SENATE DOCKET, NO. 1283 FILED ON: 1/16/2015

SENATE . . . . . No. 811

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the waiver of billable hours for the private bar in certain circumstances.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James B. Eldridge	*Middlesex and Worcester*

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SENATE . . . . . No. 811

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 811) of James B. Eldridge for legislation relative to the waiver of billable hours for the private bar in certain circumstances. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to the waiver of billable hours for the private bar in certain circumstances.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 11 of Chapter 211D of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out subsections (b) and (c), and inserting in place thereof the following:-

(b) The committee shall set an annual cap on billable hours not in excess of 1,650 hours, provided however that such limitation shall not apply, if the chief counsel of the committee determines that a waiver shall be allowed due to: i.) Limited availability of qualified counsel in that geographic location or practice area, ii.) Requirements for expertise rendering assignment to certain service providers would be more cost effective, or iii.) Demonstrated efficiency of the service provider shows that shifting the service to other providers will reduce the quality and increase the cost of the service. Counsel appointed or assigned to represent indigents within the private counsel division shall not be paid for any time billed in excess of the annual limit of 1,650 billable hours, provided, however, that if a waiver has been granted in accordance with this

13 section counsel appointed or assigned to represent indigents within the private counsel division
14 shall not be paid for any time billed in excess of an annual limit of 1,800 billable hours. It shall
15 be the responsibility of private counsel to manage their billable hours.

16 (c) Any counsel who is appointed or assigned to represent indigents within the private
17 counsel division, except any counsel appointed or assigned to represent indigents within the
18 private counsel division in a homicide case, shall be prohibited from accepting any new
19 appointment or assignment to represent indigents after that counsel has billed 1,350 billable
20 hours during any fiscal year, provided however, that the limitation shall not apply if the chief
21 counsel for the committee determines that a waiver shall be allowed due to factors set out in
22 subsection (b) of this section.