

COURT MANAGEMENT ADVISORY BOARD

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September 12, 2023

RE: 2021-2022 Report of the Court Management Advisory Board

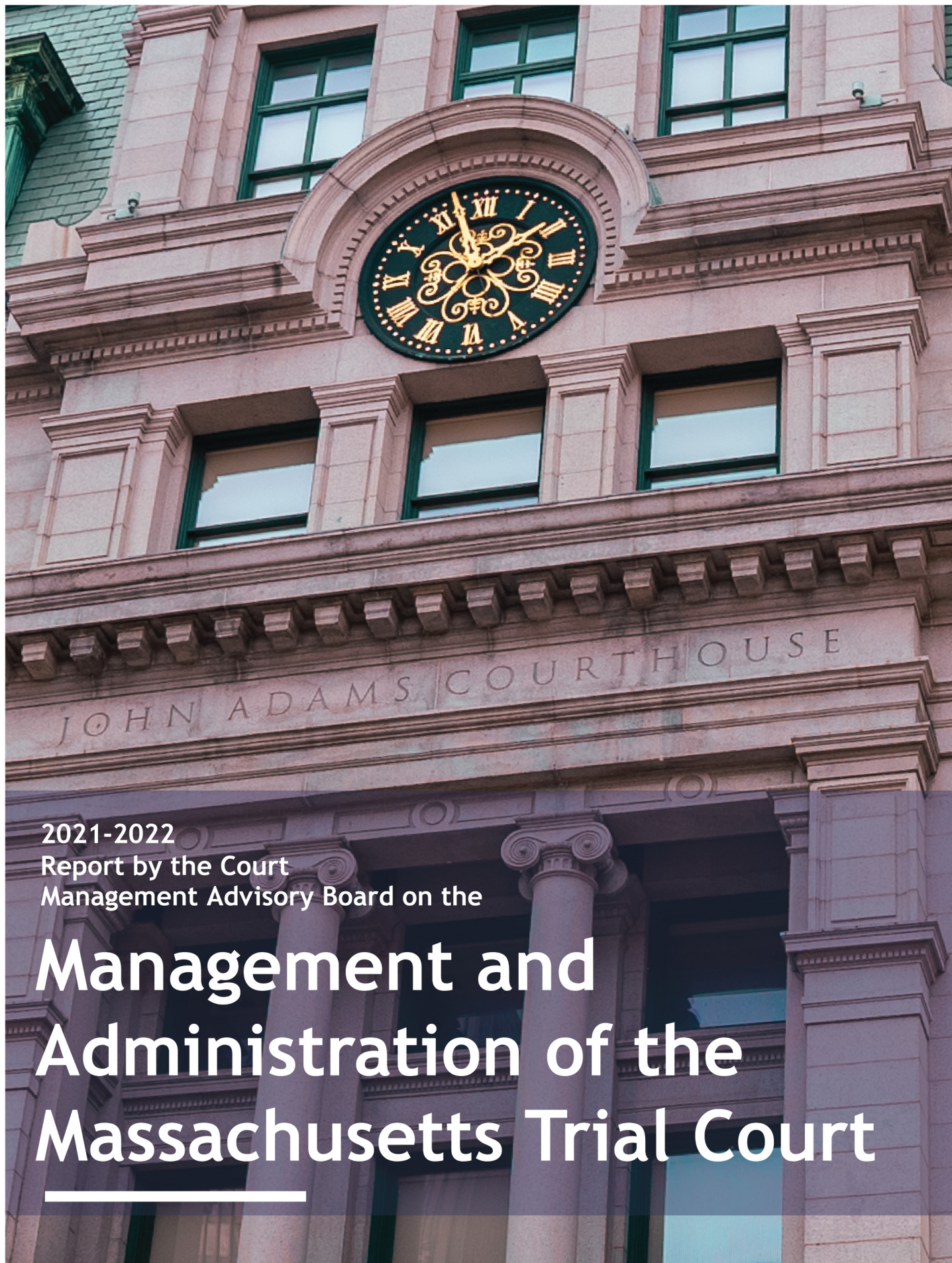
On behalf of the Court Management Advisory Board, I am pleased to deliver the CMAB's 2021-2022 Report.

The Members of the CMAB appreciate the opportunity to offer our assistance and advice on matters of court management administration. We are honored to do so, as we recognize that the quality of the Trial Court's operational functions has a profound impact on the judicial system's ability to provide access to justice for all. It is our hope that the CMAB's work will be useful to the legislature, and to the Supreme Judicial Court, and the Trial Court leadership, in support of that mission of justice.

Sincerely,



Mark D. Smith
Chair, Court Management Advisory Board



2021-2022
Report by the Court
Management Advisory Board on the

Management and Administration of the Massachusetts Trial Court

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A. Introduction

The Court Management Advisory Board (“CMAB”) is pleased to present its report for calendar years 2021-2022 to the members of the Joint Committee on the Judiciary, the Joint Committee on State Administration, and the House and Senate Committees on Ways and Means of the General Court, and to the Justices of the Supreme Judicial Court (SJC) and the Chief Justice and the Court Administrator of the Trial Court of Massachusetts.

