



Taunton Trial Court

ANNUAL REPORT ON THE STATE OF THE  
MASSACHUSETTS COURT SYSTEM  
FY2011



SUPREME JUDICIAL COURT  
JOHN ADAMS COURTHOUSE

RODERICK L. IRELAND  
CHIEF JUSTICE

August 31, 2012

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:

Under 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 2011, which presents a wide range of accomplishments. Throughout the court system dedicated judges, clerks, probation staff, and other employees have diligently served the needs of the public despite ongoing budget challenges.

In FY11 the Judicial Branch continued to take responsible steps and make difficult decisions to assist the Commonwealth in its efforts to meet significant fiscal challenges. The hiring freeze initiated in 2008 was extended and public office hours in a number of locations were adjusted to accommodate major staff reductions, which have affected our ability to deliver justice expeditiously. The Judiciary continues to identify new opportunities to expand access to justice and improve operational efficiency, accountability, and transparency.

My colleagues across the Massachusetts court system have achieved an impressive array of accomplishments amid these challenging times. I am very proud of their achievements, which are highlighted in this report, which is posted on the court's website at [www.mass.gov/courts](http://www.mass.gov/courts).

I look forward to our continued collaboration in the year ahead to enhance the delivery of justice in the Commonwealth.

Sincerely,

A handwritten signature in black ink that reads "Roderick L. Ireland". The signature is written in a cursive style with a large, prominent initial "R".



**Annual Report on the State of the Massachusetts Court System  
Fiscal Year 2011**

**Supreme Judicial Court**

Chief Justice Roderick L. Ireland  
*(Appointed December 2010)*

Chief Justice Margaret Marshall  
*(Retired October 2010)*

**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 for Administration & Management Robert A. Mulligan

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

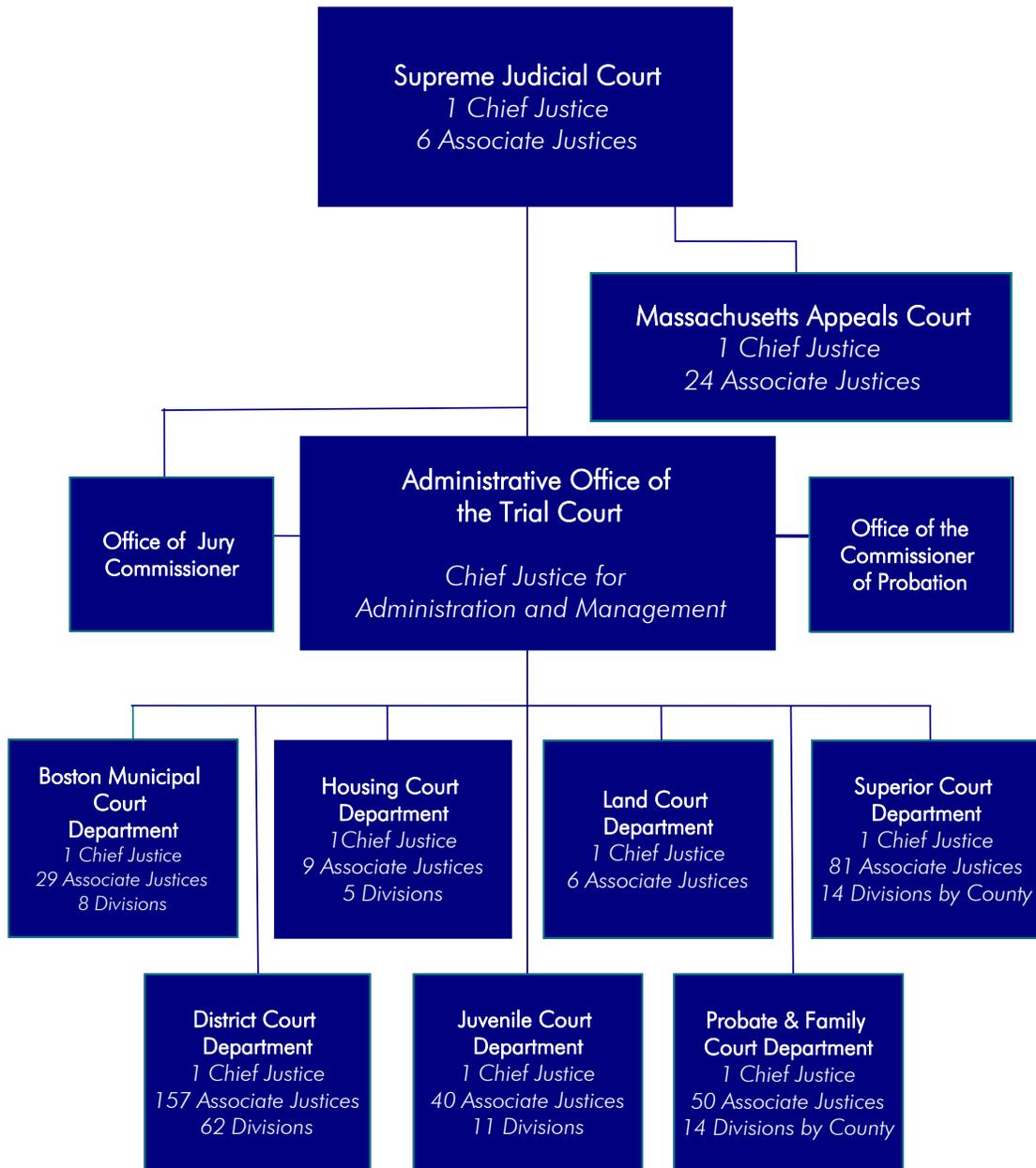
**Office of the Commissioner of Probation**

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

**Office of Jury Commissioner**

Pamela J. Wood, Esq., Commissioner

# The Massachusetts Court System



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

# Supreme Judicial Court

[www.mass.gov/courts/sjc/](http://www.mass.gov/courts/sjc/)

**T**he 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.

## Supreme Judicial Court: Fiscal Year 2011 Highlights

### Chief Justice Roderick L. Ireland Administered Oath of Office

Honorable Roderick L. Ireland was sworn in as the Chief Justice of the Supreme Judicial Court on Monday, December 20, 2010. Chief Justice Ireland recited the oath administered by Governor Deval Patrick and became the first African-American Chief Justice in the Court's 318-year history. Chief Justice Ireland had served as an Associate Justice of the Supreme Judicial Court since 1997.

## **Retirement of Chief Justice Margaret H. Marshall**

Massachusetts Supreme Judicial Court Chief Justice Margaret Marshall retired at the end of October 2010. Chief Justice Marshall served on the Court for 14 years, three years as an Associate Justice and 11 years as Chief Justice. She was the second woman appointed to the Court and was the first woman to serve as Chief Justice in the 318-year history of the Court.

## **Fiscal Oversight**

The national economic crisis continued to create major revenue shortfalls in the Commonwealth, which caused further budget reductions for the Massachusetts courts. The Judiciary through the leadership of the Chief Justice of the Supreme Judicial Court and the Chief Justice for Administration & Management advocated on behalf of the importance of an adequately funded court system.

## **Appointment of Independent Counsel**

In May 2010, the Supreme Judicial Court appointed an Independent Counsel with the powers of Special Master and Commissioner to conduct a prompt and thorough administrative inquiry into alleged improprieties with respect to the hiring and promotion of employees within the Probation Department, as well as other practices and management decisions. The order followed publication of an investigative media report alleging the hiring and promotion of Probation Department employees was based on reasons other than merit. The Court also named an Acting Administrator for the Probation Department.

