

Commonwealth of Massachusetts  
Supreme Judicial Court

Request for Response  
for  
One-Day Practicing with Professionalism  
Course for Lawyers  
Newly-Admitted in Massachusetts

**The Supreme Judicial Court's Standing Advisory Committee on Professionalism, charged with implementing Rule 3:16, issues this Request for Response, seeking proposals from organizations that wish to be considered as an approved provider of a Practicing with Professionalism Course. This Request for Response lays out the specifications of the course curriculum and details the requirements and process.**

I. BACKGROUND

The Supreme Judicial Court, in its continuing effort to ensure a future in which lawyers practice with the highest levels of professionalism, in 2011 established a Working Group to study the issues relating to professionalism in the practice of law in Massachusetts. The Supreme Judicial Court specifically charged the Working Group with the task of determining whether an education program for newly-admitted lawyers would be effective in enhancing professionalism in Massachusetts practice.

The Working Group, chaired by retired Superior Court Judge Nonnie S. Burnes and comprised of representatives from law schools, legal education providers, bar associations, the Board of Bar Examiners, the Board of Bar Overseers, and the Office of Bar Counsel, examined the challenges facing newly-admitted lawyers, evaluated programs, services and resources currently available to Massachusetts lawyers, and gathered information and insights into the programs offered in other jurisdictions intended to address similar issues.

The Working Group responded to the Supreme Judicial Court's mandate by recommending that newly-admitted Massachusetts lawyers be required to complete a day-long program providing education and information to assist lawyers in their transition to the practice of law in Massachusetts. The program contemplated was also intended to seek to imbue 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 Supreme Judicial Court has adopted Rule 3:16 establishing a requirement that all persons newly-licensed to practice law in the Commonwealth on or after September 1, 2013 complete a one-day Practicing with Professionalism Course ("Course"). Rule 3:16 requires that attorneys,

in order to maintain their admission in good standing to the bar, complete this course within 18 months of their date of original admission.

The Supreme Judicial Court has appointed a Standing Advisory Committee on Professionalism (“Committee”). This Committee, chaired by Judge Burnes, is charged with all aspects of the implementation and oversight of this program including, but not limited to:

- a. Identifying goals and outcomes of the Course;
- b. Developing criteria for evaluating the Course and assessing its impact;
- c. Developing, evaluating, and refining the Course curriculum to meet the evolving needs of the legal community and to respond to advances in educational technologies and teaching methodologies;
- d. Advising the Supreme Judicial Court on changes to the Course curriculum or other aspects of implementation;
- e. Selecting the Approved Provider(s), and approving specific curriculum;
- f. Recommending the fees to be charged for attendance at the Course, as well as potential waivers of such fees;
- g. Evaluating the Course Provider(s);
- h. Reporting to the Supreme Judicial Court, on at least an annual basis, on the implementation of the Course and an assessment of whether the program is accomplishing its intended goals and outcomes;
- i. Overseeing the administration of all aspects of Rule 3:16.

A list of Committee members is attached as Addendum A.

## II. SPECIFICATIONS

The Course will be offered by one or more Approved Providers included on an Approved Provider List maintained by the Committee<sup>1</sup>. Approved Providers will remain on the Approved Provider List for a period of 3 years, subject to the Provider’s performance, which will be reviewed annually to ensure compliance with Rule 3:16.

At the conclusion of the 3 year term, a Provider may submit a request to the Committee to remain on the Approved Provider List. After review and evaluation of the Provider’s prior performance, the Committee will determine whether it will remain on the Approved Provider List for an additional 3 year period. Approved Providers shall provide a minimum of 90 days notice to the Committee of their request to be removed from the Approved Provider List at any point during the 3 year term.

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<sup>1</sup>Approved Providers will not be under contract for services with the Supreme Judicial Court or Committee, as they will only be designated as an Approved Provider, permitting their inclusion on the Approved Provider List.

Wherever possible, a provider should be prepared to offer the Course multiple times annually and in multiple locations throughout the Commonwealth. The Course shall educate attorneys from all areas of practice, in person. Distance study, correspondence study, and on-line programs will not be permitted.

Each session is to comprise a full day of programming. The Course content will focus on professionalism and ethics in the practice of law in Massachusetts, and include the following topics, with a particular emphasis on topics 1 - 7:

1. Professionalism and civility, including the importance of courtesy, civility and respect in relationships with clients, colleagues and parties, administrative entities, and the courts, with an emphasis on the requisite dispositions, behaviors and skills necessary to conduct oneself and one's practice with the highest degree of professionalism, promoting the quality of justice in society
2. Ethics, including the Rules of Professional Conduct and hypotheticals on conflicts of interest and attorney-client privilege;
3. Introduction to the bar disciplinary system;
4. Managing professional relationships, including relationships with the court, agencies, organizations, colleagues, and clients, including the importance of communication, written fee agreements, dealing with challenges, managing workload, and maintaining civility and professionalism;
5. Navigating social media;
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;
7. Introduction to programs and resources available to attorneys, including programs addressing time management, stress, and substance abuse;
8. Introduction to the court system, including jurisdictional issues among the trial courts and the appellate process;
9. The importance and availability of continuing legal education;
10. An introduction to and the availability of mentoring programs;
11. The importance of pro bono work and accessing pro bono opportunities;
12. An introduction to the general and affinity bar associations;

