

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

**ACTION PLAN FOR HIRING AND PROMOTION OF
COURT OFFICERS AND ASSOCIATE COURT OFFICERS**

April 25, 2011

SCOTT HARSHBARGER, CHAIR
RANDY S. CHAPMAN
STEPHEN P. CROSBY
KATHLEEN M. DONOVAN
RUTH ELLEN FITCH
MICHAEL B. KEATING
HON. JAMES F. MCHUGH
SUSAN M. PROSNITZ
HARRY SPENCE
STEVEN H. WRIGHT

ACTION PLAN FOR HIRING AND PROMOTION OF COURT OFFICERS AND ASSOCIATE COURT OFFICERS

The Task Force on Hiring in the Judicial Branch was appointed by the Supreme Judicial Court on December 7, 2010, with a mandate to "make recommendations designed to ensure a fair system with transparent procedures in which the qualifications of an applicant are the sole criterion in hiring and promotion" in the Probation Department and throughout the Trial Court. In our Preliminary Report dated January 19, 2011, we focused on the Probation Department and made several recommendations for immediate action.¹ On February 10, 2011, we followed our preliminary report with an "Action Plan for Reform and Renewal of Probation Department Hiring and Promotion Practices."² The Action Plan contained a description of nationally recognized best practices for hiring and promotion, a series of short and long term recommendations for hiring and promotion, and a series of recommendations for structural reforms that would create transparency and allow hiring and promotion to be strictly merit based.

On February 24, 2011, the Supreme Judicial Court issued a statement and directive embracing the recommendations contained in our Action Plan as well as those contained in an earlier report of the joint Legislative Executive Working Group on Probation Reform.³ In addition, the Court directed the Acting Commissioner of Probation to implement the short term recommendations we made and to report to the Court within six months on the extent and effect of that implementation. Implementation is now in progress. At the Court's request, we are monitoring the progress and offering such assistance as is from time to time appropriate.

Following release of the Action Plan and in keeping with our mandate to examine hiring and promotion practices throughout the Trial Court, we turned our attention to hiring and promotion of Court Officers and Associate Court Officers because they are the second largest group of Trial Court employees operating under centralized oversight and

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

² The Action Plan can be found at <http://www.mass.gov/courts/sjc/docs/tf-judbranch-hiring-actionplan-021011.pdf>.

³ The Court's statement can be found at <http://www.mass.gov/courts/sjc/docs/probation-directives-022411.pdf>.

standards. In examining those practices, we again interviewed knowledgeable individuals and reviewed pertinent documents but we also relied on earlier interviews and documents and on the knowledge regarding Trial Court employment we have gained since the Task Force was formed.⁴ As in the case of the Action Plan, the Task Force examined current hiring practices with an eye toward identifying areas where changes would strengthen the process and recommending the appropriate changes. We are again grateful for the insights provided by the individuals who took the time to meet and share their thoughts with us.

I. FINDINGS: COURT OFFICER FUNCTIONS AND RESPONSIBILITIES

Court officers and associate court officers provide the security and the order that is essential for the even-handed dispensation of justice in courthouses throughout the Commonwealth. Associate court officers are the first people one encounters when entering the courthouse. By screening those who enter, they insure that buildings are free from weapons and other contraband and they help members of the public find their way to the rooms where they need to go. Court officers are present in every courtroom when the court is in session. They are the guardians of the courthouse lockups, have custody of those in the courthouse who are held on bail and take initial charge of those who are to be imprisoned after conviction. They manage the jury pool and guard empanelled juries, ensuring that neither are subjected to extraneous influences or unauthorized contacts. They play a critical role in defusing tense situations and in containing the rare eruptions that do occur. And they do much more to ensure that proceedings take place in a calm and tranquil environment.

