

**MCILS**

**May 12, 2015**

**Commissioner's Meeting  
Packet**

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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**MAY 12, 2015**

**COMMISSION MEETING**

**CRIMINAL JUSTICE COMMITTEE ROOM, STATEHOUSE, AUGUSTA**

**AGENDA**

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- 1) Approval of April 14, 2015 Commission Meeting Minutes
- 2) Operations Reports Review
- 3) Budget and Legislative Update
- 4) Response to Solicitation of “Concept” Proposals
- 5) Public Comment
- 6) Set Date, Time and Location of Next Regular Meeting of the Commission
- 7) Executive Session, if needed (Closed to Public)

**(1.)**  
**April 14, 2015**  
**Commission Meeting**  
**Minutes**

**Maine Commission on Indigent Legal Services – Commissioners Meeting  
April 14, 2015**

**Minutes**

**Commissioners Present:** Steven Carey, Marvin Glazier, William Logan

**MCILS Staff Present:** John Pelletier, Ellie Brogan

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Approval of the March 10, 2015 Commission Meeting Minutes	Copy of minutes received by all Commissioners.	Commissioner Glazier moved for the approval of the minutes. Commissioner Logan seconded. All voted in favor. Approved.
Operations Reports Review	Director Pelletier presented the <u>March 2015 Operations Reports</u> . The number of new cases opened in DefenderData totaled 2,391 – a 410 case increase from February. This is the largest case increase in the past six months. 2,943 vouchers were submitted, totaling \$1,429,185. This was a 500 voucher increase and \$231,000 increase from February. In March, the Commission paid 1,779 vouchers, totaling \$843,196, a 527 voucher and \$253,000 decrease from February. This decrease in voucher payments for March was due to the end of the quarter shortfall. The average price per voucher in March was \$473.97, a decrease of \$1.55 per voucher from February. This average price has remained steady during the past few months and is just under \$470 for the fiscal year. It is about a 10% increase from last fiscal year. Appeal and Post-Conviction Review cases were the highest average vouchers. Two vouchers exceeding \$5,000 were paid in March. The March transfer of counsel fees, which reflected February’s collections, totaled \$99,692, up \$40,000 from the previous month. This high total is due in large part to the results of the tax-offset program.	
Budget and Legislative Update	Director Pelletier updated the Commissioners on recent legislative and budget items. Director Pelletier and Chair Carey presented the Commission’s budget proposal before the Appropriations Committee at the March 17 <sup>th</sup> public hearing. The Commission’s request for supplemental funds was included in an emergency funding bill that became law without the Governor’s signature. During the Judiciary Committee’s work session on March 25 <sup>th</sup> , it endorsed the full amount needed to cover the Commission’s projected	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>increased costs and also voted to include funds necessary to raise the hourly rate to \$60/hr beginning July 1, 2015 and \$65/hr beginning July 1, 2016, in its budget recommendation to the Appropriations Committee. The Judiciary Committee held a public hearing on April 2<sup>nd</sup> on the Commission's three major substantive rules and on LD 360, a proposed change to the confidentiality statute. Director Pelletier and Chair Carey presented the only testimony on these rules and bill. The Commission did not receive authority to pull fourth quarter funds into the third quarter to alleviate the anticipated shortfall. As a result, Commission staff was unable to pay vouchers submitted on or after March 4 until April 1. Director Pelletier noted that the FY'15 shortfall grew from \$430,000 at the end of second quarter to \$503,000 at the end of the third quarter.</p>	
Solicitation of "Concept" Proposals	<p>Director Pelletier reported that the Director of Purchases confirmed that the Commission would be able to solicit concept proposals for contracts from potential providers so long as no formal RFP has been issued. A discussion ensued about whether any action should be postponed pending the outcome of the Governor's public defender bill. Since the idea of soliciting concept proposals from attorneys had been discussed well before notice of the proposed bill, and the fact that a concept proposal was non-binding, the Commissioners decided that there would be no harm in sampling the potential interest for contracts. They agreed that Director Pelletier should send out the solicitation email that he had drafted for the Commissioners review. Chair Carrey indicated that the Commission could figure out the next steps after the Governor's bill was introduced and what feedback was received.</p>	
Public Comment	None	
Executive Session	None	
Adjournment of meeting	The Commission then voted to adjourn with the next meeting to be on May 12, 2015 at 9:30 am.	Commissioner Glazier made a motion to adjourn. Commissioner Logan seconded. All present voted in favor.

**(2.)**  
**Operations Reports**  
**Review**

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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**TO:** MCILS COMMISSIONERS  
**FROM:** JOHN D. PELLETIER, EXECUTIVE DIRECTOR  
**SUBJECT:** APRIL 2015 OPERATIONS REPORTS  
**DATE:** MAY 6, 2015

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Attached you will find the April, 2015 Operations Reports for your review and our discussion at the upcoming Commission meeting on May 12, 2015. A summary of the operations reports follows:

- 2,228 new cases were opened in the DefenderData system in April. This was a 163 case decrease from March.
- The number of vouchers submitted electronically in April was 2,674, a decrease of 269 vouchers from March, totaling \$1,281,530.27, a decrease of \$148,000 from March. In April, we paid 3,300 electronic vouchers totaling \$1,536,923.74. This was a 1,521 voucher and \$693,000 increase over March.
- There was one paper voucher submitted and paid in April totaling \$550.
- The average price per voucher in April was \$465.73, down \$8.24 per voucher from March.
- Appeal and Post-Conviction Review cases had the highest average vouchers in April. There were 5 vouchers exceeding \$5,000 paid in April. These cases involved: 1) a Murder case with a conviction after a 13 day trial – sentencing remains; 2) a Gross Sexual Assault case involving co-counsel that resulted in a mistrial after a three day trial; 3) a juvenile Arson case involving mental health and suppression issues in which the arson charges were dismissed in return for a plea to a lesser offense; 4) a murder case that resulted in a plea to manslaughter; and 5) a three day trial in a Class A Aggravated Assault case with a verdict of not guilty on the Aggravated Assault and guilty on a misdemeanor charge.

In our All Other Account, the total expenses for the month of April were \$1,684,022.01. Of the amount, approximately \$12,500 was devoted to the Commission's operating expenses.

In the Personal Services Account, we had \$48,108.54 in expenses for the month of April.

In the Revenue Account, our monthly transfer from the Judicial Branch for counsel fees for the month of April, which reflects March's collections, totaled \$80,969.44, down \$19,000 from the previous month but still well above the budgeted monthly average due to continued revenue from the tax-offset program.

In our Conference Account, we collected late registration fees for the criminal training on April 1st, as well as fees for the upcoming minimum standards video replays, and paid expenses related to the criminal training. The account balance now stands at \$16,458.07, but the venue fee for the criminal training was not paid in April. That payment will further reduce the account balance in May.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

4/30/2015

DefenderData Case Type	Apr-15						Fiscal Year 2015			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	18	27	\$39,734.35	15	\$ 17,474.45	\$1,164.96	116	128	\$ 180,154.08	\$1,407.45
Child Protection Petition	195	340	\$186,125.06	402	\$ 210,492.95	\$523.61	1,593	3,255	\$ 1,759,578.85	\$540.58
Drug Court	0	3	\$1,012.00	10	\$ 3,624.50	\$362.45	1	59	\$ 29,356.55	\$497.57
Emancipation	5	8	\$1,901.50	9	\$ 2,371.75	\$263.53	105	89	\$ 25,696.81	\$288.73
Felony	589	655	\$475,437.57	824	\$ 576,338.58	\$699.44	5,367	5,858	\$ 4,201,975.09	\$717.31
Involuntary Civil Commitment	62	51	\$10,059.28	71	\$ 14,516.67	\$204.46	691	646	\$ 141,913.21	\$219.68
Juvenile	94	90	\$25,588.19	89	\$ 41,285.46	\$463.88	977	1,035	\$ 378,345.94	\$365.55
Lawyer of the Day - Custody	233	215	\$42,315.77	271	\$ 54,453.81	\$200.94	2,129	2,019	\$ 420,574.94	\$208.31
Lawyer of the Day - Juvenile	44	36	\$6,055.17	41	\$ 7,295.64	\$177.94	402	383	\$ 70,886.71	\$185.08
Lawyer of the Day - Walk-in	116	104	\$20,647.31	145	\$ 30,413.17	\$209.75	1,146	1,052	\$ 221,656.84	\$210.70
Misdemeanor	669	726	\$263,223.90	932	\$ 340,050.05	\$364.86	6,396	6,588	\$ 2,449,106.73	\$371.75
Petition, Modified Release Treatment	0	3	\$736.00	8	\$ 2,433.05	\$304.13	11	52	\$ 17,042.06	\$327.73
Petition, Release or Discharge	0	0		0			0	4	\$ 4,032.88	\$1,008.22
Petition, Termination of Parental Rights	22	45	\$39,093.42	57	\$ 46,358.75	\$813.31	186	546	\$ 355,782.76	\$651.62
Post Conviction Review	12	19	\$22,397.13	14	\$ 15,281.58	\$1,091.54	55	69	\$ 71,081.80	\$1,030.17
Probation Violation	140	170	\$58,859.77	211	\$ 77,037.19	\$365.11	1,614	1,597	\$ 576,656.04	\$361.09
Represent Witness on 5th Amendment	1	3	\$500.00	4	\$ 926.25	\$231.56	14	14	\$ 2,651.75	\$189.41
Review of Child Protection Order	27	178	\$86,673.49	195	\$ 94,987.16	\$487.11	378	1,700	\$ 860,356.05	\$506.09
Revocation of Administrative Release	1	1	\$1,170.36	2	\$ 1,582.73	\$791.37	15	24	\$ 9,639.73	\$401.66
<b>DefenderData Sub-Total</b>	<b>2,228</b>	<b>2,674</b>	<b>\$1,281,530.27</b>	<b>3,300</b>	<b>\$1,536,923.74</b>	<b>\$465.73</b>	<b>21,196</b>	<b>25,118</b>	<b>\$11,776,488.82</b>	<b>\$468.85</b>
<b>Paper Voucher Sub-Total</b>	<b>1</b>	<b>1</b>	<b>\$ 550.00</b>	<b>1</b>	<b>\$ 550.00</b>	<b>\$ 550.00</b>	<b>6</b>	<b>6</b>	<b>\$ 1,512.24</b>	<b>\$ 252.04</b>
<b>TOTAL</b>	<b>2,229</b>	<b>2,675</b>	<b>\$1,282,080.27</b>	<b>3,301</b>	<b>\$1,537,473.74</b>	<b>\$ 465.76</b>	<b>21,202</b>	<b>25,124</b>	<b>\$ 11,778,001.06</b>	<b>\$ 468.79</b>

