



## **CPCS RESOURCES**

**Quick Guide to CPCS certifications, pilot projects,  
second seat options, and more.**

The information provided is intended for Adult Criminal Trial Attorneys **only**.

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## Certifications

Additional information may be found in the CPCS [Assigned Counsel Manual](#) or at [www.publiccounsel.net](http://www.publiccounsel.net)

- **Superior Court**
  - **Minimum Requirements:**
    - Lead defense counsel at 6 jury trials (a jury trial is defined as a trial that was submitted to the jury and resulted in a verdict or a deadlocked jury) over the previous twelve (12) years.
    - Meeting the minimum requirements does not assure acceptance to the panel; review of the application includes, among other considerations, determining counsel's use of experts, Social Service Experts, and investigators, as well as evaluations, complaints, and the opinion of local practitioners.
  - **How to get approved:**
    - Submit the [application](#) for "Superior Court Certification" to [crimrecertification@publiccounsel.net](mailto:crimrecertification@publiccounsel.net). District Court Plus Attorneys should use this [application](#) to apply for Superior Court certification.
  
- **Murder List**
  - **Minimum Requirements:**
    - Five years' criminal litigation experience.
    - Familiarity with practice and procedure of Massachusetts criminal courts.
    - Familiarity with and experience in the utilization of expert witnesses, including psychiatric and forensic experts and Social Service Experts.
    - Lead defense counsel in 10 jury trials (a jury trial is defined as a trial that was submitted to the jury and resulted in a verdict or a deadlocked jury) within twelve (12) years preceding the application, **and,**
      - **of the ten (10) jury trials, five (5) must have been "serious and complex". A "serious and complex" case is defined as the indicted lead offense is classified in offense seriousness levels, 6, 7, 8 or 9 of the Massachusetts Sentencing Guidelines and has a maximum penalty of 15 years or more.**
  - **How to get approved:**
    - Submit the [application](#) for "Murder List Certification" to [crimrecertification@publiccounsel.net](mailto:crimrecertification@publiccounsel.net).
    - Meeting the minimum requirements does not assure acceptance to the panel; review of the application includes, among other considerations, determining counsel's use of experts, Social Service Experts, and investigators, as well as evaluations, complaints, and the opinion of local practitioners.
  
- **Murder List Second Chair**
  - **Summary:**
    - This certification allows approved attorneys to second seat Lead Counsel on first- and second-degree murder cases.
    - A Certified Murder List Second Chair may use their participation in one murder trial toward Murder List Lead Counsel qualification. Participation as second chair in a murder trial will be considered the equivalent of one trial as lead counsel in a serious and complex case, as defined in the Assigned Counsel Manual. All other requirements will remain in effect.

- **Minimum Requirements:**
  - Familiarity with practice and procedure of Massachusetts criminal courts.
  - Lead counsel in the preceding eight (8) years in at least two superior court trials.
- **How to get approved:**
  - Submit the [application](#) for “Murder List Second Chair” assignments to [crimrecertification@publiccounsel.net](mailto:crimrecertification@publiccounsel.net).
- **Duties:**
  - Duties are generally determined by Lead Counsel.
  - At the discretion of Lead Counsel, the Certified Murder List Second Chair can perform direct and cross-examination of witnesses during the trial. Lead Counsel should still perform most of these duties.
- **Limits:**
  - Cannot conduct opening or closing arguments except in circumstances where it would be clearly beneficial to the client.
  - Lead Counsel must be present in court for all evidentiary hearings.
- **Pay Rate:**
  - Superior Court pay rate.
- **Billing:**
  - Lead Counsel requests a NAC from Dolly Mele

