FEASIBILITY OF STATEWIDE CAMPAIGN TO RAISE FUNDS
FROM MAJOR DONORS WHO ARE NOT LAWYERS

March 15, 2014

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FEASIBILITY OF STATEWIDE CAMPAIGN TO RAISE FUNDS
FROM MAJOR DONORS WHO ARE NOT LAWYERS

In December 2012 the American Bar Association Fund for Justice and Education awarded $20,000 to the Massachusetts Access to Justice Commission ("Commission") under its Access to Justice Commission Expansion Project. The purpose of the grant was to determine whether it was feasible to raise significant contributions to support the provision of civil legal services to low-income individuals and families from businesses, business leaders and nonlawyers.

This preliminary report has been prepared to make available to others the benefit of our experience so far. The term of the grant has been extended to February 28, 2014, and this preliminary report will be replaced with a final report that is now due by March 15, 2014.

Pursuant to the grant, this report includes a narrative account of how the Commission conducted a study of the feasibility of mounting a statewide fund raising campaign focused on major donors who are not lawyers. The report also evaluates the success of the project, specifies a number of challenges faced and lessons learned, and includes documents that may be useful to commissions and legal services leaders in other jurisdictions.

The final financial report will be included in the final report. It will be prepared by the fiscal agent for the Commission, the Massachusetts Legal Assistance Corporation (MLAC). The grant was for $20,000. $18,000 has been expended on consulting services so far, and the Commission's Revenue Enhancement Committee ("Committee") is beginning to implement the plan developed under the grant.

I. The Grant Application

The ABA, with funds supplied by the Public Welfare Foundation, offered grants of up to $20,000 to established Access to Justice Commissions so that the Commissions could explore ways to strengthen access to justice in their states. The Massachusetts Commission, appointed by the Supreme Judicial Court, has no independent budget but has been actively engaged in seeking funds for civil legal aid in the Commonwealth through the Committee. For about a year the Committee had been exploring how legal aid programs might become the beneficiaries of philanthropic donations, joining such major public charitable purposes as museums, hospitals and educational institutions. The next step in these explorations was to engage a fund raising expert to conduct a feasibility study. The ABA grant program was perfectly timed. The resulting grant application is Appendix A.
The Massachusetts Access to Justice Commission is a creation of the Supreme Judicial Court. As such it has no corporate form and lacks federal tax status as either a nonprofit entity or an entity to whom tax deductible gifts can be given. In order to accept the ABA's grant, the Commission obtained MLAC's agreement to be the formal grant recipient and to act as the Commission's fiscal agent. The grant was awarded to the Commission but the grant documents were signed by MLAC. The grant award letter is Appendix B.

II. The Business Case

The Committee had reviewed existing legal aid fund raising in the state. Legislative support was sought by the Equal Justice Coalition and MLAC. Grants from federal and state government entities and from foundations were substantial. Greater Boston Legal Services had a nationally-recognized campaign for contributions by law firms. But no one was very effective at obtaining corporate gifts, and none of the existing efforts had done much to branch out and seek contributions from business leaders or nonlawyer donors.

The Committee invested many hours in discussing the question "why would a nonlawyer be motivated to make a significant contribution to legal aid?" In the winter of 2011-12 these discussions led to production of a "one-pager" stating the "business case" for legal aid and a non-scientific survey of business leaders known to Committee members seeking insight into their perspectives on the social value of civil legal services. The "business case" and supporting material are in Appendix C.

The survey revealed that the business folk had little or no knowledge of what civil legal aid was or did. Even the lawyers among the interviewees were generally unaware of the ways legal aid services might fill critical social needs, improve civic life, produce economic benefits or otherwise be worthy of financial support. Yet the business case elicited positive responses and interest in knowing more.

III. Conducting The Feasibility Study

A. Hiring an Expert. The Committee members were experienced in public and law firm fund raising and grant writing, but less so in the solicitation of funds from major nonlawyer donors. Conversations with people with more experience had led to the conclusion that we should hire an expert in examining the potential rewards and pitfalls of a projected campaign. Inquiries led to a short list of such experts, and an awareness that $20,000 was probably inadequate to retain the expertise needed.

The Committee prepared a Request for Proposals describing the feasibility study, attaching the business case and revealing the limited funding available for the work. The RFP was sent to all known experts, with proposals due in three? weeks. The Commission members suggested several possible experts, and we eventually found one association of potential experts. The RFP is Appendix D.

1 We paid $150 and extended the due date for proposals in order to circulate our RFP among the association members.
Our efforts led to several substantial inquiries from firms that were used to higher pay or whose business was running campaigns, but they also resulted in four solid proposals that met the terms of the RFP. A subcommittee reviewed all four proposals, exchanged written assessments of each and then met to discuss the options presented. Two of the candidates had responded more creatively and effectively than the others. The subcommittee invited these two bidders to meet with us, expand on their ideas and discuss the project in more detail.

The interviews were very helpful. Both experts offered fairly similar designs -- conduct informational interviews with individuals who were the kinds of people we might ultimately go to for donations. Don't ask them for money but for time and perspective on the idea of legal aid as a subject of major philanthropic giving. Prepare a "case statement" to explain legal aid to the interviewees. But there were differences as well. One firm was more established than the other. One firm was larger. One firm seemed more experienced at running campaigns. One firm had paid more attention to the details of the RFP and been more creative in designing the study they proposed. One firm had a better idea of the nature of the legal aid role in society. (When asked for additional references from former clients whose needs had been similar to ours, one firm was more able than the other at understanding our needs.) Finally, one firm's representatives were more convincing in describing their interviewing style as appropriate for the people we wanted to have them interview.

The subcommittee presented its recommendation to the full Committee. The Committee asked the successful candidate to a final interview and then ratified the choice of Community Philanthropy Consulting (CPC) as our expert.

B. Contracting with the Expert. A contract was entered into between the Committee and CPC with MLAC, the fiscal agent, signing on behalf of the Committee. The contract is in Appendix E. The close working relationship between the Committee and MLAC was an essential element of the undertaking. At no time did we encounter any inconvenience arising from this arrangement.

C. Educating the consultant. The lead expert from CPC, Nancy Kerbs, had little prior knowledge of civil legal services, so the Committee began the engagement by supplying her with an in-depth understanding. Written materials describing the history of legal services in Massachusetts, the funding that sustains the eighteen programs supported by MLAC and LSC, and case handling and staffing statistics. We also provided the Commission's Goals and Objectives for 2013 and the Second Interim Report of the Commission's Special Planning Committee and the earlier reports of the Commission.

The Committee also met with the two CPC experts for several hours of discussion during which more subjective insights about legal services were exchanged. After CPC felt it had a good picture of the work it began to develop the work plan for implementing the grant.

D. Educating the Committee. CPC presented the Committee with a schedule of events under the grant and used the schedule to deepen the Committee's understanding of how the feasibility study would be constructed, what roles various people would play, how interviews would be set
up and carried out and when reports could be expected. At several meetings, CPC taught the Committee about the philanthropic world, about the relative difficulty of obtaining substantial gifts from corporations, the greater potential of gifts from foundations and the largest share of philanthropy, gifts from individuals and their personal foundations.

E. The Case Statement. The plan for interviews was to identify 40 or more candidates, to send them a brief "case statement" explaining what civil legal services does in our society and why individuals should care about it, and to describe what major donations would enable legal services programs to do. The "business case" was a good start for the case statement but it was not sufficient. There were several major questions to resolve.

1. Were we seeking a single campaign with a large goal (e.g., $25 million raised in three years) or an annual campaign with a lower annual "ask?" We decided that we wanted to shoot for the largest possible target and then, if we were successful, we could transition into an annual campaign.

2. For what purposes would the money be raised: replacing staff lost when IOLTA dropped in the recession, or funding transformative projects? We anticipated that potential donors would be more attracted to innovation and enhancement rather than to maintenance of effort, so a subcommittee identified potential projects.

The possible projects fell into these categories:
   a. Veterans Service Project
   b. Preventing Domestic Violence
   c. A "Reggie-like" fellowship program recruiting top candidates and providing training in systemic advocacy
   d. An Innovations Fund
   e. A Right to Counsel Fund
   f. Major improvements in technology - Including Social Media and Office Equipment
   g. Increasing the Return to the State of its Investment in Legal Services
   h. A Stabilization Fund
   i. An Opportunity Project

The final case statement sought $25 million for the following projects:
   a. Expansion of Services $6 million
      Keeping Faith with our Veterans and Preventing Domestic Violence and Alleviating Its Effects
   b. Innovation Project $3 million
      Using 21st Century Technology and Management Practices to improve the impact of Legal Aid Services
   c. Community Lawyer Fellowship Program $10 million
   d. Stabilization Fund $6 million

2 Our case statement was finalized in April 2013. In October 2013 the LSC's new Development Officer presented the LSC Board with "A Campaign for Justice," a case statement for a list of projects for which LSC would seek private funding. The list is almost identical to ours, and the format of the statement itself is incredibly similar.
The final case statement is in Appendix F.

3. To whom would contributions be given? The Commission was not an appropriate entity (see later discussion), MLAC was the recipient of the legislature's support which might be undercut by a major fund drive, the bar foundations were primarily focused on lawyers and the 18 field programs (ten regional programs and eight support centers) did not have any history of collectively managing anything like this. We tentatively decided that a new organization would be needed to run the campaign and to decide for what purposes it was raised and used.

F. The Interviews. Guidelines for the interviews were quite strict. The CPC interviewer would not ask for any contributions or commitments during the interview. Instead, interviewees were asked to give a candid assessment of whether people with substantial funds to contribute, people like the subjects, would be moved to contribute in a major way. Which kind of fund use, and which specific proposals, would be of most interest to potential donors? How much might a campaign aim to raise. If the interviewee indicated an interest in being involved, or in ultimately contributing, that would be noted, but the subjects were promised anonymity.

The process we undertook involved all Committee members and Commissioners developing a list of individuals they knew, or knew of, who had great wealth or were active participants in philanthropic ventures. We sought to identify prospects from all parts of the state, of both genders and all ages, from many business and personal backgrounds and with reputations as leaders in the giving community. We also considered prospects with large public presences that might be particularly helpful in leading an actual campaign. At several meetings we reviewed the list of prospects, identified the individuals most likely to be representative and helpful and tried to come up with additional names.

When we were ready to begin interviewing in May, we reached out to the prospects by phone call, usually from a person who had some personal contact with them, to ask if they would be willing to be interviewed for 45 minutes. The content of the interview was broadly described. All but one of the persons called agreed to be interviewed. Letters were sent confirming the plan to interview and presenting the case statement. CPC then made a direct contact with the interviewee, scheduled the interview and met with the subject. Thirty-eight interviews of individuals drawn from a broad cross-section of the giving community were ultimately completed.

IV. The Findings -- The Feasibility Study

CPC presented its findings in several stages. Committee leadership heard initial feedback in September and began discussion of the implications of the findings. The full Committee heard an oral report late in the month and had the opportunity to consider the results and probe the data. The final report was presented at the end of October. The Feasibility Study, with the names of interview subjects and potential campaign leaders redacted, is in Appendix G.

