



2011 Annual Report on the Access to Justice Initiative In the Trial Court

Presented to:

Honorable Roderick L. Ireland
Chief Justice, Supreme Judicial Court

Honorable Robert A. Mulligan
Chief Justice for Administration and Management

By:

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Senior Staff Attorney, Supreme Judicial Court and
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January 24, 2012

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ADMINISTRATIVE OFFICE OF THE TRIAL COURT
COMMONWEALTH OF MASSACHUSETTS

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January 24, 2012

Honorable Roderick L. Ireland
Chief Justice, Supreme Judicial Court

Honorable Robert A. Mulligan
Chief Justice for Administration and Management

Dear Chief Justice Ireland and Chief Justice Mulligan:

We are pleased to submit the 2011 Annual Report of the Access to Justice Initiative. What follows is a description of various access to justice programs that have taken root in the Trial Court since we last reported on January 8, 2010. In submitting this comprehensive description of the work of the Initiative, we do not mean to suggest that we are directly responsible for where we find ourselves today. To the contrary, these advances result from the hard work of people across the Trial Court, and many would no doubt have occurred even without the focused attention of the Initiative.

We wish to thank you both, as well as the Justices of the Supreme Judicial Court and the Trial Court Department Chief Justices, for supporting this Initiative. Trial Court-wide efforts such as this require commitment from court leadership and participation from front line staff, and we are fortunate to have had both. We applaud our dedicated colleagues, and offer this report to shine a light on their commitment to ensuring access to justice for all members of society.

Sincerely,

Dina Fein
Special Advisor

Sandra Lundy
Deputy Advisor

Executive Summary

The mission of the Access to Justice Initiative is to guide and coordinate resources within the Trial Court to broaden access to civil justice for all litigants, including self-represented litigants, individuals of modest means, those of limited or no English proficiency, and individuals with mental or physical disabilities; to work with judicial leaders in the Trial Court to develop long and short range goals, statewide strategies, and best practices to increase access to justice throughout the Trial Court; and to work with organizations outside of the court to implement access to justice initiatives and protocols. This annual report summarizes the work of the five major Task Forces working under the Access to Justice Initiative, and discusses related developments.

- Limited Assistance Representation is now available to litigants in four court departments.
- Courthouse information centers were established at two facilities (Brooke Courthouse and Worcester Trial Court) and enhanced at two other facilities (Brockton and Springfield Hall of Justice).
- Substantial progress was made in standardizing and translating court forms, and making them more accessible, in a manner consistent with best practices and current technology.
- Standards for self-help materials were proposed, materials were translated, and innovative new self-help materials were created in multi-media formats.
- A newly created Judicial Institute program, *Responding to Daily Challenges: A Program for Trial Court Staff*, provided many front-line staff with tools to help meet the needs of the self-represented population effectively.

Strategically, the Access to Justice Initiative seeks to advance its objectives by maximizing the use of technology, seeking out alternative resources, and working collaboratively with partners in the broader justice community.

- Working with the Berkman Center of Harvard University Law School, the Trial Court is committed to enhancing the website and to integrating best practices with respect to content management, navigational tools, and functionality.
- Working with the Trial Court Information Services Department, standards for e-filing are being developed and will be implemented in pilot programs that will accommodate the needs of self-represented litigants and indigent litigants as well as attorneys in a closely watched effort that may serve as a national model.
- Working with Executive Branch, Legislative Branch, and other justice partners to advance access to justice initiatives.

2011 Annual Report on the Access to Justice Initiative

Background

In the Fall of 2009, Special Advisor Dina Fein and Deputy Advisor Sandra Lundy developed and distributed a survey to all employees of the Trial Court, to which nearly 2,100 individuals responded. In light of the survey responses, the Access to Justice Initiative proposed focusing on the following five discrete projects: expanding the use of limited assistance representation; establishing information centers in courthouses; simplifying, unifying, and translating court forms; developing self-help materials; and training court staff and judges. To accomplish these projects, and with support of the CJAM and court leadership, an organizational structure was established consisting of an Advisory Committee and five Task Forces. (The organizational structure is depicted at Tab A). The 26-member Advisory Committee is composed of representatives from each Trial Court Department, as well as from AOTC directors offices and the Trial Court law libraries. It meets quarterly to provide guidance and support to the ongoing work of the Access to Justice Initiative. The Task Forces are composed of judges, court staff, and, in some cases, lawyers and others outside of the Judiciary. (A list of individuals serving on the Advisory Committee and the Task Forces is located at Tab B.) Prior to working on specific projects, each Task Force created a set of guiding principles and priorities to direct its efforts. (The Task Forces' guiding principles are attached at Tab C.)

The activities and accomplishments of the five Task Forces are summarized below. Comprehensive reports of the Task Forces are attached at Tab D.

Task Force on Limited Assistance Representation

Honorable Linda Fidnick and Administrative Attorney Allison Coles, co-chairs

Limited Assistance Representation (LAR) permits attorneys to assist otherwise self-represented litigants on a limited basis without undertaking full representation of the client on all issues related to the legal matter for which the attorney is engaged. Effective May 1, 2009, the Supreme Judicial Court concluded that "limited assistance representation can be of significant benefit in

expanding access to justice in the Trial Courts” and issued an order allowing LAR to be implemented in each Trial Court Department. Since that time LAR has been used by four court departments and supported by major bar organizations:

- May 1, 2009, adopted universally in the Probate and Family Court Department.
- May 3, 2010, adopted for civil matters in the Boston Municipal Court Department.
- November 1, 2010, adopted for civil matters in the Housing Court Department.
- November 18, 2010, endorsed by the Massachusetts Bar Association House of Delegates.
- January 25, 2011, the District Court Department commenced a one-year pilot project implementing LAR in all of its divisions (civil matters only).

To support the implementation of LAR throughout the Trial Court during 2011, the Task Force engaged in the following activities:

- Met with Departmental Chief Justices to encourage the use of Limited Assistance Representation within each department.
- Worked with the Judicial Institute and departmental staff to develop LAR informational materials for judges and court staff. Materials for litigants are available on the Trial Court web-site at:

<http://www.mass.gov/courts/selfhelp/index.html>

- Worked with bar organizations and legal services organizations to offer LAR training to attorneys.
- Developed generic training model that can be utilized by all departments implementing LAR.

- Engaged in bar outreach:
 - Participated in Springfield Republican "Ask the Experts" column on LAR - July, 2010.
 - Participated in three-part series on LAR sponsored by MBA General Practice, Solo & Small Firm section - March, 2011.
 - Participated at program of BBA Delivery of Legal Services section on LAR - April, 2011.

In the coming year the Task Force will work with other court departments, particularly the Land Court Department, to explore the further implementation of LAR. The Task Force also plans to work on promoting greater use of LAR among the Bar.

Task Force on Courthouse Information Desks

Honorable Diana Horan and Legal Counsel Cynthia Robinson-Markey, co-chairs

Courthouse information desks are designed to provide legal information to the public at State courthouses. Volunteers direct individuals to courtrooms, district attorney offices, or related justice agencies located nearby, and help the public find the correct destination within the courthouse. Information desk volunteers have daily court calendars, reference information, and maps to guide courthouse users within the building or to other locations. Information and resources available at the desks include: calendar and docket information; court forms and judicial publications; courthouse guides and directories; information about social services and other programs; and public access computers.

The Task Force engaged in the following activities over the past year:

- Opened Brooke Courthouse Information Desk - October, 2010:
 - Provides legal information to self-represented litigants, attorneys, jurors, witnesses, and other court users, including information about and access to lawyer referral services, self-help materials, and forms, from 8:30-11:00 am each court day;

- Staffed by trained student volunteers from area universities, colleges, and community colleges, who are supervised by a legal professional, including volunteers from Legal Department of major Boston corporations;
 - Assisted approximately 8,000 court users in first year of operation.
- Opened Worcester Trial Court Complex Information Desk - October, 2011.
- Provided assistance in enhancing the preexisting Court Information Desk in Brockton.
- Established enhanced Courthouse Information Desk in Springfield Hall of Justice.
- Created uniform training modules for student volunteers and supervisors.
- Developed uniform signage and branding for information centers.

