



*A publication of the Suffolk County Probate and Family Court Registry*

## Pilot program underway in Suffolk Probate

**Limited Assistance Representation Project to benefit attorneys and litigants alike**

On November 1, 2006, an important 18-month pilot program, *The Limited Assistance Representation Project (LAR)*, began in Suffolk County Probate and Family Court. The new program makes legal representation a more viable option for those who would otherwise come to court without a lawyer.

While full representation throughout a court case has been common practice, LAR allows qualified attorneys and pro se litigants to 'unbundle' legal proceedings and agree upon which aspects of the case are best served by legal representation. Court officials and attorneys are confident that many more unrepresented litigants will seek out an attorney for assistance with complex legal issues, and the court will operate more smoothly as a result.

"We are very pleased to be working with Register Iannella to increase the availability of lawyers to those who wouldn't otherwise be represented in court. We're hoping this new project will make legal representation more affordable," said Attorney Ned Notis-McConarty, who was part of the working group that helped to establish LAR.

As reported in the last edition of *The Register*, unrepresented litigants outpace attorneys by a 4-1 margin in Suffolk Probate and Family Court.

### WHAT THIS MEANS FOR THE PUBLIC:

- ◆ Those not able to afford an attorney for their entire case may be able to do so now;
- ◆ By 'unbundling' your case, you can pick and choose which parts of your case need the attention of a professional, experienced attorney;
- ◆ You can represent yourself in court, but obtain sound legal advice from a lawyer beforehand;
- ◆ An attorney can draw up your court paperwork and explain the court's procedures before you go and see the judge on your own;
- ◆ Little is left to question, as the terms of the work and payment arrangement between the attorney and client are specifically spelled out in an agreement signed beforehand;
- ◆ Attorneys for hire as part of the LAR program have received special training, and are familiar with all of the rules and procedures that need to be followed.

*The full list of attorneys qualified to participate in the program is available from various bar associations, online at: [www.probatecourtiannella.com](http://www.probatecourtiannella.com), and in-person at the Suffolk Registry of Probate, 24 New Chardon Street, 3rd floor, in Boston.*

### WHAT THIS MEANS FOR ATTORNEYS:

- ◆ A Standing Order of the Supreme Judicial Court specifies new procedures, thereby ensuring that attorneys will not violate ethical or procedural rules;
- ◆ Any party to a case can hire an attorney for limited representation, with the attorney and litigant formally recording their relationship on a *Notice of Limited Appearance*;
- ◆ Payment arrangements are specifically spelled out in an underlying agreement, helping to assure timely compensation;
- ◆ Attorneys can now assist a litigant with rules of law and procedure, or draft documents ('ghostwriting') without filing an appearance or appearing in court with the litigant;
- ◆ Attorneys must maintain all ethical rules and standards of conduct when providing limited representation;
- ◆ Better-informed litigants will result in fewer procedural errors and less waste of court time and resources.

*Attorneys must receive training from the court in order to qualify for participation in the program. Details are available from various bar associations, online at: [www.probatecourtiannella.com](http://www.probatecourtiannella.com), or by calling Tony Carnevale of the Suffolk Registry at: (617) 788-8353.*

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## Child support guidelines under review

Trial Court Chief Justice Robert Mulligan has established a task force to conduct a comprehensive review of the state's child support guidelines. The announcement follows several public hearings held earlier this year. The study is expected to take twelve to eighteen months, and panel members will recommend any changes or revisions to the formula used to set child support orders. In announcing the review, Mulligan said he will eliminate a provision that says child support guidelines do not apply when the parties involved have reached agreement on the support amount. This change is mandatory under federal law.

# A message from Register Richard Iannella:

## Another year of fiscal responsibility leaves the Registry budget in the black



After closing the books on the most recent fiscal year, I am proud to report our financial responsibility to the taxpayers of Suffolk County and of the Commonwealth.

Each year since being elected as Register of Probate, this office has underspent its budget, and the fiscal year just ended is no exception. I have returned the unused funds to the Trial Court so that these monies can be redistributed to assist courts with greater financial needs.

Well over \$100,000 has been returned to the Trial Court by the Suffolk Registry over these years—a record that I expect will continue in the future.

Remarkably, the Registry has managed to remain consistently under-budget despite a one-third reduction in staff in recent years. The fact that there are virtually no backlogs and that most court functions are performed on a same-day basis is a tribute to the dedicated, hard working employees of the Suffolk Registry.

In that light, I remind Registry visitors that I review each and every 'Survey of Service' that is returned to our office, with nearly one thousand sent out

each week. This survey is your opportunity to point out a problem, make a suggestion, or even compliment an employee who may have been particularly helpful. I rely on your responses to better manage our office and look forward to your comments.

