,076.25 | 0 | 7 | \$ 11,235.00 | \$1,605.00 |
| Child Protection Petition | 146 | 475 | \$619,449.64 | 511 | \$ 654,004.97 | \$1,279.85 | 446 | 1,488 | \$ 1,878,861.84 | \$1,262.68 |
| Drug Court | 9 | 16 | \$30,863.50 | 23 | \$ 46,007.50 | \$2,000.33 | 21 | 52 | \$ 103,451.50 | \$1,989.45 |
| Emancipation | 11 | 8 | \$8,280.20 | 6 | \$ 3,784.83 | \$630.81 | 29 | 18 | \$ 12,084.15 | \$671.34 |
| Felony | 623 | 988 | \$1,409,672.58 | 970 | \$ 1,159,777.30 | \$1,195.65 | 1,784 | 2,816 | \$ 3,783,216.14 | \$1,343.47 |
| Involuntary Civil Commitment | 104 | 93 | \$50,326.00 | 100 | \$ 49,426.85 | \$494.27 | 303 | 294 | \$ 146,113.20 | \$496.98 |
| Juvenile | 114 | 143 | \$141,117.48 | 163 | \$ 172,088.84 | \$1,055.76 | 272 | 425 | \$ 430,856.44 | \$1,013.78 |
| Lawyer of the Day - Custody | 325 | 262 | \$185,340.30 | 327 | \$ 220,692.70 | \$674.90 | 892 | 913 | \$ 627,056.30 | \$686.81 |
| Lawyer of the Day - Juvenile | 2 | 3 | \$1,545.00 | 6 | \$ 3,360.00 | \$560.00 | 17 | 29 | \$ 15,098.30 | \$520.63 |
| Lawyer of the Day - Walk-in | 148 | 128 | \$86,356.90 | 158 | \$ 104,318.15 | \$660.24 | 438 | 412 | \$ 268,018.60 | \$650.53 |
| MCILS Provided Training | 62 | 59 | \$93,133.44 | 34 | \$ 19,498.53 | \$573.49 | 212 | 167 | \$ 104,486.32 | \$625.67 |
| Misdemeanor | 773 | 1,009 | \$719,554.82 | 995 | \$ 732,154.71 | \$735.83 | 2,483 | 3,052 | \$ 2,286,084.61 | \$749.04 |
| Petition, Modified Release Treatment | 3 | 4 | \$3,715.00 | 3 | \$ 8,367.00 | \$2,789.00 | 4 | 7 | \$ 13,210.50 | \$1,887.21 |
| Petition, Release or Discharge | 1 | 2 | \$5,158.00 | 1 | \$ 765.00 | \$765.00 | 1 | 5 | \$ 9,742.00 | \$1,948.40 |
| Petition,Termination of Parental Rights | 0 | 6 | \$12,867.00 | 8 | \$ 7,990.00 | \$998.75 | 0 | 31 | \$ 65,032.06 | \$2,097.81 |
| Post Conviction Review | 3 | 19 | \$62,745.58 | 19 | \$ 38,384.63 | \$2,020.24 | 4 | 49 | \$ 116,635.37 | \$2,380.31 |
| Probate | 3 | 4 | \$10,323.00 | 4 | \$ 10,522.67 | \$2,630.67 | 5 | 11 | \$ 23,844.67 | \$2,167.70 |
| Probation Violation | 160 | 152 | \$115,758.05 | 149 | \$ 129,896.27 | \$871.79 | 437 | 473 | \$ 404,070.29 | \$854.27 |
| Represent Witness on 5th Amendment | 1 | 1 | \$3,945.00 | 0 | | | 5 | 6 | \$ 3,795.00 | \$632.50 |
| Resource Counsel Criminal | 0 | 4 | \$2,400.00 | 2 | \$ 1,155.00 | \$577.50 | 0 | 11 | \$ 6,375.00 | \$579.55 |
| Resource Counsel Juvenile | 0 | 1 | \$165.00 | 1 | \$ 165.00 | \$165.00 | 0 | 3 | \$ 285.00 | \$95.00 |
| Resource Counsel Mental Health | 0 | 1 | \$180.00 | 0 | | | 0 | 1 | \$ 135.00 | \$135.00 |
| Resource Counsel NCR | 0 | 0 | | 0 | | | 0 | 0 | | |
| Resource Counsel Protective Custody | 0 | 3 | \$2,475.00 | 2 | \$ 2,250.00 | \$1,125.00 | 0 | 5 | \$ 5,010.00 | \$1,002.00 |
| Review of Child Protection Order | 0 | 49 | \$75,352.67 | 61 | \$ 71,763.42 | \$1,176.45 | 0 | 180 | \$ 257,057.93 | \$1,428.10 |
| Revocation of Administrative Release | 0 | 0 | | 0 | | | 0 | 3 | \$ 5,925.00 | \$1,975.00 |
| Weapons Restrictions Case | 20 | 16 | \$10,958.00 | 23 | \$ 15,059.08 | \$654.74 | 73 | 61 | \$ 38,498.58 | \$631.12 |
| TOTAL | 2,519 | 3,467 | \$3,680,249.13 | 3,608 | \$ 3,542,358.34 | \$981.81 | 7,468 | 10,605 | \$ 10,808,496.23 | \$1,019.19 |

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

Activity Report by Court

9/30/2024

| Court | Sep-24 | | | | | | Fiscal Year 2025 | | | |
|--------------|--------------|--------------------|-----------------------|---------------|-----------------------|-----------------|------------------|---------------|------------------------|-------------------|
| | New Cases | Vouchers Submitted | Submitted Amount | Vouchers Paid | Approved Amount | Average Amount | Cases Opened | Vouchers Paid | Amount Paid | Average Amount |
| ALFSC | 0 | 0 | | 0 | | | 2 | 1 | \$ 1,215.00 | \$1,215.00 |
| AUBSC | 1 | 2 | \$2,535.00 | 2 | \$ 1,935.00 | \$967.50 | 2 | 7 | \$ 6,475.00 | \$925.00 |
| AUGDC | 31 | 69 | \$131,022.75 | 67 | \$ 114,984.15 | \$1,716.18 | 102 | 183 | \$ 301,112.74 | \$1,645.42 |
| AUGSC | 4 | 7 | \$9,576.50 | 5 | \$ 9,835.50 | \$1,967.10 | 9 | 14 | \$ 26,453.00 | \$1,889.50 |
| BANDC | 61 | 58 | \$40,500.50 | 73 | \$ 48,959.00 | \$670.67 | 183 | 275 | \$ 211,243.50 | \$768.16 |
| BANSC | 1 | 0 | | 0 | | | 1 | 3 | \$ 2,244.60 | \$748.20 |
| BATSC | 0 | 0 | | 0 | | | 0 | 0 | | |
| BELDC | 5 | 7 | \$7,219.25 | 14 | \$ 13,694.67 | \$978.19 | 15 | 47 | \$ 47,083.57 | \$1,001.78 |
| BELSC | 0 | 0 | | 0 | | | 0 | 0 | | |
| BIDDC | 56 | 79 | \$74,694.64 | 89 | \$ 73,246.13 | \$822.99 | 135 | 255 | \$ 218,517.01 | \$856.93 |
| BRIDC | 16 | 21 | \$18,320.40 | 22 | \$ 21,037.34 | \$956.24 | 33 | 48 | \$ 52,630.69 | \$1,096.47 |
| CALDC | 5 | 11 | \$7,361.15 | 13 | \$ 7,443.20 | \$572.55 | 13 | 28 | \$ 15,119.70 | \$539.99 |
| CARDC | 4 | 14 | \$12,352.50 | 19 | \$ 15,427.50 | \$811.97 | 19 | 57 | \$ 72,789.30 | \$1,277.01 |
| CARSC | 0 | 1 | \$300.00 | 1 | \$ 300.00 | \$300.00 | 1 | 1 | \$ 300.00 | \$300.00 |
| DOVDC | 4 | 8 | \$8,197.00 | 8 | \$ 13,038.00 | \$1,629.75 | 8 | 30 | \$ 31,627.00 | \$1,054.23 |
| DOVSC | 0 | 0 | | 0 | | | 0 | 0 | | |
| ELLDC | 12 | 31 | \$30,302.00 | 32 | \$ 28,364.00 | \$886.38 | 26 | 87 | \$ 96,412.50 | \$1,108.19 |
| ELLSC | 0 | 0 | | 0 | | | 1 | 1 | \$ 1,382.00 | \$1,382.00 |
| FARDC | 14 | 15 | \$23,595.30 | 17 | \$ 20,374.90 | \$1,198.52 | 47 | 53 | \$ 52,990.21 | \$999.82 |
| FARSC | 0 | 0 | | 0 | | | 1 | 1 | \$ 1,005.00 | \$1,005.00 |
| FORDC | 1 | 8 | \$5,647.50 | 14 | \$ 12,057.50 | \$861.25 | 5 | 33 | \$ 24,742.00 | \$749.76 |
| HOUDC | 5 | 16 | \$11,415.00 | 22 | \$ 22,499.50 | \$1,022.70 | 22 | 49 | \$ 54,272.68 | \$1,107.61 |
| HOUSC | 0 | 0 | | 0 | | | 0 | 1 | \$ 585.00 | \$585.00 |
| LEWDC | 48 | 104 | \$111,209.66 | 83 | \$ 93,280.66 | \$1,123.86 | 116 | 251 | \$ 296,394.11 | \$1,180.85 |
| LINDC | 7 | 11 | \$14,756.66 | 12 | \$ 15,021.14 | \$1,251.76 | 19 | 28 | \$ 30,115.14 | \$1,075.54 |
| MACDC | 3 | 8 | \$7,902.00 | 7 | \$ 9,530.00 | \$1,361.43 | 6 | 37 | \$ 50,828.00 | \$1,373.73 |
| MACSC | 1 | 1 | \$110,179.47 | 0 | | | 1 | 0 | | |
| MADDC | 0 | 0 | | 0 | | | 0 | 0 | | |
| MILDC | 0 | 0 | | 0 | | | 2 | 3 | \$ 17,344.12 | \$5,781.37 |
| NEWDC | 7 | 14 | \$12,021.00 | 24 | \$ 21,385.50 | \$891.06 | 29 | 81 | \$ 62,006.00 | \$765.51 |
| PORDC | 56 | 114 | \$159,682.43 | 135 | \$ 182,369.22 | \$1,350.88 | 179 | 363 | \$ 391,567.72 | \$1,078.70 |
| PORSC | 0 | 0 | | 0 | | | 2 | 5 | \$ 6,758.50 | \$1,351.70 |
| PREDC | 5 | 20 | \$24,775.50 | 28 | \$ 31,820.50 | \$1,136.45 | 17 | 58 | \$ 94,103.19 | \$1,622.47 |
| RODC | 17 | 23 | \$20,078.00 | 27 | \$ 18,150.10 | \$672.23 | 40 | 61 | \$ 59,408.76 | \$973.91 |
| ROCSC | 0 | 1 | \$645.00 | 1 | \$ 645.00 | \$645.00 | 1 | 1 | \$ 645.00 | \$645.00 |
| RUMDC | 8 | 21 | \$25,974.20 | 24 | \$ 32,523.60 | \$1,355.15 | 16 | 74 | \$ 119,357.41 | \$1,612.94 |
| SKODC | 21 | 67 | \$69,784.65 | 51 | \$ 60,210.42 | \$1,180.60 | 55 | 174 | \$ 206,769.17 | \$1,188.33 |
| SKOSC | 0 | 0 | | 0 | | | 0 | 0 | | |
| SODUC | 6 | 20 | \$20,303.50 | 17 | \$ 23,410.98 | \$1,377.12 | 12 | 41 | \$ 63,363.38 | \$1,545.45 |
| SOUSC | 0 | 0 | | 1 | \$ 75.00 | \$75.00 | 1 | 2 | \$ 1,125.00 | \$562.50 |
| SPRDC | 6 | 8 | \$10,920.00 | 13 | \$ 21,825.00 | \$1,678.85 | 8 | 35 | \$ 65,906.50 | \$1,883.04 |
| Law Ct | 11 | 16 | \$28,172.77 | 35 | \$ 69,575.87 | \$1,987.88 | 35 | 77 | \$ 166,980.41 | \$2,168.58 |
| Training | 62 | 61 | \$94,858.44 | 38 | \$ 24,838.53 | \$653.65 | 212 | 178 | \$ 120,776.32 | \$678.52 |
| YORCD | 300 | 356 | \$379,977.46 | 374 | \$ 373,721.17 | \$999.25 | 856 | 1,180 | \$ 1,369,505.36 | \$1,160.60 |
| AR OCD | 190 | 195 | \$159,534.11 | 225 | \$ 208,258.01 | \$925.59 | 468 | 701 | \$ 623,563.63 | \$889.53 |
| ANDCD | 189 | 338 | \$371,248.45 | 326 | \$ 289,323.71 | \$887.50 | 589 | 875 | \$ 770,409.83 | \$880.47 |
| KENCD | 143 | 223 | \$186,285.88 | 213 | \$ 176,652.52 | \$829.35 | 412 | 595 | \$ 531,094.27 | \$892.60 |
| PENCD | 252 | 263 | \$269,028.05 | 244 | \$ 255,291.64 | \$1,046.28 | 725 | 826 | \$ 831,619.18 | \$1,006.80 |
| SAGCD | 34 | 49 | \$35,152.12 | 43 | \$ 31,080.50 | \$722.80 | 120 | 142 | \$ 146,239.54 | \$1,029.86 |
| WALCD | 48 | 53 | \$54,474.20 | 58 | \$ 65,426.20 | \$1,128.04 | 174 | 173 | \$ 181,583.52 | \$1,049.62 |
| PISCD | 10 | 9 | \$19,333.50 | 14 | \$ 6,792.00 | \$485.14 | 43 | 56 | \$ 43,492.00 | \$776.64 |
| HANCD | 69 | 68 | \$62,467.91 | 75 | \$ 80,554.81 | \$1,074.06 | 166 | 253 | \$ 235,717.65 | \$931.69 |
| FRACD | 42 | 49 | \$38,489.30 | 60 | \$ 43,995.15 | \$733.25 | 106 | 187 | \$ 163,907.92 | \$876.51 |
| WASCD | 59 | 52 | \$40,725.50 | 57 | \$ 45,868.00 | \$804.70 | 156 | 175 | \$ 171,947.33 | \$982.56 |
| CUMCD | 396 | 539 | \$537,778.25 | 536 | \$ 522,730.85 | \$975.24 | 1,213 | 1,455 | \$ 1,557,673.71 | \$1,070.57 |
| KN OCD | 65 | 58 | \$54,854.00 | 51 | \$ 40,004.40 | \$784.40 | 231 | 193 | \$ 176,003.36 | \$911.93 |
| SOMCD | 101 | 131 | \$93,393.79 | 176 | \$ 131,040.80 | \$744.55 | 298 | 373 | \$ 293,287.44 | \$786.29 |
| OXFCD | 60 | 114 | \$103,272.81 | 116 | \$ 101,536.30 | \$875.31 | 252 | 353 | \$ 287,632.53 | \$814.82 |
| LINCD | 53 | 44 | \$56,080.48 | 48 | \$ 45,734.42 | \$952.80 | 153 | 156 | \$ 143,065.86 | \$917.09 |
| WATDC | 18 | 51 | \$63,543.80 | 59 | \$ 70,745.20 | \$1,199.07 | 59 | 134 | \$ 149,561.30 | \$1,116.13 |
| WESDC | 8 | 17 | \$28,455.00 | 19 | \$ 20,405.50 | \$1,073.97 | 36 | 75 | \$ 79,743.69 | \$1,063.25 |
| WISDC | 3 | 17 | \$17,752.75 | 16 | \$ 18,581.75 | \$1,161.36 | 26 | 43 | \$ 52,221.88 | \$1,214.46 |
| WISSC | 0 | 0 | | 0 | | | 0 | 0 | | |
| YORDC | 1 | 4 | \$13,686.50 | 3 | \$ 6,345.00 | \$2,115.00 | 8 | 14 | \$ 27,024.50 | \$1,930.32 |
| TOTAL | 2,519 | 3,467 | \$3,680,249.13 | 3,608 | \$3,542,358.34 | \$981.81 | 7,468 | 10,605 | \$10,808,496.23 | \$1,019.19 |

