

Massachusetts Trial Court

Report to the Legislature on Court Relocations



August 10, 2011

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The Massachusetts Trial Court is compelled to continue the consolidation of court operations as a necessary response to the Commonwealth's significant fiscal issues, the Trial Court's staffing shortages and budget constraints, and the need to ensure overall operational ability to effectively deliver justice. This Trial Court report to the Legislature, issued pursuant to Chapter 68 of the Acts of 2011, outlines the fiscal and operational issues that require the relocation of court operations. The report also describes the efforts of the Court Relocation Committee and provides information on the considerations specified in the statute.

Trial Court Fiscal and Operational Status

The Trial Court simply does not have the resources to support the staffing, security and maintenance required to operate 101 courthouses. Maintaining the Trial Court's current operations and staffing at 6,488 positions would require \$552M in FY12. Restoring court staffing from current levels to the Trial Court's benchmark of 85 percent of needed staff would require approximately 400 additional positions for clerks' offices, probation, security, maintenance and other functions.

The FY12 appropriation provides \$519.9M for Trial Court operations, which is actually \$509M, when the budget's retained revenue provisions are compared to actual FY11 revenue collections. Retained revenue projections for FY12 fall approximately \$10M below the \$53M retained revenue on which FY12's appropriation is based. Receipt of additional funding to sustain current operations would allow the Trial Court to avoid layoffs and lift the hiring freeze to maintain the current staffing level. But merely maintaining the current number of employees will leave the courts significantly understaffed. The relocation of twelve court divisions will enable 300 court personnel and judges to move to locations that need substantial assistance to more effectively manage court business.

In July 2010, the FY11 appropriation of \$535M led to the release of the Court Relocation Committee's preliminary recommendations. Several relocations were implemented but the significantly lower FY12 funding and staffing levels require a renewed effort to consolidate court operations. Court staff must be relocated to adequately staff fewer sites and reduce operating expenses.

The Trial Court has taken unprecedented measures and saved a cumulative total of \$66.5M since the beginning of the fiscal crisis in late 2008 when its initial appropriation was \$605M. Through each budget cycle of the Commonwealth's fiscal crisis the Trial Court has advised stakeholders and legislative leaders of the aggressive budget management efforts taken and of the anticipated impact of funding cuts on the public. Measures taken to address significant budget reductions have included a hard hiring freeze since October 2008, a five-day furlough for judges, clerks and managers, delayed salary increases for union employees, lease renegotiations, court relocations and space consolidation, retirement incentives and work-hour reductions, as well as many other operational responses (Ways & Means submissions and summary of savings measures attached).

Staff reductions of 1,141 since 2007 have created major shortfalls and have left more than 60 percent of court divisions well below recommended staffing levels, based upon the Trial Court's case-weighted court staffing model. While avoiding involuntary layoffs thus far, the Trial Court has not replaced any employees who have left the organization through retirement or attrition since implementation of the freeze in October 2008.

Relocations and other expense reduction measures are being implemented to reduce the size of the significant FY12 deficit that otherwise can only be addressed by hundreds of layoffs. Existing staff shortages underscore the need to resort to all savings measures possible, including court consolidations, to reduce further staff cuts and the number of sites operating under strained and critical staffing conditions

The Trial Court's temporary relocation plans are based on a comprehensive review of regional and statewide operating requirements of the organization as a whole. They are not based on the expenses or staffing at any one location. The planned relocations reinforce the Commonwealth's priority of consolidation and the co-location of departments, as demonstrated by the extensive capital investment in new regional justice centers and state-of-the-art courthouses in Worcester, Plymouth, Fall River, Taunton and Salem. Five of the 12 recommended relocations move courts into multi-department, modern facilities to better leverage the state's capital investment of hundreds of millions of dollars in these courthouses.

Massachusetts has 101 court buildings, compared with 40 in New Hampshire, 45 in Connecticut, 59 in Maryland and six in Rhode Island. Of the Trial Court's current facilities, 63 are state-owned, and the rest are leased from public and private landlords. The mean age of the state-owned facilities is 68 years old and of the county-owned facilities is 88 years old. In FY11, the Trial Court spent \$25.9M on private, municipal and county leases. An additional \$11.1M was spent by the Division of Capital Asset Management from bond funds to cover the annual cost of the emergency relocations of the Middlesex Superior Court to Woburn and the Cambridge District Court to Medford.

Court Relocation Committee Analysis

A seven-member Court Relocation Committee (CRC), comprised of highly-respected community leaders and co-chaired by District Court Chief Justice Lynda Connolly and Housing Court Chief Justice Steven Pierce, was convened in February 2010, as detailed in the attached announcement.

The committee, which met 17 times and held four public meetings, is comprised of Boston attorney Anthony M. Doniger, a member of the Supreme Judicial Court's Access to Justice Commission and a past president of the Boston Bar Association (BBA); Malden attorney Douglas Martin, who represents the Massachusetts Bar Association (MBA) and is a past president of the Massachusetts Black Lawyers Association; health management leader and former Deputy Commissioner of Juvenile Services Elizabeth Pattullo, a two-term member of the Court Management Advisory Board; Boston attorney and BBA past president John Regan, and Fitchburg attorney Edward P. Ryan, Jr., former president of the MBA.

The Committee conducted a detailed analysis of all 101 courthouses, developed criteria with an overall goal of ensuring access to justice, and reviewed preliminary recommendations with the Chief Justice for Administration & Management in July 2010. The Trial Court shared the list of proposed relocations with the Legislature, court employees and the public in July, and the Committee met with stakeholders and conducted public meetings in Worcester, Boston, Brockton, and Plymouth in August 2010. Legislators and various other court constituents provided thoughtful input at the public meetings and submitted a significant amount of written comments.

Among its recommendations, the CRC advised court leaders to appoint it or another Task Force to explore the feasibility of consolidations across county lines to enhance public access. During the budget process in FY11 and FY12, the Trial Court proposed statutory language that would create greater convenience for local communities by addressing jurisdictional issues that might be created by consolidation. (attached)

In FY11, the Trial Court moved forward with plans to implement several of the CRC recommendations, as detailed below. In September 2010, the Legislature passed a supplemental budget of \$9.3M, bringing the total FY11 appropriation to \$544.1M, which allowed the Trial Court to forestall additional consolidation activity in FY11.

The CRC continued to meet to further discuss and assess the options for court relocation in anticipation of further budget cuts in FY12, given public reports of projected state revenue shortfalls of \$1 to 2 billion. While fiscal issues motivated the CRC's initial efforts, critical staffing shortages issues and the resulting need to redeploy staff became the more compelling driver of their efforts through FY11.

The CRC extensively reviewed data, heard public concerns, studied operational issues and ultimately balanced many factors in making challenging decisions to inform their final recommendations in June 2011. They determined that court relocations be implemented in FY2012 and FY2013 so that expenditure reduction does not translate exclusively in layoffs. The Committee also recommended a review of the long-term building needs of the Trial Court over the next five to ten years, given the trend toward larger multi-department facilities, as well as the increased use of technology. A strategic planning process has recently been proposed by the Division of Capital Asset Management for a two-year, comprehensive effort to develop a long-range plan for the Trial Court that would include capital assets.

When fully implemented, the CRC's current, short-term recommendations will result in more than \$3.4M in annual savings and allow the redeployment of 300 judges and staff to address significant staff shortfalls in courthouses across the state. The savings will have maximum impact in FY13 and subsequent years after relocation expenses are incurred and full savings can be realized.

- ***Committee Review Process***

In 2010, the Committee was given the charge to provide an objective assessment of how to further reduce Trial Court operating costs and relocate court sessions, in light of the significant decrease in funding expected by the Trial Court in FY11 and the attendant further loss of Trial Court personnel, given the necessity of continuing the hard hiring freeze.

The Committee members, who are knowledgeable about court operations, directed their efforts toward developing guiding principles and criteria for courthouse consolidation (attached), reviewing the entire inventory of courthouses, developing a preliminary list of courthouses with potential for consolidation, discussing how best to solicit input from stakeholders and the public, and developing a preliminary recommendation. The Committee's work was fully informed by a commitment to minimize the impact of court relocations and consolidations on the public's access to justice.

Assisted by staff from the Administrative Office of the Trial Court (AOTC), the Committee analyzed financial information relating to the Trial Court's budget and facility maintenance costs, assessments of the physical condition of court facilities, lease terms and court and case filing data relating to the more than 100 facilities which house court operations across the Commonwealth. The Committee reviewed the status of state-owned facilities, as well as leased facilities which are county-owned, municipally-owned, and privately-owned, as well as public transportation availability and geographic, cultural and historic issues relating to various facilities.

In each analysis the Committee assessed how the operations of the Trial Court might be modified, while minimizing the impact on access to justice. Recognizing the necessity for more in-depth discussions regarding the operational needs of both relocating and receiving courts, the Committee provided preliminary recommendations as a starting point for those further discussions and analyses.

Since greater savings can be realized from the termination or renegotiation of private leases, preliminary recommendations focused primarily on those facilities. All of the county, municipal and private leases maintained by the Trial Court are subject to termination for "lack of appropriation," a right which the Committee recommended should be exercised.

- ***Relocations Implemented Since Fall 2008***

The 13 relocations and space consolidations listed below have been implemented since the beginning of the fiscal crisis in October 2008 and have saved a total of \$7.1M – \$3.4M from terminating lease agreements for various facilities in FY09, FY10 and FY11; \$811.5K from terminating leases in FY12 not related to the CRC recommendations; and \$2.9M from renegotiating leases in FY10, FY11 and FY12.

Fiscal Year 2011

Land Court

- Land Court from leased space to Suffolk County Courthouse / 3 Pemberton Square

Norfolk County

- Norfolk County Law Library from leased space to Registry of Deeds building

- Norfolk Superior Court Probation from leased space to Registry of Deeds building
- Norfolk Superior Court Grand Jury from leased space to Registry of Deeds building
Administration

- CJAM's office and staff from Center Plaza to John Adams Courthouse
-- leased space at Center Plaza has been reduced by more than 30% since 2008

Bristol County

- Fall River Superior Court, Fall River District Court and the Fall River Law Library relocated from leased space to the new Fall River Trial Court

Fiscal Year 2010

Middlesex County

- Natick District Court to Framingham District Court

Statewide

- Renegotiated leases with landlords

Administration

- Administrative Offices of the District Court and the Probate and Family Court relocated from Center Plaza to state-owned space
- Offices of Community Corrections administrators moved from Center Plaza to less expensive leased space in Braintree

Fiscal Year 2009

Worcester County

- Winchendon District Court from leased space to Gardner District Court

Essex County

- Lawrence Session of the Essex County Juvenile Court from leased space to Fenton Judicial Center

Administration

- Administrative offices for Security and Capital Projects Departments relocated from Center Plaza to state-owned space

Prior court relocations include the Ipswich District Court to the Newburyport District Court in 2004 and the Ware Session of the Eastern Hampshire District Court in 2005 to Hadley, which then relocated to Belchertown in 2008. The Adams Session and the North Adams Session of the Northern Berkshire District Court were consolidated in North Adams in 2005. In 2007, the opening of regional justice centers in Plymouth and Worcester consolidated operations of five court departments into state-of-the-art courthouses.

Operational Considerations

The twelve courts identified for relocation are currently staffed with 300 judges, clerk's office staff, security and maintenance personnel of the 414 total needed for full staffing, which reflects that these sites are operating at 72% of the full level. (attached)

The Trial Court's case-weighted court staffing model, developed in concert with the National Center for State Courts using the Delphi method, provides standards that identify comparative needs for clerk's office staff among courts. The Trial Court uses a benchmark of 85% of the staffing model recommendations as the point below which a clerk's office is considered

understaffed. Currently, across all court departments staffing levels average 74.5% of recommended levels. Only 34% of the court divisions are classified as adequately staffed (85% or more of recommended levels), while 27% are classified as strained (75% to 84% of recommended levels) and 39% as critical (less than 75% of recommended levels).

The Court Relocation Committee, by necessity, developed its recommendations based on the regional and statewide operating requirements of the entire Trial Court. Operational issues were taken into account in a systematic way, as the CRC conducted a thorough review of all court facilities and developed its recommendations.

Drawing upon experience from prior relocations, the departmental Chief Justices are assessing more specific issues associated with each relocation. They will make a final determination of the locations that will assume the related court business for their departments, and in consultation with local court management, they will develop an operational framework that will allow implementation of the relocations with minimal disruption to the public and to court staff.

The Chief Justices will work with their affected First Justices, Clerk Magistrates, the Commissioner of Probation and Chief Probation Officers to determine how to effectively and efficiently reconfigure operations in a way that will best accommodate the staff, caseload, and public. Where more than one department will be affected by a relocation, the Chief Justices will work toward cooperative, multi-department use of space and the coordinated scheduling of sessions, as achieved with previous relocations.

