

MASS. J.3: 992/3-16

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**FOR IMMEDIATE RELEASE
March 16, 1992**

**REPORT OF S.J.C. COMMITTEE ON DETERMINATION OF INDIGENCY
FOR APPOINTMENT OF COUNSEL**

Boston, MA (March 16, 1992) -- The Committee on the Determination of Indigency for Appointment of Counsel has issued its report to the Justices of the Supreme Judicial Court (S.J.C.). The Justices have decided to invite comment by publication of the report and its proposed amended version of S.J.C. Rule 3:10 on "Assignment of Counsel."

The Committee, chaired by Herbert P. Wilkins, Associate Justice of the S.J.C., (See Appendix A for Committee members), was appointed by the S.J.C. in the spring of 1990 in response to a legislative request for a study. Since that time, the Committee has investigated the process by which, under S.J.C. Rule 3:10, the judicial department determines whether a criminal defendant or a party to a civil action requires the appointment of counsel at public expense.

The report indicates that the cost per case of providing counsel in Massachusetts has been below the national average; and, the proportion of all defendants for whom counsel was provided at public expense has not been significantly greater in Massachusetts than the

national average. Nevertheless, the Committee, using suggestions provided by the Committee for Public Counsel Services, recommends numerous changes in S.J.C. Rule 3:10 which may further limit increases in public expenditures for providing counsel to indigents.

In addition to amendments proposed in Rule 3:10, the Committee has suggested other steps be taken to improve the system for legal representation of indigents. These include the following: - direct verification of claims by persons claiming to be indigent based on their public assistance status; post-audit verification of claims of indigency to discourage cheating; legislative action to improve means by which persons who are determined to be indigent can be required to pay the Commonwealth back for their defense if they obtain available funds; legislative action to eliminate imprisonment as punishment for the first conviction of specific minor crimes (e.g. trespass, operating an uninsured motor vehicle).

The Committee intends to continue to study other matters such as the various circumstances in which counsel must be appointed in civil cases to determine whether any savings or improvements are possible.

Comments on the report and revised Rule 3:10 will be received by the Supreme Judicial Court (c/o Robert Bloom) until May 25, 1992. Thereafter the Committee will review the comments and make its final recommendations to the Supreme Judicial Court.

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