



Massachusetts APPLESEED | Center for Law & Justice

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October 29, 2021

Representative Michael S. Day, House Chair
Senator James B. Eldridge, Senate Chair
Joint Committee on the Judiciary
State House Room 511-C
Boston, MA 02133

RE: Massachusetts Appleseed testimony in support of H.1520, *An Act to improve and modernize the information technology systems and capacities of the judiciary*

Dear Chairman Day, Chairman Eldridge, and Honorable Members of the Committee:

The Massachusetts Appleseed Center for Law & Justice (“Massachusetts Appleseed”) respectfully submits the following testimony in support of H.1520, *An Act to improve and modernize the information technology systems and capacities of the judiciary* and strongly urges the Committee to give the bill a favorable report.

The mission of Massachusetts Appleseed is to promote equal rights and opportunities for Massachusetts residents by developing and advocating for systemic solutions to social justice issues. Appleseed centers across the country work both collectively and independently to build a society in which opportunities are genuine, access to the law is universal and equal, and government advances the public interest.

Central to this mission is ensuring that those who cannot afford to hire an attorney to represent them in court (i.e., “Self-Represented Litigants” or “SRLs”) are provided equal access to justice. SRLs make up about half of all civil litigants in Massachusetts, but are overrepresented when it comes to family, housing, and consumer law. For example, in Housing Court right now 90% of tenants facing eviction are unrepresented, yet 81% of landlords do have legal representation.¹ In the Probate and Family Court, according to data from 2019, at least one party lacks counsel in the majority of cases, and in consumer debt cases, less than 1.5% of defendants are represented by a lawyer.²

These disparities are primarily a result of financial considerations. While low-income litigants may be eligible for legal aid, there remains a dearth of legal aid attorneys able to represent all litigants that may qualify for their services. Furthermore, some SRLs have incomes too high to qualify for free legal aid, but too low to afford an attorney out of pocket. Whatever the reason, without representation, most SRLs encounter significant obstacles in their efforts to manage their own cases, all of which lead to SRLs receiving less favorable outcomes when compared to litigants who are

¹ Massachusetts Right to Counsel Coalition, “Why” <https://www.massrtc.org/why.html>

² Massachusetts Access to Justice Commission, *Annual Report on Activities 2020*, <https://massa2j.org/wp-content/uploads/2020/08/Access-to-Justice-Commission-Annual-Report-August-2020.pdf>

represented.³ Self-represented litigants are continually thrown into a confusing legal system unaware of their fundamental rights, leading to a two-tiered civil legal system where represented litigants receive favorable or at least fair treatment while those without representation cannot navigate the complexity of court processes, let alone exercise their legal rights.⁴

To better serve this population, the Massachusetts Trial Court has established seven walk-in self-help centers, known as Court Service Centers (“CSCs”), located within courthouses in Boston, Greenfield, Lawrence, Brockton, Lowell, Springfield, and Worcester. At one courthouse within each of these jurisdictions, Court Service Center staff provide help to SRLs by guiding them through the process of filling out essential – and often complicated – legal forms and providing them information about their options going forward. However, as the number of self-represented litigants in Massachusetts only continues to grow, there is a gap in assistance that conventional CSCs have been unable to fill.

To address this issue, Massachusetts Appleseed conducted extensive research on virtual legal self-help initiatives across the country and examined best practices. In 2019, we released our report *Turning on the Lights: How the Massachusetts Trial Court Could Deploy a Virtual Court Service Center to Assist Self-Represented Litigants*,⁵ which outlines how the Trial Court could replicate many of the services provided by the existing brick-and-mortar Court Service Centers into an interactive online format. By making the Court Service Center resources available on a website that could be accessed anywhere, the Trial Court would significantly increase the number of self-represented litigants who can obtain the help they need.

Massachusetts Appleseed recommended the creation of a virtual Court Service Center back in 2019; however, the necessity for digital access to court services has only become more urgent as a result of the COVID-19 pandemic. The Trial Court has shown an ability to adapt to this new world, already establishing a 1-800 helpline to assist court users, and the Court Service Centers have taken the step of meeting with clients remotely. These laudable steps show the Trial Court’s flexibility in adjusting to our newly remote world and provide a great foundation to create a truly interactive and comprehensive Virtual Court Service Center in the near future.

H.1520, *An Act to improve and modernize the information technology systems and capacities of the judiciary*, provides the funding to continue the Court’s new online innovations and make the virtual Court Service Center a reality. In particular, the bill provides for \$94 million to advance the creation of “digital courthouses and courtrooms,” and states that a portion of this funding would establish an Access to Justice Portal, which would be substantially the same as the Virtual Court Service Center we recommend in our report. **The impact of these “digital courthouses and courtrooms” initiatives, and the Access to Justice Portal itself, in expanding access to justice in Massachusetts cannot be overstated.** These provisions of the bill would provide all court users with electronic access to their case information and the ability to file documents, forms, and evidence online. This Portal will allow SRLs to prepare for their hearing either at home or at work and could streamline their access to resources like self-help videos and guided interviews (interactive web surveys that automatically populate complicated court forms) and allow SRLs to digitally chat with

³ Massachusetts Appleseed Center for Law and Justice, *Turning on the Lights: How the Massachusetts Trial Court Could Deploy a Virtual Court Service Center to Assist Self-Represented Litigants*, p.14, 2019.

<https://massappleseed.org/wp-content/uploads/2019/10/Court-Service-Center-Report-Final.pdf>

⁴ *Ibid.*, 11.

⁵ *Ibid.*

Court Service Center staff. An Access to Justice Portal would allow the Trial Court to centralize and expand existing self-help resources and support SRLs in an unprecedented way.

Too many litigants in Massachusetts are forced to navigate our complicated legal system alone. Without key information about their rights throughout this process, SRLs are unable to receive fair and equitable access to justice, and the Commonwealth will continue to allow grave miscarriages of justice to continue to occur. H.1520 represents an opportunity to substantially address this disparity by bringing accessible and interactive self-help resources directly to SRLs right where they are.

By funding these essential technological improvements, the legislature will significantly increase access to justice within the Commonwealth. For all of these reasons, **Massachusetts Appleseed strongly urges you to issue a favorable report for H.1520.**

Respectfully submitted,

A handwritten signature in cursive script that reads "Deborah M. Silva". The signature is written in black ink and is positioned above the typed name and title.

Deborah M. Silva,
Executive Director
Massachusetts Appleseed Center for Law & Justice