

COMMITTEE FOR PUBLIC COUNSEL SERVICES

MINUTES OF MEETING

February 18, 2026

The monthly meeting of the Committee for Public Counsel Services was held via video conference on February 18, 2026, beginning at 4:36 p.m. Jennifer McKinnon, Chairperson, presiding.

MEMBERS PARTICIPATING: Messes. Alvarado, Ball, Conrad, Dillon, Hall, McKinnon, Petropoulos

Messrs. Apfel, Cinquegrana, Healy, Kennedy, Povich, Tennen

1. Minutes of January 21, 2026

The minutes of the January 21, 2026 meetings were approved as presented.

2. Legal – Request for Committee Action

a. Amicus request – Commonwealth v. Hsu (SJC-13855)

Public Defender Division Supervising Attorney Patrick Levin presented CPCS's request to file an amicus recommendation for Commonwealth v. Hsu (SJC-13855). The amicus was unanimously approved by the Amicus Subcommittee, with requests for additional information.

Ms. Hsu's manslaughter conviction in connection with the death of her infant daughter is before the Supreme Judicial Court of Massachusetts on direct appeal. The Court has solicited amicus briefs on two issues: (1) whether the evidence was legally sufficient to support the conviction under battery and wanton or reckless conduct theories, and (2) whether the trial judge erred in permitting expert testimony that the injuries were "consistent with" abusive head trauma and inconsistent with a short fall.

The amicus brief will be primarily authored by MACDL and NEIP and argue that the evidence was insufficient and that admission of the expert testimony was an abuse of discretion. The proposed brief will contend that the diagnosis of abusive head trauma lacks sufficient scientific reliability and general acceptance, and that "consistent with" language does not cure the prejudice of admitting such testimony. It will also draw on exoneration data and recent research on wrongful convictions, cognitive bias in death investigations, and the misuse of forensic opinion language.

MOTION: Mr. Apfel. That the Committee approve the amicus recommendation for Commonwealth v. Hsu (SJC-13855).

SECOND: Mr. White.

VOTE: Approved.

3. Monthly Financial Overview

Chief Financial Officer Kevin Lucchetti presented the Monthly Financial Overview Report. CPCS has spent approximately \$185M or 50% of its \$382M appropriation. CPCS projects FY26 expenditures of approximately \$392M, forecasting a deficit of approximately \$10.3M.

- The Administration/Operations 0321-1500 line is projected to expend approximately \$113M.
- The Private Counsel 0321-1510 line is projected to expend approximately \$241M.
- The Court Cost/Experts 0321-1520 line projects a potential \$10.3M deficit. Available funding is approximately \$27.6M and estimated expected spending is \$38M. A supplement budget request has been filed by the Governor and will be considered by the Legislature.

4. Commitments \$10,000 and Over Report

Mr. Lucchetti presented the Commitments \$10,000 and Over Report. He highlighted two items requiring a vote and three items that do not require a vote.

For vote:

- Arbola, Inc. - \$1,164,250 – Fin – Vendor Onboarding Modernization Project (Development and Consulting)
- Management Action Center - \$58,500 – Training (Supervisory Management Skills)

Do not need vote:

- New Horizons Learning LLC - \$18,000 – Administrative Expenses Training (Software)
- National Association for Public Defense - \$15,000 – Administrative Expenses Training/Conference (Racial Justice)
- Docushare LLC - \$13,388 – Information Technology (IT) Finance Document Management (approved as Xerox)

MOTION: Mr. Povich. That the Committee approve two items totaling \$1,222,750 – Arbola Inc for \$1,164,250 and Management Action Center for \$58,500.

SECOND: Ms. Ball.

VOTE: Approved.

5. Tufts Tier Evaluation Contract

Children & Family Law Deputy Chief Counsel Daniel Mahoney requested approval for a four-year contract with Tufts University's TIER Program (Tufts Interdisciplinary Evaluation

Research) to evaluate the Prepetition Representation Project (FPP) through December 31, 2029, aligning data collection and reporting. The evaluation will determine whether the program represents the highest and best use of Federal Title IV-E funds by analyzing quantitative and qualitative data, conducting a cost-benefit analysis, and measuring family outcomes. Researchers will compare impacted groups and benchmark results against state DCF data.

Projected Costs:

- **FY26:** \$45,200 (Q3 & Q4)
- **FY27:** \$89,900
- **FY28:** \$74,900
- **FY29:** \$59,500 (Q1 & Q2)
- **Total:** \$269,500

Planned Activities and Outputs:

Year 1:

- Develop detailed family profiles and conduct qualitative interviews.
- Build evaluation infrastructure.
- Outputs: interactive family profile dashboards, qualitative research brief or infographic, comprehensive evaluation plan for subsequent years, and recommendations to strengthen FPP data systems.

Year 2:

- Evaluate FPP's impact on DCF involvement and family stability using comparative and benchmarked analyses.
- Outputs: outcomes research brief or infographic, finalized set of core outcomes for economic analysis, and summary comparing FPP outcomes to state benchmarks.

Year 3:

- Assess economic and social value of FPP relative to program costs.
- Outputs: outcome-specific case studies with monetary estimates, Excel-based cost-benefit tool, research brief or infographic on economic findings, and optional public-facing dissemination materials.

If successful, this evaluation could support potential expansion of the program beyond the current teams.

In response to Committee Members' questions about whether CPCS could disclose confidential client information to Tufts without consent, Daniel Mahoney clarified that CPCS is not representing clients directly in the pre-petition project - funds flow through CPCS to a consortium of legal aid organizations, who work with the clients and share information directly with Tufts. The purpose of the project is to prevent families from entering the care and protection

system by providing early support, and Tufts will evaluate its effectiveness and cost savings. If successful, the program could be expanded, and data from DCF may be used to support analysis of cost and impact.

