

HOUSE No. 03395

The Commonwealth of Massachusetts

PRESENTED BY:

Robert A. DeLeo

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to the Reorganization of the Judicial System of the Commonwealth.

PETITION OF:

NAME:

Robert A. DeLeo

DISTRICT/ADDRESS:

19th Suffolk

HOUSE No. 03395

By Mr. DeLeo of Winthrop, a petition (subject to Joint Rule 12) (accompanied by bill, House, No. 3395) of Robert A. DeLeo relative to the reorganization of the judicial system. Senate Ways and Means .

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act Relative to the Reorganization of the Judicial System of the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 7 of chapter 4 of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by inserting after the word “privacy” in subclause (c) of clause
3 twenty-sixth the following words:-

4 provided, however, that letters of recommendation for employment submitted in support of
5 candidates who are hired by the commonwealth shall be considered public records under this
6 section;

7 SECTION 2. Section 116 of chapter 6 of the General Laws, as so appearing, is hereby amended
8 by striking out, in lines 22 and 23, the words “administrative justice” and inserting in place
9 thereof the following words:- justice of the trial court.

10 SECTION 3. Section 183A of said chapter 6, as so appearing, is hereby amended by striking out,
11 in lines 9 and 10, the words “chief administrative justice” and inserting in place thereof the
12 following words:- court administrator.

13 SECTION 4. Section 28A of chapter 7 of the General Laws, as so appearing, is hereby amended
14 by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

15 Said administrator may enter into agreements with the supreme judicial court, the chief justice of
16 the trial court, the court administrator of the trial court, or the chief justices of the several
17 departments of the trial court for programs for the continuing education of judges and other court
18 personnel.

19 SECTION 5. Section 41C of said chapter 7, as so appearing, is hereby amended by striking out,
20 in lines 11, 24, and 32, the words “administrative justice” and inserting in place thereof the
21 following words:- justice of the trial court and the court administrator.

22 SECTION 6. Section 2 of chapter 7A of the General Laws, as so appearing, is hereby amended
23 by striking out, in lines 3 and 4, the words “chief administrative justice” and inserting in place
24 thereof the following words:- court administrator.

25 SECTION 7. Section 35Z of chapter 10 of the General Laws, as so appearing, is hereby amended
26 by striking out, in lines 12, 13, 16, 17, 23 and 24, the words “chief justice for administration and
27 management” and inserting in place thereof the following words:- court administrator.

28 SECTION 8. Section 31A of chapter 29 of the General Laws, as so appearing, is hereby
29 amended by striking out, in line 18, the words “chief administrative justice” and inserting in
30 place thereof the following words:- court administrator.

31 SECTION 9. Section 3A of chapter 29A of the General Laws, as so appearing, is hereby
32 amended by striking out, in line 8, the word “administrative”.

33 SECTION 10. Section 4 of said chapter 29A, as so appearing, is hereby amended by striking out,
34 in lines 6, 19, 21, 28, 29, 30, 42, 43, 44, and 53, the words “chief administrative justice” and
35 inserting in place thereof the following words:- court administrator.

36 SECTION 11. Section 5 of said chapter 29A, as so appearing, is hereby amended by striking out,
37 in lines 3 and 4, the words “chief administrative justice” and inserting in place thereof the
38 following words:- court administrator.

39 SECTION 12. Section 6 of said chapter 29A, as so appearing, is hereby amended by striking out,
40 in lines 3, 6, 7, 8, 9, 25, 26, and 37, the words “chief administrative justice” and inserting in
41 place thereof the following words:- court administrator.

42 SECTION 13. Section 6 of chapter 34B of the General Laws, as so appearing, is hereby amended
43 by striking out, in lines 21, 44 and 45, the words “chief justice for administration and
44 management” and inserting in place thereof the following words:- court administrator.

45 SECTION 14. Section 16 of chapter 37 of the General Laws, as so appearing, is hereby amended
46 by striking out, in line 3, the words “administrative justice” and inserting in place thereof the
47 following words:- justice of the trial court.

48 SECTION 15. Section 1 of chapter 58A of the General Laws, as so appearing, is hereby
49 amended by striking out, in line 12, the words “administrative justice” and inserting in place
50 thereof the following words:- justice of the trial court.

51 SECTION 16. Section 24M of chapter 90 of the General Laws, as so appearing, is hereby
52 amended by striking out, in line 9, the word “administrative”.

53 SECTION 17. Section 3 of chapter 90C of the General Laws, as so appearing, is hereby further
54 amended by striking out, in lines 101 and 102, the words “for administration and management”
55 and inserting in place thereof the following words:- of the trial court.

56 SECTION 18. Section 28 of chapter 119 of the General Laws, as appearing in the 2008 Official
57 Edition, is hereby amended by striking out, in lines 32 and 33, the word “administrative”.

58 SECTION 19. Section 29B of said chapter 119 of the General Laws, as so appearing, is hereby
59 amended by striking out, in lines 6 and 7, the words “for administration and management” and
60 inserting in place thereof the following words:- of the trial court.

61 SECTION 20. Section 1 of chapter 119A of the General Laws, as so appearing, is hereby
62 amended by striking out, in lines 22 and 23, the word “administrative”.

63 SECTION 21. Section 3 of said chapter 119A, as so appearing, is hereby amended by striking
64 out, in line 76, the words “for administration and management” and inserting in place thereof the
65 following words:- of the trial court.

66 SECTION 22. Section 13 of said chapter 119A, as so appearing, is hereby amended by striking
67 out, in lines 27 and 28, the words “for administration and management” and inserting in place
68 thereof the following words:- of the trial court.

69 SECTION 23. Section 1 of chapter 150E of the General Laws, as most recently amended by
70 section 185 of chapter 25 of the acts of 2009, is hereby amended by striking out, in line 61, the

71 words “chief administrative justice” and inserting in place thereof the following words:- court
72 administrator.

73 SECTION 24. Chapter 185 of the General Laws, as appearing in the 2008 Official Edition, is
74 hereby amended by striking out section 2 and inserting in place thereof the following 2 sections:-

75 Section 2. The land court department shall consist of 6 associate justices appointed to the land
76 court department. The justice as provided under section 1 of chapter 211B as the chief justice for
77 the land court department, in addition to his judicial powers and duties, shall, subject to the
78 superintendence authority of the supreme judicial court as provided in section 3 of chapter 211,
79 have the power, authority and responsibility of a chief justice as set forth in section 10 of chapter
80 211B.

81 Section 2½. The administrator as provided under section 1 of chapter 211B as the deputy court
82 administrator for the land court department shall, subject to the superintendence authority of the
83 supreme judicial court as provided in section 3 of chapter 211, have the power, authority and
84 responsibility of a deputy court administrator as set forth in section 10 of chapter 211B.

85 SECTION 25. Section 3A of said chapter 185, as so appearing, is hereby amended by striking
86 out, in lines 39, 40, 58, 59, 68, 84, and 85, the words “for administration and management” and
87 inserting in place thereof the following words:- of the trial court.

88 SECTION 26. Said section 3A of said chapter 185, as so appearing, is hereby further amended
89 by striking out, in line 67, the words “for administration and management” and inserting in place
90 thereof the following words:- of the trial court.

91 SECTION 27. Said section 3A of said chapter 185, as so appearing, is hereby further amended
92 by striking out, in line 70, the words “for administration” and inserting in place thereof the
93 following words:- of the trial court.

94 SECTION 28. Section 6 of said chapter 185, as so appearing, is hereby amended by striking out,
95 in lines 12, 13, 14, and 20, the words “for administration and management” and inserting in place
96 thereof the following words:- of the trial court.

97 SECTION 29. Section 13 of said chapter 185, as so appearing, is hereby amended by striking
98 out, in lines 3 and 4, inclusive, the words “chief justice for administration and management” and
99 inserting in place thereof the following words:- court administrator.

100 SECTION 30. Section 14 of said chapter 185, as so appearing, is hereby amended by striking
101 out, in line 12, the words “chief justice for administration and management” and inserting in
102 place thereof the following words:- court administrator.

103 SECTION 31. Section 4 of chapter 185C of the General Laws, as so appearing, is hereby
104 amended by striking out, in lines 4 and 5, the words “chief administrative justice and
105 management” and inserting in place thereof the following words:- court administrator.

106 SECTION 32. Said section 4 of said chapter 185C, as so appearing, is hereby further amended
107 by striking out, in lines 10, 18, 19, 28, 29, and 38, the words “chief justice for administration and
108 management” and inserting in place thereof the following words:- court administrator.

109 SECTION 33. Section 8 of said chapter 185C, as so appearing, is hereby amended by striking
110 out, in lines 8, 9, 25, and 34, the words “for administration and management” and inserting in
111 place thereof the following words:- of the trial court.

112 SECTION 34. Said section 8 of said chapter 185C, as so appearing, is hereby further amended
113 by striking out the seventh sentence and inserting in place thereof the following sentence:- Any
114 first justice may be removed from his position as first justice by the chief justice of the housing
115 court department.

116 SECTION 35. Said chapter 185C is hereby further amended by striking out section 8A, as so
117 appearing, and inserting in place thereof the following section:-

118 Section 8A. The justice as provided under section one of chapter 211B as the chief justice for the
119 housing court department, in addition to his judicial powers and duties shall, subject to the
120 superintendence authority of the supreme judicial court provided in section 3 of chapter 211B,
121 have the power, authority and responsibility of a chief justice as set forth in section 10 of chapter
122 211B.

123 Section 8B. The deputy court administrator for the housing court department as provided under
124 section 1 of chapter 211B shall, subject to the superintendence authority of the supreme judicial
125 court provided in section 3 of chapter 211, have the power, authority, and responsibility of a
126 deputy court administrator as set forth in section 10 of chapter 211B.

127 SECTION 36. Section 9 of said chapter 185C, as so appearing, is hereby amended by striking
128 out, in lines 16, 17, and 18, the words “chief justice for administration and management” and
129 inserting in place thereof the following words:- court administrator.

130 SECTION 37. Section 18 of said chapter 185C, as so appearing, is hereby amended by striking
131 out, in lines 4, 5, 7, and 8, the words “chief justice for administration and management” and
132 inserting in place thereof the following words:- court administrator.

133 SECTION 38. Section 28 of chapter 208 of the General Laws, as so appearing, is hereby
134 amended by striking in lines 8, 9, 31, and 32, the words “for administration and management”
135 and inserting in place thereof the following words:- of the trial court.

136 SECTION 39. Section 32F of chapter 209 of the General Laws, as so appearing, is hereby
137 amended by striking out, in lines 65 and 66, the words “for administration and management” and
138 inserting in place thereof the following words:- of the trial court.

139 SECTION 40. Section 37 of said chapter 209, as so appearing, is hereby amended by striking
140 out, in lines 10, 26, and 27, the words “for administration and management” and inserting in
141 place thereof the following words:- of the trial court.

142 SECTION 41. Section 5 of chapter 209A of the General Laws, as so appearing, is hereby
143 amended by striking out, in lines 9 and 10, the words “administrative justice” and inserting in
144 place thereof the following words:- justice of the trial court.

145 SECTION 42. Section 9 of chapter 209C of the General Laws, as so appearing, is hereby
146 amended by striking out, in lines 47, 48, 72, and 73, the words “for administration and
147 management” and inserting in place thereof the following words:- of the trial court.

148 SECTION 43. Section 20 of said chapter 209C, as so appearing, is hereby amended by striking
149 out, in lines 15 and 16, the words “for administration and management” and inserting in place
150 thereof the following words:- of the trial court.

151 SECTION 44. Section 3 of chapter 210 of the General Laws, as so appearing, is hereby amended
152 by striking out, in lines 33 and 34, the words “for administration and management” and inserting
153 in place thereof the following words:- of the trial court.

154 SECTION 45. Section 2A of chapter 211 of the General Laws, as so appearing, is hereby
155 amended by striking out, in line 2, the words “chief justice for administration and management”
156 and inserting in place thereof the following words:- court administrator.

157 SECTION 46. Said section 2A of said chapter 211, as so appearing, is hereby further amended
158 by striking out, in line 15, the words “chief administrative justice” and inserting in place thereof
159 the following words:- court administrator.

160 SECTION 47. Said chapter 211 is hereby further amended by striking out section 3, as so
161 appearing, and inserting in place thereof the following section:-

162 Section 3. The supreme judicial court shall have general superintendence of all courts of inferior
163 jurisdiction to correct and prevent errors and abuses therein if no other remedy is expressly
164 provided; and it may issue all writs and processes to such courts and to corporations and
165 individuals which may be necessary to the furtherance of justice and to the regular execution of
166 the laws.

167 In addition to the foregoing, the justices of the supreme judicial court shall also have general
168 superintendence of the administration of all courts of inferior jurisdiction, including, without
169 limitation, the prompt hearing and disposition of matters pending therein, and the functions set
170 forth in section 3C; and it may issue such writs, summonses and other processes and such orders,
171 directions and rules as may be necessary or desirable for the furtherance of justice, the regular
172 execution of the laws, the improvement of the administration of such courts, and the securing of
173 their proper and efficient administration; provided, however, that general superintendence shall
174 not include the authority to supersede any general or special law unless the supreme judicial
175 court, acting under its original or appellate jurisdiction finds such law to be unconstitutional in

176 any case or controversy. Nothing herein contained shall affect existing law governing the
177 selection of officers of the courts, or limit the existing authority of the officers thereof to appoint
178 administrative personnel.

179 SECTION 48. Section 26 of said chapter 211, as so appearing, is hereby amended by striking
180 out, in line 2, the words “for administration and management” and inserting in place thereof the
181 following words:- of the trial court.

182 SECTION 49. Section 26A of said chapter 211, as so appearing, is hereby amended by striking
183 out, in line 16, the words “for administration and management” and inserting in place thereof the
184 following words:- of the trial court.

185 SECTION 50. Section 1 of chapter 211B of the General Laws, as so appearing, is hereby
186 amended by striking out the third sentence and inserting in place thereof the following sentence:-
187 There shall be selected as herein provided, a chief justice of the trial court, a court administrator,
188 a chief justice for each of the departments of the trial court and a deputy court administrator for
189 each of the departments of the trial court.

190 SECTION 51. Section 4 of said chapter 211B, as so appearing, is hereby amended by striking
191 out, in lines 6 and 43, the words “administrative justice” and inserting in place thereof the
192 following words:- justice of the trial court.

193 SECTION 52. Said section 4 of said chapter 211B, as so appearing, is hereby further amended
194 by striking out, in line 30, the words “for administration and management” and inserting in place
195 thereof the following words:- of the trial court.

196 SECTION 53. Said chapter 211B is hereby further amended by striking out sections 5 to 10A,
197 inclusive, and inserting in place thereof the following 11 sections:-

198 Section 5. The office of the chief justice of a department of the trial court, as provided in section
199 1, shall not be deemed a judicial office as comprehended under the provisions of Article I of
200 Chapter III of Part the Second of the Constitution. Said office of chief justice shall be filled by
201 appointment, from among the justices appointed to the particular department, by the chief justice
202 of the trial court. A chief justice shall hold said office for a term of 5 years, and shall be eligible
203 to be reappointed for additional 5 year terms. A chief justice, so appointed, may be removed
204 from that office prior to the expiration of his term by the chief justice of the trial court.

205 Section 5A. The office of the deputy court administrator of a department of the trial court, as
206 provided in section 1, shall be filled by appointment by the court administrator and the chief
207 justice of each department of the trial court; provided, however, that said deputy court
208 administrator shall not be a justice of the trial court and shall devote his full time to the duties of
209 his office. A deputy court administrator shall hold said office for a term that shall be coterminous
210 with the term of the chief justice of the respective court departments and shall be eligible to be
211 reappointed to serve additional terms. A deputy court administrator, so appointed, may be
212 removed from that office prior to the expiration of his term by the court administrator and the
213 chief justice of the respective court departments.

214 The chief justice or deputy court administrator of the respective court departments shall submit
215 any dispute that arises between said chief justice and said deputy court administrator, concerning
216 the management and administration of the respective court departments, to the chief justice of
217 the trial court and the court administrator, who shall, within 30 days, determine the matter.

218 Section 6. The office of the chief justice of the trial court, as provided in section 1, shall not be
219 deemed a judicial office as comprehended under the provisions of Article I of Chapter III of Part
220 the Second of the Constitution. Said office of chief justice of the trial court shall be filled by
221 appointment, from among the justices of the trial court departments, by a majority vote of the
222 justices of the supreme judicial court. The chief justice of the trial court shall hold said office for
223 a term of 5 years, and shall be eligible to be reappointed for additional 5 year terms. The chief
224 justice of the trial court may be removed by a majority vote of the justices of the supreme
225 judicial court. The chief justice of the trial court shall retain his commission as associate justice
226 of the trial court, or of a predecessor court to which he was appointed, while serving as chief
227 justice of the trial court, and may continue to perform such judicial duties as he may have
228 exercised as associate justice, and such other responsibilities as otherwise provided by law.

229 Section 6A. There shall be an advisory board to assist the justices of the supreme judicial court,
230 the chief justice of the trial court, and the court administrator. The board shall consist of the
231 attorney general, or his designee, the executive director of the Massachusetts office of victim
232 assistance and the following 10 additional members appointed by the supreme judicial court: 2
233 persons who have significant experience in public administration, 2 persons who have significant
234 experience in business administration, 1 lawyer with significant experience in the practice of
235 criminal law, 1 lawyer with significant experience in the practice of civil law, 1 lawyer with
236 significant experience in the practice of probate and family law, 1 lawyer with significant
237 experience in the representation of juveniles in the courts, 1 lawyer with significant judicial
238 experience but not a current justice of the commonwealth or a retired justice serving the
239 commonwealth pursuant to judicial recall, and 1 person who has significant experience in
240 information technology. The board shall choose its chair. The appointed members of said board

241 shall serve for a term of 3 years. The maximum amount of time that said members may serve on
242 said board shall be 2 such terms. The chief justice of the trial court shall be the executive
243 secretary of the board.

