## Massachusetts Trial Court Annual Diversity Report Fiscal Year 2017





Paula M. Carey Chief Justice of the Trial Court

Jonathan S. Williams Court Administrator

Front cover images (left to right): Ruane Judicial Center (Salem), Fall River Justice Center, Thaddeus Buczko Building (Essex Probate and Family Court), Dorchester Division – Boston Municipal Court, Clinton District Court.

Back cover images (left to right): Brooke Courthouse (Boston), Essex County Superior Court (Newburyport), Worcester Trial Court, Plymouth Trial Court.

## Massachusetts Trial Court Annual Diversity Report Fiscal Year 2017

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#### Message from Chief Justice & Court Administrator

This first annual report by the Diversity Office is one element of key work underway in the Massachusetts Trial Court that is integral to our ability to build public trust and confidence in the Massachusetts Judicial System.

We have made a commitment to improve the quality of justice in the Commonwealth by addressing issues of diversity, equity, and inclusion in the Trial Court. We have embarked on this work mindful of the fact that this effort must become integrated into our overall mission of "delivering justice with dignity and speed."

We believe in the importance of a workforce that reflects the diversity of the communities we serve. As reflected in this report, all Trial Court departments are gradually becoming more diverse. Probation and Facilities Management, in particular, have diversified their new hires and promotions. Overall, we have made progress but there is more work to be done. We recognize the need to expand our recruitment in partnership with bar associations and community organizations and to support the planning of career paths.

In addition, we cannot provide justice with dignity if persons who work in our system or interact with our system do not feel that they are respected or treated fairly. Our goal is for every judge, clerk, and employee of the Trial Court to feel valued and respected and that we hold each other accountable in ensuring that our users have trust and confidence in our system. We commit to being an organization that is intentionally inclusive and deals directly with issues of race and bias. This means that employees feel safe, are treated fairly and listened to, and that they do the same for court users.

We strive to build trust and a capacity for reflection and collaboration. Research and our own experience have shown that the best way to reduce the expression of bias is to increase the management capacity of the court generally and also to address issues of race and bias head on.

Last spring, we embarked on a strategy for supporting and training local leadership teams – First Justice, Clerk, Chief Probation Officer, and Chief Court Officer. We began with a Courthouse Leadership Pilot group that included the Roxbury Division of the Boston Municipal Court, the Lawrence District Court, and the Brockton District Court. We also formed four working groups of judges, clerks, probation, and security staff to develop and implement initiatives aimed at addressing race and bias. A leadership steering committee is helping us drive these efforts.

In the next phase of our work, we aim to build a culture in which we "lean in" to difficult conversations about race and gender instead of leaning out and avoiding them. This work might be the hardest work we will ever do but it may also be the most important work we ever do in the Trial Court. Culture change is not easy and requires courage, commitment and a willingness to make mistakes.

We look forward to working with internal and external partners as we lead this essential commitment for the 21<sup>st</sup> century courts.

Chief Justice Paula M. Carey

Court Administrator Jonathan S. Williams

#### **Diversity Office and Report Overview**

In 2015, the Trial Court appointed a Chief Experience & Diversity Officer who is responsible for developing and implementing best practices in matters of customer service, workplace engagement among all employees, and the advancement of cultural and diversity awareness in the Trial Court among court staff and the public. The Chief Experience and Diversity Officer, in collaboration with other leaders of the Trial Court, engages in related efforts that foster communication, cooperation, and continuous improvement among Trial Court staff.

This first annual Trial Court report on diversity is intended to foster more transparency and awareness of the Trial Court's overall demographics and work on diversity and inclusion. The Chief Experience and Diversity Officer prepared this report in concert with Human Resources and the Department of Research & Planning. Data includes a snapshot of the Trial Court workforce at the end of fiscal year 2017 (Figure 1), 2017 hirings and promotions by race and by gender (Figure 2), and five-years of data for positions with the largest numbers of staff (Figure 3). In addition, Figures 4 through 11 provide a comparison of court staffing to workforce availability data from the 2010 census which establishes a benchmark or parity level. The report also provides an overview of recent and ongoing initiatives to address issues of race and gender diversity in the Trial Court.

The data indicates that the Trial Court has made progress in employing a workforce that is diverse in race and gender. For most positions where hiring is done by the Trial Court employment levels are at or near the parity levels designated by the 2010 census. Judges and Clerk Magistrates are appointed by the Governor, and Registers and Clerks of Court are elected by county. Work needs to be done to improve recruiting across a range of job categories and to enhance career planning, so that racial and gender diversity improves at all levels of the organization and in all departments. We expect that parity levels will increase with the 2020 census, since statewide diversity has increased.

