Massachusetts Access to Justice Commission
Supreme Judicial Court
John Adams Courthouse
One Pemberton Square, Suite 2200
Boston, MA 02108-1735

Request for Proposal
Fundraising Expert to Conduct Field Interviews
And Design Campaign to Raise Charitable Dollars
For Civil Legal Aid to the Poor
January 11, 2013

Assistance Needed

The Massachusetts Access to Justice Commission seeks to retain expert fundraising counsel (the “Expert”) to help create a new state-wide campaign for support of civil legal aid by business leaders, their corporations and a broad array of individual contributors who are not lawyers. A successful outcome could lead to the implementation of a model program that other states might seek to replicate.

Background Information

Each year in Massachusetts, approximately 50,000 low-income individuals receive free legal advice and representation in court to help protect them and their families against threats to their well-being and safety, ranging from the loss of employment and shelter to gaining access to medical care and protection from domestic violence. This assistance is provided by civil legal aid organizations with approximately $30 million in funding from federal and state sources, foundations, law firms and a few individual donors. Unfortunately, the demand for these services far outstrips the resources available to provide them.

The Massachusetts Access to Justice Commission was created by the Massachusetts Supreme Judicial Court to improve access to these legal resources in the Commonwealth (more information is available at www.massaccesstojustice.org). The Commission believes that there is an important place in the spectrum of public philanthropy for civil legal aid, alongside museums, hospitals, educational and religious institutions and relief organizations. Creating a place for legal aid funding in the spectrum of public philanthropy will require a concerted, statewide effort that is beyond the capacity of any individual legal aid organization.

The Commission has no budget. The work will be done pursuant to a grant awarded by the American Bar Association from funds provided by the Public Welfare Foundation. The funds were awarded to MLAC acting on behalf of the Commission (“MLAC” is a 501(c)(3) corporation created by statute). The work will be performed under the supervision of the
Commission’s Revenue Enhancement Committee (the “Committee”). The total funding available under the grant award is approximately $20,000.

**Scope of Work**

The Expert chosen will:

Stage 1: Consult with the Committee to clarify objectives, define the target groups (initially business leaders, their corporations and a broad array of individual contributors other than lawyers), identify interview subjects and topics, outline the desired report and establish the timeline.

Stage 2: Conduct interviews, preferably in person, with a sufficient range of individuals (identified as opinion leaders, representatives of the target groups or perceptive observers of the target groups) to obtain information and insight necessary to provide the deliverables. The Expert will consult with Committee representatives prior to conducting the interviews to prepare the interview content, and during the interview stage in order to review interim results and consider modifications in the approach to the remaining interviews.

Stage 3: Prepare a report about the options available for raising substantial sums of money from the target groups. The report will answer the following questions:

- What types of campaign goals might be attractive and what level of results might be attainable?
- What would be the most effective appeal message?
- Which type of business or other target group would most likely yield the best fundraising results?
- How does business receptivity to a major campaign of short duration (e.g., contributions to an endowment) compare to the response to a request for contributions on an annual basis?
- What needs to be in place, including staffing, to launch an effective statewide campaign?

The Expert will produce a draft report by July 1, 2013, and, after further consultation with the Committee, will produce a final report by September 30, 2013.

Step 4: The Expert will make a presentation describing his/her findings and recommendations to representatives of the legal aid community and the Access to Justice Commission. Representatives from interested parties throughout New England as well as the project funding source will be invited to attend.

**Context and Expected Outcome**

Massachusetts already has had several very successful fund raising campaigns organized by individual legal aid programs. These campaigns have focused on law firms and individual attorneys. Work is underway to replicate these efforts in other programs within the state.

To prepare itself for this effort, the Committee spent several months developing a “business case” to use in soliciting contributions and testing the case through interviews with more than 20 people in
private industry. A copy of that document is attached. The interviews showed considerable interest in contributing to support civil legal aid and substantial ignorance about what legal aid does.

A successful outcome of this effort will allow the Commission to make the decisions necessary to implement a major statewide fundraising campaign -- aimed at major corporations, business leaders and the broader philanthropic community. With assistance from the Expert, the Commission will seek to determine the optimal purposes for raising funds, set goals for the campaign, establish its budget and timetable, identify the potential contributors and organize the necessary campaign leadership. Ultimately, we expect that the campaign proposed by the Commission will be a major innovation that could likely become a model for the rest of the country.

**Proposal Requirements:**

The successful applicant must possess a proven track record of developing and implementing campaigns for new funding of charitable organizations from private individuals and businesses.

The proposal should describe the processes the Expert plans to use to achieve the objectives set forth above including the names and qualifications of the individuals who will be providing the services. A detailed time line of activities should also be included along with the cost associated with each major component of the work. Attach complete resumes of the key personnel (not more than three) who will be involved in the project.

