Committee For Public Counsel Services
Fiscal Year 2004 Budget Proposal

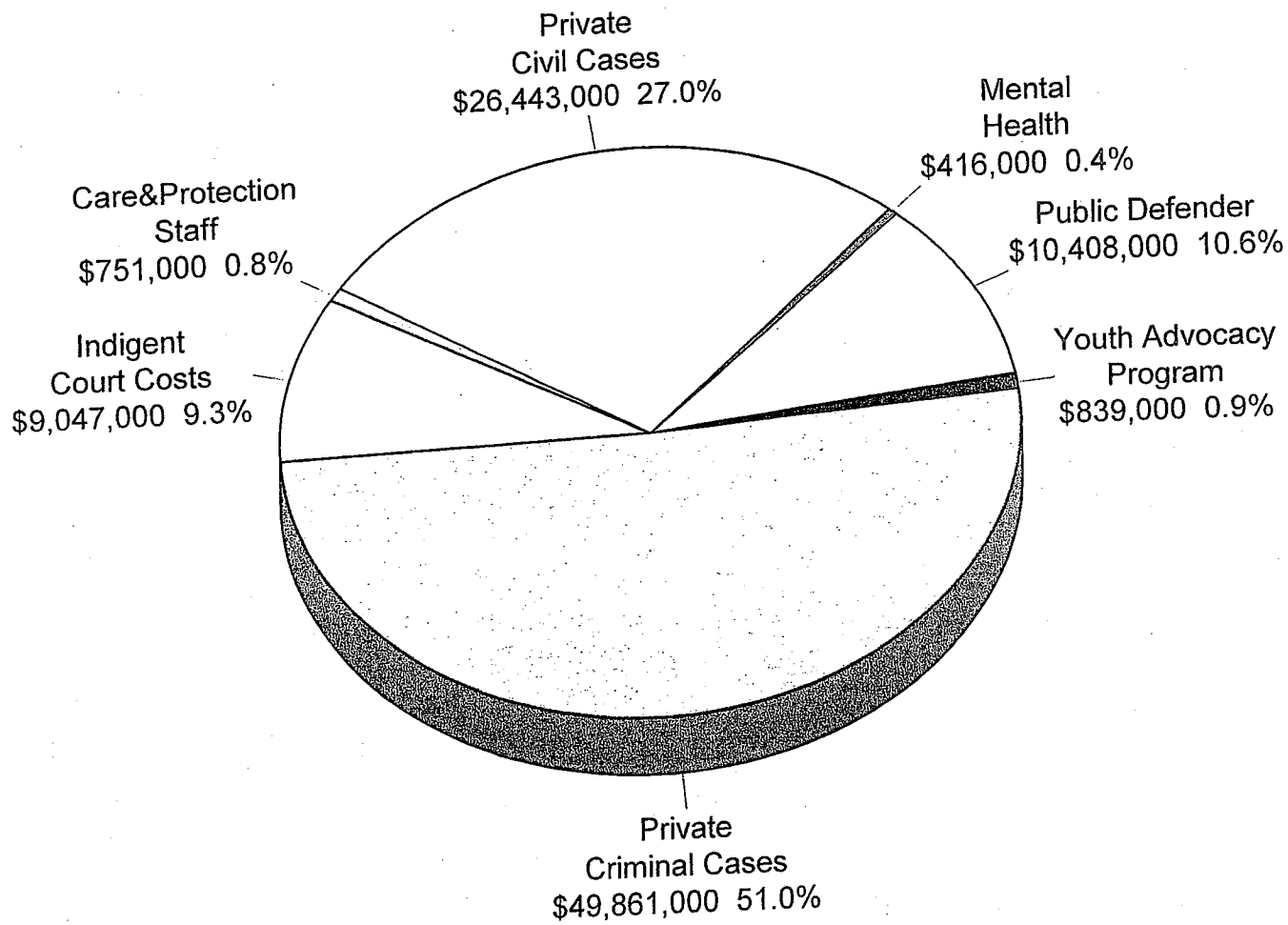
Senate and House Ways & Means Joint Hearing

March 18, 2003

Attachment 9B

Total FY 2003 CPCS Expenditure Estimate

$97.8 Million (Including $16.3 Million Supplement)



