***THE LSC PROGRAMS OF MASSACHUSETTS***

September 29, 1998

Mr. Lou Castro
Legal Services Corporation
750 First Street, NE, 10th Floor
Washington, DC 20002-4250

Dear Mr. Castro:

Enclosed please find an original and two copies of the Massachusetts State Planning Report. I have today submitted the Report electronically through the LSC Recipient Information Network. I will serve as the primary contact person for issues regarding the Plan.

Although the plan is submitted by the six Massachusetts LSC recipients, it reflects the work of the entire legal community as will become evident as you read the Report.

Sincerely,

Mary M. Connolly
Executive Director
Also on behalf of

Thomas Barbieri, Executive Director
Merrimack Valley Legal Services

Nancy King, Executive Director
South Middlesex Legal Services

Richard McMahon, Executive Director
New Center for Legal Advocacy

David Waldfogel, Executive Director
Massachusetts Justice Project

Ray Yox, Executive Director
Legal Services for Cape Cod and the Islands

Enc.

# THE MASSACHUSETTS STATEWIDE PLAN FOR THE DELIVERY OF LEGAL SERVICES TO LOW INCOME CLIENTS

## The Massachusetts Planning Process

LSC Program Letter 98-1 noted that "...some states have ongoing planning processes involving a wide variety of stakeholders in the civil justice system." Massachusetts is one such state. In July, 1995 prompted partially by LSC's original Program Letter requiring a statewide planning process, the legal services community initiated a lengthy and comprehensive review of the legal services delivery system in Massachusetts under the auspices of the Massachusetts Commission on Equal Justice. The Commission, chaired by the Honorable Edward F. Hennessey, Chief Justice retired of the Supreme Judicial Court, included representatives of legal services staff and directors, the judiciary, law schools, clients, elected officials, the organized bar, and the business and social services communities. Members of the Commission were appointed by the Massachusetts and Boston Bar Associations, Massachusetts Legal Assistance Corporation (MLAC is the largest funder of Massachusetts legal services programs receiving its funding through appropriations from the state legislature and through IOLTA), Massachusetts President of the Senate and Speaker of the House, Massachusetts Judges Conference, presidents of county bar associations and clients of legal services programs. The Commission gathered information on the status of legal services and

the need for legal services through a series of regional hearings conducted throughout the state as well as a series of focus groups with clients.

A critical part of the process undertaken by the Commission involved the extensive deliberations of the legal services project directors group expanded to include representatives of staff, both unionized and non-unionized, and the client community. The project directors group met approximately monthly from July, 1995 through March, 1996. Between full group meetings, various subcommittees engaged in more detailed work which served as the agenda for the larger group meetings. Much of the project directors' agenda revolved around delivery models and program structure. The process was facilitated by consultants from Interactive Associates of Cambridge, Massachusetts. The project directors' work was incorporated into the larger work undertaken by the Commission on Equal Justice.

In October, 1996 the Commission issued its report, *Equal Access to Justice: Renewing the Commitment*, a copy of which is enclosed. An outgrowth of the Equal Justice Commission has been the Equal Justice Coalition which, along with the legal services project directors group, will provide the structure for continuing assessment of the delivery system and the resources needed to support it on a statewide basis. The Coalition includes

representatives of the legal services projects, the Massachusetts Legal Assistance Corporation (MLAC), the private bar, clients, the medical community and foundations. The Steering Committee is chaired by Stephen Oleskey, an MLAC Board member and partner at Hale and Dorr, one of Boston's largest law firms.

The Coalition initiated a series of regional meetings in late winter which continued into the spring of 1998. The meetings were small, ten to twenty people, who had little knowledge of legal services and/or previous involvement with legal services. The meetings were designed to educate local leaders and participants on legal services issues; solicit the thoughts of key members of local communities (local government representatives, private lawyers, unions, and other community leaders) as to the need and role for legal services in their respective communities; and, to increase the support for legal services locally. It is hoped that the meetings will spur new partnerships and relationships in local communities between legal services providers and others to better serve the client community. The Coalition next sponsored a day long, statewide conference on May 28, 1998 designed to help develop an agenda for the Coalition's work. Copies of the conference brochure and agenda are enclosed. Approximately 200 people attended the program. Attendees included directors, staff and board members of legal services programs, the President of the Boston Bar Association, a Bureau Chief of the Office of the

Attorney General, the Dean of a local law school, private attorneys, judges, clients, and members of social service agencies, private foundations and local governments. The day's culmination was a session designed to identify agenda items for the Coalition's ongoing work. The Coalition's Steering Committee held its first organizational meeting on Tuesday, September 15, 1998 at which time this report was discussed. A formal agenda is under discussion but has not yet been adopted.

