

MASSACHUSETTS ACCESS TO JUSTICE COMMISSION

ANNUAL REPORT ON ACTIVITIES

June 2016

INTRODUCTION

In February 2015, the Supreme Judicial Court appointed the third Massachusetts Access to Justice Commission (Third Commission), after the scheduled termination 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:

- 1) increasing justice by improving the effectiveness of, and the funding for, civil legal services organizations;
- 2) increasing services provided by private attorneys;
- 3) improving assistance to unrepresented litigants;
- 4) improving access to justice beyond the courts, such as in administrative agencies; and
- 5) exploring the role of non-lawyers in the provision of appropriate civil legal assistance.

See Appendix 1 for the entire Mission Statement. This report provides an update on the Third Commission’s ongoing work and accomplishments in each of these five core strategies.

The Third Commission has 35 members (26 members, 4 ex officio members, and 5 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. The Third Commission is fortunate to have a part-time consultant funded by the Massachusetts Legal Assistance Corporation, Gerry Singsen, and Access to Justice Fellow Marilyn Lyng O’Connell to provide guidance and staff support. Our work has been accomplished through seven committees comprised of both Commissioners and committed non-member volunteers. See Appendix 3 for Committees and membership.

We have had the pleasure of working with these dedicated volunteers who are committed to improving access to justice in the Commonwealth. We thank them for their service this past year.

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

I. INCREASING JUSTICE BY IMPROVING 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 state, Interest on Lawyers Trust Accounts (IOLTA), decreased significantly from \$31.8 million in 2007 to \$6.4 million in 2015, in large part due to very low interest rates and the recession. Funding from the federal Legal Services Corporation during the same period fluctuated but was unable to maintain an increase. State appropriations for the Massachusetts Legal Assistance Corporation (MLAC) increased from \$9.5 million in FY 2010 to \$17 million in FY 2016. That increase does not bridge the gap, however, as the current MLAC state budget appropriation request for FY 2017 is \$27 million. During this period of overall funding decline, the need for legal services continued unabated. From 2008 to 2013, the number of residents eligible to receive legal aid increased by approximately 25%. Currently, almost 1 million people in Massachusetts live below 125% of the federal poverty level (\$30,313 a year for a family of four) – nearly 15% of the overall state population – making them eligible for civil legal aid. The decreased funding, and increased need, resulted in legal aid programs turning away 64% of income-eligible individuals who sought assistance in 2013.

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 primary concern. 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.

- Supported increase in appropriations of state funds for MLAC. While the annual appropriation of \$17 million in FY 2016 was an increase from prior years, the Third Commission supports the suggested legislative funding of \$27 million to MLAC in FY 2017. The budget has not yet been finalized as of this report.
- Focused on potential 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 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 Massachusetts.¹ This past year, with guidance from Karen Lash at the Department of Justice, the Third Commission researched whether the recent and significant increase of Victims of Crime Act (VOCA) monies the state receives are applied to civil legal aid, then met with various affected stakeholders to brainstorm innovative and collaborative approaches to address the need for such services. Over the past year, the federal government lifted a cap on funds distributed through VOCA, resulting in an increase in Massachusetts funding from \$9.462 million to \$40.87 million. Over the next year, the Third Commission, through its Revenue Enhancement Committee, will work with the legal services community, the advocacy community and others with the goal of trying to see if some of the unmet civil legal needs of crime victims can be met more fully through the use of VOCA funds.

- 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; adoption of a *pro hac vice* rule increasing fees that would benefit civil legal aid; expansion of the eligibility of the IOLTA and legal aid programs for receipt of *cy pres* awards of class action residuals; and an initiative to encourage legal aid programs to increase revenue from attorneys' fees to which they are entitled.
- **Supported a Separate Charitable Foundation, the Massachusetts Equal Justice Fund (MEJF), to Raise Funds From Private Companies, Non-Lawyers and Foundations.**
 - The Second Commission had obtained an American Bar Association Public Welfare Foundation grant to study the lack of civil legal aid fundraising efforts in Massachusetts that targeted private corporations, non-lawyer donors and foundations. The study confirmed that such 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.

¹ Respondents rated the extent to which there is a need for victim services beyond the current capacity; 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>.

- MEJF is also partnering with Volunteer Lawyers Project and Harvard Law School on an effort to learn how to improve the ability of poor people to present their defenses and counterclaims in debt collection cases more effectively.
- **Monitored Ongoing Efforts on Civil Right to Counsel.**
 - Through its Self-Represented Litigants Committee, the Third Commission continues to monitor the 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 lead to the availability of legal help as of right for low income individuals. The two areas of focus are 1) researching whether to pursue a court rule, as in 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 the state.

