

MASSACHUSETTS ACCESS TO JUSTICE COMMISSION
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MEMORANDUM

TO: MASSACHUSETTS ACCESS TO JUSTICE COMMISSION

FROM: SPECIAL PLANNING COMMITTEE

(David Rosenberg, Chair, Jacqui Bowman, Russell Engler, Lonnie Powers, Gerry Singesen, Jay Thiel, Jim Van Buren)

Date: September 12, 2011

Re: Second Interim Report of the Special Planning Committee

I. Introduction

A. Background of the SPC. The Special Planning Committee has its origins in the June 17, 2010 meeting of the Commission. Commissioners Henry and Jesse reported on their Special Project to examine the legal services delivery system from their perspective as general counsels of two large health care delivery systems. As part of their report, Consultant Singesen presented an array of basic data about the Massachusetts legal services delivery system. At the meeting, the Commission discussed a number of important developments revealed in the data, each of which raised difficult questions about the continuing strength of the State Plan adopted seven years before. Co-Chair Gants closed the meeting with a question about the role of the Commission in the delivery system.

At the September 30th meeting the Co-chairs reported that they had considered, over the summer, whether these developments meant that it was time to make changes in the State Plan in order to improve the quality and efficiency of services to clients. They recommended that a Special Planning Committee be formed to review these developments during the fall, before final decisions were made to continue with the status quo.

They listed six “new developments.”

“1. The Massachusetts Justice Project (MJP) and Western Massachusetts Legal Services (WMLS) both have interim directors, there has been regional dissatisfaction with the performance of MJP and WMLS is in a financial crisis and has lost a number of senior staff members. Should the West/Central Region hire permanent directors at MJP (LSC-funded) and WMLS (MLAC-funded) and continue the region’s three

- program structure, or should there be a merger of two or all three of the programs?
2. The New Center for Legal Advocacy (NCLA) has an interim director, the former NCLA Executive Director is now Executive Director of South Coastal Counties Legal Services (SCCLS) and acceptance of NCLA's role by some SCCLS staff has been grudging. Should the Southeast Region hire a permanent director for NCLA (LSC-funded), or should NCLA and SCCLS (MLAC-funded) merge?
 3. In three regions, a separate corporation funded in whole or in part with LSC funds currently provides the region with hotline and intake screening services. In at least two of those regions, regional leaders believe this structure of funding and function has not worked well enough. Is there a better structure for intake services, especially if MLAC allows its grantees to receive LSC funds and if LSC and MLAC programs in a region merge?
 4. In 1996 the delivery system began isolating LSC funds in separate corporations in order to allow MLAC-funded programs to provide services and represent clients in ways an LSC-funded could not. Fourteen years later, the MLAC-funded programs in the Southeast and Central/West regions are not using very much of their resources to do work an LSC-funded program can't do, and LSC-funding is less restricted than it used to be. Is the substantial financial and organizational cost of separate corporations still justified in order to have the ability in each region to provide a full range of services to a full range of clients? If some cost is justified, is there a better way to preserve this ability?
 5. Allan Rodgers is retiring and the Massachusetts Law Reform Institute (MLRI) will hire a new Executive Director for the first time in forty years. Should MLRI and its stakeholders review and redesign its roles in the regionalized and downsized delivery system before recruiting a new chief executive officer? Should MLAC revisit the Tull Report on statewide services? Should MLRI employ an interim executive director to guide it through this process and help it define the leadership it needs for the future?
 6. Of the thirteen people who were local program Project Directors in 2005, only three are still Project Directors. The new group is younger, includes more women and is more diverse. Should there be any action plan as a result of these changes and in anticipation of inevitable future changes?"

The full Commission (AJC) approved formation of the Special Planning Committee (SPC) at our meeting on September 30, 2010. The SPC's charge was "to meet with service providers ... regarding potential changes or reorganization of their delivery systems. The committee members would develop an understanding of the providers' needs and thoughts on possible consolidation, and raise necessary but sometimes difficult questions to ensure that the needs of the whole delivery system are being taken into account by the individual providers and their regional partners." (Draft minutes of the September 30, 2010 meeting of AJC, excerpt

attached as Exhibit 1). Co-chair Rosenberg became the chair of the Special Planning Committee, and the membership included the co-chairs of the Delivery of Legal Services Working Group, two Commissioners who represent two of the four regions, and two non-Commissioners, MLAC Executive Director Lonnie Powers and Commission Consultant Gerry Singesen.

In carrying out its charge, the SPC held eight meetings, the first occurring on October 18, 2010 and the eighth on June 9, 2011. Each meeting was roughly two hours long. Four of the meetings were with legal services providers from the state's four regions: Southeast, Central/West, East and Northeast. Two were with statewide programs, the first occurring with the Massachusetts Law Reform Institute (MLRI), and the second with the remaining statewide grantees of the Massachusetts Legal Assistance Corporation (MLAC). The seventh meeting focused on issues of intake, screening and hotline in the three regions (Southeast, West/Central and East) that had developed separate organizations dedicated to those functions; a goal of this meeting was to understand lessons learned from the experience of utilizing separate organizations, particularly since one, and possibly a second, region is in the midst of moving away from the model created in the mid-1990's. The final meeting was with MLAC leadership.

In advance of each of the eight meetings, Justice Gants and David Rosenberg, as co-chairs of the AJC, sent letters to the project directors and board chairs of providers invited to each meeting. Each letter set forth the request for the meeting, explained the purpose behind the SPC request for the meeting, and identified questions on which the SPC hoped that the meeting would focus and that the participants would be prepared to discuss. While common themes cut across the questions in each letter, the questions were tailored to the particular challenges and problems facing the providers whose programs would be the subject of the upcoming meeting. (The eight letters, reflecting both the participants invited to each meeting and the questions identified for discussion, are attached as Exhibits 2-9).

B. Comments On SPC's First Interim Report and Issuance of this Second Interim Report.
The SPC submitted its first Interim Report to the AJC at the May 26, 2011 meeting. Following the meeting the Interim Report was distributed for comment to everyone who had attended one of the meetings, to the Commission's mailing list and to others who expressed interest. The Committee met with MLAC leadership as planned and held two meetings with the project directors. Over the summer 15 comments were received and reviewed by the Committee.

This memorandum constitutes the Second Interim Report of the SPC to the AJC. The AJC appreciated the time individuals spent preparing and submitting comments to the initial report. Among other things, this report contains a summary of the fifteen sets of comment we received. While most of the original report has been retained, this Second Interim Report does contain certain revisions which seemed to the SPC to be most important to make. Part II briefly describes each meeting, relevant events subsequent to the meetings and the brief summary of the

written comments we received. Part III discusses preliminary observations of the SPC. Part IV includes our Conclusions, Recommendations and proposed Next Steps. Given the evolving nature of the issues dealt with in the Report and our suggestion for ongoing planning, we present the conclusions and recommendations as next steps rather than final goals. We expect them to be modified as appropriate as the planning process continues in the near future.

Our tentative conclusions and recommendations, developed more fully in Part IV below, include the need for:

1. Ongoing monitoring of the State's legal services delivery system with the SPC retaining its current role on behalf of the AJC;
2. The DLS Working Group, in conjunction with the SPC and the AJC, to begin to identify and take over initiatives with the programs, leaving the SPC with an ongoing, but less active, oversight role;
3. The regional programs, with assistance from the DLS Working Group, should determine best practices for restructuring of the hotline/screening/intake functions of the system;
4. A shift of program resources from screening and brief service to full representation and systemic advocacy;
5. A concerted statewide effort, coordinated by the SPC, to increase systemic advocacy by all field programs;
6. Renewed planning and articulation of resource allocation in each region with regard to the types of services delivered, the subject areas of the service, and needs of particularly vulnerable populations;
7. In conjunction with the AJC's Technology and Website working group, an enhanced use of technology to help improve the functioning of the delivery system;
8. The development of and increased use of evaluative tools to measure the effectiveness of program initiatives;
9. The increased integration of non-monetary resources beyond the MLAC- and LSC-funded programs into the delivery system, including, but not limited to, social service agencies, pro bono lawyers, law graduates, law students and lay advocates;
10. Careful consideration of the ways in which the AJC should integrate the views of clients into its oversight of the legal services programs; and,
11. The continued focus of the Commission, through its Revenue Enhancement Committee, on ways to increase the funding for all parts of the legal services delivery system.

II. Meetings with the Service Providers, Comments and Updates Subsequent to the Meetings

We note that participants in the meetings gave generously of their time and their thoughts. Programs were typically represented by their board chairs and their Executive

Directors. Despite the hard questions we asked of many programs, our impression was that they did not resent the intrusion and some may acknowledge benefitting from the meetings.

The Committee was deferential in its approach to each meeting. It recognized that the leaders who represented the programs were the experts regarding the questions the Commission wished to explore, that they were independently responsible for decisions regarding their programs and that the Commission had no authority over those programs.

At the same time, the Committee membership knew an awful lot about the delivery system before the conversations began. Three members had been chairmen of regional program boards of directors, four had been legal services staff attorneys, three had been senior executives of programs, one runs a clinical program that places students in a number of regional programs and two have been leaders of national legal services organizations (LSC and NLADA). Six of the seven were actively involved in the development of the state plan in 2002.

As a result, the discussions at each of the meetings were generally characterized by a shared sense of purpose among all participants, a level of candor that was as helpful as it is rare and a sometimes startling directness about pending issues. Opinions were freely exchanged. We believe we established good communication with the programs and are hopeful that they will feel comfortable looking to the AJC for support and consultation when appropriate.

The effect of the Committee's approach was often as if a light were being directed onto relevant facets of the meeting's topics. Participants were able to consider issues in new ways. Opportunities that seemed "stuck" were reconsidered. The experience of the Committee members was sometimes helpful in figuring out options for solving problems. The Committee, acting on behalf of the Commission, was an effective tool with which to "nudge" the program leaders regarding important questions.

Our reports of the specific meetings, and a report on the comments, follow.

