



**U.S. Department of Justice**

Office of Justice Programs

*Bureau of Justice Assistance*

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Office of the Director

*Washington, D.C. 20531*

Mr. Bruce Wagner  
Chief Executive Officer  
Finance Authority of Maine  
5 Community Drive  
Augusta, ME 04332-0949

Dear Mr. Wagner:

On June 1, 2015 and April 29, 2016, the Bureau of Justice Assistance (BJA) received your application for the John R. Justice (JRJ) Grant Program. As attachments to both applications, you included waiver requests regarding the JRJ Equal Allocation Requirement. Copies have been attached for reference. In this request, you assert that: 1) Maine does not have a state public defender office; 2) There are no defense attorneys eligible or interested in applying for funding; and 3) all defenses of indigent people charged with state crimes are carried out by a relatively small group of private defense lawyers.

The JRJ solicitation, in accordance with the JRJ Act, states that in order to demonstrate “good cause” a waiver request must, at a minimum, include documentation of the state agency’s efforts to comply with the equal distribution requirement and state its reasons for its inability to comply. In the event that a waiver is granted, the equal allocation requirement shall be suspended and a state agency shall be permitted to make a disproportionate funding distribution to prosecutors and public defenders.

Based on the documentation included in both waiver requests, and in accordance with the JRJ solicitation, I find that you have satisfied the “good cause” threshold and have demonstrated an inability to comply with the equal allocation requirement. This means that you are not held to the Equal Allocation Requirement. This waiver pertains to Fiscal Year 2015 and 2016 funding only and shall not be construed as a waiver of any other requirement of the JRJ Program.

I encourage you to access the John R. Justice web page on the BJA web site to keep apprised of program updates and developments. On this page, we will continue to include a section entitled, “Equal Allocation Requirement Waivers.” We intend to list Maine as a state that has requested and been granted a waiver. We also plan to post a copy of your waiver request on this page for purposes of informing the field and transparency.

If you have any questions, please do not hesitate to contact Latanza Wilson at (202) 514-8267 or by e-mail at [Latanza.Wilson@usdoj.gov](mailto:Latanza.Wilson@usdoj.gov).

Sincerely,

A handwritten signature in black ink that reads "Denise O'Donnell". The signature is written in a cursive style with a large, prominent "D" and "O".

Denise O'Donnell  
Director

Cc: William Norbert, Esq.

ATTACHMENT 5

WAIVER REQUEST

The Finance Authority of Maine (FAME) again respectfully requests a waiver of the equal allocation requirement in the grant. Because of Maine's unique system of private criminal defense, as well as the terms of the JRJ Grant, FAME expects to allocate little, if any, of the loan repayment monies to Maine attorneys in criminal defense practice. First, Maine currently has no federal public defenders eligible or interested in a grant award for the upcoming fiscal year; second, Maine has few eligible state defense attorneys (employed by the small Maine Commission on Indigent Legal Services, which helps to assign criminal defense cases to private practice attorneys) who might be interested in participating in this round of grants. Due to the requirement of priority consideration for renewing grant participants, such individuals may not be selected to receive a grant award in any case. A waiver of the equal allocation requirement is both desirable and necessary once again.

Maine has no state public defender office *per se*, as all defenses of indigent people charged with state crimes, whether defendants are indigent or not, are carried out by the private criminal defense bar. Maine has a small Federal Public Defender's office, as well. FAME recently consulted with Maine's Federal Public Defender, David Beneman, Esq., about the likelihood of his staff availing themselves of the JRJ Grant. He informed FAME once again that none of his staff attorneys has outstanding student loans and, therefore, will not be participating in the program in the upcoming fiscal year. FAME has received a waiver in each of the prior years of the program and again requests that the equal allocation requirement be suspended for

Maine, and that FAME be permitted to make a disproportionate funding distribution to prosecutors.

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