In the coming year, the Task Force plans to promote and support the development of information desks in additional multi-court facilities.

Task Force on Court Forms

Honorable Sabita Singh and Administrative Attorney Ilene Mitchell, co-chairs

One of the tools that will better enable self-represented litigants to navigate the legal system, and improve the efficiency of the courts, is the development of standardized forms for pleadings frequently used by self-represented litigants. Standardized forms improve access to justice because they can be disseminated, translated into other languages, and automated more efficiently.

Accordingly, the Task Force on Forms:

- Created Principles and Goals for Trial Department Forms, endorsed by the Chief Justice for Administration and Management.
- Developed a priority list for the translation of court forms.

- Facilitated the translation of Probate and Family Court Financial Statements into Spanish and Portuguese.
- Oversaw translation of the Probation Contract into Spanish.
- Encouraged the development of online fillable forms in Trial Court Departments.
- Worked with Massachusetts legal services programs on a Technology Innovation Grant project to develop on-line document assembly programs for completion of child support forms.
- Formed a sub-group to work on grant-funded effort to translate uniform small claims forms into seven languages.

In the coming year, the Task Force plans to identify additional court forms for modification and translation, in keeping with the Principles and Goals.

Task Force on Self-Help Materials

Head Law Librarian Marnie Warner and Family Law Facilitator Lori Landers-Carvalho, co-chairs

Self-help materials on a variety of topics and in a number of media are needed to assist self-represented litigants navigate the justice system. Self-help materials direct litigants to the correct court department, assist them in accessing and correctly completing forms, and enhance the efficiency of court operations. The goal of this Task Force is to make the existing inventory of self-help materials more available to litigants through automation and translation, and develop additional materials as indicated.

Towards those ends, the Task Force:

- Inventoried existing print and on-line self-help materials throughout the Commonwealth.
- Oversaw the translation into Spanish and Portuguese of "Getting Ready for Your Day in Court" from *Representing Yourself in A Civil Case*,

available on the Trial Court's intranet and internet. Russian and Haitian Creole translations are in preparation.

- Developed draft *Guidelines for Written Materials*, including readability guidelines after participating in webinar on readability, prioritized a list of existing self-help materials to be modified for readability, and began revisions of self-help materials.
- Supervised students from Northeastern University School of Law's course, Legal Skills in Social Context, in the drafting and creation of four scripts of videos to be used by self-represented litigants: developed one script into a short video called, "Courtroom 101," which is currently being considered for offering to Trial Court Departments and divisions.
- Supervised the Northeastern University School of Law Students in creating a best practices document for assisting self-represented litigants and drafting a proposed Standing Order for the Supreme Judicial Court regarding the use of video self-help materials.

In the coming year, the Task Force plans to support the efforts of the Housing Court Department to develop a uniform set of self-help materials. The Task Force will also work to disseminate existing self-help materials across the Trial Court, and to develop multi-media materials.

Task Force on Education

Lead Program Manager Victoria Lewis and Program Manager Jennifer Terminesi, co-chairs

Unprecedented numbers of self-represented litigants in our courthouses and courtrooms create significant challenges for judges and court staff. The SJC's Steering Committee on Self-Represented Litigants, which operated from 2003 - 2008 under the able leadership of Appeals Court Associate Justice Cynthia Cohen, did a great deal of work in developing materials to assist judges and court staff in meeting this new challenge. The Task Force on Education was constituted in large part to carry on with that work.

Towards that end, the Task Force:

- Created a Judicial Institute program, *Responding to Daily Challenges: A Program for Trial Court Staff*, to provide front-line staff with tools to help meet the needs of the self-represented population effectively and with less stress. Faculty were drawn from a variety of departments and job roles within the Trial Court. Topics covered included an overview of guidelines contained in *Serving the Self-Represented Litigant*; an interactive discussion on the difficult task of distinguishing legal information from legal advice; a presentation on the effective use of the Trial Court Law Libraries; and a discussion on overcoming barriers to effective service such as poverty, language, culture and mental illness that make it more challenging to serve some self-represented litigants;
 - Five sessions presented in the winter and spring of 2011 throughout the Commonwealth.
 - By popular demand, additional sessions scheduled for 2011-2012.
 - Some representative comments by attendees: "I take with me a new 'eyes-wide-open' approach to my interaction with our customers." "The presentations made me reflect on some of the challenges we all face on a daily basis and how to cope with them in and out of work." "The information presented is extremely relevant to all court employees."
- Prepared a program for legislative staff to assist them in better responding to constituent inquiries about the courts which will take place in February, 2012.
- Collaborated with Appeals Court Associate Justice Cynthia Cohen and the Flaschner Judicial Institute in preparing a day long program for judges in dealing with self-represented litigants which will occur in March, 2012.

Over the coming year, the Task Force will work on reproducing the trainings referred to above, for appropriate audiences.

Technology

The Berkman Center. The strategic use of technology to enhance access to justice is a theme that informs all aspects of the Access to Justice Initiative. Early on in our work we identified the need to develop expertise in this area, and for the past two years we have been enormously fortunate to have the assistance of the Cyberlaw Clinic at the Harvard Law School Berkman Center for Law and the Internet. In particular we are grateful for the involvement of the Cyberlaw Clinic Director Phil Malone, and the series of students who have worked under him.

The first Berkman project on our behalf canvassed court systems around the country, and identified the best practices for using technology to enhance access. In July, 2010, the Berkman provided a report of this research, focusing on four areas: websites; on-line completion of forms; case management and electronic filing systems; and direct staff assistance. (The report is available at <http://www.massaccesstojustice.org/resources/BerkmanReport.pdf>; the Report Overview is attached at Tab E). The report was invaluable in assisting us to identify priorities for our use of technology, and a realistic plan for moving forward.

Website. Recently, Chief Justice Mulligan and Chief Information Officer Craig Burlingame made the decision to begin the process of updating and improving the Trial Court's website. This will include creating a robust Trial Court self-help website, and redesigning the Trial Court website for better navigability.

In November, 2011, Phil Malone and students Matt McDonell, Tom Spencer, and Katie Weiss, gave a presentation on court websites to leaders from across the Trial Court. The presentation included examples of the best court websites from around the country, an explication of the characteristics that defined those best websites, and mock-ups of modified portions of the Trial Court website incorporating those characteristics. The presentation was extremely instructive, and we are very grateful for this particular contribution by the Berkman.

Following the Berkman presentation, a working group was constituted to oversee the website improvement project. The working group is chaired by Probate and Family Court Administrator Kim Wright, and includes representatives from all areas of the Trial Court. The group will focus on the crucial task of determining appropriate content for the website. They will review

and update existing content, establish uniform standards for content across departments, and organize content for presentation on the website. We view this project, which holds enormous promise for all users of the Trial Court intranet and internet, including court employees, attorneys, and self-represented litigants, as truly transformative, and very much appreciate the decision of Chief Justice Mulligan and CIO Burlingame to undertake it at this time.

E-filing. Trial Court Information Services (TCIS) is developing the capacity for electronic filing (e-filing) of court documents. A working group comprised of representatives from the Trial Court, the Appeals Court, and the Supreme Judicial Court drafted a set of e-filing rules, prepared a Request for Information, and selected five vendors to provide demonstrations for representatives from various court departments and offices. TCIS intends to pilot e-filing in several court settings before implementing it across the court system. The pilot programs will accommodate the needs of self-represented litigants and indigent litigants as well as attorneys in a closely watched effort that may serve as a national model.

