

**MAINE COMMISSION ON  
PUBLIC DEFENSE SERVICES**

**July 22, 2024**

**Commissioner's  
Meeting Packet**

# MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

## JULY 22, 2024 MEETING AGENDA

- 1) Public Hearing – emergency Chapter 3
- 2) Approval of the June 11 and 16, 2024 Commission Meeting Minutes
- 3) Report of the Executive Director
  - a. Operations report
  - b. Public Defender staffing and office report
  - c. LMS and proctored replays
- 4) Biennial budget discussion
- 5) Rulemaking discussion – Chapter 5
- 6) Set Date, Time and Location of Next Regular Meeting of the Commission
- 7) Public Comment

**Chapter 3: ELIGIBILITY REQUIREMENTS FOR SPECIALIZED PANELS**

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**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.

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**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 law defense practice experience. At least one of the five years must be 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 is someone with whom the applicant does not practice, that assert that the applicant is qualified to represent individuals charged with Homicide, including OUI manslaughter. The letters of reference must be submitted directly to the Executive Director by the authors; and

F. 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-law~~ practice experience. At least one of the three years must be 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 is someone with whom the applicant does not practice, asserting that the applicant is qualified to represent individuals charged with a Sex Offense. The letters of reference must be submitted directly to the Executive Director by the authors.

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

A. Practice Experience: Have at least two years of criminal ~~defense-law~~ practice experience. At least one of the two years must be 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 is someone with whom the applicant does not practice, asserting that the applicant is

qualified to represent individuals charged with a Major Felony. The letters of reference must be submitted directly to the Executive Director by the authors.

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 is someone with whom the applicant does not practice, asserting that the applicant is qualified to represent individuals charged with an OUI. The letters of reference must be submitted directly to the Executive Director by the authors.
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 is someone with whom the applicant does not practice, asserting that the applicant is qualified to represent individuals charged with a Domestic Violence crime. The letters of reference must be submitted directly to the Executive Director by the authors.
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 is someone with whom the applicant does not practice, asserting that the applicant is qualified to represent juveniles in felony and Sex Offenses cases. The letters of reference must be submitted directly to the Executive Director by the authors.

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 is someone with whom the applicant does not practice, asserting that the applicant is qualified to represent juveniles in bind over hearings. The letters of reference must be submitted directly to the Executive Director by the authors.

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 litigation 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 is someone with whom the applicant does not practice, asserting that the applicant is qualified to represent parents in Child Protective cases. The letters of reference must be submitted directly to the Executive Director by the authors.

G. If a Petition to Terminate Parental Rights is filed and the attorney of record has not previously tried a termination of parental rights hearing ~~or has fewer than six months of child protection experience~~, then the attorney of record must file a request with the Commission for a more experienced attorney to serve as co-counsel to assist them with the termination of parental rights hearing.

8. Repealed.

9. Maine Supreme Judicial Court Appeals. To accept assignments to Maine Supreme Judicial Court Appeals, an attorney must be Eligible for the applicable appeal type as outlined below.

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

- 1) Have provided representation in five or more Child Protective Appeals in the Maine Supreme Judicial Court, either individually or as co-counsel;
- 2) Provide copies of all briefs the attorney filed, and the opinions/decisions rendered in the five most recent appeals the attorney has handled;
- 3) Have been deemed Eligible to accept post-conviction 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 with whom the applicant does not practice asserting that the applicant is qualified to provide representation in appeal cases. The letters of reference must be submitted directly to the Executive Director by the authors.
- 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) 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) 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 with whom the applicant does not practice asserting that the applicant is qualified to provide representation in appeal cases. The letters of reference must be submitted directly to the Executive Director by the authors.

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) 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) 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 with whom the applicant does not practice asserting that the applicant is qualified to provide representation in appeal cases. The letters of reference must be submitted directly to the Executive Director by the authors.

10. Post-Conviction Review. To be Eligible for post-conviction review cases, an attorney must:
  - A. Have at least three years of criminal defense experience;
  - B. 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 with whom the applicant does not practice asserting that the applicant is qualified to provide representation in post-conviction cases. The letters of reference must be submitted directly to the Executive Director by the author; 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) years of practice experience and (b) trial or 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. An attorney may apply for a conditional waiver if additional time is needed to meet CLE requirements.

4. The Executive Director may consider other litigation experience and total years of practice 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.

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

EFFECTIVE DATE: July 8, 2011

AMENDED: June 10, 2016 – filing 2016-091  
March 25, 2024 – filing 2024-077



### **Basic Eligibility:**

- Complete the [Initial Application for Indigent Case Assignments](#)
- Complete the applicable minimum standards training (MST)
  - Criminal Law MST- 2 days
  - Mental Health MST- 5 hours
  - NCR Release Hearings- 1 day
- Once the application and MST have been completed, the attorney is eligible for:
  - Criminal: drug offenses, other misdemeanors, other felonies, and probation violations.
  - Mental Health: civil commitment, involuntary medication, and weapons restriction orders.
  - Not Criminally Responsible Release Hearings: All NCR hearings, regardless of underlying case type (*e.g.*, even if the client was found NCR of murder, anyone who is eligible for NCR release hearings is eligible to represent that client).
  - Emancipation (no MST)
  - Guardianship (no MST)

### **Specialized Case Types:**

- Homicide:
  - 5 years of criminal defense practice experience.
  - Tried at least 5 felony cases within the last 10 years, at least two of which were Major Felony, Homicide, or class C or higher Sex Offense cases.
  - 3 letters of reference.
- Sex Offense:
  - 3 years of criminal defense practice experience.
  - Tried at least 3 felony cases within the last 10 years.
- Major Felony:
  - 2 years of criminal defense practice experience.
  - Tried at least 4 criminal cases in the last 10 years.
- OUI:
  - 1 year of criminal defense practice experience
  - Tried at least 2 criminal cases and 2 contested hearings within the last 10 years.
  - 4 hours of CLE credits on topics relevant to OUI in the past 3 years.
- Domestic Violence:
  - 1 year of criminal defense practice experience
  - Tried at least 2 criminal cases and 2 contested hearings within the last 10 years.
  - 4 hours of CLE credits on topics relevant to DV/collateral consequences in the past 3 years.

- Juvenile Defense:
  - Complete the Juvenile Law MST (2 days).
  - Misdemeanors
  - Felony and Sex Offense:
    - 1 year of juvenile defense practice.
    - Handled at least 10 juvenile cases to conclusion.
    - Tried at least 5 contested juvenile hearings within the past 10 years.
  - Bind-Over:
    - 2 years of juvenile defense practice experience.
    - Handled at least 20 juvenile cases to conclusion within the last 10 years.
    - Tried at least 10 contested juvenile hearings in the past 10 years.
- Appeals:
  - Homicide Appeal:
    - Provided representation in 7 criminal appeals within the last 10 years.
    - Completed oral argument in at least 2 criminal appeals.
    - Provide copies of briefs filed and opinions rendered in the 7 most recent criminal appeals the attorney has handled.
  - Other Criminal Appeal:
    - Provided representation in 5 criminal appeals within the last 10 years.
    - Completed oral argument in at least 1 criminal appeal.
    - Provide copies of briefs files and opinions rendered in 5 most recent criminal appeals the attorney has handled.
  - Chil Protective:
    - Provided representation in 5 PC appeals.
    - Provide copies of briefs filed and opinions rendered in the 5 most recent appeals.
    - Deemed eligible to accept PC case assignments.
- Post-Conviction Review:
  - 3 years of criminal defense experience.
  - Previously qualified to be placed on the trial roster for the case type applicable to the conviction being challenged.
- Lawyer of the Day:
  - Complete the LOD MST (1 day).
  - Eligible to accept criminal case assignments.
  - Previously deemed eligible for OUI and DV cases.
  - Complete 3 shadow sessions.
- Child Protective:
  - Child Protective MST (2 days)
  - Provided representation to parents in at least 3 unrelated PC cases within the last 10 years, OR serve as co-counsel with an attorney who is eligible for PC cases on two or more assigned PC cases for at least twelve months prior to the date of the application.

## MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

**TO:** PDS  
**FROM:** Chris Guillory  
**SUBJECT:** Chapter 3 panel waivers  
**DATE:** July 19, 2024

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PDS staff were asked to analyze the number and disposition of requests for waivers for attorneys wishing to be added to a specialized case type roster pursuant to commission rules Chapter 3.

Staff started tracking new applications including waivers being requested and granted beginning in November of 2021.

Between November 2021 and July 15, 2024:

- 65 substantive waivers were granted to place attorneys onto Chapter 3 specialized case type panels
- 26 conditional CLE waivers were granted
- 7 requests required both a substantive waiver and a conditional CLE waiver

Between November 2021 and July 15, 2024, 4 waiver requests (4.3% of all waiver requests) were denied. Staff will provide some details and context regarding those specific requests below.

1. In October of 2021 an attorney applied for a waiver for both the appeals and post-conviction review rosters. A waiver was granted placing that attorney on the appeals rosters but not the post-conviction review roster at that time.
2. In May of 2022 an attorney applied for the Major Felony roster (then named serious violent felonies). Staff determined that counsel was not qualified to handle cases of that type and the waiver request was denied. That attorney was subsequently suspended from this program in December of 2023.
3. In December of 2022 an attorney applied for multiple panels at once including but not limited to homicide and post-conviction review homicide. The waiver for post-conviction reviews for homicide was granted but the waiver for the trial level homicide panel was not. Counsel was encouraged to reapply for that panel after serving as co-counsel in a homicide case.
4. In April of 2023 an attorney applied for waivers for the DV, OUI, and Major Felony panels simultaneously. The waivers for DV and OUI were granted. The waiver for Major Felonies required both years of practice and trial experience elements and could not be granted.

## **Specialized Case Type Cheat Sheet:**

### **Other Misdemeanor Offenses (Non-Exhaustive List):**

Other Misdemeanors are all misdemeanors which are not domestic violence or OUI offenses.

Examples include:

- Theft
- Criminal Trespass
- Operating Without a License
- Operating after Suspension
- Operating after Revocation
- Assault
- Terrorizing
- Criminal Threatening
- Criminal Mischief
- Reckless Conduct
- Driving to Endanger
- Falsification
- Possession of a Firearm by a Prohibited Person
- Probation Violation (regardless of what the underlying conviction was).

### **Eligibility requirements:**

- Attend a two-day criminal law minimum standards training
- No prior legal experience necessary

### **Other Felony Offenses (Non-Exhaustive List):**

Other Felonies are all felonies which are not covered by a specialized case type. Examples include:

- Burglary (unless it is with a firearm, dangerous weapon, or intent to commit bodily harm; those are major felony offenses)
- Aggravated Criminal Trespass
- Theft
- Fraud
- Forgery
- Destruction of Property
- Assault on an Officer
- Operating after Revocation
- Possession of a Firearm by a Prohibited Person
- Terrorizing

- Assault with Priors
- Criminal Threatening
- Perjury
- Tampering with a Witness
- Aggravated Criminal Mischief
- Aggravated Reckless Conduct
- Probation Violation (regardless of what the underlying conviction was).

**Eligibility requirements:**

- Attend a two-day criminal law minimum standards training
- No prior legal experience necessary

**Homicide Offenses:**

- Murder § 201
- Felony Murder § 202
- Attempted Murder § 152
- Aggravated Attempted Murder § 152-A
- OUI Causing Death 29-A M.R.S.A. § 2411(1-A)(D)(1-A)

**Major Felony Offenses:**

- Aggravated Assault § 208
- Domestic Violence Aggravated Assault § 208-D
- Elevated Aggravated Assault § 208-B
- Elevated Aggravated Assault on a Pregnant Person § 208-C
- Kidnapping § 301
- Burglary with a Firearm § 401(1)(b)(1)
- Burglary with Intent to Inflict Bodily Harm § 401(1)(b)(2)
- Burglary with a Dangerous Weapon § 401(1)(b)(3)
- Robbery § 651
- Arson § 802
- Causing a Catastrophe § 803-A
- Aggravated Trafficking of Scheduled Drugs § 1105-A
- Aggravated Trafficking of Counterfeit Drugs § 1105-B
- Aggravated Furnishing of Scheduled Drugs § 1105-C

**Sex Offenses:**

- Gross Sexual Assault § 253
- Sexual Abuse of Minors § 254
- Unlawful Sexual Contact § 255-A
- Visual Sexual Aggression Against a Child § 256
- Sexual Misconduct with a Child Under 14 Years of Age § 258
- Solicitation of A Child to Commit a Prohibited Act § 259-A
- Solicitation of Child for Commercial Sexual Exploitation § 259-B
- Unlawful Sexual Touching § 260
- Sexual Exploitation of Minor § 282
- Dissemination of Sexually Explicit Material § 283
- Possession of Sexually Explicit Material § 284
- Incest § 556
- Violation of Privacy § 511(1)(D)
- Aggravated Sex Trafficking § 852
- Patronizing Prostitution of Minor or Person with Mental Disability § 855

**Domestic Violence Offenses:**

- Stalking § 210-A
- Violation of a Protection Order § 506-B
- Stalking § 210-A
- Domestic Violence Aggravated Assault § 208-D
- Domestic Violence Assault § 207-A
- Domestic Violence Criminal Threatening § 209-A
- Domestic Violence Terrorizing § 210-B
- Domestic Violence Stalking § 210-C
- Domestic Violence Reckless Conduct § 211-A

**OUI Offenses:**

- All offenses under 29-A M.R.S.A. § 2411

**Maine Commission on Public Defense Services – Commissioners Meeting  
June 11, 2024  
Meeting Minutes**

**Commissioners Present:** Donald Alexander, Meegan Burbank, Michael Carey, Roger Katz, David Soucy, Randall Bates, & Joshua Tardy.

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

<b>Agenda Item:</b>	<b>Discussion/Outcome:</b>
Public Hearing- Chapter 5	<p>Executive Director Billings announced the public hearing on Chapter 5, which the Commission adopted on May 15, 2024. The deadline for written comment is 5:00PM on June 23, 2024. Written comments may be submitted to <a href="mailto:jim.billings@maine.gov">jim.billings@maine.gov</a>. Chapter 5 outlines the requirements for co-counsel. The purpose is to balance the need for fiscal responsibility with building the bar, giving attorneys the experience they need, and providing clients adequate representation. Chapter 5 sets out the parameters and process for co-counsel requests. Chapter 5 also provides a process whereby attorneys within the same firm can perform some work on a case without seeking the appointment of co-counsel. Chapter 5 includes the expectations of co-counsel and the expectations for vertical representation.</p> <p><b>Comments in favor of the rule:</b> None.</p> <p><b>Comments against the rule:</b> <u>Robert Ruffner, Esq.:</u> It looks like anything that anyone in the firm does on a case would require the attorney to open their own case in defenderData. The definition of co-counsel means they have to be attorney of record if it is not a delegation. Delegation and co-counsel within the firm do not need approval from the Commission. All the new attorneys in our office would not be eligible to assist with anything under this rule. There would be hoops we would have to go through to get compensated. It appears I would need to be counsel of record and create a new case in defenderData. What does Section 6 mean? I'm responsible for the quality of work that is done, but supervision of any kind shall not be compensated. It seems that the State is willing to accept the dedication of attorneys working together, but not pay for it. If someone is not eligible, we would need to seek appointment of co-counsel for them to research a suppression issue. I do not know that, ethically, we could change our</p>

Agenda Item:	Discussion/Outcome:
	<p>practice to comply with this rule. We would have to get preapproval if we have hit the three hours before helping a client with a crisis. We assist and answer questions for each other all the time. Allowing us to accurately reflect who did what and enter it in defenderData is appropriate. We have a problem with anything that adds barriers to providing representation to clients.</p> <p><u>Devens Hamlen, Esq.:</u> I have been a statewide resource counsel since January, 2023. I am actively supervising 6-12 attorneys right now. When I was practicing in Portland and I saw an attorney who could use trial experience and was a good fit, I would bring them on a case as co-counsel. I had 100 jury trials, and it was my way of helping newer attorneys. Right now, there are attorneys who want to become rostered for specialized case types but do not have the experience. They have been asking me to join as co-counsel. They are primary counsel, and I am backup, there to support. I do not go to all the hearings in those cases. Depending on the attorney, I do not always go to all the substantive hearings. I am shadow co-counsel. I do not think I could help as many attorneys if I had to appear for all substantive hearings.</p> <p><u>Tina Nadeau, Esq.:</u> I am also a statewide resource counsel. I find Section 6 very confusing; that language makes it confusing about what is compensable. Any work done as co-counsel advances the client's interests and the Commission's interests.</p> <p><u>Robert LeBrasseur, Esq.:</u> I am resource counsel for Cumberland, and I meet with a lot of newly rostered attorneys. A resource counsel program is not sufficient unless PDS hires full-time resource counsel and does not make this rule applicable to them. This rule creates more roadblocks for attorneys becoming rostered. I recently met with a Maine Law student who left the state to work for a state that had a public defender office for newly admitted attorneys. The proposed rule moves away from the mentor program and limits attorneys with less experience from joining the rosters.</p> <p><b>Comments neither for nor against the rule:</b></p> <p><u>Benjamin Lees, Esq.:</u> I have limited experience with co-counsel. The requirement to have eligible co-counsel present for every substantive meeting could result in unnecessary duplication of effort and impose practical scheduling concerns.</p> <p>Commissioner Carey, serving as Chair Pro Temp, declared the public hearing closed.</p>



