

Survey for Probate & Family Law Advocates

The American Bar Association adopted a resolution calling for the appointment of counsel for persons of **low income** in civil matters where basic human needs are at stake, such as those involving shelter, sustenance, safety, health, or child custody. Boston Bar Association President Tony Doniger has appointed a Task Force to find practical ways to explore expanding this right to counsel. The Task Force, which includes representatives from the Massachusetts Bar Association, the Access to Justice Commission, the Women's Bar Association, the legal services community, the private bar and academia, is interested in your opinion on the types of cases where counsel are most needed for a just outcome.

Since we assume parties generally would benefit from counsel, the challenge is to identify the greatest need in light of the BBA mission. Given your daily experiences, we want to benefit from your vantage point within the court system. Because the charge to the BBA Task Force is to encourage brainstorming, we ask that you not focus at the moment on the resources that might be necessary to provide counsel for the types of cases you propose. We are at this stage simply trying to identify where counsel is most needed.

Your answers are CONFIDENTIAL. Thank you for your help.

BBA Task Force on Expanding the Right to Counsel in Civil Cases
Survey for Probate & Family Law Advocates

Name: (Optional)

Date:

Position:

Court: (Optional)

Please identify your role: (staff attorney, private attorney, paralegal,)

In your opinion what are the three most important types of family law/probate cases where representation is needed because nothing short of representation can prevent the forfeiture of fundamental rights? Please list up to three.

- Divorce
- Custody
- Abuse prevention
- Guardianship
- Paternity
- Domestic relations matters in which DSS intervenes or participates
- Any proceedings involving children
- Other, please specify _____
- Other, please specify _____
- Other, please specify _____

FOR EACH OF THESE CHOICES, PLEASE ANSWER THE FOLLOWING QUESTIONS:

Type of case (choice one)_____

1.Please explain why you believe legal representation is required?

2. At what stage of this proceeding should counsel be appointed to avoid the forfeiture of fundamental rights?

- Filing pleadings
 - Only if the opposing is represented
- Referral to the Probation Department
 - Only if the opposing is represented
- Temporary orders
 - Only if the opposing is represented
- Status conference
 - Only if the opposing is represented
- Pretrial conference
 - Only if the opposing is represented
- Trial
 - Only if the opposing is represented
- Other _____
 - Only if the opposing is represented
- Other _____
 - Only if the opposing is represented
- Other _____
 - Only if the opposing is represented

3. If possible, please select a particular court where you frequently appear and estimate the volume of cases (weekly, monthly or yearly) that would be involved in that court for the matter you have identified?

4. Should a particular feature, condition or characteristic of a party be considered a high priority when determining the need for counsel? Please check all those that apply.

- For a party who has custodial responsibility for children
- In cases where both parties are pro se
- For parties with language barriers
- For parties with cultural barriers
- For parties with mental disabilities
- For the elderly
- For parties who are victims of domestic violence
- Other _____
- Other _____
- Other _____

5. Please indicate whether there are features of the claims which should be considered high priority for the need to appoint counsel.

- For a party who is seeking custody
- In cases where a violation of a court order is claimed, e.g., civil contempt cases
- For a party who alleges domestic violence
- For parties seeking child support
- In cases where one or both parties have unusual financial situations, e.g., self-employed
- Other _____
- Other _____
- Other _____

Type of case (choice two) _____

1. Please explain why you believe legal representation is required?

2. At what stage of this proceeding should counsel be appointed to avoid the forfeiture of fundamental rights?

- Filing pleadings
 - Only if the opposing is represented
- Referral to the Probation Department
 - Only if the opposing is represented
- Temporary orders
 - Only if the opposing is represented
- Status conference
 - Only if the opposing is represented
- Pretrial conference
 - Only if the opposing is represented
- Trial
 - Only if the opposing is represented
- Other _____
 - Only if the opposing is represented
- Other _____
 - Only if the opposing is represented
- Other _____
 - Only if the opposing is represented

3. If possible, please select a particular court where you frequently appear and estimate the volume of cases (weekly, monthly or yearly) that would be involved in that court for the matter you have identified?

4. Should a particular feature, condition or characteristic of a party be considered a high priority when determining the need for counsel?

- For a party who has custodial responsibility for children
- In cases where both parties are pro se
- For parties with language barriers
- For parties with cultural barriers
- For parties with mental disabilities
- For the elderly
- For parties who are victims of domestic violence
- Other _____
- Other _____
- Other _____

5. Please indicate whether there are features of the claims which should be considered high priority for the need to appoint counsel.

- For a party who is seeking custody
- In cases where a violation of a court order is claimed, e.g., civil contempt cases
- For a party who alleges domestic violence
- For parties seeking child support
- In cases where one or both parties have unusual financial situations, e.g., self-employed
- Other _____
- Other _____
- Other _____

Type of case (choice three) _____

1. Please explain why you believe legal representation is required?

2. At what stage of this proceeding should counsel be appointed to avoid the forfeiture of fundamental rights?

- Filing pleadings
 - Only if the opposing is represented
- Referral to the Probation Department
 - Only if the opposing is represented
- Temporary orders
 - Only if the opposing is represented
- Status conference
 - Only if the opposing is represented
- Pretrial conference
 - Only if the opposing is represented
- Trial
 - Only if the opposing is represented
- Other _____
 - Only if the opposing is represented
- Other _____
 - Only if the opposing is represented
- Other _____
 - Only if the opposing is represented

3. If possible, please select a particular court where you frequently appear and estimate the volume of cases (weekly, monthly or yearly) that would be involved in that court for the matter you have identified?

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- For the elderly
- For parties who are victims of domestic violence
- Other _____
- Other _____
- Other _____

5. Please indicate whether there are features of the claims which should be considered high priority for the need to appoint counsel.

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- In cases where a violation of a court order is claimed, e.g., civil contempt cases
- For a party who alleges domestic violence
- For parties seeking child support
- In cases where one or both parties have unusual financial situations, e.g., self-employed
- Other _____
- Other _____
- Other _____

If you would like to further explain your responses, please provide your contact information:

Thank you.