E-filing will allow court users to file court documents remotely, while simultaneously transferring data directly into the Trial Court's case management system. In this way, it will enhance access for those litigants who have difficulty getting to a courthouse, save time and money for attorneys and their clients, and reduce the amount of data entry by staff. This initiative exemplifies the way in which re-designing business practices can simultaneously increase organizational efficiencies, improve the working conditions of employees, and significantly enhance service to all segments of the public.

Grants

The Access to Justice Initiative coincides with the most challenging era for Trial Court resources in recent history. Since October, 2008, the Trial Court's budget has shrunk from an initial level of \$605.1 million in FY 2009 to \$531.9 million in FY 2012, and we have lost 1,249 employees to attrition and a hard hiring freeze. While much can be accomplished with the focused volunteer efforts of our existing staff and partners such as the Berkman, we are mindful that additional funds are necessary in order to accomplish some of the Access to Justice Initiative's goals. With that in mind, in 2010/2011 the Access to

Justice Initiative applied, alone or with partners, for several small grants, two of which were awarded and are currently funding projects in the Trial Court.

The Access to Justice Initiative joined with four local legal services programs in applying for a Technology Innovation Grant (TIG) from the Legal Services Corporation (LSC), to develop document assembly programs for generating forms associated with child support. The programs, developed using a tool known as A2J Author, guide the user through a web-based interview, the answers to which are used to populate fields in court forms and generate related informational material. The programs have been customized to meet the particular needs of self-represented litigants, and it is anticipated that they will ultimately be accessible through the Trial Court website, legal services websites, and public access terminals in courthouses. The Trial Court will receive approximately \$25,000 from the grant to begin the process of insuring that forms completed through these programs are suitable for electronic filing with the courts, and compatible with our case management system.

The Administrative Office of the Trial Court also received a grant from the State Justice Institute (SJI) in the amount of approximately \$26,000, to translate the forms used in small claims proceedings into seven languages: Spanish, Portuguese, Haitian, Khmer, Vietnamese, Chinese (Traditional), and Russian. This project has involved identifying a uniform set of forms for the three Trial Court departments that handle small claims cases, working with the Office of Court Interpreter Services to develop policies for promulgating court forms in non-English languages, and contracting with an outside vendor to do the translation. In addition to enhancing access for limited English proficient (LEP) litigants to proceedings that involve large numbers of self-represented litigants, this project will also allow the Trial Court to identify policy and technical issues that arise when translating court forms.

In collaboration with the Trial Court's Task Force on Grants, chaired by Probate and Family Court Chief Justice Paula Carey, the Access to Justice Initiative is exploring additional grant opportunities. We are particularly interested in focusing on grants that serve self-represented litigants, including those that would support expanded use of self-help materials and centers.

Outreach to Other Branches

Early on in our work, with the assistance of Executive Office of Health and Human Services General Counsel Maureen McGee, we conducted a series of meetings with Executive Agency Commissioners and staff. More recently, we have reached out to Executive Office of Administration and Finance Assistant Secretary for Access and Opportunity, Ronald Marlow. We are convinced that there are opportunities for working collaboratively to better serve those individuals who interact with Executive agencies and the courts, and we look forward to exploring these opportunities in the upcoming year.

We have also intensified outreach to the Legislature. In February, 2011, the Special Advisor was very pleased to participate with other panelists in an orientation program presented by the SJC for new legislators. The Access to Justice Initiative is also working with the Judicial Institute on a training program for legislative staff, to take place in February, 2012. We are committed to promoting efforts such as these, which serve to enhance our relationship with the Executive and Legislative Branches and, importantly, better enable all of us to address the needs of those we serve.

Strategic Partners

In addition to our collaborations with the Berkman and the legal services community, discussed above, we have been very fortunate to work with the SJC Access to Justice Commission, co-chaired by Justice Ralph Gants and Attorney David Rosenberg. Our partnership with the Commission has expanded the base of support for the Access to Justice Initiative, funneled input from the larger justice community to the Access to Justice Initiative, and leveraged our respective efforts and their impact. We are very grateful to the Commission co-chairs, members, and consultant Gerry Singen, for their guidance and support.

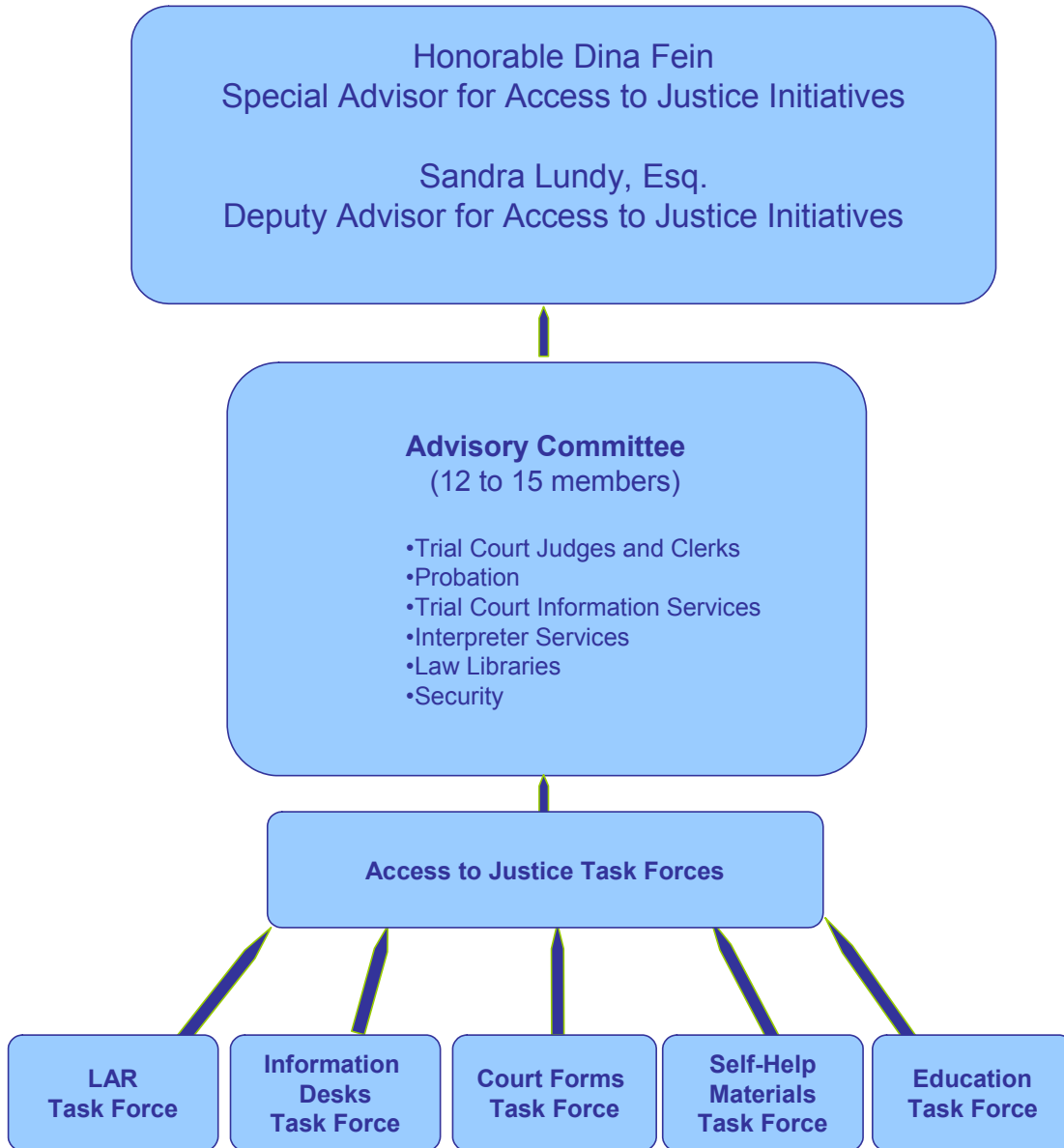
We have also benefited from our relationships with the Massachusetts Judges Conference, the Clerks Associations, and the organized Bar. And we have been fortunate to establish connections with individuals and organizations working on access to justice outside of Massachusetts, including the National Center for State Courts, the Department of Justice, the Self-Represented Litigation Network, the American Bar Association, and the National Center for

Access to Justice. We look forward to building on these relationships in the upcoming year.