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES
FY25 FUND ACCOUNTING
AS OF 09/30/2024

| Account 010 95F Z112 01 (All Other) | | Mo. | Q1 | Mo. | Q2 | Mo. | Q3 | Mo. | Q4 | FY24 Total |
|---|-----------|-----------------------|-------------------------|-----|------------------------|-----|------------------------|-----|------------------------|-------------------------|
| FY25 Professional Services Allotment | | | \$ 13,195,654.02 | | \$ 9,868,538.00 | | \$ 8,868,534.00 | | \$ 3,868,528.00 | \$ 35,801,254.02 |
| FY25 General Operations Allotment | | | \$ - | | \$ - | | \$ - | | \$ - | \$ - |
| FY24 unencumbered balance forward | | | \$ - | | \$ - | | \$ - | | \$ - | \$ 207,548.92 |
| Transfer out | | | \$ - | | \$ - | | \$ - | | \$ - | \$ (16,131.00) |
| Budget Order Adjustment | | | \$ - | | \$ - | | \$ - | | \$ - | \$ - |
| Budget Order Adjustment | | | \$ - | | \$ - | | \$ - | | \$ - | \$ - |
| Financial Order Adjustment | | | \$ 93,711.00 | | \$ 40,358.00 | | \$ 40,358.00 | | \$ 40,358.00 | \$ 214,785.00 |
| FY24 carry forward encumbrances | | | | | | | | | | \$ 64,004.02 |
| Total Budget Allotments | | | \$ 13,289,365.02 | | \$ 9,908,896.00 | | \$ 8,908,892.00 | | \$ 3,908,886.00 | \$ 36,207,456.94 |
| Total Expenses | | 1 | \$ (4,011,950.43) | 4 | \$ - | 7 | \$ - | 10 | \$ - | |
| | | 2 | \$ (3,944,070.03) | 5 | \$ - | 8 | \$ - | 11 | \$ - | |
| | | 3 | \$ (3,654,095.84) | 6 | \$ - | 9 | \$ - | 12 | \$ - | |
| Encumbrances (Justice Works) | | | \$ - | | \$ - | | \$ - | | \$ - | |
| Encumbrances (Justice Works for PD users access) | | | \$ (26,202.00) | | \$ - | | \$ - | | \$ - | |
| Encumbrances (B Taylor) | | | \$ (17,680.03) | | \$ - | | \$ - | | \$ - | |
| Encumbrances (West Law online legal research) | | | \$ (4,379.18) | | \$ - | | \$ - | | \$ - | |
| Encumbrance (CRPD summer interns) | | | \$ (102.39) | | \$ - | | \$ - | | \$ - | |
| Encumbrance (K. Guillory contract for website maintenance) | | | \$ - | | \$ - | | \$ - | | \$ - | |
| Encumbrance (business cards) | | | \$ - | | \$ - | | \$ - | | \$ - | |
| Encumbrance (training videographer) | | | \$ - | | \$ - | | \$ - | | \$ - | |
| Encumbrance (training speaker) | | | \$ - | | \$ - | | \$ - | | \$ - | |
| Encumbrance (training speaker) | | | \$ - | | \$ - | | \$ - | | \$ - | |
| Accrued expenses | | | \$ (2,250.00) | | \$ - | | \$ - | | \$ - | |
| TOTAL REMAINING | | | \$ 1,628,635.12 | | \$ 9,908,896.00 | | \$ 8,908,892.00 | | \$ 3,908,886.00 | \$ 24,546,727.04 |
| Q1 Month 3 | | | | | | | | | | |
| INDIGENT LEGAL SERVICES | | | | | | | | | | |
| Counsel Payments | \$ | (3,497,197.49) | | | | | \$ 13,289,365.02 | | | |
| Interpreters | \$ | (5,001.90) | | | | | \$ - | | | |
| Private Investigators | \$ | (13,141.52) | | | | | \$ (26,202.00) | | | |
| Mental Health Expert | \$ | (19,860.00) | | | | | \$ (17,680.03) | | | |
| Misc Prof Fees & Serv | \$ | 50.00 | | | | | \$ - | | | |
| Transcripts | \$ | (9,906.50) | | | | | \$ - | | | |
| Other Expert | \$ | (53,693.10) | | | | | \$ - | | | |
| Subpoena witness | \$ | - | | | | | \$ - | | | |
| Process Servers | \$ | (886.09) | | | | | \$ - | | | |
| SUB-TOTAL ILS | \$ | (3,599,636.60) | | | | | (4,379.18) | | | |
| OPERATING EXPENSES | | | | | | | | | | |
| Risk Management Insurances | \$ | - | | | | | \$ (2,250.00) | | | |
| Barbara Taylor monthly fees | \$ | (5,893.33) | | | | | \$ (11,610,116.30) | | | |
| OIT/TELCO | \$ | - | | | | | | | | |
| | | | | | | | 1,628,635.12 | | | |
| INDIGENT LEGAL SERVICES | | | | | | | | | | |
| Q1 Allotment | | | | | | | \$ 13,289,365.02 | | | |
| Encumbrances for Justice Works contract | | | | | | | \$ - | | | |
| Encumbrances for Justice Works contract for PD users access | | | | | | | \$ (26,202.00) | | | |
| Barbara Taylor Contract | | | | | | | \$ (17,680.03) | | | |
| Encumbrance for Videographer | | | | | | | \$ - | | | |
| Encumbrance for training speaker | | | | | | | \$ - | | | |
| Encumbrance for training speaker | | | | | | | \$ - | | | |
| Legal Case Management Accelerator User Assistance | | | | | | | \$ - | | | |
| Online Legal Research Services | | | | | | | \$ (4,379.18) | | | |
| Encumbrance (K. Guillory contract for website maintenance) | | | | | | | \$ - | | | |
| Encumbrance for CRPD summer interns | | | | | | | \$ (102.39) | | | |
| Accrued expenses | | | | | | | \$ (2,250.00) | | | |
| Expenses to date | | | | | | | \$ (11,610,116.30) | | | |
| Remaining Q1 Allotment | | | | | | | 1,628,635.12 | | | |

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES
FY25 FUND ACCOUNTING
AS OF 09/30/2024

| | | |
|-------------------------------------|-----------|-----------------------|
| Mileage/Tolls/Parking | \$ | (788.50) |
| Mailing/Postage/Freight/Stamps | \$ | (181.90) |
| West Publishing Corp | \$ | (5,975.04) |
| PC & networking software license | \$ | (9.99) |
| Office Supplies/Equip. | \$ | (651.90) |
| Cellular Phones | \$ | - |
| Periodicals/Books | \$ | (1,660.58) |
| Employee/counsel lodging | \$ | (107.00) |
| Service Center | \$ | - |
| Business cards & envelopes | \$ | - |
| NAPD Talen LMS subscription | \$ | - |
| Legal Ads/Job Postings | \$ | - |
| Dues | \$ | - |
| Registration fees | \$ | (1,000.00) |
| CRPD quarterly building lease | \$ | (21,591.00) |
| Justice Works | \$ | - |
| Miscellaneous travel expenses | \$ | - |
| Staff meals & gratuity | \$ | - |
| Taylor Kilgore CLE tuition | \$ | (3,600.00) |
| Anthony Palacios - training speaker | \$ | (13,000.00) |
| Training rooms | \$ | - |
| Training catered meals | \$ | - |
| SUB-TOTAL OE | \$ | (54,459.24) |
| TOTAL | \$ | (3,654,095.84) |

| Non-Counsel Indigent Legal Services | | |
|--|----|--------------|
| Monthly Total | \$ | (102,439.11) |
| Total Q1 | \$ | 607,270.27 |
| Total Q2 | \$ | - |
| Total Q3 | \$ | - |
| Total Q4 | \$ | - |
| Fiscal Year Total | \$ | 607,270.27 |

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

FY25 FUND ACCOUNTING

AS OF 09/30/2024

| Account 010 95F Z112 01 (Personal Services) | Mo. | Q1 | Mo. | Q2 | Mo. | Q3 | Mo. | Q4 | FY24 Total |
|--|------------|------------------------|------------|------------------------|------------|------------------------|------------|----------------------|-------------------------|
| FY25 Allotment | | \$ 2,264,681.00 | | \$ 2,248,547.00 | | \$ 1,695,004.00 | | \$ 472,785.00 | \$ 6,681,017.00 |
| Financial Order Adjustments | | \$ 592,717.00 | | \$ 592,715.00 | | \$ 308,317.00 | | \$ 291,167.00 | \$ 1,784,916.00 |
| Financial Order Adjustments | | \$ - | | \$ 637,213.00 | | \$ - | | \$ - | \$ 637,213.00 |
| Budget Order Adjustments | | \$ - | | \$ - | | \$ - | | \$ - | \$ 1,667,394.04 |
| Total Budget Allotments | | \$ 2,857,398.00 | | \$ 3,478,475.00 | | \$ 2,003,321.00 | | \$ 763,952.00 | \$ 10,770,540.04 |
| Total Expenses | 1 | \$ (417,528.73) | 4 | \$ - | 7 | \$ - | 10 | \$ - | |
| | 2 | \$ (323,300.13) | 5 | \$ - | 8 | \$ - | 11 | \$ - | |
| | 3 | \$ (404,777.35) | 6 | \$ - | 9 | \$ - | 12 | \$ - | |
| TOTAL REMAINING | | \$ 1,711,791.79 | | \$ 3,478,475.00 | | \$ 2,003,321.00 | | \$ 763,952.00 | \$ 9,624,933.83 |

| Q1 Month 3 | |
|---|------------------------|
| Standard Overtime | \$ - |
| Permanent Regular | \$ (200,091.68) |
| Perm Part Time Full Ben | \$ (5,032.43) |
| Perm Vacation Pay | \$ (19,955.14) |
| Perm Holiday Pay | \$ (12,242.08) |
| Sick Pay | \$ (9,087.07) |
| Employee hlth svcs/workers comp | \$ (720.00) |
| Health Insurance | \$ (29,940.00) |
| Dental Insurance | \$ (746.00) |
| Employer Retiree Health | \$ (21,458.79) |
| Employer Retirement | \$ (14,744.99) |
| Employer Group Life | \$ (2,124.64) |
| Employer Medicare | \$ (3,566.28) |
| Retiree Unfunded Liability | \$ (41,393.96) |
| Longevity Pay | \$ (200.00) |
| Limited Period Regular | \$ (7,137.92) |
| Limited Per Vacation Pay | \$ - |
| Limited Per Holiday Pay | \$ - |
| Limit Per Sick Pay | \$ - |
| Retro lump sum pymt | \$ (204.00) |
| Payroll costs transfer from OSR account | \$ (36,132.37) |
| Project Holiday Pay | \$ - |
| Per Diem | \$ - |
| TOTAL | \$ (404,777.35) |

