

TESTIMONY OF EMILY K. ELMORE, ESQ.
LD 2059 – Ought To Pass

**An Act to Provide Required Funding for the Reimbursement of Assigned Counsel and to
Develop the Public Defender Office for Cumberland County**

Joint Standing Committee on Judiciary
January 20, 2026

Senator Carney, co-sponsors, and distinguished members of the Joint Standing Committee on Judiciary, greetings. My name is Emily Elmore, and I am an indigent defense attorney serving as assigned counsel in York and Oxford Counties. I am also a retired Air Force officer and combat veteran, who served nearly a decade as an Air Force pilot, until an injury resulted in my medical retirement. I am here today to urge the Committee to support LD 2059 and fully fund the reimbursement of assigned counsel, which is critical to the functioning of Maine's criminal justice system.

Although I was medically retired from military service, I was not ready to stop serving my community. With my husband and two young children by my side, I used my GI Bill to retrain as an indigent defense attorney, an area of critical need in Maine. That is where many of you first met me, when I served as a legal intern in the Maine Senate. Since then, I did what I set out to do. I graduated law school, passed the bar, and now serve indigent clients as assigned counsel.

Today, my ability to continue that service is, once again, at risk. As much as I value this work, I also have a responsibility to support my family. Assigned counsel carry the full financial burden of their practices, and extended uncertainty in state funding is not sustainable. Below-market rates are workable but prolonged gaps in payment are not.

The funding in LD 2059 addresses a budget shortfall that arose because recent reforms are working as intended. The Legislature increased reimbursement rates to address a severe attorney shortage and an overwhelming case backlog, and that policy is succeeding. Attorneys have joined the roster, appointments are being filled, and cases are moving through the system. Increased voucher submissions do not reflect excess spending. Rather, they reflect representation being provided where it previously was not.

Failing to fund this shortfall will have immediate and predictable consequences. Assigned counsel will be forced to reduce or cease indigent appointments, not out of preference but necessity, as we shift toward private clients to meet fixed operating costs. That shift will require substantial reinvestment in practice infrastructure. Once it occurs, participation in appointed work is unlikely to rebound because attorneys will have committed their limited time, staffing, and professional capacity to private caseloads that cannot be readily displaced.

For these reasons, I respectfully urge the Committee to support LD 2059 and ensure full funding for the reimbursement of assigned counsel.

Thank you for your time and consideration.