

**MAINE COMMISSION ON
PUBLIC DEFENSE SERVICES**

April 29, 2025

**Commissioner's
Meeting Packet**

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

APRIL 29, 2025 MEETING AGENDA

- 1) Approval of the March 25 and April 1, 2025 Commission Meeting Minutes
- 2) Executive Session (1 M.R.S. 405(6)(A) and (E))
- 3) Report of the Executive Director
 - a. Operations report
- 4) Rulemaking discussion
 - a. Chapter 3 / LD 1101
 - b. Chapter 103
 - c. Proposed Chapter 301-B / Chapter 301 / amended regulatory agenda
- 5) Update from District Defenders
- 6) Set Date, Time and Location of Next Regular Meeting of the Commission
- 7) Public Comment

**Maine Commission on Public Defense Services – Commissioners Meeting
March 25, 2025
Meeting Minutes**

Commissioners Present: Donald Alexander, Randall Bates, Michael Carey, Roger Katz, and David Soucy.

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

Agenda Item:	Discussion/Outcome:
Approval of the February 27, 2025 & March 17, 2025 Meeting Minutes	<p>Commissioner Carey served as Chair Pro Temp.</p> <p>Commissioner Alexander moved to approve the minutes. Seconded by Commissioner Soucy. All voted in favor. Motion prevailed.</p>
Report of the Executive Director	<p>Executive Director Billings provided the following report:</p> <p>Recent trends continue. Dollar amounts for assigned counsel vouchers are up approximately 16% from this time last year. Monthly hours for February 2025 were down from February 2024, but hours remain about 10% higher now when compared to the same 8-month period from the previous year.</p> <p>As of today, we have 143 attorneys on the rosters. 97 of them are accepting trial-level cases, of which 32 are accepting adult criminal cases and 30 are accepting child protective cases. We have received 19 Chapter 2 applications and 42 Chapter 3 applications since January 1, 2025.</p> <p>The Judiciary Committee reported back to the Appropriations & Financial Affairs Committee several initiatives, including our request to open the three new public defender offices (York, Cumberland and the Midcoast), the increase in staffing of PDOs so that they can accept 50% of the criminal cases, increase in staffing so the Parents Counsel Division to represent one parent in one-third of the child protective cases, and the clerical positions to work on the unrepresented list. There was a public hearing on LD 1101. We are awaiting a work session on that. LD 1101 includes the Judicial Branch’s proposal to allow trial court judges to assign counsel off-roster and determine their qualifications. Another part of 1101 would immediately approve some clerical staff to work on the unrepresented list by trying to</p>

	<p>hand place cases. Lastly, 1101 includes five ADI positions and two support staff positions so we can hire and increase the number of employed counsel taking cases. LD 1101 is an emergency bill.</p>
District Defender Update	<p>Logan Perkins, District Defender for the Highlands Region Public Defender Office, provided the following report:</p> <p>Parents Counsel Division: The first parents counsel I (PCI) attorney started on March 10th and is awaiting Rule 11C bar admission and will then apply for full admission to Maine. There are two attorney positions posted. They are awaiting support staff. It has been a struggle to get the Division up and running without support staff.</p> <p>Capital Region Public Defender Office: Is fully staffed. They had a jury trial last month. They have resolved some serious cases in favorable ways for their clients and have had several dismissals.</p> <p>Tri-County Public Defender Office: Just hired their second paralegal. They are hiring for their last ADI position. In total, they have five attorneys, a district defender, two paralegals, an office manager, and an investigator. Two of their attorneys are practicing under Rule 11C. They are struggling to get an accurate unrepresented list.</p> <p>Downeast Public Defender Office: Now has furniture. They are fully staffed. They have been working to resolve the tension over who has control over case assignments (the courts or the defenders). They have been productively conflict-resolution oriented.</p> <p>Aroostook Public Defender Office: Continues to take cases off the unrepresented list. They are working with the courts to figure out how to increase the efficiency of accepting cases. They expect to fill their last vacancy soon.</p> <p>Highlands Region Public Defender Office: The last vacancy, an ADI position, has been filled. Once that person starts, the office will be fully staffed for the first time. In Penobscot, all or almost all the in-custody cases older than three weeks have been staffed. They are struggling with having adequate communication with the DA's Office. They frequently have email inquiries go unanswered. The courts are freely granting continuances to the State over objection and without a hearing.</p>

Mark Perry Appeal Dismissal	<p>The Executive Director suspended Attorney Perry, who filed an appeal and subsequently withdrew his appeal. Counsel advised that the Commission should vote on the dismissal of the appeal.</p> <p>Commissioner Alexander moved to dismiss the appeal. Seconded by Commissioner Soucy. All voted in favor. Motion prevailed.</p>
Public Comment	<p><u>Taylor Kilgore, Esq.</u>: Asked the Commission to consider moving the Commission meetings to 4:00PM or 4:30PM so attorneys can attend and participate.</p> <p><u>Rob Ruffner, Esq.</u>: It is beneficial to have attorneys come from other states to practice indigent defense here because they can provide new perspectives on how we do the work here. Suggested that York has fewer cases in 2019 because of the District Attorney. LD 1101 started at the Judicial Branch's bill and then the defender positions were added. Wonders if this will be all PDS gets this cycle and is concerned that LD 1101 is a poison pill. The system cannot survive a PDS budget shortfall.</p>
Executive Session	<p>Commissioner Alexander moved to go into Executive Session pursuant to 1 MRSA § 405(6)(E) for consultation with legal counsel about ongoing litigation. Seconded by Commissioner Soucy. All voted in favor. The Commission went into Executive Session.</p>
Adjournment	<p>The next meeting will be held on April 29, 2025 at 1:00PM in a hybrid format.</p>

**Maine Commission on Public Defense Services – Commissioners Meeting
April 1, 2025
Meeting Minutes**

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

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

Agenda Item:	Discussion/Outcome:
Executive Session	Commissioner Carey moved to go into Executive Session pursuant to 1 MRSA § 405(6)(E) for consultation with legal counsel. Seconded by Chair Tardy. All voted in favor. The Commission went into Executive Session. The Commission returned from Executive Session and the meeting adjourned.

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

March 2025 Operations Report

- 2,807 new cases were opened in the defenderData system. This was a 553 case increase from February. Year to date, new cases are down 9.6% from last year, from 24,259 at this time last year to 21,920 this year.
- The number of vouchers submitted electronically was 4,200, an increase of 545 vouchers from February, totaling \$4,165,061, an increase of \$382,896 from February. Year to date, the number of submitted vouchers is up by 13.4%, from 29,559 at this time last year to 33,546 this year, with the total amount for submitted vouchers up 15.3%, from \$30,388,297 at this time last year to \$35,049,880 this year.
- We paid 4,116 electronic vouchers totaling \$4,133,579 representing an increase of 337 vouchers and an increase of \$469,202 compared to February. Year to date, the number of paid vouchers is up 14.1%, from 29,154 vouchers at this time last year to 33,265 this year, and the total amount paid is up 16.2%, from \$29,557,604 this time last year to \$34,366,440 this year.
- The average price per voucher was \$1,004.27, up \$34.60 per voucher from February. Year to date, the average price per voucher is up 1.9%, from \$1,013.84 at this time last year to \$1,033.11 this year.
- Drug Court and Termination of Parental Rights had the highest average voucher total. There were 30 vouchers exceeding \$7,500 paid in March. See attached addendum for details.
- We issued 178 authorizations to expend funds: 83 for private investigators, 56 for experts, and 39 for miscellaneous services such as interpreters and transcriptionists. We paid \$227,794 for experts and investigators, etc. One request was denied.
- There were no attorney suspensions.
- In the All Other Account, the total expenses were \$3,182,786. Approximately \$31,354 was devoted to the Commission's operating expenses.
- In the Personal Services Accounts, we had \$603,632 in expenses.
- In the Revenue Account, we had \$1,439,893 in expenses for attorney payments.
- As of April 25, 2025, there are 153 rostered attorneys of which 109 are available for trial court level work.
- For the first 9 months of this fiscal year, submitted hours are up 9.7% over the same 9-month period last year. March 2025 submitted hours are 8.4 % higher than March 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	25,872	28,647				243,297

Vouchers over \$7,500

Comment	Voucher Total	Case Total
Child Protection	\$18,693.00	\$18,693.00
Homicide	\$17,766.09	\$23,376.09
Aggravated Assault	\$17,463.84	\$17,463.84
Attempted Murder	\$15,832.40	\$30,778.50
Aggravated Trafficking	\$15,280.00	\$15,280.00
Robbery	\$13,329.00	\$13,329.00
Termination of Parental Rights	\$12,975.00	\$23,670.00
OUI	\$12,487.84	\$12,487.84
Child Protection	\$11,910.00	\$23,745.00
Child Protection	\$11,803.44	\$11,803.44
Child Protection	\$11,634.24	\$11,634.24
Unlawful Sexual Contact	\$11,532.91	\$16,080.55
Appeal - Homicide	\$11,385.00	\$18,105.00
Aggravated Assault	\$11,237.70	\$11,237.70
Gross Sexual Assault	\$11,152.79	\$11,152.79
Threatening Display of a Weapon	\$10,682.30	\$10,682.30
Child Protection	\$10,496.88	\$36,030.22
Intentionally Endanger Welfare/Depend. Person	\$10,440.00	\$19,440.00
Homicide	\$10,218.20	\$13,655.55
Child Protection	\$10,186.00	\$10,186.00
Domestic Violence Assault	\$9,876.00	\$9,876.00
Manslaughter	\$9,702.06	\$9,702.06
Aggravated Assault	\$9,462.79	\$9,462.79
Gross Sexual Assault	\$8,925.00	\$8,925.00
Domestic Violence Assault	\$8,919.44	\$8,919.44
Child Protection	\$8,910.00	\$10,905.00
Aggravated Driving to Endanger	\$8,714.00	\$8,714.00
Child Protection	\$8,544.96	\$8,544.96
Assault	\$8,490.00	\$13,620.00
Termination of Parental Rights	\$7,995.00	\$14,625.00

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

Activity Report by Case Type

3/31/2025

DefenderData Case Type	Mar-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	17	45	\$91,113.61	28	\$ 54,973.50	\$1,963.34	121	262	\$ 666,299.22	\$2,543.13
Central Office Resource Counsel	0	2	\$1,950.00	0			1	16	\$ 19,050.80	\$1,190.68
Child Protection Petition	215	533	\$680,435.14	528	\$ 666,608.08	\$1,262.52	1,453	4,779	\$ 6,132,468.36	\$1,283.21
Drug Court	8	17	\$31,650.54	8	\$ 21,842.94	\$2,730.37	60	131	\$ 269,087.60	\$2,054.10
Emancipation	4	12	\$11,829.71	9	\$ 8,602.39	\$955.82	66	65	\$ 58,771.03	\$904.17
Felony	719	1,203	\$1,533,766.82	1,148	\$ 1,514,960.73	\$1,319.65	5,196	9,210	\$ 12,497,479.41	\$1,356.95
Involuntary Civil Commitment	119	142	\$73,455.78	115	\$ 58,690.08	\$510.35	1,031	976	\$ 520,840.28	\$533.65
Juvenile	64	128	\$154,580.79	169	\$ 222,574.19	\$1,317.01	816	1,323	\$ 1,350,706.07	\$1,020.94
Lawyer of the Day - Custody	308	348	\$233,033.53	392	\$ 269,528.53	\$687.57	2,582	2,629	\$ 1,800,303.31	\$684.79
Lawyer of the Day - Juvenile	4	6	\$2,250.00	4	\$ 1,350.00	\$337.50	41	49	\$ 23,520.80	\$480.02
Lawyer of the Day - Walk-in	130	137	\$92,664.30	153	\$ 102,894.49	\$672.51	1,166	1,157	\$ 776,197.37	\$670.87
PDS Provided Training	96	79	\$22,045.00	59	\$ 20,857.50	\$353.52	561	477	\$ 657,494.67	\$1,378.40
Misdemeanor	915	1,208	\$926,581.31	1,205	\$ 900,880.73	\$747.62	7,132	9,605	\$ 7,012,590.73	\$730.10
Petition, Modified Release Treatment	1	6	\$12,588.94	7	\$ 11,298.78	\$1,614.11	19	36	\$ 52,779.50	\$1,466.10
Petition, Release or Discharge	0	0		0			2	9	\$ 26,599.85	\$2,955.54
Petition,Termination of Parental Rights	0	5	\$10,049.16	4	\$ 9,090.00	\$2,272.50	0	78	\$ 140,222.62	\$1,797.73
Post Conviction Review	5	16	\$16,652.42	16	\$ 14,893.78	\$930.86	20	149	\$ 272,708.86	\$1,830.26
Probate	2	4	\$3,630.00	3	\$ 2,385.00	\$795.00	9	36	\$ 62,666.05	\$1,740.72
Probation Violation	157	203	\$174,656.07	191	\$ 172,048.72	\$900.78	1,230	1,489	\$ 1,227,447.29	\$824.34
Represent Witness on 5th Amendment	1	0		2	\$ 4,485.00	\$2,242.50	15	14	\$ 20,488.02	\$1,463.43
Resource Counsel Criminal	0	4	\$2,100.00	4	\$ 2,055.00	\$513.75	4	38	\$ 24,031.00	\$632.39
Resource Counsel Juvenile	2	2	\$645.00	3	\$ 660.00	\$220.00	2	10	\$ 1,230.00	\$123.00
Resource Counsel Mental Health	0	0		1	\$ 1,815.00	\$1,815.00	0	4	\$ 2,220.00	\$555.00
Resource Counsel NCR	0	0		0			0	0		
Resource Counsel Protective Custody	0	1	\$2,370.00	1	\$ 870.00	\$870.00	0	16	\$ 22,181.00	\$1,386.31
Review of Child Protection Order	0	29	\$47,615.62	22	\$ 48,994.30	\$2,227.01	0	385	\$ 557,689.56	\$1,448.54
Revocation of Administrative Release	0	1	\$1,095.00	1	\$ 1,095.00	\$1,095.00	2	8	\$ 8,257.50	\$1,032.19
Weapons Restrictions Case	40	69	\$38,303.10	43	\$ 20,125.68	\$468.04	391	314	\$ 163,109.66	\$519.46
TOTAL	2,807	4,200	\$4,165,061.84	4,116	\$ 4,133,579.42	\$1,004.27	21,920	33,265	\$ 34,366,440.56	\$1,033.11