The Trial Court currently employs 257 associate court officers, colloquially known as "blue shirts" because that is the color of the uniform they wear. They are essentially the perimeter guardians. They typically stand at the entrance to each courthouse, operating the screening stations and hand wands used to screen all persons who enter. They also have some responsibility for patrolling the corridors and, in courthouses where garages exist, for the security of those garages. Because they are the

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

first trial court representatives encountered by members of the public upon entering the courthouse, associate court officers are public ambassadors and need to have both the technical skills necessary to operate the screening devices and the interpersonal skills necessary to make the public's initial interchange with courthouse personnel a pleasant one.

Court officers, or "white shirts," again because of the color of their uniform, perform more varied roles. Presently constituting a corps of 788 men and women, court officers are responsible for maintaining order in every courtroom where proceedings take place. Prisoners brought to the courthouse from correctional facilities are transported by employees of the facility but are turned over to court officers once they arrive. Thereafter, they remain in the court officers' custody until it is time for return to the facility. Court officers also take immediate charge of defendants who are to be imprisoned following conviction and those whose bail or probation is revoked for some transgression. They have administrative functions as well. For example, court officers are responsible for operation of the jury pool, the group of citizens who assemble every morning for empanelment into the juries before whom that day's cases will be tried. They greet the potential jurors as they arrive, assemble them into panels, and ensure that they get to the courtrooms where they are needed. Once the jury is impaneled, other court officers take charge of them and stay with them until, after returning a verdict, they are discharged. Court officers also watch over courtrooms while in session and juries while impaneled, bringing to the judge's attention issues he or she does not see and anticipating problems that can be resolved through early intervention.

In return for their services, associate court officers are paid between \$27,600 and \$37,200 annually, with increases coming in seven separate steps. Court officers are paid between \$41,764 and \$58,714. They are managed by 55 Assistant Chief Court officers and 37 Chiefs. the latter of whom typically have responsibility for a stand-alone building, a complex of contiguous buildings or buildings housing multiple courts, while the former are typically responsible for a single building within a complex. Chief court officers are classified as management but, with the exception of Suffolk and Middlesex Superior Court, assistant chiefs are members of the union who are promoted to their positions in accordance with the terms of the union contract.

The Trial Court regards associate court officer and court officer positions as entirely distinct. Consequently, one is not a gateway to the other. Nevertheless, some associate court officers from time to time are hired as court officers when court officer hiring occurs. In 2004, during one of the last two major court officer hiring, 52 of the 133 new court officers were hired from the ranks of associates. Associate court officers receive one week of training when they are hired; court officers receive two. Both must pass a state CORI check, a medical examination and a physical examination, but, despite the sometimes rigorous physical components of their job, there is no requirement for periodic physical requalification nor is there any retirement age.

Recent budgetary restrictions have frozen all Trial Court positions for several years. The last major court officer hiring occurred in 2006 when 135 new officers were added. Before that and as noted, 133 officers were hired in 2004. The 2004 and 2006 hirings began when the Trial Court posted a notice that positions were available. The notice contained a description of the job and the requisite qualifications. Notices were posted on the Trial Court internet and intranet and, by paper, in each courthouse. No notices were published in newspapers or other public "help wanted" media nor did the Trial Court undertake any recruitment or outreach to fill the new positions.

Notwithstanding the limited posting, between 1500 and 2000 applications were received for each posting. Each application was logged by an administrative assistant and then was screened by a panel of three individuals to determine whether the applicant facially met the qualifications contained in the job description. Those qualifications, though, were minimal, limited essentially to a high school diploma or GED plus experience in security or law enforcement or some other analogous experience. No applicant who identified himself or herself as a "minority" candidate was removed from the candidate pool at the initial screening. Nevertheless, that screening reduced the applicant pool by approximately 500 people.