II. INCREASING JUSTICE BY IMPROVING THE EFFECTIVENESS OF CIVIL LEGAL SERVICES ORGANIZATIONS

The Third Commission, through its Delivery of Legal Services (DLS) Committee, continues to play an important role in planning the efforts of the civil legal aid community. The DLS's work during the 2015-16 year involved continuing the work of the Special Planning Committee (SPC) from the Second Commission. Under the prior Commission, the DLS predecessor issued two reports as the core legal aid programs worked through difficult periods that saw a significant loss in funding, staff reductions, program consolidations and leadership changes. The SPC's Progress Report, issued in 2014, identified five projects that the Third Commission felt merited ongoing discussion with the programs and their project directors:

- Project 1: Increasing Systemic Advocacy
- Project 2: Creating a Rational, Efficient State System for Screening, Referral and Intake
- Project 3: Improving Resource Use: Knowing What We Do and Doing More
- Project 4: Getting More Productivity through Technology
- Project 5: Learning More through Review and Evaluation

During the past year, the DLS and the project directors from the core legal services programs appointed representatives to five discussion groups, covering each project noted above. These discussion groups met during the summer and fall of 2015. Those involved in the discussions agreed that the discussions successfully aired important and difficult issues.

By early 2016, however, it became clear that, as to each project, some entity other than the discussion groups should take over leadership of the topic. For example, as to project 1 (Systemic Advocacy), the Advocacy Coordinating Committee (ACC) of the project directors assumed leadership of systemic advocacy statewide. As to project 2 (Intake), two of the four regions had recently revised their systems for Screening, Referral and Intake, while in the third

region (the East) the system was under review as part of the region's planning. MLAC hired a consultant to focus on technology issues, the focus of project 4. With projects 3 and 5, involving resources and evaluation respectively, the project directors concluded that the issues were important enough to merit attention at the project director level, presumably at a retreat. Therefore, in each instance, the discussion groups served an important function, and had effected change, but were no longer the best vehicle for making progress in any of the five areas.

As a result, the Third Commission concluded that in the short term, the Committee would continue to monitor the progress in the five areas, as well as the ongoing discussions in the East region. Over time, we expect that the focus of the DLS will shift from the core legal aid programs to the broader community of organizations that delivers legal services to low- and moderate-income persons, perhaps in conjunction with the 100% access initiative. The composition of the Committee will most likely be adjusted for the 2016-17 year.

III. 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 in a community lawyering model. As discussed below, these projects span such areas as promoting limited assistance representation, encouraging fee shifting and researching ways that law schools have done and can do more to promote access to justice.

- **Pro Bono Initiatives.**
 - Supported the state's participation in an interactive pro bono website.
 - Last fall, 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 masslegalanswersonline.org. This Massachusetts-specific website will provide online brief advice and counseling. After an initial eligibility screening, clients will submit legal questions, and pro bono lawyers log in at any time and choose which questions to answer.
 - This innovative online pro bono project started in Tennessee. The American Bar Association now seeks to expand the concept to all states, incentivizing participation with technical assistance and malpractice insurance. Several legal services organizations – including the Massachusetts Law Reform Institute, Volunteer Lawyers Project

and Community Legal Aid – are working collaboratively along with the private bar, the Trial Court Law Library and law schools, to develop this innovative project that partners hope will commence later this year.

- This project could fill a critical gap in legal services because it would provide free legal advice on a platform that may attract pro bono volunteers with its flexibility; could serve as a single entry point for low income people throughout the state in need of legal help; and could integrate other initiatives and resources that have already launched in Massachusetts. To illustrate the potential impact of this project, in Tennessee, as of September 2015, approximately 472 volunteer attorneys involved in the project had fielded more than 10,000 questions since its launch in 2011.
- 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. By matching retired and/or retiring lawyers with groups that need their help, the Program allows 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 55 current and former Fellows have provided 45,000 hours of pro bono service to over 40 different non-profit organizations, courts and other public interest 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, and 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 model program that taps the resources of the ever-growing population of retiring lawyers nationwide. Our collective goal for the program with the Lawyers Clearinghouse is that every member of the bar, when contemplating retirement, will 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 fourteen other states, a committee of bar leaders, legal services attorneys and appellate judges reviewed best practices and studied the feasibility of a program here 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. The result of this study was a Commission-initiated pilot Appellate Pro Bono Program at the Brooke Court Service Center in Suffolk County, so successful that it expanded statewide in December of 2015.
 - The program has three elements:
 - Free Consultation at Weekly Civil Appeals Clinics at the Appeals Court Clerk's Office
 - Merits Review Panel
 - Appellate Representation
 - Collaborators of this important initiative include the Third Commission, top area law firms, the Volunteer Lawyers Project, numerous other legal services organizations, the Appeals Court and the Supreme Judicial Court.
 - As of early April 2016, fifty-eight pro bono attorneys from nine different law firms have volunteered with the project, serving ninety-six individuals. Of those ninety-six, fourteen were sent to the Merits Review Panel for further analysis; and two of those were represented on appeal on a pro bono full representation basis. The Supreme Judicial Court recently decided one of these cases, Guardianship of J.T., holding in its companion case that an indigent parent has a due process right to counsel for certain petitions to remove or modify a guardianship, provided that the parent presents a meritorious claim. See L.B. v. Chief Justice of the Probate & Family Court Dep't, 474 Mass. ____ (2016).

