

# **TESTIMONY BEFORE THE JOINT COMMITTEE ON WAYS & MEANS**

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Town Hall

Clinton, MA



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Chief Justice  
Appeals Court  
Commonwealth of Massachusetts

Good morning. My name is Amy Blake. I was sworn in as Chief Justice of the Massachusetts Appeals Court in November 2024, having previously served as an Associate Justice on the Court for ten years, and prior to that, as a Probate & Family Court judge for six years. All that is to say, this is my first time testifying before the Joint Committee on Ways & Means.

Senator Cronin, Representative Kilcoyne, and members of the Joint Committee, thank you for the opportunity to provide testimony on behalf of the Appeals Court. I would also like to thank your legislative colleagues, particularly Senator Rodrigues and Representative Michlewitz, for their assistance to the Appeals Court over the years. Your support has enabled the Appeals Court to provide fair, just, and timely legal decisions, where we are often the court of last resort for many lawyers and self-represented litigants. As you know, we review decisions from all seven trial court departments, the Appellate Tax Board, the Commonwealth Employment Relations Board, and the Industrial Action Board. In my view, the Massachusetts Appeals Court is the premier intermediate appellate court in the nation. In addition to producing the highest quality opinions, we have taken the lead in enhancing administrative operations, implementing education and training initiatives, improving case processing, and making technology improvements throughout the court, including operating as a largely paperless court. Much of this would not be possible without your support, and passage of the Judiciary IT Bond Bill--thank you.

The Appeals Court is committed to Access to Justice initiatives. We have spent considerable time and energy to provide online access to lawyers, litigants, and the public to educate them about the appellate process, filing protocols, and the rules of the court. This includes a "Guide to Civil and Criminal Appeals" for self-represented litigants that is posted on our website. In collaboration with Suffolk University Law School's Legal Innovation Technology Lab, we have

created online guided interviews for self-represented parties to file motions, and petitions in the Appeals Court and are working on a similar program to assist self-represented parties to file briefs. To that end, we have extended our informal brief pilot project which relaxes some requirements in order to assist self-represented litigants to file meaningful briefs. And the Civil Appeals Clinic, run by the Volunteer Lawyers Project, will resume in person office hours at our Clerk's Office next month. We also livestream and archive our hearings through the Appeals Court You Tube channel. Not only does this assist lawyers and litigants in preparing their cases for argument, but it ensures that our court continues to be transparent in the important work that we do.

Our work has changed a bit since the pandemic. In fiscal year 2024, a total of 2,308 new cases were entered in the Court, up from 2,149 cases in fiscal year 2023. Of the panel cases, approximately 929 were civil and 572 were criminal cases. While we expect the panel case numbers to continue to increase as the trial courts process their cases, the single justice session has seen a tremendous increase in volume. While we hear single justice matters from every court, our statistics show that the largest number of cases come from the Housing Court where eviction filings have increased by 43%. Some of this is attributable to the end of the pandemic-related eviction moratorium, but with the housing crisis in Massachusetts, and the high cost of rent, the numbers continue to trend upward. It is not unusual on any given day to have four eviction cases filed at once, usually with the tenant seeking a stay and the sheriff literally waiting by the phone for a ruling from the single justice as to whether he can pack the tenant's belongings and lock the residence. The single justice often has little time to review the pleadings which are typically filed by self-represented tenants, assess the legal arguments, and make a decision. And none of this is possible without the tremendous work of our clerk's office. Our assistant clerks have become eviction experts out of necessity. In January of this year, the single justice considered 81 petitions seeking some form of emergency relief. In the prior October, we had a record high of 91 new petitions filed.

This is a staggering number as historically the single justice averaged 67 new cases per month. This is not sustainable in the long term. As a result, I am looking at creative ways to staff the single justice session.

I also want to take a moment to highlight some of the Appeals Court's diversity, equity and inclusion initiatives. Members of each department of the Court serve on our internal DEI committee, which puts together great programming, mentoring, and other opportunities to learn from each other. To expand the diversity of our applicant pools, we have engaged a DEIB/HR consultant to review our job postings with a focus on entry level jobs. Whenever possible, I want to promote from within, and if we can expand our pipeline at the first opportunity, this will create a vibrant, talented, and diverse Appeals Court. But the Court also has an obligation to the communities that we serve. To that end, we have partnered with the Boston Bar Association to host an Open House with the Boston Public Schools this May. Students in the 10th and 11th grade will come to the court to learn what we do. We will then have "tables" where students will meet with and learn about all the jobs available at the court including attorneys, court officers, interpreters, docketing staff, facilities management, skilled laborers such as plumbers, electricians, and the like. The day will include a tour of the courthouse, career "road maps," lunch, and of course some Appeals Court swag! We are excited about this initiative and hope to replicate it each year in the Spring for high school students and with some modifications, in the Fall for area community colleges.

Finally, a little bit about our numbers. As you know, the Appeals Court has twenty-four associate justices and one chief justice, although one associate position remains vacant. We have filled critical staff positions necessary to fulfill our mission, and we will continue to evaluate staffing needs. Our budget request this year includes the full funding of our staff, annualization of backfilled positions from FY25, FY26 annualized parking leases, and reasonable inflation

costs related to maintenance contracts. I expect personnel costs will also increase due to the 2025 Collective Bargaining Agreement increases and related cost of living, step, and managerial increases.

Of notable importance is that over 90% of our annual budget is attributed to payroll alone. As a result, the opportunities to achieve further savings are extremely limited. Our operations have undergone significant changes, and indeed, that has been reflected in our budget as well.

To that end, the Appeals Court is requesting for FY26 an appropriation figure of \$16,126,966. The requested appropriation for this fiscal year contemplates some modest expansion to personnel based on a staffing model review completed in 2023 as well as the filling of necessary vacancies. It presumes that the Chief Justice and all associate justice positions are filled along with sufficient law clerk positions to provide the requisite support. Respectfully, the requested appropriation is simply a maintenance budget with some modest and necessary personnel additions, designed to preserve current staffing and operations at essential levels, even after taking into account inflation, required COLA adjustments, mandatory step increases, and projected retirement buybacks.

I appreciate the enormous challenges that the Commonwealth will face during the next fiscal year. With that in mind, the Appeals Court is asking for no more than the amount the court requires to perform its critical responsibilities. We respectfully submit a budget request that is level with our current appropriation. We commit to you that we will continue to be good fiscal stewards, cutting costs where possible, spending each dollar wisely, and making smart investments to achieve long-term savings.

I would again like to thank the Joint Committee for your consideration of the Appeals Court's request and am happy to answer any questions that you may have.