

COMMITTEE FOR PUBLIC COUNSEL SERVICES

MINUTES OF MEETING

MAY 17, 2017

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, May 17, 2017, beginning at 5:37 p.m. Joseph L. Kociubes, Vice-Chairman, presiding.

MEMBERS PRESENT: Messrs. Kennedy, Miller, Rosenfeld and Ms. Shah
Messrs. Watkins and White

TELECONFERENCING: Ms. Alvarado and Ball, Mr. Cinquegrana and Ms. Tewksbury

1. Minutes of April 12, 2017 Meeting

The minutes of the April 12, 2017 meeting were approved as presented.

2. FY 2018 Bar Advocate Program Contracts

Carol Beck, Director of the Criminal Trial Support Unit, sought Committee approval for the bar advocate contracts for fiscal year 2018. The terms of the contract are identical in terms from the previous year. She requested one modification for a salary adjustment for the bar advocate support staff, retroactive to January 1, 2017. The cost of the salary adjustment for fiscal year 2017 is \$16,430.08; the total amount for the fiscal year 2018 bar advocate program contracts is \$1,020,171.73, which includes the annualized salary adjustment.

MOTION: Ms. Tewksbury. That the Committee approve the bar advocate contracts for fiscal year 2018 with an annualized salary increase in the amount of \$1,020,171.73.

SECOND: Mr. Watkins.

VOTE: Unanimous.

3. FY 2018 Supervising Attorney Contracts

Ms. Beck sought Committee approval for the supervising attorney contracts for fiscal year 2018. The terms of the contract are identical as the terms from the previous year. There are thirty-four supervising attorneys with contract hours equivalent of eight full-time positions, who supervise approximately 1,600 bar advocates. In the past, incremental adjustments in the number of

supervising attorneys' hours have been requested in different counties with the goal of having enough hours so that every panel attorney can have a performance evaluation every two years. This year, the request is for an adjustment of ten supervision hours per week in Middlesex and Suffolk Counties. The total cost of the contracts with the adjusted hours is \$1,054,560.

MOTION: Mr. White. That the Committee approve the supervising Attorney contracts for fiscal year 2018 with an adjustment of ten supervising hours for Middlesex and Suffolk counties for a total amount of \$1,054,560.

SECOND: Mr. Watkins.

VOTE: Unanimous.

4. FY 2018 Dukes and Nantucket Counties Contract

Ms. Beck sought Committee approval to enter into a contract with Attorney Robert Moriarty for the Provision of Legal Services to Dukes and Nantucket Counties. The terms of the contract are identical to last year's contract. The total cost of the contract is \$36,000.

MOTION: Mr. White. That the Committee approve the contract with Attorney Robert Moriarty for the Provision of Legal Services to Dukes and Nantucket Counties in the amount of \$36,000.

SECOND: Ms. Shah.

VOTE: Unanimous.

5. FY 2018 Obligations over \$25,000 for Preapproval

Kevin Lucchetti, Chief Financial Officer, sought Committee approval on all current anticipated expenditures expected to exceed \$25,000 for fiscal year 2018. The expenditures presented were broken down by 1) category; 2) vendor; 3) 2017 estimate; 4) 2018 estimated cost; and 5) notes / purpose.

MOTION: Mr. Miller. That the Committee approve the list of all anticipated expenditures over \$25,000 for fiscal year 2018 as presented (see list attached).

SECOND: Ms. Tewksbury.

VOTE: Unanimous.

6. Monthly Financial Overview Report

Mr. Lucchetti presented the fiscal year 2017 monthly financial overview report to the Committee for review. There were no changes in the forecast from the previous month.

The estimated run out dates for the private bar line item and the indigent court cost line item appropriations are:

- 0321-1510: Mid-June (1st payment in full; 2nd payment may be partial)
- 0321-1520: Payments through the end of the fiscal year and into the middle of August

7. Commitments \$10,000 and Over Report

Mr. Lucchetti presented the commitments of \$10,000 and over report to the Committee for review. There was one new commitment for The Management Center for training for managers. The training was an intensive, two-day training for seventy-seven managers across the agency.