244 The board shall advise the justices of the supreme judicial court, the chief justice of the trial
245 court, and the court administration on all matters of judicial reform including, but not limited to,
246 a proposal for the allocation of resources based on the demonstrated workload of each court.

247 Section 6B. There shall be an office of court management within the trial court, under the
248 executive control of a court administrator, to support the judicial functions, performance and
249 management of the trial court. Said court administrator shall be appointed by a majority vote of
250 the justices of the supreme judicial court; provided, however, that said court administrator shall
251 have significant leadership experience in the fields of management and finance and shall not be a
252 justice of the trial court. Said court administrator shall be paid a salary equal to that of the chief
253 justice of the trial court. The court administrator shall hold said office for a term of 5 years, shall
254 be eligible to be reappointed for additional 5 year terms, and shall devote his full time to the
255 duties of his office. The court administrator may be removed by a majority vote of the justices of
256 the supreme judicial court.

257 The chief justice of the trial court and the court administrator shall endeavor to resolve between
258 themselves all differences or disputes they may have regarding the management and
259 administration of the trial court. If, after due discussion and collaboration, they are unable to do
260 so, either may submit the issue to the chief justice of the supreme judicial court who, after
261 determining why the chief justice and the court administrator were unable to resolve the issue,

262 shall promptly decide it. The decision of the chief justice of the supreme judicial court shall be
263 final and binding.

264 Section 7. In the case of a vacancy in the office of chief justice of a department of the trial court
265 due to the absence of said chief justice or due to his inability to perform his duties, the office of
266 chief justice in such event shall be filled as provided in section 5. The temporary chief justice so
267 appointed may hold said office until the incumbent shall resume his duties and subject to the
268 chief justice of the trial court, but in no event longer than 6 months. A temporary chief justice
269 shall be eligible to serve a consecutive full term as chief justice.

270 In the case of a vacancy in the office of deputy court administrator of a department of the trial
271 court due to the absence of said deputy court administrator or due to his inability to perform his
272 duties, the office of deputy court administrator in such event shall be filled as provided in section
273 5A. The temporary deputy court administrator so appointed may hold said office until the
274 incumbent shall resume his duties, but in no event longer than 6 months. A temporary deputy
275 court administrator shall be eligible to serve a consecutive full term as deputy court
276 administrator.

277 In the case of a vacancy in the office of chief justice of the trial court due to the absence of said
278 chief justice of the trial court or due to his inability to perform his duties, said office shall be
279 filled by the justices of the supreme judicial court until said chief justice of the trial court shall
280 resume his duties and subject to the justices of said court or until a new chief justice of the trial
281 court is qualified as hereinbefore provided, but in no event shall such office be so filled for a
282 period in excess of 6 months. The justice appointed as chief justice of the trial court under the
283 provisions of this section shall be eligible to serve a consecutive full term as chief justice of the

284 trial court. A chief justice of the trial court may be removed by a majority vote of the justices of
285 the supreme judicial court.

286 In the case of a vacancy in the office of court administrator due to the absence of said court
287 administrator or due to his inability to perform his duties, said office shall be filled by the
288 justices of the supreme judicial court until said court administrator shall resume his duties and
289 subject to the justices of said court or until a new court administrator is qualified as hereinbefore
290 provided, but in no event shall such office be so filled for a period in excess of 6 months. The
291 court administrator appointed under the provisions of this section shall be eligible to serve a
292 consecutive full term as court administrator of the trial court. A court administrator may be
293 removed by a majority vote of the justices of the supreme judicial court.

294 Section 8. There shall be an advisory committee on personnel standards. The membership of the
295 committee shall consist of the following persons: the chief justice of the trial court or his
296 designee; the chief justices of the trial court departments, or their designees; the court
297 administrator or his designee, who shall serve as chair of the committee; the deputy court
298 administrators of the trial court departments; the commissioner of probation; and a clerk of the
299 superior court, a clerk of the district court and a register of probate who shall appointed by the
300 chief justice of the trial court.

301 The committee shall advise the court administrator who shall establish and promulgate standards
302 for the appointment, performance, promotion, continuing education and removal of all personnel
303 within the trial court, except judges, clerks and registers of probate, and shall furnish copies of
304 such standards to all divisions or places for holding sessions within the department of the trial
305 court.

306 Any appointment that is governed by standards promulgated under the provisions of this section
307 shall forthwith be certified in writing for compliance with such standards to the court
308 administrator. The court administrator shall have the power to reject any such appointment
309 within 14 days after receipt of the certification of compliance by the appointing authority but
310 such power to reject any such appointment shall be limited to non-compliance with the standards
311 for appointment.

312 Any appointment made by a joint authority shall require a majority of such authority, as provided
313 by section 6 of chapter 4.

314 Subject to the terms of applicable collective bargaining agreements, any officer or employee
315 whose appointment is subject to the provisions of this section may be removed by the appointing
316 authority, in accordance with the standards promulgated by the committee. The committee shall
317 also advise the court administrator in the establishment of salaries and pay scales of all court
318 personnel unless otherwise provided by statute.

319 The members of said committee shall be allowed their necessary expenses including clerical
320 expenses incurred in the performance of their duties.

321 Section 9. The chief justice of the trial court, in addition to his judicial duties and subject to the
322 superintendence power of the supreme judicial court as provided in section 3 of chapter 211,
323 shall have general superintendence of the judicial policy of the trial court, including, without
324 limitation, the improvement of the administration of such courts and the securing of their proper
325 and efficient administration.

326 The chief justice shall be the policy and judicial head of the trial court of the commonwealth.

327 In order to achieve the ends stated in this section, the chief justice of the trial court shall be
328 responsible for planning, development, promulgation, and evaluation of trial court policies,
329 standards, and practices and shall have the authority necessary to carry out these responsibilities
330 including, but not limited to, the following:—

331 (i) the responsibility to provide planning and policy-making functions, including the
332 implementation of such planning and policy-making decisions;

333 (ii) the responsibility to monitor and to assist in the case processing and case flow management
334 capabilities of the trial court departments;

335 (iii) the power, upon request by the supreme judicial court, to review the record and make
336 recommendations in any appeals by justices against whom disciplinary actions have been taken
337 by any chief justice;

338 (iv) the responsibility to hear, for final determination, appeals by justices claiming to be
339 aggrieved by an order of a chief justice assigning or transferring said justice to a particular court
340 other than that to which he was appointed;

341 (v) the responsibility to hear, for final determination, appeals by first justices who have been
342 removed by chief justices;

343 (vi) the responsibility to establish, manage and implement a mandatory emergency judicial
344 response system for all judges, except when the chief justice of the trial court determines that the
345 participation by a particular judge would create a hardship for such judge;

346 (vii) the responsibility to provide recommendations regarding management of the judicial recall
347 process;

348 (viii) the responsibility to supervise the implementation of the continuing education programs for
349 judicial personnel;

350 (ix) the power to appoint such personnel as the chief justice of the trial court may deem
351 necessary for the office of the chief justice of the trial court; the power to discipline, supervise
352 and define the duties of such personnel, and the power to dismiss such personnel;

353 (x) the power, where there are pending in different departments of the trial court cases involving
354 the same party or the same issue, and where a request for consolidation is made to the chief
355 administrative justice to consolidate such cases for hearing by 1 justice, and to assign said justice
356 to sit as a justice of other departments and exercise the powers of justices of other departments,
357 in order to dispose of such cases with efficient use of judicial resources;

358 (xi) the power to assign a justice appointed to any department of the trial court to sit in any other
359 department of the court, for such period or periods of time as he deems will best promote the
360 speedy dispatch of judicial business, provided, however, that,

361 (a) prior to making such assignments, said chief justice of the trial court shall ascertain the
362 respective preferences of the justices of the trial court as to the department or departments, if
363 any, including the department to which he is appointed, to which each such justice desires to be
364 assigned and, in making such assignments to any department of said court shall, to the extent
365 consistent with the effective administration of justice, including the maintenance of the
366 respective specialized functions of the land, housing, probate and family, and juvenile court
367 departments, the administrative responsibilities of any justice, and the speedy dispatch of judicial
368 business in each of the several departments of the trial court, assign to any department on a basis
369 of first priority justices who have expressed as aforesaid their preferences for assignment thereto;

370 (b) a justice, if aggrieved for cause by an order of the chief justice of the trial court assigning him
371 to sit in a particular location or department of the court other than that to which he was appointed
372 may appeal the order of said chief justice of the trial court to the supreme judicial court, which
373 shall forthwith hear and determine the matter;

