

THIRD MASSACHUSETTS ACCESS TO JUSTICE COMMISSION

ANNUAL REPORT ON ACTIVITIES

July 2017

INTRODUCTION

In February 2015, the Supreme Judicial Court appointed the third Massachusetts Access to Justice Commission (Third Commission), after the end of the Second Commission. Charged with providing leadership, vision, and coordination in the search for “equal justice for all persons in the Commonwealth,” the Third Commission adopted a Mission Statement that focused on five core strategies:

- Increasing justice by improving the effectiveness of, and the funding for, civil legal services organizations;
- Increasing services provided by private attorneys;
- Improving assistance to unrepresented litigants;
- Improving access to justice beyond the courts, such as in administrative agencies; and
- Exploring the role of non-lawyers in the provision of appropriate civil legal assistance.

This report provides an update on the Third Commission’s ongoing work and accomplishments in each of these five core strategies. This year, the Third Commission has had significant victories in various initiatives:

- Received one of seven Public Welfare Foundation/Justice For All grants to develop a strategic action plan for improving access to justice throughout the Commonwealth;
- Successfully advocated for statewide expansion of the Housing Court in the Massachusetts budget for Fiscal Year 2018;
- Spearheaded the allocation of an additional \$8.3 million in funding for civil legal aid for victims of crime over the next two years from Federal Victims of Crime Act funds;
- Expanded the Civil Appeals Pro Bono Program -- which has served 295 individuals with the help of 132 pro bono attorneys from 13 different firms and in-house legal departments since its inception in May 2015 -- to cover the entire Commonwealth;
- Continued to develop the Access to Justice Fellows program, whereby 74 retired lawyers and judges have provided over 76,000 hours of pro bono service to over 50 different nonprofit entities since its inception five years ago; and
- Endorsed the report of the Commission’s Access to Attorneys Committee, which studied how the private bar could meet the legal needs of litigants who cannot afford an attorney, including the use of fee-shifting statutes, limited assistance representation, and further education and training.

The Third Commission has 30 members (26 members and 4 ex officio members, plus an additional 4 emeritus members) (Commissioners), including judicial, clerk, bar association, legal aid, social service agency, private bar, client, law school, business, and at-large representatives. See Appendix 2 for a membership list. Our work has been accomplished through seven committees comprised of both Commissioners and committed non-member volunteers. See

Appendix 3 for Committees and leadership, and our updated website at <http://www.massa2j.org/a2j/>. The Third Commission has been fortunate to have a part-time consultant funded by the Massachusetts Legal Assistance Corporation, Gerry Singsen, to provide guidance and staff support. As Gerry is retiring this year, we want to thank him for his longtime service to the Commission and his many years of leadership in improving access to justice in Massachusetts.

It has been our pleasure to work with these dedicated volunteers who are committed to improving access to justice in the Commonwealth. We thank them for their service this past year. Co-Chair Finegan also wishes to thank Co-Chair Hines for her dedication and service to the Commission for the past three years as she retires from the Court, and the Commission, next month.

Associate Justice Geraldine Hines
Susan M. Finegan, Esquire
Co-Chairs, Access to Justice Commission

I. INCREASING JUSTICE BY IMPROVING THE EFFECTIVENESS OF, AND THE FUNDING FOR, CIVIL LEGAL SERVICES ORGANIZATIONS.

Civil legal services programs in Massachusetts, like their counterparts nationally, continue to encounter significant financial challenges. One of the major funding streams for legal aid in the Commonwealth, Interest on Lawyers Trust Accounts (IOLTA), decreased significantly from \$31.8 million in 2007 to \$6.7 million in 2016, in large part due to very low interest rates and the recession. Funding from the federal Legal Services Corporation during the same period fluctuated without any sustained increase, and is at risk of significant funding decreases in the coming year. State appropriations for the Massachusetts Legal Assistance Corporation (MLAC) increased from \$9.5 million in FY 2010 to \$18 million in FY 2018. That increase was not enough to bridge the gap in funding for legal aid, however, as the MLAC state budget appropriation request for FY 2018 was \$23 million. During this period of overall funding decline, the need for legal services continued unabated. Currently, almost 1 million people in Massachusetts live below 125% of the federal poverty level (\$30,375 annually for a family of four) – nearly 15% of the overall state population – making them eligible for civil legal aid. As a result of the decreased funding and significant need, legal aid programs have had to turn away nearly two out of every three income-eligible individuals who have sought assistance.¹

During the past year, the Third Commission supported funding for civil legal aid in many ways, including the following:

- **Collaborated on Enhanced Funding for Legal Services.**

Sufficient funding to provide legal representation to all low-income residents of Massachusetts continues to be a principal goal. The Third Commission, primarily through its Revenue Enhancement Committee, focused on several innovations to increase funding for civil legal services, successfully collaborating with others in the access to justice community.

