



# Justice in the Balance

Budget Overview for the Massachusetts Judiciary

March 25, 2015

# Justice in the Balance: Courts Work for the Public

The courts play a vital role for the people and businesses of the commonwealth. There is much more to the work of the courts than the occasional high-profile criminal case that attracts public attention. The bulk of our work involves everyday problems that affect the lives of ordinary individuals. In times of economic challenges, the courts provide an anchor of stability, maintaining community social fabric in a variety of areas.

## Abused & Neglected Children

Our courts play a life-altering role in the lives of abused and neglected children. Courts decide whether to:

- place a child in foster care
- allow adoption of a child
- reunite a child and parent or terminate parental rights

In FY 2014, Massachusetts courts handled:

- 3,663 Care and Protection petitions
- 2,894 adoptions and child welfare filings

## Troubled Youth

Massachusetts Juvenile Court judges and staff work with thousands of troubled youths:

- to ensure community safety
- to hold young people accountable for their conduct
- to guide troubled youths to law abiding lives

In FY 2014, the Juvenile Court handled:

- 10,055 juvenile delinquency complaints
- 151 youthful offender indictments
- 5,843 Child Requiring Assistance (CRAs) petitions

## Families in Crisis

The problems of families in crisis demand a significant amount of court time and resources. In FY 2014, Massachusetts courts handled:

- 24,918 divorce cases
- 17,560 paternity cases
- 50,079 modifications, including child support
- 11,174 guardianships
- 13,069 adult mental health cases

## Victims Seeking Protection

By issuing no-contact and protective orders, Massachusetts courts help shield victims of violence, abuse and harassment from further harm. In 2014 Massachusetts courts handled:

- 44,374 abuse prevention or other restraining orders (fiscal year)
- 5,867 emergency calls to judges after hours on holidays and weekends, through the judicial response system (calendar year)

# Justice in the Balance: Courts Work for the Public

## Civil Justice

Massachusetts residents from every walk of life rely on the courts to resolve their civil disputes. In FY 2014, Massachusetts courts handled:

- 103,004 small claims cases
- 16,970 collection of private debt cases
- 84,767 other civil cases including business litigation, medical malpractice, construction claims, employment and discrimination cases, contracts, and other torts.
- In FY2015, anticipate 10,000 section 35 commitments.

## Housing Problems

The rights of tenants, landlords, lenders and homeowners are protected in the courts. In FY 2014, Massachusetts courts handled:

- 41,812 landlord / tenant cases
- 5,665 foreclosure cases

## Criminal Justice & Public Safety

The courts are essential to the criminal justice system in Massachusetts. Criminal cases require substantial court time and resources. In FY 2014 the Massachusetts courts handled:

- 233,143 criminal cases filed
- 2,795 referrals to intermediate sanctions at community correction centers
- 16,420 referrals to community service
- 81,560 cases currently receive probation supervision for criminal and non-criminal issues

## Jury Service

Jurors play an integral role in the resolution of civil and criminal cases. In FY 2014, across the state:

- 669,123 jurors were summonsed

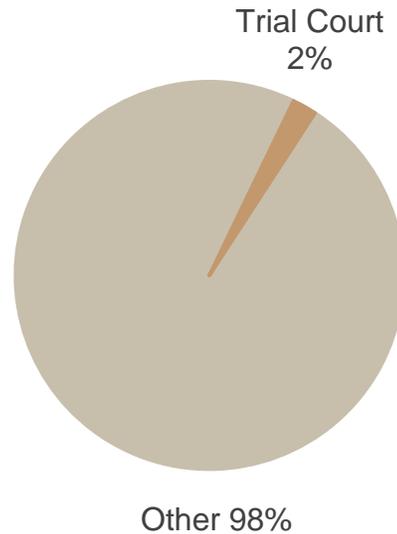
# Justice in the Balance: Court Resources in Perspective

