
INITIATIVE 1 – ATTORNEY BILLING RATE

TO: COMMISSION
FROM: JWA
SUBJECT: INITIATIVE 1
DATE: 7/5/2022
CC: INTERESTED PARTIES

Initiative 1 – Attorney Billing Rate: Provides funding to increase the billing rate for assigned counsel to \$150 effective July 1, 2023, based on the five-year historical average billing history.

General Fund	2023-24	2024-25
All Other	<u>\$ 21,457,780.00</u>	<u>\$ 21,457,780.00</u>
Total	\$ 21,457,780.00	\$ 21,457,780.00

Staff recommend that the hourly rate for assigned counsel be increased to \$150 per hour effective July 1, 2023, and that the projected total cost for assigned counsel services be based on the five-year average of total hours worked by assigned counsel while serving consumers of indigent legal services.

Using those assumptions, the total cost for assigned counsel would be \$40,213,966.00 per year, and the increase over FY2022 assigned counsel vouchers would be \$21,457,780. (Note that for vouchers submitting in FY2022, attorney-hours cost MCILS \$60 or \$80 per hour, depending on when the work was performed.)

The following table sets out the hours and billings for the five immediate previous fiscal years, together with the projected cost for those hours had the billing rate been \$150 per hour:

	Billed	Hours	Projected
FY 2022	\$ 18,756,186.00	256,939	\$ 38,540,850.00
FY 2021	\$ 14,622,901.00	243,715	\$ 36,557,252.50
FY 2020	\$ 15,738,226.00	262,304	\$ 39,345,565.00
FY 2019	\$ 17,363,481.00	289,391	\$ 43,408,702.50
FY 2018	\$ 17,286,984.00	288,116	\$ 43,217,460.00
		268,093	\$ 40,213,966.00

Staff recommend the following additional assumptions:

1. Where the MCILS caseload standard project suggests that many attorneys serving consumers of indigent legal services are either at or over any reasonably anticipated caseload limit, the Commission should not assume that assigned counsel hours will decrease in relation to any staff attorneys added through public defender programs.

PROJECTED STAFF COSTS

TO: COMMISSION

FROM: JWA

SUBJECT: STAFF COSTS

DATE: 7/7/2022

CC:

Commissioners, the tables set out in this memorandum show the basis for the projected staff costs we are using to develop budget initiatives. These numbers are accurate for the 2022 legislative session. We have not yet received the data that we need to update the numbers and may not receive that data on a timeframe that will allow us to prepare the budget. We believe that these numbers are sufficiently precise to allow us to make informed budget projections. We also believe that to the extent that any initiative is authorized there will be a lag in hiring. That lag will provide vacancy savings that we project will exceed any cost increase from 2022 to 2023.

Table of ancillary costs:

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		

Table of total position costs:

Position	Unit Cost (salary/benefits @ step 3 + ancillary costs) Year 1	Unit Cost (salary/benefits @ step 4 + ancillary costs) Year 2	Step 3 (6%)	Step 4 (6%)	Step 8 (6%)
District Defender <i>Elected DA Grade 90</i>	\$182,919	\$186,999	108,123	\$113,547	\$134,117
			65,477	\$67,533	\$75,332
			\$173,600	\$181,080	\$209,449
Assistant Public Defender II <i>ADA Grade 38</i>	\$168,925	\$172,279	97,981	\$102,875	\$121,329
			61,625	\$63,485	\$70,480
			159,606	\$166,360	\$191,809
Assistant Public Defender I <i>ADA Grade 30</i>	\$137,183	\$139,137	74,963	\$78,842	\$93,130
			52,901	\$54,376	\$59,791
			127,864	\$133,218	\$152,921
Investigator	\$101,393	\$101,397	49,012	\$51,482	\$60,852
			43,062	\$43,996	\$47,551
			92,074	\$95,478	\$108,403
Social Worker	\$108,874	\$108,937	54,436	\$56,949	\$67,157
			45,119	\$46,069	\$49,945
			99,555	\$103,018	\$117,102
Paralegal	\$93,210	\$92,019	43,081	\$44,757	\$52,849
			40,810	\$41,343	\$44,524
			83,891	\$86,100	\$97,373
Office Manager	\$102,641	\$102,493	49,963	\$52,274	\$62,329
			43,359	\$44,300	\$48,108
			93,322	\$96,574	\$110,437
Legal Secretary	\$100,096	\$98,815	\$47,611	\$49,969	\$59,616
			\$43,166	\$42,927	\$46,654
			\$90,777	\$92,896	\$106,270

