



THE GENERAL COURT OF MASSACHUSETTS  
STATE HOUSE, BOSTON, 02133-1053

## **Strengthening the Massachusetts Public Defense System**

### *Fact Sheet and Highlights*

As part of an agreement on the mid-year supplemental budget ([S.2540](#)), the Legislature has included a provision addressing the public defense system for those unable to afford their own legal representation that upholds trust in the justice system and the Constitution's guarantee to due process.

The agreement balances sustainable rate increases for private bar advocates with continuing fiscal and federal uncertainty. It also shifts a greater share of the work burden from the private bar to state public defenders by providing increased resources to those public defenders. Policy provisions in this legislation will help guard against future private bar work stoppages which impinge upon defendants' Constitutional rights. New measures will further strengthen and stabilize the indigent defense system. Details of the final agreement are below.

### **Bolstering Public Defenders**

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***Improving the State Public Defender Workforce.*** With \$40 million for the Committee on Public Counsel Services (CPCS), the state public defender agency will be able to more than double its existing workforce. These resources will allow CPCS to hire approximately 320 new public defenders by the end of Fiscal Year 2027. Increasing the proportion of indigent clients represented by public defenders—as opposed to private bar advocates, who are independent contractors—will help stabilize the public defense system in Massachusetts.

***Timely Representation for Defendants.*** This agreement ensures that clients are given access to counsel in a timely manner. It requires that CPCS prioritize the hiring of public defenders serving areas with unrepresented individuals awaiting counsel assignment. That includes counties with a recent history of private bar advocate work stoppages.

### **Sustainable Increases for the Private Bar**

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***Fiscally Responsible Rate Increases.*** The agreement sustainably increases rates for private bar counsel by \$20 per hour over a period of two years, an increase of more than 30 per cent for district court rates.

With this provision, the Legislature is providing a significant increase in compensation for private bar counsel and upholding a bedrock principle of our justice system—the right to counsel for the accused.

Beginning on August 1, 2025, the annualized rate of pay for private bar counsel would range from \$150,000 to \$260,000, increasing to \$170,000 to \$280,000 beginning August 1, 2026. A breakdown of pay rates per court follows.

<i>Court</i>	<i>Current Rate</i>	<i>Rate FY26 (effective 8/1/25)</i>	<i>Rate FY27 (effective 8/1/26)</i>
District Court	\$65/hr	\$75/hr	\$85/hr
Children and Family Law	\$85/hr	\$95/hr	\$105/hr
Appeals	\$85/hr	\$95/hr	\$105/hr
Superior (excluding murder)	\$85/hr	\$95/hr	\$105/hr
Mental Health	\$65/hr	\$75/hr	\$85/hr
Juvenile	\$65/hr	\$75/hr	\$85/hr
Murder	\$120/hr	\$130/hr	\$140/hr
Children Requiring Assistance	\$65/hr	\$75/hr	\$85/hr

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### **Protecting and Stabilizing the System**

***Minimizing Disruptions.*** A series of measures will minimize future disruptions, recognizing the government’s Constitutional duty to provide legal representation to indigent defendants and protect the integrity of the overall justice system.

- All contractual agreements for the appointment of private counsel will need to prescribe requirements for minimum coverage and availability.
- Private counsel contractual agreements must be renewed biannually.
- An agreement among private bar advocates who refuse to compete for or accept new appointments or assignments unless the rates of pay are increased shall constitute evidence of a violation of the Commonwealth’s antitrust laws, consistent with federal precedent.

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### **Top-to-Bottom Watchdog Review**

***Independent, Non-Partisan Oversight.*** The Inspector General (IG) will examine the utilization of public defense and review the billing practices, procedures, and oversight of private bar advocates. This report, which will ensure integrity in the indigent defense system, is due back to the Legislature by June 30, 2026.