

J. Michael Ruane Judicial Center in Salem



ANNUAL REPORT ON THE STATE OF THE
MASSACHUSETTS COURT SYSTEM
FY2012



SUPREME JUDICIAL COURT
JOHN ADAMS COURTHOUSE

RODERICK L. IRELAND
CHIEF JUSTICE

February 15, 2013

His Excellency Deval Patrick
Governor of the Commonwealth

Honorable Therese Murray
President of the Massachusetts Senate

Honorable Robert A. DeLeo
Speaker of the House of Representatives

Dear Governor Patrick, President Murray, Speaker DeLeo:

Pursuant to the provisions of G. L. c. 211B, § 9, I am pleased to submit the Annual Report on the State of the Massachusetts Court System for Fiscal Year 2012, which presents a wide array of accomplishments. The dedicated judges, clerks, probation staff, and other employees throughout the court system have diligently served the needs of the public despite continuing fiscal challenges.

In FY 2012, the Judicial Branch launched a strategic planning initiative, began to implement new management legislation, made technological advancements, and continued to manage significant budget issues. For more than five years, Trial Court staff reductions have affected our ability to deliver justice expeditiously. Despite these challenges, the Judiciary has taken important measures to expand access to justice and to improve operational efficiency, accountability, and transparency.

My colleagues across the Massachusetts court system have achieved an impressive range of accomplishments. I am very proud of their achievements, which are highlighted in this report to be posted on the court's website at www.mass.gov/courts.

I look forward to working with you throughout the year to enhance the delivery of justice to the people of the Commonwealth.

Sincerely,

A handwritten signature in black ink, reading "Roderick L. Ireland".

Roderick L. Ireland



**Annual Report on the State of the Massachusetts Court System
Fiscal Year 2012**

Supreme Judicial Court

Chief Justice Roderick L. Ireland

Associate Justices

| | |
|----------------------|-----------------|
| Francis X. Spina | Robert J. Cordy |
| Margot G. Botsford | Ralph D. Gants |
| Fernande R.V. Duffly | Barbara A. Lenk |

Appeals Court

Chief Justice Phillip Rapoza

Trial Court*

Chief Justice Robert A. Mulligan
Court Administrator Harry Spence

| | |
|-----------------------------------|-----------------------------------|
| Boston Municipal Court | Chief Justice Charles R. Johnson |
| District Court | Chief Justice Lynda M. Connolly |
| Housing Court | Chief Justice Steven D. Pierce |
| Juvenile Court | Chief Justice Michael F. Edgerton |
| Land Court | Chief Justice Karyn F. Scheier |
| Probate & Family Court | Chief Justice Paula M. Carey |
| Superior Court | Chief Justice Barbara J. Rouse |

Office of the Commissioner of Probation

Ronald P. Corbett, Jr., Ed.D.
Acting Commissioner

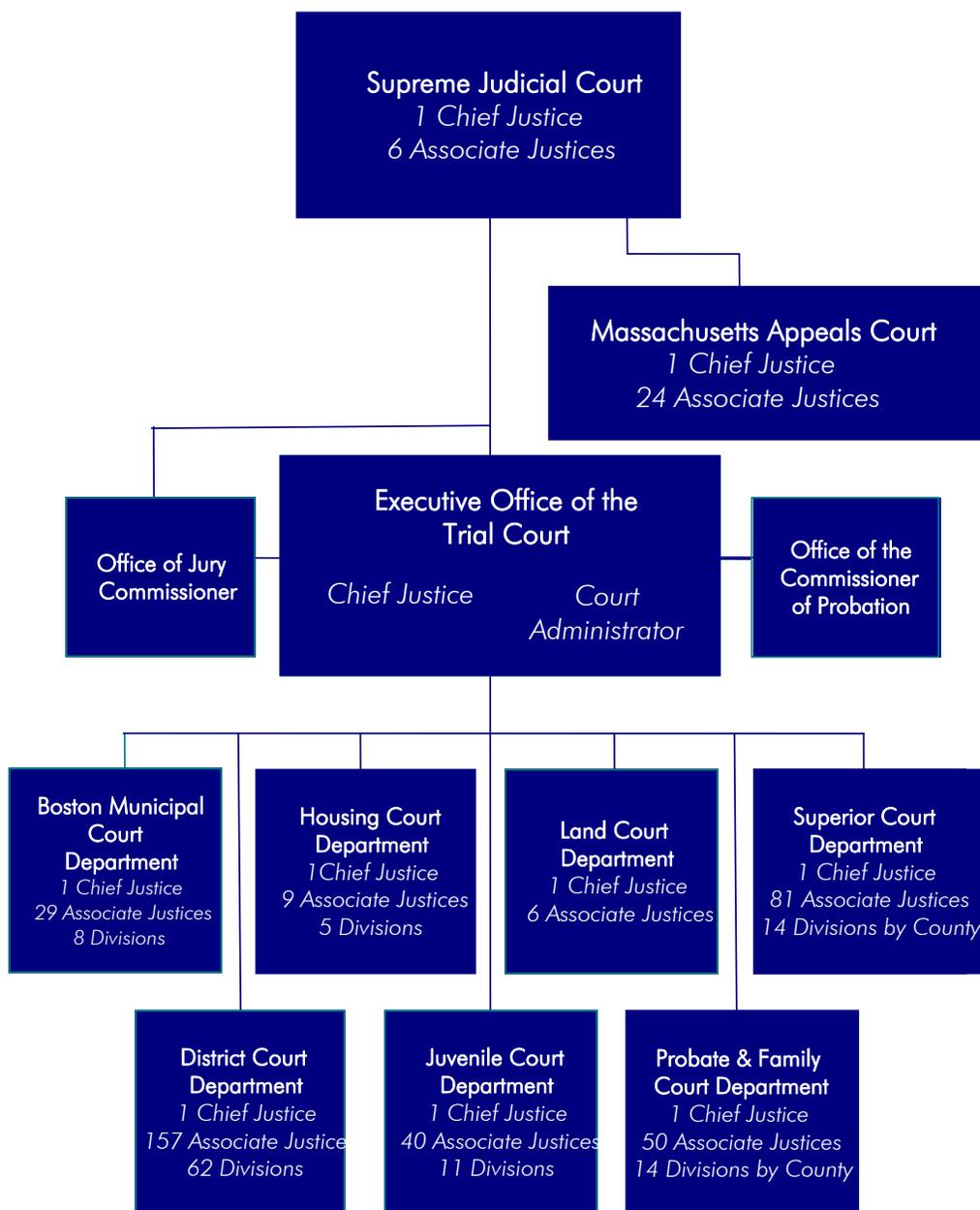
Office of Jury Commissioner

Pamela J. Wood, Esq., Commissioner

*Reflects the organizational structure of the Trial Courts as of July 1, 2012.

The Massachusetts Court System

(Organizational structure as of July 1, 2012)



The number of justices for all courts is the total authorized by law.

ANNUAL REPORT ON THE STATE OF THE MASSACHUSETTS COURT SYSTEM FY2012

| | |
|---|--------|
| Supreme Judicial Court | 1 |
| Supreme Judicial Court for Suffolk County | 1 |
| Fiscal Year 2012 Highlights | 1 |
| Annual Address to the Legal Community | 1 |
| Appointment of Chief Justice of the Trial Court and Court Administrator | 2 |
| Task Force on Hiring | 2 |
| Appointment of Special Counsel | 2 |
| Court Management Advisory Board | 2 |
| Court Improvement Program | 3 |
| Pro Bono Legal Services | 3 |
| Access to Justice Commission | 4 |
| SJC Rule 1:19 Governing Electronic Access to the Courts | 4 |
| Massachusetts Guide to Evidence | 4 |
| Standing Advisory Committee on Professionalism | 4 |
| Judicial Evaluation | 4 |
| Judicial Mentoring | 5 |
| Community Outreach | 5 |
| Judicial Youth Corps | 5 |
| Supreme Judicial Court Statistics | 6 |
| Massachusetts Appeals Court | 7 |
| Fiscal Year 2012 Highlights | 7 |
| Appellate Caseload | 7 |
| Technology Enhancement | 7 |
| Public Outreach and Education | 8 |
| Transitions | 8 |
| Appeals Court Statistics FY2012 | 9 |
| Massachusetts Trial Court | 11 |
| Trial Court Recommendations and Plans | 12 |
| Strategic Planning | 12 |
| Structural Reform | 12 |
| Access & Quality Justice | 12 |
| Effectiveness & Accountability | 13 |
| Technology | 13 |
| Functional Facilities & a Safe Environment | 13 |
| Community Partnerships & Outreach | 14 |
| Fiscal Year 2012 Highlights | 14 |
| Access & Quality Justice | 14 |
| Effectiveness & Accountability: Resource Management | 18 |
| Effectiveness & Accountability: Data Driven Decision Making | 20 |
| Effectiveness & Accountability: Technology Enhancement | 23 |
| Functional Facilities & a Safe Environment | 25 |
| Community Partnerships & Outreach | 26 |
| Massachusetts Trial Court Five-Year Summary of Case Filings | 29 |
| Massachusetts Trial Court Fiscal Data FY2012 | 30 |
| Massachusetts Trial Court Facility Data, FY2012 | 31 |

Supreme Judicial Court

www.mass.gov/courts/sjc/

The Supreme Judicial Court, originally called the Superior Court of Judicature, was established in 1692 and is the oldest appellate court in continuous existence in the Western Hemisphere. It serves as the leader of the Massachusetts court system, holding final appellate authority regarding the decisions of all lower courts and exercising general superintendence over the administration of the lower courts.

The full Court hears appeals on a broad range of criminal and civil cases from September through May. Single justice sessions are held each week throughout the year for certain motions, bail reviews, bar discipline proceedings, petitions for admission to the bar, and a variety of other statutory proceedings.

The Court also is responsible for general superintendence of the Judiciary and the bar, makes or approves rules for the operations of all courts, and has varying degrees of oversight responsibility for entities affiliated with the Judicial Branch, including the Board of Bar Overseers, Board of Bar Examiners, Clients' Security Board, and the Massachusetts Interest on Lawyers' Trust Accounts (IOLTA) Committee.

