



# **Massachusetts Trial Court**

## **Strategic Plan**



*Chief Justice of the Trial Court Robert A. Mulligan*  
*Chief Justice Designate of the Trial Court Paula M. Carey*  
*Court Administrator Harry Spence*

June 2013

## ***A Message from the Chief Justices of the Trial Court and the Court Administrator***

*To the Judges, Clerks, Probation, Security, Other Staff and Friends of the Court,*

*On behalf of the Massachusetts Trial Court, we are pleased to present our Strategic Plan for the Trial Court. Ten years ago, the report of the Visiting Committee on Management in the Courts, known as the Monan Report, helped propel the Trial Court into a new era of data-informed court administration. This Strategic Plan continues that effort. The product of extensive discussion among internal and external stakeholders, this plan will guide the Trial Court as we work to address the current and evolving needs of the people of Massachusetts.*

*This Strategic Plan marks not the conclusion of a process but the beginning of the next phase of the evolution of the Trial Court. It includes a series of ambitious action items to be implemented in stages, and sets forth transparent success measures to guide and assess our progress. The Trial Court already has embarked on a challenging yet realistic plan to implement the first phase of strategies, and appointed a Strategy Implementation Team to oversee that process.*

*This plan very much reflects a collaborative product and we are indebted to the many who have participated in the process of developing it over the past eighteen months.*

*We extend special thanks to Chief Justice Roderick L. Ireland and the Associate Justices of the Supreme Judicial Court for their leadership and commitment to this process. We also offer special thanks to the Commonwealth's Division of Capital Asset Management & Maintenance for providing the support that allowed us to engage the valuable assistance of The Ripples Group.*

*We are particularly grateful to the Trial Court judges, clerks, probation and other staff who served on the Process Steering Committee. These 23 volunteers from across the Trial Court contributed an enormous breadth and depth of experience and perspectives. They worked tirelessly to develop and refine the ideas generated by their outreach efforts and include them in the plan.*

*Many judges, clerks, probation officers, security and other court staff of the Trial Court contributed ideas through surveys, e-mails, participation in meetings, and contacting PSC members. We appreciate their support and contributions to this important undertaking.*

*We also wish to recognize the many others who offered thoughtful and insightful comments throughout this process. Many Trial Court users, including lawyers, litigants, legislators, district attorneys, sheriffs, and others who are interested in and work with the justice system offered valuable input and advice. We look forward to reporting regularly on our progress and engaging all as we move ahead to implement this Strategic Plan.*

*Robert A. Mulligan  
Chief Justice  
of the Trial Court*

*Paula M. Carey  
Chief Justice Designate  
of the Trial Court*

*Harry Spence  
Court Administrator*

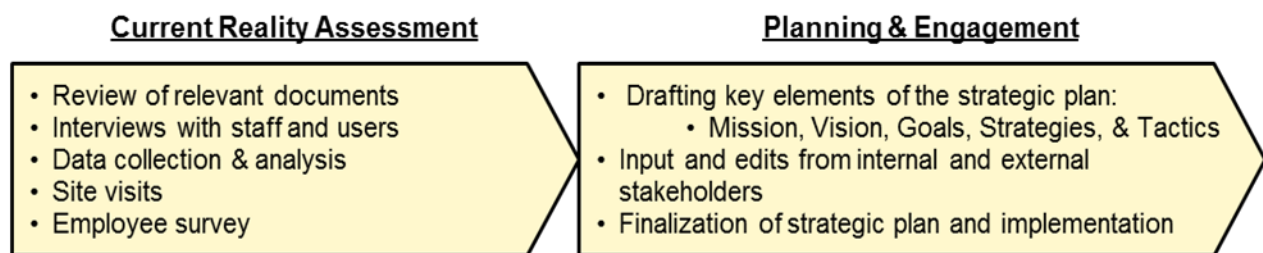
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## Strategic Planning Process

In 2012, the Massachusetts Trial Court, in collaboration with the Division of Capital Asset Management & Maintenance (DCAMM), launched a strategic planning process. The primary objective of this initiative was to develop a vision for 2025 and an initial three-year roadmap to guide the organization toward the achievement of that vision with specific goals and strategies.

The strategic planning process consisted of two major phases: a current reality assessment followed by a planning & engagement phase.



To ensure diverse perspectives during the strategic planning process, a 23-member Process Steering Committee (PSC), which included employees in various positions in multiple departments and geographic locations, was assembled to guide the development of the strategic plan. In addition, the Trial Court engaged its strategic planning consultant, The Ripples Group, to help drive the process and support the Trial Court's efforts.

To identify high-priority areas for improvement and action planning, it was necessary to gain a broad understanding of the current reality of the Trial Court. This was a comprehensive undertaking that spanned several months and provided an in-depth evaluation of Trial Court operations through multiple reference points and sources of data, including:

- An employee survey containing 85 questions and completed by more than 3,500 employees, including more than 2,000 open-ended responses;
- Discovery team site visits to nearly a dozen court facilities across Massachusetts;
- In-person interviews with more than 150 employees, court users, and service providers, and related agencies throughout the state;
- Judge and clerk focus groups held in Worcester and Boston;
- Prior studies and reports including the Trial Court Annual Reports, Monan Report, Access to Justice Initiative, Harshbarger Report, Ware Report, Comprehensive Recidivism Study, and the Report on the Access and Fairness Survey Project;
- Process Steering Committee (PSC) meetings, workgroups, and research;

- Consultation with the National Center for State Courts regarding national trends in state judiciaries' facilities, technology, funding mechanisms, and use of alternative dispute resolution, mediation, and specialty courts;
- Benchmarking against other states' court systems in comparison to budget per capita, number of facilities, and users' responses to the Access and Fairness survey; and
- Extensive data collection and analysis regarding topics including budget appropriations, expenditures, filing trends by type and volume, population growth and demographic change, juror utilization, filing data across departments and divisions, clearance rates, time to disposition, trial date certainty, age of pending caseload, and user surveys.

After achieving a broad understanding of the current reality of the Trial Court and identifying major issues and challenges facing the organization, the PSC drafted Trial Court goals and key strategies. Within each strategy, various tactics were identified as high priority through the current reality assessment and vetted with relevant Trial Court personnel.

Once the initial draft was agreed upon by the PSC, Trial Court leadership, including the Executive Office of the Trial Court, Chief Justices, Deputy Court Administrators, and Office of Court Management (OCM) Department Directors, refined the strategic plan. In parallel, the Trial Court received additional feedback on priorities and challenges from judges and court staff as well as numerous external groups to ensure that their needs and expectations were considered. All these inputs were incorporated into the final version of the strategic plan.

The process has developed a high degree of consensus and momentum in the organization. Implementation of the strategic plan has already begun as a natural extension of the strategic planning process.

### **Strategic Planning Process Steering Committee**

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**We thank the following for their contributions to the strategic planning process:**

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ADR Providers  
Bar Associations  
Committee for Public Counsel Services (CPCS)  
Court Management Advisory Board  
Department of Corrections  
Department of Revenue  
District Attorneys & DA Association  
Division of Capital Asset Management & Maintenance (DCAMM)  
Executive Office of Health and Human Services  
Executive Office for Administration and Finance  
Executive Office of Public Safety and Security  
Governor's Office  
Legal Services Organizations  
Legislature Leadership  
Local 6  
Massachusetts Judges Conference  
Massachusetts Office of Victim Assistance (MOVA)  
Massachusetts Paralegal Association  
Massachusetts State Legislators  
Massachusetts State Police  
NAGE  
Office of Court Interpreter Services (OCIS)  
Parole Board  
Sheriffs and Sheriffs Association

## Trial Court History

The Massachusetts Constitution of 1780, the oldest written constitution still in effect, is a landmark document in the history of human freedom. The Massachusetts Constitution promised individual liberties and a government of limited powers, and created a new enforcement mechanism: an independent judiciary subordinate only to the rule of law. Article 29 of the Massachusetts Declaration of Rights proclaims that, "[i]t is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every Citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit."

The Massachusetts Constitution established the Supreme Judicial Court. As the need for additional courts developed, the Legislature created all trial courts which, until 1978, were locally funded and governed (with the exception of the Land Court). In 1978, the Legislature reorganized the county and local courts into seven, state-funded Trial Court departments: the Boston Municipal Court, the District Court, the Housing Court, the Juvenile Court, the Land Court, the Probate and Family Court, and the Superior Court.

The 1978 legislation also created a central administrative office, known as the Administrative Office of the Trial Court, led by a Chief Administrative Justice. Under the leadership of the Chief Administrative Justice, this central office was charged with the overall management of the Trial Court, including development of a court system budget, accounting and procurement systems, facilities, law libraries, and personnel policies. In 1992, the Legislature further expanded the duties and responsibilities of the Chief Administrative Justice, whose title became the Chief Justice for Administration and Management.

In 2002, the Chief Justice of the Massachusetts Supreme Judicial Court appointed a Visiting Committee on Management in the Courts to provide an independent perspective on the state of management in the judiciary and to make recommendations for its improvement. That Committee's 2003 report, commonly known as the Monan Report, ushered in a new era of data-informed decision-making and accountability in the administration of justice in Massachusetts.

The Court Reform Act of 2011 significantly altered the structure of the central administrative office by creating the new non-judicial position of Court Administrator to manage daily operations of the Trial Court. That legislation also provided that the Chief Justice for Administration and Management would henceforth be known as the Chief Justice of the Trial Court and have overall responsibility for Trial Court judicial policy.

In September 2012, the Chief Justice of the Trial Court and the Court Administrator jointly announced the establishment of an Executive Office of the Trial Court to facilitate communication and enable joint leadership of the Trial Court. The Executive Office of the Trial Court comprises an Office of Court Management and an Office of the Chief Justice of the Trial Court; together, these offices support Trial Court operations including Probation, Jury, and the Sentencing Commission, as well as the seven Trial Court Departments in the areas of capital projects, facilities management, fiscal operations, human resources, security, support services, information services, legal support, and professional development for judges and Trial Court employees.