8. Chief Counsel Report

Mr. Benedetti updated the members on the following items:

- Attrition has increased during the months of January through March. A full attrition report will be provided at the end of the fiscal year.
- Union legislation – Legislation similar to what was filed in previous legislative sessions was refiled this session. A hearing was held on May 9, 2017 with several staff members testifying in favor of the legislation.
- Drug lab update – An extension to June 6th was granted to the district attorneys to send notices to clients regarding the status of their case(s).
- Criminal Justice Reform – MassInc held their annual criminal justice reform summit on May 15, 2017. A report was released on the number of people incarcerated and the corresponding cost of incarceration. The number of people incarcerated in prisons and jails has been declining while budgets have increased. Chief Justice Gants gave the keynote speech. Efforts on criminal justice reform are ongoing with CPCS engaged on a number of fronts.
- The CPCS Annual Conference was held on May 16, 2017.

9. Other Matters

A. Fiscal Year 2018 Senate Ways and Means Budget

Lisa Hewitt, General Counsel, presented the fiscal year 2018 Senate Ways and Means (SWM) Budget. The highlights of the SWM budget are:

- Reduced the current mandate for staff to handle 25% of the overall caseload to 20%.
- Consolidated operational line item for 0321-1500 and 0321-1504.
- Created a new line item for retention salary adjustments similar to the District Attorneys' offices.
- Slight increase in line item 0321-1520.
- Funds for Hinton and Amherst Drug Lab Reserve.

Outside Sections

- Change in the definition of cocaine.
- Allow Massachusetts Alcohol and Substance Abuse Centers to be moved to MCI/Plymouth.

Staff is considering asking for an amendment to provide relief on the billable hours cap for Care and Protection cases, and for Superior Court, Juvenile, and Mental Health cases.

B. Children and Family Law Matter

Michael Dsida, Deputy Chief Counsel for the Children and Family Law Division, updated the members on a Care and Protection (C&P) matter that was before the Supreme Judicial Court (SJC). The case relates to the state's reasonable efforts requirement in c. 119, which requires DCF to make reasonable efforts to keep families together. The questions presented in this particular case were: 1) are States really required to make reasonable efforts in every case (except when a specific statutory exception applies), 2) when is the court obligated to address the question of whether those efforts were made, and 3) what remedy is available if the State does not make those efforts.

In the case being appealed, the Juvenile Court did not make any finding regarding reasonable efforts at the 72-hour hearing. On appeal (by the father and the child), the Single Justice ruled that DCF was obligated to make reasonable efforts; that it didn't do so in this particular case; and that the trial court's failure to make reasonable efforts determination at the 72-hour hearing was in error. The Single Justice also entered a remedial order providing regular visits between the father and his son.

The case was ultimately referred to the full panel of the Appeals Court, and the SJC took jurisdiction of the case. Oral arguments were held on May 1, 2017. Shortly before the oral argument, the Juvenile Court submitted a letter to the SJC in support of the trial court judge's decision.

Discussion ensued.

Some progress has been made in assigning counsel at the 72-hour hearings. An additional five attorneys have been added to the Springfield CAFL office and approximately ten private attorneys to the panel. Continuing efforts are being made to rectify the problem.

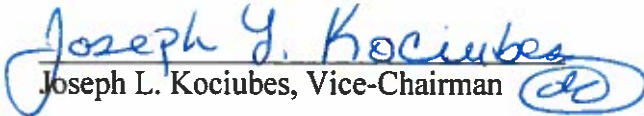
On a final note, Mr. Dsida apprised the Committee about the SJC's decision in Guardianship of K.N., a case in which the Committee considered – but decided against – filing an amicus brief. The SJC declined to recognize a liberty interest in the guardian but did indicate that the Probate and Family Court could use its equitable authority to provide counsel for the guardian. Because the court did not find that there is a right to counsel, the court (not CPCS) will have the responsibility for providing counsel to guardians in such cases.

Discussion ensued.

The next meeting of the Committee will be held on Tuesday, June 20, 2017.