Supreme Judicial Court for Suffolk County

The Supreme Judicial Court for Suffolk County is known as the single justice session of the Supreme Judicial Court. An associate justice essentially acts as a trial judge, as was the function

of the first justices, or as an administrator of the Court's supervisory power under G.L. c. 211, § 3. The county court, as it is often referred to, has original, concurrent, interlocutory and appellate jurisdiction on a statewide basis. In addition to the single justice caseload, the justice sits on bar docket matters.

Fiscal Year 2012 Highlights

Annual Address to the Legal Community

In his first annual address to the legal community in October 2011, Chief Justice Roderick L. Ireland outlined his major priorities and discussed the many positive initiatives underway in the judicial branch. He emphasized that building bridges to court constituencies, broadening access to justice, and educating our youth through mentoring and outreach programs will help the court system to continue to focus on its high standards of excellence. The Massachusetts Bar Association's Bench-Bar Symposium was the forum for the annual address.

Appointment of Chief Justice of the Trial Court and Court Administrator

In July 2012, the Justices appointed Chief Justice Mulligan to the position of Chief Justice of the Trial Court, the judicial leadership position created by the court management legislation. The Chief Justice is the policy and judicial leader of the Trial Court and the Trial Court's public face. The Supreme Judicial Court initiated a selection process and formed a search committee in October 2011 to assist the Justices in recruiting candidates for the position of Court Administrator for the Trial Court, a new leadership position introduced in the 2011 court management legislation. The search firm of Isaacson Miller assisted in the recruitment efforts. In April 2012, the Justices appointed Harry Spence as the Court Administrator for a five-year, renewable term. Working with the Chief Justice of the Trial Court, the Court Administrator is responsible for shaping and overseeing administrative functions to support judges and court staff in carrying out their duties and implementing policies consistent with the goals set forth in recent court management reports.

Task Force on Hiring

The Supreme Judicial Court endorsed the recommendations in the Final Report of the Task Force on Hiring in the Judicial Branch, the sixth report in a series to offer "recommendations designed to ensure a fair system with transparent procedures in which the qualifications of an applicant are the sole criterion in hiring and promotion." The Task Force recommended a full commitment to merit-based hiring and promotion throughout the court system based on seven elements that are designed to recruit and cultivate a talented, high quality workforce. The Task Force issued five previous reports that focused on hiring and promotion in the

Probation Department, as well as on hiring and promotion of court officers, administrative personnel, and employees of the offices of the appointed and elected clerks and registers.

Appointment of Special Counsel

In October 2011, the Justices appointed a special counsel to conduct an independent preliminary inquiry relating to the District Court and Boston Municipal Court Departments. The special counsel was asked to determine the rate of acquittal in jury-waived trials on charges of operating under the influence of drugs or alcohol, and examine whether that rate differs from the national average and from the rate of acquittal in other criminal cases in the District Court and Boston Municipal Court. The appointment was made after learning of an investigative media report on the subject. In October 2012, the special counsel submitted a comprehensive report to the Court, which made the report public and directed that certain measures be taken on recommendations that can be acted on by the Judiciary.

Court Management Advisory Board

Following the recommendation of the Visiting Committee on Management in the Courts (Monan Committee), the Massachusetts Legislature in 2003 created the Court Management Advisory Board (CMAB) to advise and assist the Justices of the Supreme Judicial Court and the Chief Justice for Administration and Management on matters pertaining to judicial administration and management and all matters of judicial reform. In FY2012, the CMAB met regularly to support the Trial Court in its pursuit of managerial excellence, despite continued budget constraints.

Court Improvement Program

During FY2012, the Supreme Judicial Court received Court Improvement Program (CIP) grants from the federal government totaling more than \$650,000. These federal funds enable state court systems to improve court processes and functioning related to child welfare cases. CIP supported initiatives include funding for recall judges in the Juvenile Court; the National Adoption Day celebration in Massachusetts; a website with resources for child welfare professionals; and training programs for lawyers who represent children or parents.

Pro Bono Legal Services

The SJC's Standing Committee on Pro Bono Legal Services works to promote volunteer legal work to help people of limited means who are in need of legal representation, in accordance with SJC Rule 6.1, Voluntary Pro Bono Publico Service. In recognition of outstanding commitment to providing volunteer legal services for the poor and disadvantaged, the Standing Committee presented the 11th annual Adams Pro Bono Publico Awards in October 2011 to two Massachusetts attorneys and a Massachusetts law firm, and acknowledged those participating in the Court's newly instituted Pro Bono Recognition Program, an honor roll for those who have met the program criteria by providing significant pro bono legal services. The Pro Bono Committee also visited two Boston area law schools in FY2012 as part of its ongoing commitment to pay regular visits to the Massachusetts law schools to learn about and promote the pro bono activities of the law students.

Court Management Advisory Board Members 2010-2013

Edward R. Bedrosian, Jr., Esq.

First Assistant Attorney General,
Ex-Officio Designee of the Attorney General

Hon. John J. Curran, Jr.

Retired First Justice, Leominster District Court

William J. Dailey, Jr., Esq.

Senior Partner, Sloane and Walsh

Helen G. Drinan

President, Simmons College

Janet E. Fine

Executive Director,
Massachusetts Office of Victim Assistance

Ruth Ellen Fitch, Esq.

President and Chief Executive Officer,
Dimock Community Health Center

John A. Grossman, Esq.

Undersecretary of Forensic Science and Technology,
Massachusetts Executive Office of Public Safety and Security

Glenn Mangurian

Business Consultant

Ralph C. Martin II, Esq. (Chair)

Senior Vice President and General Counsel,
Northeastern University

Marilynne R. Ryan, Esq.

Attorney, Ryan & Faenza

Access to Justice Commission

The Commission's goal is to achieve equal justice for all persons in the Commonwealth by providing leadership and vision to, and coordination with, the many organizations and interested persons involved in providing and improving access to justice for those unable to afford counsel. Action groups that have been working on this mission include the Delivery of Legal Services, Technology and Website, Administrative Justice, as well as Trial Court Practice Groups for the Boston Municipal Court, District Court, Housing Court and Probate and Family Court.

SJC Rule 1:19 Governing Electronic

Access to the Courts

The rule to amend the original Rule 1:19 governing cameras in the courtrooms was drafted by a committee of judges, clerks, court administrators, attorneys and media representatives who were asked to make recommendations in light of changes in technology and journalism since the original rule was promulgated in the 1980s. The Supreme Judicial Court's Judiciary-Media Committee approved the draft rule and forwarded it to the SJC Rules Committee. After public comments were received and considered in 2011, the Judiciary-Media Committee made final recommendations. In March 2012, the Court approved the new rule and it became effective in September 2012. Among the changes, the new rule allows news media with permission of the court to use electronic devices in the courtroom. It defines news media to include citizen journalists who are regularly engaged in the reporting and publishing of news or information about matters of public interest. The rule also requires news media to register with the Public Information Office.

Massachusetts Guide to Evidence

In 2006, the Supreme Judicial Court established a 17-member Advisory Committee to prepare a Massachusetts Guide to Evidence at the request of the Massachusetts Bar Association, the Boston Bar Association, and the Massachusetts Academy of Trial Attorneys. In 2008, the Supreme Judicial Court appointed the Executive Committee of the Advisory Committee on Massachusetts Evidence Law to monitor and incorporate new legal developments and produce annual new editions of the Guide to Evidence. In FY2012, the Executive Committee worked on the 2012 edition, the fourth annual edition of the Guide, which was released in February 2012.

Standing Advisory Committee On Professionalism

In 2011, on the joint recommendation of the Board of Bar Examiners and the Board of Bar Overseers, the Justices appointed a Working Group to consider how to help new lawyers deal with difficult issues that can generate complaints to the Board of Bar Overseers. The Working Group recommended that there be a required education course for new lawyers admitted to the bar. The Justices agreed with the Working Group's recommendation to adopt a rule requiring such a course and solicited comments on the committee's recommended rule.

Judicial Evaluation

The judicial evaluation program has facilitated the collection and processing of approximately 130,000 judicial evaluations from attorneys since its introduction in 2001. The program provides narrative comments and aggregated statistical assessments to judges concerning their professional, on-bench performance in an effort to enhance the performance of individual judges and the judiciary as a whole.

In FY2012, three rounds of judicial evaluation were conducted. In the first round, six Land Court judges were evaluated, yielding 728 attorney evaluations and 44 employee evaluations. In the second round, 44 Suffolk County judges in the Boston Municipal, District, Housing, Probate and Family, and Juvenile Courts were evaluated, yielding 3,449 attorney evaluations, 568 employee evaluations, and 558 juror evaluations. In the third round, 32 Superior Courts in Middlesex and Suffolk Counties were evaluated, yielding 3,327 attorney evaluations, 289 employee evaluations, and 482 juror evaluations. Overall, on average in FY2012, each of the 82 judges evaluated received feedback from 92 attorneys and 11 court employees and 38 judges received an average of 27 juror evaluations.

Judicial Mentoring

Judicial peer mentoring is a program designed to build and grow individual judicial capacity along the entire spectrum of judicial service. Among its features, the mentoring program assists in transitioning newly-appointed judges to the bench and integrating them into the judicial system, acts as a resource to address performance issues, and is an ongoing network of care and support for judges throughout their careers. In FY2012, the Judicial Institute presented two workshops for judges serving as mentors and worked on a model for expanding, institutionalizing, and sustaining the program.

Community Outreach

In keeping with John Adams' passion for justice, community, and learning, the John Adams Courthouse is used to provide free educational opportunities for students, educators, international visitors, and the general public. In

FY2012, such events included student group visits to observe oral arguments, educational sessions with a Justice, mock trial programs, theater performances of historical events; teacher training sessions, educational programs and tours of the courthouse with Discovering Justice docents, Student Government Day and Law Day programs. The Supreme Judicial Court also entered its seventh year of successful partnership with Theatre Espresso, which performs educational historical dramas for young people in the John Adams Courthouse. The Supreme Judicial Court Law Clerk Society assists with the Law Day programs.

