

**MAINE COMMISSION ON
PUBLIC DEFENSE SERVICES**

February 27, 2025

**Commissioner's
Meeting Packet**

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

FEBRUARY 27, 2025 MEETING AGENDA

- 1) Approval of the January 29, 2025 Commission Meeting Minutes
- 2) Executive Session
- 3) Report of the Executive Director
 - a. Operations report
 - b. Budget update
 - c. Revisit 7-day review hearings
 - d. New PDS logo
- 4) Update from District Defenders
- 5) Rulemaking discussion, Chapter 5 co-counsel rule
- 6) Set Date, Time and Location of Next Regular Meeting of the Commission
- 7) Public Comment

**Maine Commission on Public Defense Services – Commissioners Meeting
January 29, 2025
Meeting Minutes**

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

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

Agenda Item:	Discussion/Outcome:
Approval of the January 7, 2025 Meeting Minutes	Commissioner Alexander moved to approve the minutes. Seconded by Chair Tardy. All voted in favor; motion prevailed.
Executive Session	Commissioner Carey moved to go into Executive Session pursuant to 1 MRSA § 405(6)(A) to discuss an employment matter, and 1 MRSA § 405(6)(E) for consultation with legal counsel. Seconded by Commissioner Alexander. All voted in favor. The Commission went into Executive Session.
Report of the Executive Director	<p><u>Executive Director Billings:</u> Since the Commission last met, we filed our annual report, the Governor submitted her budget, we appeared before the Judiciary Committee, had hearings in the <i>Robbins</i> case, and the Governor gave her State of the Budget Address. The Governor’s budget is disastrous for us. We will run out of money to pay rostered attorneys by April of 2026. We cannot bring in new attorneys without any new money or new positions. We are hoping the Judiciary Committee will vote out initiatives or a bill that will put before the Appropriations & Financial Affairs Committee additional funding for us. It is important for people to understand that when we can’t pay rostered attorneys, they will leave and not come back. There is a myth that persists that there is a tidal wave of lawyers, but that somehow, we are holding them back with a four-page application. This bill offered by the Judicial Branch and the statements at the State of the Budget Address suffer from the same fallacy. There are 750 lawyers doing criminal work in the State. There are not 4,000 lawyers in Maine who are qualified to do this work. I have told the Trial Chiefs that if they heard of any lawyer who wants to come into the program, to direct them to me. We have only had a handful of attorneys join this way.</p> <p><u>Commissioner Soucy:</u> The pervasive question is, why aren’t the lawyers coming back? The stock answer is that we have too many regulations; that is not true. The regulations are necessary and are not</p>

	<p>particularly burdensome. The Commission has done everything possible to get people on the roster. Our burnout survey reveals that there is widespread disillusionment with the work of criminal defense. For a long time in Maine, we have had a plea mill. There are criminal defense lawyers who do not want any part of that. This isn't about money. We should be talking about the quality of justice.</p> <p><u>Commissioner Alexander:</u> We had a superb presentation at the conference in October about negotiating cases. I totally reject the assertion that we are just a plea mill. The goal should be to get a resolution that is acceptable. That can only be done through negotiation, not after a jury trial. The caseload standards specifically reject early diversion and alternative disposition programs. The reality is that more than 95% of the cases are going to be resolved by a plea or dismissal. That's the way the criminal justice system works now and how it has worked in the past. We need to recognize the needs of society and victims.</p> <p><u>Commissioner Soucy:</u> I'm not suggesting we need to try every case, or even more than 5% of them. But the best way to get a good outcome is to be prepared to go to trial. The important point is that we are going to go into it with the capacity to try a case.</p> <p><u>Commissioner Carey:</u> If we were at 2019 numbers (16,000 or so cases), with the number of attorneys on the roster and available points, could we staff all the cases?</p> <p><u>Executive Director Billings:</u> Yes, there is no question. We have 5,000 more cases now than in 2019. The lawyers are covering 4,000-5,000 more cases that are pending.</p> <p><u>Commissioner Carey:</u> Asked for a copy of all specific proposals for rule changes that could help address the problem of people who are unrepresented, and the staff responses to those proposals. Also asked whether the caseload standards should be temporarily increased to account for the higher capacity.</p> <p><u>Executive Director Billings:</u> Based on available points, we could cover the unrepresented list four or five times over. Attorneys are regulating their own caseloads.</p>
Rulemaking - Chapter 5	Executive Director Billings provided an overview of the proposed rule.

	<p><u>Commissioner Alexander</u>: Complimented the staff on their excellent work on this proposed rule. Commissioner Alexander moved to adopt Chapter 5 and the detailed basis statement. Seconded by Commissioner Soucy. All voted in favor; motion prevailed.</p>
Rulemaking- Chapter 3	<p>Executive Director Billings provided an overview of the proposed changes to Chapter 3.</p> <p>Commissioner Carey moved to adopt Chapter 3. Seconded by Chair Tardy. Commissioner Alexander voted against. All others voted in favor; motion prevailed.</p>
Sixth Amendment Letter	<p>Lawyers who have been handling 7-day reviews submitted a letter to the Commission in December.</p> <p><u>Commissioner Soucy</u>: Agrees with the lawyers but does not think the remedy is for the Commission to stop providing LODs for 7-day reviews.</p>
Public Comment	<p><u>Rob Ruffner, Esq.</u>: I was shocked by the comments of the Governor at the State of the Budget Address. In 2020, the Governor said she did not want to give more money to a flawed program. In 2021, the Governor’s spokesman said the Governor did not provide more money to the Commission because she wanted to attorneys who were unqualified eliminated from the program. Yesterday, the Governor blamed the Commission for problems that are beyond the Commission for implementing changes even though she previously withheld money because she wanted the Commission to make those changes.</p> <p><u>Tina Nadeau, Esq.</u>: The MACDL Board had our regular meeting last night. About half an hour later, we got the Governor’s remarks. Knowing that the Governor’s proposed budget cut the Commission’s feet from under itself, we had a bad sense that things wouldn’t be so rosy in her address. I was disheartened by what I heard and read by the Governor. Frankly I’m disgusted by the position held by the Governor. There’s been great effort to shield the facts. The system is holding 6,500 more cases than pre-pandemic. Somehow, as incompetent and lazy as the defense bar has been, we have been able to represent thousands more people than our capacity, for the Governor to—once again—move the goalpost.</p> <p>There are people behind the scenes who think that the way things were in 1990 were just fine. A judge would sit on his throne, and could pick anyone before him to represent somebody, not really knowing if they know much about criminal law. Not really caring if the person got effective representation, but just that they had a lawyer; good enough. We cannot go back to “good enough.” The Governor does not</p>

want to mention the 2019 Sixth Amendment Center report. The Commission took that report very seriously and finally got funding to implement change. To get not just representation but high-quality representation. The Commission was historically underfunded. Much of the budget increase is based on the rate increase. The improvements made need to remain and need to be expanded. For anyone who says otherwise, they do not know what they are talking about.

Attorney Mitch Roberge read a statement written by Attorney Neil Prendergast:

There is a growing concern amongst the attorneys I know who handle seven-day reviews. That includes not only attorneys who signed the letter which had my signature, but others as well. As the commission is aware, there was a decision recently issued in the *Robbins* case which clarified, at least in the opinion of one Superior Court Justice in Maine, an ongoing group of people who are being denied the basic right to counsel.

I would like the commission to know that since that decision was docketed approximately three weeks ago, I have been the lawyer for the day on at least three different occasions with three different judges for seven-day reviews. During each of those appearances, I made detailed reference to the *Robbins* decision, the case law it cites, the precedents which it references and subsequently had each judge deny that there was any type of Sixth Amendment violation for defendants on each of the same three days. On one of these days there was a single defendant, on at least two other days there were multiple defendants. The courts who denied the Sixth Amendment arguments did not reference nor discuss the *Robbins* decision at all. Based upon this and what is also happening in other courts is that it is becoming clear to me and to a number of other attorneys that at this point, judges outside of Justice Murphy's court seemingly have no plan to discuss, nor reference the *Robbins* decision in any meaningful manner at this time. As we had discussed in a previous MPDS meeting some time ago, the courts seem determined to avoid finding Sixth Amendment violations.

I believe the Commission should again discuss ceasing payment for appearances for MPDS attorneys at seven-day reviews. The last time we had this discussion during an MPDS meeting, a decision on a similar suggestion was discussed, but there was not a decision made to cease funding. In my view, the difference between the current situation and the previous discussion is twofold: First, the last time this issue was discussed at an MPDS meeting in detail there was not a potential budget shortfall looming for the MPDS. There is, in my understanding, a significant shortfall for at least the year 2026 as of the date of this meeting.

	<p>Secondly, I have personally been arguing about Sixth Amendment violations for nearly a year, something which I began last February. In the nearly year since I began this, we have gone in Aroostook County from blanket denials from judges on all cases to there being sporadic Sixth Amendment violations found over the course of the last year. However, in almost every case, even on the rare occasion when one is found, the remedy is almost never release, and certainly there has not, to my knowledge, ever been a dismissal, even in the cases of nonviolent misdemeanors.</p> <p>Now that we have a baseline on how this issue is going to be treated, especially based upon nearly a full year of arguments, it may be time to reexamine why the MPDS is continuing to pay for these services. While there are attorneys such as myself who have the ability appear for court to be mostly disregarded, I believe it is also my obligation as a member of the legal community to make it clear that the MPDS is paying for these services. It is also my understanding that the Commission and the MPDS is paying a substantial amount of taxpayer dollars to have attorneys appear at seven day reviews all across the state with similar results.</p> <p>Should the Commission choose to continue to finance the appearance of attorneys at seven-day reviews, that is a decision for the commission to make. However, to the extent that this process continues to be one where the attorneys appear, argue and are for the most part ignored even when quoting case law, precedent and the Maine and United States Constitutions, it may be worth considering ending the funding for these appearances at least until it is clear MPDS will be fully funded through 2026.</p> <p><u>Mitch Roberge, Esq.:</u> Since <i>Robbins</i>, the judges at 7-day reviews in Lewiston have been consistently finding that there is no constitutional violation. Even when they do, the remedy almost never addresses the points I'm making. The Androscoggin DA makes the argument that the courts have the authority under Rule 44 to appoint any attorney they'd like. The courts always respond that they don't have that authority. It feels like a relative waste of taxpayer funds, my time, the court's time, and the DA's time to continue staffing the 7-day reviews. They don't care what we have to say and don't seem to want to follow <i>Robbins</i>.</p>
Adjournment	The next meeting will be held on February 27, 2025 at 1:00PM in a hybrid format.

