Have our courts been improving? How can we make the courts better? Are we ensuring justice for the citizens and businesses in Massachusetts? These are just a few of the questions frequently asked when the Massachusetts courts are scrutinized, as they are on a regular basis.

In 2003, the Visiting Committee on Management in the Courts issued its harsh assessment to Supreme Judicial Court Chief Justice Margaret H. Marshall. Now known as the “Monan Report” (after Father J. Donald Monan, the committee chair, and available online at www.mass.gov/courts/courtreformfinal.pdf), it laid bare many of the inefficiencies and inequities in the court system. It was a call to action, one which is still being answered.

While there have been improvements, and several of them are described in articles in this month’s Lawyers Journal, it is probably fair to say that everybody agrees that there is plenty of room for improvement still.

Staying true to the path of improvement chartered by the 2003 Monan Report, the Administrative Office of the Trial Court has made much headway on improving trial court efficiency and resource management.

The Monan Report could be described as the genesis of a necessary sea change within the Massachusetts court system.

Appointed by Supreme Judicial Court Chief Justice Margaret H. Marshall, a multidisciplinary committee, led by Boston College Chancellor J. Donald Monan, took on the large task of a six-month examination of trial court administration. The end product of this thorough analysis was a comprehensive report including various recommendations to serve as solutions to found operational deficiencies.

The report recommended the court system commit to a new leadership style, create a culture of high performance 

Continued on page 6

President's View

by David W. White Jr.

Father J. Donald Monan, the committee chair, and available online at www.mass.gov/courts/courtreformfinal.pdf, it laid bare many of the inefficiencies and inequities in the court system. It was a call to action, one which is still being answered.

While there have been improvements, and several of them are described in articles in this month’s Lawyers Journal, it is probably fair to say that everybody agrees that there is plenty of room for improvement still.

The trial courts have made enormous improvements in assessing the rate at which cases are resolved, and in many instances can show increases in the speed with which cases are resolved. Lightened dockets have improved the likelihood of trials occurring as scheduled. We should

Continued on page 23

MBA releases Green Guidelines and issues an environmental pledge

by Jennifer Rosinski

Lawyers across the state can take as few or as many steps as they choose toward saving the environment by signing onto the Massachusetts Bar Association’s Lawyers Environmental Pledge to implement the MBA Green Guidelines.

The MBA, in collaboration with the Conservation Law Foundation, launched the pledge and guidelines Jan. 8 as the next step in its Lawyers Eco-Challenge. The program urges lawyers to change the way they think and act while conducting business in order to conserve energy and resources.

“The Massachusetts Bar Association is proud to be able to provide practitioners with the Green Guidelines, a com-

Continued on page 5

Court reform continues in full swing five years after Monan Report ushers in new era

by Tricia M. Oliver

Approaching the five-year anniversary of the pivotal report presented by the Visiting Committee on Management in the Courts, this month’s Lawyers Journal takes a look at how the operational landscape of the trial courts has evolved since then.

Highlights of this special section, which appear on pages 6 through 19, include:

• Accounts from all chief justices about the progress made in their courts;
• An update on the implementation of the MassCourts computer system;
• The rise of courthouses to the top priority of the state’s capital funding plan;
• The ways that environmental design is making courthouses eco-friendly;
• A new survey that reflects the public’s opinion of Boston courthouses;
• A Q&A with Court Management Advisory Board member Leo V. Boyle; and
• The expansion of the Limited Assistance Representation program, which the MBA’s Lawyer Referral Service has begun to offer to the public.

New Massachusetts attorneys, especially first-time test takers, are passing the bar exam at higher rates the last two years. See page 3.

The Legal Tech Expo will return this spring following the success of the November event, which attracted more than 120 people. See page 5.

See index on page 2 for a complete listing of this issue’s contents.
MBA across the state

As the largest statewide bar association, the MBA strives to offer programs, events and programming for members across the commonwealth.

RECENT EVENTS
1. Legal Technology Expo (co-sponsored with Massachusetts Lawyers Weekly)
   Sheraton Needham Hotel, Needham, Nov. 29. Story on p. 5
2. Fifth Annual In-House Counsel Conference
   Newton Marriott, Newton, Dec. 11.

UPCOMING EVENTS
3. House of Delegates meeting
   Sheraton Hotel, Springfield, Jan. 16. Information on p. 28
4. Massachusetts Bar Foundation Annual Meeting
   John Adams Courthouse, Boston, Jan. 24. Information on p. 15
5. Excellence in the Law (co-sponsored with Massachusetts Lawyers Weekly)
   Westin, Boston Waterfront, Feb. 5. Information on p. 29
6. Access to Justice Awards Luncheon / House of Delegates meeting
   JFK Library and Museum, Boston, March 6. Information on p. 27
7. House of Delegates meeting
   UMass Boston, Boston, March 6. Information on p. 29
8. MBA CLE Conference
   Sheraton Boston Hotel, Boston, April 28. Information on p. 27

For more information about upcoming events, visit www.massbar.org or call (617) 338-0530. CLE seminars are not included. For a full listing of events, see the Calendar on pp. 28–29, the CLE brochure or www.massbar.org.
MBA officers welcome new attorneys as bar exam pass rates increase

by Kelsey Sadoff

The swearing in of roughly 1,500 new attorneys in late November reflected a passing rate of 88.5 percent for first-time bar examinees, the second year the rate approached 90 percent. The overall passing rate has also been trending upward over the last five years.

Massachusetts Bar Association President David W. White Jr., President-elect Edward W. McIntyre and Secretary Robert J. Holloway Jr. participated in the ceremonies, offering opening remarks in conjunction with Boston Bar Association officers. The ceremonies, which are held in the winter and summer, were held in Boston over a four-day period from Nov. 26 to 30 at Faneuil Hall’s Great Hall. Two ceremonies were also held in Springfield on Dec. 7.

According to the Board of Bar Examiners, the 1,690 first-time examinees who passed the bar examination in July 2007 at the rate of 88.5 percent is down only slightly from the 88.9 percent (1,659 examinees) who passed the July 2006 exam.

By comparison, the passing rates in recent years have ranged in the low to mid 80 percent range for first-time examinees, with 83.8 percent in 2005, 84.8 in 2004 and 81.8 percent in 2003.

The last two years have also reflected a gradual increase in overall passing rates, with 82.7 percent in July 2007 and 82.3 percent in July 2006, compared with 76.5 percent in 2005, 77.3 percent in 2004 and 72 percent in 2003.

A spokesperson for the Board of Bar Examiners said the increases reflect a national trend, and also noted that a larger number of applicants may have played a role in the increase.

“‘When comparing 2005 to 2007, there is a 6 percent difference in the overall pass rate, but only a 4.7 percent difference between the first-time examinees,’ according to the Board of Bar Examiners. ‘The average pass rate over the past five years for first-time examinees is 85.6 percent, less than a 3 percent variance from 2007, and for all examinees the average is 78.1 percent, a 4.5 percent variance. The national overall pass rate also increased by 3 percent between 2005 and 2006. Therefore, these variances do not appear to be extraordinary.’”

The Board of Bar Examiners reports “the bar examination format and grading have remained constant for the past several years. However, there was a two percent increase of first-time applicants from 2005 to 2007, which may have contributed in part to the higher passing rates.”

Jason Chan, a first-time test taker who passed the July exam and now is an assistant district attorney for Worcester County, said that almost every examinee he knew took a bar exam prep course. He recommended taking both the Kaplan PMBR class and the BAR/BRI classes, but noted that the PMBR questions were more on point.

“It seems like a must to me,” said Chan. “The most difficult part of the exam is dealing with the pressure of everyone knowing that you are taking the exam and not wanting to fail.”

### Commonwealth of Massachusetts

**Board of Bar Examiners**

**Passing rates**

**July 2003 – 07**

<table>
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<td>77.3</td>
<td>72</td>
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</table>

Information: Board of Bar Examiners
THE MBA SPRING TRAINING PACKAGE INCLUDES:

- Three nights’ accommodations at the Embassy Suites Fort Myers-Estero
- Transportation to Palms Park
- Private on-field experience
- Exclusive MBA reception and brunch
- Pre-game brunch featuring select Red Sox personnel
- Continuing legal education program
- Preferred tickets to two Red Sox games
- Red Sox sports merchandise package

RESERVATIONS AND INFORMATION:
E-mail: Laura.D.Crow@aexp.com

Space is limited. Reserve your place today.

MBA seeks nominations for officers, delegates

The Massachusetts Bar Association is currently accepting nominations for officer and delegate positions for the 2008-09 membership year. Nominees must submit a letter of intent and a current resume to the MBA secretary by 5 p.m. on Friday, Feb. 8, 2008, to be eligible.

To submit a nomination, mail or hand deliver the information to: Massachusetts Bar Association, Attn.: MBA Secretary, 20 West St., Boston, MA 02111; or fax to (617) 338-0697.

If you have any questions about the nomination process, call MBA Executive Director Marilyn Wellington at (617) 338-0640.

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20 West St.
Boston, Ma 02111

For lawyers by lawyers.
Green Guidelines

Continued from page 1

prehensive document with tips and resources that will help lawyers make their offices more Earth friendly,” MBA Executive Director Marilyn J. Wellington said. “The MBA Lawyers Eco-Challenge is an important initiative that encourages attorneys to consider their impact on the environment during the work day and beyond.”

The MBA’s Energy and Environment Task Force, a group of more than a dozen attorneys, has written the pledge and compiled the guidelines. Both documents are available in early January at www.massbar.org/ecopledge and were e-mailed to members of the MBA.

The pledge, which must be completed by one representative from each law firm or company, asks participants to become “pledge partners” and adhere to the MBA Green Guidelines.

The MBA Green Guidelines focus on eight core areas of sustainability: energy conservation, paper reduction, recycling, greenhouse gas reduction, environmentally conscious purchases, sustainable practices, education and support for environmental conservation.

“We all know that as lawyers and as citizens we have a duty to fight global warming and resource depletion. The steps outlined by the task force give every lawyer easy ways to reduce the impact of the practice of law on our planet,” MBA President David W. White Jr. said. “Lawyers need to be leaders in the fight against climate change. I hope every MBA member will share in this effort.”

The MBA Green Guidelines offer detailed and specific suggestions for altering behaviors, updating products and services and taking actions that will result in more sustainable practices, as well as energy and resource conservation.

The guidelines also include resources to help tenants negotiate environmentally friendly changes with landlords. A comprehensive resource guide, as well as numerous tips, are posted and will be updated regularly on the Eco-Challenge Web site, www.massbar.org/ecochallenge, and sent to members via e-mail.

The task force is co-chaired by Nancy B. Reiner, a partner at Brown Rudnick in Boston, and Susan M. Reid, a CLF staff attorney and director of the CLF Massachusetts Clean Energy and Climate Change Initiative.

CLF, New England’s leading legal advocacy organization working to protect the region’s environment, is a partner in the MBA Lawyers Eco-Challenge.

“The Green Guidelines and Eco-Challenge pledge give practical guidance to lawyers and law firms who care about reducing the impact they have on the environment,” said CLF President Philip Warburg. “As we face the greatest environmental challenge of our generation, global climate change, it is incumbent upon all of us to take action and speak with one voice for a healthier, cleaner future.”

White unveiled the MBA Lawyers Eco-Challenge in September and later formed the task force, on which he sits.

New Legal Tech Expo planned for spring after November event draws more than 120 members of Massachusetts legal community

Cobleigh was particularly interested in finding ways that LexisNexis could help her firm research new legislative action. In particular, Cobleigh wanted to learn about new legislative action on private mortgage lenders that might soon have an effect on divorce lawyers.

Other Tech Talks included information about the recent interactive learning experience created by Boston University, providing attorneys with the foundation to leverage business expertise within the technology industry, as well as trial and mediation products and services provided by companies such as Jack Daniel Court Reporting.

The next Legal Tech Expo will be held in the spring in Boston. Updates will appear in Lawyers Journal.

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• Paper Trace
• RetroFit Technologies Simplifile.com
• T-Mobile
• The Computer Guy
• TSS Software Corp.
• Turbo Law
• Your Page Today
• Westlaw
• Zixcorp
Court reform continues in full swing five years following the Monan Report

Continued from page 1

and accountability and establish discipline in resource allocation to address a system in which “the impact of high-quality judicial decision is undermined by high cost, slow action and poor service to the community.”

“The core principles of judicial administration and accountability are ones to which all of us aspire and work hard to achieve,” said Marshall. “During the past five years, the Massachusetts judiciary has focused its energy and initiatives on making sure that the delivery of justice matches the excellence of our high-quality judicial decisions. I am delighted that we are well on our way to making Massachusetts a model of excellence in judicial administration. I am proud of the accomplishments to date of the chief justices, judges, clerks and staff who diligently pursue our shared vision and mission.”

The Monan Report has served as the roadmap for various improvement efforts aimed at enhancing trial court operations. The innovations associated with improved staffing models, strict time standards, an advanced MassCourts system and the Metrics Project have ensured that “business as usual” is a mindset of the past for the Massachusetts Trial Court.

