

ABA/ NLADA 2004 Equal Justice Conference

**Balancing the Scales of Justice: Working with the
Judiciary to Promote Pro Bono**

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HOW DID SENIOR PARTNERS FOR JUSTICE START?

The Senior Partners for Justice evolved through the confluence of two separate streams of activity.

- The first involved VLP and the Boston Bar Association: About 7-8 years ago, it occurred to us at VLP and to the legal services community that there would be a growing population of lawyers retiring at earlier ages and in greater numbers in the next decade. Working with the Senior Lawyers Section of the Boston Bar Association, several programs were held to educate attorneys to the range of possible pro bono work they might engage in during their semi-retirement and retirement. Archie Southgate, the retired Managing Partner of Ropes & Gray, who worked three days a week at Greater Boston Legal services for years following his retirement., served a both a role model and major recruiter. All the effort reaped modest but significant results. Another 3-4 retired firm partners from diverse practice backgrounds followed the model set by Mr. Southgate and volunteered for a substantial time at either Greater Boston Legal services or our neighboring program, South Middlesex Legal Services. However, no substantial numbers of attorneys volunteered for the more traditional pro bono approach of individual case handling.

The Boston Bar Association Senior Lawyers Section began to develop a plan for a more systematic outreach to large law firms in particular, selling the pro bono involvement as a firm benefit by assisting lawyers in their transitions from active practice to retirement. That effort is in its exploratory phase.

- The second involved Judge Edward Ginsburg: Judge Ginsburg, then a judge of the Probate and Family Court where he had experienced first-hand the pro

se crises. The judge determined that as part of his post judicial life would be spent developing a senior lawyer program to handle family law cases. Judge Ginsburg approached VLP who had the infrastructure in place and a partnership was formed for the creation of Senior Partners for Justice. Judge Ginsburg does the recruiting both of members and speakers for the monthly brown bag lunches and VLP provides the ongoing infrastructure through which clients are screened can cases referred to Senior Partners.

HOW DOES IT WORK?

- **SEPARATE IDENTITY** Senior Partners operates as a special project of VLP with its own identity. This has been done to give it its own cachet. We believe the effort fills a few purposes for experienced/retiring/retired attorneys:
 1. Provides an opportunity to “give back” at a time in one’s career when success has been achieved
 2. Provides collegiality –monthly lunches with interesting topics and speakers on family-law related issues give opportunities for case discussion and “story telling”.
 3. Provide an opportunity to continue practicing law on one’s own terms-take as few or as many cases as one wants on a scheduled as desired.

As part of the identification with the project, Senior Partners holds monthly lunches, held a reception to celebrate the fact that a 100 participants had joined the panel, makes a separate annual award to a Senior Partner and will have a separate website integrated with VLP’s.

- **RECRUITMENT**

Judge Ginsburg recruits lawyers who are “experienced” (usually in the 50+ years age group) whether practicing full time or retired. They enroll in the Senior Partners project and are maintained as a separate panel by VLP.
- **INFRASTRUCTURE**

VLP provides the infrastructure, including professional liability insurance, client screening, case referral, mentoring, training, etc.
- **SUBSTANTIVE WORK**

Senior Partners handle a variety of family law cases, from simple divorces to complex child support issues. It is anticipated that additional subject area will b offered as the project grows.

OTHER INSTANCES OF JUDGES INVOLVED IN PRO BONO

- Chief Justice of the Massachusetts Supreme Judicial Court writes a letter enclosed in recruitment materials encouraging attorneys to engage in pro bono
- The Massachusetts Supreme Judicial has a Standing Committee on Pro Bono Legal Services and an Associate Justice of the Court serves on the Committee.
- Judges of virtually every type of court have served as trainers in programs presented for pro bono attorneys
- Bankruptcy Court judges have reorganized scheduling to accommodate a pro bono effort aimed at providing advice to debtors at reaffirmation hearings.
- The Housing Court has authorized pro bono advice assistance programs be housed in the courts on eviction days and have entered a standing order allowing pro bono attorneys to appear on behalf of parties at the mediation stage of the proceedings without being committed to continue with the matter should an agreement not be reached. Should a pro bono attorney wish to continue to trial with a case, they are entitled, under the order, to a continuance of two weeks.
- Family Court judges in one county held a “meet the Judges” reception and panel in the courthouse, with refreshments, for attorneys encouraging them to do pro bono
- In another County, Family and Probate Court judges host a new lawyers day in the courthouse with a full day’s program including pitches for pro bono work by them and local legal services programs.