

**FINAL REPORT OF THE SUPREME JUDICIAL COURT TASK  
FORCE ON HIRING IN THE JUDICIAL BRANCH**

December 16, 2011

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# FINAL REPORT OF THE SUPREME JUDICIAL COURT TASK FORCE ON HIRING IN THE JUDICIAL BRANCH

## I. INTRODUCTION

Nearly a year ago, the Supreme Judicial Court created the Task Force on Hiring in the Judicial Branch and charged us with making “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 judicial branch.<sup>1</sup> Since the Task Force was formed, we have met on 29 occasions. We have listened to many thoughtful members of the Trial Court community, including line staff, supervisors, managers, judges, union representatives, representatives of clerk and register associations and others, some of whom took the time to speak with us on more than one occasion. We have reviewed an array of helpful documents.

Based on the information we gathered and on our own experience and knowledge, we have issued five reports. The first two dealt with hiring and promotion in the Probation Department and the crisis that led the court to create the Task Force. Thereafter, we dealt serially with hiring and promotion of court officers, administrative employees and, most recently, employees of the office of the Recorder, the Registers of Probate and the elected and appointed Clerks.

This is our final report. On the basis of what we have seen and heard over the past year, we have come to four overriding conclusions:

First, the Trial Court is filled with good and competent public servants who seek daily to aid in resolution of the difficult problems litigants bring to the courts in which they work.

Second, the Trial Court culture with respect to hiring and promotion does not support those employees in the way it should. Specifically, the lack of vigorous outreach and recruitment, carefully crafted job descriptions and performance evaluations, inadequate probationary periods, and the overuse of “acting” titles undermine the goal of a transparent meritocracy.

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<sup>1</sup> On November 18, 2010, the Court announced its intention to form the Task Force. See <http://www.mass.gov/courts/sjc/docs/statement-of-justices-report-of-independent-counsel-111810.pdf>. The members were announced and the Court delivered its charge on December 7, 2010. See <http://www.mass.gov/courts/press/pr120710.html>.

Third, all who play a role in Trial Court management have manifested a desire to change the culture surrounding hiring and promotion.

Finally, now is the ideal time to begin changing that culture. But to do so effectively will require a sense of urgency, a systematic effort and clear leadership at all levels, beginning with the Supreme Judicial Court.

## **II. THE TRIAL COURT STAFF**

The public servants who staff the courts throughout the Commonwealth consist of elected and appointed clerks, clerical workers, court officers, maintenance workers, administrators, support staff and others. They greet you when you enter the courthouse; direct you to the places you need to go; protect you while you are there; prevent the eruption of violence in tense situations; contain outbursts when they do occur; record the results of proceedings accurately so that the intended consequences can occur; advise judges on difficult decisions; ensure compliance with conditions of release and probation; provide the hardware and software for the system's increasing automation; and do much more. They are the public face of the court, the people who willingly work out of grade when co-workers retire or leave and are not replaced, and the people who come in early, stay late and work on Saturdays because the job simply must be done. They want, need and deserve a transparent, merit-based hiring and promotion culture. The public wants and deserves no less.

## **II. THE TRIAL COURT CULTURE MUST CHANGE**

### *A. The Current Environment*

Broadly stated, the Trial Court's mission centers on providing equal access to justice for all who use the Commonwealth's courts, the just and efficient resolution of all disputes, the fair and neutral enforcement of statutory and common law, and ensuring the conformity of that law to constitutional command. The Court's ability to carry out that mission is entirely staff-dependent. The degree to which the Court can carry out its mission, therefore, depends on the quality and efficiency of the people it employs, the systems and processes they develop and the values imparted to them by leaders at all levels of the judicial branch.

The Probation Department's recent experiences as documented in the so-called Ware Report<sup>2</sup> are a cautionary tale. When departmental leaders began to base hiring and promotion

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<sup>2</sup> Paul F. Ware, Esq., Report of the Independent Counsel (2010), <http://www.mass.gov/courts/sjc/docs/report-of-independent-counsel-110910.pdf>.

decisions on factors other than the applicant's competence and dedication to the Department's mission, and began to function in isolation, exempted from effective oversight and accountability, the Department lost its ability to deliver the high-quality services that had made it a national leader for years. Internal morale suffered, creative thinking and innovation plummeted and many of the people most in need of help that a highly focused probation service could provide had to do without it.

