

Massachusetts Public Defenders

Funding the Foundation

Over the past year, the Commonwealth's indigent defense system faced unprecedented operational challenges. Pay-based work stoppages by private panel attorneys in two counties disrupted the timely provision of legal representation, resulting in more than 8,600 individuals being left without constitutionally required counsel throughout the Summer and Fall of 2025.

Through significant fiscal support from the Legislature, CPCS was able to stabilize the system with targeted investments, including expanded staff capacity and private counsel rate adjustments. We are grateful for the Legislature's action in restoring timely representation and strengthening the system against future disruptions.



Who We Are:

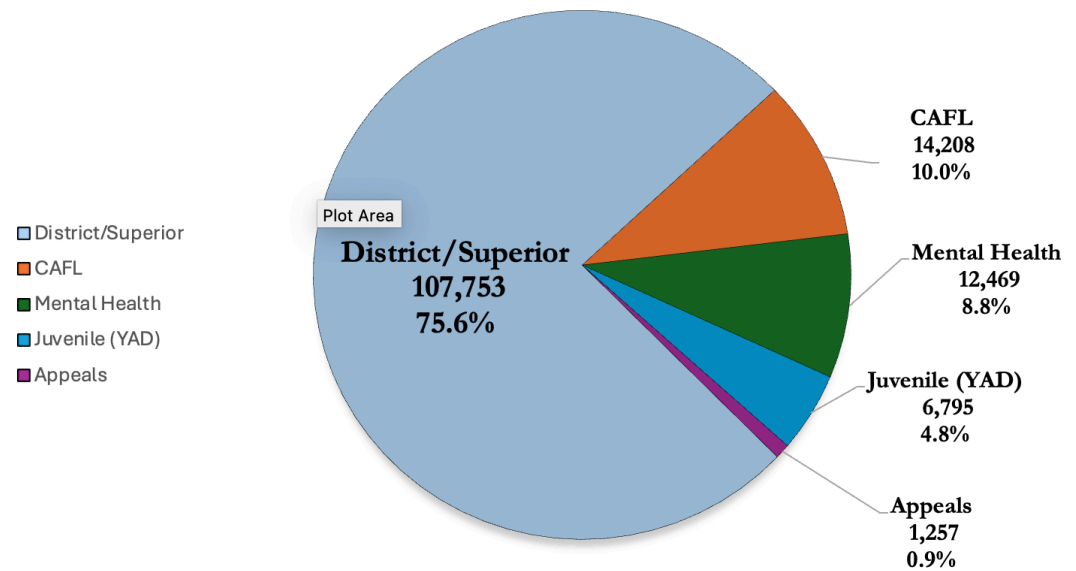
The Committee for Public Counsel Services (CPCS) is the state agency in Massachusetts responsible for providing legal services to indigent persons in criminal and civil matters in which the law requires the appointment of counsel for any person who cannot afford to retain counsel. The agency provides representation in criminal, delinquency, youthful offender, child welfare, mental health, sexually dangerous person and sex offender registry cases, as well as appeals and post-conviction cases related to those matters.



Our Divisions:

- Children and Family Law (CAFL)
- Youth Advocacy Division (YAD)
- Public Defender Division (PDD)
- Mental Health Litigation Division (MHLD)
- Private Counsel Division (PCD)

Case Break Down By Division:



* These numbers are based on new assignments in FY24 only.

* There are an additional 74,956 carryover cases from FY23 resulting in 217,438 total cases in FY24.

The Governor's FY27 budget proposal may hinder this progress, as it does not fully fund CPCS's projected need across our core accounts.

0321-1500 (Operations & Oversight):

This line item will support FY27 operations with supplementation from the reserve account created in 0321-1599. Line item 0321-1599 authorized \$40M over two years for staff expansion in FY26 and FY27. The proposal does not include funding to add a modest number of staff positions in non-criminal areas where we are also having trouble securing private panelists.

0321-1520 (Court Costs & Experts):

This line-item is underfunded relative to our request and projected need. CPCS requested \$38M; the Governor recommended \$25.1M. A recently filed FY26 supplemental budget (H.5050) increasing this account to \$38M confirms that this level of funding will be required in FY27 as well.

