

The Commonwealth of Massachusetts
COMMITTEE FOR PUBLIC COUNSEL SERVICES

Audit and Oversight
audit@publiccounsel.net
Tel: 617-209-5596

Direct All Billing Inquiries & Questions to:
Accounts Payable
vendorbills@publiccounsel.net
Tel: 617-209-5585

**COURT COST VENDOR MANUAL
POLICIES AND PROCEDURES**

Revision Date: December 4, 2023
Version 1.7 – Subject to continuous online revision

This manual informs court cost vendors of the rates, qualifications, billing process, audit and oversight procedures, and other important policies and procedures.

Vendors who are compensated under the Indigent Court Costs Act, G.L. c. 261 § 27A-27G, are required to follow the policies and procedures in this manual, any other CPCS publications, and any amendments, revisions, or additions to CPCS policies and procedures.

INDEX

I.	GENERAL POLICIES APPLICABLE TO ALL VENDORS.....	2
II.	POLICIES AND PROCEDURES GOVERNING BILLING AND COMPENSATION	7
III.	INTERPRETER, TRANSLATION, TRANSCRIPTION SERVICES; PUBLIC NOTICE AND SERVICE OF SUMMONS	11
IV.	AUDIT AND OVERSIGHT PROCEDURES	15
V.	QUALIFICATIONS AND RATES FOR: INVESTIGATORS, SOCIAL SERVICE PROVIDERS, AND EXPERT WITNESSES.....	26

I. GENERAL POLICIES APPLICABLE TO ALL VENDORS

As the agency entrusted by the Commonwealth of Massachusetts to provide representation to indigent persons in all legal matters where there is a right to counsel, CPCS has monitoring and oversight responsibility for the services provided, and monies used by indigent parties to retain experts and other professionals to assist them in the investigation and analysis of their cases. CPCS also has a fiduciary and statutory responsibility to the Commonwealth. This expert assistance is essential to protecting the most fundamental rights of indigent parties and ensuring appropriate access to the justice system. To ensure that government funds are accounted for and used responsibly, there are numerous requirements and regulations that all vendors and CPCS must conform.

By accepting any assignment, case, or work payable by the Committee, vendors shall comply with all CPCS policies and procedures outlined herein. All vendors serve at the pleasure of the Chief Counsel.

1. Becoming a Vendor

To become a vendor with CPCS, visit our website at <https://www.publiccounsel.net>. A vendor should not begin work on any case until they have received written notice of acceptance from the Accounts Payable Unit, as payment may be declined if the vendor is not accepted to receive payment. Following acceptance, vendors are responsible for acquiring their own business. Additionally, at no time are vendors to hold themselves out as CPCS “certified” or “approved,” as this may imply that CPCS is vouching for the credentials of the vendor. Vendors may, however, indicate that they can bill CPCS directly.

Prior to submitting a first electronic bill to CPCS, all court cost vendors are required to execute a Vbill access agreement that contains additional terms and conditions. Experts are required to complete an Expert Vendor Application and provide a professional CV. Please be aware that a material misstatement in the application or CV will result in removal from eligibility to receive payments and accept assignments. Please email vendorinfo@publiccounsel.net for detailed information on becoming a new vendor.

2. Notice of Assignment of Counsel

Assigned counsel is provided with a Notice of Assignment of Counsel (NAC) number by CPCS. CPCS Staff Attorneys (Employees,) Privately Retained Attorneys, Pro Bono Attorneys, and Pro Se litigants do not have NAC numbers. For services where a NAC number and/or motion for funds are required, it is best business practice and recommended that vendors obtain both the NAC number and the court-approved motion for funds that is signed, dated, and states the specific amount of funds allowed prior to

providing services. If unable to do so, a vendor should contact counsel as quickly thereafter as possible. If a bill is not submitted timely due to lack of a NAC number, the bill will be reduced or denied payment, as provided by statute.

3. Vendor Cooperation with Monitoring

Vendors shall cooperate with monitoring, audits, and investigations or performance evaluations, complaints, or billing inquiries. Failure to cooperate may result in the denial of access to the Vbill system, revocation of vendor status, as well as the denial or suspension of payments.

4. Telephone and E-mail

A vendor must maintain a means for receiving and making telephone calls and emails. A vendor must also maintain an office or a mailing address for delivery and receipt of correspondence. Vendors must advise CPCS in writing of any changes in their mailing address, telephone number, or email address by contacting vendorinfo@publiccounsel.net.

5. Notice of Complaints or Potential Conflicts

A vendor or any person providing services directly or indirectly on behalf of a vendor, registered to bill CPCS, shall notify the Audit and Oversight Department within three business days of learning of any of the following:

- A. The vendor has been charged in any criminal complaint or indictment;
- B. Any condition or circumstance that renders the vendor unable to comply with applicable CPCS policies;
- C. An investigation has been commenced against a vendor by any licensing or certifying authority in any state or jurisdiction;
- D. Any purported conduct that, if true, constitutes financial impropriety or fraudulent conduct; or
- E. Any conflict of interest.

The reporting obligation set forth above applies regardless of whether any portion of the proceedings instituted is considered private or confidential. Additionally, a vendor shall cooperate with the Forensics and Audit and Oversight Departments and timely provide any requested documentation or information. The procedure for investigating complaints is found in Chapter IV (4).

6. Professional Relationships

Vendors must treat clients in a courteous and professional manner. Romantic or sexual contact between a vendor and an indigent client is strictly prohibited.

7. Motions

Where a court allowed motion is required, the motion must include (1) all pages of the motion (but need not include additional documents filed with the motion,) (2) the signature of the judge/clerk allowing the request for funds, and (3) state a specific dollar amount allowed by the court on the face of the motion. Motions that do not comply with these requirements will be returned to the vendor or attorney. In general, CPCS cannot process payment against a motion where no dollar amount allowed is stated; however, the specific dollar amount requirement does not apply to transcription bills.

8. Client “No Show” Policy

In the event any medical or other forensic expert schedules an evaluation, examination or other meetings at their office or place of business with a client and the client fails to appear, the expert may bill for up to 2.5 hours of actual billed time lost attributable to the client’s “no show” for the evaluation, etc. Note that this time is billable to CPCS only where other professional services were not billed.

9. Exclusivity of Compensation, Rates, Referral Services and Brokers

Vendors shall not solicit or accept any compensation or other consideration of any value except through CPCS for services provided on behalf of CPCS cases.

In unique and extraordinary circumstance, a vendor may seek prior written approval from the appropriate Deputy Chief Counsel for relief from the exclusivity of the compensation policy.

In keeping with Section 9(i) of G.L. c. 211D, CPCS has established qualifications and rates for several categories of court cost vendors. Published rates and qualifications are found in Chapter V. All court cost vendors are reminded that the maximum rate chargeable is the (1) rate established by CPCS, (2) the rate(s) charged to any subdivision of the Commonwealth, or (3) the vendor’s private rate, whichever is lowest. Vendors are reminded that charging a higher rate will result in a finding of overbilling and removal from eligibility to accept payments and assignments.

CPCS does not compensate subcontractors, referral services, or brokers.

10. Publication of Policies of the Committee for Public Counsel Services

CPCS uses automated billing systems Ebill (for Assigned Counsel) and Vbill (for Court Cost Vendors) to communicate important information, policies, and procedures. As such, vendors must regularly log on to the CPCS website and Vbill and are presumed to have knowledge of and are responsible for all information relayed through Vbill notices.

11. Statutory Restriction on the Payment of Late Bills

Chapter 211D §12(B) of the Massachusetts General Laws mandates that vendors must submit bills within 30 days from the last date of service appearing on the bill or the end of the fiscal year (*whichever date is earlier*) for the bill to be eligible for full payment.

When you submit an electronic bill, Vbill allows you to select whether you have concluded your services on the case or whether your services are on-going. This selection is reviewed and approved by the hiring attorney during the electronic bill review process.

