



Committee for Public Counsel Services
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REPORT TO THE MASSACHUSETTS HOUSE AND SENATE
COMMITTEES ON WAYS & MEANS

*Pursuant to Chapter 9 of the Acts of 2025,
FY 2026 General Appropriations Act, Line Item 0321-1500*

FY2025 Annual Legislative Report

Submitted April 2, 2026

Introduction

The following report is submitted pursuant to line-item 0321-1500 of Chapter 9 of the Acts of 2025. The FY 2026 General Appropriations Act requires CPCS to report on specific operational metrics to the House and Senate Committees on Ways and Means.

A few important notes:

The source of the data for much of this report is the CPCS billing systems (E-Bill for private attorneys, V-Bill for expert witnesses and other court cost vendors) and the CPCS case tracking system (Zelly) for public staff attorney representation. Although these systems store client names, there is no unique client identifier in the systems for privacy and security reasons. Therefore, in the sections that provides data about “clients” or “defendants”, the primary identifier of “case” is used to generate the report. With that said, CPCS systems do not currently track cases by Docket number. We are, however, always trying to provide the most relevant information for each particular section within the limits of these systems. In each instance, CPCS has made every effort to provide the most responsive and appropriate answer. A significant portion of the data is reportable only on a YTD basis. The data and results presented below are current through June 30, 2025 unless otherwise noted.

Section (i): caseload of attorneys in charge compared to the caseload of public defenders

As of June 30, 2025 the average caseload of Attorneys in Charge (AIC) across all practice areas was **58.5%** of the caseload of Staff Attorneys which is greater than the 50.0% we target to better allow AICs to manage both their offices and their staff. As a lack of available private counsel has grown, there has been an increased reliance on staff and their managers (AICs) to accept more cases. It is important to note that this calculation uses aggregated data for all practice areas and the actual ratio of AIC caseloads to Staff Attorney caseload will vary widely from office to office and from division to division.

Section (ii): the number of cases handled by the committee in each month, delineated by public defender and private bar advocate

The total Public and Private cases listed below includes cases that were in progress at the beginning of the fiscal year (cases carried over) and cases newly assigned to properly reflect all cases that had

representation activity during the reporting period. These are the best measures of cases “handled” during the reporting periods.

	<u>FY25¹</u>	<u>FY24</u>	<u>FY23</u>	<u>FY22</u>
Staff (Public)	31,128	29,902	28,966	28,031
Private Counsel	185,288	187,536	195,202	197,766
TOTAL	216,416	217,438	224,168	225,797

The legislative language for reporting in this section requests data by month. Our current private billing and public case tracking systems are only capable of producing case data on a cumulative basis.

Section (iii): the average number of hours spent per case by public defenders:

The average hours per case figure presented below was calculated by dividing total hours **paid** to public staff attorneys (based on state payroll records) divided by the total number of cases in progress during the fiscal year or relevant reporting period. During fiscal year 2025, the average number of hours spent per case by CPCS staff attorneys was **10.73**.²

Section (iv): the number of public defenders currently employed by the committee and the total number employed by the committee at the end of each fiscal year, delineated by division

	<u>FY25</u>	<u>FY24</u>	<u>FY23</u>	<u>FY22</u>
PDD (District/ Superior)	220.6	220.2	213.2	220.0
Appeals	15.0	15.6	15.6	13.0
YAD (Juvenile)	52.0	48.0	44.0	39.0
CAFL	98.0	96.0	88.0	77.0
Mental Health	23.0	20.0	20.0	19.0
TOTAL	408.6	399.9	380.8	368.0

¹ Data is cumulative thru 06.30.25 as of 02.27.26 and excludes cases indicated as Mentor or Other.

² This number is derived from hours paid not hours worked, PPE 07.01.24 thru PPE 06.30.25. “Public Defenders “is defined as all attorneys accepting/taking cases regardless of CPCS division.

Section (v): the number of public defender vacancies to be filled³

As of June 30, 2025, CPCS had **8** attorney vacancies (FTEs) within 0321-1500 either approved to be posted, posted and/or working thru a hiring process.

Section (vi): the average cost for public defender services rendered per case in the prior fiscal year

Per case costs are derived by dividing total costs (including salaries of attorneys, support staff and general administrative staff; non-personnel costs such as rent, office and infrastructure expenses, etc.; and expert witness and other court cost services) by the number of cases in progress to arrive at the cost per case. Since the cases are in various stages of completion these costs are not measures of the total cost of a case from assignment until completion. These numbers are derived based upon official CPCS hours of operation – not on actual staff hours worked on a case.

The derived cost of public staff services in **FY25** was **\$84.7M** while staff handled and “touched” nearly **31K** cases.

