

**COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT**

No. SJC-13824

COMMITTEE FOR PUBLIC COUNSEL SERVICES, ON BEHALF
OF UNREPRESENTED DEFENDANTS IN MIDDLESEX
AND SUFFOLK COUNTIES

Appellant,

v.

MIDDLESEX AND SUFFOLK COUNTY DISTRICT COURTS
AND BOSTON MUNICIPAL COURT,

Appellees.

On Reservation and Report from
the Supreme Judicial Court for Suffolk County

**AMICUS CURIAE BRIEF OF
328 MASSACHUSETTS BAR ADVOCATE ATTORNEYS
IN SUPPORT OF APPELLANT**

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STATEMENT OF INTERESTS OF AMICUS CURIAE¹

The three hundred twenty-eight (328) signatories² to this brief are current and former bar advocates who have been impacted by the unreasonably low rates of compensation and other challenges referenced herein (hereinafter, “Bar Advocates”). While other parties and amici have focused on “whether ... the Supreme Judicial Court, a single justice of the Supreme Judicial Court, or any justice of any trial court department is authorized to order increased compensation rates,” this brief highlights “under what circumstances” increased compensation rates should be ordered. Those circumstances consist of the unreasonably low rates of compensation, compounded by serious additional hardships, together resulting in such a severe shortage of counsel that the 6th Amendment and Article 12 constitutional rights to counsel of thousands of indigent defendants have been violated throughout the Commonwealth.

DECLARATION PURSUANT TO MASS. R. APP. P. 17(c)(5)

Amicus and its counsel declare that:

- (a) No party or party’s counsel authored this brief in whole or in part;

¹ This brief is submitted pursuant to Mass. R. App. P. 17(a)(2) (allowing the filing of amicus briefs when solicited by an appellate court) and this Court’s September 18, 2025 amicus announcement in this case.

² Three hundred twenty-eight (328) current and former bar advocates have joined this brief as amici. [Addendum (hereinafter, “Add.”) 37-65].

(b) No party or party’s counsel, or any other person or entity, other than the amicus curiae, its members, or its counsel, contributed money that was intended to fund the preparation or submission of the brief; and

(c) Neither the amicus curiae nor its counsel represents or has represented one of the parties to the present appeal in another proceeding involving similar issues, or was a party or represented a party in a proceeding or legal transaction that is at issue in the present appeal.

STATEMENT OF THE CASE AND FACTS

Amicus curiae adopts the CPCS statement of the case and facts.

SUMMARY OF THE ARGUMENT

In *Gideon v. Wainwright*, the United States Supreme Court explained “... lawyers in criminal courts are necessities, not luxuries. The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours ... The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel.” 372 U.S. 335, 344–345 (1963) (internal citation and quotation marks omitted). The failures of the Legislative and Executive branches of the Commonwealth have put the core functions of the Judiciary and criminal justice system in serious jeopardy, resulting in the violation of **thousands** of indigent defendants’ 6th Amendment and Article 12 constitutional rights to counsel for nearly **five months now**. Under these

circumstances, this Court not only has the power to act, but also a moral and constitutional obligation to do so. Amici respectfully submit that this action should take the form of an emergency increase to \$125.00 per hour for the rate of compensation payable to Bar Advocates accepting assignments in the District Courts of the Commonwealth.

ARGUMENT

I. THIS COURT SHOULD EXERCISE ITS EXTRAORDINARY POWER OF SUPERINTENDENCE UNDER THE *LAVALLEE* PROTOCOL TO ORDER A TEMPORARY RATE INCREASE TO \$125 PER HOUR FOR THE RATE OF COMPENSATION PAYABLE TO BAR ADVOCATES ACCEPTING ASSIGNMENTS IN THE DISTRICT COURTS OF THE COMMONWEALTH.

Amici, who consist of three hundred twenty-eight (328) lawyers across the Commonwealth who accept bar advocate appointments, respectfully submit this brief to share their perspective on the question posed by the Court. It cannot be seriously debated that Bar Advocates consist of some of the most dedicated criminal defense lawyers in the Commonwealth. Bar Advocates daily take on some of the most difficult criminal cases in our criminal justice system. The cases they take on are typically for the most vulnerable people in our communities who, in qualifying for Bar Advocate representation, by definition, lack financial resources. Many clients have complex immigration, family, addiction, and language-related issues. When it comes to Bar Advocates helping their clients access fair justice, Bar

Advocates start with nearly everything stacked against them – and that is before we even consider the financial inequity inherent in their advocate work.

These lawyers never entered this line of legal practice in order to achieve affluence, and they are not asking for that here. They submit this brief to illuminate the harsh realities they now face – that they are simply unable to earn a reasonable living while doing what they love to do and have always been committed to do – to serve justice – but literally can no longer afford it. This is the reason that more and more Bar Advocates have found no choice but to drop out.³

In 2004, when this Court first deferred to the Legislature for a more permanent solution, fifty-eight indigent criminal defendants were without counsel, resulting in the implementation of what is now known as “*Lavallee* protocols.” *Lavallee v.*

³ We have submitted numerous examples *infra*. As one typical example:

“I cannot afford to have my own office space as the overhead is too much. I work from home, and when I need to meet with clients, I’m fortunate to have colleagues that consistently allow me to use their conference room. To work on a bar advocate case involves a lot of administrative work that I don’t get paid for. If a bill is selected for a random audit, I have to provide detail as to every single minute I’ve worked on a case, and there are hours and hours to explain, and an extreme level of detail is required. This is all non-billable work. [...] Because of the low rate I cannot afford to have anyone else do the administrative work, so I have to handle it all myself. Not only can I not afford administrative help, I cannot afford paralegal help, or any kind of help. I need to handle every single matter myself for all my work.”

¶¶ 3-6 of Affidavit of Philip Weber, Bar Advocate. [Add. 66-70].

Justices in the Hampden Superior Court, 442 Mass. 228, 235 n.10 (2004). In 2019, the second time this Court was forced to implement *Lavallee* protocols (while again deferring to the Legislature for a more permanent solution), 155 indigent criminal defendants were without legal counsel. *Carrasquillo v. Hampden County Dist. Courts*, 484 Mass. 367, 389 n.27 (2020). Today, despite the twenty-plus years during which this Court looked to the Legislature to address the chronic underfunding of indigent defense in the Commonwealth, thousands of criminal defendants have had their 6th Amendment and Article 12 constitutional rights to counsel violated for nearly five months now. The criminal justice system in Middlesex and Suffolk counties has been wholly paralyzed and effectively rendered inoperative, while neighboring counties are also in crisis.⁴

⁴ The Appellee courts assert they have “consistently maintained their obligation to conduct the hearings required by *Lavallee* and *Carrasquillo*” so there is no need for this Court to take further action. Brief of Appellee Courts at 35. Releasing defendants seven days after they were held in custody in violation of their constitutional rights to counsel and dismissing cases after they have languished forty-five days without defense counsel is a very far cry from a properly functioning Judiciary. To the contrary, indigent defendants “now find themselves in an interminable merry-go-round where charges come and go yet they have to keep coming back to court and remain subject to harsh pretrial conditions as their cases continue to go uninvestigated, witnesses’ memories continue to fade, and physical evidence continues to disappear because there are still not enough attorneys willing to work at the current rates. Given these circumstances, this Court should prescribe even stronger medicine until the right to counsel is fully honored.” Appellant Brief at 31-32. Moreover, given a recent order of the Single Justice, one must question whether the courts are, in fact, maintaining their obligations under *Lavallee*. See 10/16/25 Order in SJ-2025-0244 (setting a hearing for 11/13/25 to address, among other issues, the “principal reason(s) for the high volume of cases reported by the

During these five months, the Single Justice (for a third time when considering *Lavallee* and *Carrasquillo*) deferred action beyond re-implementing *Lavallee* protocols. The Legislative and Executive branches, however, have since proved unwilling and/or unable to remedy the gravest violation of the right to counsel in the history of the Commonwealth (and possibly the nation) since *Gideon*⁵ became law of the land. It is time for the Judiciary to act. As fully briefed by the Committee for Public Counsel Services (hereinafter, “CPCS”), the American Civil Liberties Union (hereinafter, “ACLU”), and the Massachusetts Association of Criminal Defense Lawyers (hereinafter, “MACDL”), separation of powers concerns do not prevent this Court from taking further action in the form of an emergency rate increase. When, as here, the failures of the Legislative and Executive branches have put the core functions of the Judiciary and criminal justice system in serious jeopardy, they have left this Court not only with the power to act, but also with a moral and constitutional obligation to do so. Amici submit that this action should take the form of an emergency increase to \$125.00 per hour for the rate of compensation payable

parties in their most recent periodic update remaining open past the forty-five-day presumptive time limit provided in the *Lavallee* protocol”); *see also* Page 6 of Paper 73 in SJ-2025-0244 (CPCS averring 1217 cases open past the forty-five-day presumptive time limit established by *Lavallee*).

⁵ *Gideon v. Wainwright*, 372 U.S. 335 (1963).

to Bar Advocates accepting assignments in the District Courts of the Commonwealth.

II. BAR ADVOCATES ARE INDISPENSABLE TO THE COMMONWEALTH'S INDIGENT CRIMINAL DEFENSE SYSTEM

The last five months conclusively demonstrate the indispensable role Bar Advocates serve in the Commonwealth's indigent criminal defense system. It cannot be gainsaid that our criminal justice system does not function without Bar Advocates. Moreover, an assertion that Bar Advocates could be phased out – now or in the future – would be specious at best. This is why fair compensation for Bar Advocates has received a broad-based and wide-ranging level of support . See Letter of 119 Retired Massachusetts Judges [Add. 71-74]; Letter from Senator Eldridge [Add. 75-76]; Cambridge City Council Policy Order [Add. 77-78]; Greenfield City Council Emergency Resolution [Add. 79-81]; and Mass Defenders Open Letter to the Massachusetts Legislature [Add. 82-92].

Currently, Bar Advocates handle 80% of all indigent criminal cases, while CPCS handles the remaining 20%. Although recent legislation signed by Governor Healey on August 5th purports to expand the proportion of indigent criminal cases handled by CPCS to 40%, such legislative and executive action appears to be nothing more than an unfunded and impossible mandate.⁶ Even if CPCS were able to meet

⁶ CPCS testified to the legislature that Appropriation 0321-1500 (CPCS Public Defender Division) and Appropriation 0321-1510 (Private Counsel Division) would

this unfunded mandate, CPCS admits it plainly could not happen any time soon,⁷ and Bar Advocates still would be responsible for 60% of all indigent criminal defense cases throughout the Commonwealth once it was accomplished.

Whether the Commonwealth's reliance on Bar Advocates could be reduced remains to be seen, but Bar Advocates could never be eliminated completely for a myriad of reasons. Ethical conflicts prevent CPCS from handling every indigent defense case (*i.e.*, CPCS cannot ethically represent co-defendants or a defendant where the alleged victim is a former CPCS client). These ethical rules are themselves constitutionally required. Even in states where most of the indigent criminal cases are handled by a public defender office, those states still maintain lists

need to be funded in FY26 at \$94,086,004.00 and \$224,319,021.00, respectively, just to maintain FY25 levels. See <https://www.publiccounsel.net/wp-content/uploads/2025/05/Final-FY26-Budget-Testimony-5.23.25.pdf>. Despite this testimony, the Legislature's FY26 budget bill only funded Appropriation 0321-1500 at \$89,000,000.00 and Appropriation 0321-1510 at \$213,827,979.00 – a collective shortfall of over \$15 million. See St. 2025, c. 9. Accordingly, \$15 million of the additional \$40 million provided to CPCS in the August 5th supplement budget bill is needed just to maintain FY25 staffing levels. Moreover, it remains entirely unclear how CPCS could double its size with the remaining \$25 million, when its current size requires funding of \$94,086,004.00. Obviously, CPCS cannot meet its statutory mandate to double its size in the required timeframe with the funds appropriated to date. See CPCS Staffing Expansion Plan: FY26 – FY27 (reflecting inability to hire 320 new staff attorneys by FY27). [Add. 93-98].

⁷ According to CPCS, its hiring efforts “will not eliminate the counsel shortage in the near future.” Appellant Brief at 29.

of private counsel to handle conflict cases. See Sixth Amendment Center (6AC) Letter to Committee for Public Counsel Services. [Add. 99-102]. This is an inescapable feature of the criminal justice system.

Even reducing reliance on Bar Advocates, as opposed to eliminating it, would merely serve to further harm the Commonwealth's indigent defense system, which is already in severe crisis. Bar Advocates provide unique benefits to indigent defendants that CPCS staff attorneys cannot always replicate. Bar Advocates have diverse legal experience, and some maintain diverse private practices. Criminal defendants often face civil collateral proceedings and consequences, such as restraining orders that could include child custody provisions, driver's license suspensions, and effects on housing and employment – to name only a few. Generally, CPCS staff attorneys must limit their representation to the criminal case only. While CPCS generally prohibits Bar Advocates from accepting compensation from court-appointed clients, knowledge and experience in these civil practice areas informs the advice and representation Bar Advocates provide in the criminal case.

Furthermore, Bar Advocates often will assist court-appointed clients with these collateral issues on a *pro bono* basis – something CPCS staff attorneys are generally prohibited from doing. The broad depth of experience and knowledge of Bar Advocates is an invaluable resource to indigent defendants that cannot be replicated by CPCS staff attorneys.

In addition, Bar Advocates tend to focus their court-appointed work on select courts,⁸ which allows Bar Advocates to become intimately familiar with the unique practices of those individual courts. Such intimate knowledge provides innumerable benefits to the clients of Bar Advocates.

III. THE EXTRAORDINARY CHALLENGES FACED BY BAR ADVOCATES

Unconstitutionally low rates of compensation⁹ are chief among the litany of challenges Bar Advocates face daily. While \$75 per hour may seem like a decent

⁸ Admittedly, CPCS staff attorneys also tend to limit their practices to select courts.

⁹ One could not in good faith dispute that Bar Advocate compensation is unreasonably low, given the two prior findings of this Court and the prior finding of the Single Justice. As CPCS explained:

We have been here before. Once again, indigent criminal defendants find themselves in an unacceptable and constitutionally intolerable position—without counsel. And the reason they once again find themselves without counsel is the same reason they found themselves without counsel in 2004, and the same reason they found themselves without counsel in 2019: “the low compensation rate for district court work set by statute.” RA:207. Compare *Lavallee v. Justices in the Hampden Superior Court*, 442 Mass. 228, 229 (2004) (counsel shortage “caused by the low rate of attorney compensation authorized by the annual budget appropriation”), and *Carrasquillo v. Hampden County Dist. Courts*, 484 Mass. 367, 392 (2020) (low rates of compensation “a major factor in discouraging private attorneys from accepting court appointments”), with Order, SJ-2025-0244 (July 3, 2025) (Wendlandt, J.) (statutory rate of \$65 per hour “proven inadequate to secure the representation by bar advocates of indigent defendants”). RA:205.

Appellant Brief, pgs. 7-8.

rate in the abstract, its utter insufficiency becomes readily apparent upon even the most cursory of inspections – particularly when one considers that Massachusetts has the highest cost of living in the nation second only to Hawaii. *See* Information Sheet. [Add. 103-106].

The demands imposed by the Courts are unrelenting. We are expected to provide sophisticated legal briefs completed on compressed timelines, requirements that frequently necessitate working through the night. CPCS limits compensable hours to ten per day, often insufficient for what cases require. While exceptions exist, requesting waivers demands additional paperwork that is simply not feasible when all energy has already been extracted completing work for clients facing decades in prison. On top of crushing workloads, CPCS conducts frequent audits requiring additional unpaid hours of meticulous record-keeping multiple times per year. During these audits, payment is suspended, compounding the financial strain on already under-compensated counsel.

¶¶ 7-8 of Affidavit of Veronica White, Bar Advocate, [Add. 107-109]; *see also* ¶ 2 of Affidavit of Michael A. Dodd,¹⁰ Bar Advocate, [Add. 110-111]. Bar Advocates are classified as independent contractors.¹¹ Accordingly, they do not receive any of

¹⁰ “The hourly rates for bar advocates [...] are grossly inadequate [...] [T]hese rates fail to cover basic living expenses, especially in a high-cost area like Greater Boston. I incur substantial unreimbursed overhead costs, including office rent, utilities, legal research subscriptions, and malpractice insurance, which I must personally fund. Additionally, I receive no benefits such as health insurance, sick pay, vacation pay, or unemployment insurance, forcing me to bear the full financial burden of these necessities.”

¹¹ The very definition of this classification – used to deprive Bar Advocates of the employee benefits every other court participant receives – is the reason Bar

the employee benefits¹² or legal practice support¹³ that CPCS staff attorneys receive, requiring Bar Advocates to bear these costs out of the already unreasonably low hourly wage.

“I have to provide my own health insurance and malpractice insurance, a significant expense for me, that is in no way reimbursed. As a bar advocate, I don’t have any sick time or vacation time, so any day I am not working, I simply am losing out on pay. This even includes national holidays that fall on weekdays, while the rest of the country gets the day off, any time I don’t work means lost income. I am not always fully reimbursed for my travel. While I technically live only a few miles

Advocates have no “public obligation” to accept assigned cases, as the Suffolk County District Attorney’s Office wrongly contends. See Intervenor Brief at 10.

¹² Unlike CPCS staff attorneys, Bar Advocates are not provided with health insurance, malpractice insurance, life insurance, disability insurance, unemployment benefits, vacation pay, sick pay, a pension, retirement benefits, or a 401K match. Because they are classified as independent contractors, Bar Advocates must pay both the employee and employer share of FICA taxes. Furthermore, CPCS requires Bar Advocates to maintain a minimum amount of malpractice insurance, and although they must name the bar advocate program as an insured on the certificate of insurance, CPCS does not provide any reimbursement for this expense.

¹³ Unlike CPCS staff attorneys, Bar Advocates are not provided with office space, computer equipment, cell phones, printers or fax machines, paralegal support, assistant support, legal research subscriptions, practice management software, file storage space, cloud storage space, Zoom subscriptions, internet service, etc. Bar Advocates must pay for all of these expenses out of the unconstitutionally low hourly rate. Moreover, some of these expenses are required by CPCS. For example, Bar Advocates are required to have a legal research subscription, even though CPCS does not reimburse Bar Advocates for it. Until recently, Bar Advocates were required to maintain a physical office near the courts where they accept assignments. Although CPCS has removed this requirement, it is of little benefit to Bar Advocates, as a physical office is generally required to ensure client confidentiality and proper trial preparation. Remote preparation through Zoom meetings or conference calls is exceedingly difficult (and often impossible) when working with an indigent population, and lack of a physical office does not engender trust with clients.

from Boston, due to the traffic that always exists going into the city, it can take 1-1.5 hours roundtrip, but that time cannot be billed for travel because of the mileage not being enough. When I have court in Boston, I am not able to bill for parking, so I either have to park outside the city and take public transit into the city, or pay a significant amount for parking from my own expenses.”

¶¶ 7-10 of Affidavit of Philip Weber, Bar Advocate. [Add. 66-70].

Additional issues compound the problem of unconstitutionally low rates, namely: (1) the amount of unpaid work¹⁴ required of Bar Advocates; (2) Bar

¹⁴ Bar Advocates are prohibited from block billing and must maintain running clock time and detailed time entries, but CPCS does not provide Bar Advocates with time management or billing software. Moreover, Bar Advocates are prohibited from billing for any of the time required to comply with CPCS’s billing requirements. Bar Advocates are subject to random audits, as well as complex audits when they exceed certain undisclosed thresholds set by CPCS. The time Bar Advocates spend in responding to these audits is not billable. Furthermore, while any audit is pending (up to 60 days), payment on the bill is withheld. In addition to payment delays due to audits, there have been numerous years where CPCS prematurely exhausted its funding and could not timely pay Bar Advocates at the end of the fiscal year.

Bar Advocates bill in .1 hour (six minute) increments, but are prohibited from automatically rounding up. For example, if a phone call with a client lasts for 15 minutes, Bar Advocates are only allowed to bill .2 hours; not .3 hours for that call. Similarly, Bar Advocates are not compensated for all travel time. Bar Advocates are compensated for travel time for client visits and site investigation, but that compensation is subject to CPCS’s undisclosed calculations as to how long the trip should take based on the mileage. If there is a bad accident or traffic, then Bar Advocates are not fully compensated. Additionally, travel to and from court is not compensable unless the total trip exceeds 30 miles. If a Bar Advocate travels 14 miles to get to court and 14 miles to get back from court, then that Bar Advocate receives no compensation for any of the time it took to travel those 28 miles.

Bar Advocates are also subject to limits on court wait time, even though Bar Advocates have no control over court congestion. Bar Advocates are not permitted to bill more than two hours of court waiting time per client and not more than three hours in total court waiting time in one day. If court waiting time exceeds these

Advocates needing to advance certain costs while waiting weeks (and sometimes months) for reimbursement from CPCS;¹⁵ (3) difficulties Bar Advocates encounter in finding and retaining CPCS-approved vendors and experts¹⁶ – most of whom are paid significantly more per hour than the Bar Advocates who hire and supervise them (see pages 26-36 of CPCS Court Vendor Manual, [Add. 112-147]); see also ¶¶ 9-13 of Affidavit of Erin O’Brien, Bar Advocate,¹⁷ [Add. 148-149]; (4) effects the

limits, then Bar Advocates simply must eat the time. This is particularly problematic on a slow duty day – where the Bar Advocate is required to be present in court for the entire day. For example, a Bar Advocate may only receive one case assignment that took one hour. Despite being in court all day, the Bar Advocate is prohibited from billing more than three hours (one hour for work performed on the case and two hours of court wait time).

¹⁵ For example, costs incurred for trial supplies, trial exhibits, and copies of medical records are advanced by Bar Advocates and submitted to CPCS for later reimbursement.

¹⁶For example, CPCS staff attorneys have access to staff investigators and social workers employed full-time by CPCS and available to assist whenever needed. Bar Advocates, however, must comb through lists of investigators and social workers who were previously approved by CPCS and contact each one individually to determine whether that vendor has the availability and willingness to assist on a particular case. These are extremely time-consuming endeavors.

¹⁷ “I am paid considerably less than the experts I hire on my client’s behalf despite my comparable or greater level of education. I am currently paid the same rate of \$75 per hour as the private investigators that I hire and whose work I supervise. I approve the bills submitted to CPCS by the investigators I hire. (While I do not believe investigators are overpaid, I was disheartened to learn that they were paid ten dollars more per hour than the Bar Advocates until the most recent increase in July 2025.) I am paid \$37 less per hour than Bar Advocates in Rhode Island, \$50 less per hour than Bar Advocates in New Hampshire, and \$75 less per hour than Bar Advocates in Maine. I have been a zealous advocate for the indigent clients I

ongoing counsel shortage has on Bar Advocates' ability to manage their caseloads and work-life balance;¹⁸ (5) Bar Advocates being asked to handle assignments

represent despite the low rate of pay and the high costs associated with maintaining a law office. I believe that the current rate of \$75 per hour is inequitably low.”

¹⁸ Difficulty with managing caseloads and work-life balance is inherent in Bar Advocate and criminal defense work. Clients have emergencies – both legal and personal – that require a Bar Advocate's attention. Emergency hearings are not uncommon. And Bar Advocates have no control over (and little way of predicting) how many cases they will be assigned on any given duty day. This inherent unpredictability, however, is intensified by the counsel shortage that has been ongoing for years (*see* Section IV, *infra*).

Court Officers, Session Clerks, and Assistant Clerk Magistrates routinely ask Bar Advocates to accept assignments on days when they are not on duty. In some counties, it is not uncommon to see the sitting Judge left with no choice but to call on Bar Advocates in the audience by name to try to obtain a volunteer to assist the court. This unfairly places both the Judiciary and Bar Advocates in an untenable position. It creates a very difficult situation for Bar Advocates, who must maintain excellent relationships with all court participants to be an effective advocate. In addition, many Bar Advocates simply cannot abide a defendant's right to counsel being violated, especially if there is a possibility the defendant may be held in custody. So, Bar Advocates are forced into an untenable position every time they step into court to conduct business – either volunteer to help the court and lose further control over your caseload, calendar, and quality of life, or risk angering the court participants with whom you need excellent relationships to be effective at your job and watch a defendant's right to counsel be violated with all of the ramifications and collateral consequences you know it will cause that fellow citizen who deserves a zealous advocate.

Furthermore, as discussed by the ABA, it creates ethical concerns and the potential appearance of impropriety to have individual judges choosing which individual lawyers should handle a particular criminal matter. This is why, by statute, only CPCS is permitted to assign counsel to cases and that assignment is done through the duty day calendar system. *See* Appellant Brief at 36-37; *see also* 5/22/25 CPCS Letter to the Honorable Heidi E. Brieger, [Add. 150-153].

outside their scope of their panel appointments due to the ongoing counsel shortage;¹⁹ and (6) the newly added legislative threat of civil and criminal antitrust prosecutions of Bar Advocates.²⁰

Finally, it goes without saying that Bar Advocates serve a troubled client population under extremely difficult circumstances, and Bar Advocates can suffer secondary trauma as a result. As required by statute, all Bar Advocate clients have been deemed indigent by the courts. In addition to indigency, most Bar Advocate clients have limited education, limited social supports, a significant portion are

¹⁹For hearings pursuant to Sections 12 and 35 of Chapter 123, protocol requires courts to contact CPCS to obtain a mental health certified attorney to handle these hearings. In practice, however, this rarely happens, and Bar Advocates from the criminal panel are routinely asked to handle these proceedings on their duty days, even when not trained or certified to do so.

²⁰ The supplemental budget signed on August 5th contained the following language targeting Bar Advocates:

“An agreement between private bar advocates to refuse to compete for or accept new appointments or assignments unless the rates of pay under this section are increased shall be evidence of a violation of section 4 of chapter 93; provided, that evidence of an agreement between private bar advocates to refuse to compete for or accept new appointments or assignments unless the rates of pay under this section are increased shall include, but shall not be limited to, any county where not less than 25 per cent of private bar advocates are refusing to compete for or accept new appointments or assignments.”

Section 49(a)(2) of St. 2025, c. 14. This legislative threat of civil and criminal antitrust prosecutions serves only to further dissuade Bar Advocates from accepting appointed cases beyond the effects already caused by the unconstitutionally low rates of compensation. *See* Affidavit of Dana Goldblatt, Bar Advocate, [Add. 154-155]; *see also* Affidavit of Katherine Essington, Bar Advocate, [Add. 156-157].

housing unstable or homeless, and some have literacy challenges. A significant portion of Bar Advocate clients suffer from alcohol use disorder, substance use disorder, mental health issues, or a combination of some or all three challenges. Further complicating the representation, for many Bar Advocate clients, English is not their primary language. Depending on the geographic area the Bar Advocate serves, a sizable portion of clients also may lack legal status, resulting in Bar Advocates having to deal with U.S. Immigration and Customs Enforcement targeting not only their client, but also sometimes the attorney as well.

Bar Advocates regularly first meet their clients in active crisis – after the client has been arrested, booked and transferred to a court lockup; is scared, confused, and sometimes agitated; and often actively still under the influence of drugs, alcohol, and/or an active mental health issue. Bar Advocates need to visit their clients in jails and prisons – left alone locked in an attorney visiting room with the only protection being a panic button on the wall that hopefully is functioning and will generate a timely response, if able to be pressed if needed. When clients are held in psychiatric institutions, Bar Advocates are exposed not only to their clients, but also to the other patients on the same floor as the client. It is not unprecedented for a Bar Advocate's client to overdose while in court requiring an emergency response. Many Bar Advocates have experienced the awful feeling of learning their client has passed

away. And while thankfully not often, Bar Advocates sometimes face actual physical danger from their clients.

In October 2021, I was assaulted by a client in the Roxbury division of the Boston Municipal Court. He was charged with Indecent Assault and Battery on a Person Over 14, and pled guilty to the lesser included Assault and Battery. ... At no point did anyone from Suffolk Lawyers for Justice nor CPCS, despite clear indication that they had knowledge, reach out to me to offer me services or encourage me to remain doing this work despite this incident. Instead, I had to engage a therapist, and I had to pay out of pocket because she does not accept insurance, and a panic attack that I had in the courthouse led me to the conclusion I needed to act with haste. Her rate is \$200/hr. I had therapy every week for a year to address the incident

¶¶ 7-9 of Affidavit of Reyna M. Ramirez, Bar Advocate, [Add. 158-161].

During the pandemic, while courts tried to do as much as possible on Zoom, many criminal proceedings proceeded in person; arrests did not stop because of COVID-19. Bar Advocates were in the courts, lockups, jails, prisons, and psychiatric facilities doing their jobs and putting their own safety at risk before a vaccine was even available. And while most Bar Advocates continued their work because they believed their clients deserved zealous advocacy no matter what the circumstance, others were forced to practice in these conditions because Bar Advocates have no vacation pay, sick pay, benefits, or retirement to fall back on during such emergency times.

Bar Advocates are passionate about the work they do and care deeply for their clients. Nothing is more rewarding for a Bar Advocate than proving the innocence of a client or seeing a client do a 180-degree turn for the better and changing the entire trajectory of her life. There is something extremely rewarding about advocating for someone who does not have the power or resources to advocate for themselves. This is why Bar Advocates, at times, place their own health, safety and well-being at risk in order to zealously advocate for their clients. But the good nature of Bar Advocates has been exploited for far too long, and the unconstitutionally low rates of compensation serve only to amplify the challenges Bar Advocates face while serving a difficult client population.

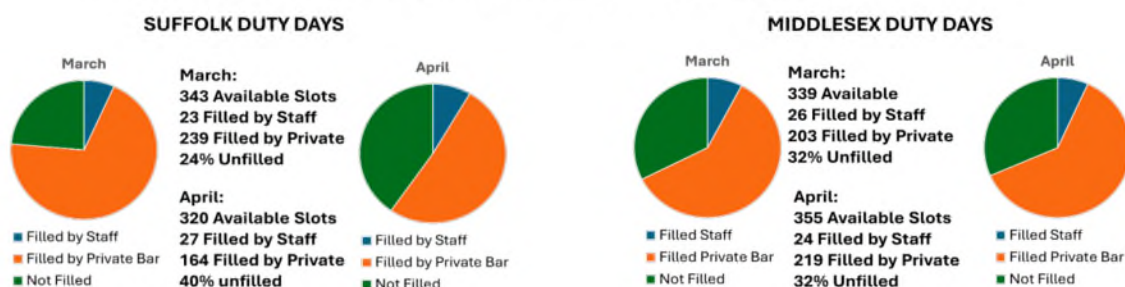
IV. THE AFOREMENTIONED CHALLENGES – NOT BAR ADVOCATES – CREATED A COUNSEL SHORTAGE LONG BEFORE MEMORIAL DAY OF 2025.

While the extent of the shortage varies by county and court, a shortage of counsel for indigent defendants has persisted unabated for years now. Hampden County has been in crisis since 2019. *See generally Carrasquillo*, 484 Mass. 367 (2020). Counsel shortages in Middlesex and Suffolk counties have been ongoing since at least the beginning of the COVID-19 pandemic. According to CPCS,

The number of bar advocates has declined every year since 2018. ...There are almost 200 fewer bar advocates now than there were in 2018. While the number of bar advocates in Middlesex County is about the same as it was in 2018, SLJ has lost attorneys every year since then, resulting in 88 fewer attorneys in the program than there were seven years ago.

Affidavit of Holly Smith, attached to CPCS' June 18th *Lavallee* petition in SJ-2025-0244. The following chart prepared by CPCS further elucidates the duration and extent of the counsel shortage in Middlesex and Suffolk counties:

28. Due to the loss of bar advocates, district court arraignment sessions are frequently unstaffed or understaffed. Even back in 2021, Suffolk and Middlesex Counties were struggling to fill their duty days and the BMC, which historically had no problem filling duty days, was experiencing a near crisis with attorney coverage and had a list of clients without counsel. The two charts below illustrate the inadequate duty day staffing levels in Suffolk and Middlesex Counties prior to the work stoppage.



Fourteenth Supplemental Affidavit of Holly Smith, attached to Paper 68 in SJ-2025-0244.

Other counties have been, and remain, in crisis also, including Essex,²¹ Norfolk,²² Hampden,²³ and Barnstable²⁴ counties, but unrepresented defendants in these counties are being deprived of *Lavallee* protections. In these counties, the number of unrepresented indigent criminal defendants since Memorial Day has either far exceeded the number of unrepresented defendants that were at issue in *Lavallee* in 2004 (58 defendants) or unrepresented defendants were below that number, but nevertheless waiting weeks and sometimes months – while in custody – for assignment of counsel. For example, some indigent defendants in Hampden County are held in custody for weeks – and at least one more than sixty (60) days in custody

²¹ On July 10, 2025, the Chief Counsel of CPCS described Essex County as “becoming a big problem” and “the next frontier.” See July 10th MLW Article. [Add. 162-166]. As of August 15, 2025, over 170 indigent defendants lacked representation in Essex County. See 8/15/25 e-mail. [Add. 167-170]. The number of unrepresented defendants ballooned to over 230, as of September 2, 2025. See 9/2/25 e-mail. [Add. 171-173].

²² See List Reflecting 406 unrepresented indigent defendants in Norfolk County (to date, Bar Advocates have been unable to confirm the precise effective date of this list). [Add. 174-183].

²³ Hampden County routinely has indigent defendants held in custody for weeks without the benefit of counsel, including some more than a month and at least one indigent defendant for 66 days. See 6/23/25, 6/25/25, 7/23/25, and 7/23/25 e-mails, [Add. 184-201]; see also July 25th MassLive article, [Add. 202-210]. The crisis in Hampden County persists as of October 21, 2025. See 10/16/25, 10/20/25 and 10/21/25 e-mails. [Add. 211-218].

²⁴ As of August 8, 2025, over 100 indigent defendants lacked representation in Barnstable County. See 8/08/25 e-mail. [Add. 219-221].

– without the benefit of counsel.²⁵ This is simply intolerable from both a constitutional and moral perspective. The appeals panel is also in crisis with indigent defendants waiting in excess of one year for the assignment of appellate counsel.²⁶

For years, Judges, Clerks, Court Officers, CPCS, and Bar Advocates have tried their best to hold together a crumbling and underfunded indigent defense system. Although these efforts were herculean and well-intentioned, all they did was delay exposure of the true extent of the counsel crisis. The individual decisions of attorneys that they could no longer work without adequate pay did not manufacture a constitutional crisis; those individual decisions merely revealed the crisis that has long been festering and ignored for years.²⁷

²⁵ [Add.184-201], [Add. 202-210], and [Add. 211-218].

²⁶ See 10/15/25 and 10/18/25 e-mails. [Add. 222-237].

²⁷ The reaction of the Legislature to threaten Bar Advocates with antitrust prosecutions if they seek collective relief (see Section 49(a)(2) of St. 2025, c. 14) reflects a misunderstanding of the legitimate and vital motives that have led to their actions. Given the complaints of legislative leadership that it was difficult to negotiate a resolution because Bar Advocates are unorganized, it is ironic that leadership would pass a law making it even more difficult for Bar Advocates to speak with a cohesive voice. See July 29, 2025 Boston Herald Article (“So it’s hard to foresee where a middle ground might be, one that works for everybody because each one of these folks is an individual contractor. So you may be talking to someone who only represents five people – you don’t know,” Mariano told reporters. “So you make an agreement with five people, and then you gotta do it 55 more times. We’re trying to get a consensus of where these folks would come back to work, and how much it would take to get them to come back to work.”). [Add. 238].

V. AN EMERGENCY RATE OF \$125.00 PER HOUR FOR DISTRICT COURT ASSIGNMENTS IS NEEDED TO TEMPORARILY SOLVE THIS CONSTITUTIONAL CRISIS.

Upon review of the last five months, one must question whether the legislative and executive branches truly intended to solve the constitutional crisis in our courts. In addition to delaying more than two months before acting, their eventual action was utterly insufficient and was, in fact, antagonistic toward the Bar Advocates who are essential to solving this unprecedented crisis. Since its August 5th enactment, it has become clear the meager rate increase in the supplemental budget bill has done very little to mitigate the counsel shortage.²⁸ *See generally* SJ-2025-0244. We believe

²⁸ On October 20, 2025, CPCS announced incentive pay for Middlesex and Suffolk counties lasting until November 17, 2025. Amici strongly believe that this out-of-the-blue incentive is short-sighted and misguided, if it is proposed as a substitute for the relief sought here. If it has any effect, it will be to exacerbate the crises that already exist in the counties other than Suffolk and Middlesex, as we discuss above. As this Court has already made clear, such temporary incentives are insufficient and serve only to deepen the same problems in neighboring counties. *See Carrasquillo*, 484 Mass. at 393 n.37 (observing that “piecemeal regional or temporary solutions may not be sufficient to avoid future instability in providing counsel for indigent defendants,” and noting that CPCS’s temporary rate increase in Hampden County created risk of shortages in surrounding counties); *see also* Brief of Appellee Courts at 43 (calling for the universal right to counsel to be “as uniform as possible”). The constitutional right to counsel should not depend on one’s geographic location. This incentive is performative – not substantive, and it will not change the calculus as to whether this Court needs to act now. *See* ¶¶ 38-42 of Fourteenth Supplemental Affidavit of Holly Smith, attached to Paper 68 in SJ-2025-0244 (discussing inadvisability of using incentive pay to address the current counsel crisis). One only needs to look to Hampden County. Despite years of incentive pay, Hampden County remains in crisis today. *See* [Add.184-201], [Add. 202-210], and [Add. 211-218].

that a rate of \$125 per hour for District Court assignments is desperately needed to temporarily solve this constitutional crisis, as we wait now for a fourth time for the legislative and executive branches to implement a more permanent solution.

There is no need to reinvent the wheel. As CPCS stated in its appellant brief, we have been here before. And the last time we were here, Special Master Hon. Judd Carhart (Ret.) recommended to Justice Wendlandt a \$120 per hour compensation rate for Bar Advocates accepting appointments in the Springfield and Holyoke District Courts. *See Report of the Special Master.* [Add. 239-281]. Of course, the hourly rate recommended by the Special Master in March of 2022 must be adjusted to account for the significant inflation the United States has endured since that time.

In addition to the support the 2022 Special Master report provides to a \$125 per hour rate, such a rate aligns with the June 18th request from Bar Advocates to House and Senate leadership to increase the District Court compensation rate to \$125 per hour. *See June 18th E-mail.* [Add. 282-283]. As explained in the June 18th e-mail, Bar Advocates based the \$125 per hour number on the median rate of compensation for the equivalent of Bar Advocate work in neighboring states.

A \$125 per hour compensation rate still would be far below what some neighboring states pay for comparable work (*e.g.*, \$150 per hour in Maine) and the Criminal Justice Act rates of \$175 per hour for non-capital cases and \$223 per hour for capital cases (which are adjusted automatically for inflation by statute). It is the

bare minimum, however, needed to ensure Bar Advocates can resume the work they love without being subjugated to earning a salary of \$42,000 that is below both the average and medium household income in Massachusetts. *See* Information Sheet. [Add. 103-106].

CONCLUSION

Bar Advocates have been clear as to what is needed to help solve this constitutional crisis. And this Court and the Single Justice have been clear on the cause of this crisis – the low rates of Bar Advocate compensation. This Court first warned the co-equal branches of government in *Lavallee* in 2004 of the perils of chronic underfunding of the Commonwealth’s indigent defense system. Despite having the benefit of the twenty-plus years notice this Court provided, the Legislature and Executive have done little over the past five months to stem this unprecedented constitutional crisis, and, in some ways, have made it worse. How much longer will this Court abide the violation of thousands of indigent defendants’ 6th Amendment and Article 12 constitutional rights to counsel?

Respectfully submitted,
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Dated: October 24, 2025

CERTIFICATION PURSUANT TO MASS. R. APP. P. 17

I, Max Stern, certify that the foregoing brief complies with the rules of Court that pertain to the filing of briefs, including, but not limited to Rules 17 and 20. This brief contains 7,051 non-excluded words, which I ascertained using Microsoft Word's word count function. The brief uses Times New Roman 14-point font and was composed in Microsoft Word.

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CERTIFICATE OF SERVICE PURSUANT TO MASS. R. APP. P. 13(e)

I, Max D. Stern, hereby certify that on this 24th day of October, 2025, I electronically filed the foregoing *Amicus Curiae Brief of 328 Massachusetts Bar Advocate Attorneys in Support of Appellant* in Committee for Public Counsel Services v. Middlesex and Suffolk County District Courts, *et al.*, SJC-13824, on behalf of three hundred twenty-eight Massachusetts Bar Advocate Attorneys who joined as amici, via e-fileMA, in addition to a copy via email to:

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ADDENDUM

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SUPREME JUDICIAL COURT

SJC-13824

COMMITTEE FOR PUBLIC COUNSEL SERVICES

V.

MIDDLESEX AND SUFFOLK COUNTY DISTRICT COURTS AND
ANOTHER

AFFIDAVIT OF PHILIP WEBER

I, Philip Weber, do hereby depose and state as follows:

1. I have been taking appointed cases for nearly ten years, and have been a bar advocate for two years.
2. While I was aware of the hourly rate that was paid to bar advocates when entering into the role, I have still struggled with the rate of pay. I can spend all day in court, and make less than I will make in just a couple hours working on a private case.
3. I cannot afford to have my own office space as the overhead is too much. I work from home, and when I need to meet with clients, I'm fortunate to have colleagues that consistently allow me to use their conference room.
4. To work on a bar advocate case involves a lot of administrative work that I don't get paid for. If a bill is selected for a random audit, I have to provide detail as to every single minute I've worked on a case, and there are hours and hours to explain, and an extreme level of detail is required. This is all non-billable work. Even without an audit, since I have so many bar advocate cases, it can take hours every month to enter the times into the e-bill system in order to process a payment.

5. Because of the low rate I cannot afford to have anyone else do the administrative work, so I have to handle it all myself.
6. Not only can I not afford administrative help, I cannot afford paralegal help, or any kind of help. I need to handle every single matter myself for all my work.
7. I have to provide my own health insurance and malpractice insurance, a significant expense for me, that is in no way reimbursed.
8. As a bar advocate, I don't have any sick time or vacation time, so any day I am not working, I simply am losing out on pay. This even includes national holidays that fall on weekdays, while the rest of the country gets the day off, any time I don't work means lost income.
9. I am not always fully reimbursed for my travel. While I technically live only a few miles from Boston, due to the traffic that always exists going into the city, it can take 1-1.5 hours roundtrip, but that time cannot be billed for travel because of the mileage not being enough.
10. When I have court in Boston, I am not able to bill for parking, so I either have to park outside the city and take public transit into the city, or pay a significant amount for parking from my own expenses.
11. I do appointed work in various areas, appeals, trials, SORB and SDP cases. I have found that for every single one of these appointed areas, there is a constant shortage of lawyers, and has been for as long as I've been involved.
12. As a bar advocate, long before the current situation, there were weekly emails that go out, every single week without fail, talking about which

courthouses needed one, two, or even three attorneys, and how many days that week it will be needed.

13. I have gone in for a duty day only to discover I'm the only attorney on duty. So I have to handle a dozen cases, not having enough time to talk with the clients I'm representing because I need to get to the next one. It's difficult, because I want to be sufficiently prepared, but if we don't get to every case before the end of the day, there's a risk a person will be held in jail overnight, and I can't let that happen.
14. I have had times when I have gone into a session that was short on duty attorneys and taken 2-3 cases just to help them out. I've seen many bar advocates do the same, as sometimes the only way we can cover an empty spot in the calendar is by having everyone pitch in a little.
15. When there was a shortage of available attorneys in Hampden County and a bonus was offered for taking duty days, I volunteered for a dozen or so days spread out over a few months. I did this both because I wanted to help, but also because the bonus pay was something I needed for my household finances, despite it involving 3.5 to 4 hours a day of driving.
16. For the appeals panel I work on, there are sometimes cases that have to wait up to a year before an attorney can be assigned because of the shortage, and for an appeal a person can't get back the lost time if they win their appeal.
17. As an attorney working on appointed cases, I find myself doing a lot of non-legal work. I need to help my clients with their release plan, getting involved in treatment programs, whether that be for drugs or mental

health, often both. I need to keep track of them, because if I'm not careful they forget about their case, get defaulted, get arrested for that, and then get brought in and still have to deal with their case. And because I cannot afford to hire anyone, I have to do all this work myself.

18. I have clients that because of their prior encounters with the system can be distrustful of me, or assume I am not qualified to do the work I'm doing, so I have to both convince them to trust me, and that I'm truly doing what I can to get them the best possible outcome.
19. Despite all the challenges, I truly love this work. I love being able to represent the indigent community, to help people that truly need this help. To zealously advocate for people that deserve to be zealously advocated for. I want to be back in court, and dislike not taking bar advocate cases right now, I want to be back in court representing these people.
20. If I could, I would have my entire caseload be nothing but appointed cases, as its work I truly believe in. But unfortunately, at the current rate, that is impossible. I need to get every private case I can possibly get. And as time goes on, and as prices for everything goes up, it makes bar advocate work less and less feasible in my life. But I don't want that to be the situation. I know that I will never be paid for appointed work at the same rate as private work, nor am I expecting that. But I am hopeful that it can be paid at a rate that is more realistic and in line with what will allow me to continue taking this work that I truly love.

Signed under the pains and penalties of perjury.

Philip Weber

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100¹ Retired Massachusetts Judges Call for Fair Pay for Bar Advocates

100 retired Massachusetts judges have called for fair pay for bar advocates. This includes retired judges from the Supreme Judicial Court, Appeals Court, Boston Municipal Court, District Court, Housing Court, Juvenile Court, Land Court, Probate and Family Court, Superior Court (all seven of the courts that make up the Massachusetts Trial Court), and the Federal District Court.

AN OPEN LETTER

We, retired Massachusetts judges, call for fair pay for bar advocates.

Signed,

Judge Stephen Abany, ret.
Judge William H. Abrashkin, ret.
Judge Alfred Barbalunga, ret.
Judge Tom Barrett, ret.
Judge Julie Bernard, ret.
Judge Patricia Bernstein, ret.
Judge Jay Blitzman, ret.
Judge Michael Bolden, ret.
Judge Isaac Borenstein, ret.
Judge Robert B. Calagione, ret.
Judge Richard Carey, ret.
Judge Don Carpenter, ret.
Judge Martine Carroll, ret.
Judge Louis D. Coffin, ret.

¹ Actual count is 119 as of October 17, 2025.

Retired Judges Call for Fair Pay for Bar Advocates

Judge James G. Collins, ret.
Judge J. Burt Conlon, ret.
Judge John P. Cronin, ret.
Judge John Cratsley, ret.
Judge Beth Crawford, ret.
Judge J. Elizabeth Cremens, ret.
Judge John Curran, ret.
Judge Pamela M. Dashiell, ret.
Judge Suzanne V. Delvecchio, ret.
Judge Lucille A. DiLeo, ret.
Chief Justice Barbara Dortch-Okara, ret.
Judge Raymond Dougan, ret.
Judge Patty Dowling, ret.
Judge Raya Dreben, ret.
Judge Patricia Dunbar, ret.
Chief Justice Michael F. Edgerton, ret.
Judge Carol Erskine, ret.
Judge Margaret S. Fearey, ret.
Judge Ellen Flatley, ret.
Judge Patricia A. Flynn, ret.
Judge Daniel A. Ford, ret.
Judge Annette Forde, ret.
Judge Patrick Fox, ret.
Judge Shannon Frison, ret.
Judge Timothy Gailey, ret.
Judge Gail Garinger, ret.
Judge Nancy Gertner, ret. Judge
Linda Giles, ret.
Judge Mike Goggins, ret.
Judge Karen Goodwin, ret.
Judge Robert A. Gordon, ret. (District Court)
Judge Karen Green, ret.
Chief Justice Mark Green, ret.
Judge Sydney Hanlon, ret.
Judge Christina Harms, ret.
Judge Leslie Harris, ret.
Judge Paul Heffernan, ret.
Judge Herbert H. Hodos, ret.
Judge Michele B. Hogan, ret.
Judge Tom Horgan, ret.
Judge Bob Howarth, ret.
Judge Emogene Johnson Smith, ret.

Retired Judges Call for Fair Pay for Bar Advocates

Judge Bertha Josephson, ret. Judge
Robert Kane, ret.
Judge R. Marc Kantrowitz
Judge Peter Kilmartin, ret.
Judge C. Jeffrey Kinder, ret.
Judge Kenneth King, ret.
Judge Patrick King, ret.
Judge James L. LaMothe, Jr., ret.
Judge Peter Lauriat, ret.
Judge Antoinette McLean Leoney, ret.
Judge Paul LoConto, ret.
Judge Leon J. Lombardi, ret.
Judge Keith Long, ret.
Judge Paul Losapio, ret.
Judge Jack Lu, ret.
Judge Paul Mahoney, ret.
Judge Bonnie MacLeod, ret.
Judge Edward J. McDonough, Jr.
Judge Christine McEvoy, ret.
Judge James McHugh, ret. Judge
Bob McKenna, ret.
Judge Mark D. Mason, ret.
Judge Richard A. Mori, ret.
Judge C.J. Moriarty, II, ret.
Judge Diane Moriarty, ret.
Judge Stephen Neel, ret.
Judge Daniel W. O'Malley, ret.
Judge John M. Payne, Jr., ret.
Judge Luis Perez, ret.
Judge Laurence Pierce, ret.
Judge Regina Quinlan Doherty, ret.
Judge Edward J. Reynolds, ret.
Judge Susan D. Ricci, ret.
Chief Justice Robert Ronquillo, ret.
Judge David Seth Ross, ret.
Judge Mary-Lou Rup, ret.
Judge Tina Page, ret.
Judge Jennifer S.D. Roberts, ret.
Judge David Sacks, ret.
Judge Jose Sanchez, ret.
Judge Janet Sanders, ret.
Judge Robert A. Scandurra, ret.
Chief Justice Karyn Scheier, ret.

Retired Judges Call for Fair Pay for Bar Advocates

Judge Sarah B. Singer, ret. Judge
Eleanor Sinnott, ret.
Judge Neil G. Snider, ret.
Judge Francis X. Spina, ret.
Judge Jeremy A. Stahlin, ret.
Judge Stephen C. Steinberg, ret.
Judge Anthony P. Sullivan, ret.
Judge Thomas F. Sullivan, ret.
Judge Daniel Swords, ret.
Judge Paul Troy, ret.
Judge Paul Waickowski, ret.
Judge David Weingarten, ret.
Judge Kathryn A. White, ret.
Judge Mary Dacey White, ret.
Judge Douglas Wilkins, ret.
Judge H. Gregory Williams, ret.
Judge Geoffrey A. Wilson, ret.
Judge Paul M. Yee, ret.
Judge Margaret Zaleski, ret.
Judge Robert Ziemian, ret.



The Commonwealth of Massachusetts
MASSACHUSETTS SENATE

SENATOR JAMES B. ELDRIDGE
Middlesex and Worcester District

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Chair

JOINT COMMITTEE ON REVENUE

Vice Chair

JOINT COMMITTEE ON THE JUDICIARY

JOINT COMMITTEE ON STATE ADMINISTRATION AND
REGULATORY OVERSIGHT

DISTRICT OFFICE
255 MAIN STREET, ROOM 219A
MARLBOROUGH, MA 01752

Jun 16, 2025

The Honorable Michael J. Rodrigues
Chair, Senate Committee on Ways and Means
State House, Room 212
Boston, MA 02133

Dear Chair Rodrigues,

As Chair of the Criminal Justice Reform Caucus and Senate Vice Chair of the Joint Committee on Judiciary, I am writing to you concerning the provision of essential legal representation for low-income Massachusetts residents.

The Committee for Public Counsel Services (CPCS) provides legal representation to low-income Massachusetts residents in a variety of legal matters where there is a constitutional or statutory right to counsel. These legal matters include cases where the state seeks to commit a person against their wishes to a mental health hospital. It also includes cases where the state seeks to terminate a person's parental rights to their child. And, of course, CPCS provides criminal representation to defendants facing the possibility of incarceration. The stakes can hardly be higher in these cases. On top of that, the Sixth Amendment to the U.S. Constitution and Article 12 of the Massachusetts Declaration of Rights guarantees the assistance of counsel for defendants in most criminal cases.

CPCS provides legal representation through state employees and through so-called Bar Advocates. Bar Advocates are private attorneys who contract with CPCS to provide legal services. Bar Advocates choose to take on cases in the public interest. In doing so, they forego higher hourly rates that they could earn from more lucrative legal fields. Out of the statutory hourly rates, Bar Advocates must pay for their own health insurance, rent for their offices, support staff, and all necessary expenses of operating a small business.

Over time, the Legislature – led by the Senate – has increased the statutory rates that CPCS pays to Bar Advocates. The Legislature last increased the statutory rates 3 years ago. At that time, it increased rates for legal services provided by all categories of Bar Advocates work. In this budget, through an adopted amendment to the Senate version of the state budget, we increased rates for two types of legal services: mental health litigation and criminal homicide cases.

Regrettably, the lowest-paid group of Bar Advocates – those who represent criminal defendants in the district courts – did not receive a pay increase in the Senate-passed budget. Bar Advocates who work in the district court maintain some of the largest caseloads of all criminal defense attorneys due to the faster pace of those courts. The criminal matters handled in district court are of great significance. Even relatively short sentences of incarceration can cause disastrous consequences for a person, such as job loss, eviction, and the inability to care for children and elderly parents. The CORI record of misdemeanor can be a barrier to housing and employment long after a sentence is served. Thus, it is critical that these Bar Advocates are adequately compensated to perform this important legal work.

As you know, many district court Bar Advocates are refusing to take on new cases because they cannot afford to work at such low rates. This isn't a strike. Bar Advocates are private attorneys who can choose whether to accept new cases. It is the inadequate pay that we have set through statute that threatens the constitutional rights of criminal defendants.

