

OFFICE OF THE STATE AUDITOR

DIANA DIZOGLIO

Official Audit Report – Issued August 6, 2025

Executive Office of the Trial Court

For the period July 1, 2023 through June 30, 2024



OFFICE OF THE STATE AUDITOR

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August 6, 2025

Heidi Brieger, Chief Justice
Thomas Ambrosino, Court Administrator
Executive Office of the Trial Court
John Adams Courthouse
1 Pemberton Square, Suite 1M
Boston, MA 02108

Dear Chief Justice Brieger and Court Administrator Ambrosino:

Enclosed are the results of our performance audit of the Executive Office of the Trial Court. As is typically the case, this report details the audit objectives, scope, methodology, findings, and recommendations for the audit period, July 1, 2023 through June 30, 2024.

As you know, contrary to past practice, the Executive Office of the Trial Court refused to participate in this performance audit of your website, citing as a reason the Attorney General's November 2, 2023 letter to our office in support of the Legislature's refusal to be audited. This is a new position for the Court and departs from precedent—our office has audited the judiciary for decades. Our audit sought to examine the existing conditions of your website—its design and layout—regarding issues of compliance and accessibility. As has always been the case, our office sought to exercise no judicial power of the Executive Office of the Trial Court or any judicial branch official, but rather to observe and report on actions taken in the past by administrative staff members in the performance of their administrative duties.

In her 2024 State of the Judiciary Address, Chief Justice Budd remarked that maintaining public trust and confidence in the courts is essential to the success of our legal system. I agree.

Chief Justice Budd, who is a member of the Committee on Public Engagement, Trust and Confidence of the national Conference of Chief Justices and Conference of State Court Administrators, remarked in her 2024 State of the Judiciary Address that, according to "annual polls conducted for the National Center for State Courts, the percentage of people who believe that state courts provide equal justice for all 'well' or 'very well' has declined from 62% to 46% in the last 10 years."

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Chief Justice Budd also stated, “Based on focus group interviews, our Committee Report explains that quote, ‘Many believe two systems of justice exist. There is one system for those with influence, connections, and power, and another one for everyone else.’”

Again, I agree.

Moreover, Chief Justice Budd stated, “There were complaints about the courts seeming too bureaucratic and difficult to navigate. . . Above all, there is a sense that courts are disconnected and out of touch with the people and local communities they serve. Rather than providers of justice for all, courts are seen as gatekeepers of a power imbalance between the haves and have-nots.”

I could not agree more with Chief Justice Budd’s 2024 State of the Judiciary Address remarks.

That is why I was both surprised and incredibly disappointed to learn of your adamant opposition to a routine audit which simply sought to shine a light on areas where the court’s website could be less “bureaucratic and difficult to navigate.” Even if the court believes it is within its right to refuse such an audit based on the Attorney General’s most recent opinion, this complete 180 from past practice serves to further erode public trust in the courts.

We are all aware that 72% of the public recently voted for an audit of the Legislature, doubtless in part out of feeling that their government is “disconnected and out of touch from the people and local communities they serve . . . as gatekeepers of a power imbalance between the haves and have-nots.”

I ask why now, of all times, would the court decide to stop participating in routine audits?

Because I agree with Chief Justice Budd’s statement that “We also need to recognize that judicial independence and judicial accountability are two sides of the same coin. We must emphasize accountability and transparency in our operations.” Yet the courts are now refusing a simple audit of website accessibility.

What is the public good that could come out of this decision?

According to Chief Justice Budd, in Massachusetts, the judiciary has “been working to improve the public perception of our courts through initiatives that make the courts more accessible.”

I ask how refusing an audit from our office of website accessibility to assist disabled persons and others to be able to connect more with the courts is in line with this mission. I also ask—even if the court has its own methodology for assessing these issues—what could be so offensive about a simple audit of website accessibility that exercises no power of the judiciary.

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The court's refusal to be audited, contrary to its extensive past practice, undermines the increased transparency, accountability, and accessibility that Chief Justice Budd has recognized as being paramount to maintaining the public's faith and trust in the judiciary. The court's actions in opposition to a basic website accessibility audit has most certainly damaged my faith and trust in the courts. I'm guessing that I won't be alone in expressing these sentiments and am deeply disappointed and discouraged by your decision, which directly conflicts with Chief Justice Budd's very clearly laid out statements regarding the need to help restore the public's faith and trust in the courts.

As is always the case, I am available to discuss this audit if you or your team has any questions.

Best regards,

A handwritten signature in cursive script that reads "Diana DiZoglio".

Diana DiZoglio
Auditor of the Commonwealth

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LIST OF ABBREVIATIONS

EOTC	Executive Office of the Trial Court
EOTSS	Executive Office of Technology Services and Security
IT	information technology
OSA	Office of the State Auditor
W3C	World Wide Web Consortium
WCAG	Web Content Accessibility Guidelines

EXECUTIVE SUMMARY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of the Executive Office of the Trial Court (EOTC) for the period July 1, 2023 through June 30, 2024.