Another outgrowth of the Commission's efforts was the creation of the Community Liaison Project. During the course of the Commission's focus groups, clients voiced a need for a statewide vehicle to involve clients on a continuing basis in the work of legal services programs. The Project is overseen by a steering committee with representatives from legal services staff and clients. Members are: Nancy King, Executive Director, South Middlesex Legal Services; Trevor Howard, client representative; Ellen Hemley, staff attorney, Massachusetts Law Reform Institute; Lonnie Powers, Executive Director, MLAC; and Peggy Santos, client representative. In 1997, MLAC funded the Project and in October, 1997 an attorney with extensive experience in working with community groups was hired to staff the Project. Much of the Project's work to date has been working with client board members of legal services programs throughout the state, both MLAC and non-MLAC funded. The work has been directed at making these

individuals more effective board members. It is hoped that by increasing the involvement of current client members as representatives of the programs in the client community that other members of the community will become more actively involved with the respective providers, providing better entree to the community and its needs.

The Massachusetts legal services directors of both LSC and non-LSC funded programs continue to meet regularly as they have for over thirty years. Agenda items for the meetings include reports from groups working on various aspects of the delivery system such as technology and intake, as well as discussions on strategies for additional fundraising. Members of the group assume responsibility for coordinating and chairing the meetings on a rotating basis. Representatives of the directors' group serve as liaisons to all other statewide committees and projects including the Equal Justice Coalition Steering Committee.

A draft of this report was sent to the groups and organizations listed in the appendix to this report. In addition, the draft was the topic of discussion at meetings with the Board of Directors of Massachusetts Legal Assistance Corporation, the Community Liaison Project (a client involvement initiative), Massachusetts legal services executive directors, and the Steering Committee of the Equal Justice Coalition. The broader legal

services community was consulted and their comments solicited in preparation for this report. This report also has been posted on the website of Legal Services for Cape Cod and the Islands.

The report describes the existing systems and structures created to deal with the array of issues included in the Program Letter. Where appropriate, the report also describes the many and extensive changes which have occurred in the Massachusetts delivery system over the past two years.

## 1. Intake and the Provision of Advice and Brief Service

The area where there has been the most change in the delivery system is intake and the provision of brief service and advice. The area has become recognized as a specialty practice within legal services. There are six regional intake systems, substantially varying one from another in detail, but reflecting common standards for the provision of such services. The differences also provide a built-in laboratory for the statewide delivery system. As new initiatives prove successful, information is shared and can be replicated in other settings. Massachusetts considered centralizing intake statewide but rather chose to pursue a regional approach. After consulting with many people both inside and outside Massachusetts who had substantial experience in operating hotlines and centralized telephone intake systems, the community

determined that there was no experience with a central system in a state with similar population or with an anticipated volume similar to that of Massachusetts. In addition, with the reconfiguration of program service areas undertaken in 1996, it appeared that a regional approach to intake would be consistent with the entire service delivery model chosen for the state.

Although the intake/advice systems differ, each operates within a construct of common standards: 1) central point of intake, 2) disposition of advice and referral matters early in the process, 3) provision of legal advice to clients whose cases are not accepted or referred for full representation, and 4) acknowledgement that intake and advice is a specialty function within the delivery system requiring staff trained and supervised to do the work.

While it is a goal to have a central point of entry, it is understood that the central point may not be an exclusive entry point. For instance, in the Boston area there is a hotline, however the law school clinical programs particularly prefer to conduct their own intake as part of the educational experience. The hotline office refers many callers to the clinical programs but the clinical programs do not require callers to be screened by the hotline prior to contact with the clinical office itself. In the western part of the state a client might call or walk in to a branch office of any legal services office. Rather than conduct

intake, the staff will connect the client via a Centrex telephone system directly to the intake and advice unit of the Massachusetts Justice Project (MJP), which will then make an appropriate disposition of the case. While clients seeking assistance in any area of the state are often not represented by an entity through which intake is conducted, the goal is to eliminate duplicative intake processes.

Additionally, each system seeks to provide legal advice and assessment early in the process for matters where full representation is either unnecessary or unavailable. In the example from MJP above, it is impossible for the office receptionist to fully assess a legal problem and render legal advice. However, the staff at the intake unit are trained and supervised to do just that. Thus, clients whose cases cannot be handled are provided both with advice and a disposition to their request for services early in the process. The advice and intake units also provide a more systematic means for the distribution of written material to clients.