There being no further business to come before the meeting, the Committee adjourned at approximately 6:44 p.m.

Respectfully submitted,


Joseph L. Kociubes, Vice-Chairman

#	CATEGORY	VENDOR	2017 EST ¹	2018 ²	NOTES / PURPOSE
1	ADMINISTRATIVE EXPENSES	FIA CARD SERVICES N A	20,000	20,000	PCARD Purchases (IT \ Training)
2	ADMINISTRATIVE EXPENSES	LINDENMEYR MUNROE	35,636	36,000	Paper \ Cardstock
3	ADMINISTRATIVE EXPENSES	QUENCH USA INC	11,000	11,000	Bottled Water Services
4	ADMINISTRATIVE EXPENSES	SAP CONCUR TECHNOLOGIES, INC \ MOTUS	45,900	46,000	Travel Reimbursement Software
5	ADMINISTRATIVE EXPENSES	SMG	66,375	66,000	Annual Conference Space (DCU)
6	ADMINISTRATIVE EXPENSES	SOURCE4 \ COMMONWEALTH PRINTING \ MOO.COM	5,000	25,000	Business Cards \ Printing \ Signage
7	ADMINISTRATIVE EXPENSES	STAMPS.COM INC \ PITNEY BOWES	75,000	75,000	Postage \ Postage Meters \ Stamps
8	ADMINISTRATIVE EXPENSES	THE MANAGEMENT CENTER	15,225	30,000	Training \ Training Materials
9	ADMINISTRATIVE EXPENSES	W. B MASON CO INC \ STAPLES	68,000	68,000	Supplies including Furniture
10	ADMINISTRATIVE EXPENSES	WEST PUBLISHING CORPORATION	111,858	112,000	Lexis Nexis \ Library Purchases
11	FACILITY OPERATIONAL EXPENSES	CINTAS CORPORATION \ ZOLL	12,004	25,000	First Aid Kit Maintenance \ AEDs
12	SPACE RENTAL \ UTILITIES	NSTAR ELECTRIC COMPANY \ MASS ELECTRIC	70,700	71,000	Utility Expenses
13	CONSULTANT SERVICES	CRISIS MANAGEMENT GROUP INC	12,050	12,000	Employee Assistance Program (EAP)
14	CONSULTANT SERVICES	HR INSOURCING LLC	87,707	88,000	Consulting (HR)
15	CONSULTANT SERVICES	WORKABLE PROCEDURES INC	26,000	26,000	Management Consulting
16	OPERATIONAL SERVICES	DONNEGAN SYSTEMS \ ASAP SYSTEMS	250,000	250,000	Document Imaging \ Records Management \ Inventory
17	OPERATIONAL SERVICES	E A SPRY & CO INC	73,995	74,000	Moving Expenses \ Disposal Services
18	OPERATIONAL SERVICES	IRON MOUNTAIN INFORMATION MANAGEMENT	33,000	33,000	Records Retention \ Records Management
19	OPERATIONAL SERVICES	MORE ADVERTISING \ CAUSEMEDIA	10,000	25,000	Graphic Design \ Translation \ Design
20	OPERATIONAL SERVICES	MORGAN & BROWN AND JOY LLP	32,000	32,000	Legal Support Services
21	OPERATIONAL SERVICES	OFFICE RESOURCES \ HUMANSOAL	310,690	311,000	Furniture \ Space Planning
22	OPERATIONAL SERVICES	SIGNET ELECTRONIC SYSTEMS INC	104,215	104,000	Security \ Access Control \ Audio & Video
23	OPERATIONAL SERVICES	THE RESOURCE CONNECTION INC \ ATLANTIC ASSO	130,000	130,000	Temporary Staff
24	OPERATIONAL SERVICES	UNIVERSAL SHREDDING \ SHRED-IT \ EARTHWORM	36,000	36,000	Shredding \ Recycling Services
25	OPERATIONAL SERVICES	WORKPLACE ESSENTIALS	7,500	25,000	Restroom Services
26	EQUIPMENT - LEASES \ MAINT. \ REP. XEROX CORP		264,925	265,000	Leases for Photocopiers (XEROX) \ Software