Conclusion

The economic downturn has increased the number of cases in our courts that involve self-represented litigants, such as evictions, child support modifications, and debt collection. At the same time, changing demographics in Massachusetts have increased the number of LEP litigants, and those with special needs arising from physical and mental disabilities. These trends underscore the importance of continuing our efforts to enhance access to justice in the Trial Court. We believe the accomplishments of 2011 have established a strong foundation for additional progress in the upcoming year.

Tab A. Access to Justice Governance Structure



Tab B. Membership

Special Advisor to the Trial Court for Access to Justice Initiatives

Honorable Dina Fein, First Justice
Housing Court Department / Western Division

Deputy Advisor

Sandy Lundy, Senior Attorney
Supreme Judicial Court

Advisory Committee Members

Boston Municipal Court Department

Cynthia Robinson-Markey
Legal Counsel to the Chief Justice
Administrative Office

District Court Department

Honorable Sabita Singh
Associate Justice
Somerville Division

Carol Kantany Casartello
Clerk Magistrate
Westfield Division

Housing Court Department

Honorable Diana Horan
First Justice
Worcester Division

Paul Burke
Director of Court Operations
Administrative Office

Allison R. Cole
Administrative Attorney
Administrative Office

Juvenile Court Department

Anne Marie Ritchie
Administrative Attorney
Administrative Office

Land Court Department

Deborah Patterson
Recorder

Probate and Family Court Department

Honorable Linda Fidnick
Associate Justice
Hampshire Division

Lori A. Landers-Carvalho
Family Law Facilitator
Hampden Division

Ilene Mitchell
Case Manager
Administrative Office

Superior Court Department

Honorable Geraldine Hines
Associate Justice

Office of the Commissioner of Probation

Sophia O'Brien
Chief Probation Officer
Probate and Family Court, Middlesex Division

Renee Payne
Chief Probation Officer
Learning Division

Administrative Office of the Trial Court

Mary Rafferty
Senior Staff Consultant

Court Capital and Facilities

Richard L'Heureux
Manager of Planning, Programming and Design

Human Resources

Mark Conlon
Acting Director of Human Resources

Judicial Institute

Ellen O'Connor
Director of Judicial Education

Victoria Lewis
Lead Program Manager

Jennifer Terminesi
Program Manager

Security

Thomas Connolly
Director of Security

Sentencing Commission

Linda Holt
Research Director

Support Services

Timothy Linnehan
Acting Director Support Services

Marnie Warner
Law Library Coordinator

Task Force Members

Task Force on LAR

Co-Chairs

Hon. Linda S. Fidnick
Associate Justice
Hampshire Probate & Family Court

Allison R. Cole
Administrative Attorney
Housing Court

Members

Rebecca M. Cazabon
Pro Bono Staff Attorney
Foley Hoag LLP

Pamela S. Malchik
Associate
Ryan, Boudreau, Randall, Kirkpatrick & Baker LLP

Meredith M. Marcoux
Sessions Clerk
Franklin/Hampshire Juvenile Court

Deborah J. Patterson
Recorder
Land Court

Ellen S. Shapiro
Deputy General Counsel
District Court

Lisa A. Yee
Administrative Attorney
Boston Municipal Court

Task Force on Information Centers¹

Co-Chairs

Honorable Diana Horan
First Justice
Housing Court, Worcester Division

Cynthia Robinson-Markey
Legal Counsel to the Chief Justice
Boston Municipal Court

Members

Honorable Paul Loconto
First Justice
District Court, Worcester Division

Paul Broderick
Sessions Clerk
Lynn District Court

Mira Dandridge
Affirmative Action Officer
AOTC, Human Resources

Suzanne Hoey
Head Law Librarian
Worcester County Law Library

Richard Iannella
Register
Probate and Family Court, Suffolk Division

¹ This list represents the original members of the Task Force, whose assignment was to plan and implement the information desk at the Brooke Courthouse in Boston. The membership of the Task Force has since expanded considerably to include subcommittees working at the local level around the Commonwealth where information desks have opened or are contemplated.

Anne-Marie Ofori-Acquaah
Associate Labor Counsel
AOTC, Human Resources

Brian Peters
Media Production Coordinator
AOTC, Judicial Institute

George Roper
Assistant Clerk Magistrate
Juvenile Court, Suffolk Division

Jane Tyrrell
Director
The Massachusetts IOLTA Committee

John Umile
Field Coordinator
Housing Court

Valerie Moore
Law Student Intern
AOTC, Access to Justice Initiative

Task Force on Court Forms

Co-Chairs

Honorable Sabita Singh
Associate Justice
District Court, Somerville Division

Ilene Mitchell
Administrative Attorney
Probate and Family Court

Members

Ann Archer
Administrative Attorney
AOTC, Legal Department

Emily Deines
Administrative Technical Specialist
Probate and Family Court

Gaye Gentes
Manager, Court Interpreter Services
AOTC, Support Services

Ann Marie Ritchie
Administrative Attorney
Juvenile Court

Caroline Robinson
Websites Project Coordinator
Massachusetts Law Reform Institute

Jamie Ann Sabino
Project Coordinator
AOTC, Domestic Violence Project

John Umile
Field Coordinator
Housing Court

Jeffrey L. Wolf
Family Law Staff Attorney
Massachusetts Law Reform Institute

Marie Zollo
Regional Coordinator
Superior Court

Task Force on Self-Help Materials

Co-Chairs

Lori A. Landers-Carvalho
Family Law Facilitator
Hampden Probate and Family Court

Marnie Warner
Law Library Coordinator
AOTC, Support Services

Members

Lucinda Brown
Community Relations Coordinator
Reinventing Justice

Carol Kantany-Casartello
Clerk-Magistrate
Westfield District Court

Kathleen Flynn
Head Law Librarian

Laurie Jurgiel
Case Co-Ordinator II
Worcester Superior Court

Jorge Martin
Trial Court Interpreter
AOTC, Support Services

Jodie Nolan
Judicial Case Manager
Probate and Family Court, Franklin Division

Caroline Robinson
Websites Project Coordinator
Massachusetts Law Reform Institute

Rosemary Rosario
Housing Specialist
Worcester Housing Court.

Gordon Shaw
Managing Attorney
Massachusetts Justice Project

Task Force on Education

Co-Chairs

Victoria Lewis
Lead Program Manager
AOTC, Judicial Institute

Jennifer Terminesi
Program Manager
AOTC, Judicial Institute

Members

Tawauka Byrant
Probation Operations Supervisor
Probate and Family Court

Honorable Robert A. Cornetta
First Justice, Salem Division
District Court Department

John Cross
Pro Se Coordinator
Probate and Family Court

Gaye Gentes
Manager, Court Interpreter Services
AOTC, Support Services

Aletha Musser
MassCourts Training Manager
AOTC, Trial Court Information Services

Renee M. Payne
Chief Probation Officer
Office of the Commissioner of Probation

Cynthia Robinson
Legal Counsel to the Chief Justice
Boston Municipal Court

Marnie Warner
Law Library Coordinator
AOTC, Support Services

Tab C. Statements of Principles

The Access to Justice Initiative Task Forces

The role of the Access to Justice Initiative is to guide and coordinate resources within the Trial Court to broaden access to civil justice for all litigants, including self-represented litigants, individuals of modest means, those of limited- or no English proficiency, and individuals with mental or physical disabilities; to work with judicial leaders in the Trial Court to develop long and short range goals, statewide strategies, and best practices to increase access to justice throughout the Trial Court; and to work with the Access to Justice Commission and organizations outside of the court to implement access to justice initiatives and protocols.

