

STRIVING FOR EXCELLENCE IN JUDICIAL ADMINISTRATION

“All who serve the Commonwealth in our court system can be proud of the marked progress we have made in the last several years. True reform, though, is a never ending, never fully completed process. We are committed to building on the recent advances so that our goal of becoming a national model of excellence in judicial administration can be fully realized.”

Chief Justice Margaret H. Marshall
Massachusetts Supreme Judicial Court



A CALL TO ACTION

The Appointment of the Visiting Committee

In 2002, Supreme Judicial Court Chief Justice Margaret H. Marshall announced the commitment of court leadership to fulfill the guarantee of the Massachusetts Constitution to the impartial administration of justice “without any denial; promptly, and without delay.”

The Supreme Judicial Court established the Visiting Committee on Management in the Courts, a blue-ribbon committee of management experts, business leaders and lawyers to assess the managerial practices and policies and to make recommendations to improve the administration of justice in Massachusetts.

Headed by Boston College Chancellor J. Donald Monan, S. J., the Visiting Committee collectively represented decades of experience in managing complex public and private institutions and implementing change.

Visiting Committee on Management in the Courts

J. Donald Monan, S.J., *Chair*

Patricia McGovern, *Vice Chair*

William C. Van Faasen, *Vice Chair*

Charles D. Baker

Wesley W. Marple, Jr.

Ralph C. Martin, II

Hon. A. David Mazzone

Dorothy Terrell



Supreme Judicial Court Chief Justice Margaret H. Marshall and Chief Justice for Administration & Management Robert A. Mulligan

Blueprint for Change: The Report of the Visiting Committee

The Visiting Committee in March 2003 issued a harsh assessment of court management, finding that the “impact of high-quality judicial decisions is undermined by high cost, slow action, and poor service to the community.” It described judicial administration as “mired in managerial confusion” and “hampered by poor leadership and low employee morale.”

Most importantly, the report suggested a blueprint for radical change grounded in managerial best practices. Recommendations were presented in three areas: new leadership norms and structures; a culture of high performance and accountability; and discipline in resource allocation and use.

“I will enlist the assistance of the best minds in the Commonwealth to examine and make suggestions about the very foundational structures of our court administration. . . [We must] be able to say with confidence that the administration of the courts is significantly advanced and is compatible with 21st century management practices.

Chief Justice Margaret H. Marshall
January 2002

Committed Leadership

The Supreme Judicial Court appointed Robert A. Mulligan as Chief Justice for Administration & Management of the Trial Court in October 2003 to implement its mandate of institutional reform. He has formed a leadership team of seven departmental chief justices committed to the vision and priorities outlined by the Visiting Committee.

The Massachusetts Legislature implemented the Visiting Committee recommendation to create the Court Management Advisory Board to provide the Trial Court with guidance and support.

Chaired by Boston attorney Michael B. Keating, the 12-member board is comprised of leaders in the business, academic, and legal communities who by statute advise and assist the courts on “all matters of judicial reform.”

Court Management Advisory Board

Michael B. Keating, Esq., *Chair*
Chief Justice Robert A. Mulligan
Leo V. Boyle, Esq.
Linda K. Carlisle
Gene D. Dahmen, Esq.
Janet E. Fine
David Friedman, Esq.
David G. Fubini
Robert P. Gittens, Esq.
Hon. Neil L. Lynch
Anne H. Margulies
Thomas O’Brien
Elizabeth Pattullo



The 12-member Court Management Advisory Board includes (from left): retired Supreme Judicial Court Justice Neil L. Lynch; Attorney Michael B. Keating, CMAB chair; and consultant Linda K. Carlisle

Five Years Later

The many initiatives launched since the Visiting Committee’s Report have introduced new technology and a focus on accountability. They represent profound and lasting changes for the Massachusetts court system, which is steeped in a culture of precedent and tradition.

All of the Trial Court departments have embraced the ongoing transformation to a culture where empirical data, rather than anecdotes and intuition, inform policies and drive management decisions.

A blueprint for change is in place and the court leadership team has adopted a strategy of continuous improvement. As it addresses remaining challenges, the Trial Court stands committed to build on its existing momentum to enhance the quality of justice delivered to all who come before the courts of Massachusetts.