Finally, it is recognized that the provision of such services is a specialty area and specific staff are assigned to the task and given appropriate training and support to effectively discharge the functions. A statewide working group (members are: Richard McMahon, Executive Director, New Center for Legal Advocacy;

Rochelle Hahn, staff attorney, Legal Advocacy and Resource Center; Jan Chiaretto, Managing Attorney, Massachusetts Justice Project; Ellen Hemley, Staff Attorney, Massachusetts Law Reform Institute; Charlotte Stevens, Administrative Assistant, Massachusetts Legal Assistance Corporation; and Brenda Merrota, Neighborhood Legal Services) meets regularly and plans and conducts training for intake staff. Two sessions are planned, one in the fall for managers and project directors to address the coordination of and standards for intake systems statewide. The second session to be held in the winter will target intake staff and will provide case screening skills and methods of dealing with the pressures of the job. The Massachusetts project directors group plans to devote a meeting to intake, including a review of the committee's work.

Programs are conscious of the need to provide quality control in the intake system. Many programs survey a percentage of applicants who receive counsel and advice and/or are referred to another legal services program for further assistance. Staff training is regularly maintained to ensure that staff remain current with developing trends in the law. Intake-specific training such as skill development is also provided.

Computers figure prominently in the intake process in all Massachusetts legal services programs. Initial client data is entered in the respective data bases allowing for supervisory

review without the need of "paper shuffling". The computerized systems allows for efficient and accurate compilation of records and statistics for reporting and other needs. In July, 1998, the first statewide meeting of Massachusetts users of CASES was held to explore the feasibility of a shared system of support and back-up assistance (similar to that currently maintained in Connecticut).

As most of the efforts are relatively new, a full evaluation of the effectiveness of the new systems is premature. However, each of the regional systems is under constant review and problems are being addressed and plans developed to improve services. The Statewide working group will provide the structure for addressing the issues and proposed changes. Results of evaluations of the system(s) will be fed to the project directors as a group and included on their regular meeting agenda. It is contemplated that in the coming year additional work will be undertaken to ensure that while diversity of approach is preserved, conformity with standards of delivery are maintained in each region thus ensuring that clients throughout the state receive comparable levels of service.

In the central and western portion of the state, the Massachusetts Justice Project (MJP) provides advice and brief service for all callers as well as conducting intake for both Western Massachusetts Legal Services and Legal Assistance

Corporation of Central Massachusetts (LACCM). MJP has developed standards and protocols for case screening, intake and referrals with both LACCM and WMLS. Both programs provide MJP with updates on case acceptance priori- ties and intake practices. In addition, MJP staff works jointly with staff of WMLS and/or LACCM to develop public information materials; train community agency staff; and court based projects using law student volunteers.

Legal Services for Cape Cod and the Islands operates a computerized intake system staffed by trained intake workers. Receptionist staff have written protocols instructing them on addressing initial client inquiries and appropriate data entry. Trained intake workers then assign the client to the appropriate representation vehicle (staff, clinic, *pro bono*) or provide advice in limited areas. All data is entered into the case management system. Both program offices conduct intake for their respective service areas and data is merged weekly to maintain a centralized client data base. All cases closed with brief advice or referral are reviewed by the executive director before closure.

South Middlesex Legal Services has had centralized, computerized intake in place for several years. Intake questionnaires for each substantive area have been developed and intake staff is automatically prompted by computer to ask each question. Trained staff process calls and toll free access is

available. Data is entered into the case management system at the time of the call. There are virtually no other providers in the services areas making coordination within the area a non-issue.

In the Northeast region, Merrimack Valley Legal Services and Neighborhood Legal Services have developed protocols for appropriate mutual referrals with each program conducting its own intake. The programs also have established agreements as to subject area coverage making entry to the system more accessible to clients. Telephones are configured to allow clients access to any office through either a local or 800 number. As callers can be routed to any office, MVLS plans to centralize intake in one office thereby enhancing its ability to provide more efficient and effective advice and referrals.

In Southeastern Massachusetts, the New Center for Legal Advocacy (NCLA) and Southeastern Massachusetts Legal Assistance Corporation (SEMLAC) have established an integrated system of intake, referral and delivery of services. NCLA serves as the initial point of entry for substantially all legal services in Bristol County and the greater Brockton area of Plymouth County. NCLA and SEMLAC have executed a series of agreements addressing effective intake, handling and mutual referrals of cases and clients. Staff of the respective programs meet regularly to review practices and protocols to ensure that a full range of service

remains available for the client community.