The purpose of our audit was to determine whether EOTC's website adhered to the World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG) 2.1 for user accessibility, keyboard accessibility, navigation accessibility, language accessibility, error identification, and color accessibility.

Below is a summary of our finding, the effect of that finding, and our recommendations, with links to each page listed.

Finding 1 Page 13	EOTC's website was not fully accessible to all website users.
Effect	<p>Possible effects of noncompliance with WCAG 2.1 in the areas discussed above include the following:</p> <ul style="list-style-type: none">• Regarding user accessibility, if webpage content cannot be zoomed in to 400% without losing functionality, then users with visual impairments may be unable to access needed information.• Regarding keyboard accessibility, if functional elements on a webpage cannot be navigated using only keyboard commands, then users with limited motor abilities may be unable to navigate to needed information.• Regarding navigation accessibility, broken or faulty hyperlinks negatively impact the user experience and make it difficult to locate specific, sought-after information. They can also limit equitable access to critical information and key online services for some users. Plus, broken or faulty hyperlinks also increase the likelihood that users may access outdated or incorrect information or may be directed to webpages that no longer exist.
Recommendations Page 14	<ol style="list-style-type: none">1. EOTC should address the loss of functionality when zoomed to 400%.2. EOTC should work to resolve accessibility barriers that prevent certain features from being used with only keyboard commands.3. EOTC should review its webpages to ensure that all hyperlinks lead to intended information and that they provide equitable access to critical information and services that EOTC offers online.

OVERVIEW OF AUDITED ENTITY

The Executive Office of the Trial Court (EOTC) was established in 1978 to help with coordination of and communication between the various entities that comprise the Commonwealth's court system.¹ This system includes, but is not limited to, seven state-level Trial Court departments,² the Office of Jury Commissioner, the Massachusetts Probation Service, and the Office of Court Management.

According to the Massachusetts Trial Court Strategic Plan 2023–2025, EOTC's mission statement is as follows:

The Trial Court is committed to:

- *Fair, impartial, and timely administration of justice;*
- *Protection of constitutional and statutory rights and liberties;*
- *Equal access to justice for all in a safe and dignified environment strengthened by diversity, equity, and inclusion;*
- *Excellence in the adjudication of cases and resolution of disputes;*
- *Courteous service to the public by dedicated professionals who inspire public trust and confidence.*

Currently, EOTC comprises the following nine divisions: the seven Trial Court departments previously referenced, as well as the Massachusetts Probation Service and the Office of Jury Commissioner. The following is a sample of audits that the Office of the State Auditor has completed during the last few years of EOTC and its divisions.

- EOTC, issued in 2021;
- the Juvenile Court Department, issued in 2022;
- the Land Court Department, issued in 2022; and
- the Office of Jury Commissioner, issued in 2024.

Additionally, the court administrator oversees the Office of Court Management, which, according to the Massachusetts Trial Court Strategic Plan 2023–2025, oversees many matters, such as those related to

1. According to the Massachusetts Trial Court Strategic Plan from June 2013, EOTC was established in 1978, but was not officially called the Executive Office of the Trial Court until 2012.

2. The seven Trial Court departments are the Boston Municipal Court, the District Court, the Housing Court, the Juvenile Court, the Land Court, the Probate and Family Court, and the Superior Court.

capital planning, human resources, information technology (IT), language access, law libraries, security, and workplace rights. In fiscal years 2023 and 2024, EOTC received appropriations of \$861,538,815 and \$887,242,797, respectively. During at least one point in fiscal year 2024, EOTC was staffed by 371 judges.

Massachusetts Requirements for Accessible Websites

In 1999, the World Wide Web Consortium (W3C), an international nongovernmental organization responsible for internet standards, published the Web Content Accessibility Guidelines (WCAG) 1.0 to provide guidance on how to make web content more accessible to people with disabilities.

In 2005, the Massachusetts Office of Information Technology,³ with the participation of state government webpage developers, including developers with disabilities, created the Enterprise Web Accessibility Standards. These standards required all executive branch state agencies⁴ to follow the guidelines in Section 508 of the Rehabilitation Act amendments of 1998. These amendments went into effect in 2001 and established precise technical requirements to which electronic and IT products must adhere. This technology includes, but is not limited to, products such as software, websites, multimedia products, and certain physical products, such as standalone terminals.

In 2008, W3C published WCAG 2.0. In 2014, the Massachusetts Office of Information Technology added a reference to WCAG 2.0 in its Enterprise Information Technology Accessibility Standards.

In 2017, the Executive Office of Technology Services and Security (EOTSS) was designated as the Commonwealth's lead IT organization for the executive branch state agencies. EOTSS is responsible for the development and maintenance of the Enterprise Information Technology Accessibility Standards⁵ and the implementation of state and federal laws and regulations relating to accessibility. As the principal executive agency responsible for coordinating the Commonwealth's IT accessibility compliance efforts, EOTSS supervises executive branch state agencies in their efforts to meet the Commonwealth's accessibility requirements.