A. Services Concluded Bills – Statutory Billing Deadlines

While it is best practice to submit bills monthly, Section 12(B) requires that bills be submitted electronically in Vbill within 30 days from the completion of services determined by the last date of service appearing on the bill (or within 30 days from the end of the fiscal year whichever date is earlier) for the bill to be eligible for full payment. Bills submitted greater than 30 but less than 60 days after the last date of service on the Vbill (or end of the FY whichever is earlier) will automatically be reduced 10% by statute during billing processing. Bills submitted thereafter cannot be paid pursuant to the statute.

B. Services On-Going Bills – Statutory Billing Deadlines

While it is best practice to submit bills monthly, Section 12(B) requires that bills be submitted electronically in Vbill within 30 days from the end of the fiscal year for all unbilled services on prior year cases to be eligible for full payment. The Commonwealth's fiscal year is July 1 through June 30. As such, bills must be received in July. Bills received in August are reduced 10% by statute, while bills received on or after September 1st cannot be paid pursuant to the statute.

Notice and Appeal of Late Bill (§116) Rejection

Vendors will receive an automated Vbill notice when bills are reduced or rejected. The statute provides for a limited right of appeal of the denial of payment only.

Vendors will receive late bill notice for bills that are submitted for payment to CPCS beyond the statutory deadlines. Vendors who bill through Vbill receive rejection notices through their Vbill account. Vendors not using Vbill receive rejection notices through US mail. All bills rejected under s. 12(B) of c. 211D become final 30 days following the date appearing on the notice of the rejection.

To appeal a statutory late bill rejection, vendors must email their appeal to section116vendor@publiccounsel.net. The subject must include “section 116” and the

Vbill number. In order for a rejected bill to be paid after appeal, the statute requires a finding *by the Chief Counsel that extraordinary circumstances beyond the control of the vendor prevented them from billing timely*. Thus, the email must include a description of the extraordinary circumstances that were beyond the vendor's control which resulted in the untimely submission. Please allow CPCS twenty-one (21) days to reply in writing before inquiring as to the status of your appeal. Other forms of appeal are not accepted.

12. Automobile Travel

Necessary case-related automobile travel time and mileage is compensable. Travel hours are paid at the statutory rate contained in M.G.L. c. 211D sec.11, irrespective of the form of representation (client is represented by a CPCS public defender, assigned private counsel, privately-retained attorney seeking access to court cost funds, attorney representing the client pro-bono, etc.). In addition to s. 11(A), the rates appear in Chapter 5 of the Assigned Counsel Manual.

All assignment-related travel is measured and must be billed from the vendor's nearest office or home to the destination, whichever distance is shorter. Vendors will be compensated for travel at \$.62 per mile, excluding Service of Process vendors who are paid statutory mileage.

Vendors should enter their actual travel time. Vendors are compensated their actual travel time or the maximum allowable time, whichever is smaller. Vendors may not increase their actual travel time to the maximum allowed.

Vendors may not combine personal and case-related travel. CPCS will not reimburse vendors for travel that is partially personal in nature. CPCS will reimburse for parking and tolls if reasonable, necessary, and incurred in connection with reimbursable travel expenses.

13. Extraordinary Travel Expenses Requiring Prior Approval

Reimbursement for travel exceeding 300 miles round trip requires prior written approval from the appropriate Deputy Chief Counsel, Managing Director of the CAFL Public Division or Managing Director of the Family Justice Advocates (CAFL Conflicts Office).

14. Extraordinary Expenses Requiring Prior Approval

For unusual or extraordinary expenses by type or cost (including travel other than by automobile, lodging, meals, etc.) authorization from the appropriate Deputy Chief Counsel, Managing Director of the CAFL Public Division, or Managing Director of the Family Justice Advocates (CAFL Conflicts Office) is required *prior to incurring costs*. Failure to seek prior written approval or provide sufficient supporting documentation of expenses may result in a denial or reduction of a request for reimbursement.

II. POLICIES AND PROCEDURES GOVERNING BILLING AND COMPENSATION

CHAPTER CONTENTS

1. Submission of Bills and Record Keeping Requirements
2. Monthly Interim Billing
3. Billable Hours Limit Per Fiscal Year
4. Twelve-Hour Daily Billing Limit

All vendors are required to maintain adequate documents to support the services provided and their billings, including detailed contemporaneous time records of actual hours worked. In situations in which a court cost vendor's bill represents hours worked by more than one individual, each individual providing services must be approved by CPCS, appear as an employee/contractor in the vendor's Vbill account, and a separate contemporaneous time record is required for each individual. Required documentation also includes such items as receipts, canceled checks, and mileage records. All bills are paid subject to review and audit. Vendors must be able to adequately support their bills (see Chapter IV).

1. Submission of Bills and Record Keeping Requirements

Vendors must submit all bills electronically through Vbill. For those vendors providing services not yet billable through Vbill, bills must be submitted on paper payment vouchers (PV forms). Instructions for billing through both Vbill and PV forms can be found by clicking [here](#).

Vendors are subject to audits of the services provided and bills submitted. On-site audits may be performed at the vendor's home office and/or business office. Vendors must make available to the Audit and Oversight Department all case files and billing documentation. Failure to comply with the Audit and Oversight Department's request(s) for information may result in suspension as described in Chapter IV (1).

Vendors may be subject to repayment of over-billings, as well as payment of interest for audits.

A. Tenth-Hour Increments

Vendors billing hourly are required to bill in tenth-hour increments utilizing the appropriate Vbill billing category. This means rounding off the amount of time actually spent working to the nearest tenth of an hour. Vendors may not automatically round each separate task up to the next tenth-hour.

For example:

- If you spend 5 minutes on a case, you may bill .1 hours. If you spend 8 minutes on a case, you may still bill only .1 hours.
- If you spend 8 minutes speaking with counsel, and 13 minutes reviewing a report, you may bill .1 hours and .2 hours respectively.
- If you make four 3-minute telephone calls, you may bill a total of .2 hours. You may not bill .1 hours for each of the four separate telephone calls.
- If you perform only one task during the entire day for all your CPCS cases you may round this one task to a tenth-hour. For example, if you make only one 3-minute telephone call and perform no other services on behalf of any CPCS clients the rest of the day, you may not bill more than the original .1 hours.

B. Time Records

Vendors are required to maintain case files for all CPCS work that includes, among other things, billing forms, contemporaneous time records, and other reports or documents prepared in each case. Time records must minimally include the date of the activity, CPCS client/indigent party name, actual amount of time expended, including both the starting clock time and the finishing clock time, to the maximum extent practical, as well as a description of each task performed. Descriptions of tasks and services must be sufficiently specific and detailed to enable one to understand the nature and extent of the service performed. Each billable task must be segregated and described separately. Billing forms may not be used as time records. Billing form category headings should not be used on time records, as they are not sufficiently specific or detailed descriptions of services.

Vendors must record all the work they perform, so they can document and substantiate their billing and provide that information in the event of an audit. If a vendor performs billable services on a Sunday night, the time must be billed for that Sunday. Work must be billed for the time and date it was performed, regardless of the day of the week it is, or time of the day. Vendors should continue to record the time they expend on work they perform for each service date even if the hours exceed the presumptive billing limit. Vendors cannot be paid for any hours that exceed the presumptive daily billing limit, unless prior to submitting the bill, the vendor received the approval of a waiver by the Director of Audit and Oversight.

Vendors may not bill the excess hours to the next calendar or service date. For example: A vendor works 13.4 billable hours on 5/12/14, chooses not to request a waiver, and bills for 12 hours. The vendor's time sheet must include all 13.4 hours worked on 5/12/14, not just the 12 hours billed. The vendor may not move that 1.4 hours to 5/13/14 for billing purposes. Vendors are reminded that complete and accurate time records are the single most important method of documenting the services provided to your client.

Vendors are required to keep these contemporaneous time sheets, together with copies of their bills, in their files for a period not less than seven (7) years after the date of submission. Failure to document work performed in accordance with CPCS billing policies and procedures, or failure to provide documentation to auditors, may result in: 1) the nonpayment of bills; 2) the reduction of amounts paid on bills; 3) repayment assessments for bills that have been paid, together with possible interest and penalties; 4) denial of access to the Committee's billing systems; 5) suspension or removal from the list of vendors eligible to bill CPCS; and 6) other appropriate action.

