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February 21, 2022

Her Excellency Maura Healey
Governor of the Commonwealth of Massachusetts
State House Room 280
Boston, Massachusetts 02133

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Re: Fiscal Year 2024 State Budget

Dear Governor Healey,

I write to you as President of the Boston Bar Association (BBA), a volunteer organization of 15,000 members drawn from private practice, corporations, government agencies, legal-aid organizations, the courts, and law schools. Our mission is to advance the highest standards of excellence for the legal profession, facilitate access to justice, serve the community at large, and promote diversity, equity, and inclusion. I am writing to respectfully request your support for a number of items in the Fiscal Year 2024 (FY24) Budget. Adequate funding for these items will ensure that the Commonwealth continues to provide access to justice for those who are deeply in need of support amidst the current economic uncertainty and on-going challenges brought on by the COVID-19 pandemic.

MLAC Funding

I know that you are a long-time supporter of civil legal aid, and I wanted to take this opportunity to thank you for speaking at the Equal Justice Coalition's annual Talk to the Hill event this year in support of the Massachusetts Legal Assistance Corporation (MLAC). As you know, MLAC provides essential services to vulnerable people in our community and has helped ameliorate the negative effects of the pandemic on Massachusetts families experiencing housing insecurity, domestic violence, immigration proceedings, and other real crises in the justice system that they should not have to face alone. We share in the admirable goal you outlined in your speech "to make sure that every Massachusetts resident has access to the legal representation they deserve, and to make our state more just and equal for all."

We find it extremely promising that increased investments over the past few years have correlated with a 10% decrease in the number of eligible residents being turned away from legal assistance – down from 57% to 47%. While this achievement is admirable, significant unmet needs for civil legal services remain. Compared to the three years before the pandemic (FY17–FY19), case averages from FY20–FY22 reveal a 320% increase in unemployment insurance cases, a 40% increase in domestic violence cases, a 26% increase in federally subsidized housing cases and a 23% increase in private landlord/tenant cases.

More resources are desperately needed to ensure that low-income and vulnerable residents of Massachusetts receive equal access to justice. The BBA strongly urges you to support **MLAC's FY24 request for \$49 million (line item 0321-1600)**.

This funding will help keep low-income tenants housed, protect victims of domestic violence, and connect special-needs students with the services they need. Furthermore, the BBA's reports on civil legal aid provide evidence that funding full representation in these types of cases saves the Commonwealth money. Our 2014 report, [Investing in Justice](#), illustrated that MLAC-funded legal services programs reduce "back-end" costs such as emergency shelter, foster care, and healthcare. Our 2020 update to that report, using refreshed data on eviction cases, [Investing in Justice, Fairness, and Housing Stability](#), demonstrated that positive return on investment again. Indeed, [MLAC estimates](#) that last year, MLAC-funded civil legal programs offered an overall economic benefit of \$126 million to the Commonwealth, while serving 96,000 people throughout our state.

The impact of increasing civil legal aid funding will meet a broad range of needs across the Commonwealth, save the state money during challenging times, and preserve access to justice for the most vulnerable in our community. **We respectfully request your support for the \$49 million appropriation for MLAC in the FY24 Budget.**

Trial Court

As you know, the Trial Court's seven departments handle all of the cases filed in the Commonwealth's courts. In a very real sense, the Trial Court is the "face" of justice in the Commonwealth. Over the last few years, the Trial Court has made great strides in finding ways to "work smarter" and leverage technological advancements to get more done with less. The pandemic has served to underscore the need for increased investment in the Trial Court.

The Trial Court is requesting funding of **\$876,427,006 for the FY24 budget**. This recommendation includes \$7,692,256 for Access to Justice initiatives. We especially encourage you to support the Court's request for greater funding for the Court Service Centers. The challenges of navigating the court system and complicated legal processes for self-represented litigants are enormous. To ensure that the Massachusetts judicial system can offer a full range of options to access justice, particularly for the most vulnerable populations, the Centers should be adequately resourced to provide full-time, virtual, and in-person support capabilities.

It is essential that our courts are adequately funded. **We request that you support sufficient funding for the Trial Court to carry out its work and expand access to justice initiatives that will benefit the Commonwealth.**

Committee for Public Counsel Services (CPCS)

CPCS plays a vital role in our judicial system, providing representation to indigent persons in criminal and civil cases, and administrative proceedings, in keeping with the right to counsel under our laws and the Constitutions of Massachusetts and the United States. Adequate funding helps ensure that CPCS can keep their staff attorneys' salaries in line with corresponding minimums for executive branch attorneys, as well as attract and maintain talent necessary for their critical work.

We urge you to support access to justice and an efficient judiciary by **providing full funding of CPCS operations (line-item 0321-1500)**. Your support of the CPCS line-item will help ensure the agency is able to efficiently and effectively carry out their necessary role within our court system.

Access to Counsel

As you know, access to legal representation makes all the difference for individuals in housing proceedings. The BBA supported the initial Eviction Legal Help pilot project in 2020, which

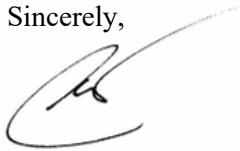
provided legal counsel for thousands of low-income people experiencing eviction during the COVID-19 crisis, on the basis of findings in our [2020 Report](#) (see above) that providing full representation in eviction cases would benefit the Commonwealth. This pilot project ultimately **produced positive outcomes in 92% of cases receiving extended services**, and in 66% of the cases the tenancy was preserved.

The benefits of housing stability for families and children in Massachusetts cannot be over-stated, which is why we are respectfully requesting your support for **\$7 million in your FY24 budget to start to phase in an Access to Counsel Program** for low-income tenants and owner occupants in eviction proceedings. Given current economic conditions, and the resurgence in evictions across the state – between 2021 and 2022, the number of no-fault evictions (where a tenant is facing eviction not for anything they did wrong) increased by 57% – we ask that you consider this program as a part of your solution for creating a more affordable state and better quality of life for residents of the Commonwealth.

As members of the [Access to Counsel Coalition](#), we've also endorsed **An Act promoting access to counsel and housing stability in Massachusetts (SD1082**, filed by Senator Sal DiDomenico, and **HD3657** filed by Representative Dave Rogers and Representative Michael Day). The bill provides for the creation of a statewide Access to Counsel program. This program would provide full legal representation to eligible tenants and owner-occupants in eviction proceedings and would be funded by the Legislature and administered by the Massachusetts Legal Assistance Corporation through a specifically designated separate line item in the Judiciary budget. We hope that you will consider this legislation when it is presented for your consideration and **make the Access to Counsel program a priority in your budget.**

The BBA asks for your help with these priorities, which are necessary to provide equal access to the courts and justice for all residents of the Commonwealth. Thank you for your past support for civil legal aid and for fighting for greater access to justice and equity in the Commonwealth. We appreciate your careful consideration of the above items.

Sincerely,



Chinh H. Pham
President

CC:

Lieutenant Governor Kim Driscoll
Chief Justice Kimberly S. Budd
Chief Legal Counsel Paige Scott Reed