

# THE MAINE COMMISSION ON INDIGENT LEGAL SERVICES

## AGENCY OVERVIEW

John D. Pelletier, Esq. Executive Director

The Maine Commission on Indigent Legal is an independent commission established by the Legislature in 2009. The purpose of the Commission is to provide efficient, high-quality representation to people entitled to representation at state expense under the Constitution of the United States or the Constitution or laws of Maine. These are people who cannot afford counsel in cases where the state seeks to restrict a person's liberty, such as criminal cases, juvenile cases, child protection cases, and cases seeking involuntary commitment to a psychiatric hospital. The Commission carries out its statutory mission primarily through the use of private assigned counsel; that is, attorneys in private practice who are assigned to provide representation in individual cases and who are paid a fixed hourly rate by the Commission.<sup>1</sup> The hourly rate is currently \$55.00/hr.

The Commission has 5 members appointed by the Governor and confirmed by the Senate. Commission operations are administered by a central office staff that includes 4 authorized positions, one of which has been vacant for some time. The Commission also employs 8 financial screeners, six full-time and 2 part-time, who work in courthouses around the state. The screeners obtain and review financial information provided by people applying for assigned counsel and make recommendations to the court about eligibility for counsel based on financial guidelines that the Commission has promulgated. The Court makes the final determination whether a person is eligible to counsel, and if so, whether they will be ordered to reimburse the state for some or all of the cost of their representation. The financial screeners track payments required by reimbursement orders and pursue collections when people are delinquent in their payments. Reimbursements flow to the Commission and are used to defray the cost of indigent legal services. In FY'14, the Commission collected \$654,406.00 in reimbursements for assigned counsel fees.

The Commission sets qualifications that lawyers must meet to be placed on the roster of eligible attorneys. Courts assign counsel from the rosters produced by the Commission. During FY'14, the Commission oversaw approximately 500 lawyers on its rosters.

At the end of each case, the attorney submits a detailed voucher listing the work performed and the number of hours expended through a state of the art electronic billing system. Commission staff review each voucher and authorize payment using an electronic interface between its billing program and the State Controller's office. In FY'14, the Commission processed just over 28,000 attorney vouchers.

Often, to provide adequate representation requires it is necessary that the attorney obtain the assistance of a private investigator or expert witness. In such cases, attorneys must apply to the Commission for pre-approval to hire an expert or investigator. In FY'14, the Commission

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<sup>1</sup> The Commission does have one contract under which a group of attorneys handle all of the criminal and juvenile cases in Somerset County.

processed over 1,100 requests for experts and investigators and paid the respective providers for the services performed.

Finally, the Commission organizes and presents training, both as a pre-requisite for new attorneys joining the roster and as on-going training for experienced counsel working on assigned cases. During calendar year 2014, the Commission organized and presented 61 hours of continuing legal education during 12 separate live and video replay programs.

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
Training Provided to Assigned Counsel in 2014

**Criminal Law Minimum Standards (video replay)**

June 12, 2014 – Augusta

6 hours CLE credit

November 19, 2014 – Augusta

6 hours CLE credit

**Juvenile Law Minimum Standards (video replay)**

June 23, 2014 – Augusta

7 hours CLE credit

**Child Protection Minimum Standards (video replay)**

June 24, 2014 – Augusta

5 hours CLE credit

November 20, 2014 – Augusta

5 hours CLE credit

**Emancipation Minimum Standards (video replay)**

June 25, 2014 – Augusta

2 hours CLE credit

November 20, 2014 – Augusta

2 hours CLE credit

**Involuntary Commitment Training**

July 25, 2014 – Bangor

4 hours CLE credit

**Advanced Juvenile Training (video replay)**

September 18, 2014 – Augusta

6 hours CLE credit

**Advanced Criminal Law Training**

October 23-24, 2014 – Freeport

12.75 hours CLE credit

**Juvenile Law Minimum Standards**

December 4, 2014 – Freeport

6 hours CLE credit

61.75 hours of training provided in 2014

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%
<b>TOTAL:</b>	<b>1132</b>	<b>817</b>	<b>257</b>	<b>3</b>	<b>2206</b>	<b>51%</b>	<b>37%</b>	<b>12%</b>

*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%
<b>TOTAL:</b>	<b>1288</b>	<b>306</b>	<b>59</b>	<b>3</b>	<b>1653</b>	<b>78%</b>	<b>19%</b>	<b>4%</b>

*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							
<b>TOTAL:</b>	<b>759</b>	<b>144</b>	<b>36</b>	<b>215</b>	<b>939</b>	<b>81%</b>	<b>15%</b>	<b>4%</b>

*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%
<b>TOTAL:</b>	<b>1569</b>	<b>294</b>	<b>202</b>	<b>578</b>	<b>2109</b>	<b>74%</b>	<b>14%</b>	<b>10%</b>

*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%
<b>TOTAL:</b>	<b>1334</b>	<b>549</b>	<b>107</b>	<b>11</b>	<b>2214</b>	<b>60%</b>	<b>25%</b>	<b>5%</b>

*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								
<i>(partial coverage)</i>	49	5	1	29	55	89%	9%	2%
December								
<i>(partial coverage )</i>	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%
<b>TOTAL:</b>	<b>2361</b>	<b>118</b>	<b>382</b>	<b>388</b>	<b>2861</b>	<b>83%</b>	<b>4%</b>	<b>13%</b>

*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%
<b>TOTAL:</b>	<b>140</b>	<b>70</b>	<b>37</b>	<b>87</b>	<b>262</b>	<b>53%</b>	<b>27%</b>	<b>14%</b>

*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%
<b>TOTAL:</b>	<b>67</b>	<b>33</b>	<b>3</b>		<b>103</b>	<b>65%</b>	<b>32%</b>	<b>3%</b>

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