

MASSACHUSETTS BAR FOUNDATION



ADVOCATE



ANNUAL MEETING 2004
more pictures inside



Message from the President, Anthony K. Stankiewicz



I am honored to serve as president during the 40th anniversary year of the MBF. We have achieved a great deal since our founding in 1964, and we have much to celebrate. I thank my predecessors, especially Steven Wollman, Paul Farrell and Ken Vacovec, for all of their efforts in making the foundation a strong and significant part of the Massachusetts legal community.

I look forward to the year ahead, as we have many important goals to accomplish.

We will mark this milestone in several ways. Among them, a special anniversary edition of our newsletter, *The Advocate*, will be published in early summer, complete with a new look featuring an anniversary logo. We also plan to toast our 40th year with a gala celebration on Oct. 28 at Boston's Bay Tower Room. Details of this special event will be announced soon.

Among my goals as president is to achieve a 10 percent increase in membership in the MBF Society of Fellows. Please join me in reaching out to your colleagues and friends who share our ideals and can help fulfill the MBF's important mission. We hope to recruit at least 140 new fellows – a lofty goal, but one that will be within reach with your help.

In addition to increasing the MBF's ranks, I also hope to increase the foundation's visibility across the commonwealth. We provide critical financial support to programs of many vital organizations in every corner of the state, but there is still more to be done to meet the tremendous need for legal assistance. It will be a high priority for me, as president, to spread the word about the need for legal services, the good works of our grantees and the role of the MBF as one of the state's greatest advocates for justice.

Finally, this year I want to build on the work already begun to forge a stronger relationship between the foundation and the Massachusetts Bar Association. I believe this will greatly strengthen the foundation as an organization. There are many benefits to both organizations in recognizing our common goals and working together to achieve them.

In order for the foundation to succeed in its mission, we need the assistance of every one of our fellows. We need your financial support to further our charitable goals. We also need your effort – to recruit new fellows, to participate in volunteer activities, to identify areas of need across the state, and to discuss the foundation and its mission. It takes every one of us to keep the foundation moving forward with its mission to continue "keeping the promise of justice."

MBF Celebrates 40 years - We Need Your Help!



2004 marks the 40th anniversary of the Massachusetts Bar Foundation. Since 1964, the foundation has enlisted lawyers and judges to help increase the public's access to justice and to advance the administration of justice.

This milestone will be commemorated in a number of special ways, including a special edition of the MBF newsletter, a 40th Anniversary Fellows Campaign and a special event on Oct. 28 at Boston's Bay Tower Room. Watch for more details!

If you were active in the foundation in the 1960s or 1970s, or if you have stories, photographs or other information to share about the MBF through the years, please contact us at (617) 338-0647 or send us an e-mail at foundation@massbar.org.

*Keeping
the Promise
of Justice*

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

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GRANTEE HIGHLIGHT

Health Law Advocates' Legal Network Expands in Worcester County

by Laurie Martinelli,
HLA Executive Director

Health Law Advocates (HLA) is a nonprofit, public-interest law firm affiliated with Health Care For All. HLA provides free legal services to income-eligible clients throughout Massachusetts. (HLA's income



Laurie Martinelli, Executive Director of Health Law Advocates

guidelines are 300 percent of the federal poverty level.) HLA's Legal Network is a *pro bono* lawyer referral project that generates legal resources from the

private bar to assist low-income consumers who have been denied access to health care.

According to the MA Division of Health Care Finance and Policy's, *Access Update: Health Insurance of Worcester Residents*, there are nearly 52,000 individuals living in Worcester County without health insurance. While always a statewide organization, HLA recognized that with the number of uninsured rising every year since 2000, a need for more focused representation in Central MA was clear.

In 2003, the Massachusetts Bar Foundation generously provided funding for HLA to expand its Legal Network in Worcester County. The result has been a model for *pro bono* recruitment that is meeting with much success. Central MA presents both a large urban population base and rural areas, each of which has its own health care access problems.

HLA's first step in expanding its program was to meet with Worcester lawyers,

business people, elected officials, health professionals and advocates to develop an expansion plan. In October 2003, Michael Angelini, a partner at Bowditch & Dewey, hosted a breakfast meeting to introduce HLA to the greater Worcester community. More than 60 people attended the breakfast at Allmerica Financial, which included remarks by John O'Brien, CEO of UMass Memorial Health Care in Worcester.

As a result of the kickoff breakfast, HLA formed a Worcester Advisory Committee, which held its first meeting at Bowditch & Dewey last fall. The advisory committee formed subcommittees, including a *pro bono* recruitment committee and a committee to expand children's access to mental health services. Since then, the subcommittees and full advisory committee have met regularly. The *pro bono* recruitment subcommittee has recruited seven attorneys through outreach efforts in Worcester County. Three of our new Worcester attorneys have accepted cases and have assisted families in Central Massachusetts who otherwise would have been unable to afford legal representation.

