

An Important Message for Potential Providers

As set forth in the RFR, the Justices adopted Rule 3:16 with an intention of providing education and information to assist lawyers in their transition to the practice of law in Massachusetts, imbuing the newly-admitted lawyer with an understanding of the gravity and proper attitude with which they should undertake their duties in the legal profession as members of the Massachusetts bar. The Course is designed to infuse into the practice a sense of the professionalism and civility, recognizing the benefit this will bring to practitioners, their clients, their colleagues, the courts, and all with whom they come in contact. This cannot be achieved through a Course that presents as simply a checklist of the topics enumerated in the RFR. Rather, the Course should reflect a thoughtful, thorough and nuanced approach toward the topics presented in the RFR.

This Course is new to all of us and we are all learning as we go. If, in the process of reviewing proposals the Committee requires clarification from an applicant provider or would like to see further development in a topic area, the Committee will be in communication with that applicant to supplement its proposal. We view the April 1st deadline not as the end of the process, but as the beginning of a dialogue. Furthermore, the Committee anticipates that multiple providers may be selected in response to the RFR to ensure that sufficient providers are available to service the needs of the newly admitted attorneys across the Commonwealth.

Specific questions presented to the Committee regarding the substantive material to be presented by Designated Presenters in the Professionalism Course are addressed in the additional FAQs below.

We look forward to receiving your proposals.

Hon. Nonnie S. Burnes, Chair
Standing Advisory Committee on Professionalism

Additional FAQs

Question 1. LOMAP would presumably be covering topic #6 (an in-depth session on law office management, including managing client funds, and resources available to attorneys in solo and small practices or preparing to start a solo or small firm practice). However their topic is broad and it would be helpful to know if they were going to touch on other topics from the list of 12. We were particularly curious if LOMAP would touch on the following topics:

topics #2 on conflicts and privilege

topic # 4 on fee agreements and managing work load

topic #5 on the use of social media with regard to the promotion of a law practice

Comment: The Committee would like to clarify that the focus of Topic #4 in the RFR is management of professional relationships. Fee arrangements and caseload management might be discussed, in that light, along with other factors that might bear upon those relationships.

Response: LOMAP has set forth a detailed list of topics on which it will present in Addendum B of the RFR and LOMAP does not anticipate it will have time to cover additional topics beyond those listed. In particular, it does not anticipate making a presentation on managing client funds (see description of presentation to be provided by OBC), conflicts and privilege, fee agreements, or social media. LOMAP has designated minimal time to discuss marketing and the Committee believes that marketing may be addressed more fully by the provider as deemed appropriate to achieve the goal of focusing new attorneys on professionalism and the ethical issues that arise. As set forth in Addendum B, LCL is available to provide a short presentation on time management if the provider so chooses.

Question 2. Do you have any kind of standard one or two paragraph description of those components of the program that will be covered by the designated organizations: Board of Bar Overseers, Office of Bar Counsel, Lawyers Concerned for Lawyers, and Law Office Management Assistance Program? We would like to make the response as comprehensive as possible rather than simply put “to be determined” as a placeholder for the portions of the program that will be done by the designated organizations.

Response: The description of the presentations to be done by the designated organizations set forth in Addendum B should be adequate for purposes of the RFR.

Question 3. Should the faculty for the designated organizations, such as LCL and LOMAP and OBC, be designated as “LCL Staff”, “LOMAP staff”, or “OBC staff”, or will the designated organizations use outside faculty members?

Response: It is sufficient for the designated organizations that those organizations will be using “Staff”.