



# **Access to Justice Initiatives in the Trial Court: 2009-2014**

**Presented to:**

**Honorable Roderick L. Ireland**  
Chief Justice, Supreme Judicial Court

**Honorable Paula M. Carey**  
Chief Justice, Trial Court

**Harry Spence**  
Court Administrator

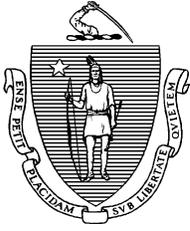
**By:**

**Honorable Dina E. Fein**  
First Justice, Housing Court Department,  
Western Division and  
Special Advisor to the Trial Court for  
Access to Justice Initiatives

**Erika J. Rickard, Esq.**  
Access to Justice Coordinator  
Office of Court Management

**June 5, 2014**





**THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF THE TRIAL COURT  
ACCESS TO JUSTICE INITIATIVE  
Two Center Plaza  
Boston, Massachusetts 02108**

**Hon. Dina E. Fein  
Special Advisor**

First Justice, Western Division Housing Court  
dina.fein@jud.state.ma.us  
(413) 748-7971

**Erika J. Rickard, Esq.  
Access to Justice Coordinator**  
Office of Court Management  
erika.rickard@jud.state.ma.us  
(617) 878-0339

June 5, 2014

Honorable Roderick L. Ireland  
Chief Justice, Supreme Judicial Court

Honorable Paula M. Carey  
Chief Justice, Trial Court

Harry Spence  
Court Administrator

Dear Chief Justice Ireland, Chief Justice Carey, and Court Administrator Spence:

I am pleased to provide the enclosed report entitled *Access to Justice Initiatives in the Trial Court: 2009-2014*.

As you know, with the retirement of Deputy Advisor Sandra Lundy effective November, 2013, the decision was made to restructure the work of the Access to Justice Initiative. In particular, I proposed dissolution of the advisory committee and task forces, based on our shared view that access to justice is sufficiently incorporated into the Strategic Plan to render an independent organizational structure unnecessary. In addition, an Access to Justice Coordinator position was created, and hiring to fill that position was authorized. While she has only been with us a short time, I am pleased to say that Access to Justice Coordinator and report co-author Erika Rickard has quickly demonstrated her contribution to this work and her value to the Trial Court.

The enclosed report is intended to mark the transition from phase one to phase two of the Initiative. It attempts to catalogue the work of the Initiative to date, and provide a road map for the work going forward. As has been true since its inception in 2009, it bears mention that the access to justice achievements of the past five years are not those of the Initiative. Rather, they result entirely from your leadership, and the deep commitment to ensuring access to justice that exists among judges and staff across the Trial Court.

Finally, although Attorney Lundy is not a signatory to the report, she deserves great credit for our progress as an Initiative. On behalf of the Massachusetts court system and the public we serve, I extend my thanks to her.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dina E. Fein".

Dina E. Fein



## Executive Summary

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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.

The strategic plan makes clear that the Access to Justice Initiative has accomplished what it set out to do in phase one: make access to justice concerns central to the institutional and operational life of the Trial Court. Having internalized access to justice as a core value of the Trial Court and completed a number of projects which will serve as models for future work, it is appropriate to end phase one of the Access to Justice Initiative, and proceed to the next phase. This report is intended to mark that transition by summarizing the Initiative's work to date, and charting a course for the future.

### Highlights of Access to Justice Efforts to Date

- Principles and guidelines have been developed for court forms and self-help materials.
- Court forms have been modified and translated and numerous electronic fillable forms are now available online.
- Self-help videos have been produced for Small Claims cases, and dubbed into seven languages.
- The Judiciary's new website, launched in March, 2014, includes extensive self-help content and is easily navigated.
- Limited Assistance Representation is now available in five Departments: Probate and Family Court, District Court, Boston Municipal Court, Housing Court, and Land Court.

- Court Service Centers are opening at two facilities (Franklin County and Edward W. Brooke Courthouses) and four more are anticipated in the coming fiscal year.
- The Judicial Institute provides regular training on working with self-represented court users through *Daily Challenges: A Program for Trial Court Staff*. Modules from the Daily Challenges program have been incorporated into new employee training.

The Access to Justice Initiative is not in and of itself responsible for the work outlined above and described below. Rather, this report attempts to capture how far the people who are the Trial Court have come in actualizing their commitment to ensuring equal justice for all.

# Table of Contents

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PHASE ONE: 2009-2014 .....	1
Background.....	1
Self-Represented Litigants .....	3
Limited Assistance Representation.....	4
Language Access .....	6
Education.....	9
Technology .....	9
Grants .....	11
Principles .....	12
Partnerships.....	12
PHASE TWO.....	13
I. Completing and Replicating Projects to Date.....	13
II. Supporting the Tactics of the Strategic Plan .....	14
III. Pursuing the Metrics of the Justice Index.....	16
ACKNOWLEDGEMENTS .....	19
APPENDIX .....	20
Tab A. Advisory Committee & Task Force Membership .....	20
Tab B. Court Service Center Overview.....	25
Tab C. Guidelines and Statements of Principles.....	28
Principles and Goals for Trial Court Department Forms .....	28
Guidelines for the Translation of Court Forms and Instructions .....	29
Guidelines for Developing and Distributing Self-Help Videos.....	32
Readability Guidelines for Self-Help Materials.....	35



# ACCESS TO JUSTICE INITIATIVE

## PHASE ONE: 2009-2014

### Background

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In June, 2009, Supreme Judicial Court Chief Justice Margaret H. Marshall and Chief Justice for Administration and Management of the Trial Court Robert A. Mulligan established the Trial Court Access to Justice Initiative. The Honorable Dina Fein, as Special Advisor, and Supreme Judicial Court Senior Attorney Sandra Lundy, as Deputy Advisor, were tasked to work across all levels of the Trial Court to encourage best practices, foster collaborations, and suggest innovations to help “ensur[e] that court-based access services to litigants [are] an integral part of the mission of the judicial branch.”<sup>1</sup>

The Initiative conducted an Access to Justice Survey from October to November, 2009, receiving over 2,100 responses from Trial Court judges and staff throughout the Commonwealth. Research and Planning Director Linda Holt and Research Analyst Lee Kavanagh analyzed the survey results, which were published in the 2010 Interim Report. Across job titles, court departments, and geography, several areas were consistently highlighted as important needs for the court system: additional services for self-represented litigants, including court service centers and informational materials; services for court users with limited or no English language skills, including staff who can speak and read multiple languages, instructional materials in other languages, and court forms in multiple languages; technology, including wireless internet access in courthouses, public access to MassCourts, and court forms that can be completed online; and child care centers. Guided by the survey results, the Initiative proposed to focus on the following as key projects: self-help materials; court forms; information desks/court service centers; limited assistance representation; and education for judges and staff.