Proposals are due by 8:00 p.m. on Friday, February 1, 2013 and should be submitted to Gerry Singsen, Commission Consultant, at gerrysings@aol.com. Proposals should be no more than ten pages single spaced, with 1” margins, in MS Word, Times New Roman Font Size 12. They should include descriptions of sample state and national campaigns the Expert has worked on and at least three references.

The Committee intends to select an Expert who will begin work by March 1, 2013.

Questions about this Request for Proposals may be submitted via email to Gerry Singsen at gerrysings@aol.com.
Mary is afraid to go to work. He’ll be angry if someone notices the bruises. But he’ll beat her if she doesn’t go.

LEGAL AID solves legal problems like these every day, for people who can’t afford a lawyer.

William wants to work here, but his wheelchair can’t go on the escalator and the elevator at the T has been out of service for three months. The boss isn’t happy that he’s always late.

Services are free.

But Mary, William and Eugenia won’t get legal help this year.

Eugenia is being evicted because her son cries all night if he doesn’t get his medicine. The health insurance was supposed to pay, but it denied her claim.

Legal Aid is in a funding crisis, laying off lawyers and turning needy people away.

LEGAL AID:

Is cost effective. It uses staff lawyers who work for less than any others and technology that speeds advice to clients. In addition, thousands of private lawyers give their time without charge.

Turns dollars into justice for vulnerable people in their time of need.

Repays the Commonwealth for every dollar invested by winning money for clients, bringing federal benefits to Massachusetts and saving the state the expenses of unnecessary homelessness and disruptive domestic violence.

Helps make Massachusetts a place where workers want to live and raise their families.

Supports social order, family stability, educational progress, physical and financial protection of elders from abuse and a judicial system that is efficient and just to all.

Rebuilds lives and makes it possible for children to thrive and leave poverty behind.

Has strong financial support from lawyers and bar associations.

Needs your help!

WANT TO KNOW MORE? HERE’S SOME ADDITIONAL INFORMATION.
Stories about Legal Aid in action.

Mary is afraid to go to work. The bruises will show and he’ll be angry. But he’ll beat her if she doesn’t go.

A Legal Aid lawyer got Mary a protective order keeping him away. A study several years ago documented that Legal Aid was the single most effective social service in stopping domestic violence. Mary got help with keeping herself safe, with getting support from a shelter and with the myriad details of reconstructing a life after violence.

William wants to work here, but his wheel chair can’t go on the escalator and the elevator on the T has been out of service for three months. The boss isn’t happy that he’s always late from using a stop ten blocks away.

Greater Boston Legal Services sued the T on behalf of the many Williams whose ability to work and contribute to society was undercut by failure of the T to provide access to T stations for the physically disabled. The court ordered compliance with federal law and appointed a monitor to ensure the T lived up to its agreements.

Eugenia is being evicted because her son cries all night if he doesn’t get his medicine. The health insurance was supposed to pay, but it denied her claim.

Eugenia’s Legal Aid lawyer negotiated an agreement with her landlord that stopped the eviction and then got the insurance company to honor its policy and provide the needed medicine. As a result Eugenia and her son did not need to enter a homeless shelter.

What is Legal Aid?

Legal Aid lawyers work for nonprofit organizations that annually provide free legal advice and representation in civil cases to nearly 50,000 low-income clients (affecting about 150,000 household members).

Legal Aid services are provided by a long-standing partnership between a statewide network of not for profit Legal Aid programs and 1,989 private attorneys who donated their time. In FY 2012, these programs, staffed by lawyers, paralegals and other professionals, are funded by the federal government (through the Legal Services Corporation and other federal agencies), the Commonwealth of Massachusetts and the Massachusetts IOLTA program (through the legislatively-funded MLAC and both the Massachusetts and Boston Bar Foundations), and private lawyers, law firms and a variety of charitable foundations. In addition to providing financial donations, private and corporate attorneys, contributed 73,603 hours in pro bono services last year in Massachusetts (the equivalent of 49 Legal Aid Lawyers).
Who is eligible for Legal Aid services?

Families and individuals at the lowest income level. To qualify, a family’s income must fall below 125% of the poverty level. For a family of four that means income of no more than $554 per week ($28,812 per year). In Massachusetts today nearly a million people live in eligible households. The latest Census Bureau data shows that, nationally, poverty is increasing to the point where one in five Americans is eligible for free legal services.

Legal Aid is a good investment.