In Greater Boston, Legal Advocacy and Resource Center (LARC) serves as a central entry point to the myriad of services throughout eastern Massachusetts and to a lesser degree statewide. Both Greater Boston Legal Services and Volunteer Lawyers Project (except for clients VLP schedules for intake interviews) telephonically connect clients directly to LARC for intake or assistance. LARC maintains updated information on current intake practices on a number of legal services programs within the Greater Boston area as well as statewide.

Centralization of intake is an enormous undertaking. Each region is encountering its own unique set of difficulties requiring responses tailored to each situation. For example, in the Boston area, the biggest issue (apart from the fundamental problem of the sheer volume of people seeking assistance) has involved the limitations of the existing telephone system. A consultant was retained and specifications recently developed for the purchase of new hardware and software to be installed by April 30, 1999. A grant has been received which will fund most of the expense. In Central and Western Massachusetts, the Massachusetts Justice Project (MJP) has been working with different software systems in each of its offices making the transfer of information difficult. MJP is currently completing the process of moving to a single

software system for intake in both offices to improve efficiency and overall case management. In the Northeast region, the programs are addressing the need to bring more clarity to the allocation of substantive work between them which will facilitate appropriate intake and screening for clients. Neighborhood Legal Services and Merrimack Valley Legal Services are engaged in a joint priority setting process to address a number of issues designed to optimize services to the client community. South Middlesex Legal Services and Cape Cod and the Islands Legal Services are grappling with the task of ensuring that legal advice is appropriately rendered as a part of intake and screening. The Southeastern region has worked hard to ensure that appropriate referral protocols were in place for case referrals between NCLA and SEMLAC. Each region is addressing their particular areas of concern but is doing so with the knowledge of and assistance from other regional programs through the structured forum of the intake working group.

## 2. Effective Use of Technology

The Massachusetts Legal Assistance Corporation (MLAC) has formed a statewide Technology Committee that consists of representatives of Massachusetts legal services programs and the MLAC staff. Project directors on the committee are Michael Alexander, Southeastern Massachusetts Legal Assistance Corporations, Jessica Ladd, Legal Advocacy and Resource Center; and

Robert Nasdor, Legal Assistance Corporation of Central Massachusetts. Jeff Paige, the computer responsible person at Greater Boston Legal Services, Betsy Williams of Western Massachusetts Legal Services, Bruce Stone and Lonnie Powers of MLAC's staff and Francis Reynolds and Anne Meagher of MLAC's board also serve on the committee. The Committee is charged with developing technology standards to be adopted by all Massachusetts legal services programs. Computer and telephone consultants are working with the Committee to provide objective expertise. MLAC, with the support of local programs, plans to devote some funds to implementation of the goals once defined and agreed upon.

At the outset of the technology discussion in Massachusetts it was envisioned that all programs would share the same software for case management, group e-mail, and office networks run on the same hardware and probably supported centrally through staff subsidized by all programs. As talks have progressed, the community has determined that uniformity and central support are not necessarily essential elements of a plan as first envisioned. The community has now decided that much of the same result -ease of communication among programs- can be achieved in a variety of ways and that a set of standards to be met by each program is a more appropriate goal than one uniform, centralized system.

The preliminary goals on which consensus has been reached are

that: each legal service staff member have a computer on his/her desk, each office have a network and all staff have internal and external e-mail. In addition, financial, case management and time-keeping systems should be computerized. The ability to communicate, including the ability to transfer documents, and share briefs, pleadings and forms, among all legal services advocates within Massachusetts is a high priority.

Massachusetts programs also support the creation of a statewide legal services website. At least three programs have functioning websites which are accessed frequently. The goal is to design a user friendly website which would be easily accessible to clients, human services providers, and private attorneys. The project directors have reached a preliminary agreement to capitalize on the excellent work already undertaken by Neighborhood Legal Services and to expand their website into a statewide site for client information and materials, including court forms. This expanded site should be operational in October, although not at full capacity pending the posting of additional materials in the process of being gathered from programs around the state. Ross Dolloff of Neighborhood Legal Services has taken the lead on this effort. A second site is currently anticipated to serve as a statewide information site for Massachusetts legal services programs and as a forum for staff exchanges. The sites will be "linked".

The Technology Committee's Report will be presented to the project directors and to Massachusetts Legal Assistance Corporation by the end of 1998.

