

Bar leaders urge lawyers' support for civil legal aid

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To the editor:

We are quickly reaching a crisis point in the funding of civil legal aid in Massachusetts. In the last few months, legal aid programs funded by the Massachusetts Legal Assistance Corp. have had their budgets slashed by as much as 30 percent. These steep cuts will have dramatic and devastating consequences for low-income people who need legal help with problems threatening their safety, housing, health care and employment. Even more frightening is the looming threat of additional cuts as economic conditions continue to deteriorate.

This financial "perfect storm" hitting the legal aid community was created by an unfortunate confluence of circumstances. The drop in interest rates coupled with a decrease in real estate and corporate transactions have caused the funds derived from the Interest on Lawyers' Trust Accounts program to decline precipitously. Established by the Supreme Judicial Court in 1985, the IOLTA program requires lawyers holding funds on behalf of clients to deposit them in IOLTA accounts, if the funds are modest and are to be held only for a short time. The pooled interest from IOLTA accounts is used to fund civil legal aid for low-income people.

The MLAC, the largest funding source for civil legal aid in the commonwealth, is projecting a 54 percent decrease in the income it receives from IOLTA this fiscal year, which began July 1. As a result, MLAC was forced to reduce its general support grants to the 18 legal aid programs it funds by nearly 40 percent, from \$22 million last fiscal year to \$13.5 million this year. These are the most extreme cuts ever made in the 25-year history of MLAC.

Moreover, in order to maintain the grants at the diminished level of \$13.5 million, MLAC was required to expend \$3.5 million from its own reserves. MLAC's reserves will be depleted by the end of December.

Assuming there are no further funding cuts, MLAC anticipates that these reductions will result in a drop of at least 18 percent in client services statewide. That means approximately 20,000 low-income individuals and family members will be left without the legal help they need, including tenants losing their homes to landlord foreclosures, parents wrongly denied health coverage for their children and elders facing bankruptcy.

But even more cuts are on the horizon, further jeopardizing funding for legal aid.

There will be pressure on the governor and Legislature to make cuts to the annual legislative appropriation for legal aid. In addition to the IOLTA funds, MLAC relies on an appropriation from the Legislature for support, currently in the amount of \$11 million. We are all acutely aware that the revenue of the commonwealth has declined rapidly. Although Gov. Deval L. Patrick and our elected officials have been strong supporters of legal aid, for which we applaud

them, there will be intense pressure for the state government to slash expenditures to solve its own growing fiscal crisis.

However, any cuts to the legislative appropriation for legal aid would be fiscally counterproductive. It has been shown time and time again that providing low-income individuals with civil legal aid ultimately saves the commonwealth money by keeping them out of expensive homeless shelters and reducing their need for state-funded social services.

Moreover, these advocacy efforts often unlock federal funds. As only one example, in fiscal year 2008 the state spent \$1.2 million to fund MLAC's Disability Benefits Program. This program yielded \$8.6 million in new federal revenue for the commonwealth with an effect on the economy of roughly \$17.2 million.

Organizations in the private sector will also feel pressure to reduce their support for legal aid. Law firms and corporate law departments, traditional supporters of local legal aid programs, may be feeling the effects of the economic downturn. Other funding sources such as the United Way and local foundations may reduce their support to local programs as well, as donations to those organizations fall off.

The combined impact of these funding cutbacks will have devastating consequences on the low-income residents of Massachusetts. In this bleak economy, when more people than ever are losing their jobs and their homes, the need for civil legal aid is simply overwhelming. While attorneys from across the commonwealth donate innumerable hours of time and expertise to representing those in need on a pro bono basis, this service cannot replace the need for adequate legal aid.

As an attorney in Massachusetts, what can you do? We urge you to take the following steps:

- Sign up with the Equal Justice Coalition at www.equaljusticecoalition.org. Formed by MLAC, the Massachusetts Bar Association and the Boston Bar Association, the EJC advocates for public funding for civil legal aid. By joining the EJC e-mail list, you will receive periodic updates and action items.
- Write to Gov. Patrick and encourage him to preserve funding for civil legal aid (line item 0321-1600) at the current amount of \$11 million for the next fiscal year. A model letter can be found on the EJC website.
- Participate in the 10th annual Walk to the Hill on Jan. 22. The Walk to the Hill is one of the most powerful lobbying events on Beacon Hill and requires only a couple of hours of your time. Last year, approximately 600 attorneys from the private bar participated by listening to a brief presentation at the State House about the need for civil legal aid, then met privately with their elected representatives to convey the importance of the issue.
- Donate to the legal aid program in your community. A list of these programs are on the EJC website.

- Encourage your law firm or organization to maintain or increase its funding for legal aid programs.
- Represent low-income individuals on a pro bono basis and get involved in organizations such as the MBA and the BBA that can be helpful in identifying such volunteer opportunities for practitioners.

In this time of crisis, it is important that the members of the bar come together to protect those people in our society who are most vulnerable. Please do everything you can in support of civil legal aid.

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