



Interim Report on Access to Justice Initiatives In the Trial Court

Presented to:

Honorable Margaret H. Marshall
Chief Justice, Supreme Judicial Court

Honorable Robert A. Mulligan
Chief Justice for Administration and Management

By:

Honorable Dina E. Fein
First Justice, Housing Court Department,
Western Division and
Special Advisor to the Trial Court for
Access to Justice Initiatives

Sandra E. Lundy, Esq.
Senior Staff Attorney, Supreme Judicial Court and
Deputy Advisor to the Trial Court for
Access to Justice Initiatives

January 8, 2010

Introduction

On June 8, 2009, Chief Justice Margaret H. Marshall and Chief Justice for Administration and Management Robert A. Mulligan announced our appointment as Special Advisor and Deputy Advisor for Access to Justice Initiatives. Our mission is to guide and coordinate resources within the Trial Court to broaden access to civil justice for all litigants, including self represented litigants, individuals of modest means, those of limited or no English proficiency, and individuals with mental or physical disabilities; to work with judicial leaders in the Trial Court to develop long and short range goals, statewide strategies, and best practices to increase access to justice throughout the Trial Court; and to work with organizations outside of the court to implement access to justice initiatives and protocols. This is the first of what we envision to be periodic reports summarizing our progress in implementing these objectives.

A Summary of Our Work to Date

Following our appointment effective June 15, 2009, we began gathering information from Trial Court personnel and outside stakeholders about (1) programs currently in place in the various courts to increase access to justice and (2) our collective priorities moving forward. Our aim was to cast a broad net, and to that end, we met with a wide range of individuals, including each of the Departmental Chiefs; representatives of the Clerks and Registers; individuals at AOTC including those in IT, Support Services, and Security; the Commissioner of Probation; representatives of Executive Branch agencies; private Bar leaders; representatives of the legal services community; representatives of the Access to Justice Commission; law school professors and administrators; and individuals working on access to justice outside of Massachusetts.

In addition to these discussions, we decided to survey all Trial Court judges and staff about access to justice services that already exist in their workplaces, and those additional services that were perceived as most needed. With the generous assistance of Judge Andre Gelinas, Craig Burlingame, and Kevin Buckley of the AOTC Information Services Department, we designed and developed an electronic survey. Prior to sending the survey to Trial Court personnel, we vetted the instrument with Chief Justice Mulligan, the Departmental Chiefs, the Director of Human Resources, and representatives of the employee unions. We alerted managers about the survey prior to distributing it and, having learned that many security and maintenance staff (approximately 1600 individuals) do not have Trial Court email addresses, we also asked supervisors to provide printed copies of surveys to those individuals, to be completed on paper and submitted by fax. We emphasized in all communications that completing the survey was entirely voluntary, and that individual responses would

be entirely confidential. Copies of our memoranda and cover email are attached as Appendix A.

The Access to Justice Survey was first distributed on October 8, 2009. Between October 8 and November 20, when the survey closed, we sent two email reminders to those who had not yet completed the survey. In total, we received 2,082 responses to the survey, including 51 on paper. We believe this tremendous response rate reflects widespread and genuine interest at every level of the Trial Court in broadening access to justice.

After receiving the survey responses, Sentencing Commission Research Director Linda Holt and Research Analyst Lee Kavanagh assisted us in analyzing the results from multiple perspectives. This allowed us to develop a nuanced understanding of access to justice programs and needs across the Trial Court, within individual Departments and Divisions, and by job title. Attached hereto as Appendix B is a report of their findings prepared by Ms. Holt and Ms. Kavanagh, with supporting graphs and charts. We are enormously grateful to Ms. Holt and Ms. Kavanagh for their invaluable assistance in generating these important data.

Lessons to Date

Level of Interest: Within the Trial Court and among outside stakeholders, tremendous interest exists on the part of many talented, energetic, and committed people in enhancing access to justice. In the Access to Justice Survey responses alone, 161 judges and court staff self-identified and volunteered to assist the initiative in specific ways. Bar leaders, including MBA President Valerie Yarashus and MBA Access to Justice Section Council Chairs Jim Van Buren and Jayne Tyrell, have committed to working with us, and have already undertaken steps to further our cooperation. Members of the legal services community, including representatives from the Massachusetts Law Reform Institute and the Massachusetts Legal Assistance Corporation, have offered suggestions to enhance access for their clients.

Members of the Executive departments and agencies with whom we met, including Kathleen Betts, EOHHS Deputy Assistant Secretary, Children, Youth and Families, Department of Transitional Assistance Commissioner Julia Kehoe, Department of Children and Families Commissioner Angelo McClain, Department of Youth Services Commissioner Jane Tewksbury, and EOHHS General Counsel Maureen McGee have expressed particular interest in finding ways to collaborate with the Trial Court to develop programs for litigants who interact with their agencies and who often have multiple actions in the Trial Court. And representatives of law school programs, including the Harvard Legal Aid Bureau and the Berkman Center for Internet and Society, have offered to consider ways in which they might support the initiative.

Existing Programs: Our initial investigation confirmed that much excellent work is already underway in the Trial Court. For example:

- The **Boston Municipal Court Department** has implemented a “mental health” session.
- The **District Court Department** has experimented with using foreign language college students as interpreters outside of the courtroom.
- The **Housing Court Department** is collaborating with various public and non-profit agencies through the Interagency Council on Housing and Homelessness.
- The **Juvenile Court Department** is collaborating with the Department of Children and Families on a program that includes data exchange to enhance child welfare.
- The **Land Court Department** has a pilot program in which a small number of practitioners from around the state have been given remote access to MassCourts, an experiment which has real potential to expand the Land Court bar and address the needs of municipalities and lawyers outside of Boston.
- The **Probate and Family Court Department** has made impressive advances in the content, appearance, and accessibility of its website and on-line materials.
- The **Superior Court Department** has made staff available in two counties to provide free mediation services to self-represented litigants and, in some cases, those with counsel, on referral from a Superior Court judge.
- The individual **Trial Court Departments** have worked closely together to improve access to justice in areas of joint concern. Recently, for example, the Trial Court's Small Claims Working Group proposed, and the Justices approved, amendments to the Trial Court's Uniform Rules on Small Claims that will significantly improve fairness and consistency in debt collection practices in the Boston Municipal, District, and Housing Court Departments.
- The **Trial Court Law Libraries**, which have their own website (unbeknownst to many), have amassed tremendous quantities of high quality resource materials, and have an on-line “live help” feature which allows users to ask questions to law librarians in real time, with immediate responses.

- The **Justices** recently approved publication of *Serving the Self-Represented Litigant: A Guide By and For Massachusetts Court Staff*, developed by a working group of Trial Court clerks and administrators. We currently are working with the **Judicial Institute** to ensure distribution of the Guide to courthouses statewide.
- The **Office of Interpreter Services** has recently upgraded its calendar on the intranet, allowing for more efficient scheduling of interpreters.
- The **Office of Information Systems** is on the cusp of piloting a program with e-filing.

We mention these examples not to overlook the additional good work underway across the system, but rather to provide a sense of how committed the Trial Court already is to ensuring access to justice.

The National Perspective: Although we have not conducted a systematic study, we have developed a sense of where Massachusetts is on access to justice, in relation to other states. Clearly, there are states that are further along than we are in some respects. For example, Maine and California, among others, have robust statewide limited assistance representation; New York and Idaho have developed comprehensive websites that permit litigants to use guided, interactive interview programs to complete court forms online; Florida and Connecticut have established networks of court services centers; Wisconsin and Washington make certain court forms available in Spanish.

Importantly, however, we are satisfied that many other states are facing the same challenges as Massachusetts, including increasing numbers of self-represented litigants; increasing numbers of litigants who are not proficient in English; increasing numbers of litigants whose legal disputes reflect underlying social problems such as mental illness, substance abuse, and domestic violence; and infrastructure that has not kept pace with technological advances. And we have also found that other states are turning to many of the same approaches we are considering to address these challenges, reassuring us that on many fronts we will not have to “reinvent the wheel.” (E.g., see New York Time Op-Ed on Limited Assistance Representation, attached as Appendix C.)

Consensus: Finally, and significantly given the breadth of subjects that fall under the term “access to justice,” we were struck by how often the same few topics were flagged by court personnel as needing the most urgent attention for broadening access to justice in the Trial Court. As quantified through the Access to Justice Survey and detailed in the report attached as Appendix B, across all categories analyzed, including court department, job title, and location, court personnel have consistently identified several major areas as most needed and least available: services for court

users with limited or no English language skills, including staff who can speak and read other languages, instructional materials in other languages, and court forms in other languages; technology, including wireless (internet) access in courthouses, MassCourts public access, and court forms that can be completed on-line; self-help centers and materials; and child care centers.

Proposal for Advancing the Initiative

Priority Projects: In order to address the priorities identified above, mindful of the limited resources at our disposal, consistent with the expressed willingness of Trial Court employees to contribute in specific areas, and based on programs that are already in place or have readily established constituencies, we propose to focus our efforts on the following projects for the next phase of this initiative:

- Self-Help Materials (multi-media and multi-lingual);
- Forms (uniform, multi-lingual, computer-generated);
- Information Desk(s)/Court Service Center(s); and
- Limited Assistance Representation.

We have initiated preliminary discussions with the above projects in mind. For example, we have proposed a collaboration with Senior Partners for Justice to staff a pilot information desk at the Brooke Courthouse. The Berkman Center at Harvard Law School has agreed to assist us in identifying the best practices with respect to technology and access to justice. And representatives of the Housing Court, Land Court, District Court, and BMC are working on incorporating LAR into their departments.

Of necessity, each of these projects will involve a technology component that, in the aggregate, should significantly advance technological access across the Trial Court, assuming adequate resources are identified and committed. In addition, incidental to these projects will be ongoing efforts to foster more productive collaborations between the Trial Court and other interested parties within the larger justice community, including bar associations and foundations, legal services program, Executive Branch agencies, and law schools.