As expansion efforts grew, HLA's caseload from Worcester County increased significantly. From Sept. 1, 2003 through Jan. 31, 2004, HLA handled more than 50 cases from Worcester County, compared with 10 from the previous year. HLA's efforts have also been a catalyst for new initiatives. For example, HLA's Worcester Mental Health subcommittee brought together providers and advocates in Worcester County to develop a



The Massachusetts Bar Foundation provided funding for HLA to expand its Legal Network in Worcester County.

plan for access to mental health services for children. On the recommendation of Judge Luis Perez of the Worcester Juvenile Court, the task force decided to focus on children in Juvenile Court who

have a diagnosable mental disorder, but cannot get adequate treatment.

Donated office space at Bowditch & Dewey has enabled HLA to hold weekly office hours on Fridays since Jan. 2004. Having a physical presence in Worcester has enabled HLA to better connect with both the people and other organizations of Worcester County, including the Legal Assistance Corporation of Central MA and the MA Justice Project.

Thanks to the Massachusetts Bar Foundation and the Worcester Bar, HLA has made great progress in expanding its programs into

Worcester County. However, with the health care safety net eroding, HLA's advocacy and expertise on health care access is needed now more than ever.

Alice is 9 years old and lives with her mother in Blackstone. Alice, who has a malformation of the brain, is insured through MassHealth and a private insurer, however, both insurers have denied payment for prescribed medical equipment. A Legal Network attorney is helping get the equipment Alice needs.



MBA past president Steven Wollman congratulates Richard A. Johnston of Hale and Dorr, recipient of the foundation's Great Friend of Justice Award. The award was given on Jan. 23 at the annual Access to Justice Awards Luncheon, cosponsored by the MBF and the Massachusetts Bar Association. Johnston successfully represented the Massachusetts and Texas Interest on Lawyer Trust Accounts (IOLTA) programs against separate constitutional challenges in federal court. He was appointed a special assistant attorney general, and provided *pro bono* representation to the IOLTA program and the justices of the Supreme Judicial Court.

Scott Harshbarger, MBF Grantee Address 2004 Annual Meeting

The 2004 MBF Annual Meeting, held Jan. 22 at the Sheraton Boston Hotel, featured former attorney general and gubernatorial candidate Scott Harshbarger as the keynote speaker, along with Henriette Perkins of the Lynn-based Neighborhood Legal Services, Inc. (NLS) as the grantee speaker.

Harshbarger, who now focuses his practice on corporate ethics at Murphy, Hesse, Toomey & Lehane in Boston, appealed to attorneys to help right the wrong of corporate scandal by using their skills as advice-givers to encourage business leaders to make better decisions.

"It's a democracy, and if we remain on the sidelines as citizens and lawyers, we fail to fulfill our obligations as citizens," he said.

Harshbarger also said attorneys should discuss the role lawyers have played in recent corporate fraud scandals and be better advocates for pursuing fair decisions for those in corporations – from the CEOs to the stakeholders. Instead of going along with decisions being made, Harshbarger said, those attorneys could have seized the opportunity to use advice and guidance to encourage people to go beyond the law.

There is no rule, he added, that prevents lawyers from reporting crimes and fraud that seriously hurt other people.

"The issue isn't why we failed to stop that," Harshbarger said. "The question is why is there such a deafening silence about what has failed here."

Grantee speaker Henriette Perkins, staff attorney and pro bono coordinator for Neighborhood Legal Services (NLS), detailed the unmet needs that the NLS Family Law Project addresses by illustrating a sample client profile. She explained how NLS recruits and trains the program's more than 100 volunteer private attorneys, in addition to how the Project's case screening and referral process works.

"Recruiting and maintaining volunteer attorneys to staff our programs is an ongoing, long-term project, and we at NLS are strongly committed to this and deeply appreciate the commitment of the attorneys who volunteer year after year," Perkins said.

Perkins thanked the MBF for continued support of NLS' family law programming over the years.

"We at NLS have been able to create a system in which staff legal services attorneys work in conjunction with private practitioners who donate their time," she said, "and together have created a better way to deliver legal services to low income clients. Working hand in hand with the private bar makes legal services stronger."



Keynote speaker, former attorney general and gubernatorial candidate Scott Harshbarger



Henriette Perkins, staff attorney and pro bono coordinator for Neighborhood Legal Services

annual meeting 2004



MBF Welcomes New Officers and Trustees

New foundation officers and trustees were elected at the Jan. 22 MBF Annual Meeting, following the recommendation of the Nominating Committee and a unanimous vote of those fellows in attendance.

- Former foundation secretary and trustee since 2001, **Anthony K. Stankiewicz**, of the Boston Stock Exchange, was named MBF president.
- Worcester Superior Court Clerk of Courts **Francis A. Ford** was elected MBF treasurer.
- Dean Robert V. Ward**, of Southern New England School of Law, was chosen as MBF secretary.
- 2003 president **Steven L. Wollman**, of Davids & Wollman in Swampscott,

will finish out his term on the board as MBF past president.

In all, seven new trustees were elected to serve on the MBF board: **Jenny C. Chou** (Middlesex County), **Hon. Thomas Connors** (Suffolk County), **Antoinette E.M. Leoney** (Suffolk County), **Pamela B. Marsh** (Barnstable County), **Richard L. Vitali** (Essex County) and **Joseph P.J. Vrabel** (Middlesex County). This new class of trustees will serve until January 2008.

