

## Beacon Hill still ponders reform, backlog grows

~~By Elaine McArdle~~

Standard-Times staff writer

For two years, system insiders have warned that the court system is on the verge of a breakdown.

They point to fragmented structure, mismanagement, inappropriate legislative influence and other problems.

During that time — despite the efforts of a number of groups, including the Citizens Coalition for Court Reform — the Legislature has taken no action on measures to change

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Staff photo by Hank Seaman.

Judge Robert L. Anderson presides over a jury session in Fall River District Court, where a lack of personnel helped create a case backlog.

## ■ Court ✓

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the system.

The House Ways and Means Committee is considering a bill drafted by Rep. Salvatore DiMasi that is a compromise between a number of competing court reform bills.

Rep. DiMasi's bill proposes substantial changes to the court system, including unification of the various trial courts for more efficient administration and appointment of presiding judges for each of the state's courthouses so that responsibility is vested in one person.

Rep. DiMasi earlier submitted a separate bill to eliminate "trial de novo." The de novo trial is Massachusetts' two-tier district court system that allows misdemeanor defendants — including accused drunken drivers — to be tried first in front of a judge and then in front of a jury, as if the first trial never happened.

Many critics, including the Massachusetts Bar Association, say trial de novo clogs up the court system and is unfair to victims and witnesses.

In Bristol County, for example, where there is a 1,597-case backlog in the jury session, cases appealed to the Fall River jury-of-six session aren't scheduled for

trial until 11 months later, with little chance they will be resolved then.

Benjamin Fierro III, general counsel to the Massachusetts Bar Association, which has actively sought extensive court reform and is part of the Coalition for Court Reform, said he doubts the House will vote on Rep. DiMasi's bill — H5994 — before the November elections.

"The bill's not perfect, but we think it is a good bill and it encompasses some of the larger things we're looking at," he said. "The most important thing is for the House to pass the bill immediately, and then defend it to the Senate."

Court reform activists hope the issue will be decided before the end of the year.

"One of the things that concerns us — with so many major initiatives to take up between election day and the end of the year — is that something will be squeezed out."

"We hope we will not go another year without court reform," Mr. Fierro said. "It seems that everyday you see articles about child abuse, or spousal abuse. The problems of our society are thrown into the courts, and what's becoming exposed is the inability of the court system to deal with these problems because of lack of funding, lack of good structure, and other issues."

"Court reform is needed to address the abysmal situation facing our courts," Mr. Fierro said.