0321-1510 (Private Counsel):

The funding level in the Governor's proposal is likely to fall short of anticipated need, which may increase pressure on appointment capacity and case coverage. Our expected need for this line item, reflecting the rate increase already adopted, is \$250 million, while the Governor recommended \$245 million.

CPCS also requested a \$15 per hour rate increase across all practice areas beginning in FY28 as part of our commitment to supporting higher rates. This request does not require FY27 funding, only authorizing language. This request was not included in the Governor's proposal. The enactment of a future rate increase would help with CPCS efforts to recruit and retain panelists and incentivize them to accept CPCS cases.

While CPCS can meet core responsibilities in the majority of months in FY27 using the proposed funding and reserves, the budget will inevitably need a supplemental appropriation for line items 0321-1510 (Private Counsel) and 0321-1520 (Court Costs & Experts). Without sustained investment, pressures related to staffing capacity, private counsel compensation, and court costs will continue.

CPCS - FY27 BUDGET APPROPRIATION SUMMARY

APPROPRIATION	2026 GAA	2026 FORECAST ¹	GOV H1 (01.28.26) ²	0321-1599 RESERVE EST. BAL. 06.30.26 ³	2027 CPCS MAINTENANCE REQUEST ³	2027 CPCS INITIATIVE REQUEST	GOV H1 + 1599 RESERVE vs. CPCS MAINT. REQUEST	GOV H1 + 1599 RESERVE vs. CPCS INITIATIVE REQUEST
03211500 CPCS - ADMINISTRATION / OVERSIGHT	89,000,000	112,975,443	109,000,000	33,155,646	142,209,182	145,102,182	(53,536)	(2,946,536)
03211510 CPCS - PRIVATE COUNSEL	213,827,979	241,147,979	245,827,979	-	250,100,714	250,100,714	(4,272,735)	(4,272,735)
03211520 CPCS - COURT COSTS / EXPERTS	25,172,236	38,000,000	25,172,236	-	38,000,000	38,000,000	(12,827,764)	(12,827,764)
GRAND TOTAL	328,000,215	392,123,422	380,000,215	33,155,646	430,309,896	433,202,896	(17,154,035)	(20,047,035)

Notes:

1. Forecasted spending as presented to Committee, January 2026

2. This is H1 as issued and excludes the impact of expansion funding appropriated in c14 of the Acts of 2025, account 0321-1599.

3. This Reserve Fund balance is an estimate, subject to increase or decrease. \$40M was appropriated in August 2025 for use thru FY27 to support the hiring of CPCS attorneys to address the private counsel work stoppage.

Requested Rate Increase Language

SECTION X. Subsection (a) of section 11 of chapter 211D of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out paragraph (1) and inserting in place thereof the following paragraph:

- (a)(1) The rates of compensation payable to all counsel, who are appointed or assigned to represent indigents within the private counsel division of the committee in accordance with the provisions of paragraph (b) of section 6, shall, subject to appropriation, be as follows: for homicide cases the rate of compensation shall be \$155 per hour; for superior court non-homicide cases, including sexually dangerous person cases, the rate of compensation shall be \$120 per hour; for district court cases and children in need of services cases the rate of compensation shall be \$100 per hour; for children and family law cases and care and protection cases the rate of compensation shall be \$120 per hour; for sex offender registry cases and mental health cases the rate of compensation shall be \$100 per hour. These rates of compensation shall be reviewed periodically at public hearings held by the committee at appropriate locations throughout the commonwealth, and notice shall be given to all state, county and local bar associations and other interested groups, of such hearings by letter and publication in advance of such hearings. This periodic review shall take place not less than once every 3 years.

SECTION X. Section X shall take effect on August 1, 2027.

Work Stoppage, Counsel Crisis, & Staff Expansion

On May 27, 2025, private defense attorneys ceased accepting new assigned cases in Suffolk and Middlesex Counties due to compensation concerns. This work stoppage led to an unprecedented counsel crisis resulting in more than 8,600 unrepresented defendants collectively throughout the Summer and Fall of 2025. As a result of extensive and productive collaboration with the Legislature, legislation was enacted in August 2025 increasing private attorney hourly rates for all assigned cases across all divisions (Chapter 14 of the Acts of 2025). Pursuant to this legislation, the hourly rate for district court cases increased from \$65 per hour to \$75 per hour effective August 1, 2025, and will further increase from \$75 per hour to \$85 per hour effective August 1, 2026. The legislation also provided for a significant expansion of CPCS staffing, directing that its Public Defender Division hire 320 attorneys over two fiscal years.

