COMMITTEE FOR PUBLIC COUNSEL SERVICES

MINUTES OF MEETING

November 17, 2025

The monthly meeting of the Committee for Public Counsel Services was held in person and via video conference on November 17, 2025, beginning at 4:33 p.m. Joseph L. Kociubes, Chairman, presiding.

MEMBERS PARTICIPATING: Messes. Alvarado, Ball, Chester, Conrad, Dillon, McKinnon

Messrs. Apfel, Cinquegrana, Healy, Kennedy, Kociubes, Tennen, White

1. **Minutes of October 21, 2025**

The minutes of the October 21, 2025 meetings were approved with one correction noted. Ms. McKinnon abstained from voting on the Palmer amicus. She voted to approve the Arias amicus.

2. **Legal – Request for Committee Action**

a. Amicus request - John Doe No. 526105 v. Sex Offender Registry Board. SJC-13847

Alternative Commitment & Registration Support Unit Staff Counsel II David Manza presented CPCS's request to file an amicus brief in *John Doe No. 526105 v. Sex Offender Registry Board* (SJC-13847). The SJC granted direct appellate review and invited amicus briefing on whether the Superior Court erred in upholding Doe's Level 2 classification. The issues focus on two practices by SORB: (1) using "catch-all" Factor 37 to treat repetitive conduct occurring before any intervention as evidence of increased dangerousness without empirical support, and (2) hearing examiners making findings about sexual deviance and antisocial orientation based on unspecified "research" and information not in the evidentiary record.

These questions have major implications for many CPCS clients and remain unresolved despite recent related decisions, including *Doe No. 527962* (2025) and *Doe No. 527835* (2025). Because the constitutional challenges in this case were raised at every stage, hearing, Superior Court, and Appeals Court, it provides the SJC with a clean and fully preserved vehicle to address these systemic issues.

The proposed CPCS amicus brief would expand on the plaintiff's arguments, highlight the absence of evidentiary support for SORB's reliance on Factor 37, and address due process concerns arising from examiners acting as both expert and factfinder, contrary to administrative law principles established in *Arthurs* and *Fitchburg Gas & Electric*.

MOTION: **Ms. Chester. That the Committee approve the amicus recommendation for John Doe No. 526105 v. Sex Offender Registry Board. SJC-13847.**

SECOND: **Ms. Conrad.**

VOTE: **Unanimous.**

3. Monthly Financial Overview

Chief Financial Officer Kevin Lucchetti presented the Monthly Financial Overview Report. CPCS has spent approximately $94M or 25% of its $379M appropriation. CPCS projects FY26 expenditures of approximately $392M, forecasting a deficit of approximately $12.8M.

- The Administration/Operations 0321-1500 line is projected to expend approximately $113M and draw approximately $24M of the available $40M expansion legislation reserve account.
- The Private Counsel 0321-1510 line is projected to expend approximately $241M.
- The Court Cost/Experts 0321-1520 line projects a potential $12.8M deficit. Available funding is approximately $25.2M and estimated expected spending is $38M. Ongoing conversation with the legislature regarding funding continues.

4. Commitments $10,000 and Over Report

Mr. Lucchetti presented the Commitments $10,000 and Over Report. The following vendors have current estimated spending that exceeds the original June 2025 preapprovals or subsequent Committee approvals by more than ten percent.

Mr. Lucchetti requested that the Committee approve using these vendors up to the total estimated amount of $425,546.

- Crown Castle Fiber LLC - $208,020 for Phone/Data Connections/VOIP
- Gartner, Inc. - $125,469 for IT – Advisory Subscription for CIO & IT Staff
- Iron Mountain Information Management - $92,057 for Record Retention

Mr. Lucchetti requested that the Committee approve an obligation exceeding $100,000.

- Ideal Office Solutions LLC - $395,829 for FAC – Office Furniture & Planning

MOTION: **Ms. Conrad. That the Committee approve 4 items: Crown Castle Fiber LLC for $208,020, Gartner Inc. for $125,469, Iron Mountain Information Management $92,057, and Ideal Office Solutions LLC for $395,829.**

SECOND: **Ms. Ball.**

VOTE: **Unanimous.**

5. **New lease – Pittsfield**

Mr. Lucchetti presented request for approval for a new lease in Pittsfield, MA. CPCS's lease for the North Street office, housing PDD, CAFL, and YAD staff, expires June 30, 2026. Due to safety, connectivity, and management concerns, CPCS opted for single-year extensions while seeking new space. Approval is requested to lease new space on the 1st floor of 100 West St., a centrally located, professionally managed building near the District and Juvenile Courts, with six reserved garage spaces and ample parking. The new lease would accommodate 21 FTEs, cover 5,499 sq. ft. at $30/sq. ft., for a total annual rent of $164,970—a $56,670 increase over the current $108,300 rent at 184 North St.

