

MCILS

**October 14, 2014
Commissioner's Meeting
Packet**

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

**OCOTEBER 14, 2014
COMMISSION MEETING
JUDICIARY COMMITTEE ROOM, STATEHOUSE, AUGUSTA
AGENDA**

- 1) Approval of September 9, 2014 Commission Meeting Minutes
- 2) Operations Reports Review
- 3) Budget Discussion
- 4) Appearance at the Appropriations Committee
- 5) Rulemaking Update
- 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.)
September 9, 2014
Commission Meeting
Minutes

**Maine Commission on Indigent Legal Services – Commissioners Meeting
September 9, 2014**

Minutes

Commissioners Present: Steven Carey, Marvin Glazier, William Logan, Susan Roy, Kenneth Spirer

MCILS Staff Present: John Pelletier, Ellie Brogan

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
Approval of the August 12, 2014 Commission Meeting Minutes	Copy of minutes received by all Commissioners.	Commissioner Glazier moved for the approval of the minutes. Commissioner Logan seconded. Commissioners Glazier, Logan, Roy and Spirer voted in favor; Chair Carey abstained due to his absence at last month's meeting. Approved.
Operations Reports Review	<p>Director Pelletier presented the <u>August 2014 Operations Reports</u>. The number of new cases opened in DefenderData totaled 2,160 – a 39 case increase from July. 2,347 vouchers were submitted in August, totaling \$1,122,884. This was a 23 voucher and \$4,000 increase from July. In August, the Commission paid 2,331 vouchers, totaling \$1,085,230, a 175 voucher and \$38,000 increase from July. While the August totals were a slight increase over July's, August appears to have been an average month. The average price per voucher in August was \$465.56, a decrease of \$19.99 per voucher from July. This was higher than the average voucher month totals this same time last year. Voucher submissions are a mix of \$50/hr. and \$55/hr., but overall more \$55/hr. vouchers are being submitted. Appeal and Post-Conviction Review cases were the highest average vouchers. Ten vouchers exceeding \$5,000 were paid in August. The August transfer of counsel fees, which reflected July's collections, totaled \$68,324. August was another good month for counsel fee collections and the Commission is off to a good start this fiscal year.</p> <p>Director Pelletier informed the Commissioners that the Somerset contract was approved by Purchasing and that the contract is in place.</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>Chair Carey inquired about the \$1,500 donation in the Revenue Account. Director Pelletier explained that a defendant had charged with aggravated forgery for completing a false financial affidavit and that the case was filed on the condition that the defendant make a one-time donation to the Commission to be used to pay for indigent legal services.</p>	
Budget Discussion	<p>Director Pelletier updated the Commissioners on the status of the supplemental budget and biennial budget requests. While working on the budget projections for FY'15, Director Pelletier discovered that due to the excess carryover from FY'15 as compared to the carryover from FY'14, which was overlooked in the January 2014 request process, as well as several counsel and non-counsel expense items that increased in cost, the Commission needed to revise its FY'15 unmet supplemental budget request from \$490,000 to \$818,000. The specific expense items included: (1) \$20,625 to fund a 10% increase in the long-standing contract for indigent legal services in Somerset County which was put out to bid by RFP, which increase mirrors the recent 10% increase in the hourly rate paid to attorneys on individual assigned cases; (2) \$39,000 to fund a \$5/hr increase in the rate paid to private investigators, effective January 1, 2015, based on projections indicate that the new rate will be applied to more investigator hours than originally predicted due to the increase in the number of serious and complex cases, which necessarily require investigative assistance; and (3) \$16,000 to fund the increased operational expenses, primarily technology costs, that were incurred when the Commission hired two new part-time financial screeners and when it renewed the Justice Works contract at a slightly higher rate.</p> <p>Director Pelletier outlined the biennial budget request for FY'16-FY'17, which included an additional \$6,168,602 for FY'16 and an additional \$9,283,804 for FY'17 over the Commission's baseline budget for those two fiscal years. The requested increases were based on two principal components: (1) the history of increasing costs for indigent legal services; and (2) the need to raise the hourly rate paid to assigned counsel from \$55/hr. to \$70/hr. in FY'16 and \$75/hr. in FY'17. As for the increasing costs, the Commission has seen in its first four years an average yearly increase of 8.2%. Director Pelletier noted that costs increase often unexpectedly and often by large amounts. This trend is not dissimilar to the trend seen by the Judicial Branch when it handled this function. Some factors include an increase in the ratio of felony to misdemeanor cases, increase number</p>	

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>of protective custody filings, rise in the use of electronic discovery which is a time consuming process for attorneys to review, and increase in the need for private investigators, interpreters and immigration consultations. Consequently, the Commission decided that based on this historical data, the budget projections for FY'16 and FY'17 should reflect 8% cost increases for each year. As for the hourly rate, the Commission believes that the current hourly rate of \$55/hr. is inadequate and has adopted an amendment to its Fee Schedule rule to raise the rate to \$70/hr and \$75/hr over the next two fiscal years, subject to approval by the Legislature. The Commission's budget request reflects the amounts needed to fund this proposed rate increase.</p>	
Rule Discussion	<p>Director Pelletier presented updated draft amendments of the specialized panel and attorney eligibility rules with the proposed changes discussed at last month's meeting. For Chapter 2, Standards for Qualifications of Assigned Counsel, the changes included adding the requirement that rostered attorneys maintain malpractice insurance. A discussion ensued about whether malpractice insurance was an appropriate roster requirement. Commissioner Glazier does not support this requirement and requested some information from Commission staff, including how many rostered attorneys currently have malpractice insurance and how this proposed rule change would impact our rosters. Commissioner Logan noted that malpractice insurance is a large fixed expense and is interested to know the cost for a solo practitioner. Chair Carey indicated that the most flexible option would be for the Commission to vote to keep the requirement in the rule and re-vote after the public comment period. Commissioner Roy asked how it would impact the Commission. Director Pelletier explained that the focus of that requirement would be for the protection of indigent clients. Commissioner Spierer asked if the Somerset Contract required malpractice insurance. Director Pelletier confirmed that it did. Commissioner Spierer questioned whether it was appropriate for the Commission to require it if the Board of Bar Overseers did not. Ultimately, the Commissioners decided that leaving the requirement in the rule and hearing from attorneys during the public comment period would be useful.</p> <p>For Chapter 3, Eligibility Requirement for Specialized Case Types, the changes included adding sections creating specialized panels for appeal cases and post-conviction review cases, as well as amending the paragraph referring to letters of reference into separate paragraphs – one for waiver requests and one for requests by the Executive Director.</p>	<p>Commissioner Glazier moved for the adoption of Chapter 2 as amended. Commissioner Logan seconded. All voted in favor.</p> <p>Commissioner Logan moved to reconsider Chapter 3 as amended. Commissioner Glazier</p>

Agenda Item	Discussion	Outcome/Action Item/Responsible Party
	<p>Chair Carey suggested one change to the experience requirement for law court appeals. For child protection, he suggested changing what constituted “conclusion” in child protective cases from each stage of a child protection case to instead the issuance of a jeopardy order or an order terminating parental rights. Chair Carey also suggested revising the appeal rule so that it would not apply to cases where trial counsel continues on appeal. All Commissioners concurred with these suggested changes.</p>	<p>seconded. All voted in favor.</p>
<p>Public Comment</p>	<p>Jamesa Drake, Esq., solo practitioner and Board Member of MACDL, submitted a public comment:</p> <ul style="list-style-type: none"> - MACDL polled its members about the two options for an appellate roster: (1) maintain current practice where trial counsel continues on appeal unless granted leave to withdraw or (2) revise the rule to where trial counsel’s responsibility would end at the trial court level and would have the option of handling the appeal with the client’s consent. Ms. Drake indicated that while the response of the members was mixed, option 2 was the overwhelming choice. Based on the mixed response, MACDL did not wish to make a formal recommendation. - The MACDL Board discussed the appellate roster issue and decided that should a rule change happen, issues that might come up during the transition period between trial and appellate counsel should be addressed by the Commission to make it clear that trial counsel’s responsibilities would still include filing the notice of appeal, filing transcript requests, post-conviction bail, and the sentencing appeal. 	
<p>Executive Session</p>	<p>The Commissioners entered into executive session to discuss personnel matters. No votes were taken.</p>	
<p>Adjournment of meeting</p>	<p>The Commission then voted to adjourn with the next meeting to be on October 14, 2014, at 9:30 am in the Judiciary Committee Room.</p>	<p>Commissioner Spirer made a motion to adjourn. Commissioner Roy seconded. All present voted in favor.</p>

(2.)
Operations Reports
Review

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
SUBJECT: SEPTEMBER 2014 OPERATIONS REPORTS
DATE: OCTOBER 7, 2014

Attached you will find the September, 2014 Operations Reports for your review and our discussion at the upcoming Commission meeting on October 14, 2014. A summary of the operations reports follows:

- 2,287 new cases were opened in the DefenderData system in September. This was a 127 case increase over August.
- The number of vouchers submitted electronically in September was 2,827, an increase of 480 vouchers from August, totaling \$1,279,242.49, an increase of \$156,000 from August. In September, we paid 2,490 electronic vouchers totaling \$1,155,043.85. This was a 159 voucher and \$70,000 increase over August.
- There were no paper vouchers submitted or paid in September.
- The average price per voucher in September was \$463.87, down \$1.69 per voucher from August.
- Appeal and Post-Conviction Review cases had the highest average vouchers in September. There were 5 vouchers exceeding \$5,000 paid in September. These cases involved: 1) a murder trial that lasted 22 court days; 2) an interim voucher in a murder case from a lawyer changing firms; 3) a sex offense case where the judge rejected a plea agreement after a two-day sentencing hearing – the case will now proceed to trial; 4) an elevated aggravated assault case in which a guilty verdict was returned after a three-day trial; 5) and a child protective case that involved litigation of the state’s request for a “Do Not Resuscitate” order with respect to an injured child.