MAINE COMMISSION ON INDIGENT LEGAL SERVICES  
 FY15 FUND ACCOUNTING  
 AS OF 04/30/2015

Account 010 95F Z112 01 (All Other)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY15 Total
FY15 Professional Services Allotment		\$ 3,668,113.00		\$ 3,314,658.00		\$ 3,737,544.00		\$ 3,228,737.00	
FY15 General Operations Allotment		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustment		\$ -		\$ -		\$ 430,000.00		\$ 1,270,000.00	
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	
<b>Total Budget Allotments</b>		<b>\$ 3,668,113.00</b>		<b>\$ 3,314,658.00</b>		<b>\$ 4,167,544.00</b>		<b>\$ 4,498,737.00</b>	<b>\$ 15,649,052.00</b>
Total Expenses	1	\$ (1,141,359.56)	4	\$ (1,567,153.86)	7	\$ (1,850,113.66)	10	\$ (1,684,022.01)	\$ (6,242,649.09)
	2	\$ (1,199,265.91)	5	\$ (1,261,558.07)	8	\$ (1,216,773.83)	11	\$ -	\$ (3,677,597.81)
	3	\$ (1,114,175.03)	6	\$ (557,133.57)	9	\$ (741,719.01)	12	\$ -	\$ (2,413,027.61)
Encumbrances		\$ (213,312.50)		\$ 71,187.50		\$ 71,062.50		\$ 23,672.00	\$ (47,390.50)
<b>TOTAL REMAINING</b>		<b>\$ -</b>		<b>\$ (0.00)</b>		<b>\$ 430,000.00</b>		<b>\$ 2,838,386.99</b>	<b>\$ 3,268,386.99</b>

Q4 Month 10 (as of 04/30/15)	
<b>INDIGENT LEGAL SERVICES</b>	
Counsel Payments	\$ (1,537,473.74)
Somerset County	\$ (22,687.50)
Subpoena Witness Fees	\$ (211.84)
Private Investigators	\$ (38,950.81)
Mental Health Expert	\$ (26,405.00)
Transcripts	\$ (26,439.57)
Other Expert	\$ (15,857.50)
Expert Witness Lodging	\$ -
Process Servers	\$ (1,339.92)
Interpreters	\$ (2,109.37)
Misc Prof Fees & Serv	\$ (70.00)
<b>SUB-TOTAL ILS</b>	<b>\$ (1,671,545.25)</b>
<b>OPERATING EXPENSES</b>	
Service Center	\$ -
DefenderData	\$ (5,168.50)
Risk Management	\$ -
Mileage/Tolls/Parking	\$ (2,066.95)
Mailing/Postage/Freight	\$ (522.39)
InforME Annual Website	\$ (2,640.00)
Notary Fees	\$ (50.00)
Office Supplies/Equip.	\$ (137.94)
Cellular Phones	\$ (96.88)
Annual Book Printing Fee	\$ -
Office Equipment Rental	\$ (144.46)
OIT/TELCO	\$ (1,649.64)
<b>SUB-TOTAL OE</b>	<b>\$ (12,476.76)</b>
<b>TOTAL</b>	<b>\$ (1,684,022.01)</b>

INDIGENT LEGAL SERVICES	
Q4 Allotment	\$ 4,498,737.00
Q4 Encumbrance Expenditures	\$ 23,672.00
Q4 Expenses as of 04/30/15	\$ (1,684,022.01)
Remaining Q4 Allotment as of 04/30/15	\$ 2,838,386.99

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY15 FUND ACCOUNTING**  
As of 04/30/15

Account 014 95F Z112 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY14 Total
<b>Total Budget Allotments</b>		\$ 149,124.00		\$ 149,124.00		\$ 149,124.00		\$ 149,125.00	\$ 596,497.00
Financial Order Adjustment	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
Financial Order Adjustment	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
Budget Order Adjustment	3	\$ -	6	\$ -	9	\$ -	12	\$ -	
Financial Order Adjustment		\$ 970.00		\$ 50,000.00		\$ 35,000.00		\$ 35,000.00	
<b>Total Budget Allotments</b>		\$ 150,094.00		\$ 199,124.00		\$ 184,124.00		\$ 184,125.00	\$ 717,467.00
Collected Revenue from JB	1	\$ 51,555.85	4	\$ 61,901.40	7	\$ 53,070.41	10	\$ 80,969.44	
Promissory Note Payments		\$ 200.00		\$ -		\$ 50.00		\$ -	
Collected Revenue from JB	2	\$ 68,324.36	5	\$ 66,316.39	8	\$ 58,966.06	11	\$ -	
Promissory Note Payments		\$ 200.00		\$ -		\$ 50.00		\$ -	
Donation		\$ 1,500.00		\$ -		\$ -		\$ -	
Collected Revenue from JB	3	\$ 47,842.05	6	\$ 47,640.77	9	\$ 99,692.53	12	\$ -	
Promissory Note Payments				\$ 50.00		\$ 50.00		\$ -	
Returned Check		\$ 45.00		\$ 60.00		\$ 43.00		\$ -	
<b>TOTAL REVENUE COLLECTED</b>		\$ 169,667.26		\$ 175,968.56		\$ 211,922.00		\$ 80,969.44	\$ 638,527.26
Counsel Payments	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
	3	\$ (149,124.00)	6	\$ (190,337.31)	9	\$ (182,929.00)	12	\$ -	
<b>REMAINING ALLOTMENT</b>		\$ 970.00		\$ 8,786.69		\$ 1,195.00		\$ 184,125.00	\$ 195,076.69
Total Expenses	1	\$ -	4	\$ (2,119.11)	7	\$ (1,237.19)	10	\$ (1,478.04)	
	2	\$ (1,344.65)	5	\$ (415.75)	8	\$ (1.50)	11	\$ -	
	3	\$ (495.00)	6	\$ (558.00)	9	\$ (1,049.00)	12	\$ -	
<b>REMAINING CASH</b>		\$ 18,703.61		\$ (17,461.61)		\$ 26,705.31		\$ 79,491.40	\$ 107,438.71

Q4 Month 10 (as of 04/30/15)	
<b>DEFENDER DATA COUNSEL PAYMENTS</b>	
	\$ -
<b>SUB-TOTAL ILS</b>	
OVERPAYMENT REIMBURSEMENTS	\$ 289.00
State Cap Expense Q4	\$ (1,189.04)
Somerset County CDs	\$ -
Private Investigators	\$ -
Mental Health Expert	\$ -
Transcripts	\$ -
Other Expert	\$ -
Process Servers	\$ -
<b>SUB-TOTAL OE</b>	<b>\$ (1,189.04)</b>
<b>TOTAL</b>	<b>\$ (1,189.04)</b>

INDIGENT LEGAL SERVICES	
FY15 Allotment	\$ 717,467.00
YTD Collected Revenue	\$ 638,527.26
YTD Expenses	\$ (8,698.24)
YTD Counsel Payments	\$ (522,390.31)
Q4 Remaining Unexpended Cash	\$ 107,438.71

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
**FY15 FUND ACCOUNTING**  
As of 04/30/15

<b>Account 014 95F Z112 02 (Conference Account)</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>FY14 Total</b>
FY14 Carry Over		\$ 20,144.41							\$ -
<b>Total Budget Allotments</b>		\$ 4,000.00	\$ 20,000.00	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ 32,000.00
Budget Order Adjustment					\$ 8,000.00		\$ 12,144.00		
<b>Total Budget Allotments</b>		\$ 4,000.00	\$ 20,000.00	\$ 12,000.00	\$ 16,144.00	\$ 16,144.00	\$ 16,144.00	\$ 16,144.00	\$ 52,144.00
Total Revenue	1	\$ 1,850.00	4	\$ 8,000.00	7	\$ 20.00	10	\$ 1,260.00	
Billed Earned Revenue	1	\$ (150.00)		\$ -			11	\$ -	
	2	\$ 975.00	5	\$ 2,700.00	8	\$ 6,705.00	12	\$ -	
	3	\$ 7,575.00	6	\$ -	9	\$ 3,100.00	12	\$ -	
<b>ACTUAL CASH BALANCE</b>		\$ 30,394.41	\$ 41,094.41	\$ 50,919.41	\$ 1,260.00	\$ 1,260.00	\$ 1,260.00	\$ 1,260.00	\$ 52,179.41
Total Expenses	1	\$ (76.04)	4	\$ (3,116.49)	7	\$ (4,856.96)	10	\$ (6,178.46)	
	2	\$ (3,293.26)	5	\$ (1,866.51)	8	\$ (97.71)	11	\$ -	
	3	\$ (402.99)	6	\$ (15,805.12)	9	\$ (75.43)	12	\$ -	
<b>TOTAL REMAINING</b>		\$ 26,772.12	\$ 16,684.00	\$ 21,376.53	\$ (4,918.46)	\$ (4,918.46)	\$ (4,918.46)	\$ (4,918.46)	\$ 16,458.07