Course content shall include presentations by the following organizations designated by the Committee: The Board of Bar Overseers, Office of Bar Counsel, Law Office Management Assistance Program, and Lawyers Concerned for Lawyers. Addendum B to this RFR provides brief synopses of the course content to be presented by each organization, including the mode and length of presentation. During the Provider selection process, Providers shall not contact the designated organizations directly and all questions regarding these presentations should be directed to the Committee, as instructed in the cover memorandum accompanying the release of this RFR. Providers may propose, for Committee consideration, alternative means for the presentation of the course content being offered by one or more of these organizations.

All instructors selected by a Provider shall have expertise on the topic on which they are speaking, and have experience in or have received training in effective methods of professional education and public speaking. The Committee encourages the use of innovative and interactive presentation methods to enhance the educational experience for participants.

Written materials providing clear, thorough, up-to-date information and explanation on the substantive topics presented by the Course shall be provided to all Course participants.

The Course content shall address issues of diversity and hidden bias. Providers are encouraged to include a keynote speaker on professionalism in the practice of law and welcoming remarks by a member of the Massachusetts judiciary.

At each Course session, organizations from the Massachusetts legal services community shall be provided display space throughout the day to make written materials regarding these organizations, including information about pro bono and other opportunities, available to Course participants.

Providers shall incorporate into the program a method for monitoring the continuous attendance and participation of each participant, prohibiting the individual use of cell phones, reading materials, or electronic devices unrelated to the Course during the substantive presentation of the Course. The Course must be open to attendance by the Committee or its designee(s), without charge or required advanced registration, for purposes of program evaluation and monitoring.

Approved Providers will be required to maintain complete and accurate records of the attendance and course completion of all registrants and report and certify individual attendance to the Board of Bar Overseers, in a format and on a schedule determined by the Supreme Judicial Court.

### III. PROPOSALS

The Supreme Judicial Court will accept Proposals from organizations interested in being designated as an Approved Provider. Proposals must be submitted to the Supreme Judicial Court Standing Advisory Committee on Professionalism and shall include, at a minimum, the following:

1. A description of the organization submitting the Proposal, including the organization's purpose and mission; administrative and governance structure, with organizational charts; bylaws and organizational charter, if available; and a description of the organization's major activities and continuing legal education and professional development programming during the most recent 12 month period;

2. A Course description, setting forth Course goals, anticipated outcomes, and teaching methodologies;
3. A model Course agenda, including descriptions of the Course format, how technological presentation and educational tools will be incorporated into the program format, and brief descriptions for each session within the substantive programming, the names of presenters or speakers for each session, and where the Specifications described in section II (Specifications) above are incorporated;
4. Resumes and/or biographies of Course presenters or speakers;
5. Resumes and/or biographies of individuals that the organization intends to be responsible for the development and drafting of written Course materials;
6. A proposed method of ongoing Course evaluation, including a plan to address the need for adjustments or changes to the Course based on evaluation results;
7. A timeline indicating the approximate date that the organization would expect to present the Course in the first instance, and the number of times the organization expects to present the Course on an annual basis;
8. A description of the venue(s) at which the organization will present the Course, including the type of venue (e.g. leased function facility, educational institution, etc.), the availability of technological tools for use in presentation, the maximum number participants to be accommodated for a Course in that venue, and the location of the venue;
9. A budget for the Course including the total maximum cost to the organization for each presentation of the Course, the maximum fee to be charged to the individual Course registrant (including participation in the Course day, written materials, and other ancillary costs to the registrant such as parking). This budget submission should also note any cost-free or cost-reduced aspects that the interested organization is willing to provide to defray the total maximum fee to be charged to the individual. It is expected that any fees charged to individual Course registrants will be nominal;
10. Any other information or documentation that may support the organization's proposal.

#### IV. PROPOSAL EVALUATION

Proposals will be evaluated by the Committee considering the following factors:

1. The substantive programming presented by the Course description and agenda and its likelihood of meeting the Course goals and outcomes;
2. The experience, knowledge, expertise, and reputation in the legal community of proposed Course presenters and speakers, and individuals intended to draft and develop written Course materials;

3. The Course venue(s) and format and their likelihood to provide for a meaningful educational process;
4. The method for Course evaluation and structure for program improvement as needed;
5. The number of registrants to be accommodated for each Course session and on an annual basis by the organization;
6. The total budget and the per registrant fee proposed. In evaluating budgets submitted, the Committee will closely scrutinize the fees to be charged to individual Course registrants as compared to the total Course cost to the organization. The Committee seeks proposals providing a nominal per registrant fee;
7. The administrative and governance structure and stability of the organization relative to its ability to meet all requirements of SJC Rule 3:16.