Major CPCS Cost Control Initiatives

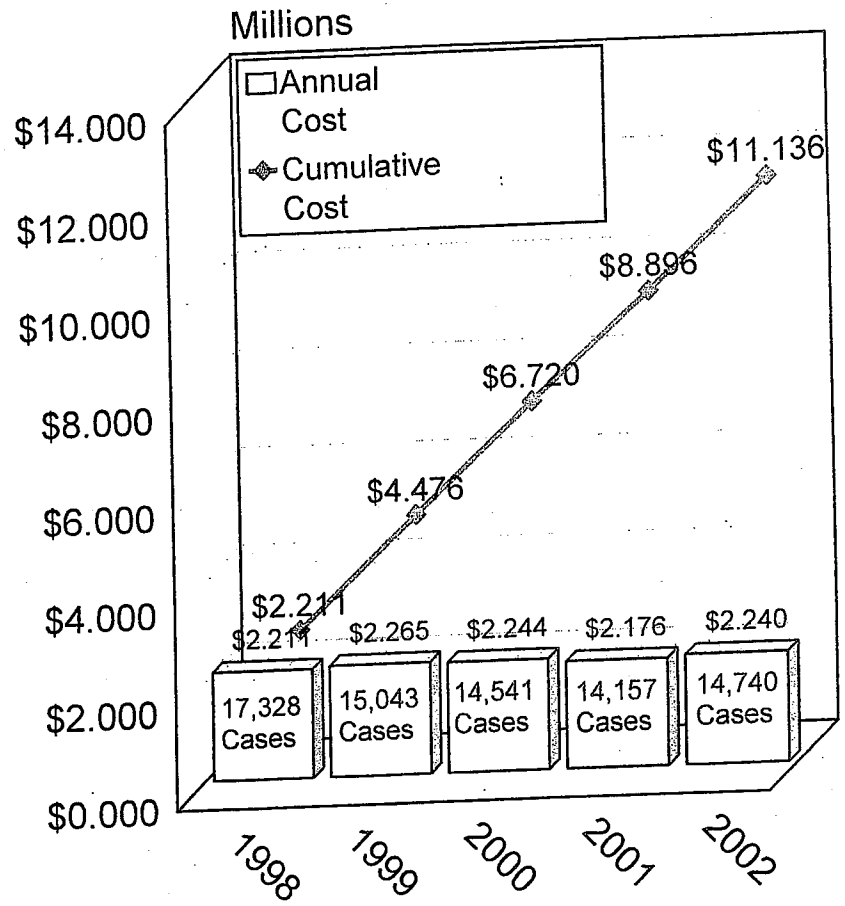
- ✓ *COUNSEL FEE (1990)* Proposed basic, waivable counsel fee. Enacted (G.L.c.211D,S.2A) at $40; as nations highest at $100, raised $2.4 million for General Fund in FY '02. Increased to $150 in FY '03.
- ✓ *NO JAIL - NO COUNSEL STATUTE (1991)* worked to amend G.L.c.211D,S.2A under which a judge may waive possible incarceration, and eliminate need to assign counsel.
- ✓ *INDIGENCY RULE REFORM (1993)* Eliminated indegency rule loophole and took account of parental and spousal assets in revised SJC Rule 3:10. "Indigent but able to contribute " contributions by clients raised $3.9 million for the General Fund in FY '02.
- ✓ *1800 HOUR ANNUAL CAP (1994)* Prevents excessive billing; better distributes assignments, and allows adequate attention to cases.
- ✓ *CHILDREN & FAMILY LAW OVERSIGHT (1995)* Created unit to provide oversight, support, and training on state intervention cases - implemented mentor and regional coordinator programs.
- ✓ *CIVIL INFRACTION LAW (1995) & REVISIONS (1998)* Worked with Ways & Means to craft, then amend G.L.c.277,S.70C, which authorizes prosecutors to treat certain misdemeanors as civil.
- ✓ *3 HOUR DAILY WAITING TIME CAP (1996)* Court waiting time, although limited by case, was abused - saved $1.3 million in FY '98 alone.
- ✓ *DAILY 10 HOUR BILLING CAP (1996)* Prevents overbilling saves $800,000 annually. May be waived with CPCS approval.
- ✓ *LATE PENALTY (1996)* Electronic deduction of 5% late bill penalty encourages timely billing, and saves CPCS $470,000 annually. Penalty increased to 10% in FY '03.
- ✓ *TELEBILL II (1996)* 100% electronic processing of 200,000 private attorney bills saved CPCS $200,000 Annually.
- ✓ *CPCS WEB SITE (1997)* Available to 2500 attorneys for communications, training, and research, while saving printing and distribution costs.
- ✓ *TIGHTENED CONTROLS OVER INDIGENT COURT COST FUND (1997)* Guidelines for authorization process of experts, and requirement for each vendor to obtain the hiring attorney's written varification of the service rendered.
- ✓ *INDIGENCY VERIFICATION COMMISSION (1999-2000)* Pursuant to FY '99 budget section proposed by CPCS; achieved temporary reduction in criminal case intake, reversing 8 years of increases.
- ✓ *REDUCTION OF RATES FOR INVESTIGATORS AND EXPERTS (2002)*
- ✓ *ATTEMPTED REFORM OF CIVIL INFRACTION LAW (2002)* Proposed eliminating motion by prosecutor as prerequisite to judicial action. Passed by legislature; vetoed by Governor.
- ✓ *TECH MANAGEMENT (2002)* CPCS has increased its efficiency and reduced chargebacks from ITD by more than $110,000 annually via self administration of CPCS computer systems.
- ✓ *EBill.com (2002)* CPCS electronic billing system for 2500 private attorneys reduces overhead cost by $105,000 annually, while providing better data for billing audits and case analysis.
- ✓ *COUNSEL FEE COLLECTIONS (2002)* $6.2 miillion collected by courts in FY 2002. CPCS has pointed out to court leadership that more needs to be done; e.g., while the district court collects $34 per assigned counsel case, the superior court collects $3, and the probate court virtually none.