In November 2010, the Independent Counsel submitted a comprehensive report to the Court, which made the report public and directed a number of corrective measures.

## **Task Force on Hiring**

In December 2010, the Justices formed a Task Force for Hiring in the Judicial Branch to be led by former Attorney General Scott Harshbarger “to make recommendations designed to ensure a fair system with transparent procedures in which the qualifications of an applicant are the sole criterion on hiring and promotion” in the Probation Department and throughout the Trial Court.

In 2011, the Task Force issued a series of reports focused on hiring within several Trial Court entities including Probation, Security, and Administrative Offices. The recommendations included expansion of human resources responsibility in the Trial Court to redefine recruitment, hiring and promotion practices; creation of an employee performance review system; trainings for evaluators and interviewers; and assistance in updating mission statements and job competencies to address increasingly complex challenges in an evolving Trial Court management structure.

## **Access to Justice Commission**

In February 2010, the Supreme Judicial Court reconstituted the Massachusetts Access to Justice Commission, first created in 2005, with a five-year term. 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. Several Action Groups have been established, including Delivery of Legal Services, Technology and Website, Administrative Justice, as well as Trial Court Practice Groups for the District Court, Boston Municipal Court, Probate and Family Court and the Housing Court.

In September 2010, the Supreme Judicial Court amended Rule 4:03, Periodic Assessment of Attorneys, on the recommendation of the Access to Justice Commission, and in recognition of the great unmet need for civil legal services for those unable to afford them. The change establishes a voluntary fee for attorneys for use in the administration of justice and in the provision of civil legal services. The decision to pay this voluntary fee will be confidential.

### **Court Management Advisory Board**

The Justices of the Supreme Judicial Court appointed a new Court Management Advisory Board (CMAB), which began a three-year term on June 1, 2010. The appointed members of the original CMAB completed their second and final three-year terms on the Board. In FY2011, the newly constituted CMAB met regularly to support the Trial Court in its pursuit of managerial excellence.

Following the recommendation of the Visiting Committee on Management in the Courts (the “Monan Committee”), the Massachusetts Legislature created in 2003 the CMAB to advise and assist the Justices of the Supreme Judicial Court and the Chief Justice for Administration & Management on matters pertaining to judicial administration and management and all matters of judicial reform.

### **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

**Harry Spence**

Lecturer, Harvard Kennedy School

## Judicial Evaluation and Enhancement

The judicial evaluation program has facilitated the collection and processing of over 110,000 judicial evaluations 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 FY2011, three rounds of judicial evaluation were conducted. In the first round, 28 Norfolk County judges in the District, Juvenile, Superior and Probate and Family Courts were evaluated, yielding 2,976 attorney evaluations, 470 employee evaluations and 322 juror evaluations. In round two, 52 judges in the counties of Berkshire, Hampden, Hampshire and Franklin were evaluated in Housing, Juvenile, District, Superior and Probate and Family Courts, yielding 3,075 attorney evaluations, 1,287 employee evaluations, and 607 juror evaluations. In round three, 86 judges in the counties of Bristol, Plymouth, Barnstable, Dukes and Nantucket were evaluated in Housing, Juvenile, District, Superior and Probate and Family Courts, yielding 5,066 attorney evaluations, 1,544 employee evaluations and 1,308 juror evaluations. Overall, on average in FY2011, each of the 166 judges evaluated received feedback from 67 attorneys and 20 court employees and 80 judges received an average of 28 juror evaluations.

## Pro Bono Legal Services

The Supreme Judicial Court's Standing Committee on Pro Bono Legal Services works to promote volunteer legal assistance for people of limited means who are in need of legal representation, in accordance with Supreme

Judicial Court 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 10th annual Adams Pro Bono Publico Awards in October 2010 to two Massachusetts attorneys and a Massachusetts law firm. The Standing Committee also visited two Boston area law schools in FY2011 as part of its plan to visit all Massachusetts law schools to promote the law students' pro bono activities.

## Community Outreach

In keeping with John Adams' passion for justice, community, and learning, the Supreme Judicial Court utilizes the John Adams Courthouse to provide free educational opportunities for students, educators, and the public. In FY2011, such opportunities included public courthouse tours provided in partnership with Discovering Justice, a Boston-based, non-profit educational organization; student-group visits to the courthouse to attend oral arguments, meet with a justice or watch a dramatic performance of an historical event; teacher training sessions; and the Court's annual celebrations of Student Government Day and Law Day. The Supreme Judicial Court also entered its sixth year of successful partnership with Theatre Espresso to perform educational dramas at the John Adams Courthouse for school children.

The Supreme Judicial Court also conducted the 21st year of the Judicial Youth Corps, a legal education and internship program for Boston and Worcester public high school students who learn first-hand about the Massachusetts court system. The 14-week program extends from May to August and is funded by foundations and grants.

The Supreme Judicial Court's website continues to provide easy access 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.

### Court Improvement Program

The Supreme Judicial Court received Court Improvement Program (CIP) grants from the

federal government totaling more than \$650,000 in FY2011. 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 video conferencing pilot project; and training programs for lawyers who represent children or parents.

## Supreme Judicial Court Statistics

<b>Caseload</b>	<b>FY2010</b>	<b>FY2011</b>
Direct Entries	130	137
Direct Appellate Review - Applications Allowed	34	35
Direct Appellate Review - Applications Considered	82	87
Further Appellate Review - Applications Allowed	32	46
Further Appellate Review - Applications Considered	726	960
Transferred by SJC on its Motion for Review of Entire Appeals Court caseload:	35	46
Gross Entries	231	264
Dismissals	42	17
Net Entries	189	247
<b>Dispositions</b>	<b>FY2010</b>	<b>FY2011</b>
Full Opinions	164	150
Rescripts	61	37
Total Opinions	225	187
Total Appeals Decided <sup>1</sup>	231	194

<sup>1</sup>Indicates the total number of appeals resolved by the Court's opinions.



# Massachusetts Appeals Court

[www.mass.gov/courts/appealscourt/index.html](http://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 2011, all cases that had been briefed by February 1<sup>st</sup> had

been argued or had been submitted to panels for decision without argument.

## Massachusetts Appeals Court: Fiscal Year 2011 Highlights

### Appellate Caseload

The Appeals Court caseload for FY2011 increased by three percent. Two of the last three fiscal years are notable as the highest filing years in the Court's history. Civil filings, both in number and the originating court, were remarkably consistent with the prior year. The increase was due to a slight increase in criminal filings from both the Superior and District Court departments. Significantly, in deciding 1,773 cases the court set a new record for cases decided, exceeding the prior record by 191 cases. In addition, for the first time in its history, the court decided more cases than net entries. In FY2011, there were 121 more cases decided than net entered.

## Technology Enhancement

The Appeals Court was especially active in using technology to enhance court operations and improve better public service despite record low staffing levels. A newly approved standing order allows both counsel and self-represented parties to choose email rather than paper notices, which reduced expenses for paper, postage and labor. In FY2011, the Court transitioned to a new browser-based case management system to streamline docket entries and to provide an appropriate environment if the Court decides to go paperless. Other new initiatives by the Clerk's Office include a new entry statement in civil cases which can be downloaded from the Court's website and filed electronically; approval for parties to file various documents by CDs formatted to PDF; and a process to enable online ordering and payment for CDs of oral arguments.

