

Chief Justice Paula M. Carey
Ways and Means Committee Budget Hearing
March 25, 2015

Good morning Senator Moore, Representative Dykema and other members of the Joint Ways and Means Committee. Thank you for the opportunity to be here today and speak with you about the Trial Court and its needs.

I would like to begin by echoing Chief Justice Gant's gratitude to you for providing the Trial Court with a stable budget over the last two years. Next, I would like to talk about unparalleled collaboration by the judiciary with both the legislative and executive branches in ways that are new, innovative and are providing the public with the best of state government. I believe that we have entered a time of unprecedented communication, cooperation, support and sharing of ideas and initiatives.

Two years ago the Trial Court embarked on a Strategic Plan that was developed with the involvement of staff at every level of the court. The Plan is comprehensive, detailed and ambitious, and describes how we will bring the operations of the Judiciary into the twenty-first century in the next three years.

Many of the tactics and initiatives are complete; many more are underway. One of the tactics that I believe has brought incredible results involves reaching out to our partner branches in government and seeking to improve the ways we work together to achieve our common goals. As a result of our

efforts and the outreach by the Trial Court to many of our colleagues in our co-branches, we have been able to move ahead with exciting initiatives.

One of the most prominent is the expansion of Specialty Courts and the use of courts as problem solvers and a means of reducing recidivism. We have only been able to do this through the engagement, funding and support of our partners in government.

As each of you knows, the Commonwealth is currently facing the most serious drug addiction problem we have seen in a lifetime. Day after day our courts are dealing with individuals who face addiction issues that either cause them to be a danger to themselves or others, or, their addiction is in large part responsible for their criminal behavior.

In an effort to try to find a way to help those individuals who are addicted and are justice involved, we plan to double the number of specialty courts in Massachusetts by FY17: drug courts, mental health courts and veterans' courts. This expansion requires your assistance.

To ensure that our drug courts are following evidence-based practices, we will initiate drug court certification in FY16. For high-risk defendants on probation, we are serving as a national pilot for a new model of intensive probation supervision, the HOPE model. Pilot sites are located in Essex and Worcester Counties, and we expect to start a five-year rollout of HOPE/MORR this coming year. These initiatives work and help individuals

one at a time to curb their addiction and become healthy and productive members of society.

We do this work in collaboration with our executive partners, DMH, DPH and Veterans Services. As you can see from our budget request for Specialty Courts, the request is a joint request made by the judiciary to fund not only the courts but also DMH, DPH and Veterans Services programs. Coupled with this joint budget request we have begun to develop a Sequential Intercept Model for each community that has a Specialty Court. This mapping process will gather community leaders, including police and others, with court leaders, DMH and DPH to identify resources and intercept points where we can divert individuals out of the criminal justice system and into treatment.

As you know, the 2011 Court Reform legislation created a co-equal leadership team of the Chief Justice of the Trial Court and the Court Administrator. Both jointly manage the administrative and policy operations of the Court. This joint management structure works. Harry and I complement each other in ways that inure to the benefit of the system. This effort has led to reformed hiring practices in the Judiciary; an atmosphere of continuous improvement and one dedicated to data driven, evidence-based decision making.

Our leadership team has seen significant changes over the last two years. I have had the great opportunity to appoint six of the seven Chief Justices of the Trial Court Departments since July 2013. Harry Spence has appointed

three new department heads in the Office of Court Management. We appointed a new Commissioner of Probation in June 2013. We hold monthly meetings with the leadership of the Clerks Associations and hold an annual Clerks' Conference.

Today, data is increasingly informing decision making in the Judicial Branch, with Quarterly Data Reviews and data-driven process improvement. Each department of the Trial Court is developing best practices for evidence-based sentencing through working groups comprised of judges, probation officers, prosecutors, defense attorneys, and police chiefs.

The goal is to ensure that judges have the information needed to set a fair, individualized sentence that will appropriately punish the crime and also diminish the risk of recidivism. This information includes information about the defendant, the crime, the sentencing alternatives, and the social science that will inform sentencing. The Probation Department will play an integral role in providing the judge with this information. We are hopeful that the Commonwealth will repeal mandatory minimum sentences in drug cases to allow individualized, evidence-based sentences in these cases and allow the reinvestment of the monies to drug treatment and recidivism reduction.

Probation is partnering with the District, Superior and Boston Municipal Courts to standardize pre-trial practice, with a pre-trial risk assessment tool. Probation has adopted a national risk/need assessment, to ensure that

appropriate resources are applied to the appropriate level of risk. In concert with the District Department, they are sending a data dashboard on probation activities to each courthouse monthly.

Fiscal Crisis Impacts

You have heard Chief Justice Gant's compelling words and in a few minutes you will hear great detail about the fiscal circumstances of the Trial Court from Court Administrator Spence. I would offer just a few brief thoughts.

From my perspective, today's judiciary is dramatically leaner. Increased focus on technology has helped. Digital filings for civil and criminal are currently being piloted, digital preservation of all court documents is planned, attorney portals to enable electronic access to court records are being opened across the state; and we are developing a rule and guidelines for the online publication of the vast amounts of data now available through our digital systems.

To ease the staff shortages, we have dramatically increased training, from a Judicial Administration Certification for Clerks and senior managers, to case flow management training for judges and clerks, to an annual three days of training required next year for all union employees.

As you all know, in August of last year the new domestic violence legislation went into effect and in January the new firearms legislation. The Trial Court has made great strides to implement both of these critically

important and transforming pieces of legislation. Our budget request includes a request that will allow us to ensure that we use proper risk assessment tools, provide the education necessary for all staff and for our justice partners, monitor batterer's programs and develop an integrated and accessible Domestic Violence Registry.

We are proud of our work and embrace our obligation to provide access to justice for all. In order to properly fulfill our obligation we are seeking to expand Housing Court jurisdiction to the 31% of the State's population that has no access to housing court. We have established two Court Service Centers to serve self-represented litigants in Greenfield and Boston's Brooke Courthouse. With some 80% of litigants in Housing Court and Probate and Family Court unrepresented, we intend to have a Court Service Center in each of the Trial Court's fifteen largest courthouses, which serve 45% of the litigants in the state, by FY17. We are streamlining interpreter services, to greatly expand interpreter services beyond the courtroom to ancillary services, such as Probation. We continue to expand the availability of written materials in multiple languages. We have recreated our website and placed it on the Mass.gov platform, with constantly expanding resources to assist the self-represented litigant.

In short, this is a new Massachusetts Judiciary, with the same outstanding quality of judicial decision-making that has always characterized the Commonwealth's judiciary, but with modernized, stream-lined and highly professional operational support.

We look forward to continue to work together with you and your colleagues to provide the public with the best in state government and to do our part by continuing to move Massachusetts' judicial practice and criminal justice system into the 21st century: leaner, more effective, more accessible and committed to demonstrated reduction in recidivism.