C. Non-compensable Activities

Vendors may not bill for routine case or office administrative and managerial tasks. Routine office or case administrative tasks include, but are not limited to, the following examples:

- time spent keeping time records, handling billing issues, or submitting bills;
- activities considered to be training, education or supervision;
- general office management;
- clinical supervision;
- time spent performing secretarial and/or clerical functions;
- the administrative task of opening and closing files.

2. **Monthly Interim Billing**

It is best business practice and highly recommended that vendors submit bills monthly. One bill may be submitted each month for work performed on a case. Monthly billing will provide vendors with prompt payment and will prevent rejection of bills due to lateness. CPCS processes bills for payment as provided below:

- A. Billing is limited to one bill per assignment per month. Once a bill for an assignment is submitted, another bill cannot be submitted until the following month;
- B. If dates for a particular month have been inadvertently omitted, those dates may be included in the following month's bill, as long as the dates are in the same fiscal years;
- C. All bills for services provided in a fiscal year (which ends June 30) must be submitted on or before July 31st in order to be eligible for full payment (see Chapter I (9)).

3. **Billable Hours Limit Per Fiscal Year**

Individuals are limited to billing a maximum of 1,650 billable hours per fiscal year. Hours billed in excess of the annual limit on billable hours will be denied payment. Vendors are responsible for keeping track of their billable hours and those of their employees and contractors. In order to avoid prejudice to the client, the specific

individual hired to perform the services is required to continue to work for clients for whom work has been accepted, despite having exceeded the fiscal year cap on billable hours. Vbill requires that the vendor identify the name of the person who provided the services to the client. Vendors, their employees, and contractors may not bill CPCS for their services under another person's name under any circumstances.

Vendors may request a [waiver](#) of the fiscal year billing limit for themselves or any employee or contractor by submitting a written request for waiver of the fiscal year billing limit. This request should be sent prior to reaching 1,650 billed hours. The vendor should identify the individuals seeking the waiver and specify the reasons why a waiver is necessary to protect the interest of the CPCS clients, the number and types of cases handled in the fiscal year, and the extraordinary circumstances that resulted in the individual reaching or exceeding the presumptive cap on billable hours. In addition, the vendor must indicate the total number of hours they are seeking to bill CPCS for services rendered until June 30th. CPCS staff may also request additional information.

Vendors should send the [waiver](#) to Vwaiver@publiccounsel.net where it will be reviewed by the appropriate member of CPCS senior management.

4. Twelve-Hour Daily Billing Limit

Individuals are limited to billing actual and reasonable time for services up to a presumptive maximum of twelve billable hours per day. Bills submitted in excess of twelve hours per day will be rejected for payment by the CPCS billing system.

The twelve-hour daily billing limit is designed to ensure that clients receive the highest level of service, allows for a fair distribution of case-work, and acts as a control against overbilling.

The twelve-hour daily billing limit does not imply that all dates on which twelve hours or less are billed are accepted by the Committee as accurate. Cumulative daily hours billed must represent both the actual and reasonable time spent working, be properly documented, and be in conformance with all CPCS policies and procedures (see section 1).

Vendors may request a waiver of the presumptive twelve-hour billing limit by submitting a Request for Waiver Form for each date a vendor wishes to be compensated for time in excess of twelve hours, after providing over twelve hours of services in a day, but prior to billing for that date. Each date for which a vendor wishes to be compensated for more than twelve hours requires a separate form.

For a waiver to be allowed the vendor must satisfy a two (2) prong test. First, the vendor must demonstrate the existence of extraordinary circumstances beyond their control necessitated exceeding the Committee's presumptive cap on daily hours. Second,

allowance of the waiver must be necessary to protect the interests of CPCS' clients. Waivers that do not satisfy both prongs will be denied by Audit and Oversight staff.

When requesting a waiver, the vendor must email a copy of contemporaneous time records to Vwaiver@publiccounsel.net. Time Records may be redacted to the extent necessary to protect the interest of the client, or as required by statute or rule.

The Request for Waiver is completed electronically through Vbill. Once the form is completed, save or print the completed form prior to submitting it; otherwise, the data may be lost. Waivers must be submitted *after providing the services and before billing for more than twelve hours for services performed on the requested waiver date.*

The Request for Waiver form must be submitted as early as possible, ideally, the day after the vendor has performed more than twelve billable hours of service on assigned cases.

If the vendor submits bills exceeding twelve hours at any time after submitting a request for waiver, but before the waiver is approved, the vendor will be limited to a maximum of twelve billable hours on that date. CPCS will not make adjustments of data entry errors, even if inadvertent. Vendors must request waivers promptly in order to allow time to submit their bills within the statutory deadlines (see Chapter I (9)).

Allowance of a waiver is not tantamount to an audit of the hours billed on the waiver date. The Committee reserves the right to audit or reexamine all dates billed.

Decision on Requests for Waiver will be emailed. Any questions regarding waivers should be addressed to waiver Vwaiver@publiccounsel.net.

III. INTERPRETER, TRANSLATION, TRANSCRIPTION SERVICES. PUBLIC NOTICE AND SERVICE OF SUMMONS

CHAPTER CONTENTS:

1. Out-of-Court Interpreter Services and Translators
2. Transcription Services
3. Transcription and Translation
4. Public Notice
5. Service of Summons

1. Out-of-Court Interpreter Services and Translators

“Interpretation” refers to oral interpretation (in-person or via electronic communication) while “translation” refers to interpretation of documents. The Trial Court Office of Court Interpreter Services is solely responsible for providing all IN-COURT foreign language

interpreter services and those services are not payable by CPCS. The Committee **only** pays for interpreter OUT-OF-COURT services which have been requested by counsel and allowed by motion.

If the total interpreter services billed for the case is \$500 or less no motion is required. However, if the total interpreter services payable on the case exceeds \$500, an allowed motion filed by counsel is required before payment exceeding \$500 will be made. Attorneys should file a motion seeking the amount of funds needed for the case including the amounts paid below the \$500 threshold. For example, if the interpreter/translator has used \$250 to date and it is estimated that s/he will need an additional \$500 worth of services, the attorney must motion for \$750.00. If the attorney motions for only \$500, CPCS will be limited to paying the remaining balance of \$250.00 over the \$250.00 paid prior to the allowance of the motion.

Foreign language interpreter services are paid at the rate of \$38 per hour for non-certified interpreters and \$57 per hour for certified interpreters. A “certified interpreter” is defined as an interpreter certified by the Office of Court Interpreter Services or one who has passed the Administrative Office of the U.S. Courts Federal Certification Examination. A “sign language interpreter” must be determined as such by the Massachusetts Commission for the Deaf and Hard of Hearing. Requests for compensation of services must be submitted through Vbill.

A. In Person Interpretation - CPCS will compensate interpreters a minimum of two hours per location for which *in person* services are required. For example, if an interpreter is needed to interview a client at his residence, and the interpreter’s combined travel time and interview time are only one hour, the interpreter will be compensated for a total of two hours of service. If the interpreter’s travel time is one hour and the interview time is one hour, the interpreter will be compensated for one hour of travel and one hour of service, totaling two hours. If the interpreter’s combined travel and interview time is three hours, the interpreter will be compensated for a combined total of three hours of service.

If an interpreter provides services to more than one client at one location totaling less than two hours, the interpreter will be compensated for two hours of service.

B. Phone Interpretation - CPCS will compensate interpreters a minimum of one hour for translation services provided by telephone.