While CPCS is on track to meet this hiring mandate, the counsel shortage persists during the transition. At its peak in the Fall of 2025, approximately 2,200 individuals were unrepresented. In response, CPCS implemented a temporary incentive program in October 2025 to encourage private attorneys to accept unassigned cases in these counties and support continued coverage. The incentive program, along with increased hourly rates and the addition of staff counsel, has helped mitigate the shortage. While the number fluctuates daily, as of February 6, 2026, there were 10 unassigned cases.

First Year Staff Expansion Efforts

- 
- **September 2025**
38 New Attorneys Hired
 - **December 2025**
17 New Attorneys Hired
 - **April 2026**
Anticipating 10 to 15 New Attorneys Hired
 - **September 2026**
Anticipating 100 to 120 New Attorneys Hired

CPCS INITIATIVE REQUEST

0321-1500 – Oversight & Operations

Total Request: \$145,102,182

Increase from H.1: \$2,946,536

This increase will:

- Address Maintenance Needs (\$53,536)
- Meet projected operational maintenance costs.
- Strengthen Critical Divisions (\$793K)
- Fund additional staff in the Mental Health and Youth Advocacy Divisions.
- These divisions were not included in the recent staff expansion and are facing urgent staffing shortages.
- Launch Paralegal Program (\$2.1M)
- Support case administration, organization, and preparation
- Allow attorneys to focus on legal advocacy
- Increase attorney capacity and manageable caseloads

0321-1510 – Private Counsel

Total Request: \$250,100,714

Increase from H.1: \$4,272,735

0321-1520 – Court Costs & Experts

Total Request: \$38,000,000

Increase from H.1: \$12,827,764

The increases in the 1510 & 1520 line-items will:

- Fully fund projected maintenance needs
- Reduce reliance on supplemental appropriations
- Provide predictability and timely compensation for private attorneys
- Strengthen recruitment and retention of private bar advocates
- 0321-1520 contemplates no increase versus FY26 estimated spending

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
GROSS EST. IMPACT¹			\$6.99M		\$3.70M			\$28.06M	\$19.06M			\$26.80M	\$26.80M

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

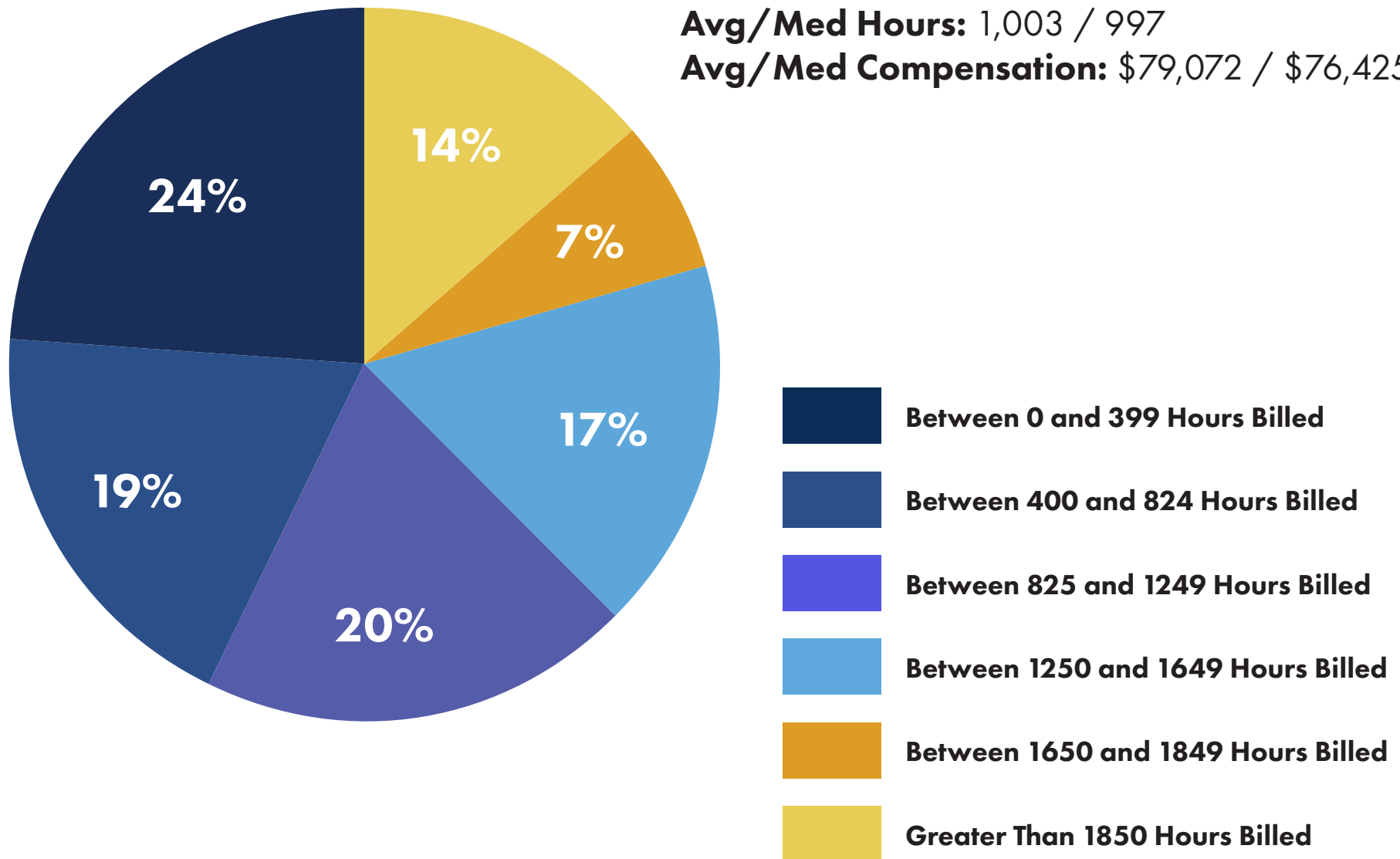
CRA: \$75,000 per \$1/hr incr
Murder:
\$95,000 per \$1/hr incr

