

*The Boston Bar Association (BBA) Task Force on Expanding the
Right to Counsel in Civil Cases*

Survey for Housing Court Judges and Court Personnel

The American Bar Association adopted a resolution calling for the appointment of counsel for persons of low income in civil matters *where basic human needs are at stake*, such as those involving *shelter*, sustenance, safety, health, or child custody. The Boston Bar Association President Tony Doniger has appointed a Task Force to find practical ways to explore expanding the right to counsel. The Task Force, which includes representatives from the Massachusetts Bar Association, the Access to Justice Commission, the Women's Bar Association, legal services community, private bar, and academia, is interested in your opinion on the types of cases where counsel are most needed for a just outcome.

As we assume parties generally would benefit from counsel, the challenge is to identify the greatest need in light of the BBA mission. Given your daily experiences, we want to benefit from your vantage point within the court system. Because the charge to the BBA Task Force is to encourage brainstorming, we ask you not to focus at the moment on the resources that might be necessary to provide counsel for the types of cases you propose. We are at this stage simply trying to identify where counsel is most needed. The following is a partial list of categories for your consideration by which summary process cases could be targeted for counsel:

- 1) Features of the parties, e.g. mental/physical disability; cultural and/or language barriers; age (e.g. elderly, or cases involving minor children)
- 2) What is at stake, e.g. "for cause" evictions where subsidized housing is at risk; "for cause" evictions for criminal activity under G.L. c. 139 § 19 or c. 239 (fast-track and/or with implications for a related criminal process)
- 3) Forum, e.g. mediation; District Court v. Housing Court; jury claim
- 4) Features of the claim, e.g. non-payment of rent cases; "no fault" cases involving long-term tenancies; cases involving substantial counterclaims

** Your answers will remain CONFIDENTIAL. Thank you for your help. **

Please return the survey by November 30, 2007 to:

Judge Wilbur Edwards, Southeast Division, Housing Court, 215 Main Street, Brockton, MA 02310 or Karen Douglass, BBA 16 Beacon Street, Boston MA 02108

For an electronic version of the survey, please contact Karen Douglass at kdouglass@bostonbar.org, or Jayne Tyrrell at jtyrrell@maiolta.org or Russell Engler, Chair of the Housing Subcommittee, at rengler@faculty.nesl.edu.

BBA Task Force on Expanding the Right to Counsel in Civil Cases

SURVEY FOR HOUSING COURT JUDGES AND COURT PERSONNEL

Name: (Optional) _____

Date:

Position: _____ Court: (Optional)

I. Most important Scenarios for Availability of Counsel:

1. In light of the BBA's charge to the Task Force, which types of cases are most compelling in your opinion for legal representation? List up to three:

2. Why did you choose these particular cases?

3. How might we identify the particular cases you propose [i.e. this might be relatively easy if, for example, the trigger is that a tenant is elderly, or living in certain types of housing, but more difficult to do in other situations].

4. Do you have a rough estimate as to the volume of cases that would be involved (by # of cases or overall percentage), at least in your court, for the scenarios you propose?

5. Do you have any additional comments? *Thank you*

Contact Information (Optional)