C. Unique Languages – In rare instances, a higher hourly rate may be approved when it can be demonstrated that the services requested are for a language so seldom used that translators and interpreters of the language are difficult to locate or otherwise warrant a higher rate. **Prior** to billing at a higher rate, the attorney must contact the appropriate Deputy Chief Counsel and receive written approval to bill for the higher rate. Vendors must then provide a copy of the e-mail or letter stating that prior approval has been received to the Accounts Payable Unit. Requests will be handled

on a case-by-case basis depending upon the uniqueness of the language, services provided, and the needs of the client. Such requests must be emailed to Vendorbills@publiccounsel.net. Bills submitted without prior approval will be paid at the \$38 or \$57 rates. CPCS will not adjust bills or tender additional payment if the vendor failed to notify the Accounts Payable Unit that a higher fee was approved prior to submitting the bill.

- D. Travel - Interpreters will be compensated for their travel time, mileage, and expenses in accordance with the CPCS travel policy for all vendors (see Chapter I (12)).
- E. Interpreters for the Deaf and Hard of Hearing - CPCS will pay interpreters for the deaf and hard of hearing in accordance with the rates established by the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH). See the MCDHH website for rates paid to interpreters for the deaf and hard of hearing: <http://www.mass.gov/MCDHH/>.
- F. Cancellations - If an attorney cancels services with less than 24 hours' notice, the interpreter will be compensated for one hour of service. If notice of the cancellation is provided more than 24 hours in advance no compensation will be provided.
- G. Recording Actual Clock Time in Vbill - Interpreters must record the actual clock time for which they provide services. For example, if a vendor provides services from 1:47pm to 3:04pm, the vendor is required to enter the actual start and end clock times in Vbill. Vbill will automatically apply the applicable two-hour or one-hour minimum.

Per Word Fee for Translation Services - Vendors providing *translation services* will be compensated at \$.17 per word. If, upon acceptance of the assignment, it reasonably appears that the total fee for the transcription on the case will exceed \$5,000.00, the transcriber should contact counsel requesting the transcript, who must receive prior written approval from the appropriate Deputy Chief Counsel. Such requests must be emailed to Vendorbills@publiccounsel.net. It is best business practice to await approval before continuing work so that the payment will be assured.

2. Transcription Services

The amount payable for transcription services is controlled by MGL c. 221 §88. Because all CPCS clients are indigent, the amount payable by CPCS is controlled by the “reduced fee” language in the statute. The Committee pays for the costs of transcriptions, which have been requested and allowed by motion filed by counsel on behalf of his/her indigent client or by a pro se indigent litigant, or which have been requested by the court as a direct result of his/her notice of appeal, at the following statutory rates: Transcripts are paid at the rate of \$3.00 per page for an originally produced (first time produced) page. All paper copies, if requested, produced, and provided to by indigent parties, shall be paid

at an amount not to exceed \$.10 per page. An electronic reproduction (PDF) of the original transcript must be made available upon request at a total fee not to exceed \$5.00.

Notwithstanding this maximum fee, certain court rules require production of the electronic reproduction at no cost. CPCS will not pay any fee for electronic media in those cases. In addition, because CPCS cannot pay for any paper (at 10 cents a page) or electronic reproductions (at \$5) not specifically requested by Counsel, please inquire of Counsel if he or she requires paper copies. Additional charges for postage, handling, bindings and travel expenses are not reimbursed.

Transcripts in Direct Appeals and Transcripts totaling less than \$1,000: A complete transcript costing less than \$1000 paid at the standard rate and a transcript for direct appeal paid at the standard rate (regardless of cost,) are considered ordinary costs of litigation and therefore no motion for funds or prior authorization is necessary for such transcripts.

Where a motion is required, Counsel must seek and obtain an allowance of funds. A copy of the allowed motion must be provided to the transcriber.

If, upon acceptance of the transcription, it reasonably appears that the total fee for the case will exceed \$20,000.00, the transcriber should contact counsel requesting the transcript, who must receive prior written approval from the appropriate Deputy Chief Counsel. Such requests must be emailed to Vendorbills@publiccounsel.net. It is best business practice to await approval before continuing work so that the payment will be processed.

Court Reporter Attendance: The Committee will pay for the attendance of a Court Reporter, which has been requested and allowed by motion, at the rate of \$300.00 per day.

Expedited transcripts: For expedited transcripts ordered by a judge, vendors will be compensated at \$4.50 per page for the original. All paper copies, if requested by indigent parties, shall be paid at an amount not to exceed \$.10 per page. Note: the motion must request, and the court must allow, expedited services at the higher statutory rate, otherwise the services will be paid at the standard rate.

3. Transcription and Translation

Vendors will bill at the translation/transcription rate when producing a translated document from a recording. Vendors providing these services concurrently will be compensated at an hourly rate of \$20 and paid \$.17 per word translated.

4. Public Notice

CPCS will pay for Public Notices which have been requested by pro se parties having first been found indigent by the court or by counsel on behalf of an indigent client.

A copy of the actual notice or an invoice (showing the name of the newspaper, number of lines, days printed, and rates) and proof of indigency must be included with the request for payment.

5. Service of Summons

Requests for service and summons made by pro se parties having first been found indigent by the court or counsel on behalf of an indigent client will be paid at the rate allowed under G.L. c.262, §8. A complete itemization including the date(s) of service, clock time of service, address served, rates, mileage, party served, and proof of indigency is required.

CPCS will reimburse for costs incurred regarding services and summons up to the amount allowed by G.L. c.262, §8. The CPCS Vbill system is programed to calculate the amount payable.

IV. AUDIT AND OVERSIGHT PROCEDURES

While we acknowledge the dedication and effort of experts and other court cost vendors to ensure CPCS clients and indigent persons receive zealous advocacy, it is essential that all those billing CPCS use care in keeping their records and comply with all billing regulations and restrictions. CPCS is mandated to exercise vigilance in monitoring and overseeing the expenditure of Commonwealth funds. CPCS reserves the right to investigate any impropriety or irregularity and to take deliberate and substantive action on any issue it determines requires redress.

Pursuant to G.L. c. 211D, §12, the Audit and Oversight Department, hereinafter referred to as “the Department,” is responsible for monitoring the billings of vendors who provide services to CPCS clients. The Department reviews bills to ensure that the services billed were provided, that the bills submitted are reasonable in terms of both dollars charged and hours billed, and that the vendor maintains adequate billing records and files in compliance with CPCS billing and record-keeping requirements.

The Committee shall have the authority, through the Department and its other administrative divisions, to: 1) examine, suspend, reduce, or decline payment of bills submitted; 2) suspend or revoke a vendor’s eligibility to accept or complete CPCS case work; 3) report a vendor to the applicable licensing authority; and 4) take any other action deemed necessary or appropriate.

This chapter contains general information regarding specific types of audits described herein and shall not be interpreted to limit or restrict the authority of the Department or Committee to examine bills and supporting documentation submitted to CPCS. These oversight procedures may be used independently or in concert with other types of audits, reviews or supervision performed by the Committee's various divisions.

CHAPTER CONTENTS:

1. Audit and Oversight Procedure - Full Audits
2. Audits of Bill(s) and Services Provided
3. Audits of Extraordinary Bills
4. Complaints and Investigations
5. Interest Rate Policy

1. Audit and Oversight Procedure - Full Audits

The following procedure will be followed where irregularities in billings come to the attention of CPCS staff and the Department opens a comprehensive audit of the services provided by the vendor or contemplates a full audit of the vendor's billing records.

A. Preliminary Investigation

1. A preliminary investigation will be undertaken by Department staff to: (a) ascertain whether the vendor erred in recording or submitting information, over-billed for services provided (b) failed to maintain time records in keeping with Committee policy, or otherwise engaged in questionable practice(s), and (c) determine whether or not there is a pattern of such practice(s) in other invoices. The Department may also perform audits on a random basis or upon internal information that suggests that an inquiry of the billing submitted is warranted.
2. Based upon the results of the preliminary investigation, a decision will be made by the Department as to whether an audit will be performed. In the event that an audit is deemed necessary, the vendor will be sent an "Audit Letter" advising that an audit is being performed.
3. The Department may suspend the payment of any bill(s) pending review of same or completion of the audit if there are significant concerns regarding the vendor's case handling or billing practices.

