



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE CHIEF JUSTICE
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His Excellency Deval L. Patrick
Governor of the Commonwealth of Massachusetts
Honorable Timothy P. Murray
Lt. Governor of the Commonwealth of Massachusetts

Honorable Therese Murray
President of the Massachusetts Senate

Honorable Robert A. DeLeo
Speaker of the Massachusetts House of Representatives

As the Trial Court moves forward to take the critical steps necessary to operate within our FY2012 appropriation, I appreciate that, as the leaders of the Commonwealth, you faced extraordinary challenges and made difficult decisions in fashioning the FY2012 budget. I also recognize that you were attentive to the issues affecting the Judicial Branch in your determination of \$519.9M as the Trial Court's appropriation.

However, the current FY2012 budget will be, without exaggeration, catastrophic to the operation of the courts and will obstruct the Trial Court's constitutional mandate to deliver justice "completely and without denial, promptly and without delay." Despite our efforts to obtain level funding to maintain court operations, the Trial Court appropriation is drastically below the amount necessary to deliver services in 101 locations. In addition, Trial Court Chief Financial Officer William Marchant projects that based upon our FY2011 collections, our actual appropriation will be closer to \$509M. Following a meeting with Comptroller Martin Benison, Administration & Finance Budget Director Michael Esmond and their assistants, we are hopeful that a structural change to the retained revenue accounts could yield an additional \$2.5M in retainable revenue. However, even with the possible structural change, the Trial Court faces monumental challenges to our ability to operate this fiscal year.

For the past three years, the Trial Court has acted prudently, responsibly and aggressively in realizing operational savings in every way possible. As you know, we implemented an absolute

hiring freeze in October 2008, and now have 1,115 fewer employees than on July 1, 2007. Two hundred fifty of those who have left were members of our security force -- court officers and associate court officers. As a result of these significant staff reductions, an insufficient number of employees remain to service our Clerks' offices and to ensure the safety and security of the 101 courthouses we operate across the state. Also, since some courthouses are leased, it is imperative to reduce lease costs wherever possible.

Therefore, it is with great reluctance that I notify you that the Trial Court will proceed with plans to relocate court operations in a number of locations. I do understand the actual and symbolic importance of each courthouse to the community in which it is located. In many ways, the courthouse provides an anchor of stability, which is even more essential in periods of fiscal uncertainty and anxiety. I also recognize the accessibility, travel and transportation issues that relocating court business will cause for litigants, lawyers, jurors, police departments, and our court employees. And, of course, every courthouse has an economic benefit to the various businesses located in its vicinity.

However, the Trial Court's FY2012 appropriation requires a rational, pragmatic response to radically reduced funding and staffing. The Trial Court has realized operational savings in every way possible over the past three years. I am committed to continuing the hiring freeze, maintaining all other cost saving measures and seeking additional methods of reducing expenses.

The Court Relocation Committee under the leadership of Chief Justices Lynda Connolly and Steven Pierce conducted public hearings across the state and has recommended the following court relocations at this time, with the possibility of additional consolidations in the future. The Trial Court FY2012 appropriation mandates that we move forward on this endeavor. Employees at these locations will be redeployed to address our significant staffing shortfalls at other courthouses. The list of affected courts is as follows:

- Berkshire Juvenile Court to Northern Berkshire District Court (North Adams)
- Charlestown Division of the Boston Municipal Court to the Boston Municipal Court Department
- Framingham Juvenile Court to Marlborough District Court
- Gloucester District Court to Salem District Court
- Hingham District Court to Brockton District Court
- Leominster District Court to Clinton District Court / Fitchburg District Court
- New Bedford Housing Court to New Bedford District Court or to Fall River Durfee Courthouse
- Norfolk Juvenile Court (Dedham) to Brookline District Court
 - Brookline District Court criminal matters to Dedham District Court;
 - civil matters to Newton District Court.
- Wareham District Court to Plymouth District Court
- Westborough District Court to Worcester District Court
- Westfield District Court to Holyoke District Court /Chicopee District Court / So. Berkshire District Court

Planning efforts are underway to prioritize the sequence of the relocations and to finalize the courthouses which will assume the related court business. The Trial Court is now preparing the statutorily-required court closure reports for the Joint Committee on the Judiciary and the House and Senate Committees on Ways and Means.

I am sure that you appreciate the necessity of this action given the Commonwealth's overall fiscal condition and your interest in deploying public resources most effectively. I am available to discuss these plans at your convenience.

Very truly yours,

A handwritten signature in black ink that reads "Robert A. Mulligan". The signature is written in a cursive, flowing style.

Robert A. Mulligan
Chief Justice for
Administration & Management

cc: Honorable Stephen M. Brewer, Senate Chair, Joint Ways and Means Committee
Honorable Brian S. Dempsey, House Chair, Joint Ways and Means Committee
Honorable Cynthia Stone Creem, Senate Chair, Joint Judiciary Committee
Honorable Eugene L. O'Flaherty, House Chair, Joint Judiciary Committee