The Supreme Judicial Court's website continues to provide easy access to and updated information for litigants, lawyers, educators and the general public. Webcasts of the Court's oral arguments continue to be available on the website through collaboration with Suffolk University Law School.

Judicial Youth Corps

The Supreme Judicial Court conducted the 22nd year of the Judicial Youth Corps, a legal education and internship program for Boston and Worcester public high school students. With the volunteer assistance of judges, lawyers, and court employees, the 14-week program teaches students about the rule of law and the role of the judicial branch. The program has two components: educational sessions in May and June, and summer internships in court offices in July and August. The program is administered by the Public Information Office and is funded by foundations and grants.

Supreme Judicial Court Statistics

| Caseload | FY2011 | FY2012 |
|--|---------------|---------------|
| Direct Entries | 137 | 120 |
| Direct Appellate Review - Applications Allowed | 35 | 36 |
| Direct Appellate Review - Applications Considered | 87 | 78 |
| Further Appellate Review - Applications Allowed | 46 | 29 |
| Further Appellate Review - Applications Considered | 960 | 814 |
| Transferred by SJC on its Motion for Review of Entire Appeals Court caseload: | 46 | 46 |
| Gross Entries | 264 | 231 |
| Dismissals | 17 | 14 |
| Net Entries | 247 | 217 |
| Dispositions | FY2011 | FY2012 |
| Full Opinions | 150 | 155 |
| Rescripts | 37 | 40 |
| Total Opinions | 187 | 195 |
| Total Appeals Decided ¹ | 194 | 200 |

¹ Indicates the total number of appeals resolved by the Court's opinions.

Massachusetts Appeals Court

www.mass.gov/courts/appealscourt/index.html

The Appeals Court, established in 1972 to serve as the Commonwealth's intermediate appellate court, is a court of general jurisdiction that hears criminal, civil and administrative matters. All appeals from the Trial Court, with the exception first degree murder cases, are initially entered in the Appeals Court. Similarly, the Appeals Court receives all appeals from the Appellate Tax Board, the Industrial Accident Review Board and the Employee Relations Board.

Although the Appeals Court is responsible for deciding all such appeals, every year the Supreme Judicial Court selects some cases for direct appellate review. During Fiscal Year 2011, 2,278 appeals were filed and 81 cases were taken by the Supreme Judicial Court.

By statute, the Appeals Court has a chief justice and 24 associate justices. The justices of the court sit in panels of three, with the composition of judicial panels changing each month.

In addition to its panel jurisdiction, the Appeals Court also runs a continuous single justice session, with a separate docket. The single justice may review interlocutory orders and orders for injunctive relief issued by certain Trial Court departments, as well as requests for review of summary process appeal bonds, certain attorney's fee awards, motions for stays of civil proceedings or criminal sentences pending appeal, and motions to review impoundment orders.

The Appeals Court met the appellate court guideline for case scheduling and by June 2012, all cases that had been briefed by February 1st had been argued or had been submitted to panels for decision without argument.

Fiscal Year 2012 Highlights

Appellate Caseload

The Appeals Court caseload for Fiscal Year 2012 decreased 9% but still exceeded 2,000 entries. The decrease was mainly in civil filings, and filings from the Superior Court Department. Similarly, the court decided 1,583 cases, less than last year's total of 1,773, but still tied as the second highest annual total of decisions in the court's history. Additionally, for the second consecutive year, and only the second time in the court's history, decisions exceeded net entries.

Technology Enhancement

Many digital enhancements were deployed to facilitate better access to the court. The standing order adopted at the end of FY2011 allowing parties to receive notices by email rather than paper notices was well received by parties and has reduced expenses for paper, postage and labor. The Clerk's Office sent 27,775 notices by email during FY 2012. The recently adopted standing orders requiring some filings, such as single justice petitions and certain classes of motions, to be submitted in a PDF format have also been well received. Counsel in criminal and civil cases are

Massachusetts Appeals Court

now filing docketing statements online with a fillable PDF form. Communication with the Trial Court has also been enhanced by increased digitalization. The internal entry statement to transmit an appeal was converted to a PDF. Criminal transcripts are now transmitted in PDF rather than only in paper format, saving much time and expense. The Court also improved both communication and software compatibility for its word processing application.

Public Outreach and Education

The Court continues to create educational opportunities for the public to observe and learn about the Massachusetts Appeals Court and the intermediate appellate process. In FY 2012, it conducted eight sessions at locations other than the John Adams Courthouse in Boston. Sittings were held at three of the Commonwealth's law schools – Western New England University School of Law, University of Massachusetts School of Law and Massachusetts School of Law. Of particular note was a special sitting at the University of Massachusetts, Boston, in a joint effort with its Department of Community Partnerships. In addition, three-judge panels sat at Trial Court facilities in Northampton and Worcester. After each of these "away sessions,"

the justices met with the high school, college and law school students to discuss appellate procedures and answer questions from the students. Many of the justices also regularly meet with a variety of groups who come to observe appeals at the John Adams Courthouse.

Transitions

Two Appeals Court justices were appointed to fill positions vacated in the prior year; however, the court conducted most of the entire sitting year with a judicial vacancy due to a retirement of an Appeals Court justice.

Appeals Court Statistics FY2012

| Sources/Types of Appeals | Civil | Criminal | Total |
|--|--------------|-----------------|--------------|
| Superior Court | 642 | 543 | 1,185 |
| Probate & Family Court | 140 | | 140 |
| BMC/District Court | 52 | 459 | 511 |
| Juvenile Court | 63 | 33 | 96 |
| Land Court | 51 | | 51 |
| Housing Court | 26 | | 26 |
| Appeals Court Single Justice | 0 | 6 | 6 |
| Appellate Tax Board | 11 | | 11 |
| Industrial Accident Review Board | 44 | | 44 |
| Employment Relations Board | 1 | | 0 |
| Total Fiscal Year 2012 | 1,030 | 1,041 | 2,071 |
| <i>Total Fiscal Year 2011</i> | <i>1,188</i> | <i>1,090</i> | <i>2,278</i> |
| Dispositions | | | Total |
| Total Panel Entries | | | 2,071 |
| Transferred to Supreme Judicial Court | | | 80 |
| Dismissed/settled/withdrawn/consolidated | | | 497 |
| Net Annual Entries | | | 1,494 |
| | Civil | Criminal | Total |
| Total Decisions | 833 | 750 | 1,583 |
| Decision of lower court affirmed | 653 | 592 | 1,245 |
| Decision of lower court reversed | 112 | 109 | 221 |
| Other result reached | 68 | 49 | 117 |
| Published Opinions | | | 210 |
| Summary Dispositions | | | 1,373 |

Massachusetts Trial Court

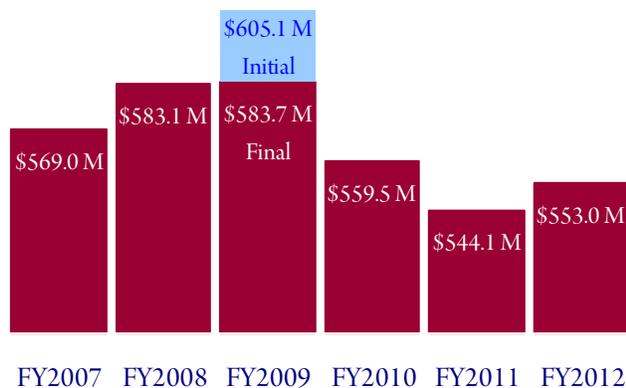
www.mass.gov/courts

In Fiscal Year 2012, the Massachusetts Trial Court launched a strategic planning initiative, prepared to implement structural reforms, made additional strides in technological advancement and grappled with further reductions due to the major budget challenges faced by the state. An initial appropriation of \$531.9 million was supplemented by funding for collective bargaining agreements which brought the FY2012 appropriation to \$553 million, slightly higher than FY2011 and lower than FY2009 and FY2010.

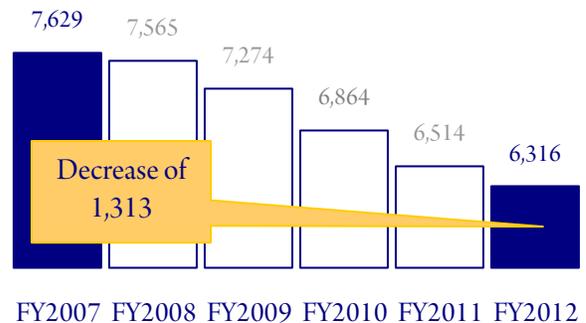
Management of the significant budget issues involved extension of the hiring freeze and reduced public hours in approximately 30 court divisions. Staff reductions since 2008 reached 1,250, including 200 fewer filled positions in FY2012. The Trial Court continued its efforts to enhance access to justice and increase operational efficiency using tools such as performance metrics and technology.

The Chief Justices and Court Administrators of the Boston Municipal, District, Housing, Juvenile, Land, Probate and Family, and Superior Court departments, the Probation Commissioner, the Jury Commissioner, and the Directors of the Administrative Office of the Trial Court (AOTC) continued to take unprecedented measures to meet the budget challenge and ensure the performance of their individual departments as they oversaw court operations statewide.

Fiscal Resources



Trial Court Positions



The significant staff reductions placed many court divisions well below the staffing levels recommended by the Trial Court's nationally-endorsed, weighted caseload staffing model. Court Departments used many strategies to address staff shortfalls, including voluntary staff relocations and use of administrative office staff to schedule court events. In August 2011, a Court Relocation Committee submitted a recommendation to the Legislature on consolidation at twelve locations to reduce expenses and redeploy staff.

The professional commitment and dedication of the state's judges, clerks, probation, and other court staff ensured the Trial Court's ability to deliver justice despite extremely challenging circumstances.

