

In what county is your primary office?
Response
Androscoggin
Cumberland
Knox
Cumberland
Penobscot
Penobscot
Androscoggin
York
Androscoggin
Franklin
Kennebec
York
Penobscot
Androscoggin
Kennebec
Penobscot
Cumberland
Somerset
Cumberland
Kennebec
Cumberland
Cumberland
Hancock
York
Penobscot
York
Cumberland
York
Hancock
Cumberland
Kennebec
Cumberland
Cumberland
Kennebec
Cumberland
Sagadahoc
Cumberland
Cumberland
Aroostook
Androscoggin
Knox
Cumberland
Penobscot
York

Knox
Kennebec
Knox
Penobscot
Kennebec
Aroostook
York
Penobscot
Knox
Cumberland
Cumberland
Androscoggin
York
York
Hancock
Kennebec
Androscoggin
Somerset
Cumberland
Hancock
Hancock
Kennebec
Kennebec
Hancock
Androscoggin
Oxford
Cumberland
Cumberland
Lincoln
Oxford
York
Sagadahoc
Cumberland
Washington
Cumberland
Hancock
Washington
Cumberland
Androscoggin
Penobscot
York
Cumberland
Hancock
Aroostook
Androscoggin
Aroostook

Kennebec
Cumberland
Penobscot
Penobscot
Androscoggin
Penobscot
Kennebec
Sagadahoc
York
York
Cumberland
Penobscot
Sagadahoc
Aroostook
Androscoggin
Penobscot
York
Oxford
Waldo
York
Penobscot
Kennebec
York
Cumberland
Penobscot
Kennebec

If you have any additional offices, in what county or counties are they located?
Response
Cumberland
Kennebec
None of the above
None of the above
Franklin
Cumberland
None of the above
None of the above
None of the above
None of the above
None of the above
None of the above
None of the above
Cumberland
None of the above
None of the above
Cumberland
None of the above
None of the above
None of the above
Androscoggin
None of the above
Aroostook
Kennebec
None of the above
None of the above
None of the above
None of the above

None of the above
Knox
None of the above
None of the above
Cumberland
None of the above
None of the above
None of the above
Waldo
None of the above
None of the above
None of the above
Cumberland
None of the above
Franklin
None of the above
None of the above
York
None of the above
Hancock
Penobscot

For how many years have you been rostered to receive case through MCILS
Open-Ended Response
11
Ten
since the rostering began
5
6?
9
15?
12
Since the beginning 10 years?
Since it began
5+
since its inception
10
approx 8
36 year - since it started
10
2
15
11
21
15
6
Since it began
From inception
8
5
7 years
12
Since 2010.
6.5
6
Less than 1
4
10
3
Since beginning . Court Appointed 39 years
5
20
Since inception of mcils
15
15+
12
4

since MCILS was established
since the inception
15
9
8
Approximately 10 years
from the beginning
7
8
8
6
since inception
8
2
3
25
29
Since you started, so however many years that is.
10
12
25 years
Less than 1
12
Since 2009
As long as there has been MCILS. Formerly, we were paid through the judicial branch. PC work since 2000.
20
since inception
11
4
as long as MCILS has existed
From its inception
6
Since 2007, before MCILS had rosters
Since MCILS existed
Since its inception
30 years, then since MCILS was hatched
3
8
10
11
5
11
15
30
3
15
11

since MCILS was established
15
3
25
since MCILS began
15
10
9
3
18
20
12
10 or more
23
Since MCILS was established
20
since it's inception
5
7
9
15
10 plus
8
1
19
4
11

Have you considered removing yourself from the MCILS rosters?
Open-Ended Response
Yes
Yes, have removed myself at least temporarily.
yes
No
Understatement of the year: YES.
I already have, just recently
I have removed myself from Kennebec and Cumberland. I am no longer retaking Lewiston PC cases. I am no longer taking probation violation cases anywhere.
Yes
Yes
?
yes
Yes
Yes
Yes, I have removed myself from a couple of rosters recently
no
No, but have cut back on criminal in Bangor court
yes
Yes
yes
Already done
No
No
No
Yes
Not at this time
Yes.
I have removed myself from most and am considering the rest.
no
No
No.
Yes.
I removed myself from all of the roasters except LOD to manage my caseload
No
Yes
From at least some courts, yes.
Yes
Yes, especially certain case types and certain courts.
no
At times
Yes
just did
Yes

Yes
Only as I reduce my practice to limited areas
yes
Yes
Yes
Yes
I have removed myself from the PC Roster
yes
Yes.
Had to. Will resume in September.
I had to remove myself from all criminal rosters in all of York County due to case load and in ability to effectively meet with incarcerated clients.
yes
Yes, except serious violent felonies
yes
No
Yes
yes (I removed myself from Sept 2020 to Aug 2021)
Absolutely
Yes
Yes, I already have.
I have currently opted out of all case types
yes
Yes
Yes
I did as of this spring.
Yes
yes
no
Yes, I just did.
not permanently
yes and I have stopped taking Court appointments since January
Not yet
Yes
Yes
Yes. I am taking fewer and fewer cases.
No - except for far-flung travel
YES!
Yes
Not currently
Yes
no
no
no
Yes, I am removing now and likely not returning to Ct appted work
Yes at times
Not really

No because I only take a few cases at a time
yes
yes
Yes
No
yes
Yes, yes, yes
yes
Yes
YES!
Not recently
Yes
Yes. I am off now.
Not currently, but I am close to a point of not being able to accept new cases for a little bit
I had to. The courts and lack of attorneys have caused for a caseload that I cannot handle until some things slow down and catch up.
yes
No
yes, more and more frequently
Yes
Yes
no-just have had to pause a few times with the current volume
Yes
Yes

If you are considering removing yourself from the MCILS rosters, what would cause you to do so?

Open-Ended Response

Too much stress without sufficient support from the courts; little leeway to be flexible in allowing for accommodations during these difficult times.

Several factors. MCILS has become less flexible with billing timelines and there is uncertainty as to the future of this work with the push for a centralized public defender's office. Perhaps a larger issue is that there is no control over the flow of court appointed cases on any given month that you are open to appointed cases and I have other retained work that I need to balance with appointed cases. The courts are less helpful than they used to be in pushing the State to reasonable offers at dispositional conferences when cases are marginal. The courts have discontinued e-mail filing, which was very helpful for filings that sometimes need to be made in short periods of time to courts in locations that are not always convenient for hand-filing or waiting for mail.

Mainly, dealing with an unreasonable AAG...

N/A

Every day of this job is a living hell. Every. Single. Day. The clients are mercurial at best, and cruel and by-god evil at their worst. The "inefficiencies" of the system (more on that later) aggravate the situation even more and have made it untenable and almost impossible to DO my job. Think of it this way: it's a thankless job made near impossible due to the Kafka-esque nightmare that is the court system and the jails, meanwhile my staff and I are being verbally abused, harassed, and physically threatened EVERY SINGLE DAY while trying to navigate this bureaucratic morass. The threats of violence are partially induced *because* of the incompetence of the court and my staff and myself bear the brunt. As a side note, the jails are giving out MY HOME ADDRESS and I've been getting letters from inmates at my home. I've even had individuals, after threatening violence, COME TO MY HOME thinking it was my office. To make matters worse, the Bar advised that I couldn't call the police because it would involve sharing confidences. I swear to God I would love to see these ivory tower types do this job for a goddamn week. I digress. This job is hell. On another note, and I will expand on this later, but the Judiciary clearly does not comprehend the impact the heavy caseloads have on our ability to prepare for trial and to prepare our cases for court, and have been uncompromising in this regard. This has made this job practically impossible to do.

I chose to do so for a couple of reasons. First, I was getting overloaded with cases due to the massive amounts of lawyers coming off of the rosters. Second, because of the changes within MCILS, including, but not limited to, the fact that attorneys are not allowed to now bill for staff assistance. No lawyer can survive without staff help; no prosecutor is expected to work without staff help. How in the world can a busy attorney be expected to do every last administrative task on a case and perform competently? It is not possible. MCILS has gone off its rails and the judiciary and the legislature (as well as the MCILS Commissioners), don't really care. All the focus is on criticizing and not commending the people doing this work.

I am overwhelmed by too many cases, too many conflicting court appearances, the difficulty of getting courts to take action on motions to continue in a timely manner (I filed one in Lewiston 2 weeks ago followed up multiple times with the same response "It hasn't been acted upon.") This is common. Also the return to in court appearances for matters not requiring in person appearances. The refusal of the court system to accept electronic filings. The part time antiquated Andro Probate Court takes electronic filing.

Retirement

Wasting my time in court for dispositional conferences and docket calls and occasionally for arraignments

I would consider doing so if I am required to regularly copy the contents of all my criminal files to confirm the accuracy of charges.
Non payment of fees during pandemic due to rigid oversight of MCILS invoices that firm considers as underpayment ab initio is very poor administration. i.e. client (MCILS) stiffes the attorney when bill is already too small to contest. Andrus has personality where he is inviting contest of billing. This is undesired. Misunderstanding by MCILS on how to run law office is at the base of it. MCILS = bad client ! Court appointed lawyers and system = good system but needs administration, clerks and judges to accommodate it more (lots more).
I have removed myself from other counties and limited the number of cases I take to maintain control over my caseload. The increasingly negative press has caused me concern that MCILS will be replaced by a public defender system which would require me to redirect my practice away from court appointed cases as there is no guarantee that I would be offered a position at the new public defender office. That practice would take time to build, therefore it is constantly on my mind.
Low pay, heavy caseload, inability to bill for paralegal time, increasing bureaucratic pressure from the Commission, unwarranted scrutiny resulting from improper billing practices of a small group of attorneys. The Legislature and the Commission revile us for doing something that is already mostly thankless and yet essential. In some counties, you are already at risk of violating the Sixth Amendment.
My current caseload is too high. The courts that I removed myself from have returned to in-person JRs, have inflexible judges on remote appearances or last minute requests, or have AAGs that make representing parents more difficult and time consuming.
n/a
Excessive work load
nature of practice has changed, and doing JV cases is an added complication that I may no longer really need
I work in a rural county which is underserved with regard to access to justice. I have more clients than I need. I make less than 1/3 of my normal hourly rate when I bill MCILS for appointed criminal work. From a financial perspective, the longer I stay on the list, the more money I lose.
Too much work for the summer. I'll get back on the lists at the end of August.

I removed myself for a number of reasons, some of them personal and some of them professional. The primary reason is that I had a backlog of cases due to the pandemic. Between my appointed cases and my MCILS cases the caseload was just too much without the ability to close cases. In addition, I was concerned about how the judiciary would approach the backlog of cases and did not want to be in a position where I was forced by the courts to be overworked and pressured to settle cases. While I understand this is an unprecedented situation, the general impression that was created by the courts was that once trial started again, trying criminal cases was going to take precedent over every other case and our personal lives. One judge even made a comment to the effect of "don't plan on a vacation once we reopen." I am not sure if the judge was being literal, but certainly the attitude conveyed was that there would be no continuances and we should be ready to try all of our cases. Anecdotally, I heard of an attorney up north who had a preplanned vacation to Hawaii and their motion to continue was denied. This may just be a rumor, but it set a tone. In addition, MCILS attorneys have generally been portrayed in the media and in legislative proceedings as being incompetent fraudsters, without much pushback or response from the judiciary or others who know better. Once the overall situation stabilizes I do hope to begin accepting MCILS cases again, but at the moment I really needed to take a break from it. There is also a financial reality. My private rate is more than three times the current rate. I have continued to accept MCILS cases over the years at a significant financial loss because I love the work and believe I have a responsibility as a citizen to protect others. But I cannot pay multiple staff and maintain office overhead on \$60-\$80 dollars an hour. This is always going to have an impact on the number of MCILS cases I can take at any given time.

Retirement

N/A

GAL billing is draconian

The lack of pay, the inability to utilize time properly due to court being behind or double booking cases, how transitions in and out of pandemic management have been communicated (or lack of communication).

The recent bump in hourly has been helpful. Now my mechanic only makes one third more per hour instead of twice as much (intending absolutely no disrespect to mechanics).

It would only be temporary, but I am being inundated with new appointments right now. The combination of a large number of arraignment being continued during the pandemic and the choice of many rostered counsel leaving the rosters has been a devastating 1-2 punch. I may need to go off the rosters for a bit just to catch up.

Stress; poor conditions in the courts. Burned out prosecutors make for bad negotiations. When judges admit that you're right about things like the difference between \$1000 cash bail and \$7500 being classist and proceed to set the \$7500 cash bail anyway, it's demoralizing. It often seems that the courts literally do not care that the decisions they make create conditions where conduct is only criminalized for the poor. In addition: it is exhausting to be misgendered by every single person I encounter when working in the courts.

N/a

Low pay. No staff support. Everything back to in-person for no good reason. Have to hand deliver motions. Case load is getting unwieldy. Client issues in general. Just a lot of stress that spills over into "regular" life.

I'm on a leave of absence from the MCILS rosters because of the volume of cases I was being assigned. Also, each county thinks their Docket Call/Jury Selection is the most important thing, which is incredibly stressful to manage.

Too many cases. I have already removed myself from some rosters. Travel time to court and lengthy time having to spend at court in comparison to similar cases in other counties. Low salary in comparison to other work.

Frequent rescheduling with scant prior notice.

Current practice conditions. Judges dump cases on counsel and expect them to be ready on the case almost immediately. For example, I had a Judge say to me after being assigned an aggravated Trafficking Case, where retained counsel exhausted \$15,000 retainer and didn't resolve case but withdrew, and the assignment was five days before the dispositional conference, the Judge said 'you've had five days' you should be prepared.' She had no sense of what she had said .

If I had a better option for a job, I would take that. I love what I do, but it can become too hard to balance work and life.

na

Frustration and stress becoming too much to manage, not feeling like hard and good work is noticed or appreciated, not being able to move public policy or agency policy in a more positive direction, burnout from all of the above and burnout from repeating the same arguments over and over because the system doesn't change even though it needs to, and feeling like no one cares to have the opinions of people working in the trenches. Lastly, too many rules, expectations and guidelines that are constantly changing and taking away from focus on paid work.

The futility of litigating child protection cases in a system so biased towards the State

I had been giving serious thought to stopping this work and the recent changes (enforcement) in MCILS policy including the reapplication were a good reason to make the break. I lost money. The billing rules are extremely tedious. My staff can do some things as good and quicker than me.

Too busy with retained cases.