<b>Q4 Month 10 (as of 04/30/15)</b>	
Collected Revenue	\$ 1,260.00
State Cap Cost Allocation	\$ -
Training Manuals Printing	\$ (849.31)
Trainer Fees	\$ (3,390.28)
Films/Materials	\$ (1,625.00)
Supplies	\$ (53.87)
Refund for non-attendance	\$ (225.00)
Board of Overseers Trainer Fees	\$ (35.00)
<b>TOTAL EXPENSES</b>	<b>\$ (6,178.46)</b>

FY15 Allotment	\$ 52,144.00
FY14 Carry Over	\$ 20,144.41
FY15 Collected Revenue	\$ 32,185.00
FY15 Expenses	\$ (35,871.34)
Unexpended Cash	\$ 16,458.07

MAINE COMMISSION ON INDIGENT LEGAL SERVICES  
 FY15 FUND ACCOUNTING  
 AS OF 04/30/2015

Account 010 95F Z112 01 (Personal Services)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY15 Total
FY15 Allotment	\$	186,226.00	\$	181,742.00	\$	169,447.00	\$	139,222.00	\$ 676,637.00
Financial Order Adjustments	\$	-	\$	-	\$	-	\$	-	
Financial Order Adjustments	\$	-	\$	-	\$	-	\$	-	
Budget Order Adjustments			\$	-	\$	-	\$	-	
<b>Total Budget Allotments</b>	<b>\$</b>	<b>186,226.00</b>	<b>\$</b>	<b>181,742.00</b>	<b>\$</b>	<b>169,447.00</b>	<b>\$</b>	<b>139,222.00</b>	<b>\$ 676,637.00</b>
Total Expenses	1 \$	(66,591.80)	4 \$	(49,740.31)	7 \$	(52,802.70)	10 \$	(48,108.54)	
	2 \$	(49,475.54)	5 \$	(50,117.29)	8 \$	(42,255.91)	11 \$	-	
	3 \$	(50,108.08)	6 \$	(70,109.34)	9 \$	(43,686.90)	12 \$	-	
<b>TOTAL REMAINING</b>	<b>\$</b>	<b>20,050.58</b>	<b>\$</b>	<b>11,775.06</b>	<b>\$</b>	<b>30,701.49</b>	<b>\$</b>	<b>91,113.46</b>	<b>\$ 153,640.59</b>

Q4 Month 10 (as of 04/30/15)	
Per Diem Payments	\$ (330.00)
Salary	\$ (24,636.95)
Vacation Pay	\$ (1,252.99)
Holiday Pay	\$ -
Sick Pay	\$ (358.89)
Employee Hlth SVS/Workers Comp	\$ (74.00)
Health Insurance	\$ (9,253.30)
Dental Insurance	\$ (262.61)
Employer Retiree Health	\$ (3,616.24)
Employer Retirement	\$ (1,497.77)
Employer Group Life	\$ (196.04)
Employer Medicare	\$ (371.78)
Retiree Unfunded Liability	\$ (4,254.77)
Retro Pymt	\$ -
Perm Part Time Full Ben	\$ (2,003.20)
<b>TOTAL</b>	<b>\$ (48,108.54)</b>

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

4/30/2015

Court	Apr-15						Fiscal Year 2015			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	121	176	\$115,620.76	224	\$ 146,985.76	\$656.19	1,449	1,903	\$ 1,195,952.58	\$628.46
AUBSC	101	145	\$72,552.81	168	\$ 104,017.69	\$619.15	1,029	1,057	\$ 653,544.52	\$618.30
AUGDC	91	97	\$41,830.48	133	\$ 55,261.98	\$415.50	730	879	\$ 356,808.38	\$405.93
AUGSC	90	136	\$91,437.18	195	\$ 107,268.85	\$550.10	962	1,133	\$ 704,998.95	\$622.24
BANDC	45	96	\$33,274.17	113	\$ 44,325.61	\$392.26	619	1,054	\$ 381,159.29	\$361.63
BANSC	1	2	\$781.44	0			21	25	\$ 12,914.10	\$516.56
BATSC	3	5	\$1,921.50	4	\$ 1,737.50	\$434.38	37	51	\$ 33,794.03	\$662.63
BELDC	20	34	\$7,966.27	43	\$ 11,306.72	\$262.95	261	366	\$ 154,972.44	\$423.42
BELSC	12	35	\$17,738.86	31	\$ 15,032.20	\$484.91	203	230	\$ 135,966.75	\$591.16
BIDDC	101	86	\$38,745.35	138	\$ 56,075.58	\$406.34	851	1,079	\$ 461,336.07	\$427.56
BRIDC	15	18	\$9,913.78	22	\$ 12,922.64	\$587.39	139	224	\$ 113,331.70	\$505.95
CALDC	20	24	\$10,823.25	21	\$ 8,994.92	\$428.33	133	184	\$ 84,325.68	\$458.29
CARDC	24	28	\$14,084.88	23	\$ 11,969.74	\$520.42	137	258	\$ 119,254.43	\$462.23
CARSC	47	40	\$12,419.98	49	\$ 23,986.10	\$489.51	321	358	\$ 178,306.52	\$498.06
DOVDC	2	4	\$1,336.50	46	\$ 10,183.95	\$221.39	78	196	\$ 56,074.96	\$286.10
DOVSC	0	1	\$198.00	1	\$ 198.00	\$198.00	4	7	\$ 1,103.00	\$157.57
ELLDC	16	38	\$18,467.22	35	\$ 13,168.11	\$376.23	162	345	\$ 177,033.53	\$513.14
ELLSC	2	8	\$4,185.57	13	\$ 5,760.57	\$443.12	31	67	\$ 32,543.42	\$485.72
FARDC	7	32	\$13,282.06	14	\$ 8,814.44	\$629.60	67	130	\$ 71,472.17	\$549.79
FARSC	0	2	\$393.14	2	\$ 275.00	\$137.50	14	35	\$ 18,393.29	\$525.52
FORDC	8	16	\$8,012.84	13	\$ 3,520.00	\$270.77	79	94	\$ 48,360.77	\$514.48
HOUDC	45	38	\$14,126.18	62	\$ 21,570.70	\$347.91	382	452	\$ 150,380.64	\$332.70
HOUSC	18	17	\$7,973.25	26	\$ 15,378.92	\$591.50	142	172	\$ 111,717.87	\$649.52
LEWDC	95	145	\$63,927.81	224	\$ 103,768.88	\$463.25	1,332	1,529	\$ 601,304.15	\$393.27
LINDC	11	12	\$5,386.40	17	\$ 6,286.83	\$369.81	147	168	\$ 63,641.82	\$378.82
MACDC	19	34	\$15,858.10	34	\$ 7,252.85	\$213.32	255	308	\$ 101,019.70	\$327.99
MACSC	7	8	\$4,769.51	21	\$ 11,408.27	\$543.25	126	149	\$ 69,098.79	\$463.75
MADDC	3	2	\$497.86	2	\$ 573.54	\$286.77	15	12	\$ 4,903.56	\$408.63
MILDC	0	0		0			8	16	\$ 4,082.82	\$255.18
NEWDC	14	20	\$7,083.26	31	\$ 8,732.01	\$281.68	217	286	\$ 90,294.56	\$315.72
PORDC	84	115	\$48,376.41	128	\$ 59,846.30	\$467.55	906	1,275	\$ 571,012.96	\$447.85
PORSC	1	2	\$386.50	6	\$ 952.50	\$158.75	34	43	\$ 32,013.18	\$744.49
PREDC	47	30	\$12,247.25	50	\$ 21,214.56	\$424.29	273	405	\$ 149,611.47	\$369.41
ROCD	30	38	\$14,359.02	48	\$ 14,984.39	\$312.17	433	524	\$ 187,834.75	\$358.46
ROCSC	14	25	\$12,234.99	34	\$ 12,659.00	\$372.32	262	302	\$ 159,870.89	\$529.37
RUMDC	11	31	\$15,988.51	11	\$ 7,792.17	\$708.38	127	150	\$ 76,511.41	\$510.08
SKODC	25	53	\$22,718.70	47	\$ 27,243.13	\$579.64	150	388	\$ 174,830.02	\$450.59
SKOSC	2	1	\$137.50	0			5	7	\$ 2,871.50	\$410.21
SOUDC	41	34	\$10,037.63	42	\$ 7,548.25	\$179.72	289	338	\$ 106,365.51	\$314.69
SOUSC	35	36	\$31,800.24	41	\$ 18,665.44	\$455.25	377	415	\$ 205,536.34	\$495.27
SPRDC	70	53	\$26,269.46	64	\$ 29,455.82	\$460.25	591	647	\$ 291,574.46	\$450.66
Law Ct	18	24	\$35,223.04	12	\$ 15,361.05	\$1,280.09	96	85	\$ 120,591.07	\$1,418.72
KENCD	46	17	\$3,709.20	1	\$ 178.75	\$178.75	49	1	\$ 178.75	\$178.75
PENCD	198	171	\$97,954.62	236	\$ 116,891.37	\$495.30	1,774	1,887	\$ 898,358.27	\$476.08
SAGCD	31	40	\$17,460.39	37	\$ 32,040.06	\$865.95	242	227	\$ 140,936.17	\$620.86
WALCD	23	1	\$123.75	0			23	0		
PISCD	22	14	\$6,591.00	20	\$ 6,841.64	\$342.08	160	142	\$ 32,055.84	\$225.75
HANCD	45	52	\$22,176.50	52	\$ 23,326.50	\$448.59	411	357	\$ 134,607.64	\$377.05
FRACD	57	87	\$32,383.12	91	\$ 36,641.21	\$402.65	529	483	\$ 172,881.88	\$357.93
CUMCD	335	343	\$166,045.31	468	\$ 214,798.25	\$458.97	3,079	3,048	\$ 1,560,042.16	\$511.82
KNOCD	21	6	\$1,278.42	1	\$ 227.26	\$227.26	21	1	\$ 227.26	\$227.26
SOMCD	3	1	\$5.50	5	\$ 5,620.50	\$1,124.10	7	10	\$ 10,748.80	\$1,074.88
LINCD	16	4	\$648.56	0			16	0		
WATDC	23	44	\$14,802.42	62	\$ 22,124.99	\$356.85	431	577	\$ 197,032.21	\$341.48
WESDC	35	46	\$15,813.90	47	\$ 15,879.20	\$337.86	286	337	\$ 108,819.39	\$322.91
WISDC	19	40	\$12,050.00	30	\$ 7,608.30	\$253.61	271	278	\$ 77,058.68	\$277.19
WISSC	10	49	\$20,446.60	35	\$ 13,419.02	\$383.40	229	237	\$ 105,177.26	\$443.79
YORDC	28	18	\$5,653.32	27	\$ 8,826.72	\$326.92	174	187	\$ 71,650.46	\$383.16
<b>TOTAL</b>	<b>2,228</b>	<b>2,674</b>	<b>\$1,281,530.27</b>	<b>3,300</b>	<b>\$ 1,536,923.74</b>	<b>\$465.73</b>	<b>21,196</b>	<b>25,118</b>	<b>\$11,776,488.82</b>	<b>\$468.85</b>

