

Massachusetts Justice for All 2017

Mid-Project Report

June 30, 2017

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The Project

Massachusetts was awarded a grant to develop a strategic action plan for improving access to justice throughout the Commonwealth. The Access to Justice Commission, the courts, legal aid providers, bar associations, law schools, social service organizations, litigants, community groups, and other stakeholders are collaborating in this effort. We are assessing the resources currently available to assist residents who cannot afford a lawyer for their essential legal needs – such as those involving housing, consumer debt, and family law – and developing a statewide plan for addressing gaps in those services.

The grant is being provided through the [Justice for All project](#), which is generously supported by the [Public Welfare Foundation](#) and housed at the [National Center for State Courts](#). The Justice for All project was established to implement a [2015 resolution by the Conference of Chief Justices and the Conference of State Court Administrators](#), which endorsed the goal of providing 100 percent access to effective assistance for essential civil legal needs. Twenty five states applied for grants, and Massachusetts is one of seven that received them.

Project activity began in January 2017 and is expected to conclude in December. This report summarizes work to date and plans for the remainder of the year. We’ve had an abundance of input from a wide variety of perspectives and are committed to channeling it in productive directions.

The Team

The project is being managed by the following team:

- Honorable Ralph D. Gants, Chief Justice, Supreme Judicial Court
- Honorable Geraldine S. Hines, Supreme Judicial Court, Co-Chair, Access to Justice Commission
- Susan M. Finegan, Esq., Co-Chair, Access to Justice Commission; Chair, Pro Bono Committee, Mintz Levin Cohn Ferris Glovsky & Popeo, PC
- Jacquelynne J. Bowman, Esq., Executive Director, Greater Boston Legal Services
- Russell Engler, Esq., Professor of Law and Director of Clinical Programs, New England Law, Boston
- Honorable Dina E. Fein, Special Advisor for Access to Justice Initiatives
- Chip Phinney, Esq., Deputy Legal Counsel, Supreme Judicial Court
- Marilyn Wellington, Executive Director, Board of Bar Examiners

Marc Lauritsen of Capstone Practice Systems, a Massachusetts lawyer and educator, has been engaged to facilitate the project.

Summary of Activities So Far

The project management team has met monthly to coordinate and plan activities. Members have also taken active roles in connection with regional meetings and working groups.

Marc Lauritsen attended a ‘consultants academy’ for grant awardees that was conducted by National Center for State Courts personnel and other experts at the Public Welfare Foundation in Washington DC in January. He then began a series of one-on-one conversations with about forty people from a broad range of contexts across the state. He has also presented overviews of the project at meetings of the Access to Justice Commission, the Boston/Cambridge Legal Hackers group, the Standing Committee on Pro Bono, legal aid project directors, and the Massachusetts Bar Association’s Access to Justice Section council.

The team reviewed an Inventory of legal service providers that was compiled by a law student intern of Justice Gants, along with analytical and design notes prepared by Marc.

Working groups have formed in the areas of consumer debt, family law, housing law, and ‘ecosystem infrastructure.’ They are described below.

We designed an online survey to gather information and ideas about access improvements that has been available at [this link](#) for several months. There have been about 60 thoughtful responses so far, which are being shared in batches with the project team and working group leaders.

We reached out to the deans of the nine Massachusetts law schools to introduce the project and identified contact people at each. We issued a call for student group proposals and selected two to receive mini-grants out of five that responded.

We have held four regional meetings. These are described in the next section.

Regional Meetings

Regional meetings were held to gather input from those who provide services and other forms of assistance to people with essential legal needs. Over 100 people from a wide variety of organizations and perspectives attended these meetings. Each meeting began with a general open session, and continued with breakouts to discuss issues in specific contexts, using flip charts and post-it notes to gather ideas.

The western regional meeting was held in Springfield on April 28 at the University of Massachusetts Center. Breakout discussions were held on housing and family law issues.

The Boston regional meeting was held on May 2 at Suffolk University Law School. Breakout discussions were held on housing and consumer debt issues.

