

THIRD MASSACHUSETTS ACCESS TO JUSTICE COMMISSION

ANNUAL REPORT ON ACTIVITIES

AUGUST 2018

INTRODUCTION

The Supreme Judicial Court established the third Massachusetts Access to Justice Commission (Third Commission) in February 2015 to succeed the second Access to Justice Commission (Second Commission) after the expiration of its five-year term.¹ 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 strategy areas between August 1, 2017 and July 31, 2018. During this past year, the Third Commission successfully:

- Coordinated completion and submission of the Massachusetts Justice For All Strategic Action Plan in response to the Public Welfare Foundation/Justice For All grant received in late 2016;
- Created a Justice For All Implementation Committee to pursue implementation of ideas from the Justice For All Strategic Action Plan, with working groups covering the four sections of the Plan: consumer debt, housing, family law, and the ecosystem;
- Applied for and received a second round of Justice For All funding (\$200,000) to pilot two projects, one in housing and one in consumer debt, each of which will test ideas articulated in the Strategic Action Plan;
- Celebrated the launch of the Civil Legal Aid to Victims of Crime (“CLAVC”) project, which is funding 26 legal services attorneys across the state for two years;
- Continued to support growth, development, and national replication of the Access to Justice Fellows Program, which has now provided over 80,000 hours of pro bono services provided by close to 100 retired lawyers and judges to more than 60 nonprofit entities in Massachusetts, has been replicated in Louisiana, and is under consideration in several other states;

¹ The Massachusetts Access to Justice Commission was initially created by order of the Supreme Judicial Court in February 2005 with a five-year mandate. The Court then authorized the Second Commission, again with a five-year term, in 2010. More information on the history and accomplishments of the Massachusetts Access to Justice Commission can be found on its website at http://www.massa2j.org/a2j/?page_id=591.

- Continued implementation of the 2017 Access to Attorneys committee report, including partnering with Greater Boston Legal Services to pilot increased fee-shifting in housing and consumer debt cases, convening the first state-wide fee-shifting working group meeting, and completing a survey tool to collect baseline data on fee-shifting in the Probate and Family Court; and
- Launched a review of court restrictions on cell phones and the impact of these restrictions on unrepresented litigants.

The Third Commission is comprised of 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 consisting of both Commissioners and committed non-member volunteers. See Appendix 3 for Committees and leadership, and our updated website at <http://www.massaj.org/a2j/> for additional information. We are also grateful to our new consultant, Laura Gal, who has been an incredible resource to the Commission this past year; to Chip Phinney, Deputy Legal Counsel at the Supreme Judicial Court, for his wise counsel; and to the administrative support of Haejin Hwang, Joanne Dynak and Alex Blutman, all project analysts from Mintz Levin. It has been our pleasure to work with these dedicated volunteers and staff who are committed to improving access to justice in the Commonwealth. We thank them for their service this past year.

Hon. Ralph D. Gants
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 a low of \$5.6 million in 2014, in large part due to very low interest rates and the recession. Over the past few years, the numbers have slowly increased to \$6.5 million in 2017, with continued growth expected in 2018. Nonetheless, a return to pre-recession figures is not within sight. Funding from the federal Legal Services Corporation during the same period fluctuated without any sustained increase, and was at risk of significant funding decreases this past year. On a positive note, we are pleased to report that fiscal year 2019 state appropriations for the Massachusetts Legal Assistance Corporation (MLAC) increased to \$21 million, from \$18 million in FY2018, and, at the federal level, legislative support for continued LSC funding has been strong.

Although the upward trend is promising, the increase is not enough to bridge the gap in funding for legal aid; MLAC had requested \$23 million and acknowledged that even more would be needed to fully meet the needs of eligible applicants for assistance. The need for legal services continues unabated. Currently, almost 1 million people in Massachusetts live below 125% of the federal poverty level (\$31,375 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.² During the past year, the Third Commission supported funding for civil legal aid in many ways, including the following:

- **Celebrating launch of “CLAVC”, a state-wide Civil Legal Aid for Victims of Crime program funded by federal monies identified and channeled to legal services by a coalition of state agencies, legal and social services providers, and the Commission’s Revenue Enhancement Committee.**

Over the past few years, the Third Commission was one of two state access to justice commissions nationally to lead an effort to analyze opportunities to tap federal funds, other than those allocated for the Legal Services Corporation, to meet the ongoing funding gap for civil legal aid. After two years of groundwork, the effort bore fruit this year. A large increase in federal funds – from less than \$10 million to more than \$40 million – flowing to Massachusetts from the Victims of Crime Act (VOCA) was identified as a potential source and, through an extensive community outreach and collaboration campaign, data on the need for increased legal services to assist victims was collected and the case was made to allocate new resources for a statewide legal assistance program. Last year, the Massachusetts Victims Assistance Office (MOVA) announced allocation of \$8.3 million to civil legal services over two years and, over the past year, the state-wide Civil Legal Aid for Victims of Crime Program – CLAVC – was launched, adding more than 26 attorneys to legal services agencies to work directly with crime victims across the Commonwealth. The CLAVC program is managed by Massachusetts

² Walk to the Hill Final FY 19 Fact Sheet, *Massachusetts Legal Assistance Corporation*.

Law Reform Institute with oversight provided by MLAC. The Commission is now investigating opportunities for future funding flowing from VOCA and analogous federal sources.

- **Supporting an increase in the appropriation of state funds for the Massachusetts Legal Assistance Corporation (MLAC).**

Each year, the Commission supports an increase in the state budget to fund civil legal aid through MLAC. This year, the Commission is thrilled to report that the budget signed by Governor Baker for FY2019 includes \$21.04 million for MLAC – a \$3.04 million increase over FY18.

- **Supporting a separate charitable organization, the Massachusetts Equal Justice Fund (MEJF), in its efforts to identify new sources of funding for legal services and other activities related to increasing access to justice.**

The Second Commission 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 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.

- Last year, MEJF focused on two pilot projects, one collaborating with Microsoft, specifically the company's Skype translator program, to assist with language access/translation needs in legal services programs, and the other 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. Work on both projects continues.
- Over this past year, MEJF has shifted its focus from individual projects to creating a broader base of funding to support social justice initiatives throughout the civil legal aid system. Groundwork on this effort has involved extended outreach to the philanthropic, bar association foundation, and business communities and targeted expansion of the MEJF board to include additional well-connected businesspeople interested in civil legal aid. In addition, MEJF aims to partner with MLAC and other civil legal aid programs to mount a civil legal aid branding campaign designed to raise awareness of the benefits of funding civil legal aid.

- **Continuing to monitor revenue from funding initiatives of the Second Commission.**

The Second Commission was instrumental in the establishment of three new sources of revenue to support legal services: creation of a voluntary annual \$51 "access to justice" attorney registration fee, which has generated over \$1 million a year for the past seven years, totaling approximately \$8 million; adoption of a *pro hac vice* rule, which has generated about \$1 million since 2012; and expansion of the eligibility of the IOLTA and legal aid programs for receipt of *cy pres* awards of class action residuals, which has generated more than \$3 million.

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 generally and with the Lawyers Clearinghouse to sustain the Access to Justice Fellows program created by the Second Commission. Efforts to increase the ability of private attorneys to provide for-fee services to moderate- and low-income clients also continues through the work of the Access to Attorneys Committee. During the past year, work has included:

- **Sustaining the Access to Justice Fellows Program in Massachusetts and facilitating its replication in states across the country.**

Started in 2012 by the Second Commission, the Access to Justice Fellows Program partners retired or retiring lawyers and judges with legal services organizations and other nonprofits. In doing so, the Program provides a unique opportunity for these lawyers and judges to use their specialized skills and experience to do engaging pro bono work. Fellows spend an academic year volunteering 10-20 hours per week on a significant pro bono project in furtherance of access to justice. This year, the number of fellows again increased, bringing the total number since the program's inception to 93, and on-track to exceed 100 next year. Current and former Fellows have provided over 80,000 hours of pro bono service to more than 60 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.

The Commission is proud to have incubated the Fellows Program, an innovative approach to significantly increase the number of pro bono participants and the number of pro bono hours per participant. Interest in replicating the program continues to grow. Louisiana's program, which was in the planning and approval stages last year, has now launched, and we have had additional inquiries from New Hampshire, Maine, Colorado, and North Carolina. 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.

- **Providing continued support for the state-wide appellate pro bono program.**

In 2014, when the Second Commission became aware of pro bono appellate initiatives for unrepresented 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 each day from approximately 40-50 unrepresented 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. The program 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 June 2018, the civil appeals pro bono program has served 258 individuals with the help of 22 different law firms and in-house legal departments. A dozen of these unrepresented individuals have benefited from full representation in their housing, guardianship, domestic violence, and family law appeals.

- **Continuing support for Mass Legal Answers Online, a project run by Massachusetts Law Reform Institute**

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). MLAO allows low-income Massachusetts residents to post their legal questions to the website, and volunteer attorneys, working remotely and on their own schedules, provide answers anonymously through the site. Massachusetts Law Reform Institute (MLRI), with assistance from the Volunteer Lawyers Project (VLP), manages the site. This winter, Rochelle Hahn of MLRI, reported to the Commission that, in its first year of operation, MLAO was able to answer 1,400 legal questions thanks to the volunteer work of 200 lawyers. We also learned that the volume of questions continues to exceed the volunteer resources and that maintaining and growing the base of volunteers is a continuing concern. With this in mind, the Justice For All consumer debt pilot has committed to providing pro bono attorney time to answer questions for MLAO and assist with expansion of the site's answer bank.

- **Continuing implementation of ideas articulated in the Access to Attorneys Committee 2017 report.**

Over the course of 2016 and 2017, the Third Commission's Access to Attorneys Committee studied how to increase the number of private attorneys who, whether through Limited Assistance Representation (LAR), fee-shifting, incubators or some other means, choose to represent low- and moderate- income clients who could not afford a traditional retainer and full representation arrangement.

The Committee issued and the Commission endorsed a final report in May 2017. The report offered recommendations for continued work by the Commission, including continuing to investigate apparent obstacles to the use of fee-shifting to serve lower-income litigants in the Housing and Probate and Family Courts, working with legal services agencies to develop fee-shifting practices in housing and consumer debt cases, tracking the use of LAR in Mass Courts, and implementing monthly fee-shifting networking initiatives. The work of the committee this year has included:

- partnering with the Senior Partners for Justice pro bono program to increase awareness among private bar practitioners of fee shifting opportunities in housing, consumer debt, and family law;
- continuing fee-shifting trainings;
- developing an LAR and fee-shifting web portal concept, the goal of which is to provide a “one-stop shopping” site for practitioners seeking to share information, learn about training opportunities, and network with other attorneys;
- completing a draft survey for Probate and Family Court judges and litigators aimed at assessing the current use of available fee shifting mechanisms, as well as potential obstacles to their broader application;
- drafting a paper discussing obstacles to obtaining fees faced by legal services housing attorneys (interviews of legal services staff are complete and writing is in process); and
- convening the first state-wide networking meeting for practitioners interested in fee shifting.

In addition, the Commission arranged a presentation, followed by open discussion, of three law-school-supported models for assisting new lawyers develop sustainable practices based, in whole or in part, on moderate- and lower- income clientele.

We are also pleased to report that the Trial Court Department has taken steps to begin tracking the use of LAR and to create a standardized set of court forms for LAR practice.

III. IMPROVING ASSISTANCE TO UNREPRESENTED LITIGANTS.

Increasingly, one or both parties to civil litigation in Massachusetts is not represented by a lawyer. In the Probate and Family and Housing Courts, for example, a majority of all litigants statewide are unrepresented. The same pattern is seen nationally. Given this reality, a major focus of access to justice commissions across the country has been to better understand and address the needs of unrepresented litigants. Here in Massachusetts, our work of the past year has included:

- **Continuing to support the Trial Court’s implementation of access to justice components of Its Strategic Action Plan.**

The Third Commission, like its predecessors, has worked closely with the judiciary on addressing the needs of unrepresented 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, and 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, creation of an Access to Justice Liaison Program across the state, and collaboration with community

members to address the justice gap. At this time, the Commission is collaborating on some of the court-based initiatives, including:

- Exploring the reach of Court Service Centers through “virtual” centers at libraries or other community centers;
- Providing input from the ‘unrepresented court litigant’ perspective on efforts to revise court forms; and
- Participating in a Probate and Family Court one-day brainstorming session funded by the Institute for Advancement of the American Legal System (IAALS).

- **Finalizing the Strategic Action Plan through the Justice For All initiative.**

In late 2016, the Third Commission was awarded a Public Welfare Foundation / Justice For All grant to develop a Strategic Action Plan for improving access to justice throughout the Commonwealth. Massachusetts was one of just seven states, selected from 25 applicants, to win such a grant. Over the course of the 2017 calendar year, the Commission joined representatives from the courts, legal aid providers, bar associations, law schools, social service organizations, litigants, community groups, and other stakeholders in a series of meetings and investigations to identify present strengths and weaknesses in our justice system, catalog existing resources to facilitate access to justice, envision a system that would provide 100 percent access to effective assistance for essential civil legal needs, and document our findings and vision in a Massachusetts Strategic Action Plan.

- In December 2017, the Commission coordinated drafting and submission of the final Massachusetts Strategic Action Plan framed around three substantive areas of law: consumer debt, housing, and family law, and a fourth category to capture issues impacting the justice ecosystem as a whole.
- The Strategic Action Plan described today’s landscape in each of the four studied areas, highlighting obstacles to accessing justice in each; proposed a vision of a legal system capable of providing meaningful access to justice in all of the studied domains; and identified a path forward to achieve that vision. Included in the Plan was a comprehensive catalog of legal and supportive services available in Massachusetts today.

- **Beginning Implementation of the Strategic Action Plan.**

The Commission is committed to continuing the work of the Justice For All project and has begun work on implementation of the Strategic Action Plan. A new committee has been established by the Commission, the JFA Implementation Committee, with four working groups: consumer debt, housing, family, and ecosystem. Efforts to date have focused on housing and consumer debt, including drafting a proposed new summary process form to highlight the needs and interests of unrepresented housing court litigants and supporting a rule change affecting small claims court consumer debt cases.

- **Securing an additional \$200,000 of funding through the Justice For All initiative and commenced work under two, one-year pilot projects.**

Submission of the Plan triggered eligibility for a second round of Justice For All funding. A brief summary of the progression of the Commission’s work on this initiative follows.

- In January 2018, the Commission submitted a proposal for two one-year pilots, one in housing and the other in consumer debt, to test ideas developed in phase one of Justice For All funded activities. Each of the plans was developed in partnership with legal services organizations serving the pilots' host communities, as well as leadership from phase one of our Justice For All work.
 - In April 2018, the Commission received notice that both proposals had been accepted and would be funded. News of our success prompted additional collaboration, including outreach to courts, social services agencies, and other community partners.
 - In late June 2018, MLAC received \$200,000 to fund the two pilots. The pilots have now started in earnest and will be implemented over the course of the next twelve months. One pilot, based in Dorchester, will seek to improve access to information, counseling, and legal advice for consumer debtors. The other pilot, based in Lawrence, will create a Housing Stabilization Center to make resources for supporting tenancies available to landlords and tenants before an eviction action is filed. Opportunities for additional funding for these pilots are also being pursued.
- **Establishing a working group to review court cell phone policy and make recommendations regarding possible revisions to the current policy.**
 In December 2017, the Commission took on primary responsibility for implementation of the Strategic Action Plan created as phase one of the Justice For All initiative. Many of the themes in the Plan were familiar to the Commission and were being addressed in some form through the work of existing committees. One theme that the Commission had not previously considered, and which was identified as an obstacle to accessing justice in every area of the Plan, was the impact of the Trial Court's courthouse cell phone policy. The current policy aims to protect jurors, witnesses, and other court users from harassment, intimidation, and other misuse of cell phones by gang members and others seeking to thwart the justice system. The current policy also appears to have unintended impacts on court users, particularly unrepresented litigants. A presentation to the Commission by Appleseed, as well as a report authored by Appleseed, highlighted many of the ways in which prohibition of cell phones at courthouses can significantly impede court users' access to justice. In response to this problem and mindful of the need to balance security concerns with access, the Commission has created a working group to further investigate the issue and develop recommendations to the Trial Court regarding best practices for allowing and/or prohibiting cell phones in courthouses or individual courtrooms. Working group members are meeting with members of the judiciary, as well as other court staff and other interested parties, in order to create a comprehensive picture of interests and needs and strategies for achieving a successful balance of both.
 - **Exploring criminal-civil crossover issues unaddressed by current system.**
 The Third Commission found that persons involved in the criminal justice system often have significant unmet civil legal needs. Following a presentation by experts in the area of "criminal-civil_crossover" at our December 2016 meeting, the Third Commission