Being forced to physically go into court when it can be done remotely in a safer and more efficient way without having to interact with maskless people and waste time parking and waiting in the hallway

see above

retirement. I'm on the back 9.

Being at a maximum of number of cases I can handle.

Yes - The lack of notice and the pressure from the court to get things moving, the sheer amount of cases to manage, other counties asking you to cover for them, not having enough time in the day to get everything done.

Inconsistent procedures between counties, lack of electronic filing, not financially viable work

The fact that there is, with the exception of an experimental new scheduling technique, no plan for addressing the needs of the attorneys to be able to be adequately prepared for contested hearings.

no longer allowing zoom and e-filing

Too many cases get assigned, at a pay rate that is below most other areas of practice, and the perception among certain people is that we're incompetent, lazy, or corrupt.

When I did, it was because I had too many files.

Case load and courts not accommodative to court appointed attorneys being heavily loaded, i.e. won't allow emergency/time sensitive motions via email even though we did that earlier this year; giving us crap for being late even though we are double, triple, quadruple booked; expecting us to just magically appear with an email notice sometimes only a day before a hearing.

too many cases

Sitting around court for hours at a time on court appointed cases, especially for dispositional conferences, where there is no pressure put on the State to resolve cases. Judges have little tolerance for us having to be in two or three places at once. In order to make money doing court appointed cases, we have to spread ourselves out.

Case overload, poor working conditions, lack of safety in judicial hearing guidelines, loss of remote work in conjunction with high caseloads

It doesn't pay enough

I had too many cases and needed to catch up

I am stretching myself too thin and, as a consequence, I am concerned that I may not be providing sufficiently strident representation to my clients. And it would be nice if the attacks on our commitment and competence ceased. And I'm tired.

If the extreme docket continues. The increase in pay finally gets us over the hourly overhead, which helps. Our court and judges are good about recognizing our scheduling issues. I believe the clerk told me there only 13 family lawyers, and 7 GALS here, and we all overlap. Between law partners and life partners, she has further limits for cases.

The combination of the low pay and high caseload made it difficult for me to feel like I was providing exceptional service to each client.

I have opted out of all case types at the moment for a number of reasons. Court-appointed work is difficult under any circumstances. Covid has exacerbated many issues related to client contact, court scheduling, and office management. The main reason I have opted out and may not return is that, as a court-appointed attorney, I feel that the system is increasingly taking advantage of us. We are expected to take any and all cases, we are expected to be ready immediately on cases, we have zero assistance but are expected to do everything with no resources and now we are subject to almost constant criticism. The Commission is becoming increasingly difficult to navigate and the return is generally not worth the effort. It's a difficult job that people do because they enjoy the work but there is only so much sacrifice that can be made. The number of appointments, the scheduling, difficult clients, low pay and the bureaucracy of the commission are all problematic.

dissatisfaction with the way courts handle criminal defendants and their cases, obvious gender bias involved in handling criminal case by courts and prosecutors, disregard of the value of appointed counsel's time as well as disregard for court appointed counsel's bail and other legal arguments

I took myself off some of the lists because I was assigned too many cases too quickly. I put myself back on once I felt that I was caught up and had everything under control.

Excessive case load and low pay

Low pay, increasingly stringent requirements (deadlines on voucher submissions). Inability to file documents electronically and appear in different courts remotely.

1. Scheduling difficulties between three courts, pc and family dockets. 2. Changing (constantly) pandemic requirements (in person, not in person, semi-in person), 3) short hearing notice for many motion hearings and even trials at times (Lewiston mostly); 4) Emails sent only to attorneys and not staff in some cases, but not all resulting in internal scheduling issues. 5) DHHS approach to some of the families; 6) competition for time with the rest of my practice. 7) Dearth of satisfying outcomes; [please note, all that said, I know that everybody in the system is working hard to work through all of this, but there are more days than not when it seems like the time has come to let the child protective part of my practice come to an end. I do this for the love of helping these folks at a fraction of my hourly rate, for good of some families that really need help, and to help new attorneys find their way, but it is increasingly hard to justify continuing in this system.

I spend way too much time juggling courts and court dates. I have no current full time staff, and without e-filing, I have to physically drive to courts, plus by taking away the zoom conferences for 5-minute court appearances, I have to devote a half day for travel!

n/a

The pay raise from \$60 to \$80 per hour was too little too late, particularly given the 6th Amendment Center's recommendation of \$100 per hour. The cost of running an office in Portland with employees is such that I cannot afford to work for \$80 per hour. Furthermore, it is an increasingly thankless job, where the press maligns us and MCILS, the Courts, and the Legislature ask more and more of us in terms of administrative work, case load, and scrutiny while not giving us adequate resources or incentive to do this work. Lastly, I have enough other work to do between privately retained clients and federal appointments that I don't need to tolerate this any more. I sincerely hope that the resignations of me and those like me will send a message to those in power that they cannot continue to disrespect and underpay defense attorneys for the indigent, else the system will collapse.

Poor pay, long hours, ungrateful clients, uncaring system, the game is "rigged" for the state

Overwhelming appointments with little help from withdrawn counsel regarding supposed agreements with the State which clients are unaware of.

difficulty balancing work load, with changing court procedures and DHHS procedures due to covid. Case load may need to be reduced as Court and DHHS try to move to in-person, when zoom or telephone for non-contested events saves me time and money.

Difficulty in managing a schedule. I would like MCILS work to be about 30% of what I do but its hard to keep it limited and then I am giving up more lucrative work to do too much MCILS work. The lack of ability to move court appearances more easily is a constant struggle. I like the work but the scheduling battle is stressful

So many things. Too many MCILS requirements. Not worth putting up with the LOD system, even with increase in pay. Courts really do not care about private practitioners but expect us to carry the load for them. Not enough local attorneys to do all of the other cases. Private practice cases at normal rates are significantly increased due to lack of local counsel, so if something has to go it will be the appointments. Child protective cases are simply miserable, especially when judges never treat parents equally with DHHS. So many more reasons.

not applicable

Too many appointments from non-home counties; disrespect as to our time constraints, limited resources, etc from judiciary; uneven policies/treatment from court to court

I can't stand this line of work because it is futile. The decision has been made.

Change of employment

too much trouble getting paid

n/a

pay
n/a
At \$60/hr my law firm could not survive COVID and my leave of absence to care for my wife. It has been a hand to mouth business for too long and there are no profit margins for a rainy day. In my 15 years of practice,, the simple truth has always been that to dedicate oneself to court appointed work in Maine means to slowly lose money.
Billing issues.
If I did consider it would be the amount of time wasted sitting in the court like it was pre-Covid
Pay rate, refusal to pay for support staff, low numbers of attorneys so expectation of courts for an attorney to take more cases and travel father, current politics challenging our work and ethics
Compensation rate is not high enough and the administrative burden is always increasing
Being assigned to too many cases and the sheer length of time it takes to close a case.
N/a
too many cases; inability to communicate with clients; logjam at courts such that cases aren't moving
Too many hoops to jump through. Unyielding prosecutors. Sense of entitlement clients have. Burn out.
Too many cases, having to be in multiple courts at the same time
Consistency of payment; bureaucracy
My workload is to a point where I am overwhelmed with new appointments, while the slow down in the court system has made it harder to close files. This is in addition to maintaining a civil practice that is important to maintaining the bottom line of the office.
Overwhelming amount of work; parents needing more help than I can provide.
insufficient hourly rate and recent changes back to in person for status proceedings and family team meetings which has unbilled time for counsel unnecessarily.
The lack of consistency between courts. Are we having dispo conferences? In person? Zoom? Last minute scheduling, the requirement to file hard copy motions that likely won't get to where they are needed via mail, yet even when they are hand delivered days or weeks in advance, we don't get an answer until the day or night before the event. Etc., etc. etc.
The difficulties in scheduling hearings and expectation that counsel be ready for a PC case to be heard, with priority over all cases, on very short notice (as quickly as one day) at any time within a two+ week period each month.
The overload and the lack of cooperation from the judiciary
The practice is not sustainable. Each court requires different things - in person, not in person, file by email, don't file by email, notices aren't sent to us by mail and the email notices are piling up, complaints are being made and the Board of Overseers isn't supporting us one bit.
The money was problematic but the recent raise has resolved that issue.
Combination of a busy civil practice, and increasing roster requirements from MCLIS that does not make financial sense to devote such a large portion of my time for 1/4 the amount I can charge privately
Caseload was skyrocketing and started to interfere with progressing on ANY cases, working extra hours for low pay.
If I did choose to come off it would be because my case load is too big.
The enormous case loads and relentless catch up dockets. I am finding I am working 60-80 hours per week and simply cannot catch up.

Honestly, its a cost benefit analysis. When I first started I was on the rosters for PC cases, criminal, and Juvenile. I removed myself from those lists because the hassle of jumping through hoops to submit vouchers and remain rostered wasn't worth it. I am very close to removing myself from the PC GAL appointment list for the very same reasons. I have lost out on payment for just being a handful of days late submitting a voucher, multiple times. There are also so many hoops you have to jump through even to get paid. Just this week I had 3 timely GAL vouchers rejected because I didn't create two separate invoices for time billed at \$60 and at \$80.

N/A

Over worked, underappreciated by court and clients and can find other legal work more lucrative

I am given more appointments that I can/wish to comfortably handle. I have managed to reduce by case load by removing myself from certain specialty lists, but as other attorneys leave the roster, my cases numbers seem to keep going up

Struggling maintaining contact with parents and then being blamed when things don't go well.

if payment is interrupted, or if the State won't pay for the work that I have done

Pay

Test

If you have experienced issues with Court that impede your ability to provide client representation, or might tend to cause you to remove yourself from the rosters, what are those issues. (Please be as specific as possible without violating client confidences)

Open-Ended Response

The ability to e-file was very helpful during the pandemic. The quick change to require in person attendance at court events, sometimes only lasting 5-10 minutes, was abrupt and has created significant scheduling challenges.

I don't have issues with any Court that would cause me to consider removal, but have had problems getting orders back from Augusta in a couple cases, and don't understand what the issue might be. I've heard they're training new clerks???

More allowed email filings would be very efficient and useful for me.

HOOO BOY. LET'S GO. Bangor SPECIFICALLY is guilty of this: last minute scheduling. They're real big in giving you a one day to one week notice about upcoming court dates. Given the fact that I'm in court every single day, last minute scheduling often results in double, triple, or even quadruple booking. Furthermore, when contacting the clients (if contact is made- difficult with such last minute notice), we're accused of obfuscation and "hiding their court dates from [them]". Client paranoia aside, it also makes it difficult to prepare for said court date when notice is so last minute. Bangor's insistence on telephone dispositional conferences also does NOTHING to combat client paranoia and if the imbeciles actually knew a damn thing about history, in their minds its paramount to clandestine meetings in the Court of the Star Chamber. Following this thread: the rapid-fire scheduling of motions, specifically motions to revoke bail and motions to revoke probation. During good times when I wasn't scheduled for 10 motions at a time, it was still difficult to properly prepare in such a short period. However, with growing caseloads and the fact that all my clients are in jail (Seriously. Why is that), it's even more difficult to do the bare bloody minimum of meeting with the client to discuss their options and their defenses, much less doing any investigative work or trial preparation if the client actually wants a hearing (and increasingly, many do). We need more motion days to spread the burden and more time between date of appointment and date of the hearing at the very minimum. I do want to note that this critique is primarily leveraged at Skowhegan; Bangor has stopped scheduling motion days and has forgone all illusions of due process. They "schedule" motions to revoke bail to be "held" during the telephone dispositional conferences. Court of the Star Chamber, indeed. Onto another issue I alluded to: no one is being given bail and I mean its literally NOBODY. I have so many people incarcerated on stupid shit, but because it's post-conviction bail standards, it's nigh impossible to get anyone out which makes my job so much harder. It's also ignoring the realities of overpacked jails and the increasing difficulties on seeing clients in the jail, as well as how phone contact is highly unadvised due to the worryingly common phenomenon of illegal recording. As an aside, and this is applicable to Skowhegan specifically. The Judges there believe that they cannot order pre-trial supervision services over State objections because of some self-serving bullshit belief that it's a violation of the balances of power. Instead, it gives the DA's office and the executive unilateral control over who gets a SCCC contract. Unsurprisingly, SCCC contracts are worth their weight in gold and ain't nobody gettin' out of jail. You're poor and are charged with a felony or anything subject to post-conviction bail standard? Enjoy your stay at Hotel

See #6

None

The court decided to abandon email filing of motions etc., without any credible explanation. The courts are declining to use Zoom for Dispositional Conferences. The courts, over the years, have paid no attention to court appointed counsel need to run an efficient practice by making us wait in court for our case to be called . As the number of experienced court appointed attorneys has declined, those left are asked to take on more cases. In Androscoggin County the Judge is now requiring back up cases for jury selection, meaning that for the last two months I have had to prepare 4 or 5 cases for trial, when only one will actually end up in a jury trial. This is frustrating and is pushing me toward not taking court appointments. In other words, the Judiciary pays little attention to defense counsels needs.

I recently attended a docket call in an extremely small courtroom. I was wearing a mask and a few defendants were wearing masks. I understood that the bailiff were wearing masks only because they were not vaccinated against Covid. I did complain to the Justice that he had hosted a "super spreader event". I will file a written complaint to AOC. If AOC does not require CDC requirements for entry into a courthouse or courtroom, then I will ask to be removed from the rosters.

It is likely that trial courts do not know that fee agreement with MCILS is so low that law office operates at a loss in increments of 1/10 of hour. It is possible to compliment retained cases with some court appointed cases. Court does not recognize that prosecutors are not trying to move court appointed cases . Court is not holding prosecutors feet to fire. In Portland 8/2021, assault while in jail was specially set for jury trial and dismissed by prosecutor at jury trial. I am curious as to the total number of hours on that one. Really ?

Caseload management and how the courts are transitioning back from COVID are critical. With PC cases, the clerks reach out before sending the appointment to confirm we are able to accept the new case. With CR cases, this does not occur. Some weeks I have 5 new appointments come in. If the courts suddenly expect counsel to appear in person for all matters and be prepared for trial on cases that have been on hold for 18 months, that will impact my ability to remain rostered for the number of cases I currently accept.

The Judges respect us. The pandemic has been a logistical nightmare, but the courts recognize our essential function and treats us well.

Lewiston's scheduling is a nightmare - it takes 4-6 months to get a date for a contested JR or TPR and then notice only arrives a week or less prior to the hearing date. There is no opportunity to request protection in Lewiston, either. Augusta & Waterville have returned to in-person JRs. This adds unnecessary travel and wait times that are not tenable with current caseload demands. Zoom JRs are much more efficient. The elimination of e-mail filing has been incredibly burdensome. My caseload isn't allowing me to plan weeks or months in advance and request continuances that far out. The mail is either not delivering or not delivering in a timely manner (this is a state and nationwide issue! How the court is not recognizing this is frustrating to say the least). We are at a severe disadvantage to accept court appointments in courts that are not in close proximity to our home or offices in case there is a need of hand delivery. There just aren't enough hours in the day! The court's overall inability to see that there are less MCILS attorneys (I do PC only), more NEW cases, unrelenting and constantly changing court schedules and expectations, and a push to work through a backlog is creating low morale, overworked attorneys, and contributing to serious mental health concerns within the bar. We are not able to be the attorneys we were meant to and want to be under the current circumstances!

n/a

No problems with the Court.

JV cases are more complicated and take more time. But I am not wholly sure that is the court's fault.

If defense attorneys are required to be physically present in Court, so should our incarcerated clients. I have had Dispositional Conferences where a DA conveys an offer for the first time, but the jail tells me I cannot speak to my client over the phone to convey the offer. Instead, I must come up to the jail to speak with him. What sense does that make?

Cumberland County tends to be obstructionist with regard to scheduling, showing no regard for attorneys who practice in other courts. I no longer take CUMB cases. Knox county has the most unpleasant prosecutor I've ever encountered so I've stopped taking cases from there as well.

See above. Also, eliminating e-filing and Zoom conferences altogether was not helpful.

The modified court procedures during COVID were a challenge but understandable. The differences between procedures in the different courts was telling. For example, in Portland PPO Summary Hearings were expected to be by remote - despite the PPO telling parents to appear in person and frequently the court date would be the first time that attorneys and clients met. Lewiston kept remote participation to telephonic means whereas Portland quickly went from Google Meet to ZOOM. The differences between courts now that COVID is (hopefully) abating is extremely challenging. For example, Portland decided that beginning in June they would go to in-person for all things PC - but never communicated that to anyone. Therefore things were scheduled expecting remote access only to figure out a few days before things were scheduled in Portland that everyone would be expected to attend in-person. Lewiston largely still remains remote (telephone).

The worst is the In Custody LOD in Portland, due to the provision of Discovery that morning by "share file" that drips in to the last moment, along with the limited time to review and to video meet with defendants.

N/a

In my limited MCILS world the Courts have been accommodating.

E-filing needs to come back. It is ridiculous that we had it for the better part of a year and now it is just gone.

See above.

Managing different procedures in different counties is difficult. For example, York County remains primarily on zoom or by phone while Cumberland County is in person. Many practices that made practice much easier (ie filing by email have been discontinued. As my case load appears to be increasing in the past few weeks, email filing would make my practice far more efficient, especially as USPS continues to be slow.

Multiple cases at the same or very close times. Recent demand by DHHS for in person FTMs. Distance. Also, recent changes at MCILS make it harder to get cases approved.

In person proceedings unnecessarily. No more email filing. Dropping docket calls and schedule changes on us without consulting any attorney at all. Feels like those who make the decisions do not have respect for us as professionals.

Removing email filing felt like a slap in the face. Prosecutors have staff in the building to file motions at the drop of a hat. We were finally able to level the playing field. And requiring in-person Dispositional Conferences is maddening once you've had a taste of Zoom Dispos.

Presently, difficulty with the jails. One of the reasons I removed myself from the roster in one county was because they only permitted phone calls during the pandemic with clients, in contrast to other counties who made efforts to get video conferencing capabilities and I did not feel that I was able to provide effective representation through phone calls only. There are also limited hours available at the jails to meet with clients and this also makes it challenging, particularly for trial prep. Not directly related to the court but I think at some point the court may have to get involved particularly with trials now resuming.

I had to beg the Court to be able to meet with a client in jail before a trial. I couldn't meet for the entire Covid. 15 months . I couldn't even get phone calls to or from him because he was transferred from Cumberland County Jail to York County Jail and was then placed in solitary Covid lockup for 16 days. I asked the court repeatedly for help. Two separate meetings three and twas weeks before trial. It took an elaborate and time consuming Motion to Dismiss the week before trial to get any traction. The Court Ordered 24 hours of phone availability and actually had the guards time how long counsel spent on the phone. I was jammed with 24 hours of phone calls with the client in the week before trial. Every second was used so that the Court could say I had ample time to prepare. It was a very difficult thing to have done. It was absolutely necessary but to jam it to avoid a legitimate Motion to Dismiss and place the entire onus on counsel, hoping that it would not be used in full, exposes how appointed counsel is used irrespective of the impact on counsel.

Often times if a client is unreasonable in a position, or has failed to appear or do something, I am the target for the court's frustrations. Especially when matters are done telephonically, a Judge getting angry with me will not change my position at all, im bound by my client's actions. Also, getting angry with me for issues that are not my fault. (Eg. No responses from Evaluators, ACCCP or other individuals that lead to a delay in the case.) Finally, too many days in court. There is a pressure to move cases and all this does mean that cases are over scheduled. I have a number of cases set for dispositional conference next week that I am behind on negotiating because of Docket call this week. The D.A.s office is overworked too and they cant respond to our emails. Basically, the whole system is under tremendous pressure, and I feel like Defense counsel are the inflection point where the pressure is the most acute, and it is just simply burning us out, which has a snowball effect.

Scheduling of contested matters-notice is given too close in time for real, thorough preparation. Jeopardy hearings and TPR hearings cannot be well done with one week notice. AAG's are overworked so unavailable to solve problems or negotiate or narrow trial issues ahead of time. Cases desperately needing hearing time but that don't have a statutory deadline for an order sit in limbo for lengthy periods and families suffer.

Institutional bias of the court system in favor of the State

No but I have a GAL case where MCLIS's poor response to interpreter request caused a PPO to be continued.

None

NA

No issues. I got very used to efilng and zoom conferences, It would be nice if they could be used as often as possible.

Neighboring counties aren't taking into account each other when scheduling matters.

SCHEDULING and NOTICE (also judges who are requiring the movement of cases no matter what)

The discontinuance of electric filings, the end of pretrial appearances by video

The Court system up here has been unable to solve the problems of having a limited number of attorneys. Though the clerks are aware of the problem, Judges rely on stating that there are priorities coming out of Augusta which require the attorneys to be constantly double and triple scheduled for hearings, sometimes contested hearings, frequently in courts which are more than 30 miles from each other. This was an emergency measure which took place during COVID. it is not tenable for a practice going forward. Despite the attorneys being crystal clear about this and the clerks being aware this practice is still taking place. The attorneys are beginning to form the opinion that they are being ignored, and that they don't matter much in this process.

sitting in court for hours, only to have a 15 or 20 minute hearing, and driving time that exceeds court time

Regardless of whether we're talking about indigent or retained clients, the courts are not ensuring speedy trials for criminal defendants. The state's judges and justices seem to think that waiting 2 years for a trial is a Sixth Amendment violation unless we can show a particular prejudice to the defense, which isn't what the constitutions require. Many of my clients aren't getting timely resolutions when we have plea agreements worked out, and the backlog of contested motion hearings is huge. Some clients don't seem to mind waiting, but others call me repeatedly to complain about something that I can't control. It's hard to provide effective representation when I can't be heard in court.

I have no complaints.

The biggest thing for me is contact with clients in custody, which is not technicality a court issue but I bring it up with the judges all the time. York county is near impossible for me to meet with clients now as its only in person and during court hours, which are already so booked up for those of us with big case loads. Second to that is no ability to email motions, so things cannot be addressed in a timely fashion or the time has already passed. Its a bit unfair that we are inundated with hearing notices, orders, requests from the court to us via email, but we cannot file important motions to the court and end up in a lot of circumstances having to try to hand deliver them, taking up valuable attorney time

lack of scheduling flexibility, lack of use of zoom, lack of dispo conferences, certain prosecutors

See answer to 6.

Recently removed myself from cumberland county entirely as their scheduling practices made maintaining my caseload in york county impossible. Specifically the PC docket switched to full in person with no warning and the judges were behaving inappropriately on the bench which made hearings drag out meaning in addition to travel to court i also had to sit around and wait for each case to be called. Average was 2.5 hours per single case judicial review, and commonly cases were scheduled apart so id have to go to the courthouse twice in one day, which realistically killed my whole day for two hearings that should have been 20 minutes on zoom.

I just asked that an agreed plea in absence to resolve a two year old case be done via zoom, as is discretionary in Cumberland, but it was denied. I have another hearing an hour later. I very nearly threw my computer out the window. What complete and utter nonsense. I'm fuming.

scheduling issues always exist which makes practicing in multiple courts challenging

I am routinely receiving very short - i.e. days - notice of court proceedings. In turn, we are not allowed to respond by email or electronic filing. There is no attempt to coordinate calendars within our county, let alone coordination on a very general scale with other counties.

The Court has been good to me, as I said above.

We have had scheduling challenges such as getting pushback when we're scheduled in multiple places (pre-pandemic.). We are having very short turn-around time for certain scheduling notices (recently it was 3 weeks for a jury trial.). When I was on the roster I would receive a very high volume of appointments. I tried managing it by telling the clerks I was unavailable without completely removing myself. Then I stayed on "only for past clients" but I was continuing to receive too many appointments for my comfort.

The biggest problem is the delay in processing appointments and motions. The court system in Penobscot County is an absolute disaster. I have appointments showing up weeks later, I have motions that just never get scheduled.

dispositional conferences are generally opportunities to berate counsel for not being able to convince the defendant to accept the state's offer to plea and to entirely disregard counsel's factual and legal arguments bail is entirely out of control as to the requirement of bail for first offender with no history of any kind, see all first offense bail amounts and conditions, see restrictions on alcohol in cases where none is involved (the given rationale is that alcohol impairs judgment and although none was used in this case, the use of alcohol increases the risk of a another case), the same with prohibition of possession of guns or dangerous weapons where none are involved check out the number of violations of conditions of release based upon possession or use of alcohol based upon arbitrary searches without probable cause or articulable suspicion, i.e. the standard arbitrary bail checks for the early Friday night standard police shifts activities

Poor coordination of court appearances in different counties. Also lack of e-filing for routine motions.

Inability to file documents electronically and inability to appear remotely.

1. Perception that the State, particularly workers, are afforded more credibility than is warranted by some on the bench; 2. Very, very short scheduling notices that don't allow us to subpoena witnesses; 3. inconsistent (within a court, and across courts) email notice to attorney and staff. This is my own problem but for twenty years the notices went through the front desk and got scheduled. Now I am wasting time making sure things get calendared because the notice came only to me.

While COVID was (and still is) awful, the ability to e-file and do zoom conferences were rays of sunshine in an otherwise bleak and socially vacant landscape.

none

poor client contact information at case initiation, failure to notify me regarding initial appearances of client on new charges or after being picked up on a bail violation, and scheduling all attorneys at the same time rather than in blocks. Finally, inability to file by email has made representation difficult especially for criminal matters. We need to be able to file electronically, please

Multiple Court appearances scheduled for the same time. Lack of even playing field in DHHS cases.

Perceived Court bias favoring the State in all cases

Cumberland County in person requirement is ludicrous.

Some courts use trailing dockets for contested PC hearings, even jeopardy and TPR hearings. Not having specific dates makes preparing myself, my clients and witnesses properly. Having court dates suddenly demanded in one court has caused scheduling issues for me in other courts.

I think just the lack of professional courtesy in realizing that we can't be in two places at the same time and that filing a written motion to continue can be difficult at times.

In August 2019 judge tried to force me to handle LOD early even though we had worked out local rules for the LOD cases years before that. Judge and DA met with client early in morning when he hit the 48 hour mark and then held him until the 1:00 arraignments and tried to make me "finish" the initial appearance that they did without me. I refused, told judge and DA that whatever illegal thing they had done to hold a person longer than 48 was not something I wanted to be a part of. Judge got mad and I got no appointments for 5 months, until I asked John to get me public info on appointments to file a complaint. Miraculously, Judge started appointing me again. I have changed my client profile since then so I will never have to be reliant on a judge who has shown that he will misuse the power of appointment to harm individual attorneys.

Loss of e-filing adding labor and expense; unnecessarily requiring in-person FTM's in PC cases; in PC cases, difficulty applying civil procedure rules, particularly discovery, because 30 day etc deadlines conflict with statutory deadlines for Judicial Reviews, Petition Hearings and so forth; in Covid -19 docket crunch, no ADA assigned to misdemeanor and lesser felony cases, always dealing with subs and stand-ins not up to speed on discovery, motions, case history.

Biggest= post-pandemic short-fused notices (via EMAIL!) that do not permit true solos time to find/notice clients or effective way to continue without judicial tongue lashing ... They act as though they do us a favor by overloading with appointments as their rosters shrink

see (8) below

Na

Rejected invoices; lost my assistant due to COVID, I have not been able to access the portal; no one could answer my questions; could not discovery what cases were paid when the payment went to my back account. NO identifying criteria when the number was reduced.

scheduling without adequate notice. scheduling disps multiple days in same month for one case at a time requiring travel (Portland)

n/a

n/a

N/a

Wait time and travel time for in court for appearances that could take 15 minutes. It's a waste of time & MONEY

n/a

Court scheduling and efilng restrictions unnecessarily chew up time that could be spent on other matters

See above

I recently had to drive an hour(each way) to file a motion to continue.

losing paperwork; several week delay between appointment and receiving paperwork; inability to get matters scheduled on a regular basis

Covid has certainly impacted the system. Clients who can't get court dates but we have agreements; mostly Penobscot UCD

The inability to use zoom to appear for relatively minor court proceedings

The slow down of the court dockets has made it more difficult to clear cases. Scheduling is always an issue, but for a while we had email filing which made it a lot easier to make sure motions were timely filed. I would like there to be a system that alerts courts when we are double or triple booked in different courts or at least a quick procedure we could follow to alert the court. I have dealt with double booking by removing myself from rosters in other counties.

return to in person status conferences (judicial reviews, cmcs) as stated above
The requirement that things like arraignments, pleas, and dispo conferences be heard in person, often with that information being changed last minute has greatly impacted where I can be an when, unnecessarily so. The requirement I file a motion to continue by hard copy, and then am calling repeatedly to find out if it was granted, often not getting a response until 4pm the night before has me pulling out my hair.
scheduling
There are too many to list. The courts closed for over a year and are now trying to blame counsel for the backlog
I do not get timely notices or the email notices are not providing enough time to schedule and prepare, motions to continue aren't being granted or are delayed which causes other scheduling issues, judges and courts expect us in person in too many different counties and the county scheduling conflicts
The Courts are trying to cope with the VVOID backlog by grossly overbooking UCD days, Docket Calls etc. It's very difficult to resolve cases when the District Attorneys are unavailable due to Court.
Same as above.
Courts don't seem to keep track of how many appointed cases attorneys have. Volume becomes an issue. Courts refuse to accept e-filings yet require attorneys to accept notice by email. Courts refuse to copy attorney support staff on notices.
confusion about how proceedings are going to occur (in person, phone, zoom etc.) - taking away e-filing.
Some courts have removed Zoom options, e-filing being stopped, lack of attorneys on the roster, jamming court dates and dockets full to catch up, courts not coordinating schedules.
The split of York County relying on Zoom and Cumberland County requiring in person appearances for Dispo Conferences is time consuming for the Portland matters. Zoom is perfectly suitable for Dispo Conferences. The time devoted to travel to Portland (for any practitioner) should be devoted to dealing with other case files as our client base has swollen due to the trial backlog.
Feel rushed, and not able to be as prepared as I would like
See #6.
I feel the court gives the Department a great amount of leeway and it is hard to get the court to decide against the Department.
Too many cases at the same time, inflexibility with certain courts (Andro, Kennebec).
Test

For those of you who serve child protective clients, if you have experienced issues with DHHS that impede your ability to provide client representation, or might tend to cause you to remove yourself from the rosters, what are those issues?