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

Activity Report by Court

3/31/2025

Court	Mar-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	\$1,956.00	1	\$ 753.00	\$753.00	11	9	\$ 6,828.00	\$758.67
AUBSC	0	7	\$9,885.00	4	\$ 4,470.00	\$1,117.50	15	17	\$ 18,790.00	\$1,105.29
AUGDC	49	92	\$145,993.81	75	\$ 140,834.81	\$1,877.80	370	660	\$ 1,146,541.97	\$1,737.18
AUGSC	2	6	\$12,588.94	7	\$ 11,298.78	\$1,614.11	28	49	\$ 86,681.60	\$1,769.01
BANDC	52	98	\$67,749.82	87	\$ 69,412.06	\$797.84	596	955	\$ 718,104.66	\$751.94
BANSC	10	3	\$7,172.17	2	\$ 6,872.17	\$3,436.09	20	9	\$ 15,290.64	\$1,698.96
BATSC	0	0		0			0	0		
BELDC	7	15	\$14,415.21	15	\$ 19,368.46	\$1,291.23	77	163	\$ 204,861.30	\$1,256.82
BELSC	0	0		0			0	1	\$ 2,470.00	\$2,470.00
BIDDC	70	121	\$126,948.75	124	\$ 116,405.65	\$938.76	497	944	\$ 848,004.72	\$898.31
BRIDC	7	16	\$20,092.08	12	\$ 13,081.08	\$1,090.09	81	133	\$ 163,219.66	\$1,227.22
CALDC	0	3	\$3,286.68	5	\$ 13,078.74	\$2,615.75	25	74	\$ 71,683.96	\$968.70
CARDC	5	24	\$32,775.00	18	\$ 32,534.14	\$1,807.45	67	154	\$ 182,175.30	\$1,182.96
CARSC	0	0		0			3	1	\$ 300.00	\$300.00
DOVDC	4	8	\$10,394.20	12	\$ 15,186.04	\$1,265.50	26	90	\$ 100,447.90	\$1,116.09
DOVSC	0	0		0			1	2	\$ 180.00	\$90.00
ELLDC	14	31	\$23,968.80	34	\$ 25,575.72	\$752.23	79	276	\$ 290,508.49	\$1,052.57
ELLSC	0	0		0			4	4	\$ 7,569.50	\$1,892.38
FARDC	9	16	\$18,922.91	17	\$ 22,109.63	\$1,300.57	110	168	\$ 205,100.73	\$1,220.84
FARSC	0	0		0			2	2	\$ 1,455.00	\$727.50
FORDC	4	8	\$5,958.00	3	\$ 1,890.00	\$630.00	28	75	\$ 70,084.50	\$934.46
HOUDC	9	14	\$13,198.50	19	\$ 18,375.00	\$967.11	63	157	\$ 155,250.58	\$988.86
HOUSC	0	0		0			0	1	\$ 585.00	\$585.00
LEWDC	53	110	\$138,227.12	119	\$ 153,193.68	\$1,287.34	459	903	\$ 1,061,861.73	\$1,175.93
LINDC	14	14	\$13,456.16	8	\$ 9,782.00	\$1,222.75	67	76	\$ 76,752.64	\$1,009.90
MACDC	3	14	\$18,020.16	11	\$ 13,773.36	\$1,252.12	36	94	\$ 106,639.80	\$1,134.47
MACSC	0	0		0			2	2	\$ 107,809.95	\$53,904.98
MADDC	2	0		0			4	0		
MILDC	3	0		0			8	6	\$ 17,449.12	\$2,908.19
NEWDC	16	23	\$19,616.92	27	\$ 22,788.72	\$844.03	97	229	\$ 174,285.02	\$761.07
PORDC	83	148	\$132,646.20	134	\$ 130,825.67	\$976.31	674	1,130	\$ 1,187,524.81	\$1,050.91
PORSC	2	0		2	\$ 1,697.25	\$848.63	10	18	\$ 26,850.19	\$1,491.68
PREDC	8	31	\$48,178.36	24	\$ 37,154.80	\$1,548.12	58	158	\$ 220,748.33	\$1,397.14
RODC	14	17	\$19,709.64	22	\$ 31,442.71	\$1,429.21	116	191	\$ 231,158.25	\$1,210.25
ROCSC	0	0		1	\$ 2,550.00	\$2,550.00	3	7	\$ 5,559.58	\$794.23
RUMDC	12	22	\$32,548.56	22	\$ 26,857.50	\$1,220.80	67	209	\$ 281,664.64	\$1,347.68
SKODC	22	51	\$52,822.56	48	\$ 53,763.84	\$1,120.08	183	539	\$ 662,773.99	\$1,229.64
SKOSC	0	2	\$1,830.00	2	\$ 1,830.00	\$915.00	3	4	\$ 4,888.50	\$1,222.13
SODUC	7	13	\$10,320.00	11	\$ 9,045.00	\$822.27	44	130	\$ 153,617.93	\$1,181.68
SOUSC	1	1	\$15.00	1	\$ 15.00	\$15.00	7	7	\$ 4,642.50	\$663.21
SPRDC	6	9	\$7,875.00	9	\$ 8,700.00	\$966.67	36	124	\$ 167,476.42	\$1,350.62
Law Ct	15	41	\$84,201.61	21	\$ 37,031.30	\$1,763.40	98	221	\$ 577,541.89	\$2,613.31
Training	92	79	\$25,607.50	59	\$ 22,057.50	\$373.86	551	504	\$ 688,214.97	\$1,365.51
YORCD	312	459	\$440,858.19	452	\$ 429,327.87	\$949.84	2,504	3,768	\$ 3,940,048.97	\$1,045.66
AROCD	117	256	\$185,023.21	254	\$ 222,014.82	\$874.07	1,267	2,091	\$ 1,797,110.40	\$859.45
ANDCD	169	349	\$353,015.51	323	\$ 362,837.75	\$1,123.34	1,579	2,775	\$ 2,764,287.43	\$996.14
KENCD	206	212	\$212,540.77	200	\$ 180,758.46	\$903.79	1,380	1,615	\$ 1,471,745.24	\$911.30
PENCD	310	306	\$295,798.78	312	\$ 304,312.42	\$975.36	1,976	2,654	\$ 2,597,053.41	\$978.54
SAGCD	60	62	\$49,446.06	79	\$ 65,382.44	\$827.63	402	482	\$ 430,082.80	\$892.29
WALCD	67	79	\$79,125.60	72	\$ 78,824.11	\$1,094.78	483	539	\$ 625,992.28	\$1,161.40
PISCD	21	24	\$40,971.78	18	\$ 14,603.28	\$811.29	144	167	\$ 160,576.68	\$961.54
HANCD	57	64	\$44,655.48	78	\$ 69,062.98	\$885.42	412	698	\$ 614,551.69	\$880.45
FRACD	43	70	\$66,843.35	60	\$ 53,704.02	\$895.07	319	527	\$ 487,653.95	\$925.34
WASCD	46	47	\$48,069.27	44	\$ 36,542.73	\$830.52	419	466	\$ 577,313.81	\$1,238.87
CUMCD	440	691	\$648,896.37	699	\$ 674,332.35	\$964.71	3,334	4,927	\$ 4,985,543.82	\$1,011.88
KNOC	69	98	\$77,877.82	130	\$ 122,363.49	\$941.26	665	674	\$ 638,009.45	\$946.60
SOMCD	111	100	\$133,738.60	137	\$ 145,949.38	\$1,065.32	886	1,007	\$ 890,498.62	\$884.31
OXFCD	95	164	\$188,545.10	124	\$ 144,135.88	\$1,162.39	740	1,122	\$ 1,003,733.71	\$894.59
LINCD	28	77	\$70,486.78	57	\$ 39,658.88	\$695.77	385	438	\$ 470,534.34	\$1,074.28
WATDC	20	49	\$42,687.20	51	\$ 40,934.82	\$802.64	172	378	\$ 382,288.02	\$1,011.34
WESDC	32	31	\$43,620.65	37	\$ 46,398.18	\$1,254.00	152	252	\$ 274,380.25	\$1,088.81
WISDC	5	13	\$15,482.49	24	\$ 23,559.99	\$981.67	53	138	\$ 145,950.70	\$1,057.61
WISSC	0	0		0			0	0		
YORDC	3	9	\$6,728.17	8	\$ 4,851.96	\$606.50	22	43	\$ 52,258.72	\$1,215.32
TOTAL	2,807	4,200	\$4,165,061.84	4,116	\$4,133,579.42	\$1,004.27	21,920	33,265	\$34,366,440.56	\$1,033.11

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

FY25 As of 4/18/25

<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)	(1,760,318)	(319,527)	(4,979,936)	
Estimated payroll remaining				-	(1,585,989)	(1,585,989)	
Pending Budget Order		(879,186)	(1,723,990)	(243,003)	2,846,179	-	Estimated early-mid May
Total Personal Services available	\$	(0)	\$ (0)	\$ 0	\$ 1,704,616	\$ 1,704,616	
All Other Allotment	\$	11,660,730	\$ 11,461,120	\$ 11,676,220	\$ 3,908,886	\$ 38,706,956	
Expenditures to date		(11,612,366)	(11,210,310)	(11,038,175)	(2,278,941)	(36,139,793)	
Encumbrances		(48,364)	(250,810)	(406,080)	12,173	(693,081)	
Total All Other Available	\$	0	\$ 0	\$ 231,964	\$ 1,642,117	\$ 1,874,082	

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	\$ 1,787,960	\$ 7,374,199	\$ 482,219	\$ 9,652,578	
Expenditures to date		(8,200)	(1,787,959)	(1,439,893)	(148,845)	(3,384,897)	
Encumbrances		-	-	-	(79,684)	(79,684)	
Total All Other Available	\$	-	\$ 1	\$ 5,934,306	\$ 253,690	\$ 6,187,997	

CASH ON HAND 4/18/25 \$ 6,220,266.81

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

CASH ON HAND 4/18/25 \$ 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 4/18/25 \$ -

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

CASH ON HAND 4/18/25 \$ -

General Fund MCPDS Budget to Actual Report
Maine Commission on Public Defense Services
SFY2025 Budget Object Group
As of March 31st, 2025

Object Group		Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total FY25	
1	GF PS Allotment	2,024,792	3,478,475	2,003,321	763,952	8,270,540	1
2	30 Personal Services	-	-	603,632	-	603,632	2
3	Total Personal Services	\$ 2,024,792	\$ 3,478,475	\$ 1,399,689	\$ 763,952	\$ 7,666,908	3
4	GF AO Allotment	11,660,730	13,395,842	9,741,498	3,908,886	38,706,956	4
5	4005 Reader & Interpreter Serv	-	-	8,731	-	8,731	5
6	4015 Casual Labor	-	-	-	-	-	6
7	4021 Entertain & Caterers Serv	-	-	-	-	-	7
8	4022 Speech Therapy	-	-	-	-	-	8
9	4031 Inspect & Investigation	-	-	49,803	-	49,803	9
10	4036 Instructor & Speaker Serv	-	-	-	-	-	10
11	4040 Court Appointed Attorneys	-	-	2,693,460	-	2,693,460	11
12	4042 Legal Services	-	-	14,272	-	14,272	12
13	4047 Psychological Examination	-	-	49,885	-	49,885	13
14	4095 Medical Reports	-	-	108	-	108	14
15	4096 Contractual Employee	-	-	-	-	-	15
16	4097 Clerical Support Serices	-	-	-	-	-	16
17	4099 Misc Prof Fees & Spec Srv	-	-	22,320	-	22,320	17
18	4105 Service Center	-	-	-	-	-	18
19	4250 W-2 Reportable In State Travel Non	-	-	-	-	-	19
20	4251 W-2 Reportable In State Travel Mile	-	-	-	-	-	20
21	4260 Air Fare In State	-	-	-	-	-	21
22	4263 Car Rental In State	-	-	-	-	-	22
23	4270 Auto Mileage-Gen In State	-	-	4,137	-	4,137	23
24	4271 Other Transportation	-	-	20	-	20	24
25	4273 Hotel Room & Lodging	-	-	-	-	-	25

26	4274	Meals And Gratuities	-	-	134	-	134	26
27	4380	Auto Mileage-Gen Out-Of St	-	-	-	-	-	27
28	4381	Other Transportation Cost	-	-	-	-	-	28
29	4384	Meals Include Gratuities	-	-	-	-	-	29
30	4606	Rent Buildings And Office	-	-	-	-	-	30
31	4651	Misc Rents	-	-	-	-	-	31
32	4801	Insurance On Buildings	-	-	-	-	-	32
33	4825	General Liability Insur	-	-	-	-	-	33
34	4841	Employees Bonds	-	-	-	-	-	34
35	4852	Automobile Insurance	-	-	-	-	-	35
36	4901	Stamps	-	-	-	-	-	36
37	4906	Postal Set Up Fees	-	-	-	-	-	37
38	4909	Courier Service	-	-	-	-	-	38
39	4911	Postage	-	-	836	-	836	39
40	4912	Bus Reply & Postage Due	-	-	-	-	-	40
41	4913	Intragovernmental Service	-	-	121	-	121	41
42	4922	Waste Recycling	-	-	35	-	35	42
43	4929	Printing And Binding	-	-	135	-	135	43
44	4930	Transcripts	-	-	25,557	-	25,557	44
45	4946	Advertising Notices	-	-	725	-	725	45
46	4959	Expert Witness Fees	-	-	71,390	-	71,390	46
47	4969	Witness Fees	-	-	-	-	-	47
48	4974	Tuition Exp Other Than St	-	-	-	-	-	48
49	4975	Sales Tax Paid By State	-	-	-	-	-	49
50	4982	Periodicals Newspaper Sub	-	-	-	-	-	50
51	4983	Dues	-	-	5,350	-	5,350	51
52	4991	General Operating Expense	-	-	695	-	695	52
53	4994	Contract Payments	-	-	-	-	-	53
54	4999	Special Fire Emergency Ch	-	-	180	-	180	54
55	5001	Registration Fee-Non State	-	-	-	-	-	55
56	5010	Tuition-Continuing Education	-	-	-	-	-	56
57	5020	Books	-	-	-	-	-	57
58	5022	Films/Materials	-	-	-	-	-	58
59	5030	Training Rooms	-	-	-	-	-	59
60	5031	Training Facilities	-	-	-	-	-	60

61	5080	Training Catered Meals	-	-	-	-	-	61
62	5081	Training Refreshments	-	-	-	-	-	62
63	5150	Food	-	-	-	-	-	63
64	5151	Misc Foodstuffs	-	-	-	-	-	64
65	5301	Oit Professional Charges	-	-	5,727	-	5,727	65
66	5302	Telephone Service	-	-	38,069	-	38,069	66
67	5304	Cellular Phone Service	-	-	5,096	-	5,096	67
68	5310	It End User Services	-	-	42,920	-	42,920	68
69	5312	It Consulting-Non State	-	-	-	-	-	69
70	5315	It Applications-By State	-	-	3,416	-	3,416	70
71	5331	Network Access	-	-	518	-	518	71
72	5341	Lease Purchase Hardware/System	-	-	2,896	-	2,896	72
73	5346	Pc & Ntwrking Software/License	-	-	-	-	-	73
74	5355	Software Maint / Licenses	-	-	38,160	-	38,160	74
75	5357	Printers	-	-	-	-	-	75
76	5370	Minor It Equipment	-	-	12,853	-	12,853	76
77	5389	Software Licenses <1 Year	-	-	5,195	-	5,195	77
78	5390	Communication Equipment	-	-	-	-	-	78
79	5401	Clothing	-	-	-	-	-	79
80	5540	Major Household Appliances	-	-	-	-	-	80
81	5562	Cell Phone Services	-	-	-	-	-	81
82	5590	Non-It Minor Equipment	-	-	-	-	-	82
83	5600	Office & Other Supplies	-	-	-	-	-	83
84	5602	Office Supplies	-	-	-	-	-	84
85	5627	Purchase Of Books	-	-	3,876	-	3,876	85
86	5636	Misc Supplies	-	-	-	-	-	86
87	5650	Misc Office Equipment	-	-	-	-	-	87
88	5654	Ergonomic Office Equip	-	-	-	-	-	88
89	5656	Modular Furniture	-	-	75,248	-	75,248	89
90	5661	Paint Supplies	-	-	920	-	920	90
91		Subtotal AO Expenses	-	-	3,182,786	-	3,182,786	91
92		Contract Encumbrances	-	-	290,800	-	290,800	92
93		Contract Expenses	-	-	-	-	-	93
94		Subtotal Encumbrances	-	-	290,800	-	290,800	94
95		Total All Other	\$ 11,660,730	\$ 13,395,842	\$ 6,267,912	\$ 3,908,886	\$ 35,233,370	95

OSR MCPDS Budget to Actual Report
Maine Commission of Public Defense Services
SFY2025 Budget Object Group
As of March 31st, 2025

Fund: 014

Object Group	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total FY25
GF AO Allotment	8,200	8,679,940	482,219	482,219	9,652,578
40 Prof. Services, Not By State	-	-	1,439,893	-	1,439,893
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	-	-	1,439,893	-	1,439,893
Contract Encumbrances	-	-	-	-	-
Contract Expenses	-	-	-	-	-
Subtotal Encumbrances	-	-	-	-	-
Total All Other	\$ 8,200	\$ 8,679,940	\$ (957,674)	\$ 482,219	\$ 8,212,685

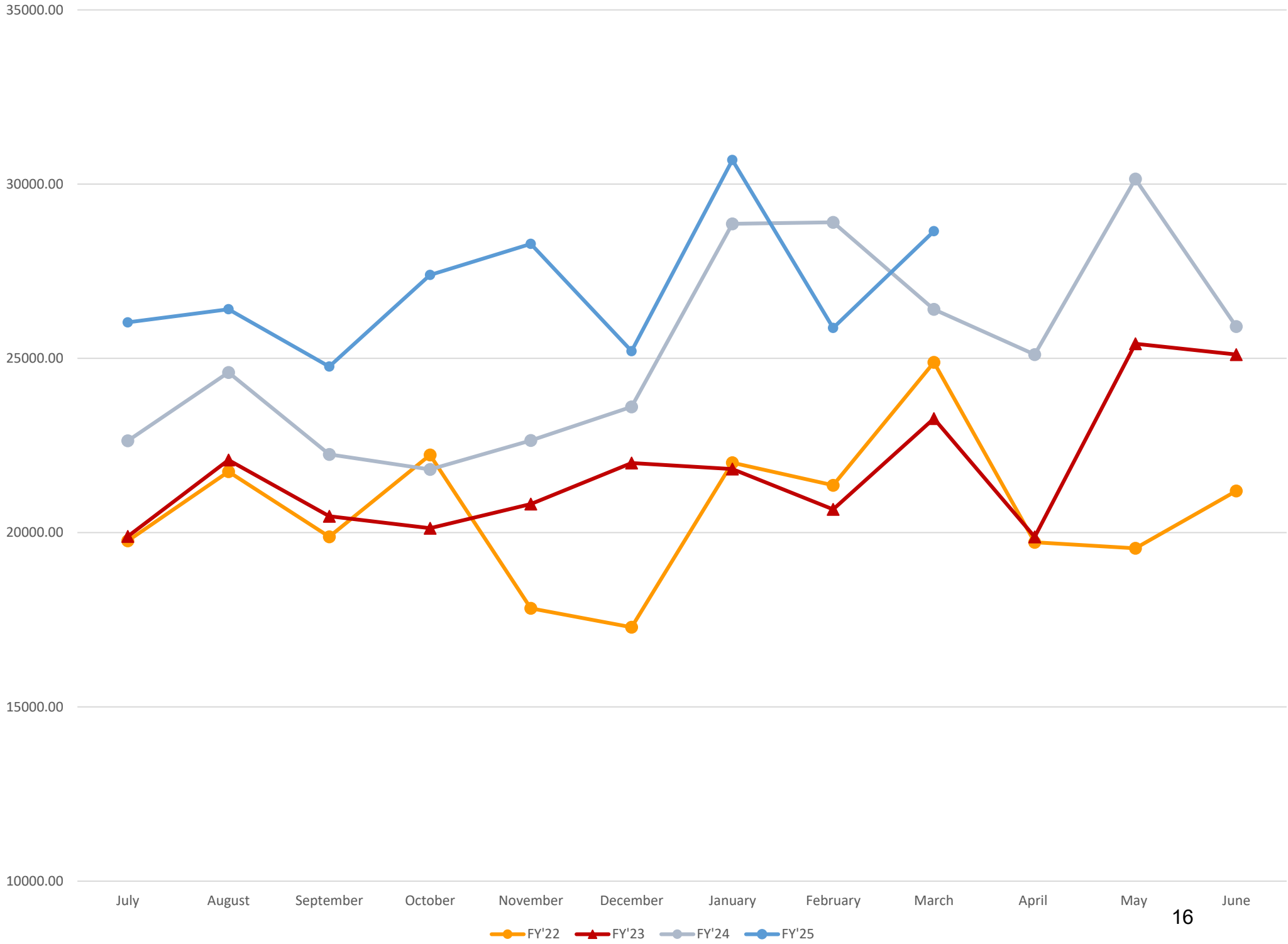
OSR MCPDS Budget to Actual Report
Department of Administrative & Financial Services
Maine Commission of Public Defense Services
SFY2025 Budget Object Group
As of March 31st, 2025