The key findings were the following:
A. Awareness and Attitudes: Outside the legal community, awareness of the need for civil legal aid is very low. Interviewees had little personal connection to legal aid. But they quickly grasp the importance of "fairness for people who can't afford to pay for it." Educational efforts will have to overcome the "diffuse" nature of the need legal aid addresses -- every kind of social problem falls in the legal aid arena. These challenges make having the "right people" leading the actual campaign a key predictor of success.

B. Case for Support. Interviewees felt an initial campaign was likely to produce $4 to $5 million a year rather than the $25 million proposed in the Case Statement. Low awareness of the need makes it hard to seek a large goal. However, once someone makes a gift they will continue if their money produces good outcomes.

While there was only limited enthusiasm for raising money to replace attorneys lost when IOLTA revenue plummeted, the specific projects proposed received strong support and provoked some pointed questions.

Fellowship Program -- is it wise for the largest "ask" to involve paying attorney salaries (many were uncomfortable with a goal of paying salaries). Can fellowships produce the results predicted?

Innovation Project -- these ideas were exciting to the interviewees, who believe technological advances could be critical.

Expansion of services -- neither veterans nor domestic violence generated much interest.

Stabilization Fund -- was a focal point for a few interviewees who raised technical questions about how the allocation was determined

C. Messaging. "Fairness" and "equal justice for all" are what the campaign will be about, not "civil legal aid". Outcomes -- impacts on the lives of people receiving services -- resonate strongly. Pick sympathetic impacts such as those for children.

D. Campaign Organization. Several interviewees asked how the new organization would complement rather than undermine existing fund raising by programs? Will less money be given to existing provider campaigns? Is this new campaign "better" than giving directly to a provider?

E. Campaign Leadership. Interviewees identified a number of individuals, some well known, who could be the "face" of a campaign.

F. Corporate Support. While interviewees felt that wealthy individuals and private foundations would provide substantial support, they were very skeptical that businesses would give significant funds.
G. Statewide Campaign Support. Very few interviewees lived outside Route 128, and their responses were different than those of the rest. They believe Boston benefits disproportionately from statewide campaigns. To be credible, leaders from outside Route 128 are needed.

H. Role of the Legal Community. Nonlawyers will expect the legal community to provide key leadership to a campaign, both in donations and in volunteer support.'

I. The Economy and Other Campaigns. The troubled economy will not significantly affect the results of the campaign.

The Report offered the following Conclusions and Recommendations:

A. Awareness and Attitudes - Conduct a deliberate, targeted education campaign focused on identified potential donors as the first step rather than trying to raise broader public awareness from the outset.

B. Messaging -- Campaign for fairness and equal justice. Do it by telling stories of lives saved and improved. The face of the campaign is the people, especially the children, whose lives have been impacted. Be careful to avoid the perception that funds are simply being raised to pay more attorneys to provide civil legal aid.

Find a single focused objective that encompasses the diffuse causes legal aid addresses. Not important to highlight specific causes or beneficiaries to specific donors. The most interest was generated by resourceful and innovative applications of services that result in more people benefitting from the services.

Numbers expressing benefits were of great interest. People with needs but no services, cost to communities of not having legal aid and benefits realized when legal aid is present.

C. Case Statement. An "annual" type of campaign with an initial goal of $4 to $5 million is the right starting point. This target is "felt" to be achievable rather than calculated on the basis of indicated levels of likely giving.

Innovative use of Resources that make legal aid more effective and efficient and improve outcomes should be emphasized more than paying more lawyers.

Consider connecting donors to specific effects that will be produced (e.g., donor funds a specific fellow and gets reports on results obtained).

Technological advances that improve quantity and quality of services are important. They produce sustainable results with "one-time" investments.

Improving the flow of information and integrating delivery of services into modern mobile devices are promising.
Creating a new organization will raise questions which should be answered in advance with legal aid providers and constituencies.

D. Leadership. Start with identifying the Campaign Chair, perhaps from the leadership list, who will make the enlistment "ask' to bring together a Steering Committee. Talk with potential leaders and with interviewees to figure out who will be the ideal Chair. Steering Committee members will be expected to make and solicit major gifts and to open doors to prospects. The Board members of the new organization (who will be choosing the Steering Committee) will need to show their support for the campaign; major donor prospects will want to know how seriously they take the effort.

E. Foundations. A parallel foundation grants program should develop case statements tailored to the interests of potential foundation donors.

Finally, the Report laid out a broad campaign design for seeking $4 to $5 million in three years.

Phase One - Education/Awareness and Volunteer Cultivation Program (January 2014 to October 2014)
- Form the new organization, The Fund for Legal Aid and put Board in place
- Develop budget for Phase I and II and obtain initial funding for campaign counsel.
- Set Phase I-II goal of $4 million
- In this phase, the Steering Committee is recruited, the campaign Chair is identified, the Board and volunteers are trained, the Case for Support is drafted, campaign prospects are researched, and advance gifts are solicited.
- Hire outside campaign counsel to orchestrate or handle many of these jobs.
- Success will be measured by depth of pool of potential volunteers and donors.

Phase Two - Advance and Major Gifts Campaign (November 2014 to June 2015)
- Continue leadership cultivation and enlistment and education/awareness initiatives from Phase I.
- Identify key prospects, recruit gift volunteers, train volunteers, solicit gifts, prepare foundation proposals, set broader plan for education, complete advance gift approaches and begin major gift approaches, create "community" campaign plan and finalize campaign goal ($5 million).

Phase Three - Broad-based Campaign (July 2015 to December 2015)
- Announce final goal and kick off public phase of campaign, seeking community gifts and support from broader public.

V. Implementation Steps.

The Committee, after reviewing the report, decided to initiate a campaign independent of the Commission. At its December 5, 2013 meeting, the Commission reviewed the Study and received a report from Committee Chair David Rosenberg, which is attached as Appendix H.
The Committee reported that it was in the process of establishing a new 501(c)(3) entity to run the campaign. The Board of this corporation will recruit a Leadership group to spearhead the actual fund raising.

The new entity will be independent of the Commission but connected to it by having one or two of the Board members be Commissioners and by periodic progress reports provided to the Commission. Reasons for this separation include the perception that closer ties would be inappropriate for an entity created by the Judicial Branch and for the Commission's seven judicial members. In addition, the Commission is subject to "sunset" review every five years while the new entity is intended to persist indefinitely.

VI. Evaluation and Lessons Learned

Our grant application proposed that the success of the grant would be determined by the funds raised by implementing the recommendations of the consultant. It will be some time before that final assessment can be made. What is clear today is that the process of conducting the feasibility study has led the access to justice community to its first statewide fund raising effort and its first concerted attempt to raise charitable dollars from their largest pool -- the nonlawyer donors and their foundations. The value of a future interest in legal aid charitable fund raising has risen considerably.

The entire feasibility study contains lessons learned. Here are some examples:

- Emphasize fairness and equal justice, not more lawyers.
- Potential donors know nothing about what civil legal aid does, but if we tell them they will be convinced of its importance.
- Focus on wealthy individuals and business leaders, and private foundations. Corporation charitable donations will provide little support to legal aid.
- Innovative projects that increase efficiency and impact will be supported, while recapturing lost positions and reopening lost offices almost certainly will not.
- Describing the outcomes achieved for individuals, especially children, will elicit more support than describing categories of problems such as domestic violence or veterans' benefits.

The most important lesson imparted to us is that moving from the feasibility study to carrying out the fund raising campaign is a huge challenge. The Committee is very excited to be breaking new ground and potentially opening up a major new source of financial support for legal aid. Thanks to this grant, we have begun. We are convinced that "Justice is Everyone's Business."
Appendix A

ABA Access to Justice Commission Expansion Project
Phase II Grants
Application
Due: October 1, 2012 Please limit to three pages total, 12-point type, 1-inch margins

1. Applicant/Commission's official name and contact information
Massachusetts Access to Justice Commission. David Rosenberg, Co-Chair, DRosenberg@elcpc.com.

2. A brief overview of the Commission's current activities
The Commission is active on many fronts and has achieved a number of important goals to increase access to justice. Its current working agenda can be found in its “Objectives for 2012: September Update” at www.massaccessstojustice.org. The Commission has established objectives in six areas, most of which will be undertaken in cooperation with other entities. The first set of objectives concerns revenue enhancement.

Revenue Enhancement for Legal Assistance for the Poor
• Development of a statewide fund raising campaign seeking contributions from business and philanthropic communities (the subject of this proposal)
• Increasing Attorney’s Fees obtained by legal services providers
• Obtaining class action residuals to support legal assistance to the poor.

A central challenge faced by all Commissions is the lack of adequate funding to provide legal assistance to low income individuals. The Commission has made increasing revenue a high priority. Two years ago, the Commission proposed and saw adopted an Access to Justice Fee Add-On for the state’s mandatory annual attorney bar registration fee. This “opt-out” program is now annually generating more than $1 million in new income to support legal services. This past year, the Commission proposed a Pro Hac Vice Rule, which was recently approved by the Supreme Judicial Court and went into effect September 4, 2012, generating additional income to support legal services.

This proposal for funding from the ABA and the Public Welfare Foundation will be used to make a major advance toward realizing a new vision of potential support for legal services: a statewide fundraising campaign designed to obtain contributions from corporations, business leaders and the philanthropic communities.

The other five priority areas in the Commission’s list of objectives involve pro bono services, making civil legal aid services more efficient and effective, improving access in administrative agencies, supporting self-represented litigants and the courts, law schools and planning and coordination for the access to justice community.
3. Organization’s Tax Exempt Status and Tax ID # (or that of the fiscal agent/sponsor)

Fiscal Agent: Massachusetts Legal Assistance Corporation
Tax ID #: 04-2790762

4. Brief description of the project's goals and expected specific outcomes (where you hope to be at the end of the grant period)

With the funds awarded in this grant, the Commission will plan and make the decisions necessary to implement a major statewide fundraising campaign targeted on major corporations, business leaders and the broader philanthropic community. With research assistance from one or more experienced private sector fund raising consultants, the Commission will determine the specific purposes for raising funds, set goals for the campaign, establish the budget and timetable, identify the potential contributors and organize the necessary campaign leadership and followership. The underlying goal of this campaign is to establish legal aid as a viable competitor for museums, symphonies, hospitals and colleges in the competition for philanthropic dollars.

To prepare itself for this effort, the Commission’s Revenue Enhancement Committee developed a “business case” to use in soliciting contributions and tested the case through interviews with more than 20 people in private industry. The interviews showed considerable interest in contributing to support civil legal aid and substantial ignorance about what legal aid does.

Massachusetts already has several very successful fund raising campaigns that focus on law firms and individual attorneys, and we are working to replicate these efforts in other programs within the state. Commission Co-chair Dave Rosenberg was a leader in the development of the nationally recognized Greater Boston Legal Services attorney campaign. But there have been only very limited and localized efforts to secure significant donations from the corporate sectors or individuals of wealth. To our knowledge, the campaign proposed by the Commission will be a major innovation; if it succeeds it will become a model for the rest of the country.

The Commission will engage one or more professional development experts to research the opportunities available in the private sector and design the campaign. The expert would provide advice on the following:

- What needs to be in place to launch an effective statewide campaign;
- What type of campaign goals would be most attractive, for example: funding for fellowships or for discrete types of poverty law work;
- What would be the most effective appeal message; and
- Which target group would most likely yield the best fundraising results.

