

ANNUAL REPORT
ON THE

STATE OF THE MASSACHUSETTS COURT SYSTEM

Fiscal Year 2009

The Judicial Branch has demonstrated a strong commitment to sharing responsibility in ensuring the fiscal soundness of the Commonwealth. I commend the committed men and women of the Massachusetts court system for their impressive record of achievement in serving the public well during these challenging times. Together, with your support, we will continue to enhance the delivery of justice.

Chief Justice Margaret H. Marshall



Worcester Trial Court

SUPREME JUDICIAL COURT
BOSTON, MASSACHUSETTS 02108

MARGARET H. MARSHALL
CHIEF JUSTICE

February 12, 2010

His Excellency Deval L. Patrick
Governor of the Commonwealth

Honorable Therese Murray
President of the Massachusetts Senate

Honorable Robert A. DeLeo
Speaker of the House of Representatives

Dear Governor Patrick, President Murray, Speaker DeLeo:

Pursuant to the provisions of G. L. c. 211B, § 9, I am pleased to submit the Annual Report of the Massachusetts Court System for Fiscal Year 2009.

This report highlights numerous accomplishments of the dedicated judges, clerks, probation staff, and other employees across the court system, who have been steadfast in serving the needs of the public and performing their core functions in the delivery of justice despite continuing budget challenges.

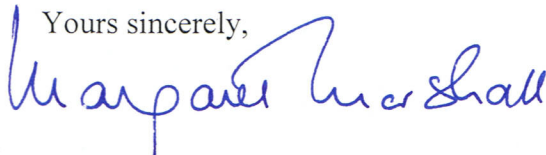
The Judicial Branch has demonstrated a strong commitment to sharing responsibility in ensuring the fiscal soundness of the Commonwealth. The fiscal austerity that has permeated all branches of government during the past eighteen months has required unprecedented measures throughout the court system to restrict services, consolidate courthouses, and accommodate significant staff reductions.

The Judiciary also has advanced many efforts to ensure greater access to justice and increase operational efficiency using case management tools and technology, as focus continued on accountability, transparency, expeditious disposition of cases, and the delivery of justice.

I commend the men and women of the Massachusetts court system for their impressive record of achievement in serving the people of the Commonwealth during these challenging times, as set forth in this report, which will be available to the public on the court's website at www.mass.gov/courts.

Together, with your support, we will continue to enhance the delivery of justice in the Commonwealth.

Yours sincerely,



Margaret H. Marshall

Annual Report on the State of the Massachusetts Court System Fiscal Year 2009

Supreme Judicial Court

Chief Justice Margaret H. Marshall

Associate Justices

Roderick L. Ireland	Francis X. Spina
Judith A. Cowin	Robert J. Cordy
Margot G. Botsford	Ralph D. Gants (Appointed 1/09)
John M. Greaney (Retired 12/08)	

Appeals Court

Chief Justice Phillip Rapoza

Trial Court

Chief Justice for Administration & Management Robert A. Mulligan

Boston Municipal Court	Chief Justice Charles R. Johnson
District Court	Chief Justice Lynda M. Connolly
Housing Court	Chief Justice Steven D. Pierce
Juvenile Court	Chief Justice Michael F. Edgerton (Appointed 3/09)
	Chief Justice Martha P. Grace (Retired 2/09)
Land Court	Chief Justice Karyn F. Scheier
Probate & Family Court	Chief Justice Paula M. Carey
Superior Court	Chief Justice Barbara J. Rouse

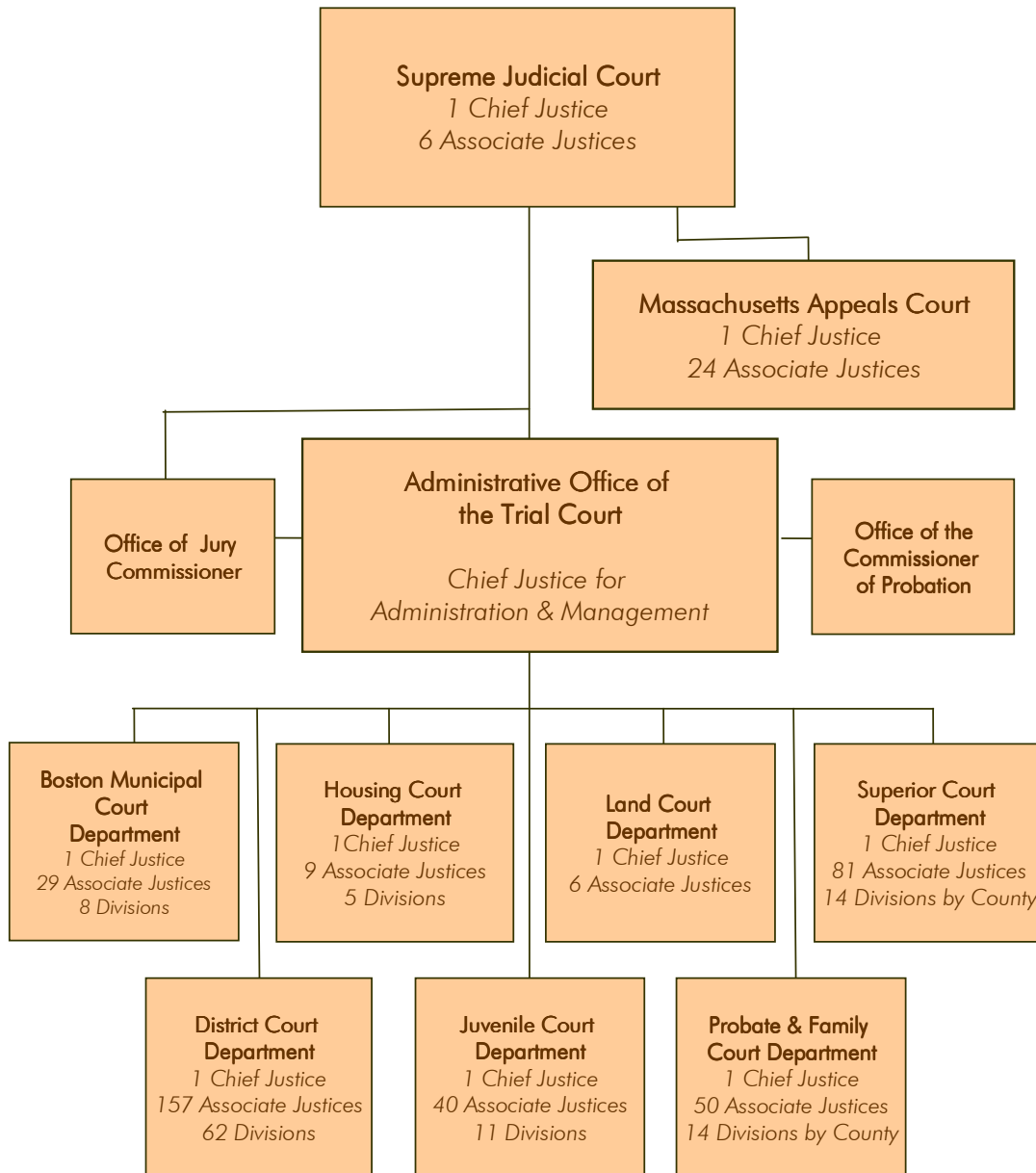
Probation Commissioner

John J. O'Brien

Jury Commissioner

Pamela J. Wood, Esq.

The Massachusetts Court System



The number of justices for all Courts is the maximum authorized by statute.

Supreme Judicial Court

The Supreme Judicial Court, originally called the Superior Court of Judicature, was established in 1692 and is the oldest appellate court in continuous existence in the Western Hemisphere. It serves as the leader of the Massachusetts court system, holding final appellate authority regarding the decisions of all lower courts and exercising general superintendence over the administration of the lower courts.

The full Court hears appeals on a broad range of criminal and civil cases from September through May. Single justice sessions are held each week throughout the year for certain motions, bail reviews, bar discipline proceedings, petitions for admission to the bar, and a variety of other statutory proceedings.

The Court also is responsible for general superintendence of the Judiciary and the bar, makes or approves rules for the operations of all courts, and has varying degrees of oversight responsibility for entities affiliated with the Judicial Branch, including the Board of Bar Overseers, Board of Bar Examiners, Clients' Security Board, and the Massachusetts Interest on Lawyers' Trust Accounts (IOLTA) Committee.

Supreme Judicial Court Statistics

Caseload	FY09	FY08
Direct Entries	155	108
Direct Appellate Review Applications Allowed / Considered	47 / 92	31 / 70
Further Appellate Review Applications Allowed / Considered	42 / 784	38 / 742
Transferred by SJC on its Motion from Review of Entire Appeals Court caseload:	41	37
Gross Entries	285	214
Dismissals	28	20
Net Entries	257	194
Dispositions		
Full Opinions	147	160
Rescripts	54	61
Total Opinions	201	221
Total Appeals Decided ¹	205	222

¹Indicates the total number of appeals resolved by the Court's opinions.

Supreme Judicial Court for Suffolk County

The Supreme Judicial Court for Suffolk County is known as the single justice session of the Supreme Judicial Court. An associate justice essentially acts as a trial judge, as was the function of the first justices, or as an administrator of the Court's supervisory power under G.L. c. 211, § 3. The county court, as it is often referred to, has original, concurrent, interlocutory and appellate jurisdiction on a statewide basis. In addition to the single justice caseload, the justice sits on bar docket matters.

- ▶ 649 single justice cases filed
 - 85% disposed of within three months
- ▶ 104 bar docket cases filed
- ▶ 3,050 bar applications filed

Supreme Judicial Court Fiscal Year 2009 Highlights

Supreme Judicial Court
on the web:

www.mass.gov/courts/sjc

▶ *Fiscal Challenge*

The national economic crisis created major revenue shortfalls in the Commonwealth which caused a mid-year budget reduction for the Massachusetts courts. The Judiciary through the leadership of the Chief Justice of the Supreme Judicial Court and the Chief Justice for Administration & Management demonstrated its commitment to helping the state respond to the crisis and identified \$21.4 million in voluntary expense reductions, which lowered the Trial Court's FY09 appropriation of \$605.1 million to \$583.7 million. The Chief Justices led advocacy efforts with the Executive and Legislative branches throughout the year with the assistance of bar associations statewide to stem further reductions and ensure an equitable budget for the Judicial Branch, which represents 2.1 percent of the total state budget. Despite significantly diminished resources, which required reductions in services and other unprecedented measures in courts across the state, the Judicial Branch advanced many efforts to ensure greater access and accountability.

▶ *Self-Represented Litigants*

In November 2008, the Supreme Judicial Court Steering Committee on Self-Represented Litigants submitted its Final Report and Recommendations to the Justices. The Report summarizes the Steering Committee's work in the following areas and offers recommendations for future efforts: expanding access to legal representation through limited assistance representation (LAR), judicial guidelines and training, resource and referral guide for self-represented litigants, guidelines and training for court staff, technology initiatives, and user friendly courts. Effective May 1, 2009, the Justices authorized the use of limited assistance representation in all Trial Court departments, as prescribed by each Chief Justice. In the fall of 2009, the Justices approved for distribution *Serving the Self-Represented Litigant: A Guide by and for Court Staff*, developed by Clerk Magistrates and others from all court departments to use in assisting self-represented litigants. The Guide will serve as the basis for statewide training

of court personnel being developed by the Judicial Institute and the Trial Court Special Advisor for Access to Justice Initiatives.

