

TO: All CPCS Private Attorneys

FROM: Armand Potenza, Chief Financial Officer  
Gina Dembowski, Director, Vendor Payment Department  
Dennis Boyd, Billing Systems Analyst

RE: Legislative Changes Affecting Attorney Bill Payment Policies

DATE: August 15, 2011

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Thank you for your continued commitment to representing clients served by the Committee for Public Counsel Services. As you are aware the Commonwealth's FY 2012 budget includes language which impacts CPCS and all Assigned Counsel. These changes made significant changes to existing CPCS payment rules. The purpose of this memo is to outline these changes and how they affect your FY 2012 bill submissions.

1. **End of Year bills must be submitted by July 31st in order to be eligible for full payment. End of Year bills submitted August 1st through August 31st are reduced 10% pursuant to statute. End of Year Bills received on or after September 1st cannot be paid pursuant to statute.** The timeline for interim bills remains unchanged as does the ability to appeal the denial of payment to determine if bills can be paid based on "extraordinary circumstances beyond the control of the attorney".
2. **E-Bill Vouchers ,where expenses occurred prior to 7/1/11, received on or after September 1st, cannot be paid pursuant to statute.** The Attorney has the ability to appeal the denial of payment to determine if bills can be paid based on "extraordinary circumstances beyond the control of the attorney".
3. The maximum number of billable hours payable by CPCS was reduced from 1,800 to 1,650 hours. Section 115 directs the Committee to establish a cap on billable hours "not in excess of 1650 hours".
4. Attorneys may not accept new assignments after billing 1,350 hours. This is a reduction from 1,400 hours. New homicide assignments are excluded. As in prior years, attorneys will be advised when they have reached 1,000 and 1,200 hours, however, ultimately it is each attorney's responsibility to manage their case load and accurately track their time.
5. Court Cost Vendors also have new billing deadlines. As you are aware Assigned Counsel must review and approve bills submitted by experts and investigators. Please note that the date the expert or investigator submits the bill electronically for attorney approval is the date used to compute whether the bill is timely. As such, the attorney's review of the bill will never cause a bill to be late.

6. Transcripts requested by Assigned Counsel are still paid at \$3 per page for the original; however, paper copies can be billed at no more than 10 cents per page where the client is indigent. In addition, Counsel is entitled to an electronic reproduction of the transcript for a cumulative fee not to exceed \$5.00. Please note that where a rule or policy requires an electronic reproduction at no cost, CPCS is not responsible for payment of any fee.
  
7. Lastly, in keeping with the language in the FY 2012 Budget, CPCS will be making various reports to the House and Senate Committee on Ways and Means and the Judiciary relative to CPCS operations. For further detail see the CPCS budget line item 0321-1510. The fiscal year 2012 budget can be viewed in its entirety at [www.mass.gov](http://www.mass.gov).