

**MAINE COMMISSION ON
PUBLIC DEFENSE SERVICES**

January 29, 2025

**Commissioner's
Meeting Packet**

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

JANUARY 29, 2025 MEETING AGENDA

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

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

Commissioners Present: Donald Alexander, Randall Bates, Michael Carey, Kimberly Monaghan, David Soucy, and Josh Tardy.

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

| Agenda Item: | Discussion/Outcome: |
|---|---|
| Public Hearing – Chapter 3 | <p>Chair Tardy declared the public hearing open. The deadline for written comments is 5:00PM on December 29, 2024. Written comments may be submitted to jim.billings@maine.gov.</p> <p>Executive Director Billings provided a summary of the proposed changes. Primarily, the changes revolve around letters of reference and the Executive Director’s discretion to grant or deny waivers.</p> <p>Comments for: None.</p> <p>Comments against: None.</p> <p>Comments neither for nor against: None.</p> <p>Chair Tardy declared the public hearing closed.</p> |
| Approval of the November 19, 2024 Meeting Minutes | <p>Commissioner Alexander moved to approve the minutes, seconded by Commissioner Soucy. No discussion. All voted in favor; approved.</p> |
| Report of the Executive Director | <p>Executive Director Billings gave a virtual tour of the Caribou Public Defender Office.</p> <p>Executive Director Billings provided the following report:</p> <p><u>Operations Report:</u> We are still seeing approximately \$4 million billed and paid each month. We had 138 attorneys on the active roster. 87 of those were available to accept trial-level cases, of which 25 attorneys were accepting</p> |

| Agenda Item: | Discussion/Outcome: |
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| | <p>child protective cases and 25 were accepting criminal cases. Submitted hours are up more than 15% for the first 5 months of this fiscal year compared to the same period last fiscal year. We recently signed a financial order to transfer \$2.5 million from “personal services” to “all other.” We appear to be in good shape to get to the end of the fiscal year. But in the future, we will use 25,000-26,000 monthly hours for budget requests.</p> <p>The number of unrepresented defendants in Aroostook has decreased now that there are more public defenders who are able to take cases.</p> <p>The tri-county region (Androscoggin, Oxford, and Franklin) has approximately 205 people on the unrepresented list. This is becoming the new epicenter of the unrepresented crisis.</p> <p><u>Public Defender Offices:</u> Bangor- Has their first ADI, Erik Black. Bangor is hiring for an ADII. Lewiston- Hiring the last ADII.</p> <p>We will have all attorney positions filled except the ADI in Bangor and the ADII in Caribou.</p> <p>Parents’ Counsel- Interviewing for parents’ counsel positions this week. There have not been a lot of applicants.</p> <p>Discussion ensued about the number of unstaffed cases in Cumberland County, which has the highest per capita population of attorneys in the state. Commissioner Soucy added that some of the Portland lawyers reported not being competent to handle child protective cases. Commissioner Soucy also commented on the successes that the public defenders have had in Aroostook County. Executive Director Billings elaborated on that point, emphasizing that the public defenders have won approximately eight out of nine trials recently.</p> <p><u>Child Protective Case Placement Project:</u> Resource Counsel Taylor Kilgore proposed a project whereby she would review child protective cases to try to identify attorneys to represent unrepresented parents. Attorney Kilgore was able to find</p> |

| Agenda Item: | Discussion/Outcome: |
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| | attorneys to represent a lot of unrepresented parents because she knew more about the cases from court records. Attorney Kilgore was able to find attorneys for approximately one-third of the child protective cases on the unrepresented list in Lewiston. We are in communication with the Portland courts to replicate this. Attorney Kilgore will be available in February to work on finding attorneys for parents in Portland. |
| Annual Report & Statutory Change Package | <p>Executive Director Billings provided an overview of some of the proposed statutory changes.</p> <p>Commissioner Alexander expressed that he has grave concerns about the pre-prosecution diversion proposal.</p> |
| Rulemaking Discussion: Chapter 5 | <p>Executive Director Billings explained that Chapter 5 went out for public comment and then staff made changes in response to the public comment. Staff are seeking a vote to send this out for public comment again; it does not need another public hearing.</p> <p>Commissioner Alexander moved to put the rule back out for public comment. Seconded by Chair Tardy. No discussion. Commissioners Alexander, Carey, Soucy, and Tardy voted in favor. No one voted against. Motion prevailed.</p> |
| Rulemaking Discussion: Chapters 2 & 3 | Executive Director Billings explained that a child protective attorney has raised concerns about the eligibility requirements. There is a suggestion that, with additional training, we might be able to relax the eligibility requirements to broaden the people who could take child protective cases. We want to have a subcommittee evaluate this. |
| Public Comment | <p><u>Robert Ruffner, Esq.:</u> I would like the minutes to reflect that I agree with Commissioner Alexander. He identified what stood out to me in a disturbing way regarding the supposed diversion program, which seemed very problematic. Attorney Ruffner made a proposal for private firms to pay for interns at public defender offices. Two 3L law students have accepted positions at the Maine Indigent Defense Center.</p> <p><u>Tina Nadeau, Esq.:</u> The civil bar will not save us. Big firms will not save us. The Commission's recruitment efforts at the Law School and nationwide makes a lot more sense. I'm very disappointed at any suggestion that these firms are going to save us. I give them kudos for admitting they don't know</p> |

| Agenda Item: | Discussion/Outcome: |
|--------------|---|
| | <p>what they're doing with indigent defense. I couldn't disagree more with Rob Ruffner or Commissioner Alexander about the pre-prosecution diversion proposal.</p> <p><u>Neil Prendergast, Esq.:</u> The 7-day reviews have become an ongoing issue. The Sixth Amendment has become a right without a remedy. The vast majority of the clients haven't had counsel for months at a time. When judges find a Sixth Amendment violation, they generally amend bail to allow law enforcement to rearrest them. Judges aren't finding Sixth Amendment violations when they should, and even when they do, the remedies are tepid. Sometimes people are in jail for 90 days on a felony, or go 6-10 months without a lawyer.</p> |
| Adjournment | The next meeting will be held on January 7, 2025 at 1:00PM via Zoom only. The meeting will only be to discuss the annual report. The next regular Commission meeting will be January 22, 2025 at 1:00PM. |

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

December 2024 Operations Report

- 2,237 new cases were opened in the defenderData system. This was a 33 case decrease from November. Year to date, new cases are down 13.8% from last year, from 16,679 at this time last year to 14,372 this year.
- The number of vouchers submitted electronically was 3,558, a decrease of 80 vouchers from November, totaling \$3,707,937, a decrease of \$438,308 from November. Year to date, the number of submitted vouchers is up by 15.0%, from 18,851 at this time last year to 21,690 this year, with the total amount for submitted vouchers up 20.7%, from \$18,762,654 at this time last year to \$22,664,225 this year.
- We paid 4,094 electronic vouchers totaling \$4,208,075, representing an increase of 659 vouchers and an increase of \$340,915 compared to November. Year to date, the number of paid vouchers is up 15.2%, from 19,401 vouchers at this time last year to 22,365 this year, and the total amount paid is up 20.9%, from \$19,097,141 this time last year to \$23,106,757 this year.
- The average price per voucher was \$1,027.86, down \$97.95 per voucher from November. Year to date, the average price per voucher is up 4.9%, from \$984.34 at this time last year to \$1,033.17 this year.
- Appeal and PDS Training had the highest average voucher total. There were 35 vouchers exceeding \$7,500 paid in December. See attached addendum for details.
- We issued 99 authorizations to expend funds: 51 for private investigators, 26 for experts, and 22 for miscellaneous services such as interpreters and transcriptionists. We paid \$110,884 for experts and investigators, etc. One request was denied.
- There was one attorney suspension.
- In the All Other Account, the total expenses were \$2,695,314.28. Approximately \$164,313 was devoted to the Commission's operating expenses.
- In the Personal Services Accounts, we had \$748,430 in expenses.
- The November transfer from the Judicial Branch for collected counsel fees was \$23,715. We paid \$1,787,959 in counsel fee payments.
- As of January 20, 2025, there are 138 rostered attorneys of which 89 are available for trial court level work.

- For the first 6 months of this fiscal year, submitted hours are up 14.9% over the same 6-month period last year. December 2024 submitted hours are 6.7% greater than December 2023 submitted hours.

| Submitted Hours | | | | | | | | | | | | | |
|-----------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|----------------|
| | July | Aug | Sept | Oct | Nov | Dec | Jan | Feb | Mar | April | May | June | Yearly Total |
| FY21 | 13,652 | 15,225 | 17,333 | 20,420 | 17,399 | 17,244 | 19,813 | 17,753 | 31,671 | 17,869 | 19,037 | 19,270 | 226,687 |
| FY22 | 19,764 | 21,749 | 19,882 | 22,228 | 17,828 | 17,286 | 22,006 | 21,357 | 24,885 | 19,723 | 19,551 | 21,195 | 247,454 |
| FY23 | 19,890 | 22,083 | 20,470 | 20,125 | 20,820 | 21,997 | 21,823 | 20,666 | 23,273 | 19,878 | 25,420 | 25,109 | 261,556 |
| FY24 | 22,635 | 24,596 | 22,244 | 21,813 | 22,643 | 23,608 | 28,859 | 28,903 | 26,406 | 25,109 | 30,260 | 25,911 | 302,875 |
| FY25 | 26,031 | 26,409 | 24,765 | 27,393 | 28,283 | 25,206 | | | | | | | 158,087 |

Vouchers over \$7,500

| Comment | Voucher Total | Case Total |
|---|----------------------|-------------------|
| Homicide | \$55,870.92 | \$124,907.03 |
| Homicide | \$32,970.00 | \$32,970.00 |
| Homicide | \$28,805.14 | \$28,805.14 |
| Unlawful Possession of Drugs | \$21,981.63 | \$21,981.63 |
| Uniform Securities Act Violation | \$21,579.00 | \$21,579.00 |
| Reckless Conduct | \$21,348.30 | \$21,348.30 |
| Gross Sexual Assault | \$20,134.00 | \$20,134.00 |
| Aggravated Trafficking | \$15,847.26 | \$15,847.26 |
| Homicide | \$14,505.00 | \$55,928.00 |
| Theft by Unauthorized Taking | \$12,840.00 | \$12,840.00 |
| Domestic Violence Terrorizing | \$12,035.00 | \$12,035.00 |
| OUI | \$11,747.66 | \$11,747.66 |
| Robbery | \$11,321.00 | \$11,321.00 |
| Child Protection | \$11,081.00 | \$11,081.00 |
| Termination of Parental Rights | \$10,845.00 | \$21,867.35 |
| Theft by Unauthorized Taking | \$10,567.14 | \$10,567.14 |
| Child Protection | \$10,500.00 | \$15,915.00 |
| Aggravated Trafficking | \$10,251.80 | \$10,251.80 |
| Child Protection | \$10,200.00 | \$10,200.00 |
| Unlawful Sexual Contact | \$9,960.00 | \$9,960.00 |
| Child Protection | \$9,930.00 | \$9,930.00 |
| Post-Conviction Review Aggravated Assault | \$9,685.50 | \$9,685.50 |
| Domestic Violence Assault | \$9,304.48 | \$9,304.48 |
| Domestic Violence Stalking | \$9,195.50 | \$9,195.50 |
| Domestic Violence Aggravated Assault | \$9,187.69 | \$9,187.69 |
| Child Protection | \$9,170.25 | \$10,965.50 |
| Burglary | \$8,925.00 | \$8,925.00 |
| Termination of Parental Rights | \$8,490.00 | \$19,480.00 |
| Child Protection | \$8,370.00 | \$8,370.00 |
| Theft by Unauthorized Taking | \$8,290.50 | \$8,290.50 |
| Appeal - Gross Sexual Assault | \$8,220.00 | \$8,220.00 |
| Violating Conditions of Release | \$8,171.00 | \$8,171.00 |
| Domestic Violence Aggravated Assault | \$7,723.00 | \$7,723.00 |
| Aggravated Trafficking | \$7,552.95 | \$32,301.63 |
| Criminal Threatening | \$7,522.00 | \$7,522.00 |

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

Activity Report by Case Type

12/31/2024

| DefenderData Case Type | Dec-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 | 10 | 25 | \$53,555.22 | 28 | \$ 60,306.68 | \$2,153.81 | 76 | 160 | \$ 370,177.84 | \$2,313.61 |
| Central Office Resource Counsel | 0 | 3 | \$2,595.00 | 3 | \$ 2,595.00 | \$865.00 | 1 | 14 | \$ 16,410.80 | \$1,172.20 |
| Child Protection Petition | 179 | 492 | \$654,466.46 | 594 | \$ 746,257.00 | \$1,256.32 | 939 | 3,195 | \$ 4,033,472.01 | \$1,262.43 |
| Drug Court | 5 | 16 | \$30,699.78 | 20 | \$ 44,199.72 | \$2,209.99 | 39 | 99 | \$ 199,731.64 | \$2,017.49 |
| Emancipation | 9 | 10 | \$8,293.24 | 9 | \$ 6,338.10 | \$704.23 | 50 | 44 | \$ 36,803.39 | \$836.44 |
| Felony | 512 | 1,027 | \$1,412,514.02 | 1,127 | \$ 1,544,020.23 | \$1,370.03 | 3,327 | 6,195 | \$ 8,493,150.64 | \$1,370.97 |
| Involuntary Civil Commitment | 134 | 127 | \$68,539.60 | 132 | \$ 73,757.08 | \$558.77 | 688 | 657 | \$ 351,238.68 | \$534.61 |
| Juvenile | 81 | 141 | \$153,521.48 | 168 | \$ 171,663.50 | \$1,021.81 | 602 | 921 | \$ 870,557.89 | \$945.23 |
| Lawyer of the Day - Custody | 306 | 280 | \$189,227.79 | 292 | \$ 201,763.29 | \$690.97 | 1,713 | 1,683 | \$ 1,161,373.69 | \$690.06 |
| Lawyer of the Day - Juvenile | 4 | 6 | \$2,445.00 | 6 | \$ 2,475.00 | \$412.50 | 29 | 38 | \$ 18,863.30 | \$496.40 |
| Lawyer of the Day - Walk-in | 117 | 128 | \$85,959.12 | 138 | \$ 97,699.10 | \$707.96 | 780 | 758 | \$ 510,009.68 | \$672.84 |
| PDS Provided Training | 10 | 41 | \$70,592.17 | 40 | \$ 105,020.74 | \$2,625.52 | 422 | 381 | \$ 587,930.89 | \$1,543.13 |
| Misdemeanor | 717 | 973 | \$705,870.24 | 1,175 | \$ 824,832.44 | \$701.99 | 4,603 | 6,451 | \$ 4,677,263.94 | \$725.04 |
| Petition, Modified Release Treatment | 0 | 6 | \$6,093.50 | 8 | \$ 8,139.50 | \$1,017.44 | 16 | 26 | \$ 37,459.00 | \$1,440.73 |
| Petition, Release or Discharge | 0 | 1 | \$10,326.35 | 0 | | | 1 | 8 | \$ 18,020.50 | \$2,252.56 |
| Petition,Termination of Parental Rights | 0 | 10 | \$18,165.00 | 14 | \$ 27,067.50 | \$1,933.39 | 0 | 63 | \$ 125,437.66 | \$1,991.07 |
| Post Conviction Review | 2 | 21 | \$36,131.33 | 21 | \$ 36,909.03 | \$1,757.57 | 12 | 105 | \$ 196,298.54 | \$1,869.51 |
| Probate | 1 | 1 | \$345.00 | 4 | \$ 4,293.24 | \$1,073.31 | 7 | 25 | \$ 42,785.41 | \$1,711.42 |
| Probation Violation | 106 | 162 | \$125,328.26 | 194 | \$ 144,879.37 | \$746.80 | 791 | 978 | \$ 766,496.78 | \$783.74 |
| Represent Witness on 5th Amendment | 1 | 1 | \$620.52 | 4 | \$ 7,415.52 | \$1,853.88 | 11 | 11 | \$ 12,731.52 | \$1,157.41 |
| Resource Counsel Criminal | 2 | 3 | \$1,545.00 | 3 | \$ 1,320.00 | \$440.00 | 3 | 23 | \$ 13,666.00 | \$594.17 |
| Resource Counsel Juvenile | 0 | 1 | \$45.00 | 1 | \$ 45.00 | \$45.00 | 0 | 6 | \$ 555.00 | \$92.50 |
| Resource Counsel Mental Health | 0 | 1 | \$90.00 | 1 | \$ 90.00 | \$90.00 | 0 | 3 | \$ 405.00 | \$135.00 |
| Resource Counsel NCR | 0 | 0 | | 0 | | | 0 | 0 | | |
| Resource Counsel Protective Custody | 0 | 3 | \$4,991.00 | 2 | \$ 3,791.00 | \$1,895.50 | 0 | 11 | \$ 13,946.00 | \$1,267.82 |
| Review of Child Protection Order | 0 | 36 | \$47,650.77 | 42 | \$ 61,984.35 | \$1,475.82 | 0 | 299 | \$ 433,186.28 | \$1,448.78 |
| Revocation of Administrative Release | 0 | 0 | | 0 | | | 1 | 5 | \$ 6,570.00 | \$1,314.00 |
| Weapons Restrictions Case | 41 | 43 | \$18,326.60 | 68 | \$ 31,213.16 | \$459.02 | 261 | 206 | \$ 112,215.74 | \$544.74 |
| TOTAL | 2,237 | 3,558 | \$3,707,937.45 | 4,094 | \$ 4,208,075.55 | \$1,027.86 | 14,372 | 22,365 | \$ 23,106,757.82 | \$1,033.17 |