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES
FY25 FUND ACCOUNTING
AS OF 09/30/2024

| Account 014 95F Z112 01 (OSR Personal Services Revenue) | Mo. | Q1 | Mo. | Q2 | Mo. | Q3 | Mo. | Q4 | FY24 Total |
|--|------------|-----------------------|------------|-------------|------------|-------------|------------|-------------|-----------------------|
| FY25 Allotment | | \$ - | | \$ - | | \$ - | | \$ - | \$ - |
| Financial Order Adjustments | | \$ - | | \$ - | | \$ - | | \$ - | |
| Carry Forward Q1 & Q3 Allotment | | \$ - | | \$ - | | \$ - | | \$ - | |
| Budget Order Adjustments | | \$ - | | \$ - | | \$ - | | \$ - | |
| Total Budget Allotments | | \$ - | | \$ - | | \$ - | | \$ - | \$ - |
| Total Expenses | 1 | \$ (36,132.37) | 4 | \$ - | 7 | \$ - | 10 | \$ - | |
| | 2 | \$ - | 5 | \$ - | 8 | \$ - | 11 | \$ - | |
| | 3 | \$ - | 6 | \$ - | 9 | \$ - | 12 | \$ - | |
| TOTAL REMAINING | | \$ (36,132.37) | | \$ - | | \$ - | | \$ - | \$ (36,132.37) |

| Q1 Month 3 | |
|--------------------------------|-------------|
| Standard Overtime | \$ - |
| Permanent Regular | \$ - |
| Perm Vacation Pay | \$ - |
| Perm Holiday Pay | \$ - |
| Perm Sick Pay | \$ - |
| Health Insurance | \$ - |
| Dental Insurance | \$ - |
| Employer Retiree Health | \$ - |
| Employer Retirement | \$ - |
| Employer Group Life | \$ - |
| Employer Medicare | \$ - |
| Retiree Unfunded Liability | \$ - |
| Limited Period Regular | \$ - |
| Limit Per Holiday Pay | \$ - |
| Limit Per Vacation Pay | \$ - |
| Limit Per Sick Pay | \$ - |
| Longevity Pay | \$ - |
| Employee Hlth SVS/Workers comp | \$ - |
| Perm Part Time Full Ben | \$ - |
| Retro Pay Contract | \$ - |
| Retro Lump Sum Pymt | \$ - |
| TOTAL | \$ - |

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

FY25 FUND ACCOUNTING

As of 09/30/2024

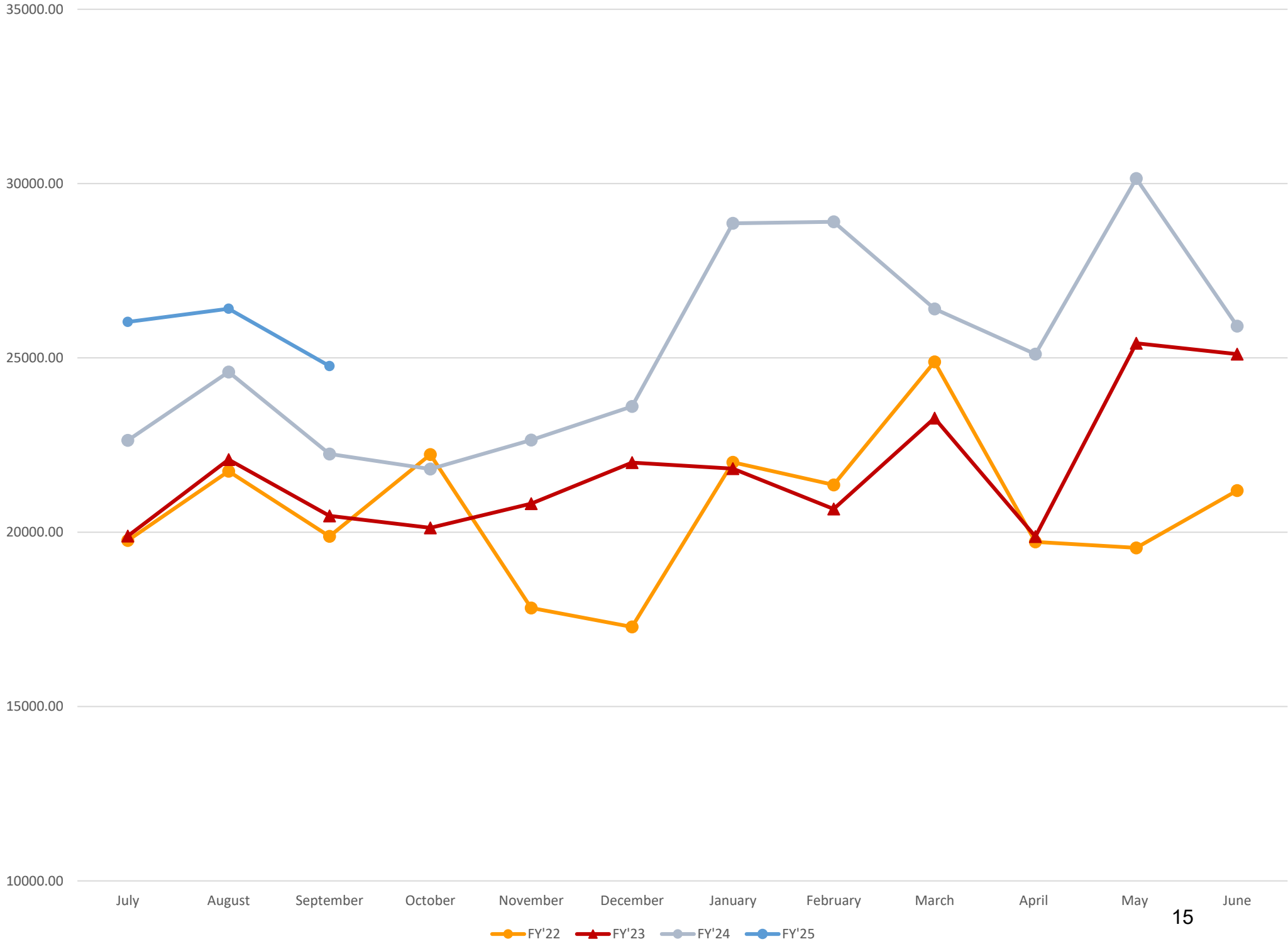
| Account 014 95F Z112 01 | | | | | | | | | | |
|---|------------|------------------------|------------|----------------------|------------|----------------------|------------|----------------------|-------------------|---------------------|
| (Revenue) | Mo. | Q1 | Mo. | Q2 | Mo. | Q3 | Mo. | Q4 | FY24 Total | |
| Original Total Budget Allotments | | \$ 785,583.00 | | \$ 105,144.00 | | \$ 104,638.00 | | \$ 104,635.00 | \$ | 1,100,000.00 |
| | | \$ - | | \$ - | | \$ - | | \$ - | \$ | - |
| Financial Order Adjustment-carry forward FY24 | | \$ 7,420,338.00 | | \$ 377,075.00 | | \$ 377,581.00 | | \$ 377,584.00 | | |
| Financial Order Allotment Adjustment | | \$ - | | \$ - | | \$ - | | \$ - | | |
| Budget Order Adjustment | | \$ - | | \$ - | | \$ - | | \$ - | \$ | - |
| Budget Order Adjustment | | \$ - | | \$ - | | \$ - | | \$ - | \$ | - |
| ADJ OF PERS SERV BALANCE FWD | | \$ - | | \$ - | | \$ - | | \$ - | \$ | 1,667,394.04 |
| Total Budget Allotments | | \$ 8,205,921.00 | | \$ 482,219.00 | | \$ 482,219.00 | | \$ 482,219.00 | \$ | 9,652,578.00 |
| Collected Revenue from JB | 1 | \$ 23,597.22 | 4 | \$ - | 7 | \$ - | 10 | \$ - | | |
| Collected Revenue from JB | 2 | \$ 39,749.50 | 5 | \$ - | 8 | \$ - | 11 | \$ - | | |
| Collected Revenue from JB | 3 | \$ - | 6 | \$ - | 9 | \$ - | 12 | \$ - | | |
| Collected for reimbursement of counsel fees | 1 | \$ 2,331.00 | 4 | \$ - | 7 | \$ - | 10 | \$ - | | |
| Collected for reimbursement of counsel fees | 2 | \$ 5,122.00 | 5 | \$ - | 8 | \$ - | 11 | \$ - | | |
| Collected for reimbursement of counsel fees | 3 | \$ 2,590.00 | 6 | \$ - | 9 | \$ - | 12 | \$ - | | |
| TOTAL CASH PLUS REVENUE COLLECTED | | \$ 73,389.72 | | \$ - | | \$ - | | \$ - | \$ | 73,389.72 |
| Counsel Payments | 1 | \$ - | 4 | \$ - | 7 | \$ - | 10 | \$ - | | |
| Counsel Payments | 2 | \$ - | 5 | \$ - | 8 | \$ - | 11 | \$ - | | |
| Counsel Payments | 3 | \$ - | 6 | \$ - | 9 | \$ - | 12 | \$ - | | |
| CRPD summer interns-Atlantic Staffing | | \$ (8,200.00) | | | | | | | | |
| REMAINING ALLOTMENT | | \$ 8,197,721.00 | | \$ 482,219.00 | | \$ 482,219.00 | | \$ 482,219.00 | \$ | 9,644,378.00 |

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES
FY25 FUND ACCOUNTING
AS OF 09/30/2024