In our All Other Account, the total expenses for the month of September were \$1,114,175.03. Of the amount, \$10,529.17 was devoted to the Commission’s operating expenses.

In the Personal Services Account, we had \$50,108.08 in expenses for the month of September.

In the Revenue Account, our monthly transfer from the Judicial Branch for counsel fees for the month of September, which reflects August’s collections, totaled \$47,842.05. The collection amount decreased by just over \$20,000 from the previous month, but overall collections still exceeded our budget allotment for the quarter. Accordingly, we will

carry \$18,703.61 into the second quarter and pursue a financial order so that all of those funds will be available to spend during the second quarter.

In our Conference Account, we collected registration fees for the September juvenile training video replay and for the upcoming advanced criminal CLE and paid expenses for the juvenile training video replay, bringing the account balance at \$26,772.12. Note that the advanced criminal training involves two-days of CLE credit for a substantially reduced price made possible by the existing balance in this account.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Case Type

9/30/2014

DefenderData Case Type	Sep-14						Fiscal Year 2015			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	7	9	\$ 10,938.05	8	\$ 10,976.88	\$ 1,372.11	34	30	\$ 36,559.30	\$ 1,218.64
Child Protection Petition	188	400	\$ 209,141.04	375	\$ 200,093.99	\$ 533.58	518	1,070	\$ 566,771.69	\$ 529.69
Drug Court	0	10	\$ 4,993.50	5	\$ 2,079.00	\$ 415.80	2	18	\$ 7,103.50	\$ 394.64
Emancipation	10	13	\$ 5,738.25	8	\$ 3,870.50	\$ 483.81	37	18	\$ 5,832.68	\$ 324.04
Felony	576	660	\$ 439,921.05	527	\$ 400,157.27	\$ 759.31	1,604	1,456	\$ 1,162,775.24	\$ 798.61
Involuntary Civil Commitment	59	79	\$ 16,608.31	71	\$ 14,610.11	\$ 205.78	225	184	\$ 38,509.35	\$ 209.29
Juvenile	144	142	\$ 49,311.09	95	\$ 37,403.69	\$ 393.72	348	305	\$ 107,082.05	\$ 351.09
Lawyer of the Day - Custody	210	202	\$ 44,748.85	226	\$ 51,050.34	\$ 225.89	645	623	\$ 129,843.11	\$ 208.42
Lawyer of the Day - Juvenile	39	48	\$ 8,520.01	48	\$ 9,568.83	\$ 199.35	121	123	\$ 22,945.45	\$ 186.55
Lawyer of the Day - Walk-in	102	129	\$ 26,195.43	148	\$ 30,246.00	\$ 204.36	344	319	\$ 64,310.00	\$ 201.60
Misdemeanor	735	734	\$ 279,724.10	604	\$ 217,655.54	\$ 360.36	2,021	1,770	\$ 655,062.50	\$ 370.09
Petition, Modified Release Treatment	1	2	\$ 1,666.50	2	\$ 1,734.28	\$ 867.14	4	15	\$ 5,065.85	\$ 337.72
Petition, Release or Discharge	0	1	\$ 1,000.00	1	\$ 1,000.00	\$ 1,000.00	0	3	\$ 3,867.88	\$ 1,289.29
Petition, Termination of Parental Rights	7	37	\$ 24,057.65	41	\$ 28,159.59	\$ 686.82	52	129	\$ 88,875.59	\$ 688.96
Post Conviction Review	4	2	\$ 3,086.24	5	\$ 5,060.66	\$ 1,012.13	10	14	\$ 15,380.24	\$ 1,098.59
Probation Violation	173	168	\$ 63,062.32	160	\$ 59,442.94	\$ 371.52	490	418	\$ 146,127.37	\$ 349.59
Represent Witness on 5th Amendment	0	0		0			2	3	\$ 464.00	\$ 154.67
Review of Child Protection Order	29	187	\$ 89,093.35	163	\$ 80,761.48	\$ 495.47	87	469	\$ 227,795.54	\$ 485.70
Revocation of Administrative Release	3	4	\$ 1,436.75	3	\$ 1,172.75	\$ 390.92	8	10	\$ 3,060.00	\$ 306.00
DefenderData Sub-Total	2,287	2,827	\$ 1,279,242.49	2,490	\$ 1,155,043.85	\$ 463.87	6,552	6,977	\$ 3,287,431.34	\$ 471.18
Paper Voucher Sub-Total	0	0	\$ -	0	\$ -	#DIV/0!	1	1	\$ 163.62	\$ 163.62
TOTAL	2,287	2,827	\$1,279,242.49	2,490	\$1,155,043.85	\$ 463.87	6,553	6,978	\$ 3,287,594.96	\$ 471.14

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY15 FUND ACCOUNTING
AS OF 09/30/2014

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		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	
Financial Order Adjustment		\$ -		\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 3,668,113.00		\$ 3,314,658.00		\$ 3,737,544.00		\$ 3,228,737.00	\$ 13,949,052.00
Total Expenses	1	\$ (1,141,359.56)	4	\$ -	7	\$ -	10	\$ -	\$ (1,141,359.56)
	2	\$ (1,199,265.91)	5	\$ -	8	\$ -	11	\$ -	\$ (1,199,265.91)
	3	\$ (1,114,175.03)	6	\$ -	9	\$ -	12	\$ -	\$ (1,114,175.03)
Encumbrances		\$ (213,312.50)		\$ -		\$ -		\$ -	\$ (213,312.50)
TOTAL REMAINING		\$ -		\$ 3,314,658.00		\$ 3,737,544.00		\$ 3,228,737.00	\$ 10,280,939.00

Q1 Month 3 (as of 09/30/14)	
INDIGENT LEGAL SERVICES	
Counsel Payments	\$ (1,005,919.85)
Somerset County	\$ (23,087.50)
Subpoena Witness Fees	\$ -
Private Investigators	\$ (20,595.25)
Mental Health Expert	\$ (12,221.25)
Transcripts	\$ (16,553.11)
Other Expert	\$ (23,501.66)
Expert Witness Lodging	\$ -
Process Servers	\$ (918.50)
Interpreters	\$ (848.74)
Misc Prof Fees & Serv	\$ -
SUB-TOTAL ILS	\$ (1,103,645.86)
OPERATING EXPENSES	
Service Center	\$ -
DefenderData	\$ (4,690.75)
Risk Management	\$ (31.35)
Mileage/Tolls/Parking	\$ (1,612.99)
Mailing/Postage/Freight	\$ (1,085.08)
Staff Meeting Meals	\$ (87.61)
Maine State Bar Dues	\$ (300.00)
Office Supplies/Equip.	\$ (588.20)
Cellular Phones	\$ (203.83)
VDT reimbursements	\$ -
Office Equipment Rental	\$ (139.20)
OIT/TELCO	\$ (1,790.16)
SUB-TOTAL OE	\$ (10,529.17)
TOTAL	\$ (1,114,175.03)

INDIGENT LEGAL SERVICES	
Q1 Allotment	\$ 3,668,113.00
Q1 Remaining Encumbrances	\$ (213,312.50)
Q1 Expenses as of 09/30/14	\$ (3,454,800.50)
Remaining Q1 Allotment as of 09/30/14	\$ -

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY15 FUND ACCOUNTING
As of 09/30/14

Account 014 95F Z112 01 (Revenue)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY14 Total
Total Budget Allotments		\$ 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		\$ -	4	\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 149,124.00	\$	149,124.00	\$	149,124.00	\$	149,125.00	\$ 596,497.00
Collected Revenue from JB	1	\$ 51,555.85	4	\$ -	7	\$ -	10	\$ -	
Promissory Note Payments		\$ 200.00		\$ -		\$ -		\$ -	
Collected Revenue from JB	2	\$ 68,324.36	5	\$ -	8	\$ -	11	\$ -	
Promissory Note Payments		\$ 200.00		\$ -		\$ -		\$ -	
Donation		\$ 1,500.00		\$ -		\$ -		\$ -	
Collected Revenue from JB	3	\$ 47,842.05	6	\$ -	9	\$ -	12	\$ -	
Returned Check		\$ 45.00		\$ -		\$ -		\$ -	
TOTAL REVENUE COLLECTED		\$ 169,667.26	\$	-	\$	-	\$	-	\$ 169,667.26
Counsel Payments	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
	2	\$ -	5	\$ -	8	\$ -	11	\$ -	
	3	\$ (149,124.00)	6	\$ -	9	\$ -	12	\$ -	
REMAINING ALLOTMENT		\$ -	\$	149,124.00	\$	149,124.00	\$	149,125.00	\$ 447,373.00
Total Expenses	1	\$ -	4	\$ -	7	\$ -	10	\$ -	
	2	\$ (1,344.65)	5	\$ -	8	\$ -	11	\$ -	
	3	\$ (495.00)	6	\$ -	9	\$ -	12	\$ -	
REMAINING CASH		\$ 18,703.61	\$	-	\$	-	\$	-	\$ 18,703.61