Using the experience from the relocation of local courts to the new regional justice centers, AOTC staff will work with the court departments to develop a schedule, coordinate with landlords, address the logistical issues related to personnel and space, and secure the services needed to implement the moves. Expenses will be kept to a minimum as the relocations are arranged. Interested legislators and other stakeholders will be apprised of the status of these efforts.

MassCourts, the Trial Court's web-based, case management system, provides substantial benefits that reduce the challenges associated with the relocation of court operations. This system allows remote processing and provides the ability to allocate personnel based on accurate caseload data and performance metrics.

Several of the planned relocations involve jurisdictional issues, which would benefit from legislative action to enable the public to utilize a court in another county that may be in closer proximity than the receiving court. The Trial Court proposed language during budget discussions for FY11 and FY12 to address this situation. (attached)

Personnel Considerations

The relocation of court operations will enable 300 clerk's office staff, security, maintenance personnel and judges to move to locations where there is a great need of their assistance to more effectively manage court business. This number represents 4.6% of total court staffing.

As with other recent relocations and the openings of regional justice centers which have involved well over 1,000 employees statewide, the Trial Court will work collaboratively with employees and unions to effect the necessary changes in work locations with minimal disruption to court staff and the public. Departmental Chief Justices will work with their First Justices, Clerk/Magistrates, Commissioner of Probation and Chief Probation Officers to seek their recommendations on the most effective way to execute the relocation. They will work with the Human Resources department to develop processes needed to implement the plans for the affected departments.

Employees in the courts identified for relocation would not be laid off but would be redeployed to address the severe staffing shortage now challenging all courts across the state, since the Trial Court has 1,141 fewer staff than on July 1, 2007. Employees may move to the designated receiving court or to a court which has more pressing staff needs. The Trial Court prefers to make these arrangements on a voluntary basis and many court departments have succeeded in such redeployments in the last several years as warranted by the staffing situation. Factors that are involved in these decisions include seniority and employee preference to the extent that preference can be accommodated.

Layoffs would further exacerbate the Trial Court's staffing situation and the Trial Court is trying to reduce or eliminate the need for layoffs by implementing the consolidations; however, layoffs may be required as an additional management response to meet the significant deficit in the Trial Court's FY12 budget.

Financial Considerations

The current group of planned relocations will save approximately \$3.4M in Trial Court lease and operational expenses on an annual basis, which would avoid layoffs of approximately 85 clerical positions. The one-time costs to accommodate these relocations are estimated at \$1.1M. In addition to the \$7.1M in cumulative savings already realized from lease terminations and renegotiations since 2008, the substantial savings associated with these relocations are essential to operating within the Trial Court's budget appropriation for FY12 and beyond. As noted earlier, the ability to allocate available human resources has assumed an even greater priority in the planning process.

By necessity, the planned relocations will include both leased and state-owned courthouse space. The expenses associated with leased locations are readily identifiable and the current and projected maintenance and utility costs associated with state-owned locations, which are 68 years old on average, have been identified as significant as well.

In FY10, seven capital projects totaling over \$505,000 and building systems upgrades totaling over \$434,000 were completed at state-owned courthouses. A capital repair needs assessment of state-owned courthouses conducted in 2007 by the Division of Capital Asset Management

estimated the need for more than \$500M to address urgent deferred maintenance needs at those court locations.

In FY11, the Trial Court spent \$25.9M on private, municipal and county leases. An additional \$11.1M was spent by the Division of Capital Asset Management from bond funds to cover the annual cost of the emergency relocations of the Middlesex Superior Court to Woburn and the Cambridge District Court to Medford.

Since the court relocations were recommended with a statewide perspective, based on a range of factors that include geography, fiscal impact, caseload and staffing, the finances associated with any single location have not been used exclusively, nor in isolation, to determine the need for any particular relocation.

The Trial Court recognizes that expenses for other community entities may increase as a result of the relocation of its local court. However, given the FY12 appropriation, relocations are required to meet the fiscal and operational needs of the Trial Court. The Trial Court is open to working with affected community partners to review practices and procedures and to identify changes that could limit the impact of relocation on their expenses.

Timeframes

Planning efforts are underway to prioritize the sequence of the relocations. Factors that will determine the sequence include the operational complexity of each move, the status of the existing leases, the build out requirements, and the capacity of the infrastructure at the receiving locations.

Court staff will be apprised of the plans which impact their courts as those plans are finalized. The relocations will begin in stages, once coordination of the upcoming move to a new courthouse in Salem is completed in the late fall.

As planning moves forward, the Trial Court will maintain ongoing communication with local communities and their elected officials.

Court Relocation Profiles

The following profiles on each court affected by the relocations summarize key data on each location's full and current staffing levels, caseload, physical dimensions, ownership, and expenses. The criteria used by the CRC, including these and many other factors, also are detailed in an attachment.

Attachments

1. Court Profiles Detailing Expense, Personnel and Caseload Impact
2. Summary of Caseload and Staffing of Courts to be Relocated
3. Blue Sheet with History of Budget and Staffing Data
4. Announcement on Formation of Court Relocation Committee
5. Criteria used by the Court Relocation Committee
6. Language to Effect Jurisdictional Changes Proposed During FY11 and FY12 Budget Cycles
7. Summary of Cost Saving Measures Implemented
8. Excerpts of Ways & Means Testimony and Justice in the Balance Report Submitted 2//25/11

Court Profiles

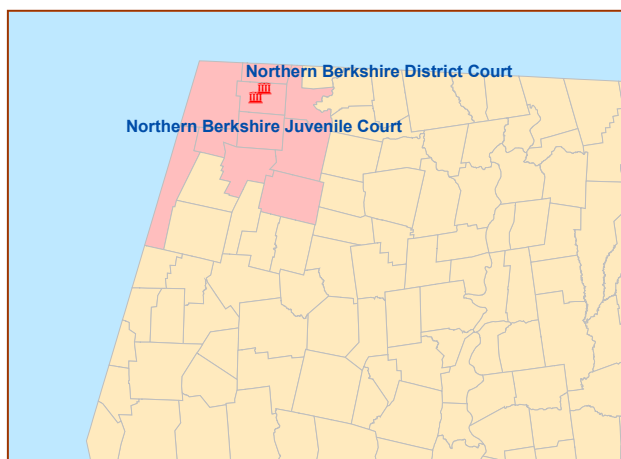
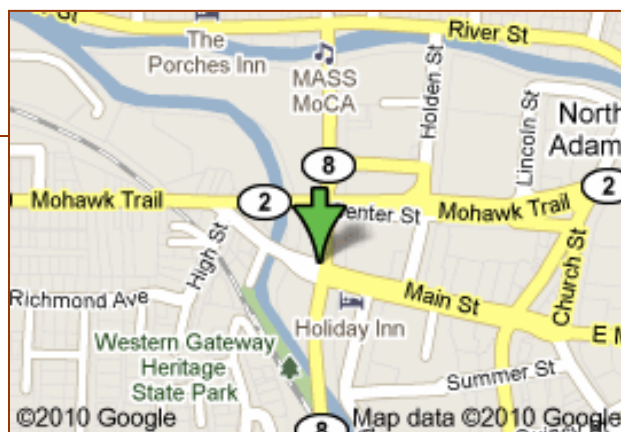
Berkshire Juvenile Court	p. 1
Charlestown Division, Boston Municipal Court	p. 2
Middlesex Juvenile Court, Framingham Session	p. 3
Gloucester District Court	p. 4
Hingham District Court	p. 5
Leominster District Court	p. 6
Southeast Housing Court, New Bedford Session New Bedford District Court, Small Claims/CMVI	p. 7
Norfolk Juvenile Court, Dedham Session	p. 8
Brookline District Court, Civil Session	p. 9
Brookline District Court, Criminal Session	p. 10
Wareham District Court	p. 11
Westborough District Court	p. 12
Westfield District Court	p. 13

Berkshire Juvenile Court

North Adams Session

37 Main Street, North Adams, MA 01247

Jurisdiction	Adams, Cheshire, Clarksburg, Florida, Hancock, New Ashford, North Adams, Savoy Williamstown, Windsor
Owner	North Adams Futures Inc.
Agreement Type	Private Lease
Courtrooms	1
Square Feet	10,734
Number of Staff ¹	10
Full Staffing ¹	15
Staffing Model % ²	83%
Total Facility Cost '12 ³	\$284,451
<i>-Facility Cost Per Square Foot</i>	\$26.50



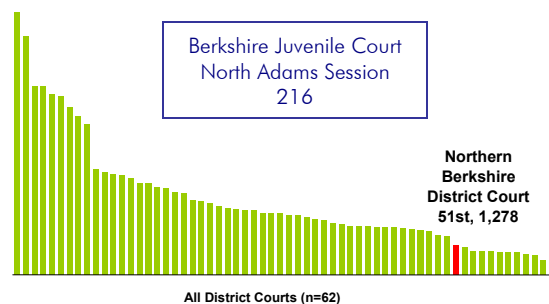
Receiving Court Facility:

Northern Berkshire District Court

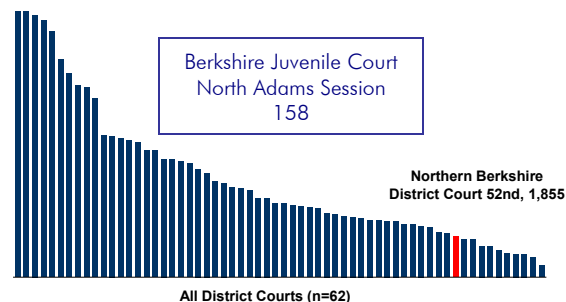
111 Holden Street, North Adams, MA 01247

Jurisdiction	Adams, Cheshire, Clarksburg, Florida, Hancock, New Ashford, North Adams, Savoy Williamstown, Windsor
Owner	Mass. Museum of Contemporary Art
Agreement Type	Public Lease
Courtrooms	2
Square Feet	20,696
Number of Staff ¹	24
Full Staffing ¹	37
Staffing Model % ²	77%
Total Facility Cost '12 ³	\$606,424
<i>-Facility Cost Per Square Foot</i>	\$29.30

Criminal Defendants / FY 2010



Civil Filings / FY 2010



¹ Includes judges, clerk's office, probation, security and court facilities.

² Clerk's office staff only.

³ Includes utilities.

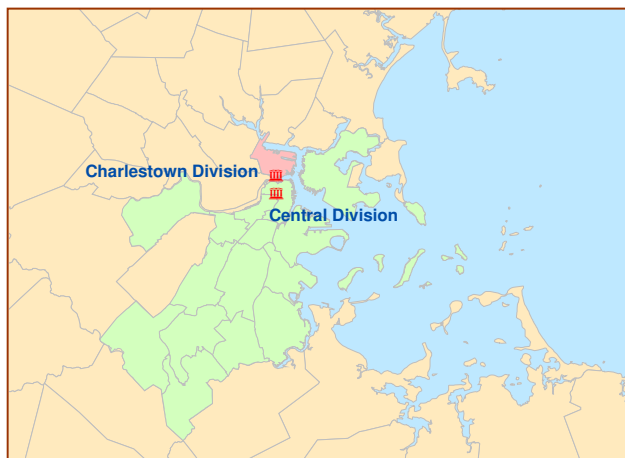
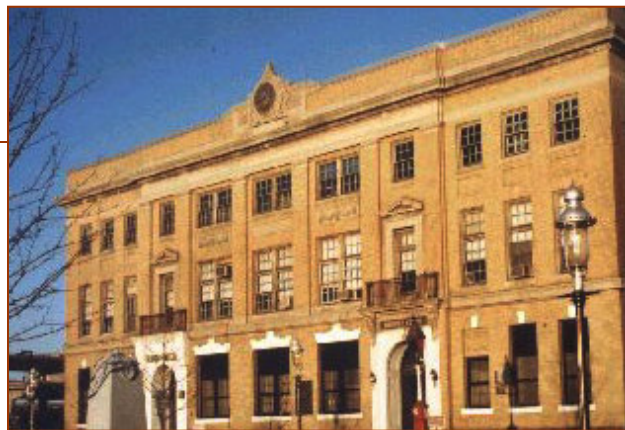
Charlestown Division

Boston Municipal Court

2 City Square, Charlestown, MA 02129

Year Built	1915
Jurisdiction	Charlestown
Owner	Comm. of MA
Agreement Type	State-Owned
Courtrooms	1
Square Feet	6,409

Number of Staff ¹	18
Full Staffing ¹	23
Staffing Model % ²	89%
Total Facility Cost '10 ³	\$88,580
-Facility Cost Per Square Foot	\$13.82



Receiving Court Facility:

Central Office

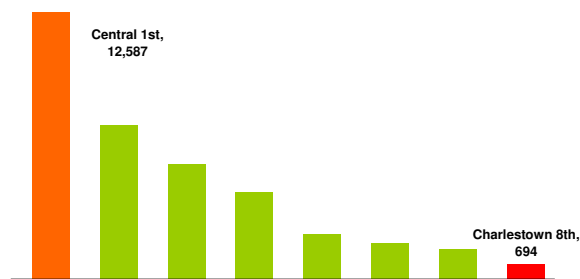
Boston Municipal Court

Edward W. Brooke Courthouse Complex
24 New Chardon Street, Boston, MA 02114

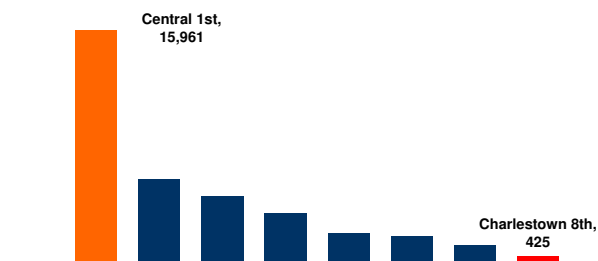
Year Built	1999
Jurisdiction	Boston
Owner	Comm. of MA
Agreement Type	State-Owned
Courtrooms	25
Square Feet	425,300

Number of Staff ¹	98
Full Staffing ¹	227
Staffing Model % ²	74%
Total Facility Cost '10 ³	\$4,062,452
-Facility Cost Per Square Foot	\$9.95

Criminal Cases / FY 2010



Civil Filings, FY 2010



Civil Filings includes: civil, civil miscellaneous, small claims, summary process, supplementary process, judge CMV, and mental health.

