

**MASSACHUSETTS
JUSTICE FOR ALL
STRATEGIC ACTION PLAN**



DECEMBER 22, 2017

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I. INTRODUCTION

This statewide Strategic Action Plan (Plan) to improve access to justice in Massachusetts is the product of a year-long collaborative process involving input from representatives from the Access to Justice Commission (Commission), the Massachusetts court system and court users, legal services providers, bar associations, law schools, social services providers, and many other stakeholders in the Commonwealth's civil justice community. This process began in December 2016, thanks to a generous grant from the Justice for All (JFA) project funded by the Public Welfare Foundation and administered by the National Center for State Courts.

After receiving the JFA grant, the Commission and the Massachusetts Supreme Judicial Court (SJC) formed a Project Management Team (PMT)¹ to oversee the strategic planning process, and engaged a consultant, Marc Lauritsen, Esq. of Capstone Practice Systems, Inc.² The PMT's first step was to begin compiling a statewide inventory of legal assistance resources, attached as Appendix 5.³ Meanwhile, Mr. Lauritsen met with interested individuals and groups representing diverse perspectives across the legal community and circulated surveys to gather information and insight on the current state and future needs of access to justice resources in

¹ The members of the PMT include: Hon. Ralph D. Gants, Chief Justice, Supreme Judicial Court, and current Co-Chair of the Access to Justice Commission; Hon. Geraldine S. Hines, Associate Justice, Supreme Judicial Court, and former Co-Chair, Access to Justice Commission; Hon. Dina E. Fein, Access to Justice Commissioner, and Special Advisor to the Trial Court for Access to Justice Initiatives; Susan M. Finegan, Esq., Co-Chair, Access to Justice Commission, and partner at Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.; Jacquelynne J. Bowman, Esq., Access to Justice Commissioner, and Executive Director, Greater Boston Legal Services; Russell Engler, Esq., Access to Justice Commissioner, and Professor of Law and Director of Clinical Programs, New England Law|Boston; Laura Gal, Esq., Consultant to the Access to Justice Commission, and Staff Attorney, Community Legal Aid; Maura Kelly, Esq., Senior Manager for Access to Justice, Executive Office of the Trial Court; A. W. (Chip) Phinney, Esq., Deputy Legal Counsel, Supreme Judicial Court; and Marilyn J. Wellington, Esq., Access to Justice Commissioner, and Executive Director, Board of Bar Examiners. Justice Hines retired from the SJC in August 2017 and was succeeded by Chief Justice Gants as Co-Chair of the Access to Justice Commission.

² In addition, the PMT subsequently engaged Erika Rickard, Esq., Access to Justice Commissioner, and Associate Director of Field Research, Harvard Law School Access to Justice Lab, to assist with drafting this Strategic Action Plan.

³ This Inventory includes legal service agencies, pro bono programs, public libraries, social service programs, schools, and other services, setting out the nature and type of assistance available, the geographic area served, and other information, as a foundation to enter into a qualitative assessment of Massachusetts legal assistance resources. It is not intended to be fully comprehensive, but rather a snapshot of the resources available at this point in time.

Massachusetts. Based on feedback from this initial outreach, as well as the PMT's knowledge of existing resources and current initiatives, the PMT identified four areas of specific focus for the Strategic Action Plan and established a working group for each: (1) "ecosystem," i.e., the overall infrastructure of resources available to persons who need legal assistance but cannot afford a lawyer; (2) housing; (3) consumer debt; and (4) family law. Members of the PMT and Mr. Lauritsen then conducted four regional meetings in April and May, followed by a statewide summit meeting in June, to ensure input and collaboration from a broad range of key stakeholders across the Commonwealth. Following the June summit meeting, the working groups solicited ideas and participation from additional partners, and began to develop their proposals and draft reports. In late October, the working group leaders met together with the PMT, giving each working group the opportunity to present its respective findings and proposals to the full group for reaction and comments. The working groups then submitted their final reports to the PMT in December 2017. More details about the meetings and process described above can be found in Appendix 1.

The remainder of this document is organized in three sections. Section II describes the existing institutional framework, i.e., the many different institutions, organizations, and committees that are already actively involved in promoting access to justice in Massachusetts. Section III describes the continuum of services available to assist individuals with legal problems in Massachusetts, ranging from self-help information to limited assistance, to full representation, to other kinds of support. Section IV contains the four working group reports, which are the core of this Strategic Action Plan. They analyze in depth the access to justice challenges in each of their respective areas, and propose innovative approaches for addressing those challenges.

While each of these sections focuses on discrete components or issues in the justice system, there are also certain overarching themes that emerge from the Plan as a whole, and that are helpful to keep in mind as we seek to improve access to justice in the Commonwealth. Many of these themes are identified, either explicitly or implicitly, in the discussion of the continuum of available services in Section III and in the working group reports in Section IV. These themes include:

1. **Navigation** -- helping users find and connect with appropriate resources more effectively
2. **Expansion** -- increasing capacity to provide a variety of types and levels of legal information and assistance, filling gaps in the continuum of available services both inside and outside the courthouse
3. **Simplification** -- reconfiguring the justice system to make it more user friendly, e.g., by making forms and other information easier to read and use
4. **Empowerment** -- designing new approaches to help individuals with unmet legal needs recognize when they require assistance, obtain information about the law and referrals, and understand actions they can take to protect their legal interests
5. **User focus** -- looking at all legal processes from the perspective of users and making these processes more efficient and less burdensome, e.g., by minimizing the number of times litigants must come to court in person, reducing wait times through better scheduling, and offering extended court hours or alternative locations
6. **Upstream solutions** -- addressing legal problems earlier in the process, before they wind up in court
7. **Triage** -- rethinking how best to match available resources to users' needs, bearing in mind that the other systemic reforms described here may obviate the need for full representation by an attorney in some matters
8. **Multi-door courthouse approaches** -- offering a menu of resolution options, such as alternative dispute resolution and mediation, apart from trial or dispositive hearings, and matching these options appropriately with the parties' needs in each particular case
9. **Collaboration and governance** -- supporting legal services, social services, and other resource providers and related organizations in working together to increase coherence, consistency, efficiency and effectiveness

10. Data collection and assessment -- systematically collecting data to provide a stronger basis for analyzing access to justice problems, developing solutions, and evaluating whether these solutions are effective

Looking ahead, the PMT anticipates that these ideas and efforts to implement the working groups' proposals will be overseen by a new JFA Implementation Committee under the auspices of the Access to Justice Commission. While this Plan focuses on three areas of substantive law, we envision adopting the lessons learned from implementation in those three areas, and replicating or adapting them for other case types.

The success of this strategic planning process has depended on the volunteer efforts of many different individuals and organizations. In addition to the grantors who made this planning possible, the members of the PMT wish to thank all those who contributed their time, energy, and resources to this project, including the leaders and participants in the four working groups; the individuals who planned or attended the regional and statewide summit meetings; and the organizations that hosted those meetings.

Finally, a disclaimer is necessary in light of the fact that this Strategic Action Plan is the product of a collaborative process involving many different voices and perspectives. Readers should not assume that every statement or proposal contained in this Plan is endorsed by the members of the PMT or the Commission, by the members of the working groups, by other participants in the strategic planning process, or by their respective employers or affiliated organizations. In particular, this Plan should not be interpreted as a statement of policy by any of the Massachusetts courts or by any of the judges who have participated in the strategic planning process. The Massachusetts Trial Court has already adopted its own Strategic Plan 2.0, which addresses many access to justice issues (as discussed in Section II), and which remains the Trial Court's official statement on those issues. This JFA Strategic Action Plan is not intended in any

way to supersede, compete with, or interfere with the Trial Court's Strategic Plan 2.0. Instead, this Plan is intended to complement and support the Trial Court's access to justice efforts, insofar as this Plan focuses primarily, although not exclusively, on improvements beyond the Trial Court's purview. Nor should this Plan be treated as a statement of policy by other justice partners, including the legal aid providers, bar associations, law schools, and social services organizations whose members participated in this project (although many ideas here are consistent with the mission statements and initiatives of those entities). Rather, this Plan is best understood as a collective conversation within the civil justice community concerning the current state of access to justice in Massachusetts from the users' perspective, and proposals for future actions to further the "aspirational goal of 100 percent access to effective assistance for essential civil legal needs."⁴

⁴ Conference of Chief Justices and Conference of State Court Administrators, *Resolution 5: Reaffirming the Commitment to Meaningful Access to Justice for All* (2015).

II. INSTITUTIONAL FRAMEWORK

Massachusetts is fortunate to have numerous organizations and institutions that have already been working intensively for many years to improve access to justice. These entities include the court system, legal services providers, bar associations, law schools, social services providers, and state agencies, as well as various groups that include representatives from these different constituencies. The proposals contained in this Strategic Action Plan (Plan) are designed to support and supplement the efforts of these many entities and, in turn, the success of this Plan will depend on their continuing engagement.

THE ACCESS TO JUSTICE COMMISSION

Now in its twelfth year, the Massachusetts Access to Justice Commission (Commission) was established by the SJC to provide leadership, vision, and coordination in the search for equal justice for all persons in the Commonwealth. Co-chaired by SJC Chief Justice Ralph D. Gants and Susan M. Finegan, a partner at Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., the Commission includes representatives from the courts, the private bar, the legal services bar, the client community, law schools, business entities, and social services providers. The Commission's Mission Statement identifies various means to provide and improve access to justice, including:

- Coordinating efforts across the broad network of organizations seeking to improve access to justice
- Increasing the number of attorneys providing pro bono civil legal services, the number of private bar attorneys providing civil legal services to low- and moderate-income individuals through limited assistance representation and other means, and the number of non-lawyers providing appropriate assistance to improve access to justice

- Working closely with court leadership on access to justice initiatives within the court system

Some examples of the Commission's actions to improve access to justice include:

- Creating the Access to Justice Fellows program, through which 94 current and former Fellows have provided over 76,000 hours of pro bono service to more than 60 nonprofit organizations, courts, and other public interest entities
- Establishing the Civil Appeals Pro Bono Program, which has served 359 individuals with the help of 170 pro bono attorneys from 20 different firms and in-house legal departments since its inception in May 2015
- Spearheading the allocation of an additional \$8.3 million in funding for civil legal aid for victims of crime over the next two years from Federal Victims of Crime Act funds
- Studying how fee-shifting statutes, limited assistance representation, and further education and training can encourage and support private attorneys in making service to low-income clients a larger component of their practice
- Successfully advocating for the statewide expansion of the Massachusetts Housing Court
- Conducting research later used by the Trial Court regarding the "gold standard" for Court Service Centers at courthouses to provide information to unrepresented litigants⁵
- Proposing a \$51 "Access to Justice Fee" as a voluntary opt-out contribution to the Massachusetts Interest on Lawyers' Trust Accounts (IOLTA) Committee with the annual attorney registration fee, which has generated about \$1.2 million per year for the IOLTA Committee to distribute among the Massachusetts Legal Assistance Corporation, the Massachusetts Bar Foundation and the Boston Bar Foundation⁶

⁵ Litigants who cannot afford to engage an attorney to represent them in cases involving their essential civil legal needs are commonly referred to as "self-represented." That term acknowledges the fact that these litigants must represent themselves, and it can be seen as empowering. But the term also implies a voluntary choice to forego an attorney and the ability to represent oneself, whereas these litigants usually have not voluntarily chosen to represent themselves and too often lack the knowledge to do so effectively. *See, e.g.,* Russell Engler, *And Justice for All--Including the Unrepresented Poor: Revisiting the Roles of the Judges, Mediators, and Clerks*, 67 *FORDHAM L. REV.* 1987, 1993 n.23 (1999). For that reason, this Plan generally refers to these litigants as "unrepresented," acknowledging the reality that they lack adequate representation. Ideally, one goal of this Plan is to transform "unrepresented" litigants into "self-represented" litigants -- i.e., litigants who are indeed empowered with the knowledge and resources they need to represent themselves competently and effectively.

⁶ More information about the Commission's activities can be found on its website, www.massA2J.org.

THE MASSACHUSETTS COURT SYSTEM

The Massachusetts court system has also made improved access to justice a top priority at every level. Current or former SJC justices have co-chaired the Access to Justice Commission since its inception in 2005. The Massachusetts Appeals Court has worked closely with the Commission in the establishment of the Civil Appeals Pro Bono Program referenced above. And in the Massachusetts Trial Court, the Chief Justice of the Trial Court and the Chief Justices of the Trial Court departments have institutionalized their commitment to access to justice. Among other indications of this commitment, a sitting Housing Court judge has served as the Special Advisor for Access to Justice Initiatives since 2009 and, more recently, the Trial Court's Executive Office has hired a Senior Manager for Access to Justice, reporting directly to the Chief Justice of the Trial Court and the Court Administrator.

In addition, the 2016 Trial Court Strategic Plan 2.0,⁷ which was developed with input from judges, clerks, administrators, and front-line staff, and consultation with outside stakeholders, focuses on the themes of continuous improvement, race and implicit bias, the user experience, and public trust and confidence. The Plan also identifies "access to justice and the user experience" as one of six key subject areas, identifies "tactics" for improving access to justice, and sets out specific action items with accompanying deadlines. The broad topics of the Strategic Plan 2.0 with respect to access to justice are:

- Forms and self-help information
- Language access
- Court user access to technology
- Self-help resources and access to legal assistance

⁷ MASSACHUSETTS TRIAL COURT, MASSACHUSETTS TRIAL COURT STRATEGIC PLAN 2.0 (2016), *available at* <http://www.mass.gov/courts/docs/strategic-planning/strategic-plan-2.pdf>.

- Courthouse design
- Diversity in court programs
- Access to Justice Liaison Program across the state
- Relationships between the courts and communities
- Collaboration among courts, community organizations, agencies, and other branches of government to establish multidisciplinary programs to meet the complex legal, social, economic, linguistic, and medical needs of people in our communities

Some of the Trial Court's recent access to justice accomplishments include:

- Establishing six Court Service Centers staffed by attorneys and improving website resources to provide legal information to unrepresented litigants
- Creating plain-language court forms and translating court forms
- Producing a comprehensive Language Access Plan
- Providing ADA Coordinators in each court department and ongoing training of court personnel on legal issues and best practices relating to disability access
- Training court personnel on domestic violence awareness, unconscious bias, cultural awareness, and poverty issues

The Trial Court also recently completed a report on its 2017 Access and Fairness Survey Project, which surveyed 1,560 court users on a range of topics relating to access to justice and fairness issues. The report found that there were improvements in nearly every area as compared with the results of a 2009 survey. Among other significant positive changes, the overall access to justice score increased from 80.9% to 85.6%; the percentage of court users reporting that reasonable efforts had been made to remove language and physical barriers in the courthouse increased from 78.6% to 85.3%; and the percentage of court users reporting that their overall experience at court was satisfactory increased from 79.3% to 83.6%.

Recognizing the progress that Massachusetts has made, the National Center for Access to Justice ranked Massachusetts second in the nation, behind only the District of Columbia, in its

2016 Justice Index.⁸ The Trial Court remains steadfast in its efforts toward continuous improvement in access to justice.

LEGAL AID PROVIDERS

Massachusetts is served by dozens of nonprofit organizations that provide free legal aid to those who cannot afford an attorney for their essential civil legal needs. Some of these organizations are regional, while others are statewide but focus on particular subject areas, such as children's needs, education, disability issues, or immigration law. Some organizations are dedicated primarily to providing legal advice and representation to individual clients, while others concentrate more on providing information resources and addressing law and policy issues.

These organizations have been at the forefront of the access to justice effort in Massachusetts for many years. In addition to providing legal aid, they have been strong advocates for systemic change and have undertaken a number of broader collective initiatives to improve access to and delivery of legal services. For example, the Massachusetts legal aid programs, in collaboration with community partners and the private bar, have created a number of statewide websites to provide information on civil legal topics for low-income Massachusetts residents and their legal advocates, including MassLegalHelp.org, MassLegalServices.org, the Massachusetts Legal Resource Finder, Mass Legal Answers Online, and MassProBono.org. These websites are described further in Section III.

⁸ *Composite Index: Overall Scores and Rankings*, JUSTICE INDEX, <http://justiceindex.org/2016-findings/findings/>.

THE MASSACHUSETTS LEGAL ASSISTANCE CORPORATION

The Massachusetts Legal Assistance Corporation (MLAC) was established by statute in 1982 to provide financial support and leadership for legal aid providers in the Commonwealth.⁹ In fiscal year 2016, MLAC provided nearly \$22 million in funding from state appropriations, the Massachusetts IOLTA Committee, and other sources to 16 legal aid organizations in Massachusetts.¹⁰ MLAC is involved in a number of initiatives to support legal aid providers, including:

- The Central Technology Project, which seeks to standardize technology for MLAC- and LSC-funded legal aid organizations in Massachusetts, helping them deliver legal services to low-income clients effectively and efficiently
- The Equal Justice Coalition, a collaboration with the Massachusetts Bar Association and the Boston Bar Association that brings together representatives from bar associations, law firms and legal aid providers to support efforts to increase the state appropriation for civil legal aid
- The Massachusetts Legal Services Diversity Coalition, established by MLAC in 1990 to raise awareness of diversity issues and provide technical assistance on diversity to legal aid organizations across the Commonwealth

Earlier this year, MLAC concluded a planning process that outlined priority goals and objectives to guide its work over the next few years. The process included a series of regional and statewide meetings enabling MLAC board and staff to gain input from various stakeholders on the needs and priorities across the civil legal services system. The MLAC board ultimately reaffirmed a vision of ensuring that MLAC's resources and influence are used to advance a well-coordinated civil legal aid system providing high-quality, strategically focused legal assistance and decided to focus on the following seven strategic goals:

⁹ See Mass. Gen. L. ch. 221A, § 1 *et seq.*

¹⁰ MASSACHUSETTS LEGAL ASSISTANCE CORPORATION, ANNUAL REPORT FOR FISCAL YEAR 2016 (2016), *available at* http://mlac.org/wp-content/uploads/2017/07/FY16_annual_report.pdf.

1. Maximize funding and other resources
2. Heighten education about and publicity around the need for civil legal aid
3. Enhance and expand coordination, collaboration, discourse, and innovation with the social service and anti-poverty community
4. Ensure that client voices are heard and incorporated at all levels, especially in decision-making
5. Promote and improve diversity, inclusion, cultural competence, and equity
6. Enhance effectiveness, efficiency and coordination of the civil legal aid system
7. Develop evaluation and assessment tools to ensure progress toward the MLAC vision and toward achieving the MLAC strategic goals

Importantly, these goals are to be advanced in close collaboration with the legal aid programs that MLAC supports financially. MLAC has begun the process of developing and implementing a plan to achieve the initial set of objectives set forth under each goal. A variety of methods will be used to address the goals, including forming a number of task forces -- composed of board and staff members, project directors, and other stakeholders, and collaborating with other stakeholders including the Access to Justice Commission, social services agencies, legal aid programs, and the Massachusetts Equal Justice Fund.

BAR ASSOCIATIONS

The Massachusetts Bar Association, the Boston Bar Association, the Women's Bar Association, and other regional and affiliate bar associations are actively engaged in promoting access to justice. In recent years, the organized bar has provided strong support for civil legal aid through annual "Walk to the Hill" events to advocate for state funding;¹¹ white papers on the

¹¹ See *Hundreds Gather at Annual 'Walk to the Hill,'* LAWYERS JOURNAL (Mar./Apr. 2017), <https://www.massbar.org/publications/lawyers-journal/lawyers-journal-article/lawyers-journal-2017-march-april/hundreds-gather-at-annual-walk-to-the-hill->.

economic and social benefits of representation for essential civil legal needs;¹² and close collaboration with legal aid organizations to increase pro bono representation by private attorneys.¹³ The organized bar has also initiated projects to support the civil right to counsel, and has developed programming for private attorneys on fee-shifting, limited assistance representation, and other innovative practices designed to close the justice gap. In addition, several of the bar associations have associated bar foundations, which support financially the work of legal aid providers throughout the state. Finally, many private attorneys are involved in access to justice initiatives as members of the Access to Justice Commission, the SJC Standing Committee on Pro Bono Legal Services, or the boards of legal services organizations.

SJC STANDING COMMITTEE ON PRO BONO LEGAL SERVICES

Established by the SJC in 1999, the Standing Committee on Pro Bono Legal Services seeks to promote volunteer legal work to help individuals of limited means who are in need of legal representation, in accordance with Rule 6.1 of the Massachusetts Rules of Professional Conduct: Voluntary Pro Bono Publico Service, which encourages attorneys to "provide annually at least 25 hours of *pro bono publico* legal services." The Committee consists of representatives from the bench and bar who have a demonstrated interest in pro bono legal work. Among other activities, the Pro Bono Committee administers the Pro Bono Honor Roll, which recognizes attorneys, law firms, and law students who meet certain criteria for pro bono legal work; presents

¹² See, e.g., BOSTON BAR ASSOCIATION STATEWIDE TASK FORCE TO EXPAND CIVIL LEGAL AID IN MASSACHUSETTS, REPORT: INVESTING IN JUSTICE, A ROADMAP TO COST-EFFECTIVE FUNDING OF CIVIL LEGAL AID IN MASSACHUSETTS (2014) [hereinafter BBA CIVIL AID REPORT], available at <http://www.bostonbar.org/docs/default-document-library/statewide-task-force-to-expand-civil-legal-aid-in-ma---investing-in-justice.pdf>.

¹³ These efforts include the Hampden County Legal Clinic, sponsored by the Hampden County Bar Association in conjunction with MassMutual Financial Group and Western New England University School of Law (<https://www.hcbar.org/for-the-public/legal-clinic/>); and the Massachusetts Bar Association Access to Justice awards (<https://www.massbar.org/publications/ejournal/ejournal-article/ejournal-2017-may-05-04/celebrate-the-2017-access-to-justice-award-honorees#https://www.massbar.org/search>).

the Adams Pro Bono Publico Awards for extraordinary pro bono achievements; visits Massachusetts law schools and participates in bar programs to encourage pro bono service; and proposes rules and policy changes to facilitate pro bono practice.¹⁴

LAW SCHOOLS

Massachusetts' nine law schools are active partners in the state's access to justice efforts. Through legal aid clinics, student practice organizations, and internships, the law schools and their students provide significant legal assistance to Massachusetts residents in legal matters concerning housing, education, families, and immigration, among other areas. Many Massachusetts law schools include pro bono or public interest work as a graduation requirement, while others set similar aspirational goals for their students. Massachusetts law schools and their deans and professors are also leaders in the access to justice field.¹⁵ Several law schools have developed innovative "accelerator" programs for students, or "incubator" programs for graduates, to train, mentor, and support them in developing sustainable practices focused on the needs of low- and moderate- income individuals. These include Justice Bridge, with law offices in Boston and New Bedford, affiliated with the University of Massachusetts School of Law;

¹⁴ For example, the Committee successfully proposed an amendment to SJC Rule 4:02 that permits in-house attorneys who are not admitted to practice in Massachusetts, but have been admitted in another United States jurisdiction, to provide pro bono legal services under the supervision of an approved legal services organization or a Massachusetts attorney. *See* SJC Rule 4:02(9)(b).

¹⁵ For example, New England Law School Professor of Law and Director of Clinical Programs Russell Engler, who has written extensively about the right to counsel and the delivery of legal services to the poor, serves on the Commission and its executive committee, as well as the PMT. Harvard Law School Dean Martha Minow serves as the Vice President of the Legal Services Corporation and in that capacity has hosted a series of meetings focused on supporting legal aid, including the June statewide summit meeting for the JFA project. Harvard Law School also houses the Access to Justice Lab, led by Professor James Greiner, which seeks to use evidence-based research to improve access to justice programs. Suffolk Law School Dean Andrew Perlman co-chaired the American Bar Association Commission on the Future of Legal Services, which issued a report in August 2016 making recommendations that are closely aligned with the priorities of the Massachusetts justice system, as expressed in the Access to Commission's mission statement and the Trial Court's strategic plan. Suffolk University Law School also hosted the October meeting of the working groups for this project. Western New England University School of Law devoted an issue of its law review to access to justice issues. *See* 39 W. NEW ENG. L. REV. 2 (2017).

Lawyers for Affordable Justice, a collaborative initiative between Boston College Law School, the Boston University School of Law, and Northeastern University Law School; and the Accelerator-to-Practice program at Suffolk University Law School.¹⁶ Suffolk University Law School is also partnering with the Massachusetts Trial Court and the Massachusetts Appleseed Center for Law and Justice to develop a "virtual" Court Service Center that will be available online.

SOCIAL SERVICES PROVIDERS

Social services providers and their leaders have been active in the Commission's work and have collaborated with other justice system stakeholders to support access to justice initiatives. For example, Rosie's Place, a women's shelter and service provider, donated the seed funding to initiate the first Court Service Center in Massachusetts, and has led and funded the development of "LegalLink," a website offering legal information to social services providers. Sue Marsh, the President of Rosie's Place, also serves as a member of the Access to Justice Commission. Representatives from other social services providers, such as Roca, which offers programs for high-risk young adults, have participated in the Commission's committees and working groups. The Commission recognizes the important role that social services providers play in providing legal advice and direct advocacy on behalf of system users, and recently surveyed providers so that their perspectives can be incorporated in future systemic improvements.

¹⁶ See *Justice Bridge*, UNIVERSITY OF MASSACHUSETTS SCHOOL OF LAW, <http://www.umassd.edu/justicebridge/>; LAWYERS FOR AFFORDABLE JUSTICE, <http://lawyers4aj.org/>; *Accelerator-to-Practice Program*, SUFFOLK UNIVERSITY LAW SCHOOL, <http://www.suffolk.edu/law/academics/31538.php>.

GOVERNMENT AGENCIES

Finally, the Commission has collaborated with various state agencies in its ongoing efforts to improve access to justice. For example, in 2014, the Commission worked closely with the Executive Office for Administration and Finance, the Governor's Office of Legal Counsel, and several administrative agencies to develop a set of best practices intended to ensure that all residents in the state have access to administrative justice within state government.¹⁷ More recently, the Commission, MLAC, and the Massachusetts Law Reform Institute partnered with the Massachusetts Office for Victim Assistance regarding the allocation of \$8.3 million in Federal Victim of Crime Act funding to increase the capacity of regional and statewide civil legal aid programs to assist victims of crime with their civil legal needs.¹⁸

¹⁷ See EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE, BEST PRACTICES FOR STATE AGENCIES TO ENHANCE STATE ADMINISTRATIVE JUSTICE, *available at* <http://www.mass.gov/anf/best-practices-to-enhance-state-administrative-justice.html>.

¹⁸ See *Free Civil Legal Services Available for Massachusetts Crime Victims*, MASSACHUSETTS LEGAL ASSISTANCE CORPORATION (Oct. 11, 2017), <http://mlac.org/free-civil-legal-services-available-for-massachusetts-crime-victims/>.

III. THE CONTINUUM

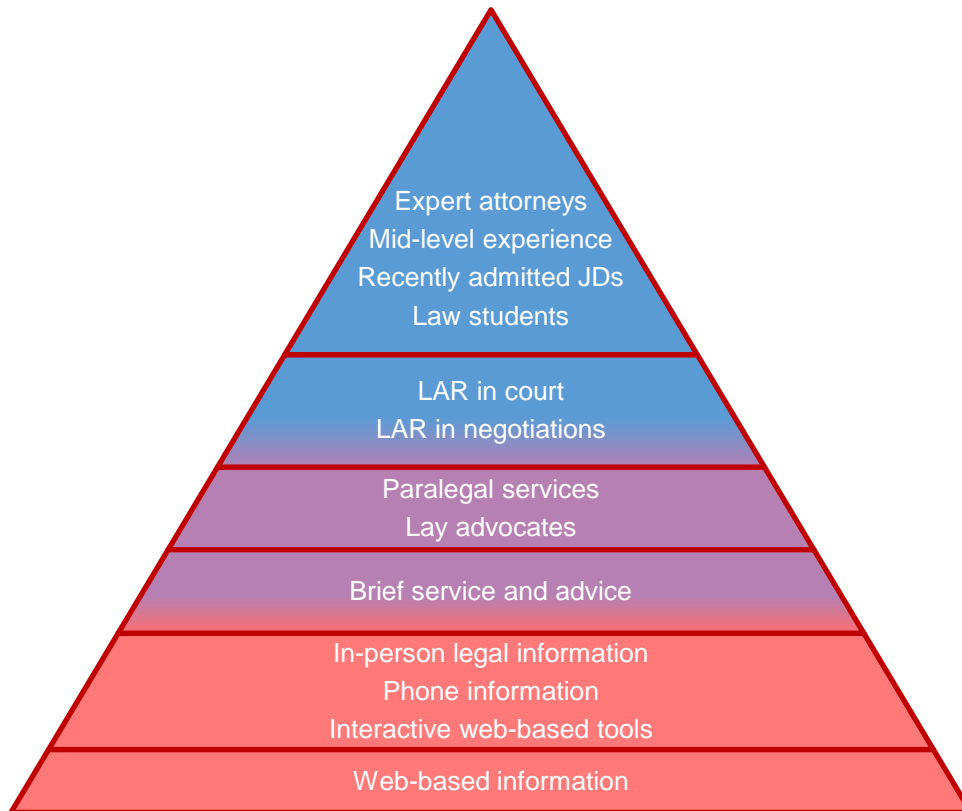
Resolution 5 of the Conference of Chief Justices and the Conference of State Court Administrators urged efforts to achieve "100 percent access to effective assistance for essential civil legal needs . . . through a continuum of meaningful and appropriate services." The Massachusetts strategic action planning process has focused on envisioning the optimal continuum of services in the areas of housing, family, and consumer debt, as well as the overall "ecosystem" in which they exist -- first, by understanding the continuum in each of those areas as it exists today; then, by identifying the gaps in each continuum and the barriers to filling them; and finally, by developing an action plan for reducing the barriers, filling the gaps, and building out the continuum for meaningful access by the public.

WHAT IS THE CONTINUUM?

Broadly speaking, the "continuum" refers to the universe of resources available to assist people with legal problems. This continuum can be envisioned as a spectrum of legal assistance, ranging from self-help services to limited assistance to full representation:



The continuum can also be envisioned as a "service pyramid," with the more scalable services depicted at the base, and the more resource-intensive, customized services at the top.¹⁹ This pyramid highlights the relative availability of different resources, as seen below:



These resources are not mutually exclusive of one another, but may be accessed simultaneously or provided simultaneously by a single organization. Any one organization may provide resources and services at any or all points along the continuum, and at any stage in the life of a legal issue. Legal aid organizations, for example, may provide written and web-based self-help materials, limited assistance through Lawyer for the Day programs and other short-duration encounters, and full representation to a subset of clients.

¹⁹ See JEANNE CHARN & RICHARD ZORZA, CIVIL LEGAL ASSISTANCE FOR ALL AMERICANS: THE REPORT OF THE HARVARD LAW SCHOOL BELLOW-SACKS PROJECT ON THE FUTURE OF ACCESS TO CIVIL LEGAL SERVICES 41 (2005), available at <http://www.garybellow.org/Text.pdf>. The service pyramid has been modified for this Strategic Action Plan.

In addition, recognizing that social, economic, and legal problems are inextricably linked -- and that social services providers are often the first, and sometimes the only, point of contact for people with legal problems²⁰ -- social services are threaded throughout the continuum, available when needed to address underlying social problems that contribute to the presenting legal problem. For example, the courts are currently collaborating with social services providers to address the needs of individuals with mental illness and/or substance use disorders. The Trial Court's Strategic Plan 2.0 includes a commitment to create a sustainable statewide information network including mental health, substance use, and social services. Lawyers and litigants in the Housing Court have access to the court's Tenancy Preservation Program, which provides case management and services to tenants whose mental illness and/or substance use disorders are jeopardizing their tenancies. Moreover, specialty courts for certain criminal cases, including drug courts, mental health courts, and veterans' courts, and court sessions at homeless shelters, are all intended to ensure that the social services needed to achieve compliance with court orders are readily available to litigants, lawyers, and court personnel.²¹ Legal aid providers also work closely with social services providers; for example, legal aid organizations often receive direct referrals from partner organizations, and pro bono attorneys regularly hold brief advice sessions and clinics on-site at community organizations.

A general description of the categories of resources and services that comprise the Massachusetts continuum follows. In Section IV, the working group reports target particular

²⁰ See REBECCA L. SANDEFUR, AMERICAN BAR ASSOCIATION, CIVIL LEGAL NEEDS AND PUBLIC LEGAL UNDERSTANDING, *available at* http://www.americanbarfoundation.org/uploads/cms/documents/sandefur_-_civil_legal_needs_and_public_legal_understanding_handout.pdf.

²¹ Another example of such collaboration is the Massachusetts Community Justice Project, an initiative of the Trial Court working in partnership with the Department of Mental Health, Department of Public Health, Department of Corrections, and others. The Community Justice Project "is designed to facilitate effective and sustainable collaborations at the local level between justice system, treatment and recovery support systems, and community agencies." See MASSACHUSETTS COMMUNITY JUSTICE PROJECT, MID-YEAR UPDATE (2016), *available at* <http://www.mass.gov/courts/docs/trial-court/mcjp-legislative-update.pdf>.

areas of substantive law and analyze the continuum as it relates to each area. In addition, as noted previously, an inventory of specific resources and services that exist in Massachusetts is attached as Appendix 5.²²

THE MASSACHUSETTS CONTINUUM TODAY

Self-Help. Self-help services include static, one-way information resources and interactive, two-way resources. One-way resources include plain-language instructions, self-explanatory court forms, and website information. Ideally, one-way self-help resources are targeted in terms of content and audience, accessible, multilingual, and widely distributed to the public. Interactive, two-way resources include legal workshops, walk-in self-help assistance, and interactive web-based tools.²³ These interactive resources enable in-person and remote access to information, forms, and assistance.

In Massachusetts, self-help services are provided by an array of stakeholders. The quality and variety of self-help tools depend on the legal topic and the number of stakeholders active in the area. Examples of self-help resources across the continuum include:

- **Legal aid organizations**, which have developed self-help websites such as:
 - **MassLegalHelp.org (MLH).** MLH provides accessible, practical legal information on a wide range of issues including domestic violence, divorce, custody, evictions, housing rights, income and benefits, criminal records, bankruptcy, debt collection, employment and unemployment, and homelessness. Key legal information is available in the six most common non-English languages in Massachusetts. The website also provides low-literacy services, through translated materials and text-to-voice readers, as well as "do-it-yourself" forms, using A2J Author to guide litigants through the process of filling out court forms in a few targeted areas, including child support.²⁴

²² See also the Massachusetts responses to the national Justice Index questions. *Justice Index 2016 Findings*, JUSTICE INDEX, <http://justiceindex.org/2016-findings/>.

²³ See EQUAL JUSTICE CONFERENCE, SRLN INVENTORY OF SELF-HELP RESOURCES (2015).

²⁴ For an example, see *Do It Yourself Modify Child Support Order*, MASSLEGALHELP, <http://www.masslegalhelp.org/forms/child-support/modify-form>.

- The **Massachusetts Legal Resource Finder (masslrf.org)**. This is a legal referral website that helps users locate free and low cost legal assistance and information. The website includes contact information for almost 100 legal aid programs, court-based services, government agencies, community partners and private bar lawyer referral services, as well as links to legal information in hundreds of issue areas. Users answer a few questions about their income, location and type of legal problem, and receive targeted referrals to the appropriate resources.
- **Government agencies**, which provide legal information on a wide range of topics. For example, in the area of children and families, the Mass.gov website provides information about adoption, foster care, child abuse and neglect, and child support, among other topics.²⁵ The Office of the Attorney General also provides legal information on its website, primarily in the areas of housing and consumer rights.²⁶
- **Public libraries**, which provide additional resources including legal education workshops.
- **Community organizations**, which also provide legal information. For example, Rosie's Place, the first women's shelter in the United States, provides information in multiple languages on a range of topics, including public housing, eviction prevention, and utility assistance.²⁷ Several bar associations have provided Know Your Rights presentations on a variety of legal topics to leaders and other staff at community organizations so that they, in turn, can provide legal information and referrals to their clients.
- **The courts**, which provide a host of self-help resources in a number of formats, including:
 - Written information on the court website (mass.gov/courts/selfhelp/), available in multiple languages
 - Court forms in fillable PDF format, in some cases with interactive worksheets²⁸
 - Multimedia services, although these are currently only available in limited areas. For example, for small claims litigants, the court website offers self-help videos in multiple languages,²⁹ and will soon also provide a guided interview (Turbo-Tax-like) process for filing complaints

²⁵ *Families and Children*, MASS.GOV, <https://www.mass.gov/topics/families-children>.

