

GRANTEE HIGHLIGHT

MBF Funding Helps SMLAC Assist the Elderly

The MBF began funding Southeastern Massachusetts Legal Assistance Corporation's (SMLAC) Elder Law Project in 2000. We are grateful to SMLAC Staff Attorney Beth Goodfellow, who contributed this article to introduce the program and demonstrate the vital needs it addresses.

Southeastern Massachusetts has been a haven for low-income renters until recently, as out-of-town investors and immigrant families have bought up multi-family properties. Rents have increased for tenants, many of whom are elders who have lived without rent increases for years.

These new pressures have led elders such as Mary, 82, to seek low-cost shelter where they can find it. Mary, who was homeless, applied for public housing at a local Housing Authority, where demand for units is high, but was denied because of a 16-year-old incident at a different location that involved a son who was arrested for breaking and entering as a juvenile, but who was now an adult without a criminal record.

Mary was able to get legal assistance from the Elder Law Project at Southeastern Massachusetts Legal Assistance Corporation (SMLAC), a service supported by the Massachusetts Bar Foundation for three years. Last year, the Elder Law Project provided direct legal assistance to 745 elders, conducted 63 community legal education events and made 137 outreach visits to Councils on Aging, nursing homes and into the homes of elders in need. Bristol Elder Services, Coastline Elderly Services and Old Colony Planning Council also support the project.

SMLAC's Elder Law Project staff took Mary's case to an appeal, arguing not only that the decade-and-a-half-old incident was no longer relevant, but also that the Housing Authority's requirement that the elder obtain a notice not to trespass against her son as a condition of her obtaining housing should be disallowed. Mary was ultimately found eligible for emergency housing without condition and she

received an apartment within weeks of the hearing.

The Elder Law Project handles an extremely wide variety of matters for its clients, including housing, disability benefits, Medicare, guardianship defense, consumer problems, food stamps, long-term care, utilities, protective services and more.

Massachusetts' economic downturn has reached elders (age 60 and over) as well as those younger. In the past, most elders stopped working voluntarily in their early to mid 60s; now an increased number work into their 70s and beyond. When elder workers become unemployed, they, like other workers, seek assistance to obtain unemployment benefits.

Franny, 72 and living independently, was fired from her job for alleged scheduling errors. Although the Department of Employment and Training found her eligible for benefits, her employer appealed, citing deliberate misconduct on her part. Franny had never been to a hearing and was concerned that she would be required to pay back the unemployment benefits she had already received.

SMLAC's Elder Law Project concluded after investigation that the employer's allegations of deliberate misconduct were unsupported and agreed to represent Franny at her unemployment hearing. The positive result she got there provided continuing unemployment benefits and gave her encouragement to continue as a productive member of the workforce.

Another effect of economic hard times has been new demand for assistance for elders with debt. Seniors increasingly find themselves unable to simultaneously pay for basic needs, such as food, clothing and housing, and pay for medical

care and prescription medication. Seniors who have had no difficulty managing debt while working, find themselves unable to handle the debt when they transition from employment to retirement, often resorting to credit cards to purchase basic needs.

SMLAC's Elder Law Project has significantly increased the number of bankruptcy cases it handles in response to this trend, while advising a large number of elders who do not want to declare bankruptcy but need to know their rights.

Recently, the Elder Law Project represented Sarah, a 91-year-old who was facing paralyzing credit card

debt. There were no legal issues that would have prevented the company from obtaining a judgment against her. She was exempt from paying this debt, however, because her only income was from Social Security benefits. Had the project not been able to represent this elder to extinguish the debt, Sarah likely would have faced numerous court proceedings, as credit card companies routinely call cases into court every three to four months to examine the debtor's ability to pay.

Everyone faces old age and will continue to have a need for access to justice. Loss of spouse and family, declining income and physical and mental infirmities affect many elders and increase their need for legal representation. SMLAC's Elder Law Project hopes to continue its 25-year-old tradition of assisting elders in Southeastern Massachusetts with legal aid when they need it most.

For more information about this and other programs supported by the MBF IOLTA Grants Program, please contact Elizabeth Lynch, Grants Manager, at (617) 338-0534 or lynch@massbar.org.



MBF Fellow Iris Taymore Schnitzer, left, with Denise Hincken and Michael Alexander of Southeastern Mass. Legal Assistance Corporation.