Appropriation: Z11202

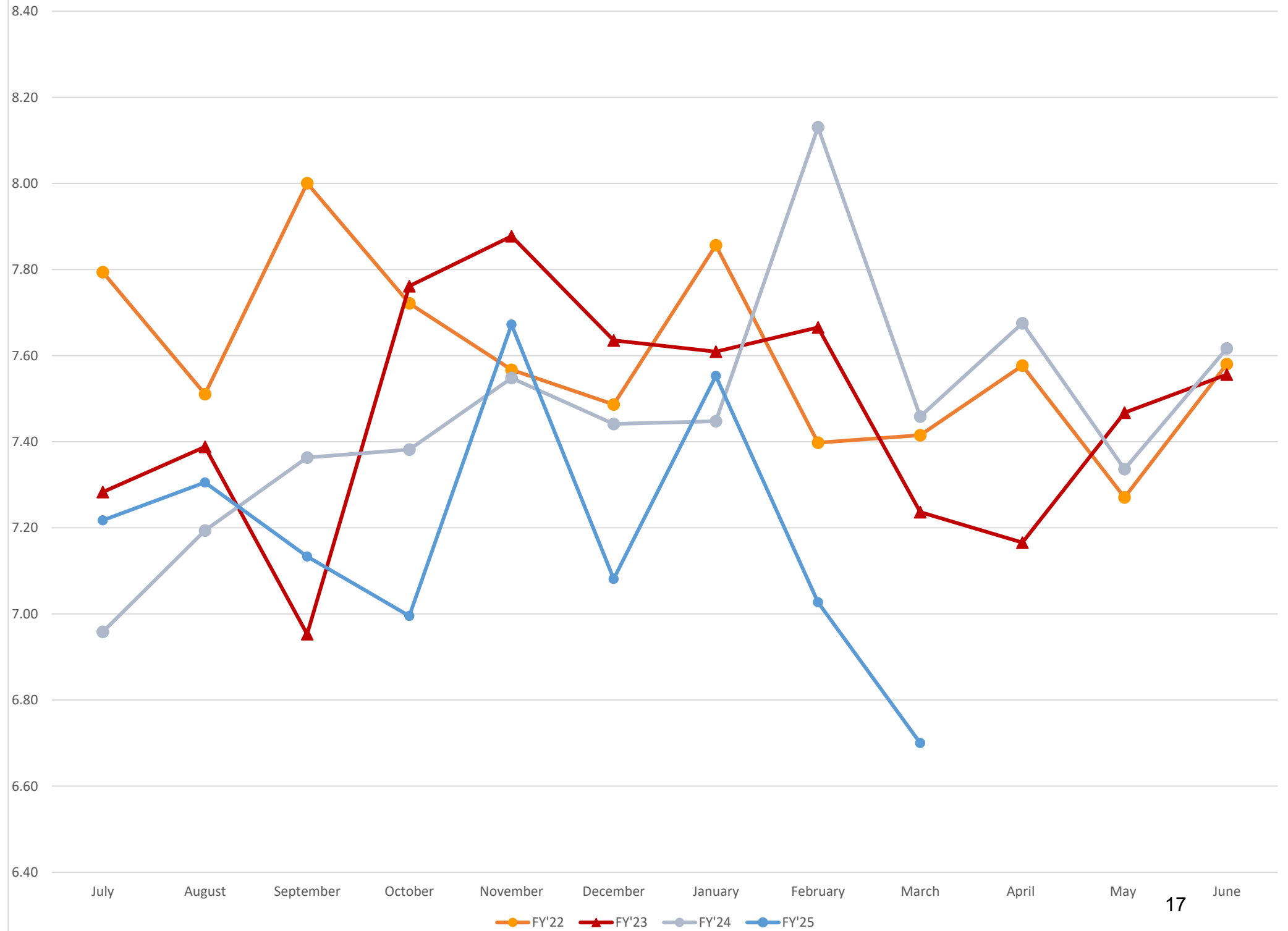
Fund: 014

Object Group	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total FY25
1 GF AO Allotment	-	57,000	-	-	57,000
2 40 Prof. Services, Not By State	-	-	-	-	-
3 41 Prof. Services, By State	-	-	-	-	-
4 42 Travel Expenses, In State	-	-	-	-	-
5 43 Travel Expenses, Out Of State	-	-	-	-	-
6 46 Rents	-	-	-	-	-
7 48 Insurance	-	-	-	-	-
8 49 General Operations	-	-	-	-	-
9 50 Employee Training	-	-	-	-	-
10 51 Commodities - Food	-	-	-	-	-
11 53 Technology	-	-	-	-	-
12 55 Equipment And Technology	-	-	-	-	-
13 56 Office & Other Supplies	-	-	-	-	-
14 65 Labor and Ins Client Benefits	-	-	-	-	-
15 90 Charges to Assets and Liabilities	-	-	-	-	-
16 Subtotal AO Expenses	-	-	-	-	-
17 Contract Encumbrances	-	-	-	-	-
18 Contract Expenses	-	-	-	-	-
19 Subtotal Encumbrances	-	-	-	-	-
20 Total All Other	\$ -	\$ 57,000	\$ -	\$ -	\$ 57,000