¹ Includes judges, clerk's office, probation, security and court facilities.

² Clerk's office staff only.

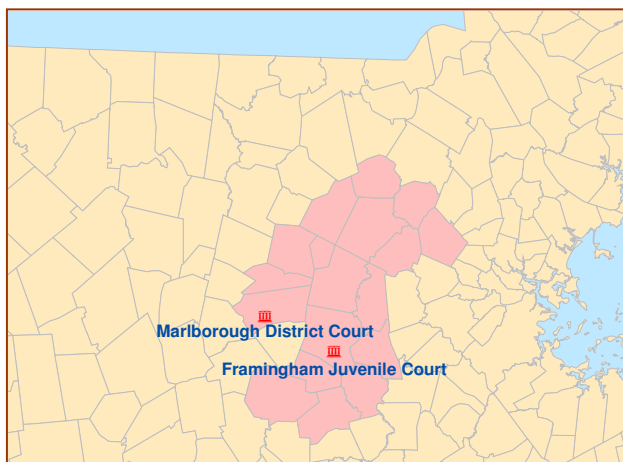
³ Includes utilities.

Middlesex Juvenile Court

Framingham Session

110 Mt. Wayte Avenue, Framingham, MA 01701

Jurisdiction	Acton, Ashland, Bedford, Carlisle, Concord, Framingham, Holliston, Hopkington, Hudson, Lexington, Lincoln, Marlborough, Maynard, Natick, Sherborn, Stowe, Sudbury, Wayland
Owner	Baron Properties, Inc.
Agreement Type	Private Lease
Courtrooms	1
Square Feet	14,520
Number of Staff ¹	25
Full Staffing ¹	26
Staffing Model% ²	86%
Total Facility Cost '12 ³	\$529,980
-Facility Cost Per Square Foot	\$36.50



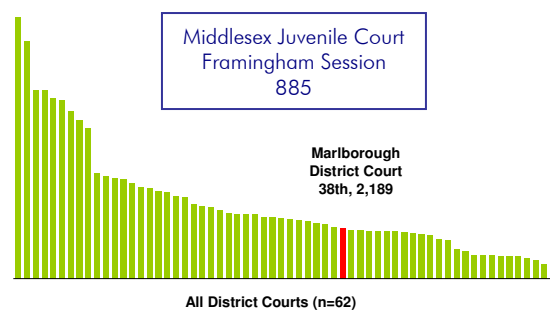
Receiving Court Facility:

Marlborough District Court

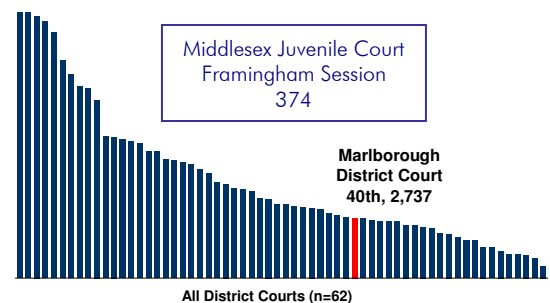
45 Williams Street, Marlborough, MA 01752

Year Built	1969
Jurisdiction	Hudson, Marlborough
Owner	Commonwealth of MA
Agreement Type	State-Owned
Courtrooms	4
Square Feet	27,090
Number of Staff ¹	34
Full Staffing ¹	38
Staffing Model% ²	81%
Total Facility Cost '10 ³	\$249,367
-Facility Cost Per Square Foot	\$9.21

Criminal Defendants / FY 2010



Civil Filings / FY 2010



¹ Includes judges, clerk's office, probation, security and court facilities.

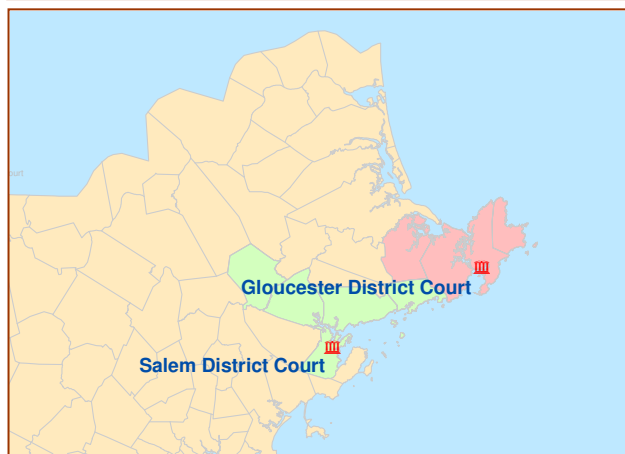
² Clerk's office staff only.

³ Includes utilities.

Gloucester District Court

197 Main Street, Gloucester, MA 01930

Jurisdiction	Essex Gloucester Rockport
Owner	City of Gloucester
Agreement Type	Municipal Lease
Courtrooms	1
Square Feet	6,586
Number of Staff ¹	22
Full Staffing ¹	33
Staffing Model% ²	82%
Total Facility Cost '12 ³	\$53,914
-Facility Cost Per Square Foot	\$8.18



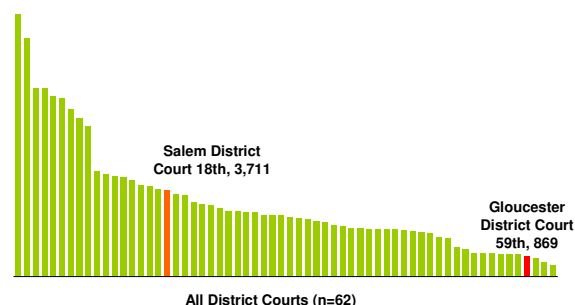
Receiving Court Facility:

Salem District Court

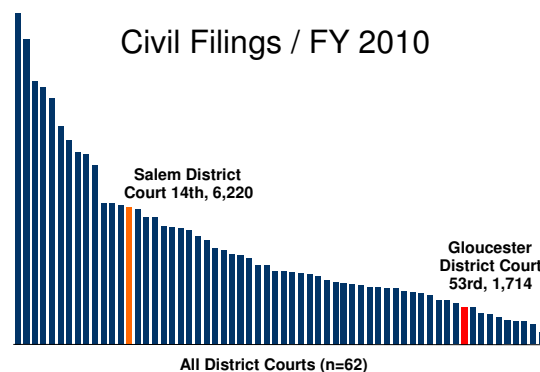
Ruane Judicial Center Complex
Federal Street, Salem, MA 01970

Year Built	2010
Jurisdiction	Beverly, Danvers Manchester by the Sea Middleton, Salem
Owner	Comm. of MA
Agreement Type	State-Owned
Courtrooms	11
Square Feet	191,300
Number of Staff ¹	64
Full Staffing ¹	87
Staffing Model% ²	71%
Total Facility Cost '12 ³	Opening Fall 2011
-Facility Cost Per Square Foot	

Criminal Defendants / FY 2010



Civil Filings / FY 2010



¹ Includes judges, clerk's office, probation, security and court facilities.

² Clerk's office staff only.

³ Includes utilities.

Hingham District Court

28 George Washington Boulevard, Hingham, MA 02043

Jurisdiction Hanover, Hingham, Hull
Norwell, Rockland,
Scituate

Owner Plymouth County
Agreement Type County Lease
Courtrooms 4
Square Feet 27,269

Number of Staff ¹ 39
Full Staffing ¹ 54
Staffing Model% ² 80%

Total Facility Cost '12 ³ \$403,085

-Facility Cost
Per Square Foot \$14.78

Receiving Court Facility:

Brockton District Court

George N. Covett Courthouse Complex
215 Main Street, Brockton, MA 02301

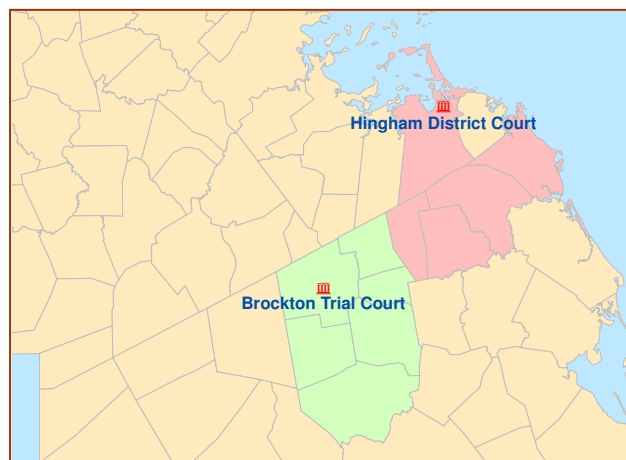
Year Built 1999
Jurisdiction Abington, Bridgewater,
Brockton, East Bridgewater,
West Bridgewater, Whitman

Owner Comm. of MA
Agreement Type State-Owned
Courtrooms 13
Square Feet 125,424

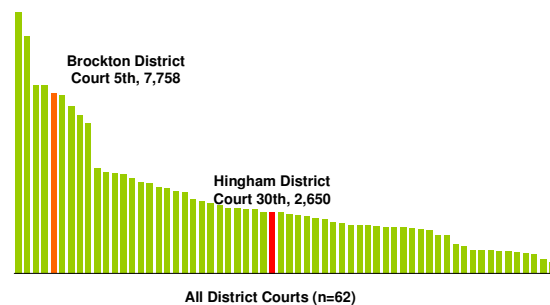
Number of Staff ¹ 104
Full Staffing ¹ 155
Staffing Model% ² 74%

Total Facility Cost '10 ³ \$1,178,357

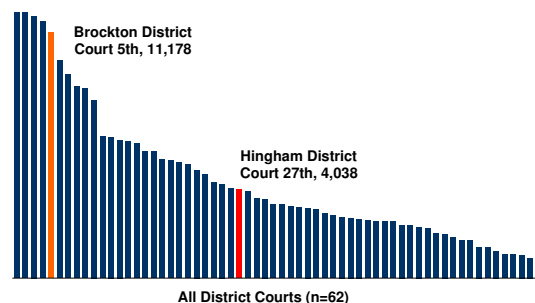
-Facility Cost
Per Square Foot \$9.39



Criminal Defendants / FY 2010



Civil Filings / FY 2010



¹ Includes judges, clerk's office, probation, security and court facilities.

² Clerk's office staff only.

³ Includes utilities.

