

**TESTIMONY**

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**OF**

**JONATHAN S. WILLIAMS  
COURT ADMINISTRATOR**

**ON THE**

**TRIAL COURT  
FISCAL YEAR 2019 BUDGET REQUEST**

**PRESENTED TO THE  
JOINT COMMITTEE ON WAYS AND MEANS**

**FEBRUARY 13, 2018**

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## JOINT WAYS AND MEANS COMMITTEE HEARING

### TRIAL COURT FISCAL YEAR 2019 BUDGET REQUEST

Senator Moore, Representative Keefe, members of the Joint Committee, this is my first appearance before the Joint Ways and Means Committee. I appreciate the opportunity to speak with you today.

#### FISCAL YEAR 2019 REQUEST

The Trial Court's budget request for Fiscal Year 2018 consists of two major components – maintenance funding of \$671.1 million, and the additional four expansion modules that Chief Justice Gants and Chief Justice Carey outlined for Fiscal Year 2019 that total \$7.4 million.

Prior to providing details on the Trial Court's Fiscal Year 2019 budget request, we want to update you on where we are in Fiscal Year 2018 and provide you with information on how we are pursuing innovation and improved efficiency within existing appropriations.

#### FISCAL YEAR 2018 UPDATE

The Trial Court's original Strategic Plan in 2013 made a commitment to continuous improvement in our operations and our service to the public. This means we find ways to operate more efficiently, while at the same time providing fair and equal access to justice.

- Six **Court Service Centers** last year served more than 60,000 people who are not represented by lawyers, and they are a key reason the Commonwealth was recognized in 2017 as second in the nation for Access to Justice. Currently, Appleseed is working to develop a proposal to offer resources online as **Virtual Court Service Centers** that may include support such as online chat or telephone services to enable more people in more places to benefit from these centers. Our 15 law libraries already answer more than 5,000 questions each year by call or text and receive more than 35,000 visits per year.

- We have continued to strengthen our interpreter services, adding 15 new staff interpreters, in addition to contract interpreters. In a given year we now provide interpreters for nearly 100,000 court events in over 100 languages.

We are also implementing the Trial Court's second strategic plan, **Strategic Plan 2.0**, which was adopted in Fiscal Year 2016. As we presented last year, this includes a number of goals for modernizing the Massachusetts Probation Service.

- The Probation Strategic Plan identified as one of its highest priorities an independent assessment of case management software needs to replace the paper-based probation files. We have now selected a case management system that will support work at the individual case level up to effective management of the entire enterprise. Testing will begin in six courts in the next several weeks to configure the product around our processes and we will begin statewide implementation this fall.
- Probation's Strategic Plan also highlighted utilizing Associate Probation Officers to perform many in-court functions and other administrative responsibilities, to allow the more highly skilled and trained full Probation Officers to spend more time supervising probationers. I am happy to report that **APO reengineering** has proven successful and is now being rolled out state wide.

One important tactic in Strategic Plan 2.0 was leveraging **next generation technology** to enhance our ability to better serve the public. I am pleased to report that we are well underway.

- Traditionally, decisions made in court were entered into electronic dockets after court was over, and important orders were issued in writing later. Now, **real time docketing** is running in some of our departments and in others we are planning roll out. Our goal is to strive toward 100% of all case work documented in real time. This requires greater staffing and equipment inside the courtroom, but is a

net savings in total labor to complete the court's business, and it serves the public better by providing final orders often within a few minutes.

- We are also **expanding civil e-filing** throughout multiple departments and more than 11,000 attorneys have registered. You can now electronically file most common case types at all District Court and Boston Municipal Court divisions, as well as most estate and guardianship matters and divorce complaints filed under G.L 208 § 1B at all Probate and Family Court locations. The Housing Court is also accepting small claims filings in four divisions and the Superior Court initiated pilots in Middlesex and Barnstable Counties accepting electronically filed tort actions.
- Law enforcement use of our **Electronic Application for Criminal Complaint (EACC)** has increased to 37 divisions in the District Court and BMC, with over 80 police departments participating. As of late 2017, more than 30,000 criminal case applications were submitted electronically to courts by police departments. This automates significant steps in the creation of criminal files. In time, this will allow these courts to minimize the printing of any paper for court participants.
- We have also implemented **Court.fm™** - a secure, digital central repository for all audio testimony. Court.fm™ delivers digital courtroom recordings to the court, as well as to the represented public, allowing authorized individuals to locate and listen to recordings as soon as the following day. Court.fm™ also will reduce the time frame for the delivery of transcripts by 66%. At this time we have completed the transition of more than 70% of our courtrooms to the new recording and storage technology.

