



# Court Management Advisory Board

## 2006 Annual Report

Chief Justice Robert A. Mulligan  
Executive Secretary

### MEMBERS:

Michael B. Keating, Esq., Chair

Leo V. Boyle, Esq.  
Linda K. Carlisle  
Gene D. Dahmen, Esq.  
Janet E. Fine, Esq.  
David G. Fubini  
Robert P. Gittens, Esq.  
Stephanie Lovell, Esq.  
Hon. Neil Lynch  
Anne H. Margulies  
Thomas O'Brien  
Elizabeth Pattullo

**Second Annual Report  
of the  
Court Management Advisory Board - 2006**

**A. Background**

The Court Management Advisory Board ("CMAB") was created in 2003 by an act of the Massachusetts Legislature. The Visiting Committee on Management in the Courts (popularly known as the "Monan Committee") had conducted a six-month study of the Massachusetts courts and in its 2003 March report to Chief Justice Margaret H. Marshall recommended the creation of a permanent advisory board which would include members from within the legal system and members from the private sector and government who could bring their experiences to bear on the managerial challenges facing the Judiciary. It was as a result of this recommendation that the legislature created the CMAB, mandating that it advise and assist the Justices of the Supreme Judicial Court and the Chief Justice for Administration and Management (the "CJAM") on matters pertaining to judicial administration and management and all matters of judicial reform. In the summer of 2004, the Justices of the Supreme Judicial Court appointed the members of the CMAB. As mandated by statute, the CMAB is comprised of twelve members, appointed according to the categories of experience set forth in the enabling statute. In addition to the twelve members, the CJAM serves as Executive Secretary of the CMAB. Attached to this report are the biographies of the twelve appointed members.

**B. Goals for 2006**

The goals for the CMAB were to continue to pursue the recommendations of the Monan Committee. As noted in our first Annual Report, the much needed transformation of the management of the court system requires data collection, analytic tools, performance goals and public measurement to spur system-wide improvement and change. Accordingly, our first priority for 2006 was for the Trial Court to gather the necessary data and to develop tangible dashboard metrics to measure empirically the progress towards articulated goals, and to publish the results. Additionally, the CMAB committed to continue to provide expert assistance to the leadership of the court system on matters of court management and administration and to work

with the CJAM towards the goal of obtaining greater flexibility in the allocation of existing resources.

## **C. The Activities**

### **1. Formal Sessions**

The members of the CMAB met bimonthly during 2006 in formal sessions which are always attended by Chief Justice Mulligan, and members of the staffs of the CJAM and the Supreme Judicial Court. In addition, several of the Chief Justices of the Trial Court Department also attended the meetings. Many of the formal meetings focused on specific topics relating to judicial administration and management, including the topics of court efficiency, the Trial Court budget and budget process, and Trial Court structure and lines of authority. In addition, Judge James McHugh, Special Advisor to the CJAM, provided periodic updates to the CMAB on the status of the MassCOURTS project.

### **2. Site Visits**

In addition to the formal sessions, several members of the CMAB made site visits during the spring and summer of 2006 to various divisions of the District Court and Probate and Family Court Departments. The members met with judges, probation officers, and clerks and registers, and reported back to the group during formal sessions. Such site visits proved to be very helpful to members of the CMAB in understanding the operations of the local courts and the challenges facing court personnel on a day-to-day basis. Among the various courts visited were: Quincy District Court, Lawrence District Court, Northampton District Court, Essex County Probate and Family Court, Norfolk County Probate and Family Court, and Hampden County Probate and Family Court.

Across the various sites visited, CMAB members reported being struck by the energy displayed by local court leadership and the commitment to achieve progress on the CMAB's goals. Members also reported the daunting challenges facing the local courts, including the press of business and limitations of the space and facilities in some of the divisions. Additionally, the members came away from the visits better informed about the management issues within the local courts with respect to the multiple lines of authority as well as the need for giving the CJAM full transferability of funds in allocating resources.

### **3. The Roscoe Pound Centenary Event**

During 2006, CMAB leadership thought the time was right to put a more public face on the behind-the-scenes work of the Board. An excellent opportunity was the 100th anniversary of Roscoe Pound's seminal speech, "The Causes of Popular Dissatisfaction with the Administration of Justice." On October 18, 2006, the CMAB co-sponsored with the Supreme Judicial Court Historical Society an afternoon event bringing together judges, court officials, members of the bar, business leaders and other community members to revisit Pound's critique of 1906 and to explore current accomplishments and trends in court administration at both the state and national level.

