

**SUPREME JUDICIAL COURT
TASK FORCE FOR HIRING IN THE JUDICIAL BRANCH**

**ACTION PLAN FOR HIRING AND PROMOTION OF
TRIAL COURT ADMINISTRATIVE EMPLOYEES**

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I. BACKGROUND

The Task Force on Hiring in the Judicial Branch was appointed by the Supreme Judicial Court on December 7, 2010, with a mandate to "make recommendations designed to ensure a fair system with transparent procedures in which the qualifications of an applicant are the sole criterion in hiring and promotion" in the Probation Department and throughout the Trial Court. In our Preliminary Report dated January 19, 2011, we focused on the Probation Department and made several recommendations for immediate action.¹ On February 10, 2011, we followed that report with an "Action Plan for Reform and Renewal of Probation Department Hiring and Promotion Practices."² The Action Plan contained a description of nationally recognized best practices for hiring and promotion, a series of short-term and long-term hiring and promotion recommendations, and a series of recommendations for structural reforms designed to ensure that hiring and promotion are transparent and based on merit alone. On April 25, 2011, we followed that Action Plan with a second Plan, this one dealing with hiring and promotion of court officers and associate court officers.³ The Supreme Judicial Court adopted many of the recommendations. At the Court's request, we are now monitoring implementation of the first phase of the Probation Action Plan, which is designed to begin rebuilding the HR and recruiting infrastructure within the Department and to fill key leadership positions with high quality candidates recruited from within and without the Department.

Following release of the Court Officer Action Plan and in keeping with our mandate to examine hiring and promotion practices throughout the Trial Court, we turned our attention to hiring and promotion of administrative employees in the Administrative

¹ The Preliminary Report can be found at <http://www.mass.gov/courts/sjc/docs/tf-judbranch-hiring-interim-report-011911.pdf>.

² The Action Plan can be found at <http://www.mass.gov/courts/sjc/docs/tf-judbranch-hiring-actionplan-021011.pdf>. The Supreme Judicial Court's statement regarding the Plan can be found at <http://www.mass.gov/courts/sjc/media/sjcpr-022411.html>

³ That Action Plan, and the Supreme Judicial Court's statement about the Plan, can be found at <http://www.mass.gov/courts/press/pr050611.html>.

Office of the Trial Court and in the Trial Court Departments. As before, we interviewed knowledgeable individuals and reviewed pertinent documents. Again, however, we also relied on information gained from interviews and documents acquired since the Task Force was created.⁴ We likewise have drawn on the collective experience of Task Force members who are leaders and managers in the private, public and non-profit sectors and on what we have learned during our eight months of assessing the quality and style of leadership in the judicial branch. As in the case of the previous Action Plans, we examined current hiring and promotion practices with an eye toward identifying areas where changes would strengthen those practices. We continue to express our gratitude for the insights provided by the individuals who took the time to meet and share their thoughts with us.

II. FINDINGS

The administrators on whom this report focuses fall into two discrete groups. One is the central administrative staff, which is employed by the Administrative Office of the Trial Court. The second is the departmental staffs, employed by each of the seven Trial Court departments, the Office of the Jury Commissioner and the Office of Community Corrections.

A. The Administrative Office of the Trial Court

The Administrative Office of the Trial Court, or AOTC as it is commonly known, is the Trial Court's central administrative core. At the top is the Chief Justice for Administration and Management (CJAM), Robert A. Mulligan, aided by his Chief of Staff, Robert Panneton, and the Trial Court's Executive Director, Francis J. Carney, Jr., Ph.D. A small staff reports directly to Chief Justice Mulligan.

The remainder of AOTC is composed of nine administrative departments, each of which is headed by a director. Each department is devoted to providing some aspect of the administrative support – financial, information technology, human resources and other – necessary for the judicial operations that take place in more than one hundred Trial Court locations across the Commonwealth. A chart showing the nine departments,

⁴ A complete list of the individuals from whom we have heard and their titles are attached as Appendix A.

their size and the breakdown between management and non-management employees in each is attached as Appendix B.⁵

The director of each AOTC department is the appointing authority for employees in his or her department, meaning that he or she initiates the process of hiring new departmental employees, promoting current employees and supervising those who work in the department. In exercising the authority to hire and promote, the department head must follow the procedures contained in the Trial Court's Personnel Policies and Procedures Manual (Manual), which is discussed in detail below.⁶

The job titles and responsibilities of all AOTC employees are contained in the Trial Court's Classification and Wage Compensation Plan. As the title suggests, that Plan also contains the rate of pay for employees in each job classification, although those rates reflect the results of collective bargaining for positions covered by union contracts. Some rules pertaining to wages and wage increases are also found in the Manual.

B. Trial Court Departments

The judicial, as opposed to administrative, functions of the Trial Court are carried out by seven Trial Court departments, each of which is headed by a Chief Justice appointed by the CJAM for a five-year term. Each department is responsible for a discrete component of the Trial Court's overall business. The District and Boston Municipal Court Departments, for example, are community courts responsible for misdemeanors, some felonies, traffic offenses, small claims and civil cases where the amount of recovery is likely to be \$25,000 or less. For another example, the Probate and Family Court Department handles wills, divorces and related family matters.

Each department has its own administrative staff, at least nominally headed by a court administrator.⁷ Personnel on the administrative staffs perform a wide variety of

⁵ In terms of total employees, the Court Facilities Department is actually the largest, for it employs approximately 500 people who maintain sixty-two court facilities the Trial Court owns and leases throughout the Commonwealth. While many of the principles discussed in the recommendations section of this report, and the reports we issued earlier, are applicable to hiring and promotion of these employees, the principal focus of this report is on the central and departmental administrative employees.

⁶ G.L. c. 211B sets out the administrative structure of the Trial Court. Unlike, for example, the civil service statute, c. 211B contains no definition of "appointing authority" and that term is not defined in the Manual.

⁷ As a practical matter, the departmental court administrators report to the departmental chief justices, not to personnel in the AOTC. The AOTC chief of staff, however, currently has regular monthly meetings and

tasks, including those that are essentially secretarial, those that involve caseload management, those involving coordination among different courts in distinct geographical regions, and those that involve supervision of various programs such as guardian ad litem appointments, bail administration and legal research. A chart containing the name of each department, the number of judges authorized for each, the number of employees currently on the administrative staff and the breakdown between management and non-management employees is attached as Appendix C.⁸

The Trial Court chief justices are the appointing authorities for the members of their administrative staffs. Once again, however, all appointments and promotions must comply with the procedural requirements of the Manual. As is true of employees on the staff of the AOTC, salaries and salary increases for all members of the departmental administrative staffs are set through the Trial Court's Classification and Wage Compensation Plan.

C. Other Departments

Two other departments, the Office of the Jury Commissioner and the Office of Community Corrections, are worthy of note.⁹ The Jury Commissioner is responsible for mustering the jurors for all trial sessions in all courthouses in the Commonwealth. To carry out that responsibility, she sends notices to those who have been selected for jury service, notifies the various sessions of the jurors who are scheduled to report, manages jurors scheduling conflicts and analyzes statistical information in an effort to ensure that jurors are being used efficiently.

The Commissioner is appointed by the Supreme Judicial Court. She and her staff receive salaries in accordance with the classification and compensation plan applicable to the Trial Court, with which she and her staff work closely. Indeed, the CJAM has the statutory responsibility to "provide administrative management to the office of the jury commissioner," G.L. c. 211B, § 9(xiii), and operations of the Jury Commissioner are

other interactions with the court administrators and with AOTC department heads.