This report on the Trial Court's Recommendations and Plans and the Highlights of Fiscal Year 2012 presents a range of accomplishments across all departments despite diminished resources. The following four topical areas are used to present the Trial Court's efforts:

- Access & Quality Justice
- Effectiveness & Accountability
- Functional Facilities & a Safe Environment
- Community Partnerships & Outreach

Trial Court Recommendations and Plans

Strategic Planning

The Supreme Judicial Court and the Trial Court launched a comprehensive strategic planning process in early 2012 to produce a plan by the end of Fiscal Year 2013. Through an inclusive and collaborative process, the Trial Court is developing a vision for the year 2025, and the operational and implementation strategies and

goals required during the next five to ten years to progress toward that vision.

This effort includes seeking the views of staff at all levels of the court system, as well as those of external stakeholders, including lawyers, prosecutors, defendants, victims, civil litigants, state and local officials. An interdepartmental committee was formed to guide the data gathering and the development of a preliminary plan.

The planning process will address areas including access to justice, projected demographic trends, technology solutions that enable evidence-based decision making, staff development, operational efficiency, process management, capital planning, and collaboration with criminal justice and social service agencies.

Structural Reform

The Trial Court will continue the implementation of structural reforms introduced by legislation in 2011 (Chapter 93 of the Acts of 2011). These reforms included the addition of a Court Administrator to the Trial Court leadership team in April 2012. The newly-appointed administrator is focusing his efforts on resource flexibility, creating a culture of excellence and expanding the use of modern technology. Major new initiatives include the introduction of revised personnel policies and practices to enhance performance and accountability.

Access & Quality Justice

The focused leadership of a Special Advisor and Deputy Advisor on Access to Justice serves to guide and coordinate resources to broaden access to civil justice for all litigants, including self represented litigants, individuals of modest means, those of limited or no English proficiency, and individuals with mental or physical

disabilities. The Initiative includes an inter-departmental Advisory Committee and Task Forces focused on Limited Assistance Representation, Courthouse Information Desks, Court Forms, Self-Help Materials and Education. The Task Forces have made significant progress and will continue to expand their efforts. A strategic partnership with Harvard's Berkman Center for Law and the Internet is supporting an update and redesign of the Trial Court website to create a self-help tool that will assist the public and court staff. The implementation of ongoing grants from the State Justice Institute (SJI) and Legal Services Corporation will enhance the website through a document assembly program for child support and production of a video on small claims process in multiple languages. As a result of an SJI technical assistance grant, small claims forms will be introduced in seven languages statewide in early 2013.

Effectiveness & Accountability

The revenue challenges facing the Commonwealth continue to drive the Trial Court's efforts to ensure efficient operations and adequate funding to meet the needs of the 42,000 individuals who do business in the state's courthouses each day.

Trial Court departments will expand the use of evidence-based analysis to inform operational decision making. Court leaders are using metrics to evaluate and improve case management, access and fairness, file integrity, fee collection and juror utilization. The Court will continue to identify additional opportunities to gather empirical data to inform management decisions.

Technology

The Trial Court will continue to maximize the major investment in MassCourts, the Trial Court's web-based, multi-department data and

case management platform. Six of seven court departments now use MassCourts, which enables real-time data collection and information sharing, eliminates redundant data entry, reduces costs and increases information access. By the end of 2013, all Trial Court departments will utilize this platform.

Also in 2013, an e-filing pilot will be implemented, public internet access to case and schedule information will be expanded, and the Trial Court website will be redesigned to provide a more effective resource to the public and court staff.

Creative uses of technology will continue to enhance the Trial Court's ability to operate with reduced fiscal resources. Expanded use of videoconferencing will enhance the ability of the Trial Court to reduce inmate transportation expenses and enhance public safety. In 2012, MassCourts enabled electronic data transfers to the Registry of Motor Vehicles, Board of Bar Overseers, and Committee for Public Counsel Services, and enabled automated requests for interpreters. Additional electronic interfaces being developed will further enhance operational efficiency.

Functional Facilities & a Safe Environment

Major courthouse construction projects will continue in Greenfield, Lowell and Salem. These efforts provide the opportunity to pilot new practices that will enable more effective use of resources.

These new buildings and major renovations represent a significant commitment by the Commonwealth to upgrade the functionality and operating environment of the state's courthouses. These projects continue the Trial Court's recent

emphasis on creation of regional justice centers to serve multiple court departments and most effectively leverage available capital and operational funds.

The Trial Court will continue to identify ways to reduce expenses, energy consumption and environmental impact in concert with the interdepartmental Trial Court Green Team and the Massachusetts Department of Energy Resources and Division of Capital Asset Management.

Community Partnerships & Outreach

The Trial Court will continue its strong commitment to collaboration with a wide range of state and local agencies and community leaders to promote the identification and development of needed services and programs that enhance public safety, healthy communities, and the delivery of justice in cities and towns across the Commonwealth. The Community Service Program through the Office of Community Corrections will continue to deliver several hundred thousand hours of service to communities, agencies and programs throughout the state. Additional key partnerships include those with state and local bar associations, community non-profit agencies, advocacy and membership groups which regularly interact with the courts. Programs in schools and communities across the state greatly enhance public understanding of the role of the judiciary, the rule of law, and importance of the jury system in a democratic society.

Fiscal Year 2012 Highlights

Access & Quality Justice

Access to Justice Initiative

In FY2012, the Trial Court's Access to Justice Initiative advanced the issues of language access and the use of online information services to enhance access for the public and court staff. The State Justice Institute awarded the initiative a technical assistance grant to translate small claims forms into the seven most widely used languages and develop guidelines for the use of translated materials. A complementary grant was awarded to create a small claims self-help video that would be voiced-over in the targeted languages.

The Special Advisor on Access to Justice continued to work closely with the Office of Trial Court Information Services and Trial Court representatives. New Access to Justice Initiative projects include formation of a court-wide working group to redesign the public-facing website, participation in the Trial Court's e-filing planning committees, and continued partnership with Cyberlaw Clinic of Harvard Law School's Berkman Center for Internet and Society to assess how the Trial Court can best use technology to broaden access to justice.

A joint planning effort culminated in March with a judicial conference on Ethically Managing Self-Represented Litigation: Essential Strategies and Bench Skills, co-sponsored by the Trial Court's Judicial Institute and the Flaschner Judicial Institute. The Initiative also participated in the national Equal Justice Conference and Access to Justice Chairs meeting in June.

The initiative continued to work closely with the Massachusetts Access to Justice Commission on issues of broad concern to the justice community,

including enlarging the number of attorneys trained, willing, and able to provide pro bono civil legal services through full or limited representation, improving staff and online assistance to self represented litigants, strategic planning for legal services organizations, and improving the user experience for attorneys and self represented litigants.

Support of Children and Families

Child Welfare

The Administrative Office of the Juvenile Court requested and received Court Improvement Program Funds to extend the Court Improvement Project and Training Manager’s contract (formerly the Legal Researcher). The Training Manager’s responsibilities include training staff on how to schedule and conduct Permanent Plan Hearings; updating the Juvenile Court Benchbook for Care and Protection and CHINS cases; reviewing and proposing updates to Juvenile Court Rules for Care and Protection and CHINS cases; developing a “Ninety (90) Day Guide” for new judges for Care and Protection and CHINS cases; and participating as a member of the Aging Out Project committee.

Interdisciplinary Settlement Conferences

A pilot project was created by a group of judges, lawyers, and mental health professionals to address the increased animosity and high conflict being seen in the Probate and Family Court. Interdisciplinary Settlement Conferences involve a neutral lawyer and mental health professional who meet with the litigants and lawyers for the parties for one-half day. It is expected that the conferences will help parents resolve their differences with the help of qualified lawyers and mental health professionals so that settlements can be reached that withstand the test of time. To date 15 conferences have been held.

Child Support Modification Pilot

The Probate and Family Court partnered with the Department of Revenue, Child Support Enforcement Unit (DOR/CSE), to obtain a federal grant aimed at addressing the effects of the economic downturn on child support payments. The pilot ended in early 2012, and because of its success, will be expanded to other divisions of the Probate and Family Court.

National Adoption Day

More than 148 adoptions of children in foster care were finalized in Massachusetts in concert with the 9th National Adoption Day in November 2011. National Adoption Day is conducted in collaboration with the Juvenile and Probate and Family Court departments.

Domestic Violence

A Trial Court Interdepartmental Advisory Committee continued the Domestic Violence Court Assessment Project. In FY2011, *Guidelines for Judicial Practice: Abuse Prevention Proceedings* were revised and promulgated. Revisions to the forms used for abuse prevention cases filed pursuant to G.L. c. 209A were implemented in January 2012.

Support for Guardians

The Probate and Family Court provided training regarding the process of authorizing the administration of antipsychotic medications for persons under guardianship determined to be incapable of making informed medical decisions. Mandatory training of guardian *ad litem*s continued in FY2012, as well.

Specialized Sessions

Drug Courts

The Boston Municipal Court, District Court, and Juvenile Court departments conduct 25 drug court sessions, which implement the goals of the

Supreme Judicial Court's Standards on Substance Abuse issued in 1998. These specialized sessions reduce crime and substance abuse, enhance public safety and strengthen families. Key elements of this structured approach include intensive probation supervision and therapeutic programming, frequent testing and careful monitoring by the supervising judge. In FY2012, 283 new defendants entered drug court.

Firearms

Firearms sessions are conducted in the Central Division of the Boston Municipal Court for all of that department's court divisions to expedite adjudication of firearm-related criminal offenses. These courts established special timelines for the scheduling of pretrial hearings and disposition of these cases. In FY2012, 317 firearms-related cases were transferred to the Central Division for prioritized disposition, per agreement of the defense bar and the Suffolk County District Attorney's Office, and 323 cases were disposed. Approximately 276 cases were pending at the end of Fiscal Year 2012. A similar firearms session was conducted in Lynn District Court.

Mental Health

A voluntary Mental Health Diversion Initiative (MHDI) has been conducted since 2007 by the Central Division of the Boston Municipal Court in collaboration with Probation, the District Attorney, the defense bar, court clinicians and Boston Medical Center, for defendants charged with misdemeanors or non-violent felonies. In FY2012, 79 new defendants were referred to the session, and 29 defendants completed court-ordered treatment and did not incur any new arrests.