The event featured a keynote address by the Honorable Randall T. Shepard, Chief Justice for the Indiana Supreme Court, and a distinguished panel including: Honorable Robert A. Mulligan, Chief Justice for Administration and Management; Honorable Charles R. Johnson, Chief Justice, Boston Municipal Court, Senator Robert S. Creedon, Jr., Senate Chair, Joint Committee on the Judiciary; Anne Margulies, Member, Court Management Advisory Board, Executive Director, OpenCourseWare, Massachusetts Institute of Technology; Nancy Frankel Pelletier, Esq., Robinson Donovan, P.C., Professor Marc G. Perlin, Suffolk University Law School, and Chief Justice Shepard. Chief Justice Marshall opened the event and CMAB Chair Michael Keating was also on the program. Audience members also participated with comments and questions.

### **D. 2006 -- A Year of Accomplishment and Progress in the Trial Court**

Calendar year 2006 was a year of great accomplishment and progress for the Massachusetts trial court system on many significant fronts. For the first time in the history of the Trial Court, quarterly metrics reports are being used to measure and evaluate case management and court performance; MassCOURTS continues to roll out across the Commonwealth; and updated staffing models are being used to assure the appropriate staff support in our courthouses.

#### **1. Metrics**

In 2006, the CJAM and the Chief Justices of the Trial Court accomplished the very

aggressive goals set forth by the CMAB to create a measurement system to capture information on court performance and to provide reports on this data. As noted above, in its 2005 Annual Report, the CMAB stressed that the time had come for the Trial Court to focus its attention on the creation of a system to measure the extent to which the cases flowing through the courts were consistent with the metrics established under the recently instituted time standards, noting that goals that do not have tangible measures run the risk of being unfulfilled. The CMAB also advised publishing the results of such performance audits. Through the extreme dedication and focus of the CJAM and the Chief Justices of the Trial Court, and with the guidance and encouragement of the CMAB, a court metrics project, including quarterly reporting, is now in place across the Commonwealth, across all Trial Court departments, and across all types of cases, which we believe is the only statewide effort of its kind in the United States.

As reported last year, in November 2004, the Trial Court established time standards in all Departments, for both criminal and civil cases. Under the time standards, cases are classified according to their complexity, and time frames are set from filing to disposition, along with specific time benchmarks for key decision points in the course of a case. Though important, the establishment of time standards was only the first step in improving the expedition and timeliness of case processing. In 2006, the Trial Court adopted four CourTools<sup>1</sup> measurements focusing on timeliness and expedition for all seven court departments – namely Clearance Rate; Time to Disposition; Age of Pending Caseload; and Trial Date Certainty. Additionally, the Trial Court set target performance goals for each CourTools measurement, described by the CJAM as "ambitious and aspirational."

Central to this project was the reporting on these performance measures. In each quarter of 2006, the Trial Court, through its Chief Justices, gathered and submitted the data on the four CourTools performance measures. The CJAM compiled and created the quarterly statistical

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<sup>1</sup>In 2005, the National Center for State Courts developed CourTools, a set of ten trial court performance measures designed to measure court performance in five areas: access to justice; expedition and timeliness; equality, fairness and integrity; independence and accountability; and public trust and confidence.

reports, which took the form of "dashboard metrics," reviewed the metrics data with the departmental Chief Justices, and presented them at the formal sessions of the CMAB, whose members were able to offer up suggestions for improvements to the reporting system. These reports represent the first time in the history of the Trial Court that data and statistics on court performance have been used as a case/court management tool.

The importance of this information to achieving the goals of improved timeliness and expeditiousness cannot be overstated. This data establishes baselines for court performance in several important areas, as well as the ability to measure progress toward articulated goals. We are pleased to attach hereto (<http://www.mass.gov/courts/metricreport06.pdf>) the Report of the Court Metrics Project Calendar Year 2006 prepared by the Administrative Office of the Trial Court which describes this work in detail.

## **2. MassCOURTS**

Calendar year 2006 was a watershed year for MassCOURTS, the Trial Court's new electronic case management system. Working collaboratively, leaders and staff of the Trial Court Information Services and departmental Administrative Offices made major progress toward completing the statewide, comprehensive, integrated court information system envisioned at the project's outset. Some of the highlights of the substantial progress on MassCOURTS during 2006 include:

- The Rollout of MassCOURTS Lite in the Boston Municipal and District Courts

By the end of calendar year 2006, MassCOURTS Lite, the core of MassCOURTS criminal case management system, had gone live in 58 divisions of the District and Boston Municipal Courts across the Commonwealth, with the rollout completed in all 63 divisions by the end of February 2007.

- Imaging in the Probate and Family Court Department

With the imaging components of the MassCOURTS system having been installed in all divisions of the Probate and Family Court in 2006, Registers of Probate in all divisions are now routinely scanning documents filed in cases that are pending in those courts, and court staff are able to view electronic images of the scanned documents on newly upgraded computers. When the full MassCOURTS system is rolled out in the Probate and Family Court, these scanned documents

will automatically attach to the appropriate case, adding tremendous efficiency to the system.