Q1 Month 3 (as of 09/30/14)	
DEFENDER DATA COUNSEL PAYMENTS	
	\$ 149,124.00
SUB-TOTAL ILS	
OVERPAYMENT REIMBURSEMENTS	\$ (495.00)
Paper Voucher	\$ -
Somerset County CDs	\$ -
Private Investigators	\$ -
Mental Health Expert	\$ -
Transcripts	\$ -
Other Expert	\$ -
Process Servers	\$ -
SUB-TOTAL OE	\$ (495.00)
TOTAL	\$ (495.00)

INDIGENT LEGAL SERVICES	
FY15 Allotment	\$ 596,497.00
YTD Collected Revenue	\$ 169,667.26
YTD Expenses	\$ (1,839.65)
YTD Counsel Payments	\$ (149,124.00)
Q1 Remaining Unexpended Cash	\$ 18,703.61

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY15 FUND ACCOUNTING
AS OF 09/30/2014

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				\$ -		\$ -		\$ -	
Total Budget Allotments		\$ 186,226.00		\$ 181,742.00		\$ 169,447.00		\$ 139,222.00	\$ 676,637.00
Total Expenses	1	\$ (66,591.80)	4	\$ -	7	\$ -	10	\$ -	
	2	\$ (49,475.54)	5	\$ -	8	\$ -	11	\$ -	
	3	\$ (50,108.08)	6	\$ -	9	\$ -	12	\$ -	
TOTAL REMAINING		\$ 20,050.58		\$ 181,742.00		\$ 169,447.00		\$ 139,222.00	\$ 510,461.58

Q1 Month 3 (as of 09/30/14)	
Per Diem Payments	\$ (275.00)
Salary	\$ (24,255.47)
Vacation Pay	\$ (552.09)
Holiday Pay	\$ (1,473.68)
Sick Pay	\$ (507.09)
Overtime Pay	\$ -
Health Insurance	\$ (9,628.70)
Dental Insurance	\$ (249.48)
Employer Retiree Health	\$ (3,861.07)
Employer Retirement	\$ (1,580.19)
Employer Group Life	\$ (201.26)
Employer Medicare	\$ (386.95)
Retiree Unfunded Liability	\$ (4,542.80)
Retro Pymt	\$ (622.40)
Perm Part Time Full Ben	\$ (1,971.90)
TOTAL	\$ (50,108.08)

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
FY15 FUND ACCOUNTING
As of 09/30/14

Account 014 95F Z112 02 (Conference Account)	Mo.	Q1	Mo.	Q2	Mo.	Q3	Mo.	Q4	FY14 Total
FY14 Carry Over		\$ 20,144.41							\$ -
Total Budget Allotments		\$ 4,000.00		\$ 20,000.00		\$ 4,000.00		\$ 4,000.00	\$ 32,000.00
Budget Order Adjustment									
Total Budget Allotments		\$ 4,000.00		\$ 20,000.00		\$ 4,000.00		\$ 4,000.00	\$ 32,000.00
Total Revenue	1	\$ 1,850.00	4	\$ -	7	\$ -	10	\$ -	
Billed Earned Revenue	1	\$ (150.00)	5	\$ -	8	\$ -	11	\$ -	
	2	\$ 975.00	6	\$ -	9	\$ -	12	\$ -	
	3	\$ 7,575.00	6	\$ -	9	\$ -	12	\$ -	
ACTUAL CASH BALANCE		\$ 30,394.41		\$ -		\$ -		\$ -	\$ 30,394.41
Total Expenses	1	\$ (76.04)	4	\$ -	7	\$ -	10	\$ -	
	2	\$ (3,293.26)	5	\$ -	8	\$ -	11	\$ -	
	3	\$ (402.99)	6	\$ -	9	\$ -	12	\$ -	
TOTAL REMAINING		\$ 26,772.12		\$ 20,000.00		\$ 4,000.00		\$ 4,000.00	\$ 31,923.96

Q1 Month 3 (as of 09/30/14)

Collected Revenue	\$ 7,575.00
Travel Expenses	\$ -
Training Manuals Printing	\$ -
Training Refreshments/Meals	\$ (331.90)
Speaker Fees	\$ -
Videographer	\$ -
Refund for non-attendance	\$ (50.00)
Cost Allocation	\$ (21.09)
TOTAL EXPENSES	\$ (402.99)

FY15 Allotment	\$ 32,000.00
FY14 Carry Over	\$ 20,144.41
FY15 Collected Revenue	\$ 10,350.00
FY15 Expenses	\$ (3,722.29)
Unexpended Cash	\$ 26,772.12