374 (c) a chief justice shall notify the chief justice of the trial court of, and may report to the supreme
375 judicial court, any order made by said chief justice of the trial court pursuant to this paragraph
376 which, in the opinion of such chief justice, impairs the orderly operation of his department;

377 (xii) the responsibility to provide recommendations regarding management of the judicial recall
378 process;

379 (xiii) upon the joint request of the chief justices of 2 or more departments of the trial court,
380 authorize the transfer of cases from one department to another;

381 (xiv) establish procedures, subject to the rule-making power of the justices of the supreme
382 judicial court, and the approval of the chief justice of the trial court for the assignment of matters
383 coming before the trial court which do not warrant the use of a judge to other appropriate
384 personnel, including clerk-magistrates, mediators, and arbitrators, and authorize such personnel
385 to review, hear, and dispose of such matters, subject to appropriate judicial review;

386 (xv) the chief justice of the trial court shall be provided with offices that are proximate to the
387 supreme judicial court at the expense of the commonwealth but only after said chief justice of the
388 trial court has not found sufficient office space in any facility owned by the commonwealth and
389 proximate to the supreme judicial court;

390 (xvi) the chief justice of the trial court shall be authorized to visit any department or any division
391 or any place for holding court within such a department. The chief justice of the trial court may
392 from time to time call conferences of any or all of the chief justices of the departments;

393 (xvii) notwithstanding the provisions of this section, the chief justice of the trial court, in order to
394 provide for the speedy administration of justice in the counties of Dukes and Nantucket, shall
395 designate, from time to time, justices sitting in the division of the district court department for
396 either of said counties as justices of the superior court department sitting in either of said
397 counties, with power to grant injunctive relief to the same extent as a justice appointed to the
398 superior court department;

399 (xviii) the chief justice of the trial court may delegate his responsibilities and powers hereunder
400 and as otherwise provided by law to a chief justice, justice, regional justice, first justice,
401 presiding justice, court officer, clerk, or any employee of his department, for such period of time
402 and with such limitations as he may impose, whenever in his opinion such delegation of
403 authority will expedite the judicial business of the trial court;

404 (xix) the authority to hear and resolve interdepartmental disputes or disagreements regarding (1)
405 transferring cases in order to facilitate the efficient administration of justice and (2) making
406 adjustments in the scheduling and location of court sessions in order to facilitate the efficient
407 administration of justice;

408 (xx) the responsibility to review and make recommendations regarding the expeditious clearing
409 of outstanding warrants throughout the courts of the commonwealth;

410 (xxi) notwithstanding any general or special law to the contrary, the authority to suspend any
411 particular session of the trial court; move sessions so that the availability of court personnel is

412 consistent with the needs of individual courts; transfer cases and matters from a court to any
413 other court, consolidate cases, and make such periodic adjustments in the scheduling and
414 locations of court sessions as are deemed necessary for the proper administration of justice; and
415

416 (xxii) the power to exercise any inherently judicial power not otherwise specified in this section.

417 Section 9A. The court administrator, subject to the superintendence power of the supreme
418 judicial court as provided in section 3 of chapter 211 and in consultation with the chief justice of
419 the trial court, shall have general superintendence of the administration of the trial court,
420 including, without limitation, the improvement of the administration of such courts and the
421 securing of their proper and efficient administration.

422 The court administrator shall be the administrative head of the trial court of the commonwealth.

423 The court administrator, in consultation with the chief justice of the trial court, shall periodically
424 prepare and submit to the chief justice of the supreme judicial court an estimate, in detail, for the
425 ordinary maintenance of the entire trial court, and all revenue therefrom, as provided in clause
426 (5) of the first paragraph of section 3 of chapter 29. Said estimate shall include judicial salaries
427 and the salaries of all officers and employees within the trial court and shall include estimates of
428 all sums which the commonwealth is obligated to pay under the provisions of chapter 29A.

429 In order to achieve the ends stated in this section, the court administrator shall be responsible for
430 the management of court personnel, facilities, administration, security, and court business and
431 shall have the authority necessary to carry out these responsibilities including, the following:—

432 (i) the responsibility, upon the request of the supreme judicial court, to provide financial
433 management assistance to said court including review of the budget requests and information as
434 submitted by the department chiefs, to make recommendations thereon and otherwise to assist
435 the court in its budgetary preparations;

436 (ii) the responsibility to provide the departments of the trial court with technical assistance
437 concerning recordkeeping, auditing and computers, and with support services, such as
438 computerized legal research, stenographic, electronic and video recordation methods and
439 telephone-based interpretation services;

440 (iii) the responsibility consistent with section 8 of chapter 211B to provide personnel
441 management, including promulgation of job classifications, establishment of system wide
442 personnel policies and hiring practices and the authority to act as collective bargaining agent on
443 behalf of the trial court;

444 (iv) the authority to approve expenditures for all libraries maintained by the departments of the
445 trial court;

446 (v) the authority to coordinate the development and maintenance of, and technical assistance for,
447 information systems;

448 (vi) the responsibility to provide facilities management, including provision of maintenance,
449 equipment and security, the responsibility to coordinate with the division of capital asset
450 management and maintenance regarding construction, leasing, repair and designing of facilities,
451 and the responsibility to plan for reallocation of court jurisdictional lines; this provision is to be
452 construed in conjunction with section 6 of chapter 29A and section 17 of chapter 211B;

453 (vii) the authority to hear and resolve interdepartmental disputes or disagreements between or
454 among the deputy court administrators of the various departments of the trial court, including but
455 not limited to, disputes regarding transferring non-judicial personnel in order to facilitate the
456 efficient administration of justice;

457 (viii) the responsibility to provide administrative management to the office of the jury
458 commissioner;

459 (ix) the responsibility to supervise the implementation of the continuing education programs for
460 nonjudicial personnel;

461 (x) the responsibility to perform all other administrative, inherently non-judicial functions or
462 duties the court administrator deems necessary;

463 (xi) the power to appoint such personnel as the court administrator may deem necessary for the
464 office of court management; the power to discipline, supervise and define the duties of such
465 personnel, and the power to dismiss such personnel;

466 (xii) notwithstanding any general or special law to the contrary, when necessary to ensure the
467 proper administration of justice, transfer employees of the trial court to serve where needed;
468 impose discipline on such officers and employees, including dismissal and suspension with or
469 without pay; provided, however, that the court administrator may, upon reasonable notice,
470 temporarily transfer nonjudicial personnel among the various departments, divisions and places
471 for holding court, and in no event shall any such transfer be more than a reasonable distance
472 from the place where such personnel is employed unless the employee so transferred shall
473 consent thereto; provided, further, that such transfer of the employee shall not be for more than
474 90 days, but such transfer may be extended for 3 consecutive 90 day periods, provided that

475 notice is given to the house and senate committees on ways and means upon each extension,
476 including the employee's position, duties, and reason for the transfer, but such transfer shall not
477 exceed 360 consecutive days. The first justice of the court to where the employee is transferred
478 shall provide the first justice of the court to where the employee is permanently assigned with
479 appropriate personnel records and records of activities, including records necessary for the
480 payment of compensation; and provided, however, that this provision shall not apply to a clerk or
481 clerk-magistrate, whether elected or appointed by the governor, register of probate or recorder;

482 (xiii) (a) notwithstanding any general or special law to the contrary, the court administrator may,
483 for the period July 1 through April 30 of any fiscal year, transfer funds from any item of
484 appropriation of any trial court department to any other item of appropriation within the same
485 trial court department; provided, that said transfers shall be made in accordance with schedules
486 submitted to the house and senate committees on ways and means; provided further, that no such
487 transfer shall occur until said schedules have been approved by said committees; provided
488 further, that said schedules shall include the reasons for the necessity of such transfers with
489 reference to actual and projected expenditures throughout the trial court for the fiscal year.

