



Annual Diversity Report

Massachusetts Trial Court

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Fiscal Year 2021

STATEMENT FROM CHIEF JUSTICE AND COURT ADMINISTRATOR

Our fifth annual Diversity Report shares the work this year in continuing to integrate diversity, equity, and inclusion in all that we do. The Trial Court has made progress but there is more work to achieve our objective of a fair and equitable system where all persons are treated with dignity and respect.

The past two years have been challenging for the courts. We continue to navigate the global COVID-19 pandemic and grapple with the racial awakening in our country. And, in addition to these challenges, the entire judicial branch continues to mourn the loss of Supreme Judicial Court Chief Justice Ralph Gants who died suddenly in September 2020. Justice Gants was a strong advocate for racial equity in the justice system. He worked tirelessly in support of making the courts accessible and equitable, having authored numerous opinions about the rights of all persons to a fair and just experience with our courts.

While it is hard to move forward after such a profound loss, we want to recognize the history made when Justice Kimberly Budd was confirmed as Chief Justice of the Supreme Judicial Court. Justice Budd is now the first Black female Chief, the second female Chief, and second Black Chief of the Supreme Judicial Court. Chief Justice Budd is the right person at the right time to move the Court forward and continue the legacy of Chief Justice Gants, while still creating her own.

To achieve the goal of ensuring that all who come to our courts are treated with dignity and respect we must be willing to have the difficult discussions necessary to ensure we reach our goal. The work may not be easy, and we may not get it right every time, but we need to be willing to listen and continue the discussion. Striving for racial equity, dignity, and respect for all is critical work that we must do in order to succeed in our mission to provide for the fair and impartial administration of justice. As a court system, we will continue to lean into discomfort, while encouraging and facilitating important conversations about systemic racism and inequities in our justice system.

It is our duty to continue to examine our practices, policies, and procedures to identify and root out bias in all forms. Everyone interacting with our courts – internally and externally – should feel respected and heard at all times. We ask you for feedback about your experiences in our courts and your ideas on how we can improve the court experience for everyone. Collectively, we will build a more equitable system.

We are proud to lead an organization dedicated to continuous improvement in the delivery of justice. It is the daily work of judges, clerks, court officers, probation officers, administrative staff, and facilities crews that makes it possible for us to be successful and to reach our organizational goals.

We, as a Trial Court, are committed to achieving racial equity and justice for all. Please join us. As a collective whole we can achieve great things.



Paula M. Carey
Chief Justice of the Trial Court



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MISSION STATEMENT OF THE MASSACHUSETTS TRIAL COURT

The Trial Court is committed to:

- fair and impartial administration of justice;
- protection of constitutional and statutory rights and liberties;
- equal access to justice for all in a safe and dignified environment with policies and practices that strengthen and support diversity, equity and inclusion;
- efficient, effective, and accountable resolution of disputes;
- prompt and courteous service to the public by committed and dedicated professionals utilizing best practices in a manner that inspires public trust and confidence.

THE EXECUTIVE OFFICE OF THE TRIAL COURT

The Executive Office of the Trial Court (EOTC) is led by the Chief Justice of the Trial Court and the Court Administrator. EOTC oversees judicial and court operations, including the Office of Court Management. EOTC works with the seven Trial Court Departments and Commissioners of Probation and Jury to implement policies and initiatives that promote an environment of continuous improvement and ensure the most effective use of resources to allow the delivery of quality justice. EOTC also oversees the development and implementation of strategic planning for the Trial Court.

OVERVIEW

This fifth Annual Diversity Report aims to continue sharing the Trial Court's efforts towards advancing diversity, equity, and inclusion in Fiscal Year 2021 (FY21). Diversity, equity, and inclusion remains an integral part of the Trial Court's strategic efforts and vision, where all are welcome and unfailingly treated with dignity and respect.

Over the past year, the Trial Court has performed several actions to build a more inclusive and equitable workforce. These actions include increased community outreach, expanded professional learning and development for leadership and court staff, and research to understand the court user experience.

Data shared in this report includes a snapshot of the Trial Court workforce at the end of FY21 (Figure 1), total hires and promotions by race and by gender in FY21 (Figure 2), and five years of data for positions with the largest number of staff. This report also contains an overview of staffing in the offices and departments of the Trial Court (Figures 4-14). A comparison of overall court staffing to Equal Employment Opportunity (EEO) workforce availability can be found on pages 12 and 13. Along with demographic data, the report includes information on translation services (Figure 15), Court Service Centers, and juror utilization (Figure 16). Aggregate data on complaint disposition is also available (Figure 17).

In Fiscal Year 2022 (FY22), the Trial Court will continue to expand outreach to listen to and acknowledge the experiences of our community members with the justice system. Plans for FY22 include the development of *Strategic Plan 4.0*, offering professional learning and development opportunities to our court staff, expanding recruitment efforts to hire and promote a diverse workforce, and continuing to engage with audiences through listening sessions. The Trial Court is committed to reexamining current practices, recognizing challenges, and acting to eradicate disparities.

CURRENT & ONGOING EFFORTS

STRATEGY AND OPERATIONS

Policies Governing Sexual Harassment and Discrimination

The Trial Court launched new mandatory online training in FY21 that educates employees on the *Policy Prohibiting Discrimination, Harassment and Retaliation, and Complaint Resolution Procedures*. This training is the outcome of cross-department work in revising internal procedures to investigate complaints in the Trial Court. This work helped to reemphasize the Trial Court's commitment to creating an inclusive workplace that is free from unlawful discrimination. This training is now a requirement for all new Trial Court employees to complete within the first four months of employment. To date, 95% of employees have completed this training. Efforts are in place to bring this number to 100%.

Guidelines for Discussions Around the Impact of Race in Society and the Workplace

In FY21, the Trial Court shared its *Guidelines for Discussions Around the Impact of Race in Society and the Workplace*. To ensure a more fair and equitable justice system, the Court is working with staff to develop their ability to discuss the impact of race in society and the workplace. This guidance document was developed in response to an emerging need from Trial Court leadership, managers and supervisors who wanted to acknowledge the racial awakening in our country over the last 18 months and to help managers deal directly and compassionately with their staff. The *Guidelines* were designed to support and direct leaders, managers, and supervisors in how to facilitate conversations about race with their teams.

Throughout 2021, five virtual sessions were held where participants had the opportunity to discuss topics and learn strategies based on the *Guidelines*. These virtual sessions also provided the opportunity for peers to share ideas on how to further develop their capacities for discussing race with their colleagues in the workplace. An additional session was provided to socialize the content of the program with Human Resources personnel through department teambuilding.

National Association for Presiding Judges and Court Executive Officers (NAPCO) Webinar: Meaningful Strategies to Combat Systemic Racism in Trial Courts (Part III)

In September 2020, the Trial Court participated in a NAPCO panel discussion with members of the Oregon judiciary discussing action plans and lessons learned by two court systems in their efforts to tackle racism in their justice systems.

Massachusetts Bar Association (MBA) Workshop: Challenging Implicit Bias in the Probate and Family Court

In December 2020, the Office of Diversity, Equity, Inclusion and Experience (ODEIE) co-facilitated a virtual workshop for members of the MBA teaching them how to recognize internal implicit biases and sharing strategies in how to minimize its impact in the context of Probate and Family Court matters.

2021 NAPCO Court Leadership Conference:

Leading with Trust and Collaboration in a Post-COVID World

In August 2021, the Trial Court hosted NAPCO's annual national Conference virtually. The conference focused on sharing best practices in building positive, productive, trusting, and collaborative relationships within complex judicial environments. Speakers (including members of the Massachusetts judiciary) presented on research and work currently happening to build public trust and confidence in the criminal justice system. Trial Court leaders shared their work and efforts to build capacity in leaders across the organization.

PROFESSIONAL LEARNING AND DEVELOPMENT

Beyond Intent: Understanding the Impact of Your Words and Actions

Beyond Intent: Understanding the Impact of Your Words and Actions is a training program addressing the negative impact of micro-aggressions and gives participants the opportunity to develop the necessary skills to improve communication and team dynamics. In FY21, ODEIE facilitated 25 sessions with the Office of Community Corrections, Probation Department, senior managers within the Security Department, and select community courts with bar and affinity bar members to provide perspective regarding the internal conversations that individual courts are having.

Cultural Awareness and Racial Empathy (CARE) Training

Cultural Awareness and Racial Empathy (CARE) is a training program that allows court employees to reflect on how their role identities play in their personal and professional lives to better support them in their work with court users. In FY21 the Trial Court developed this new program focused on cultural experiences and racial empathy. Like the Signature Counter Experience program, this program will be facilitated at individual courthouses and involve the entire court team. During FY21, three virtual sessions were facilitated with members of Middlesex Superior Court. It is our intention to implement this training as a mandatory program for all Trial Court personnel.

INFORMATION GATHERING AND SHARING

Bentley University Collaboration

In Fall 2020, Bentley University graduate students conducted virtual research studies within the Trial Court where they observed the following court activities: virtual court proceedings, virtual Spanish interpretation, and virtual registry/clerk's office operations.

Virtual court proceeding observations were done in the Woburn District Court where students conducted an observation of the public access line, observed virtual court hearings, and interviewed litigants, attorneys, judges, and court personnel to gain an understanding of the proceedings and the potential impact on litigants.

Virtual Spanish interpretation observations were done over two and a half months. The goal of this study was to identify challenges with remote interpretation services throughout the court system

and to provide recommendations to support the court in ensuring the fair and equitable delivery of justice for Limited English Proficiency (LEP) litigants.

Virtual registry observations consisted of looking at the process for court users to virtually attend a Zoom meeting to receive assistance in handling court-related matters. This study was conducted over eight weeks where the students reviewed the Essex County Probate and Family Court's virtual registry to gain an understanding of the overall user experience through 125 unique interactions with participants.

Following the observation periods in each study, the Bentley team provided a study report to court leaders that encompassed recommendations where the court can work to improve the remote court user experience. Each report also includes information about the advantages and disadvantages of the virtual experience for all involved parties – litigants, attorneys, judges, and court personnel – and identifies areas to consider for further research, as the court continues to expand its use of virtual engagement and services.

ENGAGEMENT AND OUTREACH

Employee Engagement

Cultural Appreciation Week

In October 2020, the Trial Court celebrated its third statewide Cultural Appreciation Week with the theme, "We Rise by Lifting Others." The events were held virtually due to the ongoing pandemic. However, the celebrations still included food and clothing drives across the state where courts collected donations for local shelters and pantries, in addition to naturalization ceremonies, slam poetry readings, trivia games, cultural recipe swaps, lecture and movie viewings. The events created the opportunity for Trial Court personnel to engage in dialogues about what culture means to them in a supportive and safe space.

CONVERSATIONS ON RACE:

The Asian American and Pacific Islander Experience

In response to the rising occurrences of hate crimes against members of the Asian American and Pacific Islander (AAPI) community, in April 2021 the Trial Court facilitated three virtual sessions for court personnel to participate in an open dialogue about this topic. These forums provided a safe space for Trial Court and Appellate Court judges and employees, Asian American and Pacific Islander colleagues, colleagues of color, and allies and supporters to have candid conversations about race and the unique experiences of AAPI.

The Latinx Experience

To honor and bring awareness to National Hispanic and Latin American Heritage Month held annually Sept. 15 through Oct. 15, a voluntary continuing education program for Trial Court and Appellate Court judges and employees was developed to facilitate a dialogue about the Hispanic and Latinx experience. Like the AAPI Experience forum, this virtual forum provided a space to hear from court colleagues about their lives and the beauty and challenges they have experienced as

members of the Hispanic/Latinx community. After hearing personal reflections, attendees participated in small group discussions about what we – as individuals and collectively as a court system – can do to learn more about different cultural backgrounds and experiences. Future sessions are being coordinated and scheduled for 2022.

Women’s History Month Celebration

In March 2021, the Trial Court hosted a virtual Women’s History Month celebration. Court leaders and other prominent women in law, government, the media, and community organizing spoke to members of the Trial Court to honor women’s history and empower those within the court system and communities of their power to lead and create change.

Community Engagement

Community Listening Sessions

Throughout FY21, the Trial Court continued to hold external listening sessions with the community to hear about their firsthand experience with the courts. Trial Court Chief Justices engaged in virtual sessions with court personnel discussing current issues impacting race and justice, such as racial disparities in the criminal justice system and ways that departments are addressing issues of race to provide equal access for court users. These sessions had great interest with over 500 participants.

Black History Month Listening Session

In February 2021, the Trial Court hosted its second Black History Month listening session, a virtual conversation “Confronting Racism in the Courts.” This session invited community members, justice system stakeholders, and internal court personnel to ask questions and share their perspective on how the court could continue to tackle systemic racism to achieve justice for all.

