

COURT BULLETIN

In this issue...

Probation Officer Hiring Update

All-Court Conference Explores Race and Implicit Bias

IT Corner: "Top 10" List of MassCourts Upgrades Finalized

A Look Inside the Land Court

On the Hill:

- House Speaker Robert DeLeo Visits East Boston BMC Drug Court
- The Committee Hearing Process: a Primer

Celebrating Success:

- \$1.375 Million in Federal Grants Awarded to Drug Courts in Barnstable and Bristol Counties
- Drug Courts Gain Momentum at Second Annual NEADCP Conference
- Procedural Fairness Site Assessment Planned for Essex County Superior Court

The Courts and the Community:

- Curry College Students Visit Taunton District Court

In Your Mailbox: Middlesex County Judicial Evaluations

Probation Officer Hiring Update

The Massachusetts Probation Service has been actively hiring and promoting staff to fill a significant number of openings at all levels. Attrition, mainly through retirement, is impacting the department's ability to make headway in increasing staffing. Since January, the department has made 154 total appointments and the net increase in staffing has been six Probation Officers.

"While this is a difficult and, at times, a frustrating transition, there is no more important work for us right now than workforce development," says Probation Commissioner Edward Dolan. "The single most important point of contact in the work we do as a Service - changing the trajectory of the lives of the people who come into our care and custody - is our staff. Attracting, hiring, training, retaining, promoting and supporting staff is the critical ingredient for the future excellence of the Probation Service."

The process to appoint a Probation Officer is now guided by the court reform statute passed in 2011, which mandates an exam.

In 2014, 1,180 candidates passed the first-ever exam. Human Resources then conducted a screening process using criteria developed with Probation staff to determine who would be interviewed.

The group that passed the exam was narrowed using qualifications such as: experience in Probation, experience in case management/case supervision, and social services experience.

An applicant pool of 711 candidates participated in the first round of statewide interviews. In response to the statewide posting, applicants indicated the locations where they would like to work. The Office of the Commissioner of Probation (OCP) analyzed division-specific needs and prioritized locations where positions were needed. Once OCP identified locations, pre-screened candidates were placed in applicant pools by location. OCP then coordinated and conducted local interviews with Human Resources to identify the finalists.

Candidates who passed the exam but who are not in the existing, pre-screened pool of applicants may be asked to come in at a later date for a screening interview.

Having resolved the use of essays in the examination process, eight Chief Probation Officer postings recently closed and are being screened for interviews, while approximately 42 Assistant Chief Probation Officer positions will be posted shortly.

By the Numbers: Probation Officer Appointments January to August, 2015

101 Total: 45 external hires, 31 transfers, 25 promotions

All-Court Conference Explores Race and Implicit Bias

In light of recent events in Ferguson, Staten Island, Baltimore, and elsewhere, last month the Supreme Judicial Court and the Trial Court co-sponsored an all-court conference on race and implicit bias, with help from the Flaschner Judicial Institute. More than 300 judges attended the conference.

The all-day event opened with remarks from SJC Chief Justice Ralph Gants and Trial Court Chief Justice Paula Carey, who said that the conference was an important step to foster more formal ways to address racial biases in the court system and in society.

"As a system we are a court of law. What comes from us must be fair in process and outcome, and also must be perceived as fair," said Chief Justice Carey, adding: "The respect and willingness to consider other perspectives is what the Massachusetts Judiciary is all about...the things that separate us can also ultimately bring us together."

Guest lecturers included Professor Margaret Burnham of Northeastern University School of Law,

who previously served on the Boston Municipal Court. Her talk on "Prevailing Against the Odds: Achieving Justice in an Unjust World" provided an overview and context for how the "three strikes and you're out" criminal justice policies in the 1980s and 1990s helped create a system of mass incarceration that has disproportionately impacted people of color.

Kimberly Papillon, Esq., gave a detailed talk on "The Neuroscience of Implicit Bias." Based on MRI brain scans and numerous studies, Ms. Papillon shared the science behind implicit bias, which begins in humans as early as nine months of age. Children as young as four can articulate biases towards others.

Ms. Papillon cited statistics that echoed Professor Burnham's earlier talk, presenting national data that showed higher sentencing rates, including plea agreements and jury trials, based on the level of a defendant's Afro-centric facial features and skin tone. "Whether or not you have a PhD or a GED, you will still be sentenced differently according to race," she said, "Even after factoring for socio-economic, gender, and other variables."

