



Patrick W. McDermott

Register of Probate & Clerk Magistrate  
Commonwealth of Massachusetts Trial Court  
Probate & Family Court Department  
~ Norfolk Division ~

35 Shawmut Road Canton, MA 02021

Direct: 781-830-1271 Fax: 781-830-4310

Patrick.mcdermott@jud.state.ma.us

## VOLUNTEER OPPORTUNITIES FOR ATTORNEYS AT THE PROBATE & FAMILY COURT - NORFOLK DIVISION

### *Lawyer of the Day:*

Volunteer lawyers are scheduled daily through a partnership with the various Bar Associations throughout Massachusetts. The Lawyer of the Day volunteers one day of his or her time, on an annual rotating basis. Of course, we would gladly accept multiple dates during the year if you so choose! Participating lawyers are asked to appear at the Court at 8:30 a.m. and to remain available until 3:00 p.m., assisting pro se litigants with the various (predominantly) domestic relations and probate matters that they bring to the court.

The list is managed predominantly by email. Interested attorneys should submit their name to Register McDermott. Available dates are emailed to the attorney from which he/she can select several dates based on their availability from which one date will be assigned.

Once you are on the list, you will be informed within two to three months of your "anniversary date" for your next date of service. A mentoring program for new attorneys who wish to volunteer as Lawyer of the Day is also available at Norfolk through First Assistant Register Jack Harney - 781-830-1219.

### *Conciliation Program*

Through a partnership with the Bar Association of Norfolk County (BANC), a Conciliation Program was approved by the Administrative Office of the Probate and Family Court with an anticipated start date of July 2013.

The BANC Conciliation Program benefits all litigants involved with the Norfolk Probate and Family Court. There are no income eligibility guidelines associated with this program and pro se litigants as well as litigants with counsel are eligible to participate. In order to take on this program, the BANC charges a nominal fee of \$150 from each participant to offset administrative costs of the program. It is understood that a judge may waive this fee if it is determined that the party cannot afford it.

All conciliators must complete an eight-hour training seminar overseen by the Massachusetts Office of Dispute Resolution. Conciliators have a minimum of three years experience in the subject area of their conciliation. In assigning conciliators, the BANC will attempt to utilize conciliators that are in the geographic area of the litigants.

The Conciliation Program is most often offered to litigants at the time of the Pre-Trial Conference. The Judge informs the parties of the availability of the program, and, if the parties elect to utilize it, the Judge issues an order pursuant to a stipulation sending the case to the Conciliation Program. The Program is administered by *BANC Executive Director Adrienne Clarke (617-471-9693)* and overseen by a committee of volunteer lawyers chaired by Attorney Marybeth Hopkins.

Upon receipt of a conciliation referral from the Court, BANC will assign a seasoned attorney in the specific area of law at issue, e.g. divorce, probate, custody, estates, etc. The conciliator meets with the parties and/or counsel in an attempt to resolve the outstanding issues and potentially settle the case. Typically conciliations run for two or more hours.

Following a conciliation, the conciliator drafts a conciliation report which is filed with the Court and the BANC. The parties also complete and return an evaluation questionnaire to provide feedback on the program. BANC expects approximately 60 – 70 % of conciliations will result in a settlement which ends the litigation process. Cases that do not settle are referred back to the Probate Court for trial.

### ***DOVE – Domestic Violence Ended***

Through a partnership with DOVE, the Bar Association of Norfolk County, & the District Attorney's Office legal services for battered men and women are provided. Attorneys are provided training in how to handle domestic violence cases and agree to accept one referral from the DOVE legal advocacy team.

The program is managed by DOVE's Legal Advocacy Team – Attorney Jen Howard 617-770-4065 x 107

### ***Attorneys Representing Children (ARC)***

Volunteer lawyers provide pro bono representation to children whose parents are going through a divorce. Ideally, these children have demonstrated they have an intelligent voice and the benefit of counsel will assure that their voice is heard. All counsel is appointed by the court to assist the children on custody and parenting issues. Attorney Nancy Greenberg (781-575-0400), coordinates the program in Norfolk.

### ***Limited Assistance Representation***

While not a designed specifically as a volunteer program, some attorneys have volunteered their time on a pro bono basis to indigent litigants using this technique.

Limited Assistance Representation (LAR) is when an attorney represents or assists a litigant with part, but not all, of his or her legal matter. The attorney and litigant enter into a detailed agreement defining what tasks the attorney will be responsible for and what tasks the litigant will be responsible for.

All lawyers who want to provide Limited Assistance Representation must be "qualified" LAR attorneys. There are several hundred lawyers currently qualified to provide LAR. An attorney is "qualified" if he or she completes an information (training) session on LAR approved by the Chief Justice of the Trial Court Department in which the attorney seeks to represent a client on a limited basis. Approved self-training materials are available for attorneys who wish to become certified in the Probate and Family Court.

These can be obtained from the following link:

**<http://www.screencast.com/users/VLP/folders/LAR+Training>**

### ***Guardianship Clinic (every Wednesday 9AM – 1 PM) & Annual Care Plan Report review***

The Volunteer Lawyers Project/Senior Partners for Justice offers two important types of guardianship assistance in court-based clinics. Our volunteer attorneys and law students:

- 1) Help low-income petitioners for guardianship complete and file the guardianship petitions,
- 2) Help low-income guardians complete their care plans and annual reports.

Volunteers do not file an appearance on behalf of the petitioners or guardians; our services are limited to advice and assistance with the forms. In some case, petitioners may be referred to the Volunteer Lawyers Project for further assistance after the petitions are filed.

VLP is always seeking volunteer attorneys and law students to help with these clinics (also available in Suffolk and Middlesex). If you are interested, please contact the Senior Partners Project Manager Attorney Barbara Siegel at bsiegel@vlpnet.org or 617-423-0648 x123. Or you can sign up online at <http://vlp.volunteerhub.com/>.