## Trial Court Today

The Monan Report, published in 2003, almost exactly 10 years ago, was critical of the Trial Court: “Today, the Courts of Massachusetts are mired in managerial confusion. The impact of high-quality judicial decisions is undermined by high cost, slow action, and poor service to the community. The administration and management of the Judiciary is uneven at best, and often times dysfunctional. Morale is near the breaking point, and there is little concern for customer service. Employees cry out for leadership. The public wants reasonably priced, quick, and courteous justice, but often receives the opposite.”

In the last 10 years, Court leaders have taken these observations seriously, and have undertaken many improvement initiatives. Some highlights are:

- Implementation of MassCourts, the case management IT system
- Implementation of court metrics, especially on timeliness of case flow and juror utilization
- Development and implementation of a quantitatively-driven staffing model
- Access to Justice Initiative
- Drug and other specialty courts
- Major improvements in Trial Court hiring
- The opening of five modern Regional Justice Centers and the closing of sub-standard court houses

Where is the Trial Court today? What strengths can we build on as we look into our future? What are the key shortcomings that the strategic plan must address?

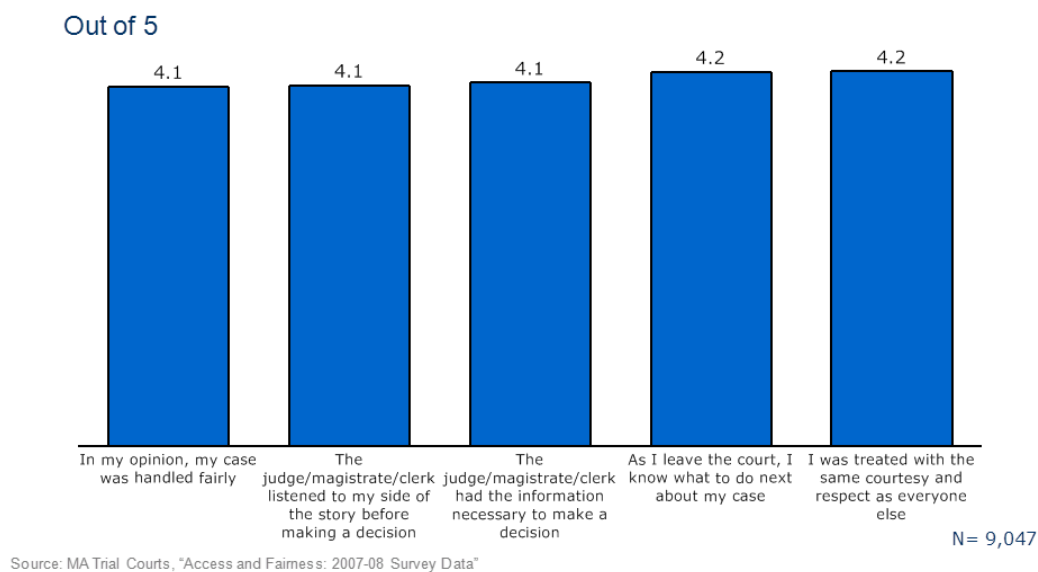
This section gives a summary of the key “current reality” findings that drive the strategies outlined in the following sections.

## Quality & Access

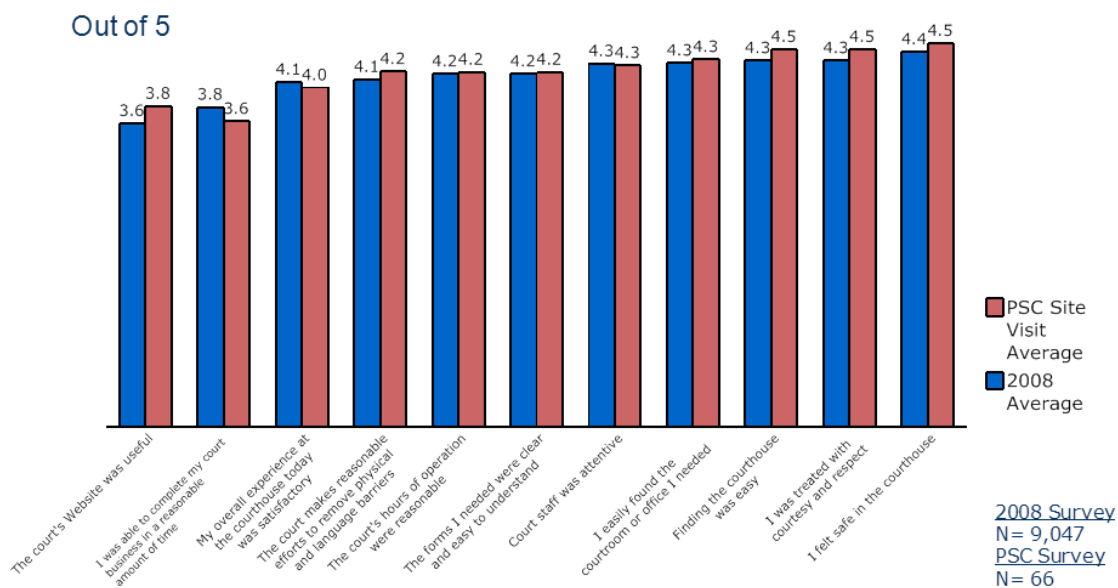
Even the Monan report, while critical of many aspects of the court system, pointed out that quality of judicial decisions was not a concern in Massachusetts: “The Massachusetts Courts have a longstanding reputation for the quality of their judicial decision-making. Many observers believe that the Courts almost always ‘get to the right answer’ in legal disputes.”

While it is very difficult to measure quality objectively, all existing data point to a system that delivers high-quality justice. For instance, over 9,000 users of the court system were interviewed in person in 2007-2008. On average, they gave high marks to the Trial Court.

In terms of fairness, for instance, user scores averaged over 4 (out of 5), as depicted below:



Similarly, users rated access relatively highly. A more recent survey conducted by the Process Steering Committee confirmed these findings. The results of both surveys are summarized below:



With two exceptions, all questions received scores over 4 (out of 5). The exceptions indicated the need to speed up the flow of cases through the system and to improve the Court web-site. These two exceptions were the exact areas where Massachusetts compared unfavorably to several other states that had conducted similar user surveys.

Interviews and focus groups across the state also confirmed a high level of confidence in the Court's ability to deliver its mission.

However, quality and access are moving targets; no court system, no matter how good it is, can claim victory and stay put. In fact, there are already indications that the Trial Court can improve in several dimensions:

- Racial and ethnic minority users gave the Court lower marks in terms of fairness and access. Such disparities need to be addressed.
- Increasing numbers of self-represented litigants require a higher level of service and support to make effective use of the courts.
- Users indicated dissatisfaction with the speed with which disputes are resolved.
- The Trial Court's website received low marks.

## Caseflow Management

Since the Monan Report, the Trial Court has implemented several timeliness measures that monitor how effective the system is at processing cases in a timely fashion. One metric, for instance, looks at clearance rates (dispositions versus filings) while another monitors case backlogs (cases pending beyond time standards). This has been a significant cultural change for the Court system but it has not gone as far as needed. Users at large expressed a desire for faster resolutions. Similarly, employees rated caseflow relatively poorly, with only about half agreeing that it is effective.

A close study of court performance against the timeliness metrics shows improvements from 2005 to 2008 but also some declines in recent years. Clearance rates (the speed with which cases are resolved) have tapered off and backlogs have once again increased in most Departments. This is undoubtedly due to reduced staffing levels in recent years.

In-field interviews of employees and users also confirmed that caseflow can be significantly improved at both the courthouse and case level:

- In the courthouse, by implementing practices that reduce wait times and make it easier for users to find what they are looking for.
- In case processing, by taking steps to ensure faster processing of cases and improve the certainty of case event scheduling.

Alternative Dispute Resolution (ADR) may be a highly valuable tool in managing and improving case flow. Some courts have implemented court-connected ADR programs to varying degrees

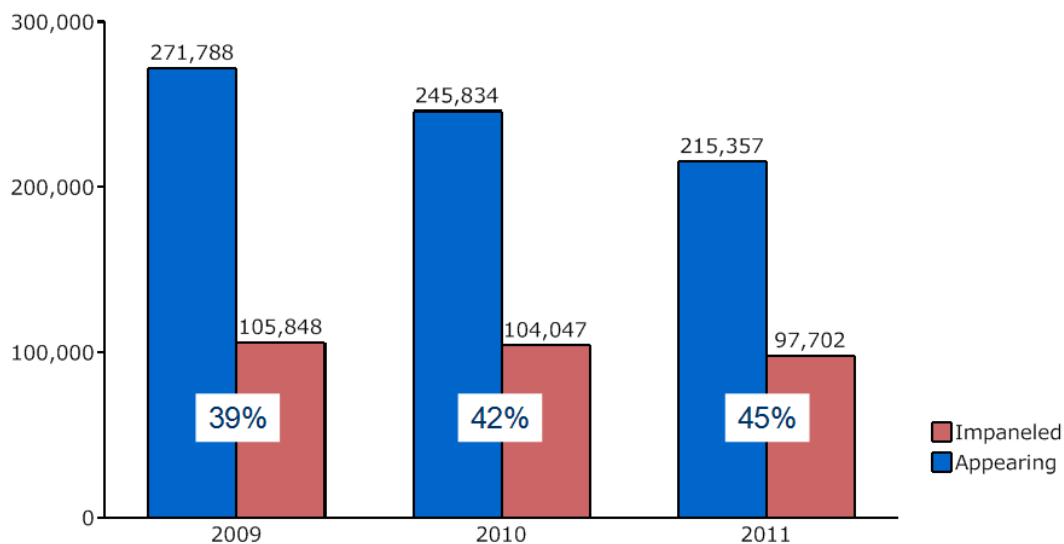
(e.g. Housing Specialists in the Housing Court); however, more can be done. The employee survey and the judge/clerk focus groups indicated a strong interest in ADR.

In addition, the use of metrics should continue to evolve and grow so that every employee has at his or her fingertips the necessary information to identify areas for continuous improvement. In general, however, case flow management is a largely untapped area for potential to improve service and cost-effectiveness of court operations.