Leominster District Court

25 School Street, Leominster, MA 01453

Jurisdiction Holden, Princeton
Leominster

Owner City of Leominster

Agreement Type Municipal Lease

Courtrooms 2

Square Feet 14,890

Number of Staff ¹ 29

Full Staffing ¹ 47

Staffing Model % ² 91%

Total Facility Cost '12 ³ \$348,010

-Facility Cost

Per Square Foot \$23.37

Receiving Court Facility:

Fitchburg District Court / Clinton District Court

100 Elm Street, Fitchburg, MA 01420

300 Boylston Street, Clinton, MA 01510

Year Built 1902 / 1972

Jurisdiction Fitchburg, Lunenburg / Berlin,
Bolton, Boylston, Clinton,
Harvard, Lancaster, Sterling, West
Boylston

Owner Comm. of MA

Agreement Type State-Owned

Courtrooms 3 / 2

Square Feet 32,183 / 18,466

Number of Staff ¹ 36 / 26

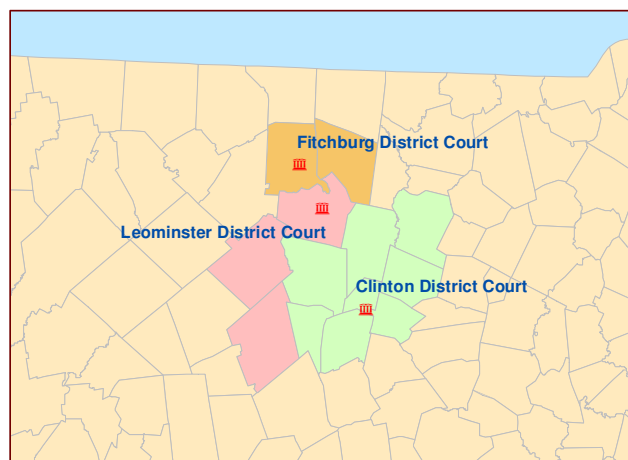
Full Staffing ¹ 51 / 41

Staffing Model % ² 68% / 84%

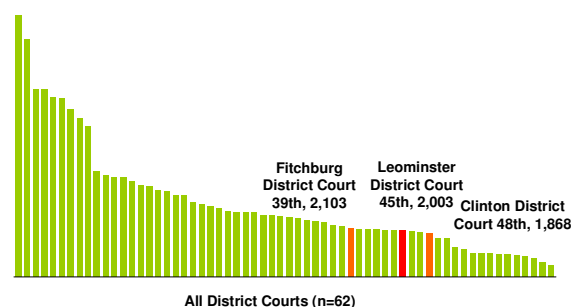
Total Facility Cost '10 ³ \$299,128 / \$165,813

-Facility Cost

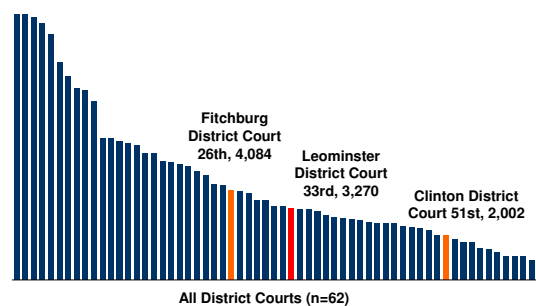
Per Square Foot \$9.29 / \$8.98



Criminal Defendants / FY 2010



Civil Filings / FY 2010



¹ Includes judges, clerk's office, probation, security and court facilities.

² Clerk's office staff only.

³ Includes utilities.

Southeast Housing Court

New Bedford Session

New Bedford District Court

Small Claims, CMVI

139 Hathaway Road, New Bedford, MA 02746

Jurisdiction Plymouth and Bristol Counties

Owner S.B. Realty Ltd.

Agreement Type Private Lease

Courtrooms 1

Square Feet 9,374

Number of Staff ¹ 2

Full Staffing ¹ 2

Staffing Model% ² 89%

Total Facility Cost '12 ³ \$217,729

-Facility Cost

Per Square Foot \$23.22

Receiving Court Facility:

Bristol Probate & Family Court

New Bedford Session

505 Pleasant Street, New Bedford, MA 02746

Year Built 1909

Jurisdiction Acushnet, Attleboro, Berkley, Dartmouth, Dighton, Easton, Fairhaven, Fall River, Freetown, Mansfield, New Bedford, North Attleboro, Norton, Raynham, Rehoboth, Seekonk, Somerset, Swansea, Taunton, Westport

Owner Comm. of MA

Agreement Type State-Owned

Courtrooms 3

Square Feet 14,665

Number of Staff ¹ 4

Full Staffing ¹ 4

Staffing Model% ² 77%

Total Facility Cost '10 ³ \$126,463

-Facility Cost

Per Square Foot \$8.62

¹ Includes judges, clerk's office, probation, security and court facilities.

² Clerk's office staff only.

³ Includes utilities.



Southeast Housing Court
FY 2010:

12,241 case filings
(includes ADR)

New Bedford (estimate): 4,039

New Bedford District Court
FY2010

Total Cases:	25,334
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CMVI Hearings:	9,890
----------------	-------

Small Claims: (to Pleasant Street)	4,207
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Norfolk Juvenile Court

Dedham Session

55 Allied Drive, Dedham, MA 02026

Jurisdiction Avon, Canton, Dedham, Dover, Foxborough, Franklin Medfield, Medway, Millis Needham, Norfolk, Norwood Plainville, Sharon, Stoughton Walpole, Wellesley, Westwood, Wrentham

Owner JMS Realty Trust
Agreement Type Private Lease
Courtrooms 1
Square Feet 13,844

Number of Staff ¹ 33
Full Staffing ¹ 36
Staffing Model% ² 86%
Total Facility Cost '12 ³ \$674,290
-Facility Cost
Per Square Foot \$48.70

Receiving Court Facility:

Brookline District Court

360 Washington Street, Brookline, MA 02445

Year Built 1941
Jurisdiction Brookline

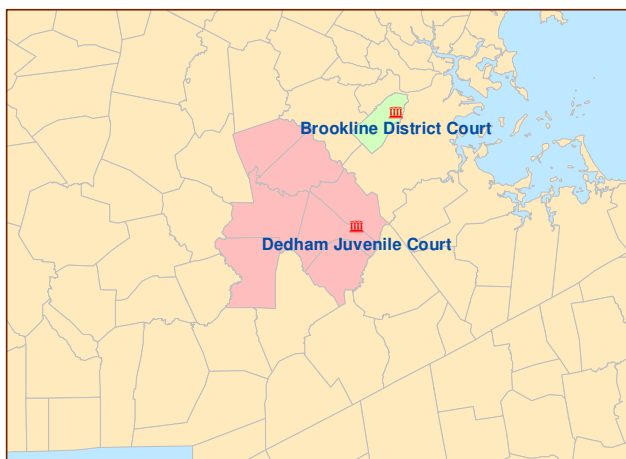
Owner Norfolk County
Agreement Type County Lease
Courtrooms 2
Square Feet 14,525

Number of Staff ¹ 21
Full Staffing ¹ 27
Staffing Model% ² 99%
Total Facility Cost '10 ³ \$316,000
-Facility Cost
Per Square Foot \$21.76

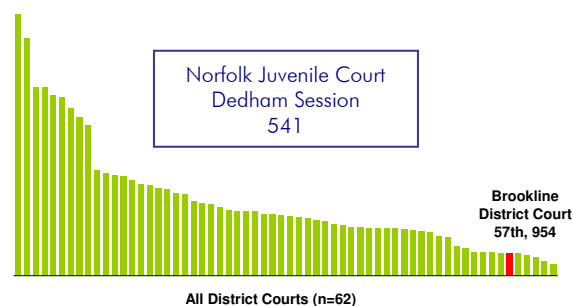
¹ Includes judges, clerk's office, probation, security and court facilities.

² Clerk's office staff only.

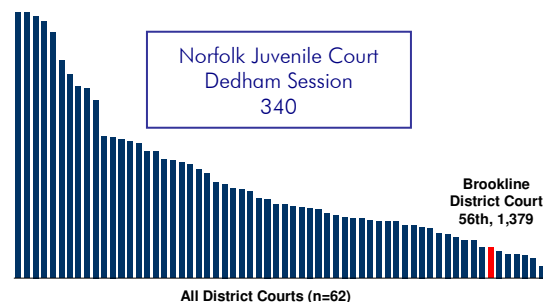
³ Includes utilities.



Criminal Defendants / FY 2010



Civil Filings / FY 2010

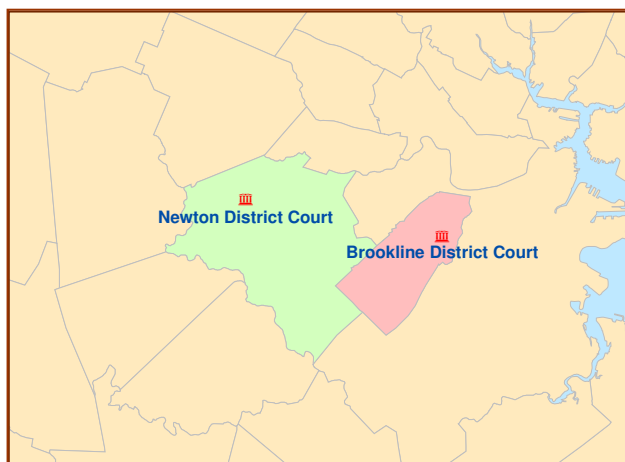


Brookline District Court

Civil Session

360 Washington Street, Brookline, MA 02445

Jurisdiction	Brookline
	*A change in jurisdiction to a Middlesex County court may require legislation.
Owner	Norfolk County
Agreement Type	County Lease
Courtrooms	2
Square Feet	14,525
Number of Staff ¹	21
Full Staffing ¹	27
Staffing Model% ²	99%
Total Facility Cost '10 ³	\$316,000
-Facility Cost Per Square Foot	\$21.76

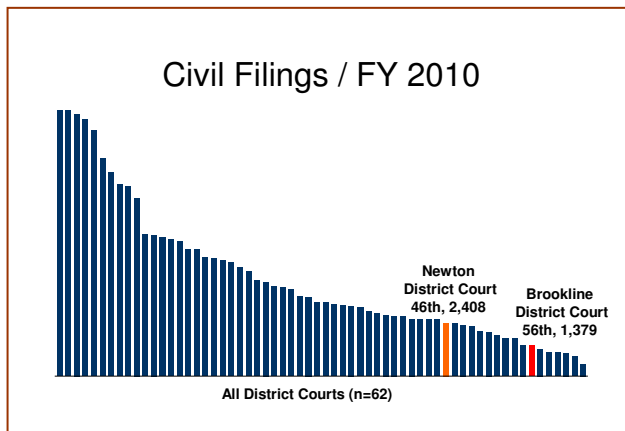


Receiving Court Facility:

Newton District Court

1309 Washington Street, Newton, MA 02465

Year Built	1930
Jurisdiction	Newton
Owner	Comm. of MA
Agreement Type	State-Owned
Courtrooms	2
Square Feet	15,172
Number of Staff ¹	18
Full Staffing ¹	38
Staffing Model% ²	89%
Total Facility Cost '10 ³	\$194,585
-Facility Cost Per Square Foot	12.83



¹ Includes judges, clerk's office, probation, security and court facilities.

² Clerk's office staff only.

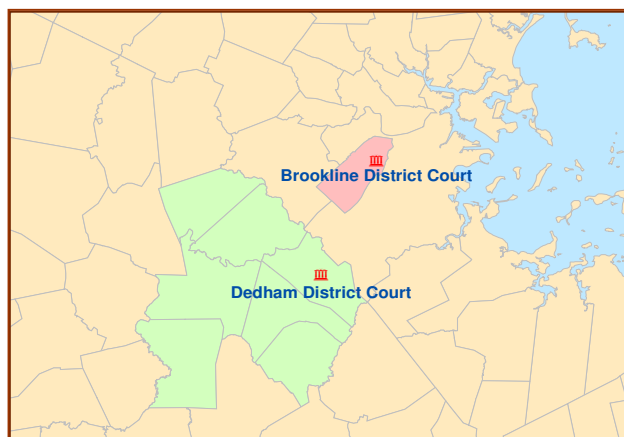
³ Includes utilities.

Brookline District Court

Criminal Session

360 Washington Street, Brookline, MA 02445

Jurisdiction	Brookline
Owner	Norfolk County
Agreement Type	County Lease
Courtrooms	2
Square Feet	14,525
Number of Staff ¹	21
Full Staffing ¹	27
Staffing Model% ²	99%
Total Facility Cost '10 ³	\$316,000
-Facility Cost Per Square Foot	\$21.76



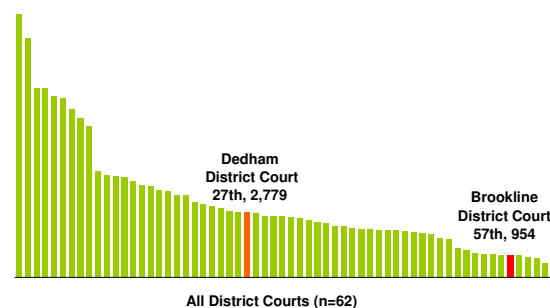
Receiving Court Facility:

Dedham District Court

631 High Street, Dedham, MA 02026

Jurisdiction	Dedham, Dover, Medfield Needham, Norwood Wellesley, Westwood
Owner	Norfolk County
Agreement Type	County Lease
Courtrooms	6
Square Feet	22,984
Number of Staff ¹	40
Full Staffing ¹	49
Staffing Model% ²	64%
Total Facility Cost '10 ³	\$480,733
-Facility Cost Per Square Foot	\$20.91

Criminal Defendants / FY 2010



¹ Includes judges, clerk's office, probation, security and court facilities.

² Clerk's office staff only.

³ Includes utilities.

Wareham District Court

2200 Cranberry Highway, West Wareham, MA 02576

Jurisdiction Carver, Lakeville, Marion
Mattapoisett, Middleborough,
Rochester, Wareham

*A change in jurisdiction to a Bristol
County court may require legislation.

