

COMMITTEE FOR PUBLIC COUNSEL SERVICES
44 Bromfield Street
Boston, MA 02108
(617) 482-6212

March 23, 2020

Dear Attorneys,

CPCS wants to first and foremost; thank you all for your continued zealous advocacy amidst all the changes that have impacted the work you all do so well on behalf of your clients. We are mindful of how COVID-19 is impacting your practice.

On March 19, 2020 the Committee waived the 1350 new assignment bar and increased the annual hour cap on billable hours for FY 2020 from 1650 to 2000 **for all panels not previously in the 2000 hour group.**

All panels not previously governed by the 2000 annual hours cap.

For cases assigned and bills submitted on and after 3/20/20, the 1350 new assignment bar is eliminated and the annual hour cap is increased from 1650 to 2000 hours. Absent legislative action, the statutory 1350 bar and the 1650 cap will be restored for cases assigned and work performed beginning on 7/1/20.

CPCS hopes that these changes provide some relief and allows you to continue to take new cases and bill for all your work.

We want to assure you that our staff is committed to processing your bills in keeping with our payment schedule. **AS A REMINDER:**

- CPCS pays bills twice a month. We encourage monthly billing, which permits you to submit one interim bill per assignment (NAC) per month.
- In addition, you may also submit a case-closed bill despite having submitted an interim bill that month.
- All bills that have been received in good order by the 15th of the month will be processed and forwarded to the Office of the State Comptroller (OSC) for payment within 7 business days of the 15th. If the 15th falls on a Saturday, Sunday, or a holiday during the next transmission of bills to OSC, CPCS will include all bills received in good order through 11:59 p.m. of the next business day after the 15th.
- All bills received in good order between the 16th and the last day of the month will be processed and forwarded to OSC for payment within 7 business days of the last day of the month.

- If the last day of the month falls on a Saturday, Sunday, or a holiday, during the next transmission of bills to OSC, CPCS will include all bills received in good order through 11:59 p.m. of the next business day. If the date of expected CPCS transmission to OSC falls on a Saturday, Sunday, or a holiday, the bills will be transmitted before 5 p.m. of the next business day.
- Pursuant to the CPCS Assigned Counsel Manual "Duty attorneys who receive no case assignments of any sort (including arraignment only, bail only or bail review) on their assigned duty-day may be compensated for time spent on duty at the court." CPCS Assigned Counsel Manual, 5.FF.1. **Notwithstanding this policy, given the COVID-19 Emergency, and the quickly evolving court procedures relating to same, as of March 16, 2020, if you are scheduled for a Duty Day in any of the District, Juvenile, or Superior Courts and you make yourself available to the Court, whether in-person, telephonically or by videoconferencing but nonetheless receive no assignments, you may submit a bill for a No Case Duty Day. The no case duty day policy is therefore, modified, until further notice, to include actual time spent available to the court (up to 6 hours), whether or not present on the grounds of the courthouse. This temporary change to the CPCS Assigned Counsel Manual, 5.FF.1, is necessary to protect you and your clients and will remain in place during the COVID-19 pandemic, and until further notice by CPCS.**
- Please note that all billable hours, including mentor hours, are included in the 2000 cap.
- While all CPCS staff remains working as usual, the use of email will be the most effective means of communication during this crisis. Be specific in the subject-matter of your email to facilitate replying to your questions or concerns as soon as possible. Email addresses are accessed by clicking the "directories" tab at www.publiccounsel.net

If you have general questions regarding billing please email ebill@publiccounsel.net. Specific questions regarding this notice should be sent to attyhours@publiccounsel.net.

This crisis has highlighted the fight, resilience, strength, and passion in all of us. Now, more than ever, we need to work together to make sure that we, our families, our clients, and our communities are healthy and safe. Now, more than ever, we must continue to fight to protect our clients' due process rights.

We continue to face challenging and uncertain situations as the COVID-19 pandemic unfolds. We will continue to review orders and directives from all governmental authorities and CPCS policies and procedures and issue additional important notices as conditions change and develop. You are all part of the CPCS community. Stay safe and healthy!

Anthony Benedetti
Chief Counsel

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