MBF IOLTA Awards Reach a Record \$3 Million

It was an exciting day in June 2003 when MBF Trustees gathered to make final decisions on the 2003/2004 IOLTA Grants Program applications. In a time when budget cuts have severely crippled many service providers, the MBF was fortunate to have more funding to award this year than ever before. A strong real estate market generated IOLTA revenues even greater than last year's record payout of \$2.7 million. Nevertheless, as Trustees reviewed each application, they were struck by the magnitude of the need, which far exceeded MBF funding capacity.

The MBF awarded 126 IOLTA grants to 89 nonprofit organizations throughout Massachusetts. The grants will run from Sept. 1, 2003 through Aug. 31, 2004, and will support law-related projects that either provide civil legal

services to the state's low-income population or improve the general administration of justice for the public as a whole.

The geographic distribution of IOLTA funds closely adheres to the percentage of the state's population living in poverty in each county and region. The Trustees are proud to announce that every region of the state received increased support this year. In particular, funding for programs in Western Massachusetts and the Northeast received 17 percent more funding than last year. Programs in Central MA received 15 percent more funding.

What we fund is as important as where we fund. This year, grants supported programs in 15 subject areas. Immigration legal services programs received 17 percent of the total amount awarded, more than those in any other topic area and up 18 percent from last year. Other strongly supported programs were for domestic violence victims (14

percent, up 75 percent from last year) and housing (14 percent, up 10 percent from last year).

Competition for the grants was as strong as ever this year. The MBF received 165 applications, requesting more than \$4.9 million. We were proud to welcome 21 new programs to our grant portfolio, and hope to add more in the future.

It is a perennial frustration resulting from limited funds: the Trustees want not only to continue to invest in current grantees, but also to encourage and support the creation of new, innovative programs. Should IOLTA income fall in the future, funding choices will become even more difficult and cuts inevitable. Consequently, the importance of MBF fundraising initiatives has never been more important.

For more information about the IOLTA Grants Program, please visit www.MassBarFoundation.org.

Harshbarger Headlines 2004 Annual Meeting

Former Massachusetts Attorney General and gubernatorial candidate Scott Harshbarger will be the Keynote Speaker at the Foundation's Annual Meeting on Jan. 22, 2004 at the Sheraton Boston Hotel. The meeting begins at 4:30 p.m. and is followed by a cocktail reception.

From public servant to government/corporate watchdog to his current role as director of the Harshbarger Governance Practice at Murphy, Hesse, Toomey & Lehane, Harshbarger brings a wealth of insight and experience in the areas of government, public interest and corporate ethics.

Harshbarger moved to private practice after spending three years as president & CEO of Common Cause in Washington, D.C., a non-partisan citizens' organization whose goal is to ensure open, honest, accountable and effective government at the federal, state and local levels. While at Common Cause, Harshbarger built partnerships and coalitions with business and grassroots organizations to push passage of the landmark federal campaign-finance-reform legislation, commonly known as "McCain-Feingold." Harshbarger also launched Common Cause's corporate governance project in 2002 and dramatically expanded Common Cause's national

agenda to include election reform and monitoring the performance of executive agencies.

His lengthy career in public service includes Massachusetts Attorney General (1991-1999) and Middlesex County District Attorney (1983-1991), among other positions of leadership. Harshbarger also has served as counsel to the State Ethics Commission, chief of the Public Protection Bureau in the Attorney General's Office, and deputy chief counsel for the Massachusetts Defenders Committee.

Grantee Speaker

Henriette Perkins of the Lynn-based Neighborhood Legal Services, Inc. (NLS) is this year's Grantee Speaker. Perkins plays a vital role as both a staff attorney and the pro bono coordinator for the highly successful NLS Family Law Support Project. She handles the recruitment and training of the program's more than 100 volunteer private attorneys, in addition to the case screening and referral process.

Perkins has played a leading role in NLS' creative and effective utilization of pro bono volunteers to expand its program services over the years. Last year, the program provided services to more than 3,200 individuals in Essex County.

The Massachusetts Bar Foundation is a proud supporter of the NLS Family Law Support Project. This year, NLS received an IOLTA grant in the amount of \$42,500. NLS also recently hosted a 2003 MBF Legal Intern Fellowship Program recipient.