5. The amount requested and, if applicable, other sources of funding and/or in-kind contributions secured or anticipated
The Massachusetts Access to Justice Commission requests a grant of $20,000 in order to hire the fundraising consultants. Support for the Revenue Enhancement Committee includes substantial pro bono time from Commissioners and members of the legal community and substantial time contributed by staff members of legal services organizations. In 2011 perhaps 4,000 hours [number needs some documentation] were contributed in these ways. In addition, the Massachusetts Legal Assistance Corporation (MLAC) and the Boston Bar Foundation are providing a small amount of funding to support a part-time consultant, Gerry Singsen, who provides staff support for the Commission and its committees. For the statewide private sector campaign, in-kind assistance will also be available from the fundraising staff of several Massachusetts legal services programs and from MLAC.

6. The total amount of the Commission's budget, with major sources of funding
The Commission has no budget or sources of funding. Its only financial support is the MLAC and BBF funding of Mr. Singsen’s time.

7. Brief description of the work to be performed and how the funds will be expended, including who will perform and oversee the work and an overall time frame for the project
Funding will be used to hire one or more part-time fundraising consultant who will provide advice and counsel in the four areas detailed in the response to question 4. Commission Co-Chair David Rosenberg will provide project leadership and oversight. Gerry Singsen will provide ongoing support. Additionally, the consultants will report to the Resource Development Committee at each of its meetings. The Commission expects that this project will take six to nine months to complete.

8. Brief description of support from other partners, as appropriate; formal statements of support, if any, should be appended
Other than the members of the Resource Development Committee, the development staff of legal services programs who may be called upon, and the fiscal agent, MLAC, there are no other formal partners. Yet, all the legal services programs in the state strongly support these revenue enhancement efforts of the Commission.

9. Brief description of how the proposed initiative is innovative and/or will expand the scope of the Commission's activities; how the proposed initiative is potentially replicable in other jurisdictions
The major innovation is conducting a fundraising campaign targeted on corporations, business leaders and the philanthropic community. The results of this effort will be important for many other states. The Commission believes that a significant amount of revenue is available. For Massachusetts, another innovation will be carrying out our first statewide fundraising effort. Other states with multiple legal aid providers may find the effort instructive.

10. Brief description of planned work product that may be of use to other states
The consultants will prepare written reports that will be available to other state commissions (possibly subject to redaction to preserve confidentiality or privacy). The Committee will document its efforts, decisions and results and make a report available in writing and at national conferences.
11. Brief description of how the activities/outcomes of the project can be sustained after the end of the grant period
This project is to lay the foundation for an expanded fundraising efforts. The Commission will use the findings to convince area foundations to support the hiring of staff to undertake the actual campaign and future years will be paid for by campaign proceeds.

12. Brief description of proposed evaluation of project (can be a short narrative evaluation; could include summary of evaluations from project stakeholders or participants, as appropriate)
Beyond the work products noted in question 10, the ultimate evaluation will be the implementation of a campaign and the funds that are raised.
December 7, 2012
Lonnie Powers Executive Director
Massachusetts Legal Assistance Corporation 11 Beacon Street
Boston, MA  02108-3009
Dear Mr. Powers:

We are pleased to inform you that the American Bar Association Fund for Justice and Education has approved a grant to be used in support of the project described in the proposal submitted to the ABA Access to Justice Commission Expansion Project by the Massachusetts Access to Justice Commission.

Before payment is issued we must receive a signed copy of this Grant Agreement, confirming your acceptance of the following terms and conditions of the grant.

Grant amount: $20,000
Grant period: December 1, 2012 - December 31, 2013
Payment schedule: Payment of $20,000 will be made within 30 days from the date of receipt of this signed agreement.

Grant Conditions

1. A final report on the project must be provided to the ABA Center for Access to Justice Initiatives no later than February 28, 2014. The report must include:
   a. A narrative description of the work done, how grant funds were expended, project outcomes, and work product that may be of use to other states.
   b. An evaluation of the project's success, as described in your application.
   c. A statement of at least three challenges faced and/or lessons learned during the course of the project. These can be provided on a confidential basis if appropriate; if so, the lessons will not be attributed publicly to the state involved.
   d. A final accounting for expenditure of grant funds. You are responsible for maintaining adequate records of receipts and expenditures made in connection with the grant funds, consistent with generally accepted accounting principles.
2. Acceptance of this Grant commits you to developing models and materials, including a synopsis of lessons learned, (together, "Materials"), in a format to be agreed upon by the ABA, to assist in replication of this project in other states. You agree that written Materials that your organization produces with Grant funds that we believe may be of use to others, both in the state/jurisdiction involved or in other states/jurisdictions, may be posted by the ABA on a publicly-available web page. You may designate as confidential documents not appropriate for posting on the Internet; if you do so, the ABA Resource Center will not circulate them further without your organization's written permission. Accordingly, in accepting the Grant funds, your organization grants to the ABA a non-exclusive, perpetual license to publish any and all Materials in this manner, and to use your organization's name and logo in connection with those Materials.

3. You agree to make a good-faith effort to send your key leaders (in particular a state Supreme Court justice and the chair of Access to Justice Commission or planning effort) and the staff person principally responsible for supporting the Commission or planning effort to the 2013 National Meeting of State Access to Justice Chairs (Saint Louis, May 10-11, 2013), to report on the use made of the funds and status of start-up efforts. (Travel scholarships may be available from a separate fund for state Supreme Court justices who would not otherwise be able to attend.)

4. Any change in the purpose or grant period, or budget variances over 10% per budgeted item, must be requested and approved in advance, in writing.

This Grant may be expended solely in support of the objectives detailed in your proposal, as amended or amplified during the review process. ABA grant funds may not be used to (1) influence any legislation or the outcome of any election for public office; (2) to carry on any voter registration drive; (3) to induce or encourage violations of law or public policy; (4) to cause any private inurement or improper private benefit to occur; or (5) to take any other action inconsistent with Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

Except as otherwise agreed by the ABA in writing, any unexpended funds remaining from the Grant at the end of the Grant period must will be repaid to the ABA. Further, the ABA reserves the right to cancel this Grant and to require a refund of up to all funds provided under this Grant if, after reasonable investigation during which you will have an opportunity to respond, the ABA concludes that any of the following has occurred:

• Grant funds have been used for purposes other than those specified by this Agreement;
• Your organization's performance under this Grant has not been satisfactory; or.
• Your organization has failed to comply with the requirements of any law or regulation applicable to your organization's responsibilities under this Grant.
Further, by signing and returning a copy of this Grant Agreement, you make the following representations:

- The project dates and referenced budget are correct;
- The project funded by this Grant will be under your organization's sole and complete control.
- Your organization has and will exercise control over the process of selecting any secondary grantee or consultant; that there does not exist an agreement, written or oral, under which the ABA has caused or may cause the selection of any such secondary grantee or consultant; and that your organization will make any such selection completely independently of the ABA.
- There are no terms or conditions, oral or written, governing the use of the grant funds other than those contained in this letter.

This letter contains the entire agreement between your organization and the ABA. We may withdraw this Grant if we do not receive your acceptance within 30 days of the date of this Grant Agreement. Please sign this Grant Agreement in the space provided below and return one complete original or photocopy, facsimile, electronic copy, or other signed copy, which you agree will have the same effect for all purposes as the original.

In countersigning this Grant Agreement, you represent that your organization agrees to the terms and conditions stated in this Grant Agreement; and that you have the authority to make this and all other representations contained in this Grant Agreement and to sign it on your organization's behalf.

The staff and consultants of the ABA Resource Center for Access to Justice Initiatives are available to assist you and answer any questions you may have about this Grant. We look forward to working with you and learning about your progress.

For the ABA:

Associate Executive Director

For the Massachusetts Legal Assistance Corporation (recipient):

Cc: David Rosenberg  
Co-Chair, Massachusetts Access to Justice Commission DRosenberg@elcpc.com

Please return this signed agreement to:
Terrence Brooks
Counsel, Standing Committee on Legal Aid and Indigent Defendants American Bar Association;
FL 19
321 N. Clark St Chicago, IL 60654
Terry.Brooks@americanbar.org
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.

William wants to work here, but his wheel chair 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.

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

Services are free.

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

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

What is Legal Aid?

Who is eligible for Legal Aid Services?

Legal Aid is a good investment

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

How Legal Aid turns dollars into justice for vulnerable people.

Cost effectiveness.

Contributing to an environment where business can succeed.

Legal Aid needs help.
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 wheelchair 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.
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

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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.
AGREEMENT FOR CONSULTING SERVICES

THIS AGREEMENT is entered into as of 15 March 2013, by and between the Massachusetts Legal Assistance Corporation ("MLAC") on behalf of the Revenue Enhancement Committee of the Massachusetts Access to Justice Commission ("REC") and Community Philanthropy Consulting ("the Contractor"). MLAC, REC and the Contractor enter into this agreement in order that the Contractor may provide consulting services for a comprehensive fundraising feasibility study and additional services as specified below.

MLAC, REC and the Contractor mutually acknowledge that:

1. The funds to be used to pay the Contractor will come solely from a $20,000 grant to the REC from the American Bar Association for which grant MLAC is acting as the fiscal agent for the REC. Neither the REC nor MLAC assumes any responsibility for payment of any additional sums to the Contractor. The Contractor agrees not to look to MLAC or REC for payment from any source other than the grant from the ABA.

2. The Massachusetts Access to Justice Commission (ATJC), through its REC, will be responsible for all decisions regarding the feasibility study. David Rosenberg, Co-chair of the ATJC is hereby designated as the "Project Manager" to act on behalf of the ATJC. CPC will meet periodically with the Project Manager, the REC and its consultant, Gerry Singsen, as well as representatives of MLAC, to carry out all aspects of the feasibility study.

3. Payment of the final amount due under the Agreement will be made only if and after, David Rosenberg, Project Manager, has reviewed and approved the final report of the Contractor.
This agreement will be effective from 18 March 2013 and will terminate, unless extended by a written agreement signed by MLAC, the Project Manager and the Contractor, on 30 October 2013.

Duties of the Parties

The Contractor agrees to:

A. Conduct a comprehensive feasibility study as specified below:

PROFESSIONAL SERVICES

A comprehensive feasibility study will be executed to determine anticipated levels of campaign support for a new state-wide campaign for support of civil legal aid for Massachusetts. The study will be designed to provide the optimum campaign goal, guidelines, directives, timing, public relations considerations and approaches, and over-all campaign design.