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

Activity Report by Court

12/31/2024

| Court | Dec-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 | \$870.00 | 2 | \$ 1,095.00 | \$547.50 | 3 | 6 | \$ 4,275.00 | \$712.50 |
| AUBSC | 1 | 1 | \$2,730.00 | 1 | \$ 2,730.00 | \$2,730.00 | 6 | 12 | \$ 12,775.00 | \$1,064.58 |
| AUGDC | 53 | 104 | \$169,807.57 | 106 | \$ 183,041.24 | \$1,726.80 | 254 | 448 | \$ 779,438.43 | \$1,739.82 |
| AUGSC | 1 | 7 | \$16,419.85 | 10 | \$ 11,643.25 | \$1,164.33 | 20 | 36 | \$ 60,453.75 | \$1,679.27 |
| BANDC | 65 | 95 | \$80,958.00 | 79 | \$ 62,020.50 | \$785.07 | 410 | 596 | \$ 429,348.20 | \$720.38 |
| BANSC | 3 | 0 | | 0 | | | 6 | 3 | \$ 2,244.60 | \$748.20 |
| BATSC | 0 | 0 | | 0 | | | 0 | 0 | | |
| BELDC | 11 | 21 | \$22,107.25 | 23 | \$ 31,461.55 | \$1,367.89 | 55 | 98 | \$ 110,935.65 | \$1,132.00 |
| BELSC | 1 | 0 | | 0 | | | 1 | 1 | \$ 2,470.00 | \$2,470.00 |
| BIDDC | 46 | 96 | \$87,688.80 | 146 | \$ 123,240.28 | \$844.11 | 308 | 613 | \$ 562,505.85 | \$917.63 |
| BRIDC | 4 | 21 | \$35,016.68 | 23 | \$ 37,463.30 | \$1,628.84 | 53 | 98 | \$ 123,835.09 | \$1,263.62 |
| CALDC | 6 | 6 | \$1,845.00 | 7 | \$ 3,194.00 | \$456.29 | 23 | 54 | \$ 37,370.36 | \$692.04 |
| CARDC | 2 | 20 | \$12,435.00 | 29 | \$ 21,352.50 | \$736.29 | 48 | 111 | \$ 120,563.48 | \$1,086.16 |
| CARSC | 0 | 0 | | 0 | | | 2 | 1 | \$ 300.00 | \$300.00 |
| DOVDC | 2 | 12 | \$14,096.80 | 14 | \$ 14,875.80 | \$1,062.56 | 18 | 61 | \$ 61,974.30 | \$1,015.97 |
| DOVSC | 0 | 0 | | 0 | | | 1 | 1 | \$ 135.00 | \$135.00 |
| ELLDC | 6 | 12 | \$12,599.64 | 19 | \$ 11,316.90 | \$595.63 | 47 | 176 | \$ 191,676.65 | \$1,089.07 |
| ELLSC | 0 | 0 | | 0 | | | 1 | 1 | \$ 1,382.00 | \$1,382.00 |
| FARDC | 12 | 15 | \$18,872.84 | 23 | \$ 31,421.72 | \$1,366.16 | 85 | 121 | \$ 146,603.80 | \$1,211.60 |
| FARSC | 0 | 0 | | 0 | | | 2 | 1 | \$ 1,005.00 | \$1,005.00 |
| FORDC | 2 | 12 | \$8,715.00 | 14 | \$ 8,482.50 | \$605.89 | 14 | 61 | \$ 43,862.50 | \$719.06 |
| HOUDC | 4 | 19 | \$13,270.53 | 33 | \$ 26,617.53 | \$806.59 | 34 | 110 | \$ 107,199.71 | \$974.54 |
| HOUSC | 0 | 0 | | 0 | | | 0 | 1 | \$ 585.00 | \$585.00 |
| LEWDC | 82 | 81 | \$78,879.96 | 104 | \$ 118,664.22 | \$1,141.00 | 313 | 578 | \$ 646,584.83 | \$1,118.66 |
| LINDC | 4 | 12 | \$11,343.04 | 13 | \$ 12,275.96 | \$944.30 | 37 | 56 | \$ 53,921.84 | \$962.89 |
| MACDC | 9 | 9 | \$7,155.00 | 10 | \$ 7,650.00 | \$765.00 | 26 | 65 | \$ 78,897.00 | \$1,213.80 |
| MACSC | 0 | 0 | | 0 | | | 2 | 1 | \$ 180.00 | \$180.00 |
| MADDC | 0 | 0 | | 0 | | | 2 | 0 | | |
| MILDC | 0 | 0 | | 2 | \$ 75.00 | \$37.50 | 3 | 5 | \$ 17,419.12 | \$3,483.82 |
| NEWDC | 12 | 20 | \$16,080.94 | 23 | \$ 20,266.12 | \$881.14 | 66 | 146 | \$ 106,430.84 | \$728.98 |
| PORDC | 88 | 137 | \$149,118.14 | 173 | \$ 172,750.20 | \$998.56 | 448 | 752 | \$ 770,537.69 | \$1,024.65 |
| PORSC | 0 | 0 | | 0 | | | 6 | 10 | \$ 17,217.94 | \$1,721.79 |
| PREDC | 0 | 11 | \$10,026.84 | 21 | \$ 27,971.34 | \$1,331.97 | 28 | 109 | \$ 165,876.03 | \$1,521.80 |
| RODC | 7 | 12 | \$9,887.52 | 21 | \$ 16,556.71 | \$788.41 | 83 | 125 | \$ 147,773.59 | \$1,182.19 |
| ROCSC | 0 | 0 | | 1 | \$ 994.50 | \$994.50 | 3 | 4 | \$ 2,492.58 | \$623.15 |
| RUMDC | 4 | 33 | \$54,226.16 | 33 | \$ 41,535.85 | \$1,258.66 | 41 | 146 | \$ 199,947.86 | \$1,369.51 |
| SKODC | 25 | 61 | \$79,321.04 | 60 | \$ 69,366.52 | \$1,156.11 | 125 | 369 | \$ 434,141.09 | \$1,176.53 |
| SKOSC | 0 | 2 | \$3,240.00 | 2 | \$ 3,058.50 | \$1,529.25 | 0 | 2 | \$ 3,058.50 | \$1,529.25 |
| SODUC | 5 | 11 | \$9,732.38 | 15 | \$ 18,975.00 | \$1,265.00 | 24 | 91 | \$ 118,883.95 | \$1,306.42 |
| SOUSC | 1 | 0 | | 0 | | | 4 | 3 | \$ 2,055.00 | \$685.00 |
| SPRDC | 7 | 21 | \$20,445.00 | 21 | \$ 22,763.24 | \$1,083.96 | 22 | 83 | \$ 112,150.24 | \$1,351.21 |
| Law Ct | 7 | 23 | \$52,604.11 | 25 | \$ 57,600.57 | \$2,304.02 | 64 | 141 | \$ 326,715.27 | \$2,317.13 |
| Training | 11 | 47 | \$77,953.17 | 46 | \$ 111,811.74 | \$2,430.69 | 417 | 400 | \$ 605,121.19 | \$1,512.80 |
| YORCD | 290 | 385 | \$396,413.65 | 431 | \$ 451,960.69 | \$1,048.63 | 1,626 | 2,528 | \$ 2,718,196.83 | \$1,075.24 |
| ARODC | 106 | 254 | \$171,620.37 | 250 | \$ 213,627.72 | \$854.51 | 880 | 1,409 | \$ 1,254,315.20 | \$890.22 |
| ANDCD | 143 | 293 | \$274,996.74 | 315 | \$ 301,019.20 | \$955.62 | 1,054 | 1,875 | \$ 1,771,033.19 | \$944.55 |
| KENCD | 127 | 135 | \$150,497.56 | 172 | \$ 174,601.10 | \$1,015.12 | 845 | 1,125 | \$ 1,047,848.66 | \$931.42 |
| PENCD | 138 | 301 | \$339,646.80 | 381 | \$ 375,595.04 | \$985.81 | 1,259 | 1,795 | \$ 1,797,729.45 | \$1,001.52 |
| SAGCD | 41 | 65 | \$51,438.24 | 74 | \$ 66,129.06 | \$893.64 | 265 | 323 | \$ 306,128.96 | \$947.77 |
| WALCD | 47 | 50 | \$45,016.64 | 57 | \$ 69,348.68 | \$1,216.64 | 307 | 343 | \$ 449,826.56 | \$1,311.45 |
| PISCD | 8 | 17 | \$22,468.30 | 14 | \$ 21,277.50 | \$1,519.82 | 88 | 108 | \$ 115,272.44 | \$1,067.34 |
| HANCD | 46 | 82 | \$70,544.14 | 64 | \$ 63,230.64 | \$987.98 | 287 | 459 | \$ 403,635.39 | \$879.38 |
| FRACD | 26 | 64 | \$65,256.07 | 73 | \$ 75,138.15 | \$1,029.29 | 192 | 356 | \$ 324,752.43 | \$912.23 |
| WASCD | 48 | 40 | \$96,992.90 | 35 | \$ 85,007.76 | \$2,428.79 | 288 | 307 | \$ 420,616.64 | \$1,370.09 |
| CUMCD | 382 | 509 | \$483,196.96 | 628 | \$ 579,197.47 | \$922.29 | 2,142 | 3,146 | \$ 3,175,950.75 | \$1,009.52 |
| KNODC | 87 | 55 | \$44,774.04 | 71 | \$ 69,585.89 | \$980.08 | 424 | 404 | \$ 411,289.73 | \$1,018.04 |
| SOMCD | 97 | 102 | \$91,705.91 | 130 | \$ 108,277.22 | \$832.90 | 582 | 692 | \$ 611,351.71 | \$883.46 |
| OXFCD | 78 | 154 | \$138,493.85 | 150 | \$ 124,821.75 | \$832.15 | 481 | 719 | \$ 606,502.59 | \$843.54 |
| LINCD | 37 | 47 | \$93,807.05 | 61 | \$ 64,070.90 | \$1,050.34 | 280 | 292 | \$ 313,502.69 | \$1,073.64 |
| WATDC | 23 | 36 | \$33,051.64 | 40 | \$ 34,020.94 | \$850.52 | 124 | 258 | \$ 263,876.14 | \$1,022.78 |
| WESDC | 24 | 25 | \$36,058.40 | 29 | \$ 39,872.48 | \$1,374.91 | 86 | 159 | \$ 178,406.23 | \$1,122.05 |
| WISDC | 6 | 13 | \$16,228.45 | 14 | \$ 15,811.82 | \$1,129.42 | 40 | 89 | \$ 90,390.10 | \$1,015.62 |
| WISSC | 0 | 0 | | 0 | | | 0 | 0 | | |
| YORDC | 2 | 8 | \$8,253.48 | 5 | \$ 3,180.00 | \$636.00 | 16 | 24 | \$ 33,046.00 | \$1,376.92 |
| TOTAL | 2,237 | 3,558 | \$3,707,937.45 | 4,094 | \$4,208,075.55 | \$1,027.86 | 14,372 | 22,113 | \$22,906,858.12 | \$1,031.90 |