Organizational Structure: In order to undertake these projects, we have developed an organizational structure intended to address each priority in an efficient, effective, and cost-conscious manner. The proposed organizational chart is attached as Appendix D. As indicated, we envision an advisory committee comprised of individuals selected from across the Trial Court, in consultation with the Departmental Chiefs, which would meet periodically to advise and assist us in furthering our mandate; to market and promote the initiative within the Trial Court; and to organize and supervise task forces constituted to carry out the individual projects we identify as priorities. The task forces

will be comprised of individuals drawn from those within the Trial Court who expressed interest in that particular area, and members of outside groups such as bar organizations, legal services organizations, law schools, and others who have expertise or a particular stake in each task force's subject.

Access to Justice Commission: Finally, our work is likely to overlap with that of the Access to Justice Commission. We have consulted extensively with Justice Gants and Attorney David Rosenberg, incoming co-chairs of the AJC, and we believe we have a shared vision for coordinating our efforts so as to leverage and maximize our respective support and resources.

Appendix A. Access to Justice Survey Correspondence

Memorandum to Trial Court Managers

TO: Chief Justices of the Trial Court
First Justices of the Trial Court
Clerk Magistrates of the Trial Court
Registers of Probate of the Trial Court
Recorder of the Land Court
Commissioner of Probation
Jury Commissioner
Chief Probation Officers of the Trial Court

FROM: Honorable Dina E. Fein, First Justice-Western Division Housing Court
Special Advisor on Access to Justice Initiatives dina.fein@jud.state.ma.us
Sandy Lundy, Esq., Senior Staff Attorney, Supreme Judicial Court
Deputy Advisor on Access to Justice Initiatives sandra.lundy@sjc.state.ma.us

DATE: October 5, 2009

RE: Access to Justice Survey for Trial Court Employees

As you may be aware, we have been asked by Chief Justice Marshall and Chief Justice Mulligan to explore ways to enhance access to justice in our courts. "Access to justice" is a term we have been asked to consider broadly, and which we use to mean improving the availability of fair, efficient, and meaningful justice for all court users, with particular attention to the needs of those groups historically underserved by the courts, such as self-represented litigants, the disabled, and those who do not speak English.

To that end, we have designed a brief survey for Trial Court employees, which asks them several questions about access to justice initiatives in the courts where they work. We intend to use the responses we receive to help us set priorities as we go forward.

The brief survey is voluntary and confidential. No respondent's name will be disclosed or associated with his or her responses, and we will not contact any respondents unless an employee indicates a desire to be contacted.

The survey will be transmitted electronically to most employees and we will request responses by October 16, 2009. For the approximately 1,600 employees, including some security and maintenance staff, without Trial Court email accounts, we have linked to a PDF version of the survey and would appreciate your distributing paper versions to those individuals. Please encourage all members of your staff to complete the survey, as we very much value their participation.

Please feel free to contact Judge Fein with any questions or comments. We look forward to working with you on this important project.

cc: Robert P. Panneton, Chief of Staff
Court Administrators of the Trial Court
Directors of the Administrative Office of the Trial Court
Sentencing Commission
Union Officials

Memorandum to Trial Court Employees

Dear Trial Court Employee:

We are writing to introduce ourselves, and ask for your help. As you may be aware, Chief Justice Marshall and Chief Justice Mulligan have asked us to lead an effort to enhance access to justice in our courts. "Access to justice" is a term we have been asked to consider broadly, and which we use to mean improving the availability of fair, efficient, and meaningful justice for all court users, with particular attention to the needs of those groups historically underserved by the courts, such as self-represented litigants, the disabled, and those who do not speak English.

Since assuming our roles in mid-June, we have spoken with many people around the system, and have confirmed what we expected to find – there is much good work already underway in courts across Massachusetts to make our system of justice accessible to all. Our assignment is to build on that good work and towards that end we turn to you – the hard working employees who comprise the Trial Court.

At the end of this email there is an electronic link to a survey which we would very much appreciate your completing by October 16, 2009. The survey, which will take just a few minutes to complete, is designed to help us develop a central inventory of the various access to justice initiatives which are already in place in our courts, so that we might replicate the best of your work and make it known to the public.

We also know that you are the eyes and the ears of the Judicial Branch - and we want your suggestions as to how to make our courts more accessible. Finally, we know that many of you are willing to help work on this important cause and we are inviting you to do so by identifying yourselves and your particular area of interest.

These are very difficult economic times. We are well aware that many of you are working under challenging circumstances, and we assure you that this initiative will not operate to add to those challenges. As we all know, however, it is precisely during the most difficult times that we must make our very best effort to insure access to the courts for all members of society. This is why many of you do the work you do, and this is why we are turning to you now.

Thank you.

[Click here to take the Public Access survey](#)

Judge Dina Fein
Special Advisor to the Trial Court for Access to Justice Initiatives

SJC Senior Staff Attorney Sandy Lundy
Deputy Advisor to the Trial Court for Access to Justice Initiatives

Appendix B. Access to Justice Survey Report

Appendix B Prepared by:

Linda K. Holt

Research Director
Massachusetts Sentencing Commission

Lee M. Kavanagh

Research Analyst
Massachusetts Sentencing Commission

Acknowledgements

There are many people who contributed to the success of the access to justice survey project. First, we would like to acknowledge the many Trial Court employees – over 2,000 - who took the time to participate in the survey project. The complete and thoughtful responses will be invaluable to setting priorities for this important initiative. We would like to also acknowledge the assistance of Craig Burlingame, Trial Court Information Services Chief Information Officer, and Kevin Buckley, Trial Court Information Services Web Administrator, who were responsible for the implementation of the survey instrument and coordinated the electronic distribution and data collection of survey results. Thomas Connolly, Trial Court Director of Security, and Stephen Carroll, Trial Court Director of Court Facilities, coordinated the distribution of the survey to staff in their respective departments. Mira Dandridge, Trial Court Affirmative Action Officer, provided valuable data on Trial Court employees. Jennifer LaRocque, Administrative Assistant to the Chief Justice for Administration and Management, and Brian Brunelle, Research Assistant / Student Intern with the Massachusetts Sentencing Commission, assisted with data entry of those survey responses that were submitted in a paper format.

The Access to Justice Survey

The survey instrument, a copy of which is included at Figure 1, covered the following seven key aspects of access to justice and asked respondents to assess what access to justice services currently are available where they work and which additional access to justice services they would most like to have in their courts:

- Services for Court Users with Limited or No English Skills
- Advocates
- Self-Represented Litigant Services
- Alternative Dispute Resolution
- Technology
- Collaborations with Other Organizations
- General Services for Court Users (libraries, day care centers, and transportation).

Respondents were also asked to provide information on their court department, county, and position, and to indicate whether they were interested in working on the access to justice initiative.

Figure 1 Access to Justice Survey Instrument

This voluntary survey is designed to help the Trial Court determine what services currently are in place for court users, and what services might be most useful for helping them navigate the Trial Court system. Your responses are confidential, and no one will contact you unless you indicate on the survey that you wish to be contacted.

In which Trial Court Department do you work?

- Boston Municipal Court
- District Court
- Housing Court
- Juvenile Court
- Land Court
- Probate and Family Court
- Superior Court
- AOTC
- Law Library
- Security
- Other (please specify)

If you selected other please specify:

In which county do you work?

- Barnstable
- Berkshire
- Bristol
- Dukes
- Essex
- Franklin
- Hampden
- Hampshire
- Middlesex
- Nantucket
- Norfolk
- Plymouth
- Suffolk
- Worcester

What is your position in the Trial Court?

- Judge
- Clerk/Register/Recorder (including Assistants)
- Case Specialist/Clerical/Administrative
- Probation
- Attorney/Law Clerk
- Security
- Other (please specify)

If you selected other please specify:

Part I

What access to justice services currently are available where you work? (check all that apply)

Services for Court Users with Limited or No English Skills

- Staff Who Can Speak and Read Other Languages
- Court Forms in Other Languages
- Instruction Materials in Other Languages
- Signage in Other Languages

Advocates

- Lawyer for the Day
- Attorneys Authorized to Provide Legal Assistance for Only Part of a Case Rather Than the Whole Case ("Limited Assistance Representation" or "Unbundling")
- Non-Lawyer Advocates
- Victim/Witness Advocates

Self-Represented Litigant Services

- Pro Se/Family Law Coordinator
- Customer Services Center to Direct Court Users to Appropriate Services
- Self-Help Written Materials About Court Forms and Procedures
- Self-Help Audio/Video Materials About Court Forms and Procedures

Alternative Dispute Resolution (Mediation, Arbitration, Mini-Trials, Etc.)

- Court Connected Programs
- Community and/or Bar Programs

Technology

- MassCourts Public Access Terminals
- Wireless Access in the Courthouse
- Court Forms That Can Be Completed on the Internet
- Teleconferencing

Collaborations with Other Organizations

- Executive Branch Agencies
- Non-Profits
- Educational Institutions (Law Schools, Universities, Etc.)
- Other (please specify)

If you selected other please specify:

General Services for Court Users

- Law Library
- Child Care Center for Litigants
- Convenient Public Parking
- Convenient Public Transportation

Part II

Which additional access to justice services would you most like to see where you work? (check all that apply)

Services for Court Users with Limited or No English Skills

- Staff Who Can Speak and Read Other Languages
- Court Forms in Other Languages
- Instruction Materials in Other Languages
- Signage in Other Languages

Advocates

- Lawyer for the Day
- Attorneys Authorized to Provide Legal Assistance for Only Part of a Case Rather Than the Whole Case ("Limited Assistance Representation" or "Unbundling")
- Non-Lawyer Advocates
- Victim/Witness Advocates

Self-Represented Litigant Services

- Pro Se/Family Law Coordinator
- Customer Services Center to Direct Court Users to Appropriate Services
- Self-Help Written Materials About Court Forms and Procedures
- Self-Help Audio/Video Materials About Court Forms and Procedures

Alternative Dispute Resolution (Mediation, Arbitration, Mini-Trials, Etc.)