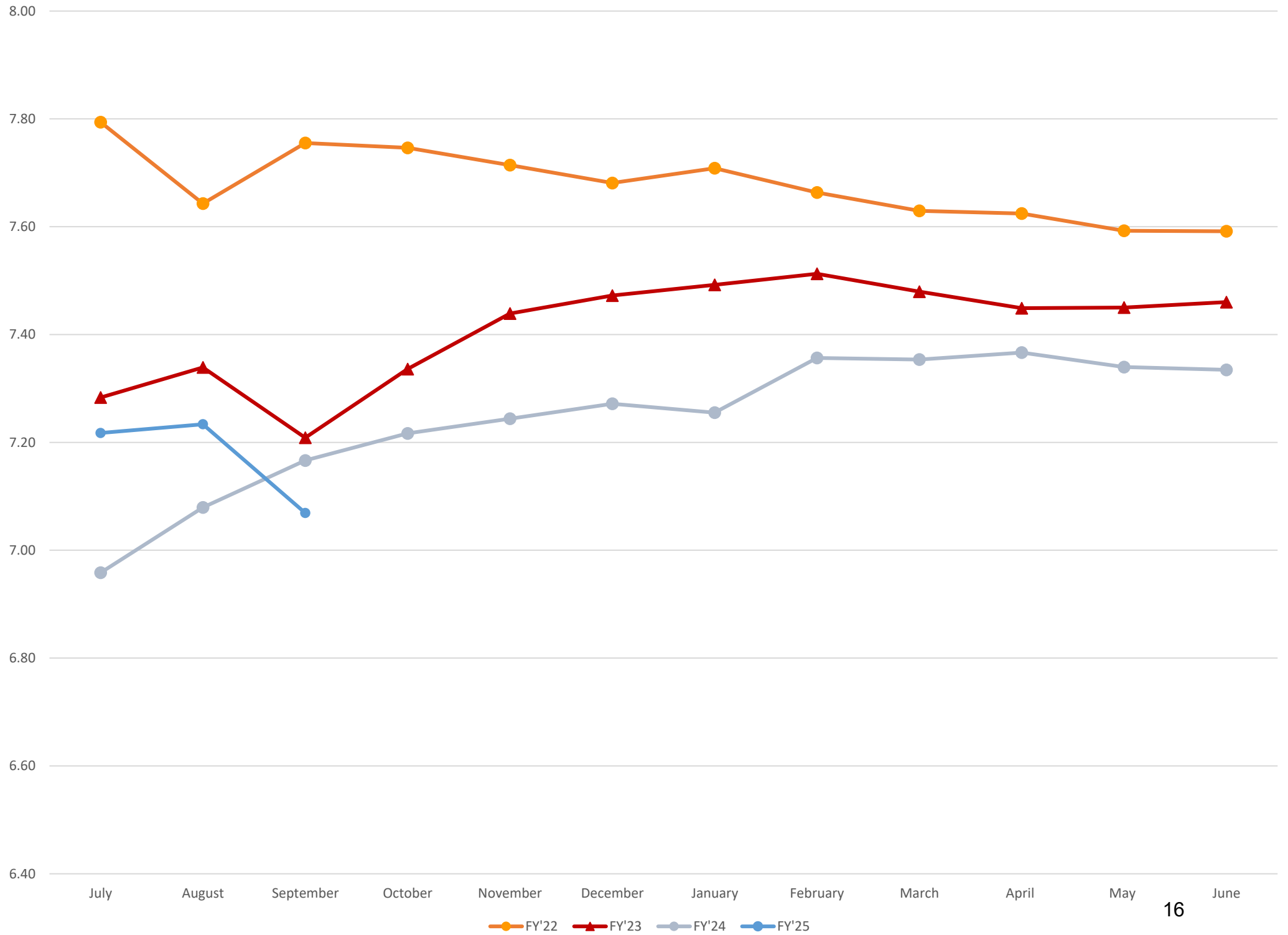
| Account 014 95F Z112 02 (Conference Account) | Mo. | Q1 | Mo. | Q2 | Mo. | Q3 | Mo. | Q4 | FY24 Total |
|---|------------|------------------|------------|------------------|------------|-----------|------------|-----------|---------------------|
| FY25 Allotment | \$ | 35,000.00 | \$ | 22,000.00 | | | | | \$ 57,000.00 |
| Financial Order Adjustments | \$ | - | \$ | - | \$ | - | \$ | - | |
| Budget Order Adjustments | \$ | - | \$ | - | \$ | - | \$ | - | |
| Budget Order Adjustments | \$ | - | \$ | - | \$ | - | \$ | - | |
| | \$ | - | \$ | - | \$ | - | \$ | - | |
| | \$ | - | \$ | - | \$ | - | \$ | - | |
| Total Budget Allotments | \$ | 35,000.00 | \$ | 22,000.00 | \$ | - | \$ | - | \$ 57,000.00 |
| Total Expenses | 1 \$ | - | 4 \$ | - | 7 \$ | - | 10 \$ | - | |
| | 2 \$ | - | 5 \$ | - | 8 \$ | - | 11 \$ | - | |
| | 3 \$ | - | 6 \$ | - | 9 \$ | - | 12 \$ | - | |
| State cap | \$ | - | \$ | - | \$ | - | \$ | - | |
| TOTAL REMAINING | \$ | 35,000.00 | \$ | 22,000.00 | \$ | - | \$ | - | \$ 57,000.00 |

| Q1 Month 3 | | |
|----------------------------------|-----------|----------|
| Instructor & Speaker services | \$ | - |
| Refreshments & Catered meals | \$ | - |
| Sales tax | \$ | - |
| Mileage & parking fees for staff | \$ | - |
| Training rooms | \$ | - |
| Registrations | \$ | - |
| Lodging for counsel | \$ | - |
| Mileage for counsel | \$ | - |
| Office supplies | | |
| TOTAL | \$ | - |