Great Friend Awardee

MBF Fellows, Grantees and Friends are invited to support the Foundation and honor a Great Friend of Justice at the annual Access to Justice Awards Luncheon, co-sponsored with the Massachusetts Bar Association as part of the MBA's Annual Conference 2004. The luncheon, which takes place on Friday, Jan. 23, 2004 at 12

noon, will honor Massachusetts attorneys and a law firm that have made exemplary contributions to pro bono activities or the cause of justice in the commonwealth. During the luncheon, the MBF will present a Great Friend of Justice Award to Atty. Richard Johnston for his leading role in defending the Massachusetts IOLTA program against legal challenges.

Tickets to the luncheon are priced at \$75, of which \$20 is a tax-deductible contribution to the Foundation. For more information or to purchase tickets, please call Melissa Nawrocki at (617) 338-0647.

FOUNDATION SEEKS FELLOWS NOMINATIONS

The MBF is currently accepting nominations for new MBF Fellows.

Recognized for their professionalism, experience and commitment to justice, MBF Fellows are selected through a nomination and election process each year. These Massachusetts lawyers and judges commit to helping the Foundation achieve its mission by providing charitable support and lending assistance to governance, fundraising and the annual IOLTA grants review process.

Only existing Fellows can submit nominations for prospective members, and all nominations are subject to the approval of the MBF Board of Trustees. There are more than 1,400 Fellows across the commonwealth. Please visit our website at www.MassBarFoundation.org to view a list of current Fellows.

The Society of Fellows has been in existence since 1964. Support from the Fellows Fund enables the Foundation to continue its IOLTA grant program, to fund legal intern fellowships for law students and to provide independent justice-related grants.

For additional information or to nominate an individual, please contact Melissa Nawrocki at (617) 338-0647.



Grantee Reception

Grantee Reception attendees: Far left, Westy Egmont of the International Institute of Boston with Jessica Durrum and Elena Letona of Centro Presente, and MBF President Steven Wollman. Second from left, Julie O'Hanley, center, and Rosa Previdi, right, of the New Center for Legal Advocacy with friend. Second from right, Great Friend of Justice awardee Margaret D. Xifaras with Irish Immigration Center representatives. Right, Frank Laski of Mental Health Legal Advisors Committee and Abigail Shaine, MBF Acting Executive Director.

MBF NOTES

Special Thanks

The MBF trustees and staff would like to express their appreciation to Lydia Morris for a job well done. Lydia served for one year as Grants Administrator and recently accepted a position as Grants Specialist at Save the Children.



Lydia Morris, MBF Grants Administrator

From the Field

"I want to thank the Massachusetts Bar Foundation Board of Trustees for their extensive support of the Massachusetts Pension Assistance Project. The MBF was one of our original funders in 1996 and continued to support us during some very lean years. This project is an innovative project, which meets a need that is unaddressed by any other service provider and has become a model for other such projects across the country. We take a great deal of pride in the work we do, and we sincerely thank you for the support you have given us over the years."

Ellen Bruce, J.D.
Associate Director
Gerontology Institute, UMass Boston

2003 LIFF AWARD RECIPIENTS

The following outstanding law students received a stipend of \$6,000 for their summer internships. They contributed invaluable assistance to nonprofit organizations, providing civil legal services to indigent clients in the commonwealth.

MBF LEGAL INTERN FELLOWS

Adam Homicz, Suffolk University Law School, *Employment Options, Inc./Mental Health Legal Advisors Committee*

Lisa Hurlbutt, Boston College Law School, *Neighborhood Legal Services*

Madeleine Moreno, Northeastern University School of Law, *Community Legal Services and Counseling Center*

SMITH FELLOW

Amy Reichbach, Boston College Law School, *Children's Law Center of Massachusetts*



Above, 2003 LIFF recipients Madeleine Moreno and Adam Homicz. Below, 2003 LIFF recipients Lisa Hurlbutt and Amy Reichbach with Amanda Sonis of the BMC Family Advocacy Program.



President's Message cont'd from page 1

- If you need further convincing, please visit our Web site at www.MassBarFoundation.org. Click onto one of our grantees, contact them and they will tell you how much MBF support means to them. Your support to us means even more support for our grantees.

With appreciation

I want to take this opportunity to thank Atty. Richard Johnston for all of the work he did to preserve the IOLTA program in Massachusetts.