INITIATIVE 2 – PUBLIC DEFENDER OFFICE (NORTH)

TO: COMMISSION

FROM: JWA

SUBJECT: INITIATIVE 2 – PUBLIC DEFENDER OFFICE (NORTH)

DATE: 7/8/2022

This initiative represents one of the two public defender offices the Commission authorized staff to propose for the Commission budget. The staff costs include payroll, benefits, and ancillary costs, as set out in the Projected Staff Costs memorandum. NB: The anticipated cost for the physical office is an estimate, as we were not able to identify an appropriate proposed location in Aroostook County.

	2023-2024	2024-2025
<u>Unit Costs</u>		
District Defender	\$ 182,919.00	\$ 186,999.00
Asst DD II	\$ 168,925.00	\$ 172,279.00
Asst DD I	\$ 137,183.00	\$ 139,137.00
Office Manager	\$ 102,641.00	\$ 102,493.00
Paralegal	\$ 93,210.00	\$ 92,019.00
Social Worker	\$ 108,874.00	\$ 108,937.00
Investigator	\$ 101,393.00	\$ 101,397.00
 <u>Extended Costs</u>		
District Defender 1	\$ 182,919.00	\$ 186,999.00
Asst DD II 5	\$ 844,625.00	\$ 861,395.00
Asst DD I 5	\$ 685,915.00	\$ 695,685.00
Office Manager 1	\$ 102,641.00	\$ 102,493.00
Paralegal 3	\$ 279,630.00	\$ 276,057.00
Social Worker 4	\$ 435,496.00	\$ 435,748.00
Investigator 4	\$ 405,572.00	\$ 405,588.00
 <u>Total Staff Cost</u>		
	\$ 2,936,798.00	\$ 2,963,965.00
Office Space (Est)	\$ 75,000.00	\$ 75,000.00
Miscellaneous	\$ 20,000.00	\$ 20,000.00
 <u>Total</u>		
	\$ 3,031,798.00	\$ 3,058,965.00

INITIATIVE 3 – PUBLIC DEFENDER OFFICE (CENTRAL)

TO: COMMISSION

FROM: JWA

SUBJECT: INITIATIVE 3 – PUBLIC DEFENDER OFFICE (CENTRAL)

DATE: 7/8/2022

This initiative represents one of the two public defender offices the Commission authorized staff to propose for the Commission budget. The staff costs include payroll, benefits, and ancillary costs, as set out in the Projected Staff Costs memorandum. NB: The anticipated cost for the physical office is an estimate, as we were not able to identify an appropriate proposed location in Kennebec or Androscoggin County.

	2023-2024	2024-2025
<u>Unit Costs</u>		
District Defender	\$ 182,919.00	\$ 186,999.00
Asst DD II	\$ 168,925.00	\$ 172,279.00
Asst DD I	\$ 137,183.00	\$ 139,137.00
Office Manager	\$ 102,641.00	\$ 102,493.00
Paralegal	\$ 93,210.00	\$ 92,019.00
Social Worker	\$ 108,874.00	\$ 108,937.00
Investigator	\$ 101,393.00	\$ 101,397.00
 <u>Extended Costs</u>		
District Defender 1	\$ 182,919.00	\$ 186,999.00
Asst DD II 5	\$ 844,625.00	\$ 861,395.00
Asst DD I 5	\$ 685,915.00	\$ 695,685.00
Office Manager 1	\$ 102,641.00	\$ 102,493.00
Paralegal 3	\$ 279,630.00	\$ 276,057.00
Social Worker 4	\$ 435,496.00	\$ 435,748.00
Investigator 4	\$ 405,572.00	\$ 405,588.00
 <u>Total Staff Cost</u>		
	\$ 2,936,798.00	\$ 2,963,965.00
Office Space (Est)	\$ 75,000.00	\$ 75,000.00
Miscellaneous	\$ 20,000.00	\$ 20,000.00
 <u>Total</u>		
	\$ 3,031,798.00	\$ 3,058,965.00