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Activity Report by Court

9/30/2014

Court	Sep-14						Fiscal Year 2014			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	128	175	\$ 105,416.38	168	\$ 109,840.77	\$ 653.81	394	481	\$ 316,114.21	\$ 657.20
AUBSC	86	166	\$ 95,912.38	110	\$ 62,314.95	\$ 566.50	268	245	\$ 176,850.96	\$ 721.84
AUGDC	87	113	\$ 44,237.15	114	\$ 43,911.70	\$ 385.19	236	289	\$ 110,600.58	\$ 382.70
AUGSC	112	103	\$ 69,204.86	89	\$ 57,000.55	\$ 640.46	300	303	\$ 172,720.64	\$ 570.04
BANDC	75	152	\$ 53,897.39	115	\$ 40,203.33	\$ 349.59	214	312	\$ 110,246.52	\$ 353.35
BANSC	3	5	\$ 1,486.30	1	\$ 655.00	\$ 655.00	9	8	\$ 5,260.20	\$ 657.53
BATSC	7	9	\$ 8,141.81	6	\$ 6,877.54	\$ 1,146.26	15	16	\$ 11,527.01	\$ 720.44
BELDC	42	46	\$ 16,426.45	33	\$ 10,253.60	\$ 310.72	103	100	\$ 37,973.36	\$ 379.73
BELSC	15	27	\$ 16,217.95	23	\$ 12,511.74	\$ 543.99	45	52	\$ 29,023.88	\$ 558.15
BIDDC	107	116	\$ 49,141.89	124	\$ 47,904.92	\$ 386.33	300	294	\$ 129,599.11	\$ 440.81
BRIDC	12	32	\$ 13,889.07	27	\$ 9,594.46	\$ 355.35	43	72	\$ 31,543.78	\$ 438.11
CALDC	11	24	\$ 9,258.69	17	\$ 8,487.93	\$ 499.29	43	63	\$ 30,193.78	\$ 479.27
CARDC	19	17	\$ 4,379.77	23	\$ 8,305.04	\$ 361.09	50	87	\$ 36,881.56	\$ 423.93
CARSC	51	34	\$ 25,185.13	29	\$ 22,673.76	\$ 781.85	117	94	\$ 51,671.20	\$ 549.69
DOVDC	13	14	\$ 5,376.77	17	\$ 4,321.75	\$ 254.22	29	43	\$ 10,605.15	\$ 246.63
DOVSC	0	1	\$ 10.50	2	\$ 126.00	\$ 63.00	1	2	\$ 126.00	\$ 63.00
ELLDC	15	41	\$ 20,462.98	31	\$ 14,371.23	\$ 463.59	49	116	\$ 65,905.83	\$ 568.15
ELLSC	4	8	\$ 2,374.00	3	\$ 670.00	\$ 223.33	12	17	\$ 12,838.00	\$ 755.18
FARDC	9	15	\$ 5,090.40	8	\$ 3,576.05	\$ 447.01	21	37	\$ 24,212.03	\$ 654.38
FARSC	1	6	\$ 1,890.44	5	\$ 1,639.94	\$ 327.99	5	14	\$ 5,107.76	\$ 364.84
FORDC	6	6	\$ 5,370.25	8	\$ 4,484.75	\$ 560.59	15	22	\$ 9,054.15	\$ 411.55
HOUDC	44	42	\$ 15,169.96	49	\$ 19,195.44	\$ 391.74	121	142	\$ 43,924.09	\$ 309.32
HOUSC	16	10	\$ 7,046.92	15	\$ 7,850.07	\$ 523.34	43	40	\$ 27,928.70	\$ 698.22
LEWDC	148	179	\$ 70,940.68	151	\$ 61,972.42	\$ 410.41	463	429	\$ 167,059.11	\$ 389.42
LINDC	21	19	\$ 7,955.10	30	\$ 7,501.02	\$ 250.03	46	56	\$ 16,285.54	\$ 290.81
MACDC	29	31	\$ 11,973.92	28	\$ 8,727.75	\$ 311.71	77	98	\$ 34,703.32	\$ 354.12
MACSC	10	19	\$ 7,949.48	7	\$ 3,706.00	\$ 529.43	31	35	\$ 12,677.60	\$ 362.22
MADDC	1	2	\$ 621.36	1	\$ 261.36	\$ 261.36	3	2	\$ 550.22	\$ 275.11
MILDC	2	5	\$ 1,377.86	1	\$ 50.00	\$ 50.00	8	9	\$ 1,889.42	\$ 209.94
NEWDC	30	42	\$ 13,000.00	35	\$ 11,687.75	\$ 333.94	83	94	\$ 28,877.10	\$ 307.20
PORDC	122	141	\$ 63,365.15	111	\$ 54,157.43	\$ 487.90	268	347	\$ 153,564.58	\$ 442.55
PORSC	7	5	\$ 3,187.75	1	\$ 260.00	\$ 260.00	11	10	\$ 14,595.14	\$ 1,459.51
PREDC	34	36	\$ 9,337.56	37	\$ 18,621.97	\$ 503.30	85	125	\$ 45,828.92	\$ 366.63
ROCDC	57	59	\$ 24,166.73	50	\$ 16,788.17	\$ 335.76	147	156	\$ 53,711.52	\$ 344.30
ROCSC	36	43	\$ 28,542.49	29	\$ 17,203.20	\$ 593.21	90	80	\$ 45,428.02	\$ 567.85
RUMDC	15	15	\$ 7,662.44	17	\$ 7,875.05	\$ 463.24	54	47	\$ 21,892.05	\$ 465.79
SKODC	11	47	\$ 20,957.90	43	\$ 17,813.29	\$ 414.26	39	133	\$ 50,917.34	\$ 382.84
SKOSC	1	0		2	\$ 418.70	\$ 209.35	1	4	\$ 624.20	\$ 156.05
SOUDC	27	45	\$ 17,177.90	47	\$ 16,858.62	\$ 358.69	90	119	\$ 37,591.27	\$ 315.89
SOUSC	27	53	\$ 25,716.19	49	\$ 23,182.67	\$ 473.12	121	109	\$ 48,203.79	\$ 442.24
SPRDC	47	82	\$ 34,286.06	94	\$ 38,116.35	\$ 405.49	193	192	\$ 86,257.33	\$ 449.26
Law Ct	5	5	\$ 6,730.82	5	\$ 5,110.14	\$ 1,022.03	25	23	\$ 26,665.78	\$ 1,159.38
PENCD	159	209	\$ 82,392.85	190	\$ 113,329.14	\$ 596.47	524	581	\$ 330,581.37	\$ 568.99
SAGCD	24	20	\$ 12,562.31	17	\$ 6,271.74	\$ 368.93	73	69	\$ 37,298.18	\$ 540.55
PISCD	14	12	\$ 1,952.50	8	\$ 1,951.50	\$ 243.94	46	38	\$ 6,618.00	\$ 174.16
HANCD	34	55	\$ 24,247.55	29	\$ 10,386.75	\$ 358.16	103	82	\$ 31,570.98	\$ 385.01
FRACD	57	52	\$ 14,327.87	42	\$ 13,313.66	\$ 316.99	151	98	\$ 41,643.62	\$ 424.93
CUMCD	351	327	\$ 162,638.71	298	\$ 146,850.91	\$ 492.79	939	747	\$ 383,343.11	\$ 513.18
SOMCD	2	1	\$ 275.00	2	\$ 1,043.40	\$ 521.70	2	4	\$ 4,908.30	\$ 1,227.08
WATDC	43	50	\$ 17,386.61	63	\$ 24,207.59	\$ 384.25	141	175	\$ 57,181.07	\$ 326.75
WESDC	32	34	\$ 9,291.78	27	\$ 7,390.52	\$ 273.72	89	87	\$ 27,207.62	\$ 312.73
WISDC	40	39	\$ 8,400.72	29	\$ 7,008.76	\$ 241.68	97	79	\$ 22,627.59	\$ 286.43
WISSC	21	17	\$ 7,226.76	16	\$ 8,096.97	\$ 506.06	69	58	\$ 28,394.65	\$ 489.56
YORDC	17	21	\$ 8,003.00	14	\$ 8,110.50	\$ 579.32	50	42	\$ 18,826.10	\$ 448.24
TOTAL	2,287	2,827	\$ 1,279,242.49	2,490	\$ 1,155,043.85	\$ 463.87	6,552	6,977	\$ 3,287,431.34	\$ 471.18

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Number of Attorneys Rostered by Court

9/30/2014

Court	Rostered Attorneys
Alfred Superior Court	110
Auburn Superior Court	113
Augusta District Court	90
Augusta Superior Court	86
Bangor District Court	61
Belfast District Court	48
Belfast Superior Court	135
Biddeford District Court	104
Bridgton District Court	13
Calais District Court	16
Caribou District Court	20
Caribou Superior Court	26
Dover-Foxcroft District Court	17
Ellsworth District Court	48
Farmington District Court	28
Fort Kent District Court	8
Houlton District Court	17
Houlton Superior Court	19
Lewiston District Court	141
Lincoln District Court	30
Machias District Court	19
Machias Superior Court	14
Madawaska District Court	9

Court	Rostered Attorneys
Millinocket District Court	24
Newport District Court	40
Portland District Court	153
Presque Isle District Court	14
Rockland District Court	48
Rockland Superior Court	41
Rumford District Court	28
Skowhegan District Court	28
South Paris District Court	67
South Paris Superior Court	63
Springvale District Court	124
Unified Criminal Docket Bangor	62
Unified Criminal Docket Bath	84
Unified Criminal Docket Dover Foxcroft	25
Unified Criminal Docket Ellsworth	42
Unified Criminal Docket Farmington	29
Unified Criminal Docket Portland	144
Unified Criminal Docket Skowhegan	17
Waterville District Court	53
West Bath District Court	111
Wiscasset District Court	75
Wiscasset Superior Court	68
York District Court	115

(3.)
Budget Discussion

MAINE COMMISSION ON INDIGENT LEGAL SERVICES

TO: MCILS COMMISSIONERS
FROM: JOHN D. PELLETIER, EXECUTIVE DIRECTOR
CC: ELLIE BROGAN, DEPUTY EXECUTIVE DIRECTOR
SUBJECT: BUDGET MEMO
DATE: October 8, 2014

BUDGET UPDATE

During the first two months of the fiscal year, voucher submissions and Commission expenses were on target with our FY'15 budget projection. Voucher submissions for September, however, exceeded projections by a \$150,000.

The trend of voucher submissions needs to be watched closely so that steps can be taken to avoid a shortfall at the end of the year, as we experienced last year, and/or to amend our supplemental budget request. Moving funds from later in the year into the second quarter requires a financial order that carries a thirty-day waiting period. The deadline for submission of such a request is November 5, 2014, so a decision will have to be made promptly once the numbers are in for October.

APPROPRIATIONS COMMITTEE INFORMATION REQUEST

One week after the Commission's September meeting, we received a request for information from the Appropriations Committee about financial screening, indigency guidelines and collections history. We were also asked to appear and discuss the same at a Committee meeting on September 30, 2014. Chair Carey and I appeared at the meeting at the 30th, and I have attached a copy of the materials submitted to the Committee.

**TESTIMONY ON BEHALF OF THE MAINE COMMISSION ON INDIGENT
LEGAL SERVICES**

PARTIAL INDIGENCY/COLLECTIONS DISCUSSION

John D. Pelletier, Esq., Executive Director

September 30, 2014

Senator Hill, Representative Rotundo, members of the Joint Standing Committee on Appropriations and Financial Affairs, my name is John Pelletier, Executive Director of the Maine Commission on Indigent Legal Services. I am here to testify in response to a request for information emailed to me on September 15, 2014, in which I was asked to provide information regarding **“the percentage of clients who at least partially self-pay for legal services; how much they are paying and the historical data and trend analysis of self-pay v. state subsidy” and “changes, if any, in the interpretation of qualification standards such that it has become easier to qualify for services or that would lower the share of costs to be borne by the defendant.”**

The Commission has been in operation for four full fiscal years. During that time, statistics show that counsel has been assigned in about one-third of criminal cases.¹

	FY11	FY12	FY13	FY14
Total Criminal Filings (Judicial Branch Data)	58,739	57,457	57,394	55,749
MCILS Voucher Paid	16,180	19,547	19,171	18,937
Percentage	27.5%	34.0%	33.4%	33.9%

¹ Note that these statistics do not identify the number of individuals who receive assigned counsel because many individuals have multiple cases.