The northeast regional meeting was held at the Massachusetts School of Law in Andover on May 24. Breakout discussions were held on housing and family law issues.

The southeast regional meeting was held at the University of Massachusetts School of Law in Dartmouth on June 2. Breakout discussions were held on housing and family law issues.

Notes from the regional meetings were provided to the working group leaders and conference planners.

Statewide Conference

A statewide conference, held at Harvard Law School on June 9th, drew together an invited group that was designed to reflect a broad spectrum of stakeholders from across the Commonwealth. In addition to the substantive areas mentioned above we took up cross-cutting questions about the overall access-to-justice 'ecosystem' and its infrastructure. The conference goals were to spur actions and shape strategies for achieving 100 percent access to effective assistance for essential civil legal needs.

The day's schedule and list of participants are attached. We began with a welcome from Commission co-chairs Justice Geraldine Hines and Sue Finegan.

Marc Lauritsen then introduced the project and plans for the day. He emphasized our commitment to involving a broad range of stakeholders and acknowledged that most of the key words in our overall mission – Developing a Statewide Strategic Action Plan Toward Achieving 100% Access to Effective Assistance with Essential Civil Legal Needs – raise challenges. Marc reviewed commitments we've made under the grant and activities underway to meet them. He summarized some of the emerging themes as follows:

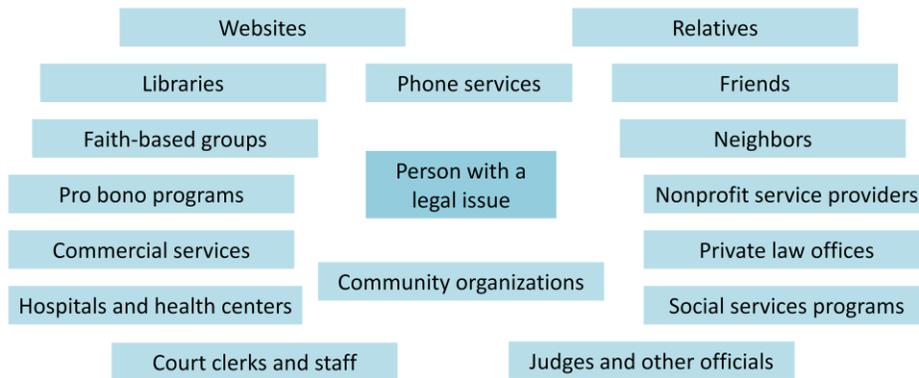
- We're dealing with a huge, complex system!
- We're blessed with many resources but recognize we have many shortcomings.

- Information and knowledge distribution is a key challenge.
- There's a general need for better 'connective tissue' among the players in the system.
- Court forms and courthouse hours were frequently mentioned as problematic.
- We've seen wonderful innovations, but many have not been sustained or widely replicated.
- Early intervention in legal problems offers great benefits, yet is hard to arrange.
- We could do better in terms of following up with clients and litigants and gathering data about outcomes.
- Mediation and other forms of ADR (alternative dispute resolution) deserve more attention.
- There's a lot of enthusiasm among stakeholders for better coordination.
- We face a blizzard of ideas, and tough choices in terms of priorities.

Marc suggested that we consider our legal help system analogously to biological ones (think frog pond), and offered the following preliminary sketch:

The Legal Help Ecosystem

People – Organizations – Institutions – Materials – Technologies – Practices – Infrastructure



Ensuing discussions identified many other players who belong on this map, including probation officers and community mediation programs.

Jim Sandman, president of the federal Legal Services Corporation, then provided a national perspective, emphasizing the importance of collaboration, design thinking, and evaluation. He previewed [a new report on the justice gap that has since been released](#), and described potential new funding sources that are interested in transformational change.

Erika Rickard, Matt Brooks, Jacqui Bowman, Stefanie Balandis, and Rochelle Hahn introduced the working groups and the topics they had begun to address. We then broke into small groups for a first round of discussions, designed to focus on characterizing the status quo and articulating potential visions for positive change. Facilitators and scribes organized and recorded the conversations.