## Public Outreach and Education

The Court continues to create meaningful opportunities for the public to observe and learn about the Massachusetts Appeals Court and the intermediate appellate process. In FY2011, it conducted eight sessions at locations other than the John Adams Courthouse in Boston. Sittings were held at four of the Commonwealth's law schools – Western New England (two sessions), University of Massachusetts School of Law (two sessions), Boston University and Massachusetts School of Law. In addition, three-judge panels sat at Trial Court facilities in Northampton and Worcester. Groups of local high school, college and law school students were often invited to attend these "away" sessions.

At two law schools, several professors treated many high school groups to classroom discussions and activities based on legal issues raised in the appeals the students had observed. After each sitting, the justices met with the public and students, explaining the Court's operating procedures and answering questions about the appellate process. Many of the justices also regularly meet with student groups who come to observe appeals at the John Adams Courthouse, as well as judge moot court competitions held on premises.

## Transitions

Two Appeals Court justices were appointed to the Supreme Judicial Court, and the Court Administrator who had served the Court since its inception retired. Staff attrition continued, particularly among the Clerk's Office and staff attorneys, as retirees were not replaced due to budgetary constraints. At the close of FY2011, 14 percent of staff positions remained vacant.

## Appeals Court Statistics FY2011

Sources/Types of Appeals	Civil	Criminal	Total
Superior Court	705	602	1,307
Probate & Family Court	143		143
BMC/District Court	64	459	523
Juvenile Court	91	21	112
Land Court	71		71
Housing Court	32		32
Appeals Court Single Justice	20	8	28
Appellate Tax Board	8		8
Industrial Accident Review Board	54		54
Employment Relations Board	0		0
<b>Total Fiscal Year 2011</b>	<b>1,188</b>	<b>1,090</b>	<b>2,278</b>
<i>Total Fiscal Year 2010</i>	<i>1,173</i>	<i>1,042</i>	<i>2,215</i>
<b>Dispositions</b>			<b>Total</b>
<b>Total Panel Entries</b>			2,278
Transferred to Supreme Judicial Court			81
Dismissed/settled/withdrawn/consolidated			526
<b>Net Annual Entries</b>			1,671
	<b>Civil</b>	<b>Criminal</b>	<b>Total</b>
<b>Total Decisions</b>	<b>884</b>	<b>889</b>	<b>1,773</b>
Decision of lower court affirmed	691	653	1,344
Decision of lower court reversed	109	150	259
Other result reached	84	86	170
Published Opinions			248
Summary Dispositions			1,525



# Massachusetts Trial Court

[www.mass.gov/courts](http://www.mass.gov/courts)

**I**n FY2011, the Massachusetts Trial Court continued to face major budget challenges resulting from the impact of fiscal issues on state revenues. Actual funding for FY2011 declined to \$544.1 million, down 10.1 percent from an initial appropriation of \$605.1 million in FY2009.

In order to manage this significant budget reduction, the Trial Court began the fiscal year with a third round of voluntary personnel reductions, implemented a five-day furlough for judges, clerks and managers, and extended the hiring freeze begun in October 2008. Additional court locations were consolidated and services further curtailed. Cost containment efforts in the areas of technology and energy reduction continued to be implemented.

In the face of staff reductions of more than 1,000 employees since 2008, Trial Court judges, clerks and court staff maintained a commitment to the delivery of quality justice. Performance measurements continued to be applied to a variety of operational areas, including case management.

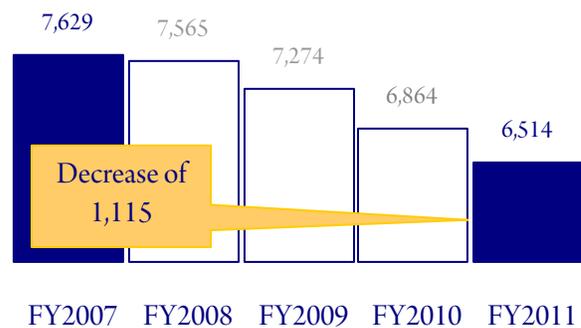
The Chief Justices and Court Administrators of the Boston Municipal, District, Housing, Juvenile, Land, Probate and Family, and Superior Court Departments, as well as the Commissioner of Probation, Jury Commissioner, and the Directors of the Administrative Office of the Trial Court (AOTC), provided leadership in applying a range of strategies to address the budget challenge amid staffing shortages, and oversee the statewide operations of their individual departments.

A five-day management furlough was implemented and the hard hiring freeze was extended to avoid involuntary layoffs. Judges and clerks voluntarily participated in the furlough by close to 100 percent. An agreement was reached with the union representing clerical staff

**Fiscal Resources**



**Trial Court Positions**



regarding payment of the negotiated wage increases which had been deferred since the beginning of the fiscal crisis. By the end of FY2011, the Trial Court workforce had declined to 6,514, a reduction of 1,115 employees since July 1, 2007. These significant staff reductions placed more than 65 percent of court divisions well below the staffing levels recommended by the nationally-endorsed, weighted caseload staffing model. Court departments continued to use voluntary staff relocations to help address staff shortages.

A Court Relocation Committee, formed in 2010 to assist with the identification of additional court consolidations, submitted final recommendations in August 2011 in response to ongoing budget issues and growing staff shortages. The CRC recommended 12 court relocations to provide more than \$3 million in savings and allow redeployment of 300 judges and staff to understaffed courts.

During FY2011, the Land Court and various other court operations moved from leased space into state-owned space. Since the beginning of the fiscal crisis, implementation of 13 relocations and space consolidations has saved more than \$7 million. The opening of a new Fall River Trial Court also enabled relocations from leased space.

The professional commitment and dedication of the state's judges, clerks, probation, and other court staff have allowed the Trial Court to continue to deliver justice despite challenging circumstances which are straining operations. In addition to budget challenges, the Trial Court persevered through investigative reviews of hiring in the Probation Department. An Independent Counsel issued findings in November 2010, and an Acting Commissioner of Probation was appointed in January 2011. Also in January, the

Supreme Judicial Court formed a Task Force on Hiring and Promotion in the Judicial Branch.

## Trial Court Recommendations and Plans

This Annual Report includes the Trial Court's recommendations and plans as it moves forward. The highlights of FY2011 present a range of initiatives and accomplishments across all departments despite severely restricted resources.

The future plans and past highlights are presented in the following four areas:

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

### Access & Quality Justice

The Trial Court's commitment to enhancing access to justice benefits from the focused efforts of the Special Advisor and Deputy Advisor on Access to Justice Initiatives appointed in 2009. An interdepartmental Advisory Committee and five Access to Justice task forces are working to improve access through self-help materials, court forms, information desks, training and Limited Assistance Representation.

The initiative has established a number of partnerships with external entities interested in access to justice, including the The Berkman Center for Internet & Society at Harvard, which prepared a preliminary report on *Best Practices in the Use of Technology to Facilitate Access to Justice Initiatives* outlining opportunities for the Trial Court to develop solutions to impact access and enhance operational effectiveness.

The 2011 Annual Report on the Access to Justice Initiative in the Trial Court highlighted ongoing efforts to advance the initiative's objectives by maximizing the use of technology, seeking alternative resources, and working with partners in the broader justice community and in the other branches of government.