The Commission receives payments from people who are ordered to reimburse the State for some or all of the cost of their representation and from bail funds that are set-off to reimburse the State for assigned counsel costs. The amounts collected during the four years of Commission operation are set forth below, together with the percentage that reimbursements comprise of our total expenditures:²

	FY11	FY12	FY13	FY14
Reimbursements	\$400,227	\$640,827	\$595,444	\$654,406 ³
Percentage of total Expenditures	3.8	5.2%	4.8%	4.9%

Regarding the percentage of people who are ordered to reimburse the State for some or all of the cost of their representation (partially indigent), the Judicial Branch information system cannot track this data. The Commission employs 6 full-time and 2 part-time financial screeners who work in courthouses doing financial assessments on people applying for assigned counsel. They keep statistics on the total number of people apply for counsel and, of those, what percentage are determined indigent, partially indigent, or not entitled to counsel. A summary of the screener statistics for the last four fiscal years appears below.⁴

	Indigent	Partial	Denied	TOTAL	%Indigent	%Partial	%Denied
FY'11	5197	1957	356	7510	69%	26%	5%
FY'12	5598	2068	406	8072	69%	26%	5%
FY'13	7132	2952	828	10912	65%	27%	8%
FY'14	8714	2331	1285	12330	71%	19%	10%

² Region by region collection statistics for FY14 are attached.

³ The largest amount collected by the Judicial Branch before the transition to MCILS was \$506,597.

⁴ Full FY14 statistics for each court region serviced by a financial screener are attached.

Finally, regarding any changes to the criteria to qualify for assigned counsel, the Commission promulgated indigency guidelines effective July, 2012.⁵ These guidelines are stricter than the guidelines previous promulgated by the Judicial Branch in two respects. First, the Judicial Branch guidelines had contained a presumption that any person receiving public benefits such as TANF, SSI, and SSDI would qualify for assigned counsel. The Commission's guidelines eliminated this presumption and call for an assessment of all income, including cash and in-kind public benefits, in determining whether a person qualifies for assigned counsel, and if so, whether that person has sufficient disposable income to contribute toward the cost of their representation. Second, the qualifying income level originally used by the Judicial Branch equaled 125% of the federal poverty guidelines. The Commission guidelines use 110% of the federal poverty level.

The guidelines are used by our financial screeners to make recommendations to the court about indigency and partial indigency. These recommendations and the guidelines themselves, however, are not binding on the court, as the court is a separate branch of government and is vested by the Maine Rules of Criminal Procedure with the final determination as to a person's entitlement to assigned counsel and whether that person must reimburse the State for the cost of their representation.⁶ Accordingly, the Commission has no actual control over the standards used by judges to determine whether a person qualifies.

⁵ A copy of the Commission's Indigency Guidelines is attached.

⁶ A copy of the Criminal rule governing the determination of indigency is attached.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
COLLECTION STATISTICS
FISCAL YEAR 2014

COURTS	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	FY'14 AVG
WITH SCREENERS	36,024.00	41,310.00	30,762.00	61,582.00	39,147.00	39,206.00	55,131.00	94,763.00	73,958.00	63,216.00	51,473.00	50,571.00	53,095.25
W/O SCREENERS	2,642.00	2,313.00	916.00	2,129.00	2,830.00	3,108.00	5,677.00	3,687.00	1,465.00	2,888.00	1,785.00	985.00	2,535.42
TOTAL	38,666.00	43,623.00	31,678.00	63,711.00	41,977.00	42,314.00	60,808.00	98,450.00	75,423.00	66,104.00	53,258.00	51,556.00	55,630.67

MIDCOAST	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	FY'14 AVG
BATH SC	\$ 315.00	\$ 1,070.00	\$ 740.00	\$ 2,092.00	\$ 1,705.00	\$ 1,265.00	\$ 1,140.00	\$ 6,530.00	\$ 3,524.00	\$ 1,784.00	\$ 215.00	\$ 840.00	\$ 1,768.33
BATH UCD	\$ -	\$ 100.00	\$ 50.00	\$ 475.00	\$ 200.00	\$ 300.00	\$ 475.00	\$ 1,103.00	\$ 878.00	\$ 550.00	\$ 800.00	\$ 550.00	\$ 456.75
BELFAST DC	\$ 590.00	\$ 1,980.00	\$ 430.00	\$ 2,385.00	\$ 611.00	\$ 745.00	\$ 825.00	\$ 5,080.00	\$ 2,431.00	\$ 1,846.00	\$ 2,095.00	\$ 1,235.00	\$ 1,687.75
BELFAST SC	\$ 1,315.00	\$ 800.00	\$ 610.00	\$ 1,905.00	\$ 638.00	\$ 2,621.00	\$ 3,200.00	\$ 4,234.00	\$ 3,389.00	\$ 1,205.00	\$ 2,010.00	\$ 1,255.00	\$ 1,931.83
ROCKLAND DC	\$ 1,857.00	\$ 1,857.00	\$ 1,465.00	\$ 2,309.00	\$ 585.00	\$ 2,557.00	\$ 1,662.00	\$ 4,763.00	\$ 2,745.00	\$ 4,011.00	\$ 1,030.00	\$ 2,620.00	\$ 2,288.42
ROCKLAND SC	\$ 922.00	\$ 1,633.00	\$ 2,250.00	\$ 2,450.00	\$ 971.00	\$ 1,255.00	\$ 1,350.00	\$ 6,664.00	\$ 4,646.00	\$ 3,140.00	\$ 1,271.00	\$ 2,422.00	\$ 2,414.50
WISCASSET DC	\$ 120.00	\$ 718.00	\$ 465.00	\$ 100.00	\$ 270.00	\$ 1,395.00	\$ 230.00	\$ 3,779.00	\$ 2,288.00	\$ 1,126.00	\$ 775.00	\$ 345.00	\$ 967.58
WISCASSET SC	\$ 1,400.00	\$ 800.00	\$ 670.00	\$ 2,365.00	\$ 840.00	\$ 635.00	\$ 1,026.00	\$ 6,079.00	\$ 3,738.00	\$ 3,455.00	\$ 1,440.00	\$ 3,523.00	\$ 2,164.25
WEST BATH DC	\$ 1,140.00	\$ 1,825.00	\$ 793.00	\$ 1,669.00	\$ 1,508.00	\$ 970.00	\$ 780.00	\$ 6,472.00	\$ 2,977.00	\$ 2,545.00	\$ 508.00	\$ 375.00	\$ 1,796.83
TOTAL:	\$ 7,659.00	\$ 10,783.00	\$ 7,473.00	\$ 15,750.00	\$ 7,328.00	\$ 11,743.00	\$ 10,688.00	\$ 44,704.00	\$ 26,616.00	\$ 19,662.00	\$ 10,144.00	\$ 13,165.00	\$ 15,476.25

ANDROSCOGGIN	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	FY'14 AVG
LEWISTON DC	\$ 2,116.00	\$ 1,450.00	\$ 2,095.00	\$ 4,330.00	\$ 1,582.00	\$ 2,155.00	\$ 1,490.00	\$ 4,480.00	\$ 3,166.00	\$ 4,077.00	\$ 4,410.00	\$ 3,305.00	\$ 2,888.00
AUBURN SC	\$ 2,991.00	\$ 6,017.00	\$ 1,136.00	\$ 11,609.00	\$ 4,299.00	\$ 2,290.00	\$ 5,908.00	\$ 6,904.00	\$ 8,179.00	\$ 4,590.00	\$ 2,092.00	\$ 3,283.00	\$ 4,941.50
SOUTH PARIS DC	\$ 25.00	\$ 225.00	\$ 110.00	\$ 1,000.00	\$ 335.00	\$ 595.00	\$ 215.00	\$ 110.00	\$ 580.00	\$ 210.00	\$ 150.00	\$ 445.00	\$ 402.50
SOUTH PARIS SC	\$ 335.00	\$ 50.00	\$ 125.00	\$ 1,790.00	\$ 450.00	\$ 125.00	\$ 803.00	\$ 2,215.00	\$ 750.00	\$ 1,440.00	\$ 350.00	\$ 5.00	\$ 177.50
TOTAL:	\$ 5,467.00	\$ 7,742.00	\$ 3,466.00	\$ 18,729.00	\$ 6,666.00	\$ 5,165.00	\$ 8,416.00	\$ 13,709.00	\$ 12,675.00	\$ 10,317.00	\$ 7,002.00	\$ 7,038.00	\$ 8,409.50

KENNEBEC	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	FY'14 AVG
AUGUSTA DC	\$ 75.00	\$ 75.00	\$ 490.00	\$ 895.00	\$ 325.00	\$ 400.00	\$ 75.00	\$ 450.00	\$ 375.00	\$ 296.00	\$ 1,100.00	\$ 585.00	\$ 428.42
AUGUSTA SC	\$ 1,184.00	\$ 1,515.00	\$ 625.00	\$ 2,178.00	\$ 1,555.00	\$ 760.00	\$ 855.00	\$ 970.00	\$ 825.00	\$ 1,135.00	\$ 571.00	\$ 1,920.00	\$ 1,174.42
WATERVILLE DC	\$ 300.00	\$ 200.00	\$ 360.00	\$ 150.00	\$ 315.00	\$ 285.00	\$ 600.00	\$ 200.00	\$ 200.00	\$ 632.00	\$ 374.00	\$ 50.00	\$ 305.50
TOTAL:	\$ 1,559.00	\$ 1,790.00	\$ 1,475.00	\$ 3,223.00	\$ 2,195.00	\$ 1,445.00	\$ 1,530.00	\$ 1,620.00	\$ 1,400.00	\$ 2,063.00	\$ 2,045.00	\$ 2,555.00	\$ 1,908.33

