

# Annual Report on the State of the Massachusetts Court System



Fiscal Year 2020



“Say not, they die, those splendid souls,  
Whose life is winged with purpose fine;  
Who leave us, pointed to the goals;  
Who learn to conquer and resign.  
Such cannot die; they vanquish time,  
And fill the world with glowing light,  
Making the human life sublime  
With memories of their secret might.”

– Pablo Neruda



In Memoriam  
Supreme Judicial Court Chief Justice Ralph D. Gants  
1954-2020

Superior Court 1997-2009  
Supreme Judicial Court 2009-2020  
Supreme Judicial Court Chief Justice 2014-2020



# FROM THE COURT LEADERSHIP

December 2020

As we prepared our annual report for Fiscal Year 2020, the sudden and tragic loss of Supreme Judicial Court Chief Justice Ralph D. Gants weighed heavily on us and on the Massachusetts court system. He led the Massachusetts Judiciary since 2014 with intellect, wisdom and compassion.

Countless tributes upon his passing highlighted the Chief's unwavering efforts to solve problems on so many fronts – from racial justice in the court system, to sentencing best practices, to access to civil justice. His dedication to ensuring justice for all extended beyond Massachusetts to the national level where he was seen as a tireless champion for justice and equality. He was hailed for his humanity, humility, and sense of humor. His loss leaves a vast void in our courts, our communities, and in our hearts. We can best honor his legacy by continuing his important work.

We are proud of the court system's response to the coronavirus pandemic across all levels of our operations. The pandemic created many new hurdles for accessing courts, as most court business shifted to a virtual platform to safeguard court users and staff. Everyone across the system – judges, clerks, court officers, probation officers, facilities employees, and administrative staff – stepped up to the challenge in ways no one could have anticipated.

Many operational changes accelerated our progress toward strategic goals, particularly on the technology front. Who would have thought that hearings, drug court sessions, or bench trials could work well via videoconference? Or a statewide helpline could be based on a cell phone platform? These now are routine and sometimes preferable solutions depending on the situation.

Clerks' and registers' offices can operate virtually with online waiting areas so that users can limit courthouse visits for public safety and convenience. Court Service Centers now provide statewide virtual access. New outreach efforts for at-risk communities included informational videos in multiple languages, translated questions & answers, and interpreted information sessions.

Innovation, resourcefulness, and flexibility have been the hallmark of the pandemic response across the court system and the greater Commonwealth. We will be guided in FY21 by Chief Justice Gants' vision and commitment to justice, as we work to address the challenges that lie ahead.

Sincerely,

*Kimberly S. Budd, Chief Justice of the Supreme Judicial Court*

*Mark V. Green, Chief Justice of the Appeals Court*

*Paula M. Carey, Chief Justice of the Trial Court*

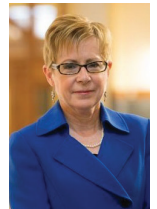
*Jonathan S. Williams, Court Administrator of the Trial Court*



Chief Justice  
Kimberly S. Budd  
Supreme Judicial Court



Chief Justice  
Mark V. Green  
Appeals Court



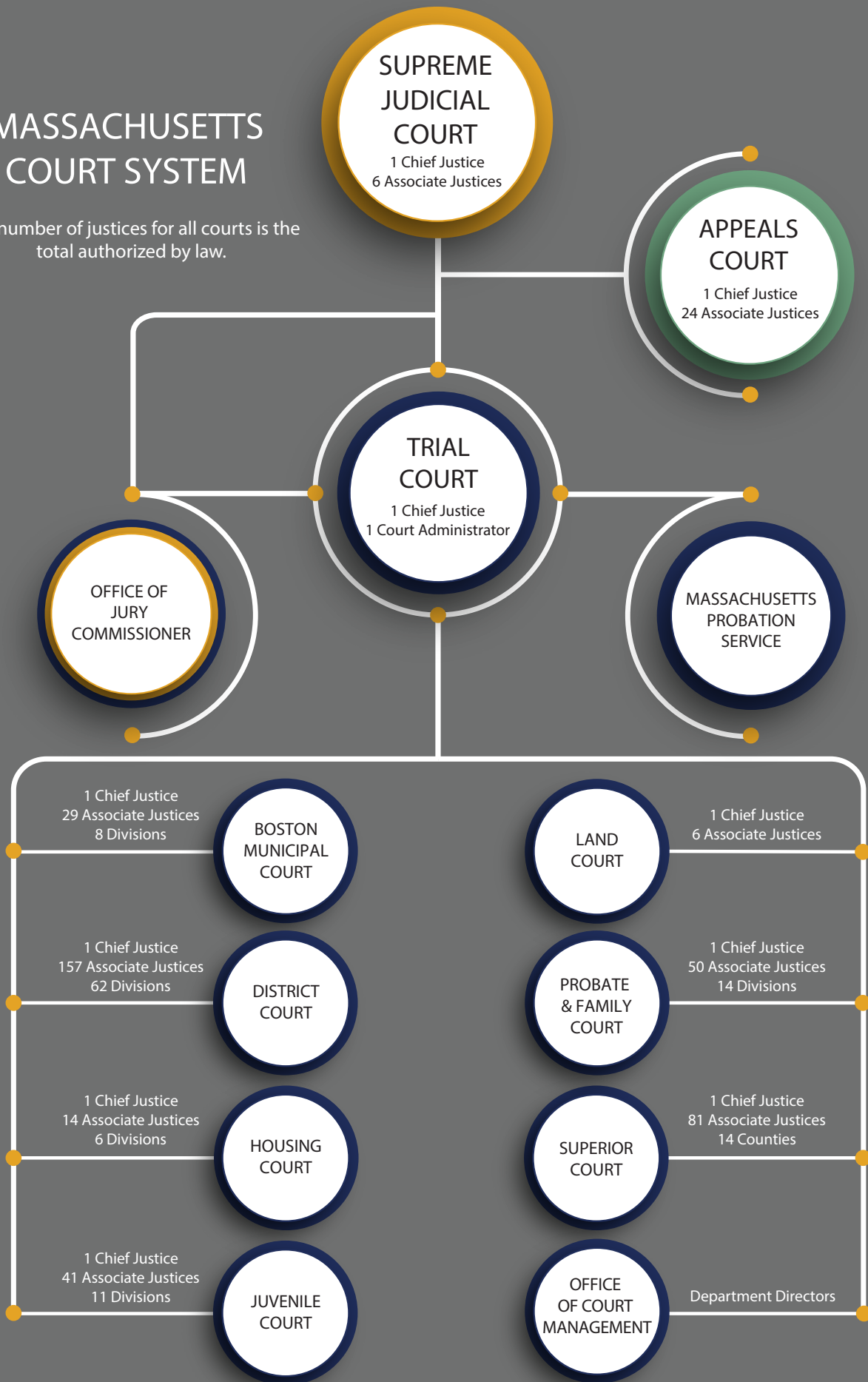
Chief Justice  
Paula M. Carey  
Trial Court



Court Administrator  
Jonathan S. Williams  
Trial Court

# MASSACHUSETTS COURT SYSTEM

The number of justices for all courts is the total authorized by law.





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# SUPREME JUDICIAL COURT

## *Justices and Officials*

*As of June 30, 2020*

### CHIEF JUSTICE

Ralph D. Gants

### JUSTICES

Barbara A. Lenk  
Frank M. Gaziano  
David A. Lowy  
Kimberly S. Budd  
Elspeth B. Cypher  
Scott L. Kafker

### EXECUTIVE DIRECTOR

Carol R. Lev

### CLERK FOR THE COMMONWEALTH

Francis V. Kenneally

### CLERK FOR THE COUNTY OF SUFFOLK

Maura S. Doyle







# SUPREME JUDICIAL COURT

## FISCAL YEAR 2020 HIGHLIGHTS

### Response to the COVID-19 Pandemic

In response to the extraordinary public health challenges posed by the COVID-19 pandemic, the SJC exercised its superintendence and rule-making authority to issue a series of system-wide orders, starting in March 2020, to mitigate the risk of community spread of the coronavirus by reducing in-person contacts at courthouses and enabling more court business to be carried on through electronic filings and virtual hearings. The SJC closed all state courthouses to the general public, except where entry was required to address emergency matters that could not be resolved virtually (i.e., by telephone, videoconference, email, or the electronic filing system) because it was not practicable or would be inconsistent with the protection of constitutional rights.



The Court postponed most trials, temporarily prohibited empanelment of petit and grand juries, suspended court deadlines and statutes of limitations, and extended existing injunctions. The Justices asked the SJC Jury Management Advisory Committee to investigate and make recommendations concerning procedures for eventually resuming jury trials while continuing to protect the public health. The Court also issued orders making it easier to conduct cases remotely by permitting the use of electronic signatures and email service for court documents and authorizing oaths and deposition testimony to be taken remotely.

To make it easier for court users to keep abreast of the many changes in procedures occasioned by the pandemic, the SJC worked with the Trial Court and the Public Information Office to establish a single webpage listing all new court orders issued in response to the pandemic and related court news and announcements. Major SJC orders and letters from Chief Justice Gants concerning the courts' response to the pandemic were also distributed electronically to members of the bar with the assistance of the Board of Bar Overseers.

Consistent with its system-wide orders, the SJC also changed its own procedures to protect the public health during the pandemic. The Court closed the John Adams Courthouse to the general public, limited in-person proceedings to emergency matters, and transferred most oral arguments to telephonic conferences. Most judges and staff worked remotely to the extent possible.

Many thanks are due to the SJC Clerk for the Commonwealth, the SJC Clerk for the County of Suffolk, the Court's Executive Director, Legal Counsel, Chief Staff Counsel, and their staffs, the members of the Court's information technology and security departments, and other Court staff for facilitating these changes.

Despite the operational challenges posed by the pandemic, the Court continued to carry its ordinary caseload, in addition to hearing and deciding various expedited cases concerning urgent questions arising out of the pandemic, such as whether signature requirements for persons to become candidates for elective office should be modified, or whether persons being held in pretrial detention, incarceration, or civil commitment should be released from confinement due to the risks of COVID-19 infection.

The Supreme Judicial Court (SJC), originally called the Superior Court of Judicature, was established in 1692 and is the oldest appellate court in continuous existence in the Western Hemisphere. The SJC serves as the leader of the Massachusetts court system; it exercises final appellate authority over the decisions of all lower courts and is responsible for general superintendence over the administration of the state court system.



## Response to Racial Equity Issues

In June 2020, the Justices of the SJC issued an open letter to members of the Judiciary and the Bar regarding racial equity issues. The Justices began by recognizing that “[t]he events of the last few months have reminded us of what African-Americans know all too well: that too often, by too many, black lives are not treated with the dignity and respect accorded to white lives.” And in response, they called for not just reflection, but action to address these inequities. They called on judges to “look afresh at what we are doing, or failing to do, to root out any conscious and unconscious bias” and “to create in our courtrooms . . . a place where all are truly equal.”

They called on lawyers to “look at what we are doing, or failing to do, to provide legal assistance to those who cannot afford it,” “to diminish the economic and environmental inequalities arising from race,” and to hire more attorneys of color. They called on the legal community “to reexamine why, too often, our criminal justice system fails to treat African-Americans the same as white Americans, and recommit ourselves to the systemic change needed to make equality under the law an enduring reality for all.” And they called on all to stand in “solidarity and fellowship with African-American judges and attorneys.”

## State of the Judiciary Address to the Legal Community

In October 2019, Chief Justice Ralph Gants presented his sixth annual address to the legal community at the Massachusetts Bar Association’s State of the Judiciary event in the John Adams Courthouse.

Chief Justice Gants announced the formation of a new permanent Standing Committee on Lawyer Well-Being to continue the work to improve lawyer well-being, and plans to establish a pilot mentoring program for newly admitted solo and small firm practitioners.

Chief Justice Gants discussed the work of the SJC Working Group on Substance Use and Mental

Health, which will endeavor by 2021 to “prepare a report that will provide guidance as to how we can wisely, effectively, and humanely support those who come to us in court with substance use and mental health challenges in a manner that is consistent with public safety and fundamental principles of justice.”

Chief Justice Gants also spoke of the serious challenges faced by the more than 90 percent of tenants and 30 percent of landlords who attempt to navigate the intricacies of summary process eviction cases without counsel. He also highlighted the momentum behind developing a virtual court service center to assist litigants who need help navigating the court system.

“Until we create a world in which all who need counsel in civil cases have access to counsel, we must do all we can to make the court system more understandable and accessible for the many litigants who must represent themselves.”

## Working Group on Substance Use and Mental Health

Chief Justice Gants convened the Supreme Judicial Court Working Group on Substance Use and Mental Health in June 2019, in collaboration with the Trial Court Chief Justice, to update the existing Standards on Substance Abuse that were approved by the SJC in 1998. The Working Group also includes Justice David Lowy, retired SJC Justice Margot Botsford, the SJC Deputy Legal Counsel, and judges and staff from the Trial Court. To date the Working Group has met with a range of medical experts and with administrators from the Massachusetts Department of Mental Health and the Bureau of Substance Addiction Services, and held internal meetings to discuss challenges facing Trial Court departments. The Working Group will prepare an interim report addressing challenges created by the COVID-19 pandemic with a final report expected in 2021.





## Access to Justice Commission

Established by the SJC in 2005, the Access to Justice Commission seeks to provide leadership and vision to, and coordination with, the many organizations and interested persons involved in providing and improving access to justice for those unable to afford counsel for their essential civil legal needs.