This report represents an important step in making Trial Court diversity-related data accessible within the court system and beyond. Further analysis of the data by department and county will allow us better to understand what it tells us and to ensure that we are making the necessary gains to move the Trial Court forward into the 21<sup>st.</sup> Century. In FY18, court leaders will expand collaborative efforts with internal and external stakeholders on diversity-related issues. The Trial Court seeks to reflect the communities it serves and to create an environment in which all court users and employees feel supported in their identity and treated with dignity and respect.

#### Demographic Data

Figure 1 provides a demographic profile of court employees at the end of FY17 by select job titles and for the Trial Court as a whole. Overall, 23% of the Trial Court's 6,345 total employees were members of racial/ethnic minority groups and 58% were female. These levels exceed the gender and racial/ethnic composition of the Massachusetts Labor Market as reported in the 2010 census, which provides the benchmarks for the available workforce.

Figure 2 provides the racial/ethnic and gender composition of Trial Court hires, promotions, and separations for FY16 and FY17 to provide a perspective on activity and change over two years.

Court employees self-report their gender, race, and ethnicity during the hiring process. The Human Resources Department contacts a new employee who does not provide that information to request self-identification. If someone declines to respond, HRCMS, the HR management system used by the Commonwealth and Trial Court, uses the category "not specified." HRCMS does track multiple race categories and those who identify more than one race would be reported in the category 'two or more races." Employees may update their ethnic information in the Personal Information Summary in the Commonwealth's SSTA time reporting system. Currently, fewer than ten employees have not reported race information.

		Employees	% Racial/ Ethnic Minority	%Female
Court Officials	Trial Court Chief Justice	8	25%	63%
	Justice	344	11%	41%
	Clerk of Court/Register (Elected)	29	3%	45%
	Clerk Magistrate/Recorder	86	7%	28%
	Assistant Clerk/Judicial Case Manager Assistant JCM/Assistant Register/Deputy Recorder	444	11%	51%
Probation Department	Chief Probation Officer	98	17%	41%
	Assistant Chief Probation Officer	187	21%	46%
	Probation Officer	783	28%	60%
	Associate Probation Officer	140	29%	66%
Security Department	Director, Deputy and Regional Director	7	29%	14%
	Chief Court Officer	41	27%	20%
	Assistant Chief Court Officer	65	25%	18%
	Court Officer	788	27%	20%
	Associate Court Officer	124	32%	27%
Facilities Department	Director/Manager	19	11%	16%
	Maintenance	379	39%	20%
All Departments	Office/Clerical	2,351	23%	86%
Entire Trial Court		6,345	23%	58%
	Massachusetts La (2010 Labor F		21%	49%

## Figure 1: Trial Court Demographic Profile End of FY17, Selected Titles



## Figure 2: Hirings, Promotions, and Separations Racial/Ethnic Minorities and Females, FY16 and FY17

#### **EEO Job Categories**

The Equal Employment Opportunity (EEO) job categories, defined by the federal government, that are relevant for positions at the Trial Court are listed below. These categories are used at the federal level to establish some degree of consistency and comparability across all reporting entities. Census data are reported in EEO categories in order to establish an official source on the percentages of women and diverse candidates in these types of positions in the workforce by state and by county. Data on the availability of women and diverse candidates at the state and local levels is used as a benchmark to assess an organization's effectiveness in recruiting and appointing diverse and female candidates in these job categories.

The statewide availability of Massachusetts residents in the workforce for each federal job category is identified as a 'parity' level in Figures 4 through 11.

- Officials / Administrators Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. Trial Court positions in this category include: *Deputy Court Administrator, Chief Probation Officer, Program Manager, Supervisor of Probation Services, Case Manager.*
- Professionals: Occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background. Trial Court positions in this category include: *Probation Officer, Assistant Clerk/Register, Assistant Chief Probation Officer, Associate Probation Officer, Law Clerk.*
- Elected & Appointed: A subset of the "Professionals" category. Trial Court positions in this category include: Justice, Clerk of Court, Register, Recorder, First Justice, and Chief Justice.
- Office / Clerical: Includes all clerical-type work regard-less of level of difficulty, where the activities are predominantly non-manual though some manual work not directly involved with altering or transporting products is included. Trial Court positions in this category include: *Case Specialist, Probation Case Specialist, Case Coordinator, Sessions Clerk, Operations Supervisor.*
- Protective Service Sworn: Occupations in which workers are entrusted with public safety, security, and protection from destructive forces. Trial Court positions in this category include: *Chief Court Officer, Assistant Chief Court Officer, Court Officer, and Associate Court Officer.*
- Skilled Craft Technicians: Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the process involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Trial Court positions in this category include: *Senior Maintenance Technician*.
- Service Maintenance: Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Trial Court positions in this category include: *Custodian*.