- Coordinated an innovative and successful effort to increase civil legal aid by tapping into alternate Federal funding for legal aid.
 - The Third Commission is one of two commissions nationally to take a leadership role in analyzing whether Federal funds – other than those from the Legal Services Corporation – can be tapped to meet the funding gap for civil legal aid. According to a relatively recent needs assessment completed for the Massachusetts Office of Victims Assistance, civil legal services are one of the primary unmet needs of crime victims in

¹ Walk to the Hill Final FY 18 Fact Sheet, *Massachusetts Legal Assistance Corporation*.

Massachusetts.² Since the summer of 2015, with guidance from Karen Lash at the Department of Justice, the Third Commission has researched whether the recent and significant increase in Victims of Crime Act (VOCA) monies the state receives - from \$9.462 million to \$40.87 million - can be applied to civil legal aid. Subsequently, members of the Commission met with various affected stakeholders to brainstorm innovative and collaborative approaches to address the legal need for such services.

- This past year, the Third Commission, through its Revenue Enhancement Committee, worked with the legal services community, the advocacy community, and others to see if some of the unmet civil legal needs of crime victims could be met through the use of VOCA funds.
- This year, the Massachusetts Office of Victim Assistance, which oversees the VOCA funds, allocated an impressive \$8.3 million to MLAC for civil legal aid for victims of crime over the next two years. Massachusetts Law Reform Institute will oversee the project, which will include, among other elements, 28 staff attorneys located at numerous legal services organizations across the state.
- Monitored continuing revenue from funding initiatives of the Second Commission. Such efforts included the establishment of a voluntary annual \$51 "access to justice" attorney registration fee, which has generated over \$1 million a year for the past six years, totaling almost \$7 million, towards MLAC; adoption of a *pro hac vice* rule increasing fees, totaling almost \$1 million since 2012, that benefits civil legal aid; expansion of the eligibility of the IOLTA and legal aid programs for receipt of *cy pres* awards of class action residuals, totaling almost \$500,000; and an initiative to encourage legal aid programs to increase revenue from attorneys' fees to which they are entitled.
- Supported increase in appropriations of state funds for MLAC. The Third Commission supported an increase in MLAC funding for FY2018. Although the final state budget does not contemplate an increased appropriation requested by MLAC, it provided \$18 million funding for the second year in a row, an increase from prior years but disappointing nonetheless.
- **Supported a Separate Charitable Organization, the Massachusetts Equal Justice Fund (MEJF), to Raise Funds From Private Companies, Non-Lawyers and Foundations.**
 - The Second Commission obtained an American Bar Association Public Welfare Foundation grant to study the lack of civil legal aid fundraising

² Respondents rated the extent to which there is a need for victim services beyond the current capacity, and civil legal assistance obtained the highest rating. See "MOVA: 2014 Needs Assessment (Final Report), June 2015," at page 37, <http://www.mass.gov/mova/docs/voca/mova-2014-needs-assessment.pdf>.

efforts in Massachusetts that targeted private corporations, non-lawyer donors, and foundations. The study confirmed that a campaign focused on this target audience was indeed feasible once the potential donors were educated about the issue. Several Commissioners, acting on their own, incorporated an independent nonprofit, MEJF, to raise such funds.

- During the past year, MEJF has focused on two pilot projects. Both projects, working in concert with members of the business community, are designed to showcase innovative solutions to legal needs. MEJF has also actively solicited funds from banks, other companies, and individuals, with some success.
 - MEJF is collaborating with Microsoft, specifically the company's Skype translator program, to assist with language access/translation needs in legal services programs.
 - MEJF is also partnering with the Volunteer Lawyers Project and Harvard Law School on an effort to learn how to improve low income defendants' abilities to present their defenses and counterclaims in debt collection cases.