It also threatens the proper functioning of our judicial system. Unfortunately, this is not the first time a severe shortage has occurred. In 2004, the Supreme Judicial Court determined that a Bar Advocate shortage resulted in the deprivation of defendants' right to counsel. It stated that the defendants' "deprivation ... has resulted in severe restrictions on their liberty and other constitutional interests." *Lavallee v. Justices in Hampden Superior Ct.*, 442 Mass. 228, 232 (2004).

In response to the constitutional violation, the Supreme Judicial developed a protocol for addressing a counsel shortage. It is far from ideal. The protocol permits a defendant to be detained without counsel for 7 days. After 45 days, the case against the defendant must be dismissed. The protocol creates an injustice for the defendants and for crime victims. A seven-day detention without counsel is wrong. And a dismissal of a case without adjudication leaves victims without justice as well. The protocol replaces the judicial search for truth with arbitrary decision making. Although it appears that the protocol has not been activated at this time yet, it may need to be soon.

In summary, I am gravely concerned about the Bar Advocate shortage due to the inadequate statutory rates. I strongly recommend that the final version of the state budget contain significant rate increases for all Bar Advocates, especially those who handle cases in our busy district courts.

Thank you for your attention to this matter of the greatest urgency.

Sincerely,

A handwritten signature in blue ink, reading "James B. Eldridge".

James B. Eldridge
State Senator
Middlesex & Worcester District



Cambridge City
MA

Policy Order
POR 2025 #112

Order Adopted
Aug 4, 2025 5:30 PM

That the City Council go on record urging Governor of the Commonwealth Maura Healey and the Massachusetts Legislature to act without delay to safeguard the constitutional rights of indigent defendants and preserve the integrity of the Commonwealth’s criminal justice system by increasing compensation rates for bar advocates to ensure adequate participation statewide, and establishing pay parity with neighboring states and competitive future rates to prevent recurring crises.

Information

Department:	City Clerk's Office, SS	Sponsors:	Councillor Sumbul Siddiqui, Councillor Jivan Sobrinho-Wheeler, Councillor Ayesha M. Wilson, Vice Mayor Marc C. McGovern
Category:	Policy Order		

Attachments

[Printout](#)

Body

- WHEREAS: The 6th Amendment to the United States Constitution and Article XII of the Massachusetts Constitution guarantee the right to counsel in a criminal proceeding; and
- WHEREAS: In Massachusetts, approximately 80% of criminal defendants qualify as indigent and rely on court-appointed counsel, provided either by public defenders employed by the Committee for Public Counsel Services (CPCS) or by private attorneys known as bar advocates who handle a majority of these cases statewide; and
- WHEREAS: The Cambridge District Court and Middlesex County courts serve hundreds of Cambridge residents each year who depend on this system to exercise their constitutional right to a fair trial; and
- WHEREAS: Bar advocates are currently paid \$65/hour for District Court cases and \$85/hour for Superior Court cases – the lowest rates in New England – despite bearing their own costs for office space, malpractice insurance, health coverage, retirement contributions, case preparation, and other expenses; and
- WHEREAS: Due to these uncompetitive rates, hundreds of bar advocates – including many who regularly serve Cambridge courts – [have been unable to accept new cases since May 2025](#), leaving over 1,300 defendants statewide without counsel, including over 100

individuals held in custody; and

- WHEREAS: Under the Lavallee protocol, defendants who lack appointed counsel must be released after seven days in custody and have their cases dismissed after forty-five days, including cases involving domestic violence, assaults on police officers, and other serious offenses; and
- WHEREAS: When defendants are left without counsel, innocent people may be unable to preserve critical evidence or secure witness testimony that would prove their innocence, resulting in permanent harm to their ability to receive a fair trial; and
- WHEREAS: These dismissals and delays undermine public safety, the rights of victims, the integrity of local courts, and disproportionately harm vulnerable populations, including juveniles; and
- WHEREAS: A functioning indigent defense system is essential to ensuring fairness, public confidence, and equal access to justice for all residents; now therefore be it
- RESOLVED: That the City Council go on record urging Governor of the Commonwealth Maura Healey and the Massachusetts Legislature to act without delay to safeguard the constitutional rights of indigent defendants and preserve the integrity of the Commonwealth’s criminal justice system by increasing compensation rates for bar advocates to ensure adequate participation statewide, and establishing pay parity with neighboring states and competitive future rates to prevent recurring crises; and be it further
- ORDERED: That the City Clerk be and hereby is requested to forward a suitably engrossed copy of this resolution to Governor Maura Healey and Cambridge’s state legislative delegation.

Meeting History

Aug 4, 2025 5:30 PM		City Council	Regular Meeting	 Draft
RESULT:	ORDER ADOPTED [UNANIMOUS]			
YEAS:	Burhan Azeem, Marc C. McGovern, Patricia Nolan, Sumbul Siddiqui, Jivan Sobrinho-Wheeler, Paul F. Toner, Ayesha M. Wilson, Catherine Zusy, E. Denise Simmons			

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City of
GREENFIELD, MASSACHUSETTS

OFFICE of the CITY COUNCIL

President Lora Wondolowski
Vice President John Garrett

City Hall • 14 Court Square • Greenfield, MA 01301
Phone 413-772-1555 • Fax 413-772-1542
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At Large Sara Brown
At Large John Garrett
At Large Wahab Minhas
At Large Michael Terounzo

Precinct 1 Katherine Golub
Precinct 2 Rachel Gordon
Precinct 3 Michael Mastrotaro
Precinct 4 John Bottomley
Precinct 5 Marianne Bullock
Precinct 6 Patricia Williams
Precinct 7 William Perry
Precinct 8 Lora Wondolowski
Precinct 9 Derek Helie

Order no. FY 26-023

On August 20, 2025, the Greenfield City Council, on a motion by Councilor Bullock, second by Councilor Helie, it was by roll call, 11 yes, 0 no,

VOTED: THAT THE GREENFIELD CITY COUNCIL APPROVES THE ATTACHED RESOLUTION TITLED "AN EMERGENCY RESOLUTION IN SUPPORT OF PUBLIC SAFETY AND EQUAL JUSTICE."

The motion was passed and so declared by the City Council President.

A true copy,

ATTEST:


Kathryn J. Scott, CMC
City Clerk

CC: Mayor
Assessor
Treasurer/Collector
Accounting
Offices of Governor Maura Healy
State Senators Joanne Comerford and Paul Mark
State Representatives Natalie Blais and Susannah Whipps

File, 2026, True Copy, 023 Approval of attached Resolution titled "An Emergency Resolution in Support of Public Safety and Equal Justice.

An Emergency Resolution In Support of Public Safety and Equal Justice

Whereas the 6th Amendment to the US Constitution and Article XII of the Massachusetts Constitution guarantee the right to counsel in a criminal proceeding;

Whereas in Massachusetts that counsel is provided by a hybrid system with public defenders working for a state agency the Committee for Public Counsel Services handling approximately twenty percent of indigent defendants and privately appointed counsel called bar advocates handling approximately eighty percent of indigent defendants;

Whereas the Committee for Public Counsel Services has no office in Franklin County;

Whereas eighty percent of criminal defendants in Massachusetts are indigent and qualify for court appointed counsel;

Whereas Franklin County has the third highest rate of poverty in Massachusetts;

Whereas Greenfield is the seat of Franklin County housing the largest District Court, the Superior Court and the Juvenile Court all handling criminal cases;

Whereas bar advocates in Franklin County are declining to take new cases with a participation rate that exceeds any other county in the Commonwealth as a percentage of bar advocates;

Whereas the decision to decline additional new cases is directly related to the rate of compensation which is \$65 an hour for District Court Cases which is less than half of every neighboring state;

Whereas unlike public defenders, bar advocates fund their own office space, malpractice insurance, health insurance, retirement, vacation, sick time, family medical leave, software and office supplies;

Whereas bar advocates are uncompensated for significant parts of required work related to the handling of criminal cases;

Whereas dozens of days in the months of June, July have gone without a bar advocate or public defender serving as a daily duty attorney in the Greenfield District and Juvenile Courts;



*The Town of Greenfield is an Affirmative Action/Equal Opportunity Employer,
a designated Green Community and a recipient of the "Leading by Example" Award*

Whereas the Committee for Public Counsel Service attorneys have reach the maximum quantity of cases they can handle;

Whereas the Committee for Public Counsel has identified the Juvenile Courts of Franklin County to be particularly in crises;

Whereas juvenile defendants are amongst the most vulnerable in the criminal justice system;

Whereas innocent criminal defendants without appointed counsel are unable to preserve the evidence that will prove their innocence;

Whereas bar advocates have agreed to return to work with an increase to \$100/hour for District Court Cases which will still leave them at the lowest rate of pay in the entire northeast, coupled with a commitment to future parity and permanent solutions;

Whereas over 3,000 thousand defendants statewide are without counsel;

Whereas the wealthy remain able to secure counsel in the Commonwealth without difficulty;

Whereas due process of law requires equal access to justice including access to a competent legal counsel;

Whereas the City of Greenfield is committed to public safety, equal access to justice and good government;

NOW THEREFORE, the Greenfield City Council does HEREBY RESOLVE to call upon her excellency the Governor of the Commonwealth Maura Healy and the Legislature of the Commonwealth to act expeditiously to compensate bar advocates in a way that will ensure there return to the courts as quickly as possible, establish parity with neighboring states and establish a mechanism to ensure compensation continues to be competitive so as to prevent future crisis. And directs the Clerk of this Council to send a copy of this resolution to the Office of the Governor and legislative delegation representing Franklin County.



*The Town of Greenfield is an Affirmative Action/Equal Opportunity Employer,
a designated Green Community and a recipient of the "Leading by Example" Award*

MASS DEFENDERS

June 9, 2025

Open Letter to the Massachusetts Legislature

Massachusetts General Court
24 Beacon Street
Boston, MA 02133

To the Honorable Members of the Massachusetts Legislature,

The Mass Defenders (CPCS Workers group) stand in solidarity with the bar advocates who are fighting for higher wages because we similarly face the risk of burnout, high caseloads, and being underpaid. Standing together, we urge the Massachusetts legislature to increase funding for all court-appointed counsel in the Commonwealth.

Mass Defenders is an organization that supports administrative staff, attorneys, investigators, social workers and other professionals working in the different divisions of the Committee for Public Counsel Services (CPCS) across the Commonwealth of Massachusetts. We provide zealous representation in criminal defense, youth defense, family defense, and civil commitment hearings. Public defenders are among the last and only lines of defense for poor and marginalized people in Massachusetts facing government intrusion, incarceration, and court involvement. In the courtroom, we are often the only ones representing our clients' interests and enforcing due process in a legal system designed to ensnare them. Despite the constitutional necessity of our role and the insurmountable stakes we shoulder, public defenders remain among the lowest paid members of the legal community and the courtroom staff.

CPCS staff only represent a fraction of the indigent people in Massachusetts who are entitled to court-appointed counsel. The rest are represented by "bar advocates," private attorneys who accept court-appointed cases, and who are underpaid for the necessary and important work that they do. This is a problem that has been going on for a long time. A 2004 article in Slate noted that Massachusetts court-appointed attorneys were among the lowest paid in the country, leading to fewer attorneys willing to accept assignments and worse outcomes for people who rely on court-appointed counsel. In the past twenty years, little has changed. Today, bar advocates in Massachusetts receive a lower hourly wage than any of the surrounding states, despite the increasing high cost of living in the Commonwealth.

As CPCS staff, our struggles are connected with those of other court-appointed attorneys. Already, 77% of lawyers in Massachusetts are experiencing burnout from their work. Many also

report anxiety, depression, and problem drinking. Without a raise, talented attorneys, social workers, investigators, and administrative staff supporting them will leave indigent defense. Bar Advocates enter this work to serve their communities, advocate zealously for their clients, and support themselves and their families. We are all proud of the work we do. To continue this work, they must be fairly compensated.

We call on the Massachusetts legislature to act swiftly to ensure the most marginalized amongst us receive the quality representation they deserve.

In solidarity,

Mass Defenders

[Add Your Signature Here](#)

Signed,

Samuel Harold

Trial/Training Attorney

YAD Roxbury

Maxwell Passas

Trial Attorney

PDD Roxbury

Sara Atalay

Trial Attorney

Malden YAD

Catherine McNamara

Trial Attorney

Boston PDD

Becky Wasserman

Trial Attorney

Roxbury YAD

Cory McAlister

Trial Attorney

Roxbury PDD

Caitlin Perry

Staff Attorney

Malden IIU

Lauren Greenberg

Trial Attorney
YAD Roxbury

Iashai Stephens

Trial Attorney
YAD Roxbury

Sabrina Lee

Trial Attorney
Roxbury Defenders Unit, PDD

Rafael Feliciano Cumbas

Trial Attorney
Roxbury YAD

Jennifer Magaw

Trial Attorney
Fall River PDD

Brian Pilchik

Trial Attorney
Malden PDD

Inina Kachelmeier

Trial Attorney
Roxbury PDD

Kaitlin Siempelkamp

Social Service Advocate
Roxbury PDD

Skailer Qvistgaard

Legal Training Attorney
Holyoke PDD

Sydney Howland

Social Service Advocate
Roxbury YAD

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Trial Attorney
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Senior Trial Counsel
Roxbury PDD

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Trial Attorney
Roxbury PDD

Rachel Weiner
Trial Attorney
Roxbury MHL

Taylor Henley
YAD
Attorney

Jeff Whiteside
Social Service Advocate
Boston PDD

Anna Kastner
Trial Attorney
Fall River PDD

James J Vita, III
Trial Attorney
Fall River PDD

Rufus Burgess
Trial Attorney
Roxbury PDD

Hirah Ahmed
Trial Attorney
Roxbury PDD

Lydia Jones
Social Service Advocate
Salem YAD

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Roxbury PDD

Elizabeth McIntyre

Supervising Attorney
Boston, YAD

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Trial Attorney
Worcester, PDD

Christine Perkins

Trial Attorney
Norfolk PDD

Rebecca Hutchinson

Trial Attorney
Malden PDD

Tim Brown

Supervising Staff Attorney
Boston PDD

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Trial Attorney
Quincy YAD

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Roxbury, EdLaw Project

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Tanvi Verma

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Malden PDD

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Quincy PDD

George Ward

Trial Attorney
New Bedford PDD

AK

Brockton PDD
Trial Attorney

Brett George

Brockton PDD
Trial Attorney

Patrick Hakes

Attorney in Charge
Salem PDD

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Trial Attorney
Malden PDD

Julianna McCorkle

Trial Attorney
Malden PDD

Marcus Kuhs

Trial Attorney
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Paul Graham

Trial Attorney
Fall River PDD

Nicholas Athanassiou

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Framingham PDD

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Springfield

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PDD

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Worcester

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Lynn

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Cameron Casey
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PDD

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Quincy PDD

Kenneth M. Resnik
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Malden PDD

Josh Reuling
Trial Attorney
Quincy YAD

Katie O'Hagan

Trial Attorney

PDD Brockton

Josh Raisler Cohn

Criminal Defense Training



Committee for Public Counsel Services

75 Federal Street, 6th Floor, Boston, MA 02110

Tel: (617) 482-6212 – Fax: (617) 988-8495

ANTHONY J. BENEDETTI

CHIEF COUNSEL

**Committee for Public Counsel Services
Staffing Expansion Plan: FY26–FY27**

Pursuant to Line Item 0321-1599 of Chapter 14 of the Acts of 2025

August 2025

Committee for Public Counsel Services

Staffing Expansion Plan: FY26–FY27

Pursuant to **Line Item 0321-1599 of Chapter 14 of the Acts of 2025**, *An Act making appropriations for the fiscal year 2025 to provide for supplementing certain existing appropriations and for certain other activities and projects*, the Committee for Public Counsel respectfully submits the following plan.

As required, this submission includes:

- An **update on hiring activity** undertaken under this line item to date, and
- A detailed **plan to hire attorneys** in a manner that ensures clients are **timely represented by counsel**, consistent with the mandates of the Sixth Amendment and the goals of equitable, constitutionally adequate public defense.

The Committee appreciates the Legislature’s support and attention to this critical need. The following sections outline the progress made, strategies for continued recruitment, and implementation plans for expanding and sustaining the indigent defense workforce across the Commonwealth.

Introduction

At the Legislature’s direction, the **Committee for Public Counsel Services (CPCS)** is undertaking the largest staffing expansion in the agency’s history. This plan reflects the urgent need to expand representation for indigent clients across the Commonwealth while ensuring that attorneys and support staff are adequately supervised, trained, and retained. The expansion plan is designed to be implemented in **two stages, FY26 and FY27**, and is supported by significant investment in **training infrastructure, supervisory structures, and recruitment strategies**.

For clarity, **NAT (New Attorney Training)** refers to CPCS’s intensive multi-week training program for new attorneys, paired with our **Zealous Advocacy program**, which emphasizes client-centered representation. NAT sessions will be offered multiple times per year to align with law school graduation and bar admission cycles.

FTE (Full-Time Equivalent) is a standard measure of staffing, used here to capture both full- and part-time positions.

Background

Prior to the legislative expansion mandate of 2025, CPCS had already hired 20 attorneys for its Fall 2025 class. Following the enactment of the mandate, that number has increased to **38 confirmed hires**, with the final count expected to slightly exceed **42 attorneys by mid-September**. Nearly 80 percent of these expansion hires are being assigned to offices in Middlesex and Suffolk counties, which are among the most impacted areas and where the need for counsel is most urgent. The remainder hires are being assigned to other high volume and impacted counties, including Barnstable and Worcester, to ensure broader statewide coverage in regions facing higher demand and capacity challenges.

Initial Steps Towards Compliance with Legislative Mandate

On August 5, 2025, the Governor signed legislation requiring the CPCS Public Defender Division to hire **320 attorneys over two fiscal years**. To comply with this mandate, we have taken the following concrete and immediate steps:

- **Candidate Outreach and Recruitment:**
We developed and launched an **attorney referral form** to collect names and contact information of prospective candidates through our professional and academic networks.
- **Law School Engagement:**
We reached out to approximately **50 law schools** throughout New England and beyond to inform them of the expansion initiative. We have also begun meeting directly with **clinical faculty at local law schools** to build strategic recruitment partnerships.
- **Campus and Public Interest Recruitment Events:**
We have scheduled on-campus interviews at all local law schools and will participate in the Equal Justice Works Conference and Career Fair, the largest public interest legal career fare in the country, in October to further broaden our candidate pool.
- **Streamlining the Hiring Process:**
To expedite recruitment, we are streamlining our internal hiring workflow. For example, we have moved key elements—such as written essays—earlier in the application process to accelerate interviews and offer decisions. We have formed multiple interviewing teams and staff have foregone vacations to assist in securing new staff.
- **Early Hiring Success:**
Between **August 5 and August 22, 2025**, within just **17 days**, we successfully hired **22 new attorneys**, all of whom are scheduled to begin training on **September 8, 2025**.
- **Facilities Expansion Planning:**
We have met with DCAM to secure appropriate assistance and guidance to secure appropriate space to increase the staff.
- **Technology and Operational Support:**
We are assessing the equipment and operational needs associated with onboarding staff and includes procuring necessary computer equipment and other resources to support both temporary and long-term placements.

FY26 Expansion

Attorney Hiring

In Fiscal Year 2026, CPCS will implement a phased attorney hiring strategy aligned with its **New Attorney Training (NAT)** schedule. This includes three distinct hiring waves:

September 2025 NAT & Zealous: Up to 44 public defender attorneys and 26 bar advocates, a maximum of 74 attendees. To date, **36 new PDD attorneys** have been confirmed, including 14 fall class recruits and 22 expansion hires.

- **December 2025 Accelerated NAT:** 30 attorneys through a condensed three-week program tailored to December law graduates and bar passers.
- **March 2026 NAT:** 50 attorneys and up to 20 bar advocates, focusing on both new graduates and experienced candidates.
- **June 2026 NAT:** Up to 20 New Lawyer hires.

In total, CPCS expects roughly 120 new attorneys on board in FY26 across staff counsel and private bar advocates.

Support Staff and Supervision

To support the anticipated attorney expansion in FY26 and ensure successful operational and supervisory capacity, CPCS will implement a coordinated increase in support professionals across key functional areas. This includes:

- **Supervisors** to maintain the mandated **1:5 attorney-to-supervisor ratio**, ensuring robust oversight and mentorship.
- **Investigators** at a ratio of 1 per 10 attorneys, with higher ratios in larger offices, supporting effective trial preparation and evidence development.
- **Paralegals and Administrative Assistants** at approximately 1 per 5–6 attorneys, to maintain a consistent staffing ratio and support the expanding caseload and operational needs.
- **Social Service Advocates** at a ratio of 1 per 10 attorneys, supporting legal outcomes through case management, sentencing advocacy, and mitigation.

FY27 Expansion

Attorney Hiring

FY27 builds on FY26's foundation with a **single, large-scale hiring initiative**:

- **September 2026 NAT & Zealous:** 100 new attorneys, the largest incoming class in CPCS history. This ambitious effort will require a nationwide recruitment campaign targeting law schools and public interest networks across the country. The September 2026 class will also include bar advocates, who will train alongside staff counsel to ensure alignment in practice standards and enhance continuity across CPCS's dual-delivery model.

Support Staff and Supervision

To sustain this unprecedented growth, CPCS will add proportional expansion in supervisory and operational support roles:

- **Supervisors** expanded in line with the 1:5 ratio
- **Investigators** increased as attorney headcount rises
- **Paralegals and Administrative Assistants** scaled accordingly

The **total projected expansion in FY27** is between **120 and 160 full-time equivalents (FTEs)** across all roles, including attorneys, supervisors, investigators, and administrative staff.

Training and Professional Development Infrastructure

CPCS recognizes that expansion is not solely a matter of increasing headcount. Without comprehensive training and supervision, new hires face a heightened risk of burnout or ineffective advocacy. To mitigate these risks and support long-term professional growth, CPCS has made **significant investments** in a layered and scalable training infrastructure, including:

- **NAT & Zealous Advocacy:** This is CPCS's **core onboarding and skills development program**, designed to immerse new attorneys in both the legal and practical aspects of public defense. The program has been **expanded and scaled** to accommodate incoming classes of up to **100 attorneys**, ensuring consistent, high-quality preparation for all new hires.
- **Supervisor Development:** CPCS has enhanced its supervisor training curriculum to ensure leadership staff are prepared to guide large numbers of new attorneys. Many will serve as **Zealous coaches**, reinforcing best practices and building mentoring relationships from day one.
- **Accelerated Courses:** Tailored programs will be established to be in place to meet the unique needs of candidates entering CPCS outside the traditional hiring cycle:
 - **December 2025:** A **three-week NAT session** specifically for winter law graduates.
 - **May 2026:** A **one-week intensive onboarding** program designed for **experienced lateral hires**, including attorneys transitioning from other jurisdictions.

This multi-layered training approach ensures that both new and experienced attorneys enter CPCS practice with the tools, supervision and support needed to succeed in a demanding public defense environment. By investing in training infrastructure at scale, CPCS is safeguarding the quality of representation and building a strong foundation for sustainable workforce growth.

Commentary

This expansion represents a **transformational investment** in the public defense system. It provides not only a significant number of additional attorneys but also the supervisory, investigative, and administrative infrastructure to sustain a modern and effective indigent defense practice. By structuring growth around proportional staffing ratios and investing in training, CPCS is helping to build a sustainable, system designed for **long-term stability** and long-term impact for the communities we serve.



June 9, 2025

Anthony J. Benedetti
Chief Counsel
Committee for Public Counsel Services
75 Federal Street, 6th Floor
Boston, MA 02110
abenedetti@publiccounsel.net

RE: Private Attorney Compensation Rates in 50 States

The **Sixth Amendment Center (6AC)** is a 501 (c)(3) non-profit non-partisan organization that provides technical assistance and evaluation services to policymakers on fulfilling government's Sixth and Fourteenth Amendment obligations to ensure effective assistance of counsel to indigent defendants facing a potential loss of liberty.

This letter summarizes national standards on compensating private attorneys in appointed cases and provides the appointed private attorney compensation rates in all 50 states. It is submitted at the request of Anthony Benedetti, Chief Counsel of the Committee for Public Counsel Services.

I. National standards on private attorney compensation

The Sixth Amendment and the due process clause of the Fourteenth Amendment require each state to ensure effective assistance of counsel to every indigent defendant.¹ To meet this obligation, government must provide an appointed attorney with the resources necessary to put the prosecution's case through the "crucible of meaningful adversarial testing."²

For this reason, national standards, such as the American Bar Association's *Standards for Criminal Justice* and *Ten Principles of a Public Defense Delivery System*, state that an appointed private attorney should be paid a "reasonable hourly rate" for "all hours necessary to provide quality legal representation" that factors in overhead costs and out-of-pocket expenses to "encourage vigorous defense representation[.]"³ Certain payment models should be avoided

¹ Gideon v. Wainwright, 372 U.S. 335, 341-45 (1963).

² United States v. Cronin, 466 U.S. 648, 656-57 (1984).

³ AMERICAN BAR ASS'N, STANDARDS FOR CRIMINAL JUSTICE -- PROVIDING DEFENSE SERVICES, standard 5-2.4 & cmt. (3d ed. 1992); AMERICAN BAR ASS'N, ABA TEN PRINCIPLES OF A PUBLIC DEFENSE DELIVERY SYSTEM, principle 2 (2023).

because they create conflicts of interests between a defendant's right to effective assistance of counsel and the attorney's ability to earn a living, including:⁴

- a flat fee;
- an hourly rate that imposes a maximum compensation on a case (flat fee equivalent);
- an hourly rate too low to cover actual overhead costs and attorney pay; and
- any method that requires an attorney to pay for case-related expenses out of the compensation package.

II. Private attorney compensation rates in 50 states

Private attorney compensation in appointed cases schemes are nuanced and complex. The rate set by a state is impacted by various factors, such as the number of law schools and available lawyers in a jurisdiction, cost of living, the number of cases requiring appointed counsel, portion of representation provided by private attorneys, and geographic diversity. Therefore, this information is intended to be a broad overview only.

The rates in the chart below are applicable in adult criminal trial-level case types only and are in effect as of this letter's date.⁵

See also Wright v. Childree, 972 So. 2d 771, 780-81 (Ala. 2006) (determining assigned counsel are entitled to a reasonable fee in addition to overhead expenses); DeLisio v. Alaska Superior Court, 740 P.2d 437, 443 (Alaska 1987) (concluding that "requiring an attorney to represent an indigent criminal defendant for only nominal compensation unfairly burdens the attorney by disproportionately placing the cost of a program intended to benefit the public upon the attorney rather than upon the citizenry as a whole;" and that Alaska's constitution "does not permit the state to deny reasonable compensation to an attorney who is appointed to assist the state in discharging its constitutional burden," because doing so would be taking "private property for a public purpose without just compensation"); Kansas *ex rel.* Stephan v. Smith, 747 P.2d 816, 849 (Kan. 1987) (the state "has an obligation to pay appointed counsel such sums as will fairly compensate the attorney, not at the top rate an attorney might charge, but at a rate which is not confiscatory, considering overhead and expenses."); Louisiana v. Wigley, 624 So.2d 425, 429 (La. 1993) (finding that "in order to be reasonable and not oppressive, any assignment of counsel to defend an indigent defendant must provide for reimbursement to the assigned attorney of properly incurred and reasonable out-of-pocket expenses and overhead costs."); Wilson v. Mississippi, 574 So.2d 1338, 1340 (Miss. 1990) (holding indigent defense attorneys are entitled to "reimbursement of actual expenses" including "all actual costs to the lawyer for the purpose of keeping his or her door open to handle this case," in addition to a reasonable sum); Oklahoma v. Lynch, 796 P.2d 1150, 1161 (Okla. 1990) (finding that the state government "has an obligation to pay appointed lawyers sums which will fairly compensate the lawyer, not at the top rate which a lawyer might charge, but at a rate which is not confiscatory, after considering overhead and expenses."); Jewell v. Maynard, 383 S.E.2d 536, 540 (W. Va. 1989) (finding that, because compensation rates did not cover attorney overhead, court appointed attorneys were forced to "involuntarily subsidize the State with out-of-pocket cash;" "[p]erhaps the most serious defect of the present system is that the low hourly fee may prompt an appointed lawyer to advise a client to plead guilty, although the same lawyer would advise a paying client in a similar case to demand a jury trial.").

⁴ AMERICAN BAR ASS'N, ABA TEN PRINCIPLES OF A PUBLIC DEFENSE DELIVERY SYSTEM, principle 2 (2023).

⁵ 6AC collects this information on an ongoing basis through a combination of research and direct outreach to states, and can provide this information in appeal and juvenile delinquency case types upon request.

**Attorney Compensation Rates
in Adult Criminal Trial-Level Case Types**

State	Statewide Hourly Rate	Statewide Capital Rate	Imposes Maximum Compensation on Case
Alabama	\$55 – 100	\$120	Yes
Alaska	\$125 – 175	No death penalty	Yes
Arizona	No state-set hourly rate		
Arkansas	\$45 – 90	\$110	No
California	No state-set hourly rate		
Colorado	\$100 – 110	No death penalty	Yes
Connecticut	\$88 – 102	No death penalty	No
Delaware	\$105 – 115	No death penalty	No
Florida	No state-set hourly rate		
Georgia	No state-set hourly rate		
Hawai'i	\$90	No death penalty	Yes
Idaho	\$100	\$125 – 150	No
Illinois	No state-set hourly rate		
Indiana	\$110	\$151	No
Iowa	\$76 – 86	No death penalty	Yes
Kansas	\$120	\$120	Yes
Kentucky	No state-set hourly rate	\$75	Yes
Louisiana	No state-set hourly rate		
Maine	\$150	No death penalty	No
Maryland	\$60 – 75	No death penalty	Yes
Massachusetts	\$65 – 120	No death penalty	No
Michigan	\$100 – 120	No death penalty	No
Minnesota	\$90	No death penalty	Yes
Mississippi	No state-set hourly rate		
Missouri	No state-set hourly rate		
Montana	\$71	\$195	No
Nebraska	No state-set hourly rate		
Nevada	\$100 – 175	\$125 – 223	No
New Hampshire	\$125 – 150	No death penalty	Yes
New Jersey	\$100	No death penalty	No
New Mexico	No state-set hourly rate		
New York	\$158	No death penalty	Yes
North Carolina	\$65 – 100	\$85 – 100	No
North Dakota	\$80	No death penalty	Yes
Ohio	\$75	\$140	Yes
Oklahoma	\$100 – 120	\$100 – 120	Yes
Oregon	\$130 – 200	No death penalty	Yes
Pennsylvania	No state-set hourly rate		
Rhode Island	\$112 – 142	No death penalty	Yes
South Carolina	\$40 – 60	\$50 – 75	Yes
South Dakota	\$120	\$120	No
Tennessee	\$60	\$90 – 110	Yes

Texas	No state-set hourly rate		
Utah	No state-set hourly rate		
Vermont	\$100	No death penalty	Yes
Virginia	\$90	No death penalty	Yes
Washington	No state-set hourly rate		
West Virginia	\$60 – 80	No death penalty	Yes
Wisconsin	\$100	No death penalty	No
Wyoming	\$35 – 100	\$35 – 100	No

6AC is available to provide further technical assistance upon request. Thank you for your leadership on this issue.

Sincerely,



Aditi Goel, Executive Director
Sixth Amendment Center
aditi.goel@6AC.org
(617) 581-8136

COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT

No. SJC-13824

**COMMITTEE FOR PUBLIC COUNSEL SERVICES,
Appellant**

v.

**MIDDLESEX AND SUFFOLK COUNTY DISTRICT COURTS,
Appellees**

Affidavit of Lisa Newman-Polk, Esq., LCSW

I, Lisa Newman-Polk, hereby depose and state as follows:

(1) I am an attorney licensed to practice law in the Commonwealth of Massachusetts. I am also a licensed certificated social worker.

(2) I worked as a staff attorney at the Committee for Public Counsel Services (CPCS) in the district, superior, and drug courts from 2006 to 2010 and 2014 to 2017.

(3) I have had a solo private practice since February 2017 and have contracted with CPCS as a bar advocate since that time.

(4) I worked as a bar advocate in the district court for approximately six months. I stopped taking district court cases due to the low pay and tedious task of tracking my time for accurate billing.

(5) Since approximately mid-2017, I have primarily contracted with CPCS to represent people before the Parole Board who have been incarcerated on a murder conviction since adolescence or who have a disability. I am paid the murder rate for these cases.

(6) In the spring of 2025, I became aware of a rally to be held at the State House to raise awareness regarding the low bar advocate pay and need for raises to sustain the public defender system. As I have been concerned with the high rate of attrition from the trial and appellate bar advocate practices for many years, I wanted to support the cause. I saw a message on the “bar advocate issues” listserv regarding the creation of a flyer for the rally. After reviewing an initial draft posted by another attorney, I restructured and revised the document and added information that had been posted on the listserv by multiple people regarding their monthly costs.

(7) The information gathered from this informal survey was sent to multiple other lawyers to review for accuracy and edits were made accordingly. The attached flyer was then distributed to bar advocates to use in advocacy.

Signed under the pains and penalties of perjury this 20th day of October 2025.



Lisa Newman-Polk

STAND UP for PUBLIC DEFENDERS

Massachusetts Bar Advocates need a raise!



The Constitutional right to counsel is essential to a fair criminal justice system.

Bar Advocates handle 80% of Public Defender cases and are crucial to ensuring justice in our courts.

Bar Advocates are abandoning the practice because of low pay.

State Comparison		
State	Base Hourly Rate*	Cost of Living
Massachusetts	\$65	\$145,900
Rhode Island	\$112	\$112,200
New Hampshire	\$125	\$112,600
Maine	\$150	\$112,100
New York	\$158	\$123,000

***See other side for details.**

What you need to know!

The public defense system is collapsing due to unsustainably low compensation that drives away talent and deters new attorneys.

Without immediate funding reform, we will have even fewer public defenders left to stand up for constitutional rights.

\$65 an hour is for **billable hours**. This is **not the same** as salary hours. A 6-hour billable day can mean at least 8 hours of work when factoring in administrative and non-billable time.

Law school is time-consuming and expensive! Loans can take decades to pay back at a cost of \$150 to \$1,200 a month.

Bar Advocates are independent contractors who **PAY SELF-EMPLOYMENT TAX** and receive **NO BENEFITS**:

- NO health insurance
- NO sick leave
- NO pension
- NO vacation
- NO support staff
- NO office space

Bar Advocates pay their own overhead. \$65 per hour is the pay before taxes and paying monthly expenses, such as:

- Office rent (\$500-\$1,000/month)
- Phone/email/fax (\$100-\$300)
- Accounting software (\$250)
- Website (\$100)
- Case management software (\$100-\$300)
- Computers/printer/scanner/paper (\$200)
- Legal research software (\$100-\$500)
- Malpractice insurance (\$100)
- Health insurance (\$700 - \$2,400)

In other words, after subtracting the average of the above expenses and four weeks leave for vacation, holidays, and sickness—billing 30 hours a week—the pay before self-employment and income taxes is **\$42,000 a year**. It's no wonder attorneys are leaving the practice.

BAR ADVOCATES NEED A RAISE!

COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT

COMMITTEE FOR PUBLIC COUNSEL SERVICES
ON BEHALF OF UNREPRESENTED DEFENDANTS IN
MIDDLESEX AND SUFFOLK COUNTIES

Petitioner-Appellants

v.

MIDDLESEX AND SUFFOLK COUNTY DISTRICT COURTS
AND THE BOSTON MUNICIPAL COURT

Respondents-Appellees

**AFFIDAVIT OF ATTORNEY VERONICA J. WHITE FILED IN SUPPORT OF AMICUS
BRIEF FILED BY TODD & WELD ON BEHALF OF MAPAC**

I, Attorney Veronica J. White, hereby depose and state as follows:

- (1) I have been a licensed member of the bar in the Commonwealth of Massachusetts in good standing since December 1998. My BBO license number is 640-332.
- (2) I have served on the Suffolk County bar advocate list since January 1999, representing indigent defendants in the Central, Dorchester, and Roxbury Divisions of the Boston Municipal Courts, and beginning in 2006, in Suffolk Superior Court. I have also been waived into the post-conviction panel for one homicide case, representing the same client for fourteen years.
- (3) Upon commencing court-appointed representation in 1999, I received compensation of \$25 per hour. Following a work stoppage in 2004, the hourly rate for District Court cases increased to \$50, then incrementally to \$53 in FY2017, and finally to \$65 in FY2023, where it remained until the Legislature enacted a \$10 increase to \$75 in August 2025. Over the span of twenty-six years, this represents an average annual increase of \$1.92 per hour, a rate of growth that has manifestly failed to keep pace with inflation in Massachusetts, now the second-highest cost-of-living state in the nation.
- (4) By contrast, neighboring states compensate court-appointed counsel substantially more: New Hampshire pays \$125 per hour, Maine pays \$150 per hour, and New York

- pays \$158 per hour. Massachusetts pays less than half what our lowest-paying neighbor provides, despite having significantly higher business operating costs.
- (5) Court-appointed criminal defense work exacts a devastating toll: emotional, physical and financial. I have sacrificed my financial security to undertake work I deem indispensable to our constitutional democracy: the defense of individuals confronting grave criminal accusations. My passion lies in defending indigent clients who face overwhelming prosecutorial resources and complex indictments of extraordinary scope. I have never surrendered to the government's vast institutional advantages, instead fighting relentlessly to provide my clients the most vigorous defense possible.
 - (6) I have maintained a law practice with associate counsel to meet substantial demands of appointed cases: reviewing voluminous discovery materials, drafting briefs on complex legal issues, cross-referencing voluminous exhibits, organizing trial materials, and preparing impeachment materials for cross-examination. Monthly payroll obligations to my associates take precedence over my own compensation. Too often, nothing remains for me.
 - (7) The demands imposed by the Courts are unrelenting. We are expected to provide sophisticated legal briefs completed on compressed timelines, requirements that frequently necessitate working through the night. CPCS limits compensable hours to ten per day, often insufficient for what cases require. While exceptions exist, requesting waivers demands additional paperwork that is simply not feasible when all energy has already been extracted completing work for clients facing decades in prison.
 - (8) On top of crushing workloads, CPCS conducts frequent audits requiring additional unpaid hours of meticulous record-keeping multiple times per year. During these audits, payment is suspended, compounding the financial strain on already under-compensated counsel.
 - (9) I eventually ceased accepting District Court appointments because I incurred net financial losses on each case. Superior Court appointments offered marginally higher compensation but demanded exponentially greater investments of time, resources, and endurance.
 - (10) On February 24, 2025, I refused to renew my contract with Suffolk Lawyers for Justice due to woefully inadequate compensation.
 - (11) To this day, I have not renewed this contract and have not accepted any new criminal appointments.
 - (12) The Commonwealth has imposed substantial operational requirements upon bar advocates, mandating office space, comprehensive malpractice insurance, and meticulous time keeping, while providing compensation rates insufficient to offset these mandated costs. Courts mandate hard copy filing of all pleadings and exhibits. I

have personally purchased commercial-grade printing equipment at a cost of several thousand dollars to keep up with this requirement. Massachusetts's inadequate payment structure makes it nearly impossible to sustain a viable practice while providing the zealous defense that indigent clients deserve and the Constitution demands.

- (13) After twenty-seven years of dedicated service, I can no longer afford to accept court appointments at the current compensation rate. The inadequate pay, combined with substantial overhead costs mandated by the Commonwealth and unreimbursed client expenses, has rendered this work financially unsustainable. I respectfully submit this affidavit in support of the amicus brief filed by Todd & Weld on behalf of MAPAC, and urge this Court to grant the petition filed by the Committee for Public Counsel Services on behalf of Unrepresented Defendants in Middlesex and Suffolk Counties.

Signed under the pains and penalties of perjury this 14th day of October, 2025.

/s/ Veronica J. White

Veronica J. White, Esq.

Affidavit of Michael A. Dodd, Esq.

Commonwealth of Massachusetts
Supreme Judicial Court
SJC Docket No.

I, Michael A. Dodd, Esq., being duly sworn, depose and state as follows:

1. Personal and Professional Background

I am a licensed attorney in the Commonwealth of Massachusetts, practicing as a bar advocate for approximately 1 year. My office is located at Riverside Center, 275 Grove Street, Suite #2-400, Newton, MA 02466. As a bar advocate, I represent indigent clients in criminal matters, primarily in the Boston Municipal Court – Central Division. I undertake this work because I am committed to ensuring access to justice for underserved populations, despite the significant challenges outlined below.

2. Financial Hardships

The hourly rates for bar advocates, currently set by the Committee for Public Counsel Services (CPCS), are grossly inadequate. At approximately \$60-\$100 per hour, these rates fail to cover basic living expenses, especially in a high-cost area like Greater Boston. I incur substantial unreimbursed overhead costs, including office rent, utilities, legal research subscriptions, and malpractice insurance, which I must personally fund. Additionally, I receive no benefits such as health insurance, sick pay, vacation pay, or unemployment insurance, forcing me to bear the full financial burden of these necessities.

3. Administrative and Billing Challenges

The administrative demands of bar advocacy create significant non-billable work. CPCS billing requirements mandate detailed time entries, rounding time down to the nearest tenth of an hour, and exclude compensation for travel time unless specific criteria are met. For instance, traveling to courthouses like Boston Municipal Court – Central Division or to client visits at facilities like Nashua Street Jail often takes 1-2 hours round-trip, yet is frequently unbillable. Responding to CPCS audits, which require meticulous documentation, consumes additional hours without compensation. On average, I spend 10-15 hours per week on billing and administrative tasks, none of which are reimbursable.

4. Court Wait Times and Lack of Support

As a bar advocate, I spend considerable time waiting in court for hearings, often 2-3 hours per case, much of which is not compensable under CPCS guidelines. Unlike private attorneys, I lack paralegal or administrative support, requiring me to personally handle all case preparation, client communications, and document filing. I must also independently locate and retain experts, such as forensic or psychological evaluators, without institutional assistance.

5. Caseload and Client Challenges

My caseload typically includes 50 – 60 active cases, with new assignments on duty days

that I cannot control. Visiting clients in custody within three days, as required, is challenging due to travel logistics and facility restrictions. Many clients speak limited English, requiring me to navigate language barriers without consistent interpreter support. Additionally, working with clients who have mental health or substance use issues, takes an emotional toll and requires specialized attention, yet I receive no additional resources or compensation for these complexities.

6. Professional and Personal Toll

The cumulative effect of low pay, high caseloads, and lack of support creates significant strain. I face occasional disrespect from court personnel or opposing counsel, which compounds the stress of managing complex cases, such as plea negotiations for clients. The decision to stop accepting appointments after Memorial Day 2025 was driven by the unsustainable financial and emotional burden of bar advocacy. The current rates and lack of institutional support make it impossible to continue this work without risking personal and professional burnout.

7. Purpose of This Affidavit

This affidavit aims to provide the Supreme Judicial Court with an accurate depiction of the challenges faced by bar advocates. The current compensation structure and lack of resources undermine our ability to provide effective representation, threatening the constitutional rights of indigent defendants. I respectfully urge the Court to consider these realities in evaluating the adequacy of bar advocate compensation.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

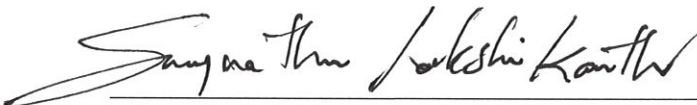
Executed this 9th day of October, 2025, at Newton, Massachusetts.



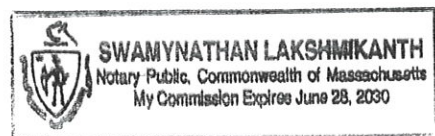
Michael Dodd
The Law Offices of Michael A. Dodd
Riverside Center, 275 Grove Street, Suite #2-400
Newton, MA 02466
(219) 308-5616
madlawoffices@gmail.com

Notary Public

Sworn to and subscribed before me this 9th day of October, 2025.



Notary Public
My Commission Expires: 06/28/2030



The Commonwealth of Massachusetts
COMMITTEE FOR PUBLIC COUNSEL SERVICES

Audit and Oversight
audit@publiccounsel.net
Tel: 617-209-5596

Direct All Billing Inquiries & Questions to:
Accounts Payable
vendorbills@publiccounsel.net
Tel: 617-209-5585

**COURT COST VENDOR MANUAL
POLICIES AND PROCEDURES**

Revision Date: March 4, 2024
Version 1.8 – Subject to continuous online revision

This manual informs court cost vendors of the rates, qualifications, billing process, audit and oversight procedures, and other important policies and procedures.

Vendors who are compensated under the Indigent Court Costs Act, G.L. c. 261 § 27A-27G, are required to follow the policies and procedures in this manual, any other CPCS publications, and any amendments, revisions, or additions to CPCS policies and procedures.

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I. GENERAL POLICIES APPLICABLE TO ALL VENDORS

As the agency entrusted by the Commonwealth of Massachusetts to provide representation to indigent persons in all legal matters where there is a right to counsel, 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 the investigation and analysis of their cases. CPCS also has a fiduciary and statutory responsibility to the Commonwealth. This expert assistance is essential to protecting the most fundamental rights of indigent parties and ensuring appropriate access to the justice system. To ensure that government funds are accounted for and used responsibly, there are numerous requirements and regulations that all vendors and CPCS must conform.

By accepting any assignment, case, or work payable by the Committee, vendors shall comply with all CPCS policies and procedures outlined herein. All vendors serve at the pleasure of the Chief Counsel.

1. Becoming a Vendor

To become a vendor with CPCS, visit our website at <https://www.publiccounsel.net>. A vendor should not begin work on any case until they have received written notice of acceptance from the Accounts Payable Unit, as payment may be declined if the vendor is not accepted to receive payment. Following acceptance, vendors are responsible for acquiring their own business. Additionally, at no time are vendors to hold themselves out as CPCS “certified” or “approved,” as this may imply that CPCS is vouching for the credentials of the vendor. Vendors may, however, indicate that they can bill CPCS directly.

Prior to submitting a first electronic bill to CPCS, all court cost vendors are required to execute a Vbill access agreement that contains additional terms and conditions. Experts are required to complete an Expert Vendor Application and provide a professional CV. Please be aware that a material misstatement in the application or CV will result in removal from eligibility to receive payments and accept assignments. Please visit the CPCS Vendor Portal website (<https://vendorportal.publiccounsel.net/login>) to start an application to become a new vendor.

2. Notice of Assignment of Counsel

Assigned counsel is provided with a Notice of Assignment of Counsel (NAC) number by CPCS. CPCS Staff Attorneys (Employees,) Privately Retained Attorneys, Pro Bono Attorneys, and Pro Se litigants do not have NAC numbers. For services where a NAC number and/or motion for funds are required, it is best business practice and recommended that vendors obtain both the NAC number and the court-approved motion for funds that is signed, dated, and states the specific amount of funds allowed prior to

providing services. If unable to do so, a vendor should contact counsel as quickly thereafter as possible. If a bill is not submitted timely due to lack of a NAC number, the bill will be reduced or denied payment, as provided by statute.

3. Vendor Cooperation with Monitoring

Vendors shall cooperate with monitoring, audits, and investigations or performance evaluations, complaints, or billing inquiries. Failure to cooperate may result in the denial of access to the Vbill system, revocation of vendor status, as well as the denial or suspension of payments.

4. Telephone and E-mail

A vendor must maintain a means for receiving and making telephone calls and emails. A vendor must also maintain an office or a mailing address for delivery and receipt of correspondence. Vendors must advise CPCS in writing of any changes in their mailing address, telephone number, or email address by contacting vendorinfo@publiccounsel.net.

5. Notice of Complaints or Potential Conflicts

A vendor or any person providing services directly or indirectly on behalf of a vendor, registered to bill CPCS, shall notify the Audit and Oversight Department within three business days of learning of any of the following:

- A. The vendor has been charged in any criminal complaint or indictment;
- B. Any condition or circumstance that renders the vendor unable to comply with applicable CPCS policies;
- C. An investigation has been commenced against a vendor by any licensing or certifying authority in any state or jurisdiction;
- D. Any purported conduct that, if true, constitutes financial impropriety or fraudulent conduct; or
- E. Any conflict of interest.

The reporting obligation set forth above applies regardless of whether any portion of the proceedings instituted is considered private or confidential. Additionally, a vendor shall cooperate with the Forensics and Audit and Oversight Departments and timely provide any requested documentation or information. The procedure for investigating complaints is found in Chapter IV (4).

6. Professional Relationships

Vendors must treat clients in a courteous and professional manner. Romantic or sexual contact between a vendor and an indigent client is strictly prohibited.

7. Motions

Where a court allowed motion is required, the motion must include (1) all pages of the motion (but need not include additional documents filed with the motion,) (2) the signature of the judge/clerk allowing the request for funds, and (3) state a specific dollar amount allowed by the court on the face of the motion. Motions that do not comply with these requirements will be returned to the vendor or attorney. In general, CPCS cannot process payment against a motion where no dollar amount allowed is stated; however, the specific dollar amount requirement does not apply to transcription bills.

8. Client “No Show” Policy

In the event any medical or other forensic expert schedules an evaluation, examination or other meetings at their office or place of business with a client and the client fails to appear, the expert may bill for up to 2.5 hours of actual billed time lost attributable to the client’s “no show” for the evaluation, etc. Note that this time is billable to CPCS only where other professional services were not billed.

9. Exclusivity of Compensation, Rates, Referral Services and Brokers

Vendors shall not solicit or accept any compensation or other consideration of any value except through CPCS for services provided on behalf of CPCS cases.

In unique and extraordinary circumstance, a vendor may seek prior written approval from the appropriate Deputy Chief Counsel for relief from the exclusivity of the compensation policy.

In keeping with Section 9(i) of G.L. c. 211D, CPCS has established qualifications and rates for several categories of court cost vendors. Published rates and qualifications are found in Chapter V. All court cost vendors are reminded that the maximum rate chargeable is the (1) rate established by CPCS, (2) the rate(s) charged to any subdivision of the Commonwealth, or (3) the vendor’s private rate, whichever is lowest. Vendors are reminded that charging a higher rate will result in a finding of overbilling and removal from eligibility to accept payments and assignments.

CPCS does not compensate subcontractors, referral services, or brokers.

10. Publication of Policies of the Committee for Public Counsel Services

CPCS uses automated billing systems Ebill (for Assigned Counsel) and Vbill (for Court Cost Vendors) to communicate important information, policies, and procedures. As such, vendors must regularly log on to the CPCS website and Vbill and are presumed to have knowledge of and are responsible for all information relayed through Vbill notices.

11. Statutory Restriction on the Payment of Late Bills

Chapter 211D §12(B) of the Massachusetts General Laws mandates that vendors must submit bills within 30 days from the last date of service appearing on the bill or the end of the fiscal year (*whichever date is earlier*) for the bill to be eligible for full payment.

When you submit an electronic bill, Vbill allows you to select whether you have concluded your services on the case or whether your services are on-going. This selection is reviewed and approved by the hiring attorney during the electronic bill review process.

A. Services Concluded Bills – Statutory Billing Deadlines

While it is best practice to submit bills monthly, Section 12(B) requires that bills be submitted electronically in Vbill within 30 days from the completion of services determined by the last date of service appearing on the bill (or within 30 days from the end of the fiscal year whichever date is earlier) for the bill to be eligible for full payment. Bills submitted greater than 30 but less than 60 days after the last date of service on the Vbill (or end of the FY whichever is earlier) will automatically be reduced 10% by statute during billing processing. Bills submitted thereafter cannot be paid pursuant to the statute.

B. Services On-Going Bills – Statutory Billing Deadlines

While it is best practice to submit bills monthly, Section 12(B) requires that bills be submitted electronically in Vbill within 30 days from the end of the fiscal year for all unbilled services on prior year cases to be eligible for full payment. The Commonwealth's fiscal year is July 1 through June 30. As such, bills must be received in July. Bills received in August are reduced 10% by statute, while bills received on or after September 1st cannot be paid pursuant to the statute.

Notice and Appeal of Late Bill (§116) Rejection

Vendors will receive an automated Vbill notice when bills are reduced or rejected. The statute provides for a limited right of appeal of the denial of payment only.

Vendors will receive late bill notice for bills that are submitted for payment to CPCS beyond the statutory deadlines. Vendors who bill through Vbill receive rejection notices through their Vbill account. Vendors not using Vbill receive rejection notices through US mail. All bills rejected under s. 12(B) of c. 211D become final 30 days following the date appearing on the notice of the rejection.

To appeal a statutory late bill rejection, vendors must email their appeal to section116vendor@publiccounsel.net. The subject must include “section 116” and the

Vbill number. In order for a rejected bill to be paid after appeal, the statute requires a finding *by the Chief Counsel that extraordinary circumstances beyond the control of the vendor prevented them from billing timely*. Thus, the email must include a description of the extraordinary circumstances that were beyond the vendor's control which resulted in the untimely submission. Please allow CPCS twenty-one (21) days to reply in writing before inquiring as to the status of your appeal. Other forms of appeal are not accepted.

12. Automobile Travel

Necessary case-related automobile travel time and mileage is compensable. Travel hours are paid at the statutory rate contained in M.G.L. c. 211D sec.11, irrespective of the form of representation (client is represented by a CPCS public defender, assigned private counsel, privately-retained attorney seeking access to court cost funds, attorney representing the client pro-bono, etc.). In addition to s. 11(A), the rates appear in Chapter 5 of the Assigned Counsel Manual.

All assignment-related travel is measured and must be billed from the vendor's nearest office or home to the destination, whichever distance is shorter. Vendors will be compensated for travel at \$.62 per mile, excluding Service of Process vendors who are paid statutory mileage.

Vendors should enter their actual travel time. Vendors are compensated their actual travel time or the maximum allowable time, whichever is smaller. Vendors may not increase their actual travel time to the maximum allowed.

Vendors may not combine personal and case-related travel. CPCS will not reimburse vendors for travel that is partially personal in nature. CPCS will reimburse for parking and tolls if reasonable, necessary, and incurred in connection with reimbursable travel expenses.