Open-Ended Response

Rapid policy changes for no reason and with no communication - i.e. going from zoom meetings to in person within the span of a week with no guidance on when remote meetings will be allowed. There are also many cases that have been impacted negatively by recent high profile child deaths, resulting in a situation where it feels like program administrators at DHHS refuse to move forward with trial home placements and overnights, etc. It is a very frustrating environment and makes it difficult to advise clients to do anything other than go to trial.

"Groundhog Day" The pull the same shenanigans over and over with proposed orders pretending the law is what it is not to clients' potential detriment, and have long pulled the same stunts w/ reunification plans. I've called them on it chronically for literally years, same issues over and over, and still the same crap from AAGs and CWs. They end up making the required changes, but persist in new cases/subsequent orders with the same misrepresentations in orders. Frankly, it's just bizarre... Tiresome and very wasteful of taxpayer dollars too.

N/A

They've decided to stop providing services all-together. Their new vibe is to instead, demand a "Level of Care Assessment" before recommending services, except y'know, the Level of Care Assessment is typically scheduled for a date conveniently after the jeopardy hearing. I've started hiring my own experts to evaluate clients for services/treatment out of my own pocket to ensure we can get recommendations for reunification services prior to jeopardy hearing and that we can have something to bring to the table. As an aside, their refusal to do anything BUT supervised visits while lacking the ability to provide supervised visitation is a riot. The AAG's office is a joke and they refuse to reign in their clients (yet I'm expected to have full control of mine?). They also like to unethically threaten litigation (like filing a TPR) if you dare to object to their jeopardy or judicial review proposals. CLASSY.

Not with DHHS

N/a

n/a

The Department utilized Zoom meetings in place of in person FTMs during COVID. This allowed me to attend more meetings than before to the benefit of my clients. On June 30th, they determined that in person meetings would resume on July 1st. As Biddeford still does not have a physical space, that would require me and my clients to travel to Springvale or Portland to attend an in person meeting. Most caseworkers have been willing to work around the rule but others are strictly enforcing it. This makes no sense and is a detriment to our clients. In addition, due to the recent deaths, the Department has become increasingly strict with parents and families making reunification more difficult than before. They have become rigid and uncommunicative. It makes for a stressful work environment.

The demand to return to in person FTM's is one of the biggest issues. My schedule does not have room for unnecessary travel. FTM's are efficient over Zoom and often allow more providers to participate in our meetings - which is helpful to all participants. Clients have transportation issues and often do not like being in a room alone with a DHHS caseworker (if they are demanded to be in person while an attorney is accommodated via Zoom). Also, DHHS is not set up to have "hybrid" meetings. If some people are in person (like my client) and the rest are on Zoom, none of the participants can hear each other well and certainly cannot see each other. Plus, there are renewed COVID concerns for demand to return to in person, especially when school aged children are about to return to in person school - we should be looking for opportunities to REDUCE in person contact to protect our children that are not able to be vaccinated! Additionally, the Department's SEVERE lack of visitation supervision services is putting parent attorneys in a difficult situation of needing to intervene more heavily in cases - both informally and formally with requests for court intervention. The Department could reduce some of the requests for contested hearings by simply meeting their duty of providing adequate contact between parents and children. Part of the backlog in needing contested hearings right now is parents requesting reasonable contact with their children and being provided little to NO contact for MONTHS sometimes. This is just unacceptable and unnecessarily slowing down the process.

The Petition should include the client's phone number, DHHS witness list should include the witnesses phone number, Discovery should be provided monthly

Untimely delivery of discovery.

NA

I don't do CP work, but I have made it clear to DHHS that I have issues with their unbridled authority on other cases.

There have always been caseworkers who need a fire kept under their butts in order to have them pay attention to cases. With COVID, it was extremely difficult to keep that fire lit. Pre-COVID the supervisors could be depended on to help with this fire, but during COVID this resource no longer was effective. As an example, last week I had 9 Judicial Reviews. Of those, 8 cases did not have recently updated Discovery posted to ShareFile - despite numerous E-mails to caseworkers and supervisors by parents' attorneys and (especially) GALs. Years ago I stopped taking appointments in Biddeford due to Discovery issues - when I would ask the caseworkers for some updated Discovery invariably the response would be "what do you want for Discovery?" I cannot tell you how many hours I spent at the Biddeford DHHS office reviewing and tabbing documents in the file for the caseworker to copy and send to me . . .

Answering this might take a long time. Basically, there is the limited availability to Discovery, and the inability of DHHS to specify issues and what remedial actions to resolve a case. In Portland, the main problem is in the totally adversarial attitude of the two AAGs, unprofessional and simply rude conduct in court. It might help if the AAGs actually knew something about the cases, rather than take the attitude that all these parents need to be TPR'd.

Concealment of documents favorable to parents, condescending attitudes towards parents, belief in social engineering

DHHS failing to have an office in Biddeford is a significant issue as travel time is costly both financially and in time.

There are always challenges with the Department. Pick a decade.

I have removed myself from this roster. Constant caseworker turnover was an issue.

N/a
I have had one case where DHHS had client attend an FTM in person, while attorneys could only be on zoom.
They have a great deal of power and money, and they almost always get their way. Hopeless battles are not much fun.
N/A
N/A
N/a
I think many caseworkers do the bare minimum knowing that I cant really use their failures as a defense to a TPR. Caseworkers are also scheduling FTMs without letting me know, and if they do, it is to tell us that the FTM is at X time, (often the next day.). More fundamentally, I feel like the process is deeply flawed, and I hate the sense that I am not really a lawyer in these cases, but nothing more than a potted plant that legitimizes this unfair process. This is an issue that has been festering for years, but is made more pronounced in the the past year. At least in criminal cases ive got a possibility of winning. Child protective cases it is more like a miracle. Also, the secrecy of Child Protective cases is a barrier to fair representation. If I know that Judge A found X in a case, I cant bring that up to Judge B, even if it was helping my case. Each judge is an island, unlike criminal cases where the whole point is consistency. This balkanized system means that there was a significant difference in outcomes between judges even in the same county. I can only imagine what it is like between judges in different county. These issues are why I might leave child protective cases as an intermediate step to getting off the roster entirely.
DHHS inability to provide or link parents up with reunification services
Rigidity with moving cases forward, unacceptably low expectations about how often parents and kids should visit one another, over supervision of visits even when unnecessary for safety.
Incompetence, inexperience and dishonesty of caseworkers, rigidity of AAG, cultural bias against low income clients and the problems associated with poverty
No but I have a GAL case where MCLIS's poor response to interpreter request caused a PPO to be continued.
DHHS insisting that the client be physically present for family team meetings, causing me to choose between attending by zoom and not being there with my client, or being in a windowless room with maskless people. I should not have to sacrifice the safety of myself and my children to ensure that I am meeting my professional duties. Zoom meetings achieved the goals of meeting safely and efficiently
I find DHHS easy to work with-although I may disagree with some of their decisions.
No issues other than occasional personality conflict with some small number of case workers.
N/a
n/a
N/a
The discovery is usually provided, even electronically, a day or so prior to potentially contested hearings, or the morning of the same.
n/A

N/A
Just the same old things from DHHS. With the judges, there is a lot of push back on the attorneys who virtuously defend clients. For example, if you put on a strong defense or strongly advocate for a position, you often get a lot of push back from the judges or are marginalized and ignored. When motions or hearings get set, they are set so far out It doesn't even matter by the time we get to them, the damage has already been done. It leads to a lot of frustration that makes you question why you are even doing this or if it even really matters.
complete lack of transparency, no accountability, late discovery, no resources. transportation and housing, maringalization of mental health concerns and clients
N/A
DHHS is implementing unofficial policies, ending zoom FTM's with no written policy to back that up.
none
Supervisors should stop imposing their solutions on the parties when they have not been participating in the family team meetings or other relevant proceedings. It is a colossal waste of my time to work on these cases only to have the supervisor show up at court and "veto" what we have spent months working out.
DHHS dislikes providing timely discovery. Additionally, this new Citrix ShareFile is beyond cumbersome. It is not user friendly.
when I took PC cases (which admittedly was years ago) discovery was almost always late and provided too close to hearings to be meaningful. Or would require after hours preparation to get through it all.
N/A
Not applicable
1) Lack of poverty training or understanding of the value systems and cultural norms of our clients. 2) discovery; 3) constant worker turn-over; 4) one size fits all approach to services; 5) socio-economic prejudice.
I already removed myself from the rosters, but have taken a couple of specially assigned cases, specifically because of the double standard and double talk with DHHS caseworkers. They are allowed not to abide by the rules, but God forbid if a client misses a visit or shows up late... they are damned forevermore.
n/a
very frustrated with caseworkers who will not open the door to more child contact and use the excuse "not enough staff". If there is not enough staff for a full supervised visits, need to be able to push forward to check ins, etc. more quickly unless a true safety risk exists. This is holding up cases all over. Caseworkers using excuses that they are overloaded. This is not a valid excuse, if the Dept is going to continue to infringe upon a parent's constitutional rights, they need to fix this issue - this may include more services cases!

Fascists with god on their side won't act in good faith. There is zero accountability for mistakes, even deliberate malfeasance. Supervisors give lip service to rights of parents when DHHS actions show dictatorial practices are favored. There is always a "discovery dump" right before Court, not allowing adequate time for investigation and review. There is an absolute command and control mentality that is couched in "politically correct" speech, not that I want to "disrespect" anyone in particular. The Judges sure seem to be scared to rule against DHHS. The Law Court says DHHS can f**k up three ways from Sunday and parents still lose their kids.

Forcing Family Team Meetings to go back to in-person is my current issue. Using Zoom, has saved me a lot of time, mileage and the State's money. My office is 40 minutes from the two DHHS offices my cases most frequently involve. That is one way. Spending nearly 1 1/2 driving for a FTM when a Zoom meeting is possible is a poor use of my time. Especially as clients often fail to attend, so my drive time ends up being for nought.

Not getting client contact information along with the appointment paperwork.

Judge is almost a rubber stamp for them, more focused on moving cases than in giving parents full access to court and fair hearings. GAL on most cases is former Child Protective AG so she works hand in hand with DHHS instead of remaining neutral. DHHS knows there are no consequences to their actions in this county, so they do not even pretend to care about what they do.

Lack of transparency and resources to provide services required by 22 MRS 4041 such as supervised visits and housing assistance; recent requirement of attendance in person at FTM's; discovery supposedly provided from an allegedly complete DHHS file, or available informally on request except when one asks for something, or by thru MRCvP Discovery Rules disregarded by AAG's & DHHS workers and with unworkable time-frames and deadlines given frequent PC hearings etc with short statutory deadlines.

Overall, no complaints in this region

DHHS personnel tend to be overworked and undereducated. They tend to keep careful track of my child protective clients' misdeeds but are not quick or certain to fill me in about them so I can advise my client. I hear about things my client has done wrong weeks or months after the fact. The government seems alternately scatterbrained and vengeful.

Na

DHHS does not impede my ability to provide client representation.

Not always providing discovery in timely fashion.

lack of reunification services being provided based on what they claim is funding - ie adequate visitation facilities and/or supervisors, limited drug screening facilities and hours, discovery issues on at least 60% of cases, ridiculous turnover of workers with the loss of experienced and "good" workers thus being replaced by new ones who are then also completely overworked to the point where communication with them by clients or myself are often very delayed, lack of transparency for policies and services available to clients, lack of housing support for clients, *** DHHS interviewing and getting admissions from clients when they know they are filing a petition and the client is forced to talk at the threat of losing their children - all without any mention that they have a right to an attorney.

only recently went on CP roster. No issues yet w/ DHHS

NA

DHHS is too powerful and there are no consequences for their actions. The cases are very time consuming and heart wrenching. Nothing happens unless you demand a hearing and then, usually one day before the hearing, after the attorney has spent hours preparing for trial, they suddenly provide a reasonable proposal.

NA

na

not an issue

n/a

n/a, too much anxiety when I did them. I couldn't keep it up.

DHHS makes up its mind at the beginning of a case, and then spends the rest of the case proving they were right. So even when clients change, DHHS can't see it. Reunification is so rare because most caseworkers don't really want it to happen. DHHS is overly protective and sees no problem with uprooting children from their homes.

in person participation mandate to ftms vs. zoom participation

n/a

Lack of communication at the beginning of a case as to contact info for parents. Lack of follow through from caseworkers on setting up meetings, referrals, evals, etc. or general lack of knowledge about procedure or resources. Lack of necessary resources such as visitation.

DHHS is simply not providing reunification services and saying it is because they don't have staff for visit supervision, etc. DHHS is not working creatively causing our role to be diminished and now is requiring in person FTMs which means attorneys cannot possibly attend them with clients.

don't do those cases

N/a

Demanding in person FTMs but not having an office to provide a space to meet in.