⁸ The number of administrative staffers does not include law clerks who provide legal research services to Trial Court judges and who typically serve for a one-year period immediately following graduation from law school.

⁹ Hiring and promotion in the Probation Department, also part of the Trial Court, was the subject of two earlier Task Force reports and the discussion contained in those reports will not be repeated here.

overseen by a jury management advisory committee composed of six justices of the Trial Court who are appointed to that committee by the Supreme Judicial Court.¹⁰ The Commissioner is the appointing authority for employees in her office though, as elsewhere, hiring and promotion must follow the procedures contained in the Manual. The Commissioner employs twenty-six people, eight of whom, including herself, are classified as management.

The Office of Community Corrections (OCC) originated with the Suffolk County Probation Office's community service project. That project, which had no discrete statutory identity, was designed to supervise individuals who received a community service obligation as part of their probation conditions. Because of its success in Suffolk County, the project spread over the years to other counties. Then, in 1996, the Legislature enacted the community corrections statute, G.L. c. 211F, which provides for intermediate sanctions¹¹ in certain criminal cases and charges the Office with overseeing execution of those sanctions. After OCC was created, it was administratively assigned the responsibility for continuing oversight of the community corrections program. At present, therefore, OCC oversees both programs.

Currently, OCC is headed by an executive director who reports to the Commissioner of Probation, and its hiring and promotion practices were examined as part

¹⁰ The jury management advisory committee's specific responsibilities are spelled out in G.L. c. 234A, § 6, which provides that the committee is "authorized to assist and counsel the chief justice and the supreme judicial court in supervising the office of jury commissioner, to perform direct supervision of the office of jury commissioner pursuant to duties specified in this chapter and in matters delegated to the committee by the chief justice of the supreme judicial court. The committee is authorized to assist and counsel the office of jury commissioner in the implementation and administration of this chapter; to foster continuing study, research, and improvement of all aspects of the jury system; to encourage increased public interest and education in this field; to encourage improved cooperation and efficiency between the state and federal courts in matters of juror selection and management; and to encourage improved cooperation and efficiency between the judicial branch, other branches, and local units of government in the preparation and utilization of population lists and other materials. The committee may appoint such non-judicial members as it deems appropriate, provided, however, that these non-judicial members shall not vote on the official business of the committee. The office shall reimburse members of the jury management advisory committee for reasonable expenses incurred in the performance of their duties."

¹¹ Chapter 211F, § 1 defines "intermediate sanctions" as "any program that has been determined to impose an appropriate sanction upon an offender for whom imprisonment may not be necessary or appropriate, including but not limited to standard probation, intensive supervision probation, community service, home confinement, weekend jail sentences, day reporting, residential programming, substance abuse treatment, restitution, means-based fines, continuing education, including but not limited to the "Changing Lives Through Literature" program administered by the trial court and the University of Massachusetts at Dartmouth, vocational training, special education, and psychological counseling."

of the so-called Ware Report.¹² The executive director oversees a staff of ninety-five individuals, twenty of whom are classified as management. The other seventy-five perform a wide variety of tasks from direct supervision of offenders to oversight of entities with which OCC has contractual relations. As with other Trial Court departments, hiring and promotion within OCC are governed by the procedures set out in the Manual and the Classification and Wage Compensation Plan. The Task Force report on Probation effectively covers our findings and recommendations regarding OCC.

D. Trial Court Hiring & Promotion: Artifacts of an Earlier Era

As is evident from the preceding discussion, the Manual touches on all hiring and promotion decisions throughout the Trial Court. Before looking closely at the Manual's contents and at the role the CJAM and HRD play in Trial Court hiring and promotion, though, it is important to understand that, as currently composed, the Trial Court is more of a statutory federation than it is a single entity. That structure has historic roots and carries with it some significant consequences.

Before the first major court reorganization in 1978, each of the seven court departments and the divisions within those departments were separately managed and had separate appropriations. Administrative services were provided on a department by department basis but no umbrella organization provided centralized administrative support to all. The 1978 legislative reorganization created the CJAM as the central administrator.¹³ The legislation gave the central administrator a number of functions but, in many ways, left intact the existing departmental structure. Thus, each of the seven Trial Court departments continued to have its own statutory framework detailing its jurisdiction, responsibilities and the role of many departmental employees.

One consequence of the federated approach is a limitation on the CJAM's power with respect to hiring and promotion throughout the Trial Court. Indeed, although the statutory provisions defining the CJAM's powers and duties make him "responsible for

¹² See Report of Independent Counsel (November 9, 2010) at <http://www.mass.gov/courts/sjc/docs/report-of-independent-counsel-110910.pdf>

¹³ Initially, the title was Chief Administrative Justice, but that was changed to Chief Justice for Administration and Management in 1992 amendments to the 1978 legislation. See St. 1992, c. 379, § 69. In legislation signed by Governor Patrick on August 4, 2011, the CJAM's functions, responsibilities and limitations described below were transferred to a new court official known as the Court Administrator." See H. 3644, §§ 52(adding new G.L. c. 211B, § 9A), 55A (Inserting new G.L. c. 211B, § 10D).

the management of court personnel," the only employees he has the power to hire are the members of the AOTC staff and court officers. See G.L. c. 211B, §§ 9(xviii), 9A. The departmental chief justices have the power to appoint all non-judicial personnel within their departments with the exception of personnel who serve "in the office of a clerk, recorder or register." See G.L. c. 211B, § 10(i).¹⁴ Clerks, recorders and registers have the power to hire their own personnel, as does the commissioner of probation. See G.L. c.276, § 83.¹⁵

Insofar as hiring of employees other than members of the central administrative staff and court officers is concerned, the CJAM's authority is confined to promulgation of standards and reviewing hiring decisions to ensure that the standards have been met. That authority, and its limitations, are found in G.L. c. 211B, § 8, which provides that "the chief justice for administration and management . . . shall establish and promulgate standards for the appointment, performance, promotion . . . and removal of all personnel within the trial court, except judges, clerks and registers of probate^[16] Any appointment that is governed by standards promulgated under the provisions of this section shall forthwith be certified in writing for compliance with such standards to the chief justice for administration and management. The chief justice for administration and management shall have the power to reject any such appointment within fourteen days after receipt of the certification of compliance by the appointing authority but such power to reject any such appointment shall be limited to non-compliance with the standards for

¹⁴ The new legislation, see note 13 above, requires an allocation of that responsibility between the departmental chief justice and a new official called a deputy court administrator. See H. 3644, §§ 49 (inserting new G.L. c. 211B, § 1), 52 (inserting new G.L. c. 211B, §§ 5A, 10),

¹⁵ At one time the CJAM had the power to appoint some probation officers but that power was removed in 2001. See St. 2001, c. 177, §§ 39, 81.

¹⁶ In carrying out that responsibility, the CJAM is assisted by an advisory committee on personnel standards composed of "the chief justice for administration and management or his designee who shall serve as chair of the committee, the chief justices of the trial court departments, a clerk of courts, a district court clerk and a register of probate, all of whom shall be designated by said chief justices and the commissioner of probation." G.L. c. 211B, § 8. Under the new legislation, see n. 13, above, all of those members of the committee remain and are joined by the court administrator, who becomes the committee's chair. See H. 3644, § 52 (inserting new G.L. c. 211B, § 8).

appointment.” That limited authority is underscored by a separate statutory provision stating that the CJAM has the power to “review all appointments and dismissals [of permanent employees] for noncompliance with [the procedural standards set out in the Manual] and to rescind any . . . appointment or dismissal that does not comply with [those] standards.” G.L. c. 211B, § 9(xxviii).¹⁷

While the CJAM’s circumscribed power with respect to many Trial Court appointments is a structural limitation that must be taken into account when analyzing the process of hiring and promoting employees of the central and departmental administrative staffs, the CJAM’s power to define standards and to demand compliance with them¹⁸ is a powerful tool for insuring a transparent, merit based hiring and promotion process. A hiring and promotion process with those characteristics, though, requires rigorous standards and a proactive central human resources department (HRD). The former do not exist and, largely as a consequence of the way the Trial Court has evolved, neither does the latter.

E. Trial Court Hiring and Promotion: The Manual and the Limited Role of HRD

The Manual mentioned earlier contains hiring and promotion standards promulgated by successive CJAM’s over the years and is posted, in its entirety though not prominently, on the Trial Court’s website.¹⁹ Insofar as hiring is concerned, the Manual, which has not been updated recently, sets forth minimum procedural requirements for hiring Trial Court employees. Those procedural requirements begin with recruitment. All vacancies for which a new hire is contemplated must be physically posted in the location where the vacancy exists. The posting also is placed on the Trial Court’s jobs hotline, a telephone service where information about available openings can be obtained.²⁰ The Manual also encourages, but does not require, newspaper

¹⁷ Under the new legislation, see n. 13, above, the court administrator assumes that limited power. See H. 3644, § 52 (inserting new G.L. c. 211B, § 8).

¹⁸ The power to demand compliance inheres in the power to reject a proposed appointment that does not comply with the standards and, albeit less directly, in the power to approve annual budget requests.

¹⁹ The Manual is located at <http://www.mass.gov/courts/admin/hr/tableofcontents.html>.

²⁰ It is not clear how one obtains the relevant telephone number. The Trial Court’s web site says that “[a]ll vacant Trial Court positions within the Commonwealth of Massachusetts are posted on the Trial Court Website, www.state.ma.us/courts/jobs for a period of at least ten business days, and the site is updated daily. In addition, this information is also available on the Court Jobs Hotline, which can be reached by

advertisements. The Manual does not encourage or require other forms of outreach, although the Trial Court does post notice of openings on its website.²¹

In practice, postings for job openings take one of two forms. When new hires from the outside are contemplated, public postings and notices occur in the manner just described. With openings viewed as promotional opportunities, however, only internal postings often take place. In fact, exclusively internal postings frequently are a signal that one or two candidates for the position were identified before the postings occurred and, for a variety of reasons, are leading candidates for the vacancy.²²

Although the Human Resources Department (HRD) maintains the Manual and posts job openings, its role in the hiring process is relatively small. The Department consists of sixteen employees in eight different groups, i.e., labor counsel, affirmative action, benefits, personnel administration, grievances and gender issues, hiring and workers compensation, human resources analysis and staff support. HRD maintains records of all trial court employees and plays a role in creating the job descriptions that form the basis for negotiations with the union and for job postings when openings occur.

Before a department head may finalize an employment decision, he or she must certify that the Manual's formal requirements – including compliance with the Trial Court's affirmative action policies, reference checks, anti-nepotism provisions and background checks – have been satisfied and submit supporting documentation to the HRD. After the HRD reviews the documentation to determine that it is complete and, on its face, compliant with applicable requirements of the Manual, HRD notifies the CJAM

calling 800.462.5059 (from within Massachusetts only), or 617.878.0479. These are positions that are not restricted to Trial Court employees only." To find that statement and those telephone numbers, though, one must navigate through the web site in the fashion described in n. 21, below.

²¹ The location of the notice makes it difficult to find. One must navigate from the Trial Court's homepage to the space labeled Administrative Office of the Trial Court, then to the Human Resources Department and then to the "employment opportunities" hyperlink in a list of Department line items. The relative obscurity of the employment opportunity link is likely due to the fact that a hiring freeze has been in place since 2008 and no jobs have been available. Accordingly, after successful navigation, the navigator finds a list of job categories, each of which says "[c]urrently there are no openings." To be effective, the posting list must be placed in a location of greater prominence when economic circumstances permit the Trial Court to lift the current hiring freeze.

²² The Manual deals with internal postings by stating simply that "[a]n appointing authority may choose to post a vacant clerical, confidential, or managerial position within the Trial Court." It contains no criteria to guide that choice.

that the appointment is or is not procedurally compliant. Then, the CJAM notifies the department head that the appointment has or has not been approved. Typically, there is no independent inquiry, on a routine or “spot” basis, to determine whether the required documentation accurately reflects the facts the documentation describes, nor, unless a grievance is filed, are there any post-hiring audits of the manner in which the process of hiring a particular employee was carried out.

The required documentation includes, among other things, an applicant interview form containing the name of each applicant for each posted position, the date the person was interviewed and the "referral source" for the application. The "referral source" is not defined but the form lists seven possibilities, including newspapers, court jobs hotline, posting within a courthouse and "other," with space to write in what the "other" is. No guidelines exist for filling out the “other” category or for how specific the information in that category must be. Electronic media and other forms of particularized outreach are not listed as specific “referral source” possibilities.

If all of the applicants for the position were not interviewed, the form requires an explanation of the reasons for interviewing only a segment of the applicant pool. The documentation also requires an "applicant flow record," which breaks down the applicants for each posting in terms of their gender and race, thus assuring compliance with the Manual’s rigorous requirements regarding equal employment opportunities. Also required are a copy of all applications submitted by the candidates who were interviewed, a copy of the job posting and a consent to a criminal record check signed by each applicant, though the consent form does not authorize continuing post-employment record checks.²³

²³ The Manual requires that other documentation must be retained by the appointing authority for a period of seven years, although that documentation is not part of the packet submitted to HRD as part of the approval process. The information the appointing authority must retain consists of “1. letters of references or notes based upon verbal reference checks; 2. all the applications from individuals who were not granted an interview and any documentation which explains why such applicants were not interviewed; 3. all the applications from individuals who were granted an interview and any documentation which explains why the final candidate was selected for appointment and why the other candidates who were interviewed were not selected for appointment; 4. the standard questions that were asked in each interview and the graded responses of each candidate; 5. letters informing applicants that they were not selected for an interview for the position; 6. letters informing applicants who were interviewed that they were not selected for appointment.” Manual, § 4.500(B). It is not clear whether periodic audits are undertaken to determine compliance with those requirements.

In connection with promotions, the Manual's contents also are procedural and largely track the procedures required for hiring. Accordingly, before an appointing authority receives final approval for a promotional decision, the Manual requires compliance with the same filing and review of applications and resumes that attends the initial hiring process, as well as the same documentation of interviews, reference checks, and anti-nepotism requirements that accompany hiring of a new employee. Other requirements for promotion may also appear in union contracts covering the position to which the employee is being promoted.

F. Trial Court Compensation: The Manual, Classification and Steps

In addition to detailing the procedural requirements for hiring and promotion, the Manual contains general provisions concerning job classifications and pay, both of which are covered by the Trial Court's Classification and Wage Compensation Plan. The Plan typically contains seven pay grade levels, or steps, for each position. The Manual provides that employees who are hired to fill a position covered by a union contract begin their employment at the first step, unless the union contract permits them to enter Trial Court service at a higher step. Managerial employees not covered by a union contract start at step one, but those who join the Trial Court from employment in a comparable position in a different branch of state government may be hired at a step "that is closest to but greater than his/her rate in the comparable position."

Regardless of where the employee starts, step increases in pay are presumptively tied to time in step, not to merit or performance. The Manual puts the matter succinctly: "An employee will advance to the next higher step rate in his or her level after each twelve months of creditable service until the maximum step 7 salary is reached unless a step rate increase is denied by the department head. A step rate increase will become effective on the employee's twelve month anniversary date." When promotions occur, the promoted employee is "placed at the step in the level of the new position which has a salary equal to or greater than the salary of the next step of the present position." Subsequent pay increases are based on time in step.

G. Tenure – The Statutory Standards

For more than thirty years, G.L. c. 211B § 8, provided that, with the exception of judges, clerks and registers of probate, all individuals hired by the Trial Court to

permanent positions were subject to the Manual, and, after successfully completing a six-month probationary period, "may be removed for cause by the appointing authority." The statute also contained appeal provisions for those who were removed. In effect, then, everyone hired by the Trial Court in accordance with normal procedures was removable only for cause and, based on that premise, the Manual contains a series of progressive steps that had to precede any employment termination. In addition, union contracts, which cover a very large percentage of Trial Court employees, also contain provisions permitting removal only for cause.

On August 4, 2011, Governor Patrick signed legislation that, among many other things, substantially revised § 8.²⁴ As revised, § 8 now will require an individual known as the court administrator to "establish and promulgate standards for the appointment, performance, promotion, continuing education and removal of all personnel within the trial court."²⁵ As revised, § 8 also provides that "[s]ubject to the terms of applicable collective bargaining agreements, any officer or employee whose appointment is subject to the provisions of this section may be removed by the appointing authority, in accordance with the standards promulgated by the [advisory] committee [on personnel standards]; provided, however, that any such removal is not for arbitrary or capricious reasons and, if the employee so requests, is approved by the Committee." The upshot of the revisions is that the Trial Court now has the power to determine for itself the employees or categories of employees not covered by collective bargaining agreements who should be subject to a "for cause" discharge standard and those who should not be.

At present, though, the Manual assumes that for cause removal provisions apply to the Trial Court's most senior managers, including AOTC Department heads, court administrators and the chief deputies of both. Clerk magistrates and registers of probate are either elected or appointed for life but their chief deputies, too, are covered by the for

²⁴ See H. 3644, § 52 (Inserting new G.L. c. 211B, § 8). The revisions to § 8, like many other provisions of the legislation, become effective on July 1, 2012.

²⁵ In promulgating those standards, the court administrator is to be guided by the advisory committee on personnel standards which is composed of "the chief justices of the trial court departments, or their designees; the court administrator or his designee . . . the commissioner of probation; and a clerk of the superior court, a clerk of the district court and a register of probate who shall be appointed by the chief justice of the trial court."

cause provisions and, as a consequence, often have remained in place after a new clerk or register was elected or appointed.

In some cases, employees at senior levels have been appointed to "acting" positions without following the procedural steps the Manual requires for permanent employment. Some of the employees holding "acting" positions are permanent employees serving at a higher level in the "acting" capacity. The others are "temporary" employees hired into the acting position. The Manual contains procedural requirements for hiring these "temporary" employees, including a requirement for a statement of reasons why the appointment is necessary, though it does not contain any limitations on or guidelines for use of temporary appointments. The Manual's requirements include the department head's submission to the HRD of the temporary employee's starting and end dates, but "[i]f an end date cannot immediately be determined, the department head must explain the reason for not being able to determine an end date."

There are a variety of reasons for "acting" appointments. In some cases, for example, a permanent employee has temporarily left Trial Court service and a temporary replacement is required. In some cases, however, acting appointments are utilized as a "workaround" for an existing employee. Typically, the "workaround" has been implemented in two situations. In one, the appointing authority inherited an employee who does not have the skill, ability or energy the appointing authority believes is essential for the position but whose performance is not so deficient that discharge for cause is appropriate or, in many cases, possible. In the other, the employee has lost the skill, ability or energy he or she once had but, again, performance has not slipped to the point where discharge for cause is a realistic or, in the appointing authority's view, appropriate option.²⁶

Individuals who hold a permanent Trial Court position covered by statute, such as a clerk or assistant clerk, but who serve in a different position in an acting capacity serve in the acting capacity at the pleasure of the appointing authority and, upon discharge or termination from that position, revert to their permanent Trial Court position. Employees

²⁶ A third situation is of recent vintage. As the level of Trial Court funding has decreased over the past several years, appointing authorities have increasingly filled positions with acting employees because their salaries can be reduced or eliminated more easily than those of permanent employees if fiscal circumstances require.

who hold an acting position but who have no permanent position in the Trial Court also serve at the pleasure of the appointing authority but, upon termination, separate completely from Trial Court employment. HRD records do not necessarily differentiate between employees who occupy their position in a permanent capacity and those who do so in an acting capacity. As a consequence, it is difficult to determine from a review of records alone the precise number or identity of those who serve in acting capacities.²⁷

H. Performance Reviews: No Standards

There is no formalized mechanism for periodic performance review of non-judicial employees anywhere in the Trial Court.²⁸ As noted, step pay increases are presumptively tied to time in grade, not to performance. While it is possible to deny a step increase for performance-based reasons, that rarely occurs. Some union contracts contain performance evaluation provisions but none is tied to compensation and none has ever been implemented because the contract provisions also require that the evaluators receive training in the evaluation process before undertaking any evaluation. The training has never occurred. At one point, an AOTC Department did attempt to institute performance evaluations but the affected union grieved and a cease and desist order resulted. More globally, the Trial Court at one point made plans to implement a performance review system but suspended those plans as fiscal circumstances worsened because of a concern that employees would view the system as a device for designating layoff candidates.

The lack of any mechanism for standardized performance review means that promotional decisions are made in the absence of any formalized record of past performance. Inevitably, therefore, the person making the promotions must rely on arbitrary factors, such as seniority, or on his or her personal knowledge of the employee's performance or on the recommendations of others with whom the employee has worked. The absence of performance reviews also means that disciplinary decisions inevitably

²⁷ At present, 101 non-union employees, or between 8 and 10% of the Trial Court's total non-union workforce, hold "acting" positions. Of those, 74 are permanent employees serving in an acting capacity and the remaining 27 are "temporary" hires.

²⁸ A mechanism for judicial performance reviews has been in place for a number of years. See. G.L. c. 211, § 26.

must be made on the basis of specific incidents without the backdrop a formalized, periodic performance assessment can provide.

III. RECOMMENDATIONS

Turning to recommendations, we begin with the proposition that in spite of the problems and issues we have outlined, the Trial Court is fortunate to have many central and departmental administrators who have chosen public service as a career and who have spent their entire working lives advancing the cause of justice in a system that, with some frequency, finds itself under siege as a result of economic cutbacks. Many have performed more than their assigned tasks in order to assure continued delivery of justice to the citizens of Massachusetts even when the funding underlying some of the delivery mechanisms has faded away. They deserve the accolades and the gratitude of the entire court system, indeed of the entire Commonwealth.