Probation provided a dramatic example of what happens to quality of service and employee morale when leaders replace a merit-based hiring process with a system in which an applicant's connections transcend merit. But, the judicial branch has been plagued for years by a widespread belief that judicial hiring is frequently based more on an applicant's connections and sponsors than on his or her merit. To be sure, steps have been taken to combat that perception. Governors, for example, have established elaborate screening procedures to ensure that the judges and clerks they ultimately appoint are qualified and competent. Many appointing authorities focus solely on merit when they make hiring and promotion decisions. And as noted earlier, the Trial Court benefits every day from the efforts of many employees who are dedicated to advancing the Court's fundamental goals.

Nevertheless, the belief persists. It does so for several reasons. One is a balkanized sense of purpose that is often unconnected with the Trial Court's overall sense of mission. As one presenter put it, "I want to hire people who will be loyal to me." Another told us that, although all the divisions of a court department perform the same function, there is no common training or exposure to court-wide standards for new employees with the result that attorneys and others who go from court to court within the same departments can encounter dramatically different procedures and requirements for performing the same judicial function.

Another reason for the belief's persistence is the use of job descriptions written so broadly that they give little guidance regarding essential qualifications and competencies, thereby permitting each hiring authority to make a different judgment about what the essential qualifications truly are. The vagueness of the job descriptions is amplified by the absence of any centralized process for determining whether an applicant meets the minimum requirements for a given position. Once hired, new employees typically undergo only a 90-day probationary period before they become permanent employees subject to dismissal only for cause. The transition

from probationary to permanent employee typically is unaccompanied by any formalized performance review.

After employees are hired and pass the probationary period, there still is no mechanism for performance review or rating, which means that promotions are necessarily based on criteria other than those contained in a documented record. Moreover, until a promotion is announced, employees may have no idea about whether they are on track for advancement or are failing to meet their supervisor's minimum expectations. Inevitably, then, promotion decisions are subject to the suspicion that they are the product of seniority or favoritism or something other than merit alone.

The way people in Massachusetts experience justice depends on the quality with which all Trial Court employees execute their responsibilities, not just on the way a judge decides the case in which they are involved. The quality with which employees execute their responsibilities depends on the expectations they encounter during the hiring process and throughout their Trial Court service. Accordingly, the judicial branch has an obligation to create and maintain hiring and promotion practices throughout the court that signal, internally and externally, the high expectations that inevitably flow from transparent, merit-based hiring and promotion. In addition, the diminishing resources available for the administration of justice require that the public, and the elected officials who represent them, must be confident that every dollar committed to the judicial branch is being applied efficiently to advance the Court's central mission. That confidence can only come from creation and maintenance of a judicial workforce that has a common understanding of the basic purposes of the court system, believes deeply in that purpose and is committed to its advancement. Creation and maintenance of such a workforce is possible only if transparent, merit-based hiring and promotion is the pervasive norm.

#### *B. A Strategy for Change*

Our reports have laid out a strategy for making that norm a reality. We first proposed a strategy to correct the egregious conditions in the Probation Department revealed by the Ware Report. As our research progressed, we recognized that many elements of that strategy were missing from the hiring and promotion process elsewhere in the judicial branch and recommended that they be implemented universally.

The strategy is based on seven well-recognized elements of an approach to hiring and promotion that is calculated to create and maintain a talented, high quality workforce.

1. Mission Statements. The strategy begins with creation of well-defined mission statements designed to capture the essence of the Trial Court's mission and the mission of each of the Court's components. Reflective, well-defined mission statements provide a readily accessible touchstone for all management decisions, including decisions with respect to hiring and promotion.