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES
FY25 FUND ACCOUNTING
AS OF 12/31/2024

| 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) |
| Transfer in | | | \$ - | | \$ - | | \$ - | | \$ - | \$ 1,667,394.00 |
| 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 |
| Total Budget Allotments | | | \$ 11,660,730.02 | | \$ 13,395,842.00 | | \$ 8,908,892.00 | | \$ 3,908,886.00 | \$ 37,874,350.02 |
| 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 | \$ (2,695,314.28) | 9 | \$ - | 12 | \$ - | |
| Encumbrances (Justice Works) | | | \$ - | | \$ (108,715.00) | | \$ - | | \$ - | \$ (108,715.00) |
| Encumbrances (Justice Works for PD users access) | | | \$ (26,202.00) | | \$ 2,910.00 | | \$ - | | \$ - | \$ (23,292.00) |
| Encumbrances (Justice Works for DD7) | | | \$ - | | \$ (125,000.00) | | \$ - | | \$ - | \$ (125,000.00) |
| Encumbrances (B Taylor) | | | \$ (17,680.03) | | \$ (0.01) | | \$ - | | \$ - | \$ (17,680.04) |
| Encumbrances (West Law online legal research) | | | \$ (4,379.18) | | \$ 995.22 | | \$ - | | \$ - | \$ (3,383.96) |
| Encumbrance (CRPD summer interns) | | | \$ (102.39) | | \$ - | | \$ - | | \$ - | \$ (102.39) |
| Encumbrance (K. Guillory contract for website maintenance) | | | \$ - | | \$ - | | \$ - | | \$ - | |
| Encumbrance (business cards) | | | \$ - | | \$ - | | \$ - | | \$ - | |
| Encumbrance (training videographer) | | | \$ - | | \$ - | | \$ - | | \$ - | |
| Encumbrance (training speaker for May 2025) | | | \$ - | | \$ (13,000.00) | | \$ - | | \$ - | \$ (13,000.00) |
| Encumbrance (Pitney Bowes prepaid postage) | | | \$ - | | \$ (8,000.00) | | \$ - | | \$ - | \$ (8,000.00) |
| Accrued expenses | | | \$ (2,250.00) | | \$ 66.90 | | \$ - | | \$ - | |
| TOTAL REMAINING | | | \$ 0.12 | | \$ 1,934,722.32 | | \$ 8,908,892.00 | | \$ 3,908,886.00 | \$ 14,752,500.44 |
| Q2 Month 6 | | | | | | | | | | |
| INDIGENT LEGAL SERVICES | | | | | | | | | | |
| Counsel Payments | \$ | (2,420,116.17) | | | | | \$ 13,395,842.00 | | | |
| Interpreters | \$ | (4,349.76) | | | | | \$ (108,715.00) | | | |
| Private Investigators | \$ | (28,384.60) | | | | | \$ 2,910.00 | | | |
| Mental Health Expert | \$ | (15,285.00) | | | | | \$ (0.01) | | | |
| Misc Prof Fees & Serv | \$ | (3,410.56) | | | | | \$ - | | | |
| Transcripts | \$ | (14,725.46) | | | | | \$ (13,000.00) | | | |
| Other Expert | \$ | (43,368.00) | | | | | \$ - | | | |
| Subpoena witness | \$ | - | | | | | \$ (125,000.00) | | | |
| Process Servers | \$ | (1,361.35) | | | | | \$ 995.22 | | | |
| SUB-TOTAL ILS | \$ | (2,531,000.90) | | | | | | | | |
| OPERATING EXPENSES | | | | | | | | | | |
| Risk Management Insurances | \$ | - | | | | | | | | |
| Barbara Taylor monthly fees | \$ | (5,893.33) | | | | | | | | |
| OIT/TELCO | \$ | - | | | | | | | | |
| INDIGENT LEGAL SERVICES | | | | | | | | | | |
| Q2 Allotment | | | | | | | \$ 13,395,842.00 | | | |
| Encumbrances for Justice Works contract | | | | | | | \$ (108,715.00) | | | |
| Encumbrances for Justice Works contract for PD users access | | | | | | | \$ 2,910.00 | | | |
| Barbara Taylor Contract | | | | | | | \$ (0.01) | | | |
| 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 for Pitney Bowes prepaid postage) | | | | | | | \$ (8,000.00) | | | |
| Expenses to date | | | | | | | \$ (11,210,309.89) | | | |
| Remaining Q2 Allotment | | | | | | | \$ 1,934,722.32 | | | |

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES
FY25 FUND ACCOUNTING
AS OF 12/31/2024

| | | |
|--|-----------|-----------------------|
| Mileage/Tolls/Parking | \$ | (2,033.92) |
| W-2 reportable in state travel mileage | \$ | (6,071.69) |
| Mailing/Postage/Freight/Stamps | \$ | (4,177.05) |
| West Publishing Corp | \$ | - |
| Air fare & car rental for expert | \$ | - |
| Office/miscellaneous supplies/Equip. | \$ | (819.19) |
| Cellular Phones | \$ | (6,855.42) |
| Periodicals/Books | \$ | (4,755.32) |
| Employee/counsel lodging | \$ | (6,121.92) |
| Service Center | \$ | - |
| Business cards & envelopes | \$ | - |
| Shredding on site - CRPD | \$ | (7.56) |
| Legal Ads/Job Postings | \$ | - |
| Dues | \$ | (1,390.00) |
| Registration fees | \$ | (150.00) |
| Quarterly building leases | \$ | - |
| Justice Works | \$ | (7,458.00) |
| Miscellaneous travel expenses | \$ | - |
| Staff meals & gratuity | \$ | (83.26) |
| Minor IT equipment | \$ | - |
| Modular furniture | \$ | (97,747.37) |
| Refridgerator & microwave | \$ | (553.00) |
| Printing & binding | \$ | (2,617.80) |
| Training speaker fees | \$ | - |
| Training catered meals/refreshments | \$ | (2,366.77) |
| Casual labor (Vallee config. installs) | \$ | (14,835.00) |
| Sales tax paid by state | \$ | (376.78) |
| Out of state mileage & parking for staff | \$ | - |
| SUB-TOTAL OE | \$ | (164,313.38) |
| TOTAL | \$ | (2,695,314.28) |

| | | |
|--|----|---------------------|
| Non-Counsel Indigent Legal Services | | |
| Monthly Total | \$ | (110,884.73) |
| Total Q1 | \$ | 607,270.27 |
| Total Q2 | \$ | 408,170.30 |
| Total Q3 | \$ | - |
| Total Q4 | \$ | - |
| Fiscal Year Total | \$ | 1,015,440.57 |

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES
FY25 FUND ACCOUNTING
AS OF 12/31/2024

| Account 010 95F Z112 01 (Personal Services) | Mo. | Q1 | Mo. | Q2 | Mo. | Q3 | Mo. | Q4 | FY24 Total |
|--|------------|------------------------|------------|------------------------|------------|------------------------|------------|----------------------|------------------------|
| FY25 Allotment | | \$ 2,264,681.00 | | \$ 2,248,547.00 | | \$ 1,695,004.00 | | \$ 472,785.00 | \$ 6,681,017.00 |
| Financial Order Adjustments | | \$ 592,717.00 | | \$ 592,715.00 | | \$ 308,317.00 | | \$ 291,167.00 | \$ 1,784,916.00 |
| Financial Order Adjustments | | \$ - | | \$ 637,213.00 | | \$ - | | \$ - | \$ 637,213.00 |
| Financial Order Adjustments-transfer out | | \$ - | | \$ - | | \$ - | | \$ - | \$ (1,667,394.00) |
| Budget Order Adjustments | | \$ - | | \$ - | | \$ - | | \$ - | \$ 1,667,394.04 |
| Total Budget Allotments | | \$ 2,857,398.00 | | \$ 3,478,475.00 | | \$ 2,003,321.00 | | \$ 763,952.00 | \$ 9,103,146.04 |
| 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 | \$ (748,430.26) | 9 | \$ - | 12 | \$ - | |
| TOTAL REMAINING | | \$ 1,711,791.79 | | \$ 1,723,989.71 | | \$ 2,003,321.00 | | \$ 763,952.00 | \$ 6,203,054.50 |

| Q2 Month 6 | |
|---------------------------------|------------------------|
| Standard Overtime | \$ (119.46) |
| Permanent Regular | \$ (427,428.85) |
| Perm Part Time Full Ben | \$ (6,817.02) |
| Perm Vacation Pay | \$ (17,060.00) |
| Perm Holiday Pay | \$ (51,958.00) |
| Sick Pay | \$ (11,438.92) |
| Employee hlth svcs/workers comp | \$ (900.00) |
| Health Insurance | \$ (46,289.26) |
| Dental Insurance | \$ (1,089.16) |
| Employer Retiree Health | \$ (44,685.01) |
| Employer Retirement | \$ (29,801.08) |
| Employer Group Life | \$ (2,992.92) |
| Employer Medicare | \$ (7,476.68) |
| Retiree Unfunded Liability | \$ (86,197.46) |
| Longevity Pay | \$ (332.00) |
| Limited Period Regular | \$ (8,922.40) |
| Retro pay contract | \$ - |
| Retro lump sum pymt | \$ (4,741.44) |
| Interest due employees | \$ (15.60) |
| Per Diem | \$ (165.00) |
| TOTAL | \$ (748,430.26) |

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

FY25 FUND ACCOUNTING

As of 12/31/2024

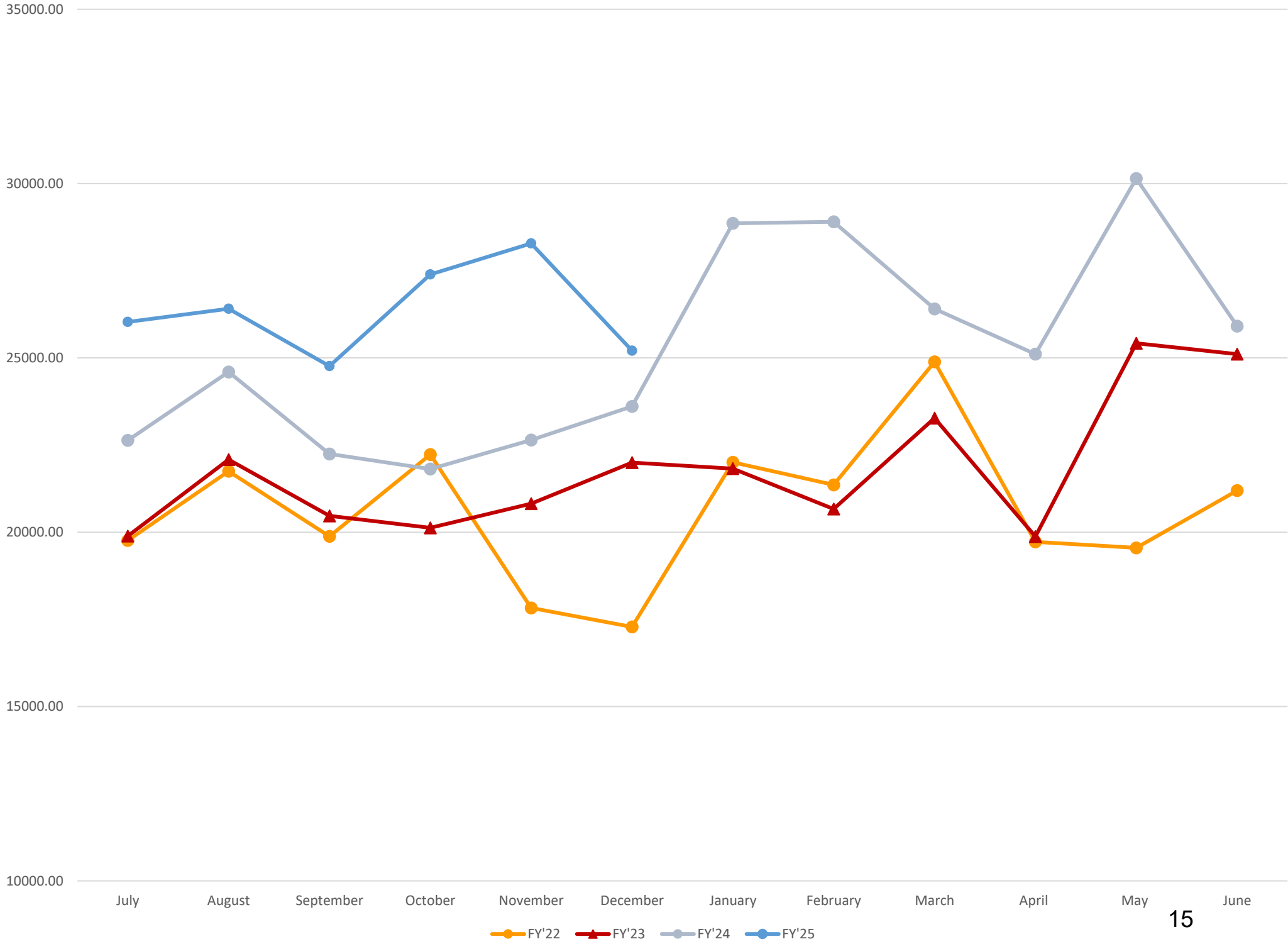
| Account 014 95F Z112 01 (Revenue) | Mo. | Q1 | Mo. | Q2 | Mo. | Q3 | Mo. | Q4 | FY24 Total |
|---|------------|----------------------|------------|------------------------|------------|----------------------|------------|----------------------|------------------------|
| Original Total Budget Allotments | | \$ 785,583.00 | | \$ 105,144.00 | | \$ 104,638.00 | | \$ 104,635.00 | \$ 1,100,000.00 |
| | | \$ - | | \$ - | | \$ - | | \$ - | \$ - |
| Financial Order Adjustment-carry forward FY24 | | \$ 7,420,338.00 | | \$ 377,075.00 | | \$ 377,581.00 | | \$ 377,584.00 | |
| Financial Order Allotment Adjustment | | \$ - | | \$ - | | \$ - | | \$ - | |
| Budget Order Adjustment | | \$ (8,197,721.00) | | \$ 8,197,721.00 | | \$ - | | \$ - | \$ - |
| Budget Order Adjustment | | \$ - | | \$ - | | \$ - | | \$ - | \$ - |
| ADJ OF PERS SERV BALANCE FWD | | \$ - | | \$ - | | \$ - | | \$ - | \$ 1,667,394.04 |
| Total Budget Allotments | | \$ 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 | \$ 23,715.00 | 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 | \$ 1,000.00 | 9 | \$ - | 12 | \$ - | |
| TOTAL CASH PLUS REVENUE COLLECTED | | \$ 96,536.69 | | \$ 72,389.00 | | \$ - | | \$ - | \$ 168,925.69 |
| Counsel Payments | 1 | \$ - | 4 | \$ - | 7 | \$ - | 10 | \$ - | |
| Counsel Payments | 2 | \$ - | 5 | \$ - | 8 | \$ - | 11 | \$ - | |
| Counsel Payments | 3 | \$ - | 6 | \$ (1,787,959.38) | 9 | \$ - | 12 | \$ - | |
| CRPD summer interns-Atlantic Staffing | | \$ (8,200.00) | | | | | | | |
| REMAINING ALLOTMENT | | \$ - | | \$ 6,891,980.62 | | \$ 482,219.00 | | \$ 482,219.00 | \$ 7,856,418.62 |

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES
FY25 FUND ACCOUNTING
AS OF 12/31/2024

