May 6, 2015

The Honorable Stanely C. Rosenberg
Senate President
State House, Room 332
Boston, MA 02133

Re: Budget for fiscal year 2016

Dear Senate President Rosenberg:

I write on behalf of the Massachusetts Bar Association and its 14,000 members from across the commonwealth in strong support of the maintenance budget request of $628,000,000 put forward by the commonwealth’s Trial Court.

While we recognize the difficult choices that must be made during these fiscally austere times, they should not be at the devastating expense of justice for all Massachusetts citizens. Equal access to justice is the cornerstone upon which this state and our country was founded.

In the wake of difficult budget cycles and the passage of the Court Reform Act of 2011, which facilitated the appointment of a professional administrator to complement the proven and highly talented management skills of Trial Court Chief Justice Paula M. Carey, the court has become leaner and more efficient. It has embarked on an ambitious strategic plan, which is already being implemented. Tremendous strides have been made in modernizing and streamlining court operations. These efforts have been made because of your foresight in passing court reform legislation and mandating a professionally trained civilian administrator. We are fortunate to have Harry Spence in that role. He brings a lifetime of professional public management skills to the table.

While the court budget has been stable over the past two years, the current budget outlook is grim and the Trial Court cannot sustain another deep financial blow like it has suffered in previous years. The Trial Court has already seen a loss of 1,200 positions since 2008, a 16.5 percent reduction in the same period the commonwealth has seen a 4.8 percent increase in positions.
The budget recommendations proposed by Governor Charlie Baker would cripple the courts and would result in the layoffs of approximately 550 people in the Trial Court system. We are grateful for the House appropriation of $622.5 million; however, it is not enough to sustain current operations in the Trial Court.

Those who suffer the most from an underfunded court system are your constituents. Trials are delayed when there are not enough court officers or clerks for each session. Reduced clerk hours and court closures could also be a reality, and would be a barrier to justice for many local communities. In addition to the $628 million request for the Judiciary, we sincerely hope you will be able to consider adding an additional appropriation of $2,031,525 for the system’s “specialty courts.” These courts serve some of the commonwealth’s most needy and desperate citizens. Whether it is the drug court, mental health court or veterans’ court, members of the bench and bar are able to — with pinpoint precision — treat individuals with serious mental and behavioral health issues.

It is our sincere hope that you too believe justice is a fundamental right that every citizen deserves, and that during your upcoming budget deliberations you will support the maintenance funding request of the third branch of government. I have enclosed a one-page outline of the Trial Court’s funding and personnel levels over the past few budget cycles. Thank you in advance for your consideration of maintenance funding for the courts.

Sincerely,

[Signature]

Martin W. Healy
Chief Operating Officer and
Chief Legal Counsel

Enclosure

MWH: wch
Appropriations

- In FY15 the Trial Court represented 2% of the overall state budget.

- From FY08 through FY15, the impact on Judicial Branch resources has been far greater than on other branches of state government:
  - From FY08 to FY15 the non-judicial state budget increased by 37.3% (from $26.0 billion to $35.7 billion).
  - From FY08 to FY15 the Trial Court budget increased by 4.6%.

Judicial Branch Staffing

- The impact on Trial Court staffing resources has been far greater than on other branches of state government.
  - From FY08 to FY14 non-Judicial Branch staffing levels increased by 4.9%.
  - During the same time period Trial Court staffing levels decreased by 16.5%.