Finally, I would like to compliment those who have made the *Limited Assistance Representation Program* (our cover story) a reality in our court. We have worked extremely hard to assist unrepresented litigants in every way possible, and *LAR* will be yet another way to get people the legal help that they may desperately need.

*Richard Iannella*

## Iannella again advises DCR:

### "No more reserved seating for privileged few"

Are state officials continually and willfully violating the terms of the Hatch Memorial Trust by closing off prime seating areas of the Esplanade in Boston during major events? Register of Probate Richard Iannella thinks so.

Iannella first made the Division of Conservation and Recreation (then known as the MDC) aware of the provisions of the last will and testament of Marie Hatch in 2001. Pursuant to the will, the trust was established and the Hatch Memorial Shell was built. Under terms of the trust, the memorial is to remain 'open to the public.' The issue arose once again in 2004 after presidential candidate John Kerry proposed a free concert at the Hatch Shell. Governor Mitt Romney and DCR officials reviewed the terms of the trust in detail. At that time, Iannella reiterated his stance that any event held there must be completely open to the public at all times.

"Imagine my surprise when I saw hundreds of exclusive reserved seats during Fourth of July festivities again this year," said Iannella, who fired off yet

another letter and copy of the Hatch will to DCR Commissioner Stephen Burrington the day after the concert.

Three months later, Iannella finally received a response from DCR attorney Thomas LaRosa. "*Nothing in your letter notes any reasonable alternative to funding the event or suggests the availability of funding from your office to continue the event,*" wrote LaRosa.

"They just don't get it," said Iannella in response. "This isn't just during the Fourth of July. Prime viewing areas are roped off during most concerts and events. Where does this leave the average citizen without influence or friends at the DCR? Way in the back by the concession stands and rest rooms."

Iannella once again invites DCR officials to join him in asking a judge to review the terms of the will and trust: "Apparently, we agree to disagree on the issue of VIP seating, and it looks like they will continue this practice. Why not let a judge take a look and decide once and for all if this is what Maria Hatch intended?"

## Put your old mobile phone to new use

### Annual collection drive to aid victims of violence & abuse

During the month of January, 2007, the Suffolk Registry of Probate will once again serve as a drop-off center for The Wireless Foundation's "Call to Protect" project.



**CALL TO PROTECT**

Over the last several years, the Registry has collected over one thousand mobile phones on behalf of victims of domestic violence and abuse. Once donated, many of the phones are refurbished and given to victims of violence and abuse so that help can be summoned in an emergency. Other phones are sold, with proceeds from the sales going directly to help fund agencies that fight domestic violence and assist victims.

Put your old mobile phones to good use by dropping phones, batteries and chargers off at the Suffolk Registry, 24 New Chardon Street, 3rd floor, in Boston throughout January. Your donation is tax deductible—and may even help to save a life.

## Taking charge of your future:

### Make your wishes known and avoid family strife while you still can

Two of the questions asked most often of Suffolk Registry staff are: “Who will make medical decisions for me if I can’t speak for myself?” and, “How can I be sure that my wishes will be carried out once I’m gone?” The answer to each is the same—put it in writing before something happens to you.

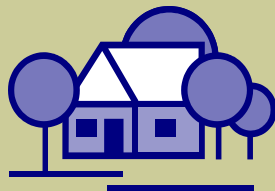
Our most recently published brochure, “*A Guide to the Health Care Proxy Law in Massachusetts*,” explains the procedure for any competent adult to declare a health care proxy in the event he or she is unable to make sound medical decisions. The guide is available in the Registry in Boston, or online at: [www.probatecourtianella.com](http://www.probatecourtianella.com).

Another excellent guide to the law can be found at: [www.massmed.org](http://www.massmed.org), the website of the Massachusetts Medical Society. The health care proxy form is quite simple and easy to complete, and most hospitals and doctor’s offices also make them available to patients.

“*Should I Have a Will?*” is the title of another of our popular brochures, and answers many questions about wills and the process of ensuring that one’s wishes are carried out following their death. It, too, is available at the Registry, or online at our Internet website. As a health care proxy is no longer valid after one’s death, a will is the only way to ensure that your wishes are carried out by the loved-ones or friends who remain.

Of course, you should always consult an attorney for professional legal advice tailored specifically to your personal situation and needs.

## Homestead Act protection increased



Homeowners declaring Homestead Act protection on their place of residence now benefit from an increase in the exemption amount provided under the law. The Massachusetts Legislature has increased the level of protection from \$300,000 to \$500,000 per eligible homeowner.