► ***Board of Bar Overseer Rules***

In April 2009, the Supreme Judicial Court approved amendments to S.J.C. Rule 4:01 and the Rules of the Board of Bar Overseers, effective September 1, 2009. The amendments stem from the American Bar Association Report on the Lawyer Regulation System of Massachusetts issued by the ABA Standing Committee on Professional Discipline. As part of a system-wide effort to improve the administration of justice, the Justices invited the ABA committee to assess the bar discipline system in the Commonwealth. The rule changes implement certain recommendations contained in the committee report in an effort to improve the bar discipline system.

As part of its assessment of the bar discipline system, the Court adopted, effective April 1, 2009, a pilot program that changes the procedure for appealing to the full Court from decisions by a single justice in a bar discipline case. The new procedure allows the Court to affirm, reverse or modify the judgment of a single justice without oral argument; alternatively, if three Justices so vote, the Court may direct the appeal to proceed in the regular course.

► ***Guidelines on Personal Identifying Data***

In June 2009, the Supreme Judicial Court approved Interim Guidelines on Personal Identifying Data drafted by a subcommittee of the Standing Advisory Committee on the Rules of Civil Procedure. The guidelines, effective September 1, 2009, are intended to protect against identity theft. They apply to documents that are publicly accessible in civil and criminal cases. Unless an exemption applies, under the guidelines, documents filed with or issued by a court should not include a complete version of a social security number, taxpayer identification number, credit card or other financial account number, driver's license number, state-issued ID card number, passport number or a person's mother's maiden name identified as such. The guidelines and a one-page summary are available in Clerks' offices and on court websites.

► ***Court Management Advisory Board***

The Court Management Advisory Board (CMAB) was created by the Legislature in 2003 to provide the Trial Court with guidance and support, based on the recommendations of the Visiting Committee on Management in the Courts, known as the Monan Committee. In June 2009, the CMAB issued its Fourth Annual Report, which outlined the court system's progress in implementing the Visiting Committee's other recommendations, especially in light of the worsening economic climate. The CMAB also co-sponsored five *Open Dialogues on Court Practices* sessions in 2008 with the Trial Court, the Massachusetts Bar Association and regional bar associations, which were attended by more than 1,000 attorneys. In FY09, the CMAB also initiated a series of management roundtables for senior court leadership, featuring prominent business and governmental leaders with expertise in management reform and system transformation.

► ***Court Improvement Program***

During FY09, the Supreme Judicial Court received Court Improvement Program (CIP) grants from the federal government totaling more than \$650,000. These federal funds enable state court systems to improve court processes and functioning related to child welfare cases. CIP-

supported initiatives include funding for recall judges in the Juvenile Court; the National Adoption Day celebration in Massachusetts; and training programs for lawyers who represent children or parents.

► ***Working Group on Professional Development***

The Working Group on Professional Development continued its study of professional development opportunities for Trial Court judges and issued a report with recommendations in May 2009. A Judicial Professional Development Implementation Committee made up of representatives from each of the seven Trial Court Departments has been appointed to review the report and help determine the most effective means of implementing the recommendations.

► ***Judicial Evaluation and Enhancement***

The judicial evaluation program has facilitated the collection and processing of over 100,000 judicial evaluations since its introduction in 2001. The program provides narrative comments and aggregated statistical assessments to judges concerning their professional, on-bench performance in an effort to improve the performance of individual judges and the judiciary as a whole. In FY09, three rounds of judicial evaluation were conducted. In the first round, six Land Court judges were evaluated, yielding 681 attorney evaluations and 60 employee evaluations. In round two, 47 Suffolk County judges in the District, BMC, Housing, Juvenile, and Probate and Family Courts were evaluated, yielding 3,836 attorney evaluations, 1,022 employee evaluations and 663 juror evaluations. In round three, 34 Superior Court judges in Suffolk and Middlesex Counties were evaluated, yielding 4,661 attorney evaluations, 394 employee evaluations and 496 juror evaluations. Overall, on average in FY09, each of the 87 judges evaluated received feedback from 105 attorneys, 17 court employees, and 13 jurors.

► ***Conference of Chief Justices***

Chief Justice Marshall served from August 2008 to August 2009 as President of the Conference of Chief Justices (CCJ) and Chair of the Board of Directors of the National Center for State Courts (NCSC). CCJ provides leadership and a national voice for the highest judicial officers of the states, District of Columbia and the U.S. Territories. NCSC is the entity that provides the states with services essential to the operation of the state courts.

Court Management Advisory Board

Chair

Michael B. Keating, Esq.
Foley Hoag LLP

Members

Leo V. Boyle, Esq.
Meehan, Boyle, Black & Fitzgerald

Linda K. Carlisle
Management Consultant

Gene D. Dahmen, Esq.
Verrill Dana, LLP

Janet E. Fine
Massachusetts Office of
Victim Assistance

David G. Fubini
McKinsey & Company

David S. Friedman, Esq.
Office of the Attorney General

Robert P. Gittens, Esq.
Northeastern University

Honorable Neil L. Lynch
Retired Justice
Massachusetts Supreme Judicial Court

Anne H. Margulies
Executive Office of
Administration and Finance

Thomas O'Brien, Ph.D.
University of Massachusetts

Elizabeth Pattullo
Beacon Health Strategies

Members as of June 30, 2009

► **Bench Bar Meetings**

Recognizing that regular communication between court leadership, judges and the bar is critical to a well-run court system, the Supreme Judicial Court hosted two formal Bench Bar meetings. In October 2008, Chief Justice Marshall praised the partnership and communication between judges and lawyers in their efforts to improve the delivery of justice in the Massachusetts court system in her annual address to a group of 100 judges and lawyers who gathered at the John Adams Courthouse for the Massachusetts Bar Association Bench Bar Symposium. In May 2008, more than 30 appellate judges, lawyers and court administrators met at the John Adams Courthouse to discuss issues of mutual concern in the appellate court system.

► **Community Outreach**

In keeping with John Adams' passion for justice, community, and learning, the Supreme Judicial Court utilizes the John Adams Courthouse to provide free educational opportunities for students, educators, and the public. In FY 2009, such opportunities included public courthouse tours provided in partnership with Discovering Justice, a Boston-based, non-profit educational organization; student-group visits to the courthouse to attend oral arguments, meet with a justice or watch a dramatic performance of an historical event; teacher training sessions; and the Court's annual celebrations of Student Government Day and Law Day. In FY 2009, the production "The Nine Who Dared: Crisis in Little Rock" by Theatre Espresso debuted at the John Adams Courthouse and through a grant program was performed for hundreds of Boston Public School students.

The Supreme Judicial Court also conducted the 19th year of the Judicial Youth Corps, a legal education and internship program for Boston and Worcester public high school students to learn first-hand about the Massachusetts court system. The 14-week program extends from May to August and is funded by foundations and grants.

The Supreme Judicial Court's website continues to provide easy access and updated information for litigants, lawyers, educators and the general public. Webcasts of the Court's oral arguments continue to be available on the website through a collaboration with Suffolk University Law School.

► **Pro Bono Legal Services**

In recognition of outstanding commitment to providing volunteer legal services for the poor and disadvantaged, the Standing Committee on Pro Bono Legal Services presented the eighth annual Adams Pro Bono Publico Awards in October 2009 to three Massachusetts attorneys. The Standing Committee works to promote volunteer legal work to help people of limited means who are in need of legal representation, in accordance with SJC Rule 6.1, Voluntary Pro Bono Publico Service.

Massachusetts Appeals Court

Created in 1972, the Appeals Court is a court of general appellate jurisdiction. Most appeals from the departments of the Trial Court are entered initially in the Appeals Court. Some are then transferred to the Supreme Judicial Court, but a large majority will be decided by the Appeals Court. The Court usually sits in panels of three with the composition changing each month.

In addition to its panel jurisdiction, the Appeals Court also runs a continuous single justice session, with a separate docket. The single justice may review interlocutory orders and orders for injunctive relief issued by certain Trial Court departments, as well as requests for review of summary process appeal bonds, certain attorney's fee awards, motions for stays of civil proceedings or criminal sentences pending appeal, and motions to review impoundment orders.

The Appeals Court met the appellate court guideline for the scheduling of cases and by June 2009, all cases which had been briefed by February 1st had been argued or had been submitted to panels for decision without argument.

Appeals Court Statistics

Sources/Types of Appeals	Civil	Criminal	Total
Superior Court	676	606	1,282
Probate & Family Court	143	0	143
BMC/District Court	63	509	572
Juvenile Court	70	24	94
Land Court	72	0	72
Housing Court	22	0	22
Appeals Court Single Justice	23	12	35
Appellate Tax Board	16	0	16
Industrial Accident Review Board	81	0	81
Employment Relations Board	4	0	4
Total Fiscal Year 2009	1,170	1,151	2,321
<i>Total Fiscal Year 2008</i>	<i>1,025</i>	<i>1,058</i>	<i>2,083</i>

Appeals Court Statistics

Dispositions	Total		
Total Panel Entries	2,321		
Transferred to Supreme Judicial Court	82		
Dismissed/settled/withdrawn/consolidated	486		
Net Annual Entries	1,753		
	Civil	Criminal	
Total Decisions	812	771	1,583
Decision of lower court affirmed	624	636	1,260
Decision of lower court reversed	125	91	217
Other result reached	63	43	106
Published Opinions	242		
Summary Dispositions	1,341		

Massachusetts Appeals Court Fiscal Year 2009 Highlights

Massachusetts Appeals Court
on the web:

www.mass.gov/courts/appealscourt

► *Increased Appellate Caseload*

The Appeals Court's caseload for Fiscal Year 2009 increased by 11.4 percent over Fiscal Year 2008 with increases in both civil and criminal filings. The 1,583 decisions issued during Fiscal Year 2009 represent a record high and a 19 percent increase over Fiscal Year 2008.

► *Sessions in Other Locations*

The Court conducted 14 sessions at locations other than the John Adams Courthouse in Boston. Sittings were held at five of the Commonwealth's law schools – Western New England (two sessions), Southern New England, Boston University, Northeastern and Massachusetts School of Law – enabling law students to observe appellate proceedings. After the sessions the justices met with the students, explaining the Court's operating procedures and answering questions about the appellate process. In addition, three-judge panels sat at Trial Court facilities in Barnstable, Fall River, Plymouth, Dedham, Worcester, Salem, Northampton and New Bedford. Groups of local high school students were able to attend these sessions and meet with the justices.

► *New Web Site*

In June 2009, the Appeals Court launched its new web site, which can be located at www.mass.gov/courts/appealscourt. The site provides general information about the Court and the capability to search the docket, as well as contact information, biographies of the justices, and information for law clerkship applicants, attorneys and self-represented litigants.

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assachusetts Trial Court

In Fiscal Year 2009, the Massachusetts Trial Court faced major budget challenges resulting from the impact of the national and statewide fiscal crisis on state revenues. The Judiciary responded to Governor Patrick's request for voluntary spending reductions and demonstrated its commitment to help the state respond to the crisis. The Trial Court identified \$21.4 million in voluntary expense reductions, lowering the Trial Court's FY09 appropriation of \$605.1 million to \$583.7 million.

