

**MAINE COMMISSION ON  
PUBLIC DEFENSE SERVICES**

**December 17, 2024**

**Commissioner's  
Meeting Packet**

# MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

## DECEMBER 17, 2024 MEETING AGENDA

- 1) Public Hearing – Chapter 3
- 2) Approval of the November 19, 2024 Commission Meeting Minutes
- 3) Report of the Executive Director
  - a. Operations report
  - b. Public Defender staffing and office report
  - c. PC case placement project
- 4) Annual report – statutory change package
- 5) Rulemaking discussion
  - a. Chapter 5 co-counsel rule
  - b. Chapters 2 & 3 concerning protective custody cases
- 6) Set Date, Time and Location of Next Regular Meeting of the Commission
- 7) Public Comment

**Chapter 3: ELIGIBILITY REQUIREMENTS FOR SPECIALIZED PANELS**

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**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.

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**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

~~E.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.

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

EFFECTIVE DATE: July 8, 2011

AMENDED: June 10, 2016 – filing 2016-091

**Maine Commission on Public Defense Services – Commissioners Meeting  
November 19, 2024  
Meeting Minutes**

**Commissioners Present:** Donald Alexander (left after executive session), Randall Bates, Michael Carey, Roger Katz, Joshua Tardy (left after executive session), & David Soucy.

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

<b>Agenda Item:</b>	<b>Discussion/Outcome:</b>
Approval of the October 15, 2024 Meeting Minutes	Commissioner Alexander moved to approve the minutes, seconded by Commissioner Katz. All voted in favor; approved.
Report of the Executive Director	<p>Executive Director Billings provided the following report:</p> <p><u>Operations Report:</u> Recent trends continue. We are seeing an increase in voucher amounts and hours. The amount paid on vouchers is approximately 18% higher than this time last year. There were 181 authorizations for non-counsel funds last month. As of November 13, 2024, there were 140 attorneys on the roster, of which 93 attorneys were accepting trial-level cases. Approximately 30 attorneys were accepting trial-level child protective cases and approximately 30 attorneys were accepting trial-level adult criminal cases.</p> <p>We have authorization to transfer unused personal services money into “All Other.” With that transfer, we will be scraping by for FY 25. As a reminder, the Legislature took \$5 million from us in FY 24 and \$5 million from us in FY 25. We have a robust FY 26 budget ask.</p> <p>Commissioner Soucy asked why the number of hours billed were increasing while the number of attorneys on the roster remains static. Executive Director Billings explained this is for a variety of reasons, including the backlog, inefficiency of dispositional conferences, an increase in co-counsel approvals, increase in travelling to in-person hearings, and attorneys are working their cases more. There has been an increase in requests for mitigation experts, which is great.</p>

Agenda Item:	Discussion/Outcome:
	<p data-bbox="520 235 842 264"><u>Public Defender Offices:</u></p> <p data-bbox="520 271 1829 342">There are two positions posted for the Parents’ Counsel Division. Those positions close on Thursday. We have a third position opening soon.</p> <p data-bbox="520 381 1829 453">We are reposting an ADII position for Caribou. In the latest posting, there were no applicants for that position.</p> <p data-bbox="520 492 1247 521">The greatest need for counsel is in Lewiston and Bangor.</p> <p data-bbox="520 560 1829 631">In Lewiston, there is one vacant ADII position; that position closed yesterday. All four of the ADI positions are filled. Three of them are here and working; the fourth is starting in January.</p> <p data-bbox="520 670 1829 742">Bangor has hired one ADI, who starts December 9<sup>th</sup>. The second ADI position is being worked on by HR. There are three ADIIs identified; two of them have started.</p> <p data-bbox="520 781 1797 812">In the Downeast office, both the ADI and ADII positions have been filled. They now have an office.</p>
Executive Session	<p data-bbox="520 859 1829 998">Chair Tardy moved to go into the executive session pursuant to 1 MRSA § 405(6)(E), seconded by Commissioner Alexander. All voted in favor (except Commissioner Carey, who was temporarily unavailable); motion prevailed, and the Commission went into executive session. The Commission returned from executive session.</p>
Budget	<p data-bbox="520 1042 1829 1222">We met with people from the Budget office. There will be no new money. We are being asked to prioritize. The chance of getting any new money for new public defender offices is miniscule. We had hoped for emergency money in January. It is more likely that we might get emergency funding in March or April. That reduces the amount of money we would need for FY 25, so we could argue that we could fund those offices with existing money in FY 25 and would not need new money until FY 26.</p> <p data-bbox="520 1261 1829 1365">From our perspective, the priority is the three new public defender offices (York, Cumberland, and Midcoast). We might need to prioritize the appellate and PCR units over increasing PD capacity from 33% to 50% of the cases in the areas the offices serve.</p>

<b>Agenda Item:</b>	<b>Discussion/Outcome:</b>
Chapter 5	Executive Director Billings reported that staff are going to make another revision to Chapter 5 and there will be another round of public comment. That will likely be on the December agenda.
Public Comment	<u>Robert Ruffner, Esq.</u> : The number of hours increasing while the roster remains steady could be caused by the rate increase. An issue that has come up is discovery at initial appearances, at walk-ins in particular. Aroostook County was going back and forth on it. The practice in Penobscot County has come to light regarding the lack of paper discovery available to defendants and attorneys. A number of individuals ended up pleading guilty at their initial appearances in Penobscot without ever having seen any discovery. This is an area where, if we had a defense entity that could engage in problem-solving in these jurisdictions, it could carry some weight. Without a chief public defender, the Commission is the default.
Adjournment	The next meeting will be held on December 17, 2024 at 1:00PM.

# MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

## November 2024 Operations Report

- 2,270 new cases were opened in the defenderData system. This was a 139 case decrease from October. Year to date, new cases are down approximately 8.6% from last year, from 14,107 at this time last year to 12,139 this year.
- The number of vouchers submitted electronically was 3,638, a decrease of 279 vouchers from October, totaling \$4,146,245, an increase of \$103,278 from October. Year to date, the number of submitted vouchers is up by approximately 15.8%, from 15,687 at this time last year to 18,166 this year, with the total amount for submitted vouchers up approximately 24.3%, from \$15,402,379 at this time last year to \$19,145,713 this year.
- We paid 3,435 electronic vouchers totaling \$3,867,160, representing a decrease of 544 vouchers and a decrease of \$155,966 compared to October. Year to date, the number of paid vouchers is up approximately 13.4%, from 15,881 vouchers at this time last year to 18,019 this year, and the total amount paid is up approximately 21.6%, from \$15,370,198 this time last year to \$18,698,782 this year.
- The average price per voucher was \$1,125.81 up \$114.72 per voucher from October. Year to date, the average price per voucher is up approximately 7.2%, from \$967.84 at this time last year to \$1,037.73 this year.
- Resource Counsel Protective Custody and Petition, Release or Discharge had the highest average voucher total. There were 41 vouchers exceeding \$7,500 paid in October. See attached addendum for details.
- We issued 121 authorizations to expend funds: 54 for private investigators, 48 for experts, and 19 for miscellaneous services such as interpreters and transcriptionists. We paid \$149,801 for experts and investigators, etc. No requests were denied.
- There were no attorney suspensions.
- In the All Other Account, the total expenses were \$4,269,482. Approximately \$252,521 was devoted to the Commission's operating expenses.
- In the Personal Services Accounts, we had \$456,583 in expenses.
- The October transfer from the Judicial Branch for collected counsel fees was \$45,314.
- As of December 11, 2024, there are 138 rostered attorneys of which 87 are available for trial court level work.

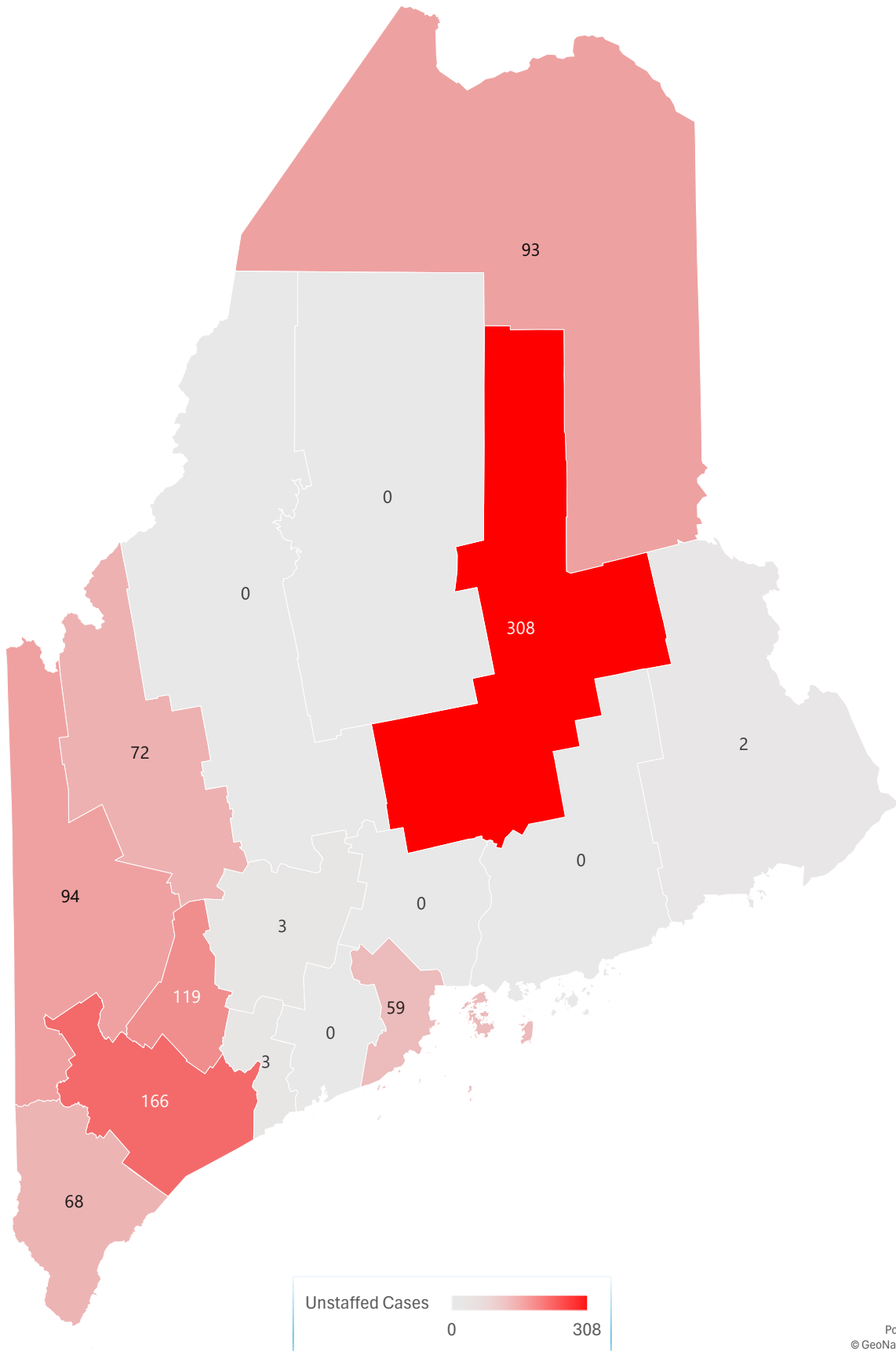
- For the first 5 months of this fiscal year, submitted hours are up approximately 16.6% over the same 5-month period last year. November 2024 submitted hours are 24.9% greater than November 2023 submitted hours.

<b>Submitted Hours</b>													
	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	<b>226,687</b>
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	<b>247,454</b>
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	<b>261,556</b>
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	<b>302,875</b>
FY25	26,031	26,409	24,765	27,393	28,283								<b>132,883</b>

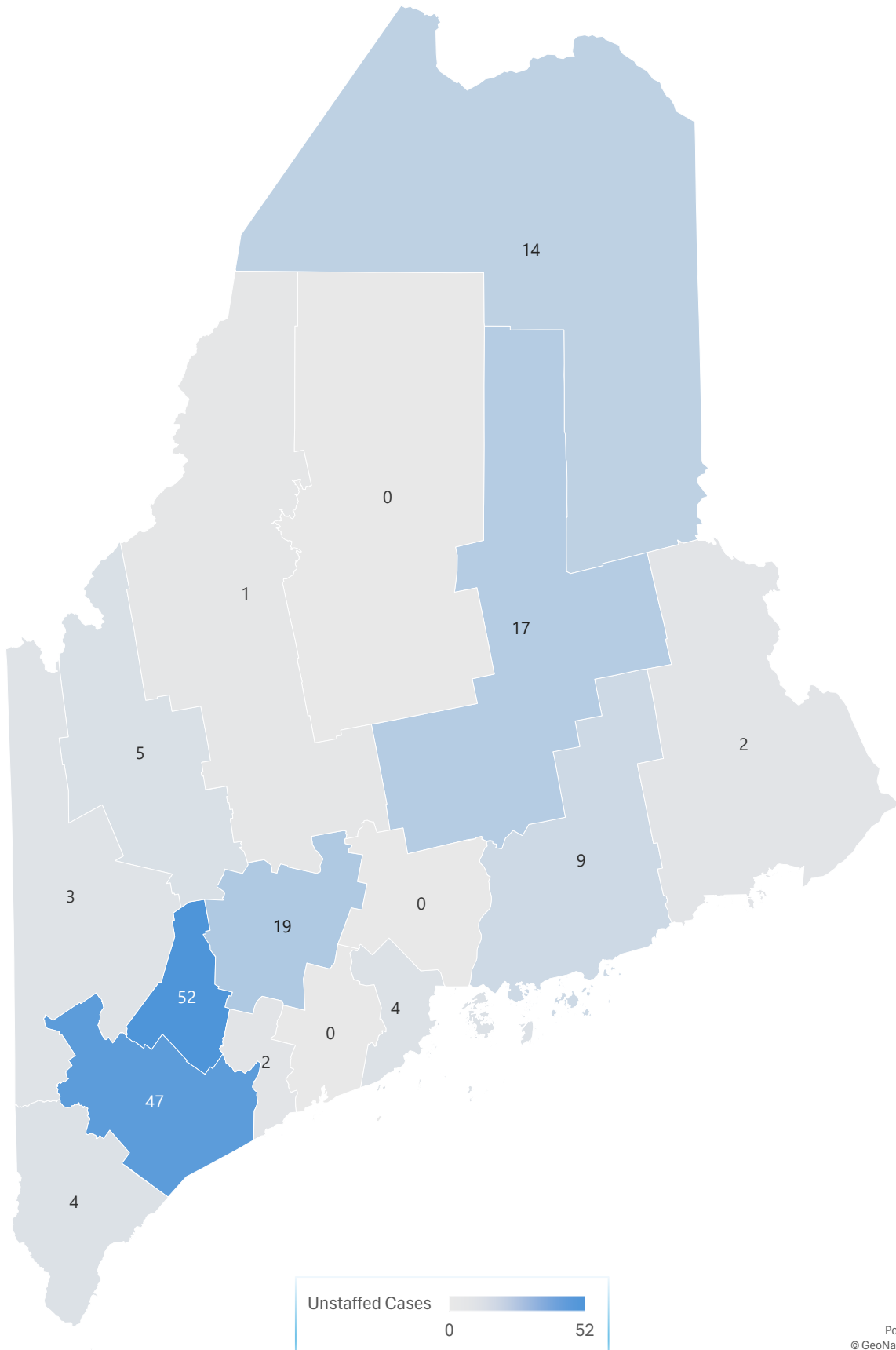
**Vouchers over \$7,500**

<b>Comment</b>	<b>Voucher Total</b>	<b>Case Total</b>
Homicide	\$69,117.69	\$69,117.69
Homicide	\$66,396.21	\$95,055.85
Homicide	\$57,856.50	\$105,199.50
Theft by Deception	\$27,950.74	\$35,449.74
Manslaughter	\$24,035.00	\$24,035.00
Theft by Deception	\$18,420.00	\$23,445.00
Homicide	\$17,803.50	\$27,818.45
Child Protection	\$16,018.00	\$21,013.00
Child Protection	\$14,986.00	\$14,986.00
Homicide	\$13,905.00	\$13,905.00
Aggravated Assault	\$13,492.26	\$13,492.26
Child Protection	\$12,434.40	\$13,930.40
Assault	\$12,303.00	\$12,303.00
Robbery	\$12,287.36	\$12,287.36
Child Protection	\$11,803.00	\$11,803.00
Theft by Deception	\$11,632.00	\$11,632.00
Assault	\$10,829.08	\$10,829.08
Appeal	\$10,755.00	\$10,755.00
Child Protection	\$10,545.00	\$10,545.00
Child Protection	\$9,837.00	\$9,837.00
Child Protection	\$9,832.50	\$18,056.50
Manslaughter	\$9,817.50	\$9,817.50
Trafficking	\$9,547.50	\$9,547.50
Domestic Violence Aggravated Assault	\$9,480.00	\$9,480.00
Stalking	\$9,381.12	\$9,381.12
Gross Sexual Assault	\$9,345.00	\$41,846.00
Gross Sexual Assault	\$9,004.00	\$9,004.00
Child Protection	\$8,915.52	\$10,692.32
Sexual Abuse of a Minor	\$8,520.00	\$14,325.00
Aggravated Trafficking	\$8,295.00	\$8,295.00
Endanger Welfare of Dependent Person	\$8,091.10	\$8,091.10
Gross Sexual Assault	\$8,081.00	\$8,081.00
Arson	\$7,995.00	\$7,995.00
Aggravated Trafficking	\$7,965.00	\$7,965.00
Theft	\$7,845.00	\$7,845.00
Homicide	\$7,815.00	\$43,028.00
Child Protection	\$7,796.00	\$22,445.58
Aggravated Trafficking	\$7,710.00	\$7,710.00
Homicide	\$7,634.29	\$7,634.29
Reckless Conduct	\$7,616.48	\$7,616.48
OUI	\$7,560.00	\$7,560.00