INITIATIVES 4 AND 5 – APPELLATE AND PCR UNITS

TO: COMMISSION

FROM: JWA

SUBJECT: INITIATIVES 4 AND 5 – APPELLATE AND PCR UNITS

DATE: 7/8/2022

CC:

Staff recommend renewing the request for internal appellate and PCR counsel. Because CPR counsel will be called on to review the work of appellate counsel, those units should be separate. Staff anticipate that these units would be housed in Augusta, and do not anticipate that rented space will be a requirement.

Appellate Defender Unit

	2023-2024	2024-2025
<u>Unit Costs</u>		
Appellate Defender	\$ 182,919.00	\$ 186,999.00
Asst AD II	\$ 168,925.00	\$ 172,279.00
Asst AD I	\$ 137,183.00	\$ 139,137.00
Office Manager	\$ 102,641.00	\$ 102,493.00
<u>Extended Costs</u>		
District Defender	1 \$ 182,919.00	\$ 186,999.00
Asst DD II	2 \$ 337,850.00	\$ 344,558.00
Asst DD I	2 \$ 274,366.00	\$ 278,274.00
Office Manager	1 \$ 102,641.00	\$ 102,493.00
<u>Total</u>	\$ 897,776.00	\$ 912,324.00

Post-Conviction Defender Unit

	2023-2024	2024-2025
<u>Unit Costs</u>		
PCR Unit Head	\$ 182,919.00	\$ 186,999.00
Asst PCR-C II	\$ 168,925.00	\$ 172,279.00
Asst PCR-C I	\$ 137,183.00	\$ 139,137.00
Office Manager	\$ 102,641.00	\$ 102,493.00
Paralegal	\$ 93,210.00	\$ 92,019.00
Investigator	\$ 101,393.00	\$ 101,397.00
 <u>Extended Costs</u>		
District Defender	1 \$ 182,919.00	\$ 186,999.00
Asst DD II	2 \$ 337,850.00	\$ 344,558.00
Asst DD I	2 \$ 274,366.00	\$ 278,274.00
Office Manager	1 \$ 102,641.00	\$ 102,493.00
Paralegal	3 \$ 279,630.00	\$ 276,057.00
Investigator	2 \$ 202,786.00	\$ 202,794.00
 <u>Total</u>	 \$ 1,380,192.00	 \$ 1,391,175.00

INITIATIVES 6 AND 7 – T&S AND ASSIGNMENT STAFF

TO: COMMISSION

FROM: JWA

SUBJECT: INITIATIVES 6 AND 7 – TRAINING AND SUPERVISION AND ASSIGNMENT STAFF

DATE: 7/8/2022

CC:

Staff recommend renewing the request for field supervision staff to promote training, mentorship, support and oversight for assigned and employed counsel. Staff recommend ten attorney members of that team, working with the assistance and support of an office manager.

Staff also recommend that MCILS move to assume responsibility for more consistent screening, and for early assignment of counsel to alleviate issues related to the LOD programs. Assignment staff will also be able to provide legal information to consumers of indigent legal services. Staff recommend a staff of 10 paralegals for that role, supervised by an attorney.

Training and Supervision Staff:

	2023-24	2024-2025
<u>Unit Costs</u>		
Asst SS II	\$ 168,925.00	\$ 172,279.00
Ass SS I	\$ 137,183.00	\$ 139,137.00
Office Manager	\$ 102,641.00	\$ 102,493.00
 <u>Extended Costs</u>		
Asst SS II	5 \$ 844,625.00	\$ 861,395.00
Ass SS I	5 \$ 685,915.00	\$ 695,685.00
Office Manager	1 \$ 102,641.00	\$ 102,493.00
 <u>Total</u>	 \$ 1,633,181.00	 \$ 1,659,573.00

Assignment and Screening Staff:

	2023-24	2024-25
<u>Unit Costs</u>		
Paralegal	\$ 93,210.00	\$ 92,019.00
Asst DD 1	\$ 137,183.00	\$ 139,137.00
<u>Extended Costs</u>		
Paralegal	10 \$ 932,100.00	\$ 920,190.00
Asst DD 1	1 \$ 137,183.00	\$ 139,137.00
<u>Total</u>	\$ 1,069,283.00	\$ 1,059,327.00

INITIATIVE 8 – TRAINING BUDGET

TO: COMMISSION
FROM: JWA
SUBJECT: INITIATIVE 8 – TRAINING BUDGET
DATE: 7/7/2022
CC:

During the last budget cycle, MCILS staff asked the legislature to appropriate a budget to pay for facilities, food, and honoraria in support of training for MCILS counsel. While the Judiciary Committee supported that initiative, the initiative did not survive the appropriations process, and was not part of the package passed off the table. Staff recommend renewing that initiative.

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
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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.

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.

INITIATIVE 9 – SPECIALIST CONTRACTS

TO: COMMISSION
FROM: JWA
SUBJECT: INITIATIVE 9 – SPECIALIST
DATE: 7/7/2022

During the last budget cycle, MCILS staff asked the legislature to appropriate a budget to pay for contracts with specific service providers. While the Judiciary Committee supported that initiative, the initiative did not survive the appropriations process, and was not part of the package passed off the table. Staff recommend renewing that initiative.

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

INITIATIVE 10 – INTERNSHIPS

TO: COMMISISON

FROM: JWA

SUBJECT: MCILS INTERNSHIP PROGRAM

DATE: 7/7/2022

CC:

Staff propose that MCILS develop an internship program to help promote the development of new legal talent the serve consumers of indigent legal services. The need for this program is informed by our observation that few new attorneys are able to join our program. During a recent meeting with summer students at the Cumberland Legal Aid Clinic, we learned that those interested in pursuing criminal law were leaving Maine to practice due to the lack of on-boarding resources. This program is intended to help alleviate that issue by providing students with training and experience in criminal or child protective law, and by promoting relationships among the members of the young bar and the existing bar.

Staff propose that interns be paid \$25 per hour. Summer interns would work a 40-hour week. School year interns would work up to 20 hours per week and be paid for actual time work. Student interns would work directly with practitioners learning and providing appropriate clerk-level services in support of consumers. Interns would also engage in group sessions with MCILS internal staff for education and teambuilding.

The projected cost is \$186,000, as set out in the following table:

<u>Hourly Rate</u>	\$25
 <u>Summer Interns</u>	
Weekly Hours	40
Working Weeks	12
Cost per intern	\$12,000
Summer Interns	6
Extended Summer Cost	\$72,000
 <u>School Year Interns</u>	
Weekly Hours	20
Working Weeks	38
Cost per intern	\$19,000
School Year Interns	6
Extended School Year Cost	\$114,000
 Extended Summer Cost	
	\$ 72,000.00
Extended School Year Cost	
	\$ 114,000.00
Program Cost	\$ 186,000.00

INITIATIVE 11 – LOAN MITIGATION

TO: COMMISSION

FROM: JWA

SUBJECT: INITIATIVE 11 – LOAN MITIGATION

DATE: 7/8/2022

CC:

Staff recommend that the Commission adopt or endorse a loan mitigation program for assigned counsel, to provide a step toward parity with employed attorneys. One option is attached. The proposed bill was created through the Judiciary Committee with input from the Finance Authority of Maine.

Staff recommend MCILS request an initial appropriation of \$500,000 to that program.

Committee: JUD
Drafter: RO
File Name:
LR (item)#:
New Title?:
Add Emergency?:
Date: ~~July 8, 2022~~~~March 23, 2022~~~~March 22, 2022~~

Amendment for JUD
Loan Repayment Program

New Title: An Act To Create the Maine Indigent Legal Services Attorney Loan Repayment Program

Amend the bill be striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. ~~20-AXX~~ MRSA is enacted to read:

MAINE INDIGENT LEGAL SERVICES ATTORNEY LOAN REPAYMENT PROGRAM

§1. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Assigned counsel. “Assigned counsel” has the same meaning as in Title 4, section 1802, subsection 1.

