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August 23, 2007

Hon. Herbert P. Wilkins
885 Centre Street
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Dear Chief Justice Wilkins:

It was wonderful to see you at the most recent meeting of the Trial Court Chief Justices. I have reviewed the Report of the Massachusetts Access to Justice Commission, *Barriers to Access to Justice in Massachusetts*. The Commission's diligence and commitment to this important issue will prove invaluable in the Trial Court's efforts to address this topic.

As you are aware, in April 2006, I formed an interdepartmental working group which included not only members from each of the Trial Court departments with jurisdiction over small claims, but also representatives of consumer groups, collection attorneys, the Massachusetts Bar Association and the Legislature. Working diligently over the past year, the Group undertook a comprehensive review of small claims practices in Massachusetts and produced the attached report, which I wanted to share with you in your role as Chair of the Massachusetts Access to Justice Commission.

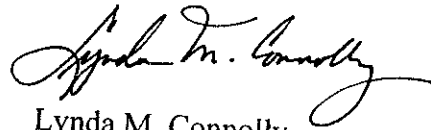
In many respects the report addresses the concerns of the Commission in the area of small claims. The most difficult issues that currently face our small claims sessions include notice to defendants and the role of the court in guaranteeing that defendants who appear without counsel fully understand the proceedings and receive fair treatment in the court. The Small Claims Working Group tackled both of these challenges and proposed solutions that are worthy of serious discussion and consideration. The Working Group grappled with the issue of a return to notice by certified mail. As you know, the Legislature eliminated the certified mail requirement as a cost-saving measure. (Certified mail continues to be used for out-of-state defendants.) After much discussion the Working Group concluded that a reinstatement of the certified mail requirement would do little or nothing to solve the problem of inaccurate or out-of-date addresses, which has been correctly identified as a recurring issue in many small claims cases. Instead the Working Group focused its efforts on developing a system that would operate more effectively in providing notice to the defendant and which would place the burden of obtaining a current address on the plaintiff.

The Commission's report also discussed concerns about hearings in matters relating to Domestic Violence. Judges from the Probate and Family Court attended the 2005 District Court Judicial Conference and participated in a workshop on Domestic Violence. Following that conference, I suggested the formation of a joint committee consisting of representatives from each of the Trial Court Departments with jurisdiction over 209A matters. Thanks to the

cooperation of the Chief Justices of the Probate and Family Court, the Boston Municipal Court and the Superior Court, and with the support of Chief Justice Mulligan, the joint committee has met on a monthly basis since that time and has worked to improve the processes and coordination between the departments. The group has made significant progress and its work continues.

Please do not hesitate to contact me with any thoughts or comments concerning the Report of the Small Claims Working Group or the efforts of the Joint Committee on Domestic Abuse. You will be pleased to know that at Chief Justice Marshall's behest, members of the District Court leadership team will be meeting with Supreme Judicial Court General Counsel Frank Moran to discuss the fine work of the Access to Justice Commission in mid September.

Sincerely,



Lynda M. Connolly
Chief Justice of the District Court

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