FY2023 Private Counsel Billing

Billers: 2,609

Avg/Med Hours: 1,003 / 997

Avg/Med Compensation: \$79,072 / \$76,425

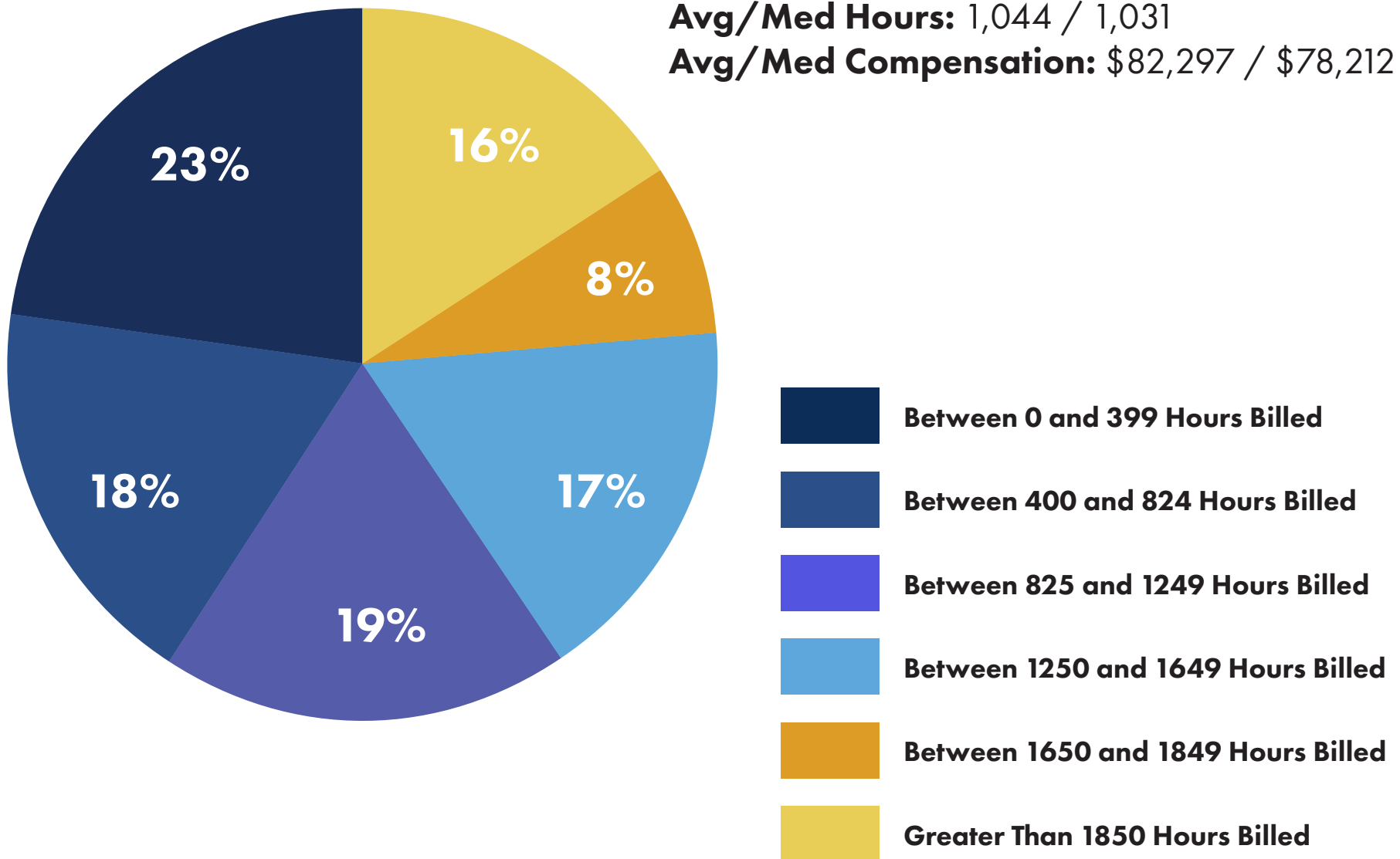


FY2024 Private Counsel Billing

Billers: 2,569

Avg/Med Hours: 1,044 / 1,031

Avg/Med Compensation: \$82,297 / \$78,212

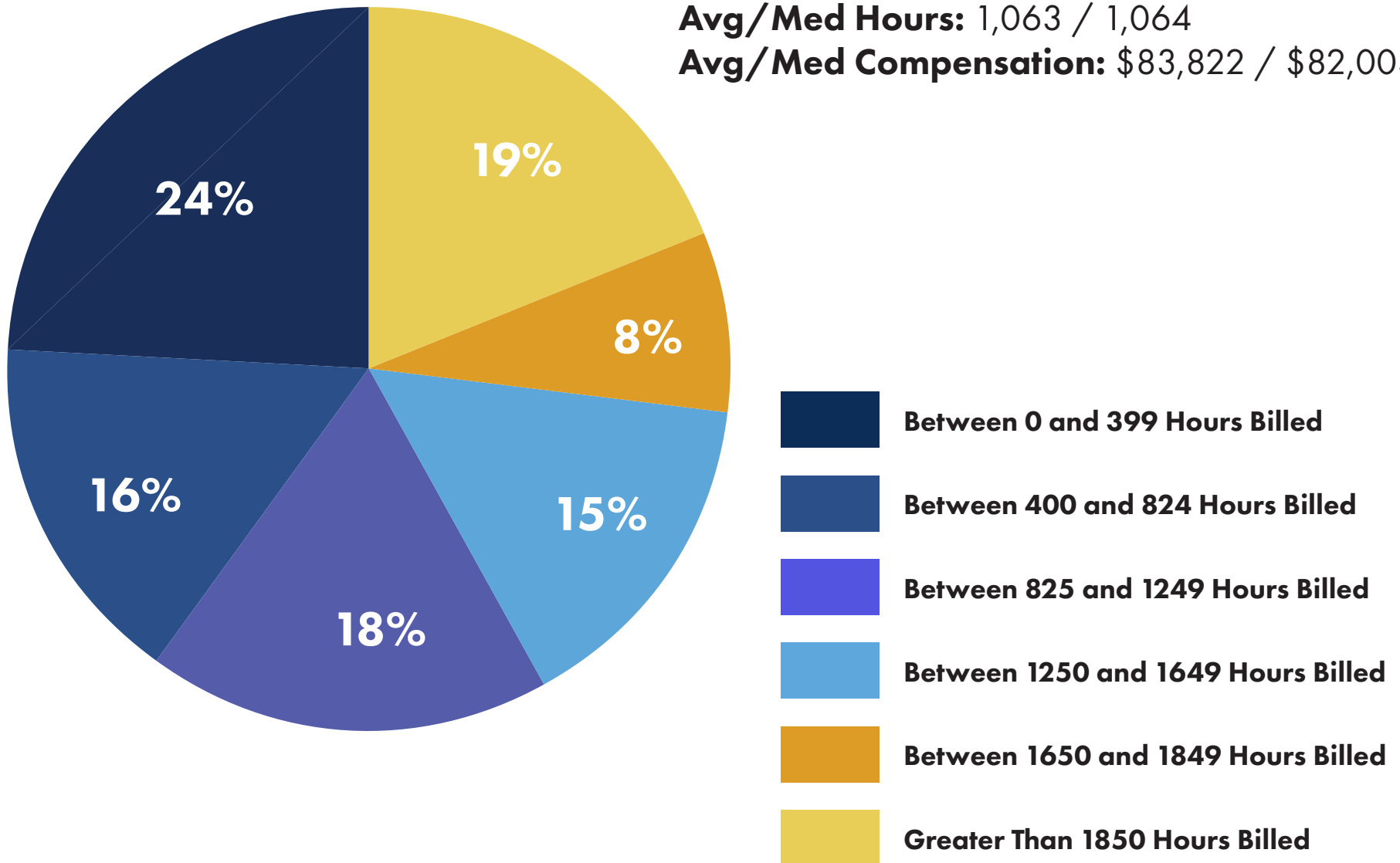


FY2025 Private Counsel Billing

Billers: 2,564

Avg/Med Hours: 1,063 / 1,064

Avg/Med Compensation: \$83,822 / \$82,003



PRIVATE BAR RATE INITIATIVE

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
IMPACT	-	\$26,807,290	\$40,210,935

FY27 REQUEST FOR FY28: \$40.2M

Important Notes & Assumptions:

1. Gross Estimate Impact is an estimated cost using 2025 Hours by Court type
2. Actual cost will change as court volume and/or the total volume of cases change
3. Rates changes effective at the beginning of each Fiscal Year (July 1st)

TARGETED MH/YAD STAFF EXPANSION

MENTAL HEALTH (3.5 FTEs) - \$427K of \$793K

Initiative: Address Suffolk Guardianship Cases