Owner Plymouth County
Agreement Type County Lease
Courtrooms 4
Square Feet 23,154

Number of Staff ¹ 39
Full Staffing ¹ 66
Staffing Model% ² 67%
Total Facility Cost '12 ³ \$349,154
-Facility Cost
Per Square Foot \$15.08

Receiving Court Facility:

Plymouth District Court

Plymouth Trial Court Complex
52 Obery Street, Plymouth, MA 02360

Year Built 2007
Jurisdiction Duxbury, Halifax, Hanson,
Kingston, Marshfield,
Pembroke, Plymouth, Plympton

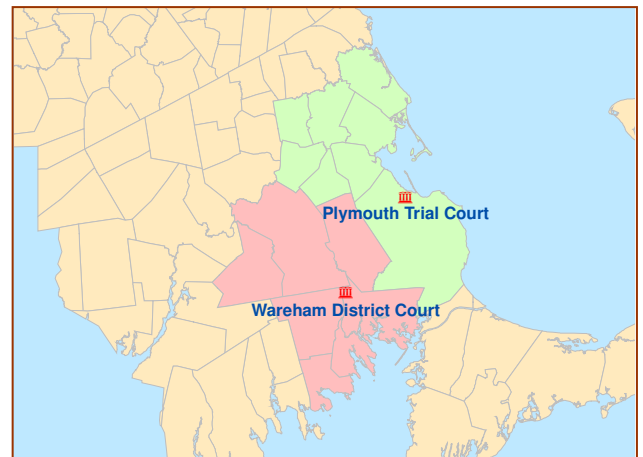
Owner Comm. of MA
Agreement Type State-Owned
Courtrooms 10
Square Feet 189,154

Number of Staff ¹ 63
Full Staffing ¹ 84
Staffing Model% ² 69%
Total Facility Cost '10 ³ \$1,539,707
-Facility Cost
Per Square Foot \$8.94

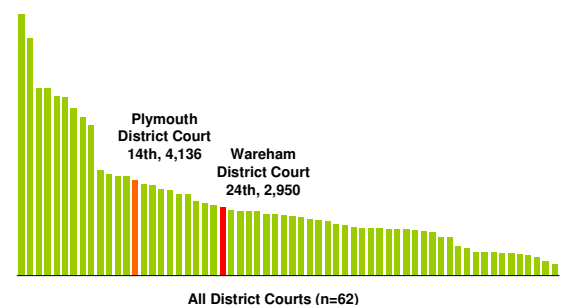
¹ Includes judges, clerk's office, probation, security and court facilities.

² Clerk's office staff only.

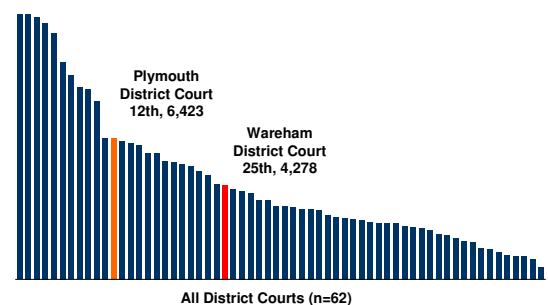
³ Includes utilities.



Criminal Defendants / FY 2010



Civil Filings / FY 2010



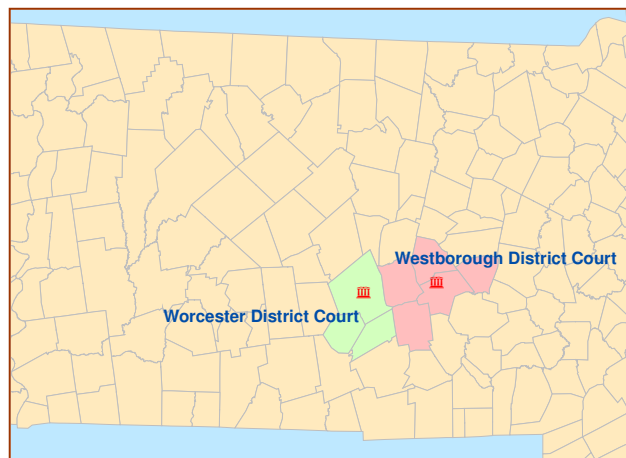
Westborough District Court

186 Oak Street, Westborough, MA 01581

Year Built 1971
Jurisdiction Grafton, Northborough
 Shrewsbury, Southborough
 Westborough

Owner Comm. of MA
Agreement Type State-Owned
Courtrooms 3
Square Feet 17,180

Number of Staff ¹ 36
Full Staffing ¹ 44
Staffing Model % ² 58%
Total Facility Cost '10 ³ \$168,163
-Facility Cost
Per Square Foot \$9.79



Receiving Court Facility:

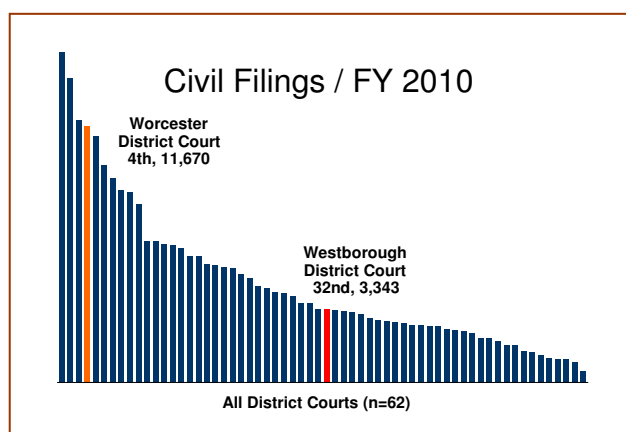
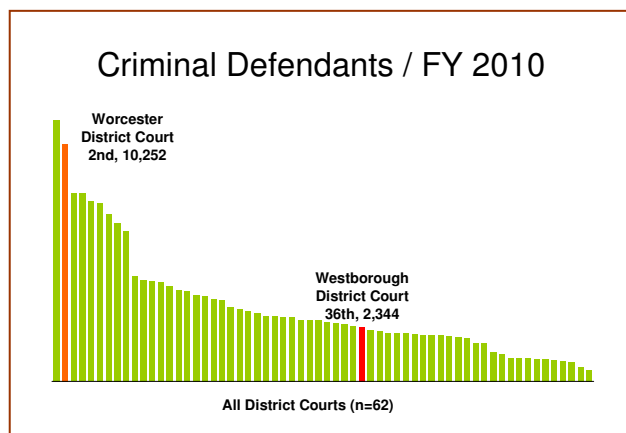
Worcester District Court

Worcester Trial Court Complex
 225 Main Street, Worcester, MA 01608

Year Built 2007
Jurisdiction Auburn, Millbury
 Worcester

Owner Comm. of MA
Agreement Type State-Owned
Courtrooms 26
Square Feet 430,000

Number of Staff ¹ 146
Full Staffing ¹ 208
Staffing Model % ² 70%
Total Facility Cost '10 ³ \$3,740,033
-Facility Cost
Per Square Foot \$8.70



¹ Includes judges, clerk's office, probation, security and court facilities.

² Clerk's office staff only.

³ Includes utilities.

Westfield District Court

224 Elm Street, Westfield, MA 01085

Jurisdiction Agawam, Blandford, Chester ,
Granville, Montgomery, Russell,
Southwick, Tolland, Westfield

*A change in jurisdiction to a Berkshire
County court may require legislation.

Owner Westfield Court Assn.
Agreement Type Private Lease
Courtrooms 3
Square Feet 22,577

Number of Staff ¹ 26
Full Staffing ¹ 41
Staffing Model % ² 78%
Total Facility Cost '12 ³ \$710,500
-Facility Cost
Per Square Foot \$31.47

Receiving Court Facility:

Holyoke District Court / Chicopee District Court / So. Berkshire District Court

20 Court Plaza, Holyoke, MA 01040
30 Church Street, Chicopee, MA 01020
9 Gilmore Avenue, Great Barrington, MA 01230

Year Built 1980 / 1985 / -
Jurisdiction Holyoke/Chicopee/Alford, Becket,
Egremont, Great Barrington, Lee,
Lenox, Monterey, Mt. Washington,
New Marlborough, Otis
Sandisfield, Sheffield Stockbridge
Tyringham, West Stockbridge

Owner Comm. of MA / Comm. of MA /
Town of Great Barrington
Agreement Type State-Owned / State-Owned /
Municipal Lease
Courtrooms 4 / 2 / 2
Square Feet 31,924 / 14,899 / 9,294

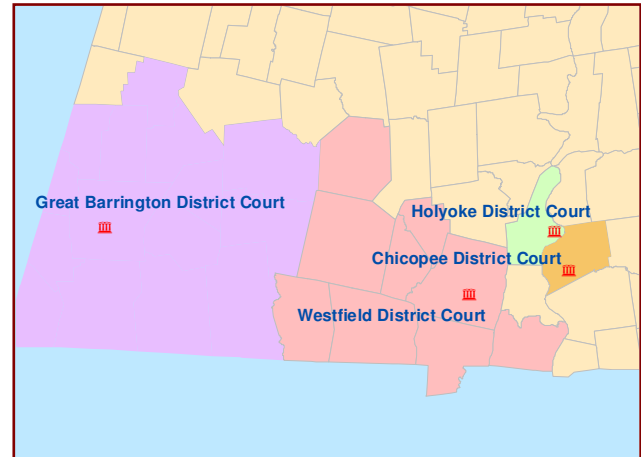
Number of Staff ¹ 44 / 29 / 17
Full Staffing ¹ 63 / 48 / 24
Staffing Model % ² 76% / 69% / 87%
Total Facility Cost ³ ('10) \$283,028 / ('10) \$167,007
('12) \$171,699

-Facility Cost
Per Square Foot \$8.87 / \$11.21 / \$18.47

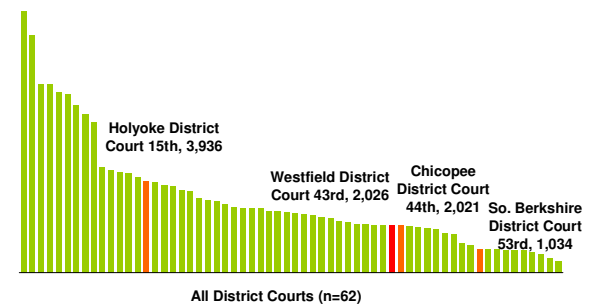
¹ Includes judges, clerk's office, probation, security and court facilities.

² Clerk's office staff only.

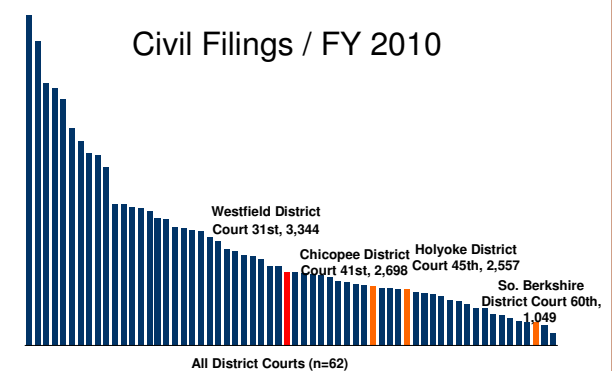
³ Includes utilities.



Criminal Defendants / FY 2010



Civil Filings / FY 2010



Summary of Caseload and Staffing for Courts to be Relocated

	<i>Criminal Defendants FY10 Total & Ranking</i> ²	<i>Civil Filings</i>	<i>Current Staff</i> ¹	<i>Full Staff</i>
Juvenile Courts – 11 Divisions Statewide				
Berkshire/ No. Adams	216	158	10	15
Middlesex/ Framingham	885	374	25	26
Norfolk/ Dedham	<u>541</u> 1,642	<u>340</u> 872	<u>33</u> 68	<u>36</u> 77
Boston Municipal Court – Eight Divisions Citywide				
Charlestown	694 (8 th / 8)	425 (8 th / 8)	18	23
District Courts – 62 Divisions Statewide				
Brookline	954 (57 th / 62)	1,379 (56 th / 62)	21	27
Gloucester	869 (59 th)	1,714 (53 rd)	22	33
Hingham	2,650 (30 th)	4,038 (27 th)	39	54
Leominster	2,003 (45 th)	3,270 (33 rd)	29	47
Wareham	2,950 (24 th)	4,278 (25 th)	39	66
Westborough	2,344 (36 th)	3,343 (32 nd)	36	44
Westfield	<u>2,026</u> (43 rd) 13,796	<u>3,344</u> (31 st) 21,366	<u>26</u> 212	<u>41</u> 312
Housing Court – 5 Divisions Statewide				
SE Division / New Bedford		4,039 ³	2	2
Total	16,132	26,702	300	414
Statewide Total	Criminal Filings 338,342	Civil Filings 854,558	Staffing 6,488 ⁴	
Relocation Courts	4.8%	3.1%	4.6%	

¹ Current and Full Staffing totals include judges, clerk's office, probation, security and court facilities staff

² Ranking not available for sessions which are part of a region-wide court division