# Unstaffed Criminal Cases By County 12/11/2024



# Unstaffed CPP Cases By County 12/06/2024



MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

Activity Report by Case Type

11/30/2024

DefenderData Case Type	Nov-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	13	25	\$51,329.18	24	\$ 54,558.18	\$2,273.26	65	133	\$ 316,681.16	\$2,381.06
Central Office Resource Counsel	1	1	\$2,115.80	1	\$ 2,115.80	\$2,115.80	1	11	\$ 13,815.80	\$1,255.98
Child Protection Petition	145	494	\$626,268.95	490	\$ 597,663.12	\$1,219.72	760	2,550	\$ 3,227,161.97	\$1,265.55
Drug Court	5	13	\$28,159.20	12	\$ 22,143.42	\$1,845.29	34	79	\$ 155,531.92	\$1,968.76
Emancipation	3	3	\$1,440.00	8	\$ 3,630.00	\$453.75	41	33	\$ 27,430.15	\$831.22
Felony	453	1,041	\$1,565,607.43	986	\$ 1,520,678.42	\$1,542.27	2,824	4,987	\$ 6,878,160.82	\$1,379.22
Involuntary Civil Commitment	148	115	\$72,622.51	94	\$ 54,148.64	\$576.05	554	510	\$ 269,195.34	\$527.83
Juvenile	124	173	\$150,553.74	154	\$ 136,875.85	\$888.80	521	741	\$ 691,612.05	\$933.35
Lawyer of the Day - Custody	246	217	\$148,972.50	214	\$ 146,012.60	\$682.30	1,408	1,391	\$ 959,610.40	\$689.87
Lawyer of the Day - Juvenile	7	5	\$2,190.00	3	\$ 1,290.00	\$430.00	25	32	\$ 16,388.30	\$512.13
Lawyer of the Day - Walk-in	125	109	\$78,043.12	87	\$ 59,986.78	\$689.50	663	620	\$ 412,310.58	\$665.02
MCILS Provided Training	68	102	\$308,813.41	113	\$ 270,534.46	\$2,394.11	412	341	\$ 482,910.15	\$1,416.16
Misdemeanor	708	1,006	\$771,217.27	965	\$ 708,647.60	\$734.35	3,887	5,192	\$ 3,799,544.79	\$731.81
Petition, Modified Release Treatment	12	10	\$14,617.00	8	\$ 12,571.00	\$1,571.38	16	18	\$ 29,319.50	\$1,628.86
Petition, Release or Discharge	0	1	\$3,120.50	1	\$ 3,120.50	\$3,120.50	1	8	\$ 18,020.50	\$2,252.56
Petition, Termination of Parental Rights	0	12	\$32,127.10	9	\$ 24,027.10	\$2,669.68	0	49	\$ 98,370.16	\$2,007.55
Post Conviction Review	4	23	\$41,332.50	21	\$ 33,904.14	\$1,614.48	10	83	\$ 159,149.51	\$1,917.46
Probate	0	9	\$10,870.74	5	\$ 6,577.50	\$1,315.50	6	21	\$ 38,492.17	\$1,832.96
Probation Violation	110	169	\$123,923.06	141	\$ 97,623.85	\$692.37	679	776	\$ 616,430.79	\$794.37
Represent Witness on 5th Amendment	1	2	\$2,850.00	1	\$ 1,521.00	\$1,521.00	10	7	\$ 5,316.00	\$759.43
Resource Counsel Criminal	1	3	\$1,185.00	4	\$ 2,851.00	\$712.75	1	20	\$ 12,346.00	\$617.30
Resource Counsel Juvenile	0	1	\$30.00	1	\$ 30.00	\$30.00	0	5	\$ 510.00	\$102.00
Resource Counsel Mental Health	0	0		0			0	2	\$ 315.00	\$157.50
Resource Counsel NCR	0	0		0			0	0		
Resource Counsel Protective Custody	0	1	\$1,605.00	1	\$ 3,240.00	\$3,240.00	0	9	\$ 10,155.00	\$1,128.33
Review of Child Protection Order	0	44	\$75,547.08	46	\$ 80,127.33	\$1,741.90	0	259	\$ 372,746.93	\$1,439.18
Revocation of Administrative Release	0	1	\$105.00	1	\$ 105.00	\$105.00	1	5	\$ 6,570.00	\$1,314.00
Weapons Restrictions Case	96	58	\$31,599.56	45	\$ 23,177.00	\$515.04	220	137	\$ 80,687.58	\$588.96
<b>TOTAL</b>	<b>2,270</b>	<b>3,638</b>	<b>\$4,146,245.65</b>	<b>3,435</b>	<b>\$ 3,867,160.29</b>	<b>\$1,125.81</b>	<b>12,139</b>	<b>18,019</b>	<b>\$ 18,698,782.57</b>	<b>\$1,037.73</b>

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

Activity Report by Court

11/30/2024

Court	Nov-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	1	\$225.00	1	\$ 180.00	\$180.00	3	4	\$ 3,180.00	\$795.00
AUBSC	0	1	\$300.00	1	\$ 300.00	\$300.00	5	11	\$ 10,045.00	\$913.18
AUGDC	64	81	\$144,650.05	73	\$ 147,596.74	\$2,021.87	201	342	\$ 596,397.19	\$1,743.85
AUGSC	6	10	\$18,731.25	6	\$ 13,181.50	\$2,196.92	19	26	\$ 48,810.50	\$1,877.33
BANDC	93	85	\$50,531.40	125	\$ 78,539.90	\$628.32	345	517	\$ 367,327.70	\$710.50
BANSC	1	0		0			4	3	\$ 2,244.60	\$748.20
BATSC	0	0		0			0	0		
BELDC	5	13	\$22,244.90	13	\$ 16,290.18	\$1,253.09	44	75	\$ 79,474.10	\$1,059.65
BELSC	0	0		0			0	1	\$ 2,470.00	\$2,470.00
BIDDC	76	140	\$119,053.80	106	\$ 90,912.42	\$857.66	262	467	\$ 439,265.57	\$940.61
BRIDC	5	12	\$13,248.54	8	\$ 12,327.00	\$1,540.88	49	75	\$ 86,371.79	\$1,151.62
CALDC	1	14	\$10,984.96	9	\$ 10,704.96	\$1,189.44	17	47	\$ 34,176.36	\$727.16
CARDC	16	18	\$18,432.18	12	\$ 12,349.68	\$1,029.14	46	82	\$ 99,210.98	\$1,209.89
CARSC	0	0		0			2	1	\$ 300.00	\$300.00
DOVDC	1	8	\$5,279.00	12	\$ 10,110.00	\$842.50	16	47	\$ 47,098.50	\$1,002.10
DOVSC	0	0		1	\$ 135.00	\$ 135.00	1	1	\$ 135.00	\$135.00
ELLDC	6	21	\$24,951.91	29	\$ 38,145.25	\$1,315.35	41	155	\$ 178,784.75	\$1,153.45
ELLSC	0	0		0			1	1	\$ 1,382.00	\$1,382.00
FARDC	3	31	\$39,227.60	29	\$ 42,238.32	\$1,456.49	73	98	\$ 115,182.08	\$1,175.33
FARSC	0	0		0			2	1	\$ 1,005.00	\$1,005.00
FORDC	2	5	\$2,737.50	5	\$ 5,025.00	\$1,005.00	12	47	\$ 35,380.00	\$752.77
HOUDC	2	24	\$24,656.50	17	\$ 17,324.50	\$1,019.09	30	77	\$ 80,582.18	\$1,046.52
HOUSC	0	0		0			0	1	\$ 585.00	\$585.00
LEWDC	64	120	\$134,502.66	99	\$ 100,502.52	\$1,015.18	231	474	\$ 527,920.61	\$1,113.76
LINDC	9	8	\$5,771.44	7	\$ 3,490.00	\$498.57	33	43	\$ 41,645.88	\$968.51
MACDC	7	5	\$3,265.00	6	\$ 6,220.00	\$1,036.67	17	55	\$ 71,247.00	\$1,295.40
MACSC	0	1	\$180.00	1	\$ 180.00	\$180.00	2	1	\$ 180.00	\$180.00
MADDC	1	0		0			2	0		
MILDC	1	2	\$75.00	0			3	3	\$ 17,344.12	\$5,781.37
NEWDC	13	13	\$8,703.20	24	\$ 14,518.72	\$604.95	54	125	\$ 87,739.72	\$701.92
PORDC	116	137	\$137,466.50	107	\$ 103,475.32	\$967.06	366	579	\$ 597,787.49	\$1,032.45
PORSC	1	1	\$2,164.44	1	\$ 2,164.44	\$2,164.44	6	10	\$ 17,217.94	\$1,721.79
PREDC	2	21	\$35,194.50	11	\$ 22,444.00	\$2,040.36	28	88	\$ 137,904.69	\$1,567.10
ROCDC	16	31	\$46,937.47	23	\$ 42,232.62	\$1,836.20	75	104	\$ 131,216.88	\$1,261.70
ROSC	1	2	\$1,517.58	1	\$ 523.08	\$523.08	3	3	\$ 1,498.08	\$499.36
RUMDC	13	21	\$21,833.06	15	\$ 10,282.50	\$685.50	37	113	\$ 158,412.01	\$1,401.88
SKODC	22	47	\$62,758.78	54	\$ 64,123.78	\$1,187.48	101	309	\$ 364,774.57	\$1,180.50
SKOSC	0	0		0			0	0		
SOUNDC	6	19	\$23,162.97	15	\$ 17,187.97	\$1,145.86	19	76	\$ 99,908.95	\$1,314.59
SOUNSC	1	0		1	\$ 930.00	\$930.00	3	3	\$ 2,055.00	\$685.00
SPRDC	4	11	\$15,053.24	12	\$ 11,458.50	\$954.88	15	62	\$ 89,387.00	\$1,441.73
Law Ct	15	21	\$43,884.74	22	\$ 49,948.74	\$2,270.40	57	116	\$ 269,114.70	\$2,319.95
Training	68	104	\$307,137.71	112	\$ 263,443.76	\$2,352.18	405	354	\$ 493,309.45	\$1,393.53
YORCD	187	382	\$395,655.91	375	\$ 367,436.92	\$979.83	1,336	2,097	\$ 2,266,236.14	\$1,080.70
AROCD	166	239	\$220,908.24	210	\$ 151,835.57	\$723.03	774	1,159	\$ 1,040,687.48	\$897.92
ANDCD	141	316	\$394,248.58	355	\$ 375,621.35	\$1,058.09	912	1,560	\$ 1,470,013.99	\$942.32
KENCD	133	151	\$173,655.81	143	\$ 152,075.48	\$1,063.46	719	953	\$ 873,247.56	\$916.31
PENCD	204	295	\$254,801.38	285	\$ 273,652.10	\$960.18	1,122	1,414	\$ 1,422,134.41	\$1,005.75
SAGCD	33	55	\$55,878.04	55	\$ 44,976.50	\$817.75	224	249	\$ 239,999.90	\$963.86
WALCD	33	63	\$98,295.18	60	\$ 150,209.35	\$2,503.49	260	286	\$ 380,477.88	\$1,330.34
PISCD	25	16	\$13,476.34	26	\$ 21,341.44	\$820.82	80	94	\$ 93,994.94	\$999.95
HANCD	55	64	\$52,679.08	48	\$ 45,984.00	\$958.00	241	395	\$ 340,404.75	\$861.78
FRACD	30	47	\$58,460.57	41	\$ 46,061.01	\$1,123.44	167	283	\$ 249,614.28	\$882.03
WASCD	41	37	\$44,505.14	40	\$ 113,329.05	\$2,833.23	240	272	\$ 335,608.88	\$1,233.86
CUMCD	252	551	\$566,379.30	481	\$ 483,627.88	\$1,005.46	1,754	2,518	\$ 2,596,753.28	\$1,031.28
KNOCD	56	73	\$129,841.50	71	\$ 117,113.28	\$1,649.48	337	333	\$ 341,703.84	\$1,026.14
SOMCD	96	107	\$110,017.06	97	\$ 109,579.26	\$1,129.68	485	562	\$ 503,074.49	\$895.15
OXFCD	82	98	\$105,363.48	87	\$ 88,827.55	\$1,021.01	403	569	\$ 481,680.84	\$846.54
LINCD	46	38	\$54,923.50	22	\$ 44,506.25	\$2,023.01	243	231	\$ 249,431.79	\$1,079.79
WATDC	26	32	\$31,498.16	44	\$ 44,869.40	\$1,019.76	101	218	\$ 229,855.20	\$1,054.38
WESDC	17	27	\$23,585.18	21	\$ 18,734.50	\$892.12	62	130	\$ 138,533.75	\$1,065.64
WISDC	4	14	\$13,805.32	13	\$ 7,138.00	\$549.08	34	75	\$ 74,578.28	\$994.38
WISSC	0	0		0			0	0		
YORDC	2	3	\$2,145.00	1	\$ 495.00	\$495.00	14	19	\$ 29,866.00	\$1,571.89
<b>TOTAL</b>	<b>2,270</b>	<b>3,638</b>	<b>\$4,146,245.65</b>	<b>3,435</b>	<b>\$3,867,160.29</b>	<b>\$1,125.81</b>	<b>12,139</b>	<b>18,019</b>	<b>\$18,698,782.57</b>	<b>\$1,037.73</b>

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

**FY25 As of 12/12/2024**

<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	\$ 3,478,475	\$ 2,003,321	\$ 763,952	\$ 9,103,146	
Payroll to date	(1,145,606)	(1,255,210)	-	-	(2,400,816)	
Estimated payroll remaining		(224,251)	(1,495,040)	(1,495,040)	(3,214,331)	
Pending Financial Order	(1,711,791)	(788,209)			(2,500,000)	IND00-0004
<b>Total Personal Services available</b>	<b>\$ 1</b>	<b>\$ 1,210,805</b>	<b>\$ 508,281</b>	<b>\$ (731,088)</b>	<b>\$ 987,998</b>	

All Other Allotment	\$ 11,660,730	\$ 13,395,842	\$ 8,908,892	\$ 3,908,886	\$ 37,874,350	
Expenditures to date	(11,612,366)	(10,243,129)	-	-	(21,855,495)	
Encumbrances	(48,364)	(231,386)	-	-	(279,750)	
Pending Financial Order			2,500,000		2,500,000	IND00-0004
<b>Total All Other Available</b>	<b>\$ 0</b>	<b>\$ 2,921,327</b>	<b>\$ 11,408,892</b>	<b>\$ 3,908,886</b>	<b>\$ 18,239,105</b>	

**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	-	-	-	-	-	
<b>Total Personal Services available</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
All Other Allotment	\$ 8,200	\$ 8,679,940	\$ 482,219	\$ 482,219	\$ 9,652,578	
Expenditures to date	(8,200)	-	-	-	(8,200)	
Encumbrances	-	-	-	-	-	
<b>Total All Other Available</b>	<b>\$ -</b>	<b>\$ 8,679,940</b>	<b>\$ 482,219</b>	<b>\$ 482,219</b>	<b>\$ 9,644,378</b>	

**CASH ON HAND 12/12/2024 \$ 9,487,304.59**

<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	\$ -	\$ 57,000	\$ -	\$ -	\$ 57,000	
Expenditures to date	-	(1,500)	-	-	(1,500)	
Encumbrances	-	-	-	-	-	
<b>Total All Other Available</b>	<b>\$ -</b>	<b>\$ 55,500</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 55,500</b>	

**CASH ON HAND 12/12/2024 \$ 5,960.66**

<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	-	-	-	-	-	
<b>Total All Other Available</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	

**CASH ON HAND 12/12/2024 \$ -**

<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	Requesting deduction to \$500
Expenditures to date	-	-	-	-	-	
Encumbrances	-	-	-	-	-	
<b>Total All Other Available</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,500,000</b>	<b>\$ 1,500,000</b>	

**CASH ON HAND 12/12/2024 \$ -**

**MAINE COMMISSION ON PUBLIC DEFENSE SERVICES**  
**FY25 FUND ACCOUNTING**  
AS OF 11/30/2024

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		\$ (1,628,635.00)		\$ 1,628,635.00		\$ -		\$ -	\$ -
Financial Order Adjustment		\$ 93,711.00		\$ 40,358.00		\$ 40,358.00		\$ 40,358.00	\$ 214,785.00
Financial Order Adjustment				\$ 1,858,311.00		\$ 40,358.00		\$ 40,358.00	\$ 1,939,027.00
FY24 carry forward encumbrances									\$ 64,004.02
<b>Total Budget Allotments</b>		<b>\$ 11,660,730.02</b>		<b>\$ 13,395,842.00</b>		<b>\$ 8,908,892.00</b>		<b>\$ 3,908,886.00</b>	<b>\$ 36,207,456.94</b>
Total Expenses	1	\$ (4,011,950.43)	4	\$ (4,245,512.85)	7	\$ -	10	\$ -	
	2	\$ (3,944,070.03)	5	\$ (4,269,482.76)	8	\$ -	11	\$ -	
	3	\$ (3,654,095.84)	6	\$ -	9	\$ -	12	\$ -	
Encumbrances (Justice Works)		\$ -		\$ (115,510.00)		\$ -		\$ -	
Encumbrances (Justice Works for PD users access)		\$ (26,202.00)		\$ 2,247.00		\$ -		\$ -	
Encumbrances (Justice Works for DD7)		\$ -		\$ (125,000.00)		\$ -		\$ -	
Encumbrances (B Taylor)		\$ (17,680.03)		\$ 11,786.66		\$ -		\$ -	
Encumbrances (West Law online legal research)		\$ (4,379.18)		\$ 995.22		\$ -		\$ -	
Encumbrance (CRPD summer interns)		\$ (102.39)		\$ -		\$ -		\$ -	
Encumbrance (K. Guillory contract for website maintenance)		\$ -		\$ -		\$ -		\$ -	
Encumbrance (business cards)		\$ -		\$ -		\$ -		\$ -	
Encumbrance (training videographer)		\$ -		\$ -		\$ -		\$ -	
Encumbrance (training speaker for May 2025)		\$ -		\$ (13,000.00)		\$ -		\$ -	
Encumbrance (training speaker)		\$ -		\$ -		\$ -		\$ -	
Accrued expenses		\$ (2,250.00)		\$ -		\$ -		\$ -	
<b>TOTAL REMAINING</b>		<b>\$ 0.12</b>		<b>\$ 4,642,365.27</b>		<b>\$ 8,908,892.00</b>		<b>\$ 3,908,886.00</b>	<b>\$ 17,460,143.39</b>

**Q2 Month 5**

<b>INDIGENT LEGAL SERVICES</b>	
Counsel Payments	\$ (3,867,160.29)
Interpreters	\$ (3,983.70)
Private Investigators	\$ (23,359.48)
Mental Health Expert	\$ (63,500.00)
Misc Prof Fees & Serv	\$ (6,088.30)
Transcripts	\$ (16,876.83)
Other Expert	\$ (34,143.00)
Subpoena witness	\$ -
Process Servers	\$ (1,849.84)
<b>SUB-TOTAL ILS</b>	<b>\$ (4,016,961.44)</b>
<b>OPERATING EXPENSES</b>	
Risk Management Insurances	\$ (836.34)
Barbara Taylor monthly fees	\$ (5,893.33)
OIT/TELCO	\$ -