Managing this significant budget reduction required difficult decisions, including cuts in services, consolidation of court locations and substantial personnel reductions. However, the Trial Court also identified opportunities to enhance access to justice and increase operational efficiency using case management tools and technology, as focus continued on accountability, transparency, expeditious disposition of cases, and the delivery of quality justice.

Trial Court Statistics as of June 30, 2009

- ▶ 379 authorized judges
- ▶ 7,268 employees
- ▶ \$576M in operating expenditures

The Chief Justices and Court Administrators of the Boston Municipal, District, Housing, Juvenile, Land, Probate and Family, and Superior Court Departments, the Probation Commissioner, the Jury Commissioner, and the Directors of the Administrative Office of the Trial Court (AOTC) took unprecedented measures to meet the budget challenge and ensure performance as they oversaw court operations statewide.

As a result of the fiscal crisis, the Trial Court implemented a total hiring freeze in October 2008 and was unable to fund wage increases negotiated for clerical staff at the end of 2007. Incentive programs in the spring of 2009 resulted in 68 retirements and participation in voluntary work reductions by 268 employees. The Trial Court ended FY09 with 297 fewer employees and reductions continued in FY10. By the end of Calendar Year 2009, the Court's workforce declined to 6,965, a reduction of 600 employees since July 1, 2008. These significant staff reductions placed many court divisions well below the staffing levels recommended by the nationally-endorsed, weighted caseload staffing model. Court Departments used many strategies to address staff shortfalls, including staff relocations and use of administrative office staff to schedule court events.

Another major undertaking to meet the budget reduction involved court relocation and consolidation in order to reduce the amount of leased space. The Winchendon District Court relocated to the site of the Gardner District Court and the Lawrence Juvenile Court moved into the Fenton Judicial Center where the District, Housing, and Probate and Family Court Departments collaborated to accommodate the move. This effort continued in FY10 with the move of the Natick District Court to the Framingham District Court.

Additional savings measures included cancellation of contracts with ADR providers, restrictions in assignment of Guardians ad Litem, and installation of digital recording systems to replace per diem court reporters. Further operational savings were achieved by lowering utility and repair costs, centralizing procurement, restricting travel and lowering mileage reimbursement, curtailing reference materials and subscriptions for courts and law libraries, cutting training expenses, and eliminating bottled water contracts.

A Trial Court Fiscal Task Force, comprised of representatives from all court departments, assisted the achievement of these significant expense reductions through frequent meetings, subcommittee work on key issues, and thoughtful recommendations to the Chief Justice for Administration & Management. The 18-member team was co-chaired by Chief Justice Lynda Connolly and Chief Justice Steven Pierce.

The professional commitment and dedication of the state's judges, clerks, probation, and other court staff ensured the Trial Court's ability to deliver justice despite extremely challenging circumstances.

Massachusetts Trial Court Statistics

Summary of Trial Court Filings and Activity	FY 2009	FY 2008
Boston Municipal Court		
Criminal	38,179	38,531
Search Warrants	2,833	2,471
Civil	15,730	16,217
Specialized Civil	33,507	31,075
Clerk Hearings	63,160	63,735
District Court		
Criminal	219,154	233,224
Search Warrants	7,314	1,322
Civil	92,434	79,333
Specialized Civil	223,484	206,703
Juvenile	201	199
Clerk Hearings	292,930	307,856
Housing Court		
Total Filings	43,736	46,246
Filings including ADR	63,638	65,627

Massachusetts Trial Court Statistics

Summary of Trial Court Filings and Activity	FY 2009	FY 2008
Juvenile Court		
Delinquency	26,051	31,492
Youthful Offenders	334	439
CHINS Applications	8,007	8,814
Care & Protection	3,333	3,521
Show Cause Hearing	12,672	14,808
Land Court		
Entries	26,314	33,217
Decree & Subdivision Plans	240	466
Probate and Family Court		
Probate, Equity, Name Change	53,079	54,788
Domestic Relations & Child Welfare	111,446	104,807
Superior Court		
Criminal	5,270	5,617
Civil	24,260	25,067
Appeals Closed	826	833
Probation		
Supervision	258,667	256,952
Surrenders	54,829	56,654
Community Corrections		
Referrals (Levels 2,3,4)	13,008	16,687
Community Service Hours	515,070	427,705
Jury Service		
Jurors Summoned	828,879	899,381
Jurors Scheduled	503,989	446,247
Jurors Served	288,795	321,324

Massachusetts Trial Court on the web:

www.mass.gov/courts

This overview of the Trial Court's Recommendations and Plans and Highlights of Fiscal Year 2009 presents a range of accomplishments across all departments despite diminished resources. These highlights are presented in the following four areas:

- Access & Quality Justice
- Effectiveness & Accountability
- Functional Facilities & a Safe Environment
- Community Partnerships & Outreach

Trial Court Recommendations and Plans

Access & Quality Justice

The Trial Court's commitment to enhancing access to justice will benefit from the focused efforts of the Special Advisor and Deputy Advisor on Access to Justice Initiatives appointed in June 2009. This thoughtful leadership will guide and coordinate resources to broaden access to civil justice for all litigants, including self-represented litigants, individuals of modest means, those of limited or no English proficiency, and individuals with mental or physical disabilities. An interdepartmental Advisory Committee will be formed, as well as Access to Justice task forces that identify opportunities to improve access through self-help materials, court forms, information desks and Limited Assistance Representation.

Effectiveness & Accountability

The revenue challenges facing the Commonwealth will continue to drive the Trial Court's efforts to ensure adequate funding, as it identifies new ways to improve effectiveness and efficiency to meet the needs of the 42,000 daily visitors to our courthouses.

All Trial Court Departments use evidence-based analysis to drive decision making. Performance measures now assist court leaders in evaluating case management, access and fairness, file integrity, fee collection and juror utilization. The Court will identify additional opportunities to gather empirical data to inform management decisions.

The Trial Court benefits from the on-going guidance of the Court Management Advisory Board on court structure and operations and partners with the Board on initiatives, such as the series of Open Dialogue sessions conducted across the state in FY09 in concert with the Massachusetts Bar Association and local bar associations to identify ways to improve court management.

Technology

The Trial Court will continue to maximize its major investment in MassCourts, the Trial Court's web-based, multi-department data and case management platform. Five of seven court departments now use the full or partial version of MassCourts, which enables real-time data collection and information sharing, eliminates redundant data entry, reduces costs and increases information access.

Creative uses of technology will significantly enhance the Trial Court's ability to operate with reduced fiscal resources. In 2009, MassCourts enabled electronic data transfers to the Registry of Motor Vehicles, Board of Bar Overseers, and Committee for Public Counsel Services, and supported new applications, such as the automation of interpreter requests.

Functional Facilities & a Safe Environment

Major courthouse construction projects will progress in Fall River, Salem, Taunton and Lowell in partnership with the Division of Capital Asset Management (DCAM). These efforts represent a significant commitment by the Commonwealth to upgrade the functionality and operating environment of the state's courthouses. These projects follow the Trial Court's strategic plan to create regional justice centers to serve multiple court departments and most effectively leverage available capital and operational funds.

The Trial Court will continue to identify ways to reduce expenses, energy consumption and environmental impact in concert with the interdepartmental Trial Court Green Team and the Massachusetts Department of Energy Resources and DCAM. In FY09, the Court Facilities Bureau used a range of measures to reduce utility expenses by \$2.9 million.

Community Partnerships & Outreach

The Trial Court will extend its strong commitment to collaboration with a wide range of state and local agencies and community leaders to support identification and development of needed services and programs that enhance public safety, healthy communities, and the delivery of justice in cities and towns across the Commonwealth. The Community Service Program through the Office of Community Correction will continue to deliver several hundred thousand hours of service to communities, agencies and programs throughout the state. Additional key partnerships include those with state and local bar associations, community non-profit agencies, advocacy and membership groups, which regularly interact with the courts. Programs in schools and communities across the state greatly enhance public understanding of the role of the judiciary, the rule of law, and importance of the jury system in a democratic society.

Massachusetts Trial Court Fiscal Year 2009 Highlights

Access & Quality Justice

► ***Special Advisor for Access to Justice Initiatives***

The Chief Justice of the Supreme Judicial Court and the Chief Justice for Administration & Management in June 2009 appointed Housing Court Judge Dina Fein to serve as a Special Advisor for Access to Justice Initiatives. The Special Advisor and a Deputy Advisor will guide and coordinate resources within the Trial Court to broaden access to justice for litigants through collaboration with judges, clerks, probation and other court personnel, the Massachusetts Access to Justice Commission, bar associations, legal services organizations, law firms, law schools and others.

An Access to Justice survey of Trial Court employees was conducted in the Fall 2009 and an Interim Report on Access to Justice Initiatives in the Trial Court was issued in January 2010 summarizing survey results and identifying priority projects and an organizational structure to enable project implementation.

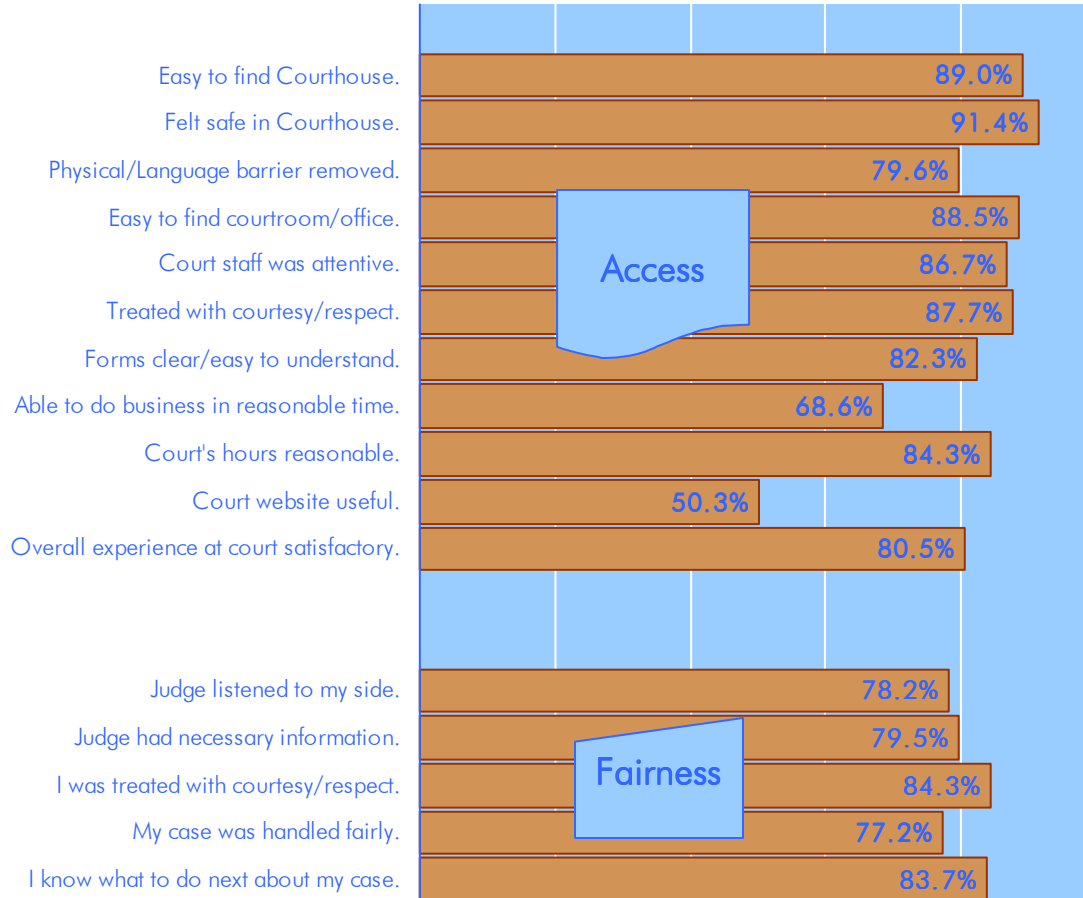
► ***Access and Fairness Survey***

Court users at every courthouse location participated in a statewide Access and Fairness Survey initiative launched as a pilot in 2007 and completed in late 2008. More than 9,000 attorneys, litigants, jurors, victims, witnesses and probationers responded to the survey, which was developed by the National Center for State Courts and modified for the Massachusetts Trial Court. Users answered questions on courthouse accessibility, clarity of forms, attentiveness of staff and fairness of proceedings. Survey responses were compiled and provided to each courthouse shortly after they were completed. A full report of survey results was issued in May 2009 and court departments developed plans to utilize the data to improve court operations and ensure that court users have a positive experience. Successful completion of this major project was due to the cooperation of court staff at all locations and the willing participation of the court user community.