This focused effort continues 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.

### **Effectiveness & Accountability**

The revenue challenges facing the Commonwealth will continue to drive the Trial Court's efforts to ensure adequate funding, as it identifies new ways to operate effectively and efficiently to meet the needs of the 42,000 individuals who do business in Massachusetts courthouses each day. All Trial Court departments continue to use evidence-based analysis to inform decision making. Performance measures include case management, access and fairness, file integrity, fee collection and juror utilization.

At the end of 2011, the Judicial Branch announced plans to launch a comprehensive strategic planning effort to create a blueprint for improving the delivery of justice in the years ahead.

The Supreme Judicial Court's Task Force on Hiring and Promotion in the Judicial Branch issued six reports in 2011 which provide best practices for merit-based hiring and promotion throughout the court system. A Personnel Policy Committee under the leadership of Juvenile Court Chief Justice Michael F. Edgerton will

integrate the Task Force recommendations into Trial Court policies.

Implementation of these recommendations complements efforts to improve Trial Court operations by comprehensive strategic planning and by the appointment of a Court Administrator pursuant to court reorganization legislation.

The Trial Court also will continue to benefit from the guidance of the Court Management Advisory Board on court management and operations.

### **Technology**

The Trial Court will continue to leverage its significant investment in MassCourts, the web-based, multi-department data and case management platform. By the end of 2011, five of seven court departments will use full MassCourts functionality for civil and criminal case processing and fiscal transactions. Expanded use of MassCourts enhances real-time data collection and information sharing, eliminates redundant data entry, reduces costs and increases information access.

Creative uses of technology will continue to enhance the Trial Court's ability to operate with reduced fiscal resources. In FY2011, MassCourts supported new applications including expanded electronic order exchanges with the Executive Office of Health and Human Services and with the Merit Rating Board for motor vehicle hearings.

### **Functional Facilities & A Safe Environment**

Major courthouse construction projects continued through 2011. State-of-the-art, multi-department courthouses opened to the public in

Taunton in July 2011, and in Salem in December 2011. Planning and design began for the renovation of the Greenfield Courthouse.

These projects extend the Trial Court's recent efforts to create comprehensive justice centers that serve multiple court departments to leverage available capital and operational funds. These efforts represent a significant commitment by the Commonwealth to upgrade and modernize the state's deteriorating courthouses.

The Trial Court will continue to reduce energy consumption, its environmental impact and expenses through the partnership of the Court Capital and Facilities Management department, the Trial Court's Green Team and the state Division of Capital Asset Management.

In 2011, a Separate and Secure Waiting Area Task Force began efforts to conduct a court-by-court assessment and develop an implementation plan to designate or create separate and secure waiting areas for victims and witnesses of crime. A final plan will be provided to the Legislature by July 2012.

## 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 services to communities, agencies and programs statewide. 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 the importance of the jury system in a democratic society.

## Massachusetts Trial Court Fiscal Year 2011 Highlights

### Access & Quality Justice

#### *Access to Justice Initiatives*

The mission of the Access to Justice Initiative is to guide and coordinate resources within the Trial Court 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; to work with judicial leaders in the Trial Court to develop long and short range goals, statewide strategies, and best practices to increase access to justice throughout the Trial Court; and to work with organizations outside of the court to implement access to justice initiatives and protocols.

The Special Advisor for Access to Justice Initiatives, Housing Court First Justice Dina Fein, and Deputy Advisor Sandra Lundy, Senior Staff Attorney for the Supreme Judicial Court, continued in FY2011 to guide five task forces assigned specific project areas -- *Limited Assistance Representation; Courthouse Information Desks; Court Forms; Self-Help Materials; and Education*. Accomplishments in these five areas are highlighted below.

#### Limited Assistance Representation

Limited Assistance Representation or LAR allows an attorney to represent or assist a litigant with part, but not all, of a legal matter. The attorney and litigant define the tasks for which each will be responsible. A large number of Massachusetts' attorneys have attended training to become certified to utilize LAR.

Three additional court departments adopted LAR in FY2011. The Boston Municipal Court

implemented LAR in all civil matters in all court divisions. The Housing Court adopted LAR for all civil matters in November 2010. Effective January 2011, the District Court commenced a one-year pilot project implementing LAR in all civil matters in all court divisions. In addition, the Land Court initiated its first informational meetings to introduce the concept and process of implementing LAR.

The LAR Task Force developed specific attorney training materials, programs, and written articles designed to educate attorneys and the public about LAR.

#### Courthouse Information Desks

Courthouse information desks are designed to help guide the public within the courthouse. Information and resources available at the desks include: calendar and docket information; court forms and judicial publications; courthouse guides and directories; information about social services and other programs; and public access computers. Volunteers direct individuals to courtrooms, district attorney offices, or related justice agencies located nearby, and help the public find the correct destination.

In October 2011, the Access to Justice Initiative opened the Brooke Courthouse Information Desk, which operates from 8:30 to 11:00 am. In its first year of operation, volunteers assisted approximately 8,000 court users.

#### Court Forms

The development of standardized forms for pleadings frequently used by self-represented litigants is considered an important step in enabling self-represented litigants to navigate the legal system and improve the efficiency of the courts.

## Massachusetts Trial Court

In FY2011, the Access to Justice Initiative's Task Force on Court Forms facilitated the translation of Probate and Family Court Financial Statements into Spanish and Portuguese, and the translation of the Trial Court Probation Contract into Spanish.

### Self-Help Materials

Self-help materials on a variety of topics and in a number of media are needed to assist self-represented litigants navigate the justice system. Self-help materials direct litigants to the correct court department, assist them in accessing and correctly completing forms, and enhance the efficiency of court operations.

In FY2011, the Task Force inventoried existing print and on-line self-help materials throughout the court system. In addition, the Task Force developed draft *Guidelines for Written Materials*, including readability guidelines, created a list of existing self-help materials to be modified for readability, and began to revise self-help materials.

### Education

Self-represented litigants can create significant challenges for judges and court personnel. The Task Force on Education created and presented a Judicial Institute program, *Responding to Daily Challenges: A Program for Trial Court Staff*, to provide front-line staff with tools to help meet the needs of the self-represented population effectively.

### Access to Justice Initiative: Other Activities

In July 2010, the Cyberlaw Clinic at the Harvard Law School Berkman Center for Law and the Internet provided a report on its research of the best practices for using technology to enhance access. This research focused on websites; on-line completion of forms; case management and electronic filing systems; and direct staff assistance.

An Electronic Filing Working Group, charged with reviewing and recommending guidelines and protocols governing e-filing pilot projects in the appellate and trial courts, drafted guidelines and submitted them to chief justices in June 2011.

The Access to Justice Initiative also joined four local legal services programs to apply for a Technology Innovation Grant (TIG) from the Legal Services Corporation (LSC), to develop document assembly programs for generating child support forms.

The Administrative Office of the Trial Court also received a grant from the State Justice Institute to translate the forms used in small claims proceedings into seven languages: Spanish, Portuguese, Haitian, Khmer, Vietnamese, Chinese, and Russian. This project has involved identifying a uniform set of forms for the three Trial Court departments that handle small claims cases.

### ***Massachusetts Uniform Probate Code***

In March 2012, major changes to Probate Law will go into effect as part of the Massachusetts Uniform Probate Code. Judges, court staff, and practitioners worked hard throughout FY2011 to pull together the numerous rules, procedures, protocols, and forms required to implement the changes to probate practice and conduct preliminary training.