2. Job Descriptions. Next are well-defined job descriptions and competencies. Creating well-defined descriptions is hard work, for it requires careful, detailed thinking about the relationship between the position and the hiring authority's articulated mission, goals and objectives. Carefully created, though, the job description helps to keep the appointing authority focused on the qualities of each applicant that will advance the mission, thereby enhancing the likelihood that candidates for hiring and promotion will be selected, and will be seen to have been selected, on merit alone.<sup>3</sup>

3. Enhancing the Applicant Pool. No matter how carefully the mission statement is drafted and no matter how thoughtfully job descriptions are aligned with goals and objectives, the strength and quality of the workforce ultimately depends on the strength and quality of the applicant pool. Accordingly, when job openings occur, it is never sufficient to post vacancies, passively wait and then select the best applicants from those who happen to respond. Instead, the Court, like every other employer seeking a high quality workforce, must engage in vigorous outreach for applicants in places, physical and virtual, where the best of today's candidates are likely to be found. Outreach of that sort requires energy, imagination and investigation to find the schools, community centers, organizations, websites and other locations where job postings are likely to reach and attract individuals with the education, background, experience and diversity necessary to meet the diverse needs of those who daily use the courts.

4. Objective Candidate Review. The fourth step is an objective review of candidates to determine that they meet the minimum requirements set forth in the job description. Methods for achieving such a review range from a centralized screening before the employment or promotion decision is made to periodic audits after candidates are hired. An objective review is essential because, no matter how carefully a job description is drawn, appointing authorities who act in good faith and dedication to the Court's defined mission may sometimes differ in their

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<sup>3</sup> The utility of properly crafted job descriptions was also noted in the 2003 Monan report. See Report of the Visiting Committee on Management in the Courts 27-28 (March, 2003), <http://www.mass.gov/courts/courtreformfinal.pdf>.

interpretation of the qualities and competencies the job description contains. An objective review helps keep all hiring authorities focused on the same interpretation of the same essential qualifications and competencies for the same job everywhere in the Trial Court.

5 & 6. Interviews and Assessments. The next two components, behaviorally based interviews and candidate assessments, give the hiring authority an opportunity to test an applicant's apparent qualifications and competencies in a realistic fashion before making a final hiring or promotion decision. The former seeks information from candidates about how they have previously demonstrated key competencies for the position they are seeking. The latter can take many forms but all provide an objective rating of a candidate's aptitude and capability to perform job requirements. Use of either or both approaches substitutes "facts" for perceptions in the overall hiring or promotion process, enhancing the likelihood that the most qualified candidates will be selected.

7. Applicant Tracking System. Finally, use of a comprehensive applicant tracking system containing relevant data regarding all applicants for all positions is essential. A robust tracking system permits Trial Court managers to review the process that led to filling each Trial Court position and allows them to determine how the components described above are actually being implemented across the Trial Court. Perhaps more important, information yielded by a carefully constructed tracking system would be an invaluable asset in planning prospective hiring and promotion efforts, for, at least over time, data in the system would allow correlation between particular hiring and promotion efforts and the quality of the employees those efforts produced.

As we noted in our action plan for administrative employees, the role each of those factors plays in hiring and promotion decisions may differ somewhat depending on the level at which a new or promoted employee is to serve.<sup>4</sup> Nevertheless, implementing an employment and promotion strategy with those seven elements, though time-consuming and labor-intensive, is absolutely essential. A high quality workforce is the Trial Court's greatest asset. Cultivation of such a workforce ensures that the court is staffed by employees who are dedicated to a common mission and who believe that fidelity to that mission is the only path to success and

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<sup>4</sup> See Action Plan for Hiring and Promotion of Trial Court Administrative Employees at 17 (August 9, 2011), <http://www.mass.gov/courts/sjc/docs/tf-actionplan-090811.pdf>. High level managers throughout the public and private sector typically employ several assistants whose judgment and discretion they have learned over the years to trust. There is no reason why the judicial branch cannot make provision for assistants of that kind, who serve at the pleasure of the appointing authority, without undermining the principles just described. But those principles will be undermined unless the skill and competence of the immediate assistants is broadly visible within the system.

advancement. Cultivation of such a workforce also ensures that those who bring their problems to the courts for resolution are met by court employees willing and able to deal with those problems in a sensitive and constructive fashion. And cultivation of such a workforce helps to ensure that the public retains its confidence in the ability of the courts to deliver the quality of justice each resident of Massachusetts surely deserves.

