
MCILS INITIATIVES / MARCH 2022

TO: SENATOR KEIM

FROM: JUSTIN ANDRUS, EXECUTIVE DIRECTOR

SUBJECT: MCILS INITIATIVES FOR MARCH 2022

DATE: 3/14/2022

CC:

Set out below are additional details about each of the MCILS proposals. Please let me know if there are additional details you'd like to see.

1. "Flying Squad"

Salaries for attorneys working in the offices of District Attorneys fall into the following ranges. Grade 30 is for a new prosecutor. Grade 90 is for an elected District Attorney. New State employees typically start at Step 3, but with more experience may start on Step 4 or higher. We have included Steps 3, 4, and 8 to provide a reference range.

For the dispatchable attorneys, it is important that we have at least some experienced attorneys because at times each will work independently in the field. When we think about brick-and-mortar offices, we think of mimicking the structure in the office of a District Attorney. That would mean a District Defender at a comparable grade and step; a Deputy District Defender comparable to a Deputy District Attorney; and Assistant District Defenders comparable to Assistant District Attorneys. For the dispatchable unit, we suggest one attorney at the District Defender level, and four attorneys at the Assistant District Defender level.

We believe that five is the correct number of defenders to trial this program with because it would permit MCILS to field two teams of two, with one person in the office, at any one time. We would expect that the configuration of the teams would be variable, so that all office members work with all others, and so that it is not always the case that the same person is in the office.

It also bears note that at the outset this proposal does not include additional office staff. To create a unit in which MCILS employed attorneys have the benefit of a similar support structure to prosecutors, those support staff would have to be added in the future.

**DA SALARY w/4% increase & our
fringe #s**

	Step 3	Step 4	Step 8
Grade 30	\$67,167	\$70,282	\$83,218
fringe	\$49,907	\$49,907	\$59,791
total	\$117,074	\$120,189	\$143,009
Grade 38	\$94,185	\$98,750	\$117,656
fringe	\$58,137	\$61,625	\$70,480
total	\$152,322	\$160,375	\$188,136
Grade 90	\$103,919	\$109,111	\$129,835
fringe	\$61,771	\$65,477	\$75,332
total	\$165,690	\$174,588	\$205,167

In addition to direct costs for payroll and benefits, MCILS anticipates the following ancillary costs for each attorney employee. These numbers are based on existing known costs, and are subject to variation in some instances based on outside forces:

Ancillary Costs	per person cost year 1	per person cost year 2
Bar dues	\$265	\$265
Case management software	\$433	\$433
Cell phone	\$378	\$378
Eyeglass reimbursement	\$150	\$150
Legal research subscription	\$672	\$672
Monitor, mouse, keyboard*	\$600	
Office furniture*	\$2,480	
Office supplies	\$750	\$750
OIT/TELCO	\$2,638	\$2,638
TELCO installation costs*	\$320	
Service center (Payroll processing)	\$563	\$563
Subscriptions (rule and statute books)	\$70	\$70
Total cost per person	\$9,319	\$5,919
*denotes first-year only cost		

Adding the payroll and fringe costs, together with the ancillary costs, nets the following:

Position	Unit Cost (salary/benefits @ step 3 + ancillary costs) Year 1	Unit Cost (salary/benefits @ step 4 + ancillary costs) Year 2
District Defender <i>Elected DA Grade 90</i>	\$182,919	\$186,999
Assistant Public Defender II <i>ADA Grade 38</i>	\$168,925	\$172,279
Assistant Public Defender I <i>ADA Grade 30</i>	\$137,183	\$139,137

So, for a unit of five, with one District Defender and four Assistant Defenders, the total costs for payroll, fringe, and fixed ancillaries would be:

	Year 1	Year 2
District Defender	\$182,919	\$186,999
Assistant Public Defender I	\$137,183	\$139,137
Assistant Public Defender I	\$137,183	\$139,137
Assistant Public Defender II	\$168,925	\$172,279
Assistant Public Defender II	\$168,925	\$172,279
Annual Total	\$795,135	\$809,831
Two Year Total	\$1,604,966	

This table assumes that two of the Assistant Defenders are relatively new attorneys, and two are more experienced. The District Defender is assumed to be an experienced criminal defender.

