Supreme Judicial Court Appoints Members to New Access to Justice Commission

The Supreme Judicial Court today announced the appointment of twenty-two members to the Access to Justice Commission, having reconstituted the Commission following its initial five-year term. The Commission will be co-chaired by the Honorable Ralph D. Gants, Associate Justice of the Supreme Judicial Court, and Attorney David W. Rosenberg, of Rosenberg, Schapiro, Engelder, Chicoine and Leggett, P.C. The former Commission, ably led by its Chair, retired Supreme Judicial Court Chief Justice Herbert P. Wilkins, has an impressive record of accomplishment and laid a solid foundation on which the successor Commission can build.

Chief Justice Margaret H. Marshall said, "The Access to Justice Commission will provide leadership, vision and coordination to all entities involved in providing and expanding access to justice, especially to those unable to afford counsel. Both the legal community and the community at large have a responsibility to achieve equal justice for all persons in the Commonwealth. The membership on the Commission is therefore being expanded to include members of the business, medical and technological communities, and the Executive Branch. Other members will represent the judiciary, law schools, bar associations and bar foundations, and legal services and clients."

The members of the newly-constituted Commission who have been appointed to serve three-year terms on a staggered basis are:

Navjeet K. Bal, Esq., Commissioner, Massachusetts Department of Revenue, and former Chairperson of the Legal Advocacy and Resource Center, a legal services hotline center in Boston

Jacquelynne J. Bowman, Esq., Acting Executive Director, Greater Boston Legal Services, Inc., Eastern Legal Services Region representative and a member of the former Commission

Honorable Cynthia J. Cohen, Associate Justice, Appeals Court, and Chair of the former Supreme Judicial Court Steering Committee on Self-Represented Litigants

Honorable Pamela M. Dashiell, Justice of the Boston Municipal Court

Anthony M. Doniger, Esq., Sugarman, Rogers, Barshak & Cohen, P.C., Boston, former President of the Boston Bar Association, representative of the Boston Bar Association/Boston Bar Foundation, and a member of the former Commission
Russell Engler, Esq., Professor of Law and Director of Clinical Programs, New England School of Law

Honorable Dina E. Fein, Special Advisor to the Trial Court on Access to Justice Initiatives, First Justice of the Western Division Housing Court, Springfield, and a member of the former Commission

Joel H. Feldman, Esq., Heisler, Feldman, McCormick & Garrow, P.C., Springfield, Central/Western Legal Services Region representative

Robert B. Foster, Esq., Rackemann, Sawyer & Brewster, P.C., Boston, representative of Massachusetts Legal Assistance Corporation, and a member of the former Commission

Honorable Kathryn E. Hand, Justice, Region 1, Southeast, District Court Department

Brent L. Henry, Esq., Vice President and General Counsel, Partners Health Care System

Sandra L. Jesse, Esq., Chief Legal Officer and Executive Vice President, Blue Cross and Blue Shield of Massachusetts, Inc., former President, Boston Bar Foundation

Ms. Ann Bailey Leavenworth, Office Administrator, Holy Family Catholic Church, Springfield, Client Representative to the Commission, and former Commission member

Ms. Sue Marsh, Executive Director of Rosie's Place, a Boston service agency for homeless and disadvantaged women, and a member of the former Commission

Richard McMahon, Esq., Executive Director, South Coastal Counties Legal Services, Inc., Southeast Legal Services Region representative, and a member of the former Commission

Honorable Angela M. Ordoñez, Associate Justice, Probate and Family Court, Norfolk Division, Canton

Honorable Steven D. Pierce, Chief Justice, Housing Court Department

Allan G. Rodgers, Esq., Executive Director, Massachusetts Law Reform Institute

Jay T. Thiel, Esq., Northeast Legal Services Region representative

James T. Van Buren, Esq., representative of the Massachusetts Bar Association/Massachusetts Bar Foundation, and a member of the former Commission

###
Massachusetts Access to Justice Commission

Mission Statement

The goal of the Massachusetts Access to Justice Commission is to achieve equal justice for all persons in the Commonwealth. It strives to accomplish this goal by providing leadership and vision to, and coordination with, the many organizations and interested persons involved in providing and improving access to justice for those unable to afford counsel.