The feasibility study will provide the following pertinent information:

1. The optimal financial objective (goal) of the campaign;
2. Optimal campaign organizational structure;
3. List of potential major sources of funding, including private individuals, businesses, and foundations;
4. Specifically tailored approach strategies to individual major funding sources;
5. Organizational procedures for accessing and involving potential significant donors;
6. Names of potential key volunteer/campaign leadership;
8. Attitudes of potential major funding sources toward the need for significant aid for the support of Civil Legal Aid to the poor and knowledge, if any, of the current state of services and support;
9. Attitudes (if any) of key individuals toward the Commission and its proposed campaign for support of civil legal aid;
10. Campaign messaging options for optimal effectiveness;
11. Recommendation on need for and approach to an "education campaign" about civil legal aid to precede or pursue in conjunction with a fundraising campaign;
12. Optimal campaign timing, action plan, and timeline;
13. Suggested campaign collateral material needs;
14. Optimal positioning and presentation of the campaign case for support;
15. Receptivity among potential major donors to a one-time campaign for significant funding vs. requests for contributions on an annual basis;
16. Projected campaign budget and costs.

The feasibility study will incorporate the following areas of activity:

1. Examination of current donor base (if deemed relevant by the Committee for purposes of exploring potential new funding sources); cross referencing of donor base with general major donor information;
2. Examination of learning from interviews conducted by the Commission during development of the business case for the grant application process to procure funding for the feasibility study;
3. Exploration of linkages through the Commission to new funding sources including affluent individuals and business connections;
4. Exploration of linkages through the Commission to key business leaders and individuals on a state-wide basis;
5. Creation of a "proposed campaign initiatives" statement, as well as a sample standardized donor pyramid model giving distributions at various levels, for use during in-depth interviews;
6. On-site guidance in the development of a list of prospective interviewees and in the process of securing and scheduling interviews;
7. Study of potential base of support through in-depth interviews with selected potential major funding sources, as well as with "opinion leaders" including previous contributors, business leaders, individuals of affluence, and pertinent donor and/or leadership prospects statewide; a target of forty (40) in-depth interviews will be conducted;
8. Research to develop a select list of targeted potential regional and (as appropriate) national foundation funding sources;
9. Compilation of data and writing of final report including conclusions and recommendations; the report will list potential major funding sources and potential campaign leadership, and will include education strategies, approach strategies, public relations strategies and positioning of the campaign, a campaign action plan and timeline, projected campaign budget and costs, and the optimum campaign financial goal.

B. Prepare a written report on the comprehensive feasibility study.
C. Participate in a presentation made to the legal services community regarding the
results of the feasibility study.

MLAC agrees to:

1. Pay the Contractor a professional fee, including expenses, in the amount of not to exceed $18,000 for the tasks set out above. This fee will include the time needed to accomplish the tasks outlined above, regardless of the actual time required.
2. Reimburse the Contractor for reasonable expenses incurred in the performance of the Contractor's duties including travel expenses not to exceed $1,000.
3. Pay the Contractor a partial payment of $9,000 upon the signing of the contract and $9,000 upon the review and approval of the final report by David Rosenberg, Chair of the REC.
4. Reserve the remaining $1,000 from the grant for purposes related to the feasibility study.

REC agrees to provide leadership and management of the implementation of the Agreement and the underlying grant.

Acknowledgement of Independent Contractor Status

1. The Contractor understands that the Contractor qualifies as an independent contractor under criteria established by the Internal Revenue Service.
2. As an independent contractor, the Contractor is responsible for payment of the Contractor's own taxes, and employment-related taxes will not be withheld from any payments made to the Contractor.
3. The Contractor is not entitled to any employee-related benefits, included but not limited, employer's share of FICA taxes, holiday payments, annual or sick leave benefits, insurance benefits, unemployment benefits, worker's compensation benefits, worker compensation benefits, and any other benefits of employment not noted.
4. By signing this Agreement, the Contractor agrees not to take any future action against MLAC with regard to its failure to provide employment benefits that the Contractor's independent contractor status exempt the Contractor from receiving.

Changes and Termination
The parties may request changes in the scope of services that will become effective when incorporated into this Agreement by written amendment signed by each of the parties. Agreement, MLAC has the right to cancel this Agreement by giving written notice to the Contractor but shall be obligated to pay the Contractor for all work completed prior to the date MLAC conveys notice of cancellation to the Contractor.

**Contract Officers**

MLAC designates Lonnie Powers or his designee as its Contract Officer, who shall have the responsibility for coordinating the performance of the obligations under this Agreement. Such designation may be changed during the period of this Agreement only by written notice.

REC designates Project Manager David Rosenberg or his designee as its Contract Officer, who shall be responsible for all obligations and authorities of the REC under this Agreement.

The Contractor designates Nancy Kerbs or her designee as its Contract Officer. Such designation may be changed during the period of this Agreement only by written notice. The designated Contract Officers shall be authorized and empowered to represent and bind MLAC, REC or the Contractor, respectively, with respect to all matters relating to implementation of this Agreement.

**NOTICE**

Unless otherwise specified, any notice shall be in writing and shall be deemed given when delivered to either party or deposited in the U.S. Mail, first class, postage prepaid and addressed as follows:

To MLAC

Lonnie A. Powers  
Executive Director  
Massachusetts Legal Assistance Corporation  
7 Winthrop Square, 2d floor  
Boston, Massachusetts 02108

To the REC  
David W. Rosenberg
Englander, Leggett, & Chicoine, P.C
44 School Street, Suite 800
Boston, Massachusetts 02108

To the Contractor
Nancy Kerbs
Community Philanthropy Consulting
6 Course Brook Lane
Natick, Massachusetts 01760

Massachusetts Legal Assistance Corporation

By: __________________________________________
   Lonnie A. Powers, Executive Director

Date: _________________________________________

Revenue Enhancement Committee of the Massachusetts Access to Justice Commission

By: __________________________________________
   David W. Rosenberg, Project Manager

Date: _________________________________________

Community Philanthropy Consulting, Contractor

Signature: _____________________________
   _ Nancy Kerbs

Tax I.D. # _______________________________

Date: _________________________________
Despite being diagnosed with mental retardation and a severe seizure disorder, 11-year old Melissa was placed in a regular classroom by her local school system. Unable to deal with her severe special needs, Melissa’s teachers resorted to strapping her to a chair. Not only did she fail to make progress in the classroom, she didn’t want to do anything and was measurably regressing.

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

Services are free.

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.

But Melissa, Eugenia and Robyn won’t get legal help this year.

Robyn lived in an emotionally abusive marriage, always afraid to do or say the wrong thing. But the day her husband held a gun to his head in front of their young son, she knew it was time to take her three sons and leave. Even though Robyn actually owned the home, her estranged husband refused to leave and refused to pay the mortgage, and the house was going into foreclosure.

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

Fifty years ago the Supreme Court unanimously ruled, in Gideon v. Wainwright, that “those accused of a crime have a constitutional right to a lawyer whether or not they can afford one.” But on this milestone anniversary of what is widely considered one of the most significant judicial declarations of equality under law in criminal cases, there is still no right to counsel in non-criminal cases.

Civil matters — including legal issues such as home foreclosure, job loss, domestic abuse and parental custody — were not covered by the Supreme Court decision. States, including Massachusetts, that attempt to provide Legal Aid to the poor in significant civil disputes are finding that more and more people qualify for such help, making it impossible to keep up with the need. Even at a time when many law school graduates are without work, an overwhelming number of low-income residents of Massachusetts are without the Legal Aid they urgently need.

Studies of the ability of poor people to use the legal system to obtain basic fairness – to resolve the basic problems that affect their lives – show that 80% of the time they proceed without legal help. People are unable to maintain a place to live, keep their family intact, or keep food on their tables.
What is Legal Aid?
Legal Aid services provide free legal advice and representation in civil cases to nearly 50,000 low-income clients (affecting about 150,000 household members) in Massachusetts each year. These services are provided by a long-standing partnership between a statewide network of not-for-profit Legal Aid programs staffed by lawyers, paralegals and other professionals, and nearly 2,000 private attorneys who donate their time. The programs are funded by the federal government, the Commonwealth of Massachusetts and the Massachusetts Interest on Lawyers’ Trust Accounts (IOLTA) program, and private lawyers, law firms, and numerous charitable foundations.

Who is eligible for Legal Aid services?
Families and individuals who are at the lowest income level are eligible for Legal Aid services. To qualify, a family’s income must fall below 125 percent of the poverty level. For a family of four, that means an income of no more than $566 per week ($29,432 per year). In Massachusetts today, nearly one million people live in eligible households.

*More than half of the families seeking help from Legal Aid in our state 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 expanded.

Legal Aid is a smart investment
Representation of families in need has a profound impact on the quality of life of every community in Massachusetts. Legal Aid allows neighborhoods to be safer and more stable by preventing the perpetual stream of foreclosures and evictions. It also reduces the frequency of domestic abuse and the numbers of elderly people who populate hospital emergency rooms, then later require follow-up by mental health and social services. Legal Aid brings federal dollars into the state through successful assertion of disability claims. Legal Aid reduces the Commonwealth’s expenditures on costly social services, such as emergency shelter programs. Legal Aid saves jobs and helps families obtain the proper services for their children. Legal Aid provides Massachusetts residents of various ethnic backgrounds with a dignified way to address their legal needs.

*In short, Legal Aid is a critical driver in making Massachusetts an attractive place to live and work.*

The Case for a Bold Campaign

*Despite being diagnosed with mental retardation and a severe seizure disorder, 11-year old Melissa was placed in a regular classroom by her local school system. Unable to deal with her severe special needs, Melissa’s teachers resorted to strapping her to a chair. Not only did she fail to make progress in the classroom, she didn’t want to do anything and was measurably regressing.*
The Children’s Law Center demanded a team meeting at Melissa’s school. Despite agreeing with her evaluation, the school district refused to change Melissa’s placement. When the Law Center requested an emergency hearing before the state Bureau of Special Education Appeals, the district quickly reversed course and Melissa was placed in a school that was the right fit for her learning needs. She immediately thrived in this environment, and has learned to eat and dress on her own and write her name with magnets. “Everything is different now,” says Melissa’s mother. “The best thing I’ve ever done is find legal services. They worked so hard to make things right for her.”

_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.

_Robyn lived in an emotionally abusive marriage, always afraid to do or say the wrong thing. But the day her husband held a gun to his head in front of their young son, she knew it was time to take her three sons and leave. Even though Robyn actually owned the home, her estranged husband refused to leave and refused to pay the mortgage, and the house was going into foreclosure._

Out of money and rapidly losing hope, Robyn got in touch with Western Massachusetts Legal Services. Within nine months, the legalities were ironed out, the house was sold, and the ex-husband had agreed to give up custody of the children. “My WMLS lawyer gave me and my children our lives back,” Robyn said.

**Now it is time for bold action.** We want nothing less than to significantly improve the reach and impact of the Legal Aid services provided in Massachusetts, so that more citizens are able to resolve the basic legal problems that are profoundly impacting their lives. Because Legal Aid makes our society more fair, more stable and less costly for taxpayers, we need to redouble our efforts to ensure that more families are given access to it.

Adding to the urgency of our mission, we are pursuing these goals at a time when funding for Legal Aid programs has declined precipitously over a period of several years, resulting in Legal Aid lawyers losing their jobs and even fewer people able to get the help they need.