At lunch time participants gathered for a plenary session that included a set of brief presentations. We started with a review of solutions that emphasize lawyers. Russell Engler talked about traditional legal aid approaches and the Civil Gideon movement. Esme Caramello described the work of a Commission committee that has been studying limited assistance representation and fee-shifting opportunities. Sue Finegan summarized developments in the broad pro bono world.

We then turned to self-help approaches and related innovations. Katherine Altener of the Self Represented Litigation Network highlighted examples of encouraging innovation elsewhere in the country, emphasized ways in which self-help solutions can complement and leverage lawyer-oriented ones, and gave examples of how unusual connections across stakeholders can sometimes unleash powerful new opportunities.

Chief Justice Gants closed the mid-day plenary with a call to action. He emphasized that the statewide conference was more of a launching point than a culmination of efforts, and encouraged participants to consider 'everything in play' in the courts and elsewhere as we continued deliberations.

Following lunch we reconvened in small groups, with a focus on strategies for implementing visions for change and potential initiatives.

A closing plenary wrapped up the day. Spokespeople for each of the breakout groups summarized their conversations and we had a general discussion of common themes that had arisen. Dan Jackson observed that given how rich Massachusetts is in relevant resources we'll have no excuse but to be a true showcase of access to justice innovation. On that note we ended.

Working Groups

Working groups have formed in the areas of consumer debt, family law, housing law, and 'ecosystem/infrastructure.' Their leaders are as follows:

- Consumer debt: Erika Rickard and Matt Brooks
- Family law: Jacqueline Bowman and Pat Levesh (Greater Boston Legal Services)
- Housing law: Stefanie Balandis and Esme Caramello
- Ecosystem: Rochelle Hahn, Gordon Shaw, and Steve Russo

Each of the leadership teams recently met with Chief Justice Gants to review progress and discuss preliminary findings.

Next Steps

Work over the summer will continue on the working group level, via email, file sharing, and conference calls. Each group has been asked to formalize a 'continuum' that describes the current state of services and resources for legal help in its area of focus, a vision of optimal arrangements in that area, and potential interventions that would improve access. We'll be looking for concrete proposals of candidate implementation projects in September and holding an event in October to refine them into a draft strategic action plan for 2018 and beyond.

Justice for All 2017

Wasserstein Hall - WCC 2012

Harvard Law School

Friday, June 9, 2017

Schedule

8:30	Registration and coffee etc
9:00	Welcome – Justice Geraldine Hines and Sue Finegan (Access to Justice Commission co-chairs and Justice for All project team members) Introduction to the Justice for All project (Marc Lauritsen) Our plan for the day A national perspective - Jim Sandman (Legal Services Corporation)
9:45	Introductions from the working groups – <ul style="list-style-type: none">• Consumer debt (Erika Rickard and Matt Brooks)• Family (Jacqui Bowman)• Housing (Stefanie Balandis)• Ecosystem/infrastructure (Rochelle Hahn)
10:15	First breakouts by working group – Getting a Vision Questions: What do we have? What do we need? How far are we from 100%? What are the obstacles? What’s the vision? (Short and long term. If we were doing this right, what would we be doing?)
11:45	Break – Grab box lunches

12:00	<p>Plenary (over lunch, in main classroom - WCC2012)</p> <p>Four kinds of solutions:</p> <ul style="list-style-type: none"> - Mobilizing lawyers <ul style="list-style-type: none"> - Russell Engler (Legal Aid and Civil Gideon) - Esme Caramello (Fee shifting and limited assistance) - Sue Finegan (Pro Bono) - Self-help approaches and related innovations <ul style="list-style-type: none"> - Katherine Alteneder <p>A call to action -- Chief Justice Ralph Gants</p>
1:30	<p>Second breakouts – Getting Concrete</p> <p>Questions: How can we start implementing the vision? What pilot implementation projects make sense? What commitments to action will people make?</p>
2:45	<p>Break</p>
3:00 to 4:00	<p>Closing plenary</p> <ul style="list-style-type: none"> - Reports from breakouts - Open discussion - Closing comments - What happens next?