Potential Savings By Amending Civil Infractions Law

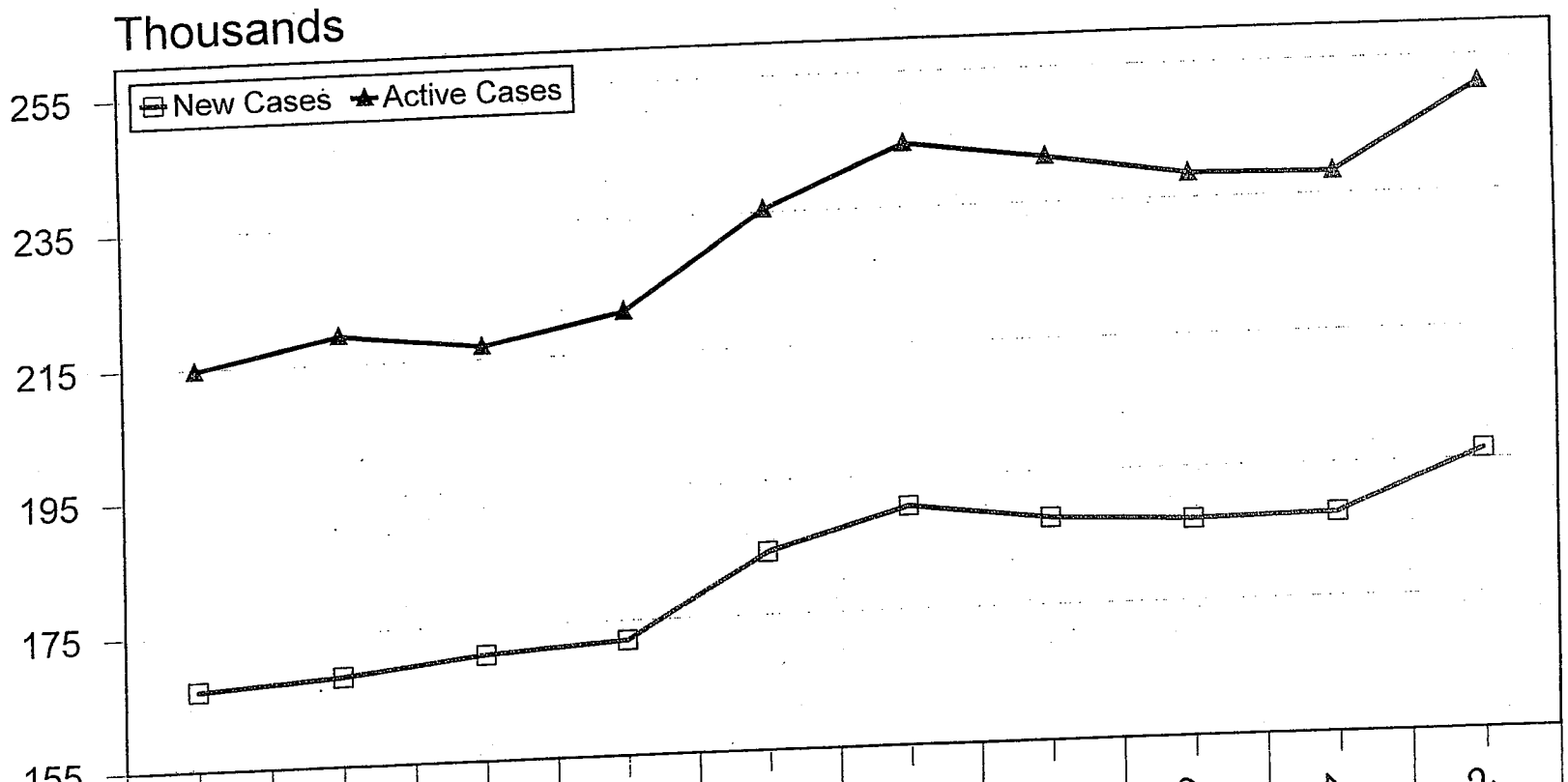
History of G.L.c. 277, sec. 70C

- 1995: CPCS works with General Court to reduce $1.4 Million annual cost of providing counsel in lesser misdemeanor cases. The new statute authorizes the court , "upon oral motion by the Commonwealth", to treat ordinance, by-law and certain misdemeanor offences as civil infractions.
- 1998: Statute is amended to specify permissible effects of a civil adjudication; and to specify certain offenses which fall outside its scope.
- 1999-2000: Examination of statute's ineffectiveness by legislatively authorized Indigency Verification Commission. Annual counsel costs for section 70C offenses grow to $2.2 Million.
- 2002: Proposed amendement to permit discretion on court's own motion. Passed by House and Senate, vetoed by Governor.