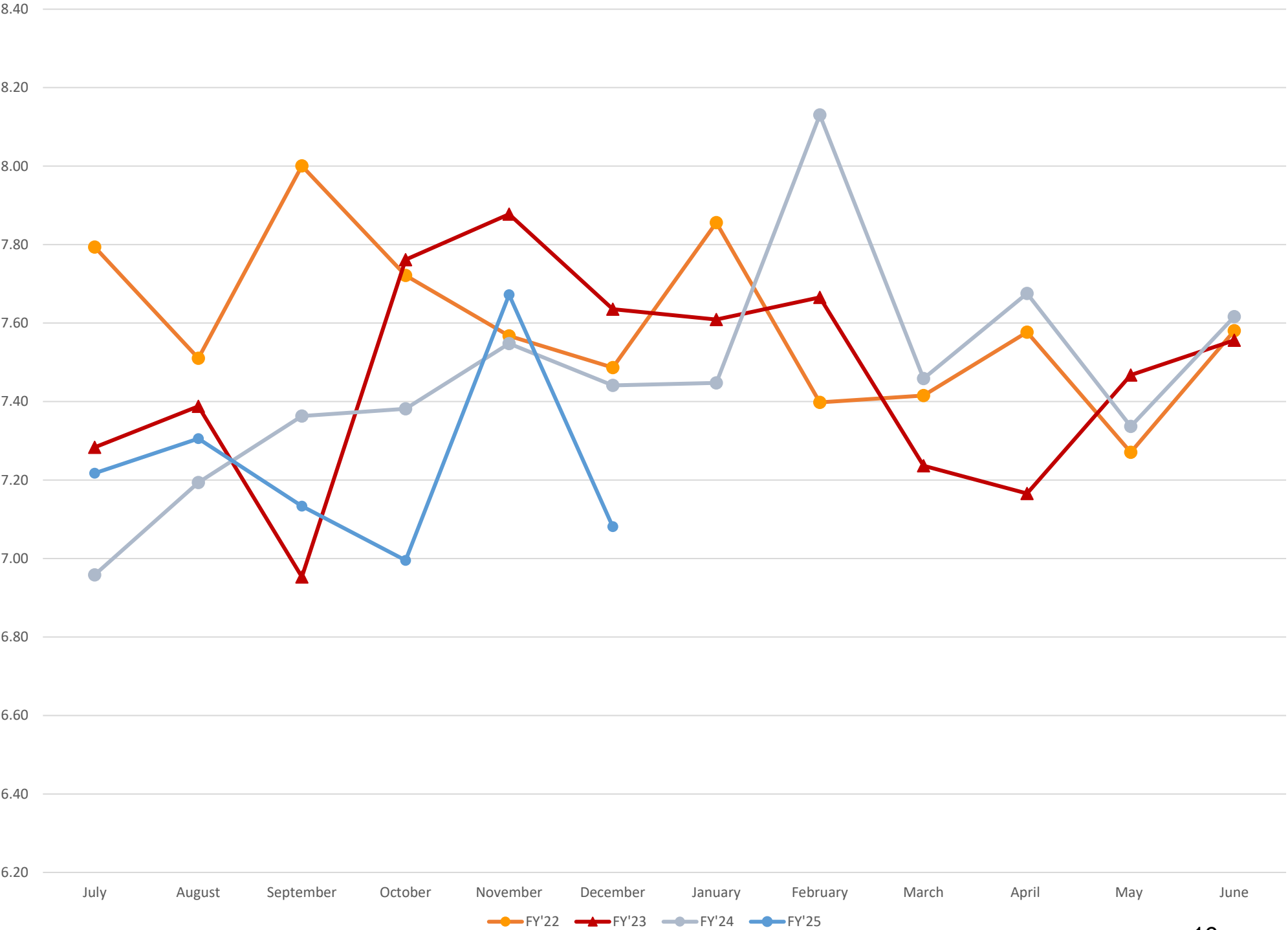
| Account 014 95F Z112 02 (Conference Account) | Mo. | Q1 | Mo. | Q2 | Mo. | Q3 | Mo. | Q4 | FY24 Total |
|---|------------|-------------|------------|------------------|------------|-----------|------------|-----------|---------------------|
| FY25 Allotment | \$ | 35,000.00 | \$ | 22,000.00 | | | |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

| Q2 Month 6 | | |
|----------------------------------|-----------|----------|
| Instructor & Speaker services | | |
| Refreshments & Catered meals | \$ | - |
| Sales tax | \$ | - |
| Mileage & parking fees for staff | \$ | - |
| Training rooms | \$ | - |
| Registrations | \$ | - |
| Lodging for counsel | \$ | - |
| Mileage for counsel | \$ | - |
| Office supplies | | |
| TOTAL | \$ | - |