## Juror Utilization

Meanwhile, juror utilization (that is, of the people summoned for jury duty, how many actually were excused, challenged, or impaneled) captures another important element. Many citizens come into contact with the court system through serving in this capacity. The trend in juror utilization, as shown below, has been a major step forward in court operations. This clearly appears as a strength to build on.

Number of Jurors



Source: Carney, Francis. "Performance-Based Measurement in the Massachusetts Trial Court"

## Technology

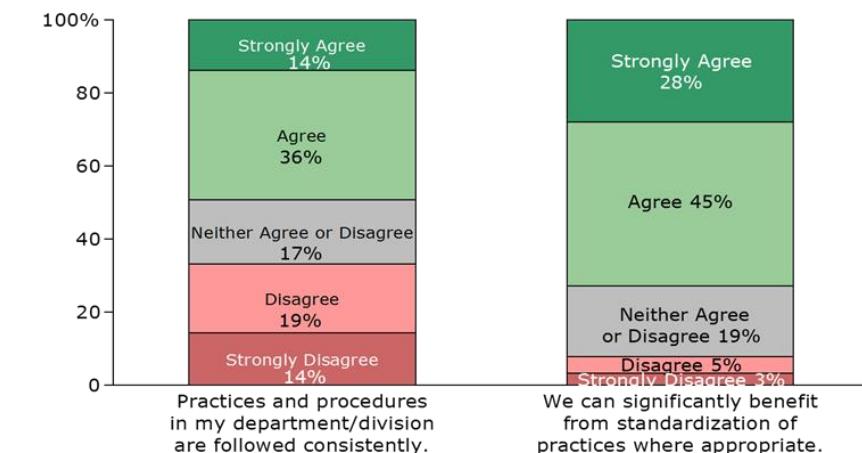
With the implementation of MassCourts (expected to be completed by the end of 2013), the Trial Court will have a case management system that is consistent across all our Departments. However, this implementation, even when completed, provides only a basic platform. The public expects better service and more self-service, as experienced in their other affairs. Having to travel to a courthouse to pick up a form that could easily be downloaded or to make a payment that could quickly be completed on-line with a credit card is unacceptable in the 21<sup>st</sup> century.

The Court and other government entities incur significant transportation expenses that are avoidable. A basic videoconferencing system coordinated with the Department of Correction and sheriffs' departments, for instance, could eliminate many such expenses by sharply reducing the number of trips to court made by detained or incarcerated litigants.

If the Trial Court is to be able to provide efficient, timely justice to people in Massachusetts within the confines of the new fiscal and staffing realities, it must take advantage of technology for continuous improvement.

## Consistency in Processes & Collaboration

As part of the strategic planning process, PSC members visited courthouses around the state and spent time observing operations and interviewing employees and users. Time after time, PSC members were impressed with the efficiency of the operations out in the field. Despite lack of resources – devastating in some courthouses – our workforce has found ways to get the job done. However, these on-site visits reinforced that a lack of standardization makes the courts both less efficient and less comprehensible to users.



Source: Ripples Employee Survey, December 2012  
N= 3,545

Our processes are not standard across departments or even across divisions within the same department. For instance, in some divisions of the Probate & Family Court, probation officers play a significant role in mediating between family members, whereas in other divisions, this highly valuable function is undermined by a shortage of probation officers. Similarly, individual courts use widely varying notices and forms, with judges and clerks often introducing their own versions. The employee survey also highlighted the need for standardization.

Forms, processes, and technology are the main areas in which further standardization and consistency can help drive better service and effectiveness, though such efforts must also recognize that there are real distinctions among Departments that require different forms and practices.

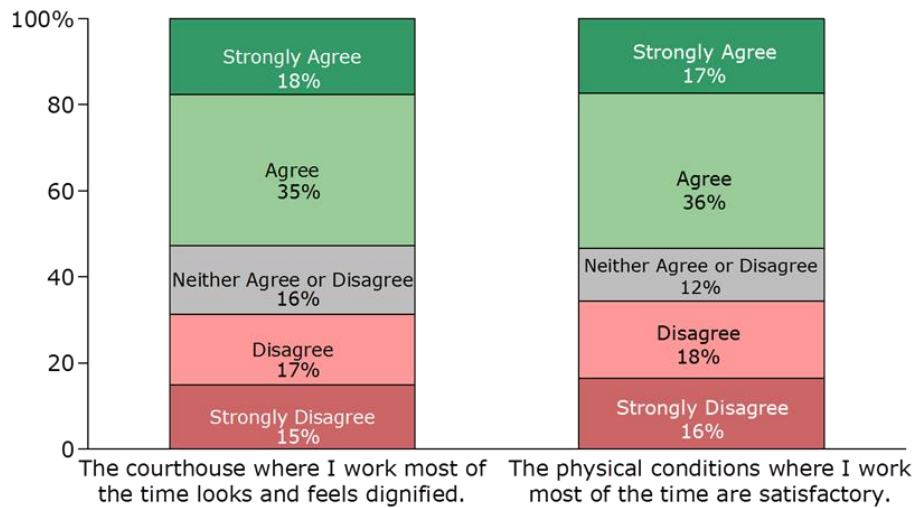
Moreover, collaboration between Trial Court Departments is clearly lacking. In various site visits, PSC members learned that a division of one Department would use resources from many miles away rather than ask for help from a division of a different Department on the same floor. Lack of consistency in operations also hurts collaboration as employees cannot easily move from one Department to another. Not surprisingly, collaboration was rated very low in the employee survey. This is a significant cultural issue we have to resolve.

## Facilities

The strongest message that came out of the PSC's site visits related to the frequently poor quality of the physical space, often below what one would expect from a dignified operation. Examples observed included:

- A high-volume District Courthouse that is not accessible with a wheelchair
- A Superior Court building that was heated to only 50 degrees in the winter
- Opposing parties waiting in the same room for lack of other space
- A broken heater that was leaking on an employee
- Bathrooms that are very dirty and too small for public use

Similarly, significant numbers of court employees in the survey disagreed with the propositions that their courthouse is dignified and their work conditions are satisfactory:



Source: Ripples Employee Survey, December 2012  
N= 3,545

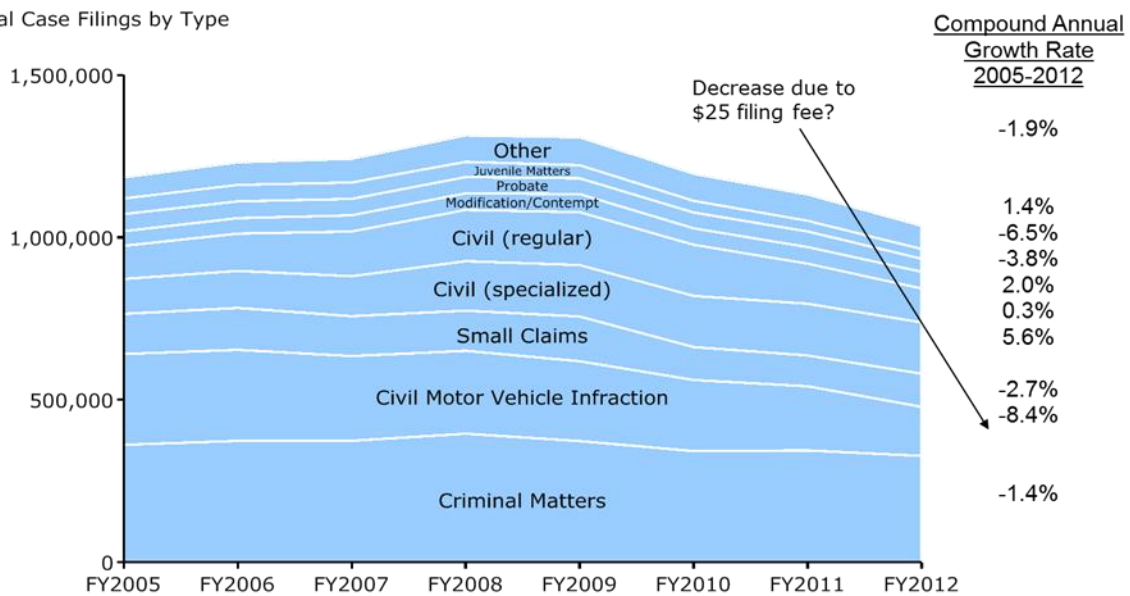
At the same time, the newer courthouses such as the one in Worcester are impressive facilities where the physical plant is conducive to efficient service in a dignified setting.

The Trial Court needs to develop a long term facility plan and address the shortcomings of the buildings it operates. Employees understand that not all problems can be solved overnight; in the words of a court employee, “I know they cannot fix all immediately and I can live with that as long as they tell me when they will fix it.” In the shorter term, there is no excuse for not improving the cleanliness and basic maintenance of the courthouses.

## Staff Levels & Financial Performance

Case filings have declined about 2% per year since 2005. The \$25 filing fee for civil motor vehicle infraction cases appears to have played a significant role in driving the decrease.

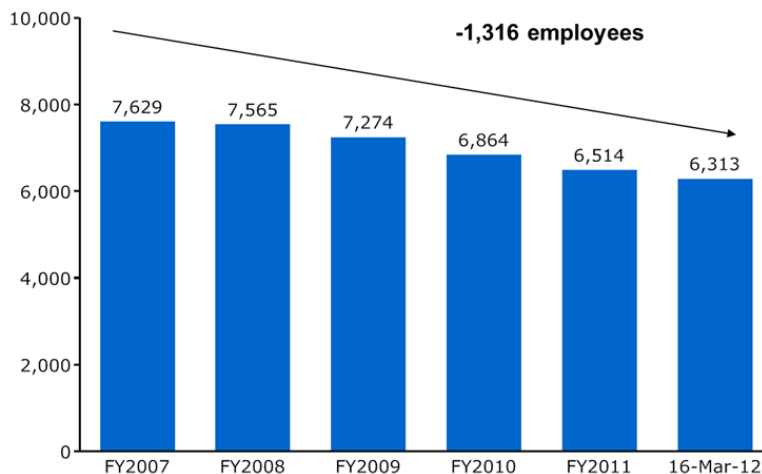
Total Case Filings by Type



Source: MA Trial Courts, "8 Year Trend on Case Filings"

Meanwhile, staffing levels have declined by about 20% since 2007 through attrition and hiring freezes:

Trial Court Positions



Source: MA Trial Court, Human Resources

The last few years have proven the competence, the resilience, and the commitment of our workforce. The Trial Court continues to deliver high quality justice despite losing about 20% of its staff since 2007.



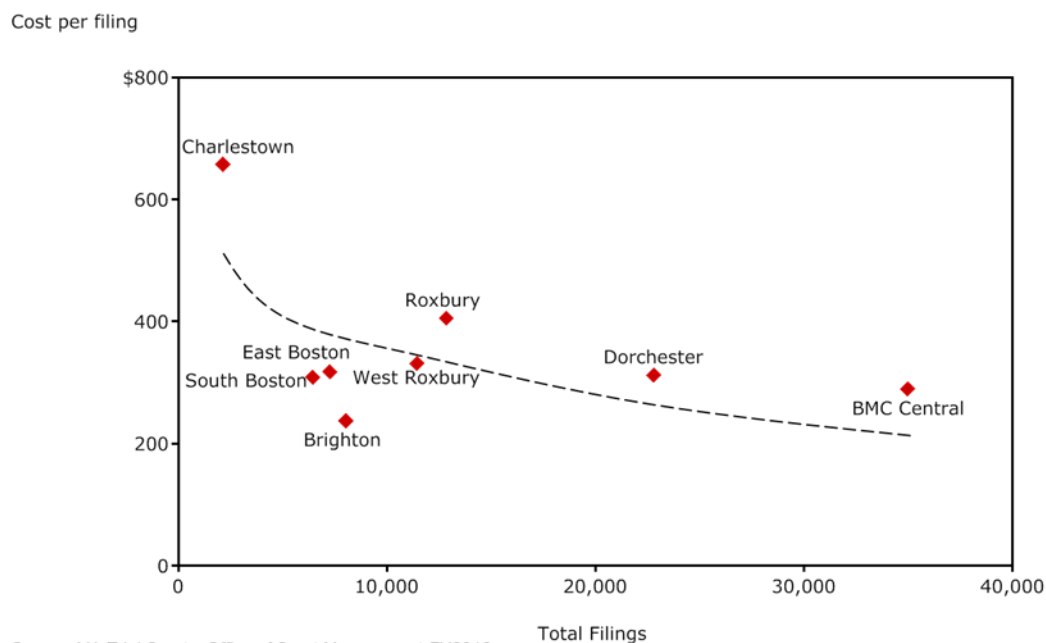
The reduction in staff is, of course, a direct result of the budgetary pressures in recent years. Current staffing levels are inadequate if the Trial Court is to deliver on its mission without serious compromise. Many clerks' offices are so shorthanded that they have had to reduce the number of hours in which they are open to the public so that staff can process paperwork; trials are sometimes postponed due to a lack of court officers or interpreters.

As staffing levels are unlikely to return to the level of 2007, the challenge today is finding productivity increases and adding resources selectively to fill in the staffing gaps.

Comparison of costs across departments and especially across divisions within a department suggests productivity improvement opportunities. While big differences in cost per case are expected across departments, given differences in the nature and complexity of the cases they typically handle, the wide differences between divisions within the same department are unexpected.

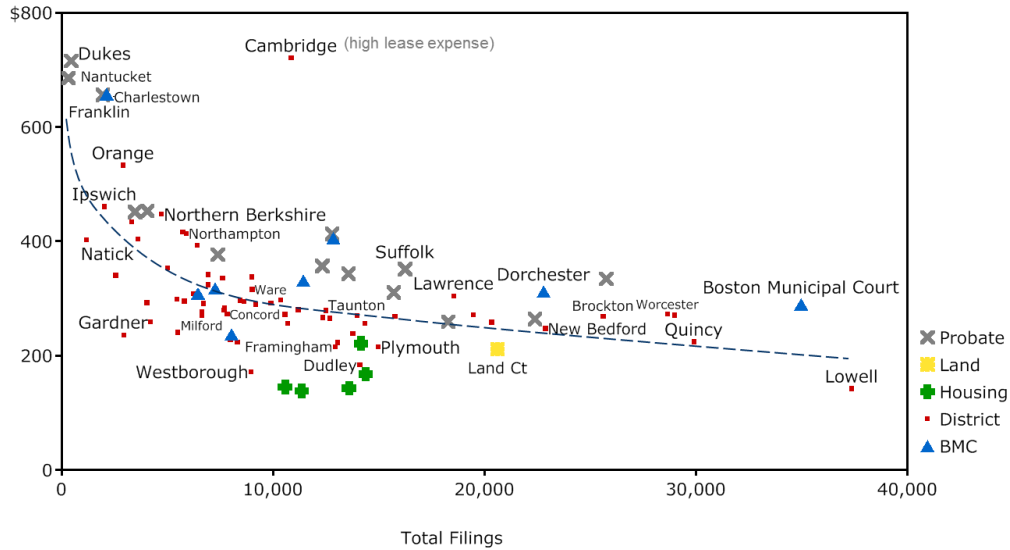
For instance, the District Court's cost per case performance varies from \$140 to \$720 across divisions, with an average across all divisions of \$275. The Boston Municipal Court cost per case ranges from \$235 to \$660 in the same time period. All departments in fact showed similar wide differences in cost per case, indicating improvement opportunities from scale (volume of cases), best practices, and standard processes.

Volume of cases in particular appears to be a major driver of cost. In general, courthouses with larger filing volume tend to have lower cost per case, as depicted below for the Boston Municipal Court.



The scale to cost relationship seems to hold across the board, with five departments considered together in the graph below:

Cost per filing

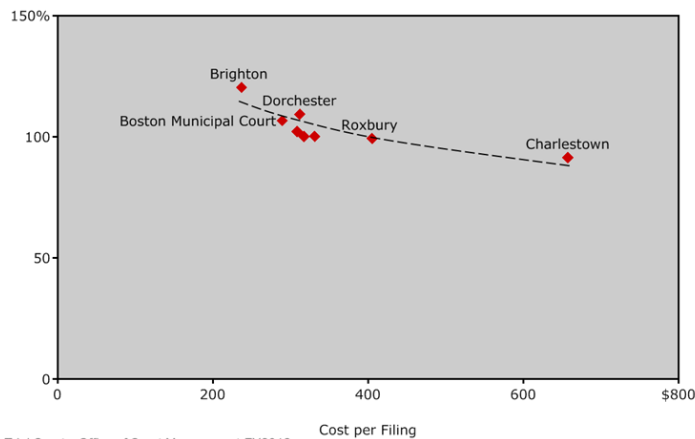


Source: MA Trial Courts, Office of Court Management FY2012; Ripples analysis

Based on current practice, around 10,000-15,000 case filings per year appears to be critical scale from a cost perspective. An analysis of the smallest courthouses indicated that about \$35 million savings per year is possible, if the filings at these courts were handled at average costs of their respective departments.

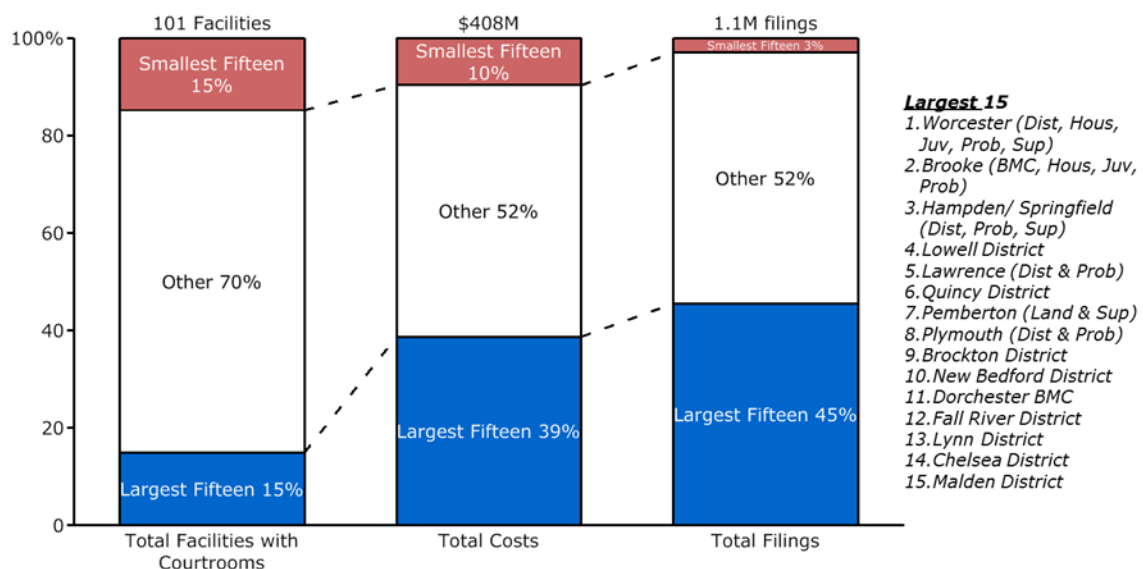
Interestingly, courthouses that handle larger numbers of cases appear better at managing case flows. In particular, clearance rates and cost per filing seem to correlate directly, as shown for the BMC below:

FY12 Clearance Rate



Source: MA Trial Courts, Office of Court Management FY2012

The high cost of operating low-volume courthouses suggests that a close look should be taken at the continued operation of these courthouses. About half of court filings today go through the largest 15 courthouses whereas the smallest 15 courthouses carry only 3% of the filings.



Source: MA Trial Courts, Office of Court Management FY2012 & Facilities Management

Cost considerations alone are not sufficient to make decisions about courthouse closure or consolidation. Access to justice, for example, is a critical consideration—while a low-volume courthouse may be expensive to operate, it may provide access to people who might otherwise find it difficult to access the court system.

However, it is still not difficult to envision a court system long-term that consists of fewer but bigger and better-resourced courthouses, perhaps supplemented with satellite service centers in a public facility where appropriate to provide information in areas currently served by low volume courthouses.