A smart business model replaces business as usual

After Chief Justice for Administration and Management Robert A. Mulligan was appointed to his current post in October 2003, he began to design and implement an empirical, case-weighted staffing model. “We took that up as a priority initiative,” Mulligan told Lawyers Journal in 2005.

“The staffing model created a rational basis for allocation of resources,” according to Francis J. Carney Jr., Ph.D. executive director of the Administrative Office of the Trial Court. The model was used to support the Trial Court’s $4.2 million budget request to pay for an additional 130 positions throughout the system. That budget request for 2007 was only partially funded by the Legislature; however, the model was relied on to identify the most critical staffing needs in order to systemically and equitably allocate the funded positions.

Aside from resources being more appropriately distributed, another focus of the reform efforts was developing more stringent time standards to improve the judiciary’s accountability. By September 2004, each court had promulgated time standards in every Trial Court department. Taking the time standards one step further, the Hon. Barbara J. Rouse embarked on a Firm and Fair Trial Date initiative when she was appointed Superior Court chief justice nearly two years ago.

“The goals of the initiative—to reduce the need for continuance requests and to set reliable and firm trial dates—are being successfully met. The court has reduced continuances by 22 percent statewide and, most remarkably, is trying 60 percent of cases on their first or second trial date, which is a dramatic improvement,” said Rouse.

According to Jeffrey A. Catalano, chair of the MBA’s Civil Litigation Section Council, this initiative is a step in the right direction. “There is a noticeable improvement,” said Catalano, who also explains that “this is still a work in progress.”

According to Catalano, the bench has expressed an interest in getting more feedback from litigants and trial attorneys on this worthwhile initiative. Catalano is working to help facilitate such feedback as he begins to orchestrate Firm and Fair Trial Date Town Halls. He explained that the forums will create another opportunity for the bar community to provide the judiciary with productive feedback. The first town hall will take place in late March 2008 in Suffolk County. The plan is to bring this forum to other counties around the Bay State in the coming year.

Measuring the impact

Another ongoing improvement measure set forth by the court is the Web-based MassCourts system. The rollout of MassCourts, a single case management information system for all court departments, brings about more uniform data collection and adds consistency in tracking progress. (For an update on MassCourts, see the related article on page 7.)

The ongoing rollout of MassCourts has had a synergistic effect with the more recent debut of the Court Metrics Project. Through Mulligan’s leadership, the Court Metrics Project was launched in 2006 to measure and evaluate case management and court performance.

MassCourts and the Metrics Projects have played off each other to better quantify improvement. The Metrics Project uses four of the CourTools metrics developed by the National Center for State Courts. These particular four focus on timeliness and expedition. According to Paul J. Burke, director of court operations for the Housing Court Department, and president of the National Association of Court Management, Massachusetts is unique in its application of the metrics across all seven Trial Court departments. According to Burke, Massachusetts is ahead of the curve in effectively using what he describes as the “best product ever developed by the NCSC” due to its practicality. In addition to self evaluation, the CourTools allow Massachusetts to compare its progress with national benchmarks.

Burke explained that because of the improved data collection and tracking, the courts now operate more like a business.

The first batch of metrics data was collected in 2006 and published in the spring of 2007. In a November 2007 article summarizing that first year of the Metrics Project, Mulligan and Burke wrote, “We now strive to formulate policies and make management decisions based on objective data rather than on intuition or anecdotes.”

Celebrating a milestone

This spring, the court’s progress in turning itself around for the better will be celebrated at a five-year anniversary event. Entitled “Striving for Excellence in Judicial Administration: a symposium on the Five Year Anniversary of the Report of the Visiting Committee on Management in the Courts,” the event will include a panel of various business leaders who have been instrumental and successful at seeing a variety of organizations through broad change. Aside from the panel of change agents moderated by SJC Associate Justice Robert J. Cordy, the keynote address will be delivered by California Supreme Court Chief Justice Ronald George. He is described as “a real architect of judicial administration,” by Francis S. Moran Jr., legal counsel to Marshall.

Moran is coordinating the event and has high hopes for its impact. He explained that the anniversary is an appropriate time to step back and examine the progress of change in the Massachusetts courts, but also to keep an eye to the future.

Such a celebration is more than warranted when Massachusetts’ efforts are critiqued nationally. “What’s been done in Massachusetts is really remarkable,” said Daniel J. Hall, vice president of Consulting Services for the National Center for State Courts, headquartered in Williamsburg, Va. According to Hall, Mulligan has implemented recommended changes with a “forward-thinking approach.”

“In order for a judiciary to be independent, it has to be accountable. This plays out in a variety of ways across the country,” said Hall. He holds the work being done in Massachusetts comparable to that in Utah, Arizona and Vermont, in that the Bay State is on the forefront of “really taking on reform issues.”

Hall’s sentiments are echoed by the closest advisors to Massachusetts court reform efforts, namely Monan and Michael B. Keating, chairman of the Court Management Advisory Board, a board mandated by the Legislature following the Monan Report. (See related article on page 14.)

“Striving for Excellence in Judicial Administration”
A Symposium on the Five Year Anniversary of the Report of the Visiting Committee on Management in the Courts

Wednesday, Feb. 27, 3:30 p.m.
John Adams Courthouse

Featuring a keynote presentation from
Chief Justice Ronald George
California Supreme Court

Also, a panel discussion featuring prominent area business leaders will be moderated by SJC Associate Justice Robert J. Cordy

In a Sept. 17, 2007, opinion piece published in The Boston Globe, Monan and Keating wrote that the reform efforts “signal that accountability, transparency and continuous improvement are becoming the norm with the court.”

They add, “All too often, task forces and commissions, appointed to recommend improvements in government service to the public, deliver their reports only to watch them collect dust as they lie unimplemented on office shelves. Our experience over the past four years with the Massachusetts Trial Court has been a unique and gratifying exception.”
MassCourts computer system, no longer a “leap into the unknown,” proves to be a practical solution

by Roberta Holland

This year, court officials completed the deployment of a modernized IT system in the Housing Court and are now turning their attention to Probate and Family Court.

IT officials said the Housing Court’s transition to the new MassCourts system went smoothly, beginning in June and finishing in October. The electronic case management system consolidates everything from docketing to financial information in one central location. Previously, that information was stored in different databases unable to communicate with one another.

About a dozen court employees have been working on the project full time, aided by staff from contractor Maximus Inc. of Reston, Va.

“We’ve been getting good feedback from users,” said Judge James F. McHugh, associate justice of the Appeals Court and special advisor on information technology to Chief Justice for Administration and Management Robert A. Mulligan. “The learning curve is there, but once people get over that and adjust to it, they are using it and finding it a very helpful tool.”

Also heartening is the enthusiasm and anticipation from subsequent courts in line to get the new system, McHugh said. “It’s not any longer a leap into the unknown. People are understanding this can help them do things better.”

Craig Burlingame, the Trial Court’s chief information officer, said the Plymouth division will be the first Probate and Family Court to receive MassCourts. That deployment is slated to happen in the first quarter or early second quarter.

“Everyone is hopeful we’ll conclude (Probate and Family Court) in 2008,” Burlingame said.

The Family and Probate Court has been using upgraded scanning and imaging technology since 2006, amassing roughly 1.8 million multi-page documents on almost 200,000 cases, Burlingame said.

McHugh hopes the rollout continues smoothly so more employees can start using MassCourts and “begin to capture its power to improve the macro justice system.”

Currently, District Courts and Boston Municipal Courts are using a thinner version called MassCourts Lite, which offers functionality on the probation and criminal side. Once the Probate and Family Court piece is finished, the IT staff will upgrade District Court and BMC to the full MassCourts system, which will add the civil and financial tracking capabilities. That deployment is currently in the planning stages, McHugh said.

MassCourts also has automated communication with some outside organizations, including the Board of Bar Overseers. In the last year, the system added a nightly exchange with the state police for fingerprint-supported criminal identities. There are now 50,000 in the system.

Also automated is the exchange of data with the Committee for Public Counsel Services, which tracks public defender assignments and payments. Burlingame said the system sends the committee about 10,000 documents a month electronically versus the previous system of sending paper documents by standard mail.

“Before, that was something that used to take weeks to process in the mail and then by someone in data entry,” Burlingame said.

McHugh said the courts are “deep in discussion” with the Department of Social Services, as well as the Bureau of Vital Statistics and Registry of Motor Vehicles, to begin similar electronic feeds of data.

The upcoming anniversary of the Monan Committee Report provides an opportunity to take stock of our court management reform efforts and set our course for the next five years. That heralded report was quite critical of court operations, citing long delays and inefficiencies. While acknowledging the high quality of justice, its findings of “managerial confusion” and “high cost, slow action and poor service” served as a wake-up call for everyone committed to the timely delivery of justice.

Since then, thousands of employees throughout the court system have rallied to adopt new practices that focus on accountability and continuous improvement. From clerk-magistrates and judges to probation officers and court officers, dedicated employees have supported wide-ranging changes in the way we manage the daily business of the Trial Court.

The 2003 report presented recommendations in three areas: leadership, accountability and disciplined resource allocation. And in my view, we have made strides in all three. We certainly have more to accomplish, but we have established a strong foundation for further progress.

Impressive, collaborative leadership by the Trial Court chief justices has achieved an ongoing transformation across all seven departments. The Court Management Advisory Board (CMAB), formed by the Legislature in the wake of the report, has provided us with valuable guidance. The board’s committed members from legal and business backgrounds have emphasized the need for empirically-based performance assessment to promote informed decision making and continuous improvement.

First, we needed to clarify expectations, which required the expansion of time standards to criminal and civil cases in all departments. We also set standards for staffing decisions by developing staffing models, which are used to prioritize critical needs and objectively allocate limited resources.

Next, we needed to assess how we fared in meeting those standards. Fortunately, the National Center for State Courts had just developed 10 CourTool measurements for assessing court performance. We adopted the four measures focused on timely case management, used varied data sources and, as the data quality improved, we began to see the impact of the adage “what gets measured gets done.”

The revitalization of MassCourts, the new case management system, under the leadership of Appeals Court Judge James McHugh and Chief Information Officer Craig Burlingame provided a critical foundation for this data collection and reporting in the departments where it had been introduced. Simultaneously, the data needs for the new measurements enhanced the ongoing development of MassCourts.

Perhaps most important, we moved on to develop a common set of challenging goals that would produce a beneficial impact on the timely disposition of cases. Certainly, there was risk in setting ambitious goals that might not be met. However, goal setting actually infused energy into our efforts, as we recognized the concept that falling short of a goal did not constitute failure.

Transparent reporting of the data represents another major Trial Court milestone forward, targeted data collection, along with effective analysis, audits and action plans will continue the momentum generated over the last five years.

Thanks to the energetic leadership of the Trial Court chief justices, committed support from the clerk-magistrates and the dedicated efforts of judges and countless court staff, we gradually are transforming a culture steeped in precedent and tradition to one of accountability and performance.

The Trial Court’s venture into performance measurement continues to be a productive learning experience. We recently piloted a user survey focused on court accessibility and fairness. As we move forward, targeted data collection, along with effective analysis, audits and action plans will continue the momentum generated over the last five years.

Thanks to the energetic leadership of the Trial Court chief justices, committed support from the clerk-magistrates and the dedicated efforts of judges and countless court staff, we gradually are transforming a culture steeped in precedent and tradition to one of accountability and performance.
Unprecedented infusion of capital into court facilities provides extreme makeover for aging, run-down buildings

by Bill Archambault

By any measure, the state’s court buildings were in bad shape after years of aging and neglect. The Massachusetts Bar Association even compiled a series of Lawyers Journal articles showcasing the run-down condition of numerous court facilities in a 1998 publication matter-of-factly called “Massachusetts’ Courthouses of Shame.”

The condition of many of the state’s courthouses were deplorable. There was the Middlesex Probate and Family Court in Cambridge, which had just one elevator for 5,000 weekly visitors, no hot water in most of the building, a flea infestation, outdated electrical wiring and a chief probation officer’s “office” that included books, records, and a toilet crammed together in a tiny space.

The Worcester District Court had one courtroom closed because of an overwhelming stench, while another was plagued by the cooing of pigeons nestled in the walls and ceiling.

A records room in the basement of Norfolk County Probate and Family Court contained an open pit of what staff believed to be raw sewage.

There was no shortage of dirty, inconvenient, even hazardous conditions, let alone pervasive problems of extreme overcrowding in everything from holding cells to offices to records rooms to conference areas. Modern technology — even in buildings equipped with the wiring to handle it — was scarce. Building designs that took into account handicapped access and modern security concerns were also in short supply.

But nearly a decade later, much has changed. The physical structure of the state’s justice system has undergone extensive reconstructive surgery, and the infusion of state funds continues with a host of projects that will run through at least 2011.

“There’s been a steady progress over the last decade or more in improving the court facilities,” said Chief Justice for Administration and Management Robert A. Mulligan. “There’s been a real effort to upgrade the facilities.”