The Commission will pursue its mission by various means including the following:

1) Strengthening the civil legal services community in providing legal services for those unable to afford counsel.

2) Enlarging the number of attorneys trained, willing, and able to provide pro bono civil legal services through full or limited representation.

3) Improving the ability of those without counsel to identify, articulate, and present their legal claims and defenses in civil judicial and administrative proceedings.

4) Working closely with the Chief Justice for Administration and Management and the Special Advisor to the Trial Courts on Access to Justice Initiatives to broaden access to justice within the court system.

5) Coordinating the efforts of the broad network of organizations and interested persons who seek to improve access to justice by (a) sharing information regarding successful programs, approaches, and strategies in delivering civil legal services to those unable to afford counsel, (b) identifying best practices in delivering such legal services, (c) determining the changing legal needs of those unable to afford counsel, as well as enduring unaddressed and under-addressed legal needs, and (d) developing goals and strategies in meeting those legal needs.

6) Providing a neutral forum in which important issues affecting access to civil justice can be discussed among the branches of government and the civil legal services community, including a broad cross-section of providers, funders, clients, bar leaders and other interested parties.

7) Reporting annually to the Supreme Judicial Court on the status of access to justice in the Commonwealth, including recommendations for reforms and new initiatives.

The success of the Commission will be measured by the extent to which persons can more effectively present their claims and defenses in our courts and administrative agencies, regardless of income or language ability.
Massachusetts Access to Justice Commission

Membership Statement

The Justices of the Supreme Judicial Court shall appoint a Massachusetts Access to Justice Commission. Terms will be three years, with initial terms staggered, except that the two Co-Chairs will not be staggered. The Justices shall seek to assure that the membership reflects geographic, gender, and racial and ethnic diversity. Members will generally serve no more than two full terms. Except for the individuals appointed to fill the membership positions designated for Legal Services Staff or any at-large member, no member will be staff of the Massachusetts Legal Assistance Corporation (MLAC), the Legal Services Corporation (LSC) or their grantees.

The Justices shall appoint two Co-Chairs.

The Special Advisor for Access to Justice Initiatives of the Administrative Office of the Trial Court shall be a member, ex officio.

The Justices shall appoint one member to represent social service organizations who are eligible to be a grantee of MLAC, IOLTA or LSC and clients of those organizations.

The Chief Justices of the following Trial Court Departments shall each make three nominations of judges from whom the Justices shall appoint one member per Court: District Court, Boston Municipal Court, Probate and Family Court, and Housing Court.

The Massachusetts Legal Assistance Corporation, the Massachusetts Bar Association/Massachusetts Bar Foundation (jointly), and the Boston Bar Association/Boston Bar Foundation (jointly) shall each make three or more nominations from whom the Justices shall appoint one member per organization.

The Justices shall appoint two Legal Service Staff persons to represent two of the four Legal Service Corporation (LSC) Regions. The two regions not represented by a Legal Service Staff person shall each make three or more nominations to the Justices from whom the Justices shall appoint one member per region.

The Justices shall appoint one law school clinical faculty representative, and may appoint other Members at Large.

Initial terms will be staggered according to the following plan, and members within any category shall draw lots to determine which member has what term:

- Four judicial positions: 3,3,2,1
- MLAC member: 2
<table>
<thead>
<tr>
<th>Position</th>
<th>Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>MBA/BBF</td>
<td>3</td>
</tr>
<tr>
<td>BBA/BBF</td>
<td>3</td>
</tr>
<tr>
<td>2 Legal Service Project Directors</td>
<td>2,1</td>
</tr>
<tr>
<td>2 LSC Service Regions</td>
<td>2,1</td>
</tr>
<tr>
<td>Client Representative</td>
<td>1</td>
</tr>
<tr>
<td>Six At Large Members</td>
<td>3,3,2,2,1,1</td>
</tr>
<tr>
<td>Law School Representative</td>
<td>3</td>
</tr>
</tbody>
</table>

After five years, the Justices shall assess whether the Commission continues to be a helpful way to address these issues.