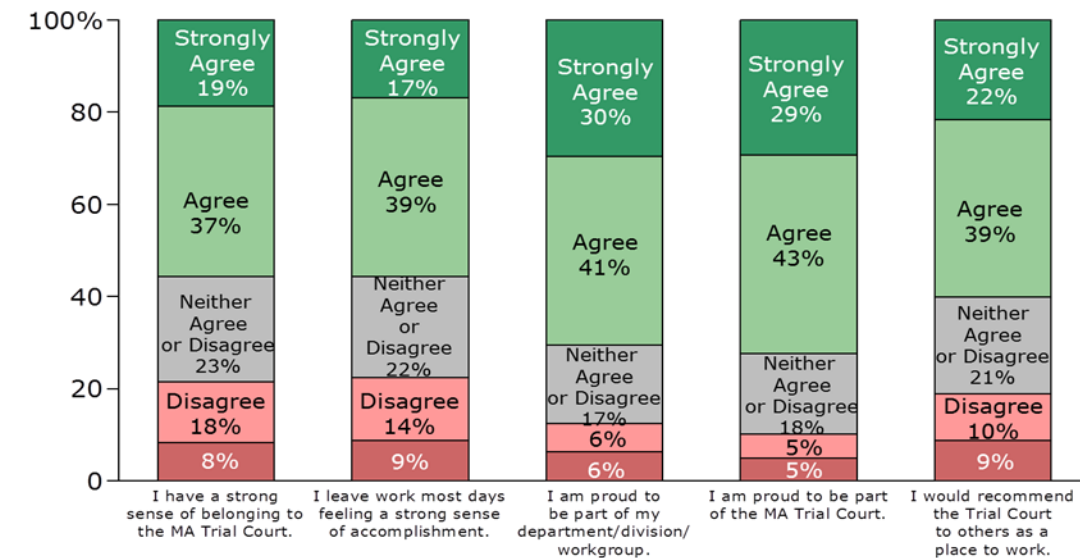
When Massachusetts is compared to neighboring states in terms of courthouses per capita, it falls in the middle, also indicating potential to reduce numbers without compromising access.

In summary, financial considerations highlight:

- The important need for on-going, effective cost control.
- The opportunity to reduce costs by transferring best practices across divisions and, where appropriate, departments.
- The potential opportunity to reduce costs by reducing the number of courthouses and improving scale per location.
- That case flows will likely improve with better scale (and cost/case) as well.

## The Trial Court Organization

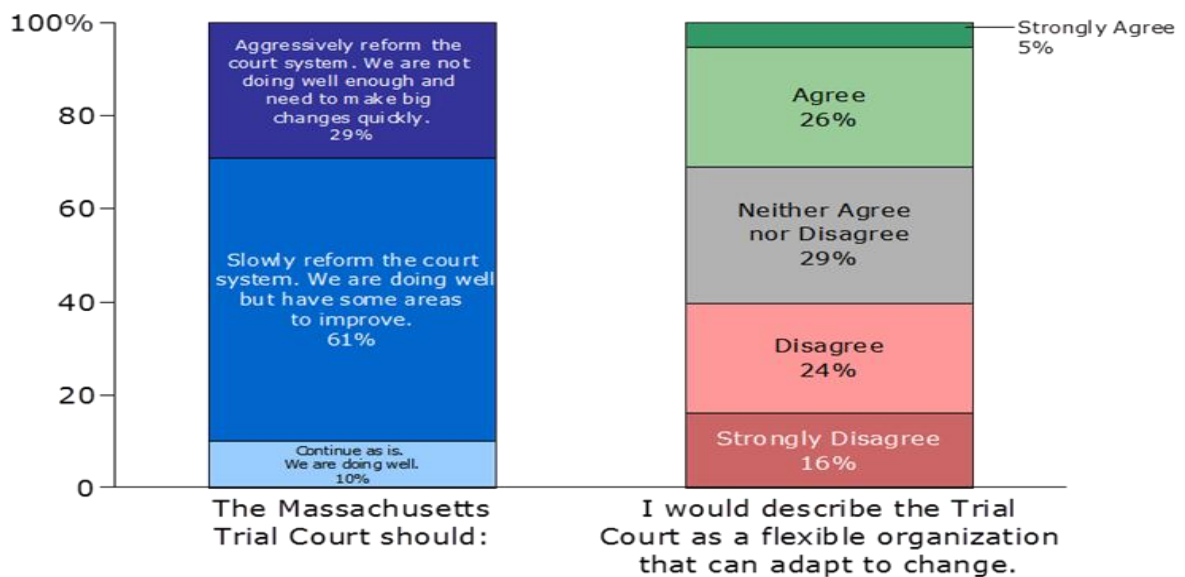
The very extensive employee survey recently carried out underlined the commitment and pride of the Trial Court staff. For instance:



Source: Ripples Employee Survey, December 2012  
N= 3,545

Yet, as the employee survey highlighted, morale is low. This could be mainly due to drastically reduced staffing levels, requiring each person to carry a bigger load. In addition, employees indicated dissatisfaction with Trial Court leadership and the relationships with the Legislative and Executive branches.

Furthermore, our employees recognize that we are only at a beginning of our reform journey and much needs to be accomplished: As depicted below, only 10% of employees are satisfied with the status quo and a third want aggressive reforms:



As can be seen on the right hand-side of the chart, our workforce is also concerned about the Trial Court's ability to adapt and grow.

Our plans must build on the strengths of our organization, starting with change agents who are excited to take us into the future. However, we cannot ignore the skepticism that has grown over the years. Left alone, this can fester and deeply harm the delivery of justice. If we are to move forward, we must build the organization back to a sustainable level, and improve morale and confidence in our leadership and system.

### In Summary

We are at a critical juncture today. Recent changes in leadership and court structure have created an opening for change; the organization is mostly ready for an aggressive reform agenda; and our users and stakeholders demand it. Our strategic plan must seize the moment.

## Trial Court Mission

The Trial Court is committed to:

- fair and impartial administration of justice;
- protection of constitutional and statutory rights and liberties;
- equal access to justice for all in a safe and dignified environment;
- efficient, effective and accountable resolution of disputes;
- prompt and courteous service to the public by committed and dedicated professionals utilizing best practices in a manner that inspires public trust and confidence.

## Trial Court Vision

*What is the future we are aiming for? How do we want the Court to be? Through the strategic planning process, the Court developed a shared vision of the elements of an excellent justice system, described below:*

Massachusetts is a national leader in delivering quality justice to all. We excel at the fair and expeditious resolution of disputes. Litigants, attorneys, witnesses, jurors, and all other users of the court system are unfailingly treated with dignity and respect. We are sensitive and adaptive to cultural and language differences.

We are highly efficient with our resources and benefit from advanced technologies. Cases move expeditiously through the system and wait times are minimal. Processes and standards are consistent within each department and appropriately consistent across departments. Technology has allowed us to standardize and simplify our processes, and connect more effectively with our users and each other. Our operations are transparent and we are fully accountable for our results.

Our courthouses stand out for their safety, dignity, flexibility, convenience, and efficiency. Our facilities are up-to-date, accessible for all, and secure. They are maintained to the highest standards with sustainable practices. Day care centers are provided where most needed.

Our employees are committed, professional, well trained, flexible, and recognized for their achievements. Morale is high. Judges and staff are respected by their colleagues. We have a culture of collaboration and high performance. We are deeply inspired to challenge and innovate, and we have access to information we can use to that end. Continuous improvement and innovation is a way of life.

There is substantial mobility through the organization along with cross-training and career paths that allow for it. We have a merit-based hiring and promotion system with clear opportunities for advancement. There are many qualified and diverse applicants for every opening.

We have excellent relationships with the Legislative and Executive branches. Our budgets are appropriate to our needs. We address critical issues arising from societal needs collaboratively and effectively.

The public understands and respects the court system. Judges and staff are appropriately engaged with the community. The Trial Court deserves and enjoys the public's trust.

## **Trial Court Goals**

*To serve its mission and to make progress towards its vision of the future, Trial Court has identified 9 goals (in no particular order):*

- Preserve and enhance the quality of judicial decision-making.
- Deliver justice with effectiveness, efficiency, and consistency in court operations and services.
- Ensure fair access to the court system.
- Respect the dignity of the judicial process and all participants and provide a safe environment.
- Support a high-performance organization with a well-trained, engaged, collaborative, and diverse workforce.
- Increase the transparency and accountability of court operations.
- Strengthen relations with the Legislative and Executive branches.
- Explore and expand collaborative and innovative approaches to delivering justice.
- Enhance public trust and confidence in the judicial branch.

### **Preserve and enhance the quality of judicial decision-making.**

High quality judicial decision-making is the most essential feature of any court system; it is central to the accomplishment of every aspect of our mission. The Massachusetts judiciary has long been recognized for quality. Our goal is to preserve and enhance that strength by ensuring that judges and magistrates in all Trial Court Departments have the knowledge, information, resources, and support necessary to make legally correct decisions, to exercise sound discretion, and to communicate their rulings and reasoning in a manner that helps litigants understand the basis for decisions and promotes public understanding of judicial proceedings. Necessary resources include judicial education and mentoring; sufficient law clerk and other staff assistance; and access to legal research tools.

**Deliver justice with effectiveness, efficiency, and consistency in court operations and services.**

Expedition in processing and resolving cases, without sacrificing quality, is essential. Streamlined operations not only offer better service to users of the court system but also ensure cost-effectiveness. Consistency across departments and divisions facilitates more predictable service and better resource utilization in operations; embracing and employing technology reduces the cost of services. Expedition and timeliness metrics and juror utilization statistics should be emphasized to promote continuous improvement.

**Ensure fair access to the court system.**

Providing justice under the law requires that all who seek justice have access to the Commonwealth's courts. The judicial branch must accommodate users who may otherwise experience barriers to full participation and train staff to respond effectively to the needs of all users. Appropriate accommodations include, for example, courthouses that are accessible for the disabled, court forms that are available in multiple languages, and court staff able to respond courteously and effectively to diverse court users.

Self-represented litigants may experience barriers to access due to their unfamiliarity with court procedures. Accommodating self-represented litigants requires new approaches and resources, such as expanded web presence, improved access to legal information and help-desks at courthouses. Such accommodations, as well as access to limited assistance representation, will enhance the ability of self-represented litigants to submit accurate information and present effective advocacy, which in turn will promote sound judicial decision-making.

**Respect the dignity of the judicial process and all participants and provide a safe environment.**

A fair and effective system of justice respects the dignity and protects the safety of all participants. This includes courteous and respectful treatment of and behavior by both users and employees in a dignified and safe environment. The design and maintenance of court facilities should support the court's mission and enhance its dignity.

**Support a high-performance organization with a well-trained, engaged, collaborative, and diverse workforce.**

Trial Court employees are both capable and committed to serving the public. The court leadership must encourage professional development and collaboration, and provide the environment, resources, and training necessary to enable employees to provide the highest level of service to the public. Education, cross training, instruction in the use of data-driven approaches to process improvement, and on-going feedback on performance are some of the



essentials necessary to develop a high performance culture and a flexible organization with high morale.

### **Increase the transparency and accountability of court operations.**

Transparency and accountability of court operations provide the public and court employees with confidence that public funds are spent wisely, and that the court system is well-managed and operating with integrity and fairness. Regular court communications should convey timely, accurate, and germane information about court management and operations to judges and court staff, the legislative and executive branches, and the public. Hiring and promotional practices must be transparent and merit-based.

### **Strengthen relations with the Legislative and Executive branches.**

Strong relations with the Legislative and Executive branches are essential. Adequate funding is critical to the court's ability to maintain and improve Trial Court operations and services. The three branches should cooperate on a host of challenges, from replacing antiquated courthouses to reducing recidivism.

### **Explore and expand collaborative and innovative approaches to delivering justice.**

The court system must continue to innovate and evolve as the challenges confronting our society change. Cooperative engagement with government agencies and other appropriate participants in exploring, expanding and implementing innovative processes is important in fulfilling the Trial Court's mission.

### **Enhance public trust and confidence in the judicial branch.**

A democratic society premised on the rule of law requires informed citizens who support the judiciary and trust it to decide cases impartially, according to the law. The Trial Court should actively promote public understanding of and confidence in the judicial system. All court users should conclude their experience with the belief that judges and court staff are competent, courteous and professional.

## Success Measures

*How do we know if we are making progress towards our goals? The Trial Court will assess long term progress with the following measures:*

**Opinion Polls:** Surveys of court users, including litigants, witnesses, attorneys, and jurors, that collect feedback on court operations, and periodic surveys of the general public that gauge public trust and confidence in the Massachusetts court system.

**Employee Pulse Check:** Periodic, brief surveys that collect employee feedback and enable assessment of workforce trends.

**Timeliness Measures:** Measures (e.g. clearance rates, time to disposition, cases pending beyond time standards, and event date certainty) that assess how promptly the court processes cases.

**Cost/case:** Trends in how total costs per case change over time.

**Percentage of Fees Collected:** The fees and fines collected within established timeframes, expressed as a percentage of total fees and fines assessed (not waived by court order).

**Percentage e-filings:** The percentage of cases in which a litigant files any court paper electronically, expressed as a percentage of total number of cases.

**Percentage computerized courtroom docketing:** The number of docket entries entered electronically in the courtroom in the first instance, rather than on paper, expressed as a percentage of daily docket entries.

**Number of critical incidents:** The number of events in a courthouse during a defined time period that result in a written incident report under the protocols for reporting established by the Office of Court Management. Reported incidents include but are not limited to threats against judges and court staff, assaults, medical emergencies, and seizure of weapons or other contraband.

**Percentage of Buildings at Minimum Standards:** The number of court facilities that comply with accessibility laws and established standards of repair and cleanliness, expressed as a percentage of total court facilities.

**Recidivism Rate:** The number of individuals on probation who are arraigned on a new criminal charge during the course of supervision, expressed as a percentage of the total number of individuals under supervision.

**Diversity of the Workforce:** The number of Trial Court employees who identify as minority, female, and members of other groups that historically have been under-represented in various

positions, expressed as a percentage of total employees in various types of employment at both the managerial and non-managerial level.

**Percent of Workforce Attending Training:** The number of Trial Court employees who annually participate in at least one Trial Court sponsored training or professional education event, expressed as a percentage of total Trial Court employees.

**Quality of Judicial Decision-Making:** Measures to be devised by the Chief Justice of the Trial Court, in consultation with the Trial Court Department Chief Justices, to assess and implement enhancement tools to ensure continued quality and communication of judicial decisions.

## Umbrella Strategies

*How do we go about achieving our goals? We have focused on three umbrella strategies to guide our tactical plans and day-to-day decision making:*



*These strategies can also be used as a slogan for the Court.*

**One Mission: Justice with Dignity and Speed**

### 3-Year Tactical Plan

Our tactical plans are in two phases:

**Launch Phase:** in calendar year 2013, we launch our new strategy, building on developments currently underway.

**Accelerate Phase:** in 2014-2015, we accelerate progress, building on the achievements of the Launch Phase.

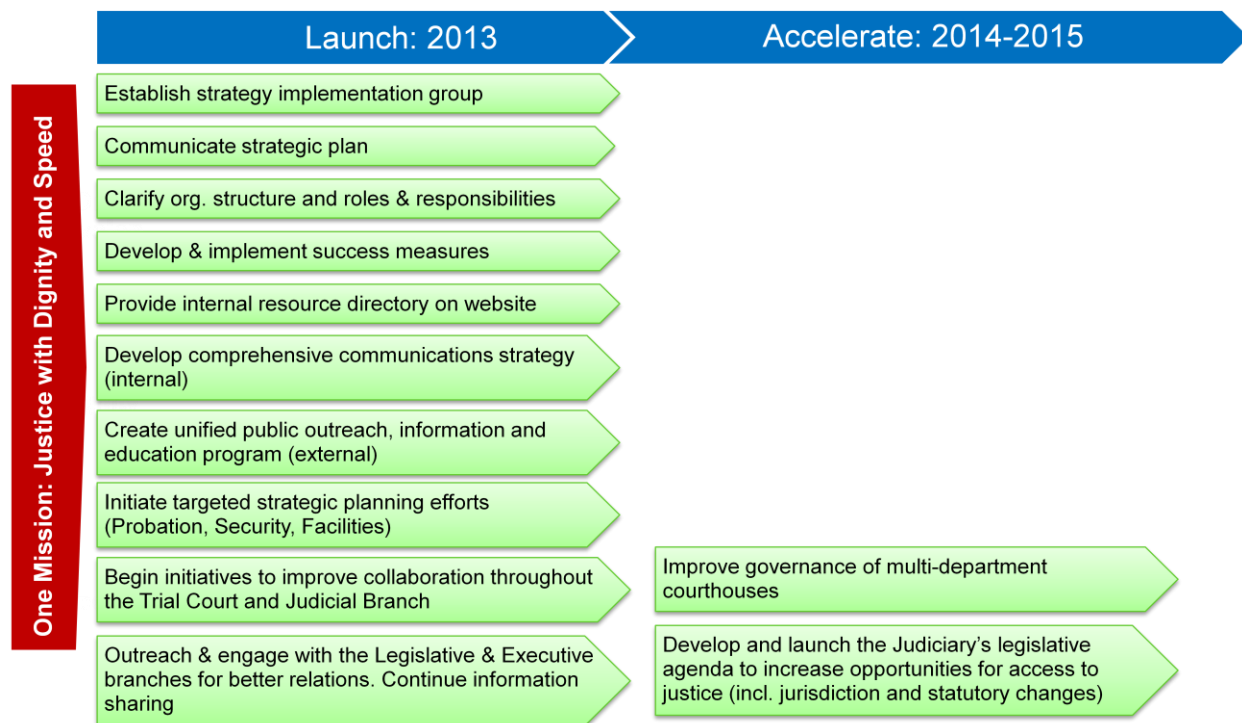
The 3-year plan includes tactics in 6 major domains as outlined below.



The tactics included in each domain are outlined below. Each of the tactics has a designated owner(s) and action plans with major milestones in the launch and accelerate phases. [These are included in the appendix, for internal use only.]

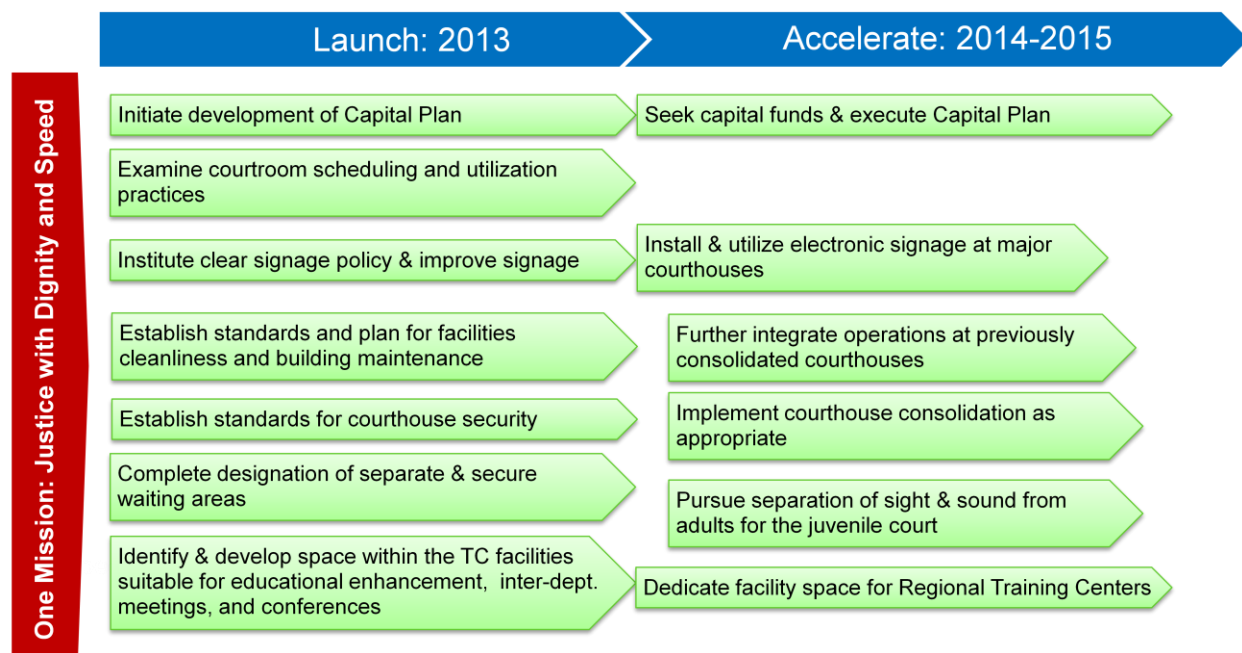
### Tactical Plan: Governance & Communications

The tactics under Governance & Communications aim to communicate the launch of the strategic plan, establish a cross-department and cross-function governance structure to lead its implementation, improve internal collaborations, and expand internal and external communications and outreach.



