

# **COMMITTEE FOR PUBLIC COUNSEL SERVICES**

The Public Defender Agency of Massachusetts

## **Budget & Contract Update**

**PRIVATE BAR TOWN HALL**

12.18.25/12.19.25

# **AGENDA**

1. Budget – Fiscal Year 2026
2. Budget Request – Fiscal Year 2027
3. Assigned Counsel Manual Changes
4. General Q&A

Committee for Public Counsel

*Defending the People of Massachusetts*

# PRIMARY FUNDING RECAP

## Funding Sources via Legislative Appropriations

1. Administrative / Operations / Oversight (0321-1500)
2. Private Counsel (0321-1510)
3. Court Costs / Experts (0321-1520)

**Note:** Additional funding sources include Federal Grants, ISAs as well as legislatively authorized expendable Trusts. This excludes Federal funding appropriated by the state legislature for COVID response, commonly referred to as ARPA funds.

**FY2026 MONTHLY FINANCIAL OVERVIEW  
DECEMBER 2025**

		Administration / Operations	Private Counsel (Private Attorneys)	Court Costs / Experts	TOTAL
		0321-1500	0321-1510	0321-1520	
1	Prior Year MMARS Spending (FY25)	\$ 88,910,734	\$ 213,799,645	\$ 34,953,436	\$ 337,663,814
2	Funding Requested (JWM) <sup>1</sup>	\$ 94,086,004	\$ 224,319,021	\$ 38,000,000	\$ 356,405,025
3	Appropriated Funding (GAA)	\$ 89,000,000	\$ 213,827,979	\$ 25,172,236	\$ 328,000,215
4	<b>Total Available Funding<sup>2</sup></b>	<b>\$ 112,975,443</b>	<b>\$ 241,147,979</b>	<b>\$ 27,672,236</b>	<b>\$ 381,795,658</b>
5	Spending YTD (FY26)	\$ 40,749,602	\$ 74,710,516	\$ 11,757,214	\$ 127,217,332
6	<b>Total Estimated Spending<sup>3,4</sup></b>	<b>\$ 112,975,443</b>	<b>\$ 241,147,979</b>	<b>\$ 38,000,000</b>	<b>\$ 392,123,422</b>
7	<b>Projected Surplus or (Deficit)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ (10,327,764)</b>	<b>\$ (10,327,764)</b>

**Notes**

1. This is our revised FY26 Funding request to JWM in March 2025 excluding our expansionary request for an hourly rate increases for the Private Bar.

2. Our total FY26 Available Funding for 0321-1500 includes a \$22M estimate in expansionary funding transferred from 0321-1599 in FY26. 0321-1599 is a Reserve Account which includes \$40M for funding staff expansionary positions. This additional \$40M is available thru 6.2027. For 0321-1520 this also includes \$2.5M in supplemental funds received Dec 2025 under c73.

3. Our current spending forecast indicates that supplemental funding will be needed for 0321-1520; subject to change.

# PRIVATE COUNSEL

- Appropriation / Line Item **0321-1510**
- 100% payments to Private Attorneys – no Administrative costs
- Zero discretionary spending in this account

<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
144,958,732	181,683,302	206,510,050	211,325,398	213,799,645

# COURT VENDORS & EXPERTS

- Appropriation / Line Item **0321-1520**
- Represents V-BILL costs for both Public & Private staff
- Zero discretionary spending in this account
- Nearly 2/3 is one of three vendor types - Psychiatrist, Psychologist or PI

<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
17,347,801	20,803,786	24,465,869	31,096,543	34,953,436

# PRIVATE BAR RATE HISTORY

Court	FY15 (07/14)	FY16 (07/15)	FY17 (07/16)	FY18 (07/17)	FY19 (07/18)	FY20 (07/19)	FY21 (07/20)	FY22 (07/21)	FY23 (07/22)	FY24 (07/23)	FY25 (07/24)	CURRENT FY26 (08/25)	FY27 (08/26)
District Court	\$50	\$50	\$53	\$53	\$53	\$53	\$53	\$60	\$65	\$65	\$65	\$75	\$85
CAFL	\$50	\$50	\$55	\$55	\$55	\$55	\$55	\$75	\$85	\$85	\$85	\$95	\$105
Appeals	\$60	\$60	\$60	\$60	\$68	\$68	\$68	\$75	\$85	\$85	\$85	\$95	\$105
Superior Court	\$60	\$60	\$60	\$60	\$68	\$68	\$68	\$75	\$85	\$85	\$85	\$95	\$105
Mental Health	\$50	\$50	\$50	\$50	\$53	\$53	\$53	\$60	\$65	\$65	\$65	\$75	\$85
Juvenile Court	\$50	\$50	\$53	\$53	\$53	\$53	\$53	\$60	\$65	\$65	\$65	\$75	\$85
Murder	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$110	\$120	\$120	\$120	\$130	\$140
CRAs	\$50	\$50	\$53	\$53	\$53	\$53	\$53	\$60	\$65	\$65	\$65	\$75	\$85
<b>GROSS EST. IMPACT<sup>1</sup></b>			<b>\$6.99M</b>		<b>\$3.70M</b>			<b>\$28.06M</b>	<b>\$19.06M</b>			<b>\$26.80M</b>	<b>\$26.80M</b>

**Important Notes & Assumptions:**

1. Estimated impact is the estimated incremental annual impact based upon total hours at the time of the proposed rate change