#### Top 25 Titles

The 25 most commonly held positions in the Trial Court represent the largest groups of staff and the data are also reported in the relevant EEO job category.

## Figure 3: Trial Court Employees, Top 25 Job Titles with EEO Job Category % Racial/Ethnic Minority, % Female, End of Year FY13 to FY17

	Total Employees				%	Racial/	/Ethnic	Minor	rity		%	Fema	le	5 2017					
		2014	2015	2016	2017	2013	2014	2015	2016	2017	2013	2014	2015	2016	2017				
Court Officer (Protective Service: Sworn)	831	779	815	804	788	25%	25%	26%	27%	27%	19%	19%	19%	19%	20%				
Probation Officer (Professionals)	771	765	796	804	783	24%	26%	26%	27%	28%	53%	55%	56%	59%	60%				
Case Specialist (Office and Clerical)	618	612	609	618	600	24%	26%	28%	28%	28%	87%	87%	85%	85%	86%				
Assistant Clerk/ Judicial Case Manager	425	443	452	453	445	10%	10%	9%	10%	11%	48%	48%	48%	49%	51%				
Justice (All) (Professionals)	361	374	362	343	352	12%	12%	11%	12%	11%	38%	39%	39%	40%	41%				
Probation Case Spec (Gr 7-10) (Office and Clerical)	262	249	258	292	256	24%	27%	27%	30%	32%	92%	92%	92%	93%	93%				
Custodian (Service Maintenance)	208	211	209	201	208	47%	48%	51%	53%	55%	33%	32%	33%	32%	32%				
Case Coordinator (Gr 12-13) (Office and Clerical)	220	227	223	220	203	15%	16%	18%	18%	18%	93%	92%	91%	91%	91%				

## Figure 3: Trial Court Employees, Top 25 Job Titles with EEO Job Category % Racial/Ethnic Minority, % Female, End of Year FY13 to FY17

	Total Employees				%	Racial	/Ethnic	Minor	ity	% Female					
	2013	2014	2015	2016	2017	2013	2014	2015	2016	2017	2013	2014	2015	2016	2017
Asst. Chief Probation Officer (Professionals)	146	155	139	166	187	25%	25%	23%	22%	21%	42%	43%	41%	42%	46%
Operations Supervisor Gr 14-15 (Office and Clerical)	165	176	178	180	169	150/	16%	16%	19%	21%	90%	91%	92%	93%	94%
Sessions Clerk	105	170	1/0			15%	10%	10%			88%	87%	86%	84%	84%
(Office and Clerical)	167	165	166	169	169	13%	14%	15%	15%	16%					
Associate Probation Officer (Professionals)	139	120	109	83	140	19%	20%	19%	23%	29%	65%	68%	66%	69%	66%
Associate Court Officer (Protective Service: Sworn)	139	138	137	133	124	30%	30%	33%	32%	32%	24%	25%	26%	26%	27%
Clerk/Register/ Recorder ( Professionals)	115	115	115	115	115	5%	5%	6%	6%	6%	33%	32%	32%	32%	32%
Chief Probation Officer (Officials and Administrators)	95	97	96	98	98	16%	14%	16%	17%	17%	31%	33%	34%	39%	41%
Office Manager (Gr 16) (Office and											91%	92%	92%	94%	92%
Clerical)	89	93	95	94	93	12%	11%	12%	13%	15%					

#### **Total Employees** % Racial/Ethnic Minority % Female 2013 2014 2015 2016 2017 2013 2014 2015 2016 2017 2013 2014 2015 2016 2017 96% 95% 98% 97% 97% Judicial Secretary (Gr 12-13) (Office and Clerical) 23% 24% 24% 23% 18% 89 93 90 93 88 Prob Office 99% 98% 99% 99% Manager (Gr16) (Office and Clerical) 10% 10% 10% 9% 79 82 83 86 86 8% 93% 92% 90% 91% 90% Head Account Clerk (Office and Clerical) 14% 13% 11% 9% 80 81 84 10% 71 77 92% 91% 90% 91% 89% Head Administrative Assistant (Office and Clerical) 10% 11% 13% 13% 87 82 83 80 77 9% Assistant Chief Court Officer (Protective 29% 25% 25% 25% 19% 21% 18% 16% 18% Service: Sworn) 13% 51 57 65 47 50 Probation Case 98% 98% 97% 97% 97% Coord (Gr12-13) (Office and 30% 21% 20% 21% 20% Clerical) 91 82 75 66 61 Sr Maintenance Tech (Gr 13-14) (Skilled Craft) 11% 9% 10% 9% 7% 45 47 41 49 44 80% 77% Child Support 77% 72% 67% Processing Clerk (Office and 36% 33% 29% 22% 17% Clerical) 50 53 52 53 46 Asst Court Service Coordinator (Office and 19% 20% 17% 19% Clerical) 16% 17% 17% 11% 14% 14% 44 48 46 42 43

