

COMMITTEE FOR PUBLIC COUNSEL SERVICES

MINUTES OF MEETING

JUNE 20, 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 Tuesday, June 20, 2017, beginning at 5:40 p.m. R. J. Cinquegrana, Chairman, presiding.

MEMBERS PRESENT: Ms. Alvarado and Ball, Messrs. Kociubes and Miller
Mr. Rosenfeld, Ms. Tewksbury, and Messrs. Watkins and White

TELECONFERENCING: Mr. Hernando

1. **Minutes of May 17, 2017 Meeting**

The minutes of the May 17, 2017 meeting were approved as presented.

2. **Amicus Request**

Josh Dohan, Director of the Youth Advocacy Division, sought Committee approval to submit an amicus brief in the matter of Commonwealth v. A Juvenile, SJC-12314. The issue presented by the case - whether a Juvenile Court judge, prior to arraignment, can dismiss a charge for a reason other than a lack of probable cause.

The amicus subcommittee unanimously approved this request. Discussion ensued.

MOTION: Mr. Kociubes. That the Committee approve the filing of an amicus brief in the matter of Commonwealth v. A Juvenile, SJC-123414.

SECOND: Mr. Miller.

VOTE: Unanimous.

3. **FY 2018 Juvenile Supervising Attorney Contracts**

Helen Fremont, Staff Counsel with the Youth Advocacy Division, sought Committee approval for the FY 2018 Juvenile Supervising Attorney Contracts. The Juvenile Supervising Attorneys (JSAs) provide training, performance evaluations, mentoring, complaint referral and investigation, and other oversight of private attorneys handling delinquency and youthful

offender assignments through the bar advocate programs. There are no changes to the proposed contracts from last year. The contracts with JSAs are at the rate of \$60 per hour for approximately 5-10 hours per week. The total maximum cost of the contracts for FY 2018 is \$312,000.

MOTION: Mr. Rosenfeld. That the Committee approve the FY 2018 Juvenile Supervising Attorney Contracts at the rate of \$60 per hour for a total maximum cost of \$312,000.

SECOND: Mr. White.

VOTE: Unanimous.

4. Children and Family Law Resource Attorney Contracts

Michael Dsida, Deputy Chief Counsel for the Children and Family Law Division (CAFL), sought Committee approval for a two year contract for seven CAFL Resource Attorneys in the following regions: Hampden, Norfolk, Northern Essex & Middlesex, Barnstable, Bristol, Franklin/Hampshire, and Plymouth. The Resource Attorneys provide legal and technical support to trial panel members in their designated regions. They are also responsible for coordinating or presenting relevant legal education trainings and serve as liaisons with the courts and the CAFL Trial Support Unit. The total maximum combined amount for the two years is \$156,000.

MOTION: Mr. White. That the Committee approve the two-year CAFL Resource Attorney contracts for the seven regions with a total two-year maximum amount of \$156,000.

SECOND: Mr. Miller.

VOTE: Unanimous.

5. FY 2018 Mental Health Regional Coordinator Contracts

Mark Larsen, Director of the Mental Health Litigation Division (MHL) Division, sought Committee approval for two Mental Health Regional Coordinators in Middlesex and Hampshire/Franklin counties. In 2016, all but two of the Regional Coordinators executed contracts for FY 17 and FY 18. These contracts will cover the balance of the two-year contract period. The Regional Coordinators assist in supporting and overseeing the work of MHL private panel attorneys in mental health cases. Their work includes conducting training, providing advice and technical support, liaison with the courts, assistance with attorney certification, and assistance in conducting performance reviews. The maximum combined annual cost of the two contracts is \$30,000.

MOTION: Mr. Kociubes. That the Committee approve the two Mental Health

Regional Coordinator Contracts for Middlesex and Hampshire/Franklin counties for a maximum total of \$30,000.

SECOND: Mr. White.

VOTE: Unanimous.

6. FY 2017 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
0321-1520: Payments through the end of the fiscal year and
into the middle of August

Mr. Benedetti informed the members that a final supplemental request has been submitted to finalize outstanding bills for fiscal year 2017.

7. Commitments \$10,000 and Over Report

Mr. Lucchetti presented the commitments of \$10,000 and over report to the Committee for review. There are four new commitments that were not previously discussed. They are: 1) James Butler for IT consulting support, 2) The Spyglass Group, LLC for an audit of telephone VoIP services, 3) Bright Window Coverings, Inc. for replacement of old window blinds, and 4) CCH Incorporated for library materials.

