

June 3, 2025

Honorable Senator Lydia M. Edwards
Chairwoman, Senate Committee on the
Judiciary
Room 413C
Boston, MA 02133

Honorable Representative Michael S. Day
Chairman, House Committee on the
Judiciary
Room 136
Boston, MA 02133

Re: Testimony in support of H.1594/S.1205, An Act relative to controlling and abusive litigation

Dear Chairpersons Edwards and Day:

My name is Jordan Walker, and I am a Staff Attorney in the legal services division of The Second Step. Based in Newton, Massachusetts, The Second Step provides free, trauma-informed services for survivors of domestic violence throughout Greater Boston and beyond. I am writing in strong support of H.1594/S.1205, An Act relative to controlling and abusive litigation. Our courts should not be manipulated and used by persons causing harm as a tactic of control and abuse. We must act now to prevent this from continuing to happen.

Abusive litigation is a tactic of abusive power and control used by those who engage in intimate partner violence where the court system is used to exert power and control over a survivor. Tactics of abusive litigation force a survivor or their friends and family to attend court repeatedly. This results in harm to a survivor's emotional, financial, and physical wellbeing. Examples of abusive litigation can include filing unnecessary motions, trying to bring closed cases back into court ("relitigate"), using the court's discovery process to bring up embarrassing or irrelevant information about the survivor, and so much more.

Through abusive litigation, the person causing harm seeks to control, harass, intimidate, coerce, and impoverish the survivor. In recent years and months, attorneys and advocates at The Second Step have witnessed a noticeable increase in litigation being weaponized as a method of exerting continued power and control over a survivor long after they've left an abusive relationship, effectively forcing a survivor into a never-ending loop of abuse with little to no available remedies.

Last year, I represented a survivor after her husband filed a Motion to Vacate several provisions of an existing Abuse Prevention Order which provided her with important protection from her husband's escalating and threatening behavior. Although the relief requested in the Motion was not warranted by existing law and the same issue had already been litigated, the matter was scheduled for a hearing. When my client first received notice of the hearing, she sent me the following message in a panic as she processed the fact that she would have to see her abuser in-person just months after the same issue had been addressed in court: "I feel totally unprepared to deal with this. This is very upsetting."

The **Second** Step

For our clients and survivors across Massachusetts, abusive litigation is retraumatizing, often forcing a survivor to have to be in the same room as their abuser unnecessarily and requiring the survivor to testify once again to some of the most intimate and difficult moments of their life. Importantly, I have witnessed this form of abuse cause many of our clients to lose out on crucial wages, jeopardize their employment, and be forced to find last-minute options for childcare or transportation.

This bill offers tangible forms of relief for courts to utilize as they recognize and respond to the pervasive issue of controlling and abusive litigation. Massachusetts has an opportunity to be among the national leaders in enacting protections from this form of abuse. This bill has wide support from the survivor advocacy community and is modeled after the very comprehensive and thoughtful approach taken by Washington state.

Access to justice demands that the courts cannot be used to further abusive behavior. Judges need additional tools to recognize and prevent court abuse. H.1594/S.1205 will help judges stop abusive litigation by granting judges the ability to issue an Order Restricting Abusive Litigation.

The tactics of abusive litigation result in severe psychological and economic harm to survivors. It is hard enough to find freedom from abuse. Those who cause harm should not have the opportunity to use the court system to continue to maintain control over a survivor long after their separation. I respectfully ask you to report this bill favorably out of Committee. I believe the provisions of H.1594/S.1205, An Act relative to controlling and abusive litigation are a sensible approach to ensuring that all parties have access to justice and safety.

Sincerely,

Jordan S. Walker

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