B. Audit Letter, Response, Timing

1. Respondent vendor shall cooperate with the Department's request for information and shall have thirty (30) days, from date of receipt, to respond to the Audit Letter and provide documentation, including but not limited to contemporaneous time sheets, case files, file materials, and other documents requested by the Department.

Respondent may provide redacted documents as necessary to protect the interest of the client, or as required by statute or rule. Respondent must provide a written description of any documents withheld, including a listing of the date of the document, author of the document, number of pages and the reason for withholding.

2. Respondent vendor shall receive one automatic fifteen (15) day extension to respond to the Audit Letter upon written notice to the Department if received not less than five days prior to the 30-day deadline.
3. Respondent vendor shall have no further extensions of time to respond to the Audit Letter, except upon written request indicating extraordinary circumstances (submitted not less than five days prior to the 45-day deadline). Such requests should contain a description of the circumstances warranting the extension and should be forwarded to the Department. Such requests will be allowed at the discretion of the assigned Hearing Officer (see G(5)(a) below).
4. Mailings to the address provided by vendor will be deemed received two business days after the date of mailing.

C. Failure to Respond

A vendor who fails to respond to the Audit Letter shall be subject to suspension from eligibility to accept CPCS casework. In addition, the payment of bills shall be subject to suspension and some or all of the vendor's existing CPCS casework may be reassigned.

1. Suspension of Bill Payments: The Department shall notify the vendor in writing of its intention to suspend the payment of bills for failure to respond. If the vendor does not submit a complete response in seven (7) days from the date of such notice, payment of all bills may be suspended.
2. Suspension of Eligibility to Accept Assignments: The Director of the Department must approve a suspension from eligibility to accept new CPCS casework for failure to respond.
3. Duration of Suspension: Any suspension for failure to respond shall remain in effect until a complete response to the audit is received or until the completion of the audit process at the discretion of the Department.
4. Waiver: In the event the vendor fails to respond within thirty (30) days following the suspension date, the Department may proceed with the audit and the vendor shall be deemed to have waived his or her right to respond, to submit a written rebuttal, or to request a hearing as provided herein.

D. Disposition Recommendation

At the conclusion of the audit process, the Department may prepare a written Disposition Recommendation (Audit Report) containing findings and recommendations.

Recommendations may include:

1. That no action be taken;
2. That the bill(s) in question be disallowed;
3. That the vendor be required to repay monies to the Commonwealth;
4. That the vendor be suspended or removed from the list of vendors eligible to accept CPCS casework for a period of time or permanently;
5. That some or all of the vendor's existing CPCS casework be re-assigned;
6. That the Committee submit the findings to the vendor's appropriate licensing authority;
7. That the Committee submit the findings to the Attorney General or District Attorney's office;
8. That the Committee pursue all available civil remedies for the recovery of overpaid funds; or
9. Any other appropriate action.

E. Response to Disposition Recommendation

1. A respondent vendor who fails to respond to the Audit Letter shall be deemed to have waived his or her right to submit a Rebuttal or request a hearing.
2. A vendor who responded to the Audit Letter as provided in Chapter (1)(B)(1) shall have ten (10) days from the date of receipt of the Disposition Recommendation to send a written response to the Department indicating she/he disputes the recommendation by filing notice that she/he:
 - Requests a hearing;
 - Intends to submit a written rebuttal; or
 - Intends to submit a written rebuttal and requests a hearing.
3. A vendor shall have thirty (30) days from the date of receipt of the Disposition Recommendation to submit a written rebuttal.

4. A vendor's rebuttal to the Disposition Recommendation shall be in the form of, and limited to, a written statement signed by the vendor specifically addressing the issues raised in the Disposition Recommendation. No other documentation or evidence shall be introduced.
5. The Disposition Recommendation and vendor's rebuttal will be forwarded to the Hearing Officer for review. If a hearing has been requested, the vendor will be notified in writing of the date, time and location of the hearing. If no hearing has been requested, the vendor will be notified of the Hearing Officer's decision, in writing, within sixty (60) days.
6. A vendor who fails to timely dispute the Disposition Recommendation as provided in (2) and (3) above shall be deemed to have waived that right.

F. Settlement of Claims

The Department and vendor may at any time discuss settlement of an audit. In the event that a settlement is negotiated, the parties shall submit a proposed decision in the appropriate form for the Hearing Officer's approval. The Hearing Officer may accept, reject or recommend modifications to the proposed agreement. Notwithstanding the agreement of the Department and the vendor, no settlement shall be binding upon either party until approved in writing by the Hearing Officer.

G. Hearings

1. Hearing Officers

The Hearing Officer shall be a member of the Committee for Public Counsel Services.

2. Scheduling of Hearings

- a) The Department shall schedule a hearing within ninety (90) days from receipt of the vendor's written request.
- b) The Department and the vendor shall each be granted a continuance of the hearing not to exceed 30 days from the scheduled hearing date: upon written notice to the Hearing Officer; with a copy to opposing party; and submitted not later than seven (7) days prior to the scheduled hearing.
- c) The Department and the Respondent vendor shall have no further continuances of the hearing unless upon written request to the Hearing Officer, with a copy to the opposing party, and the assigned Hearing Officer finds extraordinary circumstances warranting a continuance.

3. Burden of Proof

At the hearing, the burden of proof shall be upon the Respondent.

4. Standard of Review

All hearings shall be conducted under the abuse of discretion standard of review.

5. Evidence

- a) At the hearing, the evidence shall consist of the: 1) Audit Letter(s); 2) documentation provided by the vendor in response to Audit Letter(s); 3) Disposition Recommendation; and 4) Written Rebuttal.
- b) The vendor and the Department shall each be limited to a 30-minute oral argument. Either party may waive oral argument.
- c) The vendor and the Department shall limit oral argument to the issues raised in the 1) Audit Letter(s); 2) documentation and response to the Audit Letter(s); 3) Disposition Recommendation; and/or 4) Written Rebuttal.
- d) The vendor and Department shall not introduce new evidence or documentation at the hearing.
- e) The vendor may be represented by counsel, but shall be limited to one oral argument.

H. Recording of Proceedings

The vendor may, at his or her own expense, hire a stenographer to record the proceedings provided that the hearing officer and the Department is sent written notice of such intent seven days prior to the hearing. No other form of recording shall be permitted. The Department may hire a stenographer in its sole discretion, however no recording is required pursuant to c. 249 §4.

I. Decisions of Hearing Officers

- 1) The Hearing Officer may approve, reject, modify the Department's Recommendation, or take any other appropriate action.
- 2) The Hearing Officer shall have the discretion to decide any case by written decision with or without findings of fact. The parties may submit a proposed decision to the Hearing Officer.

- 3) The Hearing Officer shall present to the CPCS Executive Committee for approval and ratification on the record only that part of any decision which removes a vendor from eligibility to accept CPCS cases, or refers the vendor to the appropriate licensing authority, Attorney General, or District Attorney. This provision does not preclude the Department, agency, or staff, from making independent referrals to the vendor's appropriate licensing authority, Attorney General, or District Attorney as appropriate.
- 4) If the Executive Committee ratifies the Hearing Officer's decision that a referral is appropriate, the Chairman shall submit the matter to the licensing authority, Attorney General, or the appropriate District Attorney.
- 5) The Hearing Officer shall render a decision within sixty (60) days of receipt of the recommendation from the Department or hearing and forward that decision to the General Counsel for notification to the vendor and the Department.
- 6) The decision of the Hearing Officer shall constitute the final decision of the agency.