To be sure, recruiting and maintaining a high quality workforce requires a substantial investment of time, thought and energy. The process requires a highly professionalized human resources staff of sufficient size and skill to assist all appointing authorities in their hiring and promotion efforts. That staff need not and should not supplant authority of those empowered to make the ultimate hiring and promotion decisions<sup>5</sup> and it must be nimble enough to supply its advice and assistance effectively and quickly. But it must be much more than a compliance monitor. It must actively assist in helping all appointing authorities maintain and apply basic standards and qualifications for hiring and promotion transparently throughout the entire system. The human resources efforts must be supplemented through court-wide training by a staff sufficiently skilled and organized to deliver to new employees training on common standards and procedures and training to all employees on the new skills changing times or changing jobs require.

The uniformly high-quality workforce produced by maintenance of court-wide hiring and promotion standards and by court-wide training on common skills and tasks yields enormous returns on the investment such a workforce requires. The resulting workforce is innovative. It is easily deployed, permanently or temporarily, to fill pressing needs. It produces managers capable of taking past success to the next level of achievement. It inspires the individual efforts necessary for personal growth and advancement. And it faces the public with qualities and capabilities that inspire confidence in the justice system from one end of the Commonwealth to the other.

### *C. The Impact of Culture on Organizational Behavior*

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<sup>5</sup> As noted in our Action Plan for administrative employees, there are significant substantive and subject matter differences between the various court departments. See Action Plan, note 3, above, at 3-4. See also Action Plan for Reform and Renewal of Probation Department Hiring and Promotion Practices at 3-6 (February 10, 2011). Moreover, local hiring authorities are in the best position to select from among qualified candidates for hiring and promotion the candidate whom they believe will be most successful in the component of the judicial branch for which they are responsible. But ensuring that the successful candidate is drawn from a pool of candidates who meet or exceed system-wide minimum standards is, by its very nature, a task that only a department with a system-wide focus can perform effectively.



No strategy for merit-based hiring and promotion, however sound and well conceived, can succeed unless it is deployed in a supportive culture. By “culture,” we mean the shared attitudes, values, goals and practices, spoken and unspoken, that characterize an organization. Sometimes the culture is aligned with a formal statement of goals and values; sometimes it is not. Either way, the impact of culture on how the organization actually behaves cannot be overstated.

A supportive culture is one that recognizes the central role its employees play in achieving the organization’s mission and one that values an approach to human resources that recruits, cultivates and supports employees capable of doing so. It is a culture in which all employees are continuously engaged in assessing and diagnosing their own performance and are constantly seeking improvement based on that diagnosis. It is a culture in which all employees view themselves as part of a team that likewise is constantly assessing its performance, seeking always to find ways to improve. It is a culture characterized by supportive performance management that provides the data necessary to assess and diagnose individual and team performance, continuously developing and testing new and better ways to perform familiar tasks. Ultimately, it is a culture that constantly seeks to identify employees with the greatest leadership potential and to help them develop the complex skills necessary to engage successfully in leadership roles.

For such a culture to flourish, all employees must be united in a common understanding of the organization’s purposes. They must have the skills necessary to assess and diagnose their own work and the work of their team in advancing those purposes. They must operate in an environment that supports and encourages development and exercise of those skills. And they must be led by managers with the skills and judgments to create and maintain a culture in which those qualities flourish.

For its part, the organization must have an extensive and continuous training function, including the ability to benchmark its practices against best practice in the field. It must have an outstanding information technology capacity, one that is capable of gathering and disseminating the data necessary to maintain an excellent performance management system. It must have supervisors who value a performance management system and have the skills necessary to support it. Above all, it must have leadership that understands the central role a sound

performance management system plays in achieving and maintaining outstanding organizational performance.

