

A Case for Court Funding

By Edward W. McIntyre and Kathy B. Weinman

Access to justice is a hallmark of our democracy. Unfortunately, the Fiscal Year 2010 state budget recently signed by Gov. Deval Patrick compromises the system that guarantees justice in Massachusetts.

The Governor's veto of \$18.5 million in court funding imperils our judicial system's core functions while jeopardizing significant innovations made by the courts over the last six years.

We urge the Legislature to override the cuts to the Massachusetts courts. The Judicial Branch consumes only 2 percent of the Massachusetts state budget; it cannot absorb a staggering 12.5 percent of the cuts made by the Governor's vetoes.

We in the legal community recognize the dire economic situation confronting the commonwealth and appreciate the constraints under which the Legislature and Gov. Patrick developed the budget. However, budget reductions for the Massachusetts courts should not be made at the expense of justice. The estimated 42,000 citizens who use the courts every day are entitled to a court system that is efficient, responsive and fair.

If the additional \$18.5 million in cuts are accepted, an entire branch of government will be crippled. Without overrides, the most vulnerable citizens who look to the court system for justice will suffer.

In this economic climate, the need for justice has escalated sharply and citizens rely on courts now more than ever. Not surprisingly, the recession has led to increased case filings overall and a growing need for court intervention in matters involving domestic abuse, housing and children in need of care and protection. If these cuts stand, there will be delays in processing cases and access to emergency petitions in matters such as restraining orders and family disputes will be impeded. Judges cannot address these life-altering cases without the support of appropriate staff and resources. Vital services will not be delivered to those who need them most should the Legislature accept the Governor's vetoes and hundreds of layoffs take place.

The very measures taken to operate with dramatically inadequate funding will lead to increased costs and reduced revenue elsewhere. An increase in the number of pre-trial detainees who cannot get to trial, for example, will exacerbate jail overcrowding and add to the commonwealth's expenses. Also, the Trial Court's ability to collect \$123.5 million in fee revenue for the commonwealth will be impeded at a time when state revenues are already decreasing at an alarming rate.

Last fall, the courts voluntarily trimmed \$22.1 million from its Fiscal Year 2009 budget, imposed a hiring freeze and eliminated important programs such as alternative dispute resolution and certain court reporters, among other cuts. Currently, at least 70 percent of Massachusetts courts are working with staff levels below recommended national standards. The impact that we have already seen as the courts adapt to this shortfall pales in comparison to what the public can expect to experience if the Legislature fails to act now with overrides.

Without overriding the \$18.5 million in additional cuts, the commonwealth's courts cannot guarantee justice to all those who seek and need it.

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