Therefore, the average cost per case – considering all costs – was **\$2,721** which includes all costs paid from appropriations 0321-1500 and 0321-1520. These costs include overhead expenses such as space leases, equipment, staff reimbursements and the other necessary expenses to operate staffed offices versus contracting with a private vendor (the private bar) to handle cases. This calculation is updated on an annual basis.

Section (vii): the number of cases assigned to private bar advocates⁴

The following numbers are based upon billed NACS for each fiscal period/year.

TYPE OF CASE	FY25⁵	FY24	FY23	FY22
District Court	115,999	120,694	123,268	126,535
Superior Court	8,479	8,627	8,795	8,429

³ The data provided is a snapshot in time as such it does not reflect fluctuation in FTE count thru the Year. This count only includes those legal staff positions carrying a caseload and for this calculation that means: AIC, Supervising Attorney, Trial Attorney and Staff Counsel positions. This includes positions that are vacant and not positions where an offer has been extended.

⁴ FY25 data is cumulative as of data thru 06.30.25 and excludes cases labeled as Mentor or Other.

⁵ Data is cumulative thru 06.30.25 as of 02.27.26 and excludes cases indicated as Mentor or Other.

Appeals	3,376	3,394	3,301	3,315
Juvenile Court	7,499	7,337	6,989	6,170
CAFL	28,703	31,189	33,041	33,851
Mental Health	20,416	19,993	19,808	19,466
TOTAL	184,472	191,234	195,202	197,766

Section (viii): the average number of hours billed by private bar advocates:

During Fiscal Year 2025, the average number of hours billed by private bar advocates per case was **14.49⁶**.

Section (ix): the average cost for private bar advocate services rendered per case in the prior fiscal year:

All figures in this section were calculated by dividing all costs associated with private representation (including private counsel bills received; CPCS oversight staff and related costs; CPCS administrative and related costs allocable to private representation; and, expert witness and other court cost services) by the number of cases billed during the same period. Per “client” calculations are not possible because although client names are stored in the CPCS case tracking system there are no unique person identifiers that would allow duplicate names to be distinguishable. The per-case figures presented provide the same analytical value as per client costs.

The derived cost of Private Counsel in **FY25** was **\$252.9M** while billing a total of **185.3K** cases.

Therefore, the average cost per case – considering all costs – was **\$1,365** including all costs from 0321-1500, 0321-1510 and 0321-1520. This calculation is updated on an annual basis.

Section (x): the billable hours of private counsel, delineated by travel time and time spent in court, including wait time and trial preparation time, including interview time, investigating time and research time⁷:

⁶ Data is cumulative as of data thru 06.30.25

⁷ Data is cumulative thru 06.30.25 a/o 02.27.26

Billing Category	Hours
In Court	271,300
Trial Preparation	2,150,772
Waiting Time	193,084
Travel	107,555
No Case Duty Days	4,349
Other	72
Total	2,727,132

Section (xi): any changes to the private bar billing system and any billing improvements that have been made:

In FY2025 CPCS continued to modernize its vendor onboarding process. As mentioned in previous reports, we “soft-launched” a new vendor application in March 2024 with a goal of streamlining vendor onboarding and vendor maintenance processes. This ongoing project works to resolve processing challenges especially at a time when it is becoming more difficult to retain qualified individuals to provide expert services and testimony. Crossing fiscal year 2025 and 2026, we have successfully deployed an outreach and recruiting tool within our vendor portal, deployed DocuSign for Ethics disclosures and are actively working to deploy Experian Fraud services to ensure vendor maintenance requests (such as bank account changes) have thoughtful verifications before they are processed. Within our billing systems (Ebill and Vbill) we successfully migrated services from on-premise servers to cloud-based services in December 2025/January 2026.

Section (xii): the total number of support staff, investigators, attorneys in charge and management personnel currently employed by the Committee and the total number employed by the Committee at the end of each fiscal year for the previous 3 fiscal years:

	FY25⁸	FY24	FY23	FY22
Support Staff	266.1	244.2	220.1	203.4
Investigators	28.0	25.0	25.0	26.0
Attorneys in Charge	42.0	43.0	41.0	40.0
Management	62.8	52.8	54.4	50.8
TOTAL	398.9	365.0	340.5	320.2

Section (xiii): a summary of all spending for psychologists, psychiatrists and investigators with the total number of hours billed, the number of unique vendors and the average number of hours billed:

<u>Category</u>	<u>Billers</u>	<u>Hours</u>	<u>Amount</u>	<u>Avg. Cost Hr</u>
PSYCHOLOGIST	238	36,128	8,625,166	\$238.74
PSYCHIATRIST	63	10,537	3,180,496	\$301.84
INVESTIGATORS	175	99,643	7,256,520	\$72.83

Respectfully submitted,



Anthony J. Benedetti
Chief Counsel

⁸ Data is cumulative thru 06.30.25 a/o 02.27.26 and excludes cases indicated as Mentor or Other.