The District Court introduced mental health courts in Springfield and Plymouth. During the fiscal year, Springfield screened 50 referrals to the program, engaged 40 individuals in special

sessions, and graduated 11. In Plymouth, 91 individuals were screened, 33 participated in special sessions, and seven graduated.

Homeless Court

The Boston Municipal Court is expanding the operation of the "Homeless Court" session, initiated in early 2011. The Homeless Court allows homeless individuals to address outstanding warrants and permits minor misdemeanor or non-violent cases to be heard without unnecessary hardship.

Veterans Court

The first veterans' treatment court in New England was established in Norfolk County at the Dedham District Court. Utilizing the principles of drug courts, the veterans' treatment court addresses the special needs of veterans, particularly the issues of post-traumatic stress disorder and traumatic brain injury.

Business Litigation Sessions

High quality service to the bar and to the business community continued as the hallmark of the Superior Court's Business Litigation Sessions (BLS). The sessions provide effective case management, early intervention and continuity in complex business disputes. The project was extended into FY2012 and is currently being evaluated.

Alternate Dispute Resolution (ADR)

In the Boston Municipal Court nearly 700 cases were referred to mediation services and more than 400 cases were resolved successfully.

Housing Court Specialists facilitated the settlement of 80% percent of the 21,286 cases statewide referred for mediation and intervention.

In the Probate and Family Court, conciliation programs were expanded statewide to include almost every division of the court.

Massachusetts Uniform Probate Code

In March 2012, major changes to Probate Law went into effect as part of the Massachusetts Uniform Probate Code. Judges, court staff, and practitioners compiled the numerous rules, procedures, protocols, and forms required to implement the changes to probate practice and conducted preliminary training.

Volunteer Lawyer Initiatives

Where appropriate, the departments of the Trial Court collaborated with local bar associations to provide *pro bono* legal services. The Volunteer Lawyer Project and Lawyer for the Day programs provided legal support to self represented civil litigants in the Boston Municipal, District, Housing, and Probate and Family Court departments.

Sealing Multiple Criminal Records

The Boston Municipal Court made permanent Standing Order 1-09, which allows the filing of a single petition to seal three or more dismissals or non-conviction criminal records from two or more divisions of the department.

Community Corrections Centers

In FY2012, the Office of Community Corrections (OCC) received 20,305 referrals for community service and 3,031 community corrections referrals. Of the corrections referrals, 91% were level III and eight percent were level IV. A total of 109 participants received their GED, 873 participants were placed in a job, and 737 participants were placed in aftercare. OCC also facilitated drug testing on 70,255 submitted specimens.

Office of Jury Commissioner

The Office of Jury Commissioner (OJC) continued to expand and improve juror access to the Trial Court in FY2012. In July, the OJC debuted a new juror orientation video produced as a public service by Suffolk University. Other juror initiatives included a completely revised Trial Juror Handbook and a poster cautioning jurors on the use of social media and electronic devices during jury service.

The OJC and the Jury Management Advisory Committee (JMAC) undertook a complete review of the two jury statutes, M.G.L. c. 234 (now largely superseded) and c. 234A. The OJC and JMAC drafted proposed legislation to combine the substantive provisions of the two statutes within an amended M.G.L. c. 234A, and to repeal M.G.L. c. 234 in its entirety.

The OJC and JMAC also undertook an initiative to promote standards to safeguard the Confidential Juror Questionnaires (CJQs) that are completed by impaneled jurors. The JMAC worked with the Clerks' Associations to prepare guidelines on the law and suggested procedures for properly maintaining the CJQs. JMAC members met with representatives of the Clerks' Associations to promote the initiative and answer questions.

Access to Justice Initiatives Overseen by AOTC

Judicial Response System

This response system provides judicial intervention in emergency situations when the courts are closed. Judges participate through an on-call process coordinated in eight regions with public safety officials. In FY2012, judges handled 6,557 emergency evening or weekend calls, for an average of 126 calls per week.

Interpreter Services

In FY2012, 91,368 court events received interpretation services, including 37,908 events interpreted by staff interpreters. Interpretation services were provided in 71 languages, with Spanish accounting for 73% of the translated events.

The Trial Court developed an agreement with the Massachusetts Commission for the Deaf and Hard of Hearing for the provision of interpreter services. As a result, 829 court events received American Sign Language or Communication Access Realtime Translation interpreter services.

Trial Transcripts

In FY2012, 581 transcripts were produced from court recording monitor sessions, 1,416 transcription orders were processed, and 1,375 transcripts were stored electronically.

Law Libraries

In FY2012, the Trial Court's 17 law libraries welcomed 282,188 patrons, recorded 39 million visitors to the Law Library website, responded to 56,501 legal reference questions, delivered 32,660 documents, and supported 18,307 library card holders.

The staff of the Law Library department also created free e-books for Massachusetts Rules of Court. E-books are an electronic version of a printed book that can be downloaded and read on a computer, mobile phone, or tablet.

Effectiveness & Accountability: Resource Management

Budget, Staffing, and Operational Impact

The FY2012 appropriations for the Trial Court totaled \$553 million. This funding represented an increase of \$8.9 million from the final FY2011

appropriation of \$544.1 million. The increase is attributable to funding for collective bargaining agreements.

Although FY2012 funding represented the first funding increase since FY2009, total available funding is still over \$52 million less than the FY2009 initial appropriation. Cost-saving measures instituted during the initial years of the economic crisis were continued into FY2012. The hiring freeze implemented in October 2008, was continued through most of FY2012. The Trial Court ended FY2012 with 6,316 employees or almost 200 less than at the beginning of the fiscal year, and 1,249 less than July 1, 2008.

Court Hours & Staff Assignments

In FY2012, more than three dozen court departments, facing case backlogs and staff shortages, reduced the public hours of clerks and registers offices in order to avoid processing delays. The reduction in counter and telephone hours provided uninterrupted time for staff to prepare cases for court sessions and execute court orders, as well as to complete filing, docketing, scanning, and other case processing. The scheduling of court sessions and emergency access to the court were not affected by the changes in office hours.

Temporary staff reassignments were also used throughout the Trial Court to address critical staff shortages and needs.

Revenue Collection

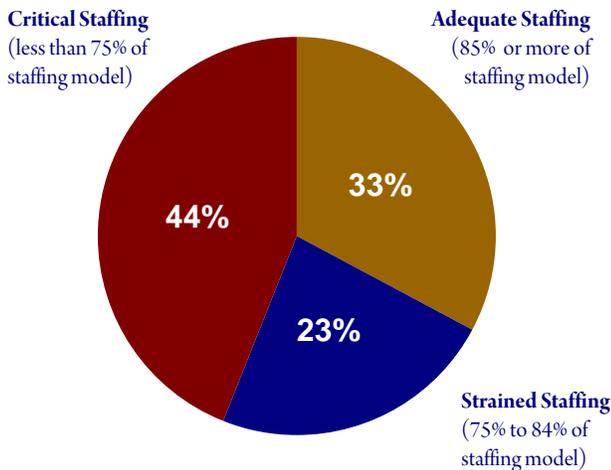
A significant portion of the Trial Court budget was dependent upon retained revenue. The retained revenue accounts available to the Trial Court allowed for the retention of a maximum of \$53 million in revenue based upon collections for General Revenue and Probation Supervision Fees. The Trial Court realized \$43.6 million of the potential \$53 million. The shortfall of \$9.4

million was attributable to a lower number of individuals eligible to pay Probation Supervision Fees and a decreasing civil caseload.

Staffing Model Data

As of the end of FY2012, Trial Court staffing averaged 75.2% of recommended levels. Fifty court divisions out of 116 were operating below 75%, and 18 divisions were below 65% of the recommended staffing levels

2012 Court Staffing Levels



The Trial Court’s staffing model lays out quantitative and qualitative methods to provide a point of reference and standards that identify comparative staff needs among courts. Regular updates of the model with caseload and staffing data are used to determine a court division’s level of staffing as compared to the optimal level developed in accordance with an objective, national model. Staffing level data improve the Trial Court’s ability to equitably allocate and share scarce staff resources.

Juror Utilization

In FY2012, juror utilization rates reached an all-time high of 46%, marked by a particularly strong performance in the first half of the fiscal year.

These results continued an upward trend that began in 2007.

In addition, the Office of Jury Commissioner also made significant progress on its goal to move towards a paperless environment, and is now scanning and archiving all juror communications and linking them to the juror record for instant desktop retrieval. The office has continued the virtualization of its production environment, creating improved security and efficiency and freeing existing hardware to be repurposed, leading to taxpayer savings.

Professional Development

The Judicial Institute also worked with Trial Court departments in developing and planning departmental judicial conferences held across the state.

The Judicial Institute presented or collaborated in presenting a total of 65 educational programs in FY2012, attended by approximately 2,900 Trial Court personnel. Hundreds more received or viewed resource and reference materials available online or through traditional delivery methods. The Judicial Institute also provided funding for 56 judges and court personnel to attend a variety of educational programs conducted by external organizations.

Fiscal Audits

In addition to spot audits done twice annually, the Fiscal Integrity Protocols implemented in FY2010, require that each court be audited at least once every three years. In FY2012, the Fiscal Department completed 64 audits.

Indigency Verification

The Office of the Commissioner of Probation (OCP) continued to work on improving the indigency verification process, resulting in a more streamlined and effective approach to detecting

and alleviating fraudulent requests for court-appointed attorneys by offenders who are not financially qualified. New regulations feature cross-checking of the Registry of Motor Vehicles and Department of Transitional Assistance records. Employee trainings and follow-up audits have improved the process. OCP, in collaboration with the Department of Revenue and Department of Transitional Assistance perform, 10,000 indigency checks each month.

‘Green’ Team

In 2008, the Trial Court created an interdepartmental Energy Task Force or ‘Green Team’. Among its FY2012 achievements was the collection and disposing of 2,041 tons of mixed waste material, of which, nearly a quarter (448 tons) was recycled.

