

MASSACHUSETTS
ACCESS TO JUSTICE COMMISSION

October 17, 2007

To the Justices of the Supreme Judicial Court
John Adams Courthouse
One Pemberton Square, Suite 2200
Boston, Massachusetts 02108-1735

Enclosed please find the "Second Annual Report of the Access to Justice Commission." The Report briefly summarizes the activities of the Commission from June 2006 to June 2007.

It has again been my privilege to serve as the Consultant to the Massachusetts Access to Justice Commission. This year the Commission met regularly, completed its regional hearings, and prepared and submitted to you a Report, with Recommendations, regarding barriers to access to justice. It also continued its inquiry into gaps in the current system of providing legal assistance to the poor, the role of social agency staff in providing legal information to low-income clients and development of proposals for new sources of revenue for legal services delivery.

Thank you for your consistent and considerable support for access to justice in Massachusetts.

Respectfully submitted,

Antone G. Singsen III
Consultant to the Commission

cc.: Hon. Herbert P. Wilkins, Chair of the Commission

Encl.

SECOND ANNUAL REPORT OF THE ACCESS TO JUSTICE COMMISSION

The Access to Justice Commission held eight meetings during its second year of existence. All these meetings were held at the American Cancer Society office in Framingham. The Commission appreciates the Society's contribution to its efforts.

The major activity of the Commission during its second year was the holding of the final three of four open hearings at separate locations and then filing its report and recommendations in June of this year with the Justices of the Supreme Judicial Court. That report should be considered to be part of this annual report. The time, work, and thought of the many people who organized and made presentations to the Commission at its open hearings made the hearings productive and provocative. The continuing able guidance of Gerry Singsen, the Commission's consultant, has resulted in a Commission better informed and more effective than it would have been without his participation..

Many points advanced in our first annual report were reiterated in our June report and recommendations. The Commission awaits the response of the Justices and the Judicial Branch generally to the concerns and recommendations set forth in the report. What areas the Commission will now deal with and whether further hearings should be held depends in part on that response. There are, however, matters in which the Commission has a continuing interest. Among them are the following:

1. Expansion of the types of cases in which a judge may or must appoint counsel for an indigent individual.

2. Increased funding for legal services. In addition to increased state appropriations for legal services, the Commission is interested in new revenue sources. One such source would be an annual assessment in some form on each lawyer (with certain exemptions) at the time of each lawyer's annual renewal with the Board of Bar Overseers. Other states have such programs. We also continue to be interested in the

assessment of a fee on an out-of-state lawyer who is admitted to represent a client in a Massachusetts court case.

3. Investigation of the possibility of the creation of a center in one or more courthouses where all citizens, not just unrepresented litigants, may go for advice and assistance. Connecticut has such a "court service centers" program on a state-wide basis. The Commission would expect to work with the Supreme Judicial Court's Working Group on Self-Represented Litigants which is considering this subject.

4. Increased availability of legal assistance through pro bono efforts is important. The so-called "unbundling" of legal services pilot program presents possibilities of increased legal help for low-income and other persons. The role of law schools in encouraging graduates to enter legal services work through tuition debt remission needs attention.

5. The role of social service agencies in guiding and advising their clients on legal problems and how to obtain legal assistance remains of interest to the Commission. The Commission through its committee on the delivery of legal services has conducted a small survey of social service agencies to determine how, if at all, such agencies are dealing with persons who need or may need legal assistance. That committee has had discussions with social service agencies in the Lowell area.

6. The consequences of the reconfiguration of the regional legal services entities will need study. Perhaps not enough time has passed since reconfiguration was implemented to warrant an analysis of the effect of reconfiguration at this time.