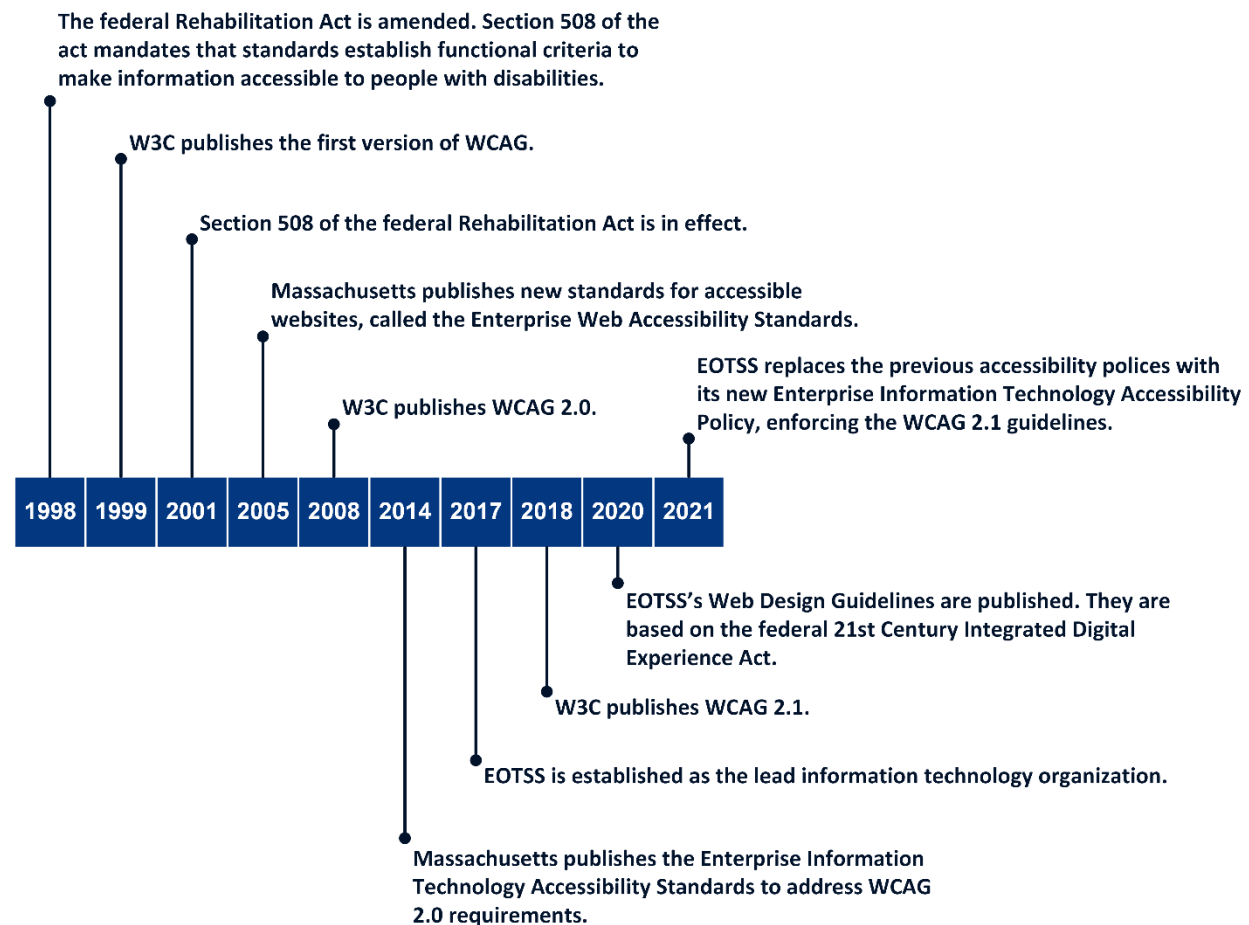
3. The Massachusetts Office of Information Technology became the Executive Office of Technology Services and Security in 2017 following Executive Order 588 from then-Governor Charles Baker.

4. See page 4 of this audit report for information regarding the applicability of executive branch standards to the Executive Office of the Trial Court.

5. EOTSS has since changed the titles and numbers of at least some of its policies and standards between the end of the audit period and the publication of this report. In this report, we reference the titles and numbers of EOTSS's policies and/or standards as they were during the audit period (unless stated otherwise).

In 2018, W3C published WCAG 2.1, which built on WCAG 2.0 to improve web accessibility on mobile devices and to further improve web accessibility for people with visual impairments and cognitive disabilities. EOTSS published the Enterprise Information Technology Accessibility Policy in 2021 to meet Levels A and AA of WCAG 2.1.