For the Trial Court, as well as for most organizations, all of this begins with a relentless dedication to merit-based hiring and promotion from the top down. Indeed, any organization's ability to achieve its goals, whether those goals are constitutionally based, flow from statutory requirements or are self-imposed, depends on the fit between those goals and the way the organization and its leadership approach hiring and promotion. When the organization begins to hire or promote in accordance with qualifications other than those that are essential for advancing the organization's goals, it inevitably begins to degrade its ability to achieve those goals.

Indeed, even the appearance of non-meritorious hiring that springs from the absence of a formalized process or a lack of transparency or both creates a presumption of favoritism that often signals, internally and externally, that stated organizational goals have been abandoned. Both signals can have dramatic effects. Internally, for example, one who believes that he or she has been hired or promoted because of skills, qualifications, experience and dedication to the organization's purposes will be committed to those purposes. An individual will direct his or her efforts elsewhere, however, if he or she believes that hiring or promotion is dependent on factors other than commitment to the organization's goals.

To ensure that the organization retains a culture of high performance, the hiring and promotion process must recruit and produce managers who not only believe in that culture but also have the ability to create and maintain it. While promotions from within create incentives for achievement and reward dedication to the Trial Court's mission, strategic infusion of managers from the outside can help the desired culture flourish. Indeed, if carefully done, periodic appointment of clerks to courts where they have not spent their entire careers can help to spread best practices and a commitment to excellence throughout the Trial Court. Strategic managerial appointments from outside the Trial Court help to ensure that fresh approaches are brought to bear on familiar problems, stimulating in the process creative thinking by the entire workforce. In combination, high-quality appointments to managerial positions from inside the Court and careful appointment of managers from outside helps to maintain an environment where excellence proliferates.

A cultural embrace of merit-based hiring and promotion is therefore essential. Creation of that culture requires a fundamental commitment to maximizing the skill and capacity of every employee rather than simply maximizing the number of employees. Recent budgetary constraints, and the likelihood that at least some of those constraints will continue,<sup>6</sup> make it all the more urgent to develop and maintain a judicial culture focused on development and maintenance of a workforce of highest quality and dedicated to the merit-based hiring and promotion process such a workforce demands.

### **III. SUPPORT FOR NECESSARY CHANGES IS NOW WIDESPREAD**

In the course of our work this year, we found that support for our recommendations and, by implication, for the cultural changes necessary for those recommendations to take root, is now widespread and visible. The Supreme Judicial Court convened this Task Force to conduct the extensive review we have carried out. Under the leadership of Chief Justice Roderick L. Ireland, it has supported the recommendations we have made to improve transparency and establish a pervasive merit-based hiring and promotion system.

The Trial Court administration also has supported our recommendations. Indeed, Robert A. Mulligan, the Trial Court's Chief Justice for Administration and Management, recently established a 21-member committee, chaired by Juvenile Court Chief Justice Michael F. Edgerton, to undertake a thorough review of the Trial Court's personnel policies and procedures. In making the appointment, Chief Justice Mulligan stated that the review "will ensure our effective implementation of the recommendations on merit-based hiring and promotion provided in the series of excellent reports submitted by the SJC Task Force on Hiring."

The committee's charge provides it with an excellent opportunity to establish substantive court-wide hiring, promotion and performance-review standards to replace what now are primarily paperwork compliance requirements. The committee's charge also provides an opportunity to create mechanisms to avoid end-runs around new substantive standards through

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<sup>6</sup> Any thoughtful observer must conclude that the current level of funding for the Massachusetts Trial Court is severely hindering the Court's ability to discharge its constitutional responsibilities. Our recognition that some constraints will likely endure even if the Commonwealth's revenues increase should not mask our belief that some level of increased funding is essential for the court to provide the quality of justice to which all Massachusetts litigants are entitled. At the same time, where employee quality is concerned, the Court cannot afford to settle for policies and procedures that are second best out of a belief that it cannot afford the best. To settle for second best under those circumstances is to save money at the expense of organizational competence, thereby amplifying the baleful impact of funding reductions.

use of “acting” or other temporary appointments. The charge likewise provides an opportunity to rethink the probationary period applicable to employees who are not covered by union contracts and, now that the freedom to do so exists, the distinction between categories of non-union employees who should be subject to a for cause discharge standard and those who should not.

