

Annual Address:
State of the Judiciary

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Great Hall, John Adams Courthouse
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Remarks by
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Chief Justice of the Trial Court

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Good afternoon, I am delighted to be here today and to stand united with my Partners in Justice, Chief Justice Ralph Gants and Court Administrator Harry Spence. Harry and I have joked over the last year since I became Chief Justice of the Trial Court that there can be no daylight between us given the complex organization of the Trial Court with two co-equal leaders.

On the day Chief Justice Gants learned that he was confirmed, we were together at a Judicial Synergy Conference. He approached me and said “now you will have me on your other side.” After getting my head around being sandwiched between Chief Justice Gants and Harry, I realized what an amazing opportunity we have to thoughtfully bring the Judicial Branch forward, collectively and individually.

To be able to work with two individuals whom I respect greatly for their energy, intellect, experience and passion is a once-in-a-lifetime opportunity. The appointment of Chief Justice Gants enables Harry, me and the entire Trial Court to continue the strong partnership we have had with the SJC and that we shared with Chief Justice Ireland.

Only three of us stand in front of you, but we represent many outstanding and dedicated individuals. We work collectively, shoulder-to-shoulder with departmental Chief Justices, the judges of the Commonwealth; commissioners, elected and appointed clerks and registers; directors and deputy court administrators; judicial and clerical staff; court officers, probation officers and others. We stand here as leaders, leading leaders and it doesn't get any better than that.

Last October I spoke to you of my excitement and commitment to developing and strengthening the unified management team that had been created. I told you that I believed that the system had the energy, enthusiasm and willingness to embrace the change envisioned in our then-new strategic plan. It's hard to believe it has only been a year. As I look back on how much has been accomplished, I am so proud of the system and its willingness to engage in positive change and to embrace the elements of our strategic plan.

As a society we face unprecedented challenges in the areas of substance abuse, domestic violence and mental health. As Chief Justice Gants has said, the challenge of opiate and opioid addiction presents a public health crisis we as a court system cannot ignore. When these are coupled with the issues of those who suffer from mental illness, it is clear that the court can no longer conduct business as usual.

Neither the executive branch, the legislative branch nor the judicial branch can confront these challenges alone. Addressing these complex community issues takes collaboration and cooperation with many different justice partners in ways we have never partnered before.

Last year, I spoke to you about our goal to expand the use of drug, mental health and veterans treatment court sessions. Thanks to our legislative partners, the Trial Court received \$3 million dollars to fund nine additional Specialty Courts. This brings to 35 the number of specialty court sessions statewide, which we are strengthening with training, a certification process, and creation of a Center of Excellence. The vast majority of the

funding goes to our partners at Department of Mental Health (DMH), Department of Public Health (DPH) and to the Department of Veterans Services. This is the first year of a three year expansion of specialty court sessions to ensure that every resident of the Commonwealth who needs one will have access to a drug, mental health or veteran's treatment court session.

Our efforts regarding Specialty Courts are collaborative and coordinated to help justice-involved individuals who suffer from substance use and mental health issues.

Parallel to our efforts on Specialty Courts, the Trial Court established a Task Force on Substance Abuse and Mental Health Issues. Members include representatives from the Trial Court, DMH, the Bureau of Substance Abuse Services (BSAS), the Department of Corrections (DOC), Sheriffs; District Attorneys and defense attorneys. The goal of the Task Force is to identify internal and external resources, so that gaps can be identified and filled.

Additionally, we will develop a comprehensive plan across the Commonwealth to assist justice-involved individuals before and after they enter the justice system using a sequential intercept model. This model establishes possible intercept points within the community before involvement with the justice system and after entry into the system.

We know that people move through the criminal justice system in predictable ways. The key is to examine this flow and look for ways to intercept those with mental illness and

substance disorders to ensure that they have prompt access to treatment, opportunities for diversion, and linkage to community resources.

We are currently working to implement the provisions of the domestic violence legislation passed this year. The Trial Court's Domestic Violence Education Task Force chaired by Judge Marianne Hinkle is developing a plan for comprehensive training for all court staff and many external criminal justice partners. We are also exploring assessment tools to more effectively identify lethality factors. Drawing on our experience with specialty courts, we will experiment with new ways of combining judicial and probation resources to provide justice and improve outcomes for both victims and perpetrators of domestic violence. We embrace this opportunity, and know we are more than up to the challenge of protecting victims in a way that promotes public safety and also protects individual rights.

We are expanding the availability of interpreter services beyond the courtroom to related services like probation and mandated treatment programs. We are completing our work on a new Language Access Plan. The Plan details the road we need to travel to make meaningful language access available for Limited English Proficient individuals in all court proceedings and court-managed or court-related programs.

There is one justice partner I haven't yet highlighted directly and that is the Bar. Those of you who know me, know the bar is near and dear to my heart. Some of you have heard me say this before, but it is worth mentioning again: the Trial Court would not have

been able to effectively deliver justice over the 5 years of the fiscal crisis without the help and commitment of the bar.

At each and every step and with every challenge the Trial Court faced, the bar stood beside us and helped in immeasurable ways. Over the last two years our legislative and executive partners have provided us with a budget that enables us to move forward with initiatives we hadn't thought possible, such as Court Service Centers and Specialty Courts. I know for certain that the bar was instrumental in helping us achieve adequate funding.

Beyond that, countless lawyers volunteer their time to ensure that individuals obtain the representation and advice they need through Volunteer Lawyer programs, CAP (Child Advocacy Programs), Lawyer for the Day and Limited Assistance Representation. The broad-based efforts and the collaborative spirit of the Massachusetts bar are truly unique.

As we move forward, we are keeping the needs of the bar in the forefront, as we pilot process improvements, such as staggered scheduling, e-filing and an attorney portal that Harry will describe.

Thank you from the bottom of my heart for your steadfast commitment and your active partnership.

I conclude as I began with the current management structure of the Trial Court. I know many of you had doubts about the restructuring of Trial Court management. I did as

well, but I am here to tell you that it is working well. It requires commitment, effort, respect and a collaborative spirit, (and a lot of meetings!) but we are building the structure in a way that is strong, flexible and one we can all be proud of.

I have touched on only a few of the many initiatives underway in the Trial Court. We have many more planned, and through all these efforts we will continue to need your input.

Finally, in the words of Robert F. Kennedy:

“Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance”

This, my friends, is the true spirit of the Trial Court.