

COMMITTEE FOR PUBLIC COUNSEL SERVICES

MINUTES OF MEETING

May 17, 2016

The monthly meeting of the Committee for Public Counsel Services was held in the Committee's conference room at 40B Bromfield Street, 1st Floor, Boston, MA on Wednesday, April 20, 2016, beginning at 5:21 p.m. R.J. Cinquegrana, Chairman, presiding.

MEMBERS PRESENT: Ms. Ball and Messrs. Gosselin, Kociubes, and Miller
Ms. Shah and Messrs. Watkins and White

TELECONFERENCING: Mr. Rosenfeld and Ms. Tewksbury

1. Approval of April 20, 2016 Minutes

The minutes of the April 20, 2016 meeting were approved as submitted.

2. Amicus Request

Joshua Dohan, Director of the Youth Advocacy Division, sought Committee approval to submit an amicus letter and brief in the matter of Commonwealth v. Y.S., Springfield Juvenile Court No. 14YO0024SP.

Mr. Dohan reviewed the two key issues presented by the case:

1. Currently, if anyone is sentenced to immediate confinement, a judge cannot relieve them from having to register. The first question presented by this case is whether a child adjudicated as a youthful offender and committed to the custody of the Department of Youth Services (DYS) has been "sentenced to immediate confinement" and therefore is ineligible for judicial relief from registration under § 178E(f).
2. The second issue raised is for youthful offenders as opposed to delinquent children. If they are put on probation, should GPS monitoring be mandatory?

Mr. Dohan requested the following from the Committee: 1) Approval to write an amicus letter in support of a Motion for Direct Appellate Review; 2) If Direct Appellate Review is granted, approval to submit an amicus brief that would argue that a commitment to DYS custody is not a sentence of "immediate confinement" because DYS has discretion whether to house the child in a locked facility.

Mr. Watkins noted that the amicus subcommittee reviewed the request and recommends approval.

MOTION: Ms. Ball. That the Committee approve the submission of an amicus request letter and brief in the matter of Commonwealth v. Y.S., Springfield Juvenile Court No. 14YO0024SP.

SECOND: Mr. Watkins.

VOTE: Unanimous.

3. Monthly Financial Overview Report

Kevin Lucchetti, Chief Financial Officer, presented the FY 2016 monthly financial overview report to the Committee for review. He anticipates a deficiency of approximately \$14.5M between the 0321-1510 (private attorney payments) and 0321-1520 (indigent court costs).

The estimated deficiency in line item 0321-1520, has been adjusted upward by approximately \$16K to reflect the increase in billing in April.

The estimated run-out dates are as follows:

- 0321-1510– End of June and partial payment in July before supplemental funding is needed.
- 0321-1520– End of June with one partial payment in July.

Run-out date estimates are calculated looking at average monthly payments and forecasting out to the end of the fiscal year payment date.

4. Commitments \$10,000 and Over Report

Mr. Lucchetti presented the commitments over \$10,000 report. There were no new commitments to report this month.

5. FY 2017 Obligations over \$25,000 for Preapproval

Mr. Lucchetti sought Committee approval on all current anticipated expenditures expected to exceed \$25,000 for Fiscal Year 2017. The following expenditures presented were broken down by 1) Category, 2) Vendor, 3) 2016 Estimate, 4) 2017 Cost, and 4) Notes / Purpose.