DATE: ____February 11, 2010______
The Commission's Working Groups

The Commission will establish working groups to help it carry out its mission. Each working group will have two co-chairs. The co-chairs will be authorized to add individuals to serve on the working groups either from the Commission or from the community at large. All of the working groups will be responsible for at least the following activities:

1. Identifying any access to justice issues within the charter of the particular working group;
2. Developing a strategic plan to address said issues within a reasonable time frame;
3. Coordinating its activities with the work of the Special Advisor to the Trial Courts;
4. Identifying activities which can benefit from joint work with one of the other working groups;
5. Becoming aware of initiatives taken by access to justice commissions established in other states; and,
6. Reporting to the full Commission on matters that warrant broader input than that of the working group itself.

Delivery of Legal Services Working Group
Co-Chairs: Jacquelynne Bowman and Russell Engler

Recognizing the rich tradition in the Commonwealth of providing legal services and other assistance to those who cannot afford to retain an attorney, including the efforts of the established legal services programs, the private bar, law school clinical programs, the courts, administrative agencies and social service agencies, this working group will have responsibility for assessing whether there are ways the delivery system can provide improved access to justice.

It will
1. Coordinate the efforts of the broad network of organizations and interested persons who seek to improve access to justice;
2. Share information and identify best practices regarding successful programs, approaches, and strategies in delivering civil legal services to those unable to afford counsel;
iii) Identify unaddressed or under-addressed legal needs and weaknesses in the current structure or operation of the delivery system and to develop strategies and opportunities for addressing those needs and reducing those weaknesses;

iv) Be responsible for considering whether the current resources available to address the unmet legal needs of the poor can be augmented by, for example, new and as yet unidentified programs in the private bar, the use of non-traditional resources such as social service agencies, law school clinical programs, etc., or by increased appropriations or contributions; and

v) In conjunction with the Commission as a whole, serve as a neutral forum in which issues regarding the organization and effectiveness of the legal services delivery system in the Commonwealth can be discussed with legal service projects leadership and staff, clients, funders, bar leaders and other interested persons.

Technology and Website Working Group
Co-Chairs: Kay Paine and Richard McMahon

The fundamental goal will be to explore how technology can best be used to enhance the delivery of justice. The Working Group will work closely with the other working groups in its activities, and will also be cognizant of the activities of the Special Advisor to the Trial Court on Access to Justice Initiatives and initiatives taken by other states. It will look broadly at how technological advancements can be used in various ways to enhance access to justice, of which the following are illustrative:

i) development of effective websites to increase the flow of information to the public at large about their legal rights, the resources available to them to address any loss of said rights and the court and administrative processes which might be useful to them.

ii) development of a network of community resources beyond the courts which might be useful in enhancing the distribution of relevant access to justice information to the public such as public libraries, social services agencies, universities, etc.; and

iii) consideration of the ways in which technology can be used to improve the development of and completion of user-friendly forms in the courts and, if relevant, the administrative agencies.

Administrative Justice Working Group
Co-Chairs: Navjeet Bal and Allan Rodgers

The role of this working group stems from one basic observation: that individuals who are of limited economic means are greatly affected in their daily lives by the workings of a vast number
of practices and decisions by federal, state and local administrative agencies. Working collaboratively with relevant administrative agencies, it will engage in any project which has as its purpose improving access to or the administration of justice by a particular administrative agency or group of agencies, and will develop strategies on a range of activities in this arena of which the following are illustrative:

i) improving access to information for members of the affected public about the agencies’ application process, available benefits and denials of benefits;

ii) improving the ways in which individuals with limited English proficiency are aided by the agencies; and

iii) improving the ways in which the agencies conduct informal decision making and formal adjudicatory hearings.

The Court Practice Working Groups:

4. District Court/Boston Municipal Court Practice Working Group  
   Co-Chairs: Judge Pamela Dashiell, Judge Kathryn Hand and Jay Thiel

5. Probate and Family Court Practice Working Group  
   Co-Chairs: Judge Angela Ordonez and Tony Doniger

6. Housing Court Practice Working Group  
   Co-Chairs: Joel Feldman and Chief Justice Steven Pierce

Recognizing the numerous ways in which the courts have increased access over the past several decades, these working groups will have responsibility for assessing whether there are ways in which individuals continue to have difficulties in obtaining access to the particular courts within the purview of the working group, including the special issues pertaining to those with limited proficiency in English. They will identify opportunities and strategies for eliminating said difficulties. These three working groups will collaborate with one another when relevant, work with the Special Advisor to the Trial Court on Access to Justice Initiatives, and consider the ways in which the Commission's other working groups, or the Commission as a whole, can be helpful in addressing access issues.
MASSACHUSETTS ACCESS TO JUSTICE COMMISSION

