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DEVAL L. PATRICK
GOVERNOR

SECRETARY OF STATE
REGULATIONS DIVISION
2014 JUL 28 PM 4:28

By His Excellency

DEVAL L. PATRICK
GOVERNOR

EXECUTIVE ORDER NO. 551

ESTABLISHING A COMMISSION TO STUDY COMPENSATION OF ASSISTANT DISTRICT ATTORNEYS AND PUBLIC DEFENDERS

WHEREAS, a well-functioning and equitable criminal justice system is a foundational principle of the Massachusetts Declaration of Rights and, accordingly, is a matter of profound importance for the Commonwealth;

WHEREAS, qualified and devoted advocates, whether prosecutors or members of the defense bar, are essential to such a system;

WHEREAS, the ability of our District Attorneys and Committee for Public Counsel Services (CPCS) to recruit and retain such advocates is contingent upon their respective ability to compensate them reasonably;

WHEREAS, House Bill 4294, "An Act Increasing the Salaries of District Attorneys," signed into law on July 24, 2014, increases the salaries for the District Attorney of each district and the Chief Counsel of CPCS, it does not address the salaries of Assistant District Attorneys (ADAs) or CPCS staff attorneys;

WHEREAS, the daily advocacy of ADAs and CPCS staff attorneys in courts throughout the Commonwealth is the lynchpin of our criminal justice system;

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WHEREAS, a May 2014 report of the Massachusetts Bar Association concluded that Massachusetts ranks last among its sister states in the compensation of public criminal justice lawyers;

WHEREAS, the current salary of ADAs and CPCS staff attorneys is markedly low by any comparison point within the Commonwealth (whether private attorneys, other governmental attorneys, or courthouse employees), and fails to equip these advocates with the resources needed for daily living expenses, let alone the resources needed to repay loans so often associated with a law degree;

NOW, THEREFORE, I, Deval L. Patrick, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c. 2, § 1, Art. 1, hereby order as follows:

Section 1. There is hereby established a Commission to Study the Compensation of Assistant District Attorneys and Staff Attorneys for the Committee for Public Counsel Services. The Commission's study shall include, but shall not be limited to, (i) the salary structure of ADAs and CPCS Staff Attorneys; (ii) the salaries of ADAs and CPCS Staff Attorneys in the Commonwealth in comparison to other jurisdictions; (iii) the salaries ADAs and CPCS Staff Attorneys in comparison to other governmental lawyers within the Commonwealth; (iv) the salary structures of ADAs and CPCS Staff Attorneys in comparison to the average starting salary of recent law graduates employed in private firms; (v) the salary structure of ADAs and CPCS Staff Attorneys in comparison to reasonably expected increases in the cost of living; and (vi) the funds needed, if any, to address inadequate salaries;

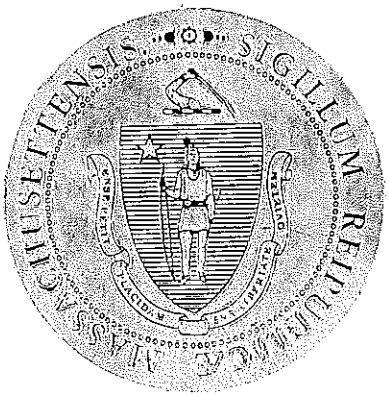
Section 2. The Commission shall be comprised of the following members: the Secretaries of Administration and Finance and of Public Safety and Security, or their designees, who shall serve as Co-Chairs; 1 appointee of the Speaker of the House; 1 appointee of the Senate President; 1 representative of the Office of the Governor's Chief Legal Counsel; 1 representative of the Massachusetts Bar Association; 1 representative of the Boston Bar Association; 2 representatives of the Massachusetts District Attorneys Association; 2 representatives of the Committee for Public Counsel Services; 1 representative of the Attorney

General's Office; 1 representative of the private criminal defense bar; and up to 2 additional qualifying members as the Governor deems appropriate.

Section 3. The Commission shall report back to the Governor and file a report detailing its work, including the findings of its study and any legislative recommendations, with the Clerks of the House of Representatives and the Senate, not later than December 15, 2014.

Section 4. Nothing in this Executive Order shall be construed to require action inconsistent with any applicable state or federal law.

Section 5. This Executive Order shall continue in effect until the Commission has completed its study on ADA and CPCS Staff Attorney compensation within the Commonwealth.



Given at the Executive Chamber in Boston
This 28th day of July in the year two thousand and fourteen and of the Independence of the United States two hundred and thirty-nine.

DEVAL L. PATRICK
GOVERNOR
Commonwealth of Massachusetts

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth