



MASSACHUSETTS
ACCESS TO JUSTICE COMMISSION

ANNUAL REPORT ON ACTIVITIES
AUGUST 2021



**MASSACHUSETTS ACCESS TO JUSTICE COMMISSION
ANNUAL REPORT ON ACTIVITIES
AUGUST 2021**

INTRODUCTION

The past year has been a time of extraordinary challenges for the Massachusetts Access to Justice Commission and, more significantly, for the people it seeks to serve – those who cannot afford an attorney to assist them with their essential civil legal needs. Since the onset of the COVID-19 pandemic in 2020, the disease has killed more than 17,000 people in the Commonwealth, and sickened more than 600,000 others. It has severely disrupted the lives of thousands more, causing or threatening them with the loss of their loved ones, their jobs, and their homes. Many of these hardships have fallen most heavily on those individuals and families who are least able to afford them. And for those people seeking legal assistance to help them cope with these hardships, the pandemic has created additional obstacles. With courthouses and legal aid organizations closed to most in-person visitors due to public health restrictions for much of the past year, it became more difficult than ever for people to connect with the legal assistance they needed. As court proceedings were rescheduled, reconfigured, and shifted to telephonic and videoconference platforms, court users had to navigate new procedural and technological complexities.

In the midst of its efforts to address these issues, the Commission suffered its own tragic loss with the sudden and unexpected passing of one of its Co-Chairs, Supreme Judicial Court Chief Justice Ralph D. Gants, in September 2020. The death of Chief Justice Gants, who had co-chaired the Commission for much of the previous decade and was heavily engaged in its pandemic-related initiatives, was a devastating blow. Nevertheless, led by its remaining Co-Chair, Susan M. Finegan, Esq., the Commission and its members persevered in their work.¹

In response to the many difficulties created by the pandemic, the Commission and its members partnered with the Massachusetts courts, legal aid organizations, bar associations, law firms, and social services to develop new means of delivering legal assistance and legal information to those who needed it, at least mitigating many of the difficulties created by the pandemic. In this process, the Commission clearly fulfilled its mission of "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."²

- In August 2020, in his role as Chief Justice, Chief Justice Gants convened a summit meeting of leaders from the executive, legislative, and judicial branches and representatives from legal aid and community organizations, landlord groups, and the Massachusetts bar to discuss ways of mitigating the looming eviction crisis faced by tenants who had lost jobs due to the pandemic and small landlords who were losing rental income and were in turn threatened with mortgage foreclosures. Following up on those discussions after Chief Justice Gants' death, Commission Co-Chair Sue Finegan and the leaders of the Commission's Housing Committee³ worked closely with Trial Court leaders, the

¹ See list of Commissioners (Appendix 2).

² See Commission Mission Statement (Appendix 1).

³ See complete list of Commission Committees (Appendix 3).

Massachusetts Department of Housing and Community Development (DHCD), and Massachusetts legal aid organizations to develop and implement a plan to increase the number of pro bono and legal services attorneys available to assist eligible tenants and small landlords. Members of the Housing Committee communicated with DHCD to alert it to difficulties faced by tenants and landlords in applying for financial assistance. The Housing Committee also worked with the Trial Court to address challenges in channeling available legal and financial assistance to tenants and landlords in an effective and timely manner.

- More broadly, the Housing, Family Law, and Consumer Debt Committees communicated regularly with the Massachusetts courts about the difficulties faced by self-represented litigants, and those seeking to assist them, in adjusting to court procedural changes caused by the pandemic and accessing the technology needed to file documents electronically or participate in remote hearings. In many cases, the courts adjusted their procedures, promulgated new orders, and created new avenues of communication in response to these comments.
- The Commission's Ecosystem Committee focused on publicizing legal information about pandemic-related challenges and changes through webinars for a wide range of stakeholders including self-represented litigants, community service providers, and legal aid attorneys.
- To ensure coordination and systemic responses, the Co-Chairs of these four Committees also formed the Commission's COVID-19 Leadership Team and met monthly to share information and collaborate on issues impacting self-represented litigants system-wide.

Meanwhile, the Commission also pressed forward with its many other ongoing initiatives. Among other efforts, the Commission's Online Dispute Resolution (ODR) Committee devoted many hours to investigating the use of ODR in other jurisdictions and researching and drafting an extensive Report⁴ with recommendations for designing ODR programs to ensure accessibility and fairness for self-represented litigants. And as part of its continuing efforts to address racial inequity in the civil justice system, the Commission launched a new working group to review both its internal structure (e.g., diversity of membership) and disparate outcomes for communities of color in the civil justice system and develop an action plan to address these issues. The following Report provides further summaries of the Commission's work during this extraordinary year, with a focus on 1) improving assistance to self-represented litigants; 2) increasing funding for civil legal aid; and 3) increasing services provided by private attorneys.

Finally, in the course of this year of so many challenges and changes, the Commission also successfully completed a smooth transition to new leadership as Co-Chair Sue Finegan ended her term in June 2021 after serving in that role for more than six years and more than eleven years in total as a member of the Commission. The Commission owes her a deep debt of gratitude for all that she did to advance access to justice throughout her tenure, and especially for her steadfast, skillful, and tireless guidance of the Commission's work following the death of Chief Justice Gants. The Commission now looks forward to continued progress in the coming year under its new Co-Chairs: the Honorable Serge Georges Jr., Associate Justice of the Supreme Judicial Court; Marijane

⁴ See [Report](#) of the Massachusetts Access to Justice Commission's Online Dispute Resolution Committee, July 2021.

Benner Browne, Director of Lateral Partner Recruiting at Ropes & Gray LLP; and Laura W. Gal, Managing Attorney of the Family Law Unit at Greater Boston Legal Services.



In Memoriam: the Honorable Ralph D. Gants, 1954-2020

In addition to his duties as an Associate Justice (2009-2014) and Chief Justice (2014-2020) of the Massachusetts Supreme Judicial Court, the Honorable Ralph D. Gants served as Co-Chair of the Access to Justice Commission from 2010 through 2015 and again from 2017 until his death in September 2020. Although his previous career experiences as an Assistant U.S. Attorney, a partner at a major Boston law firm, and a judge on the Superior Court had given him relatively little exposure to the challenges faced by litigants who cannot afford a lawyer to represent them in cases involving matters such as eviction from a home, divorce and child custody, or consumer debt collection, he quickly educated himself and became a powerful voice on access to justice issues. As he worked in concert with other members of the Commission and the access to justice community, and with leaders of the Massachusetts courts and the bar, Massachusetts made substantial progress on many fronts. Civil legal aid organizations benefitted from increased legislative appropriations and from other new revenue sources identified by the Commission. The Trial Court established court service centers to provide legal information to unrepresented litigants. A new pro bono civil appeals clinic was established, and the Access to Justice Fellows program, which enlists retired lawyers and judges to donate their services to community organizations serving people of limited means, was launched. The Massachusetts Justice for All Strategic Action Plan was developed to map out the path toward further progress. Chief Justice Gants also brought national attention to access to justice issues through his work with the Access and Fairness Committee of the Conference of Chief Justices and the Conference of State Court Administrators. As those bodies stated in a resolution expressing their condolences upon his passing, "Chief Justice Gants was a national leader on access to justice issues who cared passionately about the needs of court users who cannot afford counsel, and who worked tirelessly and selflessly to ensure that the justice system serves everyone equally and that it is accessible to all."

I. IMPROVING ASSISTANCE TO SELF-REPRESENTED LITIGANTS

In Massachusetts, for many case categories involving families' and individuals' essential legal needs, the majority of litigants navigate the court system, a system designed for lawyers, without representation.⁵ While always facing challenges in navigating the court system, this past year, with the continuing impacts of the pandemic and the resulting remote nature of the court system, self-represented litigants experienced even greater and new difficulties. Given this reality, the Commission directed much of its attention on the impact of the pandemic on self-represented litigants in immediate need of assistance.

- **COVID-19 Task Force:** At the onset of the pandemic in March 2020, the Commission created a COVID-19 Task Force to foster collaboration and marshal resources to respond to the particular challenges of accessing justice and connecting those in need with resources during the pandemic. Comprised of volunteers from legal services, the private bar, courts, social service organizations, the Boston Bar Association and the Massachusetts Bar Association, the Task Force created three committees, involving over 140 volunteers: a materials and communications committee; an access to courts committee; and a pro bono committee.⁶

In July 2020, given that the work of the Task Force would continue for the foreseeable future (given the nature of the pandemic), and in order to avoid supporting two separate organizations (both the Commission and the Task Force), the Commission integrated the ongoing work of the COVID-19 Task Force into the Commission's overall structure. The Commission retained a smaller leadership team, named the **COVID-19 Task Force Leadership Team**, to ensure that the Commission addressed issues that resulted from, or had been highlighted during, the pandemic. This Leadership Team is comprised of co-chairs from the committees focused on self-represented litigants that had been formed after the 2017 Justice for All Strategic Action Plan (Family Law; Housing Law; Consumer Debt; and Ecosystem)⁷; the Commission's Director; a member of the Executive Committee; and Commission Co-Chair Sue Finegan (serving as its chair). Meeting monthly, this Committee shares information, expertise and resources that cross substantive practice areas.

- **Housing, Family and Consumer Debt Committees:** Guided by the 2017 Justice for All Strategic Action Plan noted above, the Family Law, Housing Law, Consumer Debt and Ecosystem Committees continue to pursue strategies geared toward providing meaningful access to all, with a focus this year on the ongoing impact of the pandemic on self-represented litigants.

⁵ Nationally, "as many as two-thirds of the litigants appear without lawyers in important legal matters like evictions, mortgage foreclosures, debt collection cases, and child custody proceedings." National Center for Access to Justice, <https://ncaj.org/state-rankings/2020/self-representation> (visited 6/30/21)

⁶ Additional information about the Commission's COVID-19 Task Force is in the Commission's [2020 Annual Report](#).

⁷ The [Strategic Action Plan](#) focuses on the needs of self-represented litigants in three areas of law -- housing, consumer debt and family law -- plus a fourth category covering issues impacting the justice ecosystem as a whole. It describes the current resources and challenges in each of the four focus areas; proposes a vision of a legal system capable of providing meaningful access to justice in each domain; and identifies strategies for achieving that vision.

- **Housing Committee:** The Housing Committee Co-Chairs were part of the initial stakeholder meeting, organized by Chief Justice Gants in August 2020, that began conversations around ensuring housing stability during the pandemic. The Committee Co-Chairs, and Commission Co-Chair Sue Finegan, then worked closely with the Massachusetts Department of Housing and Community Development (DHCD), the courts, and members of the legal aid community and helped create foundational principles and guidelines for the Governor’s Eviction Diversion Initiative⁸ to ensure that both the Executive Branch resources and courts were operating with equal access and housing stability in mind.

Members of the Housing Committee also served as a resource to the Housing Court, providing insight and reflections on the Court’s pandemic-era practices. The pandemic was a catalyst for change within the Housing Court, resulting in several innovations that the Housing Committee had long advocated for, such as turning the first court date into a mediation and case management date; simplifying and adding resource information to court forms; mandating that notices to quit include resource information; improving access to counsel for self-represented litigants; upstreaming rent assistance and other stabilization resources; relieving working litigants of long court days; and public data reporting being adopted.

The Committee’s Co-Chairs were also active members of the COVID-19 Task Force, where they brought a housing perspective and Housing Court advocacy on questions of equitable access to the courts, remote hearings, introduction of evidence, e-filing, information in connection with changing court procedures and overall access.

- **Consumer Debt Committee:** The Committee focused primarily on the complexities presented by the COVID-19 pandemic around consumer debt. In the early months, they met weekly to collaborate on responses to the impact of remote proceedings on defendants in consumer debt cases. Through sharing resources and best practices, they collaborated to advocate for change at statewide and local levels and for the creation of virtual Lawyer for the Day (LFD) Programs.

The Committee had three working sub-committees: (1) Court Project Subcommittee, which focused on facilitating communication with consumers; (2) Government Response Subcommittee, which focused on tracking relevant governmental action; and (3) a virtual LFD Programs Subcommittee, which focused on designing and

⁸ The Eviction Diversion Initiative is a “comprehensive set of resources to support tenants and landlords during the financial challenges caused by the pandemic” funded by the state government and “developed by a cross-agency team assembled by the [Baker-Polito] Administration in coordination with the Massachusetts Trial Court” <https://www.mass.gov/info-details/covid-19-eviction-diversion-initiative-overview> (visited 6/30/21). The COVID Eviction Legal Help Project (CELHP), designed to increase the capacity of legal aid and pro bono lawyers to assist landlords and tenants, is part of the Eviction Diversion Initiative. <https://evictionlegalhelp.org/about/> (visited 6/30/21).

working with the courts to establish successful virtual LFD programs for the consumer debt docket.

- **Family Law Committee:** The Family Law Committee fostered communication between the Commission and the Administrative Office of the Probate and Family Court as a way to share information about both positive pathways and challenges to court access during the pandemic. Through this robust collaboration, the Commission has been able to offer insight into a wide range of issues such as the ability to access courts through virtual LFD programs; notice concerns in Special Immigrant Juvenile proceedings; issues of consistency in scheduling and hearing notices; the proposed Child Support Examiner program; and electronic evidence in virtual platforms. The Committee also had the opportunity to provide input and feedback to the Probate and Family Court on many of its pandemic-era innovations that have made progress in expanding access to justice.

Likewise, the Committee also participated in regular meetings with the Administrative Office of the District Court to communicate on issues surrounding 209A proceedings (abuse prevention orders).

- **Ecosystem Committee:** The Committee served as a catalyst for fostering collaboration and coordination among various individuals, organizations, materials, technologies, practices and infrastructure that make up the Massachusetts legal ecosystem

Two of the Committee chairs led an independent effort to improve the Massachusetts Legal Resource Funder (LRF), the state's web portal for locating legal help. The new LRF launched in December 2020, with a new more user-friendly look and an AI-powered natural language search tool. They presented on this invaluable resource for self-represented litigants at the January 2021 Commission meeting.

The Committee also focused on providing support for technology-focused initiatives; supporting and engaging social service providers who intersect with clients facing legal problems; and marketing and outreach to the general public about accessing legal resources. This included organizing three virtual Q and A sessions for community providers on the topics of Eviction after the Moratorium, Immigration Updates and Understanding Unemployment Insurance, all of which had hundreds of attendees. The Committee also maintains an email listserv to alert social service providers about upcoming legal training opportunities.

- **Online Dispute Resolution:** With an understanding that court-based online dispute resolution ("ODR") has become an integral part of many state court systems, the Commission's **Online Dispute Resolution Committee** did extensive research and wrote a report for the Trial Court detailing ways to ensure access to justice principles are embedded within any future Massachusetts court-based ODR system.

The Report,⁹ completed in July 2021, focuses on essential access to justice principles that should be considered in developing a court-based ODR system. It also suggests two pilot programs, one in the non-debt collection realm of small claims and the other in civil motor vehicle infractions (“CMVI”). These two pilots are used as paradigms demonstrating the application of ODR in a manner that ensures access to justice for court users, particularly self-represented litigants. This Report aims to guide the Trial Court in any future endeavors to create an ODR system in Massachusetts.

II. INCREASING JUSTICE BY IMPROVING THE EFFECTIVENESS OF, AND THE FUNDING FOR, CIVIL LEGAL AID

The Commission continued this year to focus on increasing access to 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 lack sufficient funding to meet the needs of the vast number of litigants. Even before the pandemic, insufficient funding resulted in organizations turning away the majority of eligible people seeking assistance.¹⁰ However, after the pandemic hit, legal aid in Massachusetts saw “a surge in need” in many areas including housing, unemployment, minor guardianship cases, custody and consumer and finance cases.¹¹

Although the Massachusetts Legislature has increased aid for civil legal services substantially over the last several years,¹² the need for additional funding for legal aid remains great.

The Commission has sought to address this need in many ways, including the following:

- **Federal Funding**

- The Commission monitored the distribution of **CARES Act** funding (federal funding relating to emergency relief during COVID-19), and Commission members and its committee volunteers were collaborators in the establishment of the COVID Eviction Legal Help Project (CELHP) effort, part of the state’s Eviction Diversion Initiative, which allocated approximately \$14 million to provide tenants and landlords with access to legal representation and related services.¹³

A collaborative group led by the Massachusetts Legal Aid Corporation (MLAC), including members of the Commission’s Revenue Enhancement Committee, is considering next steps to strategize on how the federal COVID-19 relief money (the Federal American Rescue Plan Act) could be available to fund civil legal aid.

- **Civil Legal Aid for Victims of Crime (CLAVC):** The Commission’s prior efforts in working with a coalition of state agencies and legal and social service providers

⁹ See *infra* n. 4.

¹⁰ See Massachusetts Legal Assistance Corporation Fact Sheet: <https://equaljusticecoalition.org/wp-content/uploads/2021/05/FY22-Fact-sheet-FINAL.pdf>

¹¹ *Id.*

¹² <https://mlac.org/mlac-applauds-35m-for-civil-legal-aid-in-fy22-budget/> (last visited 7/21/21)

¹³ The Massachusetts Legal Assistance Corporation (MLAC) administers the CELHP. See COVID Eviction Legal Help Project (CELHP) <https://evictionlegalhelp.org/about/> (visited 7/1/21); see also *infra* n. 8.

to develop the CLAVC program continued to bear fruit. CLAVC has channeled nearly \$17 million in federal funds to legal services organizations since 2018 to support attorneys who work directly with crime victims. This funding is the result, in part, of the Commission convening stakeholders and collaborating with them to pursue this funding.¹⁴ The CLAVC program is administered by MLAC with program management services provided by the Massachusetts Law Reform Institute.

- **Foundations and Businesses:** A subcommittee of the Commission’s **Revenue Enhancement Committee** worked to educate regional and local foundations and businesses about civil legal aid, create messaging around civil legal aid, survey foundations as to their views on civil legal aid, and learned about networks of funders, outside of Massachusetts, interested in civil legal aid. The Committee made some notable entrees into the foundation world, including an event in March on civil legal aid that was sponsored by the Boston Foundation, targeting the philanthropic community.
- **MLAC:** Each year, the Commission supports an increase in the state budget to fund civil legal aid through MLAC. This year, the Commission promoted attendance at the annual “Walk to the Hill” event, this year held virtually as a reframed “Talk to the Hill,” where hundreds of attorneys, law students, and advocates urged lawmakers to fund legal aid. In response to these appeals, and others, the Legislature appropriated and the Governor approved an appropriation of \$35 million in FY2022, \$6 million higher than in FY2021.¹⁵
- **Helped Establish Other New Funding Sources:** As highlighted in previous annual reports, the Commission helped establish other new funding sources for civil legal aid. Historically, the Commission was instrumental in the Supreme Judicial Court’s approval of three new sources of revenue to support legal services: expanded eligibility of IOLTA and legal aid programs for receipt of *cy pres* awards of class action residuals under a 2008 amendment to Mass. R. Civ. P. 23, which has generated approximately \$5.8 million; a voluntary annual \$51 “access to justice” attorney registration fee, which has generated approximately \$11.7 million since it was created in 2010; and a *pro hac vice* registration fee, which has generated approximately \$1.6 million since it was established through SJC Rule 3:15 in 2012. Effective January 1, 2019 the *pro hac vice* registration fee was increased by the SJC from \$301 to \$355 for the Superior Court, Land Court, and appellate courts.

¹⁴ As discussed in the Commission’s [2019 Annual Report](#), the Commission was one of two state access to justice commissions nationally to lead an effort analyzing opportunities to tap federal funds, other than those allocated for the Legal Services Corporation, to meet the ongoing funding gap for civil legal aid. 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. As a result of these efforts, in 2017 the Massachusetts Office for Victim Assistance Office (MOVA) announced allocation of from these funds to support civil legal services for victims of crime and the state-wide CLAVC program was launched.

¹⁵ See *infra* n. 12.

III. INCREASING SERVICES PROVIDED BY PRIVATE ATTORNEYS

Massachusetts has a strong 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 housing. The Commission continues to work closely with the Supreme Judicial Court's Standing Committee on Pro Bono Legal Services ("Pro Bono Committee") to increase pro bono engagement. To facilitate coordination of the work of the Commission and the Pro Bono Committee, the Pro Bono Committee's Chair continues to serve as an *ex officio* member of the Commission, and the Commission's Director serves as an *ex officio* member of the Pro Bono Committee. In addition, when the Commission's COVID-19 Task Force sunset last fall, the Pro Bono Committee absorbed its pro bono sub-committee, the primary focus of which was the establishment of a COVID-19 Pro Bono Portal,¹⁶ a collaborative, statewide tool designed to connect attorneys and law students to pandemic-related pro bono opportunities.

- **Access to Justice Fellows Program:** The Commission has been instrumental in sustaining the Access to Justice Fellows Program in Massachusetts and facilitating its replication in states across the country. Established in collaboration with the Commission in 2012, the Access to Justice Fellows Program partners retired or retiring lawyers and judges with legal services organizations and other nonprofits. The Program, now run by the Lawyers Clearinghouse, 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. Since inception the program has supported 150 Fellows. Current and former Fellows have provided over 115,000 hours of pro bono service to 90 entities.

The Commission is proud to have incubated the Fellows Program, an innovative approach to increasing the number of pro bono participants and the number of pro bono hours per participant. 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.

- **Statewide Civil Appellate Pro Bono Program:** The Commission has continued to provide support for the statewide civil appellate pro bono program. This program was initiated by the Commission in 2014, and is now overseen by the Volunteer Lawyer's Project (VLP). 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 Commission, top area law firms, the VLP, numerous other legal services organizations, and the Clerk's Offices of the Appeals Court and the Supreme Judicial Court. This year the Appeals Clinic quickly adapted to a virtual format and, despite court closures and slower processing due to the pandemic, handled 47 cases.

Further, efforts to increase the ability of private attorneys to provide for-fee services to moderate- and low-income clients continues through the Commission's Access to Attorneys Committee. During the past year, the Commission's work in this area has included the following activities.

¹⁶ The Portal is housed at the Volunteer Lawyers Project at MassProBono.org, a website developed ten years ago and dedicated to facilitating and enhancing the delivery of *pro bono* civil legal aid to persons of limited means.

- **Access to Attorneys Committee:** This Committee continued with its implementation of ideas from its 2017 Access to Attorneys Committee report.¹⁷ The Report offered recommendations that included 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 limited assistance representation (LAR) in Massachusetts courts, and implementing monthly fee-shifting networking initiatives.

During the past year the Access to Attorneys Committee has continued to pursue these ideas through several initiatives, including:

- Providing recommendations to the Housing Court on connecting lawyers to litigants during the pandemic;
- Collecting data and drafting Reports on the use of fee-shifting in Housing Court and in Probate and Family Court; and
- Ongoing support to the Tenant Attorney Network in Western Massachusetts which aims to create a local bar handling tenant issues through fee-shifting and supporting legal aid in attempts to recover more fees. This included obtaining a grant to hire a lawyer to do fee-shifting work at Community Legal Aid and providing support to that attorney.

This Committee is writing a Final Report which should be completed in the fall, summarizing its findings in the areas of increasing access to attorneys through fee-shifting and LAR.

CONCLUSION

The year continued to bring challenges and stressors to our civil justice system. As we write this Annual Report we are hopeful that the worst of the pandemic is behind us and we can turn our attention to assessing lessons learned and to integrating positive pandemic adaptations into our justice system. We are so appreciative of our Commissioners and other collaborators who collectively worked so hard during these difficult times to ensure that the civil justice system is accessible to all.

¹⁷ In May 2017, the Commission's Access to Attorneys Committee issued, and the Commission endorsed, a [Report](#) exploring means for increasing the number of private attorneys who choose to represent low- and moderate- income clients who could not afford a traditional retainer and full representation arrangement.

APPENDIX 1

Massachusetts Access to Justice Commission Mission Statement August 12, 2020¹⁸

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. Advocating for and prioritizing racial equality and justice in our civil legal system to ensure that equality under the law is an enduring reality for all. This includes combatting both explicit and implicit bias and systemic racism, and identifying and eliminating barriers that might prevent people of color from obtaining appropriate relief within the civil justice and administrative justice systems.
7. Ensuring equal access to the civil justice and administrative justice systems for those without lawyers in remote/virtual court proceedings including people with barriers to participation, such as limited access to legal advice, guidance, and information, limited access to computers and the internet, limited English language proficiency, and physical and cognitive disabilities.
8. 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

¹⁸ Mission Statement approved in March 2021.

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.

9. 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.
10. Working closely with the Chief Justices of the Supreme Judicial Court and the Trial Court, the Trial Court Administrator and the Senior Manager for Access to Justice Initiatives within the Trial Court to broaden access to justice within the court system.
11. 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 Massachusetts Access to Justice Commission, 2020-2021¹⁹

Honorable Ralph D. Gants, Co-Chair	Ben Golden, Esq.
Susan M. Finegan, Esq., Co-Chair	Lisa Goodheart, Esq.
Adrian Angus, Esq.	Rochelle Hahn, Esq.
Honorable Julie Bernard	Richard Johnston, Esq.
Krietta Bowens Jones, Esq.	Jonathan L. Mannina, Esq.
Jacquelynne J. Bowman, Esq.	Honorable Richard McMahon
Marijane Benner Browne, Esq.	Jennifer Grace Miller, Esq.
Esme Caramello, Esq.	Leemarie Mosca
Jeffrey N. Catalano, Esq.	Susan Nagl, Esq.
Elizabeth Cerda, Esq. (<i>ex officio</i>)	Clerk-Magistrate Anthony Owens
Russell Engler, Esq.	Sheriece Perry, Esq.
Elizabeth Ennen, Esq. (<i>ex officio</i>)	Mary Ryan, Esq.
Honorable Dina E. Fein (Ret.)	James D. Smeallie, Esq.
Joel H. Feldman, Esq.	Gladys Vega
Honorable Robert Fields	Marilyn J. Wellington, Esq.
Laura Gal, Esq.	Honorable Valerie Yarashus
<i>Deputy Legal Counsel, Supreme Judicial Court</i> Chip Phinney, Esq.	
<i>Director</i> Carolyn Goodwin, Esq.	
<i>Analysts / Administrative Support</i> Christian McGrew	

¹⁹ This list includes all Commissioners who served at any time between August 1, 2020 and July 31, 2021. We would like to thank our Commissioners whose terms ended during this past year: Co-Chair Susan Finegan, Jacquelynne Bowman, Jonathan Mannina, Marilyn Wellington, Jennifer Grace Miller, Jeff Catalano, and Richard Johnston.