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

January 2025 Operations Report

- 2,489 new cases were opened in the defenderData system. This was a 252 case increase from December. Year to date, new cases are down 13.3% from last year, from 19,466 at this time last year to 16,859 this year.
- The number of vouchers submitted electronically was 4,070, an increase of 512 vouchers from December, totaling \$4,587,333, an increase of \$879,396 from December. Year to date, the number of submitted vouchers is up by 13.8%, from 22,626 at this time last year to 25,753 this year, with the total amount for submitted vouchers up 20.1%, from \$22,639,625 at this time last year to \$27,205,230 this year.
- We paid 3,257 electronic vouchers totaling \$3,661,625 representing a decrease of 837 vouchers and a decrease of \$546,450 compared to December. Year to date, the number of paid vouchers is up 12.9%, from 22,455 vouchers at this time last year to 25,370 this year, and the total amount paid is up 19.0%, from \$22,314,468 this time last year to \$26,568,483 this year.
- The average price per voucher was \$1,124.23, up \$96.37 per voucher from December. Year to date, the average price per voucher is up 5.3%, from \$993.74 at this time last year to \$1,047.24 this year.
- Appeal and Petition, Discharge, Release had the highest average voucher total. There were 41 vouchers exceeding \$7,500 paid in January. See attached addendum for details.
- We issued 136 authorizations to expend funds: 59 for private investigators, 51 for experts, and 26 for miscellaneous services such as interpreters and transcriptionists. We paid \$108,891 for experts and investigators, etc. No requests were denied.
- There were no attorney suspensions.
- In the All Other Account, the total expenses were \$3,769,268. Approximately \$14,888 was devoted to the Commission's operating expenses.
- In the Personal Services Accounts, we had \$559,544 in expenses.
- As of February 22, 2025, there are 147 rostered attorneys of which 101 are available for trial court level work.
- For the first 7 months of this fiscal year, submitted hours are up 13.4% over the same 7-month period last year. January 2025 submitted hours are 6.3% greater than January 2024 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	30,691						188,778

Vouchers over \$7,500

Comment	Voucher Total	Case Total
Homicide	\$107,629.95	\$107,629.95
Homicide	\$52,833.28	\$58,449.92
Homicide	\$43,484.00	\$43,484.00
Domestic Violence Aggravated Assault	\$29,919.56	\$29,919.56
Homicide	\$20,166.80	\$20,166.80
Homicide	\$16,710.00	\$75,188.00
Appeal - Homicide	\$15,152.77	\$15,152.77
Homicide	\$14,874.95	\$34,915.95
Termination of Parental Rights	\$14,657.00	\$17,956.62
Homicide	\$14,424.60	\$24,861.10
Appeal - Domestic Violence Criminal Threat.	\$13,395.00	\$13,395.00
Reckless Conduct	\$13,325.44	\$13,325.44
Aggravated Assault	\$13,275.00	\$13,275.00
Aggravated Criminal Mischief	\$13,035.00	\$13,035.00
Aggravated Trafficking	\$12,934.00	\$12,934.00
Theft	\$12,723.00	\$12,723.00
Appeal - Arson	\$12,420.00	\$12,420.00
Termination of Parental Rights	\$12,060.00	\$14,880.00
Robbery	\$11,777.50	\$11,777.50
Appeal - Elevated Aggravated Assault	\$11,519.00	\$11,519.00
Appeal - Kidnapping	\$11,007.24	\$11,007.24
Petition for Release or Discharge	\$10,326.35	\$12,360.65
Appeal - Aggravated Trafficking	\$10,230.72	\$10,230.72
Burglary	\$10,095.00	\$35,708.21
Violation of Conditions of Release	\$9,690.00	\$9,690.00
Probation Violation	\$9,681.80	\$9,681.80
Appeal - Elevated Aggravated Assault	\$9,533.92	\$9,533.92
Homicide	\$9,352.01	\$74,017.17
Homicide	\$9,344.38	\$9,344.38
Child Protection Petition	\$9,180.00	\$9,180.00
Homicide	\$8,760.00	\$22,425.00
Homicide	\$8,188.70	\$17,216.50
Appeal - Gross Sexual Assault	\$8,109.56	\$8,109.56
Aggravated Assault	\$7,983.84	\$7,983.84
Theft	\$7,924.56	\$7,924.56
Termination of Parental Rights	\$7,920.00	\$9,240.00
Aggravated Assault	\$7,815.00	\$7,815.00
Robbery	\$7,800.00	\$7,800.00
Manslaughter	\$7,705.00	\$7,705.00
Child Protection Petition	\$7,638.00	\$7,638.00
Aggravated Assault	\$7,510.00	\$7,510.00

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

FY25 As of 2/10/25

<u>General Funds - 010-Z11201</u>	<u>QTR1</u>	<u>QTR2</u>	<u>QTR3</u>	<u>QTR4</u>	<u>TOTAL</u>	
Personal Services Allotment	\$ 2,024,792	\$ 3,478,475	\$ 2,003,321	\$ 763,952	\$ 8,270,540	
Payroll to date	(1,145,606)	(1,754,485)	(559,545)	-	(3,459,636)	
Estimated payroll remaining			(1,140,022)	(1,709,978)	(2,850,001)	
Pending Financial Order					-	
Total Personal Services available	\$ 879,186	\$ 1,723,990	\$ 303,754	\$ (946,026)	\$ 1,960,903	<i>PS BO Will be requested in Q4 to balance negative balance.</i>
All Other Allotment	\$ 11,660,730	\$ 13,395,842	\$ 9,741,498	\$ 3,908,886	\$ 38,706,956	
Expenditures to date	(11,612,366)	(11,210,310)	(4,608,623)	-	(27,431,299)	
Encumbrances	(48,364)	(250,810)	(149,495)	-	(448,668)	
Pending Financial Order					-	
Total All Other Available	\$ 0	\$ 1,934,722	\$ 4,983,381	\$ 3,908,886	\$ 10,826,989	

Unencumbered balance forward 0.00

<u>Other Special Revenue Funds - 014-Z11201</u>	<u>QTR1</u>	<u>QTR2</u>	<u>QTR3</u>	<u>QTR4</u>	<u>TOTAL</u>	
Personal Services Allotment	\$ -	\$ -	\$ -	\$ -	\$ -	
Payroll to date	-	-	-	-	-	
Estimated payroll remaining	-	-	-	-	-	
Total Personal Services available	\$ -	\$ -	\$ -	\$ -	\$ -	
All Other Allotment	\$ 8,200	\$ 8,679,940	\$ 482,219	\$ 482,219	\$ 9,652,578	
Expenditures to date	(8,200)	(1,787,959)	-	-	(1,796,159)	
Encumbrances	(0)	-	-	-	(0)	
Total All Other Available	\$ (0)	\$ 6,891,981	\$ 482,219	\$ 482,219	\$ 7,856,419	

CASH ON HAND 2/10/25 \$ 7,762,470.72

<u>Other Special Revenue Funds - 014-Z11202</u>	<u>QTR1</u>	<u>QTR2</u>	<u>QTR3</u>	<u>QTR4</u>	<u>TOTAL</u>	
All Other Allotment	\$ -	\$ 57,000	\$ -	\$ -	\$ 57,000	
Expenditures to date	-	(1,500)	-	-	(1,500)	
Encumbrances	-	-	-	-	-	
Total All Other Available	\$ -	\$ 55,500	\$ -	\$ -	\$ 55,500	

CASH ON HAND 2/10/25 \$ 5,960.66

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

CASH ON HAND 2/10/25 \$ -

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

CASH ON HAND 2/10/25 \$ -

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

Activity Report by Case Type

1/31/2025

DefenderData Case Type	Jan-25						Fiscal Year 2025			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	13	52	\$207,343.91	32	\$ 137,761.33	\$4,305.04	90	192	\$ 507,939.17	\$2,645.52
Central Office Resource Counsel	0	1	\$2,565.00	1	\$ 2,565.00	\$2,565.00	1	15	\$ 18,975.80	\$1,265.05
Child Protection Petition	153	618	\$831,761.94	514	\$ 699,564.13	\$1,361.02	1,092	3,664	\$ 4,687,668.10	\$1,279.39
Drug Court	8	11	\$23,484.72	10	\$ 16,878.06	\$1,687.81	47	109	\$ 216,609.70	\$1,987.24
Emancipation	3	6	\$9,207.13	7	\$ 11,153.27	\$1,593.32	53	49	\$ 44,921.52	\$916.77
Felony	603	1,057	\$1,678,462.04	871	\$ 1,337,804.05	\$1,535.94	3,928	6,984	\$ 9,759,227.60	\$1,397.37
Involuntary Civil Commitment	107	157	\$83,438.96	144	\$ 80,390.26	\$558.27	794	786	\$ 423,342.68	\$538.60
Juvenile	83	160	\$184,327.20	130	\$ 163,055.93	\$1,254.28	685	1,038	\$ 1,025,806.48	\$988.25
Lawyer of the Day - Custody	290	316	\$211,782.00	289	\$ 191,419.50	\$662.35	2,003	1,972	\$ 1,352,793.19	\$686.00
Lawyer of the Day - Juvenile	6	1	\$450.00	1	\$ 645.00	\$645.00	35	39	\$ 19,508.30	\$500.21
Lawyer of the Day - Walk-in	130	122	\$83,936.17	106	\$ 71,874.57	\$678.06	910	864	\$ 581,884.25	\$673.48
PDS Provided Training	23	34	\$32,285.75	16	\$ 37,402.35	\$2,337.65	445	397	\$ 625,333.24	\$1,575.15
Misdemeanor	867	1,197	\$909,552.17	883	\$ 657,487.06	\$744.61	5,468	7,250	\$ 5,281,864.29	\$728.53
Petition, Modified Release Treatment	0	3	\$3,382.22	0			16	26	\$ 37,459.00	\$1,440.73
Petition, Release or Discharge	0	1	\$120.00	2	\$ 10,446.35	\$5,223.18	1	10	\$ 28,466.85	\$2,846.69
Petition,Termination of Parental Rights	0	5	\$3,264.96	6	\$ 3,999.96	\$666.66	0	69	\$ 129,437.62	\$1,875.91
Post Conviction Review	2	9	\$31,010.24	11	\$ 30,000.30	\$2,727.30	14	115	\$ 226,058.84	\$1,965.73
Probate	0	5	\$9,245.64	5	\$ 7,445.64	\$1,489.13	7	30	\$ 50,231.05	\$1,674.37
Probation Violation	145	198	\$165,718.03	138	\$ 111,733.00	\$809.66	938	1,110	\$ 874,325.66	\$787.68
Represent Witness on 5th Amendment	2	1	\$3,271.50	1	\$ 3,271.50	\$3,271.50	13	12	\$ 16,003.02	\$1,333.59
Resource Counsel Criminal	2	9	\$8,310.00	7	\$ 6,255.00	\$893.57	5	30	\$ 19,921.00	\$664.03
Resource Counsel Juvenile	0	1	\$15.00	1	\$ 15.00	\$15.00	0	7	\$ 570.00	\$81.43
Resource Counsel Mental Health	0	0		0			0	3	\$ 405.00	\$135.00
Resource Counsel NCR	0	0		0			0	0		
Resource Counsel Protective Custody	0	1	\$2,310.00	2	\$ 2,805.00	\$1,402.50	0	13	\$ 16,751.00	\$1,288.54
Review of Child Protection Order	0	52	\$75,276.30	44	\$ 58,550.18	\$1,330.69	0	340	\$ 485,406.46	\$1,427.67
Revocation of Administrative Release	1	1	\$52.50	0			2	5	\$ 6,570.00	\$1,314.00
Weapons Restrictions Case	51	52	\$26,759.64	36	\$ 19,102.98	\$530.64	312	241	\$ 131,003.72	\$543.58
TOTAL	2,489	4,070	\$4,587,333.02	3,257	\$ 3,661,625.42	\$1,124.23	16,859	25,370	\$ 26,568,483.54	\$1,047.24