To achieve our ambition we will strive to raise $25 million in a multi-year campaign, seeking the support of individuals and businesses statewide. This campaign will call upon the full measure of our capacity, resources and innovation to address four critical areas.
Expansion of Services: Keeping Faith with our Veterans ~ Preventing Domestic Violence and Alleviating its Effects

Veterans have been a forgotten population for Legal Aid in Massachusetts. More dramatic and family-preserving causes such as domestic violence and homelessness through eviction have received the high priority they deserve. However, for the 400,000 Massachusetts veterans, despite the sacrifices they have made and the physical and emotional toll that service has taken on them, there is no government program to provide the legal help that many need. Beyond the health issues often resulting from their service, many veterans have legal needs in areas such as housing, benefits, employment and education. To effectively deliver legal services to veterans, we need to reach them in the communities in which they live, communicate with them through the Veterans Administration and the other programs they have contact with, and expand the Veterans Assistance Project to provide comprehensive services. A team of eight attorneys and eight case-workers will make a significant impact with a deserving Veteran’s community.

Every abuser has a right to counsel if caught and charged with a crime, but many victims of domestic violence must go without counsel. The consequences of going without help can be debilitating. According to one account, more Americans have died from domestic violence since the turn of the century than from terrorism and the wars in Iraq and Afghanistan combined. Legal Aid lawyers not only obtain protective orders but also provide a full range of services for housing and employment problems, education issues involving children affected by domestic violence, and help to obtain divorces and child support. Through this help, victims of domestic violence reestablish themselves and their families as stable, productive members of society, and Massachusetts saves the costs of medical care and additional expenses that have been proven to reoccur as a result of further violence – an estimated $3.8 million in FY12.

Legal Aid programs funded by the Massachusetts Legal Assistance Corporation handled over 4,000 domestic violence cases in 2012. But the demand for these services was so great that during that same year they were forced to turn away more than half of those who came seeking assistance. $1 million a year will add ten advocates to this critical work and can provide help to over 1,000 additional families each year.

Expansion of Services projected cost: $6 million
The Innovation Project: Bringing 21st Century Technology and Management Practices to improve the impact of Legal Aid services

Built on an 18th century concept of justice and due process, a 19th century model of education and a 20th century method of retail sales, the legal profession is often characterized as continually surprised by the changes taking place in modern business. Legal Aid in Massachusetts is surrounded by world leaders in medicine, technology and scientific research, and the solid structures of the premier academic laboratories in the country, yet it makes scant use of these resources and has not been able to devote its limited funds to analyzing smarter ways to do business.

To enlist those resources in expanding access to justice, the Innovation Project will begin by partnering Legal Aid service providers with one or more leading management schools in the Boston area. It will engage entrepreneurs with proven track records to re-examine the Legal Aid delivery system and create new methods of delivery. It will establish statewide approaches to issues of intake and to providing useful and usable, distilled advice and counsel to the thousands of low-income people with legal problems who do not succeed in obtaining further representation.

In addition, there is an urgent need for increasing access to the legal system through new web-based technology. This includes optimizing web resources for display on mobile devices, to maximize accessibility and ease of use, since a significant percent of people who qualify for legal aid resources rely on their mobile devices to access the internet. Presently, one website attempts to provide answers to legal questions for Massachusetts legal services’ clients as well as to social workers, mental health workers and other professionals in need of this information. The website provides useful, important information, but has fallen behind: a small amount of funding will pay significant dividends by enabling timely information updates, coordination with other websites in the state which provide complementary information, and development of a comprehensive portal linking all of the relevant websites in the Commonwealth.

The Innovation Project projected cost: $3 million

Community Lawyer Fellowship Program

The Community Lawyer Fellowship Program is an innovative initiative to search the country and infuse Legal Aid in Massachusetts with the vigor of the best new lawyers and the seasoned skills and judgment of the most effective mid-level advocates who are willing to commit themselves to careers in legal services for the poor. The carefully chosen Fellows will be introduced to the program through an intensive training process, learning the most advanced...
theory and practice tools from advocates for low-income communities. The training program will be available to and will benefit the entire legal assistance community in Massachusetts. The Fellows will devote their talents to systemic advocacy, seeking remedies for challenging community conditions and solving legal problems and correcting injustices affecting large populations.

The Fellows will be employed by a single agency, which will contract with Legal Aid programs statewide to place Fellows locally under terms and conditions of supervision and practice that will further the goals of the Fellowship. Each placement will come complete with salary, overhead, benefits and an allowance for support costs. There will be an emphasis on recruiting minority lawyers as Fellows consistent with the prime objective – recruiting the best talent available nationally. The first five-year phase of the program brings 30 new lawyers to provide Legal Aid services in Massachusetts and provides an ambitious training and development platform for Legal Aid lawyers nationwide.

**Community Lawyer Fellowship Program projected cost: $10 million**

4

**The Stabilization Fund**

The Stabilization Fund will support the sustainability of the new initiatives described above as well as other Legal Aid service needs deemed urgent by the governing board of The Fund for Legal Services. The Fund will adopt criteria for the use of the stabilization reserves and will retain broad discretion to make informed decisions regarding the use of funds for critical funding shortfalls. Funding decisions will consider factors such as geographical need, changes in demographics, and confidence in the administration of a particular program, among others.

**The Stabilization Fund projected cost: $6 million**

These funds will be administered by The Fund for Legal Services, a new, not-for-profit tax exempt corporation created for this sole purpose, with a broadly based board of directors that will include members of the legal community, the business community and the public at large.

**No Limits on the Future**

This fundraising campaign, and these essential new programs, will significantly and measurably improve access to critically needed Legal Aid services in Massachusetts for many years to come. In order to achieve this ambitious goal, the Fund for Legal Services intends to execute a multi-year fundraising campaign aimed at securing the necessary resources to achieve its program and financial goals and improve the lives of so many residents of our state. Broad based private sector support will be required to achieve this goal. We welcome your ideas, your questions, and your participation in this exciting next step in our mission.
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Introduction

Study Goals and Objectives

The primary goals and objectives of the fund raising feasibility study for the Access to Justice Commission include:

1. Establish, through factual and subjective information, a professional estimate of the funds that can reasonably be expected to be raised from individuals of wealth and Massachusetts businesses.

2. An opportunity to describe the needs and how they are currently met by civil legal aid service providers; to learn how potential donors perceive this need and evaluate its importance, and to what extent the ATJC’s goals might coincide with their personal, corporate and philanthropic goals.

3. Understand potential receptivity to a significant campaign over a multi-year period compared to a request for donations on an annual or repeated basis.

4. Determine what would be the most effective cultivation and education strategies, and appeal message.
The feasibility study is a time to inform, interest and involve potential campaign leaders and participants. It is not intended to secure financial or volunteer commitments. Interview appointments were made with the explicit understanding that no solicitation would take place. A solicitation by paid counsel outside of the context of a full campaign would, in most cases, result in a smaller gift than that which could be obtained later by volunteers within the context of a community-based campaign effort.

Rather than seeking commitments, an effective feasibility study is intended to accumulate enough factual and subjective information to establish an accurate indication of campaign potential.

This feasibility study, however, can be considered the first step in a campaign on behalf of the Access to Justice Commission. The study has advanced the cause of the ATJC and the campaign in the following ways:

- The attention and interest of 36 business and community leaders has been engaged through personal, in-depth discussions.
- The study, requiring many hours of volunteer committee effort to implement and oversee, and the resulting learning from it, may strengthen the resolve and commitment of the Commission to undertake a campaign.
- Key community leaders and businesses are now aware of the goals and intentions of the ATJC; as a result, they are a step closer to thoughtfully considering the extent to which they will commit their time, talents and dollars.

**Study Process**

The Access to Justice Commission retained Community Philanthropy Consulting (CPC) in March 2013 to conduct a study to test the feasibility of implementing a significant
statewide fund raising campaign in support of civil legal aid for the poor in Massachusetts. (See the Appendix for a summary of the proposed project.)

In addition to determining campaign potential, CPC was asked to offer recommendations for designing and implementing an effective fund raising campaign based on the study findings and the firm’s experience and professional judgment.

The project commenced in late March and continued through September 2013. Nancy Kerbs and Kathryn DeNitto conducted confidential interviews with a total of 36 identified community and business leaders, philanthropists, opinion leaders, and board members. The information gathered from these interviews was then shared and analyzed by CPC fund raising professionals.

The study was designed to reach community and business leaders and philanthropists, whose participation and/or opinions were deemed potentially important to the success of a fund raising campaign. The ATJC Revenue Enhancement Committee compiled a broad and comprehensive list of individuals for personal interviews. CPC prepared an introductory letter and case statement that was mailed to potential interviewees. Massachusetts Legal Assistance Corporation staff scheduled interviews and coordinated the interview process.

Fund Raising Criteria

The four, broad, general criteria for determining campaign potential, relative to non-profit organizations and their respective fund development environments and constituencies, are as follows:
1. The extent to which the organization’s constituencies hold generally favorable attitudes toward the organization’s mission, and toward its perceived effectiveness in carrying out its mission; because the Access to Justice Commission and civil legal aid service providers don’t have constituencies as typically defined, we attempted to measure this based on impact to our communities statewide.

2. The strength of the organization’s case for support in terms of community needs, numbers of people to be served, lack of duplicate services available, and potential for the project to enhance the quality of life or assure that needs are met;

3. The giving potential of individuals, corporations, businesses and foundations that can provide support to the organization, keeping in mind that in most fund raising campaigns, the majority of the funding comes from a small number of participants;

4. The availability of strong leadership and well-recognized individuals to assume key volunteer roles within the fund raising campaign organization.

All topics of conversation during our interviews were derived from these four fundamental criteria for determining the potential for campaign success.

**Topics of Discussion**

The format and content of the interviews varied somewhat based on each interviewee’s area of interest and relationship, if any, to the Access to Justice Commission and/or civil legal aid. In most cases, our conversations touched upon the topics listed below. Of note, because awareness of the problem was very low among the people outside of the legal community, the typical hypothetical questions about potential level of giving and/or
volunteer involvement in a campaign, if it were to happen, were approached in less direct ways.

1. Awareness of/knowledge about civil legal aid before reading case statement.
2. Understanding and impression of the need from reading the case statement.
3. How important is this project to our state, based on what you now know?
4. Overall reaction to the case statement? Which components of the project seem the most important? Which seem the least important? Reaction to each key segment of the proposed plan.
5. Is a $25 million goal attainable? If not, does another number feel intuitively right?
6. If this moves forward similar to what’s proposed here, how significantly will people and businesses respond? Why or why not?
7. If you were responsible for the success of this project, are you more likely to structure the campaign as a one-time effort with a more significant goal or as an annual campaign with a lower goal? (question varied based on response to #5 above)
8. What information do you need about the organization responsible for the campaign to thoroughly evaluate this project?
9. How does this initiative compare/contrast with causes that you currently support or have considered supporting? What would make this one make your priority list?
10. If you were responsible for the success of this project, which individuals and businesses would you look to as potential major funding sources?
11. Do any particular business segments come to mind that you might expect to see as strong supporters vs. others?
12. Which individuals might best serve as volunteer leadership for a campaign? Who might provide optimum positioning and leadership as a campaign chair or co-chair?
The primary objective of the interview process was to give a selected group of constituents, on an individual and confidential basis, the opportunity to give a sincere and thorough assessment of the ATJC/The Fund for Legal Services’ position relative to its potential to attract voluntary support for the proposed project.

