



Committee for Public Counsel Services

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FOR IMMEDIATE RELEASE:

Tuesday, May 27th, 2025

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CPCS Response to Bar Advocate Action, Pledges Continued Legislative Advocacy

Public defender agency continues to advocate for sustainable investment in public defense while working to ensure no client is left without counsel

BOSTON — The Committee for Public Counsel Services (CPCS) is aware that some Bar Advocates, private attorneys who take criminal cases through CPCS, have decided they will not be participating in duty days due to ongoing concerns about compensation.

Bar Advocates and private attorneys represent the overwhelming majority of indigent clients across the Commonwealth. Their work in District and Superior Courts, in mental health facilities, on behalf of children and families, and in other settings where the right to counsel attaches is vital to a just legal system. They are indispensable to fulfilling the constitutional guarantee of counsel.

“We support our private attorneys and agree that they should be paid more for the essential work they do,” said CPCS Chief Counsel Anthony Benedetti. “These lawyers provide critical representation to people at some of the most difficult moments of their lives. Their commitment is a cornerstone of public defense in Massachusetts.”

CPCS continues to advocate for increased hourly rates and sustainable funding. During the past several years, the agency has worked closely with members of the Legislature to push for improvements in compensation, including supporting legislation and budget amendments aimed at raising rates across all practice areas.

“We are grateful to both the House and the Senate for their efforts to address these long-standing issues,” Benedetti said. “We are especially grateful to the House for proposing millions in additional funding for the private bar line item in their budget, and to the Senate for advancing amendments last week that propose hourly rate increases in specific case types. These are

meaningful steps forward during an extremely challenging fiscal year. We look forward to continuing to work with both chambers and the Governor to build a stronger, more sustainable public defense system.”

CPCS also extends sincere thanks to Representative Michael Day, Senator Lydia Edwards, Senator Liz Miranda, Representative Rita Mendes and Representative Christopher Markey for their continued leadership and attention to this issue. We also thank the many co-sponsors in both the House and Senate who have demonstrated their support for the provision of counsel to the poor by both the private bar and our staff attorneys.

CPCS has a statutory obligation to ensure that all eligible clients receive legal representation. The agency is actively working to maintain coverage across the state and minimize harm to those most in need of legal assistance.

“We are doing everything within our authority to ensure that every client receives timely representation,” Benedetti said. “That includes coordinating closely with the courts, leveraging our public defender offices where possible, and prioritizing individuals who are in custody or otherwise face the most urgent legal needs.”

CPCS recognizes that the current moment reflects a larger crisis in indigent defense - not just in Massachusetts, but nationally. Recruiting and retaining attorneys, both staff and private, willing to serve in these roles is increasingly difficult, especially in high-cost regions and in practice areas requiring specialized expertise.

“We remain committed to working with our private attorneys, court leaders, and lawmakers to secure the resources necessary to support this vital work,” Benedetti said. “The people we serve deserve a system that works, and that starts with supporting the attorneys who make it possible.”