- Expanded pro bono recognition programs.
 - Each year since 2002, the Supreme Judicial Court has recognized the extraordinary pro bono work of a handful of 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. Those attorneys, law firms and law students who meet certain criteria during the year can earn the award of being named to the SJC Pro Bono Honor Roll. This year, the number of honor roll participants increased again, from 85 in 2014 to 103 in 2015.
- Prepared to monitor implementation of the Commission-sponsored rule making "access to justice" a bar exam topic.
- **Access to Lawyers Committee.**
 - Throughout this past year, the Third Commission, through its Access to Lawyers 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 plans to issue a final report early next year.
 - Limited Assistance Representation (LAR). The Committee is focused on how to increase the use of limited assistance representation, given that such a model of representation is underutilized and misunderstood throughout the court system. Areas of focus were developing fee-shifting "how to" kits, enhancing the referral networks and lists of LAR lawyers, providing training to court staff and judges, and promoting the use of this model using other incentives.
 - Fee-Shifting. The Committee is focused on expanding the pool of lawyers who incorporate a fee-shifting approach in their legal practice – using statutes with fee-shifting provisions that allow the prevailing party to obtain fees from the opposing party – to meet the needs of the poor and near poor in the community. Initiatives include training lawyers, training judges and providing a year-long networking and mentoring program for new lawyers entitled Running Start. The Committee has also encouraged more legal aid lawyers to use a fee-shifting strategy, and is currently focused on establishing two pilot projects, at Northeast Legal Aid and Community Legal Aid, to see whether a year-long training/supervision effort could be a model for increasing the collection of fees. Last, the Committee has been researching legislative fixes, especially in the family law context.

- Incubators/Law School Curriculum. The Committee also studied the development of law school incubators and related models that help new lawyers learn how to build a sustainable practice by providing legal services to low- and moderate- income clients. The Committee’s recent discussions focused on what more law schools could do to bring access to justice issues to the fore with their students, such as with curriculum changes and new programs.

IV. IMPROVING ASSISTANCE TO UNREPRESENTED LITIGANTS

In recent years, more and more litigants in our state court system do not have 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.

As the Third Commission started its work this past year, it joined state judicial efforts to improve access to justice that were already well advanced. Court leadership is in place that 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 courthouse design, self-help information, access to legal assistance and other areas. The Trial Court's work has been varied and extensive, including the development of Court Service Centers, access to justice technology tools, translated court forms and more plain-language court summons forms and other written information for litigants. 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 Access to Justice Coordinator Erika Rickard. Both the First and Second Commissions had worked closely on these efforts.

Yet even with the judiciary’s attention focused on access to justice issues, and with ten 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.

- **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 re-imagining these information

sheets. The Committee has brought together key stakeholders in each of the two courts that have the most self-representing litigants, Housing Court and Probate and Family Court, to provide input.

- **Promoted revisions to the Code of Judicial Conduct.**
 - One of the judicial members of the Second Commission chaired the Supreme Judicial Court's Committee to Study the Code of Judicial Conduct (Code Committee). As part of its comprehensive review of the Code of Judicial Conduct, which went into effect on January 1, 2016, the Code Committee made several recommendations regarding a judge's role with respect to self-represented litigants. For example, Rule 2.6(A) expressly permits a judge to make reasonable efforts to facilitate the ability of self-represented litigants to be heard fairly, and a Comment provides examples of permissible accommodations. The Supreme Judicial Court adopted the new Code, and it went into effect on January 1, 2016 (Supreme Judicial Court Rule 3:09: Code of Judicial Conduct).

- **Continued support of 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 one seeking to expand the Housing Court statewide, since nearly one-third of Massachusetts residents have no access to Housing Court. This means that these litigants will generally not have access to judges who are experts in the complexities of housing law, nor will they have access to many specialized aspects of this court such as the Tenancy Preservation Program.
 - During this past year, the Third Commission, working closely with the Massachusetts Law Reform Institute, continued to work on the passage of legislation – co-sponsored by dozens of legislators – that would expand the Housing Court's jurisdiction statewide.