The MBF will honor Atty. Johnston with the Great Friend of Justice Award during the Annual Access to Justice Awards Luncheon on Jan. 23, 2004 at the Boston Sheraton Hotel. The luncheon is co-sponsored by the Massachusetts Bar Association and the Foundation, and I ask everyone who reads this notice to consider attending, to support the work of the Foundation and to express our appreciation to Atty. Johnston for a job well done. (Please see the note elsewhere in the *Advocate* for information on the Foundation's Annual Meeting and the Access to Justice Awards Luncheon.)

I also want to thank Melissa Nawrocki, Lydia Morris, Beth Lynch and Abbe Shaine for all their hard work and support through the year. The Foundation would be lost without them.

A special thank you, too, to all our Trustees, for their expertise, devotion and good humor. I am grateful for their hard work. It was an honor to serve with them.



MBF staff: Lydia Morris, Melissa Nawrocki, and Beth Lynch

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MASSACHUSETTS BAR FOUNDATION



ADVOCATE

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.

Adopted
September 28, 1999

A Message from Steven L. Wollman, President

As I write my final message for the *Advocate*, I cannot believe how fast the year has gone by. This is the time of year when many organizations will be asking you for contributions and the MBF is no different. I ask for your financial support, because the Foundation needs your help more than ever. Please consider a contribution to the Foundation, because:

- The Foundation is among the 40 largest private grant makers in Massachusetts with a review process, which is considered among the best in the nation. Before a grant is made, the proposal is reviewed four times by Fellows and a fifth time by the Trustees. Money contributed to the Foundation is wisely spent to further our mission.
- A recent study of legal needs in Massachusetts, chaired by MBF Past President Ken Vacovec, indicates that close to 60 percent of Massachusetts citizens have unmet legal needs. The legal services community faces an unprecedented challenge in securing funds due to the economy and to ever-shrinking government resources.
- The Foundation is growing and changing. In the near future, we hope to add a professional fundraiser to our staff to help further the mission of the Foundation. While IOLTA is our mainstay of income, we Fellows must find a consistent manner to raise money beyond IOLTA to promote the mission and preserve the Foundation.
- Lawyers and judges from Massachusetts who join the Foundation can put their knowledge, wisdom and experience to use to improve the administration of justice, promote an understanding of the law and to help ensure equal access to the legal system for those most needy in Massachusetts. By becoming a Fellow, you help the Foundation do all of the above.



Steven L. Wollman,
MBF President

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Celebrating Colleagues a Theme at This Year's Grantee Reception



MBF Fellows Robert Sable, Kay Hodge and Lonnie Powers.



Past MBF Trustee Janet Kenton-Walker with Steve Casey and Jayne Tyrrell of the Massachusetts IOLTA Committee.



2003/2004 Grantees Ross Dolloff of Neighborhood Legal Services and Robert Nasdor of the Legal Assistance Corporation of Central Massachusetts.

The Trustees of the Massachusetts Bar Foundation recognized recipients of 2003/2004 IOLTA grant awards for their good work and wished them success in the coming year during the MBF Grantee Reception on Sept. 23.

Representatives from MBF-funded organizations across the commonwealth attended, including legal service providers, mediators/conciliators, pro bono attorneys and county bar associations. Also, Jayne Tyrrell and Steve Casey attended on behalf of the Massachusetts IOLTA Committee.

The evening included a short program with brief remarks from MBF President Steven Wollman, MBA President Richard Van Nostrand and MBF Acting Executive Director Abigail Shaine. Immediately following the remarks, Wollman presented the Great Friend of Justice award to MBF Past President Margaret D. Xifaras, an MBF Louis D. Brandeis Life Fellow.

Recognized for her commitment to the MBF mission over the years, Xifaras spoke candidly about overcoming personal struggles and her passion for the legal profession as well as her profound respect and love for many of her colleagues.

"It is exciting to have a community to give back to," Xifaras said.

Wollman said this year's reception was the most highly attended yet, providing a valuable opportunity for MBF grantees to meet one another and discuss their work.

"We are happy to be able to provide our Fellows and donors with the opportunity to meet and talk with our grantees to learn firsthand about the important work that the Foundation supports," Wollman said.

This year, the Foundation awarded 126 grants to 89 organizations across the commonwealth, totaling a record of more than \$2.9 million.

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SAVE THE DATE!

MBF ANNUAL MEETING

January 22, 2004 at 4:30 p.m.
Boston Sheraton Hotel



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