### Pilot Programs

- **Superior Court Provisional Certification**
  - **Summary:**
    - Selected attorneys can take 1 Superior Court case with a mentor. At the end of the case or after 1 year the selected attorney may be recommended for Superior Court certification by a Supervising Attorney.
  - **Minimum Requirements:**
    - The attorney must have at least two years of experience as a criminal defense attorney.
    - The attorney must have tried, as lead or primary counsel, at least three criminal jury trials to verdict, or must have sufficient comparable litigation experience.
  - **How to get approved:**
    - Contact a [Supervising Attorney from your county](#) with a statement regarding your interest in the program. If you need help finding your Supervising Attorneys, contact the Criminal Trial Support Unit (CTSU) Attorney for your county.
  - **Duties:**
    - Approved attorney will handle 1 Superior Court case from start to finish.
  - **Limits:**
    - Mentor **must** 2<sup>nd</sup> chair the approved attorney at trial and must be available to work with and guide the approved attorney throughout the pendency of the case.
  - **Pay rate:**
    - Paid at the Superior Court rate.
  - **Billing:**
    - Selected attorneys will have their own NAC to bill on. Please contact your county’s CTSU attorney **prior** to billing on the NAC. They will navigate any billing issues for you.
    - Mentor gets a Mentor NAC.

- **Superior Court Second Chair**
  - **Summary:**
    - This pilot project allows approved attorneys to second seat Lead Counsel on Superior Court trials.
    - Approved attorneys will be added to a list that Superior Court certified attorneys can choose from.
    - Approved attorneys can use two of these second chair trials towards the “6 trial requirement” on the Superior Court Certification application. All other requirements remain the same.
  - **Minimum Requirements:**
    - Familiarity with practice and procedure of Massachusetts criminal courts.
    - Lead counsel in the preceding ten (10) years in at least two district court jury trials.
  - **How to get approved:**
    - Submit the [application](#) for “Superior Court Second Chair” assignments to [crimrecertification@publiccounsel.net](mailto:crimrecertification@publiccounsel.net).
  - **Duties:**
    - At the discretion of Lead Counsel, the Certified Superior Court Second Chair can perform direct and cross-examination of witnesses during the trial. Lead Counsel should still perform most of these duties.
  - **Limits:**
    - Cannot conduct opening or closing arguments except in circumstances where it would be clearly beneficial to the client.
  - Lead Counsel must be present in court for all evidentiary hearings.
  - **Pay Rate:**
    - District Court rate.
  - **Billing:**
    - Will be paid on your own NAC.
    - Limit of two 2<sup>nd</sup> chair NACs at a time.
- **District Court Plus (DCP)**
  - **Summary:**
    - DCP Certification allows District Court certified attorneys to accept matters with Superior Court Only jurisdiction while the cases are pending in the District Court, including conducting 58A dangerousness hearings and probable cause hearings (“bind over hearings”).
  - **How to get approved:**
    - When notified that application process is open, submit the [application](#) for “District Court Plus” to [crimrecertification@publiccounsel.net](mailto:crimrecertification@publiccounsel.net).
  - **Minimum requirements:**
    - Attorney has at least one (1) jury trial as lead defense counsel.
    - Attorney has completed a ten (10) hour training program with the CPCS Criminal Defense Training Unit.
    - An attorney without a jury trial may become DCP certified but must be assigned a Superior Court mentor to assist and advise counsel when appointed to a DCP matter.
  - **Limits:**
    - If case is indicted, it must be transferred to a superior court certified attorney.

- **Pay rate:**
  - Counsel is paid at the superior court rate for all work conducted on the case while it is pending in the district/municipal court.

### Associates, Co-Counsel, & Paralegals

This is a brief overview and does not contain all the relevant information. Additional information can be found in Chapter 5, Section Y of the [Assigned Counsel Manual](#).