- **Reviewed efforts on the civil right to counsel.**

- Through its Self-Represented Litigants and Access to Attorneys Committees, the Third Commission continues to monitor developments in the civil right to counsel movement. Establishing a right to counsel in certain types of cases – by legislation, litigation, or other means – would guarantee legal help for low-income individuals. The two areas of focus, as discussed in the June 2017 meeting, are 1) researching whether to pursue a court rule, like the state of Washington, which could provide for appointment of counsel by judges, and 2) analyzing whether another civil right to counsel pilot study could be implemented in Massachusetts. Throughout the year, the Third Commission has also discussed emerging efforts to address the right to counsel for those in removal proceedings, immigration, people with disabilities and eviction defense. In our May 2017 meeting, we also hosted members of the Connecticut Access to Justice Commission, which presented on its December 2016 study (Report of the Task Force to Improve Access to Legal Counsel in Civil Legal Matters), with some of the recommendations focused on the civil right to counsel.

- **Explored criminal-civil crossover issues, such as increased collaboration between the Committee for Public Counsel Services (CPCS) and civil legal aid programs.**

- The Third Commission found that those impacted by both criminal and civil systems have significant legal needs, which are unaddressed by the current criminal-civil system. Following a presentation by experts in the criminal-civil

crossover at our December 2016 meeting, the Third Commission established a new committee to identify gaps in the current system and make recommendations as well as explore drivers behind such gaps. One key goal is to foster increased collaboration between CPCS and the civil legal aid programs.

II. INCREASING SERVICES PROVIDED BY PRIVATE ATTORNEYS.

Massachusetts has a rich tradition of providing pro bono legal services. The state has a vast network of pro bono referral organizations covering a variety of legal issues, from political asylum to domestic violence to bankruptcy. The Third Commission continues to work closely with the Supreme Judicial Court's Standing Committee on Pro Bono Legal Services to increase pro bono engagement, with many examples noted below. An important new aspect of the Third Commission's work is a focus on the private bar outside of the pro bono realm; that is, legal practices that assist low- and moderate-income clients through a community lawyering model. As discussed below, these projects include such areas as promoting limited assistance representation, encouraging fee shifting, and researching how law schools can do more to promote access to justice.

- **Pro Bono Initiatives.**

- Continued to increase pro bono representation by retiring lawyers.

- The Access to Justice Fellows Program, started in 2012 by the Second Commission, continues to provide pro bono hours to fill the justice gap in Massachusetts by partnering retired or retiring lawyers and judges with legal services organizations, nonprofits, and courts. In doing so, the Program provides a unique opportunity for these lawyers to use their specialized skills and experience to do engaging pro bono work. Fellows spend an academic year volunteering 10-20 hours per week to a significant pro bono project in furtherance of access to justice. Since its inception, the 74 current and former Fellows have provided over 76,000 hours of pro bono service to over 50 different entities. The Second Commission provided critical support for the creation of the Access to Justice Fellows Program, and the Third Commission continues to work closely with the Lawyers Clearinghouse, which now manages the Program.
- Fellows come from large and small firms, legal aid programs, corporate legal departments, government offices, and the judiciary. The program takes into account the unique background, skill set, and interests of each attorney when developing the most effective placement. Projects range widely, from helping veterans in our Veterans Treatment Courts resolve their civil legal issues, to establishing lawyer-for-the-day programs in various courts, to providing governance advice to legal service organizations. The Fellows Program has also established a community of retirees who are

committed to access to justice: current Fellows meet monthly over lunch and former Fellows meet twice a year.

