

**PUBLIC INFORMATION OFFICE  
SUPREME JUDICIAL COURT  
John Adams Courthouse  
One Pemberton Square  
Boston, Massachusetts 02108**

**CONTACT: Joan Kenney/Charlotte Whiting  
617/557-1114**

**FOR IMMEDIATE RELEASE:  
October 21, 2009**

**Chief Justice Margaret H. Marshall Says Further Budget Cuts  
To State Court System Put ‘Justice in Jeopardy’**

**Massachusetts Bar Association Presents Hennessey Award to Chief Justice Marshall**

In her tenth Annual Address to the Legal Community today, Supreme Judicial Court Chief Justice Margaret H. Marshall said that the deepening state budget crisis is severely straining the ability of the Massachusetts court system to deliver justice promptly and effectively, as the state Constitution requires. She said recent cuts to the Trial Court’s budget have been disproportionate to the budget reductions in many other sectors of state government. Further cuts will erode successful reform efforts made in recent years to improve the administration of justice.

“Justice is in jeopardy in Massachusetts. These are strong words, and I use them with care,” said Chief Justice Marshall in the Great Hall of the John Adams Courthouse with nearly 200 hundred judges, lawyers and court staff in attendance at the Massachusetts Bar Association’s fourth annual Bench – Bar Symposium.

The Judicial Branch accounts for only 2.1 % of the state budget. On average, about 42,000 people come to the courts each day, excluding court staff and jurors. By the end of October this year, the Trial Court’s workforce will be reduced 7.5%, from 7,565 employees to 6,995, since July 1, 2008. Chief Justice Marshall noted that the 7.5 % reduction of court personnel compares with far lower reductions taken throughout the rest of state government.

The Trial Court appropriation for the current fiscal year is presently \$554 million, about \$50 million or almost 10 % less than the initial appropriation for fiscal year 2009. This year’s appropriation also includes \$53 million in probation and filing fees to be collected from probationers and court users. The Trial Court can retain \$27 million for operating revenue only after it collects \$53 million for the state treasury.

Chief Justice Marshall cited many examples of the impact of court budget cuts on people who come to the courts seeking help. She said, “When foreclosures in the Land Court now take six months instead of six weeks, uncertainty is needlessly prolonged for all concerned. When it takes six to eight weeks longer to appear before a Probate and Family Court judge with a complaint for nonpayment of child support, families teeter on the edge of disaster. When Juvenile Court probation officers are pulled from the Boston public schools because staff reductions require them to be elsewhere, we lose a deterrent to delinquency and crime, and we are all less safe. When a vulnerable senior citizen cannot obtain an order of abuse protection from the local courthouse because there is no more local courthouse, how do we quantify that misery?”

There are fewer courthouses this year because of budget reductions, Chief Justice Marshall noted, at the same time that court business is increasing in many areas. Natick District Court temporarily moved to Framingham and Winchendon District Court moved to Gardner. The lease for Lawrence Juvenile Court has been terminated and that court moved to the Fenton Judicial Center. Lease costs for court facilities have been reduced by \$1.8 million at sixteen Trial Court locations. Chief Justice Marshall said the closure of court sessions and courthouses is “inevitable” if the Trial Court budget is further reduced. She said, “I cannot, I shall not, ignore that our courts are at a moment of peril.”

Chief Justice Marshall also stated that retained revenues – probation supervision fees and other court fees to fund the courts - are often difficult for the courts to collect and excessive reliance on retained revenues is an unreliable and counter-productive way to fund the Trial Court. She said, “Fee increases may be necessary to meet retained revenue targets, but such increases work additional hardship on Massachusetts court users, who already pay some of the highest state court filing fees in the nation.” She said that higher filing fees may prohibit people from filing “meritorious actions and the vindication of important rights.”

The Chief Justice said that she was proud of the court management decisions and prompt measures taken to reduce expenses during the 2009 and 2010 fiscal years, but questioned whether the courts can operate effectively under further budget constraints. She said, “It may be, in thinking through costs and benefits, that some aspects of our court model are now unsustainable. Is court consolidation an answer? Should some matters now heard by judges be handled administratively? Changes will require flexibility, creativity and collaboration. And no plausible change should be off the table.”

Chief Justice Marshall said that everyone has an advocacy role in keeping courts well functioning and asked lawyers and others to contact the Governor and the Legislature in an effort to fund the courts adequately.

Following Chief Justice Marshall’s remarks, the Massachusetts Bar Association presented her with the prestigious Chief Justice Edward F. Hennessey Award for outstanding leadership and contributions to the improvement of the administration of justice during her ten years as Chief Justice. Former Governor and U.S. Ambassador Paul Cellucci and Utah Supreme Court Chief Justice Christine Durham, President of the national Conference of Chief Justices, made brief remarks. MBA President Valerie A. Yarashus presided at the event and presented the award to Chief Justice Marshall.

###