Based on their residence, the applicants who remained after the initial screening were placed into one of five geographic regions and their applications were processed with those of other applicants who lived in the same area.⁵ Each applicant was

⁵ Although initially hired to work in a specific area, court officers and associate court officers can be assigned to work at any courthouse in the Commonwealth.

interviewed by a panel of three, typically a chief court officer, a deputy director of the Trial Court security department and the regional assistant director of security in whose region the interviews were occurring. The interviewers asked a standard series of questions and all had access to the candidate's complete application, including any recommendations or referrals the applications contained. Based on the interview and a review of the applications, the panels made recommendations for finalists to the Trial Court's director of security, typically making more recommendations than there were available positions. After reviewing the recommendations, the director of security made recommendations to the trial court's chief of staff. The director's recommendations, like those of the interview panels, were grouped into geographic regions and typically contained 10 to 15 more candidates than there were available openings in the region. The chief of staff, in conjunction with the Chief Justice for Administration and Management (CJAM), then made the final selection after reviewing the applicant's folder. Before they were formally offered a position, those who were selected underwent a background investigation, physical examination, a fitness test and other suitability assessments. They then were hired and assigned to various courthouses, typically in the region where they lived.

Court officers and associate court officers, like all other trial court employees, remain in their positions unless discharged for cause. Advancement opportunities for associate court officers are quite limited. Court officers, however, may progress to a higher level court officer, called Court Officer II, to assistant chief court officer and to chief court officer. There is no periodic performance review either for associate court officers or for court officers and step pay increases are produced by time in grade, not by assessment of performance.

Promotions to chief court officer and assistant chief court officer are made as the result of a process that parallels the process used for initial hiring. The positions are posted along with the qualifications.⁶ Applicants are interviewed by a panel composed

⁶ The qualifications for chief court officer are divided into "essential requirements" and "preferred requirements." The former are "[1] A Bachelor's Degree in law enforcement, criminal justice, business or public administration, or similar program from an accredited college or university, and 10 years experience as a court officer in the Massachusetts Trial Court; or an equivalent combination of education and security related experience. [2] Strong knowledge of the Massachusetts trial court. [3] Prior experience as a trial court court officer. [4] Ability to establish work priorities and to work independently. [5] Excellent

like the panels that interview applicants for court officer positions. The panelists make evaluations of the applicants and forward them to the director of court security. After reviewing the applications and the evaluations, the director makes a recommendation to the Trial Court chief of staff and the appointment is thereafter made by the Chief Justice for Administration and Management.

The role of recommendations in the hiring process is unclear, but it is clear that the qualifications listed in the court officer and associate court officer job descriptions are minimal, broad and somewhat vague.⁷ As a consequence, those descriptions do not focus the applicant, the review panels or the interview panels on a set of skills, characteristics or capabilities the trial court has decided are essential for success in the position. There is, therefore, no mission driven mechanism for assessing the qualifications of job applicants or for reducing, fairly and objectively, the number of applicants in the applicant pool to the point where extensive time can be spent assessing the qualifications of each. Moreover, without rigorous standards and an objective process for applying those standards to each applicant, speculation about the role of recommendations in the hiring process is free to blossom. Such speculation necessarily impugns the qualifications, capabilities and achievements of the many fine associate court officers and court officers who serve the public daily. Our own assessment of the role recommendations have historically played in the hiring and promotion of associate court officers and court officers could only add to the fund of speculation. But we do know that the absence of rigorous standards for the jobs and of rigorous assessment of candidates' qualifications against those standards precludes the creation of that "fair system with

communication skills. [6] Ability to travel as required." The preferred requirements are "[1] Supervisory experience. [2] Demonstrated experience in directing and conducting security evaluations of public of government facilities, particularly court facility; and demonstrated ability to organize, direct and coordinate security service problems." Qualifications for assistant court officer are likewise divided into essential and preferred requirements. The former consist of "[1] An Associates degree in law enforcement, criminal justice, business or public administration, or similar program from an accredited college or university, five years experience as a court officer in the Massachusetts Trial Court; or an equivalent combination of education and experience" plus the other five essential requirements for chief court officer. The preferred requirements are the same as those for chief court officer.

⁷ As is evident from the content of note 7, the qualifications for chief and assistant chief court officers have greater content but even they are, in many respects, quite broad and do not focus with the precision they could on the specific kinds of skills and competencies that those responsible for hiring have determined are essential for success in either position.

transparent procedures in which the qualifications of an applicant are the sole criterion in hiring and promotion” that the Supreme Judicial Court is anxious to institutionalize throughout the court system.

The existing hiring and promotion process lies entirely within the domain of the CJAM and is not the creature of statute. Deficiencies in that process, therefore, are ultimately his responsibility as is the power to improve that process. To be sure, collective bargaining agreements and the Trial Court’s policy and procedures manual, see G.L. c. 211B, § 8, may contain limitations on the ability of the Chief Justice to act unilaterally, but collective bargain agreements are subject to negotiation and the manual can be changed in ways designed to make desirable improvements in the process.

Every presenter from whom we heard agreed that that process, and the way the process is viewed internally and externally, would benefit from a more rigorous and precisely drawn set of minimal qualifications for employment both as a court officer and as an associate court officer. The existence of enhanced qualifications would assist in recruiting, screening, and interviewing. Other measures would also facilitate a more transparent and, in all likelihood, a more routinely effective hiring process. In addition, creation and use of performance standards, periodic retraining and periodic physical testing would help to insure high performance levels and provide a sound basis for evaluating candidates for promotion. Now is an optimal time to plan the desired changes in court officer hiring and promotion because the current hiring freeze will allow time for the development of the appropriate criteria, procedures and HR capacity necessary for successful implementation of the changes.

II. RECOMMENDATIONS

Given the findings set out above, we make the following six recommendations that we believe will improve the process for hiring court officers and associate court officers. In our view, the recommendations, if implemented, will increase the likelihood that individuals with the highest qualifications for both positions will be encouraged to apply and will be selected to join the ranks of the many capable court officers the Trial Court now employs. Acceptance of the recommendations will also increase the transparency with which the hiring process is conducted, thereby inevitably reducing the opportunity for speculation and rumor about why particular individuals were hired.

1. In hiring court officers and associate court officers, the Trial Court should utilize recognized best hiring practices. As we did in our Action Plan for Probation, we recommend that the Trial Court utilize what have come to be recognized as a series of seven best practices for attracting and employing highly qualified individuals in a transparent fashion. Those practices are at the core of all sound recruiting and hiring programs, the purpose of which is to gain the best qualified candidates to fill the organization's open positions. Indeed, that function and purpose have led a number of companies refer to their recruiting departments as "Talent Acquisition" departments. In addition to qualified candidates, most organizations seek candidates who are "cultural fits" for the organization, i.e., candidates whose personal goals, interests and career aspirations are aligned with the organization's mission. Recruiting new talent is a critical function, as new hires form the basis of the organization's future leadership.

The seven best practices are as follows:

- a. Mission Statement. There should be a well-defined mission statement both for court officers and associate court officers. Organizations that establish mission or vision statements put forth in very clear terms not only what their goals are for the organization, but "how" they will go about achieving those goals. Such a statement helps candidates understand what the organization is trying to accomplish and how it intends to do so, thereby enabling them to self-select into a job, or conversely, determine that the organization may not be appealing to them. A well articulated mission also helps hiring managers ask better questions of candidates - to understand if the candidate's work history reflects the skills and background likely to support the organization's mission. Thus, for example, the mission statement for court officers and associate court officers should give due recognition to the role that good customer relations plays in establishing proper decorum in court, diffusing potential court disruptions and maintaining security in the courtroom.
- b. Job descriptions/job competencies. Job descriptions should build on the mission statement, focusing with specificity on characteristics, experiences and achievements that are likely to produce successful court

officers and associate court officers. When determining minimum qualifications, it is important to consider the overall goals of the position and to make certain that the skills required, even for entry level positions will be set at a level high enough to attract candidates who are capable of advancement within the organization. The description should be specific enough to tell potential applicants whether they are truly qualified and to guide screeners in an objective assessment of whether the applicant has the requisite qualifications and background for successful performance as a court officer or associate court officer. Identifying the competencies required for specific positions can also assist in the screening of job candidates. Some competencies are attributes such as “problem solving ability,” “analytical skills,” “customer service orientation” that are essential attributes of the position. As part of creating the job description for the role, one develops a roster of the key competencies required for success in the role. Others, equally important in the case of court officers, have to do with physical conditioning and the ability to pass a thorough and rigorous background investigation. Both should be included in the job description and examination and both should be part of the process by which successful applicants are chosen.