In March 2020 the Commission created a COVID-19 Task Force, which engaged more than 140 volunteers in a collaborative effort to respond to the challenges of accessing justice and connecting those in need with resources during the pandemic. The Task Force established three committees. The Access to Courts Committee collaborated with court leaders to address new barriers to court access arising out of disruptions created by the pandemic, as the courts shifted toward remote proceedings and legal and social service providers had to change service models to accommodate limitations on in-person contacts.

Committee members also assisted in developing processes for the remote operation of Court Service Centers and lawyer-for-the-day programs and worked with the Massachusetts Bar Association and Boston Bar Association to develop best practices guides for remote proceedings, and with Suffolk Law School's Legal Innovation and Technology Lab to develop online guided interviews and fillable forms to assist self-represented litigants in accessing the courts. The Materials and Communications Committee supported the development and distribution of information to social service advocates and self-represented litigants on pandemic-related law and legal procedures.

The Committee held three virtual question and answer sessions reaching a total of more than 700 social service advocates; participated in a webinar with the Social Law Library and the courts for public librarians; produced informational videos on public benefits, the eviction moratorium, restraining orders, health insurance, and court procedures; and developed a list of legal resources

to share with the public both online and in print. And finally, the Pro Bono Committee surveyed service organizations on their pandemic-related needs. They developed and launched the COVID-19 Pro Bono Portal, a collaborative, statewide tool connecting attorneys and law students to pandemic-related pro bono opportunities to serve low-income residents of the Commonwealth, in collaboration with the Volunteer Lawyers Project and its MassProBono.org website.

## Change in Procedural Amount for District Court and Superior Court Cases

Effective January 1, 2020, the SJC approved an increase in the procedural amount for civil damages actions in the Boston Municipal and District Courts from \$25,000 to \$50,000. The procedural amount, last set in 1986, refers to the amount of damages sought by a plaintiff in a civil money damage action which, if exceeded in the District and Boston Municipal Courts or, if not met in the Superior Court, may be the basis for dismissal. Thanks to this increase in the procedural amount, plaintiffs may now bring civil cases seeking up to \$50,000 in money damages in the District and Boston Municipal Courts, rather than the Superior Court. In preparation for this change, the District and Boston Municipal Courts took steps to increase their capacity to handle an increased volume of civil cases efficiently.

## Standing Committee on Lawyer Well-Being

As recommended in the July 2019 report of the SJC Steering Committee on Lawyer Well-Being, the Court formally established a Standing Committee in January 2020 to plan and oversee efforts to enhance the well-being of lawyers, judges and law students in the Commonwealth. The Committee consists of two co-chairs, a director, 16 members representing diverse segments of the legal community, and four agency advisors. The Committee has established a website listing well-being resources for attorneys, as well as resources



relating to social justice and dealing with the COVID-19 pandemic; undertook a demographic survey to better understand the composition and practice settings of the Massachusetts bar; hosted online Community Well-Being Coffee Breaks to celebrate Lawyer Well-Being Week in May 2020; and hosted town hall discussions with the Commonwealth’s affinity bar associations.

## Standing Committee on Pro Bono Legal Services

The Standing Committee on Pro Bono Legal Services was established by the SJC in 1999 to promote volunteer legal work to help people of limited means who are in need of legal representation, in accordance with the Massachusetts Rules of Professional Conduct. Among other activities, the Committee administers both the Adams Pro Bono Publico Awards Program and the Pro Bono Honor Roll.

In June 2020, the SJC approved recommended revisions to clarify criteria for the Adams Awards, and the creation of a new Pro Bono Honor Roll to recognize pro bono legal work by individual attorneys, in addition to the existing Honor Roll programs for legal organizations and for law students. Attorneys who have completed at least 50 hours of pro bono legal services in the previous calendar year are now eligible for the Honor Roll, and attorneys who have completed at least 100 hours of pro bono legal services in the previous calendar year are now eligible for the High Honor Roll.

## Judicial Evaluation

The judicial evaluation program has facilitated the collection and tabulation of judicial evaluations from attorneys, court employees and jurors since 2001. The program provides narrative comments and aggregated statistical assessments to judges concerning their professional, on-bench performance in an effort to enhance the performance of individual judges and the judiciary as a whole.



Three rounds of evaluation were concluded in FY20 with a new survey platform vendor. The August 2019 evaluation included 34 judges in Housing Court, Juvenile Court and Probate and Family Court in Middlesex and Suffolk Counties, yielding responses from 4,643 attorneys, 359 employees, and 25 jurors.

In January, the evaluation of 45 judges in District Court, Housing Court, Probate and Family Court, Superior Court and Juvenile Court in Worcester County yielded responses from 2,806 attorneys, 1,124 employees, and 402 jurors.

The February evaluation of 34 Superior Court judges in Suffolk and Middlesex Counties yielded responses from 4,443 attorneys, 384 employees, and 338 jurors.

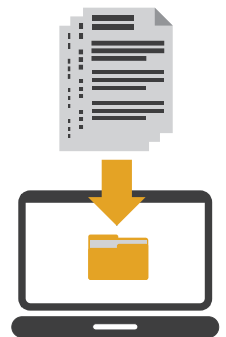
In the spring of 2020, a student group from Bentley University’s User Experience Program reviewed the attorney survey and presented the Supreme Judicial Court with a blueprint for language, format, and operational changes to improve the survey’s accessibility for attorney use.

## Expanded eFiling

In January 2019, the Clerk of the Supreme Judicial Court for the Commonwealth expanded the optional eFiling program to permit electronic filing of all documents in appeals and other cases before the full Court, including motions, briefs and record appendices.

After a brief or appendix has been filed electronically, the Clerk’s Office will notify the litigant to file a limited number of paper copies. No paper copies are required for motions, letters, status reports, or applications for direct or further appellate review filed electronically.

The Clerk of the Supreme Judicial Court for the County of Suffolk has now implemented eFiling for all bar discipline cases and all petitions for admission to the Massachusetts Bar. This fiscal year, 60 percent of petitioners for Admission







by Motion and 30 percent of petitioners for Admission by Transfer of Uniform Bar Examination (UBE) Score eFiled their petitions. In June, eFiling commenced for petitioners for Admission by Examination or Re-examination, with all of the nearly 1,500 petitions filed through the electronic portal.

## Community Outreach

Each year, the Supreme Judicial Court engages in numerous activities to inform and educate the public about the Court's work, the judicial system, and the rule of law.

Community outreach activities in FY20 included:

- The SJC held a special sitting in October 2019 to hear appeals at the Barnstable County Superior Court, providing an opportunity for students, local residents, and the media to view the Court's work in person outside of Boston.
- In February 2020 SJC Chief Justice Ralph Gants and a group of judges hosted a listening session with attorneys and community organizations at Roxbury Community College to hear from the public about ways that the justice system could be improved and the experiences of diverse communities when they go to Massachusetts courts. The listening session was organized to recognize the 400th anniversary of documented enslavement of African people in the United States in 1619.
- Chief Justice Gants visited a number of Trial Courts meeting with judges, clerks, and court staff, as well as public officials and bar association representatives, to discuss the challenges they face and the successes they have achieved. In December 2019, he visited the Middlesex County Probate and Family Court and Juvenile Court; and the District Courts in Cambridge, Malden, and Somerville.
- The Supreme Judicial Court's Judicial Youth Corps, a legal education and internship program for high schoolers held with assistance from judges, lawyers, court staff, bar associations, and other supporters, teaches

students about the rule of law and the role of the judicial branch. The Public Information Office administers the 12-week program, which includes educational sessions and internships, funded by foundations and grants. In FY20, the program engaged 21 Boston students in a rich virtual learning experience that included mock trials, virtual hearings and guest speakers.

- The SJC's director of education and public programs and other court staff regularly lead tours of the John Adams Courthouse sharing history and practices of the state's appellate courts, and the governing principles of our legal system. Visitors include tourists, senior citizens, educators and scholars, students, and members of the legal community. Each spring, the Court hosts programs for high school students to celebrate Student Government Day and Law Day. Theatre Espresso also conducts live performances on historical legal issues for more than 1,000 Boston students. Due to COVID-19, all educational programs and performances planned for spring 2020 were canceled.
- The SJC Historical Society, SJC, Appeals Court, Boston Bar Foundation, and individual donors funded production of a film about the John Adams Courthouse and the role of the courts in our democratic system. Completed in June 2020, the film will be accessible to students, educators, courthouse visitors, and the public via the court website and on screens at the courthouse.
- The SJC's website provides extensive information for lawyers, litigants, educators, and students. Through a partnership with Suffolk University Law School, all SJC oral arguments are webcast live and made available in an online archive. In March 2020, the SJC began providing closed captioning of the live and archived webcasts of oral arguments. The website also offers online access to docket information and the briefs in all non-impounded cases before the court.



# APPEALS COURT

## *Justices and Officials*

*As of June 30, 2020, unless noted*

### CHIEF JUSTICE

Mark V. Green

### JUSTICES

Peter W. Agnes Jr. (*ret. April 2020*)

Amy Lyn Blake

Kenneth V. Desmond Jr.

Joseph M. Ditkoff

John Englander

Sydney Hanlon (*ret. June 2020*)

Kathyrn E. Hand

Vickie L. Henry

C. Jeffrey Kinder

James Lemire

Diana Maldonado

Gregory I. Massing

Edward McDonough

William J. Meade

James R. Milkey

Eric Neyman

Peter J. Rubin

Peter Sacks

Sookyong Shin

Sabita Singh

Mary T. Sullivan

Ariane D. Vuono

Dalila Wendlandt

Gabrielle R. Wolohojian

### COURT ADMINISTRATOR

Gina L. DeRossi

### CLERK

Joseph F. Stanton







# APPEALS COURT

## FISCAL YEAR 2020 HIGHLIGHTS

### Appellate Caseload

The Appeals Court panel caseload in FY20 decreased 11% from FY19, as 1,578 new appeals were entered, 200 less than FY19, with the decrease likely attributable to the COVID-19 pandemic. Civil cases outnumbered criminal cases at 53.35% of all new entries. The court decided 1,175 cases, which was 111 cases more than in FY19. In addition, the Appeals Court's single justice session docketed 630 petitions. While this was an increase of only 2 cases from the prior fiscal year, undoubtedly the COVID pandemic impacted the single justice session, which had been on track to docket 690 petitions.

### Technology Enhancement: Finding Value & Learning in Crisis

The Appeals Court purchased and deployed over 100 laptop computers to facilitate remote access during the pandemic, all with virtual private network (VPN) capability and an upgrade to Windows 10.

The Appeals Court adopted and implemented new audio and videoconference technologies to hold hearings remotely so that parties, justices, and court staff could participate without being present in the courthouse during the pandemic.

The Appeals Court Clerk's Office implemented and administered Zoom technology for the justices to hold arguments and hear from parties. At the same time, the hearings were opened to the public by live streaming the proceedings on the Court's new YouTube channel.

Training initiatives took a leap forward with the opening of the MAC (Massachusetts Appeals Court) Academy Education Center. The center has 17 computer workstations and an eight-foot Wi-Fi presentation screen at the front of the room, making it ideal for group presentations, employee orientations, and meetings. The center offered drop-in "tech Tuesday" hours, each featuring a different tech subject of focus, as well as an opportunity to answer individual questions.



Appeals Court staff participated in training on new platforms, including ShareFile, Barracuda VPN, and Zoom.

### Electronic Filing

During FY20, 94% of all briefs were filed electronically (97% criminal and 92% civil). The Appeals Court mandates electronic filing for most documents with limited exceptions, including for any impounded document or document filed by a self-represented litigant.

The Appeals Court was established in 1972 to serve as the Commonwealth's intermediate appellate court. It is a court of general jurisdiction that hears criminal, civil, and administrative matters. All appeals from the Trial Court (with the exception of first degree murder cases) are thus initially entered in the Appeals Court. Similarly, the court receives all appeals from the Appellate Tax Board, the Industrial Accident Review Board, and the Employee Relations Board.



## Intracourt Electronic Transmission of Records

The Appeals Court continued to expand its pilot programs with the Trial Court for the electronic assembly of the record and the electronic transmission of court notices. The number of Trial Court locations participating in the pilots has increased steadily.

## COVID-19

March 2020 saw a challenging period of deployment and adjustment for the Appeals Court. Despite personnel working remotely, the Court quickly pivoted back to near “business as usual” operations, rendering appellate decisions in a timely and efficient manner. Throughout the months of the pandemic the Court continued to:

- Receive and docket new filings and appeals, primarily via its electronic filing system, as well as accept paper filings of some self-represented parties;
- Answer questions from the public and assist with procedural questions;
- Promptly respond to emergency and non-emergency matters;
- Conduct over 160 remote video oral arguments for May and June sessions, as well as prepare “how to” guides and online practice sessions for the Bar and public;
- Access and distribute case materials to all who need them;
- Release opinions and Rule 1:28 decisions; and
- Manage administrative and fiscal operations.

Some remote operations expanded capabilities the Court had used previously. However, the ability to perform the operations fully with justices and staff in remote locations throughout the Commonwealth was the product of

coordinated efforts by hardworking personnel in the Appeals Court’s various court departments. Technology made much of this possible but the teamwork of all Appeals Court personnel in cooperation with the Bar and the parties made it happen most effectively.

