



Working with Experts: Vendor Setup and Billing

CPCS-Forensic Services

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This brief advisory contains some basic information and resources relating to the use of experts in appointed cases across all CPCS practice areas. While this advisory deals primarily with expert vendors, its guidance is also applicable to non-expert vendors (e.g., investigators or interpreters). The [Court Cost Vendor Manual](#) details the billing policies which apply to all vendors.

Why this is important... and complicated. Expert assistance is critical in many of our cases, and our clients are entitled to the same quality of experts that non-appointed clients retain. See G. L. c. 261, § 27C(4). Billing is generally limited to rates set by the Committee itself, which are typically below “market rate.” CPCS is always seeking to add new experts and vendors, and while our vendor-set-up system has undergone significant modernization in recent years, the setup process for new experts does still involve considerable initial effort, as the reality is that there are many steps CPCS must complete before the Comptroller will cut a check to a vendor. By taking a few simple steps, you, the attorney, can help avoid frustrating situations that can end up alienating valuable experts.

Finding an expert vendor. For lists of expert vendors, or for help determining what type of expert is best for a given issue, e-mail forensics@publiccounsel.net. We can usually reply within 24 hours. Note that social services expert rolls are not managed by Forensics, but instead by the respective Directors of Social Work for the various private divisions: for adult criminal, Kristin Dame, kdame@publiccounsel.net, for mental health, Olivia Dubois, odubois@publiccounsel.net, for CAFL, Margaret Grant, mgrant@publiccounsel.net, and for YAD, Claudia Dunne, cdunne@publiccounsel.net. If you are unsure of what sort of expert you need for a given case, e-mail forensics@publiccounsel.net or the appropriate DSW, and we will help.

Moving for funds. Once you have identified the need for an expert, move for funds for an amount expected to cover their work, or at least their initial work, on the case. If possible

(not all judges will allow this), you should avoid naming the expert in the motion for funds or accompanying affidavit (the reason for this is that if your first choice expert falls through, you can use any unbilled funds from the motion to pay a new expert). You must always include a requested dollar figure in your motion- “open” or “blank check” motions are not permitted. Note that approved rates of experts are fixed by the Committee itself and can be found in the Court Cost Vendor Manual. Note also that there are unpublished rate categories. If you wish to work with an expert who does not appear to fit in one of the published categories, or if you are otherwise unsure of the rate at which a given expert may be allowed to bill, please e-mail forensics@publiccounsel.net and we will assist you. There are certain circumstances where an expert can bill at a higher rate, but first you must obtain prior written approval from the Deputy Chief of your practice division. These exceptions are made for a single case; it is not a higher rate for that expert. Any further cases would require pre-approval as well. Deputy Chief approval is also required if an expert needs to travel more than 300 miles roundtrip for work on a case or for unusual or extraordinary expenses by type or cost (including travel other than by automobile, lodging, meals, etc.). Be sure to provide your expert with a pdf copy of the written Deputy Chief approval, as they will need to attach this to their vBill submission. Finally, note that you should get an allowed motion for funds before any work is done , waiting until after work has started (or been completed) creates a risk that a judge will deny the motion, and then CPCS will have no mechanism to pay the vendor..

Engaging an existing-vendor expert. Confirm with your expert that they have an active account and can log in to the billing system, [vBill](https://vbill.publiccounsel.net/), (<https://vbill.publiccounsel.net/>) If your expert is having trouble in this regard, please have them reach out to Finance at vendorbills@publiccounsel.net

Setting up a new expert. Our clients benefit whenever our available pool of expert vendors is expanded, so we encourage attorneys to seek out, recruit, and help new experts get set up as vendors. To start the onboarding process, have the expert create an account and submit an application through the [CPCS Vendor Portal](https://vendorportal.publiccounsel.net/login), (<https://vendorportal.publiccounsel.net/login>.) Note that along with various other documents, your expert must upload a pdf copy of your allowed motion for funds (be sure to provide your expert all pages of the motion). If the expert has any questions, please have them send a secure message in the CPCS Vendor Portal or e-mail vendorinfo@publiccounsel.net, and cc or separately e-mail forensics@publiccounsel.net and the appropriate DSW so that we can help. Once the application is received, it will be reviewed and proceed through the setup process.

Talk to your expert about billing. Make sure that your expert knows that they must keep track of the hours spent working on your case. They are required by law to submit bills

within 30 days of completion of the work—vendors may (and generally should) bill up to once per month. Make sure that you regularly check in with your expert to see how much time they have worked, to make sure that they do not run up bills that exceed your allowed amount (and if it appears that more funds are needed, go back to court and ask for supplemental funds). Also be aware that all experts and vendors are required by statute to submit a bill for any unbilled services in July for work performed in the prior fiscal year (which ends June 30th). Bills received in August are reduced by statute and bills received in September are not eligible for payment absent a successful appeal to the Chief Counsel. Remember, attorney approval of expert billing through eBill (note that vendors use vBill, but attorneys approve their invoices through eBill (the attorney gets an e-mail notification what a bill is ready for review)- if you don't know your eBill login, e-mail vendorbills@publiccounsel.net and they will help) is required, so it is important to approve the vendor's work as soon as possible. This level of monitoring may feel like a burden, but this burden is far less problematic than having to deal with a scenario where an expert risks being uncompensated because of errors in the funds allowance/billing process. We strongly recommend drafting an engagement letter that, in addition to addressing client confidentiality, specifically documents the approved hourly rate for the expert and the need for the expert to stay in contact with you regarding the progress of their use of funds.

Please be sure to provide your Notice of Assigned Counsel (NAC) number to the expert, as is required for billing purposes. If you are a CPCS staff attorney, please instruct the expert to select "CPCS Employed Attorney" under the attorney type.

Reach out for help. Forensics and the DSWs are here to help attorneys in all CPCS divisions and practice areas. If you have any questions about expert vendors, please do not hesitate to e-mail forensics@publiccounsel.net or the Director of Social Work for your practice area/division.

[\[Link to Vendor Manual\]](#)

[\[Link to Assigned Counsel Manual\]](#)