
LODGING AND OTHER TRAVEL EXPENSES INCURRED BY COUNSEL

TO: MCILS STAFF

FROM: EXECUTIVE DIRECTOR JAMES BILLINGS

SUBJECT: LODGING AND OTHER TRAVEL EXPENSES INCURRED BY COUNSEL

DATE: 7/21/2023

CC: COMMISSION

MCILS will follow this protocol when determining whether and to what extent to reimburse counsel for travel expenses incurred in representing consumers of indigent legal services. This protocol does not apply to requests for reimbursement of travel expenses for resource counsel or attendance at trainings.

Statutory Authority: 4 M.R.S. §1804(2)(F) – ...Standards for the reimbursement of expenses incurred by assigned counsel and contract counsel...”

1. Definitions

- a. Airfare. “Airfare” means the cost of a plane ticket and associated baggage fees.
- b. Ancillary Representation. “Ancillary Representation” means legal representation provided by appointed counsel to a consumer of indigent legal services in a case not appointed or assigned to counsel.
- c. Associated Voucher. “Associated Voucher” means the voucher submitted for the case in which the claimed travel expenses have been incurred and used to claim such travel expenses.
- d. Consumer of Indigent Legal Services. “Consumer of Indigent Legal Services” means:
 - i. a person who has been found indigent by a court and subsequently appointed counsel under Rule 44 of the Maine Rules of Unified Criminal Procedure or Rule 88 of the Maine Rules of Civil Procedure; or
 - ii. a person who otherwise receives MCILS sponsored indigent legal services from the Lawyer of the Day or a specialty court liaison provided by an attorney eligible to receive assignments under Chapter 2 and Chapter 3.
- e. Food Expenses. “Food Expenses” means the cost of a meal or other food incurred while traveling where that travel includes at least one night of reimbursable lodging expenses.

- f. Lodging Expense. “Lodging Expense” means the cost of, or fee charged for, an overnight stay at a hotel, motel, or other establishment providing overnight lodging accommodations.
 - g. Travel Expense. “Travel Expense” means and includes expenses for lodging, airfare, food, or any other similar expense associated with long distance or overnight travel.
2. No claims for the reimbursement of travel expenses will be paid except as otherwise stated in this policy.
3. Travel expenses will be reimbursed only where:
 - a. such expenses are necessary for the attorney seeking reimbursement to provide effective representation to a consumer of indigent legal services; and
 - b. counsel has requested and received prior approval before seeking reimbursement for all travel expenses except parking expenses, tolls, and mileage; and
 - c. the written approval(s) provided by MCILS and the receipt(s) for the claimed travel expenses are attached to the associated voucher.
4. Lodging expenses will not be approved or reimbursed where:
 - a. the destination is located fifty (50) miles or less from counsel’s office; or
 - b. such an expense is only necessary to provide ancillary representation to a consumer of indigent legal services.
5. Claims for travel expenses submitted without prior approval may only be paid in extraordinary circumstances within the discretion of the Audit Division Director.
6. Reimbursement Amount for Lodging Expenses
 - a. Lodging expenses will be reimbursed at the lowest available advertised lodging rate in the relevant area.
 - b. The lowest available rate is presumed to be the standard rate, as set by the [U.S. General Services Administration](#) effective on the date the lodging expense is incurred.
 - c. It is counsel’s responsibility to rebut the presumption above no later than the date prior approval for travel expenses is requested by Counsel. Counsel may meet this burden by:
 - i. providing quotes from three different hotels, motels, or other establishment providing lodging in the relevant area; and
 - ii. certifying that the standard rate is not available at those establishments.

7. Food Expenses:

- a. will only be reimbursed where incurred in connection with a lodging expense;
 - b. reimbursement shall not exceed the [Per Diem](#) rate established by the Office of the State Controller; and
8. Reimbursement shall not exceed one day of [Per Diem](#) for each night of approved lodging.
Reimbursement for Airfare Expenses

- a. Airfare expenses will be reimbursed at the lowest available rate not to exceed economy class or its equivalent.
- b. Add-on services, in-flight purchases, and similar flight associated expenses will not be reimbursed under any circumstances without exception.

9. Form and Contents of Request for Approval

- a. All requests for prior approval to incur a lodging expense must be in writing and include the following information:
 - i. Counsel's name;
 - ii. Client's name, specialty court name, or LOD type as applicable;
 - iii. Docket number of the underlying case(s);
 - iv. Court or destination location;
 - v. Date of the stay;
 - vi. Brief statement describing the reason lodging is necessary;
 - vii. Number of nights for which lodging is being sought;
 - viii. Cost per night for the lodging; and
 - ix. Certification that the destination requiring lodging is located more than 50 miles from Counsel's office or reasonably accessible private meeting space required by 94-649 Chapter 2.
- b. All requests for prior approval to incur a lodging expense greater than the standard rate set by the U.S. General Services Administration must include all information required by Paragraph 9(a) above and be include the information required by Paragraph 6(c) above.
- c. Requests for the approval of lodging expenses may be submitted by:
 - i. direct email to stephen.brochu@maine.gov;
 - ii. webform via the MCILS website; or
 - iii. fillable PDF form.