## Civil Appeals Clinic

The Appeals Court continued to collaborate with the Volunteer Lawyers Project and the Supreme Judicial Court’s Access to Justice Program in hosting the Pro Bono Civil Appeals Clinic. The court provides resources to operate the weekly clinic, which provides pro bono attorneys to assist indigent self-represented parties with appellate questions. During the pandemic, the Volunteer Lawyers Project transformed the clinic from in-person to virtual. During fiscal year 2020, 80 volunteer attorneys assisted 252 litigants, another number impacted by the COVID-19 suspension of court proceedings.

## Public Access to Case Records

The Appeals Court continued posting briefs of non-impounded cases on the court’s website and audio recordings of oral argument in panel cases. In addition, videos of oral arguments held during the pandemic via Zoom were posted on the Appeals Court’s public YouTube channel. Access to the documents and recordings is free.



## Community Outreach

The court continued to sit beyond the John The Appeals Court issued four installments of its newsletter, *The Review*, during FY20 as an additional medium for communication with the bar and other stakeholders.





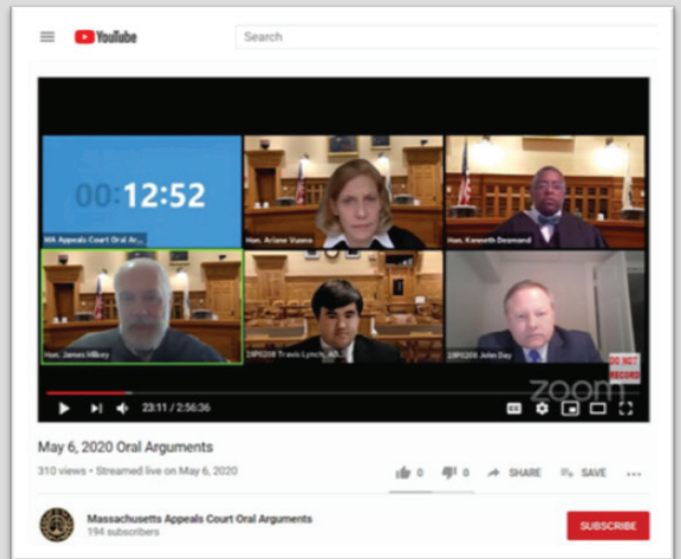
# APPEALS COURT

The Appeals Court held off-site sittings at UMass Dartmouth School of Law, UMass Amherst, Western New England University Law School, and the Massachusetts School of Law in Andover. At each location the justices heard a full oral argument list and reserved time after completion of oral arguments to respond to questions from students and members of the public who were on hand to observe the proceedings. Several other planned sessions were canceled or postponed due to the pandemic.

When one of the many scheduled off-site sittings was canceled due to the pandemic, the Appeals Court used a virtual hearing platform to bring appellate arguments to high school students in Worcester and around the Commonwealth.

## Unveiling of First Appeals Court Seal

As the Appeals Court nears the 50th anniversary of its establishment, the court adopted an official seal. In the center of the seal are the scales of justice which represent the fundamental basis of fairness in the judicial process. The scales are positioned over the outline of the Commonwealth’s boundaries to reflect the state-wide jurisdiction of the Appeals Court. At the top of the seal sits a single rosette modeled after the decorative architectural element showcased inside the walls of the John Adams Courthouse where the Appeals Court sits. Within the seal, “equity” and “justice” are displayed on either side of the year the Appeals Court was established, 1972. Circling the seal are olive branches, a traditional symbol for peace and the end of conflict. The 25 leaves represent the 25 justices who serve on the Appeals Court.



Typical Virtual Oral Argument Streaming on YouTube



In October 2019, Appeals Court Justices James Lemire, Sabita Singh and Dalila Wendlandt presiding at a session at Western New England Law School



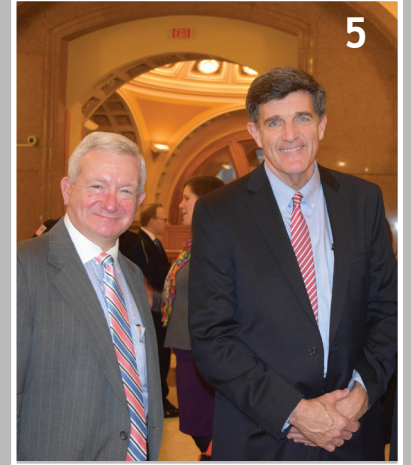


# THE COURT SYSTEM IN ACTION



1. Chief Justice Paula Carey with students at Boston's Hennigan School during National Judicial Outreach Month | 2. Court leaders meet in March to discuss COVID-19 response | 3. Jury Management Advisory Committee Chair Judge Rosalind Miller with Jury Commissioner Pamela Wood and Dpty. Commissioner John Cavanaugh | 4. Support Services Co-Director Sheriece Perry with former Mayor of Brockton Moises Rodrigues and Court Service Center Manager Franklin Silveira at Brockton CSC open house | 5. Land Court Chief Justice Gordon Piper and Housing Court Chief Justice Tim Sullivan | 6. Juvenile Court Assistant Clerk Maureen Flaherty receives an Excellence Award from Juvenile Court Chief Justice Amy Nechtem | 7. Probation Commissioner Edward Dolan, Chief Justice Paula Carey, and Court Administrator Jon Williams at opening of new Probation Training Center | 8. SJC Judicial Youth Corps Students from Boston, Worcester, and Springfield | 9. Judge Cynthia Brackett, Probation Dpty. Commissioner Pamerson Ifill, Chief Justice Carey, Court Administrator Williams, and Judge Thomas McGuire at Fall River's Cultural Appreciation event | 10. District Court Chief Justice Paul Dawley, Supreme Judicial Court Justice Frank Gaziano, and Court Management Advisory Board Chair Mark Smith at State of the Judiciary | 11. Specialty Courts Administrator Sheila Casey and Associate Court Administrator John Bello co-chaired first Trauma Task Force meeting | 12. Chief Justice Carey, SJC Chief Justice Gants, Senate President Karyn Spilka and Appeals Court Chief Justice Mark Green | 13. "Long Road to Justice" Docent Training in Boston | 14. Judge Claudine Wyner speaks to Springfield students | 15. BMC Court Officers with Judge Pamela Dashiell and Clerk Magistrate Anthony Owens at Roxbury Community Listening Session | 16. Facilities team at Essex Probate & Family Court celebrate Cultural Appreciation Week | 17. Court leaders with Bryan Stevenson, author and founder of the Equal Justice Initiative | 18. Superior Court Chief Justice Judith Fabricant and retired SJC Justice Judith Cowin at State of the Judiciary | 19. Chief Justice John Casey joins staff at clothing drive in Brockton | 20. Boston Municipal Court Chief Justice Roberto Ronquillo Jr. and Judge John McDonald with graduate and his family at East Boston Drug Court Graduation







# TRIAL COURT

## *Justices and Officials*

*As of June 30, 2020*

### CHIEF JUSTICE

Paula M. Carey

### COURT ADMINISTRATOR

Jonathan S. Williams

### DEPARTMENT LEADERSHIP

#### *Boston Municipal Court*

Roberto Ronquillo Jr., Chief Justice

Cheryl A. Sibley, Deputy Court Administrator

#### *District Court*

Paul C. Dawley, Chief Justice

Philip J. McCue, Deputy Court Administrator

Ellen S. Shapiro, Deputy Court Administrator

#### *Housing Court*

Timothy F. Sullivan, Chief Justice

Benjamin O. Adeyinka, Deputy Court Administrator

#### *Juvenile Court*

Amy L. Nechtem, Chief Justice

Thomas R. Capasso, Deputy Court Administrator

#### *Land Court*

Gordon H. Piper, Chief Justice

Jill K. Ziter, Deputy Court Administrator

#### *Probate & Family Court*

John D. Casey, Chief Justice

Linda M. Medonis, Deputy Court Administrator

#### *Superior Court*

Judith Fabricant, Chief Justice

Elaina M. Quinn, Deputy Court Administrator

### MASSACHUSETTS PROBATION SERVICE

Edward J. Dolan, Commissioner

Dianne Fasano, First Deputy Commissioner

### OFFICE OF JURY COMMISSIONER

Pamela J. Wood, Commissioner





# TRIAL COURT

## Introduction

The Massachusetts Trial Court spent the final months of Fiscal Year 2020 consumed with modifying court operations in response to the pandemic. Many of the operational changes implemented to transition to remote operations advanced the organization’s strategic priorities and will continue post-pandemic. Courts strengthened relationships with a wide range of stakeholders through regular meetings to develop problem solving measures.

New case filings were on track to increase by almost eight percent in FY20, but due to the health and safety precautions implemented based on CDC guidance, and government interventions such as eviction moratoria, new filings were down by more than 11 percent, or 150,000 fewer cases, by the end of June. In one year-over-year comparison, overall ability to dispose cases declined by approximately one-third given the challenges of remote operation.

Court leaders continued to monitor and report on strategic initiatives during the pandemic. Trial Court accomplishments for the last fiscal year are reported in the following categories, which include the five priority areas identified in SP3, the Trial Court’s third edition of its strategic plan.



## MASSACHUSETTS TRIAL COURT STRATEGIC PLAN 3.0

### FY20 PRIORITY AREAS



Pandemic Response



User Experience



Diversity, Equity & Inclusion



Judicial System Excellence



Operational Excellence



Responsiveness to Societal Challenges

The Massachusetts Trial Court operates under the general superintendence of the Supreme Judicial Court and includes seven court departments – Boston Municipal Court, District Court, Housing Court, Juvenile Court, Land Court, Probate and Family Court, and Superior Court. The Chief Justice of the Trial Court and the Court Administrator oversee the court departments, as well as the Massachusetts Probation Service and the Office of Jury Commissioner. The Trial Court has 385 authorized judicial positions and employs more than 6,300 staff who handle more than 800,000 case filings annually in 97 locations statewide.



## Innovation and Transformation Mark Pandemic Response

Unprecedented health and safety challenges created by the COVID-19 pandemic resulted in major upheaval to court operations that were historically conducted largely face-to-face. Many of the process changes introduced have accelerated court efforts related to technology and access to justice.



In mid-March, courts closed for two days before reopening to handle only emergency matters. Over the following four months a series of department-specific orders halted jury trials and specified certain case types to be considered as emergency matters and handled in courthouses with the approval of the judge and parties. Later orders provided for the gradual increase in court operations beginning in mid-July and allowed in-person proceedings for specific types of court events.

### Remote Operations

Policies and procedures to accommodate and safeguard court users and court staff were developed by all court departments, as well as administrative departments, including Probation, Human Resources, and Facilities Management. A Trial Court COVID-19 Operations Committee was formed.

Through the end of the fiscal year Judicial Information Services and the eCourts Office acquired 2,500 additional laptops, 500 additional Citrix server accounts, and 855 Zoom accounts, and provided documentation and training to enable remote operations. More than 1,900 cell phones and wireless devices were acquired and deployed to 800 probation officers, clerks' offices, and staff. Email addresses were created for 100 clerks' offices to provide an additional way for the public to access the courts to submit documents and seek information, as in-office staffing remained at reduced levels.

An emergency help line – 833-91COURT – was launched in early April with staff from all court departments and Probation using a cell phone-based network. Rotating staff had access to the case management data base, provided department-specific expertise, and contacted clerks' offices, as they remotely helped the public navigate the court system. More than 8,600 calls were handled through the end of the fiscal year. Spanish and Portuguese interpreters were integrated into this emergency help line system.

Through the spring, judges and court staff became increasingly familiar with the capability and user-friendliness of the Zoom videoconferencing platform. They expanded the number and types of hearings held remotely, including hearings on those held in custody, plea agreements, motions, pretrial conferences and even remote bench trials.



Judges and staff worked remotely as much as possible by rotating on-site staff to maintain safety, while remaining available to the public by phone, email, teleconference, Zoom video conference, and through YouTube to ensure public access to court events.

Specialty Courts created a hybrid support and supervision model of limited in-court and remote operations. Using Zoom as of early April, specialty court team members, treatment providers and clients conducted weekly check-ins. More than 825 drug court sessions and staff meetings were held between April and June to enable drug court teams to support the continued health of drug court participants.

The Probate and Family Court piloted a 'virtual' Registry model in several counties in May, providing face-to-face assistance via video to court users who remained safely at home. The model used the Zoom platform to simulate a drop-in office with waiting rooms where staff handled matters of varied complexity. This innovative





# TRIAL COURT

model expanded to other registries and clerks' offices, and ultimately was used to create a statewide virtual Court Service Center. Initial technical obstacles associated with providing public access to hearings and providing court interpreters were addressed by integrating teleconference phone lines with the video platform.