- c. Multi-channel sourcing of candidates. The Trial Court deals with a population comprised of individuals with many different backgrounds, countries of national origin, income levels and life experiences. To perform their jobs effectively, it is important that court officers as a group have awareness of the various backgrounds and cultures with which they are dealing on a daily basis. The Trial Court should therefore identify and implement best practices for recruiting a diverse candidate pool. To have an inclusive corps of court officers with multicultural awareness and cultural competency, active recruitment ought to be undertaken. The recruitment should focus on publications, educational institutions, community organizations and diversity based membership organizations and profiles on Linked In or Facebook. By opening up multiple sourcing

channels, the Trial Court can greatly improve the quality and diversity of the candidate pool. The Trial Court's progress regarding the recruitment of diverse candidates should be reviewed as part of a periodic review of the hiring and promotion process.

- d. Objective review of candidate qualifications/screening. When candidates apply for a position, there must be objective screening to determine whether they meet the baseline criteria for the position and to deselect candidates who do not. This screening should include an initial review of resumes or job applications and a basic test might be administered to identify possession of the basic skills without which success in the position would be impossible. Ideally, that screening should be done by the Trial Court's Human Resources Department (HRD), because that department is not going to make the final hiring decision and, thus, can provide an independent level of review at the outset.⁸ Moreover, all applicants must go through the same baseline screening. Hiring managers and those responsible for recommending finalists should not be informed of recommendations, political or other, until a candidate becomes a finalist

⁸The desirability of an independent review at the outset leads us to recommend that the initial screening should be done by personnel other than those who will make the hiring decision or final recommendations, even if the screening task is not assigned to HRD. That approach occurs routinely in the private sector, where work performed by those who are not in the hiring chain is designed to deliver the 3-5 most qualified candidates to the person responsible for hiring. Such a process might be designed as follows: Professional HR recruiters would conduct the first line screening of candidates, based on the qualifications presented through resumes and within the job applications. As part of this first line screening, recruiters would communicate, in writing, with candidates who do not meet basic qualifying criteria for the role, based on resume and application to inform them of the screening results. Within the remaining pool of candidates, the recruiters would conduct a first level screening interview to ensure the candidate understands basic position requirements, and is qualified, interested and available for the open position. Based on this level of screening, the recruiter would arrange for the candidate to take some on-line, web-accessible, assessment testing. Following a combined evaluation of the first level interview, evaluation of the assessment testing, along with the candidate's work history and credentials, the recruiters would designate that the most qualified candidates to be interviewed by the hiring manager or hiring panel. Based on recruiting best practices, of ratio of qualified candidates sent to hiring managers for interview, the recruiter would try to forward the 3-5 most highly qualified applicants to hiring managers for further consideration, meeting in the process specific KPIs (Key Performance Indicators) in terms of including diverse candidates in the pool sent to hiring managers. Although various constraints, fiscal and other, rule out exact replication of that model in the Trial Court, the division of labor the model embodies, or some variant thereof, is worth considering as a model for division of labor between the Trial Court HRD and appointing authorities to increase efficiency and screening from outside influence in the hiring process.

and his or her references are being checked. This first line screening is designed to create a “level playing field” for all applicants.⁹