During these listening sessions, court leaders shared individual remarks on the importance of these continued dialogues, as well as their plans to continue driving Diversity, Equity, and Inclusion (DEI) efforts within their court departments via the Massachusetts Trial Court’s public YouTube page. Local leaders continued to organize and facilitate community conversations on race and justice throughout the year using the virtual format. Some administrative offices organized similar discussions on race and identity for their personnel to participate in, centered on what can be done internally to improve the experience of personnel who may feel marginalized.

TRIAL COURT DEMOGRAPHIC DATA

The overall number of Trial Court employees in FY21 was 6,152. The number of racially/ethnically diverse Trial Court employees decreased by 9 or 0.5%, from 1,643 to 1,634. The number of female Trial Court employees decreased by 53 or 1.4%, from 3,666 to 3,613.

Figure 1
Trial Court Demographic Profile, Year-End FY2021, Selected Titles

		Total	% R/E Diversity	% Female
Court Officials	Trial Court Chief Justice	8	13%	38%
	Justice	350	12%	45%
	Clerk of Court/Register (Elected)	29	7%	45%
	Clerk Magistrate/Recorder	86	6%	34%
	Assistant Clerk/Judicial Case Manager/Asst Judicial Case Manager/Assistant Register/De..	445	14%	54%
Probation Department	Chief Probation Officer	99	22%	45%
	Assistant Chief Probation Officer	176	22%	45%
	Probation Officer	679	29%	59%
	Associate Probation Officer	201	41%	74%
Security Department	Director, Deputy, and Regional Director	8	25%	25%
	Chief Court Officer	37	24%	16%
	Assistant Chief Court Officer	72	26%	19%
	Court Officer	709	28%	19%
	Associate Court Officer	133	35%	30%
Facilities Department	Director/Manager	16	6%	6%
	Maintenance	365	45%	27%
All Court Departments	Office/Clerical	2,198	27%	85%
Entire Trial Court		6,152	27%	59%
Massachusetts Labor Market (2014-2018 Equal Employment Opportunity Tabulation)			23%	49%

EQUAL EMPLOYMENT OPPORTUNITY 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 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.

Officials and 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*.

Professionals – 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 regardless 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*.

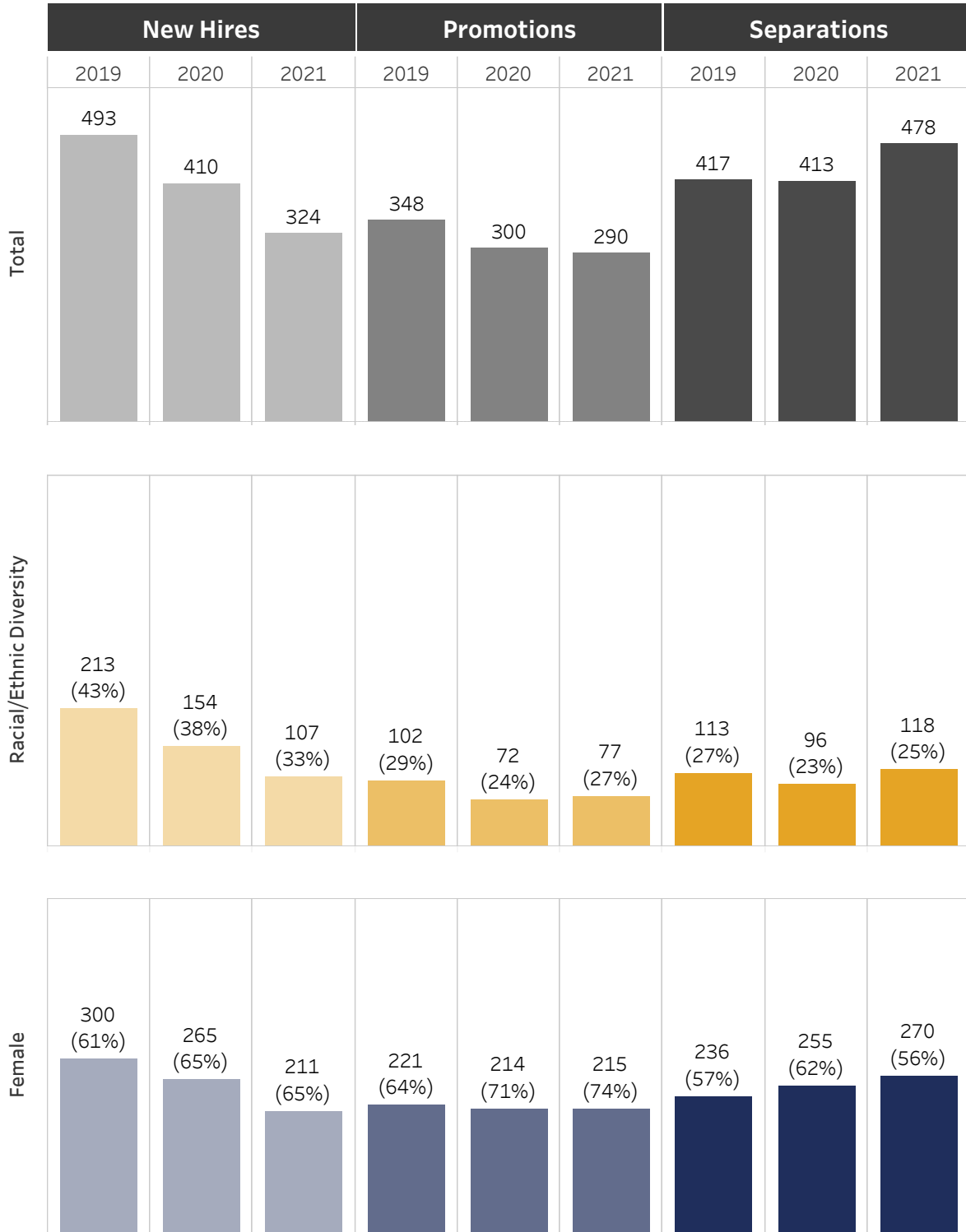
Skilled Craft: Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the process involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Trial Court positions in this category include *Senior Maintenance Technician*.

Technicians: Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or

through equivalent on-the-job training. Trial Court positions in this category include *Facilities Systems Supervisor*.

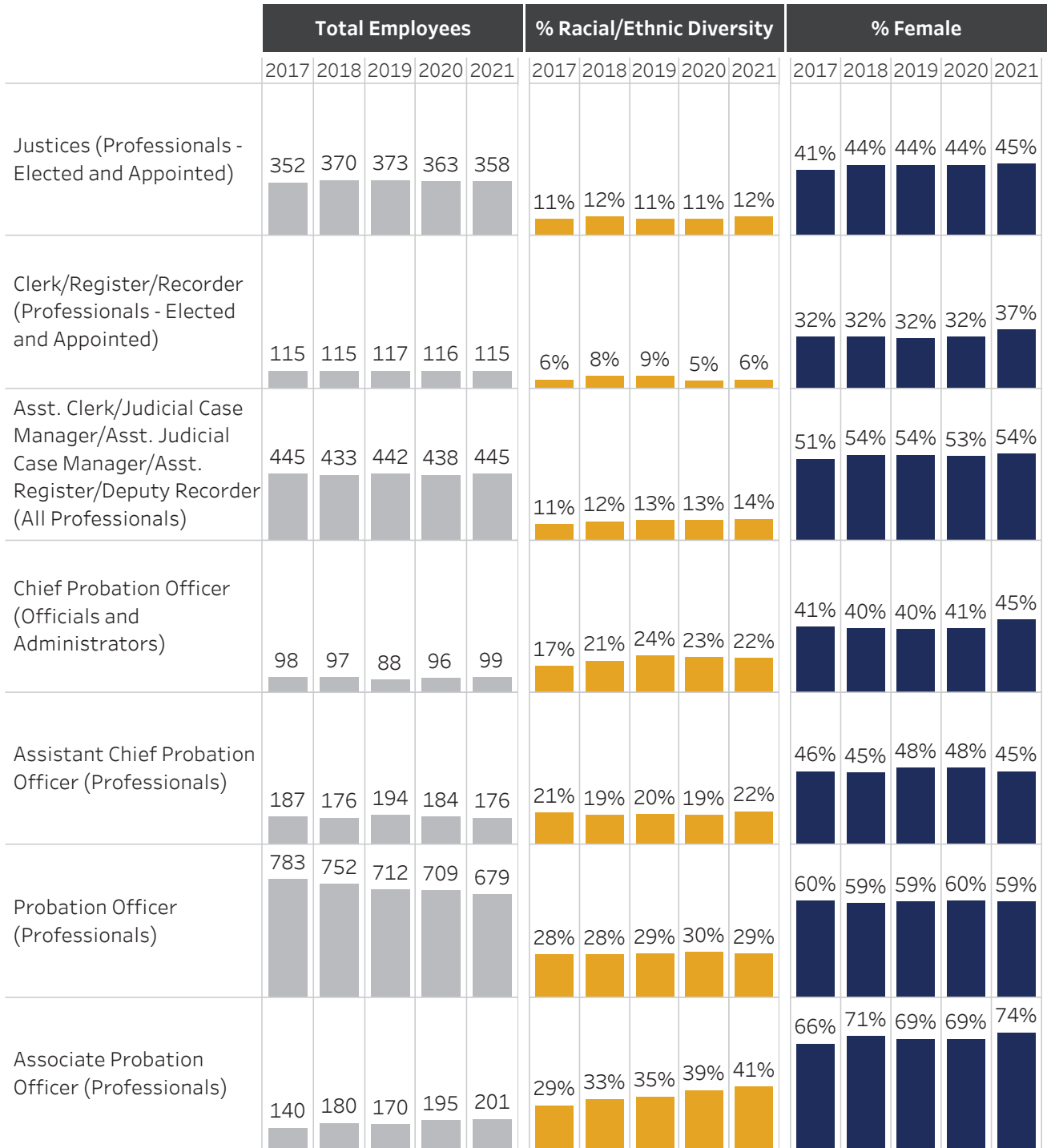
Service Maintenance: Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene, or safety of the general public or which contribute to the upkeep and care of buildings, facilities, or grounds of public property. Workers in this group may operate machinery. Trial Court positions in this category include *Custodian*.

Figure 2
FY19-FY21 Hirings, Promotions, and Separations
Racial/Ethnic Diversity and Females



**Figure 3: Trial Court Employees, Top 25 Titles with EEO Category
% Racial/Ethnic Diversity, % Female, End of FY2017 to FY2021**

(In order to view related positions together, titles are displayed in the same order as in Figure 1.)



**Figure 3: Trial Court Employees, Top 25 Titles with EEO Category
% Racial/Ethnic Diversity, % Female, End of FY2017 to FY2021**

(In order to view related positions together, titles are displayed in the same order as in Figure 1.)

	Total Employees					% Racial/Ethnic Diversity					% Female				
	2017	2018	2019	2020	2021	2017	2018	2019	2020	2021	2017	2018	2019	2020	2021
Probation Office Manager (Office and Clerical)	86	86	86	83	87	9%	12%	14%	16%	17%	99%	99%	99%	99%	98%
Assistant ELMO Coordinator (Office and Clerical)	78	76	41	41	40	26%	24%	34%	34%	30%	54%	47%	46%	51%	50%
Probation Case Coordinator (Office and Clerical)	61	56	59	56	55	30%	29%	32%	36%	36%	97%	98%	98%	98%	98%
Probation Case Specialist (Office and Clerical)	256	257	241	236	244	32%	34%	34%	32%	33%	93%	91%	89%	90%	89%
Assistant Chief Court Officer (Protective Service: Sworn)	65	63	75	75	72	25%	27%	25%	28%	26%	18%	19%	20%	19%	19%
Court Officer (Protective Service: Sworn)	788	794	751	713	709	27%	27%	28%	28%	28%	20%	19%	19%	18%	19%
Associate Court Officer (Protective Service: Sworn)	124	138	141	162	133	32%	32%	33%	34%	35%	27%	29%	30%	30%	30%
Senior Maintenance Technician (Skilled Craft)	49	51	50	51	46	10%	14%	16%	16%	15%	0%	0%	0%	0%	0%
Custodian (Service Maintenance)	208	202	205	212	201	55%	58%	60%	63%	66%	32%	36%	38%	42%	44%

**Figure 3: Trial Court Employees, Top 25 Titles with EEO Category
% Racial/Ethnic Diversity, % Female, End of FY2017 to FY2021**

(In order to view related positions together, titles are displayed in the same order as in Figure 1.)