### ***Support of Children and Families***

The Probate and Family Court modified eligibility requirements for the Parent Support Program in the Hampden Division. From June 2010 through August 2011, 184 parents enrolled in the program.

***Pilot on Sealing Multiple Criminal Records***

The Boston Municipal Court extended its pilot initiative to allow filing of a single petition to seal three or more dismissals or non-conviction criminal records from two or more divisions of the department in recognition of the economic hardships faced by those of limited means seeking to seal their criminal records.

***Specialized Sessions for Drugs, Firearms Offenses, and Mental Health***

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.

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 FY2011, 393 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. The Trial Court's first firearms session was established by the District Court Department at the 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 FY2011, 86 new defendants were referred to the session. The District Court has introduced mental health courts in Springfield and Plymouth.

Homeless Court. In early 2011, the Boston Municipal Court conducted its first Homeless Court session in collaboration with Probation, the Lemuel Shattuck Hospital and the Pine Street Inn. Non-violent defendants volunteer to participate and make a year-long commitment. During that time they receive mental health and substance abuse counseling, a bed at a shelter and those without a high school diploma receive tutoring and GED classes. The court meets every 12 weeks and since its inception 19 defendants with 33 pending criminal cases have completed the program.

***Child Welfare***

The Juvenile Court department received Court Improvement Program funds to engage a Legal Researcher to address issues directly related to child welfare matters. Among other important contributions, the researcher completed an update of the "Handbook for Parents on Care and Protection Cases." Several thousand copies were printed and distributed in all Juvenile Court sites where Care and Protection cases are scheduled.

***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.

***Harassment Prevention***

In May 2010, “An Act Relative to Harassment Prevention Orders” authorized the issuance of harassment prevention orders. The procedures in Chapter 258E largely parallel those for abuse prevention orders in G.L. c. 209A.

The District Court began a pilot project in the Quincy District Court in FY2011 to mediate harassment prevention order cases. The project encourages parties to work out their differences in a manner that results in an agreed-upon dismissal and eliminates the need for a judicial order and subsequent review.

***Business Litigation Sessions***

The Superior Court department continued its commitment to the operation of two Business Litigation Sessions (BLS) with the high standards demonstrated since the specialized session began in 2000. The sessions provide effective case management, early intervention and continuity in complex business disputes.

In January 2011, the Superior Court extended the Discovery Pilot Project, begun in 2010 and developed by the BLS judges and Advisory Committee. The project addresses the increasing cost and burden of pretrial discovery.

***Alternate Dispute Resolution (ADR)***

Housing Court Specialists facilitated the settlement of 79.8 percent of the 19,769 cases statewide referred for mediation and intervention.

In the Boston Municipal Court department more than 600 cases were referred to mediation services and nearly 400 referrals resulted in successful resolution.

In the District Court parties to over 5,700 small claims, summary process matters and other case types participated in volunteer-conducted conciliation or mediation.

***National Adoption Day***

More than 149 adoptions of children in foster care were finalized in Massachusetts in concert with the 8th National Adoption Day in November 2010.

***Aging Out Project***

The Juvenile Court department’s Aging Out Project and a statewide permanency plan project, which address concerns relative to the aging out population of children in the care of the Department of Children and Families, continued to develop and expand in FY2011.

***Community Corrections Centers***

In FY2011, the Office of Community Corrections (OCC) received 22,168 referrals for community service and 3,218 community correction referrals. Of the corrections referrals, 92 percent were level III and eight percent were level IV. A total of 133 participants received their GED, 939 participants were placed in a job, and 901 participants were placed in aftercare. OCC also facilitated drug testing on 76,781 submitted specimens.

***Office of Jury Commissioner***

The Office of Jury Commissioner (OJC) continued to expand and improve juror access to the Trial Court in FY2011. Enhancements to the Juror Service Website, the first in the country to allow online response to all aspects of a jury summons, resulted in 44 percent of jurors choosing to respond online.

The OJC continued its efforts to improve communications with jurors with the introduction of new plain-English reminder

notices in FY2011. A new juror orientation video program also was debuted.

The OJC and the Jury Management Advisory Committee received the 2011 G. Thomas Munsterman Award for Jury Innovation from the National Center for State Courts. The award recognizes significant improvements or innovations in jury procedures, operations, and practices.

***Access to Justice Initiatives Overseen by AOTC***  
Judicial Response System. This systematic response 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 FY2011, judges handled 6,772 emergency evening or weekend calls, for an average of 129 calls per week.

Interpreter Services. In FY2011, 90,757 court events received interpretation services, including 39,138 events interpreted by staff interpreters. Interpretation services were provided in 69 languages, with Spanish accounting for 73.5 percent 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, 785 court events received American Sign Language or Communication Access Realtime Translation interpreter services.

Trial Transcripts. In FY2011 an administrative order established a time standard of 120 days for the production of transcripts ordered after January 1, 2010. In FY2011 official court reporters filed over 1,400 criminal transcripts within 120 days.

Law Libraries. In FY2011, the Trial Court's 17 law libraries welcomed 297,520 patrons, recorded 29 million visitors to the Law Library website, responded to 49,835 legal reference questions, delivered 24,526 documents, and supported 17,103 library card holders.

## **Effectiveness & Accountability: Resource Management**

### ***Fiscal Crisis: Budget, Staffing and Operational Impact***

The FY2011 appropriations for the Trial Court totaled \$544.1 million. This funding represented a reduction of \$15.4 million from the final FY2010 appropriation of \$559.5 million and a \$61 million reduction from the FY2009 initial appropriation of \$605.1 million.

The FY2011 budget expanded the ability of the Chief Justice for Administration & Management to transfer funds between Trial Court line items, enabling the Chief Justice to more efficiently manage the limited resources available to the Trial Court in FY2011.

The Trial Court continued its hiring freeze in FY2011. As of June 30, 2011, the Trial Court included 6,514 employees, which represented a reduction of 350 positions since the end of FY2010, and a decline of 1,115 employees since FY2007.

### ***Court Relocations***

The Trial Court continued efforts to respond to the fiscal challenge by further consolidating court functions into state-owned buildings and reducing the amount of leased space. A Court Relocation Committee convened in February 2010 to identify potential sites for additional relocation and consolidation of operations. The committee was chaired by District Court Chief

Justice Lynda M. Connolly and Housing Court Chief Justice Steven D. Pierce, and included five members from the bar and private sector. The criteria established by the committee included lease terms and expenses, personnel impact, and staffing levels, condition of facilities, building functions, caseload, geography and transportation issues, as well as access to justice. The committee released preliminary recommendations based on its review of all 103 courthouse facilities and held a series of public meetings.

**Revenue Collection**

Sustained efforts to impose and collect applicable fines and fees enabled the Trial Court to realize \$44.8 million of the \$53 million maximum in authorized retained revenue. The shortfall of \$8.2 million included Probation Supervision Fee collections of \$1.2 million less than the allowed maximum of \$26 million, and General Revenue collections of \$7 million less than the allowed maximum \$27 million. A decrease in civil case filings was a significant contributing factor in the General Revenue shortfall.