# Figure 3: Trial Court Employees, Top 25 Job Titles with EEO Job Category % Racial/Ethnic Minority, % Female, End of Year FY13 to FY17

#### Comparison of Workforce by Federal EEO Category

The EEO categories that include the largest numbers of Trial Court employees were reviewed to compare race and gender composition to the applicant pool availability identified by the 2010 Census: Office and Clerical, Officials and Administrators, Professionals, Elected and Appointed, Protective Service: Sworn, Service Maintenance, Skilled Craft, and Technicians.

The racial and gender data in these EEO categories is examined within five large Trial Court employment areas or departments:

- Executive Office / Office of Court Management
- Court Departments, including Department Administrative Offices
- Facilities Management
- Security
- Mass. Probation Service / Office of Community Corrections

Figures 4 through 11 summarize the data for each EEO Category, including:

- percentage of racial/ethnic minority and female staff by department along with the composition of the available applicant pool (Parity/Goal) identified by the 2010 Census;
- total number of employees, as well as the number of minority and female employees;
- most common job titles within the category and the percentage of those titles held by minority and female employees. Data are from the last payroll of Fiscal Year 2017.

A summary of findings by EEO Category follows. "Parity" represents the racial or gender composition of the available workforce in that EEO category, according to the 2010 census:

#### Officials and Administrators

In terms of racial diversity, the profile of Trial Court staff in this category falls above parity in the five areas examined. The total number of female staff in this category is small in the Facilities and Security departments and female representation there falls below the parity level.

#### Professionals

The racial diversity of Trial Court staff in this category falls below the parity level in three of the five areas examined. Female representation is at or above parity in three of the areas.

#### **Professionals - Elected and Appointed**

A sub-category of *professionals*. The representation of race and gender among Trial Court elected and appointed professionals falls below the parity levels of workforce availability in the category of professionals, according to census data.

#### Office and Clerical

The demographic profile of Trial Court staff in this category is above or near the parity level - availability of candidates in the workforce - both in terms of racial diversity and female representation.

#### Protective Service: Sworn

In the Trial Court job titles in the Security Department that comprise this category, racial and gender representation are above parity levels.

#### Service Maintenance

In the Trial Court job titles in the Facilities Department that comprise this category, racial diversity is above the parity level and female representation is below the parity level.

#### Skilled Craft

The profile of the 49 Trial Court positions in this category fall below general workforce parity levels both in terms of racial diversity and female representation.

#### Technicians

27 Trial Court positions fall into the category of Technician, mainly in Facilities and OCM. This group is above the parity level in terms of racial diversity and below parity in female representation.

## Figure 4: Officials and Administrators, June 2017



## Figure 5: Professionals, June 2017



## Figure 6: Professionals - Elected and Appointed, June 2017



## Figure 7: Office and Clerical, June 2017



### Figure 8: Protective Service: Sworn, June 2017

(<u>Parity</u> - 2010 Census estimation of available workforce that is racial/ethnic minority or female in this job category.)





### 3. Top 5 Job Titles, % Employees Racial/Ethnic Minority, Female

					Female		
	Total	R/E M	% R/E M	Parity	Employees	%Female	Parity
Protective Service: Sworn	1,016	278	27.4%	17.9%	207	20.4%	13.7%
Court Officer II	333	92	27.6%	17.9%	61	18.3%	13.7%
Court Officer III	288	65	22.6%	17.9%	62	21.5%	13.7%
Court Officer I	167	54	32.3%	17.9%	31	18.6%	13.7%
Associate Court Officer	124	40	32.3%	17.9%	33	26.6%	13.7%
Assistant Chief Court Officer	65	16	24.6%	17.9%	12	18.5%	13.7%

### Figure 9: Service Maintenance, June 2017

(Parity - 2010 Census estimation of available workforce that is racial/ethnic minority or female in this job category.)