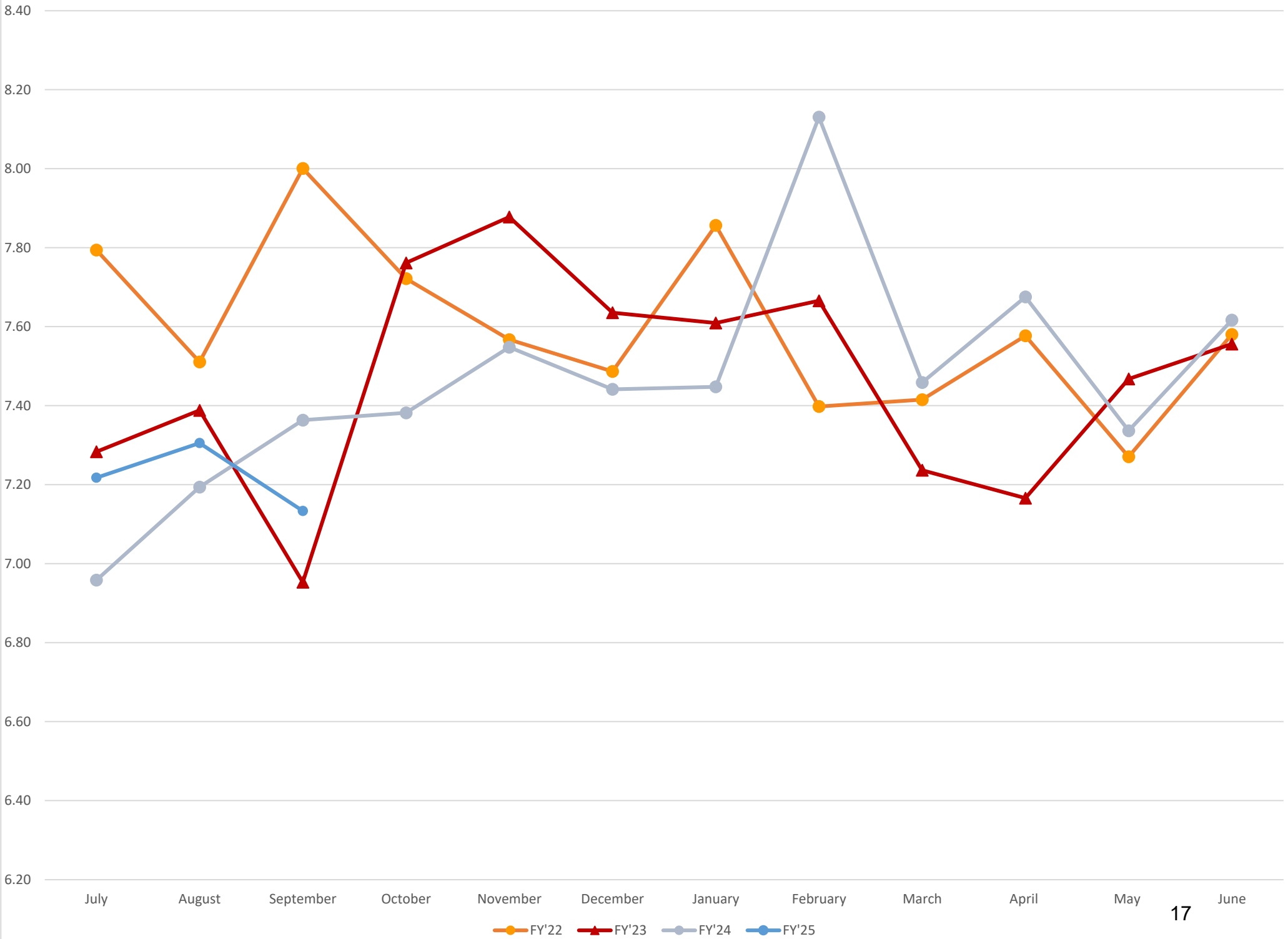
Submitted Hours Amount



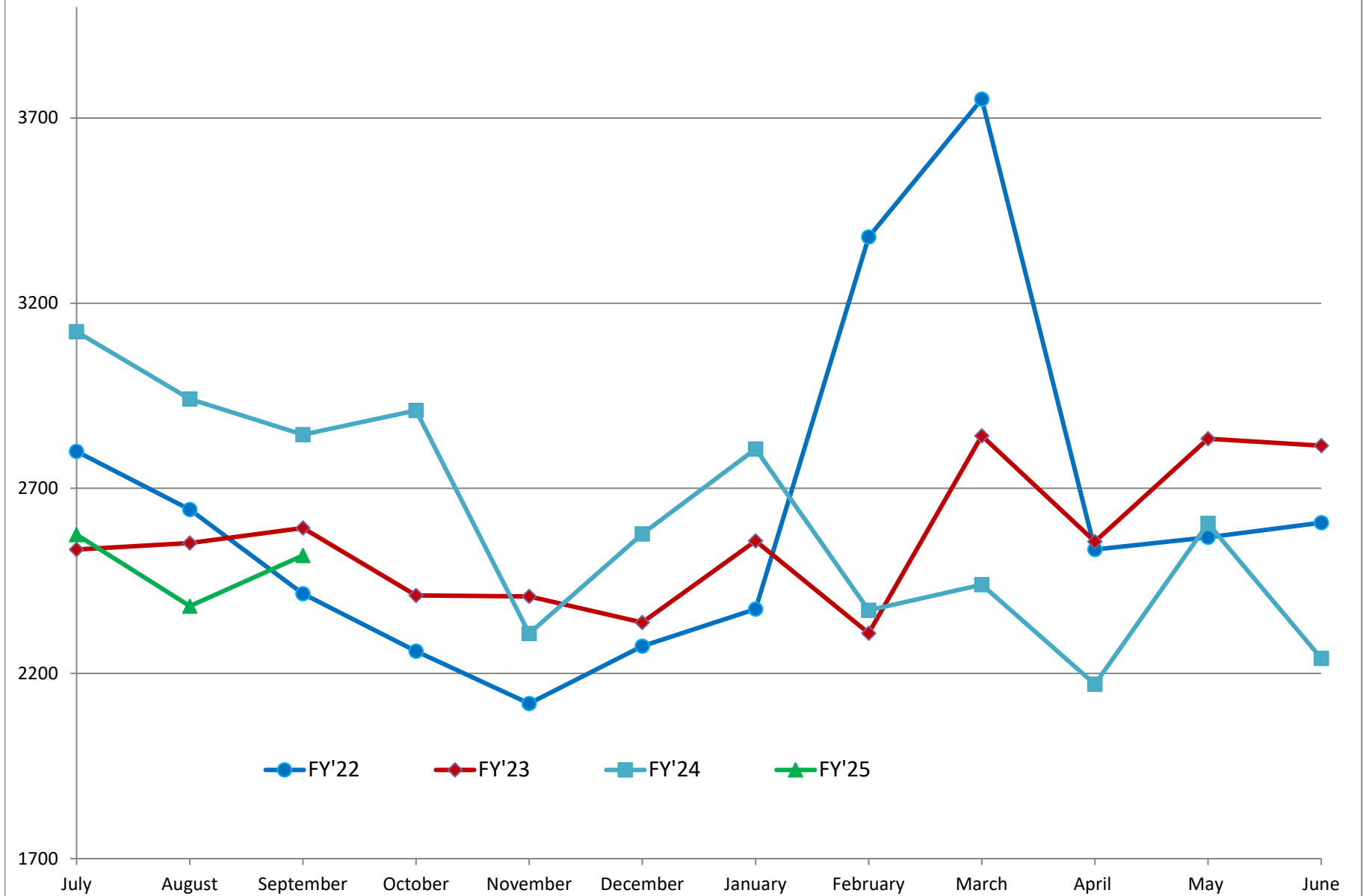
Average Hours per Voucher FYTD



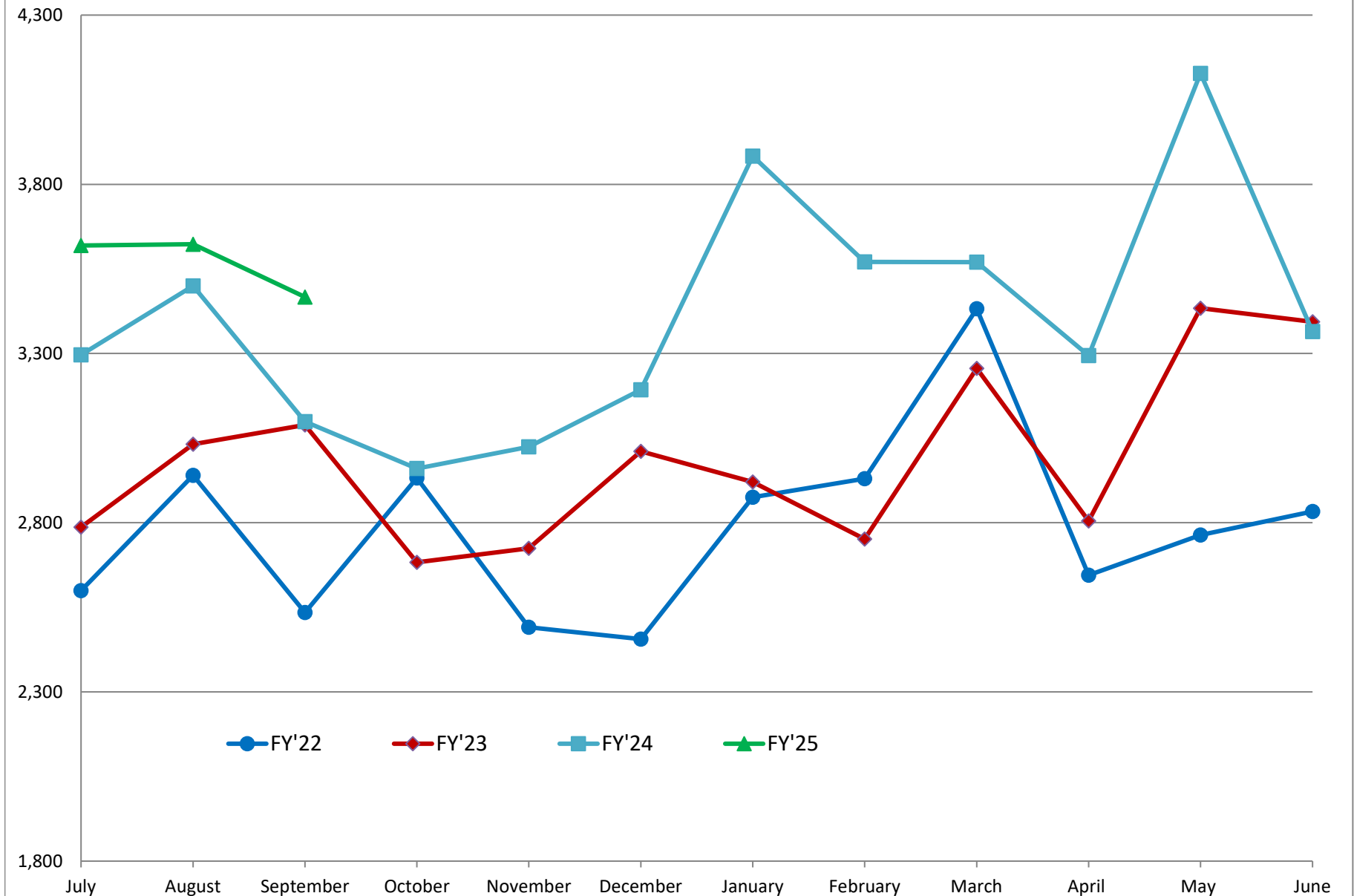
Monthly Average Hours per Voucher



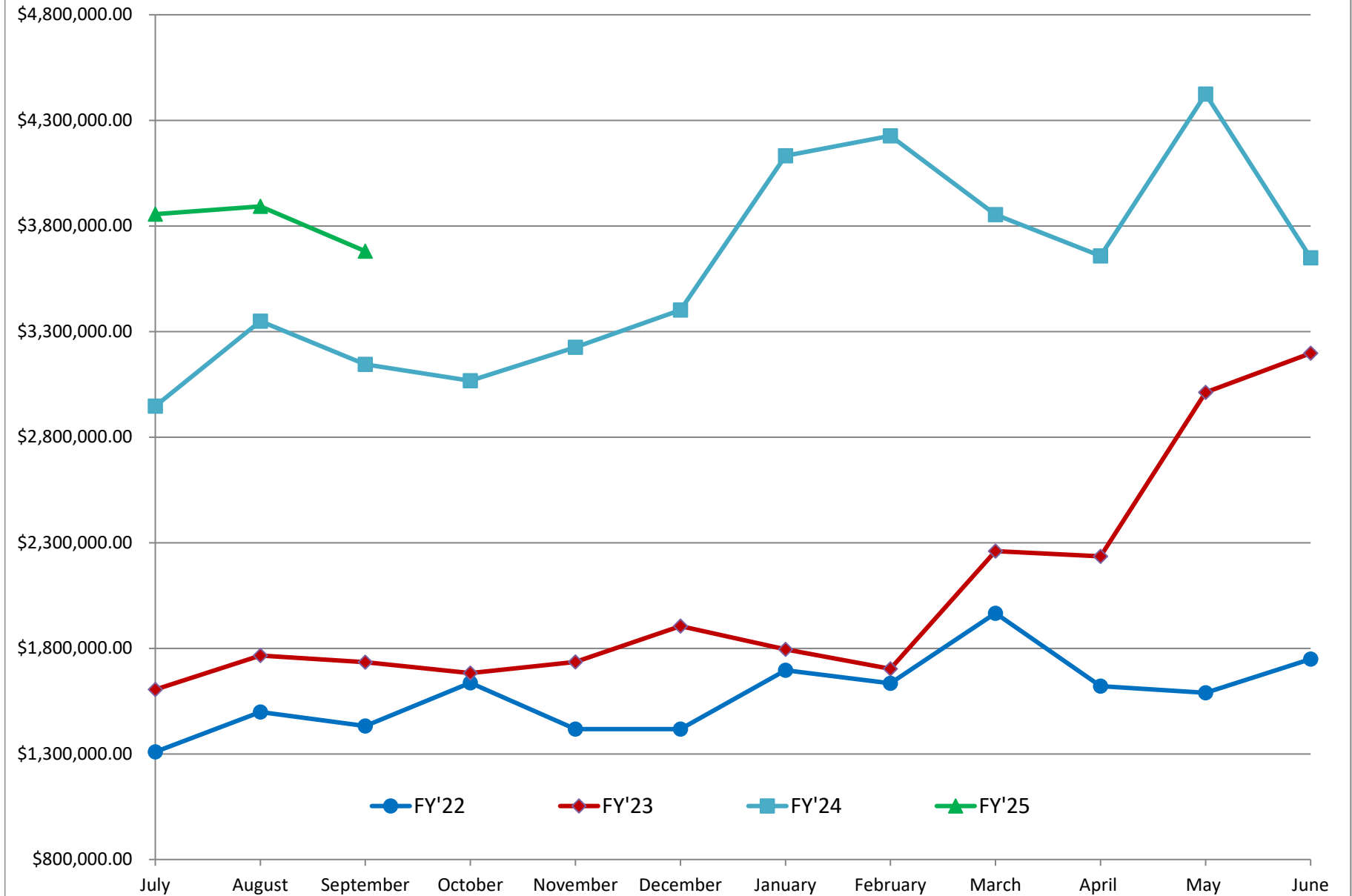
NEW CASES



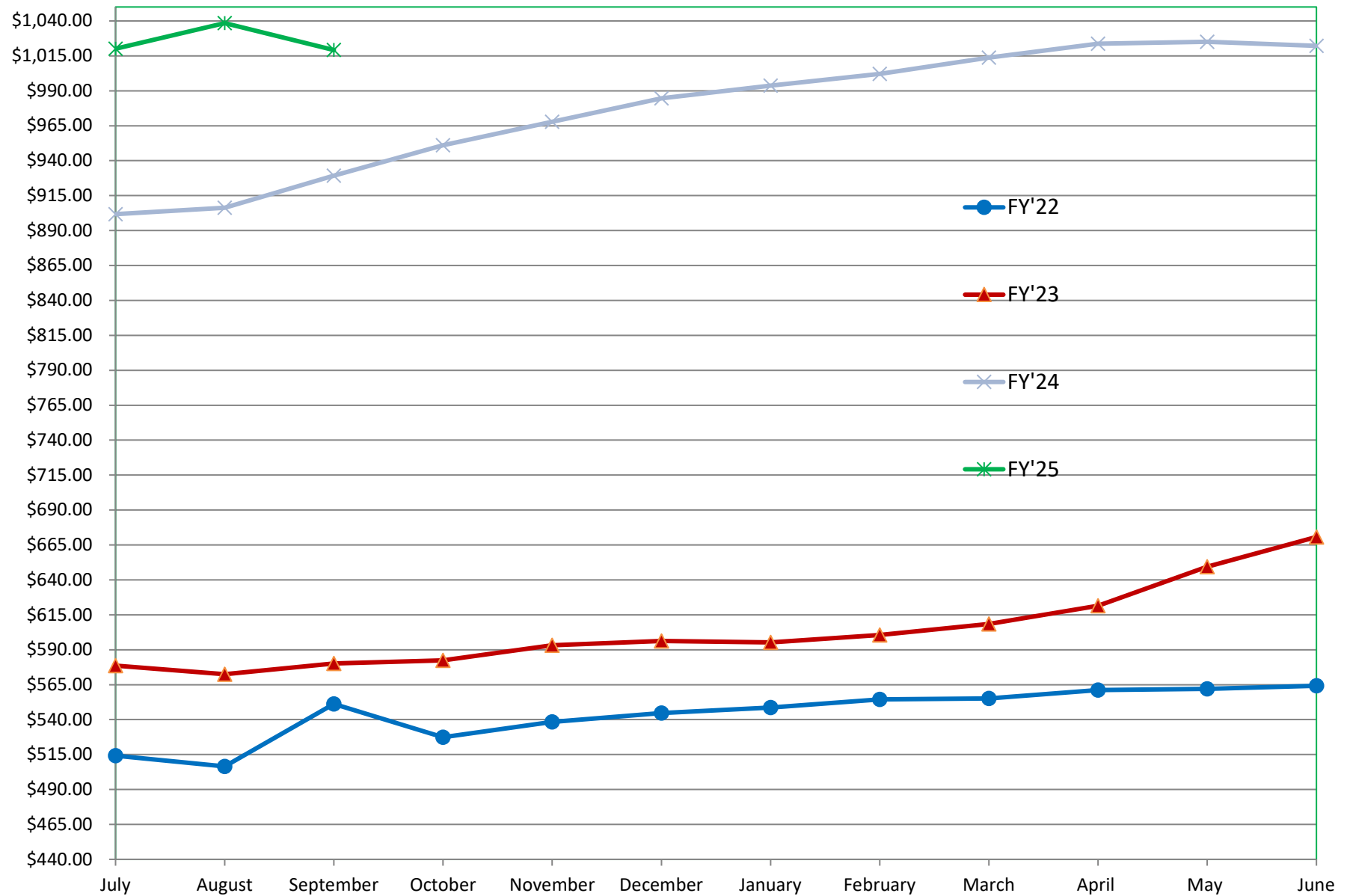
Submitted Vouchers



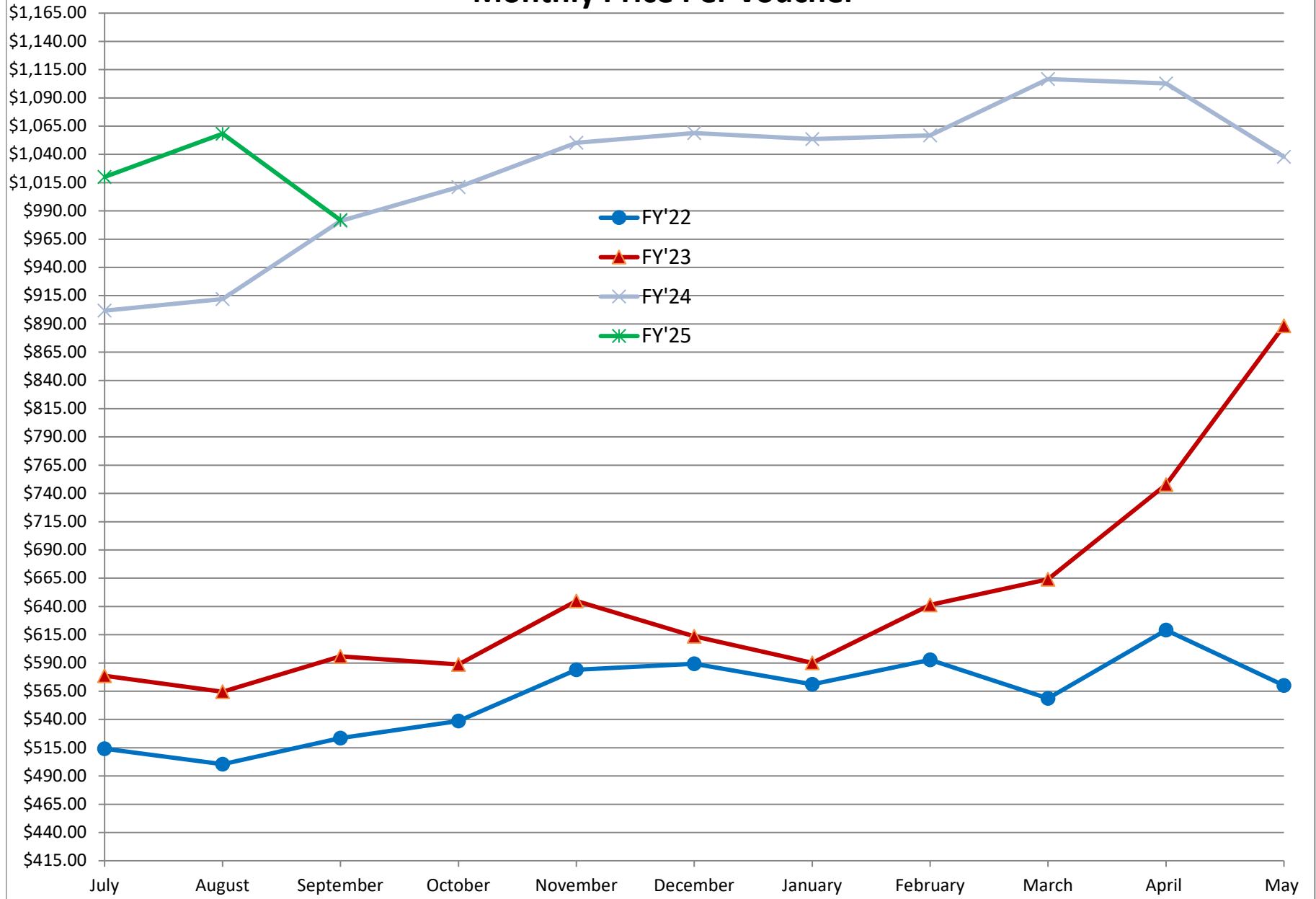
Submitted Voucher Amount



Average Voucher Price Fiscal Year to Date



Monthly Price Per Voucher



Pending UCD Cases as of September 20, 2024

| 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 | 858 | 118 | 54 | 6.3% | 1,522 | 294 | 250 | 16.4% | 13 | 4 | 30.8% | 2,393 | 412 | 308 | 12.9% |
| Aroostook | 579 | 131 | 39 | 6.7% | 834 | 276 | 159 | 19.1% | 27 | 14 | 51.9% | 1,440 | 407 | 212 | 14.7% |
| Caribou | 101 | 27 | 7 | 6.9% | 142 | 38 | 32 | 22.5% | 3 | 0 | 0.0% | 246 | 65 | 39 | 15.9% |
| Fort Kent | 98 | 20 | 6 | 6.1% | 192 | 78 | 40 | 20.8% | 11 | 7 | 63.6% | 301 | 98 | 53 | 17.6% |
| Houlton | 162 | 39 | 9 | 5.6% | 235 | 78 | 51 | 21.7% | 9 | 6 | 66.7% | 406 | 117 | 66 | 16.3% |
| Presque Isle | 218 | 45 | 17 | 7.8% | 265 | 82 | 36 | 13.6% | 4 | 1 | 25.0% | 487 | 127 | 54 | 11.1% |
| Cumberland | 1,433 | 224 | 95 | 6.6% | 3,575 | 561 | 596 | 16.7% | 146 | 101 | 69.2% | 5,154 | 785 | 792 | 15.4% |
| Bridgton | 19 | 6 | 1 | 5.3% | 333 | 45 | 96 | 28.8% | 74 | 71 | 95.9% | 426 | 51 | 168 | 39.4% |
| Portland | 1,396 | 210 | 94 | 6.7% | 2,814 | 414 | 425 | 15.1% | 54 | 24 | 44.4% | 4,264 | 624 | 543 | 12.7% |
| West Bath | 18 | 8 | 0 | 0.0% | 428 | 102 | 75 | 17.5% | 18 | 6 | 33.3% | 464 | 110 | 81 | 17.5% |
| Franklin | 128 | 33 | 10 | 7.8% | 338 | 97 | 56 | 16.6% | 9 | 1 | 11.1% | 475 | 130 | 67 | 14.1% |
| Hancock | 354 | 42 | 18 | 5.1% | 539 | 79 | 106 | 19.7% | 49 | 25 | 51.0% | 942 | 121 | 149 | 15.8% |
| Kennebec | 584 | 112 | 53 | 9.1% | 1,425 | 336 | 318 | 22.3% | 23 | 16 | 69.6% | 2,032 | 448 | 387 | 19.0% |
| Augusta | 546 | 104 | 50 | 9.2% | 879 | 204 | 189 | 21.5% | 16 | 9 | 56.3% | 1,441 | 308 | 248 | 17.2% |
| Waterville | 38 | 8 | 3 | 7.9% | 546 | 132 | 129 | 23.6% | 7 | 7 | 100.0% | 591 | 140 | 139 | 23.5% |
| Knox | 205 | 35 | 13 | 6.3% | 508 | 96 | 112 | 22.0% | 13 | 6 | 46.2% | 726 | 131 | 131 | 18.0% |
| Lincoln | 158 | 30 | 24 | 15.2% | 412 | 133 | 83 | 20.1% | 12 | 3 | 25.0% | 582 | 163 | 110 | 18.9% |
| Oxford | 482 | 95 | 42 | 8.7% | 866 | 202 | 171 | 19.7% | 19 | 16 | 84.2% | 1,367 | 297 | 229 | 16.8% |
| Bridgton | 45 | 11 | 2 | 4.4% | 69 | 18 | 10 | 14.5% | 0 | 0 | 0.0% | 114 | 29 | 12 | 10.5% |
| Rumford | 198 | 28 | 14 | 7.1% | 358 | 63 | 71 | 19.8% | 11 | 10 | 90.9% | 567 | 91 | 95 | 16.8% |
| South Paris | 239 | 56 | 26 | 10.9% | 439 | 121 | 90 | 20.5% | 8 | 6 | 75.0% | 686 | 177 | 122 | 17.8% |
| Penobscot | 832 | 36 | 75 | 9.0% | 1,636 | 42 | 483 | 29.5% | 66 | 48 | 72.7% | 2,534 | 78 | 606 | 23.9% |
| Bangor | 801 | 34 | 67 | 8.4% | 1,246 | 26 | 342 | 27.4% | 21 | 15 | 71.4% | 2,068 | 60 | 424 | 20.5% |
| Lincoln | 8 | 0 | 5 | 62.5% | 162 | 8 | 75 | 46.3% | 32 | 30 | 93.8% | 202 | 8 | 110 | 54.5% |
| Newport | 23 | 2 | 3 | 13.0% | 228 | 8 | 66 | 28.9% | 13 | 3 | 23.1% | 264 | 10 | 72 | 27.3% |
| Piscataquis | 37 | 1 | 9 | 24.3% | 78 | 1 | 28 | 35.9% | 27 | 23 | 85.2% | 142 | 2 | 60 | 42.3% |
| Sagadahoc | 167 | 48 | 17 | 10.2% | 380 | 108 | 70 | 18.4% | 14 | 2 | 14.3% | 561 | 156 | 89 | 15.9% |
| Somerset | 255 | 69 | 9 | 3.5% | 395 | 133 | 81 | 20.5% | 8 | 1 | 12.5% | 658 | 202 | 91 | 13.8% |
| Waldo | 196 | 41 | 9 | 4.6% | 353 | 108 | 61 | 17.3% | 4 | 3 | 75.0% | 553 | 149 | 73 | 13.2% |
| Washington | 139 | 13 | 14 | 10.1% | 253 | 37 | 59 | 23.3% | 30 | 18 | 60.0% | 422 | 50 | 91 | 21.6% |
| Calais | 71 | 5 | 10 | 14.1% | 110 | 19 | 32 | 29.1% | 8 | 2 | 25.0% | 189 | 24 | 44 | 23.3% |
| Machias | 68 | 8 | 4 | 5.9% | 143 | 18 | 27 | 18.9% | 22 | 16 | 72.7% | 233 | 26 | 47 | 20.2% |
| York | 806 | 159 | 97 | 12.0% | 2,781 | 776 | 593 | 21.3% | 64 | 22 | 34.4% | 3,651 | 935 | 712 | 19.5% |
| TOTAL | 7,213 | 1,187 | 578 | 8.0% | 15,895 | 3,279 | 3,226 | 20.3% | 524 | 303 | 57.8% | 23,632 | 4,466 | 4,107 | 17.4% |

Columns

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