The CMAB wishes to express its thanks and appreciation to Trial Court Chief Justice Jeffrey Locke and former Trial Court Administrator John Bello for their leadership and steadfast commitment to furthering the mission of the Trial Court, which is demonstrated by their relentless team efforts to improve the essential operations, management, and administration of the Trial Court system.¹

The CMAB also recognizes the work of all the Trial Court’s judges and commissioners, clerks and staff, who support the Trial Court’s mission and perform its essential functions. Several court staff members provided support to the CMAB, and we recognize their assistance with gratitude.

Finally, 2021-2022 saw the appointment of many new judges to key court management positions. Justice Kimberly Budd was appointed to the position of Chief Justice of the Supreme Judicial Court; Judge Jeffrey Locke was appointed to the position of Chief Justice of the Trial Court and Judge Stacey Fortes was appointed to the position of Chief Justice of the District Court.

B. Review of Strategic Priorities for 2023-2025

In 2022, the CMAB reviewed and approved the strategic priorities for 2023-2025. The top two priorities consist of:

- Service with Dignity
- Timely and Equitable Delivery of Justice.

The next three priorities include:

- Workforce Advancement & Support
- Embracing and Enhancing Technology
- Operational Efficiency

The second set of three priorities enable the top two priorities by ensuring that the workforce, use of technology, and operations efficiencies continue to advance.

¹ The Chief Justice of the Trial Court is the policy and judicial head of the Trial Court, which includes the Boston Municipal, District, Housing, Juvenile, Land, Probate and Family, and Superior Courts, the Office of the Commissioner of Probation, and the Office of Jury Commissioner. In this role, Chief Justice Locke has authority over all matters of judicial policy, appoints the departmental chief justices, and oversees case flow management and the establishment of programs and procedures to continuously improve access to justice by all segments of the Commonwealth’s population.

C. Trial Court User Experience

Given the prior successes in engaging with the Human Factors program at Bentley University, in 2022 the CMAB invited Bentley University Professor Demetrios Karis to conduct an additional study of the Trial Court. This effort has resulted in interesting findings which will allow the Trial Court to make significant improvements in this area and subsequent studies.

D. Study by Bentley University Graduate Students

Professor Demetrius Karis worked with several graduate students during the school year to understand the user experience of organizations and people using the court system in Massachusetts. The group's goal was to collect information on users' experiences while conducting business in the court and to provide useful information on where the court user experience could be improved. An important issue was to determine which steps the Trial Court needs to focus upon to continue the migration of functions online. During the information collection process, an additional focus emerged on how to improve the online experience for lawyers and litigants.

Like earlier studies by Bentley, the students recruited dozens of people as they entered the selected courthouses, made observations in courthouses, examined judicial websites in other states, reviewed survey results and online feedback. As a result, the study provides a long list of features and functionality that will benefit all external Trial Court users.

Upon completion of the study, the group presented recommendations in four sections:

- Online Capabilities
- Online Information
- Best Practices for Designing a New Access to Justice Website
- Legal Proceedings, Forms, Courthouses and Services

The Bentley team organized its findings into several recommendations, discussed below. The report provided by the Bentley team is enlightening, and we recommend that all those interested in improving the user experience in the Trial Court system study it to understand the challenges users face, and possible solutions to some, if not all, of the identified issues.

E. Improving Online Capabilities for the Trial Court

The greatest challenge facing the citizenry of Massachusetts in the recent past was the emergence of COVID in 2020. The courts were not spared. The pandemic, which shut down essentially all of society beginning in March of 2020, required court administrators and personnel to triage all essential services and implement remote access in almost every court department to ensure access to justice.

The Bentley Report concludes “it is important to keep in mind that although improving online information and capabilities will help many people, it will never by itself be sufficient to ensure equal access to justice.” However, the study points to numerous online capabilities that should be improved and expanded including the following:

- eFiling
- eReminder
- ePayment
- Virtual Court Service Center and other virtual services
- eDelivery
- Guide and File for submitting certain forms online
- MassCourts

The team also suggested new capabilities, including the following:

- Online Dispute Resolution
- Requests for Disability Accommodations
- Online Triage to direct users to the best information for their needs
- A Self-Service Portal providing customized information about the status and next steps for an individual’s case

In addition, the team also reviewed the process facing self-represented litigants as they navigate the courts without legal representation. The study provides specific recommendations on how to include information on Mass.gov that will answer the important questions facing SRLs as they enter the court system.

F. Conclusion & Looking Ahead

The COVID-19 pandemic forced society at large to rethink ways in which people interact with each other. With respect to the court's interaction with litigants, Chief Justice Locke regularly updated the CMAB about the steps the court was taking and the progress being made. While the timing and severity of the pandemic required quick thinking and reorganization to ensure that people who needed to access the court system were able to do so by alternate means, the court and its users realized that the technology-based, alternate procedures put into place may be worthy of consideration on a going forward basis.