20.0%

Facilities Supervisor III

## Figure 10: Skilled Craft, June 2017



## Figure 11: Technicians, June 2017



#### **Recent and Ongoing Trial Court Efforts Focused on Diversity**

#### Developed Signature Counter Experience Training

The Trial Court introduced the Signature Counter Experience training program to all court departments in 2015. The program was developed in recognition of the fact that most court users experience the court system through Clerks / Registers offices, but the program includes Probation and those who work in the courtroom. Ensuring that litigants have a positive experience throughout the courthouse is critical to the trust and confidence that the public has in the system overall.

The program helps to identify challenges that staff, particularly on the front line, face while trying to meet the needs of the public. Court staff, including judges and clerks, participate in the program as a team to examine and better understand the interactions among themselves, as well as their interactions with court users. This program supports and strengthens the provision of better customer service and includes discussion on how biases of court staff and court users may affect these interactions and court users' perceptions of fairness.

#### Conducted All-Court Conference on Race & Implicit Bias

The Supreme Judicial Court, the Appeals Court and the Trial Court co-sponsored a judicial conference on race and implicit bias in September 2015 with the support of the Flaschner Institute. More than 300 judges attended the all-day event, which fostered ideas for ways to address racial biases in the court system and society. Based on feedback from small group discussion, a number of action steps were taken, including the development of implicit bias benchcards by each department. These benchcards have been shared with all judges and magistrates and are posted on the Trial Court website at mass.gov/courts.

#### Formed Leadership Committees

Each Departmental Chief Justice formed a committee or designated an existing committee to examine issues related to race and implicit bias within the department and to develop learning opportunities at each departmental conference. The committees enable each department to continue the discussion and identify data to help understand these issues more clearly. The chairs of each departmental committee form an oversight committee called the Trial Court Race and Implicit Bias Advisory Committee (TRIBAC), which has met monthly since March 2016 to share ideas, resources, practices and strategies.

#### Appointed Diversity Officer

In 2016 the Trial Court appointed a Chief Experience & Diversity Officer and in 2017 appointed an Administrative Attorney for Diversity to review hiring practices, conduct data analysis and investigations, and focus on recruiting and retention. This team is helping the Trial Court expand the use of targeted recruiting and build relationships with the Affinity Bar associations. Additionally, court departments have reached out to local law schools with the goal of trying to introduce students to the court system, not only for internships but for employment after graduation. Using the FY17 diversity data, the Diversity Office will actively seek to increase the diversity of the applicant pools to help court departments meet or exceed parity levels. Going forward the Diversity Office will partner with Court Departments, Human Resources, and Affinity Groups to meet strategic goals.

#### **Building Leadership Capacity**

The Trial Court has worked with the Columbia Law School Center for Institutional and Social Change since 2016 on the issue of race and cultural change. Columbia structured an initiative based on research and experience that indicate that cultural change can be successful only when these issues are integrated into ongoing operations to embed the values and principles of equity and inclusion into the organization's daily work. Experts from Columbia interviewed a wide range of court leaders and conducted management leadership training. They then piloted a program to build the skills and capacity of local leaders – judges, clerks, chief probation officers and chief court officers – to recognize and respond when issues of race, bias and diversity are raised. The six-month pilot involved the leadership teams of three courts and efforts are underway to expand the effort through a regional leadership development program.

#### Developing Transgender Training

In 2017 the Trial Court began the development of an online training to provide a better understanding of transgender people who interact with our courts as court users or employees, and to share our expectation and best practices for interacting with them with dignity and respect, whether they are litigants, jurors, witnesses, other members of the public, attorneys, or colleagues.

#### Increasing Education & Training

Signature Counter Experience 2.0 is being developed in FY18 to specifically address issues of race. Training on Equal Employment Opportunity (EEO) for managers will ensure understanding and compliance with policy. Diversity training for court staff will build better understanding of the multitude of diversity and why it matters. Anti-bullying training as well as Cultural Competency training will broaden the understanding of how people of different cultures may approach the world in different ways and increase awareness of what that means for the court system.

#### **Building Cultural Awareness and Appreciation**

The Mass. Probation Service, as part of its strategic planning efforts, has focused on cultural competency and identified over 100 volunteers to serve as Cultural Proficiency Champions. MPS also conducted an LGBTQ training program for department managers. In September 2017, the Trial Court and Mass. Probation Service held a statewide day of cultural sharing at 60 locations that included food, music, clothing, and dance. Plans for 2018 will expand the celebration of diversity to a week of activities that also engage local communities.



Executive Office of the Trial Court John Adams Courthouse, RM 1M One Pemberton Square Boston, Massachusetts 02108-1724

http://www.mass.gov/courts