<b>INDIGENT LEGAL SERVICES</b>	
Q2 Allotment	\$ 13,395,842.00
Encumbrances for Justice Works contract	\$ (115,510.00)
Encumbrances for Justice Works contract for PD users access	\$ 2,247.00
Barbara Taylor Contract	\$ 11,786.66
Encumbrance for Videographer	\$ -
Encumbrance for training speaker	\$ (13,000.00)
Encumbrance for training speaker	\$ -
Encumbrance for Justice Works DD7 project	\$ (125,000.00)
Online Legal Research Services	\$ 995.22
Encumbrance (K. Guillory contract for website maintenance)	\$ -
Encumbrance for CRPD summer interns	\$ -
Accrued expenses	\$ -
Expenses to date	\$ (8,514,995.61)
Remaining Q1 Allotment	\$ 4,642,365.27

**MAINE COMMISSION ON PUBLIC DEFENSE SERVICES**  
**FY25 FUND ACCOUNTING**  
AS OF 11/30/2024

Mileage/Tolls/Parking	\$	(2,889.26)
Mailing/Postage/Freight/Stamps	\$	(455.27)
West Publishing Corp	\$	(459.19)
Air fare & car rental for expert	\$	(1,172.33)
Office/miscellaneous supplies/Equip.	\$	(2,145.97)
Cellular Phones	\$	(2,391.10)
Periodicals/Books	\$	(4,524.00)
Employee/counsel lodging	\$	(3,147.25)
Service Center	\$	(11,382.73)
Business cards & envelopes	\$	-
Shredding on site - CRPD	\$	-
Legal Ads/Job Postings	\$	(816.37)
Dues	\$	(3,505.00)
Registration fees	\$	(2,085.00)
Quarterly building leases	\$	(56,910.70)
Justice Works	\$	(133,562.00)
Miscellaneous travel expenses	\$	-
Staff meals & gratuity	\$	(82.26)
Minor IT equipment	\$	(32.99)
Modular furniture	\$	(657.55)
Electrical supplies	\$	(81.98)
Defendant clothing	\$	(57.50)
Training speaker fees	\$	(3,050.00)
Training catered meals/refreshments	\$	(15,931.52)
Training clerical support services	\$	(250.00)
Sales tax paid by state	\$	(60.68)
Out of state mileage & parking for staff	\$	(141.00)
<b>SUB-TOTAL OE</b>	<b>\$</b>	<b>(252,521.32)</b>
<b>TOTAL</b>	<b>\$</b>	<b>(4,269,482.76)</b>

<b>Non-Counsel Indigent Legal Services</b>		
Monthly Total	\$	(149,801.15)
Total Q1	\$	607,270.27
Total Q2	\$	297,285.57
Total Q3	\$	-
Total Q4	\$	-
Fiscal Year Total	\$	<b>904,555.84</b>

**MAINE COMMISSION ON PUBLIC DEFENSE SERVICES**  
**FY25 FUND ACCOUNTING**  
AS OF 11/30/2024

<b>Account 010 95F Z112 01 (Personal Services)</b>	<b>Mo.</b>	<b>Q1</b>	<b>Mo.</b>	<b>Q2</b>	<b>Mo.</b>	<b>Q3</b>	<b>Mo.</b>	<b>Q4</b>	<b>FY24 Total</b>
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
Financial Order Adjustments-transfer out		\$ -		\$ -		\$ -		\$ -	\$ (1,667,394.00)
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	\$ 1,667,394.04
<b>Total Budget Allotments</b>		<b>\$ 2,857,398.00</b>		<b>\$ 3,478,475.00</b>		<b>\$ 2,003,321.00</b>		<b>\$ 763,952.00</b>	<b>\$ 9,103,146.04</b>
Total Expenses	1	\$ (417,528.73)	4	\$ (549,471.22)	7	\$ -	10	\$ -	
	2	\$ (323,300.13)	5	\$ (456,583.81)	8	\$ -	11	\$ -	
	3	\$ (404,777.35)	6	\$ -	9	\$ -	12	\$ -	
<b>TOTAL REMAINING</b>		<b>\$ 1,711,791.79</b>		<b>\$ 2,472,419.97</b>		<b>\$ 2,003,321.00</b>		<b>\$ 763,952.00</b>	<b>\$ 6,951,484.76</b>

<b>Q2 Month 5</b>	
Standard Overtime	\$ -
Permanent Regular	\$ (266,612.71)
Perm Part Time Full Ben	\$ (5,165.69)
Perm Vacation Pay	\$ (12,885.28)
Perm Holiday Pay	\$ (14,033.12)
Sick Pay	\$ (3,855.40)
Employee hlth svcs/workers comp	\$ (837.00)
Health Insurance	\$ (41,552.79)
Dental Insurance	\$ (999.64)
Employer Retiree Health	\$ (26,185.65)
Employer Retirement	\$ (17,619.12)
Employer Group Life	\$ (2,647.96)
Employer Medicare	\$ (4,339.33)
Retiree Unfunded Liability	\$ (50,512.20)
Longevity Pay	\$ (200.00)
Limited Period Regular	\$ (7,137.92)
Retro pay contract	\$ (2,000.00)
Retro lump sum pymt	\$ -
Per Diem	\$ -
<b>TOTAL</b>	<b>\$ (456,583.81)</b>

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

FY25 FUND ACCOUNTING

As of 11/30/2024

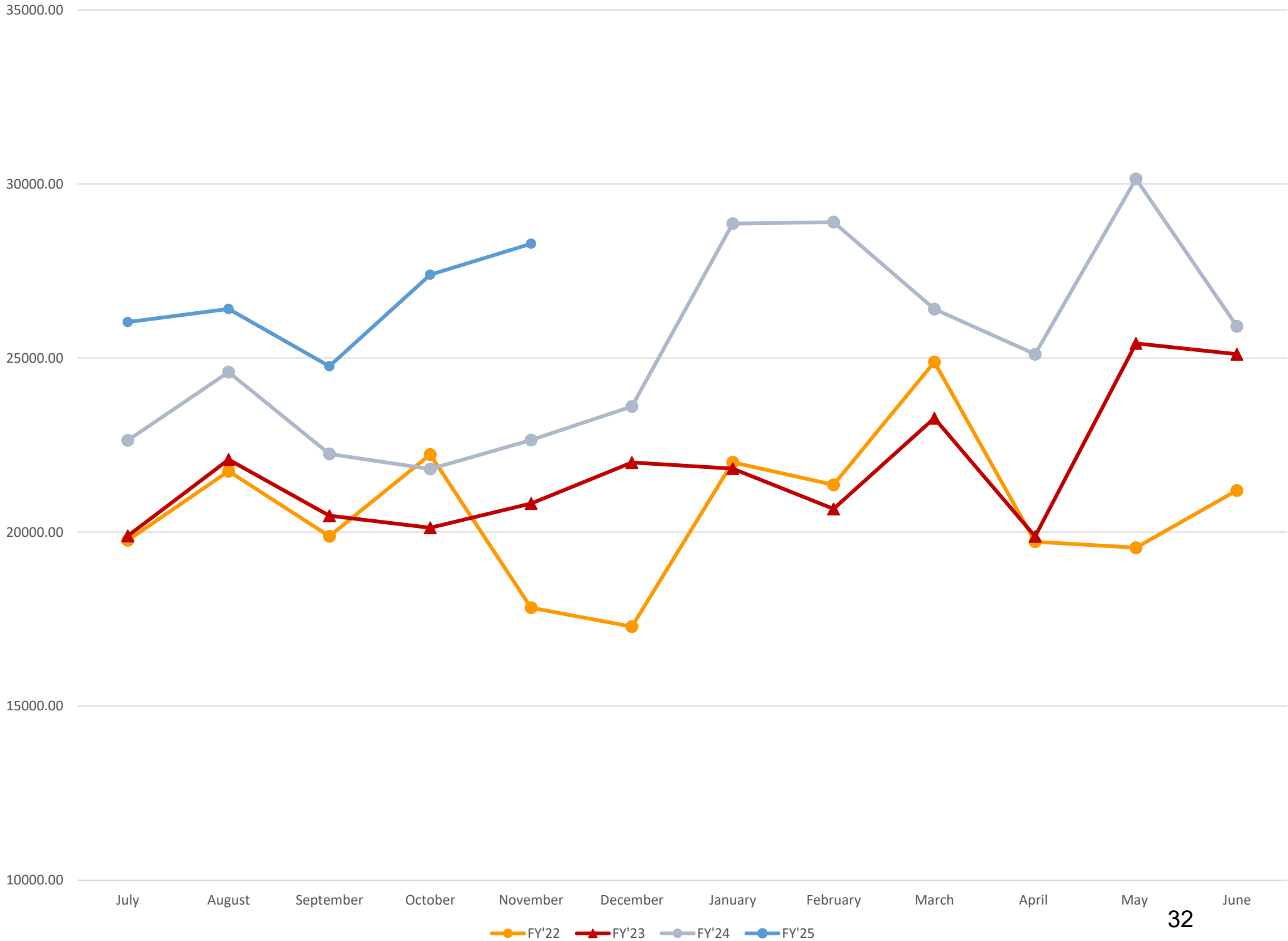
Account 014 95F Z112 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY24 Total
<b>Original Total Budget Allotments</b>		\$ 785,583.00		\$ 105,144.00		\$ 104,638.00		\$ 104,635.00	\$ 1,100,000.00
		\$ -		\$ -		\$ -		\$ -	\$ -
Financial Order Adjustment-carry forward FY24		\$ 7,420,338.00		\$ 377,075.00		\$ 377,581.00		\$ 377,584.00	
Financial Order Allotment Adjustment		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustment		\$ (8,197,721.00)		\$ 8,197,721.00		\$ -		\$ -	\$ -
Budget Order Adjustment		\$ -		\$ -		\$ -		\$ -	\$ -
ADJ OF PERS SERV BALANCE FWD		\$ -		\$ -		\$ -		\$ -	\$ 1,667,394.04
<b>Total Budget Allotments</b>		\$ 8,200.00		\$ 8,679,940.00		\$ 482,219.00		\$ 482,219.00	\$ 9,652,578.00
Collected Revenue from JB	1	\$ 23,597.22	4	\$ 45,314.00	7	\$ -	10	\$ -	
Collected Revenue from JB	2	\$ 39,749.50	5	\$ -	8	\$ -	11	\$ -	
Collected Revenue from JB	3	\$ 23,146.97	6	\$ -	9	\$ -	12	\$ -	
Collected for reimbursement of counsel fees	1	\$ 2,331.00	4	\$ 1,000.00	7	\$ -	10	\$ -	
Collected for reimbursement of counsel fees	2	\$ 5,122.00	5	\$ 1,360.00	8	\$ -	11	\$ -	
Collected for reimbursement of counsel fees	3	\$ 2,590.00	6	\$ -	9	\$ -	12	\$ -	
<b>TOTAL CASH PLUS REVENUE COLLECTED</b>		\$ 96,536.69		\$ 47,674.00		\$ -		\$ -	\$ 144,210.69
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)							
<b>REMAINING ALLOTMENT</b>		\$ -		\$ 8,679,940.00		\$ 482,219.00		\$ 482,219.00	\$ 9,644,378.00

**MAINE COMMISSION ON PUBLIC DEFENSE SERVICES**  
**FY25 FUND ACCOUNTING**  
AS OF 11/30/2024

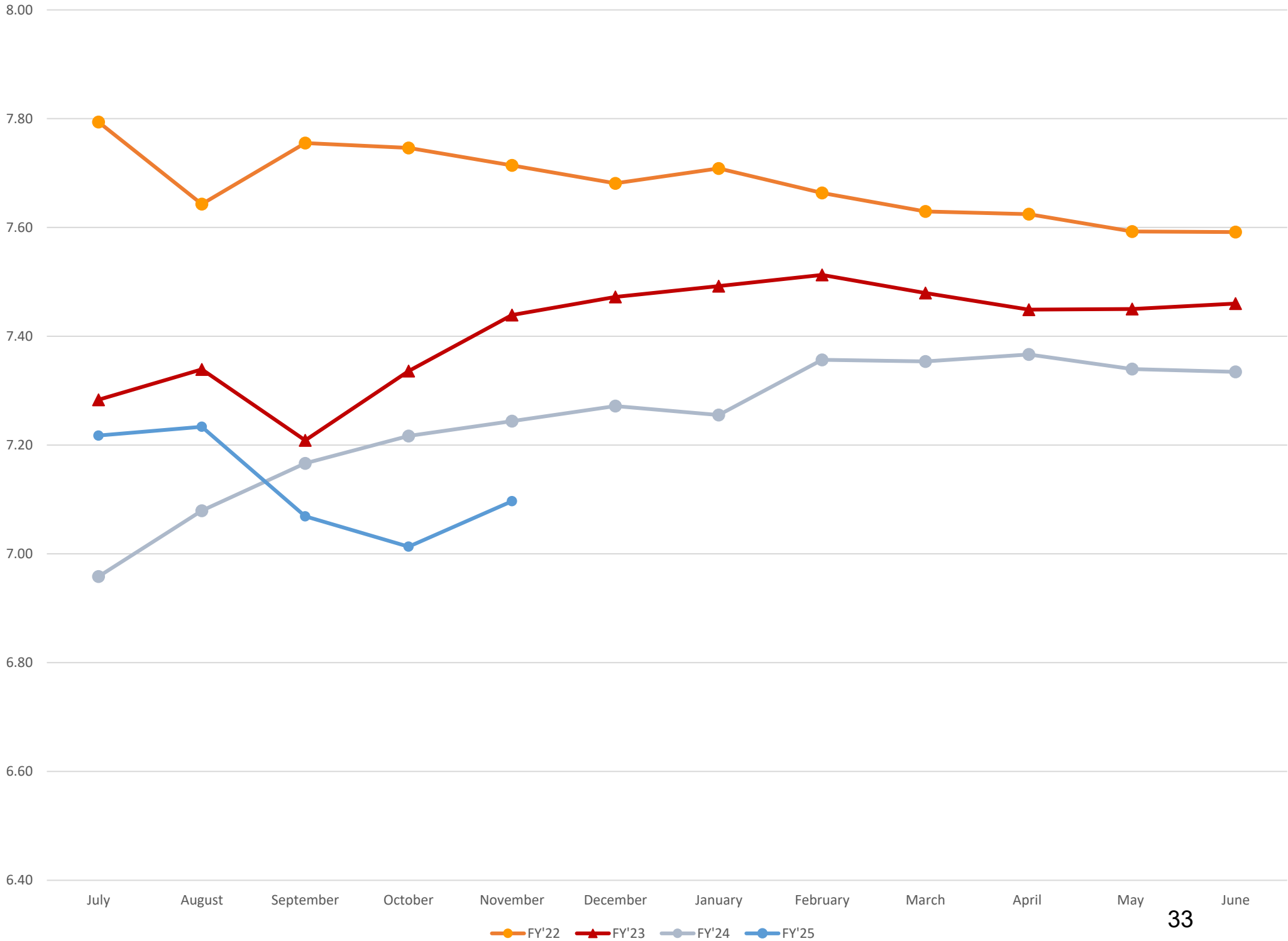
<b>Account 014 95F Z112 02</b>									
<b>(Conference Account)</b>									
	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY24 Total
FY25 Allotment		\$ 35,000.00		\$ 22,000.00					\$ 57,000.00
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ (35,000.00)		\$ 35,000.00		\$ -		\$ -	
Budget Order Adjustments		\$ -		\$ -		\$ -		\$ -	
		\$ -		\$ -		\$ -		\$ -	
		\$ -		\$ -		\$ -		\$ -	
<b>Total Budget Allotments</b>		<b>\$ -</b>		<b>\$ 57,000.00</b>		<b>\$ -</b>		<b>\$ -</b>	<b>\$ 57,000.00</b>
Total Expenses	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
	2	\$ -	5	\$ (1,500.00)	8	\$ -	11	\$ -	
	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
State cap		\$ -		\$ -		\$ -		\$ -	
<b>TOTAL REMAINING</b>		<b>\$ -</b>		<b>\$ 55,500.00</b>		<b>\$ -</b>		<b>\$ -</b>	<b>\$ 55,500.00</b>

<b>Q2 Month 5</b>	
Instructor & Speaker services	\$ 1,500.00
Refreshments & Catered meals	\$ -
Sales tax	\$ -
Mileage & parking fees for staff	\$ -
Training rooms	\$ -
Registrations	\$ -
Lodging for counsel	\$ -
Mileage for counsel	\$ -
Office supplies	\$ -
<b>TOTAL</b>	<b>\$ 1,500.00</b>