	Total Employees					% Racial/Ethnic Diversity					% Female				
	2017	2018	2019	2020	2021	2017	2018	2019	2020	2021	2017	2018	2019	2020	2021
Head Administrative Assistant (Office and Clerical)	77	70	67	66	58	13%	14%	15%	17%	12%	91%	91%	91%	91%	91%
Office Manager (Office and Clerical)	93	97	102	103	104	15%	18%	21%	21%	24%	92%	93%	93%	93%	94%
Assistant Court Service Coordinator (Office and Clerical)	43	42	41	41	41	19%	21%	24%	24%	24%	14%	14%	17%	17%	17%
Operations Supervisor (Office and Clerical)	169	170	166	171	170	21%	22%	22%	23%	24%	94%	93%	93%	91%	92%
Sessions Clerk (Office and Clerical)	169	184	198	202	198	16%	18%	18%	20%	23%	84%	84%	86%	85%	86%
Judicial Secretary (Office and Clerical)	88	83	83	83	85	24%	23%	23%	24%	20%	95%	95%	95%	95%	95%
Head Account Clerk (Office and Clerical)	84	82	80	82	84	14%	17%	19%	20%	14%	92%	90%	90%	90%	88%
Case Coordinator (Office and Clerical)	203	206	208	204	192	18%	20%	22%	22%	26%	91%	92%	89%	90%	89%
Case Specialist (Office and Clerical)	600	590	580	583	537	28%	30%	34%	33%	34%	86%	83%	85%	85%	83%

COMPARISON TO EEO WORKFORCE BY CATEGORY

Officials and Administrators

- The total number of Officials and Administrators increased by 4 or 1.6%. The number of racially/ethnically diverse Officials and Administrators remains at 56 (22.9% to 22.5% of total Officials and Administrators). The percentage of racially/ethnically diverse Officials and Administrators remains above parity (15.3%).
- The number of female Officials and Administrators increased by 5 from 119 to 124 (48.6% to 49.8% of total Officials and Administrators). This represents a 4.2% increase in the number of female Officials and Administrators. The percentage of female Officials and Administrators remains above parity (44.7%).

Professionals

- The total number of Professionals decreased by 16 or 0.8%. The number of racially/ethnically diverse Professionals increased by 1 from 486 to 487 (25.3% to 25.6% of total Professionals). This represents a 0.2% increase in the number of racially/ethnically diverse Professionals. The percentage of racially/ethnically diverse Professionals remains above parity (19.9%).
- The number of female Professionals increased by 4 from 1,115 to 1,119 (58.1% to 58.8% of total Professionals). This represents a 0.4% increase in the number of female Professionals. The percentage of female Professionals remains above parity (56.0%).

Professionals – Elected and Appointed

- The total number of Elected and Appointed Professionals decreased by 6 or 1.3%. The number of racially/ethnically diverse Elected and Appointed Professionals increased by 6 from 45 to 51 (9.4% to 10.8% of total Elected and Appointed Professionals). This represents a 13.3% increase in the number of racially/ethnically diverse Elected and Appointed Professionals. The percentage of racially/ethnically diverse Elected and Appointed Professionals remains below parity (19.9%).
- The number of female Elected and Appointed Professionals increased by 6 from 196 to 202 (40.9% to 42.8% of total Elected and Appointed Professionals). This represents a 3.1% increase in the number of female Elected and Appointed Professionals. The percentage of female Elected and Appointed Professionals remains below parity (56.0%).

Office and Clerical

- The total number of Office and Clerical staff decreased by 61 or 2.7%. The number of racially/ethnically diverse Office and Clerical staff decreased by 2 from 604 to 602 (26.7% to 27.3% of total Office and Clerical staff). This represents a 0.3% increase in the number of racially/ethnically diverse Office and Clerical staff. The percentage of racially/ethnically diverse Office and Clerical staff remains above parity (20.5%).
- The number of female Office and Clerical staff decreased by 64 from 1,938 to 1,874 (85.5% to 85.0% of total Office and Clerical staff). This represents a 3.3% increase in the number of

female Office and Clerical staff. The percentage of female Office and Clerical staff remains above parity (62.6%).

Protective Service: Sworn

- The total number of Protective Service: Sworn staff decreased by 40 or 4.0%. The number of racially/ethnically diverse Protective Service: Sworn staff decreased by 11 from 284 to 273 (28.7% to 28.7% of total Protective Service: Sworn staff). This represents a 3.9% increase in the number of racially/ethnically diverse Protective Service: Sworn staff. The percentage of racially/ethnically diverse Protective Service: Sworn staff remains above parity (21.4%).
- The number of female Protective Service: Sworn staff decreased by 3 from 199 to 196 (20.1% to 20.6% of total Protective Service: Sworn staff). This represents a 1.5% increase in the number of female Protective Service: Sworn staff. The percentage of female Protective Service: Sworn staff remains above parity (13.6%).

Service Maintenance

- The total number of Service Maintenance staff decreased by 14 or 4.5%. The number of racially/ethnically diverse Service Maintenance staff decreased by 3 from 157 to 154 (50.8% to 52.2% of total Service Maintenance staff). This represents a 1.9% increase in the number of racially/ethnically diverse Service Maintenance staff. The percentage of racially/ethnically diverse Service Maintenance staff remains above parity (34.5%).
- The number of female Service Maintenance staff decreased by 2 from 98 to 96 (31.7% to 32.5% of total Service Maintenance staff). This represents a 2.0% increase in the number of female Service Maintenance staff. The percentage of female Service Maintenance staff remains below parity (46.1%).

Skilled Craft

- The total number of Skilled Craft staff decreased by 5 or 9.8%. The number of racially/ethnically diverse Skilled Craft staff decreased by 1 from 8 to 7 (15.7% to 15.2% of total Skilled Craft staff). This represents a 12.5% increase in the number of racially/ethnically diverse Skilled Craft staff. The percentage of racially/ethnically diverse Skilled Craft staff is below parity (18.9%).
- The Trial Court continues to have no female Skilled Craft staff. The percentage of female Skilled Craft staff remains below parity (7.5%).

Technicians

- The total number of Technicians increased by 1 or 3.4%. The number of racially/ethnically diverse Technicians increased by 1 from 3 to 4 (10.3% to 13.3% of total Technicians). This represents a 33.3% increase in the number of racially/ethnically diverse Technicians. The percentage of racially/ethnically diverse Technicians remains below parity (31.0%).
- The number of female Technicians increased by 1 from 1 to 2 (3.4% to 6.7% of total Technicians). The percentage of female Technicians remains below parity (49.2%).

DEMOGRAPHICS BY COURT DEPARTMENT

Figures 4 through 14 contain demographic data of staff by race/ethnicity and gender in the Executive Office and Office of Court Management, seven Court Departments, Massachusetts Probation Service, Facilities Management, and the Security Department, a comparison of staff to the total available workforce in each EEO job category, and the most common job titles held in each office/department.

Figure 4: Executive Office of the Trial Court/Office of Court Management, June 2021

(Subtotals may not sum to 100% due to employees for whom race/ethnicity or gender is unknown; P = Parity - Census estimation of available workforce that is racially/ethnically diverse or female in this job category.)

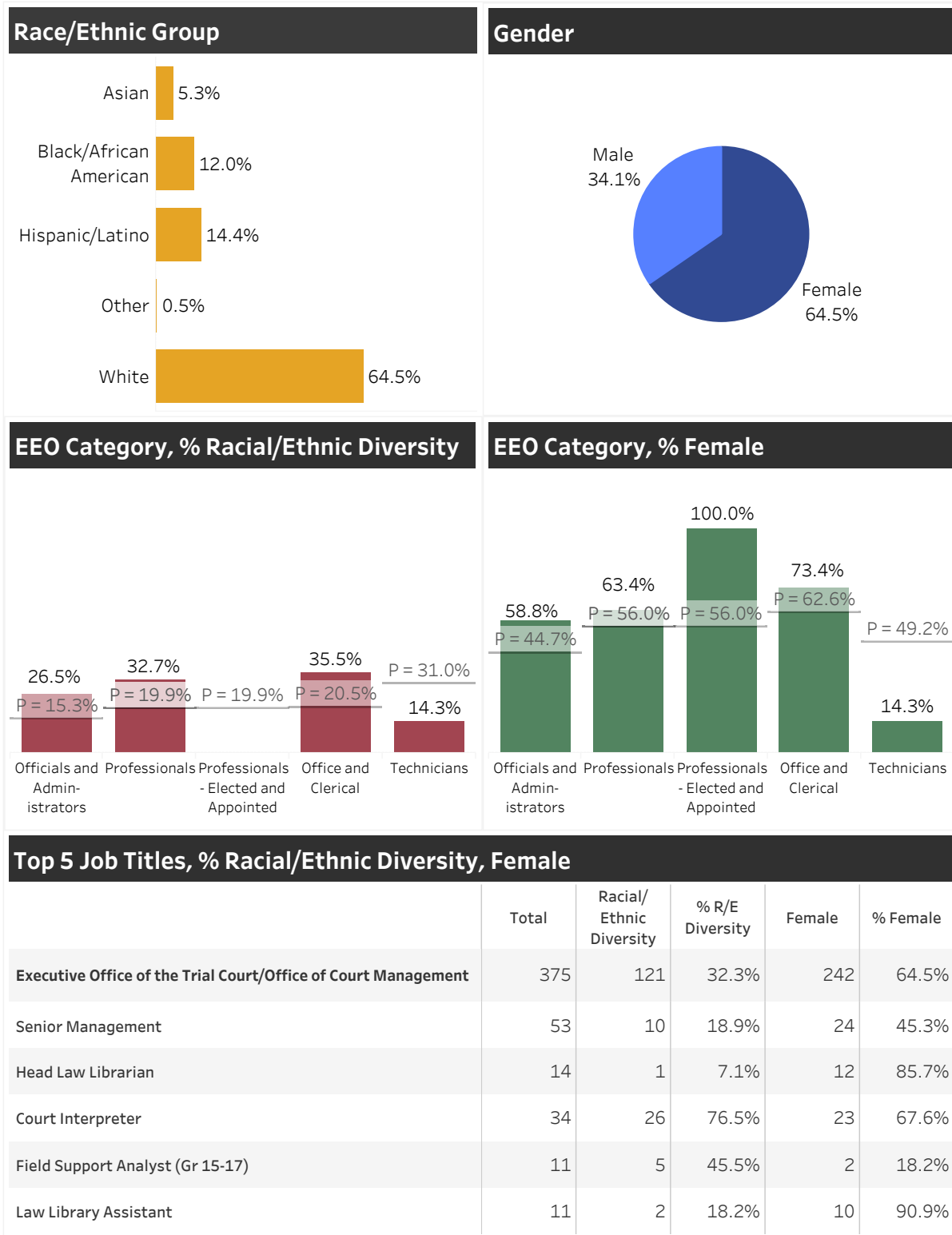


Figure 5: Boston Municipal Court, June 2021

(Subtotals may not sum to 100% due to employees for whom race/ethnicity or gender is unknown; P = Parity - Census estimation of available workforce that is racially/ethnically diverse or female in this job category.)

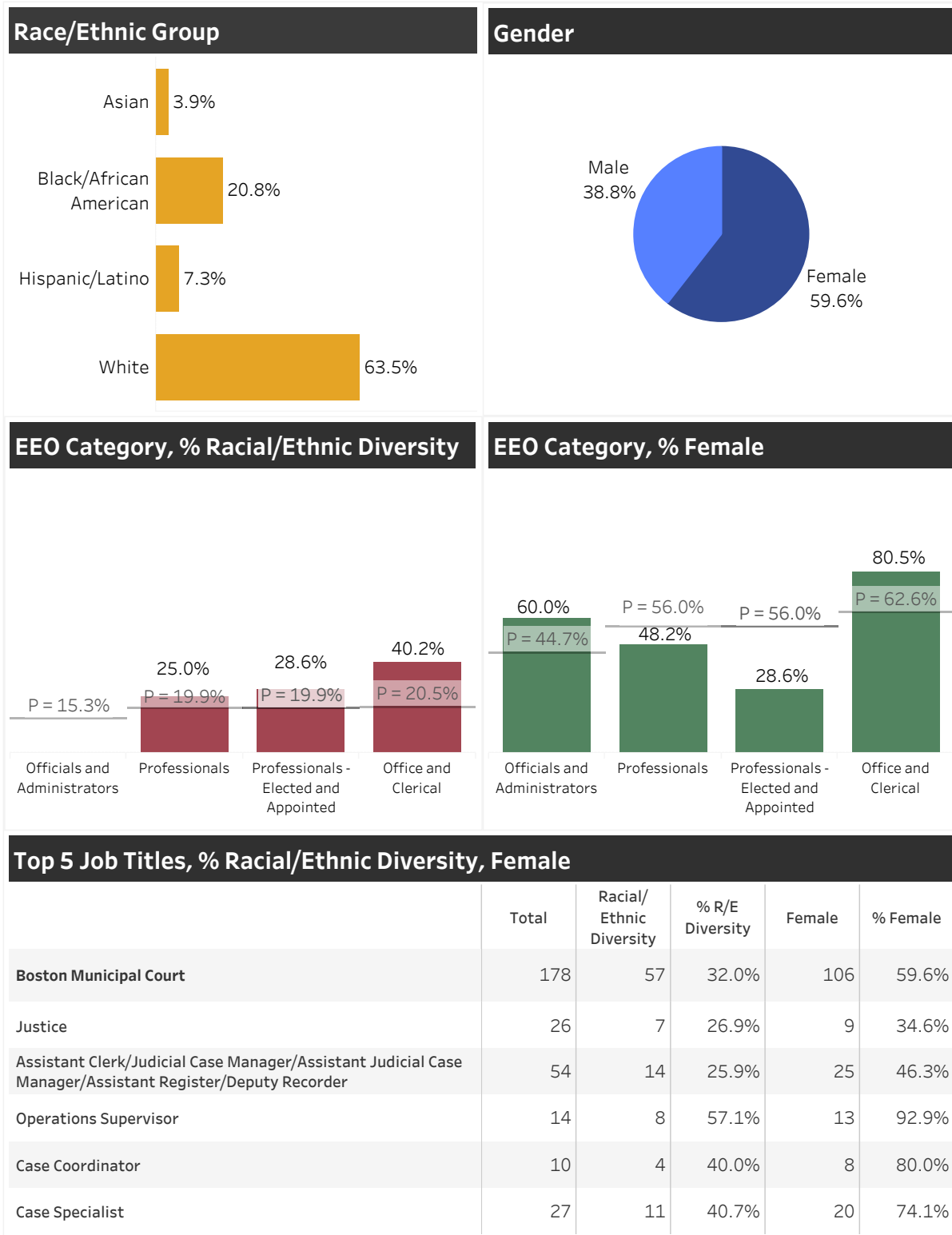


Figure 6: District Court, June 2021

(Subtotals may not sum to 100% due to employees for whom race/ethnicity or gender is unknown; P = Parity - Census estimation of available workforce that is racially/ethnically diverse or female in this job category.)

