

Dear Potential Providers:

The Request for Response (“RFR”) for a one-day Practicing with Professionalism course for lawyers newly-admitted in Massachusetts sets out the specific topics to be covered by any provider. The Standing Advisory Committee on Professionalism (“Committee”) appointed by the Supreme Judicial Court held an information session for potential providers on February 1, 2013. In addition to the questions that the attendees had submitted in advance, a few issues arose at the meeting that the Committee thought merited a considered answer. In order for all potential providers to know what were the questions asked both before and at the meeting, and the responses to those questions, the Committee committed to providing those responses to all at the same time and manner by posting the responses as FAQs on the Supreme Judicial Court web site. Those FAQs and responses follow.

In addition to the specific responses, however, the Committee wants to be sure that all potential providers understand the overall objective of the course so that the responses to the RFR will incorporate more than simply technical aspects of the listed topics. The Committee, and the Court, are looking for presentations that will infuse the newly admitted lawyers with a sense of the professionalism of the practice of law and the benefits to themselves, their clients, their colleagues and the courts of practicing with civility to all with whom they come in contact. While on the surface this course is one filled with “nuts and bolts,” the overarching intent is to help newly admitted lawyers enter the practice of law in Massachusetts with higher aspirations than just practicing to the rules. The Committee will be looking for depth and nuance that will inspire our newly admitted lawyers to the highest standards of practice.

The Committee looks forward to reviewing your Response. Good luck!

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

Practicing with Professionalism Course  
Request for Response  
**FREQUENTLY ASKED QUESTIONS**

- 1. Has the Advisory Committee determined how many Providers will be approved, either a set number or a range?**

No. This will depend entirely on the responses received.

- 2. Do you anticipate that there will be fees or other additional expenses associated with hosting the program, such as a Course certification fee or any other payment of administrative expenses to Designated Presenters (BBO, OBC, LOMAP, LCL)?**

No administrative, certification, or other like fees for the Designated Presenters will be incurred by the Provider. Please note, however, that the Providers may be responsible for the copying and distribution of Course materials provided by Designated Presenters.

- 3. Are Providers required to provide the Course in multiple locations? How will the Advisory Committee evaluate applications from Providers that cannot, without difficulty, offer the Course at multiple locations throughout Massachusetts?**

The Advisory Committee will consider proposals that offer multiple locations as well as proposals that offer a single location.

- 4. The Course content is to include presentations by the BBO, OBC, LOMAP, and LCL. If an entity is selected as an approved Provider, will these organizations have committed to provide the relevant Course presentations for that entity?**

Yes, these organizations have committed to providing the presentations

- 5. How will legal services community participants be designated? How is 'legal services community' defined?**

The Advisory Committee will provide a list of organizations that, at a minimum, should be invited by the Provider. Others may be added to the list by the Provider with the approval of the Advisory Committee.

- 6. Is there a required length or format for the Course materials? Will the Designated Presenters (LOMAP, LCL, BBO and OBC) be responsible for providing their own materials?**

There is no required length or format for the Course materials. Materials may be provided electronically. The Designated Presenters will prepare their materials for copying and distribution by the Providers.

**7. Is some allotment for question and answer time acceptable? Should applicant Providers incorporate such time into their proposed agenda?**

Q & A is acceptable either throughout the Course or at determined intervals. The applicant Provider's submitted Course agenda may incorporate Q & A.

**8. If a change to the Provider's program seems prudent (for example, due to feedback from attendees or for logistical reasons), how would the Advisory Committee expect the Provider to address this issue?**

Incidental adjustments to the Course agenda may be made by the Provider. Only those changes to the Course agenda that impact the substantive content require Advisory Committee approval.

**9. Is the 90-minute LOMAP presentation for attorneys practicing in or starting a solo or small firm practice intended for all attendees even if they are employed in another practice setting?**

The Course is intended to be a plenary program with all presentations, including LOMAP, provided to and required for all participants. The final LOMAP presentation may be discussed with the Provider to finalize content and presentation method.

**10. What are the expected criteria for evaluation of the Course and of the Provider by the Advisory Committee?**

With regards to evaluating the Course, the Advisory Committee will provide a standard evaluation form but the Provider may add to the form to seek participant specific input. With regards to evaluating the Providers, the criteria have yet to be determined by the Advisory Committee.

**11. Is there a minimal requirement for the number of sessions to be offered each year?**

That will be determined based on the proposals received.

**12. How does the Advisory Committee expect to assess the impact of the Course?**

The Advisory Committee will assess the impact through review of responses and evaluation from participants, input from Providers and Course faculty, in-person observation of Courses, and other appropriate means.

**13. What is considered a nominal fee?**

The fee will be set after careful review of the budgets provided in the proposals. Providers are not expected to provide this Course for purposes of making a profit from the Course registration fees, though certainly can look to the fees to cover actual costs. Providers may want to consider the potential indirect revenue that may be generated through increased visibility of the organization or through other incentives provided by the organization.