Timeline of the Adoption of Website Accessibility Standards by the Federal Government and Massachusetts



Executive branch state agencies must comply with EOTSS's policies and standards. However, non-executive branch state agencies, such as EOTC,⁶ must also comply with EOTSS's accessibility policies and standards when using an EOTSS web domain,⁶ as established by EOTSS's Website Domain Policy. Part of this policy states that **any government organization using an EOTSS web domain must comply with**

6. EOTSS web domains, according to the Website Domain Policy, include Mass.gov, Massachusetts.gov, Ma.gov, State.ma.us, related subdomains (e.g., example.mass.gov), and all domains that EOTSS owns and manages.

EOTSS's Web Design Guidelines, which were published in 2020 and were based on the federal 21st Century Integrated Digital Experience Act. This law helps state government agencies evaluate their design and implementation decisions to meet state accessibility requirements.

Web Accessibility

Government websites are an important way for the general public to access government information and services. Deloitte's⁷ 2023 Digital Citizen Survey found that 55% of respondents preferred to interact with their state government services through a website instead of face-to-face interaction or a call center. Commonwealth of Massachusetts websites have millions of webpage views each month.

However, people do not interact with the internet uniformly. The federal government and nongovernmental organizations have established web accessibility standards intended to make websites more accessible to people with disabilities such as visual impairments, hearing impairments, and others. The impact of these standards can be significant, as the federal Centers for Disease Control and Prevention estimates that 1,488,012 adults (26% of the adult population) in Massachusetts have a disability, as of 2022.⁸ Among the estimated 26% of the adult population, 14% reported having serious difficulty with cognition, 10% reported having serious difficulty with mobility, 6% reported having deafness or serious difficulty hearing, and 5% reported having blindness or serious difficulty seeing (even when wearing glasses).⁹ Examples of web accessibility measures include, but are not limited to, having captioning on videos to help people with difficulty hearing understand the contents of the video; having form fields describe what data needs to be inputted into them to help people who have cognitive difficulties; and ensuring that people can interact with a webpage using keyboard commands alone to help people who have difficulty with mobility.

How People with Disabilities Use the Web

According to W3C, people with disabilities use assistive technologies and adaptive strategies specific to their needs to navigate web content. Examples of assistive technologies include screen readers, which read webpages aloud for people who cannot read text; screen magnifiers for individuals with low vision; and voice recognition software for people who cannot (or do not) use a keyboard or mouse. Adaptive

7. Deloitte is an international company that provides tax, accounting, and audit services to businesses and government agencies.
8. This data is collected from surveys conducted using both landline telephones and cellular telephones, and all responses are self-reported.
9. The percentages do not add up to 26%, as estimated by the federal Centers for Disease Control, because of overlapping data. The self-reported survey allows individuals to report having multiple disabilities.

strategies refer to techniques that people with disabilities employ to enhance their web interaction.¹⁰ These strategies might involve increasing text size, adjusting mouse speed, or enabling captions.

To make web content accessible to people with disabilities, developers must ensure that various components of web development and interaction work together. This includes text, images, and structural code; users' browsers and media players; and various assistive technologies.

10. Web interaction refers to the various actions that users can take while navigating and using the internet. It encompasses a wide range of online activities, including, but not limited to, clicking on hyperlinks, submitting forms, posting comments on webpages, and engaging with web content and services in other forms.

Accessibility Features of a Website¹¹

A website's header should appear throughout an entire website and contain hyperlinks to main content areas.

Alternative text should provide a description of any images present so that screen readers can describe those images.

Properly labeled fields where a user can enter text allow screen readers to read aloud the types of information that the user should enter.

Headings organize web content in a logical manner and allow users to navigate that content easily.

Screen reader users and people with motor disabilities rely in part on the Tab key to navigate between major portions of a website's content.

The screenshot shows the homepage for 'Massachusetts Trial Court Rules and Standing Orders' on the Mass.gov website. The page features a blue header with a 'Menu' button, 'Select Language', 'Contrast Settings', and 'State Organizations' links. A search bar is located below the header. The main content area has a blue banner with the title 'Massachusetts Trial Court Rules and Standing Orders' and a sub-header 'A collection of Trial Court Rules and Standing Orders compiled by the Trial Court Law Libraries.' To the right of the banner is an image of several books. Below the banner, a list of rules and orders is provided. A 'What would you like to do?' section contains three buttons: 'View all Trial Court Rules', 'View all Trial Court Standing Orders', and 'View all Trial Court Administrative Orders'. The footer includes the Massachusetts seal, copyright information, and links to 'All Topics', 'Site Policies', and 'Public Records Requests'. A 'Feedback' button is located on the right side of the page.

Includes: Standing Order 2-16: Uniform Interdepartmental Procedures for Probation Violation Proceedings; Standing Order 1-16: Authority of the Judge with Respect to Communication with Specialty Court Teams; and Uniform Summary Process Rules; Uniform Magistrate Rules; Uniform Small Claims Rules; Uniform Rule Requiring Disclosure of Pending and Concluded Care or Custody Matters; Issuance of Standing Orders; Uniform Rules for Permanency Hearings; Uniform Rules on Civil Motor Vehicle Infractions; Uniform Rules on Impoundment Procedure; Uniform Rules on Subpoenas to Court Officials; Uniform Rule Requiring Disclosure of Present or Past Receipt of Public Assistance Benefits by Minor Children; Uniform Rule for Probable Cause Determinations for Persons Arrested Without a Warrant; Interdepartmental Judicial Assignments; Uniform Rules for Civil Commitment Proceedings for Alcohol and Substance Use Disorders G.L. c. 123, § 35; Uniform Rules on Public Access to Court Records; and Trial Court Administrative Orders.