The Special Advisor has established Task Forces to help carry out the mission of the Access to Justice Initiative. Each Task Force will have two co-chairs, although the number may vary from time to time as circumstances dictate. Some court personnel have already volunteered to work on the various Task Forces. The co-chairs and existing members are encouraged to add other individuals to serve on their respective Task Forces, either from the Judiciary or from the community at large, as the need dictates.

Task Force co-chairs will determine how often to meet and how to assign tasks within each Task Force. Either the Special Advisor or the Deputy Advisor will attend Task Force meetings whenever possible to provide support and answer questions, but they will not be working members of the Task Forces. Minutes should be kept of every Task Force meeting.

All Task Forces will be responsible for at least the following activities:

- i) Taking inventory of access to justice initiatives and programs in the Trial Court Departments that are within the charter of the particular Task Force.
- ii) Identifying gaps in access to justice services in the Trial Court that are within the charter of the particular Task Force, including but not

limited to lack of materials/programs in languages other than English.

- iii) Developing a working plan to eliminate or narrow these gaps within a reasonable time frame, in light of available resources.
- iv) Coordinating activities where appropriate with the work of the Access to Justice Commission or its working groups.
- v) Identifying activities that can benefit from joint work with one or more of the other Task Forces.
- vi) Identifying technological advances that can be employed to broaden access to justice within the charter of the particular Task Force.
- vii) Developing and implementing a protocol to evaluate the impact of the Task Force's programs and projects on access to justice.
- viii) Keeping apprized of national best practices, access to justice innovations, and emerging trends in State courts nationwide.
- ix) Reporting periodically to the Advisory Committee of the Access to Justice Initiative on the Task Force's plans and progress.

Task Force on LAR

Limited assistance representation (LAR) helps self-represented litigants prepare their documents legibly, completely, and accurately; prepare their cases based on a better understanding of the law and court procedures than they could if left on their own; obtain representation for portions of their cases, such as court hearings, even if they cannot afford full representation; and obtain assistance in preparing, understanding, and enforcing court orders. LAR provides needed assistance to those without counsel while expediting the work of the courts. Pursuant to the Supreme Judicial Court's Order In re: Limited Assistance Representation, effective May 1, 2009, LAR may now be implemented in every Trial Court Department. LAR is currently available in every Probate and Family Court Division.

Recognizing the benefits of LAR for both self-represented litigants and for the fair and speedy delivery of justice, the LAR Task Force will:

- Encourage and assist in the implementation of LAR in all interested Trial Court Departments for all or some types of cases, including the development of pilot projects as appropriate.
- In conjunction with the Judicial Institute and departmental administrative staff, develop uniform LAR trainings and training materials for judges, clerks, court staff, and attorneys.
- Work with bar organizations, legal services organizations, Senior Partners for Justice, and others to train and recruit attorneys to offer LAR.
- Work with legal assistance hotlines and other referral sources to develop a list of LAR-qualified attorneys and to inform callers seeking legal assistance about LAR.
- Work with administrative staff, outside agencies, and others to educate the public about the availability of LAR.

Task Force on Forms

Uniform forms written in plain English (and other languages), particularly forms that replace the need for long narrative responses with lists of check-off responses, can greatly reduce litigant confusion and save valuable staff time by reducing errors in pleadings. The Forms Task Force will:

- Encourage all Trial Court Departments to develop and mandate the use of uniform, simplified forms for all pleadings.
- Work with the individual Trial Court Departments to eliminate confusing or complicated wording in existing forms.
- Identify discrepancies in forms for similar pleading in the various Trial Court Departments and work with the departments to create uniform, simplified forms as a replacement.

- Ensure that all court forms are available electronically in fillable format.
- Develop a strategic plan for the development of courts forms in multiple languages and in interactive formats.

Task Force on Courthouse Information Centers

Courthouse information centers provide a gateway to the courthouse. Depending on how they are designed and staffed, they may provide court users with basic information about the courthouse, provide litigants with legal information concerning appropriate forms and how to fill them out, distribute self-help materials, provide court users with internet access, serve as a referral center for outside agencies; and/or provide a meeting space for legal education or for attorney and client conferences.

The Task Force on Courthouse Information Centers will set up a court information center at the existing information kiosk in the Brooke Courthouse in Boston that can serve as a model for courthouse information centers in courthouses throughout the Commonwealth, and then will seek to replicate that service elsewhere in the Commonwealth. The Task Force will initially:

- Research various models of court information centers nationwide.
- Work closely with Brooke staff and outside partners to design and implement a court information desk at the Brooke Courthouse in Boston.
- Create and implement a reliable plan for staffing and supervising the information desk.
- Explore the use of existing monitors at the Brooke kiosk to loop instructional videos for court users, in multiple languages.
- Develop a system to keep the information desk supplied with necessary materials, including self-help pamphlets and manuals.
- Introduce enhanced technology to the information desk as it becomes available.

- Create a liaison system for effective communication between courts in the Brooke courthouse and information center leaders.

Task Force on Education

This Task Force builds on the work of the Supreme Judicial Court Steering Committee on Self-Represented Litigants in creating *Serving the Self-Represented Litigant: A Guide By and For Court Staff*, which has been approved for distribution by the Justices. The Task Force will:

- Ensure broad distribution of the *Guide* within the Judiciary and to the legal community and the public.
- Develop and implement a statewide training for court staff based on the *Guide*.
- Update the *Guide* from time to time as appropriate.

Task Force on Self-Help Materials

Self-help materials may be written documents, audiotapes, videotapes, or other materials to assist litigants who may be unfamiliar with court materials to properly fill out court forms, understand their rights, find an attorney, or otherwise negotiate the court system in civil matters. Particularly when self-help materials are presented in clear, simple terms (preferably in many languages), they can be an extraordinarily effective means of providing court users with the information they need to file and resolve their cases correctly and expeditiously.

The Task Force will:

- Encourage all Trial Court Departments to develop self-help materials covering litigants' frequently asked questions.
- Recommend changes to existing self-help materials to make them easy to read and bring them up to date.
- Work with individual Trial Court Departments to create uniform self-help materials for matters of overlapping jurisdiction.
- Ensure that court-generated self-help materials are available electronically on departmental websites and elsewhere as appropriate, and that they are distributed to bar associations, legal services organizations, Executive Branch agencies, social services organizations, and elsewhere as appropriate.
- Develop a strategic plan for the issuance of courts self-help materials in multiple languages, and multiple media.

Tab D. Task Force Reports

Task Force on Limited Assistance Representation

Limited assistance representation (LAR) helps self-represented litigants prepare their documents legibly, completely, and accurately; prepare their cases based on a better understanding of the law and court procedures than they could if left on their own; obtain representation for portions of their cases, such as court hearings, even if they cannot afford full representation; and obtain assistance in preparing, understanding, and enforcing court orders. LAR provides needed assistance to those without counsel while expediting the work of the courts. Pursuant to the Supreme Judicial Court's Order In re: Limited Assistance Representation, effective May 1, 2009, LAR may now be implemented in every Trial Court Department. Currently, LAR may be used in every division of the Boston Municipal Court Department, the District Court Department, the Housing Court Department, and the Probate and Family Court Department

Recognizing the benefits of LAR for both self-represented litigants and for the fair and speedy delivery of justice, the LAR Task Force is charged with:

- Encouraging and assisting in the implementation of LAR in all interested Trial Court Departments for all or some types of cases, including the development of pilot projects as appropriate.
- In conjunction with the Judicial Institute and departmental administrative staff, developing uniform LAR trainings and training materials for judges, clerks, court staff, and attorneys.
- Working with bar organizations, legal services organizations, Senior Partners for Justice, and others to train and recruit attorneys to offer LAR.
- Working with legal assistance hotlines and other referral sources to develop a list of LAR-qualified attorneys and to inform callers seeking legal assistance about LAR.

