

FY20 Budget Testimony:
Joint Committee on Ways & Means Budget Hearing

March 15, 2019

Hanover Theatre Conservatory and Event Center
Worcester, Massachusetts

Remarks by

Ralph D. Gants
Chief Justice of the Supreme Judicial Court

Senator Moore, Representative Keefe, 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 the past few years. Your financial support has enabled the Judicial Branch to stabilize its operations and continue to implement reform and improvements throughout the court system. In particular, I would like to thank you for the additional funding provided in FY19 for the Probate and Family Court, Alternative Dispute Resolution, and the Trial Court's Office of Diversity, as well as for new probation programs, all of which will be fully operational in FY20.

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 FY20 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 Jonathan Williams will elaborate on the Trial Court Budget.

The Justices and I are fully aware that the Commonwealth's economic climate will continue to present financial challenges in Fiscal Year 2020. As a result, we are constantly striving to implement reforms, create efficiencies, and use existing resources to improve the delivery of justice. Our goal for the coming fiscal year is to receive a budget that will enable us to maintain the stability that we have achieved during the past few fiscal years and to provide the resources needed to ensure that we can provide a high quality of justice in a safe and efficient manner.

Over the past several fiscal years, the Trial Court has implemented a strategic plan, made operational reforms, reallocated existing resources (both in funding and staffing), introduced new

technologies, and expanded our use of data driven practices. Even though the Judiciary receives and creates millions of documents each year, we have historically underinvested in technology, to our detriment. Whereas most government operations spend 9.4 percent of operating expenses on IT, we have historically dedicated less than 3% of our annual Trial Court budget to IT. To address this underinvestment, in FY19 the Trial Court is preparing to present an Information Technology Bond Bill, our first since 1997. This funding would provide the Judiciary with the resources necessary to innovate and streamline court processes, to improve the experience of court users, to allow many transactions with court users to be successfully conducted from their office or home, and to protect our information system from cyberattacks. Court Administrator Williams will provide additional details on these IT initiatives.

The Justices and I fully support the Trial Court's Fiscal Year 2020 maintenance budget of \$737,990,232. This maintenance budget will support a workforce of 6,557 positions. Funding at this level is essential for us to continue our efforts to bring improved management and efficiency to the Trial Court System. The budget includes the funding needed to annualize the costs of backfilling critical hires, to fully fund the statewide Housing Court, and to cover the cost of living salary increases for court staff that were implemented during FY19, and will be completed in FY20.

The vast majority of the growth in the Fiscal Year 2020 budget simply covers salary-related obligations next fiscal year. Most of the positions to be filled will be in probation and court security, with some additional positions in Human Resources, Information Technology and the Trial Court Departments. With respect to probation, over the last five years, we have been working to re-envision what it means to be a probation officer, with a focus on evidence-based practices. Research shows that the most effective recidivism reduction occurs when we limit

higher levels of intervention to probationers who are high risk and high need, and intervene less in the lives of lower risk probationers. Our task now is to ensure that probation officers have the tools and resources necessary to help high risk/need probationers, many of whom are struggling with substance abuse and mental health challenges, to address those issues, obtain jobs, education, and housing, and successfully reintegrate into society. All of this work is labor-intensive. We cannot expect our probation officers to do more with less, when we are asking them to do so many difficult things with high risk/need probationers. With respect to court security, a new class of court officers has been delayed due to the unavailability of the state police training academy, but is scheduled to move forward this spring.

The FY20 Trial Court Budget also includes two budget modules for specific initiatives that the Judiciary would like the Legislature to fund in the coming fiscal year: Court Security Hardware Improvements needed to replace old and outdated equipment in our courthouses, and a Differentiated Case Management Study to improve the quality of the judicial process and promote more efficient use of court resources.

The Trial Court is currently assisting in the management of two important criminal justice reform initiatives whose continued and expanded effort we support. In the MassHealth Behavioral Health Pilot program, vendors procured by MassHealth identify high risk, high need individuals with mental health problems who are re-entering society after serving sentences in Houses of Correction or the Department of Correction, and work with them to ensure they receive the mental health treatment and services they require. Probation is managing this program even though many of these persons upon reentry are not on probation; some are on parole, some are released without any probation or parole supervision. The second initiative supports the expansion of a current anti-recidivism pilot program operated by United Teen

Equality Center for young adult probationers, ages 18-24, who have been determined high risk/high need.

The Governor's H-1 Budget recommendation sets a funding level for the Trial Court that is \$21.4M or 2.9% below the FY20 Trial Court Maintenance Budget Request. The H-1 budget did not include sufficient funding needed to fill critical staff vacancies, in particular, court security and probation positions scheduled to be filled by the end of the fiscal year, as well as annualized funding for many of the trial court initiatives earmarked in the FY19 Budget. The Governor's H-1 Budget recommendation provides additional funding for the two criminal justice initiatives mentioned above. It also includes \$7.8 million for two Middlesex County leases that, in prior years, had been funded from the capital budget, which means that the Governor is now asking the Judiciary to fund leases that earlier had not been included in our operating budget.

Let me turn now to the specific request of the Supreme Judicial Court. For Fiscal Year 2020, the Justices have requested \$9,894,064 in the Supreme Judicial Court administration account and \$1,792,559 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, cost of living salary increases for court staff, and the funding necessary to maintain an already small staff at a manageable level. The Governor's FY20 H-1 Budget recommendation was \$303,634 below our maintenance budget request, and did not include funds for all of the annualized costs the court will have in FY20. We ask that you fund the Supreme Judicial Court at our requested maintenance funding level.

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 \$5 million increase for the Massachusetts Legal Assistance Corporation for Fiscal Year 2020. This funding level will support the critical work of legal aid programs in addressing the needs of some of the Commonwealth's most vulnerable residents. This increase is of special importance in the coming fiscal year, with so many of our poor and vulnerable residents, both citizen and non-citizen, facing new challenges arising from changes in Federal Government policies.

Conclusion

I thank you, the Joint Committee Chairs, Senator Rodrigues and Representative Michlewitz, Senator Moore and Representative Keefe, 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 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.