Five Most Recent Fiscal Years

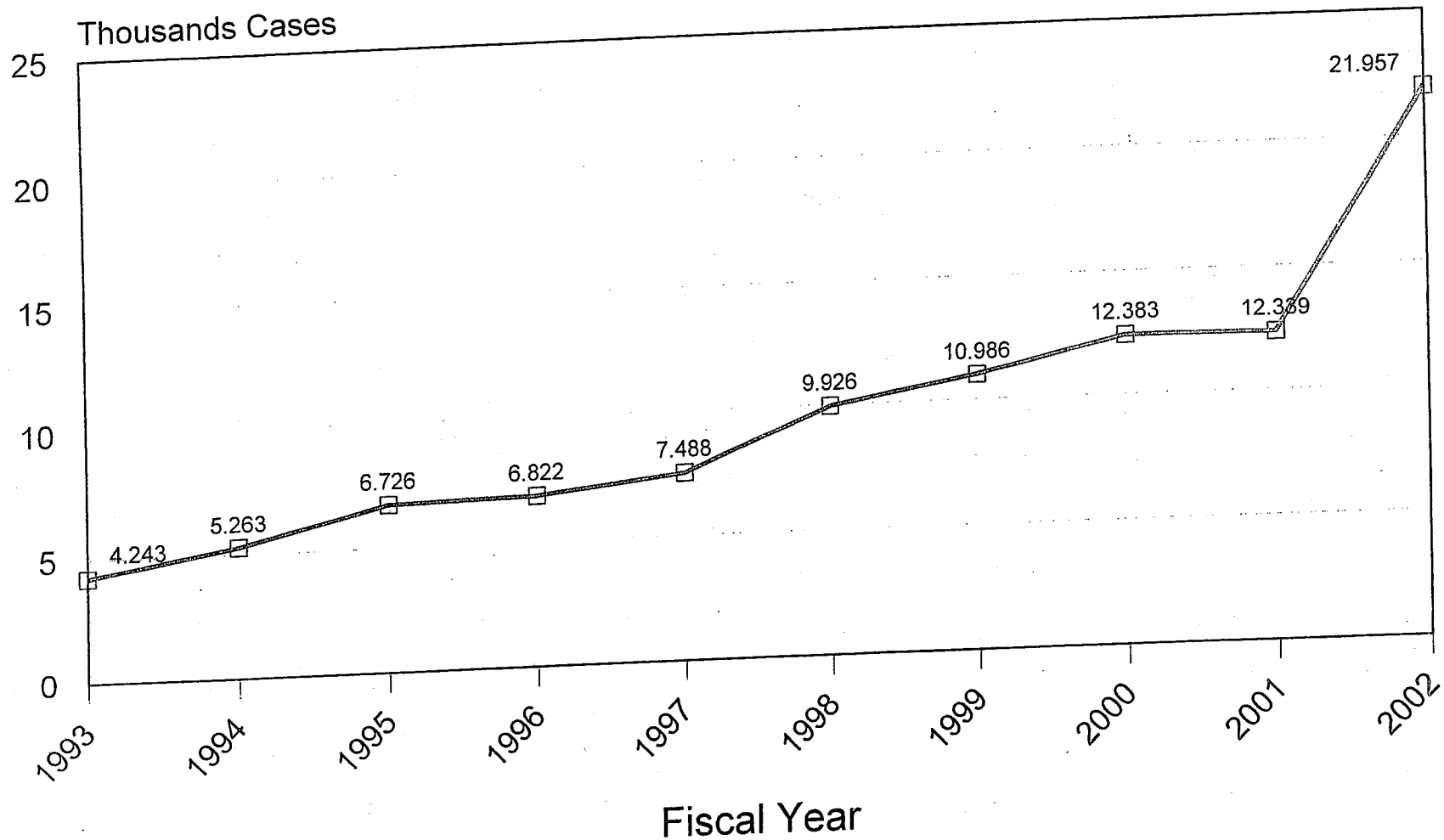


CPCS Cases - Ten Year Trend



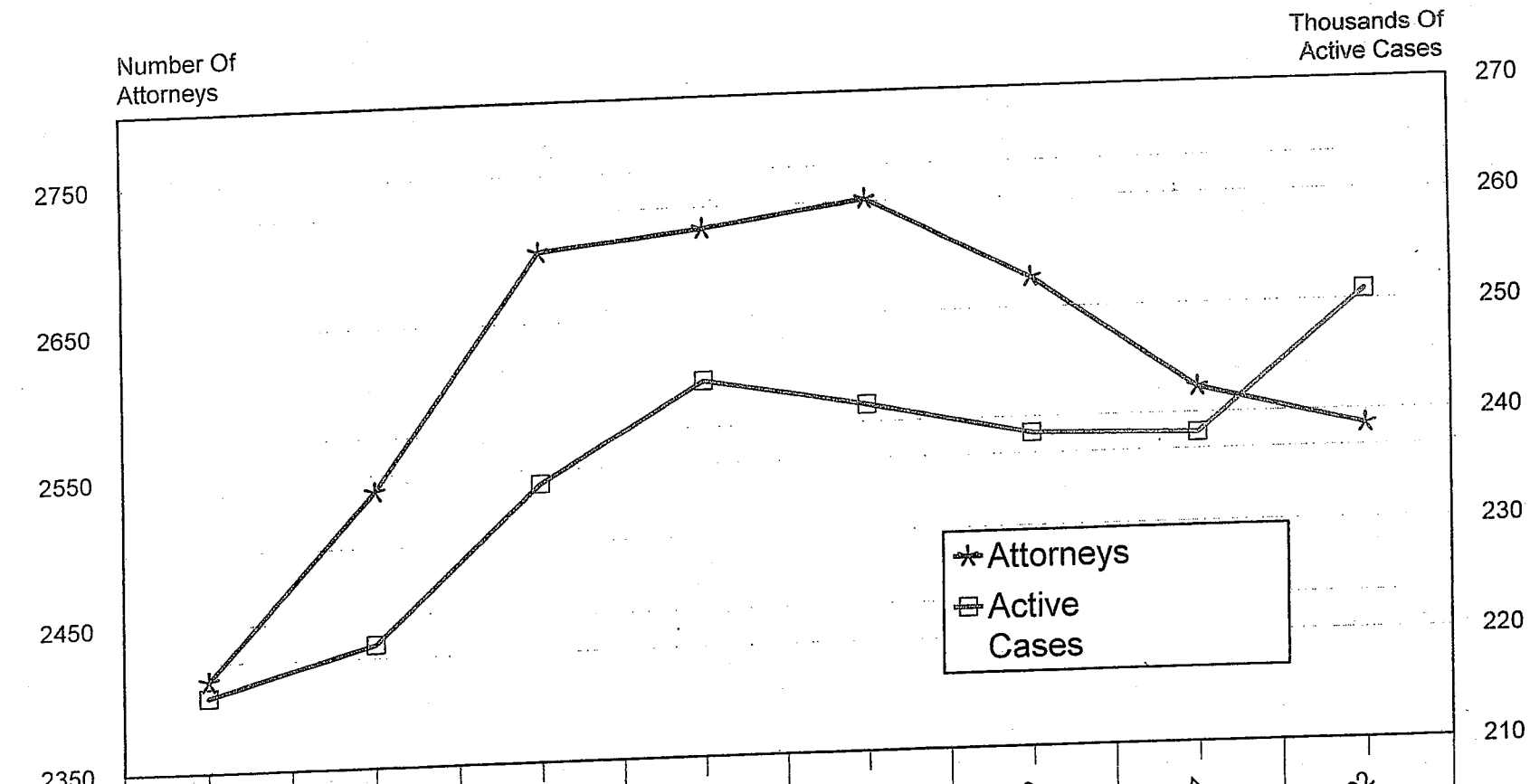
	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
New Cases	166.952	168.31	170.659	171.986	184.248	190.292	187.822	186.989	187.389	196.436
Active Cases	214.737	219.233	216.859	221.197	235.321	244.207	241.541	238.441	238.086	250.821