CATEGORY	VENDOR	2016 EST ¹	2017	NOTES/PURPOSE
Administrative Expenses	Reed Elsevier, Inc. \ Matthew Bender \ West	144,465	150,000	Lexis Nexus
Administrative Expenses	W. B Mason Co Inc.	109,511	110,000	Supplies / Furniture
Administrative Expenses	The Board of Bar Overseers	106,140	106,000	BBO Registration Fees
Administrative Expenses	Stamps.Com, Inc.	99,997	97,000	Postage
Administrative Expenses	FIA Car Services NA	54,594	55,000	PCARD Purchases (IT/Training)
Administrative Expenses	Lindenmeyr Munroe	35,000	35,000	Paper
Administrative Expenses	West Publishing Corp.	27,333	27,000	Library Purchases/Updates

Administrative Expenses	Learning Tree International	26,982	27,000	Training/Training Materials
Administrative Expenses	Concur Technologies/Motus	16,330	25,000	Employee Reimbursement – Software Services
Space/Rental / Utilities	NSTAR Electric Company / Mass Electric	69,100	69,000	Utility Expenses
Consultant Services	The Ripples Group, LLC	46,216	46,000	Management Consulting
Operational Services	Donnegan Systems, Inc.	206,000	206,000	Document Imaging/Records Management/Inventory
Operational Services	The Resource Connection, Inc./Atlantic Associates	106,722	107,000	Temporary Staff
Operational Services	Office Resources	84,614	85,000	Furniture/Space Planning
Operational Services	E.A. Spry & Co., Inc.	38,535	39,000	Moving Expenses/Disposal Services
Operational Services	Iron Mountain Information Management	35,000	35,000	Records Retention/Records Management
Operational Services	Signet Electronic Systems, Inc.	30,145	30,000	Security/Access Control
Operational Services	Morgan & Brown & Joy, LLP	30,000	30,000	Legal Support Services
Operational Services	Universal Shredding/Shred-It/Earthworm	15,000	15,000	Shredding/Recycling Services
Equipment-Leases/Maint./Repairs	Xerox Corp.	165,948	166,000	Leases for photocopiers (Xerox)/Software
Equipment-Leases/Maint./Repairs	RICOH Americas Corp.	49,614	50,000	Leases for Photocopiers (RICOH)
Space Improvements	Bromfield 44, LLC	48,465	48,000	Leasehold improvements
Information Technology (IT)	DSCI, LLC	646,200	646,000	Data Connections incl. VOIP and Hardware
Information Technology (IT)	Dell Marketing, LP	349,357	349,000	Software Licensing/Hardware Purchases (IT)
Information Technology (IT)	SHI International Corp.	233,760	234,000	IT – Hardware/Software/Maintenance Purchases
Information Technology (IT)	Bureau of Computer Services	165,455	165,000	Chargeback IT (computers)
Information Technology (IT)	Verizon New England, Inc./Verizon Network	78,160	78,000	Telephone (non-VOIP)
Information Technology (IT)	Securus Technologies, Inc.	73,670	74,000	Telephone (inmate collect calls)
Information Technology (IT)	HR Administrative/HRCMS Costs	72,428	72,000	Chargeback IT – HRCMS/SSTA
Information Technology (IT)	Comcast Cable Communication MGMT, LLC	68,131	68,000	Comcast Internet Connections
Information Technology (IT)	Winslow Technology Group, LLC	53,812	54,000	Hardware and Software Support, Dell/Compellent
Information Technology (IT)	MMARS Accounting System Charges	50,416	50,000	Chargeback – Accounting (MMARS/CIW)
Information Technology (IT)	Citrix Online, LLC	37,800	38,000	Software Licensing – GoToMyPC
Information Technology (IT)	Cellco Partnership DBA Verizon Wireless	35,080	35,000	Telephone (wireless)
Information Technology (IT)	Global Tel Link Corp.	32,700	33,000	Inmate collect calls
Information Technology (IT)	IBM	29,000	29,000	Software/Software Licensing
Information Technology (IT)	Tallan, Inc.	14,400	25,000	IT – Consulting
Information Technology (IT)	Peopleserve PRS, Inc.	12,000	25,000	IT – Consulting
Information Technology (IT)	James Butler	12,000	25,000	IT – Consulting

MOTION: Mr. Kociubes. That the Committee approve the list of all anticipated expenditures over \$25,000 for Fiscal Year 2017 (see list above).

SECOND: Mr. Miller.