Findings

Awareness and Attitudes

Building a positive attitude toward any cause or institution takes time and, once established, requires ongoing attention and focus. A positive attitude toward a cause or organization paves the way for active support, financial and otherwise, and both speeds and eases the solicitation process in a campaign.

Outside of the legal community, awareness of the concept of and need for civil legal aid for the poor appear to be very low, as expected. In addition to a lack of knowledge overall, there is also confusion about the differences between civil and criminal legal aid, and about what types of cases are defined as civil legal aid cases. Once the basic definition is understood, most people quickly recognize the importance of providing these services, and the negative impact that an inability to provide them can have on the individual, family, and broader community.

Table 1: How important to our state is providing civil legal aid to the poor?
Once they understood more about the current situation, several people expressed surprise that they weren’t aware of this critical need for civil legal aid services and resources. “Perfect media opportunity” and “where is the Globe exposé on this?” were reflective of comments expressed, as well as ‘it’s time for this (civil legal aid) to come out of hiding’. It is ‘fairness for people who can’t afford to pay for it.’

Among the few people who described the need as something other than very important, the key reason expressed was what they felt was the ‘diffuse’ nature of the needs that require civil legal aid services. As a result, it gets ‘trumped by bigger, broader problems, such as violence on our streets and improving our schools’, and lacks the immediate ‘hook’ that other societal needs and concerns may have.

With the low awareness and lack of personal connection that currently exist about this need, it was widely felt that having the ‘right people’ involved and responsible for the big asks becomes the lead strategy and key predictor of success for a fund raising campaign. Several people gave examples of initiatives that they supported solely based on who asked them to get involved, with no previous connection to the cause. These people are used to both being asked and doing the asking; ‘that’s how the game is played’.

Examples of comments:

*When the right person makes the ask, it becomes legitimate.*
Without a personal connection, I want to know who else is supporting this. If the right people are, then I will, too.

Case for Support

The degree to which key constituencies support the proposed campaign initiatives is a major indicator of potential campaign success. Plans that are perceived as arising out of need and mission and that have been derived after careful thought, and in consultation with a variety of audiences, are most likely to succeed.

While a large majority of interviewees supported the overall concept of raising funds to increase the level of civil legal aid services that could be provided, many people questioned some component of the specific plans that were shared with them. In some cases this resulted from no previous awareness that there was a need for these services. As a result, they did not feel qualified or ready to effectively evaluate the specifics of the proposed plans without more in-depth information.

The most consistent questions about the case statement revolved around:
1) Can an initiative with low awareness among both potential donors and the broader public, and without a built-in constituency for support, have a successful $25 million campaign?
2) What is the organization and who are the people responsible for this? What makes them best positioned to lead a successful campaign at any level?
Most people felt that a $25 million campaign was unlikely to be successful in the near term, based on the information provided in the case statement and the perceived low awareness of the need. Only three respondents felt that $25 million might be achievable with a well-run campaign, based on the importance and urgency of the need. More than half of those who answered the question felt that a $4-5 million campaign felt realistic and a smart starting point.

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>$25 million</td>
<td>8%</td>
</tr>
<tr>
<td>Up to $10 million</td>
<td>8%</td>
</tr>
<tr>
<td>$4-5 million range</td>
<td>47%</td>
</tr>
<tr>
<td>$2-4 million</td>
<td>20%</td>
</tr>
<tr>
<td>Less than $2 million</td>
<td>6%</td>
</tr>
<tr>
<td>Don’t know/didn’t answer</td>
<td>11%</td>
</tr>
</tbody>
</table>

*This question followed ‘do you think a $25 million goal over three years is achievable?’

A campaign with a goal in the range indicated above felt more realistic and likely to succeed than a one-time campaign over several years with a significantly larger goal. Sustainability was not a concern to most people; this was expressed as ‘good donors will continue to support’. Once someone decides to give support at some level, showing sufficiently good outcomes from the additional funding will fuel continued support.

A couple of people who were concerned about sustainability felt that the right model for this type of program would require the beneficiaries of the services to have ‘skin in the game’: a way of giving back for the services they receive, possibly through volunteer time helping to bridge language gaps for the service providers, as one example.

Other specific areas of the Case Statement that generated discussion and questions:
Fellowship program – an important discussion topic because it represented ‘the front line’ of providing services and was the most costly program component. At the same time, supporting a cause by paying attorneys’ salaries was an uncomfortable concept to many. How would the ‘best and brightest’ be attracted to this program vs. other civil legal aid service opportunities or any other legal opportunities? How can they ensure that this will deliver outcomes that will be greater than with the current system?

The Innovation/Modernization project – perceived to be very important; ‘people will get excited about supporting the redesign and improvement of how services are provided to improve outcomes’. Technological advances, including those that improve the flow of information, were considered to be critical to a more efficient and effective system of providing services. It was widely expressed that there are creative approaches to this problem as a whole that would cost little and have a significant impact. Several people felt that securing pro bono resources should be achievable here, for areas beyond legal services.

Expansion of Services – the choice of Veterans and domestic violence as the two causes to focus on did not generate much discussion or particular interest. Most people did not feel that this choice would likely influence theirs or most peoples’ decision to support a campaign. A few agreed that veterans have been largely ignored and underserved as a population and were a worthwhile focus. There were questions about the role of the Veteran’s Administration in providing the type of support to veterans that this project outlined.

The Stabilization Fund – a few people were very focused on this area, and expressed that the information provided raised several questions. Examples were: how was this allocation of the total amount raised arrived at, how to determine if it’s the optimal amount to allocate; how the level of sustainability was calculated.
Overall, support expressed for the proposed campaign initiatives described in the case statement was strong.

Table 3: Based on the information provided, to what extent do you support the proposed campaign initiatives?

<table>
<thead>
<tr>
<th>Responses</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Supportive</td>
<td>24</td>
</tr>
<tr>
<td>Somewhat Supportive</td>
<td>8</td>
</tr>
<tr>
<td>Somewhat Unsupportive</td>
<td>1</td>
</tr>
<tr>
<td>Not Sure/Don't Know</td>
<td>3</td>
</tr>
</tbody>
</table>

**Examples of comments:**

*Need to provide justification for the #'s in the case; how they were calculated.*

*Easier to get excited about redesigning the system to serve more people and serve them better, because of the lasting impact.*

*Make system improvements that show that for every $1 spent, $1+$X comes back to our state.*

*Expanding services at existing facilities is smarter than adding new service providers.*

**Messaging**

Although awareness of the need for civil legal aid services for the poor appears to be quite low, people quickly understand the importance and impact that providing these services can have. Several people expressed that the issue is about fairness and equal justice for all, not about providing civil legal aid. That distinction should be an important theme in campaign messaging. Not surprisingly, the stories about outcomes, about the lives impacted by receiving urgently needed legal aid services, resonate strongly.
Several people made the suggestion that children should be the face for the cause, whether or not they are the most directly impacted by the particular situation. This is the most effective way to get attention to the problem, to ‘play the sympathy card’.

Numbers have impact. People were consistently surprised by how many people are impacted by the lack of services, as well as by the costs associated with services being provided and not being provided. There were a few specific discussions about the business case and ROI, and how best to use that information to build the most compelling case.

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**Campaign Organization**

The key question and concern expressed by several people with regards to the organization leading this effort was not related to whom it was comprised of or how it was organized. Rather, the focus was on how the new organization complemented, coordinated with, and/or possibly competed with existing legal aid service providers. There was concern and some degree of skepticism about how this campaign could happen successfully without potentially undermining the fund raising efforts of existing civil legal aid service providers. We heard two concerns: 1) that giving to ATJC/The Fund for Legal Services could mean that less money is given to existing providers; and 2) what made ATJC/The Fund for Legal Services a better avenue for supporting legal aid services than giving directly to an existing organization? Is this an additional layer that adds ‘bureaucracy’ to the process vs. giving directly to a front-line service provider? Will this initiative work in concert with the Boston Bar Association’s task force that is working to quantify the need and recommend how to address it? If not, why not?
The most important ingredient to the success of fund raising is dedicated and committed leadership. For this reason, one of the study’s important tasks was to determine whom the thought leaders we met with would suggest as ideal leadership, if willing, for advancing the Access to Justice Commission’s plans. While the responses to this question were primarily focused on the ‘big’ name or names who could be the face of a significant campaign, it also serves to identify leaders for consideration as campaign steering committee members.

There are several well-known individuals listed in Table 4 who should be discussed and possibly considered for leadership roles, based on the recommendations from this study. Strong leadership can be accomplished based on a high level of enthusiasm for this project and, perhaps most important, the willingness of the right volunteers to execute enlistment approaches.

The list below represents a starting point only. It is by no means an all-inclusive list of top leadership prospects. These people were suggested in three or more discussions as people who have the reputation and influence to be both a public face of a campaign of this significance as well as successfully make leadership asks.

**Table 4**: Most likely candidates suggested for leadership positions.
It was also suggested that an athlete, entertainer, or other prominent public figure who might have had a personal connection in his/her life to the need for civil legal aid services, or personally known other people who did, could be a powerful public face for the campaign.

**Corporate Support**

While most people felt that the need to provide a higher level of civil legal aid to the poor was urgent and significant, and had potentially broad, far-reaching impact on our communities, they expressed skepticism about the likelihood of generating any significant level of support from businesses in the state. This sentiment was expressed by business leaders themselves as well as from people with significant experience fund raising to area businesses.

Corporate giving goals and plans are firmly entrenched at most companies, centered on the mission of the company and the business sector it competes in. Beyond causes that tie directly to its core mission, businesses will often support initiatives that are championed
by their employees. Much of the rise in giving by corporations over the past couple of years was driven by in-kind donations rather than cash donations.

Without a ‘hook’ that speaks directly to a particular business, gaining business support becomes the right person making an ask at the highest levels in the company. This is often required to get even a modest level of support from businesses (defined as $5,000-$10,000 in most cases). Fortunately, corporate giving still represents a small slice of charitable donations, dwarfed by giving by individuals and foundations.

Examples of comments:

*Couldn’t get a foot in the door with businesses. It’s appalling.*

*What’s the direct hook for business?*

*Tech/Pharma community is too young to give up their money. They’re not yet philanthropists and not linked to Boston.*

*Does writing a big check help my business? Does it help keep people employed?*

Foundation support was a topic of interest to several people and was considered an important avenue to explore as part of a fund raising campaign for support of civil legal aid services for the poor in Massachusetts.

**Statewide Campaign Support**

The interest level in a potential statewide campaign in support of civil legal aid for the poor was noticeably different during the few interviews conducted with individuals who live and/or represent businesses that are located outside of the 495 half-beltway. Their experience is that their communities do not benefit commensurately from initiatives that also involve Boston and the closer suburbs. They expressed that support that comes from
their communities needs to stay in their communities, rather than going into a pool of resources to be reallocated statewide. Leadership for fund raising efforts in these areas should come from within the area, not from a state ‘figurehead’ or a Boston-based group.

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**Role of the Legal Community**

A general feeling among the people interviewed who were not part of the legal community (27 of 36 interviews) was that they would expect the legal community to be a key leadership partner in a campaign targeted to a non-legal audience. Lawyers committed to the cause have the depth of understanding of the need and of the strongest course of action to pursue, and will therefore more successfully attract attention and support from outside the legal community. A leadership partnership between the legal and non-legal communities felt like the strongest course of action.

