

6th Amendment vs. Massachusetts Bar Advocate Strike

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According to the United States Constitution, it is our 6th amendment right to have an attorney appointed to us, even if we cannot afford one. This ensures that defendants can be properly represented and treated fairly. That begs the question: what if there are no attorneys to appoint?

In Massachusetts, bar advocates (private attorneys paid by the state appointed to defend defendants) have gone on strike due to cuts in their pay. This has left many defendants with no representation. After 45 days without representation, defendants are required to be let go. Consequently, many have been set free.¹

According to the Massachusetts Supreme Judicial Court, the bar advocate's pay rate is unconstitutionally low. In fact, Massachusetts bar advocates are the third-lowest-paid attorneys in the entire country.²

The legislature has offered to give a pay raise of an extra twenty (20) dollars per hour, although thirty-five (35) was requested. The legislature also included in the agreement that if bar advocates refuse to work because of their pay in the future, it would violate antitrust laws. Lawmakers think this is enough, but the majority of bar advocates disagree, stating that they will not go back to work unless they obtain the pay that they requested.³

If the bar advocates continue to strike, many more defendants will be set free, and their charges will be dropped. In other words, their absence is becoming disastrous. Defending people is not an easy job, and ultimately, these attorneys deserve better.

¹ Suárez, Jesús Marrero. "With Bar Advocates on Strike, More than 1,300 People Lack Defense in Mass. Courts." *WBUR News*, 27 June 2025, www.wbur.org/news/2025/06/27/court-massachusetts-defense-strike-bar.

² "Keep It Going: Delegates Urge Continued Momentum on Bar Advocate Pay Issue." *Massachusetts Bar Association*, www.massbar.org/publications/lawyers-journal/lawyers-journal-article/lawyers-journal-2004-november/keep-it-going-delegates-urge-continued-momentum-on-bar-advocate-pay-issue-. Accessed 15 Aug. 2025.

³ DeCosta-Klipa, Nik. "A Breakdown of Beacon Hill's Proposed Deal to Bar Advocates." *WBUR News*, 31 July 2025, www.wbur.org/news/2025/07/31/massachusetts-bar-advocates-beacon-hill-deal-pay-raises.

This strike goes to show that everyone is important in the court system. Whether it's convicting someone who is guilty or freeing someone who is not, every role is vital. In order for the system to work, everyone has to be valued equally to ensure justice.