<b>Agenda Item:</b>	<b>Discussion/Outcome:</b>
Approval of the May 15, 2024 Meeting Minutes	Chair Tardy arrived and resumed responsibility as Chair. Commissioner Carey moved to adopt the minutes; seconded by Commissioner Alexander. All voted in favor.
Executive Session	Commissioner Carey moved, pursuant to 1 M.R.S.A. § 405(6)(E), to go into executive session; seconded by Commissioner Alexander. All voted in favor. The Commission went into executive session.
Report of the Executive Director	<p data-bbox="506 493 1255 526">Executive Director Billings provided the following report:</p> <p data-bbox="506 565 1822 704"><u>Operations Report:</u> There has been an increase in the number and dollar amount of vouchers, which is a continuing trend. There were 167 authorizations for funds for experts, PIs, and other miscellaneous services, which is the highest in more than a year. It is a good thing that attorneys are using more of those services.</p> <p data-bbox="506 748 1822 818">As of June 6, 2024, there were 163 rostered attorneys. 109 attorneys were available for trial-level cases, of which 37 were accepting child protective cases and 44 were accepting adult criminal cases.</p> <p data-bbox="506 857 1822 1036">From January-May, we have been averaging 27,900 hours per month, or 335,000 hours per year, which is a \$50 million budget for outside counsel. We think we will have sufficient carryover from FY24-25 to cover the shortfall caused by the \$5 million claw-back. We have an expected \$8 million carryover, which gives us the breathing room we were looking for since we didn't get new money for the public defender offices in Caribou and Bangor.</p> <p data-bbox="506 1078 1822 1148">In May, there were seven new initial applications to join the roster. There were ten applications for specialized case types, which were all granted in May.</p> <p data-bbox="506 1187 1822 1256">We are going to break 1,000 cases needing counsel. 875 adult criminal cases needed counsel as of last Friday.</p> <p data-bbox="506 1295 1822 1401"><u>Public Defenders:</u> We hired Logan Perkins as the district defender for Bangor. We have conducted line attorney interviews for Caribou and Bangor. We have not received a lot of applications for the ADI positions. The deadline for ADII applications has been extended until June 25, 2024. Logan will</p>

Agenda Item:	Discussion/Outcome:
	<p>start on July 8, 2024 but is participating in AD and paralegal interviews now. We are struggling to find office space in Bangor. The office we thought we had has fallen through because the landlord pulled out due to an ADA issue with the bathrooms.</p> <p><u>Training Fees:</u> Staff propose to start charging attorneys who are not eligible for PDS case assignments to attend trainings. The goal is to offset the cost of trainings for speakers and venues. We are thinking about charging \$50-60 per credit hour. A lot of other entities charge for trainings. We are seeking Commission feedback on that proposal.</p> <p>Chair Tardy asked whether the trainings would still be free to eligible attorneys; Executive Director Billings confirmed that was correct. Chair Tardy relayed that he has no objection to the proposal. Commissioner Alexander said he would recuse himself from this discussion because of his involvement with other groups that provide CLE programs for a fee.</p> <p>Commissioner Burbank asked for more detail on the proposal and how staff came up with that number. She does not want PDS subsidizing non-PDs. Executive Director Billings responded that staff can get that information and that what we are currently doing could be seen as subsidizing non-PDs. Executive Director Billings has heard feedback unofficially from MACDL that PDS offering free CLEs is causing problems for them.</p> <p>Training &amp; Supervision Counsel Darcy Fisher clarified that PDS trainings, other than minimum standards trainings which are required for eligibility, are currently only open to attorneys who are eligible to receive PDS case assignments and Maine Law students. The proposal is to open the trainings to people who are not eligible to receive PDS case assignments, but the trainings would still be closed to attorneys for the state. The proposal is not to charge for minimum standards trainings because they are required for eligibility. We would not want to deter people from taking the minimum standards trainings by charging a fee.</p> <p>Commissioner Burbank: In other organizations, when free trainings are provided, attorneys obligate themselves to do other things, such perform a certain number of pro bono hours. It wouldn't be unreasonable for us to require that someone who takes a minimum standards training to accept a</p>

Agenda Item:	Discussion/Outcome:
	<p>certain number of cases.</p> <p>Darcy Fisher responded that it would be difficult to enforce Commissioner Burbank’s suggestion, but it is something we can explore. The proposed fees were based on the fees charged by other CLE providers per credit hour. The proposal is for PDS to charge a higher fee for in-person trainings than online ones because PDS incurs additional costs per person for in-person trainings.</p> <p>Executive Director Billings: Indicated that staff will continue to develop the proposal and explore ways to incorporate Commissioner Burbank’s suggestion that there be a requirement for an attorney to take a certain number of cases if they are taking a minimum standards training for free.</p> <p>AAG Hudson-MacRae: Requested a couple of days to conduct some legal research on the collection of fees for trainings.</p> <p><u>Voucher Amounts:</u> Executive Director Billings reported that the average hours per voucher continues to decline. He suggested that this could be a result of attorney burnout, and this supports caseload limits. Commissioner Alexander stated that he wondered if the lower average hours per voucher comes from the fact that we are encouraging attorneys to submit interim vouchers more frequently.</p>
Rulemaking-Chapter 4	No discussion. Motion to approve the detailed basis statement and adopt Chapter 4 made and seconded. All voted in favor, except Commissioner Alexander, who voted in the negative.
Rulemaking-Chapter 301	Motion to approve the detailed basis statement and adopt Chapter 3 made by Commissioner Carey, seconded by Chair Tardy. All voted in favor.
Rulemaking-Chapter 301-A	Motion to approve the detailed basis statement, approve the response to public comment, and adopt Chapter 301-A by Commissioner Carey, seconded by Chair Tardy. All voted in favor.
Rulemaking-Chapter 302	Motion to approve the detailed basis statement and adopt Chapter 302 by Commissioner Carey, seconded by Chair Tardy. All voted in favor.

Agenda Item:	Discussion/Outcome:
Public Comment	<p data-bbox="506 235 1822 667"><u>Robert Ruffner, Esq.</u>: I hear the State and the court saying that the problem is that there are not enough attorneys. They blame attorneys, the Commission, and its rules. What I don't ever hear is how we've shifted away from Zoom and back to in-person and how that makes it difficult to carry the amount of cases we were handling before. There are 70% more felonies, 35% more misdemeanors, and 45% more cases overall than there were in 2019. There are 7,313 more pending adult criminal cases. If only half of those cases were handled by assigned counsel, that's an additional 3,600 cases. 920 adult criminal cases as of yesterday are without counsel. Commission attorneys are carrying more cases than ever before and more work is being done by Commission attorneys than ever before. Also, the hours do not even include any of the public defenders. I'm tired of people saying we don't have enough attorneys; we have too many cases. We can deal with cases more than we can create more attorneys. It is important for everyone to be mindful of how we are framing the issue because there is a different perspective and animosity from the Judiciary.</p> <p data-bbox="506 711 1822 1143">As an update on 7-day reviews in Aroostook County, today, Justice Nelson found a Sixth Amendment violation for two clients. Both clients were there for at least their second 7-day review. The Court found that bail is a critical stage. I was questioned about the difference between LOD representation at the initial appearance versus LOD representation at a subsequent hearing after the right to counsel had attached. The Court found that it wasn't enough for the attorney to just provide representation at the critical stage; the attorney must be prepared. I am concerned that arguments will be made in writing, publicly, that there isn't a Sixth Amendment violation, that it's not a critical stage, and that it's fine because an LOD is there. I promise you that it won't be long until that is thrown back into the LODs' faces that the Commission takes the position that there is no Sixth Amendment violation. I can't figure out how the AG's Office—especially now that the AG is a party—can be involved. But I've never understood how the AG could take a position that is opposed to the mission of the Commission. If, in your name, contrary positions are taken, it will be used against us in court.</p> <p data-bbox="506 1187 1822 1393"><u>Neil Prendergast, Esq.</u>: We are finally beginning to make some progress for people who are held as many as 90 days. We are finally getting the bail amended. I don't know what the pleadings are going to look like, but I would agree with Attorney Ruffner in a couple ways. If the Commission is going to argue that LODs are adequate and there isn't a Sixth Amendment violation, that is going to make 7-day reviews a nullity. To the extent that the position would be that LODS are sufficient for a constitutional argument, it would be difficult for us to maintain a straight-faced argument that we have</p>

<b>Agenda Item:</b>	<b>Discussion/Outcome:</b>
	<p>a basis for a Sixth Amendment argument in any of these 7-day reviews.</p> <p><u>Benjamin Lees, Esq.:</u> I have been doing 7-day reviews in Androscoggin. I haven't had the success that Attorneys Ruffner and Prendergast have had. Recently, I've noticed an emphasis in the attorneys for the State arguing that it is the Commission's problem. The attorneys for the State argue that, if there is going to be a hearing on whether there has been a Sixth Amendment violation, the Commission needs to come explain its "arbitrary" point system. The positions the Commission takes filter down to where these arguments are being made.</p>
Adjournment	The next meeting will be held on July 22, 2024 at 1:00PM.

**Maine Commission on Public Defense Services – Commissioners Meeting  
June 13, 2024  
Meeting Minutes**

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

**PDS Staff Present:** Executive Director Jim Billings & Deputy Executive Director Ellie Maciag.

<b>Agenda Item</b>	<b>Discussion/Outcome</b>
Executive Session	Commissioner Carey moved, pursuant to 1 MRS § 405(6)(E), to go into executive session to discuss pending or contemplated litigation; seconded by Commissioner Alexander. All voted in favor. The Commission went into executive session.
Adjournment	The Commission returned from executive session and Chair Tardy declared the meeting adjourned.

# MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

## June 2024 Operations Report

- 2,241 new cases were opened in the DefenderData system in June. This was a 364 case decrease from May. Year to date, new cases are up 1.9% from last year from 30,656 at this time last year to 31,254 this year.
- The number of vouchers submitted electronically in June was 3,365 a decrease of 763 vouchers from May, totaling \$3,649,286, a decrease of \$775,137 from May. Year to date, the number of submitted vouchers is up by approximately 13.5%, from 35,383 at this time last year to 40,167 this year, with the total amount for submitted vouchers up approximately 71.7%, from \$24,151,040 at this time last year to \$41,484,492 this year.
- In June, we paid 3,248 electronic vouchers totaling \$3,216,621 representing a decrease of 285 vouchers and a decrease of \$450,149 compared to May. Year to date, the number of paid vouchers is up approximately 14.7%, from 34,488 at this time last year to 39,579 this year, and the total amount paid is up approximately 74.9%, from \$23,131,908 this time last year to \$40,459,902 this year.
- The average price per voucher in June was \$990.34 down \$47.52 per voucher from May. Year to date, the average price per voucher is up approximately 52.4%, from \$670.72 at this time last year to \$1,022.26 this year.
- Appeal and Probate had the highest average voucher in June. There were 22 vouchers exceeding \$7,500 paid in June. See attached addendum for details.
- In June, we issued 138 authorizations to expend funds: 76 for private investigators, 46 for experts, and 16 for miscellaneous services such as interpreters and transcriptionists. In June, we paid \$192,294 for experts and investigators, etc. No requests were denied.
- There were no attorney suspensions in June.
- In the All Other Account, the total expenses for the month of June were \$32,506. Approximately \$23,356 was devoted to the Commission's operating expenses.
- In the Personal Services Accounts, we had \$284,182 in expenses for the month of June.
- In the Revenue Account, May's transfer of collected counsel fees from the Judicial Branch was \$25,365 and the June transfer was \$25,152. We paid \$3,216,621 in counsel payments and \$66,743 for the Commission's operating expenses for the month of June. Year-to-date we have paid \$325,124 in STACAP fees.
- As of July 18, 2024, there are 161 rostered attorneys of which 108 are available for trial court level work.

- For fiscal year 2024, submitted hours are up approximately 15.7% over FY'23. And June 2024 submitted hours are 3.1% greater than June 2023 submitted hours.

<b>Submitted Hours</b>													
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	<b>Yearly Total</b>
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	<b>226,687</b>
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	<b>247,454</b>
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	<b>261,556</b>
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	<b>302,875</b>



**Vouchers over \$7,500**

<b>Comment</b>	<b>Voucher Total</b>	<b>Case Total</b>
Manslaughter	\$18,555.00	\$18,555.00
Appeal - Homicide	\$15,599.22	\$15,599.22
Gross Sexual Assault	\$14,020.53	\$14,020.53
Appeal - Gross Sexual Assault	\$13,830.00	\$13,830.00
Child Protection Petition	\$12,870.00	\$15,382.00
Homicide	\$12,334.00	\$12,334.00
Aggravated Trafficking	\$11,883.40	\$11,883.40
Appeal - Homicide	\$11,173.02	\$11,173.02
Child Protection Petition	\$11,075.44	\$22,489.56
Appeal - Homicide	\$11,070.00	\$32,363.00
Aggravated Trafficking	\$10,608.00	\$10,608.00
Gross Sexual Assault	\$10,425.00	\$29,297.00
Aggravated Trafficking	\$9,776.00	\$9,776.00
Homicide	\$9,680.79	\$48,748.66
DV Terrorizing	\$8,982.00	\$8,982.00
Child Protection Petition	\$8,683.58	\$14,649.58
Child Protection Petition	\$8,398.18	\$11,774.78
Guardianship	\$8,309.70	\$12,791.84
Child Protection Petition	\$7,973.00	\$25,533.34
Aggravated Trafficking	\$7,800.00	\$7,800.00
Juvenile Agg Criminal Mischief	\$7,548.32	\$10,141.22