13. Extraordinary Travel Expenses Requiring Prior Approval

Reimbursement for travel exceeding 300 miles round trip requires prior written approval from the appropriate Deputy Chief Counsel, Managing Director of the CAFL Public Division or Managing Director of the Family Justice Advocates (CAFL Conflicts Office).

14. Extraordinary Expenses Requiring Prior Approval

For unusual or extraordinary expenses by type or cost (including travel other than by automobile, lodging, meals, etc.,) authorization from the appropriate Deputy Chief Counsel, Managing Director of the CAFL Public Division, or Managing Director of the Family Justice Advocates (CAFL Conflicts Office) is required *prior to incurring costs*. Failure to seek prior written approval or provide sufficient supporting documentation of expenses may result in a denial or reduction of a request for reimbursement.

II. POLICIES AND PROCEDURES GOVERNING BILLING AND COMPENSATION

CHAPTER CONTENTS

1. Submission of Bills and Record Keeping Requirements
2. Monthly Interim Billing
3. Billable Hours Limit Per Fiscal Year
4. Twelve-Hour Daily Billing Limit

All vendors are required to maintain adequate documents to support the services provided and their billings, including detailed contemporaneous time records of actual hours worked. In situations in which a court cost vendor's bill represents hours worked by more than one individual, each individual providing services must be approved by CPCS, appear as an employee/contractor in the vendor's Vbill account, and a separate contemporaneous time record is required for each individual. Required documentation also includes such items as receipts, canceled checks, and mileage records. All bills are paid subject to review and audit. Vendors must be able to adequately support their bills (see Chapter IV).

1. Submission of Bills and Record Keeping Requirements

Vendors must submit all bills electronically through Vbill. For those vendors providing services not yet billable through Vbill, bills must be submitted on paper payment vouchers (PV forms). Instructions for billing through both Vbill and PV forms can be found by clicking [here](#).

Vendors are subject to audits of the services provided and bills submitted. On-site audits may be performed at the vendor's home office and/or business office. Vendors must make available to the Audit and Oversight Department all case files and billing documentation. Failure to comply with the Audit and Oversight Department's request(s) for information may result in suspension as described in Chapter IV (1).

Vendors may be subject to repayment of over-billings, as well as payment of interest for audits.

A. Tenth-Hour Increments

Vendors billing hourly are required to bill in tenth-hour increments utilizing the appropriate Vbill billing category. This means rounding off the amount of time actually spent working to the nearest tenth of an hour. Vendors may not automatically round each separate task up to the next tenth-hour.

For example:

- If you spend 5 minutes on a case, you may bill .1 hours. If you spend 8 minutes on a case, you may still bill only .1 hours.
- If you spend 8 minutes speaking with counsel, and 13 minutes reviewing a report, you may bill .1 hours and .2 hours respectively.
- If you make four 3-minute telephone calls, you may bill a total of .2 hours. You may not bill .1 hours for each of the four separate telephone calls.
- If you perform only one task during the entire day for all your CPCS cases you may round this one task to a tenth-hour. For example, if you make only one 3-minute telephone call and perform no other services on behalf of any CPCS clients the rest of the day, you may not bill more than the original .1 hours.

B. Time Records

Vendors are required to maintain case files for all CPCS work that includes, among other things, billing forms, contemporaneous time records, and other reports or documents prepared in each case. Time records must minimally include the date of the activity, CPCS client/indigent party name, actual amount of time expended, including both the starting clock time and the finishing clock time, to the maximum extent practical, as well as a description of each task performed. Descriptions of tasks and services must be sufficiently specific and detailed to enable one to understand the nature and extent of the service performed. Each billable task must be segregated and described separately. Billing forms may not be used as time records. Billing form category headings should not be used on time records, as they are not sufficiently specific or detailed descriptions of services.

Vendors must record all the work they perform, so they can document and substantiate their billing and provide that information in the event of an audit. If a vendor performs billable services on a Sunday night, the time must be billed for that Sunday. Work must be billed for the time and date it was performed, regardless of the day of the week it is, or time of the day. Vendors should continue to record the time they expend on work they perform for each service date even if the hours exceed the presumptive billing limit. Vendors cannot be paid for any hours that exceed the presumptive daily billing limit, unless prior to submitting the bill, the vendor received the approval of a waiver by the Director of Audit and Oversight.

Vendors may not bill the excess hours to the next calendar or service date.

For example: A vendor works 13.4 billable hours on 5/12/14, chooses not to request a waiver, and bills for 12 hours. The vendor's time sheet must include all 13.4 hours worked on 5/12/14, not just the 12 hours billed. The vendor may not move that 1.4 hours to 5/13/14 for billing purposes. Vendors are reminded that complete and accurate time records are the single most important method of documenting the services provided to your client.

Vendors are required to keep these contemporaneous time sheets, together with copies of their bills, in their files for a period not less than seven (7) years after the date of submission. Failure to document work performed in accordance with CPCS billing policies and procedures, or failure to provide documentation to auditors, may result in: 1) the nonpayment of bills; 2) the reduction of amounts paid on bills; 3) repayment assessments for bills that have been paid, together with possible interest and penalties; 4) denial of access to the Committee's billing systems; 5) suspension or removal from the list of vendors eligible to bill CPCS; and 6) other appropriate action.

C. Non-compensable Activities

Vendors may not bill for routine case or office administrative and managerial tasks. Routine office or case administrative tasks include, but are not limited to, the following examples:

- time spent keeping time records, handling billing issues, or submitting bills;
- activities considered to be training, education or supervision;
- general office management;
- clinical supervision;
- time spent performing secretarial and/or clerical functions;
- the administrative task of opening and closing files.

2. **Monthly Interim Billing**

It is best business practice and highly recommended that vendors submit bills monthly. One bill may be submitted each month for work performed on a case. Monthly billing will provide vendors with prompt payment and will prevent rejection of bills due to lateness. CPCS processes bills for payment as provided below:

- A. Billing is limited to one bill per assignment per month. Once a bill for an assignment is submitted, another bill cannot be submitted until the following month;
- B. If dates for a particular month have been inadvertently omitted, those dates may be included in the following month's bill, as long as the dates are in the same fiscal years;
- C. All bills for services provided in a fiscal year (which ends June 30) must be submitted on or before July 31st in order to be eligible for full payment (see Chapter I (9)).

3. **Billable Hours Limit Per Fiscal Year**

Individuals are limited to billing a maximum of 1,650 billable hours per fiscal year. Hours billed in excess of the annual limit on billable hours will be denied payment. Vendors are responsible for keeping track of their billable hours and those of their employees and contractors. In order to avoid prejudice to the client, the specific

individual hired to perform the services is required to continue to work for clients for whom work has been accepted, despite having exceeded the fiscal year cap on billable hours. Vbill requires that the vendor identify the name of the person who provided the services to the client. Vendors, their employees, and contractors may not bill CPCS for their services under another person's name under any circumstances.

Vendors may request a [waiver](#) of the fiscal year billing limit for themselves or any employee or contractor by submitting a written request for waiver of the fiscal year billing limit. This request should be sent prior to reaching 1,650 billed hours. The vendor should identify the individuals seeking the waiver and specify the reasons why a waiver is necessary to protect the interest of the CPCS clients, the number and types of cases handled in the fiscal year, and the extraordinary circumstances that resulted in the individual reaching or exceeding the presumptive cap on billable hours. In addition, the vendor must indicate the total number of hours they are seeking to bill CPCS for services rendered until June 30th. CPCS staff may also request additional information.

Vendors should send the [waiver](#) to Vwaiver@publiccounsel.net where it will be reviewed by the appropriate member of CPCS senior management.

4. Twelve-Hour Daily Billing Limit

Individuals are limited to billing actual and reasonable time for services up to a presumptive maximum of twelve billable hours per day. Bills submitted in excess of twelve hours per day will be rejected for payment by the CPCS billing system.

The twelve-hour daily billing limit is designed to ensure that clients receive the highest level of service, allows for a fair distribution of case-work, and acts as a control against overbilling.

The twelve-hour daily billing limit does not imply that all dates on which twelve hours or less are billed are accepted by the Committee as accurate. Cumulative daily hours billed must represent both the actual and reasonable time spent working, be properly documented, and be in conformance with all CPCS policies and procedures (see section 1).

Vendors may request a waiver of the presumptive twelve-hour billing limit by submitting a Request for Waiver Form for each date a vendor wishes to be compensated for time in excess of twelve hours, after providing over twelve hours of services in a day, but prior to billing for that date. Each date for which a vendor wishes to be compensated for more than twelve hours requires a separate form.

For a waiver to be allowed the vendor must satisfy a two (2) prong test. First, the vendor must demonstrate the existence of extraordinary circumstances beyond their control necessitated exceeding the Committee's presumptive cap on daily hours. Second,

allowance of the waiver must be necessary to protect the interests of CPCS' clients. Waivers that do not satisfy both prongs will be denied by Audit and Oversight staff.

When requesting a waiver, the vendor must email a copy of contemporaneous time records to Vwaiver@publiccounsel.net. Time Records may be redacted to the extent necessary to protect the interest of the client, or as required by statute or rule.

The Request for Waiver is completed electronically through Vbill. Once the form is completed, save or print the completed form prior to submitting it; otherwise, the data may be lost. Waivers must be submitted ***after providing the services and before billing for more than twelve hours for services performed on the requested waiver date.***

The Request for Waiver form must be submitted as early as possible, ideally, the day after the vendor has performed more than twelve billable hours of service on assigned cases.

If the vendor submits bills exceeding twelve hours at any time after submitting a request for waiver, but before the waiver is approved, the vendor will be limited to a maximum of twelve billable hours on that date. CPCS will not make adjustments of data entry errors, even if inadvertent. Vendors must request waivers promptly in order to allow time to submit their bills within the statutory deadlines (see Chapter I (9)).

Allowance of a waiver is not tantamount to an audit of the hours billed on the waiver date. The Committee reserves the right to audit or reexamine all dates billed.

Decision on Requests for Waiver will be emailed. Any questions regarding waivers should be addressed to waiver Vwaiver@publiccounsel.net.

III. INTERPRETER, TRANSLATION, TRANSCRIPTION SERVICES. PUBLIC NOTICE AND SERVICE OF SUMMONS

CHAPTER CONTENTS:

1. Out-of-Court Interpreter Services and Translators
2. Transcription Services
3. Transcription and Translation
4. Public Notice
5. Service of Summons

1. Out-of-Court Interpreter Services and Translators

“Interpretation” refers to oral interpretation (in-person or via electronic communication) while “translation” refers to interpretation of documents. The Trial Court Office of Court Interpreter Services is solely responsible for providing all IN-COURT foreign language

interpreter services and those services are not payable by CPCS. The Committee **only** pays for interpreter OUT-OF-COURT services which have been requested by counsel and allowed by motion.

If the total interpreter services billed for the case is \$500 or less no motion is required. However, if the total interpreter services payable on the case exceeds \$500, an allowed motion filed by counsel is required before payment exceeding \$500 will be made. Attorneys should file a motion seeking the amount of funds needed for the case including the amounts paid below the \$500 threshold. For example, if the interpreter/translator has used \$250 to date and it is estimated that s/he will need an additional \$500 worth of services, the attorney must motion for \$750.00. If the attorney motions for only \$500, CPCS will be limited to paying the remaining balance of \$250.00 over the \$250.00 paid prior to the allowance of the motion.

Foreign language interpreter services are paid at the rate of \$38 per hour for non-certified interpreters and \$57 per hour for certified interpreters. A “certified interpreter” is defined as an interpreter certified by the Office of Court Interpreter Services or one who has passed the Administrative Office of the U.S. Courts Federal Certification Examination. A “sign language interpreter” must be determined as such by the Massachusetts Commission for the Deaf and Hard of Hearing. Requests for compensation of services must be submitted through Vbill.

A. In Person Interpretation - CPCS will compensate interpreters a minimum of two hours per location for which *in person* services are required. For example, if an interpreter is needed to interview a client at his residence, and the interpreter’s combined travel time and interview time are only one hour, the interpreter will be compensated for a total of two hours of service. If the interpreter’s travel time is one hour and the interview time is one hour, the interpreter will be compensated for one hour of travel and one hour of service, totaling two hours. If the interpreter’s combined travel and interview time is three hours, the interpreter will be compensated for a combined total of three hours of service.

If an interpreter provides services to more than one client at one location totaling less than two hours, the interpreter will be compensated for two hours of service.

B. Phone Interpretation - CPCS will compensate interpreters a minimum of one hour for translation services provided by telephone.

C. Unique Languages – In rare instances, a higher hourly rate may be approved when it can be demonstrated that the services requested are for a language so seldom used that translators and interpreters of the language are difficult to locate or otherwise warrant a higher rate. **Prior** to billing at a higher rate, the attorney must contact the appropriate Deputy Chief Counsel and receive written approval to bill for the higher rate. Vendors must then provide a copy of the e-mail or letter stating that prior approval has been received to the Accounts Payable Unit. Requests will be handled

on a case-by-case basis depending upon the uniqueness of the language, services provided, and the needs of the client. Such requests must be emailed to Vendorbills@publiccounsel.net. Bills submitted without prior approval will be paid at the \$38 or \$57 rates. CPCS will not adjust bills or tender additional payment if the vendor failed to notify the Accounts Payable Unit that a higher fee was approved prior to submitting the bill.

- D. Travel - Interpreters will be compensated for their travel time, mileage, and expenses in accordance with the CPCS travel policy for all vendors (see Chapter I (12)).
- E. Interpreters for the Deaf and Hard of Hearing - CPCS will pay interpreters for the deaf and hard of hearing in accordance with the rates established by the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH). See the MCDHH website for rates paid to interpreters for the deaf and hard of hearing: <http://www.mass.gov/MCDHH/>.
- F. Cancellations - If an attorney cancels services with less than 24 hours' notice, the interpreter will be compensated for one hour of service. If notice of the cancellation is provided more than 24 hours in advance no compensation will be provided.
- G. Recording Actual Clock Time in Vbill - Interpreters must record the actual clock time for which they provide services. For example, if a vendor provides services from 1:47pm to 3:04pm, the vendor is required to enter the actual start and end clock times in Vbill. Vbill will automatically apply the applicable two-hour or one-hour minimum.

Per Word Fee for Translation Services - Vendors providing **translation services** will be compensated at \$.17 per word. If, upon acceptance of the assignment, it reasonably appears that the total fee for the transcription on the case will exceed \$5,000.00, the transcriber should contact counsel requesting the transcript, who must receive prior written approval from the appropriate Deputy Chief Counsel. Such requests must be emailed to Vendorbills@publiccounsel.net. It is best business practice to await approval before continuing work so that the payment will be assured.

2. Transcription Services

The amount payable for transcription services is controlled by MGL c. 221 §88. Because all CPCS clients are indigent, the amount payable by CPCS is controlled by the “reduced fee” language in the statute. The Committee pays for the costs of transcriptions, which have been requested and allowed by motion filed by counsel on behalf of his/her indigent client or by a pro se indigent litigant, or which have been requested by the court as a direct result of his/her notice of appeal, at the following statutory rates: Transcripts are paid at the rate of \$3.00 per page for an originally produced (first time produced) page. All paper copies, if requested, produced, and provided to by indigent parties, shall be paid

at an amount not to exceed \$.10 per page. An electronic reproduction (PDF) of the original transcript must be made available upon request at a total fee not to exceed \$5.00.

Notwithstanding this maximum fee, certain court rules require production of the electronic reproduction at no cost. CPCS will not pay any fee for electronic media in those cases. In addition, because CPCS cannot pay for any paper (at 10 cents a page) or electronic reproductions (at \$5) not specifically requested by Counsel, please inquire of Counsel if he or she requires paper copies. Additional charges for postage, handling, bindings and travel expenses are not reimbursed.

Transcripts in Direct Appeals and Transcripts totaling less than \$1,000: A complete transcript costing less than \$1000 paid at the standard rate and a transcript for direct appeal paid at the standard rate (regardless of cost,) are considered ordinary costs of litigation and therefore no motion for funds or prior authorization is necessary for such transcripts.

Where a motion is required, Counsel must seek and obtain an allowance of funds. A copy of the allowed motion must be provided to the transcriber.

If, upon acceptance of the transcription, it reasonably appears that the total fee for the case will exceed \$20,000.00, the transcriber should contact counsel requesting the transcript, who must receive prior written approval from the appropriate Deputy Chief Counsel. Such requests must be emailed to Vendorbills@publiccounsel.net. It is best business practice to await approval before continuing work so that the payment will be processed.

Court Reporter Attendance: The Committee will pay for the attendance of a Court Reporter, which has been requested and allowed by motion, at the rate of \$300.00 per day.

Expedited transcripts: For expedited transcripts ordered by a judge, vendors will be compensated at \$4.50 per page for the original. All paper copies, if requested by indigent parties, shall be paid at an amount not to exceed \$.10 per page. Note: the motion must request, and the court must allow, expedited services at the higher statutory rate, otherwise the services will be paid at the standard rate.

3. Transcription and Translation

Vendors will bill at the translation/transcription rate when producing a translated document from a recording. Vendors providing these services concurrently will be compensated at an hourly rate of \$20 and paid \$.17 per word translated.

4. Public Notice

CPCS will pay for Public Notices which have been requested by pro se parties having first been found indigent by the court or by counsel on behalf of an indigent client.

A copy of the actual notice or an invoice (showing the name of the newspaper, number of lines, days printed, and rates) and proof of indigency must be included with the request for payment.

5. Service of Summons

Requests for service and summons made by pro se parties having first been found indigent by the court or counsel on behalf of an indigent client will be paid at the rate allowed under G.L. c.262, §8. A complete itemization including the date(s) of service, clock time of service, address served, rates, mileage, party served, and proof of indigency is required.

CPCS will reimburse for costs incurred regarding services and summons up to the amount allowed by G.L. c.262, §8. The CPCS Vbill system is programed to calculate the amount payable.

IV. AUDIT AND OVERSIGHT PROCEDURES

While we acknowledge the dedication and effort of experts and other court cost vendors to ensure CPCS clients and indigent persons receive zealous advocacy, it is essential that all those billing CPCS use care in keeping their records and comply with all billing regulations and restrictions. CPCS is mandated to exercise vigilance in monitoring and overseeing the expenditure of Commonwealth funds. CPCS reserves the right to investigate any impropriety or irregularity and to take deliberate and substantive action on any issue it determines requires redress.

Pursuant to G.L. c. 211D, §12, the Audit and Oversight Department, hereinafter referred to as “the Department,” is responsible for monitoring the billings of vendors who provide services to CPCS clients. The Department reviews bills to ensure that the services billed were provided, that the bills submitted are reasonable in terms of both dollars charged and hours billed, and that the vendor maintains adequate billing records and files in compliance with CPCS billing and record-keeping requirements.

The Committee shall have the authority, through the Department and its other administrative divisions, to: 1) examine, suspend, reduce, or decline payment of bills submitted; 2) suspend or revoke a vendor’s eligibility to accept or complete CPCS case work; 3) report a vendor to the applicable licensing authority; and 4) take any other action deemed necessary or appropriate.

This chapter contains general information regarding specific types of audits described herein and shall not be interpreted to limit or restrict the authority of the Department or Committee to examine bills and supporting documentation submitted to CPCS. These oversight procedures may be used independently or in concert with other types of audits, reviews or supervision performed by the Committee's various divisions.

CHAPTER CONTENTS:

1. Audit and Oversight Procedure - Full Audits
2. Audits of Bill(s) and Services Provided
3. Audits of Extraordinary Bills
4. Complaints and Investigations
5. Interest Rate Policy

1. Audit and Oversight Procedure - Full Audits

The following procedure will be followed where irregularities in billings come to the attention of CPCS staff and the Department opens a comprehensive audit of the services provided by the vendor or contemplates a full audit of the vendor's billing records.

A. Preliminary Investigation

1. A preliminary investigation will be undertaken by Department staff to: (a) ascertain whether the vendor erred in recording or submitting information, over-billed for services provided (b) failed to maintain time records in keeping with Committee policy, or otherwise engaged in questionable practice(s), and (c) determine whether or not there is a pattern of such practice(s) in other invoices. The Department may also perform audits on a random basis or upon internal information that suggests that an inquiry of the billing submitted is warranted.
2. Based upon the results of the preliminary investigation, a decision will be made by the Department as to whether an audit will be performed. In the event that an audit is deemed necessary, the vendor will be sent an "Audit Letter" advising that an audit is being performed.
3. The Department may suspend the payment of any bill(s) pending review of same or completion of the audit if there are significant concerns regarding the vendor's case handling or billing practices.

B. Audit Letter, Response, Timing

1. Respondent vendor shall cooperate with the Department's request for information and shall have thirty (30) days, from date of receipt, to respond to the Audit Letter and provide documentation, including but not limited to contemporaneous time sheets, case files, file materials, and other documents requested by the Department.

Respondent may provide redacted documents as necessary to protect the interest of the client, or as required by statute or rule. Respondent must provide a written description of any documents withheld, including a listing of the date of the document, author of the document, number of pages and the reason for withholding.

2. Respondent vendor shall receive one automatic fifteen (15) day extension to respond to the Audit Letter upon written notice to the Department if received not less than five days prior to the 30-day deadline.
3. Respondent vendor shall have no further extensions of time to respond to the Audit Letter, except upon written request indicating extraordinary circumstances (submitted not less than five days prior to the 45-day deadline). Such requests should contain a description of the circumstances warranting the extension and should be forwarded to the Department. Such requests will be allowed at the discretion of the assigned Hearing Officer (see G(5)(a) below).
4. Mailings to the address provided by vendor will be deemed received two business days after the date of mailing.

C. Failure to Respond

A vendor who fails to respond to the Audit Letter shall be subject to suspension from eligibility to accept CPCS casework. In addition, the payment of bills shall be subject to suspension and some or all of the vendor's existing CPCS casework may be reassigned.

1. Suspension of Bill Payments: The Department shall notify the vendor in writing of its intention to suspend the payment of bills for failure to respond. If the vendor does not submit a complete response in seven (7) days from the date of such notice, payment of all bills may be suspended.
2. Suspension of Eligibility to Accept Assignments: The Director of the Department must approve a suspension from eligibility to accept new CPCS casework for failure to respond.
3. Duration of Suspension: Any suspension for failure to respond shall remain in effect until a complete response to the audit is received or until the completion of the audit process at the discretion of the Department.
4. Waiver: In the event the vendor fails to respond within thirty (30) days following the suspension date, the Department may proceed with the audit and the vendor shall be deemed to have waived his or her right to respond, to submit a written rebuttal, or to request a hearing as provided herein.

D. Disposition Recommendation

At the conclusion of the audit process, the Department may prepare a written Disposition Recommendation (Audit Report) containing findings and recommendations.

Recommendations may include:

1. That no action be taken;
2. That the bill(s) in question be disallowed;
3. That the vendor be required to repay monies to the Commonwealth;
4. That the vendor be suspended or removed from the list of vendors eligible to accept CPCS casework for a period of time or permanently;
5. That some or all of the vendor's existing CPCS casework be re-assigned;
6. That the Committee submit the findings to the vendor's appropriate licensing authority;
7. That the Committee submit the findings to the Attorney General or District Attorney's office;
8. That the Committee pursue all available civil remedies for the recovery of overpaid funds; or
9. Any other appropriate action.

E. Response to Disposition Recommendation

1. A respondent vendor who fails to respond to the Audit Letter shall be deemed to have waived his or her right to submit a Rebuttal or request a hearing.
2. A vendor who responded to the Audit Letter as provided in Chapter (1)(B)(1) shall have ten (10) days from the date of receipt of the Disposition Recommendation to send a written response to the Department indicating she/he disputes the recommendation by filing notice that she/he:
 - Requests a hearing;
 - Intends to submit a written rebuttal; or
 - Intends to submit a written rebuttal and requests a hearing.
3. A vendor shall have thirty (30) days from the date of receipt of the Disposition Recommendation to submit a written rebuttal.

4. A vendor's rebuttal to the Disposition Recommendation shall be in the form of, and limited to, a written statement signed by the vendor specifically addressing the issues raised in the Disposition Recommendation. No other documentation or evidence shall be introduced.
5. The Disposition Recommendation and vendor's rebuttal will be forwarded to the Hearing Officer for review. If a hearing has been requested, the vendor will be notified in writing of the date, time and location of the hearing. If no hearing has been requested, the vendor will be notified of the Hearing Officer's decision, in writing, within sixty (60) days.
6. A vendor who fails to timely dispute the Disposition Recommendation as provided in (2) and (3) above shall be deemed to have waived that right.

F. Settlement of Claims

The Department and vendor may at any time discuss settlement of an audit. In the event that a settlement is negotiated, the parties shall submit a proposed decision in the appropriate form for the Hearing Officer's approval. The Hearing Officer may accept, reject or recommend modifications to the proposed agreement. Notwithstanding the agreement of the Department and the vendor, no settlement shall be binding upon either party until approved in writing by the Hearing Officer.

G. Hearings

1. Hearing Officers

The Hearing Officer shall be a member of the Committee for Public Counsel Services.

2. Scheduling of Hearings

- a) The Department shall schedule a hearing within ninety (90) days from receipt of the vendor's written request.
- b) The Department and the vendor shall each be granted a continuance of the hearing not to exceed 30 days from the scheduled hearing date: upon written notice to the Hearing Officer; with a copy to opposing party; and submitted not later than seven (7) days prior to the scheduled hearing.
- c) The Department and the Respondent vendor shall have no further continuances of the hearing unless upon written request to the Hearing Officer, with a copy to the opposing party, and the assigned Hearing Officer finds extraordinary circumstances warranting a continuance.

3. Burden of Proof

At the hearing, the burden of proof shall be upon the Respondent.

4. Standard of Review

All hearings shall be conducted under the abuse of discretion standard of review.

5. Evidence

- a) At the hearing, the evidence shall consist of the: 1) Audit Letter(s); 2) documentation provided by the vendor in response to Audit Letter(s); 3) Disposition Recommendation; and 4) Written Rebuttal.
- b) The vendor and the Department shall each be limited to a 30-minute oral argument. Either party may waive oral argument.
- c) The vendor and the Department shall limit oral argument to the issues raised in the 1) Audit Letter(s); 2) documentation and response to the Audit Letter(s); 3) Disposition Recommendation; and/or 4) Written Rebuttal.
- d) The vendor and Department shall not introduce new evidence or documentation at the hearing.
- e) The vendor may be represented by counsel, but shall be limited to one oral argument.

H. Recording of Proceedings

The vendor may, at his or her own expense, hire a stenographer to record the proceedings provided that the hearing officer and the Department is sent written notice of such intent seven days prior to the hearing. No other form of recording shall be permitted. The Department may hire a stenographer in its sole discretion, however no recording is required pursuant to c. 249 §4.

I. Decisions of Hearing Officers

- 1) The Hearing Officer may approve, reject, modify the Department's Recommendation, or take any other appropriate action.
- 2) The Hearing Officer shall have the discretion to decide any case by written decision with or without findings of fact. The parties may submit a proposed decision to the Hearing Officer.

- 3) The Hearing Officer shall present to the CPCS Executive Committee for approval and ratification on the record only that part of any decision which removes a vendor from eligibility to accept CPCS cases, or refers the vendor to the appropriate licensing authority, Attorney General, or District Attorney. This provision does not preclude the Department, agency, or staff, from making independent referrals to the vendor's appropriate licensing authority, Attorney General, or District Attorney as appropriate.
- 4) If the Executive Committee ratifies the Hearing Officer's decision that a referral is appropriate, the Chairman shall submit the matter to the licensing authority, Attorney General, or the appropriate District Attorney.
- 5) The Hearing Officer shall render a decision within sixty (60) days of receipt of the recommendation from the Department or hearing and forward that decision to the General Counsel for notification to the vendor and the Department.
- 6) The decision of the Hearing Officer shall constitute the final decision of the agency.

J. Suspension, Removal, Failure to Comply, and Re-Payment

- 1) The Department shall suspend the payment of all bills, reassign some or all of the vendor's existing CPCS cases, suspend vendors eligibility to accept CPCS cases, and/or refer to any appropriate licensing authorities, any vendors who fail to comply with the decision of the Hearing Officer. Prior to any such suspension and/or referral, the Department shall notify the vendor in writing of the particulars of non-compliance and the vendor shall be granted ten (10) days to remedy said non-compliance.
- 2) Any vendor suspended pursuant to a decision of the Hearing Officer or for failure to comply with such decision shall not be eligible to apply for reinstatement, accept assignment(s), or to receive payment(s) until any amount due and owing has been paid in full.
- 3) Any vendor removed from the list of vendors eligible to accept CPCS cases pursuant to a decision of the Hearing Officer shall not be eligible to apply for reinstatement, accept assignment(s), or receive payment(s) until the amount assessed for over-billings has been paid in full.
- 4) Any request for reinstatement must be made in writing to the General Counsel. The burden is upon the vendor to establish based upon specific facts and circumstances supported by adequate documentation, if appropriate, that reinstatement is in the interest of both (1) the CPCS and (2) clients. The vendor must address at a minimum: (1) the circumstances leading to their removal or suspension, (2) the actions taken thereafter to address those circumstances, (3) their current work, (4) any professional development, training or continuing education undertaken thereafter, and (5) their proven commitment to indigent persons. The decision of the General Counsel shall

constitute the final decision of CPCS; however, if denied reinstatement, the vendor may be provided leave to re-apply.

2. Audits of Bill(s) or Services Provided

- A. The Department may audit any bill or case prior to or after payment. The Department notifies the vendor that an audit or review is being performed. The vendor shall respond to the Department's request for time sheets, billing records, case files and other documents within 30 days of receipt of such written request.
- B. The vendor may provide redacted documents as necessary to protect the interest of the client or as required by statute or rule. The vendor must provide a written description of any documents withheld, including the dates of the documents, author of the documents, number of pages, and the reason for withholding.
- C. Contemporaneously with the response, the vendor may provide any additional documents he or she believes will allow the Department to appreciate the nature and extent of the services provided and bill(s) submitted. The vendor may also provide a signed statement setting forth any facts or issues he or she believes are relevant to a fair review of the work performed and bill(s) submitted.
- D. Following a review of the vendor's response, the Department may request additional information as it deems necessary to complete its audit. It is the responsibility of the vendor to provide all requested documents. The Department will not assume the existence of documents, relevant information or other facts not provided by the vendor's reply. The vendor will not be permitted to provide additional documentation or evidence after the Department's review is complete.
- E. Vendors are under a duty to cooperate with all audits and reviews. A vendor who fails to timely provide a complete response to the initial or any subsequent requests shall be deemed to have waived the right to respond to the request for information and is subject to suspension from eligibility to accept CPCS casework.
- F. The Department may suspend the vendor's access to the Committee's electronic billing system, "Vbill", until such time as a complete response to the random audit letter and any subsequent requests for documents and information is received and reviewed.
- G. The vendor will be provided a written statement advising him or her of the results of the audit/review and any action(s) taken. These actions may include but are not limited to the following:
 - 1. The bill(s) be paid in their usual course in keeping with Committee Policy;
 - 2. The bill(s) be reduced;
 - 3. The bill(s) be rejected for payment;

4. Further payments on the case be reduced/disallowed;
 5. A performance evaluation be performed;
 6. The Department recapture funds paid on the cases or bills selected for audit;
 7. The vendor's eligibility to accept new assignments be suspended;
 8. The terms under which the vendor may accept CPCS case work be modified and/or limitations be imposed;
 9. Some or all of the vendor's existing CPCS cases be reassigned;
 10. The Department submit findings to the appropriate licensing authority;
 11. The Department submit finding to the Attorney General's or District Attorney's office;
 12. The Department pursue all available civil remedies for the recovery of overpaid funds; or
 13. The Department take any and all other appropriate action.
- H. If the Disposition provides that some or all of the vendor's CPCS cases be reassigned, the vendor (counsel for the vendor or assigned counsel) may request, in writing, the vendor be permitted to complete services on one or more of cases if necessary to protect the interests of the client(s). The decision regarding same will be made by the Director of Forensics or his/her designee.
- I. The outcome of the Disposition as provided in (G) above shall constitute the final decision of CPCS unless the vendor requests review as set forth in (J) below.
- J. A vendor aggrieved by the outcome of an audit or review may appeal by sending a letter or e-mail to the Director of the Audit and Oversight Department within 14 days of the date of the Disposition as provided in (H) above, stating any prejudicial errors he or she believes occurred.
- K. The Director of A&O will not consider any new or additional evidence or documents which were not provided by the vendor to the Department prior to the completion of the audit. If the Director performed the review, Counsel may request the decision be reconsidered as provided in (J) above.
- L. The disposition of the review shall constitute the final decision of CPCS fifteen days following the date of the letter disposing of the review as provided in (G) above, or if an appeal is taken, upon the decision of the Director of the Department.
3. **Audits of Extraordinary Bills**

The Department's oversight responsibility includes audit and review of bills which are extraordinary in dollars or hours billed, based on the type of case and/or type of services provided. The billing system identifies and places on hold such bills for pre-payment (or post payment) review or audit. The Department may also place such bills on hold. Vendors may be asked to provide documentation or other materials or information to support the payment of their bills. Vendors will be notified in writing of the results of the review or audit if

payment is reduced or declined. The outcome of the review or audit shall constitute the final decision of CPCS unless appealed directly to the Chief Counsel within 14 days of the decision date. The Department's disposition or the decision on the appeal to the Chief Counsel constitutes the final decision of CPCS.

4. Performance Complaints and Other Investigations

The Committee may investigate performance complaints or initiate a complaint concerning the performance, professionalism, investigations of financial or other billing irregularities, or other conduct of vendors, their contractors, or employees.

All vendors serve at the pleasure of the Chief Counsel. If significant questions are raised as to the fitness of a vendor to perform work on behalf of CPCS clients, the Chief Counsel may immediately remove a vendor if it is deemed in the best interest of CPCS or its clients.

These reasons may include but are not limited to:

- a. A complaint that the vendor has failed to competently provide services;
- b. An allegation that the vendor has engaged in misconduct; or
- c. An allegation that the vendor is unable to, or has failed to comply with CPCS standards, guidelines, or the policies of any applicable licensing authorities

A. Investigative Procedure

Committee staff may investigate any complaint, regardless of who made the complaint (including committee staff,) or the manner in which, it is submitted. Complaints shall be investigated to the extent and in the manner deemed appropriate by the Chief Counsel or his designee.

B. Vendor Cooperation

The vendor shall cooperate fully with requests and inquiries regarding the investigation.

1. If the vendor fails to timely respond to the complaint, this non-response will be treated as a voluntary removal from the list of vendors eligible to accept assignments from CPCS.
2. If a vendor fails to cooperate fully with an investigation, such non-compliance will be treated as reason to remove the vendor from the list of eligible vendors who are eligible to take assignments from CPCS.

C. Vendor Rebuttal

In the event that a written final disposition report is created as a result of any investigation performed, the vendor shall be provided with a copy of the report and granted 30 days from the date of receipt to submit a written rebuttal

A vendor's rebuttal shall be in the form of, and limited to, a written statement signed by the vendor specifically addressing the issues raised in the report. No other documentation or evidence shall be introduced.

D. Notice of Agency Decision

Vendors shall be notified of the Chief Counsel or her/his designee's decision by mail or email.

E. Review

1. If the Disposition provides that the vendor is no longer eligible for CPCS payments, counsel of record may request, in writing, that the vendor be permitted to continue to bill for services on one or more of those cases if determined by Chief Counsel or designee to be necessary to protect the interests of the client in on-going matters(s).
2. The outcome of the Disposition as provided in (D) above shall constitute the final decision of CPCS.

5. Interest Rate Policy

- A. Pursuant to G.L. c. 211D §12(c), the CPCS may impose interest and penalties, where appropriate, upon overpayment of vendor bills recovered from vendors.
- B. The Committee shall impose interest on all audit assessments that are not paid within 30 days of the Hearing Officer's decision.
- C. The interest rate is 10% per annum, calculated at the periodic rate of .00833330% per month.
- D. Assessed amounts not paid in full within 30 days of the Hearing Officer's decision will be assessed interest and amortized over a period not to exceed 24 months. However, the Hearing Officer shall retain the right to modify the two-year amortization period.
- E. Interest shall be computed on the remaining unpaid balance at the approved rate(s) of interest in effect at the time the Disposition Recommendation is dated. The interest rate in effect for a particular audit shall not increase or decrease from the rate in effect on the day that the Disposition Recommendation is dated.
- F. An amortization schedule shall be provided to each vendor. The amortization schedule will represent the payment schedule.

- G. Vendors must at a minimum pay the monthly amount due on or before the payment dates appearing on the amortization schedule.
- H. Vendors may pay the entire remaining unpaid balance (plus accrued interest) at any time by requesting a payoff amount from the audit staff.
- I. Unless requested in writing, vendors will not receive annual statements of interest paid. Audit staff shall be given 30 days from the date the written request is received to comply with such requests. Such statements of interest paid shall be in the form of updated amortization schedules.

V. QUALIFICATIONS AND RATES FOR: INVESTIGATORS, SOCIAL SERVICE PROVIDERS, AND EXPERT WITNESSES

INTRODUCTION:

Section 9(i) of G.L. c. 211D authorizes CPCS to establish qualifications and rates for expert witnesses, investigators, and social service providers who are paid as vendors in accordance with the Indigent Court Costs Act, G.L. c. 261, §§ 27A-27G. Since Section 9(i) was adopted in 1996, CPCS has surveyed vendors regarding their rates and qualifications, surveyed attorneys regarding their use of vendors and Indigent Court Cost funds, and reviewed the policies and practices of other jurisdictions regarding the payment of expert witnesses.

This chapter identifies twenty-three categories of vendors that fall within Section 9(i) of Chapter 211D, and lists both the qualifications and range of rates for each category of vendors.

This list of experts is neither exhaustive nor exclusive. Assigned counsel may determine a need for experts not included on this list. The Indigent Court Costs Act, G.L. c.261, §§ 27A-27G, applies to requests for funds for the experts listed in this packet and others deemed necessary by assigned counsel. Similarly, the range of rates is neither exhaustive nor exclusive. Rates paid to experts may fall above the rates listed herein, provided that no vendor may be compensated for a rate higher than the rates listed for the vendor's area of expertise, the rate(s) charged any other division of the Commonwealth or the vendor's private rate (whichever is lowest) unless (1) the higher rate is previously approved by the appropriate Deputy Chief Counsel, Managing Director of the CAFL Public Division or Managing Director of the Family Justice Advocates (CAFL Conflicts Office) and (2) the total amount is approved by the Court in an allowed Motion for Funds. If the expert customarily charges a rate below the minimum amount in the applicable range herein, no special approval by the appropriate Deputy Chief Counsel of CPCS is required. However, except as otherwise provided by law, a court may not supersede CPCS' statutory authority to implement its expert compensation rate structure by imposing higher or lower rates of compensation or alternative compensation arrangements differing from those authorized by CPCS. See generally, *Commonwealth v. Matranga*, 455 Mass. 45, 51 (2009).

Prior to filing a motion for funds to retain the services of an expert whose qualifications do not meet the CPCS Guidelines, or whose rates exceed the CPCS-approved rates, (see the following list of Expert Qualifications & Rates), counsel shall receive written approval from the appropriate Deputy Chief Counsel, Managing Director of the CAFL Public Division or Managing Director of the Family Justice Advocates (CAFL Conflicts Office). Counsel shall provide the expert with a copy of the written approval as well as a copy of the motion for funds allowed by the court. When submitting a bill to CPCS, the expert shall include copies of both the written approval and allowed motion for funds. Bills submitted without written prior approval may be denied or reduced to approved rates. Bills will not be adjusted by the Accounts Payable Department resulting from a failure to seek and forward to AP prior written approval. Bills submitted without a complete copy of the allowed motion from the court will be denied.

The rates listed are the current rates. This document supersedes all previously published rates.

Expert Type	Rate Range	Page
Accident Reconstruction		28
Without Professional Degree	\$60/hr-\$107/hr	
With Professional Degree	\$100/hr-\$161/hr	
Arson		29
Without Professional Degree	\$50/hr-\$107/hr	
With Professional Degree	\$100/hr-\$268/hr	
Ballistics	\$50/hr -\$203/hr	29
Bloodstain Pattern Expert		29
Without Professional Degree	\$75/hr-\$161/hr	
With Professional Degree	\$150/hr-\$268/hr	
Crime Scene Reconstruction	\$150/hr-\$241/hr	29
Document Examiner/Handwriting Expert	\$75/hr-\$161/hr	30
DNA Consultants	\$60/hr-\$107/hr	30
DNA Testing Laboratories	\$150/hr-\$268/hr	31
Drug Analyst		32
Bachelor's Degree	\$75/hr-\$135/hr	
Master's Degree	\$125/hr-\$203/hr	

Graphics	\$45/hr-\$81/hr	32
Investigator	\$25/hr-\$75/hr	32
Medical Doctor	\$150/hr-\$338/hr	32
Molecular Biologist	\$150/hr-\$338/hr	33
Nurse		33
Registered Nurse	\$30/hr-\$81/hr	
Master's Degree	\$60/hr-\$135/hr	
Pathologist/Medical Examiner	\$200/hr-\$405/hr	33
Pediatrician	\$150/hr-\$338/hr	34
Pharmacologist	\$75/hr-\$161/hr	34
Psychiatrist	\$150/hr-\$338/hr	34
Psychologist	\$100/hr-\$270/hr	34
Social Services Expert		35
Bachelor's Degree	\$50/hr-\$81/hr	
Master's Degree	\$75/hr-\$135/hr	
Doctorate Degree	\$100/hr-\$214/hr	
Special Education Expert	\$50/hr-\$81/hr	35
Statisticians/Geneticists	\$150/hr-\$214/hr	35
Toxicology	\$125/hr-\$304/hr	36

Title: ACCIDENT RECONSTRUCTIONIST

Qualifications:

Required: Training in collision analysis (e.g., state police training)

Preferred: Bachelor's Degree in engineering
Professional engineering certification (state board of registration)

Rates: Without professional degree: \$60/hr - \$107/hr

With professional degree: \$100/hr - \$161/hr

Title: ARSON

Qualifications:

Required: Significant experience as firefighter (minimum 5 years) including assignment to department's arson squad

Preferred: Training as arson investigator (A.T.F., F.B.I., state police)

Rates: Without professional degree: \$50/hr - \$107/hr
With professional degree: \$100/hr - \$268/hr

Title: BALLISTICS EXPERT

Qualifications:

Required: Significant firearms training and experience including investigative techniques and laboratory analysis (e.g., police, military) of firearms

Rates: \$50/hr-\$203/hr

Title: BLOODSTAIN PATTERN EXPERT

Qualifications:

Required: Forty hours training in bloodstain pattern interpretation with instructor recognized by the International Association of Bloodstain Pattern Analysts

Preferred: Bachelor's Degree in relevant science/including course work in mathematics, biology, chemistry and related sciences
Membership in International Association of Bloodstain Pattern Analysts

Rates: Without professional degree \$75/hr - \$161/hr
With professional degree \$150/hr - \$268/hr

Title: CRIME SCENE RECONSTRUCTIONIST

Qualifications:

Required: Bachelor's degree in engineering, chemistry, biology, physics or related sciences

Preferred: Extensive relevant laboratory and actual crime scene experience

Rates: \$150/hr-\$241/hr

Title: DOCUMENT EXAMINER/HANDWRITING EXPERT

Qualifications:

Required: Significant training (and/or an apprenticeship) as a document examiner or handwriting expert

Preferred: Membership in a national association in the field, e.g., National Association of Document Examiners, Association of Forensic Document Examiners, etc.

Rates: \$75/hr - \$161/hr

Title: DNA CONSULTANTS

Function: Review and analyze records and testing data. Consult regarding reliability of data and test results, advisability of further testing and related services.*

Qualifications:

Required: BS or higher in chemistry, biology, biochemistry, molecular biology, forensic chemistry or related sciences. Experience performing or observing forensic DNA analysis.

OR

Required: Extensive expertise with or training in forensic DNA analysis which includes considerable knowledge of forensics, DNA test kits, lab procedures, test procedures and protocols as well as experience with or knowledge of biology, chemistry, molecular biology, biochemistry or related sciences.

Required: Membership in professional associations such as The New England Association of Forensic Scientists, American Academy of Forensic Scientists of equivalent organizations.

Rates: \$60/hr - \$107/hr

*Notes regarding DNA service providers:

In this area of constantly advancing science, attorneys may wish to engage a vendor to provide services that do not fall within one of the enumerated service-types or whose experience falls outside the required qualifications. In such event, counsel should investigate the vendor's experience, training, and qualifications, including whether the vendor has testified as an expert and must obtain prior permission from the Chief Counsel or his designee before hiring the vendor.

Some, but not all, labs require payment of an "observation fee" which is an additional charge levied when a defendant's expert observes the Commonwealth's testing. Counsel should determine if the lab chosen by the Commonwealth charges an "observation fee", and if so, advocate that the fee be paid in full or in part by the Commonwealth.

Attorneys are encouraged to obtain a copy of the lab or expert's fee schedule. Some labs/experts charge a "daily flat fee" for travel outside the lab or state. Please note that CPCS prohibits flat fee billing except upon the approval of the Chief Counsel based on extraordinary circumstances which render payment on an hourly basis unfeasible or uneconomical.

Title: DNA TESTING LABORATORIES

Function: DNA testing, observation, report writing, consultation and related services.

Qualifications:

Required: ASCLD/LAB certified*

Rates: \$150/hr - \$268/hr report writing, consultation and related services
Testing fee at approved reasonable rates (see below)

***Notes regarding DNA service providers:**

In this area of constantly advancing science, attorneys may wish to engage a vendor to provide services that do not fall within one of the enumerated service-types or whose experience falls outside the required qualifications. In such event, counsel should investigate the vendor's experience, training, and qualifications, including whether the vendor has testified as an expert and must obtain prior permission from the Chief Counsel or his designee before hiring the vendor.

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Attorneys are encouraged to obtain a copy of the lab or expert's fee schedule. Some labs/experts charge a "daily flat fee" for travel outside the lab or state. Please note that CPCS prohibits flat

fee billing except upon the approval of the Chief Counsel based on extraordinary circumstances which render payment on an hourly basis unfeasible or uneconomical.

Title: DRUG ANALYST

Qualifications:

Required: Bachelor's Degree in biology, chemistry or related science

Preferred: Master's Degree
Significant experience executing relevant testing procedures

Rates: Bachelor's Degree \$75/hr - \$135/hr
Master's Degree \$125/hr - \$203/hr

Title: GRAPHICS SPECIALIST

Qualifications:

Required: Significant training in computer graphics or comparable graphics experience

Preferred: Bachelor's Degree in graphic arts, architecture, industrial design, etc.

Rates: \$45/hr - \$81/hr

Title: INVESTIGATOR

Qualifications:

Required: Compliance with the provisions of G.L. c.147, §§22-26

Rates: \$25/hr - \$75/hr

Title: MEDICAL DOCTOR

Qualifications:

Required: Licensed M.D.

Preferred: Board certified in medicine
Board certified in area at issue in individual case

Rates: \$150/hr - \$338/hr

Title: MOLECULAR BIOLOGIST

Function: Observing DNA testing, consultation, and related services.

Qualifications

Required: BS in biology, biochemistry, chemistry or related sciences.*
Extensive experience in DNA analysis which includes forensic DNA testing, DNA test kits as well as test procedures and protocols.

Preferred: MS or Ph. D. in molecular biology, biochemistry or related sciences.

Rates: \$150/hr - \$338/hr

*Notes regarding DNA service providers:

In this area of constantly advancing science, attorneys may wish to engage a vendor to provide services that do not fall within one of the enumerated service-types or whose experience falls outside the required qualifications. In such event, counsel will investigate a vendor's experience, training, and qualifications, including whether the vendor has testified as an expert and must obtain prior permission from the Chief Counsel or his designee before hiring the vendor.

Title: NURSE

Qualifications:

Required: Registered Nurse

Preferred: Board certified in subspecialty (e.g., pediatrics, psychiatry, etc)

Rates: Registered Nurse \$30/hr - \$81/hr
Master's Degree \$60/hr - \$135/hr

Title: PATHOLOGIST/MEDICAL EXAMINER

Qualifications:

Required: Licensed physician (state board of registration); Board certified in pathology

Preferred: Board certified in forensic pathology

Board certified in anatomic pathology

Rates: \$200/hr - \$405/hr

Title: PEDIATRICIAN

Qualification:

Required: Licensed M.D.

Preferred: Board Certified in Pediatrics

Rates: \$150/hr - \$338/hr

Title: PHARMACOLOGIST

Qualifications:

Required: Bachelor's Degree in pharmacology

Preferred: Significant relevant forensic experience

Rates: \$75/hr - \$161/hr

Title: PSYCHIATRIST

Qualifications:

Required: Licensed physician (state board of registration)
Board certified or eligible in psychiatry

Preferred: Board certified or eligible in relevant subspecialty (e.g., forensic psychiatry, child psychiatry)
Designation by DMH as forensic psychiatrist (Pursuant to 104 CMR 33.04)

Rates: \$150/hr - \$338/hr

Title: PSYCHOLOGIST

Qualifications:

Required: Doctoral Degree in related discipline (Ed. D, Psy.D., etc.)

Preferred: Licensed clinical psychologist (state board of registration)
Designation by DMH as forensic psychologist (104 CMR 33.04)

Rates: \$100/hr - \$270/hr

Title: SOCIAL SERVICES EXPERT

Qualifications:

Required: Bachelor's Degree in social work or related field, e.g., counseling and/or training in forensic social services

Preferred: Master's or Doctorate Degree in social work, education or related field
L.I.C.S.W. or L.C.S.W.

Licensed marriage and family therapist or licensed mental health counselor

Rates: Bachelor's Degree \$50/hr - \$81/hr
Master's Degree \$75/hr - \$135/hr
Doctorate Degree \$100/hr - \$214/hr

Title: SPECIAL EDUCATION EXPERT

Qualifications:

Required: Master's Degree in special education, psychology, or related field and significant experience in the field of special education (either as educator, administrator, evaluator, or advocate.

Rates: \$50/hr-\$81/hr

Title: STATISTICIANS / GENETICISTS

Function: Statistics, population genetics and related services.

Qualifications:

Required: MS in mathematics or related math sciences.
Experience in statistics and population genetics as it applies to forensic DNA analysis.*

Preferred: Ph. D. in statistics or related math sciences.

Rates: \$150/hr - \$214/hr

*Notes regarding DNA service providers:

In this area of constantly advancing science, attorneys may wish to engage a vendor to provide services that do not fall within one of the enumerated service-types or whose experience falls outside the required qualifications. In such event, counsel should investigate the vendor's experience, training, and qualifications, including whether the vendor has testified as an expert and must obtain prior permission from the Chief Counsel or his designee before hiring the vendor.

Some, but not all, labs require payment of an "observation fee" which is an additional charge levied when a defendant's expert observes the Commonwealth's testing. Counsel should determine if the lab chosen by the Commonwealth charges an "observation fee", and if so, advocate that the fee be paid in full or in part by the Commonwealth.

Attorneys are encouraged to obtain a copy of the lab or expert's fee schedule. Some labs/experts charge a "daily flat fee" for travel outside the lab or state. Please note that CPCS prohibits flat fee billing except upon the approval of the Chief Counsel based on extraordinary circumstances which render payment on an hourly basis unfeasible or uneconomical.

Title: TOXICOLOGIST

Qualifications:

Required: Doctorate Degree in biology, chemistry or related science

Preferred: Significant experience executing relevant testing procedures

Rates: \$125/hr - \$304/hr

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT

**COMMITTEE FOR PUBLIC COUNSEL SERVICES
ON BEHALF OF UNREPRESENTED DEFENDANTS IN
MIDDLESEX AND SUFFOLK COUNTIES**
Petitioner-Appellants

v.

**MIDDLESEX AND SUFFOLK COUNTY DISTRICT COURTS
AND THE BOSTON MUNICIPAL COURT**
Respondents-Appellees

AFFIDAVIT OF ATTORNEY ERIN F. O'BRIEN

I, Attorney Erin F. O'Brien, state the following:

1. I am an attorney licensed to practice in the Commonwealth of Massachusetts, BBO#560594.
2. I practice criminal defense.
3. I have been a member of the Hampshire County Bar Advocates since 2021.
4. I currently accept cases in the Eastern Hampshire District Court.
5. Since 2021, I have represented approximately twenty indigent clients per year.
6. I am required to carry malpractice insurance, have a designated office, pay for office supplies and equipment, visit clients in various correctional institutions, travel to meet with clients and witnesses, pay annual Board of Bar Overseer fees, pay to upgrade my legal library, and pay for yearly Continuing Legal Education courses.
7. I maintain professional memberships with the Massachusetts Bar Association and the Hampshire County Bar Association and pay their respective annual fees.
8. I am not compensated for time spent on billing or court waiting time beyond the amount allowed by CPCS.

9. I am paid considerably less than the experts I hire on my client's behalf despite my comparable or greater level of education.
10. I am currently paid the same rate of \$75 per hour as the private investigators that I hire and whose work I supervise. I approve the bills submitted to CPCS by the investigators I hire. (While I do not believe investigators are overpaid, I was disheartened to learn that they were paid ten dollars more per hour than the Bar Advocates until the most recent increase in July 2025.)
11. I am paid \$37 less per hour than Bar Advocates in Rhode Island, \$50 less per hour than Bar Advocates in New Hampshire, and \$75 less per hour than Bar Advocates in Maine.
12. I have been a zealous advocate for the indigent clients I represent despite the low rate of pay and the high costs associated with maintaining a law office.
13. I believe that the current rate of \$75 per hour is inequitably low.

Signed under the pains and penalties of perjury this 14th day of October, 2025.

