

March 26, 2010

Honorable Therese Murray  
Senate President  
State House, Room 332  
Boston, Massachusetts 02133

Dear Madam President:

As former Massachusetts judges, we are deeply concerned with the precipitous drop in funding for civil legal aid. We write to urge you to protect civil legal aid from further cuts by maintaining funding in the FY11 budget (\$9.5 million) for the Massachusetts Legal Assistance Corporation, line item 0321-1600.

As judges we have seen firsthand the importance of legal representation in protecting the rights of the most vulnerable in the Commonwealth as well as the importance of legal representation for the efficient functioning of our judicial system. An alarming number of poor people become *pro se* litigants because the civil legal aid system does not have the staff to assist them. Legal aid programs are forced to turn away half the eligible people who seek their help. In too many cases unrepresented litigants' inability to navigate the system means that justice is not served. In many of these situations, poor people feel unable to defend themselves and give up. *Pro se* litigants also make the work of the courts far more difficult.

We know these are trying economic times and appreciate the difficult budget decisions you face. But these are also times when low-income residents are most in need of legal help. Requests for assistance have increased by up to 40 percent. Homeowners' unfairly facing foreclosure and tenants facing evictions from foreclosed buildings need representation. In hard economic times, domestic violence increases and access to programs such as Medicare and Social Security becomes even more critical. Much of the work done by legal aid lawyers saves the Commonwealth money by obtaining federal benefits, by keeping families out of homeless shelters and by assuring child support payments.

Continued funding from the Commonwealth is more crucial this year than ever as MLAC and the legal aid programs it funds are still reeling from the 63 percent decrease in IOLTA revenue from FY08 to FY09. IOLTA income remains at the FY09 low in FY10. **This sharp decline in revenue has forced MLAC to cut its grants to civil legal aid programs by 54 percent in the last two years: from \$27.9 million in FY08 to \$12.8 million in FY10.**

The Massachusetts Legal Assistance Corporation has requested level funding for FY11. In these worst of economic times, protecting the most vulnerable by funding civil legal aid is an essential

investment for the Commonwealth. We urge you to include \$9.5 million for the Massachusetts Legal Assistance Corporation in your FY11 budget.

Respectfully yours,

Chief Justice Herbert P. Wilkins, Ret.  
*Massachusetts Supreme Judicial Court*

Judge R. Peter Anderson, Ret.  
*District Court*

Judge Beverly Weinger Boorstein, Ret.  
*Middlesex Probate and Family Court*

Justice Charles Fried, Ret.  
*Massachusetts Supreme Judicial Court*

Judge Edward M. Ginsburg, Ret.  
*Probate and Family Court*

Justice John Greaney, Ret.  
*Massachusetts Supreme Judicial Court*

Judge Joseph Hart, Ret.  
*Probate and Family Court, Worcester*

Judge Rudolph Kass, Ret.  
*Appeals Court*

Judge Patrick J. King, Ret.  
*Superior Court Department*

Judge John G. Martin, Ret.  
*Housing Court, Worcester*

Judge Maurice H. Richardson, Ret.  
*District Court, Dedham*

Judge Edward J. Rockett, Ret.  
*Probate and Family Court*

Judge Eileen Shaevel, Ret.  
*Probate and Family Court, Norfolk*

Judge Elbert Tuttle, Ret.  
*Superior Court*