This expectation of involvement in a campaign by the legal community extends to financial support as well as volunteer commitment. Additional information on current levels of support for civil legal aid for the poor by attorneys and law firms – including financial donations and pro bono services – should help to better frame the expectations of what level of additional commitment from the legal community, if any, might be realistic.

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**The Economy & Other Campaigns**

It has been proven through periods of economic uncertainty over the years that giving remains surprisingly consistent despite fluctuations in economic activity, employment
and investment. The perception of local and national economic conditions, however, can impact a campaign.

The impact of the economic fluctuations over the past five years or so deserves some consideration in any assessment of fund raising potential. In recent years we have encountered some hesitancy to giving on the part of mid-level donors ($5,000 - $25,000 in general). These are individuals who typically give out of income rather than capital, or who are dependent on income to preserve current lifestyle. This reluctance appears to be abating in the past couple of years. Those capable of substantial gifts ($50,000 and up in general) remain, broadly speaking, capable and willing to commit at high levels to fund raising campaigns. These are typically individuals who are independently wealthy and/or who can give out of capital/savings rather than income. In summary, based on the axiom that over 90 percent of commitments will ensue from less than 10 percent of sources, we remain confident when recommending a fund raising campaign to an organization with a strong mission and public support (or the likely potential for it), especially if the goal is set at a reasonable level.

While a number of other current fund raising campaigns were mentioned in our discussions, typically as examples of what that person was presently involved with and supporting, the general feeling was that the near future appeared to be as good a time as any to launch this initiative.
Conclusions & Recommendations

Based upon our study findings, the opinions of interviewees, and our experience working with other non-profits in New England, we respectfully offer the following conclusions and recommendations:

**Awareness and Attitudes** – Although awareness of the need for civil legal aid services for the poor is very low, people quickly understand the importance and impact that providing these services can have. An education campaign to raise awareness and understanding of the need and situation appears to be essential. We recommend a deliberate, targeted education campaign to an identified potential donor list of philanthropic individuals and business leaders as the first step, rather than trying to raise broader public awareness from the outset. Campaign counsel can work with other resources to develop and orchestrate this type of campaign.

**Messaging** – Based on feasibility study learning, this is a campaign for fairness and equal justice. This can be most effectively communicated through telling the many compelling stories of lives saved or improved because of access to civil legal aid services, often for things that most people take for granted as basic human rights. The people, and especially the children, whose lives have been impacted are the face of the campaign. It appears to be important that a campaign not be perceived as fund raising for the purpose of paying more attorneys to provide civil legal aid services.

The ‘diffuse’ nature of this cause, as expressed in several interviews, presents a messaging challenge. It is important this need is perceived as having a singular, focused objective rather than as a collection of different causes. Based on our discussions, it did not appear to be important to people that one specific cause (e.g., domestic violence) or group of people (e.g., veterans) should be the beneficiary of this effort. The most interest was generated by resourceful and innovative applications of
services that result in more people benefitting from the services provided.
The present low level of awareness and knowledge about this cause appears to drive a high level of interest in the numbers that support its importance and urgency. How many people are in need, that can’t get help? How much does the lack of ability to provide services cost our communities? How much is returned to our communities for every dollar spent providing services? This is impactful information that should to be highlighted in education efforts.

Case Statement

**Campaign Goal:** Most people understood and supported making civil legal aid services available to more people in need. They felt that these plans to expand services were a logical and important evolution for service providers. However, a campaign of $25 million seems unrealistic given the current low awareness and lack of a defined constituency to look to for support. An ‘annual’ type of campaign with an initial goal of $4-5 million made sense to most people as the right starting point. It is important to reiterate that this number or range was not determined based on the aggregation of indicated levels of likely or potential giving, but rather by discussion of what campaign goal felt realistic and achievable.

**Innovative use of Resources:** Two important objectives are accomplished by funding innovative, new initiatives that make the process more effective and efficient, and improve outcomes as a result: 1) finding ‘creative resources’, including pro bono services beyond legal services, to play a significant role. This would likely include advertising/public awareness and management/business to analyze and recommend new processes; and 2) making sustainable improvements beyond paying more attorneys to provide services. Measurable outcomes from these applications will be essential to securing ongoing support from potential donors. This should resonate well with donor prospects based on the feasibility study learning.
Creative ways to fund additional legal service providers should be considered as part of the exploration of innovative use of resources. A fellowship program could have a “Fund A Fellow” component, where a person’s donation to the campaign would cover the cost of funding a specific service provider for a year. The donor would be kept informed about the impact that the fellow s/he is funding is making at improving lives by the services provided. With positive results, the connection established between the donor and the service provider could be a strong bridge for building ongoing support.

**Technology:** The role of technological advances in improving the quantity and quality of services provided could be important for generating donor interest and support. Technological improvements are often perceived as delivering sustainable results for basically a one-time investment. Improving the flow of information through technology can have measurable impact that people easily grasp. As mobile devices have become an increasingly important way of obtaining information, particularly for lower income populations, making information delivery programs compatible with mobile devices has become imperative.

**Campaign Organization:** The organization responsible for this campaign can expect a high level of scrutiny and questions. Why is a new organization needed? What makes this organization the best choice to lead a campaign? Is there potential for both positive and negative reverberations from legal aid service providers towards this fund raising effort? Any potential ‘shockwaves’ from this initiative should be discussed and planned for in advance. It appears that is happening as part of the ATJC process of defining and designing this new organization.

**Leadership** – We did not get a strong gauge of individuals’ willingness to become involved in a campaign during our discussions because of the current overall lack of knowledge about or personal connection to the need discussed. However, the
perceived importance of addressing this need and possibly its ‘newness’ to the public among human service causes should drive interest among high profile leadership candidates. As important is who makes the enlistment ask and how it’s made. The suggested volunteer leadership list may be more geared toward a Campaign Chair than Steering Committee volunteers. Discussions with some of the people listed, if possible, as well as follow-up with others who participated in the feasibility study (most expressed willingness) should yield additional insight on volunteer leadership candidates.

It is often said that the campaign will succeed or fail based on the quality of community leaders that are recruited to the Campaign Steering Committee. The Campaign Steering Committee is the key linkage group between the organization and the prospective donor/leader community. People who agree to serve on the Steering Committee would generally agree to the following:

- Leadership gifts
- Solicit leadership and major gifts
- Linkage with corporations and foundations
- Spokesperson for campaign
- Open doors to prospects
- Attend periodic (not frequent) meetings

Campaigns start with the ‘family’ and move outward through the community. The Access to Justice Commission/Fund for Legal Services Board members must show leadership and support for the campaign in order to drive a successful campaign. Potential leadership and donor prospects will want to know the extent to which the board endorses, supports, and donates to the campaign in order to judge the size and extent of their own commitment.

**Foundations** – It is our experience that an on-going foundation grants program conducted concurrently to, and as a part of, the capital campaign can have a significant
impact on the success of the project, especially when the case for support is strong and valid, and when the organization serves a key community need. To attract as much foundation support as possible, the campaign organization, generally through staff-driven efforts, should develop individualized case statements tailored to the interests of potential foundation grantors. The grant proposals are submitted according to the individual foundation schedules indicated within their respective guidelines.

Personal contact within a foundation can be instrumental in securing grant approval. A list of the trustees of each likely foundation should be prepared with a questionnaire distributed to the pre-campaign committee at the outset of the foundation grants sequence. This questionnaire will ask each respondent to identify contacts he or she may have with any of these foundations’ staff or trustees. Then, the steering committee member may, as appropriate, alert the foundation contact person that a proposal is underway, discuss and promote the case for support, and generally attempt to assure that the proposal receives as much favorable attention as possible. In today’s competitive climate, these kinds of personal contacts are extremely important. Optimum continuing approach strategies (personal meetings, presentations, conference calls, personalized mail, etc.) and follow-up will need to be employed by campaign staff and pertinent volunteers in the case of each outstanding foundation proposal.

**Suggested Campaign Goal* – $4-5 million**

*based on responses as to what was viewed as a realistic, achievable campaign goal
As discussed earlier, it is our opinion that the feasibility study learning indicates the potential for a successful statewide fund raising campaign for civil legal aid for the poor. Because of the significant need for increased awareness and education in support of any fund raising effort, Community Philanthropy Consulting recommends a 24-month, three-phase “Annual” campaign. This phasing will allow time for ATJC/Fund for Legal Services to develop its full campaign potential with intermediate goals and objectives. This timeline also permits the ATJC/Fund for Legal Services to implement a focused, targeted program of awareness/education, volunteer cultivation and board training (Phase I) prior to embarking on a full-fledged fund raising effort (Phases II & III).

Phase I success should be measured by the depth of the ATJC/Fund for Legal Services’ pool of potential volunteers and donors to a campaign. Successful completion of this phase will position ATJC/Fund for Legal Services to begin Phases II and III with the ultimate goal of soliciting between $4,000,000 and $5,000,000 in pledges to be contributed over a three year period.

It is suggested that the ATJC/Fund for Legal Services establish a campaign goal of $4,000,000 for (quiet) Phases I and II of the campaign. With a successful close of Phase II, the final public goal can be set at $5,000,000.

The importance of the pre-campaign initiatives cannot be overstated. For any campaign to achieve its full potential, a successful period of planning, organization, and leadership enlistment must precede a full campaign. Having said this, it is probable that during the first phase ATJC/The Fund for Legal Services will be in the position to solicit several
substantial advance gifts provided the awareness/education and subsequent cultivation efforts are successful.

Toward that end, we offer the following specific recommendations, in chronological sequence:

**Phase I: Education/Awareness and Volunteer Cultivation Program (January 2014-October 2014)**

The ATJC/Fund for Legal Aid should begin the process of developing and implementing education and awareness initiatives, volunteer cultivation, planning and organizing the campaign, expanding and refining the case for support, and enlisting the best possible leadership prospects. Some advance gift opportunities will arise during this phase, and approaches should be orchestrated and executed according to opportunity. (Note that the formation of The Fund for Legal Aid organization is not addressed here; its Board must be in place before most campaign planning begins)

1. Develop education/awareness program about civil legal aid, for use in campaign volunteer enlistment and donor solicitation. Outreach to potential pro bono Advertising/PR partner.
2. Develop and conduct customized board training in the process of volunteer enlistment and major gift cultivation and solicitation.
3. Develop budget for this phase of activity.
4. Build list of key volunteer leaders/donors for cultivation. Develop list of people who could help making connections to volunteer and donor prospects.
5. Plan cultivation program strategy and events. Orchestrate every touch point.
6. Implement key volunteer leadership and donor cultivation plan.
7. Write draft campaign Case for Support.
8. Identify campaign leadership for recruitment to Campaign Steering Committee.

9. Recruit Campaign Steering Committee members.

10. Build, research and rate list of campaign prospects.

11. Recruit Campaign Chairperson.


13. Solicit leadership and advance gifts as opportunities arise.


15. Formally review success of Phase I.

Note: It is strongly recommended that outside campaign counsel orchestrates or handles many of these activities.