► ***Small Claims Improvements***

The Trial Court's Uniform Small Claims Rules were improved and approved by the Supreme Judicial Court effective October 1, 2009. The changes, developed from proposals by the Small Claims Working Group and public comments on those proposals, retain the simple, speedy nature of small claims, while significantly impacting debt collection cases through better addresses for defendants, more detailed statements of claims, increased scrutiny of default judgment requests, and better recording when judgments are paid. The District Court formed the Working Group in 2006 to include Clerk Magistrates and court staff from the Housing, Boston Municipal and District Court Departments, as well as attorneys, consumer representatives, collections attorneys, the Mass. Bar Association and the Legislature.

Results of the Access & Fairness Survey, All Respondents



Note: A total of 9,046 respondents completed a survey. Surveys were conducted in CY07 and CY08.

► **Guardianships**

The Probate and Family Court continued to implement significant changes in Guardianship and Conservatorship proceedings. Enactment of the Massachusetts Probate Code in January 2009 helped facilitate further change. Article V of the Code, with an implementation date of July 1st, increased due process and other protections for persons under guardianship, including minors, and conservatorship. Changes include a mandated focus on limited guardianships for incapacitated persons, requiring regular reports to the Court on the condition of the incapacitated person, and permitting non-parties to inform the Court if they have concerns about the treatment of a person under guardianship. A task force, comprised of Judges, Registers of Probate, other court staff and members of the bar, formed subcommittees to focus on specific aspects of the new statute. Significant effort was invested in the development of new

forms, rules, procedures, and standing orders, as well as training sessions held for court staff and a wide range of constituency groups. The Court created a webpage to provide comprehensive information on Article V implementation.

The Court also continued to revamp and provide mandatory professional training for Guardians ad Litem (GALs) who seek to remain eligible to receive appointments. Certification requirements will be revised during FY10 to require more extensive training.

► **Child Support**

The Probate and Family Court led the effort to develop new child support guidelines with a 12-member task force appointed by the Chief Justice for Administration & Management in 2006. The Child Support Guidelines Task Force conducted a thorough review of the existing guidelines, underlying assumptions, and new state and federal requirements. The Task Force sought public input and recommended changes. The new guidelines, which increase emphasis of the role of both parents in the lives of children and provide greater guidance concerning when a child support order should be modified, became effective January 1, 2009.

The Court also introduced a child support case conferencing pilot in two divisions in FY09, based on the recommendations of a Task Force comprised of members of the Trial Court and the Child Support Enforcement Division of the Department of Revenue. The pilot program seeks to alleviate and address issues including crowded dockets, insufficient time for difficult cases, and disposition deadlines related to federal requirements, as they establish orders that parents understand and want to pay. The court sought and received funding to expand the grant statewide over 36 months.

Grants for two additional child support-related initiatives for the IV-D caseload will enhance outreach efforts and streamline the modification process in the Bristol Division for newly unemployed non-custodial parents and will provide case management and screening services to never-married parents establishing their initial support obligation in the Hampden Division.

► **Self-Represented Litigants**

Limited Assistance Representation: In an effort to expand access to courts, the Supreme Judicial Court issued an order effective May 1, 2009, allowing each Trial Court Department Chief Justice, with the approval of the Chief Justice for Administration & Management, to make available Limited Assistance Representation (LAR). The order followed a comprehensive evaluation of an LAR pilot in three divisions of the Probate and Family Court. LAR allows an attorney to represent or assist a litigant with part, but not all of a legal matter. The attorney and litigant enter into a detailed agreement defining the tasks for which each will be responsible. Legal services and pro bono organizations are able to increase the number of low-income litigants they assist by using LAR.

The Probate and Family Court plans to extend LAR to all court divisions to serve its large self-represented population. The Boston Municipal Court, District Court, Land Court, and Housing Court Departments have assembled a working group of judges and administrative staff charged with the development of protocols and procedures regarding implementation of LAR throughout their departments.

Additional Initiatives: Due to the large number of self-represented litigants in the Housing Court, its divisions work with bar associations and local legal services organizations to offer tenants and landlords the opportunity to consult with a volunteer “lawyer for a day.” Lawyers for a day may represent parties during mediation and may also enter a general appearance on behalf of a litigant. Litigants also have access to the Court’s Housing Specialists. Individual court divisions provide additional support, such as an information station on the day of summary process, partnering with the Department of Transitional Assistance, municipal agencies, and non-profits on a wide variety of initiatives, such as special court sessions and education efforts on code enforcement and protocols to expeditiously resolve cases involving unpaid water bills to avoid termination of service.

Additional programs in the Probate and Family Court include the Family Law Self-Help Center, Family Law Facilitators, pro bono counsel for children, domestic violence assistance, expanded collaboration with law libraries, and Lawyer for the Day programs in all counties.

► ***Pilot on Sealing Multiple Criminal Records***

The Boston Municipal Court launched a pilot initiative in recognition of the economic hardships faced by those of limited means seeking to seal their criminal records. To evaluate the efficacy of changes proposed by Greater Boston Legal Services, the Court issued a Standing Order to allow filing of a single petition to seal three or more dismissals or non-conviction criminal records from two or more divisions of the department.

► ***Specialized Sessions – Drug Courts, Firearms, and Mental Health***

Drug Courts: The Boston Municipal Court, District Court, and Juvenile Court Departments conduct 22 drug court sessions, which implement the goals of the Supreme Judicial Court’s Standards on Substance Abuse issued in 1998. On average, 653 offenders have a drug court contact each week. These specialized sessions reduce crime and substance abuse, enhance public safety and strengthen families. Key elements of this structured approach include intensive probation supervision and therapeutic programming, frequent testing and careful monitoring by the supervising judge. A Massachusetts Sentencing Commission Report indicated that in Calendar Year 2008, there were 12,518 courtroom contacts, while over five years there were 2,780 participants in the District Court. For those same timeframes, there were 5,190 contacts and 741 participants in the Boston Municipal Court, and 3,025 contacts and 673 participants in the Juvenile Court.

Firearms: Firearms sessions are conducted in the Central Division of the Boston Municipal Court for all of that department’s court divisions and in the District Courts in Lynn and Fall River. These sessions address public safety through expedited adjudication of firearm-related criminal offenses. The courts have established special timelines for the scheduling of pretrial hearings and disposition of these cases.

Mental Health: A voluntary Mental Health Diversion Initiative has been conducted since 2007 by the Central Division of the Boston Municipal Court in collaboration with Probation, the District Attorney, the defense bar, court clinicians and Boston Medical Center, for defendants charged with misdemeanors or non-violent felonies. More than 40 defendants currently report to the MHD session as part of their probation supervision. In the District Court, the Committee on Mental Health and Substance Abuse revised procedures and forms for mental health emergency

hearings and disseminated information on the Department of Mental Health's new Men's Addiction Treatment Center for treatment of civilly-committed men with substance addictions. The guide, "Mental Health Proceedings under Mass. General Laws Ch. 123," was revised and posted on the Trial Court intranet.

► **Domestic Violence**

The Trial Court continued its commitment to providing access to the courts and safety for victims of domestic violence. A Domestic Violence Court Assessment Project Coordinator funded by the federal Violence Against Women Act, represents the Court on external coalitions and facilitates initiatives and multi-disciplinary working groups with external representatives and court staff in all departments. In November, the Worcester Trial Court hosted *Domestic Violence and Court Practices: Views from the Executive Branch, the Bench and the Bar*, a well-attended program planned by the Supreme Judicial Court, Lieutenant Governor, Worcester County Bar Association and the Administrative Office of the Trial Court.

The 209A Interdepartmental Working Group, comprised of judicial and administrative representatives from the Boston Municipal, District, Probate and Family, and Superior Court Departments, developed a protocol to determine the proper court to which to return abuse prevention orders issued by judges covering Judicial Response when courts are closed. The group also launched the pilot of a protocol in Norfolk County for Probate and Family Court judges to exercise pendant jurisdiction over existing District Court restraining orders when the parties also become involved in Probate and Family Court domestic relations matters. Another interdepartmental protocol implemented in the Worcester Trial Court utilizes a victim advocate to help potential plaintiffs determine which court department is the appropriate forum for their situation.

► **Operational Assessment**

The Boston Municipal Court Operations and Policy Implementation Committee, a standing committee charged with the broad mandate of improving court operations in every aspect, issued a comprehensive review of each division within the department. Their review included meetings with court leaders and employees, observation of current practices, assessment of physical plant and security, and review of empirical data, including metrics, access and fairness surveys and juror utilization. This transparent review identified areas in need of improvement and highlighted best practices throughout the department. The written findings provide specific recommendations and will assist court leaders in the discernment of priorities and deployment of staff resources.

► **Civil Procedure**

The Worcester District Court initiated a pilot program that permits counsel in civil cases to agree to bypass the required case management conference and proceed directly to a pretrial conference on an agreed date. All parties must be represented by counsel and all counsel must certify that they have discussed settlement and alternative dispute resolution, and that all discovery will be completed by the pretrial date. The Worcester District Court also introduced a form of individual calendaring for a small number of civil and criminal cases that would benefit from being assigned to a single judge for the life of the case.

▶ **Criminal Procedure**

The District Court Committee on Criminal Proceedings issued a complete revision of the Criminal Model Jury Instructions in January 2009, marking the 35th anniversary of the initial publication. Thirty new instructions were added, wording on 36 instructions amended and notes for 101 instructions revised to reflect legal developments since the last edition in 1995. The Committee also revised the Court's *Standards of Judicial Practice*, *The Complaint Procedure*, in light of many changes driven by appellate decisions and statutory and rules amendments, since the standards were developed in 1975. Both revisions were posted on the Trial Court website.

