

**Annual State of the Judiciary**  
**Trial Court Administrator Harry Spence**  
**Great Hall**  
**John Adams Courthouse**  
**October 20, 2016**

This is my last State of the Judiciary address before my retirement next April. I am deeply grateful for the kind thoughts of Chief Justices Gants and Carey. I have many expressions of gratitude to make, but not wanting to be the guest who keeps making his goodbyes, but never leaves, I will save those thank you's for a later time.

Just under five years ago, I started serving as the first Court Administrator for the Massachusetts Trial Court under the newly enacted court reform legislation. It was 2012, and the circumstances were not propitious. While the Supreme Judicial Court had championed the new legislation, in collaboration with the Speaker of the House, the leadership of the Trial Court at the time had serious reservations about how the new governance structure could work.

Some four and one half years later, we are in a different country. The new governance structure has proven itself as an effective mechanism for situating outstanding judicial decision-making in a court system that is both efficient and accessible to all who seek justice. The partnership between the judicial intellect and the managerial intellect has proven fruitful, and the benefits of that partnership continue to extend further and deeper into the court system.

Chiefs and Deputy Court Administrators; Security, Facilities and courthouse leadership; Probation and the Trial Court's judges; Clerks and First Justices are all experiencing the power of genuine collaboration in the service of justice. We can all be justly proud of the strengthening of the justice system that we have together accomplished over the past several years.

A few examples:

- 1) The Trial Court has completed the initial task of installing a unified case management system, MassCourts, in every courthouse in the State. On that platform, we are now launched on the more transformative task of transitioning from paper to a fully automated digital operation, a task we expect to complete by the end of calendar year 2019. Already, the great majority of our cases are available online, and attorneys throughout the state make use of the Attorney's Portal to stay abreast of their representation of their clients.
- 2) After a wrenching period of controversy, the Probation Department has adopted evidence-based practices and risk assessment tools throughout its work, and is undergoing an important reorganization to free probation officers from administrative tasks to concentrate on altering the arc of the lives of their probationers.
- 3) The Trial Court has led the Commonwealth in responding to the opioid crisis by doubling the number of drug courts in the state, and by establishing a specialty court system that ensures the continuing high quality of drug court work, in accord with the evidenced-based principles that

undergird the effective work of drug courts. Preliminary data from those courts provides dramatic evidence of their contribution not only to saving people's lives but also to reducing crime: drug court graduates commit crimes at less than one half the rate of their compatriots, and veterans' court graduates recidivate at the remarkable rate of 11.5%, compared to the 60% recidivism rate that is typical of their unassisted brothers at arms.

- 4) The Trial Court faces an ever-increasing challenge to provide an accessible pathway to justice for the burgeoning population of litigants who represent themselves. A system that was built for highly trained initiates, who had attended three years of postgraduate professional training, needs now to make its workings transparent, comprehensible and most important, fair, for the person who cannot afford the services of a legal professional. Six court service centers, in six of our busiest courts, provide procedural explanation and advice to self-represented litigants. And our dramatically improved online presence offers increasing direction and support to the self represented litigant on how to petition and obtain the justice services we provide.
- 5) The Trial Court's Facilities Management Department was a famously ineffective organization that I believe is now one of the finest building management and maintenance operations in the entire state system. Often working with decrepit and dilapidated courthouses, Facilities continues against all odds to provide a dignified setting for the delivery of justice.
- 6) The Trial Court's Security Department has been transformed into an excellent public safety operation, becoming one of a handful of court security organizations in the country to receive national accreditation. The Trial Court's Security Department is pleased to stand proudly in the ranks of outstanding public safety professionals in Massachusetts.
- 7) Highly professional hiring practices today ensure that the Trial Court identifies and selects the most highly qualified persons for the crucial roles that support the delivery of justice, whether in Security, Probation, Assistant Clerks and clerical staff, or the Office of Court Management. Outstanding hiring practices are then reinforced through a process of annual evaluation for all staff, buttressed with professional development opportunities that have more than doubled in four years.

These are some examples of the changes that have occurred in the Court in the last four years. But more important than any one particular accomplishment, the Court in the last four years has committed itself to a set of values that ensures that the Court will continue this progress in the years to come. It is these values that have made the changes that I have recited possible.

For make no mistake, this court system could not possibly have changed as much as it has in recent years if the organization, the 6300 people who make up the court system, had not wanted change. All the changes I have described, and many more like them, came about because the employees of the court system, from judges to facilities staff, wanted to modernize and improve how justice is dispensed in Massachusetts.

What are the values we have embraced?

We are become an entire community that is committed to working in partnership with each other to improve the quality of justice. Power and authority are more distributed in a more complex manner in

this system than in any organization I have ever encountered. There are a multitude of vetoes in the system, often held by persons with tenure guaranteed for life.

That we have accomplished so much is a testament to the flexibility, maturity and good will of our judges and staff, who are willing to overcome individual and group differences to problem solve and collaborate in the service of justice. The relationship of the Chief Justice of the Trial Court and the Court Administrator, working as equal partners to lead the justice system, is only a microcosm of the entire system: authority and responsibility must be constantly negotiated to move the system forward.

That is true throughout the court: progress only occurs when we are generous enough, committed enough and mature enough to resolve the multiple relationships that can either advance or impede progress.

We are a community committed to reflection on our work. We examine all we do, to ask the question: “Is there a better way to accomplish this task – more efficient, more equitable, more open to engagement?” We use data to inform our inquiry, using the ever-increasing power of our data systems to support our efforts to assess the quality of our work, its cost and its effectiveness. We have used the development of our data systems to make the practices of our courthouses more uniform and comprehensible, work which will continue in the years ahead as we make such data more available throughout the system.

In cooperation with the Court Management Advisory Board, we have instituted a practice of engaging “visiting committees,” made up of outside experts in a particular aspect of management, to critique our management operations. An IT visiting committee has recently completed its recommendations for improvement, and a data utilization committee, under a faculty member from Harvard Business School, is about to begin.

We are a community that increasingly recognizes that leadership can be exercised at any place in the system. A system that was once rigidly hierarchical has recognized that justice is best served by supporting and encouraging leadership wherever it arises. In the recently completed Strategic Plan 2.0, six of the twelve cochairs who led the six task forces were clerks – a group whose leadership capacities were little recognized in the past. We need to keep expanding the circle of leadership in the court system, until every employee is working at his or her fullest potential.

We are a community that increasingly understands that neither justice nor respect are things that must be earned. Every person who comes to the court, no matter how upset, emotional, angry or contentious, should receive both justice and respect at our hands, whether we think that their behavior warrants it or no. Every human being deserves justice, regardless of their racial identity, their history or the state in which they arrive at the courthouse door.

This conviction tests us – tests our patience, our compassion, our equanimity, our commitment to genuine justice – and in those tests we grow as human beings.

Finally, we are a community among communities: whether in our deepening engagement with the Legislature in continuously strengthening the rule of law; with the Executive, in our collaborative work with the Departments of Public Health and Mental Health, saving lives and assisting people in deep distress; or in our embeddedness in the communities we serve, the communities that turn to us in their most anguished moments. We do not stand apart – we are deeply connected to institutions and to individuals, some 40,000 of whom come through our doors every day, seeking our best counsel and support.

I am honored to have worked these almost five years with such a group of people. The people who administer our system of justice are intelligent, resilient, good humored and morally committed. They serve our Commonwealth with dignity and dedication. I am confident that they will continue the great work that has given all of us such deep satisfaction in recent years. I am grateful to you all for how you have embraced change, and look forward to learning of your continued progress in the days ahead.