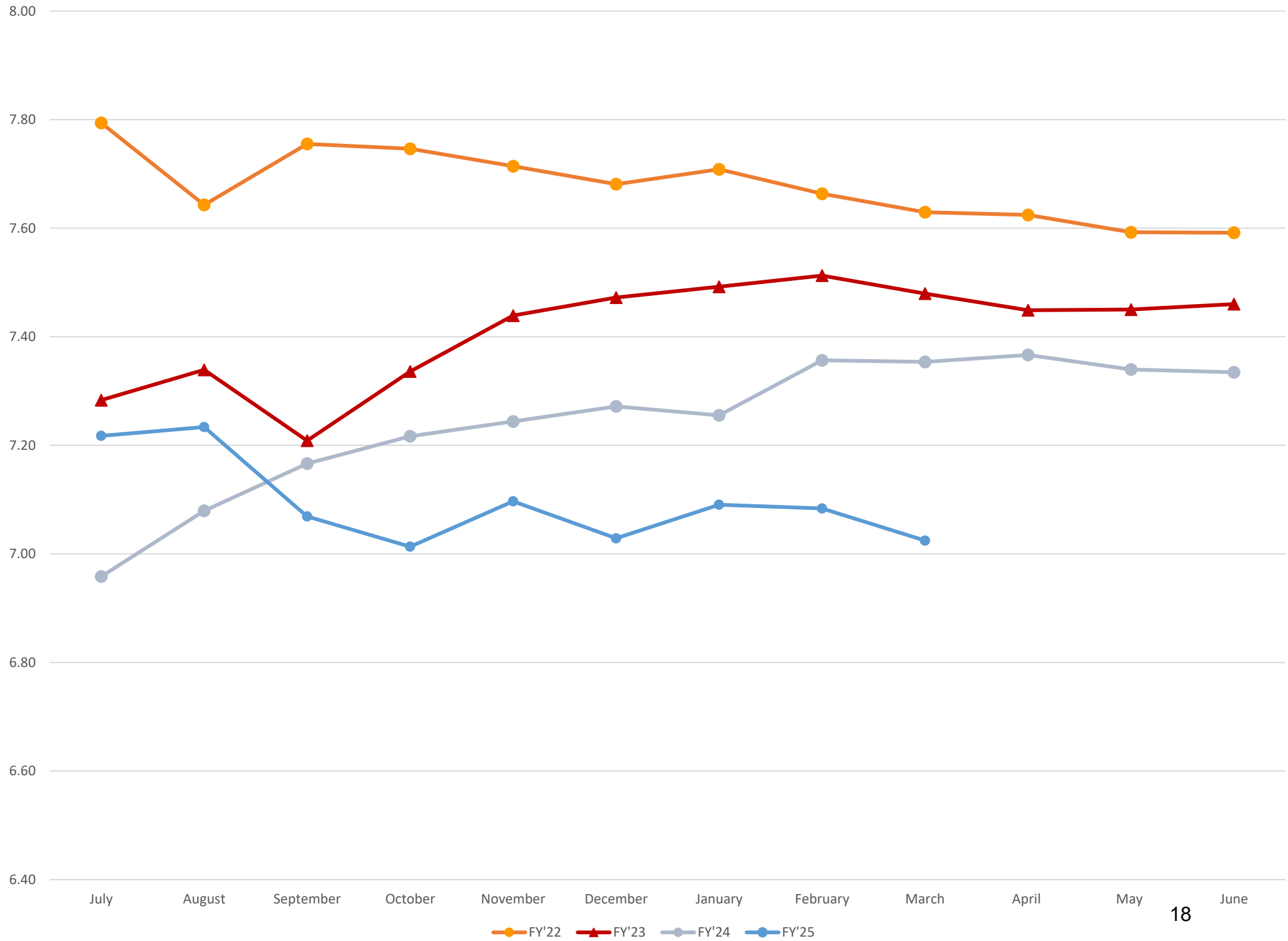
Submitted Hours Amount



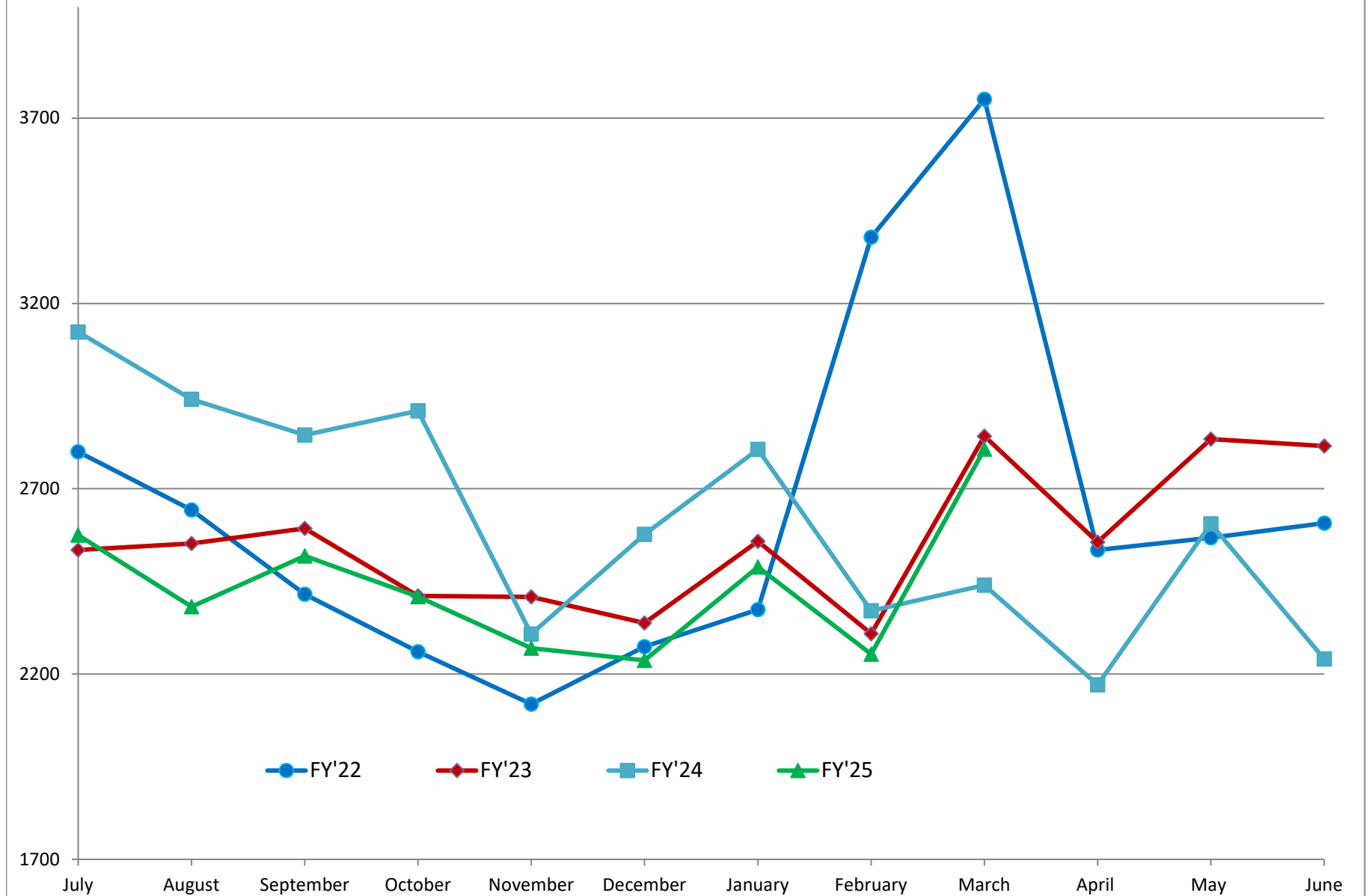
Monthly Average Hours per Voucher



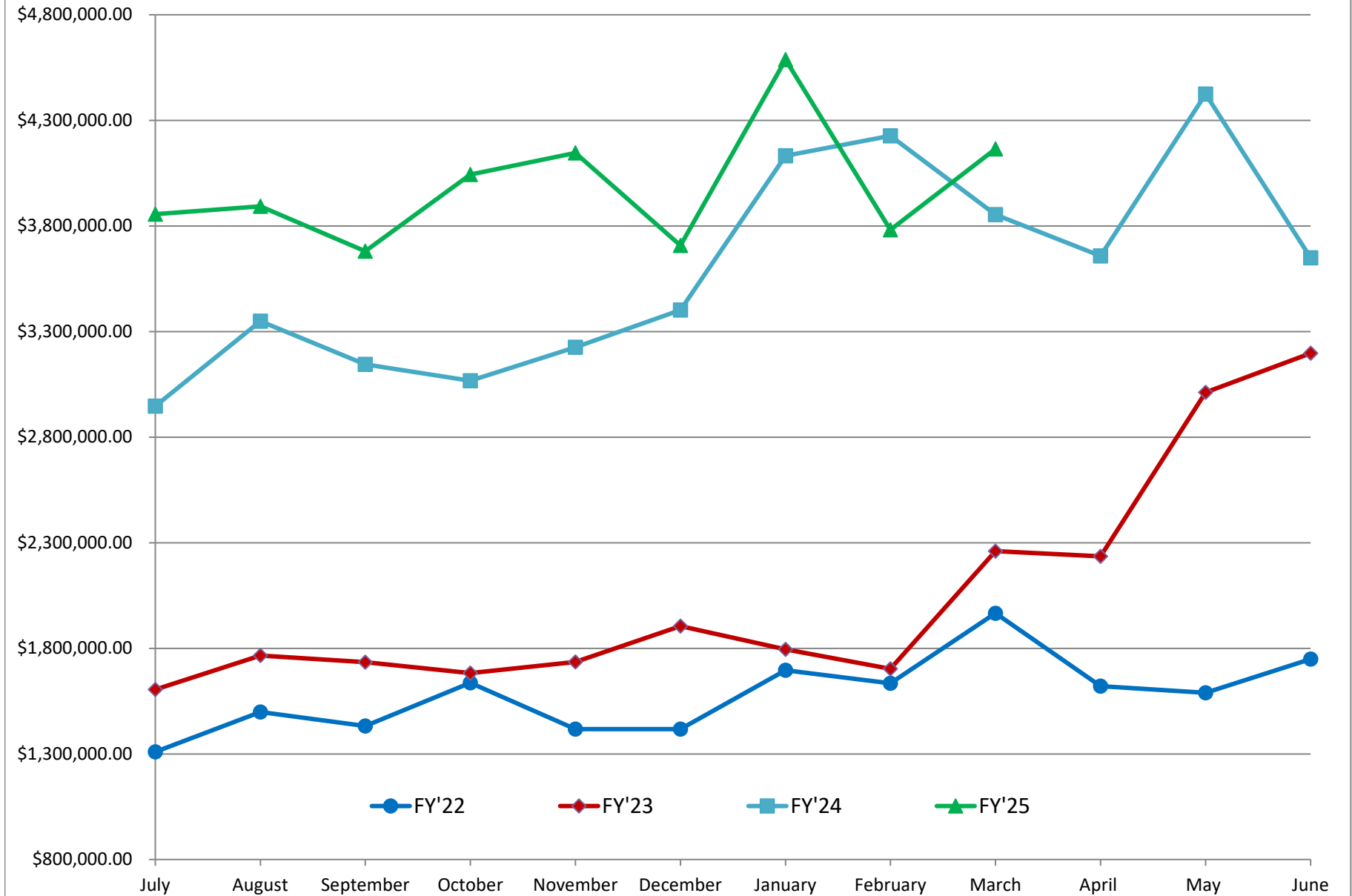
Average Hours per Voucher FYTD



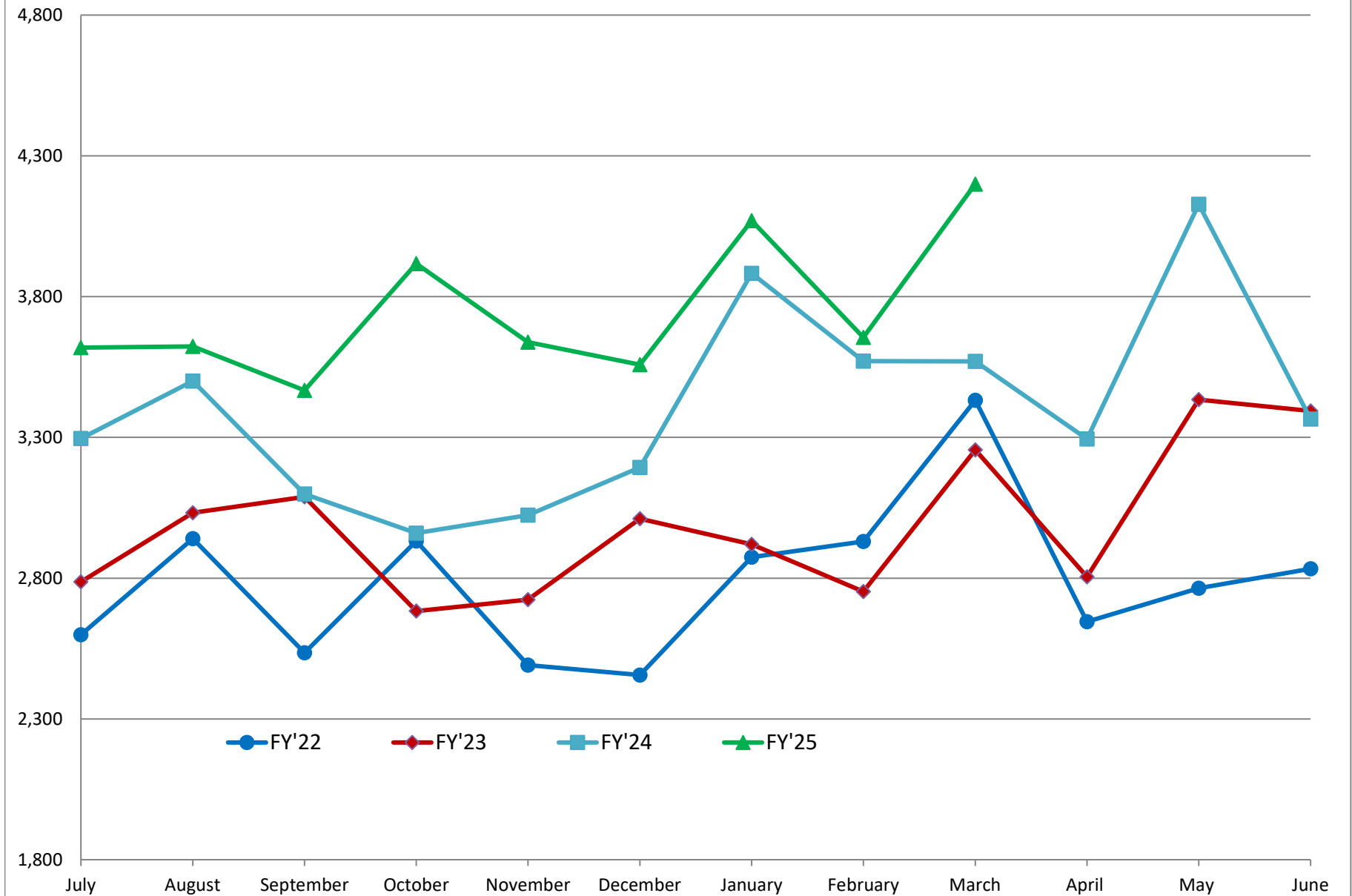
NEW CASES



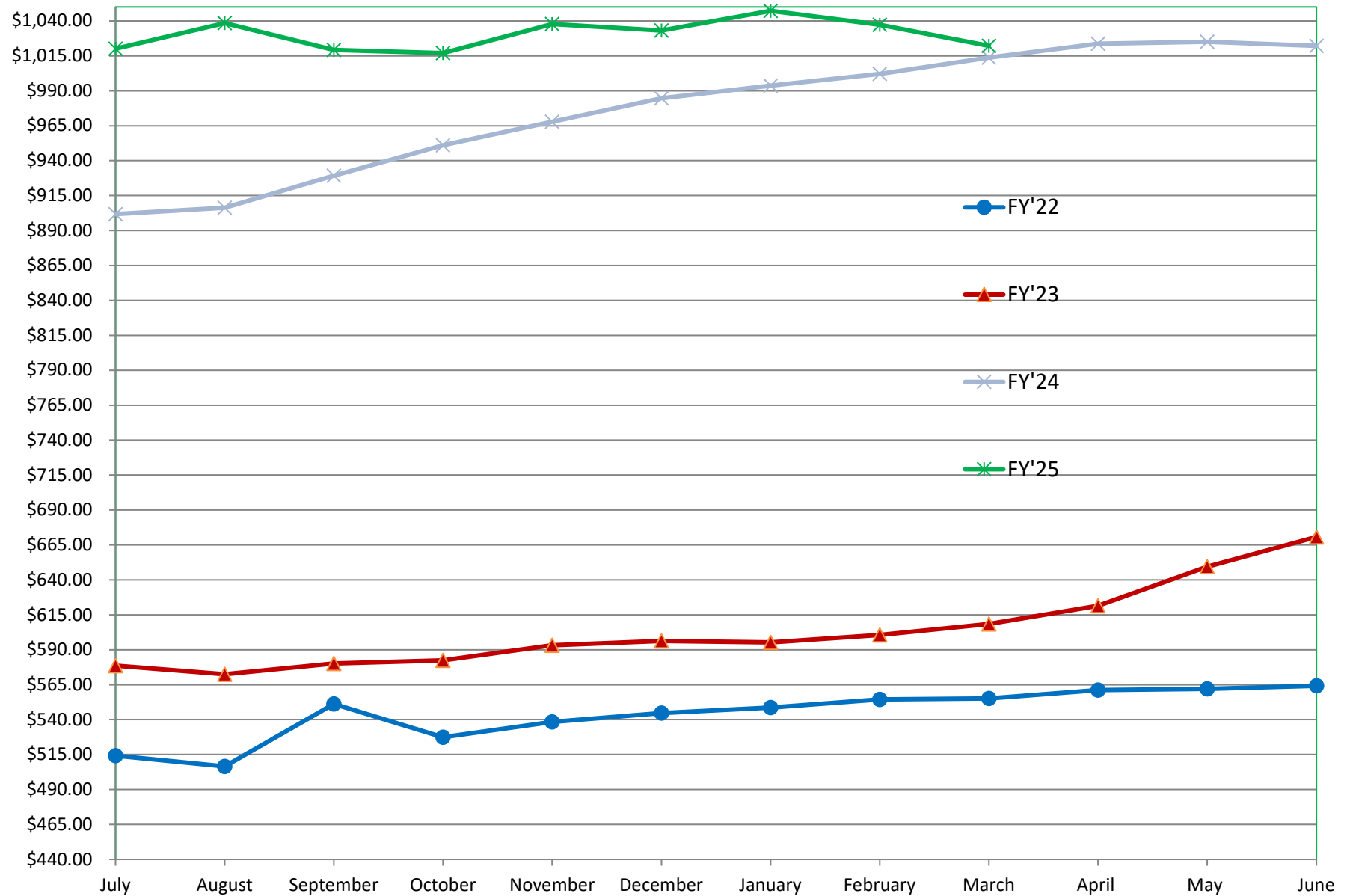
Submitted Voucher Amount



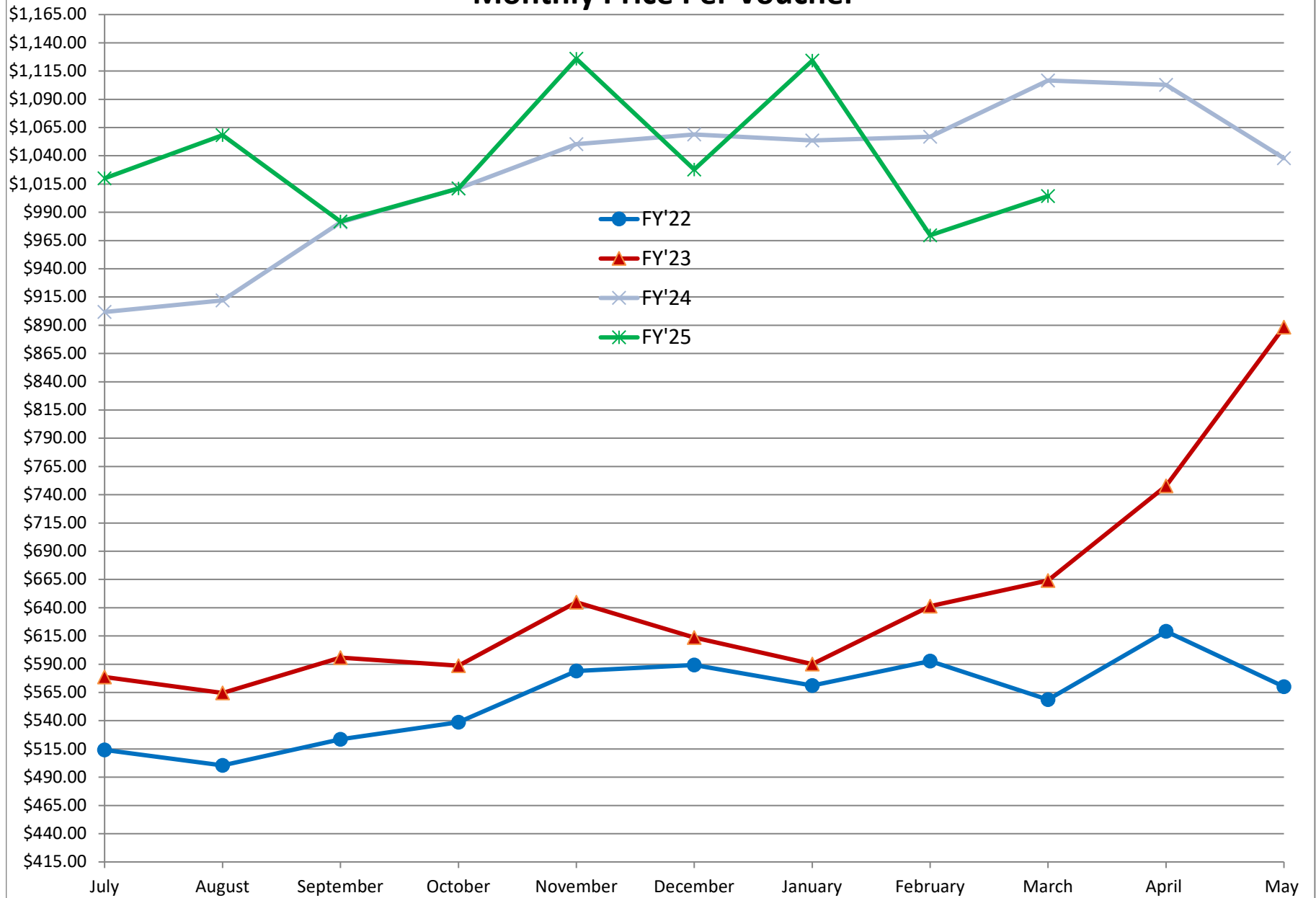
Submitted Vouchers



Average Voucher Price Fiscal Year to Date



Monthly Price Per Voucher



Pending UCD Cases as of April 10, 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	96	55	7.1%	1,472	232	278	18.9%	10	2	20.0%	2,258	328	335	14.8%
Aroostook	502	113	41	8.2%	712	242	107	15.0%	20	7	35.0%	1,234	355	155	12.6%
Caribou	95	22	9	9.5%	124	38	19	15.3%	7	1	14.3%	226	60	29	12.8%
Fort Kent	64	18	5	7.8%	151	66	18	11.9%	8	5	62.5%	223	84	28	12.6%
Houlton	142	26	8	5.6%	191	68	34	17.8%	3	0	0.0%	336	94	42	12.5%
Presque Isle	201	47	19	9.5%	246	70	36	14.6%	2	1	50.0%	449	117	56	12.5%
Cumberland	1,378	230	110	8.0%	3,299	572	537	16.3%	91	34	37.4%	4,768	802	681	14.3%
Bridgton	23	7	2	8.7%	305	56	58	19.0%	18	10	55.6%	346	63	70	20.2%
Portland	1,333	218	106	8.0%	2,648	438	409	15.4%	44	17	38.6%	4,025	656	532	13.2%
West Bath	22	5	2	9.1%	346	78	70	20.2%	29	7	24.1%	397	83	79	19.9%
Franklin	116	29	7	6.0%	288	88	46	16.0%	4	1	25.0%	408	117	54	13.2%
Hancock	259	35	23	8.9%	369	56	101	27.4%	31	22	71.0%	659	91	146	22.2%
Kennebec	577	112	45	7.8%	1,502	323	334	22.2%	34	24	70.6%	2,113	435	403	19.1%
Augusta	547	103	44	8.0%	930	201	199	21.4%	24	14	58.3%	1,501	304	257	17.1%
Waterville	30	9	1	3.3%	572	122	135	23.6%	10	10	100.0%	612	131	146	23.9%
Knox	205	18	19	9.3%	551	93	99	18.0%	11	5	45.5%	767	111	123	16.0%
Lincoln	174	34	21	12.1%	389	115	94	24.2%	7	4	57.1%	570	149	119	20.9%
Oxford	457	83	35	7.7%	878	191	210	23.9%	23	16	69.6%	1,358	274	261	19.2%
Bridgton	51	15	1	2.0%	94	19	18	19.1%	2	1	50.0%	147	34	20	13.6%
Rumford	180	25	14	7.8%	352	59	70	19.9%	9	6	66.7%	541	84	90	16.6%
South Paris	226	43	20	8.8%	432	113	122	28.2%	12	9	75.0%	670	156	151	22.5%
Penobscot	817	30	68	8.3%	1,620	38	490	30.2%	57	32	56.1%	2,494	68	590	23.7%
Bangor	793	29	65	8.2%	1,234	28	348	28.2%	9	3	33.3%	2,036	57	416	20.4%
Lincoln	4	0	0	0.0%	132	5	46	34.8%	40	29	72.5%	176	5	75	42.6%
Newport	20	1	3	15.0%	254	5	96	37.8%	8	0	0.0%	282	6	99	35.1%
Piscataquis	27	0	5	18.5%	87	2	34	39.1%	46	39	84.8%	160	2	78	48.8%
Sagadahoc	173	43	14	8.1%	395	136	83	21.0%	12	2	16.7%	580	179	99	17.1%
Somerset	311	63	20	6.4%	513	126	95	18.5%	25	15	60.0%	849	189	130	15.3%
Waldo	203	43	15	7.4%	338	108	58	17.2%	5	3	60.0%	546	151	76	13.9%
Washington	165	14	5	3.0%	262	47	32	12.2%	21	7	33.3%	448	61	44	9.8%
Calais	72	6	2	2.8%	112	18	10	8.9%	9	2	22.2%	193	24	14	7.3%
Machias	93	8	3	3.2%	150	29	22	14.7%	12	5	41.7%	255	37	30	11.8%
York	738	121	101	13.7%	2,422	724	572	23.6%	45	16	35.6%	3,205	845	689	21.5%
TOTAL	6,878	1,064	584	8.5%	15,097	3,093	3,170	21.0%	442	229	51.8%	22,417	4,157	3,983	17.8%

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, April 2024 to April 2025

Pending cases as of April 10 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2024	2025	% Diff	2024	2025	% Diff	2024	2025	% Diff	2024	2025	% Diff
Androscoggin	766	776	1.3%	1,577	1,472	-6.7%	11	10	-9.1%	2,354	2,258	-4.1%
Aroostook	540	502	-7.0%	957	712	-25.6%	48	20	-58.3%	1,545	1,234	-20.1%
Caribou	105	95	-9.5%	160	124	-22.5%	18	7	-61.1%	283	226	-20.1%
Fort Kent	86	64	-25.6%	218	151	-30.7%	9	8	-11.1%	313	223	-28.8%
Houlton	149	142	-4.7%	240	191	-20.4%	8	3	-62.5%	397	336	-15.4%
Presque Isle	200	201	0.5%	339	246	-27.4%	13	2	-84.6%	552	449	-18.7%
Cumberland	1,338	1,378	3.0%	3,705	3,299	-11.0%	84	91	8.3%	5,127	4,768	-7.0%
Bridgton	27	23	-14.8%	302	305	1.0%	10	18	80.0%	339	346	2.1%
Portland	1,290	1,333	3.3%	2,927	2,648	-9.5%	50	44	-12.0%	4,267	4,025	-5.7%
West Bath	21	22	4.8%	476	346	-27.3%	24	29	20.8%	521	397	-23.8%
Franklin	164	116	-29.3%	413	288	-30.3%	90	4	-95.6%	667	408	-38.8%
Hancock	397	259	-34.8%	633	369	-41.7%	50	31	-38.0%	1,080	659	-39.0%
Kennebec	632	577	-8.7%	1,499	1,502	0.2%	19	34	78.9%	2,150	2,113	-1.7%
Augusta	592	547	-7.6%	961	930	-3.2%	17	24	41.2%	1,570	1,501	-4.4%
Waterville	40	30	-25.0%	538	572	6.3%	2	10	400.0%	580	612	5.5%
Knox	202	205	1.5%	462	551	19.3%	8	11	37.5%	672	767	14.1%
Lincoln	148	174	17.6%	353	389	10.2%	4	7	75.0%	505	570	12.9%
Oxford	427	457	7.0%	840	878	4.5%	25	23	-8.0%	1,292	1,358	5.1%
Bridgton	39	51	30.8%	61	94	54.1%	0	2	0.0%	100	147	47.0%
Rumford	161	180	11.8%	370	352	-4.9%	7	9	28.6%	538	541	0.6%
South Paris	227	226	-0.4%	409	432	5.6%	18	12	-33.3%	654	670	2.4%
Penobscot	789	817	3.5%	1,855	1,620	-12.7%	91	57	-37.4%	2,735	2,494	-8.8%
Bangor	756	793	4.9%	1,400	1,234	-11.9%	25	9	-64.0%	2,181	2,036	-6.6%
Lincoln	9	4	-55.6%	202	132	-34.7%	47	40	-14.9%	258	176	-31.8%
Newport	24	20	-16.7%	253	254	0.4%	19	8	-57.9%	296	282	-4.7%
Piscataquis	30	27	-10.0%	67	87	29.9%	31	46	48.4%	128	160	25.0%
Sagadahoc	186	173	-7.0%	446	395	-11.4%	12	12	0.0%	644	580	-9.9%
Somerset	251	311	23.9%	448	513	14.5%	22	25	13.6%	721	849	17.8%
Waldo	168	203	20.8%	350	338	-3.4%	5	5	0.0%	523	546	4.4%
Washington	144	165	14.6%	284	262	-7.7%	27	21	-22.2%	455	448	-1.5%
Calais	61	72	18.0%	119	112	-5.9%	11	9	-18.2%	191	193	1.0%
Machias	83	93	12.0%	165	150	-9.1%	16	12	-25.0%	264	255	-3.4%
York	902	738	-18.2%	3,338	2,422	-27.4%	124	45	-63.7%	4,364	3,205	-26.6%
TOTAL	7,084	6,878	-2.9%	17,227	15,097	-12.4%	651	442	-32.1%	24,962	22,417	-10.2%

Columns	
2024	Number of cases having at least one charge without a disposition, and without a currently active warrant as of April 10, 2024
2025	Number of cases having at least one charge without a disposition, and without a currently active warrant as of April 10, 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, April 2019 to April 2025