YORK	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	FY'14 AVG
BIDDEFORD DC	\$ 1,441.00	\$ 325.00	\$ 175.00	\$ 743.00	\$ 917.00	\$ 695.00	\$ 2,665.00	\$ 2,340.00	\$ 922.00	\$ 400.00	\$ 1,215.00	\$ 1,631.00	\$ 1,122.42
SPRINGVALE DC	\$ 800.00	\$ 245.00	\$ 640.00	\$ 1,390.00	\$ 1,623.00	\$ 1,275.00	\$ 325.00	\$ 1,846.00	\$ 325.00	\$ 815.00	\$ 1,240.00	\$ 620.00	\$ 928.67
ALFRED SC	\$ 6,706.00	\$ 9,674.00	\$ 8,328.00	\$ 6,800.00	\$ 10,118.00	\$ 6,822.00	\$ 18,932.00	\$ 12,962.00	\$ 16,084.00	\$ 16,053.00	\$ 16,926.00	\$ 14,733.00	\$ 12,011.50
TOTAL:	\$ 8,947.00	\$ 10,244.00	\$ 9,143.00	\$ 8,933.00	\$ 12,658.00	\$ 8,792.00	\$ 21,922.00	\$ 17,148.00	\$ 17,331.00	\$ 17,268.00	\$ 19,381.00	\$ 16,984.00	\$ 14,062.58

CUMBERLAND	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	FY'14 AVG
PORTLAND DC	\$ -	\$ -	\$ 50.00	\$ 75.00	\$ 150.00	\$ 75.00	\$ 25.00	\$ 250.00	\$ 610.00	\$ 150.00	\$ 475.00	\$ 375.00	\$ 186.25
PORTLAND SC	\$ 180.00	\$ -	\$ -	\$ 190.00	\$ -	\$ 95.00	\$ 20.00	\$ 300.00	\$ 10.00	\$ 20.00	\$ -	\$ 20.00	\$ 69.58
CUMBERLAND UCD	\$ 9,251.00	\$ 7,568.00	\$ 6,744.00	\$ 12,004.00	\$ 7,331.00	\$ 9,255.00	\$ 9,288.00	\$ 10,317.00	\$ 8,650.00	\$ 9,260.00	\$ 9,545.00	\$ 6,298.00	\$ 8,792.58
TOTAL:	\$ 9,431.00	\$ 7,568.00	\$ 6,794.00	\$ 12,269.00	\$ 7,481.00	\$ 9,425.00	\$ 9,333.00	\$ 10,867.00	\$ 9,270.00	\$ 9,430.00	\$ 10,020.00	\$ 6,693.00	\$ 9,048.42

AROOSTOOK	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	FY'14 AVG
HOULTON DC									\$ -	\$ 10.00	\$ 10.00	\$ 40.00	\$ 15.00
HOULTON SC									\$ 100.00	\$ 20.00	\$ 70.00	\$ 30.00	\$ 55.00
CARIBOU SC									\$ -	\$ -	\$ -	\$ 100.00	\$ 25.00
TOTAL:									\$ 100.00	\$ 30.00	\$ 80.00	\$ 170.00	\$ 95.00

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
COLLECTION STATISTICS
FISCAL YEAR 2014

HANCOCK	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	FY'14 AVG
ELLSWORTH DC									\$ -	\$ -	\$ -	\$ -	\$ -
ELLSWORTH SC									\$ -	\$ -	\$ -	\$ -	\$ -
ELLSWORTH UCD									\$ 20.00	\$ -	\$ -	\$ 10.00	\$ 7.50
TOTAL:									\$ 20.00	\$ -	\$ -	\$ 10.00	\$ 7.50

PENOBSCOT	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	FY'14 AVG
BANGOR DC	\$ 150.00	\$ 50.00	\$ 100.00	\$ 150.00	\$ 100.00	\$ 160.00	\$ 200.00	\$ 40.00	\$ 450.00	\$ 250.00	\$ 280.00	\$ 200.00	\$ 177.50
BANGOR SC	\$ -	\$ -	\$ -	\$ -	\$ 25.00	\$ 25.00	\$ 25.00	\$ 200.00	\$ 225.00	\$ -	\$ -	\$ -	\$ 41.67
BANGOR UCD	\$ 2,811.00	\$ 3,133.00	\$ 2,311.00	\$ 2,528.00	\$ 2,694.00	\$ 2,451.00	\$ 3,017.00	\$ 6,475.00	\$ 5,871.00	\$ 4,196.00	\$ 2,521.00	\$ 3,756.00	\$ 3,480.33
TOTAL:	\$ 2,961.00	\$ 3,183.00	\$ 2,411.00	\$ 2,678.00	\$ 2,819.00	\$ 2,636.00	\$ 3,242.00	\$ 6,715.00	\$ 6,546.00	\$ 4,446.00	\$ 2,801.00	\$ 3,956.00	\$ 3,699.50

NO SCREENER	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	FY'14 AVG
BRIDGTON DC	\$ -	\$ -	\$ -	\$ -	\$ 50.00	\$ 130.00	\$ 150.00	\$ 50.00	\$ 100.00	\$ 50.00	\$ -	\$ 150.00	\$ 56.67
CALAIS DC	\$ 72.00	\$ 498.00	\$ 100.00	\$ 100.00	\$ 80.00	\$ 528.00	\$ (20.00)	\$ -	\$ -	\$ 300.00	\$ 100.00	\$ 50.00	\$ 150.67
CARIBOU DC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
DOVER-FOX DC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 170.00	\$ -	\$ -	\$ -	\$ -	\$ 14.17
ELLSWORTH DC	\$ 30.00	\$ 10.00	\$ 65.00	\$ 90.00	\$ 75.00	\$ -	\$ 15.00	\$ -					\$ 35.63
FARMINGTON DC	\$ 435.00	\$ 255.00	\$ 135.00	\$ 1,010.00	\$ 265.00	\$ 65.00	\$ 60.00	\$ 280.00	\$ 310.00	\$ 133.00	\$ 350.00	\$ -	\$ 274.83
FORT KENT DC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
HOULTON DC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -					\$ -
LINCOLN DC	\$ -	\$ 50.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 726.00	\$ -	\$ -	\$ 64.67
MACHIAS DC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50.00	\$ -	\$ 200.00	\$ 50.00	\$ 479.00	\$ -	\$ 50.00	\$ 69.08
MADAWASKA DC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
MILLINOCKET DC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
NEWPORT DC	\$ 675.00	\$ 940.00	\$ 171.00	\$ 379.00	\$ 200.00	\$ 90.00	\$ 744.00	\$ 510.00	\$ 230.00	\$ 190.00	\$ 40.00	\$ 490.00	\$ 388.25
PRESQUE ISLE DC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
RUMFORD DC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 150.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12.50
SKOWHEGAN DC	\$ 50.00	\$ 50.00	\$ -	\$ -	\$ 450.00	\$ 350.00	\$ 50.00	\$ 350.00	\$ -	\$ 320.00	\$ -	\$ -	\$ 135.00
YORK DC	\$ -	\$ 50.00	\$ -	\$ -	\$ 600.00	\$ -	\$ 400.00	\$ 1,257.00	\$ -	\$ 60.00	\$ 945.00	\$ 60.00	\$ 281.00
CARIBOU SC	\$ 600.00	\$ -	\$ -	\$ -	\$ 25.00	\$ -	\$ -	\$ -					\$ 78.13
DOVER-FOX SC	\$ -	\$ -	\$ 150.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12.50
ELLSWORTH SC	\$ 30.00	\$ 160.00	\$ 45.00	\$ 60.00	\$ 60.00	\$ 575.00	\$ 30.00	\$ -					\$ 120.00
FARMINGTON SC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 200.00	\$ 3,033.00	\$ 395.00	\$ -	\$ -	\$ -	\$ -	\$ 302.33
HOULTON SC	\$ -	\$ -	\$ -	\$ 150.00	\$ -	\$ 70.00	\$ 340.00	\$ -					\$ 70.00
MACHIAS SC	\$ 150.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 175.00	\$ 150.00	\$ 50.00	\$ -	\$ -	\$ -	\$ -	\$ 60.42
SKOWHEGAN SC	\$ 100.00	\$ -	\$ 100.00	\$ 90.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 24.17
ELLSWORTH UCD		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -					\$ -
Dover-Fox UCD	\$ -	\$ -	\$ -	\$ -	\$ 265.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 22.08
FARMINGTON UCD	\$ 500.00	\$ 250.00	\$ -	\$ 200.00	\$ 310.00	\$ 300.00	\$ 500.00	\$ -	\$ 600.00	\$ 450.00	\$ 200.00	\$ -	\$ 275.83
SKOWHEGAN UCD	\$ -	\$ -	\$ 100.00	\$ -	\$ 400.00	\$ 425.00	\$ 225.00	\$ 425.00	\$ 175.00	\$ 180.00	\$ 150.00	\$ 185.00	\$ 188.75
TOTAL:	\$ 2,642.00	\$ 2,313.00	\$ 916.00	\$ 2,129.00	\$ 2,830.00	\$ 3,108.00	\$ 5,677.00	\$ 3,687.00	\$ 1,465.00	\$ 2,888.00	\$ 1,785.00	\$ 985.00	\$ 2,636.67