The spirit of those dedicated and energetic employees drives the recommendations that follow. They deserve to work, and the public expects them to work, in an environment where dedication, excellence and merit are the sole criteria for hiring and for promotion. To that end, we believe that standards and processes for recruitment, for hiring and for promotion should be more robust and rigorous and, as all presenters told us, greater HR capacity for proactive action and leadership would be beneficial. Indeed, as we said in one of our earlier reports, "the absence of rigorous standards for [employment] and of rigorous assessment of candidates qualifications against those standards precludes . . . creation of that 'fair system with transparent procedures in which the qualifications of an applicant are the sole criterion in hiring and promotion' that the Supreme Judicial Court is anxious to institutionalize throughout the court system." *Action Plan for Hiring and Promotion of Court Officers and Associate Court Officers* 6-7 (April 25, 2011).²⁹

The recommendations that follow, then, are designed to add additional HR capacity, leadership and rigor to the process that currently exists. In making these recommendations, we recognize that any set of tools and procedures designed to produce transparent hiring and promotion is likely to be ineffective unless it fits comfortably with

²⁹ <http://www.mass.gov/courts/press/pr050611.html>.

the culture in which the hiring and promotion occurs. To take an obvious example, the Probation Department had in place a number of procedures for hiring and promotion that, on paper, seemed adequate. In fact, although we made a number of recommendations for change in an earlier report, the existing procedures had served the Department well over number of years. But problems arose when the culture around those procedures changed and the procedures were bent to support the cultural changes. Thus, while the procedures remained in place, they were ineffective to prevent the abuses the Ware Report detailed.

The following recommendations are made, therefore, with recognition that, even if implemented, they cannot succeed unless the Trial Court develops a culture that encourages their success. Because leadership sets the tone and establishes the culture, leadership must be committed to ensuring that the primary components of that culture are transparency in the hiring and promotion process at every level of administrative operations and creation of an environment that seeks out, attracts and retains, at every position and at every level, the most qualified applicants available. Maintenance of such a culture requires identification of the Trial Court's core values and relentless adherence to those values by all leaders and administrators at all levels. Once the key values have been identified, all Trial Court activities must take place in their shadow, so that any remaining traces of favoritism or that an inside track is necessary for advancement are replaced by the certainty that merit is the one and only path to success everywhere in the system.

A. Best Practices.

In two of the three reports we issued thus far, we identified principles that lie at the heart of a best-practices approach to hiring and promotion. The majority are not currently being used in the judicial branch.³⁰ Several of those practices focus on recruiting, one of the most dynamic pillars of effective human resources development. Currently, most successful employers invest a great deal of energy on the discipline and innovation that accompany a sound recruiting practice because they know that the talent they attract and retain is critical to their short and long term success. At a high level, a

³⁰ The practices involve a well defined mission statement, well developed job descriptions and competencies, multi-channel sourcing of candidates, objective review and screening of applicants, behaviorally based interviews, candidate assessments and use of a comprehensive applicant tracking system. See *Action Plan for Reform and Renewal of Probation Department Hiring Practices* at 7-10 (February 10, 2011) (<http://www.mass.gov/courts/sjc/docs/tf-judbranch-hiring-actionplan-021011.pdf>.)

successful approach to recruiting includes creation of mission statements coupled with creation and updating of carefully thought out job descriptions and allied statements of job competencies. Once those have been prepared, active outreach by HRD must be undertaken to attract qualified applicants. That outreach should employ multiple, even unconventional, channels that have been carefully selected for their potential to attract the applicants most likely to add value to the Trial Court's operations. Those channels must include electronic media and sites that desirable applicants now commonly use in their search for employment. The outreach effort also should involve active recruiting at schools, community centers and other places where people with the necessary qualifications likely gather.

Once applications are received, there must be an objective review of the applicant's qualifications so that those incapable of meeting minimum standards are quickly eliminated, thus providing time to spend with applications from potential employees of high quality. Behaviorally based interviews and candidate assessments should follow and, if properly used, will yield the candidates most likely to succeed. To ensure transparency and permit improvements in the process, all aspects of all applications should be recorded in a comprehensive applicant tracking system.

The principles just described have an important role to play in hiring at all levels of the Trial Court, though the manner in which they are carried out may differ depending on the nature of the position under consideration. For example, the approach to hiring a new AOTC department head will likely differ in some ways from the approach to hiring one of his or her subordinates. However, in order to ensure that best practices become integrated within the Trial Court culture, leaders at all levels of the Court must be widely recognized as having the highest levels of technical competence and must have a shared understanding and commitment to a merit-based hiring and promotion process that is designed to fulfill the Court's overall mission. Therefore, at all levels but particularly at the highest levels, the recruiting and promotion process must provide not only a means of identifying job knowledge and expertise but must focus as well on a cultural fit that invites and attracts the "best and brightest" professionals. Candidates should be able to articulate how their past experiences have prepared them for the role they seek and to demonstrate how those experiences support their alignment with the Court's vision and

goals. Symbiosis of that type is particularly important if leaders and top managers are to be held accountable for setting and meeting goals that allow the Trial Court to continue its advancement.

This is a major challenge facing the Trial Court. Without a fully aligned leadership team, it will be impossible to create or continue at every level of the Court the kind of leadership that is essential for the Court's success.

B. The Role of the Human Resources Department.

We recognize that the Trial Court is now, and for some time has been, under a hiring freeze generated by substantial budgetary shortfalls. Indeed, those budgetary shortfalls have caused an attrition of approximately 15% of Trial Court employees over the last two fiscal years. Therefore, either the time will come when an economic upturn will permit at least some budgetary restoration and at that point some hiring will begin anew, or, given new budget realities, the Trial Court will need to confront the new economic and budget paradigm and take aggressive action to reduce staff and consolidate functions, departments and courts. In either case, now is an excellent time to initiate planning for the new and expanded role that the HRD must play in these crucial processes.

Effective hiring and effective promotion require particular skills and familiarity with the rapid evolution of proven practices throughout the public and private sectors. A sound and effective HRD has an essential role in proactively leading the process for designing appropriate job descriptions, effecting outreach into places where competent applicants are likely to be found, conducting the initial screenings to ensure that the appointing authority leaders spend their time interviewing and otherwise processing applicants likely to provide services of the highest quality and in training those who act on behalf of the appointing authority in the interviewing and other skills most likely to reveal desirable applicant qualities.

Therefore, substantial work must be done now to implement a reformulated HRD and for assigning to HRD responsibilities that will affect the hiring and promotion process at every Trial Court level. That does not mean stripping appointing authorities of decision-making power. On the contrary, an accountable appointing authority must have the power to fashion a team that will best help him or her achieve the organization's

overall goals. A reformulated HRD, however, is crucial to enable appointing authorities to attract the best possible applicants and to spend their time interviewing applicants who are most likely to be the best employees.

To achieve that goal, government organizations increasingly are adopting practices that have become standard HR policy in the private sector. While not all private sector approaches easily translate to the public sector, many do and many of those have not been deployed in the Trial Court. Therefore, Trial Court leadership should use the present hiring freeze to re-evaluate the role and responsibilities of the HRD and the effectiveness of its strategy and structure and to develop and begin to execute an HR plan that will proactively support the needs, goals and vision of the evolving Trial Court system. Indeed, HR must be positioned to address increasingly complex challenges proactively, for, as is now crystal clear to us, a purely reactive and minimalist HRD is the repository of missed opportunity and an ineffective vehicle for ensuring accountability and merit-based hiring and promotion.