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

**Number of Attorneys Rostered by Court**

**04/30/2015**

<b>Court</b>	<b>Rostered Attorneys</b>	<b>Court</b>	<b>Rostered Attorneys</b>
Alfred Superior Court	117	Portland District Court	158
Auburn Superior Court	116	Presque Isle District Court	13
Augusta District Court	100	Rockland District Court	50
Augusta Superior Court	95	Rumford District Court	27
Bangor District Court	61	Skowhegan District Court	32
Belfast District Court	49	South Paris District Court	69
Biddeford District Court	139	South Paris Superior Court	66
Bridgton District Court	105	Springvale District Court	124
Calais District Court	13	Unified Criminal Docket Augusta	91
Caribou District Court	17	Unified Criminal Docket Bangor	62
Caribou Superior Court	20	Unified Criminal Docket Bath	90
Dover-Foxcroft District Court	29	Unified Criminal Docket Belfast	41
Ellsworth District Court	45	Unified Criminal Docket Dover Foxcroft	26
Farmington District Court	27	Unified Criminal Docket Ellsworth	40
Fort Kent District Court	9	Unified Criminal Docket Farmington	28
Houlton District Court	16	Unified Criminal Docket Portland	150
Houlton Superior Court	18	Unified Criminal Docket Rockland	42
Lewiston District Court	142	Unified Criminal Docket Skowhegan	21
Lincoln District Court	32	Unified Criminal Docket Wiscasset	71
Machias District Court	18	Waterville District Court	58
Machias Superior Court	14	West Bath District Court	111
Madawaska District Court	10	Wiscasset District Court	79
Millinocket District Court	23	York District Court	114
Newport District Court	42		

**(3.)  
Budget & Legislative  
Update**

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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**TO:** MCILS COMMISSIONERS  
**FROM:** JOHN D. PELLETIER, EXECUTIVE DIRECTOR  
**CC:** ELLIE BROGAN, DEPUTY EXECUTIVE DIRECTOR  
**SUBJECT:** BUDGET AND LEGISLATIVE UPDATE  
**DATE:** MAY 7, 2015

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The bill containing \$1.7 million in supplemental funding for MCILS became law without the governor's signature on April 12, 2015. That money is now in our budget and will cover all of our expected costs for the current fiscal year. Our biennial budget request remains before the Appropriations Committee and no final action has been taken on our proposal.

The Judiciary Committee held a public hearing on our three major substantive rules, as well as a bill proposing a minor change to our confidentiality statute, prior to the April Commission meeting. To date, no work session on these proposals has been scheduled.

On April 14, 2015, Chair Carey and I were briefed on a working draft of a "public defender" bill being crafted by the Office of Policy and Management. We were told that the draft would be further refined and submitted to the Revisor's Office for printing in LD form. To date, no LD has emerged, and we have not been informed regarding any further changes to the draft.

**(4.)**  
**Response to Solicitation of**  
**“Concept” Proposals**

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**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**

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**TO:** MCILS COMMISSIONERS  
**FROM:** JOHN D. PELLETIER, EXECUTIVE DIRECTOR  
**CC:** ELLIE BROGAN, DEPUTY EXECUTIVE DIRECTOR  
**SUBJECT:** RESPONSES TO REQUEST FOR CONCEPT PROPOSALS  
**DATE:** May 7, 2015

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We received 22 responses to our email to rostered attorneys seeking input on the concept of expanding the use of contracts to deliver indigent legal services. I tallied 4 responses in favor of the concept, with a couple of the responders indicating that they would be interested in applying for a contract. There were 11 responses that I categorized as opposing the concept and 8 responses addressing the both pros and cons in a thoughtful manner.

Copies of the responses are included in your packet.

## Brogan, Ellie

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**From:** Pelletier, John  
**Sent:** Monday, May 04, 2015 11:09 AM  
**To:** Brogan, Ellie  
**Subject:** FW: Input on indigent defense contracts

**From:** Nicole Bissonnette [<mailto:nicole@chesterandvestal.com>]  
**Sent:** Monday, May 04, 2015 9:32 AM  
**To:** Pelletier, John  
**Subject:** Input on indigent defense contracts

Good Morning John -

I saw your email requesting feedback on the potential for contracts for indigent defense. I think it would be a great idea. I had to stop performing court-appointed work because I could not survive on it and its unpredictable pay periods. Having a contract would ensure regular pay for those who get the contracts, which will allow them to focus more on the cases.

That said, my biggest concern about the contracts is cost v. quality. If you are solely looking for the lowest cost, I worry that the people we are sworn to defend will not have adequate counsel. For example, my understanding is that there are lawyers who *average* 4 hours on a juvenile case. That level is - quite frankly - bordering on malpractice, in my opinion. Given how long the court waits are alone, I cannot even fathom how someone could review evidence, explain the evidence and review the juvenile's rights with them in that amount of time. Some of these cases are resolved so quickly - potentially so they can be billed sooner - that the long-term consequences to the juvenile are not even considered. If you have people doing the work that are not truly committed to the work, the system will break down.

I would hope that however the RFPs are structured, they do account for quality of representation and expertise.

Thank you for reading my feedback. I hope you are well.

Sincerely,

Nicole R. Bissonnette, Esq.

Note: I am no longer at Chester & Vestal, but do have access to my email here for a short while longer.

## Brogan, Ellie

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**From:** James T. Lawley <jlawley@lipmankatz.com>  
**Sent:** Thursday, April 30, 2015 10:14 AM  
**To:** MCILS  
**Subject:** RE: We'd Like Your Input

John

I wanted to follow up on this email I sent you a couple of weeks ago.

I've been talking actually with mainly DA's - they're getting frustrated about all the Brady motions they're now getting (which has to be a good thing, they need to produce more than they do), but one thing they all seem to agree on is that having either a contract set-up or a local "committee" of experienced defense attorneys who can coordinate a little more the local practices would be a positive step. Now, what the DAs would prefer is not necessarily what is the best for criminal justice, but it's worth noting. The general idea is to have some semi-organized entity with which they can discuss general issues in the local criminal practice.

As an example, one referenced an event in another county where the defense bar was able to approach the DA en mass about a certain legal issue; the two sides discussed it and ultimately were not able to agree, so in essence they found a case which squarely presented the issue, litigated it and got an answer from the court.

From a systemic point of view, I think it is worth having some mechanism whereby important legal issues can be identified and prepared in such a manner that bad law is not created. Indeed, this recent Brady whirlwind has equal potential of either opening up the DAs' files, or of getting a bad precedential ruling. Some kind of semi-centralized system could in theory identify important legal issues, the case in which they are squarely presented, and an attorney who can well litigate the issue.

These are just thoughts, so feel free to disregard as you see fit, but I figured I'd send them along.

James

Attorney at Law  
Lipman & Katz, P.A.  
Post Office Box 1051  
227 Water Street, 2nd Floor  
Augusta, Maine 04332-1051  
jlawley@lipmankatz.com  
207-622-3711 or 1-800-660-3713  
www.lipmankatz.com

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-----Original Message-----

**From:** James T. Lawley  
**Sent:** Friday, April 17, 2015 9:03 AM  
**To:** 'mcils@maine.gov'

Subject: RE: We'd Like Your Input

John

I've been thinking about this since you asked me at the conference. It seems like there are three basic options for indigent defense: public defender, contract, MCILS-like.

From experience, I found the KY state-wide, very unified public defender system to be excellent. It provides uniform standards across the service area, covering hiring and training, and is generally very cost-effective, at least compared to a contract system (if I recall correctly what happened in KY in 08-09). But, for the reasons we talked about, I don't think it would work for Maine; the disparity in population spread would likely make a central system unworkable for many reasons. The other PD alternative would be county-based PDs, similar to Alabama (Montgomery, Mobile and Birmingham at least). But I think the same problems would exist - Cumberland and Penobscot, maybe Kennebec, could support an office, but by centralizing you lose the coverage to the extremes of the counties.

I've not had a lot of experience with the contract system, except when I've take a conflict case in Skowhegan, and when I've reviewed capital cases in AL with contract attorneys. From seeing the Skowhegan system, I think you avoid a lot of the problems a more centralized PD system would present (you can have a more dispersed group of attorneys handling their own budgets, which should increase the coverage and control costs), but you also theoretically get a lot of the benefits of the PD system - a more unified set of standards, plus a deeper relationship with the DAs and the court. Handled correctly, that is a great advantage. The Alabama system allowed counties to pick what system they want, so they would manage their own contracts; I think that raises a real problem of formalizing a conveyor-belt system of justice, wherein the contract attorneys, the DAs and the courts become (unintentionally) drawn into a symbiotic relationship. I think having MCILS manage the contracts minimizes that risk, and allows for a more centralized set of standards (again, for "hiring" and for training).