Erin F. O'Brien

Erin F. O'Brien
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Committee for Public Counsel Services

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ANTHONY J. BENEDETTI
CHIEF COUNSEL

May 22, 2025

Honorable Heidi E. Brieger
Chief Justice of the Trial Court
Executive Office of the Trial Court
1 Pemberton Square
Boston, MA 02114

Dear Chief Justice Brieger:

As you may have heard, some bar advocates plan to stop taking duty days, starting next week. If this occurs—and by all accounts it is probable that it will—it will impact CPCS’s ability to provide counsel at arraignment, and possibly to provide counsel at all. I therefore write to inform the court of CPCS’s plans should this happen and to open up the lines of communication “among the courts, CPCS, and district attorneys . . . [to] mitigat[e] the effects of a shortage of available defense counsel whenever it arises.” *Carrasquillo v. Hampden County District Courts*, 484 Mass. 367, 389 (2020). As the Supreme Judicial Court stated in *Carrasquillo*, we must all work together “to manage the impact of a shortage of defense counsel before it becomes constitutionally intolerable.” *Id.*

The Committee for Public Counsel Services (CPCS) has the statutory responsibility to “plan, oversee, and coordinate the delivery of criminal and certain noncriminal legal services by salaried public counsel, bar advocate and other assigned counsel programs and private attorneys serving on a per case basis.” G. L. c. 211D, § 1. For criminal cases, CPCS provides representation to indigent individuals through its Public Defender Division (PDD) and Private Counsel Division (PCD). The PDD provides staff attorneys to indigent persons in criminal proceedings in the district, superior, and appellate courts, and the Boston Municipal Court. The PCD provides bar advocates to indigent defendants in criminal proceedings who are not represented by the PDD. Additionally, CPCS provides representation to youth through its Youth Advocacy Division (YAD), which provides staff attorneys and bar advocates, through the YAD Trial Panel, in delinquency and youthful offender cases in juvenile courts statewide.

Pursuant to “the clear dictates of G. L. c. 211D and S.J.C. Rule 3:10,” CPCS is vested “with sole and independent authority to assign counsel for indigent defendants” among its divisions. *Deputy Chief Counsel for the Pub. Defender Div. of the Comm. for Pub. Counsel*

Servs. v. Acting First Justice of the Lowell Div. of the Dist. Court Dep't, 477 Mass. 178, 187 (2017). Under G. L. c. 211D, § 5, judges must assign cases to CPCS; they cannot assign cases to an individual attorney or group of attorneys. *Carrasquillo*, 484 Mass. at 384, citing *Deputy Chief Counsel*, 477 Mass. at 179. Accordingly, if there is a day where there is no duty day attorney in the arraignment session, the case must be sent to CPCS-PCD or the YAD Trial Panel for assignment, not to the local PDD or YAD staff office. See *Carrasquillo*, 484 Mass. at 384-385. By statute, CPCS is required to “maintain a system in which not less than [twenty percent] of indigent clients,” across all practice areas, “shall be represented by public defenders.” St. 2024, c. 140, § 2, line item 0321-1500. CPCS offices are not staffed to handle more than this. Especially in the district courts, CPCS relies on bar advocates to provide representation in the vast majority of the cases in which it assigns counsel. All of this is to say that the PDD and YAD staff offices are not sufficiently staffed to handle all indigent criminal and juvenile cases.

In the past, judges have asked the PDD and YAD offices to staff arraignment sessions for bail only. While the PDD and YAD are more than willing to step up when this happens occasionally, this is untenable during times of acute counsel shortages. PDD and YAD staff cannot provide the requisite effective assistance of counsel and meet their obligations to their current clients if they are always in court. It is also our understanding that, in some courts, the clerks and court officers ask attorneys who are in court if they are able to take cases. Our staff attorneys do not know the capacity of the office to take cases and, therefore, we respectfully request that judges send the courts to PCD or YAD Trial Panel for assignment, as discussed below.

Instead, CPCS will implement the following system: first, as long as PDD and YAD staff have the capacity to take additional cases, the PDD and YAD will continue to appear for their scheduled duty days and accept the cases assigned to CPCS on those days, except for those cases in which there is a conflict of interest. The PDD and YAD will also continue to accept new cases for its current clients, even if those cases are arraigned on a day that the PDD or YAD is not on duty.

All other cases arraigned without counsel will be assigned to CPCS and sent to the local bar advocate program (BAP), as well as the PCD or YAD Trial Panel, as appropriate. The PCD or YAD Trial Panel, in conjunction with the local BAP, will attempt to find counsel, prioritizing those cases where the individual is held. If counsel is not located within seven days for an incarcerated individual, CPCS will assign that case to the PDD or YAD as long as there is no conflict and the PDD or YAD office has the capacity to accept that case. CPCS will not be assigning all cases to the PDD or YAD in order to ensure that we maintain the ability to comply with the SJC’s mandate in *Carrasquillo* that we prioritize cases “where counsel are most urgently needed.” *Id.* at 389.

The courts play an integral role in ensuring that no indigent person falls through the cracks. In those courts where there are days in which there is no attorney in the arraignment session, we need the court to send us a list of unrepresented indigent defendants and youth so that we can look for counsel. It is helpful if the court sends us not only the name and docket number of

unrepresented indigent individuals, but also the written docket, the police report, the amount of bail (if any), and the next court date.

In *Carrasquillo*, the SJC noted that judges are authorized to release incarcerated defendants who are held in pretrial detention without counsel, and dismiss without prejudice cases where a defendant has been unrepresented, “if constitutionally required in the particular circumstances of an individual case.” *Id.* at 391. In *Lavallee v. Justices in Hampden Superior Court*, 442 Mass. 228 (2004), the SJC held that defendants held in pretrial detention “may not be held for more than seven days without counsel,” and that no defendant “may be required to wait more than forty-five days for counsel to file an appearance.” *Id.* at 246. Based on our experience in Hampden County, we have found that it is helpful if unrepresented incarcerated individuals are brought back to court within seven days and unrepresented released individuals are given a court date within forty-five days to make sure that their constitutional rights are respected and that everyone is accounted for.

Mitigating the damage of a counsel crisis will necessitate significant coordination between the courts, district attorneys, and CPCS. It will also require patience and understanding on all sides as we grapple with the increased administrative efforts needed to deal with the situation. We hope to meet with you, as well as judges and clerks in the impacted courts, to discuss how we can work together to efficiently assign counsel and avoid a constitutional crisis.

Sincerely,



Anthony J. Benedetti

cc: Hon. Stacey J. Fortes
Hon. Dana M. Gershengorn
Hon. Tracey-Lee Lyons
Hon. Michael D. Ricciuti
District Attorney Timothy J. Cruz
District Attorney Joseph E. Early, Jr.
District Attorney Robert J. Galibois
District Attorney Anthony D. Gulluni
District Attorney Kevin R. Hayden
District Attorney Michael Morrissey
District Attorney Thomas M. Quinn, III
District Attorney Marian Ryan
District Attorney Timothy J. Shugrue

District Attorney David E. Sullivan
District Attorney Paul F. Tucker
Probation Commissioner Pamerson O. Ifill

LAW OFFICE OF DANA GOLDBLATT

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dana@danagoldblattlaw.com

I, Dana Goldblatt, here affirm that the following is true to the best of my knowledge and belief:

1. I am a private attorney in good standing in the Commonwealth of Massachusetts.
2. I maintain an office in Northampton Massachusetts, at 150 Main Street, Room 395.
3. I am on the CPCS “murder panel.” This means I accept assignments from the Committee for Public Counsel Services to represent indigent criminal defendants who are accused of homicide.
4. I am also on the CPCS “postconviction panel.” This means I accept assignments from the Committee for Public Counsel Services to represent indigent criminal defendants who have been convicted of a crime and are seeking post-conviction relief.
5. My understanding is that my panel memberships make me a private “bar advocate” for purposes of section 49(a)(2) of Senate No. 2575.
6. When Senate 2575 was signed into law, I determined that it would not be practical or safe for me to continue as a bar advocate.
7. Accordingly, I intend to stop accepting assignments from CPCS.
8. My reasoning is as follows:
9. I have concluded that, if there is any county in the Commonwealth where more than 25% of previously registered bar advocates stop representing indigent criminal defendants for any reason, any attorney classified as a “bar advocate” may be sued or criminally prosecuted for antitrust violations, regardless

of their own involvement or lack of involvement in the counsel shortage.

10. That is, under the new statute, the risk of criminal and civil prosecution for antitrust is now intrinsic to panel membership.
11. As of yet, I have not found a way to insure against the risk of such prosecution.
12. I am unwilling and unable to self-insure against this risk
13. I have not yet withdrawn from any panel. I intend to close all open cases before so doing, to avoid causing administrative difficulties for any current clients (who may require collateral representation).
14. However, it is my intention to withdraw from all CPCS panels and to cease taking any CPCS assignments for any reason, regardless of pay rate, at the earliest possible date that does not prejudice my existing clients.
15. My decision is independent of and unrelated to the hourly rate that bar advocates are paid.

Signed this day, October 21, 2025, under pains and penalties of perjury, by

/s/ Dana Goldblatt
Massachusetts BBO# 601022
The Law Office of Dana Goldblatt
PO Box 85
Northampton, MA 01060
413-570-4136
dana@danagoldblattlaw.com

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT

Suffolk, ss.

Case No. SJC-13824

CPCS

v.

Middlesex and Suffolk District Courts

AFFIDAVIT

I, KATHERINE ESSINGTON, state the following:

1. I am a lawyer licensed in Connecticut, Massachusetts, and Rhode Island (inactive in Rhode Island). I currently work as a contractor for CPCS taking criminal appeals. I also am on the CJA list for the First Circuit Court of Appeals.
2. Prior to working for CPCS, I worked as a contract attorney for the Connecticut Office of the Chief Public Defender, Appellate Division. I have also done indigent criminal appeals in Rhode Island where I lived for many years.
3. I stopped taking Superior Court appeals in Massachusetts more than a year ago due to the low rates. I continued to take murder appeals until May of this year.
4. I prefer Superior Court appeals to murder appeals generally because I find they can be completed more quickly than murder appeals, offer more variety, and the clients are less difficult.
5. Because of the anti trust provision that was passed by the legislature and the low compensation rates, I am unsure whether I will take any more criminal appeals in Massachusetts ever.
6. I am considering taking criminal appeals in Connecticut again as the rate there for non murder cases is better than Massachusetts.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 20TH DAY OF
OCTOBER 2025.

/s/ Katherine Essington

AFFIDAVIT OF ATTORNEY REYNA M. RAMIREZ

I, Reyna M. Ramirez, state that the following facts are true to the best of my information and belief.

1. I am an attorney, duly licensed in the Commonwealth of Massachusetts, and my B.B.O. # is 698630. I was licensed in November 2017.
2. In February 2018, I co-founded the law firm of Ramirez and Sunnerberg, with Attorney Christine Sunnerberg. We focus on Prisoners' Rights and Criminal Defense, and offer representation in many areas including: representation in Delinquency, Youthful Offender, and adult criminal matters in the Boston Municipal, District, Juvenile, and Superior courts; representation in Restraining, Harassment Prevention order, and Clerk Magistrate hearings; representation before the Sex Offender Registry Board; representation before the parole board, including in second-degree and *Diatchenko*, and *Mattis* cases; second-chairing Sexually Dangerous Persons trials; and appeals of juvenile and adult criminal matters.
3. At first, I worked part-time for my firm and part-time for Attorney J. W. Carney, Jr..
4. In 2019, I first applied to be certified to accept appointed indigent clients on their appellate matters.
5. In 2021, I began taking appointed indigent clients on their district court trial matters. I left Attorney Carney's firm and went full-time to Ramirez and Sunnerberg. Eventually, I became certified to take juvenile delinquency, youthful offender and appeal appointments, superior court appointments, and parole appointments.
6. Since 2021, but prior to May 2025, there have been fewer bar advocates and more empty duty days in Roxbury, West Roxbury, and Suffolk Superior. I have learned that

older lawyers have retired. Some lawyers have found other more remunerative work. I have not met as many lawyers who are newly taking assigned cases. As a result, there have been multiple days (too many to count, in excess of 50) where judges asked me to accept arraignments because there was no duty attorney. Wanting to help this client population, and my colleagues in the courts, I always accepted. In addition, I would often monitor the lists of unrepresented clients, and if I was going to be in court on a certain date, I would e-mail the bar advocate program to alert them I was able to take the assignment.

7. In October 2021, I was assaulted by a client in the Roxbury division of the Boston Municipal Court. He was charged with Indecent Assault and Battery on a Person Over 14, and pled guilty to the lesser included Assault and Battery. See Docket No. 2108CR608. I asked for restorative justice but no such program existed at the time.
8. At no point did anyone from Suffolk Lawyers for Justice nor CPCS, despite clear indication that they had knowledge, reach out to me to offer me services or encourage me to remain doing this work despite this incident.
9. Instead, I had to engage a therapist, and I had to pay out of pocket because she does not accept insurance, and a panic attack that I had in the courthouse led me to the conclusion I needed to act with haste. Her rate is \$200/hr. I had therapy every week for a year to address the incident from ¶s 7 and 8.
10. To my recollection, I've never called out from a duty day. In 2025, despite the fact that norovirus was running rampant through my household, I appeared in the Roxbury division of the Boston Municipal Court and accepted appointments. I threw up at lunch.

11. I have \$140,000 in student loan debt.
12. I co-own a home in Hyde Park, with my husband Attorney Nathaniel Carney, and my monthly mortgage payment is \$6,200. This is before any utilities, food, or other necessary living expenses.
13. I have an infant in day care with complex medical needs. She has been hospitalized multiple times for respiratory distress in the past year.
14. Financially, I was only able to take 4 months maternity leave. When I returned to work, I immediately had a firearm jury trial in the West Roxbury division of the Boston Municipal Court. See Docket No. 2306CR488 (Impounded due to Not Guilty finding). I only had 20 minutes to breast pump in an old lawyer's office.
15. I have not accepted any new duty days since May 2025.
16. By not accepting duty days, I have had time to be retained in private cases. By not being in court every day, trying to fill in the court system's gaps, I can return people's phone calls and convince them to hire me to represent them in their criminal matters.
17. Thus, my time focusing on other areas of criminal practice has established that the current rate is insufficient for me to start taking cases again. With private cases, I am able to take fewer cases because I charge an hourly rate of \$250-\$300 an hour, or charge high flat-fee rates. As a result, my work-life balance is better.
18. Nevertheless, I feel passionate about zealously representing indigent defendants. I would be able to keep my work-life balance, and my current client case load, and start taking duty days again in Roxbury and Suffolk Superior Court, immediately, if the rates were raised to \$100/hr. for Roxbury and \$120/hr. for Suffolk Superior. I would

also seek to take as many juvenile clients as possible from the colloquially-known *Lavallee* list.

Reyna M. Ramirez

Reyna M. Ramirez, BBO 698630
Ramirez and Sunnerberg
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Dated: October 21, 2025



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Need for quick end to bar advocate work stoppage widely seen



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Need for quick end to bar advocate work

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Ball is in legislature's court

Kris Olson (<https://masslawyersweekly.com/2025/07/10/massachusetts-bar-advocate-work-stoppage-widely-seen/>)
Minute Read
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 As criminal courts in Middlesex and Suffolk counties enter a second week of life under the protocol established by the Supreme Judicial Court in 2004 in *Lavallee v. Justices in...* You can read the content in details following link
<https://masslawyersweekly.com/2025/07/10/massachusetts-bar-advocate-strike-legal-crisis/>

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As criminal courts in Middlesex and Suffolk counties enter a second week of life under the protocol established by the Supreme Judicial Court in 2004 in *Lavallee v. Justices in the Hampden Superior Court*, the crisis created by a work stoppage by bar advocates will only deepen at a pace that will accelerate, the head of the [Committee for Public Counsel Services](https://masslawyersweekly.com/tag/committee-for-public-counsel-services/?taxo-tag-body) (<https://masslawyersweekly.com/tag/committee-for-public-counsel-services/?taxo-tag-body>) and others warn.

Not only will an unceasing parade of unrepresented defendants reach the key dates under the *Lavallee* protocol — seven days for those held in lieu of bail or pursuant to an order of preventive detention; 45 days for those not detained — but CPCS' capacity to triage the situation using its own staff attorneys is about to expire, said Chief Counsel Anthony J. Benedetti.

In addition, a third county — Essex — is reaching the point at which the *Lavallee* protocol may be necessary, Benedetti added.

Benedetti and others are cautiously optimistic that the Legislature understands the urgency of the situation. That may be particularly true now that the release of defendants, some accused of violent crimes, has garnered significant media attention.

One of the first four defendants released by a Boston Municipal Court judge under the *Lavallee* protocol on July 7 was charged with putting his wife in a headlock until she blacked out and punching her in the face, *The Boston Globe* reported.

Lavallee hearings were scheduled for approximately 20 defendants in Lowell District Court on July 9, and CPCS was once again expected to accept representation of many of them, adding to the groaning workload of its staff attorneys.

Former Superior Court Judge John T. Lu is among those who is bracing for the possible "one heartbreaking tragedy" that results from the release of defendants under the *Lavallee* protocol.

"We will not be able to turn back the clock," he warned.

Lu noted that the subjects of the seven-day *Lavallee* hearings are people that judges initially decided to hold in custody even though they were unrepresented, indicating that they are "high-risk individuals."

"This is not something that judges want to do," Lu said of the *Lavallee* releases.

In one sense, the way out is simple: Bar advocates are seeking a raise in their \$65 hourly rate in District Court to a number that would at least draw them closer to what public defenders are earning in nearby states like New Hampshire, where rates range from \$125 to \$150 an hour, or Rhode Island,

In brief

- **Bar advocates** (<https://masslawyersweekly.com/tag/bar-advocates/?taxo-tag-body>)' work stoppage strains public defense system
- **Lavallee protocol** (<https://masslawyersweekly.com/tag/lavallee-protocol/?taxo-tag-body>) leads to release of unrepresented defendants
- CPCS nearing capacity to handle emergency representation
- Legislature under pressure to raise bar advocate pay rates

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where Supreme Court Chief Justice Paul Suttell raised pay for lawyers representing indigent clients from \$112 to \$142 an hour back in April.

But in other ways, it is complicated. Not only is the issue coming to a head after the Legislature has completed its fiscal year 2026 budget process, but several challenges, led by federal funding cuts, are making this a particularly difficult time to be asking Beacon Hill to find tens of millions of dollars to fund bar advocates' pay raises, justifiable as they may be.

In addition, there is at least some suggestion that legislators may also have to get past some lingering ill will as to how we got to this point.

Despite those challenges, supporters of the bar advocate community remained hopeful that the situation will be resolved quickly, given how unsustainable the alternative is.

Comments continue to reverberate

On the eve of Justice Dalila Arguez Wendlandt implementing the *Lavallee* protocol on July 3, The Globe's Adrian Walker published a column quoting Rep. Aaron Michlewitz, chair of the House Ways and Means Committee.

Michlewitz suggested that the Legislature was caught off guard by the bar advocates' work stoppage.

"We weren't given any indication that this was hitting a boiling point," Michlewitz said.

He added: "Some of my colleagues aren't happy with [the bar advocates'] tactics and think it would be a terrible precedent to acquiesce."

The degree to which that sentiment persists may present an additional hurdle in what already figured to be a challenging environment to secure the funding for bar advocate raises through a supplemental budget or other legislative mechanism, those involved in the crisis say.

We have been very engaged with the Legislature, and there's no reason to believe they are not going to do something. It's just a matter of what.

— Anthony J. Benedetti, CPCS



Lowell attorney Jamal T. Aruri, who started doing bar advocate work in 1993, called Michlewitz's comments "not only unfair, but also untrue."

He pointed to the fact that CPCS maintains a [webpage where it has posted the budget advocacy documents](https://www.publiccounsel.net/ppa/budget-advocacy/) (<https://www.publiccounsel.net/ppa/budget-advocacy/>) it has submitted to the Legislature since FY23. A consistent feature of those budget documents has been data to support the proposition that bar advocates are grossly underpaid.

The documents also illustrate that the challenge of providing constitutionally guaranteed representation to criminal defendants is being compounded by the fact that the ranks of bar advocates is dwindling, both due to attorneys reaching retirement age and new law school graduates being unable to take on the work, given their educational debt.

The situation in the bar advocate community "was a major subject of conversation" in the Middlesex and Suffolk County courthouses as early as February, with "increased levels of concern" in March and April, according to Aruri. By later in the spring, an "obvious shortage" had begun to manifest itself, with many bar advocates making themselves unavailable for work on "duty day" calendars after Memorial Day.

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Indeed, as far back as the fall, the Massachusetts Association of Criminal Defense Lawyers had retained the services of a lobbyist with a goal of working with the Legislature to finally address bar advocate pay rates in a meaningful way, said Shira M. Diner, who recently concluded her term as MACDL president.

The lobbyist “took on a new level of importance” and quickly shifted into a more aggressive mode once the bar advocate community brought things to a head with its work action, she said.

The bar advocates have also recently engaged the services of a lobbyist of their own, according to sources with knowledge of the situation.

As of July 8, the bar advocates’ “ask” was in the range of an increase in their hourly rates of about \$35 an hour this fiscal year, and \$25 an hour next fiscal year, those sources said.

Whether those numbers are realistic remains to be seen. Michlewitz told The Globe that the cost of the year 1 increase would be \$60 million.

“We have been very engaged with the Legislature, and there’s no reason to believe they are not going to do something. It’s just a matter of what,” Benedetti said.

In recent years, the Legislature has only granted much more modest increases to bar advocates’ hourly rates. The District Court rate went from \$53 an hour in FY21 to \$60 in FY22 and then the current \$65 an hour in FY23.

The next frontier

While the bar advocate shortage has been particularly acute in Middlesex and Suffolk counties, it may not remain contained there, Benedetti said.

“Essex [County] is becoming a big problem,” he said. “That is the next frontier.”

Benedetti added that there are “a lot” of unrepresented juveniles in Essex County, though none are being held, as CPCS has been able to find the necessary coverage.

Benedetti said he was frustrated that, at the initial set of *Lavallee* hearings on July 7, Boston Municipal Court First Justice Tracy-Lee Lyons had at the prosecution’s urging pressed CPCS attorney Holly Smith for more details about CPCS’ efforts to find one of the defendants an attorney. The proceedings before Wendlandt had been based on an agreed-upon set of facts, he noted. At the hearing, the Suffolk DA’s Office was “arguing things they agreed to up [at the SJC].”

The resistance to the *Lavallee* protocol is even greater elsewhere in the prosecutorial community, it seems.

After Wendlandt implemented the protocol, Plymouth County DA Timothy J. Cruz released a statement decrying the fact that Wendlandt had denied his office’s motion to intervene in the proceedings.

“How is [Wendlandt’s] decision fair to victims of crime, who must live with the knowledge that their assailant has been released because of a salary strike?” Cruz asked. “How is the release of violent criminals good for public safety?”

Though it does not appear that *Lavallee* hearings will be coming to Plymouth County anytime soon, Cruz pledged to “fight to ensure that not one defendant in our county will have their case dismissed as a result of [Wendlandt’s] decision.”

Cruz said that would include demanding an evidentiary hearing with witnesses, full testimony, and cross-examination to probe CPCS’ capacity to add to its caseload.

But even as an outside observer, Aruri said he has little doubt that, at least in Suffolk and Middlesex counties, CPCS staff attorneys are being taxed near their breaking point. Given all the custody cases they have taken, Aruri said he has already been hearing about lawyers regularly seeing clients on nights and weekends, their workloads compounded by emergency Section 35 hearings on the involuntary commitment of individuals with substance use disorders who pose a significant risk to themselves or others, cases that have become more numerous due to the opioid crisis.

The other shoe

Given the attention the release of detained defendants has been getting, it might be easy to forget about the looming second wave of *Lavallee* cases, involving defendants who have gone 45 days without having an attorney appointed to represent them and will be eligible to have the charges against them dismissed, Aruri said.

But those dismissals, when they begin to come, will be without prejudice, meaning prosecutors can refile them, and charges will “disappear only to reappear thereafter.”

In other words, the longer the *Lavallee* protocol is in place, the messier the situation will become.

Aruri said he hopes the Legislature appreciates that this budget item is unlike any other, in that people’s constitutional rights are at stake.

While Diner said she is “relieved” to know that the process of granting relief to unrepresented defendants is underway, she did not consider Wendlandt’s decision a cause for celebration, given that it “doesn’t actually solve the problem.”

That will take money, and Aruri said his fear is that the Legislature will only muster a modest \$8 hourly hike for bar advocates, which he predicted would “fuel a ton of resentment.”

There is a way out of this crisis that will heal the wounds between bar advocates, CPCS and the Legislature, he said. But it all starts with a “just and equitable” rate of pay for bar advocates who are representing more than 80 percent of indigent defendants throughout the state, he said.

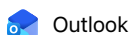
The bar advocates care deeply about their clients, and none of those involved in the work stoppage are doing it lightly, Diner said.

“I’m struck time and time again with how much they have given up to fight for a more fair and equitable system,” she said. “I hope people recognize that.”

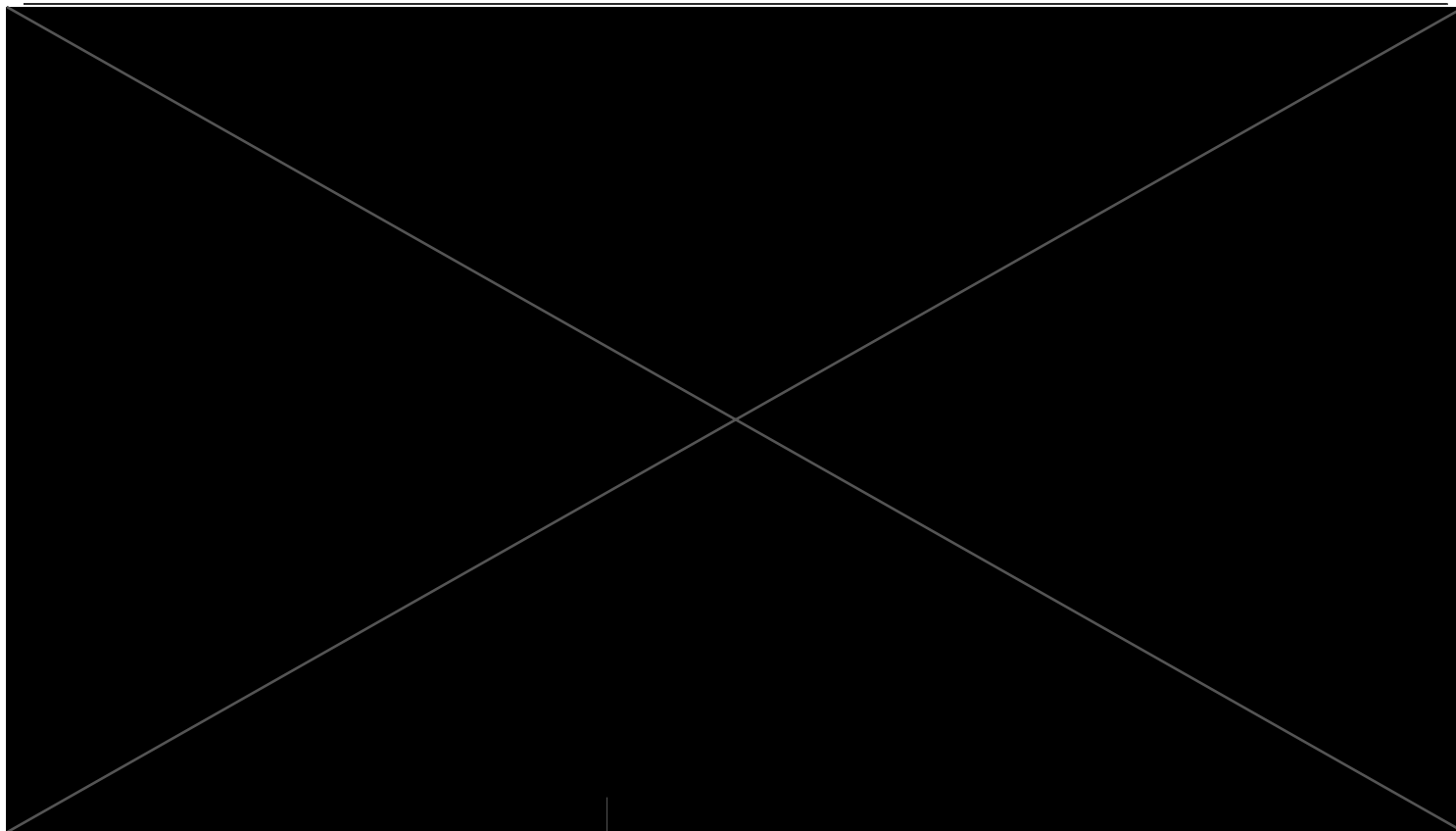
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- [Woburn lawyer sentenced for smuggling K2 to inmate](https://masslawyersweekly.com/2025/06/13/woburn-lawyer-sentenced-for-smuggling-k2-to-inmate/?taxo-post)
(<https://masslawyersweekly.com/2025/06/13/woburn-lawyer-sentenced-for-smuggling-k2-to-inmate/?taxo-post>)
- [Trump’s threat of impoundment of funds recalls similar local fights over spending](https://masslawyersweekly.com/2025/06/20/trumps-threat-of-impoundment-of-funds-recalls-similar-local-fights-over-spending/?taxo-post)
(<https://masslawyersweekly.com/2025/06/20/trumps-threat-of-impoundment-of-funds-recalls-similar-local-fights-over-spending/?taxo-post>)



Fwd: Fw: 8/14/2025 - Dockets That Require Appointment of Counsel LYNN DC 8/14/25



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From: **Debbie Pollock** <Ecbaa@ecbaa.net>

Date: Fri, Aug 15, 2025 at 8:42 AM

Subject: Fwd: Fw: 8/14/2025 - Dockets That Require Appointment of Counsel LYNN DC 8/14/25

To: Jim Fox <jfox@jmfoxlaw.com>, Whitney Beatty <Whitney@wbeattylaw.com>, Chris Burke <burkechrisb@aol.com>, George Abi Esber <esberlaw@gmail.com>, Loring Lincoln <fabiuslincoln@aol.com>, Lance Sobelman <lance@attorneysobelman.com>, Mary Teczar <maryteczar@gmail.com>, Eric Gillespie <ericcgillespie@gmail.com>, Deb McWade <leggylawbabe@aol.com>, Jacob Simon <jacob@simonlawma.com>, Stephen Reardon <sfreardon11@aol.com>, Paula Minichiello <paulaminichiello@comcast.net>, Jon Pickering <Attorneypickering@gmail.com>, Daniel Finn <Danielfinnattorney@gmail.com>, Albert Moscone <amoscone@mosconelawboston.com>, Kevin Chapman <kpcesq@gmail.com>, Dylan Heim <attorney@dylanheimlaw.com>, Kevin Calnan <calnanlaw@verizon.net>, Joseph MacDonald <jamattorney@aol.com>, Adela Aprodu <adela@aprodulaw.com>, Joe Resnek <attorneyjoeresnek@gmail.com>, Dalkis Muir <Dalkis@dmuirlaw.com>, John Ruehrwein <jjruehrwein@comcast.net>, Alicia Andrews <aliciaannalaw@verizon.net>, Joann M. Hnat, Attorney <attorneyhnat@gmail.com>, Denver Cherms <denvercherms@gmail.com>, Donnalee Leonardo <Donnaleeleonardo@aol.com>, Joseph Smith <josephsmithlaw@gmail.com>, Arthur Carakatsane <carakatsanelaw@comcast.net>, Joe Finn <jfinnesq@gmail.com>, Patrick Lee <leelaw.patrick@aol.com>, Sara Attarchi <attarchilaw@gmail.com>, Barbara Intravaia <dancelawyer1@aol.com>, Marc Salinas <ms@marcsalinas.com>, Amy Sixt <amy.sixt@gmail.com>, Nathaniel Spinney <spinney.nathaniel@gmail.com>, Patrick Callahan <pcallahan@pcallahanlawoffice.com>, Robert DeLong <lawofficeofrmd@gmail.com>, Brendan D Gupta <bdguptalaw@gmail.com>, <mark.morrison.law2022@gmail.com>, William O'Shea <wfoatty@msn.com>, Stephen O'Malley <steveomalleyre@gmail.com>, Todd Siegel <TASiegel@msn.com>

If anyone in Lynn is taking cases, would you please let me know if you are available to take one of these?

Enjoy Your Day,
Deb

Deborah J Pollock , Administrator
Essex County Bar Association Advocates
2 Main Street 4-4
Gloucester, Ma 01930
ecbaa@ecbaa.net
978-744-7092 (P)
978-335-6064 (C)

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From: **Rose King** <rking@publiccounsel.net>
 Date: Fri, Aug 15, 2025 at 7:04 AM
 Subject: Fw: 8/14/2025 - Dockets That Require Appointment of Counsel LYNN DC 8/14/25
 To: Deborah J. Pollock Essex County Bar Assoc.Advocates Inc. <ecbaa@ecbaa.net>

Good morning, Deb, I hope you had a good evening. I'm sure you're disheartened by the never ending list of cases - I am too. Just do the best you can and make sure you take good care of yourself.

Thanks.

Rose E. King
 Director, Criminal Trial Support Unit
 Committee for Public Counsel Services
 75 Federal Street 6th Floor
 Boston, MA 02110
 T. 617-910-5789
rking@publiccounsel.net



"The arc of the moral universe is long, but it bends toward justice." Dr. Martin Luther King, Jr.

From: essexcases <essexcases@publiccounsel.net>
Sent: Thursday, August 14, 2025 5:14 PM
To: Rose King <rking@publiccounsel.net>; Deborah J. Pollock - Essex County Bar Assoc.Advocates, Inc. (ecbaa@ecbaa.net) <ecbaa@ecbaa.net>; Strategic Litigation Unit <strategiclitigationunit@publiccounsel.net>
Subject: FW: 8/14/2025 - Dockets That Require Appointment of Counsel LYNN DC 8/14/25

Hi All,

In the above attachment, new cases for today:

2413CR002935 (multi...	⊕	Lynn	Sullivan, Jr.	Kevin James	Aug 14	Aug 21	Judge Hearing (CR)
2513CR002481	⊕	Lynn	Rogers	Michael Leo	Aug 14	Aug 15	Judge Hearing (CR)
2513CR002801	⊕	Lynn	Jimenez	Eva L	Aug 14		

Case Jimenez Eva doesn't show in MASSCOURT. Please contact the court for the next court date.

Thanks,

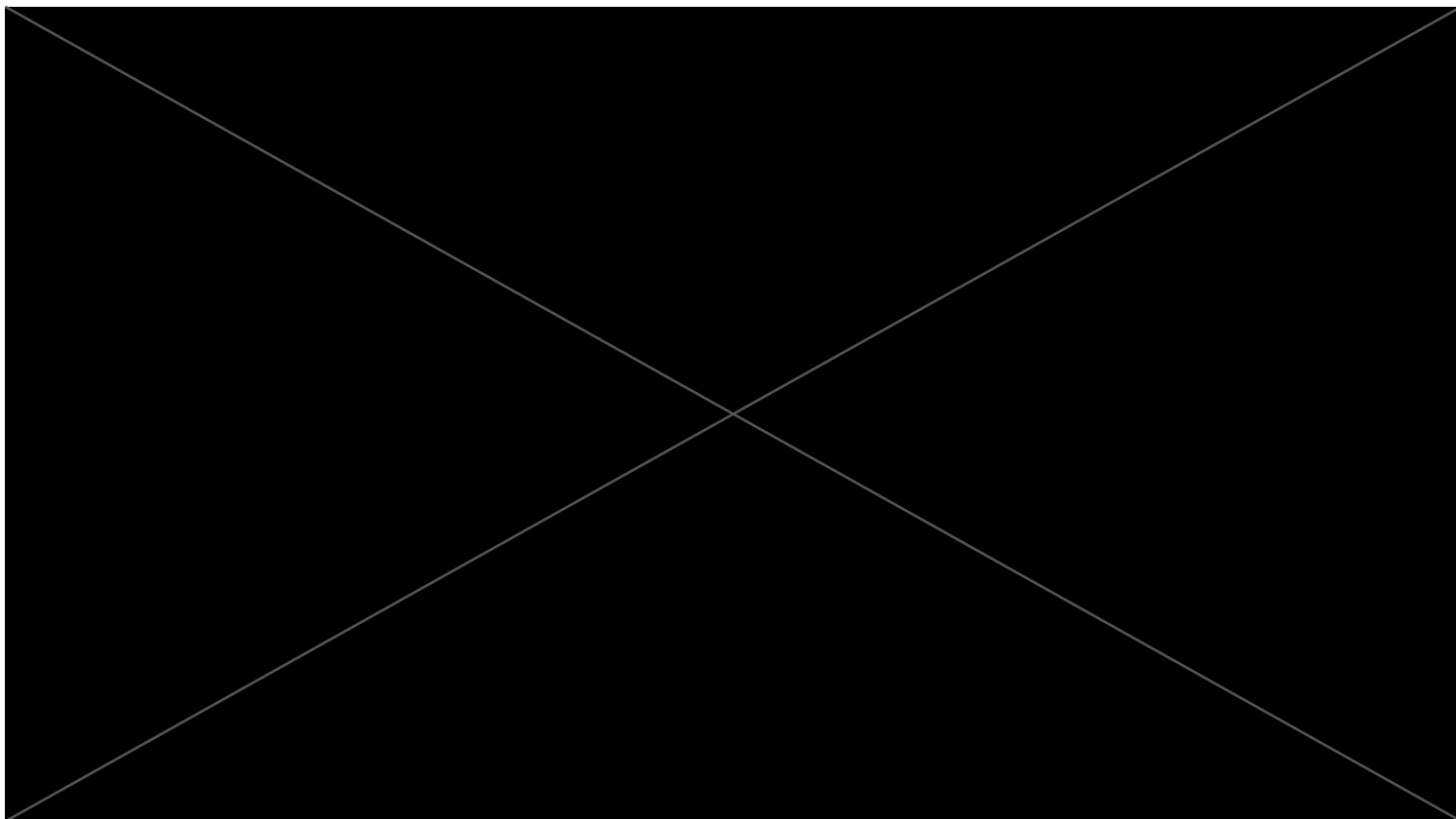
From: Victoria Beaver <victoria.beaver@jud.state.ma.us>
Sent: Thursday, August 14, 2025 4:55 PM
To: Hadler Charles <hadler.charles@jud.state.ma.us>; essexcases <essexcases@publiccounsel.net>
Cc: Michael F Hogan <michael.hogan@jud.state.ma.us>; Ina Howard-Hogan <ina.howard-hogan@jud.state.ma.us>
Subject: 8/14/2025 - Dockets That Require Appointment of Counsel

CAUTION: This email originated outside of CPCS. Do not click links or open attachments unless you are confident they are safe.

1	A	B	C	D	E	F	G	H
1	Docket Number	Court	Last Name	First Name	Arraignment Date	Pending Charges	Bail Status	Sec. 85A
2	2513CR794	LYNN	MENDEZ MENDEZ	JUSTINIANO	7/10/25	STRANGULATION	P/R	
3	2513CR2407	LYNN	BRITO	JORDAN	7/11/25	FREAGM W/D LIC	HELD WITHOUT	
4	2513CR2446	LYNN	ORTIZ	CASANDRA	7/14/25	AB&B	P/R	
5	2513CR2447	LYNN	GAUVIN	MATTHEW	7/14/25	DISORDERLY	P/R	
6	2513CR2446	LYNN	MARTIO		7/14/25	POSSESS AMMO	HELD PRO DETAINER	
7	2513CR2443	LYNN	MAGAN	CHRISTOPHER	7/14/25	AB&B DW	HELD WITHOUT	
8	2513CR2444	LYNN	DILACRUZ	XAVIER	7/14/25	AB&B DW	HELD WITHOUT	
9	2513CR2449	LYNN	EGUIN	BEVIN	7/14/25	OW	P/R	
10	2513CR2446	LYNN	MONCHOICE	TASHA	7/14/25	OUI DRUGS	HELD WITHOUT	
11	2513CR2442	LYNN	QUIRAGA	MARIA	7/14/25	ADW	P/R	
12	2513CR2439	LYNN	ORTIZ	JUAN	7/14/25	AB&B HOUSEHOLD	P/R	
13	2513CR2437	LYNN	CHAVEZ	MARVIN	7/14/25	ADW	P/R	
14	2513CR2438	LYNN	PANDONGER	KARL	7/14/25	OUI 2ND	P/R	
15	2513CR2475	LYNN	RODRIGO	ERKA	7/14/25	AB&B	P/R	
16	2513CR2744	LYNN	ALDEK		7/14/25	CLASS B	P/R	
17	2513CR2440	LYNN	MACALUSTOR	JASON	7/14/25	ADW	HELD WITHOUT	
18	2513CR1869	LYNN	NOLASCO LOPEZ	WIDMAN	7/14/25	OUI LIQUOR	PHV RELEASED	
19	2513CR1794	LYNN	SANCHEZ	RAFAEL	7/15/25	AB&B	P/R	
20	2513CR1980	LYNN	ELITEBAN	FELICIANO	7/15/25	SEX FOR A FEE	P/R	
21	2513CR2441	LYNN	SHERLOCK	JOHN	7/15/25	RECEIVE STOLEN MV	P/R	
22	2513CR2445	LYNN	SUMER CASTRO	LUIS	7/15/25	NEG OP MV	P/R	
23	2513CR2217	LYNN	MARTINEZ	YASMINE	7/15/25	VANDALIZE PROP	P/R	
24	2513CR2443	LYNN	MAGAN	CHRISTOPHER	7/15/25	AB&B DW	P/R	
25	2513CR2187	LYNN	TAYLOR	JAYSON	7/15/25	VIOL 209A	P/R	
26	2513CR2487	LYNN	HAMILER	DAMON	7/17/25	NEG OP MV	P/R	
27	2513CR2490	LYNN	GALLARDO	LEIBY	7/17/25	AB&B FAN/HM HOUSEHOLD	P/R	
28	2513CR2491	LYNN	CORTES GARCIA	BRANDON	7/17/25	OUI LIQUOR	P/R	
29	2513CR2608	LYNN	CORRADO HERRERA	ELVIN	7/17/25	AB&B BUILDING FLODY	PHV RELEASED	
30	2513CR243	LYNN	FRANCO	BRITTANI	7/17/25	AB&B, AB&B DW	P/R	
31	2513CR2204	LYNN	COCHRANE	ALFRED	7/17/25	AB&B DW	\$5700.00 BAIL	
32	2513CR2864	LYNN	IZZO	RINEE	7/17/25	LEAVE SCENE PROP.	P/R	
33	2513CR2512	LYNN	MACHABATISTA	ROBERTO	7/18/25	TRESPASS	P/R	
34	2513CR2512	LYNN	MARTINEZ	CYNTHIA	7/18/25	OUI LIQUOR	HELD WITHOUT	
35	2513CR2514	LYNN	GUTIERREZ PEREZ	MOISES	7/18/25	OUI LIQUOR	P/R	
36	2513CR2276	LYNN	RODRIGUEZ	DA GIN	7/18/25	AB&B F&M STRANGUL	P/R	
37	2513CR2207	LYNN	CACABATH	CASEY	7/18/25	POSSESS CLASS A SUBQ	HELD WITHOUT	
38	2513CR2274	LYNN	DIAZ	LEGAMARE	7/18/25	POSSESS CLASS C	P/R	
39	2513CR2519	LYNN	MARROW	MAURICE	7/18/25	REC. STOLEN MV	P/R	
40	2513CR618	LYNN	DIGGS	KEVIN	7/21/25	AB&B F&M/HM MEMB.	HELD WITHOUT	
41	2513CR2525	LYNN	DIGGS	KEVIN	7/21/25	VIOLATE 209A	HELD WITHOUT	
42	2513CR2526	LYNN	DIABELLANA CASTILLO	MARIN	7/21/25	AB&B F&M STRANGUL	HELD WITHOUT	
43	2513CR2529	LYNN	BARRETT	SCOTT	7/21/25	AB&B VEH. NIGHT FELYM	\$500.00 BAIL	
44	2513CR2521	LYNN	HARRISON	MELVIN	7/21/25	AB&B F&M/HM MEMB.	P/R	
45	2513CR2528	LYNN	NEWBERRY WALKER	RONYAE	7/21/25	OUI DRUGS	P/R	
46	2513CR830	LYNN	LOPEZ RODRIGUEZ	AMBAI	7/21/25	OUI LIQUOR	PHV RELEASED	
47	2513CR2412	LYNN	HAGDUY	JOHN	7/21/25	POSSESS CLASS B	PHV RELEASED	
48	2513CR2520	LYNN	GOODE	PI	7/21/25	AB&B F&M/HM MEMB.	P/R	
49	2513CR250	LYNN	RAMIREZ	JAMIE	7/21/25	MAL DEST PROP - \$1200	P/R	
50	2513CR1196	LYNN	DAUTRUCHE	PRECIOUS	7/22/25	AB&B DW	HELD WITHOUT	
51	2513CR2544	LYNN	BURDICK	TERRY	7/22/25	AB&B F&M/HM MEMB.	HELD WITHOUT	
52	2513CR2547	LYNN	RODRIGUEZ	JOSE	7/22/25	UNARMED ROBBERY	HELD WITHOUT	
53	2513CR2550	LYNN	RODRIGUEZ	JOSE	7/22/25	POSSESS CLASS B	HELD WITHOUT	
54	2513CR2621	LYNN	AGUIRRE	MATTHEW	7/22/25	THREAT TO COMMIT	HELD PRO. DET.	
55	2513CR2599	LYNN	AGUIRRE	MATTHEW	7/22/25	POSSESS CLASS A	HELD WITHOUT	
56	2513CR2537	LYNN	AGUIRRE	MATTHEW	7/22/25	VANDALIZE PROPERTY	\$500.00 BAIL	
57	2513CR2517	LYNN	MILUT	MARCELLO	7/22/25	UNARMED ROBBERY	P/R	
58	2513CR2278	LYNN	BRADLEY	TAYLOR	7/22/25	OPENGROSS LEVND	P/R	
59	2513CR2442	LYNN	COOPER	BALINDA	7/22/25	SHOP. BY APPT 3RD	P/R	
60	2513CR2529	LYNN	VILLALBAZ LUGO	CHRISTOPHER	7/22/25	THREAT TO COMMIT	P/R	
61	2513CR2330	LYNN	BAKER	ZACHARY	7/22/25	AB&B, MAL. DISTRUCT	P/R	
62	2513CR2523	LYNN	ESPINAL	BRENDA LAYE	7/22/25	AB&B, AB&B POLICE OFF.	P/R	
63	2513CR677	LYNN	MATA	JORDY	7/23/25	POS TO DISCLS D SUB	HELD PROB. DET.	
64	2513CR2512	LYNN	MATA	JORDY	7/23/25	NEG OP MV	HELD PROB. DET.	
65	2513CR2536	LYNN	MATA	JORDY	7/23/25	AB&B DW	HELD WITHOUT	
66	2513CR2557	LYNN	CHUN ESCALANTE	JESIDIAS	7/23/25	AB&B DW	P/R	
67	2513CR2554	LYNN	CHULE	JUAN	7/23/25	OUI LIQUOR	P/R	
68	2513CR2552	LYNN	MORALES PEREZ	JONATAN	7/23/25	AB&B F&M/HM MEMB.	P/R	
69	2513CR2551	LYNN	CYCKOWSKI	MATTHEW	7/24/25	OP MV W/USUP. LIC.	P/R	
70	2513CR2580	LYNN	LAURENBERG	LAURE	7/24/25	OUI LIQUOR	P/R	
71	2513CR2578	LYNN	KHALID	MUHAMMAD	7/24/25	AB&B F&M/HM MEMB.	P/R	
72	2513CR2584	LYNN	LYNNIN	LYNNIN	7/24/25	WITNESS INTIMIDATE	P/R	
73	2513CR2582	LYNN	MINANA	LYNNIN	7/24/25	THREAT TO COMMIT	P/R	
74	2513CR2604	LYNN	KELLY	DEVIN	7/25/25	POSSESS CLASS B	\$100.00 BAIL	
75	2513CR2440	LYNN	DELLY	DEVIN	7/25/25	LARCENY UNDER 1200	HELD PROB. DET.	
76	2513CR2286	LYNN	RIVAS	ANA	7/25/25	NEG. OPER. MV	P/R	
77	2513CR2441	LYNN	CYNTHIA	VALENTIN	7/25/25	THREAT TO COMMIT	P/R	
78	2513CR2405	LYNN	MORALES	EDWIN	7/25/25	OP MV W/USUP. LIC.	P/R	
79	2513CR1798	LYNN	BELGUNDOLZ	KARA	7/25/25	SHOP. BY APPT	P/R	
80	2513CR2403	LYNN	ERQUE	ERIN	7/25/25	RESIST ARREST	P/R	
81	2513CR2402	LYNN	BRIDGE	JEFFREY	7/25/25	AB&B F&M/HM MEMB.	P/R	
82	2513CR2410	LYNN	MACNEIL	SHAUN	7/25/25	CARRY DANG. WEAP	\$250.00 BAIL	
83	2513CR2410	LYNN	GUGLIELLO	LISA	7/25/25	AB&B DW	P/R	
84	2513CR2406	LYNN	DE LEON OCHOA	YULAYLA	7/25/25	AB&B F&M/HM MEMB.	P/R	
85	2513CR1775	LYNN	JOHNSON	CORNELL	7/26/25	OPENGROSS LEVND	\$100.00 BAIL	
86	2513CR3444	LYNN	JOHNSON	CORNELL	7/26/25	OUI DRUGS	\$500.00 BAIL	
87	2513CR2428	LYNN	HERRERA	ERIC	7/26/25	POS. TO DIS. CLASS A	HELD PROB. DET.	
88	2513CR2551	LYNN	MEDINA	DOUGLAS	7/26/25	VIOL. 209A	P/R	
89	2513CR2554	LYNN	MEDINA	DOUGLAS	7/26/25	AB&B DW	\$500.00 BAIL	
90	2513CR2516	LYNN	KRON	KIN	7/26/25	OUI LIQUOR	P/R	
91	2513CR2623	LYNN	RODRIGUEZ	ISABEL	7/26/25	AB&B DW	P/R	
92	2513CR2618	LYNN	ACEVEDO	ESTHERANY	7/26/25	AB&B	P/R	
93	2513CR2620	LYNN	CARRERA	GEOR	7/26/25	AB&B F&M/HM MEMB.	P/R	
94	2513CR2619	LYNN	KAVANAGH	HARRIETTE	7/26/25	ASSAULT W/ DOW	P/R	
95	2513CR2621	LYNN	PANN	RENEE	7/26/25	STRANGULATION	P/R	
96	2513CR2591	LYNN	MAYALA	JEFFREY	7/26/25	AB&B F&M/HM MEMB.	P/R	
97	2513CR2611	LYNN	ESTEBAN AMBROCIO	JORL	7/26/25	ASSAULT W/ DOW	P/R	
98	2513CR2472	LYNN	WAL-RONDO	PAUL	7/26/25	LARC. FROM BUILDING	P/R	
99	2513CR2425	LYNN	TERRY	KYLE	7/26/25	TRESPASS	P/R	
100	2513CR2633	LYNN	RAMIREZ MARES	RAFAEL	7/26/25	OUI LIQUOR	P/R	
101	2513CR2684	LYNN	CROFT	JERAMIE	7/26/25	LARCENY OVER \$1200	\$700.00 BAIL	
102	2513CR2629	LYNN	SIMS	JOHN	7/26/25	AB&B OR H/O DISABLED	P/R	
103	2513CR2631	LYNN	JONES	JOHN	7/26/25	THREAT TO COMMIT	P/R	
104	2513CR1748	LYNN	LOPEZ	JORGE	7/26/25	AB&B	P/R	
105	2513CR2628	LYNN	FERRIS	JUSTIN	7/26/25	MAL DAMAGE MV	P/R	
106	2513CR2741	LYNN	FERRIS	JUSTIN	7/26/25	MAL DAMAGE MV	P/R	
107	2513CR2079	LYNN	CANNADY	DAVID	7/26/25	OP MV W/USUP. LIC.	P/R	
108	2513CR2609	LYNN	DANNHOY	DAVID	7/26/25	OUI LIQUOR 2ND	P/R	
109	2513CR2484	LYNN	CAMPBELL	TONYA	7/26/25	AB&B DW	P/R	
110	2513CR2452	LYNN	MCHEAL	MICHAEL	7/26/25	AB&B OR H/O DISABLED	P/R	
111	2513CR2625	LYNN	BOURISQUOT	OLEVER	7/26/25	POSSESS CLASS B	PHV RELEASED	
112	2513CR2627	LYNN	BOURISQUOT	OLEVER	7/26/25	TRESPASS	P/R	
113	2513CR2616	LYNN	WIKEN	MARTHY	7/26/25	VIOLATE 209A	P/R	
114	2513CR1816	LYNN	RODRIGUEZ	DOMINGO	7/26/25	LEAVE SCENE PROP.	P/R	
115	2513CR1814	LYNN	WHITE	ERIC	7/26/25	AB&B	P/R	
116	2513CR1815	LYNN	WHITE	ERIC	7/26/25	AB&B	P/R	
117	2513CR2462	LYNN	LAMARCHE	ANTHONY	7/26/25	POSSESS CLASS B	HELD PROB. DET.	
118	2513CR2417	LYNN	LAMARCHE	ANTHONY	7/26/25	AB&B, BLDG. NIGHT LIT	P/R	
119	2513CR2449	LYNN	MENDEZ CHAVEZ	ENRIERTO	7/26/25	OUI LIQUOR 2ND	P/R	
120	2513CR2446	LYNN	MEDIA-ORTIZ	YUNIOR	7/26/25	RECEIVE STOLEN MV	P/R	
121	2513CR2447	LYNN	VALENTIN	CYNTHIA	7/26/25	AB&B	P/R	
122	2513CR2448	LYNN	URENA	ALFREDO	7/26/25	RESIST ARREST	P/R	
123	2513CR2598	LYNN	PHILLIPS	JUDITH	7/31/25	WANT DEST PROP	P/R	
124	2513CR2655	LYNN	PHILLIPS	JUDITH	7/31/25	DISORDERLY CONDUCT	P/R	
125	2513CR2429	LYNN	PEREZ LOPEZ	JASON	7/31/25	LEAVE SCENE PROP.	P/R	
126	2513CR2607	LYNN	REIS	NOAH	7/31/25	AB&B OR H/O DISABLED	P/R	
127	2513CR1857	LYNN	SAINT PAULIN	JOJO	7/31/25	MAL DEST PROP - \$1200	P/R	
128	2513CR1858	LYNN	SAINT PAULIN	JOJO	7/31/25	LARCENY OVER \$1200	P/R	
129	2513CR2662	LYNN	VILTS	KONSTANIOS	7/31/25	AB&B DW	P/R	
130	2513CR2617	LYNN	ANDRADES	ANGEL	8/1/25	NECESSARY OP MV	HELD PROB. DET.	
131	2513CR2578	LYNN	ANDRADES	ANGEL	8/1/25	OP MV W/USUP. LIC. SUB	\$250.00 BAIL	
132	2513CR2625	LYNN	BOURISQUOT	OLEVER	8/1/25	POSSESS CLASS B	HELD PROB. DET.	
133	2513CR2627	LYNN	BOURISQUOT	OLEVER	8/1/25	TRESPASS	P/R	
134	2513CR2036	LYNN	MARRINHAS	JOSEPH	8/1/25	AB&B HOUSEHOLD	P/R	
135	2513CR2091	LYNN	DOMINGO	RUDY	8/1/25	AB&B HOUSEHOLD	P/R	
136	2513CR2705	LYNN	MAGALLUE	MARK	8/1/25	LARCENY OVER \$1200	\$500.00 BAIL	
137	2513CR2025	LYNN	JOICE	MARIE	8/1/25	AB&B OVER 60	P/R	
138	2513CR2185	LYNN	VARELA	ANTONIO	8/1/25	VIOL 90	\$500 BAIL	
139	2513CR2354	LYNN	THIELMAN	MICHAEL	8/1/25	AB&B 40	P/R	
140	2513CR2334	LYNN	LARA	JULIANA	8/1/25	LANDC ORD ACCESS	P/R	
141	2513CR2331	LYNN	LARA	JULIO	8/1/25	LANDC ORD ACCESS	P/R	
142	2513CR237	LYNN	CAMILLO	MIGUEL	8/1/25	OUI	P/R	
143	2513CR2421	LYNN	BAEZ	ANSEL	8/1/25	AB&B HOUSEHOLD	P/R	
144	2513CR2735	LYNN	SMITH	VERONY	8/1/25	AB&B 40	P/R	
145	2513CR2736	LYNN	KULCH	KRYSTEN	8/1/25	ADW	P/R	
146	2513CR2740	LYNN	FREZZ	FRANKLIN	8/1/25	TRAFFICKING	HELD WITHOUT	
147	2513CR2739	LYNN	PEREZ	WANDO	8/1/25	AB&B	P/R	
148	2513CR2737	LYNN	DILACRUZ	MARIANO	8/1/25	OUI	P/R	
149	2513CR2738	LYNN	DIAZ	ARMANDO	8/1/25	AB&B	P/R	



Fwd: FW: September 2, 2025 - Dockets That Require Assignment of Counsel LYNN DC 9/2/25



----- Forwarded message -----

From: **Debbie Pollock** <Ecbaa@ecbaa.net>

Date: Tue, Sep 2, 2025 at 4:56PM

Subject: Fwd: FW: September 2, 2025 - Dockets That Require Assignment of Counsel LYNN DC 9/2/25

To: Jim Fox <jfox@jfoxlaw.com>, Whitney Beatty <Whitney@wbeattylaw.com>, Chris Burke <burkechrisb@aol.com>, George Abi Esber <esberlaw@gmail.com>, Loring Lincoln <fabiuslincoln@aol.com>, Lance Sobelman <lance@attorneysobelman.com>, Mary Teczar <maryteczar@gmail.com>, Eric Gillespie <ericcgillespie@gmail.com>, Deb McWade <leggylawbabe@aol.com>, Jacob Simon <jacob@simonlawma.com>, Stephen Reardon <sfreardon11@aol.com>, Paula Minichiello <paulaminichiello@comcast.net>, Jon Pickering <Attorneypickering@gmail.com>, Daniel Finn <Daniefinnattorney@gmail.com>, Albert Moscone <amoscone@mosconelawboston.com>, Kevin Chapman <kpcesq@gmail.com>, Dylan Heim <attorney@dylanheimlaw.com>, Kevin Calnan <calnanlaw@verizon.net>, Joseph MacDonald <jamattorney@aol.com>, Adela Aprodu <adela@aprodulaw.com>, Joe Resnek <attorneyjoeresnek@gmail.com>, Dalkis Muir <Dalkis@dmuirlaw.com>, John Ruehrwein <jjruehrwein@comcast.net>, Alicia Andrews <aliciaannalaw@verizon.net>, Joann M. Hnat, Attorney <attorneyhnat@gmail.com>, Denver Cherms <denvercherms@gmail.com>, Donnalee Leonardo <Donnaleeleonardo@aol.com>, Joseph Smith <josephsmithlaw@gmail.com>, Arthur Carakatsane <carakatsanelaw@comcast.net>, Joe Finn <jfinnesq@gmail.com>, Patrick Lee <leelaw.patrick@aol.com>, Sara Attarchi <attarchilaw@gmail.com>, Barbara Intravaia <dancelawyer1@aol.com>, Marc Salinas <ms@marcsalinas.com>, Amy Sixt <amy.sixt@gmail.com>, Nathaniel Spinney <spinney.nathaniel@gmail.com>, Patrick Callahan <pcallahan@pcallahanlawoffice.com>, Robert DeLong <lawofficeofrmd@gmail.com>, Brendan D Gupta <bdguptalaw@gmail.com>, <mark.morrison.law2022@gmail.com>, William O'Shea <wfoatty@msn.com>, Stephen O'Malley <steveomalleyre@gmail.com>, Todd Siegel <TASiegel@msn.com>

Looking for someone to take the attached cases.