IMPROVING THE ADMINISTRATION OF JUSTICE

Transformation through Accountability

The transformation to a court system focused on performance and accountability is actively underway. Court leaders now analyze data to assess the equitable distribution of resources, timely disposition of cases, satisfaction of court users, and judicial performance. The shift toward a culture of continuous improvement is evidenced by new efforts to seek feedback through surveys of users and ongoing dialogue on court reform between the bench and bar.

This transformation requires unprecedented collaboration by the chief justices and other judicial and administrative leaders across seven Trial Court departments. Members of the Court Management Advisory Board guide and support these efforts.

Along with leadership commitment, the focus on accountability has required the introduction of many new systems and practices – data base management, standards, measurements, goals and public reporting – to assess performance and inform decision making.

Technology Enhanced

The introduction of MassCourts, a comprehensive, web-based case management system, enables the data collection and information sharing needed to track case progress and timeliness. Appointment of a Chief Information Officer and a special judicial advisor revitalized this multi-year automation effort, which ultimately will replace 14 different systems.

As each Trial Court department implements MassCourts, user committees are formed to ensure success. This collaboration with local process experts assures the functionality and staff support required to implement one case management system across all departments.

By the end of 2007 two court departments utilized MassCourts for all functions and two departments used an interim “lite” version.

Other departments continue implementation planning. In 2007, court employees added almost twice as many cases and three times as many calendar events as in 2006. Data volumes currently in the system are detailed below.

MassCourts creates a uniform system to facilitate linkages and improve the exchange of information with external agencies from law enforcement to the Registry of Motor Vehicles to the Board of Bar Overseers. Full implementation of this robust management tool will allow more precise analysis and efficient processing of court business by all court departments.

Technologies used in jury management also have been upgraded. The courts introduced the use of bar code scanners for the jury pools, which reduces check-in times by up to an hour at busy courthouses. This and varied other innovations led to the introduction of the Juror Service Website, which is the first in the country to allow online response to all aspects of a jury summons.

MassCourts Case Management System Activity

	Total in System as of 12/31/07
Cases	4,180,198
Calendar Events	12,076,972
Identity & Alias Records	8,533,515
Probate and Family Court Imaging	
Documents Scanned	1,951,114
Cases Scanned	203,269
Fingerprint Supported Cases	60,748

“This court metrics initiative is transforming the culture of the Trial Court – a transformation whereby empirical data inform policies and drive management decisions, enabling us to increase our accountability and assess our progress, while maintaining our unwavering commitment to quality substantive justice.”

Chief Justice for Administration & Management Robert A. Mulligan
 Report of the Court Metrics Project for Calendar Year 2006

Time Standards Developed

The development of standard time frames for every type of case in every Trial Court department launched the focus on timely case management. Time standards, based on case type and complexity, create objective benchmarks for determining whether cases move along in a timely manner. Previously, cases could take months or years to reach resolution and delayed the delivery of justice. The number of aged cases significantly exceeded acceptable levels.

Time standards allow court leaders to study case flow management techniques to enable the disposition of cases within the standards. Factors analyzed include the staffing of judges, clerks, clerical support, courtroom space and the frequency of continuances. Such analysis identifies ways to eliminate delays and ensure that scheduled court events actually move forward.