In early 2010, the Initiative established an Advisory Committee and five separate Task Forces comprised of judges, administrators, and interested persons from outside the Trial Court:

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<sup>1</sup> Boston Bar Association, “Special Advisor for Access to Justice Initiatives Appointed” (June 11, 2009).

- Task Force on Limited Assistance Representation: *Judge Linda Fidnick / Judge Robert Foster & Attorney Allison Cole, co-chairs*
- Task Force on Courthouse Information Desks: *Judge Diana Horan & Attorney Cynthia Robinson-Markey, co-chairs*
- Task Force on Court Forms: *Judge Sabita Singh & Attorney Ilene Mitchell, co-chairs*
- Task Force on Self-Help Materials: *Head Law Librarian Marnie Warner / Electronic Resource Librarian Meg Hayden & Family Law Facilitator Lori Landers-Carvalho, co-chairs*
- Task Force on Education: *Lead Program Manager Vicki Lewis & Program Manager Jennifer Terminesi, co-chairs*

*See Appendix: Tab A for Advisory Committee and Task Force participants.*

Through its survey, Advisory Committee and Task Forces, and outside partnerships, the Initiative has provided opportunities for judges and court personnel to meet across geographical and jurisdictional boundaries, to share ideas and inspiration, to create and innovate and modify programs, and to move forward. It has been a hub of activity designed to improve the Trial Court's ability to meet the needs of all Massachusetts residents. As was evident in 2009, the energy toward increasing access to justice has always existed in the courts of the Commonwealth, and once the Initiative was able to channel that energy into a concerted statewide effort, it quickly took root.

In June, 2013, the Trial Court released its Strategic Plan, a comprehensive document articulating a vision for the Trial Court in 2025 and providing a three-year roadmap to focus the organization on specific goals and strategies to achieve that vision. Ensuring equal access for all is at the forefront of the Strategic Plan, embedded in its core and interwoven into its specific goals and action items. The prominence of access to justice values and goals in the Strategic Plan affirms that the Initiative has achieved the primary goals of its first phase: to raise the profile of access to justice as an issue within the Trial Court, undertake a number of specific projects with tangible and replicable results, and institutionalize access to justice efforts in the core operations of the organization. With access to justice now embedded in the Trial Court, the Special Advisor and Deputy Advisor determined that an independent, freestanding Access to Justice infrastructure was no longer necessary, and the Advisory Committee and Task Forces convened their final meetings in October, 2013.

## Self-Represented Litigants

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In the 2009 Access to Justice Survey, fifty-seven percent of respondents identified “self-represented litigant services” as a top priority. Court employees at all levels prioritized better linguistic services (including multilingual staff, court forms and materials), improved access in courthouses to web-based resources (including forms to be completed online), written self-help materials, and some form of “customer service center” for self-represented litigants. In response to the growing numbers of self-represented litigants and the increasing burden they place on courts and court staff, the Initiative pursued a number of projects.

**Court Service Centers.** After experimenting for several years with concierge-style information desks at several courthouses, in 2013 the Trial Court made a commitment to rolling out full-service Court Service Centers (CSCs). CSCs, the first two of which are being piloted at the Franklin County and Edward W. Brooke Courthouses, will assist court users and reduce workloads at Clerk and Registry offices. Trial Court Law Libraries are an important partner in this endeavor: the Franklin County CSC is co-located with the Courthouse law library, while the Brooke Courthouse features a new electronic resource library. CSCs will be open during all hours that the courts are open, and will provide legal information, one-on-one assistance, substantive workshops, internet-access computer terminals, access to interpreter services, information about community resources, and user-friendly self-help materials to self-represented litigants and other members of the public. At each CSC, staff and volunteers help connect people to legal representation, either limited or full, where appropriate and available. CSC managers and law librarians communicate regularly with existing court staff to ensure coordinated service to the public and understanding of available resources, and are doing outreach to community-based legal and social services programs. See *Appendix: Tab B for Court Service Center Overview*.

**Self-Help Materials.** The Task Force on Self-Help Materials began its work by taking inventory of materials that already existed in several court departments and divisions. Task Force members reviewed the materials for simplicity of language, clarity, and appearance, and participated in a webinar training of readability principles. Based on this review and training, the Task Force developed Readability Guidelines for Self-Help Materials. See *Appendix: Tab C*. The Task Force also drafted an informational pamphlet following the

readability guidelines: Service of Process of Domestic Relations Complaints in the Probate and Family Court. This document was approved for use in all divisions of the Probate and Family Court and is available on the new court system website, [www.mass.gov/courts](http://www.mass.gov/courts).

Numerous pages of self-help material are available on the court system website. The material available in the “Self Help” section of the website was developed by individual Trial Court Departments, with coordination and support from Electronic Resource Librarian Meg Hayden.

The Initiative also undertook the development of multimedia self-help materials. Produced with funding from a State Justice Institute grant, Small Claims self-help videos are available on the court system website, and can be viewed on computers in Court Service Centers. The Initiative also worked directly with students at Northeastern University School of Law to develop a “Courtroom 101” video to explain basic concepts to court users.

#### Next steps:

- Ensure that Trial Court employees can access Small Claims and other self-help videos on the court system website from their work computers.
- Work with Trial Court Communications Manager and Public Information Office on publicizing videos within and outside the Trial Court, including to LEP community organizations.
- Determine whether the Northeastern “Courtroom 101” video is suitable for posting to the court system website.

## Limited Assistance Representation

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In an effort to make legal representation available to otherwise unrepresented litigants, the Initiative worked to expand limited assistance representation (LAR), which is now authorized in the Probate and Family Court, the District Court, the Boston Municipal Court, the Housing Court, and the Land Court.

The Initiative also developed a uniform set of LAR training materials, designed to enable lawyers who practice in any court department to qualify themselves

for LAR practice. This set of materials has been approved and is now available online for interested attorneys, with a link to an optional training video on the Massachusetts Pro Bono website. A draft uniform training protocol for all Departments is currently in revision.

