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March 28, 2024

Aaron Michlewitz, Chair
House Committee on Ways & Means
State House, Room 243
24 Beacon Street
Boston, Massachusetts 02133

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Re: Fiscal Year 2025 State Budget

Dear Chair Michlewitz:

I write as President of the Boston Bar Association (BBA), a volunteer organization of more than 14,000 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 in the legal profession. I am writing to respectfully request your support for a number of items in the Fiscal Year 2025 (FY25) Budget. Adequate funding for these items, and inclusion of related outside sections, 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, housing instability, and on-going challenges brought on by the COVID-19 pandemic.

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MLAC Funding

We very much appreciate your long-time support for civil legal aid, and we thank you for the House's generous increases in appropriations for the Massachusetts Legal Assistance Corporation (MLAC) in recent years.

As you know, MLAC provides essential services to vulnerable people in our community and has helped ameliorate the negative fallout from the pandemic on Massachusetts families experiencing housing insecurity, inequitable educational opportunities, immigration proceedings, and other real crises in the justice system that they should not have to face alone. The programs that it funds statewide offer assistance to residents in every district, and enjoy deep and wide support throughout the Legislature.

Increased state investments over the past few years have correlated with a 10% decrease in the number of eligible residents being turned away from legal assistance, from 57% to 47%. While this achievement is admirable, significant unmet needs for civil legal services remain. Compared to the three full fiscal years preceding the pandemic (FY17-FY19), case averages from FY20 to 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 FY25 request for \$55 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. With an eye toward housing in particular—foreshadowing the urgent crisis we now face—our 2020 update to that report, using refreshed data on eviction cases, [*Investing in Justice, Fairness, and Housing Stability*](#), again demonstrated a positive return on investment in legal representation in that area. Indeed, MLAC estimates that last year, MLAC-funded civil legal programs offered an overall economic benefit of more than \$99 million to the Commonwealth and its residents, while helping 96,000 people throughout our state.

Increasing civil legal aid funding will help address 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. **Therefore, we respectfully request your support for the \$55 million appropriation for MLAC in the FY25 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 several 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 both demonstrate the value of those gains and underscore the need for increased investment in the Trial Court.

The Trial Court is requesting **maintenance funding of \$925,579,148 for the FY25 budget**. We also endorse the Trial Court's request for **\$4.8 million toward the elimination of an out-of-pocket, after-hours bail fee** for arrestees. To continue to require arrestees to pay this fee up front flies in the face of the positive recent trend—backed by the BBA—toward reducing or eliminating fines and fees on individuals caught up in the judicial system, which can disproportionately affect people with limited means—who in these cases are innocent until proven guilty. We hope that the Legislature will amend the relevant statute to shift this burden to the Trial Court instead, and this targeted funding would help pave the way for that change.

It is essential that our courts remain adequately funded. **Thus, we request that you support sufficient funding for the Trial Court to carry out its work 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 the Commonwealth 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-items 0321-1500, -1510, and -1520)**, including increases in hourly rates for private bar counsel. We are concerned that H.2 would seriously under-fund the line-items for both operations and private legal services, but your support of the CPCS line-items 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 are well aware, 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**, including preservation of the tenancy in 66% of all cases.

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 language in your FY25 budget to establish an Access to Counsel Program as well as funding to start to phase in this program** for both low-income tenants and low-income 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 increased by 57% – we ask that you consider this program as a part of your solution for creating a more affordable state and a better quality of life for residents of the Commonwealth.

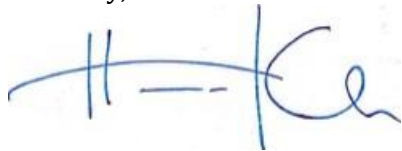
As members of the [Access to Counsel Coalition](#), we've also endorsed **An Act promoting access to counsel and housing stability in Massachusetts (S.864**, filed by Senator Sal DiDomenico, and **H.4360** filed by Representative Dave Rogers and Representative Michael Day). The bill provides that a statewide Access to Counsel program would be funded by the Legislature and administered by MLAC through a specifically designated separate line item in the Judiciary budget. We hope that you will **make the Access to Counsel program a priority in your budget**.

Language Inclusion

Finally, the BBA is part of the Mass Speaks Coalition, seeking enactment of [H.3084](#), An Act relative to language access and inclusion. This bill would greatly expand access to government services for people with limited English proficiency, and we view its enactment as critical to improving access to justice for a large segment of the Massachusetts population. The bill is currently before your committee, and we urge you to advance this measure, either through the stand-alone bill or within 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 and equity in the Commonwealth. We appreciate your careful consideration of the above items.

Sincerely,

A handwritten signature in blue ink, appearing to read 'H. Kilson'. The signature is stylized with a large 'H' and a cursive 'Kilson'.

Hannah L. Kilson,
President