

SUPREME JUDICIAL COURT
BOSTON, MASSACHUSETTS 02108-1735

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Hand Delivered to Mr. Singsen

Honorable Herbert P. Wilkins
Chair, Massachusetts Access to Justice Commission
c/o Gerry Singsen, Esq.
361 School Street
Watertown, MA 02472

Dear Justice Wilkins:

The effort recently undertaken by the Massachusetts Access to Justice Commission to meet with the Chief Justices of the Trial Court Departments I hope has contributed to the Commission's understanding of the continued progress being made to expand meaningful access to the courts. The Commission's discussions with the Chief Justices made reference, from time to time, to the Judicial Institute, the educational arm of the Administrative Office of the Trial Courts. The Judicial Institute greatly contributes to expanding access to justice, from the development of resources to assist self-represented litigants, to educational programs on domestic violence, to foreign language instruction for court staff.

I have asked Ellen O'Connor, Director of Judicial Education, to prepare for the Commission an outline of educational programs to help inform the Commission on the court's role in education and its impact on access to justice.

While there are many programs related to assisting self-represented litigants and topics that focus more directly on expanding access to the courts, Ms. O'Connor has prepared a broader listing of educational programs. All of the educational and professional development work done by the Judicial Institute (and other entities within the Trial Court) contributes to improving access to justice for all litigants, in the sense that the more Trial Court employees know about all aspects of their jobs, from substantive law to management issues to procedural fairness to how to process forms appropriately; and the more sensitized they are to the population they serve, the better the service provided to the public. Judges and court staff who understand their respective roles and the reasons for the tasks and professional sensitivity asked of them are likely to be more efficient, to handle cases correctly, and to present a more understanding and sensitive face to the

public as a result. In this sense, a robust program of continuing professional education enhances access to and confidence in the justice system by the public it strives to serve.

The enclosed binder provides a listing of selected educational programs that all contribute to expanded access to justice. Enclosed also is a copy of *Representing Yourself in a Civil Case: Things to Consider When Going to Court*, an important resource for self represented litigants that was produced by the Judicial Institute.

Each year, with limited resources and staff, the Judicial Institute presents a rigorous and wide-ranging series of educational programs, seminars and conferences on a variety of topics. The goal is to provide timely and relevant programming for all sectors of Trial Court staff, including judges, clerk-magistrates, assistant clerks, registers, judicial case managers and assistant judicial case managers, chief probation officers, assistant chief probation officers and probation officers, security personnel, support staff, administrative office staff, court interpreters, and, on occasion, other Trial Court staff and contract employees such as stenographers. During the ten-month "academic year" (September through June) in FY 2007, the Judicial Institute presented or collaborated on 72 half- or full-day programs, and received approximately 900 registrations from judges and approximately 1200 registrations from other court personnel.

The Judicial Institute also produces a range of written materials, from program materials containing readings and other information on the specific topics being addressed at a particular program or conference, to benchbooks and other reference and resource materials for judges, to the *Handbook of Legal Terms for Judicial Branch Personnel*, now in its second printing and designed to familiarize Trial Court staff who have not had formal legal training with legal terms that arise on a daily basis in the courts. The Judicial Institute played a key role in writing and producing *Representing Yourself in a Civil Case: Things to Consider When Going to Court*, a resource intended primarily for self-represented litigants that is also being used as a reference by Trial Court staff, published in the spring of 2006 and widely distributed throughout the Trial Court and the law libraries.

The Judicial Institute has worked with various Trial Court Departments in the area of videotaping judges in the courtroom. These important efforts help to educate the judiciary in substantive law, but most significantly, on demeanor and communication style, and therefore influence quality of justice and access issues in a fairly significant fashion. They are part of a more comprehensive effort over the past few years to address demeanor and communication issues that has included several educational programs for judges and modules within large departmental conferences; the education calendar has also included several programs for front line support staff on how to deal with belligerent or otherwise difficult litigants; litigants for whom English is a second language; and effective communication with colleagues in the workplace.

On occasion, the Judicial Institute uses its programming as a conduit for information from staff back to administrators. For example, domestic violence programs for support staff have

included an opportunity for participants to “map” the procedure by which a 209A order moves through the court in order to identify problem areas, and have also included a chance for staff to discuss and make suggestions regarding changes to the forms they work with every day.