Massachusetts prioritizes court buildings

In addition to the recently completed Plymouth Trial Court and the Worcester Trial Court, there are six major court projects underway, in Cambridge, Fall River, Lowell, Salem, Taunton and Woburn. In the last 10 years, $955 million in state money has been authorized for court projects. The bulk of it came from Chapter 189, which in 1998 authorized $730.3 million for court projects and essentially launched the long-delayed reconstruction of the state’s halls of justice.

Over the last 20 years, 18 completed projects cost more than $750 million, ranging from the East Cambridge Trial Court renovation for $5.8 million to the $151 million John Adams Courthouse renovation and the $180 million new Worcester Trial Court. Those amounts don’t include nearly $90 million spent on miscellaneous, smaller projects.

“If you consider what we’ve accomplished in the last 10 to 12 years, it’s really amazing,” Mulligan said.

Mulligan and David B. Perini, commissioner of the state’s Division of Capital Asset Management, have worked in collaboration to steer the planning and construction of new courthouses, the refurbishment of aging but still-useful buildings and the leasing of temporary spaces while new buildings are constructed. It’s a monumental engineering undertaking, with DCAM's Court Facilities Unit overseeing roughly $150 million being spent each year on new construction and renovation.

As a result, Mulligan says, the state’s courts run the gamut, from those in “excellent condition” to “serviceable and functional” to “needing improvement” to “very poor.”

In addition to years of neglect and deferred maintenance, many of the state’s court buildings are simply too old and small to meet the needs of today’s justice system.

“They’re quite old facilities,” Perini said of some courthouses. “They were certainly built at a time when caseloads were much different. Part of the issue is simply that the courts were built for a different time, different security needs, different caseloads. It’s amazing to me, what people make do with.”

Since the Monan Report ushered in a new era in Massachusetts’ legal system five years ago, Mulligan has been busy overseeing a top-to-bottom reworking of the management of the Trial Court Department. But in addition to implementing firm and fair trial scheduling, time standards, electronic information systems and evaluating judges, Mulligan has also been pressed into something of an engineer’s and planner’s role to address the physical shortcomings of the state’s justice system.

Despite such trying conditions, Mulligan said the quality of justice has not suffered, which he credited to the efforts and perseverance of judges and court employees across the state.

Still, he’s thrilled to see new court facilities opening after having persevered through cramped, sometimes decrepit buildings for years.

“There are just a myriad of challenges that the old facilities present, even the ones that are well maintained,” he said.

A new generation of courthouses

Today, Massachusetts courthouses are undergoing a remarkable renaissance. Headlines decrying intolerable working conditions because of overcrowding, broken elevators and air pollution still crop up. But more and more, Mulligan is seen standing beside smiling judges, state legislators and local officials at groundbreaking and

Continued on page 10
New Massachusetts courthouses feature green design, savings

by Jennifer Rosinski

The state’s six newest courthouses were all planned with green principles in mind, from energy-efficient lighting to variable frequency drives and motors that mean HVAC systems only expend as much energy as needed. These features mean all six projects in various stages of completion — from open for business to design planning — are built with consideration of the environment as well as courthouse and staff needs. Most are also built in urban settings close to public transportation. Buildings in Worcester and Plymouth opened to the public last fall and incorporate items like energy-efficient boilers, chillers and lighting, as well as large windows to maximize natural daylight.

The courthouse in Fall River is under construction and those in Lowell, Salem and Taunton are still in the design stage. Those four buildings aim to go even further than the previous two and qualify for Silver Certification under Leadership in Energy and Environmental Design accreditation, a standard based on points regulated by the U.S. Green Building Council. Silver certification requires 33 of 69 points.

“We will be building all new facilities at a LEEDS-plus standard,” said David B. Perini, commissioner of the Division of Capital Asset Management, which oversees all state buildings. “That’s basically the direction we’re going to be going in.”

In Fall River, much thought has been put into the right type of air conditioning system and the use of high quality glass, said Chris Schaffner, a principal of The Green Engineer LLP in Concord and a member of the Fall River courthouse design team. The Fall River building could be as much as 30 percent more energy efficient than building code requires.

“We’ve gone through a lot of analysis,” Schaffner said. “By recognizing all of these concerns, we can make it a very efficient building as well as a cost savings to the state.”

Savings money isn’t the primary goal of green building, but it can be a nice side effect — even if the project costs more upfront, Schaffner said. Green design can cost up to two percent more nationally, he said, but in the end, saves money.

“The argument can be made if you do green design intelligently, it doesn’t have to cost more,” Schaffner said.

For every $3 to $5 spent per foot upfront in green construction, there is a 15-per-square-foot operational cost savings over 20 years, according to Costs and Financial Benefits of Green Buildings, a 2003 study to California’s Sustainable Building Task Force.

In green building, fewer light fixtures also means less air conditioning, and Low-E grade windows that reduce heat transfer and insulation results in less of a need for heating and cooling, Schaffner said. That all adds up to lower operating costs.

The Worcester courthouse has netted the state $450,000 in rebates from National Grid, said Liz Minnis, director of Court Planning for DCAM. Rebates for the Plymouth courthouse are still being totaled.

In addition to the environment and the bottom line, green building concentrates on those who use the structure, Minnis said. The new courthouses feature oversized windows that let in a lot of natural light, both to make the atmosphere more pleasant for staff and visitors as well as reducing the need for light fixtures. Courthouses of the past have few windows and barely any natural light.

“One of the things about sustainable design is focusing on the well-being of the occupants,” Minnis said. “It’s a holistic design.”

Adds Schaffner, “That’s one of the challenges the design team faces: how do you mix that desire for natural light with the security needs of a courthouse?”

The construction of courthouses that focus on sustainability comes 10 years after DCAM first decided to emphasize green construction, said DCAM Energy Program Manager Jenna Ide.

In October 2006, the Massachusetts Sustainable Design Roundtable, a group of more than 45 professionals from the public and private sectors, issued a report calling for six recommended actions, among them the adoption of minimum green building guidelines for all construction and renovation done by state agencies.

Six months later, Gov. Deval Patrick endorsed the roundtable’s report when he passed Executive Order 484, Leading by Example — Clean Energy and Efficient Buildings. The order asks that all state
courthouse opening ceremonies, and he’s able to tout the opening of distinguished-looking buildings with spacious, gleaming interiors, modern safety and security features and ample office and conference space.

While judges, court staff and the public have had to make do with substandard facilities for years, the arrival of new buildings promises a different kind of courthouse experience.

This past fall, the new Worcester Trial Court opened, a $180 million, 429,000-square-foot facility that incorporates the District, Housing, Juvenile, Probate and Family and Superior courts. It houses the Worcester County District Attorney’s Office and has 26 courtrooms, conference rooms, jury deliberation rooms and a grand jury room. It features new information technology and digital audio recording systems, secure detention areas, handicapped accessibility — even a café. It also boasts natural light through large pane glass windows and a centerpiece spiral staircase.

At the opening ceremony, Massachusetts House of Representatives Speaker Salvatore F. DiMasi said, “Today’s opening of the Worcester Trial Court marks the realization of years of hard work to replace court buildings dating to before the Civil War. The importance of this project cannot be overstated and was never lost on the members of the House of Representatives — in assisting with the administration of justice, in helping revitalize the downtown area and improving the quality of life for the region.”

The state’s newest courts are even beginning to incorporate environmentally friendly design elements that will ultimately reduce operating costs.

The fall also saw the groundbreaking for the $85 million, 145,000-square-foot Fall River Trial Court, a milestone in courthouse construction in Massachusetts. It will become the first courthouse in the state to seek Leadership in Energy and Environmental Design accreditation to earn the distinction of being the first “green” courthouse in Massachusetts. (See related article on page 9.)

Features will include high-efficiency lighting that maximizes natural light and efficient mechanical and electrical systems. The five-story, 150,000-square-foot building, which will house the Fall River District Court and Bristol County Superior Court’s criminal sessions, is scheduled for completion in the fall of 2009 with the expectation that it will serve as a beacon for the future of the state’s halls of justice.

A relative windfall from the state

For the last 10 years, the courts have enjoyed the privilege of being the state’s capital funding priority. Given how aged, poorly maintained and outdated many of the courthouses were, an infusion of capital seemed long overdue. But even with the tremendous amount spent in the last decade, and the hundreds of millions of dollars tied to projects now underway, there is concern that financing could dry up, or be diverted to new priorities.

DCAM is devoting about 32 percent of its capital funding in courthouses or court-related facilities — more than for education, public safety or any other segment of state government.

“...
Weinzapfel Associates, noted the increased demand for courthouse design in Massachusetts. Leers Weinzapfel designed the $86 million Taunton Trial Court complex scheduled for completion in late 2010 and previously designed the Fenton

Plymouth District Court

Judicial Center in Lawrence, as well as the U.S. District Court in Worcester.

“There’s certainly been a very active round of courthouse building right now. That’s quite an active program,” she said. “It’s true that the cycle of courthouse buildings is infrequent. The last big cycle was in the 1930s. There was some in the 1960s, too, but this cycle really began in the 1990s, and it’s been pretty sustained the whole time, because of the age of the facilities, an increase in caseload, the heightened need for security, and an increased need for accessibility and interest in sustainable design.”

While demand for new courthouses has been unusually high and can be a significant source of income for a firm, she said, a somewhat steady stream of opportunities is not why firms seek out court projects.

“I don’t think it’s the volume alone that attracts architects to do courthouses, it’s the opportunity to do important public buildings,” Leers said. “I personally find the design of courthouses very exciting. It’s one of the foundation buildings of any community, and that’s the real opportunity there. Public projects are full of the push and pull of public life. That’s inescapable. The fact that a number are being built in the last several years also makes it an attractive area to look to.”

Michael H. Pascavage, chairman of Cummings Properties LLC, in Woburn, agreed that while it’s always nice to land a large contract, the prestige of working on a significant public building accounts for much of the appeal of bidding on court projects. Cummings Properties, a real estate development and management company, is building the 150,000-square-foot Middlesex Superior Courthouse at Trade Center Park in Woburn. The state will lease space in the new building for at least three years while the Sullivan Courthouse in Cambridge is renovated.

Cummings Properties’ Vice President Ernest N. Agresti Jr. has noticed an unusually high volume, with court-related projects accounting for more than half of the recent listings in DCAM’s requests for proposals for leased space.

“There certainly is a lot of activity out there,” Agresti said.

Court construction on the horizon

Despite the generous amount being spent on court construction and renovation, there is concern that the state’s priorities will shift, leaving the long remaining list of courthouses in need of replacement or major renovation at the end of the line again.

In less than 10 years, Massachusetts has devoted nearly $1 billion to upgrading its court facilities. Yet, even with that tremendous capital infusion, Perini estimates the job may be only 50 percent to 60 percent complete.

After the collapse of a bridge in Minnesota this past August killed several people and defects in support beams were found in Boston’s Longfellow Bridge, Mulligan said he started worrying that courthouse projects would be pushed aside in favor of other pressing needs.

“When I hear about cracks on the Longfellow Bridge, I wonder how that’s going to affect us,” he said. “Of course I’m concerned. The courts are a part of the infrastructure of our society.”

Despite worries about tapping into limited state funds, Mulligan acknowledges that the courts “have a great working relationship with the Division of Capital and Asset Management. We’ve faced some sticky issues together and have managed to work things out.”

Perini said he doesn’t know how long funding will continue at this pace, but improving the state’s courts continues to be a priority of Gov. Deval Patrick’s administration, as indicated by his filing in early January of a $2.5 billion bond bill.

The bill, which is part of the administration’s five-year, $12 billion capital investment plan, includes $500 million for a new courthouse in Lowell, renovations to courts in Greenfield, Taunton and Salem, and the completion of a master plan for Norfolk County court facilities in Dedham.

The administration is committed to continuing court-related capital projects beyond the ones that are already funded, Perini said.

“They’re underway now and will run through 2011,” Perini said before the new bond bill was filed. “We’ve got four more years of major court construction.”

The Patrick Administration said the new bond bill will fit within the state’s acceptable level of debt service, but even projects considered necessary don’t always get funded.

“Capital spending is not unlimited,” Perini said.

Land Court

A message from Chief Justice Karyn Faith Scheier

Calendar year 2007 marked the first full year of operation of the “Permit Session” of the Land Court, created by Chapter 205 of the Acts of 2006. Cases in the Permit Session must involve major commercial or residential development projects, and the Permit Session is vested with jurisdiction broader than the Land Court’s, to hear all types of appeals from permitting and land use decisions of local boards and administrative agencies, including those of the Housing Appeals Committee, the Division of Administrative Law Appeals (DALA) and the Boston Zoning Board of Appeals.

During 2007, half of the two dozen Permit Session cases filed were cases transferred from the Superior Court Department with approval from the chief justice for administration and management. Each of the cases filed in the Permit Session was assigned to an individual Land Court judge, as are all cases filed with the court. The implementation of an individual calendar system in fiscal year 2006 continues to facilitate smooth case management and efficiencies that have been appreciated by both the Land Court bench and the bar.

In addition to creating the Permit Session, Chapter 205 created a seventh judicial position in the court, which was filled at the end of calendar year 2006. Chapter 205 also mandates, for the first time, that the Land Court hold quarterly sessions in both Worcester and Fall River. In accordance with the statute, the court held numerous general motion and tax foreclosure sessions in these locations throughout the year, in addition to holding trials in all counties, as necessary. The Land Court was the first Trial Court department to implement MassCourts, and the ability to access MassCourts and our dockets from courthouses throughout the commonwealth has facilitated our sittings outside of Boston.

