

Annual State of the Judiciary Address

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Chief Justice Gants began today reminding us that the delivery of justice is a team effort. It takes judges, clerks, and also court officers and probation officers, facilities custodians, IT help desk staff, cashiers and interpreters, and many others to contribute their knowledge, effort and energy to serve the 40,000 or so visitors who come to our courts each day. The contribution of each of our 6,000 people is vital, and through collaboration our efforts become more than the sum of the parts. We must enable and support all who contribute to the mission of securing justice with dignity and speed.

In 1780, the Massachusetts Constitution, principally authored by John Adams, set out a broad vision for our government. Our state constitution declared that “a frequent recurrence to fundamental principles” is essential to the preservation of our liberty and maintaining a free government. Mass. Const. Art. XVIII. These occasions are a significant opportunity for us to gather and reflect for a moment on where we are, and we can turn to that document to ask how we are doing.

Article XI provides our instruction on the meaning of access to justice:

Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

Those words from the 18th century, 239 years ago, challenge and inspire us today. We have greatly enlarged our understanding of who we serve, to be far more universal than understood then. We take steps we can to waive costs that can be barriers that can deny justice. We provide interpreters so that a language barrier will not be a denial of justice. We do what we can to improve case management and leverage technology to reduce delay and ease access to and delivery of essential information.

A major focus of the last year has been updating our strategic plan – assessing the progress we made with the two prior plans, developing a plan for the next three years, and, most importantly, identifying the resources needed to make our vision a reality. Our vision for 2025 is to be a user-focused, paperless court with significant eAccess, and this latest plan takes us closer, as we bring the Trial Court into the 21st century.

One of the most exciting areas that is vital to our Strategic Plan is a new and explicit focus on user experience – intentionally looking at the courts through the eyes of the public.

I would like to recognize the Court Management Advisory Board, particularly former chair Lisa Goodheart and incoming chair Mark Smith. Last year, the CMAB invited court leaders to hear from local executives who have incorporated the ‘user’ mindset to become more successful. The TD Garden showed us how thousands of people can be cared for as they quickly move through security. Logan Airport showed us how they help people in a rush navigate new spaces and how they monitor and address operational challenges that can delay or detract from passengers’ successful travel. Brigham and Women’s and Mass General Hospitals showed us how they engage as institutions with patients and families to better serve and support them through medical crises and difficult treatments.

These sessions really opened our eyes to seeing the courts through the eyes of our users for a change. And not just to gain understanding, but to look for systemic changes to better support our users during their time in the justice system. We can meet all the needs of due process and still improve the interactions with the courts in ways that will benefit all.

Professor Bill Gribbons, who founded the User Experience Center at Bentley University, addressed us this year, and we now have two research and design projects underway with faculty and graduate students to help us think about and then rethink how and why we do things.

Another huge area of our strategic plan is Operational Excellence. Prior plans have mapped out several goals and we are pushing hard on deeper implementation. Since we met here last year, the Office of Court Management has several new senior leaders who bring years of experience with large scale organizational change.

Chief Financial Officer Marcel Vernon has private and public sector financial management experience. He has championed and is implementing new systems to allow us to more actively manage our budget and plan for the future, more quickly pay our bills and transfer funds, maximize procurement savings, and more safely handle cash and checks throughout our operations.

New Human Resources leaders Paul Dietl and his Deputy Lana Jones bring extensive experience implementing HR systems within the Executive Branch and are focused on introducing best practices. They are working with experienced, dedicated HR managers on retooling processes for recruiting and hiring, benefits support, and job classification & compensation. Again, this is an area where a great debt is owed to the Court Management Advisory Board for making specific recommendations in 2017 that created the momentum for change.

Our new eCourts program director, Sam Kurle, has 30 years of systems experience in the public sector and will focus on the many aspects – technology and beyond – of transitioning to a paperless court. Sam is also providing key support to IT Governance, along with the leadership of CIO Craig Burlingame. A formal governance structure is another recommendation that flowed from a CMAB Visiting Committee report in 2016.