- Associates
  - **Summary:**
    - Associate must be a member of the bar in good standing.
    - Associate may be used when necessary to assist in the case.
  - **How to get approved:**
    - Approval is not required.
  - **Duties:**
    - **Non-trial Duties:** Associates are restricted to legal research, legal writing, investigation, review of discovery, drafting correspondence, and client interviewing.
    - **Trial Duties:** Associates can assist at counsel table during trials and hearings. Permissible trial assistance includes taking notes, keeping track of exhibits, documents, and witnesses, and conferring with the client.
  - **Limits:**
    - Associates may not handle continuances, hearings, or any part of a trial or oral argument.
    - Associates who assist at counsel table (see Trial Duties, above) may not examine witnesses, make arguments before the court at any hearing or trial, or participate in the presentation of evidence.
  - **Pay Rate:**
    - The Associate rate is \$50.00 per hour. The associate's hourly rate may be increased to the associate's highest hourly certification rate, or the hourly rate paid to lead counsel on the case, whichever is lower. To request a higher hourly rate, assigned counsel must seek prior written approval from the Deputy Chief Counsel of the Private Counsel Division stating the extraordinary facts and circumstances in the case that necessitate allowance of the higher associate rate. The assigned attorney must attach the allowance to the associate voucher submitted to CPCS. Associate bills already submitted or submitted without the allowance attached will not be adjusted.
  - **Billing:**
    - Associates are not issued a NAC; lead counsel pays the Associate and is reimbursed through E-Bill using the E-Voucher/Associate option.
    - Full payment of amount billed must be tendered by lead counsel to the Associate no later than 7 days following receipt of payment by CPCS. See the [E-Bill Manual](#) for further instructions.
- Paralegal
  - **Summary:**
    - Paralegal can be used when necessary.

- **How to get approved:**
  - No approval necessary unless requesting approval for person without Paralegal Certificate or one year of law school.
- **Requirements:**
  - A paralegal must possess one of the following:
    - certification from an accredited paralegal education program, or.
    - successful completion of at least one year at an accredited law school, or.
    - prior approval of the Deputy Chief Counsel of the Private Counsel Division.
- **Duties:**
  - Legal research, investigation, client interview, and trial assistance.
- **Limits:**
  - May not handle hearings, trials, or oral arguments.
- **Pay Rate:**
  - CPCS will reimburse the attorney for the services of a paralegal at the maximum rate of \$35/hour, for a max of 10 hours per day.
  - CPCS will not reimburse a paralegal's waiting time, travel time, mileage, or a paralegal's expenses.
- **Billing:**
  - Bills for paralegal services must be submitted via E-Bill using the E-Voucher/Paralegal option. The Paralegal E-Voucher must be signed and submitted to CPCS accompanied by the paralegal's detailed itemization of dates and tasks performed.
- **Co-Counsel**
  - **Summary:**
    - Available in complex cases.
  - **How to get approved:**
    - Request must be made in writing to Deputy Chief Counsel of the Private Counsel Division and must fully describe the unique and complex aspects of the case that indicate assignment of co-counsel is warranted.
  - **Requirements:**
    - Co-Counsel must have the same level of certification as Lead Counsel.
  - **Pay Rate:**
    - Co-counsel is paid at the same rate as lead counsel.
  - **Billing:** Co-Counsel is issued a NAC.

### **Private Counsel Division Resources**

- **Immigration Impact Unit (IIU)**
  - For immigration questions, contact [iiu@publiccounsel.net](mailto:iiu@publiccounsel.net).
- **Parole Advocacy Unit (PAU)**
  - For all inquiries related to parole and medical parole, as well as questions regarding disciplinary hearings, call 617-482-6212 and ask for the Parole Unit or email [parole@publiccounsel.net](mailto:parole@publiccounsel.net). The unit is also available to consult on other matters related to DOC incarceration, such as classification proceedings and pandemic-related concerns. Depending upon the question, staff may answer the inquiry internally, or may refer the matter to a private counsel parole or medical parole mentor.