Enjoy Your Day,
Deb

Deborah J Pollock , Administrator
Essex County Bar Association Advocates
2 Main Street 4-4
Gloucester, Ma 01930
ecbaa@ecbaa.net

978-744-7092 (P)
978-335-6064 (C)

----- Forwarded message -----

From: **essexcases** <essexcases@publiccounsel.net>

Date: Tue, Sep 2, 2025 at 4:48 PM

Subject: FW: September 2, 2025 - Dockets That Require Assignment of Counsel LYNN DC 9/2/25

To: Rose King <rking@publiccounsel.net>, Deborah J. Pollock - Essex County Bar Assoc.Advocates, Inc. (ecbaa@ecbaa.net) <ecbaa@ecbaa.net>, Strategic Litigation Unit <strategiclitigationunit@publiccounsel.net>

Hi All,

New cases:

2513CR002970		Lynn	Gomez	Dennis	Sep 2	Sep 3	Judge Hearing (CR)
2513CR002966		Lynn	Grace	Allyson Lee	Sep 2	Oct 17	Judge Hearing (CR)
2513CR002963		Lynn	Tema	Miguel Esteban	Sep 2	Oct 17	Judge Hearing (CR)
2513CR002958		Lynn	Khatoon	Samina	Sep 2	Oct 17	Judge Hearing (CR)

Thanks,

Elizabeth Aborn-Farfan

Certification Coordinator

Criminal Trial Support Unit

Committee for Public Counsel Services

75 Federal Street, 5th Floor - Boston, MA 02110

Tel.: 617-910-5788

eaborn-farfan@publiccounsel.net

From: Samantha E Picone <samantha.picone@jud.state.ma.us>

Sent: Tuesday, September 2, 2025 4:35 PM

To: Hadler Charles <hadler.charles@jud.state.ma.us>; essexcases <essexcases@publiccounsel.net>; ecbaa@ecbaa.net

Cc: Victoria Beaver <victoria.beaver@jud.state.ma.us>; Ina Howard-Hogan <ina.howard-hogan@jud.state.ma.us>; Michael F Hogan

<michael.hogan@jud.state.ma.us>; Robert Andrew <robert.andrew@jud.state.ma.us>

Subject: September 2, 2025 - Dockets That Require Assignment of Counsel

CAUTION: This email originated outside of CPCS. Do not click links or open attachments unless you are confident they are safe.

	A	B	C
1	COURT	COURT DATE	DOCKET
2	Brookline District	30-Jun	2409CR000215
3	Brookline District	8-Jul	2409CR000344
4	Brookline District	5-Sep	2409CR000417
5	Brookline District	5-Sep	2409CR002736
6	Brookline District	11-Jul	2509CR000216
7	Brookline District	6-Aug	2509CR000303
8	Brookline District	9-May	2509CR000318
9	Brookline District	16-Sep	2509CR000318 & 2509CR000319
10	Brookline District	30-Jun	2509CR000371
11	Brookline District	8-Jul	2509CR000390
12	Brookline District	30-Jun	2509CR000391
13	Brookline District	6/18/25	2509CR000406
14	Brookline District	7-Jul	2509CR000414
15	Brookline District	11-Jul	2509CR000439
16	Brookline District	15-Jul	2509CR000451
17	Brookline District	15-Jul	2509CR000452
18	Brookline District	25-Aug	2509CR000457
19	Brookline District	11-Aug	2509CR000503
20	Brookline District	25-Aug	2509CR000533
21	Brookline District	3-Sep	2509CR000542
22	Brookline District	3-Sep	2509CR000543
23	Brookline District	3-Sep	2509CR000550
24	Brookline District	3-Sep	2509CR000551
25	Brookline District	9-Jul	2509CR0438
26	Brookline District	15-Jul	2509CR0450
27	Brookline District	22-Sep	2509CR000598
28	Brookline District	7-Jul	2509CR000383
29	Dedham District	31-Jul	2554CR0984
30	Dedham District	9-Jul	2054CR000710
31	Dedham District	21-Jul	2354CR000943
32	Dedham District	21-Jul	2454CR0711
33	Dedham District	14-Jul	2454CR1288
34	Dedham District	21-Jul	2454CR1288 & 2554CR0152
35	Dedham District	14-Jul	2554CR000317
36	Dedham District	28-Jul	2554CR000446
37	Dedham District	29-May	2554CR000447
38	Dedham District	28-Jul	2554CR000487
39	Dedham District	25-Jun	2554CR000516
40	Dedham District	29-Jul	2554CR000581
41	Dedham District	28-Jul	2554CR000583
42	Dedham District	29-Jul	2554CR000589
43	Dedham District	21-Jul	2554CR000616

	A	B	C
44	Dedham District	21-Jul	2554CR000638
45	Dedham District	20-Aug	2554CR000667
46	Dedham District	28-Jul	2554CR000667
47	Dedham District	29-May	2554CR000670
48	Dedham District	9-Jul	2554CR000689
49	Dedham District	22-Jul	2554CR000709
50	Dedham District	23-Jul	2554CR000733
51	Dedham District	24-Jul	2554CR000736
52	Dedham District	29-Jul	2554CR000763
53	Dedham District	29-Jul	2554CR000774
54	Dedham District	31-Jul	2554CR000776
55	Dedham District	16-Jun	2554CR000783
56	Dedham District	2-Jul	2554CR000860
57	Dedham District	8-Jul	2554CR000873
58	Dedham District	9-Jul	2554CR000888
59	Dedham District	14-Jul	2554CR000896
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61	Dedham District	21-Jul	2554CR000942
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66	Dedham District	28-Jul	2554CR000970
67	Dedham District	28-Jul	2554CR000977
68	Dedham District	20-Aug	2554CR000997
69	Dedham District	21-Jul	2554CR001087
70	Dedham District	20-Aug	2554CR001151
71	Dedham District	20-Aug	2554CR001187
72	Dedham District	28-Jul	2554CR001338
73	Dedham District	21-Jul	2554CR0368
74	Dedham District	21-Jul	2554CR0508
75	Dedham District	21-Jul	2554CR0678
76	Dedham District	17-Jul	2554CR0885
77	Dedham District	21-Jul	2554CR0890
78	Dedham District	21-Jul	2554CR0898
79	Dedham District	14-Jul	2554CR0911
80	Dedham District	20-Aug	2556CR000943
81	Dedham District	20-Aug	2556CR001222
82	Dedham District	20-Aug	2556CR001224
83	Dedham District	20-Aug	2556CR001224
84	Norfolk Superior	11-Jul	2582CR000143
85	Quincy District	20-Aug	2356CR002220
86	Quincy District	20-Aug	2356CR002221
87	Quincy District	20-Aug	2356CR002222

	A	B	C
88	Quincy District	24-Jun	2356CR002886
89	Quincy District	18-Aug	2356CR003849; 2556CR000149
90	Quincy District	18-Aug	2356CR003969
91	Quincy District	20-Aug	2356CR004241
92	Quincy District	20-Aug	2356CR004286
93	Quincy District	18-Jun	2456-2658,2456-2340,2456- 2001 2356-4398
94	Quincy District	18-Aug	2456CR001752; 2456CR001753
95	Quincy District	24-Jul	2456CR002343 (multiple)
96	Quincy District	20-Aug	2456CR002932
97	Quincy District	24-Jul	2456CR003073
98	Quincy District	20-Aug	25546CR001572
99	Quincy District	4-Aug	2556CR0002301
100	Quincy District	4-Aug	2556CR0002302
101	Quincy District	12-Aug	2556CR000272
102	Quincy District	13-Jun	2556CR000550
103	Quincy District	20-Jun	2556CR000689
104	Quincy District	13-Jun	2556CR001006
105	Quincy District	20-Aug	2556CR001213
106	Quincy District	29-May	2556CR001287
107	Quincy District	4-Jun	2556CR001294
108	Quincy District	29-May	2556CR001296
109	Quincy District	29-May	2556CR001297
110	Quincy District	29-May	2556CR001299
111	Quincy District	29-May	2556CR001301
112	Quincy District	29-May	2556CR001316
113	Quincy District	1-May	2556CR001325
114	Quincy District	1-May	2556CR001330
115	Quincy District	1-May	2556CR001342
116	Quincy District	3-May	2556CR001398
117	Quincy District	25-Jun	2556CR001422
118	Quincy District	25-Jun	2556CR001429
119	Quincy District	9-May	2556CR001458
120	Quincy District	4-Aug	2556CR001467
121	Quincy District	22-Aug	2556CR001516
122	Quincy District	24-Jun	2556CR001522
123	Quincy District	20-Aug	2556CR001539
124	Quincy District	15-May	2556CR001546
125	Quincy District	20-Aug	2556CR001550
126	Quincy District	21-May	2556CR001577
127	Quincy District	20-Aug	2556CR001600
128	Quincy District	13-Jun	2556CR001676

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130	Quincy District	27-Aug	2556CR001692
131	Quincy District	23-Jun	2556CR001702
132	Quincy District	20-Jun	2556CR001740
133	Quincy District	17-Jul	2556CR001764
134	Quincy District	13-Jun	2556CR001766
135	Quincy District	10-Jun	2556CR001777
136	Quincy District	10-Jun	2556CR001781
137	Quincy District	16-Jul	2556CR001789
138	Quincy District	13-Jun	2556CR001799
139	Quincy District	13-Jun	2556CR001801
140	Quincy District	13-Jun	2556CR001804
141	Quincy District	13-Jun	2556CR001804
142	Quincy District	13-Jun	2556CR001805
143	Quincy District	13-Jun	2556CR01805/ 2556CR001807
144	Quincy District	13-Jun	2556CR001807
145	Quincy District	13-Jun	2556CR001808
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147	Quincy District	25-Jul	2556CR001831
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149	Quincy District	20-Jun	2556CR001843
150	Quincy District	23-Jun	2556CR001857
151	Quincy District	23-Jun	2556CR001862
152	Quincy District	23-Jun	2556CR001872
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155	Quincy District	20-Aug	2556CR001888
156	Quincy District	24-Jun	2556CR001889
157	Quincy District	25-Jun	2556CR001895
158	Quincy District	25-Jun	2556CR001895
159	Quincy District	26-Jun	2556CR001911
160	Quincy District	22-Aug	2556CR002001
161	Quincy District	25-Jul	2556CR002125
162	Quincy District	25-Jul	2556CR002185
163	Quincy District	25-Jul	2556CR002186
164	Quincy District	25-Jul	2556CR002187
165	Quincy District	25-Jul	2556CR002187
166	Quincy District	25-Jul	2556CR002188
167	Quincy District	25-Jul	2556CR002189
168	Quincy District	25-Jul	2556CR002189
169	Quincy District	25-Jul	2556CR002190
170	Quincy District	25-Jul	2556CR002191
171	Quincy District	12-Aug	2556CR002195

	A	B	C
172	Quincy District	12-Aug	2556CR002196
173	Quincy District	12-Aug	2556CR002198
174	Quincy District	12-Aug	2556CR002199
175	Quincy District	12-Aug	2556CR002202
176	Quincy District	12-Aug	2556CR002204
177	Quincy District	22-Aug	2556CR002224, 2556CR2607
178	Quincy District	12-Aug	2556CR002249
179	Quincy District	19-Aug	2556CR002274
180	Quincy District	31-Jul	2556CR002281
181	Quincy District	31-Jul	2556CR002284
182	Quincy District	1-Aug	2556CR002287
183	Quincy District	4-Aug	2556CR002293
184	Quincy District	4-Aug	2556CR002299
185	Quincy District	4-Sep	2556CR002354
186	Quincy District	12-Aug	2556CR002382
187	Quincy District	12-Aug	2556CR002388
188	Quincy District	11-Aug	2556CR002392
189	Quincy District	11-Aug	2556CR002404
190	Quincy District	12-Aug	2556CR002412
191	Quincy District	12-Aug	2556CR002416
192	Quincy District	12-Aug	2556CR002417
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194	Quincy District	12-Aug	2556CR002419
195	Quincy District	12-Aug	2556CR002423
196	Quincy District	12-Aug	2556CR002424
197	Quincy District	13-Aug	2556CR002440
198	Quincy District	13-Aug	2556CR002448
199	Quincy District	22-Aug	2556CR002513
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201	Quincy District	18-Aug	2556CR002533
202	Quincy District	18-Aug	2556CR002535
203	Quincy District	18-Aug	2556CR002536
204	Quincy District	18-Aug	2556CR002538
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208	Quincy District	18-Aug	2556CR002544
209	Quincy District	18-Aug	2556CR002545
210	Quincy District	18-Aug	2556CR002549
211	Quincy District	18-Aug	2556CR002550
212	Quincy District	18-Aug	2556CR002551
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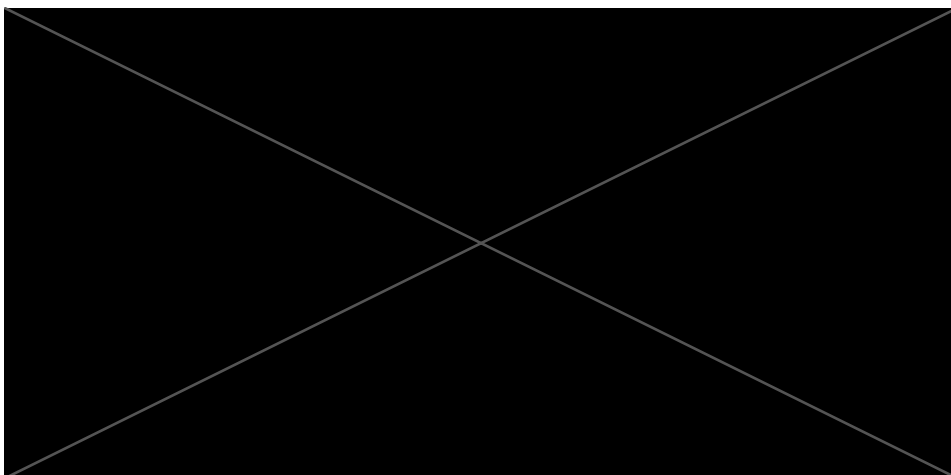
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219	Quincy District	20-Aug	2556CR002580
220	Quincy District	27-Aug	2556CR002599
221	Quincy District	22-Aug	2556CR002602
222	Quincy District	22-Aug	2556CR002606
223	Quincy District	27-Aug	2556CR002683
224	Quincy District	12-Sep	2556CR002746
225	Quincy District	4-Sep	2556CR002749
226	Quincy District	12-Sep	2556CR002829
227	Quincy District	12-Sep	2556CR002830
228	Quincy District	13-Jun	2556CR003827
229	Quincy District	27-Aug	2556CR002361
230	Quincy District	9-Sep	2356CR000792
231	Quincy District	29-Aug	2356CR001541
232	Quincy District	29-Aug	2356CR001738
233	Quincy District	9-Sep	2356CR002131
234	Quincy District	13-Jun	2556CR001810
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236	Quincy District	9-Sep	2556CR002259
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238	Quincy District	4-Sep	2556CR002337
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248	Quincy District	9-Sep	2556CR002426
249	Quincy District	9-Sep	2556CR002427
250	Quincy District	9-Sep	2556CR002429
251	Quincy District	27-Aug	2556CR002436
252	Quincy District	20-Aug	2556CR002578
253	Quincy District	9-Sep	2556CR002605
254	Quincy District	28-Aug	2556CR002697
255	Quincy District	29-Aug	2556CR002705
256	Quincy District	29-Aug	2556CR002706
257	Quincy District	29-Aug	2556CR002708
258	Quincy District	4-Sep	2556CR002750
259	Quincy District	9-Sep	2556CR002778

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261	Quincy District	9-Sep	2556CR002785
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263	Quincy District	9-Sep	2556CR002792
264	Quincy District	9-Sep	2556CR002793
265	Quincy District	29-Aug	2556CR003571
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280	Stoughton District	23-Jun	2555CR000596
281	Stoughton District	21-Jun	2555CR000596
282	Stoughton District	9-Jul	2555CR000600
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285	Stoughton District	29-Aug	2555CR000611
286	Stoughton District	27-Jun	2555CR000621
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299	Stoughton District	3-Sep	2555CR000783
300	Stoughton District	22-Aug	2555CR000788
301	Stoughton District	26-Aug	2555CR000793
302	Stoughton District	28-Aug	2555CR000811
303	Stoughton District	3-Sep	2555CR000822

	A	B	C
304	Stoughton District	9-Sep	2555CR000834
305	Stoughton District	10-Jul	2557CR000402
306	Stoughton District	5-Aug	2555CR000585
307	Stoughton District	5-Aug	2555CR000585
308	Stoughton District	23-Sep	2455CR001017
309	Superior	26-Jun	2482CR000155
310	Wrentham District	27-Aug	2557CR001220
311	Wrentham District	8/18/25	2257CR001151
312	Wrentham District	8-Jul	2457CR000008
313	Wrentham District	3-Jul	2457CR000571
314	Wrentham District	8-Jul	2557CR000031
315	Wrentham District	8-Jul	2557CR000257
316	Wrentham District	23-May	2557CR000299
317	Wrentham District	23-May	2557CR000458
318	Wrentham District	17-Jul	2557CR000759
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344	Quincy District	17-Sep	2556CR000009
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347	Quincy District	17-Sep	2556CR004066

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353	Stoughton District	23-Sep	2455CR001017
354	Stoughton District	24-Sep	2555CR000899
355	Brookline District	22-Aug	2509CR000527
356	Brookline District	22-Aug	2509CR000530
357	Brookline District	11-Jul	2409CR000220
358	Quincy District	29-Sep	2556CR002997
359	Quincy District	29-Sep	2556CR3002
360	Dedham District	29-Sep	2554CR001478
361	Quincy District	26-Sep	2556CR002963
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363	Stoughton District	30-Sep	2555CR000921
364	Quincy District	29-Sep	2556CR002987
365	Quincy District	29-Sep	2556CR002986
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368	Quincy District	29-Sep	2556CR002994
369	Quincy District	29-Sep	2556CR001721
370	Quincy District	1-Oct	2556CR003014
371	Quincy District	3-Oct	2556CR003048
372	Quincy District	24-Sep	2456CR002223
373	Quincy District	29-Sep	2556CR003001
374	Roxbury District	10/7/25	2402CR001868
375	Brookline District	26-Sep	1709CR000259
376	Dedham District	15-Jul	2554CR000918
377	Quincy District	25-Sep	2556CR002953
378	Quincy District	30-Sep	2556CR002521
379	Quincy District	30-Sep	2556CR003008
380	Brookline District	26-Sep	2509CR000607
381	Stoughton District	8-Oct	2555CR000967
382	Quincy District	30-Sep	2356CR003010
383	Quincy District	30-Sep	2356CR004241
384	Quincy District	30-Sep	2356CR002222
385	Quincy District	30-Sep	2356CR002221
386	Quincy District	30-Sep	2356CR002220
387	Quincy District	6-Oct	2556CR003067
388	Stoughton District	8-Oct	2555CR000826
389	Brookline District	26-Sep	1909CR000400
390	Brookline District	26-Sep	2009CR000378
391	Brookline District	20-Aug	2509CR000524

	A	B	C
392	Dedham District	11-Sep	2554CR001376
393	Quincy District	24-Sep	2556CR002944
394	Dedham District	18-Sep	2554CR001412
395	Quincy District	17-Sep	2056SU00174
396	Brookline District	4-Aug	2409CR000342
397	Brookline District	28-Jul	2509CR000347
398	Brookline District	28-Jul	2509CR000358
399	Brookline District	5-Aug	2509CR000388
400	Brookline District	9-Jul	2509CR000417
401	Dedham District	30-Jul	2023P1253
402	Dedham District	5-Aug	2554CR000307
403	Brookline District	5-Aug	2509CR000496
404	Stoughton District	2-Oct	2555CR000809
405	Stoughton District	16-Oct	2555CR000994
406	Stoughton District	16-Oct	2555CR000951
407	Stoughton District	23-Sep	2555CR000684



From: HCLJ <hampdenba@hclji.org>
Date: June 23, 2025 at 12:22:42 PM EDT
To: undisclosed-recipients;;
Subject: **UPDATED as of 12pm : PLEASE TAKE 1 of the 12 HELD DEFENDANTS: 17 Defendants In Need Of Counsel**

Dear Superior Court Counsel:

I hope your morning went well. The list is looking pretty bad at this point. Can you help with any case below???

PLEASE HELP!

We now have 17 defendants that need counsel and 12 are held

Please note, the held defendants, defendants without counsel the longest and the most serious felonies are the priority.

Time sensitive issues:

- **N. Jennings, Negron, Walker, Vazquez, Taylor, Russo, Rivera-Rojas, Leja, Jr., Jennings, Henley, Livingston, and Muniz are held and need counsel ASAP!**
- **Walker-held (no update yet), is due in court TODAY**

- **Veremchuk, Leja, Jr.-held (for the 2nd time), and Henley-held (for the 3rd time), are due in court TOMORROW**

Statistics:

Muniz **(held)** has been on the list for **36** days
 Livingston **(held)** has been on the list for **27** days
 Delphia has been on the list for **19** days
 Henley **(held)** has been on the list for **14** days
 Jennings **(held)** has been without counsel for **12** days
 Leja, Jr. **(held)** has been without counsel for **8** days
 Rivera-Rojas **(held)** has been without counsel for **7** days
 Jones has been on the list for **7** days
 Veremchuk has been on the list for **6** days
 Walker **(held)** and Cruz have been without counsel for **4** days
 N. Jennings **(held)**, Negrón **(held)**, Vazquez **(held)**, Taylor **(held)**,
 Russo **(held)**, and Terry were added to the list today

I greatly appreciate you all!

Thanks,

Sarah

*Sarah Pegus, Program Administrator
 Kimberly Duclos, Administrative Assistant
 Hampden County Lawyers For Justice, Inc.
 510 Front Street
 Chicopee, MA 01013
 Office: 413-732-7110
 Fax: 413-732-6545
hampdenba@hclji.org
hclj.org*

Clients Last Name	Clients First Name	Court	Held	Co-Defendants	Co-Defendant's Atty	Docket	Next Court Date	Charges
Veremchuk	Maxim	Superior				25-0204	06/24/2025 Arraignment	Poss. FA, Poss. Large Capacity FA, Receive FA w/Defaced NO (3cts), Use of 3D Printer to Manufacture w/oLicense FA, Poss. Large Capacity FA Feeding Device (14cts)

Russo	Kristopher	Superior	Held	Vincent Torres	Borzumato	25-0129	06/27/2025 Arraignment	A&B w/ DW (3cts), A&B, Assault w/ DW.
Vazquez	Roberto	Superior	Held			25-0227	06/30/2025 Arraignment	Assault Or A&B On Family/Household Member (2cts), A&B w/DW, Intimidate Witness, Strangulation Or Suffocation (3cts), A&B Upon Pregnant Person, Indecent A&B On Person 14 Or Over, Rape.
Taylor	Raheem	Superior	Held			25-0225	06/30/2025 Arraignment	Strangulation Or Suffocation, Assault or A&B On Family/Household Member, Assault w/DW, Threat To Commit Crime, Arrestee Furnish False Name/SSN, FA Violation w/2 Prior Violent/Drug Crimes(3cts), Poss. To Distrib. Cocaine, Subsq., Poss. To Distrib. Class A
Negron Roman	Jose	Superior	Held	Hector Perez, Angel Salina, Iden Moreno Rivera	Andreopoulos (priv), J. Smith (priv), Olanoff (priv)	25-0208	07/02/2025 Arraignment	Trafficking Heroin/Morphine/Opium/Fentanyl Over 200 Grams, Trafficking Cocaine Over 200 Grams
Terry	John	Superior				25-0222	07/09/2025 Arraignment	Poss. FA In Felony, Poss. FA w/o FID Card, Poss. Ammun w/o FID Card, A&B w/ FA, A&B w/ DW Causing Serious Bodily Injury.
Delphia	Thomas	Superior				25-0205	07/10/2025 Arraignment	Assault or A&B on Family/Household Member Subsq., Assault w/DW, A&B w/DW Causing Serious Bodily Injury, Intimidate Witness, Threat to Commit Crime, Larceny Under 1200, Viol. Abuse Prev. Order (2cts)

Clients Last Name	Clients First Name	Court	Held	Co-Defendants	Co-Defendant's Atty	Docket	Next Court Date	Charges
Walker	Ozjoahnae	Springfield	Held			2523CR003435	06/23/2025 Status Hrg.	Carry Loaded FA w/oLicense, Poss. FA w/oFID Card, Poss. Ammo w/oFID Card, Poss. Class B, Carry DW, Poss. Large Capacity Feeding Device, Poss. Large Capacity FA, Receive Untraceable FA, Unlicensed OP of MV, Number Plate Viol. To

								Conceal ID, Unregistered...
Leja, Jr.	Robert	Westfield	Held			2544CR000655	06/24/2025 58A Hrg.	A&B, Unlicen. Sell/Poss. Assault Weapon, Store Impropr. Large Capacity FA Near Minor, Poss. Ammo w/oFID Card, Poss. Large Capacity Feeding Device, Indecent Exposure, Reckless Endangerment of Child, Assault, Intimidate...
Henley	Craig	Superior	Held			24-0336	06/24/2025 Appt. Of Counsel (Clarification)	FA Violation w/ 2 Prior Violent/Drug Crimes (3cts), Poss. Large Capacity FA Feeding Device.
Cruz	Sujailey	Springfield				2523CR003431	06/25/2025 Status Hrg.	Home Invasion (4cts), B&E BLDG Daytime for Felony, A&B w/DW (2cts)
Livingston	Josiah	Superior	Held			24-0295	07/01/2025 Appt. Of Counsel (Clarification)	Person In Fear Enter w/o Breaking N/T Or B&E D/T, A&B.
Jones	Nagee	Superior				22-0465	07/01/2025 Appt. Of Counsel (Clarification)	Armed Robbery (2cts), Armed Carjacking, Armed Assault To Rob, A&B w/ DW, Larceny Over \$1200, Larceny Of MV.
Jennings	Tyshante	Springfield	Held	Naszair Jennings	CPCS	2523CR002816	07/08/2025 PTH	Aggr. Rape of Child Ten Year Age Difference (5cts)
Jennings	Naszair	Springfield	Held	Tyshante Jennings	Assign	2523CR002815	07/08/2025 Status Hrg.	Aggr. Rape of Child Five Year Age Difference (2cts), Indecent A&B on Child Under 14
Muniz	Roberto	Holyoke	Held			2517CR000993	07/16/2025 Probable Cause Hearing	Trafficking In Cocaine 200 Grams or More, Poss. To Distrib. Class A, Store Impropr Large Capacity FA, Poss. Large Capacity FA In Felony, Poss. FA In Felony, Poss. FA w/o FID Card.
Rivera-Rojas	Victor	Holyoke	Held			2517CR000944	07/16/2025 PTH	Trafficking Heroin/Morphine/Opium/Fentanyl 18-36 Grams, Poss. To Dist. Class A, Poss. Class A, Poss. Class B

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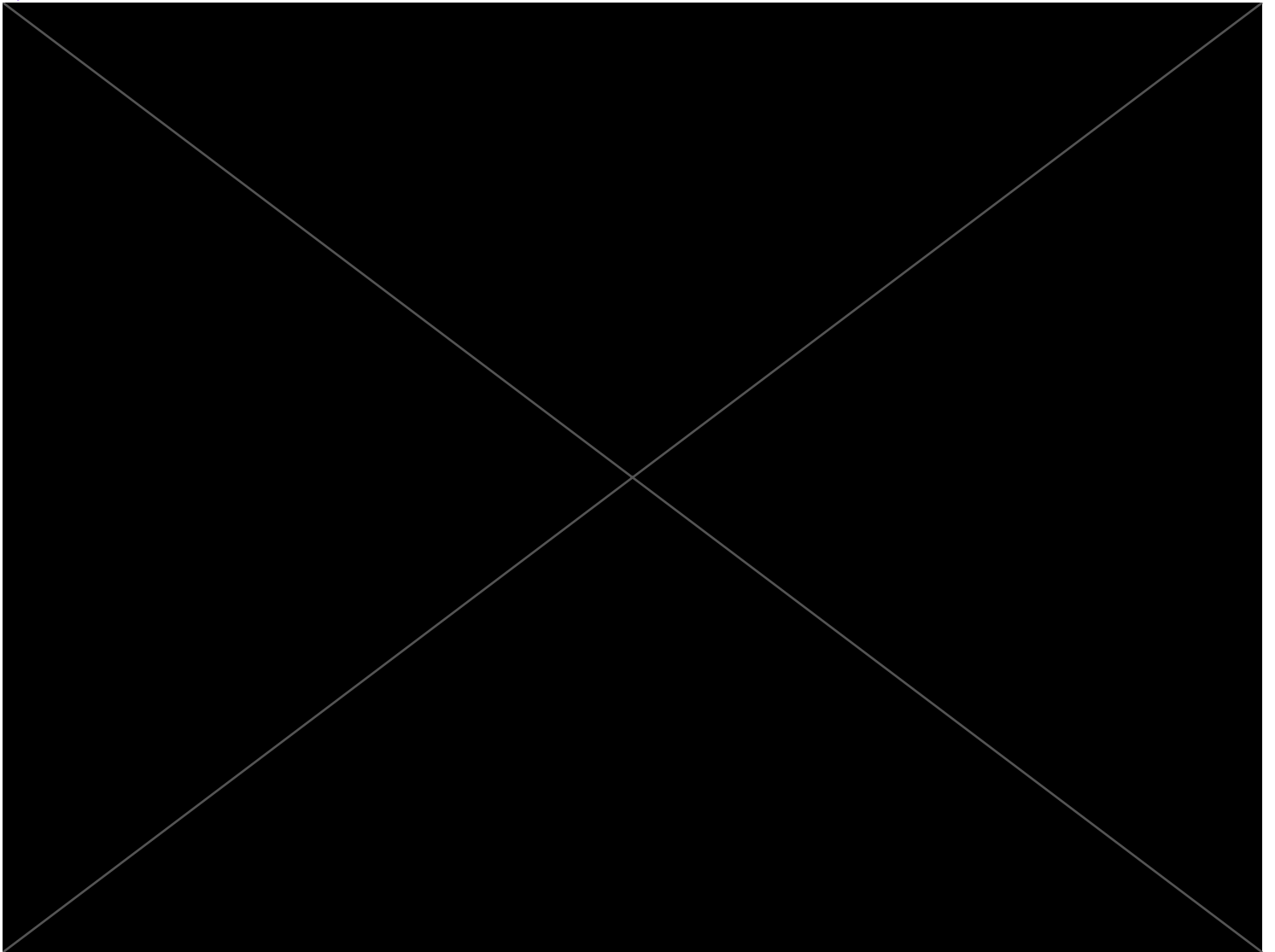
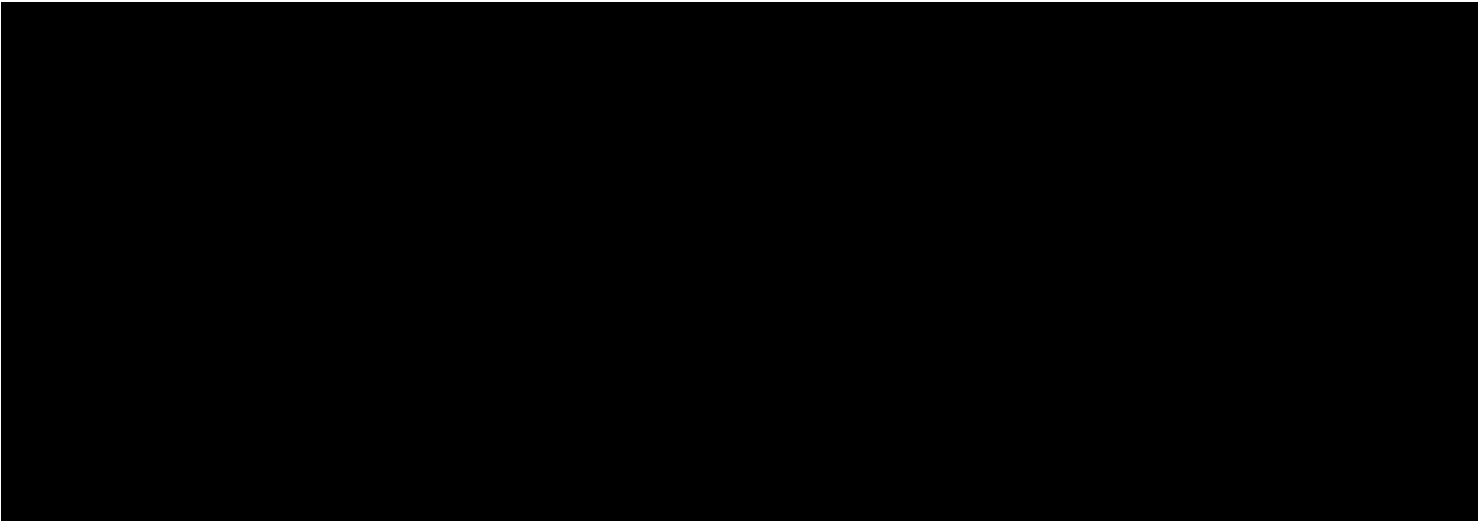
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Outlook



On Wed, Jun 25, 2025 at 4:01 PM, HCLJ
<hampdenba@hclji.org> wrote:

Dear District Court Counsel:

Good early evening. None of the defendants brought to court today received counsel. They will be brought, for the 3rd and 7th time, back to court again tomorrow.

PLEASE HELP!!

We now have **29** defendants in need of counsel and **7** are held.

Statistics:

Dahlke (**held**) has been without counsel for **21** days

Day has been without counsel for **17** days

Colon has been without counsel for **14** days

Patterson has been without counsel for **10** days

Cokotis (**held**) has been without counsel for **9** days

Jenney, Grimaldi, Farrow, Burgos, and Brown have been without counsel for **6** days

Pizarro, Ramos, Vincente, W. Morales, Muckle, Thambash, Pena Marin, Cruz, Vasquez, Champagne (**held**), Dancy, and Cottingham (**held**) have been without counsel for **3** days

Washington (**held**), Torres (**held**), and Pope (**held**) have been without counsel for **2** days

Rodriguez, Nazario, Lakota, and Kopacz were added to the list today

I greatly appreciate you all!

Thanks,
Sarah

*Sarah Pegus, Program Administrator
Kimberly Duclos, Administrative Assistant
Hampden County Lawyers For Justice, Inc.
510 Front Street
Chicopee, MA 01013
Office: 413-732-7110
Fax: 413-732-6545
hampdenba@hclji.org*

hclj.org

Clients Last Name	Clients First Name	Court	Held	Co-Defendants	Co-Defendant's Atty	Docket	Next Court Date	Charges
Torres	Janice	Holyoke	Held			2517CR000419	06/26/2025 Status Hrg.	A&B on PO, Resist Arrest
Cokotis	Richard	Holyoke	Held			2517CR001225	06/26/2025 Status Hrg.	Poss. To Dist. Class B, Poss. Class B
Cottingham	Jamie	Holyoke	Held			2517CR000535	06/26/2025 Status Hrg.	Larceny Under 1200
Washington	Kyle	Holyoke	Held			2517CR001268	06/26/2025 Status Hrg.	A&B, A&B on Family/Household Member
Pope	Monica	Chicopee	Held			2420CR000955	06/26/2025 Status Hrg.	Open and Gross Lewdness
Dahlke	Jessica	Holyoke	Held			2017CR001558, 2317CR001928	07/02/2025 VOP Hrg.	Poss. Class A (2cts), Poss. Class B
Pena Marin	Selena	Springfield				2523CR003451	07/03/2025 PTH	A&B on Family/Household Member, Viol. Harassment Prev. Order
Cruz	Nathan	Springfield				2523CR003453	07/03/2025 PTH	Resist Arrest, Interfere w/PO
Thambash	Marcus	Springfield				2523CR003461	07/03/2025 PTH	B&E for Misdemeanor, Trespass
Ramos	Anais	Springfield				2523CR003471	07/03/2025 PTH	B&E for Misdemeanor, Trespass
Vasquez	Abidael	Springfield				2523CR003446	07/03/2025 PTH	A&B on Family/Household Member
Morales	Wilfredo	Springfield				2523CR003469	07/08/2025 PTH	A&B, A&B on Family/Household Member, Disturbing the Peace
Muckle	Janice	Springfield				2523CR005365	07/08/2025 PTH	A&B
Vincente	Francisco	Springfield				2523CR003468	07/08/2025 PTH	OUI Liquor, NO Inspection/Sticker
Pizarro	Joanna	Springfield				2523CR003445	07/09/2025 PTH	Assault w/DW, Malic. Dest. Of Prop.-1200, A&B
Day	William	Holyoke				2517CR001152	07/10/2025 PTH	Kidnapping, Intimidate Witness/Juror/PO/Court Official

Champagne	Haylee	Holyoke	Held			2417CR001742	07/16/2025 PTH	Larceny of MV, Leave Scene of Prop. Damage, Unlicensed OP of MV
Patterson	Alicia	Holyoke				2517CR000563	07/21/2025 PTH	B&E for Misdemeanor, Poss. Class A, Resist Arrest, Arrestee Furnish to Law Enforcement False ID Info.
Colon	Rosalia	Chicopee				2520CR000610	07/25/2025 PTH	Negligent Operation Of MV.
Dancy	Zuly	Holyoke				2517CR001263	07/28/2025 PTH	Poss. Class A, Poss. Class B, Shoplifting +250 by Asportation
Burgos	Franchesca	Chicopee				2520CR000734	07/28/2025 PTH	A&B w/DW
Jenney	Jacob	Chicopee				2520CR000861	07/28/2025 PTH	Speeding Rate of Speed Exceeding Posted Limit, Poss. Class B, Poss. Open Container of Alcohol in MV, Unregistered MV, OP MV w/License Suspended
Farrow	Asher	Chicopee				2520CR000859	07/29/2025 PTH	Poss. Open Container of Alcohol in MV, Poss. Class B
Brown	Michael	Chicopee				2520CR000756	07/29/2025 PTH	Receive Stolen Prop. -1200, Number Plate Viol. To Conceal ID, Poss. Class B, Unregistered MV, Uninsured MV
Grimaldi	Lisa	Chicopee				2520CR000858	07/29/2025 PTH	Shoplifting by Asportation 2nd Off., Poss. Class B
Lakota	Timothy	Holyoke				2417CR001759	08/01/2025 PTH	Poss. Class A Subsq., Poss. Class B Subsq.
Kopacz	Cynthia	Holyoke				2517CR001079	08/04/2025 PTH	A&B on Family/Household Member, Viol. Abuse Prev. Order
Nazario	Edwin	Holyoke				2517CR001275	08/05/2025 PTH	Poss. Class B, Trespass

Rodriguez	Casey	Holyoke				2517CR000931	08/18/2025 PTH	OUI Liquor, Neg. OP of MV
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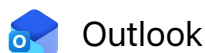
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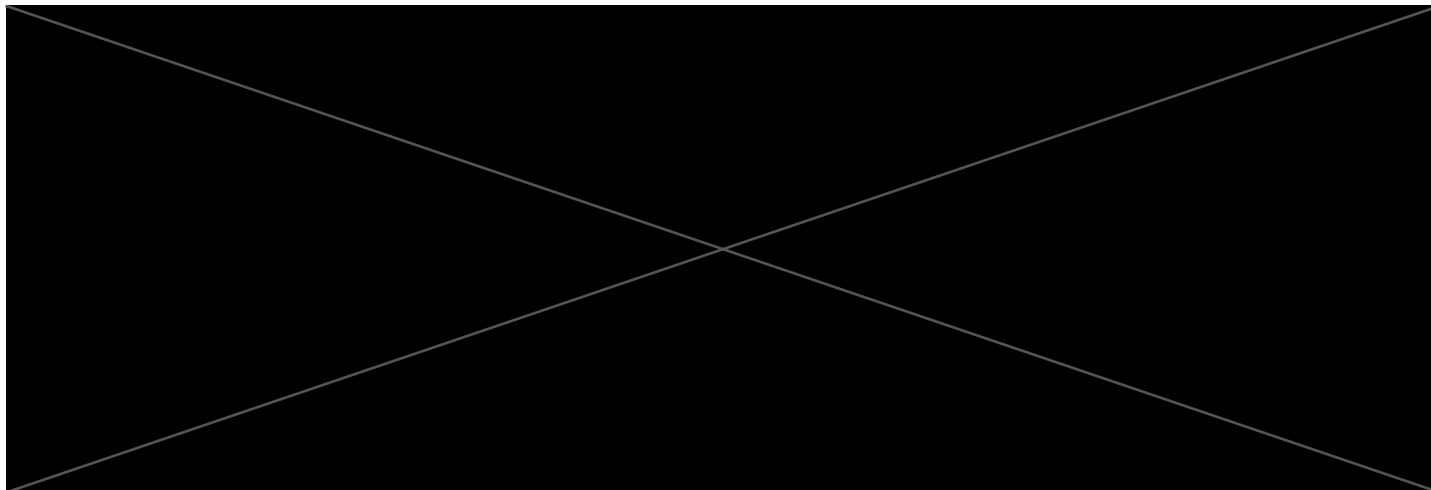
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Outlook

Fw: UPDATED as of 4pm: 23 DISTRICT COURT DEFENDANTS IN NEED OF COUNSEL (1 Held)



From: HCLJ <hampdenba@hclji.org>**Sent:** Wednesday, July 23, 2025 4:07 PM**Subject:** UPDATED as of 4pm: 23 DISTRICT COURT DEFENDANTS IN NEED OF COUNSEL (1 Held)

Dear District Court Counsel:

I hope your day went well. Hannah did not receive counsel today for the 3rd time.

PLEASE HELP!!We now have **23** defendants in need of counsel and **1** is held.**Statistics:**Colon has been without counsel for **42** daysJenney, Grimaldi, Farrow, Burgos, and Brown have been without counsel for **34** daysMunoz, Rosado-Hernandez, Gay, and Bassett have been without counsel for **15** daysFonda and Santana Davila have been without counsel for **13** daysEvans, Claudio Mendez, and Kosky have been without counsel for **9** daysPelletier has been without counsel for **7** daysParks has been without counsel for **6** daysHannah (**held**) **has been without** counsel for **3** days

Campbell, DeJesus, Mendez, Santos, and Brault have been without counsel for
2 days

I greatly appreciate you all!

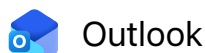
Thanks,
Sarah

Sarah Pegus, Program Administrator
Kimberly Duclos, Administrative Assistant
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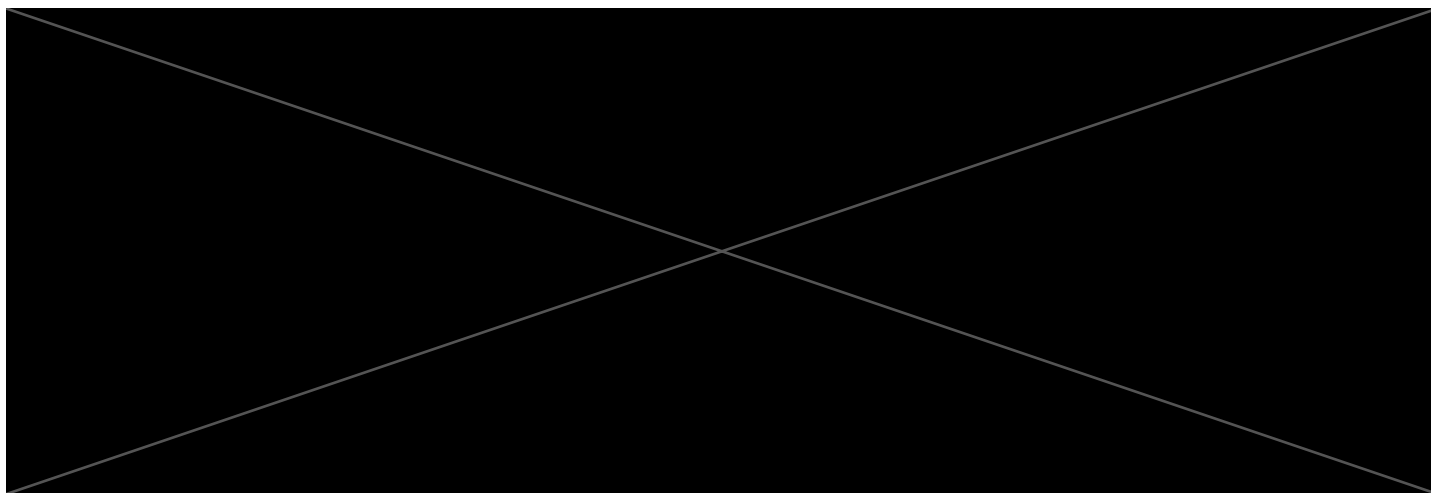
Clients Last Name	Clients First Name	Court	Held	Co-Defendants	Co-Defendant's Atty	Docket	Next Court Date	Charges
Kosky	Kathleen	Chicopee				2520CR000985	07/24/2025 PTH	Poss. Class B
Parks	Zapharia	Chicopee				2520CR001030	07/24/2025 PTH	Viol. Abuse Prev. Order
Evans	Romello	Chicopee				2520CR000854	07/24/2025 PTH	A&B
Colon	Rosalia	Chicopee				2520CR000610	07/25/2025 PTH	Negligent Operation Of MV.
Hannah	Thomas	Holyoke	Held			2517CR000701	07/25/2025 Status Hrg.	B&E BLDG Nighttime for Felony, Poss. Burg. Instrument, Larceny Under 1200 by Single Scheme, Malic. Dest. Of Prop. -1200, Trespass
Burgos	Franchesca	Chicopee				2520CR000734	07/28/2025 PTH	A&B w/DW
Jenney	Jacob	Chicopee				2520CR000861	07/28/2025 PTH	Speeding Rate of Speed Exceeding Posted Limit, Poss. Class B, Poss. Open Container of Alcohol in MV, Unregistered MV, OP MV w/License Suspended

Brown	Michael	Chicopee				2520CR000756	07/29/2025 PTH	Receive Stolen Prop. -1200, Number Plate Viol. To Conceal ID, Poss. Class B, Unregistered MV, Uninsured MV
Farrow	Asher	Chicopee				2520CR000859	07/29/2025 PTH	Poss. Open Container of Alcohol in MV, Poss. Class B
Grimaldi	Lisa	Chicopee				2520CR000858	07/29/2025 PTH	Shoplifting by Asportation 2nd Off., Poss. Class B
Claudio Mendez	Uriel	Chicopee				2520CR000841	07/30/2025 PTH	Number Plate Viol. To Conceal ID, Unregistered MV, OP MV w/License Suspended for OUI/CDL/MVH
Santana Davila	Omar	Holyoke				2417CR002195	08/05/2025 VOP Hrg.	Poss. Class B, Poss. Class A
Gay	Stephanie	Holyoke				2517CR000980	08/08/2025 PTH	Criminal Harassment, Larceny from Person +65
Fonda	Stephanie	Holyoke				2517CR001401	08/11/2025 PTH	Unlawful Deactivation or Removal of Theft Detection Device, Unlawful Poss. Of Theft Detection Device Deactivator or Remov., Resist Arrest, Shoplifting by Concealing MDSE, Disorderly Conduct
Munoz	Jomar	Holyoke				2517CR001385, 2517CR001418	08/15/2025 PTH	Poss. To Dist. Class B, Conspiracy to Viol. Drug Law, Poss. Class B (2cts), Resist Arrest, Trespass
Rosado- Hernandez	Marta	Holyoke				2517CR001384	08/18/2025 PTH	Conspiracy to Viol. Drug Law Felony, Poss. To Dist. Class B, Poss. Class B, Trespass
Pelletier	Dominic	Holyoke				2517CR001475	08/18/2025 PTH	Poss. Class A
Bassett	Michael	Holyoke				2517CR001381	08/19/2025 PTH	A&B, Disorderly Conduct
Santos	Gabriel	Holyoke				2417CR002228	08/20/2025 VOP Hrg.	OP MV w/License Suspended, Resist Arrest, Poss. Class B Subsq.
Brault	Robert	Holyoke				2517CR001496	08/22/2025 PTH	Poss. Class A, Trespass
Campbell	Tynisha	Holyoke				2517CR001502	08/25/2025 PTH	A&B (2cts), Shoplifting by Asportation
Mendez	Christopher	Holyoke				2517CR001503	08/28/2025 PTH	A&B on Family/Household Member

DeJesus	Maria	Holyoke				2517CR001504	08/28/2025 PTH	A&B w/DW, A&B on Family/Household Member
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Fw: UPDATED as of 4pm : PLEASE TAKE 1 of the 9 HELD DEFENDANTS: 12 Defendants In Need Of Counsel



From: HCLJ <hampdenba@hclji.org>

Sent: Wednesday, July 23, 2025 4:05 PM

Subject: UPDATED as of 4pm : PLEASE TAKE 1 of the 9 HELD DEFENDANTS: 12 Defendants In Need Of Counsel

Dear Superior Court Counsel:

Good early evening. Morales is held over for tomorrow on a warrant recall. PLEASE take his arraignment tomorrow! Also...Martinez will be back in court tomorrow as well AND, Muniz and Leja are still waiting!!