**TRIAL COURT'S  
FISCAL YEAR 2019  
MAINTENANCE BUDGET REQUEST**

To maintain current operations the Trial Court is requesting \$671.1M, which funds 6,373 positions. The spending increases required to maintain operations above Fiscal Year 2018 spending are as follows:

- \$9,123,525 to annualize statutory increases received in Fiscal Year 2017.
- \$4,635,290 to annualize salaries for judges and to provide sick and vacation buyback for judges who retire during the year.
- \$3,886,156 Fiscal Year 2019 step rate increases and annualization of 2018 step increases due employees in accordance with collective bargaining agreements and personnel policies.
- \$6,471,196 to annualize new hires being completed in Fiscal Year 2018 and to annualize the salaries of employees on a leave of absence or workers compensation for a portion of Fiscal Year 2018.
- \$ 316,750 for increases of private and county space leases.
- \$ 752,656 for personnel related costs for promotions, reclassifications, stipends and differential pay and increases in sick and vacation buyback for retiring employees.
- \$2,380,202 provides annualization and inflation for law library collections, utilities, case related expenses for interpreters, guardians ad litem and dental/optical trust agreements.

The above increases are offset by one-time costs and negative annualization totaling \$12,775,457. The one-time costs relate to sick and vacation buyback, costs for terminated employees and employees who opted for the retirement incentive who were on the payroll for only a portion of Fiscal Year 2018 and one-time non-personnel costs.

In addition to our maintenance budget request, we also request funding for the four individual budget modules for initiatives that are important to maintain our forward momentum. Those were outlined earlier and the costs are in the materials provided.

**GOVERNOR'S  
FISCAL YEAR 2019  
HOUSE 2 BUDGET RECOMMENDATION**

The Governor's Fiscal Year 2018 recommendation (House 2) for the Trial Court totals \$668.5M. The recommendation funds Fiscal Year 2018 existing accounts, and built in the Case Management Triage Plan for Probate and Family Court which we have presented as an expansion module.

The House 2 recommendation of \$668.5M represents an increase of \$11.9M or 2.2% over our Fiscal Year 2018 appropriation of \$656.6M.

However, it is important to recognize that the Fiscal Year 2019 maintenance funding request made by the Trial Court and the Governor's House Bill 2 do not include salary increases related to new collective bargaining agreements that are currently being negotiated. The collective bargaining agreements for the unions that represent Trial Court employees, expired on June 30, 2017.

Thank you for giving us this opportunity to appear before you today on behalf of the Trial Court. You know that I came to Massachusetts attracted by a court system that was in the midst of exciting changes. In the ten months since my arrival I have been consistently impressed by the commitment of judges and all court leaders. That commitment is to not only serve the highest ideals of justice, but to engage in discussion and to explore new ways to administer justice in the communities we serve. It is not a narrow view of simply deciding cases by the rules, but a willingness to see conflict in the community as an opportunity to solve deep rooted problems, and to reconcile competing interests in a durable way that strengthens the community where possible. I look forward to working with you in coming years.

## EXPANSION MODULE DETAIL

### **Specialty Courts Expansion**

**\$3,961,5332**

The Specialty Courts are a cooperative effort with the Trial Court, the Department of Public Health, the Department of Mental Health and the Department of Veterans' Services using a coordinated model for the Commonwealth. The Specialty Courts provide a proactive structure for the judicial branch as it seeks to assist defendants with substance abuse, mental health and trauma issues in a more effective manner. This budget module (\$3,961,532) will fund thirteen additional specialty court sessions. The additional sessions will consist of ten Drug Court sessions and three Veterans' Court sessions. These sessions will allow for increased access to specialized services across the Commonwealth. Additionally, this module will fund mediation programming for the Hampshire County Family Resolutions Specialty Court, as well 3 clinicians for the Family Resolutions Specialty Court ("FRSC") to assist with resolving complicated family issues.

### **Race and Bias Initiative**

**\$378,000**

This module will fund expansion of the Trial Court's Office of Diversity from one to three employees and will provide funding for external training on race and bias for judges and managers, as well as a "train the trainer program" for designated court employees. It is crucial that the court system reflect the communities that it serves and that all court employees be trained to work with a multi-cultural workforce. To that end, this module adds a program manager (\$90,000) and a trainer (\$70,000) to the Office of Diversity to facilitate training, coaching, support to race and bias subcommittees, and oversee recruitment. It also provides for one year of external assistance to build leadership development on the issues of race and bias in the court system (\$150,000), and funds additional external training and conference attendance regarding personal, institutional, and structural racism (\$68,000). This funding would assist the Trial Court in its ongoing efforts to eliminate any unconscious bias towards applicants, employees, and court users and to recruit and retain a diverse judicial workforce.



**Probate and Family Court Case Management Triage**

**\$848,014**

This budget module will fund expanded meaningful access to the Probate and Family Court by expanding resources in three areas. The funding allows for 9 Alternative Resolution Dispute officers to provide on-site mediation and referrals (\$636,727), as well as 14 sessions clerks (\$627,068), and 6 research attorneys (\$424,482) to support judicial responsibilities and provide Judicial Case Managers with time to triage and closely manage the judge's caseload. This case management triage plan will streamline the Probate and Family Court process, reduce delays, increase access to justice, and save litigants the time and expense of unnecessary litigation.

**Alternative Dispute Resolution Programs**

**\$2,164,547**

This budget module (\$2,164,157) will fund a core infrastructure for Alternative Dispute Resolution (ADR) in the Trial Court, education and training programs in court departments, community mediation programs in the Boston Municipal and District Court Departments, and permanency mediation services in the Juvenile Court Department. ADR expansion will provide litigants with alternatives to litigation that can be quicker and less expensive and will also provide them with the ability to manage their case resolution.