## Trial Court Appropriations

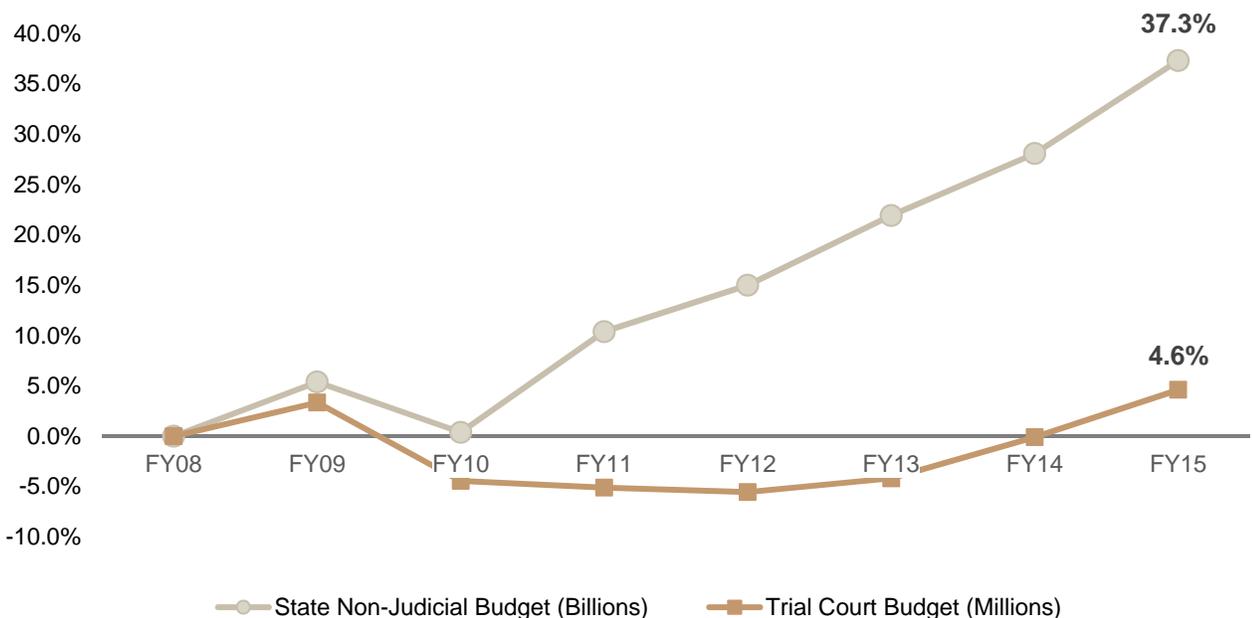
In FY15 the Trial Court represented 2% of the overall state budget

From FY08 through FY15, the impact on Judicial Branch resources has been far greater than on other branches of state government:

- From FY08 to FY15 the non-judicial state budget increased by 37.3% (from \$26.0 billion to \$35.7 billion).
- From FY08 to FY15 the Trial Court budget increased by 4.6%