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

Activity Report by Court

1/31/2025

Court	Jan-25						Fiscal Year 2025			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	1	2	\$1,800.00	1	\$ 1,125.00	\$1,125.00	4	7	\$ 5,400.00	\$771.43
AUBSC	7	0		0			13	12	\$ 12,775.00	\$1,064.58
AUGDC	30	80	\$122,515.52	74	\$ 85,499.80	\$1,155.40	284	522	\$ 864,938.23	\$1,656.97
AUGSC	0	7	\$6,010.22	3	\$ 10,566.35	\$3,522.12	20	39	\$ 71,020.10	\$1,821.03
BANDC	67	153	\$131,814.90	148	\$ 125,272.56	\$846.44	477	744	\$ 554,620.76	\$745.46
BANSC	2	1	\$1,110.00	0			8	3	\$ 2,244.60	\$748.20
BATSC	0	0		0			0	0		
BELDC	8	29	\$47,159.74	24	\$ 33,620.24	\$1,400.84	63	122	\$ 144,555.89	\$1,184.88
BELSC	0	0		0			0	1	\$ 2,470.00	\$2,470.00
BIDDC	67	126	\$104,338.58	98	\$ 82,350.40	\$840.31	375	711	\$ 644,856.25	\$906.97
BRIDC	9	15	\$17,193.57	15	\$ 19,688.49	\$1,312.57	62	113	\$ 143,523.58	\$1,270.12
CALDC	2	8	\$16,247.36	11	\$ 15,216.74	\$1,383.34	25	65	\$ 52,587.10	\$809.03
CARDC	6	17	\$22,151.58	8	\$ 13,676.58	\$1,709.57	54	119	\$ 134,240.06	\$1,128.07
CARSC	0	0		0			2	1	\$ 300.00	\$300.00
DOVDC	3	7	\$14,898.84	7	\$ 14,388.84	\$2,055.55	21	68	\$ 76,363.14	\$1,122.99
DOVSC	0	0		0			1	1	\$ 135.00	\$135.00
ELLDC	11	38	\$32,934.32	34	\$ 31,076.30	\$914.01	58	210	\$ 222,752.95	\$1,060.73
ELLSC	1	1	\$ 3,600.00	1	\$ 3,600.00	\$ 3,600.00	2	2	\$ 4,982.00	\$2,491.00
FARDC	6	18	\$27,085.32	14	\$ 20,689.98	\$1,477.86	91	135	\$ 167,293.78	\$1,239.21
FARSC	0	1	\$ 450.00	1	\$ 450.00	\$ 450.00	2	2	\$ 1,455.00	\$727.50
FORDC	8	9	\$24,572.00	5	\$ 19,877.00	\$3,975.40	22	66	\$ 63,739.50	\$965.75
HOUDC	3	17	\$20,600.87	9	\$ 9,848.00	\$1,094.22	37	119	\$ 117,047.71	\$983.59
HOUSC	0	0		0			0	1	\$ 585.00	\$585.00
LEWDC	44	149	\$192,253.53	105	\$ 148,506.73	\$1,414.35	356	683	\$ 795,091.56	\$1,164.12
LINDC	3	8	\$12,006.28	6	\$ 6,252.68	\$1,042.11	40	62	\$ 60,174.52	\$970.56
MACDC	6	11	\$10,123.46	8	\$ 6,021.96	\$752.75	32	73	\$ 84,918.96	\$1,163.27
MACSC	0	1	\$107,629.95	1	\$ 107,629.95	\$107,629.95	2	2	\$ 107,809.95	\$53,904.98
MADDC	0	0		0			2	0		
MILDC	1	1	\$30.00	0			4	5	\$ 17,419.12	\$3,483.82
NEWDC	13	32	\$27,503.24	31	\$ 23,673.54	\$763.66	79	177	\$ 130,104.38	\$735.05
PORDC	72	151	\$149,127.35	126	\$ 146,186.94	\$1,160.21	520	878	\$ 916,724.63	\$1,044.11
PORSC	2	2	\$225.00	1	\$ 165.00	\$165.00	8	11	\$ 17,382.94	\$1,580.27
PREDC	14	16	\$13,187.50	15	\$ 12,257.50	\$817.17	42	124	\$ 178,133.53	\$1,436.56
RODC	7	24	\$25,531.48	21	\$ 25,404.22	\$1,209.72	90	146	\$ 173,177.81	\$1,186.15
ROCSC	0	2	\$517.00	1	\$ 210.00	\$210.00	3	5	\$ 2,702.58	\$540.52
RUMDC	8	22	\$25,549.59	24	\$ 40,229.50	\$1,676.23	49	170	\$ 240,177.36	\$1,412.81
SKODC	20	70	\$95,854.82	50	\$ 75,204.46	\$1,504.09	145	419	\$ 509,345.55	\$1,215.62
SKOSC	1	0		0			1	2	\$ 3,058.50	\$1,529.25
SODUC	8	14	\$12,893.00	10	\$ 8,082.38	\$808.24	32	101	\$ 126,966.33	\$1,257.09
SOUSC	2	1	\$480.00	1	\$ 480.00	\$480.00	6	4	\$ 2,535.00	\$633.75
SPRDC	4	16	\$24,013.50	17	\$ 28,230.00	\$1,660.59	26	100	\$ 140,380.24	\$1,403.80
Law Ct	10	44	\$191,222.13	28	\$ 134,551.33	\$4,805.40	74	169	\$ 461,266.60	\$2,729.39
Training	23	38	\$39,950.75	20	\$ 44,932.35	\$2,246.62	440	420	\$ 650,053.54	\$1,547.75
YORCD	295	407	\$436,057.71	326	\$ 386,556.03	\$1,185.75	1,921	2,854	\$ 3,104,752.86	\$1,087.86
ARODC	145	260	\$266,004.48	215	\$ 179,264.71	\$833.79	1,025	1,624	\$ 1,433,579.91	\$882.75
ANDCD	201	329	\$344,840.71	266	\$ 297,235.94	\$1,117.43	1,253	2,141	\$ 2,068,269.13	\$966.03
KENCD	154	185	\$150,478.21	158	\$ 133,350.77	\$843.99	1,000	1,283	\$ 1,181,199.43	\$920.65
PENCD	211	286	\$294,887.07	233	\$ 214,138.37	\$919.05	1,470	2,028	\$ 2,011,867.82	\$992.05
SAGCD	36	44	\$39,035.18	36	\$ 24,572.48	\$682.57	301	359	\$ 330,701.44	\$921.17
WALCD	62	75	\$64,115.34	41	\$ 38,453.34	\$937.89	370	384	\$ 488,279.90	\$1,271.56
PISCD	18	19	\$18,516.66	16	\$ 11,439.04	\$714.94	106	124	\$ 126,711.48	\$1,021.87
HANCD	41	96	\$99,644.98	104	\$ 105,154.56	\$1,011.10	328	563	\$ 508,789.95	\$903.71
FRACD	54	71	\$58,960.86	39	\$ 35,669.32	\$914.60	246	395	\$ 360,421.75	\$912.46
WASCD	52	73	\$93,632.89	48	\$ 46,583.40	\$970.49	339	355	\$ 467,200.04	\$1,316.06
CUMCD	376	607	\$745,107.46	474	\$ 528,532.13	\$1,115.05	2,519	3,620	\$ 3,704,482.88	\$1,023.34
KNODC	101	98	\$75,338.42	62	\$ 40,562.18	\$654.23	525	466	\$ 451,851.91	\$969.64
SOMCD	96	103	\$66,752.18	75	\$ 47,625.99	\$635.01	678	767	\$ 658,977.70	\$859.16
OXFCD	98	139	\$134,801.98	126	\$ 127,705.85	\$1,013.54	579	845	\$ 734,208.44	\$868.89
LINCD	42	49	\$65,909.46	37	\$ 57,102.18	\$1,543.30	322	329	\$ 370,604.87	\$1,126.46
WATDC	19	45	\$48,701.22	34	\$ 42,173.12	\$1,240.39	143	292	\$ 306,049.26	\$1,048.11
WESDC	16	32	\$31,551.53	26	\$ 20,299.50	\$780.75	102	185	\$ 198,705.73	\$1,074.09
WISDC	2	16	\$22,883.00	14	\$ 22,165.93	\$1,583.28	42	103	\$ 112,556.03	\$1,092.78
WISSC	0	0		0			0	0		
YORDC	1	5	\$7,532.28	9	\$ 8,075.76	\$897.31	17	33	\$ 41,121.76	\$1,246.11
TOTAL	2,489	4,070	\$4,587,333.02	3,257	\$3,661,625.42	\$1,124.23	16,859	25,370	\$26,568,483.54	\$1,047.24

Maine Commission on Public Defense Services
SFY2025 Budget Object Group
As of January 31, 2025

Object Group	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total FY25
General Fund Personal Services Allotment	2,024,792	3,478,475	2,003,321	763,952	8,270,540
30 Personal Services Expenses	1,145,606	1,754,485	559,545	-	3,459,636
Total Personal Services available	\$ 879,186	\$ 1,723,990	\$ 1,443,776	\$ 763,952	\$ 4,810,904
General Fund All Other Allotment	11,660,730	13,395,842	9,741,498	3,908,886	38,706,956
General Fund Expenses:					
4005 Reader & Interpreter Serv	7,470	15,850	387	-	23,706
4015 Casual Labor	-	14,835	-	-	14,835
4021 Casual Labor	-	-	-	-	-
4031 Inspect & Investigation	75,621	86,115	11,220	-	172,955
4036 Instructor & Speaker Serv	22,000	3,050	-	-	25,050
4040 Court Appointed Attorneys	10,808,496	10,310,403	3,660,305	-	24,779,204
4042 Court Appointed Attorneys	-	-	-	-	-
4047 Psychological Examination	111,165	114,915	39,978	-	266,057
4095 Medical Reports	-	-	72	-	72
4096 Contractual Employee	6,698	-	-	-	6,698
4097 Clerical Support Serices	250	250	-	-	500
4099 Misc Prof Fees & Spec Srv	47,776	28,196	5,946	-	81,918
4105 Service Center	11,383	11,383	-	-	22,765
4250 W-2 Reportable In State Travel Non Mileage	-	-	165	-	165
4251 W-2 Reportable In State Travel Mileage	-	6,072	922	-	6,993
4260 Air Fare In State	-	872	-	-	872
4263 Car Rental In State	-	300	-	-	300
4270 Auto Mileage-Gen In State	5,326	5,513	2,078	-	12,917
4271 Other Transportation	125	100	22	-	247
4273 Hotel Room & Lodging	856	9,269	328	-	10,453
4274 Meals And Gratuities	153	166	170	-	489
4380 Auto Mileage-Gen Out-Of St	-	111	-	-	111
4381 Other Transportation Cost	-	30	-	-	30
4606 Rent Buildings And Office	21,321	56,291	-	-	77,612
4651 Misc Rents	-	-	73	-	73
4801 Insurance On Buildings	44	-	-	-	44
4825 General Liability Insur	7,088	836	-	-	7,924
4841 Employees Bonds	52	-	-	-	52
4852 Automobile Insurance	-	225	-	-	225
4901 Stamps	1,360	2,920	-	-	4,280

4906	Postal Set Up Fees	100	-	-	-	100
4909	Courier Service	12	-	-	-	12
4911	Postage	1,710	1,452	310	-	3,472
4912	Bus Reply & Postage Due	3	6	3	-	11
4913	Intragovernmental Service	491	690	45	-	1,225
4922	Intragovernmental Service	-	-	-	-	-
4929	Printing And Binding	224	2,618	107	-	2,949
4930	Transcripts	71,854	53,659	71	-	125,584
4946	Advertising Notices	3,734	816	-	-	4,550
4959	Expert Witness Fees	322,271	123,749	50,443	-	496,462
4969	Witness Fees	25	-	-	-	25
4974	Tuition Exp Other Than St	800	-	-	-	800
4975	Sales Tax Paid By State	-	439	(214)	-	225
4982	Periodicals Newspaper Sub	-	104	-	-	104
4983	Dues	1,200	5,090	1,200	-	7,490
4991	General Operating Expense	4,567	4,385	847	-	9,799
4994	Contract Payments	270	620	-	-	890
5001	Registration Fee-Non State	1,945	2,235	150	-	4,330
5010	Tuition-Continuing Education	8,475	-	-	-	8,475
5020	Books	-	600	-	-	600
5022	Films/Materials	2,800	-	-	-	2,800
5030	Training Rooms	427	688	-	-	1,114
5031	Training Facilities	-	450	-	-	450
5080	Training Catered Meals	2,569	12,130	-	-	14,700
5081	Training Refreshments	-	8,168	-	-	8,168
5150	Food	-	25	-	-	25
5151	Misc Foodstuffs	-	3	-	-	3
5301	Oit Professional Charges	1,009	2,534	-	-	3,543
5302	Telephone Service	782	782	-	-	1,564
5310	It End User Services	14,602	18,257	-	-	32,859
5312	It Consulting-Non State	9,123	164,195	7,032	-	180,350
5315	It Applications-By State	384	828	-	-	1,211
5331	Network Access	130	259	-	-	389
5341	Lease Purchase Hardware/System	571	621	-	-	1,192
5346	Pc & Ntwrking Software/License	20	-	-	-	20
5355	Software Maint / Licenses	8,651	7,042	-	-	15,693
5357	Printers	-	2,085	-	-	2,085
5370	Minor It Equipment	3,693	1,721	-	-	5,414
5389	Software Licenses <1 Year	1,130	2,119	-	-	3,249
5390	Communication Equipment	3	-	-	-	3
5401	Clothing	-	58	-	-	58
5540	Major Household Appliances	-	553	-	-	553