**Staffing Model Data**

Trial Court staffing levels reached record lows due to budget challenges. As of May 2011, Trial Court staffing averaged 74.5 percent of recommended levels, with 45.6 percent in the Land Court and 66.7 percent in the Housing Court. Forty-two court divisions of 116 were operating below 75 percent, and 19 divisions were below 65 percent of the recommended staffing levels

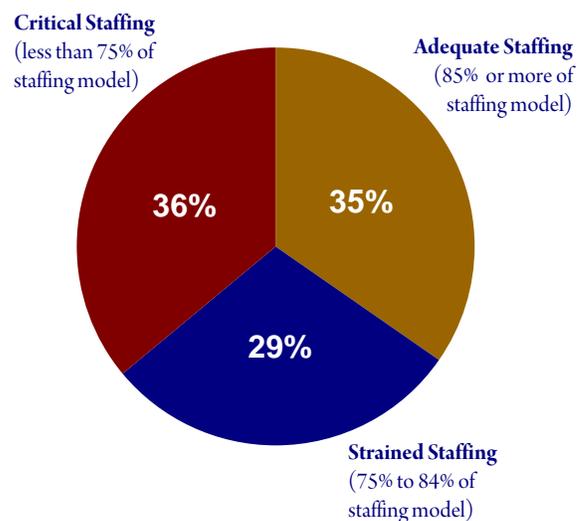
The Human Resources and Trial Court departments update the staffing model through statistical review and validation. Initially produced in 2005, the Staffing Model Report laid out quantitative and qualitative methods to provide a point of reference and standards that identify

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**

Sustained efforts across the Trial Court to improve juror utilization – the number of jurors appearing for service who are impaneled, challenged or excused – resulted in 29,632 fewer jurors appearing for service in FY2011 than in FY2010. Successful efforts to reduce the number of jurors appearing for service – by more than 100,000 per year since 2007 – represent substantial wage savings for local employers, considerable savings for the Trial Court, and more effective use of juror time.

**2011 Court Staffing Levels**



***Professional Development***

The Trial Court departments conducted a range of professional development events in FY2011, such as educational conferences and regional meetings planned by department committees and the AOTC's Judicial Institute. Expenses associated with training programs have been substantially reduced due to budget constraints.

In FY2011, the Judicial Institute presented or collaborated in presenting a total of 63 educational programs, attended by approximately 1,988 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 52 judges and court personnel to attend a variety of educational programs conducted by external organizations.

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

***Judges and Judicial Mentoring***

The Superior Court department introduced new judges to the bench with a new, more structured mentoring program.

Also in FY2011, mentor judges were trained in the Boston Municipal Court, District Court, Juvenile Court and Probate and Family Court departments through the Judicial Resource Project. All judges sworn in after September 2009 now receive guidance from a mentor in those departments.

***Fiscal Integrity Protocols***

The Fiscal Integrity Protocols developed by the Fiscal Coordinating Committee in FY2010 were adopted and approved by the Chief Justice for Administration and Management and the

Departmental Chief Justices. The CJAM commissioned the Judicial Institute working with an appointed education committee to plan and implement a training program for all department heads and key fiscal staff within the trial court.

***Fiscal Audits***

In FY2011, the Fiscal Department instituted a revised schedule of court audits to insure that all courts are audited at least every three years. In FY2011, 54 audits were completed.

***Indigency Verification***

The Office of the Commissioner of Probation conducted retraining for all Chief Probation Officers, random compliance checks to assess training needs, and performance audits of compliance with standards for indigency verification. A pilot four-court study was launched to enhance the verification process and develop a more streamlined, effective approach to detecting and alleviating fraud.

***'Green' Team***

In 2008, the Trial Court created an interdepartmental Energy Task Force or 'Green Team'. Among its FY2011 achievements was the collection and recycling of more than 75,000 pounds of e-waste (computers, copiers, and other electronic gear) from courts statewide and other state agencies. E-waste efforts saved the Trial Court approximately \$102,000 in disposal costs.

***Effectiveness & Accountability:  
Timeliness & Expedition******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 2010 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 90.4 percent of all cases, despite a slight decline in the overall clearance rate from 98.3 percent to 96.9 percent. The number of cases pending beyond time standards increased by 8,981 cases, or 10.8 percent, due in part to automation efforts that provide more comprehensive case data. In addition, the proportion of trials begun by the second trial date remained steady.

<b>Case Flow Metric</b>	<b>CY09</b>	<b>CY10</b>
Clearance Rate	98.3%	96.9%
Time to Disposition (% cases disposed within time standards)	90.4%	90.4%
Cases Pending Beyond Time Standards	83,436	92,417
Trial Date Certainty (% cases disposed by second trial date)	76.0%	75.5%

**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:

The Western 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.

In May 2011, the Juvenile Court approved a second recall judge to allow cases to be scheduled for consecutive trial dates and move matters to permanence in an expeditious manner. In addition, a Juvenile Court pilot program to identify child welfare cases and establish case priorities for trial, mediation or other resolution was extended into FY2011.

The Bristol Division of the Probate and Family Court received grant funding to expand use of child support case conferencing sessions and pilot an initiative that streamlines complaints for modification of child support and health insurance.

The Appellate Division of the Superior Court continued aggressive scheduling to reduce the number of session days. In May 2011, the Appellate Division met for 12 days and conducted 293 hearings in which 720 sentences were reviewed.

A dedicated Sexually Dangerous Person session in Suffolk County Superior Court manages statewide petitions for discharge under section 9 of Chapter 123A. In FY2011 up to six trials were scheduled each month in the dedicated session. Forty-six petitions, 33 of which involved jury trials, were resolved.

***Supervision of Offenders***

Probation introduced a termination summary form for completion on every offender at the end of their risk/need probation period. The information obtained is guiding future initiatives and work toward successful outcomes.

In FY2011, Massachusetts was selected as a national demonstration site for a probation enforcement project. With a grant of nearly \$1 million, Essex County Superior Court was selected as the site for Project MORR (Massachusetts Offender Recidivism Reduction) which requires collaboration across several Trial Court departments.

In addition, Probation Officers in Essex Superior and Salem District Courts began piloting a new risk/need assessment tool based on the Ohio Risk Assessment System (ORAS). The ORAS helps determine the rehabilitative needs of probationers, as well as their risk to the community.

Also in FY2011, a pilot project began in Brockton District Court where Probation Officers in Charge supervised cases of offenders sentenced to a Community Corrections Center. The intent is to create a seamless approach to the services offenders receive at the center.

***Juror Information and Juror Lists***

In FY2011, the Office of Jury Commissioner expanded use of its new “NextGen” system which operates significantly faster at a lower cost. The

NextGen system has sped up processing of Juror Confirmation Cards and demographic surveys.

In addition, the Office of Jury Commissioner reduced the time taken to create Prospective Juror Lists from weeks to hours. The NextGen system electronically delivers the lists to 351 cities and towns, reducing postage and printing costs.

**Effectiveness & Accountability:  
Technology Enhancement**

***MassCourts***

The multi-year introduction of MassCourts, the Trial Court’s comprehensive, web-based case management and docketing 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.

The MassCourts implementation efforts in FY2011 included the roll-out of full MassCourts functionality in the District Court and Boston Municipal Court for civil case processing, as well as full financial functionality for criminal case processing. This built upon the MassCourts Lite implementations previously completed in these departments for criminal cases. In addition, new interfaces were introduced for electronic exchanges with the Executive Office of Health

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**MassCourts Statistics  
as of 6/30/11**

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10.1 million case files

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7.8 million scanned court documents

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22.6 million case calendar events

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and Human Services and for Civil Motor Vehicle Hearing requests with the Merit Rating Board. Planning for FY2012 includes the deployment of MassCourts to the Juvenile Court department, the sixth of seven Trial Court departments to be converted to MassCourts.