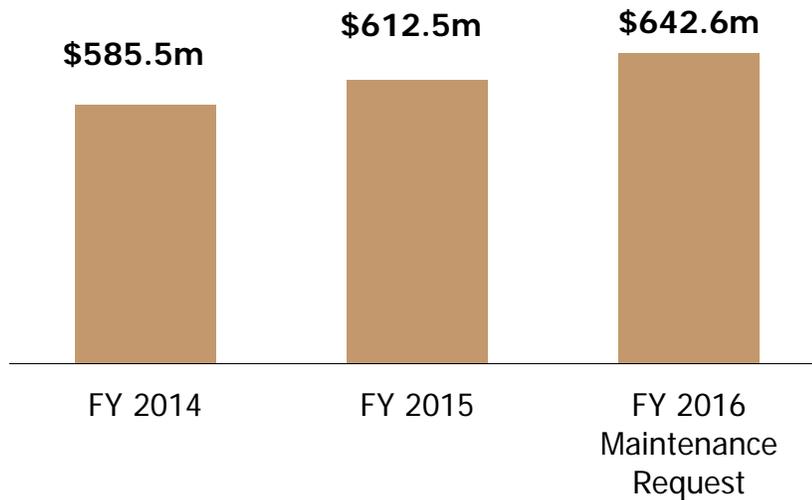


Cumulative Percent Change in Budget



# Justice in the Balance: Court Resources in Perspective

## FY 2016 Funding Request



**Maintenance Request:** Funds stable operations and level staffing at 6,537 positions.

**Budget Modules:** Safety, efficiency and access to justice initiatives proposed above maintenance request:

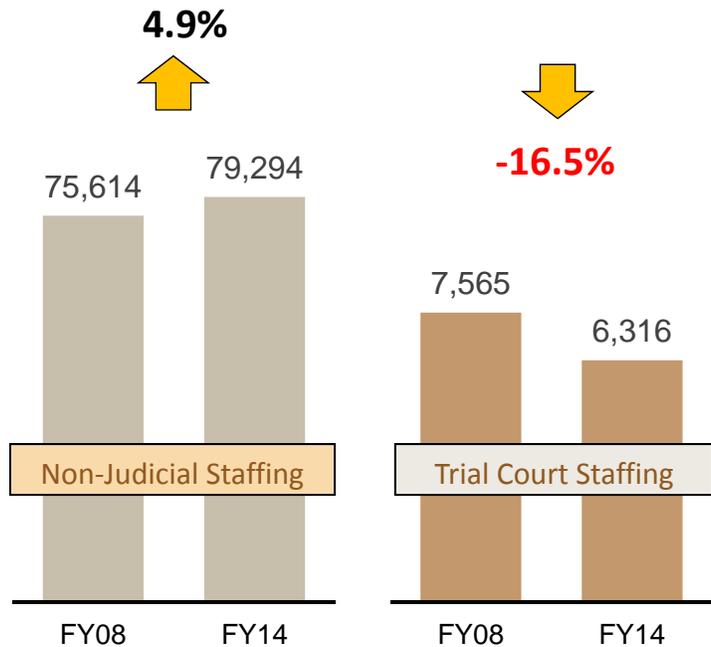
- **Specialty Courts:** Expand Specialty Courts to Enhance Public Safety - \$2.0 million
- **Housing Court:** Statewide Expansion of the Housing Court to Enhance Access to Justice - \$1.2 million
- **Domestic Violence:** Implementation of Domestic Violence Statute to Enhance Public Safety - \$2.2 million
- **Alternative Dispute Resolution (ADR):** Expand use of ADR to Improve Efficiency - \$2.2 million
- **HOPE/MORR:** Expand use of HOPE/MORR to enhance public safety - \$1.2 million
- **Self-Represented Litigants:** Provide self-help materials to Enhance Access to Justice - \$620,000
- **In-Service Training:** Expand training opportunities for court staff to Improve Efficiency - \$461,000
- **Pre-Trial Services:** Pilot program to Enhance Public Safety during Pre-Trial - \$125,000
- **Separate and Secure Waiting Areas:** Design and construct remaining secure areas - \$577,000
- **Courthouse Security:** Enhance Security Systems to Improve Safety of Public & Staff - \$627,000
- **Courthouse Security Training:** Expand Training for Security Staff to Enhance Safety - \$473,000
- **Sentencing Commission:** Provide staff to support work of Commission to Enhance Safety - \$113,000
- **Tele-Communications:** Upgrade Telecom Systems to Increase Efficiency - \$1.1 million
- **Electronic Document Storage:** Implement electronic case files to Increase Efficiency and Access - \$1.5 million
- **Enhanced Drug Testing:** Implement new drug testing technology to Enhance Public Safety - \$185,000
- **Court Service Centers:** Equipment for new court service centers - \$50,000

# Justice in the Balance: Court Resources in Perspective

## Trial Court Staffing

The impact on Trial Court staffing resources has been far greater than on other branches of state government.

- From FY08 to FY14 non-Judicial Branch staffing levels increased by 4.9%.
- During the same time period Trial Court staffing levels decreased by 16.5%.



## Trial Court Staffing Reductions since 2001

Position	2001	2005	2010	2015	% Change '01 to '15
Security	1,093	1,146	1,108	1,096	0.3%
Probation	1,715	1,434	1,394	1,158	-32.5%
Clerical	3,875	3,264	3,160	2,842	-26.7%
Professional Union	73	78	81	77	5.5%
Judges	345	368	358	374	8.4%
Clerks & Asst. Clks	648	586	560	544	-16.0%
Other Managers	429	479	430	437	1.9%
<b>Total</b>	<b>7,999</b>	<b>7,159</b>	<b>6,890</b>	<b>6,348</b>	<b>-20.6%</b>

# Justice in the Balance: Public Impact

## Impact of Budget Cuts

The Trial Court requested an FY16 maintenance budget of \$642.6 million to allow level staffing and stable operations. This budget does not provide for any growth. Since personnel expenses represent close to 80% of the court budget, any budget cuts will significantly and directly affect staffing levels. Trial Court staffing is down more than 20 percent since 2001.