MOTION:	**Mr. White. That the Committee approve the new lease in Pittsfield, MA for a total annual rent of $164,970.**
SECOND:	**Ms. McKinnon.**
VOTE:	**Unanimous.**

6. **FY 2027 Budget Proposal – Maintenance & Initiatives**

Budget Subcommittee Chair Mr. Jack Cinquegrana provided a comprehensive report on behalf of the Budget Subcommittee, outlining its work this cycle and presenting the two proposals before the full committee: the Maintenance Budget Request and the Initiative Budget Request, each requiring a separate vote.

He explained that the Budget Subcommittee comprised of himself, Ms. McKinnon, Mr. Kennedy, Mr. Apfel, and Mr. White met three times this year. The group also studied Mr. Lucchetti's updated multi-year budget charts.

The first two meetings focused on the maintenance request, which represents the cost of continuing current operations into the next fiscal year. Historically, maintenance budgets include ongoing obligations and COLA adjustments for staff. The third meeting addressed the initiative request, which covers Private Bar rate initiatives, and new priorities and improvements beyond baseline needs.

Maintenance Budget: Already significantly higher due to (1) the $10/hour rate increase for 1510 and (2) major staffing expansions in FY26 and FY27 for 1500.

- **FY25 budget: $337M**
- **FY26 (current): $392M** – includes an already-implemented $10 private bar rate increase and significant new hiring underway
- **FY27 maintenance projection: $430M** - based solely on obligations already set in motion, including additional hiring and another scheduled rate increase, the projected maintenance budget reaches $430 million, an increase of nearly 10% over FY26

Discussion ensued. Mr. Benedetti reviewed how budget proposals move from the Governor to the Legislature, noting that the process is fluid and often simultaneous. The group discussed the projected $13M deficit in Court Cost Experts, staffing-related expenses, and that the maintenance budget includes supervisory and support roles. Members raised concerns about recurring incentive-fund needs and whether to request discretionary funding, though legislators generally prefer specific rather than flexible appropriations. The Chief Counsel and CFO confirmed that prior supplemental funding has consistently covered incentive costs, discussed how staffing expansion may affect future needs, and clarified that budget materials are submitted in writing to the Governor's A&F office and then forwarded to the legislative committees.

Initiative Request

Mr. Cinquegrana reviewed the Initiative Request, noting that while these proposals have historically focused exclusively on private bar rate increases, this year's request also includes several smaller but important staffing expansions, particularly new paralegal positions and hires in the Mental Health Litigation and Youth Advocacy (YAD) divisions. He emphasized that these additions are intended to strengthen CPCS's internal capacity and meet increasing statutory and operational demands.

The Budget Subcommittee's central question was whether to recommend an additional private bar rate increase for FY27. After substantial deliberation, the subcommittee decided *not* to propose another increase for FY27, given the Legislature's constrained budget environment and the fact that the Legislature has already indicated it has done $10/hour for FY27. Instead, they recommend seeking a larger, more meaningful rate adjustment in FY28: raising the District Court rate from the scheduled $85 in FY27 by $15/hour to $100 per hour in FY28 and increasing all panels by the same amount.

Mr. Cinquegrana directed members to page 34 in the materials, which summarizes the proposed rate schedule:

District Court:

- **FY26:** $75
- **FY27:** $85
- **FY28 (proposed):** $100

He then reviewed pages 35 and 36 in the materials, which outlines three targeted staffing initiatives included in the FY27 request:

1. **Mental Health/Guardianship Office (Suffolk County):** A small office to handle guardianship cases, covering approximately 24–28% of the caseload with one FTE. Currently there are no staff handling guardianships.
2. **Youth Advocacy Division Conflict Office:** Added staffing to handle conflict cases, increasing internal coverage to roughly 44% of the caseload in an area where the panel has been shrinking.

3. **Paralegal Program:** A capacity-building initiative to support attorneys with administrative and technical tasks such as reviewing discovery, summarizing audio/video, and managing voluminous materials allowing attorneys to devote more time to substantive casework.

The total cost of the FY27 Initiative Request is approximately $43–44 million, consisting of $40 million for the private bar rate increase and roughly $3 million for targeted staffing expansions. These recommendations aim to provide measurable improvements with modest and strategic investments during a challenging budget year.

Discussion ensued and focused on the proposed private bar rate increases and staffing expansions. There was agreement that expansion is necessary to comply with legislative mandates, address increasing caseloads, and support staff effectively. The Committee also discussed timing, feasibility, and communication strategies for securing a multi-year commitment to the proposed FY28 rate increase and ensuring the initiative is understood as both practical and fiscally responsible.