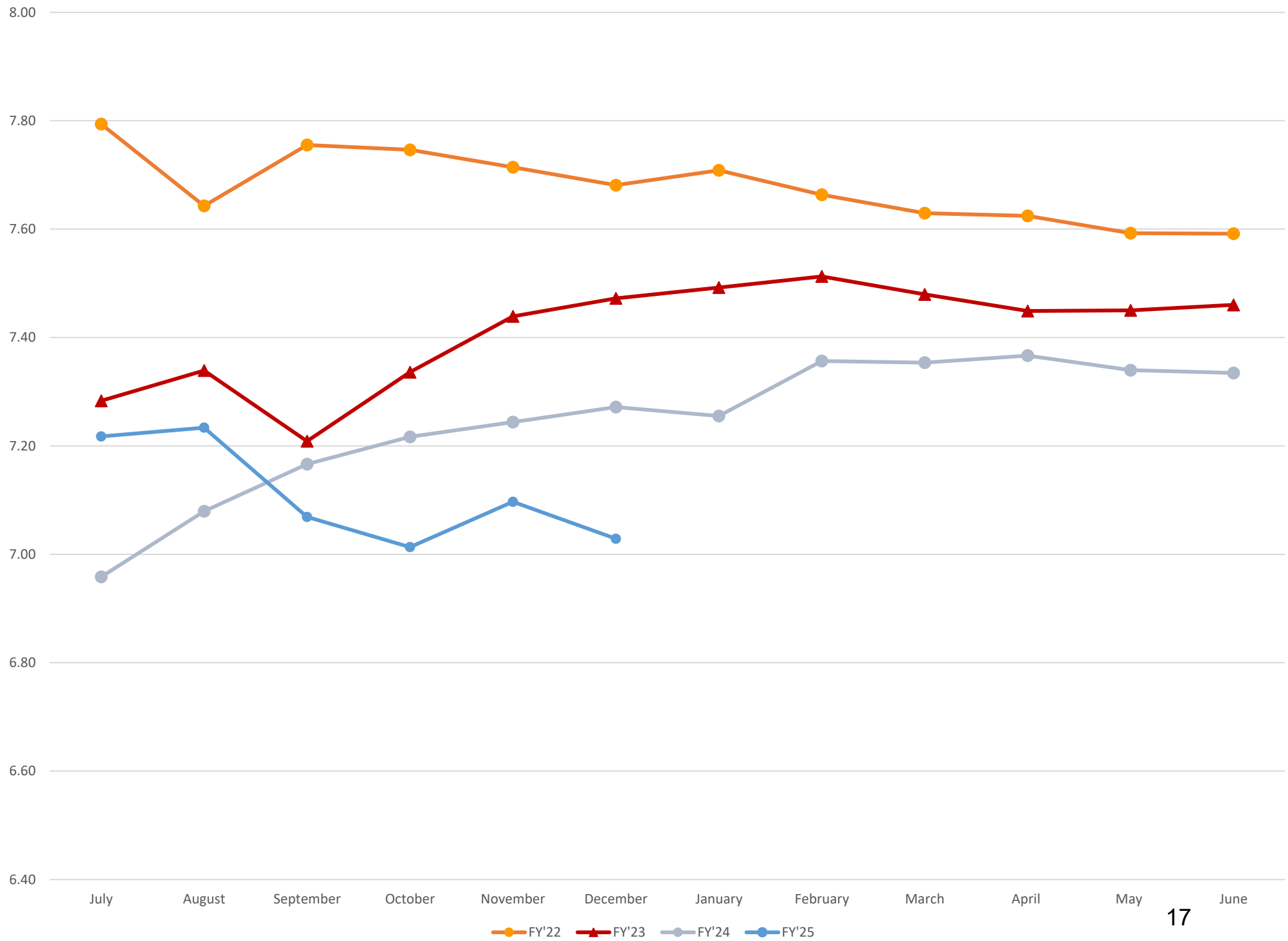
Submitted Hours Amount



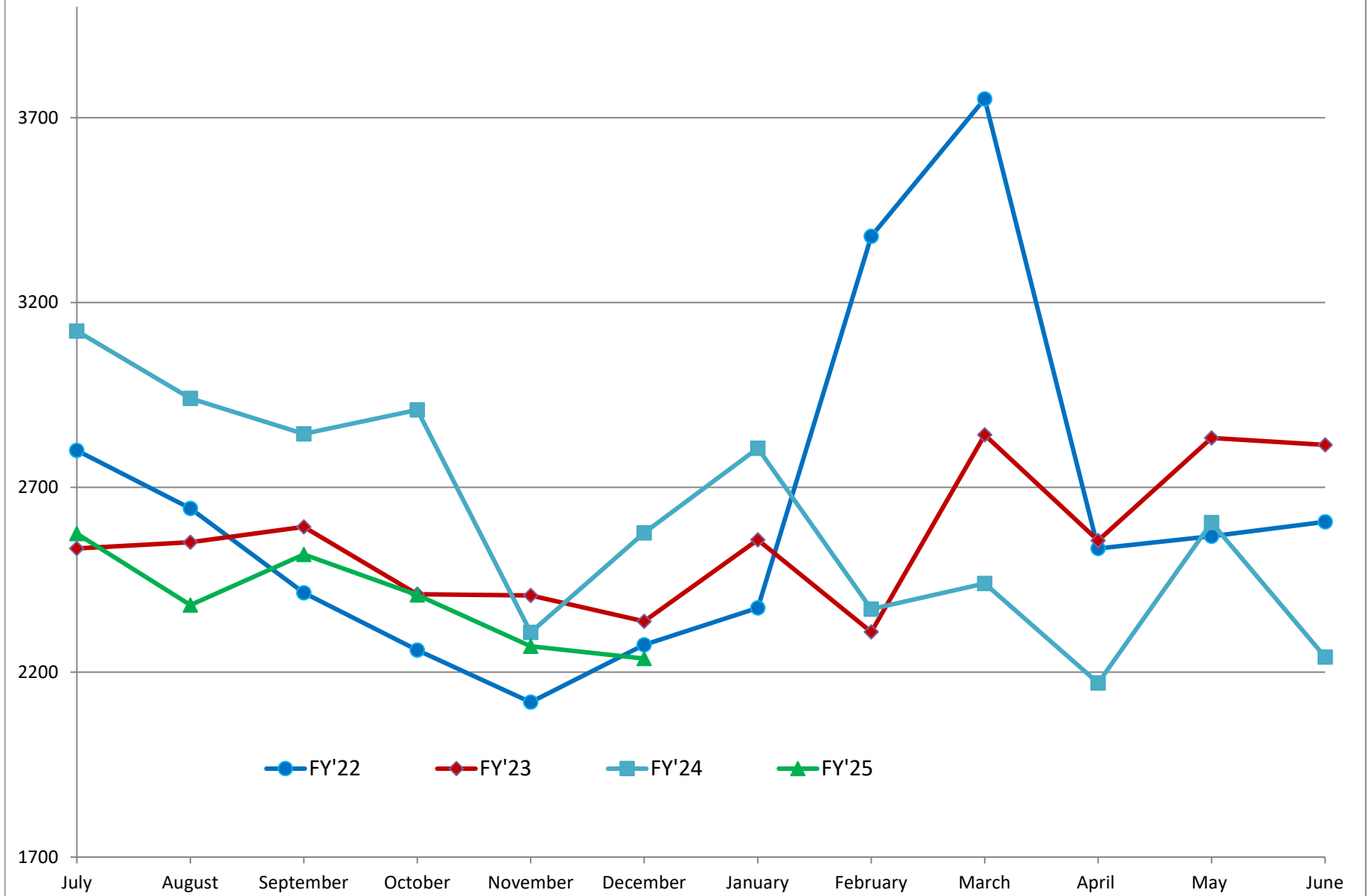
Monthly Average Hours per Voucher



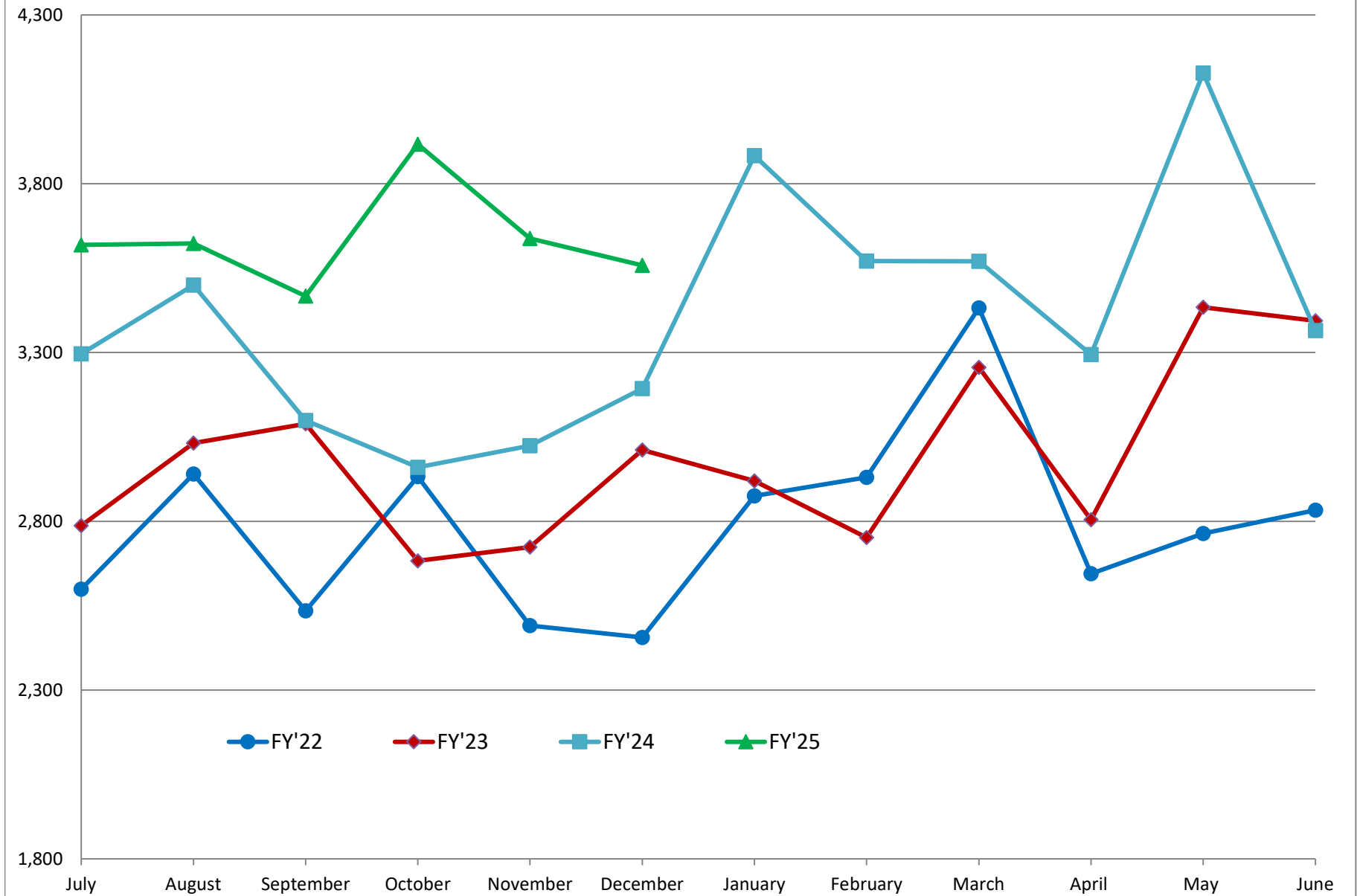
Average Hours per Voucher FYTD



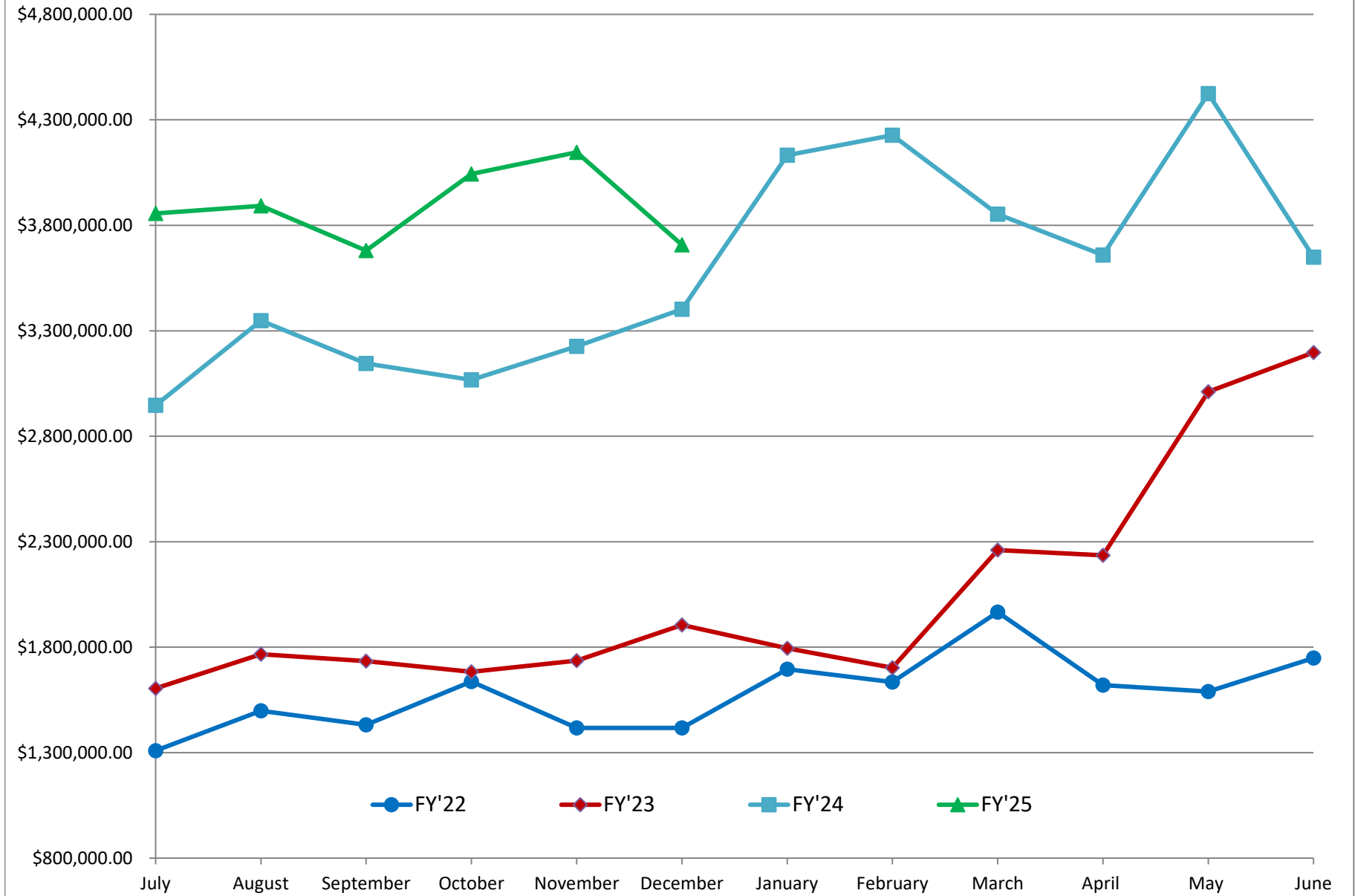
NEW CASES



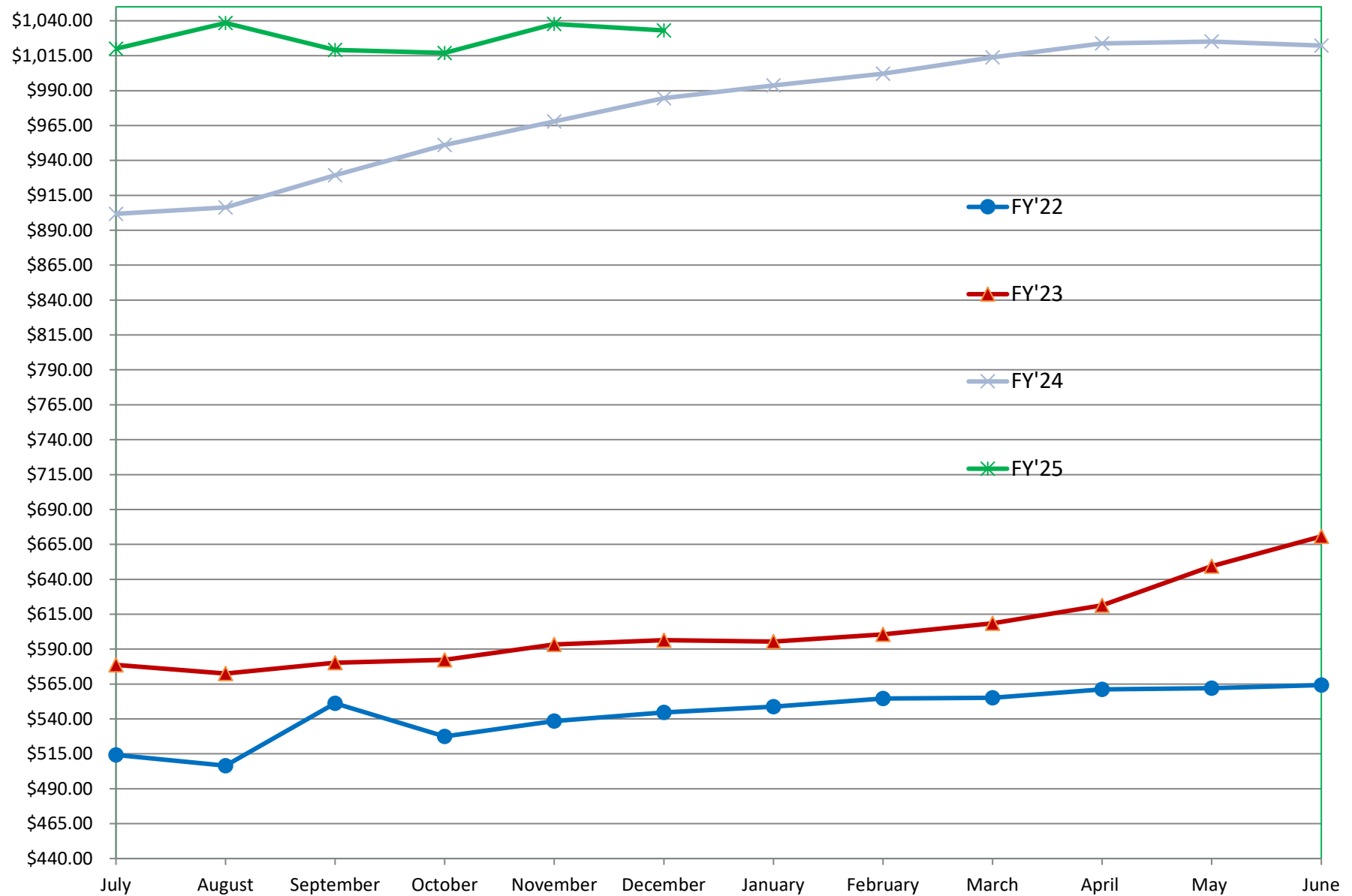
Submitted Vouchers



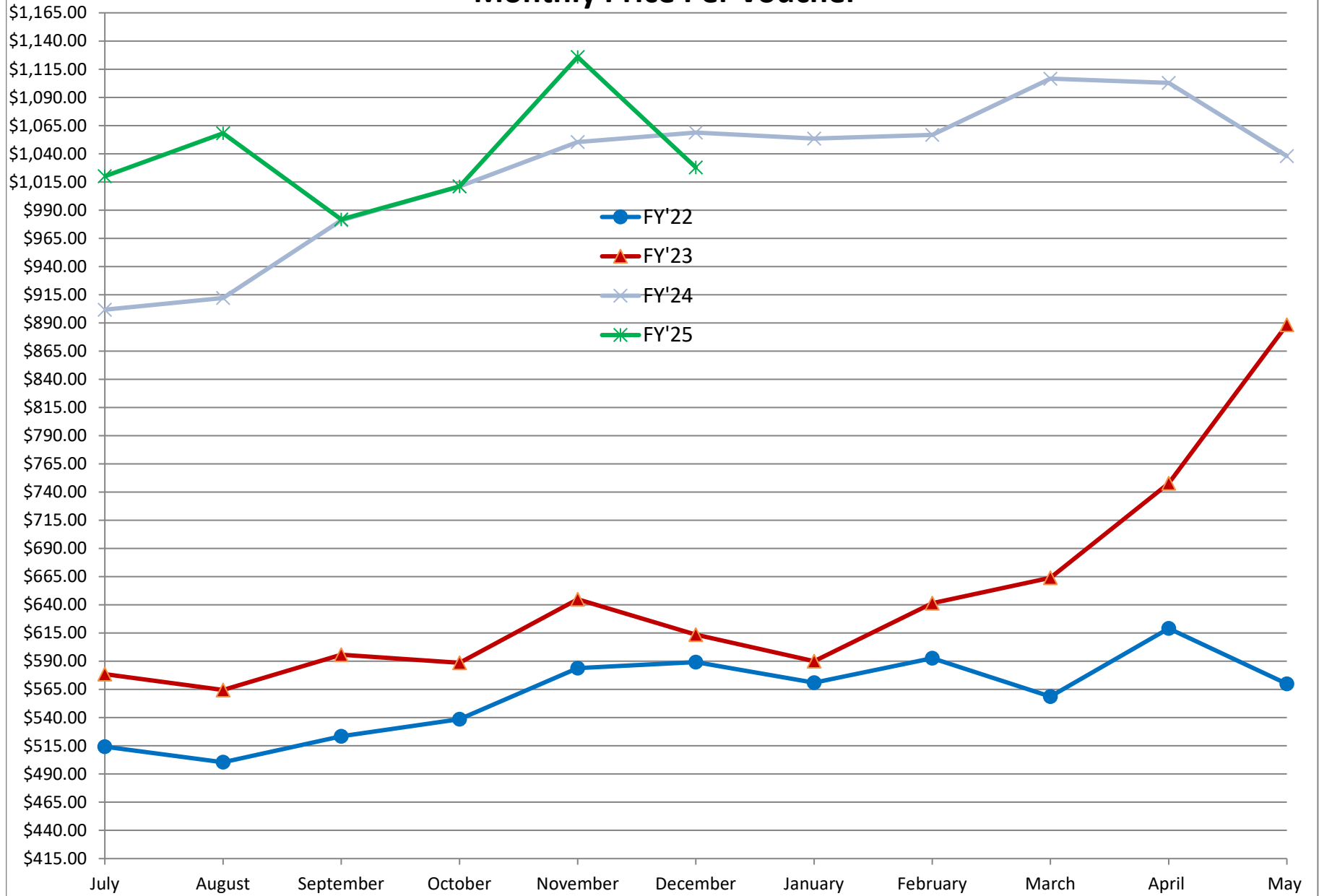
Submitted Voucher Amount



Average Voucher Price Fiscal Year to Date



Monthly Price Per Voucher



Pending UCD Cases as of January 24, 2025

| UCD | FELONY | | | | MISDEMEANOR | | | | CIVIL VIOLATION | | | ALL CASES | | | |
|--------------|---------|-------|-------|---------|-------------|-------|-------|---------|-----------------|-------|---------|-----------|-------|-------|---------|
| | Pending | On DD | No IA | % No IA | Pending | On DD | No IA | % No IA | Pending | No IA | % No IA | Pending | On DD | No IA | % No IA |
| Androscoggin | 776 | 107 | 44 | 5.7% | 1,429 | 270 | 235 | 16.4% | 15 | 4 | 26.7% | 2,220 | 377 | 283 | 12.7% |
| Aroostook | 554 | 123 | 48 | 8.7% | 830 | 232 | 184 | 22.2% | 28 | 12 | 42.9% | 1,412 | 355 | 244 | 17.3% |
| Caribou | 111 | 29 | 9 | 8.1% | 146 | 29 | 43 | 29.5% | 7 | 3 | 42.9% | 264 | 58 | 55 | 20.8% |
| Fort Kent | 77 | 16 | 11 | 14.3% | 182 | 67 | 37 | 20.3% | 3 | 0 | 0.0% | 262 | 83 | 48 | 18.3% |
| Houlton | 156 | 28 | 12 | 7.7% | 234 | 68 | 52 | 22.2% | 12 | 7 | 58.3% | 402 | 96 | 71 | 17.7% |
| Presque Isle | 210 | 50 | 16 | 7.6% | 268 | 68 | 52 | 19.4% | 6 | 2 | 33.3% | 484 | 118 | 70 | 14.5% |
| Cumberland | 1,365 | 226 | 98 | 7.2% | 3,396 | 561 | 493 | 14.5% | 73 | 24 | 32.9% | 4,834 | 787 | 615 | 12.7% |
| Bridgton | 24 | 9 | 3 | 12.5% | 303 | 50 | 55 | 18.2% | 11 | 4 | 36.4% | 338 | 59 | 62 | 18.3% |
| Portland | 1,320 | 212 | 93 | 7.0% | 2,742 | 425 | 381 | 13.9% | 47 | 17 | 36.2% | 4,109 | 637 | 491 | 11.9% |
| West Bath | 21 | 5 | 2 | 9.5% | 351 | 86 | 57 | 16.2% | 15 | 3 | 20.0% | 387 | 91 | 62 | 16.0% |
| Franklin | 139 | 30 | 7 | 5.0% | 327 | 89 | 79 | 24.2% | 4 | 1 | 25.0% | 470 | 119 | 87 | 18.5% |
| Hancock | 272 | 39 | 17 | 6.3% | 407 | 68 | 79 | 19.4% | 32 | 16 | 50.0% | 711 | 107 | 112 | 15.8% |
| Kennebec | 579 | 104 | 42 | 7.3% | 1,452 | 328 | 324 | 22.3% | 27 | 14 | 51.9% | 2,058 | 432 | 380 | 18.5% |
| Augusta | 545 | 98 | 41 | 7.5% | 912 | 205 | 195 | 21.4% | 18 | 6 | 33.3% | 1,475 | 303 | 242 | 16.4% |
| Waterville | 34 | 6 | 1 | 2.9% | 540 | 123 | 129 | 23.9% | 9 | 8 | 88.9% | 583 | 129 | 138 | 23.7% |
| Knox | 224 | 21 | 12 | 5.4% | 554 | 81 | 94 | 17.0% | 6 | 1 | 16.7% | 784 | 102 | 107 | 13.6% |
| Lincoln | 179 | 33 | 27 | 15.1% | 427 | 124 | 89 | 20.8% | 7 | 0 | 0.0% | 613 | 157 | 116 | 18.9% |
| Oxford | 489 | 87 | 29 | 5.9% | 875 | 208 | 131 | 15.0% | 13 | 7 | 53.8% | 1,377 | 295 | 167 | 12.1% |
| Bridgton | 45 | 14 | 1 | 2.2% | 80 | 17 | 13 | 16.3% | 0 | 0 | 0.0% | 125 | 31 | 14 | 11.2% |
| Rumford | 194 | 30 | 14 | 7.2% | 356 | 65 | 43 | 12.1% | 5 | 1 | 20.0% | 555 | 95 | 58 | 10.5% |
| South Paris | 250 | 43 | 14 | 5.6% | 439 | 126 | 75 | 17.1% | 8 | 6 | 75.0% | 697 | 169 | 95 | 13.6% |
| Penobscot | 795 | 29 | 57 | 7.2% | 1,513 | 29 | 386 | 25.5% | 43 | 17 | 39.5% | 2,351 | 58 | 460 | 19.6% |
| Bangor | 772 | 27 | 55 | 7.1% | 1,168 | 18 | 277 | 23.7% | 11 | 2 | 18.2% | 1,951 | 45 | 334 | 17.1% |
| Lincoln | 4 | 0 | 1 | 25.0% | 149 | 4 | 56 | 37.6% | 24 | 9 | 37.5% | 177 | 4 | 66 | 37.3% |
| Newport | 19 | 2 | 1 | 5.3% | 196 | 7 | 53 | 27.0% | 8 | 6 | 75.0% | 223 | 9 | 60 | 26.9% |
| Piscataquis | 40 | 1 | 11 | 27.5% | 95 | 2 | 35 | 36.8% | 30 | 20 | 66.7% | 165 | 3 | 66 | 40.0% |
| Sagadahoc | 169 | 43 | 16 | 9.5% | 412 | 125 | 93 | 22.6% | 13 | 3 | 23.1% | 594 | 168 | 112 | 18.9% |
| Somerset | 307 | 63 | 10 | 3.3% | 526 | 124 | 100 | 19.0% | 15 | 8 | 53.3% | 848 | 187 | 118 | 13.9% |
| Waldo | 190 | 41 | 9 | 4.7% | 339 | 111 | 50 | 14.7% | 10 | 1 | 10.0% | 539 | 152 | 60 | 11.1% |
| Washington | 163 | 14 | 13 | 8.0% | 304 | 44 | 92 | 30.3% | 43 | 30 | 69.8% | 510 | 58 | 135 | 26.5% |
| Calais | 73 | 5 | 5 | 6.8% | 124 | 15 | 35 | 28.2% | 16 | 12 | 75.0% | 213 | 20 | 52 | 24.4% |
| Machias | 90 | 9 | 8 | 8.9% | 180 | 29 | 57 | 31.7% | 27 | 18 | 66.7% | 297 | 38 | 83 | 27.9% |
| York | 785 | 143 | 101 | 12.9% | 2,526 | 730 | 554 | 21.9% | 56 | 19 | 33.9% | 3,367 | 873 | 674 | 20.0% |
| TOTAL | 7,026 | 1,104 | 541 | 7.7% | 15,412 | 3,126 | 3,018 | 19.6% | 415 | 177 | 42.7% | 22,853 | 4,230 | 3,736 | 16.3% |