Current staffing is well below the levels recommended by allocation guidelines developed in June 2014. Additional staff reductions will have the following impact:

### ➤ **Challenge Trial Court's Ability to Keep Courthouses Open**

**Reduce Public Hours:** Limitations on hours of operation affect public access to justice. Restricted hours were utilized from September 2011 to September 2013 in clerks offices due to insufficient staffing in up to 40 clerks' offices. The reduction in hours was required so that court staff could address backlogs and process new business. Time was needed to prepare cases for court sessions and complete case reviews, docketing and case processing. Court staff could not keep up with the work.

**Further Consolidate Locations:** Maintaining operations in 100 court sites across the state will not be feasible without adequate staff to process case filings, operate buildings and ensure security. Some courthouses will have to be consolidated in order to serve the public. The court system has attempted to do its part to streamline operations. Between FY09 and FY11 the courts implemented 13 relocations and space consolidations by terminating and renegotiating leases.

### ➤ **Jeopardize Public Safety**

**Prevent Justice Reinvestment:** Probation Officers serve a critical role in maintaining public safety and in the implementation of criminal justice reform efforts, including pre-trial supervision, reduced detention and specialty courts. The number of POs has declined by one-third since 2001, at the same time that the role of Probation has expanded. Managing risk with inadequate staffing creates a public safety crisis.

**Delay specialty court expansion:** The Trial Court's goal to reduce recidivism by doubling the number of specialty courts will not be feasible with significant staffing cuts in clerks' offices and probation, despite a designated line item for specialty courts. Specialty court sessions cannot operate effectively without staff and within a court that is unable to maintain all other sessions due to staffing shortages. The statewide opioid crisis underscores the need for the planned expansion of these special sessions.

**Prevent expansion of HOPE/MORR Project:** Staffing cuts will adversely affect the implementation of this nationally-recognized, data-driven initiative to impact recidivism of high risk probationers by using swift and certain sanctions for probation infractions. Now in place in Salem and Worcester and slated to extend to Franklin County, the project's positive outcomes should extend statewide. That expansion cannot occur without adequate staff.

# Justice in the Balance: Public Impact

## Impact of Budget Cuts, continued

### ➤ Delay Case Processing Threatening Gains in Efficiency

**Postpone court sessions:** Inadequate staffing affects the court's ability to conduct a full schedule of court sessions. Court sessions cannot operate without court officers to ensure public safety, clerks to ensure that cases are processed and tracked properly, and probation officers to provide judges with key data that informs sentencing decisions.

**Clearance Rates & Case Backlogs:** Staffing levels are critical to the timely disposition of court business and caseflow metrics will be adversely affected. Close to one million filings were made in FY14 and as of December, 86 percent of approximately 500,000 cases disposed in 2014 occurred within established time standards. However, as a result of current staffing shortages approximately one third of those pending at the end of December – more than 72,000 cases – exceeded time standards. Further staff cuts will substantially increase the backlog.

### ➤ Curtail Access to Justice Initiatives

**End Expansion of Court Service Centers:** These centers, slated for the 15 largest courthouses, play a pivotal role in helping litigants triage their needs, complete forms, learn about resources, and connect to language services. They largely serve the huge volume of litigants who appear without an attorney to obtain restraining orders, commitment orders, and other critical needs.

**Limit Language Access:** The Trial Court's Language Access Plan approved in 2014 requires additional targeted staffing, as well as training, to ensure implementation of statutorily-required support for limited-English speakers. Efforts to expand interpreter services to all court-related interactions will be in jeopardy without the availability of skilled interpreters.