MOTION: **Mr. Kennedy. That the Committee approve the FY 2027 Maintenance Budget.**

SECOND: **Mr. White.**

VOTE: **Unanimous.**

MOTION: **Mr. White. That the Committee approve the FY 2027 Initiative Request Budget.**

SECOND: **Ms. McKinnon.**

VOTE: **Motion passes. Approve - Alvarado, Ball, Chester, Conrad, Dillon, McKinnon Apfel, Cinquegrana, Kennedy, Kociubes, White. Disapprove – Tennen. Not present/left meeting early – Healy.**

7. **<u>Update on Unrepresented Clients, Attorney Work Stoppage and Legislative Response</u>**

Chief Counsel Anthony Benedetti provided an update on unrepresented clients and the ongoing private bar work stoppage. He reported that while the situation is improving, significant concerns remain. There are currently 598 unrepresented individuals, though 455 of those are defaults and only eight are in custody. No one has been held for more than seven days, and counsel appointments are expected shortly.

CPCS is seeing inconsistent handling of defaults across counties, which is problematic. Lowell District Court and Dorchester remain the primary hotspots for unassigned cases. He also explained that development of the new contract provisions mandated by the recent legislation has taken longer than anticipated due to its complexity, but the process is nearing completion.

The CPCS incentive program is delivering strong results: 140 attorneys have accepted 1,780 cases involving 113 defendants, assignments are steadily advancing, and the agency is prioritizing assignments to the most serious matters to ensure timely and effective representation.

Mr. Benedetti recognized the extraordinary efforts of Holly Smith, Rose King, Arnie Stewart, and their teams. While progress is clearly evident, staff burdens and court frustration remain significant.

Private Counsel Division Deputy Chief Counsel Holly Smith reported that the incentive program is working effectively, though in different ways than initially expected. Approximately 140 attorneys have enrolled and to cover approximately 1,700 cases, with CPCS now about three-quarters of the way through assigning them. Case numbers are down, although clients in default remain a concern.

Ms. Smith noted that new unrepresented-client names continue to come in daily, though in far smaller volumes, with Middlesex still producing slightly more. The work stoppage appears largely over, and attorneys have simply decided whether they will take cases or not.

In response to Committee members' questions, Ms. Smith explained that despite earlier concerns, she does not believe there is a current work stoppage in Dorchester. She noted that duty-day calendars have been filling again, attorneys have begun returning, and incentive-program participation suggests some attorneys that were holding out have come back. She emphasized that while coverage remains uneven across counties, progress is happening, even if some lawyers who left the work may never return.

Ms. Smith also clarified that under *Lavallee*, dismissed cases cannot be re-arraigned without counsel present, preventing dismissed matters from simply cycling back onto CPCS's unrepresented-defendant lists.

Public Defender Division Deputy Chief Counsel Arnie Stewart reported that CPCS has been aggressively hiring, completing more than 200 interviews since September and preparing December and March training classes which are expected to bring in 15–20 and 10–15 attorneys. She noted that while many December hires are already-barred attorneys, a large share of the September and upcoming fall classes will be recent law-school graduates. Ms. Stewart explained that attracting experienced lawyers remains challenging because of salary limitations. September new hires are already present in the courts and taking cases, which helps reduce duty-day shortages, though some counties remain strained.

Overall, progress continues in both private and public divisions. Incentives and new hires are helping reduce unrepresented clients, particularly in Suffolk and Middlesex counties. Coordination with courts and judicial leadership remains key to addressing ongoing challenges, including case assignment backlogs and aggressive prosecution practices.

Mr. Benedetti reported continued improvement on the juvenile appointment list, noting that 15 children currently remain without counsel, all in Suffolk County. These cases are being closely monitored, and with the next status hearing scheduled for December 9, it is expected that the petition will be publicly dismissed, reflecting meaningful movement toward resolving the backlog.

8. Chief Counsel's Report

Chief Counsel Mr. Benedetti provided a comprehensive report highlighting key legislative, audit, and operational initiatives.

He provided an update on the recent legislative hearing for House Bill 1876, which concerns compensation rates for assigned counsel. While many of the rates originally proposed in the bill are now outdated due to interim increases, Mr. Benedetti emphasized the importance of the bill's language, requiring regular, structured reevaluation of hourly rates to ensure they remain adequate over time. He stressed that the broader conversation about appropriate compensation must continue, and he offered legislators updated information on the current rate structure. He noted that MACDL also testified, reinforcing the same message.

Mr. Benedetti noted ongoing work with the State Auditor's audit and the Inspector General examination, explaining that CPCS continues to fully cooperate.