Above all, the Trial Court administration needs to own and spearhead the process of transformative change that is essential for durable improvement. Without that ownership and leadership, improvement cannot occur. There can be no doubt that, with vigorous central leadership and the support of leaders at all levels, the Trial Court is capable of making the cultural changes necessary to support the recommendations we have made. The dramatic changes in case flow management the Court, with the careful help, advice and assistance of the original Court Management Advisory Board, made in the wake of the Monan report<sup>7</sup> prove that. As a result of those changes, time standards, throughput analyses, measurements of trial date certainty and other metrics, all of which are now routinely published, give the Trial Court a transparent focus on measurable results that would have been unimaginable ten years ago.<sup>8</sup> Transformation in the Court’s approach to personnel management is equally possible.

Other Trial Court leaders likewise appear ready to support the necessary changes. Departmental Chief Justices support effective performance reviews, as do elected and appointed Clerks and Registers. They believe that performance reviews are not only a mechanism for ensuring merit-based promotion and fair discipline but are also a device for identifying future leaders and working on those who, as one presenter put it, “won’t run to catch the bus.” Similarly, the unions want quality training and merit-based hiring because their members need both to perform their jobs effectively and, in some cases, safely. The unions also want performance reviews by properly trained reviewers. In fact, one of the contracts now in effect contains a mechanism for implementing such reviews. In any event, contracts should not be obstacles to progress from the union or the management perspective, for they are agreements between management and labor that, properly formed, embody the goals and aspirations of all

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<sup>7</sup> Report of the Visiting Committee on Management in the Courts (March, 2003), <http://www.mass.gov/courts/courtreformfinal.pdf>.

<sup>8</sup> The reports are available at <http://www.mass.gov/courts/cmabreport.html#metrics>.

signatories. Consequently, there is no reason that they cannot permit rewards for excellent performance and appropriate discipline or retraining for performance that is deficient.<sup>9</sup>

Likewise, the Governor and the Legislature has expressed its desire for merit-based hiring and promotion. Recent legislation has restricted the role and function recommendations are to play in all Commonwealth hiring decisions and has opened to public display recommendations submitted in support of those who are hired.<sup>10</sup> The same legislation created a central administrator for the Trial Court at a time when the need to strengthen centralized personnel functions is high on the list of issues needing attention.<sup>11</sup> It also eliminated the “for cause” discharge standard theretofore applicable to all employees, thereby allowing the Trial Court to make its own judgments about categories where such a standard would advance the Court’s mission and categories where it would not.<sup>12</sup>

#### **IV. NOW IS THE TIME**

Now is the time to make the necessary changes. The Supreme Judicial Court, having spoken forcefully about the need for change, now must use its leadership to accelerate the normal evolutionary process that efforts at fundamental change often require. Cultural change is a complicated phenomenon but the literature and our own collective leadership experience clearly establish that leadership is an essential ingredient without which fundamental change cannot occur.

Having begun a process designed to look carefully at existing policies and produce required changes, the Trial Court must keep up its work, infusing it with a greater sense of urgency. Labor-management contracts soon will be in negotiation, thus affording an opportune time for all parties to collaborate on the performance-based measures they both have said they deeply desire. The Legislature has just acted, is watching to see what happens to its handiwork and can be called upon for necessary support as the blossoms from its reorganizing effort begin to appear. The search for a new court administrator is in high gear and the existence of an

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<sup>9</sup> Recently, there has been much creative thinking about the mutually supportive relationships labor management agreements can embody. See, e.g., Bluestone & Kochan, *Toward a New Grand Bargain* (Boston Foundation) (October, 2011) available at [http://www.northeastern.edu/dukakiscenter/documents/Grand\\_Bargain\\_Report.pdf](http://www.northeastern.edu/dukakiscenter/documents/Grand_Bargain_Report.pdf). See also the Conservatory Lab Charter School – American Federation of Teachers Contract dated August 1, 2009 at [http://www.crpe.org/cs/crpe/download/csr\\_files/res\\_portf\\_CLCS-UnionContract\\_July09.pdf](http://www.crpe.org/cs/crpe/download/csr_files/res_portf_CLCS-UnionContract_July09.pdf).