Ten Year Trend - New Probation Surrender Cases



Eight Year Trend - Number Of Private Attorneys vs Active Cases

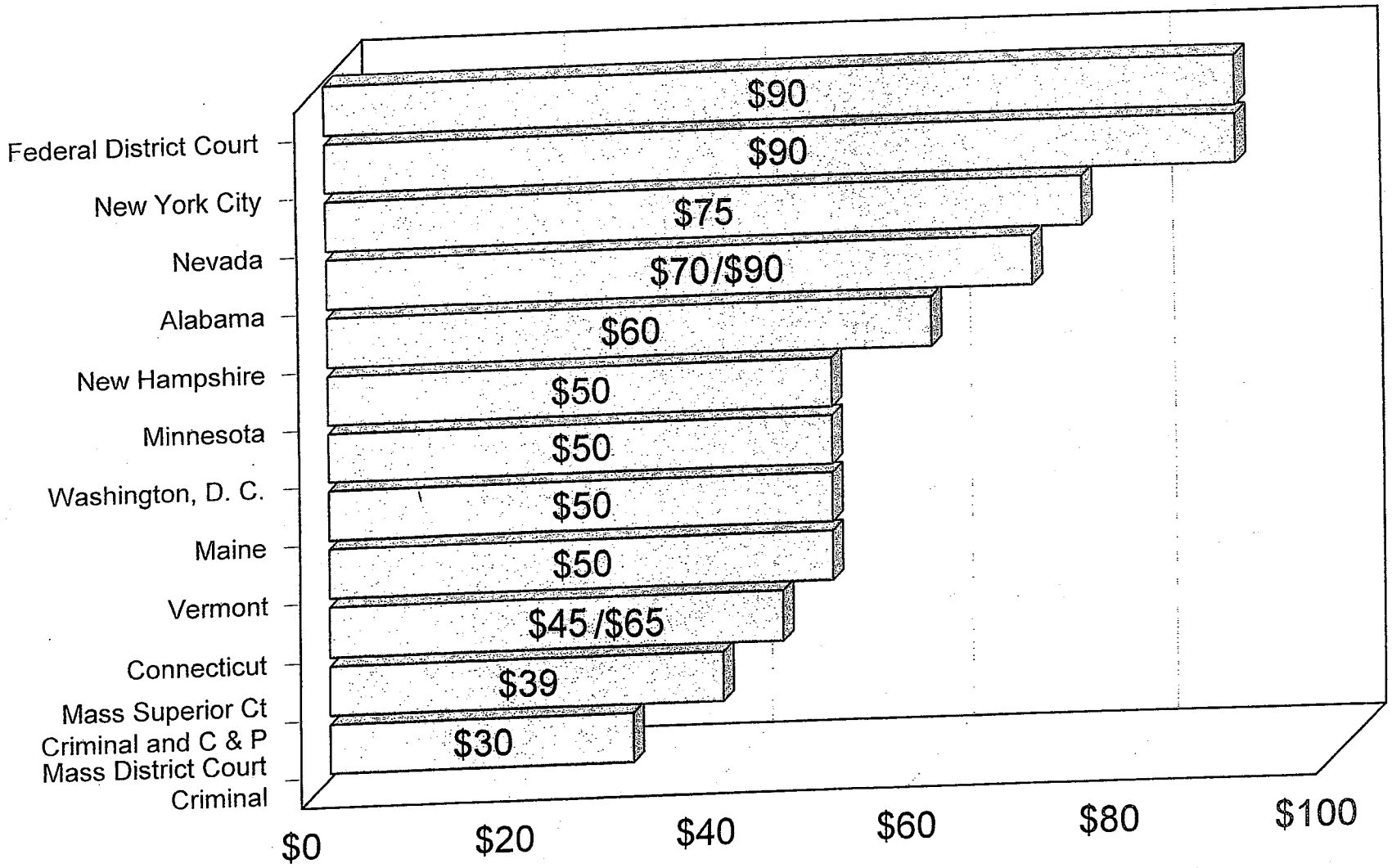
FY 1995 - 2002