A. Meeting with the Southeast Programs (October 18, 2010, Letter Ex. 2)

Our first regional meeting occurred with the Southeast programs at an exciting moment in their history. The LSC-funded and MLAC-funded programs were seriously considering the decision to merge into a single, regional program. A significant portion of our meeting was spent hearing reports about their plans, the process and the roadblocks they faced. An immediate result of the meeting was that the SPC, and in particular the Commission's Consultant Gerry Singesen, was able to lend counsel to the programs in navigating the waters with LSC. Since Lonnie Powers is a member of the SPC, we were also able to hear immediately about the path ahead for the Southeast programs with MLAC, and some of the concerns MLAC had identified.

We left this meeting believing that our primary, short-term goals with the southeast were to nurture and support their merger efforts where possible, and spread the news of their efforts to other regions that might – or we felt, should – be considering such a step. Over the next ten

months, the southeast regional programs proceeded down the road to merger, Notwithstanding our full-fledged support for the merger, the southeast region continues to face many of the same delivery issues that each of the commonwealth's regions faces, irrespective of structure. Those challenges include settling upon an effective screening and intake system; how the region will undertake activities an LSC-grantee cannot do; insuring that its scarce resources are dedicated to the highest and best use; in particular, insuring that the program can dedicate increased resources to full-representation as opposed to brief service; and developing a culture that insures an ongoing commitment to systemic advocacy.

B. Meeting with the Central/West Programs (October 25, 2010, Letter Ex. 3))

We encountered a dramatically different scenario in our meeting with the programs from the Central and Western portions of the state. We found that for Western Massachusetts Legal Services (WMLS) despite the almost universal commitment and dedication of the management, board and staff to client service, the confluence of negative factors including the financial crisis and lack of consistent leadership represented major challenges for the program. With its current resources, WMLS is neither funded nor staffed to provide effective, meaningful or consistent access to justice to the low-income individuals in the region.¹ As the WMLS board has recognized, creating a unified program for the five Central and Western Massachusetts counties is necessary to overcome this challenge.

We found that issues had arisen as well with the working relationship between the LSC-funded program, the Massachusetts Justice Project (MJP), and its two MLAC-funded partners, WMLS and LACCM (Legal Assistance Corporation of Central Massachusetts). The MLAC-funded programs were frustrated with the many aspects of the referral process from MJP. MJP was frustrated with the declining ability of the MLAC-funded programs to accept cases for intake. By all accounts, the process was replete with inefficiencies and duplication of efforts.

The problems persisted despite efforts at regional planning. The programs provided the SPC with a memorandum capturing their thinking on a "Central/Western Region Delivery System." The document built on prior reports from the operational managers of the three programs: MJP, LACCM and WMLS. The authors articulated four core functions for a "fully functioning legal services delivery system" that include 1) intake/client access; 2) Client Education/pro se resources; 3) Extended Advocacy Casework; 4) Systemic Advocacy.

We shared with the programs the progress toward merger that had been made in the southeast. Nascent efforts to move toward merger and consolidation in the West and Central regions had collapsed for a variety of reasons, but not the least was the incorrect perception that

¹ Performance Standard Four: Quality Assurance

such a step was impermissible in light of LSC regulations. The programs listened with interest to our report from the Southeast, and agreed to consider exploring such a step.

Subsequent to our meeting, the programs engaged in serious discussions regarding their structures and interrelationship. While the LSC- and MLAC-funded entities are not yet in merger discussions, the Executive Director of LACCM, its Board, and MLAC are exploring options for having a reconstituted LACCM deliver services for clients in the Central/West Region. We learned that the LACCM Board has voted to proceed with a plan to submit an application for MLAC funding for the five central and western counties of Massachusetts, and that MLAC awarded such a grant to the newly renamed Community Legal Aid. The SPC monitored these steps, and looked for ways to support the efforts. We were pleased that MLAC pledged funds for training and other support for what has become a much larger program and to smooth the transition. We also need to monitor merger efforts with MJP which are expected to take place before the end of 2011. Finally, as with the Southeast, the structural changes alone do not insure optimal solutions on the key issues relating to intake & screening, the re-allocation of resources toward full representation, how the region will undertake activities an LSC-grantee cannot do, and a renewed commitment to expanded and effective systemic advocacy.

C. Meeting with MLRI (October 26, 2010, Letter Ex. 4)

We met separately with MLRI, and before completing our regional meetings, based on our sense that MLRI was at a critical juncture. The SPC believed, and continues to believe, that MLRI plays a crucial role in a fully-functioning and effective statewide advocacy system. For this reason, the devastating financial realities, while impacting each of the programs, seemed particularly perilous for a program on which so many other programs relied. Moreover, the imminent retirement of long-time Executive Director Allan Rodgers meant that we did not feel we could wait to explore two issues that seemed interrelated to us: the search for a new Executive Director (and whether such a position should be interim or permanent) and the need for strategic planning. If resources would remain limited, what was the process for determining the areas on which MLRI would continue to focus, and those which they would need to cut back? We wondered about overlapping substantive areas, such as Family Law and Immigration, where another program (GBLS) seemed to play a statewide, rather than regional, role. That reality made us wonder about the extent to which strategic planning would be occurring entirely within MLRI, or based on input and coordination with each partner in the delivery system.

Our meeting itself produced less tangible outcomes than we felt occurred with our prior meetings. The MLRI staff present, and the Board Chairman, also explained in careful detail to the SPC the strategies under consideration for increased fund-raising, the plans for interim governance, the process for strategic planning. While SPC members urged MLRI and its Board to consider the benefits of naming an Interim Executive Director, the MLRI process yielded the appointment of a new Executive Director effective March 1, 2011.

We left with a sense that our short-term role would be to support the efforts of MLRI and its new Executive Director in any way possible, and otherwise to monitor the steps taken in the areas of concern we expressed. We remained concerned about the structural deficit in MLRI's budget and know that its Board and new Executive Director have that issue front and center in its current work plan. We note that our fact-gathering regarding MLRI was not limited to our interactions with MLRI, but included inquiries during our other meetings, to gain a better understanding of MLRI's relationship with other providers in the state, and their perception of MLRI's work. We found that MLRI's work was uniformly respected around the state, and that field staff, particularly outside the Eastern region, view MLRI as playing a critical role in statewide advocacy. Programs opposed the idea of any form of merger between MLRI and any other entity, including GBLs. While MLRI plays an important role in the substantive Task Forces and Coalitions, it seems as if there is some unevenness across these initiatives. In addition, MLRI's current or future roles in mentoring young regional attorneys and in skills training, given the work of the Center for Legal Aid Education with the New England Regional Training Consortium, is unclear to the SPC.

D. Meeting with the Northeast Programs (December 2, 2010, Letter Ex. 5)

Our meeting with the Northeast regional programs included the Merrimack Valley-North Shore Legal Services (MVNLS-the LSC-funded program), Neighborhood Legal Services (NLS-the MLAC-funded program) and the Children's Law Center, which serves a dual role as a regional provider on many issues related to children, but also as an MLAC-funded statewide advocacy program as well. We were aware, in advance of the meeting, of two noteworthy features of the region's operation. First, this was the only region that rejected the structure of a separate, federally-funded "hotline" program in response to the reconfiguration pressures of the mid-1990's in the wake of the LSC-restrictions. Second, despite the presence of an overlapping board structure, it was our understanding that tensions existed between the MLAC- and LSC-funded programs, impacting their ability to work closely and engage in comprehensive regional planning and coordination.

The meeting was forthcoming and earnest. The programs negotiated priorities and sorted through the division of substantive work when the regional model was created in 2004, and they continue to meet regularly. We remain uncertain as to the sense of ongoing planning to insure that the existing division of priorities—and allocation of resources—makes sense for the clients of the regions. We did not learn about the process for identifying and responding to the region's emerging needs or the extent to which staff work together, in practice groups, for example, or whether they collaborate on major systemic advocacy. With respect to intake staffing issues, the reduction in staff at NLS led to the transfer of some staff from MVNLS. While all present listened to our report of potential mergers in the Southeast and West/Central regions, we did not get the impression that progress in those regions would trigger any similar exploration in the

Northeast. The Board chair of the combined Boards, however, did commit to contacting the Chair of the Southeast region about this possibility.

E. Meeting with the East Programs (December 13, 2010, Letter Ex. 6)

In contrast to our sense of the tensions between the LSC- and MLAC-funded programs in the Northeast, we found evidence of a thoughtful, cooperative partnership among the five programs with which we met in the East: GBLS, Volunteer Lawyers Project (VLP), the Legal Advocacy and Resource Center (LARC), MetroWest Legal Services (MWLS), and the Community Legal Services and Counseling Center (CLSACC). Each program shared with us their priorities and their particular role in the Eastern Region's delivery model. While some members of the SPC entered the meeting wondering whether the merger efforts in the Central/West and Southeast Region might be relevant at least with respect to programs in the East such as CLSACC and MWLS, their explanation of their unique roles and fundraising abilities persuaded us of the desirability of their continued independence. CLSACC's focus on combatting family violence and MWLS' geographic focus enable those programs to raise a significant percentage of their funds from sources untapped by other programs in the delivery system. Given the consistent theme of the lack of resources, any structural changes would have to be evaluated to ensure that they would not diminish financial resources.

Despite the close working relationship between LARC, VLP and GBLS, we left with more questions regarding the structural interaction of those programs. With Bob Sable's retirement from GBLS, none of the Executive Directors in place at the time the arrangement was created will remain at the helm of their organizations. However successful the current collaboration, no one seemed to take the position that if we were designing programs for the East at this point, we would end up with the configuration that currently exists. While some specific initiatives taken by GBLS and VLP with respect to LARC had ameliorated some of the problems of separateness with hotline programs that we found in the Southeast and West/Central, many of the inefficiencies and long wait times nonetheless persist. All of these realities make us question whether changes should occur. Should LARC and VLP merge? What is the exact role of VLP? What about the relationship between GBLS and MLRI, and the systemic advocacy in which the organizations are engaged? Should there be greater coordination? Could there be less duplication of services? Bob Sable's retirement raises many of the parallel questions to those raised with Allan Rodgers' retirement from MLRI: how will the organization transition to its new Executive Director and to what extent will strategic planning occur as part of the process?