- The Commission is proud to have incubated the Fellows Program, an innovative program that taps the resources of the ever-growing population of retiring lawyers nationwide. We have received several inquiries from other state Access to Justice Commissions who may replicate this program. Recently, the Louisiana Access to Justice Commission and the Louisiana State Bar Association Board of Governors unanimously approved a Louisiana ATJ Distinguished Pro Bono Fellows Program. Louisiana will start with a one-year pilot program, as Massachusetts did, with a combination of seven retired judges and/or lawyers and plan to fine-tune the program during that first year.
- Our ultimate goal for the program is to have every member of the bar, when contemplating retirement, consider providing pro bono service during a fellowship year.
- Expanded the pilot appellate pro bono program statewide.
 - In 2014, when the Second Commission became aware of pro bono appellate initiatives for self-represented litigants in 14 other states, a committee of bar leaders, legal services attorneys, and appellate judges reviewed best practices and studied the feasibility of a program in Massachusetts. It found, among other things, that the Appeals Court Clerk's Office received phone calls every day from approximately 40-50 self-represented litigants. As a result of this study, the Commission initiated a pilot Civil Appellate Pro Bono Program at the Brooke Court Service Center in Suffolk County that was so successful it expanded statewide in December of 2015.
 - The program has three elements: a weekly civil pro bono appeals clinic at the Appeals Court Clerk's Office, a merits review panel, and full representation.
 - Collaborators in this important initiative include the Third Commission, top area law firms, the Volunteer Lawyers Project, numerous other legal services organizations, and the Clerk's Offices of the Appeals Court and the Supreme Judicial Court.
 - From May 2015 to July 2017, 132 pro bono attorneys from 13 different firms and in-house legal departments have volunteered with the project, serving 295 individuals. Forty-seven of the litigants were sent to the merits review panel for further analysis, and 10 of those were represented on appeal on a pro bono full representation basis.

The appeals cover a variety of legal issues such as housing, guardianship, employment, and domestic violence. In addition to full representation at the appellate level, the clinic was able to protect the housing of low-income litigants who faced immediate eviction.

- Encouraged pro bono activity through pro bono recognition programs.
 - Each year since 2002, the Supreme Judicial Court has recognized the extraordinary pro bono work of selected attorneys and law students through the Adams Pro Bono Publico Awards program. In 2010, the Second Commission, working in concert with the SJC's Pro Bono Committee, sought to increase recognition opportunities for pro bono attorneys to incentivize pro bono participation, which led to establishment of the SJC Pro Bono Honor Roll for attorneys, law firms, and law students who meet certain criteria for pro bono service.
- Supported the state's participation in an interactive pro bono website, Mass Legal Answers Online.
 - In the fall of 2015, the Self-Represented Litigants Committee proposed, and the Third Commission endorsed, the state's participation in a national effort, promoted by the American Bar Association, to provide pro bono assistance through an online interactive pro bono website entitled Mass Legal Answers Online (MLAO). Through MLAO, launched in November 2016, low-income Massachusetts residents can post their legal questions to the website, and volunteer attorneys can answer them directly on their own time through the site. Massachusetts Law Reform Institute (MLRI), with assistance from the Volunteer Lawyers Project, manages the site.
 - At the Commission's September 2016 meeting, Rochelle Hahn of MLRI presented the impressive numbers of the site. Since the spring of 2016, panel attorneys have answered over 800 legal questions in areas such as family law, housing, debt collection, employment rights, and trusts and estates. Over 150 attorneys are currently on the MLAO panel. All of the clients served are low-income (under 250% of the Federal Poverty guidelines), with a broad geographic distribution across the state. MLAO has one of the highest question counts of any participating jurisdiction in the country.
- Promoted the state's Legal Resource Finder.

The Legal Resource Finder ("Finder"), also run by MLRI, provides Massachusetts residents with referral to legal services, nonprofits, courts, and self-help materials. In addition, the data collected through the Finder provides valuable information about legal resources in

Massachusetts. Between February 2016 and January 2017, approximately 43,497 searches were performed, an average of 3,600 per month. Family law issues were the most frequently searched topic, accounting for over 38% of the searches. Housing law was the second most frequently searched topic, accounting for another 22.68% of the searches. The Finder is now available in English, Spanish, and Portuguese, although the bulk of the searches are still in English. There are over 80 offices and programs listed in the Finder that may be returned as part of search results. Rochelle Hahn of MLRI updated the Commission on the Finder's progress at the March 2017 Commission meeting.