In conjunction with their 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, Probate and Family, and Housing Court Departments also developed Frequently Asked Questions for judges, court personnel, and attorneys.

The court system website has all of the material available on LAR for each of the Departments, including lists of attorneys participating in LAR in the Probate & Family and Boston Municipal Courts; Frequently Asked Questions for LAR in Boston Municipal, Housing, and Probate & Family Courts; and standing orders and court forms for attorneys in all Departments.

Partners outside the Trial Court are also working to expand access to LAR. The Massachusetts Bar Lawyer Referral Service staff members are trained to identify cases appropriate for LAR referral and educate callers about LAR. Several legal aid 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.

**Next steps:**

- Explore the use of LAR in the Juvenile Court Department and Superior Court Department.
- Examine the need for and feasibility of developing audio and/or video training components to complement the LAR Training Manual.
- Outreach and promotion of LAR to increase the number of attorneys who provide limited representation, particularly "low bono" work.

## Language Access

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Sixty-seven percent of those who responded to the Access to Justice Survey in 2009 identified “services for court users with limited or no English skills” as a top priority. The Trial Court has taken steps to address this priority.

**Language Access Summit.** In October, 2012, a five-member team from Massachusetts attended the National Center for State Courts Language Summit in Houston, Texas. The team members were Special Advisor Dina Fein, Court Administrator Harry Spence, Clerk Magistrate John Gay, Acting Director of Support Services Tim Linnehan, and Office of Court Interpreter Services Manager Gaye Gentes. The team returned from the summit committed to taking specific action steps designed to enhance language access in the court system, the first of which was to finalize a language access plan (LAP). A draft plan was developed by the Trial Court’s language access working group, and the revision process is ongoing.

**Language Access Advisory Committee.** In the summer of 2013, Chief Justice Paula Carey and Court Administrator Harry Spence announced the formation of a Language Access Advisory Committee (LAAC), chaired by Boston Municipal Court Chief Justice Robert Ronquillo and comprised of representatives from within and outside the Trial Court. With the formation of this committee, the Trial Court has institutionalized a mechanism for ensuring communication with and responsiveness to stakeholders who are committed to providing access for limited English proficient (LEP) communities. The LAAC is working to finalize the LAP.

**Interpreter Services.** Pursuant to G. L. c. 221C, LEP individuals have a right to the assistance of a qualified interpreter in court proceedings. The statute recognizes the direct correlation between accurate interpretation and a fair legal process for LEP litigants. The purpose of the law is to “provide the broadest possible protection for the rights of non-English speaking persons to understand and to be understood.”<sup>2</sup>

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<sup>2</sup> Chapter 627 of the Acts of 1986, enacting G.L. c. 221C.

The Office of Court Interpreter Services (OCIS) has developed a “Babel Notice,” a poster that informs litigants of the right to receive interpreter services. In English and 31 other languages, the poster reads: “You have the right to an interpreter at no cost to you. Please point to your language. An interpreter will be called. Please wait.” The notice is available in multiple sizes, including laminated pages to be kept at information desks. Posters and printouts were slated for distribution to all court buildings in March, 2014.

**Next steps:**

- Verify that Babel Notice is posted in well-trafficked areas of all court buildings.
- Incorporate Babel Notice into relevant court forms and materials.

**Translation.** Over 75% of the events documented by OCIS in 2012 and 2013 involved interpreting in Spanish. Effective October 1, 2013, the Trial Court hired its first certified Spanish translator: Edgar Moros, Ph.D. The ability to translate court forms and informational materials into Spanish is expected to ease demand on interpreters for sight translation, thereby making better use of OCIS human resources, while enhancing access to important court resources for Spanish-speaking members of the public. Dr. Moros has already translated numerous materials into Spanish, including court signage and informational sheets.

**Next step:** Prioritize court forms and materials (including website content) for translation.

The Initiative convened a committee representing the three Departments with Small Claims sessions (Housing, District, and Boston Municipal) to translate a uniform set of forms for Small Claims cases. The inter-departmental committee eliminated extraneous forms and streamlined the core set of forms, modifying the forms for use in any of the Departments. With resources from an SJI grant, see *below*, the Initiative then translated the forms into the seven most widely used non-English languages in the court system: Spanish, Portuguese, Haitian Creole, Khmer, Vietnamese, Russian, and Chinese.

In addition to the forms themselves, a simplified Small Claims brochure and self-help video were created in English and the seven target languages. In this way, Small Claims cases became a targeted pilot for intensive resources, which can be replicated in other substantive areas with high levels of self-representation.

**Next steps:**

- Verify that the new Small Claims forms are available in Housing, District, and Boston Municipal Courts, and that staff are properly informing litigants how to use them.
- Outreach to the general public and targeted communities to highlight the availability of the forms and videos.
- Evaluate form usage and any effects the new forms are having on litigant and judge experiences, case flow, and interpreter usage.
- Work with courts to establish a pilot project to show the video at the beginning of each Small Claims session.

Building on the successful translation efforts with Small Claims, the Initiative has developed guidelines for the translation of all court forms and instructions in the Trial Court. See *Appendix: Tab C*. As of May, 2014, court forms including 209A and Recognizance forms have been translated into eight different languages, and the Tender of Plea “green sheet,” parents’ manual for Children Requiring Assistance (CRA) matters, and other forms have been translated into Spanish and Portuguese.

Technical issues have been addressed to make it easier to develop and edit forms, and Dr. Moros obtained software to develop and maintain a glossary of translated terms for any and all materials and languages, to ensure consistent terminology and usage across Departments, courts, and translators.

**Model Courthouse: Worcester.** A model language access pilot project with the National Center for State Courts (NCSC) is under way at the Worcester Trial Court Complex. Four consultants from the NCSC are working with an advisory group of Trial Court employees and LEP community leaders to develop a plan to make the Worcester Trial Court Complex a national model for the delivery of

justice to LEP individuals. The project began with an assessment of language services at the Complex in relation to Department of Justice standards and American Bar Association guidelines. The NCSC has met with 35 Trial Court employees and LEP community leaders, held a demonstration on virtual remote interpreting, and will recommend strategies for filling gaps in services. The NCSC report and recommendations will be available summer 2014.