- Court Connected Programs
- Community and/or Bar Programs

Technology

- MassCourts Public Access Terminals
- Wireless Access in the Courthouse
- Court Forms That Can Be Completed on the Internet
- Teleconferencing

Collaborations with Other Organizations

- Executive Branch Agencies
- Non-Profits
- Educational Institutions (Law Schools, Universities, Etc.)
- Other (please specify)

If you selected other please specify:

General Services for Court Users

- Law Library
- Child Care Center for Litigants
- Convenient Public Parking
- Convenient Public Transportation

Does your court or workplace have any special programs, not listed above, that you believe contribute significantly to access to justice? If so, please describe.

Are you interested in working on the Access to Justice Initiative? If so, please identify your particular area of interest, and provide contact information

Thank you for volunteering to fill out this confidential survey.

If you do not have an email address and are completing a paper version of this survey, please FAX your responses to: Attorney Sandy Lundy, Deputy Advisor for Access to Justice Initiatives, at 617-723-3577.

Methodology

Data collection was done using two methods: an electronic link to the survey instrument and distribution of a printed version of the form that was completed by the survey respondent and returned by fax or mail. The survey was transmitted electronically to most employees. The Trial Court Information Services Department provided assistance in creating the on-line data collection form and distributing the instrument electronically. Approximately 1,600 employees (or 23%) do not have Trial Court email accounts. A PDF version of the survey was distributed through supervisors so that all Trial Court employees had an opportunity to participate in this effort. The survey was available from October 8, 2009 through November 20, 2009. The last survey was actually received on November 19, 2009.

Sample

A total of 2,082 surveys were received - representing an overall response rate of 29% for all Trial Court employees.^{1,2} The response rate for employees working in courthouses (as opposed to those working at AOTC or other administrative offices) was 34% (1,848 responses out of 5,409 employees). A further comparison was done between three characteristics reported by survey respondents - court department, job title, and county - and similar characteristics of all Trial Court employees to estimate the response rate within each category.

Court Department. Figure 2 shows the number of survey respondents and the response rate for each court department. The response rate ranged from 50% of Housing Court Department employees to 13% of AOTC.

In estimating the response rate, survey respondents who indicated that they worked in law libraries, security, and other were included in the AOTC category. Most of the survey respondents who reported the "other" category worked in the Office of the Jury Commissioner, the Office of Court Interpreter Services, the Office of the Commissioner of Probation, the Court Facilities Bureau, or the Office of Community Corrections. This method is consistent with the assignment of Trial Court employees to the AOTC category where court officers, court facilities staff, interpreters, as well as central administrative staff are assigned.

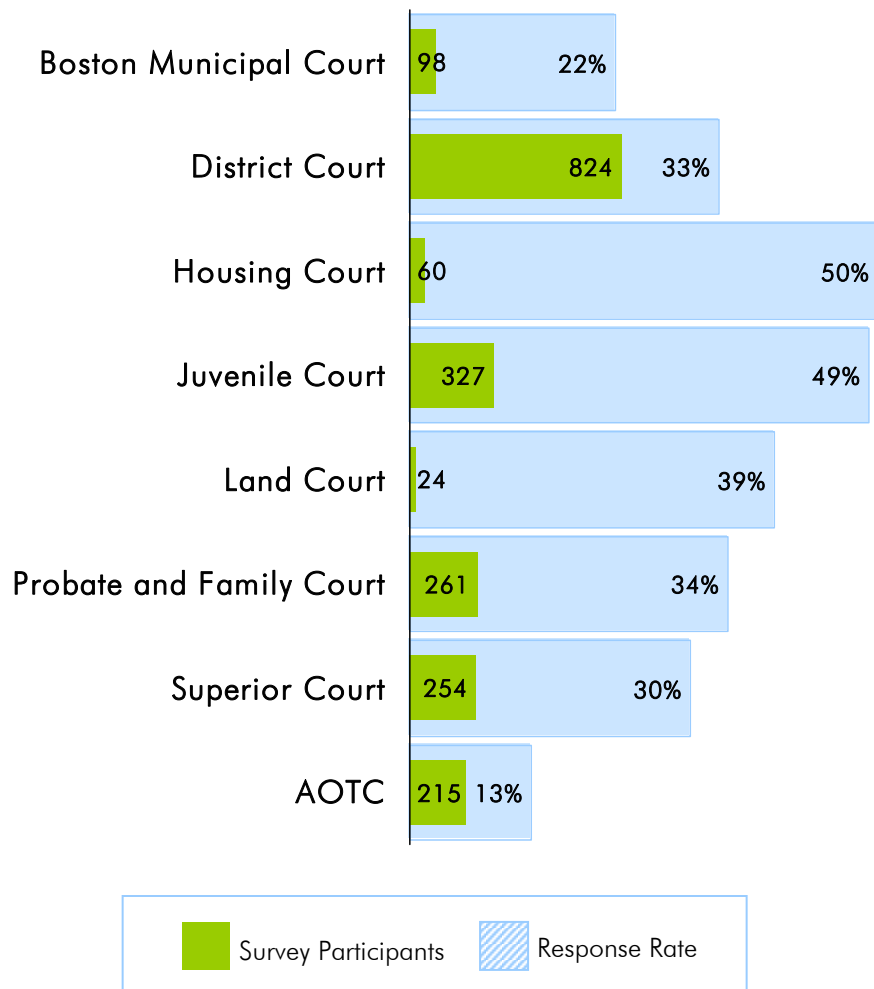
The comparatively low response rate among staff in the AOTC category is due to two factors. First, some categories of Trial Court employees (security staff and court facilities staff) are less likely to have Trial Court email accounts, making it more difficult to complete the survey. Second, the survey was most applicable to staff

¹ Trial Court employment was estimated at 7,086 as of October 29, 2009.

² A total of 19 (or 1%) of survey participants did not report court department.

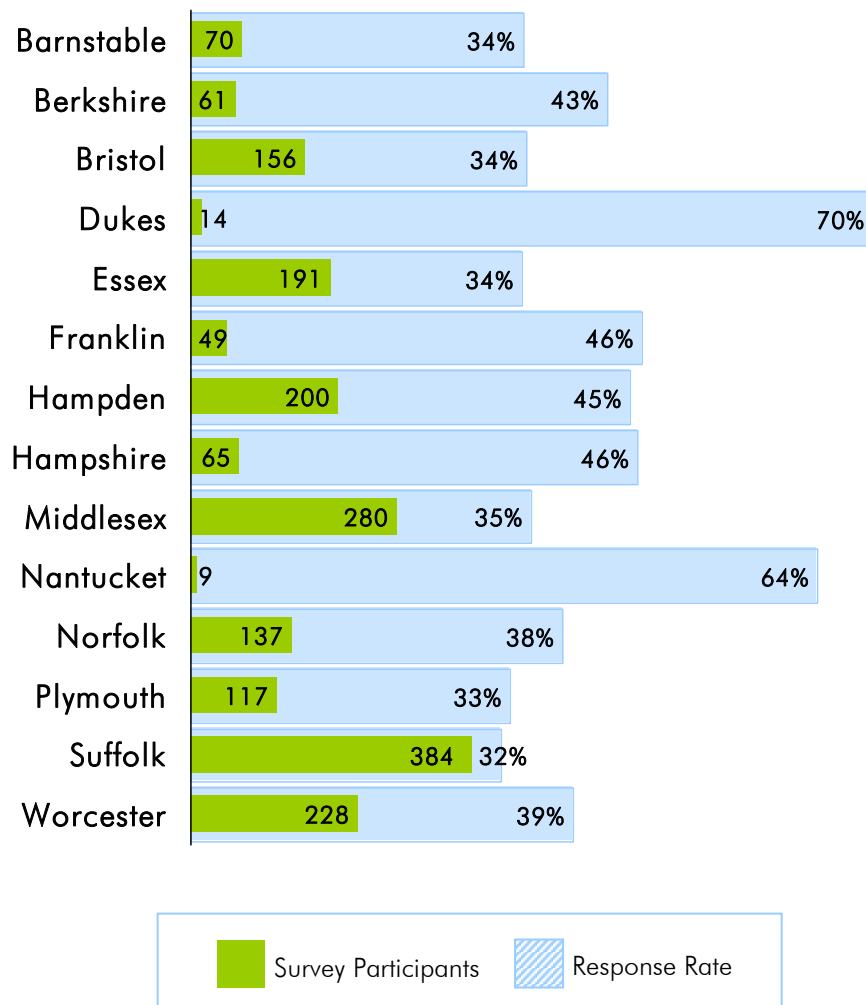
working in courthouse facilities. Those staff working in administrative and support positions at locations other than court house facilities often did not find the survey items applicable to their position.

Figure 2
Access to Justice Survey Response Rate by
Court Department



County. Figure 3 shows the number of survey respondents and the response rate by county. All geographic regions within the Commonwealth were well represented among the survey respondents. The response rate ranged from 32% in Suffolk County to 70% in Dukes County.³ Because Trial Court security employees are recorded in Suffolk County regardless of their regular work location, a total of 1,677 AOTC employees were excluded from the Suffolk county total.