²⁶ *Office of Attorney General Maura Healy*, MASS.GOV, <https://www.mass.gov/orgs/office-of-attorney-general-maura-healey>.

²⁷ See, e.g., *Housing Resources*, ROSIE'S PLACE, http://www.rosiesplace.org/how_we_help/find_help/housing_resources.

²⁸ For an example, see *Child Support Guidelines Worksheet*, MASS.GOV, <http://www.mass.gov/courts/docs/forms/probate-and-family/cjd304-worksheet-child-support-guidelines.pdf>.

²⁹ *Small Claims Informational Videos*, MASS.GOV, <http://www.mass.gov/courts/selfhelp/small-claims/videos>.

- Six Court Service Centers staffed by court-employed attorneys, who provide legal information and assistance with forms and court procedures³⁰
- Fifteen law libraries staffed by the Trial Court, which provide in-person assistance as well as remote services (e.g., online chat and legal information via text message)³¹

Limited Assistance. Limited assistance with essential civil legal needs is provided in Massachusetts by lawyers, para-professionals, and law students. It includes:

- **Brief counsel and advice**, provided in person and over the phone.
- **Online pro bono assistance**, in response to specific legal questions through Mass Legal Answers Online (massLAO.org).
- **Limited assistance representation (LAR)** (also referred to as limited scope representation, discrete task representation, or unbundling), which is authorized by court rule in six of the seven Trial Court departments.³² LAR is used to provide compensated as well as pro bono assistance, and is relied upon heavily by the state's incubator programs (e.g., Justice Bridge).
- **Lawyer for the Day (LFD) programs**, administered in numerous courts by legal aid providers and/or bar associations.³³
- **Assistance from non-lawyers**, including experienced law students (who can provide assistance under the supervision of a licensed attorney under SJC Rule 3:03), and lay advocates, such as certified SafePlan advocates who provide assistance to domestic violence, sexual assault, and harassment victims.

Full Representation. Full representation is provided in Massachusetts through several different mechanisms, including:

- **Legal aid lawyers.** The legal services delivery system receives approximately 15% of its funding from the Legal Services Corporation, and is otherwise funded through the state budget, IOLTA programs, private funding, and various Federal and private grants. Massachusetts is also home to dozens of other legal aid organizations that are funded through bar foundations, other Federal funding, and grants or private funding.

³⁰ See *Court Service Centers*, MASS.GOV, <http://www.mass.gov/courts/court-info/court-management/plan-initiatives/court-service-centers.html>

³¹ See *Trial Court Law Libraries*, MASS.GOV, mass.gov/lawlib.

³² See *Supreme Judicial Court Order Regarding Limited Assistance Representation*, MASS.GOV, <https://www.mass.gov/service-details/supreme-judicial-court-order-regarding-limited-assistance-representation>.

³³ See *Lawyer for the Day Programs*, MASS.GOV, <https://www.mass.gov/service-details/lawyer-for-the-day-programs>.

- **Private pro bono lawyers.** Massachusetts has an active pro bono bar, providing limited and full pro bono representation. As noted in Section II, Rule 6.1 of the Massachusetts Rules of Professional Conduct encourages attorneys to provide at least 25 hours of pro bono legal services annually for the benefit of persons of limited means, and many Massachusetts law schools also encourage pro bono student work through pro bono graduation requirements or aspirational goals. MassProBono.org provides an online listing of pro bono opportunities for lawyers and law students who are interested in volunteering as well as resources such as trainings to support this pro bono work.
- **Fee-shifting statutes.** Such statutes are available in many areas of law impacting essential civil legal needs, including housing, consumer, and family cases. A number of law firms across the state have adopted business models that rely on fee-shifting statutes to provide full representation in individual and class actions. Continuing legal education programs and the Commission promote awareness and training regarding the use of fee-shifting statutes to represent low- and moderate-income individuals.³⁴ The Commission's Access to Attorneys Committee also recently completed a report that reviews various fee-shifting provisions and makes recommendations for encouraging their use.
- **Right to counsel.** Full representation has also been advanced in Massachusetts by statutes and case law establishing a right to counsel in several areas, including care and protection, child guardianship, and waiver of consent to adoption.³⁵ Right to counsel initiatives have also been funded on a pilot basis in housing and immigration cases.³⁶

³⁴ See, e.g., *How to Get Clients & Make \$\$\$ Through Fee-Shifting Statutes*, MASSACHUSETTS CONTINUING LEGAL EDUCATION, <https://www.mcle.org/product/catalog/code/2160064P01>.

³⁵ See BOSTON BAR ASSOCIATION TASK FORCE ON EXPANDING THE CIVIL RIGHT TO COUNSEL, GIDEON'S NEW TRUMPET: EXPANDING THE CIVIL RIGHT TO COUNSEL IN MASSACHUSETTS 5 (2008), available at <http://www.bostonbar.org/prs/reports/GideonsNewTrumpet.pdf>; see also *Guardianship of K.N.*, 476 Mass. 762 (2017) (holding that trial court judges have discretionary power to appoint counsel for guardians); *L.B. v. Chief Justice of the Probate and Family Court Dep't*, 474 Mass. 231 (2016) (recognizing limited right to counsel in complaints to modify guardianship and petitions to remove guardianships); *Guardianship of V.V.*, 470 Mass. 590 (2015) (recognizing right to counsel for indigent parents defending against a petition for guardianship of a minor).

³⁶ See BOSTON BAR ASSOCIATION TASK FORCE ON EXPANDING THE CIVIL RIGHT TO COUNSEL, THE IMPORTANCE OF REPRESENTATION IN EVICTION CASES AND HOMELESSNESS PREVENTION (2012), https://urldefense.proofpoint.com/v2/url?u=http-3A__www.bostonbar.org_docs_default-2Ddocument-2Dlibrary_bba-2Dcrtc-2Dfinal-2D3-2D1-2D12.pdf&d=DwIFJg&c=IDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=Ln2ddYCBHrBi0dJo09_CpESrUQOqjQxdIf_4zXEAVjE&m=-Pt_bantLn22x24C73kI3arFopaiX2JcVAWhR57eZgY&s=dCku7H2QB_iMe-4BmOJXI9iOIHnXM8l5x7WdS6u8nTc&e=.

GAPS AND BARRIERS IN DEVELOPING THE CONTINUUM

The continuum of resources available to assist individuals with essential civil legal needs is incomplete in several respects.

First, existing resources are inadequate to meet the substantial need. While the civil justice system has made great strides over the past decade, there continue to be significant gaps in the continuum. This need for more resources is well recognized by the civil justice system and does not represent an indictment of any one or more of its elements, all of which are committed in principle and in practice to expanding services available to the public, but which are not funded adequately. Simply put, there is not enough of anything: not enough self-help information; not enough use of LAR and other forms of limited assistance; not enough legal aid lawyers³⁷ or private attorneys doing pro bono work; and not enough social services. In addition, Massachusetts must still develop certain foundational capacities. Technology, for example, is not yet at the stage of evolution to be able to automate and scale up services sufficiently to serve all who could use them, and data is often difficult to obtain from any of the stakeholders (even internally), preventing information sharing across providers.

Second, actors across the civil justice system -- both resource users and providers -- are not adequately informed about the resources that do exist. Over the past year, those engaged in the strategic action planning process remarked time and again on the number of resources already available in Massachusetts, and the relative lack of shared awareness about them. This lack of awareness is present within and across organizations, and is especially acute with respect to "upstream" resources, i.e., resources that would benefit users before a legal problem becomes a crisis or a court case.

³⁷ Nearly two out of every three eligible Massachusetts residents must be turned away by legal aid providers due to a lack of resources. See BBA CIVIL AID REPORT, *supra* note 12, at iii.

Third, there is a need for closer and broader coordination across the continuum. Because the continuum is stitched together through the efforts of countless institutions and organizations, no one entity is responsible for maintaining it in its entirety. Initiatives are underway to address this problem, and are discussed in greater detail below. As a starting point, collaboration and communication should be improved within and across organizations in order to better leverage the individual resources into a seamless and accessible continuum. Legal resources should always be designed with the user experience in mind, and resource providers should communicate more with one another in order to avoid duplication of effort and maximize their combined assistance to the public. This is already happening to an extent, but going forward it needs to happen more consistently.

In particular, resource providers should collaborate more on appropriate triage. Historically, resource providers have made decisions and set priorities independently of one another, understandably based on their individual strategic planning or funding priorities. In order to avoid duplication, leverage resources to ensure the most assistance possible, and provide the user with the most effective experience, resource providers should coordinate more on common strategies to decide who gets sent where and to establish a "no wrong door" model. From the perspective of the user, it should not matter whether she walks into a Court Service Center, calls a legal aid hotline, or applies online for pro bono assistance; whatever the route, she should be able to access the appropriate level of resources she needs.

Finally, all efforts to expand and strengthen the continuum of services rely upon the assumption that the system itself is working as intended. Simplification and standardization of legal processes, particularly continuing the work of the courts to simplify court processes, represent at once the most complicated and the most valuable improvement toward 100% access

to justice.³⁸ Simplification and standardization³⁹ benefit all stakeholders in the system, and will lay the necessary foundation for making it easier to navigate the system successfully.

STRATEGIC ACTION THAT HAS ALREADY BEGUN

Some ongoing initiatives to build out the continuum of resources include:

- **Expanding self-help resources**, such as:
 - **Plain-language, multilingual, and multimedia forms and information.** These are embedded within the Trial Court's Strategic Plan 2.0.
 - **A virtual Court Service Center.** Initiatives are underway to develop a virtual center and train staff at public libraries to serve as a point of entry to that virtual center.
- **Increasing opportunities for limited assistance**, through:
 - **Strategic assessment and planning.** The Commission's Access to Attorneys Committee recently completed an assessment of LAR in Massachusetts and made a number of recommendations for better supporting and increasing the availability of LAR.
 - **Outreach and training.** Consistent with that Committee's recommendations, the courts, the Commission, the organized bar, and law schools are working on a joint initiative to promote LAR through outreach and training sessions around the state.
 - **Court initiatives.** In further support of increased LAR, the courts are developing a uniform LAR rule across the various court departments, with standardized forms, and are working on the technology to maintain a centralized, publicly accessible list of LAR-qualified attorneys.
 - **A centralized database.** Also in development is an initiative to establish a centralized database of LFD programs, accessible to the courts, legal aid providers, bar associations, etc., so as to avoid the need for duplicative data collection, share information about these valuable resources, and allow for individualized publication of the information to targeted audiences.

³⁸ CHARN & ZORZA, *supra* note 19, at 17 ("We will not solve the access problem by focusing exclusively on getting help to consumers while ignoring the ways in which legal rules, procedures, courts and agencies make resolving legal problems unnecessarily complex, time-consuming and opaque. Simplifying, explaining, and de-mystifying legal processes may turn out to be one of the most cost- and outcome-effective strategies for increasing access to justice.").

³⁹ For example, improved court forms, modifications to court rules, and litigation alternatives such as alternative dispute resolution, as well as a menu of litigation options. *See id.* at 27.

IV. WORKING GROUPS

As discussed above, the Project Management Team (PMT) selected four particular topics for the Strategic Action Plan: (1) the "ecosystem," i.e., the overall system of resources available to persons who need legal aid but cannot afford a lawyer; (2) housing; (3) consumer debt; and (4) family law.

The PMT decided to focus on the three substantive law topics -- housing, consumer debt, and family law -- for two reasons. First, the PMT did not want to duplicate work that the Commission and its committees, the court system, and legal services providers were already undertaking on many system-wide issues, as discussed in Section II, nor interfere with the important progress already being made. Rather, bearing in mind that these system-wide issues were already being addressed in many ways, the PMT concluded that the JFA project offered a significant opportunity to support these efforts and add value by investigating and grappling with access to justice problems more specifically within the context of particular case types. Second, the PMT concluded that housing, consumer debt, and family law were the case types that most urgently required study because they are the areas of essential civil legal needs where the demand for legal assistance is most widespread and pressing in Massachusetts, and where we find the most unrepresented litigants. Housing, family law, and consumer debt are the top three topics of inquiries to the Massachusetts Legal Resource Finder, together constituting 69% of all inquiries,⁴⁰ and to Mass Legal Answers Online, together constituting 74% of all inquiries.⁴¹ In the Housing Court, 93% of the defendants in summary process eviction cases, and 69% of all

⁴⁰ For the period July 1, 2016 through June 30, 2017, 37% of all searches on the Massachusetts Legal Resource Finder concerned family law; 23% of all searches concerned housing; and 9% of all searches concerned debt collection.

⁴¹ For the period November 15, 2016 through November 15, 2017, 34% of all questions posed on Mass Legal Answers Online concerned housing or real estate, including foreclosure; 31% of all questions posed concerned family, divorce, or child custody, including proceedings involving the Department of Children and Families; and 9% of all questions posed concerned debt or bankruptcy.

litigants, are unrepresented.⁴² It is generally reported that in the Probate and Family Court at least one party lacks counsel in the majority of cases. And in consumer debt actions, available data indicate that the percentage of cases where the consumer defendant is represented by an attorney is minuscule -- less than 1.5%⁴³ -- and that a large majority of defendants do not even appear in court and are often consequently defaulted.⁴⁴

At the same time, the PMT also selected the "ecosystem" as the fourth topic of the strategic plan based on its recognition that, despite the extensive work already being undertaken on system-wide issues, it is still necessary to consider how all of these different initiatives, which may appear unconnected at times, fit together to assist users in navigating a complex system of resources and services.

In sum, the PMT sought to combine both a "bottom-up" approach and a "top-down" approach to developing the Strategic Action Plan. On the one hand, the Housing, Consumer Debt, and Family Law Working Groups analyzed access-to-justice problems and proposed possible solutions at the "ground level" of particular case types. On the other hand, the Ecosystem Working Group surveyed the overall landscape of the system from 30,000 feet. Taken together, we believe that this dual approach provides a useful variety of answers -- some

⁴² HOUSING COURT DEPARTMENT, FISCAL YEAR 2017 STATISTICS (2017) [hereinafter HOUSING COURT FY2017 STATISTICS], *available at* <http://www.mass.gov/courts/docs/courts-and-judges/courts/housing-court/2017-hc-self-represented-represented-litigants-by-court-location.pdf>.

⁴³ Testimony of April Kuehnhoff, Staff Attorney at the National Consumer Law Center on behalf of its low-income clients before Joint Financial Services Committee in support of S.120/H.2811, An act relative to fairness in debt collection, at 8 (Sep. 25, 2017) [hereinafter Kuehnhoff Testimony], *available at* https://www.nclc.org/images/pdf/debt_collection/testimony-s120-h2811.pdf.

⁴⁴ In a study in the Central Division of the Boston Municipal Court, 92.5% of defendants in consumer debt actions failed to appear at the first court hearing. *See* D. James Greiner & Andrea Matthews, The Problem of Default, Part I (June 24, 2015 (unpublished manuscript)), *available at* https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2622140; *see also* The Problem of Default, ACCESS TO JUSTICE LAB AT HARVARD LAW SCHOOL, <http://a2jlab.org/current-projects/signature-studies/default/>. This is consistent with data from other jurisdictions. Default rates in debt collection cases across the country range from 60 to 95%. *See* FEDERAL TRADE COMMISSION, REPAIRING A BROKEN SYSTEM: PROTECTING CONSUMERS IN DEBT COLLECTION LITIGATION 7 (July 2010), *available at* <https://www.ftc.gov/reports/repairing-broken-system-protecting-consumers-debt-collection-litigation>.

particularized and some broad-reaching -- to the access-to-justice challenges that face the Commonwealth.

A. ECOSYSTEM

The Ecosystem Working Group (EWG) was charged with developing a systemic vision for enhancing access to justice in Massachusetts. Specifically, the EWG focused on identifying improvements that would be generally applicable to a wide range of unmet legal needs -- as opposed to specific types of legal matters -- and that would foster collaboration and coordination among the various individuals, organizations, institutions, materials, technologies, practices, and infrastructure that comprise the legal help ecosystem.

After analyzing the current landscape, the EWG identified four themes (or spheres of activity) where ecosystem initiatives could make significant inroads in improving access to justice: Navigation, Expansion, Simplification, and Empowerment.

- The **Navigation** theme addresses how users can find and connect with appropriate resources, and how resource providers can collaborate more effectively
- The **Expansion** theme recognizes the need to increase capacity in order to provide a range of types and levels of legal assistance, both inside and outside the courthouse, for individuals with unmet legal needs
- The **Simplification** theme focuses on the importance of reconfiguring the justice system to make it more user friendly
- The **Empowerment** theme acknowledges the need to design new ways to help individuals with unmet legal needs recognize when they require assistance, obtain information about the law and referrals, and understand actions they can take to protect their legal interests

Specific implementation ideas for each theme are set forth below.

NAVIGATION

Massachusetts is fortunate to have many resources as part of its legal help ecosystem. It also has a number of existing navigation tools, such as the Massachusetts Legal Resource Finder (an online legal triage portal with over 90 legal help resources), the ERLI Intake Update (a

monthly publication with information about intake priorities for legal aid, social service, and governmental providers), and website listings, including those on the Massachusetts Trial Court website. Nevertheless, individuals with legal problems, social services providers, and others in the legal help ecosystem are often unaware of and unable to find the appropriate resources.

Going forward, the EWG proposes the following:

- **Establish a committee that focuses on navigation and resources**, under the auspices of the Access to Justice Commission, to include members representing a broad range of stakeholders.
- **Promote awareness of existing legal navigation and referral tools** through a widespread outreach campaign to the public and provider community.
- **Enhance existing legal navigation tools that gather, maintain, and share accurate information about legal resources.** These tools should be designed to:
 - Minimize the number of times and places where providers need to update information about their services
 - Facilitate the sharing of this underlying information with trusted partners and the public

One way to accomplish this would be to create a comprehensive, centralized database with consistent data standards that would share information with legal services, the courts, information and referral providers, the social services community, other web tools, and the public. Such a database would also provide a basis for analyzing available resources, identifying gaps in services, and evaluating effectiveness.

- **Incorporate design thinking and the perspectives of potential users.** Users will be the public, legal services providers, and non-lawyer resource providers such as social services providers. If feasible, a targeted study should be conducted to determine how individuals with unmet legal needs currently obtain access to legal help or face barriers to obtaining access.

EXPANSION

The EWG recognized that to make real progress in achieving wider access to justice it is essential to increase capacity to serve those with unmet needs. The EWG further recognized that

a full range of assistance options must be expanded and brought into play. The following recommendations are made with those aims in mind:

- **Support efforts to expand the reach of court-based self-help support.** Currently there are six Court Service Centers operating in courthouses in Boston, Brockton, Greenfield, Springfield, Worcester, and Lawrence. These Centers offer significant assistance to unrepresented litigants, but their reach is limited to those courthouses. The Trial Court's efforts to expand these resources, including its plan to create a "virtual" Court Service Center (discussed in Section II) should be supported.
- **Promote increased private bar involvement in serving low- and moderate-income individuals.** There is a continued need to encourage and expand pro bono legal work, educate the bench and bar about fee-shifting practices, and promote the use of limited assistance representation to reduce the cost of private bar representation. Efforts in these areas by the Supreme Judicial Court Standing Committee on Pro Bono Legal Services, the Access to Justice Commission, and others should continue.
- **Recognize that non-lawyers can and do provide useful and appropriate assistance inside and outside the courthouse.** Non-lawyers already play an important role assisting individuals with legal problems. Inside the courthouse, non-lawyer SAFEPLAN volunteers provide information and support to unrepresented plaintiffs seeking restraining orders to prevent domestic violence in 36 District Courts and 14 Probate and Family Courts. And in the Western Division Massachusetts Housing Court, non-lawyer Volunteers for Justice assist Community Legal Aid attorneys with intake, fact-gathering, and assistance in the settlement of eviction cases. Successful programs like these should be studied and replicated in different contexts. Outside the courthouse, non-lawyer community mediators are authorized to provide free or reduced fee services to low-income individuals. Community groups and social services organizations provide information and support to clients with legal issues. To assist the social service community, a website is in development that would provide a forum for social workers to obtain legal information to share with their clients.

SIMPLIFICATION

Many legal procedures are based on the assumption that both parties will be represented by counsel, but often this is not the case. Forms and processes should be simplified, especially in cases likely to involve unrepresented litigants; and, in some cases, it may be appropriate to revise the law to minimize the need for court involvement, where possible.

In addition, the courts should be supported in their efforts to make access easier and less burdensome by, for example, implementing innovations such as extended hours and remote

appearances; encouraging electronic filing for all court users including unrepresented litigants; and allowing for remote interaction with the courts in other ways. The courts have been working on a host of simplification issues and have already tested the use of extended hours in three pilot courts. A 2015 Trial Court report concluded that further steps should be taken to extend hours in individual courthouses. The recommendations of that report should be followed and other simplification efforts should be supported and continued.

EMPOWERMENT

A prevalent explanation for why people fail to take timely steps (or any steps at all) to address their legal problems is that they feel overwhelmed and powerless. The EWG recommends that this issue be addressed through outreach, education, and the continued development of tools for learning about legal rights and remedies. One such technological tool would automate user interviews using plain language, and, based upon the user's answers, identify the problem, provide information about steps to resolve it, and generate written materials and completed forms. Existing legal information, education and empowerment resources, such as the MassLegalHelp.org website, should also be supported and promoted.

B. HOUSING

Housing is one of the substantive areas of law where meaningful access to justice is most important, and the need for reform most urgent. Currently, users face a broad range of challenges, whether in understanding their substantive rights, in accessing the resources they need, in their interactions with the courts, or in securing stable housing. However, momentum for reform is building: recently, Massachusetts took a huge step toward improving access to justice in the housing area when the Legislature enacted, and the Governor signed, legislation providing for the statewide expansion of the Housing Court to serve approximately two million residents -- about 31% of the state's population -- in communities that previously had no access to the court. Against this background, the Housing Working Group (HWG) undertook to investigate and grapple with the challenges that still remain for unrepresented tenants and landlords (court users).

Many of the issues in the housing area are variations of the broader themes articulated in this Strategic Action Plan. To start, there is an acute shortage in resources -- and in particular in legal aid -- for individuals facing housing issues. This is despite the fact that Massachusetts already has an impressive range of services and resources available in the housing area, including:

- **Legal services**, such as legal aid programs, medical legal partnerships, law school clinics, Lawyer for the Day programs, and private attorneys
- **Court resources**, such as Court Service Centers, clerks, housing specialists, and the Tenancy Preservation Program (TPP)⁴⁵

⁴⁵ The Tenancy Preservation Program (TPP) is a homelessness prevention program. TPP works with tenants facing eviction as a result of behaviors related to disabilities (e.g., mental illness, cognitive disability, substance abuse, aging-related impairments). In consultation with the Housing Court Department, TPP works with the landlord and tenant to determine whether disabilities can be reasonably accommodated and the tenancy preserved.

- **Online resources**, such as the Massachusetts Legal Resource Finder, Mass Legal Answers Online, MassLegalHelp.org, and the websites of the Housing Court, Attorney General, and various city governments
- **Non-lawyers**, such as tenant/homeowner organizations (e.g., City Life), libraries, elder services, social workers, cultural community organizations, faith groups, and other organizations

Moreover, many of the existing resources are underutilized because users are unable to easily navigate or access them. Relatedly, many resources become available only once a case is in court, when it may already be too late for those resources to provide much help to the users. Earlier, "upstream" interventions are needed so that users can be connected to the necessary resources before a case ends up in court. Forms and processes must be simplified. There is also a need for triage, balancing considerations such as language, literacy, disability, level of income, and risk of homelessness to determine the optimal allocation of scarce resources. Finally, as in all parts of the legal system, there is inadequate coordination among resource providers, causing many users to fall between the cracks.

At the same time, there are also issues that are more specific to the housing area. The system is difficult to navigate for small landlords and tenants -- the law is complicated, the timelines strict -- and especially so for litigants who must navigate the system alone. Most tenants facing eviction are unrepresented litigants: fewer than 7% had representation in the Housing Court in 2017. In addition, many of these tenants are low-income people of color with little to no court experience, who often face additional barriers such as mental disabilities or limited English proficiency. In contrast, 66.9% of landlords statewide, including 81% in Boston, were represented by counsel in summary process cases in Housing Court.⁴⁶ While many small landlords are also unrepresented and experience barriers to protecting their rights in the system, the majority of landlords are both familiar with the system and represented by lawyers, many of

⁴⁶ HOUSING COURT FY2017 STATISTICS, *supra* note 42.

whom are themselves repeat players in the housing courts. Where housing cases pit an unrepresented tenant against a represented landlord, the result is a persistent power imbalance that prevents equal access to justice.

The Access to Justice Commission's Access to Attorneys Committee is currently exploring ways to remedy this shortage of lawyers. One option is to encourage the use of fee-shifting statutes, which in theory should enable private lawyers to take strong tenant cases and be paid by the landlord if the tenant prevails. Another option is to expand the use of limited assistance representation (LAR) to provide more unrepresented small landlord and tenant litigants with access to counsel at crucial stages of the eviction process. New York City has recently instituted a right to counsel for tenants in most eviction cases and has provided the funding necessary to implement that right; Massachusetts should consider following suit.

Another issue that is unique to the housing area is that landlord-tenant disputes can have powerful, long-term consequences that reach far beyond the legal system. Research has shown that eviction and displacement are devastating for the people involved. Where displacement leads to homelessness, the results are costly for both the people involved and the public at large. As such, the HWG's vision for a fairer housing system necessarily focuses on "housing stability." Promoting housing stability does not necessarily mean that every tenancy must be preserved; rather, what it means is that tenants and foreclosed homeowners must have meaningful opportunities to explore safe and healthy housing options, whether that means preserving existing housing or, where that is not feasible, making a smooth transition to a new home.

Promoting housing stability benefits not only tenants and foreclosed homeowners, but landlords, neighborhoods and the Commonwealth as well. Where a tenancy can be preserved, landlords often may recover back rent and avoid eviction costs. Where the landlord recovers

possession through a court-ordered eviction, the landlord has to pay a process server to evict the tenant, at a cost of \$300-\$350, and a storage warehouse to move and store the tenant's goods, at an average cost of \$1,500-\$2,500.⁴⁷ HomeStart, which provides financial assistance to eligible tenants facing eviction, estimates that it saved the Boston Housing Authority (BHA) \$1 million in 2015 by averting evictions for the families it assisted.⁴⁸ HomeStart similarly estimated that it saved private landlords at least \$2 million in the same year by sparing those landlords the costs arising from eviction.⁴⁹ Attorneys for landlords, writing in support of the recent expansion of the Housing Court, reported numerous instances where Housing Court judges were able to help preserve a tenancy by devising a reasonable accommodation or payment plan that resulted in the landlord receiving his or her back rent while allowing the tenant to remain in the home.⁵⁰

Where housing stabilization prevents homelessness, the intervention averts major quantifiable costs to the public. The most direct costs of homelessness include the costs of emergency shelters, increased costs to the public health care system, the increased likelihood that homeless children will enter the foster care system, and the increased police costs associated with protecting the homeless.⁵¹ Other less easily quantifiable costs reflected in the academic literature include the fact that homeless children fare worse than poor children who remain housed in terms of health, mental health, and educational outcomes, including a lower graduation rate; these effects can result in diminished tax revenues, higher spending on public assistance,

⁴⁷ See, e.g., Chief Justice Ralph D. Gants, Op-Ed., *Housing Court Needs to be Expanded*, BOSTON GLOBE (Feb. 12, 2016), <https://www.bostonglobe.com/opinion/2016/02/12/housing-court-needs-expanded/IZjchniWVdPAv3wdjBBtpN/story.html>.

⁴⁸ See, e.g., Chief Justice Ralph D. Gants, State of the Judiciary 7 (Oct. 20, 2016), available at <http://www.mass.gov/courts/docs/sjc/docs/speeches/state-of-judiciary-speech-sjc-chief-justice-gants-2016.pdf>.

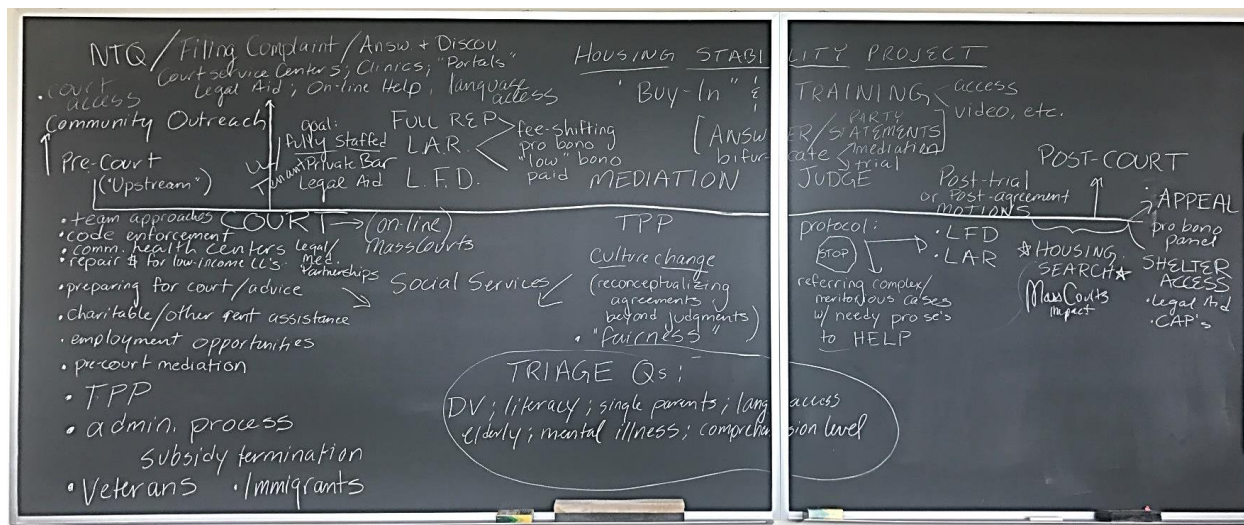
⁴⁹ *Id.*

⁵⁰ Letter from Chief Justice Ralph D. Gants to Honorable Robert A. DeLeo, Speaker of the House of Representatives 2 (Feb. 25, 2014) (on file with the PMT).

⁵¹ See BBA CIVIL AID REPORT, *supra* note 12, at 19.

and higher crime rates.⁵² Avoiding displacement of foreclosed homeowners has not only benefited the homeowners and their households, but has also helped "local communities recover from the foreclosure crisis."⁵³

In keeping with the mission of the Commission, the focus in the HWG has been on the user experience. At the statewide summit in June, the HWG developed a visual of the potential continuum in the area of housing, identifying the various challenges throughout the process. That effort, which maps the user's experience in terms of both time (i.e., the steps in the process) and space (i.e., the various resources that are available), is captured in the following photograph of the chalkboard at the close of the session. This visual captures both the potential for meaningful improvements, but also the complexity of the challenge ahead.



Since then, the HWG has transformed this initial roadmap into a strategic plan for action. The balance of this sub-section details that plan. It walks through the different stages of the eviction process, starting with the pre-court, or "upstream," stage and the notice to quit, moving on through the pleadings stage and court proceedings, and ending with the post-judgment stage.

⁵² *Id.*

⁵³ MASSACHUSETTS ATTORNEY GENERAL, REBUILDING THE COMMONWEALTH: RECOVERING FROM THE FORECLOSURE CRISIS AND SETTING THE FOUNDATION FOR FUTURE SUCCESS 5 (2014), available at <http://www.mass.gov/ago/docs/press/2014/homecorps-report.pdf>.

At each stage, the plan identifies critical barriers to housing stability as well as recommendations for improvement. These recommendations include short-term fixes that can be implemented immediately with little or no additional resources, as well as more long-term solutions that will bring us closer to our goal of 100% access to justice in the area of housing.

PRE-COURT

Barriers at the Pre-Court Stage

In Massachusetts, the eviction process starts when the landlord serves the tenant with a "notice to quit," stating that the landlord is terminating the tenancy and the reason for termination. Importantly, the notice to quit is only a prerequisite to bringing an action in court; it is not filed with any court unless and until a case is commenced. A common misunderstanding is that a tenant who receives a notice to quit must vacate the premises, when in fact a tenant cannot be evicted except by a court order.⁵⁴

Many landlord-tenant disputes can be resolved at this early stage, benefiting both parties before they end up in court. Pre-court, or "upstream," the landlord has not incurred much in legal fees, and the tenant does not yet have a record of an eviction filing, which can serve as a long-term impediment to the tenant's search for future housing regardless of the legal outcome. But currently, court-based resources like the Tenancy Preservation Project (TPP), the Court Service Centers (CSCs), and Housing Specialist Department (HSD) mediation, as well as legal aid and state and nonprofit financial assistance (such as Lawyer for the Day (LFD) programs),

⁵⁴A growing body of research suggests that data regarding the incidence of formal eviction dramatically undercounts the extent to which poor families are forced to move involuntarily due to issues with their landlords and apartments. See, e.g., Matthew Desmond et al., *Forced Relocation and Residential Instability Among Urban Renters*, 89 SOC. SERV. REV. 227 (2015); Andrew Flowers, *How We Dramatically Undercounted Evictions by Asking the Wrong Questions*, FIVETHIRTYEIGHT (Sep. 15, 2016), <https://fivethirtyeight.com/features/how-we-undercounted-evictions-by-asking-the-wrong-questions/>.

generally do not become available or readily accessible until after a court action has commenced. Ultimately, this delay in intervention results in a greater expenditure of resources and a greater risk to housing stability, as parties become invested in or resigned to terminating the existing tenancy.

A related set of issues arises from the fact that once a court action has commenced, the case moves extremely quickly, leaving unsophisticated landlords and tenants -- many of whom already face multiple barriers in terms of language, literacy, or disability -- with little time to educate themselves about their rights and responsibilities, or to secure the assistance they need. This problem is exacerbated by the fact that there are too few of these resources, and long waiting periods before users can take advantage of them.

The recommendations that follow are aimed at "upstreaming" many of the resources that are now only available or primarily available at later stages of the process, in order to facilitate the more efficient resolution of disputes.

Recommendations for the Pre-Court Stage

1. Inform tenants about rights and resources at the start of the tenancy. Tenants should be provided with a short packet of information, written at a third-grade reading level and available online in common non-English languages. The packet should:

- Summarize landlords' and tenants' rights and responsibilities
- Suggest documents that the tenant should keep in the event of future disputes (e.g., know-your-rights (KYR) packet, rental agreement, communications with landlord)
- Describe the court processes and other mechanisms that landlords and tenants can use to enforce their rights⁵⁵

⁵⁵ Washington, D.C. has implemented a version of this idea for housing code violations and in Massachusetts, every tenant must already be provided with a lead law notification.

2. Inform tenants about rights and resources upon notice to quit. Along with each notice to quit, landlords should serve tenants a pre-determined packet containing:

- A KYR packet
- A list of housing stabilization resources, including legal aid, community organizations, and financial assistance programs
- Information about any upstream resources available through the courts, such as TPP or HSD mediation

3. Make improvements to notice to quit (substance). To ensure that unsophisticated landlords and tenants understand the nature of this important document, notices to quit should be renamed "Notice of Intent to Begin Court Case to Evict" and rewritten so as to communicate their actual function. Notices should avoid misleading language suggesting that tenants, upon receipt of the notice, are legally obligated to leave the premises.⁵⁶ In addition, each notice should:

- Be written at a third-grade reading level
- Be provided in the preferred language of tenants with limited English proficiency (LEP), or at a minimum contain a standard bolded warning in multiple languages informing the tenant that the notice is important and should be translated immediately
- Be provided in an accessible format for tenants with disabilities, and contain a disability rights advisory informing users in simple language that they can request reasonable accommodations

4. Make improvements to notice to quit (process). Notices to quit should be sent simultaneously to the city or town and/or to a social service agency designated by the city or town,⁵⁷ which can then engage in outreach to the parties (e.g., offering mediation or KYR

⁵⁶ Ideally, the forms would be modified both to include the proposed content but to be formatted as fillable forms which should be available in multiple languages through the court websites.