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES
INDIGENCY STATISTICS**

ALL SCREENERS	Indigent	Partial	Denied	Screened but Pled	TOTAL	%Indigent	%Partial	%Denied
Fiscal Year 2014	8714	2331	1285	1863	12330	71%	19%	10%

MIDCOAST	Indigent	Partial	Denied	Pled	TOTAL	%Indigent	%Partial	%Denied
July	108	86	24		218	50%	39%	11%
August	93	81	22		196	47%	41%	11%
September	85	66	24		175	49%	38%	14%
October	91	50	19		160	57%	31%	12%
November	90	68	17		175	51%	39%	10%
December	98	45	21		164	60%	27%	13%
January	105	76	21		202	52%	38%	10%
February	93	70	19		182	51%	38%	10%
March	98	75	23	1	196	50%	38%	12%
April	84	49	16	0	149	56%	33%	11%
May	97	88	23	1	208	47%	42%	11%
June	90	63	28	1	181	50%	35%	15%
TOTAL:	1132	817	257	3	2206	51%	37%	12%

Screener covers Belfast District and Superior Courts, Rockland District and Superior Courts, Wiscasset District and Superior Courts, Bath Superior Court, West Bath District Court and Two Bridges Regional Jail

ANDROSCOGGIN	Indigent	Partial	Denied	Pled	TOTAL	%Indigent	%Partial	%Denied
July	121	21	8		150	81%	14%	5%
August	145	42	9		196	74%	21%	5%
September	99	26	3		128	77%	20%	2%
October	108	29	4		141	77%	21%	3%
November	101	29	0		130	78%	22%	0%
December	107	20	8		135	79%	15%	6%
January	115	23	2		140	82%	16%	1%
February	92	23	3	1	118	78%	19%	3%
March	104	21	6	1	131	79%	16%	5%
April	102	26	5	1	133	77%	20%	4%
May	90	29	5	0	124	73%	23%	4%
June	104	17	6	0	127	82%	13%	5%
TOTAL:	1288	306	59	3	1653	78%	19%	4%

Screener covers Lewiston District Court, Auburn Superior Court, South Paris District and Superior Courts, and Androscoggin County Jail.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
INDIGENCY STATISTICS

KENNEBEC	Indigent	Partial	Denied	Pled	TOTAL	%Indigent	%Partial	%Denied
July	89	20	5		114	78%	18%	4%
August	74	18	4		96	77%	19%	4%
September	51	10	3	24	64	80%	16%	5%
October	no screener during this month							
November (partial Screener coverage)	34	9	0	8	43	79%	21%	0%
December	71	19	1	51	91	78%	21%	1%
January	100	15	2	31	117	85%	13%	2%
February	129	15	8	47	152	85%	10%	5%
March	102	18	6	32	126	81%	14%	5%
April	109	20	7	22	136	80%	15%	5%
May	no screener during this month							
June	no screener during this month							
TOTAL:	759	144	36	215	939	81%	15%	4%

Screener covers Augusta District and Superior Courts, Waterville District Court and Kennebec County Jail

PENOBSCOT	Indigent	Partial	Denied	Pled	TOTAL	%Indigent	%Partial	%Denied
July	93	18	20	66	131	71%	14%	15%
August	92	27	18	52	137	67%	20%	13%
September	119	27	14	61	160	74%	17%	9%
October	121	14	11	48	146	83%	10%	8%
November	109	38	27	39	174	63%	22%	16%
December	122	31	11	35	164	74%	19%	7%
January	144	13	17	49	174	83%	7%	10%
February	128	35	12	31	175	73%	20%	7%
March	171	24	16	35	211	81%	11%	8%
April	175	9	19	51	203	86%	4%	9%
May	178	29	13	67	220	81%	13%	6%
June	117	29	24	44	214	55%	14%	11%
TOTAL:	1569	294	202	578	2109	74%	14%	10%

Screener covers Penobscot County Unified Criminal Docket & Bangor District Court

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
INDIGENCY STATISTICS

YORK	Indigent	Partial	Denied	Pled	TOTAL	%Indigent	%Partial	%Denied
July	147	53	24		224	66%	24%	11%
August	149	60	14		223	67%	27%	6%
September	123	52	17		192	64%	27%	9%
October	142	45	14		201	71%	22%	7%
November	115	52	10		177	65%	29%	6%
December	127	48	14		189	67%	25%	7%
January	132	44	5	1	181	73%	24%	3%
February	108	46	7	1	161	67%	29%	4%
March	110	53	3	2	166	66%	32%	2%
April	103	54	6	3	163	63%	33%	4%
May	124	47	8	0	179	69%	26%	4%
June	101	48	9	4	158	64%	30%	6%
TOTAL:	1334	549	107	11	2214	60%	25%	5%

Screener covers Biddeford District Court, Springvale District Court, York County Superior Court and York County Jail

CUMBERLAND CTY	Indigent	Partial	Denied	Pled	TOTAL	%Indigent	%Partial	%Denied
July	189	3	35		227	83%	1%	15%
August	216	17	47		280	77%	6%	17%
September	195	12	13	48	220	89%	5%	6%
October	120	24	3	46	147	82%	16%	2%
November (partial coverage)	49	5	1	29	55	89%	9%	2%
December (partial coverage)	166	3	23		192	86%	2%	12%
January	195	31	42	50	268	73%	12%	16%
February	202	12	41	28	255	79%	5%	16%
March	234	1	42	47	277	84%	0%	15%
April	229	3	61	50	293	78%	1%	21%
May	288	4	38	71	330	87%	1%	12%
June	278	3	36	19	317	88%	1%	11%
TOTAL:	2361	118	382	388	2861	83%	4%	13%

Screener covers Cumberland County Unified Court and Cumberland County Jail

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
INDIGENCY STATISTICS

AROOSTOOK	Indigent	Partial	Denied	Pled	TOTAL	%Indigent	%Partial	%Denied
July	No screener from January to March							
August								
September								
October								
November								
December								
January								
February								
March								
April	21	16	4	59	41	51%	39%	10%
May	59	34	5	13	98	60%	35%	5%
June	60	20	28	15	123	49%	16%	23%
TOTAL:	140	70	37	87	262	53%	27%	14%

Screener covers Houlton District, Houlton Superior, Caribou Superior and Aroostook County Jail

HANCOCK	Indigent	Partial	Denied	Pled	TOTAL	%Indigent	%Partial	%Denied
July	No screener from January to mid-April							
August								
September								
October								
November								
December								
January								
February								
March								
April (partial coverage)	9	4	0		13	69%	31%	0%
May	33	10	1		44	75%	23%	2%
June	25	19	2		46	54%	41%	4%
TOTAL:	67	33	3		103	65%	32%	3%

Screener covers Hancock County Unified Criminal Docket, Ellsworth District Court, and Hancock County Jail

Chapter 401: GUIDELINES FOR DETERMINATION OF FINANCIAL ELIGIBILITY FOR ASSIGNED COUNSEL AND REIMBURSEMENT FOR ASSIGNED COUNSEL COSTS

Summary: This chapter establishes guidelines for determining a person's financial eligibility for assigned counsel and for determining whether eligible persons should be required to reimburse the state for some or all of the cost of assigned counsel. These guidelines govern the work of financial screeners employed by the commission and are intended to provide guidance to courts in their determination of financial eligibility and the amount, if any, of reimbursement.

SECTION 1. DETERMINATION OF FINANCIAL ELIGIBILITY

1. Definitions. The following definitions shall be used in making a determination of financial eligibility:

- A. **Income.** Income means actual available current annual total cash receipts before taxes of all persons who are resident members of, and contribute to, the support of a family unit. Income may also include potential wages from seasonal employment when the applicant has a history of seasonal employment. Types of income include, but are not limited to: wages, income from self-employment, rents, royalties, child support, alimony, Social Security benefits, including SSDI and SSI, TANF benefits, VA benefits, general assistance, cash benefits, unemployment compensation, workers compensation, insurance or pension benefits, strike benefits, interest, dividends, and military family allotments. Income does not include in-kind assistance such as food stamps or vouchers.
- B. **Cash assets.** Cash assets means cash on hand; money in savings, checking, IRA, certificates of deposit or other readily accessible accounts; stocks or bonds that can be sold; and cash bail unless another person has been designated as the owner of the cash pursuant to 15 M.R.S.A. §1074(1).
- C. **Other assets.** Other assets include equity in real estate equal to an amount necessary to obtain a home equity loan; cash value of insurance policies; cash value of pension, retirement, or profit sharing plans to which the applicant has access; equity value of major personal property items such as boats, snowmobiles, and motor vehicles that are not needed for work or family transportation; valuable jewelry; antiques or collections; and any other property that could be sold, exchanged, or used to obtain a loan.