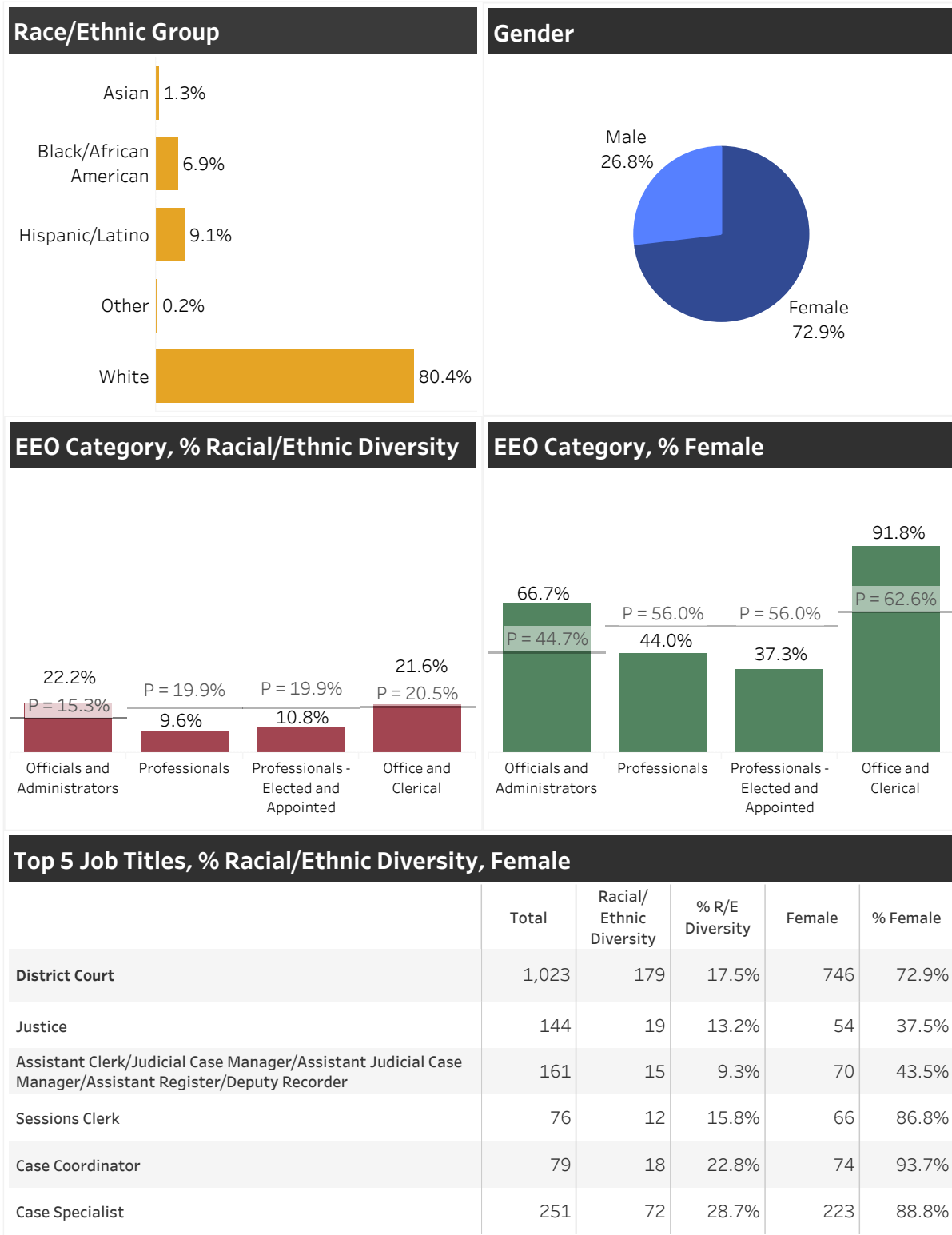


Figure 7: Housing Court, June 2021

(Subtotals may not sum to 100% due to employees for whom race/ethnicity or gender is unknown; P = Parity - Census estimation of available workforce that is racially/ethnically diverse or female in this job category.)

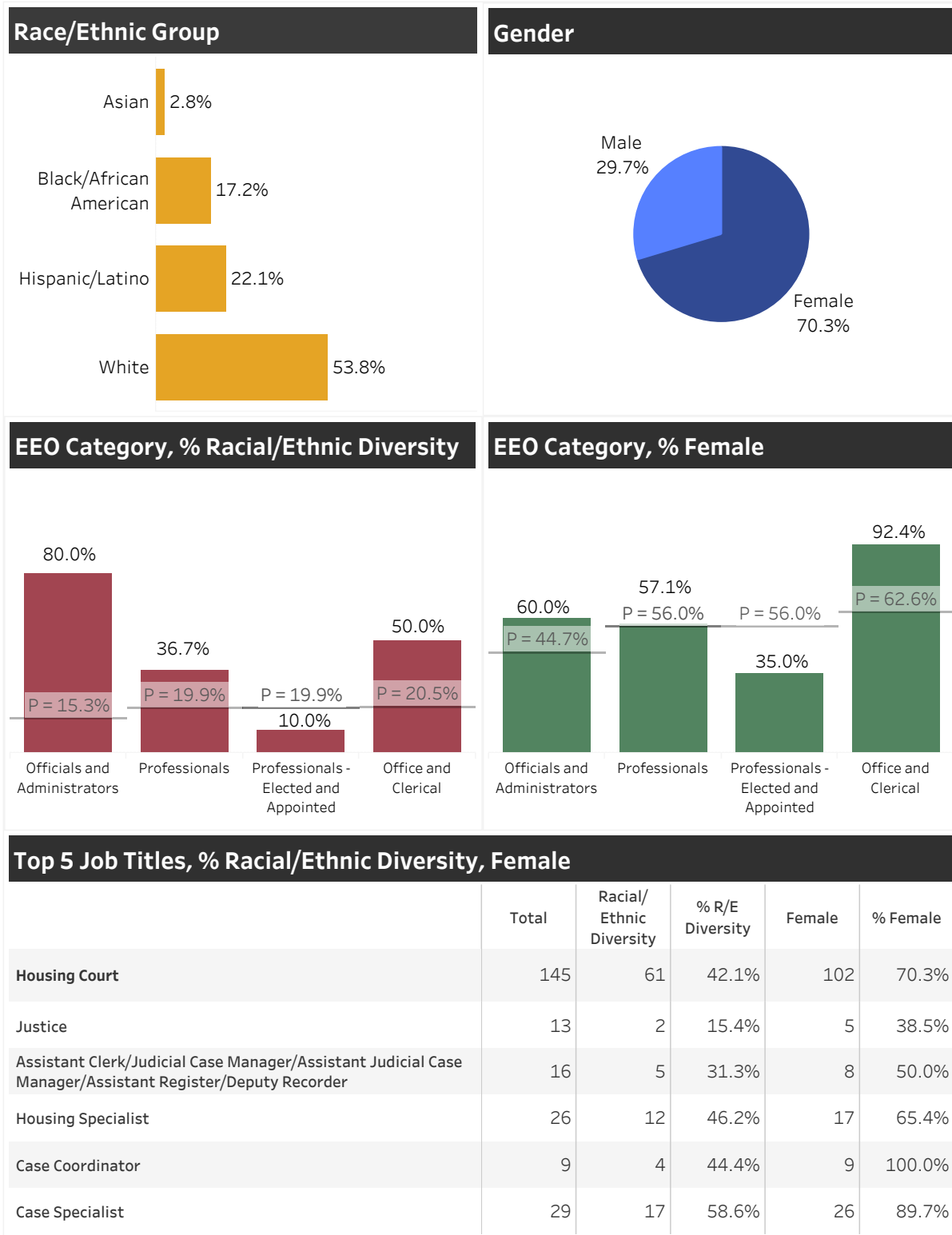


Figure 8: Juvenile Court, June 2021

(Subtotals may not sum to 100% due to employees for whom race/ethnicity or gender is unknown; P = Parity - Census estimation of available workforce that is racially/ethnically diverse or female in this job category.)

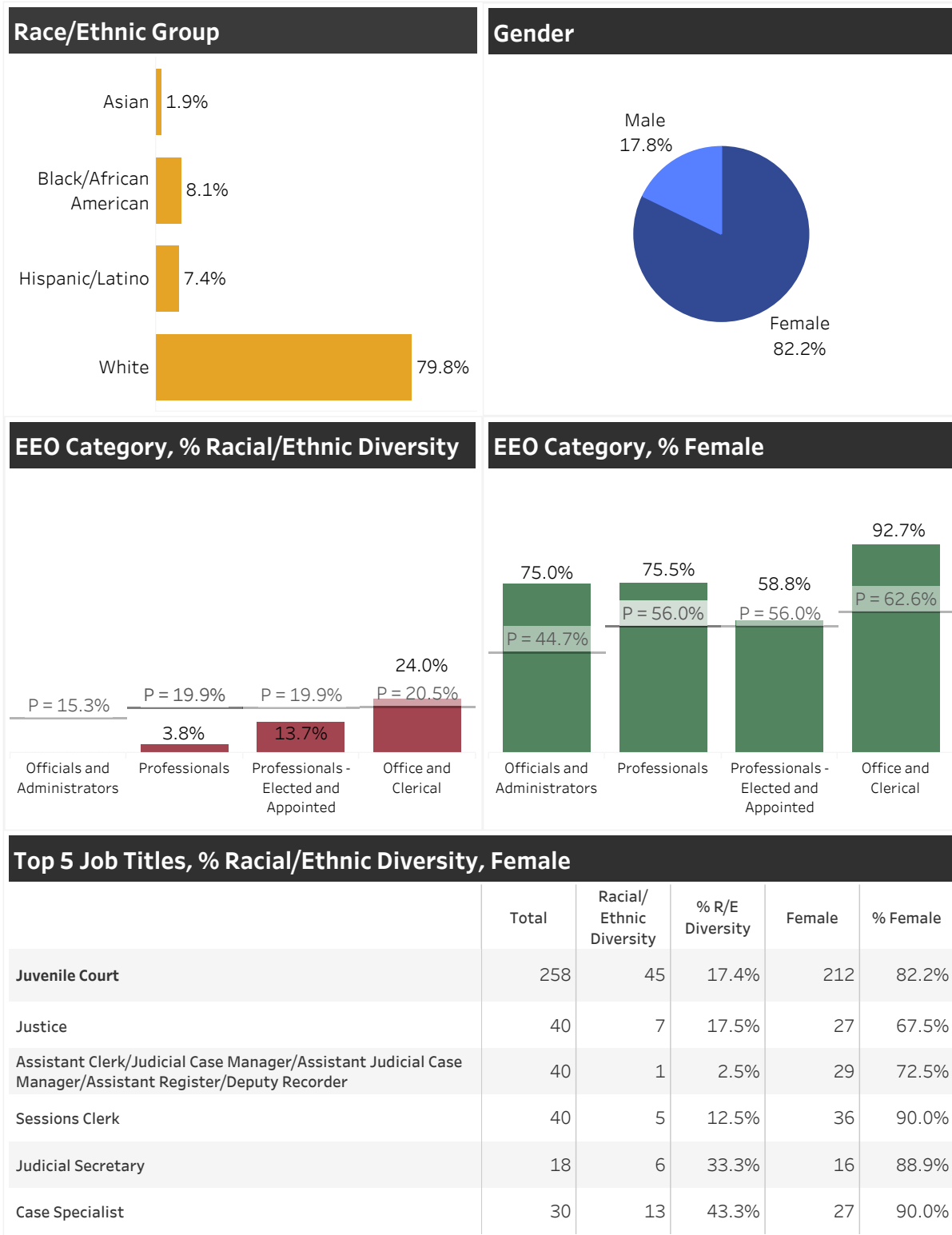


Figure 9: Land Court, June 2021

(Subtotals may not sum to 100% due to employees for whom race/ethnicity or gender is unknown; P = Parity - Census estimation of available workforce that is racially/ethnically diverse or female in this job category.)