The statistics for fiscal year 2007 show a 56 percent increase in filings, reaching an all time high of almost 28,000 cases. While there has been an increase in all case types, the largest increase in filings was seen in servicemember cases, seeking a judgment that the defendants are not entitled to the benefits of the Servicemembers Civil Relief Act. These cases represent the first filing required prior to proceeding with mortgage foreclosure. The filings in the Land Court mirrored the headlines, locally and nationally, concerning the mortgage foreclosure crisis. Staffing to levels adequate to handle the increased foreclosure practice continues to present a challenge to the court.
Trial Court looks forward to feedback from more than 1,000 courthouse users

*Boston Municipal Court Department wraps up pilot survey program at end of November, plans to expand*

*by Kate O’Toole*

“Focus, disciplined management, efficiency, responsiveness. The formula for a successful law practice and a well-run nonprofit has many of the same ingredients as a well-functioning court system,” Supreme Judicial Court Chief Justice Margaret H. Marshall remarked at the Massachusetts Bar Association’s second annual Bench-Bar Symposium this past fall.

Streamlining and enhancing court management has been a top priority for Marshall during her tenure as chief justice. In an effort to more effectively manage the courts, Chief Justice for Administration and Management Robert A. Mulligan and the seven other chief justices from across the state have utilized technology such as MassCourts and CourTools to both improve courts’ organization systems and measure their progress.

In addition to tracking courts’ statistics on clearance rates, pending caseloads and trial date certainty, the Trial Court Department also needs to know how the public users of the courthouses perceive them. Are the courts’ forms easy to understand? Do the courthouses feel safe to the public? Are users receiving fair and courteous treatment from the judges, clerks and courthouse personnel?

“Court department leaders may think that the public perceives the court as performing well, but to make that statement, one would be basing it on merely a feeling or a sense,” said Court Administrator Cheryl Sibley, Esq.

Tracking these users’ experiences requires more than just new technology. This fall, the Boston Municipal Court Department, under the leadership of Chief Justice Charles R. Johnson, piloted a survey project in its eight divisions. Johnson appointed several attorneys, judges, clerks and other court personnel to an Access and Fairness implementation team. The team developed a survey that was distributed to users of the Boston trial courts.

The survey was printed in four languages — English, Spanish, Portuguese and Vietnamese — and includes questions focusing on court accessibility and fairness. It also asked court visitors why they were at the courthouse, ensuring that survey respondents ranged from jurors and attorneys to police officers and social services staff.

The surveys supplied statements about the court (such as, “I easily found the courtroom or office I needed,” “The court’s hours of operation were reasonable,” and “In my opinion, my case was handled fairly.”) and asked users to rank them on a scale of one to five, one being “strongly disagree” and five being “strongly agree.”

Executive Director Francis J. Carney Jr., Ph.D., of the Administrative Office of the Trial Court, noted that some users provided comments in addition to the simple numerical ratings.

During the first two days of the project, the Roxbury Division of the Boston Municipal Court Department received 248 surveys. The surveys were conducted in all eight divisions and wrapped up near the end of November, and 1,512 surveys were collected in all.

“For the first time, we will be able to see — in an empirical way — how the public perceives the courts, in terms of fairness, equality, fairness and access,” Sibley observed. “It will be helpful and instructive for Chief Justice Johnson to be able to establish priorities as we continue to move forward with these improvements.”

Carney said that the survey results are beginning to be reviewed internally, and that the Access and Fairness implementation team is working on adding narratives to the surveys to give the data more context. For example, the report would explain the use of the CourTools questionnaire, the role of the Access and Fairness Committee in planning and administering the initiative, the methodology used for the project, the highlights of the statistical results and some discussion of the implications of the results for improving court management. The team hopes to make the results public by the end of January.

In addition, the Trial Court Department plans to introduce similar surveys in other court departments. Carney hopes to administer and evaluate survey results of the other seven Trial Court departments by the end of 2008.

To view the survey, visit www.mass.gov/courts/accessfairnesssurvey.pdf. For more information about this initiative, contact Administrative Attorney Lisa Yee at lisa.yee@jud.state.ma.us or (617) 788-8715.

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New juror service Web site offers high-tech convenience to Massachusetts jurors online

On Dec. 17, the Office of the Jury Commissioner announced the launch of its new interactive Juror Service Web site, allowing the more than 350,000 citizens called for jury duty each year to access information about their summonses more quickly and easily.

“This Web site allows the courts to increase efficiency and accessibility,” said Chief Justice for Administration and Management Robert A. Mulligan. “We want to enhance the ability of citizens to participate in the justice system and ensure diversity in jury pools.”

The site is the latest addition to a total upgrade of technologies used in jury management and overall judicial administration in Massachusetts. Now, jurors can go online to confirm or postpone service, request a disqualification or hardship transfer, find courthouse information and complete the confidential juror questionnaire.

According to Paula Hannaford-Agor, director of the Center for Jury Studies of the National Center for State Courts, the interactive functionality of the site is the most comprehensive in the country.

Jury Commissioner Pamela J. Wood is glad for the launch of the new online services. “The Web site will not only cut costs but will also lead to quicker, more direct services for the juror,” she said. “We hope that in time, the majority of jurors will choose to respond to their summonses online.”

A PowerPoint presentation of the interactive site can be viewed at www.mass.gov/courts/jury/websitedemo.ppt.

Superior Court

A message from Chief Justice Barbara J. Rouse

Over the past three years, the Superior Court has been engaged in two exciting initiatives – the firm, fair, trial date initiative with respect to civil cases, and the implementation of criminal time standards.

Firm, fair trial date initiative

In 2005, the Superior Court embarked on an initiative to improve the delivery of justice in a more timely and cost-effective manner and to establish more predictable trial dates in civil cases.

The court began implementing this initiative in Suffolk, Middlesex, Essex, Norfolk, Plymouth, Barnstable, Bristol and Worcester in January of 2006; however, due to the crushing civil caseload in Worcester, the initiative was in place in name only. With the opening of the Worcester County Courthouse in the fall of 2007 and two additional sessions, Worcester is positioned to implement the initiative fully by mid-2008, after it works through the cases currently scheduled for trial. In May of 2007, Hampden County began implementing the initiative after judicial vacancies were filled and the court acquired another courtroom in Springfield. The expansion of the initiative to Springfield followed the same path as all other counties – after meetings and consultation with the bar.

The major goals of the initiative – to reduce the need for continuance requests and to set reliable and firm trial dates – have been successfully met in almost every county. In evaluating the effectiveness of the initiative, the court compared the number of cases tried, settled or continued for the first quarter of 2005 – pre-initiative – to the latest comparable period under the initiative – the first quarter of 2007. The data reveal that the court scheduled 1,300 fewer cases for trial but resolved, by trial and settlement, about the same number of cases, approximately 1,050, while continuing 1,300 fewer cases. On an annual basis, that means that approximately 5,000 cases in those eight counties will not be needlessly scheduled for trial, only to be continued, saving attorneys costly and unnecessary preparation and litigants the emotional and financial ramifications of an elusive trial date. By mid-2007, the court has reduced continuances 22 percent statewide; and most remarkably, is trying approximately 60 percent of cases on their first or second trial date, a dramatic improvement.

Criminal time standards

In September 2004, the Superior Court promulgated Standing Order 2-86, as amended, on criminal case management to improve procedures in criminal cases, to promote uniformity in practice throughout the commonwealth, and to promote timely, fair and just resolution of criminal cases for victims, defendants, the public and all involved in the criminal justice system by the application of uniform and consistent time standards. The goal of time standards is to establish presumptive time periods for the routine criminal case while providing flexibility for cases with particular complexities or circumstances requiring a longer time period.

Protocols have now been put in place in almost every county to facilitate the progress of cases within time standards. In the first criminal sessions, Forecourt, the court’s case management system, is now used to manage cases from indictments to disposition. Working collaboratively, judges, district attorneys, defense bar and clerks select realistic dates for cases that fall within the given time frame. Dates for conferences, pre-trials and trial are established early on, often times at arraignment. The implementation effort has taken into account prosecutorial prerogatives and individual variations in practice in different counties.

One of the greatest success stories thus far has been in Suffolk County. Under the leadership of Regional Administrative Justice Margaret Hinkle, collaboration with the district attorney, defense bar and clerks, Suffolk County has reduced its caseload by 50 percent and has also drastically reduced cases over one year of age. A dedicated motion session, homicide session and time standards session have greatly enhanced the court’s ability to keep cases on track.

The most remarkable achievement for the court since implementing time standards has been the reduction, statewide, of cases pending for more than one year, from 62 percent to 26 percent of the caseload.
Q&A with Court Management Advisory Board member Leo V. Boyle

The Court Management Advisory Board was created in 2003 by an act of the Massachusetts Legislature. The Visiting Committee on Management in the Courts, popularly known as the “Monan Committee,” had conducted a six-month study of the Massachusetts courts. In its 2003 March report to Supreme Judicial Court Chief Justice Margaret H. Marshall, the committee recommended the creation of a permanent advisory board, which would include members from within the legal system and members from the private sector and government who could bring their experiences to bear on the managerial challenges facing the judiciary.

As a result of this recommendation, the Legislature created the CMAB, mandating that it advise and assist the justices of the Supreme Judicial Court and the chief justice for administration and management on matters pertaining to judicial administration and management and all matters of judicial reform.

In the summer of 2004, the justices of the Supreme Judicial Court appointed the members of the CMAB. As mandated by statute, the CMAB comprises 12 members who are appointed according to the categories of experience set forth in the enabling statute. In addition to the 12 members, the CJAM serves as executive secretary of the CMAB.

CMAB member Leo V. Boyle is a partner at Meehan, Boyle, Black & Bogdanski in Boston and was a former president of the American Trial Lawyers Association and the Massachusetts Bar Association. He spoke with Lawyers Journal Contributing Editor Andrea R. Barter, Esq., about the board’s makeup and effectiveness.

Do you think the Court Management Advisory Board is properly comprised of legal and non-legal individuals to assist and advise the courts, or do you think there should there be a different mix of members?

It’s dictated by statute. I think it’s a pretty thoughtful statute because it directs the selection of people with certain expertise. The implementation of the statute has been true to the statutory intent. We’ve ended up with some phenomenally talented businesspeople on the board. I don’t mean to diminish the lawyers, but with talented businesspeople, there is a huge benefit in having an outsider looking at what we’re doing, particularly an outsider from the management side. We also have the chief justice for administration and management, which is a huge asset: A person who combines lawyer, judge and manager. We also have a retired Supreme Judicial Court justice. There’s talent, I think, from all the right places.

What has been the board’s priority issue?

The priority issue has been trying to help implement the principles and the goals of the Monan Report. The Monan Report is the most current document that analyzes the management of the court system. Our prime mission has been to lend the expertise of various members of the board to make that report fully come alive, to be implemented.

The Massachusetts Trial Courts have been described as being “steeped in a culture of precedent and tradition.” Have you run into any roadblocks in implementing your recommendations?

To the contrary: There has been an extraordinarily good response to the Monan Report, and to management principles in general, quite apart from what the board is doing. The principles of the Monan Report are being articulated and are part of the leadership of the courts. The board is one additional forum for discussion and analysis. I think these principles have been welcomed. The word roadblock is inapplicable to the discussion.

What has been the biggest success for the board?

Just the fact that you have a Legislature passing a statute that brings people from all areas of expertise together to assist in the mission of the third branch of government is unusual, is enlightened, and is in and of itself a great accomplishment. You don’t have an advisory board for the executive branch of government or the legislative branch. I think it’s a really open and exciting concept to bring people together from all sorts of expertise with a view toward picking their brains and trying to make the court system even better. It serves a reverse function as well. Those people from very important positions in the business world get to see up close what an amazing job the court does at its core mission, delivering justice. The Massachusetts judicial branch, the ultimate product that is delivered, which is justice, is unequalled in any court system anywhere. If you look case-by-case at outcomes and the application of the law and the complete integrity of all the people who work in the system, nothing’s perfect, but boy it’s close. Having people who are not from the legal world see it up close and see the results the courts are achieving on an individualized basis, how it’s handled, the complexity, the extremely high quality of what the court does, that’s really good. I think the ultimate challenge is hanging onto that extraordinary quality of justice, and at the same time, streamlining it as best we can.

What would the board still like to see done?

The short answer is more of the same. The courts have been completely receptive to the fact that the board is trying to help, trying to add value to the process. The chief justices of all the divisions have been completely engaged in the process. They have incredibly valuable input at the meetings because they’re on the front lines.

They’re calling the list at 9 a.m., calling off 20, 50, 100 new matters across the state. Their input has been incredibly important and enlightening. Not only to the businesses, but I’ve gotten an education in the daily challenges of courts where I don’t practice. The exchange of ideas and information and wisdom — I find it real exciting to be in the room.

What has struck you most about the courts and court personnel in this process?

