

Court business returning to normal

By SCOTT DOLAN
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After a nearly month-long lawyer strike in Taunton District Court, business began returning to normal yesterday as lawyers resumed accepting court-appointed cases.

But attorneys said they may have to strike again next spring when the state is expected to run out of money to pay their wages in its Fiscal Year 2004 budget.

Lawyers in Suffolk County, who just joined the strike on Monday, called for the work stoppage to end by Tuesday afternoon when the Legislature and Gov. Mitt Romney yielded to their demands to pay for last year's work.

The state had underfunded its 2003 budget by more than \$15 million, meaning many of the private attorneys who accepted court-appointed cases to represent indigent defendants were not getting paid. Some local lawyers said they were owed thousands of dollars.

About 100 of the 160 lawyers in Bristol County who accept court-appointed clients stopped taking new cases in late July after the non-profit agency contracted by the state to pay them, the Committee for Public Services,

announced the budget was depleted.

Lawmakers acknowledged the striking lawyers in Bristol County, but took no steps to meet their demands until 335 lawyers in Suffolk County joined the effort.

Although the strike is apparently over, not all attorneys in Bristol County's courts were immediately returning to work, said Gerlinde Lowe, a CPCS administrator in charge of scheduling lawyers.

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— James Fagan, representative

“In some courts they were. In some courts they weren't,” she said.

No lawyers from the CPCS list reported to duty yesterday in Attleboro District Court, Lowe said.

The two lawyers who were scheduled to work in Taunton District Court had informed Lowe weeks ago that they would not show up due to the strike, she said.

Attorney Anthony R. Mastromarino Jr. happened to be in the Taunton courthouse on other business and agreed to take the court-appointed cases for the day.

“I think we proved our

point,” Mastromarino said. “I went for a month and a half without anything. I'm ready to work.”

Mastromarino said he went for so long without a check from the state, he had to dip into his savings to keep his Taunton office running. He said it was frustrating Boston lawmakers ignored the strike in Bristol County and only reacted when lawyers in their own county joined the strike.

“The problem is we don't have any clout,”

Mastromarino said.

Rep. James H. Fagan, D-Taunton, said earlier this week that the FY '04 budget for court-appointed lawyers would probably run out by March 2004 — months before the end of the fiscal year — unless Romney acts before then.

“This is a Constitutional obligation that when it isn't properly funded negatively impacts the rights of a large number of people,” Fagan said.

Fagan was one of several legislators who helped push a supplemental budget bill through the House and Senate to the governor's desk this week to end the

strike.

“I'm reluctant to predict what this governor will do,” he said.

The state, through the CPCS, pays a minimum of \$30 an hour to private attorneys who agree to represent clients who can't afford, but who are Constitutionally entitled to, representation. The rate is \$39 for serious felonies and \$54 for murders.

That ties Massachusetts for the third-lowest in the nation, behind New Jersey and Wyoming, according to data compiled by The Spangenberg Group, a consulting group that focuses on justice programs.

Eleven Bristol County lawyers have filed suit against various state offices, demanding better pay. The public counsel committee has argued for an increase to a minimum of \$60 per hour.

The state hires about 2,500 private lawyers annually to handle about 200,000 cases — ranging from criminal defense to family disputes. The CPCS also has 115 public defenders on staff.

Lawyers said that since going on strike, Suffolk County attorneys are now considering joining the suit to add pressure on the state.

— With AP reports