Some of the tasks that should be committed to a reformulated HRD include

- Rewriting the Manual, with the advice of the advisory committee on personnel standards, to set new recruiting requirements that spell out in more detail the rigorous outreach that must accompany efforts to hire all new employee and steps that must be followed in processing the resulting applications;
- Facilitating recruitment of new employees via Facebook, Linked In and other social media to which potential applicants for employment are routinely turning to discover employment opportunities;
- Creation of a recruiting division charged with finding ways to attract qualified applicants for all available Trial Court positions;
- Requiring that all applications for all Trial Court employees be forwarded to HRD for screening to ensure that they meet the minimum requirements for the position. At least two results of the screening process are possible. One is that only applications HRD views as meeting the minimum requirements would be forwarded to the appointing authority. The other is that all applications would be forwarded with HRD's assessment that the applicant did or did not meet the minimum requirements. In either case, the application process will have

the benefit of an independent review of each application to insure that minimum qualifications are truly met;

- Designing performance evaluations for use by all appointing authorities across the Trial Court;
- Conducting, either independently or through the Judicial Institute, training for evaluators and interviewers to use during hiring promotion and disciplinary processes;
- Assisting in developing updated mission statements and competencies for all Trial Court appointing authorities.

We recognize that implementing some of these practices will cost money and money for the Trial Court is in dramatically short supply. But an aggressive, modern, sophisticated HR capability is an essential component of any organization, public or private, that seeks to succeed in an environment where change is and will likely remain a dominating constant. We think, therefore, that money spent to enhance the Trial Court's central HR capability is a critically important investment in the Trial Court's future. The investment must be made even if short term sacrifices of other important assets are necessary in order to do so.

C. Acting Appointments.

Although acting appointments serve legitimate managerial needs when used appropriately and with discretion, they can also be used as an end run around "for cause" discharge limitations or around the hiring and promotion procedures required by the Manual or both. In the latter context, acting appointments signal a dysfunctional process coupled with an inability or unwillingness to make the process function as designed or to redesign the process so that it functions appropriately. In either case, inappropriate use of acting appointments saps the strength of the normal process by signaling that it is incapable of dealing with the appointments and promotions that truly matter. Acting appointments, therefore, must be limited to situations to those relatively infrequent situations in which they are truly appropriate, e.g., true emergencies, temporary replacements for employees on leave, staffing for transitory conditions or tasks and the like. To insure that they are used appropriately, the Manual must be revised so that it clearly articulates the standards under which acting appointments may be utilized and sets

out objective criteria for determining whether the standards have been met. Before an appointing authority makes an acting appointment, HRD should certify that the applicable standards exist and the appointing authority's own conclusion that they do should not suffice.

D. Internal Postings.

The Manual leaves to the unbridled discretion of the appointing authority all decisions regarding whether to post a vacant position internally or externally. Clearly, there are times when exclusively internal postings are appropriate. Promotions within a single operating unit are a prime example. If not narrowly confined, however, a broad grant of discretionary authority to post internally carries with it the power to undercut even the most carefully crafted and comprehensive recruitment policies and procedures. Accordingly, the Manual should clearly state the circumstances under which exclusively internal postings will be permitted and, as with acting appointments, should contain objective criteria for determining whether those circumstances exist. The decision to post internally should require approval of HRD and the appointing authority alone should not conclude that the criteria exist.

E. Performance Evaluations.

For several reasons, periodic performance evaluations are essential for effective promotions. As noted earlier, the Trial Court and Judicial Branch do not have periodic performance evaluations for any non-judicial position. Without such evaluations, promotions necessarily are based either on inflexible criteria, like seniority, or on a particular manager's belief that he or she knows the qualities, strengths and weaknesses of the various candidates for the opening. Proceeding on the former basis does not necessarily, or even typically, result in promotion of the most qualified employee. Proceeding on the latter basis risks decision-making based on imperfect knowledge, particularly where the manager making the promotion has no extended experience with the employees who are eligible for promotion. Moreover, through a lack of transparency, reliance on personal knowledge risks an adverse impact on morale flowing from a belief that promotions require an inside track. Perhaps equally important, the lack of formalized performance reviews deprives managers of an important tool for helping newer employees with potential for advancement to recognize and overcome deficits in their

performances that, if uncorrected, may impair advancement opportunities. Finally, periodic performance evaluations are an invaluable tool when the time comes for discipline or discharge, for they provide a platform for imposing disciplinary action or for beginning a corrective process leading to improved performance. Obviously, no sizable, credible organization should operate without such an evaluation system in place.

Therefore, we have several recommendations regarding employee evaluations:

- First, the Trial Court should institute and maintain a system of effective performance review for all employees on not less than an annual basis. The reviews should be designed not only to assess performance in the employee's current position but also the extent to which the employee displays competencies necessary for advancement to the next level. The components of the review should be developed by the HRD, should be embodied in the Manual and, to the extent required, should be embodied in applicable collective bargaining agreements.
- Second, since a precondition for an effective and credible review process is competence on the part of all reviewers, before the review process is implemented, those who will conduct the reviews should undergo appropriate training so that they will be able to use the review effectively, fairly and in a manner designed to reflect accurately the level of the employee's performance during the review period. A great deal of expertise and learning about effective performance evaluation has been acquired by local public and private institutions. Drawing on that knowledge and expertise will likely speed the delivery and cut the cost of providing appropriate training to administrative reviewers.
- Finally, to ensure that the review process is taken seriously by all involved and to ensure the transparency that inevitably attends a culture of high performance, step increases in pay should be tied both to time in grade and to the results of the performance reviews, with greater emphasis placed on the latter.³¹ That aspect of performance evaluations, too, should be embodied in

³¹ If high quality performance reviews are necessary for promotion, of course, the difference between a high quality and an average review will inevitably have economic consequences. Tying positive reviews to

the Manual and in applicable collective bargaining agreements. In addition, performance reviews should be the basis for any internal promotions or discharge.³²

In making these recommendations, we are mindful of the anxiety throughout the Trial Court that currently and understandably attends the recent and dramatic cutbacks in Trial Court funding. In our view, though, there never will be a perfect time for institution of an evaluation system, so the current anxiety should not counsel against proceeding. Indeed, a careful and thoughtful system of evaluations can diminish anxiety by helping employees understand how their performance is viewed by supervisors, where any improvements are needed and what aspects of their performance they should maintain at current levels. Knowledge of that sort reduces, and perhaps eliminates, the amount of guessing about a supervisor's view of performance in which an employee must engage, in the process reducing the anxiety that inevitably attends the unknown.

F. Tenure.

The universal "for cause" discharge standard that formerly appeared in G.L. c. 211B, § 8 had, to be sure, significant benefits. The Trial Court's primary mission is the fair and impartial resolution of disputes that often affect the lives and fortunes of the Commonwealth's citizens. To support that mission, it is important to maintain a core of professional administrators with the background and experience necessary for the Court's smooth operation. Moreover, the institutional knowledge possessed by competent, long-term employees can add leveling wisdom to calls for instant change that sometimes arise.

At the same time, the administrative functions of the Trial Court, like those of other public and private institutions, must keep pace with societal, technological and managerial changes as they evolve at a rapidly increasing pace, and with new economic and fiscal realities. New ways of approaching administrative problems, new techniques for accomplishing labor intensive tasks and new ways of delivering justice to those who

step increases, however, provides a continuing incentive for employees who are not interested in a promotion or for whom promotional opportunities are unavailable. Creating a nexus between reviews and step increases does not necessarily rule out cost of living increases that differ from step increases.