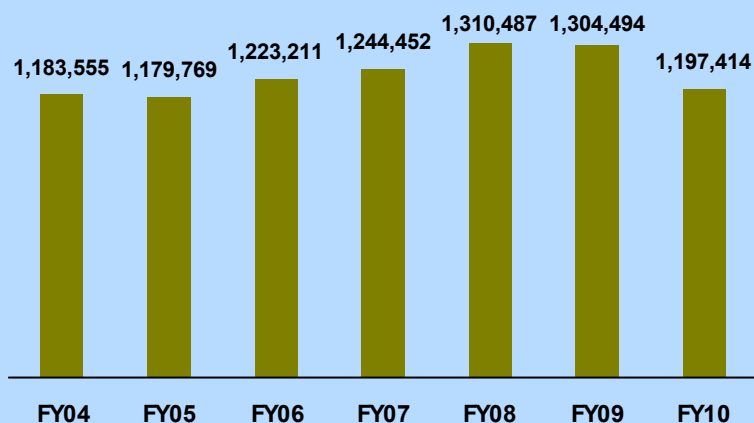
³ Estimated as one-third of the 12,241 cases, including ADR, handled in FY10 by SE Housing Court

⁴ As of 8/3/11

The Massachusetts Trial Court: Case Filings, Funding, and Staffing

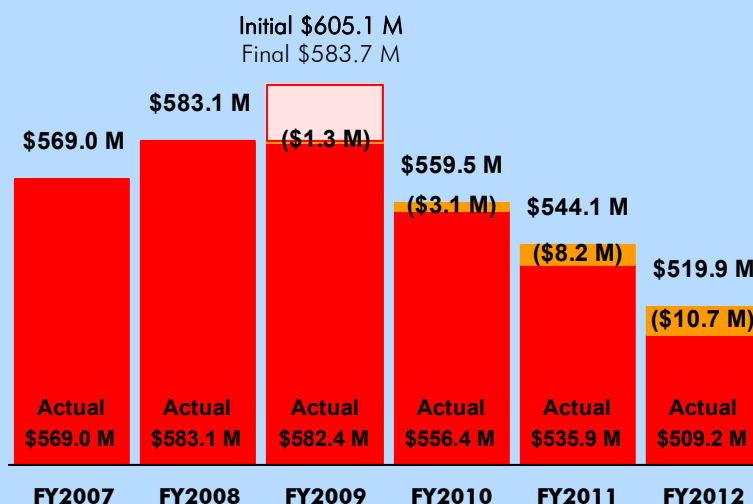
Case Filings

The Trial Court must address its fiscal constraints in the context of current operations. More than a million new cases are filed in the Trial Court annually. In addition, a survey indicated that courthouses across the state serve more than 42,000 visitors daily.



Initial and Actual Appropriations

To meet significant declines in budget appropriations, the Trial Court has eliminated programs and curtailed services. Courthouses have been re-located, lease payments renegotiated and staffing sharply reduced. ADR contracts, GALs, legal materials, equipment, supplies, and utility expenses all have been cut substantially.



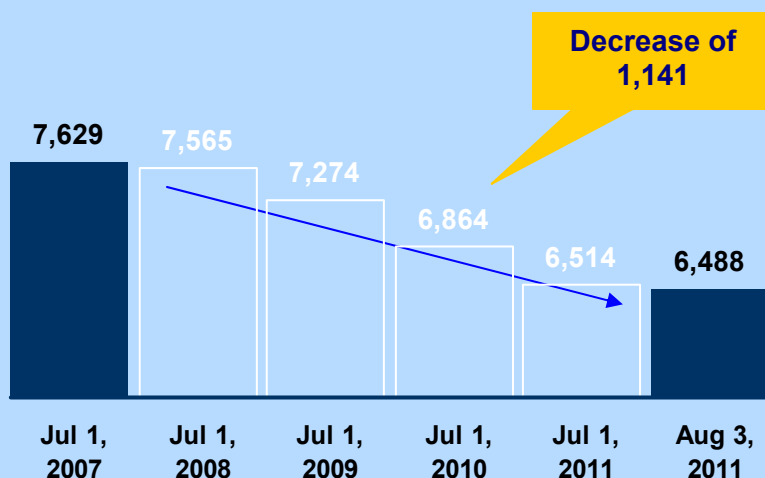
Appropriation includes retained revenue components for probation and filing fees. Collections did not reach the allowed maximum, resulting in actual funding of \$582.4 M in FY09, \$556.4 M in FY10, \$535.9 M in FY11, and a projected \$509.2 M for FY12.

Trial Court Positions

The Trial Court restricted hiring in 2007 and implemented an absolute hiring freeze in October 2008 in response to escalating fiscal challenges.

Due to retirement incentive programs and other efforts to reduce expenses, Trial Court staffing has declined by 1,141 employees, or 15%, from 7,629 on July 1, 2007, to 6,488 on August 3, 2011.

The number of Trial Court employees has not been below 7,000 since FY1997.



Date: August 9, 2011

February 23, 2010

Court Relocation Committee Convened

Statement from Chief Justice for Administration & Management Robert A. Mulligan

Yesterday afternoon, Chief Justice Marshall and I convened the first meeting of a committee appointed to seek input and provide recommendations on the possible relocation of court operations in light of the significant budget challenges facing the Commonwealth. We have asked District Court Chief Justice Lynda M. Connolly and Housing Court Chief Justice Steven D. Pierce to co-chair a panel of the respected community leaders named below who have agreed to assume this important role and assist us with these decisions. The committee will consider factors such as caseload, operational expense, building condition and access to justice, in identifying approximately ten sites for possible relocation over the next several years.

We will retain and redeploy the court staff for any relocated operations, as we did with the relocations made to date. Such changes also would provide the opportunity for the voluntary relocation of personnel to other courts, based on staffing needs and geographical considerations.

I believe it is apparent that the Trial Court does not have sufficient personnel to safely and effectively operate 103 court locations. The Trial Court has 618 fewer people today than on July 1, 2008 and, given this reduction in personnel, we are presently unable to adequately safeguard the number of courthouses and sessions presently in operation. In addition, we do not have adequate staff in many Clerks' offices to process the daily workload nor sufficient janitorial and maintenance personnel to clean facilities and clear snow and ice. The budget outlook for FY2011 requires the continuation of the hiring freeze, which has been in effect since October 2008.

The Trial Court has been able to avoid the involuntary termination of personnel because of the hiring freeze and a wide range of other cost saving measures. Many of these measures are painful, especially the financial inability to pay the hard working members of Local 6 the increases called for as part of their fairly negotiated contract. Also, the dedicated members of NAGE, Court Officers and Probation Officers, have worked without a contract for several years.

With the help of many throughout the organization, the Trial Court has significantly reduced its expenditures to meet the funding shortfall caused by the fiscal crisis. The catalog of savings measures is extensive, including energy savings of \$2.9 million and a reduction of \$3.1 million in lease costs in FY10.

We will continue to explore all available avenues to reduce costs, but there are few reasonable choices remaining. Because of the limited options, we must explore whether we can relocate various court operations without sacrificing access to justice, in order to redeploy our reduced workforce and save the money necessary to support our current level of personnel.

Last fiscal year, we relocated three court operations – the Winchendon District Court moved to Gardner, the Natick District Court to Framingham and the Lawrence Juvenile Court to the Fenton Center. I cannot overstate my appreciation for the sacrifices made by the people affected – those who were uprooted and those in the receiving courts, who welcomed their

new colleagues. Their spirit of cooperation in responding to the fiscal crisis has been truly inspiring.

Recognizing that we must plan responsibly for the limited funding we expect, I have asked this accomplished group to assist the Trial Court in reviewing our overall number of court locations and to recommend approximately ten sites for possible relocation over the next several years. Given the magnitude of the expected funding shortfall in FY11 and beyond, we must proceed to explore this method of ensuring sufficient resources to try to prevent the involuntary termination of any members of our dedicated work force.

We will continue to reduce our lease expenses. The AOTC has moved Security administrators and the Court Capital Projects department from Center Plaza to the Brooke Courthouse. We will further reduce our lease at Center Plaza by moving the Administrative Office of the Probate and Family Court to the Adams Courthouse next month and the Administrative Office of the District Court to the Brooke Courthouse shortly thereafter. These moves will save more than \$500,000 on the Center Plaza lease in FY11. We will continue to investigate other options for the location of the AOTC.

I want to express my deep gratitude for the courage exhibited by all who work in the Trial Court in meeting the ongoing challenges we face. As the committee addresses the issue of relocation, they will solicit input from all stakeholders, including those who work at our courthouses, members of the public and the bar and the members of the Trial Court Fiscal Task Force. I know that I can count on the involvement of all interested members of the Trial Court, as we move forward on this important initiative.

I also want to extend my sincere appreciation to my judicial colleagues, who have agreed to chair this committee, and to the distinguished committee members for their willingness to commit time to help the Trial Court address this issue thoroughly and fairly. I look forward to receiving their recommendations.

Court Relocation Committee Members

Honorable Lynda M. Connolly, Chief Justice of the District Court Department

Honorable Steven D. Pierce, Chief Justice of the Housing Court Department

Anthony M. Doniger, Esq., Sugarman, Rogers, Barshak & Cohen / Boston (Access to Justice Commission Member)

Douglas Martin, Esq., Law Offices of Douglas Martin / Malden (Mass. Bar Association Representative)

Elizabeth Pattullo, Beacon Health Strategies (Court Management Advisory Board Member)

John J. Regan, Esq., WilmerHale / Boston (President, Boston Bar Association)

Edward P. Ryan, Jr., O'Connor and Ryan / Fitchburg (Former President, Mass. Bar Association)

Criteria Established by the Court Relocation Committee

Personnel:

- Number and type of court personnel – current versus model staffing – for sessions, clerks' offices and probation departments;
- The effects of recent retirements, other voluntary reductions in personnel, and the hiring freeze on staffing levels and the potential of alleviating severe staffing shortages by consolidating some operations;
- Cross-training personnel within and among departments;

Leases:

- Maximizing space in state-owned buildings to minimize the need to lease privately-owned, municipally-owned, and county-owned space;
- Avoidance in certain leases of restoration of rents to prior levels, and the mitigation of scheduled increases;
- Extending the terms of leases, with possible additional payments at the end of the lease to make up for negotiated rental reductions;
- The amount of money to be saved through a lease termination or re-negotiation;
- Square footage costs for leases;
- The possibility of reopening lease negotiations for leases in which concessions were previously granted;

Building Facilities:

- Age and physical condition of the buildings (i.e., new facilities with modern infrastructure, such as technology and handicap accessibility, are strong candidates for remaining open and may be appropriate to receive court operations from another location);
- Maintenance and utility costs;
- Availability of suitable space in a receiving court;
- The projected cost to repair certain court facilities that require significant capital improvements (such as boilers, roofs, handicap accessibility, and elimination of confined spaces and narrow hallways);
- The environmental condition (e.g., mold) and leaking roofs in certain courthouses;
- For courts with large volumes of records, the need to have appropriate weight-bearing floors in any receiving court;
- New courts under construction that will open soon (e.g., Fall River, Taunton, and Salem) and those that are on the drawing board (Greenfield and Lowell) as potential receiving courts in the near term and in the future;

(over)

Building Functions:

- Function of the buildings (e.g., a library or a courthouse) and whether that function is a “core function” of the Trial Court’s mission;
- Current operations in the building, including which Trial Court Departments are present, how many sessions operate and how often, and how many courtrooms are available;
- Types and volume of cases;
- Rates of increase or decrease of the current case load in particular courts;
- Length of court sessions and whether more creative scheduling might free up space for consolidation;
- Other uses of an existing courthouse or library by community organizations;
- Revised scheduling of court sessions to manage peak days and hours;
- With respect to law libraries, the availability of comparable resource materials in nearby public libraries or on the internet;
- The ability to move libraries into nearby courthouse facilities, while still maintaining public access to their materials;

Geography / Transportation:

- Sharing geographically, to the extent feasible, the burden of court relocation;
- Distance in time and miles to a receiving court from municipalities served by an existing court facility;
- The availability of public transportation to a new location from a former one;
- The need for police, other essential witnesses, and jurors to travel from an existing court location to a new one; and

Goal:

Overall goal to maintain access to justice with substantially diminished resources.

Language to Effect Jurisdictional Changes Proposed During FY11 and FY12 Budget Cycles

Court Consolidation and Jurisdictional Changes

Mr. _____ moves to amend the bill by insert after Section 67 the following section:

SECTION XX. Notwithstanding section 4 of chapter 185C and sections 1 and 57 of chapter 218 or any general or special law to the contrary, the chief justice for administration and management may temporarily transfer the jurisdiction of a division of the district court department, the Boston municipal court department, the housing court department or the juvenile court department to another division of that department based on economic necessity.

The chief justice for administration and management may also temporarily amend the geographical lines governing the jurisdiction of the divisions of said courts and any other division affected by the transfer of jurisdiction to accommodate the public convenience. Any permanent amendment to the jurisdiction of any division of the district, Boston municipal, housing or juvenile court departments shall require the amendment of the applicable General Laws.

Rationale: The authority to relocate courts is essential to address the funding shortfall in FY12. The temporary amendment of jurisdictional lines will enable local police in areas from which district courts have been relocated to testify in the closest open district court even if it is in a neighboring county.