In addition, **Wendy Sibbison**, of Greenfield, was elected to fill a board vacancy as a representative from Franklin County.

Special thanks are extended to the Nominating Committee, assembled in fall 2003, for the excellent job they did in identifying new leaders for the foundation. The committee was chaired by **Hon. Joseph Lian** and included former trustees **Kevin T. Byrne** and **Patricia A. Wynn**.

NOTES FROM EXECUTIVE DIRECTOR ABIGAIL A. SHAINÉ

Work at the Massachusetts Bar Foundation proceeds as always at a feverish pace. Beth Lynch is hard at work on tasks associated with the grantmaking process and Melissa Nawrocki and I are gearing up for a wonderful celebration of the 40th anniversary of MBF.

You will be hearing more details about the planned festivities in a special newsletter commemorating the foundation's illustrious 40-year history. If you have some stories, pictures or memories about MBF history that you would like to share, please contact Melissa at (617) 338-0647. We will have many uses for such material in the months to come.

While I am still relatively new to the foundation, I am proud to be part of your mission and will work with you to further it in any way that I can. If you have ideas and suggestions for us, please do not hesitate to contact me at (617) 338-0640.

For those of you who work in the world of nonprofits, the Massachusetts Bar Association and the foundation are cosponsoring a CLE program regarding current legal issues for tax-exempt organizations on June 8 at the MBA office in Boston. Guest speakers will include Jamie Katz from the Division of Public Charities of the Attorney General's office. A representative from the Tax Exempt Organizations Division of the Internal Revenue Service also has been invited. Keep an eye out for additional details.

MBF HONORS BOARD RETIREES

Five outgoing foundation trustees were recognized for their service at a farewell dinner held one month prior to their retirement in January 2004.

Then-President Steven Wollman thanked them for their leadership and tireless efforts over the years. He described their contributions as "immeasurable."

Among this year's retirees were two MBF past presidents and two Massachusetts judges. The retirees were: Hon. Mary Ann Driscoll, Paul Farrell (MBF president, 2002), Kay H. Hodge (MBA president, 1994), Hon. Mary-Lou Rup and Kenneth J. Vacovec (MBF president, 2000 and 2001).

In addition to expressing the MBF's gratitude for the group's five years of dedicated service, Wollman noted that the board would undoubtedly miss their expertise in the area of grant making. As chairs of various grant advisory committees, these trustees played a leading role in ensuring the most effective and judicious distribution of MBF IOLTA grant funds.



Kay Hodge is honored for her work as an MBF trustee by past president Steven Wollman.



Judge Mary-Lou Rup receives Wollman's thanks.



Outgoing trustee Judge Mary Ann Driscoll with Wollman.

Foundation Funds Help Send Mock Trial State Champs to National Finals

With funding in part from the Massachusetts Bar Foundation, students from Newton North High School are on their way to Florida in May to compete in the national Mock Trial championship.

The team won the Massachusetts Bar Association's 2004 Mock Trial State Championship, defeating students from Pioneer Valley Performing Arts High School by just one point in a closely fought courtroom battle on March 23 in the Great Hall of Faneuil Hall before presiding judge SJC Associate Justice Roderick Ireland.

The annual competition places high school students in a simulated courtroom situation where they assume the roles of lawyers, defendants and witnesses in a hypothetical case. This year's case involved the issue of infringement of copyrighted material by a third person, after a college student in a professor's music appreciation class made a musician's work widely available via the Internet.

"This year's Mock Trial competition was exceptionally well done," said Ireland. "This year's case was the most difficult case I have seen in this program in the last 10 to 15 years."

The annual Mock Trial competition is organized by the MBA's Mock Trial Committee and sponsored for the sixth year in a row by the Boston law firm of Brown Rudnick Berlack Israels LLP. A \$2,500 grant from the MBF Fellows Fund will help defray the Newton team's travel and related expenses to attend the national championship, which takes place May 6-9 in Orlando.

This year's competition involved a record 117 teams from across the commonwealth. More than 200 MBA-member lawyers and judges volunteered as coaches, judges and committee members.

"The foundation is an enthusiastic supporter of the MBA's statewide Mock Trial Program," said MBF President Anthony Stankiewicz at the awards ceremony that followed the students' trial. "In recent years, the foundation has made a commitment to helping the state champions compete at the national level. The MBF trustees strongly believe in the vital educational function the program serves by affording the participating students and their families, teachers and fellow students an opportunity to gain practical knowledge about the way the court system works.

"With the impressive problem solving and public presentation skills shown here, we hope that some of you will pursue a career in law," Stankiewicz said. "But no matter which career path you ultimately choose, we do believe your professional lives will benefit from this experience."

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Save the Date!

Learn about current legal issues for tax-exempt organizations at an upcoming MBA CLE program.

June 8, 2004 from 5 - 7 p.m.

MBA, 20 West Street, Boston

For information and registration, look online at www.MassBar.org/cle or call (617) 338-0530.