F. Meeting with other MLAC-funded Statewide Programs (April 7, 2011, Letter Ex. 7)

Since we already had met separately with MLRI, we scheduled a separate meeting with the seven other statewide programs (back-up centers and/or specialty area programs) that also receive MLAC funding: Center for Law and Education (CLE), Center for Public Representation

(CPR), Children’s Law Center (CLC), Disability Law Center (DLC), Massachusetts Advocates for Children (MAC), National Consumer Law Center (NCLC), and Prisoners Legal Services (PLS). Each program shared with the SPC its unique mission and operation, its interactions with other statewide programs (including MLRI) and field programs, and its financial picture, including the rough percentage of funds that comes from MLAC, as opposed to other sources. The programs also discussed their responses to the recommendations of the Tull Report (2003) and the manner in which they adjust to emerging issues that otherwise might lack coverage in the delivery system. Some issues, such as Health Care Reform, cut across the subject area of a number of programs and led to modifications and coordination to respond to the issue. The programs frankly acknowledged that other issues were harder to respond to in this matter, but the topic was one of ongoing concern and discussion among the programs. The programs also confirmed the central role that MLRI plays as the driving force in statewide advocacy, and expressed support for efforts to ensure the financial and programmatic vitality of MLRI and concerns about any notions of structural changes involving MLRI. Finally, the programs demonstrated some sophistication about fee shifting techniques and a recognition that, perhaps, their expertise in this area could be shared more fully with the field programs.

The SPC left this meeting feeling that the operation of these seven programs, individually and collectively, was among the strongest aspect of our statewide delivery system, and, as a result, left us with the fewest questions and concerns. We continue to recognize the need—as do the programs—to insure that the delivery system is flexible enough to recognize and address new issues, or populations, in need of advocacy. We also note the potential for overlap and duplication given the subject matter addressed by CPR and DLC, and also CLE, MAC and CLC. However, we also believe that each of these programs is aware of the potential for overlap and works in a coordinated way to insure that problems are minimized. And we note that MLAC provides less than one-third of the funding of any of these programs, so we are probably gaining benefits under their other grants for Massachusetts residents by having them here.

G. Meeting with Hotline/Intake/Screening Programs (April 11, 2011, Letter Ex. 8)

This meeting was designed to learn what we could about the 15-year experience in the three regions (Southeast, Central/West and East) that developed hotline programs separate from other legal services field programs in the region. The importance of addressing this issue separately became apparent because our regional meetings had identified a consistent theme of duplication, inefficiencies and varying degrees of dissatisfaction with the model. Moreover, the decisions by two regions either to abandon (Southeast) the model through merger or consider abandoning (Central/West) the model raised questions not only about the motivations for change, but also about what the features of an optimal replacement model would be. With the East, which at the moment, at least, continues to envision LARC as a separate structure, we were able to draw from the experience in that region as to how some of the problems experienced in the

South and Central/West regions had been ameliorated by specific initiatives in LARC operation and coordination with VLP and GBLS.

The themes that emerged included the following:

1. In discussing hotline programs, it is important to recognize at least three separate functions:

screening (which cases get declined or referred outside the system, which are ripe for brief service, and which are likely candidates for more extensive assistance and/or representation from the field programs);

intake (identifying and “teeing up” the priority cases for the field programs); and

brief service (the cases that the hotline program itself will handle, through counsel and advice, the mailing of informational materials, etc.).

2. An unacceptable amount of inefficiency and duplication of effort has resulted from this system, at least in the Southeast and Central/West. The hotline programs expend a great deal of time on cases before they are handed off to the field programs. Yet, despite this investment of resources, some of the non-priority cases make it through the referral system, and much of the background work needs to be duplicated or supplemented by the partners receiving the referral.

3. The LSC regulations, or interpretations of those regulations, which require a certain level of action in order for the hotline programs to be able to “count” the cases and the perception that LSC expects that programs will produce high numbers of clients served, are an important cause of the duplication.

4. Frustration with the system extends far beyond the duplication issue. Potential clients are frustrated by long waits on the phone, which is expensive for those clients utilizing cellphones with limited minutes in their plans. Many callers drop out along the way, while countless other potential clients with legal issues never make it into the system in the first place. At the same time, despite the resources dedicated to the hotline programs, the programs only perform a portion of the intake for the partner programs; GBLS, for example, estimates that approximately half its cases come through other sources, whether the courts, or grant-driven partners in the community (who need a direct pipeline for their clients given the difficulties in utilizing the hotline system).

5. Gordon Shaw and Guy Lescault, the current and former executive directors of MJP (Guy is currently Interim Executive Director of WMLS) made an impassioned appeal for the notion that the separateness of the programs provided an impediment to a smoothly-functioning, coordinated delivery system that included the four components they identified in our meeting with the Central/West region: 1) intake/client access; 2) Client Education/pro se resources; 3) Extended Advocacy Casework; 4) Systemic Advocacy. Those present from the Southeast and East regions did not disagree with this view.

6. Within the structure of separate programs, GBLS and LARC provided examples of the way in which the inefficiencies can be minimized. GBLS has learned over time to give clearer and clearer guidelines, in writing, to LARC to help identify their priority cases. Where the

screening process itself became too burdensome, GBLS revisited the level of inquiry it required, reducing dramatically the questions it was expecting LARC to ask prior to making the referral. To the extent programs continue with separate structures, and even as programs merge, the GBLS-LARC approach would seem a beneficial one for other regions to consider.

7. We have little by the way of reliable evaluation to satisfy us (and the programs) as to the effectiveness of the advice given by the hotline programs, since the data kept relates to callers, subject areas and problems raised, rather than the way in which callers were able to utilize the advice effectively and achieve positive results they would not have achieved without the assistance.

8. The separateness of programs underscored the way in which different planning questions would likely be addressed. When the questions focused on hotline programs themselves (e.g. What are the best practices for an efficient hotline program? What is the best allocation of staff within a hotline program) the discussion proceeded in one direction. When broader questions were asked (e.g., What is the optimal allocation of resources between the hotline/screening/intake functions and other components of the delivery system?) the conversation was far more tentative.

9. While it was beyond our capabilities to study this issue in depth, our distinct impression is that there are far too many staff attorneys involved in the hotline/intake function. While each of the programs utilizes law students and volunteer lawyers, we did not learn of significant innovations to increase the use of such non-staff resources to allow a shifting of legal resources to other aspects of the delivery system.

10. Particularly in the Southeast and Central/West, the regions are well aware of the issues discussed above, and are considering them as they shift to a new model, but we were not made aware of decisions that have been made as to what the new model will be, and why its selection is the optimal response to the programs identified.

11. With the exception of some work in the East region, the programs have not utilized interactive internet techniques to solve some of the staffing and duplication of efforts issues raised above.

H. Meeting with MLAC (June 9, 2011, Letter Ex. 9)

The Committee met with Rashaan Hall, Bob Foster, Lonnie Powers and Janne Hellgren. MLAC, in response to dramatic resource limitations, has reduced its grants and its supporting activities. It is no longer able to maintain any reserves for support of future grant levels. MLAC tries to encourage efficiency in grantee operations, through projects like the creation of a shared case management system and support for regional consolidations, but neither MLAC nor any other entity has responsibility for assuring more efficient delivery of services.

There is a need for better communication about regional developments and initiatives across regional boundaries.

The Interim Report calls for planning of the delivery system and it was agreed that central planning is needed. The roles of AJC, MLAC, MLRI and the PDs in taking responsibility for and being accountable for such planning was considered. Examples of areas that might benefit from planning included efficiency in operations, maintaining training despite scarce resources, statewide fund raising, allocation of resources to systemic advocacy, strategic planning for statewide support including MLRI's role as state leader, and evolution of intake and screening systems. Collaborative designs for planning were discussed.

I. Comments Received During the Summer

The Interim Report was distributed in May to individuals who attended the eight meetings and to the Commission's mailing list of more than 200 individuals, with a request for comments. Fifteen comments were received:

From the regions:

Legal Aid Alliance of Northeast Massachusetts (signed by Sheila Casey, Ken McIver and Jay McManus)

Despite some tension between two programs, the region makes and implements good professional decisions.

Our approach to telephone advice and intake can instruct the other regions.

The region does more extended representation than others, collects attorneys fees and has several class actions.

South Coastal Counties Legal Services (signed by Richard McMahon and Susan Nagl)

Regional debate about optimal intake functions was serious and principled.

MLRI deserves credit for support of local litigation, for assistance to local advocates and for its online client education resources.

Program flexibility in advocacy approaches is limited by the presence of many grants that do not allow much creativity

Community Legal Aid (signed by Jon Mannina)

Many program performance differences are attributable to the higher per capita funding of services to clients in the East Region. The Commission should give a high priority to reducing those disparities and assuring equal access to services in all parts of the state.

Two such disparities -- lower levels of systemic advocacy and LSC-prohibited work -- are not adequately documented in the Report and, if true, are attributable to the resource differences.

The Commission and its Planning Committee should work out their relationship with MLAC so as to avoid duplication.

Massachusetts Justice Project

Gordon Shaw submitted an analysis of the hotline experience in Massachusetts and the importance of intake and client education as services provided along with impact and individual representation. He recommends creation of better tools for self-representing litigants, moving more advocates from telephone advice to in-court LAR lawyer for the day, and more systemic advocacy around patterns of judicial behavior and hallway negotiations.

Jeff Leukens thought it might be time to reduce the allocation of advocate time to telephone advice, but would move those resources to LAR programs which provide at least minimal representation to thousands of individuals with meritorious claims who now face litigation without legal assistance.

Greater Boston Legal Services (signed by Bob Sable)

The Report may underrate the importance of lawyer participation in assuring that brief services and advice are done well. In addition, full service advocacy units need to provide advice only in many cases as part of staying in touch with community issues. Moreover, LARC may be under-resourced.

MLRI task forces provide effective regional planning and coordination on substantive developments.

