



## BOSTON COLLEGE

### LAW SCHOOL

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The Honorable Michael J. Rodrigues  
Chair, Senate Committee on Ways and Means  
State House Room 212, Boston, MA 02108

The Honorable Aaron M. Michlewitz  
Chair, House Committee on Ways and Means  
State House Room 243, Boston, MA 02108

Dear Chair Rodrigues and Chair Michlewitz,

Thank you for all your work to prevent homelessness and housing insecurity. Without legal representation, many tenants risk becoming homeless. Laws are complicated. Courts are complicated. And most tenants are unrepresented and face eviction alone. The time is now to start a statewide Access to Counsel program.

I am writing to urge the House and Senate Committees on Ways and Means to include in your respective FY25 budgets \$3.5 Million (Line-item 0321-1800) to start an Access to Council program in tandem with the full Access to Council bill language in S.864/H.4360, which provides the framework for a statewide program.

I have been a clinical professor for 45 years, the last 34 of which have been teaching, supervising, and administering the Civil Litigation Clinic at Boston College Law School. Eviction defense has always been a part of our work – the cases student attorneys undertake once certified to practice in Massachusetts under SJC Rule 3:03 under my supervision. Since the beginning of the pandemic, I have focused my clinic almost exclusively on eviction defense work, because that is where the most severe need has been among our client community, which, by definition, consists of tenants who cannot afford lawyers. From 2013 to 2018, I operated a weekly Lawyer for the Day program in the Waltham District Court where I supervised 3:03 student attorneys providing what I can only call emergency care to tenants whose cases were on the list for that day's summary process session. In the fall of 2023, at the request of the presiding justice, I established a weekly Lawyer for the Day program in the Metro South Housing Court session on Tuesdays. Again, students under my supervision provided "emergency" legal services to tenants whose cases were on the list for that day.

The reason I use the term “emergency services” is that, like hospital emergency rooms, our best hope is to stabilize what has by then become a morbid situation. Of the 110-120 cases on the list any given Tuesday in Metro South, only four or five tenants had lawyers. Almost all landlords were represented. Almost no tenants had filed counterpleadings prior to their court dates, pleadings which would have asserted valid, if not slam-dunk, defense or counterclaims in response to the eviction complaints brought against them. Once we stabilized the case – perhaps through a motion for leave to file a late answer and counterclaim – we were often able to help the tenant negotiate a resolution far more just than how the matter would have resolved without our intervention.

The imbalance in legal representation in our excellent housing courts statewide is shameful. When families lose their homes, they lose much more than a place to live. Members of the family are destined to suffer extreme physical health, mental health, educational, food-insecurity, and other problems from which they may never bounce back. As I tell my students when they enter the clinic to undertake this desperately important work, while we may have the best legal system and laws imaginable to ensure a just result in residential eviction proceedings, that system and those laws mean absolutely nothing to a tenant who lacks the capacity to make use of them. The process most unrepresented tenants receive is well below one the Commonwealth can be proud of. The results unrepresented tenants’ cases are rarely just, by which I simply mean that the outcome is not as our law intend it to be.

Please provide funding for access to counsel in residential eviction cases. To do otherwise would be a great disservice not only to tenants who are getting hurt, but also to those of us who are proud of the Commonwealth’s reputation for providing justice through its highly regarded judicial system.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Minuskin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Alan Minuskin