

MCILS BUDGET INITIATIVES

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Potential MCILS Budget Initiatives

Rural Public Defender Unit

Initiative. Establishes one District Defender position (Elected DA-equivalent Grade 90), 2 Assistant Defender I positions (ADA-equivalent Grade 38) and 2 Assistant Defender II positions (ADA-equivalent Grade 30), to be dispatched in the State where needed, and provides for their ancillary costs and meals and travel expenses.

	2022-23
GENERAL FUND	
Positions	5
Personal Services	\$704,482
All Other	\$261,415

TOTAL	\$965,897

Personal services:

Assistant Defender II, step 3 (salary and fringe)	\$117,074	
Total for two	\$234,148	
Assistance Defender I, step 3 (salary and fringe)	\$152,322	
Total for two	\$304,644	
District Defender, Step 3 (salary and fringe)	\$165,690	
Total Personal Services		\$704,482

All Other		
“ancillary costs”	\$ 9,319 per person	
(note – after first year are - \$5,919 per person		
Lodging, meals and incidentals (not mileage)	\$227,760	
Mileage	\$ 24,336	
Total All Other:		\$261,415

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Legal research resources (electronic access, some paper publications)

Initiative: Provides funds for MCILS to enter into contract for online legal research access that is then provided to MCILS rostered attorneys (up to 300), and annual reimbursement for written legal materials purchased by attorneys.

GENERAL FUND

All Other \$275,580

Westlaw Edge online resource (up to 300 attorney licenses) *as an example*

Year 1: \$46,080

Year 2: \$47,001.60

Year 3: \$47,941.68

Written materials available to prosecutors including Court Rules; Jury Instructions; Statutes:
\$765 per attorney.

X 300 attorneys = \$229,500 per year in reimbursements

- MCILS plan is to base the actual reimbursement for written materials on the amount spent multiplied by the percentage of the attorney's practice actually spent providing indigent legal services

Or

- First year full reimbursement; each year after, if provided indigent legal services in the prior year at a specified threshold, receive full reimbursement the subsequent year.

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Training

Initiative: Provides funds for MCILS to provide up to 4, 2-day in-person trainings per year, including the costs of facilities, food and honoraria for expert trainings.

GENERAL FUND

All Other

\$300,000

Estimate for the facilities and food for four, two-day in-person trainings per year is \$250,000. Honoraria for expert teachers is estimated at \$50,000 per year.

Paying counsel for their time in attending trainings – no appropriation is necessary, but statutory authority is necessary. (not drafted yet)

Option: Offer training as hybrid or fully remote, and locate in-person training in different locations so easy for attorneys located around the State to attend at in-person without traveling far or spending the night.

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Contracts to specialists

Initiative: Provides funds and authority for MCILS to contract with attorneys and other providers and subject matter experts to support indigent legal services by providing targeted support concerning diversion and mitigation, appellate assistance, mentoring of new attorneys and serving co-counsel or lead counsel with a new attorney

GENERAL FUND

All Other	\$240,000
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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 trial 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

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Increase hourly rate to \$100

Initiative: Provides funding to raise the hourly rate for attorneys from \$80 to \$100 to continue to move toward resource parity between the defense and prosecution functions.

GENERAL FUND

All Other

\$4,649,763

Working from FY21 numbers, because the FY22 numbers to date are a mix of \$60 and \$80 / hour: MCILS paid out \$13,949,290 in FY21. That becomes \$18,599,053 at the current rate of \$80 / hour, and \$23,248,816 at \$100 / hour. Actual costs are hard to estimate, because the numbers depend so heavily on the State's charging decisions and on what the Court is up to.

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Kennebec County Public Defender Office

This is based on the appropriations section from the committee amendment to LD 1686, currently on the Special Appropriations Table. The numbers have been updated to reflect a start date of October 1, 2022, and the two 3% state employee increases.

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

Maine Commission on Indigent Legal Services Z112

Initiative: Establishes and provides funding for 4 Public Service Manager III positions, 5 Public Service Manager II positions, 2 Public Service Coordinator I positions, 2 Clinical Social Worker positions, 3 Paralegal positions and one Office Specialist II position to establish a Public Defender Office in Kennebec County. These positions begin October 1, 2022.

GENERAL FUND	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT		17.000
Personal Services		\$1,559,211
All Other		\$115,719
GENERAL FUND TOTAL		\$1,674,930

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Student loan repayments

Sec. XX. Loan repayment program. The Attorney General shall, in the next application round for grant funds under the John R. Justice Student Loan Repayment Program, include the attorneys that are employed by the Kennebec County Public Defender Officer and the Rural Public Defender Unit to satisfy the equal allocation requirement of the program.

U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance: This program (also referred to as the John R. Justice Student Loan Repayment Program) provides student loan repayment assistance for local, state, and federal public defenders and local and state prosecutors who commit to extended service in those roles.

The objective of the program is to offer an incentive to attract and retain qualified local, state, and federal public defenders and local and state prosecutors who commit to extended employment in those roles, and continue in that capacity for a minimum of 36 months.

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