

Massachusetts Legal Assistance Corporation

FY04 Budget Request

Line item:	0321-1600 Appropriated Projects	\$4,225,408
	0321-1610 General Support	\$4,734,750

Flaws in the Governor's budget information on civil legal aid

On March 5, the administration distributed a memo containing several pieces of misinformation regarding civil legal aid in the Commonwealth.

- ◆ Contrary to the Governor's assertion, **state spending on civil legal aid in New York far exceeds funding from the Commonwealth.** For calendar year 2001, state funding in New York was \$23.3 million compared to the current \$8.96 million in Massachusetts. Massachusetts currently ranks 10th in total public funding for legal aid. The Commonwealth should take pride in its record of support for legal aid for its neediest residents.
- ◆ **The 33% reduction in state funding for MLAC proposed in House 1 will eliminate direct services to more than 10,000 people** and undermine legal aid's ability to leverage private support. State funding provides the crucial foundation for the civil legal aid system. Working from this base, Massachusetts legal aid programs have succeeded in developing private resources to help address the unmet needs of low-income people for legal advice and representation. Rather than supporting private fund-raising efforts, the Governor's budget would punish legal aid by reducing funding from the Commonwealth.
- ◆ **Projecting a 40% increase in private contributions to partially make up for the proposed reductions is completely unrealistic.** Donations from lawyers and law firms to Greater Boston Legal Services, the program with the most successful fund-raising record, reversed a seven-year upward trend and declined by 6% from calendar 2001 to calendar 2002. The total is expected to decline again this year.
- ◆ **Private foundations and United Ways are reducing their grants** to all social service programs including legal assistance because of declining contributions and reductions in the value of their endowments. For example, the Hyams Foundation in Boston has seen their endowment decline by 40% of its value in the past several years.
- ◆ **Co-payments cannot raise the \$1 million asserted by the Governor.** MLAC-funded local programs closed just under 27,000 cases in FY2002, in addition to the other assistance provided to clients. As the Governor has recognized, women fleeing abuse, families facing immediate eviction, those receiving telephone advice and assistance and those without any ability to pay should not be charged a co-pay. The remaining instances when a co-pay might possibly be charged is too small to make up for any significant amount of the proposed \$3 million cut. As legal aid programs are already being forced to deny services to more than 50% of the eligible clients who request services, the co-pay would require programs to serve those who could pay and deny services to even more of those who are in the most desperate need.
- ◆ **The budget as submitted does not combine all civil legal aid under MLAC** as the Governor asserts in his March 5 memo. H1 states that the Mental Health Legal Advisors Committee and Massachusetts Correctional Legal Services are "discontinued." H1 cuts total funding for civil legal aid, including MLAC, MCLS and MHLAC, by 41%.

Cost savings to the Commonwealth from civil legal aid

Funding civil legal aid saves the Commonwealth money. For example:

- ◆ In the course of representing an individual client, a Massachusetts legal aid lawyer realized that changing a single word in the state's unemployment compensation law would make this client and thousands of others in Massachusetts eligible for extended federal benefits at no cost to the Commonwealth or its employers. The attorney urged legislators to make the change, which was enacted in December 2002. **The change brought an additional \$10 million in federal funding into the Commonwealth last year**, more than the total state funding for legal aid for the whole year, and is expected to bring in another \$4 million this year.
- ◆ For FY02, the Disability Benefits Project won approximately **\$3.7 million in federal reimbursements** to the Commonwealth by representing EAEDC recipients in federal SSI benefits appeals. The state's total appropriation for DBP was only \$1.2 million.
- ◆ **Lawyers for victims of domestic violence** provided through the Battered Women's Legal Assistance Project **save money for the Commonwealth**. The cost of domestic violence is high, including medical care for injured victims, special education and counseling for affected children, police resources and prison for perpetrators. A recent national study reported that legal aid is the only service that consistently brings down the level of domestic violence in the community. In addition, legal aid in domestic violence cases often results in **collection of child support**, saving further state dollars.
- ◆ Preventing an unfair eviction of a low-income family saves the state **the cost of emergency shelter or the even higher cost of sheltering a family in a motel**. When a low-income housing development is preserved through negotiations with legal aid advocates, as has happened several times in the Commonwealth over the last few years, families are saved from potential homelessness and the state saves the associated costs.
- ◆ In FY2002 MLAC-funded legal aid programs provided individual assistance that **benefitted a total of 112,384 residents of the Commonwealth** including family members. This assistance was provided by the 157 attorneys and 58 paralegals (FTEs) who counsel, advise and represent the clients of local programs.
- ◆ Legal assistance to low-income residents of the Commonwealth is **delivered efficiently and effectively**. Legal assistance programs collaborate extensively with other providers of services to low-income people in order to make the best use of limited resources. The experienced and dedicated staff of legal aid programs provide real value to the Commonwealth.

The Governor's proposal to reduce MLAC funding for civil legal assistance to low-income people in the Commonwealth by 33% will deprive those who need it most of legal representation and assistance, will cost the Commonwealth much more than the \$3 million budget reduction will save and cannot be made up by the methods proposed.