NA

Lack of communication from the Department

n/a

Case workers who don't follow up, who implement inconsistent ftm policies, who make decisions behind the client's back despite deciding things as a team, i.e., kinship placement over foster placement, when kinship is not always the best choice. The idea that it is a policy, but it is not a policy set in stone

test

What do you need from MCILS to allow you to continue to serve indigent clients?
Open-Ended Response
Flexibility with voucher submissions (maybe 3 free passes per year on late submissions?) Events aimed at increasing morale/promoting self care
Flexibility and advocating for making indigent representation more practical.
Maybe to voice these issues to someone who will kindly instruct certain people to stop wasting my and my clients' time with their repeated misrepresentations of the law and clients' rights???
A roster of pre-approved private investigators and experts.
I barely have enough time to do my job much less bill. I've woken up at 11 PM in a panic, realizing I have to bill something by midnight or else I'm going to lose out on money. A grace period for billing would be appreciated. I'd like to get the wage part of the wage slavery bit out of this deal. On another note: stop playing games with paying and approving LODs. C'mon, I don't do this for my mental health. Lastly: let up on how many hours we can work a day. I understand it's sus if someone is working 27 hours in a 24 hour day, however with the increasing workloads, the prospect of multiple trials to prepare for, jail visits/jail travel, AND the addition of travel times now that court is back in-person, I'm now working 9-12 hour days regularly. Often, there's at least one day a week, I work more than 15. I'm worried about being dragged on the carpet Amy Fairfield-style when I'm working myself to death. I repeat: I'd at least like the wage part of the wage slavery.
Allow us to bill for administrative help under the attorney's name, but within the same general billing limits already in place (although those are too low as well).
Make the courts accredit electronic filings and grant motions to continue and motions to withdraw without hassles. Allow video appearances I spent a 1/2 day in Cumberland on a dispo for 1 case. In person not necessary for that or at least be efficient and get me in and out.
Same support
I think MCILS has done an outstanding job in working with the criminal defense attorneys. But, the Commission has no power to push its agenda with the Judiciary or Legislature. Thus, it is powerless to effect change.
MCILS should take a stand on Covid protocol for appearance at court hearings. Perhaps MCILS should coordinate with the MSBA on establishing a protocol.
n/a
Advocacy for the defense bar when courts push to resume in person proceedings and trials. Scheduling conflicts of the defense bar is usually the court's last consideration therefore we need someone to advocate for us.
An hourly rate that gives us parity with the financial power of the D.A.'s Office, and an administrative system at the Commission that does not presume malfeasance on our part.

Increase in pay. I cannot have appropriate staff support (even built into an overhead cost if I'm not allowed to bill directly for staff time) at the current rates. The low rates also increase my need to have a high caseload in order to make ends meet. MCILS should also be looking more closely at attorneys that should not be on the lists or should at least be limiting their own caseloads. There are plenty of us that are overloaded and are still meeting our duties on cases. There are others that are not close to meeting their duties and are still signing up to take new cases. It is frustrating to see those attorneys taking cases that they will eventually be fired (or removed) from and knowing that those of us that are trying and barely meeting our obligations will have to then take over the case and "clean up" the messes created by the counsel that took the case initially when they shouldn't have. Need a more efficient way to enter time/vouchers to MCILS. I keep time in my case management system and then end up having to take additional time to enter all of that data as a duplicate into DD (and I cannot bill for having myself or staff enter that time in DD and there isn't room in the current rate to call that "overhead")

Mandate that attorneys who withdraw in PC cases, must contact the new attorney immediately

Nothing.

I have had no issues with MCILS, and have felt supported. Vouchers are paid. And the reimbursement rate went up which is awesome.

If I am going to stay on this list, the State needs to figure out some way to help offset the money I lose by staying on the roster. The only reason I am still on the list is because I want the government to do its job. I want people to believe in the criminal justice system, to be heard, and to have their constitutional rights protected. One option would be to give MCILS attorneys a deduction on income for tax purposes. The fiscal note would be minimal compared to raising the hourly rate.

I feel like I get pretty decent support from MCILS.

I think that the Courts should publish the trial scheduled as far out in advance as possible and allow parties to file motions to specially set their cases on dates certain. This would avoid the uncertainty of showing up to docket call each month with multiple cases that "might" go to trial and greatly reduce the amount of wasted time and stress associated with the current approach. This would allow parties to set dates for their most serious cases on dates that are predictable. Granted, attorney's can do this now, but it is not a widespread practice. We should be encouraged to do so. Reinstating e filing would also be extremely helpful, as would continuing Zoom dispo conferences.

Pay Vouchers in a timely manner - which does happen now. I do not care whether the Vouchers are processed weekly, biweekly or monthly - it is just helpful to be able to predict when the money will be coming in.

I think that MCILS is doing a good job. I am not able to comment about how other attorneys are treated. I liked the CLE seminars, but understand that these require lots of staff work. Thanks for the raise in the hourly rate! Thanks for the many times of your prompt responses to my questions!

Get GAL billing online

Less administrative responsibilities and barriers to the practice. Defender data is horrible, billing timelines are impractical at times, trainings should occur NOT during administrative week.

Fair compensation. I know this is "low end law" to some but I believe it has value. Haven't done adult criminal for approximately 15 years but very much sympathize with those who do. Crushing workloads, imperious courts intent on generating numbers, not a lot of respect for the work.

I do not have any issues or needs from MCILS at this time.

Administrative support. A billing system that allows for importation of csv files. To not have to use my dead name on the rosters anymore.

Flexibility; saying "how can we make this work for you". One problem is the inability to control how cases come in and how quickly they can be resolved. We are not asked if we can take a case. We are just sent it. We don't know when cases will arrive or how many will show up. It is very difficult to manage a proper case load. If you are assigned a particular case you may not be paid for your work for a year or two. Many attorneys are stressed about not having enough work in the future and are stressed by having too much work in the present.

A little more time to submit vouchers or leniency if vouchers are occasionally submitted late would be helpful.

Occasional funds for private investigators, willingness to finance longer drives when needed, such as Kennebec County to York or Aroostook County if required.

Allow a staff rate to bill (i.e. \$40 per hour). Flesh out and make resource counsel a real resource. Push Judiciary re: scheduling via Zoom and email filing (continue to push, I should say). Continue to work with the Legislature to pass bills and funding measures. Monitor case loads of attorneys so people aren't getting slammed.

1. Keep advocating for an equal seat at the table when it comes to decision making; 2. MCILS needs to streamline the process to allow new lawyers to get on the rosters faster. While potential lawyers wait for their bar exam results they should be given the opportunity to start the shadowing/training. Provide more frequent training so new lawyer don't have to wait very long to complete the trainings; 3. specifically announce to courts when new lawyers (and where they practice) are added to the lower level lists so those cases can be more evenly dispersed instead of all going to familiar faces; 4. continue to fight to increase the pay; 5. use a pay scale for more serious cases (i.e. a sex case gets paid more than an OAS).

More communication, easier access to staff, more training, practice materials such as a motion bank and other pooled recourses.

If MCILS was able to provide access to a legal research program as a benefit to being a MCILS rostered attorney that would be helpful. Advocating for better access to clients at jail. Advocating for email filing, particularly with attorneys practicing in multiple counties who do not have quick access to the courthouse. More training opportunities above and beyond minimum training required for specialty cases. Continue advocating for pay increase. \$80 is good but still not enough to cover costs of overhead to run a law practice, including an assistant.

N/A

Application needs updating. Consider flat fees for cases. MCILS should keep rostered attorneys updated on things related to its operations. Take a more cooperative approach when dealing with Rostered attorneys. Something like a Bar-like organization of Rostered attorneys would likely improve morale. Be creative. Bureaucratic solutions to systematic issues should be the solution of last resort.

MCLIS is not to problem. Judges treating counsel like draft animals to pull under the whip is.

\$100 an hour. \$80 was an improvement, but not a game changer. \$100 would let me hire an associate, which would relieve the pressure on the system. Other than that, not too much, other than support for Email filing, (which I think you are already doing, but I am not 100% sure because I am too busy to really follow it.)

Do more advocacy in public forums about the good work being done by indigent defense attorneys (we are constantly hammered in the press and legislature and even the commission itself for a few bad apples which should be weeded out). There are so many skilled trial attorneys on the roster, better than many in the big highly paid firms. You would not know that if you aren't in courtrooms watching. Have clearer communication with attorneys that is not done through numerous emails (we have to print the newest instructions and remember they exist or find them buried in emails if we need to remember what the instructions are months later, plus they seem to change a lot). Have a policy manual or blog or something we can look to instead of so many emails. Focus equally on criminal and child protective work (most commission meetings are entirely focused on issues related to criminal cases). The issues are different, the work is different, the necessary skills are different, but they are both equally important. Shine a light on that. Be a support to busy attorneys by advocating for fewer burdensome requirements, hire someone to send us law court case summaries to help us stay up to date on the latest cases, send statutory changes or summaries of new laws that impact our work (assuming MCILS gets the staff/budget needed to do these things).

???? Not sure there is anything MCILS can do about these problems

allow staff to do some tasks, allow reasonable lumped together tasks for billing.

No issues for me.

To advocate for flexibility with in-person meetings with DHHS and appearances with Court as Delta continues to spread and children remain unvaccinated

Less jumping through hoops re addition credits and requirements each year-especially for attorneys in practice 20 +years serving indigent clients.

The wage increased certainly helped, and hopefully the case caps will be adjusted as well. Continue to keep us advised of CLE opportunities . Maybe a better forms bank ..

A higher hourly rate, access to Westlaw or Lexis, an ability for staff to directly bill MCILS, a higher hourly rate for private investigators, and simpler billing procedures (The email system to MCILS is cumbersome & time consuming).

Just more support that we are over worked, under paid, and that we are doing the best we can in the situation

Get out of my way. Accept bills when submitted.

Continued support advocating for the attorneys who continue to do this type of work.

zoom is the future, along with e-filing

Recruitment of new attorneys to the court-appointment rosters, reimbursement for certain occasional expenses that aren't currently covered but shouldn't be considered overhead costs (like postage for packages or flash drives to provide clients with discovery), and increases in the presumptive voucher caps.

Satisfied with the way that things are going.

Getting the jail on board with better client access is top of the list. Hours that are outside of court hours, phone calls, video calls with share screen capability. These are not even difficult thing to do and it blows my mind that they are not done. Some jail have it, some have nothing. Maybe suing them as an organization would get an injunction or ruling that certain things must be changed. Also, having the rules changed to allow for a paralegal at some appropriate rate for the lawyers who do court appointed work as the vast majority or exclusive practice. That would allow better representation and allow for attorneys to take more cases on.

more attorneys, better pc training.

MCILS has been receptive to our requests for experts and funds. The problem is not with MCILS. They criminal system is set up in such a way that makes it difficult for us to serve our clients.

caseload limitations, i feel like if i drop off the roster the court is so overloaded they keep appointing me cases anyway, and if i stay on i get too many new cases to effectively process in a busy week. Generally speaking in any given week i feel like im drowning in work and burning out at the same time, if i had a viable alternative to doing this work i would almost certainly take it.

Advocacy state-wide, like this. It is ridiculous that the time savings and efficiencies if we he COVID era are being abandoned or adopted ad hoc by county. It's a mess.

A raise to at least \$150 hour and elimination of caps — they are regressive and do not encourage attorneys to present an adequate defense

more free CLE

More attorneys. We need to share the caseload. And for those of us who are handling the murder cases, sex offenses, probation cases and other intensely demanding work, you should be paying an even higher wage than \$80./hr. This will encourage others (perhaps for the wrong reason but I don't care) to start carrying more of the load. An don't tell us that hiring more compliance personnel is going to help at all. It's only going to drive more people out.

A warm heart, and continued fight for the \$100 per hour that fancy Commission recommended was necessary. The only thing that was adopted was eliminating the Somerset County private public defender office. They alleged a rush to judgements by plea bargains as the reason. That truly was BS As the complaint justice around here, I see many of the affidavits for probable cause, and 90%+ conctain admissions! Somerser's criminals are amazingly honest when confronted, and admit their action. Hard for any lawyer to do more than negotiate the best plea possible.

I need MCILS to allow staff to bill time (even at a lower paralegal rate.). It is unrealistic to carry an indigent client caseload without support, and it is unaffordable to pay support staff at the current billing rate. Indigent clients are usually high needs. If MCILS had direct access to case management services for our clients that may alleviate some of the legwork that we do. A lot of our clients need their basic needs met before we can help them with their legal struggles. We do the best we can, but having direct access to someone specifically trained for that would help. We need MCILS to advocate for more mental health beds, more substance abuse beds and more access to resources while in jail. I know that providing mental health and substance use treatment is beyond the scope of legal services, however, MCILS may hold some sway if MCILS advocated for those resources to be allocated. We would have fewer "repeat" clients if we had access to these services. Commissioners need to stop telling us to "suck it up" and acknowledge that we are doing difficult, emotionally draining and important work. It would be nice to feel supported as we do that instead of feeling like an impediment to a "better" system. I would like MCILS to provide more opportunities for advanced training for attorneys who are already qualified. I would like MCILS to provide more incentive to supervise newer attorneys so it makes sense to hire and train newer attorneys. I would like MCILS to vigorously object to new legislation that creates crimes, enhances classes, adds mandatory minimums etc.

The ability to set some kind of limit on appointments. Hiring/paying experts/Pis could be improved. Approving appointments should be removed. The caps should be raised on misdemeanors.

MCILS has been great continue to approve PI requests and occasional polygraph examination requests make us justify those requests on a case by case basis we may have to consider approving privately funded Title 15 examination if courts continue to deny impoundment requests for regular Title 15 evaluations until a NCR or NG due to mental disease or defect plea is entered

Persuade the courts to allow email filings.