### 3. Increased Access to Self-Help and Prevention Information

The major barrier to access to the Massachusetts justice system is the sheer volume of those seeking or requiring access and the limited resources available. Volume is the issue at every level of service need, from advice and referral to full representation. Hotlines and front end "intake" staff cannot process all the people seeking assistance. Staff and *pro bono* programs cannot provide representation to all the clients who, after screening, are eligible for services and whose problems fall within program priorities. Courts and administrative agencies then are left in turn to manage a high volume of *pro se* parties placing additional pressure on the systems.

The volume is compounded by the demographics of the eligible population. Many potential clients speak languages other than English or have only a rudimentary knowledge of English insufficient to address complex legal terminology. Some clients are psychologically impaired and/or of limited mental capacity. Other clients are functionally illiterate creating additional challenges for the delivery system.

The volume of *pro se* representation in the courts makes it virtually impossible to obtain a full and fair hearing. The courts have limited translation services and often none in some languages. The Massachusetts judicial system is not user friendly and its procedures are arcane. For example, it is often too complicated for a lay person of modest education to manage even the service of process requirements in an uncontested divorce let alone deal with a contested matter. The courts are overburdened and understaffed. In addition, many of the courthouses are in disrepair and without technological support. In sum, it is an inhospitable environment.

The pervasiveness of the problem has given rise to a great deal of attention from the courts and the bar in addition to the legal services community. The Massachusetts Bar Association has created a statewide committee on Unrepresented Litigants. The Boston Bar Association's Task Force on Unrepresented Litigants released its report in August and among other things called for the appointment of a Standing Committee of the Massachusetts Supreme Judicial Court to address the issue on a long-term basis. Some Court Departments are also addressing the issue, for example, the *Pro Se* Committee of the Probate and Family Court. Legal services staff are represented on all the committees.

Some attempts to address the problem are already in place. Most Probate and Family Courts host Lawyer for the Day programs

through which *pro bono* attorneys provide advice and assistance, but not representation, to *pro se* parties. As discussed under the Intake section of this report, the use of hotlines and more centralized intake makes entry into the system easier for clients. The hotlines also have increased the distribution of written *pro se* materials as well as other client education information. In addition, community or lay advocates are included in legal services training programs increasing the availability of basic information services. As new court facilities are developed efforts have been made to ensure that they are more user friendly. For example, in the new Suffolk County Courthouse more space will be available for the attorney of the day programs and written materials will be available in a number of languages to assist *pro se* litigants.

Programs have found that the success of *pro se* efforts substantially varies from one jurisdiction to another, depending often upon the hospitality of the court officers and judges. Thus, some programs place more emphasis on such efforts than others. In addition to the Attorney for the Day programs, there are eleven (11) *pro se* family law clinics, seven for divorces, and one each in general family law, paternity matters, visitation and custody, and 209A, abuse restraining orders. Of these, three are sponsored by LSC funded programs and the remainder by other legal services entities. The programs are fairly evenly distributed throughout the state with Greater Boston being the least

represented. The allocation reflects the problems in providing *pro se* assistance in the two most urban and busiest family courts in the state. Both of these Courts, however, do have active Attorney for the Day programs sponsored and operated through Bar Associations. All efforts are coordinated within the geographic areas served and materials are shared statewide and adapted when possible for local use. It should be noted that it is almost impossible to provide standard materials, with the exception of court forms themselves, across the state due to the variations in practice from one court to another.

Legal services programs currently sponsor seven housing/eviction *pro se* clinics in different regions of the state: three in Worcester, two in Lynn, and one in Springfield. Finally, both Legal Services for Cape Cod and the Islands and New Center for Legal Advocacy provide programs on bankruptcy. South Middlesex Legal Services recently received a grant to establish a *pro se* housing clinic in the Framingham area.

The task of advising clients on proceeding *pro se* was made more difficult by a recent Massachusetts Bar Association advisory ethics opinion concluding that attorneys cannot draft court-filed documents for clients appearing *pro se* without disclosing their role. While the type of assistance traditionally rendered by legal services programs to *pro se* parties was not specifically addressed,

many programs are questioning whether they can continue their assistance without changing their practices to conform with the opinion. Although programs have been reassured by an informal statement from the Board of Bar Overseers (BBO) that traditional legal services efforts are appropriate, they are contemplating seeking a formal opinion from the BBO.

The Equal Justice Coalition is expected to make access to the justice system a pivotal part of its agenda for the coming years. The Coalition is in the process of formulating its agenda and it is anticipated that the agenda will focus initially on increasing funding for legal services and may include the expanded use of technology as noted under Section 2 above, particularly web-sites and telephone hotline systems, to improve access. It is also likely to address myriad procedural issues which now create unnecessary barriers to unrepresented people.