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

6/30/2024

DefenderData Case Type	Jun-24						Fiscal Year 2024			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	10	26	\$66,145.16	29	\$ 93,791.33	\$3,234.18	189	259	\$ 760,810.31	\$2,937.49
Central Office Resource Counsel	0	3	\$6,270.00	2	\$ 1,425.00	\$712.50	6	43	\$ 61,814.83	\$1,437.55
Child Protection Petition	146	388	\$489,419.66	354	\$ 488,917.15	\$1,381.12	2,112	4,465	\$ 5,790,622.38	\$1,296.89
Drug Court	6	15	\$31,317.00	11	\$ 25,347.00	\$2,304.27	67	185	\$ 403,426.04	\$2,180.68
Emancipation	7	1	\$270.00	6	\$ 3,300.00	\$550.00	78	73	\$ 64,737.93	\$886.82
Felony	587	881	\$1,513,603.95	813	\$ 1,008,857.68	\$1,240.91	7,598	9,781	\$ 13,687,368.81	\$1,399.38
Involuntary Civil Commitment	114	92	\$49,616.50	103	\$ 65,223.80	\$633.24	1,394	1,274	\$ 721,522.85	\$566.34
Juvenile	46	117	\$111,707.28	109	\$ 122,322.67	\$1,122.23	1,070	1,163	\$ 1,395,279.42	\$1,199.72
Lawyer of the Day - Custody	287	274	\$192,580.50	242	\$ 172,524.00	\$712.91	3,150	2,989	\$ 1,975,739.74	\$661.00
Lawyer of the Day - Juvenile	21	19	\$10,398.10	12	\$ 6,545.00	\$545.42	189	184	\$ 106,223.20	\$577.30
Lawyer of the Day - Walk-in	131	125	\$79,782.75	140	\$ 90,892.60	\$649.23	1,643	1,635	\$ 1,098,270.99	\$671.73
MCILS Provided Training	35	56	\$32,270.56	109	\$ 51,011.22	\$467.99	836	775	\$ 582,309.31	\$751.37
Misdemeanor	714	1,107	\$782,275.68	1,060	\$ 786,603.32	\$742.08	10,811	12,668	\$ 8,994,687.36	\$710.03
Petition, Modified Release Treatment	1	2	\$3,315.00	3	\$ 4,260.00	\$1,420.00	9	38	\$ 40,241.15	\$1,058.98
Petition, Release or Discharge	1	1	\$4,635.00	0			3	12	\$ 40,364.00	\$3,363.67
Petition, Termination of Parental Rights	0	13	\$34,862.00	20	\$ 39,368.00	\$1,968.40	118	595	\$ 998,401.02	\$1,677.98
Post Conviction Review	3	18	\$30,010.98	17	\$ 22,085.60	\$1,299.15	51	166	\$ 479,907.15	\$2,891.01
Probate	1	2	\$1,845.00	6	\$ 20,519.70	\$3,419.95	21	42	\$ 106,776.66	\$2,542.30
Probation Violation	108	138	\$115,313.94	126	\$ 120,799.24	\$958.72	1,587	1,712	\$ 1,434,168.53	\$837.72
Represent Witness on 5th Amendment	4	2	\$1,605.00	1	\$ 180.00	\$180.00	35	24	\$ 24,969.69	\$1,040.40
Resource Counsel Criminal	1	4	\$1,200.00	3	\$ 1,110.00	\$370.00	7	46	\$ 20,114.00	\$437.26
Resource Counsel Juvenile	0	1	\$360.00	1	\$ 360.00	\$360.00	1	13	\$ 3,615.00	\$278.08
Resource Counsel Mental Health	0	1	\$135.00	0			1	6	\$ 1,170.00	\$195.00
Resource Counsel NCR	0	0		0			0	0		
Resource Counsel Protective Custody	0	2	\$2,055.00	3	\$ 5,144.31	\$1,714.77	6	38	\$ 62,146.81	\$1,635.44
Review of Child Protection Order	0	68	\$82,955.96	70	\$ 81,346.54	\$1,162.09	225	1,373	\$ 1,593,620.06	\$1,160.68
Revocation of Administrative Release	1	0		0			11	8	\$ 3,923.00	\$490.38
Weapons Restrictions Case	17	9	\$5,336.50	8	\$ 4,687.50	\$585.94	36	12	\$ 7,672.50	\$639.38
<b>TOTAL</b>	<b>2,241</b>	<b>3,365</b>	<b>\$3,649,286.52</b>	<b>3,248</b>	<b>\$ 3,216,621.66</b>	<b>\$990.34</b>	<b>31,254</b>	<b>39,579</b>	<b>\$ 40,459,902.74</b>	<b>\$1,022.26</b>

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

6/30/2024

Court	Jun-24						Fiscal Year 2024			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	0	0		0			5	13	\$ 11,894.40	\$914.95
AUBSC	0	4	\$1,960.00	1	\$ 510.00	\$510.00	8	16	\$ 18,529.32	\$1,158.08
AUGDC	25	60	\$89,542.64	60	\$ 95,958.74	\$1,599.31	559	827	\$ 1,136,474.86	\$1,374.21
AUGSC	1	2	\$7,245.00	2	\$ 3,555.00	\$1,777.50	14	51	\$ 88,692.76	\$1,739.07
BANDC	51	67	\$43,650.00	62	\$ 46,971.56	\$757.61	671	1,043	\$ 868,131.05	\$832.34
BANSC	1	1	\$630.00	1	\$ 630.00	\$630.00	3	12	\$ 5,874.16	\$489.51
BATSC	0	0		0			1	2	\$ 1,710.00	\$855.00
BELDC	9	18	\$12,640.10	25	\$ 18,677.70	\$747.11	145	263	\$ 317,606.84	\$1,207.63
BELSC	0	1	\$975.00	1	\$ 975.00	\$975.00	4	4	\$ 4,112.48	\$1,028.12
BIDDC	35	65	\$52,972.70	59	\$ 67,823.52	\$1,149.55	540	723	\$ 868,908.28	\$1,201.81
BRIDC	5	16	\$16,391.50	27	\$ 34,203.48	\$1,266.80	111	138	\$ 178,062.56	\$1,290.31
CALDC	2	3	\$3,842.00	12	\$ 13,014.78	\$1,084.57	58	105	\$ 104,831.74	\$998.40
CARDC	5	14	\$18,347.50	17	\$ 18,537.50	\$1,090.44	69	166	\$ 173,468.88	\$1,044.99
CARSC	0	0		0			6	2	\$ 3,645.00	\$1,822.50
DOVDC	2	14	\$17,141.50	12	\$ 13,084.00	\$1,090.33	64	126	\$ 132,103.70	\$1,048.44
DOVSC	0	0		0			2	1	\$ 1,290.00	\$1,290.00
ELLDC	10	21	\$28,572.00	30	\$ 46,432.00	\$1,547.73	151	390	\$ 519,038.40	\$1,330.87
ELLSC	0	0		0			0	0		
FARDC	8	19	\$19,170.76	16	\$ 18,110.47	\$1,131.90	153	224	\$ 240,368.79	\$1,073.07
FARSC	0	0		0			2	2	\$ 2,055.00	\$1,027.50
FORDC	3	4	\$2,814.00	6	\$ 6,714.00	\$1,119.00	70	130	\$ 154,874.26	\$1,191.34
HOUDC	4	13	\$11,155.50	14	\$ 12,936.50	\$924.04	99	222	\$ 262,792.66	\$1,183.75
HOUSC	0	1	\$ 1,823.00	1	\$ 1,823.00	\$1,823.00	1	4	\$ 6,391.00	\$1,597.75
LEWDC	44	52	\$58,775.24	62	\$ 80,429.14	\$1,297.24	555	992	\$ 1,163,170.02	\$1,172.55
LINDC	7	8	\$6,585.00	4	\$ 4,425.00	\$1,106.25	49	89	\$ 105,219.76	\$1,182.24
MACDC	1	7	\$8,865.00	5	\$ 7,050.00	\$1,410.00	57	89	\$ 94,936.37	\$1,066.70
MACSC	0	1	\$109,739.75	0			1	1	\$ 1,185.00	\$1,185.00
MADDC	2	0		0			9	1	\$ 975.00	\$975.00
MILDC	0	3	\$17,344.12	0			8	11	\$ 7,789.00	\$708.09
NEWDC	10	20	\$13,916.00	17	\$ 10,501.00	\$617.71	116	255	\$ 242,343.19	\$950.37
PORDC	53	119	\$111,033.27	100	\$ 122,251.74	\$1,222.52	835	1,137	\$ 1,358,928.27	\$1,195.19
PORSC	0	1	\$1,005.00	0			13	19	\$ 65,167.48	\$3,429.87
PREDC	15	12	\$28,373.70	18	\$ 27,462.20	\$1,525.68	116	223	\$ 315,608.02	\$1,415.28
RODC	8	10	\$11,336.56	19	\$ 13,919.00	\$732.58	162	214	\$ 218,182.87	\$1,019.55
ROSC	2	0		0			7	7	\$ 9,269.00	\$1,324.14
RUMDC	11	23	\$28,903.50	18	\$ 23,568.00	\$1,309.33	115	228	\$ 332,052.96	\$1,456.37
SKODC	20	68	\$83,894.41	50	\$ 74,747.89	\$1,494.96	302	721	\$ 821,451.13	\$1,139.32
SKOSC	0	0		0			3	5	\$ 5,863.48	\$1,172.70
SOUDC	7	17	\$25,142.50	22	\$ 27,760.50	\$1,261.84	104	208	\$ 324,846.26	\$1,561.76
SOUSC	0	0		1	\$ 1,740.00	\$1,740.00	6	5	\$ 15,912.94	\$3,182.59
SPRDC	3	8	\$10,882.00	5	\$ 11,281.00	\$2,256.20	88	274	\$ 337,332.16	\$1,231.14
Law Ct	9	25	\$64,652.52	25	\$ 86,553.69	\$3,462.15	156	202	\$ 625,572.77	\$3,096.89
Training	36	62	\$40,955.56	114	\$ 57,475.53	\$504.17	834	838	\$ 681,870.95	\$813.69
YORCD	239	435	\$476,387.03	444	\$ 449,112.92	\$1,011.52	3,690	4,468	\$ 4,591,303.69	\$1,027.60
AROCD	137	196	\$255,869.14	211	\$ 172,204.42	\$816.13	1,861	2,378	\$ 2,469,034.16	\$1,038.28
ANDCD	214	267	\$225,539.95	238	\$ 232,027.99	\$974.91	2,305	2,853	\$ 2,628,843.01	\$921.43
KENCD	94	232	\$216,495.46	197	\$ 173,428.27	\$880.35	2,445	2,699	\$ 2,294,154.65	\$850.00
PENCD	186	189	\$206,336.59	170	\$ 186,930.52	\$1,099.59	2,871	3,395	\$ 3,205,801.07	\$944.27
SAGCD	41	71	\$63,255.56	59	\$ 45,305.50	\$767.89	548	528	\$ 498,868.23	\$944.83
WALCD	70	91	\$78,236.80	83	\$ 84,218.54	\$1,014.68	785	775	\$ 805,904.92	\$1,039.88
PISCD	16	17	\$15,536.00	12	\$ 6,841.00	\$570.08	201	211	\$ 218,769.26	\$1,036.82
HANCD	54	78	\$70,805.81	77	\$ 55,403.80	\$719.53	817	1,034	\$ 968,794.54	\$936.94
FRACD	47	71	\$52,196.85	51	\$ 51,601.47	\$1,011.79	546	729	\$ 614,093.74	\$842.38
WASCD	56	62	\$121,500.19	47	\$ 38,692.50	\$823.24	647	643	\$ 823,627.27	\$1,280.91
CUMCD	343	465	\$523,592.94	427	\$ 387,190.10	\$906.77	4,377	4,891	\$ 4,990,309.49	\$1,020.30
KNOCD	84	69	\$61,828.12	59	\$ 56,397.17	\$955.88	667	714	\$ 785,070.81	\$1,099.54
SOMCD	79	107	\$89,640.64	132	\$ 112,720.96	\$853.95	1,128	1,299	\$ 1,131,350.72	\$870.94
OXFCD	111	111	\$95,691.99	106	\$ 90,253.70	\$851.45	1,065	1,502	\$ 1,034,582.88	\$688.80
LINCD	46	65	\$55,140.98	62	\$ 52,151.10	\$841.15	546	538	\$ 492,971.44	\$916.30
WATDC	18	43	\$44,118.96	39	\$ 39,057.96	\$1,001.49	208	487	\$ 506,603.01	\$1,040.25
WESDC	9	21	\$23,699.50	15	\$ 15,475.50	\$1,031.70	189	279	\$ 323,595.70	\$1,159.84
WISDC	8	11	\$16,970.18	7	\$ 8,313.80	\$1,187.69	58	94	\$ 120,306.82	\$1,279.86
WISSC	0	0		0			1	2	\$ 630.00	\$315.00
YORDC	0	2	\$2,221.50	3	\$ 6,227.50	\$2,075.83	20	62	\$ 99,406.03	\$1,603.32
<b>TOTAL</b>	<b>2,241</b>	<b>3,365</b>	<b>\$3,649,286.52</b>	<b>3,248</b>	<b>\$3,216,621.66</b>	<b>\$990.34</b>	<b>31,254</b>	<b>39,579</b>	<b>\$40,459,902.74</b>	<b>\$1,022.26</b>

**MAINE COMMISSION ON PUBLIC DEFENSE SERVICES**  
**FY24 FUND ACCOUNTING**  
AS OF 06/30/2024

Account 010 95F Z112 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY24 Total
FY24 Professional Services Allotment		\$ 7,783,128.77		\$ 4,923,712.00		\$ 4,923,711.00		\$ 4,923,711.00	\$ 22,554,262.77
FY24 General Operations Allotment		\$ 48,000.00		\$ 48,000.00		\$ 48,000.00		\$ 48,000.00	
FY23 carry forward appropriation		\$ -		\$ 1,255,608.01		\$ -		\$ -	
FY23 carry forward appropriation		\$ -		\$ (0.01)		\$ -		\$ -	
Budget Order Adjustment		\$ (1,496,870.00)		\$ 1,496,870.00		\$ (1,354.00)		\$ 1,354.00	
Budget Order Adjustment		\$ -		\$ (197,532.00)		\$ 197,532.00		\$ (204,706.85)	
Budget Order Adjustment		\$ -		\$ -		\$ 444,809.00		\$ (444,809.00)	
Financial Order Adjustment		\$ -		\$ 42,731.00		\$ (753,081.00)		\$ (4,122,332.00)	
Transfer to payroll services for new positions		\$ -		\$ -		\$ (656,453.00)		\$ -	
<b>Total Budget Allotments</b>		<b>\$ 6,334,258.77</b>		<b>\$ 7,569,389.00</b>		<b>\$ 4,203,164.00</b>		<b>\$ 201,217.15</b>	<b>\$ 18,308,028.92</b>
Total Expenses	1	\$ (2,941,048.40)	4	\$ (3,750,984.71)	7	\$ (3,005,424.00)	10	\$ (264,693.93)	
	2	\$ (2,953,206.21)	5	\$ (1,504,762.41)	8	\$ (998,144.62)	11	\$ (173,623.21)	
	3	\$ (92,893.88)	6	\$ (2,309,642.06)	9	\$ (214,252.73)	12	\$ (32,506.68)	
FY23 carry forward appropriation		\$ -		\$ -		\$ -		\$ -	\$ 1,255,608.01
FY23 carry forward encumbrances		\$ -		\$ -		\$ -		\$ -	\$ (587,542.77)
Encumbrances (Justice Works)		\$ (82,212.00)		\$ 24,108.00		\$ 23,037.00		\$ 21,528.00	\$ (13,539.00)
Encumbrances (Justice Works for PD users access)		\$ -		\$ -		\$ (43,100.00)		\$ 14,456.00	\$ (28,644.00)
Encumbrances (B Taylor)		\$ (13,260.00)		\$ (61,880.00)		\$ 22,099.99		\$ 17,679.99	\$ (35,360.02)
Encumbrances (CTB for non attorney expenses)		\$ 179,235.71		\$ 15,080.35		\$ 7,538.86		\$ -	\$ 201,854.92
Encumbrance (Legal Case Management Accelerator User assistance)		\$ (5,550.00)		\$ 5,550.00		\$ -		\$ -	\$ -
Encumbrance (Justin Andrus contract for temp services)		\$ (125,693.60)		\$ 3,156.50		\$ 1,327.50		\$ -	\$ (121,209.60)
Online Legal Research Services		\$ (46,979.20)		\$ 10,014.51		\$ 10,081.05		\$ 6,720.70	\$ (20,162.94)
Encumbrance (K. Guillory contract for website maintenance)		\$ (1,000.00)		\$ -		\$ -		\$ 1,000.00	\$ -
Encumbrance (business cards)		\$ -		\$ (28.50)		\$ (26.50)		\$ 55.00	\$ -
Encumbrance (videographer)		\$ -		\$ -		\$ (6,300.00)		\$ 6,300.00	\$ (16,962.50)
Encumbrances (CTB for non attorney expenses lapsed funds)		\$ -		\$ -		\$ -		\$ -	\$ (49,795.31)
FY22 CTB Balance Carry Forward		\$ (251,650.23)		\$ -		\$ -		\$ -	\$ (251,650.23)
FY24 Balance Carry Forward for B. Taylor & Justice Works CTs		\$ -		\$ -		\$ -		\$ -	\$ 64,004.02
Encumbrance remaining for B. Taylor & Justice Works CTs		\$ -		\$ -		\$ -		\$ -	\$ (64,004.02)
<b>TOTAL REMAINING</b>		<b>\$ 0.96</b>		<b>\$ 0.68</b>		<b>\$ 0.55</b>		<b>\$ (201,866.98)</b>	<b>\$ (201,864.79)</b>
<b>Q4 Month 12</b>									
<b>INDIGENT LEGAL SERVICES</b>									
Counsel Payments	\$	-				\$ 201,217.15			\$ 254,502.16
Interpreters	\$	-				\$ 21,528.00			
Private Investigators	\$	-				\$ 14,456.00			\$ 336,450.56
Mental Health Expert	\$	(9,150.00)				\$ 17,679.99			
Misc Prof Fees & Serv	\$	-				\$ -			
Transcripts	\$	-				\$ 6,300.00			
Other Expert	\$	-				\$ -			
Subpoena witness	\$	-				\$ -			
Process Servers	\$	-				\$ -			
<b>SUB-TOTAL ILS</b>	<b>\$</b>	<b>(9,150.00)</b>				<b>\$ 3,360.35</b>			
<b>OPERATING EXPENSES</b>									
Training Videographer	\$	(6,300.00)				\$ 55.00			
Barbara Taylor monthly fees	\$	(5,893.33)				\$ -			
OIT/TELCO	\$	-				\$ -			
<b>INDIGENT LEGAL SERVICES</b>									
Q4 Allotment						\$ 201,217.15			\$ 254,502.16
Encumbrances for Justice Works contract						\$ 21,528.00			
Encumbrances for Justice Works contract for PD users access						\$ 14,456.00			\$ 336,450.56
Barbara Taylor Contract						\$ 17,679.99			
CTB Encumbrance for non attorney expenses						\$ -			
Encumbrance for Videographer						\$ 6,300.00			
Encumbrance for Justin Andrus contract for temp services						\$ -			
Legal Case Management Accelerator User Assistance						\$ -			
Online Legal Research Services						\$ 3,360.35			
Encumbrance (K. Guillory contract for website maintenance)						\$ 1,000.00			
Encumbrance (business cards)						\$ 55.00			
Expenses to date						\$ -			
Remaining Q4 Allotment						\$ 265,596.49			