5562	Cell Phone Services	2,277	13,209	-	-	15,487
5590	Non-It Minor Equipment	-	33	-	-	33
5600	Office & Other Supplies	-	65	-	-	65
5602	Office Supplies	1,767	2,873	557	-	5,196
5627	Purchase Of Books	17,469	8,575	797	-	26,841
5636	Misc Supplies	56	187	958	-	1,200
5650	Misc Office Equipment	-	201	186	-	387
5654	Ergonomic Office Equip	43	592	-	-	635
5656	Modular Furniture	-	97,813	-	-	97,813
5662	Electrical Supplies	-	82	-	-	82
	Subtotal All Other Expenses	11,612,366	11,210,310	3,784,156	-	26,606,833
	Subtotal for Non-Counsel Expenses			108,891		
	Contract Encumbrances	122,475	433,680	149,500	-	705,655
	Contract Expenses	(74,112)	(182,870)	(7,032)	-	(264,014)
	Subtotal Encumbrances	48,364	250,810	142,468	-	441,641
<hr/>						
	Total All Other Remaining	\$ 0	\$ 1,934,722	\$ 5,814,874	\$ 3,908,886	\$ 11,658,482

Personal Service Projection Report
Maine Commission on Public Defense Services
As of January 31, 2025

LINE TYPE	Q1 Actuals	Q1 Projections	Q1 Remaining
Personal Services	\$ 1,145,606.21	\$ -	\$ 879,185.79

Q2 Actuals	Q2 Projections	Q2 Remaining
\$ 1,754,485.29	\$ -	\$ 1,723,989.71

Q3 Actuals	Q3 Projections	Q3 Remaining
\$ 559,544.66	\$ 1,145,313.80	\$ 298,462.54

Q4 Actuals	Q4 Projections	Q4 Remaining
\$ -	\$ 1,717,970.70	\$ (954,018.70)

Total Remaining
\$ 1,947,619.34

Maine Commission on Public Defense Services
SFY2025 Budget Object Group
As of January 31, 2025

Object Group	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total FY25
GF Revenue Allotment	8,200	8,679,940	482,219	482,219	9,652,578
Revenue Expenses:					
40 Prof. Services, Not By State	8,200	1,787,959	-	-	1,796,159
41 Prof. Services, By State	-	-	-	-	-
42 Travel Expenses, In State	-	-	-	-	-
43 Travel Expenses, Out Of State	-	-	-	-	-
46 Rents	-	-	-	-	-
48 Insurance	-	-	-	-	-
49 General Operations	-	-	-	-	-
50 Employee Training	-	-	-	-	-
51 Commodities - Food	-	-	-	-	-
53 Technology	-	-	-	-	-
55 Equipment And Technology	-	-	-	-	-
56 Office & Other Supplies	-	-	-	-	-
65 Labor and Ins Client Benefits	-	-	-	-	-
90 Charges to Assets and Liabilities	-	-	-	-	-
Subtotal AO Expenses	8,200	1,787,959	-	-	1,796,159
Contract Encumbrances	8,200	-	-	-	8,200
Contract Expenses	(8,200)	-	-	-	(8,200)
Subtotal Encumbrances	-	-	-	-	-
<hr/>					
Total All Other	\$ -	\$ 6,891,981	\$ 482,219	\$ 482,219	\$ 7,856,419

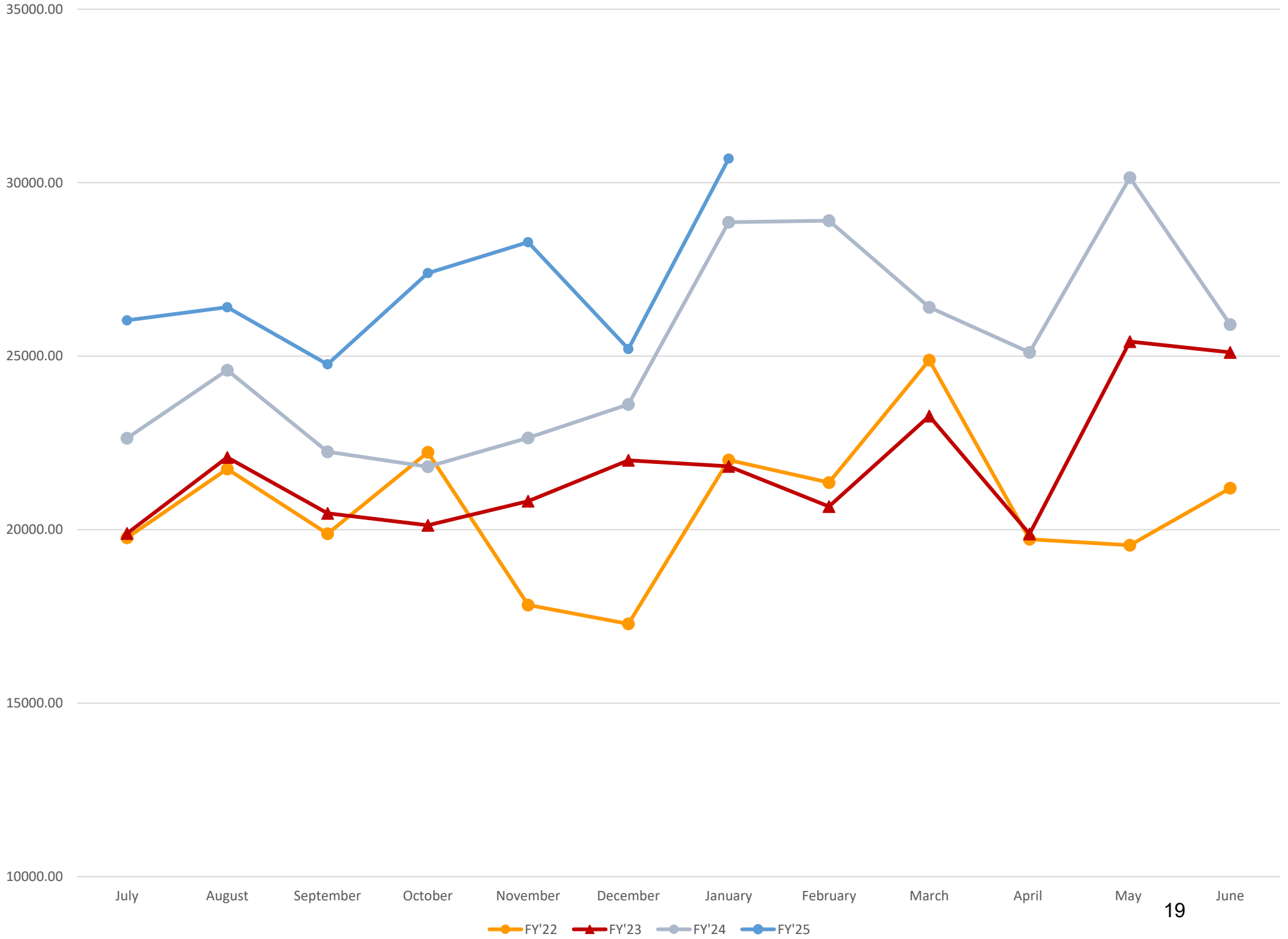
Cash Balance Analysis Report
Maine Commission on Public Defense Services
Fiscal Year 2025 Cash Balances
As of January 31, 2025

ACCOUNT	SFY2025 Cash					
	SFY25 Beginning Balance	Personal Services	All Other	Transfers	Revenue	Ending Balance
Maine Commission of Public Defense Services	\$ 9,327,578.90	\$ -	\$ (1,796,159.38)	\$ -	\$ 231,051.20	\$ 7,762,470.72
Conference Account	\$ 7,460.66	\$ -	\$ (1,500.00)	\$ -	\$ -	\$ 5,960.66
	\$ 9,335,039.56	\$ -	\$ (1,797,659.38)	\$ -	\$ 231,051.20	\$ 7,768,431.38

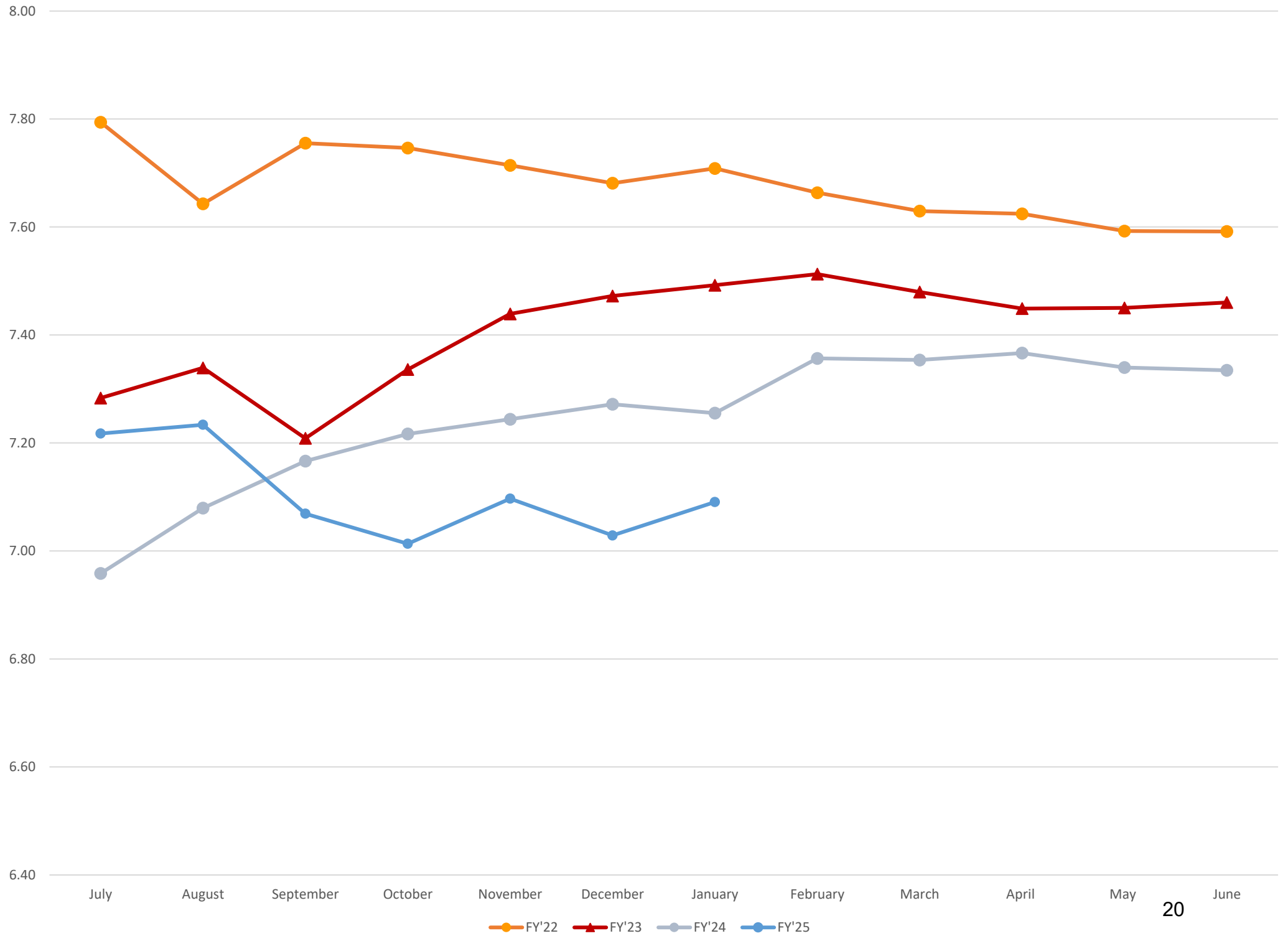
Maine Commission on Public Defense Services
SFY2025 Budget Object Group
As of January 31, 2025