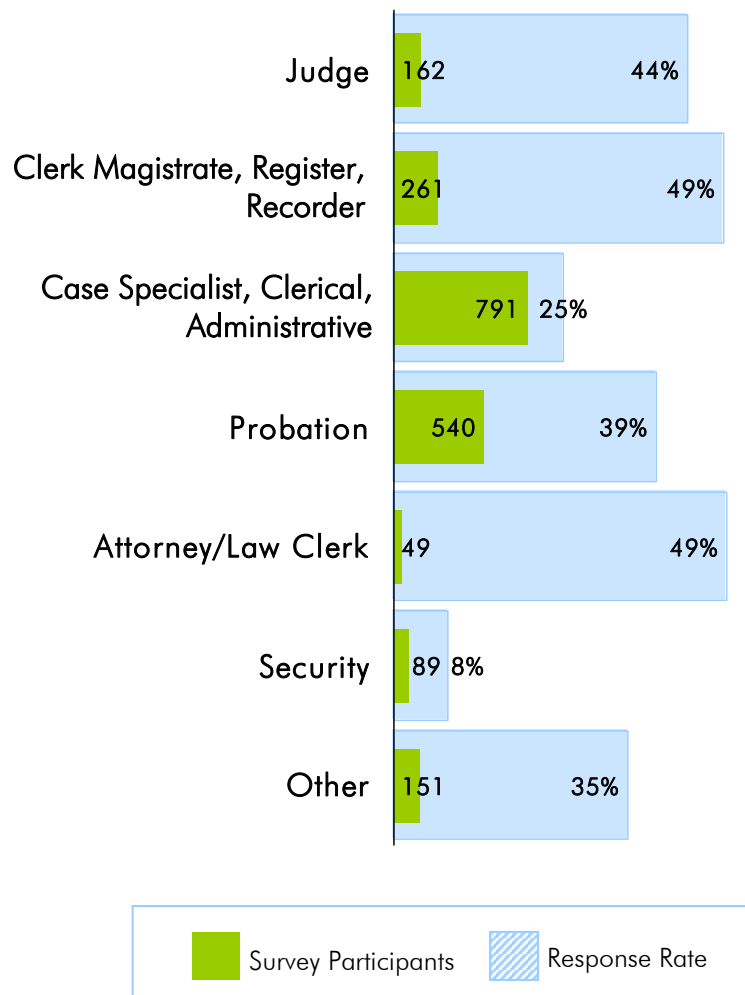
Figure 3
Access to Justice Survey Response Rate by
County



³ A total of 121 (or 6%) survey participants did not report the county in which they worked.

Job Title. Figure 4 shows the number of survey respondents and the response rate for each job title category. The response rate ranged from 8% for security personnel to 49% for attorneys / law clerks, and clerk magistrates / registers / recorders.⁴ The low response rate for security personnel is probably due to the fact that these staff are not likely to have Trial Court e-mail addresses.

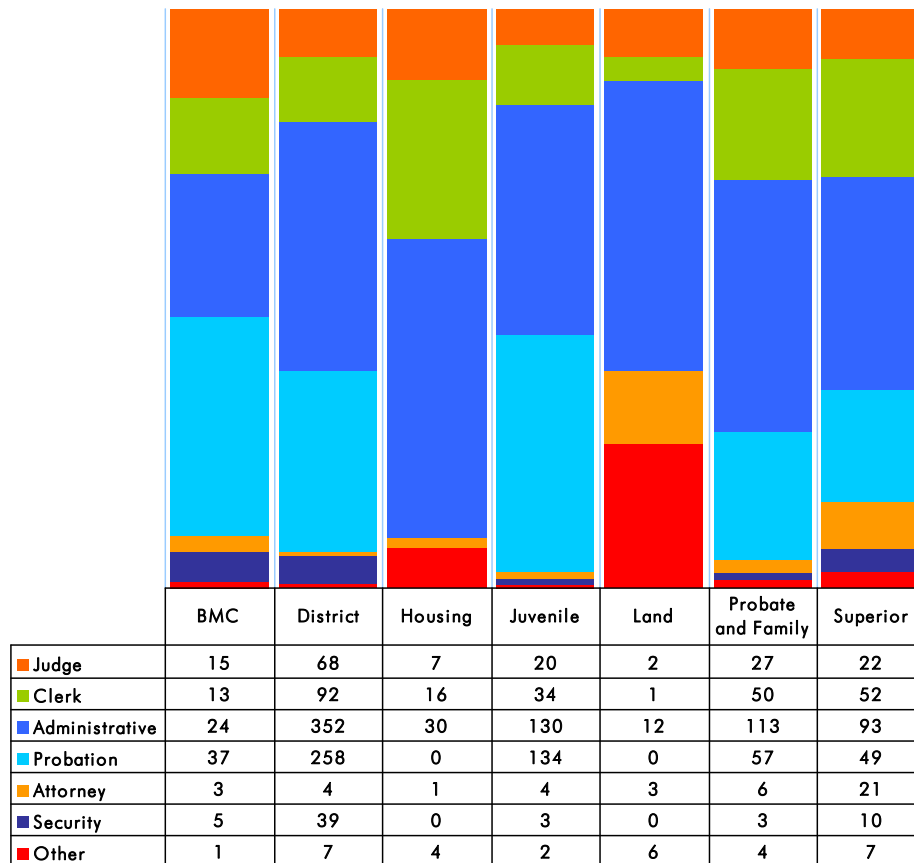
Figure 4
Access to Justice Survey Response Rate by
Job Title



⁴ A total of 39 survey participants did not indicate their job title.

Figure 5 shows the number of survey respondents in each job category for each of the seven court departments. The survey respondents reflect the distribution of job types across the various court departments. This figure does not include those employees in the AOTC. Some security personnel indicated that they were assigned to a particular court department.

Figure 5
Access to Justice Survey Participants by Job Category and Court Department



Results

Currently Available Services

The results of the survey indicate that currently there are many access to justice initiatives in the Trial Court. Of all survey respondents, 97% mentioned at least one access to justice service currently available where they work. The areas mentioned most frequently were:

- advocates (83% reported at least one type of advocate available at their place of work);
- general access to justice services (80%); and,
- services for court users with limited or no English skills (76%).

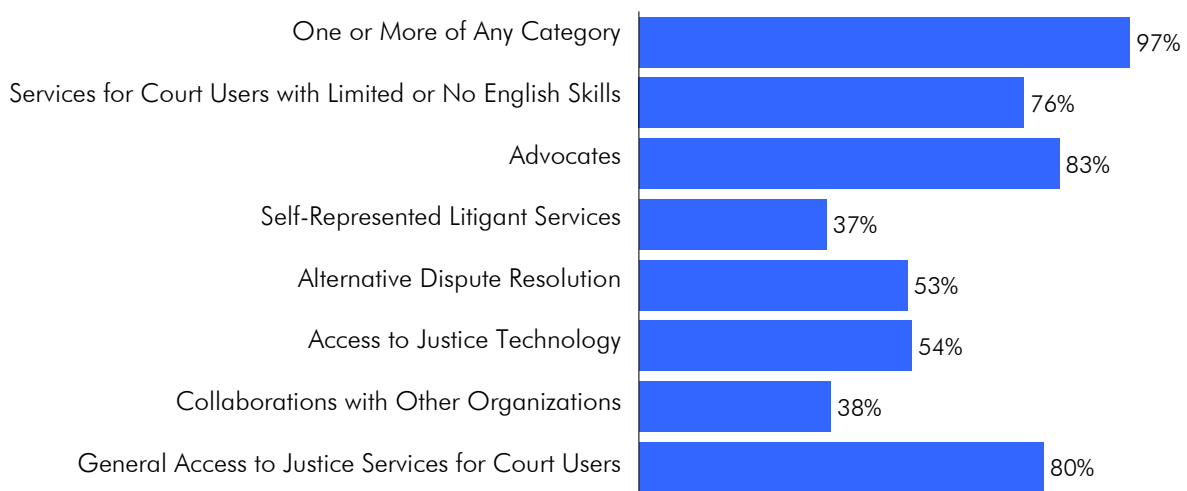
There were two access to justice areas that are currently available to under half of the survey respondents:

- collaborations with other agencies (38%); and,
- self-represented litigant services (37%).

Figure 6

What access to justice services currently are available where you work?

% of Respondents replying by Category



Additional Access to Justice Services.

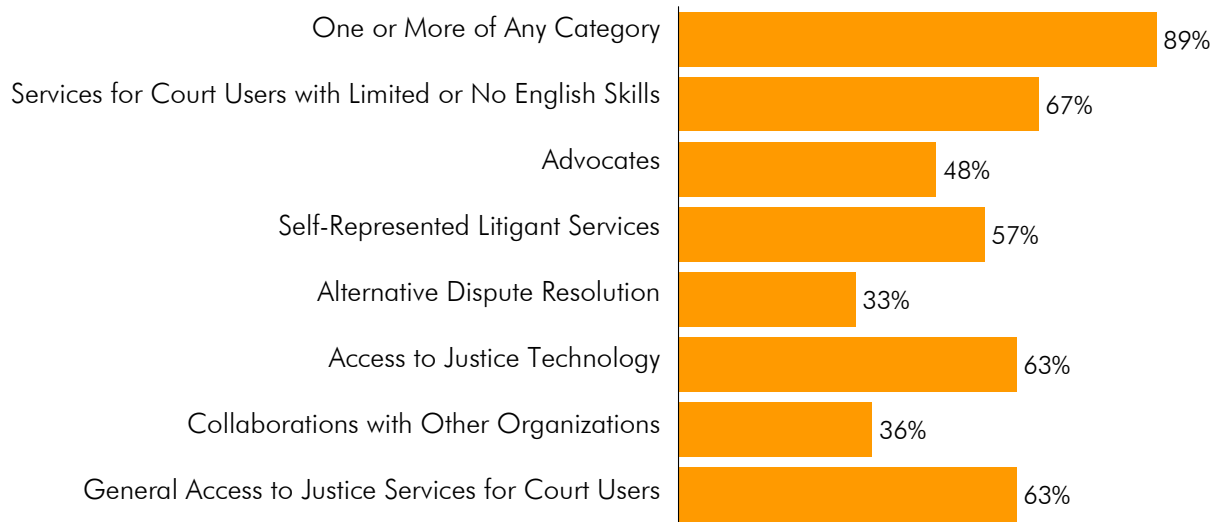
With respect to additional access to justice services that respondents would most like to see, 89% of the respondents mentioned one or more services that they would like to see added. The areas most frequently mentioned were:

- services for court users with limited or no English skills (67%);
- access to justice technologies (63%); and,
- general access to justice services (63%).

Figure 7

What access to justice services would you most like to see where you work?