⁵⁷ Boston, for example, has an Office of Housing Stability that offers an array of assistance programs to prevent unnecessary evictions.

services) or analyze the data to assess local eviction trends.⁵⁸ In addition, tenants should be permitted to contact the landlord to designate a friend, family member, social worker, or health care provider to receive copies of all correspondence.⁵⁹ This will facilitate early interventions, which are especially needed for LEP tenants and tenants with disabilities, which are common in low-income communities.⁶⁰

5. Make stabilization resources readily accessible earlier. Courts, CSCs, and other service providers should take steps to expand access to upstream resources. For example:

- The Housing Court should maintain on its website a list of resources, including court resources (e.g., TPP, HSD, CSC, and LFD programs) as well as community resources, such as:
 - Elder and protective services
 - Community health clinics
 - Subsidized housing providers and housing authorities
 - Housing search workers
 - Legal aid
 - Community Action Programs (CAP)
 - Community, tenant, and small landlord non-profit organizations
 - Disability rights organizations
 - Cities and towns (including Boards of Health)
- Housing courts should also host one-stop Housing Stabilization Centers, available to landlords and tenants pre-court, where many of the above resources can be offered in person
- Stabilization programs, such as RAFT, HomeStart, legal aid, TPP, and mediation, should alter eligibility criteria to permit upstream resolution of disputes⁶¹

⁵⁸ For a discussion of a similar law in Virginia, see Emily Nugent & Peyton Whiteley, *Third Party Notice of Eviction Actions: An Opportunity for Advocates to Help End Homelessness*, 40 CLEARINGHOUSE REV. 431 (2006).

⁵⁹ The notice should include all contact information for the landlord, including a mailing address, phone number, fax number and e-mail address to facilitate contact.

⁶⁰ In non-summary process civil injunction actions brought by landlords seeking to "lock out" tenants for troubling behavior (often related to mental illness) or criminal conduct, intervention should be required to explore solutions that would avoid homelessness, including TPP outreach and mediation. Resource providers should complete a form, reporting the intervention method and outcome, and provide it to the judge.

⁶¹ The Springfield Housing Authority and Boston Housing Authority are reportedly piloting such an approach with TPP (or will soon do so).

- Paraprofessionals, trained lay advocates, and law students should be recruited to assist tenants in administrative hearings like public housing grievance hearings and housing choice voucher terminations⁶²

PLEADINGS

Barriers at the Pleadings Stage

The next step in the eviction process is the commencement of a court action for eviction, which is called "summary process."⁶³ A summary process action starts when the landlord serves the tenant with a "Summons and Complaint," a dense one-page document.⁶⁴ The Summons and Complaint is intended to communicate important information, including the court in which the case is entered, the deadline for filing an answer, and the date that the tenant must appear in court. However, the document is confusingly named, uses formalistic language, and is formatted poorly, burying important information in fine print or even on the back of the form. The document poses significant problems for unsophisticated landlords and tenants alike.

Currently, tenants are expected to respond to the Summons and Complaint by (1) filing answers asserting their defenses and counterclaims by the deadline; and (2) showing up on the first court date, prepared for trial. But it is very uncommon for unrepresented tenants to file answers, most often because tenants do not know what to file or when to file it. There are also other obstacles to filing. For example, some tenants cannot file a document in person due to

⁶² Harvard Law School's Tenant Advocacy Project has a successful model.

⁶³ For simplicity's sake, we have primarily focused on summary process cases. Any broader review of access to justice in housing or housing stabilization should encompass other forms of eviction, like civil injunction actions brought under G. L. c. 139, § 19, and affirmative claims by tenants, most of which are directly connected to housing stability.

⁶⁴ The court date is scheduled in relation to the "Entry Date." "Service of a copy of a properly completed Summary Process Summons and Complaint shall be made on the defendant no later than the seventh day nor earlier than the thirtieth day before the entry date." Uniform Summary Process Rule 2(b).

illness or disability, because they cannot take time off work, or because they lack adequate means of transportation.⁶⁵ It is not surprising that there is a high rate of default on the trial date.

Parties who do appear on the scheduled court date are often surprised to learn that their cases are scheduled for trial that day, in part because the Summons and Complaint references a "hearing," not a trial. Many parties who have proof of claims and defenses appear in court unprepared, not realizing that they were expected to have supporting witnesses and documents. Parties also often do not know that all members of the household named in the Summons and Complaint must appear in court. In addition, the reason for the eviction -- which the landlord will need to prove and the tenant will need to defend against -- is often not stated on the Summons and Complaint,⁶⁶ leaving many tenants unaware of the nature of the case against them.

In addition, even if an unsophisticated landlord knows where and when to file a complaint, and a tenant knows where and when to file an answer, it is difficult to identify and assert the appropriate claims, defenses, and counterclaims in a proper pleading without assistance. This is especially true for LEP parties and parties with disabilities. While judges may allow amended pleadings and late answers on motion, parties who do not timely file pleadings by the deadline may thereby lose their right to a trial by jury and may not be permitted to seek discovery.

Finally, court resources are distributed unevenly across the state. In Massachusetts, housing cases can be filed either in the Housing Courts or in the District Courts, but court resources tend to be concentrated in the former, and some -- such as TPP and LFD programs --

⁶⁵ Another barrier to filing in some areas of the state is that the clerk's offices "ride circuit," accepting answers at certain locations only on certain days of the week and thereby creating a moving target for tenants seeking to file answers.

⁶⁶ As discussed, the reason for eviction is stated in the notice to quit, but the notice to quit -- although filed with the Summons and Complaint -- is generally not served with it. The only grounds generally stated in the Summons and Complaint is that the tenant failed to vacate after receiving the notice to quit.

are not available at all in the District Courts. As of July 1, 2017, litigants can "transfer" cases from any District Court to Housing Court, meaning that tenants have greater access to Housing Court-based resources. However, there is a need for greater cross-court communication, in order to ensure that tenants are informed of their right to transfer and that transfers proceed smoothly. What is more, many of the Housing Court-based resources are already stretched too thin. LFD programs are under-staffed and not available in all Housing Courts, while TPP is in need of additional funding just to meet existing needs, let alone to match expansion.

Recommendations for the Pleadings Stage

1. Make improvements to the Summons and Complaint. To be understandable to users and serve its intended function, the Summons and Complaint form should be standardized and modified. It should be written at a third-grade reading level and highlight important information, such as the court location, answer deadline, and court date, in bold. In addition, the Summons and Complaint should:

- Identify the actual reason for eviction
- Clearly state what the parties should do to be prepared on the first court date (e.g., bring witnesses and documents to court, appear with all household members named in the summons)⁶⁷
- Contain a disability rights advisory informing the parties in simple language that they can request reasonable accommodation
- Contain a standard bolded warning in multiple languages informing the tenant that the document is important and should be translated immediately if the tenant is limited in his or her English proficiency⁶⁸

⁶⁷ See the HWG's Recommendations for the Court Stage, *infra*, for proposed changes to what happens on the initial court date. Regardless of any changes, the notice should clearly state what the tenant needs to be prepared to do. Alternatively, the Summons and Complaint could be very simple and state just three things clearly: that an eviction case has been commenced against the person, that the tenant has a right to file a response by a certain deadline, and the date and nature of the hearing. It could be accompanied by a fact sheet and an information packet providing guidance on the process and listing available resources.

- Direct parties to the CSC or court website for fillable complaint, answer, and discovery forms
- Identify any subsidies associated with the tenancy and the administering agency, and certify compliance with the subsidized lease or program rules
- Include all contact information for the landlord or the landlord's lawyer, including mailing address, phone number, fax number and e-mail address

2. Provide user-friendly complaint, answer, and discovery forms. Courts should provide, at courthouses and through their websites, complaint, answer, and discovery forms that use guided, smartphone-friendly interviews or detailed checkbox forms to elicit relevant information.⁶⁹ In addition, technological advances will soon make it possible for landlords and tenants to simply answer a set of plain-language questions that generate pleadings that can be electronically filed. This technology should be made available through court websites and at terminals in courthouses.

3. Streamline filing and service processes. Steps should be taken to reduce the barriers to filing and serving complaints, answers, and discovery requests, making the process more simple and flexible. For example, parties should be able to:

- File complaints, answers, and discovery requests electronically or in person at any courthouse, regardless of the court in which the case is being heard⁷⁰
- Serve documents by fax or electronically

⁶⁸ Ideally, translated versions of the form would also be available in multiple languages on the court's website.

⁶⁹ The forms created by the Massachusetts Law Reform Institute achieve this purpose and are already in use at some CSCs and on the MassLegalHelp.org website, among other places.

⁷⁰ In addition, if one member of a household files an answer or discovery request, other members of the household should be given time to sign onto them rather than being deemed to have not answered the complaint.

COURT APPEARANCES, HEARINGS, AND TRIALS

Barriers at the Court Stage

Barriers to Understanding the Process. The experience a litigant will have in court varies widely across the state and across the court system. Some courts, like the Boston/Eastern Housing Court, have extremely high volume, but also a wide range of stabilization resources, including an on-site TPP office, HSD mediation, LFD programs, and HomeStart advocates. In other Housing Courts, the volume is lower, but there are fewer stabilization resources available at the courthouse. Meanwhile, in the District Courts, the judges are often not housing law experts -- a burden that falls disproportionately on unrepresented litigants, who are typically also unfamiliar with the law -- and, although volunteer mediations are sometimes available, stabilization resources like TPP and LFD programs are largely nonexistent.

Having said that, certain challenges are common to users across the court system at this stage, including:

- **Navigating an unfamiliar system.** Tenants and small landlords may have no experience in any court system, much less the housing courts. They are unfamiliar with the process, with the various players, and with the rules governing the proceedings. They are often unaware that they have different options for resolving their disputes, whether through alternative dispute resolution (ADR), mediation, or trial. Navigating this system is all the more challenging for small landlords and tenants because they are often experiencing high levels of stress: for small landlords, their ability to meet a mortgage payment might be urgently on the line; for tenants, they face the loss of their home and possible homelessness.
- **Language and culture.** Language and culture differences exacerbate any confusion and make communication between litigants and lawyers or court personnel, including judges, more challenging. LEP litigants are often unable to access resources aimed at helping unrepresented litigants. In addition, they may not know how to timely request an interpreter and interpreters can be difficult to schedule for less-common languages.
- **Transportation and childcare.** In Boston, low-income litigants are reliant on public transportation, which is not always reliable and, given their financial circumstances, a financial burden for them. In the rest of the state, litigants without cars have a difficult time reaching courthouses in person. Court appearances are particularly challenging for

litigants with children or who are caring for elderly parents, who may not have adequate childcare or eldercare options.

- **Work.** Low-income litigants who miss work to appear in court often lose significant income or risk job security. The impact of this on housing stability and on families' economic security is often underestimated.
- **Disability.** Litigants with physical disabilities may require additional assistance in court. Litigants with mental health or cognitive disabilities can be equally in need of assistance, but courts are less likely to understand whether and how to provide it. *Guardians ad litem* are often in short supply, without any specialized training or a clear understanding of their role in an eviction case.
- **Prohibitions on cell phones in courthouses.** In some courts, cell phones are prohibited, putting litigants in a bind. Often, litigants who are unaware of these prohibitions have to choose between leaving their cell phone in an unsecured area, defaulting, or paying to have the phone held at a third party location. Such prohibitions also create additional challenges because cell phones often contain crucial evidence, such as landlord-tenant communications or photographs of the premises, and also serve as a lifeline to the outside world, enabling litigants to reach their children in an emergency or to arrange for transportation from the courthouse.

Barriers to Informed and Voluntary Settlements. Many summary process actions end in an "Agreement for Judgment" (AFJ). Under an AFJ, judgment typically enters for the landlord. In addition, the parties agree on move-out or repayment terms, which usually fall under one of two scenarios. In the first common scenario, the tenant is given a fixed move-out date, sometimes with a "stay of execution" to provide time to move; the tenant can either stay on the premises and pay for the additional time and/or toward back rent owed, or vacate in exchange for a rent waiver. In the second scenario, there is a possibility that the tenancy will be reinstated, provided that the tenant meets certain "probationary" terms for a period of time. In either scenario, the landlord can request an issuance of execution -- which would result in the tenant's speedy eviction -- alleging the tenant's failure to pay or to comply with a probationary term.

The terms of these AFJs risk disadvantaging tenants in several ways. To start, they hamper judicial discretion to consider mitigating circumstances in favor of tenancy preservation.

They also limit the subsequent remedies available to tenants, often requiring tenants to waive their rights to appeal or to trial in the event of a breach. Meanwhile, having a public record of a judgment against a tenant can serve as a barrier to relocation and future rental efforts, and also adversely affect a tenant's credit. An AFJ can also result in the termination of a housing subsidy and disqualify a family for state-provided family shelter under the "Emergency Assistance" program.

Importantly, AFJs are not the only framework available for settlement. For example, a landlord and tenant can enter into a stipulation or agreement that provides that a case will be continued and dismissed entirely if the tenant agrees to certain conditions or the landlord is made whole. However, many parties are not aware of these alternative options, in part because the court's standard settlement forms encourage an AFJ as a term of settlement.

The following recommendations are aimed at improving the user experience in court, in hopes that a more navigable and accessible system will lead to fairer outcomes.

Recommendations for the Court Stage

- 1. Structure the initial court date to facilitate resolution without trial.** The initial court date should not be a trial date. Instead, it can serve as a conference date, or be used for settlement discussions and mediation, but in either case unrepresented parties should not be expected to appear prepared for trial.
- 2. Implement flexible scheduling.** Hearings and trials, as well as mediation sessions, should be scheduled to provide more flexibility for litigants and accommodate their work or childcare schedules. For example, courts should:

- Offer evening court sessions or, at a minimum, start and end sessions at times that enable litigants to discharge work or family obligations (e.g., dropping off or picking up children from school)
- Offer mediation services on dates other than the primary court date
- For hearings other than trials, allow litigants to appear by phone or videoconference, or by written submission if necessary to avoid medical or severe economic hardship
- Allow litigants to reschedule initial court dates by mutual agreement or where there is no undue prejudice to either party
- Allow routine scheduling via email with clerk magistrates, rather than by personal appearance⁷¹

3. Expand access to same-day resources. Every court that hears housing cases should provide same-day resources to litigants, for example:

- An LFD program offering same-day advice and, resources permitting, assistance with negotiations, mediations, and hearings
- A Limited Assistance Representation (LAR) kiosk for landlords and tenants who do not qualify for free legal aid, staffed by private attorneys willing to provide flat-fee LFD assistance in negotiations, hearings, and trials⁷²
- Non-attorney "navigators" or "concierges" who can direct unrepresented litigants to available resources and answer basic questions
- Interpreters who can assist in mediations and LFD consultations in addition to hearings (alternatively, language lines like those in the CSCs could be used in lieu of in-person interpretation)
- Information on how to access legal aid services (e.g., intake phone numbers for local legal aid or pro bono programs and the MassLegalHelp.org website) in every notice that the court sends to litigants

4. Make improvements to user experience during trials and mediations. For example:

- Accommodations should be made for litigants who require assistance, such as LEP litigants or litigants with disabilities.

⁷¹ The Boston/Eastern Housing Court is experimenting with a system whereby two-week stipulated continuances can be effectuated this way.

⁷² Relatedly, there should be efforts involving the bar associations to recruit and train private attorneys to (1) volunteer in LFD programs, (2) offer LAR assistance to moderate-income landlords and tenants, and (3) represent tenants with fee-shifting claims.

- Low-income litigants with mental health or cognitive disabilities, who are unable to participate equally in the court process, should be appointed counsel or receive other accommodations at the state's expense.
- Litigants should be able, with their written consent, to have family members or friends appear with and assist them in court, including hearings and mediation.
- Cellphones should be permitted in all courthouses or, if they are not permitted for security reasons, on-site lockers should be offered. Courts should accept evidence stored on cell phones, either by providing a method for printing or allowing electronic submission.
- Childcare should be available in courthouses for litigants participating in hearings or mediations.
- Consistent with the Judicial Guidelines for Civil Cases Involving Self-Represented Litigants, judges should regularly be trained in how to conduct trials with an awareness of the challenges facing unrepresented litigants. For example, in cases involving unrepresented litigants, judges should:
 - Offer colloquies to ensure that any waiver of their rights is knowing and voluntary
 - Apply loosened evidentiary standards or, at a minimum, exercise their discretion liberally in favor of unrepresented litigants to give them the opportunity to meaningfully present their cases⁷³
 - Give pre-court speeches that are uniform and user-tested, and solicit unrepresented litigants' perspectives on their effectiveness
- Judges, clerks, and other court personnel should receive ongoing training and resources aimed at improving cross-cultural understanding and communication and reducing unconscious bias.
- In mediations, mediators should take steps to ensure that the parties arrive at successful and balanced agreements, through informed and voluntary participation. For example:
 - Mediators should develop checklists for different kinds of cases (e.g., fault/subsidized tenancies, nonpayment, no-fault) to elicit information from the parties about legal and non-legal issues that might be relevant

⁷³ Such discretion is permitted under Rule 3.2 of the judicial conduct guidelines. In exercising this discretion, a judge could, for example, ask questions about defenses and counterclaims to ensure that all relevant testimony and documents are offered, allow undisputed documents that are not properly authenticated into evidence, or leave the record open to permit submission of documents that were brought to court in an inadmissible format.

- In cases where an unrepresented litigant has evidence of claims, defenses, or counterclaims but cannot access it, a two-week continuance should be granted
- Mediators should have resources available to help unrepresented tenants and landlords accurately assess the viability of settlement agreements (e.g., budget worksheets, information about subsidized housing, and shelter eligibility rules)

5. Inform litigants of dispute resolution options. Litigants should be clearly advised of the differences between the various methods of dispute resolution (e.g., mediation versus negotiation).⁷⁴ Their decisions as to whether to negotiate with the opposing lawyer, go to mediation, or go to trial should be knowing and informed.

6. Encourage alternative frameworks for settlement. Parties should have a meaningful opportunity to explore alternatives to the standard AFJ. For example:

- Courts should not accept AFJs that have been signed by parties before a case is filed, especially where a party did not have legal advice or representation prior to signing.
- The standard agreement forms provided by the court should not presuppose entry of a judgment, but rather a stipulation between the parties.⁷⁵ Relatedly, during mediation, it should not be presupposed that a tenant must vacate or that the tenant must repay all unpaid rent.
- Waiver of tenant claims with little or no consideration should be avoided.
- AFJ terms "waiving" the right to ask for more time to vacate should be deemed void as contrary to public policy.

7. Reduce defaults. Finally, steps should be taken to reduce the high rates of default or nonsuit at trial. For example:

- There should be no entry of default or nonsuit in cases where:

⁷⁴ For example, lawyers should clearly inform unrepresented litigants that they represent the opposing side of a case and are not "mediators" or neutrals.

⁷⁵ Sample stipulation forms (Reinstate, Vacate, and Continuance with Terms) have been created and are increasingly in use in several courthouses, including at the LFD Program in the Northeast Housing Court.

- Litigants arrive late to court, if the opposing party and/or counsel is still in the building and the court is still in session⁷⁶
- One member of a household appears, but the others do not due to a misunderstanding (in such cases, a one-week continuance should be offered for all defendants to appear)
- Courts should provide a check-in system whereby a party's presence is noted electronically so that litigants who are already at the courthouse are not defaulted (e.g., while they are receiving assistance at the LFD Program)
- Clerk's offices and court websites should provide simple forms for removing defaults and reopening cases⁷⁷

POST-JUDGMENT

Barriers at the Post-Judgment Stage

After a judgment has been entered, many tenants have difficulties securing stable housing. Tenants who want to preserve their tenancies face substantial barriers. Many of them still require legal aid, for example to defend against a motion for issuance of execution or to request a stay of eviction. Tenants seeking reinstatement or stays must also bear the exorbitant fees associated with a cancelled constable eviction. Meanwhile, tenants looking for new housing also face many challenges. Tenants typically cannot obtain a positive reference from their landlord after an eviction, and the lack of adequate housing search assistance and the difficulties navigating public and subsidized housing options are endemic. Tenants with housing vouchers also face obstacles, from landlords not wanting to deal with program requirements, and from market rents that exceed the rental amounts set by HUD.

⁷⁶ Some but not all courts currently utilize a "second call" that helps reduce defaults. In others, on the contrary, defaults are not removed if the tenant appears late, even if the landlord and/or landlord's counsel are still in the building and readily available, and the court is still in session.

⁷⁷ Forms should also be provided for impounding cases for parties who should not have been named as defendants in the first place (e.g., nonresidents and minors who are listed on their parents' or guardians' leases). Impoundment should be routinely allowed in such cases given the lasting impact of the mere filing of a summary process action on a tenant's ability to secure future housing.

Adding to these challenges, many legal aid programs do not offer assistance to tenants at the post-judgment stage, opting instead to commit their limited resources to pre-judgment cases where there is a greater chance for tenancy preservation. The following recommendations are aimed at empowering tenants to secure stable housing and avert homelessness.⁷⁸

Recommendations for the Post-Judgment Stage

1. Assist tenants in preserving tenancies. In cases where a judgment has been entered, steps should be taken to preserve tenancies where possible. For example:

- Legal aid should be available, including through LFD programs and TPP intervention, where appropriate, to assist tenants in:
 - Defending against motions for issuance of execution or for entry of judgment
 - Requesting stays of eviction
 - Obtaining appeal bond waivers
 - Appealing denials of stays or trial judgments
- Where legal aid is unavailable, the clerks' offices and CSC should be equipped to assist litigants to the extent practicable
- Similar assistance should be available for former owners in foreclosure cases
- "Cancellation" fees for constable evictions should be regulated

2. Promote smooth transitions to new housing. In cases where tenancies are not sustainable, courts and other resource providers should assist the parties in allowing tenants to transition to new and stable housing. For example:

- Statutes should be enacted to allow courts to grant stays of execution in fault and non-payment cases as well as in no-fault cases.⁷⁹

⁷⁸ While the focus of this section is on post-judgment recommendations to assist tenants in preserving tenancies and promoting smooth transitions to housing, the post-judgment phase also involves costs to landlords in terms of the eviction itself and the collection of any money judgment. These costs can be avoided where earlier interventions can stabilize the tenancy. See the HWG's Recommendations for the Pre-Court Stage, *supra*.

⁷⁹ Currently, courts are affirmatively allowed by statute to grant stays of execution only in no-fault cases.

- TPP should assist tenants with transitions to new housing, particularly where a tenant's disabilities may make the transition difficult.
- Steps should be taken to assist tenants in dealing with the collateral consequences of having a summary process judgment against them. For example:
 - Judges, housing specialists, TPP, and LFD Programs should receive routine training on the ways in which a summary process judgment can create barriers to maintaining housing subsidies or "Emergency Assistance" (EA) shelter eligibility⁸⁰
 - Information about shelters should be made broadly available, including locations, hours, and rules
 - Legislative advocacy should be initiated to reform the eligibility rules for EA shelter
 - Landlord-tenant information should not be publicly available on court websites, because of the many adverse consequences for tenants (at a minimum, impoundment and other privacy measures should be freely available, and the procedures for error correction simple and speedy)⁸¹
- A social services worker should be available at each court session to provide information about relevant social services, stabilization programs (e.g., RAFT), and charitable assistance for:
 - Moving expenses
 - First and last month's rent and security deposit
 - Storage of belongings
 - Disposal costs (and how to avoid spreading bed bug or other infestation)
 - Furniture banks
 - Parents' employment risks
 - Children's school attendance
 - Therapeutic counseling for trauma risk

⁸⁰ In addition, the Housing Court should establish a workshop or orientation program to assist tenants applying for EA shelter, in coordination with the Department of Housing and Community Development.

⁸¹ For example, clerk's offices should have clear error correction procedures and simple forms that can be completed to secure correction within a short period of time (akin to criminal record sealing procedures), and clerk's offices and court websites should offer fillable motions for impoundment of landlord-tenant cases. In addition, the Housing and District Courts should adopt Standing Orders addressing the unintended consequences of online publication of landlord-tenant records.

C. CONSUMER DEBT

WHY DEBT: THE MAGNITUDE OF THE PROBLEM

Any meaningful effort to improve access to justice must confront the increasingly widespread problem of consumer debt. From 1997 to 2009, the amount of outstanding consumer debt in the United States more than doubled, and as of 2013, more than one in three adults with a credit history -- 77 million people -- had debt in collections reported in their credit files.⁸² Contrary to the pervasive narrative about consumer debt, one of the primary reasons that people acquire debt is to cover unexpected medical bills or basic living expenses in times of crisis.⁸³ In 2014, national credit reports showed that medical debt accounted for more than 50% of debt collections and that almost one-fifth of consumers with a credit report had a delinquent medical bill in collection.⁸⁴ In Massachusetts, there are several reasons why consumer debt warrants particular attention.

First, consumer debt affects a high number of individuals and families. In Massachusetts, 23% of residents have a debt in collections -- almost one in four.⁸⁵

Second, consumer debt is an area in which sophisticated and powerful repeat players dominate the court process. The largest players in the debt collection world -- debt buyers -- are among the heaviest users of our nation's court systems.⁸⁶ This industry is highly concentrated: in 2009, 10 debt buyers accounted for approximately 80% of all debts purchased in the United

⁸² NATIONAL CONSUMER LAW CENTER, FAIR DEBT COLLECTION § 1.4.1 (2017).

⁸³ URBAN INSTITUTE, DELINQUENT DEBT IN AMERICA 1 (2014).

⁸⁴ Lack of price transparency and complex health insurance schemes can cause confusion and limit consumers' abilities to properly address their debt. See CONSUMER FINANCIAL PROTECTION BUREAU, CONSUMER CREDIT REPORTS: A STUDY OF MEDICAL AND NON-MEDICAL COLLECTIONS 4, 6 (2014).

⁸⁵ CAROLINE RATCLIFFE ET AL., URBAN INSTITUTE, DELINQUENT DEBT IN AMERICA 9 (2014), available at http://www.urban.org/research/publication/delinquent-debt-america/view/full_report.

⁸⁶ See Brian Stauffer, *Rubber Stamp Justice: US Courts, Debt Buying Corporations, and the Poor*, HUMAN RIGHTS WATCH (Jan. 20, 2016), <https://www.hrw.org/report/2016/01/20/rubber-stamp-justice/us-courts-debt-buying-corporations-and-poor>.

States.⁸⁷ Massachusetts courts, like other states, see a high number of suits from debt collectors. *The Boston Globe* reviewed civil lawsuits filed in the state between 2004 and 2013 and found that of 1.9 million lawsuits filed, almost two-thirds were filed by professional debt collectors.⁸⁸ Similarly, the National Consumer Law Center studied all civil, small claims, and supplementary process case filings in Massachusetts in 2015, and found that nine debt buyers made up 43% of the total filings.⁸⁹ This is consistent with the Trial Court's own data. In Fiscal Year 2017, in general civil matters (not including small claims or supplementary process), four of the top seven plaintiffs were debt buyers. The other three were original creditors, also suing consumers on debts. Combined, the top seven plaintiffs constituted 37% of the FY2017 general civil docket.⁹⁰

Debt collection cases pit sophisticated businesses that have attorneys against everyday consumers -- who are disproportionately people of color -- without counsel.⁹¹ According to one Massachusetts study of 2016 cases, less than 1.5% of consumer defendants in debt collection cases were represented by an attorney.⁹² Informal rules in court proceedings, as in small claims sessions, can exacerbate existing power imbalances and create opportunities for the abuse of

⁸⁷ NATIONAL CONSUMER LAW CENTER, COLLECTION ACTIONS § 1.4.2 (2017) (citing FED. TRADE COMM'N, THE STRUCTURE AND PRACTICES OF THE DEBT BUYING INDUSTRY (2013)) (nine of the top ten accounted for 77% and one of the largest, Asset Acceptance, was not counted because it was under FTC investigation at the time).

⁸⁸ Jessica Mendoza et al., *Collection Abuses Move Up to Higher Courts*, BOSTON GLOBE (Mar. 28, 2015), <https://www.bostonglobe.com/metro/2015/03/28/new-restrictions-debt-collectors-district-court/sIMWIBGAjooNXc1QomaNpM/story.html>. These numbers are in line with nationwide trends. The National Center for State Courts has estimated that debt collection cases comprise 37% to 53% of the civil docket nationally. See NATIONAL CENTER FOR STATE COURTS & STATE JUSTICE INSTITUTE, CIVIL JUSTICE INITIATIVE: THE LANDSCAPE OF CIVIL LITIGATION IN STATE COURTS, at iii (2015), available at <https://www.ncsc.org/~media/Files/PDF/Research/CivilJusticeReport-2015.ashx> (the high-end estimate includes small claims cases, whereas the low-end estimate does not). For more information on debt collection statistics and the legal framework in Massachusetts, see Testimony of Massachusetts Law Reform Institute, National Association of Consumer Advocates, and National Consumer Law Center on behalf of its low-income clients (Oct. 18, 2016), available at <http://www.consumeradvocates.org/sites/default/files/DebtCollectionTestimonyMADOBOAG10182016.pdf>.

⁸⁹ National Consumer Law Center, Number of Case Filed by Nine Debt Buyers in Massachusetts in 2015 (on file with authors).

⁹⁰ Boston Municipal and District Courts, Top 7 Plaintiffs: All Civil Cases, FY2017 (on file with authors).

⁹¹ Paul Kiel et al., *The Color of Debt: How Collection Suits Squeeze Black Neighborhoods*, PROPUBLICA (Oct. 8, 2015), <https://www.propublica.org/article/debt-collection-lawsuits-squeeze-black-neighborhoods>.

⁹² Kuehnoff Testimony, *supra* note 43, at 8.

power.⁹³ Debt collection companies routinely sue consumers even when they are unable to prove that they own the debt at issue.⁹⁴ But, in part because so few consumers are aware of their legal rights, the default rate in debt collection lawsuits is alarmingly high -- as high as 92%.⁹⁵

Third, issues related to consumer debt can often have long-term collateral consequences. Predatory lending and debt collection can have cascading effects on housing stability, employment, and criminal justice system involvement. Meanwhile, the stress of dealing with debt collection and unsecured debt is associated with poor health outcomes, including depression and suicidal ideation.⁹⁶ Still, many consumers, attorneys, and courts remain unfamiliar with the scope of the problem or with the legal rights of consumers.

Fourth and finally, existing reform efforts have demonstrated that more just outcomes are possible. In Massachusetts, several recent initiatives have proven that legal information and assistance can make all the difference -- both in the level of participation of consumers, and in their case outcomes. A recent randomized study in Boston demonstrated that a plain-language letter from a legal aid organization, explaining consumer rights and the availability of legal

⁹³ See, e.g., In the Matter of Encore Capital Group, 2015-CFPB-0022 (Sep. 3, 2015), at 10-17 (CFPB consent order outlining the practices of one of the largest debt buyers in the country, including buying portfolios of debt through purchase and sale or forward flow agreements that affirmatively disclaim the accuracy and enforceability of the debt being sold and the availability of any documentation to support that a consumer actually owes the debt in questions; ignoring consumer disputes; and filing hundreds of thousands of lawsuits using false and misleading affidavits).

⁹⁴ See, e.g., *id.* (one of the nation's largest debt buyers regularly sued consumers without obtaining access to account-level documentation to prove the debt, and regularly used false and misleading affidavits to make up for these deficiencies in proof).

⁹⁵ See *supra* note 44.

⁹⁶ See CHRIS FITCH ET AL., UNIVERSITY OF BRISTOL PERSONAL FINANCE RESEARCH CENTRE, VULNERABILITY: A GUIDE FOR DEBT COLLECTION 54 (2017); Thomas Richardson et al., *The Relationship Between Personal Unsecured Debt and Mental and Physical Health: A Systematic Review and Meta-Analysis*, 33 CLINICAL PSYCHOL. REV. 1148, 1153 (2013); Howard Meltzer et al., *Personal Debt and Suicidal Ideation*, 41 PSYCHOL. MED. 771, 776 (2011); J. Hintikka et al., *Debt and Suicidal Behaviour in the Finnish General Population*, 98 ACTA PSYCHIATR SCAND 493, 493 (1998) ("[D]ifficulties in repaying debts were found to be a factor independently associated with suicidal ideation.").

assistance, can double the response rate, i.e., the number of consumers who actually attend their court hearing.⁹⁷

When consumers do attend their hearings, and are represented, the results are astounding. In small claims and general civil sessions where attorneys actively represent clients in Lawyer for the Day (LFD) programs, consumer attorneys have a positive case outcome rate of 86% in their cases against debt buyers that are not settled with a payment plan.⁹⁸ Consumer lawyers often demonstrate that plaintiff debt buyers do not have evidence of ownership of their client's debt, and often uncover counterclaims for consumers that could totally eliminate any debt owed. By empowering consumers to attend court hearings, explaining their legal rights, and representing them, legal assistance has been able to make an enormous difference.

WHY NOW: GROWING RECOGNITION OF THE PROBLEM BY MASSACHUSETTS ACTORS

Massachusetts has a growing advocacy community focused on the consumer debt crisis, buy-in from traditional and non-traditional stakeholders, and new initiatives already underway. While the Consumer Debt Working Group (CDWG) compiled a more comprehensive inventory, attached as Appendix 3, some existing resources and initiatives include:

- **Non-legal resources**, such as financial education, financial coaching, and credit counseling
- **Legal resources**, such as debt law clinics available to target client populations (e.g., Rosie's Place), web tools (e.g., Mass Legal Answers Online, Massachusetts Legal Resource Finder), pro bono and low bono bankruptcy representation, and LFD programs

⁹⁷ In the initial study, conducted in a general civil session (as opposed to small claims) of the Boston Municipal Court, the response rate for those in the control group, meaning those who did not receive a letter, was 7.5%. Consumers who did receive a letter had a 15% response rate. For a description of the study, see the sources cited in *supra* note 44. A larger randomized study is currently underway in five court locations in Massachusetts, comparing the effectiveness of materials with and without cartoons, and with and without translations. The Attorney General's Office has taken some of the lessons from the pilot study to send outreach letters in additional court locations.

⁹⁸ Positive case outcomes include dismissals and judgments in favor of the consumer defendant -- either of which mean that the consumer is not obligated to pay any of the amount at issue in the lawsuit. This statistic covers cases from 2016 to 2017 in Roxbury and Chelsea District Courts by GBLS staff attorney Matt Brooks.

- **Outreach efforts to improve notice to consumers**⁹⁹
- **State and federal consumer protection laws and regulations**¹⁰⁰

The Commonwealth also has the benefit of a court system that is working to address some of the barriers consumers face in court. For example, the Supreme Judicial Court is poised to consider proposed revisions to the rules governing default judgments in the Rules of Civil Procedure that would impose additional procedural requirements on plaintiffs suing consumers for credit card debt. And, after a single justice petition was filed with the Supreme Judicial Court detailing the experience of some consumer debt defendants in District Court and seeking injunctive relief, the District Court immediately formed a committee to examine the court's current practices in this area.

In sum, this moment presents an opportunity to seize on growing awareness of the issue and to develop a strategic plan to address the current inequities in the system.

VISION

In the context of consumer debt, 100% access to justice would mean fair resolution of an individual's economic crisis.¹⁰¹ While it may be impossible to prevent such crises in the first

⁹⁹ As described, *supra* note 97, Harvard Law School's Access to Justice Lab and the Massachusetts Attorney General's Office are each conducting mailing outreach efforts to increase consumer awareness about their legal rights and to reduce the default rates in consumer debt cases. We hope to discover the optimal timing and content of these letters for reducing default rates. These efforts are hampered by a lack of public access to defendant addresses, lack of LFD programs to serve the litigants that receive letters, and lack of other defendant contact information. However, the lessons learned to date indicate that conducting concerted outreach efforts can double the rate at which consumers respond to their cases.

¹⁰⁰ Massachusetts regulations prohibit the use of unfair and deceptive debt collection practices, including limits on the method and content of communications between debt collectors and consumers. *See* 209 C.M.R. 18.14-18.17; 940 C.M.R. 7.04-7.07. We also recognize the enforcement efforts of the federal Consumer Financial Protection Bureau, Office of Attorney General Maura Healey, and others who enforce unfair debt collection laws.

¹⁰¹ This does not refer exclusively to adjudication of legal disputes, but rather encompasses any form of resolution, which would mean that the economic crisis has ended with a fair outcome.

instance, the Massachusetts access to justice community can prevent a consumer's economic crisis from becoming a legal one as well.

Massachusetts still has significant strides to make in order to achieve this vision. The CDWG envisions an expanded network of connected organizations "upstream" of litigation, both consumer-facing and behind the scenes, which will enable a consumer to access available resources across the continuum of services, at any stage in the life of a consumer debt.

THE USER EXPERIENCE

Consistent with the overall mission of the Access to Justice Commission, the CDWG tackled the issue of consumer debt from the perspective of the user. Consider a hypothetical character, Sam, as he confronts consumer debt issues.