J. Suspension, Removal, Failure to Comply, and Re-Payment

- 1) The Department shall suspend the payment of all bills, reassign some or all of the vendor's existing CPCS cases, suspend vendors eligibility to accept CPCS cases, and/or refer to any appropriate licensing authorities, any vendors who fail to comply with the decision of the Hearing Officer. Prior to any such suspension and/or referral, the Department shall notify the vendor in writing of the particulars of non-compliance and the vendor shall be granted ten (10) days to remedy said non-compliance.
- 2) Any vendor suspended pursuant to a decision of the Hearing Officer or for failure to comply with such decision shall not be eligible to apply for reinstatement, accept assignment(s), or to receive payment(s) until any amount due and owing has been paid in full.
- 3) Any vendor removed from the list of vendors eligible to accept CPCS cases pursuant to a decision of the Hearing Officer shall not be eligible to apply for reinstatement, accept assignment(s), or receive payment(s) until the amount assessed for over-billings has been paid in full.
- 4) Any request for reinstatement must be made in writing to the General Counsel. The burden is upon the vendor to establish based upon specific facts and circumstances supported by adequate documentation, if appropriate, that reinstatement is in the interest of both (1) the CPCS and (2) clients. The vendor must address at a minimum: (1) the circumstances leading to their removal or suspension, (2) the actions taken thereafter to address those circumstances, (3) their current work, (4) any professional development, training or continuing education undertaken thereafter, and (5) their proven commitment to indigent persons. The decision of the General Counsel shall

constitute the final decision of CPCS; however, if denied reinstatement, the vendor may be provided leave to re-apply.

2. Audits of Bill(s) or Services Provided

- A. The Department may audit any bill or case prior to or after payment. The Department notifies the vendor that an audit or review is being performed. The vendor shall respond to the Department's request for time sheets, billing records, case files and other documents within 30 days of receipt of such written request.
- B. The vendor may provide redacted documents as necessary to protect the interest of the client or as required by statute or rule. The vendor must provide a written description of any documents withheld, including the dates of the documents, author of the documents, number of pages, and the reason for withholding.
- C. Contemporaneously with the response, the vendor may provide any additional documents he or she believes will allow the Department to appreciate the nature and extent of the services provided and bill(s) submitted. The vendor may also provide a signed statement setting forth any facts or issues he or she believes are relevant to a fair review of the work performed and bill(s) submitted.
- D. Following a review of the vendor's response, the Department may request additional information as it deems necessary to complete its audit. It is the responsibility of the vendor to provide all requested documents. The Department will not assume the existence of documents, relevant information or other facts not provided by the vendor's reply. The vendor will not be permitted to provide additional documentation or evidence after the Department's review is complete.
- E. Vendors are under a duty to cooperate with all audits and reviews. A vendor who fails to timely provide a complete response to the initial or any subsequent requests shall be deemed to have waived the right to respond to the request for information and is subject to suspension from eligibility to accept CPCS casework.
- F. The Department may suspend the vendor's access to the Committee's electronic billing system, "Vbill", until such time as a complete response to the random audit letter and any subsequent requests for documents and information is received and reviewed.
- G. The vendor will be provided a written statement advising him or her of the results of the audit/review and any action(s) taken. These actions may include but are not limited to the following:
 - 1. The bill(s) be paid in their usual course in keeping with Committee Policy;
 - 2. The bill(s) be reduced;
 - 3. The bill(s) be rejected for payment;

4. Further payments on the case be reduced/disallowed;
 5. A performance evaluation be performed;
 6. The Department recapture funds paid on the cases or bills selected for audit;
 7. The vendor's eligibility to accept new assignments be suspended;
 8. The terms under which the vendor may accept CPCS case work be modified and/or limitations be imposed;
 9. Some or all of the vendor's existing CPCS cases be reassigned;
 10. The Department submit findings to the appropriate licensing authority;
 11. The Department submit finding to the Attorney General's or District Attorney's office;
 12. The Department pursue all available civil remedies for the recovery of overpaid funds; or
 13. The Department take any and all other appropriate action.
- H. If the Disposition provides that some or all of the vendor's CPCS cases be reassigned, the vendor (counsel for the vendor or assigned counsel) may request, in writing, the vendor be permitted to complete services on one or more of cases if necessary to protect the interests of the client(s). The decision regarding same will be made by the Director of Forensics or his/her designee.
- I. The outcome of the Disposition as provided in (G) above shall constitute the final decision of CPCS unless the vendor requests review as set forth in (J) below.
- J. A vendor aggrieved by the outcome of an audit or review may appeal by sending a letter or e-mail to the Director of the Audit and Oversight Department within 14 days of the date of the Disposition as provided in (H) above, stating any prejudicial errors he or she believes occurred.
- K. The Director of A&O will not consider any new or additional evidence or documents which were not provided by the vendor to the Department prior to the completion of the audit. If the Director performed the review, Counsel may request the decision be reconsidered as provided in (J) above.
- L. The disposition of the review shall constitute the final decision of CPCS fifteen days following the date of the letter disposing of the review as provided in (G) above, or if an appeal is taken, upon the decision of the Director of the Department.
3. **Audits of Extraordinary Bills**

The Department's oversight responsibility includes audit and review of bills which are extraordinary in dollars or hours billed, based on the type of case and/or type of services provided. The billing system identifies and places on hold such bills for pre-payment (or post payment) review or audit. The Department may also place such bills on hold. Vendors may be asked to provide documentation or other materials or information to support the payment of their bills. Vendors will be notified in writing of the results of the review or audit if

payment is reduced or declined. The outcome of the review or audit shall constitute the final decision of CPCS unless appealed directly to the Chief Counsel within 14 days of the decision date. The Department's disposition or the decision on the appeal to the Chief Counsel constitutes the final decision of CPCS.

4. Performance Complaints and Other Investigations

The Committee may investigate performance complaints or initiate a complaint concerning the performance, professionalism, investigations of financial or other billing irregularities, or other conduct of vendors, their contractors, or employees.

All vendors serve at the pleasure of the Chief Counsel. If significant questions are raised as to the fitness of a vendor to perform work on behalf of CPCS clients, the Chief Counsel may immediately remove a vendor if it is deemed in the best interest of CPCS or its clients. These reasons may include but are not limited to:

- a. A complaint that the vendor has failed to competently provide services;
- b. An allegation that the vendor has engaged in misconduct; or
- c. An allegation that the vendor is unable to, or has failed to comply with CPCS standards, guidelines, or the policies of any applicable licensing authorities

A. Investigative Procedure

Committee staff may investigate any complaint, regardless of who made the complaint (including committee staff,) or the manner in which, it is submitted. Complaints shall be investigated to the extent and in the manner deemed appropriate by the Chief Counsel or his designee.

B. Vendor Cooperation

The vendor shall cooperate fully with requests and inquiries regarding the investigation.

1. If the vendor fails to timely respond to the complaint, this non-response will be treated as a voluntary removal from the list of vendors eligible to accept assignments from CPCS.
2. If a vendor fails to cooperate fully with an investigation, such non-compliance will be treated as reason to remove the vendor from the list of eligible vendors who are eligible to take assignments from CPCS.

C. Vendor Rebuttal

In the event that a written final disposition report is created as a result of any investigation performed, the vendor shall be provided with a copy of the report and granted 30 days from the date of receipt to submit a written rebuttal

A vendor's rebuttal shall be in the form of, and limited to, a written statement signed by the vendor specifically addressing the issues raised in the report. No other documentation or evidence shall be introduced.

D. Notice of Agency Decision

Vendors shall be notified of the Chief Counsel or her/his designee's decision by mail or email.

E. Review

1. If the Disposition provides that the vendor is no longer eligible for CPCS payments, counsel of record may request, in writing, that the vendor be permitted to continue to bill for services on one or more of those cases if determined by Chief Counsel or designee to be necessary to protect the interests of the client in on-going matters(s).
2. The outcome of the Disposition as provided in (D) above shall constitute the final decision of CPCS.

5. Interest Rate Policy

- A. Pursuant to G.L. c. 211D §12(c), the CPCS may impose interest and penalties, where appropriate, upon overpayment of vendor bills recovered from vendors.
- B. The Committee shall impose interest on all audit assessments that are not paid within 30 days of the Hearing Officer's decision.
- C. The interest rate is 10% per annum, calculated at the periodic rate of .0083330% per month.
- D. Assessed amounts not paid in full within 30 days of the Hearing Officer's decision will be assessed interest and amortized over a period not to exceed 24 months. However, the Hearing Officer shall retain the right to modify the two-year amortization period.
- E. Interest shall be computed on the remaining unpaid balance at the approved rate(s) of interest in effect at the time the Disposition Recommendation is dated. The interest rate in effect for a particular audit shall not increase or decrease from the rate in effect on the day that the Disposition Recommendation is dated.
- F. An amortization schedule shall be provided to each vendor. The amortization schedule will represent the payment schedule.