A rule or statute change that allows for more time to file vouchers; continued recognition of the burn-out factor in child protective work.
Understanding. Responsiveness. And fix that annoying high defender data program so that if/when you add a .2 to an already high usage day, we don't have to go through them all - again - to find the culprit. And, I must clarify ... Justin is doing a FANTASTIC job listening and responding to our concerns. But he can't do it alone.
flexible "rules"
I would need a rate of pay of at least \$100 per hour to consider getting back on the roster. Also, the State should provide a health insurance benefit for MCILS attorneys.
MCILS has made great strides. More outreach regarding the amazing work MCILS attorneys do would be great, because it does seem that a lot of attys are still working hard but feeling very undervalued.
Nothing you can do.
I guess an assurance the commission will remain and many of us won't become obsolete as the State introduces a Public Defender system?
Working with rostered attorneys to help intercede with the Courts and DHHS on issues identified as requiring solutions. Continued lobbying or reporting to legislature of need for more funds for MCILS and proper compensation for the rostered attorneys. \$80 is better, but the rate should be \$120 per hour.
It would be great to be able to manage the amount of cases being received more easily. I would also like to see MCILS create a system that allows associate or newer attorneys to work in collaboration with more experienced attorneys on cases. MCILS should also create a lower rate for paralegal work and allow for certain tasks to be billed by staff.
I don't think there is much you can do. I will continue to accept cases where there is a conflict, multiple defendants, former clients, or other on a case by case basis, but I am not interest in getting back in to the normal rotation.
training, more available resource counsel for consultation in CRM and PC cases,
Win the e-file battle (at least for time-sensitive motions, etc) OR require 30-day minimum notice of hearing (unless parties agree to sooner) ... In general, time/deadline compression is killing the true solo
I don't expect MCILS to be able to do any magic. If the legislature won't fund DHHS enough to get reasonable caseloads for the caseworkers, they'll probably continue to be overburdened and difficult to deal with.
MCILS is doing a fine job
Directions on how to submit the vouchers...
Extend the 90 day deadline to allow a few exceptions per year.
1. continue to streamline mcils functions to increase efficiency 2. Advocate for no public defender office. 3. Figure out how to certify rostered attorneys for student loan forgiveness. 4. Continue to advocate for increased funding and hourly rates for rostered attorneys.
not sure
If the raise to \$80/ hr had been a year earlier, we might have made it. But now I don't have the capital to start again. I love the work, it's about money.
The morons criticizing us to come spend a week with me so they actually see how hard we work, how thankless the job can be, the quality of work we do, and how cases are actually handled.
I'm happy with this process and MCILS. I am overwhelmed with the number of cases.
More support/respect, better pay, some pay for support staff time.
More money and fewer administrative burdens

More attorneys to take on indigent defendants.
More mentoring opportunities. With the “older” attorneys retiring, it would be nice to sit second chair on a few “serious violent felony” or homicide cases to get that experience. Also, get rid of defender data. It is antiquated, duplicates admin., and inflexible. Also, maintain a flexible provisional voucher approval process.
Keep doing what you're doing---I feel very supported by MCILS. If there was a way to be able to speak with incarcerated clients via Zoom or phone that didn't cost too much money, that would be great.
Yearly requirements for experienced attorneys should be relaxed.
Advocate for increased use of zoom
Adjust budget caps, pay quicker
It feels like MCILS is doing what it can, but if there is any sway over judicial branch procedures, especially with scheduling or even letting us set limits to how many case we take or how many of a specific case type we can take, that might be a good thing.
I need to be able to file motions, at least some of them, electronically and I need to be able to do some proceedings, including but not limited to dispo conferences, status conferences, and pleas electronically. It would also be very helpful if a court was permitted to appoint an attorney who is on the MCILS in some capacity to a client they recently represented, even if that attorney is not specifically on the right list at that time.
Counsel should be provided an address, email address, and phone number for all clients upon appointment. The MCILS CLE requirements are burdensome; we should not need that many specialized credits each year.
I have had few issues with MCILS, although we should be able to bill before case is finished (perhaps every 3 to 6 months). Your advocacy on our behalf with the courts and legislature is much appreciated. Keep it up.
SUPPORT and ASSISTANCE. We need an advocate (perhaps a new position?) that can support attorneys in this role before the legislature and with the courts.
Just keep doing what you do.
More liberal waivers as to specific CLE and trial experience to recognize the realities of practice.
I needed a break. I will re-up if the Court will have me.
Clear rules for all counties as to how proceedings will be conducted that is more uniform. I think COVID has allowed us to expand our practices some because we are not driving as much. If everyone demands at once for us to be in person there is just no way to accomodate everything. A mechanism to efile documents.
Higher rates so I can drop my private caseloads and focus on criminal matters and the higher caseloads needs. Lobbying the judiciary to allow Zoom and e-filing.
Higher pay, better advocacy to the Courts to work with us and that we are overwhelmed currently
More rostered lawyers. It may also make sense for the Courts to have a limit on the number of cases (scaled for type) it assigns in any given period (e.g., a month)
Nothing, it is issues with everyone else
Payment for legal staff!
Test

What do you need from the Court to allow you to continue to serve indigent clients?
Open-Ended Response
E-filing to come back!
E-mail filing for motions was very helpful and this was discontinued. Especially, if Courts want Counsel to take cases in various locations where there may be less local Counsel available.
See above.
Court notices of new appointments should include client phone numbers and email addresses when known.
Skowhegan: more motion days to spread out the workload and more time between appointment and initial court date. This will never happen: but judicial discretion over who gets a pretrial supervision contract. We can't keep holding everyone on an unattainable bail. I'm tired of spending most of my days juggling court dates and jail visits, and traveling all over the state of Maine (it's not even pretty!). Bangor: No more last minute court dates, no more telephone dispositional conferences (Zoom for attorneys is fine, especially those in multiple courts), and in a drastic contrast to Skowhegan: actually scheduling court dates for motions to revoke bail and motions to revoke probation. Let's, at the very least, bring back the illusion of due process. At this juncture, people are being held without bail pending a motion to revoke probation with no court date in sight. For criminal docket calls and trial scheduling: give an indication of what cases are priority in order for Counsel to direct their energy efficiently. You cannot possibly prepare for trial for 16 individual cases for one docket call- it's impossible. Furthermore, in this vein, having Back-Ups going as far as #2 and #3 on trial days is ALSO really goddamn stupid and disrespectful. Lastly: EMAIL FILING. EMAIL FILING. EMAIL FILING.
Support with all of the legislative issues going on and the lack of public support.
Great flexibility, Grant continues quickly unless there is a compelling reason not to do so. Grant protection requests automatically. Accept electronic filings.
Would be an improvement to stagger hearings, rather than wait for long call of list
More thought about the needs of defense attorneys. The use of Zoom for certain hearings or conferences. Until E filing is in place, allowing defense counsel to file motions etc. by email. We are strapped with a number of Judges with little or no experience in criminal cases, meaning they do not know how to mediate a dispute between defense counsel and the prosecutor as to an appropriate sentence. In my county, the prosecutors' offers are unreasonable; I know this as I have done scores of trials and sentencing hearings over the years. This means I push most of my cases toward jury selection and/or trials. I have no idea how to cure this but the experienced defense attorneys un my county are doing the same thing, meaning the backlog of cases continues. I might add, I do not have to take court appointments for financial reasons. I continue taking a select number of serious felony cases as I believe I need to serve the 6th amendment to protect citizens from overreaching governmental action and because I very much like jury trials-the greatest system of ensuring justice for those accuse of crimes.
See responses above re Covid.
n/a
Support and an understanding that some things implemented during COVID were an improvement to the system. IE, zoom dispositional conferences and efilings. They have already revoked the efilings and have discussed resuming in person dispositional conferences as well.
Nothing.

Input on scheduling. Let us tell you when we "just can't" have another hearing scheduled this week/month. Let us request protection and have it be granted (I've had the court simply ignore my protection requests regularly and schedule over other events that I made them aware of). Allow e-mail filing or expedite Odyssey so we can stop worrying about whether we have to factor hand deliveries or late requests into the mix. The postal service is in a crisis and cannot be relied on, even for overnight deliveries anymore. Zoom or remote appearances AS THE DEFAULT for ALL non-evidentiary hearings. CONSISTENCY in expectations at least within regions, if not state-wide.

more hearing dates for expedited judicial reviews, you may have to wait a month or two or more to have your visitation or placement issue or parent services issue resolved

Continued flexibility with using video conferencing/ teleconferencing.

NA

Most of the Judges are ex prosecutors, and it shows. It would be nice if the judiciary occasionally started pointing out how unreasonable some of the State's offers are. I had a client get 6 months on his first probation violation because he left the sober living house he was assigned to upon release. All of his roommates were using drugs in the house. He told his PO several times, but she did nothing. He left one night after his roommates got into a fistfight in the parking lot, over drugs. He told his PO the next day that he was living at his mother's house because he wanted to maintain his sobriety (he's been clean for 5 years). His Probation Officer moved to revoke his probation because he "changed his address without obtaining permission first." The prosecutor never offered lower than 6 months, and once my client agreed to admit to the PV (and roll the dice at sentencing), the State raised its offer to 18 months, and refused to provide a reason for the increase. How is that justice? How did they expect me to explain that to my client? How are you supposed to negotiate with someone that says, "What's mine is mine; what's yours is negotiable"??

More convenience: filing, universal scheduling so I don't need to spend so much of my time untangling schedule conflicts across multiple courts.

Some controlled approach to trying all of our cases that does not result in attorney's needing to repetitively prepare multiple cases for trial each month. One example of how hectic this can be is that recently in Kennebec we received the trial list for August on July 22nd. The request for protections were due on July 30th. July selection was August 5th and 6th, and the trial period was August 16th through September 3rd. It is crazy to me that the Court expects us to get notice, subpoena witnesses in all of our cases, and do the prep work for trials on less than two weeks notice. In my view it is inappropriate to be given such short notice.

Respect and communication. If procedural changes are being made - communicate ahead of time those changes (in the example given above when Portland went from remote to in-person, the often heard rationale was "well we were sending out ZOOM links the week prior to the court events, so when you did not receive the ZOOM link you should have known the event would be held in-person!")

Treat defense attorneys with the same level of concern (communication) that is given to the DA and DHHS, recognizing that most defense attorneys are solo practitioners without associates or staff to meet unexpected court dates. The Portland Courts and Clerk are pretty good in responding to needs, so this is not a big complaint.

Get GAL billing online

The ability to efile motions to continue or participate by phone/video.

A level of respect equal to that of insurance defense.

Efiling would help.

Awareness about the disparate impact of cash bail on indigent clients. A willingness to look beyond punitive justice and to focus on what will actually solve the underlying issues (thereby reducing caseloads for everyone). If a client is already in residential treatment or has a bed available, the Court should know it will be more beneficial for EVERYONE that the client gets help. Stop using process to undermine justice. Also: please stop misgendering me and using my dead name.

The courts I work with understand that we are trying to serve the public need and are usually very accommodating. However, because the clerks do not have the time to respect lawyer's case needs, you either have to be in or out. You can't say - only give me 5 cases a month, for example.

Some more routine proceedings on zoom. Email filing!!!

Understanding when an appearance must be made by zoom or a case rescheduled.

Patience. Respect. Flexibility. Including us in conversations regarding decisions that affect both us and our clients. No more last minute docket calls and scheduling nightmares. Make Zoom the default for everything except testimonial hearings and trials. Allow email filing of motions up to a certain length or type. So much more could be done.

Recognize the struggle and be flexible. Bring back email filing. Use Zoom in every situation possible. Take into account the backlog and let people out of jail.

To always provide a copy of the charging instrument and contact info for clients. It is inconsistent with contact info. Yes, I can get it from the court but then MCILS has to pay for that phone call or letter to request it, when it could be provided in the initial appointment email. This information is usually provided in the motion for appointment of counsel but that is not always provided. Docket records do not include phone numbers and often times the address is not correct. Be patient with scheduling conflicts. To allow filing by email.

More recognition of the stresses on counsel and, more importantly, on the clients and the businesses that employ them, when the courts abruptly reschedule events.

The support of the MCILS

Respect.

A cap on days in court. (Including telephonic phone calls). In the last 5 weeks, I have had 22 days in court, out of a possible 25 business days. (One of the off days was a last minute continuance that was not planned.) We do not need to touch every file every month or every 2 months. Ask me when it should happen. I dont think that they realize that we dont get paid if the case drags on, and most MCILS lawyers dont have time or money play games. Also a realization that lecturing me about attending court on time, or being unreasonable in negotiations is not helping advance the case. Lecture the client. I feel as if some jurists believe that badgering Defense counsel will advance the case. The last thing I want to do is delay a case. (Also, treat each side equally. If the state has an objectively unreasonable position, they should be lectured as well. They aren't bound by their client's decisions. Also, some of the clerk's offices need to be improved. I am not getting appointments in a timely manner, nor are motions to withdraw or amend bail addressed in a timely manner. (Some courts are excellent though, such as Houlton, Caribou and Fort Kent/ Madawaska.)

Better scheduling practices. Quicker processing of motions. Quicker mailing of orders to attorneys. More Judge time so hearings are less delayed.

An opportunity for a fair hearing without consequences to clients for simply exercising their right to be heard

nothing

Lets keep the use of Zoom/virtual technology for certain Hearings, motions, docket calls, filing reports/motions. Keep what is working as a result of pandemic adjustments.

Continued willingness to give us scheduling leeway .

Better efficiency (e-filing, more zoom, more specially set trials, more coordination between counties, and more universal state wide rules)

back to normal scheduling and noticing - too many e-mails to keep track of from the court, too many fake court dates -no predictability for clients in jail. Cases that were just charged are getting court dates sooner then older cases. Not enough pressure on the DA to be reasonable.

Leadership. We have none. This state isn't 16 different jurisdictions. Let's have some uniformity in procedures. Kennebec can just unilaterally suspend rule on dispo conferences? Who's running this show?

The courts need to stop scheduling any contested PC cases during the same terms as jury selection and jury trials. It is simply not tenable to have contested hearings on Jeopardy, Permanency Planning or TPR hearings the same week you are expected to try a jury trial. However, I have been in numerous conversations where I have had Judges try to pressure me to try a DV Assault or Felony Jury case either the day immediately before or after some type of contested PC hearing.

saa

Pressure on prosecutors to make good plea offers on weak cases, at least during this backlog period, and recognition of the right to a speedy trial with dismissals when year-plus delays are caused by either neutral factors or actions of the State.

Money.

More court time to be honest. We can't get done what needs to be done in a timely matter with the current court schedule. I know it sounds like a joke, but something like night court or extended court hours would go along way to getting the court capacity up to what it needs to be. It would also help alleviate conflicts. In addition, the court having a centralized system that shows what attorneys are where on a given date would be lovely, so scheduling conflicts can be mitigated and/or the court isn't frantically calling or emailing asking where we are when we are simply in another court room or zoom and we've tried our best to communicate that. Also, judges being a bit more real with prosecutors that their case is junk so they have to pick and chose what is worth their time, not loading up the jury selection with a bunch of stupid cases.

zoom.zoom. zoom. also not trying to do 1.5 years worth of work at the same time in every court. Counsel is stretched way too thin and tge courts are overloading us

See 9. When dispositional conferences first started, Judges were putting pressure on the prosecutors. Now, it seems like it is us that the Judiciary seems to blame for not resolving cases.