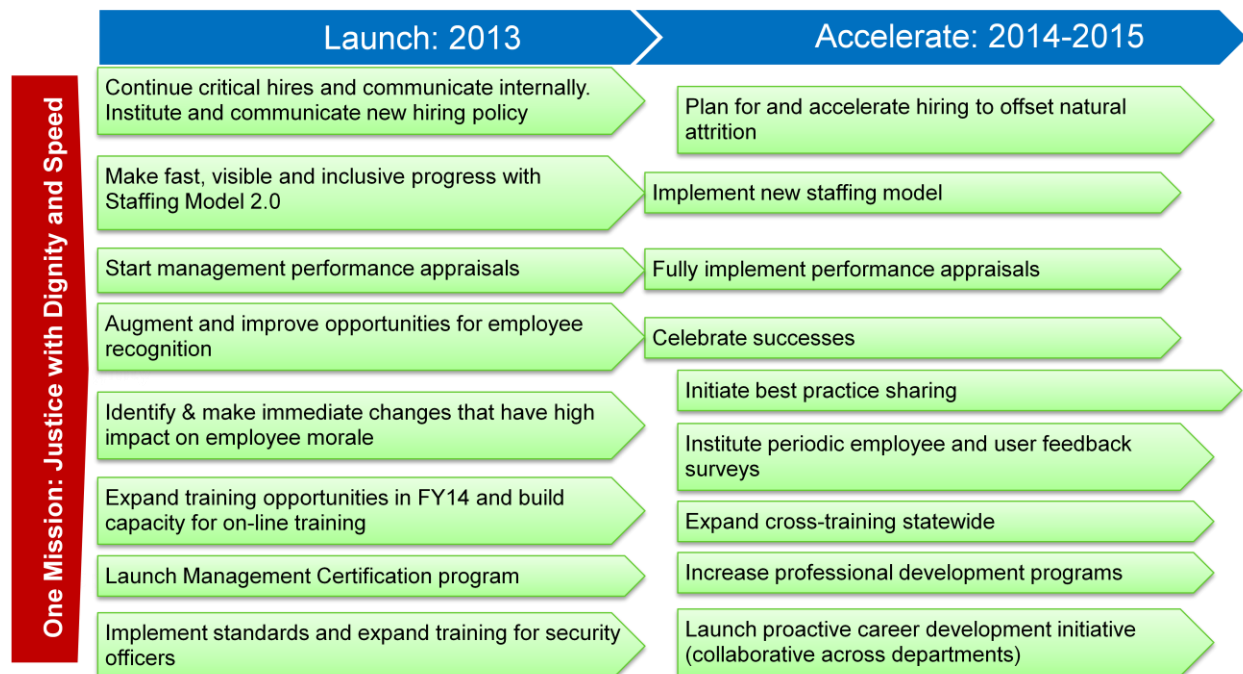
### Tactical Plan: Facilities Improvement

The tactics in this domain address all aspects of facilities conditions and cleanliness in order to improve the quality, access, security and dignity of the physical space, as well as develop a long term facility plan to address prioritized shortcomings of Court facilities.



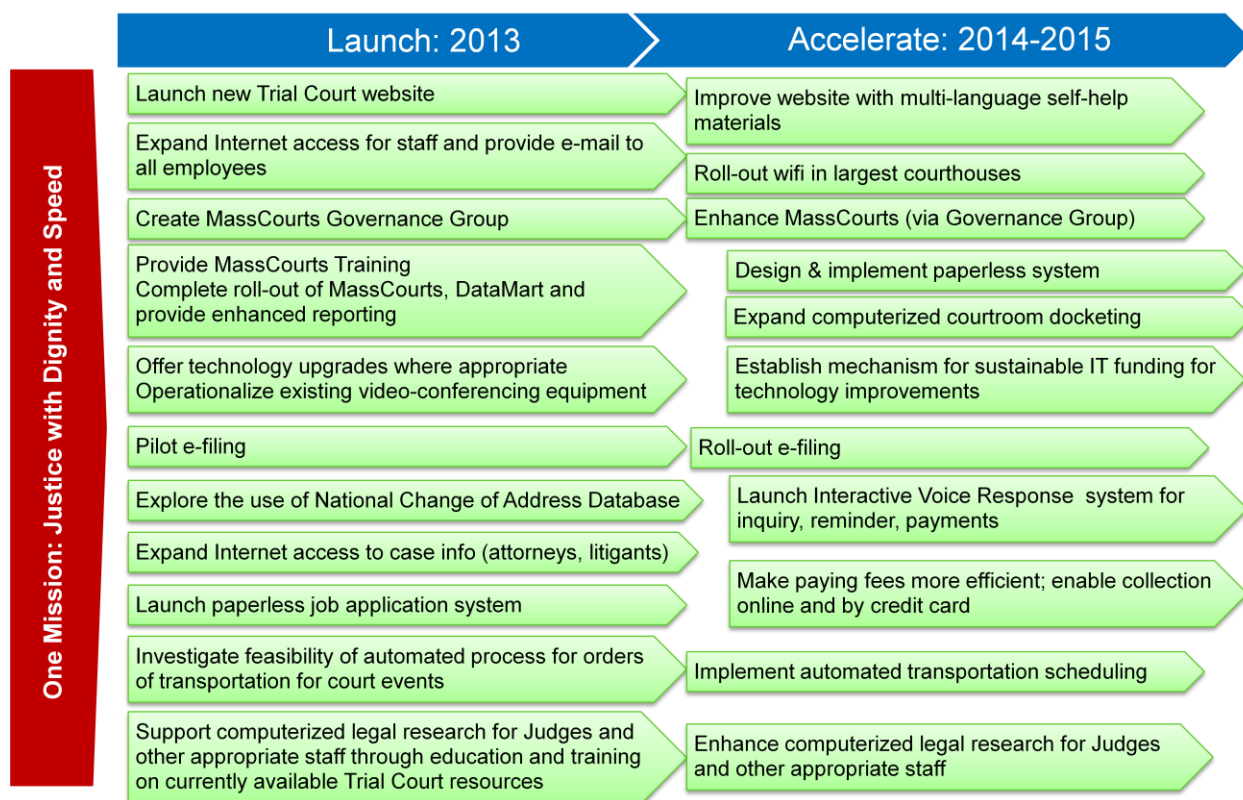
## Tactical Plan: Workforce Development

Key elements of the plan in workforce development are to accelerate hiring, to create a new staffing model, to provide opportunities for career development, to expand training opportunities for professional development, to implement performance appraisals and to emphasize employee recognition.



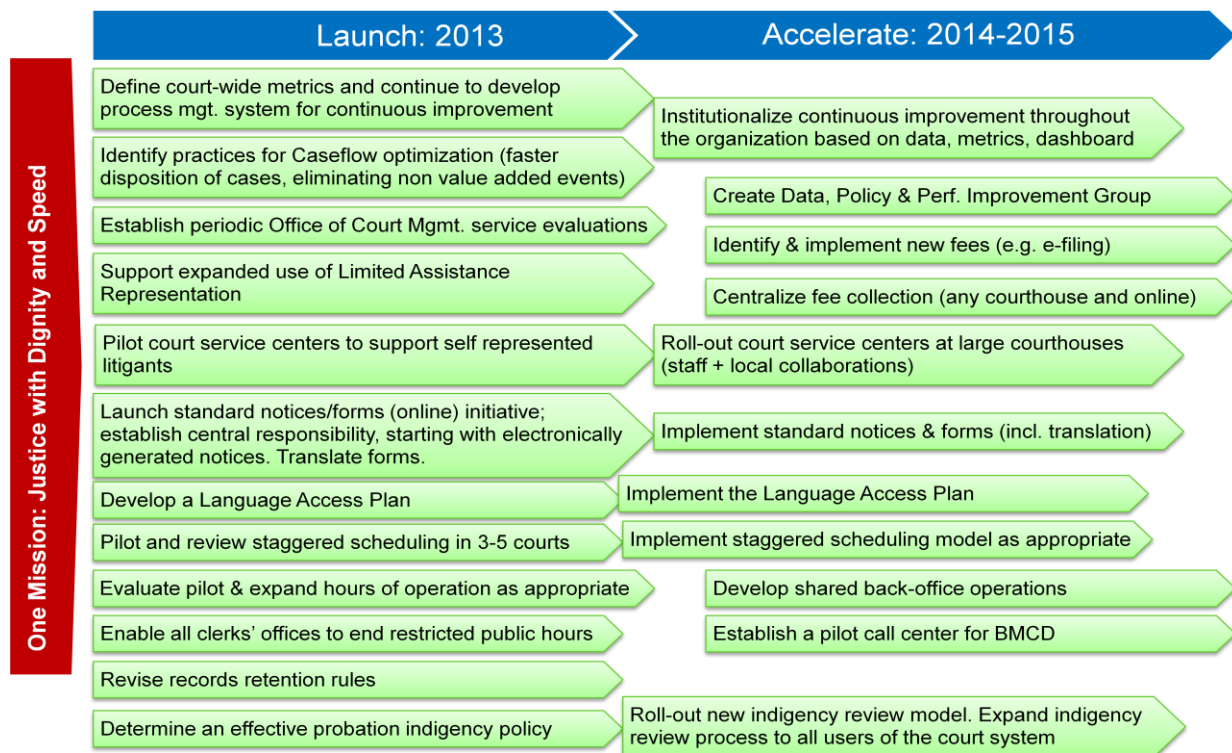
## Tactical Plan: Technology Enhancements

The tactics in this domain recognize that the Trial Court can accomplish a great deal with technology to improve access, streamline caseflows, and make it easier for users to work with the Court system. Completing MassCourts roll-out is a major milestone for the launch phase.