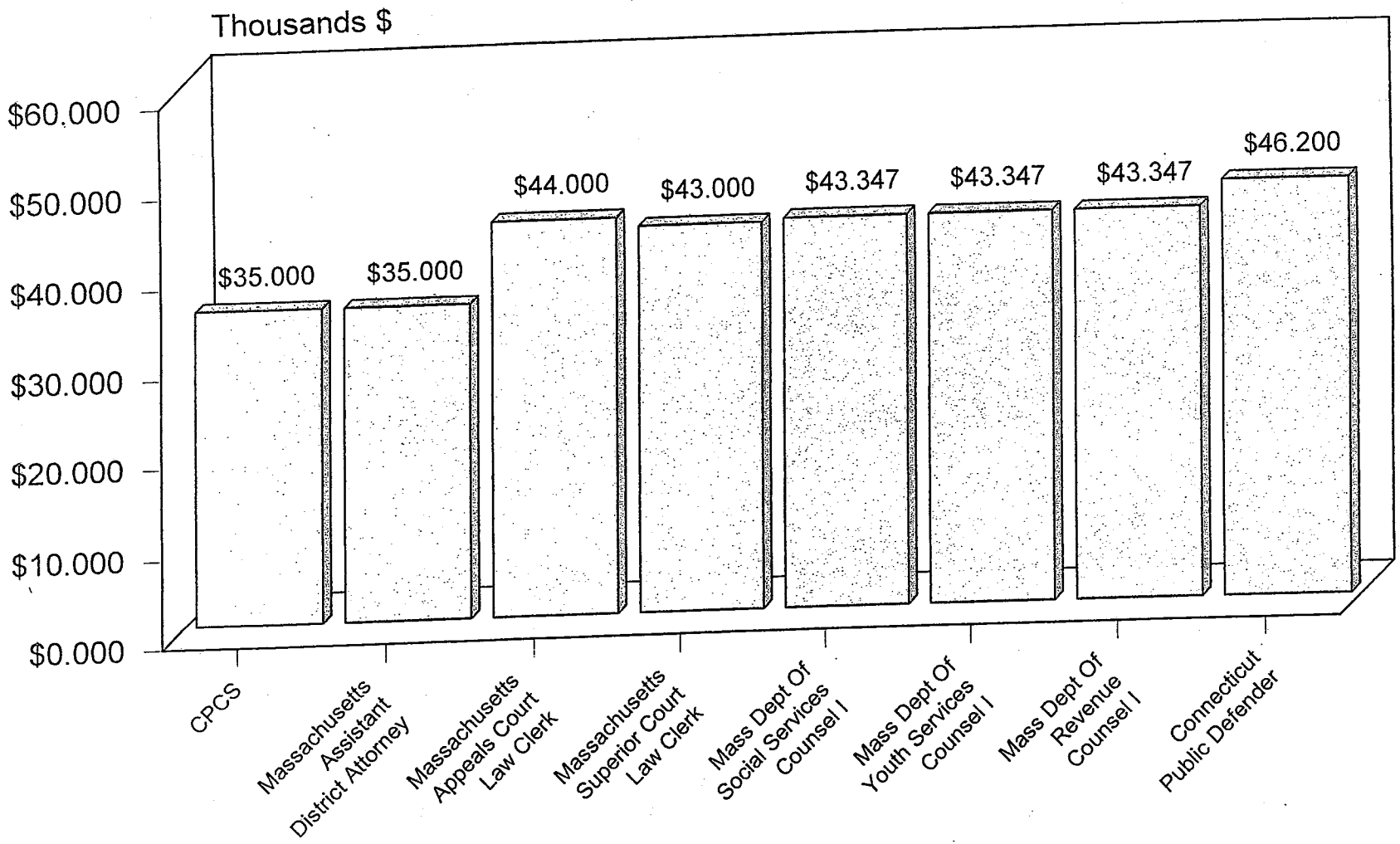
	1995	1996	1997	1998	1999	2000	2001	2002
Attorneys	2412	2538	2698	2710	2726	2670	2592	2564
Active Cases	216.859	221.197	235.321	244.207	241.541	238.441	238.086	250.821