He also highlighted significant progress on a key initiative with the MassHealth Connector. CPCS has been working to create a centralized, one-stop access point for private panel attorneys to explore and select health insurance options. A communication is expected to go out shortly, inviting attorneys to connect with a dedicated representative who can walk them through available plans, answer questions, and help them navigate the often-complicated health-insurance landscape. This effort is designed to hopefully save attorneys time, reduce administrative burdens, offer clearer guidance and hopefully money, and it reflects extensive work by CPCS staff and strong cooperation from the Connector.

General Counsel Lisa Hewitt began with good news: the final deficiency budget passed this afternoon, and it includes the $2.5 million needed to clear last year's outstanding end-of-year bills for investigators, social workers, and other experts. She noted appreciation for the House, which included this funding in the original document, and confirmed that it survived conference committee.

CPCS also secured long-requested language allowing the agency to use up to $1 million from the next fiscal year's appropriation to pay prior-year bills. While not new money, this authorization helps ensure there is no interruption in services when timing gaps occur in the billing cycle.

Ms. Hewitt also updated the Committee on the State Auditor's review, explaining that the Auditor's office is particularly focused on technology and data-security protection. The audit seems to be nearing completion, with a report expected within a few weeks.

Ms. Hewitt contrasted this with the far more extensive review being conducted by the Inspector General, which was mandated in the outside section of the budget that authorized rate increases. CPCS has already held five or six meetings with the Inspector General's office. The IG's office has also engaged Judge Hillman as a consultant to advise on indigent defense practices.

The statutory mandate requires a thorough and wide-ranging analysis, including:

- review of CPCS rules and regulations,
- evaluation of billing and oversight of bar advocate practices,
- procurement procedures,
- caseload and efficiency analysis across divisions,
- assessment of the fiscal impact of shifting work between staff counsel and private bar, and
- examination of best practices used in other jurisdictions.

The IG's office has requested an extensive volume of information, and CPCS's Audit & Oversight team, led by Bill Shay, has been responding. The final report is due in June 2026.

Committee Chair Joe Kociubes reported that he has been contacted by Judge Hillman for an interview related to the ongoing IG review. After some scheduling coordination, the interview is set for December 12. He has also asked whether the incoming Committee Chair may attend the meeting, and he is awaiting a response.

9. <u>Nominating Committee Report</u>

Committee member Paul White gave the nominating report. Mr. White acknowledged that this was the final meeting for the Committee's distinguished Chair, Joe Kociubes, highlighting his thoughtful leadership and inclusive approach to dialogue. Last December, the Committee elected all three officers, a Chair, a Vice Chair, and a Secretary but with Mr. Kociubes departure, the only vacancy was for the Office of Chair.

Mr. White nominated Ms. Jennifer McKinnon to serve as the next Chair of the Committee for Public Council Services. There were no additional nominations from the floor, and the nomination was unanimously approved.

Mr. Benedetti acknowledged Joe Kocibues's long-standing service on the committee since 2004 and highlighted his deep commitment to civil legal aid, including his background with the ACLU, MLAC, and State of Liberties. Mr. Kociubes has served as Chair since 2020. Anthony praised Joe for being a steadfast and supportive Committee member through numerous challenges, including IT crises, COVID, and counsel matters. He emphasized Mr. Kociubes measured approach, consensus-building skills, and ability to guide the Committee through complex issues. Anthony concluded by expressing that Joe will be greatly missed.

Mr. Kociubes reflected on his time serving on the Committee. He began by congratulating Ms. McKinnon on her election as Chair. He expressed deep respect and fondness for all Committee members and staff, highlighting the strength, dedication, and competence of Anthony, the senior management team, and administrative support.

Mr. Kociubes parting words emphasized the importance of board oversight without over-involving themselves in daily operations noting that committees should support management while allowing staff to carry out their responsibilities. He also highlighted the value of problem-solving and collaboration and encouraged approaching issues with a solutions-focused mindset.

He concluded by expressing gratitude for the committee, staff, and management, and affirmed his confidence that the Committee is in capable hands under new leadership.

10. Executive Session
a. Personnel matters

Executive Session started at 6:47p.m. and ended at 7:07 p.m.
Return to Open Session at 7:07 p.m.

The Committee met in Executive Session to discuss two matters, 1) personnel package raises 2) extending the Incentive Proposal for an additional six weeks, or until all clients have counsel.

MOTION: **Mr. Apfel. That the Committee approve the Personnel package raises.**

SECOND: **Ms. Ball.**

VOTE: **Unanimous.**

MOTION: **Mr. Apfel. That the Committee approve extending the Incentive Proposal for an additional six weeks, or until all clients have counsel.**

SECOND: **Ms. Ball.**

VOTE: **Unanimous.**

The next meeting date is December 16, and the format is to be determined. There being no further business to come before the Committee, the Committee adjourned at approximately 7:09 p.m.

Respectfully submitted

/s/ Mia Alvarado

Mia Alvarado, Secretary