On some issues, the Project Directors do share information about developments within their regions. For example, GBLS was tracking the Southeast Region's merger considerations.

The role of the Center for Legal Aid Education (CLAE) in training in Massachusetts and in New England (through the New England Consortium) is a model effort. It's too bad that a number of MA programs dropped out when money got tight, because CLAE's skill training is the best available. Other organizations which offer training are also valued contributors to the knowledge required to manage legal services programs or deliver services to clients, but GBLS continued its support as an investment in preserving the best comprehensive regional training program.

From the statewide or "support" centers:

Massachusetts Law Reform Institute (Georgia Katsoulomitis signed the main comment)

MLRI is working to eliminate its structural deficit, planning a priority-setting process for the fall (preparing for a future strategic planning process) and working in complementary ways with GBLS advocates.

While MLRI believes the Report underestimates the amount of current systemic advocacy in the regional programs, it agrees that a statewide effort to increase systemic work is needed at this time. The comment offers some suggestions about how such an effort might be guided by MLRI while local innovations were appropriate to local needs and resources. Perhaps a state legal needs update of the 2003 study is needed.

Our decentralized advocacy system preserves flexibility but sacrifices communication and coordination. Coalitions and task forces do a good job, but more is needed. MLAC should not assume the role as central manager of the delivery system; that's not appropriate for a funder. MLRI depends on close working relationships with advocates throughout the delivery system; becoming the manager of the system would inevitably alter those relationships. Instead, MLRI should reconvene the Advocacy Coordination Committee and test its leadership potential.

Richard Neumeier (Board chair) – MLRI did give serious thought to hiring an interim director.

Center for Law and Education (signed by Kathy Boundy)

There are many barriers impeding local program commitments to systemic advocacy related to education, which this comment thoughtfully explains. A community-based strategy is probably necessary. As a result of the Planning Committee Report, CLE and SCCLS are talking about how to make education advocacy in the southeast more impactful.

National Consumer Law Center (signed by Will Ogburn)

Applauds the Planning Committee for “extraordinary and salutary emphasis . . . on systemic advocacy, including class actions.” MLAC and the programs went to extraordinary lengths to avoid the LSC taint; we should be challenged for our failure to take advantage of this freedom.

The recommendations regarding allocations among types of cases should lead to questions about what work makes the most difference in client lives or brings the most clients out of poverty.

From Clients

Ann Leavenworth

There is a place in almost every recommendation for inclusion of considering the role of clients and communication with clients.

Leonard Spinner (Member of former AJC)

There is a need for communication about the rights of special needs kids in particular and about the availability online of lots of information about the law. When program boards include client representatives.

From Other Providers

Medical-Legal Partnership|Boston (signed by Samantha Morton)

The Report pays little attention to the role of the Planning Committee or the Delivery of Legal Services Working Group with regard to providers of legal assistance that are not MLAC or LSC funded or to the role of people in allied professions as potential partners that can expand our capacity and increase our effectiveness. Examples: the intake discussion should expand to consider other “entry points” (libraries, schools, clinics, etc.) and the role of professionals in

those points as part of legal services intake; screening information could be diagnostic for other service providers as well as legal services providers; allied professionals can play critical roles in systemic change efforts; and evaluation metrics are a concern in many disciplines.

The Report notes (Development #6, p. 2) the recent turnover and diversification of program leadership; there should be a plan for supporting this new generation of leaders. For starters, we should support development of fund raising skills, including the ability to explain the benefits of legal services to society.

Center for Legal Aid Education (note from Ellen Hemley)

Regarding the push for more systemic advocacy, no one from MA has signed up for CLAE's 2011 Affirmative Litigation training (except one from a support center, DLC).

From Individuals

Toni Wolfman (member of former AJC)

MLAC can and should play a more positive role in improving the system as a whole. Now is the time to reassess MLAC's role.

The Report should recognize and take account of the roles played by smaller provider organizations (starting with those funded by MBF and BBF)

Before going too far down the road to more systemic advocacy, do analysis of what kinds of problems can be solved that way and what kinds of problems are better handled by services to individuals or groups.

In addition to the written comments, the Committee met on two occasions with the MLAC and LSC Project Directors. The June 23 meeting, scheduled at the end of a regular Project Director's meeting and just before an MLAC Strategic Planning Committee meeting, did not allow adequate time for discussion. The August 29 meeting allowed a fuller exploration of the Interim Report.

Several of the issues raised in the comments go well beyond the questions the Planning Committee has considered. For example, the challenging questions about funding disparities between services in Boston and services in Worcester, raised by Jon Mannina, are not dealt with in the Report. These perhaps should be considered by the Resource Enhancement Committee. Training, the cost of CLAE's excellent training, individual program decisions to drop out of the New England Consortium and the meaning of no regional staff going to Affirmative Litigation training this year, was noted but not pursued. Similarly, the Committee notes with interest the ideas about planning for the larger justice community and joint ventures with allied professionals but did not attempt to develop related recommendations.

The roles of clients pose a different and challenging set of questions. In all of the recommendations, the importance of communications with the low-income community should be

explicitly considered. We need to recognize that there are many interests involved when we speak of “clients.” Among these interests are:

1. Individuals who are or have been represented by lawyers;
2. Organized groups of eligible individuals who are interested in the mission and operation of legal services organizations;
3. Low-income people;
4. The formally appointed representatives on boards of directors;
5. The bundle of legal needs experienced by low-income individuals;
6. The body politic that some mission statements seek to “empower;” and
7. The collective known as “the poverty community” or “the poor”, as seen in other mission statements that seek to be “general counsel to the poor.”

We refer these distinctions, and their consequences, to the Delivery of Legal Services Working Group for further inquiry and guidance on how meaningful client input should be included in a broad range of Commission endeavors.

III. Observations and Common Themes

Our observations from the meetings and discussions regarding the issues that emerged from the meetings include the following:

1. All programs within the delivery system are experiencing a devastating financial crisis. While the AJC has created a separate special committee, the Revenue Enhancement Committee, to help respond to the crisis, we would be remiss if we did not begin our observations by acknowledging the crisis and supporting all efforts to enhance revenue. While much of the work needs to occur by those outside the programs in the delivery system, our meetings revealed a growing recognition among the programs to increase their own fundraising and diversify their revenue streams to protect them from the periodic financial crises that seem inherent to the business. We note further that we observed very little generation of revenue through the collection of attorneys fees, a topic which the Revenue Enhancement Committee will be addressing in its Report.

2. While this Interim Report focuses on areas of concern and topics that merit attention, we do not want to be understood as ignoring the tremendous amount of outstanding service to clients, and advocacy on their behalf, across the Commonwealth. Dedicated staff, and their leadership, labor under untenable circumstances, with shrinking resources and reduced numbers, while nonetheless achieving impressive results for desperate clients who have nowhere else to turn. Nothing in this Interim Report should be interpreted as anything more than our determination to insure that the delivery system as a whole operates as efficiently and effectively

as possible, so that the work on behalf of clients can continue, thrive and remain rewarding to the programs and their employees.

3. While the combination of the financial crisis and the circumstances that essentially place the programs under siege might suggest that it is unreasonable to expect the programs to engage in innovation and systematic planning as they struggle to survive, we believe the opposite is true. Now, more than ever, we need innovation and planning to insure both that clients and potential clients are being served by the best system in light of the circumstances, and also to provide a roadmap for the future. We believe and hope that sunnier days are ahead, and reject the idea the proper response to increased resources is to simply rehire, in the same subject matter, positions and priorities, staff to resume the exact work that was undertaken before the crisis hit.

4. The course of the Special Planning Committee's work was set by effective "issue spotting." The "new developments" have not all been addressed, and perhaps there is nothing to be done about some of them. But they pointed the Committee's light into important corners in a timely fashion. This is not something that can be easily done by individuals who are within the system itself. It is important for the Commission to develop and maintain its ability to spot issues in the delivery system, to turn attention toward those issues, to engage problems with candor and to solve what can be solved. While every Commissioner and every Working Group can and may issue spot, this is not a function to assign to a particular working group. Instead, some regular process should be developed that looks to identify emerging issues and unacknowledged challenges. It may not be a coincidence that the roots of the Special Planning Committee lie in the Special Project of Commissioners Jesse and Henry. The Special Planning Committee remains an effective tool for this purpose.

5. We were struck by a surprising lack of statewide and regional planning and coordination. Decisions seem increasingly grant driven, or driven by interpretations of LSC and similar regulations, rather than the result of comprehensive planning. The legal services delivery system in Massachusetts has many points of authority and no central manager. Some visions of MLAC's role are that it should be the central manager. Other visions have the idea that the state's program leadership will somehow coalesce into an effective state planner and manager. Still others see a single statewide program as the way to more effective management. What all these ideas have in common is that they are utopian. They imagine a kind of unity that is probably inconsistent with our roots in local legal aid societies serving 351 fiercely independent cities, villages and towns. In almost every meeting, we sensed that if we were not traveling the state and raising difficult questions, the questions that concerned us would remain unaddressed. Moreover, we were stunned when it appeared that it required us to report to regions outside the Southeast of the Southeast's merger efforts. We may be overstating our impact, but the transporting of information from one region to another seemed to be an immediate impact of our

efforts. We were surprised that no more effective means of communication and coordination seemed to exist.

6. We have not gotten to the bottom regarding the respective roles of MLAC and the Commission in the delivery system, but we may have learned more than we knew before. We are aware of the important roles that MLRI, MLAC and the Project Directors play in planning and coordination. In a fundamental analysis a few years ago, the “other” Tull Report suggested that MLAC’s core functions might be raising money from the legislature and quality assurance for the clients. As the lead funder of the MLAC delivery system, MLAC is uniquely situated to deal with quality (and efficiency) issues. It alone can condition grants on compliance, monitor performance with authority, and require plans to be made and then executed. Yet, even limiting our vision of the delivery system to the traditional field programs and eight statewide programs with whom we met, not all programs receive MLAC funds. LSC has the same authority with regard to its grantees, but is less able to exercise it. Other funders, such as the Boston Bar Foundation and the Massachusetts Bar Foundation, play important roles in supporting the legal services delivery system, and monitor their grants carefully, but are not well-positioned to monitor the entire system. What the Special Planning Committee experience demonstrates (and the Revenue Enhancement Committee experience, too) is that the Commission can provide discrete moments of management to the whole system. At the same time, MLAC and the project directors can each be managing other aspects. Perhaps the Commission has an “issue spotting” role here, too – pointing out aspects of the needed state-level management that lack a manager. A healthy state system would have a method of taking care of all the essential components of the system. In this regard, the SPC and MLAC agreed that it would be productive for the SPC to subject MLAC to the same type of give and take that we used in our other meetings. We met in June, as reported above.