- **Alternative Commitment and Registration Support Unit (ACRSU)**
  - For questions regarding the Sex Offender Registry Board, contact:
    - Pasqua Scibelli ([pscibelli@publiccounsel.net](mailto:pscibelli@publiccounsel.net)),
    - David Manza ([dmanza@publiccounsel.net](mailto:dmanza@publiccounsel.net)),
    - Alexei Tymoczko ([atymoczko@publiccounsel.net](mailto:atymoczko@publiccounsel.net)) or
    - Terence Noonan ([tpnoonan@publiccounsel.net](mailto:tpnoonan@publiccounsel.net)).
  - For questions regarding Sexually Dangerous Person (SDP) issues, contact:
    - Pasqua Scibelli,
    - David Manza or Terence Noonan and if it is an SDP appeal – Alexei Tymoczko.
- **Private Social Services Unit**
  - The Private Counsel Division’s Social Services Unit maintains a diverse list of active Social Services Expert vendors (SSEs) specifically for adult criminal cases. There are nearly 400 active social services vendors and vendor agencies. There are SSEs in every county of the Commonwealth who accept cases for the Private Counsel Division (Criminal Adult), including its newest unit, the Parole Advocacy Unit.
  - The SSEs have a wide range of education, experience, and expertise. This expertise includes, but is not limited to: substance use disorder, mental illness/mental health, medical health, physical disabilities, brain injury/aging brain disease, intellectual and developmental disabilities, emerging adults (18-26yo), education/special education, and elder and aging population.
  - They are skilled and practiced interviewers and adept at reviewing medical, mental health, and educational records. Their work humanizes a person who is often only seen by the court as a docket number. In addition to finding a treatment program, many provide written advocacy, e.g., mitigation memos, dispositional letters, and aid-in-sentencing memos. They also provide bio-psychosocial assessments, needs assessments, assistance with benefits and case support services, and consultation with attorneys and providers.
  - There are SSEs who speak languages other than English, including Spanish, French, German, Portuguese, Cape Verdean Creole, Haitian Creole, Mandarin, Greek, Dutch, Yoruba, Swahili, and American Signed Language (ASL).
  - For clients who are young adults, have unstable living conditions, are homeless/unsheltered, are/were involved with a state agency (DCF, DYS, DMH, DDS, etc.), are unemployed, undocumented or have an immigration status, and/or have a substance use disorder, mental health needs or a disability, an SSE can help you obtain a favorable legal outcome and help your client achieve positive life outcomes.
  - SSEs are available to any private bar advocate throughout the state with an allowed Motion for Funds.
  - Contact the Director of Private Social Work Services, Kristin Dame, at [kdame@publiccounsel.net](mailto:kdame@publiccounsel.net) for more information on hiring an SSE. She is also available to consult with attorneys about using an SSE on a case.
- **Post-Conviction Unit**
  - For questions about preserving appellate issues at trial or about appellate procedure, contact:
    - Liz Dembitzer ([edembitzer@publiccounsel.net](mailto:edembitzer@publiccounsel.net)),



- Matt Harper-Nixon ([mharper-nixon@publiccounsel.net](mailto:mharper-nixon@publiccounsel.net)), or
  - Kate O'Connell ([koconnell@publiccounsel.net](mailto:koconnell@publiccounsel.net))
- For questions regarding on-going Special Projects, e.g., breathalyzer, GPS, contact:
  - Tricia Muse ([pmuse@publiccounsel.net](mailto:pmuse@publiccounsel.net)) or
  - Ben Leatherman ([bleatherman@publiccounsel.net](mailto:bleatherman@publiccounsel.net))
- **Criminal Trial Support Unit**
  - The Criminal Trial Support Unit (CTSU) of the Private Counsel Division provides support and oversight to private counsel across the state to ensure client-centered and zealous representation in all stages of the criminal process.
  - For CTSU assistance, contact the attorney for your county:
    - Beverly Chorbanian ([bchorbanian@publiccounsel.net](mailto:bchorbanian@publiccounsel.net)) – Essex and Suffolk.
    - Matt Gilbertson ([mgilbertson@publiccounsel.net](mailto:mgilbertson@publiccounsel.net)) – Barnstable, Islands, Middlesex, and Worcester.
    - Nathan Goldstein ([ngoldstein@publiccounsel.net](mailto:ngoldstein@publiccounsel.net)) – Bristol, Norfolk, and Plymouth.
    - Adam Narris ([atnarris@publiccounsel.net](mailto:atnarris@publiccounsel.net)) – Berkshire, Franklin, Hampden, and Hampshire.
  - For client communication assistance contact:
    - Brianna Rowley ([browley@publiccounsel.net](mailto:browley@publiccounsel.net))  
Attorney Rowley provides statewide oversight of client communication issues. She does not provide legal advice to clients who call but serves as a conduit between clients and attorneys. Most client contact issues are resolved by Attorney Rowley without a Complaint being filed.