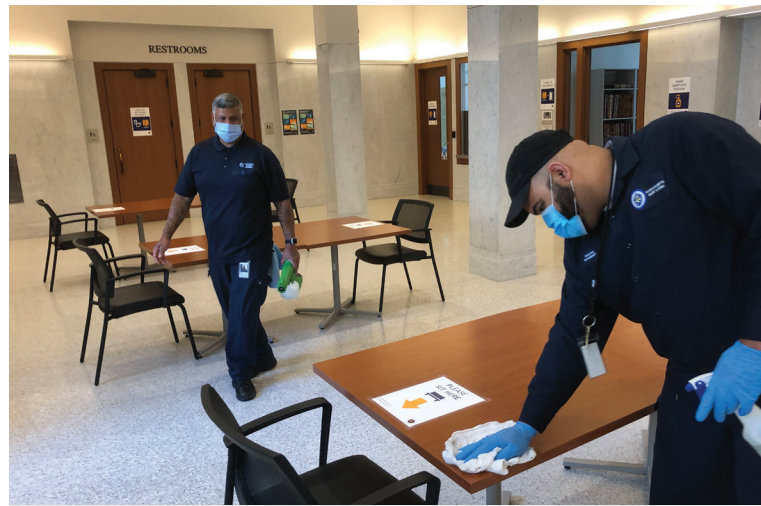
The Information Services team enabled the online publication of the daily list of scheduled court events at each courthouse based on the case management system. Teleconference phone numbers were published along with the event schedule on the court's website to allow interested members of the public to call and listen to cases. Cases with a significant public interest were conducted on a livestreamed basis on the court's YouTube channel.

## Health & Safety Protocols & Equipment

Policies and practices were developed to cover the multiple scenarios related to court operations during the pandemic. Preconditions identified for controlled reopening of courthouses included:

- Environmental controls related to occupancy and physical distancing in all areas of the courthouse.
- Entry health screening for staff, public, and detainees, including temperature checks.
- Cleaning and ventilation using CDC guidelines with court closures to disinfect space following a positive COVID test.
- Personal Protective Equipment (PPE) provided and masks required at all times in the presence of others.

**Tens of thousands of pieces of PPE were distributed across the state**, based on job responsibility. Thousands of square feet of plexiglass were installed as protective separators in courtrooms, screening stations, and offices. Thousands of sanitizer stations were placed at entrances and key traffic areas of courthouses.



*Facilities staff post signs and disinfect public areas at Essex Probate & Family Court*



*Court Officer conducts health screening of Trial Court Chief Justice Paula Carey at Salem's Ruane Judicial Center in July 2020*

## COVID-Related Communications

Court departments developed frequently-asked questions to anticipate the information needs of court users and provided resource materials in multiple languages.

The court system's web-based COVID Response page became a hub of ever-expanding critical information, as weeks turned into months of virtual operation. The web team posted court



orders, questions & answers, temporary court closures, new court contact information, translated materials, and video guidance on health and safety protocols to expect when visiting a courthouse.

The first-ever all-Trial Court staff meeting was held in June with the assistance of the National Center for State Courts' large-capacity webinar platform. Questions were solicited in advance of the session to ensure that the wide variety of issues and concerns of court staff would be addressed. A similarly large open meeting of the Massachusetts Bar was held in early July. Trial Court departments met regularly with a wide range of stakeholders including the defense bar, police departments, volunteer lawyers, and domestic violence advocacy groups to seek input and ensure open communication.



More than 35,000 signs were designed, printed, and placed in more than 100 courthouses and office locations to inform court visitors and staff relative to occupancy, distancing, sanitizer placement, mask use, and other safety guidance.

Specialty court staff compiled a comprehensive list of community resources available to assist individuals with substance use and mental health disorders.

Videos in multiple languages were created to assist the public with a wide range of issues, explaining procedural changes, as well as what to expect when going to court, what court services were available remotely, and tips for self-represented litigants on using Zoom.

Community information meetings were coordinated with local leaders and broadcast on various platforms using Facebook, YouTube, and local cable stations in multiple languages to ensure awareness of how to access court services, while courts were handling limited in-person matters and targeting the unique needs of the local community. Virtual town halls were held in Chelsea, Brockton, Lawrence, Worcester, Springfield, and Holyoke with plans for additional cities.

*(Photos of statewide COVID-19 response appear on page 38.)*

## Additional COVID Response Highlights

- The 1,800-person Massachusetts Probation Service minimized on-site staff and remotely supervised 65,000 pretrial and sentenced probation cases statewide. The central staff focused on electronic monitoring, victim services, warrant management, records management, and administrative supervision remained fully operational.

Probation innovations in programming and partnerships provided services to hundreds of released inmates and probationers with evidence-based options and repurposed housing funds to add more than 150 shelter beds statewide, providing temporary housing when shelters closed intake across the state, through a joint effort with the Massachusetts Parole Board. Probation's Field Services Division created an on-line, real-time state wide resources directory that was shared with each court.

- Boston Municipal Court created a central, remote Section 35 site to manage civil commitments in partnership with the Boston Police Department, using a retrofitted command center trailer for respondents to participate in telephonic hearings, which limited exposure for all participants.
- The Boston Municipal Court's Central Division moved many clerk's functions to a first floor "command center" to reduce building foot traffic and elevator occupancy, while providing court access and technological support to the public.
- District Court converted 209A Abuse Prevention Order documents to an electronic fillable format to facilitate virtual hearings on these emergency matters;
- District Court and Boston Municipal Court held regular listening sessions with defense attorneys and prosecutors to safeguard people in the court and to ensure meaningful virtual and in-person court proceedings. The courts also met with mental health clinicians and domestic violence advocacy groups to ensure their ability to safely perform assessments and



provide comprehensive contact information for victim advocates.

- Housing Court established virtual front counters in each division for its specialist departments and clerk's offices. Court users receive "face-to-face" assistance from court staff who answer questions and provide information on available court resources without being present physically at a courthouse.
- Housing Court engaged in various community outreach to provide guidance on court processes related to the Commonwealth's eviction moratorium.
- Juvenile Court issued guidance for using video technology for hearings across all case type and divisions, and allowed virtual interviews by a court investigator and guardian ad litem.
- Land Court established email addresses for remote filing of emergency matters with the Recorder's Office, the Chief Title Examiner, and the Chief Surveyor.
- Probate and Family Court issued information on co-parenting in Arabic, Cape Verdean, Chinese, Haitian, Khmer, Portuguese, Russian, Spanish and Vietnamese.
- The Superior Court implemented systems to provide public access to remote hearings, including through Zoom, Polycom, and telephone bridge lines, and -arranged for livestreaming of high profile cases via YouTube.
- The Superior Court equipped all judges with Zoom accounts and distributed equipment, including laptops, cell phones, and cameras/microphones to clerks' offices along with teleconference lines to enable remote public access.
- The Office of Jury Commissioner and the Jury Management Advisory Committee developed a detailed plan for resuming jury trials, which was adopted by the Supreme Judicial Court. In early FY21, a mock jury trial was conducted to develop and test procedures for minimizing risk to persons appearing for jury service, and a video was created for jurors on what to expect at the courthouse when reporting for jury service.

## Improving the User Experience

In a digital world with service expectations increasing, the Trial Court is focused on improving the experience for all court system users.



Timeliness of cases, ease of use and access to the court system, and procedural fairness are priorities. Investments in digitization, including expanded ePay and eFiling, improved case flow processes, education of court users, renovations at court facilities, and security enhancements are underway to achieve these priorities.

In FY20, the Trial Court made significant progress in improving and expanding online processes and digitization. COVID-19 accelerated the launch of online options and remote services for court users while access to courthouses was limited.

The Trial Court partnered with the graduate program in Human Factors and Information Design at Bentley University with a focus on User Experience (UX). The research project focused on court users experiences at two Boston courthouses. In a second project, Bentley students explored the experiences of navigating unfamiliar procedures, processes, and spaces to help the court understand and improve this aspect of the user experience.

## Electronic Filing for Civil Cases

The Trial Court expanded eFiling to more court departments and case types, with close to 19,000 new cases filed electronically and nearly 70,000 documents eFiled into new and existing cases.

- Housing Court introduced mandatory eFiling for attorneys in January for summary process and small claims cases. They added eFiling capability for all civil cases for attorneys and self-represented litigants in the first quarter of FY21.







- Land Court added Servicemembers case eFiling instructions to its webpage and provided webinar training to the Bar on these cases.
- Probate and Family Court partnered with the Department of Revenue, which now can eFile cases and pleadings in all divisions, with Plymouth and Barnstable added in September 2020. A few divisions are piloting an eFile interface for modifications to initial cases. The court also expanded eFiling to include Joint Petitions for Divorce (1A) and created an eFiling webpage for the public.
- Many Superior Court civil case types now can be eFiled in Barnstable, Middlesex, and Worcester Counties, with the remaining counties set to go online in FY21.

## MassCourts Case Management System

The MassCourts system processed up to one million daily transactions this year with **over 30.2 million documents** electronically filed.

All court departments made significant progress expanding public access to case documents. Improvements in functionality include a new Case Snap Shot to allow simultaneous viewing of MassCourts documents. Planning began to enable eDelivery functionality for court notices in 2021.

Online payment of criminal fines and fees collected over \$13 million, or 21.5 percent of all eligible payments, in the second full year of availability.

## Remote Services

The Trial Court has an ambitious agenda to leverage technology as it develops a modern digital courthouse and courtroom. The pandemic escalated that need as court departments worked to maintain court operations and overcome the challenges of scheduling and rescheduling thousands of court events. Court departments quickly moved to virtual operations to reduce courthouse visits and minimize in-person contact for safety reasons. This required increased communication by phone and email, virtual court

hearings, expanded use of eFiling and eCourts, and video-conferencing, as well as finding solutions to accommodate litigants without Internet access and to provide public access to virtual proceedings. Virtual hearings are a long term solution for appeals of motor vehicle moving violations, which the Boston Municipal Court and District Court have introduced to save motorists from missing work or coordinating childcare.

## Massachusetts Probation Service User Experience Initiatives

The Massachusetts Probation Service (MPS) continued to develop and implement programs and practices to support criminal justice reform and expand services to probationers. Pretrial Supervision Standards were completed and virtual training was developed.

Additional Pre-Trial initiatives include:

- Probation completed an optional electronic notification pilot in four courthouses. Participants receive a text reminder four days before their court event and again 12 hours before they are due in court. Two of the courts saw an 85% opt-in rate. Implementation in the Boston Municipal, District and Superior Courts is planned in FY21.
- MPS collaborated with Harvard’s Kennedy School of Government to examine factors that contribute to Failure to Appear rates, as well as barriers inhibiting court date appearance during the pretrial process. The HKS analysis, which also utilized findings from other Trial Court and external reports, identified barriers that impact court date appearance, reduced client satisfaction, and general inefficiencies with court systems and practices.
- In another project to address Failure to Appear rates, a Harvard Law School project received a \$15,000 grant from Uber to provide indigent individuals at the Cambridge and Malden District Courts with Uber credits to appear at their pretrial conferences.





This year, Probation’s grant-funded Victim Services Unit added three staff to expand trauma-informed, compassionate, and supportive **services to more than 4,420 victims and survivors across the state**. VSU helped them safely navigate the unique and challenging circumstances created by the virus, facilitating access to virtual hearings, providing accompaniment, and assisting with Zoom instruction and preparation.

Probation and the Trial Court Public Outreach Committee produced a [five-part video series](#) on the transition from incarceration to probation that provides an orientation on what to expect and what services are available to probationers. The series complements Probation’s many other re-entry efforts to prepare individuals moving from an incarcerated setting back into the community.



<https://www.mass.gov/info-details/video-resources-introducing-the-massachusetts-probation-service>

## Court Service Centers

Close to **40,821 people** visited the Trial Court’s seven Court Service Centers (CSCs) in person and remotely for information, help with forms and access to interpreter services, legal research, community resources, legal assistance programs, and social service agencies.

This year, CSCs launched community and mobile services, hosted an open house in Brockton, and collaborated with local organizations to inform local communities of available resources and services. The Court Service Centers also are working with Land Court to create an outline on the process of Tax Lien Foreclosure cases, a case type that often involves Self Represented Litigants.

When in-person CSC services were halted at the start of the pandemic, the urgency to provide virtual services immediately grew. CSCs transitioned to fully remote services, initially via telephone for court users needing assistance with emergency matters when courthouses closed.

The Trial Court then launched a Virtual CSC to expand and leverage the services offered at its seven existing statewide bricks-and-mortar CSCs by adding virtual services be able to reach more people, optimize staff resources, and increase efficiency. In July 2020, CSC assistance moved to a virtual platform, using teleconference and videoconference platforms for legal information and guidance on many court matters. VCSCs are one of the many innovative programs that will continue beyond the pandemic.

## Public Outreach & Education

The Trial Court held external listening sessions including two at Houses of Correction, in which the Chief Justice of the Trial Court joined judges, Probation and Security to meet with detainees on their concerns and experience with the judicial system.

In February, court leaders and more than 25 judges participated in a listening session at Roxbury Community College to hear from over 200 members of the public about the experiences of diverse communities in the court system. The Brockton branch of the NAACP led a virtual conversation on race with their members and court leaders in June. The session focused on Trial Court efforts to combat disparate treatment of marginalized groups and suggested ways the court might better achieve justice for all. Additional virtual community conversations on race are planned for FY21.



*Listening Session at Roxbury Community College*



The Office of Diversity, Equity, Inclusion, and Experience held community engagement meetings at courthouses in Springfield, Holyoke, and Chicopee to focus on community-based strategies to address drug use and drug addiction. This project was supported by one of only six grants awarded nationally by the National Center for State Courts to build public trust and confidence in the court system. Representatives from law enforcement, bar associations, legislators, local community organizations, and the NCSC attended the meetings, which focused on ways to expand gateways to substance use disorder treatment in the court and community.

This year, the Office of Jury Commissioner made close to 150 outreach presentations on jury service to over 5,600 students and members of the public.

