

By Mr. Sullivan of Norwood, petition of Gregory William Sullivan for legislation to establish the position of small claims advocate in all district courts, including the Municipal Court of the city of Boston. The Judiciary.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty.

AN ACT ESTABLISHING THE POSITION OF ADVOCATE IN THE SMALL CLAIMS COURT.

*Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, as follows:*

1 Chapter 218 of the General Laws is hereby amended by inserting  
2 after section 25 the following section: —

3 *Section 25A.* Every district court, including the municipal  
4 court of the city of Boston, shall have an advocate who shall be a  
5 member of the bar and who shall be available to give advice to  
6 parties in any action begun under the small claims procedure. The  
7 advocate shall be known as the small claims advocate.

8 The advocate shall advise as to whether a dispute is worth  
9 pursuing, as to what further evidence may be needed, give sugges-  
10 tions as to alternatives to legal action, assist in the mediation of any  
11 claims, assist in the mustering of witnesses, assist in the filing and  
12 service of claims, counter claims defensives, assist in the organiza-  
13 tion of evidence and the presentation of the claim or defense at  
14 trial.

15 The advocate shall cooperate with the clerk magistrate, court  
16 personnel, and the judge in order to assure the most orderly and  
17 expeditious manner of formal mediation and presentation of  
18 claims.

19 At the trial of any small claims action, the advocate shall be  
20 present and may give assistance to either party before the court as  
21 to matters of law or procedure. He may at any time bring to the  
22 attention of the trial judge laws or regulations which are relevant to  
the parties' claims.

23 The advocate shall make recommendations for payment sched-  
24 ules if judgment for the plaintiff is awarded. The advocate shall  
25 assist prevailing claimants in initiating collection procedures, such  
26 as levying attachments, when appropriate, and taking any other  
27 steps to recover judgments. The advocate shall assist defendants in  
28 pursuing appeals.

29 The advocate shall educate the community concerning the avail-  
30 ability of small claims court and the services provided by his/her  
31 office.

32 The services of the advocate shall be available to any person who  
33 is or may be a party in a small claims action, providing they have  
34 filed no more than five actions in small claims court in the past  
35 year. Both parties to a claim shall be notified of the availability of  
36 these services after the filing of a claim.