

MBA NEWS



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MASSACHUSETTS BAR ASSOCIATION SUPPORTS OVERDUE INCREASE IN COMPENSATION FOR BAR ADVOCATES

BOSTON, Mass.—Massachusetts Bar Association General Counsel Martin W. Healy testified in support of bills that would increase the hourly rate for private attorneys representing poor clients before the Joint Committee on the Judiciary at the Statehouse on Wednesday, Feb. 6.

If passed into law, Senate bills 868 and 999 would bring Massachusetts bar advocate compensation rates closer to those in other states. The bills would set the new hourly rates anywhere from \$55 to \$110 an hour depending on the case and court.

“The Massachusetts and United States constitutions mandate that indigent citizens facing criminal charges must be competently represented. When the commonwealth fails to provide compensation to retain experienced defense counsel, citizens charged with crimes are denied the fundamental rights of a fair and speedy trial with effective assistance of counsel,” according to Healy.

“We in the legal community believe in the meaning of justice as set forth in our constitution, general laws and case law and we acknowledge that there is a cost to providing a fair and effective system of justice. That cost includes adequate compensation for those lawyers who participate in our justice system. It is obvious that such compensation is not being paid,” Healy added.

Current pay rates are below the rates recommended more than 10 years ago in a report released by the MBA’s Commission on Criminal Justice Attorney Compensation. That 1994 report studied pay rates for defense of the poor and concluded it was “inadequate and inequitable.”

That inadequate compensation makes it difficult to retain lawyers of skill, experience and talent and forces attorneys to leave public service, a concern echoed by the Legislature’s Special Commission to study indigent counsel rates. This has resulted in a shortage of expert attorneys who are able to mentor new attorneys still learning about indigent criminal defense.

If the bills are passed, the new hourly rates will change in all four categories of advocates:

- District Court and children in need of services cases – \$50 to \$55.
- Children and family law, care and protection, sex offender and mental health cases – \$50 to \$60.
- Superior Court non-homicide cases, including sexually dangerous persons – \$60 to \$70.
- Homicide cases – \$100 to \$110.

Incorporated in 1911, the Massachusetts Bar Association is a non-profit organization that serves the legal profession and the public by promoting the administration of justice, legal education, professional excellence and respect for the law. The MBA represents a diverse group of attorneys, judges and legal professionals across the commonwealth.