established a new working group to identify gaps in the current system and make recommendations as well as explore drivers behind such gaps. A preliminary report was presented to the executive committee and provided impetus for Commission co-chair Chief Justice Gants to lead a panel discussion on the topic at the national Access to Justice Chairs Conference in May 2018. The annual Massachusetts Legal Services Conference in May 2018 also focused on criminal-civil crossover issues. Outreach to potential community partners for ongoing criminal-civil coordination efforts will continue in the next year.

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

As discussed in our 2017 Annual Report, 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 three areas of interest:

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

All three areas of interest are continually evolving, which adds to the challenge of assessing and making recommendations in real time. As a result, the committee's work on a report has evolved over the course of investigations and is not yet in final form. A final report is expected before the end of the calendar year.

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 – previously studied how non-lawyers could coordinate with the traditional providers of access to justice services, legal aid, and the courts.

Over this past year, the work of these two committees has been integrated into the Justice For All implementation efforts. For example, expanding the use of non-lawyers within courthouses was an articulated goal in each of the Strategic Action Plan focus areas. With the assistance of former Appeals Court Judge (and former Commission member) Cynthia Cohen, now an Access to Justice Fellow, we have studied current uses of non-lawyers in Massachusetts courthouses, including Safe Plan advocates (who assist victims of domestic violence prepare documents to apply for restraining orders and explain the process for presenting these requests to a judge) and

non-lawyer volunteers assisting with Lawyer for the Day programs in Housing Court. The next phase of progress will focus on identifying how and where new non-lawyer roles could be piloted.

The consumer debt pilot will include creation of a consumer debt advocacy guide. Similar guides in housing and family law have become valuable resources for non-lawyers and unrepresented litigants. In the context of the consumer debt pilot, the goal is to provide a lasting resource for community partners who will be trained in issue spotting. In our housing pilot, efforts to move assistance “upstream” rely heavily on coordination with non-lawyer community partners to identify at-risk tenancies and assist landlords and tenants to access emergency funding, supportive services, mediation, and other non-litigation methods for resolving problems and stabilizing housing.

CONCLUSION

In addition to the initiatives in our own state, we also continued a dialogue with the Access to Justice Commissions in our neighboring states of Connecticut and New Hampshire. The Commission’s co-chairs also attended the national Access to Justice Co-Chairs Conference in California in May and, between the two co-chairs, led three panel discussions and one table talk session, partnering with commissions from Louisiana, Tennessee, California, North Carolina, and New York. We have found such collaborations very productive, and we hope to continue them. 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 non-lawyers 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, 2017-2018³

Honorable Ralph D. Gants, Co-Chair	Ann Leavenworth
Susan M. Finegan, Esq., Co-Chair	Honorable Antoinette E. McLean Leoney
Amy Blumenthal	Georgia Katsoulomitis, Esq.
Shannon M. Barnes, Esq.	Jonathan L. Mannina, Esq.
Jacquelynn J. Bowman, Esq.	Sue Marsh
Marijane Benner Browne, Esq.	Kathleen McGrath, Esq.
Jeffrey N. Catalano, Esq.	Honorable Richard McMahon
Honorable Fairlie A. Dalton	Honorable Maureen Monks
Anthony M. Doniger, Esq.	Honorable MaryLou Muirhead
Russell Engler, Esq.	Kate Oberlies O’Leary, Esq.
Honorable Dina E. Fein, (<i>ex officio</i>)	Erika J. Rickard, Esq.
Elizabeth Ennen, Esq.	David Rosenberg, Esq., (<i>ex officio</i>)
Joel H. Feldman, Esq.	James T. Van Buren, Esq.
Honorable Lisa Ann Grant	Marilyn J. Wellington, Esq.
Honorable Kathryn Hand	Wendy Wayne, Esq.
Honorable Daniel Hogan	David White, Esq.