### **Other CPCS Resources**

- **Forensic Services**
  - CPCS Forensic Services provides litigation support and training to staff and private attorneys and social workers as they confront forensics issues in their cases.
  - Contact [Forensics@publiccounsel.net](mailto:Forensics@publiccounsel.net) for assistance.
- **Criminal Defense Training Unit**
  - The Criminal Defense Training Unit is responsible for the design, development, oversight and delivery of training programs and materials as well as other resources for CPCS Public Defender Division staff and bar advocates who accept appointments through the Private Counsel Division to ensure that the indigent accused receive excellent and constitutionally adequate representation that is client centered and zealous.
  - Contact [cdtu@publiccounsel.net](mailto:cdtu@publiccounsel.net)
- **CPCS Bar Advocate List Serve**
  - This list serve is an invitation-only moderated group for current CPCS District Court, Superior Court, and appellate assigned counsel. It focuses on all aspects of criminal defense practice, and particularly of matters of concern to assigned private counsel. The focus is on both misdemeanor and felony cases at the District Court and Superior Court levels, and useful to appellate counsel as well. Members of law enforcement, prosecutor's offices, and non-CPCS attorneys are not eligible for membership in this group.

- Here is a link to the Bar Advocate List Serve: <https://cpcs-ma.groups.io/g/BarAd> (this is the home page)
- To post to the group, members should send an email to: [BarAd@cpcs-ma.groups.io](mailto:BarAd@cpcs-ma.groups.io)
- To subscribe to the list serve, attorneys should send an email to: [BarAd+subscribe@cpcs-ma.groups.io](mailto:BarAd+subscribe@cpcs-ma.groups.io)

### **CPCS Billing/Reimbursements**

This is a brief overview and does not contain all relevant information. Additional information can be found in Chapter 5 of the [Assigned Counsel Manual](#) and in the [Ebill Manual](#).

- **Photocopying and Postage**
  - The Committee will reimburse for reasonably necessary, properly documented photocopying and postage expenses. An attorney's in-house photocopying will be reimbursed at a rate not to exceed ten cents per page copied.
- **Telephone Bills**
  - The Committee will reimburse for collect and toll calls which are reasonably necessary to the representation of a client, provided that the attorney submits copies of the telephone bills if required.
- **Client Personal Expenses (including court clothes)**
  - CPCS generally does not reimburse for a client's personal expenses such as transportation or other services. If a client needs assistance of a personal nature, counsel must seek authorization from the Deputy Chief Counsel of the Private Counsel Division prior to filing a motion pursuant to G.L. c. 261, §§ 27A-27G, for such expenses. Counsel who receives prior authorization and who obtains a court-approved motion, pursuant to G.L. c. 261, §§ 27A-27G, may receive reimbursement for reasonable expenditures for an incarcerated client's appropriate courtroom attire for appearances at trial, not to exceed \$200. Counsel must provide receipts evidencing the expenses incurred.
- **Automobile Travel Expenses**
  - Necessary case-related automobile travel time and mileage is compensable at \$.59 per mile.
  - Because attorneys are expected to have an office near the courts in which they practice, local travel to court where the putative number of round-trip miles is less than 30 is not compensable. The local court travel exclusion may be waived by the Deputy Chief Counsel of the Private Counsel Division based upon a compelling need for representation in a particular underserved court or courts.
- **Reopening a NAC**
  - To reopen a NAC, email [cbradford@publiccounsel.net](mailto:cbradford@publiccounsel.net) or [ebill@publiccounsel.net](mailto:ebill@publiccounsel.net) and include the NAC number in the request.
- **Ten Hour Daily Billing Limit**
  - Attorneys are limited to billing up to a presumptive maximum of ten hours per day; the presumptive daily billing limit is twelve hours for dates the attorney was on trial and billed trial hours.
  - An attorney may request from the Audit and Oversight Department a waiver of the presumptive ten-hour billing limit by submitting a [Request for Waiver Form](#) prior to billing for time in excess of ten hours.

