

COMMONWEALTH OF MASSACHUSETTS
THE SUPERIOR COURT
THREE PEMBERTON SQUARE
BOSTON, MA 02108

BARBARA J. ROUSE
CHIEF JUSTICE

TELEPHONE
(617) 788-7301

January 10, 2008

Honorable Herbert P. Wilkins
Chair of the Massachusetts Access
to Justice Commission
Boston College Law School
885 Center Street
Newton, MA 02459

RE: Barrier to Access to Justice in Massachusetts Report

Dear Chief Justice Wilkins:

Thank you for providing me the opportunity to meet with you and members of the Massachusetts Access to Justice Commission (Commission) to share my views on the Commission's Report submitted to the Supreme Judicial Court on issues concerning barriers to justice for people of low income.

While many of the issues addressed in the Report do not directly relate to the Superior Court, I would like to provide you with a brief outline of initiatives that the Superior Court has undertaken to improve access to justice for low income litigants appearing in the Superior Court.

- **In-House Mediation Program.** In November of 2006, the Superior Court reorganized its ADR services to create an In-House Mediation Program. ADR Department staff members provide free mediation services to pro-se litigants and, in some cases, litigants that are represented by counsel. Judges refer appropriate types of cases, including motor vehicle and personal injury, breach of contract, land boundary disputes, employment discrimination, family business, and even neighborhood complaints, to a staff mediator. In FY 2007, 256 cases were referred by judges to Superior Court mediators. Of those, 188 resulted in a settlement agreement. Cases where the referral did not result in an agreement were returned to the appropriate session for further action. In addition, based on the

success of the mediation program, ADR staff have been formally authorized to serve as discovery masters on specific cases at the request of judges. Since these services are performed free of charge, low-income litigants are most often the beneficiaries.

- **Interdepartmental Working Group on Domestic Violence.** The Superior Court has participated in an interdepartmental working group formed approximately two years ago to address concerns regarding procedural issues in domestic violence actions filed under G. L. c. 209A. The Working Group has recently revised several 209A forms and is addressing other issues dealing with the transmission of protective orders to the police departments and between court departments.

- **Handbook on "Representing Yourself in a Civil Case."** Thanks to the efforts of the Administrative Office of the Trial Court, a helpful handbook containing information on proceeding with a civil case was published by the Judicial Institute in the Spring of 2006. The handbook was distributed to all of the Superior Court Clerk's Offices and contains a list of helpful resources including a list of organizations that provide general civil legal assistance primarily to low income persons. The handbook is an invaluable resource to court personnel assisting unrepresented litigants.

- **Supreme Judicial Court Committee on Self-Represented Litigants - Court Personnel Working Group.** The Superior Court is represented by Mary K. Hickey, First Assistant Clerk in Norfolk County, in this working group that is developing a manual for clerks that will aid them in assisting self-represented litigants. Ms. Hickey is preparing a section on the Superior Court.

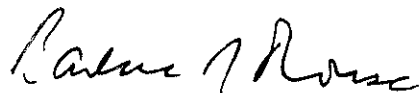
- **Clerks' Office Staff.** Superior Court clerk office staff assist unrepresented parties by providing limited procedural assistance in certain types of cases, for example 209A cases. Parties are provided with available forms and are referred to legal service providers and attorney referral services if necessary.

- **Court Interpreters.** Clerk office staff work closely with the Trial Court's Office of Court Interpreter Services (OCIS) to ensure that court interpreters are available to litigants who need them. Most recently, representatives from many of the Clerks' offices attended a workshop on "Working with OCIS (Office of Court Interpreter Services): The Role of the Court Interpreter Liaison" to better educate staff on

how to efficiently communicate with OCIS when requesting the assistance of court interpreters.

I hope that you will find this information helpful and thank you again for providing me with the opportunity to meet with you to discuss the Report and recommendations made by the Commission to the Supreme Judicial Court.

Sincerely,

A handwritten signature in cursive script that reads "Barbara J. Rouse".

Barbara J. Rouse
Chief Justice of the Superior Court