

# Don't deny justice to the poor, powerless

By JOHN M. GREANEY

**M**y favorite country singer Johnny Cash used to say, "I wear the black for the poor and beaten down."

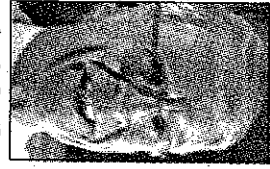
That sentiment has often come to mind over the years - from when I first put on a black judge's robe in 1974, through my retirement from the Supreme Judicial Court in December 2009. I liked to think that

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my robe reflected the song's spirit of compassion for the vulnerable in our society.

However, as I witnessed all too often, the justice system that I wore to uphold failed to serve these "poor and beaten down" individuals during what was often the most difficult time of their lives.

And in recent years, this problem has gotten worse. On any given day, hundreds of people show up in courtrooms throughout Massachusetts, having no idea how to navigate the complex justice system, because they lack an attorney to guide them.



**By investing in legal aid, we reaffirm our commitment to the rule of law - the principle that everyone has a right to access justice regardless of economic status.**

Often these people are facing issues that threaten their safety, their housing, their health or a host of other critical, non-criminal legal problems. In many cases, they are low-income or elderly or have disabilities, leaving them at a further disadvantage.

People like John of Hampden County, an elderly veteran with serious disabilities - he was close to homelessness after his landlord lost his rental house to foreclosure. The new owner acquired the property at auction, and introduced himself to John by serving him a trespass no-

tice and threatening to have him removed by the police.

Fortunately, John was not alone when he came to court. An advocate from Western Massachusetts Legal Services (WMLS) represented him and persuaded the judge to dismiss the trespass notice. Later, negotiations between the advocate and the new owner produced an agreement beneficial for both parties: a new tenancy was created for John, and the owner waived a "use and occupancy" fee that would have been difficult for John to pay.

Thanks to legal aid programs like WMLS, 6,000 low-income people in Central and Western Massachusetts received the legal assistance they so desperately needed last year. There were likely just as many for whom justice was denied. Even in strong economic times, legal aid programs must turn away roughly half of those who seek help.

Today, calls to WMLS are up more than 30 percent. At the same time, the program has lost 50 percent of its budget due to funding cuts over the past two years, resulting in layoffs of attorneys and para-

legals. The remaining staff is forced to do much more with much, much less.

Those who cannot afford an attorney in a civil matter, and who are turned away from legal aid, have few options - they often show up in court unrepresented, acting pro se. According to a recent report by the Boston Bar Association, the number of pro se litigants is on the rise, further burdening Massachusetts' already troubled justice system.

The report finds that the Commonwealth's trial courts "are already operating on the brink" following a \$24.4 million cut to the judiciary budget in fiscal 2010, which led to drastic decreases in critical staff positions. Also according to the report, 189 out of 203 tenants appeared pro se on one recent day in housing court.

Not only do these individuals usually lack the skills required to successfully navigate rapid-fire court proceedings, but they also slow down the system for everyone - the limited number of court staff must spend additional time and resources processing these cases. All Massachusetts residents de-

serve access to a well-funded system of civil legal aid. That is why I recently joined with 13 other retired judges - including former Chief Justice Herbert P. Williams - in asking Gov. Deval L. Patrick, Senate President Therese Murray and House Speaker Robert A. DeLoe to protect funding for civil legal aid in the fiscal 2011 budget.

The governor has recommended level funding the legal aid line item at \$9.5 million, and I now urge the Legislature to follow his lead. By investing in legal aid, we reaffirm our commitment to the rule of law - the principle that everyone has a right to access justice regardless of economic status.

As a society, we must recognize the invaluable role legal aid plays in stabilizing families and communities, especially in these challenging times. We all benefit when equal justice is a strong and vibrant part of our social fabric.

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