

March 9, 2009

The Honorable Robert A. DeLeo
Speaker of the House of Representatives
State House, Room 356
Boston, Massachusetts 02133

Dear Mr. Speaker:

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 FY10 budget at the FY09 level.

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. Unrepresented litigants make the work of the courts far more difficult. In too many cases their inability to navigate the system means that justice is not served. In other cases, poor people feel unable to defend themselves and give up.

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. 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 shelter and by assuring child support payments.

The need is compounded by the dramatic decrease in revenues from the IOLTA program, which had become a major source of funding for civil legal aid. Legal aid programs have already sustained an \$8.5 million cut in funding. The Massachusetts Legal Assistance Corporation has requested that its funding level be maintained at the FY'09 level (line item 0321-1600, Massachusetts Legal Assistance Corporation: \$11,070,424).

In these difficult times, protecting the most vulnerable by funding civil legal aid is a good investment for the Commonwealth. We urge you to grant the Massachusetts Legal Assistance Corporation funding request.

Respectfully yours,

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

Judge Richard S. Kelley, Ret.
Superior Court

Justice Ruth Abrams, Ret.
Massachusetts Supreme Judicial Court

Judge Patrick J. King, Ret.
Superior Court Department

Judge William H. Abrashkin, Ret.
Housing Court, Western Division

Judge Daniel Klubock, Ret.
District Court

Judge R. Peter Anderson, Ret.
District Court

Justice Neil Lynch, Ret.
Massachusetts Supreme Judicial Court

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

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

Chief Justice John E. Fenton, Ret.
Administration and Management

Judge Paul C. Menton, Ret.
District Court

Justice Charles Fried, Ret.
Massachusetts Supreme Judicial Court

Justice Joseph R. Nolan, Ret.
Massachusetts Supreme Judicial Court

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

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

Justice John Greaney, Ret.
Massachusetts Supreme Judicial Court

Judge Domenic J. F. Russo, Ret.
District Court

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

Judge Elbert Tuttle, Ret.
Superior Court

Judge Herbert H. Hershfang, Ret.
Boston Municipal Court

Judge George A. Sullivan, Ret.
District Court

Judge Julian Huston, Ret.
Superior Court

Judge William Sullivan, Ret.
District Court

Judge Rudolph Kass, Ret.
Appeals Court

Judge Lewis L. Whitman, Ret.
Trial Court