The other system is the one we have now. It has a lot of benefits - you get a very diverse spread of attorneys with a lot of different skill-sets, and it allows for very experienced attorneys with a diverse practice to still offer their experience to indigent defendants. If that continues, I think it's a real positive. You do get some closeness with the DAs and the Court, but that is more individualized so I don't think is a system-wide risk. Also, the way MCILS standards are, there is less of a chance of a new attorney dabbling in criminal law getting stuck with a big case they can't handle. I think the downside is the reduced centralization of training and, perhaps more significantly, policy. MCILS does a great job holding trainings (and the ones I have been to have been great) but this system is the weakest for developing unified litigation strategies. As an example, I think the ME DAs are very poor on meeting their Brady obligations. Not intentionally, I just think through accretion the system has progressively limited what they believe they need to produce. The problem I've found is that there is very little support if you try to push an issue like that. The DA's office pushes back in surprise, the court hasn't dealt with it, and other defense attorneys look on in surprise. A PD, or even a contract system, would allow the defense bar to be a lot more unified in pushing these kind of general legal issues. There were a lot of eyes opened at the last training, and I think it has inspired many people to try and push the issue, but it will take a concerted and unified effort to persuade the courts, and I suspect many people will back off because of the lack of a cohesive and unified push from all the defense bar.

In all, I don't know that there is a massive difference between the standard MCILS system and the contract system in terms of quality of representation. I do think a contract system needs to be managed from afar, outside the local county administration. And I think it would be helpful for either system to try and create a more unified defense bar. Thinking off the top of my head, at least with the standard MCILS system, could you have a county committee made up of local defense counsel, who work on unifying that county's practices? Akin to a county bar association, but which is just for MCILS attorneys and which addresses local issues such as developing a unified approach to Brady issues, or providing a central voice to discuss with the Court and/or the DA? Maybe that set-up works better with a contract system?

Anyway, I don't know if any of this is helpful. But I thought I'd offer some thoughts.

James

Attorney at Law  
Lipman & Katz, P.A.  
Post Office Box 1051  
227 Water Street, 2nd Floor  
Augusta, Maine 04332-1051  
jlawley@lipmankatz.com  
207-622-3711 or 1-800-660-3713  
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-----Original Message-----

From: mcils@maine.gov [mailto:mcils@maine.gov]  
Sent: Thursday, April 16, 2015 3:49 PM  
To: James T. Lawley  
Subject: We'd Like Your Input

Attorneys:

The Commission has been discussing whether to expand the use of contracts with attorneys, law firms, or groups of attorneys and/or law firms as a means for delivering indigent legal services. The Commission is seeking feedback as to whether expansion of the contract model makes sense for Maine, and if so, whether there is interest amongst attorneys in submitting proposals for such arrangements.

This is not a formal "Request for Proposals (RFP)," and no decision has been made whether to issue a formal RFP. The Commission is hoping for feedback that will inform any decision on whether to issue an RFP, and if so, what criteria to include in an RFP. As any RFP would be price competitive, the Commission is not looking for detailed cost information, but rather, a conceptual description of the nature of arrangement(s) responders might have interest in proposing. Finally, the Commission would also be interested in comment from attorneys who do not believe that the use of contracts should be expanded.

Please forward any comments to Executive Director John Pelletier, john.pelletier@maine.gov, or Deputy Director Ellie Brogan, ellie.brogan@maine.gov."

Thanks. John

## **Brogan, Ellie**

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**From:** John Zink <zinklaw@me.com>  
**Sent:** Wednesday, April 29, 2015 9:26 AM  
**To:** Pelletier, John; Brogan, Ellie  
**Subject:** Comment on Contract Attorney Representation

Dear John and Ellie:

In response to your April 16th request for comments on the proposal for the expansion of the use of Contract Attorneys as criminal defense attorneys for indigent criminal defendants, please allow this to serve as my comment. It is my understanding that the hiring of criminal defense attorneys on a contract basis may already be in use, and that contract attorneys may be a sensible solution in jurisdictions where there are few criminal defense attorneys available.

In the jurisdictions in which I practice, being Cumberland, York, and Sagadahoc/Bath areas, I think there is a sufficient number of criminal defense attorneys actively engaged in practice from which the Court may appoint defense counsel. As such, I do not think that the contract system is necessary in order to meet the need for defense counsel in those jurisdictions.

I think that the contract system would restrict the number of attorneys doing criminal defense representation to a small group of attorneys, and that these attorneys would be working as “associates”, sub-contractors, or employees of a small firm or single attorney. Such a restriction in the number of practicing defense attorneys would most likely have the effect of limiting the experience of the defense attorney as the “associations” or firms would be seeking the most “economical” labor pool. (While not directly similar, I note that the change in the Federal CJA appointment panel to a smaller number of attorneys has resulted in many criminal defense counsel no longer available/able to be appointed in federal cases.)

Such a contract system also raises the question of who is responsible for the individual case, an individual attorney or the “association” or firm? Of course, this is already an issue in Cumberland and York courts, where an attorney in a firm or “association” is individually appointed, and the case is handled by another attorney out of that office.

My primary concern is that in going to a contract system, attorneys would have to be in “associations” or law firms in order to realistically bid or compete for the service contract. Individual defense attorneys would effectively be excluded. In addition, “associations” or law firms will shift the focus of representation from legal services to the individual defendant to pleasing the contract agency. This shift would be both at the “bidding” stage and for the purposes of renewal. There is already a great deal of discussion within the defense bar that the reform to create the Unified Criminal Docket system is a means of “streamlining” the criminal justice system to get more and faster guilty pleas and faster “processing” of criminal cases. The contract system would pressure contract defense attorneys to assure efficient “processing” of cases in order to keep service contracts and to reduce costs. Again, not exactly similar, but we see the DHHS contracting with private social service agencies based on cost effectiveness rather than long-term results.

I managed a legal services agency (Legal Aid Society) for several years. My experience was that we were constantly under economic pressure to handle more cases at less cost, and political pressure in the positions that may be taken before the courts. I suspect that these pressures would develop in the area of criminal defense.

I understand the concerns about the rising costs for criminal defense, despite the fact that the State pays an hourly rate which our Chief Justice has noted is at least 1/3rd the going “market rate” for legal services. While the provision of effective legal representation is a Constitutional mandate, this fact is often lost on our political leaders. Rather than taking action that might reduce the availability of effective representation, perhaps our judicial and political leadership could be persuaded to reduce the instances where such representation is required by de-criminalizing lower level, non-violent offenses, and by not making mandatory sentences?

John F. Zink  
Attorney At Law  
28 Marshview Drive  
Freeport, Maine 04032  
(207) 865-6611  
[zinklaw@mac.com](mailto:zinklaw@mac.com)  
[zinklaw@me.com](mailto:zinklaw@me.com)

## Brogan, Ellie

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**From:** Ellie Brogan <elliebrogan@gmail.com>  
**Sent:** Wednesday, April 29, 2015 8:26 AM  
**To:** Brogan, Ellie  
**Subject:** Fwd: FW: Use of contracts

----- Forwarded message -----

**From:** "Pelletier, John" <[John.Pelletier@maine.gov](mailto:John.Pelletier@maine.gov)>  
**Date:** Apr 29, 2015 8:08 AM  
**Subject:** FW: Use of contracts  
**To:** "Ellie ([elliebrogan@gmail.com](mailto:elliebrogan@gmail.com))" <[elliebrogan@gmail.com](mailto:elliebrogan@gmail.com)>  
**Cc:**

---

**From:** Jim Hewes [<mailto:jhewes@maine.rr.com>]  
**Sent:** Tuesday, April 28, 2015 8:53 PM  
**To:** Pelletier, John  
**Subject:** Use of contracts

Dear John,

I oppose the use of contracts and the implementation of a public defender or "quasi public defender system.

The system in place now works well. We lawyers are paid; we get resources for the occasional professional or expert witness; and MCILS puts on good CLEs. The lawyers I see doing this work are competent, conscientious and do an excellent job representing their clients. For decades, doing court appointed work has been a good way for new lawyers to get trial experience and otherwise establish themselves when they can't or don't want to hook up with the big firms; this helps raise the quality of legal talent in our small state.

Our clients get better service and representation when there are many lawyers handling smaller caseloads, rather than a more centralized system of a smaller number of lawyers handling a bigger caseload. With all due respect to public defenders, they are often overworked and overwhelmed by cases and their offices can resemble a puppy mill. Whereas under our current system of private lawyers, no client is a number.

Some people seem to be in search of a solution for a non-existent problem; attempting to fix a well run system that does not need fixing. Implementation of a contract system or public defender will only benefit a few

lawyers. If such a system is implemented, it is, in a sense, collective suicide for many lawyers. Maine is a state made up of small or solo law practices. For many of us, court appointments make up a significant part of our law practice. Some lawyers think they will benefit, but only at the expense of others. Many lawyers will get fewer clients and may have to go out of business. I thought the Lepage administration supported small business.

Respectfully,

Jim Hewes

## Brogan, Ellie

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**From:** Pelletier, John  
**Sent:** Monday, April 27, 2015 9:43 AM  
**To:** Brogan, Ellie  
**Subject:** FW: MCILS Contracting with Attorneys

-----Original Message-----

**From:** [jablaw@maine.rr.com](mailto:jablaw@maine.rr.com) [<mailto:jablaw@maine.rr.com>]  
**Sent:** Friday, April 24, 2015 3:12 PM  
**To:** Pelletier, John  
**Subject:** MCILS Contracting with Attorneys

John~

As a solo practitioner, I have strong concerns regarding the proposal to contract with attorneys and firms for indigent legal services. I have been practicing law since 2003, initially as a member of a law firm, and since 2009 as a solo practitioner. I have a general practice in which I accept court appointments, primarily in York County, for the following cases: criminal, juvenile, child protection and mental health. I am concerned that if contracts are awarded to attorneys and/or firms, it will in effect shut down my practice and the practice of most other solo practitioners.