PLEASE HELP!

We now have 12 defendants that need counsel and 9 are held

Please note, the held defendants, defendants without counsel the longest and the most serious felonies are the priority.

Time sensitive issues:

- **Martinez, Morales, Colon, Johnson, Benvenutty, Fontanez, R. Gonzalez, Leja, Jr., and Muniz are held and need counsel ASAP!**
- **Colon-held** (for the 2nd time, did not receive case in chief counsel, was held on the 58A, and next hearing set for), was due in court **TODAY**
- **Martinez-held** (for the 2nd time), **Morales-held** (for the 2nd time), and **Rodriguez** are due in court **TOMORROW**
- **Gonzalez-held** (for the 2nd time) is due in court **FRIDAY**

Statistics:

Muniz **(held)** has been without counsel for **66** days

Leja, Jr. **(held)** has been without counsel for **38** days

Fernandez has been on the list for **23** days

R. Gonzalez **(held)** has been on the list for **21** days

Rodriguez and Fontanez **(held)** have been on the list for **14** days

Colon **(held)** and Benvenutty **(held)** have been without counsel for **7** days

Johnson **(held)** has been without counsel for **6** days

Timoney has been without counsel for **2** days

Morales **(held)** and Martinez **(held)** were added to the list today

I greatly appreciate you all!

Thanks,

Sarah

Sarah Pegus, Program Administrator
Kimberly Duclos, Administrative Assistant
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510 Front Street
Chicopee, MA 01013
Office: 413-732-7110
Fax: 413-732-6545
hampdenba@hclj.org
hclj.org

Clients Last Name	Clients First Name	Court	Held	Co-Defendants	Co-Defendant's Atty	Docket	Next Court Date	Charges
Rodriguez	Giovany	Superior		Elizabeth	Bonavita	25-	07/24/2025	Trafficking In Heroin/Morphine/Opium/Fentanyl 18-36

				Schneider		0255	Arraignment	Grams.
Morales	Giani	Superior	Held			21-0141	07/24/2025 Arraignment	Armed Robbery, A&B.
Gonzalez	Ricardo	Superior	Held			25-0252	07/25/2025 Arraignment	Threat to Commit Crime, Home Invasion Hab. Off., Malic. Injury to Prop. Hab. Off. (2cts), Assault w/DW Hab. Off., Strangulation or Suffocation Hab. Off., A&B

Clients Last Name	Clients First Name	Court	Held	Co- Defendants	Co- Defendant's Atty	Docket	Next Court Date	Charges
Martinez	Noel	Springfield	Held			2523CR004174	07/24/2025 Status Hrg.	Trafficking Cocaine 18-36 Grams, Carry FA w/oLicense, Carry Loaded FA w/oLicense, Poss. FA in Felony
Leja, Jr.	Robert	Westfield	Held			2544CR000655	07/28/2025 58A Hrg.	A&B, Unlicen. Sell/Poss. Assault Weapon, Store Impropr. Large Capacity FA Near Minor, Poss. Ammo w/oFID Card, Poss. Large Capacity Feeding Device, Indecent Exposure, Reckless Endangerment of Child, Assault, Intimidate...
Fernandez	Giovanni	Superior				24-0449	07/28/2025 Appt. Counsel (Clarification)	Armed Assault To Murder, AB w/ DW Causing Serious Bodily Injury, A&B.
Fontanez	Edwin	Superior	Held			24-0134	07/28/2025 Appt. Counsel (Clarification)	Poss. To Distrib. Class A, Subsq., Poss. To Distrib. Cocaine, Subsq.
Johnson	Dwayne	Springfield	Held			2523CR002591	07/28/2025 Status Hrg.	Armed Assault to Murder, Home Invasion (2cts), A&B w/DW
Colon	Christian	Holyoke	Held			2517CR001477	07/29/2025 PTH	Armed Assault to Rob, Assault w/DW, Threat to Commit Crime, Resist Arrest, Poss. Class B
Benvenutty	Carlos	Holyoke	Held			2517CR001479	08/11/2025 PTH	Armed Assault to Rob, Dist. Class B
							08/14/2025	Trafficking In Cocaine 200 Grams or More, Poss. To

Muniz	Roberto	Holyoke	Held			2517CR000993	Probable Cause Hearing	Distrib. Class A, Store Impropr Large Capacity FA, Poss. Large Capacity FA In Felony, Poss. FA In Felony, Poss. FA w/o FID Card.
Timoney	Devon	Chicopee		Anastasia Douchette	Collins	2520CR000891	09/04/2025 PTH	Accessory After the Fact, Conspiracy

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Defendants still without court-appointed attorneys in Hampden County amid work stoppage

Updated: Jul. 25, 2025, 5:20 p.m. | Published: Jul. 25, 2025, 5:19 p.m.



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By [Greta Jochem](#) | gjochem@repub.com

SPRINGFIELD — All-caps and red text at the top of an email Wednesday greeted lawyers who take on cases for low-income clients in Hampden County.

“PLEASE HELP!” an email from the Hampden County Lawyers for Justice said. Seven criminal defendants were being held who needed counsel, it informed lawyers who work in superior court.

One person had not had an attorney in more than 60 days, the email said.

The plea comes about two months after bar advocates, the private attorneys who take cases on a contract basis, announced that many would not take new cases until the state Legislature increases their pay.

The problem is more severe in Eastern Massachusetts, but it is still being felt in the western part of the state. While some legislators are calling on the lawyers to go back to work, more than 100 retired judges signed a letter calling for fair pay for the attorneys.

As of Friday afternoon, 32 defendants in the district and superior courts in Hampden County did not have a lawyer, six of whom were being held, according to Robert McGovern, a spokesperson for the Committee for Public Counsel Services, the state’s public defender office.

“Hampden County for many years has had not enough lawyers to do this work,” said Meredith L. Ryan, an attorney and vice president of the Hampden County Lawyers for Justice, a nonprofit that organizes the bar advocates.

There are lawyers participating in the work stoppage, she said, but she doesn’t necessarily attribute the problem to that.

“The pay is low and has been low for a long time,” she said. “We have an issue with recruitment. We have an issue of people retiring and not being replaced and not being able to recruit people to do this either out of law school or as part of their own other private practice.”

In Massachusetts, about 80% of cases of indigent clients, those who can’t afford counsel, are handled by attorneys known as bar advocates.

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Low pay has long been an issue. Attorneys are paid \$65 per hour for district court cases and \$85 per hour for superior court cases.

“It’s not \$65 take home,” said Ryan, whose entire practice is bar advocacy cases. “We’re independent contractors. We have to pay our rent, malpractice (insurance), paralegals, (and) administrative staff,” she said.

The rate is lower than other nearby states, where they are paid \$125 per hour in New Hampshire, \$150 per hour in Maine and \$112 in Rhode Island. A 2022 working group headed by retired Judge Judd J. Carhart looked at the issue and recommended an immediate raise to \$120 per hour. That didn’t happen.

Other cases of indigent defendants are handled by the Committee for Public Counsel Services, which employs full-time public defenders.

In June, CPCS filed a petition to invoke the “Lavallee protocol” in Suffolk in Middlesex counties, and later for juvenile courts across the state, including Hampden County. Suffolk and Middlesex counties were hit hardest by the work stoppage, the filing said. In mid-June, nearly 800 people in Middlesex and Suffolk counties did not have representation, CPCS said in the court filing.

A 2004 Supreme Judicial Court decision stemming from a Hampden County case requires that if activated, hearings are convened and those held in custody for more than seven days must be released and after 45 days their cases are dismissed with prejudice — meaning it’s possible for the case to be reopened later.

CPCS has not filed a petition to invoke the protocol in Hampden County district or superior courts.

“We are not yet seeking to extend Lavallee to Hampden at this time because the numbers would not yet justify us seeking the protocol there,” McGovern said in a statement. “This does not mean that having people unrepresented is acceptable, and we continue to make our best efforts to make sure every single person has an attorney.”

A defendant's wait

One defendant in the Hampden County Lawyers for Justice’s Wednesday email to lawyers is listed as being held without representation for more than 60 days.

The person was represented at an arraignment and at a dangerousness hearing in May, where a judge decided to hold him, the case docket shows.

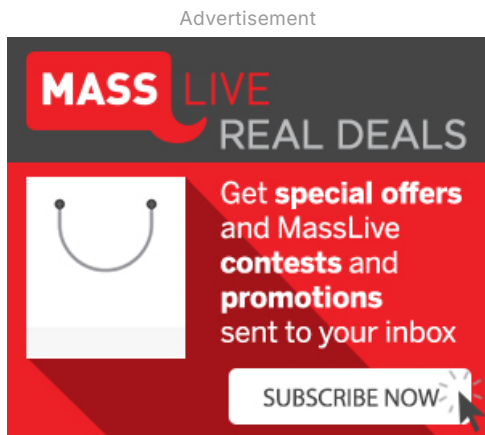
But that much time without a lawyer afterward is still a problem, said retired Judge Jack Lu, who was a Superior Court judge for 16 years and is now an adjunct law professor at Boston College.

“That’s outrageous in a civilized society,” he said in an email. “Many clients call their lawyers from the jail once or twice a week to strategize their often desperate situations. That defendant just sits in jail. ... This is what happens when you do not pay the lawyers a living wage.” He was one of more than 100 retired judges that signed a letter calling for higher pay for bar advocates.

Last month, court-appointed attorneys were also scarce in Hampden County.

In June, more than 40 defendants were released from the court without representation, according to an informal count the state’s Trial Court provided The Republican last month. It’s not necessarily because of the work stoppage, nor did it note whether the defendant was appointed an attorney later, a Trial Court spokesperson said at the time.

The Republican asked a Trial Court spokesperson for updated data on Thursday, and she directed the question to CPCS. When asked if the Trial Court had the ability to provide the information, the spokesperson did not respond.



The problem in Hampden County is distinct from that in Eastern Massachusetts, McGovern said.

“We are experiencing a counsel shortage in Hampden County, but that has been a long-standing issue, and it is different from the crisis occurring (in) the Eastern part of the state, which is attributed to the walkout of Bar Advocates in Middlesex and Suffolk,” he said in a statement.

“While there may be some Bar Advocates in Hampden County who are no longer taking cases as part of the work stoppage, the severity of the situation in Hampden County is not the same as it is out East,” McGovern said.

But some attorneys in Western Massachusetts not taking cases because of the work stoppage.

Peter Slepchuk, a Springfield attorney, typically spends half his time on court-appointed cases. He’s approved to do that work in the Superior Court and to represent indigent defendants charged with murder, he said.

“I won’t take another case. I won’t take a murder case. I won’t take a superior court case until such time there’s a substantial pay increase for everybody,” he said. “It’s just a matter of principal.”

Because he oversees other private cases, it is easier for him to survive financially than for those relying more heavily on bar advocate cases, he said.

He sees the stoppage as having an impact. “In Hampden County, there are a lot of lawyers who are not taking cases.” He gets emails daily “begging people to take cases,” he said.

The state has said it could cost as much as \$100 million to raise the pay by \$35 per hour, which worries some legislators amid an uncertain time with federal funding.

Slepchuk doesn’t buy it. “This issue is a constitutional mandate,” Slepchuk said. “The Sixth Amendment requires indigent defendants be afforded a right to counsel. ... It should be at the top of the governor’s priorities. It should be at the top of the legislature’s priorities.”

One senator’s view

While some bar advocates are refusing cases until their pay is increased, Sen. John Velis, D-Westfield, is urging them to go back to the courtroom.

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“While I sympathize with our bar advocates’ push to increase their pay after all these years, I just do not think it can come at the cost of our Commonwealth’s safety,” he said in a statement Wednesday, after hearings in Boston Municipal Courts dismissed cases for people who had not received a court-appointed attorney.

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“Our bar advocates must return to the court room immediately while we in the Legislature continue to have conversations in good faith to chart a path forward to raise their compensation in a financially sustainable way.”

Greta Jochem

Greta Jochem is the investigations editor at The Springfield Republican. You can reach her at gjochem@repub.com or 413-333-1442.

✉ gjochem@repub.com ✕

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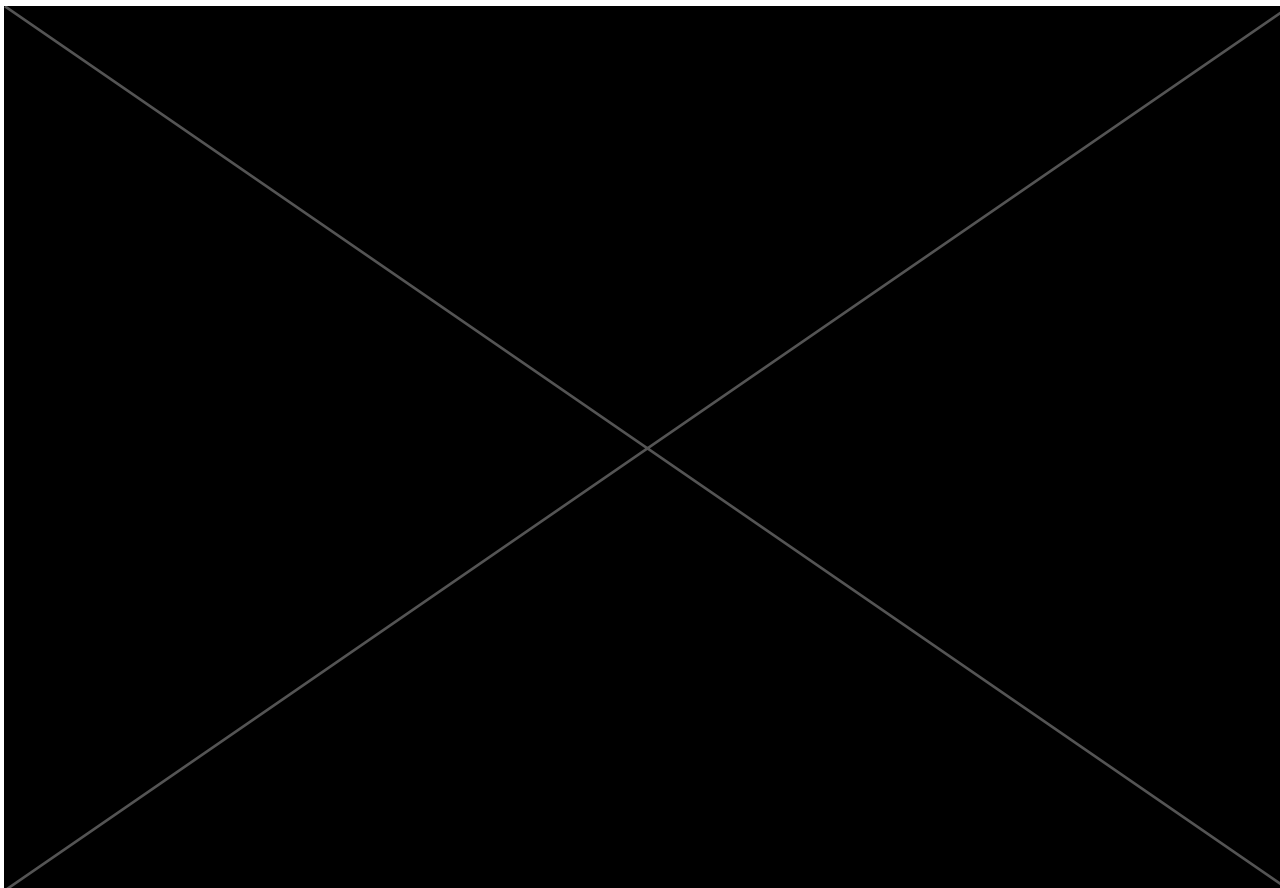
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Fw: UPDATED as of 8am: 5 DISTRICT COURT DEFENDANTS IN NEED OF COUNSEL (2 Held)



From: HCLJ <hampdenba@hclji.org>

Sent: Thursday, October 16, 2025 8:00 AM

Subject: UPDATED as of 8am: 5 DISTRICT COURT DEFENDANTS IN NEED OF COUNSEL (2 Held)

Dear District Court Counsel:

Good morning. Please consider taking Coriano or Serrano today!!

PLEASE HELP!!

We still have **5** defendants in need of counsel and **2 are held**

Statistics:

Boulier (**held**) has been without counsel for **15** days

Padilla, Rivera, and Serrano have been without counsel for **10** days
 Coriano **(held)** has been without counsel for **2** days

I greatly appreciate you all!

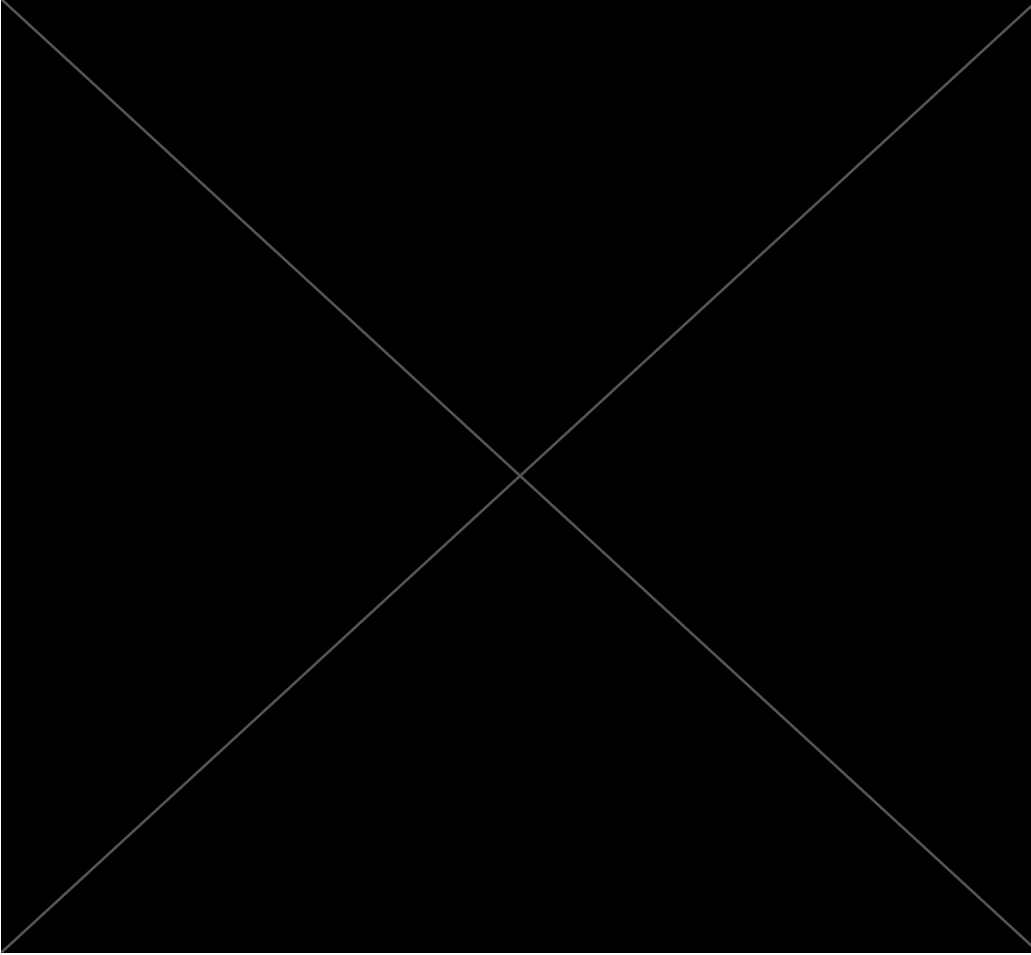
Thanks,
 Sarah

Sarah Pegus, Program Administrator
Kimberly Duclos, Administrative Assistant
Hampden County Lawyers For Justice, Inc.
510 Front Street
Chicopee, MA 01013
Office: 413-732-7110
Fax: 413-732-6545
hampdenba@hclji.org
hclj.org

Clients Last Name	Clients First Name	Court	Held	Co- Defendants	Co- Defendant's Atty	Docket	Next Court Date	Charges
Serrano	Markus	Holyoke				2517CR002085	10/16/2025 PTH	Receive Stolen Prop. +1200, Shoplifting 250+ by Asportation
Coriano	Juan	Holyoke	Held			2517CR002098	10/16/2025 Status Hrg.	Larceny from BLDG
Rivera	Veronica	Holyoke				2517CR002088	10/17/2025 PTH	Receive Stolen Prop. +1200, Shoplifting 250+ by Asportation
Padilla	Kayla	Holyoke				2517CR001910	10/22/2025 PTH	Shoplifting 250+ by Asportation
Boulier	Kirk	Holyoke	Held			2517CR002036	10/30/2025 PTH	Kidnapping, Receive Stolen MV, Assault w/DW, Neg. OP of MV, A&B on Family/Household Member, Resist Arrest, Disorderly Conduct, Fail to Stop for PO, OP MV w/License Suspended, Number Plate Viol. To Conceal ID, Unregistered MV



Fw: PLEASE PLEASE HELP US..!!!!



From: HCLJ <hampdenba@hclji.org>
Sent: Monday, October 20, 2025 9:49 AM
Subject: PLEASE PLEASE HELP US..!!!!

Dear Counsel,

9 OCTOBER DUTY DAYS WITH NO ATTORNEYS..!!!

PLEASE..... WE NEED YOUR HELP WITH THE DAYS LISTED BELOW..!!

39 DUTY DAYS WITH NO ATTORNEYS...!!!!!!

10 SPRINGFIELD DAYS THAT NEED 2 ATTORNEYS

2 SPRINGFIELD DAYS THAT NEED 3 ATTORNEYS

PLEASE PLEASE take the time to see if you can take a day listed below. If you can, let me know as soon as possible.

Thank you for all you do for us..!!
Kim

*Sarah Pegus, Program Administrator
Kimberly Duclos, Administrative Assistant
Hampden County Lawyers For Justice, Inc.
510 Front Street
Chicopee, MA 01013
Office: 413-732-7110
Fax: 413-732-6545
hampdenba@hclji.org
hclji.org*

OCTOBER: NO ATTORNEY ON 2 ATTORNEYS NEEDED 3 ATTORNEYS NEEDED

SPRINGFIELD: 24, 29

CHICOPEE: 21, 23, 24, 28, 30

WESTFIELD: 22

HOLYOKE: 23, 28, 30

NOVEMBER:

SPRINGFIELD: 3, 24

CHICOPEE: 7, 25

WESTFIELD: 5, 26

HOLYOKE: 4, 13, 25

DECEMBER:

SPRINGFIELD: 1, 10, 15, 19, 22, 24, 26, 29

CHICOPEE: 1, 2, 4, 11, 18, 24, 30

WESTFIELD: 4, 9, 11, 17, 24

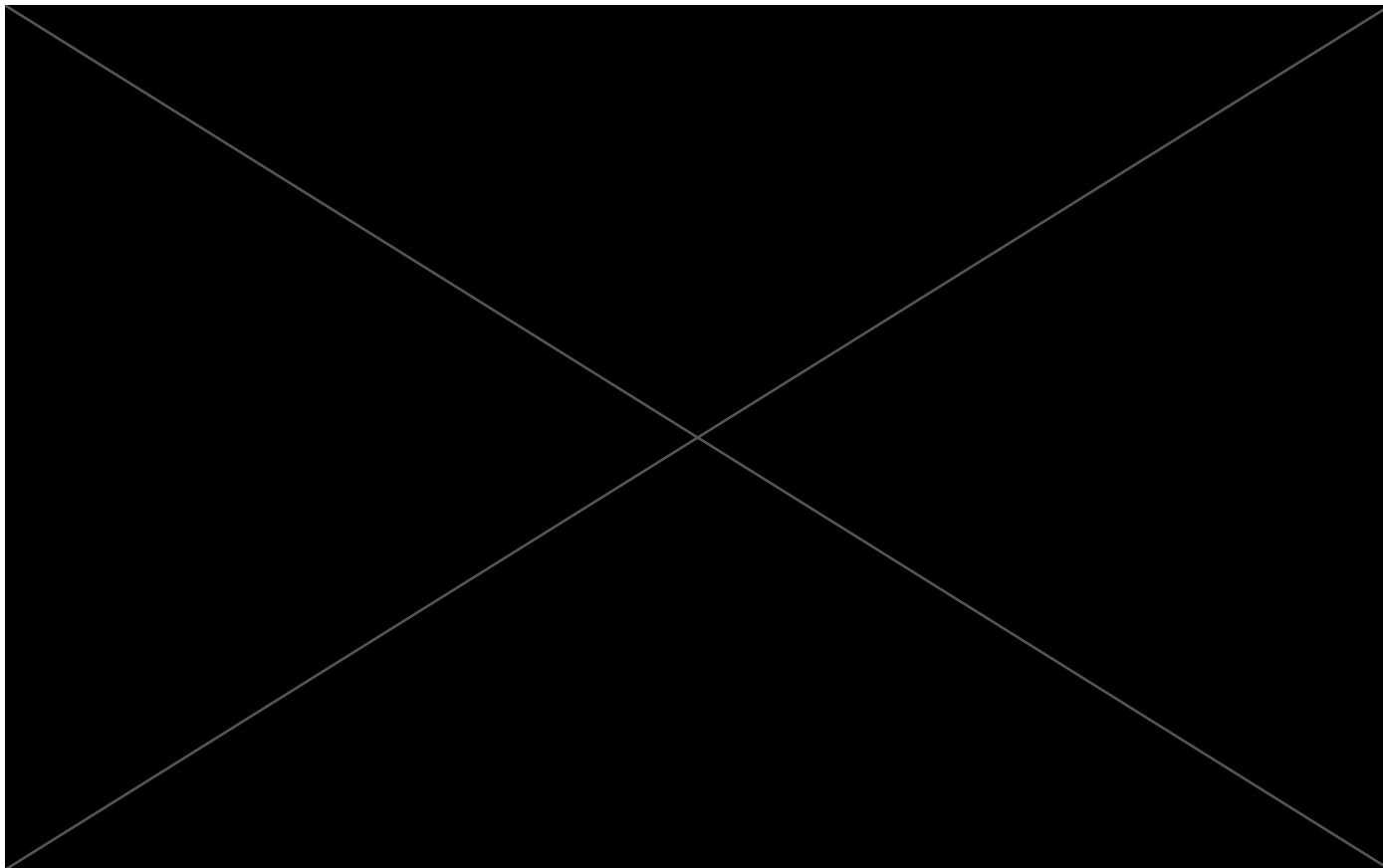
PALMER: 10, 12, 17, 30

HOLYOKE: 4, 9, 16, 18, 19, 23, 31



Outlook

Fw: UPDATED as of 8am : PLEASE TAKE 1 of the 9 HELD DEFENDANTS: 12 SC Defendants in Need of Counsel



From: HCLJ <hampdenba@hclji.org>

Sent: Tuesday, October 21, 2025 8:00 AM

Subject: UPDATED as of 8am : PLEASE TAKE 1 of the 9 HELD DEFENDANTS: 12 SC Defendants in Need of Counsel

Dear Superior Court Counsel:

Good morning! Before your day gets crazy, please check to see if you can take one case below. Any and all help is greatly appreciated!!

PLEASE HELP!

We still have 12 defendants in need of counsel and 9 are held.

Please note, the held defendants, defendants without counsel the longest and the most serious felonies are the priority.

Time sensitive issues:

- **Vergara, McNair, Benitez, Huguin Almanza, Delgado, M. Torres, Fuentes, J. Torres, and Vazquez Rivera are held and need counsel ASAP!**
- **Vazquez-Rivera-held, is due in court TODAY**
- **J. Torres-held, is due in court TOMORROW**
- **Benitez-held, Fuentes-held, and Colon are due in court THURSDAY**
- **Alsina and Carpenter (for the 2nd time) are due in court FRIDAY**

Statistics:

Vazquez Rivera (**held**) has been on the list for **34** days

Fuentes (**held**), J. Torres (**held**), and Colon have been on the list for **26** days

Carpenter has been on the list for **22** days

M. Torres (**held**) has been without counsel for **20** days

Delgado (**held**) has been on the list for **20** days

Holguin Almanza (**held**) has been on the list for **14** days

Benitez (**held**) has been on the list for **8** days

McNair (**held**) has been on the list for **7** days

Vergara (**held**) has been without counsel for **6** days

Alsina has been on the list for **2** days

I greatly appreciate you all!

Thanks,
Sarah

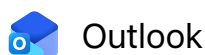
Sarah Pegus, Program Administrator
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Fax: 413-732-6545
hampdenba@hclji.org
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Clients Last Name	Clients First Name	Court	Held	Co-Defendants	Co- Defendant's Atty	Docket	Next Court Date	Charges
Vazquez Rivera	Angel	Superior	Held	Amarilys Calderon Ramos, Jemsen Ortiz Ramos, Erika Ramos Davila	Ismail, Assign, Ismail	25- 0406	10/21/2025 Arraignment	Poss. To Distrib. Class B, Poss. To Distrib. Cocaine, Poss. To Distrib. Class E.
Torres	Jovonne	Superior	Held			25-	10/22/2025	Stat. Rape of Child, Sell/Deliver

						0428	Arraignment	Liquor to Person Under 21 (2cts)
Colon	Manuel	Superior		Frankie Santiago	J. Smith (priv)	25-0424	10/23/2025 Arraignment	Conspiracy to Viol. Drug Law
Fuentes	Miguel	Superior	Held	Igdalia Lebron	Pritchard	25-0420	10/23/2025 Arraignment	Trafficking Cocaine 36-100 Grams
Alsina	Doraly	Superior		Dwayne Howlette	CPCS	25-0441	10/24/2025 Arraignment	Trafficking In Cocaine 100-200 Grams, Trafficking In Heroin/Morphine/Opium/Fentanyl 36-100 Grams.
Holguin Almanza	Roman	Superior	Held			25-0449	10/27/2025 Arraignment	B&E Daytime For Felony (2cts), Larceny Under \$1200, Larceny Over \$1200, Malicious Destruction Of Property +\$1200.

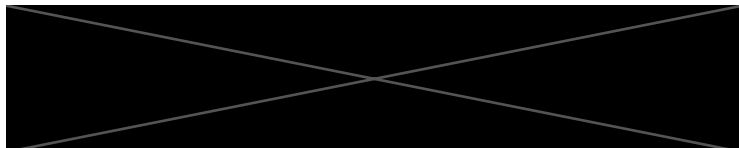
Clients Last Name	Clients First Name	Court	Held	Co-Defendants	Co-Defendant's Atty	Docket	Next Court Date	Charges
Benitez	David	Superior	Held	25-0346, 25-0337, 25-0349, 25-0336, 25-0351, 25-0338, 25-0353, 25-0350, 25-0352		25-0347	10/23/2025 Appt. Counsel Hrg. (Clarification)	Trafficking In Heroin/Morphine/Opium/Fentanyl 18-36 Grams, Trafficking In Cocaine, Over 200 Grams, Poss. To Distrib. Cocaine, Poss. To Distrib. Class A, Poss. Class B, Poss. Large Capacity FA Feeding Device.
Carpenter	Dejey	Superior				24-0556	10/24/2025 Appt. Of Counsel (Clarification)	Intimidate Witness (2cts).
Delgado	Juan	Superior	Held			23-0518	10/28/2025 Appt. Of Counsel (Clarification)	FA Violation w/ 1 Prior Violent/Drug Crime (2cts), Use MV w/o Authority, Poss. Class B.
McNair	Craig	Superior	Held	Joseph Rios	J. Olanoff	17-0565	10/28/2025 Appt. Of Counsel (Clarification)	Carry FA w/o License 2nd Offense (2cts), Attempt To Commit A&B By Discharge Of Large Capacity FA (3cts), Assault w/ DW (3cts), FA-Armed Assault To Murder, Poss. Large Cap. FA, Poss. Large Cap. Feeding Device FA, Neg. Oper. Of MV, Leave Scene Of Prop. Dam.
				Roberto			10/31/2025	Trafficking Cocaine 36-100 Grams, Withhold Evidence from

Torres	Marcos	Holyoke	Held	Rivera	Assign	2517CR002043	PTH	Criminal Proceeding, Conspiracy to Viol. Drug Law, Resist Arrest
Vergara	Jonathan	Holyoke	Held			2517CR002157	11/14/2025 PTH	Home Invasion, A&B w/DW



Outlook

Barnstable List from 08-08-25



1 attachment (15 KB)

LAVALLEE LIST (1).xlsx;

From: Barnstable BA <barnstableba@publiccounsel.net>

Sent: Friday, August 8, 2025 3:39 PM

To: mbober@comcast.net; jpconnorsatty@gmail.com; phildeyounesq@aol.com; Diana <corinne@corinnedianalaw.com>; erin@erindonovanlaw.com; searly@creedonearly.com; ellen.garnett@gmail.com; genevieve@henriquelaw.com; billgens@aol.com; jglynn1972@comcast.net; kristen@attykg.com; tgrimmer@verizon.net; htb3@htb3.com; jjhiggins@verizon.net; jamesmorse24@comcast.net; kdhighfield@gmail.com; larryzalis@gmail.com; lenenos3@gmail.com; stephenloesch@aol.com; toc3334@yahoo.com; p.psomos@comcast.net; tomrugo@comcast.net; attorneyschmitt@comcast.net; smurphesq@hotmail.com; esehic@sehiclaw.com; bstanton@genslawoffices.com; lgt@meganet.net; tyonce@yoncelaw.com; colkilmartin@gmail.com; sean@baystatelegalaccess.com; Richard J. Martin <rjm@rmartinlegal.com>; rcampos70007@gmail.com; Bethany Rogers <brogers@jennymargesonlaw.com>; mbyron@markbyronlaw.com; daubertlaw@icloud.com; rkeating@sehiclaw.com; Glenn Herlihy <gherlihy@aol.com>; Dennis Scollins <attorneyscollins@gmail.com>; susan@attorneywenzel.com; Sean Delaney <std@rdlaw.org>; sara@sjkohlslaw.com; Brendan Burchell <brendan@burchell-law.com>; Jacqueline M. Reid <jreid@capeattorneys.com>; attorneyamandacase@gmail.com; cherilyn richard <cmrichardlaw@gmail.com>; lisa medeiros <medeiroslisa6@gmail.com>; fmf@franchescaferguson.com; Bradley Phipps <bphippslaw@gmail.com>; Michaela McCuish <MichaelaMcCuish@capeattorneys.com>; Barnstable BA <barnstableba@publiccounsel.net>; Oleh Podryhula <olehpod@gmail.com>; Kelly O'leary <attorneyoleary@outlook.com>; Ashley Melville <attorneyashleymelville@gmail.com>; Danielle Chatten <dchattenlaw@gmail.com>; maggy@hansenlegal.org; alowelawoffice@aol.com; Harrison Barrow <hbarrow@princimills.com>; oriana@gucciardilaw.com; elisa@zawadzkaslaw.com; aspesilaw@verizon.net; Rose Mase <attorneymase@outlook.com>

Subject: Lavallee List

Finally! At Last, it's Here!!

What you have all be waiting for.... the Lavallee List! the Defendants are going fast so strap on your running shoes and grab one!

Just contact me at 508-432-8866.

Kim Sarowsky

Administrator

Barnstable County Bar Advocates, Inc.

2 Harold St, Harwich Port, MA 02646

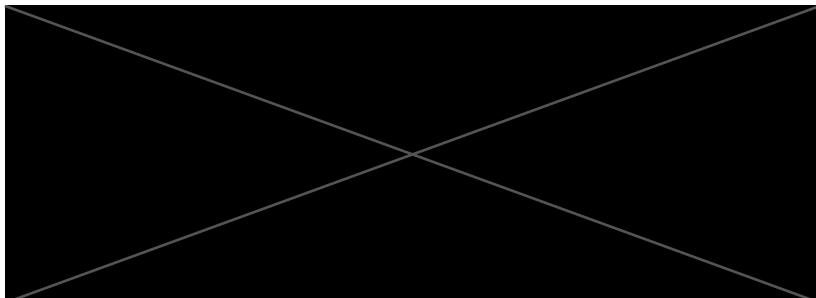
508-432-8866

	A	B	C	D	E	F	G	H	I	J
1	Docket Number	Defendant's Name	Arraignment Date	PR/Held \$	Next Date					
2	2525CR706	Luiza Magalhaes	5/28/25	PR	7/16/25					
3	2589CR566	Steven Antone	5/30/25	PR	8/19/25					
4	2589CR000486	Paul Lumsden	6/5/25	PR	7/22/25					
5	2525CR998	Joshua Curtis	6/5/25	PR	7/24/25					
6	2425CR1749	Chris Fagan	6/5/25	PR	7/15/25					
7	2525CR997	Andrea Laley	6/5/25	PR	8/12/25					
8	2525CR846	Christal Ware	6/5/25	PR	7/24/25					
9	2525CR899	Seth Wamica	6/5/25	PR	7/24/25					
10	2425CR000093	Lori Gillus	6/6/25	PR	7/23/25					
11										
12	2425CR001766	John Mucci		Psomos	8/12/25					
13	2525CR1016	Robert Parris	6/9/25	PR	8/6/25					
14	2525CR1008	Kimberly Yout	6/9/25	PR	7/14/25					
15	2525CR1014	Portilla Calle Marcos	6/9/25	PR	7/14/25					
16	2589CR000486	Paul Lumsden	6/5/25	PR	7/22/25					
17	2425CR001766	John Mucci	since 4/16/2025	Psomos	8/7/25					
18	2472CR00113	Eric Randall	12/10/24	HELD	8/13/25	70		since 5/30		
19	2472CR00075	Matthew Birmingham	1/17/25	PR	7/14/25					
20	2589CR000518	Joseph Priest	6/17/25	PR	7/21/25					
21	2589CR000516	Sarah Gavell	6/13/25	PR	7/22/25					
22	2589CR000557	Matthew Christiani	5/29/25	PR	7/31/25					
23	2589CR000654	Alan Spencer	6/23/25	PR	7/31/25					
24	2589CR000660	Olliver Cruz	6/24/25	PR	8/5/25					
25	2589CR000652	Justin Bigwood	6/23/25	PR	7/31/25					
26	2589CR000656	Rainah Riley	6/22/25	PR	8/13/25					
27	2525CR964	Karen Black	6/24/25	PR	7/21/25					
28	2525CR955	James Spence	6/24/25	R	7/28/25					
29	2525CR108	Matthew Birmingham	6/25/25	PR	8/6/25					
30	2525cr468	Matthew Birmingham	6/25/25	PR	8/6/25					
31	2525CR1152	Lucianne Sexil	6/26/25	PR	7/31/25					
32	2525CR1153	Andrew rose	6/26/25	PR	7/22/25					
33	2525CR1158	John Vaughn	6/26/25	PR	7/21/25					
34	2525CR001159	Kemely Tradim	6/30/25	PR	7/21/25					
35	2525CR001160	Yvonne Kelley	6/30/25	PR	8/4/25					
36	2525CR000980	Jean Reardon	6/30/25	PR	8/4/25					
37	2525CR001162	Tamlyia Tabb	6/30/25	PR	7/28/25					
38	2525CR001168	Bryan Perez	6/30/25	PR	7/21/25					
39	2525CR000891	Robert Ewing	6/30/25	PR	7/28/25					
40	2525CR001158	Pravesh Shrestha	6/30/25	PR	7/22/25					
41	2525CR001179	Nicola Demko	7/1/25	PR	8/8/25					
42	2525CR000984	Christopher Locke	7/1/25	PR	7/16/25					
43	2525CR001176	Marc Thalasis	7/1/25	PR	7/14/25					
44	2525CR000986	Catherine Tripp	7/1/25	PR	7/28/25					
45	2525CR001084	Lonne Delahanty	7/1/25	PR	7/28/25					
46	2525CR001080	Lonne Delahanty	7/1/25	PR	7/28/25					
47	2525CR001192	Jonathan Placy	7/2/25	PR	7/21/25					
48	2589CR000569	Christopher McQuarrie	7/1/25	PR	8/14/25					
49	2589CR000687	Frank DiRuscio	7/1/25	PR	8/7/25					
50	2589CR000688	Joseph Audifore	7/1/25	PR	8/12/25					
51	2589CR000689	Linda Hargrett	7/1/25	PR	7/21/25					
52	2589CR000690	Brendan Murphy	7/1/25	PR	8/6/25					
53	2589CR000514	Brienna McVey	7/1/25	PR	8/12/25					
54	2589CR000732	Almerinda Tomas	7/8/25	PR	8/19/25					
55	2589CR000640	Jason Amaral	7/8/25	PR	8/7/25					
56	2589CR000571	Dawn Hegarty	7/9/25	PR	8/29/25					
57	2589CR000731	Sean McElroy	7/9/25	conditions	8/13/25					
58	2589CR000723	Heather Parker	7/9/25	PR	8/11/25					
59	2572CR00058	John Mucci			8/11/25					
60	2525CR0001253	Saoirse Stutard	7/11/25	PR	7/28/25					
61	2525CR0001255	Amber Seyffert	7/11/25	PR	7/28/25					
62	2525CR001171	Nevin Campbell	7/11/25	PR	7/15/25					
63	2525CR001256	Nevin Campbell	7/11/25	PR	7/15/25					
64	2325CR0002032	Dequante Hawkins	7/11/25	PR	7/21/25					
65	2425CR1609	Leslie Siscoe	9/4/24	PR	9/10/25					
66	2525CR99612	Leslie Siscoe	7/9/25	PR	9/10/25					
67	2425CR002142	Leslie Siscoe	12/26/24	PR	9/10/25					
68	2589CR000746	Amy Abraham	7/14/25	PR	8/21/25					
69	2589CR000750	Brian Iliffe	7/14/25	PR	8/19/25					
70	2589CR000743	Cesar Mata	7/11/25	PR	8/26/25					
71	2589CR000749	Anajenette Brown	7/11/25	PR	8/13/25					
72	2525CR001328	Damian Cox-Bush	7/21/25	HELD	8/8/25	18		since 7/21/2025		
73	2589CR000621	Jacqueline Klien	6/11/25	PR	7/21/25					
74	2589CR000604	Ari Paul Jenkins	6/9/25	PR	7/21/25					
75	2589CR000689	Linda Hargrett	6/30/25	PR	7/21/25					
76	2589CR000759	Kevin Melville	7/16/25	PR	8/18/25					
77	2525CR001099	James Molenkamp	7/22/25	PR	8/4/25					
78	2526CR000496	Martin Craig	7/23/25	PR	9/3/25	Diana				
79	2525CR001353	Brian Gomes	7/25/25	PR	8/1/25					
80	2525CR001158	Pravesh Shrestha	6/30/25	PR	7/31/25					
81	2525CR001351	John Thompson	7/25/25	PR	8/1/25					
82	2426CR0496	Mallia Knaus		HELD						
83	2472CR00027	David Rahman	8/7/25	PR	7/30/25					
84	2526CR00532	Roshawn McNeil	7/21/25	PR	9/10/25					
85	2526CR000563	Crystal Czemo	7/28/25	PR	9/5/25					
86	1072CR00149	Alan Menchin	7/31/25	PR	8/21/25					
87	2526CR00532	Roshawn McNeil	7/28/25	PR	9/10/25	Diana				
88	2526CR000573	Michael Bennett	7/30/25	PR	9/3/25					
89	2589CR000756	Justin Mustafa	7/15/25	HELD Bridgewater	8/15/25	74		May-26		
90	2589CR000801	Paul Antrim	7/24/25	HELD	8/21/25	15		since 7/24/2025		
91	2589CR000842	Ian Quinn	8/1/25	HELD	8/6/25	7		since 8/1/2025		? Early
92	2526CR000586	Adam Remington	8/5/25	PR	9/17/25					
93	2526CR000587	Maya Nelson	8/5/25	PR	9/17/25					
94	2589CR000790	Barrett McVey	7/22/25	HELD	8/12/25	17		since 7/22/2025		? Early
95	2589CR000841	Melissa Ravidia	8/1/25	HELD	9/3/25	7		since 8/1/2025		
96	2589CR000843	Angelica Youdis	8/1/25	HELD	9/4/25	7		since 8/1/2025		
97	2589CR000686	Denise Leigh	6/30/25	PR	8/8/25					
98	2589CR000570	Heather Sherman	7/24/25	PR	8/18/25					
99	2589CR000849	David Atkinson	8/4/25	PR	9/30/25					
100	2489CR001029	Shane Montesion	9/3/24	PR	9/9/25					
101	2589CR000852	Susan Lopes	8/4/25	PR	10/21/25					
102	2489CR001124	bobbil Nemoto	1/8/25	PR in treatment	9/10/25					
103	2589CR000438	Wendy Taylor	8/7/25	PR	9/12/25					
104	2589CR000250	Carmen Thomas	8/7/25	PT	9-Sep					



Outlook

Fwd: Urgent need for counsel for murder directs



Begin forwarded message:

From: Dorothy Mele <dmele@publiccounsel.net>
Date: October 15, 2025 at 6:17:41PM EDT
To: Dorothy Mele <dmele@publiccounsel.net>
Subject: Urgent need for counsel for murder directs

Hi all.

No exaggeration! This is the same list which I posted on 9/12/25 except for 3 cases which were assigned then, but now replaced with two new additions being reassigned for a fresh look!. If you have room, or the time, please consider taking a case. It would be most appreciated.

Thanks,
Dolly

5/27/25 (SENTENCED 5/24/10) REASSIGN – ATTY. LEAVING PANEL
GOODE, Paul

Trial Court – Suffolk Superior

Trial Counsel – Scott Curtis

Charge(s) – Murder II

NOTE: ENTERED IN APPEALS COURT; STATUS DUE 11/17/25
8/20/25 – (SENTENCED 10/4/18) REASSIGN FOR FRESH LOOK
URBAEZ, Luis E.

Trial Court – Suffolk Superior

Charge(s) – Murder II; Armed Asslt w/int Rob/Murder; carry FA w/o Lic; Carry Loaded FA

NOTE: ENTERED IN AC; MNT DENIED 7/2025; STATUS DUE 10/27/25

Rec'd 3/27/25 – (SENTENCED 6/27/19) REASSIGN FOR STANDBY COUNSELJANVIER, Jean Weevens

Trial Court – Suffolk Superior

Trial Counsel – Eliot Weinstein

Charge(s) – Murder I; Murder II

NOTE: ENTERED IN SJC; PROCEEDINGS STAYED PENDING NEW COUNSEL**Rec'd 9/30/24 (SENTENCED 9/30/20)**MILLS, Alexander

Trial Court – Bristol Superior

Trial Counsel – Chris Belezos

Charge(s) – Murder II; Carry FA w/o Lic (3 cts); ArmedRobbery (3 cts); A&BDW;

NOTE: Case approved for motion for resentencing under Perez principles.**Client sentence of 2nd degree is more than someone would have received for 1st degree. Client was 18-20 at time of offense and received 25 to life.****Rec'd 11/21/24 – (SENTENCED 12/1/21) REASSIGN – ATTY. APPT'D TO BENCH**COHEN, Jaquan

Trial Court – Bristol Superior

Trial Counsel – Mark Wester

Charge(s) – Murder I; Home Invasion; Armed Asslt w/int Rob/Murder

NOTE: ENTERED IN SJC; STAYED PENDING APPT. OF NEW COUNSEL**Rec'd 3/7/25 – (SENTENCED 10/6/22) REASSIGN FOR FRESH LOOK AT CLIENT REQUEST**PASCUAL-POLANCO, Carlos Enrique (co-deft. w/Chiry Pascual-Polanco)

Trial Court – Berkshire Superior

Trial Counsel – Joe Franco & Robert Jubinville

Charge(s) – Murder I; Poss FA w/o FID (4 cts); Use of FA in Felony; Poss Class D w/int Distrib

NOTE: TRANSCRIPTS COMPLETE – NOT YET ENTERED**Rec'd 10/7/24 (SENTENCED 10/27/22) – REASSIGN AT CLIENT'S REQUEST**MIRANDA, Queito Anderson

Trial Court – Plymouth Superior

Trial Counsel – Jim Murphy

Charge(s) – Murder II; Carry FA w/o Lic; FA Vio. w/1 Prior Vio/Drug Crime; Carry Loaded FA

NOTE: ENTERED IN APPEALS COURT – STATUS DUE 10/27/25**Rec'd 8/29/25 – (SENTENCED 5/24/23) REASSIGN FOR FRESH LOOK**ESPINOSA, Victor III

Trial Court – Hampden Superior

Trial Counsel – Randy Power

Charge(s) – MURDER I; CARRY FA W/O LIC; SHOTGUN, POSS LOADED SAWED-OFF

NOTE: ENTERED IN SJC; PROCEEDINGS STAYED PENDING NEW COUNSEL

Rec'd 5/1/25 (SENTENCED 6/27/23) - REASSIGN

EXANTUS, Karl Sylvester

Trial Court – Hampden Superior

Trial Counsel – David A. Keller

Charge(s) – Murder I; Armed Robbery

NOTE: ENTERED IN SJC; PROCEEDINGS STAYED PENDING NEW COUNSEL

Rec'd 3/19/25 – (SENTENCED 8/7/23) REASSIGN FOR FRESH LOOK

DEJESUS, Xavier

Trial Court – Middlesex Superior

Trial Counsel – Kelli Porges

Charge(s) – Murder II; Discharge FA Within 500 Ft. of Bldg

NOTE: TRANSCRIPTS COMPLETE – NOT YET ENTERED

Rec'd 2/25/25 (SENTENCED 8/17/23) – REASSIGN-ATTY/CLIENT CONFLICT

HARRIS, Tony Dyshawn #3

Trial Court – Middlesex Superior

Trial Counsel – Debra DeWitt

Charge(s) – Murder II; Carry FA w/o Lic; Poss. Ammo w/o FID; Carry Loaded FA

Transcripts ordered 7/27/23 – not yet complete

Rec'd 6/28/24 (SENTENCED 6/28/24)

WALLACE, Nickoyan Nkrumah

Trial Court – Suffolk Superior

Trial Counsel – Pro Se w/Paul Davenport as Standby Counsel

Charge(s) – Murder I; Carry FA w/o LIC; Carry Loaded FA;

NOTE: TRANSCRIPTS MAY BE COMPLETE – NOT YET ENTERED

Rec'd 8/1/24 – (SENTENCED 7/31/24) REASSIGN – ATTY. RETIREMENT

LOPES, Emanuel Anthony

Trial Court – Norfolk Superior

Trial Counsel – Larry Tipton

Charge(s) – Murder I; Murder II; Assault to Kill (2 cts); A&BDW; Carry FA w/o Lic;

Larceny of FA: Leave Scene of Property Damage; Neg. Op. MV: Use of MV w/o

Authority; Malic. Destruction of Property -\$1200

Transcripts ordered 8/29/24

Rec'd 10/3/24 (SENTENCED 10/3/24)

GOODSELL, Gregory Patrick

Trial Court – Plymouth Superior

Trial Counsel – Ken van Colen

Charge(s) – Murder II; Manslaughter While OUI; OUI Liquor & Serious Inj & Reckless (2 cts); Leave Scene of Prop. Damage
Transcript ordered 10/3/24

Rec'd 10/24/24 (Sentenced -10/24/24)

HAMMOND-DESIR, Julius Dyamond

Trial Court – Norfolk Superior

Trial Counsel – Mark Wester

Charge(s) – Murder I; Carry FA w/o Lic; Carry Loaded FA

Transcript ordered 10/24/24

Rec'd 12/4/24 (SENTENCED 10/29/24)

SHAIRS, John T.

Trial Court – Essex Superior

Trial Counsel – Michael Phelan

Charge(s) – Murder II;

NOTE: TRANSCRIPT COMPLETE – NOT YET ENTERED

Rec'd 11/20/24 – (SENTENCED 11/1/24)

CRUZ, Khaylon (co-Deft w/Jerome L. Middleton)

Trial Court – Bristol Superior

Trial Counsel – Frank Spillane

Charge(s) – Murder I; Armed Robbery

Transcripts ordered 11/20/24

Rec'd 11/20/24 – (SENTENCED 11/1/24)

MIDDLETON, Jerome L. (co-def. w/Khaylon Cruz)

Trial Court – Bristol Superior

Trial Counsel – Joan Fund

Charge(s) – Murder I; Armed Robbery

Transcripts ordered 12/4/24

Rec'd 11/13/24 (SENTENCED 11/13/24)

MACK, Zontre

Trial Court – Suffolk Superior

Trial Counsel – Edward Molari

Charge(s) – Murder I; Carry FA w/o Lic; Carry Loaded Fa

Transcript ordered 11/15/24

Rec'd 12/9/24 – REASSIGN – ATTY. RETIRING

SOSA, Amadi J.