³² By themselves, performance evaluations are no substitute for active, ongoing managerial supervision. They do, however, provide formalized events in the supervision process and a basis for supervision that follows until the next evaluation occurs.

historically have been underserved inevitably lead to new visions about the best way for the Trial Court to carry out its historic mission. At some level in the management hierarchy, therefore, it is not only desirable but essential that those charged with ultimate responsibility for managing the system have the freedom to replace key executives, not only because of performance deficiencies but to ensure that the Court leadership shares a common vision for the Court's direction and the same energy and passion for making that vision a reality.

A universal "for cause" discharge standard, which does not exist in the other branches of state government, operates as a major barrier to top level personnel changes, and, too often, as a lifetime sinecure. The new discharge standard contained in the recently revised c. 211B, § 8, provides the Trial Court with an opportunity to think carefully about the role and function the "for cause" standard should play in effective Trial Court management and to revise the Manual in a way that embodies the results of that careful thinking. We, therefore, recommend that

- The Trial Court leadership determine and specify, with appropriate outside assistance from competent professionals, the levels and positions where a "for cause" standard for discharge remains a positive and desirable factor and the levels and positions where greater flexibility is essential for ensuring that administration of the Trial Court keeps pace with changes that will continue to occur as new ways of approaching old issues proliferate, and a new economic era sets in.
- Wherever the Trial Court draws the line between positions where discharge for cause is appropriate and positions where greater flexibility is more appropriate, the probationary period before an employee is eligible for the protections of the cause standard should be not less than one year and the transition from probationary to permanent status should be preceded by at least one rigorous performance review. The transition should not be simply, or even primarily, the product of time spent in a probationary status.

Our charge, of course, is to focus on transparent, merit-based hiring and promotion. At first blush, the connection between that mission and recommendations

regarding a "for cause" discharge standard may not be immediately obvious. But they are connected. As we said at the beginning of this section, any set of tools for hiring and promotion will be effective only if it fits closely with the culture in which it exists. A culture aimed at ensuring that administration stays on the cutting edge of new thinking is a culture that will utilize hiring and promotion practices that likewise are at the cutting edge. A culture that constantly re-examines and regenerates its vision for the best way to deliver justice throughout the Commonwealth is a culture that will attract the most highly qualified employees and promote them to positions where they can play a significant role in implementing the evolving vision. In sum, a culture energized by a desire for administrative excellence is a culture in which transparent, merit based hiring and promotion will easily remain the default position. We think that the ability of Trial Court leaders to choose key administrators who share their vision is essential for maintenance of that culture.

IV. CONCLUSION

Having engaged in our Task Force review for now nearly eight months, and enjoying the benefit of a detailed look at the entire system with the help of knowledgeable administrators, it is crystal clear to us that a radical overhaul of the infrastructure of the hiring, evaluation and promotional systems for the judicial branch is essential if we are to achieve our mandated objective. This is a new era, and cries out for new approaches and paradigms. And, in this personnel arena, we do know what works and what the key principles and practices are. This report contains the roadmap. We can no longer afford any other standard than picking the best, challenging the rest and injecting new talent and energy on the merits. This is a matter of common sense, basic core best practices, and the key to dispensing quality, efficient, effective justice in modern day Massachusetts. The CJAM's power to define personnel standards with the flexibility provided by the recent legislation is a powerful tool for producing necessary changes. All it takes is the leadership, the will and the sustained sense of urgency needed to implement reforms that will effectively address the issues that triggered the creation of the Task Force and the mandate we were given.

APPENDIX A

Judicial Branch Hiring Task Force Meetings and Presenters

December 10, 2010

Initial meeting of the Task Force – member presentations

December 17, 2010

Paul Ware, Esq., Goodwin Procter

Kevin Martin, Esq., Goodwin Procter

Ronald P. Corbett, Jr., Acting Administrator, Office of the Commissioner of Probation

January 7, 2011

Paul Dietl, Chief Human Resources Officer, Executive Office for Administration and Finance, Human Resources Division

Michelle Heffernan, Deputy General Counsel, Executive Office for Administration and Finance, Human Resources Division

Hon. Robert A. Mulligan, Chief Justice for Administration and Management

January 14, 2011

David Holway, National President, National Association of Government Employees (“NAGE”)

Margaret Thompson, Probation Officer, Suffolk Superior Court, President Local RI-229, NAGE

Michael Manning, NAGE Counsel

Larry Dullea, Assistant Chief Probation Officer, Barnstable County/Plymouth, President, NAGE Local 118

Rita McCarthy, Chief Probation Officer, Dedham District Court, President, Massachusetts Chief Probation Officers Association

Daniel Passacantilli, Chief Probation Officer, Essex Juvenile Court, Executive Board Member, Massachusetts Chief Probation Officers Association

Bernard O’Donnell, Chief Probation Officer, Clinton District Court, Vice President, Massachusetts Chief Probation Officers Association

Edward Dalton, Retired Massachusetts Probation Department Regional Supervisor

January 21, 2011

Kate Donovan, presentation of national study

John Larivee, CEO, Community Resources for Justice

Len Engel, Managing Associate for Policy, Community Resources for Justice

January 28, 2011

Edward P. Ryan, Jr., Esq., O'Connor & Ryan, P.C.

Martin Healy, Chief Operating Officer and Chief Legal Counsel, Massachusetts Bar Association

Denise Squillante, Esq., President, Massachusetts Bar Association and Family Law Practitioner

Donald Cochran, Former Commissioner, Massachusetts Probation Department

Daniel Conley, District Attorney for Suffolk County

February 4, 2011

Hon. Barbara Rouse, Chief Justice, Superior Court Department

Hon. Paula Carey, Chief Justice, Probate and Family Court Department

Hon. Lynda Connolly, Chief Justice, District Court Department

Hon. Michael Edgerton, Chief Justice, Juvenile Court Department

February 25, 2011

Thomas Connolly, Director of Security for the Trial Court

Mark Conlon, Acting Director of Human Resources for the Trial Court

March 4, 2011

David Holway, National President SEIU/NAGE

Rich Caroselli, Assistant Chief Court Officer

Dave Abbott, Court Officer

Ed Tietz, Associate Court Officer

Michael Manning, NAGE Staff Attorney

March 11, 2011

Michael Sullivan, Clerk Magistrate, Suffolk Superior Court

Keith McDonough, Clerk Magistrate, Lawrence District Court

Patrick McDermott, Register, Norfolk Probate and Family Court

March 25, 2011

Hon. Robert A. Mulligan, Chief Justice for Administration and Management

Robert Panneton, Chief of Staff for the Trial Court

April 8, 2011

Leo V. Boyle, Esq., Meehan, Boyle, Black & Fitzgerald

Martin Healy, Chief Operating Officer and Chief Legal Counsel, Massachusetts Bar Association