The members of the CMAB are honored to have the opportunity and privilege to advise the Justices of the Supreme Judicial Court, the Chief Justice and Court Administrator of the Trial Court on matters of court management and administration. We greatly appreciate the thoughtful consideration that court leaders have given to the CMAB's previous reports and recommendations.

In 2020, the long-term Chief Information Officer resigned after many years of service. In response a representative of the CMAB assisted in the development of the job description and evaluation of the candidates applying for that position.

In addition, during the time period of this report, several new appointments have been made. A new Chief Justice of the Supreme Judicial Court, a new Court Administrator and a new Chief Information Officer have all been selected. The CMAB looks forward to working with the new leaders moving forward.

In closing, we wish to thank the leadership and members of the General Court for providing the necessary funding that will enable the Trial Court to maintain its ongoing operations, pursue key initiatives for continuous improvement, and implement its essential capital facilities and technology infrastructure plans.

G. CMAB Members 2021-2022

The SJC appoints 10 of the 12 members of the CMAB, and the other two members serve *ex officio*.² The appointed members serve for three-year terms. The SJC's use of staggered and overlapping terms of membership on the CMAB ensures a balance of continuity and new ideas. As of December 2022, the CMAB included:

- **Mark D. Smith** (CMAB Chair) Partner, Laredo & Smith, LLP (filling the CMAB seat for a lawyer with significant experience in the practice of criminal law)
- **Michele Courton Brown** - Vice President of Business Development, Blue Cross Blue Shield of Massachusetts (Significant experience in business administration)
- **Judith Fabricant** - Retired Chief Justice of the Superior Court (Judicial experience but not a current justice)
- **Williams Gribbons** - Director, Master of Science in Human Factors in Information Design Founder & Senior Consultant, User Experience Center, Bentley University (Significant experience in business administration)
- **Ziyad S. Hopkins** - Staff Attorney, Youth Advocacy Division, Roxbury Office, Committee for Public Counsel Services (Significant experience in the representation of juveniles in the courts)
- **Liam Lowney** - Executive Director, Massachusetts Office for Victim Assistance (*ex officio* CMAB member)
- **Michael Milligan** - Chief Information Officer, University of Massachusetts (Significant experience in information technology)

² The CMAB exists pursuant to General Laws chapter 211B, section 6A, which provides as follows:

There shall be an advisory board to assist the justices of the supreme judicial court, the chief justice of the trial court, and the court administrator. The board shall consist of the attorney general, or his designee, the executive director of the Massachusetts office of victim assistance and the following 10 additional members appointed by the supreme judicial court: 2 persons who have significant experience in public administration, 2 persons who have significant experience in business administration, 1 lawyer with significant experience in the practice of criminal law, 1 lawyer with significant experience in the practice of civil law, 1 lawyer with significant experience in the practice of probate and family law, 1 lawyer with significant experience in the representation of juveniles in the courts, 1 lawyer with significant judicial experience but not a current justice of the commonwealth or a retired justice serving the commonwealth pursuant to judicial recall, and 1 person who has significant experience in information technology. The board shall choose its chair. The appointed members of said board shall serve for a term of 3 years. The maximum amount of time that said members may serve on said board shall be 2 such terms. The chief justice of the trial court shall be the executive secretary of the board.

The board shall advise the justices of the supreme judicial court, the chief justice of the trial court, and the court administrator on all matters of judicial reform including, but not limited to, a proposal for the allocation of resources based on the demonstrated workload of each court.

- **Lon Povich** - Counsel, Anderson and Kreiger (Significant experience in public administration)
- **Paige Scott Reid**- Partner, Prince Lobel (Significant experience in civil law)
- **Dan Rivera** - President and CEO, Massachusetts Development (Significant experience in public administration)
- **Anne Sterman** - Deputy Chief, Government Bureau, Office of the Attorney General (Designee of Attorney General Maura Healey, *ex officio* CMAB member)
- **Lisa Wilson** - Wilson, Marino & Bonnevie, PC (Dignificant experience in probate and family law)

The Honorable Scott L. Kafker, Associate Justice of the Supreme Judicial Court, acts as the SJC's liaison to the CMAB. The CMAB is grateful for all the guidance and encouragement provided by Justice Kafker.

Over the course of the year, the CMAB held meetings at which its members discussed a range of issues pertaining to the management and administration of the Trial Court. The CMAB's meetings were regularly attended by Trial Court Chief Justice Jeffrey Locke, Court Administrator John Bello, and the SJC Associate Justice Scott L. Kafker. Featured speakers and other guests also attended from time to time, as warranted by the CMAB's meeting agendas. In addition, the Chief Justices and the Deputy Court Administrators of the seven judicial Departments of the Trial Court (the Boston Municipal Court, District Court, Housing Court, Juvenile Court, Land Court, Probate and Family Court, and Superior Court) were invited to attend and participate in many of the CMAB meetings.

H. CMAB Meetings 2021-2022

March 25, 2021

June 3, 2021

September 30, 2021

November 1, 2021

December 9, 2021

January 20, 2022

April 21, 2022

May 24, 2022

September 28, 2022

October 20, 2022