**Effectiveness & Accountability:
Data Driven Decision Making**

Court Metrics

Performance measurement continued to provide the foundation for court management efforts, increasing effectiveness and accountability. The Trial Court uses CourTools, a set of performance measures promulgated by the National Center for State Courts, to inform decision making. Four of the ten NCSC metrics are used to set standards and goals that promote timely and expeditious case management – clearance rate, disposition of cases within time standards, age of pending cases, and trial date certainty. Successful implementation of this performance-based approach reflects extraordinary commitment by all members of the court community – judges, clerks, other Trial Court staff, and members of the bar. Trial Court departments continued to reevaluate scheduling, streamline processes and cross-train staff to ensure the delivery of justice amid the steady decline in staffing levels.

The Calendar Year 2011 report on the Trial Court’s outcomes for the measures of timely case processing is posted on the Trial Court website. The adverse impact of staffing levels on court metrics remained evident. Through the combined efforts of all Trial Court departments and the perseverance of staff, the system was able to maintain a timely disposition rate of 89.6% of all cases, despite a slight decline in the overall clearance rate from 96.9% to 95.6 percent. At the same time, however, the backlog of aged cases grew larger, increasing from 53,555 to 65,910, a difference of 12,355 cases or 23.1 percent. Finally, the proportion of trials begun by the second trial date remained steady.

| Case Flow Metric | CY10 | CY11 |
|---|--------|--------|
| Clearance Rate | 96.9% | 95.6% |
| Time to Disposition (% cases disposed within time standards) | 90.4% | 89.6% |
| Cases Pending Beyond Time Standards | 53,555 | 65,910 |
| Trial Date Certainty (% cases disposed by second trial date) | 75.5% | 76.9% |

Case Flow Management

Court departments produced a variety of case flow reports throughout the year to better manage cases and efficiently distribute resources. Statistics are distributed to stakeholders including judges, clerks, district attorneys and staff to enable shared strategies and solutions. Examples of initiatives across departments include the following:

Boston Municipal Court

The Boston Municipal Court reconstituted its standing committee on Court Operations and Policy Implementation and embarked upon a department-wide survey to identify new and

additional ways in which the court can improve its level of service to the public.

The Dorchester and Roxbury Divisions of the Boston Municipal Court employed a “first-case-out” system of priority trial assignment which puts all parties and necessary witnesses on notice at the pretrial conference that discovery is deemed complete, jurors will be present, and their case will be called first on the assigned trial date. This strategy proved particularly effective in cases that had been continued more than once because of unavailability of key evidence or a necessary witness.

District Court

A program implemented in the Worcester District Court has now been extended to the Springfield District Court to permit counsel in civil cases to agree to forego appearing in court at the required case management conference and proceed directly to a pretrial conference on an agreed date. In many cases the case management conference is a valuable case management mechanism but in some types of cases it may be superfluous.

The Worcester District Court has successfully introduced a modified form of individual calendaring for a small number of civil and criminal cases that would benefit from being assigned to a single judge for the lifetime of the case.

At the Springfield District Court, one judge is assigned to preside over the Civil session for a four month rotation, maintaining control of all cases scheduled for trial.

Housing Court

The Western Division of the Housing Court established a special schedule for conducting emergency condemnation proceedings brought

by the City of Springfield in the aftermath of the June 2011 tornado. The court adopted special procedures to process the hundreds of additional cases and scheduled three special sessions per week to expedite the hearing of these cases. These efforts continued in FY2012.

The Housing Court’s Western Division also improved its protocol for processing and adjudicating cases brought by tenants whose water service is to be shut off due to a landlord’s failure to pay the water bill. By working with area water departments, the Clerk’s office is able to expeditiously process requests for injunctive relief in such a manner that water service is not terminated and the water bills are paid.

Juvenile Court

In the Juvenile Court, numerous efforts to improve case flow were also undertaken. Revised case-scheduling procedures and case-type specific sessions were established to minimize delays and reduce waiting time. Other divisions revised scheduling procedures to accommodate school officials; to provide greater separation between delinquent youth and non-delinquent youth; and to free up the greatest number of lawyers during the morning session so their cases are concluded by the luncheon recess. In October 2011, a regional dedicated Care and Protection Trial Session was established, increasing the number of cases coming to an agreement either prior to trial or on the trial date. This dedicated session improved compliance with time standards.

Land Court

The Survey Division of the Land Court implemented a process of drafting streamlined plans which contributed to an increased rate of plan completion, and resulted in a plan throughput rate of 162%, up from 127% in fiscal year.

Probate & Family Court

In the Probate and Family Court, Probation Officers through the Dispute Intervention process helped litigants reach a resolution in more than 60% of contested cases involving child custody, divorce, separation and guardianship issues. Probation Officers performed 33,204 Dispute Interventions saving the courts and individuals significant hours of litigation.

Superior Court

The Appellate Division of the Superior Court continued to refine its operational procedures in the 2012 sitting. Procedural orders as well as the practice of resolving appeals involving mandatory minimum sentences and agreed upon pleas on the papers allowed for more precise scheduling. The Appellate Division continues to encourage the increased use of videoconferencing to further reduce transportation costs.

In Superior Court, the Firm, Fair Trial Date Initiative, designed to improve the delivery of justice in a more timely and cost effective manner by establishing more predictable trial dates in civil cases, continues to assist the court in reaching cases for trial on the date assigned. As of June 2012, approximately 7 out of 10 civil cases were being tried on the first or second trial date.

A dedicated Sexually Dangerous Person session in Suffolk County Superior Court manages statewide petitions for discharge under section 9 of Chapter 123A. In FY2012, four or more trials were scheduled each month in the dedicated session. In FY2012, 39 out of 55 petitions, including 24 involving jury trials, were resolved.

Project MORR

(Massachusetts Offender Recidivism Reduction)

The Administrative Office of the Trial Court (AOTC) was one of four recipients nationally for a federal grant to launch a recidivism reduction

program modeled after the HOPE project in Hawaii. The Superior Court, together with the District Court, the Office of the Commissioner of Probation (OCP), AOTC, and other stakeholders spent the year laying the groundwork for a pilot project in Essex County. The guiding principle of MORR is to reduce recidivism rates by taking swift, certain, and measured action for probation violations of any kind.

Other Probation Initiatives

Ohio Risk Assessment System (ORAS)

In FY2012, OCP continued training probation officers on the department's new risk assessment instrument ORAS. The ORAS tool is based on the highly successful Ohio Risk Assessment System, which is used to determine the rehabilitative needs of probationers as well as their risk to the community.

Juvenile Detention: 10 O'Clock Meeting

OCP also began the "10 O'Clock Meeting" program in FY2012. This program brings criminal justice and human service professionals together on Mondays to discuss juvenile defendants in Essex Juvenile Court. During these sessions, participants discuss meeting the needs of young people who are eligible to be released on bail. Through these sessions, the group devises alternatives to detention. The probation officer then presents these ideas to the judge.

Re-Entry Summit

In FY2012, OCP sponsored a summit which brought 150 law enforcement representatives from throughout the state together to address the needs of offenders being released into the community following incarceration. During this day-long summit, representatives from OCP, the Massachusetts Parole Board, the Massachusetts Department of Correction, and the Sheriffs'

departments considered issues including substance abuse, education, training, and housing. Participants discussed the sharing of resources and information such as access to the disciplinary records of offenders during their incarceration.

Superior Court: Court Reporter Working Group

A Working Group of judges, court reporters, clerks, and administrative staff was established in the spring of 2012, and charged with establishing rules and regulations for the archiving, storage, labeling, and preservation of transcribed and untranscribed notes of court proceedings, reporter and recorder log notes, tapes, and other electronic of digital audio files. In FY2012, 581 transcripts were produced from court recording monitor sessions, 1,416 transcription orders were processed, and 1,375 transcripts were stored electronically. The Working Group is also tasked with developing a consistent streamlined process to deal with overdue transcripts.

Bail Administration

The Office of Bail Administration (OBA) is responsible for ensuring compliance with applicable statutes, the Rules Governing Persons Authorized to Take Bail, and the Rules Governing Professional Bondsmen promulgated by the Superior Court. In FY2012, 90,087 prisoner releases were authorized by bail magistrates from police departments, county jails, and other holding facilities for appearances in the trial courts. This number represents 6,147 more releases than were recorded for the same period last year, and is the first time in five years that the number of releases increased.

**Effectiveness & Accountability:
Technology Enhancement**

MassCourts

The multi-year introduction of MassCourts, the Trial Court's comprehensive, web-based case management and data system, enables data collection and information sharing needed to track case progress and timeliness, and ultimately will replace 14 different systems with a uniform, integrated system. Successful implementation involves months of planning and training for each court department.

In FY2012, MassCourts implementation efforts included the initial pilots of the Juvenile Court department replacing their legacy JURIS application. MassCourts was rolled out to two of the 11 Juvenile Court Divisions: Essex County and Norfolk County. The Administrative Office of the Juvenile Court also established a schedule for the roll out of MassCourts to the remaining divisions and anticipates completion by the end of January 2013.

The Southeast Division of the Housing Court invested substantial time and resources in developing and incorporating practices and procedures designed to maximize the utility of MassCourts. Included in this approach was the cross-training of all staff in summary process, civil, supplementary process, small claims, and criminal case processing and the further appointment of back-up staff in the area of fiscal data entry.

The Superior Court continued to enhance the Forecourt case management system in anticipation of the implementation of MassCourts. In conjunction with clerks' offices, the Superior Court administrative staff worked to improve data quality by ensuring every case had a

Massachusetts Trial Court

complete electronic record and that all attorney information was current.

As of June 30, 2012, MassCourts contained information on 12.2 million cases, 27.5 million case calendar events, and 9.4 million scanned documents. Each day, 2,500 Trial Court employees use MassCourts to conduct business.

Videoconferencing

Trial Court departments continue to expand the use of videoconferencing to promote efficiency and address security concerns through the cooperation of stakeholders including the Department of Correction, Sheriffs' departments, District Attorneys' offices, the Committee for Public Counsel Services and bar advocates.