490 (b) notwithstanding any general or special law to the contrary, the court administrator may, for
491 the period May 1 through June 30 of any fiscal year, transfer an amount not to exceed 65,000
492 dollars from any item of appropriation of any trial court department to any other item of
493 appropriation within the same trial court department; provided, that any funds transferred from
494 an (AA) subsidiary, as defined in the schedule of subsidiary accounts, established by the house
495 and senate committees on ways and means pursuant to section 27 of chapter 29 of the General
496 Laws, as amended, of any item of appropriation may only be transferred to the (AA) subsidiary
497 of any other item of appropriation within the same department of the trial court; provided further,

498 that in no case may funds be transferred into an (AA) subsidiary of any item of appropriation
499 other than from another (AA) subsidiary of any item of appropriation within the same
500 department of the trial court;

501 (xiv) the court administrator shall make a written report on the fiscal and organizational state of
502 the trial court at the conclusion of each fiscal year and shall deliver said report, together with
503 recommendations to the supreme judicial court by December 15 each year. The supreme judicial
504 court shall then make a written report on the state of the court system and the judiciary for said
505 past fiscal year and shall deliver the report together with recommendations to the governor, the
506 president of the senate, the speaker of the house of representatives, on or before February 15 of
507 each year. Said reports shall include, but not be limited to an account of all transfers of
508 appropriated funds among line items and a schedule of all personnel transferred within the
509 judicial system for the past fiscal year and contemplated for the current fiscal year. Such reports
510 shall be a matter of public record;

511 (xv) the court administrator shall be authorized to visit any department or any division or any
512 place for holding court within such a department. The court administrator may from time to time
513 call conferences of any or all of the deputy court administrators of the departments;

514 (xvi) the court administrator shall review all appointments and dismissals governed by standards
515 promulgated under the authority of section 8 for noncompliance with such standards and shall
516 rescind any such appointment or dismissal that does not comply with said standards;

517 (xvii) any dispute arising between a deputy court administrator of a department or a first justice
518 of a division, and a clerk of court, concerning the management and administration of the clerk's
519 office, the duties, powers and obligations of the clerk's staff, or the interpretation of the

520 personnel standards provided for under section 8, shall be submitted to the court administrator in
521 writing by the clerk, clerk-magistrate, deputy court administrator, or first justice. The court
522 administrator shall, within 30 days of receipt of the written notification of such dispute conduct a
523 hearing in order to determine the matter. The decision of the court administrator shall be binding
524 on the parties;

525 (xviii) the court administrator shall establish uniform guidelines and policies to further minority
526 employment within the judicial system;

527 (xix) the responsibility to administer, subject to appropriation, a reserve fund for the purpose of
528 providing secretarial and administrative support staff and services to the justices of the superior
529 court department of the trial court;

530 (xx) with the approval of the chief justice of the trial court and notwithstanding any general or
531 special law to the contrary, the authority to establish the hours during which the courts of the
532 commonwealth shall be open, including Saturday and evening sessions, and to further establish
533 flexible work schedules, provided, however, that no employee shall be required to work more
534 hours during a week than is provided by the relevant collective bargaining agreement;

535 (xxi) the court administrator may delegate his responsibilities and powers hereunder and as
536 otherwise provided by law to a deputy court administrator, court officer, clerk, or any employee
537 of his department, for such period of time and with such limitations as he may impose, whenever
538 in his opinion such delegation of authority will expedite the judicial business of the trial court;
539 and

540 Section 10. Subject to the superintendence authority of the supreme judicial court as provided in
541 section 3 of chapter 211, the chief justice and the deputy court administrator shall be responsible

542 for the operation of their department, its clerks, other officers and employees subject to section
543 99 of chapter 276 and the appropriate collective bargaining agreement. To achieve sound
544 operation of their department, they shall have the following power, authority and responsibility,
545 and shall allocate between themselves primary responsibility for each in a manner on which they
546 agree and that is approved by the chief justice of the trial court and the court administrator;
547 provided, however, that any power specifically assigned to the chief justice in the subsections
548 that follow shall be performed by the chief justice alone:

549 (i) the power to appoint, discipline, evaluate, transfer and define the duties of all non-judicial
550 personnel within their department including special masters, court reporters, law clerks,
551 temporary clerks and other support personnel consistent with the provisions of section 8 and
552 10A; provided, however, that they shall not have the power to appoint non-judicial personnel
553 serving in the office of a clerk, recorder or register, but shall have the authority to discipline said
554 clerks, recorders and registers and all other personnel in the offices of said clerks, recorders or
555 registers, upon the raising of any dispute between a first justice and a clerk, recorder or register.
556 Any person aggrieved by any decision of a chief justice or deputy court administrator under this
557 paragraph may appeal such decision to the chief justice of the trial court; provided, further, that
558 no person holding a commission as a clerk of court, whether elected or appointed, a register of
559 probate or a recorder shall be assigned under the provisions of this paragraph outside the
560 department, division or court to which he is elected or appointed without his consent. Any clerk
561 aggrieved by any transfer or assignment of himself or personnel of his office under this
562 paragraph shall appeal to the court administrator who shall forthwith hear and determine the
563 matter;

564 (ii) the chief justice shall have the power to assign or to transfer justices appointed to his
565 department of the trial court to any particular court within that department for such period or
566 periods of time as the chief justice deems necessary; the chief justice shall also have the power to
567 appoint regional justices and to define their duties. Any justice aggrieved by an order of the chief
568 justice assigning or transferring him to a particular court other than that to which he was
569 appointed, may appeal the assignment or transfer to the chief justice of the trial court who shall
570 forthwith determine the matter;

571 (iii) the authority, prior to making assignments or transfers referred to in paragraph (ii) of this
572 section, to ascertain, if they so desire, the respective preferences of the justices as to which court
573 or courts, if any, they wish to be assigned or transferred.

574 (iv) the power to suspend any particular session in any court within their department; the power
575 to move sessions so that the availability of court personnel is consistent with the needs of
576 individual courts; and to make such periodic adjustments in the scheduling and locations of court
577 sessions as are deemed necessary for the proper administration of justice;

578 (v) the chief justice shall have the power to transfer cases and matters from a court to any other
579 court within his department, to consolidate cases,

580 (vii) notwithstanding any general or special law to the contrary, when necessary to ensure the
581 proper administration of justice, transfer employees of their department to serve where needed;
582 impose discipline on such officers and employees, including dismissal and suspension with or
583 without pay; provided, however, that they may, upon reasonable notice, temporarily transfer
584 nonjudicial personnel within their department, divisions and places for holding court, and in no
585 event shall any such transfer be more than a reasonable distance from the place where such

586 personnel is employed unless the employee so transferred shall consent thereto; provided,
587 further, that such transfer of the employee shall not be for more than 90 days, but such transfer
588 may be extended for 3 consecutive 90 day periods, provided that notice is given to the house and
589 senate committees on ways and means upon each extension, including the employee's position,
590 duties, and reason for the transfer, but such transfer shall not exceed 360 consecutive days. The
591 first justice of the court to where the employee is transferred shall provide the first justice of the
592 court to where the employee is permanently assigned with appropriate personnel records and
593 records of activities, including records necessary for the payment of compensation; and provided,
594 however, that this provision shall not apply to a clerk or clerk-magistrate, whether elected or
595 appointed by the governor, register of probate or recorder;

596 (vii) the authority to visit any court within their department.

597 (viii) the authority to call conferences of any or all of the justices within their department;

598 (ix) the responsibility to compile a comprehensive written report of the operation of their
599 department of the trial court at the conclusion of each fiscal year, and shall deliver said report
600 together with recommendations to the chief justice of the trial court and the court administrator
601 on or before October 15 of the ensuing fiscal year. They shall make such additional reports as
602 may from time to time be required by the chief justice of the trial court or the court
603 administrator;

604 (x) the responsibility to perform such further administrative duties as may from time to time be
605 assigned by the chief justice of the trial court or the court administrator;

606 (xi) the responsibility, annually, to prepare and submit to the court administrator a budget
607 estimate, in detail, for the ordinary maintenance of their department of the trial court, and all

608 revenue therefrom, as provided in clause (5) of the first paragraph of section 3 of chapter 29.
609 Said budget estimate shall include judicial salaries and the salaries of employees within said
610 department and shall include estimates of all sums which the commonwealth is obligated to pay
611 under the provisions of chapter 29A;

612 (xii) the authority, upon receipt of an appropriated sum, to administer that appropriation;

613 (xiii) the responsibility for the administrative management of the personnel, staff services and
614 business of their departments, including financial administration and budget preparation, record-
615 keeping, information systems and statistical controls, purchasing, planning, construction, case
616 flow management, assignments of sittings of the justices of their respective departments,
617 including justices not appointed thereto but assigned, for the time being therein. They may
618 delegate their responsibilities and powers hereunder and as otherwise provided by law to a
619 justice, regional justice, first justice, court officer, clerk, or any employee of their department, for
620 such period of time and with such limitations as he may impose, whenever in their opinion such
621 delegation of authority will expedite the judicial business of the department; provided, however,
622 that in the exercise or delegation of their powers, they shall in all cases act in a manner consistent
623 with the policies and procedures established by the court administrator and the chief justice of
624 the trial court;

625 (xiv) the power to set the days and hours during which courts within their department shall be
626 open for business;

627 (xv) the chief justice shall have the responsibility to sit and perform judicial duties, within his
628 department, during the course of the calendar year;

629 (xvi) the chief justice shall have the power to discipline any justice assigned or appointed to his
630 department who refuses or fails to comply with any order concerning the performance of his
631 duties as justice or any other lawful order of the chief justice or deputy court administrator of his
632 department; provided, the chief justice shall also have the power to require any justice assigned
633 or appointed to his department to participate in a judicial enhancement program in response to
634 any action of such justice which brings the judiciary into disrepute, which lowers the public
635 confidence in the judiciary or which impedes the administration of justice. A justice who is
636 disciplined by the chief justice may appeal the imposition of discipline to the chief justice of the
637 trial court. Any justice aggrieved by decision of the chief justice of the trial court may appeal
638 said decision to the supreme judicial court. Consistent with the provisions of chapter 211C, all
639 proceedings, documents, and other matters relating to such discipline shall at all times be
640 confidential and not open to the public unless the justice appealing the disciplinary action agrees
641 that the same shall not be confidential, or unless the supreme judicial court determines that it is
642 in the public interest for any such proceeding, document, or other matter relating to such
643 discipline to be made public. All disciplinary action imposed by a chief justice, whether
644 consensual or not, shall be reported to the supreme judicial court by the chief justice; and
645 (xvii) the power, notwithstanding any law to the contrary, to transfer cases between courts
646 consistent with the efficient distribution of caseload and workload within said department;