**14. Is a live video feed from one classroom where the program is presented live to another classroom an acceptable mode of transmission of the program?**

No. Programming is expected to be live to encourage in-person communications, collegiality, and discussion among participants, faculty, and others.

**15. Are there a minimum/maximum number of hours of instruction?**

The Course should include at least 6.5 hours of substantive content and instruction. Assuming an 8-hour day, the other 1.5 hours could include networking and informal conversations between the participants and the presenters, as well as inspirational talks by judges or senior lawyers on such things as the benefits of professional and civil practice and pro bono practice.

**16. Is it permissible to present Course content for more than one day?**

No. The Course must take place on one day only.

**17. What does “Providers may propose, for Committee consideration, alternative means for the presentation of the Course content being offered by one or more of these organizations” mean?**

The Advisory Committee encourages, in addition to traditional lecture type presentation, the use of innovative and interactive means of presentation to encourage participation and interest by participants.

**18. What responsibility will the Court assume for publicizing the Approved Providers and Courses to the new members of the Bar?**

The SJC will advise all new Bar members of the Course requirement and will publish the list of Approved Providers, including contact information, on its website.

**19. Is it permissible to have private law firms underwrite some of the costs of providing the Course?**

No.

**20. What will be accepted for proof of attendance?**

The Provider must provide a list of attendees with specified identifying information (i.e. BBO number).

**21. How long will Providers have to report attendance?**

This has not yet been determined.

**22. Will Providers be required to have attendees sign in/sign out every time they leave/return to the program? What happens if someone forgets to sign in/sign out?**

Yes – the Provider is responsible for confirming to the BBO that the participants have actually completed the Course. The Provider must determine the means and methods to confirm actual attendance and completion of the Course.

**23. Does the Advisory Committee have a preference regarding the size of the venue in terms of total number of seats?**

The Advisory Committee prefers a class size that ensures meaningful participation by attendees. It is incumbent upon the applicant Provider to persuade the Advisory Committee in its proposal how a larger class size will ensure such participation.

**24. If an organization decides not to apply this year, or if the applicant is not selected as an Approved Provider in this round, may the organization apply the following year? Or is the Advisory Committee contemplating co-terminus, three-year terms for all Providers?**

Interested organizations may apply in future years. The Approved Providers list will be rolling.

**25. With respect to the topics listed in the RFR as required for the Course, but also included in the presentations by the Designated Presenters (LOMAP, LCL, BBO), may the applicant Provider assume that this topic will be completely and adequately covered in the Course by the Designated Presenter?**

While the Designated Presenters will provide presentations on these topics, Providers are also encouraged to develop a program that provides depth and insight into the topics included in the RFR and other topics that they, in consultation with the Advisory Committee, deem appropriate and beneficial.

**26. “Diversity and hidden bias” is a complex and nuanced topic in itself. By not including it in the enumerated topics 1-12, is the Advisory Committee suggesting that diversity/hidden bias be subsumed whenever relevant in one or more of the 1-12 enumerated topics or handled in the written materials?**

The complex and often subtle issues of diversity and hidden bias should be subsumed whenever relevant in one or more of the 1-12 enumerated topics.

**27. What is meant regarding the topic, “Navigating Social Media”?**

The focus should be on the appropriate uses of social media, highlighting potential pitfalls for a member of the bar. While this will be addressed in part by LOMAP, Providers are encouraged to provide additional information, expertise, and insight as part of the program.

**28. Presuming that several of the sessions will need to be scheduled close to the 18 month deadline for the first large group of admittees affected by this new requirement, how can the proposal include the specific names/credentials of presenters who might present so far into the future, perhaps in May of 2015?**

If a list of specific names is not practical, proposals may instead include a description of the background, skills, expertise, and characteristics of the anticipated presenters, including a list of presenters from which they expect to select a speaker for each session.

**29. Can a Provider offer discounts to particular attendees? What about discounted memberships or other benefits from their organization for attending that particular session?**

Providers may offer benefits from their organization to attendees provided that the benefit is made available to all attendees equally.

**30. What advertising or marketing can a Provider do to distinguish itself from other Approved Providers?**

Organizations may advertise or market themselves to potential attendees by highlighting such things as the agenda, speakers, location, dates and times, as well as any incentives that the organization may be offering to all attendees. The organization should indicate on all marketing and advertising materials that it is "an Approved Provider" of the Course.

**31. Will the SJC approve a fee range, with both a minimum and a maximum approved fee? Can a Provider offer the Course for free?**

The SJC will approve Course fees based an evaluation of the proposals received. In any case, this Course may not be offered free of charge.

**32. Can organizations partner to offer the Course?**

Yes, organizations may, and are encouraged to, partner to offer the Course.