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**Phase II: Advance and Major Gifts Campaign**

(November 2014-June 2015)

Full campaign steering committee should be in place and moving forward into proactively soliciting advance and major gifts to the campaign. The leadership cultivation and enlistment program should continue, along with awareness and education initiatives that started in Phase I.

1. Identify key leadership, business and corporate gift prospects and assign them to campaign volunteers.

2. Recruit Advance and Leadership gift volunteers – to support Steering Committee.

3. Conduct solicitation-training sessions.

4. Solicit any remaining advance gift prospects.
5. Research, prepare and submit foundation proposals according to their guidelines & timetables.
6. Determine broader campaign publicity/education plan.
7. Complete prospect review for balance of donor base and assign all prospects for personal solicitation.
8. Finish advance gift approaches.
9. Enlist major gifts committee; orient to solicitation procedures.
11. Create ‘community’ campaign structure and determine plan.
12. Finalize campaign goal. Make adjustments if needed.

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**Phase III: Broad-based Campaign**  
(July 2015-December 2015)

The final phase of the campaign will see the expansion of the Steering Committee to include a wider base and to seek the broad-based campaign participation needed to bring the campaign to a successful conclusion.

1. Announce final campaign goal.
2. Initiate the ‘public’ phase of the campaign. Announce goal and progress to date at campaign kickoff.
3. Recruit campaign volunteers for local community solicitation.
4. Explore crowdfunding and other online and social media avenues for community solicitation.
5. Solicit community gifts of $5,000 or less.
6. Determine strategies and approaches, and solicit gifts from the broader public.
7. Implement active donor recognition program.
8. Hold campaign victory celebration!
## Projected Gift Table Required to Reach $5 Million Goal

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<th># of Pledges</th>
<th># of Prospects</th>
<th>Pledge size</th>
<th>Total by Size</th>
<th>Cumulative Total</th>
<th>% of Total</th>
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<td>$25,000</td>
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<tr>
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<tr>
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<td>$550,000</td>
<td>$5,000,000</td>
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<td>Total: 215</td>
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<td>$5,000,000</td>
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## Projected Divisional Targets to Reach a $5 Million Goal

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<tr>
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<th>% of Total</th>
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<tr>
<td>Individuals</td>
<td>$3,750,000</td>
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<tr>
<td>Foundations</td>
<td>$ 750,000</td>
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<tr>
<td>Corporations</td>
<td>$ 500,000</td>
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<tr>
<td>Total</td>
<td>$5,000,000</td>
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List of Interviewees*
Access to Justice Commission Feasibility Study

[NAMES OMITTED FROM PUBLIC DOCUMENT]
Names Suggested for Campaign Volunteer Leadership
Access to Justice Commission Feasibility Study

<table>
<thead>
<tr>
<th>NAMES OMITTED FROM PUBLIC DOCUMENT</th>
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Dear ,

As follow-up to our conversation, thank you for your willingness to provide input to a fund raising feasibility study that is being conducted under the auspices of the Access to Justice Commission.

The Commission believes that there is an important place in the spectrum of public philanthropy for civil legal aid, alongside the arts, hospitals, educational and religious institutions and other human services organizations. To that end, the Commission is exploring the creation of a statewide campaign for support of civil legal aid by business leaders, their corporations and a broad array of individual contributors. A preliminary study to test the feasibility and scope of such a project, as well as to determine an effective campaign plan, is currently underway. Attached is a “Case Statement” which provides you with a summary of the background and concept for the project.

The Access to Justice Commission has retained fund raising counsel to help us establish campaign feasibility, key objectives and a campaign strategy. In the upcoming feasibility study, principals from Community Philanthropy Consulting will be meeting in May and June with a number of key individuals to explore pertinent issues which will be important factors in determining the feasibility, potential and design of the campaign.

The Commission believes that your input in this process will be extremely valuable. In this regard, I greatly appreciate your willingness to spend 30-45 minutes with one of our consultants. Anna Chatillon from Massachusetts Legal Assistance Corp. will call you over the next several days to arrange a mutually convenient time and place for a meeting.

If you have any questions or need additional information, please call me at (XXX) XXX-XXXX.

With warm personal regards,

Name of Committee Member
Access to Justice Commission
Appendix H

To: Access to Justice Commission
From: David Rosenberg, on behalf of the Resource Enhancement Committee
Re: Philanthropy Campaign, structure, AJC’s future role
Date: 11/25/2013

As you will recall, the AJC received a $20,000 grant to conduct a feasibility study of whether a fund-raising campaign aimed at wealthy non-lawyers and businesses might generate substantial funds for the civil legal aid/access to justice world. The AJC’s Resource Enhancement Committee (REC) after considering several consulting firms retained Community Philanthropy Consulting (CPC) to conduct the feasibility study. During the spring, REC and CPC jointly worked on refining the goals and approaches which the study would take and identifying individuals who would agree to provide CPC with their candid views on the feasibility of a campaign during one on one interviews. A Case Statement was prepared describing what civil legal aid programs do and why it is important and describing what contributed funds might be used for. CPC then conducted 36 interviews during the summer and early fall. While the names of the individuals who were interviewed by CPC are not being disclosed, the AJC can rest assured that they are significant individuals representative of diverse interests throughout the Commonwealth. I am pleased to attach for your review the October 30, 2013 Feasibility Report prepared by our consultants (who, by the way, did a first-rate job)

A. The Key Conclusions of the Feasibility Study
There is a great deal of information and many observations contained in the report which I think you will find interesting. The following are the key conclusions reached by our consultants and, in general, endorsed by the REC.

1) An annual campaign seeking $4,000,000.00 to $5,000,000.00 seems achievable. This would be generated primarily from affluent individual donors and foundations rather than from businesses.

2) Since the awareness of the concept of civil legal aid appeared to be so low on the part of the people being interviewed, the first phase of any fund-raising campaign will have to
focus on education and awareness among potential donors. It was interesting to note that, once the consultants explained what kinds of situations civil legal aid lawyers resolved (particularly when concrete examples were given) virtually all of the people interviewed stated that they now realized that providing legal aid to the poor was quite important.

3) While some portion of the funds raised by the campaign might be used in imaginative ways to offset the loss of funding over the past several years in the legal services community, the clear impression which the REC has received from our consultants is that the donor community will be more inclined to contribute to the campaign if their money is used to fund new types of projects (such as those involving technology and those involving innovative ways to make the delivery of legal services more cost-effective).

4) There was some confusion/ambiguity regarding the way this campaign (aimed as it will be at affluent potential donors, other than lawyers) will relate to the fund-raising efforts which the legal services programs currently engage in. It was clear that potential donors will want to be shown that the legal profession is making major contributions, in cash and in pro bono services, to the cause. This is a subject that will have to be carefully considered as the campaign begins and matures.

5) As envisioned by the consultants, the campaign would consist of three phases:
   Phase I (January, 2014 to October, 2014) will emphasize Education/Awareness and Volunteer Cultivation;
   Phase II (November, 2014 to June, 2015) Major Gifts Campaign; and
   Phase III (July, 2015 to December, 2015) a Broad-based Campaign. Needless to say, neither the timeline of these three phases nor their precise contours are intended to be rigid, but rather to demonstrate the general direction which the campaign will be following.

B. Governance and the Role of the AJC.

The Campaign will be led by two groups. First, the REC intends to establish a charitable, not for profit 501(c) (3) corporation to run the fund, including both its yearly fund raising effort and its fund distribution activities. (Ropes and Gray has kindly agreed to organize the corporation and seek tax exempt status for it.) Second, the board of directors of this corporation
will recruit a “leadership” group which will spearhead the actual fundraising efforts (and will be discussed below).

The corporate entity would initially have a board of directors of perhaps nine individuals who will represent a broad array of interests (the by-laws would permit, for example, 7 to 21 directors so that there would be room to add new interests). The “interests” represented on the board might include one or more members of the following: the AJC, the business community broadly defined, the legal services community, the private bar, and additional individuals from the public at large, one of whom should be someone with ties to the philanthropic community, one of whom could be a retired judge, one of whom might be a former state official, one might be a member of the social services community, and one might be a former client of a legal services program. The corporation would retain the discretion to change the composition of its board as circumstances might dictate. This board would be a working board, which would be responsible for such things as the development of the fund-raising leadership group (to be discussed below), the development of thoughtful plans for using the funds, the consideration of staffing of the entity or contracting with third parties to run the fund-raising/grant making efforts, as well as fulfilling the usual governance responsibilities of all charitable corporations such as oversight of the administration of the funds, monitoring the performance of the grants, etc.

The board, with help from a fund-raising consultant, would recruit a fund-raising leadership team, hopefully to be chaired by one of the key philanthropists in the Commonwealth. We hope to be able to enlist some of the people whom our consultants interviewed to serve on this team. It would be this team which would attempt to obtain “leadership” contributions from the group of wealthy non-attorneys we are hoping to target, work with the Board and staff to shape the annual campaign and be our ambassadors to the philanthropic community.

C. The Relationship of the Campaign to the Commission:
The REC has given a good deal of thought to this issue; and Gerry and I have discussed it with Justice Gants. It might well be valuable to have the imprimatur of the AJC on this campaign effort, by, for example, calling it an affiliate of the AJC or building into its by-laws close links to the Commission. However, we have reached a different conclusion: namely, that the fund should be independent from the Commission but connected to it by initially having one or two commission members invited to serve on the fund’s corporate board, and having periodic
progress reports provided to the Commission by the fund. We have come to this conclusion for several reasons: first, it seems inappropriate to have a committee of the Supreme Judicial Court endorsing or closely connected to a fund-raising effort; second, the judges on the Commission would have particular issues to navigate if this entity were a “creature” of the SJC; and, finally, the current AJC has a 2015 sunset provision which might be a juncture when the SJC discontinues the Commission or provides it with a changed mission.

D. Staffing and funding the effort

To move forward with the campaign, the new corporation will need to hire a fund-raising group and, either directly or by contract, some limited staff resources. Based on our initial estimates, we anticipate needing approximately $125,000 for the first two phases of the campaign. We will have to think creatively about how to obtain funds to hire the consultants and staff members. Foundation grants are one obvious source. The REC has already discussed some potential foundations to approach. Several of the REC members are putting together a strategic action plan to be discussed at the REC’s December meeting which will include issues pertaining to organizing the corporation as well as raising funds for its work.

One final thought: the individuals whose names are listed below have spent a tremendous amount of time, energy and thought addressing this important subject. They have my personal thanks as well as those of the Commission.

David W. Rosenberg
Marijane Benner Browne
Brent L. Henry
Kay H. Paine
Allan G. Rodgers
Jay T. Thiel
James T. Van Buren
Gerry Singsen
Lonnie A. Powers
Donna Southwell
Jack Ward
Jayne Tyrrell
24 March 2014

To Whom It May Concern,

Below you will find details of payments made to Nancy Kerbs from American Bar Association grant for Fundraising Feasibility Study:

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<tr>
<th>Date</th>
<th>Amount</th>
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<td>October 31, 2013</td>
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<td>February 28, 2014</td>
<td>$2,000.00</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>$20,000.00</strong></td>
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Thank you for your support.

Sincerely,

Lonnie A. Powers
Executive Director