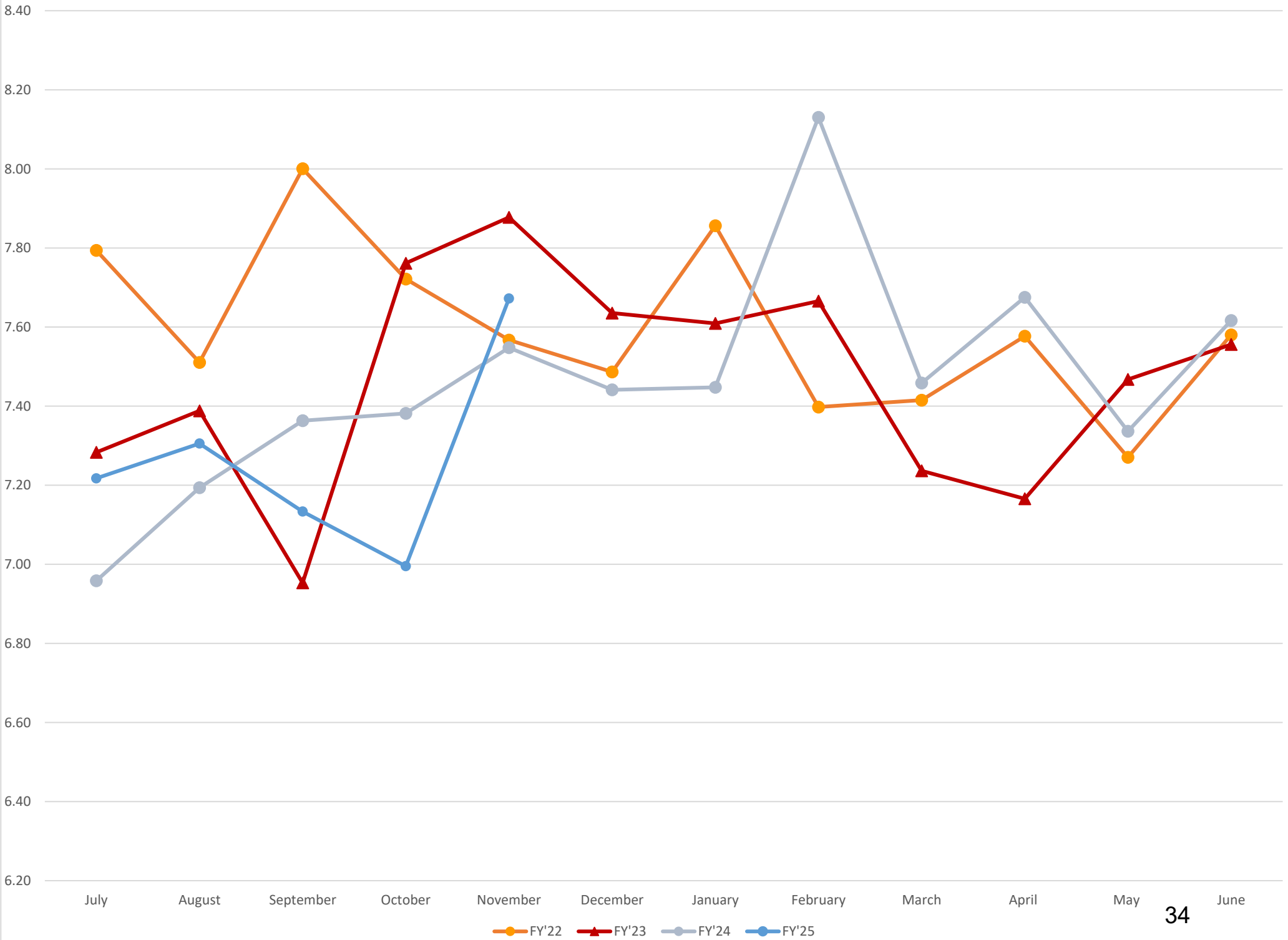
# Submitted Hours Amount



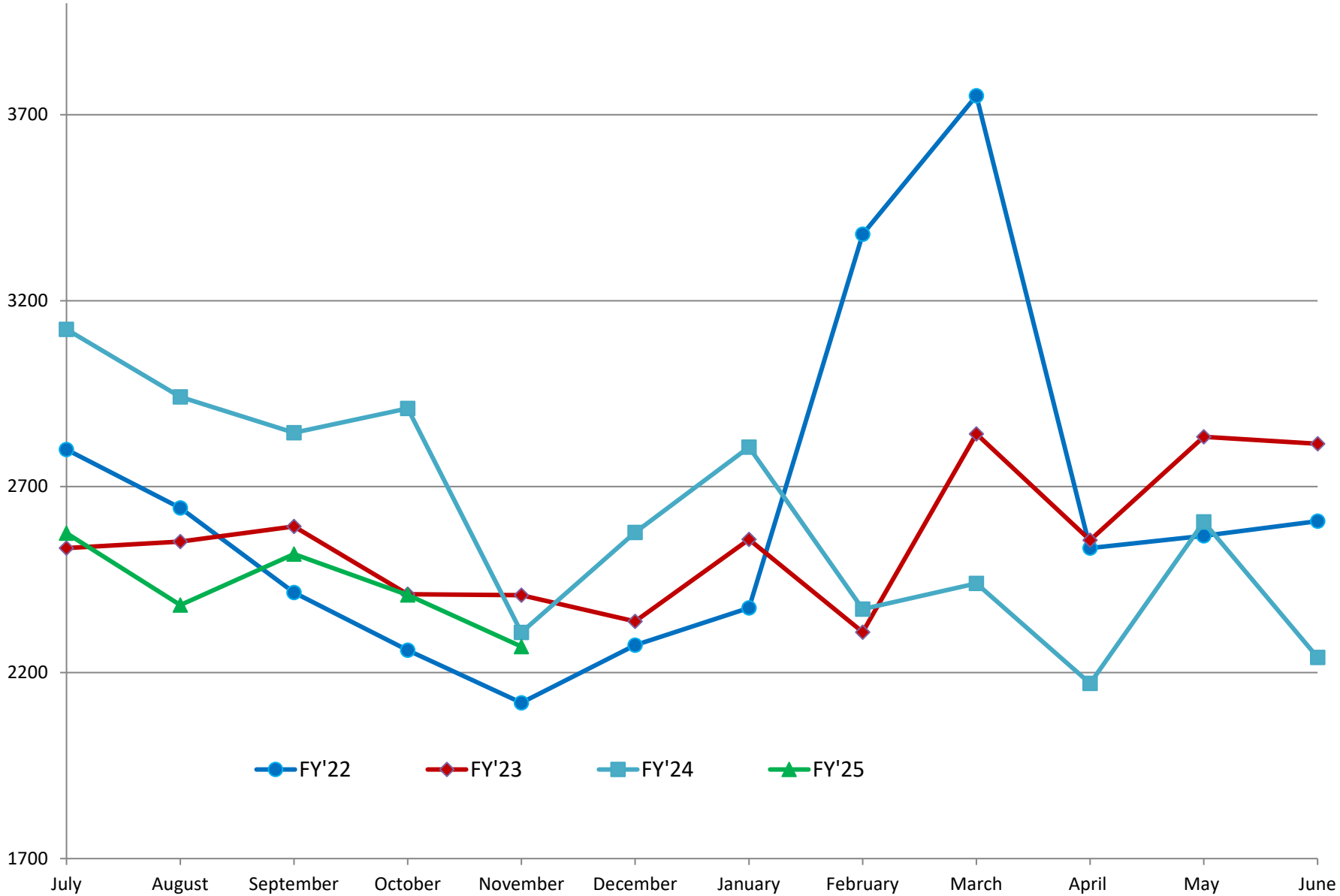
# Average Hours per Voucher FYTD



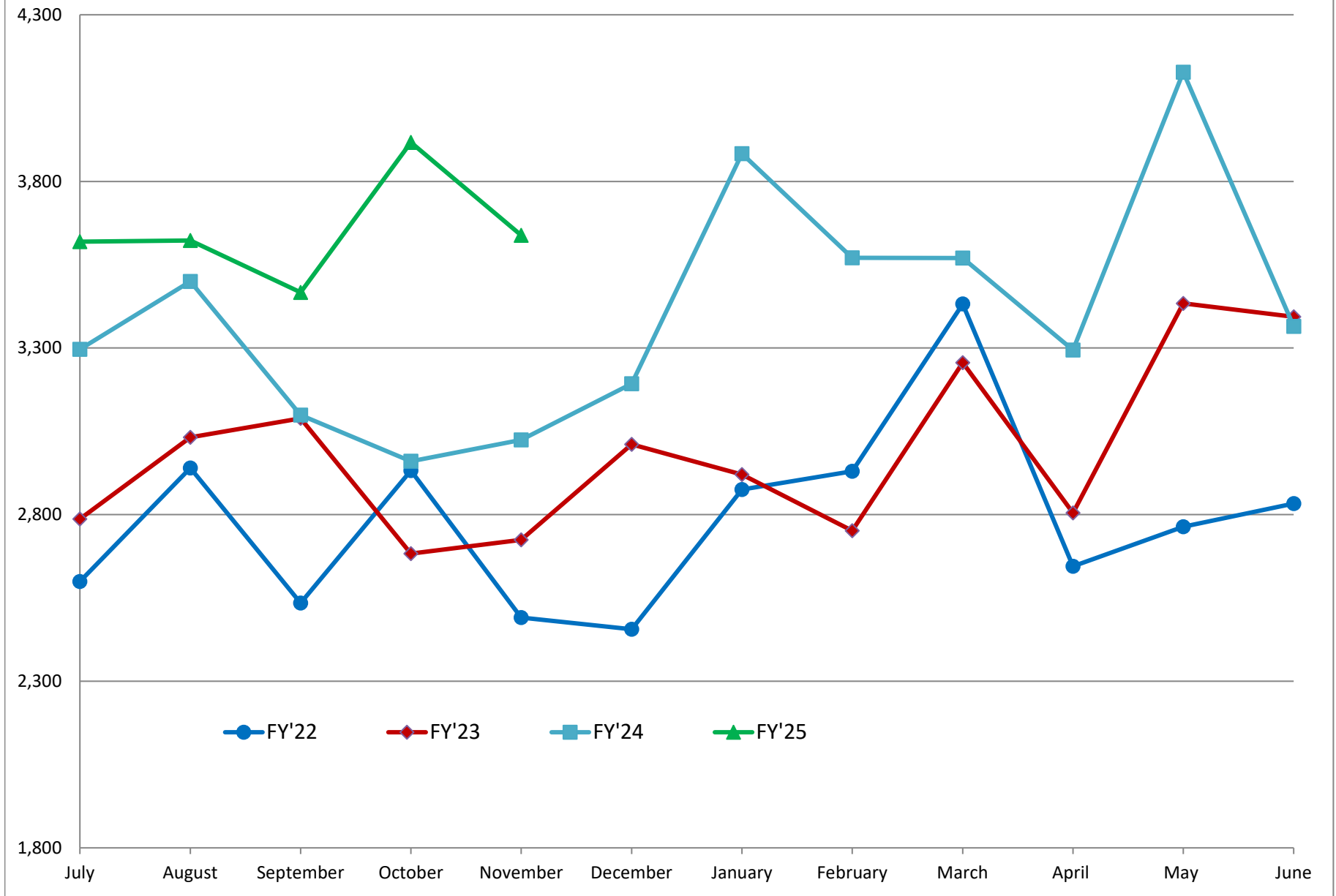
# Monthly Average Hours per Voucher



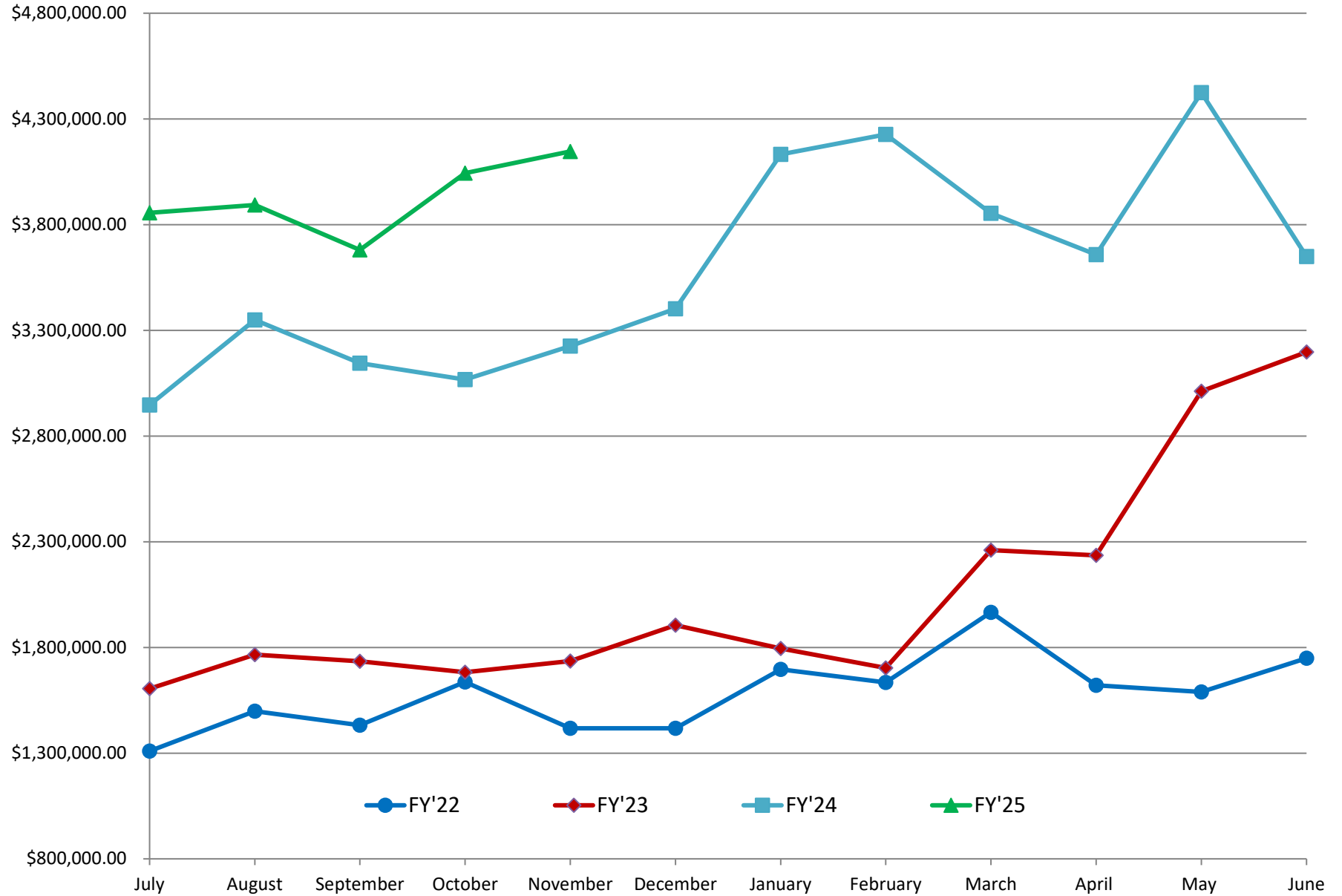
# NEW CASES



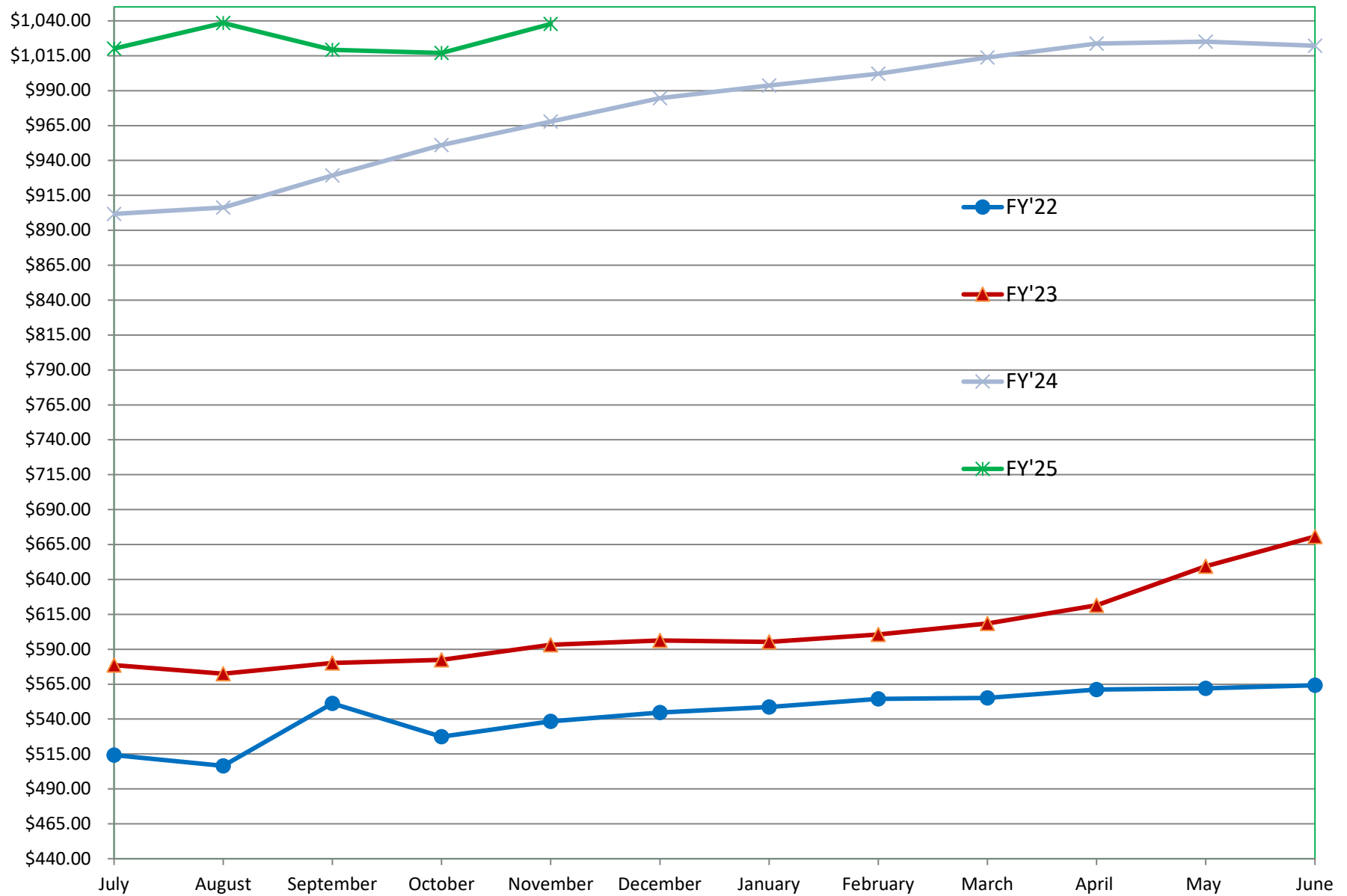
# Submitted Vouchers



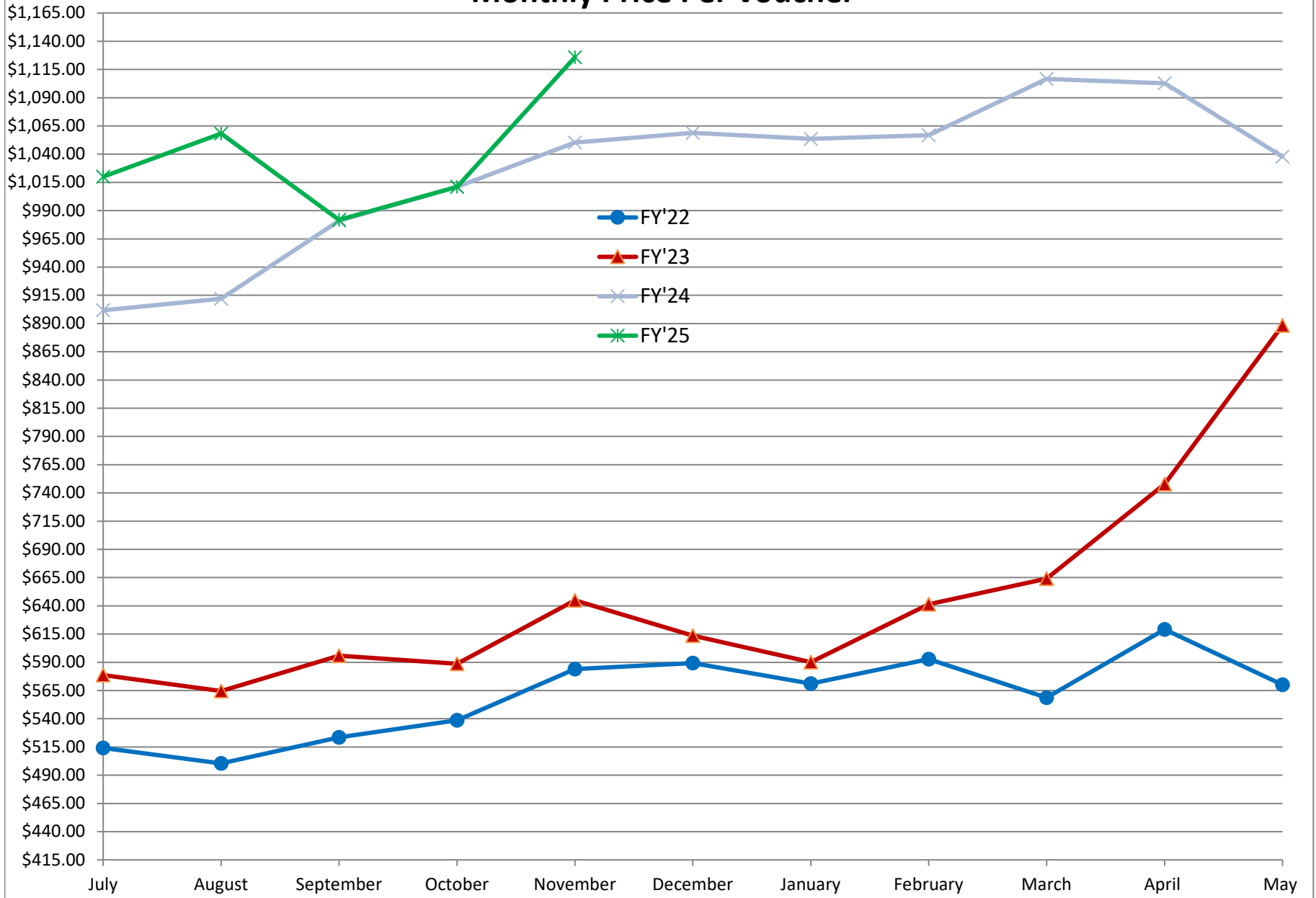
### Submitted Voucher Amount



## Average Voucher Price Fiscal Year to Date



# Monthly Price Per Voucher



# Pending UCD Cases as of December 6, 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
<b>Androscoggin</b>	<b>798</b>	<b>101</b>	<b>58</b>	<b>7.3%</b>	<b>1,548</b>	<b>265</b>	<b>282</b>	<b>18.2%</b>	<b>12</b>	<b>5</b>	<b>41.7%</b>	<b>2,358</b>	<b>366</b>	<b>345</b>	<b>14.6%</b>
<b>Aroostook</b>	<b>554</b>	<b>116</b>	<b>44</b>	<b>7.9%</b>	<b>840</b>	<b>245</b>	<b>193</b>	<b>23.0%</b>	<b>24</b>	<b>10</b>	<b>41.7%</b>	<b>1,418</b>	<b>361</b>	<b>247</b>	<b>17.4%</b>
Caribou	108	24	12	11.1%	153	33	42	27.5%	5	4	80.0%	266	57	58	21.8%
Fort Kent	80	15	6	7.5%	175	69	28	16.0%	5	0	0.0%	260	84	34	13.1%
Houlton	151	29	6	4.0%	224	69	47	21.0%	6	1	16.7%	381	98	54	14.2%
Presque Isle	215	48	20	9.3%	288	74	76	26.4%	8	5	62.5%	511	122	101	19.8%
<b>Cumberland</b>	<b>1,406</b>	<b>233</b>	<b>88</b>	<b>6.3%</b>	<b>3,516</b>	<b>561</b>	<b>585</b>	<b>16.6%</b>	<b>112</b>	<b>65</b>	<b>58.0%</b>	<b>5,034</b>	<b>794</b>	<b>738</b>	<b>14.7%</b>
Bridgton	20	6	3	15.0%	330	48	99	30.0%	44	37	84.1%	394	54	139	35.3%
Portland	1,366	222	83	6.1%	2,800	425	413	14.8%	48	15	31.3%	4,214	647	511	12.1%
West Bath	20	5	2	10.0%	386	88	73	18.9%	20	13	65.0%	426	93	88	20.7%
<b>Franklin</b>	<b>145</b>	<b>32</b>	<b>9</b>	<b>6.2%</b>	<b>339</b>	<b>89</b>	<b>75</b>	<b>22.1%</b>	<b>7</b>	<b>3</b>	<b>42.9%</b>	<b>491</b>	<b>121</b>	<b>87</b>	<b>17.7%</b>
<b>Hancock</b>	<b>312</b>	<b>38</b>	<b>18</b>	<b>5.8%</b>	<b>466</b>	<b>68</b>	<b>87</b>	<b>18.7%</b>	<b>40</b>	<b>18</b>	<b>45.0%</b>	<b>818</b>	<b>106</b>	<b>123</b>	<b>15.0%</b>
<b>Kennebec</b>	<b>584</b>	<b>110</b>	<b>54</b>	<b>9.2%</b>	<b>1,393</b>	<b>321</b>	<b>296</b>	<b>21.2%</b>	<b>14</b>	<b>7</b>	<b>50.0%</b>	<b>1,991</b>	<b>431</b>	<b>357</b>	<b>17.9%</b>
Augusta	547	103	51	9.3%	864	195	176	20.4%	6	1	16.7%	1,417	298	228	16.1%
Waterville	37	7	3	8.1%	529	126	120	22.7%	8	6	75.0%	574	133	129	22.5%
<b>Knox</b>	<b>218</b>	<b>24</b>	<b>26</b>	<b>11.9%</b>	<b>531</b>	<b>86</b>	<b>126</b>	<b>23.7%</b>	<b>12</b>	<b>6</b>	<b>50.0%</b>	<b>761</b>	<b>110</b>	<b>158</b>	<b>20.8%</b>
<b>Lincoln</b>	<b>158</b>	<b>31</b>	<b>14</b>	<b>8.9%</b>	<b>406</b>	<b>135</b>	<b>84</b>	<b>20.7%</b>	<b>10</b>	<b>2</b>	<b>20.0%</b>	<b>574</b>	<b>166</b>	<b>100</b>	<b>17.4%</b>
<b>Oxford</b>	<b>500</b>	<b>93</b>	<b>64</b>	<b>12.8%</b>	<b>880</b>	<b>216</b>	<b>179</b>	<b>20.3%</b>	<b>10</b>	<b>8</b>	<b>80.0%</b>	<b>1,390</b>	<b>309</b>	<b>251</b>	<b>18.1%</b>
Bridgton	43	14	3	7.0%	77	19	24	31.2%	0	0	0.0%	120	33	27	22.5%
Rumford	209	31	27	12.9%	374	64	77	20.6%	7	5	71.4%	590	95	109	18.5%
South Paris	248	48	34	13.7%	429	133	78	18.2%	3	3	100.0%	680	181	115	16.9%
<b>Penobscot</b>	<b>848</b>	<b>28</b>	<b>78</b>	<b>9.2%</b>	<b>1,698</b>	<b>38</b>	<b>503</b>	<b>29.6%</b>	<b>56</b>	<b>40</b>	<b>71.4%</b>	<b>2,602</b>	<b>66</b>	<b>621</b>	<b>23.9%</b>
Bangor	821	26	73	8.9%	1,299	25	346	26.6%	22	9	40.9%	2,142	51	428	20.0%
Lincoln	7	0	3	42.9%	160	5	67	41.9%	26	25	96.2%	193	5	95	49.2%
Newport	20	2	2	10.0%	239	8	90	37.7%	8	6	75.0%	267	10	98	36.7%
<b>Piscataquis</b>	<b>39</b>	<b>1</b>	<b>6</b>	<b>15.4%</b>	<b>84</b>	<b>1</b>	<b>26</b>	<b>31.0%</b>	<b>18</b>	<b>11</b>	<b>61.1%</b>	<b>141</b>	<b>2</b>	<b>43</b>	<b>30.5%</b>
<b>Sagadahoc</b>	<b>162</b>	<b>42</b>	<b>15</b>	<b>9.3%</b>	<b>369</b>	<b>120</b>	<b>64</b>	<b>17.3%</b>	<b>13</b>	<b>2</b>	<b>15.4%</b>	<b>544</b>	<b>162</b>	<b>81</b>	<b>14.9%</b>
<b>Somerset</b>	<b>304</b>	<b>66</b>	<b>17</b>	<b>5.6%</b>	<b>524</b>	<b>126</b>	<b>118</b>	<b>22.5%</b>	<b>11</b>	<b>4</b>	<b>36.4%</b>	<b>839</b>	<b>192</b>	<b>139</b>	<b>16.6%</b>
<b>Waldo</b>	<b>198</b>	<b>42</b>	<b>11</b>	<b>5.6%</b>	<b>357</b>	<b>115</b>	<b>77</b>	<b>21.6%</b>	<b>17</b>	<b>15</b>	<b>88.2%</b>	<b>572</b>	<b>157</b>	<b>103</b>	<b>18.0%</b>
<b>Washington</b>	<b>146</b>	<b>12</b>	<b>6</b>	<b>4.1%</b>	<b>235</b>	<b>37</b>	<b>40</b>	<b>17.0%</b>	<b>17</b>	<b>5</b>	<b>29.4%</b>	<b>398</b>	<b>49</b>	<b>51</b>	<b>12.8%</b>
Calais	67	5	3	4.5%	103	14	17	16.5%	7	2	28.6%	177	19	22	12.4%
Machias	79	7	3	3.8%	132	23	23	17.4%	10	3	30.0%	221	30	29	13.1%
<b>York</b>	<b>777</b>	<b>149</b>	<b>101</b>	<b>13.0%</b>	<b>2,675</b>	<b>725</b>	<b>580</b>	<b>21.7%</b>	<b>70</b>	<b>19</b>	<b>27.1%</b>	<b>3,522</b>	<b>874</b>	<b>700</b>	<b>19.9%</b>
<b>TOTAL</b>	<b>7,149</b>	<b>1,118</b>	<b>609</b>	<b>8.5%</b>	<b>15,861</b>	<b>3,148</b>	<b>3,315</b>	<b>20.9%</b>	<b>443</b>	<b>220</b>	<b>49.7%</b>	<b>23,453</b>	<b>4,266</b>	<b>4,144</b>	<b>17.7%</b>

## Columns

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

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

# Change in Pending UCD Cases, December 2023 to December 2024

Pending cases as of December 6 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2023	2024	% Diff	2023	2024	% Diff	2023	2024	% Diff	2023	2024	% Diff
<b>Androscoggin</b>	719	798	11.0%	1,656	1,548	-6.5%	10	12	20.0%	2,385	2,358	-1.1%
<b>Aroostook</b>	610	554	-9.2%	1,005	840	-16.4%	30	24	-20.0%	1,645	1,418	-13.8%
Caribou	126	108	-14.3%	207	153	-26.1%	11	5	-54.5%	344	266	-22.7%
Fort Kent	94	80	-14.9%	191	175	-8.4%	5	5	0.0%	290	260	-10.3%
Houlton	172	151	-12.2%	230	224	-2.6%	4	6	50.0%	406	381	-6.2%
Presque Isle	218	215	-1.4%	377	288	-23.6%	10	8	-20.0%	605	511	-15.5%
<b>Cumberland</b>	1,305	1,406	7.7%	3,677	3,516	-4.4%	88	112	27.3%	5,070	5,034	-0.7%
Bridgton	27	20	-25.9%	278	330	18.7%	18	44	144.4%	323	394	22.0%
Portland	1,254	1,366	8.9%	2,925	2,800	-4.3%	50	48	-4.0%	4,229	4,214	-0.4%
West Bath	24	20	-16.7%	474	386	-18.6%	20	20	0.0%	518	426	-17.8%