Pending cases as of April 10 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2019	2025	% Diff	2019	2025	% Diff	2019	2025	% Diff	2019	2025	% Diff
Androscoggin	344	776	125.6%	1,265	1,472	16.4%	21	10	-52.4%	1,630	2,258	38.5%
Aroostook	332	502	51.2%	579	712	23.0%	41	20	-51.2%	952	1,234	29.6%
Caribou	63	95	50.8%	131	124	-5.3%	5	7	40.0%	199	226	13.6%
Fort Kent	28	64	128.6%	104	151	45.2%	11	8	-27.3%	143	223	55.9%
Houlton	104	142	36.5%	116	191	64.7%	11	3	-72.7%	231	336	45.5%
Presque Isle	137	201	46.7%	228	246	7.9%	14	2	-85.7%	379	449	18.5%
Cumberland	833	1,378	65.4%	2,531	3,299	30.3%	116	91	-21.6%	3,480	4,768	37.0%
Bridgton	10	23	130.0%	197	305	54.8%	17	18	5.9%	224	346	54.5%
Portland	805	1,333	65.6%	1,979	2,648	33.8%	71	44	-38.0%	2,855	4,025	41.0%
West Bath	18	22	22.2%	355	346	-2.5%	28	29	3.6%	401	397	-1.0%
Franklin	93	116	24.7%	302	288	-4.6%	10	4	-60.0%	405	408	0.7%
Hancock	207	259	25.1%	458	369	-19.4%	30	31	3.3%	695	659	-5.2%
Kennebec	299	577	93.0%	1,030	1,502	45.8%	49	34	-30.6%	1,378	2,113	53.3%
Augusta	289	547	89.3%	591	930	57.4%	27	24	-11.1%	907	1,501	65.5%
Waterville	10	30	200.0%	439	572	30.3%	22	10	-54.5%	471	612	29.9%
Knox	138	205	48.6%	296	551	86.1%	4	11	175.0%	438	767	75.1%
Lincoln	87	174	100.0%	214	389	81.8%	5	7	40.0%	306	570	86.3%
Oxford	200	457	128.5%	485	878	81.0%	33	23	-30.3%	718	1,358	89.1%
Bridgton	22	51	131.8%	67	94	40.3%	6	2	-66.7%	95	147	54.7%
Rumford	89	180	102.2%	194	352	81.4%	12	9	-25.0%	295	541	83.4%
South Paris	89	226	153.9%	224	432	92.9%	15	12	-20.0%	328	670	104.3%
Penobscot	359	817	127.6%	1,106	1,620	46.5%	130	57	-56.2%	1,595	2,494	56.4%
Bangor	351	793	125.9%	866	1,234	42.5%	90	9	-90.0%	1,307	2,036	55.8%
Lincoln	5	4	-20.0%	63	132	109.5%	25	40	60.0%	93	176	89.2%
Newport	3	20	566.7%	177	254	43.5%	15	8	-46.7%	195	282	44.6%
Piscataquis	14	27	92.9%	62	87	40.3%	41	46	12.2%	117	160	36.8%
Sagadahoc	85	173	103.5%	233	395	69.5%	25	12	-52.0%	343	580	69.1%
Somerset	140	311	122.1%	472	513	8.7%	66	25	-62.1%	678	849	25.2%
Waldo	96	203	111.5%	229	338	47.6%	4	5	25.0%	329	546	66.0%
Washington	102	165	61.8%	174	262	50.6%	36	21	-41.7%	312	448	43.6%
Calais	31	72	132.3%	81	112	38.3%	5	9	80.0%	117	193	65.0%
Machias	71	93	31.0%	93	150	61.3%	31	12	-61.3%	195	255	30.8%
York	749	738	-1.5%	2,463	2,422	-1.7%	97	45	-53.6%	3,309	3,205	-3.1%
TOTAL	4,078	6,878	68.7%	11,899	15,097	26.9%	708	442	-37.6%	16,685	22,417	34.4%

Columns

2019	Number of cases having at least one charge without a disposition, and without a currently active warrant as of April 10, 2019
2025	Number of cases having at least one charge without a disposition, and without a currently active warrant as of April 10, 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.

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

S.P. 462 - L.D. 1101

**An Act to Address the Limited Availability of Counsel in Courts to Represent
Indigent Parties in Matters Affecting Their Fundamental Rights**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation is designed to address an existing crisis in the courts arising from the limited availability of counsel qualified by the Maine Commission on Public Defense Services to represent indigent parties in criminal and child protection proceedings affecting their fundamental rights; and

Whereas, when a court appoints counsel to represent an indigent party, compensation must be made available to counsel, whether the commission or the court determined that counsel is qualified to provide the representation; and

Whereas, a Maine Superior Court order issued in *Robbins v. Billings, et al.*, No. CV-22-054 (Me. Super. Ct., Ken. Cty., March 7, 2025) (Order After Phase One Trial) establishes a conditional remedy to address claims for habeas corpus relief for violations of the United States Constitution, Amendment VI and the Constitution of Maine, Article I, Section 6 right to continuous representation; and

Whereas, the resources necessary to implement the conditional remedy are currently under consideration by the Legislature and requested by the Maine Commission on Public Defense Services; and

Whereas, the conditional remedy poses a concern about the public's interest in the administration of criminal justice and the potential to jeopardize public safety if a criminal defendant commits a dangerous act after dismissal and release granted in response to a claim for habeas corpus relief; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 4 MRSA §1805-A, sub-§1, as enacted by PL 2017, c. 284, Pt. UUUU, §14, is amended to read:

1. Duties. The executive director shall administer and improve reimbursement of expenses incurred by assigned counsel ~~and~~, contract counsel and, until February 1, 2026, a private attorney appointed under section 1807 by:

- A. Establishing procedures to ensure that the eligibility of defendants and civil parties is verified and reviewed randomly and when circumstances have changed, information has changed, additional information is provided or as otherwise needed;
- B. Petitioning the court to reassess the indigency of a defendant or civil party if the executive director determines that indigency should be reassessed;
- C. Providing to the commission recommendations to improve reimbursement of expenses;
- D. Requiring that the amount of time spent on each case by assigned counsel or contract counsel is recorded separately for each case; and
- E. Receiving from the courts collections for the costs of representation from defendants or civil parties who are found to be partially indigent or who have otherwise been determined to be able to reimburse the commission for expenses incurred by assigned counsel ~~or~~, contract counsel or, until February 1, 2026, a private attorney appointed under section 1807.

Sec. 2. 4 MRSA §1805-A, sub-§3, as enacted by PL 2017, c. 284, Pt. UUUU, §14, is amended to read:

3. Partial indigency and reimbursement. This subsection applies to partial indigency and reimbursement of expenses incurred by assigned counsel ~~or~~, contract counsel or, until February 1, 2026, a private attorney appointed under section 1807.

- A. If the court determines that a defendant or civil party is unable to pay to obtain private counsel but is able to contribute to payment of assigned counsel ~~or~~, contract counsel or, until February 1, 2026, a private attorney appointed under section 1807, the court shall order the defendant or civil party to make installment payments up to the full cost of representation or to pay a fixed contribution. The court shall remit payments received to the commission.
- B. A defendant or civil party may not be required to pay for legal services in an amount greater than the expenses actually incurred.
- C. Upon petition of a defendant or civil party who is incarcerated, the court may suspend an order for reimbursement issued pursuant to this subsection until the time of the defendant's or civil party's release.
- D. The executive director may enter into contracts to secure the reimbursement of fees and expenses paid by the commission as provided for in this section.

Sec. 3. 4 MRSA §1807 is enacted to read:

§1807. Court appointment of private attorney

1. Appointment of private attorneys by District Court and Superior Court. Notwithstanding any provision of this chapter to the contrary, a court may appoint a private

attorney to represent a person who is eligible to receive indigent legal services in a matter pending before the District Court or Superior Court if the court finds the following:

A. A public defender, assigned counsel, contract counsel or employed counsel is not available to represent the person;

B. The private attorney is qualified to represent the person in the matter pending before the court, has not been disqualified by the commission and has at least 3 years of legal experience relevant to the pending matter; and

C. The private attorney is willing to undertake the representation, which may be limited representation defined by the court in its appointment order.

2. Private attorney appointment; Supreme Judicial Court. Notwithstanding any provision of this chapter to the contrary, a court may appoint a private attorney to represent a person who is eligible to receive indigent legal services in a matter before the Supreme Judicial Court if the court finds the following:

A. A public defender, assigned counsel, contract counsel or employed counsel is not available to represent the person;

B. The private attorney is qualified to represent the person in the matter pending before the court, has not been disqualified by the commission and either has at least 3 years of legal experience relevant to the pending matter or has previously served as a law clerk analyzing cases relevant to the pending matter; and

C. The private attorney is willing to undertake the representation, which may be limited representation defined by the court in its appointment order.

3. Compensation. The commission shall provide compensation and reimbursement to a private attorney appointed by the court under subsection 1 or 2. The compensation and reimbursement must be equivalent to the reimbursement provided to assigned counsel under the rulemaking directed by section 1804, subsection 3, paragraph F. The process for compensation of private attorneys appointed pursuant to subsection 1 or 2 must be in accordance with the requirements established by the commission under section 1804, subsection 3, paragraph B for voucher review and payment authorization.

4. Supervision. The commission's supervision of a private attorney appointed pursuant to subsection 1 or 2 is limited to addressing complaints made by the client whom the private attorney was appointed to represent under subsection 1 or 2.

5. Confidentiality. The provisions of section 1806, subsections 2 and 3 apply, to the same extent that those provisions apply to commission-rostered attorneys who serve as assigned counsel, to private attorneys appointed by the court to provide indigent legal services pursuant to subsections 1 and 2.

6. Repeal. This section is repealed February 1, 2026.

Sec. 4. Report; Maine Commission on Public Defense Services. By January 1, 2026, the Maine Commission on Public Defense Services shall submit a report to the Joint Standing Committee on Judiciary that includes, at a minimum, the following information:

1. An update on the status of the *Robbins v. Billings, et al.*, No. CV-22-054 (Me. Superior Court) litigation, including information on the number of defendants granted

habeas corpus relief by the court, the type of habeas corpus relief granted to these defendants and the efforts the commission made to provide counsel to those defendants before habeas corpus relief was granted;

2. Statistics on the number of clients for whom the new Assistant Defender I positions established by this Act have provided indigent legal services, with detail on the number of clients who were criminal defendants, including the number who were incarcerated and who were not incarcerated when the representation began; the number of clients who were parents in child protection proceedings; and the number of clients who were entitled to other indigent legal services and the type of cases in which representation was provided to these clients. The report must also include a description of the commission's plans for using the services of these Assistant Defender I positions in the future; and

3. Information on implementation of the commission's duty to compensate private attorneys appointed by a court pursuant to the Maine Revised Statutes, Title 4, section 1807, subsections 1 and 2, including detail on the amount of compensation paid to these private attorneys; information on the number of commission-rostered attorneys who have left the roster and are currently accepting appointments under Title 4, section 1807; information on the number of private attorneys appointed by a court pursuant to Title 4, section 1807 who subsequently applied to be on a commission roster; and any related recommendations for improving or repealing Title 4, section 1807.

The Joint Standing Committee on Judiciary may report out legislation related to the report to the Second Regular Session of the 132nd Legislature.

Sec. 5. Report; Judicial Department. By January 1, 2026, the Judicial Department shall submit a report to the Joint Standing Committee on Judiciary that includes, at a minimum, the following information:

1. Statistics on the number of cases in which courts have appointed private attorneys to provide indigent legal services pursuant to the Maine Revised Statutes, Title 4, section 1807, subsections 1 and 2, with detail on the number of cases involving criminal defendants, including the number of those defendants who were incarcerated and the number who were not incarcerated when the appointments were made; the number of child protection proceedings in which private attorneys were appointed; and the number of cases involving other indigent legal services in which appointments were made; and

2. Information on implementation of the commission's duty to compensate private attorneys appointed by a court pursuant to the Maine Revised Statutes, Title 4, section 1807, subsections 1 and 2, including any recommendations for improving or repealing Title 4, section 1807.

The Joint Standing Committee on Judiciary may report out legislation related to the report to the Second Regular Session of the 132nd Legislature.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC DEFENSE SERVICES, MAINE COMMISSION ON

Maine Commission on Public Defense Services Z112

Initiative: Provides ongoing funding to establish 5 Assistant Defender I positions, 2 Paralegal positions and one Legal Administrator position. These positions are primarily

responsible for providing indigent legal services to criminal defendants and parties in child protective proceedings for whom another public defender, assigned counsel, contract counsel or employed counsel is not available to represent the defendant or party and, to the extent there is additional capacity, these positions may also represent other individuals who are eligible for indigent legal services but for whom another public defender, assigned counsel, contract counsel or employed counsel is not available to represent the person.

GENERAL FUND	2024-25	2025-26	2026-27
POSITIONS - LEGISLATIVE COUNT	8,000	8,000	8,000
Personal Services	\$200,522	\$1,203,134	\$1,216,315
All Other	\$6,000	\$40,660	\$40,660
GENERAL FUND TOTAL	\$206,522	\$1,243,794	\$1,256,975

Maine Commission on Public Defense Services Z112

Initiative: Provides ongoing funding to compensate assigned counsel that the Legislature authorized the courts to appoint at the current billing rate for assigned legal counsel of \$150 per hour.

GENERAL FUND	2024-25	2025-26	2026-27
All Other	\$62,500	\$375,000	\$375,000
GENERAL FUND TOTAL	\$62,500	\$375,000	\$375,000

PUBLIC DEFENSE SERVICES, MAINE COMMISSION ON DEPARTMENT TOTALS

	2024-25	2025-26	2026-27
GENERAL FUND	\$269,022	\$1,618,794	\$1,631,975
DEPARTMENT TOTAL - ALL FUNDS	\$269,022	\$1,618,794	\$1,631,975

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

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, 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;

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

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, 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, 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, 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, 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, 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, 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 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, 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, 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 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, 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, 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, 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, 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.

12. MCILS Liaison.

A. To be Eligible to serve as a MCILS Liaison, an attorney must:

- 1) Be Eligible to accept Commission case assignments;
- 2) Have at least five years of experience practicing criminal defense;
- 3) Demonstrate a history of providing high quality legal services;
- 4) Have experience practicing law in the court(s) in which counsel is seeking

to serve as the MCILS Liaison; and

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

13. Resource Counsel.

A. To be Eligible to serve as Resource Counsel, an attorney must:

1) Submit three letters of reference from attorneys with whom the attorney applicant does not practice that address the attorney's ability to work with and advise other attorneys of varying experience levels;

2) Have at least five years' experience actively practicing in the area of law for which counsel is seeking eligibility as Resource Counsel;

3) Be currently Eligible to accept Commission case assignments;

4) Demonstrate a history of providing high quality legal services;

5) Demonstrate exceptional litigation skills and experience;

6) Demonstrate high ethical standards;

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) Practice Experience and (b) Trial/Litigation 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. The Executive Director may consider other litigation experience, total years of practice, or any other information deemed relevant in granting or denying a waiver to any attorney.

SECTION 5. Overlapping Offenses.

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

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

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

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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, 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;

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

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, 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, 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, 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, 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, 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, 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 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, 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, 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 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, 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 ~~e~~Eligible to represent a client in a Child Protective Appeal when the attorney was trial counsel for that case, unless the attorney has discussed any potential ineffective assistance of counsel claim with their client as outlined in the practice standards applicable to this case type and obtained a written waiver of any potential conflict arising from an IAC claim. 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 and any other relevant post-judgment motions, unless the above waiver exception is met executed or the client failed to participate in the trial court proceeding being appealed from.

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, 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, 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, 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.

12. MCILS Liaison.

A. To be Eligible to serve as a MCILS Liaison, an attorney must:

1) Be Eligible to accept Commission case assignments;

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

13. Resource Counsel.

A. To be Eligible to serve as Resource Counsel, an attorney must:

- 1) Submit three letters of reference from attorneys with whom the attorney applicant does not practice that address the attorney's ability to work with and advise other attorneys of varying experience levels;
- 2) Have at least five years' experience actively practicing in the area of law for which counsel is seeking eligibility as Resource Counsel;
- 3) Be currently Eligible to accept Commission case assignments;
- 4) Demonstrate a history of providing high quality legal services;
- 5) Demonstrate exceptional litigation skills and experience;
- 6) Demonstrate high ethical standards;
- 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) Practice Experience and (b) Trial/Litigation 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. The Executive Director may consider other litigation experience, 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

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Chapter 103: STANDARDS OF PRACTICE FOR ATTORNEYS WHO REPRESENT PARENTS IN CHILD PROTECTIVE CASES

Summary: This Chapter establishes standards of practice for Commission assigned counsel providing representation to parents in child protective proceedings. These standards are intended to guide assigned counsel in the conduct of their representation and for use by the Commission in evaluating, supervising and training assigned counsel.

SECTION 1. SCOPE & PURPOSE

1. These Standards apply whenever defense counsel is assigned pursuant to the Maine Commission on Indigent Legal Services' (MCILS) jurisdiction to provide representation to a client whose parental rights are at risk by State action who are financially unable to retain defense counsel and who are entitled to representation pursuant to Maine statute and/or the United States and Maine Constitutions.
2. These standards are intended as a guide for assigned defense counsel and for use by MCILS in evaluating, supervising and training assigned counsel. Although MCILS understands that not every action outlined in these standards is necessary in every case, the Commission will apply these standards, the Maine Rules of Civil Procedure and the Maine Rules of Professional Conduct, as well as all other Commission policies and procedures, in evaluating the performance or conduct of counsel.