In FY2012, the Juvenile Court used videoconferencing in each of its sessions where systems were installed. The systems were used for over 80 Juvenile Court hearings, 90 meetings regarding the implementation of the MassCourts computer system, and more than 50 staff meetings involving clerk and probation staff. The technology allowed for timely hearings and reduced scheduling issues as well as lengthy and costly judicial travel.

The Superior Court expanded the use of videoconferencing, installing the necessary equipment in Middlesex and Worcester Counties. The Superior Court conducted approximately 3,400 hearings in Essex, Middlesex, Norfolk, Suffolk, and Worcester counties. This represents an increase of 900 video hearings from the previous fiscal year.

Audio Digital Recorders

As of FY2012, all Superior Court sessions were equipped with JAVS audio digital recorders. As many as 30 Superior Court sessions were recorded each day on audio digital machines.

Over 800 transcripts were ordered from digitally recorded Superior Court sessions.

Electronic Application for Criminal Complaint

The Trial Court Information Services (TCIS) department worked with the Executive Office of Public Safety and Security (EOPSS) and the Department of Criminal Justice Information Services (DCJIS) to develop an Electronic Application for Criminal Complaint (EACC) interface.

The interface, when implemented in FY2013, will allow police departments to submit criminal complaint applications to the Trial Court via the DCJIS network. This will allow the court to review and, when appropriate, accept these applications reducing data entry burdens and enhancing the accuracy of data submitted by law enforcement to the courts for processing. This new interface will further enhance the courts efforts to establish fingerprint supported records by ensuring that police and court records are accurately linked together upon initial submission.

EAccess

In December 2011, the public was granted access to Land Court dockets via the new internet site www.masscourts.org. EAccess allows any internet user to search and review case dockets for all Land Court cases that have been entered into the court's case management system. In one month, more than 7,000 users retrieved and viewed over 75,000 pages of information. This new portal will serve as the foundation for all internet-based case access in the future.

E-Filing

The Electronic Filing Working Group, charged with reviewing and recommending guidelines and protocols governing e-Filing pilot projects in the appellate and trial courts, completed draft

guidelines and submitted them to the Chief Justices of the Boston Municipal, District and Probate and Family Court departments in June 2011.

The working group continued its work into FY2012, updating court rules to facilitate e-Filing as well as drafting of a formal RFP that will be issued in Fiscal 2013 for the purchase of e-File software/services that will work in conjunction with MassCourts. It is anticipated this RFP will be completed in FY2013 and several pilots will be implemented.

Functional Facilities & a Safe Environment

Capital Construction Projects

Continuing the trend of the past three years, capital investment plan commitments for Massachusetts courthouse construction has declined. A total of \$40 million of new construction, renovations, and repairs was put into place in FY2012.

Courthouse Construction

Construction was completed on the new Taunton courthouse and the J. Michael Ruane Judicial Center in Salem. The conceptual design phase for the new Greenfield Trial Court was also completed. The architects are moving forward with the schematic design of the building, and the Trial Court is actively seeking temporary space for the court departments occupying the current building so that demolition may be commenced.

Presently, two comprehensive courthouse justice centers, Lowell and Greenfield are in the planning or design stage, along with planning for the total renovation and expansion of the circa 1912 Salem Probate and Family Court building.

Security

The Trial Court is committed to ensuring public safety and security for court employees at more than 100 sites. The Security Department focused on improving the training and equipment provided to court officer staff. Court Officers managed close to 300,000 custodies statewide in FY2012 and responded to a range of incidents including assaults, attempted suicides, medical emergencies and bomb threats.

Separate and Secure Waiting Areas

The Legislature established a Task Force to assess and develop an implementation plan for the designation of waiting areas for victims and witnesses in the 91 court locations statewide that conduct criminal business (Chapter 131 of the Acts of 2010).

Chaired by the Executive Director of the Massachusetts Office for Victim Assistance (MOVA) and the Chief Justice for Administration and Management, the Separate and Secure Waiting Area (SSWA) Task Force is comprised of professionals whose status as key stakeholders qualifies them to assess current needs, available resources, and the operational impact of recommendations. Initial surveys were issued to the courts in April 2011 and site visits began in May 2011. As of the end of FY2012, the Task Force conducted on-site tours and comprehensive assessments at 91 court locations statewide that conduct criminal business, and increased the number of separate and secure waiting areas from 4 to 43.

Records Management

The Records Management operation is responsible for receiving and storing inactive files from the various Trial Court departments, as well as the disposal of obsolete records in accordance with the procedures set forth in the Rules of the Supreme Judicial Court. In FY2012, the Records

Management operation reported transactions involving 4,384 records, transferred 3,300 cartons of inactive records, and shredded 9,337 cartons of obsolete records.

Community Partnerships & Outreach

Veterans Sessions

The Brockton, Worcester and Lawrence District Courts, in collaboration with Mission Direct Vet services, continued to offer a specialized court-based alternative to incarceration program for persons with a history of military service, trauma, and co-occurring mental health and substance abuse problems. Unlike other specialty court sessions, these programs do not involve regular contact with a judge in a court setting, but rather provide a focused alternative to incarceration that pairs probation with specialized, wraparound treatment services. Over 80 persons have been directed to the program.

Middlesex Mediation & Conciliation Program

Twenty-four volunteer members of the Greater Lowell Bar Association received training (from Trial Court staff and judges) and began providing court-connected conciliation services to parties involved in civil cases in the Lowell District Court. The new civil conciliation program offers free conciliation services at the final pretrial conference, thus affording litigants an alternative means of resolving their cases.

Civil Gideon Project

The Housing Court continued its participation in a research project spearheaded by Neighborhood Legal Services to examine the differing results between cases where counsel represents litigants and those where litigants are self represented. The project is a collaboration among the Boston Foundation, the Massachusetts Bar Foundation, the Boston Bar Foundation, and Harvard Law

School. The multiyear project began in FY2009, and a final report was issued in FY2012.

International Programs

Trial Court departments participated in a variety of international programs in FY2012. The Boston Municipal Court hosted 35 area directors from the Mexican Secretaria de Seguridad Publica (SSP), along with staff members from the Fletcher School of Diplomacy at Tufts University. In collaboration with the United States, Mexico is in the process of implementing reforms under the Mérida Initiative to enhance due process rights and provide more tools to combat organized crime.

Law Fellowship Program

The Superior Court, in response to a funding shortage for law clerks, established the Law Fellowship Program through which law school graduates, either with funding from their law schools or as volunteers, serve Superior Court judges to gain legal experience and skills. As of September 2011, the program included 21 law fellows.

Juvenile Court Clinics

The Juvenile Court, in collaboration with the Department of Mental Health, continued operation of Juvenile Court Clinics that have emerged as a national model for referrals and treatment, with more than 3,000 evaluations of children, youth, and parents in FY2012.

Juvenile-Focused Partnerships

The Berkshire Juvenile Court and Williams College collaborated in FY2011 to create Sister to Sister, a new court-ordered mentoring program which seeks to address core issues that young women face. In FY2012, the program was expanded into Central Berkshire and will serve the clients and families of the Pittsfield area.

All divisions of the Juvenile Court partnered with local Probation and Office of Community Corrections staff, community leaders and non-profits in the planning and implementation of a wide variety of community-based programs, including Operation Night Light, Mothers Helping Mothers, Truancy Watch, Stop Watch, Trial Court Academy, the Teen Prostitution Project, Shakespeare in the Court, Bridging the Gap, and the Juvenile Resource Center.

Probation Initiatives

The Office of the Commissioner of Probation introduced several management initiatives, including performance metrics, a new, validated risk/need classification instrument, merit-based hiring and promotions utilizing best practices, and enhanced partnerships with criminal justice agencies.

The Probation Department partnered with a number of community organizations in FY2012. In Suffolk County, the probation department collaborated with Massachusetts General Hospital to establish the Charlestown Court Addition Recovery Team (CHART) program. The CHART program targets chronic substance abusers and provides evaluation services, treatment and court supervision.

The Hampden County Juvenile Probation Department, along with the Springfield Community Substance Abuse Policy Institute (SCAPI), was awarded a grant to develop and implement a series of seven free lunch time learning presentations for parents, youth, community members, and professionals.

Probation officers continued their involvement in the Middlesex Essex Team Against the Exploitation of Children (METEC). In FY2012, the Lowell site adopted the United Teen Equality Center (UTEC) program. This program

provides an outlet through street outreach where youth are provided with intensive programming, enrichment activities and community events to assist in moving from violence and poverty to social and economical independence.

In FY2012, 30 probation officers and assistant chief probation officers from the Worcester Division of the Juvenile Court attended and monitored juvenile participation in the Teen Reality Intensive Drivers Education program, a day-long intervention and awareness program. Over 100 youth participated. Developed in collaboration with UMass Memorial Injury Prevention Center, the RIDE program focuses on high-risk teenage drivers who have been cited for a moving violation, such as speeding, driving without a license, or running a traffic light.

Community Service Programs

The Office of Community Corrections received 20,305 referrals to the community service program in FY2012. Probationers sentenced to community service assist local communities, state agencies, and non-profit organizations through projects such as cleaning parks, removing snow, helping food pantries, moving furniture and doing demolition and construction.

Partnerships with Schools, Non-Profits, and Law Enforcement

Judges, clerks, probation staff and others in all Trial Court departments partnered extensively with leaders in their local communities developing programs that are responsive to the needs of the communities served. School-based efforts shared information about the court's role in the community through opportunities such as mock trials and internships. Outreach included ongoing interaction with many focused advocacy and membership groups that regularly interact with the courts.

Massachusetts Trial Court

Courts worked closely with local law enforcement to provide guidance on a range of issues, including search and seizure law, new statutes and rules amendments, and law enforcement matters for new police cadets. Probation staff worked continuously with local police, non-profits, and other entities to design programs that combat violence and reduce crime.

Jury Outreach and Education

The Office of Jury Commissioner (OJC) continued its community outreach program of presentations to schools and community groups, court personnel and others.