7. While we appreciated the manner in which every program was struggling with the challenges facing them, we learned little about innovations or experiments that might point the way to changes, large or small, as to how programs and regions were doing business (beyond the focus on structural changes in the Southeast and Central/West). We recognize that, by meeting primarily with Executive Directors and Board Chairs, we may have missed the opportunity to hear about innovations, or increased coordination, at the staff levels. To the extent our impressions are accurate, however, programs may be responding to the crisis with a potentially narrow array of responses. We note that at each meeting, we offered the resources of the AJC DLS Working Group for brainstorming and experimentation, given our connections to the Commission as a whole, the social services agencies, law schools and the private bar. While our offers were met with some expressions of interest, no potential partner has followed up.

8. The hotline/intake/screening portion of the delivery system is in flux, and needs a significant amount of attention. While each region responded negatively to the concept of a

statewide system, the SPC remains unpersuaded that it is 100% clear that there is no role for any statewide component. The problems of long waits, lost potential clients, and imperfect screening, with duplication and inefficiencies, are common themes elsewhere (the East has made progress on the duplication issue). Beyond potential clients who have difficulties with the system, the picture of potential assistance, including legal education generally, for those who do not even try to engage with the system, is murky at best. We sense an increased role for technology (e.g. websites, online chats) to avoid having telephone conversations or walk-in meetings be the primary source of screening, education and referral. We also sense the need to identify ways to increase dramatically the use of resources from outside the traditional delivery system (e.g. social services agencies, clients, law students, law graduates, underemployed and pro bono lawyers, lay advocates). We also note the possibility of joining forces with allied professionals and having legal services intake sites (terminals, referrers) in libraries, health clinics or schools. This area seems particularly ripe for innovation.

9. We sense a general agreement that the experience of separate hotline programs, combined with interpretations of LSC-regulations, has led to an undesirable shift of resources toward screening/hotline/intake/brief service and away from full representation and impact work.

10. Beyond GBLS, we see a varied array of advocacy among the regional programs that we would characterize as impact work or systemic. Some do very little, others quite a bit more. We do not limit this concept to class actions, but include all forms of systemic advocacy (sometimes referred to as policy advocacy). We support a concerted statewide effort to lead every local program to undertake more work directed at solving systemic problems of poverty, including the filing of more class actions lawsuits where appropriate. We see a connection with this observation to the Revenue Enhancement Committee's plan to recommend a concerted statewide effort to lead every local program to systematically and routinely claim and collect attorney's fees in disability and eviction cases. The details of these two efforts would be different, but these efforts should be combined. The challenge for local program managers will be to embrace the change themselves, to lead their staff to the same conclusion and then to implement the change so that behavior is altered.

11. We are uncertain of the status generally of ongoing training for advocates, as well as managers. While the short run suggests few new hires, decreasing the importance of the training of new staff, ongoing training for existing staff remains an important issue, while managers navigating new challenges and new structures will need increased support. We sense that MLRI, as well as the other seven MLAC-funded statewide programs, should be reassessing their roles in training the staff of the field programs.

12. While we support the program mergers that are under way, or under consideration, in a number of regions, we do not view structural changes as a panacea. Mergers and other structural

changes carry a heavy price in terms of time, effort, energy and potential difficulties for staff and the ongoing legal work, at least in the short run. Diversity of board membership geographically is crucial to maintaining political support, and the merger trend needs to remain vigilant to the downside of consolidation. Moreover, the success of the mergers ultimately will be measured not by whether the merger was completed, but by the extent to which the merger enhanced the effectiveness of the delivery system.

13. We do not want to ignore the role that “culture” plays within organizations. While often the unique cultures are strengths of particular program, the difference in cultures and allegiance to a particular way of doing business seems to us to be an impediment to innovation, planning and coordination.

14. While we did not make this a focus our inquiry of the programs with which we met, we heard little about evaluation methodologies and efforts designed to insure the effectiveness of program initiatives.

15. We believe it is paramount to maintain a focus on, and work towards improvements in, a comprehensive delivery system. We do not feel the necessity to settle on a particular image (a spectrum, a ladder) but we believe the components of such a system, as identified by the Central/West (1) intake/client access; 2) Client Education/pro se resources; 3) Extended Advocacy Casework; 4) Systemic Advocacy) are a good place to start. We would broaden the vision to insure we capture the wider array of legal needs of those who never access the system, but may contact other entities outside the traditional delivery system. That reality leads us to broaden our notion of the potential players beyond the regional and statewide legal services programs. Our meetings did not even include all potential legal services programs, since we looked for the connections to MLAC and LSC funding as a place to start. Medical-Legal Partnership, law school clinics, Bar Association volunteer and referral programs, Mental Health Legal Advisors Committee (MHLAC) and, of course, CPCS are among the many legal organizations that play important roles in the lives of our clients, but may or may not be connected to the delivery system in ways that are optimal.

IV. Conclusions, Recommendations and Next Steps

1. An explicit goal of the AJC should be to insure that ongoing, careful and comprehensive planning becomes a regular feature of the delivery system. The SPC should remain in effect to continue to oversee planning of the delivery system on behalf of the AJC.

In addition to the broad planning responsibilities of the AJC, there are many other organizations with planning responsibilities of their own. As the source of the largest grants for civil legal services, MLAC’s planning role with its grantees is particularly important. MLRI may

also have some responsibility here. The SPC, MLAC, and MLRI leadership should continue to discuss fulfilling their respective roles efficiently, supportively and with minimal confusion.

2. The DLS Working Group should begin to take over from the SPC, where possible, the details of work with the programs, including the identification of innovations and experiments that could expand access to justice even assuming no increase in financial resources. The lines between the DLS, SPC and AJC roles will shift over time and should be regularly discussed.

3. The SPC and DLS should work with the funders, the programs and their staffs to develop comprehensive communications and coordination among all of them regarding planning, innovations, best practices and challenges in the delivery system.

4. The SPC and DLS should follow up as needed and assist, where appropriate and possible, developments in the different regions and with the programs with which we met. Follow-up by the SPC will likely include meetings at appropriate intervals to insure we understand the status of progress on issues of concern we discussed at the initial round of meetings. Follow-up should include, but may not be limited to:

- a. In the Southeast, the progress of the merger and the decisions regarding intake and screening, services to clients and on issues where LSC restrictions prohibit service, and the extent of systemic advocacy;
- b. In the Central/West, the structural changes under consideration involving LACCM, WMLS and MJP, and the decisions regarding intake and screening, services to clients and on issues where LSC restrictions prohibit service, and the extent of systemic advocacy;
- c. In the Northeast, the need for increased collaboration and cooperation between NLS and MVLS, whether there has been any follow up on merger based on the Southeast model,, the analysis of the existing screening and intake structure, services to clients and on issues where LSC restrictions prohibit service, and the extent of systemic advocacy;
- d. In the East, the interrelationship of the programs, in particular whether the current working relationship among LARC, VLP and GBLS is most effective, and whether, in a time of scarce resources, the interrelationship between GBLS and MLRI has been thought through to maximize their effectiveness. With two new Executive Directors now on board for these two organizations, perhaps new thought and direction will be warranted;
- e. With MLRI, its financial health, its setting of priorities in light of its reduced resources, its relationship to, and support of, the field programs and the seven MLAC-funded statewide programs, and its continued role as a key leader for planning and advocacy across the entire statewide system.

5. The intake, screening and hotline functions in each region require particular monitoring and innovation. We believe enhancing the ability to screen, advise and refer potential clients, but doing so in a way that allows for a significant reduction in the allocation of staff of the field programs, is a crucial component of improving the current delivery system. We have been informed that the programs have an intake system task force that is assessing these questions. We hope that it will think broadly about these issues and not simply attempt to make the existing way of doing things more efficient. We request that this task force give us a report within six months on the actions they plan to undertake to achieve these results. The DLS Working Group should monitor the task force's progress and assist it in whatever way it can in developing best practices in this area that may benefit clients and programs across the Commonwealth, regardless of whether all functions of our intake, screening and hotline remain regional.

The strengths and weaknesses of each region's current practices, including the LAANM process which does not feature a hotline, should be examined, as should approaches taken outside the state.

6. At the other end of the delivery spectrum, the widely varied and often modest level of systemic advocacy in the field programs merits attention as well. We believe that field programs should be shifting more of their attorney resources from counsel and advice and brief service work to non-routine representation and systemic advocacy, the particular roles that few beyond legal services staff attorneys are competent to perform. To achieve this end, we urge that there be a concerted statewide effort by the field programs, MLRI, the other MLAC-funded statewide programs and MLAC itself, to assess steps that can and should be taken by everyone involved to increase the extent of this advocacy. We also support a concerted statewide effort to lead every local program to undertake more work directed at solving systemic problems of poverty, including the filing of more class actions lawsuits where appropriate.

This recommendation will be challenging to achieve. Individual service work is the backbone of legal services. Yet particularly in these times of scarce resources, a priority for work that helps many people at one time is essential.

We have been informed that MLRI and the Advocacy Coordination Committee are working on these issues. We hope that they will consider to what degree grant restrictions in fact reduce the ability of the programs to engage in systems work how different levels of private funding throughout the state relate to this issue. The SPC requests a report within six months on the actions they plan to undertake to achieve these outcomes. The SPC plans to monitor this effort, which it suggests should be carried out together with the Revenue Enhancement Committee's recommendation that all programs institute routine practices of claiming and collecting attorney's fees.