647 The chief justice and deputy court administrator shall likewise allocate between themselves in a
648 manner on which they agree and subject to the approval of the chief justice of the trial court and
649 the court administrator, the powers assigned to the chief justice pursuant to section 6 of chapter
650 29A; section 4 of chapter 185C; section 5 of chapter 185C; section 9 of chapter 185C; section 10
651 of said chapter 185C; section 11 of chapter 185C; section 14 of chapter 185C; section 16 of

652 chapter 185C; section 13 of said chapter 211B; section 19 of chapter 212; section 23 of chapter
653 217; section 23A of said chapter 217; section 23C of chapter 217; section 28 of chapter 217;
654 section 29 of chapter 217; section 29A of chapter 217; section 29B of chapter 217; section 29C
655 of chapter 217; , section 29D of chapter 217; section 29E of chapter 217; section 29F of chapter
656 217; section 29G of chapter 217; section 29H of chapter 217; section 29I of chapter 217; section
657 29J of chapter 217; section 29K of chapter 217; section 29L of chapter 217; section 42 of chapter
658 217; section 9 of chapter 218; section 15 of chapter 218; section 19D of chapter 218; section 43E
659 of chapter 218; said section 58 of chapter 218; section 67 of chapter 218; section 70 of chapter
660 218; section 6 of chapter 220; section 62B of chapter 221; section 91 of chapter 221; section 99
661 of chapter 221; section 1B of chapter 279 or any other general or special law that are not
662 inherently judicial in nature.

663 The chief justice and deputy court administrator shall be provided with suitable offices.

664 Section 10A. A first justice, in addition to his judicial powers and duties as a justice of the trial
665 court and in addition to his general powers of superintendence as first justice of a particular court
666 within the trial court, shall, subject to the superintendence authority of the supreme judicial court
667 as provided in section 3 of chapter 211 and the authority of the chief justice and deputy court
668 administrator of the first justice's department of the trial court as provided in section 10, be the
669 administrative head of his court; provided, however, that clerks, recorders and registers shall
670 have responsibility for the internal administration of their respective offices, including the
671 selection, appointment, and management of personnel, staff services and record keeping. A first
672 justice or a clerk, recorder or register of the court may submit any dispute that arises between
673 said first justice and said clerk, recorder or register, concerning the management and
674 administration of the office of the clerk, recorder, or register, the duties, powers and obligations

675 of the clerk, recorder, or register, or a member of their staff, or the interpretation of the personnel
676 standards provided for under section 8 of chapter 211B, to the deputy court administrator of the
677 department. Any person aggrieved by a decision of a deputy court administrator under this
678 paragraph may appeal said decision to the court administrator, who shall, within thirty days, hear
679 and determine the matter. A first justice shall also have the following power, authority and
680 responsibility within his court:

681 (i) the power, subject to the approval of the deputy court administrator of his department, to
682 appoint, dismiss, discipline, supervise, assign, evaluate, transfer and define the duties of all non-
683 judicial personnel within his court, including special masters, court reporters, law clerks and
684 other support personnel; except personnel in the office of the clerk, recorder or register; provided
685 any such non-judicial personnel aggrieved by any action under this paragraph may appeal to the
686 deputy court administrator of the department who shall forthwith hear and determine the matter.
687 Any person aggrieved by a decision of a deputy court administrator under this paragraph may
688 appeal said decision to the court administrator, who shall, within 30 days, hear and determine the
689 matter.

690 (ii) the power, subject to the approval of the chief justice of his department, to supervise and
691 assign duties to all justices appointed to or assigned to his court; and to authorize such justices to
692 delegate the calling of the list to the clerk of the court where appropriate to the administration of
693 justice.

694 (iii) the responsibility to bring to the attention of the deputy court administrator of his department
695 all disputes concerning all clerks, recorders and registers, or their personnel, appointed to or
696 assigned to his court; provided any person aggrieved by any action under this paragraph, may

697 appeal to the deputy court administrator of the department who shall forthwith hear and
698 determine the matter. Any person aggrieved by a decision of a deputy court administrator under
699 this paragraph may appeal said decision to the court administrator, who shall, within 30 days,
700 hear and determine the matter; and

701 (iv) the first justice shall periodically prepare and submit to the deputy court administrator of his
702 department an estimate, in detail, for the ordinary maintenance of the division or place for
703 holding court, and all revenues therefrom as provided in clause (5) of the first paragraph of
704 section 3 of chapter 29. Said estimate shall include estimates of all sums which the
705 commonwealth is obligated to pay under the provisions of chapter 29A, together with any
706 information which the deputy court administrator may require. In turn, the deputy court
707 administrator shall periodically prepare and submit to the court administrator an estimate, in
708 detail, for the ordinary maintenance of the first paragraph of section 3 of chapter 29. Said
709 estimate shall include salaries of all officers and employees within the office and shall include
710 estimates of all sums which the commonwealth is obligated to pay under the provisions of
711 chapter 29A, together with any other information which the court administrator may require.

712 SECTION 54. Section 10B of said chapter 211B, as so appearing, is hereby amended by striking
713 out, in lines 7, 8, 17, 24, 31, 33, 36, 37, 38, 39, 42, 43, 44, 50, 53, and 54, the words “chief
714 justice for administration and management” and inserting in place thereof the following words:-
715 court administrator.

716 SECTION 55. Section 10C of said chapter 211B, as so appearing, is hereby amended by striking
717 out, in lines 2 and 3, the words “for administration and management, the chief justices” and

718 inserting in place thereof the following words:- of the trial court, court administrator, and the
719 chief justices.

720 SECTION 56. Chapter 211B of the General Laws is hereby further amended by inserting after
721 Section 10C, as so appearing, the following section:-

722 Section 10D. (a) Each applicant for initial appointment as a court officer within the trial court
723 shall pass a written examination established and administered by the court administrator, after
724 consultation with the personnel administrator, who shall determine their form, method, and
725 subject matter. Each such examination shall fairly test the knowledge, skills, and abilities which
726 can be fairly and reliably measured and which are actually required to perform the primary or
727 dominant duties of the position of court officer. Applicants shall score at least 80 per cent on
728 such examination to be eligible for further consideration.

729

730 (b) The name of each applicant for initial appointment as a court officer within the trial
731 court successfully completing the exam pursuant to subsection (a) shall be forwarded to the court
732 administrator, or his designee, who shall objectively screen the applicant to determine whether
733 the applicant meets the minimum criteria for appointment as a court officer.

734 (c) Those applicants successfully passing the examination pursuant to subsection (a) and deemed
735 by the court administrator to have met the minimum criteria for appointment pursuant to
736 subsection (b) shall be subject to an investigative and interview process which shall include,
737 without limitation: (i) an investigation into the applicant's work history and personal interests to
738 ensure that he or she is well suited for the culture of the organization and will further the
739 organization's stated goals; (ii) behavioral based interviews; and (iii) candidate assessments,

740 including case study, presentation and writing assessments; provided, however, that said
741 candidate assessments shall focus on the specific requirements of the position.

742 (d) Those applicants successfully passing the examination pursuant to subsection (a), deemed by
743 the court administrator to have met the minimum criteria for appointment pursuant to subsection
744 (b), and successfully completing the interview and investigative process pursuant to subsection
745 (c) shall be eligible for appointment by the court administrator. The court administrator may,
746 notwithstanding any general or special law to the contrary, appoint court officers to the several
747 sessions of the trial court as he deems necessary in consultation with the chief justice of the trial
748 court.

749 (e) Any court officer seeking promotion within the trial court shall pass a written examination
750 established and administered by the court administrator, after consultation with the personnel
751 administrator, who shall determine their form, method, and subject matter. Each such
752 examination shall fairly test the knowledge, skills, and abilities which can be fairly and reliably
753 measured and which are actually required to perform the primary or dominant duties for the
754 position being applied. Applicants shall score at least 80 per cent on such examination to be
755 eligible for further consideration.

756 (f) The name of each applicant for promotion successfully completing the exam pursuant to
757 subsection (e) shall be forwarded to the court administrator, or his designee, who shall
758 objectively screen the applicant to determine whether the applicant meets the minimum criteria
759 for promotion.