Since its public outreach program began in 1994, the OJC has led over 3,800 presentations to 522 schools and community groups, reaching almost 150,000 people.

### Public Safety and the User Experience

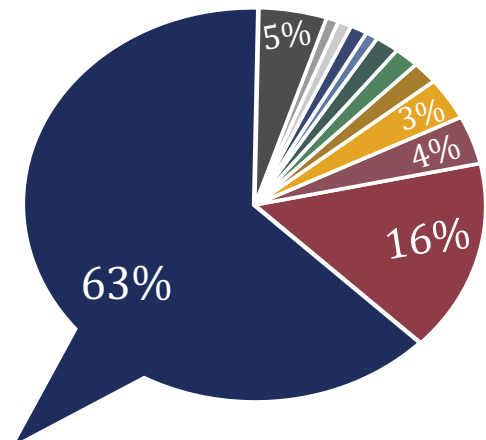
During FY20, the Security Department implemented uniform security standards for all courthouses across the state. In July 2020, the Trial Court Officer Training Academy was awarded reaccreditation by the Commission on Accreditation of Law Enforcement (CALEA) confirming alignment of the court officer training program with public safety community best practices.

### Language Access and Interpreter Services

The Office of Court Interpreter Services continued implementation of the Language Access Plan to ensure that diverse Limited English Proficiency communities are served. An extensive revision of the Trial Court interpreter standards and procedures will be issued in FY21. OCIS also implemented new scheduling software to ensure workflow and case management of language access services.

During the pandemic, interpreters used virtual technology – calling in to courtrooms for pre- and post-hearing conferences and connecting with attorneys, court clinicians, victim advocates and court users via conference bridge lines, teleconferencing and videoconferencing. Interpreters also supported calls to the Court Help Line from Spanish and Portuguese speakers, and supported community information events.

OCIS coordinated the translation of health and safety screening protocols into nine languages, as well as court orders, guidance on procedures, and voice-over narration on videos for court users.



### FY20 TOP LANGUAGE REQUESTS

- Spanish (41,368)
- Portuguese (10,294)
- Haitian (2,603)
- Cape Verdean (2,260)
- Vietnamese (1,194)
- Arabic (1,137)
- Mandarin (1,092)
- Russian (777)
- Cantonese (624)
- Khmer (568)
- American Sign Language (565)
- Other (3,115)





## Law Libraries

The Trial Court's 15 public law libraries shifted to fully remote services in late March and reopened to the public on a limited bases in July.

### Served 39,528 Patrons including:

- 19,198 self-represented litigants
- 24,088 on-site visitors



Responded to **17,754** questions and **11,090** requests for limited assistance



Held **7,298** Ask-A-Law Librarian chat or text sessions



Delivered **3,601** online documents



Introduced online library cards during pandemic



Created COVID-19 Law Webpage: providing laws, regulations, cases, and web resources which saw over **62,000** visits April-June

The Law Libraries also held a webinar with the Social Law Library and Mass. Library System on available research and reference services.



<https://www.mass.gov/info-details/massachusetts-law-about-covid-19>

## Building Diversity, Equity & Inclusion

The Trial Court strives to provide equal access to justice in a safe and dignified environment, with fairness, effectiveness and consistency, and in a way to strengthen and support diversity, equity, and inclusion. A key way to achieve that goal is to provide support to a professional, well-trained, engaged, collaborative, culturally competent, and diverse workforce. The court is committed to addressing bias and eradicating discrimination as part of its mission to build trust and confidence internally and with the public.



This year, the court continued its progress implementing policies and practices to eliminate disparities among court users, while building both a workforce that reflects the diversity of court users, and a leadership capacity to train and develop staff and advance hiring and promotion practices.

The court promulgated and adopted a new Policy Prohibiting Discrimination, Harassment, Retaliation, and Complaint Resolution Procedure, as part of an effort to revise internal policies and procedures for investigating such complaints, and to re-emphasize the Trial Court's commitment to an inclusive workplace free from unlawful discrimination in any form.

The court formed the Office of Workplace Rights & Compliance to implement this priority and launched mandatory training for all judges and employees on the policy with the Judicial Institute. The in-person training was converted to an online format during the pandemic with completion required in December 2020.

## Office of Diversity, Equity, Inclusion & Experience

In FY20, the Office of Diversity, Equity, Inclusion, and Experience completed two capacity building workshops focused on enhancing the capacity of leadership across the court system to engage in conversation on race and inclusion and to adopt a growth mindset; 100+ leaders have participated to date.



New Lowell Court Service Center/Law Library



*Diversity Leadership Training Facilitators: Chief Experience and Diversity Officer John Laing, Judge Robert Foster, and Judge Julie Bernard*

The court worked with Professor Susan Sturm, Director of the Center for Institutional and Social Change at Columbia Law School, to develop a series of training modules to facilitate conversations around race and bias when they come up in the workplace. The modules provide ways to raise awareness of systemic racism in decision-making and assist people in having necessary conversations around issues of race.

Other ODEIE efforts over the past year include:

- Held 54 Signature Counter Experience training sessions at courts across the state focused on how staff can better serve the public and work effectively with colleagues.
- Began to develop and pilot Cultural Awareness and Racial Empathy Training.
- Developed and facilitated four training sessions on a new program, Beyond Intent: Understanding the Impact of your Words and Actions.
- Worked with variety of departments to integrate diversity, equity, and inclusion components into wide range of internal and external efforts.
- Issued annual workforce diversity report with demographic data by title, benchmarks, and a summary of efforts on diversity, equity, and inclusion across the court system.

## Additional Diversity Initiatives

- Court departments are participating in efforts to diversify the pool of judicial candidates and advise qualified attorneys of opportunities and requirements.
- Cultural Appreciation Week events were held at **more than 70 courthouses and venues** across the state. Introduced by the Probation Service in 2017 to unite and educate court employees around issues of diversity and inclusiveness and enhance services for those who come into the courts, the FY20 program included two naturalization ceremonies of 60 new American citizens at Fall River Justice Center and Middlesex Superior Court. More than 170 Trial Court staff, trained as Cultural Proficiency Champions, planned the statewide events and serve as ambassadors throughout the year, helping others navigate the court system.



*Court Officers celebrate Cultural Appreciation Week in Fall River*

- Juvenile Court and the Department of Research and Planning partnered to make ethnicity data publicly available through dashboards published in early FY21. The Court supported the Office of the Child Advocate’s Juvenile Justice Policy and Data Board compilation of juvenile justice data. Juvenile Court is also collaborating with the Juvenile Detention Alternatives Initiative (JDAI) to improve racial and ethnic equity for system-involved youth.
- Housing Court introduced a new weekly session at the Chelsea District Court to better meet the needs of that diverse community and four neighboring towns.



- The District Court Race and Ethnic Fairness Committee is examining how the history of systemic racism informs issues regarding court mechanics, such as jury instructions, motion and trial practice, and civil matters where most litigants are not represented by counsel. They are also developing orientation education for new judges, expanding educational efforts to other stakeholders, and doing outreach to schools.
- Judges and legal staff participated in a discussion on entrenched racism and implicit and explicit bias with author and historian Dr. Ibram X. Kendi. The Flasher Institute program, in July 2020, was co-sponsored with the Trial Court Race and Implicit Bias Advisory Committee.
- The Judicial Institute provided the online program, Transgender People in the Trial Court, to all new employees and judges as required learning via the eLearning Center.
- The Massachusetts Probation Service is working with the Human Resources department to incorporate diversity, equity, and inclusion as a foundational principle in its recruitment, hiring, and promotion processes to draw from and look like the communities it serves. MPS is developing and reviewing training programs to include DEI as a component of all trainings.
- The Office of Jury Commissioner worked with the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH) to expand the court's Deaf Juror Program by 50 percent, from a quarterly to bi-monthly program. The OJC also worked with the District Court Race and Ethnic Fairness Committee to generate jury data to examine racial and ethnic representation in jury pools and on juries.
- The Security Department continued efforts to provide implicit bias training to all court officers and senior staff.

## Enhancing Judicial System Excellence

Alignment of court policies and practices within and between court departments remains a focus for enhancing judicial excellence. The Trial Court expanded resources for research and training programs and curricula for judges, clerks, probation officers, court officers, and strengthened coordination across the justice system.



The District Court continued professional development for clerks and judges throughout the pandemic with regional meetings on issues including COVID protocols, eviction moratorium, and virtual hearings on small claims. A series of brown bag lunches on Judging in the Time of COVID included remote evidentiary proceedings, training on Zoom hearings, new fillable forms and orders, and remote handling of emergency civil matters.

The Juvenile Court assessed and established Child Requiring Assistance (CRA) best practices. A standing order was issued for comment and promulgation is expected in Fall 2020.

Superior Court developed and implemented new techniques during the pandemic to provide alternatives to civil case jury trials, including an option of jury-waived trials before a three-judge panel, pursuant to Superior Court Rules, and remote mediation or conciliation. These practices, as well as remote appearances by witnesses, enabled the Court to conduct most civil business remotely.

### Management & Standardization of Forms

The Trial Court continued to simplify and standardize court processes and forms and to implement the use of plain language. The Summary Process Committee, formed to address concerns and simplify Summary Process procedures for unrepresented litigants, provided recommendations to the Supreme Judicial Court and the Executive Office of the Trial Court on revisions to rules and forms.







Guidelines on Abuse Prevention procedures were updated during the pandemic and the court promulgated new and revised forms to allow virtual hearings. The Domestic and Sexual Violence Task Force developed online, fillable Abuse Prevention Orders and Harassment Prevention Orders, with secure, digital approval possible by on-and-off-site court staff and judges taking after-hours calls.

The Boston Municipal, District, and Superior Courts coordinated development of guidance for judges and clerks after the procedural amount for civil actions in the BMC and District Courts increased in January 2020 from \$25,000 to \$50,000, and to \$50,000 for cases filed in Superior Court.

The Massachusetts Probation Service converted sealing and expungement petitions to an online, fillable format for submission and tracking.

### Alternative Dispute Resolution

This year, the Standing Committee on Dispute Resolution updated materials on Uniform Rules on Dispute Resolution and sponsored training programs in five court departments.

Legislative funding for ADR included \$1.08 million for programming services and \$250,000 for permanency mediation services.



Programming funds supported conciliation training, free mediation and conciliation services in the Boston Municipal Court, District Court, Juvenile Court, Probate and Family Court, and the Superior Court Departments, a part-time mediator position for Land Court, a mediation pilot in Probate and Family Court, and permanency mediation training in Juvenile Court. All permanency mediation services and training moved to remote facilitation and instruction during the pandemic.

### FY20 ADR Highlights

- Juvenile Court began permanency mediation services in 2019 for children in state foster care, as an alternative to contested court proceedings. Funding supports permanency mediation for children in the custody of the Department of Children and Families who have active cases in the Juvenile Court or Probate and Family Court in the four western counties.
- Several retired Superior Court judges continued to provide volunteer pro bono mediation services.
- Land Court extended its on-site mediation pilot, which has shown considerable progress in resolution outcomes, and added an on-site Land Court mediator to provide services to parties in cases that will most benefit from mediation and circumstances where parties are unable to afford private mediation.
- Probate and Family Court launched a Pathways Case Management Initiative after the successful pilot in Plymouth County, with expansion planned in Bristol and Barnstable Counties. The Court also expanded its Block Day Mediation pilot in Middlesex and Essex Counties focused on screenings, mediations and ancillary activities, conducted by three community mediation centers. In September 2019, this pilot expanded to Suffolk County.
- Probation provided advanced dispute resolution training for Probate and Family Court probation officers to assist them in developing resolution skills applicable to their daily work at the local court level. Housing Specialists in the Housing Court who also utilize these skills were invited to attend the 30-hour, hands-on skill building program.

### Juvenile Court Pathways to Permanency

Now in its second year, Pathways, the Juvenile Court's differentiated case flow management initiative for child dependency cases, has been integrated within every county. Pathways expedites permanency for children through collaborative analysis of care and protection cases by the court and child welfare partners.



County-based teams identified specific barriers to permanency in each of their jurisdictions, while a new Pathways Project Manager began to further integrate the model with the goal of measurably reducing the time to permanency. A Pathways Resource Guide for parents and guardians includes case reviews, information on trial and scheduling of permanency hearings, and videoconferencing information to enable parents and guardians easier access, while maintaining stability for their children.

## Judicial Response

Judges from all departments participated in the on-call, after-hours, 365-day emergency response system across eight regions statewide. During the pandemic, the Supreme Judicial Court promulgated Rule 1:25 authorizing judges serving on Judicial Response to electronically sign all orders, judgements, and notifications.

In FY20, judges handled **5,697** emergency evening or weekend calls, an average of **110** calls per week.

## Interactive Data Dashboards

The Trial Court has greatly expanded the variety of publicly available court data. This year, the court added statistical reports and viewable interactive dashboards using MassCourts data extracts on Extreme Risk Protection Orders (ERPO), Section 35 guardianship cases, Dangerousness Hearings, and Harassment and Restraining Orders, and Criminal Case filings. These dashboards allow court departments to identify trends for planning purposes and enable the regular publication of data of public interest. Three new dashboards were created during the pandemic to assist court leaders in tracking the impact of COVID-19 on court filings and events.