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES  
 FY24 FUND ACCOUNTING  
 AS OF 06/30/2024

Mileage/Tolls/Parking	\$	-
Mailing/Postage/Freight	\$	-
West Publishing Corp	\$	(3,360.35)
Meter postage cards printing	\$	-
Office Supplies/Eqp.	\$	-
Cellular Phones	\$	-
Periodicals/Books	\$	-
Employee/counsel lodging	\$	-
Service Center	\$	-
Katherine Guillory contract	\$	-
Central fleet vehicle lease	\$	-
Minor IT equipment/accessories	\$	-
Legal Ads/Job Postings	\$	-
Dues	\$	-
Registration fees	\$	-
Sales tax paid	\$	-
Justice Works	\$	(7,803.00)
Miscellaneous travel expenses	\$	-
Staff meals & gratuity	\$	-
Defendant Clothing	\$	-
<b>SUB-TOTAL OE</b>	<b>\$</b>	<b>(23,356.68)</b>
<b>TOTAL</b>	<b>\$</b>	<b>(32,506.68)</b>

<b>Non-Counsel Indigent Legal Services</b>		
Monthly Total	\$	(9,150.00)
Total Q1	\$	386,083.19
Total Q2	\$	356,772.26
Total Q3	\$	565,646.09
Total Q4	\$	355,199.32
<b>Fiscal Year Total</b>	<b>\$</b>	<b>1,663,700.86</b>

**MAINE COMMISSION ON PUBLIC DEFENSE SERVICES**  
**FY24 FUND ACCOUNTING**  
AS OF 06/30/2024

<b>Account 010 95F Z112 01 (Personal Services)</b>	<b>Mo.</b>	<b>Q1</b>	<b>Mo.</b>	<b>Q2</b>	<b>Mo.</b>	<b>Q3</b>	<b>Mo.</b>	<b>Q4</b>	<b>FY24 Total</b>
FY24 Allotment		\$ 513,974.00		\$ 469,367.00		\$ 513,974.00		\$ 203,769.00	\$ 1,701,084.00
Financial Order Adjustments		\$ -		\$ 325,339.00		\$ 699,524.00		\$ 434,978.00	\$ 1,459,841.00
Budget Order Adjustments		\$ (92,158.00)		\$ (399,799.00)		\$ (554,502.00)		\$ 1,046,459.00	\$ -
Funding for additional staff		\$ -		\$ -		\$ -		\$ 656,453.00	\$ -
Projected savings-increase in attrition rate		\$ -		\$ -		\$ -		\$ -	\$ -
<b>Total Budget Allotments</b>		<b>\$ 421,816.00</b>		<b>\$ 394,907.00</b>		<b>\$ 658,996.00</b>		<b>\$ 2,341,659.00</b>	<b>\$ 3,817,378.00</b>
Total Expenses	1	\$ (125,464.57)	4	\$ (115,285.80)	7	\$ (260,396.68)	10	\$ (218,978.51)	
	2	\$ (176,263.37)	5	\$ (128,936.93)	8	\$ (201,488.18)	11	\$ (226,516.00)	
	3	\$ (120,087.49)	6	\$ (150,683.94)	9	\$ (197,110.90)	12	\$ (228,771.59)	
<b>TOTAL REMAINING</b>		<b>\$ 0.57</b>		<b>\$ 0.33</b>		<b>\$ 0.24</b>		<b>\$ 1,667,392.90</b>	<b>\$ 1,667,394.04</b>

<b>Q4 Month 12</b>	
Standard Overtime	\$ -
Permanent Regular	\$ (84,667.85)
Perm Vacation Pay	\$ (4,338.15)
Perm Holiday Pay	\$ (5,132.00)
Sick Pay	\$ (1,663.51)
Employee hlth svcs/workers comp	\$ (477.00)
Health Insurance	\$ (19,322.30)
Dental Insurance	\$ (540.20)
Employer Retiree Health	\$ (13,457.76)
Employer Retirement	\$ (8,607.05)
Employer Group Life	\$ (1,643.95)
Employer Medicare	\$ (2,203.19)
Retiree Unfunded Liability	\$ (25,486.53)
Longevity Pay	\$ (200.00)
Lim Perm Part Time Full Ben	\$ (4,595.64)
Limited Period Regular	\$ (46,172.12)
Limited Per Vacation Pay	\$ (3,862.68)
Limited Per Holiday Pay	\$ (2,655.68)
Limit Per Sick Pay	\$ (2,665.98)
Retro lump sum pymt	\$ -
Project Regular	\$ (1,080.00)
Per Diem	\$ -
<b>TOTAL</b>	<b>\$ (228,771.59)</b>

**MAINE COMMISSION ON PUBLIC DEFENSE SERVICES**  
**FY24 FUND ACCOUNTING**  
AS OF 06/30/2024

<b>Account 014 95F Z112 01 (OSR Personal Services Revenue)</b>	<b>Mo.</b>	<b>Q1</b>	<b>Mo.</b>	<b>Q2</b>	<b>Mo.</b>	<b>Q3</b>	<b>Mo.</b>	<b>Q4</b>	<b>FY24 Total</b>
FY24 Allotment		\$ 199,948.00		\$ 183,210.00		\$ 199,948.00		\$ 98,063.00	\$ 681,169.00
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Carry Forward Q1 & Q3 Allotment		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ (22,759.00)		\$ (27,726.00)		\$ (13,389.00)		\$ 103,874.00	
<b>Total Budget Allotments</b>		<b>\$ 177,189.00</b>		<b>\$ 155,484.00</b>		<b>\$ 186,559.00</b>		<b>\$ 201,937.00</b>	<b>\$ 721,169.00</b>
Total Expenses	1	\$ (51,673.18)	4	\$ (51,685.02)	7	\$ (75,829.14)	10	\$ (57,213.53)	
	2	\$ (73,802.05)	5	\$ (51,899.14)	8	\$ (56,176.10)	11	\$ (57,851.71)	
	3	\$ (51,713.22)	6	\$ (51,899.14)	9	\$ (54,552.88)	12	\$ (55,411.13)	
<b>TOTAL REMAINING</b>		<b>\$ 0.55</b>		<b>\$ 0.70</b>		<b>\$ 0.88</b>		<b>\$ 31,460.63</b>	<b>\$ 31,462.76</b>

<b>Q4 Month 12</b>	
Standard Overtime	\$ -
Permanent Regular	\$ (23,981.24)
Perm Vacation Pay	\$ (241.32)
Perm Holiday Pay	\$ (1,389.84)
Perm Sick Pay	\$ (2,184.40)
Health Insurance	\$ (7,430.44)
Dental Insurance	\$ (146.00)
Employer Retiree Health	\$ (3,008.28)
Employer Retirement	\$ (3,033.20)
Employer Group Life	\$ (411.60)
Employer Medicare	\$ (474.11)
Retiree Unfunded Liability	\$ (5,697.10)
Limited Period Regular	\$ (6,666.36)
Limit Per Holiday Pay	\$ (365.28)
Limit Per Vacation Pay	\$ (91.32)
Limit Per Sick Pay	\$ (182.64)
Longevity Pay	\$ -
Employee Hlth SVS/Workers comp	\$ (108.00)
Perm Part Time Full Ben	\$ -
Retro Pay Contract	\$ -
Retro Lump Sum Pymt	\$ -
<b>TOTAL</b>	<b>\$ (55,411.13)</b>





**MAINE COMMISSION ON PUBLIC DEFENSE SERVICES**  
**FY24 FUND ACCOUNTING**  
AS OF 06/30/2024

Account 014 95F Z112 02 (Conference Account)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY24 Total
FY24 Allotment		\$ 13,333.00		\$ 17,000.00		\$ 13,333.00		\$ 13,334.00	\$ 57,000.00
Financial Order Adjustments		\$ -		\$ -		\$ -		\$ -	
Budget Order Adjustments		\$ (13,333.00)		\$ 13,333.00		\$ (25,758.00)		\$ 25,758.00	
Budget Order Adjustments		\$ -		\$ (13,629.00)		\$ 13,629.00		\$ -	
Contribution from Maine Justice Foundation		\$ -		\$ -		\$ -		\$ 10,000.00	
Contribution from private source-JJAG		\$ -		\$ 5,000.00		\$ -		\$ -	
<b>Total Budget Allotments</b>		<b>\$ -</b>		<b>\$ 16,704.00</b>		<b>\$ 1,204.00</b>		<b>\$ 39,092.00</b>	<b>\$ 57,000.00</b>
Total Expenses	1	\$ -	4	\$ (5,149.70)	7	\$ (584.16)	10	\$ (3,891.82)	
	2	\$ -	5	\$ (724.59)	8	\$ (603.48)	11	\$ (8,624.79)	
	3	\$ -	6	\$ (10,613.79)	9	\$ -	12	\$ (3,293.01)	
State cap		\$ -		\$ (215.35)		\$ (15.51)		\$ (75.63)	
ABSJ transfer from revenue for refreshments		\$ -				\$ -		\$ 10,019.79	
<b>TOTAL REMAINING</b>		<b>\$ -</b>		<b>\$ 0.57</b>		<b>\$ 0.85</b>		<b>\$ 33,226.54</b>	<b>\$ 33,227.96</b>

<b>Q4 Month 12</b>	
Instructor & Speaker services	\$ 3,293.01
Refreshments & Catered meals	\$ -
Sales tax	\$ -
Mileage & parking fees for staff	\$ -
Training rooms	\$ -
Registrations	\$ -
Lodging for counsel	\$ -
Mileage for counsel	\$ -
Office supplies	\$ -
<b>TOTAL</b>	<b>\$ 3,293.01</b>

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

**As of June 30, 2024**

<b><u>General Funds - 010-Z11201</u></b>	<b><u>QTR1</u></b>	<b><u>QTR2</u></b>	<b><u>QTR3</u></b>	<b><u>QTR4</u></b>	<b><u>TOTAL</u></b>
Personal Services Allotment	\$ 421,816	\$ 394,907	\$ 658,996	\$ 2,341,659	\$ 3,817,378
Payroll to date	(421,815)	(394,907)	(658,996)	(674,266)	(2,149,984)
Estimated payroll remaining	-	-	-	-	-
<b>Total Personal Services available</b>	<b>\$ 1</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 1,667,393</b>	<b>\$ 1,667,394</b>
All Other Allotment	\$ 6,334,259	\$ 7,569,389	\$ 4,203,164	\$ 201,217	\$ 18,308,029
Expenditures to date	(5,987,148)	(7,565,389)	(4,217,821)	(470,824)	(18,241,183)
Encumbrances	(347,109)	(3,999)	14,658	336,451	-
<b>Total All Other Available</b>	<b>\$ 1</b>	<b>\$ 1</b>	<b>\$ 1</b>	<b>\$ 66,844</b>	<b>\$ 66,846</b>

**Unencumbered balance forward 0.00**

<b><u>Other Special Revenue Funds - 014-Z11201</u></b>	<b><u>QTR1</u></b>	<b><u>QTR2</u></b>	<b><u>QTR3</u></b>	<b><u>QTR4</u></b>	<b><u>TOTAL</u></b>
Personal Services Allotment	\$ 177,189	\$ 155,484	\$ 186,559	\$ 201,937	\$ 721,169
Payroll to date	(177,188)	(155,483)	(186,558)	(170,476)	(689,706)
Estimated payroll remaining	-	-	-	-	-
<b>Total Personal Services available</b>	<b>\$ 1</b>	<b>\$ 1</b>	<b>\$ 1</b>	<b>\$ 31,461</b>	<b>\$ 31,463</b>
					FO UBF IND00-0005\$40,522, Avail 6/21/24
All Other Allotment	\$ 3,050,247	\$ 3,072,747	\$ 7,038,541	\$ 19,011,430	\$ 32,172,965
Expenditures to date	(3,050,246)	(3,072,747)	(7,038,540)	(11,368,544)	(24,530,077)
Encumbrances	-	-	-	-	-
<b>Total All Other Available</b>	<b>\$ 1</b>	<b>\$ 0</b>	<b>\$ 1</b>	<b>\$ 7,642,886</b>	<b>\$ 7,642,888</b>
					*FO UBF \$10M Q4/Rec'd

**CASH ON HAND 6/30/2024 \$ 9,327,578.90**

<b><u>Other Special Revenue Funds - 014-Z11202</u></b>	<b><u>QTR1</u></b>	<b><u>QTR2</u></b>	<b><u>QTR3</u></b>	<b><u>QTR4</u></b>	<b><u>TOTAL</u></b>
All Other Allotment	\$ -	\$ 16,704	\$ 1,204	\$ 39,092	\$ 57,000
Expenditures to date	-	(16,703)	(1,203)	(5,865)	(23,772)
Encumbrances	-	-	-	-	-
<b>Total All Other Available</b>	<b>\$ -</b>	<b>\$ 1</b>	<b>\$ 1</b>	<b>\$ 33,227</b>	<b>\$ 33,228</b>

**CASH ON HAND 6/30/2024 \$ 7,460.66**

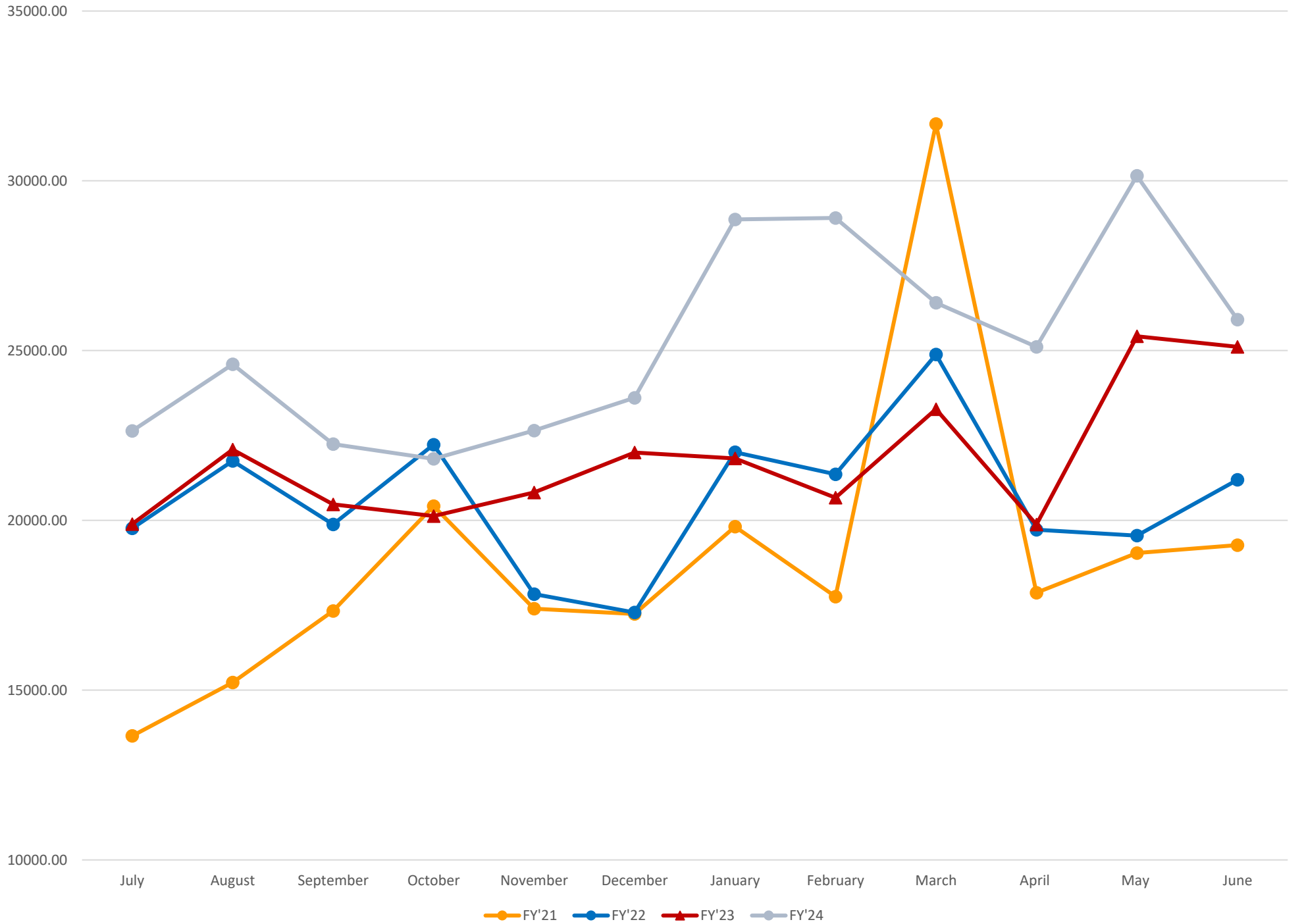
<b><u>Other Special Revenue Funds - 014-Z25801</u></b>	<b><u>QTR1</u></b>	<b><u>QTR2</u></b>	<b><u>QTR3</u></b>	<b><u>QTR4</u></b>	<b><u>TOTAL</u></b>
All Other Allotment	\$ -	\$ -	\$ -	\$ -	\$ -
Expenditures to date	-	-	-	-	-
Encumbrances	-	-	-	-	-
<b>Total All Other Available</b>	<b>\$ -</b>	<b>\$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