Object Group	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total FY25
OSR Conference Account	-	57,000	-	-	57,000
40 Prof. Services, Not By State	-	1,500	-	-	1,500
41 Prof. Services, By State	-	-	-	-	-
42 Travel Expenses, In State	-	-	-	-	-
43 Travel Expenses, Out Of State	-	-	-	-	-
46 Rents	-	-	-	-	-
48 Insurance	-	-	-	-	-
49 General Operations	-	-	-	-	-
50 Employee Training	-	-	-	-	-
51 Commodities - Food	-	-	-	-	-
53 Technology	-	-	-	-	-
55 Equipment And Technology	-	-	-	-	-
56 Office & Other Supplies	-	-	-	-	-
65 Labor and Ins Client Benefits	-	-	-	-	-
90 Charges to Assets and Liabilities	-	-	-	-	-
Subtotal A0 Expenses	-	1,500	-	-	1,500
Contract Encumbrances	-	-	-	-	-
Contract Expenses	-	-	-	-	-
Subtotal Encumbrances	-	-	-	-	-
Total All Other	\$ -	\$ 55,500	\$ -	\$ -	\$ 55,500

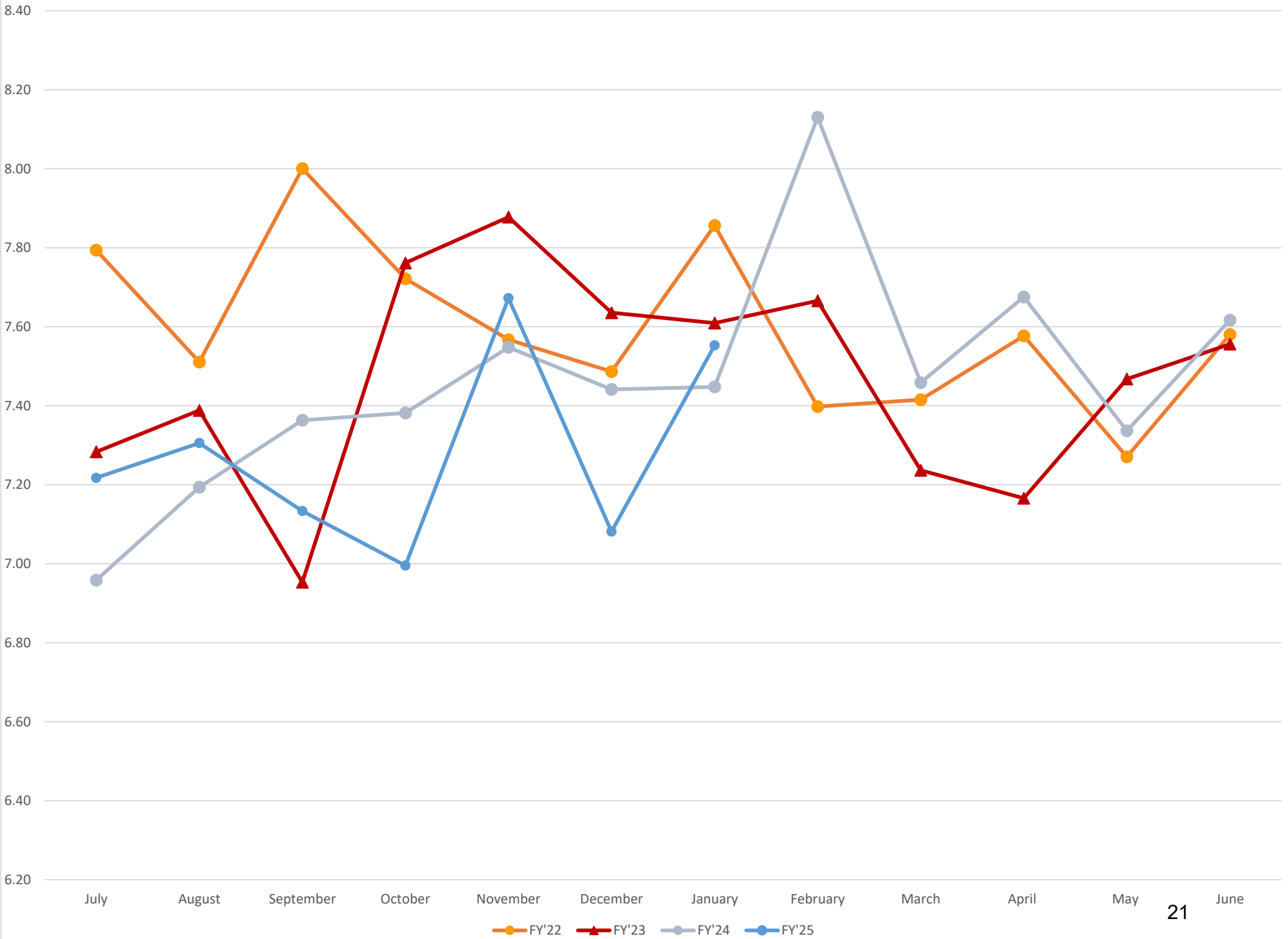
Submitted Hours Amount



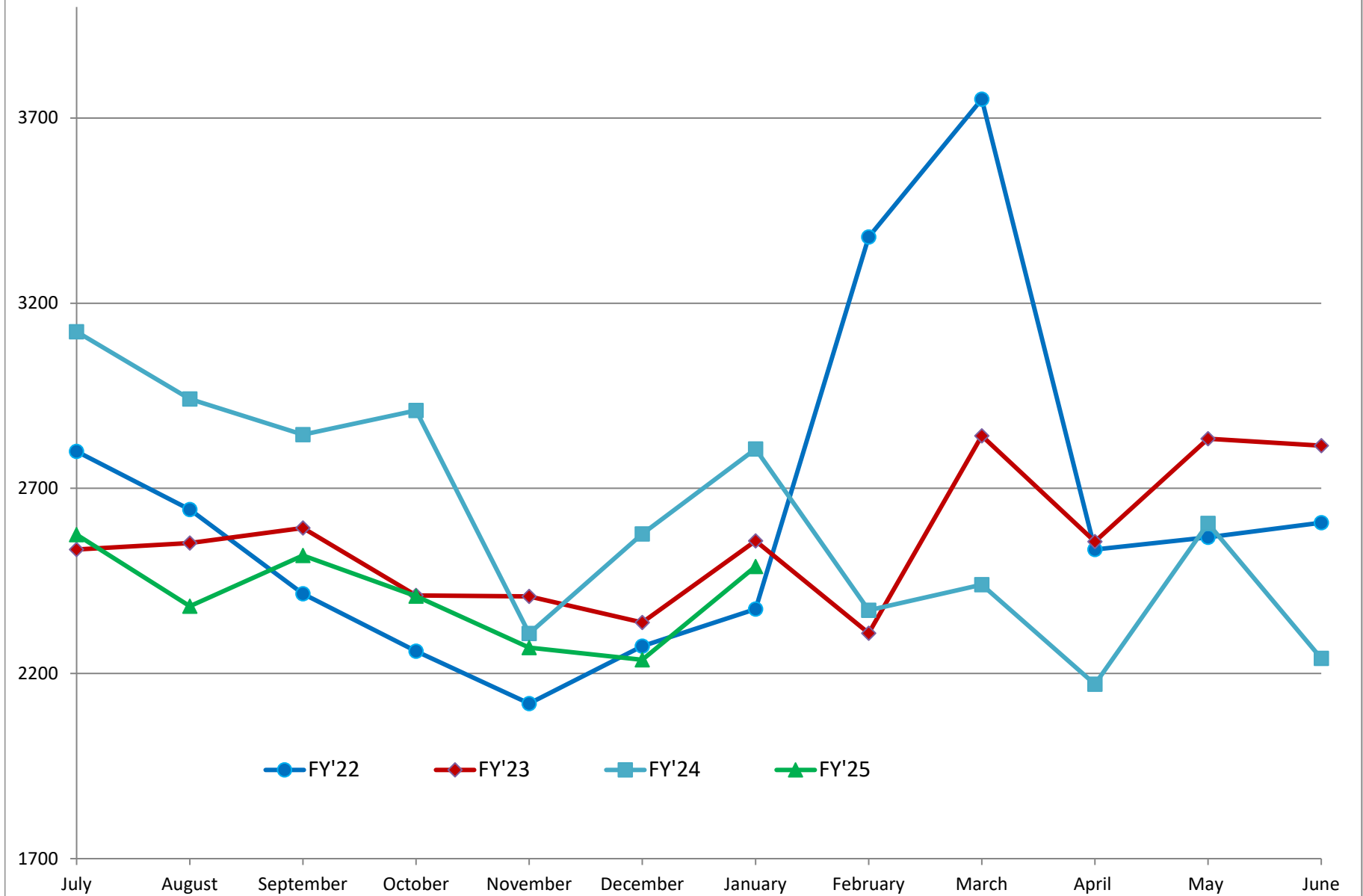
Average Hours per Voucher FYTD

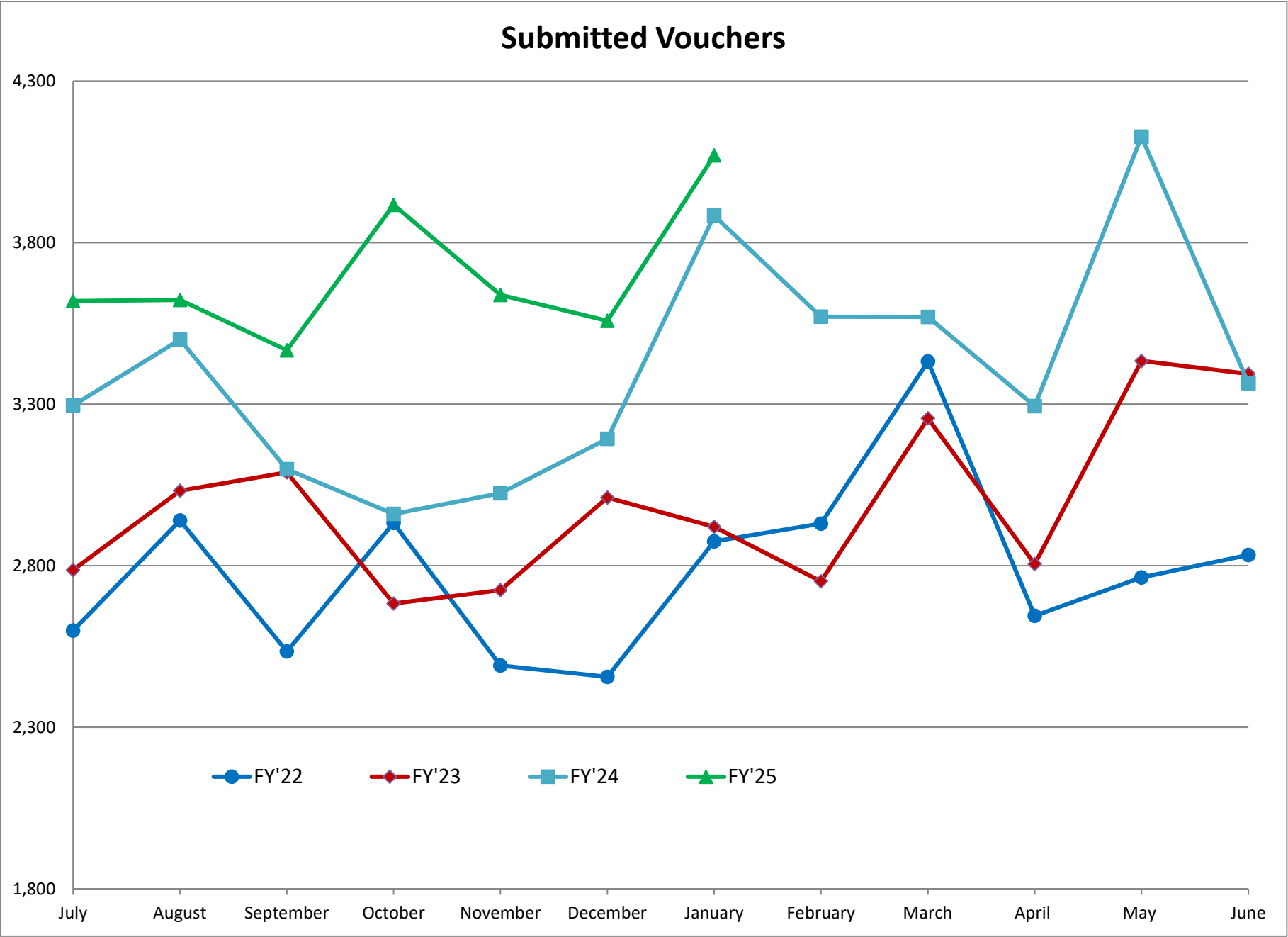


Monthly Average Hours per Voucher

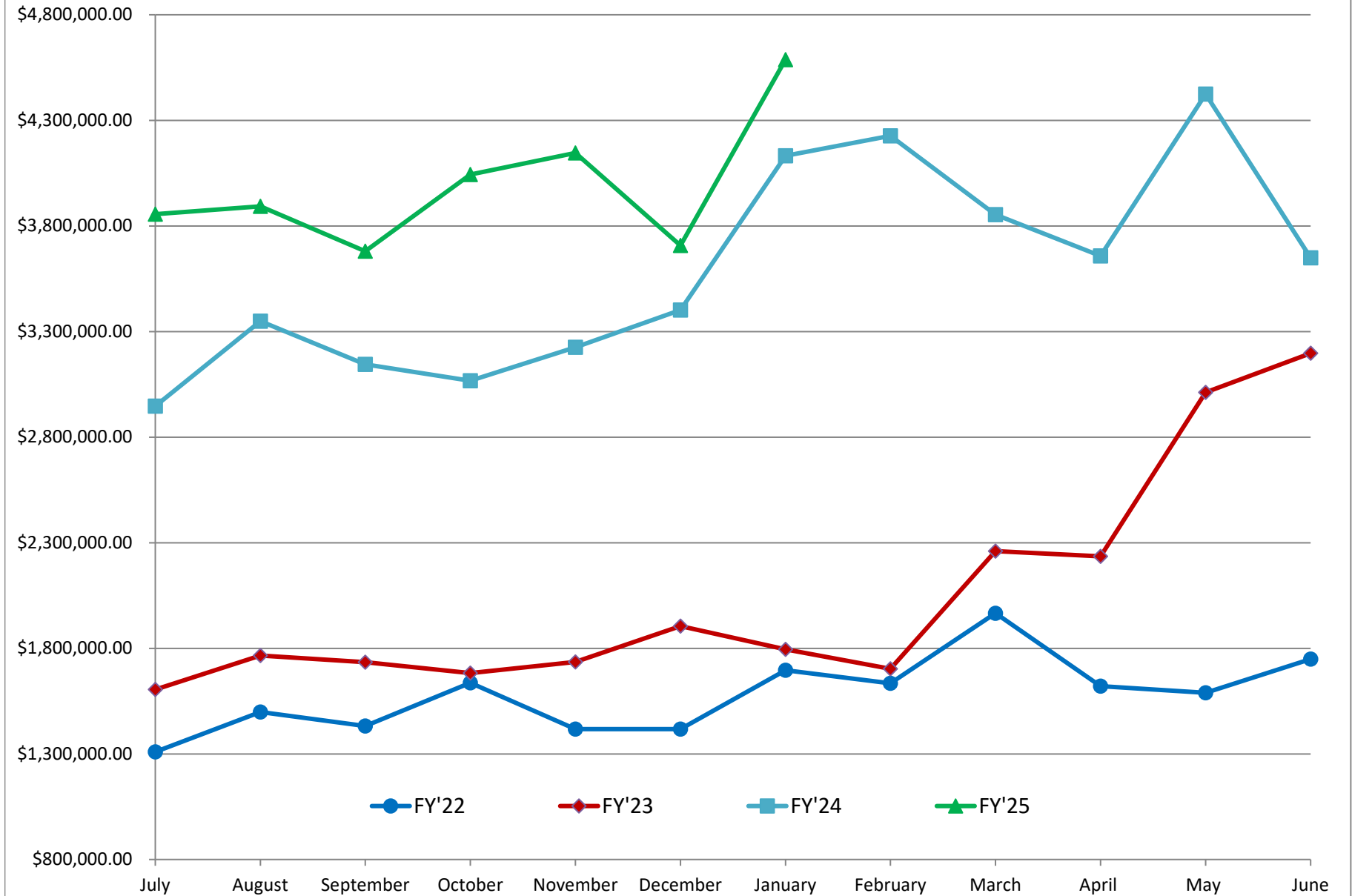


NEW CASES

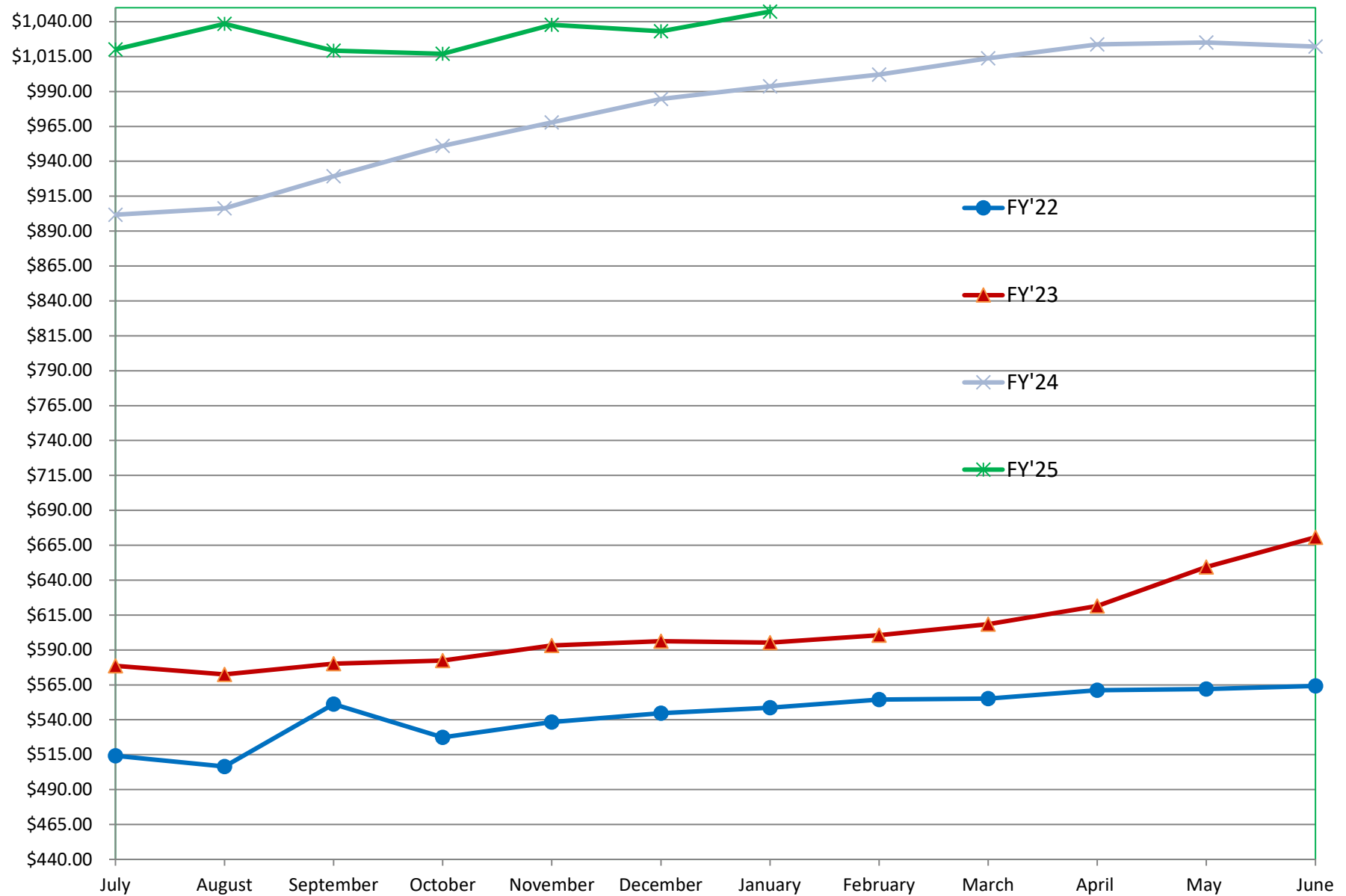




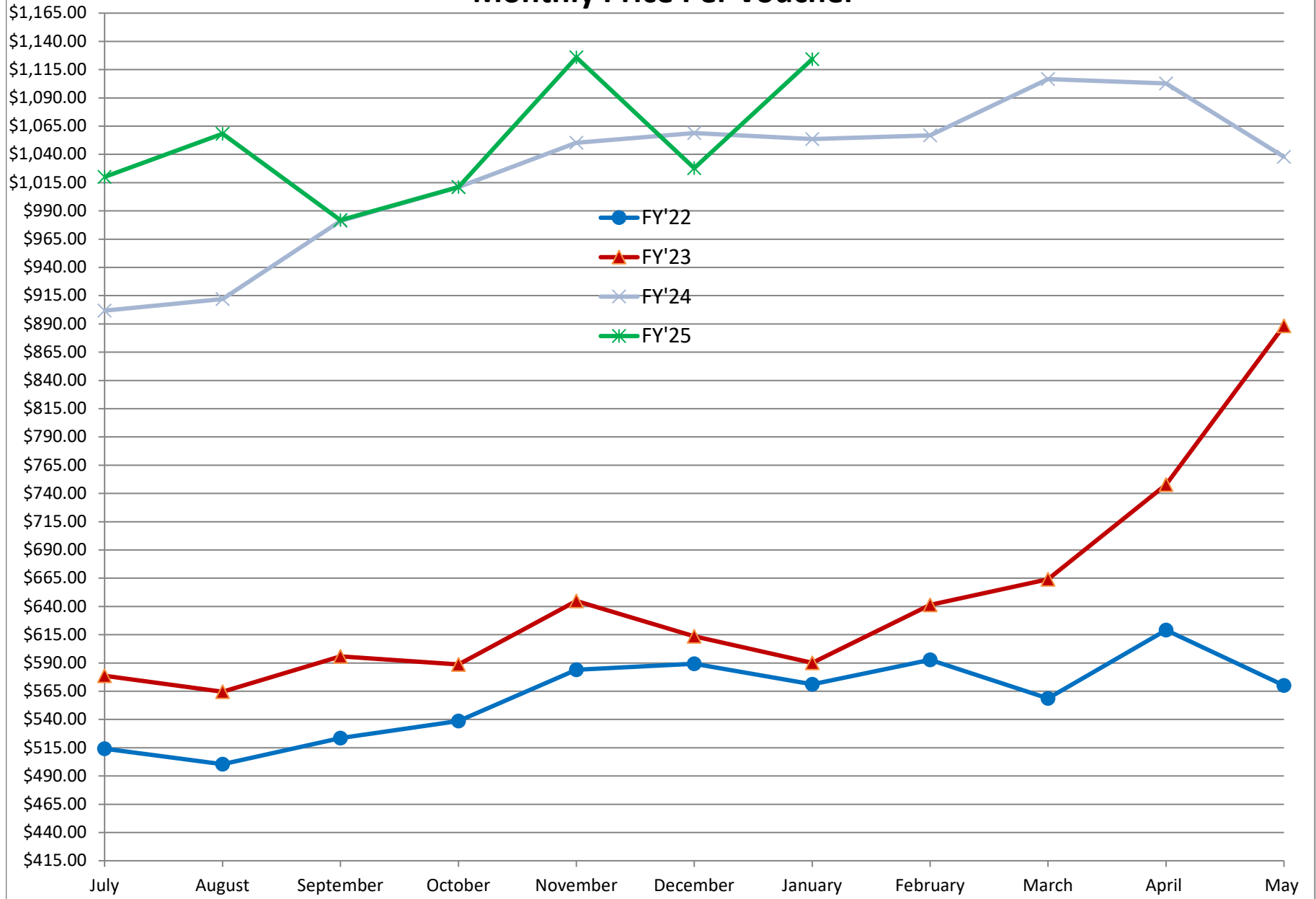
Submitted Voucher Amount



Average Voucher Price Fiscal Year to Date



Monthly Price Per Voucher



Pending UCD Cases as of February 7, 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	749	102	41	5.5%	1,407	250	240	17.1%	15	5	33.3%	2,171	352	286	13.2%
Aroostook	531	118	51	9.6%	774	235	155	20.0%	25	8	32.0%	1,330	353	214	16.1%
Caribou	111	28	13	11.7%	140	31	27	19.3%	7	1	14.3%	258	59	41	15.9%
Fort Kent	76	15	9	11.8%	163	68	28	17.2%	3	0	0.0%	242	83	37	15.3%
Houlton	144	24	12	8.3%	212	69	38	17.9%	10	5	50.0%	366	93	55	15.0%
Presque Isle	200	51	17	8.5%	259	67	62	23.9%	5	2	40.0%	464	118	81	17.5%
Cumberland	1,348	222	94	7.0%	3,375	569	513	15.2%	76	29	38.2%	4,799	791	636	13.3%
Bridgton	24	9	3	12.5%	300	51	58	19.3%	12	5	41.7%	336	60	66	19.6%
Portland	1,302	208	87	6.7%	2,719	433	389	14.3%	46	17	37.0%	4,067	641	493	12.1%
West Bath	22	5	4	18.2%	356	85	66	18.5%	18	7	38.9%	396	90	77	19.4%
Franklin	136	29	5	3.7%	313	90	70	22.4%	9	6	66.7%	458	119	81	17.7%
Hancock	265	36	16	6.0%	400	68	81	20.3%	37	21	56.8%	702	104	118	16.8%