**Website.** The new court system website includes a growing inventory of multi-lingual materials and an automated translation function.

## Education

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Working with the Trial Court's Judicial Institute (JI) and the Flaschner Judicial Institute, the Initiative helped to develop written materials including "Serving the Self-Represented Litigant: A Guide By and For Court Staff," and training programs including "Daily Challenges....." and "Best Practices in Managing Self-Represented Litigants..." to assist court staff and judges in dealing more effectively with the self-represented population. The judicial education program was most recently offered in March, 2012, and the court staff "Daily Challenges" training continues to be offered on a regular basis.

In addition, the Initiative worked with the JI and Trial Court Information Services (TCIS) to develop an online training module for staff in the use of the translated Small Claims forms.

**Next step:** Develop protocol to include staff training whenever a new access to justice tool is deployed.

## Technology

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Recognizing the significant potential for using technology to enhance access to justice, the Initiative has worked on a number of technology tools. These include the development of computer-guided interviews for generating child support forms, e-filing for self-represented litigants, and an improved website for the judicial branch with robust self-help content, including videos and multilingual materials.

**Website.** In July, 2010, Harvard Law School’s Berkman Center for Law and the Internet prepared a report for the Initiative which identified the importance of a high-functioning website for the use of technology tools to enhance access to justice. In November, 2011, the Berkman Center presented its findings to Trial Court leaders, highlighting the best court system websites from around the country and distilling the features which made those sites effective for the public. Following the Berkman presentation, the Trial Court established a website committee, chaired by Senior Assistant for Judicial Policy Kim Wright, to undertake the herculean effort of joining mass.gov as a unified website for all levels of the Judiciary. This project, staffed under the leadership of Senior Web Manager Kevin Buckley, culminated in March, 2014 with the launch of a new website which includes information for attorneys, litigants, court staff, judges, researchers, and the general public, with user-friendly explanations throughout. The Initiative continues to work with Electronic Resource Librarian Meg Hayden to develop readable, multilingual and multimedia self-help content for the website.

**Electronic filing.** Electronic filing, or e-filing, of court documents is being piloted at three Trial Court locations: the Brighton Division of the Boston Municipal Court, Worcester District Court, and the Essex Probate and Family Court. The Initiative has worked with TCIS to ensure that e-filing is ultimately accessible and useful to self-represented and LEP litigants.

**Next steps:**

- Explore use of document assembly program (e.g., A2J Author) to produce court forms and informational materials.
- Propose SRL e-filing pilot.
- Connect document assembly data output and e-filing.
- Work with TCIS to verify that document assembly programs are compatible with e-filing.

## Grants

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The Initiative has been awarded three State Justice Institute grants to advance its work in phase one:

- a Technical Assistance Grant (SJI 13-T-084) to partner with the National Center for State Courts to develop a plan to make the Worcester Trial Court Complex a national model for the delivery of justice to persons with limited English proficiency, conformably with Title VI as interpreted by the Department of Justice and with the American Bar Association Standards for Language Access in Courts (ongoing);
- a Technical Assistance Grant (SJI 11-T-162) to translate Small Claims forms used in the Housing Court, the District Court, and the Boston Municipal Court into the seven most widely used non-English languages in the court system: Spanish, Portuguese, Haitian Creole, Khmer, Vietnamese, Russian, and Chinese. In all, over 98 new forms were created; the court system website created a language hub containing these and other forms; a simplified Small Claims brochure was created in English and the seven target languages; forms were uniform across Small Claims court Departments; foreign-language Small Claims glossaries were generated; and a set of principles was developed to guide future translation projects; and
- building on the work of the Small Claims translation grant described above, the Initiative obtained a Technical Assistance Grant (SJI 12-T-132) for the creation of Small Claims self-help videos in English and the targeted languages, for viewing on YouTube and the Trial Court's website. The project also led to the development of general guidelines for the creation and dissemination of future Trial Court self-help videos.

Boston nonprofit Rosie's Place provided a grant to the Trial Court which supports the Edward W. Brooke Court Service Center and served as a catalyst for the development of Court Service Centers across the Commonwealth.

The Initiative also worked closely with local legal services programs on a Technology Innovation Grant from the Legal Services Corporation to build a guided interview to assemble child support forms.

**Next step:** Work with Trial Court Information Services to ensure that child support document assembly forms are ECF4-compliant, for future use in the Trial Court's e-filing.

## Principles

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Based on the lessons learned in the course of completing its various projects to date, the Initiative has developed a series of principles and guidelines intended to enhance the accessibility of the court system. Those principles and guidelines address best practices for court forms, readable self-help materials, translation projects, and multimedia informational materials. See *Appendix: Tab C*.

**Next step:** Work with Judicial leaders to determine process for formally promulgating and disseminating the principles and guidelines across all Departments, in order to develop clear and consistent material for all court users.

## Partnerships

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The Initiative has benefited enormously from strong collaborations with justice system partners within Massachusetts and across the country. The Advisory Committee and Task Forces included representatives from outside the court in much of their work, and worked with the Access to Justice Commission to establish relationships with Executive agencies, the legal services community, and the organized Bar. Beyond Massachusetts, the Initiative has worked with the National Center for State Courts, the Department of Justice, the Self-Represented Litigation Network, the American Bar Association, the Legal Services Corporation, and the National Center for Access to Justice.

The Access to Justice Initiative has built strong relationships with the academic community, including Northeastern University School of Law's Legal Skills in Social Context program, Anna Maria College, the Western New England University School of Law, and the Berkman Center at Harvard Law School.

# ACCESS TO JUSTICE INITIATIVE PHASE TWO

Special Advisor Dina Fein and Director of Support Services Maria Fournier have worked together to develop a team approach for phase two of the Initiative, utilizing Support Services personnel and harnessing the significant energy in that department for enhancing meaningful access to the court system. It is anticipated that Judge Fein and Director Fournier will work with Access to Justice Coordinator Erika J. Rickard, Court Service Center managers, and representatives from the Office of Court Interpreter Services on a coordinated approach to advance the work of the Initiative. More specifically, in phase two the Initiative proposes to pursue the next steps described above, replicate the successful projects completed in phase one, improving on them based on lessons learned, collaborate with others in the Trial Court to support the access to justice tactics of the Strategic Plan, and work to enhance access in Massachusetts utilizing the metrics of the National Center for Access to Justice's Justice Index.