While there might be some benefits to our clients to be represented by an individual in a large firm (coverage by another attorney when the assigned attorney is unavailable, rather than continuing cases) there is also an observed detriment to those clients. Working here in York County for the past 10+ years, it is a common complaint that those individuals who are represented by an attorney in a firm rather than a sole practitioner never know which attorney will be showing up for their meeting or court date that day. Some of those individuals have never met with or spoken with their assigned attorney and have a different attorney with them for each court appearance. Is this really the best representation that can be afforded to these individuals? And will this become a larger problem if the commission makes this transition?

While this current system is not perfect, I do believe that it serves our clients well. Thank you for reaching out to us for our comments or concerns.

Sincerely~

Julie-Anne Blanchard  
The Law Office of Julie-Anne Blanchard, LLC P.O. Box 528 Biddeford, ME 04005  
Tel.: (207)615-2101  
e-mail: [jablaw@maine.rr.com](mailto:jablaw@maine.rr.com)

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## Brogan, Ellie

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**From:** Pelletier, John  
**Sent:** Monday, April 27, 2015 9:29 AM  
**To:** Brogan, Ellie  
**Subject:** FW: mcils contract attorneys

-----Original Message-----

**From:** Sherry Tash [<mailto:HHainke@roadrunner.com>]  
**Sent:** Thursday, April 23, 2015 1:52 PM  
**To:** Pelletier, John  
**Subject:** mcils contract attorneys

john,

without understanding how a contract model would actually work, i can only comment briefly.

i wouldn't submit a proposal nor would hank. we both enjoy working for ourselves & that we don't have any commitment for any future obligations. neither of us wish to have to answer to a group, firm, etc. we like being able to have some control over what kinds of cases we take & when & where & how we want to work, etc. all of these things would either go away or be much less in a contract situation. we couldn't say we're too busy or overwhelmed so can't take this new case & so we'd be just pushing/slogging through going through the steps giving cases we really need to spend time on less time b/c we have to take X # of cases.

also, i feel that the quality of services could go down as i sense it would be more like a factory or mill than anything else which to me by definition means less quality work. also i love what i do & i don't want to do factory work. i also tend to think there would be more attorney burn-out b/c by definition with a contract less attorneys would be involved & so fewer attorneys to handle the large caseload would have to cause burn-out & also just being jaded by the work which is likely a dangerous situation for our clients.

sherry

--

Sherry Tash, Esquire  
Hainke & Tash  
P. O. Box 192  
Whitefield, ME 04353  
(207) 549-7704

## Brogan, Ellie

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**From:** Woody Hanstein <whanstein@gwi.net>  
**Sent:** Thursday, April 23, 2015 8:21 AM  
**To:** john.pellitier@maine.gov; Brogan, Ellie  
**Subject:** public defender's projects

Hello John and Ellie,

I thought I would write you to briefly share my thoughts about the one-year public defenders project that Kevin Joyce and I ran about 6-7 years ago in Farmington. We were the only bidders and got the contract for 5% more than the courts had paid previously for the defense of all criminal and juvenile cases (taken from an average of the past three years). We did 80% of the work and paid lawyers in both Andro and Oxford counties 10% each to deal with conflicts. On the whole, I know the clients got the same good representation that Kevin and I did under the normal ct appt system. If you have good conscientious lawyers that hopefully aren't going to take shortcuts because they are no longer being paid by the hour then I don't see why quality should suffer. We luckily never had the problem of a 4-defendant murder case or a 25-defendant drug bust that needed lawyers outside our small collection, but that could have been a major issue obviously. I would be happy to speak with either of you about the day-to-day workings of our project, but it really wasn't any different than it had been under the ct appt system.

The two biggest takeaways for me are more related to policy than law. First, a project like ours is MUCH more cost effective. Go to any court on a calendar call or motion day -- even a small one like Farmington -- and you will see a dozen lawyers the state is paying to sit around, often for the entire morning, to sometimes do one or two cases. In Auburn it is more like two dozen lawyers. If you are only concerned with delivering the most legal services to the most people for the least amount of money (at no real reduction in quality if you have conscientious lawyers) then I think the project model has to be advantageous. Balanced against that is that far fewer new lawyers (and some older ones) will get a chance to do trial work and begin or maintain legal careers outside of established firms. This is no small thing and I am not sure where I come out on the debate, but it seems to me that is the essential issue you need to wrestle with.

I know this isn't much help, but feel free to call if either of you have any questions about our project worked day-to-day.

Cheers,  
Woody

## **Brogan, Ellie**

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**From:** Pelletier, John  
**Sent:** Monday, April 27, 2015 9:11 AM  
**To:** Brogan, Ellie  
**Subject:** FW: comments on possible contracts proposal

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**From:** Zachary Smith [<mailto:zacharysmith@mccuelawoffice.com>]  
**Sent:** Tuesday, April 21, 2015 5:45 PM  
**To:** Pelletier, John  
**Subject:** comments on possible contracts proposal

Mr. Pelletier:

I think it may be premature to state whether I'd oppose or support a contract model for indigent legal services, unless I knew a little more about what the Commission had in mind. Currently, court-appointed work is one of the few ways that newer Maine attorneys and sole practitioners (who lack some of the resources of more experienced attorneys or decent-sized firms) can rely on as a source of clients. So, I would be wary if any model were proposed that threatened to put newer attorneys or sole practitioners at a further competitive disadvantage. Again, it is hard to tell what the Commission has in mind. Thanks for your time.

## Brogan, Ellie

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**From:** Pelletier, John  
**Sent:** Monday, April 27, 2015 8:29 AM  
**To:** Brogan, Ellie  
**Subject:** FW:  
**Attachments:** Pelletier -comments on contract system.docx

**From:** [billbagvas@aol.com](mailto:billbagvas@aol.com) [mailto:[billbagvas@aol.com](mailto:billbagvas@aol.com)]  
**Sent:** Friday, April 17, 2015 10:27 AM  
**To:** Pelletier, John  
**Subject:**

John,

Hre are some thoughts I have about adopting a contract system in place of our current one. Hope they are of some use.

Bill Baghdoyan

**WILLIAM BAGHDOYAN ATTORNEY-AT-LAW  
72 WINTHROP ST. SUITE 2  
AUGUSTA, MAINE 04330**

April 16, 2015

John Pelletier, Esq.  
Executive Director  
M.C.I.L.S.  
154 State House Station  
Augusta, Maine 04333

Dear John,

I have just reviewed your e-mail regarding the Commission's desire for comments on the possibility of expanding the contract system of indigent defense that has operated in Somerset County for over 20 years. I have a number of thoughts, and I am afraid that none of them are favorable to the idea.

1. The idea of putting the work out to a lowest bid contractor will discourage quality of representation by tending to put younger, less experienced attorneys ( who will work cheaper) in the place of many experienced attorneys who if they didn't get the bid would be cut out of defense work.
2. There is also a serious financial disincentive to taking cases to trial with this system. When you are no longer paid by the hour, the unavoidable financial pressure will be to take care of as many cases as possible by plea bargaining as quickly as possible. This will not always be in the best interest of the client. Even if a client is clearly guilty and a trial is not anticipated, it is often to the client's advantage not to move the case forward quickly, as the State's case frequently falls apart as time goes by. Under this system, the lawyer will always have a conflict in the background between what is in the client's best interest and what is in the best financial interest of the lawyer.
3. In counties where there are numerous attorneys who do indigent defense work, there may be cut-throat competition to get the contract. Though this might help the State's bottom line budget, it will not be conducive to good representation. The tendency will be to cut corners and have the fewest possible number of lawyers in the contracting group. This will lead to higher caseloads and an incentive to avoid trials and other testimonial hearings. The Somerset County project has worked fairly well because there have been so few lawyers who wanted the work in recent years. But I remember the

battles among groups of attorneys back when the program started there. A number of competent attorneys who had done indigent defense work for years were cut out, and I did not see any improvement in the quality of defense work. In reviewing the roster of attorneys approved in Kennebec County, I count 33 who frequently appear in court. Under a contract system 15 -20 of these people would be gone, thus reducing diversity and overall experience among the attorneys.

4. Even if a contract system is implemented, the Commission will still have to appoint outside attorneys for conflict cases. Just today I got a call from the court in Somerset County asking me to accept appointment to a Post Conviction Review on a murder case, because all of the project lawyers had a conflict. Also, even with all of the lawyers we have on the roster in Kennebec, there was a large drug bust in December 2013 with 10 defendants, and one defendant has stayed in jail for over a year trying to get a lawyer, because every time a new one was appointed, he or she had to withdraw because of a conflict. With a limited number of defense attorneys available when a group obtained a contract, conflict situations would be much more frequent.  
Also, would a contract system require the contractor to do civil commitment cases as well as child protective custody cases? If not, you would still need to appoint individual lawyers for those.
5. Unless some provision was made in a contract for additional payments above the contract amount in a situation where an unexpectedly large number of serious trials (i.e. murders, vehicle manslaughters, child sex offenses) occurred in a particular district in a single year, the contractor could be at serious financial risk, and the system of indigent defense in that district could fail.

In conclusion, I believe that our current system is working fine; the only real problem is that the State doesn't want to fund it adequately or give the attorneys an adequate hourly rate. I think that the only better way to provide indigent legal services would be to have a well established and fully funded Public Defender System. But such a system would cost far more than what we are currently spending on the court-appointed system, and I doubt that the State would ever come up with a truly adequate budget for a Public Defender's Office.