% of Respondents replying by Category



Specific results for each item in the survey are shown in Figures 8 and 9. These figures show survey results in descending order of the frequency of responses. Respondents indicated that several access to justice services currently are widely available. Three of the access to justice services were reported currently available by at least 50% of the survey respondents:

- victim / witness advocates were currently available to 1,422 (or 68%) of all respondents;
- staff who can speak and read other languages was currently available to 1,327 (or 64%) of all respondents; and,
- lawyers for the day were currently available to 1,258 (or 60%) of all respondents.

Several access to justice service areas were seldom currently available to survey respondents. Four specific access to justice services were available to under 10% of all survey respondents:

- wireless access in the courthouse was currently available to 176 (or 8%) of all survey respondents;
- pro se / family law coordinators were currently available to 164 (or 8%) of all survey respondents;
- self-help audio visual materials were currently available to 51 (or 2%) of all survey respondents; and,
- child care centers were currently available to 32 (or 2%) of all survey respondents.

With respect to additional access to justice services that survey respondents would like to see at their courthouses, seven were identified by at least one-third of the survey respondents as a desired additional access to justice service:

- Instruction materials in other languages was identified by 818 (or 39%) of all respondents;
- Court forms that can be completed on the internet was identified by 805 (or 39%) of all survey respondents;
- Wireless access in the courthouse was identified by 790 (or 38%) of all survey respondents;
- Staff who can read and speak other languages was identified by 770 (or 37%) of all survey respondents;
- Court forms in other languages was identified by 756 (or 36%) of all survey respondents;
- Convenient public parking was identified by 752 (or 36%) of all survey respondents; and,
- Self-help written materials was identified by 738 (or 38%) of all survey respondents.

Figure 8

What access to justice services currently are available where you work?

% of Respondents replying by Category – All Categories

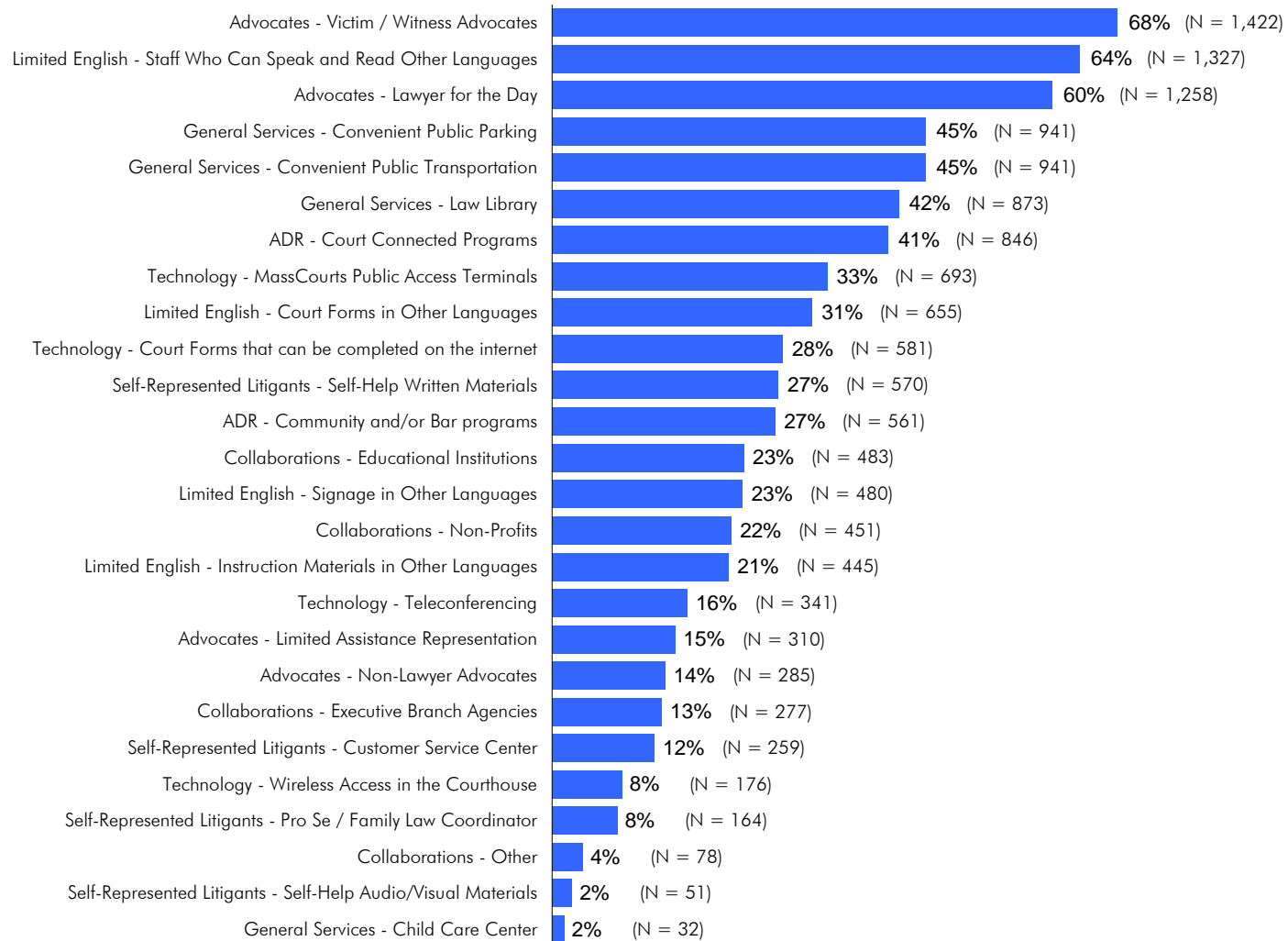
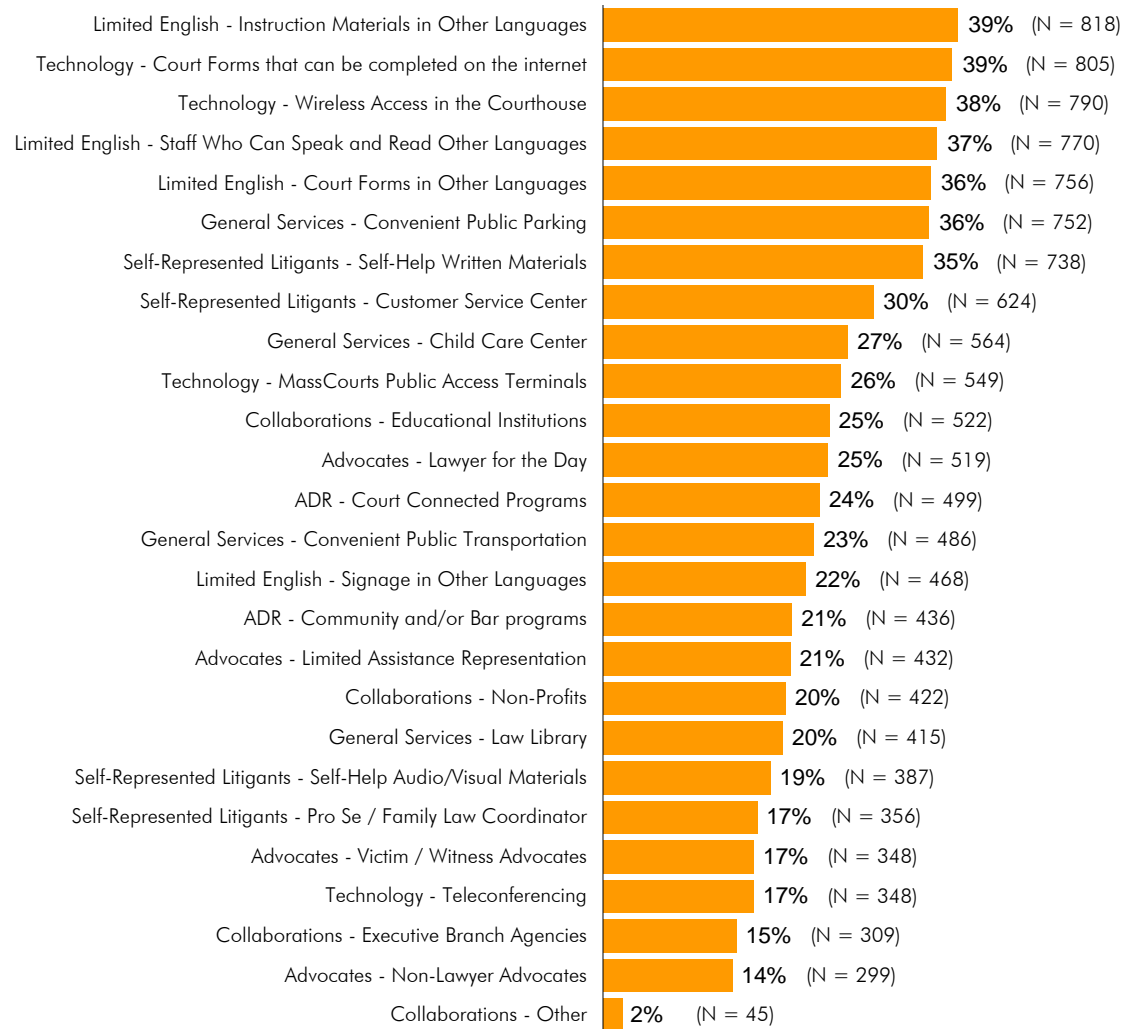


Figure 9

What access to justice services would you most like to see where you work?

% of Respondents replying by Category – All Categories



Gaps in Access to Justice Services

We calculated the gap between the number of respondents who reported currently having an access to justice service and the number of respondents who would like to see that service area added. This calculation shows those access to justice service areas where there are fewer existing operating models relative to the desire for additional services, as well as those service areas where there many current existing programs relative to the desire for additional services. These results are shown in Figure 10.