760 (g) Those applicants successfully passing the examination pursuant to subsection (e) and
761 deemed by the court administrator to have met the minimum criteria for promotion pursuant to

762 subsection (f) shall be subject to an investigative and interview process which shall include,
763 without limitation: (i) an investigation into the applicant's work history and personal interests to
764 ensure that he or she is well suited for the culture of the organization and will further the
765 organization's stated goals; (ii) behavioral based interviews; and (iii) candidate assessments,
766 including case study, presentation and writing assessments; provided, however, that said
767 candidate assessments shall focus on the specific requirements of the position.

768 (h) Those applicants successfully passing the examination pursuant to subsection (e), deemed by
769 the court administrator to have met the minimum criteria for appointment pursuant to subsection
770 (f), and successfully completing the interview and investigative process pursuant to subsection
771 (g) shall be eligible for promotion by the court administrator.

772 (i) All court officers of the trial court shall devote their full time and attention to the duties of
773 their office during regular business hours.

774 SECTION 57. Said chapter 211B is hereby further amended by striking out section 12 and
775 inserting in place thereof the following section:-

776 Section 12. There may be an office of court management within the trial court, under the
777 executive control of a court administrator, to support judicial functions, performance and
778 management of the trial court. Said court administrator shall be appointed by a majority vote of
779 the justices of the supreme judicial court; provided, however, that said court administrator shall
780 have significant leadership experience in the fields of management and finance and shall not be a
781 justice of the trial court. Said court administrator shall be paid a salary equal to that of the chief
782 justice of the trial court. The court administrator shall hold said office for a term of 5 years, shall
783 be eligible to be reappointed for additional 5 year terms, and shall devote his full time to the

784 duties of his office. The court administrator shall perform such duties and responsibilities as
785 may be prescribed by law and as the chief justice of the supreme judicial court may from time to
786 time designate. The court administrator may be removed by a majority vote of the justices of the
787 supreme judicial court.

788 The chief justice for administration and management and the court administrator shall endeavor
789 to resolve between themselves all differences or disputes they may have regarding the
790 management and administration of the trial court. If, after due discussion and collaboration, they
791 are unable to do so, either may submit the issue to the chief justice of the supreme judicial court
792 who, after determining why the chief justice and the court administrator were unable to resolve
793 the issue, shall promptly decide it. The decision of the chief justice of the supreme judicial court
794 shall be final and binding.

795 SECTION 58. Chapter 211B is hereby further amended by striking out section 12, as so
796 appearing, and inserting in place thereof the following section:-

797 The court administrator may appoint such other personnel as are necessary for the administration
798 of the trial court. Said personnel shall receive salaries to be fixed by the court administrator and
799 subject to appropriation.

800 SECTION 59. Section 13 of said chapter 211B, as so appearing, is hereby amended by striking
801 out, in lines 16, 23, and 29, the words “chief administrative justice” and inserting in place thereof
802 the following words:- court administrator.

803 SECTION 60. Section 19 of said chapter 211B, as so appearing, is hereby further amended by
804 striking out, in lines 1, 11 and 25, the words “for administration and management” and inserting
805 in place thereof the following words:- of the trial court.

806 SECTION 61. Section 20 said chapter 211B, as so appearing, is hereby further amended by
807 striking out, in lines 2 and 14 through 15, inclusive, the words “for administration and
808 management” and inserting in place thereof the following words:- of the trial court.

809 SECTION 62. Section 1 of chapter 211C of the General Laws, as so appearing, is hereby
810 amended by striking out, in lines 5 and 6, the word “administrative”.

811 SECTION 63. Section 6 of said chapter 211C of the General Laws, as so appearing, is hereby
812 amended by striking out, in line 33, the word “administrative”.

813 SECTION 64. Section 1 of chapter 211E of the General Laws, as so appearing, is hereby
814 amended by striking out, in line 8, the words “for administration and management” and inserting
815 in place thereof the following words:- of the trial court.

816 SECTION 65. Section 3 of said chapter 211E, as so appearing, is hereby amended by striking
817 out, in line 154, the words “for administration and management” and inserting in place thereof
818 the following words:- of the trial court.

819 SECTION 66. Section 1 of chapter 212 of the General Laws, as so appearing, is hereby amended
820 by striking out the first paragraph and inserting in place thereof the following paragraph:-

821 The superior court department of the trial court of the commonwealth, established pursuant to
822 section 1 of chapter 211B, shall consist of 82 justices appointed to the department. The justice as
823 provided under section one of chapter 211B as the chief justice for the superior court department,
824 in addition to his judicial powers and duties, shall, subject to the superintendence authority of the
825 supreme judicial court as provided in section 3 of chapter 211, have the power authority and
826 responsibility of a chief justice as set forth in section 10 of chapter 211B.

827 SECTION 67. Chapter 212 of the General Laws is hereby further amended by inserting after
828 section 1, as so appearing, the following section:-

829 Section 1A. The deputy court administrator as provided under section 1 of chapter 211B shall,
830 subject to the superintendence authority of the supreme judicial court as provided in section 3 of
831 chapter 211, have the power authority and responsibility of a deputy court administrator as set
832 forth in section 10 of chapter 211B.

833 SECTION 68. Section 14A of said chapter 212, as so appearing, is hereby amended by striking
834 out, in lines 39 and 49, the words “for administration and management” and inserting in place
835 thereof the following words:- of the trial court.

836 SECTION 69. Section 20A of said chapter 212, as so appearing, is hereby amended by inserting,
837 in line 10, after the words “chief justice of the superior court department” the following words:-
838 in consultation with the court administrator.

839 SECTION 70. Said section 20A of said chapter 212, as so appearing, is hereby further amended
840 by striking out, in line 15, the words “chief administrative justice” and inserting in place thereof
841 the following words:- court administrator.

842 SECTION 71. Section 54 of chapter 215 of the General Laws, as so appearing, is hereby
843 amended by striking out, in lines 1 and 2, the words “chief justice for administration and
844 management” and inserting in place thereof the following words:- court administrator.

845 SECTION 72. Section 62 of said chapter 215, as so appearing, is hereby amended by striking
846 out, in line 4, the words “for administration and management”.

847 SECTION 73. Section 2 of chapter 217, as so appearing, is hereby amended by striking out, in
848 lines 22, 31, and 32, the words “for administration and management” and inserting in place
849 thereof the following words:- of the trial court.

850 SECTION 74. Said section 2 of said chapter 217, as so appearing, is hereby further amended by
851 striking out the second sentence of the second paragraph and inserting in place thereof the
852 following sentence:-

853 Any first justice may be removed from his position as first justice by the chief justice of the
854 probate and family court department.

855 SECTION 75. Said chapter 217 is hereby amended by striking out section 8, as so appearing, and
856 inserting in place thereof the following 2 sections:-

857 Section 8. The justice provided for under the provisions of section 1 of chapter 211B as the chief
858 justice for the probate and family court department, in addition to his judicial powers and duties,
859 shall, subject to the superintendence authority of the supreme judicial court as provided in
860 section 3 of chapter 211, have the power, authority and responsibility of a chief justice as set
861 forth in section 10 of chapter 211B.

862 The chief justice may establish forms for the annual reports of the work of the registers of the
863 several courts; and said registers shall annually on or before October 1 prepare and file with the
864 chief justice reports of the work of said courts during the preceding court year, and said reports
865 shall also be filed with the chief justice of the trial court. Said chief justice of the probate and
866 family court shall also have the powers and duties described in section 10 of chapter 211B and
867 section 42 of this chapter; except that none of the powers herein described or referred to shall be

868 construed as authorizing said chief justice to alter or affect the provisions of sections 58, 59, 60
869 or 62 of chapter 215.

870 Section 8½. The deputy court administrator provided for under the provisions of section 1 of
871 chapter 211B as the deputy court administrator for the probate and family court department shall,
872 subject to the superintendence authority of the supreme judicial court as provided in section 3 of
873 chapter 211, have the power, authority and responsibility of a deputy court administrator as set
874 forth in section 10 of chapter 211B.

875 SECTION 76. Said chapter 217 of the General Laws is hereby further amended by striking out
876 section 8A, as so appearing, and inserting in place thereof the following new section:-

877 Section 8A. The chief justice and deputy court administrator shall be provided with suitable
878 offices.

879 SECTION 77. Section 17 of chapter 211B of the General Laws, as so appearing, is hereby
880 amended by striking out, in lines 1, 5 through 6, inclusive, 13 through 14, inclusive, 18 through
881 19, inclusive, 21 through 22, inclusive, 23 through 24, inclusive, 30, 34, and 44 the words “for
882 administration and management” and inserting in place thereof the following words:- of the trial
883 court.

884 SECTION 78. Section 1 of chapter 211F of the General Laws, as so appearing, is hereby
885 amended by striking out the definition of “chief justice”.

886 SECTION 79. Said section 1 of said chapter 211F, as so appearing, is hereby further amended by
887 inserting after the definition of “Community corrections plan” the following definition:-

888 “Court administrator”, the court administrator of the trial court.

889 SECTION 80. Section 6 of said chapter 211F, as so appearing, is hereby amended by striking
890 out, in lines 5, 6, and 14, the words “for administration and management”.