## Trauma Task Force

This year, the Trial Court established a Trauma Response Task Force to address the impact of trauma across the court system – on court users, judges and staff, and jurors. The Task Force, led by Trial Court staff certified to deliver trauma training related to the criminal justice system, will incorporate best practices and trauma-informed responses into court operations.

## Judicial Training & Mentoring

The Judicial Institute designs, delivers, and coordinates online and on-site continuing professional education programs and skills training for all judges and court staff. Once in-person programming was cancelled due to the pandemic, JI ramped up delivery of virtual programs and new online learning through its eLearning Center.

In FY20, **more than 5,440** individuals completed one or more online training programs, and **4,749** took one or more in-person programs prior to the pandemic.

Additional initiatives include:

- Introduced an expansive new online curriculum that includes **more than 600 microlearning courses** on a variety of topics.
- Enhanced the Trial Court's judicial peer mentoring J2J Program for mentor coaches on essential core competencies for judicial excellence.
- Developed and implemented an online speaker series for judges on mental illness, substance use, and poverty, and prepared bench cards on understanding and responding to issues of mental illness and poverty in the courtroom.
- Published programs on party maintenance, cashing, revenue processing, and data quality, in partnership with the MassCourts Curriculum Development Group and the Fiscal Department.
- The Office of Jury Commissioner prepared training materials for new judges and for jury pool officers.





## Advancing Operational Excellence

The pandemic accelerated a wide range of operational improvements, particularly using technology to enable virtual customer service and court events. Operational advances occurred on many other fronts as well throughout the fiscal year, including the following:



A \$164 million Judiciary IT Bond Bill was filed in FY20 to modernize the information technology systems and capacities of the Supreme Judicial Court, Appeals Court, and Trial Court. This first bond bill for the courts since 1997 would transform court operations through infrastructure support for digital courthouses and courtrooms, modernized physical and digital security systems, and other operational enhancements. These would include Wi-Fi, video interpreting, digital signage, an access to justice portal, and case management system planning.

Administrative departments within the Office of Court Management modernized processes and adopted service level commitments. New behind-the-scenes capacity to improve service to the public included the addition of project management and process improvement capabilities and a broad focus on data quality. The Fiscal Department continued to expand the use of technology to simplify processes, improve effectiveness, and reduce costs with prompt payment discounts from vendors that **saved more than \$353,500, an increase of 48 percent over FY19**. The department also is formalizing an internal control plan and implementing a system-wide risk assessment plan based on a survey of judges and court managers.

In April, a multi-department \$146 million justice center opened in Lowell replacing courthouses built in 1850 and 1925 with a state-of-the-art building that is the first courthouse to achieve a LEED Platinum rating with many innovative energy efficiency measures. The nine-story building houses five court departments along with

a Court Service Center, Law Library, Registry of Deeds, and District Attorney's Office. The glass facade of the two-story atrium features images and quotes related to justice, as well as Lowell's diverse cultural history.



*The new Lowell Justice Center opened in April 2020*

Enhancement of the Human Resources Department continued with new and refined processes for recruiting, hiring, onboarding, and benefits. The hiring process underwent a business process redesign that includes the procurement of a new applicant tracking system, establishment of recruiting teams for court departments, and a strategic diversity recruitment plan to ensure the court has the most qualified and diverse candidates.

A new Benefits and Onboarding Unit is supporting employees through the pandemic, overseeing benefits requests, administering CARES Act leaves, implementing national best practices, and establishing wellness initiatives.

The Trial Court introduced a branding initiative with an updated court seal that also was customized for each court department. Templates for letterhead, business cards, reports, and powerpoints are included in comprehensive branding guidelines that assure a consistent, professional image for the courts.



## Data Collecting & Sharing

The District and Boston Municipal Courts accelerated the Trial Court’s transition to fully electronic criminal complaint applications, integral in modernizing workflow and records keeping, while improving accuracy and timeliness. Electronic applications are now required for all police departments and the courts extended the application interface to college and university police departments and ancillary law enforcement agencies. **In FY20, over 205,000 EACC applications were received from police departments across the state, a five-fold increase over FY19.**

The Trial Court posted [criminal case data](#) for the first time, providing extracts of case information for FY19 and FY20, with demographic but no identifying information, to allow researchers flexibility to configure and analyze the data in various ways.



<https://www.mass.gov/info-details/trial-court-statistical-reports-and-dashboards>

All Trial Court departments expanded onsite scanning of previously filed case documents into the MassCourts case management system and implemented new procedures and training to include images of case-related documents in the system. Such measures facilitated the ability of judges and staff to work remotely during the pandemic.

Boston Municipal Court automated reporting via MassCourts to the Alcoholic Beverages Control Commission to meet their ‘last drink’ inquiry. A monthly report also goes to the Attorney General and Mass. District Attorney Association.

Juvenile Court improved data transfer with the Department of Children and Families on Child Requiring Assistance cases to increase agency capacity in serving these youth. The Court is also working to update and customize dashboards to improve data access and metric capacity focused on improving and shortening time to permanency.

The Land Court significantly advanced replacement of the court’s survey plan management system with a modern custom system, which will enhance the court’s ability to produce, maintain, track and share survey data and information on registered land cases. The Office of Jury Commissioner issued monthly reports from juror feedback surveys for courts to enhance services and track performance of measures such as service, amenities, parking, etc.

OJC also created a poster and worksheet for jury pools on employment rights and legal requirements on jury service to educate jurors.

## Probation Initiatives

In September 2019, Probation opened a 27,000-foot state-of-the-art training and administrative facility, Massachusetts Probation Service Training & Operations Center, to serve as a statewide hub to enhance training, management, and communication.



*Court and community leaders cut the ribbon at the opening of Probation’s new Training and Operations Center in Clinton*

The new Warrant Management Unit received approval to directly enter warrants into the Department of Criminal Justice Information Service systems, which enhances response time, law enforcement coordination, and safety plan coordination with the Victim Services Unit.

The Electronic Monitoring department (ELMO) implemented a statewide electronic filing process to go paperless, streamline operations and reduce redundancy. ELMO monitors over 6,000 probationers, parolees, and litigants, as an alternative to incarceration using GPS technology and remote breath alcohol monitoring devices.





## Responding to Societal Challenges

The rate of change in the state and nation is accelerating at an unprecedented pace. As the Trial Court continued to implement significant criminal justice reforms signed into law in 2018, it is also identifying and responding to new societal changes and challenges facing the courts.



This year, the Trial Court increased community engagement and collaboration, enhanced specialty courts, improved services to the growing number of self-represented litigants. It also continued to expand Probation Service programs with advanced linkages and connections to build up the statewide system of pre-trial services.

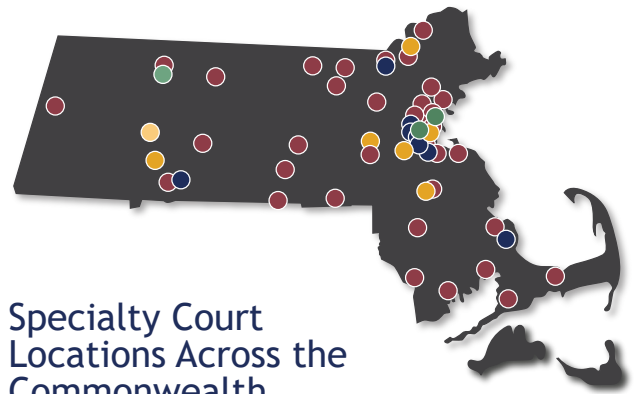
The new Trauma Response Task Force will develop comprehensive, collaborative and sustainable solutions to increase Trial Court capacity to understand and effectively respond to the impacts of trauma across the court system.

Courts introduced a number of innovative measures to enable responsiveness to the vastly increased societal needs created by the pandemic. Many of those new measures described below and in the COVID section of the report will become permanent practices to better serve the public.

### Specialty Courts

Every community in the Commonwealth is served by at least one specialty court, thanks to added funding in FY19 and FY20.

Specialty Courts address underlying issues that can lead to justice involvement – such as substance use and mental health disorders, PTSD and trauma. These sessions provide an alternative to incarceration through intensive probation supervision, mandated participation in treatment, random drug screens, and regular monitoring by a supervising judge.



Specialty Court Locations Across the Commonwealth

	2013	2020
Drug Courts	18	35
Mental Health Courts	3	9
Veterans Treatment Courts	1	6
Family Resolutions Court	0	1
Homelessness Courts	1	2
Family Drug Court	0	1

In FY20, the Trial Court received a \$2 million federal grant to fund case management and peer support for Lawrence and Lowell Drug Court participants over five years using the MISSION model of community-based care, developed at UMass Medical School. In addition, the court submitted four other federal grant proposals seeking \$12 million to support specialty court participants and justice-involved people with substance use and mental health conditions.

In early FY21, the Trial Court received three major new awards, including its largest ever. These include – a \$2 million Substance Abuse and Mental Health Services Administration (SAMHSA) grant to provide MISSION case management and peer support services in the Springfield Drug Court; a \$4 million funding to pilot the use of Assisted Outpatient Treatment through Boston’s Mental Health Courts; and \$6 million for Project North to enhance court-coordinated treatment services in 12 courts serving 62 communities.



## Major specialty court achievements in FY20:

- Launched specialty court sessions via Zoom to maintain contact/accountability with participants during COVID-19
- Conducted drug testing training for judges and specialty court teams, and surveyed judges, probation officers and clinicians to identify other training needs
- Opened a sixth Veterans Treatment Court session that is based at Brockton District Court to serve Plymouth County
- Received training from Justice for Vets on national best practices for Veterans Treatment Courts



*Court Administrator Jon Williams, Asst. Chief Probation Officer Philip Landry, Judge Paula Clifford, Trial Court Chief Justice Paula Carey, and Veterans Program Coordinator Jason Thomas at Plymouth County Veterans Treatment Court Opening, November 2019*

## Massachusetts Community Justice Project

The Massachusetts Community Justice Project connects justice, treatment, healthcare, and social services partners in communities statewide in workshop settings to adopt strategies that support recovery, enhance public safety, and improve community quality of life.

Twenty-eight workshops have been held since 2013, **covering 155 towns, cities and neighborhoods** in partnership with community services, law enforcement, treatment providers, and hospitals.

- In FY20, workshops were conducted with the communities served by the Malden and Fall River District Courts.
- A virtual workshop planned with the Hampden County Juvenile Court will advance community-based solutions and identify resources for child welfare cases.
- Court and partner agency committees and commissions include the New England Regional Judicial Opioid Initiative, Middlesex County Restoration Commission, FBI Boston Threat Assessment Team, NIH HEALing Communities Study, RIZE Massachusetts Together in Recovery Team, and Boston Community Justice Project.

## Behavioral Health Justice Initiatives

Probation expanded its Behavioral Health Justice Initiative pilot with MassHealth at the onset of the pandemic. The program provides dedicated re-entry navigators and coordinated care managers for people involved in the criminal justice system who need access to medical and behavioral health treatment services. This project began as a partnership among MPS, EOHHS, MassHealth, the Department of Correction, Parole, the Worcester and Middlesex Houses of Correction, and two care providers in central and western Massachusetts. The program seeks to serve 900 people this year, with approximately 400 slots reserved for probationers for behavioral health services and treatment.

During FY20, the program received 580 referrals, with **MPS accounting for 52% of those referrals.**

## Residential Reentry Services

MPS with its community partners, Community Resources for Justice and the Hampden County Sheriff, opened transitional residential re-entry facilities in western Massachusetts and Boston, providing more than 126 transitional beds. This program is available to all criminal justice partners and is key to reducing recidivism.





## Transitional Employment Project for Emerging Adults

This year, MPS expanded its contract with United Teen Equality Center (UTEC) to provide intensive support services for 60-70 high risk probationers aged 18-25 to include Haverhill as a service area. Each young adult probationer receives two to three years of intensive support services while enrolled.

## Community Correction Centers

In FY20, the Trial Court opened a new Community Correction Center (CCC) in Framingham. The 18 statewide CCCs receive referrals for both pre-trial and sentenced individuals. The centers offer many different programs to help people improve their lives, including cognitive behavioral therapy, multi-systemic therapy, job development, high school equivalency diploma support, and post-secondary preparation.

This year, 1,670 participants matriculated from CCC programs and over 46,000 used its ancillary services.

## New England Regional Judicial Opioid Initiative

Now in its second year, the New England Regional Judicial Opioid Initiative is funded by the U.S. Justice Department's Bureau of Justice Assistance to develop a multi-state approach to the opioid epidemic with a focus on the courts. Launched by the chief justices of the six New England states and coordinated by the National Center for State Courts, it is the second regional group of its kind to work on a regional response to the opioid crisis by sharing best practices, coordinating and standardizing procedures, and communicating in a targeted and unified way. Participants include judicial branch members, community providers and legislators.

## Grant Funding Received

FY20, the Trial Court received over \$6.83 million in federal, state, and organizational grants in one-time and multi-year awards to establish or expand programs and services related to mental health and substance use disorder, access to justice, judicial services for families, training, and education. New federal grants received in early FY21 totaled \$12 million. Other awards in FY20 beyond renewals for specialty courts and other programs included:

- \$50,000 from the Massachusetts Department of Environmental Protection for Community Corrections transportation.
- \$150,000 from the State Justice Institute for work to improve access to justice for self-represented litigants; a Triage/Pathways approach under the Family Justice Institute in Bristol and Plymouth Counties of the Probate and Family Court and a reentry training program for mentors of recently-released individuals.
- \$238,000 from the Massachusetts Office for Victim Assistance to expand Probation's Victim Services Unit and support the Probate and Family Court's Child Safety Project with Boston Medical Center.