- Monitored implementation of the Commission-sponsored rule making "access to justice" a bar exam topic, an idea developed by the Commission in June 2013.
- **Access to Attorneys Committee.**
 - Throughout this past year, the Third Commission, through its Access to Attorneys Committee, studied how to increase the number of private attorneys who, whether through limited assistance representation, fee-shifting, incubators or some other means, choose to include in their law practice low- and moderate- income clients who are otherwise unable to afford counsel.
 - The Committee issued a final report (<http://www.mass2j.org/a2j/?p=848>) in May 2017 with the following recommendations:
 - Support efforts to expand the right to counsel;
 - Further investigate apparent obstacles to the use of fee-shifting to serve low-income litigants by analyzing existing data from decisions in the Housing and Probate Courts;
 - Endorse the use of fee awards to level the playing field in Probate Court;
 - Tracking the use of limited assistance representation in Mass Courts and providing consistent limited assistance representation information at Court Service Centers;
 - Strongly encourage legal aid offices to increase fee shifting awards as a funding source, consistent with their priorities;
 - Endorse a statewide initiative to implement monthly fee-shifting networking initiatives; and
 - Include limited assistance representation and fee-shifting components as part of the Practicing with Professionalism seminar required of all law school graduates.
 - At the May 2017 meeting, the Commission voted to endorse the findings of the Committee's report and the Committee's continued work. The Committee will report back to the Commission later in the year.

III. IMPROVING ASSISTANCE TO UNREPRESENTED LITIGANTS.

In recent years, more and more litigants in our state court system have not had access to lawyers. In the Probate and Family Court and the Housing Court, for example, a majority of all litigants statewide are unrepresented. This is a pattern nationally as well. Given this reality, a major focus of access to justice commissions across the country has been on the needs of self-represented litigants.

The Third Commission, like its predecessors, has worked closely with the judiciary on addressing the needs of self-represented litigants and improving access to justice. Court leadership understands these important issues, and the second phase of the Trial Court Strategic Plan embraces access to justice as a “core value.” Indeed, one of the six core domains of the Trial Court's current strategic planning process focuses on access to justice and the court user experience, which entails developing concrete and achievable goals in the following areas: courthouse design, self-help information and use of technology, expanded access to legal assistance, implementation of the language access plan, increased diversity among participants in specialty court programs, establishing an Access to Justice Liaison Program across the state, and collaboration with community members to address the justice gap.

In an effort to achieve these ambitious goals, the Trial Court's work has been varied and extensive. Some highlights follow. The Trial Court established six Court Service Centers staffed by attorneys that provide legal information to the large percentage of unrepresented litigants who use the courts. Collaborating across departments and with public feedback, the Trial Court has developed access to justice technology tools, website resources, translated court forms, additional plain-language court summons forms, and other written information for litigants. To provide meaningful and appropriate linguistic access, the Trial Court – in cooperation with the Language Access Advisory Committee – produced a comprehensive Language Access Plan. In the area of disability access, the Trial Court provides ADA Coordinators in each department and offers ongoing training of court personnel on legal issues and best practices. All court personnel must participate in domestic violence awareness training. Multiple trainings on implicit bias and cultural awareness have taken place. Efforts are underway to develop court-wide education modules to identify how to best serve transgender court users and personnel. This year the Trial Court's Diversity Office added a staff attorney to focus on the development of policies and procedures, as well as to handle discrimination investigations and complaints. In recognition of the fiscal limits of the court system's budget, the Trial Court's Grant Manager has succeeded in obtaining funding for highly-valued multidisciplinary programs to supplement state funding for programs like Specialty Courts.

The Trial Court has allocated judicial and staff resources to ensure continued focus on these initiatives under the leadership of the Special Advisor on Access to Justice Initiatives in the Trial Court, Judge Dina Fein, and Senior Manager for Access to Justice in the Trial Court Maura Kelly. The First, Second, and Third Commissions have worked closely on these efforts. Yet even with the judiciary's attention focused on access to justice issues, and with eleven years of

focus by prior Commissions, there is still much to accomplish. The Third Commission supports the Trial Court's varied Access to Justice initiatives and is well-poised to complement the Trial Court's efforts.

