



TESTIMONY OF
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CHIEF JUSTICE of the TRIAL COURT
&
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COURT ADMINISTRATOR

ON THE TRIAL COURT
FISCAL YEAR 2025 BUDGET REQUEST

FOR THE JOINT COMMITTEE ON WAYS AND MEANS

March 19, 2024

Trial Court Chief Justice Heidi E. Brieger
Trial Court Fiscal Year 2025 Budget Request
Joint Ways and Means Committee Hearing Testimony
March 19, 2024

Good afternoon, Chair Moore, Chair Blais, and Honorable Members of the Joint Ways and Means Committee. My name is Heidi Brieger and I come before you at my first Ways and Means hearing in my third month as Chief Justice of the Trial Court. Before this appointment, I served as the Chief Justice of the Superior Court for three years, the Regional Administrative Justice for Civil Business in Suffolk County and chaired the Superior Court Education Committee. I was appointed to the bench in 2012 and, before that, served as Assistant U.S. Attorney for twenty years. Thank you for the opportunity to highlight what is happening in our courts and to outline our budget needs. We appreciate your continued support for the Trial Court and our operations without which we could not provide access to justice to thousands of court users daily across the state.

FY25 Budget Request

Our FY25 maintenance budget estimate is \$925.5M. As the Governor recognized in her budget for the Trial Court, this amount supports approximately 6,570 employees, 94 courthouses, and 1.4M daily MassCourts transactions. As our Court Administrator will explain in more detail, our maintenance budget request is our most important priority. You will hear today about the maintenance budget and two access to justice initiatives that will help us create a more fair and accessible court system. We planned these expansion requests, which total \$7.8 million, last fall before the state revenue picture was clear. Both Court Administrator Ambrosino and I will provide some detail for you, but our primary focus is our maintenance request which will allow us to continue to serve the public and your constituents. We are very appreciative that Governor Healey, in her FY25 budget recommendation, met our maintenance request, including \$925 million for the Trial Court. We respectfully request you to do the same.

Reasonable Juror Transportation Costs

One of our two expansion requests involves jurors and the costs they incur as they perform their civic duty. Having presided over many jury trials as a Superior Court judge, I have nothing but gratitude and respect for citizens of the Commonwealth who appear for jury duty. Almost any juror who is selected to serve on a jury has said that it was a positive experience, that they

learned so much about our court system, and that they appreciated the opportunity be a part of the justice process. At the end of their jury service, every juror is given a confidential survey to complete about their experience. The most common complaint that we see is, not that they had to appear, but that they had to pay for parking.

Individuals summonsed for jury duty must pay for their own transportation costs, including parking, which disproportionately affects low-income citizens and citizens from under-resourced communities, for whom participation in jury duty becomes a financial hardship. Moreover, our inability to cover jurors' transportation expenses has a specific impact on highly populated communities and cities without free courthouse parking, as well as the many communities in the more rural areas of the state where public transportation is limited and there is significant geographic spread.

We have submitted a proposal to create a reimbursement so that jurors are reimbursed for reasonable out-of-pocket transportation costs related to juror service in which jurors would submit documentation of their out-of-pocket expenses to the Office of the Jury Commissioner. Calculating the exact amount for this initiative is difficult due to the various modes of transportation on which jurors depend to attend jury duty, e.g., public transportation, private rideshare, private vehicle. We have calculated an estimate using available data for parking fees in areas served by each of the Commonwealth's jury courthouses and the number of jurors who appear annually in these courthouses. The estimated expense based upon this analysis is \$3 million.

Diversity, Equity, and Inclusion

When the Trial Court appeared before you last year, my predecessor, Chief Justice Jeffrey Locke, told you about our commitment to and focus on diversity, equity, and inclusion and a new senior level position in the Trial Court – the Chief Access, Diversity and Fairness Officer. We have since brought in a person to fill this important role – Dr. Natoschia Scruggs who is here with us today.

Dr. Scruggs holds a Ph.D. in African Diaspora Studies from the University of California, Berkeley, and came to us from Marymount University in Virginia where she served as Assistant Provost for Diversity, Equity, and Inclusion and where she developed and implemented a comprehensive Diversity, Equity, Inclusion, and Belonging (DEIB) strategic plan. Dr. Scruggs has also held teaching and leadership roles rooted in promoting DEI at other academic institutions, nonprofits, and within government and has worked with MIT, Harvard, and the City of Boston.

