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December 24, 2024

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

Re: Fiscal Year 2026 State Budget

Dear Governor Healey,

I write 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 in the legal profession. I am writing to respectfully request your support for a number of items in the Fiscal Year 2026 (FY26) 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, housing instability, and on-going challenges brought on by the COVID-19 pandemic.

MLAC Funding

We greatly appreciate your long-time support for civil legal aid, and we thank you, in particular, for signing off on the appropriation for the Massachusetts Legal Assistance Corporation (MLAC) in each of the past two annual state budgets.

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. By increasing the number of low-income residents who have legal representation—and therefore feel that the system works for them—MLAC-funded programs, it is fair to say, help support faith in not only the courts but democracy as a whole.

Increased state investments over the past few years have correlated with a significant decline in the number of eligible residents being turned away from legal assistance, from 64% to 44% over the past decade. While this achievement is admirable, important unmet needs for civil legal services remain. More resources are desperately needed to ensure that low-income and vulnerable residents of Massachusetts receive equal access to justice. Therefore, the BBA strongly urges you to support **MLAC's FY26 request for \$54 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 own 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 \$109 million to the Commonwealth and its residents, while helping 105,000 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 \$54 million appropriation for MLAC in the FY26 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 past decade-plus, 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 \$985,539,208 for the FY26 budget**. We also endorse the Trial Court's request for an additional \$7.5 million to support upgrades to the courts' digital and physical security infrastructure, in order to protect employees and court users against a dangerous and evolving threat profile. 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. 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 so grateful to you not only for approving the creation of an Access to Counsel Pilot Program, with \$2.5 million in funding, in the current FY25 budget but also for having proposed, in your own FY25 budget plan, that the program be a permanent one. We are now respectfully requesting your **support for inclusion again of language in your FY26 budget to establish a permanent Access to Counsel Program, as well as \$5 million in funding** (line item 0321-1800) to continue the work on this program that has already begun 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, we ask that you consider this program as a part of your solution for creating a more affordable state, promoting community stability, and improving the quality of life for residents of the Commonwealth. As members of the [Access to Counsel Coalition](#), we hope that you will **make a permanent Access to Counsel program a priority in your budget**.

Language Inclusion

Finally, the BBA is part of the Mass Speaks Coalition, seeking passage of An Act relative to language access and inclusion (H. 3084 this past session), which would greatly expand access to government services for people with limited English proficiency. We view its enactment as critical to improving access to justice for a large segment of the Massachusetts population, and for that reason we urge you to include this language as well 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 and equity in the Commonwealth. We appreciate your careful consideration of the above items.

Sincerely,



Matthew V.P. McTygue
President

cc: Kate Cook, Chief of Staff, Office of Governor Maura Healey
Paige Scott Reed, Chief Legal Counsel, Office of Governor Maura Healey
Martha Kwasnik, General Counsel for Exec Office for Administration and Finance