- G. Vendors must at a minimum pay the monthly amount due on or before the payment dates appearing on the amortization schedule.
- H. Vendors may pay the entire remaining unpaid balance (plus accrued interest) at any time by requesting a payoff amount from the audit staff.
- I. Unless requested in writing, vendors will not receive annual statements of interest paid. Audit staff shall be given 30 days from the date the written request is received to comply with such requests. Such statements of interest paid shall be in the form of updated amortization schedules.

V. QUALIFICATIONS AND RATES FOR: INVESTIGATORS, SOCIAL SERVICE PROVIDERS, AND EXPERT WITNESSES

INTRODUCTION:

Section 9(i) of G.L. c. 211D authorizes CPCS to establish qualifications and rates for expert witnesses, investigators, and social service providers who are paid as vendors in accordance with the Indigent Court Costs Act, G.L. c. 261, §§ 27A-27G. Since Section 9(i) was adopted in 1996, CPCS has surveyed vendors regarding their rates and qualifications, surveyed attorneys regarding their use of vendors and Indigent Court Cost funds, and reviewed the policies and practices of other jurisdictions regarding the payment of expert witnesses.

This chapter identifies twenty-three categories of vendors that fall within Section 9(i) of Chapter 211D, and lists both the qualifications and range of rates for each category of vendors.

This list of experts is neither exhaustive nor exclusive. Assigned counsel may determine a need for experts not included on this list. The Indigent Court Costs Act, G.L. c.261, §§ 27A-27G, applies to requests for funds for the experts listed in this packet and others deemed necessary by assigned counsel. Similarly, the range of rates is neither exhaustive nor exclusive. Rates paid to experts may fall above the rates listed herein, provided that no vendor may be compensated for a rate higher than the rates listed for the vendor's area of expertise, the rate(s) charged any other division of the Commonwealth or the vendor's private rate (whichever is lowest) unless (1) the higher rate is previously approved by the appropriate Deputy Chief Counsel, Managing Director of the CAFL Public Division or Managing Director of the Family Justice Advocates (CAFL Conflicts Office) and (2) the total amount is approved by the Court in an allowed Motion for Funds. If the expert customarily charges a rate below the minimum amount in the applicable range herein, no special approval by the appropriate Deputy Chief Counsel of CPCS is required. However, except as otherwise provided by law, a court may not supersede CPCS' statutory authority to implement its expert compensation rate structure by imposing higher or lower rates of compensation or alternative compensation arrangements differing from those authorized by CPCS. See generally, *Commonwealth v. Matranga*, 455 Mass. 45, 51 (2009).

Prior to filing a motion for funds to retain the services of an expert whose qualifications do not meet the CPCS Guidelines, or whose rates exceed the CPCS-approved rates, (see the following list of Expert Qualifications & Rates), counsel shall receive written approval from the appropriate Deputy Chief Counsel, Managing Director of the CAFL Public Division or Managing Director of the Family Justice Advocates (CAFL Conflicts Office). Counsel shall provide the expert with a copy of the written approval as well as a copy of the motion for funds allowed by the court. When submitting a bill to CPCS, the expert shall include copies of both the written approval and allowed motion for funds. Bills submitted without written prior approval may be denied or reduced to approved rates. Bills will not be adjusted by the Accounts Payable Department resulting from a failure to seek and forward to AP prior written approval. Bills submitted without a complete copy of the allowed motion from the court will be denied.

The rates listed are the current rates. This document supersedes all previously published rates.

Expert Type	Rate Range	Page
Accident Reconstruction		28
Without Professional Degree	\$60/hr-\$107/hr	
With Professional Degree	\$100/hr-\$161/hr	
Arson		29
Without Professional Degree	\$50/hr-\$107/hr	
With Professional Degree	\$100/hr-\$268/hr	
Ballistics	\$50/hr -\$203/hr	29
Bloodstain Pattern Expert		29
Without Professional Degree	\$75/hr-\$161/hr	
With Professional Degree	\$150/hr-\$268/hr	
Crime Scene Reconstruction	\$150/hr-\$241/hr	29
Document Examiner/Handwriting Expert	\$75/hr-\$161/hr	30
DNA Consultants	\$60/hr-\$107/hr	30
DNA Testing Laboratories	\$150/hr-\$268/hr	31
Drug Analyst		32
Bachelor's Degree	\$75/hr-\$135/hr	
Master's Degree	\$125/hr-\$203/hr	

Graphics	\$45/hr-\$81/hr	32
Investigator	\$25/hr-\$75/hr	32
Medical Doctor	\$150/hr-\$338/hr	32
Molecular Biologist	\$150/hr-\$338/hr	33
Nurse		33
Registered Nurse	\$30/hr-\$81/hr	
Master's Degree	\$60/hr-\$135/hr	
Pathologist/Medical Examiner	\$200/hr-\$405/hr	33
Pediatrician	\$150/hr-\$338/hr	34
Pharmacologist	\$75/hr-\$161/hr	34
Psychiatrist	\$150/hr-\$338/hr	34
Psychologist	\$100/hr-\$270/hr	34
Social Services Expert		35
Bachelor's Degree	\$50/hr-\$81/hr	
Master's Degree	\$75/hr-\$135/hr	
Doctorate Degree	\$100/hr-\$214/hr	
Special Education Expert	\$50/hr-\$81/hr	35
Statisticians/Geneticists	\$150/hr-\$214/hr	35
Toxicology	\$125/hr-\$304/hr	36

Title: ACCIDENT RECONSTRUCTIONIST

Qualifications:

Required: Training in collision analysis (e.g., state police training)

Preferred: Bachelor's Degree in engineering
Professional engineering certification (state board of registration)

Rates: Without professional degree: \$60/hr - \$107/hr

With professional degree: \$100/hr - \$161/hr

Title: ARSON

Qualifications:

Required: Significant experience as firefighter (minimum 5 years) including assignment to department's arson squad

Preferred: Training as arson investigator (A.T.F., F.B.I., state police)

Rates: Without professional degree: \$50/hr - \$107/hr
With professional degree: \$100/hr - \$268/hr

Title: BALLISTICS EXPERT

Qualifications:

Required: Significant firearms training and experience including investigative techniques and laboratory analysis (e.g., police, military) of firearms

Rates: \$50/hr-\$203/hr

Title: BLOODSTAIN PATTERN EXPERT

Qualifications:

Required: Forty hours training in bloodstain pattern interpretation with instructor recognized by the International Association of Bloodstain Pattern Analysts

Preferred: Bachelor's Degree in relevant science/including course work in mathematics, biology, chemistry and related sciences
Membership in International Association of Bloodstain Pattern Analysts

Rates: Without professional degree \$75/hr - \$161/hr
With professional degree \$150/hr - \$268/hr

Title: CRIME SCENE RECONSTRUCTIONIST

Qualifications:

Required: Bachelor's degree in engineering, chemistry, biology, physics or related sciences

Preferred: Extensive relevant laboratory and actual crime scene experience

Rates: \$150/hr-\$241/hr

Title: DOCUMENT EXAMINER/HANDWRITING EXPERT

Qualifications:

Required: Significant training (and/or an apprenticeship) as a document examiner or handwriting expert

Preferred: Membership in a national association in the field, e.g., National Association of Document Examiners, Association of Forensic Document Examiners, etc.

Rates: \$75/hr - \$161/hr

Title: DNA CONSULTANTS

Function: Review and analyze records and testing data. Consult regarding reliability of data and test results, advisability of further testing and related services.*

Qualifications:

Required: BS or higher in chemistry, biology, biochemistry, molecular biology, forensic chemistry or related sciences. Experience performing or observing forensic DNA analysis.