Sam is in debt. Although he graduated from college 10 years ago, he is still paying off his student loans. He also has credit card debt. Some credit card debt resulted from home repair costs that he has incurred over the years after moving into his grandmother's "fixer-upper." He has used a bank-issued credit card to buy groceries and pay medical co-payments. Sam's employer only offers a high-deductible health plan. When his daughter needed emergency surgery, Sam used his bank-issued credit card to prepay his portion of the medical procedure.

It is a struggle, but Sam managed to keep up with all of the payments until his hours started getting cut at work. He starts alternating which bills he pays on time. As his work hours continue to be reduced, Sam falls farther and farther behind.

Sam's story is comparable to that of millions of other low- and moderate-income people who do not have enough savings to cover an unexpected emergency. In a 2013 survey conducted by the Federal Reserve Board, when respondents were asked how they would pay for a \$400 emergency, 47% said either that they would cover the expense by borrowing or by selling

belongings, or that they would be unable to come up with the \$400.¹⁰² In fact, studies have shown that the majority of consumer debt collection is not due to voluntary overspending, but moments of unanticipated vulnerability and desperation such as unemployment, illness, or divorce.¹⁰³

The remainder of this sub-section follows Sam through the various stages of a consumer debt, identifying issues and recommending improvements at each stage.

PRE-COURT

Sam reaches out to his local faith-based organization for help, and they connect him with a food pantry. They have no resources for his debt issues.

Sam goes to the public library, and the librarian has no specific information on debt. He uses their computer and looks online for help. His top search results include a debt consolidation company, a debt settlement law firm, and avvo.com. He does not learn about financial coaching options, or about how to pull his own credit report. Sam calls the predatory debt consolidation company. They convince him to stop making payments in order to negotiate a lump sum payment.

In the meantime, he has started getting harassing phone calls. Debt collectors also call his employer and even his neighbors. Sam reaches out to his local charity organization for help. They help him raise some money to pay off one of his debts, which he hopes will stop the calls.

As stated earlier, nearly a quarter of all Massachusetts residents currently has a debt in collection. Debt is among the least openly discussed problems in the lives of most families, often a source of shame and anxiety. Those who are willing to seek help may reach out to family members, friends, faith-based organizations, or even financial coaching or other financial and social service organizations. A vast majority of individuals with debt problems, however, do not

¹⁰² BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, REPORT ON THE ECONOMIC WELL-BEING OF U.S. HOUSEHOLDS IN 2015 (2016), available at <https://www.federalreserve.gov/2015-report-economic-well-being-us-households-201605.pdf>. See also Neal Gabler, *The Secret Shame of Middle-Class Americans*, ATLANTIC (May 2016), <https://www.theatlantic.com/magazine/archive/2016/05/my-secret-shame/476415/>.

¹⁰³ NATIONAL CONSUMER LAW CENTER, *supra* note 82, § 1.4.1.

perceive these problems as legal in nature. Many are also unaware of existing financial empowerment resources or credit counseling organizations, and too often fall prey to predatory credit repair, debt management, or debt consolidation companies.

Recommendations for the Pre-Court Stage

Upstream of a court case, the most significant improvements to the system will be made by (1) collaboration among providers, (2) outreach and self-help tools provided to consumers, and (3) enhanced enforcement and protection against harassment.

1. Promote upstream collaboration. A person's economic crisis can be prevented from turning into a legal crisis by developing a "no wrong door" model, where users can access the appropriate resources through multiple routes -- whether through a legal aid provider, a community organization, or online. For example, under this model, a medical or financial check-up would be accompanied by a legal check-up,¹⁰⁴ a lawyer interviewing a client would also refer that client to a financial coach, and a consumer could easily find answers to her legal questions using online tools. To that end, existing services should be strengthened by sharing expertise, eliminating redundant resources, and meeting users where they are, ensuring access to information and resources, no matter where a user first seeks assistance. The CDWG recommends:

- **Building a knowledge base of consumer law**, for example by:

¹⁰⁴ Legal checkups are analogous to medical checkups and exemplify "preventive law." Instead of seeking legal assistance after receiving a summons or complaint, individuals would meet with a lawyer regularly to prophylactically address potential legal problems. The ABA Commission on the Future of Legal Services recommends that all individuals should have recurring legal checkups, especially following major life events, such as marriage or the birth of a child. See ABA COMMISSION ON THE FUTURE OF LEGAL SERVICES, REPORT ON THE FUTURE OF LEGAL SERVICES IN THE UNITED STATES 43-45 (2016), *available at* <http://abafuturesreport.com/#1>.

- Developing training materials and legal information in multiple formats (e.g., web, text, video, in-person) and for multiple audiences (e.g., social service providers, advocates, attorneys,¹⁰⁵ and consumers themselves).
- Arming financial and social services providers with useful and accurate legal information and resources to assist consumers early in the life of a debt. These resource providers can be a conduit for legal information to consumers who might not otherwise find it.¹⁰⁶
- **Building connective tissue**, i.e., pathways between existing organizations for information-sharing, cross-training, and referrals, for example by:
 - Strengthening relationships between organizations. Organizations should share information about the resources and services they provide, and be familiar with the resources and services provided by others. Successful relationships, like Rosie's Place Debt Clinic and the Medical-Legal Partnership, should be replicated.

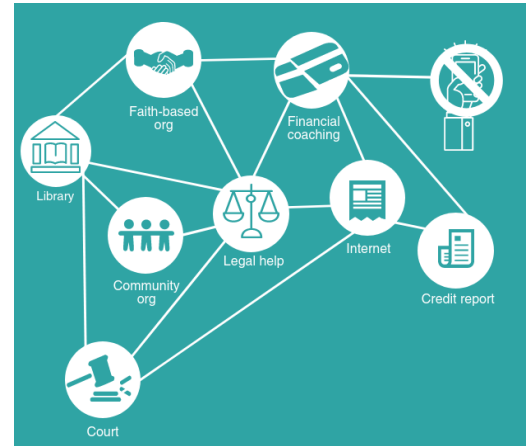


Figure 1: Network of social and legal services.

- Leveraging existing online tools such as the newly developed Legal Link, a closed website that could link social service workers with lawyers to answer consumer debt-related legal questions online.
- Connecting with financial empowerment organizations and initiatives that help with financial counseling, improving credit, and other economic stability efforts, such as *Boston Builds Credit*, an initiative launched by the Mayor's Office of Financial Empowerment that brings together 25 nonprofit organizations in an effort to provide financial coaching and credit counseling to hundreds of thousands of Boston residents.¹⁰⁷ The goal of this program is to help 25,000 Boston residents achieve a favorable credit score by 2025.

It is critical that financial empowerment organizations also have access to legal backup from consumer lawyers in order to provide effective assistance to consumers.

¹⁰⁵ In particular, the Consumer Debt Working Group envisions using the consumer law knowledge base to train attorneys new to consumer practice, and to develop baseline responses that pro bono attorneys could use when responding to consumer questions on Mass Legal Answers Online.

¹⁰⁶ See the discussion of new self-help resources, *infra*.

¹⁰⁷ See BOSTON BUILDS CREDIT, <https://www.bostonbuildscredit.org/>; Katie Johnston, *A New City Goal: Boost Credit Scores of 25,000 Bostonians*, BOSTON GLOBE (Oct. 24, 2017), <https://www.bostonglobe.com/business/2017/10/24/new-city-goal-boost-credit-scores-bostonians/qrR0IU27bDFs0YqV75vBgO/story.html>.

By strengthening those relationships, what the consumer should experience is that no matter where they enter the system, they will be able to access all of the resources available to them.

2. Engage in outreach to connect users to self-help tools. The knowledge base of consumer law described above should be shared not only with providers, but also with consumers themselves. Whether it is about knowing legal rights when it comes to debt management, preventing harassing phone calls, or effectively advocating in court, consumers should be able to access new tools when they need them, in a format they can use. The CDWG recommends:

- **Establishing multiple access points for self-help tools**, including intermediaries such as social service providers, financial coaches, and public libraries, as well as online and mobile-friendly technology.
- **Direct outreach to users**, e.g., public service announcements by the Attorney General and local municipal officials.
- **Research.** There is currently very little research that demonstrates the effectiveness of self-help tools in self-advocacy. Research does suggest that outreach letters explaining the legal process, when combined with an invitation to meet with a lawyer for free, increase consumers' engagement with their debt collection lawsuits.¹⁰⁸ A related study in Connecticut is testing the effectiveness of self-help tools.¹⁰⁹ The CDWG will monitor the results of that research, and potentially adapt the Connecticut materials for a Massachusetts audience if they prove useful.

3. Strengthen enforcement of consumer protection laws. Another opportunity is increased enforcement of laws prohibiting unfair debt collection practices, including through a crackdown on illegal harassing phone calls and expanded efforts to educate consumers and communities about their legal rights in those circumstances. The CDWG will consider making

¹⁰⁸ See the sources cited in *supra* note 44.

¹⁰⁹ The Financial Distress Research Project is a collaborative study conducted by the Harvard Access to Justice Lab, University of Connecticut, and University of Maine. See *Financial Distress*, ACCESS TO JUSTICE LAB AT HARVARD LAW SCHOOL, <http://a2jlab.org/current-projects/signature-studies/financial-distress>.

recommendations to the Attorney General to exercise her regulatory authority to expand debt-collection rulemaking.¹¹⁰

IN COURT

Shortly after he pays off one debt, Sam gets a notice in the mail. He is being sued. He does not recognize the name of the group that is suing him. Up until this point, he had no idea that debt is a legal issue.

Sam struggles to get time off of work to attend court and is nervous about missing too much time given his reduction in hours, but he goes to court on his own. When he gets there, the court officer tells him to talk to someone wearing a suit. This person appears to be a court representative, but is actually the debt buyer's attorney. He has Sam sign an agreement for judgment. Sam never learns whether this is actually a debt that he owes, but he does not seem to have any option other than to sign the judgment. He never learns that Massachusetts law exempts some of his income from being taken by creditors, and that he does not have to sell his car to make the payments.

No one tells Sam about the 12% interest on the judgment. He has no idea that if he fails to pay under the terms of the judgment, his bank account or wages could be garnished. He could even have a capias civil arrest warrant issued against him if he fails to appear at a future payment review.¹¹¹ While Boston has a number of legal resources, Sam never hears about them.

While upstream interventions may mean fewer debt collection lawsuits in small claims and civil sessions, they will not eliminate such lawsuits entirely. In the area of consumer debt, there are significant gaps and procedural barriers in the system that must be overcome in the move toward 100% access to justice.

¹¹⁰ The Attorney General has authority to promulgate rules under the state's consumer protection law, M.G.L. c. 93A. Consumer Debt Working Group members have considered, for example, recommending that the Attorney General modify disclosure requirements for debt management and debt consolidation companies.

¹¹¹ State law permits courts to issue civil arrest warrants, called capias warrants, "to secure the attendance of debtors or creditors to answer for any contempt." In a small sample of four small claims sessions in 2016, capias warrants were issued in 28% of consumer debt cases. M.G.L. c. 224, § 18. Arrest or threat of arrest can cause consumers to pay on debts that they may not owe, with money that they may not have, or may not be legally obligated to use to pay a debt (e.g., exempt income or assets).

Recommendations for the Court Stage

1. Reform court practices, procedures, and trainings. Existing resources could be made more efficient and effective if they were combined with changes to existing practice and procedures. As noted previously, the District Court is already taking a close look at court practices in the context of consumer debt. In addition to that review, the CDWG recommends the following reforms to court policies and procedures, described in more detail in Appendix 2:

- **Court practices.** The CDWG recommends that the Trial Court:
 - Provide a bench card or template colloquy for judges and clerk-magistrates to engage with unrepresented defendants who are signing settlement agreements or agreements for judgment, so that the litigants understand what they are signing
 - Establish and promote clear guidelines on fair practices within courthouses
 - Provide clear information at the start of each session to both parties about their legal rights and obligations under the law
 - Promote consolidated scheduling of consumer debt cases to maximize opportunities for representation
 - Establish a streamlined process for vacating default judgments

In addition, the recommendations made by the Housing and Family Working Groups regarding courtroom assistance improvements (e.g., access to cell phones while in courthouses, instructions that explain what just happened after a court hearing, improved multilingual instructions and signage) should also be implemented in the consumer debt area.

- **Court forms.** The CDWG recommends that the Trial Court:
 - Develop a new settlement agreement form (separate from the current "agreement for judgment" form), which would permit the parties to come to an agreement without the negative consequences of a judgment against the consumer
 - Add an explanation of the case outcome to existing orders and judgments
 - Provide a definition and explanation of "exempt income" on existing forms¹¹²

¹¹² In small claims sessions, the agreement for judgment form does come with an additional sheet listing forms of exempt income. See Trial Courts of Massachusetts Small Claims Session, Agreement for Judgment and for Payment Order, available at <http://www.mass.gov/courts/docs/forms/small-claims/translated/english/agreement-for->

- Ensure that all forms, notices, orders, and instructions are provided in plain language or plain writing, and are available in multiple languages and formats, consistent with the Trial Court's internal Strategic Plan 2.0
- **Court rules.** Experience shows that debt collectors have successfully won default judgments even in cases where they are suing the wrong person, for the wrong amount, or after the statute of limitations has run. In other cases, debt collectors do not even own the debt in question or otherwise have a legally invalid claim. The CDWG recommends revising existing rules to avoid such abuses. The Standing Advisory Committee on the Rules of Civil and Appellate Procedure has proposed new rules that would address some of these concerns for credit card debts in general civil sessions, specifically by adding requirements for debt plaintiffs when filing the initial complaint and when requesting default judgment.¹¹³ It is likely that the proposed new rules will be submitted to the Supreme Judicial Court early in 2018. In addition to those proposed rules, the CDWG recommends:
 - Ensuring adequate, actual notice to consumers of debt collection lawsuits
 - Requiring substantiation of claims when creditors and debt buyers file complaints, beyond form affidavits
 - Ensuring that procedures for debt collection lawsuits are the same, regardless of the type of debt or in which session the case is filed
- **Training.** Courts should provide high-quality training, programming, and materials to judges, clerk-magistrates, clerk staff, and other court personnel on all rules, forms, and guidelines, particularly those related to civil procedure and consumer debt.

2. Leverage court data. The availability of public data sets leaves consumers vulnerable to potential abuse, as private entities (including credit reporting agencies, landlord associations, and debt collectors) mine public sites for their own ends. At the same time, advocacy organizations and other government entities without such mining capability struggle to compile such aggregated data. The CDWG suggests obtaining compiled data from the Trial Court that can be leveraged to:

judgment-and-for-payment-order.pdf. However, this page is not consistently provided to litigants, and is not written in a way that clearly explains what exempt income means -- that is, it is not clear from the sheet that a debtor would not be obligated to pay the judgment using income that is listed on the "exempt income" sheet.

¹¹³ For a full discussion provided by the courts, see *Proposed Amendments to the Mass. Rules of Civil Procedure Regarding Credit Card Debts*, MASS.GOV, mass.gov/courts/case-legal-res/rules-of-court/rule-changes-invitations-comment/invitation-to-comment-mass-rules-of-civil-procedure-credit-card-debts-february-2017.html.

- Assess trends in consumer debt cases, including:
 - Increases in filings by particular plaintiffs
 - The use of *capias* (civil arrest) warrants in different court divisions
- Identify types of cases where interventions -- such as LFD programs -- are changing outcomes and party compliance with court rules

3. Establish new resources, especially by expanding opportunities for limited and full legal assistance. As noted above, where legal representation has been made available to consumers in the courtroom, it has made a substantial difference in outcomes. In addition, attorneys can play an important role upstream of a court case, advising consumers about their rights, assisting with correspondence in response to harassing debt collectors, and uncovering potential affirmative claims. The CDWG recommends:

- Creating more opportunities for both private and pro bono legal assistance, for example by:
 - Establishing LFD programs in more courthouses
 - Expanding the use of fee-shifting statutes¹¹⁴ and the availability of limited assistance representation

Strengthening relationships between legal aid and private attorneys, e.g., through referrals, co-counsel, and/or other models
- Creating and leveraging a network of non-lawyers, by:
 - Taking advantage of the numerous law schools and universities in Massachusetts to develop a new non-lawyer corps of small claims navigators, advocates, and watchdogs. The CDWG looks to the existing SAFEPLAN advocate model, and the New York City Navigators Program, as examples.¹¹⁵

¹¹⁴ See Final Report of the Access to Attorneys Committee 5 (May 2017) (on file with the Access to Justice Commission) (recommending increased use of fee-shifting and increased judicial education on awarding fees). For a list of fee-shifting statutes in Massachusetts, see [MassLegalServices.org](https://www.masslegalservices.org/system/files/library/Mass_Attorneys_Fees_Statutes.pdf), Massachusetts Statutes Allowing/Mandating Attorney's Fees to Prevailing Parties, *available at* https://www.masslegalservices.org/system/files/library/Mass_Attorneys_Fees_Statutes.pdf.

¹¹⁵ As needed, the CDWG will seek an advisory opinion from the Board of Bar Overseers and/or the SJC about the meaning of Uniform Small Claims Rule 7(g), which states that "[n]on-attorneys shall be allowed to assist parties in the presentation or defense of their cases when, in the judgment of the court, such assistance would facilitate the

4. Advocate for statutory reform. Much of the structure of debt collection and litigation is the result of state statute. Specific legislative fixes have been combined in an omnibus bill, *An Act Relative to Fairness in Debt Collection*, currently pending in the state legislature.¹¹⁶ Among the provisions of that legislation, are:

- The creation of a financial affidavit that would obviate the need for civil arrest warrants¹¹⁷
- Limitations on wage garnishment for low-income workers
- Simplification of the statute of limitations
- Reduction of the 12% prejudgment and post-judgment interest rate that is attached to unpaid civil judgments, whether the party has had actual notice or not
- Adding a right to collect reasonable attorney's fees when consumers prevail in debt collection suits

The CDWG plans to monitor, and advocate in favor of, such legislative reforms, whether in this bill or in future legislation.

presentation or defense." This broad scope of Rule 7(g) to increase advocacy and guidance available in small claims sessions seems to contemplate non-lawyer assistance.

¹¹⁶ S. 120 / H. 2811.

¹¹⁷ See discussion in *supra* note 111.

D. FAMILY LAW

OVERVIEW OF THE CHALLENGE

The Massachusetts Probate and Family Court is in crisis. As the Chief Justice of the Supreme Judicial Court (SJC) recently noted, "In no other court do we have so many unrepresented parties being asked to litigate disputes as complex, as emotional, as enduring, and as life-changing, as in the Probate and Family Court. . . . The burdens we place on our Probate and Family Court judges are simply not sustainable; we need to reimagine how we do justice in our Probate and Family Court."¹¹⁸

The burdens placed on the Probate and Family Court are shouldered not only by the judges and court personnel, but also by court users. In 2008, the SJC's Steering Committee on Self-Represented Litigants estimated Massachusetts courts served 100,000 unrepresented litigants in civil matters each year, the majority of them concentrated in the Housing and Probate and Family Courts. Upwards of 80% of family law cases involved at least one unrepresented litigant at that time, and it appears that the number of unrepresented litigants continues to grow.

Many of the obstacles we face in the family law area are similar to the ones found across the legal system. There is a need to expand resources, to connect users with those resources earlier and more easily, to simplify processes, and to offer a broader range of dispute resolution options. At the same time, meaningful reform in this area must start with a recognition of the unique challenges that arise in the family law context.

Complexity of issues and interests. Family law cases implicate a wide range of complicated legal issues, ranging from child custody, child support, and parenting plans, to spousal support and the division of assets and debts. The competing interests are also complex.

¹¹⁸ Chief Justice Ralph D. Gants, State of the Judiciary 9-10 (Oct. 26, 2017), *available at* <https://www.mass.gov/files/documents/2017/10/26/2017-state-of-the-judiciary-gants.pdf>.

In the context of child custody, for example, the court must consider the interests of the children, of each parent, and of the Commonwealth in protecting the children's best interests. Further complicating the landscape, these issues arise in different settings and in different contexts: in Probate and Family Court, in Juvenile Court, or in District Court; between married parents, between unmarried parents, or between parents and non-parents; with the involvement of state agencies, such as the Department of Children and Families (DCF) or the Department of Revenue (DOR), or independent of them.¹¹⁹

Relationships of parties, before and after litigation. Family law cases are uniquely intimate in their subject matter, revolving around the personal relationships among family members. For some Family Court users, this makes open discussion of issues particularly difficult. Ideas about trust, duty, fairness, and morality are implicated in family law matters to an extent markedly different from other areas of law. After all, the party on the other side of the case is not a faceless collection agency or large landlord, but rather someone with whom the court user has a deep and often complicated history. Many Family Court users are looking for a remedy that a court cannot provide: an apology, a certification of right and wrong, enforcement of a particular parenting style, or compensation for unfaithful, unsuccessful, or unkind treatment. In addition, litigants will continue to interact with each other regularly for years to come; issues unaddressed by the court process can threaten the continued viability of judgments.

Unequal access. Finally, access to justice in the family law context is uneven. The quantity and quality of resources vary greatly from court to court. Court Service Centers (CSCs) are available in some but not all counties, while pilot programs and specialty courts -- although beneficial -- concentrate these specialized services in only a few courts, leaving the most

¹¹⁹ This sub-section is limited to family law matters in the Probate and Family Court. Other matters, including conservatorships, adult guardianships, and probating estates, also bring families to the Probate and Family Court, but are beyond the scope of this document.

populated counties underserved. Resources for users with limited English proficiency (LEP) (e.g., non-English speaking staff and Babel notices¹²⁰) are unevenly distributed. The quality of in-court services, such as dispute intervention, can be inconsistent. Meanwhile, courts lack a uniform practice for reviewing a request for a fee waiver for those who are unable to pay.¹²¹

RE-IMAGINING THE PROBATE AND FAMILY COURT EXPERIENCE

The vision of the Family Law Working Group (FLWG) for the Probate and Family Court is two-fold, aimed at establishing a "multi-door" courthouse while also eliminating overall barriers to access.

A "multi-door" courthouse. A recurring theme in the FLWG's discussions was that, in the family law context, "one size does not fit all." Different cases require different methods of resolution. In most cases, court involvement is appropriate or even necessary. For example, court proceedings are required for a married couple to obtain a divorce, for the father of a child born to unwed parents to establish custodial rights, and sometimes to ensure regular support for children. At the same time, the adversarial process is ill-matched to the needs of many Family Court users. Once the adversarial process is concluded, most litigants will still have to interact with one another, often several times a week. And the adversarial process can be especially trying for the children involved.

For these reasons, it is crucial to provide Family Court users with an expanded menu of options -- including but not limited to litigation -- for resolving their issues. Alternative Dispute Resolution (ADR) is an important part of the picture. Non-adversarial approaches have been

¹²⁰ A Babel notice is a multi-lingual declaration of language access rights.

¹²¹ Some courts readily provide and properly review affidavits of indigency, whereas some incorrectly require submission of a financial statement regardless of whether or not the completed form provides adequate financial information on its face. According to user reports, some courts do not offer affidavits of indigency even when users express an inability to pay.

found to hold many advantages over litigation; by carving out a greater role in the process for the parties, and building their problem-solving capacities through that process, ADR often leads to speedier and lasting resolution, with a reduced likelihood of future court involvement.¹²²

At the same time, it is important to bear in mind that ADR is not appropriate for all cases. Divorce often involves power imbalances and sometimes abuse. These cases are generally not amenable to collaborative or consensus-building dispute resolution, especially when parties are not represented by counsel. Rather, it is widely believed that such cases warrant not only the structural protections of formal court proceedings, but also the assistance of a lawyer or other skilled advocate.¹²³

Recognizing that resolution methods must be adapted to meet specific user needs, the FLWG recommends that Massachusetts adopt the model of a "multi-door courthouse." First introduced in 1976 by Harvard Law School Professor Frank Sanders, this model "envision[s] the courthouse of the future as a dispute resolution center offering an array of options for the resolution of legal disputes."¹²⁴ A multi-door courthouse is one in which "[l]itigants [can] resolve disputes with less expense, more satisfaction, and less acrimony if alternatives were available to the adversarial process."¹²⁵ Or, in other words: "Let the forum fit the fuss."¹²⁶

Massachusetts should strive for a model in which ADR, mediation, conciliation, and other collaborative or consensus-building processes are the norm for family law cases, and litigation the exception. Indeed, this may already be the case. The vast majority of Family Court

¹²² See Jana B. Singer, *Dispute Resolution and the Post-Divorce Family: Implications of a Paradigm Shift*, 47 FAM. CT. REV. 363 (2009).

¹²³ See, e.g., Rebecca Aviel, *Why Civil Gideon Won't Fix Family Law*, 122 YALE L.J. 2106, 2121 (2013); Russell Engler, *Reflections on a Civil Right to Counsel and Drawing Lines: When Does Access to Justice Mean Full Representation by Counsel, and When Might Less Assistance Suffice?*, 9 SEATTLE J. SOC. JUST. 97, 121-22 (2011).

¹²⁴ Gladys Kessler & Linda J. Finkelstein, *The Evolution of the Multi-Door Courthouse*, 37 CATH. U. L. REV. 577 (1988). Other states, including Alaska, Colorado, and California, have experimented with elements of the multi-door approach.

¹²⁵ *Id.* at 577-78.

¹²⁶ Chief Justice Ralph D. Gants, *supra* note 118, at 3 (citing Professor Frank Sanders).

cases resolve before trial; the challenge is to guide parties out of the adversarial process at an earlier stage, before conflicts becomes entrenched.

Already, Massachusetts has taken steps toward instituting a multi-door approach. For example, parties can fast-track an uncontested divorce or joint complaint for modification, agree to limited discovery in contested matters, and engage in a range of free, court-referred ADR offerings. "Child-Focused Facilitation Teams" are presently available on a limited basis in certain counties, while other counties are experimenting with "community-based" specialty courts that integrate mediation and other collaborative methods of dispute resolution.¹²⁷ This wide range of existing efforts demonstrates that there is broad interest in providing "off-ramps" from the adversarial process. The next step is to make appropriate alternatives consistently available to all Probate and Family Court users.

An accessible courthouse. At the same time, the FLWG recognizes that even a multi-door courthouse cannot be fully effective unless barriers to access are eliminated. Our vision for 100% access to justice is therefore broader. An ideal family court would:

- Be accessible to all, overcoming barriers of location, time, finances, and language
- Be understandable to all and a forum in which all feel understood
- Produce outcomes that are predictable but flexible, lasting but modifiable
- Identify and address power imbalances, including those involving victims of abuse or violence and unrepresented litigants
- Conduct triage to determine the level of assistance necessary to provide a litigant with an even playing field

¹²⁷ Franklin County has piloted an ambitious "Family Drug Court" and Hampshire County provides a "Family Resolutions Specialty Court." Both of these specialty courts are described as "community-based"; provide assistance from a mental health professional; work with a single probation officer throughout the pendency of the case; and include mediation and other forms of collaborative dispute resolution. *Franklin Family Drug Court Opens*, MASS.GOV, <http://www.mass.gov/courts/features/july-aug-2016-fdc.html>; Hon. Linda S. Fidnick, *The Family Resolutions Specialty Court: A Community-Based Problem-Solving Court For Families in Conflict in Hampshire County*, BOSTON BAR JOURNAL (Oct. 26, 2017).

- Provide multiple methods of dispute resolution and early case assessment to effectively and efficiently direct court users to the most appropriate methods
- Coordinate with other courts to ensure that family members are able to obtain the full spectrum of abuse prevention relief in District Courts and the Boston Municipal Court and, at the same time, protect against litigants seeking to manipulate the system¹²⁸
- Reduce waiting time for litigants, lawyers, and court personnel
- Provide "continuity of care," i.e., trials that continue without interruption until their conclusion, coordination of policy and practice between family and district courts, and clarity and consistency about the role of the Department of Children and Families in certain cases
- Remain cognizant of the impact of limited economic resources on parties' ability to present a case and to implement a judgment
- Facilitate access to non-legal resources, such as targeted parenting classes, co-parenting tools, mental health providers, and public assistance programs

CONTINUUM OF RESOURCES AVAILABLE TODAY

A continuum of available resources is attached as Appendix 4. Some, but not all, of these resources are highlighted in the discussion below.

THE USER EXPERIENCE

Massachusetts is, in many respects, a leader in providing access to justice in the Probate and Family Court. And the courts continue to explore ways to improve.¹²⁹ When SJC Chief

¹²⁸ The Family Law Working Group is concerned that fears of "playing the system" are more widespread than actual misuse of the abuse prevention statute, but acknowledges that these fears must be addressed in order to create a perception, as well as a reality, of justice for all.

¹²⁹ Current Probate and Family Court programs include: the Child Focus Facilitation Team in Barnstable, Middlesex and Norfolk Counties, a team consisting of a retired judge, experienced attorney, and an experienced mental health professional assist parties in contested custody cases; Enhancing Lives through Literature initiative in Berkshire County, a 12-week program that encourages parent-child communication by providing a new book each week; the Family Court Answer Center in Suffolk County, a collaborative initiative between the Court, community leaders, and volunteer lawyers that provides litigants with general information to better understand the court system and filling out forms; the Family Drug Court in Franklin County, an alternative to litigation that offers a range of social service supports for families involved custody disputes where substance abuse is at issue; the Family

Justice Gants in his October 2017 State of the Judiciary address spoke of the formidable challenges facing the Probate and Family Court, he announced that he had asked retired SJC Justice Margot Botsford to bring "the fresh perspective of an informed outsider," and work with Trial Court Chief Justice Paula Carey (herself a former Chief Justice of the Probate and Family Court) and Probate and Family Court Chief Justice Angela Ordoñez "in an attempt to reimagine the delivery of justice to make it less burdensome for judges and more effective for litigants."

The challenges identified in this report and the suggested improvements to the Probate and Family Court system reflect the collective impressions and ideas of the FLWG, based on their investigations over the course of the past year and their experiences working in the Probate and Family Courts. The remainder of this sub-section walks through the different stages of the user experience, identifying issues and recommending potential solutions at each stage.

PRE-COURT

As recently noted by a retired Probate and Family Court judge, "In many ways, changes in the work of the Court reflect changes in society at large. The loss of community and social services outside the courthouse has also affected what happens inside the courthouse. At one time, people would look to a social service agency, church group, or hospital for help. As these traditional places have been diminishing, people increasingly turn to the Court to solve their

Resolutions Specialty Court (FRSC) in Hampshire County, a team consisting of a probation officer, licensed mental health professional, and appointed child's counsel that assists families in conflict; the Limited Issues Settlement Conference (LISC) in Norfolk and Essex Counties (LISC), wherein a retired judge or the Chief Justice assists parties in settling their contested matters when there are only a few issues left to resolve; the Settlement and Early Resolution Volunteers (SERV) in Essex (Lawrence), Hampden, Middlesex and Suffolk Counties, wherein pro bono attorneys provide on-site conciliation for unrepresented litigants appearing in court for contested matters; the Bristol Workforce Development Program, a collaborative initiative between the Bristol Probate and Family Court, Department of Revenue, Executive Office of Labor and Workforce Development, and Fall River Career Center that assists parents paying child support and/or medical support with employment searches and provide resume building skills; and the Court Compass Project, funded by the Institute for Advancement of the American Legal System (IAALS), a collaboration with Northeastern University's Innovative Law Lab to develop applications to assist unrepresented litigants in the family court.

legal, and non-legal, problems."¹³⁰ The FLWG's investigation over the course of the year supports this view. In the pre-court stage, i.e., before a court case is filed, an individual who is confronted with a family law problem has very few resources to turn to.

Getting information online. Individuals with family law issues often start with the internet. As discussed, in Massachusetts, an extensive network of online resources has developed in response to the need for information and assistance with family law problems. Legal services organizations maintain a variety of online resources, including the MassLegalHelp.org website, the Massachusetts Legal Resource Finder, Mass Legal Answers Online, and court websites. However, barriers remain. For example, LEP users are often unable to take advantage of many online resources; with only some exceptions, non-English information and court forms remain difficult to access without traveling to a courthouse or legal services office.

Getting help at the courthouse. Although the courthouse should be a readily accessible resource for individuals seeking legal information, significant barriers exist. For example:

- **Getting to the courthouse.** Getting to the courthouse can be challenging. Massachusetts has a Probate and Family Court in each of the 14 counties and, at times, has had up to 13 additional satellite sessions across the state. However, some counties have no satellite sessions, making the courts geographically remote for many. Traveling to courthouses can be prohibitive in terms of cost and time -- especially given the limits of public transportation in many areas of the state -- and difficult to coordinate with work and childcare schedules. Children are not allowed in courtrooms and courts do not provide childcare.
- **Hours of operation.** Hours of operation also create barriers for those who cannot easily take time off work. The Probate and Family Courts do not offer evening or weekend hours.
- **Prohibition on cell phones.** Some courthouses prohibit cell phones, which presents a significant barrier for court users. Each visit to the courthouse begins with a stressful

¹³⁰ Hon. Edward M. Ginsburg, *Judge Reflects on Crisis in the Probate & Family Court*, MASS LAWYERS WEEKLY (Nov. 22, 2017).

choice: leave the phone at home, which makes communication with employers and childcare providers impossible; pay to leave the phone safely with a third party, where available; or leave the phone in an unsecure area -- such as hiding it in the bushes -- outside the courthouse.

- **Available resources at the courthouse.** Once inside the courthouse, resources vary considerably from court to court. Two courts have Family Court Facilitators (i.e., a lawyer assigned to the Registry or Court Service Center whose role is to assist court users); six host Court Service Centers; and Lawyer for the Day (LFD) programs are available at most courts, with varied days of operation. Interpreter services are available by telephone and there are some bilingual court staff, but it is often not clear what language services are available or how to access them. As noted, Babel notices are not prominent in all courts. In addition, help in the registries is not equally available to all -- staffing, organization, and apparent investment in the user experience are reportedly uneven across courts.

Recommendations for the Pre-Court Stage

1. Improve online assistance. Recommended actions include:

- **Improvements to the court websites.** The newly renovated Mass.gov, where the court website is located, is a tremendous improvement, offering extensive site navigation and information. Further improvements could include:
 - A pop-up Babel notice alerting users to available language rights and resources
 - Information about how to request a waiver of court and service fees on all relevant pages
 - Information about requesting fees *pendente lite*¹³¹ and appointment of counsel in applicable cases
- **Development of online forms and electronic filing methods.** The efforts to encourage continued development of online, fillable forms and electronic filing methods should be supported.

2. Reduce travel by providing remote access to Court Service Centers. The reach of Court Service Centers (CSCs) should be expanded to users who have difficulty traveling to courthouses, for example through:

¹³¹ "*Pendente lite*" meaning "during litigation." In some cases the Probate and Family Court has authority to order a party to pay funds into the court for use by the other party to retain counsel.

- **A virtual Court Service Center.** The Trial Court's ongoing effort to establish a virtual CSC -- available online and with access facilitated by trained staff at local libraries -- should be supported.¹³²
- **Video-conferencing services.** Once established, the virtual CSC could partner with LFD Programs to provide video-conferencing between volunteer lawyers -- located either at courthouses or in their offices -- and litigants located at libraries.¹³³

3. Orient the court user before entering the courthouse. Many court users arrive at the courthouse unprepared and confused. To reduce their stress levels and also to reduce the burden on frontline court personnel, steps should be taken to orient users early on, for example by:

- **Providing a "virtual courthouse tour."** The tour would orient court users about where to go and what happens at each stage of the process, providing basic information about the Registry, the Probation Department, the CSC, on-site pro bono programs, and courtrooms. The tour should be available online and at CSCs.¹³⁴
- **Providing information in multiple languages.** For example, resources permitting, a script of the abovementioned tour should be translated into common non-English languages and made available online.

4. Expand hours of operation. Ideally, courts would provide extended hours, opening early one morning and closing late one evening per week. Short of this solution, leveraging some of the in-house resources of the courthouse available outside of the courthouse (as discussed above) would have the effect of "virtually" extending hours of access.

5. Institute a plan for cell phone storage. Each courthouse should have a place where cell phones can be stored safely and free of charge. Alternatively, courts could revisit their cell phone policies and create a limited, more targeted prohibition of cell phone use.

¹³² Real and virtual Court Service Centers should consider expanding their missions to include connecting users with social and health services, housing assistance, and public benefit programs. These links are critical to addressing the needs that underlie court action and court compliance.

¹³³ Colorado has successfully launched such a project, which could be used as a model for Massachusetts. *See Virtual Pro Se Clinic*, DOUGLAS ELBERT BAR ASSOCIATION, <http://douglaselbertbar.org/virtual-pro-se-clinic/>.