Kennebec	583	106	47	8.1%	1,452	332	294	20.2%	21	5	23.8%	2,056	438	346	16.8%
Augusta	548	100	46	8.4%	917	210	166	18.1%	18	4	22.2%	1,483	310	216	14.6%
Waterville	35	6	1	2.9%	535	122	128	23.9%	3	1	33.3%	573	128	130	22.7%
Knox	213	17	14	6.6%	550	80	84	15.3%	6	1	16.7%	769	97	99	12.9%
Lincoln	178	33	23	12.9%	428	119	89	20.8%	6	0	0.0%	612	152	112	18.3%
Oxford	488	85	39	8.0%	872	210	153	17.5%	15	10	66.7%	1,375	295	202	14.7%
Bridgton	44	14	1	2.3%	83	18	15	18.1%	0	0	0.0%	127	32	16	12.6%
Rumford	194	30	17	8.8%	362	65	57	15.7%	4	1	25.0%	560	95	75	13.4%
South Paris	250	41	21	8.4%	427	127	81	19.0%	11	9	81.8%	688	168	111	16.1%
Penobscot	779	29	70	9.0%	1,470	29	392	26.7%	37	14	37.8%	2,286	58	476	20.8%
Bangor	758	27	68	9.0%	1,131	18	280	24.8%	9	2	22.2%	1,898	45	350	18.4%
Lincoln	3	0	0	0.0%	124	4	36	29.0%	19	5	26.3%	146	4	41	28.1%
Newport	18	2	2	11.1%	215	7	76	35.3%	9	7	77.8%	242	9	85	35.1%
Piscataquis	41	1	9	22.0%	93	2	39	41.9%	26	19	73.1%	160	3	67	41.9%
Sagadahoc	172	43	17	9.9%	408	133	89	21.8%	13	2	15.4%	593	176	108	18.2%
Somerset	304	63	12	3.9%	539	125	101	18.7%	11	2	18.2%	854	188	115	13.5%
Waldo	193	42	13	6.7%	321	114	45	14.0%	9	0	0.0%	523	156	58	11.1%
Washington	161	15	8	5.0%	265	45	44	16.6%	13	4	30.8%	439	60	56	12.8%
Calais	73	5	4	5.5%	111	17	13	11.7%	7	3	42.9%	191	22	20	10.5%
Machias	88	10	4	4.5%	154	28	31	20.1%	6	1	16.7%	248	38	36	14.5%
York	765	137	108	14.1%	2,499	724	555	22.2%	55	22	40.0%	3,319	861	685	20.6%
TOTAL	6,906	1,078	567	8.2%	15,166	3,125	2,944	19.4%	374	148	39.6%	22,446	4,203	3,659	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, February 2024 to February 2025

Pending cases as of February 7 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2024	2025	% Diff	2024	2025	% Diff	2024	2025	% Diff	2024	2025	% Diff
Androscoggin	751	749	-0.3%	1,601	1,407	-12.1%	14	15	7.1%	2,366	2,171	-8.2%
Aroostook	553	531	-4.0%	949	774	-18.4%	22	25	13.6%	1,524	1,330	-12.7%
Caribou	106	111	4.7%	165	140	-15.2%	6	7	16.7%	277	258	-6.9%
Fort Kent	87	76	-12.6%	206	163	-20.9%	7	3	-57.1%	300	242	-19.3%
Houlton	155	144	-7.1%	229	212	-7.4%	5	10	100.0%	389	366	-5.9%
Presque Isle	205	200	-2.4%	349	259	-25.8%	4	5	25.0%	558	464	-16.8%