- Working with administrative staff, outside agencies, and others to educate the public about the availability of LAR.

SUMMARY OF OBJECTIVES

The LAR Task force has categorized its work into four main objectives:

- Assisting in the implementation of LAR in all interested Trial Court Departments.
- Developing uniform LAR trainings and/or training materials for attorneys.
- Working with bar organizations and others outside the judiciary to train and recruit attorneys to offer LAR, develop a list of LAR-qualified attorneys, and inform those seeking legal assistance about LAR.
- Develop LAR trainings and/or training materials for judges, clerks, and court staff; work with others in the judiciary to educate the public about LAR .

IMPLEMENTATION OF LAR IN THE TRIAL COURT

LAR was introduced through a 2006 pilot project in the Hampden and Suffolk Divisions of the Probate and Family Court Department. In 2007, the pilot project was expanded to the Norfolk Division. After the issuance of Supreme Judicial Court Order In Re: Limited Assistance Representation, which permitted LAR to be adopted throughout the Trial Court Department, the Probate and Family Court expanded the use of LAR to all of its divisions effective May 1, 2009. LAR can be used in all Probate and Family Court cases.

- Effective May 3, 2010, the Boston Municipal Court Department implemented LAR in all of its divisions (civil matters only).
- Effective November 1, 2010, the Housing Court Department implemented LAR in all of its divisions (civil matters only).
- Effective January 25, 2011, the District Court Department commenced a one-year pilot project implementing LAR in all of its divisions (civil matters only).

The Juvenile and Land Court Departments have expressed interested in exploring the use of LAR in certain appropriate case types/matters. During the summer of 2011, the co-chairs of the LAR Task Force spoke with the leadership of the Land Court Department to initiate discussion about the possible implementation of LAR in that Department.

Going forward, the LAR Task Force will continue to meet with the leadership of the Land Court Department and will contact the leadership of the Juvenile Court Department to hold an initial discussion about LAR.

TRAINING MATERIALS FOR JUDGES AND COURT PERSONNEL

In conjunction with the LAR pilot project in the Probate and Family Court Department, members of the LAR Advisory Group of the Supreme Judicial Court Steering Committee on Self-Represented Litigants held meetings with the judges and registers of the pilot project courts to explain LAR. Additionally, the Administrative Office of the Probate and Family Court developed frequently asked questions for judges, court personnel, and attorneys.

In conjunction with its implementation of LAR, the Administrative Offices of the Boston Municipal, District, and Housing Courts prepared separate memoranda regarding LAR, which were sent to the departments' respective judges. Staff from the Administrative Offices of the Boston Municipal and Housing Court Departments also developed separate frequently asked questions for judges, court personnel, and attorneys and visited each of their respective divisions to provide an in person presentation on LAR to judges, clerks, and staff.

In March 2012, the Flaschner Judicial Institute will be conducting a program for judges on self-represented litigants. A portion of the program will be dedicated to the discussion of LAR.

Going forward, the LAR Task Force will continue to offer its support to those Trial Court Departments which have or will adopt LAR by offering assistance in developing additional training materials as needed. Additionally, members of the Task Force are available to assist the staff of the Flaschner Judicial Institute in preparing the LAR portion of the March 2012 program on self-represented litigants.

TRAINING MATERIALS FOR ATTORNEYS

In connection with the roll out of the 2006 pilot project, the LAR Advisory Group of the Supreme Judicial Court Steering Committee on Self-Represented Litigants developed audio and written training materials for attorneys, which are currently available online through Senior Partners for Justice at www.spfj.org. Members of the LAR Advisory Group also conducted in person trainings for the bar, which were held at various locations including the Massachusetts Bar Association (MBA) and Boston Bar Association (BBA). Massachusetts Continuing Legal Education (MCLE) now offers in person training for attorneys through its “Building Your Practice with Limited Assistance Representation” seminar. An attorney can become qualified to practice LAR in the four Trial Court Departments that have implemented it by either reviewing the online materials or attending the MCLE seminar.

The first objective undertaken by the LAR Task Force was the adaptation of the LAR attorney training materials developed by the LAR Advisory Group of the Supreme Judicial Court Steering Committee on Self-Represented Litigants into a generic training model that could be utilized by all Trial Court Departments implementing LAR. Task Force members reviewed the existing written materials and submitted comments and suggested modifications to the co-chairs. The existing materials, comments, and suggestions were then given to two 3L Western New England College of Law students, Lisa L. Leishman and Danielle Wolfenden, to develop a draft generic training model. The draft model submitted to the LAR Task Force by the students is in the final stage of review and editing and should be ready for review by the Advisory Committee of the Access to Justice Commission in the near future.

Going forward, the LAR Task Force will examine the need for and feasibility of developing audio and/or video training components to complement the generic written training model.

EDUCATING THE BAR AND THE PUBLIC

The Boston Municipal, Housing, and Probate and Family Courts have developed frequently asked questions about LAR for litigants. The Administrative Offices of the Boston Municipal and Probate and Family Courts also maintain lists of LAR qualified attorneys, which are available both online and in the clerks’/registers’ offices.

Upon contacting the MBA Lawyer Referral Service, the LAR Task Force was informed that Referral Service staff members are being trained on how to screen calls to identify cases appropriate for LAR referral and educate callers about LAR. All family law practitioners on the Lawyer Referral Service panel were contacted and encouraged to offer LAR. Additionally, an article on LAR, *Law à La Carte: Limited Assistance Representation's Impact on the Court System and Lawyers*, which included commentary by Special Advisor to the Trial Court for Access to Justice Initiatives Judge Dina E. Fein appeared in the July 2010 edition of MBA's Lawyers Journal. Appendix, Page 9. In March 2011, the MBA's General Practice, Solo & Small Firm section kicked off a three-part series of open meetings on LAR around the Commonwealth. The program's focus included what is LAR; how LAR can benefit both the legal profession and clients with limited means; how to qualify for LAR; and what forms and agreements can streamline LAR practice. The panel included LAR Task Force co-chair Judge Linda S. Fidnick. In July 2011, the Springfield Republican featured LAR in "Ask the Experts," a series of monthly columns that addresses readers' questions on legal topics that have been submitted to the MBA. Appendix, Page 11. LAR co-chair Allison R. Cole provided the answer to the question, "I heard something about limited assistance representation. What is this and who can participate?"

The LAR Task Force also learned that several legal services providers, including the Community Legal Services and Counseling Center, Greater Boston Legal Services, the BBA's Volunteer Lawyers Project, and the Women's Bar Foundation, represent clients on a limited basis and also refer other litigants to LAR qualified attorneys in appropriate cases. The Legal Advocacy and Resource Center (LARC) provides information on LAR to clients they refer out.

In April 2011, the Delivery of Legal Services Section of the BBA held a program for its members entitled "Limited Assistance Representation (LAR) and Pro Bono Efforts." The focus of the program was a discussion of the opportunities and challenges that LAR presents to attorneys who provide pro bono representation to indigent clients. The panel included LAR Task Force co-chair Allison R. Cole.

Going forward, the LAR Task Force will continue to reach out to state and local bar associations and participate in bar-sponsored LAR efforts in order to promote the use of LAR among attorneys and provide information about LAR to the public.

Task Force on Courthouse Information Centers

I. GOALS

- To provide a place for users of the Commonwealth's courthouses to ask questions, receive assistance and get directions.
- To reduce the burden on courthouse staff by answering questions about where to go and who to see.
- To create and/or enhance Court Information Desks in as many courthouses as possible.
- To create volunteer opportunities for students and professionals by participating in this venture

II. PROJECTS

- Developing a model for courthouses to use when starting up a Court Information Desk.
- Reconstituting the Taskforce to include individuals who will have a vested interest in their own projects (i.e. sub taskforces).
- Commencing a preliminary review of the Plymouth Courthouse for establishment of a Court Information Desk.
- Working on the Worcester Court Information Desk for opening on October 3. Students from Anna Maria College will participate and be supervised daily by a former courthouse employee(retired). Each Court Dept will provide any necessary backup supervision.