8. Chief Counsel Report

Anthony Benedetti, Chief Counsel, updated the Committee on the following items:

- FY 2018 budget – The Legislature is reviewing the House and Senate budgets in Conference Committee and public reports are that they may have to adjust the appropriations from the two branches as a result of new revenue estimates.
- Introduced and welcomed Lisa Bacon, the new Human Resource Director. Ms. Bacon was the interim Vice President for Human Resources, Labor Relations, Compliance and Affirmative Action at Mass Bay Community College. Previously she has worked in the Executive Branch in the Executive Office of Health and Human Services, the Department of Children and Families, and the Division of Capitol Asset Management and

Maintenance. She also earned a JD from Northeastern University School of Law and is a member of the Massachusetts Bar.

There being no further business to come before the meeting, the Committee adjourned to executive session at approximately 6:00 p.m.

Upon return to open session Chairman Cinquegrana approved the following entry into the minutes of this meeting.

Chief Counsel Review

The Committee reviewed the results of the Chief Counsel review.

Anthony Benedetti was appointed by the Committee as its Chief Counsel in 2010. In the spring of 2017, the Committee initiated a review of Mr. Benedetti's performance in office. A group of Committee members served as a review committee. All members of the Committee were invited to serve. The review committee consisted of the members of the Executive Committee plus two other members of the Committee who are chairs of standing subcommittees. Thus, the chairs of all of the standing subcommittees of the Committee were included in this group.

Mr. Benedetti submitted a self-assessment. The review committee then met individually with the members of the Senior Management Team, who report directly to the Chief Counsel. They are:

Director of Administration & Operations
General Counsel
Director, Mental Health Litigation Division
Deputy Chief Counsel, Private Counsel Division
Deputy Chief Counsel, Public Defender Division
Deputy Chief Counsel, Children and Family Law Division
Director, Youth Advocacy Division
Chief Financial Officer
Chief Information Officer

The review committee also interviewed the interim head of Human Resources. (The Committee notes that a new Human Resource Director recently has been hired.)

The review committee then met with Mr. Benedetti.

In addition, each of the authorities that appoint members of the Committee was consulted: the Governor's office, the Senate President, the Speaker of the House of Representatives, and the Supreme Judicial Court.

The review committee reported the results of these efforts to the Committee, in executive session, at the Committee's regular meeting on June 20, 2017. After deliberation, the Committee approved this memorandum and the following statement:

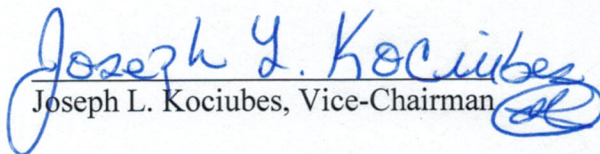
After almost 25 years of service to the Committee, including as a trial attorney and as General Counsel, Anthony Benedetti was appointed as Chief Counsel by the Committee in 2010. Almost immediately, the Committee was confronted with unprecedented challenges. Various legislative proposals sought to alter the Committee's status as an independent agency. While those proposals were not adopted, they were followed by a mandate that the Committee expand the services it provides through the Public Counsel Division, ultimately resulting in a doubling of the Committee's staff and infrastructure. During the same time, the Committee was confronted by the need to address the effects of two scandals at the state's drug testing laboratories, which tainted thousands of convictions and required the Committee to devote significant resources to address these convictions.

Confronted by these and other unprecedented challenges, Mr. Benedetti has done an outstanding job of leading and managing the agency. Under his direction, the required staff expansion has been accomplished. The state drug lab issues are close to being resolved. Significant salary relief has been achieved. Major improvements have been made to the financial management of the agency and its IT infrastructure. As evidenced by the interviews with the Senior Management Team, under his leadership the agency has established and maintains a work environment characterized by a very high level of commitment and enthusiasm among the staff.

The Committee commends Chief Counsel Benedetti for his service and leadership.

Mr. Kennedy, who was unable to attend the meeting requested the record reflect that he agrees 100% with the result of the Chief Counsel review, and had he been present, would have voted in favor of including the message in the minutes of the meeting.

Respectfully submitted,


Joseph L. Kociubes, Vice-Chairman