<b>Franklin</b>	154	145	-5.8%	404	339	-16.1%	10	7	-30.0%	568	491	-13.6%
<b>Hancock</b>	397	312	-21.4%	720	466	-35.3%	37	40	8.1%	1,154	818	-29.1%
<b>Kennebec</b>	613	584	-4.7%	1,504	1,393	-7.4%	25	14	-44.0%	2,142	1,991	-7.0%
Augusta	580	547	-5.7%	971	864	-11.0%	13	6	-53.8%	1,564	1,417	-9.4%
Waterville	33	37	12.1%	533	529	-0.8%	12	8	-33.3%	578	574	-0.7%
<b>Knox</b>	181	218	20.4%	443	531	19.9%	10	12	20.0%	634	761	20.0%
<b>Lincoln</b>	135	158	17.0%	395	406	2.8%	6	10	66.7%	536	574	7.1%
<b>Oxford</b>	463	500	8.0%	1,034	880	-14.9%	24	10	-58.3%	1,521	1,390	-8.6%
Bridgton	37	43	16.2%	82	77	-6.1%	0	0	0.0%	119	120	0.8%
Rumford	161	209	29.8%	433	374	-13.6%	4	7	75.0%	598	590	-1.3%
South Paris	265	248	-6.4%	519	429	-17.3%	20	3	-85.0%	804	680	-15.4%
<b>Penobscot</b>	837	848	1.3%	1,865	1,698	-9.0%	71	56	-21.1%	2,773	2,602	-6.2%
Bangor	805	821	2.0%	1,400	1,299	-7.2%	33	22	-33.3%	2,238	2,142	-4.3%
Lincoln	8	7	-12.5%	215	160	-25.6%	17	26	52.9%	240	193	-19.6%
Newport	24	20	-16.7%	250	239	-4.4%	21	8	-61.9%	295	267	-9.5%
<b>Piscataquis</b>	28	39	39.3%	110	84	-23.6%	20	18	-10.0%	158	141	-10.8%
<b>Sagadahoc</b>	181	162	-10.5%	428	369	-13.8%	14	13	-7.1%	623	544	-12.7%
<b>Somerset</b>	258	304	17.8%	514	524	1.9%	27	11	-59.3%	799	839	5.0%
<b>Waldo</b>	189	198	4.8%	339	357	5.3%	2	17	750.0%	530	572	7.9%
<b>Washington</b>	139	146	5.0%	302	235	-22.2%	16	17	6.3%	457	398	-12.9%
Calais	70	67	-4.3%	129	103	-20.2%	1	7	600.0%	200	177	-11.5%
Machias	69	79	14.5%	173	132	-23.7%	15	10	-33.3%	257	221	-14.0%
<b>York</b>	968	777	-19.7%	3,747	2,675	-28.6%	90	70	-22.2%	4,805	3,522	-26.7%
<b>TOTAL</b>	<b>7,177</b>	<b>7,149</b>	<b>-0.4%</b>	<b>18,143</b>	<b>15,861</b>	<b>-12.6%</b>	<b>480</b>	<b>443</b>	<b>-7.7%</b>	<b>25,800</b>	<b>23,453</b>	<b>-9.1%</b>

## Columns

- 2023** Number of cases having at least one charge without a disposition, and without a currently active warrant as of December 6, 2023
- 2024** Number of cases having at least one charge without a disposition, and without a currently active warrant as of December 6, 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, December 2019 to December 2024

Pending cases as of December 6 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2019	2024	% Diff	2019	2024	% Diff	2019	2024	% Diff	2019	2024	% Diff
<b>Androscoggin</b>	433	798	84.3%	1,317	1,548	17.5%	27	12	-55.6%	1,777	2,358	32.7%
<b>Aroostook</b>	442	554	25.3%	739	840	13.7%	23	24	4.3%	1,204	1,418	17.8%
Caribou	72	108	50.0%	178	153	-14.0%	0	5	0.0%	250	266	6.4%
Fort Kent	45	80	77.8%	128	175	36.7%	4	5	25.0%	177	260	46.9%
Houlton	141	151	7.1%	179	224	25.1%	10	6	-40.0%	330	381	15.5%
Presque Isle	184	215	16.8%	254	288	13.4%	9	8	-11.1%	447	511	14.3%
<b>Cumberland</b>	944	1,406	48.9%	2,708	3,516	29.8%	98	112	14.3%	3,750	5,034	34.2%
Bridgton	10	20	100.0%	203	330	62.6%	17	44	158.8%	230	394	71.3%
Portland	915	1,366	49.3%	2,176	2,800	28.7%	57	48	-15.8%	3,148	4,214	33.9%
West Bath	19	20	5.3%	329	386	17.3%	24	20	-16.7%	372	426	14.5%
<b>Franklin</b>	80	145	81.3%	265	339	27.9%	12	7	-41.7%	357	491	37.5%
<b>Hancock</b>	209	312	49.3%	519	466	-10.2%	38	40	5.3%	766	818	6.8%
<b>Kennebec</b>	385	584	51.7%	1,211	1,393	15.0%	36	14	-61.1%	1,632	1,991	22.0%
Augusta	375	547	45.9%	653	864	32.3%	21	6	-71.4%	1,049	1,417	35.1%
Waterville	10	37	270.0%	558	529	-5.2%	15	8	-46.7%	583	574	-1.5%
<b>Knox</b>	156	218	39.7%	350	531	51.7%	6	12	100.0%	512	761	48.6%
<b>Lincoln</b>	97	158	62.9%	218	406	86.2%	11	10	-9.1%	326	574	76.1%
<b>Oxford</b>	210	500	138.1%	557	880	58.0%	17	10	-41.2%	784	1,390	77.3%
Bridgton	26	43	65.4%	81	77	-4.9%	1	0	-100.0%	108	120	11.1%
Rumford	83	209	151.8%	226	374	65.5%	11	7	-36.4%	320	590	84.4%
South Paris	101	248	145.5%	250	429	71.6%	5	3	-40.0%	356	680	91.0%
<b>Penobscot</b>	421	848	101.4%	1,277	1,698	33.0%	81	56	-30.9%	1,779	2,602	46.3%
Bangor	411	821	99.8%	1,009	1,299	28.7%	60	22	-63.3%	1,480	2,142	44.7%
Lincoln	3	7	133.3%	92	160	73.9%	6	26	333.3%	101	193	91.1%
Newport	7	20	185.7%	176	239	35.8%	15	8	-46.7%	198	267	34.8%
<b>Piscataquis</b>	22	39	77.3%	52	84	61.5%	2	18	800.0%	76	141	85.5%
<b>Sagadahoc</b>	94	162	72.3%	320	369	15.3%	23	13	-43.5%	437	544	24.5%
<b>Somerset</b>	156	304	94.9%	476	524	10.1%	26	11	-57.7%	658	839	27.5%
<b>Waldo</b>	109	198	81.7%	323	357	10.5%	9	17	88.9%	441	572	29.7%
<b>Washington</b>	104	146	40.4%	234	235	0.4%	20	17	-15.0%	358	398	11.2%
Calais	45	67	48.9%	91	103	13.2%	10	7	-30.0%	146	177	21.2%
Machias	59	79	33.9%	143	132	-7.7%	10	10	0.0%	212	221	4.2%
<b>York</b>	730	777	6.4%	2,711	2,675	-1.3%	102	70	-31.4%	3,543	3,522	-0.6%
<b>TOTAL</b>	<b>4,592</b>	<b>7,149</b>	<b>55.7%</b>	<b>13,277</b>	<b>15,861</b>	<b>19.5%</b>	<b>531</b>	<b>443</b>	<b>-16.6%</b>	<b>18,400</b>	<b>23,453</b>	<b>27.5%</b>

## Columns

- 2019** Number of cases having at least one charge without a disposition, and without a currently active warrant as of December 6, 2019
- 2024** Number of cases having at least one charge without a disposition, and without a currently active warrant as of December 6, 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:** Supervision Director Chris Guillory  
**SUBJECT:** Androscoggin Child Protective Case Placement Project  
**DATE:** December 11, 2024

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In November, PDS was approached by one of our PC resource counsel with a proposal to help facilitate staffing child protective cases in Androscoggin county. The proposal was for counsel to be able to access Court records for the administrative purpose of analyzing the child protective petitions filed in the cases and using that information to categorize or “triage” cases. The additional information gained by this record review would then be used by counsel as they engaged in direct outreach to rostered counsel to see if they would accept additional case assignments. With the cooperation of the Judicial Branch the project began on November 20, 2024. At that time 56 parents across 43 dockets were without counsel in Androscoggin County.

