Governor Charlie Baker  
Massachusetts State House  
Office of the Governor  
Room 280  
Boston, MA 02133

Re: Funding for the Trial Court and statewide expansion of the Housing Court, Massachusetts Legal Assistance Corporation, and Committee for Public Counsel Services

Dear Governor Baker:

As President of the Boston Bar Association (BBA), I write to request your approval of several critical budget items currently before you in House Bill 3800, An Act making appropriations for the fiscal year 2018. I recognize that the Commonwealth faces extremely difficult challenges in the current fiscal climate, but I respectfully ask for your continued support in the following areas:

**Housing Court**

We thank you again for your strong and continued support of statewide expansion of the Housing Court Department. We are very pleased that the Legislature adopted your proposal by including both authorization for the expansion (in Outside Sections 78-82) and $1 million in funding (in Line-Item 0336-0003).

As you know, statewide expansion of the Housing Court would make a positive difference in the lives of many residents who either own or rent property in the parts of the state not currently served by the Housing Court, and in the operations of municipalities in those areas.

Currently, these parties must instead take their matters to District Court, where they wait in line behind others bringing a wide variety of cases, where they appear before judges who see housing cases only occasionally, and where they do not have access to housing specialists who are trained to successfully resolve these cases and avoid the need – and expense – of litigating in open court. In addition, Housing Court offers programs like the Tenancy Preservation Program – a unique intervention that enables trained counselors to assist with services in cases involving persons with disabilities, ultimately helping to prevent homelessness.

These programs help make Housing Court a model of efficiency, featuring the lowest cost per case of any Trial Court department. That efficiency benefits the cities and towns that are within the Court’s current limited jurisdiction, while the remainder must regularly endure delays in enforcement actions for non-compliance with health and sanitary codes.
We ask you to continue your leadership in this important expansion of the Housing Court by including the authorization and funding in the Fiscal Year 2018 (FY18) budget.

**Trial Court**

The Trial Court is comprised of seven departments which handle nearly all of the cases in the Commonwealth and represent the main point of contact for nearly all Massachusetts residents who have legal issues they need resolved. Thus it is essential that courts are adequately funded. We urge you to support the full Trial Court appropriation proposed in H3800 for FY18.

Though it received an increase of over $8 million in FY17, the Trial Court remains underfunded. Over the last few years, it has made great strides in finding ways to work smarter and leverage technological advancements to get more done with less. As a result of this work, they have been able to continue the efficient and effective operation of the courts even with a 19% reduction in staffing since FY02.

Despite these transformational efforts, the Trial Court still has a major need for increased funding to sustain and continue the progress made in recent years. For example, the installations of new technologies that will ultimately save on staffing and overhead costs nevertheless require large up-front investments. In addition, the Trial Court’s facilities are in dire need of upgrades in the area of security systems. These upgrades are necessary to preserve the safety of court employees, users, and the general public, ensuring the Trial Court remains effective and accessible for all residents of the Commonwealth.

**MLAC Funding**

Through line item 0321 1600, the Massachusetts Legal Assistance Corporation (MLAC) funds civil legal aid programs throughout the Commonwealth. Despite generous funding increases by the Legislature in recent years, overall funding is still inadequate to meet the overwhelming need for the services these programs provide, so it is crucial that the $18 million provided to MLAC in H3800 be included in the final budget.

As demonstrated by each house’s initial appropriation of $20 million, the Legislature recognizes that this is a crucial time to fund MLAC (0321-1600), because legal aid directly touches so many of the biggest social problems facing the Commonwealth, including foreclosures and emergency shelter, immigration, the opioid crisis, and domestic violence. In addition, the recent BBA Report, *Investing in Justice*, revealed just how many Massachusetts residents needed this aid and how many were turned away due to lack of resources. Each year, MLAC-funded programs are forced to turn away around 64% of qualified clients, or about 57,000 individuals, demonstrating just how important continued funding is for the Commonwealth.

This is especially true because the report also established that investment in legal aid actually pays for itself, and more, by saving the state money on “back-end” costs such as emergency shelter, foster care, and health care. Indeed, according to MLAC’s most recent report on the economic benefits of legal aid, legal assistance for low-income residents resulted in over $49 million of total income and savings for the Commonwealth in FY16 alone. Specifically, the report shows that legal aid led to $12.1 million in cost savings on social services for the state, $15.9 million in federal revenue entering the Commonwealth, and $21.2 million in benefits for residents.

You recognized, in endorsing the statewide expansion of the Housing Court, that addressing legal problems by dealing with them early, and applying expertise where it can be beneficial, is cost-effective. In that same way, funding for civil legal aid is not only the right thing, but also a sound investment. Therefore, we urge you to support the full $18 million in H3800 for the MLAC Line item (0321-1600).
Committee for Public Counsel Services (CPCS)

We thank you for recognizing the importance of providing adequate funding for CPCS and urge you to uphold the full H3800 appropriations of $58,896,644 for staff and operations (line item 0321-1500); $98,906,090 for private counsel compensation (line item 0321-1510), and $14,951,982 for indigent court costs (line-item 0321-1520).

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 Constitution. Adequate funding would help CPCS to increase compensation paid to private assigned counsel, as well as increase salaries of their staff attorneys, who are woefully underpaid in comparison to their colleagues in other states, and to attorneys of similar experience in the executive branch. This is not merely our conclusion but that of the recent Commission to Study Compensation of Assistant District Attorneys and Staff Attorneys of the Committee for Public Counsel Services, for which I was also an appointed member. The BBA supports the Commission’s recommendation that minimum salaries for these attorneys be increased, over time, to match the corresponding minimums for executive branch attorneys, and the appropriations outlined above would be a significant and beneficial step in that direction.

Inclusion of the above funding in the FY18 budget is especially critical because of the significant shortfall in funding for bar advocates, or private attorneys who defended indigent clients in FY17 and, as eloquently described in the most recent Boston Sunday Globe, are still waiting to be paid. Thankfully, the House is preparing a $26.6 million bill to cover these payments, and we ask for your support on this as well, when that bill reaches your desk. Your support of this supplemental appropriation and the H3800 appropriations will help to ensure CPCS is able to efficiently and effectively provide their necessary services.

We ask for your help with these priorities which are necessary to providing equal access to the courts and justice for all residents of the Commonwealth. Thank you for your careful consideration of the above items, and thank you for working so hard on behalf of us all.

Sincerely,

[Signature]

Carol Starkey
President

cc: Governor’s Chief Legal Counsel, Lon Povich