What would you like to do?

Top tasks

View all Trial Court Rules →

View all Trial Court Standing Orders →

View all Trial Court Administrative Orders →

Image credits: Shutterstock

Feedback

All Topics Site Policies Public Records Requests

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11. We resized this webpage to fit in this audit report. To see the unaltered webpage, visit <https://www.mass.gov/massachusetts-trial-court-rules-and-standing-orders>.

AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor (OSA) has conducted a performance audit of certain activities of the Executive Office of the Trial Court (EOTC) for the period July 1, 2023 through June 30, 2024.

We conducted this performance audit in accordance with generally accepted government auditing standards,¹² except for the following areas:¹³

- Paragraph 8.39 of Chapter 8 (which pertains to determining whether internal controls are significant to the audit objectives);
- Paragraphs 8.59–8.67 of Chapter 8 (which pertains to information systems controls considerations);
- Paragraphs 8.72–8.76 of Chapter 8 (which pertains to fraud inquiries);
- Paragraphs 8.77 and 8.78 of Chapter 8 (which pertains to identifying sources of evidence and the amount and types of required evidence);
- Paragraph 8.80 of Chapter 8 (which pertains to determining whether other auditors have conducted, or are conducting, audits that could be relevant to the current audit objectives);
- Paragraph 8.90 of Chapter 8 (which pertains to obtaining sufficient, appropriate evidence to provide a reasonable basis for addressing the audit objectives and supporting their findings and conclusions); and
- Paragraph 9.50 of Chapter 9 (which pertains to obtaining and reporting the views of responsible officials from the auditee concerning the findings, conclusions, and recommendations in the audit report, as well as any planned corrective actions).

We believe that, except for the information outlined in the “Scope Limitations” section, the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

12. Generally accepted government auditing standards is an auditing term used to refer to the standards issued by the US Government Accountability Office, which are listed in its *Government Auditing Standards*. (The version referenced in this report is the April 2021 technical update, GAO-21-368G.) These standards provide a framework for conducting high-quality audits of government programs and entities. They outline the ethical principles, professional qualifications, and performance requirements that auditors must follow when conducting financial and performance audits—as well as other types of engagements—to ensure accountability and transparency.

13. We were unable to satisfy the requirements of the listed generally accepted government auditing standards because the auditee refused to participate in the audit.

Below is our audit objective, indicating the question we intended our audit to answer; the conclusion we reached regarding our objective; and, if applicable, where our objective is discussed in the audit findings.

Objective	Conclusion
1. Did EOTC’s website adhere to the World Wide Web Consortium’s (W3C) Web Content Accessibility Guidelines (WCAG) 2.1 for user accessibility, keyboard accessibility, navigation accessibility, language accessibility, error identification, and color accessibility?	No; see Finding <u>1</u>

Scope Limitations

Paragraph 9.12 of the US Government Accountability Office’s *Government Auditing Standards* states, “Auditors should . . . report any significant constraints imposed on the audit approach by information limitations or scope impairments.” While performing the audit, we encountered the scope limitations described below.

In response to OSA’s letter of intent to conduct a performance audit (see [Appendix A](#)), EOTC’s general counsel, on behalf of EOTC’s chief justice and the court administrator, formally declined participation via written correspondence (see [Appendix B](#)). The general counsel asserted that the audit would exceed OSA’s statutory authority under Section 12 of Chapter 11 of the General Laws.

The general counsel further contended that WCAG 2.1, established by W3C, are not government regulations and, therefore, are not enforceable against EOTC. The general counsel maintained that OSA does not have authority to require compliance with, or to audit against, WCAG 2.1. Instead, EOTC stated that it follows the requirements of the US Department of Justice’s Final Rule, Section 35 of Title 28 of the Code of Federal Regulations (Civil Rights Division Docket No. 144, 89 Final Rule 31320),¹⁴ which uses Level AA of WCAG 2.1 as the technical standard for accessibility under Title II of the Americans with Disabilities Act. The deadline established by the US Department of Justice to ensure that websites are compliant with Levels A and AA of WCAG 2.1 is April 24, 2026.

Additionally, while the Enterprise Information Technology Accessibility Policy, issued by the Executive Office of Technology Services and Security (EOTSS) in 2021, requires agencies using EOTSS services, such as Mass.gov, to comply with Levels A and AA of WCAG 2.1, EOTC’s general counsel argued that this policy

14. You can find the text of this rule [here](#).

does not create a legal obligation for EOTC to follow WCAG 2.1 and reaffirmed that OSA does not have enforcement authority in this regard.