SECTION 2. GENERAL DUTIES

1. Defense counsel should adhere to all Maine Commission on Indigent Legal Services (MCILS) training, experience, and mentoring requirements.
2. Defense counsel should acquire sufficient working knowledge of all relevant federal and Maine laws, regulations, policies, and rules. Defense counsel must be familiar with the following provisions and be able to recognize when they are relevant to a case:
 - A. The Adoption and Safe Families Act (ASFA), 42 U.S.C. §§ 620-679.
 - B. Child Abuse Prevention Treatment Act (CAPTA), P.L.108-36;
 - C. Indian Child Welfare Act (ICWA) 25 U.S.C. §§ 1901-1963, the ICWA Regulations, 25 C.F.R. Part 23, and the Guidelines for State Courts: Indian Child Custody Proceedings, 44 Fed. Reg. 67, 584 (Nov. 26, 1979);
 - D. Interstate Compact on Placement of Children (ICPC);
 - E. Foster Care Independence Act of 1999 (FCIA), P.L. 106-169;

- F. Individuals with Disabilities Education Act (IDEA), P.L. 91-230;
 - G. Health Insurance Portability and Accountability Act of 1996 (HIPPA), P. L., 104-192 § 264, 42 U.S.C. § 1320d-2 (in relevant part);
 - H. Immigration laws relating to child welfare and child custody;
 - I. Title 22 Maine Revised Statutes, Health and Welfare;
 - J. Title 19-A Maine Revised Statutes, Domestic Relations;
 - K. Maine Rules of Evidence;
 - L. Maine Rules of Civil Procedure;
 - M. Maine Rules of Appellate Procedure;
 - N. Maine Bar Rules;
 - O. Current Maine Case Law.
3. Defense counsel should understand and protect the client's rights to information and decision making. Defense counsel must explain to the client what decision making authority remains with the client and what lies with the State while the child is in the State's custody. This includes but is not limited to:
- A. Seeking updates and reports from any service provider working with the child/family;
 - B. Helping the client obtain information about the child's safety, health, education and well-being when the client desires;
 - C. Assisting the client in exercising his or her rights to continue to make decisions regarding the child's medical, mental health and educational services;
 - D. Intervening with the State, provider agencies, medical providers and the school to ensure the client has decision-making opportunities;
 - E. Seeking court orders when the client has been left out of important decisions about the child's life;
 - F. Counseling the client and helping the parent understand his or her rights and responsibilities and trying to assist the parent in carrying them out.
4. Defense counsel should avoid continuances and work to reduce delays in court proceedings.
- A. Defense counsel should not request continuances unless there is an emergency or a benefit to the client's case.

- B. If continuances are necessary, defense counsel should request the continuance in writing, as far as possible in advance of the hearing, and should request the shortest delay possible, consistent with the client's interests.
 - C. Defense counsel must notify all counsel of the request for a continuance. Defense counsel should object to repeated or prolonged continuance requests by other parties if the continuance would harm the client.
5. Defense counsel should cooperate and communicate regularly with other professionals in the case.
- A. Defense counsel should communicate with attorneys for the other parties, court appointed special advocates (CASAs) or guardians ad litem (GALs), the caseworker, foster parents and service providers to learn about the client's progress and their views of the case, as appropriate, and in compliance with rules of confidentiality (22 M.R.S.A. § 4008).
 - B. Defense counsel should have open lines of communication with the attorney(s) representing the client in related matters such as any criminal, protection from abuse, private custody or administrative proceedings to ensure that probation orders, protection from abuse orders, private custody orders and administrative determinations do not conflict with the client's goals in the child protection case.

SECTION 3. RELATIONSHIPS WITH CLIENT

1. Defense counsel should be an advocate for the client's goals.
 - A. Defense counsel must understand the client's goals and pursue them vigorously.
 - B. Defense counsel must explain that the defense counsel's job is to represent the client's interests and regularly inquire as to the client's goals, including ultimate case goals and interim goals.
 - C. Defense counsel must explain all legal aspects of the case and provide comprehensive counsel on the advantages and disadvantages of different options.
 - D. Defense counsel must not usurp the client's authority to decide the case goals.
2. Defense counsel should act in accordance with the duty of loyalty owed to the client.
 - A. Defense counsel should show respect and professionalism towards their clients.
 - B. Defense counsel should support their client and be sensitive to the client's individual needs.
 - C. Defense counsel should remember that they may be the client's only advocate in the system and should act accordingly.
3. Defense counsel should adhere to all laws and ethical obligations concerning confidentiality.

- A. Defense counsel must understand confidentiality laws, as well as ethical obligations, and adhere to both with respect to information obtained from or about the client.
 - B. Defense counsel must fully explain to the client the advantages and disadvantages of choosing to exercise, partially waive, or waive a privilege or right to confidentiality.
 - C. Consistent with the client's interests and goals, defense counsel must seek to protect from disclosure confidential information concerning the client.
- 4. Defense counsel should provide the client with contact information in writing and establish a message system that allows regular attorney-client contact.
 - A. Defense counsel should ensure the client understands how to contact the defense counsel and that defense counsel wants to hear from the client on an ongoing basis.
 - B. Defense counsel and the client should establish a reliable communication system that meets the client's needs.
 - C. Interpreters should be used when defense counsel and the client are not fluent in the same language.
- 5. Defense counsel should meet and communicate regularly with the client well before court proceedings.
 - A. Defense counsel should spend time with the client to prepare the case and address questions and concerns.
 - (1) Defense counsel should clearly explain the allegations made against the parent, what is likely to happen before, during and after each hearing, and what steps the client can take to increase the likelihood of reuniting with the child.
 - (2) Defense counsel should explain any settlement options and determine whether the client wants defense counsel to pursue such options.
 - (3) Defense counsel should explain courtroom procedures.
 - (4) Defense counsel should write to the client to ensure the client understands what happened in court and what is expected of the client.
 - (5) Defense counsel should be available for in-person meetings or telephone calls to answer the client's questions and address the client's concerns.
 - (6) Defense counsel and client should work together to identify and review short and long-term goals, particularly as circumstances change during the case.
 - (7) Defense counsel should help the client access information about the

child's developmental and other needs by speaking to service providers and reviewing the child's records. Defense counsel needs to understand these issues to make appropriate decisions for the child's care.

- (8) Defense counsel and the client should identify barriers to the client engaging in services, such as employment, transportation, and financial issues. Defense counsel should work with the client, caseworker and service provider to resolve the barriers.
 - (9) Defense counsel should be aware of any special issues the parents may have related to participating in the proposed case plan, such as an inability to read or language differences, and advocate with the child welfare agency and court for appropriate accommodations.
 - B. Defense counsel should ensure a formal interpreter is involved when defense counsel and the client are not fluent in the same language.
 - (1) Defense counsel should advocate for the use of an interpreter when other professionals in the case who are not fluent in the same language as the client are interviewing the client.
- 6. Defense counsel should work with the client to develop a case timeline and tickler system.
 - A. At the beginning of a case, defense counsel and client should develop timelines that reflect projected deadlines and important dates and a tickler/calendar system to remember the dates.
 - (1) The timeline should specify what actions defense counsel and the client will need to take and dates by which they will be completed.
 - (2) Defense counsel and the client should know when important dates will occur and should be focused on accomplishing the objectives in the case plan in a timely way.
 - (3) Defense counsel should provide the client with a timeline/calendar, outlining known and prospective court dates, deadlines, and critical points of attorney-client contact.
 - (4) Defense counsel should record federal and state law deadlines in the system.
- 7. Defense counsel should provide the client with copies of all petitions, court orders, service plans, and other relevant case documents.
 - A. Defense counsel should ensure the client is informed about what is happening in the case.
 - (1) Defense counsel should provide all written documents to the client or ensure that they are provided in a timely manner and ensure the client understands them. If the client has difficulty reading, the attorney should read the documents to the client.

- (2) In all cases, defense counsel should be available to discuss and explain the documents to the client.
 - (3) Defense counsel must be aware of any case-related domestic violence allegations and not share confidential information about an alleged or potential victim's location.
- 8. Defense counsel should be alert to and avoid potential conflicts of interest that would interfere with the competent representation of the client. Defense counsel should always avoid representing more than one parent in a case.
- 9. Defense counsel should act in a culturally competent manner.
 - A. Defense counsel should learn about and understand the client's background, determine how that has an impact on the client's case, and always show the client respect.
 - B. Defense counsel must understand how cultural and socioeconomic differences impact interaction with clients, and must interpret the client's words and actions accordingly.
- 10. Defense counsel should take diligent steps to locate and communicate with a missing client.
 - A. Defense counsel should take diligent steps to attempt to locate and communicate with the missing client to formulate what positions defense counsel should take at hearings, and to understand what information the client wishes defense counsel to share with the State and the court.
 - B. If, after diligent steps, defense counsel is unable to communicate with the client, defense counsel should assess whether the client's interests are better served by advocating for the client's last clearly articulated position, or declining to participate in further court proceedings, and should act accordingly.
 - C. After a prolonged period without contact with the client, defense counsel should consider withdrawing from representation.
- 11. Defense counsel should be aware of the unique issues an incarcerated client faces.
 - A. Defense counsel must be particularly diligent when representing an incarcerated client and be aware of the reasons for the incarceration.
 - (1) If the client is incarcerated as a result of an act against the child or another child in the family, the State agency may request an order from the court that reasonable efforts toward reunification are not necessary and attempt to fast-track the case toward other permanency goals.
 - (a) If this is the case, defense counsel must be prepared to argue against such a motion, if the client opposes it.

- (b) If no motion is made to waive the reasonable efforts requirement, the agency may not undertake the same reunification efforts to assist a client who is incarcerated.
 - (c) Defense counsel should counsel the client as to any effects incarceration has on the agency's obligations and know the statutory and case law concerning incarceration as a basis for TPR.
 - (d) Defense counsel should help the client identify potential kinship placements with relatives who can provide care for the child while the client is incarcerated.
 - (e) Defense counsel must understand the implications of ASFA for an incarcerated client who has difficulty visiting and planning for the child.
- (2) Defense counsel should understand that obtaining services such as substance abuse treatment, parenting skills, or job training while in jail or prison is often difficult.
- (a) Defense counsel may need to advocate for reasonable efforts to be made for the client, and assist the client and the agency caseworker in accessing services.
 - (b) Defense counsel must assist the client with these services. Without services, it is unlikely the client will be reunified with the child upon discharge from prison.
 - (c) Some incarcerated clients (e.g. women housed at Windham M.C.C.) may have access to a specialized unit that gives a client reasonable access to their child(ren). Defense counsel should advocate for such a placement.
 - (d) Defense counsel must learn about available resources, contact the placements and attempt to get the support of the agency.

B. Communication: Defense counsel should advise the client on the importance of maintaining regular contact with the child while incarcerated.

- (1) Defense counsel should assist in developing a plan for communication and visitation by obtaining necessary court orders and working with the caseworker as well as the correctional facility's social worker.
- (2) If the client cannot meet defense counsel before court hearings, defense counsel must find alternative ways to communicate. This may include visiting the client in prison or engaging in more extensive phone or mail contact than with other (non-incarcerated) clients. Defense counsel should be aware of the challenges to having a confidential conversation with the client, and attempt to resolve these challenges.

- (3) Defense counsel should also communicate with the client's criminal defense attorney. There may be issues related to self-incrimination as well as concerns about delaying the abuse and neglect case to strengthen the criminal case or vice versa.

C. Appearance in Court: The client's appearance in court frequently raises issues that require the attorney's attention in advance.

- (1) Defense counsel should find out from the client if the client wants to be present in court. In some prisons, inmates lose privileges if they are away from the prison, and the client may prefer to stay at the prison.
- (2) If the client wants to be present in court, defense counsel should work with the court to obtain a writ of habeas corpus or other documentation necessary for the client to be transported from the prison.
- (3) Defense counsel should explain to any client who is hesitant to appear that the case will proceed without the client's presence and raise any potential consequences of that choice.
- (4) If the client does not want to be present, or if having the client present is not possible, defense counsel should be educated about what means are available to have the client participate, such as by telephone or video conference.
- (5) Defense counsel should make the necessary arrangements for the client. Note that it may be particularly difficult to get a parent transported from an out-of-state prison or a federal prison.

12. Defense counsel should be aware of the client's mental health status and legal status.

A. Defense counsel must be able to determine whether a client's mental status (including mental illness and mental retardation) interferes with the client's ability to make decisions about the case.

- (1) Defense counsel should be familiar with any mental health diagnosis and treatment that a client has had in the past or is presently undergoing (including any medications for such conditions). Defense counsel should get consent from the client to review mental health records and to speak with former and current mental health providers.
- (2) Defense counsel should explain to the client that the information is necessary to understand the client's capacity to work with the attorney.
- (3) If the client's situation seems severe, defense counsel should also explain that defense counsel may seek the assistance of a clinical social worker or some other mental health expert to evaluate the client's ability to assist the attorney because if the client does not have that capacity, defense counsel may have to ask that a guardian ad litem be appointed to the client.

- (4) Since this action may have an adverse effect on the client's legal claims, defense counsel should ask for a GAL only when absolutely necessary.
- (5) Defense counsel must also be able to determine, when working with a client who is a minor, whether a GAL should be appointed for the client to determine the client's best interest.

SECTION 4. INVESTIGATION

- 1. Defense counsel should conduct a thorough and independent investigation at every stage of the proceeding.
 - A. Defense counsel must take all necessary steps to prepare each case. A thorough investigation is an essential element of preparation.
 - B. Defense counsel cannot rely solely on what the agency caseworker reports about the parent.
 - C. Defense counsel should contact service providers who work with the client, relatives who can discuss the client's care of the child, the child's teacher or other people who can clarify information relevant to the case. If necessary, the attorney should request that the Commission authorize the expenditure of funds to hire an investigator pursuant to Chapter 302: Procedures Regarding Funds for Experts and Investigators.
- 2. Defense counsel should interview the client well before each hearing.
 - A. Defense counsel should meet with the client regularly throughout the case. The meetings should occur well before the hearing and not at the courthouse just minutes before the case is called before the judge.
 - B. Defense counsel should ask the client questions to obtain information to prepare the case, and strive to create a comfortable environment so the client can ask the attorney questions. Defense counsel should use these meetings to prepare for court as well as to advise the client concerning issues that arise during the course of the case.
 - C. Information obtained from the client should be used to propel the investigation.

SECTION 5. INFORMAL DISCOVERY

- 1. Defense counsel should request and review all discoverable material in the State agency's case file.
 - A. Defense counsel should request and review the agency case file as early during the course of representation as possible. The file contains useful documents that defense counsel may not yet have and that may instruct defense counsel on the agency's case theory.

- (1) If the agency case file is inaccurate, defense counsel should seek to correct it.
 - (2) Defense counsel must request and review the case file periodically because information is continually added by the agency.
2. Defense counsel should obtain all necessary documents.
 - A. As part of the discovery phase, defense counsel should gather all relevant documentation regarding the case that might shed light on the allegations, the service plan and the client's strengths as a parent.
 - (1) Defense counsel should not limit the scope as information about past or present criminal, protection from abuse, private custody or administrative proceedings involving the client can have an impact on the abuse and neglect case.
 - (2) Defense counsel should also review the following kinds of documents: social service records; court records; medical records; school records; and, evaluations of all types.
 - (3) Defense counsel should be sure to obtain reports and records from service providers. Discovery is not limited to information regarding the client, but may include records of others such as the other parent, stepparent, child, relative and non-relative caregivers.

SECTION 6. FORMAL DISCOVERY

1. Defense counsel should, when needed, use formal discovery methods to obtain information.
 - A. Defense counsel should know what information is needed to prepare for the case and understand the best methods of obtaining that information.
 - (1) Defense counsel should become familiar with pretrial discovery requests and motions, and use whatever tools are available to obtain necessary information. Defense counsel should be aware of the limitations on the use of a subpoena to require the release of confidential information without a court order and should have subpoenas served in a timely manner to provide time for court involvement in the production of the documents sought.
 - (2) Defense counsel should consider the following types of formal discovery: depositions, interrogatories (including expert interrogatories), requests for production of documents, requests for admissions, and motions for mental or physical examination of a party.
 - (3) Defense counsel should file timely motions for discovery and renew these motions as needed to obtain the most recent records.

- (4) Defense counsel, consistent with the client's interests and goals and where appropriate, should take all necessary steps to preserve and protect the client's rights by opposing discovery requests of other parties.

SECTION 7. COURT PREPARATION

1. Defense counsel should develop a case theory and strategy to follow at hearings and negotiations.
 - A. Once defense counsel has completed the initial investigation and discovery, including interviews with the client, defense counsel should develop a strategy for representation. The strategy may change throughout the case, as the client makes or does not make progress, but the initial theory is important to assist defense counsel in staying focused on the client's wishes and on what is achievable.
 - B. The theory of the case should inform defense counsel's preparation for hearings and arguments to the court throughout the case. It should also help defense counsel decide what evidence to develop for hearings and the steps to take to move the case toward the client's ultimate goals (e.g., requesting increased visitation when a parent becomes engaged in services).
2. Defense counsel should timely file all pleadings, motions, and briefs.
 - A. Defense counsel must file petitions, motions, discovery requests, and responses and answers to pleadings filed by other parties that are appropriate for the case.
 - (1) These pleadings must be thorough, accurate and timely.
 - (2) When a case presents a complicated or new legal issue, defense counsel should conduct the appropriate research before appearing in court.
 - (3) Defense counsel must have a solid understanding of the relevant law, and be able to present it to the judge in a compelling and convincing way.
 - (4) Defense counsel should be prepared to distinguish case law that appears to be unfavorable. If the judge asks for memoranda of law, defense counsel will already have done the research and will be able to use it to argue the case well.
 - (5) If it would advance the client's case, defense counsel should present an unsolicited memorandum of law to the court.
3. Defense counsel should engage in case planning and advocate for appropriate social services.
 - A. Defense counsel must advocate for the client both in and out of court.
 - B. Defense counsel should know about the social, mental health, substance abuse treatment and other services that are available to clients and families in the

jurisdiction in which defense counsel practices so defense counsel can advocate effectively for the client to receive these services.