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, January 2024 to January 2025

Pending cases as of January 24 of each year

| UCD | FELONY | | | MISDEMEANOR | | | CIVIL VIOLATION | | | ALL CASES | | |
|--------------|--------|-------|--------|-------------|--------|--------|-----------------|------|---------|-----------|--------|--------|
| | 2024 | 2025 | % Diff | 2024 | 2025 | % Diff | 2024 | 2025 | % Diff | 2024 | 2025 | % Diff |
| Androscoggin | 757 | 776 | 2.5% | 1,642 | 1,429 | -13.0% | 19 | 15 | -21.1% | 2,418 | 2,220 | -8.2% |
| Aroostook | 563 | 554 | -1.6% | 952 | 830 | -12.8% | 18 | 28 | 55.6% | 1,533 | 1,412 | -7.9% |
| Caribou | 111 | 111 | 0.0% | 163 | 146 | -10.4% | 4 | 7 | 75.0% | 278 | 264 | -5.0% |
| Fort Kent | 95 | 77 | -18.9% | 211 | 182 | -13.7% | 7 | 3 | -57.1% | 313 | 262 | -16.3% |
| Houlton | 153 | 156 | 2.0% | 233 | 234 | 0.4% | 3 | 12 | 300.0% | 389 | 402 | 3.3% |
| Presque Isle | 204 | 210 | 2.9% | 345 | 268 | -22.3% | 4 | 6 | 50.0% | 553 | 484 | -12.5% |
| Cumberland | 1,297 | 1,365 | 5.2% | 3,555 | 3,396 | -4.5% | 86 | 73 | -15.1% | 4,938 | 4,834 | -2.1% |
| Bridgton | 27 | 24 | -11.1% | 250 | 303 | 21.2% | 14 | 11 | -21.4% | 291 | 338 | 16.2% |
| Portland | 1,244 | 1,320 | 6.1% | 2,827 | 2,742 | -3.0% | 52 | 47 | -9.6% | 4,123 | 4,109 | -0.3% |
| West Bath | 26 | 21 | -19.2% | 478 | 351 | -26.6% | 20 | 15 | -25.0% | 524 | 387 | -26.1% |
| Franklin | 159 | 139 | -12.6% | 446 | 327 | -26.7% | 10 | 4 | -60.0% | 615 | 470 | -23.6% |
| Hancock | 378 | 272 | -28.0% | 648 | 407 | -37.2% | 41 | 32 | -22.0% | 1,067 | 711 | -33.4% |
| Kennebec | 607 | 579 | -4.6% | 1,462 | 1,452 | -0.7% | 19 | 27 | 42.1% | 2,088 | 2,058 | -1.4% |
| Augusta | 574 | 545 | -5.1% | 940 | 912 | -3.0% | 11 | 18 | 63.6% | 1,525 | 1,475 | -3.3% |
| Waterville | 33 | 34 | 3.0% | 522 | 540 | 3.4% | 8 | 9 | 12.5% | 563 | 583 | 3.6% |
| Knox | 192 | 224 | 16.7% | 471 | 554 | 17.6% | 12 | 6 | -50.0% | 675 | 784 | 16.1% |
| Lincoln | 133 | 179 | 34.6% | 381 | 427 | 12.1% | 6 | 7 | 16.7% | 520 | 613 | 17.9% |
| Oxford | 425 | 489 | 15.1% | 940 | 875 | -6.9% | 24 | 13 | -45.8% | 1,389 | 1,377 | -0.9% |
| Bridgton | 34 | 45 | 32.4% | 66 | 80 | 21.2% | 2 | 0 | -100.0% | 102 | 125 | 22.5% |
| Rumford | 159 | 194 | 22.0% | 402 | 356 | -11.4% | 14 | 5 | -64.3% | 575 | 555 | -3.5% |
| South Paris | 232 | 250 | 7.8% | 472 | 439 | -7.0% | 8 | 8 | 0.0% | 712 | 697 | -2.1% |
| Penobscot | 794 | 795 | 0.1% | 1,748 | 1,513 | -13.4% | 38 | 43 | 13.2% | 2,580 | 2,351 | -8.9% |
| Bangor | 760 | 772 | 1.6% | 1,307 | 1,168 | -10.6% | 20 | 11 | -45.0% | 2,087 | 1,951 | -6.5% |
| Lincoln | 10 | 4 | -60.0% | 189 | 149 | -21.2% | 7 | 24 | 242.9% | 206 | 177 | -14.1% |
| Newport | 24 | 19 | -20.8% | 252 | 196 | -22.2% | 11 | 8 | -27.3% | 287 | 223 | -22.3% |
| Piscataquis | 32 | 40 | 25.0% | 120 | 95 | -20.8% | 10 | 30 | 200.0% | 162 | 165 | 1.9% |
| Sagadahoc | 180 | 169 | -6.1% | 459 | 412 | -10.2% | 20 | 13 | -35.0% | 659 | 594 | -9.9% |
| Somerset | 265 | 307 | 15.8% | 506 | 526 | 4.0% | 15 | 15 | 0.0% | 786 | 848 | 7.9% |
| Waldo | 184 | 190 | 3.3% | 330 | 339 | 2.7% | 4 | 10 | 150.0% | 518 | 539 | 4.1% |
| Washington | 148 | 163 | 10.1% | 336 | 304 | -9.5% | 31 | 43 | 38.7% | 515 | 510 | -1.0% |
| Calais | 69 | 73 | 5.8% | 127 | 124 | -2.4% | 7 | 16 | 128.6% | 203 | 213 | 4.9% |
| Machias | 79 | 90 | 13.9% | 209 | 180 | -13.9% | 24 | 27 | 12.5% | 312 | 297 | -4.8% |
| York | 955 | 785 | -17.8% | 3,521 | 2,526 | -28.3% | 102 | 56 | -45.1% | 4,578 | 3,367 | -26.5% |
| TOTAL | 7,069 | 7,026 | -0.6% | 17,517 | 15,412 | -12.0% | 455 | 415 | -8.8% | 25,041 | 22,853 | -8.7% |

| Columns | |
|---------|---|
| 2024 | Number of cases having at least one charge without a disposition, and without a currently active warrant as of January 24, 2024 |
| 2025 | Number of cases having at least one charge without a disposition, and without a currently active warrant as of January 24, 2025 |
| % Diff | Percent change in pending cases from 2024 to 2025. 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, January 2019 to January 2025

Pending cases as of January 24 of each year

| UCD | FELONY | | | MISDEMEANOR | | | CIVIL VIOLATION | | | ALL CASES | | |
|--------------|--------------|--------------|--------------|---------------|---------------|--------------|-----------------|------------|---------------|---------------|---------------|--------------|
| | 2019 | 2025 | % Diff | 2019 | 2025 | % Diff | 2019 | 2025 | % Diff | 2019 | 2025 | % Diff |
| Androscoggin | 386 | 776 | 101.0% | 1,337 | 1,429 | 6.9% | 21 | 15 | -28.6% | 1,744 | 2,220 | 27.3% |
| Aroostook | 320 | 554 | 73.1% | 585 | 830 | 41.9% | 41 | 28 | -31.7% | 946 | 1,412 | 49.3% |
| Caribou | 64 | 111 | 73.4% | 149 | 146 | -2.0% | 11 | 7 | -36.4% | 224 | 264 | 17.9% |
| Fort Kent | 35 | 77 | 120.0% | 118 | 182 | 54.2% | 14 | 3 | -78.6% | 167 | 262 | 56.9% |
| Houlton | 106 | 156 | 47.2% | 123 | 234 | 90.2% | 3 | 12 | 300.0% | 232 | 402 | 73.3% |
| Presque Isle | 115 | 210 | 82.6% | 195 | 268 | 37.4% | 13 | 6 | -53.8% | 323 | 484 | 49.8% |
| Cumberland | 775 | 1,365 | 76.1% | 2,418 | 3,396 | 40.4% | 123 | 73 | -40.7% | 3,316 | 4,834 | 45.8% |
| Bridgton | 9 | 24 | 166.7% | 185 | 303 | 63.8% | 17 | 11 | -35.3% | 211 | 338 | 60.2% |
| Portland | 747 | 1,320 | 76.7% | 1,910 | 2,742 | 43.6% | 83 | 47 | -43.4% | 2,740 | 4,109 | 50.0% |
| West Bath | 19 | 21 | 10.5% | 323 | 351 | 8.7% | 23 | 15 | -34.8% | 365 | 387 | 6.0% |
| Franklin | 85 | 139 | 63.5% | 286 | 327 | 14.3% | 15 | 4 | -73.3% | 386 | 470 | 21.8% |
| Hancock | 210 | 272 | 29.5% | 467 | 407 | -12.8% | 37 | 32 | -13.5% | 714 | 711 | -0.4% |
| Kennebec | 324 | 579 | 78.7% | 1,076 | 1,452 | 34.9% | 41 | 27 | -34.1% | 1,441 | 2,058 | 42.8% |
| Augusta | 310 | 545 | 75.8% | 622 | 912 | 46.6% | 25 | 18 | -28.0% | 957 | 1,475 | 54.1% |
| Waterville | 14 | 34 | 142.9% | 454 | 540 | 18.9% | 16 | 9 | -43.8% | 484 | 583 | 20.5% |
| Knox | 129 | 224 | 73.6% | 282 | 554 | 96.5% | 4 | 6 | 50.0% | 415 | 784 | 88.9% |
| Lincoln | 96 | 179 | 86.5% | 210 | 427 | 103.3% | 6 | 7 | 16.7% | 312 | 613 | 96.5% |
| Oxford | 210 | 489 | 132.9% | 501 | 875 | 74.7% | 20 | 13 | -35.0% | 731 | 1,377 | 88.4% |
| Bridgton | 26 | 45 | 73.1% | 85 | 80 | -5.9% | 4 | 0 | -100.0% | 115 | 125 | 8.7% |
| Rumford | 93 | 194 | 108.6% | 175 | 356 | 103.4% | 4 | 5 | 25.0% | 272 | 555 | 104.0% |
| South Paris | 91 | 250 | 174.7% | 241 | 439 | 82.2% | 12 | 8 | -33.3% | 344 | 697 | 102.6% |
| Penobscot | 384 | 795 | 107.0% | 1,092 | 1,513 | 38.6% | 136 | 43 | -68.4% | 1,612 | 2,351 | 45.8% |
| Bangor | 373 | 772 | 107.0% | 846 | 1,168 | 38.1% | 89 | 11 | -87.6% | 1,308 | 1,951 | 49.2% |
| Lincoln | 6 | 4 | -33.3% | 94 | 149 | 58.5% | 35 | 24 | -31.4% | 135 | 177 | 31.1% |
| Newport | 5 | 19 | 280.0% | 152 | 196 | 28.9% | 12 | 8 | -33.3% | 169 | 223 | 32.0% |
| Piscataquis | 21 | 40 | 90.5% | 71 | 95 | 33.8% | 18 | 30 | 66.7% | 110 | 165 | 50.0% |
| Sagadahoc | 77 | 169 | 119.5% | 230 | 412 | 79.1% | 28 | 13 | -53.6% | 335 | 594 | 77.3% |
| Somerset | 139 | 307 | 120.9% | 501 | 526 | 5.0% | 57 | 15 | -73.7% | 697 | 848 | 21.7% |
| Waldo | 112 | 190 | 69.6% | 243 | 339 | 39.5% | 4 | 10 | 150.0% | 359 | 539 | 50.1% |
| Washington | 107 | 163 | 52.3% | 187 | 304 | 62.6% | 36 | 43 | 19.4% | 330 | 510 | 54.5% |
| Calais | 32 | 73 | 128.1% | 75 | 124 | 65.3% | 8 | 16 | 100.0% | 115 | 213 | 85.2% |
| Machias | 75 | 90 | 20.0% | 112 | 180 | 60.7% | 28 | 27 | -3.6% | 215 | 297 | 38.1% |
| York | 765 | 785 | 2.6% | 2,631 | 2,526 | -4.0% | 100 | 56 | -44.0% | 3,496 | 3,367 | -3.7% |
| TOTAL | 4,140 | 7,026 | 69.7% | 12,117 | 15,412 | 27.2% | 687 | 415 | -39.6% | 16,944 | 22,853 | 34.9% |

Columns

| | |
|---------------|---|
| 2019 | Number of cases having at least one charge without a disposition, and without a currently active warrant as of January 24, 2019 |
| 2025 | Number of cases having at least one charge without a disposition, and without a currently active warrant as of January 24, 2025 |
| % Diff | Percent change in pending cases from 2019 to 2025. Red percentages represent an increase, green percentages a decrease. |

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

Chapter 5: CO-COUNSEL REQUIREMENTS.