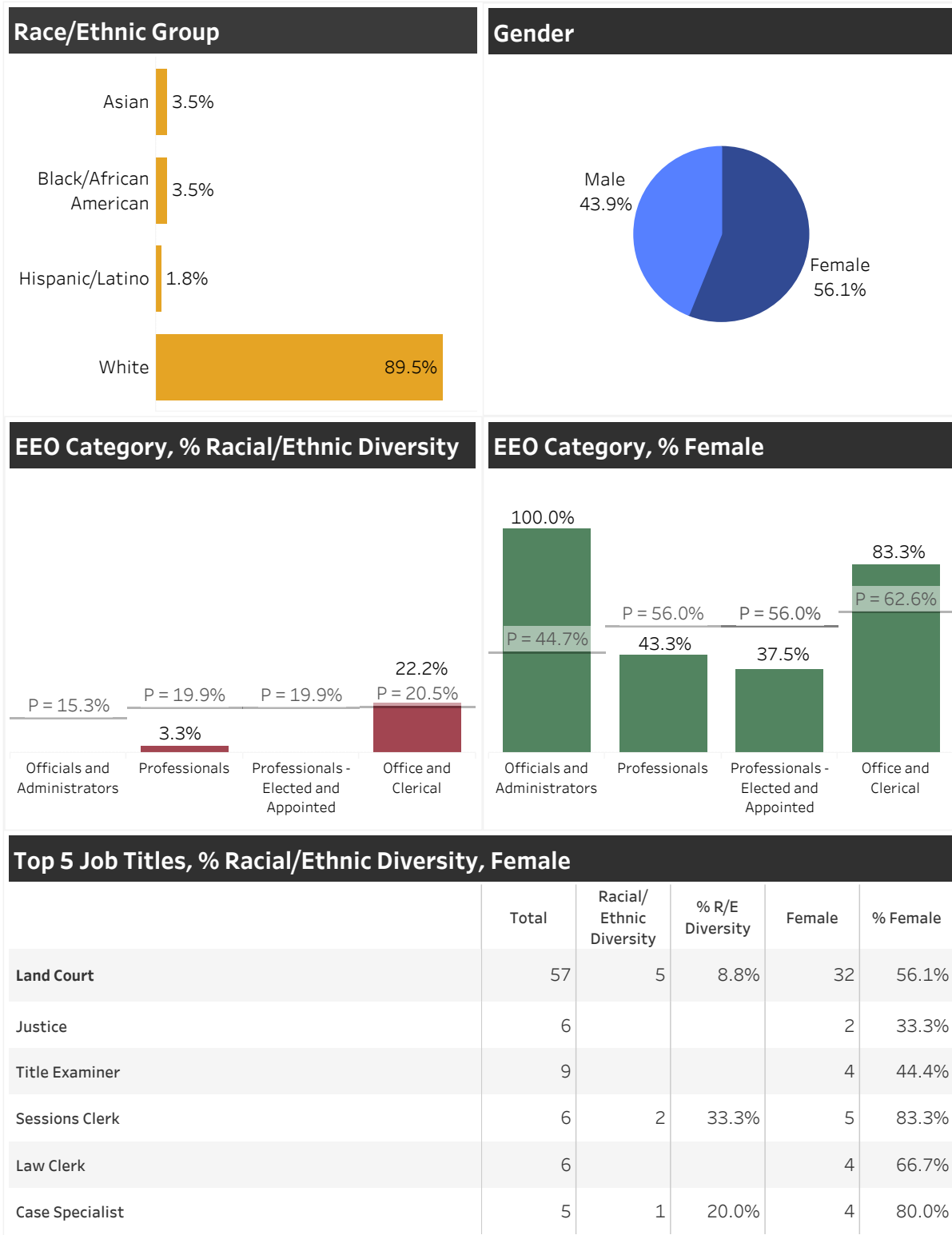


Figure 10: Probate & Family Court, June 2021

(Subtotals may not sum to 100% due to employees for whom race/ethnicity or gender is unknown; P = Parity - Census estimation of available workforce that is racially/ethnically diverse or female in this job category.)

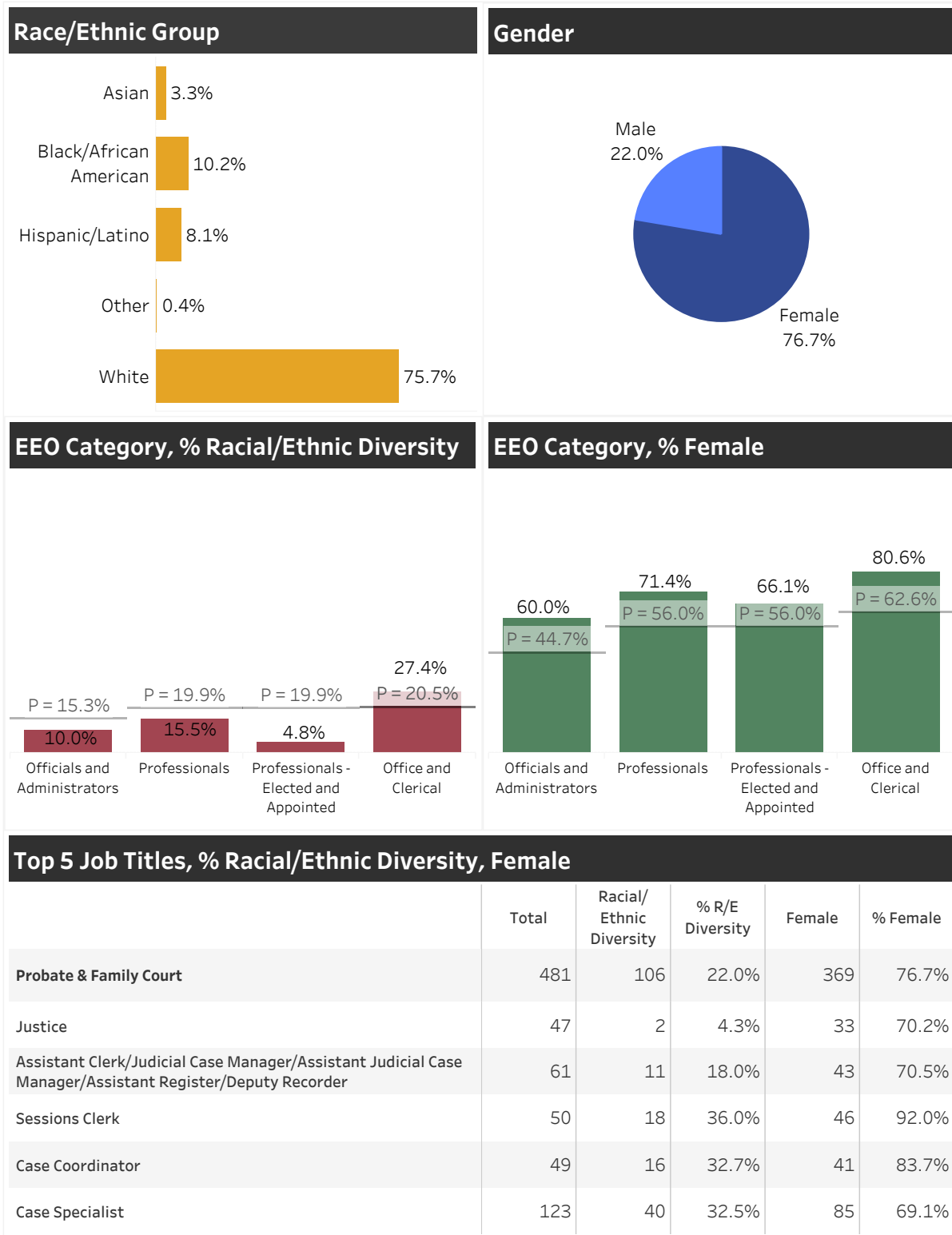


Figure 11: Superior Court, June 2021

(Subtotals may not sum to 100% due to employees for whom race/ethnicity or gender is unknown; P = Parity - Census estimation of available workforce that is racially/ethnically diverse or female in this job category.)

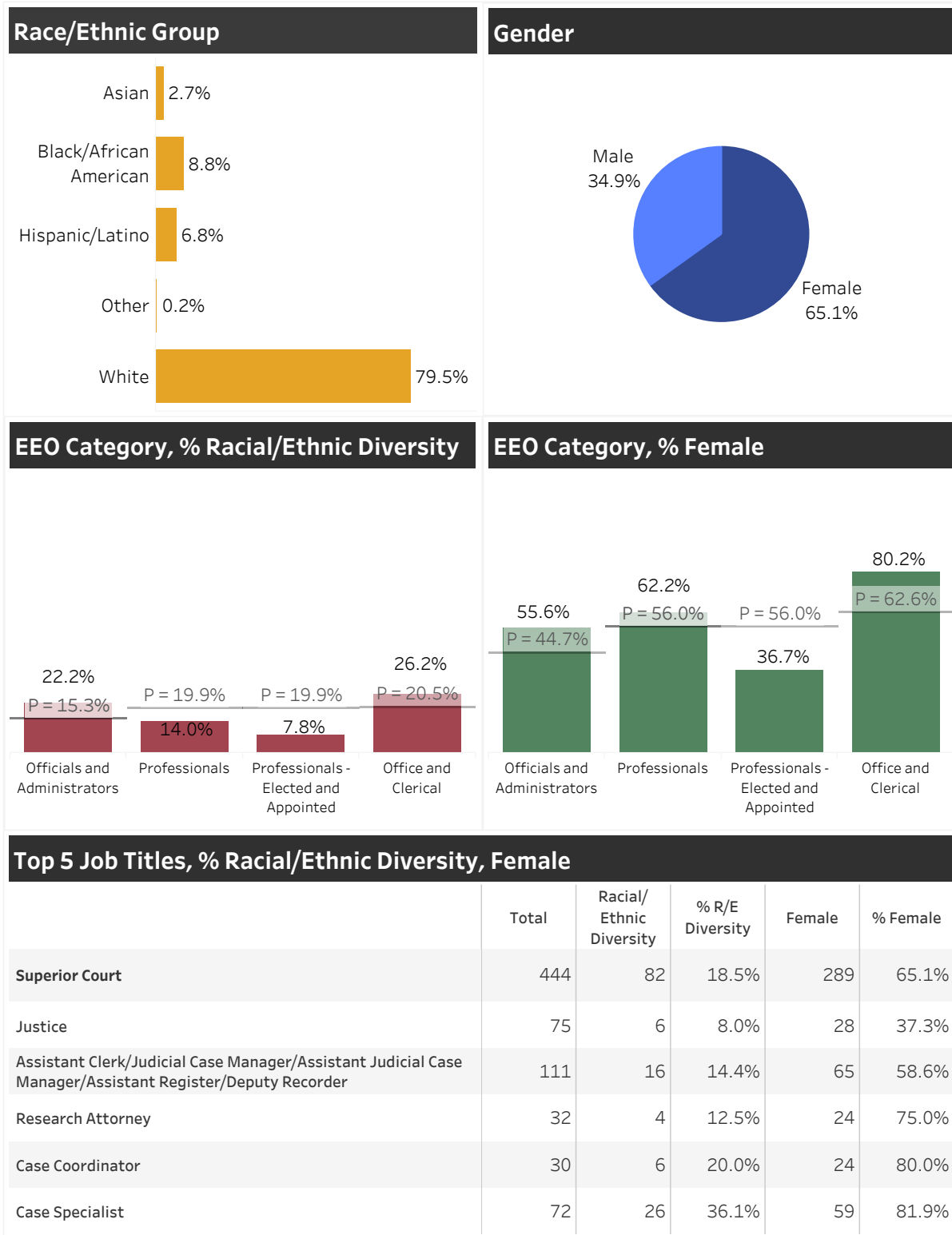


Figure 12: Massachusetts Probation Service, June 2021

(Subtotals may not sum to 100% due to employees for whom race/ethnicity or gender is unknown; P = Parity - Census estimation of available workforce that is racially/ethnically diverse or female in this job category.)