¹³⁴ Special provisions will be necessary to ensure that a defendant with a restraining order does not attend a viewing of the tour at the same time as the person who obtained the restraining order.

6. Achieve consistent service throughout court registries. The Trial Court's Strategic Plan 2.0 calls for creation of an Access to Justice Liaison Program to improve communication and coordination from the Executive Office of the Trial Court and individual courthouses across the Commonwealth.¹³⁵ The liaison role will not involve new hires; rather, liaison responsibilities will be assigned to current court personnel in each courthouse who volunteer to take on this new role. Ensuring that Babel notices are prominently displayed and monitoring the availability and proper review of Affidavits of Indigency could be among the responsibilities assigned to the Access to Justice Liaisons.

PLEADINGS

Commencing a court action in the Probate and Family Court can be challenging. To start, it requires parties to file a large volume of paperwork. For example, in order to initiate a complaint for divorce, at least three documents must be submitted.¹³⁶ If children are involved, there is additional paperwork. If the litigant cannot afford the filing fee, there is still more paperwork in order to request a waiver of the fee. In paternity actions, multiple documents are required and a separate set of filings is required for each child. Once forms are filed, a summons is mailed to the plaintiff, along with instructions for how to properly serve the summons and complaint on the defendant.¹³⁷ Even with these instructions, however, serving an opposing party can be difficult. Service cannot be completed by the party unless the opposing party signs his or her acceptance of service. Locating, getting to, and paying for professional service of the summons also create additional obstacles.

¹³⁵ Trial Court's Strategic Plan 2.0 A2J Domain -- a separate Tactic.

¹³⁶ According to Mass.gov, only a complaint, vital statistics form, and certified copy of the marriage license are required. In practice, some courts also require an affidavit of military involvement.

¹³⁷ Reportedly, written instructions are enclosed with the summons sent by some, but not all courts.

Once an action is commenced, court users often need assistance with other aspects of the process. Often, additional motions must be filed. For example, family law cases commonly involve issues -- such as child support, spousal support, and/or a parenting plan -- that one or both parties would like to address immediately, in which case a Motion for a Temporary Order must be filed. It is also not uncommon for a plaintiff to be unsuccessful serving the defendant by the usual means (either because the defendant's address is unknown or because the defendant is evading service), in which case the plaintiff must file a motion for alternative service.¹³⁸ In a small subset of cases, other motions (e.g., a motion to impound an address) are also needed.

Adding to this challenge, many courthouses are struggling to keep up with their caseload. Documents filed with the Probate and Family Court can sometimes be lost, misfiled, or not docketed, leaving court users frustrated as they are faced with delays and additional paperwork. Scheduling a hearing is also fraught with complication, in part because procedures are not uniform across courts. These challenges are especially daunting for unrepresented litigants, who are unfamiliar with filing and scheduling procedures, as well as certain other rules and requirements associated with commencing a case -- for example, it is not uncommon for problems with notice to go unidentified until the day of the hearing, costing both the court user and the court valuable time.

Recommendations for the Pleadings Stage

1. Streamline forms and procedures. Steps should be taken to facilitate the user experience. For example, the Probate and Family Court should:

- **Simplify forms.** The Probate and Family Court forms have been made clearer over time, but they still contain highly technical language that is especially difficult to understand for unrepresented litigants. Continued work to simplify language like "irretrievable

¹³⁸ A common alternative form of service is publication of the notice in a newspaper. This is difficult to arrange, particularly for LEP litigants, and is expensive.

breakdown" and "conveyance of property" on divorce complaints, for example, is recommended.¹³⁹

- **Streamline the filing process.** Actions involving unwed parents and multiple children would benefit from a system that allows parties to file one set of forms naming all children born of the relationship. If the court continues to require separate court files for each child, the court could make copies and, if necessary, redact all but one child's information on each of the forms. The added work on the part of the court would likely be made up in decreased confusion and a reduction in the number of improper filings and/or incomplete recording of filings. In the computer system, the cases could be tagged from the outset so that a filing in one matter prompts pulling all connected matters for review and possible action. An alternative would be a single docket for all children born to the same set of parents, just as there is a single filing for divorce actions, regardless of the number of children born to the marriage or their individual needs.

2. Educate and assist litigants with providing notice. Many platforms already exist to help inform unrepresented litigants about the rules and requirements associated with commencing a case. Nonetheless, providing notice continues to be a problem, and steps should be taken to improve understanding of notice requirements. For example, the Probate and Family Court could:

- Provide an information and instruction insert about proper service whenever a summons is mailed to a plaintiff. Reportedly, this is already done in some courts, but not all. The insert should use simple language and simple formatting. Items in bold might include:
 - A warning that a case cannot be heard until service is completed
 - Information about what to do if the cost of professional service cannot be afforded
 - A Babel notice
- Revise its blank motion form to more clearly explain the notice requirement. Currently, there is a fillable Certificate of Service on the backside of the form, but no explanation of who must complete that section or why it must be completed. Plain language could be added to the form stating, "Note: The party filing this motion must give a copy to the

¹³⁹ A Probate and Family Court Department *Pro Se* Committee Report from the late 1990s dedicates an entire section to forms. Some of the ideas have been adopted, but not all. This report is a useful resource and should be reviewed periodically for possible further implementation. See PROBATE AND FAMILY COURT DEPARTMENT *PRO SE* COMMITTEE REPORT, *PRO SE* LITIGANTS: THE CHALLENGE OF THE FUTURE (1997) [hereinafter *PRO SE* LITIGANTS], available at <http://www.mass.gov/courts/docs/courts-and-judges/courts/probate-and-family-court/prosefinalreport.pdf>.

other party by mail (10 days before the hearing date) or in-person (7 days before the hearing date)."

3. Improve document management. To reduce the risk of documents being lost or misplaced, efforts to provide electronic document management and online filing should be supported.

IN COURT

In general, cases no longer progress in predictable steps or time frames. Multiple motions for temporary orders have become commonplace, as have multiple temporary orders, even without articulation of any emergency.¹⁴⁰ Cases linger at the pre-trial stage, with multiple status conferences or continued pre-trials, sometimes over multiple years. Some of this is attributable to the opioid epidemic.¹⁴¹ Some is the result of the Department of Children and Families (DCF)'s involvement in cases that do not warrant removal of the children, but may warrant separation of the child's parents from one another or one parent from the child.¹⁴² Much can be attributed to the piecemeal manner in which issues are presented when litigants are unrepresented. Also problematic is the upsurge in complaints for modification. It is difficult for an unrepresented litigant to understand how a complaint for modification differs from an appeal

¹⁴⁰ G.L. c. 208, 28A, limits temporary orders under complaints for modification to emergency situations. While there is no equivalent statutory limitation for original complaints, the court website reflects a presumption against multiple temporary orders in original actions. See *Request an Immediate Child Custody or Parenting Time Order*, MASS.GOV, <https://www.mass.gov/how-to/request-an-immediate-child-custody-or-parenting-time-order>.

¹⁴¹ If there is concern about drug use, an order for drug testing may issue. A typical order suspends parenting time if there is a positive or missed drug test, and the case is scheduled for review in four-to-six months. A parent who has used, but has stopped, may want parenting time and that parenting time may need to be supervised for a period of time and then reviewed. Limited resources for providing professionally supervised visitation can further delay cases. If parties are unrepresented, it may not be until parties come back to court that it becomes clear there is little to review and a new, future date will be needed.

¹⁴² The DCF will sometimes send a parent the message that, unless he or she goes to court to get the other parent out of the home or limit access to the children in some other way, the DCF may seek custody of the children. The parent may then arrive in court without a DCF worker and report this message to the court. The case may then be scheduled for a further hearing with DCF present. If DCF has not yet collected enough information to determine the level of risk, another date may be scheduled. A further hearing may be attended by a new worker -- the DCF has investigators and on-going workers -- and that new worker may not yet have much to report. And so on.

or a motion for further temporary orders. Overuse of complaints for modification can leave parties feeling as if they are stuck in a revolving-door court.

Hearing on a Motion for Temporary Relief. For most cases involving children (and for many without), the first court event is a hearing on a motion for temporary orders. A typical motion day is long. The parties must first check in, which itself can take more than an hour. After check-in, they must wait again while a Court Activity Record Information (CARI)¹⁴³ check is completed for all parties and a copy of a current restraining order (if applicable) is obtained. Next, the case must be assigned to a Probation Officer;¹⁴⁴ because the number of cases is far greater than the number of available Probation Officers, this too will often entail an hours-long wait. Additionally, assignment of the case does not happen unless all required court forms are submitted, which is less likely when litigants self-represent.¹⁴⁵

In some courts, cases with two attorneys can bypass the Probation Department. This is a useful option where the parties have previously attempted to resolve an issue and/or the issue at hand is technical. However, in other cases, represented parties are missing out on a valuable opportunity for a facilitated discussion of issues because the wait for dispute intervention is too long and, as a result, too expensive.

Once litigants make it to the courtroom, they wait again. It is not unusual for a motion session to continue past 4:00 p.m. Given the caseloads, judges struggle to give unrepresented

¹⁴³ The CARI protocol is also an area of concern, particularly for unrepresented litigants. Litigants often are not told and do not understand what information is contained in a CARI report nor the possibility that the information will be reviewed by the Probation Officer conducting dispute intervention and given to the judge.

¹⁴⁴ Cases involving domestic violence do not go through dispute intervention unless at least one party is represented, in which case the lawyer replaces the litigant and performs a sort of shuttle diplomacy.

¹⁴⁵ Most unrepresented litigants are not aware of the need for a financial statement -- a four-page document seeking detailed information about income, expenses, assets, and debts -- until they arrive at court. This means that a critical document is being completed at the courthouse, usually with inadequate information at hand and under significant stress.

litigants an opportunity to feel heard and to obtain from them sufficient, relevant information.¹⁴⁶

Lawyers often complain that extended waiting time makes their services less affordable, which in turn leads to an ever-increasing number of unrepresented litigants.

Alternatives to litigation. The Probate and Family Court has traditionally outsourced ADR to trained professionals on certified court lists. In-house, a quasi-ADR process called "dispute intervention" is facilitated by officers of the Probation Department. Through this process, Probation Officers help parties negotiate contested domestic relations issues and report outcomes to the court.¹⁴⁷ In most cases, parties have an opportunity to meet with a Probation Officer for dispute intervention each time they come to court for a motion, status conference, or pre-trial conference.

Dispute intervention significantly reduces the number of matters that reach the judge without a temporary or permanent resolution of some or all issues. This is a positive outcome in many respects, but it also raises concerns in the context of unrepresented litigants. It is unclear to what extent probation officers are expected to educate litigants about relevant standards of law and burdens of proof. Without understanding how their respective positions will stand up to legal scrutiny, parties may find it difficult to know when to stand their ground and when to compromise. It is also sometimes unclear whether a Probation Officer's suggested resolution is based primarily in: (a) what would likely happen under the law; (b) what is likely to work day-to-day; or (c) what is likely to result in agreement. The third category is particularly concerning when there is an imbalance of power between the parties.

¹⁴⁶ The lack of access to one's cell phone creates a significant barrier to presenting evidence to the court; most people store photos and text messages on their phones, both of which are typical forms of evidence in Family Court matters.

¹⁴⁷ See Massachusetts Court System, Job Description and Qualifications for Probation Officer, Probate and Family Court Department, *available at* mass.gov/courts/docs/jobs/probation-officer-job-description-pf.pdf.

There appears to be a wide range of education, experience, and training among Probation Officers, which may mean some have limited ability to effectively screen for and address power imbalances. Probation Officers are not required to have a masters or other advanced degree upon hiring, and the FLWG was not able to determine what, if any, dispute resolution training they receive on the job.

In addition to in-house dispute intervention, there are also volunteer ADR programs that operate successfully in several courts. These programs include a volunteer conciliation program (Settlement and Early Resolution Volunteers (SERV)) and a volunteer mediation program (Mediation Works, Inc. (MWI)).

Pre-Trial Conferences. Pre-trial conferences are intended to provide an opportunity for parties to present their positions and supporting evidence and for the judge to preview what might happen at trial. The task becomes more difficult for the judge when one or both of the parties does not provide a pre-trial memorandum, making the conference less productive.¹⁴⁸ Compounding this problem, many cases arrive at the pre-trial stage having not completed even basic discovery. Where discovery is incomplete, cases are often scheduled for a second conference, adding to the already crowded court dockets.

Trial. Scheduling a trial is challenging. In some courtrooms, the first available trial date is a year after the pre-trial conference. These scheduling delays often result in motions for further temporary orders. Worse yet, decisions not made at the temporary stage -- such as how a mortgage will be paid, or at what price a home will be marketed for sale, or what share of assets a party will receive -- can result in financial ruin for individuals without substantial income or access to marital assets during the pendency of the litigation. Even once a trial is scheduled,

¹⁴⁸ Even when pre-trial memoranda are offered, some judges no longer appear to have or take time to review them before hearing from the parties.

there are more difficulties. In multi-day trials, the days are typically not consecutive, resulting in more work as the parties, lawyers, and judges struggle to keep track of the intermittent progress.

Recommendations for the Court Stage

1. Implement early triage, evaluation of options, and education. Twenty years ago, a study of Massachusetts Probate and Family Courts found, "Intervention occurs far too late in the court system. Triage is done by the judge rather than a case being screened much earlier and directed to one of the many alternative methods of resolving disputes...."¹⁴⁹ Today, triage, evaluation of options, and education of litigants is still inadequate. Although some courts have made an effort to utilize early settlement conferences, most cases still proceed along the traditional litigation track until a judge offers or orders an alternative. Parties often enter and exit the court system without ever accessing available legal assistance or evaluating all possible pathways to relief. Steps should be taken to establish a comprehensive triage, evaluation, and education approach. For example:

- **Step one: Triage for access to attorneys.** Early triage should be used to determine what level of legal assistance is required to ensure a level playing field and an opportunity to be heard "at a meaningful time and in a meaningful manner."¹⁵⁰ For example:
 - If one party has access to income and assets and has used them to hire an attorney, information about fees *pendente lite* should be made available to the other party.¹⁵¹
 - If there is evidence of domestic violence or other extreme power imbalance, provision of counsel -- whether through limited assistance representation (LAR) or full representation -- should be considered.¹⁵² Information about or referral to legal services may be appropriate.

¹⁴⁹ *PRO SE LITIGANTS*, *supra* note 139, at 14.

¹⁵⁰ *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965).

¹⁵¹ See MASSACHUSETTS SUPREME JUDICIAL COURT GENDER BIAS STUDY COMMITTEE, REPORT OF THE GENDER BIAS STUDY OF THE SUPREME JUDICIAL COURT 20 (1989) (supporting use of G. L. c. 208, § 17 for this purpose).

¹⁵² These recommendations have been made previously. See *PRO SE LITIGANTS*, *supra* note 139, at 23.

In addition, judges should be encouraged to exercise their discretion under existing statutes to assign fees or appoint counsel at state expense,¹⁵³ especially in cases involving moderate-income families or where parties are unrepresented.

- **Step two: Evaluation of options and education of litigants.** A multi-door courthouse cannot be effective unless the parties are able to effectively evaluate the different options for dispute resolution. Cases should be evaluated and parties educated early on so that possible alternatives to litigation can be explored. Under one possible model for implementation:
 - Each case would be scheduled for an Initial Case Management Meeting (ICMM) with a Probation Officer (or Judicial Case Manager) immediately after proof of service is provided and the deadline for filing an answer has passed.¹⁵⁴ ICMMs would be scheduled in the afternoon, in order to avoid high-volume periods in the morning.
 - Notice of the ICMM would include:
 - A copy of a financial statement form
 - A plain-language explanation of how to complete the financial statement
 - Information about resources that can assist in completing the statement
 - An instruction to bring the completed financial statement to the ICMM
 - At the ICMM, Probation Officers would:
 - Review the parties' financial statements for completeness
 - Provide basic information about the adjudicatory process, the relevant law, guidelines for presenting evidence, and when and how a final judgment can be modified
 - Educate the parties about the non-adversarial dispute resolution options available to them, including dispute intervention with a Probation Officer¹⁵⁵
 - Ask each party to identify outcome goals and issues in need of resolution (e.g., custody, support, payment of expenses relating to marital property) and offer to work with them to develop a temporary stipulation addressing those issues
 - Help the parties identify any outside resources that might benefit the family

¹⁵³ For example, in divorce, G.L. c. 208, § 17, provides for the payment by either party of attorney's fees for the other party. Similarly, in cases involving unwed parents, G.L. c. 209C, § 7, allows the Court to appoint counsel when custody is at issue and circumstances so warrant. Reportedly, judges have been instructed not to utilize this statute because of limited state funds.

¹⁵⁴ An alternative idea is to require a party to schedule an ICMM and to require completion of an ICMM prior to scheduling any non-emergency motion. This would reduce the number of scheduled ICMMs for which parties do not show up or are not prepared.

¹⁵⁵ Unless both parties are represented by counsel, participation in any form of ADR should require an opt-in, not an opt-out.

- If a stipulation is reached, the parties would have an opportunity to present the agreement to a judge that afternoon. If no stipulation is reached, the parties would be offered an opportunity to draft a joint motion for temporary orders, with each party listing the issues he or she would like addressed.
- Financial statements, if complete, would be filed that day.
- Cases in which both parties are represented by counsel could be eligible for waiver of the ICMM upon certification of both parties that the information to be presented at an ICMM had been shared with each client and the parties had explored a temporary stipulation.

The ICMM model is only one idea for an early assessment and education component of Probate and Family Court proceedings.¹⁵⁶ The FLWG encourages exploration and development of a system that provides early triage and evaluation of options so that parties may reach speedy resolution and achieve ongoing cooperation post-judgment.

2. Expand additional dispute resolution options. The Probate and Family Court should take steps to complement dispute intervention with more alternatives to litigation. Possible actions include:

- Collaborating with existing volunteer ADR programs (e.g., SERV and MWI) to expand these programs to courts where they are not currently available
- Establishing a state-funded mediation and conciliation system that contracts with private providers
- Certifying a subset of Probation Officers in mediation and assigning cases to those officers

3. Offer tailored resources for certain cases. Recognizing that in certain categories of cases parties may have special needs, the Probate and Family Court should tailor resources to meet those needs. For example:

- **Cases involving the Department of Children and Families (DCF).** As described above, DCF is involved in a growing number of cases where it does not seek removal of the children but still has an interest in the family. In these cases, the Probate and Family Court often seeks information from DCF and orders DCF to attend a status conference.

¹⁵⁶ Another, similar, model was previously proposed by the Probate and Family Court Department Pro Se Committee. See *PRO SE LITIGANTS*, *supra* note 139, at 27. The Alaska and California family court systems also offer examples that may help in development of our early case management practices.

However, scheduling can be difficult because DCF operates on an unknown timetable (e.g., in conducting investigations or developing a service plan). In addition, parties often do not have the opportunity to review the information that DCF provides to the Court. To improve this process, each DCF-involved case should be assigned to a Probation Officer or Judicial Case Manager for monitoring. This person should:

- Coordinate with DCF (e.g., in scheduling status conferences)
- In consultation with DCF, create a written report of relevant information, similar to the reports prepared in broader court investigations¹⁵⁷

Cases should be reviewed only after this report is completed. Reviews should not be scheduled on motion days, to ensure that adequate time can be dedicated to the case.

- **Cases involving substance abuse.** Cases involving a parent with a present or recent substance abuse issue would also benefit from non-judicial case management. In these cases, it is often in the child's best interest to have gradual, stepped increases in the recovering parent's involvement with the child or frequent monitoring of an active user's ability to parent. Parties in such cases should be assigned to a dedicated Probation Officer or Judicial Case Manager for periodic case management conferences in between six-month review dates, to assess progress and, where appropriate, facilitate discussion of a further stipulation.

4. Ensure cases are ready for conferencing. In order to make sure that parties are prepared for case conferences -- and to avoid the need for rescheduling -- the Probate and Family Court should explore establishing a role for a magistrate to shepherd cases through the litigation process or out to ADR.¹⁵⁸ For example, the magistrate could:

- Oversee early case conferences
- Review cases at the pre-trial stage to address discovery issues and determine whether or not a case is ready for conference with a judge¹⁵⁹

5. Make court sessions more accessible. Steps should be taken to reduce the many barriers that parties -- especially those with fixed work hours or who live and work in remote areas -- face in attending court sessions. For example:

¹⁵⁷ As required by law, the report would be made available to the parties or their attorneys.

¹⁵⁸ This idea was envisioned in a 1997 Probate and Family Court report. *See PRO SE LITIGANTS*, *supra* note 139.

¹⁵⁹ Both Alaska and California may be helpful models here, too, with respect to when a litigant must opt-in or opt-out in order to be heard by a judge on matters that could otherwise be handled by other court personnel.

- **Revisiting evening court.** Massachusetts has previously experimented with evening court hours, and should do so again, this time combining evening hours with satellite sessions using community space instead of courthouses.
- **Providing video-conferencing services in the courtroom for hearings.**
- **Establishing an alert system,** so that parties can be notified when their cases will soon be heard.

POST-JUDGMENT

Courts have seen an increase in complaints for contempt and for modification of orders and judgments. Thus, it can seem that, no sooner has a decision been reached than it is being re-litigated by the parties. This can be attributed to the lack of education of the parties, confusion about when issues can be revisited, hastily performed dispute intervention, and lack of alternative resources. Also relevant is the lack of affordable services to help families outside of court. High-income families have access to an array of resources, including:

- “Our Family Wizard,” an on-line, for-free co-parenting tool that provides a platform for recording important dates, coordinating schedules, and keeping a record of communications between parents
- Parent coordinators, professionals who can facilitate positive communication and keep conflict at bay
- Professional visitation supervision, which can provide safety for a child, peace of mind for a custodial parent, and an opportunity for the visiting parent to demonstrate developing parenting skills and have those skills recorded in the notes of a professional
- Family therapists, who can help family members heal, adjust, and build capacity for their own future problem solving

None of these resources are adequately available to moderate- and low-income families. The lack of these services leads families back to court, and demands on the Probate and Family Court continue to spiral upward.

Recommendations for the Post-Judgment Stage

- 1. Establish specialized parenting education programs.** The Probate and Family Court has authority to order unwed parents to attend parenting classes, just as divorcing parents are ordered to attend such classes. The spectrum of classes available to parents should be expanded to address specific stages of parenting and varied parent relationships and parents should routinely be ordered to attend the class most appropriate to the circumstances of the case.
- 2. Offer post-judgment co-parenting facilitation.** By partnering with technology innovation programs at Suffolk, Northeastern, Harvard, and/or Georgetown law schools, free applications could be developed that are similar to for-fee parent coordinating programs such as Our Family Wizard (described above). Such applications would allow parents to communicate via text, receive text alerts about upcoming appointments, and share contact information for providers, educators, and the like. Text communications would also be automatically collected in an on-line, retrievable account.
- 3. Explore ways to limit complaints for modification.** There is precedent for limiting the frequency of court review of parenting issues. In child protective cases, for example, parents are permitted to "petition the court not more than once every 6 months for a review and redetermination of the current needs of such child whose case has come before the court."¹⁶⁰ The FLWG does not have a collective position on how best to address this issue, but encourages continued consideration of ways to limit and/or vet complaints for modification.

V. MISCELLANEOUS RECOMMENDATIONS

- 1. Enhance predictability through clear statutes, guidelines, and application of agreed upon factors.** Family court proceedings are fact-driven and judicial discretion is necessarily

¹⁶⁰ G. L. c. 119, § 26.

quite broad. At the same time, all families benefit from predictability, both in getting to a judgment and living with one. The development of Child Support Guidelines and the enactment of the new alimony statute have created greater financial predictability, although there continues to be an on-going debate about the interplay of the two forms of support (child support and alimony), particularly for moderate-income families, which impedes early resolution of these issues.¹⁶¹ Recent Guidelines revisions also appear, at the lower end of the income spectrum, to be no longer grounded in the economic needs of children, but rather in the competing needs of their parents.¹⁶² With regard to custody, there has been a years-long effort to revise child custody statutes to, among other goals, provide more predictability through the use of factors. None of the efforts to-date has succeeded in creating a broadly acceptable set of factors.

2. Ensure adequate and timely remedies for cases involving domestic violence. When there is domestic violence, victims often turn first to a District Court for a restraining order, rather than to a Probate and Family Court. Both District and Probate and Family Courts have statutory authority to provide a spectrum of relief, including an order of child custody and child support.¹⁶³ Yet, often litigants are incorrectly told they should go to the Probate and Family Court to address those issues. Reportedly, plaintiffs are sometimes given misinformation when filing and, as a result, do not request custody or child support and, in other cases, the judges

¹⁶¹ The following excerpt from the Massachusetts Child Support Guidelines provides a window into the lack of clarity regarding the relationship between alimony and child support: "Chapter 124 of the Acts of 2011, entitled, 'An Act Reforming Alimony in the Commonwealth', amended G. L. c. 208 and prohibits the use of gross income which the Court has already considered in making a child support order from being used again in determining an alimony order. See G. L. c. 208, § 53 (c) (2). The parties may consider preparing alternate calculations of alimony and child support to determine the most equitable result for the children and the parties. Depending upon the circumstances, alimony may be calculated first, and in other circumstances child support may be calculated first. Judicial discretion is necessary and deviations shall be considered." EXECUTIVE OFFICE OF THE TRIAL COURT, MASSACHUSETTS TRIAL COURT, CHILD SUPPORT GUIDELINES 9 (2017), *available at* <https://www.mass.gov/files/documents/2017/09/01/2017-child-support-guidelines.pdf>.

¹⁶² See CHILD SUPPORT GUIDELINES TASK FORCE, MASSACHUSETTS OFFICE OF COURT MANAGEMENT, ECONOMIC REVIEW OF MASSACHUSETTS CHILD SUPPORT GUIDELINES (2013), *available at* <https://www.mass.gov/files/documents/2017/09/08/economic-review-child-support-guidelines-june2013.pdf>.

¹⁶³ G. L. c. 209A, s. 3(d)-(e).

themselves decline to address these issues, instead referring the litigant to the Probate and Family Court.

The District Court judges may question a litigant's choice of venue. Concern about manipulating the system may weigh on the judge's mind. However, there are many justifiable reasons for seeking relief in the District Court. For example, a neighborhood District Court is often far more geographically accessible than the closest Probate and Family Court. Regardless of the basis for the choice of venue, if a victim chooses District Court as the venue, all forms of relief provided under the restraining order statute (G. L. c. 209A) should be available. As noted in the Trial Court's Guidelines for Judicial Practice:

"The protective purpose of c. 209A is frustrated if the relief that it provides is not made available. Immediate support for the plaintiff and for any minor children may be a necessary precondition to the plaintiff's ability to seek other relief, e.g., the plaintiff may not be able to live away from a batterer unless he or she has enough money to feed the children or for a place to stay. Referring the plaintiff to the Probate and Family Court or to the Department of Revenue (DOR) to establish a child support order -- a process that can take weeks or months -- should not substitute for providing relief under c. 209A when the law and the facts warrant such relief."¹⁶⁴

Concerns about forum shopping should not impede access to relief, particularly where any advantage gained is likely to be short-lived. Custody and support orders are reviewable and modifiable by the Probate and Family Court, and judicial guidelines encourage District Court judges to make clear to litigants the superseding authority of the Probate and Family Court in these matters.¹⁶⁵ Thus, a defendant who is unhappy with a child support order or restrictions on access to children under a c. 209A abuse prevention order issued by a District Court may immediately file a complaint for parenting time with the Probate and Family Court.

¹⁶⁴ Massachusetts Trial Court, Guidelines for Judicial Practice: Abuse Prevention Proceedings § 6:05(b) (2011).

¹⁶⁵ "Both parties should be told that the Probate and Family Court has superseding jurisdiction regarding custody, support and contact with minor children and exclusive jurisdiction regarding visitation." *Id.* at § 6:06.

V. CONCLUSION

The working group reports in this Plan set out detailed assessments of the current state of access to justice in the Commonwealth as viewed from the perspective of court users, and specific recommendations for concrete steps to improve it. Given the degree of detail and the various perspectives incorporated in this document, it is to be expected that not everyone will agree on every assessment or recommendation. What is most important is not unanimous agreement, but a willingness to carry on the conversation that is reflected in these pages and to continue the considerable progress that has already been made in Massachusetts. In short, we have set forth a path to achieve "100 percent access to effective assistance for essential civil legal needs." Not everyone need agree as to every step to be taken along that path, but we hope that there will be consensus as to the direction we need to travel.

We can never even approach our destination unless we travel together. We have come this far only through extraordinary collaboration among the courts and a wide range of organizations within the access to justice community, and we will be able to continue moving forward only through continued collaboration. The access to justice community is composed of a multitude of independent institutions, each with its own leadership; there is no single access to justice "czar" who can, or should, tell them all what to do. Instead, we must keep talking and listening to one another, keep sharing new ideas, and keep trying out innovations to find out what works and what does not. The Access to Justice Commission can help to facilitate these conversations and support new initiatives. As noted above, a JFA Implementation Committee under the Commission will be established to help foster the proposals contained in the working group reports. But ultimately the success of this project will depend on the engagement and commitment of the courts and everyone in the access to justice community. Only through this

collaborative process can we develop and realize a shared vision of how best to achieve the goal of "100 percent access to effective assistance for essential civil legal needs."

APPENDICES

APPENDIX 1: STRATEGIC PLANNING PROCESS TIMELINE

The following timeline summarizes the principal steps in the collaborative process that has produced this Justice for All Strategic Action Plan.

- | | |
|-----------|---|
| Nov. 2016 | <ul style="list-style-type: none">• Massachusetts awarded one of the seven state Justice for All (JFA) grants to develop a strategic action plan for improving access to justice.• Massachusetts Supreme Judicial Court (SJC) executes grant contract with the National Center for State Courts (NCSC).• Project Management Team (PMT) established to oversee JFA strategic planning process with monthly meetings.• PMT members develop request for proposals (RFP) seeking a consultant to facilitate the strategic action planning process. RFP is posted on the Massachusetts state government procurement website, COMMBUYS. |
| Dec. 2016 | <ul style="list-style-type: none">• PMT members participate in initial JFA kick-off call with NCSC.• PMT reviews RFP responses from consultants.• PMT begins compiling statewide inventory of legal assistance resources. |
| Jan. 2017 | <ul style="list-style-type: none">• PMT interviews consultant candidates and engages Marc Lauritsen of Capstone Practice Systems, Inc.• Mr. Lauritsen attends the JFA consultants academy at the Public Welfare Foundation.• PMT continues compiling statewide inventory of legal assistance resources. |
| Feb. 2017 | <ul style="list-style-type: none">• Mr. Lauritsen begins individual and small group meetings with several dozen representatives from legal service providers, the courts, law schools, the private bar, and other nonprofit organizations to discuss the JFA project, gather information, and solicit input and participation.• Initial compilation of the statewide inventory of legal assistance resources completed.• PMT selects housing, consumer debt, family law, and the access to justice "ecosystem" as areas of focus for the JFA project. Mr. Lauritsen begins reaching out to interested individuals in the access to justice community to start forming working groups in those areas.• PMT and Mr. Lauritsen begin planning for regional meetings and statewide |

summit conference in June.

- Mar. 2017
- Mr. Lauritsen makes a presentation on the JFA project to the Access to Justice Commission.
 - PMT and Mr. Lauritsen continue outreach and begin planning for regional meetings and statewide summit conference in June.
- Apr. 2017
- Mr. Lauritsen seeks further input from Massachusetts access to justice community on simplification of legal processes and coordination between legal service providers, as well as suggestions for improving access to justice in particular subject areas.
 - Western regional meeting held on April 28 at the University of Massachusetts Center in Springfield with breakout discussions on housing and family law issues.
- May 2017
- Boston regional meeting held on May 2 at Suffolk University Law School, with breakout discussions on housing and consumer debt issues.
 - Northeast regional meeting held on May 24 at the Massachusetts School of Law in Andover, with breakout discussions on housing and family law issues.
- June 2017
- Southeast regional meeting held on June 2 at the University of Massachusetts School of Law in Dartmouth, with breakout sessions on housing and family law issues.
 - Statewide summit meeting held on June 9 at Harvard Law School in Cambridge. The summit meeting is attended by approximately 70 participants representing a wide variety of institutions and organizations, including the courts and other government agencies, legal service providers, bar associations, law firms, law schools, libraries, advocacy groups, and other stakeholders. Attendees take part in four extended breakout discussions on (1) the overall access to justice ecosystem, and how to improve access to justice in (2) housing cases, (3) consumer debt cases, and (4) family law cases. Attendees also hear special presentations from SJC Chief Justice Ralph Gants, Legal Services Corporation President James Sandman, and Katherine Alteneder of the Self-Represented Litigants Network, among other speakers.
 - PMT members and Mr. Lauritsen meet with working group leaders to discuss plans for analyzing the continuum of available services and resources in each area of focus; identifying barriers, inefficiencies, gaps and duplication in services and resources; and proposing concrete steps for improvement.
- Jul.-Sept.
- Working groups meet, develop ideas and proposals, and draft reports, with

- 2017 participation and support from PMT members and Mr. Lauritsen.
- PMT members and Mr. Lauritsen organize and conduct a "voice of the justice system" customer listening session on August 28 at a community organization in Springfield to get feedback from court users on their recent experiences interacting with the court system in the context of housing, consumer debt, and family law cases.
- Oct. 2017
- Working groups continue to work on their reports.
 - Working groups present their findings and proposals at a conference of working group leaders and PMT members at Suffolk University Law School on October 30.
- Nov. 2017
- PMT members begin drafting JFA Strategic Action Plan and integrating the working group reports into the Plan in consultation with the working group leaders.
 - Access to Justice Commission adopts a plan for carrying forward the proposals in the JFA Strategic Action Plan through a new JFA Implementation Committee under the Commission.
- Dec. 2017
- PMT members continue to draft and revise JFA Strategic Action Plan in collaboration with working group leaders for submission to the NCSC by December 22 deadline.

APPENDIX 2: CONSUMER DEBT WORKING GROUP RECOMMENDATIONS FOR CHANGES IN COURT POLICY AND PRACTICE

Introduction

As we build out a continuum of services that exist in Massachusetts in the area of consumer debt, we recognize that existing resources could be made more efficient and effective if they were combined with changes to existing practice and procedures.

We recommend that the Massachusetts court system, in particular, consider the following system reforms to improve access to justice in the area of consumer debt.

A. Create or revise guidelines regarding court practices.

1. Provide a bench card or template colloquy for judges to engage with unrepresented defendants who are signing settlement agreements or agreements for judgment.

Judicial guidelines promulgated by the Supreme Judicial Court in 2006 describe the appropriate judicial role and exercise of discretion in the review of settlement agreements when one or both parties are self-represented.¹ In doing so, judges can ensure that self-represented litigants entered the agreements voluntarily and that any waiver of substantive rights was done so knowingly and voluntarily. However, that discretion is not widely used, and the guidelines were never extended to apply to clerk-magistrates or assistant clerk-magistrates regarding small claims cases. It is the Consumer Debt Working Group (CDWG)'s belief that judges and clerks are concerned that exercising this discretion would violate their duties of impartiality. The CDWG recommends drafting a template for a permissible colloquy with an unrepresented debtor in order to provide additional guidance to adjudicators.

2. Establish and promote clear guidelines on fair practices within courthouses.

Anecdotal evidence points to troubling practices that are all too common in courtrooms and court hallways across the Commonwealth.² Attorneys representing multiple debt collection plaintiffs in a session will often assume a position of authority in a courthouse, creating the false impression for self-represented litigants that the plaintiff's attorney is a Trial Court representative. Compounding this lack of clarity, court staff, including court officers, clerk-magistrates, and clerk staff, will often direct defendants to these plaintiff attorneys prior to checking in with the court.

We recommend developing and promulgating a set of guidelines that would curb such potentially abusive practices. These revised guidelines could take the form of updates to the

¹ See MASSACHUSETTS ADMINISTRATIVE OFFICE OF THE TRIAL COURT, JUDICIAL GUIDELINES FOR CIVIL HEARINGS INVOLVING SELF-REPRESENTED LITIGANTS 15-16 (2006), *available at* https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_atj_best_practices_in_managing_srl_toc.authcheckdam.pdf.

² According to the *Boston Globe*, debt collectors' abusive behavior is widespread and occurs in front of court personnel, including the clerks presiding over small claims hearings. Jessica Mendoza et al., *Collection Abuses Move Up to Higher Courts*, BOSTON GLOBE (Mar. 28, 2015), <https://www.bostonglobe.com/metro/2015/03/28/new-restrictions-debt-collectors-district-court/sIMWIBGAjooNXc1QomaNpM/story.html>.

