

Maine Commission on Indigent Legal Services
September 14, 2010
Minutes

Present: Sally Sutton, Ron Schneider, Kim Moody, Marvin Glazier, Ken Spierer
 Staff: John Pelletier, Jen Smith

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Accept Minutes from 8/10/10 and 8/31/10		Marvin moved. Ken seconded. Approved.
MCILS Operational Report	<p>John reported that there are 414 attorneys in the system. They are almost through the backlog of cases from the AOC. October will be the first good test regarding the budget because we will be through the back-log.</p> <p>The personal services budget needs to be adjusted so that the Commission can continue the staff hiring.</p> <p>The Revenue fund cannot be used to pay electronic vouchers so they are working with administrative services to see how to correct this.</p> <p>There was discussion about the number and types of cases, including LOD categories. The Commission will have an appeal to consider at the next meeting from a lawyer who was limited in terms of the counties in which he/she could practice.</p> <p>At the next meeting the Commission will be voting on the proposed rules regarding performance standards and eligibility guidelines. The rules will then go out for public comment and the Commission will hold a public hearing sometime in November with the goal of final adoption of the rules by the end of the year.</p>	
FOAA Discussion	<p>John pointed out that the Commission should consider the various types of information it has and whether or not there should be exceptions to the FOAA for some of that information. He will be working with the AGs office and suggests that the Commission may want to specify the exceptions within statute rather than look for justification elsewhere on a case-by case basis. We would need to introduce legislation to make any changes. There have been no specific requests for information to date. Any assistance provided by the AGs office will be charged to the Commission, so he is trying to do as much in house as possible.</p>	
Assignment of Counsel	<p>There was discussion about the assignment of counsel and the delays that occur in some courts. Delays can mean missed deadlines and more billable work to deal with the</p>	<p>Ron established a subcommittee to look into the</p>

	delays. It raises issues related to costs, quality of representation and efficiency. The courts do not have enough people to process cases. Sarah Churchill provided information to the Commission	method of assignment of counsel. Marvin and Ken will serve on the subcommittee and work with John and other interested parties.
Public Comment	<p>Rob Ruffner offered comments to the Commission on: whether or not we had enough data regarding when an attorney gets a case and when it is assigned, the variety of methods of appointment by court, cost of LOD for walk-ins, FOAA requests, being charged for mailing costs outside of what the rules allow. He was advised to contact the head clerk of the courts. MCDL may want to raise the issue of rate.</p> <p>Sarah Churchill reported that MCDL is collecting information on rates in other places and comparable parts of the system. Questions were raised about whether or not the Commission should be charged for discovery even for items that prosecutors are required to provide. This issue was brought to the Advisory Committee re Criminal Procedures and the SJC decided that this was an issue that needed to be resolved between attorneys and prosecutors, not the courts. It may be a budgetary allocation issue more properly brought to the Legislature. Rob pointed out that the Commission could affect DA's practices. Counties could send their bills to the Commission and the Commission could set the rate.</p> <p>Steve Carey pointed out that the Commission could use its voice to help advocate for attorneys on things like discovery and security screenings. Security screening is mostly an issue in York and Cumberland counties. Courts do it differently across the state. There was discussion about the location of court screeners, and LOD.</p> <p>Ron expressed his appreciation for constructive comments and stressed that it is important to get feedback in a productive way.</p> <p>Sally requested that the Commission get a conference call number and asked about the webinar training on the case management system.</p> <p>Kim suggested that there may be issues of interest to the lawyers that the Commission will not take weigh in on, but that there could be others where the Commission would be interested.</p> <p>Jon reported that the financial order has been drafted and will be submitted by end of week.</p>	
Next Meeting		October 12, 2010 - 9:30