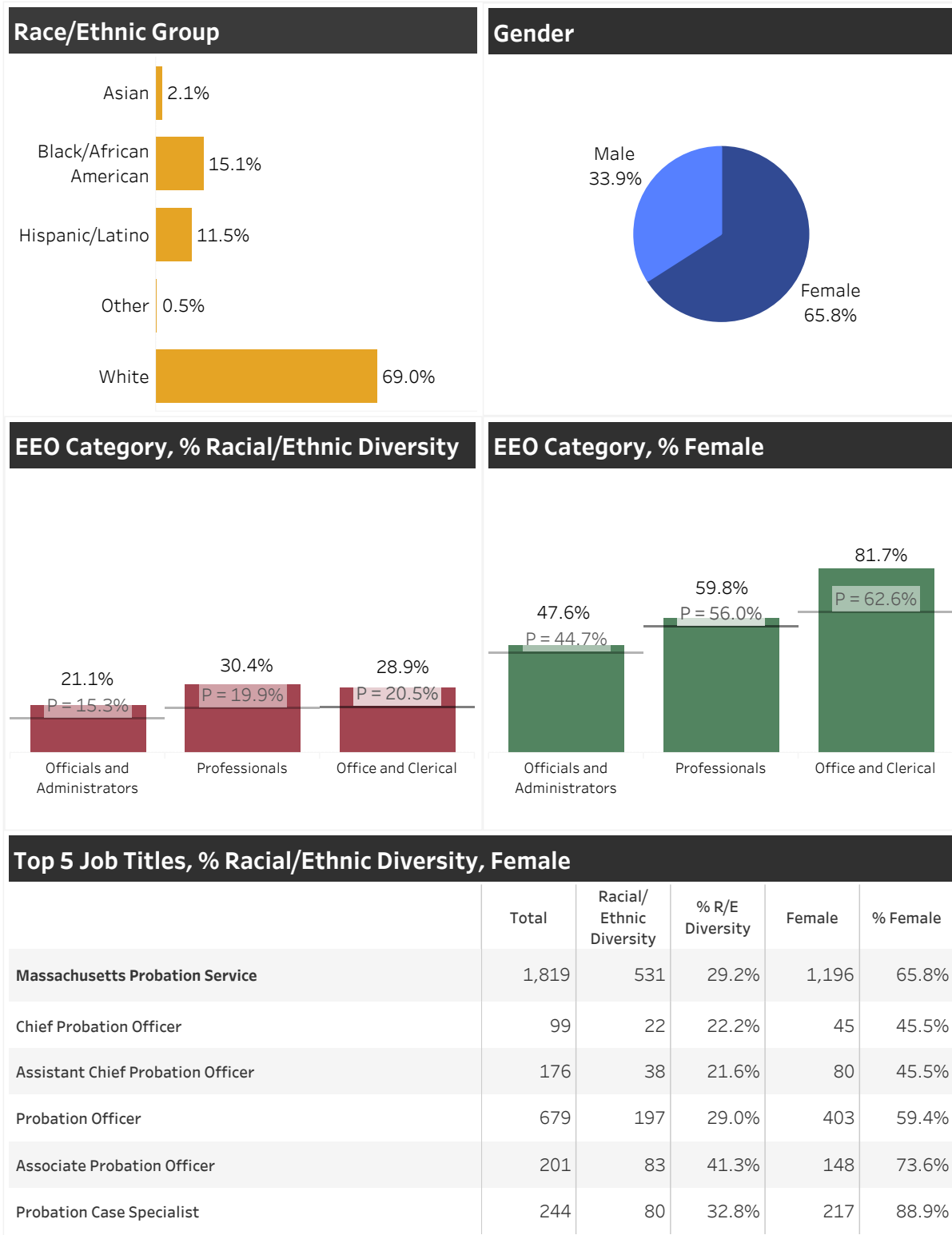


Figure 13: Facilities Department, June 2021

(Subtotals may not sum to 100% due to employees for whom race/ethnicity or gender is unknown; P = Parity - Census estimation of available workforce that is racially/ethnically diverse or female in this job category.)

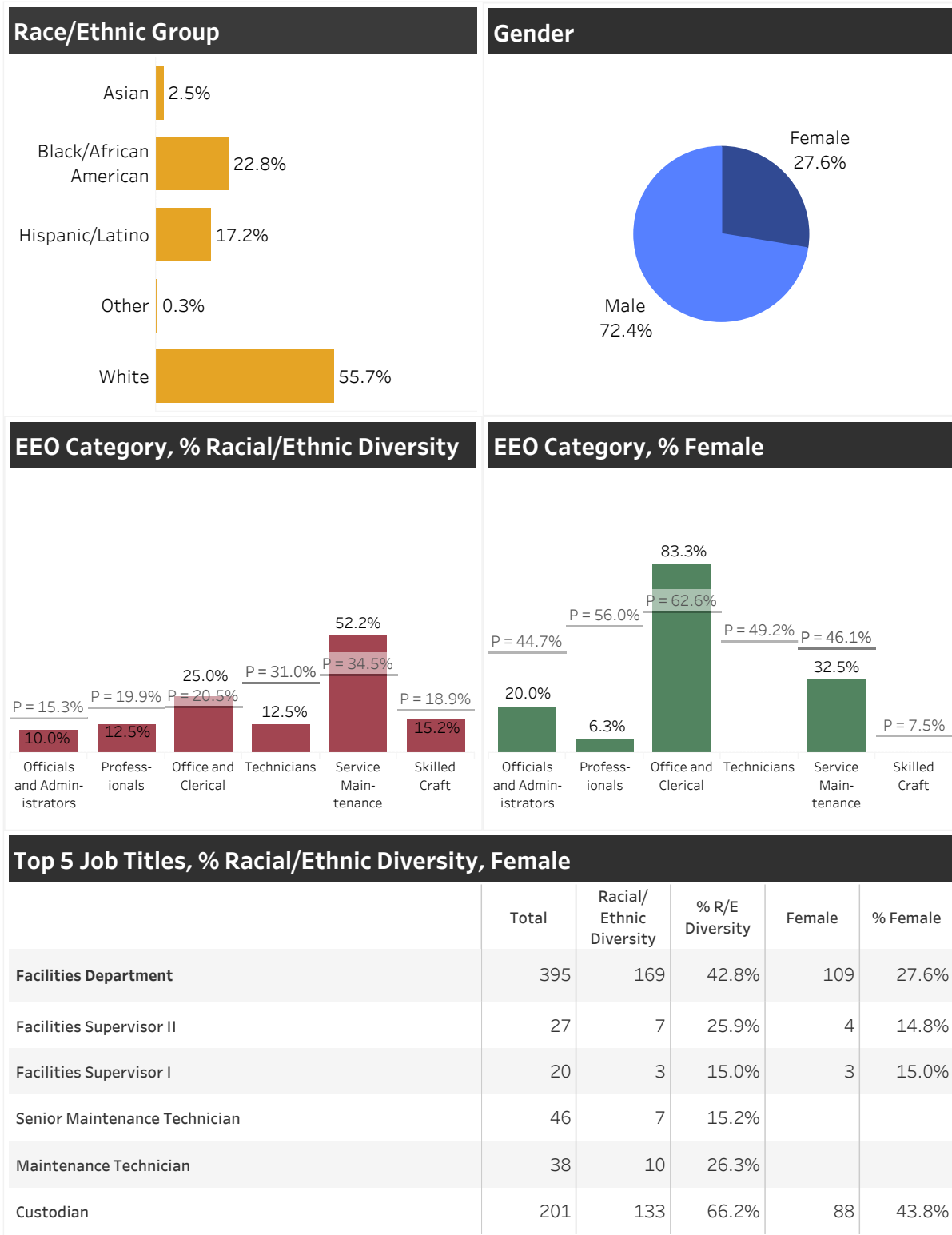
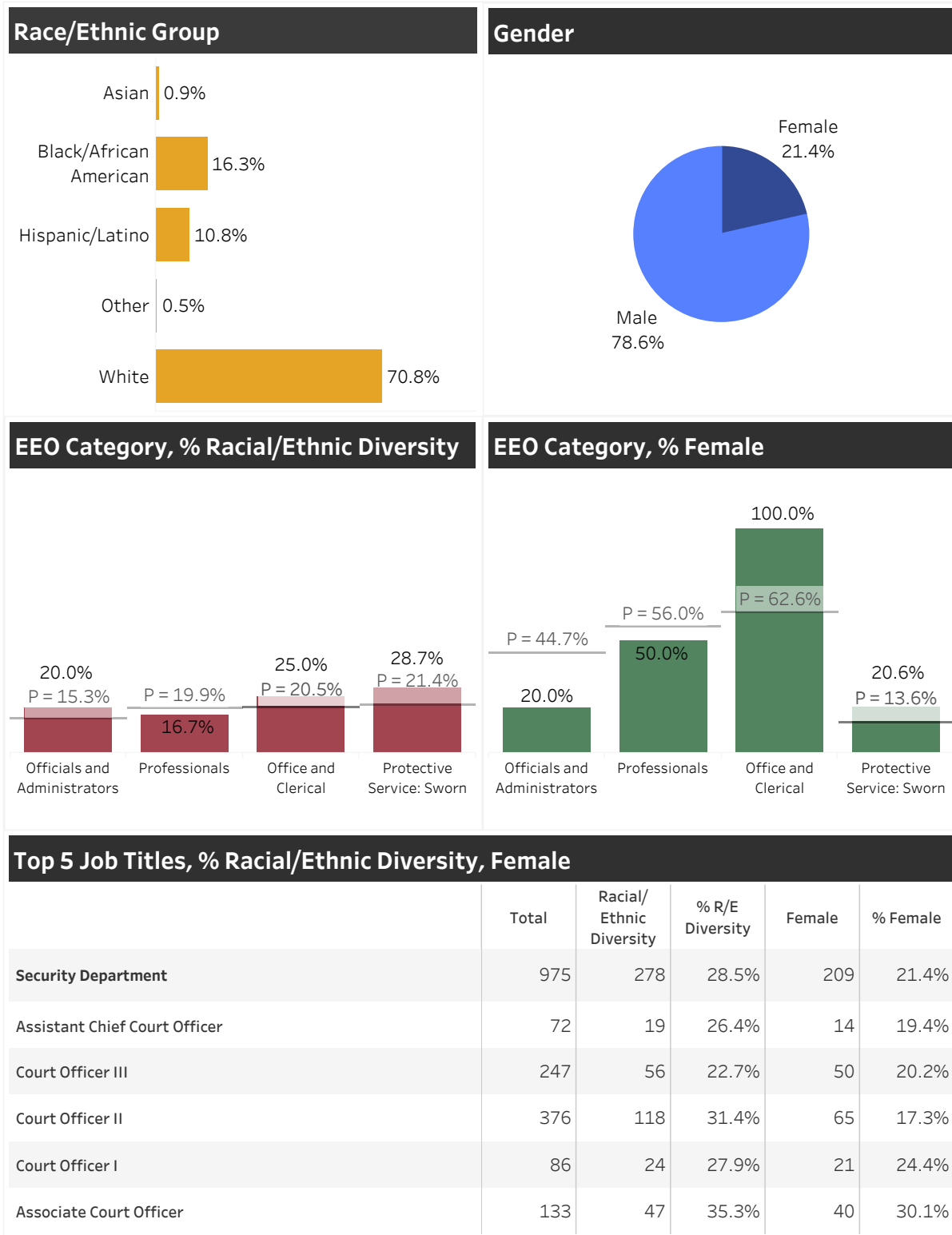


Figure 14: Security Department, June 2021

(Subtotals may not sum to 100% due to employees for whom race/ethnicity or gender is unknown; P = Parity - Census estimation of available workforce that is racially/ethnically diverse or female in this job category.)



OFFICE OF LANGUAGE ACCESS

The Office of Language Access (OLA, formerly the Office of Court Interpreter Services) continued to improve language access services to ensure that diverse Limited English Proficiency communities are served.

In FY21, OLA conducted and issued an extensive revision of the Trial Court’s interpreter standards and procedures to provide court interpreters, judges, and attorneys with information about court interpreter services and guidelines to follow when requesting or using court interpreters through the office. OLA also implemented new customizable scheduling software for staff interpreters to ensure workflow and case management of language access services.

Interpreters continued to use virtual technology that was introduced at the beginning of the pandemic. This includes calling in to courtrooms for pre- and post-hearing conferences and connecting with attorneys, court clinicians, victim advocates and court users via conference bridge lines, teleconferencing and videoconferencing. Interpreters continued to support the Court Help Line, providing assistance to Spanish and Portuguese speakers, and supported community information events. Translation efforts to support court communications, forms, videos, and training efforts in developing training content, videos, and written materials for court personnel, and court interpreters, have been completed and posted to the Courtyard.

