

**Chapter 301-A: PAYMENT FOR ATTENDING AND REIMBURSEMENT OF EXPENSES INCIDENTAL TO ATTENDING TRAININGS**

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**Summary:** This Chapter establishes eligibility for payment to private court and/or Commission-Assigned Counsel for attending and reimbursement of expenses incidental to attending trainings. This Chapter also sets forth administrative procedures for payment and reimbursement of eligible training expenses. This Chapter supersedes the Payments for Attending Training Policy, which was promulgated on May 15, 2023.

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**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. PDS or Commission. "PDS" or "Commission" means the Commissioners of the Maine Commission on Public Defense Services.
5. Training Provided by the Commission. "Training Provided by the Commission" means and includes any training, whether or not that training qualifies for CLE credit through the Board of Overseers, that is:
  - a. Prepared and/or presented by PDS staff at a PDS sponsored event; or,
  - b. Prepared and/or presented on behalf of, or at the direction of, PDS or its staff; and,
  - c. Is presented live, including live webcast; or,
  - d. Is presented through proctored playback of a recording, in whole or in part.
6. Executive Director. "Executive Director" means the Executive Director of PDS or the Executive Director's decision-making designee.

7. On Camera. “On Camera” means that Counsel’s camera is turned on, pointing toward Counsel, and Counsel’s entire face is visible on the screen.

## **SECTION 2. ELIGIBILITY**

1. The prerogative to request payment or reimbursement pursuant to this Chapter is limited to Counsel who—on the date the training occurs—are eligible to receive assignments through the PDS system and are representing five or more assigned clients.
2. Payment or reimbursement pursuant to this Chapter will only be made to eligible Counsel for payment to attend or reimbursement of expenses incidental to attending a training provided by the Commission.

## **SECTION 3. PAYMENT**

1. To receive payment for attending a training, counsel must attend personally, be engaged with the training, and not otherwise engaged or multitasking during its presentation. Driving while attending a training is strictly prohibited. Counsel will be removed from the training and not paid for any training time while driving. Where a training may be provided remotely, counsel must be on camera during the entire presentation absent specific direction from the presenter to the contrary.
2. Notwithstanding any other provisions of this or other Commission rules, payment will only be made if counsel attends at least 75% of the instructional time of a training provided by the Commission. No payment will be made to counsel who attend less than 75% of the instructional time.
  - a. For multiday trainings, the 75% attendance requirement will be applied based on counsel’s attendance at the entire training, rather than a per-day basis, unless otherwise specified in writing by the Executive Director. This subsection shall be applicable retroactively to January 1, 2024.
3. Payment will be made at the authorized rate in effect on the date of the training.
4. Payment will be made for actual training time attended, exclusive of breaks.
5. Payment will also be made at the then-current hourly rate for time spent traveling to and from the training.
6. Payment will be made in increments of .1 hours and only for time spent attending the training or traveling to and from the training. Counsel may not record, or seek payment for, any time spent opening or closing the case file as described in section 6(3), below.

## **SECTION 4. REIMBURSABLE EXPENSES**

1. Reimbursable expenses include only:
  - a. Training registration fees.
  - b. Mileage. Mileage reimbursement shall be made at the State rate applicable to confidential state employees on the date of the travel. Mileage is calculated based upon the distance between the attorney's office address, or the location from which the attorney departs for the training, whichever is nearer to the training, and the location of the training. If multiple attorneys travel to a training in a single vehicle, only one attorney may be reimbursed for the mileage.
  - c. Tolls. Tolls for travel to and from the training. The attorney must have a receipt
  - d. Hotels. Hotel stays necessary to attend a training are reimbursable at the [Standard Rate](#), as set by the U.S. General Services Administration, that is effective on the date of the hotel stay.
    - i. Counsel must receive prior written authorization from PDS for hotel stays to be reimbursable.
    - ii. Absent exceptional circumstances and at the discretion of the Executive Director, hotel stays for attending trainings will not be authorized if the training is less than 35 miles from Counsel's office.
  - e. Parking. Fees paid to park at a training.

#### **SECTION 5. MAXIMUM.**

1. Counsel is only eligible for payment under this Chapter for a maximum of 40 hours per fiscal year, beginning on July 1, 2023. There is no maximum number of billable hours pursuant to this Chapter prior to July 1, 2023.
2. The 40-hour maximum includes time spent attending and travel for the purpose of attending eligible trainings.
3. For purposes of calculating the maximum billable hours, the relevant date is the date of the training for which counsel is seeking payment.

#### **SECTION 6. ADMINISTRATION.**

1. Enforcement. PDS staff reserve the right to deny Counsel access to a training or to remove Counsel from a training to enforce compliance with this policy, Commission Rules, or eligibility requirements for a particular training. If Counsel is removed from a training by PDS staff, they will not be paid for the period during which they were removed, nor will that period count toward the 75% attendance provision of Section 3(2), above.
2. Itemization of Claims. Claims for all expenses must be itemized and include documentation. Claims for mileage shall be itemized and include the start and end points for the travel in question.
3. Payment will be made through the PDS electronic case management system. To request payment, counsel must:

- a. Create a “case” in the PDS electronic case management system for each training for which counsel requests payment or reimbursement. Do not enter a case in the PDS electronic case management system until after the training has occurred. If one training lasts multiple days, only one case should be entered for the entire training;
- b. Court must be set to “Training”;
- c. The file type must be set to “TRAIN”;
- d. Client information must reflect counsel’s first and last names. Other client demographic information does not need to be completed;
- e. The docket number will be provided at the training and must be entered precisely as provided or payment will not be available;
- f. Assignment date must be the first date of the training and the disposition date must be the last date of the training for which payment is sought;
- g. The charge sequence number must be: 100031;
- h. The disposition must be “Attend Training”;
- i. The time entry for attendance must be “Attend PDS Training”;
- j. The time entry for travel must be “Training Travel”;
- k. Expenses, if any, must be itemized; and
- l. Then create and submit a voucher.

4. Notwithstanding any other provision of any Commission rule or policy, vouchers for payment for attending a training must be submitted within 90 days of the training without exception. Untimely vouchers for payment or reimbursement of expenses governed by this Chapter will not be paid. Attorneys are encouraged to submit their vouchers at the conclusion of the training without delay.

5. The opportunity to request payment for attending trainings does not create a right to attend any specific number of trainings, or any particular training. There are, or may be, limits on the number of people who may attend a particular training. There are, or may be, limits on the eligibility to attend a particular training.

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STATUTORY AUTHORITY: 4 M.R.S. §1804(2)(F),

EFFECTIVE DATE:

October 2, 2023 – filing 2023-186

AMENDED:

September 1, 2024 – filing 2024-206