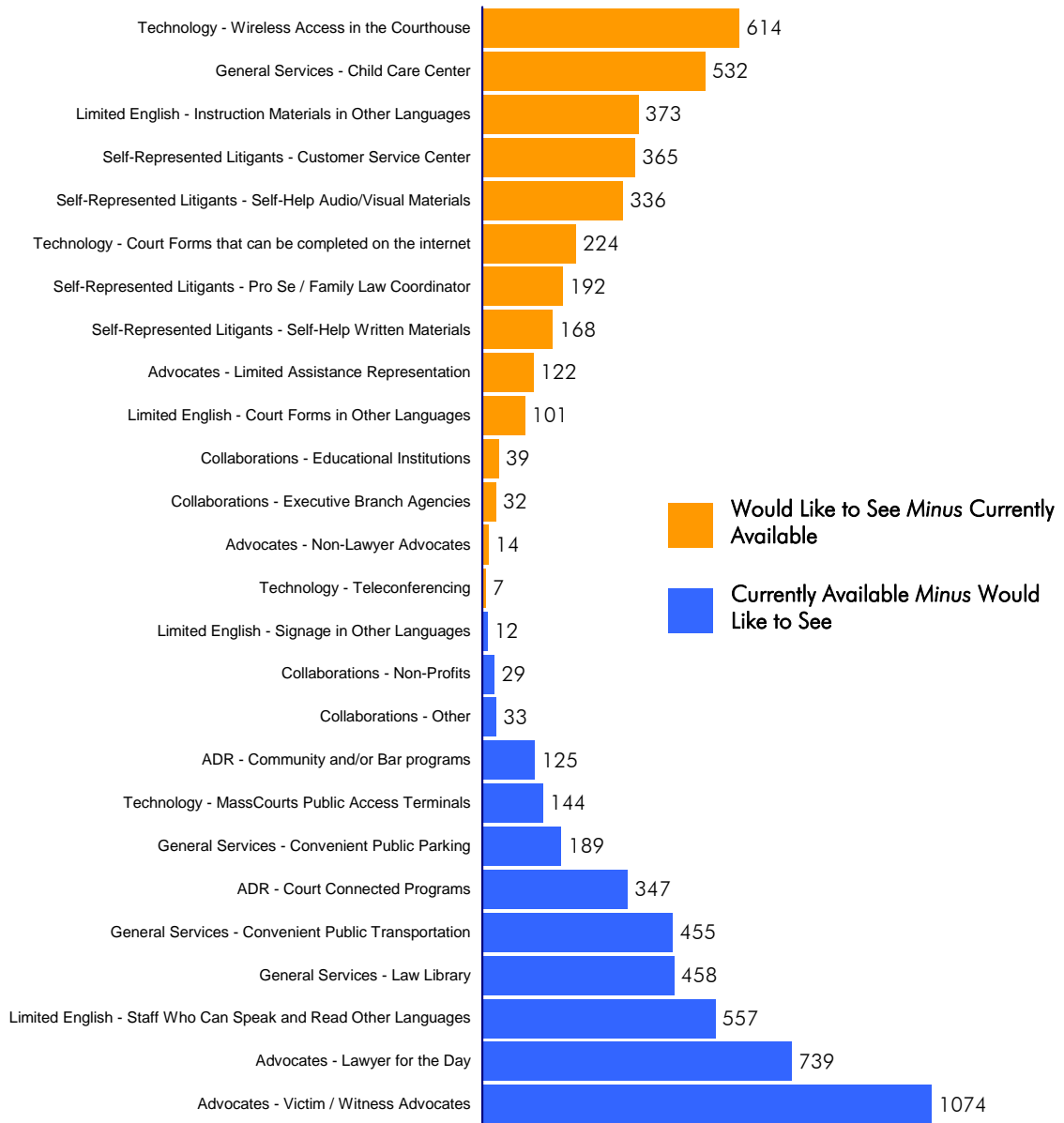
The largest gaps were in the areas of:

- wireless access in the courthouse (176 respondents reported currently having this service and 790 reported that they would like to see the service added, for a gap of 614); and,
- child care centers (32 respondents reported currently having this service and 564 would like to see the service added, for a gap of 532).

The smallest gaps were in the areas of:

- victim / witness advocate programs (1,422 respondents reported currently having this service and 348 report they would like to see the service added, for a gap of -1,074); and,
- lawyer for the day programs (1,258 respondents reported currently having this service and 519 report they would like to see the service added, for a gap of -739).

Figure 10
Access to Justice Service Gaps



Court Departments, Job Titles, and Geographic Regions

The results of the access to justice survey questions were analyzed separately for each court department, job title, and geographic region. Specific results for each court department, job title, and geographic region are shown in the Appendix to the report. For each category, Figure 11 shows the top three access to justice service areas that respondents would most like to see added in the courthouse where they work.

It is notable that only nine of the 26 categories account for the top three items for each of the various groups. Across all regions, court departments, and job title groups there are substantial commonalities in the access to justice services that are seen as priorities for further development.

Several of the specific services identified by survey respondents are in the area of expanded services for court users with limited English skills:

- court forms in other languages,
- instructional materials in other languages, and
- staff who can speak and read other languages.

Expanded technology services also were common as priority areas across various departments, regions, and job titles:

- MassCourts public access terminals
- Court forms that can be completed on the internet; and,
- Wireless access in the courthouse.

General services for court users (child care centers and convenient public parking) and self-represented litigant services (self-help written materials) were also among the top choices of survey respondents.

Figure 11

What access to justice services would you most like to see where you work?

Top 3 Responses

	Court Department							Job Title						County													
	Boston Municipal	District Court	Housing Court	Juvenile Court	Land Court	Probate and Family Court	Superior Court	Judges	Clerk Magistrates, Registers, Recorders	Case Managers, Clerical, Administrative	Probation Officers	Security	Barnstable	Berkshire	Bristol	Dukes	Essex	Franklin	Hampden	Hampshire	Middlesex	Nantucket	Norfolk	Plymouth	Suffolk	Worcester	
Child care center			X			X																					
Convenient public parking	X						X		X			X													X	X	
Court forms in other languages				X				X			X										X						
Court forms that can be completed on the internet	X	X	X		X		X			X							X	X			X			X	X		
Instruction Materials in other languages		X	X	X		X		X	X	X							X	X	X	X	X	X	X	X	X	X	X
MassCourts public access terminal															X												
Self-help written materials					X				X	X		X		X	X			X								X	
Staff who can speak and read other languages	X	X				X		X			X				X	X	X		X	X	X	X	X				
Wireless access in the courthouse				X	X		X				X	X		X			X		X				X	X			

Interested Employees

The survey asked respondents if they were interested in working on the Access to Justice Initiative and if so, to identify their particular area of interest and provide contact information. Of the 2,082 survey respondents, a total of 161 (or 8%) indicated an interest in working on the Access to Justice Initiative and many supplied contact information. This response provides a large group of willing and interested Trial Court employees to work on the further development of access to justice services. Trial Court employees expressed an interest in working in the broad range of access to justice service areas.

Summary

The results of the access to justice survey show that there is great support and enthusiasm for the concept of access to justice among Trial Court employees. The participation rate in the voluntary survey was very high – 2,082 or 29% of all employees took the time and the opportunity to complete the survey. Employees from all Trial Court departments, from all job categories, and all geographic regions were represented among the respondents. Those employees who participated in the survey provided thoughtful and complete responses and many indicated an interest in working on one or more aspects of access to justice initiatives in the future. The willingness to share experience and resources is gratifying.

The Trial Court has a great foundation for continued work on access to justice services – 97% of all survey respondents currently have one or more of the core access to justice services available at their courthouse. In five out of the seven access to justice service areas 50% or more of the survey respondents reported one or more services currently available. Many survey respondents were very knowledgeable about other programs and services and provided information about additional programs and resources that will contribute to enhancing the development access to justice throughout the Trial Court.

The Trial Court can do a great deal to expand access to justice services throughout the Commonwealth. Of all survey respondents, 89% mentioned at least one additional access to justice service that they would like to see at their courthouse location. A great deal of concurrence was found across court departments, regions, and job titles on the priorities for additional services. Nine of the 26 categories accounted for all of the "top 3" access to justice priorities for all groups. The results of the access to justice survey will assist the Trial Court in setting priorities for the further development of these services.

This report presents an overall analysis of the results of the survey initiative. More detailed analysis of the data can be made available for use by managers in each court department or region at their request.

Appendix – Survey Results by Court Department, Job Title, and County

What Access to Justice Services currently are available where you work? Percent Indicating Yes By Court Department

What Access to Justice Services Currently Are Available Where You Work?	BMC	District	Housing	Juvenile	Land	Probate and Family	Superior
Services for Court Users with Limited or No English Skills							
Staff Who Can Speak and Read Other Languages	84%	64%	93%	60%	38%	67%	61%
Court Forms in Other Languages	41%	39%	25%	22%	4%	29%	36%
Instruction Materials in Other Languages	31%	22%	40%	16%	0%	25%	17%
Signage in Other Languages	32%	26%	38%	27%	0%	16%	15%
Advocates							
Lawyer for the Day	52%	64%	83%	72%	4%	92%	38%
Limited Assistance Representation	16%	10%	37%	16%	0%	34%	10%
Non-Lawyer Advocates	18%	16%	47%	16%	8%	11%	4%
Victim / Witness Advocates	78%	90%	0%	71%	0%	59%	63%
Self-Represented Litigant Services							
Pro Se / Family Law Coordinator	0%	3%	10%	1%	13%	38%	5%
Customer Service Center	12%	10%	28%	8%	17%	22%	8%
Self-Help Written Materials	22%	19%	62%	18%	50%	70%	21%
Self-Help Audio/Visual Materials	2%	1%	0%	1%	8%	3%	2%
Alternative Dispute Resolution							
Court Connected Programs	61%	35%	93%	47%	54%	52%	35%
Community and/or Bar programs	24%	27%	17%	28%	8%	42%	25%
Technology							
MassCourts Public Access Terminals	24%	31%	88%	4%	96%	77%	33%
Wireless Access in the Courthouse	6%	5%	10%	6%	0%	8%	17%
Court Forms that can be completed on the internet	19%	21%	15%	26%	13%	67%	20%
Teleconferencing	4%	10%	23%	17%	33%	32%	24%
Collaborations with Other Organizations							
Executive Branch Agencies	13%	10%	23%	19%	13%	9%	8%
Non-Profits	27%	20%	62%	33%	0%	22%	7%
Educational Institutions	42%	18%	38%	34%	8%	22%	16%
Collaborations - Other	4%	2%	5%	3%	13%	5%	3%
General Services for Court Users							
Law Library	12%	34%	57%	40%	4%	56%	77%
Child Care Center	7%	1%	7%	2%	0%	1%	0%
Convenient Public Parking	22%	58%	42%	43%	25%	43%	41%
Convenient Public Transportation	74%	40%	57%	48%	83%	44%	43%