Consequently, EOTC declined to allow us to conduct our audit, even though OSA made efforts to resolve the jurisdictional issue by holding meetings with EOTC representatives to clarify this issue. As a result, we were denied access to essential information required to accomplish our audit objective.

As a result of EOTC's denial to grant us access to essential information required to accomplish our audit objective, we independently compiled a list of URLs¹⁵ from EOTC's Mass.gov website¹⁶ in order to test our objective. When selecting URLs, we relied on our professional judgement¹⁷ and the webpage tagging system within Mass.gov. The list of URLs obtained through this approach may not be a complete population of EOTC's webpages.

Web Accessibility

To determine whether EOTC's website adhered to W3C's WCAG 2.1 for user accessibility, keyboard accessibility, navigation accessibility, language accessibility, error identification, and color accessibility, we took the following actions. First, we performed accessibility testing procedures on a random, nonstatistical¹⁸ sample of 60 EOTC webpages out of a population of 290. We performed the procedures described below on the sampled webpages.

User Accessibility

- We determined whether content on each website could be viewed in both portrait and landscape modes.
- We determined whether content on each webpage was undamaged and remained readable when zoomed in to both 200% and 400%.

15. A URL uniquely identifies an internet resource, such as a website.

16. Webpages within Mass.gov can be tagged with the names of Commonwealth entities, thus indicating which Commonwealth entity authored the webpage. In the case of EOTC, a user would see something like "Offered by Executive Office of the Trial Court" underneath the website header and above the webpage heading. See the "[Accessibility Features of a Website](#)" image in this report for an example of this.

17. Professional judgement, in this situation, involved auditors reviewing the content of the sampled webpages, as well as the path to navigate to said webpage. For example, the webpage "Trial Court Administrative Order 22-3: Elimination of Monthly Probation Fees Imposed Pursuant to [Section 87A of Chapter 276 of the General Laws]" (see <https://www.mass.gov/doc/trial-court-administrative-order-22-3-elimination-of-monthly-probation-fees-imposed-pursuant-to-gl-c-276-ss-87a>) is a webpage that auditors could navigate to using only hyperlinks within webpages tagged with "Offered by Executive Office of the Trial Court."

18. Auditors use nonstatistical sampling to select items for audit testing when a population is very small, the population items are not similar enough, or there are specific items in the population that the auditors want to review.

Keyboard Accessibility

- We determined whether all elements¹⁹ of each webpage could be navigated using only keyboard commands.
- We determined whether any elements on each webpage prevented a user from moving to a different element when using only keyboard commands to navigate the webpage in question.
- We determined whether the first focusable control²⁰ on each webpage was a hyperlink that would redirect users to the main content of the webpage.

Navigation Accessibility

- We determined whether each webpage contained a title that was relevant to the webpage's content.
- We determined whether there was a search function present to help users locate content.
- We determined whether hyperlinks correctly navigated to the intended webpages.
- We determined whether headings within webpages related to the content of the header's section.

Language Accessibility

- We determined whether any video content found within each webpage had all important sounds and dialogue captioned.
- We determined whether the words that appeared on each webpage matched the language attribute²¹ to which the webpage in question was set.
- We determined whether any webpage sections that contained language differing from that to which the webpage was set contained their own specified language attribute.

Error Identification

- We determined whether mandatory form fields alerted users if they left these fields blank.
- We determined, for form fields that required a limited set of input values, whether users were alerted if invalid values were entered into these types of fields.
- We determined whether there were labels for any elements that required user input.

19. An element is a part of a webpage that contains data, text, or an image.

20. The first focusable control is the first element a user will be brought to on a webpage when navigating with a keyboard. If first focusable control also redirects users to the main content of a webpage, then it is known as a bypass block or a skip link.

21. A language attribute (also known as a language tag) identifies the native language of the content on the webpage or PDF (e.g., a webpage in English should have an EN language attribute). The language attribute is listed in the webpage's or PDF's properties. This, among other things, is used to help screen readers use the correct pronunciation for words.

- We also determined whether these labels were programmed correctly.
- We determined whether examples were presented to assist users in correcting mistakes (for example, a warning when entering a letter in a field meant for numbers).

Color Accessibility

- We determined whether there was at least a 3:1 contrast in color and additional visual cues to distinguish hyperlinks, which WCAG recommends for users with colorblindness or other visual impairments.

We used nonstatistical sampling methods for testing and therefore did not project the results of our testing to any corresponding populations.

For this objective, we found certain issues during our testing; see Finding 1 for more information.

EOTC's denial to grant us access to essential information materially affected our ability to carry out necessary procedures. Therefore, in accordance with generally accepted government auditing standards, this report discloses a scope limitation, which may affect the completeness and reliability of the audit results.