Massachusetts Trial Court

Highlights of Cost Saving Measures Implemented since October 2008

Personnel (75% of Budget)

- Five-day Furlough Program – *Savings: \$2.4M*
 - Voluntary: Judges, Clerks, Registers – 96% participation
 - Mandatory: Managers – 100% participation
 - Support of Mass. Judges Conference, Clerks Associations, and Fiscal Task Force was key
- Absolute Hiring Freeze – *Annualized Savings: approx. \$45M*
(Includes savings from retirements and voluntary layoffs)
 - No new hires since October 2008
 - No law clerks or paid student interns
 - Down 1,126 employees since July 2007 – pre-1997 level
 - Trial Court wide staffing level at 74% of positions deemed necessary by court staffing model; 39% of divisions are below 75% staffing
- Retirement Incentive Program (3 rounds) – *Net Savings: \$11.3M*
 - \$7,500 incentive; 321 employees participated
 - Average length of service: 27.6 years
 - Lost experience and institutional knowledge
- Reduced Work Hours – *Savings: \$2M*
 - Retained full-time benefits – vacation time, sick time, retirement
 - 397 employees participated (\$5K per employee)
- Voluntary Layoffs – *Net Savings: \$2.3M*
 - Incentive: two weeks vacation pay
 - 73 employees participated
- Termination of Retirees / Per Diem Employees – *Savings: \$1.1M*
 - Many were retired per diem court officers
 - 60 employees terminated

As of July 2011

Operations

- Lease Savings – *Savings: \$7.1M*
 - Terminated and renegotiated leases; sought concessions from landlords
 - FY11: \$25.98M for private, municipal, and county leases
- Courthouse Consolidations
 - Three courthouses relocated / consolidated from leased to public space
 - Land Court moved from leased space to Suffolk County Courthouse
 - Administrative Offices moved from Center Plaza to state-owned space
 - Important role of Court Relocation Committee – ongoing effort due to FY12 fiscal situation and personnel reductions
- Technology Enhancements
 - Electronic data transfers reduced clerical work, e.g., RMV, BBO, CPCS
 - Digital recording equipment replacing per diem court reporters
 - Videoconferencing infrastructure expanded
- Energy Savings – *Savings: \$5.4M (2 years)*
 - Important role of award-winning Green Committee
- Centralized Purchasing – *Savings: \$1.5M*
 - Reduction in line items allowed centralization
 - Expenses for all supplies and legal reference materials centrally managed
- Case Related Services – *Savings: \$1.8M*
 - Severe reduction in ADR / GAL services
 - Greater efficiencies in delivery of interpreter services
- Other Reductions include:
 - Eliminated bottled water – symbolic value and saved \$200,000
 - Eliminated state funded out-of-state travel
 - Reduced mileage reimbursement for in-state travel
 - Reduced legal reference materials for courts and libraries

Future Cost Saving Measures

- Traditional cost saving measures exhausted
- Attrition continues
- Technology is prominent

Key Partnerships in Effecting Cost Savings

- Entities with key roles in the budget process:
 - Court Management Advisory Board
 - Fiscal Task Force
 - Court Relocation Committee
 - Mass. Judges Conference / Clerks Associations
 - Bar Associations – particularly Mass. Bar Assn and Boston Bar Assn
 - Green Team

Excerpt From

TESTIMONY
OF
ROBERT A. MULLIGAN
CHIEF JUSTICE FOR ADMINISTRATION AND MANAGEMENT
ON THE
TRIAL COURT
FISCAL YEAR 2012 BUDGET REQUEST
PRESENTED TO THE
JOINT COMMITTEE ON WAYS AND MEANS
FEBRUARY 25, 2011

**GOVERNOR'S
FISCAL YEAR 2012
HOUSE I BUDGET RECOMMENDATION**

The Governor's Fiscal Year 2012 recommendation for the Trial Court totals \$423 million. The recommendation consolidates the number of Trial Court line items into three: Judges' Salaries, Trial Court Administration and the Office of Jury Commissioner. I appreciate that consolidation as it enhances our ability to manage the system fairly in the face of the on-going budget challenges.

Prior to discussing the funding level of House 1, I would like to address the Governor's proposal to remove Probation Services for the Superior Court, Boston Municipal Court and District Court Departments from the Judicial Branch to the Executive Branch, specifically into the Department of Reentry and Community Supervision within the Executive Office of Public Safety.

I respectfully, but strongly disagree with the Governor's proposal. Excepting the past ten years, probation has operated effectively as part of the Judiciary for well over a century, and has shaped practices and created an entity that serves a vital role in the court's implementation of arraignment, sentencing and community supervision. Probation should remain in the Judicial Branch, but with some necessary changes that require the collaboration of the Legislative and Executive branches.

Absolute trust and confidence in the commitment and competence of the probation officer is the key to an effective working relationship between the judge and probation. The judge must be able to rely upon the probation officer's recommendation as to whether a particular defendant is an appropriate candidate for probation and the judge must have confidence that should he place a defendant on probation, the terms and conditions will be carefully monitored by the probation officer. Absent that confidence, at time of disposition, the easier decision in many cases would be to incarcerate rather than to return the defendant to the community under the supervision of probation.

Studies have highlighted the extraordinary cost of corrections driven by the huge price tag on incarceration (\$46,000 per state prison inmate) and the burgeoning prison population. This underscores the importance of community corrections as a means of holding certain offenders accountable in the community without compromising public safety. This approach is particularly critical at the “front-end” of the criminal justice process, where probation resides as the centerpiece of community corrections.

The diversion of appropriate offenders from incarceration to community corrections at the front end relies heavily on a close working relationship between judge and probation officer. This is the time to enhance that relationship by supporting decision making at the local court level by those who know the defendant and community resources best. It is not the time to centralize probation decision making by establishing a new bureaucracy with a hierarchy that will promote greater distance between the judge and probation officer and may subject the probation officer’s recommendation to extraneous influences.

Since May 2010, Ronald Corbett, who enjoys an excellent reputation in national probation circles, has been leading a modernization and revitalization of the Probation Service. His improvements include the development and piloting of new risk assessment instruments, a transparent presentation of probation statistics and data, recidivism studies for probation, Community Corrections and GPS, as well as full cooperation with sheriffs, EOPS and other criminal justice partners.

Turning back to the budget, **I note that the Governor’s FY12 budget recommendation would require widespread cost-savings measures, including additional court relocations. As I noted earlier, Trial Court staffing has been reduced by 1,044 positions since July, 2007. The Trial Court cannot sustain the continued loss of personnel and maintain operations in 101 court locations.** Court clearance rates, the measurement of a court’s ability to dispose of cases, are declining. In 2006, the Trial Court clearance rate was 116%, the clearance rate has dropped to 96.9% for 2010. The inability to dispose of cases in a timely manner is already creating a

backlog. Further erosion of our ability to deliver timely justice will create major civil backlogs and result in longer periods of pretrial detention on the criminal side of the courts.

Of particular concern is the present staffing levels of court officers and associate court officers. The Trial Court Security Department cannot afford the loss of additional staff which would result if the governor's proposed funding were enacted. Security department staffing has been reduced by 211 positions since 2007. In the past year, some court sessions have been delayed because there are no court officers available to provide security. The lack of court officers creates a potentially dangerous situation for court employees, judges and the 42,000 members of the public who visit our court divisions each day.

FISCAL YEAR 2012 BUDGET REQUEST

The \$568.1 million Fiscal Year 2012 budget request for the Trial Court will provide funding to maintain the system as it currently exists.

The Fiscal Year 2012 Maintenance Estimate of \$568.1 million will allow the Trial Court to continue to operate in 101 courthouses across the Commonwealth. The maintenance funding also provides for the following:

- Salaries for all 379 justices authorized by statute.
- Ability to maintain existing community corrections programs and electronic monitoring and GPS monitoring programs. These programs reduce the number of individuals incarcerated and the number detained pretrial.
- Provision for step rate increases due employees in accordance with collective bargaining agreements.

The maintenance request of \$568.1 million includes \$17.4 for the implementation cost of the OPEIU, Local 6 collective bargaining agreement. A Memorandum of Agreement was recently executed and the governor has filed a supplemental budget to fund this agreement in both FY2011 and FY2012. I urge the Committee to look favorably on the governor's request for supplemental funding for this agreement. The Trial Court has been unable to pay members of OPEIU at the salary rates negotiated as part of the contract which was signed on January 28, 2008. If the supplemental budget is passed, the Trial Court FY2012 request should be reduced by the \$17.4 million associated with the Local 6 contract.

The FY2012 maintenance request also includes the operational costs of two new courthouses in Taunton and Salem which are expected to be completed in the coming months. We will not be hiring new staff to provide maintenance; existing Court Facilities Bureau personnel will be transferred to maintain these new courthouses.

The Trial Court has endured three consecutive years of budget reductions. Our FY09 initial budget was \$605.1 million. Our FY11 appropriation is \$544.1 million. This represents a \$61 million or 10% reduction. While we continue to lose staff to operate within appropriated amounts and recognizing the reality of the Commonwealth's fiscal situation, I am not seeking funding to replace the staff losses, but I must stress the need for adequate funding to maintain existing levels. The Trial Court's ability to deliver timely justice is, without exaggeration, at the breaking point.

The line-item backup for Trial Court FY2012 request has been provided to your staff. The Trial Court Fiscal department is available to explain calculations and provide additional information as needed. I have included the budget request letter I sent to Chief Justice Roderick L. Ireland in December as Attachment A.

I would like to express my appreciation to the Chairs of the Joint Committee of Ways and Means, Senator Steven M. Brewer and Representative Brian S. Dempsey, and particularly to Senator Thomas P. Kennedy and Representative Michael D. Brady, as well as the members of this Committee for this opportunity to present the Trial Court funding request for Fiscal Year 2012.

Excerpts From:

Justice In the Balance

Budget Overview for the
Massachusetts Judiciary

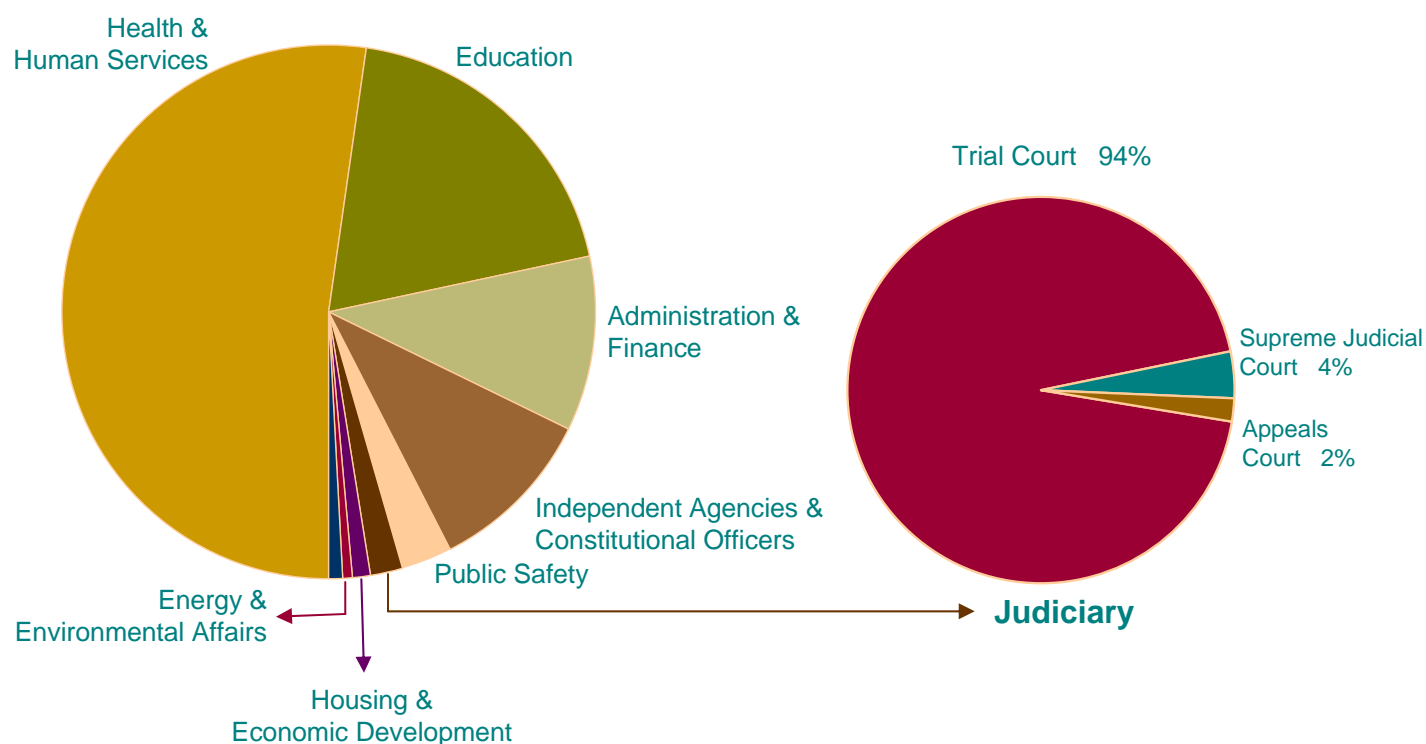
February 25, 2011



Justice in the Balance: Court Resources in Perspective



Massachusetts General Appropriations Act FY 2011



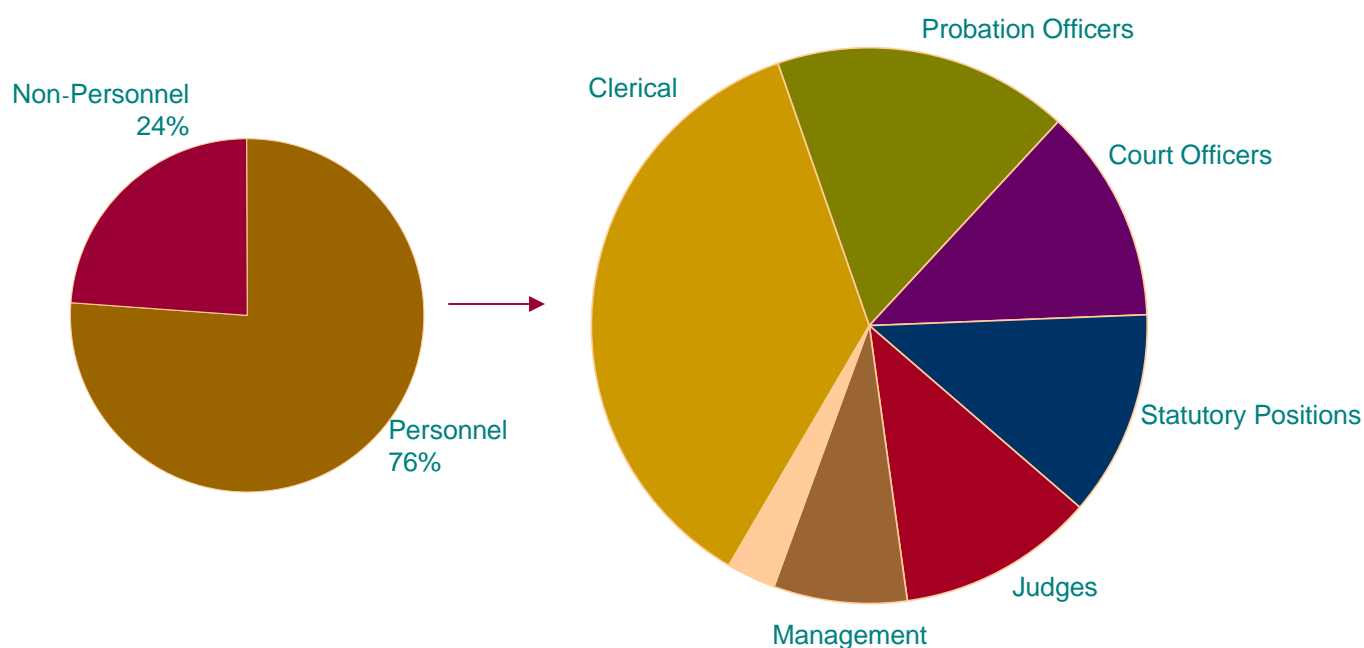
\$ Millions	Expense Category
15,367.2	Health & Human Services
5,705.2	Education
3,104.0	Administration & Finance
3,014.4	Independent Agencies & Constitutional Officers
899.9	Public Safety
567.7	Judiciary
324.8	Housing & Economic Development
189.0	Energy & Environmental Affairs
260.4	Other

Source: <http://www.mass.gov/bb/gaa/fy2011>

Justice in the Balance: Court Budget Overview - Revenue



Trial Court Expenses & Personnel Expenses FY 2011 (projected)



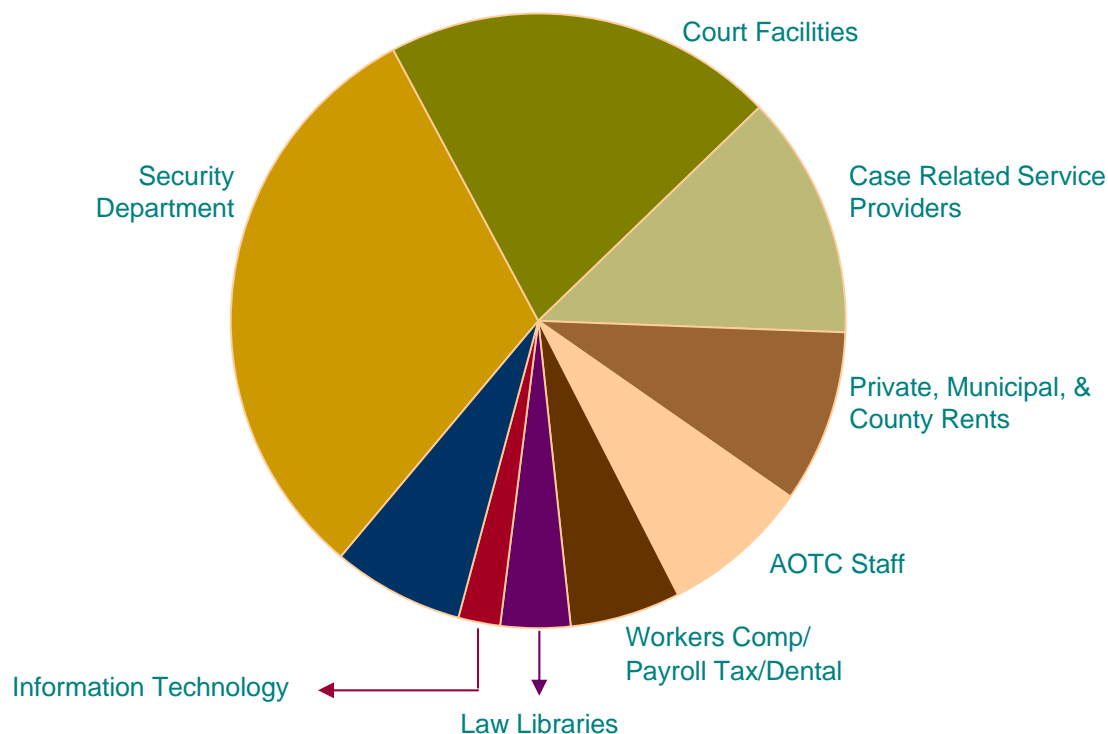
\$ Millions	%	Expense Category
48.8	11.4	Judges
51.1	12.0	Statutory Positions (Clerk Magistrates, Registers)
32.4	7.6	Management (Chief Probation Officers, Directors)
155.8	36.4	Clerical
73.7	17.2	Probation Officers
53.7	12.5	Court Officers
12.2	2.9	Other Payroll Expenses*
427.7	100.0	Total

*Other payroll expenses include certain payments due to retirement, stipends, and overtime.

Justice in the Balance: Court Budget Overview



Trial Court Administration (Account 0330-0300) FY 2011 Expenses (projected)



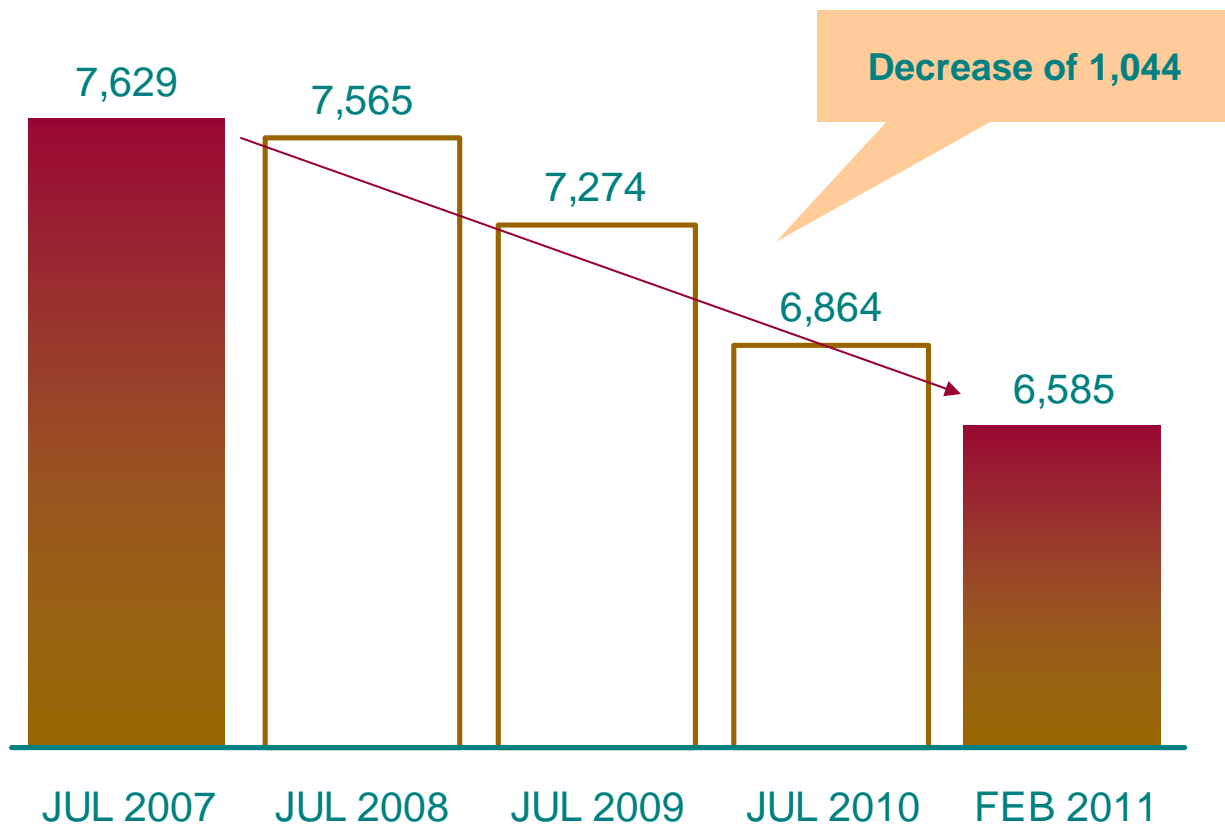
\$ Millions	Expense Category
60.3	Security Department
39.8	Court Facilities
17.8	Case Related Service Providers (GALS, Interpreters, Court Clinics)
24.8	Private, Municipal, and County Rents
15.0	AOTC Staff (Fiscal, HR, IT, Legal, Judicial Institute, etc.)
7.0	Law Libraries
4.3	Information Technology
11.2	Workers Comp, Payroll Tax, Dental
13.3	Other (e.g. Telecommunications, Printing, Equipment, Utilities)
193.5	Total

Justice in the Balance: Court Budget Overview



Trial Court Positions FY 2008 through FY 2011

Trial Court positions declined by 1,044 or 13.7% from July 1, 2007 through February 14, 2011.

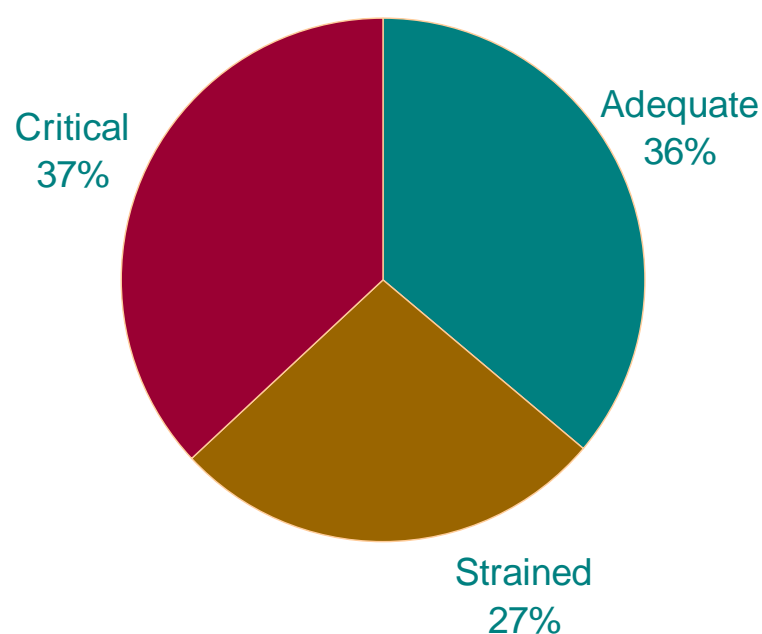


Justice in the Balance: Court Budget Overview



Court Staffing Model

The Massachusetts Trial Court implemented a case-weighted court staffing model in conjunction with the National Center for State Courts to provide standards that identify comparative needs for staff among courts. The Trial Court further established a benchmark of 85% of the staffing model recommendations as the point below which a court is considered under-staffed.



- Adequate: 85% or more of staffing model
- Strained: 75% to 84% of staffing model
- Critical: less than 75% of staffing model