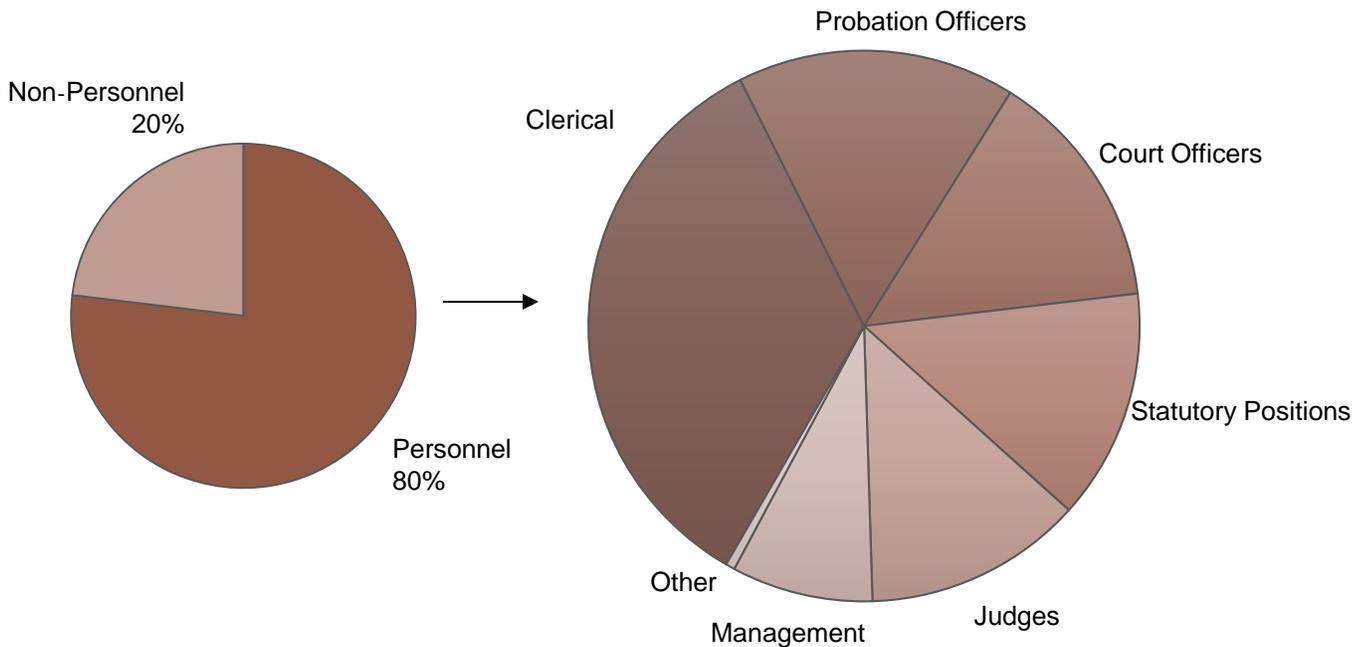
### ➤ Delay Technology Deployment

**Curtail IT Advancements:** Major technology innovations now in the planning and implementation include Electronic Application for Criminal Complaints, e-filing, and digital document preservation. Since 2001, the expanded use of technology allowed the Trial Court to manage with staff reductions of up to 20 percent, since many manual functions now can be done electronically. Continued transition to major process changes requires adequate staff to allow local implementation and training, as normal court operations continue.

**Curtail Expanded Public Access:** Amendments to MassCourts, the Trial Court's web-based case management system, are required to permit greater public access to records. Staffing shortages will impact the Trial Court's ability to make critical advancements in MassCourts capability, including changes related to public access to records.