3/10/03

Hourly Rate Comparison - Assigned Private Counsel

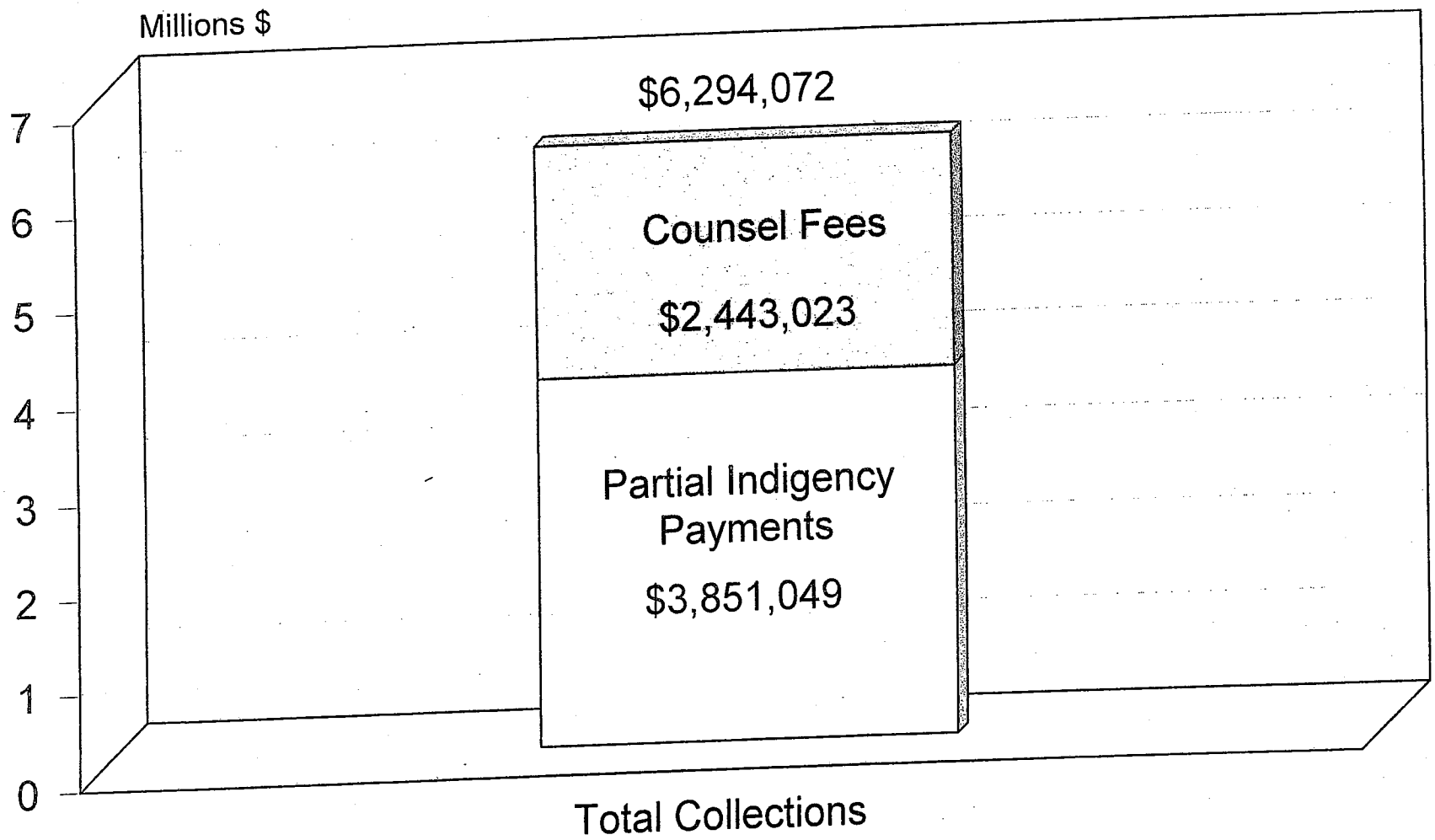


Entry Level State Government Attorney Salaries

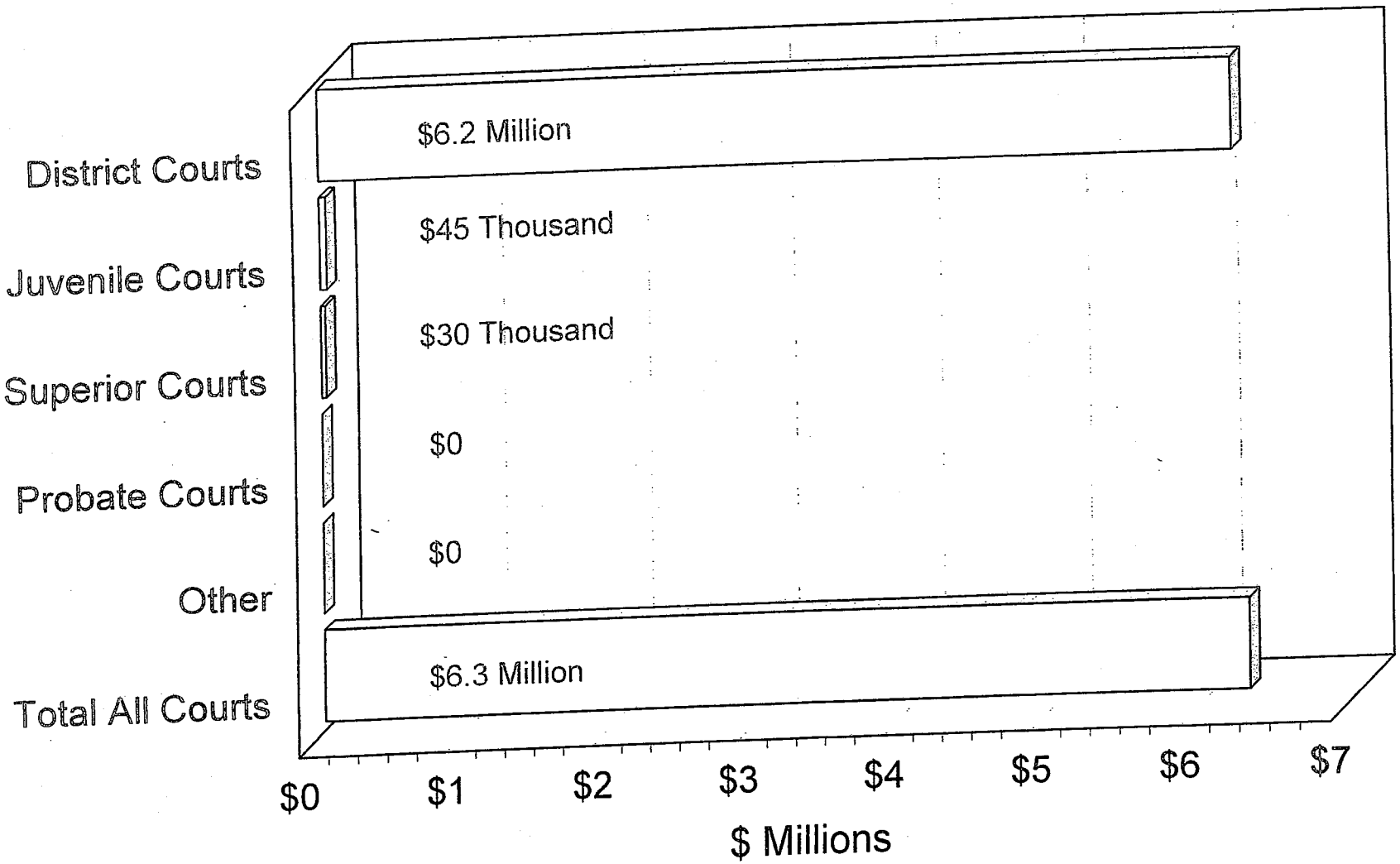


$100 Counsel Fee And Partial Indigency Payment

FY 2002 Court Collections To The General Fund



Counsel Fee Raised To $150 Via FY 2003 Budget Outside Section

Counsel Fee Collections - By Court Groups

Fiscal Year 2002