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

Change in Pending UCD Cases, September 2023 to September 2024

Pending cases as of September 20 of each year

| UCD | FELONY | | | MISDEMEANOR | | | CIVIL VIOLATION | | | ALL CASES | | |
|--------------|--------|-------|--------|-------------|--------|--------|-----------------|------|--------|-----------|--------|--------|
| | 2023 | 2024 | % Diff | 2023 | 2024 | % Diff | 2023 | 2024 | % Diff | 2023 | 2024 | % Diff |
| Androscoggin | 716 | 858 | 19.8% | 1,891 | 1,522 | -19.5% | 21 | 13 | -38.1% | 2,628 | 2,393 | -8.9% |
| Aroostook | 655 | 579 | -11.6% | 1,031 | 834 | -19.1% | 38 | 27 | -28.9% | 1,724 | 1,440 | -16.5% |
| Caribou | 141 | 101 | -28.4% | 234 | 142 | -39.3% | 17 | 3 | -82.4% | 392 | 246 | -37.2% |
| Fort Kent | 102 | 98 | -3.9% | 175 | 192 | 9.7% | 3 | 11 | 266.7% | 280 | 301 | 7.5% |
| Houlton | 186 | 162 | -12.9% | 263 | 235 | -10.6% | 14 | 9 | -35.7% | 463 | 406 | -12.3% |
| Presque Isle | 226 | 218 | -3.5% | 359 | 265 | -26.2% | 4 | 4 | 0.0% | 589 | 487 | -17.3% |
| Cumberland | 1,314 | 1,433 | 9.1% | 3,706 | 3,575 | -3.5% | 166 | 146 | -12.0% | 5,186 | 5,154 | -0.6% |
| Bridgton | 25 | 19 | -24.0% | 278 | 333 | 19.8% | 91 | 74 | -18.7% | 394 | 426 | 8.1% |
| Portland | 1,265 | 1,396 | 10.4% | 2,953 | 2,814 | -4.7% | 57 | 54 | -5.3% | 4,275 | 4,264 | -0.3% |
| West Bath | 24 | 18 | -25.0% | 475 | 428 | -9.9% | 18 | 18 | 0.0% | 517 | 464 | -10.3% |
| Franklin | 156 | 128 | -17.9% | 451 | 338 | -25.1% | 17 | 9 | -47.1% | 624 | 475 | -23.9% |
| Hancock | 414 | 354 | -14.5% | 719 | 539 | -25.0% | 40 | 49 | 22.5% | 1,173 | 942 | -19.7% |
| Kennebec | 598 | 584 | -2.3% | 1,527 | 1,425 | -6.7% | 68 | 23 | -66.2% | 2,193 | 2,032 | -7.3% |
| Augusta | 568 | 546 | -3.9% | 968 | 879 | -9.2% | 33 | 16 | -51.5% | 1,569 | 1,441 | -8.2% |
| Waterville | 30 | 38 | 26.7% | 559 | 546 | -2.3% | 35 | 7 | -80.0% | 624 | 591 | -5.3% |
| Knox | 188 | 205 | 9.0% | 440 | 508 | 15.5% | 15 | 13 | -13.3% | 643 | 726 | 12.9% |
| Lincoln | 126 | 158 | 25.4% | 356 | 412 | 15.7% | 12 | 12 | 0.0% | 494 | 582 | 17.8% |
| Oxford | 461 | 482 | 4.6% | 1,070 | 866 | -19.1% | 21 | 19 | -9.5% | 1,552 | 1,367 | -11.9% |
| Bridgton | 43 | 45 | 4.7% | 96 | 69 | -28.1% | 0 | 0 | 0.0% | 139 | 114 | -18.0% |
| Rumford | 166 | 198 | 19.3% | 451 | 358 | -20.6% | 5 | 11 | 120.0% | 622 | 567 | -8.8% |
| South Paris | 252 | 239 | -5.2% | 523 | 439 | -16.1% | 16 | 8 | -50.0% | 791 | 686 | -13.3% |
| Penobscot | 844 | 832 | -1.4% | 1,908 | 1,636 | -14.3% | 90 | 66 | -26.7% | 2,842 | 2,534 | -10.8% |
| Bangor | 817 | 801 | -2.0% | 1,448 | 1,246 | -14.0% | 33 | 21 | -36.4% | 2,298 | 2,068 | -10.0% |
| Lincoln | 10 | 8 | -20.0% | 240 | 162 | -32.5% | 32 | 32 | 0.0% | 282 | 202 | -28.4% |
| Newport | 17 | 23 | 35.3% | 220 | 228 | 3.6% | 25 | 13 | -48.0% | 262 | 264 | 0.8% |
| Piscataquis | 21 | 37 | 76.2% | 118 | 78 | -33.9% | 29 | 27 | -6.9% | 168 | 142 | -15.5% |
| Sagadahoc | 175 | 167 | -4.6% | 434 | 380 | -12.4% | 13 | 14 | 7.7% | 622 | 561 | -9.8% |
| Somerset | 257 | 255 | -0.8% | 561 | 395 | -29.6% | 22 | 8 | -63.6% | 840 | 658 | -21.7% |
| Waldo | 193 | 196 | 1.6% | 319 | 353 | 10.7% | 6 | 4 | -33.3% | 518 | 553 | 6.8% |
| Washington | 164 | 139 | -15.2% | 334 | 253 | -24.3% | 30 | 30 | 0.0% | 528 | 422 | -20.1% |
| Calais | 82 | 71 | -13.4% | 149 | 110 | -26.2% | 5 | 8 | 60.0% | 236 | 189 | -19.9% |
| Machias | 82 | 68 | -17.1% | 185 | 143 | -22.7% | 25 | 22 | -12.0% | 292 | 233 | -20.2% |
| York | 1,024 | 806 | -21.3% | 3,865 | 2,781 | -28.0% | 87 | 64 | -26.4% | 4,976 | 3,651 | -26.6% |
| TOTAL | 7,306 | 7,213 | -1.3% | 18,730 | 15,895 | -15.1% | 675 | 524 | -22.4% | 26,711 | 23,632 | -11.5% |

| | |
|---------|---|
| Columns | |
| 2023 | Number of cases having at least one charge without a disposition, and without a currently active warrant as of September 20, 2023 |
| 2024 | Number of cases having at least one charge without a disposition, and without a currently active warrant as of September 20, 2024 |
| % Diff | Percent change in pending cases from 2023 to 2024. Red percentages represent an increase, green percentages a decrease. |