REFERENCE	
TYPE OF CASE	\$ IMPACT PER \$1/HR INCR
District Court	1,250,000
Superior Court	295,000
Appeals	210,000
Juvenile Court	85,000
CAFL	710,000
Mental Health	160,000

CRA: \$75,000 per \$1/hr incr

Murder: \$95,000 per \$1/hr incr

# PRIVATE COUNSEL 0321-1510 - EXPENDITURES

Account	2023	2024	2025	2026 EST	2027 MAINT	\$ CHG '27 v '23	% CHG '27 v '23
Private Counsel	\$206,510,050	\$211,325,398	\$213,799,645	\$241,147,979	\$246,756,188	\$40,246,069	<b>19.5%</b>

CPCS Overall	2023	2024	2025	2026 EST	2027 MAINT	\$ CHG '27 v '23	% CHG '27 v '23
<b>TOTAL</b>	\$311,779,193	\$328,917,532	\$337,663,814	\$392,123,422	\$426,965,301	\$115,186,108	<b>36.9%</b>

# FY27 PRIVATE BAR RATE PROPOSAL

Request an additional \$15/hr across all case types effective FY28

Court	Current FY26 Rates	Enacted FY27 Rates	Proposed FY28 Rates
District Court	\$75/hr	\$85/hr	\$100/hr
CAFL	\$95/hr	\$105/hr	\$120/hr
Appeals	\$95/hr	\$105/hr	\$120/hr
Superior Court	\$95/hr	\$105/hr	\$120/hr
Mental Health	\$75/hr	\$85/hr	\$100/hr
Juvenile Court	\$75/hr	\$85/hr	\$100/hr
Murder	\$130/hr	\$140/hr	\$155/hr
CRAs	\$75/hr	\$85/hr	\$100/hr
<b>IMPACT</b>	-	<b>\$26,807,290</b>	<b>\$40,210,935</b>

**FY27 REQUEST FOR FY28: \$40.2M**

## CPCS Private Bar Rate Increases Enacted for FY26 and FY27 And Proposed for FY28

FY 2026	Rates increased by \$10 in all practice areas – <b>enacted</b>	<b><u>\$26.8M dollar increase</u></b> (present)
FY 2027	Rates increased by \$10 in all practice areas – <b>enacted</b>	<b><u>\$26.8M dollar increase</u></b> (effective- August 1, 2026)
FY 2028	Rates increased by \$15 in all practice areas <b>proposed</b>	<b><u>\$40.2 M dollar increase</u></b> (if enacted – effective July 2027)

**Proposed Total Increase Over Three Year Period: \$93.8 M**

# Assigned Counsel Manual Amendments

**As described in the recent notice that went out to all private bar panelists, there have been amendments to the *Assigned Counsel Manual (AMC)*.**

## **The background:**

- The legislation increasing hourly rates for private panel attorneys mandated that all contractual agreements for the appointment of private counsel will need to prescribe requirements for minimum coverage and availability.
- Fortunately, when attorneys onboard they agree(d) to follow the *Assigned Counsel Manual*. Every attorney attests "I have reviewed the CPCS Assigned Counsel Manual and Ebill 2.0 Manual, as may be amended from time to time and agree to abide by the policies, terms and conditions therein".

# Assigned Counsel Manual Amendments

## **Action taken:**

- Amended the Assigned Counsel Manual **instead** of implementing new contracts, which would have led to possible confusion with the pre-existing bar advocate contracts. This allowed us to satisfy the new statutory contract requirements.

## **Major takeaways:**

- There are no Anti-Trust provisions in the Assigned Counsel Manual.
- There will be waivers provided for the new requirements for each panel which reflect the needs of that county and practice.

# Panel Specific - Assigned Counsel Manual Amendments

**Criminal Trial Panel:** Attorneys must accept at least one duty day per month for six months each year, unless the bar advocate program is in a county that has been designated to require more.

**YAD Juvenile Court Panel:** Same duty day requirement as above.

**YAD Appeals Panel:** Attorneys must accept one direct appeal every two fiscal years, and one screening assignment after training and every two fiscal years thereafter.

**Superior Court Panel:** Attorneys must accept two new superior cases per fiscal year or if the attorney practices in a county which has superior court duty days, the attorney must take two duty days per fiscal year.

**Murder Panel:** Attorneys must accept one new murder assignment every two fiscal years. Attorneys with five or more open murder cases are exempt from this requirement.

**CAFL Trial Panel:** Attorneys must accept at least one new assignment each fiscal year.

**CAFL Appeals Panel:** Attorneys must accept one appellate appointment during the fiscal year of their initial training, and one each fiscal year thereafter.

# Assigned Counsel Manual Amendments

**MHLD Trial Panel:** Attorneys must accept at least one new mental health assignment each fiscal year.

**MHLD Appeals Panel:** Attorneys must accept at least one new mental health appellate assignment during the fiscal year of their initial training and each fiscal year thereafter.

**Parole Panel:** Newly certified attorneys must accept a case within four months. To remain on the panel, attorneys must accept two parole assignments every two fiscal years. Attorneys certified for revocations must accept four revocation matters per fiscal year, subject to case availability.

**Medical Parole Panel:** Newly certified attorneys must accept a case within four months. Attorneys must accept two medical parole assignments every two fiscal years. Screenings count as assignments.

**ACRSU Panel:** Attorneys must accept at least one new assignment each fiscal year unless they already have two open cases.

**Post-Conviction Panel:** Attorneys must accept at least two post-conviction assignments every two fiscal years.

# Q & A

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