COMMITTEE FOR PUBLIC COUNSEL SERVICES

MINUTES OF MEETING

January 18, 2023

The monthly meeting of the Committee for Public Counsel Services was held by video conference on Wednesday, January 18, 2023, beginning at 5:33 p.m. Joseph L. Kociubes, Chairman, presiding.

MEMBERS PARTICIPATING: Messes. Alvarado, Ball, Chester, Conrad
Messrs. Apfel, Cinquegrana, Demissie, Healy, Kociubes, Miller, Stern, White

Mr. Joseph Kociubes and Mr. Anthony Benedetti welcomed Ms. Miriam Conrad as a new Committee Member. Ms. Conrad has worked at CPCS and as a Federal Defender for many years and has a wealth of knowledge regarding issues pertaining to indigent defense.

1. **Minutes of December 21, 2022 Meeting**

The minutes of the December 21, 2022 meeting were approved as presented.

2. **Public Consulting Group (PCG) Contract**

Mr. Anthony Benedetti, Chief Counsel, presented a Public Consulting Group (PCG) Contract to the Committee for approval. PCG will help draft four division/unit level business continuity plans and draft and update policies and procedures for the various Operational Units. The cost of the contract is not expected to exceed $85,000. During the state audit of CPCS, State Auditors identified some concerns, and CPCS has been proactively responding to further strengthen internal controls. The Risk Assessment has been completed, and the Internal Control Plan (ICP) and agency Business Continuity Plan are nearly complete. The ICP will likely be presented to the Committee next month.

MOTION: **Mr. Demissie. That the Committee approve the Public Consulting (PCG) Contract, not to exceed $85,000.**

SECOND: **Mr. White.**

VOTE: **Unanimous.**

3. **Monthly Financials Overview Report**

Mr. Kevin Lucchetti, Chief Financial Officer, presented the Monthly Financials Overview

Report. CPCS has spent approximately 41% of the $336 million that was appropriated to CPCS across all line-item accounts. Mr. Lucchetti provided an update to documents which includes an additional $6.8 mil in the Private Counsel – the 0321-1510 account, previously noted as $207 mil and now updated to $214 mil. The Legislature signed and provided additional funding to the item earlier in the year. The adjusted projected surplus in the Court Costs 0321-1520 account is approximately $15 mil. Both the 1510 and 1520 accounts are trending with historical consistency with spending at approximately $16 mil a month. In the Administration/Operations 0321-1500 account, there are early signs of a surplus, based on challenges such as supply chain and ordering constraints.

Total estimated FY23 spending is $321 mil. Mr. Benedetti added that vendor expert rates in the 1520 line are being reviewed with a likely proposal for increase towards the end of the fiscal year. Aside from psychologists and psychiatrists rates, there has not been an increase in vendor rates since 2008.

4. Commitments $10,000 and Over Report

Mr. Kevin Lucchetti, Chief Financial Officer, is requesting Committee approval of two contracts, Tallan, Inc. and New Horizon Communication Corp. totaling $1.154 million. Estimated spending exceeds 10% of previous Committee approvals. CPCS is trying to bring some of the IT work in-house, but there are challenges hiring IT staff, so the Tallan, Inc. contract has been extended. Mr. Jon Bartelson, CIO, is managing the overall project. New Horizon Communications Corp. contract involves work dealing with Internet connections, based on location and better value.

MOTION: **Mr. White. That the Committee approve two contracts totaling $1.154 million, for Tallan, Inc. and New Horizon Communication Corp., where estimated spending exceeds 10% of the original or subsequent Committee approvals.**

SECOND: **Ms. Conrad.**

VOTE: **Unanimous.**

5. FY24 Maintenance Budget

Mr. Kevin Lucchetti, Chief Financial Officer, presented request for approval of the FY24 Maintenance Budget that has been approved by the Budget Subcommittee. Mr. Benedetti, Mr. Lucchetti, and Ms. Hewitt worked with Budget Subcommittee Chair, Mr. Jack Cinquegrana and Budget Subcommittee members in November 2022 on the proposed budget. The FY24 Maintenance Budget proposal considers the cost of FY23 services in FY24, annualizes payroll and assumes CPCS will be fully staffed, allows for various contractual increases, and includes a cost of living increase for staff. The Subcommittee approved budget is for $341.2 million for FY24.

Mr. Lucchetti provided background on the structure of the CPCS budget and the three line items.

In response to questions, Mr. Lucchetti stated that CPCS does not generally factor in the potential need for appointed counsel as the result of a change in the law, and pointed out that a budget request may always be adjusted or funds can be sought through a supplemental budget if necessary.

CPCS will share the approved FY24 Maintenance budget with the Governor's Office and Administration and Finance and the respective legislative Ways and Means Committees.

Mr. Benedetti shared that a proposal for increasing the private bar rates will be presented next month and that consideration of a number of factors, including the online Town Hall feedback, will be considered. The Mass Equity Pay Analysis (MEPA) and a proposal to adjust salaries of the Senior Management Team, which was put off until the MEPA analysis, will be presented next month.

MOTION: **Ms. Ball. That the Committee approve the proposed FY24 Maintenance Budget for $341,221,908.**

SECOND: **Ms. Conrad.**

VOTE: **Unanimous.**

6. **Chief Counsel Report**

Mr. Anthony Benedetti, Chief Counsel, introduced Ms. Laura Sanford, Deputy Chief of Mental Health Litigation, who joined CPCS this week. She replaced recently retired Deputy Mr. Mark Larsen. Ms. Sanford previously focused her practice in tort law and products liability law before switching to Care & Protection cases and Mental health cases over the last twenty years. She has done predominantly mental health law during that time. Ms. Sanford is one of the only attorneys in the practice area who has taken cases and mentored in each type of Mental Health area.

Mr. Benedetti provided an update on the counsel shortage, noting that the biggest challenges continues to be in Western, MA. Hiring efforts continue in all areas, and primarily in CAFL and the Public Defender Division. Recruitment efforts for the fall have been very successful with a number of early offers made and accepted.

The working group established by Trial Court Chief Justice Jeffrey Locke continues to examine Care & Protection case process and looking for recommendations to make for improvement. Mr. Benedetti stated that he is regularly meeting with the CAFL team. Need for Care & Protection counsel numbers remains steady with some improvement in the overall numbers of individuals having to wait for counsel to be appointed.

A brand-new Mental Health Clinic at Boston University Law School will be implemented soon. CPCS staff will oversee the clinic which is designed to provide hands on experience to law school students and to encourage graduates with such experience to join CPCS as a staff attorney or panel member and take mental health cases.

Strategic Planning is underway, with the survey requesting input garnering a positive 51% response. The responses are being reviewed and a Steering Committee has been established to oversee the process. The hope is to get as much input and engagement from as many staff and private attorneys as possible to help provide a blueprint for the near future of the agency.

Progress regarding case assignment processes in Hamden County criminal cases has been made with a change expected to be implemented in March or April. CPCS is hopeful that this will result in a reduction in the number of court dates not being covered and the number of clients having to wait for counsel to be appointed.

Discussion ensued regarding some reasons for the ongoing counsel challenges which include a shortage of private attorneys who want to serve on duty days, high staff turnover due in part to loan forgiveness kicking in and the private hourly rates being increased; and, challenges finding enough people who wish to do this work in the Western part of the state.

The next meeting, February 15, 2023, will be remote.

There being no further business to come before the Committee, the Committee meeting ended at 6:32 p.m.

Respectfully submitted

/s/ Mia Alvarado

Mia Alvarado, Secretary