As of June 30, 2011, MassCourts contained information about 10.1 million cases, 22.6 million case calendar events, and 7.8 million scanned documents in support of over 743,500 cases. Each day, 2,200 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 FY2011, the Trial Court Information Services department implemented a video conferencing infrastructure as part of the Trial Court's network. This video conferencing capability builds upon the private IP network upgrade completed in FY2010 and also takes advantage of the high speed wireless infrastructure installed between the Trial Court network and the Executive Branch network.

The Juvenile Court received funding to expand its videoconferencing capability to 26 video conference systems which were installed in FY2011.

The Superior Court also continued to expand the use of videoconferencing. In January 2011, the Essex County Superior Court began conducting bail reviews in Salem via video, and conducted over 300 hearings by the end of the fiscal year.

Statewide there were approximately 2,500 bail reviews conducted via video, which eliminated the transportation of detainees. Plans to install videoconferencing equipment in Middlesex and Worcester Counties are underway.

### ***Interface for Court Interpreter Requests***

The Trial Court Information Services department implemented a new interface for processing internal interpreter requests in FY2011. As of June 30, 2011, it was used to process 67,850 interpreter scheduling requests for 86 court locations.

### ***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 BMC, District and Probate Courts in June 2011.

## **Functional Facilities & Safe Environment**

### ***Capital Construction Projects***

The FY2011 Capital Investment Plan reflected the impact on available capital capacity within Massachusetts. The Division of Capital Asset Management (DCAM) reported that \$100.8 million was spent within the fiscal year on court construction and repair projects in FY2011.

The Capital Investment Plan projected \$50.6 million for court projects in FY2012 to continue planning and design of new court projects, including courthouses in Greenfield and Lowell. In FY2011, site demolition and remediation was completed for the new Lowell Trial Court planned for the historic Hamilton Canal District.

***Courthouse Maintenance***

The Court Facilities Bureau (CFB) of the Trial Court managed 26 capital projects at state-owned courts with funds transferred from the Division of Capital Asset Management. The projects resulted in a total expenditure of approximately \$1.8 million. This expenditure included maintenance and operation upgrades to a variety of mechanical/life safety systems within various court facilities. Also included were equipment purchases for the maintenance and operation of the new Taunton Trial Court.

***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 FY2011 and responded to a range of incidents including assaults, attempted suicides, medical emergencies and bomb threats.

***Separate and Secure Waiting Areas***

The FY2011 budget passed by the Legislature included establishment of a Separate and Secure Waiting Area 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.

Chaired by the Executive Director of the Massachusetts Office for Victim Assistance (MOVA) and the Chief Justice for Administration and Management, the 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.

***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 FY2011, the Records Management operation reported transactions involving 4,100 records, transferred 2,800 cartons of inactive records, and shredded 10,800 cartons of obsolete records.

***Community Partnerships & Outreach***

***Veterans Sessions***

The District Court operates Veterans courts in Worcester and Lawrence. These pilot programs provide intensive supervision as an alternative to incarceration for criminal defendants who have served in the military, who have substance abuse and mental health disorders. The five-year grant to provide clinical services and community supervision is jointly sponsored by the Department of Mental health, University of Massachusetts Medical School, and the Veterans Administration.

***International Programs***

The Housing Court hosted a delegation of early career professionals from Rostov, Russia and a separate delegation from the Republic of Georgia. Both delegations were particularly interested in court administration, public access to the courts and court records, media access, and the Housing Court's in-house use of alternative dispute resolution methodologies.

***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 2010, the program included 20 law fellows with three volunteers.

### ***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 3,800 evaluations of children, youth, and parents in FY2011.

The training and qualification process for Juvenile Court Clinicians was incorporated into regulations of the Department of Mental Health, formally establishing Certified Juvenile Court Clinicians as the Juvenile Court Counterparts of the Designated Forensic Professionals who serve in District and Superior Court.

### ***Juvenile-Focused Partnerships***

The Berkshire Juvenile Court and Williams College collaborated in FY2011 to create a new court-ordered mentoring program, *Sister to Sister*, which seeks to address core issues that young women face. Program capacity is eight to ten young women ages fourteen to eighteen.

All divisions of the Juvenile Court partner 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.

### ***Superior Court 150th Anniversary***

In May 2011, the Superior Court's 150th Anniversary Exhibit was unveiled in the jury pool

rooms of the Fall River Justice Center and Middlesex Superior Court in Woburn.

These exhibits were part of a multifaceted, statewide commemoration in 2009 and 2010 designed to raise the public's awareness of the work of the judiciary. The exhibit highlights important cases and events throughout the Court's history and was previously installed in the Suffolk County Courthouse and the Worcester Trial Court.

### ***Probation Initiatives***

Chelsea District Court's Probation Department developed and began operation of a new "Womanhood Program" also known as "Programma de la Mujer." The 11-week program designed for Hispanic women is a collaborative effort between Probation and the city's Roca Community Center.

Also in FY2011, the Office of the Commissioner of Probation issued its first statewide most wanted list. Less than 24 hours after release of the list, the first offender was apprehended by Massachusetts State Police in Maine. Within a week, three more offenders were tracked down and arrested.

### ***Community Service Programs***

The Office of Community Corrections received 22,158 referrals to the community service program in FY2011. 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.

***Fugitive Safe Surrender***

In FY2011, the Boston Municipal Court Department participated in the Boston Fugitive Safe Surrender Program (FSS). FSS is a national initiative of the U.S. Marshal Service which converts a church to a courthouse for a four day period. Individuals with outstanding warrants are encouraged by clergy and community leaders to surrender themselves in a safe environment where they feel less threatened. The majority of people surrendering themselves have warrants for non-violent offenses.

***Partnerships with Schools, Non-Profits, and Law Enforcement***

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

Courts work 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 work continually 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 continued its community outreach program of presentations to schools and community groups, court personnel and others. In FY2001, approximately 5,700 people attended 155 OJC public outreach presentations offered at 90 different locations.

***Expanded Internet Sites***

Trial Court departments continue to expand the content of their public websites. They have 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.