Top 21 Language Requests in FY21

Language	Number of Requests
Spanish (Español)	66223
Portuguese (Português)	17145
Haitian Creole (Kreyol Ayisyen)	3626
Cape Verdean (Kriol)	3341
Mandarin (普通話)	1832
Vietnamese (Tiếng Việt)	1681
Arabic (عربي)	1526
Russian (русский)	1218
American Sign Language (ASL)	1216
Cantonese (廣東話)	891
Khmer (ខ្មែរ)	644
Polish (Polskie)	326
French (Français)	323
Nepali (नेपाली)	277
Swahili (Kiswahili)	228
Greek (Ελληνικά)	211
Hindi (हिन्दी)	207
Korean (한국인)	204
Bengali (Bangla; বাংলা)	156

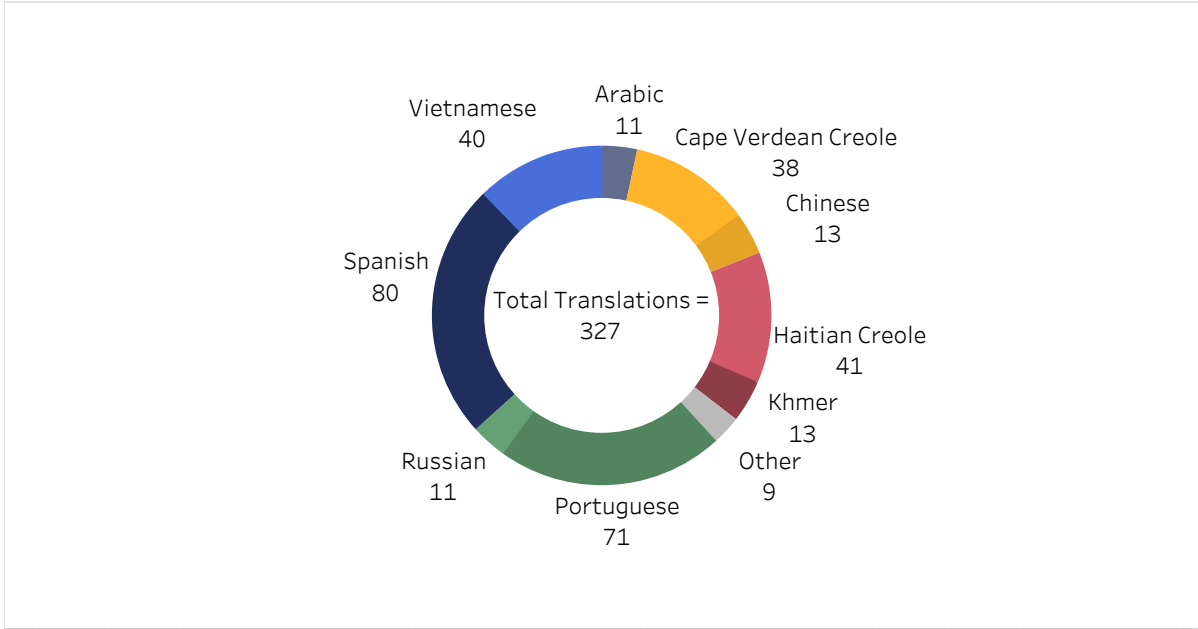
FY21 HIGHLIGHTS:

- State audit report on the Office of Court Interpreter Services within the Trial Court highlighted, “OCIS properly used and assigned staff interpreters, and OCIS recruited qualified interpreters”
- Customized the TeamWork interpreter scheduling software system for interpreters to submit monthly records of add-on court events they interpreted for that were not entered into MassCourts
- Developing an eLearning course for Language Access Liaisons regarding entering interpreter requests into MassCourts, tracking interpreter requests to TeamWork, and working effectively with OLA Spanish and LOTS scheduling teams to foster and build upon collaborative efforts
- Developing the capacity to track interpreter arrivals and departures at court locations statewide for direct service efficiencies
- Distributed instructional guidance to departmental courts regarding interpreter requests for in-person, phone, and video remote interpretation services
- Established designated phone numbers for departmental courts, Court Service Centers, the Massachusetts Probation Service, and Specialty Courts to connect with an on-demand Language Line phone interpreter
- Established a mechanism in the TeamWork interpreter scheduling software system to track Continuing Education Units (CEUs) per the OLA Standards and Procedures of 2021, Section 5.07, Subsection (G), “a minimum of 22.5 hours of continuing education every year” must be submitted to OLA management and such records maintained
- Established video content for interpreters entering their availability to serve and invoicing following their service in the TeamWork interpreter scheduling software system
- Hosted informational sessions with departmental courts on how to work effectively with the Office of Language Access (OLA) regarding interpreter requests for in-person, or video remote interpretation hearings
- Hosted monthly guided discussions for translators serving on the Trial Court’s translation committee
- Hosted simulations with FTR (For The Record) and the Trial Court’s JISD on the Zoom simultaneous interpretation feature, for use with video remote interpretation hearings
- Hosted virtual trainings for interpreters on the OLA Standards and Procedures of 2021 regarding Section 4.00, the Code of Professional Conduct
- Provided interpretation services for virtual town halls hosted in collaboration with local community partners to address COVID-19 concerns related to accessing the courts and available resources
- Released informational video for court staff on how to request an interpreter; the video shows how OLA receives, processes, and fulfills interpreter requests
- Translated and transcribed Trial Court communications, and content for posting, i.e., 209A, 258E, Domestic Violence Guide and File (see Translation metrics)

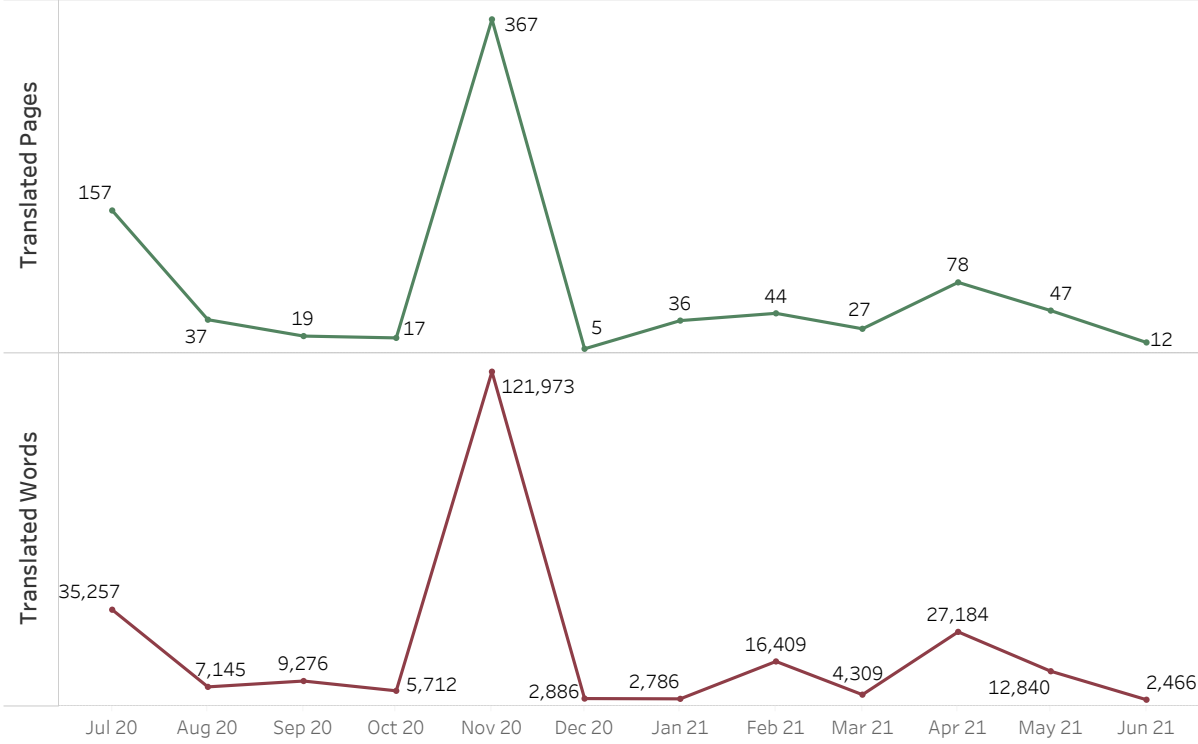
Figure 15: Translation Services, Fiscal Year 2021

These metrics serve in part to show the individual and collective scope and breadth of translation requests. For instance, a 5-page, 1358-word document requested in 7 languages would result in at least 35 pages and 9,506 words worth of translations. Thus, a month in which eleven documents of that length were requested would mean a minimum of 385 pages and 104,566 words worth of translations.

Translations by Language



Translated Pages and Words



COURT SERVICE CENTERS

The Massachusetts Trial Court established its first Court Service Centers (CSC) in Greenfield and Boston in 2014, and has since added centers in Brockton, Lawrence, Lowell, Springfield, and Worcester. In FY21, due to the global pandemic and the increasing need to keep vulnerable populations safe, but to also ensure court users had access to court services, the Trial Court created a Virtual Court Service Center. The Virtual CSC provided the same services as the brick-and-mortar CSCs, but through video conference software. Utilizing this remote platform, CSCs continued to work to engage the public and communities to enable greater access to the justice system for self-represented litigants.

CSCs help people navigate the court system through free, in-person and remote services to those needing assistance with all types of court matters, but particularly family, housing, and small claims matters. In order to meet the language access needs of many of our court users, CSC staff and volunteers speak multiple languages other than English. Additionally, CSCs provide services to Limited English Proficient court users through phone interpretation. CSCs collaborate with various court departments and outside agencies to offer self-represented litigants procedural and legal information, one-on-one assistance with filling out forms, access to interpreter services, assistance with legal research, as well as contact information for community resources, legal assistance programs, and social service agencies.

The CSCs do not provide legal advice but can provide legal information on how the court works and the different options available. In FY21, 19,569 people received services through the Virtual CSC. During FY21, physical CSCs remained closed to the public due to the COVID-19 outbreak, however, staff expanded remote capabilities to continue to provide services and began working on a hybrid model to be implemented in the upcoming fiscal years.

OFFICE OF JURY COMMISSIONER

The Office of Jury Commissioner (OJC) tracks demographic information on three different subsections of people who are summoned for jury service: (1) those who responded to the demographic survey (including those disqualified from service); (2) those who appeared for jury service, and (3) those who appeared and were impaneled on a jury. The results are tabulated and compared against federal census figures (See Figure 16).

Historically, these figures have tracked fairly closely statewide to the population as reported in the federal census figures. The exceptions are Asians and Hispanics, who do not qualify for service due to lack of citizenship or English language facility at a much higher rate than the other groups. The OJC has reviewed census data on these groups (non-citizen/non-English speakers among Asians and Hispanics) and has confirmed that the rates of qualified citizens appearing for service is on track with their representation in the population.

The diversity and representativeness of the Massachusetts jury pools is attributed to the superior quality of the source list for the Massachusetts master juror list. Massachusetts uses the mandatory annual municipal census as its source list, which is widely believed to be one of the best source lists in the country because it is refreshed annually and is all-inclusive, unlike self-selecting, multi-year sources, such as voter registration lists or driver registration lists.

COVID-19 resulted in the immediate suspension of all jury trials and jury pools, both trial jury and grand jury, from mid-March through the end of FY20 and into part of FY21. There were no trial jurors in the first half of FY21, July 1-Dec 31, 2020.

**Figure 16:
Federal Census and Selected Juror Populations**

Demographic Category	Federal Census 2020		Jurors Who Responded to Demographic Survey		Jurors Who Appeared for Juror Service		Jurors Who Appeared & Were Impaneled	
	Population	%	Population	%	Population	%	Population	%
Black/African American	357,018	6.9%	31,477	6.6%	1,102	8.1%	204	6.9%
White	3,724,037	72.2%	373,629	77.8%	10,655	78.3%	2,395	81.1%
Native Hawaiian/Pacific Islander	1,794	0.0%	466	0.1%	10	0.1%	1	0.0%
Asian*	339,103	6.6%	27,075	5.6%	672	4.9%	139	4.7%
American Indian/Alaskan Native	16,407	0.3%	797	0.2%	22	0.2%	9	0.3%
Other	721,219	14.0%	46,991	9.8%	1,145	8.4%	206	7.0%
TOTALS	5,159,578	100.0%	480,435	100.0%	13,606	100.0%	2,954	100.0%

Demographic Category	Federal Census 2020		Jurors Who Responded to Demographic Survey		Jurors Who Appeared for Juror Service		Jurors Who Appeared & Were Impaneled	
	Population	%	Population	%	Population	%	Population	%
Yes, Hispanic/Latino*	621,508	12.0%	46,136	9.5%	1,112	8.1%	198	6.7%
No, Not Hispanic/Latino	5,042,215	97.7%	431,195	88.7%	12,385	90.6%	2,730	92.2%
No Response His./Lat.	0	0.0%	8,620	1.8%	178	1.3%	33	1.1%

*The census figures include persons who are not qualified to serve as jurors due to lack of citizenship or ability to speak or understand English as required by G. L.234A, s. 4. This may account for an apparent underrepresentation of Asian and Hispanic/Latino compared to the Federal census population.

