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Your View: Top funding needed for legal assistance corporation

By Justine Dunlap

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Lawyers — we love to hate them until we need one. The good news is that, in certain critical situations, lawyers are available. They are a constitutional entitlement for the criminally accused. They can be retained on a contingency fee basis in certain kinds of cases. Legal services may be available through a work-based pre-paid plan. And, if you have lots of money, legal services are, of course, readily procurable. That's the stuff of legal "dream teams."

The bad news: In other critical circumstances, a lawyer's service is out of reach, particularly for persons of low income. In certain areas of the law, like landlord/tenant and family law cases, many cases proceed with one or both sides not having a lawyer. In legal parlance, these self-represented parties are called pro se litigants. In some cases — like small claims court — pro se litigants are appropriate. In those cases, because the financial stakes are low, the system is set up so that lawyers are not necessary. But that is not true generally. Most lawsuits involve high stakes — financial or otherwise — and do not proceed well without lawyers who know the substantive law and procedural rules. Thus, although one might have rights provided under the law, those rights are difficult to assert or achieve without a lawyer.

Our society is sometimes criticized for being too litigious. But those who need lawyers are often brought into court by others. A tenant, for instance, whose landlord may be seeking to evict him, or a consumer being sued by an unscrupulous lender. Other times people need to affirmatively seek the court's aid. A victim of intimate abuse may need legal protection to begin to remove herself or himself from an abuser's control. The rights that each of these persons have are less likely to be realized if there is not a lawyer available to assist,

Civil legal aid organizations, which provided free legal advice and representation to more than 85,000 low-income Massachusetts individuals and families last year, are suffering from a prolonged funding crisis that has resulted in a 35 percent loss of attorney staff statewide. Here on SouthCoast, South Coastal Counties Legal Services served over 4,000 clients last year. Its ability to assist our neighbors has been curtailed significantly due to the recent laying off of six attorneys and five legal advocates.

The Massachusetts Legislature is currently considering how much to allocate to Massachusetts Legal Assistance Corporation, which helps fund organizations like South Coastal Counties Legal Services. The House budget recommended \$12 million while the Senate recommended \$11.5 million; those differences are now being worked out in the Legislative Conference Committee. It is important that the commonwealth adopt the higher of these two numbers and pass a budget of \$12 million for MLAC for fiscal year 2013. These are indeed trying financial times but money cut here will result in more money being spent later in social service programs. Moreover, the value of protecting the legal rights of all of our citizens is incalculable.