

The Commonwealth of Massachusetts

HOUSING COURT DEPARTMENT
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December 11, 2007

The Honorable Herbert P. Wilkins, Chairperson
Massachusetts Access to Justice Commission
C/o Supreme Judicial Court
John Adams Courthouse
One Pemberton Square
Boston, MA 02108

Dear Chief Justice Wilkins,

Thank you for the opportunity to appear before the Massachusetts Access to Justice Commission to comment on the Commission's June 2007 report. I am providing this written response, which I will distribute to your fellow Commission members, as an accompaniment to my verbal commentary.

I am proud of the resources and services the Housing Court has to offer litigants, many of which were favorably noted in the Commission's report. In this letter, I will catalog some of the ways in which the Housing Court provides access to justice to all litigants appearing before it. While this letter is not intended to be an exhaustive list of the ways in which the Housing Court promotes access to justice, it serves to highlight the Court's most prominent features.

All five divisions of the Housing Court work in conjunction with bar and local legal services organizations to provide self-represented litigants with the opportunity to consult with a volunteer "lawyer for the day." Lawyers for the day are generally available on the days summary process actions are heard. Lawyers for the day offer legal assistance to both tenants and landlords, may represent parties during mediation without committing to entering an appearance should the case proceed to trial and may enter a general appearance if circumstances permit.

The Tenancy Preservation Program (TPP), which has been a feature of the Housing Court on a limited basis since the late 1990s, is now present in all five divisions of the Housing Court. TPP works to preserve the tenancies of those facing eviction due to disability-related lease violations by identifying service needs and arranging for the provision of appropriate services. TPP staff members are clinically trained to determine if alleged lease violations are due to symptoms of disability and assess whether there is an appropriate remedy.

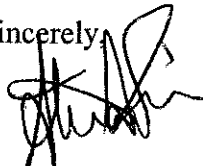
The Housing Specialist Department has been an integral component of the Housing Court since its inception. Housing Specialists are employees of the Housing Court who are trained to assist parties in reaching agreements. All Housing Specialists receive at least 30 hours of training pursuant to the Supreme Judicial Court's Uniform Rules on Dispute Resolution. If mediation is successful and an agreement is reached, the agreement is generally reviewed by the division's Chief Housing Specialist and approved and put on the record by either a Clerk-Magistrate or Judge after colloquy.

The Housing Court strives to be physically accessible to all litigants residing in the communities it serves. The Housing Court is the only Trial Court department that is truly a "traveling court." While the Housing Court has only five divisions, the judges and staff of those divisions sit in a total of twenty locations each and every week.

The Housing Court also strives to be user-friendly to all litigants, especially to self-represented litigants. Housing Court judges utilized many of the SJC Steering Committee on Self-Represented Litigants' guidelines for civil hearings involving self-represented litigants prior to their being approved in April 2006. On days in which summary process actions are heard, Housing Court judges begin the day with an opening statement to all litigants in attendance. During the opening, the judges provide litigants with an overview of what they can expect that day and inform them of the options, services and programs available to them, including mediation through the Housing Specialist Department. Litigants also have access to approximately 70 different forms, answers to frequently asked questions and information on mediation (in both English and Spanish) at the Housing Court's website. Additionally, staff members in all of the Clerks' offices as well as the Housing Specialists are available and receptive to answering questions and providing information and helpful materials, including forms.

The Housing Court is proud of its history of providing access to justice to all of its litigants. The Housing Court was created with the idea in mind that many of its litigants would be self-represented and continues to operate with that concept in mind. On behalf of the entire Housing Court Department, I thank the Commission for its input on how the Housing Court can improve access to justice for all litigants.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven D. Pierce", written over a horizontal line.

Steven D. Pierce
Chief Justice