April 15, 2011

Hon. Robert Cordy, Associate Justice, Supreme Judicial Court

Ronald P. Corbett, Jr., Acting Commissioner of Probation

April 22, 2011

Meeting of the Task Force – member discussion

May 6, 2011

Robert P. Panneton, Chief of Staff for the Trial Court

Robert Manning, Business Manager and General Counsel, OPEIU Local 6

Virginia Dean, HR Consultant to Ronald Corbett, Acting Commissioner of Probation

May 20, 2011

Stephen J. Carroll, Director of Court Facilities Bureau

Paul Edgar, Former Director of HR for the Trial Court

Marilyn J. Wellington, Former Chief of Staff for the Trial Court

June 10, 2011

Ronald P. Corbett, Jr., Acting Commissioner of Probation

Mark Conlon, Acting Director of Human Resources for the Trial Court

June 24, 2011

Stephen V. Price, Executive Director, Office of Community Corrections

Kimberly Norton, Fiscal Manager, Office of Community Corrections

July 21, 2011

Ronald P. Corbett, Jr., Acting Commissioner of Probation

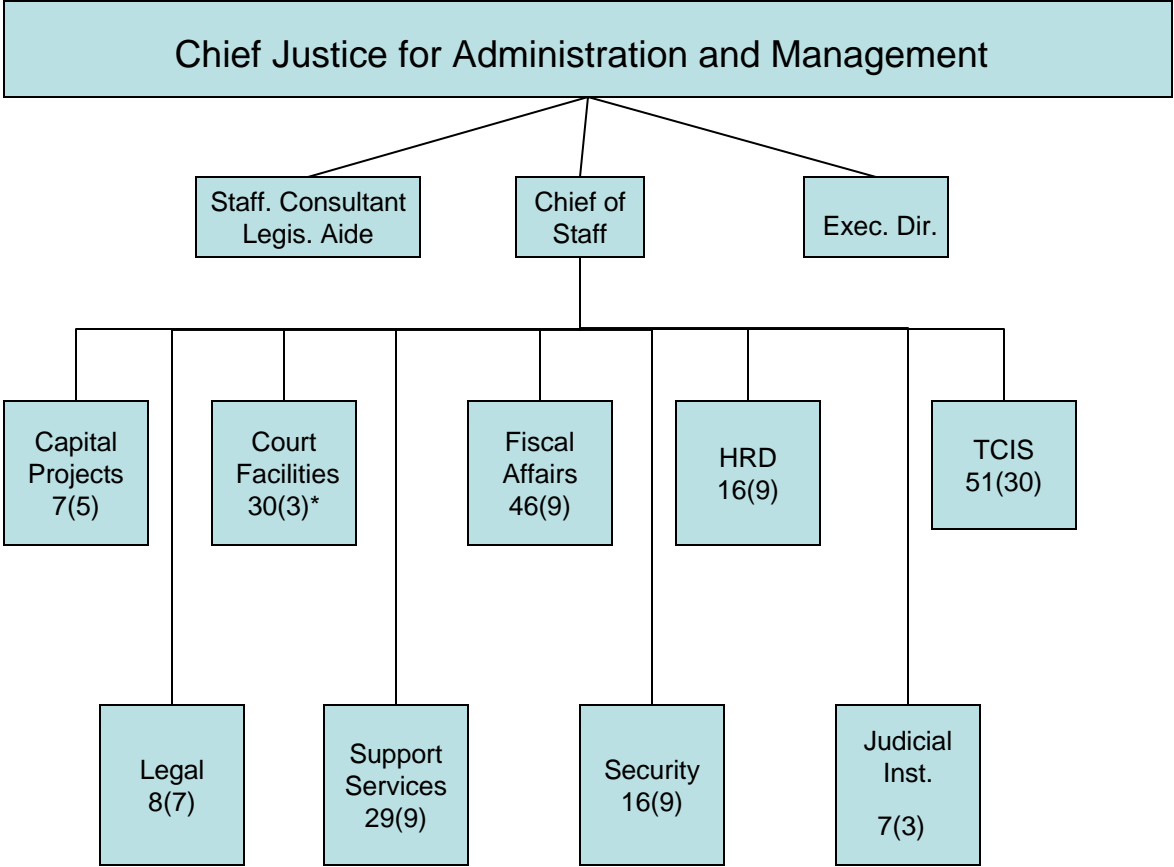
Pamela J. Wood, Jury Commissioner

August 5, 2011

Ronald P. Corbett, Jr., Acting Commissioner of Probation

Virginia Dean, HR Consultant to Ronald Corbett, Acting Commissioner of Probation

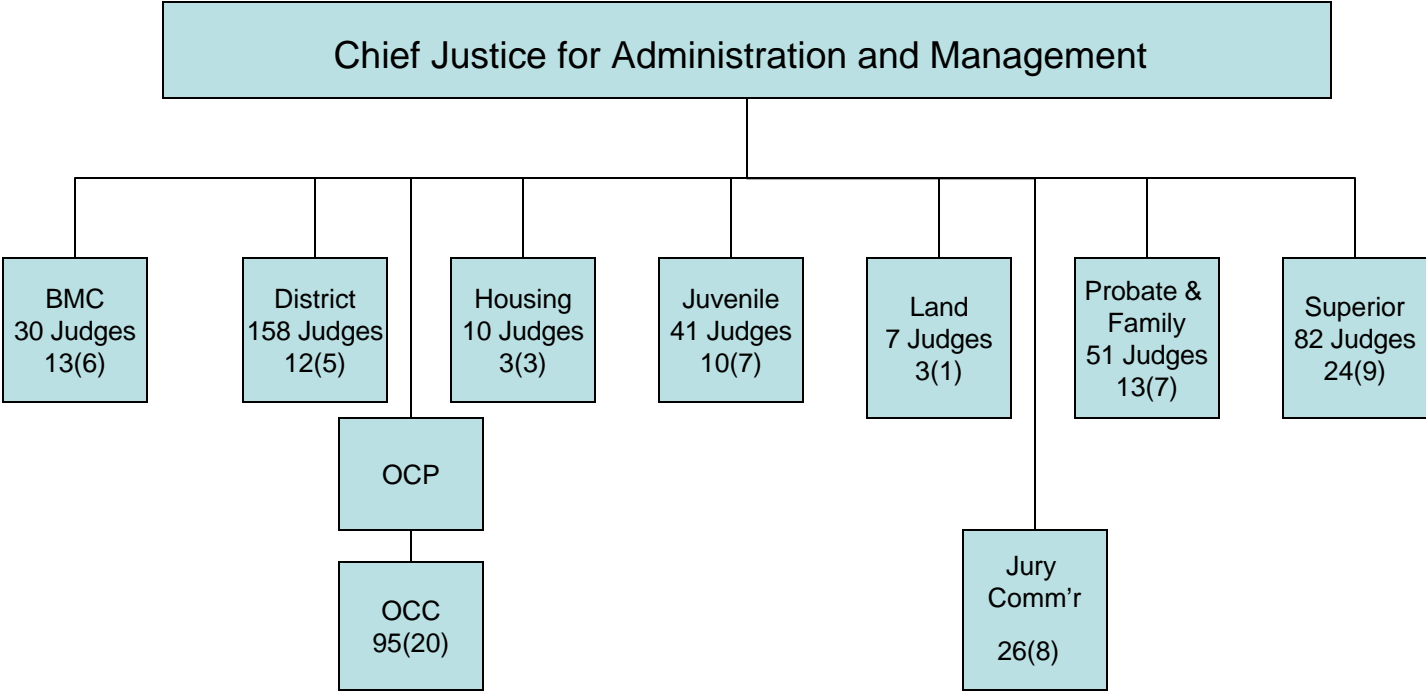
ADMINISTRATIVE OFFICE OF THE TRIAL COURT



Total Staff (Staff members classified as management)

*Administrative staff only & does not include maintenance personnel at courthouse locations

TRIAL COURT DEPARTMENTS



Total judges authorized by G.L. c. 211B, Section 2
 Departmental staff (Staff members classified as management)
 Total staff does not include secretaries or law clerks
 Office of the Commissioner of Probation (OCP) was the subject of an earlier report