## I. Completing and Replicating Projects to Date

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The Trial Court has successfully implemented access to justice efforts in unique but replicable models. The Initiative proposes to coordinate an iterative approach to finalizing and expanding those models in accordance with the Strategic Plan.

**Expanding and Replicating the Small Claims Module.** The Small Claims effort included standardizing and translating forms and developing multimedia self-help material in multiple languages. In phase two, the Initiative proposes to work with Trial Court Departments to iterate on this model in new areas of substantive law, such as summary process and debt collection. In addition, the Initiative proposes to work with the Departments, TCIS, and other partners to add new components to the Small Claims and other modules, including computer-guided document assembly and e-filing capability for self-represented litigants.

**Self-Represented Litigants.** The Initiative recommends continuing efforts to enhance the ability of self-represented litigants to submit accurate information

and present effective self-advocacy. The Initiative proposes to support the Trial Court in developing additional plain language and multilingual self-help information, including for the website,<sup>3</sup> and expanding the use of Court Service Centers. The Initiative will also work with the Judicial Institute to educate judges and staff in the best practices for interacting with self-represented litigants.

**Communications.** The Initiative proposes to work with Public Information Officer Jennifer Donahue, Communications Manager Jennifer L. Bruni, and Senior Web Manager Kevin Buckley to develop a communications strategy for informing the public about access to justice initiatives.

**Grants.** The Initiative will continue to work with the interdepartmental Grants Task Force and Grants Manager Jessica Fix to identify and aggressively pursue access to justice grant opportunities.

## II. Supporting the Tactics of the Strategic Plan

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The Initiative hopes to serve as a resource for Trial Court partners in Strategic Plan tactics that relate to access to justice. As is articulated in the Strategic Plan,

“Providing justice under the law requires that all who seek justice have access to the Commonwealth’s courts. The judicial branch must accommodate users who may otherwise experience barriers to full participation and train staff to respond effectively to the needs of all users. Appropriate accommodations include, for example, courthouses that are accessible for the disabled, court forms that are available in multiple languages, and court staff able to respond courteously and effectively to diverse court users.”<sup>4</sup>

As indicated above, access to justice values are evident throughout the strategic plan. Going forward, the Initiative will monitor the Strategic Plan tactics that bear specifically on access to justice, providing support and resources as

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<sup>3</sup> “Improve [the] website with multi-language self-help materials.” MASSACHUSETTS TRIAL COURT STRATEGIC PLAN, 34 (2013).

<sup>4</sup> MASSACHUSETTS TRIAL COURT STRATEGIC PLAN at 24.

necessary. The chart below identifies access to justice tactics in the Strategic Plan, and the Initiative’s contributions intended to support those tactics.

### Access to Justice Proposals to Support the Strategic Plan

Strategy	Strategic Plan Category	Strategic Plan Access to Justice Tactic	Access to Justice Initiative Contribution
One Mission	Governance & Communications	Develop comprehensive communications strategy (internal) & unified public outreach, information, and education program (external)	Work with PIO to conduct outreach to develop a communications and outreach plan to promote access to justice (e.g., LAR, Small Claims forms and videos)
One Mission		Begin initiatives to improve collaboration throughout the Trial Court and Judicial Branch	Work with Judicial leaders to determine process for formally promulgating and disseminating the principles and guidelines across all Departments
One Mission		Develop unified public outreach, information, and education program (external)	Work with Access to Justice Commission, academic partners, executive agencies, and legal services community
Dignity	Workforce Development	Expand training opportunities in FY14 and build capacity for on-line training; increase professional development programs	Work with Judicial Institute to expand education opportunities on access to justice tools, working with interpreters and LEP individuals, and diversity in the courts
Speed	Technology Enhancements	Rollout e-filing	Work with TCIS to verify that document assembly programs are compatible with e-filing; Pilot SRL e-filing
Dignity		Improve website with multi-language self-help materials	Work with Court Service Centers and Law Librarians to conduct needs assessment, and develop new self-help materials in multiple languages to post to website
Dignity	Process Improvement	Develop a Language Access Plan; Implement the Language Access Plan	Use NCSC report to assist Language Access Advisory Committee in finalizing and implementing the LAP

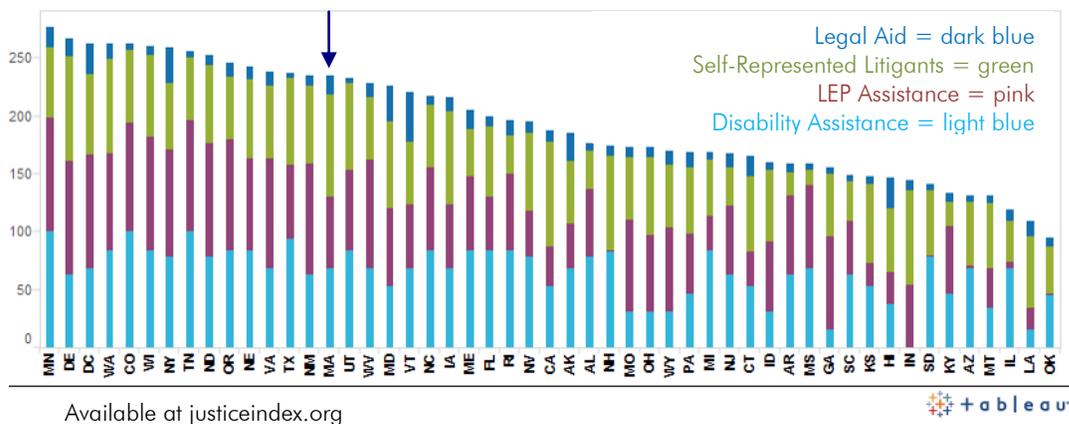
Speed	Process Improvement	Support expanded use of Limited Assistance Representation	Work through Access to Justice Commission to engage statewide, affiliate, and local bar associations in campaign to promote LAR; Explore the use of LAR in Juvenile and Superior Courts
Dignity		Launch standard notices/forms (online) initiative... Translate forms.	Assist Departments in developing and implementing standard plain language and multi-language notices and forms; pursue grant funding to develop document assembly modules
One Mission		Institutionalize continuous improvement throughout the organization based on data, metrics, dashboard	Work with DRAP to analyze: self-represented litigants in the courts; Small Claims form usage; Access & Fairness Survey results; use of LAR in different Departments; and Justice Index and other metrics
Dignity		Roll-out court service centers at large courthouses	Collaborate with local courts to expand Court Service Centers
Speed		Implement staggered scheduling model as appropriate	Work with courts to identify SRL benefits of alternative calendar pilots
Speed		Research and evaluate aspects of other state court systems and evidence-based practices	Analyze Justice Index metrics for best practices from other state court systems
Dignity	Innovative Practices	Implement cohesive approach to problem solving courts	Collaborate with Juvenile Court and Housing Court Departments to access CIP funds for interdepartmental collaboration on innovative practices for youth and young adults in those courts
Speed		Aggressively pursue grants	Work with Grants Task Force to aggressively pursue access to justice grants