In her new role, she oversees the Trial Court offices that focus on access and fairness, diversity, equity, and inclusion which includes our Office of Diversity, Equity, and Inclusion; Office for Language Access; Office of Court Services; Office of Access to Justice and the User Experience; and the Office of Alternative and Online Dispute Resolution. She is already ensuring that our work and many initiatives are focused on our mission of a fairer and more just system.

Specialty Courts

Another part of the Trial Court's commitment to these issues happens every day in courts across the Commonwealth, where our judges encounter individuals in need and in great crisis. Our Specialty Courts serve the needs of these individuals and help to address the substantial increase in substance use disorder and co-occurring mental health issues affecting defendants and litigants. We are able to continue to meet the needs of these high-risk, high-need defendants in all of our specialty courts, now totaling 61, thanks to funding provided by the Legislature. With your help in FY24, we continue to expand our specialty courts. So far in 2024, we have opened additional mental health courts in Ayer, Concord and here in Worcester. Judge Steven Power presides over the Worcester drug session. We also will open drug courts this year in Edgartown and Salem.

The latest expansion of Specialty Courts is specifically for families involved in care and protection cases in the Juvenile Court Department. In 2021, the Trial Court applied for and received a \$1.5 million dollar grant to create and develop Family Treatment Courts in the Juvenile Court Department. These Family Treatment Courts will oversee care and protection cases referred to the session where substance use disorder is a primary factor necessitating the removal of the children for their safety.

They are collaborative special court sessions working with child protective services, substance use and mental health treatment professionals, and community partners to coordinate services with the goals of ensuring that children have safe, nurturing, and permanent homes; parents achieve stable recovery; and that each family member receives the services and supports needed. The first session opened in Hampden County/Springfield Juvenile Court in December and now has 12 parents participating. The Lawrence Division of the Juvenile Court will open next, followed by Fall River, Boston and then three additional cities.

Probate and Family Court

Last year, highlighted the enormous need in the Probate and Family Court for additional judges. So, before I conclude, I want to thank you for recognizing that need and for providing the funding and statutory amendments for eight new judges. Echoing the words of Probate and Family Court Chief Justice John Casey, this is going to permanently change Probate and Family Court for the better. We are in close contact with the Governor and her legal office about these positions.

Conclusion

Thank you again for the opportunity to speak to you today. I invite all of you and your staff members to reach out at any time to learn more about our work in the Trial Court. I also invite you to tour the courthouses in your districts, as well as our Community Justice Support Centers. We are happy to help arrange that.

We greatly appreciate and thank you for your past and ongoing interest in and support of the court system. I will now turn this over to my partner in justice, Court Administrator Tom Ambrosino to tell you more about our budget and other initiatives.

Trial Court Administrator Thomas G. Ambrosino
Trial Court Fiscal Year 2025 Budget Request
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Good afternoon, Chair Moore, Chair Blais, and Honorable Members of the Joint Ways and Means Committee. My name is Tom Ambrosino and I am the Court Administrator for the Trial Court. I very much appreciate the opportunity to provide testimony today regarding the court system and its needs, and I want to highlight a few items.

As Chief Justice Brieger mentioned in her remarks, our FY25 budget maintenance estimate is \$925.5 million - which is the amount we need to continue to provide our current level of our operations and service to the public. This is approximately \$48 million more than the \$877 million initially budgeted to the Trial Court last year; but a significant part of that increase is the annualization of the collective bargaining increases approved by the Legislature in November for all state union employees, including those in the Trial Court. That added \$32 million to our bottom line. The balance of difference amounts to less than a 2% increase over current FY24 spending.

When we put together our FY25 budget request last October, we included two expansion items. Now, we are very much aware of the state's current fiscal situation with tax revenues falling short of projections. We proposed these two items well before the revenue picture was clear. Nevertheless, they are both important to us as "access to justice" initiatives. But please keep in mind that our first and foremost budget priority remains our maintenance request.