The OJC also began an initiative to increase outreach to urban and minority communities, as part of on-going efforts to ensure appropriately diverse and representative juries statewide. The effort included presentations to urban audiences in schools and elsewhere, articles in targeted media outlets, and an interview by Judge José Sanchez on a Spanish language program.

The OJC also continued its collaborative outreach by meeting with jury professionals and legal scholars from other jurisdictions, ranging from jury managers from Minnesota and North Dakota to judges and professors from China and Japan.

Expanded Internet Sites

Trial Court departments expanded the content of their public websites. They significantly increased the number of posted interactive forms which allow litigants and attorneys to enter information and print a completed form for submission to the court. The Trial Court continued to partner with the Cyberlaw Clinic of Harvard Law School's Berkman Center for Internet and Society to assess how the Trial Court can best use technology to broaden access to justice.

Massachusetts Trial Court Five-Year Summary of Case Filings

| | FY2008 | FY2009 | FY2010 | FY2011 | FY2012 |
|------------------------------------|-----------|-----------|-----------|-----------|-----------|
| All Case Types | 1,314,120 | 1,308,033 | 1,195,691 | 1,132,002 | 1,035,558 |
| Criminal Matters | | | | | |
| Criminal | 279,247 | 264,371 | 242,689 | 235,531 | 235,808 |
| Criminal Show Cause Hearings | 113,851 | 102,704 | 93,561 | 102,625 | 84,670 |
| Criminal Warrants | 2,206 | 5,658 | 5,639 | 5,834 | 6,572 |
| <i>Sub-Total</i> | 395,304 | 372,733 | 341,889 | 343,990 | 327,050 |
| Civil - Regular | 157,746 | 162,743 | 157,449 | 123,447 | 104,379 |
| Civil - Specialized Matters | | | | | |
| Small Claims | 123,544 | 137,763 | 101,385 | 94,858 | 101,975 |
| Supplementary Proceedings | 32,816 | 46,279 | 43,318 | 37,777 | 28,387 |
| Summary Process | 40,360 | 38,685 | 37,051 | 39,056 | 41,559 |
| Restraining Orders | 34,960 | 31,628 | 38,365 | 46,931 | 46,141 |
| Harassment Orders | | | | 800 | 1,460 |
| Mental Health | 10,146 | 9,328 | 11,623 | 10,692 | 12,717 |
| CMVI Appeals | 27,191 | 23,676 | 15,466 | 12,208 | 9,763 |
| Administrative Warrants | 4,656 | 6,647 | 9,637 | 10,857 | 15,729 |
| Other Specialized Civil | 2,202 | 2,102 | 1,984 | 1,028 | 2,115 |
| <i>Sub-Total</i> | 275,875 | 296,108 | 258,829 | 254,207 | 259,846 |
| CMVI Hearings | 255,440 | 245,812 | 218,919 | 197,426 | 151,063 |
| Other Hearings | | | | | |
| Show Cause Hearings (Applications) | 14,808 | 12,672 | 11,238 | 9,643 | 7,135 |
| Non-MV Infraction Civil Hearings | 11,781 | 16,088 | 18,123 | 17,425 | 4,529 |
| <i>Sub-Total</i> | 26,589 | 28,760 | 29,361 | 27,068 | 11,664 |
| Juvenile Matters | | | | | |
| Juvenile Delinquency | 31,622 | 26,147 | 22,640 | 20,194 | 17,612 |
| Youthful Offender | 439 | 334 | 323 | 274 | 333 |
| CHINS Applications | 8,873 | 8,088 | 7,905 | 7,266 | 6,973 |
| Care & Protection Petitions | 3,531 | 3,357 | 2,799 | 2,636 | 2,470 |
| Adult complaints | 536 | 472 | 499 | 343 | 409 |
| Adoption | 731 | 800 | 737 | 695 | 719 |
| Guardianship | 814 | 778 | 639 | 623 | 642 |
| Paternity | 310 | 294 | 330 | 301 | 295 |
| Harassment | | | | 504 | 428 |
| Motor Vehicle Citations | 79 | 34 | 21 | 17 | 10 |
| <i>Sub-Total</i> | 46,935 | 40,304 | 35,893 | 32,853 | 29,891 |
| Probate | 50,019 | 48,427 | 48,818 | 47,946 | 40,076 |
| Guardianship - Minor | 4,769 | 4,652 | 3,956 | 4,076 | 10,255 |
| Child Welfare | 1,966 | 1,847 | 1,552 | 1,598 | 1,438 |
| Paternity | 22,025 | 23,850 | 19,589 | 19,863 | 20,164 |
| Divorce | 22,913 | 23,115 | 26,177 | 26,165 | 26,313 |
| Modification/Contempt | 51,116 | 55,886 | 50,708 | 51,052 | 51,661 |
| Other Domestic Relations | 2,282 | 2,430 | 1,003 | 1,280 | 759 |
| Appeals | 1,141 | 1,366 | 1,548 | 1,031 | 999 |

Massachusetts Trial Court Fiscal Data FY2012

| Breakdown of Trial Court Funding | Dollar Amount | Percent of Total |
|---|----------------------|-------------------------|
| Trial Court Operating Appropriations | \$478,865,696 | 83.0% |
| Retained Revenue | \$53,000,000* | 9.2% |
| OPEIU Local 6 Collective Bargaining Reserve | \$21,600,000 | 3.7% |
| Capital / Bond Funds | \$20,213,160 | 3.5% |
| Automation Bond Funds | \$528,238 | 0.1% |
| Grants, Trusts & Intergovernmental Funds | \$2,992,825 | 0.5% |
| TOTAL | \$577,199,919 | 100.0% |

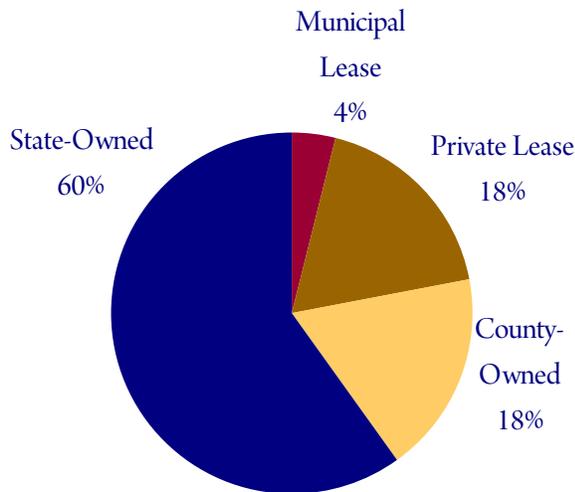
| Trial Court Expenditures from Operating Accounts | Dollar Amount | Percent of Total |
|---|----------------------|-------------------------|
| Judicial Salaries | \$46,254,226 | 8.6% |
| Court/Admin. Employee Salaries | \$344,926,261 | 64.0% |
| Employee Related Expenses | \$19,938,132 | 3.7% |
| Case Driven Expenses | \$14,880,689 | 2.8% |
| Law Library Expenses | \$6,679,782 | 1.2% |
| Office and Court Operations | \$45,415,243 | 8.4% |
| Facility Rental, Maintenance and Operation | \$60,919,466 | 11.3% |
| TOTAL | \$539,013,799 | 100% |

| Interdepartmental and Reserve Transfers | Total Amount Transferred Between Accounts Within Department |
|--|--|
| Central Accounts | \$800,000 |
| Superior Court department | \$457,226 |
| District Court department | (\$9,657,177) |
| Probate Court department | \$1,549,944 |
| Land Court department | (\$457,226) |
| Boston Municipal Court | \$3,063,460 |
| Housing Court department | \$641,321 |
| Juvenile Court department | \$3,102,452 |
| Probation Accounts | \$500,000 |
| Jury Commissioner | \$0 |
| TOTAL | \$0 |

*Retained Revenue collections totaled \$43,636,604 of the \$53,000,000 maximum allowed.

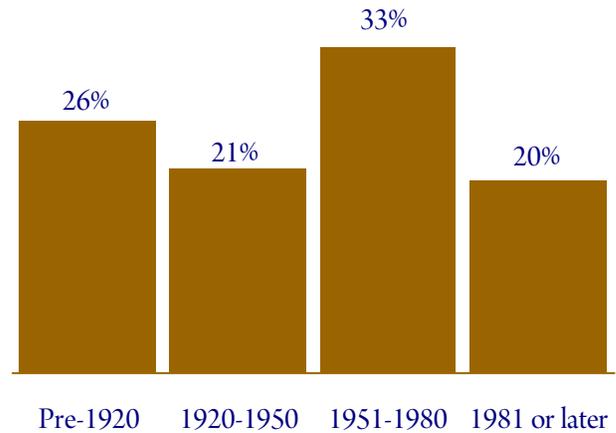
Massachusetts Trial Court Facility Data, FY2012

Court Facilities by Owner



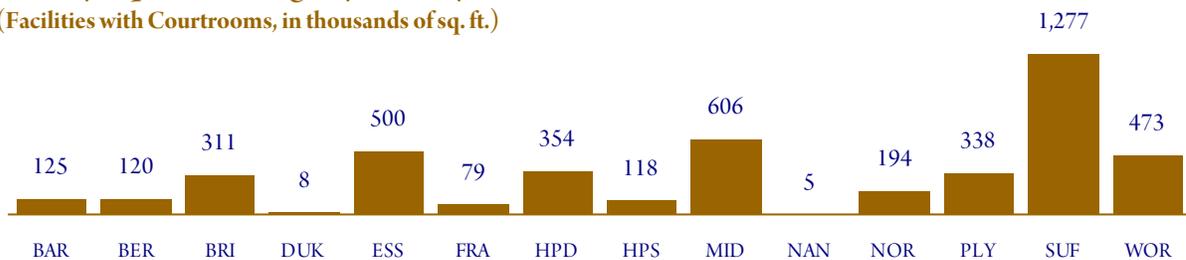
Age of Court Facilities: Year Constructed

Mean age State-Owned Facilities – 69 years
 Mean age County-Owned Facilities – 88 years



Facility Square Footage by County

(Facilities with Courtrooms, in thousands of sq. ft.)



Energy Costs, State-Owned Courthouses

(in Millions)