- C. If the client wishes or agrees to engage in services, defense counsel must determine whether the client has access to the necessary services to overcome the issues that led to the case.
- 4. Defense counsel should aggressively advocate for regular visitation in a family-friendly setting.
 - 5. Defense counsel should engage in settlement negotiations and mediation to resolve the case.
 - 6. Defense counsel should thoroughly prepare the client to testify at the hearing.
 - A. When having the client testify will benefit the case or when the client wishes to testify, defense counsel should thoroughly prepare the client.
 - B. Defense counsel should discuss and practice the questions that the attorney will ask the client, as well as the types of questions the client should expect opposing counsel to ask. Defense counsel should help the client think through the best way to present information, familiarize the client with the court setting, and offer guidance on logistical issues such as how to get to court on time and appropriate court attire.
 - 7. Defense counsel should identify, locate and prepare all witnesses.
 - 8. Defense counsel should identify, secure, prepare and qualify expert witnesses.
 - A. Defense counsel must identify, as early in your representation as possible, whether you will need an expert for consultation and/or testimony.
 - B. Defense counsel must determine if an opposing party will be employing expert witnesses.
 - C. Defense counsel must locate experts and seek necessary funding in a timely manner.
 - D. Defense counsel must spend time preparing expert witnesses for trial.
 - E. Defense counsel should, when appropriate, use interrogatories, depositions and/or interviews to question opposing experts.

SECTION 8. HEARINGS

1. Defense counsel should attend and prepare for all hearings.
2. Defense counsel should prepare and make all appropriate motions and evidentiary objections.
 - A. Defense counsel must file motions and evidentiary objections in advance of the hearing whenever possible.
 - B. Defense counsel must file briefs in support of motions when necessary.
 - C. Defense counsel must always be aware of preserving issues for appeal.
3. Defense counsel should present and cross-examine witnesses, prepare and present exhibits.
 - A. Defense counsel must prepare witnesses in advance of hearings.
 - B. Defense counsel must prepare cross examination of opposing witnesses
 - C. Defense counsel must organize documents, photos and all other potential exhibits before hearing.
 - D. Defense counsel must be aware of potential evidentiary issues regarding admissibility of testimony and exhibits.
4. Defense counsel should request the opportunity to make opening and closing arguments.
5. If requested by the court or necessary to protect the client's interests, Defense counsel should prepare proposed findings of fact, conclusions of law and orders.

SECTION 9. POST HEARINGS/APPEALS

1. Defense counsel should review court orders to ensure accuracy and clarity and review with client.
 - A. If written court order does not accurately reflect verbal order, defense counsel must take appropriate steps to correct it.
 - B. Defense counsel must provide the client with a copy of the final order and review it with client to ensure understanding.
 - C. Defense counsel must advise the client of potential consequences of failing to comply with order.
 - D. If the client does not agree with the court's order, defense counsel must advise the client of any appellate or other post-judgment options for relief.

2. Defense counsel should take reasonable steps to ensure the client complies with court orders.
 - A. Defense counsel must ensure that the client understands and has an ability to meet the client's obligations under a court order.
 - (1) Defense counsel should create action plan for client, listing individual obligations and actions the client will need to take to meet the obligation.
 - (2) Defense counsel should help the client contact and follow up with service agencies.
 - (3) If service agencies are not meeting their responsibilities in respect to the client, defense counsel must be prepared to bring the case back to court or take other steps to ensure appropriate services are available.

~~3. 3. —~~ Defense counsel ~~should must consider and~~ discuss the ~~possibility of~~ appeal process with the client, advise the client of the issues that can be raised at each appealable stage of the proceeding and the timelines to do so, so the client does not involuntarily waive any claims.

- a. After either a jeopardy order or termination of parental rights order is issued, defense counsel must advise the client of the right to appeal the order.
- b. Defense counsel ~~should must~~ discuss the client's right to effective assistance of counsel and advise the client that if they wish to pursue a claim of ineffective assistance of counsel, that such a claim must be made in the trial court after jeopardy or on direct appeal after termination of parental rights.
- c. Counsel must discuss with client the potential conflict of interest issues posed by concurrently raising ineffective assistance of counsel claims and continuing to represent client in the trial court and/or on appeal. ~~defense counsel must immediately withdraw.~~
- d. If, after the discussion about conflicts of interest, the client wants counsel to continue and not withdraw from representation, counsel must obtain a written knowing and voluntary waiver of the potential conflicts identified in this section from client.
- e. If the client requests that defense counsel withdraw, defense counsel ~~should shall~~ timely file a motion to withdraw, attempt to find appellate counsel, and take all reasonable steps to preserve the issue and the client's right to a claim of ineffective assistance of counsel.

~~a. —~~

4. If the client decides to appeal, defense counsel should timely and thoroughly file the necessary post-hearing motions and paperwork related to the appeal and closely follow the Maine Rules of Civil and Appellate Procedures.
5. Defense counsel should request an expedited appeal, when feasible.
6. Defense counsel should communicate the results of the appeal and its implications to the client.

STATUTORY AUTHORITY: 4 M.R.S. §1804(2)(C), §180(2)(D), §1804(2)(E), §1804(3)(D), §1804(4)(D)

EFFECTIVE DATE:

February 27, 2012 – filing 2012-54

Chapter 301-B: REQUIREMENTS FOR PAYMENT OF PARALEGAL AND SECRETARIAL SERVICES

Summary: This Chapter establishes a method for Counsel to seek payment for Secretarial Services and Paralegal Services on assigned cases.

SECTION 1. Definitions.

1. PDS or Commission. “PDS” or “Commission” means the Commissioners of the Maine Commission on Public Defense Services.
2. Executive Director. “Executive Director” means the Executive Director of PDS or the Executive Director’s decision-making designee.
3. Counsel. “Counsel” means a private attorney designated eligible by the Commission to be assigned to provide a particular service or to represent a particular client in a particular matter, and assigned by PDS or a court to provide that service or represent a client.
4. Paralegal. “Paralegal” means a person, qualified by education, training, or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency, or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible.
5. Paralegal Services. “Paralegal Services” means specifically delegated substantive legal work for which a lawyer is responsible.
6. Secretary. “Secretary” means a person who is employed or retained by a lawyer, law office, corporation, governmental agency, or other entity to provide Secretarial Services.
7. Secretarial Services. “Secretarial Services” means administrative staff support services other than Paralegal Services.
8. Payee. The person or entity that Counsel has designated to receive payment for services rendered by Counsel through submitting a Designation of Payee form to PDS.

SECTION 2. Hourly Rate of Payment.

Paralegal Services and Secretarial Services will be compensated at a rate of \$55 per hour subject to the limitations established by this Chapter and Chapter 301.

SECTION 3. Limitations.

1. **Compensable Tasks.** Counsel may be compensated for all Secretarial Services and Paralegal Services which would be compensable under Chapter 301, subject to the following limitations:
 - A. Counsel will only be compensated for tasks which may be delegated, consistent with the Maine Rules of Professional Conduct and Commission rules.
 - B. Secretarial Services and/or Paralegal Services must be attributable to a particular assigned client's case to be compensable. General office or file maintenance tasks are not compensable.
 - C. Counsel will only be compensated for a maximum of 20 hours of Secretarial Services and/or Paralegal Services, combined, per case.
 - D. Counsel will not be compensated for travel time or travel-related expenses incurred by Paralegals or Secretaries unless Counsel obtains prior written authorization from the Executive Director.

SECTION 4. Administration.

1. **Billing Method.**
 - A. Counsel may only be compensated for Secretarial Services and Paralegal Services via vouchers submitted through the PDS electronic case management system. Invoices seeking such compensation which are submitted through any other means will not be paid. Any voucher submitted for payment may include both time for Secretarial Services and/or Paralegal Services and the legal services of Counsel. Counsel need not enter a separate voucher for Secretarial Services and/or Paralegal Services.
 - B. Time submitted for Paralegal Services or Secretarial Services performed by someone who is an employee of Counsel shall be submitted as a time entry by the Paralegal or Secretary under their own profile in the PDS electronic case management system.
 - C. Time submitted for Paralegal Services or Secretarial Services performed by someone who is a contractor of Counsel shall be submitted by Counsel as an expense and attached to the relevant voucher in the PDS electronic case management system. Said expense must be accompanied by a receipt reflecting that Counsel paid that amount to the person who performed the Paralegal Services and/or Secretarial Services.
2. **Timekeeping.** Paralegal Services and Secretarial Services must be recorded in increments of 0.10 hours. Each distinct task performed must be itemized and include the date the task was performed, the hours expended, the name of the person who performed the task, the

type of task, and a description of the task that is sufficiently specific and detailed to enable one to understand the nature and extent of the services provided.

3. Payment. Payment for Paralegal Services or Secretarial Services shall be made to Counsel's Payee. No payment allowable under this Chapter shall be made directly to any Paralegal or Secretary.
4. Timing. Vouchers submitted greater than 90 days after the terminal case event shall be reduced in accordance with Chapter 301, Section 6.

**Chapter 301: FEE SCHEDULE AND ADMINISTRATIVE PROCEDURES FOR
PAYMENT OF ~~COURT OR COMMISSION ASSIGNED~~
COUNSEL**

Summary: This ~~C~~chapter establishes a fee schedule and administrative procedures for payment of ~~private Court Assigned and/or Commission Assigned Counsel~~Counsel. The Chapter sets a standard hourly rate and fee amounts that trigger presumptive review for specific case types. The Chapter also establishes rules for the payment of mileage and other expenses that are eligible for reimbursement by the Commission. Finally, this Chapter requires ~~Counsel~~ that all vouchers for attorney fees and reimbursable expenses must be submitted using the PDS electronic case management system.

SECTION 1. DEFINITIONS.

~~1. 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.~~

~~2. 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.~~

~~3. Counsel. As used in this Chapter "Counsel" means a Court Assigned Counsel or Commission Assigned Counsel, or both.~~

4.1. PDS or Commission. "PDS" or "Commission" means the Commissioners of the Maine Commission on Public Defense Services.

2. Executive Director. "Executive Director" means the Executive Director of PDS or the Executive Director's decision-making designee.

3. Counsel. "Counsel" means a private attorney designated eligible by the Commission to be assigned to provide a particular service or to represent a particular client in a particular matter, and assigned by PDS or a court to provide that service or represent a client.

5.

Employed Counsel. "Employed Counsel" means an attorney employed by the Commission to provide legal services directly to persons who are eligible to receive indigent legal services in civil proceedings. ~~Commission-Employed Counsel. "Commission-Employed Counsel" means counsel employed by the Commission to provide direct representation to indigent persons.~~

4.

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

6. Home Court. "Home Court" means the physical location of the court in closest proximity to Counsel's office or reasonably accessible private meeting space as contemplated by 94-649 C.M.R. ch. 2 § 3.

7. Commission Liaison. "Commission Liaison" means the attorney who performs services for clients as part of the specialty court team but who has not otherwise been appointed to represent a specific client in a specific docket.

8. Interim Voucher. "Interim Voucher" means any voucher submitted in a case before Counsel's professional responsibility in a matter ends.

9. Particular Client Assignment. "Particular Client Assignment" means an assignment of Counsel to represent a particular client in a particular matter either by PDS or ~~the a Court court~~ under Rule 44 of the Maine Rules of Unified Criminal Procedure or Rule 88 of the Maine Rules of Civil Procedure. For the purpose of this ~~rule~~ Rule a "particular matter" is a matter described by a particular docket number in a ~~Court court~~.

10. Days. "Days" means calendar days.

11. Paralegal. "Paralegal" means a person, qualified by education, training, or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency, or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible.

12. Paralegal Services. "Paralegal Services" means specifically delegated substantive legal work for which a lawyer is responsible.

12. Secretary. "Secretary" means a person who is employed or retained by a lawyer, law office, corporation, government agency, or other entity to provide Secretarial Services.

13.

~~13.14.~~ Secretarial Services. "Secretarial Services" means staff support services other than Paralegal Services.

~~14.15.~~ Resource Counsel. "Resource Counsel" means counsel designated eligible to serve as Resource Counsel pursuant to Chapter 3 of the Commission Rules.

~~15.16.~~ Final Voucher. "Final Voucher" means and includes the voucher required by Section 6 of this Chapter to be submitted within 90 days of a terminal case event.

~~16.17.~~ Supplemental Voucher. "Supplemental Voucher" means any voucher submitted for work performed by Counsel on behalf of their indigent client after the terminal case event has occurred.

~~17.18.~~ Case. "Case" means a Particular Client Assignment as defined by this Chapter.

SECTION 2. HOURLY RATE OF PAYMENT.

1. Effective March 1, 2023:

A rate of One Hundred Fifty Dollars (\$150.00) per hour is authorized for time spent by Counsel, and billed using PDS electronic case management system, on an assigned case on or after March 1, 2023. A rate of Eighty Dollars (\$80.00) per hour remains authorized for time spent on an assigned case between July 1, 2021 and February 28, 2023. A rate of Sixty Dollars (\$60.00) per hour remains authorized for time spent on an assigned case between July 1, 2015 and June 30, 2021. A rate of Fifty-five Dollars (\$55.00) per hour remains authorized for time spent on an assigned case between July 1, 2014 and June 30, 2015. A rate of Fifty Dollars (\$50.00) per hour remains authorized for time spent on an assigned case between the inception of the Commission and June 30, 2014.

SECTION 3. EXPENSES.

1. **Routine Office Expenses.** Routine ~~Office-office~~ expenses will not be paid by PDS. Routine office expenses include but are not limited to: postage other than overnight and express postage, regular telephone, cell telephone, fax, office overhead, utilities, ~~secretarial services~~, the first 100 pages of any one print or copy job, local phone calls, parking (except as stated below), and office supplies. ~~Any and all requests for fees or reimbursement for Pparalegal services-Services and secretarial Secretarial services-Services may be submitted to PDS only through the non-counsel cost procedures-compensated in accordance with Chapter 301-B.~~
2. **Itemized Non-Routine Expenses.** Itemized non-routine expenses, such as discovery from the State or other agency, long distance calls (only if billed for long distance calls by your phone carrier), overnight and express postage, collect phone calls, copy costs for print or copy jobs in excess of 100 pages, beginning with the 101st page, printing/copying/binding of legal appeal brief(s), relevant in-state mileage (as outlined below), tolls (as outlined below), and fees paid to third parties, may be paid by PDS after review. Necessary parking fees associated with multi-day trials and hearings will be reimbursed. Parking tickets, fines, and/or fees for other violations will not be reimbursed.
3. **Travel Reimbursement.** Mileage reimbursement shall be made at the State rate applicable to confidential state employees on the date of the travel. Mileage reimbursement will be paid for travel to and from courts other than Counsel's home court. Mileage reimbursement will not be paid for travel to and from a Counsel's home court. Tolls will be reimbursed. All out-of-state travel, overnight travel, and any other expense associated with such travel including but not limited to airfare, lodging, and food, must be approved by PDS in writing prior to incurring the expense. Reimbursement will be subject to the State's per diem maximum rate policies with respect to the reimbursement of any expense must be approved by PDS in writing prior to incurring the expense. Use of the telephone, video equipment, and email in lieu of travel is encouraged as appropriate.
 - 3-A. Counsel will not be compensated for travel time or travel-related expenses incurred by Paralegals or Secretaries unless Counsel obtains prior written authorization from the Executive Director.
4. **Itemization of Claims.** Claims for all expenses must be itemized and include documentation. All expense documentation must be attached to the voucher used to seek reimbursement for the expense claimed. Claims for mileage shall be itemized and include the start and end points for the travel in question.
5. **Discovery Materials.** PDS will reimburse only for one set of discovery materials per assignment. If Counsel is permitted to withdraw, appropriate copies of discovery materials must be forwarded to new counsel within one week of notice

of new counsel's assignment. Counsel may retain a copy of a file transferred to new counsel, or to a client. Counsel shall perform any scanning or make any copies necessary to retain a copy of the file at Counsel's expense. The client owns the file. The original file shall be tendered to new counsel, or to the client, as directed.

- ~~6.~~ **Expert and Investigator Expenses.** Other ~~non~~non-routine expenses for payment to third parties, (e.g., investigators, interpreters, medical and psychological experts, testing, depositions, etc.) shall be approved in advance by PDS. Funds for third-party services will be provided by PDS only upon written request and a sufficient demonstration of reasonableness, relevancy, and need in accordance with PDS rules and procedures governing requests for funds for experts and investigators. See Chapter 302 Procedures Regarding Funds for Experts and Investigators.
7. **Witness, Subpoena, and Service Fees.** Witness, subpoena, and service fees will be reimbursed only pursuant to the Maine Rules of Court. Counsel should not advance these costs. These costs shall not be included as a voucher expense without prior consent from the Executive Director. Fees for service of process by persons other than the sheriff shall not exceed those allowed by 30-A M.R.S. §421. The same procedure shall be followed in civil cases.

SECTION 4. PRESUMPTIVE REVIEW.

1. Vouchers submitted for amounts in excess of the applicable trigger for presumptive review will be considered for payment after review by the Executive Director or designee. Vouchers submitted in excess of the trigger for presumptive review must be accompanied by an explanation of the time spent on the matter. The explanation shall be set forth in the notes section of a voucher or invoice.
2. **Trial Court Criminal Fees**
 - A. Triggers for presumptive review, excluding any itemized expenses, are set in accordance with this subsection. Counsel must provide PDS with written justification for any voucher that exceeds the trigger limit.
 - (1) **Murder.** All murder cases shall trigger presumptive review.
 - (2) **Class A.** \$9,400
 - (3) **Class B and C (against person).** \$7,500
 - (4) **Class B and C (against property).** \$4,700
 - (5) **Class D and E.** \$4,700
 - (6) *[Repealed]*

- (7) **Post-Conviction Review.** \$5,600
- (8) **Probation Revocation.** \$2,800
- (9) **Miscellaneous (i.e., witness representation on 5th Amendment grounds, etc.).** \$1,900
- (10) **Juvenile.** \$2,800
- (11) **Bindover.** applicable criminal class trigger

- B. In cases involving multiple counts against a single defendant, the triggering fee shall be that which applies to the count assigned with the highest class. In cases where a defendant is charged with multiple unrelated offenses, Counsel shall coordinate and consolidate services as much as possible.
- C. Criminal and juvenile cases will include all proceedings through a terminal case event as defined in Section 6, below. Any subsequent proceedings, such as probation revocations, will require new application and appointment.
- D. *[Repealed]*
- E. Upon written request to PDS, a second Counsel may be assigned in a murder or other complicated case, to provide for mentorship, or for other good cause at the discretion of the Executive Director:
 - (1) the duties of each Counsel must be clearly and specifically defined, and Counsel must avoid unnecessary duplication of effort;
 - (2) each Counsel must submit a voucher to PDS. Counsel should coordinate the submission of vouchers so that they can be reviewed together.