The thing I keep coming back to is the innate quality of judges in Massachusetts. There are states with elected judges at every level, there are systems that are fraught with problems that fortunately we don’t have, and the way our judicial branch is configured, right from state constitution to the statutory framework, results in extraordinarily good justice. I’ve been trying cases for 36 years and have had probably more than my share of losses and I’ve never seen a miscarriage of justice. It doesn’t mean I wouldn’t have liked to win, but my client had a fair shot, the rules were applied, and whether I won or lost, I’ve always been left with the abiding feeling that justice was done and you can’t say that everywhere. That’s the thing that sticks with me. In addressing court management issues, if we can help with some of the transactional delays, that will only add to the purity of the product.

Are the performance goals for clearance rate, time to disposition, age of pending caseload and trial date certainty too ambitious, well determined, or can the courts do more?

We had to start somewhere. You have to take the first step and I think probably having a goal is more important than whether the goal is a particular number. Whatever number you choose becomes a catalyst for discussions, for planning, for engaging in a new venture, for capturing data and tracking it. We could talk about ‘Should the percentages have been less aggressive?’ but I think the most important thing was goals were set and that was the catalyst.

What is your opinion of the courts’ management and performance today?

I think that it’s an exciting time and I think that the vision of the Monan Report is really taking off and becoming a reality. I think it is a confluence of a number of very specific inputs. (Chairman) Mike Keating’s leadership of the board has been inspired. Chief Justice Mulligan’s commitment to this is deep-seated and is inspiring. The inclusion of people from other areas on the board has created a tremendous resource for all of us in the judicial branch. The chiefs of the Trial Court divisions have shown great leadership every step of the way. And Chief Justice Marshall has made it clear that this is a priority for her as well, so you have occurring something akin to the ideal environment for dramatic change. That’s what we’re about.
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Court Management Reform
A special section on the Monan Report’s 5-year anniversary

District Court
A message from Chief Justice Lynda M. Connolly

As the gateway to justice in the Commonwealth of Massachusetts, the District Court is dedicated to the administration of justice in a fair, impartial and timely manner in accordance with the rule of law. In fulfilling this role, the District Court will provide the communities it serves with an environment that is safe, accessible and respectful to all. The District Court will conduct its business with integrity, competence, and a commitment to excellence in order to promote public trust and confidence in the judicial system.

— Mission Statement of the District Court of the Commonwealth of Massachusetts

The District Court’s mission statement recognizes that timeliness is an essential component of justice. In fiscal year 2007, 784,250 individual cases were filed in the 62 District Court divisions. Prior to the recent emphasis on accountability and periodic assessment of progress, it was a significant challenge to implement a methodology that would support the efforts of first justices and court management teams to make timely resolution of cases a reality.

While the culture of the District Court had institutionalized sound caseflow management practices that encouraged timely disposition, there was no effective way to measure timeliness and document our progress. Historically, decisions about allocating judicial resources were based upon anecdotal information rather than accurate data and current needs. We were not able to provide first justices and court leadership teams with the type of information needed to manage their busy court calendars and to formulate strategic plans to avoid logjams and better serve the public.

The introduction of MassCourts Lite in 57 of our 62 divisions allowed the District Court to measure timeliness and to identify backlogs at a level of detail never before available. On a weekly basis, regional staff now provide first justices with information from MassCourts Lite on the number of pending cases that are outside of time standards. First justices now are able to identify caseflow issues and to schedule based on court needs. Even more importantly, each court has weekly case lists which identify the individual docket number and next scheduled event of every pending case outside of time standards. This enables first justices and local court management teams to prioritize these cases for disposition.

In the past year, the use of caseflow information provided by MassCourts Lite has become routine among District Court first justices and court leadership teams. Among the examples: in one busy District Court, the first justice, in consultation with the clerk-magistrate and chief probation officer, revamped the court’s schedule to provide additional time to hear civil cases. In one judicial region, the regional administrative judge centralized the assignment of civil jury trials to a few locations based on the detailed case information that is now available. In another court, a backlog of criminal jury business was addressed locally by scheduling more criminal jury trials each day; in three months the court’s backlog of criminal cases outside of time standards has been reduced by more than one-third.

The leadership teams in each of the 62 district courts across the commonwealth have embraced the case processing information provided by MassCourts. They have used this information to manage their court’s business in a way that was not possible even two years ago.

The “marriage” of the Trial Court’s initiative on timeliness and expedition of cases and the implementation of MassCourts Lite has resulted in an overall clearance rate of 102 percent in the District Court’s criminal caseload, a proud achievement in fulfilling the District Court’s mission as the gateway to justice.
Limited assistance representation pilot program receives high marks, expands

by Andrea R. Barter, Esq.

Just over one year ago, Hampden and Suffolk Probate and Family Courts launched a pilot program to allow pro se litigants access to attorneys on a limited assistance representation basis. The goal of the program was to facilitate legal representation, thereby benefiting both self-represented litigants and the court system. With less than six months remaining, the pilot program appears to be well received and the LAR movement is gaining momentum. In fact, starting this month, the Massachusetts Bar Association is offering Limited Assistance Representation referrals through the Lawyer Referral Service program. (See sidebar on next page.)

“The whole idea of limited assistance representation is to give clients more power, more control over their spending for legal services. But it also works well for the attorneys,” said Wayland attorney Susan Kluempel. “Some people don’t understand the value of having legal representation. But if they see an attorney can adequately represent them, by doing their homework, knowing the law, having the experience of knowing what to say to a judge, you convince them you really are worth your services.”

Pilot program

An attorney who has gone through training and been qualified to participate in the pilot program and who has agreed with a client to appear in court on a limited representation basis can file a Notice of Limited Appearance. The notice must identify the court event to which the limited appearance pertains, and, if the appearance does not extend to all issues to be considered at that event, it must identify the discrete issues within the event that are covered by the appearance.

When the representation that is within the scope of the limited appearance is completed, the attorney files a Notice of Withdrawal — again in a prescribed form. The lawyer can file more than one limited appearance and withdrawal in the same case. Participating attorneys can assist a client in preparing a pleading, motion or other document to be signed and filed in court by the client — a practice known informally as “ghostwriting.” The attorney must insert the notation “prepared with the assistance of counsel” on the document, but is not required to sign it. Assisting in this way does not constitute an appearance by the attorney.

The court never sees the terms of the written LAR agreement, nor can a judge keep an attorney in a case if the client and the attorney have agreed the attorney will appear only for a limited purpose.

Training requirements

Although the pilot program is more than halfway through its tenure, Jayne Tyrrell, director for the Massachusetts IOLTA Commission, said that she knows private attorneys are still seeking to get involved.

Training and certification are necessary to participate in LAR. The training teaches attorneys who wish to practice under the LAR system how to make it work safely for them. Tyrrell, who was instrumental in creating the instructional materials, said attorneys need to learn the ethical issues involved, the standard of care, common pitfalls and how to avoid them, and how to set up office procedures to work smoothly and profitably.

In addition, there are also retainer agreements, instructions and checklists, and intake and diagnostic questionnaires to help identify which clients lend themselves to LAR. Training also involves role-playing between opposing counsel, judges and attorneys, as well as intake interviews between clients and attorneys.

“It’s one thing when you talk to someone about the outline of people who would not be good clients for LAR and they write down the three or four characteristics. But when you role-play it, it becomes really clear,” said Tyrrell. “I’m prejudiced, but I think the training materials are excellent.”

Strengths and weaknesses become apparent

At the outset of the program, advocates of limited assistance representation promised benefits for everyone involved: Attorneys would avoid being drawn into lengthy, complex cases or could assist more clients by handling discreet parts of a case; Legal Services could use LAR to leverage resources; unrepresented litigants would avoid being caught in the complexities of the courthouse; and courts would run more smoothly with better-informed litigants. Critics made dire predictions of a detrimental impact on family law practices and confusion when communicating with a pro se litigant who retained an LAR attorney.

Although a complete report on the progress of the program is not yet available, Sandra Lundy, Supreme Judicial Court senior administrative attorney, says LAR has been a success. “I’ve seen a lot of enthusiasm for the program and I’m not sure you would have seen that same enthusiasm five or 10 years ago,” said Lundy.

An SJC survey of attorneys participating in LAR shows that litigants have been utilizing LAR for both in-court and out-of-court representation. Most often, clients sought the help of attorneys for counseling about strategy and drafting pleadings and affidavits. Coming in at a close second and third, litigants sought assistance with court appearances and counseling about procedural and substantive rules. Similarly, according to attorney responses, most felt LAR worked best with drafting pleadings and affidavits and court appearances.

Springfield attorney Joanna Cobleigh said limited assistance representation has worked well for her. LAR “has increased what I can do and what I’m willing to do,” she said. “The only problem I’ve had is someone wanted me to do it in Hampshire County and they don’t do LAR there!”

Lundy has found the level of enthusiasm and positive comments very gratifying. “It tells me that LAR has a place, it is a valuable service and people here are enthusiastic about it,” she said. “People who tried it liked it.”

But people who don’t know about LAR can’t try it. Lori A. Landers-Carvalho, family law facilitator for Hampden County, coordinates LAR proceedings in Hampden County; She believes the program is not advertised well enough to the general population, despite promotion of the service by judges, attorneys and court employees, along with readily available LAR pamphlets and lists of qualified LAR attorneys.

“We’re looking into it in Hampden County,” said Landers-Carvalho. “Part of the problem is we don’t have the budget for it, and you can’t advertise without money.”

Even for those litigants who are aware of LAR, it is not being used by litigants as often as Landers-Carvalho would like. “Hampden County is a low-income community... a lot of people we have can’t afford to hire an attorney, even on a limited basis,” she said.

That, in part, is why the pilot program has been extended to Norfolk County.

“We thought the different demographic in Norfolk would give us a better sense of who would be most likely to use LAR,” said Lundy. “Because the demographics are different, it gives us a chance to expand our understanding of how broad the program would be in its appeal. In Suffolk County, there are more people who qualify for legal assistance. We wanted to see what would be the case where more people were paying for their own legal assistance,” she explained.

Kluempel, who signed three new LAR clients within the first three months of the program’s extension to Norfolk County, admits that she “love[s] the concept, but I haven’t taken it for a full test run yet.”

Apparently unaware of LAR when they entered her office, all three clients readily embraced the idea after Kluempel explained that they could limit her services to a number of days or one event or one issue.

“It’s been a positive response in all three instances because they don’t have to give up a huge amount of money in a retainer up front. They can ‘test drive’ me, to see how I do at each event as we go,” said Kluempel.

“I don’t see any reason this shouldn’t be statewide,” she added. “It helps the client and helps the lawyer. It really works beautifully both ways. I’m very glad LAR came into being.”
LRS screens for LAR eligibility

by Kelsey Sadoff

Often, self-represented litigants don’t finish their family or probate law action due to confounding court processes. While they can afford to pay for some legal assistance, the cost of full service representation is simply prohibitive.

LAR offers a solution by providing clients and attorneys an opportunity to come to a representation agreement tailored to the specific legal issues associated with individual cases. This reduces a client’s legal fees, while ensuring court proceedings move forward.

Starting this month, the Massachusetts Bar Association is offering limited assistance representation referrals through the Lawyer Referral Service Program.

“LAR is a win-win situation,” said Elizabeth O’Neil, the MBA’s director of Community and Public Services. “LAR offers clients an opportunity to be represented and may increase payments to attorneys, while moving the process through the Family and Probate Court system.”

The MBA has now taken an active role in offering LAR as a proffered service. Through the already established LRS Program, a public service dedicated to directing callers to the most appropriate legal resources, MBA representatives are educating general public callers about LAR.

Currently, only certain individuals are eligible for LAR referrals. Offering LAR through LRS provides an opportunity for an initial screening process between potential clients and qualified lawyers.

For more information about LRS and LAR programs, send an e-mail to lrs@massbar.org or call (617) 338-0556.

Court Management Reform

A message from Chief Justice Steven D. Pierce

The Trial Court has been engaged in several initiatives focusing on court management over the past four years. The two most prominent issues for the Housing Court Department have been the Court Metrics Project and the implementation of MassCourts, the court’s new case management system.

The purpose of the Court Metrics Project was to improve the administration of justice through the implementation of performance measures. Utilizing the guidelines and the goals as established in concert with my fellow departmental chiefs and the chief justice for administration and management, we in the Housing Court first established the internal reports necessary to extract the data for measurement as to the four CourTools promoting the timely and expeditious disposition of cases.

Initial reports advised us that we needed to focus attention on the number of cases in our system regarded as undisposed and the relevant age of those cases. We soon realized that the issue was not one of unadjudicated cases, but rather, one of cases simply not being properly coded as disposed. Remedial action for the data cleanup included promulgating a clear definition of disposed for the project, bringing together the key players from each division, giving them an overview and mapping a strategy to address the issues.

Adhering to these principles during the two years of the project have allowed us to maintain a clearance rate in excess of 100 percent, which has reduced the number of pending cases beyond time standards from in excess of 90,000 at the start of 2006 to slightly over 3,800 as of Sept. 30, 2007. We have also exceeded the established goal for firm trial date settings for those cases that must be resolved by trial. Our efforts over the past two years of this project will allow us in the future to concentrate on achieving the goals for the effective and timely disposition of all cases within the Housing Court.