**What Additional Access to Justice Services
would you most like to see where you work?
Percent Indicating Yes By Court Department**

What Additional Access to Justice Services would you most like to see where you work?	BMC	District	Housing	Juvenile	Land	Probate and Family	Superior
Services for Court Users with Limited or No English Skills							
Staff Who Can Speak and Read Other Languages	43%	38%	30%	37%	33%	44%	31%
Court Forms in Other Languages	38%	37%	38%	44%	17%	36%	35%
Instruction Materials in Other Languages	38%	41%	45%	43%	25%	48%	34%
Signage in Other Languages	27%	24%	20%	23%	13%	22%	17%
Advocates							
Lawyer for the Day	29%	26%	28%	23%	21%	26%	27%
Limited Assistance Representation	21%	20%	13%	16%	21%	33%	24%
Non-Lawyer Advocates	19%	14%	18%	14%	4%	17%	13%
Victim / Witness Advocates	31%	19%	2%	17%	0%	18%	17%
Self-Represented Litigant Services							
Pro Se / Family Law Coordinator	13%	12%	20%	15%	13%	39%	17%
Customer Service Center	34%	27%	35%	34%	17%	36%	33%
Self-Help Written Materials	40%	37%	37%	39%	38%	30%	39%
Self-Help Audio/Visual Materials	15%	18%	20%	19%	17%	25%	18%
Alternative Dispute Resolution							
Court Connected Programs	40%	24%	20%	23%	8%	31%	23%
Community and/or Bar programs	29%	21%	18%	19%	4%	29%	21%
Technology							
MassCourts Public Access Terminals	33%	26%	22%	33%	8%	25%	27%
Wireless Access in the Courthouse	42%	34%	38%	47%	38%	42%	43%
Court Forms that can be completed on the internet	43%	40%	43%	39%	46%	33%	40%
Teleconferencing	14%	13%	17%	23%	0%	21%	20%
Collaborations with Other Organizations							
Executive Branch Agencies	17%	14%	22%	13%	4%	17%	16%
Non-Profits	22%	20%	23%	19%	8%	26%	22%
Educational Institutions	30%	25%	27%	23%	17%	31%	28%
Other	2%	2%	2%	2%	4%	3%	2%
General Services for Court Users							
Law Library	23%	22%	25%	17%	8%	23%	18%
Child Care Center	29%	23%	45%	32%	4%	44%	20%
Convenient Public Parking	44%	30%	38%	42%	33%	39%	41%
Convenient Public Transportation	13%	23%	20%	21%	13%	28%	26%

**What Access to Justice Services currently are available where you work?
Percent Indicating Yes By Job Title**

What Access to Justice Services Currently Are Available Where You Work?	Judge	Clerk / Register / Recorder	Case Specialist / Clerical / Admin	Probation	Attorney / Law Clerk	Security	Other
Services for Court Users with Limited or No English Skills							
Staff Who Can Speak and Read Other Languages	71%	68%	58%	71%	59%	78%	52%
Court Forms in Other Languages	42%	41%	27%	36%	27%	38%	13%
Instruction Materials in Other Languages	25%	26%	19%	21%	20%	33%	16%
Signage in Other Languages	28%	32%	19%	22%	24%	37%	17%
Advocates							
Lawyer for the Day	57%	65%	56%	78%	24%	81%	26%
Limited Assistance Representation	17%	20%	12%	16%	16%	19%	13%
Non-Lawyer Advocates	23%	17%	12%	14%	6%	15%	10%
Victim / Witness Advocates	80%	72%	67%	80%	45%	85%	24%
Self-Represented Litigant Services							
Pro Se / Family Law Coordinator	7%	6%	9%	7%	12%	18%	5%
Customer Service Center	9%	17%	12%	10%	8%	17%	18%
Self-Help Written Materials	38%	46%	28%	17%	20%	17%	29%
Self-Help Audio/Visual Materials	2%	3%	1%	1%	4%	3%	11%
Alternative Dispute Resolution							
Court Connected Programs	60%	61%	39%	31%	39%	56%	26%
Community and/or Bar programs	48%	39%	24%	23%	20%	45%	13%
Technology							
MassCourts Public Access Terminals	29%	49%	37%	24%	31%	47%	20%
Wireless Access in the Courthouse	10%	10%	6%	7%	14%	15%	20%
Court Forms that can be completed on the internet	24%	32%	31%	22%	22%	27%	32%
Teleconferencing	27%	26%	17%	8%	16%	16%	15%
Collaborations with Other Organizations							
Executive Branch Agencies	17%	10%	8%	18%	10%	16%	28%
Non-Profits	26%	21%	13%	35%	16%	13%	22%
Educational Institutions	31%	25%	15%	30%	29%	27%	28%
Other	6%	3%	2%	4%	2%	1%	11%
General Services for Court Users							
Law Library	40%	49%	46%	36%	45%	37%	35%
Child Care Center	0%	1%	2%	1%	2%	2%	3%
Convenient Public Parking	54%	50%	46%	46%	33%	49%	26%
Convenient Public Transportation	49%	49%	43%	43%	49%	54%	50%

**What Additional Access to Justice Services
would you most like to see where you work?
Percent Indicating Yes By Job Title**

What Additional Access to Justice Services would you most like to see where you work?	Judge	Clerk / Register / Recorder	Case Specialist / Clerical / Admin	Probation	Attorney / Law Clerk	Security	Other
Services for Court Users with Limited or No English Skills							
Staff Who Can Speak and Read Other Languages	48%	34%	31%	46%	27%	40%	28%
Court Forms in Other Languages	48%	38%	31%	44%	22%	35%	28%
Instruction Materials in Other Languages	54%	47%	37%	41%	22%	30%	29%
Signage in Other Languages	36%	21%	21%	23%	12%	21%	20%
Advocates							
Lawyer for the Day	32%	25%	25%	24%	16%	31%	19%
Limited Assistance Representation	28%	26%	18%	21%	22%	31%	18%
Non-Lawyer Advocates	14%	11%	13%	17%	12%	20%	16%
Victim / Witness Advocates	23%	16%	16%	18%	6%	21%	9%
Self-Represented Litigant Services							
Pro Se / Family Law Coordinator	12%	23%	16%	17%	14%	20%	17%
Customer Service Center	39%	32%	27%	32%	31%	39%	25%
Self-Help Written Materials	42%	41%	36%	34%	37%	43%	23%
Self-Help Audio/Visual Materials	24%	26%	14%	21%	18%	18%	16%
Alternative Dispute Resolution							
Court Connected Programs	40%	22%	21%	29%	22%	26%	14%
Community and/or Bar programs	37%	23%	18%	21%	22%	26%	15%
Technology							
MassCourts Public Access Terminals	33%	30%	25%	28%	14%	26%	19%
Wireless Access in the Courthouse	40%	40%	33%	45%	39%	47%	28%
Court Forms that can be completed on the internet	43%	40%	37%	42%	24%	42%	34%
Teleconferencing	27%	23%	12%	18%	8%	24%	15%
Collaborations with Other Organizations							
Executive Branch Agencies	16%	17%	11%	20%	6%	18%	15%
Non-Profits	27%	18%	16%	26%	16%	27%	16%
Educational Institutions	36%	33%	20%	25%	24%	33%	21%
Other	3%	2%	2%	2%	0%	2%	5%
General Services for Court Users							
Law Library	27%	23%	19%	19%	18%	28%	14%
Child Care Center	42%	31%	23%	28%	27%	34%	21%
Convenient Public Parking	40%	41%	34%	36%	35%	43%	34%
Convenient Public Transportation	31%	24%	21%	23%	20%	29%	24%