Next steps: The Planning Committee on Race and Implicit Bias has met since the conference to review the judges' evaluations. As a result of the feedback, the Trial Court will seek volunteers at all levels of the system to help continue moving this conversation forward.

IT Corner

"Top 10" List of MassCourts Upgrades Finalized

The MassCourts governance process recently came to a consensus on a prioritized list of court-wide improvements, committing \$350,000 to the following projects:

1. Request for a number of reports and standardized search screens for each report.
2. Increase the amount of information copied during case transfer process.
3. Case Transfer/Copy/Link Functionality.
4. Auto dockets at case initiation should default to file date of the case.
5. Request for intra- and inter- departmental case transfer.
6. Change the auto event schedule/result functionality so the result doesn't update the scheduling docket.
7. Set up party "status" to display in key areas in the application.
8. Implement tickler functionality with PO as participant and enhance functionality to include PO group.
9. Change the sentencing screen to accommodate a change in jurisdiction.
10. Date for each docket on a template should default to date at top of screen.

How was the list created? Each department identified MassCourts needs and a Trial Court-wide governance committee reached a consensus on overall priorities that will have the greatest impact.

What does this list mean for MassCourts users? These IT improvements will enable court

departments to share information more easily than before. The enhancements will also help MassCourts run more efficiently, making it easier and faster for you to enter and access information within the case management system. Please contact your governance representatives if you have questions.

What's next? Judicial Information Services will receive these enhancements in the regular CourtView Justice Solutions (CJS) releases (December 2015, April and August 2016). Please check the "user notes" that accompany each new release for the deployment of these items into production.

A Look Inside the Land Court



I'll take that: from left, Court Officer Kathleen Franco hands a case file to Deputy Recorder Ellen Kelley, while Boston College Law School Intern Edwin Torres listens to Sessions Clerk Kathleen Hayes explain the details on a docket.

Small but specialized. When your neighbor builds a fence over your property line, or you get a notice that your town has taken your property for unpaid real estate taxes, or you are uncertain about what uses are permitted on land you are about to buy, where do you go?

With just six associate justices and a chief justice, the Land Court may be the smallest of the Trial Court Departments, but the cases it hears can have enormous repercussions for landowners throughout the Commonwealth. Although the court is based in one central location at the Suffolk County Courthouse in Boston, the Land Court has statewide jurisdiction. While most cases are heard in Boston, Land Court justices will travel to hear cases in certain circumstances. The court increasingly relies on telephonic conferencing to cover its statewide jurisdiction.

"Land ownership is at the heart of the American dream," says Land Court Chief Justice Judith Cutler. "If you want to be sure that you have good title to your land, registering your title is the way [to ensure that.](#)">>

On the Hill...

House Speaker Robert DeLeo Visits East Boston BMC Drug Court



Words of encouragement: Speaker DeLeo (standing) recently addressed drug court participants at the East Boston Division of the Boston Municipal Court. First Justice John McDonald is seated next to the Speaker. "I came today to learn more about what works and observe what your court is doing to fight addiction," said Speaker DeLeo, who has since urged his colleagues on the hill to visit drug court sessions in their districts. "Congratulations to all of you on your efforts to stay sober. Remember there are many people at the State House and elsewhere who are on your side and are fighting for and with you. If you need help, if you need treatment, reach out to us."

The Committee Hearing Process: a Primer

Now that the FY16 budget cycle is over, what happens next?

In each legislative session, which lasts two years, legislators file some 8,000 bills in the House and Senate. The House and Senate Clerks' offices must sort and number each bill, and assign them to the appropriate committee.

Most, but not all, bills affecting the Trial Court are sent to the Joint Judiciary Committee.

Committees then decide to hold public hearings on the bills. This year, the public hearing process is now well underway. Anyone, including members of the public, may present testimony for or against a bill during the public hearing process.

Following the public hearing, the committee discusses each bill and votes to report it "out of committee" in one of three ways:

1. Favorable report (bill should pass) - the committee recommends passage of the bill in its original form, with amendments, or in a new draft;
2. Adverse report (bill should not pass) - the committee recommends that the bill not proceed further;
3. Study order - technically means the bill be studied during the recess, but often signifies that the bill will not proceed further.

Next month, we'll review what happens when a committee gives a bill a favorable report.

Celebrating Success...

The Court Bulletin frequently highlights success stories happening throughout the court system. Please send us your examples of local successes.