Small Claims Standards,³ which to the CDWG's knowledge have not been revised since they were promulgated in 2001.

3. Provide clear information at the start of each session to both parties about rights and obligations under the law.

The CDWG recommends that notice of certain rights be provided to small claims defendants in order to facilitate greater access to justice. In particular, at the scheduled start time of each session, presiding clerks could clearly identify who the court officers are, state that defendants do not need to speak to collection attorneys before the session starts, that collection attorneys do not represent them, that consumers have a right to have the case decided by a clerk-magistrate, and that consumers have a right to transfer cases to the civil docket pursuant to Uniform Small Claims Rule 4.

4. Promote scheduling of consumer debt cases to maximize opportunities for representation.

Volunteer Lawyer for the Day programs are expanding in BMC and District Court locations across the Commonwealth. Scheduling practices by court clerks, however, have not yet been consistently modified to maximize use of this resource. The CDWG recommends adopting the best practices established in BMC Central and other divisions that make a concerted effort to schedule consumer debt hearings on the day of the week when Lawyer for the Day programs are available.

5. Establish a streamlined process for vacating default judgments.

It is difficult for pro se litigants to vacate default judgments. New York's Court System has created an online tool, which is available in English and Spanish, to assist unrepresented litigants in filing their motions to vacate.⁴ We recommend utilizing a similar process in Massachusetts to explain debt collection processes to unrepresented litigants, and walk them through the procedural steps necessary for their case.

B. Create or modify official court forms and related rules regarding judgments and settlement agreements.

Revise forms and rules related to judgments and settlements to improve consumer understanding of legal proceedings and to increase opportunities for cases to be decided on their merits.

We recommend revising or creating the following forms:

1. **Settlement agreement forms.** Currently, the only official form for disposing of a small claims case is a check-the-box form titled Agreement for Judgment and for Payment Order.⁵ A crucial flaw in this form is its inability to allow parties to settle a case without

³ MASSACHUSETTS TRIAL COURT, Small Claims Standards (2001), *available at* <http://www.mass.gov/courts/docs/forms/small-claims/smcstandards2002.pdf>.

⁴ See *Vacate Default Judgment in a Consumer Debt Case*, N.Y. STATE UNIFIED COURT SYSTEM, <https://www.nycourts.gov/courthelp/DIY/consumerDebt.shtml>.

⁵ This form is available online here: <http://www.mass.gov/courts/docs/forms/small-claims/translated/english/agreement-for-judgment-and-for-payment-order.pdf>

a judgment entering. The inability to settle a case without a judgment results in needless damage to a consumer's credit report. Credit reporting consequences of a case are often more important to consumers than the amount of the debt itself. The Trial Court should either promulgate a form that allows a judgment-free settlement, or add an option to the Agreement for Judgment and Payment Order that allows for a judgment-free settlement.

2. **Explanation of case outcomes.** The Agreement for Judgment and for Payment Order form should also be revised to include plain-language explanations of the case results that the form contemplates. For example, parties should be notified that a judgment creates a public record that could appear online or on a credit report; and that a case dismissed without prejudice could eventually be refiled.
3. **Exempt income.** The back of the Agreement for Judgment and for Payment Order form contains information about exempt income, which is very useful to consumers if it is accurate. However, the Agreement for Judgment and for Payment Order forms used by many courts are years old, which means that the information on exempt income on the back is often out of date. There must be a mechanism to ensure that information provided on court forms to consumers about exemptions is accurate.

The above form revisions may require modifications to Trial Court rules.

Separate and apart from the recommendations for new and revised forms above, a revision of Uniform Small Claims Rule 7 should also be considered in order to prevent abusive uses of the Agreement for Judgment and for Payment Order form. Currently, under Uniform Small Claims Rule 7(a), "[t]he parties may at any time file with the court, in person or by mail, an agreement for judgment which may include an agreement for a payment order, on the Agreement for Judgment form promulgated by the court." The rule further provides that "[i]f the Agreement for Judgment form is filed prior to the scheduled trial date, neither party need appear on the scheduled trial date unless directed otherwise by the court." Advocates working with consumers being sued by debt buyers have observed that this rule leads to a perhaps unintended practice. Debt buyers send consumers being sued in small claims court Agreement for Judgment and for Payment Order forms that are pre-filled, and require only the consumer's signature. These Agreement for Judgment and for Payment Order are for the entire amount asked for by the debt buyer in its Statement of Small Claim, plus costs. There is no consideration of whether consumers are encouraged to sign these documents and return them to the debt buyers in advance of their court hearings in order to avoid going to court, and no way to prevent agreements for judgment that will result in a consumer paying a debt buyer with exempt income.

C. Adopt rules that bring consumer debt in line with other areas of civil procedure.

In addition to reform efforts aimed at fair adjudication and fair case outcomes, we also propose rule changes that would promote the adversarial process by bringing consumer debt cases in line with other civil and small claims cases, starting at the commencement of the case. Several of the below recommendations are currently in discussion in the proposed amendments to the Mass. Rules of Civil Procedure regarding credit card debts, or have been proposed in the public comment period for those amendments. As the Massachusetts Access to Justice Commission stated in its comment to the Standing Committee,

"The same procedural standards should apply to consumer debt cases as to all other civil matters. This includes the various forms of debt (credit card and otherwise), the various plaintiffs (original creditors and assignees), dispositions (default or contested), the department (Boston Municipal, District, and Superior Courts), and the court session (small claims and civil)."⁶

Currently, consumer debt cases are often treated as if consumer defendants - rather than plaintiffs -- have the burden of proof. Perhaps this may be due in part to the fact that there is very little case law on the subject of consumer debt collection in Massachusetts, which in turn means very little guidance for judges and clerk-magistrates on what is necessary for a debt collector to establish a *prima facie* case.

1. Ensure adequate notice to defendants.

In consumer debt cases in both small claims and general civil sessions, defendants may not be aware of litigation against them. In small claims cases, for example, according to news reports, a large fraction of Statement of Claim and Notice of Trial forms that are mailed to consumers by the Trial Court are returned as undeliverable.⁷ In general civil sessions, it is the plaintiff and not the Trial Court that is responsible for serving notice on the respondent, with the only requirement that the plaintiff mail to the last and usual address.⁸

In the small claims session, many plaintiffs are required to submit an address verification form.⁹ Address verification requirements are ineffective for ensuring that defendants have actual notice of a debt collection case. As an alternative, we recommend following the same service requirements that are used in a typical civil case with the added addition of address verification. Under this system, adequate service could be accomplished by submission of an address verification form along with (a) proof of in-hand service in the form of a return of service from a disinterested party, or (b) a signed certified mail return receipt.

We further recommend that plaintiffs proceeding forward on payment review or supplementary process matters be required to disclose to the court and to the defendant when process was served at a new address for the subsequent payment review/supplementary process rather than the address used for service of the Complaint in the normal civil session or the Statement of Small Claim and Notice of Trial for the small claims session. This will alert courts and defendants that service of the underlying Complaint or Statement of Small Claim and Notice of Trial may have been inadequate.

2. Require substantiation of claims when they are filed.

In our experience, plaintiffs in debt collection lawsuits have successfully won default judgments in which they are suing the wrong person, or suing for the wrong amount, or after the statute of

⁶ Comment from the Massachusetts Access to Justice Commission (on file with the Standing Committee).

⁷ Not all undelivered mail is ever returned. See *Debtor's Hell, Part 2*, BOSTON GLOBE (2006), available at http://archive.boston.com/news/special/spotlight_debt/part2/page4.html.

⁸ One study in a general civil session in Massachusetts indicated that as many as 25% of defendants were served at an incorrect address. See D. James Greiner & Andrea Matthews, *The Problem of Default, Part I* (June 24, 2015 (unpublished manuscript)), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2622140.

⁹ Joint Standing Order 2-15: Verification of Defendant's Address for Claims Incurred in Trade or Commerce or Pursuing Assigned Debt.

limitations has past. In other cases, plaintiffs do not own the debt in question or otherwise have a legally invalid claim. Revised rules would ensure proof of ownership of the debt as well as proof that the proper individual is being sued for the correct amount in a timely manner. Specifically, plaintiffs in debt collection lawsuits should be required to provide substantiation of their claim when they file a Complaint or Statement of Small Claim.

Fortunately, Massachusetts need not reinvent the wheel. Other jurisdictions have developed legislation that can serve as a model. For example, Maryland, North Carolina, California, and most recently Maine have passed laws that require a debt buyer to attach a copy of the contract to the complaint.¹⁰ North Carolina, Maryland, New York, and Maine also require debt buyers to attach documentation establishing a plaintiff's ownership of the debt to the complaint.¹¹

D. Develop high-quality, comprehensive training programs for judges and clerk-magistrates on existing consumer debt collection law.

We recommend a collaborative approach to creating judicial education and court staff training in order to develop comprehensive and useful curricula for both judges and clerk magistrates. Among the topics that could be addressed are Uniform Small Claims Rule 7 regarding default judgments, information on exempt income, Judicial Guidelines regarding review of settlement agreements involving self-represented litigants, procedures for proper and timely docketing of results in small claims cases, an explanation of what constitutes a plaintiff's *prima facie* case in a debt collection case, application of fee-shifting awards, and other relevant rule changes that affect consumer debt cases.¹²

This CDWG plans to draft model curricula, and could provide subject matter experts to join court personnel as faculty on any future trainings.

¹⁰ M.D. Rule 3-306.; Cal. Civ. Code §1788.58; N.C. Gen. Stat. § 58-70-15; 32 MRSA §11019.

¹¹ N.C. Gen. Stat. §§ 58-70-150; 32 MRSA §11019; M.D. Rule 3-306, N.C. Gen. Stat. § 58-70-150 (requiring proof of the original contract, as well as evidence establishing an “unbroken chain of ownership”); N.Y. Comp. Codes R. & Regs. tit. 23, § 1.4 (if a consumer disputes the validity or right of a debt collector to collect a debt, the debt collector must provide the consumer with a written substantiation of the debt, including the chain of title). These states are in compliance with federal guidance from the Office of the Comptroller of the Currency to provide 12 months of account statement data to substantiate a consumer debt claim. *See* Office of the Comptroller of the Currency Bulletin 2014-37 (Aug. 4, 2014), *available at* <https://www OCC.gov/news-issuances/bulletins/2014/bulletin-2014-37.html>.

¹² *E.g.*, proposed revisions to Supreme Judicial Court Rule 3:12 (Code of Professional Responsibility for the Clerks of the Courts) and proposed Massachusetts Rules of Civil Procedure 8.1 and 55.1, all of which are currently at the public comment stage before the Supreme Judicial Court.

**APPENDIX 3: CONSUMER DEBT WORKING GROUP
INVENTORY OF CURRENT RESOURCES (WORKING DRAFT)**

Stage in the process	Resource type	Resource name
<p><i>Before debt becomes an issue:</i> general consumer education & financial literacy</p> <ul style="list-style-type: none"> • How to use credit effectively • Budgeting • Credit reporting <p>Debt collection</p>	<ul style="list-style-type: none"> • credit counseling organizations • community organizations • government offices <p><i>What is needed:</i></p> <ul style="list-style-type: none"> • Education for advocates re: the effects of income volatility on traditional financial literacy initiative (see <i>The Financial Diaries</i>) • Explanation of collection process • Explanation of consumer's rights • Practical tips—i.e., what do you actually do/say when contacted by a debt collector? • <i>Distinguish partners from predatory actors</i> 	<ul style="list-style-type: none"> • Rosie's Place • Elizabeth Freeman Center • Urban Edge • EMPath • AG's Office • Boston Office of Financial Empowerment - financial check-up • Division of Banks (self-help materials) • Home Start • Midas • SEIU • Compass Working Capital • Cambridge Multi-Service Center • St. Francis House • Pine Street
Debt management, financial distress, & financial crisis intervention	<p>Consumer-friendly programs that provide assistance with the following:</p> <ul style="list-style-type: none"> • Debt Management Plans • Credit Repair • Budgeting • Refinancing • Debt Consolidation 	<ul style="list-style-type: none"> • City of Boston financial check-up & financial coaches • NCLC helpline (esp. for utilities), training • Self-help: MassLegalHelp, <i>Surviving Debt</i> • ACCC • AG's office • Upsolve online tool (NY, could be adapted for MA)
<p>Bankruptcy &</p> <p>Consumer debt litigation</p>	<ul style="list-style-type: none"> • Limited advice and limited representation (e.g., Lawyer for the Day, legal clinics) • Self-help materials (paper and tech-based) • Outreach (AGO / Harvard 	<ul style="list-style-type: none"> • MassLRF.org • MassLAO.org • GBLS • VLP • HLS

	mailings) <ul style="list-style-type: none"> • Full representation • Impact litigation • Financial education 	<ul style="list-style-type: none"> • Bet Tzedek. • Private attorneys, esp. those that use fee-shifting statutes • Bankruptcy: pro se clerk at the Bankruptcy Court – Bill McCloud • Pro bono: LFD; MassLAO; on-site legal services at organizations like Rosie’s Place (Ropes)
Post-litigation follow-up	<i>What we need:</i> <ul style="list-style-type: none"> • Representation / assistance in supplementary process, wage garnishment, default removal • Monitoring how folks perform in settlements • Accurate public records • Accurate credit reports 	<i>No known programs</i>

APPENDIX 4: FAMILY LAW WORKING GROUP DRAFT FAMILY LAW ACCESS MAP

Family law consists of a myriad of legal issues revolving around family composition and support. The cases could include divorce, paternity, and custody in either context; guardianship of a minor or state intervention matters or even adoption. Intermittently matters could include conservatorship and adult guardianships. We believe that the majority of self-represented litigants and lower income litigants seek custody determinations in divorce matters, paternity or guardianship of minors, so our map will focus on these areas.

Stage--Pre-litigation	What is needed	Where to go	Resources available
Ms. Alvarado wants to leave her partner	Information - What are her options?	Pastor or other religious group houses of worship Friends/Family Social Services Organizations Forms Online Cultural/Community Centers	Court Services Center Legal Aid Lawyer for a Day Program Houses of Worship DV Program MassLegalHelp.org and other online resources Family Counseling and other specialized counseling programs/support groups (re addictions, etc.) Bar Association websites/referral centers
She wants a Divorce	What are the critical steps to file a divorce and where should she file?	Court House	Court Services Center Legal Aid Lawyer for a Day Program Court website MassLegalHelp.org Bar Association Referral Lines Law School Clinics Low-Bono Projects (Justice Bridge)(Lawyers for Justice)
Domestic Violence?	Safety Plan Information about support resources for victims of DV	DV Program Courthouse	DV Program DA's Office MOVA SAFEPLAN Legal Aid Lawyer for a Day Law School Clinics
She has children with her partner	Information on Custody Rights and Visitation Child Support Has Paternity been established	Courthouse Social Services Programs DOR-Child Support Division Domestic Violence Program for self and/or children	Parental Education Programs Court Services Center DV Programs
Documented?	Information about	Legal Aid	Legal Aid

	immigration laws Support	Social Services Programs Cultural/Community Centers Houses of Worship	Social Services Programs Community Centers
Does anything change if Ms. Alvarado is not married to the father of her children?	Information and advice-Should she file for custody?	Courthouse Legal Aid Social Services Program	Court Services Center Legal Aid

Stage--Litigation	What is needed	Where to go	Resources available
File Court Action	Court forms Information Transportation to Court Filing fees or indigency waiver Regular safe mailing address	Court website Masslegalhelp.org or other websites Libraries-Family Law Manual for Low and Moderate Income Litigants Court Services Center	Legal aid Libraries Lawyer for the Day Court Services Centers Justice Bridge
Service of Process	How to Costs – Fee Waivers if indigent	Court website Masslegalhelp.org or other websites Libraries-Family Law Manual for Low and Moderate Income Litigants Court Services Center	Legal aid Libraries Lawyer for the Day Court Services Centers Justice Bridge
Litigation Motion hearings, how to Mandated court activities including parenting education discovery -pre-trial conference Financial statements	Representation-full, limited Transportation to court Info about Parent Ed programs Fee waivers for Parent Ed Mediation/ADR	Court website Masslegalhelp.org or other websites Libraries-Family Law Manual for Low and Moderate Income Litigants Court Services Center	Legal aid Libraries Lawyer for the Day Court Services Centers Justice Bridge Collaborative Lawyers Private Pro Bono bar Mediation services

Post court	What is needed	Where to go	Resources Available
Enforcement	Representation in contempt proceedings Information	DOR Courthouse	DOR Lawyer of the Day Court Services Center
Safety Plan	Information Support	DV agency	SAFEPLAN Advocate at Courthouse
Supervised visitation or safe exchange location	Transportation		

APPENDIX 5: MASSACHUSETTS INVENTORY OF RESOURCES

Massachusetts Inventory of Resources

Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Barnstable County</u>	Information/Education	<u>Barnstable Law Library</u> Services available: Information for self-represented litigants	Law Library	The law library offers: (1) help with legal research, (2) books and materials to borrow, and (3) online databases for no charge, including Westlaw and Lexis. http://www.mass.gov/courts/case-legal-res/law-lib/libraries/locations/
<u>Barnstable County</u>	Multiple	<u>WE CAN</u> Services available: Legal consultation for self-represented litigants and information/education on essential civil legal needs	Pro Bono	WE CAN offers low and moderate income women a range of free legal services some of which include one-to-one 30-minute consultations with an attorney specializing in one or more of these legal areas: employment; family law: divorce, child custody and support; wills and estates; real estate; landlord-tenant; contracts; debt and consumer; issues; and immigration. WE CAN also provides legal workshops where women can learn about family law and divorce. http://www.wecancenter.org/services/legal-services/
<u>Barnstable County</u>	Probate/Family	<u>Barnstable County Bar Association Lawyer-for-the-Day Program</u> Services available: In-court legal consultation, limited assistance in court proceedings, Limited Assistance Representation	Lawyer-for-the-Day	The Barnstable County Bar Association ("BCBA") "Lawyer of the Day" program provides legal assistance to those who cannot afford an attorney and are self-represented in a matter in the Barnstable Probate and Family Court. Under this program, BCBA volunteer lawyers are available each day in the Probate and Family Court to assist low-income and elderly individuals with the preparation of pleadings, documents and forms. The Lawyer of the Day can also explain the on-going legal process and procedures of the Court. https://barnstablebar.org/legal-assistance/
<u>Barnstable County</u>	Small Claims	<u>Cape Cod Dispute Resolution Center</u> Services available: Mediation	Mediation	Cape Mediation is a private non-profit organization offering conflict management services and training to the courts and communities of Cape Cod. http://capemediation.org/mediation
<u>Berkshire County</u>	Information/Education	<u>Berkshire Law Library</u> Services available: Information for self-represented litigants	Law Library	The law library offers: (1) help with legal research, (2) books and materials to borrow, (3) online databases for no charge, including Westlaw and Lexis, and (4) free wifi. http://www.mass.gov/courts/case-legal-res/law-lib/libraries/locations/
<u>Berkshire County</u>	Housing	<u>Berkshire County Regional Housing Authority</u> Services available: Mediation and conciliation	County Housing Authority	Berkshire County Regional Housing Authority ("BCRHA") provides court-connected mediation and conciliation services in the Berkshire County District Courts. BCRHA is also approved to provide mediation and conciliation services in the Berkshire County District and Juvenile Courts as well as the Berkshire Superior Court. http://bcrha.com/dispute-resolutionmediation-program/

Massachusetts Inventory of Resources

Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Berkshire County</u>	Immigration	<u>Massachusetts Immigrant and Refugee Advocacy</u> Services available: Policy analysis, Organizational Advocacy	Policy Analysis/Advocacy	The Massachusetts Immigrant and Refugee Advocacy Coalition ("MIRA") is the largest organization in New England promoting the rights and integration of immigrants and refugees. MIRA serves the Commonwealth's one million foreign-born residents with policy analysis and advocacy, institutional organizing, training and leadership development, strategic communications, citizenship assistance, and AmeriCorps initiatives that provide capacity-building for community-based organizations. MIRA has also collected a number of external Know Your Rights programs and resources for immigrants. https://www.miracoalition.org/
<u>Berkshire County</u>	Multiple	<u>Community Legal Aid - Pittsfield</u> Services available: Full pro bono representation for essential civil legal needs	Legal Aid	Community Legal Aid and its wholly owned subsidiary, the Central-West Justice Center, gives free civil (non criminal) legal help to low-income and elderly people in central and western Massachusetts. Community Legal Aid has also produced a Know Your Rights booklet on worker rights. http://www.communitylegal.org
<u>Berkshire County</u>	Probate/Family	<u>Berkshire County Probate and Family Court Lawyer-for-the-Day Program</u> Services available: In-court legal consultation, limited assistance in court proceedings, Limited Assistance Representation	Lawyer-for-the-Day	Lawyer-for-the-Day Programs in the Probate and Family Court provide basic legal advice, help individuals understand relevant laws and their rights, and assist individuals in filling out court forms. Lawyers in these programs do not go with the client into the courtroom, but can equip them for better self-representation. Lawyers in the Berkshire Lawyer-for-the-Day Program can help with questions on welfare, SSI, unemployment benefits, divorces from domestic violence, and foreclosure. http://www.mass.gov/courts/programs/legal-assistance/lfd-pfc.html
<u>Boston</u>	Bankruptcy	<u>Pro Se Debtors Bankruptcy Clinic</u> Services available: Education and information for self-represented litigants	Information Clinic	The Pro Se Debtors Bankruptcy Clinic provides individuals with information about the bankruptcy process, including: how to prepare to file a bankruptcy case; what documents must be filed; and what is required to obtain a discharge in bankruptcy. http://www.mab.uscourts.gov/mab/pro-se-debtors-bankruptcy-clinic
<u>Boston</u>	Consumer Debt	<u>Volunteer Lawyers Project Fair Debt Collection Lawyer-for-the-Day - Boston</u> Services available: In-court legal consultation, limited assistance in court proceedings, Limited Assistance Representation	Lawyer-for-the-Day	The Fair Debt Collection Attorney for the Day Project is a Lawyer-for-the-Day program offered by the Voluntary Lawyers Project ("VLP") in which a VLP attorney with consumer law experience may provide advice, brief service such as help drafting pleadings, or limited assistance representation negotiating a settlement or arguing a motion in front of a judge. https://www.vlpnet.org/volunteer/item.6165-Fair_Debt_Collection_Lawyer_for_the_Day_and_Discovery_Clinic

Massachusetts Inventory of Resources

Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Boston</u>	Information/Education	<u>Social Law Library</u> Services available: Information for self-represented litigants	Law Library	The Social Law Library is one of the largest and most respected legal-research institutions in the country. Its collection comprises over 500,000 volumes as well as CDs, on-line databases and eBooks. The Library provides research materials, training, continuing legal education and other services to the three branches of Massachusetts government, dues-paying members from all segments of the private bar throughout Massachusetts, as well as to legal-services organizations and law-related nonprofits in every region of the Commonwealth on a pro bono basis. http://www.sociallaw.com/
<u>Boston</u>	Farmers/Food-Related Orgs.	<u>Legal Food Hub of the Conservation Law Foundation</u> Services available: Pro bono representation for farmers and food-related organizations	Pro Bono	The Legal Food Hub maintains an extensive network of experienced volunteer attorneys pre-screened by the Conservation Law Foundation ("CLF"). Farmers, food entrepreneurs, and food-related organizations seeking legal assistance contact the Hub through its intake hotline or web form. After assessing each participant's case for eligibility, CLF reaches out to the attorney network and carefully matches the participant with a skilled lawyer who will provide free legal services. CLF conducts routine check-ins with attorneys and participants to ensure the representation is going well. CLF also offers a continuing rotation of workshops on topics that include farm labor law, employment law, and food safety. http://www.legalfoodhub.org/services/legal-assistance/
<u>Boston</u>	Health	<u>Boston Area Rape Crisis Center</u> Services available: Counseling, information, advocacy, referral to legal services	Legal Aid	The Boston Area Rape Crisis Center provides Legal Advocates that can: talk to the victim on the phone or meet with him or her in person; go with the victim to the police station or court; and refer the victim to a lawyer. http://www.barcc.org/
<u>Boston</u>	Health	<u>Health Law Advocates</u> Services available: Pro bono representation for health care issues	Pro Bono	Health Law Advocates ("HLA") provides free legal assistance to Massachusetts residents who are having trouble getting health care or health insurance benefits, and who meet other acceptance criteria. HLA also offers Know Your Rights brochures on medical privacy rights and mental health/substance use disorders. https://www.healthlawadvocates.org/contact-us
<u>Boston</u>	Housing	<u>Housing Court Limited Assistance Representation</u> Services available: Limited Assistance Representation	Limited Asst. Rep.	Limited Assistance Representation ("LAR") is when an attorney represents or assists a litigant with part, but not all, of a legal matter. The attorney and litigant enter into a detailed limited assistance agreement that sets out what specific tasks the attorney will be responsible for and what specific tasks the litigant will be responsible for in the case. http://www.mass.gov/courts/docs/courts-and-judges/courts/housing-court/lar-faq-litigants.pdf

Massachusetts Inventory of Resources

Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Boston</u>	Housing	<u>Tenant Advocacy Project</u> Services available: Pro bono representation through a law school clinic	Law School Clinic	The Tenant Advocacy Project is a student practice organization at Harvard Law School. Under the supervision of two attorneys, student advocates provide free legal advice and representation for tenants at hearings before local housing authorities regarding: public housing eviction, application denials for public housing and tenant based voucher programs, reasonable accommodation requests, residual tenancy, transfer denials, and subsidy terminations. http://clinics.law.harvard.edu/tap/
<u>Boston</u>	Housing	<u>VLP Boston Housing Court Lawyer-for-the-Day</u> Services available: In-court legal consultation, limited assistance in court proceedings, Limited Assistance Representation	Lawyer-for-the-Day	The VLP Boston Housing Court Lawyer-for-the-Day program is a joint effort of VLP and the Real Estate section of the Boston Bar Association. VLP attorneys are advise and represent low-income tenants and landlords at Boston Housing Court on Wednesday (public housing cases) and Thursday (private housing cases) mornings. https://www.vlpnet.org/volunteer/item.6166-Boston_Housing_Court_Lawyer_for_the_Day_Landlord_Clinics
<u>Boston</u>	Immigration	<u>ABCD Parker Hill/Fenway Neighborhood Service Center - Immigration Program</u> Services available: Information for self-represented litigants; Social services and education	Pro Bono	Action for Boston Community Development ("ABCD") seeks to empower disadvantaged people by providing them with the tools to overcome poverty, live with dignity, and achieve their full potential. To fulfill this mission, ABCD uses a comprehensive approach that systematically addresses the range of barriers faced by households in poverty - from day-to-day crises to long-term needs for jobs and education. ABCD also provides Know Your Rights informational fliers on the termination of heating services in households. http://bostonabcd.org/
<u>Boston</u>	Immigration	<u>City of Boston Immigration Clinic</u> Services available: Information and education; referral for low-cost representation	Pro bono	The Mayor's Office For Immigrant Advancement offers free immigration clinics where constituents meet privately with volunteer immigration attorneys to discuss the immigration process. The volunteer attorneys only offer advice. http://www.cityofboston.gov/newbostonians
<u>Boston</u>	Latino Community	<u>Centro Presente</u> Services available: Legal advice and representation	Legal Aid	Centro Presente's Legal Immigration Services Department (LIS) provides affordable services to the Latin American immigrant community, including: Renewal of work permits for members of the ABC program of political asylum (Salvadorans and Guatemalans); Temporary Protected Status (TPS) for Salvadorans and Hondurans; Processing of K and V visas; Family petitions, residence renewals, and citizenship petitions; and Translation Services. The LIS also offers Know Your Rights Presentations on various immigration matters. http://www.cpresente.org/

Massachusetts Inventory of Resources

Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Boston</u>	Low bono	<u>Lawyers for Affordable Justice</u> Services available: Low fee legal services	Incubator Legal Services	Lawyers for Affordable Justice provides legal services to low income and moderate income individuals. The program offers affordable legal assistance with immigration issues, landlord and tenant disputes, employment issues, and small business transactions and contracts. http://lawyers4aj.org/get-involved/apply/
<u>Boston</u>	Multiple	<u>Boston Bar Association Volunteer Lawyers Project</u> Services available: Pro bono representation to meet essential civil legal needs	Volunteer Lawyers Project	The Volunteer Lawyers Project of the Boston Bar Association (VLP) provides free civil legal assistance to low-income residents of Greater Boston, primarily through the pro bono services of private attorneys. https://www.vlpnet.org/
<u>Boston</u>	Multiple	<u>Boston College Law School Clinics</u> Services available: Pro bono representation through a law school clinic	Law School Clinic	BC Law Clinics include: Criminal Justice; Innocence Program; Ninth Circuit Appellate Program; Civil Litigation; Community Enterprise; Entrepreneurship & Innovation; Housing; Immigration; Juvenile Rights Advocacy Project; Prison Disciplinary Clinic; and Amicus Brief Clinic. https://www.bc.edu/bc-web/schools/law/academics-faculty/experiential-learning/clinics.html
<u>Boston</u>	Multiple	<u>Boston Municipal Court Limited Assistance Representation</u> Services available: Limited Assistance Representation	Limited Asst. Rep.	Limited Assistance Representation ("LAR") is when an attorney represents or assists a litigant (party in a lawsuit) with part, but not all, of his or her legal case. In all divisions of the Boston Municipal Court Department, LAR is available in civil cases only, such as supplementary process or small claims or civil motor vehicle appeals, but not in any criminal case. The attorney and litigant enter into a detailed limited assistance agreement setting out what specific tasks the attorney will be responsible for, and what specific tasks the litigant will be responsible for in the case. http://www.mass.gov/courts/docs/courts-and-judges/courts/boston-municipal-court/lar-faq-litigants.pdf
<u>Boston</u>	Multiple	<u>Boston University School of Law Clinics</u> Services available: Pro bono representation through a law school clinic	Law School Clinic	BU Clinics include: Civil Litigation Program; Criminal Law Clinical Program; Entrepreneurship, IP & Cyberlaw Program; Environmental Law Practicum; Human Trafficking Clinic; Immigrants' Rights Clinic (IRC); International Human Rights Clinic; Wrongful Convictions Clinic http://www.bu.edu/law/current-students/jd-student-resources/experiential-learning/clinics/

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Boston</u>	Multiple	<u>Catholic Charities Archdiocese of Boston</u> Services available: Social services, education, information	Social Services	Catholic Charities is the primary social service agency of the Roman Catholic Church in Greater Boston and offers 139 programs through 43 service sites located throughout Eastern Massachusetts. The agency's programs include community health and social services, residential shelters and transitional housing, mental health counseling and substance abuse treatment programs, refugee and immigration services and parish social ministry. Catholic Charities also accepts Know Your Rights presentation requests on various immigration matters. http://www.ccab.org/?q=cc-programs
<u>Boston</u>	Multiple	<u>Harvard Law School Clinics</u> Services available: Pro bono representation through a law school clinic	Law School Clinic	Harvard Clinics include: Criminal Justice Institute; Cyberlaw Clinic; Education Law Clinic / Trauma and Learning Policy Initiative; Emmett Environmental Law and Policy Clinic; Family and Domestic Violence Law Clinic; Federal Tax Clinic; Food Law and Policy Clinic of the Center for Health Law and Policy Innovation; Harvard Immigration and Refugee Clinical Program; Harvard Legal Aid Bureau; Harvard Negotiation and Mediation Clinical Program; Health Law and Policy Clinic of the Center for Health Law and Policy Innovation; Housing Law Clinic; International Human Rights Clinic; Predatory Lending / Consumer Protection Clinic; Transactional Law Clinics; Veterans Law and Disability Benefits Clinic. The Legal Services Center ("LSC"), which runs many of Harvard's clinics, also produces a series of Know Your Rights videos on foreclosure and eviction rights. http://hls.harvard.edu/dept/clinical/clinics/in-house-clinics/
<u>Boston</u>	Multiple	<u>Jewish Family and Childrens Services</u> <u>Bet Tzedek Legal Services</u> Services available: Pro bono representation, social services	Pro Bono/Social Services	Bet Tzedek Legal Services provides free legal services and representation to those with low income through a network of volunteer attorneys and law firms. Bet Tzedek Legal Services handles a variety of practice areas, including Housing, Family Law, Public Benefits, Consumer Law, Domestic Violence, Elder Law, and Probate Law. Bet Tzedek Legal Services does not handle criminal matters, malpractice claims, or personal injury cases. http://www.jfcsboston.org/Our-Services/Community-Services/Center-for-Basic-Needs-Assistance/Bet-Tzedek-Legal-Services
<u>Boston</u>	Multiple	<u>Massachusetts School of Law at Andover Clinics</u> Services available: Pro bono representation through a law school clinic	Law School Clinic	MSLAW offers several clinics, including: (1) the Family Law Clinic, which delivers legal services to the indigent in the areas of abuse prevention and state intervention in custody cases, and (2) the Juvenile Law Clinic, which assists in the preparation of care and protection cases, and has students represent children in child and delinquency cases. http://www.mslaw.edu/internships/

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Boston</u>	Multiple	<u>New England School of Law Clinics</u> Services available: Pro bono representation through a law school clinic	Law School Clinic	New England School of Law Clinics include: The Lawyering Process; Public Interest Law Seminar and Clinic; The Government Lawyer; The Tax Clinic; Administrative Law; Advanced Clinic; Business and Intellectual Property Clinic; Criminal Procedure II; Environmental Law; Family Law; Federal Courts; Health Law; Immigration Law; Land Use Law; Massachusetts Practice; Mediation and Dispute Resolution Clinic. https://www.nesl.edu/practical-experiences/clinics-externships
<u>Boston</u>	Multiple	<u>Northeastern University School of Law Clinics</u> Services available: Pro bono representation through a law school clinic	Law School Clinic	NUSL Clinics include: Civil Rights and Restorative Justice; Community Business; Criminal Defense Advocacy; Domestic Violence; IP CO-LAB; Poverty Law and Practice; Prisoners' Rights; Public Health Advocacy. http://www.northeastern.edu/law/experience/clinics/
<u>Boston</u>	Multiple	<u>Suffolk University Law School Clinics</u> Services available: Pro bono representation through a law school clinic	Law School Clinic	Suffolk Clinics include: Accelerator Practice; Family Advocacy Clinic; Health Law Clinic; Immigration Clinic; Indigenous Peoples Rights Clinic; Intellectual Property & Entrepreneurship Clinic; Juvenile Defenders Clinic; Suffolk Defenders Program; Suffolk Prosecutors Program; Housing; Discrimination Testing Program; Supreme Court Clinic. Additionally, students in the Immigration Clinic regularly conduct Know Your Rights presentations in an immigration detention facility. http://www.suffolk.edu/law/clinics
<u>Boston</u>	Multiple	<u>University of Massachusetts School of Law Clinics</u> Services available: Pro bono representation through a law school clinic	Law School Clinic	UMASS Clinics include: Community Development Clinic; Criminal Prosecution Clinic; Human Rights at Home Clinic; Immigration Litigation Clinic; Mashpee Wampanoag Legal Services Clinic http://www.umassd.edu/law/about/facilities/clinics/
<u>Boston</u>	Probate/Family	<u>Probate Court Limited Assistance Representation</u> Services available: Limited Assistance Representation	Limited Asst. Rep.	Limited Assistance Representation ("LAR") is when an attorney represents or assists a litigant with part, but not all, of his or her legal matter. The attorney and litigant enter into a detailed agreement defining what tasks the attorney will be responsible for and what tasks the litigant will be responsible for. http://www.mass.gov/courts/docs/courts-and-judges/courts/probate-and-family-court/faqsforlitigantsstatewide.pdf
<u>Boston</u>	Shelter	<u>Rosie's Place</u> Services available: Shelter for homeless, social services, legal aid	Social Services/Legal Aid	Rosie's Place is a sanctuary for poor and homeless women. At Rosie's Place, multi-lingual Advocates assist women with short- and long-term issues. Additionally, attorneys provide holistic legal services, from information and resources to full representation, as well on-site immigration and debt assistance. Guests may participate in Self-Advocacy activities, which gives them tools, information and encouragement. http://www.rosiesplace.org/who_we_are

