Governor Charles D. Baker
Massachusetts State House
Office of the Governor
Room 280
Boston, MA 02133

Re: Funding for the Massachusetts Legal Assistance Corporation, the Trial Court, the Committee for Public Counsel Services, and Re-Entry Services

Dear Governor Baker:

As President of the Boston Bar Association (BBA), I write to respectfully request your support for a number of line-items in the Fiscal Year 2021 (FY21) Budget. Adequate funding in these areas will ensure that the Commonwealth continues to benefit from a judicial system that is efficient, effective, and provides access to justice for all.

This year, the BBA has paid special attention to the administration of justice and the adequate functioning of the judicial system, as well as to the recurring threats to its independence. We expressed these values most recently in our report, Judicial Independence: Promoting Justice and Maintaining Democracy, published in August 2019. Your continued strong support for the judicial branch—through the budget but also through your appointments to the bench and your public statements—is as important as ever.

MLAC Funding

We thank you for supporting the $24 million appropriation for civil legal aid through the Massachusetts Legal Assistance Corporation (MLAC) line-item (0321 – 1600) in the FY20 Budget, and for your continuous support in previous years for MLAC, the largest funding source for civil legal aid in the Commonwealth. While we understand that the fiscal situation makes it difficult to offer adequate funding for all programs, more resources are still desperately needed to ensure that low-income residents of Massachusetts receive equal access to justice. For this reason, we ask for your support for $29 million in funding for the MLAC line-item in the FY21 Budget.
We are very grateful that you recognize the importance of civil legal aid, the demand for which continues to be overwhelming. In 2014, the BBA’s *Investing in Justice* report underlined the great need for increased civil legal aid funding when it revealed that MLAC-funded legal services programs are forced to turn away most qualified applicants. We appreciate that, since then, you and the Legislature have provided MLAC with significant increases in its appropriation.

Unfortunately, more funding is needed because demand also continues to rise, as does the complexity of cases, leaving turn-away rates, while lower, unacceptably high. Intensified immigration concerns, the paucity of affordable housing, and the growing population of needy elderly all contribute to the problem. A lack of legal counsel in any of these instances can result in drastic life-altering situations for low-income residents, who may end up in emergency shelter, in health-care facilities, or forced to remain in unsafe living conditions due to the inability to access the justice system.

As you know, legal aid providers offer critical assistance in a range of other matters, including employment, domestic violence, and health care. The expertise of legal services attorneys helps resolve individual problems before they become a crisis, but providers struggle to recruit and retain dedicated and experienced lawyers and paralegals.

In light of these expanding needs and the devastating potential consequences when these needs go unmet, it is vital that the state adequately fund civil-legal-aid programs in the Commonwealth. Fortunately, as the BBA’s *Investing in Justice* report underlined, legal aid continues to be a sound investment in our Commonwealth and its people, with a positive return through avoided costs in other areas. In the past year, legal aid helped 88,000 people and saved the Commonwealth and its residents $69 million.

As a significant step towards expanding access to justice for all, we request you include $29 million in funding for MLAC in the FY21 budget.

**Trial Court**

We thank you for your strong support for the Trial Court in the FY20 budget, and we urge you to continue that commitment in the FY21 budget by including the Trial Court’s requested maintenance-level appropriation in addition to increases to provide for certain budget expansion modules.

The Trial Court serves an essential function to the Commonwealth, representing the main point of contact for nearly all Massachusetts residents who have legal issues they need resolved. Notwithstanding the steady increases in funding that the Court has received in the years since the Great Recession, it remains underfunded.

The Trial Court requires increased funding to sustain and continue the progress made in recent years. For example, one of next year’s expansion modules involves establishing a virtual court service center, which will expand the ability of the Court to serve more of the public, optimize staff resources, and increase efficiency.
Furthermore, the Court plans to hire additional mental-health clinicians, providing it with the tools to deal with the special needs of many of the individuals who appear in our courts every day. Substance-use disorder and co-occurring mental illness are among the most significant problems addressed in courthouses across the Commonwealth, so this effort will greatly improve the ability of the courts to appropriately address these issues.

Other modules address additional critical concerns, including information-technology upgrades, MassHealth re-entry services, and transitional residential services.

Committee for Public Counsel Services (CPCS)

We thank you for recognizing the importance of providing adequate, timely, and reliable funding for CPCS, the public-defender agency of Massachusetts, including both staff operations (line-item 0321-1500) and private-counsel compensation (line-item 0321-1510). We urge you to continue this support by fully funding CPCS operations up-front in the FY21 budget.

In the past year, CPCS has faced a number of crises stemming from a lack of available counsel to represent indigent court-involved litigants. In fact, the Supreme Judicial Court is currently considering three cases arising from Worcester and Hampden Counties, where public safety and constitutional rights are implicated, as the courts, prosecutors, and CPCS grapple with the ramifications of an inability to locate counsel for criminal defendants in a timely fashion.

The Court will rule in the coming weeks, but fortunately, this crisis can be resolved by increasing the compensation for appointed bar counsel, which could be accommodated through a corresponding increase in the CPCS budget. We respectfully ask you to get ahead of the Court and address this crisis through your recommendation to the Legislature.

Re-Entry Services

The state’s 2018 criminal-justice reforms are having an impact, thanks in no small part to your Administration’s work on the new law and its implementation. More work needs to be done, however, in order to fully realize that promise. To that end, we are hopeful that your FY21 Budget will include $9.6 million toward a continued grant program for community-based residential re-entry services (line-item 0339-1011), that figure comprising $8,131,495 in maintenance funding and a module increase of $1,500,000. With existing re-entry centers at or near capacity, additional funding will help reduce waiting lists and allow for expansion into other communities.

In the BBA’s recent criminal justice reform report, No Time to Wait, we highlighted the lack of program availability as one of the three reasons that so many are denied access to these vital resources and urged the Commonwealth to ensure adequate funding and accountability for anti-recidivism reforms.

Each year, thousands of Massachusetts residents are released from county jails and state prisons, many with little or no resources to help in securing essential needs like employment, housing, and treatment.
Without any support or supervision, the likelihood of returning to illegal practices, and re-entering the justice system—as well as substance-abuse relapse and overdose—greatly increases.

Community-based residential re-entry services, like those that are funded through this line-item, offer safe housing, workforce development, and case management, fostering connections and stability for those re-entering society. While there is of course much to celebrate in the passing of historical criminal-justice reforms in the Commonwealth, for these efforts to be successful, we must continue to invest in the necessary resources to ensure lasting recidivism reduction.

We ask for your help with these priorities, which are essential to providing equal access to the justice system for all residents of the Commonwealth and maintaining the high level of quality we continue to enjoy in the administration of justice. We thank you for your careful consideration of the above items.

Sincerely,

Christine Netski
President

cc: Governor’s Chief Legal Counsel, Bob Ross