

J. DONALD MONAN AND MICHAEL B. KEATING

# Efficient courts enhance access to justice

By J. Donald Monan and Michael B. Keating | September 15, 2007

RECENTLY a police chief south of Boston reported that he now can put more police on the streets due to the District Court's new ability to schedule with certainty trial dates where his officers will testify. And in Norfolk Superior Court last month an attorney was "flabbergasted" to learn that his motion for a summary judgment would be heard the following week, rather than 10 months later, as he anticipated. These are only two examples of ways the public benefits from the major transformation now underway in our court system.

These public benefits and the ongoing transformation of the courts may be jeopardized if the governor's recent veto of significant court funding is not overridden by the Legislature. We encourage legislative action to restore the necessary court funds to ensure that the great strides being made can continue.

Back in 2002, Supreme Judicial Court Chief Justice Margaret Marshall appointed the Visiting Committee on Management in the Courts, made up of individuals from the business, education, and professional fields to make recommendations for improvement in the management of the Massachusetts court system. In March 2003, the Visiting Committee issued a harsh assessment of court operations and provided a comprehensive map of recommendations in the areas of leadership, accountability, and deployment of resources that, if implemented, would dramatically change the quality of court management. One specific recommendation was that a Court Management Advisory Board, made up of members with business, educational, and legal backgrounds, be appointed to oversee and guide the court's efforts in implementing the Visiting Committee's recommendations.

Recently a meeting took place at the John Adams Courthouse that for the first time brought members of the Visiting Committee and the advisory board together with Chief Justice Marshall and Chief Justice for Administration and Management Robert A. Mulligan and the chief justices of the seven departments of the Trial Court to review the court's actions to date in implementing the committee's recommendations.

The changes introduced since the Visiting Committee's report would be remarkable in any organization, and are particularly so in the Massachusetts Trial Court, which is steeped in a culture of precedent and tradition.

Under the leadership of Mulligan and the chief justices of the seven trial court departments, the Visiting Committee report has served as a blueprint for change - change that now is evident in courthouses across the state. The chief justices have been guided and supported through their ongoing work by the advisory board.

First, the effective redesign and ongoing rollout of MassCourts, a single case management information system for all court departments, laid a foundation to introduce practices that quantify performance and measure progress. The chief justices resolutely launched their performance agenda in the high profile area of timely and expeditious handling of cases.

Systems hurdles were not allowed to derail this culturally challenging effort to establish time standards, to use nationally developed performance measures, and to set aspirational goals focused on reducing case backlogs and increasing the certainty of trial dates.

In April, the Trial Court published its 2006 results - a first-ever public examination of its own efficiency in handling cases in a timely way. According to the National Center for State Courts, Massachusetts is one of the first states to use the center's metrics to measure timeliness and expedition on a statewide basis across all trial court departments. Similarly, all departments invested significant effort to develop staffing models based on case complexity and volume in order to establish a baseline for equitably allocating scarce resources.

Such efforts signal that accountability, transparency, and continuous improvement are becoming the norm within the court. Much remains to be accomplished as the MassCourts system rollout continues. In cultural change, however, the first step is always the most difficult because it typically involves a commitment to a new set of values. Ultimately, of course, today's Legislature has a critical role to play in collaborating with the judiciary in clarifying structures, streamlining the budget, and providing the resources that will solidify current progress and lay the foundation for future improvement. Restoration of court funding would be a logical step for the Legislature to demonstrate its commitment to the judiciary and to the people of the Commonwealth who use our court system.

All too often, task forces and commissions, appointed to recommend improvements in government service to the public, deliver their reports only to watch them collect dust as they lie unimplemented on office shelves. Our experience over the past four years with the Massachusetts Trial Court has been a unique and gratifying exception.

Our courts are delivering on their commitment to provide leadership and accountability in assuring substantive improvements in access to quality justice throughout the Commonwealth. And the variety of ways this benefits the public will only continue to grow.

**J. Donald Monan, S.J.**, *chancellor of Boston College, chaired the Visiting Committee on Management in the Courts which issued its report in 2003. Michael B. Keating chairs the Court Management Advisory Board formed in 2004, and is a partner at Foley Hoag LLP. The reports of both committees can be found at [mass.gov/courts](http://mass.gov/courts).* ■