Trial Court – Hampden Superior

Trial Counsel – Edward Fogarty

Charge(s) – Murder I; Armed Asslt to Rob

Collateral – NEED COUNSEL FOR FEDERAL HABEAS

Rec'd 12.31.24 (SENTENCED 12/24/24)

RODRIGUEZ-DELGADO, Ramon

Trial Court – Suffolk Superior

Trial Counsel – David Leon

Charge(s) – Murder I

Transcript ordered 12/25/24

Rec'd 1/20/25 (SENTENCED 1/20/25)**GREGORY, Gilfrey T.**

Trial Court – Hampden Superior

Trial Counsel – Joan Fund

Charge(s) – Murder I

Transcript ordered 1/20/25 – in process, partially complete**Rec'd 1/31/25 – (SERNTENCED 1/31/25)****BRIMFIELD, Kaevon**

Trial Court – Hampden Superior

Trial Counsel – Jeanne Liddy

Charge(S) – Murder I

NOTE: NEED TO ORDER TRANSCRIPT**Rec'd 3/11/25 (SENTENCED 3/11/25)****ARIAS-SANTOS, Genesis H.**

Trial Court – Hampden Superior

Trial Counsel – Jeffrey Sweeney

Charge(S) – Murder II

Transcript ordered 3/11/25

Rec'd 3/17/25 (SENTENCED 3/11/25)**TRIPP, Andre Along**

Trial Court – Suffolk Superior

Trial Counsel – Jeff Sweeney

Charge(s) – Murder I; Armed Asslt to Murder; Carry FA w/o Lic, 2nd Offense

Transcript ordered 3/11/25

Rec'd 3/21/25 (SENTENCED 3/12/25)**GRICE, Jacob**

Trial Court – Worcester Superior

Trial Counsel – Mark Wester

Charge(s) – Murder I; Poss Ammo w/o FID

Transcript ordered 3/12/25

Rec'd 4/2/25 – (SENTENCED 3/14/25)**PERRY, Cody Wayne**

Trial Court – Plymouth Superior

Trial Counsel – Daniel Pond

Charge(s) – Manslaughter Tried As Murder; A&BDW w/Serious Bodily Injury

Transcript ordered ???

REC'D 3/17/25 – REASSIGNRASHEED, Rashad f/n/a Bobby Kines

Trial Court – Suffolk Superior

Charge(s) – Rape; A&BDW

**NOTE: IP CASE: ENTERED IN AC RE DIRECT FROM DENIAL OF MNT;
STATUS DUE 12/2/25 AS TO NEW COUNSEL****Rec'd 3/20/25 (Sentenced -3/19/25)**BURKE, Lance

Trial Court – Berkshire Superior

Trial Counsel – Josh Hochberg

Charge(s) – Murder I; Carry FA w/o Lic

NOTE: TRANSCRIPTS COMPLETE – NOT YET ENTERED**Rec'd 4/24/25 (SENTENCED 3/21/25)**RAMOS, Anthony D.

Trial Court – Suffolk Superior

Trial Counsel – Jessica Tripp

Charge(s) – Manslaughter Tried As Murder; Carry FA w/o Lic; carry Loaded fa

Transcript ordered 4/24/25

Rec'd 4/10/25 – (SENTENCED 4/9/25)JIMENEZ, Derick Jesus

Trial Court – Essex Superior

Trial Counsel – John P. Morris

Charge(s) – Murder II

Transcript ordered 4/9/25

Rec'd 4/17/25 (SENTENCED 4/11/25)RUFO SANON, Antonio V.

Trial Court – Middlesex Superior

Trial Counsel – David Larsen

Charge(s) – Manslaughter Tried As Murder; Carry FA w/o Lic; Carry Loaded FA

Transcript ordered 4/17/25

Rec'd 4/14/25 (SENTENCED 4/14/25)GOMES-DASILVA, Edvardo

Trial Court – Middlesex Superior

Trial Counsel – Dmitry Lev

Charge(s) – Murder I

Transcripts ordered 4/14/25

Rec'd 4/17/25 – (SENTENCED 4/17/25)SMITH, Lalance Frederick

Trial Court – Suffolk Superior

Trial Counsel – E. Peter Parker

Charge(s) – Murder I; Carry FA w/o Lic. Carry FA in Felony; Carry Loaded FA
Transcript ordered 4/24/25

Rec'd 5/9/25 (SENTENCED 5/9/25)

TRUE, Ryan C.

Trial Court – Plymouth Superior

Trial Counsel – Joshua Wood

Charge(s) – Murder I (2 cts)

Transcript ordered 5/9/25

Rec'd 5/27/25 – (SENTENCED 5/23/25)

FOY, Phillip Isiah

Trial Court – Suffolk Superior

Trial Counsel – John Hayes w/David Leon as co-counsel

Charge(s) – Murder I; Carry FA w/o Lic.

Transcript ordered 5/23/25 – **PARTIALLY COMPLETE**

Rec'd 5/27/25 (SENTENCED 5/30/25)

EDWARDS, Kevin

Trial Court – Bristol Superior

Trial Counsel – Louis Badwey

Charge(s) – Murder 1; A&B w/Firearm; Carry Fa w/o Lic; Poss. Large Capacity
FA

NOTE: TRANSCRIPTS COMPLETE – NOT YET ENTERED

Dolly Mele

Murder/Post-Conviction Assignment Coordinator

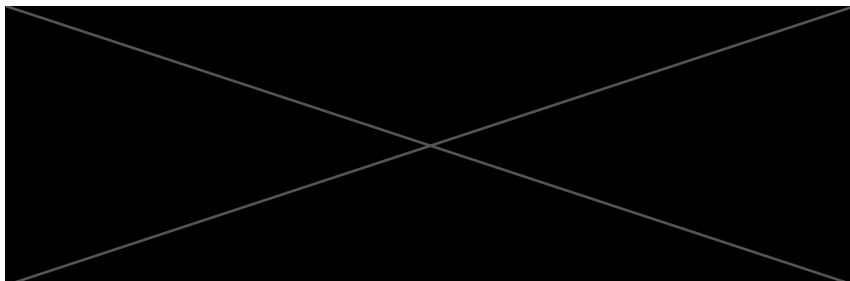
CPCS

Direct Line: 617-910-5796



Outlook

Fwd: AVAILABLE SUPERIOR COURT DIRECTS



Begin forwarded message:

From: Dorothy Mele <dmele@publiccounsel.net>
Date: October 18, 2025 at 8:02:00 AM EDT
To: Dorothy Mele <dmele@publiccounsel.net>
Subject: AVAILABLE SUPERIOR COURT DIRECTS

Hi all.

I'm reposting in case anyone missed this list. Let me know if you can pick up a case or two.

Thanks,
Dolly

Rec'd 4/16/25 (SENTENCED 2017) – REASSIGN – ATTY. WORKLOAD

McCAFFREY, Ronald #2

Trial Court – Bristol Superior

Trial Counsel – James Hanley

Charge(s) – Indec. A&B Under 14 After Certain Offenses

NOTE: TRANSCRIPTS MAY BE COMPLETE

Rec'd 6/28/24 – (SENTENCED 3/28/22) REASSIGN (Co-deft w/Heroildo Candelario)

CANDELARIO, Gilbert aka Gilberto

Trial Court – Essex Superior

Trial Counsel – Kirk Bransfield

Charge(s) – Statutory Rape (2 cts); Rape (2 cts); Indec. A&B Under 14 (6 cts) ;
Intim witness (3 cts); Rape of child, 10 Yr. Age Diff (3 cts); Indec A&B Over 14

NOTE: ENTERED IN APPEALS COURT; STATUS DUE 10/27/25

Rec'd 7/31/25 (SENTENCED 10/24/22)– REASSIGNMENTPIARD, Joseph C.

Trial Court – Suffolk Superior

Trial Counsel – William Driscoll; Edward J. O'Brien for MNT

Charge(s) – Rape

NOTE: ASSIGNMENT FOR PENDING LAWYERED MNT; STATUS DUE 11/10/25 AS TO NEW COUNSEL**Rec'd 3/28/25 (SENTENCED 10/27/22)**TINNIS-EDWARDS, Jelani Stafari

Trial Court – Suffolk Superior

Trial Counsel – John Himmelstein

Charge(s) – CARRY FA W/O LIC; CARRY LOADED FA; A & B ATTEMPT W/FA; ASSLT WDW

NOTE: NEED TO ORDER TRANSCRIPT**Rec'd 6/16/25 (SENTENCED 1/18/23)**ADORNO, Samuel Jr.

Trial Court – Bristol Superior

Trial Counsel – Paul Carlucci, appt'd for trial; Frank Camera, priv. counsel, for MNT

Charge(s) – Rape of Child, Aggravated, 10 Yr. Age Diff (4 cts); Entice Child Under 16;

NOTE: NEED TO ORDER TRANSCRIPTS**Rec'd 2/25/25 (SENTENCED 1/20/23) REASSIGN – ATTY. TEMPORARY LEAVE)**SANG, Seth

Trial Court – Bristol Superior

Trial Counsel – Carlos Brito

Charge(s) – Indec A&B Under 14 (5 cts); Statutory rape (2 cts); Asslt to Rape Child

NOTE: TRANSCRIPTS MAY BE COMPLETE**Rec'd 3/5/25 (SENTENCED 7/3/23) REASSIGN – ATTY. TEMPORARY LEAVE)**ALBERT, Robert W

Trial Court – Bristol Superior

Trial Counsel – Coleen Tynan

Charge(s) – Statutory Rape (2 cts); Rape of Child, Statutory, 5 Yr. Age Diff; Rape of Child, 10 Yr. Age Diff; Indec. A&B Over 14 (2 cts)

NOTE: ENTERED IN AC; ALREADY BRIEFED; STATUS DUE 11/7/25 AS TO NEW COUNSEL; NEED COUNSEL FOR ARGUMENT, IF SCHEDULED, AND FAR IF NECESSARY**Rec'd 4/1/25 – REASSIGN (SENTENCED 9/30/23)**WOOD, Meghan A.

Trial Court – Essex Superior
 Trial Counsel – Jennifer Capone
 Charge(s) – Kidnapping

**NOTE: ASSIGNMENT FOR ACTUAL MNT – NO NOTICE OF APPEAL FILE,
 SENTENCED IN 2023**

**Rec'd 2/25/25 (SENTENCED 2/22/24) REASSIGN – ATTY. TEMPORARY
 LEAVE)**

PENA, Jeffrey M.

Trial Court – Norfolk Superior
 Trial Counsel – J. Daniel Silverman
 Charge(s) - RAPE; A&B ON FAMILY/HOUSEHOLD MEMBER (4 CTS)

NOTE: TRANSCRIPTS MAY BE COMPLETE

**Rec'd 4/7/25 – (SENTENCED 2/22/24) REASSIGN – ATTY. TEMPORARY
 LEAVE**

GORMAN, Edward Chris

Trial Court – Middlesex Superior
 Trial Counsel – Robin Gagne
 Charge(s) – rape of child, Aggravated, 10 Yr. Age Difference (4 cts); rape of Child
 w/Force (4 cts); Indec. A&B Under 14 (2 cts)
 Transcripts ordered 2/23/24

**Rec'd 4/7/25 – (SENTENCED 3/5/24) REASSIGN – ATTY. TEMPORARY
 LEAVE**

ROBINSON, Roberto A

Trial Court – Middlesex Superior
 Trial Counsel – William Dolan
 Charge(s) – Statutory Rape (4 cts)
 Transcript ordered 3/7/24

**Rec'd 2/25/25 (SENTENCED 4/10/24) REASSIGN – ATTY. TEMPORARY
 LEAVE**

HERNANDEZ, Gilbert

Trial Court - Bristol Superior
 Trial Counsel -Jennifer Magaw; Paul Lonardo Roy
 Charge(s) – Rape of Child w/Force (2cts) ;Rape of Child, Aggravated, 10 Yr. Age
 Diff (6 cts); Indec A&B Over 14 (4 cts); Obscene Matter to Minor (2 cts)
 Transcripts ordered 4/18/24

Rec'd 3/4/25 (SENTENCED 6/12/24)

VEGA, Juan R. Jr.

Trial Court – Essex Superior
 Trial Counsel – Michael Cerulli
 Charge(s) – Indec. A&B Under 14 (4 cts); Rape of Child w/Force (2 cts); Rape of
 Child, Statutory, 5 Yr. Age Diff (2 cts); Asslt to Rape

NOTE: NEED TO ORDER TRANSCRIPT

Rec'd 12/27/24 (SENTENCED 6/27/24)LEWIS, Rayshond Lorenzo

Trial Court – Bristol Superior

Trial Counsel - STEFAN JOHN ROZEMBERSKY

Charge(s) – Carry Loaded FA; A&B Attempt w/FA; Larceny Under \$1200

NOTE; NEED TO ORDER TRANSCRIPT**Rec'd 7/8/25 – (SENTENCED 7/22/24)**HAREWOOD, Kymani H.

Trial Court – Middlesex Superior

Trial Counsel – Eric Barber-Mingo

Charge(s) – Vio. 209A; Carry FA w/o Lic; Carry Loaded FA; Poss. Ammo w/o FID

Transcript ordered 7/8/25

Rec'd 11/14/24 (SENTENCED 8/19/24)CORNEILLE, Guiliano

Trial Court – Essex Superior

Trial Counsel – Ronald Ranta

Charge(s) – Rape (2 cts)

Transcripts ordered ???

9/30/25 (Sentenced 9/16/24) REASSIGN FOR FRESH LOOKDASILVA, Ruben R.

Trial Court – Plymouth Superior

Trial Counsel – Maximillian Martucelli

Charge(s) - Poss. Class A w/int Distrib; Poss. Class A w/Int Distrib, Subseq; Trafficking Cocaine; Trafficking Methamphetamine; Poss. FA in Felony; Poss FA w/o FID; FA Viol. w/Two Prior Violent/drug Crimes; Poss. Large Capacity FA (2 cts)

NOTE: ENTERED IN AC; STATUS DUE 10/27/25**Rec'd 7/28/25 – (SENTENCED 9/19/24)**METELLUS, Workens

Trial Court – Suffolk Superior

Trial Counsel – Brian Cox

Charge(s) – A&BDW

NOTE: TRANSCRIPTS PARTIALLY COMPLETE**Rec'd 10/3/24 (SENTENCED 10/1/24)**PAGE, Timothy Michael

Trial Court – Norfolk Superior

Trial Counsel – Theodore Barone

Charge(s) - Rape of Child w/Force; Rape of Child, Agg., 10 Yr. Age Diff; Indec

A&B Over 14 (8 cts); Indec. A&B Under 14 (6 cts); Entice Child Under 16; Sexual

Conduct w/Child Under 18, Pay for

Transcript ordered 10/30/24

Rec'd 11/4/24 (SENTENCED 10/2024)HALLUMS, Hamid

Trial Court – Hampden Superior

Trial Counsel – Patrick Goodreau

Charge(s) – Rape (2 cts); Indec. A&B Over 14 (4 cts)

Transcript ordered `10/13/24

Rec'd 4/17/25 – (SENTENCED 10/4/24)ALCANTARA, Juan Carlos

Trial Court – Barnstable Superior

Trial Counsel – Christopher Malcolm

Charge(s) – Trafficking Heroin

NOTE: NEED TO ORDER TRANSCRIPT**Rec'd 12/1/24 (SENTENCED 10/24)**CABA GONZALEZ, Edwin A

Trial Court – Essex Superior

Trial Counsel – David Larsen

Charge(s) – VOP

NOTE: ENTERED IN APPEALS COURT; STATUS DUE 10/27/25**Rec'd 5/1/25 (SENTENCED 11/15/24)**JUAREZ RAMIREZ, Jorge Luis

Trial Court – Essex Superior

Trial Counsel – Scott F. Gleason

Charge(s) – Indec A&B Under 14; Rape of Child, Statutory, 5 Yr. Age Diff (3 cts);

Rape of Child w/Force (3 cts);

NOTE: NEED TO ORDER TRANSCRIPT**Rec'd 6/4/25 – (SENTENCED 11/22/24)**BECKWITH, Justin Ryan

Trial Court – Bristol Superior

Trial Counsel – Michele Rioux

Charge(s) – Rape of Child w/Force (2 cts); Rape of Child, Aggravated, 5 Yr. Age Diff (2 cts)

Transcripts ordered ???

Rec'd 12/9/24 (SENTENCED 11/26/24)ESTRELLA-LOPEZ, Victor

Trial Court – Plymouth Superior

Trial Counsel – Jim DeGiacomo

Charge(s) – rape of Child, Aggravated, 10 Yr. Age Diff; Indec A&b Under 14 (2 cts)

Transcript ordered 11/26/24

Rec'd 3/1/25 (SENTENCED 12/3/24)RAMOS-COTTO, Juan

Trial Court – Hampden Superior
 Trial Counsel- James Goodhines
 Charge(s) – Poss Cl. A w/int Distrib
NOTE: NEED TO ORDER TRANSCRIPT

Rec'd 12/19/24 (SENTENCED 12/10/24)

HOKANSON, RICHARD STERNER

Trial Court – Worcester Superior
 Trial Counsel – Tom Vukmirovits
 Charge(s) – Rape of Child, Aggravated, 5 Yr. Age Diff; Indec A&B Under 14;
 Pose/Exhibit Child in Nude/Lascivious; Photograph Unsuspecting Nude Person;
 Poss. Child Pornography
 Transcript ordered 12/19/24

Rec'd 4/7/25 (SENTENCED 1/10/25)

GALVAO, Dominick

Trial Court – Bristol Superior
 Trial Counsel – Guy LaRock
 Charge(s) – VOP
 Transcript ordered 4/15/25

NOTE: NEED LEAVE OF SJ TO FILE LATE NOA

Rec'd 5/1/25 – (SENTENCED 1/10/25)

NEATH, Lennox

Trial Court – Hampden Superior
 Trial Counsel – Matthew Hutchinson
 Charge(s) – Carry Fa w/o Lic; Poss FA in felony; Trafficking Cocaine; Poss FA w/o FID
 Transcript ordered 5/1/25

Rec'd 6/13/25 – (SENTENCED 1/10/25)

VEGA-MALDONADO, Kevin

Trial Court – Hampden Superior
 Trial Counsel – Tyler Ingraham
 Charge(s) – Rape of Child, Statutory, Aggravated
 Transcript ordered 2/3/25

Rec'd 2/10/25 (SENTENCED 1/27/25)

MENDEZ, Eduardo

Trial Court – Bristol Superior
 Trial Counsel – Robert Eagan
 Charge(s) – Aggravated rape
 Transcript ordered ???

Rec'd 2/2/25 (SENTENCED 1/27/25)

CORCHADO, Darius J.

Trial Court – Bristol Superior
 Trial Counsel – Robert Tutino

Charge(s) – Obscene Matter to Minor

NOTE: TRANSCRIPTS COMPLETE – NOT YET ENTERED

Rec'd 4/13/25 – (SENTENCED 1/28/25)

McCOULLUM, Dana

Trial Court – Suffolk Superior

Trial Counsel – Jason Tauches

Charge(s) – carry FA w/o Lic; Poss FA w/o FID; carry Loaded Fa

Transcript ordered 2/10/25

Rec'd 6/6/25 (SENTENCED 1/29/25)

MEUSE, Richard Thomas II

Trial Court – Essex Superior

Trial Counsel – Meghan Taylor

Charge(s) – VOP

Transcripts ordered ???

Rec'd 2/7/25 (SENTENCED 1/31/25)

McDURFEE, Kobie Ryan

Trial Court – Worcester Superior

Trial Counsel – Michael Brothers

Charge(S) – Rape of Child, Aggravated, 5 Yr. Age Diff (5 cts); Attempt to Commit Crime; Indec. A&B Under 14 (2 cts)

Transcript ordered 12/18/24

Rec'd 2/21/25 (SENTENCED 1/31/25)

HAVALOTTI, Caleb Josiah

Trial Court – Barnstable Superior

Trial Counsel – Jennifer McGee

Charge(s) – VOP

NOTE: TRANSCRIPT COMPLETE; ENTERED IN APPEALS CT; STATUS DUE 12/2/25

Rec'd 4/3/25 (SENTENCED 2/4/25)

ZENON, Stanley

Trial Court - Essex Superior

Trial Counsel – Pro Se w/Patrick Regan as Standby

Charge(s) – Kidnapping; A&B on Person w/Intellectual Disability (2 cts);

Strangulation/Suffocation; Intim. Witness; Rape (2 cts)

NOTE: NEED TO ORDER TRANSCRIPT

Rec'd 7/16/25 – (SENTENCED 2/12/25)

WHYNTER, Gary St. Michael Anthony

Trial Court – Suffolk Superior

Trial Counsel – Robert J. White

Charge(s) – Poss Ammo w/o FID

Transcript ordered 4/10/25

Rec'd 3/3/25 (SENTENCED 2/12/25)RASOOL, Muhammad A

Trial Court – Norfolk Superior

Trial Counsel – Michael Thaler

Charge(s) – B&E Day for Felony; Indec A&B Over 14

NOTE: NEED TO ORDER TRANSCRIPTS**Rec'd 3/4/25 (SENTENCED 2/20/25)**MARRERO, Julian

Trial Court – Middlesex Superior

Trial Counsel – Carolyn McGowan

Charge(s) – Indec &B UNDER 14 (2 CTS)

NOTE: TRANSCRIPT COMPLETE – NOT YET ENTERED**Rec'd 6/18/25 (SENTENCED 2/21/25)**LIND, Jonathan

Trial Court – Worcester Superior

Trial Counsel – Kevin C. Larson

Charge(s) – Perjury

Transcript ordered 6/18/25

Rec'd 3/11/25 (SENTENCED 3/3/25)ESTEVA, Edwin III

Trial Court – Worcester Superior

Trial Counsel – Vadim Michajlow

Charge(s) – Permit Substantial Injury to Child; Reckless Endangerment of Child

Transcript ordered 3/11/25

Rec'd 3/12/25 (SENTENCED 3/4/25)COWELS, Christopher M.

Trial Court – Essex Superior

Trial Counsel – Patrick Regan

Charge(s) – A&B on Family/Household Member; Larceny From Person; Intim Witness (2 cts); Stalking in viol. Of Restraining Order

Transcript ordered 3/11/25

Rec'd 3/10/25 (SENTENCED 3/10/25)VELASQUEZ, Roberto Darren

Trial Court – Suffolk Superior

Trial Counsel – Matthew Berquist

Charge(s) – Rape of Child, Aggravated, 5 Yr. Age. Diff (2 cts)

NOTE: TRANSCRIPTS COMPLETE - NOT YET ENTERED**Rec'd 3/19/25 (SENTENCED 3/10/25)**SANTANA HUERTAS, Pedro Juan

Trial Court – Hampden Superior

Trial Counsel – Anthony Bonavita
Charge(s) – Indec. A&B Over 14 (7 cts)
Transcript ordered ???

Rec'd 3/16/25 (SENTENCED 3/14/25)

CHAVEZ, Miguel Angel

Trial Court – Suffolk Superior

Trial Counsel – Meg Stanley/Jen Sunderland

Charge(s) – Rape of Child, Statutory, Aggravated; Indec A&B Under 14 (3 cts)

Transcript ordered 3/16/25

REC'D 3/17/25 – REASSIGN

RASHEED, Rashad f/n/a Bobby Kines

Trial Court – Suffolk Superior

Charge(s) – Rape; A&BDW

**NOTE: IP CASE: ENTERED IN AC RE DIRECT FROM DENIAL OF MNT;
STATUS DUE 12/2/25 AS TO NEW COUNSEL**

Dolly Mele

Murder/Post-Conviction Assignment Coordinator

CPCS

Direct Line: 617-910-5796

DEMS HAVE NO TIMELINE IN LAWYER STRIKE

'Discussions are happening right now' Senate leader says

By Chris Van Buskirk

cvanbuskirk@bostonherald.com

Top Beacon Hill Democrats offered no timeline Monday for a resolution to a months-long work stoppage of private attorneys who are pushing lawmakers to raise the hourly rate they are paid to take on the criminal cases of people who are unable to afford representation.

Judges have already released defendants this month because they did not have access to legal counsel as a result of the strike. Last week they began dismissing charges. At the same time, lawmakers and attorneys are still locked in a battle over an increase to hourly pay, with some lawyers seeking a \$35 spike this year and \$25 next year.

But House Speaker Ron Mariano said discussions with attorneys are "not traditional" because each lawyer is an individual contractor who might not agree to a deal that their colleagues have signed on to.

"It's hard to foresee where a middle ground might be, one that works for everybody, because each one of these folks is an individual contractor," Mariano told reporters at the State House Monday. "So you may be talking to someone who only represents five people. You don't know: So you make an agreement with five people, then you get to do it 55 more times."

Senate President Karen Spilka declined to offer insight into ne-

gotiations, saying "nope" when asked if she could provide more details on talks.

"Discussions are happening right now and we're trying to work it out," Spilka said without providing a specific timeline for when a deal could emerge.

Attorneys stopped working in May as part of a protest to what they argued were some of the lowest wages in the region to represent indigent defendants. The 2,800 lawyers known as bar advocates represent roughly 80% of people who cannot afford an attorney.

The state's highest court turned to an emergency protocol earlier this month that allows for defendants' release or, after 45 days, the dismissal of their cases if they do not have access to a lawyer.

Lawyers working homicide cases make \$120 an hour. Attorneys taking on Superior Court cases earn \$85 an hour. Those attorneys are still working.

But lawyers working at the district court level, where the compensation sits at \$65 an hour, stopped taking news cases in May. Proposals to increase the rates as part of the Senate's state budget debate were unsuccessful.

Legislators have argued that increasing wages by \$35 an hour could cost the state \$100 million at a time when Massachusetts is facing fiscal challenges like federal funding drying up under President Donald Trump's ad-



House Speaker Ron Mariano.

ministration.

Spilka said "there were no discussions" about wage increases in Governor's budget. The House before Gov. Maura Healey in April. Nobody raised anything about the need for more funding

"There were no discussions prior to that. Nothing was in the Governor's budget. The House came out with their budget in April. Nobody raised anything about the need for more funding

or the concern about the funding. The Senate came out with some increase. That was rejected. So we are now trying to resolve the issue and work it out," she said. Healey said she wants to see a

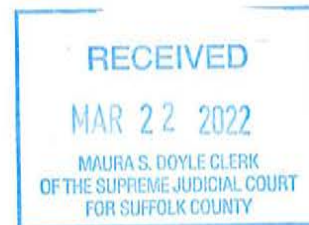
resolution to the work stoppage "immediately."

"I am hopeful that we will see one very soon, and that will be announced at the appropriate time," the first-term Democrat said.

Hon. Dalila Argaez Wendlandt
Associate Justice
Supreme Judicial Court
John Adams Courthouse
One Pemberton Square
Boston, MA 02108

March 22, 2022

Hon. Judd Carhart (Ret.)
Special Master
Supreme Judicial Court
John Adams Courthouse
One Pemberton Square
Boston, MA 02108



Re: Carrasquillo v. Hampden County Dist. Courts., No. SJ-2019-0247.

Dear Justice Wendlandt:

Enclosed is my Report of the Special Master, pursuant to this Honorable Court's order of appointment in the above-entitled case. As you can see, the issue of assuring that counsel is available to represent indigent defendants in Hampden County is complex. I believe that the problem can only be solved by allocating substantial resources both to the Committee for Public Counsel Services (CPCS) and to the Trial Court. As my findings reveal, western Massachusetts has not received the necessary funding to keep up with the ever-increasing demands of the criminal justice system. I believe that the Legislature, if apprised of the critical need for further funding for the Springfield and Holyoke District Courts, will respond in a manner designed to meet those needs. I certainly will help in any way that I can to ensure that the crisis in both District Courts is abated.

I hope that my suggested solutions will be acted upon by the Legislature. In that regard, Chief Justice Dawley has indicated that he is willing to assist me in presenting my findings and suggestions to members of the Legislature.

I hope that my findings and suggestions will help to solve this very important problem. I would be remiss if I did not mention the consistent support of Chief Justice Dawley. He was very helpful in allowing me to focus on the most practical way to address these issues. Additionally, I am grateful for the advice and support of Chief Justice Jeffrey Locke. My immersion into this process has led me to admire the commitment of First Justice Kevin Maltby of the Springfield District Court, and First Justice William Hadley of the Holyoke District Court. Both judges have been tireless in their dedication to seeking solutions to this enormous problem. I must also comment on the dedication of those members of the District Court, the Trial Court, and the District Attorney's Office that joined my working committee. Each of them has been helpful in this endeavor. I am also compelled to comment on CPCS. CPCS has been placed in an untenable position, not of its making. As I state in my Report, CPCS consists of hundreds of talented and dedicated attorneys who seek justice for their clients on a daily basis. Nothing in my report should be construed as a criticism of that work. Indeed, the Chief Counsel for CPCS,

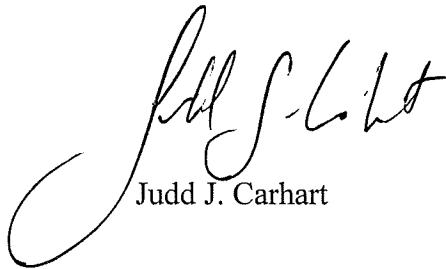
Anthony Benedetti, as well as Attorney Rebecca Jacobstein, have been very helpful and always available to answer any of my questions. I am grateful for their assistance.

I would like to acknowledge the assistance of Appeals Court Staff Attorney Cristen Nagle. Her assistance has been invaluable to the completion of my task.

Finally, I would like to thank Supreme Judicial Court Assistant Clerk Stephen Cronin for his assistance. He was always available to me and conducts himself in a professional manner. He truly is a credit to this Honorable Court.

As I have indicated, I am willing to assist in the implementation of my suggestions in any way that can serve the Court. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Judd J. Carhart", with a large, sweeping flourish extending from the bottom left of the signature.

Judd J. Carhart

Enc.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
NO: SJ-2019-0247

FREDDIE CARRASQUILLO, JR., and all other similarly situated criminal defendants in
HAMPDEN COUNTY

vs.

HAMPDEN COUNTY DISTRICT COURTS.

Report of the Special Master

Judd J. Carhart, Special Master in this matter, reports as follows:



Introduction

“The right to counsel is one of the most fundamental principles in our criminal justice system. Individuals who are charged with offenses for which they face imprisonment if convicted are constitutionally entitled to representation by defense counsel at public expense if they cannot afford to retain their own attorney. The government of the Commonwealth therefore has a constitutional obligation to ensure that there is an adequate supply of publicly funded defense attorneys available to represent eligible indigent criminal defendants.”

Carrasquillo v. Hampden County Dist. Courts, 484 Mass. 367, 368 (2020), citing G. L. c. 211D, §§ 2B, 5.

For over twenty years, the lack of counsel for indigent defendants has been a systemic problem both Statewide and, more particularly, in Hampden County. In 2004, this Honorable Court issued an opinion that acknowledged the problem and set in place a temporary protocol

designed to remedy ongoing violations of indigent Hampden County defendants' constitutional rights. Lavallee v. Justices in the Hampden Superior Court, 442 Mass. 228, 245 (2004). See Carrasquillo, 484 Mass. at 382. The so-called Lavallee protocol addresses the lack of counsel for indigent defendants in Hampden County on a case-by-case basis, but it does not solve the underlying issue of the decreasing number of bar advocates.

The failure to adequately assure that all defendants are represented has escalated and has been described, appropriately, as a “crisis.” By June 2019, the shortage of bar advocates willing and able to take assignments in Hampden County had caused enough strain on the Committee for Public Counsel Services (CPCS) that the attorney in charge of the Springfield office of CPCS’s public defender division (PDD) determined that CPCS attorneys could no longer take court appointments. Carrasquillo, 484 Mass. at 369. When the First Justice of the Springfield District Court ordered the Springfield PDD office to provide attorneys “who shall accept appointments in all cases as ordered by the Court,” CPCS filed a petition on behalf of Freddie Carrasquillo, Jr., and all other similarly situated criminal defendants in Hampden County, for relief pursuant to G. L. c. 211, § 3. Id. at 368. The Single Justice of this Honorable Court imposed the Lavallee protocol and reported the case to the full court. In March 2020, this Honorable Court vacated the First Justice’s order and remanded the case to the county court for a determination as to whether the Lavallee protocol was still required. Id. at 396. Unfortunately, the “systemic problem of constitutional dimension” represented by the defense counsel shortage in Hampden County has not abated, Lavallee, 442 Mass. at 244, and the protocol remains in effect.

On October 21, 2021, the Single Justice of this Honorable Court appointed me as Special Master to conduct an inquiry into the reasons for the ongoing counsel shortage in

Hampden County. See S.J.C. Rule 2:13, as appearing in 382 Mass. 749 (1981); **exhibit 1** (order of appointment). The Single Justice provided me with a binder containing this Honorable Court's decisions in Lavallee and Carrasquillo, the prior Single Justice's order imposing the Lavallee protocol, four interim orders, and stakeholders' updates to the Court. That binder is attached to this report as **exhibit 2**. As the Special Master, I was empowered to conduct hearings and receive testimonial evidence. See S.J.C. Rule 2:13; Carrasquillo, 484 Mass. at 390 n.30. Rather than conducting evidentiary hearings, in the spirit of "mutual cooperation" urged by this Honorable Court, Lavallee, 442 Mass. at 244, I convened a working group, consisting of all relevant stakeholders, to determine whether collaborative efforts would identify the causes of the shortage of counsel and to suggest changes to the current system of appointment of counsel to indigent defendants, in order to assure that all indigent defendants are represented by counsel.

Preliminary Findings and Conclusions

After conducting interviews and meetings, it is clear to me that the cause of this crisis is chronic underinvestment in Hampden County's public defender system. Specifically, low compensation rates for private attorneys, persistent underfunding and understaffing of CPCS's western Massachusetts offices, and the deteriorating condition of the Roderick L. Ireland Hall of Justice are causing current bar advocates not to take cases and new attorneys not to become bar advocates. In Lavallee, supra at 245, this Honorable Court observed that "the level of compensation paid to private counsel ha[d] barely changed over the last two decades, . . . [wa]s among the lowest in the nation . . . [and was] driving lawyers away from enrollment in the private defender division of CPCS in Hampden County." Little has changed since then, except that the Springfield and Holyoke District Courts are now "unable to adjudicate cases due to

‘inadequate facilities or a lack of supplies or supporting personnel.’” *Id.* at 242, quoting *O’Coin’s, Inc. v. Treasurer of the County of Worcester*, 362 Mass. 507, 510 (1972). Contrast *id.* The system in Hampden County “is not a criminal justice system. [It] is a criminal processing system.” Hanlon, *Case Refusal: A Duty for a Public Defender and a Remedy for All of a Public Defender’s Clients*, 51 *Ind. L. Rev.* 59, 62 (2018). This endangers us all. “[A] robust public defender system not only protects the rights of indigent defendants, but also helps to increase public safety, to avoid the costs of wrongful convictions, and to protect the constitutional rights of all of the Commonwealth’s residents.” *Carrasquillo*, 484 Mass. at 395. “Public safety, however, comes with a cost.” *Lavallee*, *supra* at 245. Where, as here, “the public defender system fails to fulfill its mission due to inadequate funding, that failure not only undermines the constitutional rights of indigent defendants, but indirectly injures us all.” *Carrasquillo*, *supra*.

As the late Chief Justice Gants observed during oral argument in *Carrasquillo* (available at https://boston.suffolk.edu/sjc/pop.php?csnum=SJC_12777), this appears to be one of the few problems that money can solve.

Methodology

Although I was empowered by my appointment to conduct hearings and take sworn testimony, I chose not to do so. Rather, I convened a working committee consisting of those stakeholders who are affected by the current counsel crisis. It was my belief that all parties would act in a collaborative manner to forge solutions to this problem that would be beneficial to all parties.¹ Accordingly, all parties were invited to submit, in writing, their opinions as to the

¹ Hon. Michael Callan, Hon. Kevin Maltby, Hon. William Hadley, Hon. John Gay, Azizah Yasin, David Hoose, Bethany Stevens, Kristen Stone, Daniel Sullivan, Paul Caccaviello,

causes and possible solutions to the crisis. Most parties were cooperative in assisting me in this endeavor. My inquiry consisted of three parts: (1) requests for information from all parties; (2) a solicitation as to the causes of the problem from the perspectives of the respective parties; and (3) a request for suggested solutions to the problem of the lack of counsel for indigent defendants in Hampden County. In accordance with my plan, I sent out requests for information to the parties. A copy of the requests and preliminary responses thereto are attached and marked as **exhibit 3**. I then interviewed the following parties: Hon. Kevin Maltby, Presiding Judge, Springfield District Court; Hon. William Hadley, Presiding Judge, Holyoke District Court; Hon. Michael Callan, Regional Administrative Judge, Hampden Superior Court; Hon. John Gay, Clerk-Magistrate, Springfield District Court; Shana Wilson, Assistant Clerk, Hampden Superior Court; Rebecca Jacobstein, Counsel for CPCS; David Hoose, Counsel for Hampden County Lawyers for Justice, Inc. (HCLJ); Sarah Pegus, HCLJ Administrator; Noreen Nardi, Executive Director, Hampden County Bar Association; and Joseph Pacella, President, Hampden County Bar Association. The various stakeholders also submitted written responses, which I have attached hereto as exhibits. They are as follows: response of Hon. Kevin Maltby, **exhibit 4**; response of Hon. William Hadley, **exhibit 5**; affidavit of Hon. Paul Dawley, **exhibit 6**; response of HCLJ, **exhibit 7**; affidavit of Arnie Lucinda Steward, **exhibit 8**; affidavit of Brianna Rowley, **exhibit 9**; affidavit of James Dixon, **exhibit 10**; affidavit of Lawrence Madden, **exhibit 11**; affidavit of William Shay, **exhibit 12**; affidavit of Vanessa Vélez, **exhibit 13**; affidavit of Randy Gioia, **exhibit 14**; affidavit of Noreen

Rebecca Jacobstein, Benjamin H. Keehn, Anthony Benedetti, James Dixon, Kate Murdock, Noreen Nardi, Krystle Bernier, Sarah Pegus, Lee Kavanaugh, Shana Wilson, Elaina Quinn, and Timothy Casey.

Nardi, **exhibit 15**; affidavit of Lee Kavanaugh, **exhibit 16**; and affidavit of Elaina Quinn, **exhibit 17**. On March 17, 2022, CPCS submitted an update, which is also attached hereto, as **exhibit 18**.

It should be noted that I had several conversations with Judges Maltby and Hadley, Attorney Jacobstein, Attorney Hoose, and Clerk Gay. All of those conversations were quite helpful in allowing me to form my opinions. Additionally, I spoke with District Court Chief Justice Paul Dawley. Judge Dawley was very cooperative and emphasized his court's commitment to forging a solution to this problem. His leadership in this matter is exemplary.

Based on the responsive affidavits and personal interviews I conducted, I submit the following Findings and Recommendations.

Findings

Hampden County District Courts

1. The District Court department of the Trial Court has a statutory cap of 158 judges. Exhibit 6.
2. As of November 15, 2021, there were 146 judges appointed or confirmed to the District Court and one pending nomination. Exhibit 6.
3. There are five District Courts in Hampden County, located in Chicopee, Holyoke, Palmer, Westfield, and Springfield. Exhibit 2, tab G, affidavit of Pegus.
4. In 2017, the Hampden County District Courts processed the following numbers of filings:
Chicopee; 1,798 criminal filings, 407 civil filings, and 1,126 small claims
Holyoke; 3,684 criminal, 183 civil, and 788 small claims
Palmer; 2,628 criminal, 359 civil, and 1,122 small claims
Westfield; 1,640 criminal, 364 civil, and 1,321 small claims
Springfield; 10,327 criminal, 1,953 civil, and 4,354 small claims.
Exhibit C to exhibit 6.
5. In 2018, the Hampden County District Courts processed the following numbers of filings:
Chicopee; 1,785 criminal, 433 civil, and 1,170 small claims
Holyoke; 3,346 criminal, 239 civil, and 767 small claims
Palmer; 2,735 criminal, 423 civil, and 1,110 small claims
Westfield; 1,397 criminal, 398 civil, and 1,231 small claims
Springfield; 9,298 criminal, 1,814 civil, and 4,411 small claims.

Exhibit C to exhibit 6.

6. In 2019, the Hampden County District Courts processed the following numbers of filings:
Chicopee; 2,217 criminal, 332 civil, and 832 small claims
Holyoke; 2,941 criminal, 186 civil, and 585 small claims
Palmer; 2,665 criminal, 300 civil, and 910 small claims
Westfield; 1,668 criminal, 338 civil, and 1,007 small claims
Springfield; 9,362 criminal, 1,572 civil, and 3,512 small claims.
Exhibit C to exhibit 6.
7. In 2020, the Hampden County District Courts processed the following numbers of filings:
Chicopee; 2,115 criminal, 330 civil, and 961 small claims
Holyoke; 2,258 criminal, 147 civil, and 696 small claims
Palmer; 2,348 criminal, 309 civil, and 1,035 small claims
Westfield; 1,529 criminal, 261 civil, and 1,183 small claims
Springfield; 7,936 criminal, 1,319 civil, and 4,122 small claims.
Exhibit C to exhibit 6.
8. In 2021, the Hampden County District Courts processed the following numbers of filings:
Chicopee; 2,062 criminal, 278 civil, and 934 small claims
Holyoke; 2,039 criminal, 123 civil, and 542 small claims
Palmer; 2,190 criminal, 301 civil, and 859 small claims
Westfield; 1,367 criminal, 264 civil, and 939 small claims
Springfield; 6,966 criminal, 1,127 civil, and 3,254 small claims.
Exhibit C to exhibit 6.

Holyoke District Court

9. The Holyoke District Court has two courtrooms. Exhibit 6.
10. In addition, there is a small third room that can be utilized as necessary and is usually used for mental health hearings. Exhibit 6.
11. On a daily basis, two judges are assigned to the Holyoke District Court. Exhibit 6.
12. A third judge may sometimes be assigned because the Veterans Court is held in the Holyoke District Court on Wednesdays. Exhibit 6.
13. The Holyoke District Court is allocated thirteen positions based on internal staffing and resource allocation data and metrics. Exhibit 6.
14. As of November 16, 2021, the Holyoke District Court had fourteen positions filled and therefore was staffed at a level greater than one hundred percent. Exhibit 6.
15. In 2019, there were 2,941 criminal cases filings in Holyoke District Court; 3,090 cases were disposed. Exhibit 6.

16. Fifteen percent of those cases were disposed beyond time standards. Exhibit 6.
17. Those numbers and percentages increased over subsequent years. Exhibit 6.
18. In 2020, there were 2,258 criminal case filings in the Holyoke District Court and 2,150 cases disposed; eighteen percent were disposed beyond time standards. Exhibit 6.
19. In 2021, there were 2,039 criminal case filings in the Holyoke District Court and 1,451 disposed; nearly thirty-one percent were disposed beyond time standards. Exhibit 6.
20. Many of the individuals who come before the Holyoke District Court facing a possibility of incarceration are indigent. Exhibit 5.
21. Many are dealing with substance use disorders, homelessness, mental illness, chronic unemployment, and extreme poverty. Exhibit 5.
22. A considerable number of individuals who come before the court are charged with violent crimes, firearm violations, and drug trafficking, and may present serious risks to public safety. Exhibit 5.
23. Unlike individuals with the means to hire their own attorney, many indigent defendants in Holyoke wait for days at the house of correction without speaking to a lawyer. Exhibit 5.
24. On some occasions, in a single day, there have been as many as eight to ten individuals being held without the right to counsel. Exhibit 5.
25. The vast majority of indigent defendants currently without counsel in Hampden County have cases pending in the Holyoke District Court. Exhibit 5.
26. In addition to the criminal docket, regular civil docket, and small claims sessions (among a wide variety of other matters within the court's jurisdiction), the Holyoke District Court has seen an ever-growing number of petitions pursuant to G. L. c. 123, § 35, for civil commitment for alcohol or substance use disorders. Exhibit 5.
27. In most of those cases, a preliminary determination has been made that the respondent is in imminent danger, usually of death by overdose. Exhibit 5.
28. Such individuals cannot be held overnight, consequently, one, two, or three hearings are conducted almost every day, with very little advance notice. Exhibit 5.
29. Recently, the Holyoke District Court has devoted considerable time and resources to expanding opportunities for immediate access to treatment for substance use disorders at the very beginning of the criminal justice process. Exhibit 5.

30. This has included the increased use of statutes such as G. L. c. 111E, allowing a District Court judge to consider staying criminal proceedings while treatment is pursued. Exhibit 5.
31. General Laws c. 111E, however, is relatively complex, and, among other things, requires a defendant to file a written request for treatment within five days following arraignment. Exhibit 5.
32. A number of defendants who may wish to take advantage of this statute at or shortly after arraignment are effectively denied this right when they do not have access to counsel for weeks or months. Exhibit 5.
33. Thus, indigent defendants in Holyoke who have substance use disorders and have not received a lawyer are being severely disadvantaged with regard to opportunities for immediate pretrial diversion and treatment. Exhibit 5.
34. Immediate action is required to address this inequitable situation. Exhibit 5.
35. Prior to the COVID-19 pandemic, the Holyoke District Court generally had two defense attorneys available each day. Exhibit 5.
36. There were twelve to fourteen bar advocates who regularly appeared for a “duty day.” Exhibit 5.
37. By the summer of 2021, the number of local private attorneys accepting duty days had dwindled to three or four. Exhibit 5.
38. On August 22, 2021, the Holyoke District Court was notified that no Springfield PDD attorneys would be assigned to cover duty days in the Holyoke District Court through the end of September. Exhibit 5.
39. In September and October 2021, there were multiple days where there were no bar advocates available to represent defendants determined to be indigent. Exhibit 5.
40. On several of those occasions, PDD attorneys were present for pretrial conferences, dispositions, and other proceedings. Exhibit 5.
41. With increasing frequency, however, PDD attorneys stated that they were unable to appear for a defendant because their current caseload prohibited them from taking any new matters, or because CPCS had determined there was a conflict of interest prohibiting any of their staff attorneys from representing the defendant. Exhibit 5.
42. As a result, when a bar advocate did appear, they were given three days’ worth of new cases. Exhibit 5.

43. When asked about conflicts of interest, PDD attorneys have stated to the Court that an attorney in the employ of CPCS presently represents, or in the past has represented, an alleged victim or a potential witness named in a police report. Exhibit 5.
44. Some PDD attorneys appear to believe that this automatically creates a permanent conflict of interest, not only for the attorney who is present in court, but for every attorney employed by CPCS. Exhibit 5.
45. Virtually all the attorneys who represent indigent defendants in the Holyoke District Court are excellent lawyers who are devoted to their profession and their clients' interests. Exhibit 5.
46. Most indigent defendants in the Holyoke District Court are not ordered to post bail and are not held. Exhibit 5.
47. When there is no attorney available for these individuals, they are given a telephone number and directed to call the CPCS office in Boston to obtain the name of a lawyer who will represent them. Exhibit 5.
48. Often, these defendants return to court without an attorney. Exhibit 5.
49. A number of individuals have reported that they left recorded messages for CPCS that were not returned, or that they heard a recorded message that the mailbox was full and unable to accept new calls. Exhibit 5.
50. Some defendants who were able to reach CPCS were told that it would take several additional weeks before a defense attorney could be identified. Exhibit 5.
51. Indigent defendants who are not held can wait two months before an attorney is assigned and available to them. Exhibit 5.
52. As a result, many individuals who come before the Holyoke District Court may go unrepresented for at least thirty to forty-five days or longer if their cases are not dismissed at a Lavallee hearing. Exhibit 5.
53. Jury trials have been available in the Holyoke District Court for several months. Exhibit 5.
54. Very few defendants have requested trials. Exhibit 5.
55. For months, the Holyoke District Court has been conducting civil and criminal proceedings both in person and by Internet-based video conferencing platform, Zoom Video Communications, Inc. (Zoom). Exhibit 5.
56. Attorneys have the ability to ask that cases be brought forward or to submit agreed or unagreed-upon recommendations for disposition, either in person or by video. Exhibit 5.

57. The Holyoke District Court has sought to accommodate and continues to accommodate virtual appearances. Exhibit 5.
58. The lack of attorneys available in person or even by video is causing the Court's operations to become redundant and less efficient. Exhibit 5.
59. Numerous matters have to be continued from day to day; bail arguments are commenced and then repeated and concluded when defense counsel are present; and cases cannot be distributed to the second or even third courtroom when there is only one defense attorney available. Exhibit 5.
60. Litigants wait longer and judges are forced to be less productive than they otherwise might be. Exhibit 5.

Springfield District Court

61. The Springfield District Court is located at 50 State Street in the Roderick L. Ireland Hall of Justice.
62. There have been countless numbers of respiratory and cancer diagnoses throughout the entire building. Exhibit 4.
63. The condition of the building has caused the Bar concern about entering to conduct court business. Exhibit 4.
64. On September 13, 2021, CPCS's chief counsel suspended in-person appearances in the Roderick L. Ireland Hall of Justice pending an assessment from a CPCS-retained consultant and conclusion that appearing in person before the Court did not pose unacceptable environmental health risks. Exhibit 2, tab S.
65. The expert conducted an assessment on September 16, 2021, and discovered the presence of mold in an air diffuser. Exhibit 2, tab S.
66. Trial Court personnel cleaned the diffuser, and, on September 20, 2021, CPCS's consultant provided an opinion that it was safe to go into the building. Exhibit 2, tab S.
67. In the fall of 2021, the Roderick L. Ireland Hall of Justice closed due to a long-standing mold issue. Exhibit 4.
68. Thereafter, the Springfield District Court began receiving motions to continue due to environmental concerns. Exhibit 4.
69. The Springfield District Court has seven courtrooms. Exhibit 6.
70. On a daily basis, six or seven judges are assigned to the Springfield District Court. Exhibit 6.

71. The Springfield District Court is staffed by a clerk-magistrate, eight assistant clerks, and thirty-four clerical employees. Exhibit 2, tab H, affidavit of Hon. Gay.
72. Based on internal staffing and resource allocation data and metrics, the Springfield District Court is allocated forty-six positions. Exhibit 6.
73. As of November 16, 2021, the Springfield District Court had forty-seven positions filled and therefore was staffed at a level greater than one hundred percent. Exhibit 6.
74. In 2016, the Springfield District Court had 28,597 total filings, the highest number of filings in any district court in the Commonwealth. Exhibit 4.
75. In 2017, there were 30,718 total filings (first in Commonwealth); in 2018, there were 25,480 total filings (second); in 2019, there were 24,297 filings (second); and in 2020, there were 22,022 filings (second). Exhibit 4.
76. In 2019, there were 9,362 criminal case filings in the Springfield District Court, the most of any district court in the Commonwealth, and 9,639 cases disposed; twenty percent disposed beyond time standards. Exhibits 4, 6.
77. In 2020, there were 7,936 criminal case filings in Springfield District Court -- again, the most of any district court in the Commonwealth -- and 6,989 disposed; nearly fourteen percent disposed beyond time standards. Exhibits 4, 6.
78. In 2021, there were 6,966 criminal case filings and 4,732 cases disposed in Springfield District Court; over twenty percent of cases disposed beyond time standards. Exhibit 6.
79. In 2020, the Springfield District Court climbed to number four in total mental health filings, only trailing courts with hospitals in their jurisdictions (Worcester, Brockton, Plymouth). Exhibit 4.
80. Since June 3, 2020, the Court has heard 302 petitions pursuant to G. L. c. 123, § 35. Exhibit 2, tab H.
81. Approximately ninety-five percent of individuals subject to a § 35 petition require appointment of counsel. Exhibit 2, tab H.
82. Between early fall and November 2020, the Springfield District Court held at least twenty-one individuals in jail an extra night because the Court did not reach their arraignments. Exhibit 2, tab G, affidavit of King; exhibit 2, tab H.
83. At least one defendant was held an extra night because the Court could not get the services of an interpreter. Exhibit 2, tab G, affidavit of King.
84. In October 2020, the Springfield District Court reallocated its courtroom configuration to provide five judicial sessions each day. Exhibit 2, tab H, affidavit of Hon. Gay.

85. In 2020 and into 2021, the Court reduced many of its sessions in accordance with COVID-19 safety precautions, occupancy limits, and reduced staffing. Exhibit 4.
86. From March 2020 through July 2020, pursuant to District Court standing orders, the Springfield District Court only conducted arraignments of persons who had been arrested and were in custody. Exhibit 2, tab H, affidavit of Hon. Gay.
87. Those arraignments were conducted virtually. Exhibit 2, tab H, affidavit of Hon. Gay.
88. Arraignments in non-summons and summons matters resumed in July 2020. Exhibit 2, tab H, affidavit of Hon. Gay.
89. During early 2021, the Springfield District Court took proactive steps to address the potential backlog of cases and attorney shortages by integrating technology to improve usability and access. Exhibit 4.
90. The centerpiece of the modernization was virtualizing the pretrial and trial readiness sessions. Exhibit 4.
91. The Springfield District Court's pretrial session schedules between eighty and 110 cases per day. Exhibit 4.
92. The Court conducted 446 virtual trial readiness conferences between March and September 2021. Exhibit 4.
93. The Court also revised its administration of jury trials by intervening earlier in cases, assigning judges in advance, convening hearings over Zoom, curating the trial list to ensure viability, and closing the so-called day of trial "control room" session. Exhibit 4.
94. As a result of these strategies, the Springfield District Court trial list contains matters with a high likelihood of going forward, the Court does not have a backlog of COVID-19 matters, and jury trial dates are readily available. Exhibit 4.
95. The Chief Justice of the District Court has granted Hampden County an exemption from Joint Boston Municipal Court/District Court Standing Order 1-21, which requires that all arraignments take place in person. Exhibit 2, tab N.
96. The practice of the Springfield District Court First Justice is that all duty day attorneys have the option of appearing virtually; no attorney is being required to appear in person for their assigned duty day. Exhibit 2, tab H.
97. The Hampden County jail has two conference areas from which it makes male defendants available for arraignment via Polycom or Zoom. Exhibit 2, tab H, affidavit of Hon. Gay.
98. These rooms are located in separate "pods" of the jail and situated to facilitate the

expeditious availability of defendants to the Court. Exhibit 2, tab H, affidavit of Hon. Gay.

