

CPCS FISCAL YEAR 2016 BUDGET REQUEST

The total FY 2016 funding request is **\$246,808,652**; this amount includes maintenance funding of **\$218,193,168** and a request for **\$28,615,484** in additional funds to help address ongoing agency challenges. The proposal reflects CPCS's continued commitment to its statutory and constitutional responsibilities to provide effective representation to the Commonwealth's indigent. It also incorporates the funding needed to achieve the legislative mandate that staff attorneys handle 25% of the overall indigent defense caseload.

Maintenance Request:

The requested maintenance funding level of \$218,193,168 reflects continuing current year services, while also including funding to cover annualizing all positions filled during the current fiscal year, annualizing certain office leases (all other non-payroll spending remains flat), and providing a modest 3% cost-of-living adjustment for all positions, excluding the Chief Counsel. Our Maintenance request also includes a request for funding to cover what CPCS expects it will need for our private counsel line item account (0321-1510) and indigent court cost account (0321-1520). These amounts are predicated on forecasts of what we will spend in these two areas in the current fiscal year.

Expansion Request:

In an effort to address CPCS's ongoing agency challenges, our Expansion request includes **\$28,615,484** for the following four initiatives

1. Increase in Staff Compensation:

Currently, CPCS staff attorneys average approximately \$15,000 less than the salaries of entry-level Executive branch attorneys.¹ We are requesting a salary increase for all staff, which would move CPCS to parity with Executive branch staff. This request would mean that the starting attorney salary at CPCS would increase from \$40,000 to \$55,000 and the first step on all other attorney pay scales would increase by \$15,000. The result would affect an average increase of \$15,000 per case-carrying attorney and staff counsel. It echoes the recommendations of both the *MBA Blue Ribbon Commission Report on Criminal Justice Attorneys Compensation*² and the *Governor's Commission to Study Compensation of Assistant District Attorneys and Staff Attorneys for the Committee for Public Counsel Services*³.

A similar calculation was used to estimate the appropriate salary for all professional and administrative staff using a comparable Executive branch position at entry level.

¹ The starting salary for Executive branch attorneys was increased by 3% to \$56,594 in January 2015.

² "Doing Right by Those Who Labor for Justice", Report of the MBA Commission on Criminal Justice Attorneys Compensation, May 2014, p. 9.

³ Report of the Commission to Study Compensation of Assistant District Attorneys and Staff Attorneys for the Committee for Public Counsel Services, December 23, 2014, p. 9.

We calculated an average increase to get staff to the appropriate level consistent with their Executive branch counterpart and distributed it across existing staffing levels. While the average salary increase varies by position category, salaries for non-attorneys would increase by an average of about \$10,365.

The estimated cost of staff compensation relief in this request is **\$14,175,586 annually**, which does **not** include the 3% cost-of-living adjustment contained in our Maintenance Budget request.

2. Increase in the Hourly Rate Paid to Private Assigned Counsel:

The following table summarizes existing private counsel hourly rates, the 2005 recommendations of the “Commission to Study the Provision of Counsel to Indigent Persons in Massachusetts” as well as the CPCS fiscal year 2016 request.

<u>Case Type</u>	<u>Historical Rates (FY05)</u>	<u>Commission Recommendation</u>		<u>Existing Rates</u>	<u>Requested Rates (FY16)</u>
		<u>FY’06</u>	<u>FY’08</u>		
Murder	\$61.50/hr.	\$100/hr.	\$110/hr.	\$100/hr.	\$110/hr.
Superior Court⁴	\$46.50/hr.	\$60/hr.	\$70/hr.	\$60/hr.	\$70/hr.
District Court	\$37.50/hr.	\$50/hr.	\$55/hr.	\$50/hr.	\$55/hr.
CAFL Cases⁵	\$46.50/hr.	\$50/hr.	\$60/hr.	\$50/hr.	\$60/hr.
CHINS Cases	\$46.50/hr.	\$50/hr.	\$55/hr.	\$50/hr.	\$55/hr.

The estimated annual cost of this request is **\$18,296,260**.

3. Increase in Mileage Reimbursement for Staff:

CPCS is proposing an increase in mileage reimbursement for attorneys and staff from its current **.30/mile rate to .45/mile**. The current rate of .30/mile was set by the Committee in January 2009. This rate is lower than .32/mile, which was the CPCS rate that existed in 2001, and lower than the CPCS rate of .40/mile, which existed in 2008. The current Executive branch and Judiciary rate is .45/mile.

⁴ This rate will also include sexually dangerous person cases.

⁵ This rate will also include Care & Protection cases, sex offender registry cases, and mental health cases.

The estimated cost of increasing the mileage reimbursement for all staff is **\$275,000 annually**.

4. Additional CAFL Staff Attorneys to Address Growing DCF Related Caseload:

After having increased by **38%** in FY 2014, from 2,655 in FY 2013 to 3,663 in FY 2014, the number of state intervention/termination of parental right cases brought by the Department of Children and Families (DCF) remains at a historically high level in FY 2015. CPCS anticipates that this trend will continue. The number of filings in the first four months of FY 2015 is up an additional **7%** over the same time period in FY 2014. Because such cases typically necessitate the assignment of three or more attorneys, the increase in petitions has caused a significant increase in the number of attorney assignments needed from CPCS's Children and Family Law Division (CAFL). In addition to our efforts to increase capacity on the private counsel side, CPCS is proposing a modest staff expansion to increase staff capacity to help address the growing number of filings. Our request would fund **ten** additional attorneys, which, in addition to current staffing levels and filling existing vacancies, would allow assignments to staff to mirror pre-growth levels.

The estimated cost of adding ten additional attorney staff to CAFL is **\$550,000 annually**.