DETAILED AUDIT FINDINGS WITH AUDITEE'S RESPONSE

1. The Executive Office of the Trial Court's website was not fully accessible to all website users.

The Executive Office of the Trial Court's (EOTC's) website was not fully accessible for all website users. We determined that 21 (35%) webpages out of our sample of 60 were not in accordance with the Web Content Accessibility Guidelines (WCAG). Of these 21 webpages, we determined that 1 (2%) webpage lost functionality when zoomed in to 400%, 18 (30%) webpages contained functional elements that could not be navigated using only keyboard commands, and 3 (5%) webpages contained hyperlinks that did not lead to intended information.²²

Possible effects of noncompliance with WCAG 2.1 in the areas discussed above include the following:

- Regarding user accessibility, if webpage content cannot be zoomed in to 400% without losing functionality, then users with visual impairments may be unable to access needed information.
- Regarding keyboard accessibility, if functional elements on a webpage cannot be navigated using only keyboard commands, then users with limited motor abilities may be unable to navigate to needed information.
- Regarding navigation accessibility, broken or faulty hyperlinks negatively impact the user experience and make it difficult to locate specific, sought-after information. They can also limit equitable access to critical information and key online services for some users. Plus, broken or faulty hyperlinks also increase the likelihood that users may access outdated or incorrect information or may be directed to webpages that no longer exist.

Authoritative Guidance

The World Wide Web Consortium's WCAG 2.1 states,

Success Criterion 1.4.10 Reflow (Level AA)

Content can be presented without loss of information or functionality, and without requiring scrolling in two dimensions for:

- *Vertical scrolling content at a width equivalent to 320 [Cascading Style Sheet (CSS)] pixels*
- *Horizontal scrolling content at a height equivalent to 256 CSS pixels.*

22. Note that 1 webpage out of the 21 webpages referenced in our finding did not meet two of the success criteria (specifically regarding user accessibility and navigation accessibility). Because of this, while there were 21 webpages linked to findings, there were 22 instances of unmet criteria.

Except for parts of the content which require two-dimensional layout for usage or meaning. . . .

Success Criterion 2.1.1 Keyboard (Level A)

All functionality of the content is operable through a keyboard interface without requiring specific timings for individual keystrokes, except where the underlying function requires input that depends on the path of the user's movement and not just the endpoints. . . .

Success Criterion 2.4.5 Multiple Ways (Level AA)

More than one way is available to locate a web page within a set of web pages except where the web page is the result of, or a step in, a process.

Reasons for Issue

Due to the issues referenced in the "[Scope Limitations](#)" section, we were unable to obtain a cause from EOTC as to why these issues occurred.

Recommendations

1. EOTC should address the loss of functionality when zoomed to 400%.
2. EOTC should work to resolve accessibility barriers that prevent certain features from being used with only keyboard commands.
3. EOTC should review its webpages to ensure that all hyperlinks lead to intended information and that they provide equitable access to critical information and services that EOTC offers online.

Auditee's Response

In a letter to the Office of the State Auditor (OSA) on November 20, 2024 (see [Appendix B](#)), EOTC stated that it "respectfully declines to comply with the proposed audit."

Auditor's Reply

OSA's position is that the judiciary is subject to audit as outlined in Section 12 of Chapter 11 of the General Laws. There is a substantial historical record of the OSA auditing the judiciary, including, most recently, the Office of Jury Commissioner (issued September 20, 2024) and the Supreme Judicial Court (issued June 2, 2023). Additionally, OSA last audited the Executive Office of the Trial Court on August 21, 2021. The response received to this audit represents a significant deviation from historical practice. OSA continues to make itself available to EOTC and encourages it to comply with Section 12 of Chapter 11 of the General Laws to help make government work better and bolster public confidence in the government funded by the People's tax dollars.

APPENDIX A

The following is the letter of intent to conduct a performance audit that we sent to the Executive Office of the Trial Court.



The Commonwealth of Massachusetts

AUDITOR OF THE COMMONWEALTH

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TEL (617) 727-2075
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2025-1106-3I

November 1, 2024

The Honorable Heidi Brieger, Chief Justice
Thomas Ambrosino, Court Administrator
Executive Office of the Trial Court
John Adams Courthouse, 1 Pemberton Square
Suite 1M
Boston, MA 02108

Dear Chief Justice Brieger and Court Administrator Ambrosino:

In accordance with Chapter 11, Section 12, of the Massachusetts General Laws, we will be conducting a performance audit of your organization. We intend to commence this audit on or around November 4, 2024.

The Generally Accepted Government Auditing Standards (GAGAS), commonly referred to as the "Yellow Book," are issued by the Government Accountability Office (GAO) in the United States. These standards apply to both financial and performance audits of government agencies. Our audit will be conducted in accordance with these standards and will include, but not be limited to, determining whether the Executive Office of Trial Court websites were accessible in compliance with the Web Content Accessibility Guidelines (WCAG) during the audit period from July 1, 2023, through June 30, 2024. An engagement letter will be provided to your organization after my team meets with your management team and conducts inquiries and walkthroughs of the relevant areas.

My office will be in touch to arrange an entrance conference, which will be scheduled for the week of November 4, 2024.