One of the more challenging aspects of court management reform has been the implementation of MassCourts. MassCourts has been designed as a single case management system for the entire Trial Court to effectuate better communication, a greater degree of data usage and management and enhanced access for users of the court. In April 2006, it was proposed that the Housing Court become the first department of the Trial Court with both multiple divisions and multiple locations of those divisions to implement MassCourts. We spent the next 15 months planning, developing and preparing for the rollout.

With the cooperation and valued assistance of our divisional department heads, we created an implementation team consisting of representatives from each division, our local user experts, the Trial Court Information System Office and the Internal Audit Department of the Trial Court. The team’s work consisted of creating the entire Housing Court first established the internal reports necessary to extract the data for measurement as to the four CourTools promoting the timely and expeditious disposition of cases.

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Fall River Trial Court
Open: Fall 2009
Budget: $85 million
Square feet: 145,000

Plymouth Trial Court
Open: August 2007
Budget: $71 million
Square feet: 189,154

Salem Trial Court
Open: Late 2010
Budget: $106 million
Square feet: 190,000 new construction, plus 77,000 renovation

Taunton Trial Court
Open: Winter 2010
Budget: $86 million
Square feet: 137,000 new construction, plus 43,000 renovation

Worcester Trial Court
Open: September 2007
Budget: $180 million
Square feet: 429,000

Energy efficiencies include:

Plymouth and Worcester:
• High efficiency centrifugal chillers
• High efficiency boilers
• Variable frequency drives on all motors five horsepower or greater
• Air handlers with economizer cycles capable of providing free cooling
• Energy-efficient lighting

Worcester only:
• Low flow toilets and sinks
• Exterior lighting that minimizes light pollution
• High-efficiency motors on all equipment
• Reflective roof surfaces
• Bicycle storage
• Water-efficient landscaping
• Public transportation access

Patrick makes a requirement of the roundtable’s suggestion that all new construction and renovation projects over 20,000 square feet meet the Massachusetts LEED Plus standard and those smaller than 20,000 square feet meet the minimum energy standards established by the roundtable.

The special Massachusetts certification requires building projects to obtain basic LEED certification with specific credits, which could include using a brownfields property and conserving 20 percent of building water used.

Patrick’s order asks DCAM and other state agencies to ensure all new construction and major renovation projects are “energy and water efficient, conserve the use of resources and provide healthy and productive spaces for employees, clients and visitors.”
Probate and Family Court
A message from Chief Justice Paula M. Carey

The Monan Committee report ushered in a new era for the Trial Court to become more accountable and focused on how we deliver justice in the commonwealth. The report was the impetus for the development of time standards, metrics that enable us to measure how we are processing our cases and staffing models that provide a rational basis for the allocation of personnel in each department. Judges, registers and employees of the Probate and Family Court have embraced and welcomed the changes. Each division has implemented the individual calendar which enables one judge to handle a case from start to finish, providing continuity, efficiency and consistency for lawyers and litigants. Each division has implemented “next event scheduling” in connection with the implementation of time standards, which sends the message that the court is managing each case and gives litigants and lawyers a road map for what will come next in their case and when. These cultural changes have enabled the Probate and Family Court to more efficiently deal with the issues affecting those who appear in our court.

The Probate and Family Court has engaged in an innovative imaging project. As of Dec. 7, 2007, 1,888,929 documents have been scanned and are available to judges and staff for retrieval in the courtroom and in the registries. Images are also available to court users across divisions, which has improved the case transfer process. As MassCourts rolls out in our department, images will be available to a variety of users.

A discussion of management initiatives in the Probate and Family Court is not complete without addressing the issue of unrepresented litigants. Based on information from our court divisions, we estimate that there are at least 100,000 pro se litigants appearing each year in the 14 divisions of the Probate and Family Court. The Probate and Family Court Department has undertaken in recent years numerous major projects which include the limited representation pilot project, the hiring of family law facilitators and the I-CARE self help program for the completion of forms necessary to file a guardianship of minor case. The Probate and Family Court has developed a Self Help Center on the Trial Court’s Web site which includes commonly used forms; links to individual division Web sites; child support guidelines; Trial Court libraries and health law advocate cites. Our court has become more actively involved in planning courthouse design expressing our concern and desire for Family Law Information Centers. The development of these initiatives is a management recognition of a need to provide more information to litigants representing themselves in the Probate and Family Court.

Attorney John Cross, the pro se coordinator in the Probate and Family Court, is chair of a subcommittee that is charged with writing a training manual which will provide practical guidance for court staff as to what they can and cannot do in terms of assisting pro se litigants. The manual will provide the basis for training for employees within all departments.

The Probate and Family Court has established a task force consisting of judges, court staff, registers and lawyers to explore the issue of scheduling in our court. As a management initiative, the task force was established to address concerns raised by the users of our court. This is a further indication of the Probate and Family Court’s responsiveness to concerns and accountability for the way our sessions operate.

The Probate and Family Court’s Performance and Accountability Committee is developing a mission statement for our court. The mission statement will clarify the shared goals and priorities of our department and will provide us with a focus for the future. The committee is also spearheading the rollout of the Access and Fairness Survey in Middlesex County.

Change is not always easy, but the judges, registers and court staff of the Probate and Family Court have enthusiastically embraced the management initiatives of Chief Justice for Administration and Management Robert A. Mulligan as well as some of our own.

Boston Municipal Court
A message from Chief Justice Charles R. Johnson

The Boston Municipal Court Department serves a culturally vibrant and large urban population with diverse social and economic needs within the commonwealth’s capital city. The diversity of this clientele requires our judiciary and court personnel to serve indigent defendants as effectively as they serve financial and governmental institutions. I recognize that my administrative approach to meeting the challenges of delivering urban justice must exist within a paradigm of effective court management. I am committed to implementing management initiatives designed to increase accountability, measure performance and promote transparency to advance the court’s core mission to protect constitutional rights and ensure access to justice.

During the past year, the Boston Municipal Court Department, through its participation in the Trial Court’s Metrics Project, collected case disposition data that resulted in an empirically-based assessment of each court’s performance and identified areas in need of enhancement. Consequently, the department instituted new business practices designed to improve the timely disposition of cases. Court personnel with specific expertise were relocated to courts that needed additional resources. Cases were transferred across divisional lines to facilitate timely access to trial by jury; specialized sessions dedicated exclusively to specific case types were established, including a prioritized firearms session and a mental health diversion session. In partnership with the Boston Bar Association and the pro bono services of many of its lawyers, the department significantly reduced civil case backlogs through the use of alternative dispute resolution services. MassCourts Lite, the Trial Court’s automated case management system, allowed the department to extract statistical case information for long-term planning and effective resource allocation.

At the request of Chief Justice for Administration and Management Robert A. Mulligan, the department undertook a metric initiative to measure “Access and Fairness” with a focus on constituent satisfaction, emphasizing the perception of individuals’ personal experience with the court. The final survey instrument consisted of three sections and was offered in English, Spanish, Vietnamese and Portuguese. Section I of the survey measured access to the court; Section II measured fairness; and Section III sought demographic information and specifics about the type of case that brought the respondent to the court. All eight divisions of the department participated in the survey. The committee collected more than 1,500 completed surveys from court users. This process enabled us to more clearly understand user perception of the courts and how we might improve upon the way we deliver justice.

In addition, the department videotaped all of its judges while presiding in their courtrooms and provided them with constructive feedback on how they were perceived by the public. We are confident that through videotaping, our judges will better appreciate the impact that effective courtroom presentation and demeanor have on the public’s perception of the administration of justice.

The department’s goals for fiscal year 2008 are to provide a wider array of young adult services, a comprehensive review of existing time standards, greater collaboration with the bar in formulating case flow management procedures, and a review of our business practices in an effort to achieve greater user satisfaction.
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The MBA Insurance team aims to provide high-quality, competitively-priced products for Massachusetts practitioners so you can more appropriately focus your energy on the practice of law.

To learn more about the following products or others to meet your professional or personal coverage needs, visit the MBA Insurance Web site or call (617) 338-0581 or (413) 788-7878.

- **Group Term Life Insurance**: In addition to a long-term policy, new members enjoy FREE coverage for the first six months;
- **Professional Liability**: Not only does this provide comprehensive coverage for you as a practitioner, coverage extends to your role as a board member of a nonprofit organization, if applicable;
- **Individual Disability**: Through Guardian and MassMutual, “own occupation” definition of disability is available. The contract is guaranteed renewable to age 65 and is fully portable;
- **Long-term Care**: In addition to coverage for MBA members, it is available to their families on a simplified basis. Also, an unlimited benefits period is a coverage option;
- **Health Insurance**: Offering a range of coverage options from Tufts, Harvard Pilgrim and Blue Cross Blue Shield; and
- **Dental Insurance**: Plans are available at competitive prices down to one attorney.

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Involved in a fee dispute with your client?

The MBA can help. The MBA’s Fee Arbitration Board program provides voluntary binding arbitration to resolve fee disputes between attorneys and their clients and between attorneys.

Fee arbitration is an ideal alternative to the Small Claims, District or Superior Courts. The arbitrators are volunteer attorneys who are members of the MBA or trained arbitration professionals. The agreement to arbitrate addresses only the issue of the fair and reasonable value of the lawyer’s services.

The FAB provides an invaluable resource by answering questions about legal fee disputes, publishing model fee agreements and promoting healthy communications between attorneys and their clients. Additionally, the FAB published the third edition of Fees & Clients Funds, a great resource for both experienced and newly sworn attorneys.

For more information on this program, visit www.massbar.org and select the “For Attorneys,” “Resources & Services” and “Fee Arbitration” options, or e-mail MBA Senior Programs Manager Marc A. D’Antonio at mdantonio@massbar.org.

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— Jeffrey B. Loeb, shareholder at Rich May PC

Upcoming events

In the upcoming months, the MBA will host a number of volunteer efforts for members to participate in. These opportunities will give members a chance to work as a team while serving the Massachusetts community.

Greater Boston Food Bank sorting Friday, Feb. 1 8:45 a.m. to 4 p.m. 99 Atkinson St., Boston Volunteers will inspect, sort and repack donated grocery products that are distributed to hunger relief agencies. Various shifts are available throughout the day.

Contact Wendy Dyckman at (617) 338-0543 for more information or to sign up.

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Ryan appointed to Joint Bar Committee on Judicial Appointments through 2008

by Jennifer Rosinski

MBA Past President Edward P. Ryan Jr. has been appointed chair of the Joint Bar Committee on Judicial Appointments, an independent and nonpartisan committee charged with reviewing and voting in confidence on the competence of judicial nominees.

Edward P. Ryan Jr., seen here accepting his MBA Gold Medal Award, has been appointed chair of Joint Bar Committee on Judicial Appointments.

Ryan was first appointed to the JBC in 2006 by immediate Past President Mark D Mason and will serve as JBC chair through the end of August 2008. Ryan’s experience in judicial appointments goes back nearly 15 years. He was a member of the nominating committee for statewide juvenile court and sat on former Gov. Mitt Romney’s Judicial Nominating Commission for three years.

“The JBC doesn’t owe its allegiance to any particular organization or party, so it’s really an independent assessment of potential judicial nominees,” Ryan said. “I think that’s the most significant thing.”

The JBC, which reviews candidates for all judicial appointments to all courts of the commonwealth, is made up of two dozen attorneys from across the state, including three members each of the Massachusetts and Boston bar associations. Members also include representatives from 13 county and six specialty bars. Each serves a three-year term.

“The JBC is the last confidential review of an individual candidate for the judiciary,” Ryan said. “We review their written materials, conduct our own due diligence, discuss the appointee. We make a decision about whether the person is well qualified for judicial appointment.”

The JBC has 21 days from the start of its review to present a report to the governor and/or the Governor’s Council, which must approve and appoint the candidate. The JBC takes a vote on the candidate that can range from “well qualified” to “insufficient information to evaluate.” If the vote is unfavorable, a candidate can request an appearance before the JBC.

Ryan said such a thorough review is important because “an appointment to the bench is a lifelong appointment.” The JBC, he said, works hard to ensure candidates are well screened. “You do the best you can to find the most qualified individuals,” Ryan said.

“The Joint Bar Committee provides the governor with an in-depth confidential review of potential nominees by a completely independent group of practitioners beholden to no one,” MBA General Counsel Martin W. Healy said. “Many gubernatorial administrations have viewed this as providing an essential layer of legitimacy to these lifetime appointments. Ed Ryan’s service as JBC chair ensures this hallmark of independence to the committee.”

Ryan is also chair of the MBA Committee on Judicial Independence and a member of the association’s Criminal Justice Section Council. He is a managing partner at O’Connor and Ryan PC in Fitchburg.

For more information on the JBC, visit www.massbar.org and select “Joint Bar Committee” from the “Legislative activities” section.