**CASH ON HAND 6/30/2024 \$ -**

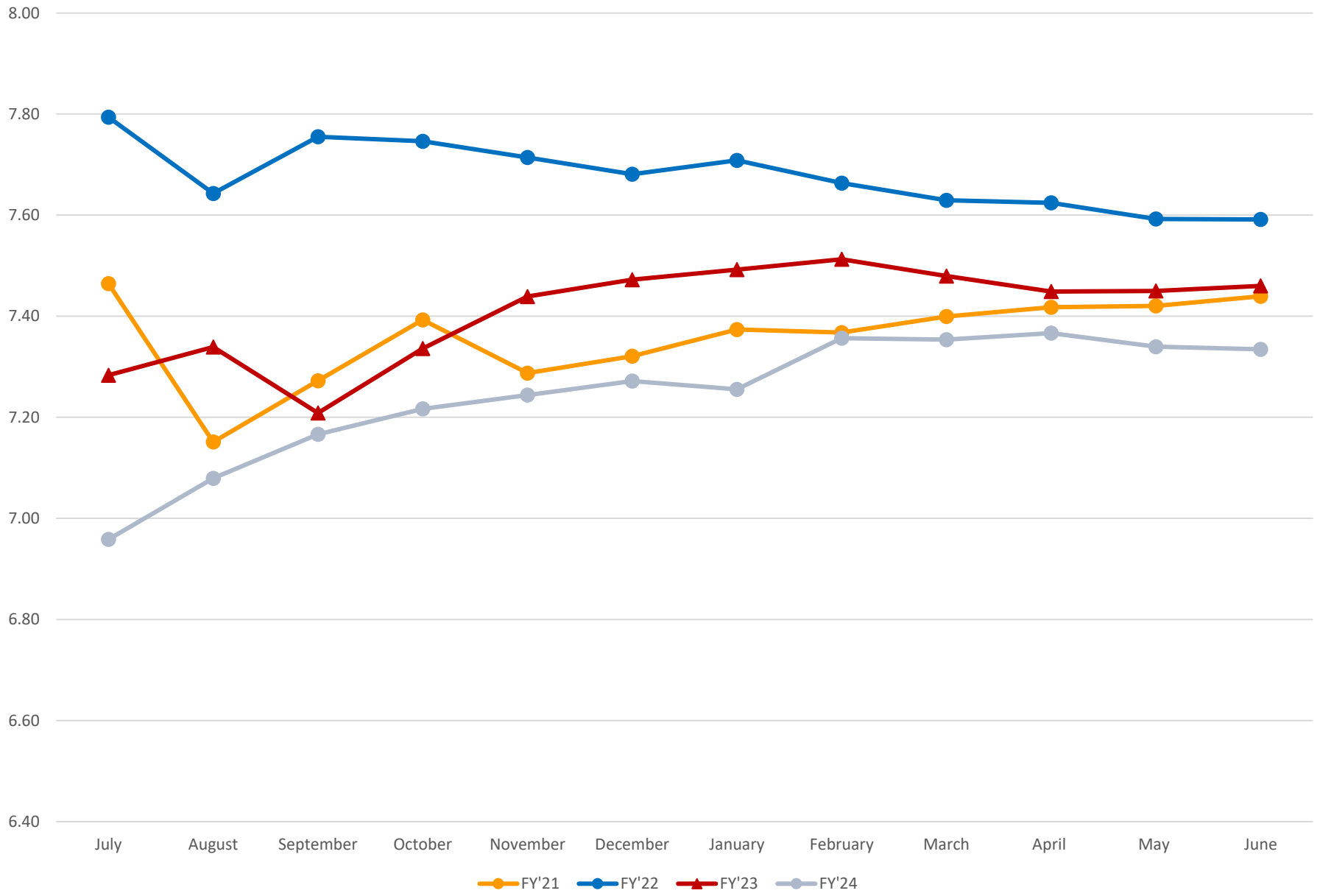
<b><u>ARPA Funds - 023-Z11201</u></b>	<b><u>QTR1</u></b>	<b><u>QTR2</u></b>	<b><u>QTR3</u></b>	<b><u>QTR4</u></b>	<b><u>TOTAL</u></b>
All Other Allotment	\$ -	\$ -	\$ -	\$ 1,500,000	\$ 1,500,000
Expenditures to date	-	-	-	-	-
Encumbrances	-	-	-	-	-
<b>Total All Other Available</b>	<b>\$ -</b>	<b>\$ -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