- **Supported the work of the 100% access national movement.**
 - During this past year, 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. Chief Justice Gants declared that the Massachusetts Trial Court would create a "blueprint" for achieving 100% access in Massachusetts, with Judge Fein and Erika Rickard charged with creating the plan. The Third Commission began examination of its role working with the courts on what such a blueprint would involve and

on how the Third Commission could coordinate participation in planning and executing a blueprint by stakeholders throughout the state justice system.

V. 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 work of the Administrative Justice Committee, the Third Commission has focused on four initiatives, noted below. The goal of this Committee is to produce a report and set of recommendations early next year on the following topics:

- Technology-related barriers to administrative justice.
- Language access and administrative justice.
- Integration and information sharing between administrative agencies.
- “Best Practices” Guide for Administrative Justice.
 - The Second Commission worked closely with the executive branch in the former administration 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.
 - In order to ensure that these practices are carried out, the Third Commission worked with the new Governor’s Office of Legal Counsel to ensure that these guidelines continued to be posted on the state website. The Administrative Justice Committee will work with the Executive branch on implementation of this innovative project.

VI. 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, continued to focus on how advocates at social services agencies and nonprofits serve as legal advocates for their clients. This past July, the Committee surveyed over 500 social service agency workers regarding their role in providing assistance to consumers regarding legal situations, with several interesting findings:
 - the vast majority of surveyed workers (80+%) have answered their client’s legal questions;
 - workers lack overall knowledge of existing legal resources and legal websites. For example, fewer than 50% of respondents used the masslegalhelp.org website;
 - fewer than 40% of workers knew which legal service program served their area; and
 - workers have a great interest and need for additional information and training.
 - In October 2015, the committee convened a meeting of social service workers and legal service advocates to discuss the findings and to recommend next steps to the Third Commission. While seven recommendations were ultimately made to the Third Commission, the Committee focused initially on creating a website for social service workers. This proposed website – called, for now, the “helphub” – would be designed to educate and assist social service workers and to empower them to provide their clients with the legal information they need. This website would give links to other existing legal resources and websites (as opposed to providing such content itself) and would also have a “live chat” feature whereby, optimally, social service workers could ask lawyers questions and get real-time answers. Rosie’s Place has offered funding for a prototype website.
- Non-Lawyer Roles Committee.
 - The Third Commission, through its Non-Lawyer Roles Committee, 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. The committee will submit its report to the Third Commission in the coming year, which may suggest a proposal for a pilot project for non-lawyer advocacy in an appropriate department of the Trial Court.

VII. CONCLUSION

We look forward to the year ahead as we continue 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 Commission**

Honorable Geraldine S. Hines, Co-Chair
Susan M. Finegan, Esq., Co-Chair
Shannon M. Barnes, Esq.
Mary Lu Bilek, Esq.
Amy Blumenthal
Martha Born, Esq.
Jacquelynne J. Bowman, Esq.
Marijane Benner Browne, Esq.
Anthony M. Doniger, Esq.
Russell Engler, Esq.
Honorable Dina E. Fein (*ex officio*)
Joel H. Feldman, Esq.
Reginald Fuller
Honorable Ralph D. Gants (*ex officio*)
Honorable Lisa Ann Grant

Honorable Kathryn E. Hand
Daniel J. Hogan, Esq.
Sheila Hubbard, Esq.
Georgia Katsoulomitis, Esq.
Ann Bailey Leavenworth
Jonathan L. Mannina, Esq.
Sue Marsh
Kathleen E. McGrath, Esq. (*ex officio*)
Hon. Maureen Monks
Honorable MaryLou Muirhead
Arthur L. Pressman, Esq.
David Rosenberg, Esq. (*ex officio*)
James T. Van Buren, Esq.
Wendy S. Wayne, Esq.
David W. White, Jr., Esq.

Commissioners Emeritus

Navjeet K. Bal, Esq.
Lee H. Glickenhau, Esq.
Honorable Steven D. Pierce

Allan G. Rodgers, Esq.
Jay T. Thiel, Esq.

Consultant

Antone G. (Gerry) Singesen III, Esq.

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 following sets forth a brief description of each committee, including the membership of the committee (commissioners and non-commissioners), the mission statement paragraph (see Appendix 1) to which the committee relates, and a general overview of the committee's activities.