The legal services community faces the challenge of influencing several different processes now in place to ensure that low-income client needs are addressed as solutions are designed to address the problem of the increased volume of *pro se* litigants. The legal services community does not operate in a vacuum. Members of the community are ably representing the interests of the client community on the various bar and court committees now deliberating various courses of action. The issue of unrepresented litigants,

particularly, is one which cannot be addressed solely by legal services programs. The Committees identified above are considering a range of action recommendations. The legal services community will continue as active participants in the implementation of the recommendations affecting the client community. A decision was made to participate in and to work through vehicles including representation broader than the legal services community. It would be premature and counterproductive to set out a plan for action before the respective reports are issued.

### 4. Capacity for Training and Access to Information and Expert Assistance

Massachusetts has been fortunate to be in the forefront of specialized and sophisticated training for legal services staff and *pro bono* attorneys. Massachusetts Law Reform Institute (MLRI), the state support and training center, continues to identify training needs and to coordinate a statewide training effort. The statewide Training Committee with representatives from all legal services programs which has been dormant during the past few years due to the funding crisis is being resuscitated under the leadership of Ellen Hemley of MLRI. The legal services community has leveraged its resources by creating a partnership with Massachusetts Continuing Legal Education (MCLE) to design and deliver six programs a year which MCLE underwrites. The programs are geared to

both legal services staff and *pro bono* participants. A statewide advisory committee (Members are Jan Chiaretto, Massachusetts Justice Project; Meg Connolly and Iris Geik, Volunteer Lawyers project of the Boston Bar association; Andy Steinberg, Western Massachusetts Legal Services; Nancy King, South Middlesex Legal Services; Jessica Ladd, Legal Advocacy and Resource Center; and, Jacqui Bowman, Greater Boston Legal Services.) works with MCLE to develop a curriculum for the six programs. Topics chosen are a mixture of those which will attract private bar participation in *pro bono* work as well as subjects in which the legal services staff has a particular interest or need.

As with staff training, the *pro bono* community shares its training resources. The Massachusetts *Pro Bono Desk Reference* published by MCLE in 1992 is in the process of being updated. MCLE also provides nominal fee vouchers for distribution by *pro bono* projects to panel members for attendance at any of MCLE's regularly scheduled programs.

Substantive law training continues on a regular basis through MLRI and other statewide groups. For example, MRLI sponsors six all-day sessions each year on basic benefits topics with an average attendance exceeding 100. Attendees include lay advocates as well as legal services personnel.

In addition to formal training programs, updates on new developments and strategies for addressing common problems are addressed through a number of substantive law task forces. Task forces include Employment Rights, Family Law, Housing, Education, Legal Rights of People with Disabilities, Welfare, Medicaid, Elderly, Immigration, and Community Legal Education. All Massachusetts legal services programs, both LSC and non-LSC funded, participate in the task force network. In addition to serving an educational function, the task forces also provide vehicles through which major initiatives, such as litigation, are staffed. It is common that litigation is co-counseled across program lines.

Technology is also used to facilitate the substantive work among offices and programs. Several programs share the common e-mail system, Groupwise, which is maintained through Greater Boston Legal Services. The system allows for rapid communication and exchange of information, working drafts for discussion as well as copies of pleadings in specific cases. Such exchanges are also possible through commercial "web" use for programs not participating through Groupwise.

In addition to statewide training events or sponsored programs, individual programs co-sponsor training sessions in local communities both for staff and *pro bono* panel members. New Center for Legal Advocacy and Southeastern Massachusetts Legal Assistance

Corporation have jointly developed a series of programs for their respective staffs and *pro bono* panels. For example, NCLA/SEMLAC training topics include bankruptcy, probate court practice, guardian *ad litem*, and Department of Revenue Child Support Enforcement. VLP staff has trained LARC intake staff on bankruptcy and LARC has included VLP's receptionist in its intake training. Greater Boston Legal Services staff regularly assist in housing training for VLP's *pro bono* panel.