**CASH ON HAND 6/30/2024 \$ -**

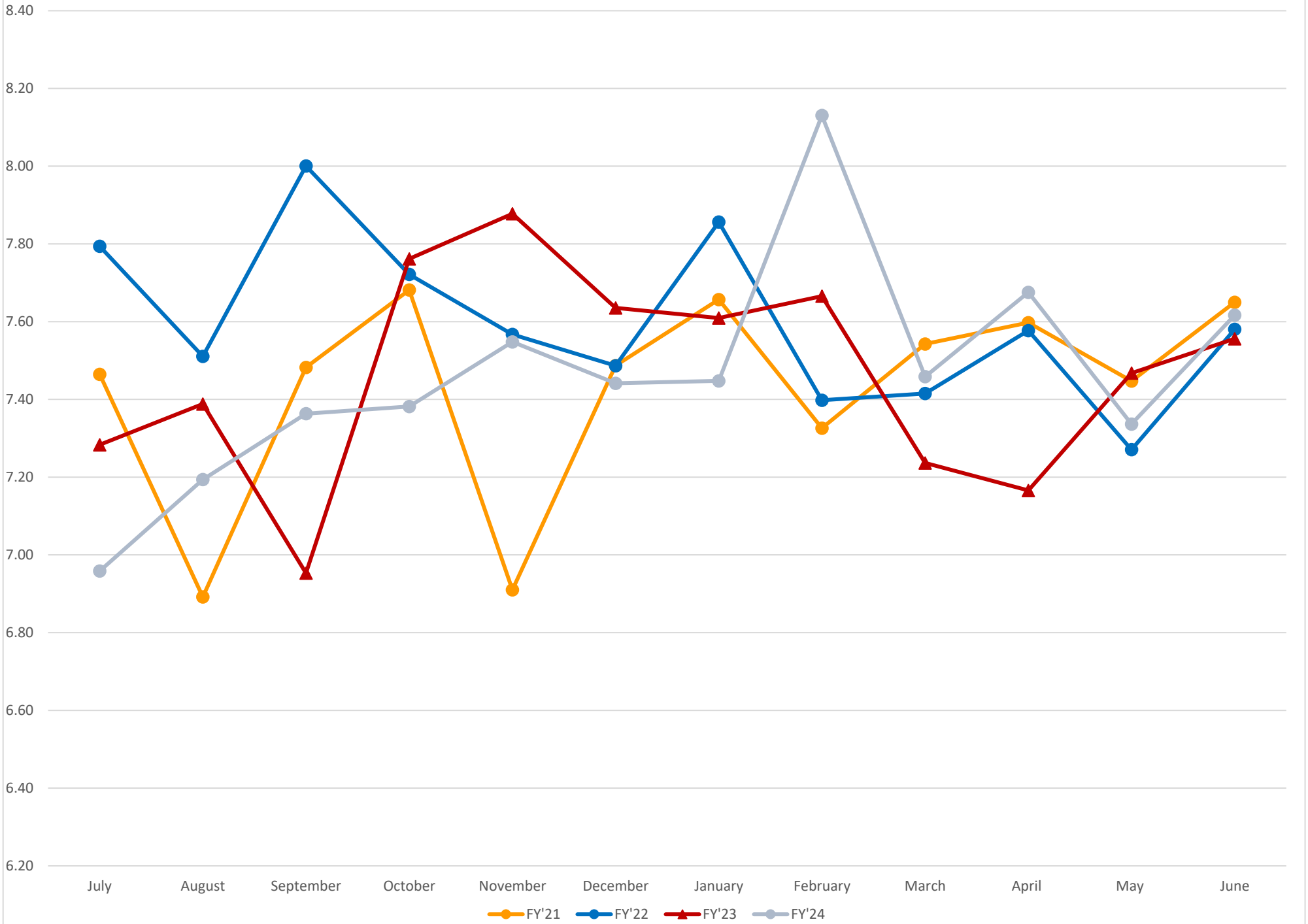
Submitted Hours Amount



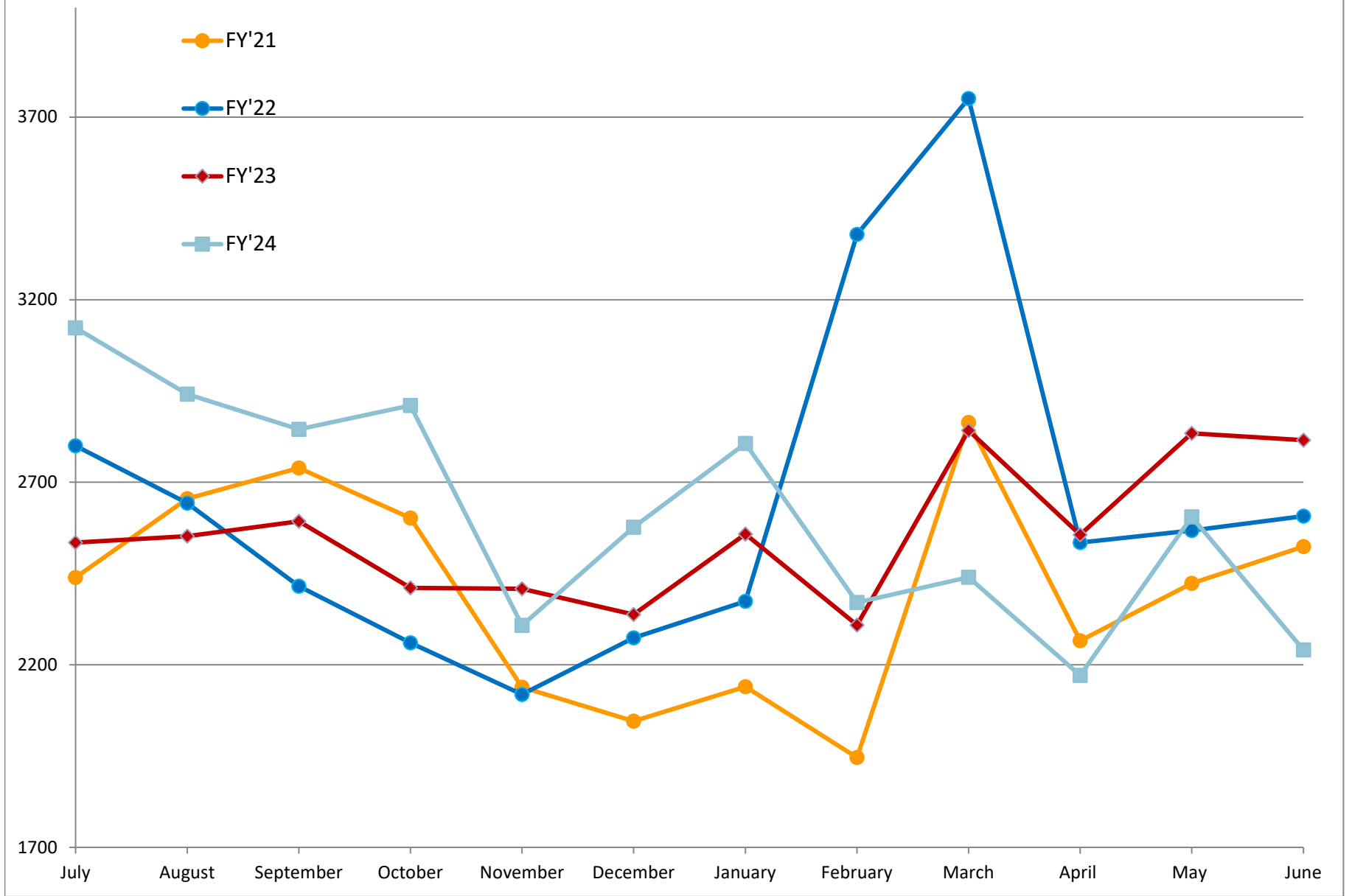
Average Hours per Voucher



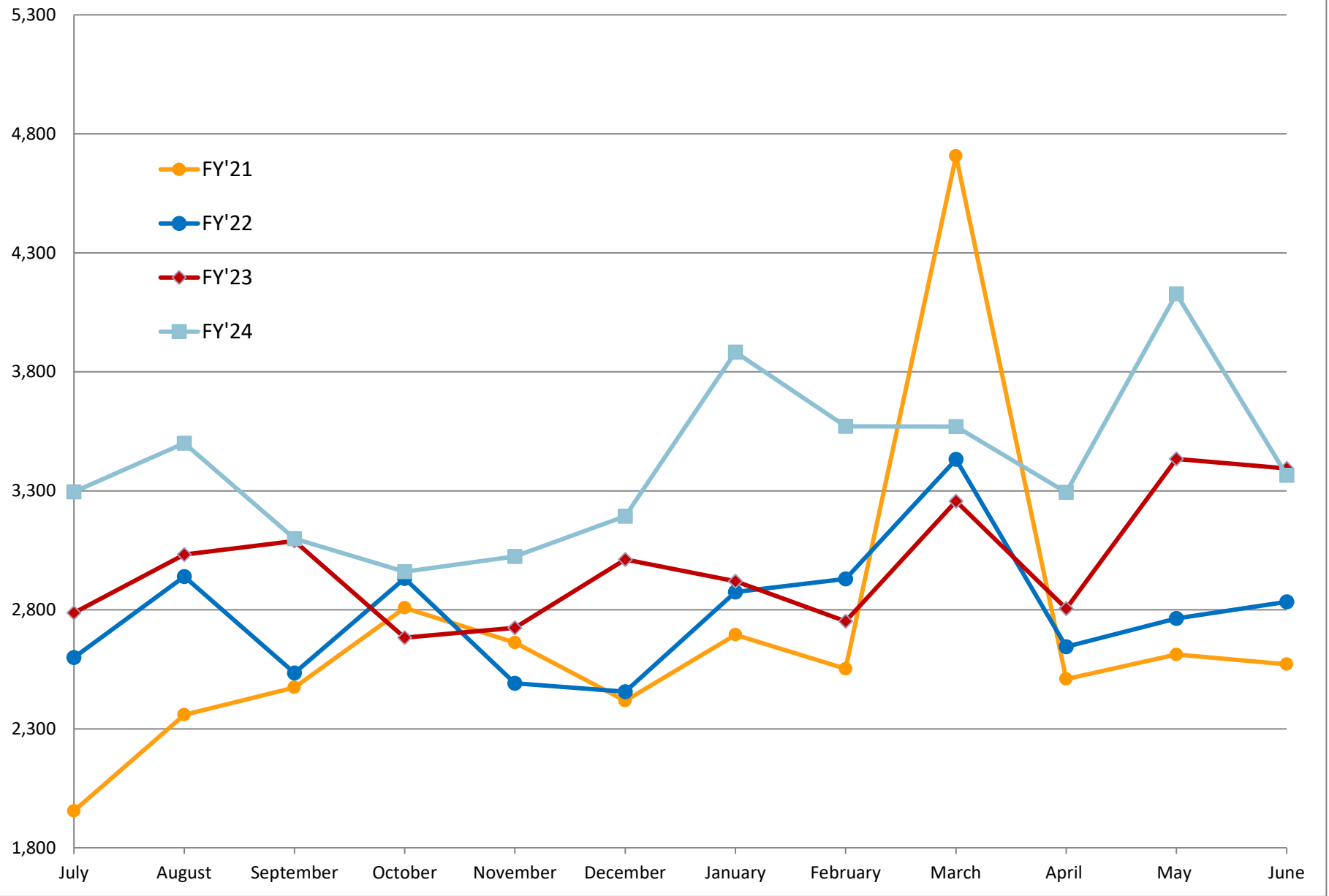
Monthly Average Hours per Voucher



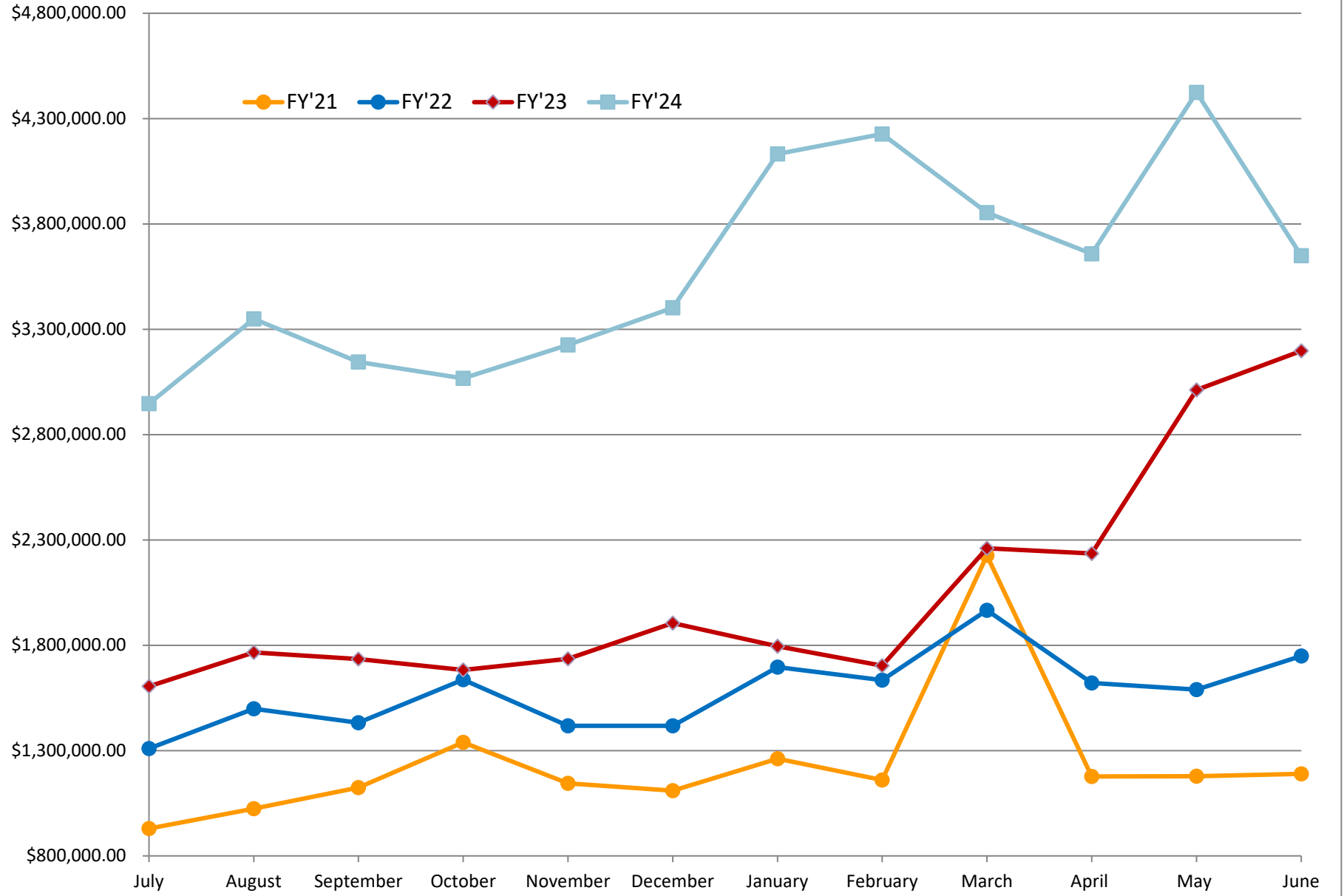
# NEW CASES



# Submitted Vouchers

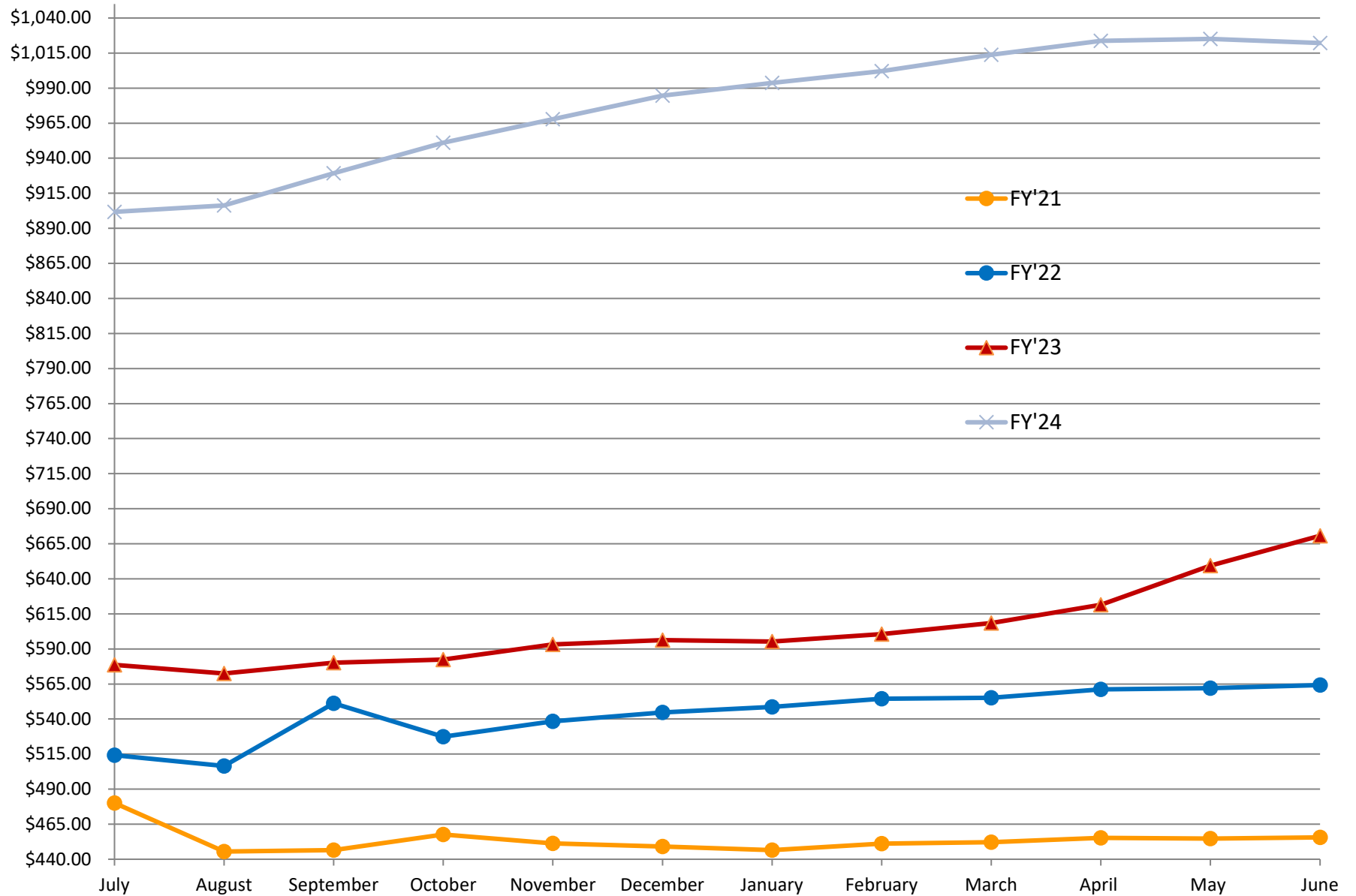


# Submitted Voucher Amount

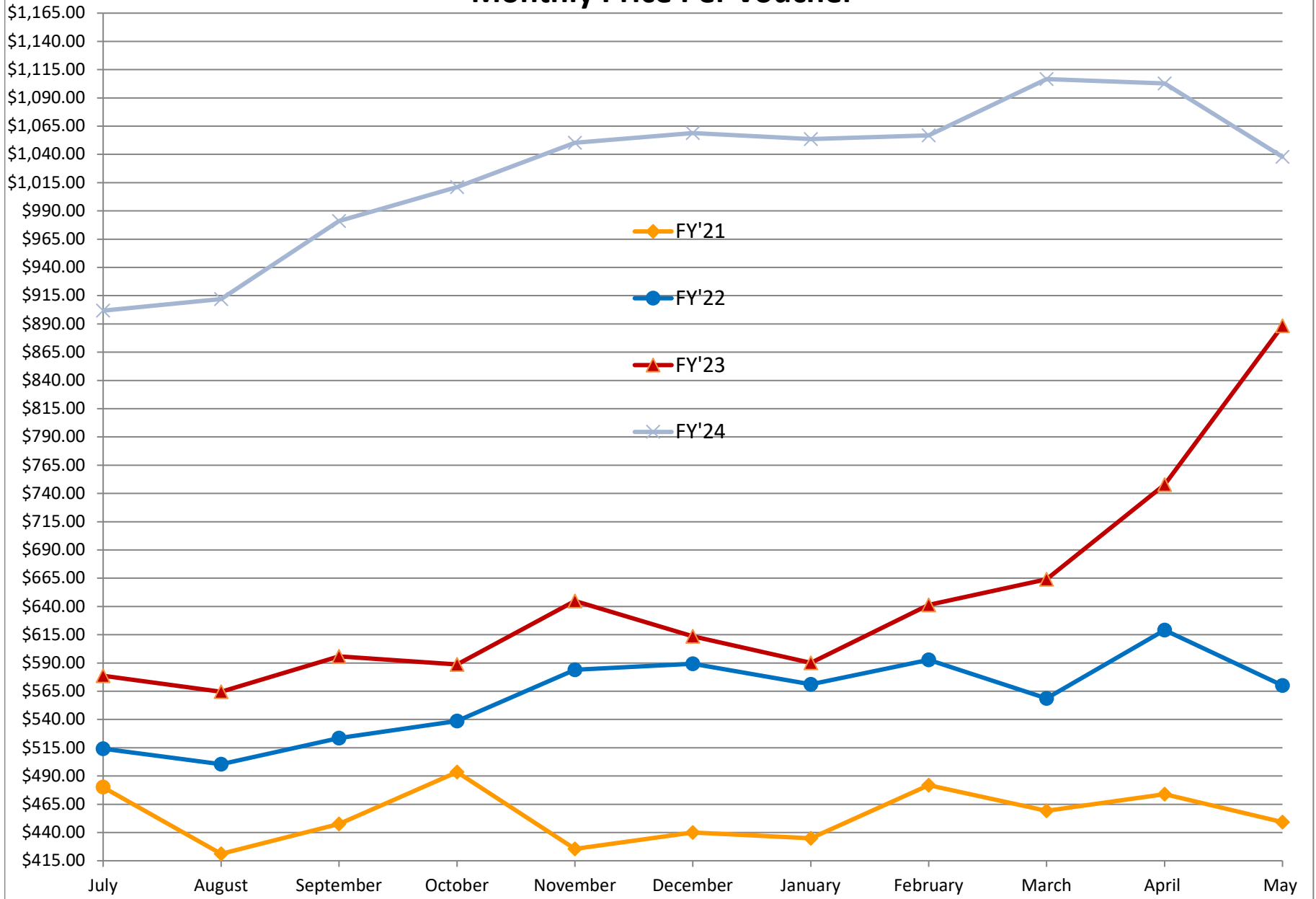




## Average Voucher Price Fiscal Year to Date



# Monthly Price Per Voucher



# Pending UCD Cases as of July 5, 2024

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
<b>Androscoggin</b>	<b>847</b>	<b>115</b>	<b>64</b>	<b>7.6%</b>	<b>1,571</b>	<b>300</b>	<b>235</b>	<b>15.0%</b>	<b>12</b>	<b>6</b>	<b>50.0%</b>	<b>2,430</b>	<b>415</b>	<b>305</b>	<b>12.6%</b>
<b>Aroostook</b>	<b>567</b>	<b>125</b>	<b>54</b>	<b>9.5%</b>	<b>835</b>	<b>281</b>	<b>171</b>	<b>20.5%</b>	<b>25</b>	<b>13</b>	<b>52.0%</b>	<b>1,427</b>	<b>406</b>	<b>238</b>	<b>16.7%</b>
Caribou	104	25	16	15.4%	138	42	36	26.1%	2	1	50.0%	244	67	53	21.7%
Fort Kent	85	18	4	4.7%	182	74	26	14.3%	4	0	0.0%	271	92	30	11.1%
Houlton	158	38	11	7.0%	208	77	35	16.8%	10	6	60.0%	376	115	52	13.8%
Presque Isle	220	44	23	10.5%	307	88	74	24.1%	9	6	66.7%	536	132	103	19.2%
<b>Cumberland</b>	<b>1,399</b>	<b>210</b>	<b>137</b>	<b>9.8%</b>	<b>3,673</b>	<b>534</b>	<b>709</b>	<b>19.3%</b>	<b>90</b>	<b>46</b>	<b>51.1%</b>	<b>5,162</b>	<b>744</b>	<b>892</b>	<b>17.3%</b>
Bridgton	25	8	3	12.0%	344	39	87	25.3%	23	20	87.0%	392	47	110	28.1%
Portland	1,357	194	134	9.9%	2,878	389	513	17.8%	47	17	36.2%	4,282	583	664	15.5%
West Bath	17	8	0	0.0%	451	106	109	24.2%	20	9	45.0%	488	114	118	24.2%
<b>Franklin</b>	<b>139</b>	<b>34</b>	<b>14</b>	<b>10.1%</b>	<b>365</b>	<b>107</b>	<b>82</b>	<b>22.5%</b>	<b>16</b>	<b>6</b>	<b>37.5%</b>	<b>520</b>	<b>141</b>	<b>102</b>	<b>19.6%</b>
<b>Hancock</b>	<b>375</b>	<b>36</b>	<b>11</b>	<b>2.9%</b>	<b>557</b>	<b>78</b>	<b>112</b>	<b>20.1%</b>	<b>49</b>	<b>27</b>	<b>55.1%</b>	<b>981</b>	<b>114</b>	<b>150</b>	<b>15.3%</b>
<b>Kennebec</b>	<b>602</b>	<b>113</b>	<b>55</b>	<b>9.1%</b>	<b>1,468</b>	<b>338</b>	<b>313</b>	<b>21.3%</b>	<b>24</b>	<b>17</b>	<b>70.8%</b>	<b>2,094</b>	<b>451</b>	<b>385</b>	<b>18.4%</b>
Augusta	565	105	54	9.6%	946	215	194	20.5%	20	14	70.0%	1,531	320	262	17.1%
Waterville	37	8	1	2.7%	522	123	119	22.8%	4	3	75.0%	563	131	123	21.8%
<b>Knox</b>	<b>190</b>	<b>35</b>	<b>13</b>	<b>6.8%</b>	<b>447</b>	<b>101</b>	<b>96</b>	<b>21.5%</b>	<b>6</b>	<b>0</b>	<b>0.0%</b>	<b>643</b>	<b>136</b>	<b>109</b>	<b>17.0%</b>
<b>Lincoln</b>	<b>148</b>	<b>26</b>	<b>14</b>	<b>9.5%</b>	<b>348</b>	<b>129</b>	<b>58</b>	<b>16.7%</b>	<b>7</b>	<b>1</b>	<b>14.3%</b>	<b>503</b>	<b>155</b>	<b>73</b>	<b>14.5%</b>
<b>Oxford</b>	<b>459</b>	<b>96</b>	<b>44</b>	<b>9.6%</b>	<b>795</b>	<b>209</b>	<b>151</b>	<b>19.0%</b>	<b>22</b>	<b>16</b>	<b>72.7%</b>	<b>1,276</b>	<b>305</b>	<b>211</b>	<b>16.5%</b>
Bridgton	44	12	3	6.8%	60	18	8	13.3%	1	1	100.0%	105	30	12	11.4%
Rumford	185	30	16	8.6%	339	71	59	17.4%	8	6	75.0%	532	101	81	15.2%
South Paris	230	54	25	10.9%	396	120	84	21.2%	13	9	69.2%	639	174	118	18.5%
<b>Penobscot</b>	<b>836</b>	<b>35</b>	<b>81</b>	<b>9.7%</b>	<b>1,631</b>	<b>37</b>	<b>543</b>	<b>33.3%</b>	<b>60</b>	<b>31</b>	<b>51.7%</b>	<b>2,527</b>	<b>72</b>	<b>655</b>	<b>25.9%</b>
Bangor	811	33	78	9.6%	1,264	24	412	32.6%	19	17	89.5%	2,094	57	507	24.2%
Lincoln	5	0	1	20.0%	149	6	59	39.6%	15	5	33.3%	169	6	65	38.5%
Newport	20	2	2	10.0%	218	7	72	33.0%	26	9	34.6%	264	9	83	31.4%
<b>Piscataquis</b>	<b>31</b>	<b>1</b>	<b>4</b>	<b>12.9%</b>	<b>83</b>	<b>1</b>	<b>27</b>	<b>32.5%</b>	<b>14</b>	<b>8</b>	<b>57.1%</b>	<b>128</b>	<b>2</b>	<b>39</b>	<b>30.5%</b>
<b>Sagadahoc</b>	<b>172</b>	<b>43</b>	<b>19</b>	<b>11.0%</b>	<b>411</b>	<b>121</b>	<b>103</b>	<b>25.1%</b>	<b>15</b>	<b>3</b>	<b>20.0%</b>	<b>598</b>	<b>164</b>	<b>125</b>	<b>20.9%</b>
<b>Somerset</b>	<b>263</b>	<b>63</b>	<b>13</b>	<b>4.9%</b>	<b>437</b>	<b>142</b>	<b>103</b>	<b>23.6%</b>	<b>14</b>	<b>6</b>	<b>42.9%</b>	<b>714</b>	<b>205</b>	<b>122</b>	<b>17.1%</b>
<b>Waldo</b>	<b>178</b>	<b>39</b>	<b>15</b>	<b>8.4%</b>	<b>308</b>	<b>103</b>	<b>57</b>	<b>18.5%</b>	<b>2</b>	<b>0</b>	<b>0.0%</b>	<b>488</b>	<b>142</b>	<b>72</b>	<b>14.8%</b>
<b>Washington</b>	<b>126</b>	<b>18</b>	<b>9</b>	<b>7.1%</b>	<b>250</b>	<b>52</b>	<b>47</b>	<b>18.8%</b>	<b>22</b>	<b>13</b>	<b>59.1%</b>	<b>398</b>	<b>70</b>	<b>69</b>	<b>17.3%</b>
Calais	54	6	5	9.3%	120	28	21	17.5%	5	1	20.0%	179	34	27	15.1%
Machias	72	12	4	5.6%	130	24	26	20.0%	17	12	70.6%	219	36	42	19.2%
<b>York</b>	<b>925</b>	<b>147</b>	<b>118</b>	<b>12.8%</b>	<b>2,971</b>	<b>718</b>	<b>691</b>	<b>23.3%</b>	<b>71</b>	<b>11</b>	<b>15.5%</b>	<b>3,967</b>	<b>865</b>	<b>820</b>	<b>20.7%</b>
<b>TOTAL</b>	<b>7,257</b>	<b>1,136</b>	<b>665</b>	<b>9.2%</b>	<b>16,150</b>	<b>3,251</b>	<b>3,498</b>	<b>21.7%</b>	<b>449</b>	<b>204</b>	<b>45.4%</b>	<b>23,856</b>	<b>4,387</b>	<b>4,367</b>	<b>18.3%</b>

## 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, July 2023 to July 2024

Pending cases as of July 5 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2023	2024	% Diff	2023	2024	% Diff	2023	2024	% Diff	2023	2024	% Diff
<b>Androscoggin</b>	648	847	30.7%	1,814	1,571	-13.4%	13	12	-7.7%	2,475	2,430	-1.8%
<b>Aroostook</b>	700	567	-19.0%	1,085	835	-23.0%	16	25	56.3%	1,801	1,427	-20.8%
Caribou	160	104	-35.0%	240	138	-42.5%	4	2	-50.0%	404	244	-39.6%
Fort Kent	108	85	-21.3%	194	182	-6.2%	2	4	100.0%	304	271	-10.9%
Houlton	193	158	-18.1%	250	208	-16.8%	6	10	66.7%	449	376	-16.3%
Presque Isle	239	220	-7.9%	401	307	-23.4%	4	9	125.0%	644	536	-16.8%
<b>Cumberland</b>	1,270	1,399	10.2%	3,665	3,673	0.2%	96	90	-6.3%	5,031	5,162	2.6%
Bridgton	26	25	-3.8%	301	344	14.3%	32	23	-28.1%	359	392	9.2%
Portland	1,221	1,357	11.1%	2,896	2,878	-0.6%	49	47	-4.1%	4,166	4,282	2.8%
West Bath	23	17	-26.1%	468	451	-3.6%	15	20	33.3%	506	488	-3.6%