- **Supported the work of the 100% access national movement through the Justice for All Project.**
 - In 2015, the National Conference of Chief Justices adopted Resolution 5, which calls for the development of state justice systems that provide self-representing individuals with "100% access" to effective assistance in dealing with essential legal problems. At a Commission meeting in May 2016, Supreme Judicial Court Chief Justice Ralph Gants discussed a plan for the Massachusetts Trial Court to pursue that goal by creating a "blueprint" for achieving 100% access in Massachusetts, with Judge Fein and Erika Rickard charged with creating the plan. The Third Commission began examining its role in this process, including what such a blueprint would involve, and how the Third Commission could coordinate participation in planning and executing a blueprint by stakeholders throughout the state justice system.
 - In November 2016, Massachusetts was awarded a grant to develop a strategic action plan for improving access to justice throughout the Commonwealth. Massachusetts was selected as one of seven grantees from a pool of 25 state applicants. The grant is being provided through the Justice for All project, which is generously supported by the Public Welfare Foundation and housed at the National Center for State Courts.
 - The project will assess the resources currently available to assist residents who cannot afford a lawyer for their essential legal needs—such as housing, consumer debt, and family law matters—and developing a statewide plan for addressing gaps in those services. Several stakeholders including the Third Commission, the courts, legal aid providers, bar associations, law schools, social service organizations, litigants, community groups, and others are collaborating in this effort. A management team comprised of many of these collaborators meets periodically with the consultant, Marc Lauritsen, to move the process forward. During the spring of 2017 the management team organized a series of regional meetings, which culminated in a statewide working conference on June 9th at Harvard Law School. Following up on this process, several working groups (consumer debt, housing, family, and ecosystem) are working on the components to a statewide strategic action plan, and potential pilot projects for the coming year.
- **Explored criminal-civil crossover issues unaddressed by current system.**
 - In addition to fostering increased collaboration between CPCS and the civil legal aid programs as mentioned in Part I of the report, the formed criminal-

civil crossover committee will examine pre-entry/re-entry issues and fines and fees, both of which expose gaps in the current system of legal assistance.

- **Enhanced information sheets for early dissemination of resources to self-representing litigants.**
 - The Second Commission, working in concert with the Trial Court, provided input on a one-page, two-sided information sheet for all litigants. This information sheet provided information on the litigation process, website links with legal information, and lawyer resources. This past year, the Third Commission's Self-Represented Litigants Committee has focused on developing these information sheets at the summons and complaint stage in two areas – housing and family law - in cooperation with key stakeholders who work with unrepresented litigants in the Housing and Probate and Family Courts.

- **Continued support for the statewide expansion of Housing Court.**
 - The Second Commission's Housing Court Practice Working Group conducted an extensive examination of access to justice initiatives that might enhance the experience of self-represented litigants in the Housing Court. This resulted in a number of recommendations, the primary of which seeks to expand the Housing Court statewide, as nearly one-third of Massachusetts residents have no access to Housing Court. This is a significant problem because litigants without access to Housing Court must seek remedies in the District Court, without the benefit of many specialized aspects of the Housing Court, such as expertise and the Tenancy Preservation Program.
 - For several years, including this past year, the Third Commission, working closely with MLRI, continued to work on passing legislation – co-sponsored by dozens of legislators – that would expand the Housing Court's jurisdiction statewide.
 - On Friday, July 7th, the Massachusetts state legislature's conference committee released its compromise budget for Fiscal Year 2018, which included both authorization and funding for expansion of the Housing Court. Senator Spilka and many others offered valuable leadership in this effort. As finally approved by Governor Baker, the FY18 budget includes \$750,000 in funding to expand the Housing Court. This is a huge step towards improving Housing Court access throughout the Commonwealth.

IV. PROVIDING ACCESS TO JUSTICE BEYOND THE COURTS: ENHANCING ADMINISTRATIVE JUSTICE.

Administrative agencies provide benefits and services to low- and moderate-income families, but most individuals who seek such benefits, or need to appeal the denial of such

benefits, do so without a lawyer to assist them. Ensuring justice outside the court system is as important as it is inside the courtroom; it can be just as difficult for low-income individuals to navigate benefits disputes without legal assistance as it is to navigate housing and family court disputes. Through the Administrative Justice Committee, the Third Commission has focused on four initiatives. The goal of this Committee is to produce a report and set of recommendations this fall on the following topics:

- Technology-related barriers to administrative justice;
- Language access and administrative justice; and
- Integration and information sharing between administrative agencies.

