

FY2022 Budget Testimony:
Joint Committee on Ways & Means Budget Hearing

March 26, 2021

Remarks by

Kimberly S. Budd

Chief Justice of the Supreme Judicial Court

Senator Gobi, Representative Williams, members of the Joint Committee, I very much appreciate the opportunity to appear before you today on behalf of the Judicial Branch. Let me begin by thanking you and your colleagues in the Legislature for your support of the Judiciary during a very difficult year. Your financial support in Fiscal Year 2020 and Fiscal Year 2021 has enabled the Judicial Branch to make the necessary operational adjustments, expand technology and implement remote court operations, while continuing to prioritize the health and safety of the public and court staff.

Because you will hear from many witnesses today and because I want to leave time for your questions, I shall be brief in my remarks. I will first outline some of the highlights of the Fiscal Year 2022 Judiciary Budget request, and then provide you with some detail on the Supreme Judicial Court Budget. Details on the Appeals Court Budget will be provided by Chief Justice Mark Green, and Chief Justice Paula Carey and Court Administrator John Bello will elaborate on the Trial Court Budget.

The Justices and I fully recognize, the ongoing COVID-19 pandemic has forced the Commonwealth to contend with significant public health and economic challenges during the current fiscal year, and it will continue to face challenges again in Fiscal Year 2022. As a result, we continue to implement reforms and leverage new technologies throughout the court system to create efficiencies to

improve the delivery of justice. As always, our goal for the coming fiscal year is to receive a budget that provides the necessary resources to ensure that we can provide a high quality of justice in a safe and efficient manner.

The Justices and I fully support the Trial Court's Fiscal Year 2022 maintenance budget of \$771,555,499. This maintenance budget will support a workforce of 6,377 positions. Funding at this level is essential to maintain stability as courts begin to address backlogs and resume normal business operations. The budget includes the funding needed to annualize the costs of backfilling critical hires, as well as improve staffing levels in Trial Court technology. The FY2022 Budget Request does not include cost of living adjustments for all court staff. The current union contracts ended on June 30, 2020 and new contract negotiations will continue this fiscal year.

Over the past several fiscal years, through budget modules you have funded, the Trial Court has expanded its efforts on Access to Justice and Race Bias initiatives, increased the number of Specialty Courts and Community Correction Centers and implemented the Legislature's Criminal Justice Reform initiatives. This year, the Trial Court budget includes five budget modules for specific initiatives that the Judiciary would like the Legislature to consider funding in Fiscal Year 2022. These budget modules, which will strengthen and advance system improvements, are described in detail in the budget request. They include

funding for the Establishment of On-Line Dispute Resolution (ODR), Additional Court Clinicians for Mental Health, for Substance Use Disorder Screening and Care Referrals, as well as expand the use of Recall Judges to address the backlog of cases across court departments.

The Trial Court is currently assisting in the management of two important criminal justice reform initiatives and is requesting additional funding in FY22 to further expand these two programs. The MassHealth Reentry Services program that targets criminal justice involved individuals leaving a House of Correction and Department of Correction, unsupervised, as well as those supervised on probation and parole. Vendors procured by MassHealth identify high risk, high need individuals and work with them to ensure they continue to receive the treatment and services they require. The Transitional Residential Services program provides transitional re-entry housing options for males, females and older residents subject to homelessness. These residential slots are available for pre-release, parole and probation sentenced individuals. This funding will support 50 additional transitional residential beds in two new geographic areas with high concentrations of returning offender populations.

The Governor's FY22 H-1 Budget recommendation funds the Trial Court at the FY21 budget level. The FY22 H-1 Budget \$8.6M below the FY22 Trial Court Maintenance Budget Request. The FY22 H-1 Budget will reduce the Trial Court's

ability to fill many of the critical staff vacancies across court departments, as well as the resources necessary to address many court operations that were put on hold during the COVID-19 pandemic this year. The Governor's H-1 Budget did not include additional funding for the budget modules mentioned above.

In early February, the Trial Court refiled the Information Technology Bond Bill, the first since 1997. A court system is comparable to an information business; we receive and create millions of documents each year. Yet, we have historically underinvested in technology, to our detriment. The Trial Court has historically dedicated less than 3% of its annual budget to IT. The new IT bond bill seeks to remedy this historic underinvestment. This bond funding would provide the Judiciary with the resources necessary to innovate and streamline court processes, to improve the experience of court users, to allow court users to conduct many transactions successfully from their office or home, to protect our information system from cyberattacks, and to secure our courthouses from potential threats. Court Administrator Bello will provide additional details on these IT initiatives.

Let me turn now to the specific request of the Supreme Judicial Court. For Fiscal Year 2022, the Justices have requested \$10,347,781 in the Supreme Judicial Court administration account and \$2,070,205 for the Clerk of the Supreme Judicial Court for Suffolk County. These modest requests simply provide base funding for court operations, Appellate Court IT expenses, and the funding necessary to

maintain an already small staff at a manageable level. The Governor's FY22 H-1 Budget recommendation level funds the Supreme Judicial Court at our FY21 Budget total.

There are a number of non-judicial and non-affiliate organizations that, for budgetary purposes, are included within the sequence of accounts associated with the Supreme Judicial Court. You will recall that the Supreme Judicial Court has no control over the budgets of these agencies, and we do not oversee their spending. Consequently, our general practice has been merely to forward the budget requests of these agencies without formal recommendations, and we do so again this year. We note, however, that included in this budget proposal is a \$6 million increase for the Massachusetts Legal Assistance Corporation for Fiscal Year 2022. This funding supports the critical work of legal aid programs in addressing the needs of some of the Commonwealth's most vulnerable residents, and will help them cope with the greatly increased demand for legal services during these very difficult times.

Conclusion

I thank you, the Joint Committee Chairs, Senator Rodrigues and Representative Michlewitz, Senator Gobi and Representative Williams, and all the members of the Joint Committee, for this opportunity to address the budgetary needs of the Judiciary, and to share the Justices' views on the Governor's budget

recommendations contained in H-1. I also thank you for the careful and considered analysis you have given to our budget requests in prior years, in particular during this past year, and I know that you will give similar care to this year's request. I also want to reiterate the continued commitment of the Justices and all court leaders to work cooperatively with you and the committee staff as you prepare a budget that preserves the quality of justice in a fiscally prudent manner.