<b>Franklin</b>	141	139	-1.4%	461	365	-20.8%	15	16	6.7%	617	520	-15.7%
<b>Hancock</b>	410	375	-8.5%	718	557	-22.4%	49	49	0.0%	1,177	981	-16.7%
<b>Kennebec</b>	565	602	6.5%	1,434	1,468	2.4%	54	24	-55.6%	2,053	2,094	2.0%
Augusta	535	565	5.6%	890	946	6.3%	19	20	5.3%	1,444	1,531	6.0%
Waterville	30	37	23.3%	544	522	-4.0%	35	4	-88.6%	609	563	-7.6%
<b>Knox</b>	207	190	-8.2%	508	447	-12.0%	20	6	-70.0%	735	643	-12.5%
<b>Lincoln</b>	120	148	23.3%	356	348	-2.2%	4	7	75.0%	480	503	4.8%
<b>Oxford</b>	448	459	2.5%	1,116	795	-28.8%	14	22	57.1%	1,578	1,276	-19.1%
Bridgton	44	44	0.0%	115	60	-47.8%	0	1	0.0%	159	105	-34.0%
Rumford	165	185	12.1%	415	339	-18.3%	7	8	14.3%	587	532	-9.4%
South Paris	239	230	-3.8%	586	396	-32.4%	7	13	85.7%	832	639	-23.2%
<b>Penobscot</b>	869	836	-3.8%	1,937	1,631	-15.8%	76	60	-21.1%	2,882	2,527	-12.3%
Bangor	839	811	-3.3%	1,484	1,264	-14.8%	26	19	-26.9%	2,349	2,094	-10.9%
Lincoln	10	5	-50.0%	219	149	-32.0%	44	15	-65.9%	273	169	-38.1%
Newport	20	20	0.0%	234	218	-6.8%	6	26	333.3%	260	264	1.5%
<b>Piscataquis</b>	27	31	14.8%	129	83	-35.7%	18	14	-22.2%	174	128	-26.4%
<b>Sagadahoc</b>	173	172	-0.6%	442	411	-7.0%	11	15	36.4%	626	598	-4.5%
<b>Somerset</b>	222	263	18.5%	570	437	-23.3%	11	14	27.3%	803	714	-11.1%
<b>Waldo</b>	181	178	-1.7%	296	308	4.1%	6	2	-66.7%	483	488	1.0%
<b>Washington</b>	146	126	-13.7%	324	250	-22.8%	19	22	15.8%	489	398	-18.6%
Calais	71	54	-23.9%	142	120	-15.5%	8	5	-37.5%	221	179	-19.0%
Machias	75	72	-4.0%	182	130	-28.6%	11	17	54.5%	268	219	-18.3%
<b>York</b>	1,100	925	-15.9%	3,964	2,971	-25.1%	88	71	-19.3%	5,152	3,967	-23.0%
<b>TOTAL</b>	<b>7,227</b>	<b>7,257</b>	<b>0.4%</b>	<b>18,819</b>	<b>16,150</b>	<b>-14.2%</b>	<b>510</b>	<b>449</b>	<b>-12.0%</b>	<b>26,556</b>	<b>23,856</b>	<b>-10.2%</b>

## Columns

- 2023** Number of cases having at least one charge without a disposition, and without a currently active warrant as of July 5, 2023
- 2024** Number of cases having at least one charge without a disposition, and without a currently active warrant as of July 5, 2024
- % Diff** Percent change in pending cases from 2023 to 2024. 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, July 2019 to July 2024

Pending cases as of July 5 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2019	2024	% Diff	2019	2024	% Diff	2019	2024	% Diff	2019	2024	% Diff
<b>Androscoggin</b>	364	847	132.7%	1,308	1,571	20.1%	19	12	-36.8%	1,691	2,430	43.7%
<b>Aroostook</b>	362	567	56.6%	682	835	22.4%	27	25	-7.4%	1,071	1,427	33.2%
Caribou	69	104	50.7%	172	138	-19.8%	13	2	-84.6%	254	244	-3.9%
Fort Kent	38	85	123.7%	96	182	89.6%	3	4	33.3%	137	271	97.8%
Houlton	105	158	50.5%	133	208	56.4%	8	10	25.0%	246	376	52.8%
Presque Isle	150	220	46.7%	281	307	9.3%	3	9	200.0%	434	536	23.5%
<b>Cumberland</b>	809	1,399	72.9%	2,597	3,673	41.4%	178	90	-49.4%	3,584	5,162	44.0%
Bridgton	10	25	150.0%	185	344	85.9%	56	23	-58.9%	251	392	56.2%
Portland	781	1,357	73.8%	2,063	2,878	39.5%	94	47	-50.0%	2,938	4,282	45.7%
West Bath	18	17	-5.6%	349	451	29.2%	28	20	-28.6%	395	488	23.5%
<b>Franklin</b>	89	139	56.2%	306	365	19.3%	18	16	-11.1%	413	520	25.9%
<b>Hancock</b>	205	375	82.9%	491	557	13.4%	57	49	-14.0%	753	981	30.3%
<b>Kennebec</b>	335	602	79.7%	1,156	1,468	27.0%	73	24	-67.1%	1,564	2,094	33.9%
Augusta	326	565	73.3%	633	946	49.4%	45	20	-55.6%	1,004	1,531	52.5%
Waterville	9	37	311.1%	523	522	-0.2%	28	4	-85.7%	560	563	0.5%
<b>Knox</b>	181	190	5.0%	311	447	43.7%	1	6	500.0%	493	643	30.4%
<b>Lincoln</b>	91	148	62.6%	214	348	62.6%	3	7	133.3%	308	503	63.3%
<b>Oxford</b>	197	459	133.0%	498	795	59.6%	18	22	22.2%	713	1,276	79.0%
Bridgton	20	44	120.0%	67	60	-10.4%	5	1	-80.0%	92	105	14.1%
Rumford	88	185	110.2%	222	339	52.7%	5	8	60.0%	315	532	68.9%
South Paris	89	230	158.4%	209	396	89.5%	8	13	62.5%	306	639	108.8%
<b>Penobscot</b>	353	836	136.8%	1,040	1,631	56.8%	91	60	-34.1%	1,484	2,527	70.3%
Bangor	346	811	134.4%	837	1,264	51.0%	63	19	-69.8%	1,246	2,094	68.1%
Lincoln	4	5	25.0%	74	149	101.4%	15	15	0.0%	93	169	81.7%
Newport	3	20	566.7%	129	218	69.0%	13	26	100.0%	145	264	82.1%
<b>Piscataquis</b>	25	31	24.0%	43	83	93.0%	3	14	366.7%	71	128	80.3%
<b>Sagadahoc</b>	97	172	77.3%	285	411	44.2%	6	15	150.0%	388	598	54.1%
<b>Somerset</b>	134	263	96.3%	459	437	-4.8%	42	14	-66.7%	635	714	12.4%
<b>Waldo</b>	93	178	91.4%	264	308	16.7%	6	2	-66.7%	363	488	34.4%
<b>Washington</b>	104	126	21.2%	182	250	37.4%	43	22	-48.8%	329	398	21.0%
Calais	36	54	50.0%	85	120	41.2%	12	5	-58.3%	133	179	34.6%
Machias	68	72	5.9%	97	130	34.0%	31	17	-45.2%	196	219	11.7%
<b>York</b>	718	925	28.8%	2,430	2,971	22.3%	74	71	-4.1%	3,222	3,967	23.1%
<b>TOTAL</b>	<b>4,157</b>	<b>7,257</b>	<b>74.6%</b>	<b>12,266</b>	<b>16,150</b>	<b>31.7%</b>	<b>659</b>	<b>449</b>	<b>-31.9%</b>	<b>17,082</b>	<b>23,856</b>	<b>39.7%</b>

## Columns

- 2019** Number of cases having at least one charge without a disposition, and without a currently active warrant as of July 5, 2019
- 2024** Number of cases having at least one charge without a disposition, and without a currently active warrant as of July 5, 2024
- % Diff** Percent change in pending cases from 2019 to 2024. 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.

**MAINE COMMISSION ON PUBLIC DEFENSE SERVICES**

**TO:** PDS  
**FROM:** Chris Guillory  
**SUBJECT:** Recruitment analysis  
**DATE:** July 10, 2024

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PDS staff were asked to analyze the efficacy of recruitment efforts undertaken in the past fiscal year. Specifically, staff looked at the impact of the hourly rate increase to \$150/hour on March 1, 2023, and whether it had an observable effect on recruitment.

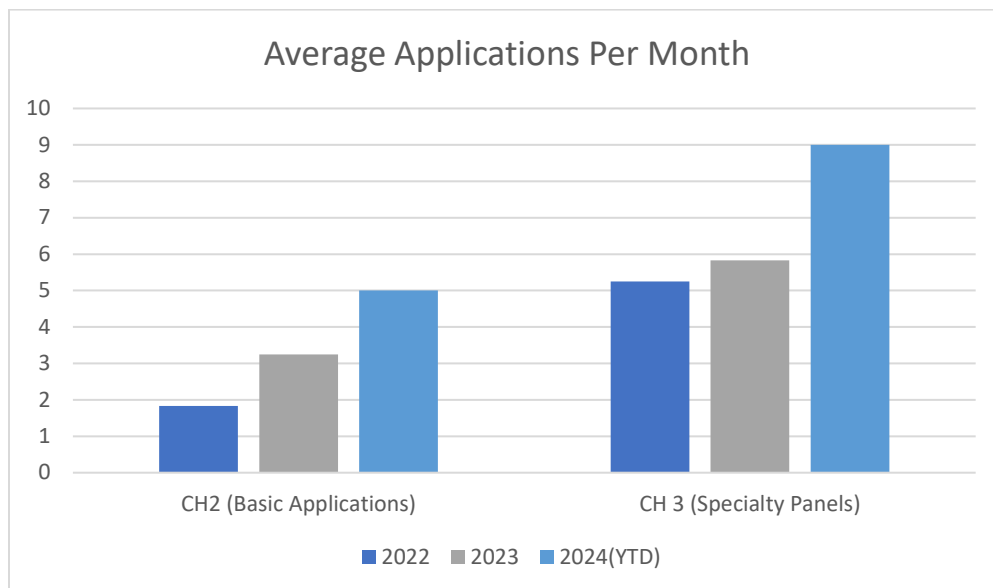
Staff started tracking new applications beginning in November of 2021.

Between November 2021 and February 2023, PDS received 34 Chapter 2 applications for basic eligibility and 107 Chapter 3 applications for specialized case types.