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.

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..

Maine Commission on Public Defense Services

Proposed Rule: Chapter 5, Co-Counsel Requirements

Response to Public Comments

Comment #1 (Attorney Annette Wilson):

“Section 3: Parameters for Co-Counsel Requests, Paragraph 5 D.

This paragraph limits the work of a second attorney within the same firm who may be rendering assistance to a colleague to three hours absent prior written authorization from the Executive Director.

While I would hope that such prior authorization would be given liberally, my experience is that sometimes there is no time to ask for permission, only forgiveness. In a firm where less experienced attorneys are privileged to work with and be mentored by more experienced counsel, the opportunity to work on discrete projects is one of the best ways to learn. Three hours is, in my opinion, not enough time for many cases and can stifle the ability to effectively learn and be mentored.

For example, if my colleague is working on a serious felony, a murder, etc., there are often many motions that get filed pre-trial; motions to suppress, motions in limine, etc. It is not unusual for an attorney with associates to reach out to an associate literally in the middle of a hearing to ask for research on some topic or another that has only arisen because of something learned during the course of the hearing. It would be very easy to spend 3 or even more than 3 hours on some discrete project in the course of a week – for a case that may not even have yet gone to trial. Continually asking for three hours here and then three hours two months from now and three hours a month later would be burdensome and stifling to the learning and mentoring process.

Further, many clients have multiple docket numbers and matters with very discrete fact patterns. DV may exist with aggravated trafficking and an OUI, for example. Each carries its own unique set of applicable laws and regulations, all of course very fact specific. It would not be unheard of to need help on any or all of these matters – and three hours spread across multiple dockets could happen quite easily, and be difficult to track per client as Defender Data requires entering time for every docket number – so the potential to have to open up 5 or 6 cases to track hours to make sure a person hasn’t exceeded three is very real. And that takes up valuable time.

I would suggest a ten (10) hour combined total for this section of the rule. Ten hours of intermittent work on a matter would typically take place over several months and I believe in most cases would rarely be exceeded. In those cases where there may be multiple co-counsel and jury trials forthcoming, it would not be unusual for an associate to be asked to work on several discrete projects, exhibits, research, etc. in the course of preparing for a

trial. The associate would not be doing independent, substantive representation, but rather supporting a more experienced attorney who can then focus on those issues directly related to the jury process and actual trial. That is when it would make sense to request authorization for additional hours, because it would be more predictable.

And on a more practical note, how would an attorney bill for those hours when Data Defender is right now limited to situations where an attorney is assigned to a matter as counsel or co-counsel?”

PDS Response: It is difficult to imagine a circumstance in which an attorney who is not co-counsel would need to spend more than three hours on a case on an emergency basis such that there would be no time to request preauthorization. The examples the commenter used (suppression motions and motions in limine) are, even by the text of the comment, ones that are “often” filed. If the motions are often filed, it should not come as a surprise that the attorney may need assistance from another attorney. If there is a possibility that an attorney may need assistance from another attorney who is not co-counsel and that assistance could exceed three hours, then the attorney should request preauthorization in advance of the hearing, motion, etc.

Part of the comment misunderstands the proposed rule. An attorney would not be limited to requesting preauthorization in increments of three hours. An attorney could request preauthorization for an attorney who is not co-counsel to assist on a case for any number of hours, so repeated requests would not typically be necessary.

An attorney who is not assigned to the case as co-counsel, but is performing work pursuant to Section 3(5), will be able to enter their time in the same defenderData case entry that the attorney who has been assigned to the case is using.

Comment #2 (Attorney Paul Corey):

“I second Annette's comments. Anecdotally, in my last murder trial, myself and co-counsel were working late nights and long weekends during the trial as issues came up, i.e. motions for discovery sanctions, requested jury instructions, evidentiary issues. It would be very helpful to be able to utilize other attorneys in the firm to do research while I'm in trial. The AAG's have the benefit of emailing and calling their colleagues for assistance when they are in trial; defense counsel should have the same benefit and not have to rely on the generosity of other attorneys to help.”

PDS Response: The proposed rule would not prohibit other attorneys from assisting. It would only require that preauthorization be obtained prior to the attorney who was not assigned spending more than three hours on the case.

Comment #3 (Attorney Peter Cyr):

“I am responding to your email inquiring about how the co counsel process has been going at my office. I think it is going great. It is a good opportunity for Ian and Charlese [sic] to get experience working on serious felony cases and OUI’s. As their co counsel, I take responsibility for the cases in general. I go through the discovery process and the investigation process with them and guide them along the way. Help them with decided whether a private investigator is necessary or any other expert (psychological, forensics, ballistics).

I meet with the clients with Ian and Charles. The clients know that I am co counsel. That seems to give the clients trust that they are ultimately being represented by an experienced attorney. It is so important to be frank with a criminal client with respect to their situation. It is so important to give the client confidence that they are in good experienced hands. It helps with client control and expectations.

I work with Ian and Charles on providing them with the necessary information regarding plea negotiations with the state. Walking them through how to handle a dispositional conference. I have taking on the task of arguing at complicated bail hearings so they can see how it is done. We have prepared for a number of jury trials that have eventually been resolved (but only because of the preparation that we did before hand). Ultimately, I am doing the cases with them.”

PDS Response: PDS accepts this comment.

Comment #4 (Attorney Paul Corey):

“My caseload includes some complex cases, including murder and PCR cases involving murder convictions. I also handle many serious violent felonies. I have associates in my firm who also handle assigned cases. There are a number of tasks that a second attorney can assist with that do not require a second attorney of record on the case. The most common tasks include legal research and memo writing on research issues. In complex cases the research work can include multiple issues and can be time consuming. I recommend that the rule 3.6(D) allow for up to 10 hours rather than the proposed 3 hours for work performed on serious cases by another lawyer in the same firm eligible for assigned cases.”

PDS Response: PDS’ position is that the attorney(s) assigned to the case should be performing the vast majority of the work on that case. Section 3(6) of the draft rule, which permits an attorney to perform work on a case to which they have not been assigned as co-counsel, is a carveout intended for quick or emergent situations, not larger tasks.

Maine Commission on Public Defense Services

Proposed Rule: Chapter 5, Co-Counsel Requirements

Detailed Basis Statement:

Pursuant to statute,

The Maine Commission on Public Defense Services, established by [Title 5, section 12004-G, subsection 25-A](#), is an independent commission whose purpose is to provide high-quality, effective and efficient representation and promote due process for persons who receive indigent legal services in parity with the resources of the State and consistent with federal and state constitutional and statutory obligations. The commission shall work to ensure the delivery of indigent legal services by qualified and competent counsel in a manner that is fair and consistent throughout the State and to ensure adequate funding of a statewide system of indigent legal services, which must be provided and managed in a fiscally responsible manner, free from undue political interference and conflicts of interest. 4 M.R.S. § 1801.

The Commission is statutorily obligated to adopt rules regarding “Other standards considered necessary and appropriate to ensure the delivery of high-quality, effective and efficient indigent legal services.” 4 M.R.S. § 1804(G).

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. This Chapter balances the need to ensure high-quality representation with the Commission’s obligation to manage the system of indigent legal services in a fiscally responsible manner.

Chapter 3: ELIGIBILITY REQUIREMENTS FOR SPECIALIZED PANELS

Summary: Chapter 2 of the Commission’s rules sets out the minimum requirements to be Eligible to accept assignments from the Commission. The rules in this Chapter are promulgated to establish the eligibility requirements for Specialized Panels.

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

1. Executive Director. “Executive Director” means the Executive Director of the Maine Commission on Indigent Legal Services or the Executive Director’s decision-making designee.
2. Co-counsel. “Co-counsel” means an attorney who works with another attorney on a particular case. Both attorneys must be counsel of record, professionally responsible for the case, and actively participate in the representation of the client.
3. Contested Hearing. “Contested Hearing” means a hearing at which a contested issue is submitted to the court for resolution after evidence is taken or witnesses are presented.
4. Homicide. “Homicide” means:
 - A. All offenses contained in 17-A M.R.S.A. §§ 201 (Murder), 202 (Felony Murder), 203 (Manslaughter), 152 (Attempted Murder), and 152-A (Aggravated Attempted Murder).
 - B. 29-A M.R.S.A. § 2411(1-A)(D)(1-A) (Criminal OUI Causing Death).
 - C. Criminal Conspiracy under 17-A M.R.S.A. § 151, Criminal Attempt under 17-A M.R.S.A. § 152, and Criminal Solicitation under 17-A M.R.S.A. § 153 to commit any of the offenses listed above or to commit any crime involving substantially similar conduct.
5. Major Felony. “Major Felony” means:
 - A. An offense under 17-A M.R.S.A. §§ 208 (Aggravated Assault); 208-B (Elevated Aggravated Assault); 208-C (Elevated Aggravated Assault on a Pregnant Person); 208-D (Domestic Violence Aggravated Assault); 301 (Kidnapping), 401(1)(B)(1), (2), or (3) (Burglary with a Firearm, Burglary with Intent to Inflict Bodily Harm, and Burglary with a Dangerous Weapon); 651 (Robbery); 802 (Arson), 803-A (Causing a Catastrophe); 1105-A (Aggravated Trafficking of Scheduled Drugs); 1105-B (Aggravated Trafficking of Counterfeit Drugs); and 1105-C (Aggravated Furnishing of Scheduled Drugs).
 - B. “Major Felony” includes crimes involving substantially similar conduct.
 - C. “Major Felony” also includes Criminal Conspiracy under 17-A M.R.S.A. § 151, Criminal Attempt under 17-A M.R.S.A. § 152, and Criminal Solicitation under 17-A M.R.S.A. § 153 to commit any of the offenses listed in Subsection 1(5) of this Chapter or

to commit any crime involving substantially similar conduct.

6. Sex Offense. “Sex Offense” means:

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

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

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

7. Operating Under the Influence (OUI). “OUI” means:

A. All offenses under 29-A M.R.S.A. § 2411 (Criminal OUI).

B. OUI includes crimes involving substantially similar conduct.

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

8. Domestic Violence (DV). “Domestic Violence” means:

A. Offenses denominated as Domestic Violence under 17-A M.R.S.A. §§ 207-A (Domestic Violence Assault), 208-D (Domestic Violence Aggravated Assault), 209-A (Domestic Violence Criminal Threatening), 210-B (Domestic Violence Terrorizing), 210-C (Domestic Violence Stalking), and 211-A (Domestic Violence Reckless Conduct).

B. Any offense alleged to have been committed against a family or household member or dating partner as defined by 19-A M.R.S.A. § 4002.

C. Any offense of stalking under 17-A M.R.S.A. § 210-A (Stalking).

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

E. “Domestic Violence” includes crimes involving substantially similar conduct.

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

9. Juvenile Defense. “Juvenile Defense” means any juvenile crime defined by 15 M.R.S.A. § 3103.

10. Child Protective. “Child Protective” means a Maine District Court proceeding in which a parent is entitled to counsel pursuant to 22 M.R.S.A. § 4005(2).
11. Child Protective Appeal. “Child Protective Appeal” means an appeal to the Maine Supreme Judicial Court of any order terminating parental rights.
12. Homicide Appeal. “Homicide Appeal” means an appeal to the Maine Supreme Judicial Court of a conviction involving a Homicide offense as defined by Section 1(4) of this Chapter.
13. Other Criminal Appeal. “Other Criminal Appeal” means an appeal to the Maine Supreme Judicial Court of any criminal conviction other than a conviction for a Homicide offense, as defined by section 1(4) herein.
14. Lawyer of the Day (LOD). “LOD” means an attorney who has been designated by the Commission as Eligible for case assignments and is designated by a court pursuant to M.R.U. Crim. P. 5(e) for the limited purpose of representing a defendant or defendants at their arraignment or initial appearance.
15. Proceeding Type. “Proceeding Type” means the type of proceeding for which an attorney may serve as LOD. The three Proceeding Types are in-custody, walk-in, and juvenile.
 - A. In-Custody: arraignments or initial appearances for defendants in adult criminal cases who are incarcerated.
 - B. Walk-In: arraignments or initial appearances for defendants in adult criminal cases who are not incarcerated.
 - C. Juvenile: arraignments or initial appearances for juvenile defendants.
16. LOD Roster. “LOD Roster” means the list of attorneys designated as Eligible by the Commission to serve as LOD in a Proceeding Type for a particular court.
17. Shadow Session. “Shadow Session” means a session in which an attorney who has applied for LOD eligibility “shadows” an attorney who has been designated as Eligible for LOD for a complete session of the Proceeding Type for which the attorney is applying. The applicant must be present with the Eligible LOD for the entire LOD appearance, including in client interviews (with client consent) and in the courtroom. Rules of client confidentiality and privilege apply to all communications between the client, the LOD, and the attorney participating in a shadow session. If it is a morning LOD session that continues into the afternoon, the applicant must be present the entire time for what will be counted as one shadow session. If the shadowing attorney is Eligible to receive Commission case assignments at the time of the shadow session, the shadowing attorney is Eligible for payment in accordance with Chapter 301, Section 5 of the Commission rules.
18. Resource Counsel. “Resource Counsel” means an attorney who provides mentoring and other services to Eligible counsel as delineated in Chapter 301 of the Commission rules.
19. MCILS Liaison. “MCILS Liaison” means the attorney who performs services for clients as part of a specialty court team but who has not otherwise been appointed to represent a specific client on a specific docket.

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

- A. Homicide
- B. Sex Offenses
- C. Major Felonies
- D. Operating Under the Influence
- E. Domestic Violence
- F. Juvenile Defense
- G. Child Protective
- H. Child Protective Appeals
- I. Homicide Appeals
- J. Other Criminal Appeals
- K. In-Custody Lawyer of the Day
- L. Walk-In Lawyer of the Day
- M. Juvenile Lawyer of the Day
- N. Resource Counsel
- O. MCILS Liaison

SECTION 2. Powers and Duties of the Executive Director.

1. The Executive Director shall develop an application process for an attorney seeking eligibility for a Specialized Panel to demonstrate the minimum qualifications necessary to be placed on a Specialized Panel. An applicant for a Specialized Panel must present additional information or documents beyond the minimum requirements of this Chapter if requested by the Executive Director.

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

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

SECTION 3. Minimum Eligibility Requirements for Specialized Panels.