## V. RFR PROCEDURE

### **Deadline for Submission of Proposals**

To be considered as a Provider during the first year the Course will be offered (December 2013 - December 2014), proposals must be submitted no later than **April 1, 2013**, with 15 original copies submitted to:

Carol R. Lev  
SJC Standing Advisory Committee on Professionalism  
John Adams Courthouse  
One Pemberton Square  
Boston, MA 02108

**Interested organizations may submit written questions about the Request for Response to Carol R. Lev at [carol.lev@sjc.state.ma.us](mailto:carol.lev@sjc.state.ma.us).**

### **Information Session**

Interested organizations are invited, but not required, to attend an information session on **February 1, 2013 at 10:00 A.M.** at the Supreme Judicial Court at which time the Advisory Committee will answer questions about the Request for Response and/or the proposal process. Questions for this information session must be submitted in writing by **January 28, 2013** to [carol.lev@sjc.state.ma.us](mailto:carol.lev@sjc.state.ma.us). **Only those questions submitted in writing by January 28, 2013 will be addressed at the information session.**

### **Release of Decision on Approved Providers**

Organizations will be notified of the Advisory Committee's decision regarding the Approved Provider List no later than **June 18, 2013**.

**Addendum A**  
**S.J.C. Standing Advisory**  
**Committee on Professionalism**

Honorable Nonnie S. Burnes, Chair  
Superior Court Justice (ret.)

Linda G. Bauer  
Assistant Bar Counsel  
Office of Bar Counsel

Jeffrey N. Catalano  
Todd & Weld

Beth D. Cohen  
Associate Dean  
Western New England School of Law

Rodney Dowell  
Executive Director  
Lawyers Concerned for Lawyers, Inc.  
Law Office Management Assistance Program

Clerk Maura S. Doyle  
Clerk for the Supreme Judicial Court for the County of Suffolk

Michael A. Frederickson  
General Counsel  
Board of Bar Overseers

Ingrid C. Schroffner  
Assistant General Counsel  
Executive Office of Health and Human Services

Marilyn J. Wellington  
Executive Director  
Board of Bar Examiners

**Addendum B**  
**Request for Response**  
**One-Day Practicing with Professionalism Course**

**Presentation Synopses, Designated Organizations**

**I. The Office of Bar Counsel & The Board of Bar Overseers**

The Office of Bar Counsel (OBC) and the Board of Bar Overseers (BBO) will provide the following, in-person contributions to the *Practicing With Professionalism* courses described in the proposed S.J.C. Rule 3:16:

- A representative from the OBC and/or the BBO will provide a 15-30 minute presentation on “Introduction to the bar disciplinary system”, focusing on the process involved in investigating, prosecuting, and adjudicating bar discipline complaints; the role of the Attorney and Consumer Assistance Program (ACAP) in resolving matters without opening a complaint; and what to do if you are notified that you are the subject of a complaint.
- The OBC will present a 30 minute introduction to managing client funds accounts and trust account recordkeeping.

**II. Lawyers Concerned for Lawyers, Inc. & Law Office Management Assistance Program**

Lawyers Concerned for Lawyers, Inc. (LCL) and LCL’s Law Office Management Assistance Program (LOMAP) will provide the following in-person contributions to the *Practicing With Professionalism* courses described in the proposed S.J.C. Rule 3:16. This programming may be done in collaboration with other speakers selected by the Provider.

- Introduction to programs and resources available to attorneys, including programs addressing time management, stress, and substance abuse.

This 20-30 minute segment ideally will be done by a LCL clinician, but may include a LOMAP staff to discuss time management. The program will involve the following:

Recognizing mental health issues, including anxiety and chronic stress, depression and bipolar disorder, and understanding alcohol and drug addiction and recovery. Understanding how these mental health problems can impact the attorney on a personal and professional basis, and tools to reduce the negative impacts. Identifying and accessing programs and resources available to attorneys in Massachusetts.

(If the Provider selects the 30 minute program): The reasons you are not getting things done: ADHD, avoidance and procrastination. What are they and what can you do to get things done? Discussion of simple time management skills that every attorney should use to improve their lives, profits, and efficiency.

- An introduction to law office management and resources available to attorneys in solo and small firm practices or preparing to start a solo or small firm practice.

This 90 minute segment will be done by a LOMAP advisor and will provide a 90 minute presentation on critical law office management practices designed to prevent the most common errors leading to malpractice and disciplinary actions. This session will cover the following topics:

1. Docket control, ticklers/alerts, and conflict of interest systems;
2. Basic software to track your clients, control your docket, get alerts, and support your conflict of interest system;
3. Setting up a paper/electronic filing system for case files;
4. Managing employees to prevent errors, meet professional ethical obligations, and provide quality client service;
5. Tracking time, billing and getting paid;
6. Disaster planning and continuation plans to protect clients;
7. A quick guide to Mass. Data Privacy Law and e-security of client's electronic data;
8. Finding the Resources You Need;
9. Marketing; and
10. Attorney-client communication