Cumberland	1,308	1,348	3.1%	3,644	3,375	-7.4%	91	76	-16.5%	5,043	4,799	-4.8%
Bridgton	27	24	-11.1%	269	300	11.5%	15	12	-20.0%	311	336	8.0%
Portland	1,258	1,302	3.5%	2,898	2,719	-6.2%	54	46	-14.8%	4,210	4,067	-3.4%
West Bath	23	22	-4.3%	477	356	-25.4%	22	18	-18.2%	522	396	-24.1%
Franklin	153	136	-11.1%	414	313	-24.4%	50	9	-82.0%	617	458	-25.8%
Hancock	388	265	-31.7%	635	400	-37.0%	34	37	8.8%	1,057	702	-33.6%
Kennebec	620	583	-6.0%	1,467	1,452	-1.0%	15	21	40.0%	2,102	2,056	-2.2%
Augusta	585	548	-6.3%	930	917	-1.4%	11	18	63.6%	1,526	1,483	-2.8%
Waterville	35	35	0.0%	537	535	-0.4%	4	3	-25.0%	576	573	-0.5%
Knox	197	213	8.1%	485	550	13.4%	10	6	-40.0%	692	769	11.1%
Lincoln	142	178	25.4%	378	428	13.2%	6	6	0.0%	526	612	16.3%
Oxford	430	488	13.5%	924	872	-5.6%	25	15	-40.0%	1,379	1,375	-0.3%
Bridgton	35	44	25.7%	68	83	22.1%	3	0	-100.0%	106	127	19.8%
Rumford	161	194	20.5%	390	362	-7.2%	15	4	-73.3%	566	560	-1.1%
South Paris	234	250	6.8%	466	427	-8.4%	7	11	57.1%	707	688	-2.7%
Penobscot	787	779	-1.0%	1,863	1,470	-21.1%	47	37	-21.3%	2,697	2,286	-15.2%
Bangor	753	758	0.7%	1,416	1,131	-20.1%	20	9	-55.0%	2,189	1,898	-13.3%
Lincoln	10	3	-70.0%	203	124	-38.9%	13	19	46.2%	226	146	-35.4%
Newport	24	18	-25.0%	244	215	-11.9%	14	9	-35.7%	282	242	-14.2%
Piscataquis	34	41	20.6%	96	93	-3.1%	9	26	188.9%	139	160	15.1%
Sagadahoc	177	172	-2.8%	459	408	-11.1%	16	13	-18.8%	652	593	-9.0%
Somerset	265	304	14.7%	485	539	11.1%	13	11	-15.4%	763	854	11.9%
Waldo	180	193	7.2%	364	321	-11.8%	7	9	28.6%	551	523	-5.1%
Washington	147	161	9.5%	304	265	-12.8%	19	13	-31.6%	470	439	-6.6%
Calais	70	73	4.3%	123	111	-9.8%	6	7	16.7%	199	191	-4.0%
Machias	77	88	14.3%	181	154	-14.9%	13	6	-53.8%	271	248	-8.5%
York	936	765	-18.3%	3,482	2,499	-28.2%	118	55	-53.4%	4,536	3,319	-26.8%
TOTAL	7,068	6,906	-2.3%	17,550	15,166	-13.6%	496	374	-24.6%	25,114	22,446	-10.6%

Columns	
2024	Number of cases having at least one charge without a disposition, and without a currently active warrant as of February 7, 2024
2025	Number of cases having at least one charge without a disposition, and without a currently active warrant as of February 7, 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, February 2019 to February 2025