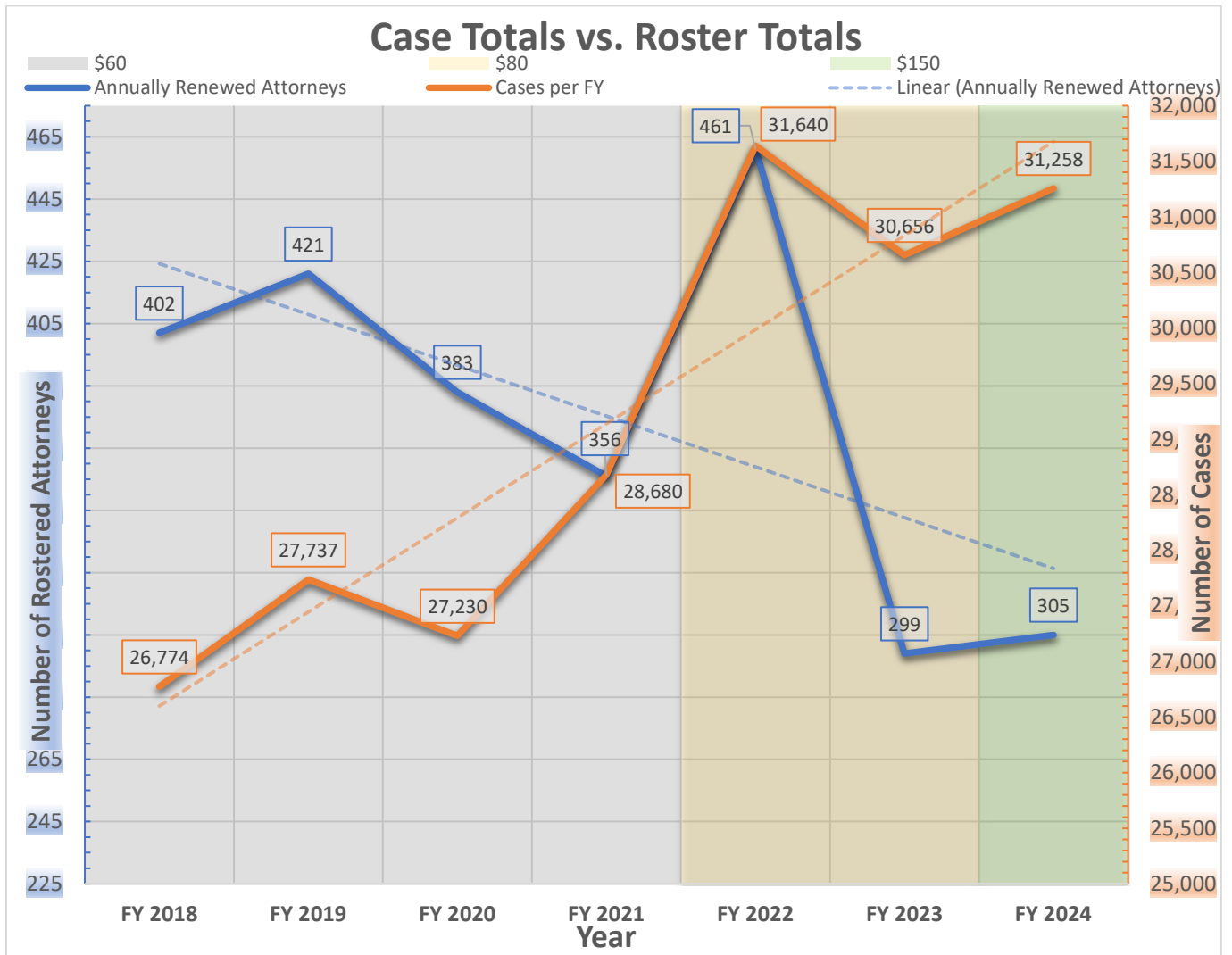
Following the rate increase, between March 1, 2023 and July 1, 2024, PDS received 62 Chapter 2 applications and 113 Chapter 3 applications for specialized case types.

In the 16 months following the March 1, 2023, rate change to \$150/hour, the rate of new Chapter 2 basic applications to join the PDS program increased 182% as compared to the 16 months prior to that rate increase. The \$150/hour rate increase is the only event on that timeline that can explain the drastic increase in attorney participation in the PDS program.

The rate of new applicants to the PDS program is accelerating. In 2023, PDS received 39 Chapter 2 applications and 70 Chapter 3 applications. Year to date in the first 6 months of 2024, PDS has already received 30 Chapter 2 applications and 54 Chapter 3 applications.



Additionally, the March 1, 2023 rate increase appears to have affected the retention rate for assigned counsel. Despite the mounting pressures on Maine’s indigent defense system, annual renewals in the PDS program grew year over year from 2022 to 2023.



PDS Staff is currently working on a project that will ask the Supreme Judicial Court to grant permission for a pilot project for Student Practice Authorization for law students placed inside offices of assigned counsel. This authorization would allow PDS to create a pipeline of future candidates to become contractors or employed defenders.

In the last fiscal year, PDS Staff have also established relationships with multiple regional Law Schools (UNH, Vermont Law, Suffolk University, Boston College, Boston University, and Northeastern University) which have all assisted in posting institutional defender job postings to their students and alumni and have expressed interest in future recruitment opportunities.

# Biennial Budget

## Public Defender Offices

	DD	DDD	AD I/II	Paralegal	Office Manager	Investigator	Social Worker	# new positions
<i>for 30% of cases</i>								
Midcoast		1	4	2	1	1	1	
Cumberland		1	7	2	1	1	1	
York		1	6	2	1	1	1	
subtotals		3	17	6	3	3	3	35

## *increase to 50% of cases*

Aroostook			1				1	
Capital Region			1	2			1	
Penquis			1				1	
Downeast			1				1	
Andro/Frank/Ox		1	4	1			1	
Cumberland		1	4	1				
York		1	3					
Midcoast		1	2					
subtotals		5	18	2			5	30

## Parents Counsel Division

does not include 6 RDU spots and 1 existing paralegal	DD	DDD	AD I/II	Paralegal	Office Manager	Social worker		
			25	6	1	8		40

## Appeals Division

	DD	DDD	AD I/II	Paralegal	Office Manager			
		1	3		1			5

## PCR Division

	DD	DDD	AD I/II	Paralegal	Office Manager	Investigator		
			1	1		1		3

## Central Office

	Attorney	Support Staff					
Supervision division staff	2	1					3
Legislative liaison/grant writer	1						1
Systems/Data division staff		1					1

## Programs

Internships	20 interns						
stipend for geographic/case type recruitment	\$5 million to increase hourly rate (100,000 hours)						
increase to AD II salary?							
Rural Practice Clinic	\$ 250,000						

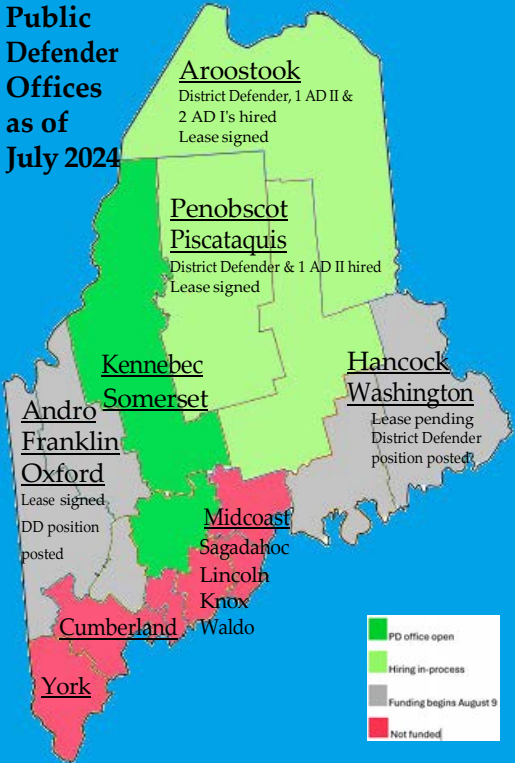
<b>Total new positions</b>	<b>118</b>	includes increase to 50%
	<b>88</b>	excludes increase to 50%

## All Other appropriation

lost revenue from collections (\$1.1 million allotment but only \$325,000 collected in FY24)  
 upward trend in submitted hours (302,875 in FY24) - need \$45.5 million All Other to cover assigned counsel costs  
 Return \$5 million taken in FY24 to get back to baseline  
 \$1.5 million for 023 account



# Public Defender Offices as of July 2024



**Chapter 5: CO-COUNSEL REQUIREMENTS.**

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**Summary:** This Chapter establishes a process for requesting Co-counsel, expectations of Co-counsel, parameters for payment of Co-counsel, and guidelines for the delegation of tasks in assigned cases.

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**SECTION 1. DEFINITIONS.**

1. Executive Director. “Executive Director” means the Executive Director of the Maine Commission on Public Defense Services (PDS) or the Executive Director’s decision-making designee.
2. Court-Assigned Counsel. “Court-Assigned Counsel” means private counsel licensed to practice law in Maine, designated eligible to receive an assignment to a particular case, and initially assigned by a Court to represent a particular client in a particular matter. For the purposes of this rule, “Court-Assigned Counsel” does not include any employee of PDS.
3. Commission-Assigned Counsel. “Commission-Assigned Counsel” means private counsel licensed to practice in Maine, designated eligible to be assigned to provide a particular service or to represent a particular client in a particular matter, and assigned by PDS to provide that service or represent a client. For the purposes of this rule, “Commission-Assigned Counsel” does not include any employee of PDS.
4. Counsel. “Counsel” means a Court-Assigned Counsel or Commission-Assigned Counsel, or both. For purposes of this rule, “Counsel” does not include any employee of PDS.
5. Co-counsel. “Co-counsel” means an attorney who works with another attorney on a particular case. Both attorneys must be counsel of record, professionally responsible for the case, and actively participate in the representation of the client.
6. Contested Hearing. “Contested Hearing” means a hearing at which a contested issue is submitted to the court for resolution after evidence is taken or witnesses are presented.
7. Eligible. “Eligible” means the status assigned to an attorney who has satisfied all the requirements of Chapter 2, has satisfied all requirements of Chapter 3 for any applicable Specialized Panels, has applied and been approved by the Commission to receive assignments of the applicable case type, is current on their annual renewal, and is not under suspension by the Commission.
8. Substantive Meeting. “Substantive Meeting” means phone calls, emails, face-to-face

meetings, and the like, with clients about matters which materially affect the disposition of the case.

9. **Substantive Appearance.** “Substantive Appearance” includes, without limitation: bail hearings, contested motions hearings, dispositional conferences at which material discussions about the case occur, adjudicatory hearings, jury selection, trial, contested sentencing hearing, commitment hearings, appellate oral argument, hearings on preliminary protective orders, jeopardy hearings, judicial reviews, entry of a plea agreement, and hearings on petitions for termination of parental rights.
10. **Informed Consent.** “Informed consent” means a person’s agreement to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct. Whether a client has given informed consent to representation shall be determined in light of the mental capacity of the client to give consent, the explanation of the advantages and risks involved provided by the lawyer seeking consent, the circumstances under which the explanation was provided and the consent obtained, the experience of the client in legal matters generally, and any other circumstances bearing on whether the client has made a reasoned and deliberate choice.

## **SECTION 2. PROCEDURE FOR REQUESTING CO-COUNSEL.**

The procedure for requesting Co-counsel is as follows:

1. Prior to seeking appointment of Co-counsel from a court, Counsel must first obtain written authorization from the Executive Director. An attorney seeking such authorization shall submit a written request in a form designated by the Executive Director. The request must include:
  - A. The name of the client;
  - B. The type of case. If it is a criminal matter, the charge(s);
  - C. The docket number(s);
  - D. The reason Co-counsel is requested;
  - E. Whether there is already Co-counsel assigned to represent the client in the matter; and
  - F. The name of the prospective Co-counsel.
2. If the Executive Director authorizes Co-counsel, the assigned attorney must file with the applicable court a motion for appointment of Co-counsel. That motion must state that PDS has authorized the request for Co-counsel.
3. Counsel may only seek appointment of Co-counsel who is Eligible to receive PDS case assignments, but only one of the attorneys needs to have Chapter 3 eligibility for any

Specialized Panel.

### **SECTION 3. PARAMETERS FOR CO-COUNSEL REQUESTS.**

1. The Executive Director has broad discretion in determining whether a Co-counsel request will be granted, but requests will be granted liberally.
2. Co-counsel requests will be reviewed from a client-centric perspective.
3. Absent extraordinary circumstances, the Executive Director will not authorize more than two attorneys to serve as Co-counsel for a particular client in a particular matter.
4. If Counsel does not obtain written authorization for Co-counsel from the Executive Director prior to seeking appointment of Co-counsel, then the Co-counsel will not be paid for any work on the case.
5. Co-counsel does not need to be requested for Co-counsel's work to be compensable if:
  - A. The attorney assigned and co-counsel work in the same law firm;
  - B. Co-counsel is [eEligible pursuant to Chapter 2 of the Commission rules. Co-counsel does not need to be eligible for the applicable Chapter 3 Specialized Panel as long as the attorney assigned to the case is Eligible;](#)
  - C. The attorney who was not assigned to the case will not be appearing in court on behalf of the client, engaging in negotiations related to the case, or having Substantive Meetings with the client; and
  - D. The attorney(s) who was/were not assigned to represent the client will be spending no more than a combined total of three hours of work on the client's matter(s) unless Counsel receives prior written authorization from the Executive Director.

### **SECTION 4. EXPECTATIONS OF CO-COUNSEL.**

1. When Co-counsel is assigned:
  - A. Each Co-counsel must enter a case for that client in the PDS electronic case management system.
  - B. Time entries for each Co-counsel must be maintained in their own case entries for that client in the PDS electronic case management system.
  - C. Each Co-counsel must be actively engaged in the representation of the client.
  - D. At least one Eligible Co-counsel must be present for all Substantive Meetings.
  - E. At least one Eligible Co-counsel must be present for every Substantive Appearance.

F. Counsel must avoid unnecessary duplication of effort.

## SECTION 5. VERTICAL REPRESENTATION.

1. Counsel may delegate tasks related to the representation of an assigned client to another Eligible attorney only to the extent consistent with ~~the assigned attorney's~~Counsel's duties to the client under the Constitutions of the United States and the State of Maine, the Maine Rules of Professional Responsibility, applicable PDS rules, and to the extent consistent with this Chapter. The assigned attorney is nevertheless responsible to PDS and to the client individually for all services provided by any attorney during the period of the assignment.
2. The following tasks may not be delegated: hearings on dispositive motions; jury selection; trials; sentencing hearings; summary preliminary hearings; jeopardy hearings; contested judicial reviews; hearings on petitions for termination of parental rights; appellate oral arguments; or plea agreements, unless all the terms have been fully negotiated, reviewed with the client by the attorney assigned to represent them, and agreed to by the client.
3. Delegation of any task may only occur subject to the following:
  - A. Questions related to the delegation of any task must be resolved from a client-centric perspective.
  - B. Delegation shall be an exception to the expectation that Counsel will personally provide continuous representation of assigned clients.
  - C. Delegation of any task may be made only to Eligible attorneys.
  - D. Delegation of any task may be made only with informed client consent.
4. If an attorney cannot appear to represent a client at an appearance for which delegation is prohibited, Counsel may, with informed client consent, seek the assignment of Co-counsel in the matter. Where appropriate and permitted by rule, the appearance of Co-counsel may be limited.
5. In the context of delegation of an appearance for an assigned client, informed client consent shall include informed consent from the client to reveal those confidences and secrets as are necessary to the delegated representation.
  - A. "Confidence" refers to information protected by the attorney-client privilege under applicable law, and "secret" refers to other information relating to the representation if there is a reasonable prospect that revealing the information will adversely affect a material interest of the client or if the client has instructed the lawyer not to reveal such information.
  - B. Counsel shall document the client's informed consent prior to delegating an appearance. Where possible that informed consent shall be in writing and signed by the client. Counsel shall maintain documentation of consent and shall provide it

to PDS on request.

6. If a task is delegated pursuant to this Chapter, the attorney to whom the task was delegated must enter a case in the PDS electronic case management system and bill their time under that case entry. Case entry, closure, and billing must be conducted in accordance with the applicable PDS rules.

## **SECTION 6. NON-COMPENSABLE TASKS.**

Work performed solely for the purpose of carrying out the attorney's obligations pursuant to Maine Rule of Professional Conduct 5.1 is non-compensable. Collaborative work that furthers a client's interests in a case is compensable.

The following tasks are non-compensable:

~~Supervision of any kind whether over Co-counsel or over the file generally, this includes but is not limited to an attorney's obligations pursuant to Maine Rule of Professional Conduct 5.1. However, this does not preclude compensation for time spent mentoring a less experienced attorney if that is the purpose of the Co-counsel request.~~