Those who previously declared under The Homestead Act have automatically received the increased protection and there is no need to re-file.

Comprehensive information about The Homestead Act, including application forms, is available at: [www.probatecourtianella.com](http://www.probatecourtianella.com)

## Gibson comes home to Suffolk Registry

### Former Administrative Assistant recently named Judicial Case Manager

Stick around the Suffolk County Registry of Probate long enough, and you’ll hear the same thing many times each day: “Go and see Mr. Gibson. He’ll know what to do!” Not surprisingly, he usually does.

Gibson is no stranger to the Registry and to probate law. After obtaining a Master’s Degree in Public Administration from Suffolk University, Gibson served as Administrative Assistant to former Register of Probate James Michael Connolly from 1979–

1987. Much of that time, Gibson attended The New England School of Law during the evening, graduating with a Juris Doctorate, Cum Laude, in 1987. He then entered private law practice, where, for nearly two decades, he specialized in probate law and litigation of aviation accidents—an area of particular expertise that took him all over the world.

The justices, managers and employees of the court have certainly come to rely on Gibson since his return to the Registry, where he is often seen shuttling litigants and court dockets between the Registry and courtrooms. Register Richard Iannella is grateful for the expertise and experience Gibson brings to the court: “Dan has quickly become the ‘go-to’ guy around here. He’s a man of action, and always finds a way to get things done. Everyone is better served with his guidance and help.”



**Lending a helping hand:** Gibson assists a litigant at the Registry’s Front Counter.

## An important reminder:

### “Don’t pay for services that the Registry provides for free!”

Register of Probate Richard Iannella reminds the public that court forms and other assistance is available from the Registry for free. The reminder follows word that some litigants are paying high rates to private companies for blank court forms and assistance with the paperwork.

“I’m always surprised when a litigant tells us that they paid a local document preparation service or some company on the Internet hundreds of dollars for forms and assistance that we provide for free,” said Iannella. “Of course, professional and competent legal advice is something that you should always turn to a lawyer for, but when you simply need blank court forms or some assistance in filling one out, the Registry staff is always here to assist you.”

More than sixty court forms and self-help kits in both English and Spanish are available on the Internet for free at our website:

[www.probatecourtianella.com](http://www.probatecourtianella.com)

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# Additional news and notes from the Suffolk Registry

The Suffolk Registry's self-help center has been rededicated in honor of longtime and noted public servant Bob Kavlin. The late Community Outreach Coordinator



**Honoring a friend of the people:** From left to right: Bob Kavlin's brother John Kavlin, Community Outreach Coordinator Denis Martin, and friend David Sholl unveil a new plaque marking the Robert L. Kavlin Resource Center.

developed many of the Registry's *pro se* programs, and authored most of the self help kits used by those who come to court without a lawyer.

During the dedication ceremony, First Justice John M. Smoot had many words of praise for Kavlin: "Bob knew the law and complicated

statutes as well as anyone, and always found a way to break things down and explain them in the simplest terms to anyone who couldn't understand. Most of all, he provided a sympathetic ear and a few words of encouragement to those who needed them the most."

A local television station recently aired a news story featuring the Probate Court's role in securing funds held for missing heirs. The Suffolk Registry was the first in the state to compile a comprehensive list of these heirs, and the first to publish the list online and in local newspapers. Tens-of-thousands of dollars have been returned to rightful heirs because of these efforts. The latest list of missing heirs and procedures for filing a claim can be found online at: [www.probatecourtianella.com](http://www.probatecourtianella.com).

We want your e-mail address! The Registry is compiling an e-mail distribution list so that we can send up-to-the minute information about changes in hours of operation, new court procedures or any other important information regarding the Registry. Please send your name and e-mail address to: [carnevale\\_a1@jud.state.ma.us](mailto:carnevale_a1@jud.state.ma.us) to be included on our list. We hope to be in your 'in-box' very soon!

The Registry wishes future success to New England School of Law students Lucy Cheung, Sarah Roxburgh, Lauren Vitale and Nancy Wheeler, as well as to Suffolk University School of Law students Laurel Davis, Laura Freedman, Erik Shaughnessy, Jasmine Sripa and Michael Stevens. All served as Registry interns during the year, and were extremely helpful in assisting clients of the court. Students wishing to serve as a Registry intern should contact Tony Carnevale at (617) 788-8353.



**Suffolk County  
Probate & Family Court**  
**Richard Iannella, Register**

24 New Chardon Street, 3rd floor  
Boston, MA 02114