▶ **Business Litigation Session**

The Superior Court continued its commitment to the operation of two Business Litigation Sessions (BLS) with the high standards demonstrated since the specialized session began in 2000. In FY09, the BLS accepted 275 new cases and issued an administrative directive to clarify the types of cases accepted and the procedures for filing and referring a case to the BLS from another county. In January 2010, the BLS launched a voluntary pilot project designed to make discovery more proportionate to the case. Attorneys who participate will work closely with the Court to set the scope and timing of discovery with the guiding principle of keeping the costs proportional to the magnitude of the claims. The discovery project emerged in response to a study issued by the American College of Trial Lawyers and the Institute for the Advancement of the American Legal System.

▶ **Uniform Practices**

To achieve greater uniformity and consistency in the practices of the Housing Court's five divisions, the Court reconvened its Uniform Practices Committee in January. The committee, comprised of Judges, Clerks, Housing Specialists, and administrative staff, meets regularly to review existing policies and procedures and recommend possible amendments.

▶ **Tenancy Preservation Program**

The Tenancy Preservation Program of the Housing Court operates in all five divisions with guidance from a statewide Steering Committee. The program works to preserve the tenancies of those facing eviction due to disability-related lease violations by identifying service needs and arranging for the provision of appropriate services.

▶ **Alternate Dispute Resolution**

The Housing Court facilitated the settlement of almost 80 percent of the 19,902 statewide cases referred for mediation and intervention to the Court's Housing Specialists. The Land Court also referred many cases for mediation during the Court's mandatory early intervention event.

The Boston Municipal Court Department referred almost 600 cases to mediation services in the second year of referrals from all eight divisions, which resulted in the successful resolution of 400 cases, including criminal, civil, small claims matters, summary process actions and equitable remedy proceedings. Through the Court's Pre-trial Conference Program with the Boston Bar Association, 78 volunteer attorneys conducted more than 600 case conferences, which enhanced the use of ADR services and enabled use of judicial and other court resources to resolve other cases.

The Probate and Family Court continued to monitor the efforts of 25 programs approved to receive court referrals for dispute resolution services. On-site ADR screening is conducted by

ADR providers in Suffolk, Hampshire and Essex counties. Approved providers include the Office of the Commissioner of Probation, which oversaw 39,278 dispute interventions by probation officers in the Probate and Family Court.

The Juvenile and Probate and Family Court Departments continued their interdepartmental effort to oversee permanency mediation services with the Department of Children and Families, the Committee for Public Counsel Services, the Mass. Coalition for Permanency Mediation, and Mass. Families for Kids/Children's Services of Roxbury.

▶ **National Adoption Day**

More than 200 adoptions of children in foster care were finalized in Massachusetts in concert with the sixth National Adoption Day in November 2008, when more than 4,500 such adoptions were legalized across the country. The Juvenile Court and the Probate and Family Court Departments along with the Department of Families and Children, and the Mass. Adoption Resource Exchange, planned celebrations held in eight locations statewide with the Worcester Trial Court serving as the lead site.

▶ **Aging Out Project**

The Juvenile Court's Aging Out Project, piloted in Essex County, was expanded across all divisions of the Court in collaboration with the Department of Children and Families (DCF) and the Committee for Public Counsel Services, to address concerns relative to the aging out population of children in the care of DCF. Training completed in each division included Judges, Clerks, Probation staff, DCF counsel, members of the private bar and children who have participated in the program.

▶ **Registered Land**

The Land Court released revised Guidelines for Registered Land, a multi-year effort conducted in collaboration with the Registers of Deeds and the bar. The Court partnered with the real estate bar to familiarize lawyers with the new guidelines.

▶ **Scheduling and Location of Sessions**

The Judges and staff of the five divisions of the Housing Court travel to 20 locations each week to be physically accessible to all litigants who reside in the communities served. Each division meets regularly with users, including property owner associations, tenant advocacy groups, code enforcement officials, fire and police departments and bar associations. The extensive information available on the Court's website includes mediation information in English and Spanish.

▶ **Community Corrections Centers**

The Office of Community Corrections operates 25 centers statewide serving over 1,000 Level 3 and 4 offenders weekly. More than 200,000 hours of community service were programmed through these centers in FY09. These centers, including Juvenile and Women's Resource Centers, provide an alternative to incarceration through community-based supervision sites, where offenders check in regularly and participate in programs for substance abuse treatment, GED preparation and job training.

► **Juror Access**

The Office of Jury Commissioner partnered with the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH) to address issues of access to jury duty. A joint working group is investigating a pilot program that would utilize the digital recording systems in the courts. The MCDHH also provided advice regarding accessibility language for the juror website and forms, as well as new technologies in assistive listening devices.

► **Access to Justice Initiatives Overseen by AOTC**

Judicial Response System: This systematic response provides judicial intervention in emergency situations when the courts are closed. Judges participate through an on-call process that is coordinated in eight regions and shared with public safety officials. In FY09, judges handled 6,844 emergency evening or weekend calls through this system.

Interpreter Services: Interpretation services for Limited English Proficient litigants were used for 93,972 court events in 69 languages this fiscal year. Seventy-four percent of the events required Spanish interpretation. An interpreter recruitment effort to address unmet language needs expanded the roster of available trained interpreters by 15 for new languages and seven for existing languages.

An FY09 initiative to pilot the automation of interpreter requests directed them into MassCourts and routed the requests to the database used to schedule interpreters. This significant process improvement was introduced to the Boston Municipal, District, Housing and Probate and Family Court Departments in late 2009.

The District Court Department partnered with the Office of Interpreter Services to develop a Student Language Specialist Internship program and to introduce telephone interpretation services as an option for civil motor vehicle infraction hearings.

Trial Transcripts: A Uniform Transcript Format was promulgated effective June 30, 2008, which established instructions for all transcripts in all courts. A new Approved Court Transcriber list became effective July 1, 2008, which used minimum qualifications and time standards to designate 56 approved transcribers. In addition, 40 more digital audio recording systems were installed in civil and criminal Superior Court sessions.

The Trial Court also worked to implement the recommendations of the Supreme Judicial Court's Working Group on Trial Transcripts to reduce time standards for transcript preparation to 120 days for all civil and criminal cases. The new standard became effective January 1, 2010.

Law Libraries: More than 304,400 patrons used the 17 Law Libraries publicly available statewide and the Law Library website received 84.5 million visits. Law library staff also

Top 15 Language Requests

Spanish

Portuguese

Cape Verdean

Vietnamese

Khmer

Haitian

Russian

American Sign Language

Mandarin

Cantonese

Arabic

Polish

Albanian

Somali

Laotian

managed the Trial Court computer-assisted legal research program. Live, online reference assistance is provided during regular business hours at www.lawlib.state.ma.us, which was redesigned for accessibility and navigability. The Worcester Law Library moved into space across from the new Worcester Trial Court. The purchase and oversight of legal materials for all Trial Court Departments were centralized and streamlined to create efficiencies and reduce costs.

Effectiveness & Accountability: Timeliness & Expedition

► **Court Metrics**

Performance measurement continued to provide the foundation for court management reform efforts, increasing effectiveness and accountability. The Trial Court uses CourTools, a set of performance measures promulgated by the National Center for State Courts, to inform decision making. Four of the ten NCSC metrics are used to set standards and goals that promote timely and expeditious case management – clearance rate, disposition of cases within time standards, age of pending cases, and trial date certainty. Successful implementation of this performance-based approach reflects the extraordinary commitment of all members of the court community – Judges, Clerks, Probation, other Trial Court Staff, and members of the bar. Trial Court Departments continued focused efforts to deliver timely justice, despite diminished staffing levels due to budget constraints.

The Calendar Year 2008 Report on Court Metrics with the Trial Court's outcomes for the measures of timely case processing is posted on the Trial Court website. The Trial Court achieved a systemwide case clearance rate of 97 percent, a disposition rate of 89.4 percent of cases within established time standards, and a six percent reduction in the number of cases pending beyond time standards. In addition, 78 percent of all trials began by the second trial date. The rate of disposition of cases within time standards has improved steadily over the past three years and the number of aged cases has dropped by more than 100,000 in that time period.

Case Filings: The total number of new case filings exceeded 1.3 million overall and changed by less than one percent from the prior year. However, the District Court saw a 16.5 percent increase in regular civil filings, mostly in the area of tort and contract, part of a 79 percent increase in civil filings over the past five years. The Boston Municipal Court saw an increase in requests for domestic violence restraining orders and a 20 percent one-year increase in supplementary process proceedings to collect on judgments. In the Probate and Family Court, the percentage of domestic and family cases continued its annual increase, and modification requests rose 13 percent in one year and 40 percent over five years. High rates of foreclosure across the state increased filings in the Land Court and Housing Court.

Amended Time Standards: Based on metrics data, the Boston Municipal Court and District Court adjusted the time standard for civil cases and successfully managed a 25 percent reduction in that standard for case resolution – from 24 to 18 months as of January 1, 2008. In Calendar Year 2008, the District Court disposed of 97.7 percent of civil cases and 94.6 percent of all cases within time standards. The Boston Municipal Court disposed of 95 percent of civil cases and 94.4 percent of all cases within time standards.

Disposition Activity: The Superior Court's use of case management tools resulted in a clearance rate of 106 percent for criminal cases and 104 percent for civil cases in FY09. The Court also

increased to 64 percent the number of cases reached for trial on the first or second scheduled trial date, up from 59 percent in FY08.

The Boston Municipal Court made strides in reducing the number of cases beyond time standards in the first half of 2009. Significant backlogs in the amount of time needed to produce laboratory certifications for cases involving controlled substances have delayed disposition, particularly in divisions with the highest volume of criminal cases.

Case Flow Metrics	CY07	CY08
Clearance Rate	101.5%	97.0%
Time to Disposition (% of cases disposed within time standards)	85.8%	89.4%
Cases Pending Beyond Time Standards	73,580	69,135
Trial Date Certainty (% of cases disposed within two trial date settings)	81.8%	78.0%

► *Continuous Improvement through Practice Changes*

Firm and Fair Trial Date: The Superior Court's Firm and Fair Trial Date Initiative continued to increase the percentage of civil cases reached for trial on the date assigned. Through careful calendaring with trial counsel, scheduling fewer cases for trial and curtailing continuances, the Court scheduled fewer cases for trial in FY09 than in FY08, reduced trial continuances by 26 percent since 2005, and settled more cases.

Rules Changes: In other efforts to promote efficiency and clarify procedures, the Superior Court adopted and proposed changes to its Rules, Standing Orders and Administrative Directives. A new Standing Order on Written Discovery included uniform definitions in discovery requests and prohibition of general objections to interrogatories. Revisions to the criminal case management Standing Order changed the 'track' for trafficking and subsequent offense drug cases and updated requirements for continuance of a trial date.

File Integrity and Reliability: The Boston Municipal Court Case File Content Committee, with representatives from each Clerk Magistrate's Office, produced a set of guidelines for uniform docket entries and key documents in civil and criminal case files for all Clerk Magistrates Offices. This followed the September 2008 report on the department's pilot of the Case File Integrity project, based on an NCSC metric, in which the random selection of 1,600 case files across all divisions reflected positive outcomes for file retrieval, reliability and completeness, but highlighted the need for standardized policies and procedures across all divisions within the Court.