- e. Behaviorally based interviews (BBI). Behavioral interviews are a standard practice in the recruiting industry. The strategy behind behavioral interviews is that the past is the best predictor of future performance. Good behavioral interview questions are open ended, and ask the candidate to provide examples from their past that demonstrate how they handled a particular situation. For example, an applicant for a court officer position might be asked the following question: “Describe a time when you were working with the public and you became aware of a potentially disruptive situation. How did you recognize that there was an issue? What steps did you take to defuse the situation?” There are many possible answers to this question, but some likely would be more consistent with the way the Trial Court wants court officers to handle these kinds of situations than others. Behavioral based interview questions, therefore, help to identify “best fit” candidates for the organization’s desired culture and approach to getting the work done.
- f. Candidate assessments. Candidate assessments are another way of screening for candidates who are most likely to be high performers in a particular position. They are not “tests” in the typical sense of the word. Used as part of the employment process, tests determine whether a candidate has specific knowledge. Bank teller applicants might be given math tests and civil service exams likewise test for a specific body of knowledge. Assessments are different. They are customized to screen for the behaviors required by specific positions and can provide hiring

⁹ We recognize that some have advocated, and continue to advocate, the use of an entry level examination as a means of determining whether applicants meet basic competency standards. If confined to basic competencies – an ability to read and understand written directions, to understand basic math and logic and to perform other basic tasks necessary for the position – such tests may serve a useful screening purpose, though it is important that they be used purely to screen those who may move to the next step and that they not be used to “rank” application at the threshold. We are in full agreement with every presenter who spoke to us that such tests play no useful or constructive role whatsoever in connection with promotions and should not, therefore, be a part of the promotion process.

managers with insight into, for example, a candidate’s analytical and problem solving skills, ability make effective judgments or aptitude for and interest in customer service. The assessments provide hiring managers with a “science” based way of evaluating candidates, and are always used in addition to the data provided through more qualitative methods such as behavioral interviews. Assessments alone are not designed to be the key factor in the hiring decision—they are designed to be an additional data point in making an informed hiring decision.

g. Applicant tracking system. As in the case of the Action Plan for Probation, the Task Force believes that, to ensure full transparency in the recruiting process and to manage recruiting efficiently, the Trial Court should employ an automated system to track every step of the hiring process from opening of a requisition to the candidate’s “hiring.” Such systems are a standard operating tool for most HR organizations. All information about the candidate and the hiring process, including resumes, assessment results, all recommendations and references, however transmitted and by whomever received, the identity of the decision makers at each step of the process and any scoring by those decision makers, should be recorded in the system.

2. Recommendations. Properly used, recommendations can play an important role in the hiring of highly motivated and qualified court officers and associate court officers. Accounts from those who have observed applicants perform in situations similar to those court officers are likely to encounter can provide extremely valuable insights into an applicant’s qualifications. On the other hand, recommendations can skew objective determinations about whether applicants possess the basic qualifications necessary for success. Accordingly, we again recommend that no recommendation, regardless of its source, be available to anyone in the hiring process until the finalists have been chosen and overall reference checks are being made. Moreover, we recommend that little weight be given even at that stage to recommendations that are not based on personal observation of the applicant’s performance under relevant circumstances.

3. Annual performance evaluations. The Trial Court should create and maintain a system of effective annual performance review for all court officers and associate court officers. The reviews should be designed not only to assess performance in the officer's current position, but also the extent to which the officer displays competencies that are necessary for advancement to the next level. Reviews of that type help managers assess current performance, help employees focus on advancement, and provide a periodic opportunity to review and reinforce the mission statement governing the court officer and associate court officer corps as a whole. Moreover, periodic reviews provide an objective and transparent component of the decision-making process when promotions are considered.
4. Periodic training. The Trial Court should create a system for providing periodic training, physical and other, successful completion of which should be a factor in all promotion decisions. The training should help all court officers and associate court officers acquire, maintain and improve all of the skills they need to carry out successfully all of the duties their positions entail.¹⁰
5. Career Progression: Consideration ought to be given to a career path for associate court officers that allows them to anticipate progression to the ranks of court officers. Such a career part, coupled with a program for periodic performance evaluations, would provide associate court officers with an incentive for continued high performance as they carry out their interwoven responsibilities to maintain security and act as ambassadors to members of the public who enter the courthouses. The existence of such a career path would also change the basic competencies and qualifications for the associate court officer positions, in the process likely elevating the overall quality of the applicant pool.
6. Supervision of the hiring process. The task of hiring qualified employees falls increasingly to skilled specialists within an organization. Those specialists have the knowledge, background, experience and tools to design and execute a hiring