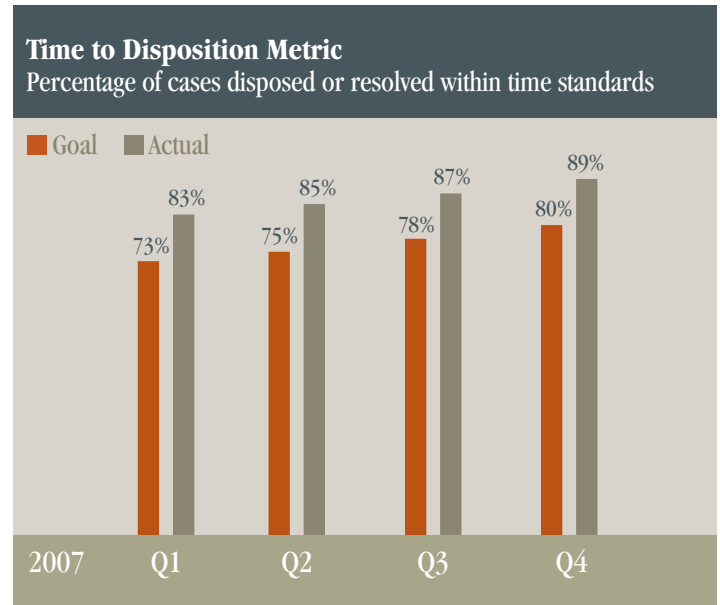
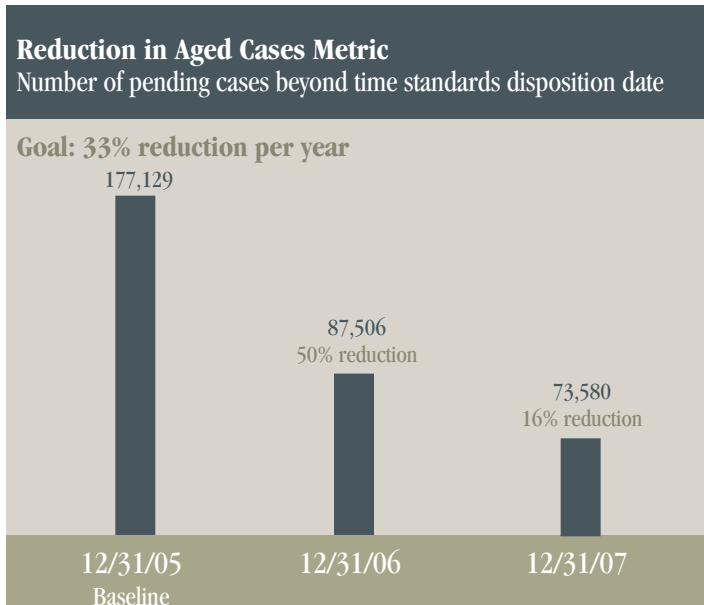
Performance Measures and Goals: Court Metrics Project

The effort to assess court performance using time standards was aided significantly by the development of CourTool measurements by the National Center for State Courts. All Trial Court departments adopted the four measures focused on timely case management: clearance rate, time to disposition, age of pending cases and trial date certainty. As the court metrics project moved forward, it proved the adage that “what gets measured gets done.”

The chief justices introduced common metrics prior to the full implementation of MassCourts, notwithstanding the limitations of existing legacy systems. This strategy helped to inform the reporting requirements for MassCourts and MassCourts facilitated the production of systematic metrics data where it had been rolled out.

Agreement on a common set of goals for each metric created benchmarks that made the measurements meaningful.

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“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.”

J. Donald Monan, S.J. & Michael B. Keating, Esq.
Boston Globe, September 2007

Performance Measures and Goals (continued)

Challenging, aspirational goals were set to ensure impact on the timely disposition of cases.

Judges and court staff responded to the challenge of “stretch” goals and used the newly available data to manage caseloads more effectively. As highlighted on page 5, the Trial Court’s focus on aged cases reduced the number beyond time standards by half in 2006, exceeding the goal of a 33 percent reduction. An additional 16 percent reduction was achieved in 2007 for a two-year reduction of more than 100,000 aged cases.

Aspirational goals also were used to improve the resolution of cases within time standards. In 2007, the Trial Court targeted a 10 percent increase. As shown on page 5, quarterly results exceeded interim targets and the year ended at 89 percent disposition within time standards. Goals for all four metrics are reviewed and set annually.

The introduction of a CourTool measure focused on court access and fairness has expanded the use of performance metrics. A survey of court users was piloted by the Boston Municipal Court Department and will be implemented across the Trial Court in 2008.