<sup>10</sup> See St. 2011, c. 93, § 1.

<sup>11</sup> See St. 2011, c. 93, § 52, creating G.L. c. 211B, § 9A.

<sup>12</sup> See St. 2011, c. 93, § 52, amending G.L. c. 211B, § 8.

energized process for reformatting the Trial Court's human resources capability will undoubtedly be a powerful recruiting tool.

With proper management, the energy that springs from the reorganizing process can create a positive collaboration between and among the Supreme Judicial Court, the Chief Justice for Administration and Management, who is soon to be the Chief Justice of the Trial Court, the Court Administrator, the Chief Justices, the elected and appointed Clerks and Registers, the new Court Management Advisory Board<sup>13</sup> and other elected and appointed court leaders to carry forward a process for change. For that change to succeed, they all must collaborate, seizing this opportunity at this critical juncture in the Trial Court's history to make innovative improvements in the judiciary's human resources practices, to support merit-based hiring and promotion throughout the system and to create the cultural changes necessary for that system to flourish.

We began our work with a sense of urgency born of crisis. Though the immediate crisis has passed, the urgency remains, for significant change can occur only when supporting forces and circumstances are in proper alignment and they are in proper alignment today. It is absolutely essential, therefore, to act now and by that action position the judiciary for the challenges of the future. By creating this Task Force, the Supreme Judicial Court sent a powerful signal that merit and transparency should be the keys to hiring and promotion in the judicial branch. By embracing the reports we have made thus far, the Court and the AOTC leadership have begun to create a momentum that, if sustained, can produce the transparent, merit based environment the signal beckons. Strong leadership by the SJC, supported by the CJAM, the Chief Justice of the Trial Court and the new Court Administrator, are essential if the momentum is to continue. We have described the tools for success. Those leaders now must supply the will.

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<sup>13</sup> The Board is responsible for advising court on "all matters of judicial reform including, but not limited to, a proposal for the allocation of resources based on the demonstrated workload of each court." See. G.L. c. 211B, § 6.

## APPENDIX A

### Task Force on Hiring in the Judicial Branch – 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, Middlesex 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

August 16, 2011

**Hon. Robert Cordy**, Associate Justice, Supreme Judicial Court  
**Hon. Margot Botsford**, Associate Justice, Supreme Judicial Court

August 25, 2011

**Hon. Paula Carey**, Chief Justice, Probate and Family Court Department  
**Hon. Michael Edgerton**, Chief Justice, Juvenile Court Department  
**Mark Conlon**, Acting Director of Human Resources for the Trial Court

September 16, 2011

**Ronald P. Corbett, Jr.**, Acting Commissioner of Probation  
**Hon. Lynda Connolly**, Chief Justice, District Court Department  
**Robert Manning**, Business Manager and General Counsel, OPEIU Local 6  
**Robert A. Tomasone**, Clerk, Somerville District Court

October 7, 2011

**Michael Sullivan**, Clerk Magistrate, Middlesex Superior Court

**Keith McDonough**, Clerk Magistrate, Lawrence District Court

**Patrick McDermott**, Register, Norfolk Probate and Family Court

**Dan J. Hogan**, Clerk Magistrate, Central Division, Boston Municipal Court Department

**Gary D. Wilson**, Trial Court Magistrate, Suffolk Superior Court

**Whitney J. Brown**, Clerk, Gardner District Court

**Brian P. Lees**, Clerk Magistrate, Hampden Superior Court

October 28, 2011

Meeting of the Task Force – member discussions

November 4, 2011

**Hon. Robert Cordy**, Associate Justice, Supreme Judicial Court

**Hon. Margot Botsford**, Associate Justice, Supreme Judicial Court

November 16, 2011

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

November 18, 2011

Meeting of the Task Force – member discussions

December 9, 2011

Meeting of the Task Force – member discussions