- D. **Necessary Monthly Expenses.** Necessary monthly expenses include only expenses necessary for the following:
- (1) food;
 - (2) shelter, including mortgage payments on a principal residence, rent and utilities;
 - (3) medical care, including medical insurance premiums paid by the applicant and installment payments on debts for medical expenses;
 - (4) employment, including loan payments on a vehicle used to get to work and uniforms required by the employer;
 - (5) debts, including minimum payments on credit card debt and payments on student loans and long term (longer than 6 months) personal loans.

Expenses for items not listed above should not be included in the calculation of necessary monthly expenses.

2. **Procedure for determining financial eligibility and amount of reimbursement.** The following procedures shall be used for determining financial eligibility and the amount of any reimbursement obligation:

- A. Determine gross income and assets of the applicant and all members of the applicant's family unit.
- B. If the cash assets of the applicant and the applicant's family unit exceed the amounts set forth below, the applicant is not eligible for assigned counsel. For adult criminal and juvenile cases: \$1,000 in cases where the most serious charge alleges a Class D or E crime; \$2,000 in cases where the most serious charge alleges a C crime; \$3,000 in cases where the most serious charge alleges a B crime; \$4,000 in cases where the most serious charge alleges a Class A crime; and \$2,500 for child protective cases.
- C. If the applicant's cash assets are less than the amounts above, it is necessary to determine whether the applicant can convert other assets into cash so that the applicant can retain an attorney. If the other assets are such that they can be used to hire an attorney, the applicant is not eligible. If the applicant is or has been converting cash assets into other assets, such as making a large down payment or substantial monthly payments on a motor vehicle or similar item, this fact can be taken into consideration in determining eligibility.
- D. If the applicant's cash and convertible assets equal less than the amounts listed in Paragraph 2, the income amount should be compared to the appropriate amount on the Income Table attached as Appendix A. The Income Table is based on 110% of the federal poverty guidelines and shall be updated by the Commission annually on July 1st. If the income of the applicant and applicant's family unit is less than the

appropriate amount on the Income Table, the applicant is eligible for assigned counsel.

- E. In order to determine whether the applicant can reimburse the State for the expense of assigned counsel, compare the monthly income of the applicant with the applicant's necessary monthly expenses. If income exceeds necessary monthly expenses, the applicant should be required to make periodic payments based on the amount by which income exceeds necessary expenses to reimburse the State for the cost of assigned counsel. Payments should be required up to an amount equal to the maximum fee set by the Commission for the type of case for which counsel is assigned. Maximum fees are set forth on Appendix B. Cash and convertible assets that are available but are insufficient to disqualify an applicant under subsection 2 should also be considered when determining whether an applicant can make reimbursement and the amount of reimbursement.
- F. Applicants whose income exceeds 110% of the federal poverty guidelines may be eligible for assigned counsel if they have extraordinary necessary monthly expenses that render them unable to retain counsel. In such cases, an order for reimbursement should be entered unless the interests of justice demand otherwise.
- G. In any case where a person represented by assigned counsel subsequently retains counsel, the court should, when granting assigned counsel leave to withdraw, order the person to reimburse the State for amounts expended for representation by assigned counsel prior to the entry of appearance of retained counsel.

SECTION 2. BAIL

- 1. In all cases where a criminal defendant represented by assigned counsel has posted cash bail that has not been designated the property of another pursuant to 15 M.R.S.A. §1074(1), the bail should be ordered set-off pursuant to 15 M.R.S.A. §1074(3)(c) to reimburse counsel fees and other expenses paid by the state for representation in the proceeding in which bail is posted or in any unrelated proceeding.

STATUTORY AUTHORITY: 4 M.R.S. § 1804(2)(A) and (4)(D)

EFFECTIVE DATE:

APPENDIX A

INCOME TABLE FOR DETERMINATION OF ELIGIBILITY FOR ASSIGNED COUNSEL

Family Size	Gross Annual Income	Monthly Gross	Weekly Gross
1	\$12,837	\$1,069.75	\$246.86
2	\$17,303	\$1,441.91	\$332.75
3	\$21,769	\$1,814.08	\$418.63
4	\$26,235	\$2,186.25	\$504.51
5	\$30,701	\$2,558.41	\$590.40
6	\$35,167	\$2,930.58	\$676.28
7	\$39,633	\$3,302.75	\$762.17
8	\$44,099	\$3,674.91	\$848.05
For each additional person add	\$4,466	\$372.16	\$85.88

Allowable Cash Assets	
Class A	\$4,000
Class B	\$3,000
Class C	\$2,000
Class D & E	\$1,000
Protective Custody	\$2,500

APPENDIX B

MAXIMUM FEES FOR VARIOUS CASE TYPES

Chapter 301: FEE SCHEDULE AND ADMINISTRATIVE PROCEDURES FOR
PAYMENT OF COMMISSION ASSIGNED COUNSEL

Type	Amount
Class A	\$2,750.00
Class B & C (against person)	\$2,062.50
Class B & C (against property)	\$1,375.00
Class D & E (Superior or UCD)	\$687.50
Class D & E (District Court)	\$495.00
Post-Conviction Review	\$1,100.00
Probation Revocation	\$495.00
Miscellaneous	\$495.00
Juvenile	\$495.00
Child Protective	\$825.00
Termination of Parental Rights (with hearing)	\$1,155.00
Application for Involuntary Commitment	\$385.00
Petition for Emancipation	\$385.00
Petition for Modified Release Treatment	\$385.00
Petition for Release or Discharge	\$385.00
Criminal Direct Appeals & Appellate work	\$1,100.00

(1) *Before Verdict.* If the defendant in a proceeding in which the crime charged is murder or a Class A, Class B, or Class C crime appears in any court without counsel, the court shall advise the defendant of the defendant's right to be represented by counsel at every stage of the proceeding unless the defendant elects to proceed without counsel. If the defendant is without sufficient means to employ counsel, the court shall make an initial assignment of counsel. Assigned counsel must be designated by the Maine Commission on Indigent Legal Services as eligible to receive assignments for the type of case to which counsel is assigned. The Maine Commission on Indigent Legal Services will, pursuant to procedures established by the Commission, accept the initial assignment made by the court or substitute other counsel for counsel assigned by the court. Counsel initially assigned by the court shall remain counsel of record unless the Commission does not accept the assignment and provides notice of substitution of counsel and counsel files a notice of withdrawal pursuant to Rule 44B, or counsel is otherwise granted leave to withdraw pursuant to Rule 44B.

If a defendant in a proceeding in which the crime charged is a Class D or Class E crime appears in any court without counsel, the court shall advise the defendant of the defendant's right to be represented by counsel at every stage of the proceeding unless the defendant elects to proceed without counsel. If the defendant is without sufficient means to employ counsel, the court shall make an initial assignment of counsel, unless the court concludes that in the event of conviction a sentence of imprisonment will not be imposed. Assigned counsel must be designated by the Maine Commission on Indigent Legal Services as eligible to receive assignments for the type of case to which counsel is assigned. The Maine Commission on Indigent Legal Services will, pursuant to procedures established by the Commission, accept the initial assignment made by the court or substitute other counsel for counsel assigned by the court. Counsel initially assigned by the court shall remain counsel of record unless the Commission does not accept the assignment and provides notice of substitution of counsel and counsel files a notice of withdrawal or counsel is otherwise granted leave to withdraw under Rule 44B.

(2) *On Appeal.* Assigned counsel who represents a defendant in the District Court, the Superior Court, or a court with a unified criminal docket shall continue to

represent the defendant on appeal unless relieved by order of the trial or appellate court.

The court may assign counsel to a defendant determined indigent after verdict or finding pursuant to Rule 44A.

(b) *Determination of Indigency.* The court shall determine whether a defendant has sufficient means with which to employ counsel and in making such determination may examine the defendant under oath concerning the defendant's financial resources. A defendant does not have sufficient means with which to employ counsel if the defendant's lack of resources effectively prevents the defendant from retaining the services of competent counsel. In making its determination the court shall consider the following factors: the defendant's income, the defendant's credit standing, the availability and convertibility of any assets owned by the defendant, the living expenses of the defendant and the defendant's dependents, the defendant's outstanding obligations, the financial resources of the defendant's parents if the defendant is an unemancipated minor residing with his or her parents, and the cost of retaining the services of competent counsel.

If the court finds that the defendant has sufficient means with which to bear a portion of the expense of representation, it shall assign counsel to represent the defendant in accordance with subdivision (a)(1), above, but may condition its order on the defendant's paying to the court a specified portion of the counsel fees and costs of defense. When such a conditional order is issued the court shall enter an order stating its findings.

(c) *Compensation of Counsel.* Assigned counsel shall receive compensation for services performed and expenses incurred as assigned counsel pursuant to rates and standards established by the Maine Commission on Indigent Legal Services pursuant to 4 M.R.S. § 1804 (2), (3). Assigned counsel shall under no circumstances accept from the defendant or from anyone else on the defendant's behalf any compensation for services or costs of defense.

(d) *Counsel appointed or assigned by the Court prior to the publication of rosters by the Commission.* Counsel appointed or assigned by the court prior to the publication of rosters containing the names of attorneys designated by the Commission as eligible to receive assignments and those attorneys ap-