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

Change in Pending UCD Cases, September 2019 to September 2024

Pending cases as of September 20 of each year

| UCD | FELONY | | | MISDEMEANOR | | | CIVIL VIOLATION | | | ALL CASES | | |
|--------------|--------|-------|--------|-------------|--------|--------|-----------------|------|---------|-----------|--------|--------|
| | 2019 | 2024 | % Diff | 2019 | 2024 | % Diff | 2019 | 2024 | % Diff | 2019 | 2024 | % Diff |
| Androscoggin | 390 | 858 | 120.0% | 1,311 | 1,522 | 16.1% | 21 | 13 | -38.1% | 1,722 | 2,393 | 39.0% |
| Aroostook | 414 | 579 | 39.9% | 760 | 834 | 9.7% | 33 | 27 | -18.2% | 1,207 | 1,440 | 19.3% |
| Caribou | 63 | 101 | 60.3% | 180 | 142 | -21.1% | 6 | 3 | -50.0% | 249 | 246 | -1.2% |
| Fort Kent | 48 | 98 | 104.2% | 155 | 192 | 23.9% | 7 | 11 | 57.1% | 210 | 301 | 43.3% |
| Houlton | 139 | 162 | 16.5% | 152 | 235 | 54.6% | 10 | 9 | -10.0% | 301 | 406 | 34.9% |
| Presque Isle | 164 | 218 | 32.9% | 273 | 265 | -2.9% | 10 | 4 | -60.0% | 447 | 487 | 8.9% |
| Cumberland | 909 | 1,433 | 57.6% | 2,592 | 3,575 | 37.9% | 148 | 146 | -1.4% | 3,649 | 5,154 | 41.2% |
| Bridgton | 11 | 19 | 72.7% | 181 | 333 | 84.0% | 36 | 74 | 105.6% | 228 | 426 | 86.8% |
| Portland | 880 | 1,396 | 58.6% | 2,105 | 2,814 | 33.7% | 74 | 54 | -27.0% | 3,059 | 4,264 | 39.4% |
| West Bath | 18 | 18 | 0.0% | 306 | 428 | 39.9% | 38 | 18 | -52.6% | 362 | 464 | 28.2% |
| Franklin | 90 | 128 | 42.2% | 286 | 338 | 18.2% | 29 | 9 | -69.0% | 405 | 475 | 17.3% |
| Hancock | 193 | 354 | 83.4% | 458 | 539 | 17.7% | 46 | 49 | 6.5% | 697 | 942 | 35.2% |
| Kennebec | 389 | 584 | 50.1% | 1,183 | 1,425 | 20.5% | 56 | 23 | -58.9% | 1,628 | 2,032 | 24.8% |
| Augusta | 376 | 546 | 45.2% | 634 | 879 | 38.6% | 32 | 16 | -50.0% | 1,042 | 1,441 | 38.3% |
| Waterville | 13 | 38 | 192.3% | 549 | 546 | -0.5% | 24 | 7 | -70.8% | 586 | 591 | 0.9% |
| Knox | 137 | 205 | 49.6% | 317 | 508 | 60.3% | 10 | 13 | 30.0% | 464 | 726 | 56.5% |
| Lincoln | 103 | 158 | 53.4% | 256 | 412 | 60.9% | 7 | 12 | 71.4% | 366 | 582 | 59.0% |
| Oxford | 210 | 482 | 129.5% | 489 | 866 | 77.1% | 19 | 19 | 0.0% | 718 | 1,367 | 90.4% |
| Bridgton | 23 | 45 | 95.7% | 66 | 69 | 4.5% | 3 | 0 | -100.0% | 92 | 114 | 23.9% |
| Rumford | 86 | 198 | 130.2% | 189 | 358 | 89.4% | 12 | 11 | -8.3% | 287 | 567 | 97.6% |
| South Paris | 101 | 239 | 136.6% | 234 | 439 | 87.6% | 4 | 8 | 100.0% | 339 | 686 | 102.4% |
| Penobscot | 391 | 832 | 112.8% | 1,130 | 1,636 | 44.8% | 83 | 66 | -20.5% | 1,604 | 2,534 | 58.0% |
| Bangor | 386 | 801 | 107.5% | 886 | 1,246 | 40.6% | 47 | 21 | -55.3% | 1,319 | 2,068 | 56.8% |
| Lincoln | 1 | 8 | 700.0% | 88 | 162 | 84.1% | 18 | 32 | 77.8% | 107 | 202 | 88.8% |
| Newport | 4 | 23 | 475.0% | 156 | 228 | 46.2% | 18 | 13 | -27.8% | 178 | 264 | 48.3% |
| Piscataquis | 29 | 37 | 27.6% | 60 | 78 | 30.0% | 52 | 27 | -48.1% | 141 | 142 | 0.7% |
| Sagadahoc | 91 | 167 | 83.5% | 304 | 380 | 25.0% | 16 | 14 | -12.5% | 411 | 561 | 36.5% |
| Somerset | 149 | 255 | 71.1% | 481 | 395 | -17.9% | 30 | 8 | -73.3% | 660 | 658 | -0.3% |
| Waldo | 100 | 196 | 96.0% | 306 | 353 | 15.4% | 25 | 4 | -84.0% | 431 | 553 | 28.3% |
| Washington | 115 | 139 | 20.9% | 221 | 253 | 14.5% | 37 | 30 | -18.9% | 373 | 422 | 13.1% |
| Calais | 51 | 71 | 39.2% | 106 | 110 | 3.8% | 15 | 8 | -46.7% | 172 | 189 | 9.9% |
| Machias | 64 | 68 | 6.3% | 115 | 143 | 24.3% | 22 | 22 | 0.0% | 201 | 233 | 15.9% |
| York | 721 | 806 | 11.8% | 2,489 | 2,781 | 11.7% | 101 | 64 | -36.6% | 3,311 | 3,651 | 10.3% |
| TOTAL | 4,431 | 7,213 | 62.8% | 12,643 | 15,895 | 25.7% | 713 | 524 | -26.5% | 17,787 | 23,632 | 32.9% |

Columns

| | |
|---------------|---|
| 2019 | Number of cases having at least one charge without a disposition, and without a currently active warrant as of September 20, 2019 |
| 2024 | Number of cases having at least one charge without a disposition, and without a currently active warrant as of September 20, 2024 |
| % Diff | Percent change in pending cases from 2019 to 2024. Red percentages represent an increase, green percentages a decrease. |

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

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

TO: PDS
FROM: Chris Guillory
SUBJECT: Chapter 3 panel waivers after emergency rulemaking/ Annual Renewal
DATE: October 8, 2024

To date PDS has received 307 annual renewals for the FY25 renewal cycle. This is up from 304 total renewals in the last cycle. While this is technically an increase, it is not statistically significant growth and for analysis purposes program renewal should be considered static against the last cycle. Staff believe there may be a limited number of additional renewals throughout the end of this cycle, but likely not enough to reach statistically significant growth.

PDS staff was asked to analyze the effects on the roster of the recent Chapter 3 emergency rulemaking which became effective on July 31, 2024.

Since the emergency rule changes, PDS has received 1 application requesting a waiver of multiple requirements to access a chapter 3 specialized panel. This applicant was only a few months away from meeting the practice experience requirement. This application also included two letters of recommendation from attorneys in the same firm as the applicant. This application and waiver were approved by PDS staff.

PDS received one other distinct application where two letters of recommendation from members of the applicant's firm were used. This application and waiver were approved by PDS staff.

Overall, the changes made in the emergency rulemaking package appear to have had no material effects on recruitment or roster numbers.

PDS staff would recommend the following be considered for permanent rulemaking:

Modification to Section 3(1)(F) adding explicit waiver language to the homicide panel.

Modification to Section 3(7)(B) the "Trial/Litigation" language used throughout the rule should be used here for uniformity.

Modification to Section 3(7)(G) clarifies the existing rule and should be maintained.

Modification to Section 3(9) Practice experience and trial/litigation experience markers should be added to each of these sections to clarify what elements are available to be waived and maintain consistency across all rules.

Modification to Section 3(9)(A)(3) "post conviction" should be changed to "Child Protective". This is an error in the existing rule and should be corrected.

Modification to Section 3(10) to style the practice experience and trial/litigation requirements consistently with the other sections.

Modification to Section 3(11)(3) repeal as Juvenile LOD is no longer procedurally relevant due to changes made by the judicial branch.

Section 4 Modifications to the waiver requirements:

Staff have observed multiple panel applications that were significantly delayed in processing because reference letters needed to complete an application packet were not provided in a timely manner by the authors selected by the applicant.

The waiver process should be modified to hybridize the letters of recommendation requirement with the provision of the names and contact information of some number of attorneys willing to act as references for the applicant and whom PDS staff can contact directly. Staff arrived at 5 references because if the number of references was less than or equal to the extant number of letters needed it would disincentivize the use of that option. The intent is to ask for 5 references that PDS staff can contact, with the assumption that staff will not receive immediate responses from all contacts provided. The rule is silent on how many references PDS staff must actually contact before finalizing any application. This is to allow staff discretion in evaluating the content and weight to be given to any individual recommendations received.

Modification to Section 3 Parts 2(E), 3(E), 4(F), 5(F), 6(C)(6), 6(D)(6), 7(F), 9(A)(7), 9(B)(7), 9(C)(7), 10(D) to reflect new hybrid waiver language.

Section 4(3) should be repealed. With the introduction of Talent LMS and counsel having access to NAPD's online training library there should no delay in an applicant's ability to access and complete CLE's required for specialty panel applications. Given the rapid advancements of the PDS training program this rule is no longer necessary.

Section 4(4) added additional discretion for what the Executive Director can consider regarding waivers.

Chapter 3: ELIGIBILITY REQUIREMENTS FOR SPECIALIZED PANELS

Summary: Chapter 2 of the Commission’s rules sets out the minimum requirements to be Eligible to accept assignments from the Commission. The rules in this Chapter are promulgated to establish the eligibility requirements 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.
4. Homicide. “Homicide” means:
 - A. All offenses contained in 17-A M.R.S.A. §§ 201 (Murder), 202 (Felony Murder), 203 (Manslaughter), 152 (Attempted Murder), and 152-A (Aggravated Attempted Murder).
 - B. 29-A M.R.S.A. § 2411(1-A)(D)(1-A) (Criminal OUI Causing Death).
 - C. 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.
5. Major Felony. “Major Felony” means:
 - A. An offense under 17-A M.R.S.A. §§ 208 (Aggravated Assault); 208-B (Elevated Aggravated Assault); 208-C (Elevated Aggravated Assault on a Pregnant Person); 208-D (Domestic Violence Aggravated Assault); 301 (Kidnapping), 401(1)(B)(1), (2), or (3) (Burglary with a Firearm, Burglary with Intent to Inflict Bodily Harm, and Burglary with a Dangerous Weapon); 651 (Robbery); 802 (Arson), 803-A (Causing a Catastrophe); 1105-A (Aggravated Trafficking of Scheduled Drugs); 1105-B (Aggravated Trafficking of Counterfeit Drugs); and 1105-C (Aggravated Furnishing of Scheduled Drugs).
 - B. “Major Felony” includes crimes involving substantially similar conduct.
 - C. “Major Felony” also includes Criminal Conspiracy under 17-A M.R.S.A. § 151, Criminal Attempt under 17-A M.R.S.A. § 152, and Criminal Solicitation under 17-A M.R.S.A. § 153 to commit any of the offenses listed in Subsection 1(5) of this Chapter or

to commit any crime involving substantially similar conduct.

