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Via US Mail and Email – GOC@legislature.maine.gov

Hon. Justin Chenette, Senate Chair
Hon. Anne-Marie Mastraccio, House Chair
Government Oversight Committee
Office of Program Evaluation and
Government Accountability
82 State House Station
Augusta, Maine 04333-0082

Dear Senator Chenette and Representative Mastraccio:

First of all, very best wishes for a Happy New Year! Life as a former State Senator and Chair of your committee is full and definitely more relaxed! One of my new tasks is as a member of the reconstituted Maine Commission on Indigent Legal Services (MCILS). I write on behalf of the Commission.

As you may know, MCILS has organized itself in four subcommittees to review the Sixth Amendment Center's report, and other information the Commission has received, to determine how it will better provide efficient, high-quality representation to indigent criminal defendants, juvenile defendants and children and parents in child protective cases. Each subcommittee will develop recommendations to the full Commission for changes to its policies and practices, requests to the Legislature for statutory and/or budgetary changes, and communications to Judiciary regarding Court Rules or court operations.

As you know, the Government Oversight Committee and OPEGA has been considering a request to review the effectiveness of the Commission in meeting its mission and the economical use of resources. On December 10, 2019, OPEGA recommended that the Government Oversight Committee charge it to conduct a full review of the:

1. Adequacy of systems and procedures used by MCILS staff to process payments and expenditures associated with providing legal representation to clients who have been determined to be indigent or partially indigent.
2. Reasonableness of and consistency in the application of standards, criteria and procedures which inform the determination of whether a defendant/client is indigent.

3. Reasonableness of and consistency in the application of criteria and procedures used in determining, ordering and monitoring payments towards counsel fees by those who have been determined to be partially indigent.
4. Sufficiency of response by MCILS, or MCILS staff, to internally identified concerns and to recommendations made in reports which examined or evaluated the operations of the Commission regarding financial oversight.
5. Adequacy of the oversight structure of MCILS in ensuring that operations align with and accomplish the organization's purpose.

The Government Oversight Committee approved that review. OPEGA apparently indicated that, absent changes in the office's work plan, a full report could take as long as a year and certainly would not be complete by March to inform changes by this Legislature.

At its December 16, 2019 meeting, the Commission observed a high degree of overlap between OPEGA's review and the Commission's review and, further, that OPEGA's findings would be likely be very helpful to its work. Accordingly, it voted unanimously to request the Government Oversight Committee to give a high priority on OPEGA's work plan to its review of the Commission.

We are well aware that there are other important topics on OPEGA's workplan. I am uniquely aware of the difficult job you have in setting priorities. Having said that, we now have significant momentum in addressing the pressing concerns of indigent representation, and we would like to "strike while the iron is hot", so to speak. Therefore, to the extent this project can be given priority as you consider OPEGA's workplan, it would be of huge assistance to the Commission as we move forward.

Best regards,

/s/ **Roger J. Katz**



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