# Justice in the Balance: Court Budget Overview

## Trial Court Expenses & Personnel Expenses FY 2015 (Projected)

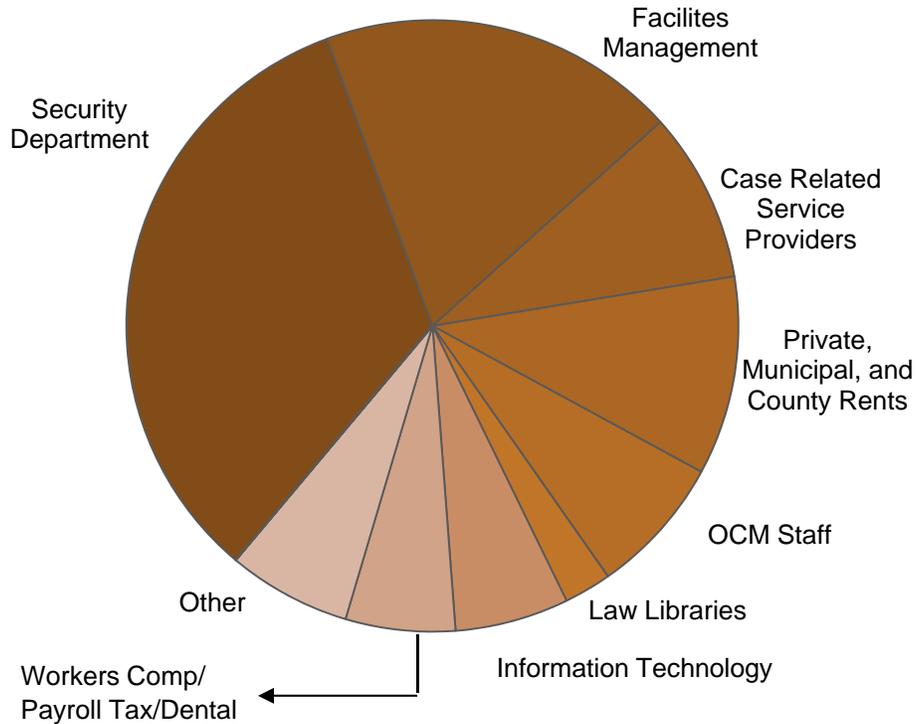


\$ Millions	%	Expense Category
60.6	12.9	Judges
63.8	13.5	Statutory Positions (Clerk Magistrates, Registers)
39.1	8.3	Management (Chief Probation Officers, Directors)
161.5	34.3	Clerical
76.9	16.3	Probation Officers
67.0	14.2	Court Officers
2.5	0.5	Other Payroll Expenses*
471.4	100.0	Total

\*Other payroll expenses include certain payments due to retirement, stipends, and overtime.

# Justice in the Balance: Court Budget Overview

## Trial Court Administration (Account 0330-0300) FY 2015 Expenses



\$ Millions	Expense Category
71.9	Security Department
41.0	Court Facilities
19.5	Case Related Service Providers (GALS, Interpreters, Court Clinics)
22.7	Private, Municipal, and County Rents
15.9	Office of Court Management Staff (Fiscal, HR, IT, Legal, Institute, etc.)
5.4	Law Libraries
13.0	Information Technology
12.5	Workers Comp, Payroll Tax, Dental
14.1	Other (e.g. Telecommunications, Printing, Equipment, Utilities)
216.0	Total

# Justice in the Balance: Legislative Leadership

## State Senate

Stanley C. Rosenberg, President

## House of Representatives

Robert A. DeLeo, Speaker

## Joint Committee on Ways and Means

### Senate Leadership

Karen E. Spilka, Chair

Sal N. DiDomenico, Vice-Chair

Patricia D. Jehlen, Assistant Vice Chair

### House Leadership

Brian S. Dempsey, Chair

Stephen Kulik, Vice-Chair

Benjamin Swan, Assistant Vice Chair

### Senate Membership

William N. Brownsberger

Kenneth J. Donnelly

Benjamin B. Downing

Thomas P. Kennedy

Michael O. Moore

Michael F. Rush

Sonia Chang-Diaz

Eileen M. Donoghue

John F. Keenan

Thomas M. McGee

Anthony W. Petruccelli

James E. Timilty

### House Membership

Angelo M. Scaccia

Gloria L. Fox

Colleen M. Garry

Thomas M. Stanley

Linda Dean Campbell

James M. Cantwell

Timothy R. Madden

Paul Brodeur

Nick Collins

Russell E. Holmes

Claire D. Cronin

Jeffrey N. Roy

Todd M. Smola

Nicholas A. Boldyga

Shawn Dooley

Sheila C. Harrington

James R. Miceli

Robert M. Koczera

Ruth B. Baiser

William Smitty Pignatelli

Sean Garballey

Carolyn C. Dykema

Marcos A. Devers

Tackey Chan

Michael J. Finn

Chris Walsh

Marjorie C. Decker

Alan Silvia

Angelo L. D'Emilia

Kate D. Campanale

Peter J. Durant

Donald H. Wong