VOTE: Unanimous.

6. Chief Counsel Report

Mr. Benedetti reported on the following:

Human Resources Director

Donna Leete, HR Director, has resigned from the Agency with her last day of employment being June 3, 2016. He recognized her accomplishments in her three plus years as HR Director and thanked her for her service to the agency.

FY 2017 Budget

The Senate Ways and Means (SWM) budget was released on May 17, 2016. Documents illustrating the line item appropriations, line item language and relevant outside sections was distributed. A chart detailing the Governor's proposal, the House final budget, and the Senate Ways and Means proposal and how they compare to the current fiscal year budget was distributed to all members.

Highlights of the SWM budget were discussed:

- A. The proposal does not adopt two items the Governor's budget proposed: 1) A further study of CPCS by an outside consultant; and, 2) The elimination of the increase in the hourly rates for the private bar.
- B. The proposal funds the private counsel line item and the indigent court cost fund at the FY2016 GAA level (does not include already approved supplemental appropriations); however, it does provide additional funding in the staff / attorney / administrative account.
- C. The proposal recommends combining line items 0321-1500 and 0321-1504 into a single 0321-1500 account and also provides funding, that would allow for maintenance of current staffing levels, annualization of approved January 2016 salary increases, increased lease costs, and finally, funding to fill positions needed to fulfill the 25% staff case-taking mandate.
- D. The SWM budget includes an Outside Section that would abolish probation fees for anyone convicted of a crime while under the age of 18 or accused or convicted as a youthful offender as defined in GL section 52 of chapter 119.

General Counsel Lisa Hewitt explained that during this period of the budget process, ongoing discussions with House Members and the Governor's Legal Counsel are held on a regular basis.

Discussion ensued.

Mr. Benedetti brought to the members' attention two issues that were recently in the press:

1. Children and Family Law (CAFL) crisis. A full update on this issue was discussed at the April 20, 2016 meeting. Following press report, staff met with the Governor's legal staff to provide an update on the issue and what CPCS has done in response. Staff also met again with Court leadership to continue to discuss potential solutions. Follow-up requests for private assigned counsel to take additional cases during the final weeks of the fiscal year will be made.
2. Amherst Drug lab/chemist Sonja Farak issue. The Attorney General's office released its investigative report on the scope of the misconduct. The report found that approximately 24,000 cases have been affected during the time chemist Farak worked in the drug labs. There continue to be many unanswered questions as to how these cases will be resolved. CPCS, along with other interested parties, continues to push for a comprehensive global solution to both drug lab crises.

On a final note, Mr. Benedetti mentioned that the agency held an implicit bias training in early May conducted by Kimberly Papillon. The training is part of an agency wide effort to improve agency diversity and cultural competency.

7. Other Matters

Mr. Cinquegrana announced subcommittee appointments for 2016-2017 year. The appointments are as follows:

Executive Committee

Cinquegrana (Chair)

Hernando

Kociubes

Rosenfeld

White

Rosenfeld

Stern

Tewksbury

Budget

Hernando (Chair)

Gosselin

Kennedy

Tewksbury

Watkins

White

Training & Qualifications

Watkins (Chair)

Ball

Healy

Miller

Shah

Amicus

Healy (Chair)

Ball

Shah

Stern

Watkins

Personnel

Kociubes (Chair)

Craven

Mr. Miller mentioned that he may have a conflict being on the Training and Qualifications subcommittee because he is on the Board of the Hampden County Lawyers for Justice, Inc. Mr. Cinquegrana indicated that Mr. Miller may have to recuse himself if there is a matter before the subcommittee relating to an attorney who is a member of the Hampden County Lawyers for Justice Program.

General Counsel Hewitt indicated she would follow up with Mr. Miller on the potential conflict of interest issue.

There being no further business to come before the meeting, the Committee adjourned at approximately 6:18 p.m.

Respectfully submitted,


Joseph L. Kociubes, Vice-Chairman