Sincerely,
Modesta Roshi
Modesta Roshi, Director
IT Audit Unit

cc: Michael J. McKay, Assistant CFO of Audit and Internal Controls, EOTC
Daniel P. Sullivan, General Counsel, EOTC

APPENDIX B

The following is the letter the Executive Office of the Trial Court sent to the Office of the State Auditor, formally declining participation in the audit.



**THE TRIAL COURT OF MASSACHUSETTS
EXECUTIVE OFFICE OF THE TRIAL COURT**

Legal Department
Two Center Plaza, Suite 540
Boston, Ma 02108

Daniel P. Sullivan
General Counsel

November 7, 2024

VIA ELECTRONIC AND FIRST-CLASS MAIL

James A. Svizzero, Senior Auditor
Office of the State Auditor
Massachusetts State House
Room 230
Boston, MA 02133

RE: Response to Office of State Auditor's November 1, 2024 letter

Dear Mr. Svizzero:

This letter responds to your November 1, 2024 letter to Honorable Heidi E. Brieger, Chief Justice of the Trial Court, and Thomas G. Ambrosino, Court Administrator, announcing an audit to determine "whether the Executive Office of Trial Court websites were accessible in compliance with the Web Content Accessibility Guidelines (WCAG) during the audit period from July 1, 2023, through June 30, 2024." James A. Svizzero Letter dated November 1, 2024.

The Office of the State Auditor ("SAO") may "audit the accounts, programs, activities and functions directly related to the aforementioned accounts of all departments, offices, commissions, institutions and activities of the commonwealth[" G.L. c. 11, § 12 (emphasis added.) As confirmed by the Attorney General, this statute only empowers the SAO to audit the Executive Branch. Letter from Andrea Joy Campbell, Attorney General to Diana DiZoglio, State Auditor, at 7 (November 2, 2023) ("AG letter"). ("I adopt the views of my predecessors that the word 'department' in statutes such as these should in general encompass only executive branch departments.") As an independent branch of government, the Judicial Branch is not under the SAO's purview.

The SAO is also statutorily authorized to "audit the accounts, programs, activities and functions directly related to the aforementioned accounts of all departments, offices, commissions, institutions and activities of the commonwealth[" G.L. c. 11, § 12 (emphasis added.) The above-underlined phrase is proscriptive and

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limits the scope of audits to matters directly related to subject governmental entities' accounts. The scope of the present audit, including "whether the Executive Office of Trial Court websites were accessible in compliance with the Web Content Accessibility Guidelines (WCAG) during the audit period from July 1, 2023, through June 30, 2024" exceeds matters "directly related to the [Trial Court's] accounts."

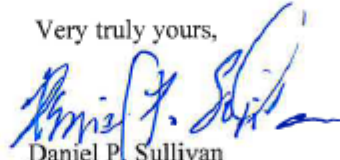
The WCA Guidelines' creators consist of stakeholders, including disability advocacy groups, government agencies, and accessibility research organizations, which collaborated to create these guidelines. The WCA Guidelines are not government regulations or otherwise enforceable against the Trial Court. Further, the SAO has no authority to require the Trial Court to comply with these guidelines or to audit the Trial Court's compliance with them.

Further, the Trial Court is already engaged in complying with Department of Justice's Final Rule, 28 CFR Part 35, CRT Docket No. 144, 89 FR 31320 (effective June 24, 2024) <https://www.federalregister.gov/documents/2024/04/24/2024-07758/nondiscrimination-on-the-basis-of-disability-accessibility-of-web-information-and-services-of-state>. See attached pdf of 25 CFR Part 35 - Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities. These federal regulations establish standards for website accessibility for disabled people.¹ (The Trial Court is posting a Request for Proposals ("RFP") to procure a vendor to do an accessibility audit across all websites used by the Judicial Branch to comply with the federal regulations.) The Department of Justice has authority pursuant to Title II of the ADA to enforce these regulations against the Trial Court effective April 24, 2026. The SAO has no authority to enforce the WCA Guidelines.

The scope of the proposed audit focuses on unenforceable guidelines and would exceed the scope of the SAO's statutory authority. Therefore, the Trial Court hereby respectfully declines to comply with the proposed audit.

Thank you.

Very truly yours,



Daniel P. Sullivan
General Counsel

¹ "The Department [of Justice] adopts an internationally recognized accessibility standard for web access, the Web Content Accessibility Guidelines ("WCAG") 2.1 published in June 2018, <https://www.w3.org/TR/2018/REC-WCAG21-20180605> and <https://perma.cc/UB8A-GG2F> as the technical standard for web content and mobile app accessibility under title II of the ADA. As will be explained in more detail, the Department is requiring that public entities comply with the WCAG 2.1 Level AA success criteria and conformance requirements." 89 Fed. Reg. 31321 (April 24, 2024).

James A. Svizzero, Senior Auditor
November 7, 2024
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cc: Hon. Heidi E. Brieger, Chief Justice of the Trial Court (via email)
Thomas G. Ambrosino, Court Administrator (via email)
Michael Leung-Tat, Deputy Auditor & General Counsel (SAO) (via email)