Case Flow Management: The District Court implemented "best practice" recommendations to simplify the movement of cases and eliminate bottlenecks in criminal and civil cases. The

Juvenile Court identifies the number of days elapsed since the filing of each case on the daily docket sheets.

A Boston Municipal Court division created a 'priority case' session for cases that have eluded final resolution for reasons including witness unavailability and scheduling difficulty. When priority cases are assigned a trial date, the Commonwealth and defendants are notified that the case will be called first and that the parties should be ready for trial or other final disposition.

Dedication of a Superior Court session for cases on Sexually Dangerous Persons allows these cases to be carefully managed to maximize the number of trials. The limited number of counsel and expert witnesses makes it difficult to increase the number of these cases scheduled.

Housing Court divisions continued case flow management initiatives that streamlined the adjudication of code enforcement cases and conducted weekly, specialized sessions designated for water shut-offs and for motions related to issuance of executions. Examples of new case management practices in various divisions included the designation of Clerk's Office staff to act as point people for litigants seeking injunctive relief in emergency situations to provide expeditious resolution and ensure safety and compliance. Another Clerk's Office worked with local officials on ticket enforcement efforts to establish a designated hearing time and educate property owners.

► **Probation Surrenders**

The number of criminal surrenders has decreased by 29 percent over the past eight years. In FY09, there were 20,384 criminal surrenders compared to 28,733 in Fiscal Year 2001. More significantly, criminal surrenders as a percentage of the overall probation caseload also declined during this period from 30.8 percent to 23.6 percent; equivalent to a 23.4 percent decrease.

Effectiveness & Accountability: Resource Management

► **Fiscal Challenge: Budget, Staffing and Operational Impact**

In October 2008, the Judiciary helped the state respond to the fiscal crisis and identified voluntary expense reductions, lowering the Trial Court's FY09 appropriation of \$605.1 million to \$583.7 million. Difficult decisions required by this budget reduction included cuts in services, consolidation of court locations, employee reductions and a total hiring freeze.

At the end of the fiscal year, the Trial Court included 7,268 employees, which represented a reduction of 297 positions from the end of FY08. This workforce reduction continued in FY10, declining by 600 employees to 6,965 by the end of Calendar Year 2009. In addition, due to funding cuts, more than 3,500 clerical employees in Local 6 of the Office and Professional Employees International Union (OPEIU) and 2,500 probation officers and court officers in the National Association of Government Employees (NAGE) are paid on salary schedules that became effective in July 2006, as funding was not provided to implement fairly negotiated salary increases for Local 6 employees. Salary schedules for management employees remain unchanged since 2004.

The delivery of court services was affected by the cancellation of contracts with ADR providers, restrictions in assignment of Guardians ad Litem, and installation of digital recording systems to replace per diem court reporters. Further operational savings were achieved by lowering utility and repair costs, centralizing procurement, and curtailing many other activities and expenses. The efforts of the interdepartmental Trial Court Fiscal Task Force aided these significant expense reductions through their work on key issues and recommendations to the Chief Justice for Administration & Management.

► **Revenue Enhancement**

Sustained efforts to impose and collect applicable fines and fees enabled the Trial Court to retain \$41.7 million of the \$43 million retained revenue authorized, which increased from the \$40 million maximum in FY08. In FY09, General Revenue collections totaled \$77.9 million, while Probation Supervision fees totaled \$21.7 million. A reduction in Probation Supervision fee collection represented the first year of decline since the fees were introduced, reflecting the impact of the statewide economic downturn on probationers. Overall, FY09 totals represent an increase of 63 percent in General Revenue collection from FY03, while collection of Probation Supervision fees increased 144 percent over the same period.

► **Juror Utilization**

Sustained efforts across the Trial Court to improve juror utilization – the number of jurors appearing for service that are impaneled, challenged or excused – resulted in 32,500 fewer jurors appearing for service in FY09 compared with FY08. The Office of Jury Commissioner and the Jury Management Advisory Committee provided the Trial Court with a report documenting best practices, based on data analysis, survey results, and interviews and focus groups with judges and jury pool officers. In Trial Court facilities with multiple court departments, efforts have included designation of a judge to facilitate improved communication between departments that share use of the jury pool. These efforts to reduce the number of jurors appearing for service represent substantial wage savings for local employers, as well as considerable savings for the Trial Court.

► **Staffing Model**

Human Resources worked with Trial Court departments to update the Staffing Model through statistical review and validation. The Staffing Model Report initially produced in 2005 laid out quantitative and qualitative methods to provide a point of reference and standards that identify comparative needs for staff among courts. Regular updates of the model with caseload and staffing data are used to determine a court division's level of staffing in comparison with an optimal level developed in accordance with an objective, national model. Staffing level data improve the Trial Court's ability to equitably allocate and share scarce staff resources. Staffing levels in FY09 reached record lows due to budget challenges. As of the end of 2009, total Trial Court staffing averaged 74.4 percent of recommended levels, with 47 percent in the Land Court and 69 percent in the Housing Court. Forty-six divisions were below 75 percent and 14 divisions were below 65 percent of the recommended staffing levels.

► **Diverse Workforce**

The Trial Court is committed to the principles of diversity, equal opportunity and fairness in the workplace for all individuals employed by the Court. In collaboration with the Court's Race and Ethnic Advisory Board, the Court continues its effort to revise and update its Affirmative Action Plan, which outlines responsibility, accountability and guidance for achieving its goals.

► **Policy on Elimination of Sexual and Gender Harassment**

Training for all court managers was completed on the revised policy to eliminate gender and sexual harassment developed by the Trial Court's Gender Equality Advisory Board. A comprehensive training and awareness effort was developed and launched in conjunction with the issuance of the updated policy in February 2008. More than 1,000 court managers participated in interactive training sessions. All Trial Court employees received a copy of the updated policy and all courthouses received materials to increase employee awareness and knowledge of available information.

► **Performance Evaluation**

Human Resources continued implementation of the Trial Court's Annual Performance Review for Management Employees within the Administrative Office of the Trial Court and in the administrative offices of the seven Trial Court departments. The review has also been introduced in the Office of the Commissioner of Probation and the Office of Community Corrections. After all management employees have been introduced to the review process, the initiative is expected to include all union employees.

► **Professional Development**

All Trial Court departments conducted professional development events in FY09, such as educational conferences and regional meetings planned by department committees and the Judicial Institute. Several planned programs were cancelled and expenses associated with training sites and materials were substantially reduced in response to the statewide fiscal crisis. The SJC Working Group on Professional Development issued a report recommending expansion and consistent implementation of judicial enhancement activities in all Trial Court Departments, including peer observations, mentoring, videotaped self-observation, orientations and follow-up sessions for newly appointed judges.

The AOTC's Judicial Institute presented or collaborated with court departments to present 57 days of educational programming to 2,240 employees in FY09. Programs ranged from half-day seminars to departmental conferences and addressed training needs of employees at all levels in all departments. Training events addressed issues such as new child support guidelines and probate law, domestic violence, court management and leadership, and effective communications. Training specifically for clerks, assistant clerks and sessions clerks included *Anatomy of a Search Warrant* and *All in a Day's Work: Fundamentals for Sessions Clerks*. Materials developed and issued by the Judicial Institute included an electronic *Domestic Violence Resource Manual*, and an updated edition of *Proceedings Under General Laws Ch. 123*. Materials available to the public include *Representing Yourself in a Civil Case* and the *Handbook of Legal Terms for Judicial Branch Personnel*.

The Probation Service Training Academy offers more than 75 training workshops annually for Probation Officers and support staff. State and federal employees from entities such as Community Corrections, the state Parole Board and the Department of Social Services also enrolled in probation training programs. Specialized, day-long training for probation employees on *Supervising Domestic Violence Offenders* will highlight the recent guidelines introduced by the American Probation and Parole Association.

► 'Green' Team

The Trial Court's interdepartmental Energy Task Force, or 'Green Team,' began its efforts in September 2008 and identified priorities and strategies to expand conservation awareness, environmentally-sound practices, and energy cost containment measures, with support from the Division of Capital Asset Management and the Department of Energy Resources. Subcommittees on energy, recycling, and education helped to implement a range of programs, including paper recycling in all state-owned courthouses, a \$2.9 million reduction in energy costs through new contracts and lower usage of electricity, steam, gas and water/sewer, and the collection of 48,500 pounds of electronics for recycling, as well as 200 'cell phones for soldiers.' A Demand Response Program was launched to conserve energy by reducing electricity demand at eight large courthouses during periods of peak usage. In October 2009, the Trial Court Green Team received a Leading by Example Award from the Executive Office of Energy and Environmental Affairs and the Department of Energy Resources.

Effectiveness & Accountability: Technology Enhancement

► MassCourts

The multi-year introduction of MassCourts, the Trial Court's comprehensive, web-based case management and docketing system, enables data collection and information sharing needed to track case progress and timeliness, and ultimately will replace 14 different systems with a uniform, integrated system. Successful implementation involves months of planning and training across each court department.

In FY09, the Probate and Family Court completed its conversion to MassCourts in its 14 divisions statewide after a successful June 2008 pilot in Plymouth County. Detailed planning and coordination with the Registers of Probate enabled expedited training and implementation, as well as extensive document scanning, a unique aspect of the preparation for the conversion in this court department.

MassCourts Statistics as of 6/30/09

7.5 million case files

4.7 million scanned court documents

16.9 million case calendar events

The Juvenile Court continued its planning efforts to enable conversion to MassCourts, including the development of uniform forms and ways to conduct business. The Boston Municipal Court and the District Court continued to use a 'lite' version of MassCourts to manage criminal cases and prepared to expand the application to civil case processing in FY10.

As of June 30, 2009, MassCourts contained data on 7.5 million cases and 4.7 million scanned documents for over 498,000 Probate and Family Court cases. MassCourts also included information on 16.9 million case calendar events with an average of 134,000 new events scheduled each month. Five of seven court departments now utilize MassCourts and, in July 2008, the State Auditor issued positive findings based on its extensive audit of MassCourts and Trial Court Information Services (TCIS). Former Appeals Court Justice Andre Gelinias was named Special Advisor for MassCourts to the Chief Justice for Administration & Management in 2008, following Appeals Court Justice James McHugh who served in this role since 2004.

► Registry of Motor Vehicles Interface

TCIS launched an interface to enable automated daily transmission of statutorily-required notices of judgment to the Registry of Motor Vehicles in a wide array of cases involving motor

vehicles in the District Court and Boston Municipal Court Departments. More than 66,000 electronic disposition reports were sent to the RMV and the Merit Rating Board in the last six months of FY09, with over 70 percent of the dispositions transmitted within 48 hours and 90 percent within five days.

▶ **Biometric Data**

TCIS continued outreach efforts to expand the addition of biometric support to criminal identity records in MassCourts. As a result of this outreach to courts and state and local police departments, over 143,000 cases in MassCourts included identity supported by biometric data, as of June 30, 2009.

▶ **Public Data Access Pilot**

TCIS worked with the Land Court to launch a pilot project with several law firms that process tax title cases at the Court on a regular basis. The firms access court dockets through new MassCourts public access software and their feedback will assist with plans to provide intranet and internet public access to data stored in the MassCourts database.