## Massachusetts Trial Court Five-Year Summary of Case Filings

	FY2007	FY2008	FY2009	FY2010	FY2011
<b>All Case Types</b>	1,241,958	1,314,120	1,308,033	1,195,691	1,132,002
<b>Criminal Matters</b>					
Criminal	276,346	279,247	264,371	242,689	235,531
Criminal Show Cause Hearings	96,488	113,851	102,704	93,561	102,625
Criminal Warrants	773	2,206	5,658	5,639	5,834
<i>Sub-Total</i>	373,607	395,304	372,733	341,889	343,990
<b>Civil - Regular</b>	137,670	157,746	162,743	157,449	123,447
<b>Civil - Specialized Matters</b>					
Small Claims	122,833	123,544	137,763	101,385	94,858
Supplementary Proceedings	28,212	32,816	46,279	43,318	37,777
Summary Process	35,981	40,360	38,685	37,051	39,056
Restraining Orders	35,246	34,960	31,628	38,365	46,931
Harassment Orders					800
Mental Health	10,728	10,146	9,328	11,623	10,692
CMVI Appeals	4,697	27,191	23,676	15,466	12,208
Administrative Warrants	5,696	4,656	6,647	9,637	10,857
Other Specialized Civil	2,572	2,202	2,102	1,984	1,028
<i>Sub-Total</i>	245,965	275,875	296,108	258,829	254,207
<b>CMVI Hearings</b>	260,781	255,440	245,812	218,919	197,426
<b>Other Hearings</b>					
Show Cause Hearings (Applications)	15,813	14,808	12,672	11,238	9,643
Non-MV Infraction Civil Hearings	3,861	11,781	16,088	18,123	17,425
<i>Sub-Total</i>	19,674	26,589	28,760	29,361	27,068
<b>Juvenile Matters</b>					
Juvenile Delinquency	35,046	31,622	26,147	22,640	20,194
Youthful Offender	386	439	334	323	274
CHINS Applications	9,293	8,873	8,088	7,905	7,266
Care & Protection Petitions	3,032	3,531	3,357	2,799	2,636
Adult complaints	641	536	472	499	343
Adoption	787	731	800	737	695
Guardianship	766	814	778	639	623
Paternity	320	310	294	330	301
Harassment					504
Motor Vehicle Citations	99	79	34	21	17
<i>Sub-Total</i>	50,370	46,935	40,304	35,893	32,853
<b>Probate</b>	50,719	50,019	48,427	48,818	47,946
<b>Guardianship - Minor</b>	4,828	4,769	4,652	3,956	4,076
<b>Child Welfare</b>	1,992	1,966	1,847	1,552	1,598
<b>Paternity</b>	20,147	22,025	23,850	19,589	19,863
<b>Divorce</b>	22,878	22,913	23,115	26,177	26,165
<b>Modification/Contempt</b>	49,762	51,116	55,886	50,708	51,052
<b>Other Domestic Relations</b>	2,291	2,282	2,430	1,003	1,280
<b>Appeals</b>	1,274	1,141	1,366	1,548	1,031

## Massachusetts Trial Court Fiscal Data FY2011

<b>Breakdown of Trial Court Funding</b>	<b>Dollar Amount</b>	<b>Percent of Total</b>
Trial Court Operating Appropriations	\$491,054,345	84.9%
Retained Revenue	\$53,000,000*	9.2%
OPEIU Local 6 Collective Bargaining Reserve	\$11,557,559	2.0%
Capital / Bond Funds	\$18,638,233	3.2%
Automation Bond Funds	\$1,399,150	0.2%
Grants, Trusts & Intergovernmental Funds	\$2,859,318	0.5%
<b>TOTAL</b>	<b>\$578,508,605</b>	<b>100.0%</b>

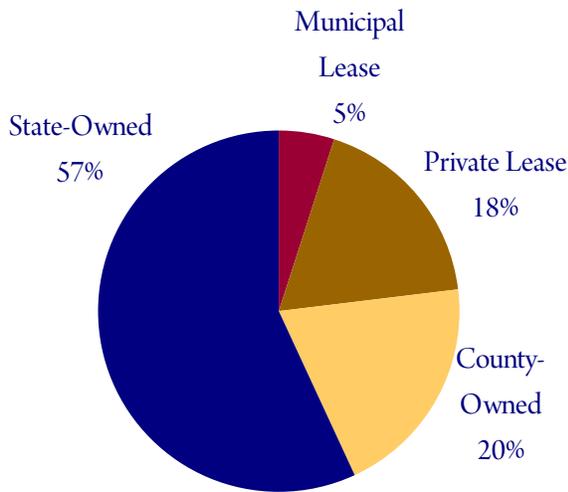
<b>Trial Court Expenditures from Operating Accounts</b>	<b>Dollar Amount</b>	<b>Percent of Total</b>
Judicial Salaries	\$47,459,487	8.7%
Court/Admin. Employee Salaries	\$350,268,139	64.3%
Employee Related Expenses	\$18,896,972	3.5%
Case Driven Expenses	\$14,760,194	2.7%
Law Library Expenses	\$8,732,615	1.6%
Office and Court Operations	\$41,274,434	7.6%
Facility Rental, Maintenance and Operation	\$63,401,322	11.6%
<b>TOTAL</b>	<b>\$544,793,163</b>	<b>100%</b>

<b>Interdepartmental and Reserve Transfers</b>	<b>Total Amount Transferred Between Accounts Within Department</b>	<b>Transfers From Reserve Account 0330-3337</b>
Central Accounts	(\$2,712,962)	\$0
Superior Court department	\$0	\$0
District Court department	\$0	\$0
Probate Court department	\$0	\$0
Land Court department	\$0	\$0
Boston Municipal Court	\$0	\$465,477
Housing Court department	\$0	\$0
Juvenile Court department	\$0	\$0
Probation Accounts	\$2,712,962	\$0
Jury Commissioner	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$465,477</b>

\*Retained Revenue collections totaled \$44,758,914 of the \$53,000,000 maximum allowed.

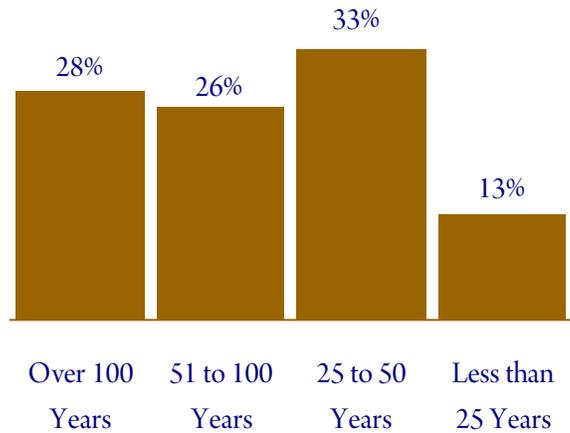
# Massachusetts Trial Court Facility Data, FY2011

## Court Facilities by Owner



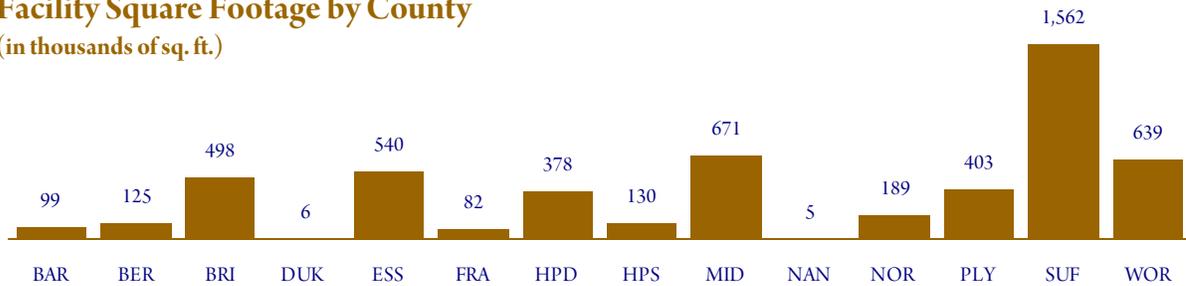
## Age of Court Facilities

Mean age State-Owned Facilities – 68 years  
 Mean age County-Owned Facilities – 88 years



## Facility Square Footage by County

(in thousands of sq. ft.)



## Energy Costs FY2008 to FY2011 (in Millions)