## Changing Lives Through Literature (CLTL)

Now in its 22nd year, close to 20 CLTL programs were offered statewide as an alternative sentencing program to transform lives through reading and group discussion with a judge, probation officer, and a facilitator. The seven-week program, explores works of literature and poetry to reduce recidivism and demonstrate the opportunities available through education. It is one of the longest-running Probation programs and is now offered to juveniles at Barnstable Juvenile Court.







## National Adoption Day

National Adoption Day is one of the happiest days in courts where children officially join their “forever” families. Ceremonies took place in Boston, Brockton, Holyoke, Lawrence, Pittsfield, and Worcester. In addition, 18 private-sponsored adoptions took place at Essex Probate & Family Court in Salem. The yearly event raises awareness of the thousands of foster children in Massachusetts needing adoptive families.

More than 140 children in state foster care were adopted at courthouses across the state in November 2019, as part of the 17th annual National Adoption Day.



Handprints of adopted children from National Adoption Days are displayed in Brockton



Red Sox Mascot Wally the Green Monster congratulates new “forever family” at the Suffolk County Juvenile Court Adoption Day Event in Boston



A large crowd gathers for the speaking program at 2019 National Adoption Day in Worcester



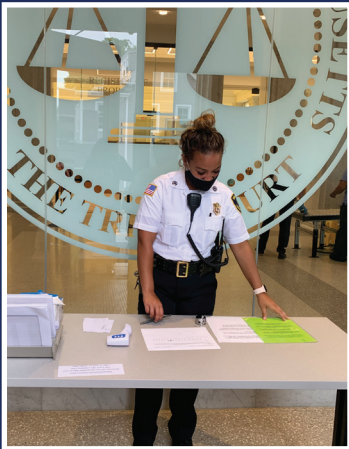
Chief Justice of Probate & Family Court John Casey with a new “forever family” at National Adoption Day in Salem





# THE TRIAL COURT RESPONDING TO COVID-19

Photos of court staff using safety protocols and personal protective equipment across the state were included in web videos and other informational materials for the public and staff.





The Trial Court Excellence Awards acknowledge the exceptional work of individuals and teams whose dedication and commitment help to advance the Trial Court's collective mission, *Justice with Dignity and Speed*. The ceremony was held at the John Adams Courthouse in Boston in November 2019.

## 2019 RECIPIENTS

### Boston Municipal Court

- Natasha DeSouza, Dorchester Division

### District Court

- Sherice Bowen, Falmouth District Court
- Jake McKinnon, Chelsea District Court
- Springfield District Court Clerical Team

### Housing Court

- Jessica Bowen, Eastern Division
- Timothy Dunn, Central Division
- Housing Court Local User Experts

### Juvenile Court Court

- Maureen Flaherty, Suffolk County
- Jean Ward, Middlesex County/Lowell

### Office of Court Management

- Terri McBurnie, Judicial Information Services
- Brian Leibinger, Facilities, Franklin County Justice Center
- Jorge Colon, Court Service Centers
- Luis Ramos, Security, Springfield District Court
- Security Life-Saving Court Officer Teams
- Teamwork Software (Interpreter Scheduling) Training Team

### Probate and Family Court

- Angelyn Gore, Suffolk County

### Probation

- Vanessa Bairos, Framingham/Natick District Court
- Joan Killala, Norfolk County Probate & Family Court
- Grace Monteiro, Bristol County Superior Court
- Kevin Riley, Training Division
- Drug Court Enhancement Team
- Field Services Operations Coordinators

### Superior Court

- Mary Ellen Kehoe, Essex County

# 2019 MASSACHUSETTS TRIAL COURT EXCELLENCE AWARDS



*Above and below: Supreme Judicial Court Chief Justice Ralph Gants, Chief Justice Paula Carey, Court Administrator Jon Williams, and Security Director Jeff Morrow with the life-saving Security Teams from Salem's Ruane Judicial Center and Boston's Suffolk County Courthouse*



*Above: Supreme Judicial Court Chief Justice Ralph Gants, Chief Justice Paula Carey, Court Administrator Jon Williams, and Housing Court Chief Justice Timothy Sullivan with the Housing Court Local User Experts Team*



# MASSACHUSETTS TRIAL COURT BY THE NUMBERS

Data is for Fiscal Year 2020, or as of June 30, 2020.

## PEOPLE

Judicial Positions Authorized by Statute	385
Total Judges and Staff	6,293
Percent Women	58%
Percent Diverse Staff	27%



## ACCESS TO JUSTICE

Judicial Emergency Response (calls after hours)	5,697
Interpreted Events	65,597
Number of Languages	97
Law Libraries	15
Law Libraries: On-site Patrons	24,088
Seven Court Service Centers (visitors to date)	40,821
Judiciary Website Visitors (Mass.gov/Courts)	9.87M
Judiciary Website Page Views	22.87M



## COURT BUSINESS

New Case Filings	716,870
Jury Trial Impanelments	2,861
Jurors Appearing	135,885
Juror Utilization Rate	45.5%
Probation Supervision Caseload	50,761
Probation Surrender Notices	24,226
Total GPS-monitored Caseload	4,232
Community Correction Centers (CCC)	18
CCC New Enrollees	1,675
Specialty Courts	54
Drug Courts	35
Mental Health Courts	9
Veterans Treatment Courts	6
Other	4
Video Events	36,726
Stays in Lockup	137,411



# MASSACHUSETTS TRIAL COURT BY THE NUMBERS

Data is for Fiscal Year 2020, or as of June 30, 2020.

## MONEY MATTERS

Operating Appropriation	\$742.7M
General Revenue Collected	\$43.9M
Probation Fees Collected	\$10.6M
Investment in Capital Improvements	\$62.4M



## FACILITIES

Total Number of Facilities	114
Facilities with Courtrooms	97
State/County Owned Facilities	79
Leased Facilities	35
Number of Courtrooms	439
Total Square Feet of Floor Space	5.9M



## MASSCOURTS CASE MANAGEMENT

Daily Transactions	1M
Cases in MassCourts	25.6M
Case Calendar Events	58.7M
Electronic Documents	30.2M
eFiled Cases	59,087
eFiled Documents	293,00
Electronic Applications for Criminal Complaints	205,000
ePayments	\$13.1M
Public Access ePortal Inquiries	
Internet	911K/month
Attorney	645K/month
Courthouse	351K/month



# STRUCTURE & STATISTICS

## SUPREME JUDICIAL COURT STRUCTURE

The Supreme Judicial Court consists of a chief justice and six associate justices. The full Court usually sits at the John Adams Courthouse in Boston during the first full week of each month from September through May, hearing appeals and other cases involving a broad range of criminal and civil matters. The Court typically issues approximately 200 written decisions each year.

The Court also maintains a single justice session, known as the Supreme Judicial Court for the County of Suffolk. The single justice docket includes cases involving the exercise of the Court's general superintendence power under G.L. c. 211, § 3, various requests for interlocutory relief, attorney discipline cases, and matters referred to the single justice by the full Court. The single justice session operates throughout the year, handling approximately 600 cases annually.<sup>1</sup>

In addition to adjudicating cases, the Supreme Judicial Court also has extensive administrative responsibilities by virtue of various statutes, as well as its inherent constitutional and common law authority as the highest court in the Commonwealth. The SJC appoints certain positions within the court system and in a number of affiliated boards, commissions, and committees. The SJC is also responsible for approving all court rules, as well as codes of conduct for attorneys, judges, and clerks, and it has established several advisory committees to propose recommendations for those rules.

<sup>1</sup> In FY20, due to an increase in cases related to the COVID-19 pandemic, the number of single justice cases grew to more than 900 cases.



From left: SJC Justices Elspeth Cypher, David Lowy, Barbara Lenk, Chief Justice Ralph Gants, Frank Gaziano, Kimberly Budd, and Scott Kafker





## SUPREME JUDICIAL COURT FY2020 STATISTICS

CASELOAD	FY2019	FY2020
Direct Entries	104	127
Direct Appellate Review - Applications Allowed	41	31
Direct Appellate Review - Applications Considered	91	75
Further Appellate Review - Applications Allowed	17	11
Further Appellate Review - Applications Considered	613	487
Transferred by SJC on its Motion from Review of Entire Appeals Court Caseload	46	42
Gross Entries	208	211
Dismissals	30	26
Net Entries	178	185

DISPOSITIONS	FY2019	FY2020
Full Opinions	138	131
Rescripts	72	63
Total Opinions	210	194
Total Appeals Decided <sup>1</sup>	217	197

<sup>1</sup> Indicates the total number of appeals resolved by the Court's opinions.



### APPEALS COURT STRUCTURE

The Appeals Court is the court of last resort for the overwhelming majority of Massachusetts litigants seeking appellate relief. Every year a small number of appeals are taken up by the Supreme Judicial Court for direct appellate review. During FY20, the Supreme Judicial Court transferred 80 appeals for direct appellate review. The remaining cases must be decided or otherwise resolved (e.g., by settlement or dismissal) at the Appeals Court. After a case is decided by the Appeals Court, the parties may request further review by the Supreme Judicial Court, but such relief is granted in very few cases.

By statute, the Appeals Court has a chief justice and 24 associate justices. The justices of the court sit in panels of three, with composition of judicial panels 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. During FY20, 670 cases were entered on the single justice docket.

The Appeals Court again met the appellate court guideline for the scheduling of cases and by June 2020, all cases fully briefed by February 1st had been argued or had been submitted to panels for decision without argument.

Edward J. Brooke Courthouse, Boston



## APPEALS COURT FY2020 STATISTICS

SOURCES/TYPES OF APPEALS	CIVIL	CRIMINAL	TOTAL
Superior Court	430	388	818
BMC/District Court	79	303	382
Probate & Family Court	100	—	100
Juvenile Court	91	30	121
Land Court	43	—	43
Housing Court	58	—	58
Appeals Court Single Justice	20	15	35
Industrial Accident Review Board	10	—	10
Appellate Tax Board	10	—	10
Employment Relations Board	1	—	1
SJC Transfer	—	—	—
<b>Total Fiscal Year 2020</b>	<b>842</b>	<b>736</b>	<b>1,578</b>
(Total Fiscal Year 2019)	(903)	(855)	(1,758)

Total Panel Entries	1,578
Transferred to Supreme Judicial Court	77
Dismissed/Settled/Withdrawn/Consolidated	429
<b>Net Annual Entries</b>	<b>1,072</b>

	CIVIL	CRIMINAL	TOTAL
Published Opinions			197
Rescript Opinions			1
Summary Dispositions			978
<b>Total Decisions</b>	<b>576</b>	<b>599</b>	<b>1,176</b>





### TRIAL COURT STRUCTURE

The Trial Court Chief Justice and the Court Administrator oversee the seven court departments, the Massachusetts Probation Service, and the Office of Jury Commissioner. They head the Executive Office of the Trial Court, which includes staff focused on eCourts, Access to Justice, Diversity-Equity-Inclusion-Experience, Policy, and Communications, as well as the Legal Department, Judicial Institute, and Department of Research & Planning. In addition, the Office of Court Management serves all court departments in the following areas: Court Capital Projects, Facilities Management, Fiscal, Human Resources, Information Services, Support Services, Security, and Workplace Rights and Compliance.

Each court department has its own Chief Justice, Deputy Court Administrator, and Administrative Office. In most Trial Court departments, each court division is managed by a First Justice appointed by the department's Chief Justice. The Superior Court Department designates Regional Administrative Justices who assist the Chief Justice in administering the department. The District Court Department also designates Regional Administrative Judges.

The Massachusetts Probation Service, led by the Commissioner of Probation, includes 105 probation departments across the state, as well as the Office of Community Corrections, the Community Service Program, and the Electronic Monitoring Center. The MPS mission is to increase community safety, support victims and survivors, and assist individuals and families in achieving long term positive change.




