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Massachusetts Lawmakers Approve Funding Bill to Avert Public Defender Crisis

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Massachusetts lawmakers passed a \$259 million supplemental funding bill designed to resolve a growing public defender crisis that has resulted in defendants being released and hundreds of cases dismissed due to a lack of legal representation.

The bill includes a \$40 million allocation to hire more than 320 additional attorneys for the Committee for Public Counsel Services (CPCS) by fiscal year 2027 and raises the hourly pay for private attorneys known as “bar advocates” by \$20 over two years, a 30 percent increase.

Private attorneys, who handle roughly 80 percent of Massachusetts’s indigent criminal defense cases, began refusing new assignments in May, citing wages as low as \$65 per hour in district court, among the lowest rates in New England.

The work stoppage triggered judicial action: the state’s Supreme Judicial Court implemented the Lavallee protocol, which mandates releasing defendants held more than seven days without representation and dismissing cases if no counsel is assigned within 45 days. This has led to more than 120 dismissed cases, including some involving assault or domestic violence.

Critics argue the pay raise is insufficient to resolve the crisis. Attorneys and bar advocates had demanded larger increases, some calling for up to \$35 more per hour initially, while the proposed \$20 boost may not attract enough lawyers back to courtrooms.

Despite uncertainty, legislative leaders and CPCS officials describe the bill as a significant step toward upholding the constitutional right to counsel. The agreement also aims to reduce reliance on private bar advocates by expanding CPCS staffing coverage.

Governor Healey is expected to sign the bill into law, but the resolution hinges on whether bar advocates will return to taking new cases.

Continued refusal could prolong the legal and public safety disruptions affecting communities across the Commonwealth.