



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Office of the Director

Washington, D.C. 20531

Ms. Elizabeth Bordowitz
Chief Executive Officer
Finance Authority of Maine
5 Community Drive
Augusta, ME 04330

Dear Ms. Bordowitz:

On June 24, 2013, the Bureau of Justice Assistance (BJA) received your application for the John R. Justice (JRJ) Grant Program. As Attachment 5, you included a waiver request regarding the JRJ Equal Allocation Requirement. A copy has been attached for reference. In this request, you assert that: 1) Maine does not have a state public defender office; 2) There is only one defense attorney eligible 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 your waiver request, 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 2013 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 include a new 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.

Sincerely,


for Denise E. 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's public defenders. First, Maine currently has no federal public defenders eligible or interested in a grant award for the upcoming fiscal year; second, Maine has only one eligible state defense attorney (employed by the small and relatively new Maine Commission on Indigent Legal Services) who is interested in participating in this round of grants. Due to the requirement of priority consideration for renewing grant participants, this individual may not be selected to receive a grant award, however. In any event, it appears that, at most, only one criminal defense attorney is eligible or interested in applying for this year's grant, so a waiver of the equal allocation requirement is both desirable and necessary.

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 defense bar. For years, the state operated a system of "court-appointed" attorneys. Due to recent legislative changes, now, instead of the court, the Maine Commission on Indigent Legal Services administers the appointment and reimbursement of criminal defense services through the private bar. Although members of Maine's private criminal defense bar are ineligible for the grant's loan repayment provisions, employees of the Commission satisfy the grant definition of "public defender," especially since they engage in oversight and training of public defenders. Again,

there is one current employee of the Commission who has outstanding loans and is interested in applying for the program.

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 past three years 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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Washington, D.C. 20531

Ms. Elizabeth Bordowitz
Chief Executive Officer
Finance Authority of Maine
5 Community Drive
Augusta, ME 04330

Dear Ms. Bordowitz:

On April 23, 2012, the Bureau of Justice Assistance (BJA) received your application for the John R. Justice (JRJ) Grant Program. As Attachment 5, you included a waiver request regarding the JRJ Equal Allocation Requirement. A copy has been attached for reference. In this request, you assert that: 1) Maine does not have a state public defender office; 2) all defenses of indigent people charged with state crimes are carried out by a relatively small group of private defense lawyers; and 3) Maine's Federal Public Defender, David Beneman, Esq., has confirmed that none of his staff attorneys, a total of three people, have outstanding student loans and therefore no Federal Public Defenders are eligible for the JRJ Program in Maine.

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 your waiver request, 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 2012 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 include a new 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 Cory D. Randolph at (202) 307-0940 or by e-mail at cory.randolph@usdoj.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Denise O'Donnell". The signature is written in a cursive style with a large, prominent initial "D".

Denise E. O'Donnell
Director

Cc: William Norbert, Esq.

ATTACHMENT 5

WAIVER REQUEST

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, little if any loan repayment monies can be allocated to Maine's public defenders. First, Maine has few state public defenders eligible under the grant's applicable definitions and terms, and second, although eligible, Maine's small Federal Defender's office has no attorneys with any outstanding federal student loans to qualify for repayment.

Maine has no state public defender office and all defenses of indigent people charged with state crimes, whether defendants are indigent or not, are carried out by a relatively small group of private defense lawyers. The state historically has operated a system of "court appointed" attorneys. The Maine Commission on Indigent Legal Services administers the appointment and reimbursement of criminal defense services through the private bar. Although members of Maine's private criminal defense bar are ineligible for the grant's loan repayment provisions, employees of the Commission satisfy the grant definition of "public defender," especially since they engage in oversight and training of public defenders. There is one current employee of the Commission who has outstanding loans but he has chosen not to apply for the program.

Maine has a small Federal Public Defender's office and it employs three attorneys. 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 have outstanding student loans and, therefore, will not seek to participate in the program.

FAME has received a waiver in each of the past two years 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.



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Office of the Director

Washington, D.C. 20531

October 18, 2011

Ms. Elizabeth Bordowitz
Chief Executive Officer
Finance Authority of Maine
5 Community Drive
Augusta, ME 04330

Dear Ms. Bordowitz:

On July 16, 2010 and July 16, 2011, the Bureau of Justice Assistance (BJA) received your application for the John R. Justice (JRJ) Grant Program. As attachments to both applications, you included a waiver requests regarding the JRJ Equal Allocation Requirement. Copies have been attached for your reference. In these requests, you assert that: 1) Maine does not have a state public defender office; 2) all defenses of indigent people charged with state crimes are carried out by a relatively small group of private defense lawyers; and 3) Maine's Federal Public Defender, David Beneman, Esq., has confirmed that none of his staff attorneys, a total of three people, have outstanding student loans and therefore no Federal Public Defenders are eligible for the JRJ Program in Maine.

