



# Administrative Office of the Courts

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## **Judicial Branch testimony neither for nor against LD 1706, An Act Regarding Notification of Appointment of Legal Representation for Indigent Clients in Custody:**

Senator Carney, Representative Kuhn, members of the Joint Standing Committee on Judiciary, my name is Julie Finn and I represent the Judicial Branch. I would like to provide some brief testimony neither for nor against LD 1706.

This bill requires docketing of the assignment of defense counsel within 24 hours of appointment, if the defendant is incarcerated. The current process of assignment, docketing, and communication of assignments has evolved recently to include real-time updates and frequent interactions with the Maine Commission on Public Defense Services (MCPDS), in order to expedite the assignment of counsel.

Court clerks are directed to place a priority on fulfilling attorney requests for appointment, docketing the orders of appointment and sending notification to the attorney and to MCPDS by email. This is a high-level duty assigned to the clerks who will continue to look for an attorney for up to 72 hours unless there is no attorney on the roster. Once the clerk determines that there is no attorney available, they will provide to MCPDS the names of the cases that need counsel through a SharePoint site set up for this purpose. This system has been created very recently to allow for frequent, up-to-the-minute sharing and updating of information between the Judicial Branch and MCPDS.

Email notification uses the email address from the MCPDS attorney roster. The email includes all of the important information that the assigned attorney needs such as future court dates and information regarding the specifics of the case. A copy of the appointment order is also sent to MCPDS.

When the clerk docket the assignment into either MEJIS or Enterprise Justice, this action also generates a daily electronic notification to MCPDS.

While the clerks are already instructed to prioritize the notification of attorneys after appointment to a criminal case, they are responsible for many other high-priority, time sensitive tasks as well. The clerks are instructed, for example, to release bail (immediately or same day),

post bail conditions (same day when bond is executed by the court or within 72 hours for bail issued by the jail or bail commissioner), post protection orders to the Metro switch (immediately or same day), docket and send email notification for Change of Custody Orders in child protection cases (within 24 hours), process juvenile sealing orders (within 5 business days), process all mail as new pleadings come in (daily), issue paperwork for the jail (daily), and process financials (daily).

LD 1706 essentially seeks to prioritize the clerks' workload, which is not an area that requires legislative intervention. As stated above, (1) the clerks are already instructed to communicate attorney assignments urgently, and (2) there are other competing priorities that are also time sensitive.

During the budget process, the Judicial Branch indicated to this committee that more clerk positions are necessary in order to appropriately staff our courts. To the extent that the appointments are not emailed within 24 hours currently, it is due to staffing issues. Thus, if this bill were to receive a positive vote in committee, it would be necessary to assess how many clerk positions would be necessary to meet the requirements of LD 1706.

Thank you for your time. I would be happy to answer any questions.