However, both the current system and a Public Defender's Office eliminate the problem posed by a contract system, where there would be financial incentive to process as many cases as quickly as possible and to avoid trials.

Thanks for the opportunity to set forth these thoughts.

Sincerely,

William Baghdoyan

## **Brogan, Ellie**

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**From:** David Paris <dparislaw@gmail.com>  
**Sent:** Sunday, April 26, 2015 8:31 AM  
**To:** MCILS; Pelletier, John; Brogan, Ellie  
**Subject:** MCILS Contracts

The expansion of contracts in some instances would be cost saving and expeditious and improve the delivery of indigent legal services. It should be based upon, in my view, geographical fixtures, namely judicial districts. where there is familiarity between the Courts, Judges and attorney's delivering the services. Local services delivered by local lawyers. LOD programs should be consolidated by a very few number of attorneys who would be committed for the year. The time spent on LOD assignments and number of assignments are both a given and predictable throughout the year. There should be two attorney's assigned for each LOD assignment. Costs in any contract situation should not be traded for experience or dedication. This suggestion applies also to JV LOD assignments. The Commission should also look to the local Judges' for references regarding attorney performances in those instances.

Another area where contracts might be administered is in DHHS child protective cases along the same perimeters are mentioned above. There are fast statistics in these areas about the average number of cases per year in each judicial district and experienced counsel can handle these matters professionally, expeditiously and with dedication to delivery of excellent legal services. Experience in these matters are important due to the complexities and that needs to be a primary consideration.

Mental health 34-B cases and emancipation issues would fall under the same methodology.

Both of the above would also not disturb the independence of the sole practitioner. There are many throughout the State, including myself, who have prided themselves on independence and choosing a career path that includes to a great extent representing indigent persons.

Providing services on the 'cheap' instead of seeking improvements as a starting point would be a disservice to the public. In other words, a bidding war would result in an anticipated consequence of inadequate legal services.

The above recommendations would not apply to criminal indigent cases. That area presents different challenges. My belief is that to begin, the above should be implemented and its success or non success could dictate how criminal matters are handled for the future.

David Paris, Esq.

## Brogan, Ellie

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**From:** lclaw@myfairpoint.net  
**Sent:** Tuesday, April 21, 2015 11:36 AM  
**To:** Brogan, Ellie  
**Cc:** barbara@lclaw.me

Hi, Ellie,

It is difficult to comment on the need for use of a contract system for indigent legal services without understanding the basis for the discussions the Commission has been having, which discussions were mentioned in John Pelletier's email. One of the strengths of the MCILS system in Maine as we see it is that it includes a broad participation of attorneys with diverse life experiences, many of whom do not choose to work in a "large" firm environment. We are guessing that it might be bigger law firms that might choose to bid for MCILS contracts. That seems to us to limit potentially the number and diversity of attorneys in child protective practice. It is unclear whether a contract system would increase or decrease taxpayer expense for indigent legal services or the compensation of court-appointed attorneys in any particular case. We also are concerned that a contract system might reduce the quality of services provided in child protective cases.

Lundgren & Cole attorneys

## **Brogan, Ellie**

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**From:** Karen Mitchell <kjmmitchell@gmail.com>  
**Sent:** Saturday, April 18, 2015 1:38 PM  
**To:** Pelletier, John; Brogan, Ellie  
**Subject:** PC contract

I, for one, am against doing a contract based method of providing attorney services in PC cases. My experience in the Skowhegan area (granted, quite some time ago) in the criminal defense arena, was that it precluded attorneys who only wanted to practice part time in that area. I think that it is difficult enough to have enough experienced attorneys who are willing to practice in the PC arena without limiting those who do not want to take on full case loads. I have been doing this work for over 20 years, and can survive without doing any PC work, but I think it is important that we attorneys with lots of experience still keep our hand in. If we went to contract based services, I would no longer be able to accept PC cases, that would be too bad for everyone.

My 2 cents worth....

Karen JM Mitchell, Esq.  
733 Roosevelt Trail  
Windham, ME 04062

[Karen@KarenMitchellEsq.com](mailto:Karen@KarenMitchellEsq.com)  
[www.KarenMitchellEsq.com](http://www.KarenMitchellEsq.com)  
(207) 858-5270

## Brogan, Ellie

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**From:** Mitchflick@aol.com  
**Sent:** Saturday, April 18, 2015 7:21 AM  
**To:** MCILS  
**Subject:** Re: We'd Like Your Input

John,

I, for one, do not like the idea for several reasons. First, I think it is important to maintain a wide range of attorneys handling these cases to ensure a large pool of qualified attorneys willing to do this difficult work. If these cases are contracted out, many experienced attorneys such as myself will likely no longer be handling cases (not sure as to how this will actually work). On a related note, I think that contracting these cases out may effectively cause a diminution in the quality of services clients will receive. If attorneys are contracting on a competitive basis, it seems there will be an emphasis on quantity over quality. While it may cost more per case to maintain the current system, that system does seem to work well in providing competent effective representation.

Mitch

In a message dated 4/16/2015 3:48:39 P.M. Eastern Daylight Time, [mcils@maine.gov](mailto:mcils@maine.gov) writes:

Attorneys:

The Commission has been discussing whether to expand the use of contracts with attorneys, law firms, or groups of attorneys and/or law firms as a means for delivering indigent legal services. The Commission is seeking feedback as to whether expansion of the contract model makes sense for Maine, and if so, whether there is interest amongst attorneys in submitting proposals for such arrangements.

This is not a formal "Request for Proposals (RFP)," and no decision has been made whether to issue a formal RFP. The Commission is hoping for feedback that will inform any decision on whether to issue an RFP, and if so, what criteria to include in an RFP. As any RFP would be price competitive, the Commission is not looking for detailed cost information, but rather, a conceptual description of the nature of arrangement(s) responders might have interest in proposing. Finally, the Commission would also be interested in comment from attorneys who do not believe that the use of contracts should be expanded.

Please forward any comments to Executive Director John Pelletier, [john.pelletier@maine.gov](mailto:john.pelletier@maine.gov), or Deputy Director Ellie Brogan, [ellie.brogan@maine.gov](mailto:ellie.brogan@maine.gov)."

Thanks. John

**Brogan, Ellie**

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**From:** Jamesa Drake <jamesa\_drake@hotmail.com>  
**Sent:** Friday, April 17, 2015 11:33 PM  
**To:** Pelletier, John; Brogan, Ellie  
**Subject:** RFPs

Hello,

If the Commission solicited RFPs, I'd almost certainly submit one (or more than one) for adult criminal appeals, only; adult criminal appeals and post-conviction relief cases, only; and/or all types of indigent appeals.

For what it's worth, I think that regardless of what happens with the public defender legislation, new ideas about indigent defense delivery, such as RFPs for specialized case types, are worth exploring.

Please let me know if I can be of assistance, or if you'd like more specific information.

Best,  
Jamesa

## Brogan, Ellie

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**From:** Randy Robinson <jurdoc35@hotmail.com>  
**Sent:** Friday, April 17, 2015 11:43 AM  
**To:** MCILS; Brogan, Ellie  
**Subject:** RE: We'd Like Your Input

It seems to me that the current system, while not perfect, is better than a contract situation. Attorneys with a more stable financial footing would be potentially able to "underbid" other attorneys and prevent them from participating in court-appointed services at all. It seems to me that the more attorneys involved, the better. This is particularly true because some attorneys are not on panels, such as murder of sexual offenses, and a shortage could be created for people needing help with those types of offenses.

Randy L. Robinson, Esq.

> From: [mcils@maine.gov](mailto:mcils@maine.gov)  
> To: [jurdoc35@hotmail.com](mailto:jurdoc35@hotmail.com)  
> Subject: We'd Like Your Input  
> Date: Thu, 16 Apr 2015 15:49:27 -0400

> Attorneys:

> The Commission has been discussing whether to expand the use of contracts with attorneys, law firms, or groups of attorneys and/or law firms as a means for delivering indigent legal services. The Commission is seeking feedback as to whether expansion of the contract model makes sense for Maine, and if so, whether there is interest amongst attorneys in submitting proposals for such arrangements.

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> Please forward any comments to Executive Director John Pelletier, [john.pelletier@maine.gov](mailto:john.pelletier@maine.gov), or Deputy Director Ellie Brogan, [ellie.brogan@maine.gov](mailto:ellie.brogan@maine.gov)."

> Thanks. John

>

## Brogan, Ellie

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**From:** maurice <bestdefense@mac.com>  
**Sent:** Friday, April 17, 2015 11:33 AM  
**To:** MCILS  
**Subject:** Re: We'd Like Your Input

Honestly, they think they can do it cheaper than we are doing it now?! NO WAY. There is only one reason for this idea: the hope that it will be cheaper. They are already getting the best bargain in the country. At least a PD's office might offer more oversight and expertise in Crim. Defense; "contracting out" the cases would do neither. In fact, it would be a race to the bottom in terms of adequate representation for the sake of the delusional hope of saving nickels and dimes.

Terrible concept, and some states that have tried it have run into Federal investigations/lawsuits, as well as ACLU action.

Maurice

> On Apr 16, 2015, at 3:48 PM, [mcils@maine.gov](mailto:mcils@maine.gov) wrote:

>

> Attorneys:

>

> The Commission has been discussing whether to expand the use of contracts with attorneys, law firms, or groups of attorneys and/or law firms as a means for delivering indigent legal services. The Commission is seeking feedback as to whether expansion of the contract model makes sense for Maine, and if so, whether there is interest amongst attorneys in submitting proposals for such arrangements.

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>

> Please forward any comments to Executive Director John Pelletier, [john.pelletier@maine.gov](mailto:john.pelletier@maine.gov), or Deputy Director Ellie Brogan, [ellie.brogan@maine.gov](mailto:ellie.brogan@maine.gov)."