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

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

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

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

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

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

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

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

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

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

C. Provide a letter explaining reasons for interest in and qualifications for representing individuals charged with a Sex Offense; and

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

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

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

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

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

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

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

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

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

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

A. Repealed.

B. For misdemeanor cases:

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

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

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

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

2) Trial/Litigation Experience:

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

ii. Have tried at least 5 contested juvenile hearings (including but not limited to: detention hearings, evidentiary hearings, adjudication hearings, and dispositional hearings), individually or as co-counsel, within the past ten years;

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

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

D. For Bind Over Hearings:

- 1) Practice Experience: Have at least two years of juvenile defense practice experience;
- 2) Trial/Litigation Experience:
 - i. Have handled at least 20 juvenile cases to conclusion within the past ten years; and
 - ii. Have tried, individually or as co-counsel, at least 10 contested juvenile hearings, including but not limited to: detention hearings, evidentiary hearings, adjudication hearings, and dispositional hearings in the past ten years;
- 3) Have attended in the last three years at least eight hours of CLE credit that cover all the following topics devoted to juvenile defense: training and education regarding placement options and dispositional alternatives; child and adolescent brain development; adolescent mental health diagnosis and treatment; and issues and case law related to competency, bind over procedures, and the collateral consequences of juvenile adjudications;
- 4) Provide a letter explaining reasons for interest in and qualifications for representing juveniles in bind over hearings; and
- 5) Certify that they have read, understand, and agree to comply with all Commission standards of practice.
- 6) If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, ~~with whom the applicant does not practice~~ asserting that the applicant is qualified to represent juveniles in bind over hearings. The letters of reference must be submitted directly to the Executive Director by the authors. Applicants may alternatively submit the names and contact information for 5

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

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

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

- 1) Practice Experience: Have provided representation in five or more Child Protective Appeals in the Maine Supreme Judicial Court, either individually or as co-counsel;
- 2) Provide copies of all briefs the attorney filed, and the opinions/decisions rendered in the five most recent appeals the attorney has handled;
- 3) Have been deemed Eligible to accept ~~post-conviction~~Child Protective case assignments pursuant to Section 3(7) of this Chapter;
- 4) Demonstrate, through application and submitted briefs, exceptional legal research, writing, and analytical skills;
- 5) Submit a letter explaining the applicant's interest in and qualifications for providing representation on appeals, including a description of the applicant's experience with appeals, representative examples of issues raised on appeal, and a summary of the results of those appeals; and
- 6) Certify that they have read, understand, and agree to comply with all Commission standards of practice.
- 7) If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, with whom the applicant does not practice asserting that the applicant is qualified to provide representation in appeal cases. The letters of reference must be submitted directly to the Executive Director by the authors. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant.
- 8) An attorney is not Eligible to represent a client in a Child Protective Appeal when the attorney was trial counsel for that case. If a client wishes to appeal a Child Protective case, the trial attorney shall file a motion to withdraw as counsel simultaneously with the notice of appeal.

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

- 1) Practice Experience: Have provided representation in seven or more criminal appeals in the Maine Supreme Judicial Court, either individually or as co-counsel, within the last ten years;
- 2) Trial/Litigation Experience: Have completed oral argument in at least two criminal appeals before the Maine Supreme Judicial Court;

- 3) Provide copies of all briefs the attorney filed, and the opinions/decisions rendered in the seven most recent criminal appeals the attorney has handled;
- 4) Demonstrate, through application and submitted briefs, exceptional legal research, writing, and analytical skills;
- 5) Submit a letter explaining the applicant's interest in and qualifications for providing representation on appeals; including a description of the applicant's experience with appeals, representative examples of issues raised on appeal, and a summary of the results of those appeals; and
- 6) Certify that they have read, understand, and agree to comply with all Commission standards of practice.
- 7) If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, with whom the applicant does not practice asserting that the applicant is qualified to provide representation in appeal cases. The letters of reference must be submitted directly to the Executive Director by the authors. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant.

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

- 1) Practice Experience: Have provided representation in five or more criminal appeals in the Maine Supreme Judicial Court, either individually or as co-counsel, within the last ten years;
- 2) Trial/Litigation Experience: Have completed oral argument in at least one criminal appeal before the Maine Supreme Judicial Court;
- 3) Provide copies of all briefs the attorney filed, and the opinions/decisions rendered in the five most recent criminal appeals the attorney has handled;
- 4) Demonstrate, through application and submitted briefs, exceptional legal research, writing, and analytical skills;
- 5) Submit a letter explaining the applicant's interest in and qualifications for providing representation on appeals; including a description of the applicant's experience with appeals, representative examples of issues raised on appeal, and a summary of the results of those appeals; and
- 6) Certify that they have read, understand, and agree to comply with all Commission standards of practice.

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

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

- A. Practice Experience: Have at least three years of criminal defense experience;
- B. Trial/Litigation Experience: Have previously qualified to be placed on the trial roster for the case type applicable to the conviction being challenged on post-conviction review;
- C. Submit a letter explaining the applicant's interest in and qualifications for providing representation in post-conviction review cases, including a description of the applicant's criminal law experience generally and how that experience prepared the applicant to address the issues applicable to post-conviction review cases;
- D. If the applicant seeks a waiver, the applicant shall submit three letters of reference from attorneys, at least one of which who does not work within the same firm as applicant, with whom the applicant does not practice asserting that the applicant is qualified to provide representation in post-conviction cases. The letters of reference must be submitted directly to the Executive Director by the author. Applicants may alternatively submit the names and contact information for 5 attorneys willing to provide references if contacted by PDS staff directly. At least two of these references must be attorneys who do not work within the same firm as the applicant.; and
- E. Certify that they have read, understand, and agree to comply with all Commission standards of practice.
- F. Writing samples shall also be submitted upon the request of the Executive Director.

11. Lawyer of the Day (LOD).

- A. LOD Specialized Panels:
 - 1) In-Custody. To be Eligible for LOD for in-custody proceedings, an attorney must:
 - i. Complete the Commission's LOD Minimum Standards Training;
 - ii. Be currently Eligible to accept Commission criminal case assignments;

- iii. Have previously been deemed Eligible for OUI and Domestic Violence cases in accordance with Chapter 3 of the Commission Rules;
 - iv. Complete three full in-custody LOD shadow sessions on three separate days. The Eligible LOD(s) who were shadowed must verify in writing to the Commission that the applicant completed each shadow session; and
 - v. Certify that they have read, understand, and agree to comply with all Commission standards of practice.
- 2) Walk-In. To be Eligible for LOD for walk-in proceedings, an attorney must:
- i. Complete the Commission's LOD Minimum Standards Training;
 - ii. Be currently Eligible to accept Commission criminal case assignments;
 - iii. Have previously been deemed Eligible for OUI and Domestic Violence cases in accordance with this Chapter;
 - iv. Complete three full walk-in LOD shadow sessions on three separate days. The Eligible LOD(s) who were shadowed must verify in writing to the Commission that the applicant completed each shadow session; and
 - v. Certify that they have read, understand, and agree to comply with all Commission standards of practice.
- 3) Juvenile. To be Eligible for juvenile LOD proceedings, an attorney must:
- i. Complete the LOD Minimum Standards Training prior to or within three months of being Eligible for LOD assignments;
 - ii. Be currently Eligible to accept Commission juvenile case assignments;
 - iii. Have previously been deemed Eligible for juvenile felony cases in accordance with this Chapter;
 - iv. Complete three full juvenile walk-in LOD shadow sessions on three separate days. The Eligible LOD(s) who were shadowed must verify in writing that the applicant completed each shadow session;
 - v. Complete three full juvenile in-custody LOD shadow sessions on three separate days. The Eligible LOD(s) who were shadowed must verify in writing that the applicant completed each shadow session; and
 - vi. Certify that they have read, understand, and agree to comply with all Commission LOD standards of practice.

- A. To be Eligible to serve as a MCILS Liaison, an attorney must:
 - 1) Be Eligible to accept Commission case assignments;
 - 2) Have at least five years of experience practicing criminal defense;
 - 3) Demonstrate a history of providing high quality legal services;
 - 4) Have experience practicing law in the court(s) in which counsel is seeking to serve as the MCILS Liaison; and
 - 5) Certify that they have read, understand, and agree to comply with all Commission standards of practice.

13. Resource Counsel.

- A. To be Eligible to serve as Resource Counsel, an attorney must:
 - 1) Submit three letters of reference from attorneys with whom the attorney applicant does not practice that address the attorney's ability to work with and advise other attorneys of varying experience levels;
 - 2) Have at least five years' experience actively practicing in the area of law for which counsel is seeking eligibility as Resource Counsel;
 - 3) Be currently Eligible to accept Commission case assignments;
 - 4) Demonstrate a history of providing high quality legal services;
 - 5) Demonstrate exceptional litigation skills and experience;
 - 6) Demonstrate high ethical standards;
 - 7) Have not had a Commission investigation or Board of Bar Overseers complaint which resulted in a finding that the attorney violated any Commission rule or Rule of Professional Responsibility within the three years immediately preceding counsel's Resource Counsel Application; and
 - 8) Certify that they have read, understand, and agree to comply with all Commission standards of practice.
- B. Counsel must reapply to serve as Resource Counsel on an annual basis. That application is due at the same time as the Commission's annual renewal.
- C. Counsel serves as Resource Counsel at the discretion of the Executive Director. The Executive Director may terminate someone's eligibility to serve as Resource Counsel at any time, with or without cause.

SECTION 4. Waiver of Certain Eligibility Requirements

1. An attorney who wishes to receive assignments for one or more of the Specialized Panels listed above but who does not meet requirements for both (a) ~~years of p~~Practice experience ~~Experience~~ and (b) ~~trial-Trial/or-L~~itigation experience-Experience may seek a waiver of either, but not both, requirements.

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

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

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

SECTION 5. Overlapping Offenses.

1. If a case involves multiple offenses that are categorized within Specialty Panels, counsel must be Eligible for all Specialty Panels that are implicated to accept assignment to the case.

2. If an offense is categorized as multiple different Specialty Panels, the attorney must be Eligible for all Specialty Panels implicated by the offenses to accept assignment to the case.

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

EFFECTIVE DATE: July 8, 2011

AMENDED: June 10, 2016 – filing 2016-091

Detailed Basis Statement for Chapter 3

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

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

Chapter 3 is being updated to streamline the waiver process, which will expedite eligibility determinations for qualified applicants.

December 19, 2024

James Billings
Executive Director
MPDS
154 State House Station
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Mr. Billings:

We, the undersigned, are contacting you regarding what we are seeing as a group of attorneys who routinely handle Sixth Amendment arguments in Aroostook, Cumberland, Penobscot, Kennebec and Androscoggin counties. We are writing in regards to concerns we continue to have regarding an ongoing pattern of indigent Maine citizens being incarcerated for weeks or months without access to any representation. Our experience from routinely handling seven day reviews, Maine citizens are being held for weeks or months on bail conditions without having attorneys. These same citizens who are incarcerated are unable to navigate the complexities of the legal system and the bail code and constitutional law.

Stated another way, it appears to us that the Sixth Amendment's provisions regarding right to counsel is, across Maine's court system, becoming a right without a remedy and being consistently disregarded by trial courts and prosecutors alike.

Throughout our representation at these 7-day reviews, the lifetime of a typical case will look something like this:

A criminal defendant is arrested. Within 48 hours, they are seen by a judge who sets their initial bail amount and determines they are qualified for court appointed counsel. No counsel is available to appoint to them. The defendant is therefore placed on the 7-day review docket.

After a couple of weeks, (or sometimes longer) the court will determine on the record that there has been a violation of the defendant's constitutional right to counsel. We then have to address what the remedy will be. We will spend several weeks incrementally lowering the defendant's bail amount until either the defendant is able to afford the bail amount, the bail amount reaches 0, or, eventually, counsel is found to represent the defendant.

In every case, there is no permanent recourse for the defendant, and no repercussions to the State of Maine, for repeated and serious violations of the defendant's constitutional rights. The defendant, after an unconstitutional and unconscionable amount of time, will be appointed

counsel. Once counsel is appointed, courts take the position the right to counsel issue becomes effectively moot.

Significant, repeated violations of the rights of the citizens of the State of Maine should be, in-and-of itself, enough of a problem to warrant immediate and serious action. There has not been action sufficient to curb this issue. And this issue, already at a full-blown crisis, is **getting worse**. Despite the Maine Court's systems administrative orders, these periodic reviews have been ineffective at resolving these problems.

If the constitutional violations aren't enough, then we would like to present a few cases where individuals are being significantly impacted because of this crisis. These are real people, who are presumed as innocent as you or I, who are needlessly spending weeks or months in jail.

These are real facts from real cases listed by County:

In Androscoggin:

First, we introduce you to a defendant who has been in Androscoggin County Jail for weeks. During these weeks, the DA's office and the court have been, in no small part, relying on a high ODARA score to justify not allowing the defendant's release. 5 weeks in, the defendant asks me to clarify the ODARA scoring. Once we dive into it, we discover that the ODARA score was grossly incorrect, and the majority of the points allocated to him were in error. Once this was brought to the State's attention, the State agreed with me. The court promptly released the defendant.

In this case, if an attorney had been available to the defendant from the start, they would have discovered this and would have been able to file a motion to have the defendant's bail reviewed. This defendant spent weeks in Androscoggin County Jail due to an error that the system failed him in discovering and correcting.

Second, we introduce you to another defendant in Androscoggin County Jail. This defendant has also been in jail for weeks. This defendant is accused of violating a no-contact order with his child's mother. The defendant has voicemail recordings and text messages on his phone where the child's mother threatens the defendant and says that if he doesn't talk to her, she will abuse his child to punish him. The defendant is not able to access his phone while he's in jail so he can't get any of this information. Once counsel is eventually appointed to him, he receives and accepts an offer to get out of jail immediately. His release could have been secured over a month sooner if counsel had been immediately available.

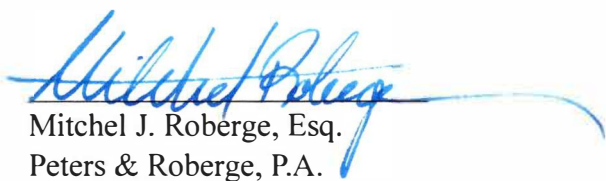
Third, we introduce we to our final defendant inside of Androscoggin County Jail. This defendant can actually afford to post the amount of bail the court has set. However, he needs a family member of his to bring him his wallet so he can access his funds. He does not have an

attorney who would be able to facilitate this contact, so he spends weeks in jail for absolutely no reason.

In Aroostook

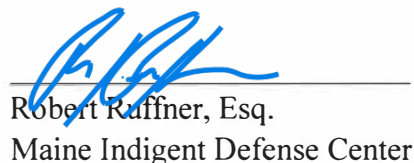
We introduce you to a defendant who was charged with a misdemeanor crime in Aroostook County and received a summons last June. He returned to court for his scheduled court dates including one in August and the court made a determination that he was indigent and was entitled to a court appointed attorney as the District Attorney's office was seeking a jail sentence. Over August, September, October, and November, he made it to at least five court dates on this matter, all of which he attended without an attorney. As of the second week of December, nearly six months after his contact with law enforcement, and more than four months after the court found him indigent, he still did not have an attorney. He was arrested for violating his bail. —The court found Sixth Amendment violation but then refused to release him and made his bail concurrent to another charge.

We introduce you to a gentleman arrested this past spring. The court found him indigent and entitled to a court appointed attorney. On or about the same date, the court initially set his bail at more than \$20,000.00. He did not make that bail. He was then brought to court for a seven day review for at least three more court appearances where the court refused to find a violation. When the court eventually did find a violation, the court reduced his bail to approximately \$10,000.00, an amount he still could not make. This individual was incarcerated with no lawyer for more than sixty days. —With attorneys consistently arguing that being held, indefinitely, in jail without a lawyer is not constitutional.



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