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 2010 and 2011 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 include a new 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 copies of your waiver requests on this page for purposes of informing the field and transparency.

If you have any questions, please do not hesitate to contact Jacquelyn Rivers at (202) 305-2642 or by e-mail at jacquelyn.rivers@usdoj.gov.

Sincerely,

A handwritten signature in cursive script that reads "Denise O'Donnell".

Denise O'Donnell
Director

Enc.

Cc: William Norbert, Esq.

Application Number: 2011-H5145-ME-RJ

Award Number: 2011-RJ-BX-0049

Application Information

Assigned Grant Manager: Cory Randolph
Manager Start Date: 09/16/2011
Award Number Reference: 2011-RJ-BX-0049

Applicant Original Application Data

Legal Name: Finance Authority of Maine
Organizational Unit: Finance Authority of Maine
Address: 5 Community Drive
 P.O. Box 949
City: Augusta
State: ME
ZIP Code: 04332-0949

Application Number: 2011-H5145-ME-RJ
Applicant Type: State
Federal EIN: 01-0392006
OJP Vendor Number: 010392006
DUNS Number: 94-589-3584
CCR Claim Status : Confirmed by OJP

Point of Contact

Name: William Norbert
E-mail: wnorbert@famemaine.com

Phone: (207) 620-3540
Fax: (207) 623-0095

Authorized Representative

Name: Elizabeth Bordowitz
E-mail: wnorbert@famemaine.com

Phone: (207) 620-3540
Fax: (207) 623-0095

Financial Point of Contact(s)

Name: Ron Farris
E-mail: rfarris@famemaine.com

Phone: 207-623-3263 x
 3501
Fax: 207-623-0095

Executive Order / Federal Debt

EO 12373 Review: This preapplication/application was made available to the state executive order 12372 process for review on
EO 12372 Review Date: 07/14/2010
Deliq Federal Debt: No

Attachments:

| Filename: | User: | Timestamp: | Action: |
|--|-----------|---------------------|-------------------|
| ABSTRACT (Attachment 1) (FY 11).doc | wsnorbert | 07/06/2011 11:37 AM | Delete Attachment |
| PROGRAM NARRATIVE (Attachment 2) (FY 11).doc | wsnorbert | 07/06/2011 11:37 AM | Delete Attachment |
| Budget and Narrative (Attachment 3) (FY 11).docx | wsnorbert | 07/06/2011 11:38 AM | Delete Attachment |
| Waiver Request (Attachment 4) (FY 11).doc | wsnorbert | 07/06/2011 11:38 AM | Delete Attachment |
| Maine.pdf | randolpc | 07/18/2011 08:49 PM | Delete Attachment |
| CCR Search Results.pdf | thompsonz | 07/19/2011 10:56 AM | Delete Attachment |

Add Attachment

ATTACHMENT 4

WAIVER REQUEST

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, little if any loan repayment monies can be allocated to Maine's public defenders. First, Maine has few state public defenders eligible under the grant's applicable definitions and terms, and second, although eligible, Maine's small and relatively new Federal Defender's office apparently has no attorneys with any outstanding federal student loans to qualify for repayment.

Maine has no state public defender office and all defenses of indigent people charged with state crimes, be they indigent or not, are carried out by a relatively small group of private defense lawyers. The state historically operated a system of "court appointed" attorneys. The Maine Commission on Indigent Legal Services administers the appointment and reimbursement of criminal defense services through the private bar. Although members of Maine's private criminal defense bar are ineligible for the grant's loan repayment provisions, employees of the Commission satisfy the grant definition of "public defender," especially since they engage in oversight and training of public defenders. There is one current employee of the Commission who has outstanding loans and is interested in applying for the program.

Maine has a small Federal Public Defender's office and it employs three attorneys. Last year FAME 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 that none of his staff attorneys have outstanding student loans and, therefore, would be unlikely to participate in

the program. This situation may have changed, however, and FAME will monitor all developments and adjust the allocation in the future if necessary.

FAME thus requests that the equal allocation requirement again be suspended for Maine, and that it be permitted to make a disproportionate funding distribution to prosecutors.