>

> Thanks. John

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## Brogan, Ellie

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**From:** Susannah Sprague <[spraguesprague@hotmail.com](mailto:spraguesprague@hotmail.com)>  
**Sent:** Friday, April 17, 2015 8:42 AM  
**To:** MCILS  
**Subject:** RE: We'd Like Your Input

I am aware that some other states use this model. It sounds unnecessarily complicated to me. Is saving money the aim, and is it really going to be a savings?

> From: [mcils@maine.gov](mailto:mcils@maine.gov)

> To: [spraguesprague@hotmail.com](mailto:spraguesprague@hotmail.com)

> Subject: We'd Like Your Input

> Date: Thu, 16 Apr 2015 15:48:58 -0400

>

> Attorneys:

>

> The Commission has been discussing whether to expand the use of contracts with attorneys, law firms, or groups of attorneys and/or law firms as a means for delivering indigent legal services. The Commission is seeking feedback as to whether expansion of the contract model makes sense for Maine, and if so, whether there is interest amongst attorneys in submitting proposals for such arrangements.

>

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>

> Please forward any comments to Executive Director John Pelletier, [john.pelletier@maine.gov](mailto:john.pelletier@maine.gov), or Deputy Director Ellie Brogan, [ellie.brogan@maine.gov](mailto:ellie.brogan@maine.gov)."

>

> Thanks. John

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## Brogan, Ellie

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**From:** Robert A. Bennett, Esq. <[rbennett@andreasen-bennett.com](mailto:rbennett@andreasen-bennett.com)>  
**Sent:** Friday, April 17, 2015 4:46 AM  
**To:** MCILS  
**Subject:** RE: We'd Like Your Input

One of the biggest problems facing me as a Parent's Attorney is the uncertainty/unpredictability of this area of practice as far as workload and payment prediction. The Commission has helped considerably in that I can tell creditors "I should be receive payment on XX/XX/XXXX so I can pay you on YY/YY/YYYY" which I could not do before. However, I have no control over when or whether I get appointed to any cases this month, next month, etc.

In the past, I have figured out the average amount that I receive for a case

- start to finish (PPO to TPR, but not appeal). Therefore it would help me

- and I believe help the Commission - if attorneys were able to contract with the Commission to take a certain number of PC cases from certain courts per year/month for a set amount of money per month or case.

As an example: Both Lewiston and Portland (where I primarily practice) average about 100 new PC cases per year (yielding about 200 appointments per year per court due to those cases averaging 2 parents per case). I would contract with the Commission to take 20 cases per year from each Court at \$2500/case (just throwing a number out at this point, but believe this would be close to a fair number), in exchange the Commission pays me \$100,000 per year at \$8333 per month or just \$2500 when the appointment is made. I expect that a number of other attorneys would be willing to agree to a similar arrangement (either directly or through me) which would give predictability to both the attorneys and the Commission.

Thank you for asking and take care.

Bob Bennett

Law Office of Robert Bennett  
P.O. Box 66836  
Falmouth, Maine 04105  
(207) 878-3933

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-----Original Message-----

**From:** [mcils@maine.gov](mailto:mcils@maine.gov) [<mailto:mcils@maine.gov>]  
**Sent:** Thursday, April 16, 2015 3:49 PM  
**To:** [RBennett@Andreasen-Bennett.com](mailto:RBennett@Andreasen-Bennett.com)  
**Subject:** We'd Like Your Input

Attorneys:

The Commission has been discussing whether to expand the use of contracts with attorneys, law firms, or groups of attorneys and/or law firms as a means for delivering indigent legal services. The Commission is seeking feedback as to whether expansion of the contract model makes sense for Maine, and if so, whether there is interest amongst attorneys in submitting proposals for such arrangements.

## Brogan, Ellie

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**From:** Hunter J. Tzovarras <mainedefender@gmail.com>  
**Sent:** Thursday, April 16, 2015 8:23 PM  
**To:** Pelletier, John; Brogan, Ellie  
**Subject:** Re: We'd Like Your Input

I'd suggest any contract should require the attorney to engage solely in indigent criminal defense, or PC practice, during the term of the contract. This would increase the quality of representation under the contracts as the attorneys would special in this area of law and be committed to indigent defense.

Hunter J. Tzovarras, Esq.  
23 Water Street, Ste 407  
Bangor, Maine 04401  
(207) 735-4570  
[mainedefender@gmail.com](mailto:mainedefender@gmail.com)  
[www.mainedefender.com](http://www.mainedefender.com)

On Apr 16, 2015, at 3:48 PM, <[mcils@maine.gov](mailto:mcils@maine.gov)> <[mcils@maine.gov](mailto:mcils@maine.gov)> wrote:

Attorneys:

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Please forward any comments to Executive Director John Pelletier, [john.pelletier@maine.gov](mailto:john.pelletier@maine.gov), or Deputy Director Ellie Brogan, [ellie.brogan@maine.gov](mailto:ellie.brogan@maine.gov)."

Thanks. John

## Brogan, Ellie

---

**From:** Thomas Berry <tom@berrylaw.net>  
**Sent:** Thursday, April 16, 2015 4:33 PM  
**To:** MCILS  
**Subject:** RE: We'd Like Your Input

I would not be interested in the proposal.

Thank you

Tom

Thomas A. Berry, Esq.

Thomas A. Berry, P.A.  
PO Box 671, 23 Oak St.  
Boothbay Harbor, ME 04538  
Phone: 207-633-4116  
Fax: 207-633-2346  
Email: [tom@berrylaw.net](mailto:tom@berrylaw.net)

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-----Original Message-----

**From:** [mcils@maine.gov](mailto:mcils@maine.gov) [<mailto:mcils@maine.gov>]  
**Sent:** Thursday, April 16, 2015 3:50 PM  
**To:** [tom@berrylaw.net](mailto:tom@berrylaw.net)  
**Subject:** We'd Like Your Input

Attorneys:

The Commission has been discussing whether to expand the use of contracts with attorneys, law firms, or groups of attorneys and/or law firms as a means for delivering indigent legal services. The Commission is seeking feedback as to whether expansion of the contract model makes sense for Maine, and if so, whether there is interest amongst attorneys in submitting proposals for such arrangements.

This is not a formal "Request for Proposals (RFP)," and no decision has been made whether to issue a formal RFP. The Commission is hoping for feedback that will inform any decision on whether to issue an RFP, and if so, what criteria to include in an RFP. As any RFP would be price competitive, the Commission is not looking for detailed cost information, but rather, a conceptual description of the nature of arrangement(s) responders might have interest in proposing. Finally, the Commission would also be interested in comment from attorneys who do not believe that the use of contracts should

## Brogan, Ellie

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**From:** Linda Sparks <sparkslaw@tds.net>  
**Sent:** Thursday, April 16, 2015 4:19 PM  
**To:** MCILS  
**Subject:** RE: We'd Like Your Input

I do not like the idea. As you know Franklin County is a rural area. It seems to me that proposing contracts would benefit the larger firms, who need the work less, and would reduce the work for our new attorneys, who are mostly solo Practitioners. It would also reduce the work for those of us who are cutting back in preparation to retire, but currently need the income.

Linda Sparks

-----Original Message-----

**From:** [mcils@maine.gov](mailto:mcils@maine.gov) [<mailto:mcils@maine.gov>]  
**Sent:** Thursday, April 16, 2015 3:50 PM  
**To:** [sparkslaw@tds.net](mailto:sparkslaw@tds.net)  
**Subject:** We'd Like Your Input

Attorneys:

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Please forward any comments to Executive Director John Pelletier, [john.pelletier@maine.gov](mailto:john.pelletier@maine.gov), or Deputy Director Ellie Brogan, [ellie.brogan@maine.gov](mailto:ellie.brogan@maine.gov)."

Thanks. John

## Brogan, Ellie

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**From:** Jeffrey C. Toothaker <jefftooth2000@yahoo.com>  
**Sent:** Thursday, April 16, 2015 3:54 PM  
**To:** MCILS  
**Subject:** Re: We'd Like Your Input

The suggestion may work for misdemeanor and none serious felony level cases. But once you get into the more serious cases your choice of attorney's qualified to handle such cases dwindles.

Sent from my iPhone

> On Apr 16, 2015, at 3:48 PM, <[mcils@maine.gov](mailto:mcils@maine.gov)> wrote:

>

> Attorneys:

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> The Commission has been discussing whether to expand the use of contracts with attorneys, law firms, or groups of attorneys and/or law firms as a means for delivering indigent legal services. The Commission is seeking feedback as to whether expansion of the contract model makes sense for Maine, and if so, whether there is interest amongst attorneys in submitting proposals for such arrangements.

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> Please forward any comments to Executive Director John Pelletier, [john.pelletier@maine.gov](mailto:john.pelletier@maine.gov), or Deputy Director Ellie Brogan, [ellie.brogan@maine.gov](mailto:ellie.brogan@maine.gov)."

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> Thanks. John

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## Brogan, Ellie

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**From:** Steve Smith <ssmith@lipmankatz.com>  
**Sent:** Thursday, April 16, 2015 3:53 PM  
**To:** MCILS  
**Subject:** RE: We'd Like Your Input

On the one hand I see the current system as a great training ground for future trial lawyers, I am afraid that cutting out younger layers from the system will be a negative.

That said, I could be interested in doing contract work on my areas of interest (homicide and sex crimes). I think some contract arrangement would allow for more efficient staffing of cases with paralegal and secretarial time.

What about some sort of group insurance plan covering court appointed malpractice cases? Better yet statutory immunity for covering CA cases.

-----Original Message-----

**From:** [mcils@maine.gov](mailto:mcils@maine.gov) [<mailto:mcils@maine.gov>]  
**Sent:** Thursday, April 16, 2015 3:49 PM  
**To:** Steve Smith  
**Subject:** We'd Like Your Input

Attorneys:

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Thanks. John