MOTION: Ms. Alvarado. That the Committee approve the Pre-Petition Representation Project Evaluation from FY26-FY29 totaling \$269,500.

SECOND: Ms. Ball.

VOTE: Approved.

6. Chief Counsel's Report

Chief Counsel Anthony Benedetti provided updates on CPCS operations, including auditor reviews, immigration legislation, unrepresented clients, attorney hiring, office expansions, and children and family law initiatives.

Auditor Review

Chief Counsel Anthony Benedetti reported that CPCS continues to cooperate with the ongoing auditor review. The auditors are currently focused on access controls related to the CPCS website and internal IT systems, as well as inventory controls for computers and other equipment. Additional updates are expected next month as the review progresses.

Immigration and Courthouse Arrests (Update from General Counsel Lisa Hewitt)

General Counsel Lisa Hewitt provided an update on immigration-related developments and pending legislation. Several proposals addressing immigration enforcement are currently under consideration at the State House, including legislation filed by the Governor, the Black and Latino Caucus (the Protect Act), and individual legislators. These proposals address issues such as courthouse arrests by federal immigration authorities, law enforcement relationships with ICE, and related enforcement practices.

CPCS has been actively engaged in discussions with legislators and coalition partners and has been asked to provide input on several aspects of the proposed legislation, particularly those involving courthouse protections. Ms. Hewitt noted that there are currently multiple versions of legislation under discussion, and any final bill will likely combine elements from several proposals. She also reported strong engagement from advocacy groups and legislators on the issue. CPCS will provide further updates once a more defined legislative draft emerges.

Mr. Benedetti also noted that at a recent press conference, Essex District Attorney Paul Tucker highlighted the importance of protecting the due process rights of defendants. Ms. Hewitt added that Suffolk District Attorney Kevin Hayden has also been actively engaged in discussions regarding potential legislative language.

Unrepresented Clients

Mr. Benedetti reported that the number of unrepresented clients in District Court has

significantly declined from the levels seen during the summer and early fall. Currently, 13 individuals remain without counsel, none of whom are incarcerated. Ten of those individuals are in Hampden County, including eight in Chicopee. There are four unrepresented cases in the Boston Municipal Court and none in Middlesex County, which had previously been significant areas of concern.

He noted that these cases are expected to be assigned counsel shortly. Improvements have been driven by staff attorneys taking additional cases and by the continuation of the attorney incentive program, and presumably the increase in the hourly rate passed this past fall.

Attorney Incentive Program

The incentive program has resulted in attorneys being assigned to 1,589 defendants covering 1,859 cases. CPCS has spent just under \$1 million on the program. Since the most recent extension of the program, 13 additional attorneys have signed up to participate. Mr. Benedetti stated that the program, along with staff attorneys stepping in where possible and the return of most private attorneys to the system, has significantly improved the situation, although challenges remain.

Hiring and Recruitment

CPCS has hired 101 attorneys since September as part of its expanded hiring effort. Of those hires, 37 are scheduled for the September 2026 class. CPCS expects approximately 50 hires to be in place by the end of February and currently has multiple offers outstanding, with reference checks underway for additional candidates. Nine attorneys are currently scheduled for the April hiring class, with a goal of reaching approximately twenty.

Recruitment efforts have generated significant interest, including approximately 11,000 views of the CPCS job postings, 573 submitted applications, and 335 completed applications. The newly hired staff attorneys have already taken approximately 1,000 cases since September, primarily in Suffolk and Middlesex counties.

Mr. Benedetti noted that most new hires are recent law school graduates, with fewer private bar advocates applying for staff positions than initially anticipated. Recruiting continues statewide, including targeted outreach in regions with persistent shortages.

Hampden County Staffing Challenges

Hampden County continues to face long-standing challenges due to a limited pool of available attorneys. Mr. Benedetti indicated that CPCS may need to consider additional hiring strategies to increase capacity in that region. Recruitment efforts include outreach beyond Massachusetts, including efforts in nearby states.

Mental Health Trial Office Staffing

CPCS has hired additional staff for the Mental Health Litigation Division Roxbury office. Once fully staffed, the office will include an office head and four attorneys. The expansion is intended in part to address the chronic shortage of private counsel in Suffolk County.

Children and Family Law Updates

CPCS submitted public comments to the Department of Children and Families regarding proposed changes affecting foster parent representation policies. The proposed changes stem from a lawsuit and federal requirements related to gender identity policies. CPCS acknowledged the federal funding considerations while also expressing concerns and offering recommendations in its comments.

Additionally, CPCS representatives from the Children and Family Law Division met with the Children's Trust Fund to explore collaboration on an initiative aimed at reducing child abuse and neglect in Massachusetts. The initiative seeks to strengthen family supports and create alternative avenues for assistance that may prevent unnecessary involvement with the child welfare system.

Budget Hearing

Mr. Benedetti reported that the House and Senate Ways & Means Budget Hearing is scheduled for March 24th in Foxboro.

7. Executive Session

Executive Session started at 5:25 p.m. and ended at 5:42 p.m.

Return to Open Session at 5:42 p.m.

The Committee met in Executive Session to discuss an impounded litigation matter.

The next meeting date is March 18th, and the meeting will be in person. There being no further business to come before the Committee, the Committee adjourned at approximately 5:42 p.m.

Respectfully submitted

/s/ Mía Alvarado

Mia Alvarado, Secretary