### III. Pursuing the Metrics of the Justice Index

The National Center for Access to Justice (NCAJ) at Cardozo Law School recently published a web-based *Justice Index*, gauging the progress that each state makes in advancing fairness in the justice system. The Justice Index evaluates all 50 states and District of Columbia across four categories:

- *Attorney access*: Number of civil legal aid lawyers.
- *Self-representation*: Systems in place to support self-represented litigants.
- *Language assistance*: Systems in place to support people with limited proficiency in English in state courts.
- *Disability assistance*: Systems in place to support people with disabilities in state courts.

The Justice Index then compares states to one another, in each of the four key categories and as a composite score.



In the 2014 Justice Index, Massachusetts ranks 15<sup>th</sup> in the nation in total composite score.<sup>5</sup>

Within each of the four categories of the Justice Index, there are several factors that the NCAJ uses to assess each state court.

Civil Legal Aid – calculation based on the number of civil legal aid attorneys per 10,000 people in the state, as well as the number of civil legal aid attorneys per 10,000 people living at or below 125% of the federal poverty level. *Massachusetts rank: 9<sup>th</sup>*

Support for Self-Represented Litigants – index score based on the following factors: dedicated staff; court rules and other official guidance documents on

<sup>5</sup> The Initiative is in the process of updating the information available on the Justice Index to correct inaccuracies and update the Index with additional information about the Trial Court’s resources.

limited assistance representation, self-represented litigants, plain language in judicial communication, and video or audio recordings of court information; state funding for self-help programs like court service centers; and availability of forms and instructions on the state court website. *Massachusetts rank: 3<sup>rd</sup>*

Support for LEP People – index score based on the following factors: certification of court interpreters; provision of interpreters for all criminal and civil court proceedings; judicial and staff training on how to work with interpreters; guidance on communicating with LEP individuals outside the courtroom; interpreter information on the court website; translations of court forms, self-help materials, and form orders into multiple languages. *Massachusetts rank: 26<sup>th</sup>*

Support for People with Disabilities – index score based on the following factors: certification and training for sign language interpreters; whether courts charge for sign language interpreters; reasonable accommodation information available on the court website; and laws or court rules that require courts to allow service animals. *Massachusetts rank: 26<sup>th</sup>*

The Initiative will look closely at the measures of the Justice Index, learn from the best practices of other courts, and collaborate with others in the Trial Court to make progress on these measures.

## ACKNOWLEDGEMENTS

At all levels of the Trial Court, the Access to Justice Initiative has received the support and enthusiasm of judges, court staff, and administrators. This support notably emanates from the top of the organization. For their leadership in promoting access to justice we wish to acknowledge and thank Chief Justice Roderick Ireland of the Supreme Judicial Court, Chief Justice Paula Carey of the Trial Court, Court Administrator Harry Spence, the Trial Court Department Chiefs and Deputy Court Administrators, and the Directors within the Office of Court Management.

For their daily work in ensuring that all Massachusetts residents have meaningful access to the court system, we acknowledge and thank the front line judges and court staff who work in courthouses across the Commonwealth.

Finally, our partnership with the Massachusetts Access to Justice Commission has been an invaluable resource for sharing information and support for access to justice with the larger justice community. We are very grateful to the Commission co-chairs, SJC Associate Justice Ralph Gants and Attorney David Rosenberg, the Commissioners, and staff consultant Gerry Singen.

# APPENDIX

## Tab A. Advisory Committee & Task Force Membership

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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 Centers<sup>6</sup>

#### 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

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<sup>6</sup> 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 B. Court Service Center Overview

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Massachusetts has experienced a dramatic increase in the number of self-represented litigants involved in our court system. In an effort to improve the ability of SRLs to navigate court proceedings and ease the burden on court staff and judges, the Trial Court is piloting two Court Service Centers (CSCs).

### *History*

In 2008, the Supreme Judicial Court Steering Committee on Self-Represented Litigants toured CSCs in Connecticut, and recommended their use in the Massachusetts Trial Court. The value of CSCs was confirmed by the Access to Justice survey of Trial Court judges and staff in 2009, which revealed that court employees at all levels identified enhanced services for SRLs as a top access to justice priority.

The Trial Court established a CSC Committee in March, 2013. The Committee solicited courts across the Commonwealth for their interest in piloting CSCs, and evaluated the submissions. Of the proposals, two sites (the Franklin County Courthouse and the Edward W. Brooke Courthouse) were selected. Both court locations established working committees comprised of court staff and judges to refine their respective visions for the CSC. Hiring committees were formed and managers for each site were hired in March, 2014. The Franklin County CSC is scheduled to open in May, and the Brooke Courthouse CSC is scheduled to open in June, 2014.

### *Services*

CSCs will not provide legal advice nor create attorney-client relationships. The goal is for individuals who receive information and assistance from the CSC to be better organized and prepared for their interactions with court staff and judges. CSCs will offer the following services:

- general information regarding court rules, procedures and practices;
- workspace and assistance in preparing forms and documents;

neutral self-help information and materials in multiple languages and multiple media;  
public access computer terminals and equipment including tablets, photocopiers, phones, and fax machines;  
access to interpreter services; and  
contact information regarding community resources, legal assistance programs, and social service agencies.

### *Business Process*

CSCs will be open during regular court hours. It is anticipated that some CSC users will self-refer based on information available in the public domain including the Judiciary's website. Other users will be referred by court employees including security officers, front-line staff in Clerk and Registry offices, probation officers, law librarians, and judges, or outside organizations such as legal services programs and social service agencies. When possible, litigants referred from within the court system will arrive at the CSC with a "referral slip," to be developed by CSC staff in consultation with court representatives.