I need the courts to understand the pressures we are under and treat us as peers in the system and not employees. Keeping virtual hearings where possible to give us more time to manage our cases from our desks would be great. Bringing back efilings so we can file motions expediently would be great too. With the mail so slow i often hand deliver motions because i know if i dont it might be weeks before i get a motion to amend bail scheduled.

Allow easy solutions to problems of scheduling like allowing a plea in absence to be done by Zoom. Allow more hearings by zoom.

More judges from a criminal defense/public defender background

greater scheduling flexibility and an easier way to address scheduling issues

Flexibility. Let us participate by phone or Zoom without filing a motion. Let us just call the clerk's office and say we have a conflict and put us through for the judicial review, dispo conference, or other less substantive events.

They have been great. The problem is not with the Court in SkowVegas, but it is the state government. Their habit of low-bidder wins even tech contracts is a good exple of utter failure.

I need the Court to recognize that defense attorneys are equal players in the system. When changes are made, or schedules are discussed, we are either completely left out of the conversations or treated like we don't matter. I need the Court to hold the prosecutors accountable equally. If scheduling orders and deadlines are not followed those violations need to be dealt with. It is extremely difficult to see a case through from start to finish when the State isn't accountable to their actions, but any "slip" on the part of defense attorneys is held up to high scrutiny. We also need the court to treat our clients with respect. Many of the decisions made during the pandemic left a feeling amongst defense attorneys that the health and safety of our clients was not a priority, and our own health and safety was not a priority.

The Court needs to have more regard for accommodating attorney schedules. Notices of appointment shouldn't be delayed. Motions should be promptly acted upon. Clients should be allowed to participate by phone/video for all court events except hearings and trials. Judges should be more considerate on granting motions to continue/recall warrants etc. The system should not be making it harder to get cases resolved.

a level playing field, fair consideration of bail, factual, and legal arguments, courts should not be the second prosecutor in the case, current knowledge of the law in suppression and other constitutional issue cases,

Better coordination of court schedules for those of us who practice in multiple counties.

To be able to file documents electronically and to be able to perform simple hearings remotely. Blowing half a day driving to the next county over for a simple arraignment is not practicable or reasonable.

Consistency in scheduling procedures and expectations.

e-filing. Zoom. timely docket lists.

understanding of huge workload

The problem lies with the Legislature, not with the Court. So, I suppose the Court should use the power of its podium to communicate the direness of this situation to the Legislature.

ability to file electronically reasonable notice of court events without frequent rescheduling even within a day notice when a person who is represented gets a new charge or is brought in on a bail violation/probation violation etc very promptly

Actual honesty and integrity in deciding DHHS cases. Not all parents are s**t and not all DHHS caseworkers are truthful saints. It would be nice to see a Maine jurist actually say that. A little healthy skepticism toward the State's case wouldn't hurt either.

A little accommodation. Client's are simply happy I call them back. I am literally going into hearings sandbagged.

Consistent scheduling of court dates, no use of trailing dockets. I want specific scheduled dates for contest hearings.

I think that Clerks should be allowed some limited authority to move cases around to accommodate attorneys schedules. There was a time Portland would allow the clerk to move a dispo conference time within the same day without a motion. I recognize that timing is often a substantive issue in a case but there should be some ability to manage schedules without as much hassle.

I need the court to understand that we are not their employees and that we do not work for the court. As such, the court needs to follow the rules that they set long ago for scheduling LOD and processing appointments. A little more respect for the defense bar and an equal seat at the table would be nice too.

E-filing, more judges, trial and hearing time
Empathy ... Reasonableness ... Minimum 30 day notices ... A commitment to not put weight of pandemic recovery on our backs!
The court is doing a fine job
Nothing.
e-filing for all cases
Hybrid system that incorporates Zoom. Hold parties accountable for discovery concerns. Personally speaking, the PC Judges in my geographic areas are to be commended all around for their part in PC cases.
consideration in scheduling
For all the judges to speak to our critics and explain how things really work. Explain to the doubters how cases are really placed, how lawyers are chosen, how cases are handled and how good matters are handled over all.
Patience regarding scheduling.
have cases called for dispos or court appearances in groups by attorneys so you only have to be there 1 day for 1 list rather than multiple different days or times. do ZOOM as much as possible.
Honestly, the Judiciary in Aroostook is fairly new and has been great so far, but prior issues were scheduling conflicts.
better scheduling process and use of technology to facilitate court appearances and filings
It's is not the court that is the problem. COVID-19 caused such a delay in processing cases, that it will likely take years to dig out from under it.
Zoom dispo conferences, initial appearances, and/or arraignments; and arraignment/ initial appearance waivers.
flexibility to do things that can be done by email, Zoom or other means, just to move cases along
I have an extremely busy practice outside of court appointments. If I file a Motion to Continue or need protection on the trailing docket I should get it without question and over objection. I don't need to accept appointments. The courts I practice in would be strapped if I stopped.
Increased use of zoom
Better scheduling of pleas
I cannot stress how much more efficient email filing made everything, or some sort of interactive scheduling (that's the dream).
continue telephonic proceedings on procedural and uncontested matters
See paragraph 9
More judge time.
More respect and cooperation between courts so we don't have to do unnecessary motions when they double or triple book us.
Do not stop using Zoom for dispositional conferences, pleas, judicial reviews, etc. It makes sense to use Zoom whenever possible.
Slow down
Zoom conferences
Copy support staff on notices. Accept e-filings.
More trial time. I had two PPOs that month that couldn't be heard until September. Clarity on what is in person and not. Although from what I hear york county is doing a million times better than other counties in working on this.

Zoom for most appearances. E-filing being instituted. Coordination between courts so there isn't absolutely insane multiple appearance days. Understand we are not catching up and the schedules they are creating are unmanageable.

Email filings Zoom dispo conferences as a 1st resort

See # 9

Fewer appointments.

To be more open minded that DHHS policies are not always the best policies

Understanding of scheduling challenges

Test

If you serve clients in child protective matters, what do you need from DHHS and/or the Office of the AG to allow you to continue to serve indigent clients?

Open-Ended Response

Some kind of consistent and transparent criteria for how a parent moves from one stage to another. Higher ups have refused to share the models they use to determine whether to move to unsupervised visits or trial home placement and this makes no sense to me.

Please see above.

N/A

I think that every single AAG in the State of Maine needs to take Patrick Downey as a prime example of how an AAG should conduct him or herself in these types of cases. He is respectful and fair and does a fantastic job of controlling his client to ensure that parents actually get a fair shot and that the right result occurs. He is good to work with, professional, respectful and is, overall, one of the best AAG's I have worked with in any case type, especially PC matters. I believe he sets the standard for all other AAG's in the entire state. What I just described is not the reputation of most AAG's handling PC cases. Parents are not treated with respect and dignity by many AAGs.

I do not have any complaints with DHHS or the AAG's I deal with.

N/a

n/a

I need them to maintain Zoom FTMs. I need them to come to the table with an open mind on toward these families. I need them to offer consistent and increased visits to these families. Changing the contract agency that provides supervised visitation always results in lost visits. Doing this during a global epidemic was short sighted and ultimately insensitive to the needs of the families they are meant to serve. After one year, the "new" contract agency in York County is still only able to offer one visit per week for a parent. That is not enough.

Remote FTMs the default - FOR ALL PARTICIPANTS. Visitation services to actually meet the needs of cases - whether that's by adding an additional agency or case aids Assist with finding ways to make mental health and substance abuse services ACTUALLY available to parent. The waitlists are ridiculous and don't serve DHHS or parents or children and don't allow for proper reunification services. More caseworkers with smaller caseloads - they are overworked and dropping the ball regularly. This is also leading to quick burnout for workers that would otherwise be doing the job well. Regular discovery! Some caseworkers are doing far better with the addition of ShareFile, others are not. We need discovery AT LEAST 3 weeks prior to any court date but it would be better if we were getting it monthly.

more visits for children and parents, more housing assistance

DHHS - receiving discovery in a more timely manner. Not day before or date of a conference/hearing, etc.

NA

From DHHS - pay attention to the cases. From AAGs - know that the caseworkers make mistakes - and some more than others. One of the problems that I have with one AAG is that her caseworkers never do anything wrong - it is always either myself or my clients who are at fault. There is no communication allowed about any issues with caseworkers.

1. Be clear about PC case goals, and the specific issues in the case, rather than general and shifting arguments; 2. Provide Discovery in a timely and coherent manner, as often we do not receive Discovery until just before a Hearing in a huge and disorganized manner, and the share file system is hard to navigate; 3. Replace the current AAG's in Portland with counsel interested in effecting the goals of Title 22, rather than just beating-up on parents and counsel.

Get GAL billing online

Communication and consistency. There are too many differences between the neighboring jurisdictions that can greatly impact a parents ability to reunify based on zip code alone.

Resources. Competent administrators. Have watched the pendulum swing back and forth for over 35 years. Current swing is not to the positive. Can't really blame the constant churn of 20 something line workers trained to believe they have all the answers.

N/a

This is a very difficult area to practice in. The turn over of DHHS workers is ridiculous. In the course of one case over a year to 18 months, your client may have 3-6 different case workers. Being kind to new caseworkers becomes too much when you invest energy in helping them learn their job and then they are gone. No one at DHHS answers their phones or responds to email. The AAGs are overwhelmed and always in court and don't respond. If you don't stay on top of your client's case constantly - they will be ignored and abandoned by the system. You have to stomp and yell just to get timely discovery. There are no services for your clients. The whole system is broken. And every time a child dies DHHS takes more kids into custody without having the ability to fairly serve the parents. DHHS has become comfortable with the idea that so long as kids are not with their parents they are safe.

Fairness. Reports delivered soon enough to be useable in court. Keeping to agreements made with parents, even if they do not "like" the way parents raise their children.

N/A

N/A

N/A

NA

Better caseworkers. More supports for clients. More approvals for Guardianships. I have a half dozen cases that could be guardianships but the department refuses for any number of reasons. Those cases could have safe children but the obsession with Terminations only places stress on my clients, and therefore on me, and forces us to dig in our heels and litigate things out.

DHHS needs to allow caseworkers to be more available and involved with parents. DHHS needs to be truly invested in reunification for parents, not just filing TPRs as soon as possible. Why should Parents attorneys have to fight so hard to get the services required by reunification plans and which the Dept is required to help provide for our clients? It's true that there aren't enough service providers, but if DHHS upper management made it a priority to develop and encourage more service providers they could make it happen.

Dialogue, a seat at the table for policy discussions, more AAG free time so we can accomplish things outside of court/avoid so many hearings.

The impossible - for petty tyrants to stop abusing their power

Keep case updates on a timely basis via email. In general, Caseworker's are doing a good job in this area.

The AG's I deal with are top notch . Great people . There is a feeling that to a certain extent, we are all in this together.

N/a

n/a

N/a

To have discovery provided in a more timely fashion.

na

N/A

In a PPO, having a form that they would fill out with the client's phone number and email address would make a world of difference. They have to serve them personally, so they can do it. But all we get is an address and by the time the PPO comes around (usually 10 days from service) we often have not had enough time to prepare, if we get to contact them at all.

timely discovery, no hiding the ball, reasoned approach, proposed orders in a timely manner, make some of the GALs actually do their jobs, no more one page reports that say nothing

n/a

keeping virtual FTM's is essential, honestly im really nervous to meet alot of my PC clients in person, they largely aren't safe or usually even willing to acknowledge covid and its risks which makes me very nervous for the safety of myself and my family especially as delta is becoming more widely studied and breakthrough infections more common

Nothing

Less staff turnover!!! A computer service that works (there is that low bidder again), and a discovery process that works easily.

NA

Not applicable

Worker consistency; workers who have some training in working with clients who live in poverty, and cultural norms that come with that; discovery in a timely fashion; follow-through;
NA (I've already stopped).
n/a
increased access to services for parents and children and ability to make accommodations to move a case along in a different way if those services are not going to be available.
Nothing...I'm getting out.
As noted above. meetings by Zoom, unless client asks me otherwise. Lists of resources available to parents. I usually have to ask other sources to learn of resources, if the individual caseworker does not have the knowledge. I've noted that if a caseworker ends up working with my client who lives outside of their normal service, they frequently have no knowledge of resources outside of their area. A comprehensive list of service providers of all types statewide would be valuable for both attorneys, GALs and caseworkers.
It would be great if the forms included contact info for parties, and for the caseworkers including an email address
Less arrogance. More work on cases between court dates instead of doing everything in the 3 days before a court date is set. Provide regular discovery instead of 100s of pages within 48 hours of a hearing.
See 8 above
I am satisfied with my counties' efforts
More frequently updated reunification plans. Quicker notice when my clients need to mend their ways or redouble their efforts. A better sense, particularly from the AAG, of how my clients should navigate what seem to be conflicting mandates.
Na
Nothing.
Make sure discovery is provided in timely fashion and give clients struggling with substance abuse more consideration before filing TPR
Solutions to the following: lack of reunification services being provided based on what they claim is funding ie adequate visitation facilities and/or supervisors, limited drug screening facilities and hours, discovery issues on at least 60% of cases, ridiculous turnover of workers with the loss of experienced and "good" workers thus being replaced by new ones who are then also completely overworked to the point where communication with them by clients or myself are often very delayed - DHHS really should be held to a standard that limits the number of cases per worker to ensure the department is actually focused on reunification and not just pushing paper, lack of transparency for policies and services available to clients, lack of housing support for clients, *** DHHS interviewing and getting admissions from clients when they know they are filing a petition and the client is forced to talk at the threat of losing their children - all without any mention that they have a right to an attorney.
need to be provided with dates of birth and contact information for appointed clients at outset of case
Thes seem to go ok
more efforts to avoid removal of children
More supervision and consequences

NA
na
Discovery early on and updated regularly
n/a
Accountability and consistency. There are no consequences when DHHS withholds discovery for months at a time
n/a
zoom participation in meetings
n/a
Knowledgeable caseworkers. Ability to have FTMs via Zoom (because many clients refuse vaccination and travel is unnecessary in most cases).
DHHS cannot mandate that attorneys attend FTMs in person. It doesn't make sense.
don't do them
NA
Zoom FTMs. Phone numbers for clients in petitions. Email contact information for caseworkers in petitions. An office space for Biddeford DHHS. Other options for supervised visit agencies. Community Care doesnt have adequate staff to serve our clients OR DHHS needs to hire more case aids to supervise visits.
n/a
Stop being so black and white. Just because it is a polciy doesn't mean it is a good policy. Think outside the box. When asked for the policy to follow up and provide it. Not after having to repeatedly ask for it
Test