7. We recommend that each region, within available resources and with help from the DLS Working Group, determine its actual allocation of resources (money or advocate time) among the categories in the following three areas and then examine the related questions:

- a. Extents of service -- (1) Intake, screening, referral and other client access functions; 2) Client Education, brief advice, clinics and other forms of assistance to otherwise self-represented individuals; 3) Extended Advocacy Casework; and 4) Systemic Advocacy. With this allocation, what is the region's impact on the quality and quantity of basic human needs obtained by the region's eligible client population? Would a different allocation come closer to maximizing this impact?
- b. Substantive areas such as housing, family and benefits but including subsets of these areas in which substantial (10% or more) resource commitments are being made. In each area, how many clients and families are escaping poverty as a result of regional advocacy? If resources were reallocated could regional advocacy produce greater economic benefits for the region's eligible client population?
- c. Population groups, such as children, victims of domestic violence, elders, veterans, racial and ethnic minorities, those with physical and mental disabilities, and immigrants. How do these allocations relate to the potential to make the greatest difference in the lives of eligible individuals within each group? Do the allocations overlook opportunities for major impacts on some populations while funding others with less potential?

As to each of these sets of allocations, we recognize that programs with declining resources will need to find a balance between a dedication of time and effort to planning (such as called for here) and the pressing demands of service work, but we also believe that refraining from planning due to the financial crises will impede programs from making the best use of scarce resources.

8. Because we sense that the delivery system is underutilizing non-monetary resources that could enhance the delivery system, we recommend that programs develop, articulate and share with the Commission and one another best practices for the utilization of:

- a. Social services agencies
- b. Client groups
- c. Pro Bono lawyers
- d. Law Graduates
- e. Law Students
- f. Lay Advocates

9. In coordination with the Technology and Website Working Group, we recommend that the programs prioritize the more effective use of technology as a means to address many of the issues identified in the Interim Report.

10. We recommend that the DLS Working Group join with MLAC and MLRI in a renewed commitment to the evaluation of program practices and initiatives, with sharing among programs, and with the Commission, of evaluation techniques and evaluation results.

11. We recommend that the programs follow through on the suggestions contained in the Revenue Enhancement Committee's Report concerning the generation of additional funding sources.

12. We recommend that this Second Interim Report be circulated widely, including, but not limited to all programs and persons with whom we met, with the hope that points raised here will contribute to ongoing conversations, experiments and initiatives to address many of the key problems facing the current delivery system. We also recommend that the comments to the first Interim Report be posted on our website.

Excerpts from Agenda & Minutes Regarding Formation of Special Planning Committee

MASSACHUSETTS ACCESS TO JUSTICE COMMISSION

Supreme Judicial Court
John Adams Courthouse
One Pemberton Square, Suite 2200
Boston, MA 02108-1735

Social Law Library, 5th Floor
John Adams Courthouse
September 30, 2010

AGENDA

* * *

6. Proposed Special Planning Committee 4:10
Justice Gants and David Rosenberg

MASSACHUSETTS ACCESS TO JUSTICE COMMISSION

Supreme Judicial Court
John Adams Courthouse
One Pemberton Square, Suite 2200
Boston, MA 02108-1735

DRAFT Minutes of Meeting September 30, 2010
Social Law Library, John Adams Courthouse, Boston MA

Present: Commissioners Gants, Rosenberg, Bal, Bowman, Dashiell, Doniger, Engler, Fein, Feldman, Foster, Hand, Henry, Leavenworth, Jesse, Marsh, McMahon, Ordoñez, Paine, Pierce, Rodgers, Thiel, and Van Buren, Commission Consultant Singen, and Rebecca Greber, Bill Hartman, Larry Johnson, Kathleen Joyce, Guy Lescault, Samantha Morton, Richard Page, Lonnie Powers, Jayne Tyrrell and Marnie Warner.

The meeting was convened by Justice Ralph Gants, Commission Co-Chair, at 3:00 p.m.

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Proposed Special Planning Committee

Justice Gants and David Rosenberg reviewed the proposal to form a Special Planning Committee to meet with service providers in the Southeast and West/Central Regions and at Mass Law Reform regarding potential changes or reorganization of their delivery systems. The committee members would develop an understanding of the providers' needs and thoughts on possible consolidation, and raise necessary but sometimes difficult questions to ensure that the needs of the whole delivery system are being taken into account by the individual providers and their regional partners. After discussion, the proposal to form a Special Planning Committee was approved. David Rosenberg will lead the Committee.

Exhibit 1

MASSACHUSETTS ACCESS TO JUSTICE COMMISSION
Supreme Judicial Court
John Adams Courthouse
One Pemberton Square, Suite 2200
Boston, MA 02108-1735

October 5, 2010

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Matthew Bresette, Esq.
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Dear Arthur and Matthew:

The Access to Justice Commission's Mission Statement declares that our goal is "to achieve equal justice for all" 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 first stated method to this end calls for "[s]trengthening the civil legal services community in providing legal services for those unable to afford counsel." In addition, the Commission is the State Planning Body for LSC purposes, with responsibility for periodic assessment and amendment of the State Plan to improve efficiency and effectiveness in client services.

At its September 30th meeting, the Commission decided to seek an opportunity to learn more about several situations in which important decisions are about to be made that will affect our delivery system for years to come. One of those situations arises in your region.

The upcoming decisions include:

1. Whether to merge South Coastal Counties Legal Services and New Center for Legal Advocacy,
2. Whether to hire a permanent Executive Director for New Center,

3. Whether MLAC should change its rule and allow mingling of LSC and MLAC funds in an MLAC grantee, and

4. How the region will undertake activities an LSC grantee cannot do.

As we are sure you recognize, decisions on these questions will have implications for our present State Plan and for choices being made in every region. At the same time, we recognize that each program is an independent corporation with a board of directors responsible for its operations, and the MLAC Board of Directors has an independent role for policy making and oversight of its grantees. We know that your Boards have made significant progress on some of the above issues.

The Commission has designated a special Planning Committee to learn more about these situations. The Planning Committee is chaired by Commission co-chair David Rosenberg, and includes Commissioners Jacqui Bowman, Russell Engler and Jim Van Buren, Commission Consultant Gerry Singsen and MLAC Executive Director Lonnie Powers.

We request that you meet with our Planning Committee on Friday, October 15 at 10:00 a.m. at a location in your region to discuss your situation. If that time is not acceptable, Gerry will work out an alternative with you. At the meeting, we hope that you will lay out your current thinking on each aspect of the situation and explore options with us. Lonnie has volunteered to work with your Executive Directors to help you prepare for the meeting. Gerry will be glad to answer questions or discuss any aspect of the meeting.

The Planning Committee will report to the Commission at its meeting November 17th so that the Commission can meet its responsibilities.

Very truly yours,

Hon. Ralph D. Gants, Co-Chair

David W. Rosenberg, Co-Chair

cc.: Richard McMahon, rmcmahon@sccls.org
Janne Hellgren, jhellgren@ncla.net

Exhibit 2

MASSACHUSETTS ACCESS TO JUSTICE COMMISSION
Supreme Judicial Court
John Adams Courthouse
One Pemberton Square, Suite 2200
Boston, MA 02108-1735

October 5, 2010

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Dear David, Paige and Hugh:

The Access to Justice Commission's Mission Statement declares that our goal is "to achieve equal justice for all" 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 first stated method to this end calls for "[s]trengthening the civil legal services community in providing legal services for those unable to afford counsel." In addition, the Commission is the State Planning Body for LSC purposes, with responsibility for periodic assessment of the effectiveness of the State Plan and the need to amend it in light of current developments.

At its meeting September 30th, the Commission decided to seek an opportunity to learn more about several situations in which important decisions are about to be made that will affect our delivery system for years to come. One of those situations arises in your region.

The upcoming decisions include:

1. Whether to hire permanent directors for MJP or WMLS,
2. Whether to merge MJP and WMLS, MJP and LACCM or all three,

3. Whether MLAC should change its rule and allow mingling of LSC and MLAC funds in an MLAC grantee and

4. How the region will undertake activities an LSC grantee cannot do.

As we are sure you recognize, decisions on these questions will have implications for our present State Plan and for choices being made in every region. At the same time, we recognize that each program is an independent corporation with a board of directors responsible for its operations, and the MLAC Board of Directors has an independent role for policy making and oversight of its grantees.

The Commission has designated a special Planning Committee to learn more about these situations. The Planning Committee is chaired by Commission co-chair David Rosenberg, and includes Commissioners Jacqui Bowman, Russell Engler and Jim Van Buren, Commission Consultant Gerry Singsen and MLAC Executive Director Lonnie Powers.

We request that you meet with our Planning Committee on Monday, October 25 at 2:00 P.M. at a location in your region to discuss your situation. If that time is not acceptable, Gerry will work out an alternative with you. At the meeting, we hope that you will lay out your current thinking on each aspect of the situation and explore options with us. Lonnie has volunteered to work with your Executive Directors to help you prepare for the meeting. Gerry will be glad to answer questions or discuss any aspect of the meeting.

The Planning Committee will report to the Commission at its meeting November 17th so that the Commission can meet its responsibilities.

Very truly yours,

Hon. Ralph D. Gants, Co-Chair

David W. Rosenberg, Co-Chair

ec.: Tina Sanchez, vsanchez@wmls.org
John Lees, jlees@wmls.org
Jon Mannina, jmannina@laccm.org
Guy Lescault, glescault@majp.org

Exhibit 3

MASSACHUSETTS ACCESS TO JUSTICE COMMISSION
Supreme Judicial Court
John Adams Courthouse
One Pemberton Square, Suite 2200
Boston, MA 02108-1735

October 5, 2010

Richard Neumeier, Esq.
Morrison Mahoney LLP
250 Summer Street
Boston, MA 02210
rneumeier@morrisonmahoney.com

Dear Richard:

The Access to Justice Commission's Mission Statement declares that our goal is "to achieve equal justice for all" 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 first stated method to this end calls for "[s]trengthening the civil legal services community in providing legal services for those unable to afford counsel." In addition, the Commission is the State Planning Body for LSC purposes, with responsibility for periodic assessment of the effectiveness of the State Plan and the need to amend it in light of current developments.