In addition, the Second Commission worked closely with the former administration's executive branch to develop a set of practices to ensure that all residents in the state have access to administrative justice within state government. Adopted in December 2014, and then posted on the Executive Branch website, these "best practices" represented many policies and practices already in place across state government, as well as some newly identified principles. The Third Commission worked with the Governor's Office of Legal Counsel to ensure that these guidelines continued to be posted on the state website.

V. EXPLORING THE POTENTIAL FOR IMPROVED ACCESS TO JUSTICE THROUGH THE USE OF NON-LAWYERS.

The Third Commission has focused on potential enhancements to the broad-based access to justice community beyond the traditional lawyer-client model. Two Committees – the Social Services Committee and the Non-Lawyer Roles Committee – have studied how non-lawyers could coordinate with the traditional providers of access to justice services, legal aid, and the courts.

- **Social Services Committee.**
 - The Third Commission, through its Social Services Committee, has continued to focus on how advocates at social services agencies and nonprofits can serve as legal advocates for their clients. In the summer of 2015 the Committee conducted a survey of over 500 social service agency workers regarding their role in providing assistance to consumers regarding legal situations. Based on their findings, the Committee, funded by a generous donation from Rosie's Place, worked on the design of a website called "Legallink." Legallink will educate and assist social workers, empowering them to provide their clients with the legal information they need. The website provides links to other existing legal resources and websites (as opposed to providing such content itself) and will also have a "live chat" feature whereby social service workers could ask lawyers questions and get real-time answers. This design is still ongoing.

- **Non-Lawyer Roles Committee.**

- The Third Commission, through its Non-Lawyer Roles Committee, has studied the potential role of non-lawyers in improving legal assistance to low- and moderate-income individuals. The committee has reviewed some illustrative programs in Massachusetts, researched other states' models, and surveyed legal service providers regarding the use of non-lawyers to provide legal services. Given the similar goals of the Committee and the Justice for All project, the Non-Lawyer Roles Committee will support Justice for All's potential pilot projects involving the use of non-lawyers.

CONCLUSION

In addition to the initiatives in our own state, we also collaborated with the Access to Justice Commissions in our neighboring states of Connecticut and New Hampshire. We have found such collaborations very productive, and we hope to continue these partnerships.

We look forward to the year ahead as the Commission continues to tackle the challenges posed by increasing access to justice in the Commonwealth.

Appendix 1

Massachusetts Access to Justice Commission

Mission Statement

March 1, 2015

The goal of the Massachusetts Access to Justice Commission is to achieve equal justice for all persons in the Commonwealth. It strives to accomplish this goal by providing leadership and vision to, and coordination with, the many organizations and interested persons involved in providing and improving access to justice for those unable to afford counsel.

The Commission will pursue its mission by various means including the following:

1. Strengthening the civil legal services community in providing legal services for those unable to afford counsel.
2. Enlarging the number of attorneys trained, willing, and able to provide pro bono civil legal services.
3. Enlarging the number of attorneys in the private bar trained, willing and able to provide civil legal services through limited assistance representation or other means to low- and moderate- income individuals who are unable to afford legal representation and unable to obtain legal aid representation.
4. Enlarging the number of nonlawyers trained, willing and able to provide appropriate assistance to improving access to justice.
5. Improving the ability of those without counsel to identify, articulate and present their legal claims and defenses in civil judicial and administrative proceedings.
6. Working closely with the Chief Justices of the Supreme Judicial Court and the Trial Court, the Trial Court Administrator and the Special Advisor to the Trial Court on Access to Justice Initiatives to broaden access to justice within the court system.
7. Coordinating the efforts of the broad network of legal, social service and administrative organizations and interested persons who seek to improve access to justice by (a) sharing information regarding successful programs, approaches, and strategies in delivering civil legal services to those unable to afford counsel, (b) identifying best practices and technologies for delivering such legal services, (c) determining the changing legal needs of those unable to afford counsel, as well as enduring unaddressed and under-addressed legal needs and (d) developing goals and strategies for meeting those legal needs.
8. Reviewing the state of access to justice in Massachusetts, educating the public about access to justice and providing a neutral forum in which important issues affecting access to civil justice can be discussed among the branches of government and the civil legal

services community, including a broad cross-section of providers, funders, clients, bar leaders and other interested parties.

9. Reporting annually to the Supreme Judicial Court on the status of access to justice in the Commonwealth, including recommendations for reforms and Commission goals and activities.