III. ACCOMPLISHMENTS

- Opened the Brooke Court Information Desk in October 2010.

- Provided assistance in enhancing the already existing Court Information Desk in Brockton.
- Provided assistance in enhancing the already existing Court Information Desk in Springfield (also considered a project in progress).
- Provided back up supervision at the Brooke desk on a regular basis.
- Conducted trainings for volunteers each semester.

IV. PLANS

- Keep on recruiting interested parties to develop and open more Court Information Desks.

Task Force on Forms

Uniform forms written in plain English and other languages, particularly forms that replace the need for long narrative responses with lists of check-off responses, can greatly reduce litigant confusion and save valuable staff time by reducing errors in pleadings. The Forms Task Force will:

- Encourage all Trial Court Departments to develop and mandate the use of uniform, simplified forms for all pleadings.
- Work with the individual Trial Court Departments to eliminate confusing or complicated wording in existing forms.
- Identify discrepancies in forms for similar pleading in the various Trial Court Departments and work with the department to create uniform, simplified forms as a replacement.
- Ensure that all court forms are available electronically in fillable format.
- Develop a strategic plan for the development of court forms in multiple languages and in interactive formats.

Objectives Established by Forms Task Force:

- Create uniform principles for all court forms, to be adopted by all Trial Court Departments.
- Establish priorities and translate widely used court forms into Spanish and Portuguese.
- Develop training program for Administrative staff on plain language and simplified forms.
- Simplify widely used court forms.
- Assist with and support development of on-line form completion modules (A2J).

Objectives Completed

- Forms Principles.
- Establishment of priority list for forms translation.
- Translation of Probate and Family Court Financial Statement into Spanish and Portuguese.
- Translation of Probation Contract into Spanish.
- On-line fillable court forms available on most Trial Court Department web sites.

Objectives in Progress

- On-line forms completion for child support modification through partnership with grant to Massachusetts Legal Services.
- Translation of Small Claims forms into Spanish, Portuguese, Haitian Creole, and four other languages through \$20,000 SJI Grant.

Objectives remaining

- Training for Court staff on creating plain language forms.
- Translation of forms:
 - Probation Contract
 - Affidavit of Indigency Forms and Instructions
 - Waiver of Counsel
 - Waiver of Interpreter
 - “Babble Notice”
 - Summary Process; summons and complaint with answer
 - Debt Collection Forms
 - Complaint for Protection from Abuse
- On-line form completion module for Complaint for Protection from Abuse.
- Summary Process-One Set of Pleadings for all courts.
- Simplification of Affidavit of Indigency forms.

Forms Principles adopted by the Trial Court:

- All forms created and distributed by the Administrative Office of the Trial Court and the Trial Court Departments will be “accessible” to all litigants.
- They will be in “Plain Language” which is clear, concise, and correct.
- All forms will be comprehensible to the average court user.
- Instructions will be in clear and simple language and will include information on how to use the form, how to complete the form, what to do with the form, and what to do next.
- Forms will be translated into Spanish and other languages widely used in the Trial Courts.

- Each Trial Court Department will create uniform forms for use in all Divisions of their Department.
- Where statutory jurisdiction is shared by multiple Trial Court Departments, these departments and/or the Administrative Office of the Trial Court will create one set of forms for the cause of action; example, c.209A Abuse Prevention proceedings.
- Widely used forms (such as Petitions and Complaints) will be posted on the Internet sites for the Trial Court Departments in fillable and savable PDF format.

Meetings of Forms Task Force:

During the past year, the Task Force has met approximately every two months. The Task Force is an outstanding team of people who are personally invested in access to justice issues within the trial court. One of the benefits of the meetings is that we have people from different backgrounds and areas of expertise getting together with a singular purpose. At the same time, however, the current staffing climate in the Trial Court, where there has been a hiring freeze for three years, leaves less time available to court staff for the work of this Task Force. We continue to work to keep the goals moving forward.

Next Steps for Forms Task Force:

- Prioritize remaining objectives.
- Plan and assign tasks necessary for completion of objectives in order of priority.

Task Force on Self-Help Materials

Charter for the Task Force on Self-help Materials

Self-help materials may be written documents, audiotapes, videotapes, or other materials to assist litigants who may be unfamiliar with court materials to properly fill out court forms, understand their rights, find an attorney, or

otherwise negotiate the court system in civil matters. Particularly when self-help materials are presented in clear, simple terms (preferably in many languages), they can be an extraordinarily effective means of providing court users with the information they need to file and resolve their cases correctly and expeditiously.

Objectives for the Task Force on Self-help Materials

- Encourage all Trial Court Departments to develop self-help materials covering litigants' frequently asked questions.
- Recommend changes to existing self-help materials to make them easy to read and bring them up to date.
- Work with individual Trial Court Departments to create uniform self-help materials for matters with overlapping jurisdiction.
- Ensure that court-generated self-help materials are available electronically on departmental websites and elsewhere as appropriate, and that they are distributed to bar associations, legal services organizations, Executive Branch agencies, social services organizations, and elsewhere as appropriate.
- Develop a strategic plan for the issuance of courts self-help materials in multiple languages, and multiple media.

FY2011 Activities

The task force was built with representatives of Housing, District, Superior and Probate and Family Courts, and interpreter services, as these are the most likely to have self-represented litigants who would likely use self-help materials. From the list of volunteers from outside agencies, we chose two attorneys experienced in working with self-represented litigants. Each member has proven to contribute greatly to the first year of tasks. Unfortunately, due to the demands of their courts, we have lost our Housing court and Superior court members.

As a foundation for developing or updating current materials, the Self-Help Materials Task Force (SHMTF):

- Created a Goal, Guiding Principles, and Work Plan (Appendix A) that was presented to the Trial Court Advisory Committee on Access to Justice Initiatives.
- Inventoried what print and on-line content had already been developed and made available to self-represented litigants. Appendix B includes the print inventories for the Housing Court and the Probate and Family Court Department. Appendix C includes the on-line inventory as of November 30, 2010.
- Developed Working Guidelines for Written Materials. Appendix D. Latest version 8/23/11

The task force decided to use existing content to develop an exemplary resource for each court department using the Working Guidelines for Written Materials. Since many resources exist on the Trial Court website and in print in some of the courts, this seemed to be a more economical task than starting each document from scratch. In addition, the SHMTF informally checked with court staff as to what topics were most frequently needed.

One of the challenges was to write at a fifth grade level which is the recommended reading level for effective self-help materials. Caroline Robinson, a member of the SHMTF with the most knowledge of readability skills, conducted a webinar on how to develop a readable resource for the SHMTF. A few members of the Task Force on Forms also participated. "Readability" is the term used to describe the ease of understanding for the majority of people. Factors considered in readability include grade reading level, length of sentences, use of the active versus passive voice, etc. and, for written materials, presentation of the information on a page. A helpful resource in achieving readable materials is www.storytoolz.com.

The final list of brochures to be developed as examples are:

- Appealing a Traffic Ticket in the Commonwealth of Massachusetts (Civil)*
- Appealing a Traffic Ticket in the Commonwealth of Massachusetts (Criminal)*

- Service of Domestic Relations Complaints in the Probate and Family Court*
- Eviction Information for Tenants
- Eviction Information for Landlords
- Chart on Restraining Orders (This is expected to be a guide for court staff to help them help someone determine which order the litigant should seek.)

*Under review by the Advisory Committee.

Once the draft resources are approved by the Advisory Committee, they will be forwarded to the appropriate Trial Court Department for review and approval and ultimately to the Administrative Office of the Trial Court. Once approved by the departments and AOTC, the brochures will be distributed both in print and electronically via the Trial Court Intranet and Internet.