The clearest example of the impact of education on the public’s access to justice in our courts is in the area of domestic violence. In the last ten to fifteen years, the Judicial Institute has conducted a comprehensive program for all sectors of Trial Court employees on issues related to domestic violence.¹ Programming has aimed to educate staff regarding the dynamics of battering relationships, sensitivity to the plaintiff who presents time and time again for court intervention, the forms and procedures for issuing 209A orders, the impact of domestic violence in custody cases, effective sentencing options and a myriad of related issues. The Judicial Institute also presented a series of programs for managers addressing domestic violence as an employee issue, reviewing appropriate human resources procedures to be followed when a Trial Court employee is either a victim or a perpetrator of domestic violence. As a result of these efforts, complaints in the community and to the Administrative Office of the Trial Court about difficulties faced by people seeking protection from the courts have been vastly reduced and Trial Court staff as a whole have a remarkable understanding of and sensitivity to this issue.

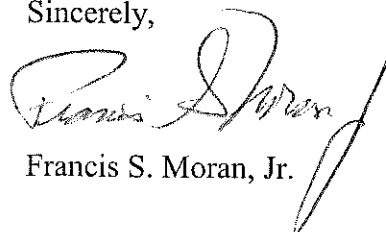
Other topics on which the Judicial Institute has provided training and education that has a direct impact on the public’s access to justice include summary process, mental health, small claims, caseload management, time standards and topics related to language access and cultural competence. The enclosed binder contains information on recent offerings in all of these areas, including brief descriptions of the programs, agendas and other materials that provide a glimpse of the content. Overall, these examples illustrate the breadth and depth of the educational opportunities the Judicial Institute offers with limited resources to a large number of court personnel. In the current Fiscal Year, Judicial Institute staff are just beginning to develop a major initiative on customer service for support staff of all Departments of the Trial Court that we expect to launch in the spring or fall of 2008. Educational programs that will result from this initiative will address effective service to self-represented litigants.

The Judicial Institute’s educational efforts, as well as those undertaken by individual Departments, courts, Trial Court employees, and other educational organizations, are key to improving the public’s access to justice. Employees who are knowledgeable about their jobs and have the opportunity to “network” and convene with colleagues, are more likely to perform their job functions more efficiently and effectively, have greater job satisfaction and higher morale, and have a greater level of comfort and confidence in their respective roles, enhancing the quality and speed of service to members of the public, whether they be represented or self-represented litigants, lawyers, witnesses or jurors.

¹A complete list of programs related to domestic violence offered since 1999 is included in the binder behind tab 6.

Please let me know if the Judicial Institute or I can be of further assistance to the Commission.

Sincerely,

A handwritten signature in cursive script, appearing to read "Francis S. Moran, Jr.", written in black ink.

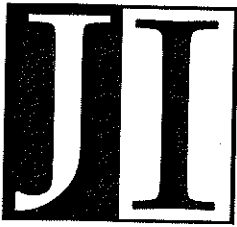
Francis S. Moran, Jr.



THE COMMONWEALTH OF MASSACHUSETTS
ADMINISTRATIVE OFFICE OF THE TRIAL COURT
Judicial Institute

ACCESS TO JUSTICE IN THE TRIAL COURT

*Selected Educational Programs
Offered in Recent Years
by the Judicial Institute*



THE COMMONWEALTH OF MASSACHUSETTS
ADMINISTRATIVE OFFICE OF THE TRIAL COURT
Judicial Institute

TABLE OF CONTENTS

1. Programs Scheduled for FY 2008

Programs for Judges:

Common Challenges in Mental Health Proceedings (co-sponsored with Mental Health Legal Advisors Committee and the Department of Psychiatry at Massachusetts General Hospital)

District Court Leadership Conference

Writing Workshop for Judges (Two days)

2008 Judicial Response System Training Program

Trial Issues in 209A Cases

Evidence Issues for Recently Appointed Judges

Foreclosures and Mortgage Scams

District Court Team Management Program (Three days)

In addition, most Trial Court Departments have one or two departmental judicial conferences each year, during which a wide range of topics are covered

Programs for Other Staff:

Working with the Office of Court Interpreter Services: The Role of the Court Interpreter Liaison (Multiple sessions)

Portuguese Language and Culture (Multiple sessions)

Building Skills for Personal Effectiveness in the Workplace (Multiple sessions)

Assembling the Record on Appeal (Two sessions)

Worker's Compensation, Courtroom Procedure and Operations for Chief Court Officers (One session) and *Assistant Chief Court Officers* (One session)

Civil Motor Vehicle Infractions

Issuing Criminal Complaints and Show Cause Hearings (Multiple sessions)

The following is a selective listing of those programs presented by the Judicial Institute in the past few years that have had the most direct impact on the public's access to justice in the Trial Court.

