Opinion

Court funding, legal services should top agenda for new leadership

In a few weeks, Massachusetts will see an across-the-board change in leadership when a new governor, Senate president and attorney general take office. This changing of the guard creates a golden opportunity to take a comprehensive look at an issue that has been pushed to the backburner in recent years: adequate funding for courts, personnel and legal services.

Testimony in the trial of John O’Brien, William Burke and Elizabeth Tavares for their misconduct in connection with rigged hiring at the Probation Department did not cast the state judiciary in a particularly flattering light. But the evils spotlighted by the case have largely been rectified in the three years since court reform legislation was enacted. Management of the Trial Court was bifurcated into administrative and judicial duties and a professional court administrator, Lewis H. “Harry” Spence, assumed authority over budgeting and personnel and implemented a transparent hiring and promotion system based on merit, which has replaced the practices on display in the O’Brien trial.

Yet, while the courts have made the necessary changes, adequate funding has remained a challenge. Judges received a long-overdue pay increase this year, the first since 2006, but 1,400 employees have been lost to attrition, forcing those who remain to absorb the extra work. And those funding woes extend past court staff.

Earlier this year the Massachusetts Bar Association heard testimony on how many assistant district attorneys and Committee for Public Counsel Services lawyers are struggling to make ends meet on starting salaries that are among the lowest in the country.

Gov. Deval L. Patrick established yet another commission to study the issue, charging it with seeing how salaries compare to other jurisdictions and determining what funding might be needed. But the time needed to complete that analysis will only further delay adequate compensation for attorneys on the front lines of the criminal justice system.

Civil legal services are also in crisis, with IOLTA funding dropping precipitously over the past few years, from $31.8 million in 2007 to $4.5 million in 2014. That’s resulted in 36 fewer Massachusetts Legal Assistance Corp. attorneys, even as the population eligible for aid has grown by more than 150,000 people.

A recent report from the Boston Bar Association called for a multi-million-dollar increase in funding over the next three years, arguing that the current situation has created a glut of pro se plaintiffs tying up the courts and slowing down cases.

The overall picture one is left with is of a system that has dealt with funding deficiencies for too long and is nearing the breaking point. We urge incoming Gov. Charlie Baker and new leadership in the Legislature to recognize that, after years of cutbacks, the courts need adequate money to rebuild themselves and do what needs to be done to ensure access to justice.

WHAT’S YOUR OPINION?

Letters to the editor and commentaries should be submitted to Henriette Campagne at henriette.campainge@lawyersweekly.com.