### 5. Engagement of Pro Bono Attorneys

Much activity has been undertaken over the past two years to increase *pro bono* participation throughout the Commonwealth. The Massachusetts *pro bono* coordinators resumed quarterly meetings in the fall of 1997. The meetings provide a forum in which the coordinators share resources, develop statewide training agendas and other support for *pro bono* work. As of the spring of 1998, the coordinators' group decided to expand to include *pro bono* coordinators throughout New England, as had been the case up until three years ago. The group now rotates its meetings throughout the six state area. Iris Geik, Director of *Pro Bono* Projects at the Volunteer Lawyers Project of the Boston Bar Association, coordinates the agenda and chairs the meetings. Local coordinators manage the meeting logistics on a rotating basis in their respective states. Representatives from Neighborhood Legal

Services, Merrimac Valley Legal Services, Massachusetts Justice Project, New Center for Legal Advocacy, Legal Services for Cape Cod and the Islands, South Middlesex Legal Services regularly participate in the group.

The spring meeting was devoted to the use of technology, primarily computers in *pro bono* work. Chuck Heneger of Volunteer Lawyers Project of Maine and Henrietta Keroack of Neighborhood Legal Services demonstrated their websites and VLP staff discussed faxing case summaries as a case placement tool.

In 1996, partially in response to the recommendation of the Equal Justice Commission, the Supreme Judicial Court appointed a Committee on *Pro Bono* whose task it is to make proposals to the Court regarding an ethical rule such as 6.1 of the ABA Model Rules and/or other activities for increasing *pro bono* participation statewide. The Committee includes representatives of the legal services and *pro bono* communities as well as lawyers in a range of practice settings throughout the state. (Among the committee members are Lonnie Powers, Executive Director, MLAC; Meg Connolly, Executive Director, Volunteer Lawyers Project of the Boston Bar Association; and Pauline Quirion, Staff Attorney, Greater Boston Legal Services.) The Committee plans to submit its final report to the Court by November, 1998.

In addition to the statewide activity, several county and specialty bar associations are expanding their *pro bono* efforts. In 1997/98 The Boston Bar Association (BBA) with a membership of approximately twenty (20%) percent of the practicing lawyers in Massachusetts, undertook a major initiative on lawyer volunteerism targeting the provision of services to low income clients. In its recruitment efforts, the BBA reached beyond its membership to all lawyers practicing in the metropolitan Boston area. To ensure that *pro bono* work is integrated with all the Association's activities, the BBA created a Standing Committee on Access to Justice whose "...mission shall be the oversight of activities to encourage volunteered services by the bar to foster equal access to justice for those who cannot afford services and to mobilize resources of the private bar to enhance the delivery of such services."

Lawyer for the Day programs in Probate and Family Courts in Barnstable, Bristol, Hampden, Middlesex, Norfolk, Plymouth, Suffolk and Worcester are sponsored by the respective county or local bar associations and/or courts often in conjunction with local legal services office. The Women's Bar Association of Massachusetts operates a legal clinic at a homeless shelter as well as a *pro bono* panel for domestic violence cases. Transactional lawyers throughout Massachusetts donate time to work on affordable housing issues through the Lawyers Clearinghouse on Affordable Housing and Homelessness, a joint project of the Massachusetts and Boston Bar

Associations. The Massachusetts Bar Association further encourages *pro bono* work by providing vouchers for its CLE programs to *pro bono* projects for distribution to their panel members.

Legal services sponsored *pro bono* projects report that in 1997 approximately 36,400 hours of time, conservatively valued at $5,460,000, were donated to represent eligible clients. These figures do not include data from other *pro bono* programs such as the Lawyers Committee for Civil Rights and the Lawyers Clearinghouse on Affordable Housing and Homelessness or the substantial time contributed by attorneys outside of organized structures.

**6. Development of Additional Resources**

The Coalition for Equal Justice is viewed as the vehicle to identify additional resources both financial and otherwise to support legal services efforts in Massachusetts. Over the past several years the Massachusetts Legislature has been generous in increasing its support for legal services in light of the decline in the federal dollar. Total non-federal revenue in the state has increased by approximately $3,300,000 dollars since 1995. In addition, the private bar in the Commonwealth generously supports legal services particularly in the metropolitan Boston area at a level of approximately one million dollars annually. The

Massachusetts Bar Foundation created a MBF Fellows program through which members are solicited to contribute $1000 annually for ten years which will be used to fund legal services efforts. The Boston Bar Foundation (BBF) has increased its efforts to raise funds for legal services through an annual gala ball. The BBF projects that the ball will raise one million dollars annually by 2003. Proceeds from the ball are used partially to build the Boston Bar Foundation endowment to ensure a continued source of income in future years.