99. Arraignments of female defendants in custody are conducted virtually using Polycom from the Western Massachusetts Regional Women's Correctional Center. Exhibit 2, tab H.
100. On average, the Springfield District Court requires the virtual appearance of fifteen to twenty-five defendants per day. Exhibit 2, tab H, affidavit of Hon. Gay.
101. The Court must accommodate these appearances while vying with the other four district courts in Hampden County, as well as an additional seven district courts in the western Massachusetts region. Exhibit 2, tab H, affidavit of Hon. Gay.
102. Attorneys representing clients in custody are permitted to attend arraignments in person or by videoconference. Exhibit 2, tab H, affidavit of Hon. Gay.
103. Most Springfield District Court matters are conducted virtually. Exhibit 2, tab H, affidavit of Hon. Gay.
104. The Springfield District Court relies heavily on out of county attorneys to offset the loss of attorneys willing and able to take assignments and offers Zoom as an option to increase convenience of handling Springfield District Court cases. Exhibit 4.
105. The standard monthly duty day designation for the Springfield PDD office is ten days in the Springfield District Court, five days in the Holyoke District Court, two days in the Chicopee District Court, and two days in the Westfield District Court. Exhibit 2, tab P.
106. Springfield District Courtroom One is one of the busiest sessions in the Commonwealth and functions best with four duty day attorneys on Mondays and Tuesdays, three duty day attorneys the rest of the week, and one dedicated § 35 duty day attorney. Exhibit 4.
107. With an average of thirty-two to forty-three cases per day, this allocation ensures that each duty day attorney is not overwhelmed with assignments. Exhibit 4.
108. The Springfield PDD office sends at least two attorneys, and often three, to duty days in Courtroom One. Exhibit 2, tab P.
109. The following chart reflects duty day coverage in Springfield District Courtroom One for the period July through October 2021 (exhibit 4):

Month	Total days	No attorneys	Partially staffed	Fully staffed	CPCS appearance
July	21	0	16	5	3
August	22	7	12	3	3
September	21	3	11	7	0
October	20	2	14	4	5
TOTALS	84 days	12 days	53 days	19 days	11 days

110. The “partially staffed” designation above includes twenty days where there was only one bar advocate. Exhibit 4.
111. When there are insufficient duty day attorneys, the Courtroom One session clerk spends a great deal of time attempting to recruit attorneys. Exhibit 4.
112. The session clerk triages the daily list, attempting to determine bail requests and find attorneys to handle the cases of those who are in custody. Exhibit 4.
113. The session clerk contacts HCLJ and routinely contacts local bar advocates by phone, text message, and email, as well as by locating them within the courthouse. Exhibit 4.
114. On several occasions where circumstances were dire, the session clerk contacted the Springfield PDD office to request assistance. Exhibit 4.
115. On days where there are no lawyers available, the Court is put in the untenable position of having to explain the circumstances to the defendant and hold them without right to bail pending assignment by CPCS. Exhibit 4.
116. It cannot be overstated how frustrating the shortage of attorneys has been for the Court and staff, who are the ones explaining to individuals being held that there are no attorneys available to represent them. Exhibit 4.
117. It is difficult for the judges to watch, firsthand, the continued erosion of constitutional rights despite the Court’s best efforts. Exhibit 4.
118. The Springfield District Court session clerks are relentless in their efforts to find bar advocates. Exhibit 4.
119. Despite it being outside their job description or statutory responsibilities, members of the Springfield District Court remain committed to finding counsel for individuals who qualify. Exhibit 4.

Hampden District Attorney

120. The Hampden District Attorney usually assigns three or four assistant district attorneys to the Springfield District Court bail session, and never assigns less than two. Exhibit 2, tab O.
121. On days with lengthy lists, the office assigns five assistant district attorneys to the bail session. Exhibit 2, tab O.
122. Hampden assistant district attorneys working in the Springfield District Court maintain caseloads of more than 300 cases at any given time. Exhibit 2, tab I.
123. Beginning in 2018, Hampden County prosecutors moved with more frequency for pretrial detention based on dangerousness. Exhibit 8. See G. L. c. 276, § 58A.

124. In July 2020, to ease the backlog of cases in the Springfield District Court, the Hampden District Attorney agreed to dismiss prior to arraignment many criminal matters involving a motor vehicle offense. Exhibit 2, tab I.
125. This policy has been in place ever since. Exhibit 2, tab I.
126. Since July 2020, the Hampden District Attorney has dismissed approximately 400 to 500 cases of this kind in the Springfield District Court. Exhibit 2, tab I.
127. Assistant district attorneys have consistently been willing to enter a nolle prosequi on minor offenses prior to arraignment, decriminalize offenses pursuant to G. L. c 277, § 70C, and discuss and resolve cases. Exhibit 2, tab H.

CPCS

128. CPCS is the State agency responsible for providing counsel to indigent defendants.
129. Since 1986, CPCS has published an Assigned Counsel Manual that is regularly updated and informs attorneys representing indigent clients through CPCS of the qualifications, training, and performance standards, the billing process, audit and evaluation procedures, complaint procedure regarding the performance and conduct of attorneys, and other policies and procedures related to assignment and compensation. Exhibit 13.
130. The requirements of the Assigned Counsel Manual are intended to ensure that CPCS-assigned counsel meet national standards regarding attorney qualifications, training, and supervision. Exhibit 13.
131. CPCS is statutorily mandated to represent not less than twenty percent of indigent defendants. Exhibit 8.
132. CPCS's PDD has sixteen offices throughout the Commonwealth. Exhibit 8.
133. The PDD has a county-based structure and staffing model. Exhibit 14.
134. The western Massachusetts PDD offices are located in Pittsfield, Northampton, and Springfield. Exhibits 8, 14.
135. Springfield PDD attorneys are not assigned to one particular court but move around to meet demand. Exhibit 11.
136. Attorneys do not ordinarily take cases from more than two courts at a time. Exhibit 11.
137. An exception would be if an existing client picks up a new case out of a third court, in which case the attorney will take that case as well. Exhibit 11.

138. CPCS is in the process of opening another PDD office in Holyoke. Exhibits 8, 14.
139. The Holyoke PDD office will be comprised of ten attorneys, including an attorney in charge and supervising attorney, two administrative assistants, one investigator, and one social services advocate. Exhibits 10, 14.
140. CPCS is soliciting and reviewing applications for these positions. Exhibit 10.
141. It is anticipated that the Holyoke office will primarily cover the Holyoke and Chicopee District Courts. Exhibit 10.
142. If needed, attorneys in the Holyoke office could also cover courts in Franklin and Hampshire Counties. Exhibit 10.
143. CPCS has a unified case management system. Exhibit 8.
144. Offices in different divisions share the same office space and administrative amenities. Exhibit 8.
145. Staff attorneys transfer between or among different offices and divisions. Exhibits 8, 11.
146. When an attorney transfers from one PDD office to another, they typically keep some of their prior cases. Exhibit 8.
147. CPCS has adopted agency-wide policies and protocols to assure compliance with the conflict-of-interest provisions of the Massachusetts Rules of Professional Conduct. Exhibit 8.
148. For every case that CPCS staff counsel is prohibited from accepting due to a conflict of interest, room is created for another case to be assigned. Exhibit 8.
149. Therefore, although CPCS's growth has increased the frequency with which conflicts of interest arise, it has not affected the overall capacity of CPCS to provide representation. Exhibit 8.
150. On January 1, 2019, the PDD began unifying its offices throughout the Commonwealth to eliminate the distinction between District and Superior Court offices. Exhibit 8.
151. CPCS established support staff ratios for its unified PDD offices. Exhibit A to exhibit 8.
152. Those standards call for one social service advocate and one investigator per ten attorneys. Exhibit A to exhibit 8.
153. Three investigators are assigned to offices with twenty-one or more attorneys. Exhibit A to exhibit 8.

154. Support staff are assigned to PDD offices based on the office's particular needs. Exhibit A to exhibit 8.
155. CPCS promulgated caseload targets as part of the unification process. Exhibit 8.
156. In August 2019, CPCS issued a memo explaining how the caseload targets were established. Exhibit 8.
157. Cases are given a "weight." District Court cases have a weight of one point; Superior Court cases two points; and murder cases five points. Exhibit 8.
158. The weighting system is general in nature. Exhibit A to exhibit 8.
159. There will always be great variation in the amount of time and effort that cases require, and the location where the case is being prosecuted may affect the amount of work required to resolve the matter. Exhibit A to exhibit 8.
160. The target caseload for a full time PDD trial attorney is between fifty and seventy weighted cases. Exhibit 8.
161. In addition, PDD attorneys are expected to "touch" 190 weighted cases per year. Exhibit A to exhibit 8.
162. Cases counted in determining the number of cases "touched" include those:
 - Pending at the start of the fiscal year;
 - Assigned during the fiscal year (including probation violations and witness representation);
 - In which the attorney acts as a "second seat";
 - In which the attorney appeared for bail purposes only;
 - In which the attorney represented the client in a post-conviction context;
 - In which the attorney provided only advice to a client;
 - In which the attorney participated in service of a summons on a witness under the Uniform Act to Secure Attendance of Witnesses, G. L. c. 233, §§ 13A-13D;
 - In which the attorney appeared at a clerk's hearing; and
 - Others in which the attorney performed necessary miscellaneous services.Exhibit A to exhibit 8.
163. Cases in the above categories are weighted as one for District Court cases, two for Superior Court cases, and five for murder cases, except that in all cases in which the attorney acts as "second seat," the case is given a weight of one. Exhibit A to exhibit 8.
164. Any questions about how a case should be weighted are resolved by the managing director of CPCS or by CPCS's deputy chief counsel. Exhibit A to exhibit 8.
165. Attorneys in the PDD are expected to represent clients in approximately fifty percent of Superior Court cases and not less than eighteen percent of District Court cases. Exhibit A to

exhibit 8.

166. CPCS guidelines provide that trial attorneys in the unified PDD offices should have equitable workloads. Exhibit A to exhibit 8.
167. CPCS attorneys in charge and supervising attorneys are responsible for assigning cases and monitoring the caseloads and overall workloads of attorneys in the office. Exhibit A to exhibit 8.
168. One of the central functions of CPCS is to provide competent counsel to indigent defendants.
169. To this end, CPCS has promulgated performance standards that apply to CPCS attorneys as well as bar advocates. Exhibit 8.
170. CPCS's case assignment system considers whether the attorney will be able to meet all CPCS performance standards in a timely fashion in light of court scheduling, specific dates required by statute, custody status, the attorney's individual workload, and the attorney's qualifications, experience, and training. Exhibit 11.
171. Caseload capacity is an individualized determination based on each attorney's level and type of experience, volume of cases, type and severity of cases, and other case-specific demands. Exhibit 8.
172. PDD attorneys in charge have discretion to manage the caseloads of individual attorneys. Exhibit A to exhibit 8.
173. PDD trial attorneys with one year of experience or less start with a small caseload consisting only of District Court cases. Exhibit A to exhibit 8.
174. After their initial training, new attorneys will be assigned duty days in district court and bail reviews in Superior Court. Exhibit A to exhibit 8.
175. By the end of their first year, PDD attorneys are expected to carry a full caseload and have the capacity to complete all administrative tasks. Exhibit A to exhibit 8.
176. Commencing in year two, PDD attorneys are required to participate in continuing legal education. Exhibit A to exhibit 8.
177. By the end of the second year, PDD attorneys are expected to have the capacity to conduct jury trials and evidentiary motions, and to identify situations in which investigators and social service advocates should be utilized. Exhibit A to exhibit 8.
178. Commencing in year three and for each year thereafter, PDD attorneys may take more and increasingly serious cases. District Court cases are reduced as attorneys accept more Superior Court cases. Exhibit A to exhibit 8.

179. Experienced PDD attorneys continue to take District Court duty days as determined by the attorney in charge and supervising attorney. Exhibit A to exhibit 8.
180. Whether a particular attorney has the capacity to take on a new case at any given point in time is an individualized determination that is based on a number of factors. Exhibit 8.
181. Caseload capacity is reached when a staff attorney is unable to meet CPCS's performance standards. Exhibit 8.
182. The Springfield PDD currently has an attorney in charge, four supervising attorneys, and twenty-two full-time staff attorneys. Exhibit 11.
183. Of those staff attorneys, four have less than two years of experience, nine have more than two years' experience but are not Superior Court-qualified, five have more than two years' experience and are qualified to take lower-level Superior Court felonies, and four have more than two years' experience and are qualified to take serious felony cases. Exhibit 11.
184. The four supervising attorneys also have extensive practice experience and are qualified to take serious felony cases. Exhibit 11.
185. PDD attorneys in charge and supervising attorneys have the authority to exercise discretion and judgment in applying CPCS guidelines. Exhibit A to exhibit 8.
186. That discretion and judgment "must be exercised in a manner that serves the best interest of the client and is consistent with the purposes of the unification of the offices." Exhibit A to exhibit 8.
187. In general, attorneys in charge and supervising attorneys are expected to have one-half the caseload maintained by a trial attorney. Exhibit A to exhibit 8.
188. In addition, PDD supervising attorneys may be assigned to other tasks that include addressing conflict of interest issues, aiding support staff in their work and in the creation of procedural systems, scheduling duty days, assigning cases to trial attorneys, creating and scheduling in-house training sessions, identifying and preparing strategies for impact litigation, coordinating and facilitating case conference sessions, identifying and supervising law student interns, acting as a representative of the office, and acting as the attorney in charge when that person is absent from the office. Exhibit A to exhibit 8.
189. PDD staff attorneys also have responsibilities separate and apart from representing active cases in court, such as fielding calls from the public. Exhibits 8, 11.
190. Issues raised by these inquiries sometimes require CPCS to open a case and assign it to a staff attorney. Exhibits 8, 11.
191. During the 2019 crisis that precipitated the proceedings in Carrasquillo, the Springfield

PDD office was carrying a weighted caseload of 1,235 cases. Exhibit 2, tab G, affidavit of Dixon.

192. On March 16, 2020, the Springfield PDD office was carrying a weighted caseload of 966 cases. Exhibit 2, tab G, affidavit of Dixon.
193. On August 3, 2020, the office was carrying a weighted caseload of 1,013 cases. Exhibit 2, tab G, affidavit of Dixon.
194. By August 18, 2020, the office was carrying a weighted caseload of 1,064 cases, an increase of fifty-one weighted cases over a fifteen-day period. Exhibit 2, tab G, affidavit of Dixon.
195. On September 18, 2020, the Springfield PDD stopped taking District Court duty days for the remainder of September and October. Exhibit 2, tab G, affidavit of Dixon.
196. On September 21, 2020, CPCS's director of strategic litigation and appellate counsel to the trial unit provided written notice to the Single Justice that every attorney in the Springfield PDD office had reached or exceeded their maximum caseload capacities and would not be taking any new assignments or covering duty days in Hampden County. Exhibit 2, tab E.
197. During this time, Springfield PDD was still assigned thirty-two new cases, mostly involving existing clients. Exhibit 2, tab G, affidavit of Dixon.
198. The Springfield PDD was able to cover two duty days in November 2020. Exhibit 2, tab G, affidavit of Dixon.
199. In December 2020, the Springfield PDD office had a weighted caseload of 1,094 cases. Exhibit 2, tab J, affidavit of Madden.
200. By January 6, 2021, the Springfield PDD office had a caseload of 1,139 weighted cases. Exhibit 2, tab J.
201. On April 29, 2021, the Springfield PDD office was carrying a caseload of 1,384 weighted cases. Exhibit 2, tab L.
202. On July 6, 2021, the attorney in charge of the Springfield PDD office informed the Regional Administrative Judge for the District Court that all PDD attorneys had reached their case limits and would not be covering duty days in July and August. Exhibit 2, tab P.
203. As of November 19, 2021, one or more Springfield PDD attorneys were "case-capped." Exhibit 11.
204. CPCS has also established a case weighting system for private bar advocates that sets an outer limit on the number of new assignments a private attorney may accept over the course of a fiscal year. Exhibit 12.

205. Private attorneys may not accept more than 250 weighted cases in a fiscal year. Exhibit 12.
206. Private attorneys may not accept more than one hundred Superior Court and Sexually Dangerous Person assignments in a fiscal year. Exhibit 12.
207. The 250 weighted case cap was set in 2012 and intentionally higher than the actual desired caseload. Exhibit 12.
208. For fiscal years 2020 and 2021, the weighted caseloads were not limiting bar advocates' ability to accept cases in Hampden County. Exhibit 12.
209. On average in those two years, Hampden County bar advocates were carrying weighted caseloads of 49.54 and 52.12. Exhibit 12.
210. CPCS has a training program to become certified to accept Superior Court cases. Exhibit A to exhibit 8.
211. Bar advocates who wish to accept Superior Court cases must be certified by CPCS's private counsel division (PCD). Exhibit 8.
212. The PCD is responsible for providing support and oversight to the twelve bar advocate programs across the Commonwealth, including HCLJ. Exhibits 9, 13.
213. The PCD is responsible for ensuring that bar advocates are adhering to CPCS's performance standards. Exhibit 13.
214. HCLJ coordinates duty days with the Springfield PDD. Exhibit 11.
215. Due to a lack of bar advocate coverage of duty days in the Holyoke District Court, Springfield PDD has diverted resources to Holyoke from the Hampden Superior and Springfield District Courts. Exhibit 11.
216. CPCS attorneys in other PDD offices such as Worcester, Pittsfield, and Northampton have consistently been helping the Springfield PDD cover its duty days. Exhibits 10, 14.
217. However, the shortage of bar advocates is also affecting these offices and they can no longer assist Hampden County. Exhibits 10, 14.
218. Due to the counsel shortage in Hampden County, Brianna Rowley, a staff attorney in the criminal trial support unit of the PCD, spends approximately ninety-five percent of her workday providing support to Hampden County. Exhibit 9.
219. Between September and November 2021, Rowley's unit received phone calls from CPCS's main office and spoke with fifty-four defendants who had been directed to CPCS Boston by various Hampden County courts. Exhibit 9.

- 220. As of November 2021, Rowley had recruited fifty-six out of county attorneys to regularly take duty days and assigned cases in Hampden County, and twenty-eight out of county attorneys to do so periodically. Exhibit 9.
- 221. On a daily basis, Rowley provides the priority list to PDD Springfield supervising attorney Katherine Murdock for her review and determination of PDD conflicts and capacity to take additional cases. Exhibit 9.
- 222. Rowley and Murdock confer multiple times per week to update each other on the status of the priority unassigned case list and open duty day schedules. Exhibit 9.
- 223. CPCS is acting in good faith in seeking to accomplish its statutory mission.
- 224. CPCS attorneys are dedicated public servants who provide an essential component of our system of justice.

HCLJ

- 225. HCLJ is a corporation and the bar advocate program in Hampden County. It provides private counsel in criminal cases in which CPCS is unable to represent an indigent defendant, either because of the volume of cases or conflicts of interest.
- 226. HCLJ has a contract with CPCS that outlines the responsibilities and the rate of compensation for attorneys who take cases as bar advocates. See exhibit 2, tab Q, "Agreement to provide legal services."
- 227. HCLJ currently has 144 bar advocates: fifty-eight certified to represent indigent clients in Superior Court; seventy certified for District Court only; and sixteen certified for juvenile work only. Exhibits 7, 9.
- 228. Each bar advocate is an independent contractor. Exhibit 7.
- 229. Bar advocates are not required to take assigned cases, rather, it is on a voluntary basis. Exhibit 2, tab G, affidavits of King and Pegus.
- 230. Approximately thirty-seven to forty Hampden County bar advocates are not currently active and have not taken cases in some time. Exhibits 7, 9.
- 231. In 2017, Hampden Superior Court cases were covered by forty-four HCLJ bar advocates and nine out of county advocates. By 2021, only thirty-five Hampden County bar advocates were covering Superior Court cases, compared to twenty-three out of county advocates. Exhibit 7.
- 232. In 2017, the Springfield District Court was covered by fifty-one HCLJ bar advocates. By 2021, that number was forty-two, with twenty-one out of county advocates also covering the Court. Exhibit 7.

- 233. In 2017, thirty HCLJ bar advocates covered the Holyoke District Court. Exhibit 7.
- 234. As of September 30, 2021, only thirteen HCLJ bar advocates were covering the Holyoke District Court, along with nine out of county attorneys. Exhibit 7.
- 235. In 2018, in Hampden County, bar advocates accepted 12,007 District Court cases and 539 Superior Court cases. Exhibit 9.
- 236. By 2021, only 7,034 District Court cases and 375 Superior Court cases were accepted by bar advocates. Exhibit 9.
- 237. Since 2018, the number of bar advocates in the Commonwealth has decreased. Exhibit 9.
- 238. In 2021 alone, panel sizes decreased Statewide by over seven percent. Exhibit 9.
- 239. In Hampden County, bar advocate membership dropped from 150 in 2018 to 143 in 2021. Exhibit 9.
- 240. Twelve percent of HCLJ attorneys did not bill any cases from July 2020 through August 2021. Exhibit 9.
- 241. Since January 2021, seven attorneys have left the Hampden County bar advocate panel. Exhibit 13.
- 242. Bar advocate numbers have dropped in Hampden County due to attorneys retiring, new attorneys applying in fewer numbers, bar advocates leaving the program for jobs with benefits such as in a District Attorney's office, and, in recent years, the effects of the COVID-19 pandemic. 2/15/22 Pegus interview.
- 243. The physical condition of the Roderick L. Ireland Hall of Justice is also a factor contributing to the lack of bar advocates in Hampden County. Exhibit 4.
- 244. The COVID-19 pandemic exacerbated the counsel shortage in Hampden County. 2/15/22 Pegus interview; exhibit 2, tab G, affidavit of Pegus.
- 245. Some attorneys stopped taking cases because they did not want to appear in court during the pandemic. Exhibit 2, tab G, affidavit of Pegus.
- 246. The decrease in number of bar advocates has outpaced the decrease in number of criminal cases, resulting in increased demand. Exhibit 4.
- 247. In Hampden County, new HCLJ attorney certifications dropped from eleven in 2018 to seven in 2021. Exhibit 9.
- 248. Bar advocates must attend eight hours of continuing legal education courses annually to

maintain their certifications. Exhibit 13.

249. CPCS pays attorneys for the continuing legal education courses taken in a fiscal year. Exhibit 13.
250. Bar advocates are required to complete CPCS's zealous advocacy training course to become certified to accept appointments. Exhibits 9, 13.
251. The zealous advocacy training program is offered throughout the Commonwealth several times per year as well as virtually during the pandemic. Exhibit 13.
252. Four Hampden County attorneys were in the fall 2020 virtual training class. Exhibit 2, tab G, affidavit of King.
253. Three attorneys participated in the February 2021 class. Exhibit 2, tab P, affidavit of King.
254. As of February 15, 2022, HCLJ had one interview scheduled for the new bar advocate training program and no one registered to attend. 2/15/22 Pegus interview.
255. Bar advocates are not paid by CPCS for time spent training. 2/15/22 Pegus interview.
256. In July 2004, CPCS advocated for an increase in compensation rates for bar advocates, suggesting sixty dollars per hour for District Court cases, ninety dollars per hour for Superior Court nonhomicide cases, and \$120 per hour for murder cases. Lavallee, 442 Mass. at 231.
257. Adjusted for inflation using the Bureau of Labor Statistics CPI Inflation Calculator, available at <https://data.bls.gov/cgi-bin/cpicalc.pl?cost1=60&year1=200407&year2=202107>, in July 2021, those rates equate to eighty-six dollars per hour for District Court cases, \$130 per hour for nonhomicide Superior Court cases, and \$173 per hour for murder cases. See Carrasquillo, 484 Mass. at 393 n.35.
258. In November 2020, the compensation rate for bar advocates was fifty-three dollars per hour for District Court cases, sixty-eight dollars per hour for Superior Court assignments, and \$110 per hour for murder cases. Exhibit 2, tab G, affidavit of Hewitt.
259. In 2021, the hourly rates for District and Superior Court nonhomicide cases were raised to sixty and seventy-five dollars, respectively. The rate for homicide cases did not change. G. L. c. 211D, § 11.
260. CPCS attorneys in the PCD actively recruit new bar advocates from area law schools, highlighting practice in western Massachusetts. Exhibit 13.
261. The PCD has presented to Western New England University School of Law, the University of Connecticut, the Affinity Bar Associations, and all eight Massachusetts law schools through the Law School Consortium. Exhibit 13.

262. Over ninety percent of law school graduates have student loan debt and owe an average of \$108,000. Exhibit 13.
263. Bar advocates cannot bill CPCS until they receive a “notice of assignment of counsel.” See, e.g., exhibit 2, tab J, affidavit of Woods.
264. Bar advocates may not bill CPCS for more than 1,650 hours per year. G. L. c 211D, § 11 (b); exhibit 2, tab G, affidavit of Hewitt.
265. Effective December 2020, the billing cap is raised to 2,000 hours. Exhibit 2, tab L.
266. Bar advocates cannot bill CPCS for time spent on administrative tasks related to assigned cases. 2/15/22 Pegus interview.
267. Bar advocates do not receive health insurance or retirement benefits through the Commonwealth. 2/15/22 Pegus interview.
268. Bar advocates do not receive cost of living increases. 2/15/22 Pegus interview.
269. There is little incentive for attorneys to become bar advocates. 2/15/22 Pegus interview.
270. In addition to assignments from the Court, bar advocates receive individual case assignments from HCLJ Administrator Sarah Pegus. Exhibit 7.
271. Pegus is responsible for assigning to bar advocates the individual cases not taken by the Springfield PDD office. Exhibit 7; exhibit 2, tab G, affidavit of Pegus.
272. In 2017, there were 458 individual cases in need of assignment; nineteen were accepted by the Springfield PDD. Exhibit 7.
273. Thereafter: in 2018, out of 450 cases, the Springfield PDD accepted thirteen; in 2019, out of 851 cases, the Springfield PDD accepted thirty-one; in 2020, out of 444 cases, the Springfield PDD accepted twenty-four; and, as of October 26, 2021, out of 746 cases, the Springfield PDD had accepted seventy-seven. Exhibit 7.
274. To attract more private attorneys to Hampden County, in July 2019, CPCS instituted an emergency duty day rate of \$424. Exhibit 2, tab G, affidavit of King.
275. The emergency rate expired on June 30, 2020. Exhibit 2, tab G, affidavit of King.
276. When CPCS instituted the special rate, the Springfield District Court saw an immediate increase in the number of attorneys who would accept duty days. Exhibit 4.
277. The emergency duty day rate was effective in attracting bar advocates from other counties. Exhibit 2, tab G, affidavit of Pegus.

278. As a result of the emergency duty day rate, Pegus assigned fewer cases and it did not take as long to assign them. Exhibit 2, tab G, affidavit of Pegus.
279. For example, in January and February 2019, Pegus had to assign 130 cases that were not picked up by a duty day attorney, compared to seventy-four in January and February 2020, while the duty day rate was in effect. Exhibit 2, tab G, affidavit of Pegus.
280. From March through June 2019, Pegus assigned 325 cases, compared to eighty-eight from March through June 2020, when the emergency rate was in effect. Exhibit 2, tab G, affidavit of Pegus.
281. On September 13, 2021, CPCS reinstituted the emergency duty day rate. Exhibit 2, tab S.
282. The emergency duty day rate for attorneys covering courts in Hampden County is now \$480. Exhibit 2, tab S.
283. The emergency rate applies for each day an attorney covers Hampden County courts, and not for each court in which the attorney appears.
284. CPCS compensates out of county bar advocates for travel time and mileage to and from Hampden County courts. Exhibit 13.
285. CPCS reimburses out of county bar advocates traveling further than fifty miles one way up to \$130 for the cost of a hotel room if necessary to conduct court appearances, jail visits, meetings with clients and their families, and case investigations. Exhibit 13; exhibit 2, tab G, notices to bar advocates.
286. In addition, out of county bar advocates traveling to Hampden County receive a twenty-five dollar per day stipend from CPCS. Exhibit 13.
287. For out of county bar advocates, CPCS waives the ten-hour daily billable hour limit. Exhibit 13.
288. CPCS Performance Standard 2B requires attorneys to maintain an office that is easily accessible to the client by public transportation. Exhibit 14.
289. The requirement for a local office is a hindrance for out of county bar advocates willing to take Hampden County cases. Exhibit 15.
290. CPCS provides an office space in downtown Springfield for out of county attorneys to use. Exhibit 9.
291. HCLJ reviews all bar advocates accepting cases in Hampden County, including out of county attorneys. Exhibit 4.

292. Out of county bar advocates are also reviewed by their home organization. Exhibit 4.
293. Out of county attorneys prefer to be reviewed only by their home program, even when they accept cases in Hampden County. Exhibit 4.
294. Unlike out of county attorneys, CPCS does not reimburse HCLJ bar advocates for mileage or travel time in connection with representing indigent defendants in Hampden County. 2/15/22 Pegus interview.
295. Unlike out of county attorneys, CPCS does not provide HCLJ bar advocates with administrative support. 2/15/22 Pegus interview.
296. HCLJ does not have a limit, or “cap,” on the number of cases that may be accepted by bar advocates. Exhibits 7, 9.
297. The shortage of bar advocates in Hampden County has resulted in many of the same HCLJ advocates taking more and more cases. 2/15/22 Pegus interview.
298. Some HCLJ advocates currently have as many as one hundred cases. 2/15/22 Pegus interview; Exhibit 2, tab G, affidavit of Pegus.
299. In the course of its obligation to provide supervision and training, HCLJ does advise a contract attorney when their caseload is too high to be consistent with the obligation to provide zealous representation to each of their clients. Exhibits 7, 9.
300. When that happens, HCLJ and the bar advocate usually reach an agreement on a temporary cap. Exhibits 7, 9.
301. On rare occasions, HCLJ has imposed a limit on cases. Exhibits 7, 9.
302. HCLJ places a cap on the number of Superior Court cases a newly certified advocate can accept until the advocate demonstrates the ability to handle the rigors of Superior Court. Exhibit 7.
303. The HCLJ office is staffed by Pegus and her part-time assistant. 2/15/22 Pegus interview.
304. Pegus and her assistant are employees of the HCLJ board. 2/15/22 Pegus interview.
305. HCLJ is funded by CPCS. 2/15/22 Pegus interview.
306. Pegus is a salaried employee with a contract to work thirty-five hours per week. 2/15/22 Pegus interview.
307. Pegus has held her position since 2010. Exhibit 2, tab G, affidavit of Pegus.
308. Pegus is responsible for scheduling and managing the duty day calendars for five District

Courts and three Juvenile Courts in Hampden County. 2/15/22 Pegus interview; exhibit 2, tab G, affidavit of Pegus.

- 309. Managing duty day calendars is a full-time job. 2/15/22 Pegus interview.
- 310. Pegus's assistant works twenty hours per week and helps with scheduling duty days. 2/15/22 Pegus interview.
- 311. Pegus works extremely hard to staff the Springfield District Court with bar advocates. Exhibit 4.
- 312. Pegus sends daily emails regarding case assignments, duty day coverage, and the status of cases on the HCLJ list of defendants without counsel. Exhibit 13.
- 313. Pegus works late every day and most weekends to ensure there is duty day coverage. Exhibit 2, tab G, affidavit of Pegus.
- 314. Pegus is also responsible for communicating with the courts, managing contracts with attorneys, processing complaints about attorneys, conducting and managing performance assessments on behalf of three CPCS supervising attorneys, and finding substitute counsel and signing all notices of withdrawal in Superior Court cases. 2/15/22 Pegus interview.
- 315. In addition, Pegus is responsible for HCLJ's corporate obligations and the processing and payment of business taxes and payroll. 2/15/22 Pegus interview.
- 316. Neither Pegus nor her assistant receive cost of living increases. 2/15/22 Pegus interview.
- 317. Neither Pegus nor her assistant are provided with health insurance or retirement benefits through the Commonwealth. 2/15/22 Pegus interview.
- 318. CPCS pays eighty percent of the cost of a private health insurance plan for Pegus. Exhibit 18.

Analysis

The Holyoke and Springfield District Courts are two of the busiest courts in the Commonwealth. Holyoke has two judges and courtrooms to process over 3,000 criminal filings per year, in addition to civil sessions that include small claims, veterans court, and an ever-increasing number of petitions for civil commitment. The Springfield District Court has seven courtrooms and six judges handling over 30,000 total filings per year. It consistently has the most criminal filings of any district court in the Commonwealth and has climbed to number four

in mental health filings. The sheer number of cases alone would necessitate a full complement of judges, defense counsel, prosecutors, assistant clerk-magistrates, probation officers, court officers, and other necessary support personnel for the Court to fulfill its mission of providing justice to the citizens of Hampden County. When any one of these necessary components in this complement of resources falls short, then, of necessity, the system begins to fail.

Such systemic failure has now existed in Hampden County for over twenty years, providing painful evidence of the persistent disparity of resources available to courts in western Massachusetts as compared with those in the eastern part of the State. In August and September 2021, no less than thirty-one and as many as sixty-one indigent defendants were without appointed counsel in Hampden County, most in Holyoke and Springfield. Many individuals were held for days without ever speaking to a lawyer. In Holyoke, the lack of access to defense counsel is preventing indigent defendants with substance use disorders from utilizing pretrial diversion and treatment, resulting in serious disparity of opportunity for citizens in that city. As this Honorable Court presciently observed in Lavallee, 442 Mass. at 236, “[t]he harm from inaction over a period of time is cumulative.” Hampden County has the dubious distinction of being the only county in this Commonwealth to have a shortage of appointed counsel reach crisis level twice. The perpetual shortage puts all judges who serve in the Hampden County courts in an untenable position. The public looks to the Court to provide a system of justice, yet the judges are powerless to solve the problem. It is difficult, if not impossible, for judges to be expected to rule on serious cases while simultaneously trying to assure that indigent defendants are provided counsel. It is worth noting that Judges Maltby and Hadley have been proactive in encouraging members of the Bar to accept appointments to cases involving indigent Hampden County defendants.

All stakeholders agree that sixty dollars per hour for District Court cases, seventy-five dollars per hour for Superior Court nonhomicide cases, and \$110 per hour for homicide cases is unreasonably low compensation for attorneys carrying ever-increasing amounts of student debt. I see little consideration in the statutory compensation rates for the debt facing newer attorneys or the fact that “[p]rivate counsel are responsible for their own office expenses (e.g., rent, equipment, telephone, library, and support services), as well as professional malpractice insurance, health insurance, and the employer’s share of social security payments.” Lavallee, 442 Mass. at 232 n.9. As independent contractors, bar advocates also may face different tax consequences for the funds they receive as compensation. While CPCS has instituted a \$480 duty day “appearance fee” to compensate bar advocates in addition to the prescribed statutory rates, this program is due to expire in March 2022, and the appearance fee alone has been insufficient to attract and retain attorneys willing to serve as bar advocates in Hampden County.

It is notable, and commendable, that CPCS has recognized the crisis and taken steps to alleviate the issue. CPCS has attracted more out of county attorneys in recent years to take duty days and assigned cases from Hampden County courts by reimbursing them for travel, providing a stipend and hotel credit, and offering administrative support and office space. None of these essentials are provided to Hampden County bar advocates, however, who also travel on a regular basis to a Superior Court, three Juvenile Courts, five District Courts, and two houses of correction spanning a large geographic area. HCLJ advocates would benefit just as much as their out of county peers from mileage reimbursement and administrative support. CPCS also does not pay private attorneys for time spent attending CPCS’s mandatory training course. With such little structural support, it is not surprising that bar advocates in Hampden County are unable to sustain their commitment to the program, and that new attorneys are not applying.

The lack of structural support for HCLJ attorneys is further evidenced by the fact that the HCLJ office, funded by CPCS, is run by one administrator and her part-time assistant. HCLJ administrator Pegus does a fantastic job in seeking to ensure that all Hampden County courts have bar advocates on a daily basis and that indigent defendants can meaningfully exercise their right to counsel, however, it is unrealistic to expect one person to administer this far-reaching program effectively. The Springfield and Holyoke District Courts are two of the busiest in the Commonwealth. CPCS relies heavily on the HCLJ program to provide attorneys for these courts and should support it accordingly.

I do not take issue with the manner in which CPCS staff attorneys are trained and mentored. Nor do I take issue with the proposition that CPCS is acting in good faith in seeking to accomplish its statutory mission. It is undisputed that CPCS attorneys are dedicated public servants who provide an essential component of our system of justice. A fair comment, however, is that CPCS has not sufficiently staffed its western Massachusetts offices to the degree that it can assure all indigent defendants are represented by counsel. The enabling statute places this responsibility squarely on CPCS. In circumstances such as those in Hampden County, where CPCS determines in writing that there are insufficient numbers of bar advocates available (defined in the statute as “qualified attorneys”), and “[n]otwithstanding any general or special law to the contrary” (of which there are none because CPCS’s standards are agency guidelines), “the public defender division shall be assigned in any civil or criminal matter described in subsection (b)” (emphasis added). G. L. c. 211D, § 6 (a) (iii). CPCS has the sole statutory authority to assign a particular attorney to represent an indigent defendant, Carrasquillo, 484 Mass. at 384-385, but it does not have authority to decline appointments. See Walsh v. Commonwealth, 485 Mass. 567, 571 (2020), citing G. L. c. 211D, § 5 (CPCS

“statutorily responsible for providing defense counsel for eligible defendants who cannot afford to retain their own counsel in criminal proceedings in the Massachusetts State Courts”). See also Mass. R. Crim. P. 7 (b) (2), as appearing in 461 Mass. 1501 (2012); S.J.C. Rule 3:10, as appearing in 475 Mass. 1301 (2016). While the right to the effective assistance of counsel is governed by the proposition that an attorney cannot take on so many cases that their ability to zealously represent each client is impaired, the reality is that I have found no uniform application of the concept cited by the Springfield PDD when it refused to take on more cases, of CPCS attorneys being “capped out.” If indeed CPCS attorneys have reached their limit of assigned cases such that they are unable to take new cases, it is CPCS’s statutory obligation either to find alternate counsel, such as HCLJ attorneys, or to increase its staff in Hampden County to a degree that assures attorneys are available to represent all indigent defendants.

The problem of underfunding public defenders is not unique to Massachusetts. “With rare exception, since at least 1980 the legislatures in our nation have provided their citizens systemically unconstitutional and unethical indigent defense systems by grossly underfunding those systems.” Hanlon, 51 Ind. L. Rev. at 70-71. “Neither the public defenders nor the clients had any responsibility for that massive abdication of the rule of law in our criminal justice system.” *Id.* at 71. Legislatures ultimately bear the responsibility and burden for the problem, particularly where, as in Massachusetts, “these same state legislatures have been exclusively responsible for the criminalization of poverty, homelessness, mental illness, and addiction that has occurred for at least the last thirty-five years, dramatically increasing the workload of the entire criminal justice system, including the defense function.” *Id.*

Recommendations

The following recommendations are predicated on my conclusion that all parties who

responded to my requests are genuinely concerned about and working diligently to solve the crisis resulting from the lack of attorneys available to represent indigent defendants in Hampden County. I agree with Judge Maltby's sentiment, that "[a]ll parties now stand at a moment in time where there is an ability to resolve the attorney shortage once and for all. It is important to acknowledge that these proceedings are not about who is right or wrong but rather about developing and implementing change to ensure that the shortage comes to an end and does not happen again. This will require all parties to engage in difficult conversations, make concessions, acknowledge shortcomings, remain open minded, and not lose sight of the larger picture." Exhibit 4.

Short-term solutions

1. CPCS. The only possible short-term solution to the shortage of appointed counsel in Hampden County is for CPCS to provide western Massachusetts with the resources needed to ensure that attorneys are available to provide all qualifying defendants with counsel. There simply is no other way to directly address this problem. In this regard, CPCS has informed me that it is opening a PDD office in Holyoke and creating ten new staff attorney positions. The addition of ten attorneys may go a long way in resolving this crisis, but until we reach a point where every qualifying defendant receives appointed counsel, drastic measures are called for. Accordingly, **I recommend that CPCS be ordered, pursuant to this Honorable Court's general supervisory powers, to immediately provide four additional lawyers to western Massachusetts and provide counsel to all qualified Hampden County defendants who are not represented by HCLJ.** See G. L. 211, § 3; Carrasquillo, 484 Mass. at 383-384. I realize that such an order will severely tax the resources of CPCS. I therefore recommend that this Honorable Court convey its concern to the Legislature by fully supporting CPCS's request for a

supplementary budget designed to fund the immediate need for more CPCS attorneys in Hampden County. Respectfully, I suggest that fully funding CPCS will eliminate the need for the Lavallee protocol, which was never meant to be a permanent solution to this problem.

Some structural changes at CPCS are also required in the short term. First, the distinction between Superior and District Court-certified attorney should not be applied unless and until an indictment issues. This would free more attorneys for dangerousness hearings in the District Court and facilitate continuous representation of indigent defendants whose cases remain there.² Second, CPCS should review and offer additional training on its conflict-of-interest policy to ensure that CPCS attorneys are only seeking to withdraw in cases in which there is a true conflict. Third, CPCS's caseload "cap," and the manner in which it is calculated, should be clarified to the extent that a quantifiable number of cases can form the basis for a cap. Fourth, CPCS should actively engage with the Hampden County District Courts to expand the use of remote hearings. A beneficial by-product of the COVID-19 pandemic is the broad-based realization that many proceedings may occur via remote technology. CPCS policy should be revised to allow attorneys to continue signing up for remote § 35 duty days.

2. HCLJ. The bar advocate system as it currently exists in Hampden County must change in a significant manner to have a meaningful impact on the current crisis. As all parties agree, compensation to private attorneys must be raised. I recommend that CPCS declare the situation as it exists today a threat to indigent Hampden County defendants' constitutional rights that warrants immediate intervention. In that regard, **I recommend that the hourly compensation rate for bar advocates who take cases from the Springfield and Holyoke**

² Although a case may begin with the Commonwealth expressing an intent to proceed by way of indictment, in many cases, for good reason, the cases remain in District Court.

District Courts immediately be raised to \$120 per hour. While this may seem to be an unreasonable demand on CPCS resources, it is my view that the rate hike can be accomplished without action by the Legislature, by reallocating resources from other parts of the State.

Certainly, a rate increase is also required for a long-term solution to the crisis. I recognize that increasing the rates for attorneys taking cases in only these two courts may have a negative effect on bar advocate programs in other counties. However, the fact of the matter is that these two courts and the indigent defendants who appear in them, unlike those living in any other county in this Commonwealth, have been neglected on a mass scale for decades, and are continuing to be neglected. Immediate intervention is necessary to have a meaningful impact on the shortage of attorneys willing to take assignments there. CPCS's \$480 "appearance fee" has helped to alleviate some of the pressure on these courts, and **it is my recommendation that the enhanced fee not be terminated. Instead, a \$480 appearance fee should become a permanent part of the HCLJ attorney appointment process. Cost of living increases should also be structured into compensation rates.** "Experience demonstrates that increases in compensation do remedy counsel shortages." Carrasquillo, 484 Mass. at 393.

Bar advocates are, and should remain, independent contractors. To alleviate the shortage of attorneys willing and able to take assigned cases in Hampden County, however, **the structure of the existing contractual relationship between bar advocates and CPCS must change.** I recommend that all training required by CPCS or HCLJ as a prerequisite to appointment be compensated at the hourly rate of \$120. This rate of compensation should also apply to cases in which a new attorney sits "second seat" on pretrial and trial proceedings. I further recommend that HCLJ attorneys, like out of county attorneys, receive mileage reimbursement and compensation for travel expenses incurred in connection with an appointed

case, including a hotel if necessary for the attorney to meet with witnesses or clients. CPCS should recognize the availability of office space in the Hampden County Bar Association's office in the Roderick L. Ireland Hall of Justice and eliminate the requirement for bar advocates to have an office in Hampden County; such recognition would also give HCLJ advocates on-the-spot access to basic office amenities like a copier and printer.

CPCS and HCLJ should work together to eliminate duplicative auditing requirements. All attorneys in this Commonwealth who participate in a bar advocate program are required to adhere to CPCS standards. Accordingly, either CPCS or the attorney's home bar advocate program could review the attorney's performance to ensure compliance with CPCS standards. There is no need for two overburdened organizations to be duplicating tasks. Bar advocates should become eligible to participate in the Commonwealth's health insurance system, and CPCS should continue pursuing changes to the Federal Public Service Loan Forgiveness Program, to allow private attorneys who act as public servants by participating in the bar advocate program the possibility of having their federal loans forgiven. See exhibit 13.

Finally, **CPCS must fund HCLJ in a manner commensurate with HCLJ's reason for existence: to allow CPCS to meet its statutory obligations by "provid[ing] counsel for indigent defendants in Hampden County in cases that CPCS staff attorneys are unable to accept."** Lavallee, 442 Mass. at 232 (discussing HCLJ's predecessor, Hampden County Bar Advocates, Inc.). In this regard, I recommend that HCLJ Administrator Pegus receive a substantial raise and her contract be revised to reflect a forty-hour work week. The HCLJ administrative assistant position also should be changed to a full-time, forty-hour per week position. And, because they are not independent contractors but employees of HCLJ, funded solely by and acting to the benefit of CPCS, Pegus and her assistant should receive the health

insurance and retirement benefits to which other CPCS staff are entitled.

3. District Courts. Lavallee hearings are currently taking place in Superior Court.

While the particulars of a Lavallee hearing might be modified by placing a higher burden on CPCS -- for example to show cause why they cannot accept a case rather than a good faith effort to obtain counsel -- I recommend for the short-term that the hearing itself remain in the District Court from which the case originated. This course of action would streamline a sometimes-cumbersome process that often involves moving cases from one court to another. I recognize that this likely is not possible without a major infusion of additional resources into the Springfield and Holyoke District Courts.

4. Hampden District Attorney. CPCS has requested that the Hampden District Attorney's Office curtail its requests for defendants to be held pursuant to the dangerousness statute, G. L. c. 278, § 58A. This function lies solely within the District Attorney's discretion, and I decline to make such a recommendation. CPCS has also requested that I recommend for use in Superior Court a defendant-capped plea procedure similar to that available in District Court. The procedure as it stands has a reasonable basis. Therefore, I decline to adopt this recommendation. Finally, CPCS has urged me to recommend streamlining the discovery process of the Hampden District Attorney's Office. I am confident the District Attorney is aware of his office's discovery obligations and will seek to comply with all discovery requests. I make no recommendation on this front.

5. All parties. Finally, pursuant to this Honorable Court's general supervisory powers, **I recommend that the parties update the Single Justice not less than every three months on the status of the counsel shortage in Hampden County.**

Long-term Solutions

1. CPCS. CPCS is a vital component to the daily functioning of our criminal justice system. My recommendation that CPCS be responsible for addressing the short-term solution to this problem asks quite a lot of the organization. Nevertheless, CPCS is the only organization that can provide an immediate solution to the problem. While its resources will certainly be taxed by stepping into the void and providing counsel to indigent defendants, a concerted effort should be made to ensure that CPCS has enough resources to complete this task. Accordingly, **I recommend that this Honorable Court support CPCS's request for additional resources necessary for it to fully staff its western Massachusetts offices.**³ I recommend that this Honorable Court endorse that request, along with my recommendations, outlined below, for the enhancement of resources in the Springfield and Holyoke District Courts. I recognize that these recommendations will require action by the Legislature, however, I am confident that, with this Honorable Court's recommendation, and with the support of Chief Justice of the Trial Court Jeffrey Locke and Chief Justice Dawley, the Legislature will recognize this crisis and extend the necessary funding.

2. Springfield and Holyoke District Courts. No long-term solution to this problem can be achieved without the addition of significant funding aimed at the recognized causes. To that end, I recommend that additional resources be added to the Springfield and Holyoke District Courts. Specifically, **I recommend that this Honorable Court request the Legislature create and fund two additional judicial positions for the Hampden County District Courts.**

Because the addition of two more judges would put a significant strain on the Trial Court's

³ CPCS has indicated that it would also seek to open a western regional office with twenty-five to thirty attorneys, plus support professionals, if it receives additional funding. Exhibit 18. This would go a long way toward addressing the counsel crisis in Hampden County.

existing resources, I also recommend that this Honorable Court request the Legislature create and fund two additional assistant clerk positions for the Springfield District Court and direct the Trial Court to conduct a staff analysis in order to assess the need for further support positions, e.g., court officers, probation officers, assistant district attorneys, and translators. I make the same recommendations for the Holyoke District Court. Two additional assistant clerks, and a directive to the Trial Court to conduct a staff analysis in order to assess the need for further support positions. Again, I realize that these suggestions must be the subject of legislation, however, this request is one that meets a very real emergency need and cannot be viewed as an unfounded request for State expenditures. I believe that these requests will have the support of Chief Justice Locke and Chief Justice Dawley. Indeed, Judge Dawley has indicated his support for the proposal and that he would be willing to assist me in presenting this report to legislative leaders, to seek to persuade them of the immediate needs in Hampden County in order to address this ongoing issue.

3. HCLJ. As I have stated, HCLJ plays a vital role in solving this crisis. It is obvious that, if there were enough attorneys willing to accept appointments to cases of indigent defendants, the problem would be solved. To that end, in addition to my short-term recommendations, I make the following long-term ones. First, HCLJ should offer qualified attorneys a year-long contract, reviewable annually by the HCLJ Board members. In exchange for the attorney's agreement to accept a specific number of cases and duty days on a yearlong basis, the attorney will be paid at the enhanced hourly rate, and eligible for health insurance through the Commonwealth, federal student loan debt forgiveness, and cost of living increases.

Second, local firms should be solicited to "lend" new associates to the HCLJ program on a monthly or yearly basis. This effort can be conducted by CPCS, HCLJ, the Hampden County

Bar Association, and the judiciary. This Honorable Court should consider endorsement of this proposal through public recognition of all firms who agree to participate in the program.

Third, as previously recommended, HCLJ should be the recipient of funding that will ensure its ability to provide counsel on a regular basis, with a certain degree of responsibility for the acceptance of duty days on a regular basis.⁴ This recommendation presumes legislative support for the HCLJ program, however, without a substantial increase in funding to the program, we are destined to continue to fail systemically in our responsibility to assure that Hampden County's indigent defendants are afforded their constitutional rights.

4. The Roderick L. Ireland Hall of Justice. Finally, it is well known by anyone who has ever practiced in Hampden County that the Roderick L. Ireland Hall of Justice poses a serious risk to the health of those who works or appear there on a regular basis.⁵ I am encouraged that the Chief Justice of the Trial Court has, and continues, to address this important issue.

Respectfully submitted this 22nd day of March 2022,


Judd J. Carhart
Special Master

⁴ The specific recommendations have already been stated in the short-term solution section.

⁵ I recognize that there is a separate lawsuit to which a special master has been appointed that will deal with the viability of keeping the current courthouse open.

Exhibit A

Jennifer O'Brien

From: Jennifer O'Brien
Sent: Wednesday, June 18, 2025 2:26 PM
To: Ronald.Mariano@mahouse.gov; Michael.Rodrigues@masenate.gov;
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Cc: Lisa Newman-Polk; Sean Delaney
Subject: Update from Bar Advocate Work Stoppage Leadership

As you are likely aware, many Bar Advocates in Massachusetts have made the independent decision to stop taking new cases because the rate of pay is and has been so low that it is creating a Constitutional crisis within the court system. The high costs associated with practicing this type of law, along with the extremely low wages, has led to an exodus of experienced attorneys, who are now taking cases in bordering states that have a higher rate of pay, while preventing newer attorneys the financial ability to enter this field. Massachusetts is ranked second on the cost-of-living index only second to Hawaii yet it pays its court appointed attorneys the lowest rate in New England.

The Private Counsel Division, more commonly known as "Bar Advocates," are independent contractors with the Committee for Public Counsel Services ("CPCS") who are paid an hourly rate to accept criminal appointments in the state court system. Bar Advocates are assigned approximately 80% of court appointed cases. At present, in criminal cases, Bar Advocates are paid \$65/hr for District Court cases, \$85/hr for Superior Court cases, and \$120/hr for murder cases.

We are seeking a rate comparable with other New England states, namely Connecticut, Rhode Island, New Hampshire, and Maine. The median District Court pay for those states is \$121.25. The overall consensus amongst the bar advocates who have stopped taking new cases is that an immediate increase of \$35 across the board for FY 2026 will do it. This will only bring District Court pay to \$100/hr, which is still far less than bordering states like New Hampshire and Rhode Island. This is more than fair and reasonable. Bar advocates are also seeking an assurance that another \$25 across the board be provided next fiscal year to bring us closer to the median pay rate for the New England states mentioned above. Additionally, annual cost of living increases should be implemented so this situation is never repeated.^[1]

STATE	HOURLY RATE	COST OF LIVING
Massachusetts	\$65-\$85-\$120	\$145,900
Connecticut	\$98-113	\$112,300
Vermont	\$100	\$114,400
New Jersey	\$100	\$114,600
District of Columbia	\$110	\$141,900
Michigan	\$100-\$192	\$90,400
Rhode Island	\$112-\$142	\$112,200

Virginia	\$120	\$100,700
Alaska	\$125-\$155	\$123,800
New Hampshire	\$125-\$150	\$112,600
Maine	\$150	\$112,100
New York	\$158	\$123,000
Federal Rate	\$175-223	

We welcome the opportunity to discuss this issue with you and are always available to answer any questions you may have. Thank you for your time.

Very truly yours,

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^[1] The \$35/hr raise across the board would bring District Court cases to \$100/hr, Superior Court cases to \$120/hr, and murder cases to \$155/hr. A raise across the board is appropriate to continue to entice attorneys to take the most complex cases, like murder and those where the defendant faces a life sentence in state prison.

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^[1] The \$35/hr raise across the board would bring District Court cases to \$100/hr, Superior Court cases to \$120/hr, and murder cases to \$155/hr. A raise across the board is appropriate to continue to entice attorneys would not be enticed to take murder cases, or life felonies