



May 9, 2025

Sen. Anne Carney, Chair
Rep. Amy Kuhn, Chair
Joint Standing Committee on Judiciary
Maine State Legislature
100 State House Station
Augusta, ME 04333

Re: *LD 1650, An Act to Allow Paralegals to Be Paid by the Maine Commission on Public Defense Services*

Dear Sen. Carney, Rep. Kuhn, and Members of the Judiciary Committee:

On behalf of the Board of Governors of the Maine State Bar Association, we write to provide comments in support of *LD 1650, An Act to Allow Paralegals to Be Paid by the Maine Commission on Public Defense Services*. The ability of the Maine Commission on Public Defense Services (Commission) to pay paralegal fees will increase efficiencies, reduce costs associated with representation of a given matter, and increase parity between defense attorneys and prosecutorial districts in terms of support staff. In expressing support for the bill as drafted, we understand there is a potential amendment that would replace the bill with a pilot project. We would be supportive of this approach as well if it represents the best opportunity to move forward with increased use of paralegals in indigent legal defense. Additionally, we understand the Commission has initiated administrative rulemaking to establish requirements and procedures for paying paralegals and legal secretaries who support appointed counsel. To the extent the Commission's rulemaking may achieve the goals of LD 1650, this legislation may not be necessary.

About MSBA. The Maine State Bar Association is a statewide trade association chartered in 1891 by the Maine Legislature. The Association currently represents approximately 2,500 attorneys in the State in both public service and private practice. The Association maintains 28 separate sections covering nearly every field of law practiced in Maine, from Administrative Law to Workers' Compensation Law.

What does LD 1650 do? LD 1650 directs the Commission to develop and maintain a system to compensate paralegals employed by defense attorneys who undertake court-appointed defense work. The bill specifies that payment for paralegals would be at the average labor market rate for paralegal services. The potential amendment to the bill would limit the scope of the bill to a one-year pilot project in the Kennebec County public defense office only.

Discussion. It is a standard practice across the legal industry for law firms to bill clients for paralegals' work on their matters, generally at a reduced hourly rate compared to the attorney handling the matter. To the extent the current system does not enable paralegals that work with attorneys who undertake court-appointed work to receive compensation from the Commission, it creates inefficiencies.

A smoother system for compensation of paralegals by the Commission could lead to important case efficiencies and cost savings. When an attorney works closely with a paralegal, the attorney can pass off certain tasks to the paralegal and free up their own time to take on other work. Employing paralegals would allow attorneys to take on additional court-appointed clients and ease the underrepresentation crisis facing the state. Moreover, because paralegals' time spent on matters would be billed at a lower hourly

rate, the overall cost of defense representation would go down, easing pressure on the Commission's strained budget.

Additionally, LD 1650 would increase parity between defense attorneys and prosecutorial districts with regard to support staff. District Attorneys' offices and the Office of the Attorney General's criminal division employ paralegals and administrative staff to assist prosecutors. The support staff are critical for the functioning of these offices and greatly increase the overall quality of representation afforded to the State. LD 1650 would represent an important step towards parity in terms of resources available for prosecution and defense in Maine.

Although we strongly support the goal of LD 1650 – compensation by the Commission for paralegal services – we do not mean to weigh in on whether the goal is best achieved through legislation or administrative rulemaking by the Commission. To the extent the rulemaking process on this topic initiated by the Commission earlier this spring accomplishes the goals of LD 1650, this legislation may not be necessary.

Conclusion. Thank you for the opportunity to provide this letter in support of LD 1650, which would increase efficiencies in the indigent criminal defense system and provide a step towards parity between prosecutors' offices and defense attorneys. If you have questions or need additional information, please do not hesitate to let us know.

Sincerely,



Susan Faunce
President, Board of Governors

cc: Angela Armstrong, Executive Director
Rachel Okun, Chair, MSBA Legislative Committee
James I. Cohen, Verrill Dana, LLP, Legislative counsel for MSBA