1. Revenue Enhancement Committee

Membership: Marijane Benner-Browne (Chair), Sue Finegan, Martha Born, David White, Lonnie Powers, Gerry Singesen, Donna Southwell, Jayne Tyrrell, J.D. Smeallie and Daniel Jackson (Tech)

Mission Statement #1: Strengthening the civil legal services community in providing legal services for those unable to afford counsel.

Overview: Finding ways to increase the funding of civil legal aid through the continuation of previous projects as well as new projects. Developments from previous projects include the Massachusetts Legal Assistance Corporation (MLAC) legislative campaign and the Massachusetts Equal Justice Fund's (MEJF) two pilot projects on translation services and debt collection.

2. Delivery of Legal Services Committee

Membership: Russell Engler and Sue Finegan (Co-Chairs), Jim Van Buren, Jacqui Bowman, Gerry Singesen, Lonnie Powers and Jay Thiel

Mission Statement # 1: Strengthening the civil legal services community in providing legal services for those unable to afford counsel.

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

3. Access to Lawyers Committee

Membership: Joel Feldman and Mary Lu Bilek (Co-Chairs), Judge Robert Fields, Shannon Barnes, Esme Caramello, Erika Rickard, Ilene Seidman, Jared Correia, Laura Unflat, Jim Rowan and Laura Gal

Mission #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.

Overview: The Commission recognizes that a gap exists between true poverty and income sufficient to be able to afford a lawyer. In efforts to address this major gap, the committee has spearheaded three initiatives: limited assistance representation, fee shifting models and law school incubators and curriculum.

4. Self-Represented Litigants Committee

Membership: Jonathan Mannina and Judge Maureen Monks (Co-Chairs), Dan Hogan, Reginald Fuller, Judge Lisa-Ann Grant, Wendy Wayne, Judge Marylou Muirhead, Tony Doniger, Judge Kathryn Hand, Jim Van Buren (Housing Court expansion) and Erika Rickard

Mission #5: Improving the ability of those without counsel to identify, articulate and present their legal claims and defenses in civil judicial and administrative proceedings.

Mission #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.

Overview: What can be done to improve "access" to "justice" for people involved in litigation who cannot (or choose not to) afford a lawyer? Projects include creating masslegalanswersonline.org as part of the national interactive pro bono website, expanding the Housing Court, creating improved information sheets and exploring other projects related to civil right to counsel.

5. Administrative Justice Committee

Membership: Georgia Katsoulomitis (Chair), Allan Rodgers, Teresita Ramos, Birgitta Damon, Erin McAleer, Jamie Hoag, Sarah Boonin, Margaret Monsell and Arthur Pressman

Mission #5: Improving the ability of those without counsel to identify, articulate, and present their legal claims and defenses in civil judicial and administrative proceedings.

Overview: Many of the legal situations encountered by lower income individuals and families involve executive branch administrative agencies, where access to justice issues persist. The committee has formed subcommittees to focus on three identified priority areas: technology-related barriers to administrative justice, language access and administrative justice and integration and information sharing between administrative agencies. The committee will also follow up on the implementation of the "Best Practices" guide for administrative justice.

6. Non-lawyer Roles Committee

Membership: Honorable Geraldine Hines and Sheila Hubbard (Co-Chairs), Allan Rodgers, Melissa McWhinney and Marilyn Lyng O'Connell (Access to Justice Fellow)

Mission #4: Enlarging the number of non-lawyers trained, willing and able to provide appropriate assistance to improving access to justice.

Overview: Non-lawyers may, in appropriate circumstances, be able to provide more assistance to people who cannot afford lawyers. The committee will likely recommend to the full Commission a concrete proposal for a pilot project for non-lawyer advocacy within the Trial Court.

7. Social Service Committee

Membership: Jacqui Bowman and Sue Marsh (Co-Chairs), Rochelle Hahn, Amy Blumenthal and Anne Leavenworth

Mission 7: Coordinating the efforts of the broad network of legal and social service organizations that 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.

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.

Other Committees and Considerations

Three areas of expertise are critically needed by each of the above-mentioned Committees – technology, language access, and communications. As such, we asked each committee to consult with experts in each of these disciplines. With respect to pro bono, the Third Commission has worked with the SJC's Standing Committee on Pro Bono Legal Services in furthering this mission.

Overseeing all of this work is the Executive Committee led by the Commission's co-chairs. Membership includes Justice Hines, Sue Finegan, Russell Engler, David Rosenberg, Access to Justice Fellow Marilyn Lyng O'Connell, Consultant Gerry Singsen, Deputy Legal Counsel to the SJC Chip Phinney, SJC Staff Attorney Pamela Lyons and Mintz Levin Project Analyst Haejin Hwang. 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.