\$1.375 Million in Federal Grants Awarded to Drug Courts in Barnstable and Bristol Counties

Two federal grants totaling \$1.375 million will enable the Trial Court to expand services it offers to court-involved juveniles in the Bristol County Juvenile Drug Court and to Cape Cod adults participating in the Barnstable Drug Court.

Earlier this month, the Substance Abuse and Mental Health Services Administration (SAMHSA) awarded a \$975,000 three-year grant to the Barnstable Drug Court, while a second grant from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) will provide \$400,000 over two years to enhance services for adolescents participating in three Bristol County Juvenile Drug Court sessions.

"This funding comes at a pivotal time in our fight against the opioid epidemic, which has hit the Commonwealth with particular force," says Trial Court Chief Justice Paula Carey. "Both grants will strengthen the links we're building between the courts and local treatment service providers."

The SAMHSA grant will enable the Barnstable Drug Court to nearly double in size, expanding the substance use and co-occurring mental health treatment services it provides from 50 to 90 drug court participants each year.

The Bristol County Juvenile Drug Court will serve 105 court-involved teens in Fall River, New Bedford, and Taunton over two years. The OJJDP grant will support a full-time Family Engagement and Outreach Coordinator, a Case Manager, and a half-time Research Assistant. The grant will also significantly increase the level of services offered to Bristol County Juvenile Drug Court participants.

The Trial Court aims to increase the number of specialty courts from 34 to 50 by the end of Fiscal Year 2017 in order to serve all areas of the state.

Drug Courts Gain Momentum at Second Annual NEADCP Conference



From left, Norfolk Probate and Family Court Chief Probation Officer Donna Feinberg and Richard O'Neil, Probate and Family Court Statewide Supervisor for Probation, speak with Trial Court Chief Justice Paula Carey during a break at the conference.

Over 450 judges, court leaders, treatment providers, probation officers, and other court personnel attended the second annual New England Association of Drug Court Professionals' conference: "Drug Courts - Where Justice and Treatment Meet: Facing Complex Issues."

Among those welcoming conference participants were Trial Court Chief Justice Paula Carey and Supreme Judicial Court Chief Justice Ralph Gants, who observed that as the courts "view drug abuse as a chronic medical disease, much like hypertension or diabetes, we need to be mindful of the courts and our restraints...we have to be willing to study, learn, and adapt from each other. Everything we do should be viewed as a pilot that can be improved upon and considered as

potential tools for use across the court system."

Court Administrator Harry Spence observed that "We are a justice system, not a random system-- we can't have some individuals having access to drug courts, and others not. We need to expand drug courts wisely and carefully, but we must also ramp up quickly enough to meet our overarching goal as a justice system--to reduce recidivism. We want to ensure that everyone in the Commonwealth who needs access to a specialty court will have access to one."

The two-day conference featured a keynote address by Mary Lou Leary, Deputy Director of State, Local and Tribal Affairs from the White House's Office of National Drug Control Policy (ONDCP). Workshops covered numerous topics, including: the connection between trauma, addiction, and crime; the role of community supervision and specialty courts in supporting recovery; grants and financing; overdose prevention and drug testing best practices; an overview of medication assisted treatment, and an introduction to the Center of Excellence for Specialty Courts.

Procedural Fairness Site Assessment Planned for Essex County Superior Court

Building on best practices. Thanks to a technical assistance grant from the U.S. Department of Justice's Bureau of Justice Assistance and the Center for Court Innovation, the Essex County Superior Court's HOPE/MORE model was selected to receive a site assessment on procedural justice practices. Planning work for this project began in September, with site visits to be scheduled in the winter.

What is procedural fairness? Also known as procedural justice, procedural fairness helps build public confidence in the justice system by ensuring that judges and other authority figures act in a way that is consistently fair to defendants. Elements of procedural justice include: instilling feelings of respectful and neutral treatment; clear understanding of court processes on the part of defendants; as well as the ability to have a say in court when appropriate.

The site assessment grant will help the Trial Court define the essential elements of procedural fairness from the HOPE/MORR program in order to ensure these successful elements can be replicated in other courts in the future. To foster these efforts, the Legislature awarded the Trial Court with \$2.5 million line item in the FY16 budget to replicate the HOPE/MORR model throughout the state.

Creating a Court-wide set of standard operating procedures. The Trial Court's focus on criminal justice innovations, including the HOPE/MORR model, and specialty courts such as drug courts, mental health courts, veterans treatment courts, and homeless courts, are built upon principles of procedural fairness, partnership with social services and executive branch agencies, and continuous improvement. The Trial Court seeks to expand the principles that are the foundation of these problem-solving courts, and bring them into traditional criminal courtrooms.