## Hiring an Expert/Private Vendor

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 investigating and analyzing their cases. As a state-funded agency, CPCS is highly regulated and has a fiduciary and statutory responsibility to the Commonwealth. This is a brief overview and does not contain all the relevant information, please see the [CPCS Court Cost Vendor Manual](#) – policies and procedures, and Chapter 6 of the CPCS [Assigned Counsel Manual](#), Court Costs of Indigent Persons Fund.

- **General Overview:**
  - An expert must become a state vendor to be paid by CPCS. See application process below.
  - The expert should contact Bill ([vendorbills@publiccounsel.net](mailto:vendorbills@publiccounsel.net)) for any assistance submitting their first invoice if the expert is not familiar with our billing system. CPCS values the work of the vendors, and we want to ensure prompt payment. See more information about the vendor process below to share with the expert you want to hire.
  - Counsel must become familiar with the qualifications required and rates paid by CPCS for the type of service/expertise sought in the case before hiring the expert. Chapter 5 of the CPCS Court Cost Vendor Manual lists the CPCS Expert Qualifications and Rates.
  - Counsel should always inquire before engaging an expert or service provider whether they are approved to receive payments from CPCS and whether they are aware of the applicable payment rates. Qualifications and rates for investigators, social service providers, and experts can be found online in the CPCS Court Cost Vendor Manual.
  - Travel expenses for the out-of-state expert and any unusual or extraordinary cost require prior written approval from the Deputy Chief Counsel for the Private Counsel Division and an allowed motion for funds from the court. Please see Chapter 6 of the CPCS Assigned Counsel Manual and the Court Cost Vendor Manual.
  - The email to the Deputy Chief Counsel should include the name of the case, docket number, NAC number, date of hearing or trial, and the travel expenses needed, i.e., hotel, flight, ground transportation, etc. Also, the expert's name, their expertise, and any necessary information about the case to support the request. CPCS does not pay for first-class travel or 5-star hotels. Reimbursement for meals is limited to the meal stipend approved for state employees: \$6 breakfast/\$8 lunch/\$16 dinner, or \$30 total per day.
  - The expert will need to submit a copy of the pre-approval/email from the Deputy Chief Counsel and a copy of the allowed motion for funds when the expert submits their invoice for reimbursement. The motion for funds shall cover the expert's work and any approved travel expenses. See also page 5, Part I, sections 13 and 14 of the CPCS Court Cost Vendor Manual for information about the expenses requiring approval of extraordinary travel expenses.
- **Application Process to become a state vendor:**
  - To start an application to become a vendor, please contact: [vendorinfo@publiccounsel.net](mailto:vendorinfo@publiccounsel.net)
  - A CPCS employee will send the expert a link to electronic forms generated specifically for this purpose.

- To follow-up on the status of the State Vendor application the expert should contact: [vendorinfo@publiccounsel.net](mailto:vendorinfo@publiccounsel.net). The expert should allow 3 weeks from submittal before checking on the status of the application.
- **Other important Vendor information:**
  - For questions regarding any non-attorney billing inquiries, the expert should contact: [vendorbills@publiccounsel.net](mailto:vendorbills@publiccounsel.net).
  - For specific instructions on how to enter and submit invoices for payment see [Vbill User Manual](#).
  - Direct All Billing Inquiries & Questions to Accounts Payable: [vendorbills@publiccounsel.net](mailto:vendorbills@publiccounsel.net)

### **Miscellaneous**

- **Superior Court Sentence Appeal:**
  - In addition to representing the client in Superior Court, the attorney who accepts a Superior Court case must provide representation at any sentence appeal before the Appellate Division of the Superior Court unless one of the following exceptions apply.
    - If the client has a direct appeal pending and is represented by appointed appellate counsel and appellate counsel has raised or will raise a claim of ineffective assistance of trial counsel, trial counsel shall not conduct the sentence appeal for that case; the sentence appeal shall be conducted by appellate counsel.
    - If trial counsel is not on the superior court panel at the time of the sentence appeal hearing and the client is represented by appellate counsel, the sentence appeal will be conducted by appellate counsel. If client is not represented by appellate counsel, trial counsel shall notify the appropriate Bar Advocate Program for assignment of counsel.