OR

Required: Extensive expertise with or training in forensic DNA analysis which includes considerable knowledge of forensics, DNA test kits, lab procedures, test procedures and protocols as well as experience with or knowledge of biology, chemistry, molecular biology, biochemistry or related sciences.

Required: Membership in professional associations such as The New England Association of Forensic Scientists, American Academy of Forensic Scientists of equivalent organizations.

Rates: \$60/hr - \$107/hr

***Notes regarding DNA service providers:**

In this area of constantly advancing science, attorneys may wish to engage a vendor to provide services that do not fall within one of the enumerated service-types or whose experience falls outside the required qualifications. In such event, counsel should investigate the vendor's experience, training, and qualifications, including whether the vendor has testified as an expert and must obtain prior permission from the Chief Counsel or his designee before hiring the vendor.

Some, but not all, labs require payment of an "observation fee" which is an additional charge levied when a defendant's expert observes the Commonwealth's testing. Counsel should determine if the lab chosen by the Commonwealth charges an "observation fee", and if so, advocate that the fee be paid in full or in part by the Commonwealth.

Attorneys are encouraged to obtain a copy of the lab or expert's fee schedule. Some labs/experts charge a "daily flat fee" for travel outside the lab or state. Please note that CPCS prohibits flat fee billing except upon the approval of the Chief Counsel based on extraordinary circumstances which render payment on an hourly basis unfeasible or uneconomical.

Title: DNA TESTING LABORATORIES

Function: DNA testing, observation, report writing, consultation and related services.

Qualifications:

Required: ASCLD/LAB certified*

Rates: \$150/hr - \$268/hr report writing, consultation and related services
Testing fee at approved reasonable rates (see below)

*Notes regarding DNA service providers:

In this area of constantly advancing science, attorneys may wish to engage a vendor to provide services that do not fall within one of the enumerated service-types or whose experience falls outside the required qualifications. In such event, counsel should investigate the vendor's experience, training, and qualifications, including whether the vendor has testified as an expert and must obtain prior permission from the Chief Counsel or his designee before hiring the vendor.

Some, but not all, labs require payment of an "observation fee" which is an additional charge levied when a defendant's expert observes the Commonwealth's testing. Counsel should determine if the lab chosen by the Commonwealth charges an "observation fee", and if so, advocate that the fee be paid in full or in part by the Commonwealth.

Attorneys are encouraged to obtain a copy of the lab or expert's fee schedule. Some labs/experts charge a "daily flat fee" for travel outside the lab or state. Please note that CPCS prohibits flat

fee billing except upon the approval of the Chief Counsel based on extraordinary circumstances which render payment on an hourly basis unfeasible or uneconomical.

Title: DRUG ANALYST

Qualifications:

Required: Bachelor's Degree in biology, chemistry or related science

Preferred: Master's Degree
Significant experience executing relevant testing procedures

Rates: Bachelor's Degree \$75/hr - \$135/hr
Master's Degree \$125/hr - \$203/hr

Title: GRAPHICS SPECIALIST

Qualifications:

Required: Significant training in computer graphics or comparable graphics experience

Preferred: Bachelor's Degree in graphic arts, architecture, industrial design, etc.

Rates: \$45/hr - \$81/hr

Title: INVESTIGATOR

Qualifications:

Required: Compliance with the provisions of G.L. c.147, §§22-26

Rates: \$25/hr - \$75/hr

Title: MEDICAL DOCTOR

Qualifications:

Required: Licensed M.D.

Preferred: Board certified in medicine
Board certified in area at issue in individual case

Rates: \$150/hr - \$338/hr

Title: MOLECULAR BIOLOGIST

Function: Observing DNA testing, consultation, and related services.

Qualifications

Required: BS in biology, biochemistry, chemistry or related sciences.*
Extensive experience in DNA analysis which includes forensic DNA testing, DNA test kits as well as test procedures and protocols.

Preferred: MS or Ph. D. in molecular biology, biochemistry or related sciences.

Rates: \$150/hr - \$338/hr

*Notes regarding DNA service providers:

In this area of constantly advancing science, attorneys may wish to engage a vendor to provide services that do not fall within one of the enumerated service-types or whose experience falls outside the required qualifications. In such event, counsel will investigate a vendor's experience, training, and qualifications, including whether the vendor has testified as an expert and must obtain prior permission from the Chief Counsel or his designee before hiring the vendor.

Title: NURSE

Qualifications:

Required: Registered Nurse

Preferred: Board certified in subspecialty (e.g., pediatrics, psychiatry, etc)

Rates: Registered Nurse \$30/hr - \$81/hr
Master's Degree \$60/hr - \$135/hr

Title: PATHOLOGIST/MEDICAL EXAMINER

Qualifications:

Required: Licensed physician (state board of registration); Board certified in pathology

Preferred: Board certified in forensic pathology

Board certified in anatomic pathology

Rates: \$200/hr - \$405/hr

Title: PEDIATRICIAN

Qualification:

Required: Licensed M.D.

Preferred: Board Certified in Pediatrics

Rates: \$150/hr - \$338/hr

Title: PHARMACOLOGIST

Qualifications:

Required: Bachelor's Degree in pharmacology

Preferred: Significant relevant forensic experience

Rates: \$75/hr - \$161/hr

Title: PSYCHIATRIST

Qualifications:

Required: Licensed physician (state board of registration)
Board certified or eligible in psychiatry

Preferred: Board certified or eligible in relevant subspecialty (e.g., forensic psychiatry, child psychiatry)
Designation by DMH as forensic psychiatrist (Pursuant to 104 CMR 33.04)

Rates: \$150/hr - \$338/hr

Title: PSYCHOLOGIST

Qualifications:

Required: Doctoral Degree in related discipline (Ed. D, Psy.D., etc.)

Preferred: Licensed clinical psychologist (state board of registration)
Designation by DMH as forensic psychologist (104 CMR 33.04)

Rates: \$100/hr - \$270/hr

Title: SOCIAL SERVICES EXPERT

Qualifications:

Required: Bachelor's Degree in social work or related field, e.g., counseling and/or training in forensic social services

Preferred: Master's or Doctorate Degree in social work, education or related field
L.I.C.S.W. or L.C.S.W.

Licensed marriage and family therapist or licensed mental health counselor

Rates: Bachelor's Degree \$50/hr - \$81/hr
Master's Degree \$75/hr - \$135/hr
Doctorate Degree \$100/hr - \$214/hr

Title: SPECIAL EDUCATION EXPERT

Qualifications:

Required: Master's Degree in special education, psychology, or related field and significant experience in the field of special education (either as educator, administrator, evaluator, or advocate).

Rates: \$50/hr-\$81/hr

Title: STATISTICIANS / GENETICISTS

Function: Statistics, population genetics and related services.

Qualifications:

Required: MS in mathematics or related math sciences.
Experience in statistics and population genetics as it applies to forensic DNA analysis.*

Preferred: Ph. D. in statistics or related math sciences.

Rates: \$150/hr - \$214/hr

*Notes regarding DNA service providers:

In this area of constantly advancing science, attorneys may wish to engage a vendor to provide services that do not fall within one of the enumerated service-types or whose experience falls outside the required qualifications. In such event, counsel should investigate the vendor's experience, training, and qualifications, including whether the vendor has testified as an expert and must obtain prior permission from the Chief Counsel or his designee before hiring the vendor.

Some, but not all, labs require payment of an "observation fee" which is an additional charge levied when a defendant's expert observes the Commonwealth's testing. Counsel should determine if the lab chosen by the Commonwealth charges an "observation fee", and if so, advocate that the fee be paid in full or in part by the Commonwealth.

Attorneys are encouraged to obtain a copy of the lab or expert's fee schedule. Some labs/experts charge a "daily flat fee" for travel outside the lab or state. Please note that CPCS prohibits flat fee billing except upon the approval of the Chief Counsel based on extraordinary circumstances which render payment on an hourly basis unfeasible or uneconomical.

Title: TOXICOLOGIST

Qualifications:

Required: Doctorate Degree in biology, chemistry or related science

Preferred: Significant experience executing relevant testing procedures

Rates: \$125/hr - \$304/hr