All CSC users will complete an intake process which will include the collection of general non-identifiable demographic information. CSC staff will assess each request for assistance individually and offer appropriate resources and/or services which may include written materials, on-line resources, individual assistance completing forms, and contact information regarding legal services and community resources. Any written materials prepared with CSC assistance will be so identified, as a point of information for court staff and judges, and for tracking and evaluation purposes.

The CSC will also be available to attorneys and members of the general public for assistance locating forms, conducting legal research, accessing court materials online, and preparing pleadings. Where appropriate, the CSC will refer individuals to law librarians for assistance with legal research.

### *Information Desk*

CSC staff will coordinate volunteer coverage for "information desks" in courthouses where they already exist or are established. Information desk volunteers will assist members of the public with directions and other very basic "concierge" services, and will direct members of the public to the CSC for additional information and assistance.

### *Staffing and Volunteers*

Each CSC will be managed by a Court Service Center Manager, a Trial Court employee who has a law degree or comparable experience and expertise. The Manager will report to the Director of Support Services, and will be responsible for the following:

- overseeing daily operations;
- coordinating with staff in court departments and law libraries;
- recruiting, screening, and providing standardized training of volunteers;
- establishing collaborations with legal assistance and social service organizations; and
- collecting data and tracking metrics as instructed by judicial leadership.

### *Equipment and Technology*

The CSCs will leverage technologies including online fillable forms, guided document preparation software, instructional videos, remote interpretation services, videoconferencing, online reference materials and handheld tablets. CSCs will integrate new technologies such as e-filing as they become available.

### *Evaluation*

CSCs will work with the Department of Research and Planning to identify and track meaningful data concerning usage of the center, the experience of the user, the effect of CSC involvement on case management and outcome, and the impact of CSC involvement on court employees and judges. In addition to quantifiable metrics, the CSCs will meet regularly with local court staff and judges for qualitative feedback and input.

## Tab C. Guidelines and Statements of Principles

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**Commonwealth of Massachusetts  
The Trial Court  
Access to Justice Initiative  
Forms Task Force**

**Principles and Goals for  
Trial Court Department Forms**

The Forms Task Force of the Trial Court Access to Justice Initiative proposes the following principles apply to all Trial Court forms:

- I. 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.
- II. Each Trial Court Department will create uniform forms for use in all Divisions of their Department.
- III. 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.
- IV. 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.

## **Guidelines for the Translation of Court Forms and Instructions in the Massachusetts Trial Court**

English is the official language of the Massachusetts Trial Court, and all official court documents must be written in English. It is the policy of the Trial Court to make translations of court forms a priority. Forms and instructions are to be available to the public for informational purposes only. The following guidelines will ensure uniformity and efficiency in the translation of court connected materials.

### 1. Choice of Language.

- a. The Trial Court will endeavor to translate court forms and materials in the first instance into Spanish and Portuguese, the two non-English languages spoken most frequently in Massachusetts.
- b. The Chief Justice of the Trial Court and the Court Administrator, in consultation with each Departmental Chief Justice and guided by Office of Court Interpreter Services (OCIS) statistics, shall determine which court materials will be translated into foreign languages beyond Spanish and Portuguese.

### 2. Qualified Translators.

Translation of all court forms and materials shall be undertaken in consultation with OCIS, so as to ensure accuracy and uniformity. Translations done by volunteers or other departments shall be submitted to OCIS for review and approval before distribution.

### 3. Format.

- a. Court forms and materials may be translated in monolingual (foreign-language-only) or bilingual (English/foreign language) format. Forms and materials with a minimal amount of text should be presented bilingually, as long as the original pagination is not disturbed, and longer, more text-dense forms and materials should be translated monolingually.
- b. All monolingual non-English forms and materials shall include the Title and language of the document in English,

for ease of use by English-speaking court staff.  
Monolingual forms are for information purposes only, and may not be submitted to the court.

- c. All non-English forms and materials shall include the date on which that version of the document was produced in the foreign language.
- d. All translated court forms and materials must be in a format that maximizes compatibility with current technology as determined in consultation with Trial Court Information Services (TCIS).

#### 4. Glossaries.

OCIS shall develop and maintain robust legal glossaries in frequently used languages, including Spanish, Portuguese, Russian, Traditional Chinese, Haitian Creole, Khmer, and Vietnamese. In order to ensure uniformity across Trial Court Departments and for all causes of action and to reduce the costs of translation, the glossary translations shall be used for all corresponding English words and phrases whenever possible (e.g., "defendant," "Housing Court," "small claims," "restraining order," etc).

#### 5. Disclaimers.

- a. All monolingual forms must prominently display the following water mark, in English and the foreign language: "This form is for your reference only. Do not submit to the court."
- b. All bi-lingual forms must prominently display the following notation, in bold, in the foreign language at the head of the form: "This form must be completed in English. If necessary, you should obtain assistance completing this form in English."

#### 6. Other notifications.

All non-English language forms and materials, monolingual or bi-lingual, shall be accompanied by a document that includes the following notice in the foreign language:

"Only English forms may be submitted to the court. Foreign language forms are provided for reference only. You have the right to an interpreter for your court event free of charge. Please notify court staff if you need an interpreter."

7. Distribution.

- a. Translated forms and materials must be made available in every division of the Department that utilizes the form, and on the Trial Court website.
- b. Upon issuance of translated forms or materials, the Office of Court Management shall endeavor to provide effective notice of the translation to interested members of the public.

## **Guidelines for Developing and Distributing Self-Help Videos in the Massachusetts Trial Court**

### Introduction

Self-help video can be an excellent way to communicate information to court users about civil cases and procedures; they are an especially effective way to communicate with self-represented litigants and persons of low literacy. The Executive Office of the Trial Court encourages the use of informational videos, as well as their distribution through the Trial Court's website, courthouse information centers, YouTube, and other channels as appropriate. These Guidelines have been developed by the Small Claims Video Working Group of the Access to Justice Initiative of the Massachusetts Trial Court to assist in the production and distribution of Trial Court instructional videos.