At its September 30th meeting, the Commission decided to seek an opportunity to learn more about several situations in which important decisions are about to be made that will affect our delivery system for years to come. One of those situations involves the roles of the Massachusetts Law Reform Institute after Allan Rodgers retires.

Upcoming decisions include:

1. Whether and by what process MLRI consults with field programs, other statewide programs, funders and the Commission to determine what its core mission should be in the next few years, how that mission will be funded, and what skills and experience are most important for its new Executive Director to possess to accomplish that mission,
2. Whether MLRI hires a permanent Executive Director this winter, or instead hires an Interim Executive Director to help it focus its efforts on its core mission before it hires a permanent Executive Director to carry out its plans,

3. How MLRI plans to support development and enhancement of its websites, upon which the Commission relies, and

4. Whether, in light of Allan's retirement, MLAC institutes a review of its expectations of MLRI and the other programs receiving statewide grants and providing state support services.

As we are sure you recognize, decisions on these questions will have implications for our present State Plan and for choices being made in every region. At the same time, we recognize that each program is an independent corporation with a board of directors responsible for its operations, and the MLAC Board of Directors has an independent role for policy making and oversight of its grantees. We know that MLRI has already embarked on a thoughtful process for addressing the above and related issues.

The Commission has designated a special Planning Committee to learn more about these situations. The Planning Committee is chaired by Commission co-chair David Rosenberg, and includes Commissioners Jacqui Bowman, Russell Engler and Jim Van Buren, Commission Consultant Gerry Singen and MLAC Executive Director Lonnie Powers.

We request that you meet with our Planning Committee on Tuesday, October 26 at 10:00 A.M. at a location in Boston to discuss your situation. If that time is not acceptable, Gerry will work out an alternative with you. At the meeting, we hope that you will lay out your current thinking on each aspect of the situation and explore options with us. Lonnie has volunteered to work with Allan to help you prepare for the meeting. Gerry will be glad to answer questions or discuss any aspect of the meeting.

The Planning Committee will report to the Commission at its meeting November 17th so that the Commission can meet its responsibilities.

Very truly yours,

Hon. Ralph D. Gants, Co-Chair

David W. Rosenberg, Co-Chair

cc.: Allan Rodgers, arodgers@mlri.org

Exhibit 4

MASSACHUSETTS ACCESS TO JUSTICE COMMISSION
Supreme Judicial Court
John Adams Courthouse
One Pemberton Square, Suite 2200
Boston, MA 02108-1735

November 17, 2010

Robert Lavoie, Esq.
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P.O. Box 39
Andover, MA 01810
rlavoie@divinemillimet.com

Rick Vitali
60 Andrew Sq.Lynn, MA 01901
rvitali@comcast.net

Terence McGinnis, Esq.
24 Cobb Lane
Lynn, MA 01904
t.mcginnis@easternbank.com

Dear Bob, Rick and Terry:

The Access to Justice Commission's Mission Statement declares that our goal is "to achieve equal justice for all" 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 first stated method to this end calls for "[s]trengthening the civil legal services community in providing legal services for those unable to afford counsel." In addition, the Commission is the State Planning Body for LSC purposes, with responsibility for periodic assessment of the effectiveness of the State Plan and the need to amend it in light of current developments.

At its meeting September 30th, the Commission decided to seek an opportunity to learn more about current conditions in the legal services delivery system. To that end, the Commission designated a special Planning Committee to gather information and report to the Commission. The Planning Committee is chaired by Commission co-chair David Rosenberg, and includes Commissioners Jacqui Bowman, Russell Engler, Jay Thiel and Jim Van Buren, Commission Consultant Gerry Singen and MLAC Executive Director Lonnie Powers.

The Committee visited with the leadership of the Southeast Region, the West/Central Region and Mass Law Reform during October. Each meeting was very informative. Now the Committee would appreciate the opportunity to meet with the leadership of the Northeast Region. We are particularly interested in learning about several important current regional issues:

1. How the region plans to respond to the ongoing resource limitation caused by low IOLTA revenue,
2. Whether the regional system established in 2004, with regional responsibilities for telephone intake, categories of substantive law and administrative functions divided between MVLS and NLS, has worked well or needs to be reconsidered,
3. Whether the region has been effective in providing eligible clients with services an LSC-funded program cannot offer,
4. Whether having one group of individuals serve as the board of directors of two regional programs has been a successful experiment, and
5. How the region's needs for support are responded to by the statewide MLAC grantees.

As we are sure you recognize, reflection on these questions will have implications for our present State Plan and for choices being made in every region. At the same time, we recognize that each program is an independent corporation with a board of directors responsible for its operations, and that -the MLAC Board of Directors has an independent role for policy making and oversight of its grantees.

We request that you meet with our Planning Committee on Thursday, December 2 at 10:00 A.M. at a location in your region to discuss your situation. If that time is not acceptable, Gerry will work out an alternative with you. At the meeting, we hope that you will lay out your current thinking on each aspect of your situation and explore options with us. Lonnie has volunteered to work with your Executive Directors to help you prepare for the meeting. Gerry will be glad to answer questions or discuss any aspect of the meeting.

We also request that you authorize MLAC to share with the Committee, on a confidential basis, the most recent MLAC monitoring report on each of your MLAC-funded programs. We think those reports will help us understand your situations.

The Planning Committee will report to the Commission at its meetings November 17th and January 13 so that the Commission can meet its responsibilities.

Very truly yours,

Hon. Ralph D. Gants, Co-Chair

David W. Rosenberg, Co-Chair

cc.: Ken MacIver
Sheila Casey
Jay McManus

Exhibit 5

MASSACHUSETTS ACCESS TO JUSTICE COMMISSION
Supreme Judicial Court
John Adams Courthouse
One Pemberton Square, Suite 2200
Boston, MA 02108-1735

November 19, 2010

April English, Esq.
Consumer Protection Division
Office of the Attorney General
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April.English@state.ma.us

Julia Huston, Esq.
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Framingham, MA 01701
jmerrill@hkwg.com

Jane Price, Esq.
Fidelity Investments
82 Devonshire St..
Boston, MA 02109
jane.price@fmr.com

Dear East Region Board Chairs:

The Access to Justice Commission's Mission Statement declares that our goal is "to achieve equal justice for all" 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 first stated method to this end calls for “[s]trengthening the civil legal services community in providing legal services for those unable to afford counsel.” In addition, the Commission is the State Planning Body for LSC purposes, with responsibility for periodic assessment of the effectiveness of the State Plan and the need to amend it in light of current developments.

At its meeting September 30th, the Commission decided to seek an opportunity to learn more about current conditions in the legal services delivery system. To that end, the Commission designated a special Planning Committee to gather information and report to the Commission. The Planning Committee is chaired by Commission co-chair David Rosenberg, and includes Commissioners Jacqui Bowman, Russell Engler, Jay Thiel and Jim Van Buren, Commission Consultant Gerry Singsen and MLAC Executive Director Lonnie Powers.

The Committee visited with the leadership of the Southeast Region, the West/Central Region and Mass Law Reform during October. Each meeting was very informative. Now the Committee would appreciate the opportunity to meet with the leadership of the East Region. We are particularly interested in learning about several important current regional issues:

1. How the region plans to respond to the ongoing resource limitation caused by low IOLTA revenue,
2. Whether having a separate organization provide regional telephone advice and referral to the other regional programs has accomplished regional goals for this part of the delivery system or whether this model should be reconsidered (as it is being in two other regions),
3. Whether the benefits of having four small programs and one very large program in the region, rather than having one regional program, outweigh the costs, including the costs to the smaller programs in resources foregone, and
4. How the region’s needs for support are responded to by the statewide MLAC grantees.

As we are sure you recognize, reflection on these questions will have implications for our present State Plan and for choices being made in every region. At the same time, we recognize that each program is an independent corporation with a board of directors responsible for its operations, and that -the MLAC Board of Directors has an independent role for policy making and oversight of its grantees.

We request that you meet with our Planning Committee on Monday, December 6 at 3:00 P.M. at a location in your region to discuss your situation. If that time is not acceptable, Gerry will work out an alternative with you. At the meeting, we hope that you will lay out your current thinking on each aspect of your situation and explore options with us. Lonnie has volunteered to work with your Executive Directors to help you prepare for the meeting. Gerry will be glad to answer questions or discuss any aspect of the meeting.

We also request that you authorize MLAC to share with the Committee, on a confidential basis, the most recent MLAC monitoring report on each of your MLAC-funded programs. We think those reports will help us understand your situations.

The Planning Committee report to the Commission at its meeting November 17th and will report again on January 13 so that the Commission can meet its responsibilities.

Very truly yours,

Hon. Ralph D. Gants, Co-Chair

David W. Rosenberg, Co-Chair

cc.: Sheila Hubbard
Barbara Mitchell
Rosa Previdi
Robert Sable
Betsy Soule

Exhibit 6

MASSACHUSETTS ACCESS TO JUSTICE COMMISSION
Supreme Judicial Court
John Adams Courthouse
One Pemberton Square, Suite 2200
Boston, MA 02108-1735

March 25, 2011

ehagerty@kcslegal.com

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Eileen Hagerty, Esq.
Board Chair
Massachusetts Advocates for Children
c/o Kotin, Crabtree & Strong, LLP
1 Bowdoin Sq., 8th Floor
Boston MA 02114

Dear Statewide MLAC Grantee Board Chairs:

The Access to Justice Commission's overall goal is "to achieve equal justice for all" 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 first stated method to this end calls for "[s]trengthening the civil legal services community in providing legal services for those unable to afford counsel." In addition, the Commission is the State Planning Body for LSC purposes, with responsibility for periodic assessment of the effectiveness of the State Plan and the need to amend it in light of current developments.