Since implementation of this project, counsel has been located to staff cases for 20 parents. Additionally, 4 dockets on the list were identified as having already been staffed. One parent was found counsel after spending 281 days without counsel being assigned to them.

The initial response to this project by the assigned bar has been very positive. Several attorneys have indicated this was a much more effective method to get them to take cases than simply sending out a list of unstaffed cases. Multiple attorneys also indicated in response to counsel’s outreach that they may have capacity to take some additional cases via this methodology but cannot fully assess that until after the holidays.

## MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

**TO:** PDS  
**FROM:** Supervision Director Chris Guillory  
**SUBJECT:** Public Service Loan Forgiveness Program Update  
**DATE:** December 5, 2024

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Since implementing the Public Service Loan Forgiveness program on September 6, 2023, PDS has received 33 applications for certification.

PDS Staff contacted all participating attorneys asking for updates on their status towards Public Service Loan Forgiveness. Staff received 19 responses to its questionnaire.

Ten attorneys reported having received discharges of their student loans. Nine attorneys provided information on the amount of the loans they had discharged which totaled approximately \$1,296,163.86.

Two attorneys reported that they had made overpayments on their discharged loans and are entitled to refunds of the overpayment under Department of Education rules. One attorney reported approximately \$40,000 in overpayment while another reported that they had made approximately 60 months' worth of overpayments which the Department of Education had indicated they would be refunding to them.

Staff have also received a report that contract counsel have successfully used the availability of PSLF to PDS contract counsel as a tool to assist them in recruiting new associates to join their firms to do our work.

## §1802. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2009, c. 419, §2 (NEW).]

**1. Assigned counsel.** "Assigned counsel" means a private attorney designated by the commission to provide indigent legal services at public expense.  
[PL 2009, c. 419, §2 (NEW).]

**1-A. Appellate counsel.** "Appellate counsel" means an attorney who is entitled to payment under Title 15, section 2115-A, subsection 8 or 9.  
[PL 2013, c. 159, §10 (NEW).]

**2. Commission.** "Commission" means the Maine Commission on Public Defense Services under section 1801.  
[PL 2023, c. 558, §4 (AMD).]

**3. Contract counsel.** "Contract counsel" means a private attorney under contract with the commission to provide indigent legal services.  
[PL 2009, c. 419, §2 (NEW).]

**3-A. Employed counsel.** "Employed counsel" means an attorney employed by the commission to provide indigent legal services ~~directly to persons who are eligible to receive indigent legal services in~~ civil proceedings.  
[PL 2023, c. 638, §2 (NEW).]

**4. Indigent legal services.** "Indigent legal services" means:

a. ~~Legal~~ legal representation provided to:

i. ~~A. An indigent defendant in a criminal case in which the United States Constitution or the Constitution of Maine or federal or state law requires that the State provide representation; [PL 2009, c. 419, §2 (NEW).]~~

ii. ~~An indigent party in a civil case in which the United States Constitution or the Constitution of Maine or federal or state law requires that the State provide representation; [PL 2019, c. 427, §1 (AMD).]~~

iii. ~~C. Juvenile defendants; and [PL 2019, c. 427, §1 (AMD).]~~

iv. ~~An indigent defendant or party or a juvenile for the purpose of filing, on behalf of that indigent defendant or party or juvenile, a petition for certiorari to the Supreme Court of the United States from an adverse decision of the Law Court on a case for which services were previously provided to that defendant or party or juvenile pursuant to paragraph i, ii or iii. [PL 2019, c. 427, §2 (NEW).]~~

b. ~~Services performed by an attorney at the direction of the Commission that aids the Commission in fulfilling its purpose under Title 4 section 1801.~~

~~A. An indigent defendant in a criminal case in which the United States Constitution or the Constitution of Maine or federal or state law requires that the State provide representation; [PL 2009, c. 419, §2 (NEW).]~~

~~B. An indigent party in a civil case in which the United States Constitution or the Constitution of Maine or federal or state law requires that the State provide representation; [PL 2019, c. 427, §1 (AMD).]~~

~~C. Juvenile defendants; and [PL 2019, c. 427, §1 (AMD).]~~

~~D. An indigent defendant or party or a juvenile for the purpose of filing, on behalf of that indigent defendant or party or juvenile, a petition for certiorari to the Supreme Court of the United States from an adverse decision of the Law Court on a case for which services were previously provided to that defendant or party or juvenile pursuant to paragraph A, B or C. [PL 2019, c. 427, §2 (NEW).]~~

"Indigent legal services" does not include assignments of counsel pursuant to: any Section of Title 18-C, Title 15, section 3506-A, subsection 1, or the services of a guardian ad litem appointed pursuant to Title 22, section 4005, subsection 1.

[PL 2021, c. 676, Pt. A, §3 (AMD).]

**5. Public defender.** "Public defender" means an attorney employed by the commission to provide indigent legal services ~~directly to persons who are eligible to receive indigent legal services~~ in criminal and juvenile proceedings.

[PL 2023, c. 638, §3 (NEW).]

## SECTION HISTORY

PL 2009, c. 419, §2 (NEW). PL 2013, c. 159, §10 (AMD). PL 2019, c. 427, §§1, 2 (AMD). PL 2021, c. 676, Pt. A, §3 (AMD). PL 2023, c. 558, §4 (AMD). PL 2023, c. 638, §§2, 3 (AMD).

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**§1802-A. Employed counsel and public defender**

1. An attorney may be employed by the commission ~~both~~ either as "employed counsel" ~~and or~~ as a "public defender." [PL 2023, c. 638, §4 (NEW).]
- ~~1.2. Employed counsel and public defenders are not subject to direct assignment or appointment by the courts.~~

**SECTION HISTORY**

PL 2023, c. 638, §4 (NEW).

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**§1804. ~~Commission~~Commission responsibilities**

**1. Executive director.** The ~~commission~~Commission shall hire an executive director. The executive director must be an attorney licensed to practice law in this State; be a member in good standing of the bar of the State; and have experience in the legal field, including, but not limited to, the provision of indigent legal services.

[PL 2023, c. 638, §5 (AMD).]

**2. Rulemaking.** The ~~commission~~Commission shall adopt rules governing the delivery of indigent legal services by assigned counsel, contract counsel, employed counsel and public defenders. The rules adopted by the ~~commission~~Commission must include:

A. Standards governing eligibility for indigent legal services. The eligibility standards must take into account the possibility of a defendant's or civil party's ability to make periodic installment payments toward counsel fees and the cost of private legal services in the relevant geographic area; [PL 2023, c. 344, §1 (AMD).]

B. Standards prescribing minimum experience, training and other eligibility requirements for attorneys to be eligible to serve as assigned counsel, contract counsel, employed counsel and public defenders; [PL 2023, c. 638, §6 (AMD).]

C. Standards for assigned counsel, contract counsel, employed counsel and public defender caseloads; [PL 2023, c. 638, §6 (AMD).]

D. Standards for the evaluation of assigned counsel, contract counsel, employed counsel and public defenders. The ~~commission~~Commission shall review the standards developed pursuant to this paragraph at least every 5 years, or earlier upon the recommendation of the executive director; [PL 2023, c. 638, §6 (AMD).]

E. Standards for independent, high-quality, effective and efficient representation of clients whose cases present conflicts of interest; [PL 2023, c. 638, §6 (AMD).]

F. Standards for the reimbursement of expenses incurred by assigned counsel, contract counsel, employed counsel and public defenders, including attendance at training events provided by the ~~commission~~Commission; and [PL 2023, c. 638, §6 (AMD).]

G. Other standards considered necessary and appropriate to ensure the delivery of high-quality, effective and efficient indigent legal services. [PL 2023, c. 638, §6 (AMD).]

[PL 2023, c. 638, §6 (AMD).]

**3. Duties.** The ~~commission~~Commission shall:

A. Develop and maintain a system that employs employed counsel and public defenders, uses appointed private attorneys and contracts with individual attorneys or groups of attorneys to provide high-quality, effective and efficient indigent legal services. The ~~commission~~Commission shall consider other programs necessary to provide high-quality, effective and efficient indigent legal services; [PL 2023, c. 638, §7 (AMD).]

B. Develop and maintain an assigned counsel voucher review and payment authorization system that includes disposition information; [PL 2017, c. 284, Pt. UUUU, §3 (AMD).]

C. Establish processes and procedures consistent with ~~commission~~Commission standards to ensure that office and contract personnel use information technology and caseload management systems so that detailed expenditure and indigent legal services caseload data are accurately collected, recorded and reported; [PL 2023, c. 638, §8 (AMD).]

D. To ensure an adequate pool of qualified attorneys, develop training and evaluation programs for attorneys throughout the State to provide representation in criminal, juvenile, child protective,

involuntary commitment and all other types of proceedings for which parties may be eligible to receive indigent legal services; [PL 2023, c. 638, §9 (RPR).]

E. Establish minimum eligibility standards to ensure that attorneys who provide indigent legal services are capable of providing high-quality, effective and efficient representation in the case types to which they are assigned, recognizing that high-quality, effective and efficient representation in each of these types of cases requires counsel with experience and specialized training in that field; [PL 2023, c. 638, §10 (AMD).]

F. Establish rates of compensation for assigned counsel and contract counsel; [PL 2023, c. 344, §3 (AMD).]

G. Establish a method for accurately tracking, monitoring and enforcing caseload standards for assigned counsel, contract counsel, employed counsel and public defenders; [PL 2023, c. 638, §11 (AMD).]

H. By January 15th of each year, submit to the Legislature, the Chief Justice of the Supreme Judicial Court and the Governor an annual report on the operation, needs and costs of the indigent legal services system. The report must include:

- (1) An evaluation of contracts; services provided by contract counsel, assigned counsel, employed counsel and public defenders; any contracted professional services; and cost containment measures; and
- (2) An explanation of the relevant law changes to the indigent legal services covered by the ~~e~~ommissionCommission and the effect of the changes on the quality of representation and costs.

The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation on matters related to the report; [PL 2023, c. 638, §12 (AMD).]

I. Approve and submit a biennial budget request to the Department of Administrative and Financial Services, Bureau of the Budget, including supplemental budget requests as necessary; [PL 2013, c. 159, §11 (AMD).]

J. Develop an administrative review and appeal process for attorneys who are aggrieved by a decision of the executive director, or the executive director's designee, determining:

- (1) Whether an attorney meets the minimum eligibility requirements to receive assignments or to receive assignments in specialized case types pursuant to any ~~e~~ommissionCommission rule setting forth eligibility requirements;
- (2) Whether an attorney previously found eligible is no longer eligible to receive assignments or to receive assignments in specialized case types pursuant to any ~~e~~ommissionCommission rule setting forth eligibility requirements; and
- (3) Whether to grant or withhold a waiver of the eligibility requirements set forth in any ~~e~~ommissionCommission rule.

All decisions of the ~~e~~ommissionCommission, including decisions on appeals under subparagraphs (1), (2) and (3), constitute final agency action. All decisions of the executive director, or the executive director's designee, other than decisions appealable under subparagraphs (1), (2) and (3), constitute final agency action; [PL 2017, c. 284, Pt. UUUU, §5 (AMD).]

K. Pay appellate counsel; [PL 2017, c. 284, Pt. UUUU, §6 (AMD).]

L. Establish processes and procedures to acquire investigative and expert services that may be necessary for a case, including contracting for such services; [PL 2019, c. 427, §3 (AMD).]

M. Establish procedures for handling complaints about the performance of counsel providing indigent legal services; [PL 2021, c. 481, §2 (AMD).]

N. Develop a procedure for approving requests by counsel for authorization to file a petition as described in section 1802, subsection 4, paragraph D; [PL 2023, c. 394, Pt. A, §1 (AMD).]

O. Establish a system to audit financial requests and payments that includes the authority to recoup payments when necessary. The ~~commission~~Commission may summon persons and subpoena witnesses and compel their attendance, require production of evidence, administer oaths and examine any person under oath as part of an audit. Any summons or subpoena may be served by registered mail with return receipt. Subpoenas issued under this paragraph may be enforced by the Superior Court; and [PL 2023, c. 394, Pt. A, §2 (AMD).]

P. Develop and maintain a registry of names, telephone numbers and other contact information for attorneys who provide legal services to persons who are incarcerated. The ~~commission~~Commission shall on a weekly basis provide these names, telephone numbers and other contact information to all sheriffs' offices and to the Department of Corrections. On the Monday following transmission of the information, the sheriffs' offices and the Department of Corrections have constructive notice that communications to and from these attorneys by residents of jails and correctional facilities are subject to the attorney-client privilege. The attorneys' names, telephone numbers and other contact information are confidential. [PL 2023, c. 394, Pt. A, §3 (NEW).]

[PL 2023, c. 638, §§7-12 (AMD).]

**4. Powers.** The ~~commission~~Commission may:

A. Establish and maintain a principal office and other offices within the State as it considers necessary; [PL 2009, c. 419, §2 (NEW).]

B. Meet and conduct business at any place within the State; [PL 2009, c. 419, §2 (NEW).]

C. Use voluntary and uncompensated services of private individuals and organizations as may from time to time be offered and needed; [PL 2009, c. 419, §2 (NEW).]

D. Adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that rules adopted to establish rates of compensation for assigned counsel and contract counsel under subsection 3, paragraph F are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A; [PL 2023, c. 638, §13 (AMD).]

E. Appear in court and before other administrative bodies represented by its own attorneys; and [PL 2023, c. 638, §14 (AMD).]

F. Notwithstanding Title 5, chapter 155, through employed counsel and public defenders, retain investigative and expert services that are reasonably necessary for case-specific purposes. For purposes of this paragraph, investigative and expert services are for case-specific purposes if the services relate to a specific case and not to the ongoing activities of the ~~commission~~Commission, or its employees, that do not relate to a specific case. Nothing in this paragraph affects the applicability of Title 5, chapter 155 to the purchase of services, supplies, materials and equipment by the ~~commission~~Commission or its employees for purposes that are not case-specific purposes. [PL 2023, c. 638, §15 (NEW).]

[PL 2023, c. 638, §§13-15 (AMD).]

#### SECTION HISTORY

PL 2009, c. 419, §2 (NEW). PL 2011, c. 141, §1 (AMD). PL 2011, c. 420, Pt. C, §1 (AMD). PL 2013, c. 159, §§11-13 (AMD). PL 2013, c. 368, Pt. RRR, §1 (AMD). PL 2013, c. 368, Pt. RRR, §4 (AFF). PL 2017, c. 284, Pt. UUUU, §§1-7 (AMD). PL 2019, c. 427, §§3, 4 (AMD). PL 2021, c. 398, Pt. FFF, §1 (AMD). PL 2021, c. 481, §§1-5 (AMD). PL 2021, c. 720, §1 (AMD). PL

2023, c. 344, §§1-5 (AMD). PL 2023, c. 394, Pt. A, §§1-3 (AMD). PL 2023, c. 638, §§5-15 (AMD).

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## §1806. Information not public record

Disclosure of information and records in the possession of the ~~commission~~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; fax number; e-mail address; cellular telephone number; pager number; and any information protected under the Maine Rules of Evidence, Rules 501 to 509 or the Maine Rules of Professional Conduct, Rule 1.6 or otherwise protected by the attorney-client relationship. [PL 2023, c. 638, §17 (AMD).]

B. "Personal contact information" means home address, home telephone number, home fax number, home e-mail address, personal cellular telephone number, personal pager number, date of birth and social security number. [PL 2023, c. 638, §17 (AMD).]

C. "Request for funds for expert or investigative assistance" means a request submitted to the ~~commission~~Commission by or on behalf of a person eligible for indigent legal services seeking authorization to expend funds for expert or investigative 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 2023, c. 638, §17 (AMD).]

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 2023, c. 638, §17 (AMD).]

**2. Confidential information.** The following information and records in the possession of the ~~commission~~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 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 2023, c. 638, §17 (AMD).]

B. [PL 2023, c. 638, §17 (RP).]

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

D. Personal contact information of a member of the ~~commission~~Commission or a ~~commission~~Commission employee, including employed counsel and public defenders, is confidential. [PL 2023, c. 638, §17 (AMD).]

E. A request for funds for expert or investigative assistance is confidential. The decision of the executive director of the ~~commission~~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 2023, c. 638, §17 (AMD).]

F. Any information obtained or gathered by the ~~e~~ommissionCommission through a formal or informal complaint or when performing an evaluation or investigation of an attorney is confidential, except:

- (1) The ~~e~~ommissionCommission may disclose the information to the attorney who is the subject of the formal or informal complaint, evaluation or investigation;
- (2) The executive director of the ~~e~~ommissionCommission hired pursuant to section 1804, subsection 1, or the executive director's designee, may disclose the information to the Maine Assistance Program for Lawyers described in Title 14, section 164-A;
- (3) If the attorney who is subject to an evaluation or investigation appeals a decision of the executive director or the executive director's designee, in accordance with the process established under section 1804, subsection 3, paragraph J, the information may be disclosed at a public hearing conducted by the ~~e~~ommissionCommission on the appeal, except that information that is protected by the attorney-client privilege or that is confidential under any provision of law, the Maine Rules of Evidence or the Maine Rules of Professional Conduct remains confidential; and
- (4) As provided in subsection 4. [PL 2023, c. 638, §17 (AMD).]