27	SPACE IMPROVEMENTS	BROMFIELD 44 (INCL. BRIGHT WINDOW COVERINGS)	64,000	64,000	Leasehold improvements \ Window Coverings
28	SPACE IMPROVEMENTS	PASEK CORP	10,359	25,000	Locksmith (Facilities) \ Security
29	INFORMATION TECHNOLOGY (IT)	BUREAU OF COMPUTER SERVICES	166,665	167,000	Chargeback - Accounting (MMARS \ CIW \ Computers)
30	INFORMATION TECHNOLOGY (IT)	CELLCO PARTNERSHIP (VERIZON WIRELESS)	51,500	52,000	Telephone (Wireless)
31	INFORMATION TECHNOLOGY (IT)	CITRIX ONLINE LLC	37,800	38,000	Software Licensing - GoToMyPC
32	INFORMATION TECHNOLOGY (IT)	COMCAST CABLE \ TIME WARNER \ CHARTER	73,800	74,000	Internet Connections
33	INFORMATION TECHNOLOGY (IT)	DATABASE DESIGNS ASSOC INC	18,360	25,000	IT Software \ Consulting Services
34	INFORMATION TECHNOLOGY (IT)	DELL MARKETING LP	219,926	220,000	Software Licensing \ Hardware Purchases \ Support
35	INFORMATION TECHNOLOGY (IT)	DSCI LLC	597,793	598,000	Data Connections incl. VOIP and Hardware
36	INFORMATION TECHNOLOGY (IT)	FMS SYSTEMS \ OFFICESPACE SOFTWARE	15,000	30,000	Facilities Management Software
37	INFORMATION TECHNOLOGY (IT)	HR ADMINISTRATIVE PROCESSING COSTS \ HRCMS	72,000	72,000	Chargeback HR - HRCMS \ SSTA \ Payroll
38	INFORMATION TECHNOLOGY (IT)	IBM CORPORATION	25,358	25,000	Software \ Software Licensing
39	INFORMATION TECHNOLOGY (IT)	ICIMS INC	10,584	12,000	HR - Recruiting Software
40	INFORMATION TECHNOLOGY (IT)	JAMES BUTLER	15,000	25,000	Consulting (IT)
41	INFORMATION TECHNOLOGY (IT)	LIGHTOWER FIBER NETWORKS I LLC	12,013	25,000	Network Services (IT)
42	INFORMATION TECHNOLOGY (IT)	MMARS ACCOUNTING SYSTEM CHARGES	55,656	56,000	Chargeback - Accounting (MMARS \ CIW \ Computers)
43	INFORMATION TECHNOLOGY (IT)	PEOPLESERVE PRS INC	12,480	25,000	Consulting (IT)
44	INFORMATION TECHNOLOGY (IT)	SECURUS TECHNOLOGIES INC \ GLOAL TEL LINK	61,850	62,000	Telephone (Inmate Collect Calls)
45	INFORMATION TECHNOLOGY (IT)	SHI INTERNATIONAL CORP \ SERVICE NOW	146,000	146,000	IT - Hardware \ Software \ Maint. \ Help Desk
46	INFORMATION TECHNOLOGY (IT)	TALLAN, INC.	115,975	116,000	Consulting (IT)
47	INFORMATION TECHNOLOGY (IT)	THE SPYGLASS GROUP LLC	16,623	17,000	Telephone Audit Review
48	INFORMATION TECHNOLOGY (IT)	VERIZON NEW ENGLAND INC \ VERIZON NETWORK	27,200	27,000	Telephone (Non-VOIP) \ VPN
49	INFORMATION TECHNOLOGY (IT)	WINSLOW TECHNOLOGY GROUP, LLC	100,631	101,000	Hardware \ IT Support \ Compellent Support

Notes:

1. FY17 estimated spending is the greater of our current known obligation or our current forecast. This number will not match our Commitments report if additional commitments or reductions are planned.
2. FY18 includes some pre-approvals that currently do not and may not exceed \$25K but are considered normal business expenses and have been included for efficiency purposes. Additionally, even if