3. **District Court Child Protection**

- A. Triggering fees, excluding any itemized expenses, for Counsel in child protective cases are:
 - (1) **Child protective cases.** \$10,200
 - (2) *[Repealed]*
- B. *[Repealed]*

4. **Other District Court Civil**

- A. Triggering fees in District Court civil actions, excluding any itemized expenses, are set in accordance with this subsection. Counsel must provide PDS with written justification for any voucher that exceeds the triggering fee.

(1) **Application for Involuntary Commitment.** \$1,900

(2) **Petition for Emancipation.** \$2,800

(3) **Petition for Modified Release Treatment.** \$1,900

(4) **Petition for Release or Discharge.** \$1,900

5. **Law Court**

A. *[Repealed]*

B. *[Repealed]*

C. Appellate: \$3,750

SECTION 5. MINIMUM FEES.

1. Counsel may bill a minimum fee of 3 hours for appearances as Lawyer of the Day, or Commission Liaison in specialty or diversionary courts or programs. A single minimum fee may be charged for each appearance at which the Counsel serves. If Counsel serves as Lawyer of the Day for a morning session that continues into the afternoon, that will be one appearance. If Counsel serves as Lawyer for the Day for a morning session and then a subsequent afternoon session with a second appearance time and list, that will be two appearances. Vouchers seeking the minimum fee must show the actual time expended and the size of the minimum fee adjustment rather than simply stating that the minimum fee is claimed. In addition to previously scheduled representation at initial appearance sessions, Lawyer of the Day representation includes representation of otherwise unrepresented parties at the specific request of the court on a matter that concludes the same day. Only a single minimum fee may be charged per appearance regardless of the number of clients consulted at the request of the court.

SECTION 6. ADMINISTRATION.

1. **Timing**

- A. Vouchers for payment of counsel fees and expenses associated with a particular client assignment shall be submitted within 90 (ninety) calendar

days of a terminal case event. Lawyer of the Day, specialty courts, Resource Counsel, and all other services rendered on behalf of the Commission and not associated with a particular client assignment shall be billed within 90 days of the service provided.

- B. The period for submitting a voucher established by subsection (1)(A) of this section shall run from the date that the terminal case event is docketed. Services are rendered on Lawyer of the Day assignments on the date Counsel appears in court and serves as Lawyer of the Day. Services in specialty courts as an Commission Liaison, Resource Counsel, or as part of any other PDS-sponsored program are rendered on the date the individual tasks were performed as indicated by the date associated with the time entry recorded to account for that time.
- C. Vouchers not submitted within 90 days of a terminal case event or the timeframe otherwise established by this Chapter shall be reduced according to the schedule established by subsection (3)(C) of this section below, except on a showing by Counsel that a voucher could not have been timely submitted for reasons outside the actual or constructive control of Counsel. If an exception decision is rendered by the Executive Director's decision-making designee, Counsel may submit an appeal in writing to the Executive Director on this issue only, within 10 days of the designee's decision. A decision on an exception under this section is final agency action.
- D. Counsel may submit interim vouchers not more often than once every calendar month per case.
- E. Cases must be entered in the PDS case management system within seven days upon receipt of the Notice of Appointment. If Counsel has been informed that they have been assigned to a case but have not received the Notice of Appointment, Counsel shall exercise due diligence in obtaining a copy of the Notice as soon as possible.

2. Terminal Case Events

- A. A terminal case event is the order, decision or judgment that signifies the final resolution of a particular client assignment such that substantive appearances before the court are no longer necessary to resolve the issues raised by the complaint, indictment, petition, appeal, or other initial pleading that provided the impetus of the case. There can be only one terminal case event in a particular client assignment. Terminal case events exclusively include:
 - (1) The withdrawal of Counsel;
 - (2) The entry of dismissal of all charges or petitions; or

(3) Judgment or other final order or decision of the court.

(4) *[Repealed]*

3. **Reduction for Untimely Voucher Submission**

A. The total reduction applied to vouchers submitted after the 90-day deadline is calculated by multiplying the total voucher amount by the applicable percentage according to the schedule established by subsection (3)(C) of this section.

B. The days elapsed since the relevant terminal case event are calculated in the same manner as in determining compliance with the 90-day deadline.

C. Reduction Schedule:

Days After Terminal Case Event	Reduction
91 – 104	10%
105 – 150	25%
151 – 180	50%
181 or more	100%

D. Any reduction for the untimely submission of a voucher may only be applied after Counsel is provided with an opportunity to request an exception pursuant to subsection (1)(C) of this section.

4. **Voucher Submission**

A. All vouchers must be submitted using the PDS electronic case management system and comply with all instructions for use of the system.

B. All time on vouchers shall be detailed and accounted for in .10 of an hour increments rounding up to the nearest .10 of an hour. The purpose of each time entry must be specifically stated by using the most relevant time entry category and providing a reasonably descriptive comment/note for each time entry.

C. Unless otherwise stated in this Chapter, Counsel may only record and seek payment for actual time spent working on Counsel's appointed or assigned cases using the PDS electronic case management system. Counsel may not record a minimum amount for any time entries notwithstanding any previous policy or practice of the Commission.

D. All expenses claimed for reimbursement must be fully itemized on the voucher. Copies of receipts for payments to third parties shall be retained and appended to the voucher.

- E. If a particular client assignment requires additional, supplemental work be performed by Counsel after the terminal case event occurs, Counsel may submit a supplemental voucher for the work performed after the final voucher is submitted. All time included on a supplemental voucher must be billed within a reasonable period of time after the task was completed. Notwithstanding any other provision of this Chapter, any time included on a supplemental voucher that is not submitted within a reasonable period of time is not payable except on a showing by Counsel that the voucher could not have been timely submitted for reasons outside the actual or constructive control of Counsel.
- F. Time for work performed by Counsel before the terminal case event occurred may not be included on a supplemental voucher.
- G. Time for work performed by Counsel after the terminal case event occurred may be included on a final voucher. If a final voucher is submitted greater than 90 days after a terminal case event, the entire voucher will be reduced according to the reduction schedule established by this Chapter including any time for work performed after the terminal case occurred.

5. **Payments & Reimbursement of Expenses for Attending Training**

- A. Payments to attend and reimbursement of expenses incurred incidental to attending trainings are governed by Chapter 301-A.
- B. Vouchers submitted in accordance with Chapter 301-A shall be submitted within 90 calendar days of attending the training.
- C. Notwithstanding any other provision of this Chapter or other Commission rules, untimely vouchers for payment or reimbursement of expenses governed by Chapter 301-A will not be paid.

SECTION 7. RESOURCE COUNSEL.

- 1. Resource Counsel may bill pursuant to Section 6(4), above, for any billable tasks outlined in subsection 2 and subject to the limitations in subsection 3 of this section.
- 2. **Billable Tasks:**
 - A. Meeting with ~~Court Assigned, Commission Assigned, and Commission-Employed Counsel~~Counsel, Employed Counsel, and Public Defenders upon the written request of the Executive Director.
 - B. Meetings and other communications with ~~Court Assigned, Commission Assigned, and Commission-Employed Counsel~~Counsel, Employed

Counsel, and Public Defenders about the practice of law or ethical or legal issues related to assigned cases.

- C. Assisting Counsel, Employed Counsel, and Public Defenders ~~Court-Assigned, Commission-Assigned, and Commission-Employed Counsel~~ with drafting documents and with litigation preparation for assigned cases.
- D. Meetings and other communications with members of the judiciary or prosecution about matters pertaining to indigent representation upon the written request of the Executive Director.
- E. Preparing and presenting trainings at the request of the Executive Director or Training & Supervision staff.
- F. In-court observation of Counsel if requested by the Executive Director ~~or PDS Training & Supervision staff.~~
- G. Responding to calls, emails, and/or webform submissions from individuals who contact PDS through the PDS hotline and/or website. This includes:
 - (1) Communication with the person who called;
 - (2) Communication with others to address the individual's matter; and
 - (3) Limited scope representation undertaken to resolve urgent issues for indigent persons concerning matters for which the person would be entitled to appointment of c~~C~~ounsel.
- H. Other tasks as deemed appropriate by the Executive Director and with prior written authorization of the Executive Director.

3. **Limitations:**

- A. Any services rendered as Resource Counsel must be strictly limited to matters relating to assigned—not retained or pro bono—cases.
- ~~B. Resource Counsel may not bill for services rendered to an attorney who is not a Court-Assigned, Commission-Assigned, or Commission-Employed counsel.~~
- E.B. If Resource Counsel serves as co-counsel on an assigned case, then Resource Counsel must enter the case in the Commission's electronic case management system and bill for it as a typical case, not as Resource Counsel.
- D.C. Prior to preparing a training at the Commission's request, Resource Counsel must have prior written authorization from the Executive Director ~~or PDS~~

~~Training & Supervision staff~~, which must include a cap on the maximum number of hours the Commission will pay Resource Counsel to prepare and present the training.

~~F.D.~~ Resource Counsel must be licensed to practice law in Maine and eligible to accept PDS case assignments at all times while performing Resource Counsel duties. Resource Counsel will not be paid for work done unless Resource Counsel is licensed to practice law in Maine and eligible to accept PDS case assignments.

~~F.E.~~ As a condition of the opportunity to serve as Resource Counsel, Resource Counsel must maintain detailed records of the services they perform and provide copies of those records to PDS upon request. At a minimum, those records must include:

- (1) The number of attorneys to whom Resource Counsel services are rendered; and
- (2) A running log of the number of hours Resource Counsel spends on:
 - (a) Rendering general Resource Counsel services to attorneys;
 - (b) Rendering client-specific services; and
 - (c) Preparing and presenting trainings.

G. Resource Counsel will not be paid for billing more than 40 hours in one seven-day period.

H. Resource Counsel do not develop any property interest in the opportunity to serve in that role. There is no guarantee that PDS will provide any number of hours to Resource Counsel.

I. Resource Counsel may not incur any expenses of any type on behalf of PDS without prior written approval from the Executive Director.

4. ~~Court Assigned and Commission Assigned~~ Counsel may bill pursuant to Section 6(4), above, for time spent receiving the services of Resource Counsel.

SECTION 8. NON-PAYMENT BASED ON MISCONDUCT.

1. If Counsel submits a voucher for work completed that, upon investigation, the Executive Director concludes violated any of the Maine Rules of Professional Conduct or Commission Rules, the voucher may be rejected—in whole or in part—and the Executive Director may deny payment for the same. Pursuant to 4 M.R.S. § 1804(3)(J), a decision of the Executive Director pursuant to this subsection constitutes final agency action.

STATUTORY AUTHORITY:

4 M.R.S. §§ 1804(2)(F), (3)(B), (3)(F) and (4)(D); 4 M.R.S. § 1805(12).

EFFECTIVE DATE:

August 21, 2011 – filing 2011-283

AMENDED:

March 19, 2013 – filing 2013-062

July 1, 2013 – filing 2013-150 (EMERGENCY)

October 5, 2013 – filing 2013-228

July 1, 2015 – filing 2015-121 (EMERGENCY)

June 10, 2016 – filing 2016-092

July 21, 2021 – filing 2021-149 (EMERGENCY)

January 17, 2022 – filing 2022-007

June 23, 2022 – filing 2022-100 (Final adoption, major substantive)

February 24, 2023 – filing 2023-028 (Emergency adoption)

September 1, 2023 – filing 2023-122 (Final adoption, major substantive)

September 1, 2024 – filing 2024-204

NONSUBSTANTIVE EDITS:

September 3, 2024 (Addition of a statutory citation in Section 8, subsection 1 of the rule, as well as in the statutory authority/rule history section).

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES 2024-2025 REGULATORY AGENDA

AGENCY UMBRELLA-UNIT NUMBER: **94-649**

AGENCY NAME: **Maine Commission on Public Defense Services**

Contact Person: Jim Billings, Executive Director, 154 State House Station, Augusta, Maine 04333-0154. Telephone: (207) 287-3254; jim.billings@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:

None

EXPECTED 2024-2025 RULE-MAKING ACTIVITY:

CHAPTER 1: Commission Relationship with Assigned and Contract Counsel

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

PURPOSE: To promote the availability and quality of service of rostered counsel and increase Commission oversight by amending the legal relationship of counsel with the Commission to allow the Commission to properly discharge its statutory obligations.

ANTICIPATION SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

AMENDMENT - CHAPTER 2: Standards for Qualifications of Contract and Assigned Counsel

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

PURPOSE: To provide the Commission with a basis for determining which attorneys are qualified to be assigned to represent indigent people.

ANTICIPATED SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and licensed attorneys who apply to become eligible to receive assignments in indigent cases.

AMENDMENT - CHAPTER 3: Eligibility Requirements for Specialized Panels

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

PURPOSE: To provide the Commission with a basis for determining which attorneys are qualified to be assigned to represent indigent people in specialized case types.

ANTICIPATED SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and licensed attorneys who apply to become eligible to receive assignments in specialized case types.

CHAPTER 4: Caseload Standards for Assigned Counsel and Contract Counsel

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(C), (2)(G), and (4)(D)

PURPOSE: To establish caseload standards for assigned and contract counsel and a method for tracking and monitoring caseloads on an ongoing basis.

ANTICIPATION SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

CHAPTER 5: Co-counsel Requirements

STATUTORY AUTHORITY: §§ 1804(2)(D) and (4)(D)

PURPOSE: 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.

ANTICIPATED SCHEDULE: Prior to October 1, 2025.

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

CHAPTER 6: Standards Evaluation of Assigned Counsel and Contract Counsel

STATUTORY AUTHORITY: §§ 1804(2)(D) and (4)(D)

PURPOSE: To establish standards and procedures for evaluating assigned and contract counsel.

ANTICIPATED SCHEDULE: Prior to October 1, 2025.

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

CHAPTER 7: Standards and Procedures for Conflicts

STATUTORY AUTHORITY: §§ 1804(2)(E) and (4)(D)

PURPOSE: To establish procedures and standards for the representation of clients whose cases present conflicts of interest.

ANTICIPATED SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

CHAPTER 8: Audit Procedures for the Review of Counsel Vouchers and Non-Counsel Vendor Invoices

STATUTORY AUTHORITY: §§ 1804(3)(O) and (4)(D)

PURPOSE: To establish procedures for implementation of the audit management program to review the billing of assigned counsel and non-counsel vendor invoices.

ANTICIPATED SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases, attorneys who represent indigent people under contract with the Commission, and non-counsel vendors who provide necessary services in indigent cases.

AMENDMENT - CHAPTER 101: Juvenile Practice Standards

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

PURPOSE: To amend performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in juvenile cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

AMENDMENT - CHAPTER 102: Adult Criminal Practice Standards

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

PURPOSE: To amend performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in criminal cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

AMENDMENT - CHAPTER 103: Child Protective Practice Standards

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

PURPOSE: To amend performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in child protective cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

CHAPTER 104: Involuntary Commitment Practice Standards

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

PURPOSE: To establish performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in involuntary commitment cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

CHAPTER 105: Appellate Practice Standards

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

PURPOSE: To establish performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in appellate cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

CHAPTER 106: Post-Conviction Practice Standards

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

PURPOSE: To establish performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in post-conviction review cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

CHAPTER 107: Lawyer of the Day Practice Standards

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

PURPOSE: To establish performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in adult and juvenile lawyer of the day appearances.

ANTICIPATION SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

AMENDMENT – CHAPTER 201: Appeals of Decisions of the Executive Director

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(3)(J) and (4)(D)

PURPOSE: To amend the administrative review and appeal process for attorneys who are aggrieved by a decision of the Executive Director or the Executive Director's designee.

ANTICIPATION SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases, attorneys who represent indigent people under contract with the Commission, and licensed attorneys who apply to become eligible to receive assignments in indigent cases.

AMENDMENT - CHAPTER 301: Fee Schedule and Administrative Procedures for Payment of Court or Commission Assigned Counsel

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

PURPOSE: To amend established standards for compensation of counsel and the reimbursement of counsel expenses for rostered attorneys.

ANTICIPATED SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

AMENDMENT CHAPTER 301-A: Payment for Attending and Reimbursement of Expenses Incidental to Attending Trainings

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

PURPOSE: To amend the eligibility for payment to private court and/or Commission assigned counsel for attending and reimbursement of expenses incidental to attending trainings, and to set forth administrative procedures for payment and reimbursement of eligible training expenses.

ANTICIPATED SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

CHAPTER 301-B: Requirements for Payment of Paralegal and Secretarial Services

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

PURPOSE: To establish a method for Counsel to seek payment for Secretarial Services and Paralegal Services on assigned cases.

ANTICIPATED SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

AMENDMENT - CHAPTER 302: Procedures Regarding Funds for Experts and Investigators

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(3)(L) and 4(D)

PURPOSE: To amend how requests for funds for non-counsel services must be filed with the Commission.

ANTICIPATED SCHEDULE: Prior to October 1, 2025

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

AMENDMENT CHAPTER 303: Procedures Regarding Legal Research Access and Materials

STATUTORY AUTHORITY: §§ 1804(2)(G) and (4)(D)

PURPOSE: To amend the procedures for the reimbursement for necessary legal research materials for assigned or contract counsel.

ANTICIPATED SCHEDULE: Prior to October 1, 2025.

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

AMENDMENT - CHAPTER 401: Indigency Guidelines

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(A) and (4)(D)

PURPOSE: To amend established standards for determination of eligibility for indigent legal services.

ANTICIPATED SCHEDULE: Prior to October 1, 2025.

AFFECTED PARTIES: Indigent people who may be entitled to representation a state expenses under the United States Constitution or the Constitution or Laws of Maine.