2. Language, Cultural and Disability Barriers

A. Descriptions of Language, Cultural and Disability Programs

Materials from Programs for Judges:

B. *Workplace Spanish for Judges: A Look at the Language and Culture* (FY 2007)

C. *Workplace Spanish for Judges* (FY 2005)

Materials from Programs for Other Staff:

D. *Occupational Spanish for Clerk-Magistrates and Assistant Clerk-Magistrates, Registers and Assistant Registers* (FY 2007)(Three-day program)

E. *Portuguese Language and Culture For Support Staff of Barnstable, Bristol and Norfolk Counties* (FY 2007)

F. *Who's Who in the Courtroom* (FY2007)

G. *Symposium on Ensuring Racial and Ethnic Fairness in the Massachusetts Trial Court* (FY 2007)

H. *Occupational Spanish For Support Staff in Plymouth and Suffolk Counties* (FY 2006)(Three-day program)

I. *Occupational Spanish for Clerk-Magistrates and Assistant Clerk-Magistrates, Registers and Assistant Registers* (FY 2006)(Three-day program)

J. *A Potpourri of Issues for Juvenile Court Support Staff* (FY 2006)

K. *A Potpourri of Issues for Probate and Family Court Support Staff* (FY 2006)

L. *Occupational Spanish for Clerk-Magistrates and Assistant Clerk-Magistrates* (FY 2005)(Three-day program)

M. *Workplace Spanish for Support Staff* (FY 2005)(Three-day program)

N. *Access To The Criminal Justice System for People With Disabilities* (FY 2005)(Developed in collaboration with the Building Partnerships Initiative and also offered three times in FY 2004.)

Note: The Judicial Institute also offered programs on the Americans with Disabilities Act for frontline court staff in FY 2003 and for ADA coordinators in FY 2002, and conducted an intensive diversity program for many years in the late 1990s and early 2000s.

3. Caseflow Management and Time Standards

- A. Descriptions of programs on caseflow management, time standards and other performance issues

Materials from Programs for Judges

- B. *The New Dwyer Protocol* (FY 2007)(Two sessions)
C. *Court Performance Standards/Caseflow Management* (FY 2005)(Two sessions)
D. *The Impact of Recent Changes in the Rules of Criminal Procedure* (FY 2005)

4. Demeanor, Communications and Self-Care Programs

- A. Descriptions of programs on demeanor, communications and self-care programs

Materials from programs for judges:

- B. *Writing Workshop for Judges* (FY 2004, 2005 and 2006)(Two-day program)
C. *Communication and Judicial Demeanor* (FY 2005)
D. *Judicial Excellence: A Video-Tape Program for Judges* (FY 2004)
E. *The Judge as Communicator* (FY 2003)

Materials from programs for other staff:

- F. *Building Skills For Personal Effectiveness in the Workplace: A Program for Case Specialists, Office Managers and Operations Supervisors* (FY 2007)(Four sessions)
G. *On the Frontline: A Day of Stress Management and Learning for Juvenile Court Department Support Staff* (FY 2005)
H. *Legal Writing Workshop for Administrative Attorneys* (FY 2005)

5. Judicial Response System

- A. Description of Judicial Response Training Program

Materials from Program:

- B. *2007 Judicial Response Training Program* (FY 2006 and 2007)(Two sessions in FY 2007)

6. Domestic Violence

- A. List of domestic violence, sexual assault and related programs offered by the Judicial Institute since 1999
B. Descriptions of domestic violence programs offered in FY 2005, FY 2006, and FY 2007

Materials from Programs for Judges:

- C. *209A Primer for Judges* (FY 2007)
- D. *209A Refresher for Judges* (FY 2006)
- E. *Enhancing Judicial Skills in Domestic Violence Cases* (FY 2005)

Materials from Programs for Other Staff:

- F. *Domestic Violence Orientation for Court Officers and Associate Court Officers* (Offered five times in FY 2006 and 2007 as a component of the Security Department's orientation program for new Court Officers and Associate Court Officers)
- G. *Managing Domestic Violence Issues in the Workplace* (Offered four times in FY 2004, twice in FY 2005 and once in FY 2006)
- H. *209A Refresher for Support Staff* (Offered twice in FY 2005 and once in FY 2006)

