

COMMITTEE FOR PUBLIC COUNSEL SERVICES

MINUTES OF MEETING

MARCH 19, 2020

The monthly meeting of the Committee for Public Counsel Services was held by video conference on Thursday, March 19, 2020, beginning at 5:37, p.m. R.J. Cinquegrana, Chairman, presiding.

The record will reflect that due to the Coronavirus pandemic, the meeting was held via videoconference.

TELECONFERENCING: Messes. Alvarado, Ball, Chester and Shah
 Messrs. Apfel, Demissie, Healy, Kennedy, Kociubes,
 Miller, Stern, and White

Mr. Cinquegrana and Chief Counsel Anthony Benedetti welcomed two new members – Ms. Lael Chester and Mr. David Apfel.

1. **Minutes of February 25, 2020 Meeting**

The minutes of the February 25, 2020 meeting were approved as presented.

2. **Hourly Cap Increase**

Mr. Benedetti reminded the members that at the December 18, 2019 meeting, the Committee voted to approve an increase in the annual hourly cap from 1,650 to 2,000 for attorneys who provide representation through the following panels: Criminal, Juvenile Delinquency and Youthful Offender matters; Care and Protection cases; and Civil Commitment matters.

Debra Krupp, Director of Administration and Operations, sought Committee approval to waive the 1,350 restriction and to increase the annual hourly cap to 2,000 in the following areas: Children and Family Law (CAFL) appeals; Sexual Offender Registry Board (SORB); and Grant of Conditional Liberty (GCL – parole revocation representation for juveniles). She explained that each of these practice areas have shown an increase in the overall number of assignments. The breakdown for each area is:

- CAFL Appeals – a projected increase from 305 in 2019 to 373 in 2020 as a result of the spike in Care and Protection cases.

- SORB Matters – the numbers increased in FY 2019 to 446 assignments compared to 393 assignments in FY 2018, In an effort to expand the panel, a SORB certification training was held; however only 12 attorneys applied and of those only 9 attended.
- GCL Matters – There are only 17 attorneys on the panel that regularly accept assignments. Unless the 1,350 restriction is waived, YAD will continue to lose attorneys who are available to accept assignments.

Language in the FY 2020 budget provided a statutory provision to allow the Committee to waive the 1,350 annual billing cap not to exceed 2,000 as long as the following conditions exist: 1) a limited availability of qualified counsel in a practice area; 2) if there is a limited availability of qualified counsel in a geographic area; and 3) if increasing the limit would improve efficiency and quality of service.

Discussion ensued regarding increasing the annual billing cap to 2,000 for all practice areas. Staff explained that the decision to only request waivers in these specific practice areas was based on the actual need in those practice areas and where shortages were likely.

Based on the discussion, the Committee determined an increase in the annual hourly cap for all practice areas would be the best option, and was justified under the statutory provision permitting an increase in the billing cap to improve efficiency and quality of service.

MOTION: Mr. Demissie. That the Committee approve to waive the 1,350 restriction and to raise the 1,650 annual cap to 2,000 hours in all practice areas for FY 2020.

SECOND: Mr. Miller.

VOTE: Unanimous.

3. Coronavirus – Sick Leave Bank Change

Mr. Benedetti provided information regarding the Executive Committee decision to approve a temporary emergency change to the Sick Leave Bank Policy. The temporary change in the policy is to ensure operations continue for CPCS and clients during the COVID-19 crisis. The changes consist of:

- Expanding eligibility beyond employees who have a prolonged illness to include employees who have been advised by a medical provider to 1) self-isolate, or 2) quarantine due to potential or confirmed symptoms of COVID-19.
- Further expanding eligibility to employees caring for a close family member or a household member.
- Removing the criteria that an employee be continuously employed by the Committee for no less than six months.

MOTION: Ms. Shah. That the Committee ratify the temporary change in the Sick Leave Bank Policy as detailed above.

SECOND: Mr. Demissie.

VOTE: Unanimous.

4. Monthly Financial Overview Report

Karen Souza, Interim Chief Financial Officer, provided the monthly financial overview report to the Committee for review. The total available funding is \$264.5M which includes supplemental funding totaling \$15M for line-item 0321-1510 (private bar payments). The current deficit for the private bar line is approximately \$10M.

Ms. Souza informed the members that the finance team are working both at home and in the office and are not currently experiencing any delays in payments to either attorneys or court cost vendors. Staff are in communications with vendors via email, constant contact and text to ensure they are informed when to expect payments during the COVID-19 crisis.

5. Commitments \$10,000 and Over Report

Ms. Souza presented the monthly commitments of \$10,000 and over report to the Committee for review. There were no new commitments that have not been previously approved.

6. Chief Counsel Report

Mr. Benedetti provided the members with an update regarding the COVID-19 crisis.

- Staff have primarily been working remotely.
- A meeting was held by Court leadership and attended by various agency stakeholders at which the various Trial Court departments presented their proposed Orders. CPCS provided feedback to the court as did the other stakeholder agencies. The Orders were released for Monday and Tuesday when the Courts were originally going to be limited to emergency matters, but were later extended indefinitely. CPCS continues to inform the Court of problems created by the Orders as we learn from staff and the private bar of how they are playing out on the ground.
- Staff are focusing on two major areas: 1) representing clients and trying to keep them out of jails and other facilities, and 2) trying to get people out pre-trial.
- Attorneys are arguing for Judges and prosecutors to not hold people; staff are working on establishing lists of people currently incarcerated who are eligible for medical parole or compassionate release and urging those cases be expedited.
- We have reached out to the Department of Corrections and the Sheriffs to discuss the conditions of incarceration and advocating for steps to be taken to protect those

incarcerated. We are also advocating for attorney visits to be in safe, secure, and private areas. We have advocated for soap to be provided for free to clients and for increasing the number and length of attorney calls.

- The biggest challenge are 58A dangerousness hearings that are being conducted by video conferencing.
- Staff have reached out to every District Attorney to advocate for cases to be revisited because of the virus and for these cases to be expedited..

Mr. Benedetti updated the Committee on the current health of the staff and how COVID-19 was affecting operations in our offices. Staff has been communicating with all necessary departments as required, when a staff person has been ill.

Discussion ensued.

There being no further business to come before the Committee, the meeting adjourned at approximately 6:40 p.m.

Respectfully submitted,

/s/ *Jose L. Kociubes*

Joseph L. Kociubes, Vice-Chair