Chief Justices of the Trial Court Departments

Hon. Paula M. Carey, Probate and Family Court

Hon. Lynda M. Connolly, District Court

Hon. Martha P. Grace, Juvenile Court

Hon. Charles R. Johnson, Boston Municipal Court

Hon. Steven D. Pierce, Housing Court

Hon. Barbara J. Rouse, Superior Court

Hon. Karyn F. Scheier, Land Court

Transparency Ensures Accountability

The chief justices implemented full transparency for performance data underscoring the Trial Court’s commitment to holding itself accountable. The first annual metrics report provided case management results for 2006 and quarterly results are posted on the Trial Court’s website. This report was widely distributed to stakeholders including the Legislature, bar associations, and business leaders. The Trial Court plans ongoing external outreach to highlight the court reform underway.

Staffing Models Introduced

All seven Trial Court departments participated in groundbreaking work to develop court staffing models, which allow assessment of critical personnel needs and objective allocation of resources. This effort addressed concerns that courts closer to Boston received more financial support than those in western Massachusetts.

With guidance from the National Center for State Courts, staff from each department worked with the Trial Court’s Human Resources Department to analyze caseloads and develop the staffing models. This analysis provided a baseline for budget preparation, prioritizing critical needs and targeting a comparable level of staffing across all departments.

Staffing models are updated annually to reflect changing functions and workloads. The transferability of funds across departments is a key management tool in balancing staffing needs.

PROMOTING ACCESS TO JUSTICE

Launching New Initiatives

People of all socio-economic backgrounds and ethnicities must have equal access to the courts. The Massachusetts Judiciary promotes this core principle of judicial administration by initiating numerous programs designed to make the court system accessible to the public.

These services are aimed to create a judicial system that is understandable and navigable for people who have little experience or familiarity with court procedures and seemingly complex legal terminology.

Navigating the Court System

Numerous certified interpreters help non-English speakers who appear daily in Massachusetts courts. The Judicial Response System assists people with emergency legal matters by having judges respond to calls on nights and weekends every day of the year. Seventeen Trial Court law libraries in Massachusetts are available for persons who need legal research, law books or Internet services.

Webcasting of oral arguments before the Supreme Judicial Court allows people anywhere in the world to observe the interaction of judges and lawyers on important legal issues. Legal briefs and the Court's decisions in these cases are available on the Court's website.

In 2005, the Supreme Judicial Court established the Access to Justice Commission. The Commission, composed of judges and members from the bar and social services, assists the Judiciary in expanding civil legal assistance available to all persons of low income.

Assisting Self Represented Litigants

With an increasing number of pro se litigants, the Supreme Judicial Court in 2002 appointed the Steering Committee on Self Represented Litigants. This committee is developing programs to assist individuals who represent themselves in court and to aid judges, lawyers and clerks with specific case management tools.

A successful pilot project on Limited Assistance Representation is underway in Suffolk, Hampden and Norfolk Probate and Family Courts, which permits qualified attorneys to render assistance to people of limited means whose legal needs may not require full representation by lawyers. A court handbook expressly written for pro se litigants assists individuals to prepare for their day in court. Judicial Guidelines give judges advice on managing civil cases in which pro se litigants appear before them.

In partnership with bar associations, the Housing and Probate and Family Court Departments use "lawyers for the day" who provide free legal assistance to people who come to court without lawyers. Self-Help Centers for the public are available in court registries and on the Trial Court's website.

MOVING FORWARD



“Our blueprint for change – the Monan Report – set the bar high, calling for nothing less than a transformation in the culture and practice in the Trial Court. The Court Management Advisory Board is impressed with the progress made to date - but we know that more can and will be achieved. We will continue to encourage and assist Chief Justice Mulligan and his very able leadership team as they set new standards for excellence in the management of the Massachusetts court system.”

Michael B. Keating, Esq.
Chair, Court Management Advisory Board

“Through the leadership of the chief justices we have implemented new management practices, each of which represents major change. Collectively these efforts generated an even more profound impact by launching a fundamental shift in the culture of this tradition-oriented, precedent-based institution toward one that is flexible, innovative and embraces new ways of operation. The Trial Court is committed to building on this energy and momentum, as we seek and adopt best practices that provide smarter, better ways to deliver the highest quality justice.”

Hon. Robert A. Mulligan
Chief Justice for Administration &
Management of the Trial Court

Massachusetts Court System
Public Information Office
617-557-1114
www.mass.gov/courts/sjc