7. Summary Process

- A. Descriptions of summary process programs offered in FY 2007

Materials from Program for Judges:

- B. *Handling Summary Process Cases* (FY 2007)

Materials from Program for Clerk-Magistrates and Assistant Clerk-Magistrates:

- C. *Summary Process, Attachments and Executions for Clerk-Magistrates and Assistant Clerk-Magistrates* (FY 2007)(Two Sessions)
- D. *Civil Issues for Clerk-Magistrates and Assistant Clerk-Magistrates* (FY 2005)(Two sessions)

Note: Until recently, summary process was a topic that was covered on a regular basis in programs for judges presented by other entities. In addition to the programs presented in FY 2007, the Judicial Institute had previously purchased and distributed copies of the *Residential Landlord-Tenant Benchbook* to all District Court, Boston Municipal Court and Housing Court judges in recent years and has made the book a regular part of the "welcome" package sent to new judges. Summary process has also been a component of various Departmental Conferences in recent years.

8. Mental Health

- A. Descriptions of mental health programs offered in FY 2005

Programs for Judges:

- B. *The ABCs of Chapter 123* (FY 2005) (Completes series of programs begun in FY 2004)

Programs for Other Staff:

- C. *Mental Health Commitments Under G.L. c. 123* (FY 2006)
- D. *Managing the Dually-Diagnosed Offender* (FY 2005)
- E. *Processing Petitions Under M.G.L. Chapter 123* (FY 2005)(Four sessions)

Note: During this period, the Judicial Institute also published *Proceedings Under Massachusetts General Laws Chapter 123: A Benchbook for District Court Judges*, which was distributed to all District Court judges. Separate versions were also created for Boston Municipal Court judges and for Juvenile Court judges, in addition to materials widely distributed to clerk-magistrates and assistant clerk-magistrates, and support staff.

9. Small Claims

- A. Small Claims Program Description

Program for Other Staff:

- B. *Small Claims/Debt Collection Conference for Clerk-Magistrates and Assistant Clerk-Magistrates* (FY 2007)

Note: In FY 2002, the Judicial Institute conducted a series of work-assigned programs on the then-newly promulgated small claims rules and standards for all clerk-magistrates and those assistant clerk-magistrates handling small claims cases. In FY 2004, we presented a seminar on *Legal Issues in Small Claims Cases: Lemon Law and Debt Collection* for clerk-magistrates and assistant clerk-magistrates. Our program on *Bankruptcy and Assessment of Damages*, offered in FY 2006, also covered issues related to small claims cases. The Administrative Office of the District Court Department has since done extensive additional small claims training for District Court staff.

10. The Local Education Initiative

For a number of years, the Judicial Institute has encouraged local courts or groups of courts to develop education programs for their own staff, often including community stakeholders such as service providers, by providing funding in small amounts (\$500.00 - \$1,000.00) to assist with expenses incurred in developing and presenting these programs. Recently funded programs include:

FY 2008 (to date)

District Court Department, Lynn Division: Special Sitting in commemoration of the 70th Anniversary of the presentation of a lecture entitled "The Trial Judge" by Judge Henry Tilton Lummus

Probate and Family Court Department, Hampshire County Division: Program for court staff and local attorneys, paralegals and legal secretaries on new domestic relations procedures the court

District Court Department, Worcester Division: Program on developing a community approach to reduce demand for the solicitation of sex for a fee

FY 2007

Probate and Family Court Department, Hampshire County Division: Program on ADR

Juvenile Court Department, Franklin/Hampshire Counties Division: Program on juvenile mental health issues

Juvenile Court Department, Berkshire County Division: Program on accessing substance abuse treatment for juveniles

Juvenile Court Department, Norfolk County and Plymouth County Divisions: Program on growing up in the foster care system

Superior Court Department, Barnstable County Division: Program on successful supervision of sex offenders

FY 2006

Administrative Office of the Boston Municipal Court: Program on MassCourts

District Court Department, Quincy Division: Program on services for child witnesses to domestic violence

District Court Department, Newton Division: Program on dealing with difficult litigants

Juvenile Court Department, Norfolk County and Plymouth County Divisions: Program on cultural competence (Cape Verdean and Asian)