[PL 2023, c. 638, §17 (AMD).]

G. Handouts, materials, recordings, or other documents obtained, gathered, generated or otherwise acquired by the Commission or for the benefit of the Commission as part of any training or in contemplation of any future trainings ~~or CLE's~~ held for the benefit of anyone providing indigent legal services, or attorneys employed or contracted with the Commission, are confidential, except:

- (1) The Commission may distribute such material, without waiving confidentiality, as it deems necessary to meet its duties under this chapter.

**3. Confidential information disclosed by Judicial Department.** The Judicial Department may disclose to the ~~e~~ommissionCommission confidential information necessary for the ~~e~~ommissionCommission to carry out its functions, including, but not limited to, 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).]

Information received by the ~~e~~ommissionCommission from the Judicial Department under this subsection remains confidential in the possession of the ~~e~~ommissionCommission 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.

[RR 2023, c. 2, Pt. A, §3 (COR).]

**4. Rules of professional conduct.** Nothing in this section prohibits the executive director of the ~~e~~ommissionCommission hired pursuant to section 1804, subsection 1, or the executive director's designee, from reporting potential professional misconduct under the Maine Rules of Professional

Conduct to the Board of Overseers of the Bar or from disclosing information and records related to potential professional misconduct to the board.

[PL 2023, c. 638, §17 (AMD).]

**5. Confidential information possessed by employed counsel and public defenders.** Records, information and materials created, received, obtained, maintained or stored by or on behalf of employed counsel and public defenders that are protected under the Maine Rules of Evidence, Rules 501 to 509 or the Maine Rules of Professional Conduct, Rule 1.6 or otherwise protected by the attorney-client relationship are confidential.

[PL 2023, c. 638, §17 (NEW).]

#### SECTION HISTORY

PL 2011, c. 260, §1 (NEW). PL 2011, c. 547, §§1, 2 (AMD). PL 2015, c. 290, §1 (AMD). PL 2023, c. 344, §6 (AMD). PL 2023, c. 638, §17 (AMD). RR 2023, c. 2, Pt. A, §3 (COR).

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**§810. Copy of indictment furnished; assignment of counsel**

**1. Copy of indictment furnished.** The clerk shall, without charge, furnish to any person indicted for a crime a copy of the indictment unless the indictment is sealed.

[PL 2023, c. 485, §1 (NEW).]

**2. Assignment of counsel before arraignment.** Before arraignment, competent defense counsel must be assigned by the court unless waived by the accused after being fully advised of the accused's rights by the court if the court determines that the accused is indigent and the accused is charged with murder or a Class A, B or C crime, except when the accused has not had an initial appearance on the complaint.

[PL 2023, c. 485, §1 (NEW).]

**3. Assignment of counsel at arraignment.** Competent defense counsel must be assigned by the court unless waived by the accused after being fully advised of the accused's rights by the court if the court determines that the accused is indigent and that:

A. There is a risk upon conviction that the accused may be sentenced to a term of imprisonment; [PL 2023, c. 485, §1 (NEW).]

i. For the purposes of determining if an accused is eligible for assignment of defense counsel, a risk upon conviction that the accused may be sentenced to a term of imprisonment shall be found if:

a. The accused has been incarcerated for longer than 24 hours in relation to the matter before the Court; or;

b. The accused is in custody at the time of their initial appearance or arraignment; or;

~~b-c.~~ A risk of jail has been found in any other concurrently pending matter involving the accused.

B. The accused has a physical, mental or emotional disability preventing the accused from fairly participating in the criminal proceeding without counsel; or [PL 2023, c. 485, §1 (NEW).]

C. The accused is a noncitizen for whom the criminal proceeding poses a risk of adverse immigration consequences. [PL 2023, c. 485, §1 (NEW).]

[PL 2023, c. 485, §1 (NEW).]

**SECTION HISTORY**

PL 1965, c. 352, §§1,2 (AMD). PL 1965, c. 356, §31 (AMD). PL 1971, c. 544, §50 (AMD). P&SL 1975, c. 147, Pt. C, §14 (AMD). PL 2023, c. 485, §1 (RPR).

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### **Section 1. Short title**

This act [add section cite] may be cited as the “Preprosecution Diversion Act.”

### **Section 2. Purpose.**

The purposes of the Preprosecution Diversion Act are to remove those persons from the criminal justice system who are most amenable to rehabilitation and least likely to commit future offenses, to provide those persons with services designed to assist them in avoiding future criminal activity, to conserve community and criminal justice resources, to provide standard guidelines and to evaluate preprosecution programs.

### **Section 3. Eligibility.**

- A. A defendant shall meet the following minimum criteria to be eligible for a preprosecution diversion program:
  - 1. the defendant shall have no prior felony convictions for a violent crime;
  - 2. the defendant is willing to participate in the program and submit to all program requirements; and
  - 3. any additional criteria set by the district attorney.
  
- B. A person who meets all of the criteria pursuant to Subsection A of this section may be entered into the preprosecution diversion program; provided that the district attorney may elect not to divert a person to the preprosecution diversion program even though that person meets the minimum criteria set forth in this section.
  
- C. A decision by the district attorney not to divert a person to the preprosecution diversion program is not subject to appeal and shall not be raised as a defense to any prosecution.

### **Section 4. Program functions and responsibilities.**

The preprosecution diversion program in each prosecutorial district shall include:

- A. individual counseling and guidance for all participants;
  
- B. required victim restitution where applicable to the extent practical. In addition to monetary restitution, a program may require public service restitution; and
  
- C. referral resources where clients may be sent for treatment and rehabilitation.

### **Section 5. Waivers; suspension of criminal proceedings.**

- A. A defendant must secure or be appointed defense counsel to be present at a preprosecution diversion screening interview prior to applying for acceptance into a preprosecution diversion program.

- B. If a defendant is certified eligible by the district attorney and by the preprosecution diversion program, the defendant shall also waive his constitutional right to a speedy trial. Upon entry of this waiver, the district attorney shall divert the defendant into the preprosecution diversion program and criminal proceedings against the defendant shall be suspended.

**Section 6. Program participation; reasonable conditions; termination.**

- A. A defendant may be diverted to a preprosecution diversion program for no less than six months and no longer than two years. A district attorney may extend the diversion period for a defendant as a disciplinary measure or to allow adequate time for restitution; provided that the extension coupled with the original period does not exceed two years.
- B. A district attorney may require as a program requirement that a defendant agree to such reasonable conditions as the district attorney deems necessary to ensure that the defendant will observe the laws of the United States and the various states and the ordinances of any municipality.
- C. If a defendant does not comply with the terms, conditions and requirements of a preprosecution diversion program, the defendant's participation in the program may be terminated, and the district attorney may proceed with the suspended criminal prosecution of the defendant.
- D. If the participation of a defendant in a preprosecution diversion program is terminated, the district attorney shall state in writing the specific reasons for the termination, which reasons shall be available for review by the defendant and the defendant's counsel.

**Section 7. Record keeping.**

- A. Each district attorney shall maintain an accurate record of each individual accepted into a preprosecution diversion program for the purpose of complying with the requirements of [add paragraph/subsection cite] of the Preprosecution Diversion Act.
- B. Each district attorney shall be required to forward to the state police accurate records of acceptance, successful termination or unsuccessful termination of each individual accepted into the program. The state police shall be required to maintain accurate records of all information forwarded to them by each respective district attorney concerning acceptance, successful termination or unsuccessful termination of all preprosecution diversion programs.

**Procedure for ensuring access to free and confidential legal communications in correctional facilities.**

1. Pursuant to Title 4, section 1804, subsection 3, paragraph P, the Maine Commission on Public Defense shall transmit a list of attorney names, phone numbers, and other contact information to all sheriffs' offices and the Department of Corrections.
  - A. For purposes of this subsection, the inclusion of the attorney's name and telephone number on a list transmitted by the Maine Commission on Public Defense Services pursuant to Title 4, section 1804, subsection 3, paragraph P to a sheriff's office or to the Department of Corrections constitutes constructive notice to a jail in the same county as the sheriff's office or to all correctional facilities administered by the Department of Corrections, respectively, beginning on the Monday following the transmission. If the jail or correctional facility contracts with a third party for the provision of communications services, the third party is deemed to have notice at the time the sheriff's office or Department of Corrections is on notice pursuant to this subparagraph.
  - B. By the Monday following a transmission pursuant to Title 4, section 1804, subsection 3, paragraph P, each jail and correctional facility must designate all phone numbers on the list as attorney numbers so that calls made to or from that phone number may not be intercepted, as defined by Title 15, Chapter 102.
  - C. A jail or correctional facility that has actual or constructive notice of an attorney's name and phone number is prohibited from charging for phone calls made to or from the attorney's phone number. If the jail or correctional facility contracts with a third party for the provision of communication services, the jail or correctional facility is responsible for any communication fees charged by that entity for phone calls to or from phone numbers which the jail or correctional facility has actual or constructive notice belong to attorneys.
  - D. When a phone number appears on the list provided by the Maine Commission on Public Defense Services for the first time, by the Monday following transmission of the list, the sheriffs' offices and Department of Corrections must send email confirmation to the attorney.
    - a. The email must include, at a minimum:
      - i. A statement that the phone number was successfully added to the list of attorney phone numbers.
      - ii. A certification that calls made between that phone number and the jail or correctional facility will not be intercepted and no fee will be charged for such phone calls.

- iii. The name, email address, and phone number for the person at the facility who is responsible for ensuring that the phone number was designated appropriately.
  - b. Failure of the jail or correctional facility to email the attorney does not serve as notice to the attorney that their phone number was not added to the list.
- 2. **Penalties.** Penalties for a violation of this section are provided below. These penalties apply to each jail or correctional facility which commits the violation. These penalties are fines and do not limit any person's causes of action or other remedies.
  - a. For a violation of subparagraph 1(B), a fine of \$5,000 per offense shall be imposed, in addition to penalties provided by title 15, section 714. It need not be proven that a phone call was, in fact, intercepted to establish a violation of this subsection. The fact that the phone number was not designated as an attorney number so that private calls could be made is sufficient to establish a violation of this subsection.
  - b. For a violation of subparagraph 1(C), a fine of \$500 per offense shall be imposed.
  - c. For a violation of subparagraph 1(D), a fine of \$250 per offense shall be imposed.

**§1804. Commission responsibilities**

**1. Executive director.** The commission shall hire an executive director. The executive director must be an attorney licensed to practice law in this State; be a member in good standing of the bar of the State; and have experience in the legal field, including, but not limited to, the provision of indigent legal services.

[PL 2023, c. 638, §5 (AMD).]

**2. Rulemaking.** The commission shall adopt rules governing the delivery of indigent legal services by assigned counsel, contract counsel, employed counsel and public defenders. The rules adopted by the commission must include:

A. Standards governing eligibility for indigent legal services. The eligibility standards must take into account the possibility of a defendant's or civil party's ability to make periodic installment payments toward counsel fees and the cost of private legal services in the relevant geographic area; [PL 2023, c. 344, §1 (AMD).]

B. Standards prescribing minimum experience, training and other eligibility requirements for attorneys to be eligible to serve as assigned counsel, contract counsel, employed counsel and public defenders; [PL 2023, c. 638, §6 (AMD).]

C. Standards for assigned counsel, contract counsel, employed counsel and public defender caseloads; [PL 2023, c. 638, §6 (AMD).]

D. Standards for the evaluation of assigned counsel, contract counsel, employed counsel and public defenders. The commission shall review the standards developed pursuant to this paragraph at least every 5 years, or earlier upon the recommendation of the executive director; [PL 2023, c. 638, §6 (AMD).]

E. Standards for independent, high-quality, effective and efficient representation of clients whose cases present conflicts of interest; [PL 2023, c. 638, §6 (AMD).]

F. Standards for the reimbursement of expenses incurred by assigned counsel, contract counsel, employed counsel and public defenders, including attendance at training events provided by the commission; and [PL 2023, c. 638, §6 (AMD).]

G. Other standards considered necessary and appropriate to ensure the delivery of high-quality, effective and efficient indigent legal services. [PL 2023, c. 638, §6 (AMD).]

[PL 2023, c. 638, §6 (AMD).]

**3. Duties.** The commission shall:

A. Develop and maintain a system that employs employed counsel and public defenders, uses appointed private attorneys and contracts with individual attorneys or groups of attorneys. The commission shall consider other programs necessary to provide high-quality, effective and efficient indigent legal services; [PL 2023, c. 638, §7 (AMD).]

B. Develop and maintain an assigned counsel voucher review and payment authorization system that includes disposition information; [PL 2017, c. 284, Pt. UUUU, §3 (AMD).]

C. Establish processes and procedures consistent with commission standards to ensure that office and contract personnel use information technology and caseload management systems so that detailed expenditure and indigent legal services caseload data are accurately collected, recorded and reported; [PL 2023, c. 638, §8 (AMD).]

D. To ensure an adequate pool of qualified attorneys, develop training and evaluation programs for attorneys throughout the State to provide representation in criminal, juvenile, child protective, involuntary commitment and all other types of proceedings for which parties may be eligible to receive indigent legal services; [PL 2023, c. 638, §9 (RPR).]

E. Establish minimum eligibility standards to ensure that attorneys who provide indigent legal services are capable of providing high-quality, effective and efficient representation in the case types to which they are assigned, recognizing that high-quality, effective and efficient representation in each of these types of cases requires counsel with experience and specialized training in that field; [PL 2023, c. 638, §10 (AMD).]

F. Establish rates of compensation for assigned counsel and contract counsel; [PL 2023, c. 344, §3 (AMD).]

G. Establish a method for accurately tracking, monitoring and enforcing caseload standards for assigned counsel, contract counsel, employed counsel and public defenders; [PL 2023, c. 638, §11 (AMD).]

H. By January 15th of each year, submit to the Legislature, the Chief Justice of the Supreme Judicial Court and the Governor an annual report on the operation, needs and costs of the indigent legal services system. The report must include:

- (1) An evaluation of contracts; services provided by contract counsel, assigned counsel, employed counsel and public defenders; any contracted professional services; and cost containment measures; and
- (2) An explanation of the relevant law changes to the indigent legal services covered by the commission and the effect of the changes on the quality of representation and costs.

The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation on matters related to the report; [PL 2023, c. 638, §12 (AMD).]

I. Approve and submit a biennial budget request to the Department of Administrative and Financial Services, Bureau of the Budget, including supplemental budget requests as necessary; [PL 2013, c. 159, §11 (AMD).]

J. Develop an administrative review and appeal process for attorneys who are aggrieved by a decision of the executive director, or the executive director's designee, determining:

- (1) Whether an attorney meets the minimum eligibility requirements to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements;
- (2) Whether an attorney previously found eligible is no longer eligible to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements; and
- (3) Whether to grant or withhold a waiver of the eligibility requirements set forth in any commission rule.

All decisions of the commission, including decisions on appeals under subparagraphs (1), (2) and (3), constitute final agency action. All decisions of the executive director, or the executive director's designee, other than decisions appealable under subparagraphs (1), (2) and (3), constitute final agency action; [PL 2017, c. 284, Pt. UUUU, §5 (AMD).]

K. Pay appellate counsel; [PL 2017, c. 284, Pt. UUUU, §6 (AMD).]

L. Establish processes and procedures to acquire investigative and expert services that may be necessary for a case, including contracting for such services; [PL 2019, c. 427, §3 (AMD).]

M. Establish procedures for handling complaints about the performance of counsel providing indigent legal services; [PL 2021, c. 481, §2 (AMD).]

N. Develop a procedure for approving requests by counsel for authorization to file a petition as described in section 1802, subsection 4, paragraph D; [PL 2023, c. 394, Pt. A, §1 (AMD).]

O. Establish a system to audit financial requests and payments that includes the authority to recoup payments when necessary. The commission may summon persons and subpoena witnesses and compel their attendance, require production of evidence, administer oaths and examine any person under oath as part of an audit. Any summons or subpoena may be served by registered mail with return receipt. Subpoenas issued under this paragraph may be enforced by the Superior Court; and [PL 2023, c. 394, Pt. A, §2 (AMD).]

P. Develop and maintain a registry of names, telephone numbers and other contact information for attorneys who provide legal–public defense services to persons who are incarcerated. The commission shall on a weekly basis provide these names, telephone numbers and other contact information to all sheriffs' offices and to the Department of Corrections. On the Monday following transmission of the information, the sheriffs' offices and the Department of Corrections have constructive notice that communications to and from these attorneys by residents of jails and correctional facilities are subject to the attorney-client privilege and shall not be intercepted. The attorneys' names, telephone numbers and other contact information are confidential. [PL 2023, c. 394, Pt. A, §3 (NEW).]

[PL 2023, c. 638, §§7-12 (AMD).]

**4. Powers.** The commission may:

A. Establish and maintain a principal office and other offices within the State as it considers necessary; [PL 2009, c. 419, §2 (NEW).]

B. Meet and conduct business at any place within the State; [PL 2009, c. 419, §2 (NEW).]

C. Use voluntary and uncompensated services of private individuals and organizations as may from time to time be offered and needed; [PL 2009, c. 419, §2 (NEW).]

D. Adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that rules adopted to establish rates of compensation for assigned counsel and contract counsel under subsection 3, paragraph F are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A; [PL 2023, c. 638, §13 (AMD).]

E. Appear in court and before other administrative bodies represented by its own attorneys; and [PL 2023, c. 638, §14 (AMD).]

F. Notwithstanding Title 5, chapter 155, through employed counsel and public defenders, retain investigative and expert services that are reasonably necessary for case-specific purposes. For purposes of this paragraph, investigative and expert services are for case-specific purposes if the services relate to a specific case and not to the ongoing activities of the commission, or its employees, that do not relate to a specific case. Nothing in this paragraph affects the applicability of Title 5, chapter 155 to the purchase of services, supplies, materials and equipment by the commission or its employees for purposes that are not case-specific purposes. [PL 2023, c. 638, §15 (NEW).]

[PL 2023, c. 638, §§13-15 (AMD).]

