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Supreme Judicial Court Steering Committee on Self-Represented Litigants Presents Final Report and Recommendations to Justices

The Justices of the Supreme Judicial Court recently received the Final Report and Recommendations of the Court's Steering Committee on Self-Represented Litigants and praised the Steering Committee for its dedicated work and implementation of major initiatives during the past six years. The Justices are in the process of reviewing the 43-page report with action expected to be taken this spring on several key recommendations.

In 2002, the Supreme Judicial Court established the Steering Committee on Self-Represented Litigants in response to the challenges posed by the growing number of individuals appearing without lawyers in civil cases, particularly in the Probate and Family Court and Housing Court Departments. It is estimated that 100,000 litigants represent themselves in civil matters in Massachusetts, but the number of self-represented litigants is increasing both in the Commonwealth and nationwide.

Supreme Judicial Court Chief Justice Margaret H. Marshall and Chief Justice for Administration & Management Robert A. Mulligan have called "Access to Justice" a major priority of their current court management agenda. The Trial Court Departments already have undertaken many efforts to improve services to self-represented litigants.

"Full access to justice for every person in the Commonwealth is an imperative of our Massachusetts and Federal Constitutions. The Steering Committee's Final Report underscores our courts' robust pursuit of this core democratic principle," said Chief Justice Marshall. The Justices commend the Final Report and Recommendations, and extend our profound gratitude to the members of the Steering Committee and its exceptional Chair, Appeals Court Justice Cynthia J. Cohen, for their vital service on behalf of the people of the Commonwealth."

The Report summarizes the Steering Committee's work in the following six major areas and offers recommendations for future efforts.

- Expanding access to legal representation through limited assistance representation (sometimes referred to as "unbundling" of legal services)
- Judicial guidelines and training
- Resource and referral guide for self-represented litigants
- Guidelines and training for court staff

- Technology initiatives
- User friendly courts

The Steering Committee's recommendations for sustaining and building upon the initiatives include in brief: (1) the expansion of limited assistance representation for use in all court departments based on the positive results of the pilot programs in the Probate and Family Courts in Norfolk, Hampden, and Suffolk counties; (2) further guidance to judges on ethical conduct and useful courtroom techniques in cases involving self-represented litigants; (3) additional simplified forms and self-help materials for self-represented litigants; (4) educational programs for court staff; (5) expanded use of technology; (6) experimentation with court service centers in courthouses, particularly in those that have multiple court departments; (7) more volunteer legal assistance; (8) establishment of a senior-level position with the Administrative Office of the Trial Court to direct court-based policy and programs relating to Access to Justice or, alternatively, an appointment of a judge in each Trial Court Department to serve as the coordinator of services for self-represented litigants.

Justice Cohen said, "The initiatives developed by the Steering Committee, and implemented by authority of the Justices, would not have been possible without the close, thoughtful collaboration of individuals at every level of the Judicial Branch, as well as the organized bar, legal services organizations, and other stakeholders in our courts. Thanks to this hardworking partnership, Massachusetts is becoming a national model of best practices in expanding access to justice. On behalf of the committee members, both past and present, it has been an honor and pleasure to participate in this important work for the people of Massachusetts."

The Steering Committee on Self-Represent Litigants Final Report and Recommendations can be found on the Court website at www.mass.gov/courts/sjc.

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