OFFICE OF WORKPLACE RIGHTS & COMPLIANCE

The Office of Workplace Rights & Compliance (OWRC) investigated complaints of discrimination, harassment, including sexual harassment, and retaliation in FY21 as detailed in Figure 17. As expected, OWRC saw an increase in complaints and investigations from the previous year, due to proactive outreach efforts to inform Trial Court employees and court users of their rights, options, and resources.

OWRC received 59 complaints in FY2019, 103 complaints in FY20, and 135 complaints in FY21. FY21 complaints were impacted in part due to closings as a result of the pandemic. Complaints were made to OWRC in a variety of ways –reporting parties called or emailed OWRC directly, submitted an electronic complaint form (available on the Courtyard, the employee intranet, or Mass.gov/courts), via email (WorkplaceRights@jud.state.ma.us or FairAndEquitableJusticeForAll@jud.state.ma.us) or contacted the OWRC Hotline. Complaints were also forwarded to OWRC from supervisors or other departments such as the Office of Human Resources. Complaints may be submitted anonymously and may be submitted because of what the person experienced themselves or witnessed someone else experiencing alleged misconduct.

OWRC worked with the reporting parties to explain their options to determine how best to proceed. In half of the reported cases, OWRC resolved the complaint without an investigation needed and with consent and agreement of the parties. In such cases, based on discussions with the parties prior to a formal investigation, an appropriate resolution sufficiently addressed the concerns raised and efforts were implemented to prevent recurrence of the conduct. Such resolution may be facilitated dialogues, verbal warnings, or appropriate progressive discipline. Supervisors and other departments such as Human Resources may have been involved to ensure this approach was appropriate and effective. These cases are maintained in the OWRC case management system to monitor possible recurrence and track patterns of conduct.

If it was determined that the matter was to be investigated, an investigator was assigned to conduct a fair and impartial investigation and determine findings of whether the alleged conduct more likely than not occurred and if so, whether or not it violated the Policy Prohibiting Discrimination, Harassment, Retaliation, and Complaint Resolution Procedures. Investigations were concluded by determining whether the allegations were:

1. **Substantiated:** Based on the information gathered through the course of a fair and impartial investigation, there was sufficient information to find a violation of the Policy.
2. **Unsubstantiated but Unprofessional:** Based on the information gathered through the course of a fair and impartial investigation, there was insufficient evidence to find a violation of the Policy but sufficient evidence to find a violation of Section 16.100: Rules and Discipline - Standards of Employee Conduct and Performance.
3. **Unsubstantiated:** Based on the information gathered through the course of a fair and impartial investigation, there was either no violation of the Policy or there was insufficient information to determine whether there was a violation of the Policy.

Of the cases that went to investigation, 50% either substantiated a policy violation or found unprofessional conduct. Parties and their supervisors were advised of these findings in writing. Post-investigation measures were implemented to avoid any possible retaliation, as well as ensure appropriate remedial measures were implemented. Such remedial measures may be coaching, training (individual and team) facilitated dialogue, verbal warning, or appropriate progressive discipline.

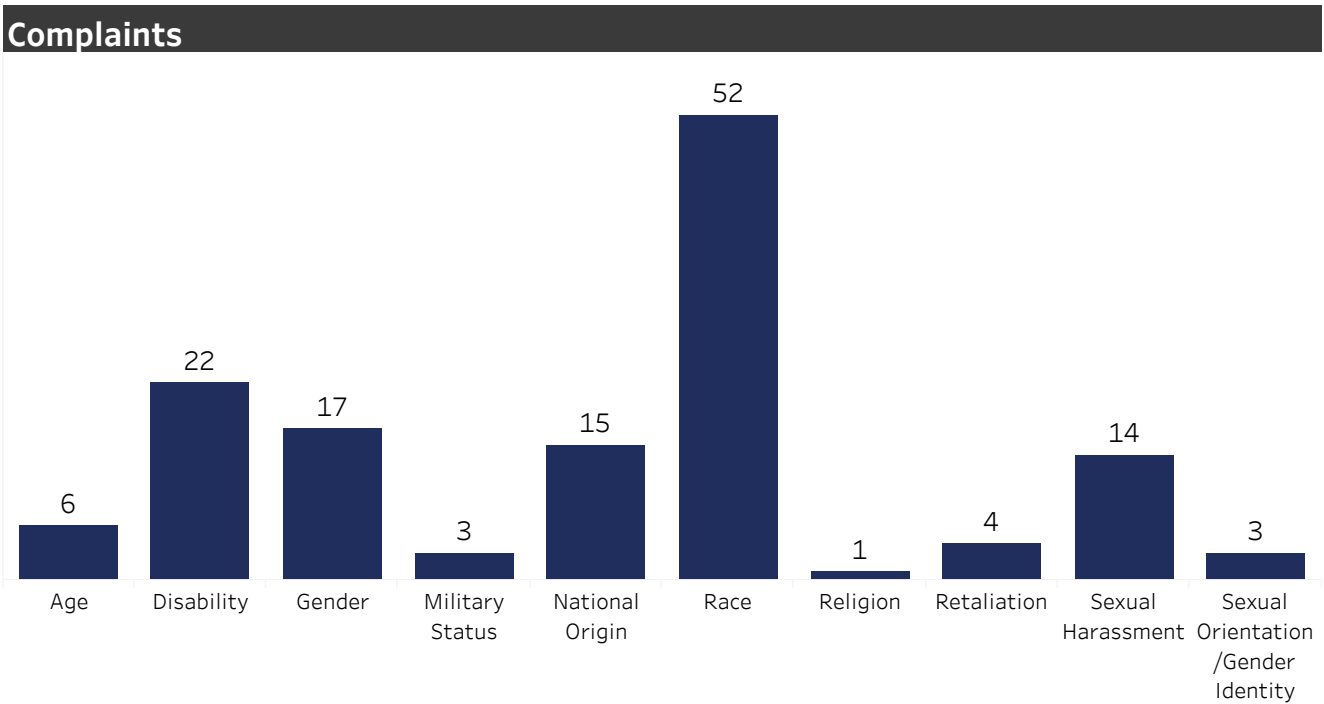
OWRC facilitates trainings in *Anti-Discrimination and Prevention of Harassment; Professionalism and Civility; and Upstander Intervention*. OWRC also worked with the Judicial Institute to create a curriculum for *Team Building and Communication*, incorporating concepts of implicit bias and active participation in difficult conversations about race and other identities.

OWRC implemented a Trial Court-wide poster campaign to inform staff and court users that they can contact OWRC with any concerns or complaints. These large posters contain contact information, as well as a QR Code to obtain this information in five languages (English, Spanish, Portuguese, Chinese, Cape Verdean Creole). Finally, OWRC engaged in conversations with external groups, including multiple affinity bars and other diversity-focused organizations, on how to best conduct outreach to communities using the courts and raise their awareness of OWRC as a resource to them.

Additional Footnote: Reported protected categories are defined according to the applicable laws and the Equal Employment Opportunity Commission guidelines. For more information, please see: <https://www.EEOC.Gov/Laws-Guidance>. Please note that in this report cases based on “gender” refers to discrimination or harassment based on gender, gender identity, gender expression, sexual orientation, or pregnancy. As used in this report cases based on “sex” refers to cases involving sexual harassment, regardless of gender, gender identity, or sexual orientation.

Figure 17: Protected Class Investigations

The total number of complaints does not equal the number in each category because some complaints have greater than one allegation; The total number of findings does not equal the number in each category because some complaints did not proceed to a formal investigation.



Findings		
Investigations Concluded	Substantiated	19
	Unprofessional Conduct Found	19
	Unsubstantiated	22
	Total	60
Other Resolutions	Informal Resolution	34
	Referrals	20
	Withdrawals	11
	Total	65

PLANS FOR FY22

STRATEGY AND OPERATIONS

Forthcoming – Strategic Plan 4.0

The Trial Court’s fourth iteration plan, *Strategic Plan 4.0*, will be drafted in collaboration with all court departments to set organizational goals.

As in previous plans, Diversity, Equity, and Inclusion (DEI) will continue to be a core strategic element of the next plan. The Trial Court’s commitment to DEI seeks to ensure the organization is diverse, equitable, and inclusive to all employees and users of the court. Each court department will identify milestones to reach during the plan’s performance period.

Program and Training Content Updates

The Trial Court will be working to update content across all diversity, equity, and inclusion programs and trainings to reflect current events and trends that include relevance to our societal racial awakening and ensure they remain reflective of judicial system values, including the appreciation of every individual based on all aspects of their identity.

Guidelines for Discussions around the Impact of Race in Society and the Workplace Forums

To continue offering forums for managers to discuss the recently developed document, *Guidelines for Discussions around the Impact of Race in Society, and the Workplace*, which offers strategies for Trial Court managers to begin and sustain race-related conversations with each other and those they supervise. These open discussions offer managers the opportunity to share challenges and successes they have had within their offices/teams in addressing issues of race and identity.

Committee to Eliminate Racism & Other Systemic Barriers

In July 2021, the Chief Justice of the Trial Court, Paula Carey, and Court Administrator, John Bello, commissioned the ‘Committee to Eliminate Racism and Other Systemic Barriers’, which they co-chair. They charged The Committee with the following:

1. Advising the Chief Justice of the Trial Court and the Court Administrator of the Trial Court regarding policies and initiatives to address institutional racism and systemic barriers.
2. Reviewing and analyzing Trial Court policies, procedures, rules, protocols, and case management processes.
3. Making recommendations to the Chief Justice of the Trial Court and the Court Administrator about proposed changes to the Trial Court Strategic Plan or to specific existing or future.
4. Making recommendations to the Chief Justice of the Trial Court and the Trial Court Administrator about actions needed to address issues identified by *Racial Disparities in the Massachusetts Criminal Justice System* report published by the Criminal Justice Policy Program at Harvard Law School in September 2020; *A Report Summarizing Affinity Bar*

Town Hall Meetings published by the Massachusetts Supreme Judicial Court Standing Committee on Lawyer Well-Being on February 4, 2021; and updated data points provided by the Trial Court Department of Research and Planning.

5. Participating in educational programs, recruitment activities, and outreach.
6. Sharing information about initiatives undertaken by all departments and offices within the Trial Court to promote appreciation for, understanding of, and respect for diversity, and to reduce inequity.
7. Make recommendations to the Chief Justice of the Trial Court and the Court Administrator about policies, procedures, rules, protocols, and case management processes that are in most need of reform and that would assist in building greater public confidence in the court system.

The Committee established nine Working Groups that are populated with Trial Court colleagues at all levels, as well as members of the Bar and other external justice partners. The working group focus areas are Education & Training, Policies & Protocols, Case Management Process, Data Collection & Analysis, Public Forums – Outreach, Human Resources, Communication, Employee Well-being, and Jury & Jury Pool Issues.

PROFESSIONAL LEARNING AND DEVELOPMENT

Leadership Capacity Building Workshop

Trial Court leaders across the state will continue to be invited to Leadership Capacity Building workshops. These workshops focus on addressing issues of race and bias in the courts, having difficult conversations around matters of race, gender, and identity, and supporting leaders across the system. With over 90 court leaders including justices, department heads, and commissioners having participated previously in these workshops, the program is being modified for virtual delivery in 2022.

In the past, these workshops had been offered as three-day sessions, however sessions are now being delivered virtually in six, half-day sessions. Additionally, workshop content is being updated to include current events, such as the impact of COVID-19 and the ongoing racial awakening within the country.

Cultural Awareness and Racial Empathy (CARE)

Implementation of mandatory CARE training will begin across all Trial Court locations. As with the Signature Counter Experience program, CARE will be facilitated virtually with individual courthouses and involve all court departments who serve in each location.

Office of Diversity, Equity, Inclusion and Experience Workshop Facilitator Training Program

To facilitate and offer more professional learning and development opportunities (in-person and virtually) to all employees, the Office of Diversity, Equity, Inclusion and Experience (ODEIE) will create a Workshop Facilitator Training program to serve two purposes:

1. Extend the reach of ODEIE in providing robust professional learning across the organization
2. Provide employees with professional development in public speaking and workshop facilitations on topics related to DEI

Through this program, participants will have the opportunity become familiar with the program content and co-facilitate sessions with Office staff.

Signature Counter Experience Training

As we look ahead, we will facilitate virtual training sessions for the remaining 15 courts that have not experienced the in-person program. In addition, we will make this training available asynchronously for all new Trial Court employees hired since the initial launch.

ENGAGEMENT AND OUTREACH

Community Conversations on Race

The Trial Court will continue to facilitate virtual community conversations on race and work toward achieving the fair and equitable delivery of justice for all. We are working to schedule additional sessions in the future. These sessions will continue in collaboration with local community leaders, community organizations, and members of the community. The conversations will provide opportunities for court personnel to engage with the community and allow community members to engage, ask questions and share their feedback with local court leaders about the impacts of race and identity on their court experience.

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