

Statement from the Justices of the Supreme Judicial Court on Amendments to Rule 3:10 of the Rules of the Supreme Judicial Court

The Justices of the Supreme Judicial Court have amended SJC Rule 3:10: Assignment of Counsel, which determines how parties are deemed to be indigent for purposes of appointment of counsel. The amended Rule will go into effect on November 1, 2016.

The major revisions to Rule 3:10 clarify:

- the standard for determining who is to be found indigent;
- the procedural process to be used in determining indigency; and
- the imposition and collection of various indigency fees.

An [outline of the major revisions to Rule 3:10 is online here](#).

Other changes are intended to enhance the clarity of the Rule and to update it to conform to recent statutory requirements.

The amendments were proposed by the SJC Committee on Indigency, which was convened in January 2015. The Committee reviewed recommendations from the Committee for Public Counsel Services (CPCS), which had convened a task force, including representatives from CPCS, the Office of the Commissioner of Probation, the Probate and Family Court and the Department of Revenue, to propose revisions to Rule 3:10. Prior to this revision, the Rule had last been amended in 1993.

The Committee's members include:

Chief Justice Ralph D. Gants, chair; Thomas G. Ambrosino, former chair; Crispin Birnbaum, General Counsel, Office of the Commissioner of Probation; Senator William N. Brownsberger; Chair, Joint Committee on the Judiciary; Judge Kimberly S. Budd, Superior Court; Jesse M. Caplan, General Counsel, Executive Office of Health and Human Services; Paul B. Cervizzi, Chief Probation Officer, Malden District Court; Allison R. Cole, Assistant Clerk-Magistrate, Housing Court; Robert D. Fleischer, Assistant Director, Center for Public Representation; Robert W. Harnais; President, Massachusetts Bar Association; Doug Howgate, Mass Taxpayers Foundation; James C. Kennedy, Chief Legal Counsel, House of Representatives; Lisa M. Hewitt, General Counsel, Committee for Public Counsel Services; Judge Richard J. McMahon, Probate and Family Court; Deborah Patterson, Recorder of the Land Court; Erika J. Rickard, Trial Court's Access to Justice Coordinator; Carolyn Ryan, Mass Taxpayers Foundation; Robert L. Ryan, Jr., Clerk-Magistrate, Juvenile Court; Judge Debra Shopteese, Boston Municipal Court; Mark E. Sturdy, Clerk-Magistrate, District Court; Leslie Walker, Executive Director, Prisoner's Legal Services; and Kim J. Wright, Senior Assistant for Judicial Policy, Executive Office of the Trial Court.

The [text of Rule 3:10 is available online here](#) .

<http://www.mass.gov/courts/case-legal-res/rules-of-court/rule-changes-invitations-comment/amendments-to-sjc-rule-310-statement-from-sjc-justices.html>