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Bristol County</u>	Domestic Violence	<u>Woman's Center, The</u> Services available: Support, advice, referral for legal services	Social Services	The Woman's Center offers SafePlan advocates to help victims of domestic violence, sexual assault, and stalking who are seeking protection from abuse. The center also offers referrals to New Center for Legal Advocacy and Southeastern Massachusetts Legal Assistance Corporation. http://www.thewomenscentersc.com/services.php
<u>Bristol County</u>	Education/Information	<u>Bristol Law Library</u> Services available: Information for self-represented litigants	Law Library	The law library offers: (1) help with legal research, (2) books and materials to borrow, and (3) free wifi. http://www.mass.gov/courts/case-legal-res/law-lib/libraries/locations/
<u>Bristol County</u>	Education/Information	<u>Fall River Law Library</u> Services available: Information for self-represented litigants	Law Library	The law library offers: (1) help with legal research, (2) books and materials to borrow, (3) online databases for no charge, including Westlaw and Lexis, and (4) free wifi. http://www.mass.gov/courts/case-legal-res/law-lib/libraries/locations/
<u>Bristol County</u>	Immigration	<u>Catholic Social Services of Fall River</u> Services available: Social services	Social Services	Catholic Social Services ("CSS") offers services designed to reach out to those facing socioeconomic, cultural and racial barriers that preclude their engagement in mainstream services. CSS is currently the largest provider of social and human services to immigrants in the southeast region. CSS is also the largest provider of food outside of Boston, and the largest provider of beds for the homeless outside of the Greater Boston region. Lastly, CSS provides workshops on immigration law. https://www.cssdioc.org/our-mission/
<u>Bristol County</u>	Probate/Family	<u>Bristol County Bar Association Conciliation</u> Services available: Conciliation	Conciliation	The Bristol County Bar Association Conciliation Program is referred cases from the Bristol County Probate and Family Court. From there, the program assigns a conciliator to the case to assist the litigants and any attorneys in resolving the matter. All of the conciliators are private attorneys, are certified in conciliation, and assist the program on a pro bono basis. http://bristolcountybar.org/programs.htm
<u>Central/Western MA</u>	Multiple	<u>Volunteer Lawyers Service</u> Services available: Pro bono representation through lawyer referral	Pro Bono Lawyer Referral	The Volunteer Lawyers Service ("VLS") is coordinated by Community Legal Aid and is the largest pro bono referral program in central and western Massachusetts. VLS refers cases in the following areas: Adoption, Advance Directives/Wills, Bankruptcy/Debt Collection, Family Law, Foreclosure/Predatory Lending, Guardianships, Landlord-Tenant/Evictions, Special Education, and SSI/SSDI. http://communitylegal.org/get-involved/volunteer-lawyers-service

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Central/Eastern MA</u>	Domestic Violence	<u>REACH Beyond Domestic Violence</u> Services available: Social services for domestic violence victims	Social Services	REACH Beyond Domestic Violence is a comprehensive domestic violence service agency that offers a combination of intervention and prevention services. Services offered by REACH include a shelter for survivors and their children, a 24-hour hotline, and community-based support services. Additionally, REACH's prevention programs aim to create locally-based solutions to end domestic violence. https://reachma.org/who-we-are/
<u>Central/Eastern MA</u>	Domestic Violence	<u>Women's Bar Foundation</u> Services available: Pro bono representation	Pro Bono	The Women's Bar Foundation ("WBF") gives free legal help to: victims of domestic violence seeking 209A Abuse Prevention Orders; low-income seniors seeking a end-of-life document such as a will, health care proxy, power of attorney, or homestead declaration; and low-income individuals involved in housing disputes in Hampden County. Together with its sister organization, the Women's Bar Association of Massachusetts, WBF has co-sponsored a Know Your Rights program that has examined housing rights, family law, labor and employment rights, immigration law, criminal law, and juvenile rights. http://womensbar.org
<u>Essex County</u>	Court	<u>Lawrence Fenton Judicial Center Court Services Center</u> Services available: Information, education, limited assistance representation	Court Service Center	The Fenton Judicial Center's Court Services Center helps people navigate the court system. Available services through the center include: various online resources; one-on-one help filling out court forms; information about court rules, procedures and practices; court documents and written instructions; access to interpreter services; assistance with legal research; and contact information for community resources, legal assistance programs, and social service agencies. http://www.mass.gov/courts/court-info/court-management/plan-initiatives/court-service-centers.html
<u>Essex County</u>	Domestic Violence	<u>Jeanna Geiger Crisis Center</u> Services available: Pro bono representation	Pro Bono	The Jeanna Geiger Crisis Center provides legal representation and referral for victims in contested restraining orders, divorce, child custody and child support matters. The center's attorney provides free representation on contested hearings in the District, Probate, and Family courts, for those with serious safety concerns and financial hardship. http://jeannegeigercrisiscenter.org/home/programs-services/
<u>Essex County</u>	Information/Education	<u>Essex Law Library</u> Services available: Information for self-represented litigants	Law Library	The law library offers: (1) help with legal research, (2) books and materials to borrow, (3) online databases for no charge, including Westlaw and Lexis, and (4) free wifi. http://www.mass.gov/courts/case-legal-res/law-lib/libraries/locations/

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Essex County</u>	Information/Education	<u>Lawrence Law Library</u> Services available: Information for self-represented litigants	Law Library	The law library offers: (1) help with legal research, (2) books and materials to borrow, (3) online databases for no charge, including Westlaw and Lexis, and (4) free wifi. http://www.mass.gov/courts/case-legal-res/law-lib/libraries/locations/
<u>Essex County</u>	Housing	<u>Northeast Housing Court Lawyer-for-the-Day Program - Lawrence</u> Services available: In-court legal consultation, limited assistance in court proceedings, Limited Assistance Representation	Lawyer-for-the-Day	The Housing Court's Lawyer-for-the-Day Program ("LDP") is organized and facilitated by attorneys, who volunteer their time. LDP attorneys are typically available during the morning sessions. At the Lawrence Housing Court, services provided include: legal advice and strategy; document preparation; referral to service agencies; and attorneys may file court appearances. http://www.mass.gov/courts/programs/legal-assistance/lfd-hc.html
<u>Essex County</u>	Housing	<u>Northeast Housing Court Lawyer-for-the-Day Program - Lynn</u> Primary Service: Limited Assistance Representation	Lawyer-for-the-Day	The Housing Court's Lawyer-for-the-Day Program ("LDP") is organized and facilitated by attorneys, who volunteer their time. LDP attorneys are typically available during the morning sessions. At the Lynn Housing Court, services provided include: legal advice and strategy; document preparation; referral to service agencies; and attorneys may file court appearances. http://www.mass.gov/courts/programs/legal-assistance/lfd-hc.html
<u>Essex County</u>	Housing	<u>Northeast Housing Court Lawyer-for-the-Day Program - Salem</u> Services available: In-court legal consultation, limited assistance in court proceedings, Limited Assistance Representation	Lawyer-for-the-Day	The Housing Court's Lawyer-for-the-Day Program ("LDP") is organized and facilitated by attorneys, who volunteer their time. LDP attorneys are typically available during the morning sessions. At the Salem Housing Court, services provided include: legal advice and strategy; document preparation; referral to service agencies; and attorneys may file court appearances. http://www.mass.gov/courts/programs/legal-assistance/lfd-hc.html
<u>Essex County</u>	Housing	<u>Northshore Community Action Programs</u> Services available: Social services	Social Services	Northshore Community Action Programs offer a number of innovative programs that help low-income families and individuals find the stability they need to rise out of poverty. Specifically, services in five key areas are offered: Education and Training, Economic Stabilization, Housing and Homelessness Prevention, Energy Services, and Home Care. http://www.nscap.org/03_our_programs/index.html

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Essex County</u>	Probate/Family	<u>Essex County Bar Association Lawyer-for-the-Day Program</u> Services available: In-court legal consultation, limited assistance in court proceedings, Limited Assistance Representation	Lawyer-for-the-Day	Lawyer-for-the-Day Programs in the Probate and Family Court provide basic legal advice, help individuals understand relevant laws and their rights, and assist individuals in filling out court forms. Lawyers in these programs do not go with the client into the courtroom, but can equip them for better self-representation. Services for the Essex Probate and Family Court include: legal advice and guidance; answer case-related questions; discuss legal options and strategy. http://www.mass.gov/courts/programs/legal-assistance/lfd-pfc.html
<u>Franklin County</u>	Court	<u>Franklin County Court Services Center</u> Services available: Information, education, limited assistance representation	Court Service Center	Franklin County Court's Services Center helps people navigate the court system. Available services through the center include: various online resources; one-on-one help filling out court forms; information about court rules, procedures and practices; court documents and written instructions; access to interpreter services; assistance with legal research; and contact information for community resources, legal assistance programs, and social service agencies. http://www.mass.gov/courts/court-info/court-management/plan-initiatives/court-service-centers.html
<u>Franklin County</u>	Domestic Violence	<u>Franklin County Bar Association Advocates</u> Services available: Low bono, criminal	Low Bono	The Bar Advocates Program, in collaboration with the Massachusetts Committee for Public Counsel Services, maintains a panel of attorneys, who are appointed by the court, to represent indigent criminal defendants at risk of incarceration. http://franklincountybar.org/p/57/Programs--Services
<u>Franklin County</u>	Housing	<u>Franklin County Bar Association Lawyer-for-the-Day Program</u> Services available: In-court legal consultation, limited assistance in court proceedings, Limited Assistance Representation	Lawyer-for-the-Day	The Franklin County Bar Association offers a Lawyer-for-the-Day Program at the Franklin County Housing Court (during Friday sessions in Greenfield). http://www.franklincountybar.org/
<u>Franklin County</u>	Information/Education	<u>Franklin County Law Library</u> Services available: Information for self-represented litigants	Law Library	The law library offers: (1) help with legal research, (2) books and materials to borrow, (3) online databases for no charge, including Westlaw and Lexis, and (4) free wifi. http://www.mass.gov/courts/case-legal-res/law-lib/libraries/locations/
<u>Franklin County</u>	Multiple	<u>Community Action (MASSCAP)</u> Services available: Social services	Social Services	The Massachusetts Association for Community Action ("MASSCAP") is a statewide association of the 24 Community Action Agencies ("CAAs") operating in Massachusetts. MASSCAP works with the Massachusetts Department of Housing and Community Development and other state agencies to open doors to self-sufficiency for low-income Massachusetts residents. http://www.masscap.org/

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Franklin County</u>	Multiple	<u>Mediation & Training Collaborative,</u> <u>The</u> Services available: Mediation	Mediation	The Mediation & Training Collaborative ("TMTC") is a comprehensive conflict intervention and training organization dedicated to helping individuals, schools, businesses, and community organizations resolve conflict and increase their capacity for effective communication. TMTC offers Mediation and Facilitation to resolve a broad range of disputes, including consumer, housing, divorce, family, parent-teen, elder, workplace, and neighborhood. Training in conflict resolution, teamwork and mediation is also available to individuals and organizations. http://www.communityaction.us/conflict-resolution.html
<u>Franklin County</u>	Probate/Family	<u>Franklin County Probate and Family Court Lawyer-for-the-Day Program</u> Services available: In-court legal consultation, limited assistance in court proceedings, Limited Assistance Representation, pro bono representation for children, conciliation	Lawyer-for-the-Day	Lawyer-for-the-Day Programs in the Probate and Family Court provide basic legal advice, help individuals understand relevant laws and their rights, and assist individuals in filling out court forms. Lawyers in these programs do not go with the client into the courtroom, but can equip them for better self-representation. Services for the Franklin Probate and Family Court include: legal advice and guidance; answer case-related questions. Additionally, this program has pro bono lawyers for children and is starting a conciliation program http://www.mass.gov/courts/programs/legal-assistance/lfd-pfc.html
<u>Franklin County</u>	Multiple	<u>Community Legal Aid - Northampton</u> Services available: Pro bono representation for essential civil legal needs	Legal Aid	Community Legal Aid and its wholly owned subsidiary, the Central-West Justice Center, gives free civil (non criminal) legal help to low-income and elderly people in central and western Massachusetts. Community Legal Aid has also produced a Know Your Rights booklet on worker rights. http://www.communitylegal.org
<u>Hampden County</u>	Court	<u>Hampden County Bar Association District Court Lawyer-for-the-Day Program</u> Services available: In-court legal consultation, limited assistance in court proceedings, Limited Assistance Representation	Lawyer-for-the-Day	The Hampden County Bar Association District Court Lawyer-for-the-Day program provides assistance to litigants with civil District Court cases by providing guidance and advice, locating self-help resources and identifying the issues they may be facing. https://www.hcbar.org/Page.aspx?id=41
<u>Hampden County</u>	Court	<u>Springfield Hall of Justice Court Services Center</u> Services available: Information, education, limited assistance representation	Court Service Center	The Springfield Hall of Justice's Court Services Center helps people navigate the court system. Available services through the center include: various online resources; one-on-one help filling out court forms; information about court rules, procedures and practices; court documents and written instructions; access to interpreter services; assistance with legal research; and contact information for community resources, legal assistance programs, and social service agencies. http://www.mass.gov/courts/court-info/court-management/plan-initiatives/court-service-centers.html

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Hampden County</u>	Information/Education	<u>Hampden Law Library</u> Services available: Information for self-represented litigants	Law Library	The law library offers: (1) help with legal research, (2) books and materials to borrow, (3) online databases for no charge, including Westlaw and Lexis, and (4) free wifi. http://www.mass.gov/courts/case-legal-res/law-lib/libraries/locations/
<u>Hampden County</u>	Housing	<u>Hampden County Bar Association Housing Court Lawyer-for-the-Day Program</u> Services available: In-court legal consultation, limited assistance in court proceedings, Limited Assistance Representation	Lawyer-for-the-Day	The Hampden County Bar Association Housing Court Lawyer-for-the-Day program provides income-eligible landlords and tenants with free legal assistance in Housing Court every Thursday, which is Summary Process/Eviction day. https://www.hcbar.org/Page.aspx?id=41
<u>Hampden County</u>	Multiple	<u>Community Legal Aid - Springfield</u> Services available: Pro bono representation for essential civil legal needs	Legal Aid	Community Legal Aid and its wholly owned subsidiary, the Central-West Justice Center, gives free civil (non criminal) legal help to low-income and elderly people in central and western Massachusetts. Community Legal Aid has also produced a Know Your Rights booklet on worker rights. http://www.communitylegal.org
<u>Hampden County</u>	Multiple	<u>Greater Springfield Senior Services</u> Services available: Social services for the elderly and disabled	Social Services	Greater Springfield Senior Services ("GSSS") is a private nonprofit organization dedicated to maintaining a quality of life for older adults, caregivers and persons with disabilities. Services offered by GSSS include: Case Management; Home Care; Home Delivered Meals; Senior Community Dining; Money Management; Congregate Housing; Adult Day Care. https://www.gsssi.org/about-us.html
<u>Hampden County</u>	Multiple	<u>Western New England University School of Law</u> Services available: Pro bono representation from a law school clinic	Law School Clinic	Western New England Law Clinics include: Criminal Law Prosecution Clinic; Discrimination Clinic; Elder Law Clinic; Family Law Mediation Clinic; International Human Rights Clinic; Legal Services Clinic; Small Business Clinic. http://www1.wne.edu/law/experiential/clinics.cfm
<u>Hampden County</u>	Probate/Family	<u>Hampden County Bar Association Probate Court Lawyer-for-the-Day Program</u> Services available: In-court legal consultation, limited assistance in court proceedings, Limited Assistance Representation	Lawyer-for-the-Day	The Hampden County Bar Association Probate Court Lawyer-for-the-Day Program provides limited legal advice and assistance with forms primarily related to divorce and child custody and support matters. Volunteers are scheduled based on their availability. https://www.hcbar.org/Page.aspx?id=41

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Hampden County</u>	Probate/Family	<u>Hampden Probate and Family Court Limited Assistance Representation Project</u> Services available: In-court legal consultation, limited assistance in court proceedings, Limited Assistance Representation	Limited Asst. Rep	The Limited Assistance Representation Project is coordinated by Community Legal Aid. Attorneys who are certified to provide limited assistance representation volunteer on certain scheduled days to assist income-eligible litigants with their family law court case that day. http://communitylegal.org/get-involved/volunteer-lawyers-service
<u>Hampden County</u>	Small Claims	<u>Dispute Resolution Services Inc</u> Services provided: Mediation	Mediation	Dispute Resolution Services, Inc. (DRS) provides mediation services to the communities and courts of Western Massachusetts. One of the largest non-profit alternative Dispute Resolution centers in the state, DRS has resolved thousands of disputes through mediation and trained hundreds of individuals to mediate successfully. http://www.drsmmediation.com/
<u>Hampshire County</u>	Domestic Violence	<u>Safe Passage</u> Services available: Pro bono and low bono representation, Limited Assistance Representation	Pro Bono/Low Bono	Safe Passage's Legal Program provides legal advice and representation to survivors of domestic violence with cases in Probate and Family Court. A Legal Program Advocate may provide one or more of the following: Initial case consultation and process advice; Assistance with court documents and preparation for court appearances without representation; Referral for representation to one of our panel attorneys. http://www.safepass.org/index.php/need-help/what-we-offer/legal-program
<u>Hampshire County</u>	Information/Education	<u>Hampshire Law Library</u> Services available: Information for self-represented litigants	Law Library	The law library offers: (1) help with legal research, (2) books and materials to borrow, (3) online databases for no charge, including Westlaw and Lexis, and (4) free wifi. http://www.mass.gov/courts/case-legal-res/law-lib/libraries/locations/
<u>Hampshire County</u>	Elder	<u>Hampshire County Bar Association's Hampshire Elder Law Program</u> Services available: Pro bono representation	Pro Bono	The Hampshire Elder Law Program (H.E.L.P.) provides representation for the civil legal needs of low income elders sixty years of age or older and who reside in Hampshire County. This program, which is funded by the Massachusetts Bar Foundation, appoints attorneys to represent clients pro bono. http://hampshirebar.org/hampshire-elder-law/

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Hampshire County</u>	Housing	<u>Hampshire County Bar Association Lawyer-for-the-Day Program</u> Services available: In-court legal consultation, limited assistance in court proceedings, Limited Assistance Representation	Lawyer-for-the-Day	The Hampshire County Bar Association Lawyer-for-the-Day Program provides income-eligible landlords and tenants with free legal assistance in Housing Court every Monday, which is the Summary Process/Eviction day in Hampshire County. The Lawyer for the Day may be called upon to file a court appearance, on the day they volunteer for that day only, in order to represent the client in their eviction case. The attorney volunteers may also advocate for the clients through mediation with a court specialist. http://hampshirebar.org/lawyer-for-a-day/
<u>Hampshire County</u>	Immigration	<u>Center for New Americans</u> Education and Social Services	Social Services	Center for New Americans offers a range of Support Services including Education & Career Advising, Referrals to Healthcare and Housing and other Community Resources. The center also produces Know Your Rights cards for those who are stopped by the police. http://www.cnam.org/
<u>Hampshire County</u>	Multiple	<u>Community Legal Aid - Northampton</u> Services available: Pro bono representation for essential civil legal needs	Legal Aid	Community Legal Aid and its wholly owned subsidiary, the Central-West Justice Center, gives free civil (non criminal) legal help to low-income and elderly people in central and western Massachusetts. Community Legal Aid has also produced a Know Your Rights booklet on worker rights. http://www.communitylegal.org
<u>Hampshire County</u>	Probate/Family	<u>Hampshire County Probate and Family Court Lawyer-for-the-Day Program</u> Services available: In-court legal consultation, limited assistance in court proceedings, Limited Assistance Representation	Lawyer-for-the-Day	Lawyer-for-the-Day Programs in the Probate and Family Court provide basic legal advice, help individuals understand relevant laws and their rights, and assist individuals in filling out court forms. Lawyers in these programs do not go with the client into the courtroom, but can equip them for better self-representation. Services for the Hampshire Probate and Family Court include: Determining what type of pleading to file; selection and completion of forms; discuss legal options and strategy; and explaining and anticipating future steps. http://www.mass.gov/courts/programs/legal-assistance/lfd-pfc.html

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>MetroWest Area</u>	Domestic Violence	<u>Voices Against Violence</u> Services available: Social services/education for domestic violence victims	Social Services	Voices Against Violence ("Voices") is a program coordinated by the South Middlesex Opportunity Council that provides free and confidential services to victims and survivors of sexual and domestic violence. Services are provided in English, Spanish, and Portuguese and are available to everyone regardless of race, ethnicity, gender or sexual orientation. Services include a 24-hour hotline, crisis intervention, confidential short term emergency shelter, counseling and support groups, information and referrals, and medical, legal and criminal justice advocacy. In addition to direct services for victims and survivors, Voices conducts outreach and education to community groups and professionals, as well as primary prevention activities to address the root causes of violence and prevent the development of perpetration. http://www.smoc.org/voices-against-violence.php
<u>Middlesex County</u>	Consumer	<u>Volunteer Lawyers Project Fair Debt Collection Lawyer-for-the-Day Program - Cambridge</u> Services available: In-court legal consultation, limited assistance in court proceedings, Limited Assistance Representation	Lawyer-for-the-Day	The Fair Debt Collection Attorney for the Day Project is a Lawyer-for-the-Day program offered by the Voluntary Lawyers Project ("VLP") in which a VLP attorney with consumer law experience may provide advice, brief service such as help drafting pleadings, or limited assistance representation negotiating a settlement or arguing a motion in front of a judge. https://www.vlpnet.org/volunteer/item.6165-Fair_Debt_Collection_Lawyer_for_the_Day_and_Discovery_Clinic
<u>Middlesex County</u>	Information/Education	<u>Lowell Law Library</u> Services available: Information for self-represented litigants	Law Library	The law library offers: (1) help with legal research, (2) books and materials to borrow, (3) online databases for no charge, including Westlaw and Lexis, and (4) free wifi. http://www.mass.gov/courts/case-legal-res/law-lib/libraries/locations/
<u>Middlesex County</u>	Information/Education	<u>Middlesex Law Library</u> Services available: Information for self-represented litigants	Law Library	The law library offers: (1) help with legal research, (2) books and materials to borrow, (3) online databases for no charge, including Westlaw and Lexis, and (4) free wifi. http://www.mass.gov/courts/case-legal-res/law-lib/libraries/locations/
<u>Middlesex County</u>	Employment	<u>Wage Theft Legal Clinic</u> Services available: Legal advice and consultation	Legal Clinic	The Wage Theft Legal Clinic offers free consultations with a private attorney for those who are owed wages by their employer. Individuals may also receive help writing a letter, filing a complaint in court, or taking some other action. http://www.mass.gov/ago/doing-business-in-massachusetts/workplace-rights/wage-theft-clinic.html

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Middlesex County</u>	Housing	<u>Housing Families, Inc</u> Services available: Pro bono representation, legal advice and counseling	Legal Aid	The Housing Families Pro Bono team provides legal advice, information, advocacy, referral, and representation to low income residents seeking assistance with civil law problems related to housing, family law, immigration, consumer law, and other matters. The majority of this work is for landlord/tenant issues. http://housingfamilies.org/
<u>Middlesex County</u>	Housing	<u>Lawyers Clearinghouse</u> Services available: Pro bono representation through lawyer referral	Lawyer Referral/Pro Bono	The Lawyers Clearinghouse connects pro bono lawyers with nonprofits and people in need, to promote access to justice, strengthen communities, and end homelessness. http://www.lawyersclearinghouse.org/
<u>Middlesex County</u>	Housing	<u>Northeast Housing Court Lawyer-for-the-Day Program - Lowell</u> Services available: In-court legal consultation, limited assistance in court proceedings, Limited Assistance Representation	Lawyer-for-the-Day	The Housing Court's Lawyer-for-the-Day Program ("LDP") is organized and facilitated by attorneys, who volunteer their time. LDP attorneys are typically available during the morning sessions. At the Lowell Housing Court, services provided include: legal advice and strategy; document preparation; referral to service agencies; and attorneys may file court appearances. http://www.mass.gov/courts/programs/legal-assistance/lfd-hc.html
<u>Middlesex County</u>	Housing	<u>Pro Bono Legal Services Program at Housing Families Inc.</u> Services available: Pro bono representation, legal advice and counseling	Legal Aid	Housing Families gives free civil (non criminal) legal services to low-income households in Malden, Medford, Everett, Wakefield, Melrose, and Revere. Housing Families also provides emergency shelter, subsidized housing, and support services for families. http://housingfamilies.org/
<u>Middlesex County</u>	Family	<u>MetroWest Legal Services</u> , Services available: Family Law Lawyer-for-the-Day	Legal Aid	Family Law Lawyer-for-the-Day program housed once a week at Marborough District Court. http://www.mwlegal.org
<u>Middlesex County</u>	Multiple	<u>MetroWest Legal Services</u> , Services available: Legal assistance for family law matters	Legal Aid	Legal advice, Limited Assistance Representation, Full Representation for victims of domestic violence and divorce clients. http://www.mwlegal.org

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Middlesex County</u>	Multiple	<u>Community Legal Services and Counseling Center</u> Services available: Pro bono legal services and social services	Legal Aid/Social Services	Community Legal Services and Counseling Center ("CLSACC") provides free civil legal assistance for people with low incomes. CLSACC offers legal assistance in the areas of family law and domestic violence, housing and homelessness prevention, disability benefits, and immigration and refugee rights. CLSACC's legal work also includes training and education, collaboration with community partners, writing and distributing publications, and work on public policy and reform issues that affect the lives of many people in the community. CLSACC also provides a range of Know Your Right services, including telephone advice, written materials, and community legal education. http://www.clsacc.org/
<u>Middlesex County</u>	Mediation	<u>Somerville Community Corporation</u> Services available: Mediation and social services	Mediation/Social Services	Somerville Community Corporation ("SCC") is a membership organization working to preserve and enhance the economic, racial and ethnic diversity of Somerville.SCC's mediation program works with students in the Somerville High School and elementary schools to help peacefully resolve their disputes, in collaboration with Somerville Public Schools, the Office of the Attorney General of Massachusetts, Medford Public Schools and community agencies. http://somervillecdc.org/
<u>Middlesex County</u>	Multiple	<u>Boston College Legal Services LAB</u> Services available: Pro bono representation through a community law office staffed by law school faculty and students	Law school law firm	At BCLS LAB, law students provide free legal services to low-income individuals and families under the supervision of law faculty who are licensed attorneys. The firm's staff includes 8 supervising attorneys, a full-time staff social worker, an Administrative Assistant, an Intake Coordinator, 50-60 law students, and graduate level social work students who work as part of the legal team. http://bclawlab.org/
<u>Middlesex County</u>	Multiple	<u>GBLS/Cambridge (Cambridge Somerville Legal Services (CASLS))</u> Services available: Full representation for essential civil legal needs, no fee	Legal Aid	GBLS provides free legal assistance to as many low-income families as possible to help them secure some of the most basic necessities of life. GBLS plays a unique role in the social service delivery system. It is the agency to which other providers refer clients when no one else can help and legal assistance is needed. GBLS also offers the Latina Know Your Rights Project and has produced a "Know Your CORI Rights" booklet. https://www.gbls.org/get-legal-help/can-gbls-help-me

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Middlesex County</u>	Multiple	<u>Harvard Legal Aid Bureau</u> Services available: Full representation, referrals, Limited Assistance Representation through a law school clinic program	Legal Aid	HLAB is a student-run non-profit law firm staffed by Harvard Law School students under the supervision of attorneys. HLAB gives free civil (non criminal) legal help to low-income people in the Greater Boston area, and specializes in four major areas: housing, family, government benefits, and wage and hour law. The help HLAB offers ranges from referrals to full case representation, depending on client need and available resources, http://www.harvardlegalaid.org/
<u>Middlesex County</u>	Probate/Family	<u>Community Dispute Settlement Center</u> Services available: Mediation	Mediation	The Community Dispute Settlement Center (CDSC), is a private, not-for-profit mediation and training center dedicated to providing an alternative and affordable forum for resolving conflict. http://communitydispute.org/
<u>Middlesex County</u>	Probate/Family	<u>Family Court Answer Center</u> Services available: Education, information, referral for legal assistance	Court clinic/Education	The Family Court Answer Center is a joint initiative between the Probate and Family Court, community leaders, and volunteer lawyers. The purpose of the Answer Center is: to provide mothers and fathers with general information on certain family law matters; to provide a one-on-one opportunity to meet individually with an attorney, Department of Revenue, Department of Children and Families, Probation Department, Registry/Judicial staff and a Domestic Violence advocate; to supply and help complete necessary forms for court proceedings; to refer those seeking to hire a lawyer to legal referral services; to make available written information on community programs and services. http://www.mass.gov/courts/docs/courts-and-judges/courts/probate-and-family-court/family-answer-center.pdf
<u>Middlesex County</u>	Probate/Family	<u>Middlesex County Bar Association</u> <u>Family Conciliation</u> Services available: Conciliation	Court-based Conciliation	MCBA's Middlesex Probate and Family Court Conciliation Program utilizes approximately 50 MCBA member attorneys who practice in Middlesex County. The list of conciliators includes some of the most respected domestic relations attorneys in Massachusetts, who donate their time, pro bono, to this program. http://www.middlesexbar.org/newSite/memberServices.html
<u>Middlesex County</u>	Probate/Family	<u>Volunteer Lawyers Project</u> <u>Guardianship Clinic - Middlesex</u> Services available: Limited Assistance Representation, referrals for legal assistance	Limited Asst. Rep.	The Guardianship Clinic provides volunteer attorneys and law students who: help low-income petitioners for guardianship complete and file the guardianship petitions; and help low-income guardians complete their care plans and annual reports. Volunteer attorneys do not file an appearance on behalf of the petitioners or guardians, and services are limited to advice and assistance with the forms. https://www.vlpnet.org/volunteer/item.6167-Guardianship_Clinics

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Norfolk County</u>	Consumer	<u>Volunteer Lawyers Project Fair Debt Collection Lawyer-for-the-Day Program - Quincy</u> Services available: In-court legal consultation, limited assistance in court proceedings, Limited Assistance Representation	Lawyer-for-the-Day	The Fair Debt Collection Attorney for the Day Project is a Lawyer-for-the-Day program offered by the Voluntary Lawyers Project ("VLP") in which a VLP attorney with consumer law experience may provide advice, brief service such as help drafting pleadings, or limited assistance representation negotiating a settlement or arguing a motion in front of a judge. https://www.vlpnet.org/volunteer/item.6165-Fair_Debt_Collection_Lawyer_for_the_Day_and_Discovery_Clinic
<u>Norfolk County</u>	Domestic Violence	<u>Quincy 209A Project DOVE</u> Services available: Legal advice and representation, advocacy, education	Advocacy/Legal Services	DOVE is a multi-service organization providing comprehensive direct services and support for victims of dating and domestic violence, as well as their children. DOVE works specifically with adults, teens, and children who have been abused, emotionally and financially, as well as physically and sexually. DOVE's services include crisis intervention, danger assessment and safety planning, supportive counseling, emergency shelter, legal advocacy and representation, community outreach/education/training, and a 24-hour confidential hotline. DOVE legal advocates help survivors of domestic violence seeking 209A Abuse Prevention Orders. They answer questions, help fill out court forms, give legal advice and can sometimes represent people at hearings. DOVE has also hosted a Know Your Rights Divorce Workshop. http://dovema.org/
<u>Norfolk County</u>	Education/Research	<u>Norfolk Law Library</u> Services available: Information for self-represented litigants	Law Library	The law library offers: (1) help with legal research, (2) books and materials to borrow, (3) online databases for no charge, including Westlaw and Lexis, and (4) free wifi. http://www.mass.gov/courts/case-legal-res/law-lib/libraries/locations/
<u>Norfolk County</u>	Housing	<u>Lawyers Clearinghouse</u> Services available: Pro bono representation through lawyer referral	Pro Bono Lawyer Referral	The Lawyers Clearinghouse connects pro bono lawyers with nonprofits and people in need, to promote access to justice, strengthen communities, and end homelessness. http://www.lawyersclearinghouse.org/
<u>Norfolk County</u>	Multiple	<u>MetroWest Legal Services - Norfolk</u> Services available: Pro bono representation for essential civil legal needs	Legal Aid	MetroWest helps income-eligible clients in the areas of family law, domestic violence, education, elder law, housing, government benefits, disability, immigration, homelessness, consumer, bankruptcy, foreclosure defense and unemployment. MetroWest also provides Know Your Rights programs and materials on immigration and workers' rights. http://www.mwlegal.org

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Norfolk County</u>	Probate/Family	<u>Volunteer Lawyers Project</u> <u>Guardianship Clinic - Norfolk</u> Services available: Limited Assistance Representation, referral for legal assistance	Limited Asst. Rep./Referrals	The Guardianship Clinic provides volunteer attorneys and law students who: help low-income petitioners for guardianship complete and file the guardianship petitions; and help low-income guardians complete their care plans and annual reports. Volunteer attorneys do not file an appearance on behalf of the petitioners or guardians, and services are limited to advice and assistance with the forms. https://www.vlpnet.org/volunteer/item.6167-Guardianship_Clinics
<u>Northeastern MA</u>	Multiple	<u>Northeast Legal Aid - All Offices</u> Services available: Pro bono representation for essential civil legal needs	Legal Aid	Northeast Legal Aid ("NLA") provides free civil legal services to low income and elderly residents of Essex County and Northern Middlesex County, Massachusetts. It provides these services together with its subsidiary, Northeast Justice Center ("NJC"). NLA also provides Know Your Rights Presentations (KYR) to immigrants. http://www.northeastlegalaid.org/
<u>Plymouth County</u>	Court	<u>Brockton Court Service Center</u> Services available: Information, education, limited assistance representation	Court Service Center	Brockton Court's Services Center helps people navigate the court system. Available services through the center include: various online resources; one-on-one help filling out court forms; information about court rules, procedures and practices; court documents and written instructions; access to interpreter services; assistance with legal research; and contact information for community resources, legal assistance programs, and social service agencies. http://www.mass.gov/courts/court-info/court-management/plan-initiatives/court-service-centers.html
<u>Plymouth County</u>	Information/Education	<u>Brockton Law Library</u> Services available: Information for self-represented litigants	Law Library	The law library offers: (1) help with legal research, (2) books and materials to borrow, (3) online databases for no charge, including Westlaw and Lexis, and (4) free wifi. http://www.mass.gov/courts/case-legal-res/law-lib/libraries/locations/
<u>Plymouth County</u>	Information/Education	<u>Plymouth Law Library</u> Services available: Information for self-represented litigants	Law Library	The law library offers: (1) help with legal research, (2) books and materials to borrow, (3) online databases for no charge, including Westlaw and Lexis, and (4) free wifi. http://www.mass.gov/courts/case-legal-res/law-lib/libraries/locations/

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>South Middlesex County</u>	Multiple	<u>MetroWest Legal Services - South Middlesex</u> Services available: Pro bono representation for essential civil legal needs	Pro Bono	MetroWest helps income-eligible clients in the areas of family law, domestic violence, education, elder law, housing, government benefits, disability, immigration, homelessness, consumer, bankruptcy, foreclosure defense and unemployment. MetroWest also provides Know Your Rights programs and materials on immigration and worker's rights. http://www.mwlegal.org
<u>Southeastern MA</u>	Multiple	<u>South Coastal Counties Legal Services</u> Services available: Pro bono representation for essential civil legal needs	Legal Aid	South Coastal Counties Legal Services, Inc. ("SCCLS") and its subsidiary, Justice Center of Southeast Massachusetts ("JCSM") are non-profit charitable corporations which serve clients in Barnstable, Bristol, Dukes, Nantucket and Plymouth Counties and the towns of Avon and Stoughton in Norfolk County in the Commonwealth of Massachusetts. Attorneys and paralegals represent poor and elderly clients with high priority legal problems. SCCLS also provides group representation, community education, and Know Your Rights workshops on students' rights. http://www.sccls.org
<u>Statewide</u>	Appeals	<u>Civil Appeals Clinic</u> Services available: Limited Assistance Representation	VLP	The Civil Appeals Clinic helps those who have questions about how to appeal a judgment or decision from a trial court or state administrative agency. At the Clinic, free attorneys explain the process for appealing a judgment or decision. The Clinic is run by the Volunteer Lawyers Project and held at the Appeals Court Clerk's Office on Wednesdays between 12:30 p.m. - 4:00 p.m. http://www.mass.gov/courts/programs/pilot-programs/appeals-clinic.html
<u>Statewide</u>	Arts	<u>Volunteer Lawyers for the Arts</u> Services available: Pro bono representation for artists and organizations	Pro Bono	Volunteer Lawyers for the Arts of Massachusetts ("VLA") provides legal services, advice, and educational programming to artists and cultural organizations in Massachusetts. VLA has a panel of more than 500 attorneys who volunteer their services to provide legal counsel, education, and organizational support to the Massachusetts arts community. VLA serves individual artists, musical groups, and cultural organizations. https://artsandbusinesscouncil.org/volunteer-lawyers-for-the-arts/
<u>Statewide</u>	Civil Rights	<u>ACLU Massachusetts</u> Services available: Representation, Advocacy, Public Policy	Legal Asst./Advocacy	The American Civil Liberties Union ("ACLU") of Massachusetts—a private, nonpartisan organization with more than 20,000 supporters across the Commonwealth—is a state affiliate of the national ACLU. ACLU of MA defends the principles enshrined in the Massachusetts Declaration of Rights as well as the U.S. Constitution and Bill of Rights. ACLU of MA also provides Know Your Rights programs on a host of topics, including police stops, police questioning, and protests. https://www.aclu.org/affiliate/massachusetts