- Full MassCOURTS in the Land Court Department

The Land Court Department received upgrades to its MassCOURTS system that had been installed in February of 2005, with further modifications to ease case processing coming in 2007. Additionally, in 2006, utilizing a new electronic process made possible by MassCOURTS, the Land Court Department was able to close approximately 27,000 of its pending cases.

- Preparing the Housing Court and Probate and Family Court Departments

Trial Court Information Services and Housing Court Department employees worked together throughout 2006 to prepare the Housing Court Department for its conversion to MassCOURTS. The Housing Court's MassCOURTS training and rollout will be underway during the first half of 2007. The Probate and Family Court Department will follow.

### **3. Staffing Model**

In calendar year 2006, the Trial Court continued to use its empirical, case-weighted staffing model<sup>2</sup> to assess the staffing needs for each division of the Trial Court and to allocate resources across the court system in a systematic, fair and equitable way. The Trial Court also used the staffing model to support its \$4.2 million budget request for fiscal year 2007 to add 130 positions to ease the staffing shortage in the Trial Court. While the budget request was not fully funded, the Trial Court was again able to rely on the staffing model to identify the most critical staffing needs, and to allocate those positions accordingly. Additionally, in 2006, the Trial Court reworked and updated its staffing model for probation officers leading to a more efficient and equitable distribution of probation resources across the state, and recalibrated the model for all court departments using 2006 workloads.

## **E. Conclusion**

On several important fronts, the Chief Justices of the Trial Court and their staffs, under

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<sup>2</sup>The staffing model was developed in 2005 by judges and staff from all seven Trial Court departments in conjunction with the National Center for State Courts.

the leadership of Chief Justice Mulligan and his staff, have made significant progress in 2006 to advance the goals of improved expedition and timeliness which have been major problems with the Trial Courts noted by the Monan Committee and identified by the CMAB and the CJAM as priority issues. The goals for 2007 are to continue to gather and analyze this data which permits the Trial Court to measure its progress towards articulated goals and to address those situations in which progress is not being achieved. The CMAB supports the CJAM's plan to pursue pilot projects on the CourTools performance metrics on access and fairness to further improve the performance of our Trial Court. The members of the CMAB have been impressed and gratified by the willingness of the Trial Court to undertake these significant new initiatives which we believe provide the foundation for further improvements to the Trial Courts.

Respectfully submitted,

Michael B. Keating

Chair, Court Management Advisory Board



## **Court Management Advisory Board Members**

**Leo V. Boyle** is a partner at Meehan, Boyle, Black & Fitzgerald in Boston and was a former president of the American Trial Lawyers Association and the Massachusetts Bar Association.

**Linda K. Carlisle** is presently a management consultant to public and non-profit clients. She was Commissioner of the Department of Social Services from 1993 to 1999.

**Gene D. Dahmen** is a partner with Verrill Dana LLP in Boston. A former president of the Boston Bar Association and a Fellow of the American Bar Foundation, Ms. Dahmen's practice is primarily in family law and mediation.

**Janet Fine** is the Executive Director of the Massachusetts Office of Victim Assistance.

**David Fubini** is a Director of the Boston office of McKinsey & Company, a management consulting firm, which provided significant pro bono assistance to the Visiting Committee on Management in the Courts.

**Robert P. Gittens** is Vice President for Public Affairs at Northeastern University. Mr. Gittens previously served as Secretary of the Executive Office of Health and Humans Services.

**Michael B. Keating**, a past president of the Boston Bar Association and Crime and Justice Foundation, is a partner at Foley Hoag LLP in Boston and is chairman of the Litigation Department. He previously served as chair of the Boston Bar Association's Task Force on Sentencing and is a former member of the U.S. District Court's Panel of Criminal Defense Counsel.

**Stephanie S. Lovell**, former First Assistant Attorney General of Massachusetts, served as the designee to the Board of former Attorney General Thomas F. Reilly.

**Honorable Neil L. Lynch**, a retired Justice of the Supreme Judicial Court, is Settlement Counsel for the First Circuit of the United States Court of Appeals.

**Anne Margulies** is the first Executive Director of OpenCourseWare at the Massachusetts Institute of Technology. Previously, she held senior information technology management positions at Harvard University and was chief operating officer for a private sector firm.

**Thomas O'Brien** is the former Dean of the Eugene M. Isenberg School of Management at the University of Massachusetts in Amherst and before that, was the Financial Vice President at Harvard University.

**Elizabeth Pattullo** is President and Chief Executive Officer of Beacon Health Strategies. Previously she served as the Director of the Department of Youth Services.