3.5 attorney FTEs handle collectively 180–210 new matters/year (24–28% of overall volume), with continuity for annual reviews, better access and efficiency including less restrictive outcomes and timely medication reviews.

YOUTH ADVOCACY DIVISION (3.0 FTEs) - \$366K of \$793K Total

Initiative: Establish a YAD Conflicts Unit (YCU)

Using FY25 caseload data, YAD's total caseload would be approximately 44% of all cases statewide. These new positions in a dedicated conflict unit would represent a notable increase of approximately 8% in YAD's overall percentage of cases handled.

PARALEGAL PROGRAM - \$2.1M

BACKGROUND AND RATIONALE

Initiative: Address Suffolk Guardianship Cases EXPECTED

- Rising Case Complexity (and why paralegals matter)
- More digital/body-cam evidence
- Broader discovery (Brady, Long)
- More pretrial motions/hearings

Using FY25 caseload data, YAD's total caseload would be approximately 44% of all cases statewide. These new positions in a dedicated conflict unit would represent a notable increase of approximately 8% in YAD's overall percentage of cases handled.

PARALEGAL PROGRAM

WHAT WE WILL ACHIEVE

Increased Efficiency: The addition of paralegals is projected to allow attorneys to focus on high-level legal tasks, reducing case processing times and improving client outcomes.

Projected Outcomes: The proposal anticipates improved attorney productivity, cost savings, and enhanced client satisfaction through effective use of paralegals, ultimately addressing attorney burnout and turnover.

ESTIMATED CASELOAD IMPACT

- **PDD:** From 190 to 220–240 weighted cases per FTE (16%+)
- **CAFL:** From 38 to 45 cases per attorney FTE (18%)
- **YAD:** From 110 to 120–125 cases annually per attorney FTE (~15%)
- **MH:** Staffing increase from 100 to 115 cases attorney per attorney FTE (15%).

ESTIMATED INITIAL IMPACT

FY27: 30.0 FTES @ \$70K = **\$2.1M**



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