▶ **Electronic Interfaces with CPCS and BBO**

A monthly average of 14,000 electronic transactions from MassCourts provide attorney assignment information to the Committee for Public Counsel Services (CPCS). This allows more timely assignment notification and payment of attorneys, helps CPCS manage resources and saves postage for the courts. In addition, MassCourts receives an average of 1,000 monthly updates from the Board of Bar Overseers (BBO) with information on new members admitted to the bar and address changes for other bar members.

▶ **Videoconferencing**

The Trial Court Departments continue to expand the use of videoconferencing in partnership with the Department of Correction, Sheriffs' Departments and others. The District Court continued a pilot videoconferencing initiative with the Lawrence District Court and the Essex County House of Correction. The Superior Court continues to use videoconferencing for bail review hearings and is working to expand that application and extend use of videoconferencing for medical malpractice tribunals.

The Court Improvement Program has provided a substantial grant to install and maintain videoconferencing equipment in several Juvenile Courts to permit social workers and others to participate in proceedings involving child welfare cases. When this equipment is not in use by Juvenile Court personnel in multi-use courthouses, it will be available for other court departments.

▶ **Juror Service Website**

The Office of Jury Commissioner's Juror Service Website, the first in the country to allow online response to all aspects of a jury summons, drew up to one third of the initial contacts from summoned jurors in its first 18 months of operation. A substantive revision of the Trial Juror Handbook and other juror instruction forms more heavily promote the website, now available at www.MAJury.gov, which likely will increase juror access and convenience. The robust functionality of the website was cited as a model for other jurisdictions in a publication of the National Center for State Courts.

► ***Probation: GPS Monitoring, Drug Testing, and Interstate Tracking***

The Office of the Commissioner of Probation has upgraded and expanded its GPS Monitoring Program to enhance tracking capability and has introduced use of a cutting-edge drug testing device. OCP also now uses the new, national Interstate Compact Offender Tracking System to streamline the process and employ strict timelines in completing transfers of probationers whose probation has been transferred to another state.

► ***Accessible Forms***

TCIS continued work with several Trial Court departments to convert forms to user-fillable, PDF forms that are posted on the Trial Court internet site. The automated, easy-to-use forms enhance judicial access for lawyers and the general public and provide more readable documents for the courts.

Functional Facilities & Safe Environment

► ***Capital Projects and Maintenance***

Major capital projects to construct state-of-the-art courthouses continued in four cities across the state. The capital spending plan issued by Governor Patrick committed \$129.1 million for court projects in FY09 of which the Division of Capital Asset Management reported that \$94.1 million was spent in the fiscal year. These projects continue the Trial Court's emphasis on the creation of regional justice centers to serve multiple court departments and most effectively leverage resources. District Court Judge Gregory Flynn continues to serve as a Special Advisor on new construction to the Chief Justice for Administration & Management working with the Court Capital Projects team.

Construction continued in Fall River on a 153,000-square-foot courthouse, which will serve the Superior and District Courts and replace two county-owned courthouses in FY10. This will be the first courthouse constructed by the Commonwealth to incorporate LEED certification into its development and design. Leadership in Energy and Environmental Design (LEED) is the nationally accepted benchmark for the design, construction and operation of high performance green buildings.

Two LEED-certified courthouses under construction in Taunton and Salem are scheduled for completion in 2011. The new Taunton Trial Court will include the District, Juvenile, Housing, and Probate and Family Court Departments. In Salem, the J. Michael Ruane Judicial Center will serve the Superior, District, Housing, and Juvenile Court Departments. The 204-year-old, former First Baptist Church was moved to the corner of the site to create sufficient space for the main court building and will house the Essex County Law Library. Plans to construct a new Trial Court for four court departments in Lowell continued in the design phase after completion of site acquisition in FY08.

A capital repair needs assessment of state-owned courthouses conducted by the Division of Capital Asset Management in 2007 estimated the need for more than \$500 million to address urgent deferred maintenance needs. Study results are included in the Commonwealth's statewide data base, the decision-making tool for determining the funding and implementation of repair projects for all state-owned buildings.

Courthouses must be physically accessible and responsive to the changing needs of court users. Ongoing efforts are underway to ensure compliance with the Americans with Disabilities Act and security and safety mandates, as well as to plan better accommodation for the increasing number of self-represented litigants.

In FY09 the Court Facilities Bureau of the Trial Court completed 22 capital projects totaling over \$995,000 at 16 locations across the state. The CFB, which provides ongoing maintenance of 63 Trial Court buildings owned by the state, also achieved significant energy savings in FY09. Energy conservation measures implemented across the state to reduce consumption of electricity, heat, and water, in addition to new statewide contracts, resulted in over \$2.9 million in savings for the Trial Court compared with energy costs in FY08.

► **Court Relocations**

The Third Middlesex District Court relocated in February 2009 from the Edward J. Sullivan Courthouse in Cambridge to a newly-renovated, leased site in Medford, which includes space for the Middlesex District Attorney's Office and the Court Clinic, as well as designated space for victims/witnesses, bar advocates and police prosecutors. Court leaders collaborated with the MBTA to extend public transportation to the courthouse.

The Trial Court's response to the state's fiscal crisis included reducing the amount of leased space, which resulted in the temporary relocation of the Winchendon District Court into the courthouse occupied by the Gardner District Court. In addition, the Lawrence Juvenile Court moved from leased space to the Fenton Judicial Center where the District, Housing, and Probate and Family Court Departments collaborated to accommodate the move. In October 2009, the Natick District Court relocated to the Framingham District Court. Judges, Clerks, Probation, and other court personnel in the moving and receiving courts demonstrated extreme professionalism and dedication to the delivery of justice, despite significant operational disruption and limited timeframes required by budget pressures.

► **Security**

The Trial Court's Security Department continued to improve the training and equipment provided to Court Officer staff. Court Officers managed close to 260,000 custodies statewide in FY09 and responded to a range of incidents including assaults, attempted suicides, medical emergencies and bomb threats. Enhanced screening equipment, video surveillance systems and emergency alarms have been deployed and physical tactics training provided to all officers. All officers also have been certified in CPR/AED and First Aid response. Special Response Teams are used for high risk trials and arraignments.

► **Continuity of Operations**

Efforts progressed in the development of the Trial Court's Continuity of Operations Plan (COOP). Committees in each administrative office and court department worked on completion of the Mission Essential Functions Questionnaire. The next phase includes further coordination with Executive Branch agencies.

Community Partnerships & Outreach

► **Open Dialogues on Court Practices**

A series of five *Open Dialogues on Court Practices* was conducted throughout the Commonwealth from May through October 2008, in cooperation with the Massachusetts Bar Association, various local bar associations and the Court Management Advisory Board. More than 1,000 attorneys participated in discussions with the Chief Justice for Administration & Management, the Chief Justices of the seven Trial Court Departments and many Judges, Clerks, and court staff on how to obtain greater efficiency and effectiveness in case management.

The Open Dialogues program was conducted as a management improvement effort to seek critical qualitative input, consistent with the Court's goal of performance transparency. The discussions resulted in innovative solutions to shared problems and enhanced the channels of communication between the bench and bar. The Trial Court issued a report of follow-up actions which is available on its website.

► **Superior Court 150th Anniversary**

The Superior Court commemorated its 150th anniversary in 2009 with a multi-faceted, statewide celebration focused on public outreach and education. Hundreds of Judges, attorneys, court personnel and community leaders planned and participated in a range of events and activities throughout the Commonwealth intended to raise public understanding about the work of the judiciary and appreciation for the rule of law.

Programs attended by more than 8,000 people statewide included reenactments of the Sacco and Vanzetti and Lizzie Borden trials, a mock trial of Jack and the Beanstalk by elementary school students, and discussion of "To Kill A Mockingbird" with high school students. Additional commemorative activities included panel discussions with judges and attorneys at middle schools and high schools, visits by students to courtrooms for mock trials and meetings with judges, forums on notable cases, programs on local cable stations, and the publication of essays on a range of topics by current and former judges. In December 2009, the entire issue of the Massachusetts Law Review highlighted the history and accomplishments of the Superior Court. An exhibit highlighting important cases and events throughout the Court's history was installed in the jury assembly room in the Suffolk County Courthouse in June and plans are underway to install the exhibit in other counties over the next year.

The commemoration culminated in September 2009 with a symposium at the Boston Public Library followed by a dinner sponsored by the Mass. Historical Society and the Mass. Bar Association, featuring U.S. Supreme Court Justice Stephen Breyer. The symposium included panel discussions on notable cases in the Court's history and future challenges facing the Court.

► **Juvenile Court Clinics**

The Juvenile Court, in collaboration with the Department of Mental Health, continued operation of a statewide system of Juvenile Court Clinics that have emerged as a national model for referrals and treatment, with more than 3,000 evaluations of children, youth, and parents this year. In FY09, the Juvenile Court Clinics participated actively in a number of multi-agency initiatives including: ongoing review of the Department of Public Health Youth Stabilization Programs, Mobile Crisis Team planning for the Children's Behavioral Health Initiative through the Department of Mental Health, Juvenile Detention Alternatives Initiative of the Department of

Youth Services, the Governor's Juvenile Justice Advisory Committee, the Pediatric Mental Health Task Force, the Department of Mental Health Statewide Planning Council, and the Governor's Interagency Substance Abuse Council.

► ***Juvenile-Focused Partnerships***

Bristol County was one of 22 sites in 16 states designated as a "Reclaiming Futures" site through a collaborative effort between the county's Juvenile Court and Sheriff's Department to receive a two-year grant from the Robert Wood Johnson Foundation. The leadership team for the grant has received training on best practices to develop a successful and measurable community response to drug and alcohol involved juvenile justice youth. A county-wide, four-month diversion program launched in January 2009 has produced very positive results.

All divisions of the Juvenile Court partner with local Probation and Office of Community Corrections staff, community leaders and non-profits in the planning and implementation of a wide variety of community-based programs, including Operation Night Light, Mothers Helping Mothers, Truancy Watch, Stop Watch, Trial Court Academy, the Teen Prostitution Project, Shakespeare in the Court, Bridging the Gap, and the Juvenile Resource Center. The Changing Lives Through Literature program expanded to Barnstable County in FY09.

► ***Probation Anti-Violence Initiatives***

Probation Officers enhanced a wide range of existing partnerships and found new ways to strengthen community supervision. The Gang Summit, organized as part of Probation's Safe Summer Initiative, brought 47 gang-affiliated, court-involved young men to the West Roxbury Division of the Boston Municipal Court in June 2009 to hear representatives from the Boston Police Department, the District Attorney's Office and U.S. Attorney's Office, as well as the mother of a slain young man, address the community impact of gun violence. The summit contributed to a reduction in violence over the following months.

► ***Community Service Programs***

The community service component of Probation, offered through the Office of Community Corrections, produced a total of 515,070 community service hours in FY09. Participants sentenced to community service assist non-profit organizations, state agencies and local communities through projects such as cleaning up parks, removing snow, delivering food to soup kitchens, moving furniture and a wide range of other services that are particularly valued in light of the fiscal crisis.

► ***Partnerships with Schools, Non-Profits, Law Enforcement and Bar Associations***

Judges, Clerks, Probation staff and others in all Trial Court departments partner extensively with the leaders in their local communities developing programs that are responsive to the needs of the communities served. School-based efforts share information about the Court's role in the community through opportunities such as mock trials and internships. Outreach also includes ongoing interaction with many focused advocacy and membership groups, which regularly interact with the courts.