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Statewide</u>	Civil Rights	<u>Lawyers' Committee for Civil Rights and Economic Justice</u> Services available: Representation, Advocacy, Public Policy	Legal Asst./Advocacy	The Lawyers' Committee is a private, nonprofit, nonpartisan legal organization that provides volunteer legal representation to victims of discrimination based on race or national origin. The Committee handles major law reform cases, as well as legal actions on behalf of individuals. The Committee also engages in public policy advocacy, community legal education, community economic development, and other legal services that further the cause of civil rights. Lastly, the Committee offers Know Your Rights materials for student rights in disciplinary hearings and for peaceful protests. http://lawyerscom.org/
<u>Statewide</u>	Consumer	<u>Attorney General Consumer Assistance and Response Division</u> Services available: Education, advice, referral for legal assistance with consumer issues	Atty. General Office	The Attorney General's Consumer Assistance and Response Division ("CARD") works to protect consumers from unfair and deceptive practices. CARD is staffed with trained consumer specialists that consumers can contact through a Consumer Hotline. If a consumer is in need of help, CARD's staff can answer questions, assist directly in seeking to resolve the problem with the business, or, if necessary, refer the consumer to a wide network of available consumer assistance and legal aid resources. http://www.mass.gov/ago/consumer-resources/consumer-assistance/
<u>Statewide</u>	Consumer	<u>National Consumer Law Center</u> Services available: Impact litigation for consumer protection matters, policy development and advocacy	Impact Litigation	The nonprofit National Consumer Law Center ("NCLC") uses its expertise in consumer law and energy policy to work for consumer justice and economic security for low-income and other disadvantaged people, including older adults, in the US. NCLC's expertise includes policy analysis and advocacy; consumer law and energy publications; litigation; expert witness services, and training and advice for advocates. NCLC works with nonprofit and legal services organizations, private attorneys, policymakers, and federal and state government and courts across the nation to stop exploitative practices, help financially stressed families build and retain wealth, and advance economic fairness. https://www.nclc.org/about-us/about-us.html
<u>Statewide</u>	Disability	<u>Center for Public Representation - Northampton</u> Services available: Representation in cases involving SSI and SSDI, Advocacy, Policy	Pro Bono/Policy Advocacy	The Center for Public Representation ("CPR") is dedicated to enforcing and expanding the rights of people with disabilities. CPR uses legal strategies, advocacy, and policy to design and implement systemic reform initiatives to promote their integration and full community participation. CPR provides individual representation only in cases involving SSI/SSDI benefits. http://www.centerforpublicrep.org

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Statewide</u>	Disability	<u>Clubhouse Legal Support Project</u> Services available: Pro bono representation for family matters involving issues related to mental illness	Pro Bono/Social Services	The Clubhouse Family Legal Support Project ("CFLSP") provides legal representation and assistance to low income parents diagnosed with a mental illness who are seeking to access or regain custody of their children. The Project is supported and funded by the Department of Mental Health ("DMH"), and the Massachusetts Bar Foundation ("MBF"). http://mhlac.org/Clubhouse_Project.htm
<u>Statewide</u>	Disability	<u>Disability Law Center - Boston</u> Services available: Legal advocacy for the rights of persons with disabilities	Policy Advocacy	The Disability Law Center ("DLC") provides legal advocacy on disability issues that promote the fundamental rights of all people with disabilities to participate fully and equally in the social and economic life of Massachusetts. The Disability Law Center is the Protection and Advocacy agency for Massachusetts. DLC is a private, non-profit organization responsible for providing protection and advocacy for the rights of Massachusetts residents with disabilities. DLC receives federal, state and private funding but is not part of the state or federal government. http://www.dlc-ma.org
<u>Statewide</u>	Disability	<u>Mental Health Legal Advisors Committee</u> Services available: Pro bono representation, education and training, policy and legislative advocacy	Pro Bono/Advocacy	Mental Health Legal Advisors Committee ("MHLAC") is an independent, state-funded agency that provides advice and direct representation to persons with mental health needs on a wide range of legal issues. MHLAC also trains judges, attorneys and advocates, interprets and analyzes legislation and produces brochures and other publications on pertinent legal matters. Lastly, MHLAC has numerous Know Your Rights publications for people with mental illness in Massachusetts. http://www.mhlac.org/
<u>Statewide</u>	Domestic Violence	<u>Casa Myrna Legal Advocacy Program</u> Services available: Pro bono representation for victims of domestic violence	Pro Bono	Casa Myrna's Legal Advocacy Program seeks to address the unmet legal needs of victims of domestic violence who, due to linguistic, cultural, and economic barriers, would not be able to access representation through normal channels. Initially established to provide emergency legal services, the program has expanded its capacity to include critically needed full representation in Probate and Family Court matters. Casa Myrna is one of the few programs in Massachusetts to provide clients with representation beyond the initial restraining order hearing, and provides ongoing comprehensive family law representation. Lastly, Casa Myrna has a 24-hour "SafeLink" confidential hotline that offers: Safety planning resources for survivors; A direct connection to domestic violence programs across Massachusetts; Referrals to local domestic violence and other community resources; Support and resources for anyone who is concerned about a victim of domestic violence; and Information about domestic and dating violence. http://www.casamyrna.org/supportive-services/

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<u>Statewide</u>	Education/Research	<u>First Circuit Court of Appeals Library</u> Services available: Information for self-represented litigants	Law Library	The First Circuit Law Library is open to members of the Bar, to the United States Attorneys of the Circuit and their assistants, to other law officers of the government, and persons having a case in the First Circuit. Books may only be removed by government employees. Members of the general public may also use the library, but have no borrowing privileges. http://www.ca1.uscourts.gov/circuit-library
<u>Statewide</u>	Information/Education	<u>State Library of Massachusetts</u> Services available: Information for self-represented litigants	Library	The State Library of Massachusetts supports the research and information needs of government, libraries, and the public through innovative services and access to a comprehensive repository of state documents and other historical items. http://www.mass.gov/anf/research-and-tech/oversight-agencies/lib/
<u>Statewide</u>	Elder	<u>Executive Office of Elder Affairs</u> Services available: Education, information, advocacy, and social services through a network of agencies in support of the needs of the elderly	Social Services/Education	Elder Affairs supports older adults and individuals with disabilities to 'age in community' so they can live well and be safe. The office provides access to aging and disability services. There are 26 local agencies that have programs that help with: In-home care; Protective services; Family support; Meals and nutrition services; Housing; and Service support issues. http://www.mass.gov/elders/programs-and-services.html
<u>Statewide</u>	Elder	<u>Legal Exchange Radio Show</u> Services available: Information and education on elder law issues	Radio	The Legal Exchange radio show provides listeners with information on the estate tax and elder law planning issues, and guides them through the complex rules of Medicaid planning and Medicaid eligibility. The show also addresses ways to avoid the probate process, and discusses estate, gift and income tax concerns. http://www.legalexchangeshow.com/the-legal-exchange-radio-show/
<u>Statewide</u>	Elder	<u>Massachusetts Attorney General's Elder Hotline</u> Services available: Information and education on elder law issues	Hotline	The Elder Hotline is available to callers Monday through Friday, from 9:00 a.m. to 5:00 p.m. The hotline provides a valuable service to Massachusetts' senior citizens, their families, and others seeking information about elder-related issues and programs throughout the Commonwealth. The hotline, which is staffed by senior volunteers, provides dispute resolution services and is a comprehensive resource for information and referral on a full range of concerns. Common concerns include: Debt and debt collection practices; Health insurance; Home improvement; Landlord/tenant issues; Long-term care insurance; Scam awareness; and Telemarketing. http://www.mass.gov/ago/consumer-resources/consumer-information/resources-for-elders/elder-hotline.html

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Statewide</u>	Employment	<u>Fair Employment Project</u> Services available: Low bono representation on workplace issues	Low Bono/Advocacy	Fair Employment Project ("FEP") is a tax-exempt non-profit organization of attorneys, law students and worker advocates whose mission is to reduce violations of employment civil rights. FEP counsels Massachusetts workers of limited means about their rights on the job and the legal process. FEP also collaborates with other organizations to provide affordable representation or other services, when possible. Finally, FEP offers self-help assistance. http://www.fairemploymentproject.org/aboutus.html
<u>Statewide</u>	Environmental	<u>Alternatives for Community and Environment</u> Services available: Community advocacy and social services	Advocacy	Alternatives for Community and Environment ("ACE") is an environmental justice community organization based in Boston's Dudley Square. ACE works to eradicate environmental racism and classism and achieve environmental justice. Its four core program areas are the Dudley Square Organizing Project ("DSOP"), Roxbury Environmental Empowerment Project ("REEP"), T Riders Union ("TRU"), and Environmental Justice Legal Services ("EJLS"). https://www.ace-ej.org/
<u>Statewide</u>	Finding Lawyer	<u>Lawyer Referral Services</u> Services available: Referrals for sliding fee legal representation	Lawyer Referral	A Lawyer Referral Service connects potential clients with lawyers. Potential clients contact the Lawyer Referral Service and give them information about their legal problem. The Lawyer Referral Service will give them contact information for one or more lawyers who might be able to help. Most of the time, the potential client will need to pay if they want to hire the lawyer, although the first meeting is often free or low cost. http://www.mass.gov/courts/programs/legal-assistance/ma-legal-referral-gen.html
<u>Statewide</u>	Health	<u>AIDS Action Committee</u> Services available: Pro bono representation for essential civil legal needs for persons living with AIDS or HIV	Pro Bono	The AIDS Action Committee gives legal representation and advice to people living with HIV and AIDS in a range of civil matters, including housing, basic estate planning, discrimination, employment, and family law. The Committee also gives information and helps in applying for income benefits including private disability insurance, Social Security, EAEDC and health coverage through public or private programs. The Committee also gives information and help in dealing with consumer debt issues. However, the Committee does not represent clients or give advice in criminal matters, but may be able to give referrals to organizations that do. http://www.aac.org

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Statewide</u>	Health	<u>JRI Health Law Institute</u> Services available: Pro bono representation for essential civil legal needs for persons with disabilities	Pro Bono	The JRI Health Law Institute ("HLI") offers holistic, client-centered, trauma-informed legal services to low-income individuals living with disabilities. Using a medical-legal partnership approach, HLI legal services are aimed at helping clients stabilize their lives so that they can focus on their medical care needs. http://jri.org/services/health-and-housing/health/health-law-institute
<u>Statewide</u>	Housing	<u>Tenancy Preservation Program</u> Services available: Social services for tenants	Social Services	The Tenancy Preservation Program ("TPP") is a homelessness prevention program. TPP works with tenants, including families with children with disabilities, facing eviction as a result of behavior related to a disability (e.g. mental illness, mental retardation, substance abuse, aging related impairments). TPP functions as a neutral party to the landlord and tenant. In consultation with the Housing Court Department, TPP works with the property owner and tenant to determine whether the disability can be reasonably accommodated and the tenancy preserved. http://www.mass.gov/courts/programs/tenancy-program/
<u>Statewide</u>	Immigration	<u>Ascentria Care Alliance</u> Services available: Low/Pro Bono representation relative to immigration issues	Pro Bono/Low Bono	The Immigration Legal Assistance Program at Ascentria Care Alliance provides free and low-cost legal services to immigrants in New England. The program offers legal advice and representation to complete immigration applications and petitions. Ascentria also gives Know Your Rights presentations to immigrants. http://www.ascentria.org/ilap
<u>Statewide</u>	Immigration	<u>Irish International Immigrant Center</u> Services available: Legal advice and social services for immigrants from Ireland	Legal Assistance/Social Services	The Irish International Immigrant Center assists immigrants from Ireland and from around the world as they integrate into American society, and with partner organizations, promotes reconciliation in Ireland. The center additionally provides legal, wellness and education services, advocates for systemic change, and facilitates cross-cultural community building. http://www.iicenter.org
<u>Statewide</u>	Immigration	<u>PAIR Project</u> Services available: Legal advice, information, pro bono representation on immigration issues	Pro Bono	The Political Asylum/Immigration Representation Project ("PAIR") is the premiere provider of free immigration legal services to asylum-seekers and immigrants unjustly detained in Massachusetts. The PAIR Project also provides Know Your Rights programs to immigrants. http://www.pairproject.org/

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Statewide</u>	Immigration	<u>Project Citizenship</u> Services available: Education, information relative to immigrants rights and procedures	Education/Information	Project Citizenship educates immigrants about the benefits of citizenship, and helps eligible, legal permanent residents overcome barriers to naturalization. Project Citizenship offers free workshops providing eligibility screening, application assistance, legal referrals and all materials needed to apply for U.S. citizenship. In addition, Project Citizenship partner agencies provide a range of support services, including civics instruction, application assistance, and ESOL classes. http://projectcitizenship.org
<u>Statewide</u>	Multiple	<u>Limited Assistance Representation</u> Services available: Limited Assistance Representation	Limited Asst. Rep.	Limited Assistance Representation ("LAR") is when an attorney represents or assists a litigant with part, but not all, of his or her legal matter, instead of the standard full representation on an entire case. With LAR, litigants can engage an attorney for part of the case—a crucial event, like the case management conference or a motion to dismiss—without the costs of full representation. LAR has been adopted by the Boston Municipal Court, District Court, Land Court, Probate & Family Court, and Superior Court. https://www.mass.gov/service-details/limited-assistance-representation
<u>Statewide</u>	LGBTQ	<u>GLAD</u> Services available: Impact litigation, public policy and legislative advocacy	Impact Litigation/Public Policy	GLBTQ Legal Advocates & Defenders ("GLAD") works in New England and nationally to create a just society free of discrimination based on gender identity and expression, HIV status, and sexual orientation. GLAD does so through strategic litigation, public policy advocacy, and education. Additionally, GLAD provides numerous Know Your Rights resources for LGBTQ and HIV rights. http://www.glad.org/about
<u>Statewide</u>	Low Bono	<u>Justice Bridge Legal Center</u> Services available: Low bono representation for essential civil legal needs through a law school based law firm	Legal Services	UMass School of Law's Justice Bridge Legal Center is a law incubator serving individuals and small businesses that do not qualify for free legal services but cannot afford traditional market rates in civil law matters. The Center, which has offices in Boston and New Bedford, provides discounted legal services at a scaled hourly rate. The Center provides the following services: Legal consultation and advice, as well as limited (LAR) and full legal representation, in the following practice areas – family law (including divorce, custody, alimony, child support, modifications), housing (including evictions and breach of warranty law), consumer law, debt collection and re-finance, bankruptcy, probate, wills and trusts, immigration (special immigrant juvenile status/SIJS, unaccompanied minors), employment law, and education law (including special education appeals). https://www.justice-bridge.org/

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Statewide</u>	Multiple	<u>Massachusetts Bar Association Dial-A-Lawyer</u> Services available: Legal consultation and information through a telephone resource program	Dial a Lawyer	The Massachusetts Bar Association's ("MBA's") Dial-A-Lawyer program encourages members of the public to call with their legal problems and questions. This program was created in order to assist the people of Massachusetts that have fallen through the cracks of the legal and criminal justice system. http://www.massbar.org/for-the-public/need-a-lawyer/dial-a-lawyer
<u>Statewide</u>	Occupational Health and Safety	<u>Massachusetts Coalition for Occupational Health & Safety</u> Services available: Education and training, Policy and legislative advocacy on workers' rights	Public Policy Advocacy	The Massachusetts Coalition for Occupational Health & Safety ("MassCOSH") strives to ensure that all workers earn their living and return home alive and well by providing training to workers, union representatives and community groups. MassCOSH has also been deeply involved in eleven legislative campaigns to pass and enforce laws that ensure worker's rights with a special emphasis on young people and immigrants. MassCOSH additionally assists workers and unions seeking information and support on identifying and addressing workplace hazards, navigating workers compensation and strategies to organize for safe working conditions. Lastly, MassCOSH has produced a Know Your Rights factsheet on basic workers' rights. http://www.masscosh.org/
<u>Statewide</u>	Online Portal	<u>Mass 211</u> Services available: Information and education relative to governmental benefits	Online Portal	Mass 211 is a telephone number that connects callers confidentially to information about critical health and human services available in their community. It serves as a resource for finding government benefits and services, nonprofit organizations, support groups, volunteer opportunities, donation programs, and other local resources. http://mass211.org/
<u>Statewide</u>	Online Portal	<u>Mass Legal Answers Online</u> Services available: Legal advice, education, and information through an online Q&A program	Online Portal	Mass Legal Answers Online is a website where low income Massachusetts residents can post their civil (non criminal) legal question. Volunteer attorneys will answer the question through the same website. http://www.masslao.org
<u>Statewide</u>	Online Portal	<u>Mass Legal Help.org</u> Services available: Online resource for information on legal and nonprofit services available in Massachusetts	Online Portal	MassLegalHelp.org was put together by Massachusetts legal aid programs to help people find practical information about their legal rights in Massachusetts. It includes information about many areas, including housing, evictions, divorce, family law, child support, debt collection, bankruptcy, SSI, food stamps, domestic violence, and criminal records. Mass Legal Help also supplements the "Know Your CORI Rights" guidebook created by GBLS. http://www.masslegalhelp.org/

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Statewide</u>	Online Portal	<u>Mass Legal Services.org</u> Services available: Online resource for information on legal services available in Massachusetts	Online Portal	MassLegalServices.org offers resources and information about legal issues facing lower income Massachusetts residents to legal services advocates and social services professionals. The site is designed to be more useful to non-lawyers. https://www.masslegalservices.org/
<u>Statewide</u>	Prisoners	<u>Prisoner's Legal Services</u> Services available: Pro bono representation, Impact Litigation, Policy and legislative advocacy relative to the rights of prisoners	Legal Assistance/Advocacy	Prisoner's Legal Services ("PLS") engage in administrative advocacy, litigation, and public education on behalf of prisoners and their families. The PLS website also hosts a Know Your Rights video on prisoners' rights. http://www.plsma.org/
<u>Statewide</u>	Probate/Family	<u>Children's Law Center of Massachusetts</u> Services available: Pro bono representation, education and training relative to childrens' rights	Rep./Advocacy/Education	The Children's Law Center of Massachusetts ("CLCM") provides legal representation to children and youth in court and administrative proceedings involving school (restraint and seclusion, school discipline, and special education), child welfare (abuse & neglect and CRA), and juvenile justice. CLCM also provides technical assistance and trainings to parents, youth, attorneys and helping professionals; furnishes backup to legal aid programs of the Commonwealth; and, engages in various systems reform efforts, including local and statewide task force/committee work, legislative and appellate advocacy, and research projects. Lastly, CLCM also conducts various "Know Your Rights" seminars for youth designed to address, and protect, their civil rights. http://www.clcm.org
<u>Statewide</u>	Probate/Family	<u>Massachusetts Advocates for Children</u> Services available: Advocacy and legal representation relative to special education issues	Atty. General's Office	Massachusetts Advocates for Children ("MAC") provides education advocacy for vulnerable children 3 -22, focusing on children with special needs. MAC offers information and advice through its helpline on special education and school discipline issues to all parents, professionals and students regardless of income. For low-income children with autism, children ages 14 - 22 in Boston, or children affected by trauma or those facing school exclusion, MAC may be able to provide comprehensive guidance or legal representation. MAC may also be able to refer to volunteer lawyers for a very limited number of other low-income children with disabilities. http://massadvocates.org
<u>Statewide</u>	Probate/Family	<u>Office of the Child Advocate</u> Services available: Legislative and policy advocacy relative to children involved in state-services	Grievance Board	The Office of the Child Advocate ("OCA") works to ensure that children involved with state agencies in Massachusetts are protected from harm and receive quality services. OCA also works with legislators, social workers, doctors, administrators, and other professionals to improve services to children and families. http://www.mass.gov/childadvocate/

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Statewide</u>	School	<u>Center for Law and Education - Boston</u> Services available: Policy and legislative advocacy and impact litigation relative to education	Pro Bono	The Center for Law and Education ("CLE") is a national resource and support organization committed to assisting low-income students, their families, advocates and educators work with their communities to help fulfill every student's right to high-quality education. CLE strives to implement key federal and state education programs (e.g., Title I, special education, vocational education) to improve educational opportunities and outcomes for all students through school-based collaboration among families, their advocates and educators, legislative and administrative advocacy, and litigation, as needed. http://www.cleweb.org
<u>Statewide</u>	Sexual Assault	<u>Victim Rights Law Center</u> Services available: Pro bono representation, advocacy, social services for victims of rape and sexual assault	Pro Bono/Advocacy	The Victim Rights Law Center ("VRLC"), as the first nonprofit law center in the nation solely dedicated to serving the legal needs of rape and sexual assault victims, provides legal representation to these victims. Through free legal services, VRLC staff attorneys and volunteer attorneys help victims of sexual violence by: ensuring that survivors may stay in school; protecting their privileged and confidential mental health, medical and education records; preserving their employment; maintaining safe housing; securing their immigration status; and swiftly accessing victim compensation and other benefits. Lastly, VRLC has produced a Know Your Rights brochure on Title IX, as well as a Know Your Rights video for homeless women. http://www.victimrights.org/
<u>Statewide</u>	Small Claims	<u>Small Claims Advisory Service</u> Services available: Education and information on the small claims process	Education/Information	The Small Claims Advisory Service is the only organization in Massachusetts that focuses primarily on helping individuals navigate the small claims court system in the Commonwealth. The service seeks to empower socioeconomically disadvantaged people in order for them to seek legal redress effectively through the small claims system, and to protect their rights as consumers, tenants, and members of our community. The service also provides citizens with information on Massachusetts law, small claims procedure, and effective court presentations through telephone communication and appointments. http://www.masmallclaims.org/
<u>Statewide</u>	System-wide	<u>Massachusetts Law Reform Institute</u> Services available: Legislative and policy advocacy, education, impact litigation	Advocacy	Massachusetts Law Reform Institute ("MLRI") is a statewide non-profit legal services organization whose mission is to advance economic, racial and social justice through legal action, education and advocacy. MLRI specializes in large-scale legal initiatives and policy reforms that address the root causes of poverty, remove barriers to opportunity, promote economic stability and create a path to self-sufficiency for low-income individuals and families. Lastly, MLRI offers Know Your Rights training for homeless families, http://www.mlri.org/

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Statewide</u>	System-wide	<u>Massachusetts Legal Assistance Corporation</u> Services available: Education, Policy and legislative advocacy relative to legal assistance	Advocacy	The Massachusetts Legal Assistance Corporation ("MLAC") provides leadership and support to improve civil legal services to low-income people in Massachusetts through collaboration with the legal services community, the public, the bar, and the legislature. MHLAC also offers Know Your Rights training for immigrants and refugees. http://mlac.org/
<u>Statewide</u>	Tax	<u>Bentley Low Income Taxpayer Clinic</u> Services available: Pro bono representation and education on tax issues	Pro Bono/Education	The Bentley University Low Income Taxpayer Clinic ("BLITC") helps to ensure the fairness and integrity of the tax system for the benefit of the local community through education and pro bono representation to low-income taxpayers. In the clinic, graduate students represent clients before the IRS. http://www.bentley.edu/centers/bentley-low-income-taxpayer-clinic
<u>Statewide</u>	Veterans	<u>Massachusetts Dial-A-Lawyer Veteran Specific</u> Services available: Legal consultation and information through a telephone resource program	Hotline	The Dial-A-Lawyer program lists a variety of legal services (on the website below) which offer sliding fee and pro bono services for veterans that need help with legal matters. http://www.mass.gov/veterans/health-and-well-being/legal-assistance.html
<u>Statewide</u>	Veterans	<u>Veterans Legal Services</u> Services available: Pro bono representation for veterans' civil legal needs	Pro Bono	Veterans Legal Services ("VLS") promotes self-sufficiency, stability, and financial security for veterans in Massachusetts through comprehensive and accessible legal services. VLS accepts the following types of cases: Bankruptcy, Child Custody, Child Support, CORI Issues/Sealing Criminal Records, Consumer Debt Discharge, Divorce, Domestic Violence, Housing (Evictions, Security Deposits, Conditions Issues), Immigration, Public Benefits (SNAP, MassHealth, etc.), Subsidized Housing Eligibility, Social Security, State and Federal Veterans Benefits. http://veteranslegalservices.org/
<u>Suffolk County</u>	Court	<u>Brooke Courthouse Court Service Center</u> Services available: Information, education, limited assistance representation	Court Service Center	The Brooke Courthouse's Court Services Center helps people navigate the court system. Available services through the center include: various online resources; one-on-one help filling out court forms; information about court rules, procedures and practices; court documents and written instructions; access to interpreter services; assistance with legal research; and contact information for community resources, legal assistance programs, and social service agencies. http://www.mass.gov/courts/court-info/court-management/plan-initiatives/court-service-centers.html

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<u>Suffolk County</u>	Employment	<u>Justice at Work</u> Services available: Pro bono representation, education, training for immigrant worker issues	Pro Bono/Education	Justice At Work provides training, education, advice, referrals and direct representation for workers and staff of immigrant worker centers. Workers contact immigrant worker centers daily with cases of wage theft, workplace accidents, discrimination, sexual harassment, illegal retaliation and other work-related abuses. Justice At Work trains workers on workplace rights and, when necessary, performs legal in-takes with workers. When a legal claim exists, Justice At Work provides a variety of services, including: Helping workers file complaints with government agencies, such as the Department of Labor or Massachusetts Commission Against Discrimination; Referring workers to a compensation or discrimination attorney; and Representing workers directly. Lastly, Justice at Work offers monthly Know Your Rights training on wage theft. http://jatwork.org/?p=52
<u>Suffolk County</u>	Foreclosure	<u>City Life/Vida Urbana</u> Services available: Education, advocacy and information	Education/Advocacy	City Life/Vida Urbana is a bilingual, community organization whose mission is to fight for racial, social and economic justice and gender equality by building working class power through direct action, coalition building, education and advocacy. http://www.clvu.org/
<u>Suffolk County</u>	Housing	<u>Lawyers Clearinghouse</u> Services available: Pro bono representation through lawyer referral	Lawyer Referral	The Lawyers Clearinghouse connects pro bono lawyers with nonprofits and people in need, to promote access to justice, strengthen communities, and end homelessness. http://www.lawyersclearinghouse.org/
<u>Suffolk County</u>	Health	<u>Medical-Legal Partnerships</u> Services available: Education and advocacy on healthcare and human services issues	Medical Legal Partnerships	Medical-Legal Partnerships of Boston ("MLPB") equips the healthcare and human services workforce with upstream problem-solving strategies that address health-related social needs. Specializing in public interest law, MLPB advances health equity for individuals, families and communities. http://www.mlpboston.org/our-services
<u>Suffolk County</u>	Immigration	<u>East Boston Ecumenical Community Council</u> Services available: Non-legal assistance for immigrant workers	Social Services	The East Boston Community Ecumenical Council ("EBECC") promotes the advancement of Latino immigrants of all ages by way of education, services, advocacy, community organization, and leadership development. Services that EBECC offers include help in obtaining work permits and green cards, reuniting families, and becoming a U.S. citizen. Lastly, EBECC offers Know Your Rights presentations on immigration matters. http://www.ebecc.org/

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Geography:	Need Addressed:	Organization + Scope of Services:	Resource Type:	Notes/Website:
<u>Suffolk County</u>	Multiple	<u>Harvard Legal Aid Bureau</u> Services available: Full representation, referrals, Limited Assistance Representation through a law school clinic program	Legal Aid	Harvard Legal Aid Bureau ("HLAB") is a student-run non-profit law firm staffed by Harvard Law School students under the supervision of attorneys. HLAB gives free civil (non criminal) legal help to low-income people in the Greater Boston area, and specializes in four major areas: housing, family, government benefits, and wage and hour law. The help HLAB offers ranges from referrals to full case representation, depending on client need and available resources http://www.harvardlegalaids.org/
<u>Suffolk County</u>	Probate/Family	<u>Family Court Answer Center</u> Services available: Education, information, referral for legal assistance	Court Clinic Program	The Family Court Answer Center is a joint initiative between the Probate and Family Court, community leaders, and volunteer lawyers. The purpose of the Answer Center is: to provide mothers and fathers with general information on certain family law matters; to provide a one-on-one opportunity to meet individually with an attorney, Department of Revenue, Department of Children and Families, Probation Department, Registry/Judicial staff and a Domestic Violence advocate; to supply and help complete necessary forms for court proceedings; to refer those seeking to hire a lawyer to legal referral services; to make available written information on community programs and services. http://www.mass.gov/courts/docs/courts-and-judges/courts/probate-and-family-court/family-answer-center.pdf
<u>Suffolk County</u>	Probate/Family	<u>Volunteer Lawyers Project Family Law Clinic - Suffolk</u> Services available: Limited Assistance Representation	Limited Asst. Rep.	The Family Law Clinic is a Limited Assistance Representation project where volunteer attorneys give legal advice and assist with drafting pleadings on a variety of family law topics including divorce, custody, paternity, contempt and modification actions. https://www.vlpnet.org/volunteer/item.6168-Suffolk_Family_Law_Clinic
<u>Suffolk County</u>	Probate/Family	<u>Volunteer Lawyers Project Guardianship Clinic - Suffolk</u> Services available: Limited Assistance Representation, referrals for legal assistance	Limited Asst. Rep.	The Guardianship Clinic provides volunteer attorneys and law students who: help low-income petitioners for guardianship complete and file the guardianship petitions; and help low-income guardians complete their care plans and annual reports. Volunteer attorneys do not file an appearance on behalf of the petitioners or guardians, and services are limited to advice and assistance with the forms. https://www.vlpnet.org/volunteer/item.6167-Guardianship_Clinics

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<u>Western MA</u>	Housing	<u>Massachusetts Fair Housing Center</u> Services available: Pro bono representation for essential civil legal needs	Legal Aid	The Massachusetts Fair Housing Center ("MFHC") provides free legal services and accepts housing discrimination complaints based on race, national origin, color, ancestry, religion, sex, disability, presence of minor children, sexual orientation, gender identity and expression, age, marital status, military or veteran status, receipt of public assistance, including Section 8 housing assistance, receipt of housing subsidies or rental assistance, and genetic information. MFHC serves Berkshire, Hampden, Hampshire, Franklin and Worcester Counties. http://www.massfairhousing.org/
<u>Worcester County</u>	Court	<u>Worcester Court Service Center</u> Services available: Information, education, limited assistance representation	Court Service Center	Worcester Court's Services Center helps people navigate the court system. Available services through the center include: various online resources; one-on-one help filling out court forms; information about court rules, procedures and practices; court documents and written instructions; access to interpreter services; assistance with legal research; and contact information for community resources, legal assistance programs, and social service agencies. http://www.mass.gov/courts/court-info/court-management/plan-initiatives/court-service-centers.html
<u>Worcester County</u>	Domestic Violence	<u>YWCA of Central Mass Domestic Violence Program</u> Services available: Social services for victims of domestic violence	Social Services	The Domestic Violence Program is a program offered by the Young Women's Christian Association ("YWCA") Central Massachusetts that encompasses a service delivery system that can respond to survivors of domestic violence effectively and efficiently. YWCA also has a 24-hour hotline to provide emotional support, domestic violence advocacy, referrals to community resources, safety planning and crisis intervention. http://www.ywcacentralmass.org/domestic-violence/victim-services
<u>Worcester County</u>	Education/Research	<u>Worcester Law Library</u> Services available: Information for self-represented litigants	Law Library	The law library offers: (1) help with legal research, (2) books and materials to borrow, (3) online databases for no charge, including Westlaw and Lexis, and (4) free wifi. http://www.mass.gov/courts/case-legal-res/law-lib/libraries/locations/

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<u>Worcester County</u>	Ex-prisoners	<u>Dismas House</u> Services available: Social services and support for reintegration of discharged prisoners	Housing	Dismas House is a supportive community that provides transitional housing and services to former prisoners. The men and women of Dismas House live and work as a family, helping each other grow towards the goal of reintegration into society. Dismas provides a consensus-based, sober alternative to a return to the streets, and a return to incarceration. http://dismashouse.org/wordpress/wp-content/uploads/DismasHouseFactSheet.pdf
<u>Worcester County</u>	Housing	<u>Worcester Housing Court Lawyer-for-the-Day</u> Services available: In-court legal consultation, limited assistance in court proceedings, Limited Assistance Representation	Lawyer-for-the-Day	The Lawyer-for-the-Day project is a joint project between Community Legal Aid and the Worcester County Bar Association. For the project, volunteer lawyers and staff attorneys help low-income tenants with housing issues. Low-income landlords can also get legal help from the volunteer lawyers. http://www.communitylegal.org
<u>Worcester County</u>	Housing	<u>Zarrow Homeless Advocacy Project</u> Services available: Pro bono representation of homeless, legal services	Pro Bono/Legal Services	The Zarrow Homeless Advocacy Project is a cooperative effort between Community Legal Aid and the Worcester County Bar Association. Through this program legal services are provided to the homeless community at various shelters in Worcester County. Volunteer attorneys visit homeless shelters or other service providers to interview clients with civil legal matters, or are on call to assist when a client has a legal need. They may also provide pro bono representation to these individuals or to homeless shelters and service providers. http://www.worcestercountybar.org/?id=7
<u>Worcester County</u>	Multiple	<u>Community Legal Aid - Worcester</u> Services available: Pro bono representation for essential civil legal needs	Legal Aid	Community Legal Aid and its wholly owned subsidiary, the Central-West Justice Center, gives free civil (non criminal) legal help to low-income and elderly people in central and western Massachusetts. Community Legal Aid has also produced a Know Your Rights booklet on worker rights. http://www.communitylegal.org
<u>Worcester County</u>	Probate/Family	<u>CASA/GAL</u> Services available: Education, information, social services	Social Services	Boston CASA, Inc., is a non-profit organization whose mission is to promote and advocate for the best interests of children involved in abuse and neglect cases in Suffolk County. Boston CASA recruits, trains and supervises community volunteers to serve as Court Appointed Special Advocates ("CASAs") who work to ensure that these children have safe and permanent homes. https://www.bostoncasa.org/about/

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<u>Worcester County</u>	Probate/Family	<u>Worcester Bar Association</u> Services available: In-court legal consultation, limited assistance in court proceedings, Limited Assistance Representation	Lawyer-for-the-Day	The Worcester Bar Association ("WBA") features a variety of community programs, including: Lawyer Referral Service; Reduced Fee Program; The Lawyer for the Day Program; Probate Court Conciliations Program; Services To The Poor And Homeless Committee; and Legal Fee Arbitration Panel. http://www.worcestercountybar.org/index.php/component/content/article?id=7
<u>Worcester County</u>	Probate/Family	<u>Worcester County Probate and Family Court Lawyer-for-the-Day Program</u> Services available: In-court legal consultation, limited assistance in court proceedings, Limited Assistance Representation	Lawyer-for-the-Day	This Lawyer-for-the-Day program is coordinated by Community Legal Aid. Volunteer lawyers staff a help desk where they assist litigants with completing court forms and answer questions about family law matters. Services for the Worcester Probate and Family Court include: legal advice and guidance; answer case-related questions; discuss legal options and strategy; assist drafting pleadings and court forms. http://communitylegal.org/get-involved/volunteer-lawyers-service
<u>Worcester County</u>	Small Claims	<u>Worcester District Court Small Claims Lawyer-for-the-Day Program</u> Services available: In-court legal consultation, limited assistance in court proceedings, Limited Assistance Representation	Lawyer-for-the-Day	This Lawyer-for-the-Day program is coordinated by Community Legal Aid and operates in the Worcester District Court. Lawyers file limited appearances on behalf of defendants in the small claims session who have incomes which are exempt from collection or who have defenses to debt collection actions. http://communitylegal.org/get-involved/volunteer-lawyers-service