#### SECTION HISTORY

PL 2009, c. 419, §2 (NEW). PL 2011, c. 141, §1 (AMD). PL 2011, c. 420, Pt. C, §1 (AMD). PL 2013, c. 159, §§11-13 (AMD). PL 2013, c. 368, Pt. RRR, §1 (AMD). PL 2013, c. 368, Pt. RRR, §4 (AFF). PL 2017, c. 284, Pt. UUUU, §§1-7 (AMD). PL 2019, c. 427, §§3, 4 (AMD). PL 2021, c. 398, Pt. FFF, §1 (AMD). PL 2021, c. 481, §§1-5 (AMD). PL 2021, c. 720, §1 (AMD). PL 2023, c. 344, §§1-5 (AMD). PL 2023, c. 394, Pt. A, §§1-3 (AMD). PL 2023, c. 638, §§5-15 (AMD).

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**§714. Intercepted attorney-client communications of jail and correctional facility residents**

**1. Intercepted attorney-client communications of jail and correctional facility residents.** If the sender or the recipient of an intercepted oral communication or wire communication was, at the time the communication was made, a resident in either a jail or an adult or juvenile correctional facility administered by the Department of Corrections and the other party was an attorney or an employee of a law office –and if the resident demonstrates that the jail or correctional facility had actual or constructive notice at the time the communication was made of the attorney's name and, if the communication involved the use of a telephone, the jail or correctional facility had actual or constructive notice at the time that the communication was made of the attorney's telephone number and the communication was made directly to or from that telephone number:

A. The contents of the intercepted oral communication or wire communication and the fact and circumstances of the communication are not admissible in a criminal proceeding, including a proceeding under chapter 305-A; [PL 2023, c. 394, Pt. A, §5 (NEW).]

B. A person who viewed or listened to the intercepted communication and did not immediately discontinue viewing or listening to the communication as soon as the person had sufficient information to determine that the sender or the recipient of the communication was, at the time the communication was made, a resident in a jail or correctional facility and the other party was an attorney, is disqualified from participating in an investigation of the resident and from appearing as a witness in a criminal proceeding in which the resident is a defendant, including a proceeding under chapter 305-A; and [RR 2023, c. 2, Pt. A, §23 (COR).]

C. A person who viewed or listened to the intercepted communication and saw or heard information that may be relevant to a pending or anticipated charge against the resident or a defense the resident may assert, or may lead to the discovery of that evidence, is disqualified from participating in the investigation of the resident and from appearing as a witness in the pending or anticipated criminal proceeding in which the resident is a defendant, including a subsequent proceeding under chapter 305-A on the pending or anticipated charge. [PL 2023, c. 394, Pt. A, §5 (NEW).]

For purposes of this subsection, the inclusion of the attorney's name and telephone number on a list transmitted by the Maine Commission on Public Defense Services pursuant to Title 4, section 1804, subsection 3, paragraph P to a sheriff's office or to the Department of Corrections constitutes constructive notice to a jail in the same county as the sheriff's office or to all correctional facilities administered by the Department of Corrections, respectively, beginning on the Monday following the transmission. If the jail or correctional facility contracts with a third party for the provision of communications services, the third party is deemed to have notice at the time the sheriff's office or Department of Corrections is on notice pursuant to this subparagraph.

[RR 2023, c. 2, Pt. A, §23 (COR).]

**2. Application of other law or rule.** This section does not limit the applicability of any other provision of law or of the Maine Rules of Evidence regarding the admissibility or inadmissibility in evidence of attorney-client communications that do not meet the requirements of this section. [PL 2023, c. 394, Pt. A, §5 (NEW).]

**SECTION HISTORY**

PL 2023, c. 394, Pt. A, §5 (NEW). PL 2023, c. 558, §13 (REV). RR 2023, c. 2, Pt. A, §23 (COR).

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## §4007. Conducting proceedings

**1. Procedures.** All child protection proceedings shall be conducted according to the rules of civil procedure and the rules of evidence, except as provided otherwise in this chapter. All the proceedings shall be recorded. All proceedings and records shall be closed to the public, unless the court orders otherwise.

[PL 1985, c. 495, §17 (AMD).]

**1-A. Nondisclosure of certain identifying information.** This subsection governs the disclosure of certain identifying information.

A. At each proceeding, the court shall inquire whether there are any court orders in effect at the time of the proceeding that prohibit contact between the parties and participants. If such an order is in effect at the time of the proceeding, the court shall keep records that pertain to the protected person's current or intended address or location confidential, subject to disclosure only as authorized in this section. Any records in the file that contain such information must be sealed by the clerk and not disclosed to other parties or their attorneys or authorized agents unless the court orders the disclosure to be made after a hearing in which the court takes into consideration the health, safety or liberty of the protected person and determines that the disclosure is in the interests of justice. [PL 2007, c. 351, §2 (NEW).]

B. If, at any stage of the proceedings, a party or a participant alleges in an affidavit or a pleading under oath that the health, safety or liberty of the person would be jeopardized by disclosure of information pertaining to the person's current or intended address or location, the court shall keep records that contain the information confidential, subject to disclosure only as authorized in this section. Upon receipt of the affidavit or pleading, the records in the file that contain such information must be sealed by the clerk and not disclosed to other parties or participants or their attorneys or authorized agents unless the court orders the disclosure to be made after a hearing in which the court takes into consideration the health, safety or liberty of the person seeking protection and determines that the disclosure is in the interests of justice. [PL 2007, c. 351, §2 (NEW).]

C. If the current or intended address or location of a party or participant is required to be kept confidential under paragraph A or B, and the current or intended address or location of that person is a material fact necessary to the proceeding, the court shall hear the evidence outside of the presence of the person and the person's attorney from whom the information is being kept confidential unless the court determines after a hearing that takes into consideration the health, safety or liberty of the protected person that the exclusion of the party or participant is not in the interests of justice. If such evidence is taken outside the presence of a party or participant, the court shall take measures to prevent the excluded person and the person's attorney from accessing the recorded information and the information must be redacted in printed transcripts. [PL 2007, c. 351, §2 (NEW).]

D. Records that are required to be maintained by the court as confidential under this subsection may be disclosed to:

- (1) A state agency if necessary to carry out the statutory function of that agency;
- (2) A guardian ad litem appointed to the case; or
- (3) A criminal justice agency, as defined by Title 16, section 703, subsection 4, if necessary to carry out the administration of criminal justice or the administration of juvenile justice, and such disclosure is otherwise permitted pursuant to section 4008.

In making such disclosure, the court shall order the party receiving the information to maintain the information as confidential. [PL 2013, c. 267, Pt. B, §18 (AMD).]

E. The court shall disclose records that are confidential under this ~~subsection~~ ~~chapter~~ to the Maine Commission on Public Defense Services established by Title 5, section 12004-G, subsection 25-A for the purpose of assigning, evaluating or supervising counsel. [PL 2023, c. 638, §26 (NEW).] [PL 2023, c. 638, §26 (AMD).]

**2. Interviewing children.** The court may interview a child witness in chambers, with only the guardian ad litem and counsel present, provided that the statements made are a matter of record. The court may admit and consider oral or written evidence of out-of-court statements made by a child, and may rely on that evidence to the extent of its probative value. [PL 1979, c. 733, §18 (NEW).]

**3. Motion for examination.** At any time during the proceeding, the court may order that a child, parent, alleged parent, person frequenting the household or having custody at the time of the alleged abuse or neglect, any other party to the action or person seeking care or custody of the child be examined pursuant to the Maine Rules of Civil Procedure, Rule 35. [PL 1989, c. 270, §1 (AMD).]

**3-A. Report of licensed mental health professional.** In any hearing held in connection with a child protection proceeding under this chapter, the written report of a licensed mental health professional who has treated or evaluated the child shall be admitted as evidence, provided that the party seeking admission of the written report has furnished a copy of the report to all parties at least 21 days prior to the hearing. The report shall not be admitted as evidence without the testimony of the mental health professional if a party objects at least 7 days prior to the hearing. This subsection does not apply to the caseworker assigned to the child. [PL 1989, c. 226 (NEW).]

**4. Interstate compact.** The provisions of the Interstate Compact for the Placement of Children, sections 4251 to 4269, if in effect and ratified by the other state involved, apply to proceedings under this chapter; otherwise, the provisions of the Interstate Compact on Placement of Children, sections 4191 to 4247, apply to proceedings under this chapter. Any report submitted pursuant to the compact is admissible in evidence for purposes of indicating compliance with the compact and the court may rely on evidence to the extent of its probative value. [PL 2007, c. 255, §4 (AMD).]

**5. Records.**  
[PL 2005, c. 300, §1 (RP).]

**6. Benefits and support for children in custody of department.** When a child has been ordered into the custody of the department under this chapter, Title 15, chapter 507 or Title 19-A, chapter 55, within 30 days of the order, each parent shall provide the department with information necessary for the department to make a determination regarding the eligibility of the child for state, federal or other 3rd-party benefits and shall provide any necessary authorization for the department to apply for these benefits for the child.

Prior to a hearing under section 4034, subsection 4, section 4035 or section 4038, each parent shall file income affidavits as required by Title 19-A, sections 2002 and 2004 unless current information is already on file with the court. If a child is placed in the custody of the department, the court shall order child support from each parent according to the guidelines pursuant to Title 19-A, chapter 63, designate each parent as a nonprimary care provider and apportion the obligation accordingly.

Income affidavits and instructions must be provided to each parent by the department at the time of service of the petition or motion. The court may order a deviation pursuant to Title 19-A, section 2007. Support ordered pursuant to this section must be paid directly to the department pursuant to Title 19-A, chapter 65, subchapter IV. The failure of a parent to file an affidavit does not prevent the entry of a protection order. A parent may be subject to Title 19-A, section 2004, subsection 1, paragraph D for failure to complete and file income affidavits.

[PL 1995, c. 694, Pt. D, §37 (AMD); PL 1995, c. 694, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 1979, c. 733, §18 (NEW). PL 1983, c. 772, §4 (AMD). PL 1983, c. 783, §3 (AMD). PL 1985, c. 495, §17 (AMD). PL 1985, c. 506, §§A41,42 (AMD). PL 1989, c. 226 (AMD). PL 1989, c. 270, §1 (AMD). PL 1991, c. 840, §6 (AMD). PL 1993, c. 248, §1 (AMD). PL 1995, c. 694, §D37 (AMD). PL 1995, c. 694, §E2 (AFF). PL 2005, c. 300, §1 (AMD). PL 2007, c. 255, §4 (AMD). PL 2007, c. 351, §2 (AMD). PL 2013, c. 267, Pt. B, §18 (AMD). PL 2023, c. 638, §26 (AMD).

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**Chapter 5: CO-COUNSEL REQUIREMENTS.**

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**Summary:** This Chapter establishes a process for requesting Co-counsel, expectations of Co-counsel, parameters for payment of Co-counsel, and guidelines for the delegation of tasks in assigned cases.

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**SECTION 1. DEFINITIONS.**

1. Executive Director. “Executive Director” means the Executive Director of the Maine Commission on Public Defense Services (PDS) or the Executive Director’s decision-making designee.
2. Court-Assigned Counsel. “Court-Assigned Counsel” means private counsel licensed to practice law in Maine, designated eligible to receive an assignment to a particular case, and initially assigned by a Court to represent a particular client in a particular matter. For the purposes of this rule, “Court-Assigned Counsel” does not include any employee of PDS.
3. Commission-Assigned Counsel. “Commission-Assigned Counsel” means private counsel licensed to practice in Maine, designated eligible to be assigned to provide a particular service or to represent a particular client in a particular matter, and assigned by PDS to provide that service or represent a client. For the purposes of this rule, “Commission-Assigned Counsel” does not include any employee of PDS.
4. Counsel. “Counsel” means a Court-Assigned Counsel or Commission-Assigned Counsel, or both. For purposes of this rule, “Counsel” does not include any employee of PDS.
5. 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.
6. 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.
7. Eligible. “Eligible” means the status assigned to an attorney who has satisfied all the requirements of Chapter 2, has satisfied all requirements of Chapter 3 for any applicable Specialized Panels, has applied and been approved by the Commission to receive assignments of the applicable case type, is current on their annual renewal, and is not under suspension by the Commission.
8. Substantive Meeting. “Substantive Meeting” means phone calls, emails, face-to-face

meetings, and the like, with clients about matters which materially affect the disposition of the case.

9. **Substantive Appearance.** “Substantive Appearance” includes, without limitation: bail hearings, contested motions hearings, dispositional conferences at which material discussions about the case occur, adjudicatory hearings, jury selection, trial, contested sentencing hearing, commitment hearings, appellate oral argument, hearings on preliminary protective orders, jeopardy hearings, judicial reviews, entry of a plea agreement, and hearings on petitions for termination of parental rights.
10. **Informed Consent.** “Informed consent” means a person’s agreement to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct. Whether a client has given informed consent to representation shall be determined in light of the mental capacity of the client to give consent, the explanation of the advantages and risks involved provided by the lawyer seeking consent, the circumstances under which the explanation was provided and the consent obtained, the experience of the client in legal matters generally, and any other circumstances bearing on whether the client has made a reasoned and deliberate choice.

## **SECTION 2. PROCEDURE FOR REQUESTING CO-COUNSEL.**

The procedure for requesting Co-counsel is as follows:

1. Prior to seeking appointment of Co-counsel from a court, Counsel must first obtain written authorization from the Executive Director. An attorney seeking such authorization shall submit a written request in a form designated by the Executive Director. The request must include:
  - A. The name of the client;
  - B. The type of case. If it is a criminal matter, the charge(s);
  - C. The docket number(s);
  - D. The reason Co-counsel is requested;
  - E. Whether there is already Co-counsel assigned to represent the client in the matter; and
  - F. The name of the prospective Co-counsel.
2. If the Executive Director authorizes Co-counsel, the assigned attorney must file with the applicable court a motion for appointment of Co-counsel. That motion must state that PDS has authorized the request for Co-counsel.
3. Counsel may only seek appointment of Co-counsel who is Eligible to receive PDS case assignments, but only one of the attorneys needs to have Chapter 3 eligibility for any

Specialized Panel.

### SECTION 3. PARAMETERS FOR CO-COUNSEL REQUESTS.

1. The presumption is that PDS will only pay for one attorney per case. PDS will only pay for more than one attorney per case when PDS approves a Co-counsel request pursuant to this Chapter.
- ~~1.2.~~ The Executive Director has broad discretion in determining whether a Co-counsel request will be granted, but requests will be granted liberally.
- ~~2.3.~~ Co-counsel requests will be reviewed from a client-centric perspective.
- ~~3.4.~~ Absent extraordinary circumstances, the Executive Director will not authorize more than two attorneys to serve as Co-counsel for a particular client in a particular matter.
- ~~4.5.~~ If Counsel does not obtain written authorization for Co-counsel from the Executive Director prior to seeking appointment of Co-counsel, then the Co-counsel will not be paid for any work on the case.
- ~~5.6.~~ Co-counsel does not need to be requested for an attorney's~~Co-counsel's~~ work to be compensable if:
  - A. The attorney assigned and the attorney who was not assigned to represent the client~~co-counsel~~ work in the same law firm;
  - B. Co-counsel is Eligible; The attorney who was not assigned to represent the client is eligible to receive case assignments pursuant to Chapter 2 of the Commission Rules;
  - C. The attorney who was not assigned to the case will not be appearing in court on behalf of the client, engaging in negotiations related to the case, or having Substantive Meetings with the client; and
  - D. The attorney(s) who was/were not assigned to represent the client will be spending no more than a combined total of three hours of work on the client's matter(s) unless Counsel receives prior written authorization from the Executive Director.

### SECTION 4. EXPECTATIONS OF CO-COUNSEL.

1. When Co-counsel is assigned:
  - A. Each Co-counsel must enter a case for that client in the PDS electronic case management system.
  - B. Time entries for each Co-counsel must be maintained in their own case entries for that client in the PDS electronic case management system.

- C. Each Co-counsel must be actively engaged in the representation of the client.
- D. At least one Eligible Co-counsel must be present for all Substantive Meetings.
- E. At least one Eligible Co-counsel must be present for every Substantive Appearance.
- F. Counsel must avoid unnecessary duplication of effort.

## SECTION 5. VERTICAL REPRESENTATION.

1. Counsel may delegate tasks related to the representation of an assigned client to another Eligible attorney only to the extent consistent with ~~the assigned attorney's~~Counsel's duties to the client under the Constitutions of the United States and the State of Maine, the Maine Rules of Professional Responsibility, applicable PDS rules, and to the extent consistent with this Chapter. The assigned attorney is nevertheless responsible to PDS and to the client individually for all services provided by any attorney during the period of the assignment.
2. The following tasks may not be delegated: hearings on dispositive motions; jury selection; trials; sentencing hearings; summary preliminary hearings; jeopardy hearings; contested judicial reviews; hearings on petitions for termination of parental rights; appellate oral arguments; or plea agreements, unless all the terms have been fully negotiated, reviewed with the client by the attorney assigned to represent them, and agreed to by the client.
3. Delegation of any task may only occur subject to the following:
  - A. Questions related to the delegation of any task must be resolved from a client-centric perspective.
  - B. Delegation shall be an exception to the expectation that Counsel will personally provide continuous representation of assigned clients.
  - C. Delegation of any task may be made only to Eligible attorneys.
  - D. Delegation of any task may be made only with informed client consent.
4. If an attorney cannot appear to represent a client at an appearance for which delegation is prohibited, Counsel may, with informed client consent, seek the assignment of Co-counsel in the matter. Where appropriate and permitted by rule, the appearance of Co-counsel may be limited.
5. In the context of delegation of an appearance for an assigned client, informed client consent shall include informed consent from the client to reveal those confidences and secrets as are necessary to the delegated representation.
  - A. "Confidence" refers to information protected by the attorney-client privilege under applicable law, and "secret" refers to other information relating to the representation if there is a reasonable prospect that revealing the information will

adversely affect a material interest of the client or if the client has instructed the lawyer not to reveal such information.

- B. Counsel shall document the client's informed consent prior to delegating an appearance. Where possible that informed consent shall be in writing and signed by the client. Counsel shall maintain documentation of consent and shall provide it to PDS on request.
6. If a task is delegated pursuant to this Chapter, the attorney to whom the task was delegated must enter a case in the PDS electronic case management system and bill their time under that case entry. Case entry, closure, and billing must be conducted in accordance with the applicable PDS rules.

## **SECTION 6. NON-COMPENSABLE TASKS.**

Work performed solely for the purpose of carrying out the attorney's obligations pursuant to Maine Rule of Professional Conduct 5.1 is non-compensable. Collaborative work that furthers a client's interests in a case is compensable.

The following tasks are non-compensable:

Supervision of any kind whether over Co-counsel or over the file generally, this includes but is not limited to an attorney's obligations pursuant to Maine Rule of Professional Conduct 5.1. However, this does not preclude compensation for time spent mentoring a less experienced attorney if that is the purpose of the Co-counsel request..