### General Principles

1. Videos will be in plain language that is clear, concise, and correct and minimizes the use of legal terminology and jargon. They will be readily comprehensible to the average court user.
2. The viewer must be informed in the initial frames of all videos, both orally and in writing, that the video provides general information only and does not constitute legal advice.
3. Videos should include a written list of resources informing the viewer of where and how to obtain further assistance, including self-help materials and attorney referrals.
4. Videos should be no longer than fifteen minutes. Wherever possible, videos should contain individual segments that the viewer can skip or return to as s/he wishes.
5. Videos should be dubbed or voiced over into Spanish and other languages widely used in the Trial Courts.
6. To assist the deaf and hard of hearing, and to allow for viewing in courthouse settings where sound should be muted, the video should be close captioned whenever possible. To assist those with visual impairments, transcripts of the video should be made available in English and in any language in which the video is translated on the virtual Self-Help Center of the Trial Court's public-facing website, or on such other website address as directed by the Chief Justice of the Trial Court, the appropriate Departmental Chief Justice, or the Court Administrator.

## Getting Started

The plan to create an instructional video or series must be approved by the appropriate Departmental Chief Justice(s) and the Executive Office of the Trial Court before any work on the project is begun. The proposal to create a self-help video should include a statement of objectives; a brief description of the content of the video; a list of key personnel involved in the project; a proposed budget identifying, inter alia, the source and amount of funding; a description of court resources, if any, that will be required to create the video (e.g., staff time, courtroom space); a proposed timeline; and a proposed distribution plan. Developers of the video are strongly encouraged to consult with the Fiscal Office, the Office of Court Interpreter Services, and the Trial Court Information Services Department for their input prior to the submission of any video proposal.

## The Script

1. The script must conform to the General Principles listed above.
2. An effective and appropriate instructional script will generally be the product of numerous drafts created and edited by several judicial and court personnel with the relevant expertise. Drafting and editing the script should not be assigned to only one person.
3. Before the script is finalized, it should be reviewed by the Office of Court Interpreter Services to ensure that the script can readily be translated into Spanish and other widely used languages.
4. The final script, including scene blocking, must be approved by the appropriate Departmental Chief Justice(s) and EOTC personnel, or their designees, before filming begins.

## Filming

1. Prior to shooting any scene in a courthouse or other Trial Court facility, all appropriate permissions must be obtained, including, without limit, from the relevant First Justice, Clerk Magistrate, facilities manager, and security personnel.
2. Filming should be scheduled for days and hours when the usual business of the court or facility is least likely to be disrupted.
3. Prior to shooting the video, all persons appearing in the video must sign releases in a form approved by the Legal Office of the Trial Court.
4. Judges, court personnel, and members of the general public who have not signed releases should not appear in any portion of the videotape.

If necessary, stock footage may be used to depict, for instance, a busy courtroom or the lines in a Clerk's office.

5. Whenever possible the "casting" of the video should reflect the diversity of the populations served by the Trial Court.
6. Court personnel familiar with the subject matter, purpose of the video and script should be present during filming in order to lend technical support.

### Distribution

1. The final, viewer-ready video must be approved by the appropriate Departmental Chief Justice(s) and the Executive Office of the Trial Court, or their designees.
2. All plans for electronic distribution of the video must be approved by the Trial Court Chief Information Officer or the CIO's designee and implemented by the Trial Court Information Services department.
3. Prior to the distribution of the video, the Office of Public Information should be contacted so that the media and the public can be informed about the video.

# Massachusetts Department of the Trial Court Readability Guidelines for Self-Help Materials

Use the following guidelines for writing self-help materials in the Trial Court. Make hard copies of these materials available in the Clerks' offices or Registries of Probate, when practical, and on-line at the court website.

## Content

1. Use clear headings.
2. Use a question and answer format to introduce information to the reader on the chosen topic.
3. Use direct address, i.e. a question that contains "I" and the answer contains "you" so the reader can personally relate to it. For example, in materials regarding child support, a question may be, "How do I lower my child support?" and the answer may contain, "You can file a Complaint for Modification."
4. Answer "who," "where," "when," "how," some "why" and "what can I do" questions that request information not legal advice.
5. Answer "what should I do" and some "why" questions that request legal advice in a format similar to, "This question asks for legal advice. This brochure provides general information only and is not legal advice. For advice about your situation, speak to an attorney."
6. Discuss only one topic per paragraph.
7. Use gender-neutral language, such as "her/him" or "the person."
8. Use the active voice as much as possible and try to avoid the passive voice.

## Accessibility

8. Use the active voice as much as possible and try to avoid the passive voice.

9. Use language of a low grade reading level (suggested fifth grade or lower on the Flesch-Kincaid reading scale). Spell check in Microsoft Word or [www.storytoolz.com/readability](http://www.storytoolz.com/readability) can help you determine the reading level.
  10. Define difficult legal terms; do not eliminate them. The court user must know terms that will be used in court.
  11. Field test the samples before releasing final drafts and consider end-user comments generated from the field tests. Suggested source of field testing – jury pool or court users who will potentially be using the material.
- easier to read. This paragraph is written in Arial and the rest of this document is Verdana.
14. Use a 16 or 18 point font for headings, titles and questions. The answers should be a 12 or 14 point font.
  15. Each document should be no longer than two pages in length, 300 words per page. If it is longer than 2 pages, try to break it down into two or more shorter documents.
  16. If the document is longer than 2 pages, use page numbers on all but the first page.
  17. Print documents double sided.
  18. Use white space, i.e. one inch margins on all four sides and space between questions and answers.
  19. Use graphics if there is sufficient room.
  20. Use *italics* sparingly and only for emphasis or foreign words. Do not use

### Appearance and Format

12. Use two columns for written materials.
13. The type of font should be sans serif, such as Arial, Verdana or Helvetica. These are less fancy fonts and

underline or strike outs. Avoid using all CAPITAL LETTERS. Headings should be written in sentence case. Avoid parenthesis. **Bold** legal terms that are defined in an index in the materials, if there is one.

21. Put a header on page 1 with the name of the document.
22. Put a footer on every page stating the following:
  - “This brochure is general information. It is not legal advice. If you have questions about your situation, speak with a lawyer.”
  - who the document was prepared by
  - the date last edited
  - the URL if the document can be found on the internet

- and, if the document is longer than 2 pages, an abbreviated title of the document.

23. If the document is written in any language other than English, the footer should be written in English and should also contain the name of the document and target language.
24. Use another disclaimer at the end of the document, such as, “Check with your local court to make sure it does not have different procedures than described here or it does not require additional information or documents to be filed,” in case some divisions or departments have different local rules or procedures.