Application Number: 2010-H8368-ME-RJ

Award Number: 2010-RJ-BX-0011

Application Information

Assigned Grant Manager: Cory Randolph
Manager Start Date: 07/13/2011
Award Number Reference: 2010-RJ-BX-0011

Applicant Original Application Data

Legal Name: Finance Authority of Maine
Organizational Unit: Finance Authority of Maine
Address: 5 Community Drive
 P.O. Box 949
City: Augusta
State: ME
ZIP Code: 04332-0949

Application Number: 2010-H8368-ME-RJ
Applicant Type: State
Federal EIN: 01-0392006
OJP Vendor Number: 010392006
DUNS Number: 94-589-3584
CCR Claim Status : Confirmed by OJP

Point of Contact

Name: William Norbert
E-mail: wnorbert@famemaine.com

Phone: (207) 620-3540
Fax: (207) 623-0095

Authorized Representative

Name: Elizabeth Bordowitz
E-mail: wnorbert@famemaine.com

Phone: (207) 620-3540
Fax: (207) 623-0095

Financial Point of Contact(s)

Name: Ron Farris
E-mail: rfarris@famemaine.com

Phone: 207-620-3501
Fax:

Executive Order / Federal Debt

EO 12373 Review: This preapplication/application was made available to the state executive order 12372 process for review on

EO 12372 Review Date: 06/23/2010
Deliq Federal Debt: No

Attachments:

| Filename: | User: | Timestamp: | Action: |
|--|-----------|---------------------|-------------------|
| PROGRAM NARRATIVE (Attachment 1).doc | wsnorbert | 07/16/2010 09:07 AM | Delete Attachment |
| Budget and Narrative (Attachment 2).docx | wsnorbert | 07/16/2010 09:08 AM | Delete Attachment |
| Governor designation letter (Attachment 3).pdf | wsnorbert | 07/16/2010 09:09 AM | Delete Attachment |
| ABSTRACT (Attachment 4).doc | wsnorbert | 07/16/2010 09:09 AM | Delete Attachment |
| Waiver Request (Attachment 5).doc | wsnorbert | 07/16/2010 09:10 AM | Delete Attachment |
| CCR Search Results.mht | gloria | 07/29/2010 02:58 PM | Delete Attachment |
| 10JRJAllocations.pdf | locicera | 08/11/2010 09:14 AM | Delete Attachment |
| AAG Approved John R Justice.pdf | locicera | 08/11/2010 09:14 AM | Delete Attachment |
| 2010-RJ-BX-0011ACCEPTANCE.pdf | namashum | 10/06/2010 12:12 PM | Delete Attachment |

| | | | |
|---|--------------|---------------------|-------------------|
| 2010-RJ-BX-0011 JRJ Award Compliance .txt | vitalologan | 11/08/2010 08:57 AM | Delete Attachment |
| 2010-RJ-BX-0011 Revised Budget.xlsx | postonj | 12/01/2010 08:51 AM | Delete Attachment |
| 2010RJBX0011 OBLIGATING DOCUMENT.pdf | fergusor | 12/07/2010 09:22 AM | Delete Attachment |
| 2010RJBX0011 WITHHOLDING.pdf | backusl | 01/14/2011 02:45 PM | Delete Attachment |
| Add Attachment | | | |
| Solicitation-wide Attachments: | | | |
| Filename: | User: | Timestamp: | Action: |
| N/A | N/A | N/A | N/A |
| Add Attachment | | | |

ATTACHMENT 5

WAIVER REQUEST

FAME 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, little if any loan repayment monies can be allocated to Maine's public defenders. First, Maine has few state public defenders eligible under the grant's applicable definitions and terms, and second, although eligible, Maine's small and relatively new Federal Defender's office apparently has no attorneys with any outstanding federal student loans to qualify for repayment.

Maine has no state public defender office and all defenses of indigent people charged with state crimes, be they indigent or not, are carried out by a relatively small group of private defense lawyers. The state historically operated a system of "court appointed" attorneys. Maine's newly-formed Maine Commission on Indigent Legal Services will now administer the appointment and reimbursement of criminal defense services through the private bar. Although members of Maine's private criminal defense bar are ineligible for the grant's loan repayment provisions, current and future employees of the Commission on Indigent Legal Services appear to satisfy the grant definition of "public defender," especially since they engage in oversight and training of public defenders.

Maine has a relatively new but small Federal Public Defender's office, however, and it employs three attorneys. FAME has 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 that none of his staff attorneys have outstanding student loans and, therefore,

would be unlikely to participate in the program. This situation may change, however, and FAME will monitor the system and adjust the allocation in the future if necessary.

FAME thus requests that the equal allocation requirement be suspended, and that it be permitted to make a disproportionate funding distribution to prosecutors.