"The site assessment in Essex will provide Trial Court leadership with a unique opportunity to

expand upon its procedural justice practices throughout the Commonwealth," says Trial Court Chief Justice Paula Carey.

"Over the past few years, we've seen the Trial Court develop tools and protocols for absorbing recommendations and translating them into concrete, achievable, and measurable implementation steps," adds Chief Justice Carey. "At a statewide level, the strategic planning process and language access plan have strengthened the court system's ability to roll out action plans across the courts. In Salem, the HOPE/MORR program has yielded lasting partnerships within and beyond the courthouse, enabling criminal justice partners to develop, for example, protocols on working with opiate abusers in the courts; to make adjustments to procedure and practice based on external feedback; and to conduct micro-experiments within its own court processes."

Read more about it:

- [Q&A on Procedural Justice with Yale University Professor Tom Tyler](#).
- [ProceduralFairness.org](#) - Procedural Fairness for Judges & Courts website.
- [HOPE/MORR Pilot Programs Show Promise](#) - September 2015 *Court Bulletin*.

The Courts & The Community

Curry College Students Visit Taunton District Court



Judge Gregory Phillips speaks to Curry College students during a tour of the Taunton District Court, while Court Officer Tayna Dubois and Probation Officer Jason Avellar take part in the discussion.

A group of undergraduate criminal justice majors from Curry College visited the Taunton District Court earlier this month. The trip gave the students a unique perspective on how the law works in

a real-world setting.

"We hope the visit enriched the classroom reading and discussion about criminal justice, and gave the students a more nuanced understanding of how laws are enforced and social order maintained," said First Justice Kevan Cunningham.

"It's a unique opportunity for these kids to talk with court officials, and observe how the law is adjudicated in real world settings," added Judge Gregory Phillips, who also serves as a faculty member at the college's Sociology and Criminal Justice Department, and who helped arrange the tour. "These field trips encourage students to have a better understanding of the complexities of law enforcement and adjudication. We find that students who experience the reality of a daily court session have a much better sense of how we render justice."

In Your Mailbox: Middlesex County Judicial Evaluations

What: If you work for the District Court, Juvenile Court, Housing Court, or Probate and Family Court in Middlesex County, you can provide feedback to the judges you work with each day by completing the Judicial Education Program evaluation. The evaluation is the best way for you to communicate to judges and chief justices your views about the judges with whom you work each day. To ensure that the process is completely anonymous, judges do not see individually completed questionnaires, only an overview of all of the data once the surveys are received.

When: You should have received a questionnaire at your home address. Please complete your evaluations and mail them back as soon as possible.

Why: The scores you submit and the comments you write are taken seriously by the Trial Court. Each judge will meet with the Department Chief Justice to discuss the overall evaluations and professional development. Your survey responses and comments help enhance the performance of judges and the judiciary as a whole.

If you have any questions or need a questionnaire, contact Mona Hochberg, Coordinator of Judicial Performance Evaluation, at [617-557-1156](tel:617-557-1156) or Mona.Hochberg@sjc.state.ma.us.

Your news. Your Court Bulletin.

What's on your mind? Do you have a newsworthy topic or question you'd like to see answered? Want to share a photo from an event at your courthouse with your Trial Court colleagues from around the Commonwealth? Write us anytime: execofc@jud.state.ma.us.

NEW - Share your story: Submission Guidelines

What inspires you? Our goal is to share your relevant court success story, through a first-person personal perspective, interview, or event with your Trial Court colleagues across Massachusetts. Before sending us your idea or proposal, take a look through [recent issues of the Court Bulletin](#) to get an idea of the type of articles and content published.

We accept submissions from all court personnel and from all court departments. Everyone is welcome to submit their ideas.

All submissions must be electronic. Email us your idea or a draft of your piece in Microsoft Word to execofc@jud.state.ma.us with the title of your proposed piece in the subject line. Your draft should be no longer than 700 words. Be sure to also include your contact information: name, phone number, courthouse, and job title. Please allow 3-5 business days for us to get back to you.

Can you see the *Bulletin*?

If you still can't view *Court Bulletin* photos or links, or have issues with your email in general, give the JIS Help Desk a call at [617-878-0245](tel:617-878-0245) or try [this solution>>](#)



Coming up in November:

Three New Veterans Treatment Courts Open

Trial Court Employee Excellence Awards