Representation of these families has a profound impact on the quality of life of every community in Massachusetts. Legal Aid makes neighborhoods safer and more stable by preventing a never-ending stream of foreclosures and evictions. It reduces the number of abused woman and elderly people who populate hospital emergency rooms and require substantial follow up by mental health and social services. It brings federal dollars into the state through successful prosecution of disability claims. It reduces the Commonwealth’s expenditures on exceedingly expensive social services such as emergency shelter programs. It saves jobs and helps families obtain the right services for their children. It provides groups of citizens of different ethnic backgrounds with a dignified way to address their problems.

In short, Legal Aid is a key driver in making Massachusetts a good place to live and work.

Legal Aid is a critical part of support for the society we want to live in.

Why Should Legal Aid Matter to You?

We take justice for granted. Its establishment more than 200 years ago was a primary goal of the constitution. All of us are at risk if the law does not provide a level playing field to each one of us. But without a lawyer, a player may not even get on the field.

Because Legal Aid is not there for them, low-income residents are often shut out of the justice system. An inadequate Legal Aid program makes Massachusetts a less attractive place to do business, a colder place to raise a family, an uncertain environment in which to invest and a community in which less can be gained because less can be ventured. If you want Massachusetts to continue to be the beacon of liberty and justice for all, all of us have to fight for it.

How Legal Aid turns dollars into justice for vulnerable people.

Legal Aid programs are private, nonprofit 501(c)(3) charitable organizations governed by boards of directors. They are funded by the federal Legal Services Corporation, other federal agencies such as Health and Human Services, Justice and Housing and Urban Development, the Commonwealth (which gives an annual appropriation MLAC, the Massachusetts IOLTA
Committee (which distributes its income through MLAC and the Massachusetts and Boston Bar Foundations), charitable foundations and gifts from individual lawyers and law firms.

Legal Aid programs hire lawyers and paralegals and provide advice, information and representation to eligible individuals with substantial civil legal problems. The kinds of problems encountered include domestic violence, eviction, foreclosure, debt collection, failing schools, battles over child custody, nursing home abuse, deportation, denial of healthcare, apartments with rats, roaches and mold, predatory lending and not qualifying for disability benefits.

More than 400,000 Massachusetts low-income households face problems like these each year. Legal Aid uses the time of its lawyers and paralegals to protect the rights of its clients so that justice prevails in each case.

Of course, with funding levels as low as they are today, most go without Legal Aid and many lose their rights as a result.

Cost effectiveness.

Legal Aid is cost effective in four ways.

- First, it keeps expenses low. Its lawyers are among the lowest paid in the legal profession despite their high level of skills and specialized substantive knowledge.

- Second, Legal Aid representation brought its clients annual benefits and awards of at least $47 million, more than the total funding of the programs.

- Third, many of these client benefits are in the form of federally-funded benefits which contribute to economic health in Massachusetts; more than $26 million in new federal revenue was generated by Legal Aid cases last year.

- Fourth, Legal Aid advocacy saves the state money. A 2007 study showed that averting eviction for 600 tenants saved the Commonwealth an estimated $7.6 million in emergency shelter assistance costs and a 50% success rate in domestic violence cases could result in savings of $4.5 million.

Contributing to an environment where business can succeed.

How does Legal Aid impact the social and economic health of Massachusetts communities? From the standpoint of an individual family, representation by a Legal Aid attorney can make the difference between remaining in their apartment or becoming homeless; it can prevent a wife from being battered or an elderly couple from being physically, mentally or financially abused; it
can help a disabled individual to receive benefits and an employee to retain his or her job in the face of discrimination; it can enable a child to receive the educational services she needs.

**Legal Aid needs help.**

Funding for Legal Aid Programs has declined precipitously over the past five years.

Grants from MLAC has decreased from $28 million in FY 2008 to $13 million in FY 2013.

The result has been a sharp decline in services during a time period in which the number of families falling into poverty and their need for legal services has increased dramatically.

*More than half of the families seeking help from Legal Aid are turned away.* They have few, if any, alternatives for getting the legal help they need.

The long term outlook is no brighter. There is little likelihood that this situation will improve unless financial support is significantly broadened and deepened. Indeed, the funding from the Legal Services Corporation has been cut more than 18% for FY 2011 and 2012.

**What will it take to level the playing field?**

Because Legal Aid makes our society fairer, more stable and less costly for taxpayers we need to redouble our efforts to insure that more families have access to it.

**One vision of a broad-based system of justice for all Massachusetts residents calls for an initial investment of $50 million raised during the next three years.**

- 75% of those funds will be used to increase the staff of the legal aid programs serving clients with serious legal problems.

- 25% will begin an endowment fund for the future stability of the justice system.

These funds would be administered by a new, not for profit, tax exempt corporation created for this sole purpose with a broadly based board of directors including members of the legal community, the business community and the public at large.