

To: Senator Anne Carney
Representative Amy Kuhn
Joint Standing Committee on Judiciary

From: Jim Billings, Executive Director, Maine Commission on Public Defense Services
RE: LD 1650 “An Act to Allow Paralegals to Be Paid by the Maine Commission on Public Defense Services”
Date: April 23, 2025

The Maine Commission on Public Defense Services submits the following testimony in opposition to LD 1650.

LD 1650 seeks to compel PDS to implement a system to compensate paralegals employed to help provide indigent legal services at the average labor market rate for paralegal services.

PDS already has a system in place created via administrative rule to provide counsel with reimbursement for paralegal services used in assigned cases on a case-by-case basis. PDS is currently engaged in rulemaking to expand this program by making it easier for attorneys to access paralegal services.

The requirement that compensation be fixed to the “average labor market rate for paralegal services” is problematic. This bill offers no methodology for determining that rate. It is also silent whether that rate will be set on a statewide, county, or regional basis. This rule would also treat paralegals differently than all other non-counsel vendors used by assigned counsel whose services are not compensated at market rates. For example, private investigators are currently providing services on PDS cases at a reduced rate.

PDS conducted a survey in 2024 seeking data on market rates for attorney and paralegal services in retained matters. The results of that survey showed an average paralegal rate of \$113 per hour. PDS has reason to believe that a true market rate would be even higher if PDS has to include all paralegals, including those employed by large civil litigation firms, some of which charge as much or even more than the current \$150/hour rate paid to assigned counsel. The bill as currently drafted would have a significant effect on MCPDS’s budget and would require significant research and analysis to come up with an accurate projection upon which to generate a fiscal note.

The bill also will have a negative effect on the participation of rostered attorneys and other vendors who are paid well below market rate. The bill sends a signal to counsel and investigators that their services are not valued enough to deserve their market rates while the services of paralegals are.

/s/ James A. Billings
James A. Billings
Executive Director
MCPDS