Elimination of After-Hours Bail Fee for Arrestees

You heard from Chief Justice Brieger about one of these requests proposing to reimburse jurors for reasonable transportation costs.

The second of these requests is a proposal to eliminate the after-hours bail fee. When the courts are closed and an individual is arrested, currently, a bail magistrate or bail commissioner must travel to the place of detention to set bail. If the arrestee is released on personal recognizance or by paying the bail amount, they must also pay a \$40 statutory, administrative bail fee to the person who sets bail, creating a disproportionate burden on low-income individuals. This initiative would eliminate the statutory bail fee and instead make the Trial Court responsible for directly compensating individuals who set bail after hours, thus lifting that financial burden from the individuals who can least afford it. This initiative also proposes to allow after hour bail decisions to take place remotely, as they were during the pandemic, to shorten the time that individuals are held in custody, especially in rural areas, where traveling to the custodial facility could require an hour or more of travel.

To reasonably compensate bail magistrates and bail commissioners, the Trial Court proposes to mirror the current compensation structure by retaining the fee-based payment framework. To account for cost-of-living increases since the statutory \$40.00 fee per bail was last set in 2002, twenty-two years ago, we propose that the reimbursement per release be increased to \$80.00. Bail magistrates and bail commissioners would directly submit their reimbursement requests to the Trial Court. We have requested \$4.8 million to support this request.

IT Bond Bill Update

I do want to take a moment to conclude with two other items. First, I want to offer my continued thanks to the Legislature for the IT Bond Bill that was approved in August 2022. As we move forward with our plans, we continue to modernize and update our IT infrastructure and transform our courts into a digital court system.

Wi-Fi installation in courthouses is an essential component of our digital transformation. Wi-Fi connectivity will benefit judges, court staff, the bar, and all court users. It is essential to allow them to retrieve electronic files, conduct legal research, and conveniently obtain case-related information. We have begun installing Wi-Fi at courthouses across the state, together with next generation networking technology to increase performance and network capacity. This will address the challenges posed by

network congestion and interruptions that can significantly impact courtroom proceedings. As of today, twenty-four courthouses are fully wired with Wi-Fi capabilities. By the end of this calendar year, we expect that all 94 courthouses will have Wi-Fi.

We know that courtrooms and court schedules can be difficult to locate, especially in our large, multicourt facilities. Digital signage will help court users easily find what they need: a map of the courthouse, daily cases on the docket, and directions to different court offices and departments. Digital signage will also allow information to be displayed in multiple languages. In 2024, the kickoff to our digital signage pilot will begin at Chelsea District Court. By mid-2029, we expect that all courthouses will be equipped with digital signage.

MassCourts, the Trial Court's case management system, has been in place for over 15 years with minimal updates. In FY24, we have partnered closely with our vendor Equivant to modernize its technical architecture. This modernization aims to accommodate the increasing volume of electronically filed documents and ensure scalability for a fully digital court environment. Looking ahead to FY25, our focus will shift to replacing the document management system housing the 21 million documents associated with Trial Court cases. We will complete this migration to a new system in FY26 which will facilitate streamlined workflows and enable clerks and judges to operate entirely in a digital workspace.

We hope that our continued partnerships with the Executive Office of Technology Services and Security and Administration and Finance will help us maintain progress and allow us to deliver on our promise to bring our judiciary into the 21st century.

Probation Commissioner Pamerson Ifill

Finally, as you may know, Probation Commissioner Ed Dolan retired at the end of last April. We are grateful for his decade of service to the Trial Court. I am happy to tell you that this past November, Pamerson Ifill was appointed as the new Commissioner of Probation. Commissioner Ifill has been with the Probation Service for over thirty years, starting out as a Juvenile Court Probation Officer in 1993 and working his way up the organization. Before his appointment as Commissioner, he was the Deputy Commissioner of Pretrial Services. Commissioner Ifill is fully committed to

creating a more diverse and culturally aware Probation Service and building trust in the communities served by Probation. He is here today. If you haven't met him yet, I hope you will get a chance to speak with him today or in the near future.

Conclusion

That concludes my comments. I thank you again for your time and your attention. And I'm happy to try to answer any questions you may have.