At its September 30th, 2010 meeting, the Commission decided to designate a special Planning Committee to gather information and report to the Commission about the current conditions in the legal services delivery system. The Planning Committee is chaired by Commission co-chair David Rosenberg, and includes Commissioners Jacqui Bowman, Russell Engler, Jay Thiel and Jim Van Buren, Commission Consultant Gerry Singesen and MLAC Executive Director Lonnie Powers.

During the fall, the Committee visited with the leadership of the Southeast, West/Central, East and Northeast Regions, as well as Mass Law Reform Institute. Each meeting was very informative for the Committee and, it appears, was also helpful to the programs. Now the Committee would appreciate the opportunity to meet with the leadership of the other statewide grantees of MLAC. We are particularly interested in obtaining your views about the important current issues listed below as well as any thoughts you may have about how the AJC might be of help to your programs:

1. How are your programs responding to the ongoing resource limitation caused by low IOLTA revenue?
2. What are your responsibilities in the Massachusetts delivery system for both support and direct advocacy, and should there be any changes in those responsibilities in the future?
3. How do you relate to each other, and to Mass Law Reform, in order to provide the most efficient statewide effort and the greatest impact on client lives; and how do you measure your relative efficiency and effectiveness individually and as a group?
4. The allocations among you of MLAC's statewide funding have remained essentially unchanged during the last twenty years. Do those allocations continue to make sense? Should the allocations among you be expected to vary in response to changing needs for support and direct advocacy in the years ahead?

As we are sure you recognize, reflection on these questions will have implications for our present State Plan and for choices being made in every region. At the same time, we recognize that each program is an independent corporation with a board of directors responsible for its operations, and that the MLAC Board of Directors also has an independent role for policy making and oversight of its grantees.

We request that you and your project directors meet with our Planning Committee on Thursday, April 7 at 12:30 P.M. at a place of your choosing to discuss your situation. If that time is not acceptable, Gerry will work out an alternative with you (617-926-0246). At the meeting, we hope that you will lay out your current thinking on each aspect of your situation and explore options with us. Lonnie has volunteered to work with your Executive Directors to help you prepare for the meeting. Gerry will be glad to answer questions or discuss any aspect of the meeting.

We also request that you authorize MLAC to share with the Committee, on a confidential basis, the most recent MLAC monitoring report on each of your programs. We think those reports will help us understand your situations.

On behalf of the AJC's Planning Committee, I greatly appreciate your willingness to discuss these issues with us. We look forward to meeting with you in the near future.

Very truly yours,

Hon. Ralph D. Gants, Co-Chair

David W. Rosenberg, Co-Chair

cc.: Kathleen Boundy
Alan Kerzin
Jay McManus
Jerry Mogul
Will Ogburn
Steve Schwartz
Leslie Walker

Exhibit 7

MASSACHUSETTS ACCESS TO JUSTICE COMMISSION

**Supreme Judicial Court
John Adams Courthouse
One Pemberton Square, Suite 2200
Boston, MA 02108-1735**

March 22, 2011

Gordon Shaw, Executive Director
Massachusetts Justice Project

Richard McMahon, Executive Director
South Coastal Counties Legal Services

Sheila Hubbard, Executive Director
Volunteer Lawyers Project

Jon Mannina, Executive Director
Legal Assistance Corporation of Central Massachusetts

Rosa Previdi, Executive Director
Legal Advocacy and Resource Center

Bob Sable, Executive Director
Greater Boston Legal Services

Guy Lescault, Interim Executive Director
Western Massachusetts Legal Services

Dear Executive Directors:

As most of you know, the Access to Justice Commission's overall goal is "to achieve equal justice for all" 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 first stated method to this end calls for "[s]trengthening the civil legal services community in providing legal services for those unable to afford counsel." In addition, the Commission is the State Planning Body for LSC purposes, with responsibility for periodic assessment of the effectiveness of the State Plan and the need to amend it in light of current developments.

At its meeting September 30th, 2010, the Commission designated a special Planning Committee to gather information and report to the Commission about the current conditions in the legal services delivery system. The Planning Committee is chaired by Commission co-chair David Rosenberg, and includes Commissioners Jacqui Bowman, Russell Engler, Jay Thiel and Jim Van Buren, Commission Consultant Gerry Singsen and MLAC Executive Director Lonnie Powers.

During the last quarter of 2010 the Committee visited with the leadership of the Southeast, West/Central, East and Northeast Regions as well as Mass Law Reform Institute. Each meeting

was very informative for our Committee and, it appears, helpful for the programs we visited. Now the Committee would appreciate the opportunity to meet with the leadership of the field programs that have been most involved in using stand-alone, LSC-funded hotline/helpline/intake systems since 1996. We are particularly interested in obtaining your views on the important current issues regarding these systems listed below as well as learning from you how you think the AJC might be of help to your programs;

1. Given that two of the regional delivery systems are about to abandon their old structures while the third is being maintained, what is your analysis of the strengths and weaknesses of the experimental structure you put in place in 1996 and that the State Plan approved in 2003?
2. What do you believe to be best practices in providing hotline/helpline/intake services within a region? How should central telephone and internet technology be deployed, what services should be offered, how should these functions be staffed (full-time attorneys or paralegals, rotating staff or pro bono lawyers and law students), and should intake be centralized regionally or decentralized among a region's offices?
3. Assuming you plan to continue to offer centralized telephone hotline/helpline/intake in your region, and possibly to add similar internet-based services in the future, what do you think would be the benefits and the costs of having a statewide hotline/helpline/intake system rather than four regional systems?
4. Have we achieved a proper balance of regional resources among hotline/helpline advice services, advice and brief services provided by local office staff, extended services and cases for individuals and impact work designed to produce the greatest overall effect on the lives of low income families and individuals in your regions?

As we are sure you recognize, reflection on these questions will have implications for our present State Plan and for choices being made in every region. At the same time, we recognize that each program is an independent corporation with a board of directors responsible for its direction and operations, and that the MLAC Board of Directors also has an independent role for policy making and oversight of its grantees.

We request that you meet with our Planning Committee on Monday, April 11 at 3:00 P.M. at a location of your choosing to discuss these questions. If that time is not acceptable, Gerry will work out an alternative with you (617-926-0246). If you wish to bring someone else from your program who can help us understand these issues, please let Gerry know. At the meeting, we hope that you will lay out your current thinking on each aspect of your situation and explore options with us. Gerry will be glad to answer questions or discuss any aspect of the meeting.

On behalf of the AJC's Planning Committee, we greatly appreciate your willingness to discuss these issues with us. We look forward to seeing you on the 11th.

Very truly yours,
Hon. Ralph D. Gants, Co-Chair
David W. Rosenberg, Co-Chair

Exhibit 8

MASSACHUSETTS ACCESS TO JUSTICE COMMISSION
Supreme Judicial Court
John Adams Courthouse
One Pemberton Square, Suite 2200
Boston, MA 02108-1735

June 3, 2011

Rashaan Hall, Esq.
Board Chair
Massachusetts Legal Assistance Corporation
c/o Lawyers Committee for Civil Rights Under Law
294 Washington Street, # 443
Boston, MA 02108

Dear Rashaan:

The Access to Justice Commission's overall goal is "to achieve equal justice for all" 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 first stated method to this end calls for "[s]trengthening the civil legal services community in providing legal services for those unable to afford counsel." In addition, the Commission is the State Planning Body for LSC purposes, with responsibility for periodic assessment of the effectiveness of the State Plan and the need to amend it in light of current developments.

At its September 30th, 2010 meeting, the Commission decided to designate a special Planning Committee to gather information and report to the Commission about the current conditions in the legal services delivery system. The Planning Committee is chaired by Commission co-chair David Rosenberg, and includes Commissioners Jacqui Bowman, Russell Engler, Jay Thiel and Jim Van Buren, Commission Consultant Gerry Singesen and MLAC Executive Director Lonnie Powers.

During the fall and winter, the Committee visited with the leadership of the Southeast, West/Central, East and Northeast Regions, Mass Law Reform Institute, the seven other statewide support organizations receiving MLAC funds and leadership of LSC-funded hotline intake systems. Each meeting was very informative for the Committee and, it appears, was also helpful to the programs.

We are looking forward to meeting with you, Lonnie and whomever else you may choose to include next week on June 9 at noon in the NCLC Conference Room at 7 Winthrop Square. We are particularly interested in obtaining your views about the important current issues listed below as well as any thoughts you may have about how the AJC might be of help to MLAC:

1. How is MLAC responding to the ongoing resource limitation caused by low IOLTA revenue and flat state appropriations? Are there important functions you have had to or will curtail?

2. In our meetings with groups of programs we noted a surprisingly low level of sharing of information about innovations, challenges, and best practices between regions and among programs. In your strategic planning, or other analysis of MLAC's functions, do you see MLAC taking on new responsibilities in this area?

3. The Commission has enjoyed an excellent working relationship with MLAC. It appreciates the financial and mission support MLAC has provided. How do you see this relationship evolving in the next several years? What roles will MLAC play and what roles does it look to the Commission to perform in the Massachusetts delivery system?

4. What is MLAC's vision of an optimal legal services delivery system in Massachusetts? What structural changes are needed, what substantive goals need to be set and what mission should MLAC, the Commission and the service providers pursue? Is it time for a renewed state planning process, a statewide re-envisioning of the legal services effort, a campaign to articulate shared values or an attempt to agree upon what one analyst calls "big hairy audacious goals" for the legal services system?

As we are sure you recognize, reflection on these questions will have implications for our present State Plan and for choices being made by every provider in every region. At the same time, we recognize that MLAC is an independent corporation with a board of directors responsible for its operations pursuant to a state statute. We are deeply respectful of the MLAC Board of Directors' independent role for policy making and oversight of its grantees.

When we get together on the 9th, we hope that you will lay out your current thinking on each aspect of your situation and explore options with us. On behalf of the AJC's Planning Committee, I greatly appreciate your willingness to discuss these issues with us. We look forward to meeting with you in the near future.

Very truly yours,

David W. Rosenberg, Co-Chair

cc.: Lonnie Powers

Exhibit 9