Courts work closely with local law enforcement to provide guidance on a range of issues, including search and seizure law, new statutes and rules amendments, and addressing new police cadets on law enforcement matters. Probation staff works continually with local police, non-profits and other entities to design programs that combat violence and reduce crime.

Many judges serve on bar association committees and regularly address county and local bar associations to update attorneys on new developments, answer questions and discuss issues of concern. Judges also frequently serve as faculty members for continuing education opportunities for lawyers. Many courts across the state organize annual Law Day programs in collaboration with schools, local bar associations, and community partners to engage student groups and the general public.

► ***Jury Outreach and Education***

The Office of Jury Commissioner conducted 153 public outreach presentations for more than 6,200 individuals at 70 sites, including schools and community groups. The OJC also conducted a juror education pilot, funded by the Annenberg Foundation, to provide waiting jurors with information on the Constitution, judicial independence and conversations with Supreme Court Justices using video iPods at five sites. In addition, the OJC formed a working group with the Mass. Commission for the Deaf and Hard of Hearing to improve access to deaf, late-deafened, and hard-of-hearing prospective jurors.

Trial Court Fiscal Data FY09

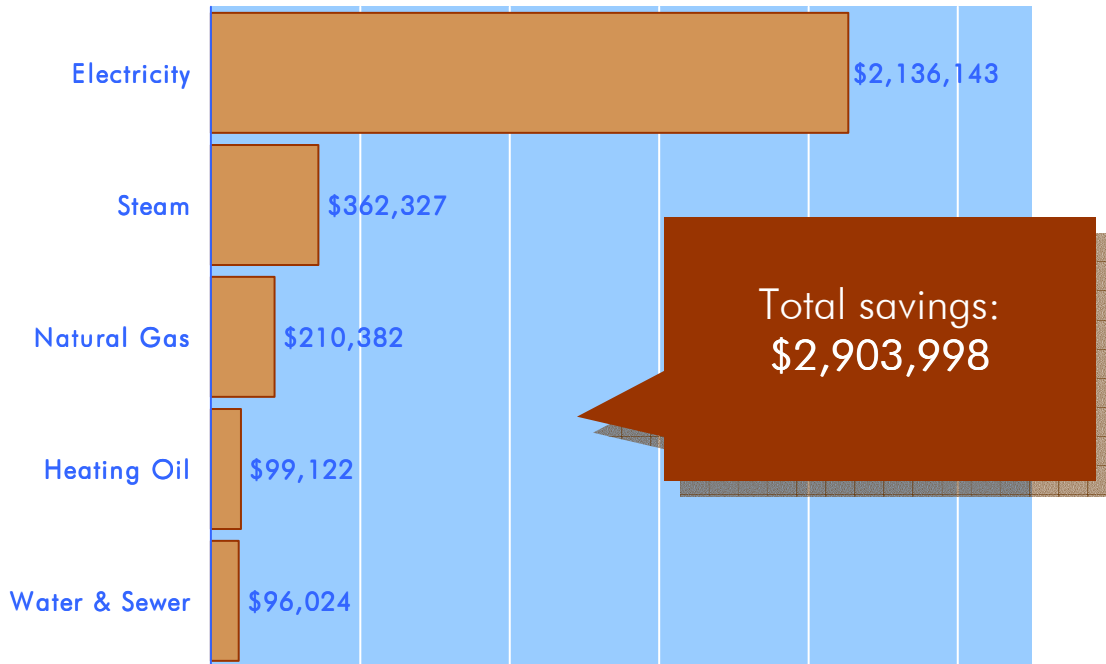
Breakdown of Trial Court Funding	Dollar Amount	Percent of Total
Trial Court Operating Appropriations	\$540,666,426	89.3%
Retained Revenue	\$41,700,000	6.9%
Capital / Bond Funds	\$17,849,448	2.9%
Automation Bond Funds	\$1,500,000	0.2%
Grants, Trusts & Intergovernmental Funds	\$3,430,929	0.6%
TOTAL	\$605,146,803	100.0%

Trial Court Expenditures from Operating Accounts	Dollar Amount	Percent of Total
Judicial Salaries	\$47,934,576	8.3%
Court/Adm Employee Salaries	\$364,446,420	63.3%
Employee Related Expenses	\$17,177,340	3.0%
Case Driven Expenses	\$18,714,978	3.2%
Law Library Expenses	\$6,281,740	1.1%
Office and Court Operations	\$53,811,955	9.3%
Facility Rental, Maintenance and Operation	\$67,774,285	11.8%
TOTAL	\$576,141,294	100.0%

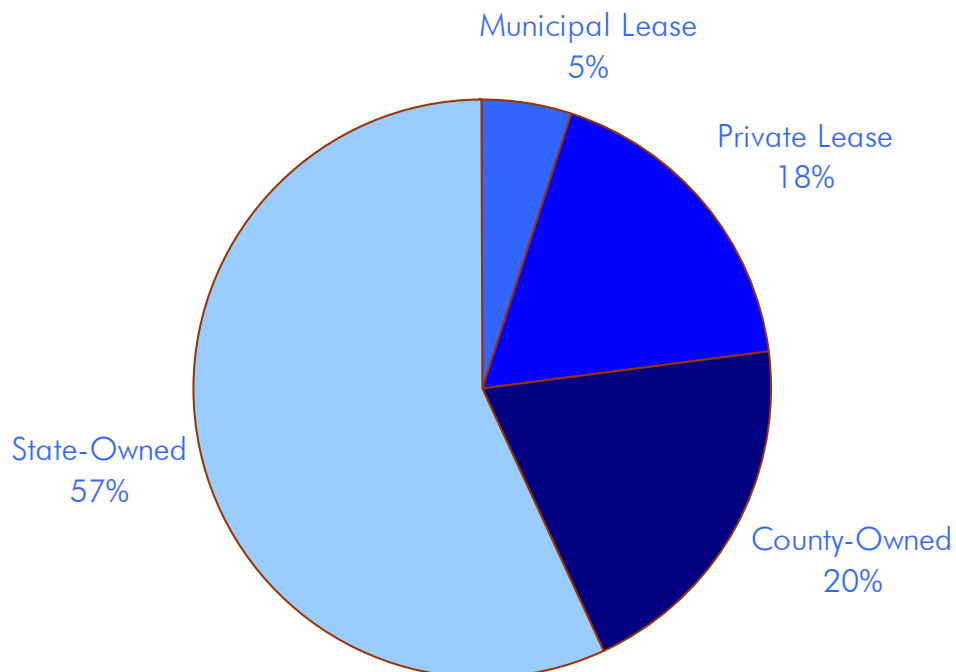
Interdepartmental and Reserve Transfers	Total Amount Transferred Between Accounts Within Department	Transfers From Reserve Account 0330-3337
Central Accounts	\$2,367,000	\$9,093,862
Superior Court Department	\$19,171	\$7,573,890
District Court Department	\$0	\$0
Probate Court Department	\$76,900	\$406,941
Land Court Department	\$0	\$0
Boston Municipal Court	\$0	\$0
Housing Court Department	\$0	\$0
Juvenile Court Department	\$0	\$0
Probation Accounts	\$0	\$0
Jury Commissioner	\$0	\$128,221
TOTAL	\$2,463,071	\$17,202,914

Trial Court Facilities Data FY09

Energy Analysis FY08 versus FY09: Total Savings by Energy Type

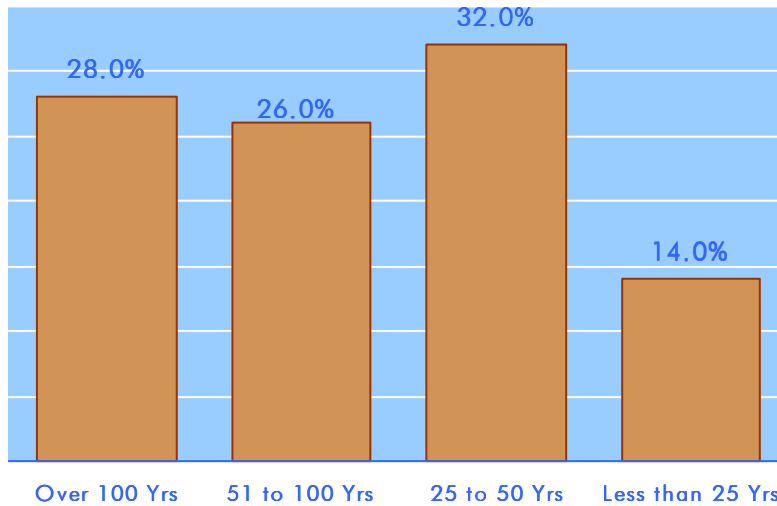


Court Facilities by Owner, FY09

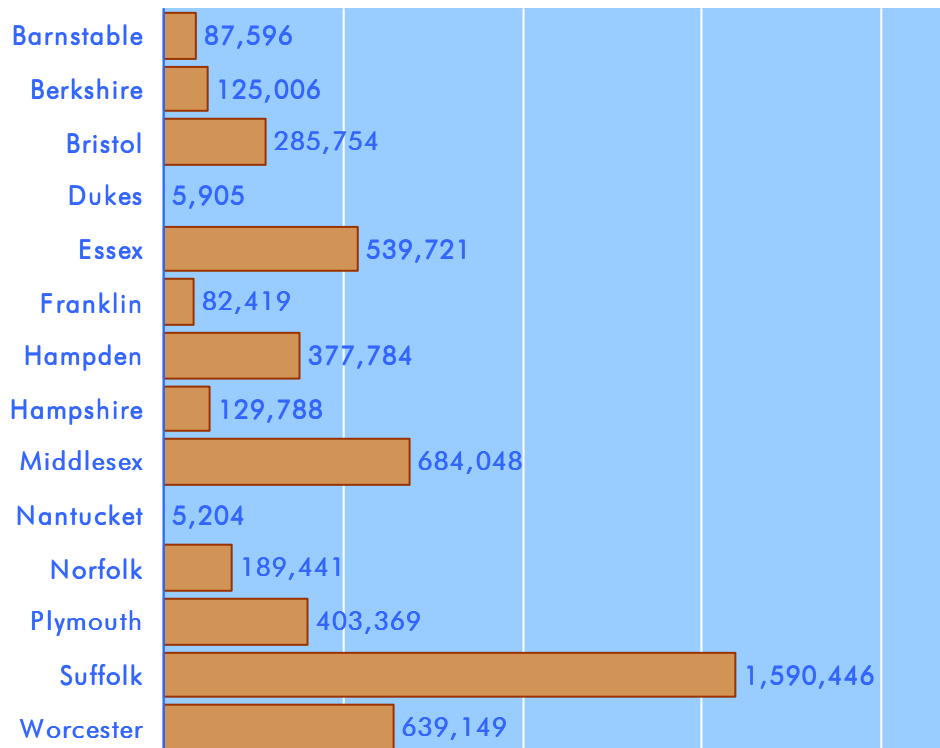


Age of Court Facilities

- Mean age State-Owned Facilities – 68 years
- Mean age County-Owned Facilities – 88 years



Facility Square Footage by County



*Includes gross square footage of all court facilities with courtrooms.