The SHMTF was able to utilize the Northeastern University School of Law, Social Justice Program, Legal Skills in Social Context to draft four scripts of videos to be used by self-represented litigants. The first year law students, guided by a third year "law fellow" and faculty advisors, developed one script into a short video called, "Courtroom 101." They also researched best practices for self-help materials, drafted and presented their findings and drafted a proposed Standing Order for the Supreme Judicial Court regarding the use of videos for self-represented litigants. The students invested a significant amount of work and there were great exchanges between the students and the task force. The final project was presented to Sandy Lundy, Marnie Warner and Lori Landers-Carvalho at the law school on March 31, 2011. "Courtroom 101" was shown to the Advisory Committee on Access to Justice Initiatives at the June 2011 meeting. It is anticipated that the video will be used as a pilot at the Hampden Probate and Family Court, Western Housing Court and Hampden Law Library as well as used in the court staff training on Responding to Daily Challenges.

Print information on Getting Ready for Your Day in Court from the Representing Yourself in A Civil Case was translated into Spanish and Portuguese and made

available on the Trial Court Intranet and will be made available on the Trial Court Internet. A Russian translation will also be available.

Conclusion

The focus of the first year was to develop a foundation for a process to create materials for self-represented litigants. Now that the foundation has been developed, the next year will be to focus on how to develop a sustainable plan to help Trial Court staff utilize already developed content to create readable resources. Ideally, each department will have someone to oversee the production, distribution and updating of materials on an ongoing basis.

None of the accomplishments would have been possible without the hard work of the SHMTF members: Lori Landers-Carvalho, Marnie Warner, Co-chairs; Lucinda Brown, Kate Flynn, Carol Kantany-Cassartello, Jorge Martin, Jodie Nolan, Caroline Robinson, Rosemary Rosario and Gordon Shaw.

Task Force on Education

In the winter and early spring of 2011, the Judicial Institute presented five sessions of a program for Trial Court staff on assisting self-represented litigants. Developed by the Education Task Force, the program was designed to provide counter staff with tools to help meet the needs of the self-represented population effectively and with less stress. Faculty were drawn from a variety of departments and job roles within the Trial Court. Topics covered included an overview of guidelines contained in *Serving the Self-Represented Litigant*; an interactive discussion on the difficult task of distinguishing legal information from legal advice; a presentation on the effective use of the Trial Court Law Libraries, a valuable resource for self-represented litigants and staff; and overcoming barriers to effective service such as poverty, language, culture and mental illness that make it more challenging to serve some self-represented litigants.

This series of programs was extremely successful. Many of the comments on participant evaluations confirm that attendees learned a lot and left with a new understanding of the importance of their own role and renewed enthusiasm for their work. For example:

- *“I take with me a new ‘eyes-wide-open’ approach to my interaction with our customers.”*
- *“The presentations made me reflect on some of the challenges we all face on a daily basis and how to cope with them in and out of work.”*
- *“This program will increase my desire to be more patient with people. [It] provided some useful tips to accomplish that.”*
- *“The information presented is extremely relevant to all court employees.”*
- *“The whole initiative is very important. . . . I believe this has to be taken to all courts...”*

In light of this success, the Judicial Institute is offering four additional sessions of this program in the fall of 2011, on Thursday, October 20, 2011, at the Worcester Law Library, Worcester; on Tuesday, October 25, 2011, at the Clinton Training Academy, Clinton; on Friday, November 4, 2011 at the Plymouth Courthouse, Plymouth; and on Tuesday, November 15, 2011 at Suffolk University Law School, Boston. Registration is already underway and we have received a request to schedule an additional session in Western Massachusetts, which we hope to be able to do.

Tab E. Berkman Center Report

Preliminary Report
***Best Practices in the Use of Technology
to Facilitate Access to Justice Initiatives***



Berkman

The Berkman Center for Internet & Society
at Harvard University

Prepared for:

Honorable Dina E. Fein
First Justice, Housing Court Department,
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for Access to Justice Initiatives

Submitted by:

Cyberlaw Clinic
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July 30, 2010

Appendix A

Critical A2J Needs That Can be Addressed through New Technologies

We examined a number of substantive and procedural areas in which self-represented litigants appear to struggle the most and ways in which the court can most effectively respond to these critical needs. We have divided these concerns into three broad categories: informing litigants, assessing legal options, and pursuing the case. We also identify generally various actions that courts can take in each of these areas in order to facilitate access to justice by self-represented litigants.

Informing Litigants

As an initial step for increasing access to justice, courts can ensure that litigants are provided with readily accessible, up-to-date information and human assistance to ensure that they are adequately informed of court requirements, procedures, and logistical considerations. These resources can take many forms, but typically include some or all of the following elements:

Orientation and General Background Information About the Courts

- Inform and educate individuals, including self-represented parties, about the court system.
- Inform individuals about the various courts, divisions, and types of cases or disputes.
- Direct individuals to the places on the courts' websites and elsewhere that can help.
- Provide information regarding types of information and resources available for a particular legal problem.
- Provide materials setting forth and answering "frequently asked questions" about logistical and procedural (but not substantive legal) matters.

General Guidance in Navigating the Court Process

- Provide one-on-one at courthouse or law library (e.g., opportunity to consult with court clerk, volunteer lawyer, law student, et al.) to understand the court process or procedures or how to use the various online technology resources.
- Create a system for online assistance (e.g., LiveHelp) for accessing information, completing forms, using e-filing systems, etc.
- Provide responses to procedural and logistical questions on a website, via email, or by telephone.

1. Assessing Legal Options

Before litigants can proceed in pursuing or defending their particular case, they must understand the legal background and import of their particular situation and the alternatives that they can consider.

Help Self Litigants Understand Their Specific Situation

- Provide information for understanding the background of their situation (e.g., what is an eviction proceeding? what happens in a spousal support enforcement proceeding?)
- Help litigants understand what is happening to them and what the steps in the process are.
- Help litigants understand what needs to be done, and what their procedural and court options are

Inform Individuals About Alternatives to Litigation

- Inform individuals about negotiation, court-connected mediation, and settlement options.
- Provide information and resources for exploring those alternatives (e.g., social service agencies, referrals to legal aid organizations, etc.).

Inform Individuals About the Decision to Proceed Pro Se

- Provide information regarding the decision to proceed pro se versus hiring an attorney.
- Help litigants assess their needs, guide them to possible referrals, etc.
- Provide information regarding unbundled legal services (i.e., limited assistance representation where an attorney assists with discreet issues of a legal matter).

2. Pursuing The Case

Once litigants decide to proceed without an attorney, the court can assist individuals with basic information regarding the process of pursuing or defending their case. These resources and materials can include:

Assist Individuals with the Process of Filing Court Document

- Assist litigants in understanding which forms are necessary for pursuing their case and how to develop the information required by various common forms and other documents.
- Prepare these forms, documents or other filings/materials in a simple, accessible way.
- Produce these forms in a printed format that will be accepted for filing by the relevant court and clerk. (Include instructions for next steps.)

- Ideally, provide a way to serve opposing counsel electronically from the same system that creates the documents, or a closely connected system, once pleadings are filed
- Ideally, provide a way to e-file any created forms or documents from the same system that creates the documents, or a closely connected system, or at least to output those forms in a format that could feed directly into a court CMS to avoid the cost and inefficiency of clerks manually re-entering the information

Provide Information on Follow-up Events

- Provide general information and guidance regarding how to deal with follow-up events like conferences, hearings, etc. (e.g., what happen when, how they will be notified, what will happen in the hearing).
- Allow the court to automatically schedule follow-up events in court calendar.
- Provide an opportunity to consult with court clerk, volunteer lawyer, law student, *et al.*, for follow-up questions regarding forms, developments, next steps, etc.

Assist Litigants with Resolution and Enforcement

- Automatically produce a written judgment (using standardized or automated forms) at the end of hearing and inform parties of next steps regarding enforcement and appeal.