**What Access to Justice Services currently are available where you work?
Percent Indicating Yes By County**

What Access to Justice Services Currently Are Available Where You Work?	Barnstable	Berkshire	Bristol	Dukes	Essex	Franklin	Hampden	Hampshire	Middlesex	Nantucket	Norfolk	Plymouth	Suffolk	Worcester
Services for Court Users with Limited or No English Skills														
Staff Who Can Speak and Read Other Languages	43%	8%	72%	21%	75%	43%	89%	45%	68%	33%	40%	63%	66%	70%
Court Forms in Other Languages	14%	31%	31%	50%	40%	33%	38%	48%	30%	22%	24%	22%	27%	38%
Instruction Materials in Other Languages	14%	20%	12%	21%	24%	12%	27%	29%	21%	11%	18%	20%	19%	28%
Signage in Other Languages	23%	11%	12%	14%	21%	18%	34%	15%	24%	22%	23%	21%	20%	34%
Advocates														
Lawyer for the Day	70%	44%	75%	79%	66%	73%	56%	49%	66%	44%	80%	72%	38%	69%
Limited Assistance Representation	17%	10%	12%	21%	14%	22%	24%	20%	13%	11%	13%	11%	14%	17%
Non-Lawyer Advocates	14%	13%	11%	21%	15%	35%	21%	23%	8%	11%	4%	16%	11%	18%
Victim / Witness Advocates	93%	84%	71%	79%	69%	80%	78%	77%	71%	67%	88%	79%	40%	75%
Self-Represented Litigant Services														
Pro Se / Family Law Coordinator	4%	3%	10%	0%	3%	0%	16%	3%	7%	0%	11%	5%	4%	14%
Customer Service Center	9%	5%	10%	0%	15%	10%	15%	6%	11%	22%	9%	21%	17%	9%
Self-Help Written Materials	40%	30%	28%	57%	28%	33%	28%	45%	25%	33%	31%	27%	24%	23%
Self-Help Audio/Visual Materials	1%	3%	1%	7%	3%	2%	3%	2%	2%	0%	3%	2%	3%	3%
Alternative Dispute Resolution														
Court Connected Programs	44%	33%	21%	29%	42%	45%	41%	40%	46%	44%	46%	50%	41%	39%
Community and/or Bar programs	27%	31%	13%	29%	32%	49%	37%	38%	29%	33%	36%	21%	18%	24%
Technology														
MassCourts Public Access Terminals	31%	33%	32%	21%	39%	37%	42%	32%	36%	56%	29%	35%	27%	36%
Wireless Access in the Courthouse	7%	8%	8%	0%	9%	18%	9%	12%	9%	0%	7%	15%	5%	7%
Court Forms that can be completed on the internet	33%	39%	22%	36%	26%	35%	26%	34%	28%	33%	31%	39%	24%	29%
Teleconferencing	16%	30%	8%	29%	14%	16%	24%	23%	18%	33%	17%	8%	14%	16%
Collaborations with Other Organizations														
Executive Branch Agencies	14%	11%	7%	0%	15%	10%	12%	11%	10%	22%	12%	12%	20%	11%
Non-Profits	26%	23%	15%	21%	21%	37%	25%	26%	18%	33%	18%	21%	20%	25%
Educational Institutions	14%	11%	13%	0%	21%	16%	35%	25%	21%	22%	24%	20%	32%	16%
Other	6%	5%	6%	0%	2%	4%	4%	5%	2%	0%	3%	5%	5%	3%
General Services for Court Users														
Law Library	63%	61%	38%	93%	48%	78%	69%	63%	34%	44%	26%	50%	17%	47%
Child Care Center	0%	0%	7%	0%	1%	0%	1%	0%	0%	0%	1%	1%	3%	2%
Convenient Public Parking	83%	28%	20%	29%	37%	61%	45%	66%	56%	44%	80%	71%	21%	52%
Convenient Public Transportation	29%	48%	26%	71%	48%	22%	47%	49%	46%	33%	52%	44%	65%	27%

What Additional Access to Justice Services would you most like to see where you work? Percent Indicating Yes By County

What Additional Access to Justice Services would you most like to see where you work?	Barnstable	Berkshire	Bristol	Dukes	Essex	Franklin	Hampden	Hampshire	Middlesex	Nantucket	Norfolk	Plymouth	Suffolk	Worcester
Services for Court Users with Limited or No English Skills														
Staff Who Can Speak and Read Other Languages	37%	36%	33%	43%	41%	45%	35%	51%	41%	56%	34%	37%	35%	36%
Court Forms in Other Languages	40%	34%	41%	21%	41%	37%	41%	38%	39%	44%	31%	33%	32%	35%
Instruction Materials in Other Languages	53%	30%	40%	36%	38%	37%	42%	43%	42%	44%	39%	41%	35%	41%
Signage in Other Languages	16%	21%	21%	14%	24%	20%	16%	34%	26%	11%	23%	26%	23%	20%
Advocates														
Lawyer for the Day	21%	23%	23%	29%	23%	33%	31%	28%	29%	33%	22%	27%	21%	27%
Limited Assistance Representation	16%	23%	23%	36%	22%	27%	22%	25%	24%	11%	18%	26%	17%	22%
Non-Lawyer Advocates	14%	13%	16%	7%	12%	16%	11%	17%	14%	0%	7%	20%	16%	18%
Victim / Witness Advocates	13%	8%	14%	7%	16%	14%	17%	12%	22%	11%	18%	18%	18%	18%
Self-Represented Litigant Services														
Pro Se / Family Law Coordinator	26%	30%	22%	14%	14%	35%	21%	26%	16%	33%	11%	24%	14%	12%
Customer Service Center	36%	26%	30%	7%	33%	39%	34%	28%	30%	33%	28%	27%	29%	31%
Self-Help Written Materials	43%	36%	38%	14%	37%	37%	43%	40%	37%	33%	28%	34%	29%	42%
Self-Help Audio/Visual Materials	20%	21%	17%	21%	15%	20%	31%	22%	19%	11%	15%	17%	15%	18%
Alternative Dispute Resolution														
Court Connected Programs	26%	20%	23%	29%	21%	27%	25%	29%	25%	22%	18%	26%	24%	26%
Community and/or Bar programs	24%	18%	20%	21%	26%	12%	24%	31%	23%	11%	15%	17%	20%	23%
Technology														
MassCourts Public Access Terminals	27%	30%	24%	64%	27%	29%	32%	28%	28%	22%	28%	21%	23%	26%
Wireless Access in the Courthouse	37%	39%	33%	36%	41%	43%	41%	49%	41%	22%	36%	39%	33%	39%
Court Forms that can be completed on the internet	40%	34%	40%	43%	40%	41%	45%	38%	43%	33%	30%	40%	36%	36%
Teleconferencing	17%	20%	15%	7%	18%	20%	20%	31%	16%	22%	14%	16%	15%	15%
Collaborations with Other Organizations														
Executive Branch Agencies	10%	7%	16%	7%	17%	4%	20%	14%	15%	11%	13%	14%	16%	15%
Non-Profits	29%	11%	19%	7%	19%	14%	24%	23%	22%	11%	16%	20%	20%	25%
Educational Institutions	21%	26%	27%	0%	25%	27%	26%	29%	26%	11%	25%	25%	24%	29%
Other	0%	2%	2%	0%	2%	4%	1%	0%	3%	0%	3%	3%	3%	2%
General Services														
Law Library	24%	13%	24%	21%	23%	10%	19%	20%	21%	22%	18%	25%	20%	17%
Child Care Center	26%	26%	23%	21%	26%	37%	38%	38%	28%	22%	25%	29%	27%	22%
Convenient Public Parking	16%	46%	56%	50%	44%	22%	31%	29%	36%	44%	20%	32%	40%	39%
Convenient Public Transportation	24%	15%	23%	14%	24%	35%	21%	25%	27%	22%	28%	28%	20%	23%

Appendix C. Limited Assistance Representation

"A Nation of Do-It-Yourself Lawyers "

By John T. Broderick Jr. and Ronald M. George

The New York Times

January 2, 2010

AMERICA'S courts are built on a system of rules and procedures that assume that almost everyone who comes to court has a lawyer. Unfortunately, the reality is quite different. An increasing number of civil cases go forward without lawyers. Litigants who cannot afford a lawyer, and either do not qualify for legal aid or are unable to have a lawyer assigned to them because of dwindling budgets, are on their own — pro se. What's more, they're often on their own in cases involving life-altering situations like divorce, child custody and loss of shelter.

As the economy has worsened, the ranks of the self-represented poor have expanded. In a recent informal study conducted by the Self-Represented Litigation Network, about half the judges who responded reported a greater number of pro se litigants as a result of the economic crisis. Unrepresented litigants now also include many in the middle class and small-business owners who unexpectedly find themselves in distress and without sufficient resources to pay for the legal assistance they need.

As judges, we believe more needs to be done to meet this growing challenge: an inaccessible, overburdened justice system serves none of us well. California took a major step forward in October when it became the first state to recognize as a goal the right to counsel in certain civil cases. (The state also committed to a pilot project, financed by court fees, to provide lawyers for low-income citizens in cases where basic human needs are at stake.)

But this is only a beginning. It is essential that we promote other efforts to close the "justice gap."

One such effort involves the "unbundling" of legal services. Forty-one states, including California and New Hampshire, have adopted a model rule drafted by the American Bar Association, or similar provisions, which allow lawyers to unbundle their services and take only part of a case, a cost-saving practice known as "limited-scope representation" that, with proper ethical safeguards, is responsive to new realities.

Traditionally, lawyers have been required to stay with a case from beginning to end, unless a court has excused them from this obligation. Now, in those states that explicitly or implicitly allow unbundling, people or businesses can hire a lawyer on a limited basis to help them fill out forms, to prepare documents, to coach them on how to present in court or to appear in court for one or two hearings.

For example, a lawyer could advise a client in a divorce proceeding about legal principles governing the division of marital assets or provide assistance in calculating child-support obligations. A lawyer might also draft pleadings or legal memos or provide representation at a hearing to obtain a domestic-violence restraining order.

What could be wrong with this? Well, some lawyers have expressed concern that limited legal representation will encourage litigants to dissect their cases in an effort to save money, sacrificing quality representation that the litigant might otherwise be able to afford. We have also heard the argument that by offering too much assistance to self-represented litigants, the courts themselves are

undermining the value of lawyers and the legal profession. Apparently, some are concerned that the court system will become so user-friendly that there will be no need for lawyers.

We respectfully disagree. Litigants who can afford the services of a lawyer will continue to use one until a case or problem is resolved. Lawyers make a difference and clients know that. But for those whose only option is to go it alone, at least some limited, affordable time with a lawyer is a valuable option we should all encourage.

In fact, we believe that limited-scope-representation rules will allow lawyers — especially sole practitioners — to service people who might otherwise have never sought legal assistance. We also believe that carefully drafted ethical rules allowing lawyers to handle part of a case give the legal profession an opportunity to help the courts address the ever-growing number of litigants who cross our thresholds. This cause has special relevance now as state courts are faced with serious cutbacks in financing, forcing some to close their doors one day a week or a month, lay off front-line staff members and delay jury trials. None of this bodes well for the judicial system or for those seeking to vindicate their rights through the courts, whether they have a lawyer or not.

We need members of the legal profession to join with us, as many have done, in meeting this challenge by making unbundled legal services and other innovative solutions — like self-help Web sites, online assistance programs and court self-help centers — work for all who need them. If we are to maintain public trust and confidence in the courts, we must keep faith with our founding principles and our core belief in equal justice under the law.

John T. Broderick Jr. is the chief justice of New Hampshire. Ronald M. George is the chief justice of California.

Appendix D. Organizational Chart