Pending cases as of February 7 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2019	2025	% Diff	2019	2025	% Diff	2019	2025	% Diff	2019	2025	% Diff
Androscoggin	376	749	99.2%	1,213	1,407	16.0%	16	15	-6.3%	1,605	2,171	35.3%
Aroostook	327	531	62.4%	591	774	31.0%	38	25	-34.2%	956	1,330	39.1%
Caribou	63	111	76.2%	143	140	-2.1%	11	7	-36.4%	217	258	18.9%
Fort Kent	33	76	130.3%	102	163	59.8%	3	3	0.0%	138	242	75.4%
Houlton	96	144	50.0%	131	212	61.8%	5	10	100.0%	232	366	57.8%
Presque Isle	135	200	48.1%	215	259	20.5%	19	5	-73.7%	369	464	25.7%
Cumberland	781	1,348	72.6%	2,444	3,375	38.1%	121	76	-37.2%	3,346	4,799	43.4%
Bridgton	9	24	166.7%	201	300	49.3%	17	12	-29.4%	227	336	48.0%
Portland	756	1,302	72.2%	1,917	2,719	41.8%	81	46	-43.2%	2,754	4,067	47.7%
West Bath	16	22	37.5%	326	356	9.2%	23	18	-21.7%	365	396	8.5%
Franklin	86	136	58.1%	250	313	25.2%	8	9	12.5%	344	458	33.1%
Hancock	213	265	24.4%	455	400	-12.1%	34	37	8.8%	702	702	0.0%
Kennebec	316	583	84.5%	1,082	1,452	34.2%	43	21	-51.2%	1,441	2,056	42.7%
Augusta	303	548	80.9%	590	917	55.4%	25	18	-28.0%	918	1,483	61.5%
Waterville	13	35	169.2%	492	535	8.7%	18	3	-83.3%	523	573	9.6%
Knox	125	213	70.4%	270	550	103.7%	2	6	200.0%	397	769	93.7%
Lincoln	92	178	93.5%	191	428	124.1%	4	6	50.0%	287	612	113.2%
Oxford	206	488	136.9%	500	872	74.4%	27	15	-44.4%	733	1,375	87.6%
Bridgton	26	44	69.2%	84	83	-1.2%	7	0	-100.0%	117	127	8.5%
Rumford	93	194	108.6%	181	362	100.0%	8	4	-50.0%	282	560	98.6%
South Paris	87	250	187.4%	235	427	81.7%	12	11	-8.3%	334	688	106.0%
Penobscot	375	779	107.7%	1,101	1,470	33.5%	102	37	-63.7%	1,578	2,286	44.9%
Bangor	363	758	108.8%	884	1,131	27.9%	76	9	-88.2%	1,323	1,898	43.5%
Lincoln	6	3	-50.0%	61	124	103.3%	12	19	58.3%	79	146	84.8%
Newport	6	18	200.0%	156	215	37.8%	14	9	-35.7%	176	242	37.5%
Piscataquis	16	41	156.3%	47	93	97.9%	19	26	36.8%	82	160	95.1%
Sagadahoc	75	172	129.3%	231	408	76.6%	25	13	-48.0%	331	593	79.2%
Somerset	133	304	128.6%	514	539	4.9%	58	11	-81.0%	705	854	21.1%
Waldo	104	193	85.6%	232	321	38.4%	5	9	80.0%	341	523	53.4%
Washington	107	161	50.5%	178	265	48.9%	32	13	-59.4%	317	439	38.5%
Calais	32	73	128.1%	80	111	38.8%	8	7	-12.5%	120	191	59.2%
Machias	75	88	17.3%	98	154	57.1%	24	6	-75.0%	197	248	25.9%
York	774	765	-1.2%	2,641	2,499	-5.4%	101	55	-45.5%	3,516	3,319	-5.6%
TOTAL	4,106	6,906	68.2%	11,940	15,166	27.0%	635	374	-41.1%	16,681	22,446	34.6%

Columns

2019	Number of cases having at least one charge without a disposition, and without a currently active warrant as of February 7, 2019
2025	Number of cases having at least one charge without a disposition, and without a currently active warrant as of February 7, 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.

Comment #5 (Attorney Rob Ruffner):

Broadly, I would request that the Commission not approve Chapter 5 as currently drafted as it pertains to intra- office and resource counsel co-counsel/delegation analysis. Additionally, I would propose that the process for Co-counsel be changed to remove the court from the PDS approved process by replacing Motions/Request for Assignment of Co-Counsel with attorneys filing entries of appearance as “PDS Approved Co-counsel” after their written requests are approved by PDS.

With Regards to Resource Counsel and 3.6 Intraoffice Non-Co-Counsel, what sorts of activities is PDS concerned with? How many times in the last 3 years is there a time entry that the Resource Co-counsel was not present with Counsel which PDS finds troubling? How many, and which times of entries, is PDS concerned with in terms of intra-office non-co-counsel representation?

Generally, anything that creates friction, takes time away from representing clients, will reduce an attorneys caseload capacity. Does PDS really want 100 co-counsel requests when one of our attorneys goes on vacation? If something blows up, a bail violation, or a client can’t get out of jail because sentencing paperwork or bail order is in error for example. It could easily take up 3 hours in a day and demands immediate attention that can’t wait for “prior written authorization” to be received. We do not know what the procedure will be to request authorization for more than 3 hours of intraoffice non-co-counsel time. What if it is denied? (Sorry, I can’t help you?)

Finally, the intraoffice non-cocounsel application of this proposed rule (generally but 3.6 in particular) only applies to firms with multiple attorneys doing PDS work. The more attorneys doing PDS work the more burdensome its application.

Section 3. Parameters for Co-Counsel Requests

1. “PDS will only pay for more than one attorney per case when PDS approves a Co-counsel request pursuant to this Chapter.”

***What if PDS denies a request for Co-Counsel, assigned counsel (or a defendant) files a motion for co-counsel and the Court orders that the Defendant was entitled to more than one attorney and orders/assigns Co-Counsel?**

While other sections say that certain tasks may be delegated it does not say that these tasks are “compensable” (See 3.6 “Co-counsel does not need to be requested for an attorneys work to be compensable if:”

Furthermore, while Chapter 5 has nothing to do with new counsel after a motion to withdraw or an attorney is removed from the case adding “or when counsel is assigned as attorney of record replacing prior Commission-Assigned Counsel or Commission Employed Counsel” at the end of paragraph 1 would make it clear to voucher reviewers and counsel.

3. While Co-counsel requests are reviewed from a “client-centric” perspective it is notable that decisions regarding the payment of counsel, and whether their actions allow PDS to deny payment under this Chapter, are not.

5. This is particularly striking given that seeking appointment of co-counsel prior to written authorization, even if that authorization is granted, means that Co-counsel will not be paid for any work on the case. Say an attorney, acting as LOD, informs a court that they can accept an assignment if the Court will grant the request for co-counsel when submitted. That could easily be described as seeking appointment. Co-counsel may be blissfully unaware that Counsel had sought appointment. Alternatively, the idea that an “Eligible” attorney who was also in court with the LOD in the example above who spoke up when the LOD said “I’m not rostered” and agreed to be co-counsel if LOD was assigned is disturbing.

The procedure for Co-Counsel should be changed to remove the Court from the assignment of Co-counsel entirely (except as * above). For example, Co-Counsel could enter their appearance as “PDS Approved Co-counsel” once a written request is approved by PDS. As I understand it, the issues with delays in action by the Court on motions for Co-Counsel is similar to issues with the “designation” process by Public Defenders.

Again, see * above regarding the issue where the Court may rule that Co-Counsel is required even after PDS “liberally” reviewed the request for co-counsel. Future PDS leadership may not always be as “client-centric” as the Current Director and Deputy Director.

6. The 3 hour limit for billable intraoffice non-co-counsel time, why the combined 3 hours? Is there a problem with a over a 2 year case that other attorneys answered questions when the assigned attorney wasn’t available 31 times? We have 10 attorneys currently, we could have 15 by the fall. All we do is Indigent Defense for PDS. If we only have on average 50 active

clients that would be 750 clients on any given day. We had nearly 2125 billable phone calls with clients in 2024 with only 9 attorneys. Additionally, 2258 billable phone calls with clerks, prosecutors, client's parents, siblings, spouses, DHHS, Examiners, Experts, Guardians, Investigators, JCCO, Probation Officers, and other counsel. With the new attorneys, this fall we will be averaging well over 30 PDS case related 30 calls a day every day.

When a client calls, the majority of the time that their attorney isn't available they are seeking answers from an available attorney. They know I am not their attorney and they are asking my advice or seeking answers. That is besides the times when we triage emergencies or obtain vital information from witnesses and experts. They are grateful with the assistance we are able to provide working as a team.

This Rule as written would encourage a firm to send all calls to an attorney's voicemail if they weren't available and even automate the entire process. This would be terrible for clients.

Presumably all time, except for that spent on a time entry event for a task deemed non-delegable under Section 5, performed by an "Eligible" attorney from the same firm should not count towards the 3.6.D combined 3 hours and should not necessitate a separate case in Defender Data or its progeny. However, does PDS really want another case opened in Defender Data every time a task is delegated within a firm? (5.6)

Section 3.6's 3 hour limit should be amended to apply to the specific events/tasks that PDS views as problematic in an intraoffice non-co-counsel scenario.

Section 4 Expectations of Co-Counsel

1.B. A voucher would be submitted for each counsel in the same firm (theoretically every month) rather than one for the firm listing the time for all co-counsel within the same firm. Resulting in more time not working on cases and more vouchers for PDS to review.

There is tension between 1.D & E with 1.F. If the attorneys must avoid unnecessary duplication of effort presumably "only one" attorney, who must be "Eligible" should be present for all Substantive Meetings and Substantive Appearances. Cumbersome at the very least and counterproductive in the case where co-counsel is supporting an attorney who is not rostered for a case. Would changing "must" to "should endeavor to".

Resource Counsel unless co-counsel is "Eligible" 1.D & E restrict Statewide Resource Counsel, who presumably PDS has selected for their ability not only to handle cases but also to mentor less experienced attorneys. Under 4.1.D&E Resource Counsel as Co-counsel have no discretion to allow, consistent with a client-centric analysis, an attorney they are mentoring to handle a Substantive Meeting/Appearance on their own. Presumably needless restricting a tool for developing confidence and evaluating professional development.

Section 5. Vertical Representation

5.1 Delegation may only be made to "Eligible" attorneys. Many tasks of in representing a client are unrelated to the case type and may be time sensitive. Preparing releases for records and meeting with clients to review and execute them. Meeting with clients (in and out of custody) to provide discovery in timely manner and to facilitate their review of A/V discovery in some

situations. Are clients really served if only an Eligible attorney can perform these tasks? Is it in the client's, or system's, best interest for an attorney to spend time opening a new case in Defender Data for an intraoffice delegation of a delegable task?

Section 6. Non-Compensable Tasks.

What sort of behavior is PDS trying to avoid paying for? While I appreciate that the section has been modified the original language is deeply troubling. Not paying for "[s]upervision of any kind whether over co-counsel or the file generally." This does not seem very "client-centric". Is that the spirit of Section 6? Or is section 6 a catchall that allows discretion for PDS pay for intra-office collaborative work that furtheres a client's interest in a case even if it does not fall under some other category of Chapter 5?

PDS Response:

Attorneys should continue to file motions for appointment of co-counsel with the applicable court after PDS has approved the co-counsel request so that the court system reflects that the attorneys are appointed and not retained. PDS will pay co-counsel as of the date PDS approved the co-counsel request.

If resource counsel are serving as co-counsel—especially with attorneys who are not eligible for the case types implicated in the case(s) for which they are co-counsel—then resource counsel should be actively involved in the representation. If an attorney is not eligible for a particular case type, they must have eligible co-counsel. Seeking guidance from resource counsel is not equivalent to having eligible co-counsel present for all stages of a case.

If PDS denies co-counsel and the assigned attorney still requests that a court appoint co-counsel, then PDS will not pay co-counsel. If a court, sua sponte, appoints co-counsel, the assigned attorney or co-counsel should make a retroactive co-counsel request to PDS.

It is important to note the entirety of Section 3(6)(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.*" Emphasis added. An attorney only needs to get prior written authorization from the Executive Director to exceed the three hours. As highlighted in responses to earlier comments, 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.

PDS' position is there is no conflict between Sections 4(1)(D) and (E) and Section 4(1)(F). The rule does not require that both co-counsel be present for every meeting; it merely requires that at least one Eligible Co-counsel be present for Substantive Meetings and Substantive Appearances.

The language cited, "[s]upervision of any kind whether over co-counsel or the file generally." is not in the version of Chapter 5 which is before the Commission. The new proposed language is, "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." Chapter 5, Section 6. PDS' position is that the new

proposed language appropriately balances client centricity with PDS' obligation to be fiscally responsible.

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.