The success of the Commission will be measured by the extent to which persons can more effectively present their claims and defenses in our courts and administrative agencies, regardless of income or language ability.

Appendix 2

**Members of the Third
Massachusetts Access to Justice Commission³**

Honorable Geraldine S. Hines, Co-Chair	Sheila Hubbard, Esq.
Susan M. Finegan, Esq., Co-Chair	Georgia Katsoulomitis, Esq.
Shannon M. Barnes, Esq.	Ann Bailey Leavenworth
Amy Blumenthal	Jonathan L. Mannina, Esq.
Jacquelynne J. Bowman, Esq.	Sue Marsh
Marijane Benner Browne, Esq.	Kathleen E. McGrath, Esq. (<i>ex officio</i>)
Anthony M. Doniger, Esq.	Honorable Maureen H. Monks
Russell Engler, Esq.	Honorable MaryLou Muirhead
Honorable Dina E. Fein (<i>ex officio</i>)	Kate Oberlies O’Leary, Esq.
Joel H. Feldman, Esq.	Erika J. Rickard, Esq.
Reginald Fuller	David Rosenberg, Esq. (<i>ex officio</i>)
Honorable Ralph D. Gants (<i>ex officio</i>)	James T. Van Buren, Esq.
Honorable Lisa Ann Grant	Wendy S. Wayne, Esq.
Honorable Kathryn E. Hand	David W. White, Jr., Esq.
Daniel J. Hogan, Esq.	

Commissioners Emeritus

Navjeet K. Bal, Esq.

Allan G. Rodgers, Esq.

Lee H. Glickenhous, Esq.

Jay T. Thiel, Esq.

Consultant

Antone G. (Gerry) Singsen III, Esq.

³ We would like to thank our Commissioners whose term ended this year: Mary Lu Bilek, Esq., Martha Born, Esq., Arthur Pressman, Esq., and Honorable Steven D. Pierce.

Appendix 3

Committees of the Third Massachusetts Access to Justice Commission

The Third Commission established seven committees, each chaired or co-chaired by a Commission member, to further the strategies set forth in the Commission's Mission Statement. The Commission's work is overseen by the Executive Committee. The following sets forth a brief description of each committee and its leadership.

1. Revenue Enhancement Committee

Chaired by Marijane Benner-Browne.

Overview: Finding ways to increase the funding of civil legal aid through innovative means.

2. Delivery of Legal Services Committee

Chaired by Russell Engler and Sue Finegan.

Overview: This committee's scope encompasses the whole civil legal services delivery system.

3. Access to Lawyers Committee

Chaired by Joel Feldman.

Overview: Recognizing that a gap exists between true poverty and income sufficient to be able to afford a lawyer, this committee has reviewed efforts to address this gap, including limited assistance representation, fee shifting models, and law school incubators and curriculum.

4. Self-Represented Litigants Committee

Chaired by Jonathan Mannina and Judge Maureen Monks.

Overview: This committee reviews improvements in the justice system for those who do not have a lawyer.

5. Administrative Justice Committee

Chaired by Georgia Katsoulomitis.

Overview: Given that many of the legal situations encountered by lower income individuals involve executive branch administrative agencies, this committee has focused three identified

priority areas: technology-related barriers, language access, and integration/information sharing among administrative agencies.

6. Non-lawyer Roles Committee

Chaired by Honorable Geraldine Hines and Sheila Hubbard (Co-Chairs).

Overview: Analyzing the role of non-lawyers in order to provide more assistance to people who cannot afford lawyers.

7. Social Service Committee

Chaired by Jacqui Bowman and Sue Marsh (Co-Chairs).

Overview: This committee seeks to understand better how social services workers serve as legal advocates for their clients, and how the Commission can support such work.

Executive Committee

Overseeing all of this work is the Executive Committee, chaired by the Commission's co-chairs. Membership includes Justice Hines, Sue Finegan, Russell Engler, David Rosenberg, Consultant Gerry Singen, Deputy Legal Counsel to the SJC Chip Phinney, and Mintz Levin Project Analysts Haejin Hwang and Joanne Dynak. The Executive Committee has overseen the work of the Commission overall, the work of the committees and the annual report to the Supreme Judicial Court.

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