Participants – Justice for All 2017 conference – June 9, 2017

Annette Duke	Massachusetts Law Reform Institute
April Kuehnhoff	National Consumer Law Center
Barbara Siegel	Volunteer Lawyers Project
Benjamin Golden	Attorney General's office
Beth Lynch	Massachusetts Bar Foundation
Betsy Soule	Metro West Legal Services
Bob Brink	Social Law Library
Carol Starkey	Boston Bar Association
Chip Phinney	Supreme Judicial Court
Christy Rodriguez	DOVE
Cynthia Cohen	Massachusetts Appeals Court (retired)
Dan Jackson	Northeastern University
David O'Doherty	Veterans Inc. (Worcester)
Deborah Silva	Appleseed Center for Law & Justice
Dianne Fasano	Field Services Division, Massachusetts Probation Service
Elizabeth Arledge	Voices for Civil Justice
Elizabeth Miller	Attorney at Law
Elizabeth Nowakowski	Bristol Community College
Emily Jarrell	Volunteer Lawyers Project
Erika Rickard	Harvard Law School – A2J Lab
Esme Caramello	Harvard Legal Aid Bureau
Georgia Katsoulomitis	Massachusetts Law Reform Institute
Geraldine S. Hines	Supreme Judicial Court
Gerry Singsen	Access to Justice Commission
Gordon Shaw	Community Legal Aid
Haejin Hwang	Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
Jacqueline Farmer	Veterans Inc. (Worcester)
Jacquelynne J. Bowman	Greater Boston Legal Services
Jayne Tyrell	Massachusetts IOLTA Committee
Jeanne Charn	Harvard Law School
Jeff Catalano	Massachusetts Bar Association
Jessica Elias	Boston Public Library

Jim Sandman	Legal Services Corporation
Jim Van Buren	Attorney at Law
Joanne Dynak	Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
Justine Dunlap	UMass Law
Karen Duffy	Springfield Court Service Center
Kate O'Leary	GE
Katherine Alteneder	Self-Represented Litigation Network
Kathleen McGrath	Liberty Mutual
Len Zandrow	Justice Bridge
Lisa Goodheart	Sugarman, Rogers, Barshak & Cohen, P.C.
Lonnie Powers	Massachusetts Legal Assistance Corporation
Marc Lauritsen	Capstone Practice Systems
Margaret Hayden	Trial Court
Marijane Benner Browne	Ropes Gray
Marilyn Wellington	Board of Bar Examiners
Matt Brooks	Greater Boston Legal Services
Maura Kelly	Executive Office of the Trial Courts
Melissa McWhinney	Massachusetts Department of Housing and Community Development
Mike Avitzur	Boston Bar Association
Paul Schack	Community Legal Aid
Quinten Steenhuis	Greater Boston Legal Services
Rahsaan Hall	American Civil Liberties Union
Ralph D. Gants	Supreme Judicial Court
Rebekah Glickman-Simon	Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
Renay Frankel	Harvard Law School
Rochelle Hahn	Massachusetts Law Reform Institute
Roger Bertling	Harvard Law School
Rosa Invencio	Board of Bar Examiners
Russell Engler	New England Law Boston
Sandie Gant	Committee for Public Counsel Services
Sandy Mariano	Rosie's Place
Sheila Casey	Specialty Courts
Sheriece Perry	Office of Court Management (Court Service Centers)

Stefanie Balandis	Northeast Legal Aid
Steve Russo	Volunteer Lawyers Project
Sue Jeghelian	Massachusetts Office of Public Collaboration
Sue Marsh	Rosie's Place
Susan M. Finegan	Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
Suzanne Seguin	Register of Probate, Hampden Division
Vinny Wisniewski	HomeStart