Finally, new Facilities Deputy Director Alan Andrade had been the Chief Operating Officer for the Rhode Island Airports, and so is used to a fast-paced environment, that is intentionally responsive to addressing urgent needs, whether driven by safety, environmental health, or public comfort. Along with Director Gualter Almeida they are pursuing the massive Court Capital Management Plan and overhauling service delivery standards, so we can have the cleanest, accessible, and dignified facilities possible.

The collaboration of these new leaders with existing leaders like Associate Court Administrator John Bello, Sheriece Perry and Dr. Sybil Martin in Support Services, Jeff Morrow in Security, Lee Kavanagh in Research and Planning, Ellen O'Connor in the Judicial Institute, and General Counsel Dan Sullivan -- these collaborations are generating new conversations and producing more robust solutions to address a wide variety of issues.

I mentioned our efforts to find resources. We want to thank the Legislature for their support of our operating budgets over the years. We continue to work to use those dollars more efficiently and to realign our internal spending as needed to deliver change.

Unfortunately, we cannot meet our technology goals with operating funds alone. We need major capital investment to transform the role of technology in the justice system. Working with our legislative partners, an IT Bond Bill was recently filed to meet the wide range of technology needs for the Judicial Branch to execute its transition to the world of eCourts and cyber security.

The plain truth is that we have underinvested in technology for years. In our appropriation it amounts to about 2% of operating funds, compared with federal courts spending 8%. When I did a benchmark comparison with similar size state courts, our IT staff was half of the average – even well below the smallest.

In our bond request we identified \$162 million in technology projects for funding over multiple years. Resources for the digital courthouse and courtroom will enable all court work to be managed electronically. This includes equipping all courthouses with wifi, which will allow you, the Bar, our staff, and the public to operate more efficiently throughout a courthouse.

Our second investment area is a Modern and Secure Judiciary to ensure that courthouses and cybersecurity systems are safe for judges, staff, the public, you, and for all of our data.

The third area we identified as needing IT capital resources is operations excellence. It is probably not a surprise that court operations currently include some antiquated systems. This funding will support voice-over-internet phone systems statewide to ensure reliable communication in all courthouses (even when the weather is bad), will support more remote access for court employees and the public, and will increase bandwidth to enable the digital court to move ever-increasing data, voice and video across systems.

We hope we can count on the Bar's support, as we seek the resources outlined in this bond bill.

Technology inspired the virtual Court Service Center described by Chief Justice Gants. This is in its essence something categorically different than just providing an alternative way to get information or forms by going online. When mature, this will use internet technology as its own complete platform for interacting with court personnel and conducting court business, not just a supplement to a face-to-face transaction. The courthouse will still be there, but we can do so much more than we do today to serve people where they are and when they need help.

e-Filing of civil and criminal cases continues to grow. Early next year, the Housing Court will be the first department to require attorneys to e-File Summary Process and small claims cases. We expect to announce a date soon and additional training is being scheduled. Electronic access to all case documents will be a game changer for this court which has six clerks offices but sits in 23 locations. On the criminal side, 155 local police departments now submit complaints electronically and no longer need to travel to court to file and sign complaints. Soon it will be mandatory. And now the ability to electronically pay criminal fines and fees – up to \$7 million collected to date – creates convenience for thousands and frees court staff for case processing. These efforts all demonstrate steady progress toward our vision of an eCourt.

Chief Justice Carey and I have been very focused on the area of Diversity, Equity and Inclusion, and we work closely with Chief Experience & Diversity Officer John Laing. This is another critical piece of our strategic plan, with internal initiatives to increase our confidence in having honest and productive conversations about the issues, efforts to increase the cultural competence of all staff working with the public, and increasing the diversity of our workforce so we can better serve our diverse communities.

We're pleased to report that we continue to make hiring progress each year. In FY19, 43 percent of newly-hired staff and 29 percent of promoted staff were diverse candidates. Our overall workforce closely matches the demographics of the Commonwealth. We have just issued our annual Diversity Report, which shows our hiring and promotional activity and the many initiatives underway in this area. You can find this and the judiciary's recent FY19 Annual Report on mass.gov.

Chief Justice Carey and I take great pride in the work of our entire team and are grateful for the opportunity to serve the people of the Commonwealth. We welcome your continued contributions to refining and realizing the vision for justice that we share.

Thank you for your continued partnership and support.