2. Authority. “Authority” means the Finance Authority of Maine.

3. Commission. “Commission” means the Maine Commission on Indigent Legal Services established under Title 4, section 1801.

4. Contract counsel. “Contract counsel” has the same meaning as in Title 4, section 1802, subsection 3.

5. Executive Director. “Executive Director” means the executive director of the Maine Commission on Indigent Legal Services.

6. Fund. “Fund” means the Maine Indigent Legal Services Attorney Loan Repayment Fund established under section 3.

7. Indigent legal services attorney. “Indigent Legal Services Attorney” means an

attorney acting as assigned counsel or contract counsel with the Maine Commission on Indigent Legal Services.

8. Indigent legal services. “Indigent legal services” has the same meaning as in Title 4, section 1802, subsection 4.

9. Program. “Program” means the Maine Indigent Legal Services Attorney Loan Repayment Program established under section 2, subsection 1.

§2. Maine Indigent Legal Services Attorney Loan Repayment Program

1. Establishment. The Maine Indigent Legal Services Attorney Loan Repayment Program, referred to in this chapter as “the program”, is established for the purpose of attracting and retaining qualified attorneys to provide indigent legal services within the State. The authority shall administer the program.

2. Eligibility. For an applicant to participate in the program established under subsection 1, the applicant must, at a minimum:

A. Be licensed to practice law in the State of Maine and be in good standing with the Maine Board of Overseers of the Bar;

B. Be (in good standing) on the roster of attorneys eligible to receive assignments maintained by the commission;

C. Possess an outstanding student loan (relating to a law degree or any student loan?); and

D. Sign a statement of intent in a form acceptable to the authority to work a minimum number of hours, as determined by the authority in consultation with the executive director, as an indigent legal services attorney per year for a minimum of 3 years after acceptance into the program.

3. Application. An application to the program must be made directly to the authority at a time and in a format to be determined by the authority.

4. Loan repayment. The authority shall repay the loan of an applicant who is eligible under subsection 2 in the amount of ~~up to \$50,000~~ up to \$16,666.66 per year or \$50,000 in the aggregate.

§3. Maine Indigent Legal Services Attorney Loan Repayment Fund

The Maine Indigent Legal Services Attorney Loan Repayment Fund is established in the authority as a nonlapsing, interest-earning, revolving fund to carry out the purposes of this chapter. The authority may receive, invest and expend on behalf of the fund money from gifts, grants, bequests and donations in addition to money appropriated or allocated by the State.

Money in the fund must be used for the designated purposes of the fund and for the payment of administrative costs incurred by the authority for the operation of the program. Any unexpended balance in the fund carries forward for continued use under this chapter.

§4. Rules

The authority shall adopt rules to carry out the purposes of this chapter. In developing rules, the authority may ~~shall~~ consult with the executive director or the commission. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

SUMMARY

This amendment establishes the Maine Indigent Legal Services Attorney Loan Repayment Program in the Finance Authority of Maine. The program will provide student loan repayment in an amount up to \$50,000 to eligible attorneys who agree to work a minimum number of hours a year, for at least ~~3~~ 2 years, as an indigent legal services attorney with the Maine Indigent Legal Services Commission. The amendment establishes a fund for the program.

Andrus, Justin

From: Andrus, Justin
Sent: Thursday, July 7, 2022 11:24 AM
To: MCILS
Cc: Hudson, Megan
Subject: Initiative 12: Technology Upgrades
Attachments: ME_MCILS_dD7UpgradeProposal.pdf

Commissioners, Initiative 12 on the Draft MCILS Master Budget Worksheet is for “Technology Upgrades.”

The most important technology upgrade we need to undertake is rolling our case management system forward from the existing Defender Data deployment to the current production distribution. The JusticeWorks upgrade proposal is attached. The proposed cost is \$186,625. The master budget sheet has been revised downward from the draft of July 5th to accurately reflect the anticipated cost.

—
Justin W. Andrus
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