¹⁰ In that regard, national and international organizations like ASIS International maintain and promulgate suggested training outlines that may be helpful in determining the sweep of appropriate court officer and associate court officer training.

process likely to identify the most qualified employees. In a subsequent report, we will make recommendations designed to strengthen the Trial Court's HRD. At this point, though, we believe that the Trial Court HRD should play a significant role in the process of hiring court officers and associate court officers so that approaches to hiring can be overseen, refined and updated to keep pace with evolving best practices.¹¹ At same time, HRD supervision of the process ought to take account of the need for local accountability regarding the safety, security and decorum of each courthouse where proceedings occur. That accountability, which to us appears somewhat blurred, has to rest in large part with the various chief and assistant chief court officers. It is appropriate, therefore, that they have some role in the centrally supervised hiring and promotion of those who will be their subordinates. Of course, an effective system of accountability only works when managers are genuinely accountable, i.e., when they do not effectively have life tenure.

III. CONCLUSION

Often, courthouses of the Commonwealth are filled with the kind of tension that inevitably accompanies efforts to resolve deep and profound human problems. They are also filled with people not there by choice who confront what is to them a strange and bewildering environment. In that environment, court officers and associate court officers keep rein on tension to prevent it from producing disorder and violence. They keep the

¹¹ We recognize that costs are associated with implementing these recommendations and we also recognize the difficult financial circumstances in which the Trial Court finds itself. A Legislature truly committed to sound, high quality hiring and promotion practices needs to provide the funds necessary for their implementation but the Court also needs to leverage those funds in a manner that yields greatest value. For example, procedures utilized in connection with reform of Probation Department hiring and promotion ought to be designed and implemented in a manner that permits their use throughout the Court. The applicant tracking system is a prime, though by no means exclusive, example. Assessment processes are another. It is possible, for example to create assessment tools that have two components: 1) an assessment of broad competencies identified as important to all positions within the court system which will apply to all applicants, and 2) job knowledge testing related to specific positions. The broad competencies may include reading comprehension, communications, analytic ability/problem solving and other softer skills related to overall cultural fit, such as follow through, teamwork, customer service and work ethic. Testing for those general competencies could be accompanied by job knowledge tests related to, for example, probation officers, security personnel or administrative positions. Carefully constructed assessment tools combining those elements will allow the court system to screen effectively for basic competencies, cultural fit and specific job knowledge without the need to design completely different assessments for each category of employee.

courthouses free of weapons. They watch for incipient problems. They help to demystify the process litigants encounter and they guide visitors to appropriate destinations. They are, in sum, essential participants in the process of dispensing justice throughout the Commonwealth.

The Trial Court now employs many dedicated and capable court officers and associate court officers who daily work to serve the public. The recommendations we have made in this report are designed to ensure that the Trial Court reaches out for and attracts applicants of the highest quality to join them or to replace them when vacancies occur. Our recommendations combine proven recruiting and hiring practices with measures designed to deal with particular issues identified by those with whom we have spoken. We strongly believe that, when implemented, those recommendations will provide a firm foundation on which the Trial Court can maintain a corps of court officers and associate court officers that is capable of meeting effectively the myriad challenges they daily face.

Our work, though, is not finished. We will continue to gather information that is necessary for making further "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" throughout the Trial Court. As we look forward to implementation of the measures we have recommended here, therefore, we will simultaneously inquire about practices and make recommendations regarding hiring and promotion practices in the components of the Trial Court our reports have not yet addressed.

APPENDIX A

Judicial Branch Hiring Task Force Meetings and Presenters

December 10, 2010

Initial meeting of the Task Force – member presentations

December 17, 2010

Paul Ware, Esq., Goodwin Procter

Kevin Martin, Esq., Goodwin Procter

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

January 7, 2011

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

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

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

January 14, 2011

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

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

Michael Manning, NAGE Counsel

Larry Dulley, NAGE local leader

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

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