APPENDIX 3

Committees of the Massachusetts Access to Justice Commission, 2020-2021

The Commission seeks to further the strategies set forth in the Commission's Mission Statement through various committees, each chaired or co-chaired by a Commissioner. The Commission may also establish certain ad hoc working groups from time to time. The Commission's work is overseen by the Executive Committee.

COMMITTEES²⁰

Executive Committee

Chaired by: Commissioner Susan Finegan

This committee oversees the work of the Commission overall, the work of the committees, and the annual report to the Supreme Judicial Court.

Access to Lawyers Committee

Chaired by: Commissioner Joel Feldman

This committee seeks to increase access to attorneys for litigants who are either below the poverty level or above the poverty threshold, but still lacking income sufficient to be able to afford a lawyer. Efforts include promoting use of fee-shifting statutes and Limited Assistance Representation, including understanding what impacts current use and exploring avenues to increase use in both pro bono and for-fee models.

Consumer Debt Committee

Chaired by: Commissioner Ben Golden and Ariel Clemmer

This committee engages in a range of related systemic reforms concerning the practice of consumer debt law, including many of the reforms suggested in the Justice for All Strategic Action Plan and those related to emerging issues in light of the COVID-19 pandemic.

²⁰ The Communications and Engagement Committee sunset during this Commission year. The Committee was involved in informing and educating the public about Commission activities, learning from the public about issues that may warrant a response, and engaging current and potential Commissioners and other stakeholders with Commission activities. The work of this Committee is now absorbed into the other Committees and is within the Commission Director's purview.

COVID-19 Task Force Leadership Committee

Chaired by: Commission Co-Chair Susan Finegan

This committee addresses issues related to the impact of COVID-19 on court processes, including barriers to access created by courts' moving toward remote proceedings, with a focus on three areas with high turnout of self-represented litigants: consumer debt, housing and family law. The committee includes leadership from the Commission's Ecosystem, Consumer Debt, Housing and Family Law Committees.

Ecosystem Committee

Chaired by: Commissioners Rochelle Hahn and Ben Golden and Gordon Shaw

This committee focuses on identifying improvements in our statewide delivery system that would foster collaboration and coordination among the various individuals, organizations, institutions, materials, technologies, practices, and infrastructure that comprise the legal help ecosystem. A key part of this strategy is engaging and sharing legal information with social services providers and advocates as a way to reach self-represented litigants, an agenda which has been advanced recently through our COVID-19 Task Force. This committee also has a specific focus on utilizing technology as a tool to increase access to justice.

Family Law Committee

Chaired by: Commissioner Laura Gal and Naomi Mann

This committee engages in a range of related systemic reforms concerning the substantive practice of family law, addressing many of the reforms suggested in the Justice for All Strategic Action Plan as well as continued emerging issues.

Housing Committee

Chaired by: Commissioner Esme Caramello and Jane Edmonstone

This committee engages in a range of related systemic reforms concerning the substantive practice of housing law, with a particular focus on summary process (eviction), addressing many of the reforms suggested in the Justice for All Strategic Action Plan as well as continued emerging issues.

Online Dispute Resolution Committee

Chaired by: Commissioner Mary Ryan

This committee focuses both broadly on the access to justice implications of court-based Online Dispute Resolution (ODR) as it impacts self-represented litigants as well as recommendations for implementing ODR in the non-debt collection realm of small claims and civil motor vehicle offenses (CMVI). The Committee examined this narrow implementation and used these examples to consider access to justice in connection with possible expansion of ODR.

Revenue Enhancement Committee

Chaired by: Commissioners Susan Nagl and Marijane Benner Browne

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, business funding and private philanthropy.

CURRENTLY INACTIVE COMMITTEES²¹

Criminal-Civil Crossover Committee

This committee 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.

Delivery of Legal Services Committee

This committee considers the civil legal services delivery system as a whole and seeks to identify opportunities for systemic improvement.

Self-Represented Litigants Committee

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

²¹ Currently inactive as committees but may maintain some ongoing projects.