Joint Bar Committee members

2007-08 Appointments

Massachusetts Bar Association
Edward P. Ryan Jr., 2009, Chair
O’Connor and Ryan PC, Fitchburg
Michael Bogdanow, 2010
Meehan, Boyle, Black & Bogdanow PC, Boston
Edwin L. Wallace, 2008
Thornton & Naumes LLP, Boston

Boston Bar Association
Patrick Sharkey, 2010
Mintz, Levin, Cohn, Ferris, Glovsky & Pepeo PC, Boston
Diane Di Ianni, 2008
Rosenberg & Schapiro, Boston
Deborah Birnbach, 2009
Goodwin Procter, Boston

Affiliated Bar Associations
Massachusetts Association of Hispanic Attorneys
Robert Harrahs, 2008
Law Office of Robert Harrahs, Quincy
Asian-American Lawyers Association of Massachusetts
Lisa Yee, 2008
Boston Municipal Court, Boston

Massachusetts Black Lawyers Association
James S. Dilday, 2009
Gray & Dilday, Boston

Federal Bar Association
Holly Polglase, 2009
Campbell, Campbell, Edwards & Conroy, Boston

City Solicitors and Town Counsel Association
Robert J. Kerwin, 2010
Tarlow, Breed, Hart & Rodgers PC, Boston

Real Estate Bar Association
Thomas Moriarty, 2010
Marcus, Errico, Emmer & Brooks PC, Braintree

County Bar Associations

Barnstable
Michael J. Princi, 2008
Wynn & Wynn PC, Hyannis

Berkshire
Joseph A. Pieropan, 2009
Berkshire County District Attorney’s Office, Pittsfield

Bristol
Denise Squillante, 2009
Denise Squillante PC, Fall River

Dukes
Vacant

Essex
Marsha Kazarosian, 2010
Kazarosian Law Offices, Haverhill

Franklin
David Roulston, 2008
David Roulston, Attorney At Law

Greenfield

Hampden
David J. Martel, 2010
Doherty, Wallace, Pillsbury & Murphy, Springfield

Hampshire
Diane L. Fernald, 2009
Ryan & Fernald, Northampton

Middlesex
Martin F. Kane, 2008
McGrath and Kane, Boston

Nantucket
Alex Mongiat, 2009

Nantucket

Norfolk
James M. Brady, 2010
Brady & Monac PC, Walpole

Plymouth
Kevin P. Phillips, 2008
Law Offices of Kevin P. Phillips, Marshfield

Worcester
Paul P. O’Connor, 2009
Milton, Laurence & Dixon, Worcester

Executive Secretary
Martin W. Healy, general counsel Massachutes Bar Association, Boston
Member Spotlight

Susan Prosnitz named executive director of Suffolk's Rappaport Center for Law and Public Service

Susan Prosnitz, former chief litigator for the Boston Police Department and general counsel to the Executive Office of Public Safety, has been named executive director of Suffolk University Law School’s Jerome Lyle Rappaport Center for Law and Public Service.

“Committed legal professionals are in a unique position to help improve the everyday lives of citizens,” she said. “The Rappaport Center can and will be a national model for advancing public service opportunities for law students and lawyers.”

The Rappaport Center was established to advance opportunities for law students and lawyers to engage in public service and to explore the intersection between law and public policy.

“Best Lawyers in America” recognizes two Day Pitney partners in Boston

Danielle Y. Vanderzanden, a partner in Day Pitney’s Labor and Employment practice, and Stephen Zibrowski, a partner in the firm’s Trusts and Estates practice, were among 75 Day Pitney attorneys chosen for inclusion in this year’s “The Best Lawyers in America.”

“Best Lawyers” lists are compiled through a survey in which 16,000 attorneys in the country evaluate peers.

President’s view:
Some thoughts for the new year

Continued from page 1

expect continued improvements in scheduling for the benefit of lawyers and their clients.

It would also be helpful for the courts to explore greater use of more precise scheduling for motions, splitting schedules by the hour instead of scheduling, for example, all motions in a session at 2 p.m. And while there are many benefits to getting the attorneys together in court from time to time, there is no reason that more work should not be done by means of scheduled telephone conferences; countless driving hours (as well as client expense and all of that energy) could be saved.

Our courts have turned to some of the systems of measurement created by the National Center for State Courts. Known as CourTools, the system provides methods for assessing every aspect of court management. While our courts’ focus on throughput of cases is obviously important, there is another metric in the CourTools performance measures that cannot be overlooked: access and fairness. As noted on the Web site of the NCSC (go to www.ncsconline.org, then select CourTools under “NCSC Products” on the bottom left), the public’s satisfaction with the courts correlates more with the perception of fairness of the system, as opposed to who won or lost.

Not only do we need to measure this satisfaction, we need to ensure it. That satisfaction is achieved through: timeliness; the availability of comprehensible information and forms; the quality and competence of the staff at every level, including the judges; respect for the parties; and the fairness of the process for every party. (Access to justice is another essential ingredient, but that is a topic for another day.)

Each of us has a responsibility to contribute to the improvement of the courts. If something is not working, it is not enough to complain to your partners or associates. There are avenues to express your opinions. The MBA has just created its Standing Committee on the Courts, which will be charged with interacting with the courts at every level, seeking involvement in rules revisions and suggesting improvements in court administration. The MBA and the Supreme Judicial Court seek your evaluations of judges. The Court Management Advisory Board, which was created to specifically follow up on the Monan Commission’s report, meets around the state on a regular basis. As always, the various MBA section councils want to hear your suggestions.

And if something is working, don’t forget to shout it out. There are so many great employees in our court system. There is always enough time to say thank you.

Go green in 2008

The MBA’s Eco-Challenge Task Force has put together a wonderful set of MBA Green Guidelines which every lawyer and every law firm can follow. If you follow the guidelines, several things are guaranteed. Your energy bill will drop, and you will be reducing your impact on global warming.

We have made a few simple changes in our office on the energy front already: Incandescent bulbs have been replaced with compact fluorescents; the conference and work rooms have motion-sensing switches; everybody shuts off their lights religiously when they are not in their offices; most of the computer equipment is shut down at night; the old refrigerator was replaced with an Energy Star model. The cost (not counting the refrigerator, which needed replacement anyway): $200, for a 10 percent energy savings per month. Next up: replacement of aged fluorescent light fixtures with newer models. We expect our lighting bill to drop about 30 percent, and the investment will pay back within 16 months.

These changes, like most of the suggestions in the Green Guidelines, cost very little and are easily undertaken, but they add up to a big impact on our environment.

I hope you will join me in making the practice of law the most energy-efficient business in Massachusetts, and showing the public that lawyers will be leaders in fighting global warming and damage to our environment. For more on the MBA Green Guidelines visit www.massbar.org/ecochallenge.

One last thing: HAPPY NEW YEAR!
Labor and Employment Law Section conducts pilot training at Urban League of Eastern Massachusetts

Eager to share their knowledge with underserved groups, including those entering or re-entering the workforce, members of the Labor and Employment Law Section Council decided to conduct a pilot training program called “Your Rights and Responsibilities on the Job.” MBA Labor & Employment Section Pro Bono Coordinators Bryan Decker and Rosemary Pye planned and implemented the pilot program.

The Urban League of Eastern Massachusetts provided a perfect opportunity to test the program. ULEM President and CEO Darnell Williams’ practical philosophy of coaching ULEM trainees about their responsibilities, as well as their rights, coincides with the section’s goals. ULEM already has an established training program for adults that features outside speakers.

This program, the Employment and Professional Skills Training, is an intensive six-week training program which is conducted six times a year. Because there is a second Urban League office in Springfield, the pilot could readily be expanded to take advantage of L&E Section members from Western Massachusetts who want to teach in the program.

On Dec. 3, Decker and Pye, with the help of the teacher, Abdul-Jalil Danfodio, conducted the EPST class of about 15 ULEM students. The two-hour session covered rights and responsibilities in the application procedure, rules of conduct and dress, schedules, leave of all types, anti-discrimination laws, union representation, un-employment compensation and workers’ compensation.

The class was engaged, and the experienced workers had many questions and anecdotes, which focused the material on practical concerns.

The class also stressed that while it is important to know one’s rights, prudent employees try problem solving as the first step. The students showed a real eagerness to be effective, responsible employees.

Volunteers needed to help elders with a “legal checkup”

This May, in celebration of Law Day, the Massachusetts Bar Association and the Massachusetts chapter of the National Academy of Elder Law Attorneys will once again present the Elder Law Education Program.

With the assistance of a group of volunteers form the MBA’s Probate Law Section Council, we will update “Taking Control of Your Future: A Legal Checkup,” a resource guide which will be distributed to all participating agencies. The guide will contain information on a wide range of legal issues affecting the lives of seniors and will allow participating agencies to select to have a presentation on any of the topics included in the guide.

Examples of presentation topics could include:

- Reverse mortgages
- Nursing home resident rights/quality of care
- Long-term care insurance
- Tax abatements
- Disability insurance
- Living wills
- Power of Attorney
- Financial planning

During the month of May, MBA members throughout the state will volunteer their time to speak at their local senior centers or councils on aging. Last year, more than 140 centers participated in the program, providing attorneys with many opportunities to connect to their communities, while providing seniors with valuable information on legal issues affecting their lives. We are currently seeking elder law attorneys to volunteer to make presentations in their communities.

If you are interested in volunteering, call (617) 338-0695 or e-mail communityservices@massbar.org.

MBA’s Dial-A-Lawyer Program seeking volunteers

The Massachusetts Bar Association’s Boston office is looking for lawyers in all areas of practice who are willing to spend up to two-and-a-half hours of their time answering basic legal questions from the public on a wide range of legal topics.

The MBA’s monthly Dial-A-Lawyer Program is held on the first Wednesday of each month, and attorneys volunteer at the MBA Boston headquarters between the hours of 5:30 and 7:30 p.m.

If you would like to volunteer or have questions regarding this program, contact the Lawyer Referral Service at (617) 338-0556 or e-mail us at LRS@massbar.org.
Expand your client base with Lawyer Referral Service

As of Feb. 1, MBA members can join the Lawyer Referral Service and begin receiving referrals immediately.

Over the past few years, the LRS has expanded its marketing approach to include targeted mailings of brochures, flyers and posters to all public libraries, courts, senior centers, councils on aging, etc.

In addition, members may have noticed the LRS’ professional look, which debuted mid-2006. This new look has been used in all new advertising, including marketing on the MBTA, which began this past spring. If you join now, your LRS membership will be good until March 31, 2009.

To learn more about the LRS, call (617) 338-0556 or e-mail LRS@massbar.org. You can also access the LRS 2008-09 application via the MBA Web site after Feb. 1 by going to www.massbar.org, selecting “For Attorneys,” then “Resources & Services” and “Lawyer Referral Service.”

Request for proposals—MBF IOLTA grants program

MBF hopes to exceed last year’s awards by at least $1 million

The Massachusetts Bar Foundation is pleased to announce the availability of applications for the 2008-09 IOLTA Grants Program. The MBF expects to award approximately $5.9 million to nonprofit organizations for law-related programs that either provide civil legal services to the state’s low-income population, or improve the administration of justice in the commonwealth.

Application materials are available at www.MassBarFoundation.org. The deadline for application submission is Friday, March 8. For additional information, please contact the MBF Grants Office at (617) 338-0534 or e-mail foundation@massbar.org.

The MBF is the commonwealth’s premier legal charity. Founded in 1964, the MBF is the philanthropic partner of the Massachusetts Bar Association and is one of three charitable entities in Massachusetts that distributes funds through the Massachusetts Supreme Judicial Court’s Interest on Lawyers’ Trust Accounts (IOLTA) Program.

The Foundation represents the commitment of the lawyers of Massachusetts to improve the administration of justice, to promote understanding of the law and to ensure equal access to the legal system for all residents of the commonwealth, particularly those most vulnerable.

MBF Legal Intern Fellowship Program offers $6,000 summer stipend for law students

For many law students, internships at nonprofit organizations providing legal services to the poor are not financially viable. Students can’t afford loans and living expenses while following their passion for public interest law. Organizations across the state could benefit greatly from extra legal help during the summer months, but cannot afford to pay a legal intern salary.

The Massachusetts Bar Foundation’s Legal Intern Fellowship Program meets the needs of both law students and legal services programs by providing up to six $6,000 stipends to law students for volunteer legal internships at Massachusetts organizations during the summer months.

The MBF is pleased to announce that applications are now available for the 2008 Legal Intern Fellowship Program. Founded in 1996, the program seeks to encourage careers in the law that further the goals of social justice, while contributing valuable legal support to organizations providing civil legal assistance to the state’s indigent population.

The MBF strongly encourages all interested law students to consider applying to this program. Application information and materials are available online at www.massbarfoundation.org. Applications must be submitted by March 14. For additional information, contact Susannah Thomas at (617) 338-0647, or sthomas@massbar.org.

For more information about the MBF, visit www.massbarfoundation.org.

Justice Ireland to speak at Mass. Bar Foundation 2008 Annual Meeting

All Massachusetts Bar Foundation Fellows, Grantees and Friends are invited to attend the MBF Annual Meeting on Jan. 24 at 5 p.m. at the Social Law Library in the John Adams Courthouse in Boston.