Commissioners Emeritus

Navjeet K. Bal, Esq.	Lee H. Glickenhau, Esq.
Allan G. Rodgers, Esq.	Jay T. Thiel, Esq.

Consultant

Laura W. Gal, Esq.

Analysts / Administrative Support

Alexander J. Blutman	Haejin Hwang
Joanne Dynak	

³ This list includes all Commissioners who served at any time between August 1, 2017 and July 31, 2018. It does not include new Commissioners appointed in July 2018, but whose work on the Commission began after July 31, 2018. We would like to thank our Commissioners whose terms ended during this year: Amy Blumenthal; Hon. Kathryn Hand; Hon. Daniel Hogan; Ann Leavenworth; Kathleen McGrath, Esq.; Hon. Maureen Monks; Hon. MaryLou Muirhead; Wendy Wayne, Esq.; and David White, Esq.

Appendix 3

Committees and Working Groups of the Third Massachusetts Access to Justice Commission, 2017-2018⁴

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: Commissioner Marijane Benner-Browne.

Overview: This committee identifies ways to increase the funding of civil legal aid through innovative means, including investigating new sources of state funding, federal funding, foundation funding, and private philanthropy.

2. Delivery of Legal Services Committee

Chaired by: Commissioners Russell Engler and Sue Finegan.

Overview: This committee's scope encompasses the whole civil legal services delivery system and seeks to identify opportunities for systemic improvement.

3. Access to Lawyers Committee

Chaired by: Commissioner Joel Feldman.

Overview: This committee seeks to increase access to attorneys for both low-income litigants and those above the poverty threshold, but still lacking income sufficient to be able to afford a lawyer. Efforts include promoting Limited Assistance Representation, fee shifting models, and law school incubators and similar programming.

4. Self-Represented Litigants Committee

Chaired by: Commissioners Jonathan Mannina and Judge Maureen Monks.

Overview: This committee seeks to identify and support improvements in the justice system for those who do not have a lawyer.

⁴ Committee and working group chairs include Commissioners who served at any time between August 1, 2017 and July 31, 2018.

5. Administrative Justice Committee

Chaired by: Commissioner Georgia Katsoulomitis.

Overview: This committee reviews the administrative practices of state agencies and addresses obstacles to accessing justice within those systems. Current efforts focus on technology-related barriers, language access, and integration/information sharing among administrative agencies.

6. Justice for All Implementation Committee

Chaired by: Commissioners Susan Finegan and Russell Engler

Overview: This committee oversees efforts to implement ideas from the Massachusetts Justice for All Strategic Action Plan, both through pilot projects funded by the National Center for State Courts, in conjunction with the Pew Foundation, the Kresge Foundation, and the Open Hands Foundations, and through additional, independent efforts. The committee has four working groups.

- Housing, Co-chaired by Commissioners Joel Feldman and Esme Caramello⁵
- Consumer Debt, Co-chaired by Commissioner Erika Rickard and Attorney Benjamin Golden
- Family, Chaired by Commissioner Jacquelynne Bowman
- Ecosystem, Co-chaired by Attorneys Gordon Shaw and Rochelle Hahn

7. Criminal-Civil Crossover Working Group

Chaired by: Commissioners Russell Engler and Wendy Wayne

Overview: This working group has investigated gaps in legal services at the intersection of the civil and criminal justice systems and is working to identify opportunities for greater coordination, replication of localized best practices, and expansion of legal assistance for civil legal issues affecting persons involved in the criminal justice system.

8. Courthouse Cell Phone Policy Working Group

Chaired by: Commissioner Jeff Catalano and Hon. Paul Chernoff

Overview: This working group is investigating impacts of the current Trial Court policy with respect to allowing/prohibiting cell phones in courthouses and may offer recommendations regarding best practices for balancing security needs and interests with the needs and interests of self-represented litigants.

⁵ Attorney Caramello is recently appointed and so is not included in Appendix 2.

Executive Committee

Overseeing all of this work is the Executive Committee, chaired by the Commission's co-chairs. Membership includes Chief Justice Gants, Judge Dina Fein, Sue Finegan, Russell Engler, Joel Feldman, Consultant Laura Gal, Supreme Judicial Court Deputy Legal Counsel Chip Phinney, and Mintz Levin Project Analysts Joanne Dynak and Alex Blutman. 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.