



SA: Exploring Alternative Service of Process for Low-Income Litigants

Available

Project Title

Exploring Alternative Service of Process for Low-Income Litigants

Scope of Work

Conduct research and administer a survey of alternative service in other MA courts and other jurisdictions; produce memo on findings.

Timing

Flexible, before Labor Day

Jurisdiction

Federal and Massachusetts and, for survey purposes, other states

Contact Information

Please contact Paul Lee (plee@Steptoe.com) to claim this project as part of the 2023 Summer Associate Project Exchange.

Description

The matter was referred by the Massachusetts Access to Justice Commission.


We seek assistance researching a systemic issue that disproportionately impacts communities of color seeking relief in the Probate and Family Court, particularly low-income immigrant litigants of divorce and child immigrants seeking custody orders related to Special Immigrant Juvenile (SIJ) proceedings. When a defendant cannot be served process in-hand, costly publication of notice in a newspaper often is required despite

recognition in other contexts that “[n]otice by publication should not be utilized as it is ineffective...” (Guidelines for Judicial Practice: Abuse Prevention Proceedings, section 4:07 (2021)). If service must be rendered outside of Massachusetts no fee waiver is available, and within Massachusetts some newspapers will not accept state-pay cases. Neither plaintiff’s nor defendant’s right to due process is well-protected by continued reliance on newspapers. What forms of alternative service would provide low-cost means of notice reasonably calculated to achieve actual notice?

Research will involve examining the intersection of G.L. c. 4, § 13; Mass. Dom. Rel. P. 4; and federal and state constitutional law, such as *Boddie v. Connecticut*, 401 U.S. 371 (1971) and *Baidoo v. Blood Dzraku*, 48 Misc. 3d 309 (2015). A survey of alternative service in other MA courts and other jurisdictions also would be informative.

Subtasks (0)

Reminders(1)

 1 day(s) before