Associate Justice Roderick L. Ireland of the Supreme Judicial Court will be the Foundation’s Great Friend of Justice honoree and keynote speaker.

Ireland’s commitment to juvenile justice and passion for improving the lives of young people factor prominently in his distinguished career.

For 13 years, he sat in Boston Juvenile Court, working with children and families on a daily basis. In 2005, the Massachusetts Bar Association honored him with its Public Service Award for his dedication to and longstanding support of the statewide high school Mock Trial Competition.

As advisor, program director, mentor, teacher and chair of the planning committee for the SJC’s Judicial Youth Corps since its inception in 1990, Ireland has played a central role in a program that teaches high school students about the judicial branch of government and the principles of law.

The MBF proudly honors Ireland with the 2008 Great Friend of Justice Award for his dedication to the Judicial Youth Corps and in recognition of his gift for inspiring young people to realize their fullest potential.

The MBF Annual Meeting also serves as a forum to briefly report on the activities of the year, recognize new Fellows and new Life Fellows and elect officers and trustees for the coming year.

The meeting will be immediately followed by a reception to celebrate the accomplishments of 2007. R.S.V.P. by Jan. 21, online at www.massbarfoundation.org, by phone at (617) 338-0648 or by e-mail at foundation@massbar.org. Directions are available online at www.socialaw.com.

This event is generously sponsored by US Trust, the MBA and J.M. Perrone Company.
Giving clients a break puts small firm owner at the breaking point

Q. I consider my small firm of three lawyers and an office manager successful as we have a good track record and provide excellent service to our clients. However, I admit I have not been on top of the business aspect. I have billed many of our clients, who are not people of means, for fewer hours than were actually spent on their cases.

I now see, retrospectively, that expenses have exceeded income, and the result is that I find myself with a large personal debt, mostly on credit cards. I met with the leading credit counseling service, but the only solution they could offer was a five-year payoff plan to the bank, entailing a monthly charge far beyond my ability to pay.

I have cut staff and expenses so that I am not building up new debt, but I see no way to catch up on existing obligations without declaring bankruptcy, which I hate to do. Can LCL provide me with a lawyer to negotiate with the bank?

A. LCL is staffed mainly by behavioral health professionals, and does not provide or refer clients to legal services. (Bar associations do offer referral services, though as an attorney yourself, you may be seeking a more selective process akin to our referral process to counselors, therapists, coaches, etc.)

We seem to be meeting an increasing number of lawyers in your situation, perhaps reflecting something about the current economy. We are as dismayed as some of our clients at the limits of resources and remedies available. We have referred to the same long-established credit counseling service that you’ve already used, whose essential “product,” we have heard, is a five-year plan that may not be affordable. (We have heard, also, that some of the newer services may operate with less integrity.)

A certified financial planner may be of help, though many CFPs focus mainly on investments. An organization called the American Association of Daily Money Managers has recently come to our attention, but we have not yet had any experience in referring to them.

Clearly, the situation in which you now find yourself, which is not uncommon among sole and small practice lawyers, has awakened you to the necessity of taking care of yourself and your practice as conscientiously as you attend to your clients. Legal strategies, such as bankruptcy, as well as psychological strategies, such as learning to balance self interest with client interests, may warrant a second thought, especially if turning a blind eye to financial realities represents a pattern that produces stressful and self-defeating consequences.

What we may be able to do, as clinicians, is to help you take a look at the thinking and beliefs behind these kinds of patterns, so that you may not need to find yourself in this bind again.

Questions quoted are either actual letters/e-mails or paraphrased and disguised concerns expressed by individuals seeking assistance from Lawyers Concerned for Lawyers.

Questions for LCL may be mailed to LCL, 31 Milk St., Suite 810, Boston, MA 02109; e-mailed to email@lclma.org or called in to (617) 482-9600. LCL’s licensed clinicians will respond in confidence. Visit LCL online at www.lclma.org.

Access to Justice Award Luncheon to be held March 6; sponsorship and reservation opportunities available

Massachusetts Bar Association members are invited to the Access to Justice Awards Luncheon, which will be held on March 6 at noon at the JFK Library and Museum. At this annual event, the MBA will present several awards to recognize the public service contributions of Massachusetts attorneys and the pro bono efforts and achievements of MBA members.

Individual table reservation and sponsorship opportunities are now available.

For more information, or to register, contact Member Services at (617) 338-0530. To download a registration form, see Lawyers e-Journal or visit www.massbar.org. Reservations must be submitted by Feb. 28.

Sponsorship opportunities

- **Benefactor:** $2,000
  Includes: Luncheon table for 10, 1/2-page ad and firm name listed in the luncheon program, and logo projected behind the podium.

- **Patron:** $1,750
  Includes: Luncheon table for 10, 1/4-page ad and firm name listed in the luncheon program, and logo projected behind the podium.

- **Friend:** $1,500
  Includes: Luncheon table for 10, firm name listed in the luncheon program and logo projected behind the podium.

Individual reservation opportunities

- **Individual tickets:** $100
- **Tables of 10:** $1,000

For additional marketing opportunities, contact Business Activities Manager Joe Caci at (617) 338-0516 or via e-mail at jcaci@massbar.org.
The Asian-American Lawyers Association of Massachusetts sponsored the 22nd Dinner Celebration of the Harry H. Dow Memorial Legal Assistance Fund, which took place on Dec. 7 at Chau Chow City Restaurant in Boston’s Chinatown. The keynote speaker was Ryoza Glenn Kumeoka, president of Nisei Student Relocation Commemorative Fund and a civil rights activist, urban planner, educator and survivor of a Japanese-American internment camp.

Since the mid-1980s, when the Dow Fund was co-founded by AALAM members, the two organizations have shared a commitment to serve the Asian-American community. The Dow Fund has raised hundreds of thousands of dollars to support legal services for Asians, including through the Dow Internships, the Asian Battered Women and Cambodian Outreach Projects and the emergency Asian Immigrant Rights Initiative.

At this year’s dinner, Boston-based sole practitioner and longtime AALAM member Paul M. Yee was presented with the AALAM Community Service Award. During his 33-year legal career, Yee has worked with the Brooklyn Legal Services Corp., the Boston Housing Authority and the Suffolk County District Attorney’s Office, and, more recently, maintained his own litigation practice. He was praised as an unsung hero who, over the years, has handled many cases that other attorneys could not or would not take. He has also been active in the Asian American Civic Association. AALAM saluted Yee for his contributions to Boston’s Chinatown and Asian and immigrant communities.

The Massachusetts Black Lawyers Association held its annual Western Mass. Holiday Reception on Dec. 6 at the Massachusetts Bar Association’s office in Springfield. The reception was well attended by members and colleagues of the MBLA.

On Dec. 6, the Massachusetts Association of Hispanic Attorneys sponsored an assembly at Chelsea High School for students who want to pursue a career in law. Hon. Gustavo A. Gelpi also swore in 400 people as U.S. citizens at Faneuil Hall, along with James S. Richardson Sr. of the Executive Committee of the Federal Bar Association.

The Massachusetts Black Lawyers Association held its Western Mass. Holiday Reception in Springfield on Dec. 6. From left: Massachusetts Lesbian and Gay Bar Association Co-Chair Chic Wagner, MCAD Commissioner and Chairman Malcolm S. Medley, MCAD Commissioner Martin S. Ebel, MBLA immediate Past President Angela C. McConney, MCAD Commissioner Sunila Thomas-George and Springfield attorney Mickey Harris.
MBA Calendar of Events

**Tuesday, Jan. 15**
Symposia on Domestic Relations Practice: Overview of Family Law
Course #: FLC08
Introductory level
MBA, 20 West St., Boston
The first component of a six-month symposia focusing on domestic relations practice, discussion topics include complaints, answers and counterclaims, mandatory discovery, financial statements, temporary orders and time standards.

**Wednesday, Jan. 16**
House of Delegates Meeting
12:30–4 p.m.
Sheraton, One Monarch Place, Springfield
The House of Delegates assembles for its third meeting of the 2007-08 association year. For more information, contact Gwen Landford at glandford@massbar.org or (617) 338-0694.

**Wednesday, Jan. 23**
From Yannas to Abbot: All You Need to Know to Prepare Your Removal Case
Luncheon Roundtable (lunch provided)
1–2 p.m.
Course #: FLI08
Introductory level
MBA, 20 West St., Boston
This program will feature a summary of the leading removal cases in the commonwealth so you can have all of the leading cases at your fingertips. Removal or relocation cases are more often difficult for family law practitioners due to the conflicting and competing interests to be balanced in each case. The case law is very fact-specific and the Yannas test continues to evolve through the line of cases to be discussed.

**Thursday, Jan. 24**
Course #: CLG08
Introductory level
Sheraton Springfield Monarch Place Hotel, Springfield
This program will cover the practical, legal, procedural and evidentiary issues relating to electronic discovery and document management. Program discussion will cover such topics as the new Federal Rules of Civil Procedure and the implications for litigators and establishing electronic discovery protocols.

**Thursday, Jan. 31**
Part I: Understanding Real Estate Appraisals
4–7 p.m.
Course #: FLJ08
Introductory level
MBA, 20 West St., Boston
Learn the basics of real estate appraisal, including the comparable sales approach to value, the cost of construction approach to value and how to read an appraisal.

**Thursday, Feb. 7**
Part II: Understanding Business Valuation
4–7 p.m.
Course #: FLK08
Introductory level
MBA, 20 West St., Boston
Learn the basics of valuation, including the capitalization of income approach to valuation, income and capital gains tax discounts and malpractice concerns when one party owns an interest in a small business.

**Monday, Feb. 11**
Part III: Reading and Using Tax Returns in Divorce Cases
4–7 p.m.
Course #: FLL08
Introductory level
MBA, 20 West St., Boston
Attendees will learn about the meaning of forms, how to utilize the return to locate assets and when to hire a forensic accountant.

* Unless otherwise indicated, call MBA Member Services (617) 338-0530 or toll-free at (877) 676-6500 for more information or to register for the following programs.
MBA Calendar of Events

Register Now

March 11-14
MBA Spring Training Trip
Fort Myers, Fla.

The MBA invites you to attend its first MBA Spring Training Trip, a three-night vacation opportunity in Fort Myers, Fla. Join fellow members at the Embassy Suites Fort Myers-Estero, enjoy preferred game tickets to two Red Sox games and participate in an exclusive brunch opportunity and CLE program featuring Red Sox front office and uniformed personnel. To obtain a reservation form, contact MBA Member Services at (617) 338-0530. Availability is limited; requests will be taken on a first come, first serve basis only.

*All reservations for the trip will be handled through American Express, and not through MBA Member Services.

Introductory level
Western New England College School of Law, Springfield

You are a sole practitioner or a partner in a small firm. You may be well-versed in the aspects of law that comprise your practice, but how much do you know about the laws and regulations affecting you and your clients as employers?

Faculty: Marylou V. Fabbo, Esq., program chair, Skoler, Abbott & Presser PC, Springfield; Kimberly Klimczuk, Esq., Skoler, Abbott & Presser PC, Springfield. *Additional faculty to be announced.

Tuesday, Feb. 12
How to Probate an Estate: Part II
4–7:30 p.m.
Course #: PLC08
Introductory level
MBA, 20 West St., Boston

Settling an estate is an essential element of a probate practice. These companion courses (see Feb. 5) will help you to build your practice on a solid foundation. Our panelists will focus on the nuts and bolts of the taxation of estates, including collecting the information you need to decide whether the estate is subject to estate or income tax.

*Attendance at both sessions is encouraged, but not required. Discounted rates for attending both Part I on Feb 5 and Part II.

Faculty: Peter E. Bernardin, Esq., program co-chair, The Plunkett Law Firm PC, Salem; Carol D. Kimball, Esq., program co-chair, Carol D. Kimball, Attorney at Law, Dedham. *Additional faculty to be announced.

Symposia on Domestic Relations Practice: Discovery

Thursday, March 6
Access to Justice Awards Luncheon and House of Delegates Meeting
Noon–4:30 p.m.
UMass Boston Campus Center, 100 Morrissey Blvd., Boston

The MBA will present its five Access to Justice Awards at the MBA’s Access to Justice Awards Luncheon at noon. Following the luncheon, the House of Delegates will assemble for its fourth meeting of the 2007-08 association year. For more information, contact Gwen Landford at glandford@massbar.org or (617) 338-0694.

Excellence in the Law

A major event on Feb. 5, 2008
Come celebrate with us as we honor the Lawyers of the Year!

Honorees
Lawyers Weekly’s Lawyers of the Year 2007
Lawyers Weekly’s Diversity Heroes
The Daniel F. Toomey Excellence in Judiciary Award
Excellence in Legal Journalism Award

Details
Date: Tuesday, Feb. 5
Location: Westin, Boston Waterfront
425 Summer St., Boston
Time: 5:30 - 8 p.m.

Tickets
Register today at
http://events.lawyersweekly.com
For more information, contact Deborah Curran at 617-218-8132 or e-mail deborah.curran@lawyersweekly.com.

A portion of the ticket proceeds will go to the Massachusetts Bar Institute Public Services Fund.

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