What else do you need us to know?
Open-Ended Response
I am trying so hard to keep it together and get everything done but balls inevitably drop from time to time. When clients are always in crisis and reach out day and night, weekday and weekend, it is often the administrative tasks that get left behind. It would be great if there could be a process to allow for an exception with the 90 day rule and/or other mistakes in administration tasks when those things come up.
I very much enjoy helping my clients, and seeing the ones that succeed thrive. I am sick and tired of fighting the same stupid battles w/ a particular AAG who seems very invested in chronically misrepresenting PC law. She almost always concedes particular points, but will pull the same stunts in subsequent orders. Again, it's plain MCILS should sponsor a "Lawyer for the Second Day" program to provide limited representation to unrepresented, previously-arraigned defendants who have returned to court for post-arraignment proceedings.
This job is hell. My name is [REDACTED] and I approve this message.
Attorneys handling court appointed cases are willing to not work for much. We do this work because of the need, not because we want to. We are willing to take a lot of grief, etc., however, when we are told we cant have administrative help, that is, flatly put, offensive and is a slap in the face. Who can practice without administrative help, no one. The judges have help, the prosecutors and AAG's have help. Why in the world should we be
No thing that I can think of.
On line filing; internet access to dockets and remote hearings greatly improve efficiencies
I think I have covered everything.
I believe the press releases have not been favorable to those of us who provide extremely cheap services to those who need them and our work. I suggest that the administration reach out to those who can better advise the organization re communicating to the public and the legislators our work and accomplishments. We have a few hard working attorneys who seem to be the only ones doing that. It needs to also come from the executive office.
n/a
The defense bar is stressed out and there are constant conversations amongst them of how and when to leave. The system will shut down if a mass exodus occurs.
We're tired. We're TRYING. We don't want the system to fail - we believe in the work that we do. But we cannot keep going with the way that things are. We're feeling the CRISIS level on a daily basis with no end in sight. We're breaking under the pressure. We want to participate in helping to make things better - but that means that we have to think outside the box and work together on all sides. Parent attorneys, at least, are ready, willing, and
Attorneys have too many cases. They don't get back to me in a timely manner, miss court dates, don't communicate with their client's enough, don't always provide all the discovery to their clients, most of the attorneys are very capable but have too many cases
Nothing else.
Appreciate all the work MCILS does.
This work can be very disheartening. That feeling is only enhanced by the idea that most of the people who hold the purse-strings have never seen the front lines with their own eyes.
I think this is a good start.
You are doing well in a difficult transitional time. Thank you - it is appreciated.
Again, I think that your office is doing a good job in a difficult system. If indigent legal services were funded and staff at the same level of prosecution and State offices, the handling of these matters would be easier. Having practiced in a State with a long-standing Public Defenders Office, I can not say that it worked better, so I hope that the current system can be maintained and improved.
N/a

I'm tired. I'm overworked. As some of the only attorneys that have been working full-time through the pandemic
Will defer to others more articulate.
Nothing. Thank you.
I'm unlikely to come back anytime soon. I'm fed up with trying to solve scalpel problems with a sledgehammer. But if there were some measure to reduce frustration (easier billing? Less transphobia? A willingness to acknowledge that the Court plays a huge role in the massive overload of cases?) I might consider it.
With more and more people coming off lists, even temporarily, those of us who are left are slammed. Allowing us a staff billing rate could help us delegate some administrative responsibilities to others, giving us more time to devote to the meat of our cases--the numbers of which continue to rise. Helping develop a motions/brief/resource bank for rostered counsel would be huge. Providing us free trainings to meet MCILS
These times are hard for everyone. Be kind.
Thank you for asking these questions and your diligent efforts to improve the system.
N/A
NA
The inability to meet with clients has utterly altered the ability to help them, understand them , control them and develop trust. Cops and PO's have had no problem going into the jail whenever they want to do interviews but we even at this moment cannot in Cumberland County.
I get everyone is trying their best in an awful situation. But the morale amongst my colleagues is as bad as ive seen it. Many of us are talking about leaving rosters in a way that we hadn't before. Its not just a bad day venting, but more of a profound stress. Each person who leaves the roster just makes us more overworked and thereby makes us more likely to leave. I truly believe this system is a good system, but the breaking point is out there, and I just dont know where it is yet. I love my job. But at a certain point, I will be too overworked, and too underpaid to justify this job. I am not there yet, but for the first time, it is clearly on the horizon, and I can see
It feels like a few bad apples are causing policy changes at all levels (courts, mcils, DHHS) as a reaction, as opposed to having proactive, long-term engagement with all stakeholders to direct changes.
I think that's about it
The thought that DHHS is represented by a large fairly well funded agency and a parents attorney is expected to do everything down to licking the envelope is problematic. I have significant expenses at my office as do many parents attorneys. A caseworker serves most of the subpoenas, yet we have to send out to the sheriff because of
Many of us are doing criminal, child protective, MH, PCR, GAL, as well civil work. Keeping up with credit requirements (CLE) appears to be increasing each year without consideration of the years of practical experience an individual atty may have, "one size fits all" approach.
Thanks . Wr do appreciate you .
Prosecutor Chris Fernald in Knox County is atrocious and he makes or acting their dreadful. If he were gone, the number of attorneys accepting court appointed cases there would dramatically increase.
this is not sustainable long term and I am working too many hours. Privately retained clients are suffering.
N/a
The raise to \$80.00 per hour is a good start. However, it's not enough to recruit new talent to this area without doing a good job so far

You're doing well. I'd love to see some writing devoted to the evils of the Public Defender concept
Help get more attorneys. I know its a big political thing on how much to pay us, but in my view this is a labor demand issue. We can't attract attorneys even with \$80 now. It was too low to begin with, but wages are up so much across the board the past several months it's basically useless. You're stuck with only the truest of the true believers right now because of the money and all the bad press over the years. Being able to set a rate in the ballpark of the federal rate (\$155) would definitely attract high quality attorneys to this work - it does for the feds. And some marketing/public relations. We need to rehabilitate the image publicly so lawyers don't see this
times are tough. moral is very low. we are taken advantage of by the judiciary. we have the smallest voice when it comes to input to the court. the court thus acts like the state is more than us and not on equal footing
personally im not past covid, i have young children that cant be vaccinated and im not willing to risk their health and welfare because the courts feel like a feeling of "back to normal is important". Virtual hearings and team meetings are much more efficient than the old ways we did things and i think if anyone in the system expects the dwindling number of attorneys on the roster to not flame out they need to let us work smarter wherever possible
The system is stacked against criminal defendants and we need to change the culture and the court system
I have been speaking with many of my fellow defense attorneys. We want to serve our clients and help them as best we can. We know the system needs us as well. I have almost 30 years in and I believe in what we are doing more today than when I started. I hope MCILS is sincerely trying to preserve and improve our one-of-a-kind system and not simply managing its demise. Without more lawyers in the system I don't know how we survive. Using electronics more will be helpful and appreciated but caseloads are soaring and the MCILS roster continues to decrease. In my humble opinion, unless we make a concerted effort to bring in more numbers all else will simply be delaying the inevitable. And hiring more compliance personnel just adds insult to injury. Please put
Age is clearly becoming an issue. I know that I am the old guy nowadays (how did that happen?), but I see many of the "youngsters" are graying. The low pay will not help rural Maine attract our replacements!
The rate increase only addresses a portion of the systemic challenges, and only addresses a portion of that portion. Caseloads are too high, attorneys are getting burned out and practicing indigent defense is not healthy right now. We need support from MCILS in confirming that "the grind" is not an acceptable long term way for us to practice. Attorneys need access to mental health, physical health and substance use resources. We need MCILS to advocate for access to group plans that attorneys can afford, or access to state services so that attorneys can take care of themselves. There is almost a "badge of honor" that this is the way it is to be a defense attorney, and especially a court appointed defense attorney. That culture needs to change and it
The new protocols on administration are helpful but I have found Lynne Nash's emails to be unprofessional. The more requirements implemented by the commission the harder it becomes for lawyers to do a percentage of commission work. The big problem the commission is having with finding lawyers is not the lawyer that does 95% appointed work, it is the person that used to do 50% or 30% appointed work. People aren't leaving the practice of law, they're finding other work that doesn't expect them to walk over hot coals for cents on the dollar. We are over-worked, over-burdened, disrespected and made to do everything on our own and the reality is that there are other ways to make money as a lawyer. The disrespect issue is very real. The Bob Cummins and Ron Schneiders of the world are high on my list of reasons why I'm not taking appointments. Ron seems to think CA lawyers are bottom of the barrel. Again, most of us can do other things. It is compounded when our own

clients drive the cases, we don't! we think that clients have a right to disagree with the state and should not be bullied by prosecutors how is it a fair disposition of a case always changes when a defendant disagrees with the state and it's characterized as a defendant is not accepting responsibility for his actions just because he or she disagrees with the state which is always helped by the court telling counsel "be sure to remind your client that the sentence can be significantly greater after a guilty finding" what exactly is the prosecutor saying when "all

Pay is still inadequate. But you already know that.

Over time, in part due to the pandemic, in larger part due to the opiate/meth/trafficking prevalence in our case loads, in part due to housing issues, in part due to lack of employment opportunities for our clients, this work has fewer happy outcomes than it once did. That takes a toll if you care at all about the people you represent. Also, and this should have been somewhere up above, a mechanism to get services for people who are working. I have seen to many people asked to choose between their kids and being employed. The State of Maine holds the purse strings for 80% of the counselors in this state, they should be required, as a matter of contract, to have off hours counseling sessions, drug screens, FTMs, etc. We want people to work to sustain themselves and their kids, we want them to have stable housing. We need them to be able to reunify and work at the same time. Thanks for Anything that we bill, it's supposed to be "attorney" work, not something that a staff member can do. So while we are having to juggle court dates (because we can't physically BE in more than one court at a time), we have to prep all of the motions and cover letters ourselves, and deliver them to the Courts now because we can't trust the mail. Plus, I'd like to be able to charge for postage, and now I send thumb drives to clients with discovery.

despite the media reports, the quality of indigent defense in Maine is excellent under the current system

There is a significant problem with the availability of training for new attorneys. For example, if an experienced MCILS attorney wants to hire an associate who just graduated law school, that associate will not be able to bill hours on MCILS cases until he or she is trained and rostered; but the limited availability of trainings has been such that those associates would have to wait several months. This dissuades experienced lawyers from bringing on young associates because they have to bear the financial burden for months before the associate can start to bill MCILS hours. Minimum standard trainings should be available on, at least, a quarterly basis, at least in the form a

What is going on!

n/a

I appreciate being asked for feedback and I think the communication from MCLIS has been excellent lately.

Washington County is not doing great. We have one local attorney in the LOD rotation and he may be quitting soon. Most of our appointments are being farmed out to lawyers in other counties. The result of that is that local indigent client are getting much less access to their appointed attorneys. An example of that is a felony plea done recently after counsel from away met with his client exactly one time 15 minutes before the plea. That's

My practice consists almost entirely of MCILS cases, CR, PC along with GAL work. I find it really rewarding & satisfying. It would be financial suicide if not for Social Security and Medicare. Compared with a state employee public defender system, the MCILS system provides me with more control over my caseload and discretion to do

We need e-filing back! Also, a little favorable press about those of us taking multiple hits for the team would be nice ... A full-court guilt press on the grey-flannel-too good-for-lowly -MCILS firms is long overdue ...

I'm glad MCILS cares about this. I know it's hard to find lawyers to fill these roles.

That there is no one that seems to be able to answer the questions I have. No "accounting" provided of payments. No ability to see submitted invoices. That creates a problem when my assistant leaves and I have no one that can answer the questions that I have.

The raise was appreciated.

The reimbursement/payment software and submission process is cumbersome... fingers crossed that the new promised software will help. Very difficult at this time to access monthly or year end data totals.
DV cases are becoming more difficult to defend due to overzealous prosecutors (but then again, what else is
We that do indigent cases would like our critics to see hands on exactly what we do each day. I would welcome the critics to spend a week with me, go to court with me, go To the jails with me, meet clients with me, do Billings with me on weekends cause we are all busy during the week. Visit people at the prison worth me. Come
Making lawyers run around to 4 different courts in 1 day is a waste. We also end up having to file multiple motions to continue because 1 court doesn't know what the other court is doing. And NO MORE e-filing and the mails take FOREVER. So it's a cluster to say the least. Court appointed lawyers feel like they are taken advantage
I love this work.
The new leadership has been great! I'm happy at the direction things are going. There is transparency, accountability, and good communication.
I think it might be best to hold off on electronic docket filing in criminal matters for awhile. I do civil in Penobscot and it is a mess. To throw that in the mix now would be a huge mistake.
I am mostly in Penobscot, although I do accept some cases in Aroostook and Piscataquis. Judges need to recognize that we/I can't be in two counties at once and need to be accomodating.
Statements such as calling weekly payment of vouchers "aspirational" are not helpful
Those of us who have stayed on the rosters are getting clobbered with new appointments and it will break us eventually too. It's not a matter of making more money, it's a matter of not having enough time to do a good job.
My stress is off the charts right now and I feel obligated to stay on the list because I feel so bad for the poor
It would be easier to do this job if more respect were given to attorneys. We are not money hungry or incompetent. It's insulting that the MCILS CLE for PC work was trial practice; almost all PC attorneys have more trial practice than any other group of attorneys. Don't expect me to waste my time on that when I could just quit
I am seriously considering removing myself from the roster at a time when I am being asked by courts from Waterville to York to take child protection cases because they don't have enough lawyers to handle the caseload
Im old and tired
NA
We have great judges and clerks in PEN for the most part. I think both prosecutors and defense attorneys like
Personally I take on more than just court appointed cases so sometimes my case load is just too large/busy to take on PC cases at a certain time. I have never officially come off the list but will decline cases if I dont have the time. I hope other attorneys will do the same so our level of work can remain exemplary. We need more attorneys on the roster so attorneys dont feel pressured to continue to take on cases. MCILS needs to continue to implement the rules to ensure that all rostered attorneys are doing their job appropriately.
Near a breaking point, but still prepared to soldier on for now.

Please consider flat fee for cases. The amount of paperwork and secretarial work is an impediment to getting things done and getting paid. I would happily take the average for a flat fee for misdemeanor cases that resolve at dispo. Bet there would be a lot fewer continuances too.

Test