6. Sex Offense. “Sex Offense” means:

A. An offense under 17-A M.R.S.A. §§ 253-260 (Sexual Assaults), 281-285 (Sexual Exploitation of Minors), 556 (Incest), 511(1)(D) (Violation of Privacy), 852 (Aggravated Sex Trafficking), 853 (Sex Trafficking), and 855 (Patronizing Prostitution of Minor or Person with Mental Disability).

B. “Sex Offense” includes crimes involving substantially similar conduct.

C. “Sex Offense” also includes Criminal Conspiracy under 17-A M.R.S.A. § 151, Criminal Attempt under 17-A M.R.S.A. § 152, and Criminal Solicitation under 17-A M.R.S.A. § 153 to commit any of the offenses listed in Subsection 1(6) of this Chapter or to commit any 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 in Subsection 1(7) of this Chapter 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 in Subsection 1(8) of this Chapter, or to commit any crime involving substantially similar conduct.

9. Juvenile Defense. “Juvenile Defense” means any juvenile crime 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 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.

20. Specialized Panels. “Specialized Panels” means those types of assignments that are complex in nature. They include the following panels:

- A. Homicide
- B. Sex Offenses
- C. Major Felonies
- D. Operating Under the Influence
- E. Domestic Violence
- F. Juvenile Defense
- G. Child Protective
- 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 shall develop an application process for an attorney seeking eligibility for a Specialized Panel to demonstrate the minimum qualifications necessary to be placed on a Specialized Panel. An applicant for a Specialized Panel must present additional information or documents beyond the minimum requirements of this Chapter if requested by the Executive Director.

2. The Executive Director shall have the sole discretion to make the determination if an attorney is qualified to be placed on a Specialized Panel. In addition, the Executive Director shall have the sole discretion to grant or deny a waiver pursuant to, and in accordance with, Section 4.

3. The Executive Director may, in their sole discretion, suspend or remove an attorney from a Specialized Panel at any time if there is reasonable grounds to believe the attorney is not meeting the minimum eligibility requirements.

SECTION 3. Minimum Eligibility Requirements for Specialized Panels.

1. Homicide. To be Eligible for Homicide cases, an attorney must:

- A. Practice Experience: Have at least five years of criminal defense practice experience;
- B. Trial/Litigation Experience:
 - 1) Have tried before a jury, individually or as co-counsel, at least five felony cases within the last ten years, at least two of which were Major Felony, Homicide, or Class C or higher Sex Offense cases;
 - 2) Have tried before a jury, individually or as co-counsel, at least one Homicide case in the last fifteen years;

C. Demonstrate a knowledge and familiarity with the evidentiary issues relevant to Homicide cases, including but not limited to forensic and scientific issues relating to DNA testing and fingerprint analysis, mental health issues, and eyewitness identification;

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

E. Have submitted to the Commission three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant ~~with whom the applicant does not practice~~, that assert that the applicant is qualified to represent individuals charged with Homicide, including OUI manslaughter. The letters of reference must be submitted directly to the Executive Director by the authors; ~~and~~

~~E.F.~~ If the applicant seeks a waiver of any of these eligibility requirements, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, asserting that the applicant is qualified to represent individuals charged with a Homicide offense. The letters of reference must be submitted directly to the Executive Director by the authors. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant. The references in this section may be the same as those provided in part E of this rule; and

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

2. Sex Offenses. To be Eligible for Sex Offense cases, an attorney must:

A. Practice Experience: Have at least three years of criminal defense practice experience;

B. Trial/Litigation Experience: Have tried before a jury, individually or as co-counsel, at least three felony cases within the last ten years;

C. Provide a letter explaining reasons for interest in and qualifications for representing individuals charged with a 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, at least one of which who does not work within the same firm as applicant, ~~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. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant.

3. Major Felonies. To be Eligible for Major Felony cases, an attorney must:

- A. Practice Experience: Have at least two years of criminal defense practice experience;
 - B. Trial/Litigation Experience: Have tried before a jury, individually or as co-counsel, at least four criminal cases in the last ten years;
 - 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.
 - E. If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, with whom the applicant does not practice asserting that the applicant is qualified to represent individuals charged with a Major Felony. The letters of reference must be submitted directly to the Executive Director by the authors. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant.
4. Operating Under the Influence. To be Eligible for OUI cases, an attorney must:
- A. Practice Experience: Have at least one year of criminal defense practice experience;
 - B. Trial/Litigation Experience: Have tried before a jury, individually or as co-counsel, at least two criminal cases, and conducted at least two contested hearings within 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.
 - F. If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, with whom the applicant does not practice asserting that the applicant is qualified to represent individuals charged with an OUI. The letters of reference must be submitted directly to the Executive Director by the authors. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant.
5. Domestic Violence. To be Eligible for Domestic Violence cases, an attorney must:
- A. Practice Experience: Have at least one year of criminal defense experience;

B. Trial/Litigation Experience: Have tried before jury, individually or as co-counsel, at least two criminal cases and conducted at least two contested hearings within the last ten years;

C. Have obtained in the last three years at least four hours of CLE credit on topics related to Domestic Violence defense, which must include specific training on the collateral consequences of such convictions;

D. Provide a letter explaining reasons for interest in and qualifications for representing individuals charged with a Domestic Violence crime; and

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

F. If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, with whom the applicant does not practice asserting that the applicant is qualified to represent individuals charged with a Domestic Violence crime. The letters of reference must be submitted directly to the Executive Director by the authors. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant.

6. Juvenile Defense. To be Eligible for Juvenile Defense cases, an attorney must:

A. Repealed.

B. For misdemeanor cases:

1) Have completed the Commission's Juvenile Law Minimum Standards Training; and

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

C. For Felony cases and Sex Offense cases, an attorney must:

1) Practice Experience: Have at least one year of juvenile defense practice experience;

2) Trial/Litigation Experience:

i. Have handled at least 10 juvenile cases to conclusion; and

ii. 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;

3) Have completed the Commission's Juvenile Law Minimum Standards Training;

- 4) Provide a letter explaining reasons for interest in and qualifications for representing juveniles in felony and Sex Offense cases; and
- 5) Certify that they have read, understand, and agree to comply with all Commission standards of practice.
- 6) If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, ~~with whom the applicant does not practice~~ asserting that the applicant is qualified to represent juveniles in felony and Sex Offenses cases. The letters of reference must be submitted directly to the Executive Director by the authors. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant.

D. For Bind Over Hearings:

- 1) Practice Experience: Have at least two years of juvenile defense practice experience;
- 2) Trial/Litigation Experience:
 - i. Have handled at least 20 juvenile cases to conclusion within the past ten years; and
 - ii. 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;
- 3) Have attended in the last three years at least eight hours of CLE credit that cover all the following topics devoted to juvenile defense: training and education regarding placement options and dispositional alternatives; child 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;
- 4) Provide a letter explaining reasons for interest in and qualifications for representing juveniles in bind over hearings; and
- 5) Certify that they have read, understand, and agree to comply with all Commission standards of practice.
- 6) If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, ~~with whom the applicant does not practice~~ asserting that the applicant is qualified to represent juveniles in bind over hearings. The letters of reference must be submitted directly to the Executive Director by the authors. Applicants may alternatively submit the names and contact information for 5

attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant.

- E. For Bound Over Cases: 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. To be Eligible to represent parents in Child Protective cases, an attorney must:
 - A. Repealed.
 - B. Satisfy one of the following Trial/Litigation-Litigation Experience requirements:
 - 1) Have provided representation to parents in at least three unrelated Child Protective cases from the preliminary protective order stage through disposition of the cases within the past ten years; or
 - 2) Serve as co-counsel with an attorney who is Eligible to receive Commission Child Protective case assignments on two or more assigned Child Protective cases for at least twelve months prior to the date of the application;
 - C. Complete the Commission's Child Protective Minimum Standards Training;
 - D. Provide a letter explaining reasons for interest in and qualifications for representing parents in Child Protective proceedings; and
 - E. Certify that they have read, understand, and agree to comply with all Commission standards of practice.
 - F. If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, with whom the applicant does not practice asserting that the applicant is qualified to represent parents in Child Protective cases. The letters of reference must be submitted directly to the Executive Director by the authors. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant.
 - G. If a Petition to Terminate Parental Rights is filed and the attorney of record has not previously tried a termination of parental rights hearing ~~or has fewer than six months of child protection experience~~, then the attorney of record must file a request with the Commission for a more experienced attorney to serve as co-counsel to assist them with the termination of parental rights hearing.
8. Repealed.
9. Maine Supreme Judicial Court Appeals. To accept assignments to Maine Supreme Judicial Court Appeals, an attorney must be Eligible for the applicable appeal type as outlined below.

A. Child Protective Appeals. To be Eligible to accept assignments to Child Protective Appeals, an attorney must satisfy the below requirements.

- 1) Practice Experience: Have provided representation in five or more Child Protective Appeals in the Maine Supreme Judicial Court, either individually or as co-counsel;
- 2) Provide copies of all briefs the attorney filed, and the opinions/decisions rendered in the five most recent appeals the attorney has handled;
- 3) Have been deemed Eligible to accept ~~post-conviction~~Child Protective case assignments pursuant to Section 3(7) of this Chapter;
- 4) Demonstrate, through application and submitted briefs, exceptional legal research, writing, and analytical skills;
- 5) Submit a letter explaining the applicant's interest in and qualifications for providing representation on appeals, including a description of the applicant's experience with appeals, representative examples of issues raised on appeal, and a summary of the results of those appeals; and
- 6) 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, at least one of which who does not work within the same firm as applicant, 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. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant.
- 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) Practice Experience: Have provided representation in seven or more criminal appeals in the Maine Supreme Judicial Court, either individually or as co-counsel, within the last ten years;
- 2) Trial/Litigation Experience: Have completed oral argument in at least two criminal appeals before the Maine Supreme Judicial Court;

- 3) Provide copies of all briefs the attorney filed, and the opinions/decisions rendered in the seven most recent criminal appeals the attorney has handled;
- 4) Demonstrate, through application and submitted briefs, exceptional legal research, writing, and analytical skills;
- 5) Submit a letter explaining the applicant's interest in and qualifications for providing representation on appeals; including a description of the applicant's experience with appeals, representative examples of issues raised on appeal, and a summary of the results of those appeals; and
- 6) 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, at least one of which who does not work within the same firm as applicant, 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. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant.

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) Practice Experience: 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) Trial/Litigation Experience: 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.

7) If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, 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. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant.

10. Post-Conviction Review. To be Eligible for post-conviction review cases, an attorney must:

- A. Practice Experience: Have at least three years of criminal defense experience;
- B. Trial/Litigation Experience: 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;
- D. If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, with whom the applicant does not practice asserting that the applicant is qualified to provide representation in post-conviction cases. The letters of reference must be submitted directly to the Executive Director by the author. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant.; and
- E. Certify that they have read, understand, and 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:
 - i. Complete the Commission's LOD Minimum Standards Training;
 - ii. Be currently Eligible to accept Commission criminal case assignments;

- iii. Have previously been deemed Eligible for OUI and Domestic Violence cases in accordance with Chapter 3 of the Commission Rules;
 - iv. 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
 - v. 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:
- i. Complete the Commission's LOD Minimum Standards Training;
 - ii. Be currently Eligible to accept Commission criminal case assignments;
 - iii. Have previously been deemed Eligible for OUI and Domestic Violence cases in accordance with this Chapter;
 - iv. 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
 - v. 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:
- i. Complete the LOD Minimum Standards Training prior to or within three months of being Eligible for LOD assignments;
 - ii. Be currently Eligible to accept Commission juvenile case assignments;
 - iii. Have previously been deemed Eligible for juvenile felony cases in accordance with this Chapter;
 - iv. 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;
 - v. 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
 - vi. Certify that they have read, understand, and agree to comply with all Commission LOD standards of practice.

- 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;
 - 7) Have not had a Commission investigation or 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; and
 - 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 Panels listed above but who does not meet requirements for both (a) ~~years of p~~Practice experience ~~Experience~~ and (b) ~~trial-Trial/or-L~~itigation experience-Experience may seek a waiver of either, but not both, requirements.

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

~~3. An attorney may apply for a conditional waiver if additional time is needed to meet CLE requirements.~~

~~4.3.~~ The Executive Director may consider other litigation experience, ~~and~~ total years of practice, or any other information deemed relevant in granting or denying a waiver to any attorney.

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 assignment to 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 to the case.

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

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