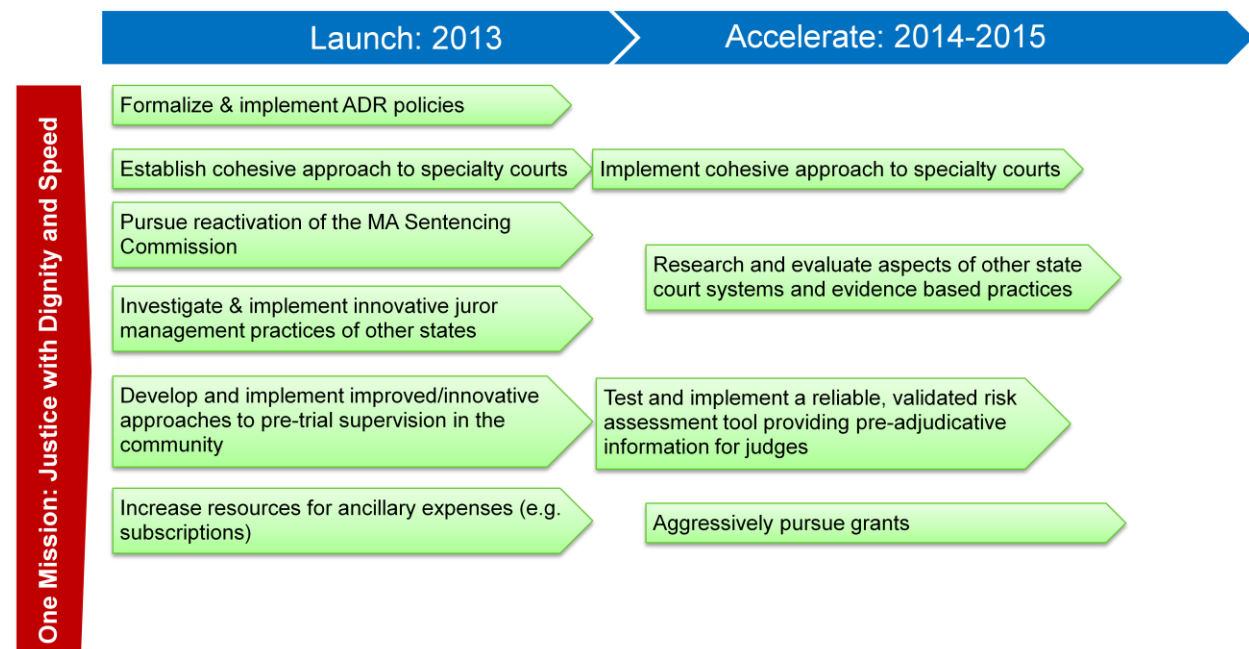
## Tactical Plan: Process Improvements

Tactics included in this domain mainly aim to improve caseflow management, ensuring faster processing of cases and reducing wait times, without sacrificing quality of judicial decisions, while providing better service to users of the Court system and continuous improvement based on court-wide metrics.



## Tactical Plan: Innovative Practices

From alternative dispute resolution to specialty courts, tactics in this domain aim to enhance and expand innovative practices, including adopting learnings from other states.





## Appendix: List of Tactics

Strategy	Category	LAUNCH TACTICS
One Mission	Governance & Communications	Establish strategy implementation group
One Mission		Communicate strategic plan*
One Mission		Clarify org. structure and roles & responsibilities
One Mission		Develop & implement success measures
Speed		Provide internal resource directory on website
One Mission		Develop comprehensive communications strategy (internal)
One Mission		Create unified public outreach, information, and education program (external)
One Mission		Initiate targeted strategic planning efforts (Probation, Security, Facilities)
One Mission		Begin initiatives to improve collaboration throughout the Trial Court and Judicial Branch
One Mission		Outreach & engage with the Legislative and Executive branches for better relations. Continue information sharing*
Dignity	Facilities Improvement	Initiate development of Capital Plan*
One Mission		Examine courtroom scheduling and utilization practices
Dignity		Institute clear signage policy and improve signage
Dignity		Establish standards and plan for facility cleanliness and building maintenance
Dignity		Establish standards for courthouse security
Dignity		Complete designation of separate and secure waiting areas*
One Mission	Workforce Development	Identify & develop space within TC facilities suitable for education enhancement, inter-dept. meetings, and conferences
One Mission		Continue critical hires and communicate internally. Institute and communicate new hiring policy*
One Mission		Make fast, visible and inclusive progress with Staffing Model 2.0*
One Mission		Start management performance appraisals*
One Mission		Augment and improve opportunities for employee recognition
Dignity		Identify & make immediate changes that have high impact on employee morale*
Dignity		Expand training opportunities in FY14 and build capacity for on-line training
One Mission		Launch Management Certification program*
Dignity		Implement standards and expand training for security officers
Speed		Launch new Trial Court website*
Dignity	Technology Enhancements	Expand internet access for staff and provide email to all employees*
Speed		Create MassCourts Governance Group
Dignity		Provide MassCourts Training *
Speed		Complete rollout of MassCourts, DataMart, and provide enhanced reporting*
Dignity		Offer technology upgrades where appropriate*
Speed		Operationalize existing video-conferencing equipment*
Speed		Pilot e-filing*
Speed		Explore the use of the National Change of Address database*
Speed		Expand Internet access to case info (attorneys, litigants)*
Speed		Launch paperless job application system*
Speed		Investigate feasibility of automated process for orders of transportation for court events
Dignity		Support computerized legal research for Judges and other appropriate staff through education and training on currently available Trial Court resources
One Mission	Process Improvement	Define court-wide metrics and continue to develop process management system for continuous improvement*
Speed		Identify practices for Caseflow optimization (faster disposition of cases, eliminating non value added events)
One Mission		Establish periodic Office of Court Management service evaluations*
Speed		Support expanded use of Limited Assistance Representation
Dignity		Pilot court service centers to support self-represented litigants
Speed		Launch standard notices/forms (online) initiative; establish central responsibility, starting with electronically generated notes. Translate forms.
Dignity		Develop a Language Access Plan*
Speed		Pilot and review staggered scheduling in 3-5 courts
One Mission		Evaluate pilot & expand hours of operation as appropriate
One Mission		Enable all clerks' offices to end restricted public hours
Speed		Revise records retention rules*
Speed		Determine an effective probation indigency policy*
One Mission	Innovative Practices	Formalize & implement ADR policies
Speed		Establish cohesive approach to specialty courts*
One Mission		Pursue reactivation of the MA Sentencing Commission
Speed		Investigate & implement innovative juror management practices of other states*
Speed		Develop and implement improved/innovative approaches to pretrial supervision in the community
Dignity		Increase resources for ancillary expenses (e.g. subscriptions)

\* denotes tactics which are in progress (as of June 2013)

Strategy	Category	ACCELERATE TACTICS (2014-2015)
One Mission	Governance & Communications	Improve governance of multi-department courthouses
One Mission		Develop & launch the Judiciary's legislative agenda to increase opportunities for access to justice (incl. jurisdiction and statutory changes)
Dignity	Facilities Improvement	Seek capital funds & execute Capital Plan
Dignity		Install & utilize electronic signage at major courthouses
One Mission		Further integrate operations at previously consolidated courthouses
Dignity		Implement courthouse consolidation as appropriate
Dignity		Pursue separation of sight & sound from adults for the juvenile court
Dignity		Dedicate facility space for Regional Training Centers
One Mission	Workforce Development	Plan for and accelerate hiring to offset natural attrition
One Mission		Implement new Staffing Model
One Mission		Fully implement performance appraisals
One Mission		Celebrate successes
One Mission		Initiate best practice sharing
One Mission		Institute periodic employee and user feedback surveys
Dignity		Expand cross-training statewide
Dignity		Increase professional development programs
Dignity		Launch proactive career development initiative (collaborative across departments)
Dignity	Technology Enhancements	Improve website with multi-language self-help materials
Dignity		Roll-out wifi in largest courthouses
Speed		Enhance MassCourts (via Governance Group)
Speed		Design & implement paperless system
Speed		Expand computerized courtroom docketing
Speed		Establish mechanism for sustainable IT funding for technology improvements
Speed		Rollout e-filing
Speed		Launch Interactive Voice Response system for inquiry, reminder, payments
Speed		Make paying fees more efficient; enable collection online and by credit card
Speed		Implement automated transportation scheduling
Dignity		Enhance computerized legal research for Judges and other appropriate staff
One Mission	Process Improvement	Institutionalize continuous improvement throughout the organization based on data, metrics, dashboard
One Mission		Create Data, Policy & Performance Improvement Group*
One Mission		Identify & implement new fees (e.g. e-filing).
One Mission		Centralize fee collection (any courthouse and online)
Dignity		Roll-out court service centers at large courthouses (staff+local collaborations)
Speed		Implement standard notices & forms (incl. translation)
Dignity		Implement the Language Access Plan
Speed		Implement staggered scheduling model as appropriate
Speed		Develop shared back-office operations
Speed		Establish a pilot call center for BMC
Speed		Roll-out new indigency review model. Expand indigency review process to all users of the court system
Speed	Innovative Practices	Implement cohesive approach to problem solving courts
Speed		Research and evaluate aspects of other state court systems and evidence-based practices
Speed		Test and implement a reliable, validated risk assessment tool providing pre-adjudicative information for judges
Speed		Aggressively pursue grants