In addition to the statewide efforts many programs have undertaken new fundraising initiatives such as special events (golf tournaments), direct mail solicitations and annual appeals. For many years, many Massachusetts programs have received a combination of Older American Act funds, grants from United Way, CDBG awards, and grants from private foundations. A statewide committee of legal services project directors continues to explore the potential for collaborative efforts as well as to share ideas and experiences. Both the Massachusetts directors meetings and the New England Regional meetings from time to time serve as formal forums for the discussion and exploration of funding initiatives as well as the exchange of experiences with various approaches. Such programs have included presentations from invited guests from other regions of the country.

As is the case throughout the country, the Massachusetts legal services community is concerned about the future of IOLTA in light of the Supreme Court's ruling in June. As has been too often the case in its history, the community will have all it can do to maintain funding.

## 7. Configuration of a Comprehensive, Integrated Statewide Delivery System

In January, 1996 there were nine (9) LSC basic field recipients in Massachusetts. Today there are six (6). Much time has been spent over the past three years in assessing the structure of the delivery system. Two LSC recipients, Massachusetts Justice Project and New Center for Legal Advocacy, are new programs in operation less than two years. A third program, Volunteer Lawyers Project of the Boston Bar Association, became a basic field recipient and expanded its service area just over two years ago. A fourth program, Merrimack Valley Legal Services (MVLS), also substantially expanded its service area just over two years ago. In addition, MVLS is about to experience another major change as its long-time executive director has announced his resignation. The program will be diverted over the next year by the transitional issues presented by his departure.

The community is still absorbing the changes made over the

past two years. While the community might conclude that further structural changes would improve the current system, the community believes that it is too soon to fully assess the potential of the newly configured delivery system and/or to accurately identify areas where additional, if any, structural changes would bring improved services.

The Massachusetts LSC recipients vary substantially from one another in size and in the size of their respective geographic service areas. The two programs which receive only modest grants from LSC, under $200,000, have sufficient other funding (primarily from MLAC) to maintain a high quality level of operation. Further, the size of programs should not be viewed apart from the context in which they function. Massachusetts has a long history of cooperation and coordination among the legal services providers creating interdependence among programs. As described throughout this report, programs rely on one another and the broader legal services community to ensure that all elements of the infrastructure are in place and available to all program staff. No one program is expected to be totally self-sufficient.

In addition to the decades of a tradition of cooperation and coordination, the Massachusetts legal services community is held together by the glue of a state support center, Massachusetts Law Reform Institute (MLRI), and a statewide funding source,

Massachusetts Legal Assistance Corporation (MLAC). MLRI has historically served as a catalyst on substantive work and training efforts. Its role is viewed as so vital that when it lost it LSC funds in 1996, programs voted to request that MLAC redirect some funds from the field programs to MLRI. This decision demonstrates not only the esteem in which the field views MLRI, but also that programs can work jointly, sometimes against their own interests, for a solution which benefits clients and the entire delivery system. MLAC provides leadership on funding issues and with its funding helps the entire system to address common issues. For example, MLAC has funded the consultant who is working with the Technology Committee. By providing technical support, MLAC focused the whole community on this important issue.

The community is committed to providing services in the most economical and efficient manner. Consistent with this commitment, the Massachusetts legal services community assessed issues of economy of scale as part of its restructuring deliberations. The analysis demonstrated, as does the history of program mergers, that little or no financial savings would result from further program consolidations. In fact in some instances there would be a net increase in cost.

The less tangible elements which are part of any delivery system were also weighed. Some smaller programs are viewed locally

as an integral part of the fabric of the communities they serve. A substantial portion of their financial support stems from their uniquely "local" character. Such support is often jeopardized when programs are merged into larger entities. A level of community support is lost which is virtually impossible to regain.

Another positive aspect of the current structure is that more experimentation may occur than if there were only one, substantially larger entity. Smaller programs, as a rule, are more flexible than larger ones, making experimentation at least easier to manage. They contribute positively by serving as "laboratories" for diverse approaches to the work. A successful initiative in one program is often later adopted by another.

As mentioned above, the separate programs do not function in isolation. In addition to all the collaboration on training and substantive work, the Massachusetts legal services project directors meet regularly to address issues ranging from the effectiveness of *pro se* work to approaches to statewide fundraising.

The proof of any structure is in its capacity to respond to changing environments. The Massachusetts legal services community has absorbed an enormous amount of change over the past two years. It has demonstrated a capacity to address complex issues

creatively, to work together cooperatively and to make difficult decisions. Finally, it has remained true to its mission of seeking equal justice.

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*EQUAL ACCESS TO JUSTICE: RENEWING THE COMMITMENT*

BROCHURE FOR EQUAL JUSTICE CONFERENCE

AGENDA FOR EQUAL JUSTICE CONFERENCE