In addition to the fixed costs, there will be expenses associated with travel, food and lodging when defenders are on the road. Based on the current per diem table, and on an expected in the field utilization rate of 80% (four of five defenders in the field at one time), the expected food and lodging costs per year are:

Per person expenses		
Mean Lodging Per Diem	\$	152.50
Mean Incidentals and Meals	\$	66.50
Mean Daily (non-milage)	\$	219.00
Mean Weekly (non-milage)	\$	1,095.00
Expected Annual	\$	227,760.00

Milage costs are harder to estimate, because they will vary from destination to destination. Based on a 520-mile round trip from Augusta to Fort Kent and back, however, we estimate a most-expensive case of:

Augusta - Fort Kent (Round Trip)		520
Milage rate	\$	0.45
per trip	\$	234.00
2 round trips per week	\$	24,336.00

Total expected costs for two years of the program as thus:

	Year 1	Year 2
Salary, Fringe, Ancillary	\$ 795,135.00	\$ 809,831.00
MIA	\$ 227,760.00	\$ 227,760.00
Mileage	\$ 24,336.00	\$ 24,336.00
Annual Total	\$ 1,047,231.00	\$ 1,061,927.00
Two Year Total	\$ 2,109,158.00	

In considering this expense, it is important to consider that these defenders will not be billing through the traditional indigent legal services process, and that there will be savings. It is impossible to determine those savings with precision, because we do not yet know where the utilization would be. For estimation purposes, however, its worth considering that using 1500 billable hours as an appropriate baseline billable hours expectation (full time, net of holidays, vacation and administrative time), MCILS would expect a full-time defender to bill approximately \$120,000 per year. Five full time defenders thus save \$600,000 per year from the existing budget, greatly reducing the net cost of the program.

2. Legal research resources (electronic access, some paper publications)

MCILS understands that many or most State prosecutors use Westlaw Edge as their online legal research product. We solicited a price from Westlaw for the same product on February 28, 2022. We received the following as part of the responsive email:

OPTION 1) NATIONAL PRIMARY ON WESTLAW EDGE + CRIMINAL TREATISES

Proposed Content: National Primary Collection Criminal Analytical		
User Limit: Up to 300 Attorney Passwords		
Period of Performance	Fixed Monthly Charge	Annual Cost
Bridge Period: March – April 2022	\$0	\$0
Year 1: 5/1/2022 – 4/30/2023	\$3,840 per month	\$46,080 annually
Year 2: 5/1/2023 – 4/30/2024	\$3,916.80 per month	\$47,001.60 annually
Year 3: 5/1/2024 – 4/30/2025	\$3,995.14 per month	\$47,941.68 annually

To implement a contract for online legal research services MCILS would need to float an RFP, but it is useful to know that an appropriate service is available at a reasonable price before doing so.

In addition, written materials available to prosecutors including Court Rules; Jury Instructions; and Statutes, cost \$765 per attorney (based on Cumberland County). Based on 300 attorneys, that would total \$229,500 per year.

It may be appropriate to vary the subsidy to account for those attorneys who do MCILS cases on a less than fulltime basis. MCILS recommends that access to an electronic research service through MCILS be conditioned on maintaining an indigent caseload of 70% or greater. Based on the MCILS attorney demographic survey, the average respondent maintained that 70% caseload. With respect to written materials, MCILS recommends that funds be appropriated and authority granted to permit MCILS to reimburse counsel for those materials in an amount not to exceed \$765 per year. MCILS further recommends that the reimbursement be available once per year, based on the submission of a form request for reimbursement with receipts attached, and that the actual reimbursement be equal to the amount spent multiplied by the percentage of the attorney’s practice actually spent providing indigent legal services.

3. Training

MCILS requests that funds be appropriated, and authority granted for it to provide up to four, two-day, in-person trainings per year. MCILS estimates that the total cost for facilities and food for those events will be \$250,000 total for the four events, and that honorariums and tuition for expert trainings will cost approximately \$50,000 per year total for the four events. (The estimate for the facilities and food is based on similar trainings provided by a private organization. Those trainings are somewhat smaller than we anticipate because there is a cost associated with those trainings; because our MCILS those requests an appropriation of \$300,000 total additional funds for the training function. We further request that those funds be subject to subsequent allocation among facility, food, and honorarium costs.

It would also be appropriate to pay counsel for their time in attending these trainings. Because prosecutors are salaried, they are paid to attend their training obligations. No appropriation is necessary to pay counsel to attend.

4. Contracts to specialists

MCILS would like to contract with attorneys, and potentially other providers such as social workers and subject matter experts, to support indigent legal services. To begin that process, MCILS hopes to contract with four attorneys who are already otherwise eligible to provide indigent legal services. When those attorneys are providing direct support for specific clients in specific cases, the expectation is that they would bill for that time through the MCILS case management system, as they would in the ordinary course. Those attorneys will have time that cannot be billed to a specific case, however. MCILS seeks an appropriation and authority to enter into those contracts, subject to the RFP and procurement process. MCILS would begin with the following four specialties and would permit up to one-third time to support these services.

Diversion and mitigation specialist	\$60,000
Appellate assistance	\$60,000
Mentoring new lawyers	\$60,000
Available co-counsel/counsel with new attorney	\$60,000

MCILS thus requests a total appropriation of \$240,000 for this purpose.