

Testimony before Joint Committee on Ways and Means

Ralph D. Gants  
Chief Justice  
Supreme Judicial Court  
Commonwealth of Massachusetts

February 13, 2018

Seven Hills Foundation  
Worcester, MA

Senator Moore, Representative Keefe, members of the Joint Committee, I very much appreciate the opportunity to appear before you today on behalf of the Judicial Branch. Let me begin by thanking you and your colleagues in the Legislature for your support of the Judiciary during the past few years. Your financial support has enabled the Judicial Branch to stabilize its operations and continue to implement reform and improvements throughout the court system. In particular, I would like to thank you for the additional funding provided in this year's budget for the expansion of the Housing Court, which will be fully operational statewide in FY2019. As a result of your support, every resident of Massachusetts will now have access to a Housing Court.

Because you will hear from many witnesses today and because I want to leave time for your questions, I shall be brief in my remarks. I will first outline some of the highlights of the FY2019 Judiciary Budget request, and then provide you with some detail on the Supreme Judicial Court Budget. Details on the Appeals Court Budget will be provided by Chief Justice Mark Green, and Chief Justice Paula Carey and Court Administrator Jonathan Williams will elaborate on the Trial Court Budget.

The Justices and I are fully aware that the Commonwealth's economic climate, although improving, continues to present financial challenges in Fiscal Year 2019. And we know that the uncertainty regarding Federal funding, especially health care funding, exacerbates those challenges. As a result, we are constantly striving to implement reforms, create efficiencies, and reallocate existing resources to improve the delivery of justice. As always, our goal for the coming fiscal year is to receive a budget that will enable us to maintain the stability that we have achieved during the past few fiscal years and to provide the resources needed to ensure that we can provide a high quality of justice in a safe and efficient manner.

Over the past several fiscal years, the Trial Court has implemented a strategic plan, made

operational reforms, reallocated existing resources (funding and staffing), introduced new technologies, and expanded our use of data driven practices. These innovative changes have kept year over year budget growth to a modest level and are reflected in the Trial Court FY2019 Maintenance Budget Request.

The Justices and I fully support the Trial Courts' Fiscal Year 2019 maintenance budget of \$671,151,282, which is 2.2% above Fiscal Year 2018, and will support a workforce of 6,373 positions, a staffing level that remains well below prior fiscal years. Funding at this level is essential for the Court Administrator to continue his efforts to bring improved management and efficiency to the Trial Court System. The budget includes the funding needed to annualize the costs of backfilling critical hires, to fully fund the Housing Court expansion, and to cover the statutory salary increases for judges and clerks that were implemented during FY2017, and will be completed in FY2019. The collective bargaining agreements for court staff ended on June 30, 2017, and contract negotiations are currently underway with court employee unions. As a result, the FY2019 budget does not include funding for cost of living increases next fiscal year.

The vast majority of the growth in the FY2019 budget simply covers salary-related obligations next fiscal year, including the statutory salary increases and the backfilling of critical vacancies. A large majority of the positions filled will be in probation and court security. With respect to probation, we want judges to craft individualized sentences that are appropriate to the severity of the offense committed but that also address the drug and mental health issues that afflict so many of our offenders, and we depend on probation to help judges tailor the sentence to the offense and the offender. We also depend on them to supervise persons charged with crimes on pretrial probation to diminish the number that must await their trial in jail. And we also depend on them to supervise convicted defendants on probation who we identify as high risk or high need. But

all of this work is labor-intensive; we cannot expect them to do more with less. With respect to court security, the examination for new court officers was administered in the fall of 2017, but a training program could not be scheduled until this spring due to the availability of the State Police Training Academy. As a result, we have been seriously short-handed in the number of court officers for the past fiscal year.

The FY2019 Trial Court Budget also includes four budget modules for specific initiatives that the Judiciary would like the Legislature to fund in the coming fiscal year. These budget modules are for Specialty Courts, Race and Bias Initiatives, Probate Court Case Management Triage, and Alternative Dispute Resolution Programs. Funding of these four budget modules is critically important to our efforts to give every criminal defendant in Massachusetts access to a Drug Court, to address unconscious racial bias, to reimagine how justice is administered in our Family Court, and to accelerate our efforts to give litigants access to other types of dispute resolution in cases where they are more efficient and more appropriate than a trial.

The Governor's H-2 Budget recommendation totals \$668.527M for the Trial Court, an increase of 1.8% above FY2018. We very much appreciate the increase in funding provided in the Governor's H-2 Budget, including full funding for the statewide expansion of the Housing Court that began in FY2018, and the additional funding for the Probate and Family Court Case Management Triage. But we ask that you also fund the other three important budget modules, and fully fund our Trial Court Maintenance Budget.

Let me turn now to the specific request of the Supreme Judicial Court.

For Fiscal Year 2019, the Justices have requested \$9,326,142 in the Supreme Judicial Court administration account and \$1,723,983 for the Clerk of the Supreme Judicial Court for Suffolk County. These modest requests simply provide base funding for court operations, cover statutory

salary increases for justices and clerks, and maintain an already small staff at a manageable level. The Governor's H-2 Budget has included sufficient funding for the Supreme Judicial Court in Fiscal Year 2019, and we ask that you maintain that same level of funding.

There are a number of non-judicial and non-affiliate organizations that, for budgetary purposes, are included within the sequence of accounts associated with the Supreme Judicial Court. Keep in mind that the Supreme Judicial Court has no control over the budgets of these agencies, and we do not oversee their spending. Consequently, our general practice has been merely to forward the budget requests of these agencies without formal recommendations, and we do so again this year. We note, however, that included in this budget proposal is a \$5 million increase for the Massachusetts Legal Assistance Corporation for Fiscal Year 2019. This funding level will support the critical work of legal aid programs in addressing the needs of some of the Commonwealth's most vulnerable residents. This increase is of special importance in the coming fiscal year, with so many more non-citizens seeking help to address the multitude of civil legal issues that have arisen from the Federal government's new immigration policies.

### **Conclusion**

I thank you, the Joint Committee Chairs, Senator Spilka and Representative Sánchez, Senator Moore and Representative Keefe, and all the members of the Joint Committee, for this opportunity to address the budgetary needs of the Judiciary, and to share the Justices' views on the Governor's budget recommendations contained in H-2. As I stated, I will leave the specifics of the Appeals Court and Trial Court Budgets to Chief Justice Green, Chief Justice Carey and Court Administrator Williams, respectively. I emphasize that the Justices of the Supreme Judicial Court are in complete support of their budget requests.

I also want to reiterate the continued commitment of the Justices and all court leaders to work cooperatively with you and the committee staff as you prepare a budget that preserves the quality of justice in a fiscally prudent manner. I would be pleased to answer any questions you may have now, or, if you prefer, answer questions after you have heard from all the Judicial Branch leaders.