Western Worcester Courthouse, East Brookfield

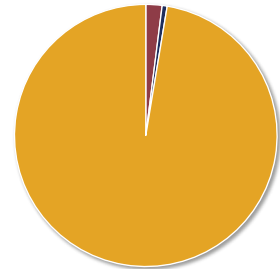





## TRIAL COURT FISCAL DATA FY2020

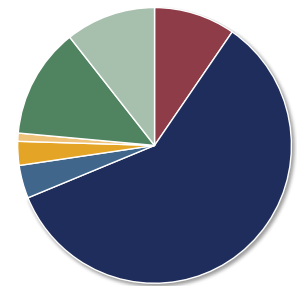
### Breakdown of Trial Court Funding

	Trial Court Operating Appropriations	\$742,661,630
	Capital / Bond Funds	\$15,204,356
	Grants, Trusts & Intergovernmental Funds	\$4,707,397
	<b>Total</b>	<b>\$762,573,383</b>



### Trial Court Expenditures from Operating Accounts

	Judicial Salaries	\$71,318,831
	All Other Salaries	\$439,607,725
	Employee-Related Expenses	\$28,797,445
	Case-Driven Expenses	\$20,801,813
	Law Library / Legal Research Expenses	\$7,122,230
	Office and Court Operations	\$96,023,881
	Facility Rental, Maintenance and Operation	\$78,989,706
	<b>Total</b>	<b>\$742,661,630</b>



### Interdepartmental and Reserve Transfers pursuant to G.L. 211B §9A

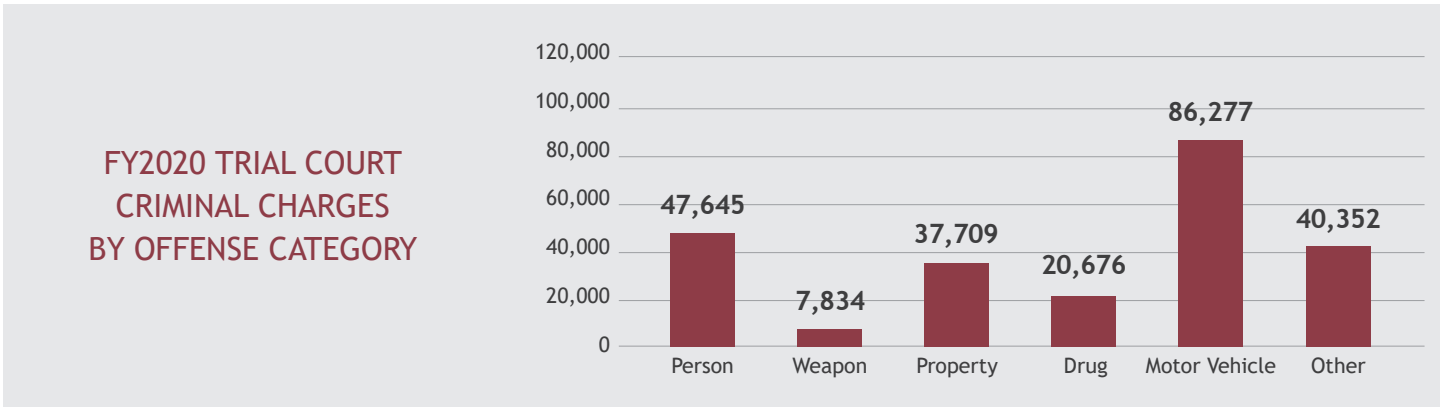
#### Total Amount Transferred Between Accounts

Central Accounts	\$10,281,946
Superior Court Department	(\$1,275,000)
District Court Department	\$1,530,000
Probate & Family Court Department	\$661,868
Land Court Department	\$20,698
Boston Municipal Court Department	(\$863,322)
Housing Court Department	\$490,839
Juvenile Court Department	(\$3,100,000)
Probation Accounts	(\$6,423,293)



# STRUCTURE & STATISTICS

## CRIMINAL CHARGES BY TYPE AND OFFENSE CATEGORY



Offense	Charge Type	FY2016	FY2017	FY2018	FY2019	FY2020
	<b>Totals</b>	<b>362,772</b>	<b>344,305</b>	<b>335,332</b>	<b>322,585</b>	<b>240,493</b>

PERSON	Total	62,874	62,249	62,544	61,307	47,645
	Assault	8,407	8,483	8,368	8,025	6,295
	Assault & Battery	41,506	40,432	40,505	40,157	31,607
	Kidnap	727	820	798	832	594
	Murder / Manslaughter	266	286	308	277	197
	Other Person	5,360	5,645	5,851	5,531	4,421
	Robbery	2,909	2,930	2,611	2,116	1,480
	Sex	3,699	3,653	4,103	4,369	3,051

WEAPON	Total	9,731	9,423	10,879	10,757	7,834
	Dangerous Weapon	1,164	968	1,012	850	681
	Firearm	6,301	6,217	7,306	7,310	5,358
	Other Weapon	2,266	2,238	2,561	2,597	1,795

PROPERTY	Total	64,027	59,262	54,410	51,382	37,709
	Arson / Burn	183	278	254	195	152
	B&E / Burglary	7,575	6,870	6,254	6,201	4,028
	Fraud	1,987	1,987	1,705	2,184	1,422
	Larceny	32,923	30,025	26,998	22,617	15,046
	Motor Vehicle	2,057	2,135	2,301	2,230	1,732
	Other Property	5,038	4,973	4,615	4,781	4,907
	Shoplifting	8,734	7,442	6,911	7,898	5,453
	Trespassing	5,530	5,552	5,372	5,276	3,897





# STRUCTURE & STATISTICS

## CRIMINAL CHARGES BY TYPE AND OFFENSE CATEGORY

Offense	Charge Type	FY2016	FY2017	FY2018	FY2019	FY2020
DRUG	Total	34,437	29,725	30,825	27,252	20,676
	Distribute Class A	4,859	3,509	3,217	3,317	2,122
	Distribute Class B	5,519	5,219	5,874	4,738	3,038
	Distribute Class C	534	463	478	421	328
	Distribute Class D	2,594	1,688	1,899	1,582	1,094
	Distribute Class E	524	501	583	474	260
	Distribute School Zone	1,265	907	728	88	63
	Other Drug	1,282	1,006	826	372	1,920
	Possess Class A	5,003	4,269	4,105	4,051	2,707
	Possess Class B	6,262	6,313	6,816	6,222	4,804
	Possess Class C	1,248	1,031	961	800	574
	Possess Class D	322	175	151	112	87
	Possess Class E	2,517	2,033	2,148	2,051	1,402
	Possess Marijuana	111	63	37	63	32
	Trafficking Class B / Cocaine	1,150	1,497	1,989	2,153	1,577
	Trafficking Heroin	1,220	1,041	982	773	633
	Trafficking Marijuana	27	10	31	35	35
MOTOR VEHICLE	Total	123,837	120,559	117,036	113,900	86,277
	Motor Vehicle Other	107,890	105,396	102,561	99,516	74,838
	MV Homicide	108	103	80	111	70
	MV OUI	15,839	15,060	14,395	14,273	11,369
OTHER	Total	67,866	63,087	59,638	57,987	40,352
	License Violation	822	798	745	740	927
	Other	47,452	43,032	40,119	38,959	25,662
	Public Order	13,830	12,980	12,757	12,271	9,172
	Restraining Order, Violation	5,762	6,277	6,017	6,017	4,591



# STRUCTURE & STATISTICS

## FY20 TRIAL COURT CASE FILINGS BY DEPARTMENT AND TYPE

Case Types		Boston Municipal	District	Housing	Juvenile	
<b>All Case Types</b>		<b>66,997</b>	<b>451,314</b>	<b>30,304</b>	<b>22,668</b>	
Criminal Matters	Criminal	17,662	128,850	577	177	
	Criminal Show Cause Hearings	22,091	94,476	1,397	—	
	Criminal Warrants	966	7,433	—	—	
	Subtotal	40,719	230,759	1,974	177	
Civil Matters	Civil - Regular	4,228	25,528	3,227	15	
	Servicemembers	—	—	—	—	
	Subtotal	4,228	25,528	3,227	15	
	Civil - Specialized Matters	Small Claims	7,319	76,163	858	—
		Supplementary Proceedings	292	2,571	181	—
		Summary Process	417	5,456	23,291	—
		Restraining Orders	3,599	36,935	—	—
		Mental Health	1,838	12,038	—	146
		CMVI Appeals	934	4,656	—	—
		Administrative Warrants	2,093	3,582	256	—
Other Specialized Civil		11	276	—	38	
Subtotal	16,503	138,251	24,586	616		
Hearings	CMVI Hearings	5,473	54,285	—	—	
	Show Cause Hearings (Applications)	—	—	—	8,363	
	Non-MV Infraction Civil Hearings	50	1,885	517	—	
	Subtotal	50	1,885	517	8,363	
Juvenile Matters	Juvenile Delinquency	—	16	—	4,823	
	Youthful Offender	—	—	—	115	
	CRA / CHINS Applications	—	—	—	3,602	
	Care & Protection Petitions	—	—	—	2,864	
	Subtotal	—	16	—	11,404	
Probate	Probate	—	—	—	15	
	Guardianship	—	—	—	620	
	Child Welfare and Adoption	—	—	—	1,171	
Domestic Relations	Paternity	—	—	—	287	
	Divorce	—	—	—	—	
	Modification / Contempt	—	—	—	—	
	Other Domestic Relations	—	—	—	—	
	Subtotal	—	—	—	287	
Appeals		24	590	—	—	



# STRUCTURE & STATISTICS

## FY20 TRIAL COURT CASE FILINGS BY DEPARTMENT AND TYPE

Case Types		Land	Probate & Family	Superior	Total	
All Case Types		8,819	113,863	22,905	716,870	
Criminal Matters	Criminal	—	—	6,942	154,208	
	Criminal Show Cause Hearings	—	—	—	117,964	
	Criminal Warrants	—	—	—	8,399	
	Subtotal	—	—	6,942	280,571	
Civil Matters	Civil - Regular	2,524	—	14,311	49,833	
	Servicemembers	4,801	—	-	4,801	
	Subtotal	7,325	—	14,311	54,634	
	Civil - Specialized Matters	Small Claims	—	—	—	84,340
		Supplementary Proceedings	—	—	—	3,044
		Summary Process	—	—	—	29,164
		Restraining Orders	—	3,044	61	43,639
		Mental Health	—	—	—	14,022
		CMVI Appeals	—	—	—	5,590
		Administrative Warrants	—	—	—	5,931
Other Specialized Civil	1,494	742	1,338	3,899		
Subtotal	1,494	2,779	1,399	185,628		
Hearings	CMVI Hearings	—	—	—	59,758	
	Show Cause Hearings (Applications)	—	—	—	8,363	
	Non-MV Infraction Civil Hearings	—	—	—	2,452	
	Subtotal	—	—	—	10,815	
Juvenile Matters	Juvenile Delinquency	—	—	—	4,839	
	Youthful Offender	—	—	115	230	
	CRA / CHINS Applications	—	—	—	3,602	
	Care & Protection Petitions	—	—	—	2,864	
	Subtotal	—	—	115	11,535	
Probate	Probate	—	35,704	—	35,719	
	Guardianship	—	9,317	—	9,937	
	Child Welfare and Adoption	—	1,675	—	2,846	
Domestic Relations	Paternity	—	14,898	—	15,185	
	Divorce	—	17,787	—	17,787	
	Modification / Contempt	—	31,678	—	31,678	
	Other Domestic Relations	—	25	—	25	
	Subtotal	—	64,388	—	64,675	
Appeals		—	—	138	752	





## MASSACHUSETTS PROBATION SERVICE YEAR-END CASELOAD BY SUPERVISION TYPE AND COURT DEPARTMENT

Supervision Type	Boston Municipal Court	District Court	Juvenile Court	Probate & Family Court	Superior Court	Administrative Supervision Unit	Total Supervision
Administrative Supervision	1,166	12,177	318		752	4	14,417
Care & Protection Petitions			3,290				3,290
Child Requiring Assistance (CRAs)			2,006				2,006
Dispute Intervention Mediations				433			433
Driving Under the Influence	68	2,307				5,332	7,707
Pre-Trial Category B	1,117	7,031	684		1,858	3	10,693
Risk-Need Supervision	841	7,811	354		5,120		14,126
Seek Work Supervision				123			123
<b>Total Supervision</b>	<b>3,192</b>	<b>29,326</b>	<b>6,652</b>	<b>556</b>	<b>7,730</b>	<b>5,339</b>	<b>52,795</b>

## LAND COURT PERMIT SESSION REPORT

### PERMIT SESSION STATUS PURSUANT TO MGL c. 185, §3A

Pursuant to MGL c. 185, §3A, cases filed in the Land Court Permit Session are individually assigned to a judge who handles the case from commencement to conclusion. By statute, the cases allowed entry into the Permit Session only include specified disputes where, “...the underlying project or development involves either 25 or more dwelling units or the construction or alteration of 25,000 square feet or more of gross floor area or both.” The legislation also established three timeframes or tracks for these cases to follow from filing to trial and then to disposition.

At the beginning of FY2020, seven Permit Session cases were pending. During the fiscal year five new Permit cases were filed and seven were disposed, resulting in five cases remaining pending at the close of the fiscal year. The seven cases disposed originated out of Middlesex, Norfolk, and Suffolk Counties. One was disposed after trial and the other six were completed prior to trial. Two of the disposed cases were fast track, the other five were average track, with a combined average of 10.5 months to disposition. Of the five permit session cases pending at the close of the fiscal year, two were originally filed in the Permit Session and three were transferred in from the Middlesex, Norfolk and Suffolk County Superior Courts. The pending cases are actions based upon property located in the counties of Essex, Norfolk, Suffolk and Worcester. One case is stayed and remanded to the local board, and the others remain pending, delayed by the pandemic but have resumed activity.



# FEATURED PHOTOGRAPHY



Front Cover:  
Courtroom, Concord District Court



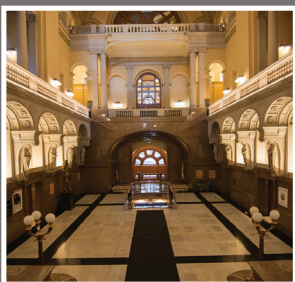
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Pages 40-41:  
Jury Benches, Hampshire County Superior Court, Northampton



Pages 6-7:  
Great Hall, John Adams Courthouse, Boston



Page 42:  
Courtroom, Suffolk County Courthouse, Boston



Pages 12-13:  
Exterior, John Adams Courthouse, Boston  
  
Photographer:  
Judge Peter W. Agnes Jr.



Back Cover:  
Southern Berkshire District Court, Great Barrington



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