Initial Terms of Membership

The Membership Statement that accompanies the appointment of the reconstituted Commission specifies that full terms are three years, that the initial terms are to be staggered within four categories of membership and that the members within each category should determine the duration of initial appointments by drawing lots. To that end, Gerry Singsen and Frank Moran, at the direction of the Commission’s Co-Chairs, drew those lots on March 8, 2010. All terms expire on February 15 of the year listed and all members are eligible for reappointment. Here are the resulting terms:

<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
<th>Group</th>
<th>Term in Years</th>
<th>Term Expires Feb. 15</th>
</tr>
</thead>
<tbody>
<tr>
<td>Co-Chair</td>
<td>Hon. Ralph Gants</td>
<td>3</td>
<td>2013</td>
<td></td>
</tr>
<tr>
<td>Co-Chair</td>
<td>David Rosenberg</td>
<td>3</td>
<td>2013</td>
<td></td>
</tr>
<tr>
<td>Special Advisor for Access to Justice Initiatives</td>
<td>Hon. Dina Fein</td>
<td>Ex. Off.</td>
<td>Without term</td>
<td></td>
</tr>
<tr>
<td>District Court</td>
<td>Hon. Kathryn Hand</td>
<td>A</td>
<td>2011</td>
<td></td>
</tr>
<tr>
<td>Boston Municipal Court</td>
<td>Hon. Pamela Dashiell</td>
<td>A</td>
<td>2013</td>
<td></td>
</tr>
<tr>
<td>Housing Court</td>
<td>Hon. Steven Pierce</td>
<td>A</td>
<td>2012</td>
<td></td>
</tr>
<tr>
<td>Probate and Family Court</td>
<td>Hon. Angela Ordoñez</td>
<td>A</td>
<td>2013</td>
<td></td>
</tr>
<tr>
<td>Boston Bar</td>
<td>Anthony Doniger</td>
<td></td>
<td>2013</td>
<td></td>
</tr>
<tr>
<td>Massachusetts Bar</td>
<td>Jim Van Buren</td>
<td></td>
<td>2013</td>
<td></td>
</tr>
<tr>
<td>Massachusetts Legal Assistance Corporation</td>
<td>Robert Foster</td>
<td>2</td>
<td>2012</td>
<td></td>
</tr>
<tr>
<td>Legal Services Executive: Eastern Region</td>
<td>Jacquelynnne Bowman</td>
<td>B</td>
<td>2012</td>
<td></td>
</tr>
<tr>
<td>Legal Services Executive: Southeast Region</td>
<td>Richard McMahon</td>
<td>B</td>
<td>2011</td>
<td></td>
</tr>
<tr>
<td>Legal Services Central &amp; Western Region</td>
<td>Joel Feldman</td>
<td>C</td>
<td>2012</td>
<td></td>
</tr>
<tr>
<td>Legal Services Northeast Region</td>
<td>Jay Thiel</td>
<td>C</td>
<td>2011</td>
<td></td>
</tr>
<tr>
<td>Client Representative</td>
<td>Ann Bailey</td>
<td></td>
<td>2011</td>
<td></td>
</tr>
<tr>
<td>Law School Faculty</td>
<td>Russell Engler</td>
<td></td>
<td>2013</td>
<td></td>
</tr>
<tr>
<td>At Large</td>
<td>Navjeet Bal</td>
<td>D</td>
<td>2012</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hon. Cynthia Cohen</td>
<td>D</td>
<td>2012</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Brent Henry</td>
<td>D</td>
<td>2013</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sandra Jesse</td>
<td>D</td>
<td>2013</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sue Marsh</td>
<td>D</td>
<td>2011</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Allan Rodgers</td>
<td>D</td>
<td>2011</td>
<td></td>
</tr>
</tbody>
</table>

3 = 7  2=6  1=6  Co-chairs = 3 years  Special Advisor = ex officio, without term