891 SECTION 81. Section 23B of said chapter 217, as so appearing, is hereby amended by striking
892 out, in lines 4 and 5, the words “chief justice for administration and management” and inserting
893 in place thereof the following words:- court administrator.

894 SECTION 82. Section 6 of said chapter 218, as so appearing, is hereby amended by striking out
895 the third through sixth paragraphs, inclusive, and inserting in place thereof the following 4
896 paragraphs:-

897 The chief justice of the district court department shall have the power to appoint the first justice
898 of each of the various courts within the district court department, subject to the approval of the
899 chief justice of the trial court, and to define his duties; provided, however, that appropriate
900 consideration shall be given to seniority, length of service at that particular division, and
901 managerial ability. Each first justice so appointed shall serve as the first justice of that court for a
902 5 year term and shall be eligible to be reappointed for additional 5 year terms at that particular
903 court. Any first justice may be removed from his position as first justice by the chief justice of
904 the district court department.

905 Citations, orders of notice, writs, executions and all other processes issued by the clerk of the
906 court shall bear the test of the first justice thereof or the chief justice of the department.

907 SECTION 83. Section 8 of said chapter 218, as so appearing, is hereby amended by striking out,
908 in lines 18, 19, 22, and 23, the words “chief justice for administration and management” and
909 inserting in place thereof the following words:- court administrator.

910 SECTION 84. Section 10 of said chapter 218, as so appearing, is hereby amended by striking
911 out, in lines 2, 107, 108, 111, 116, 117, 138, and 139, the words “chief justice for administration
912 and management” and inserting in place thereof the following words:- court administrator.

913 SECTION 85. Section 11 of said chapter 218, as so appearing, is hereby amended by striking
914 out, in lines 3 and 4, the words “chief justice for administration and management” and inserting
915 in place thereof the following words:- court administrator.

916 SECTION 86. Said section 19B of said chapter 218, as so appearing, is hereby amended by
917 striking out, in lines 23, 24, and 27, the words “for administration and management” and
918 inserting in place thereof the following words:- of the trial court.

919 SECTION 87. Said chapter 218 is hereby amended by striking out section 42A, as so appearing,
920 and inserting in place thereof the following 2 sections:-

921 Section 42A. The justice, as provided under section one of chapter 211B, as the chief justice for
922 the district court department, in addition to his judicial powers and duties, shall, subject to the
923 superintendence authority of the supreme judicial court as provided in section 3 of chapter 211,
924 have the power, authority and responsibility of a chief justice as set forth in section 10 of chapter
925 211B.

926 In addition to the powers conferred in section 10 of said chapter 211B, said chief justice shall
927 have the powers and duties prescribed in sections 43 to 43B, inclusive, of this chapter and in
928 such other provision of statute.

929 Section 42B. The deputy court administrator for the district court department, as provided under
930 section 1 of chapter 211B shall, subject to the superintendence authority of the supreme judicial

931 court as provided in section 3 of chapter 211, have the power, authority and responsibility of a
932 deputy court administrator as set forth in section 10 of chapter 211B.

933 SECTION 88. Section 50 of said chapter 218, as so appearing, is hereby amended by striking
934 out, in lines 12 and 13, the words “for administration and management” and inserting in place
935 thereof the following words:- of the trial court.

936 SECTION 89. Said chapter 218 is hereby further amended by striking out section 51A, as so
937 appearing, and inserting in place thereof the following section:-

938 Section 51A. The justice provided for under section 1 of chapter 211B as the chief justice of the
939 Boston municipal court department, in addition to his judicial powers and duties, shall, subject to
940 the superintendence authority of the supreme judicial court as provided in section 3 of chapter
941 211, have the powers and responsibilities of a chief justice as set forth in section 10 of chapter
942 211B.

943 The deputy court administrator of the Boston municipal court department as provided for under
944 section 1 of chapter 211B shall, subject to the superintendence authority of the supreme judicial
945 court as provided in section 3 of chapter 211, have the powers and responsibilities of a deputy
946 court administrator as set forth in section 10 of chapter 211B; provided, however, that the clerk
947 shall have responsibility for the internal administration of his office, including the selection,
948 appointment, and management of personnel, staff services and record keeping.

949 The chief justice of the Boston municipal court department shall have the power to appoint the
950 first justice of each of the various divisions within the Boston municipal court department,
951 subject to the approval of the chief justice of the trial court, and to define his duties; provided,
952 however, that appropriate consideration shall be given to seniority, length of service at that

953 particular division, and managerial ability. Each first justice so appointed shall serve as the first
954 justice of that court for a 5 year term and shall be eligible to be reappointed for additional 5 year
955 terms at that particular court. Any first justice may be removed from his position as first justice
956 by the chief justice of the Boston municipal court department.

957 SECTION 90. Section 53 of said chapter 218, as so appearing, is hereby amended by striking
958 out, in lines 5, 6, 27, 30, and 31, the words “chief justice for administration and management”
959 and inserting in place thereof the following words:- court administrator.

960 SECTION 91. Said chapter 218 is hereby further amended by striking out section 57A, as so
961 appearing, and inserting in place thereof the following 2 sections:-

962 The justice provided for under section one of chapter 211B as the chief justice for the juvenile
963 court department, in addition to his judicial powers and duties, shall, subject to the
964 superintendence authority of the supreme judicial court as provided in section 3 of chapter 211,
965 have the powers and responsibilities set forth in section 10 of chapter 211B; provided, however,
966 that the clerk of such court shall have responsibility for the internal administration of his office,
967 including personnel, staff services and record keeping.

968 Said chief justice may require uniform practices, may prescribe forms of blanks and records.

969 Said chief justice shall also prescribe official forms to be used in all courts of the juvenile court
970 department and in juvenile sessions of the district court department.

971 Section 57B. The deputy court administrator for the juvenile court department as provided for
972 under section 1 of chapter 211B shall, subject to the superintendence authority of the supreme
973 judicial court as provided in section 3 of chapter 211, have the powers and responsibilities set

974 forth in section 10 of chapter 211B; provided, however, that the clerk of such court shall have
975 responsibility for the internal administration of his office, including personnel, staff services and
976 record keeping.

977 SECTION 92. Section 58 of said chapter 218, as so appearing, is hereby amended by striking out
978 the sixth sentence of the first paragraph and inserting in place thereof the following sentence:-

979 Any first justice may be removed from his position as first justice by the chief justice of the
980 juvenile court department.

981 SECTION 93. Said section 58 of said chapter 218, as so appearing, is hereby further amended by
982 striking out, in line 36, the words “for administration and management” and inserting in place
983 thereof the following words:- of the trial court.

984 SECTION 94. Said section 58 of said chapter 218, as so appearing, is hereby further amended by
985 striking out, in lines 51, 59, 86, 87, 113, 114, 117, 118, 120, the words “chief justice for
986 administration and management” and inserting in place thereof the words:- court administrator.

987 SECTION 95. Section 67 of said chapter 218, as so appearing, is hereby amended by striking
988 out, in lines 5 and 6, the words “chief justice for administration and management” and inserting
989 in place thereof the following words:- court administrator.

990 SECTION 96. Section 79 of said chapter 218, as so appearing, is hereby amended by striking
991 out, in lines 16, 17, 20, and 21, the words “chief justice for administration and management” and
992 inserting in place thereof the following words:- court administrator.

993 SECTION 97. Section 80 of said chapter 218, as so appearing, is hereby amended by striking
994 out, in lines 21, 22, and 25, the words “chief justice for administration and management” and
995 inserting in place thereof the following words:- court administrator.

996 SECTION 98. Section 5 of chapter 221 of the General Laws, as so appearing, is hereby amended
997 by striking out, in line 3, the words “chief justice for administration and management” and
998 inserting in place thereof the following words:- court administrator.

999 SECTION 99. Section 16A of said chapter 221, as so appearing, is hereby amended by striking
1000 out, in lines 2 and 3, the words “chief justice for administration and management” and inserting
1001 in place thereof the following words:- chief justice of the trial court.

1002 SECTION 100. Section 69 of said chapter 221, as so appearing, is hereby amended by striking
1003 out, in lines 4, 5, 9, and 10, the words “chief justice for administration and management” and
1004 inserting in place thereof the following words:- court administrator.

1005 SECTION 101. Section 69A of said chapter 221, as so appearing, is hereby amended by striking
1006 out, in line 17, the words “chief justice for administration and management” and inserting in
1007 place thereof the following words:- court administrator.

1008 SECTION 102. Section 70 of said chapter 221, as so appearing, is hereby amended by striking
1009 out, in lines 1, 2, and 6, the words “chief justice for administration and management” and
1010 inserting in place thereof the following words:- court administrator.

1011 SECTION 103. Section 70A of said chapter 221, as so appearing, is hereby amended by striking
1012 out, in lines 4 and 5, the words “chief justice for administration and management” and inserting
1013 in place thereof the following words:- court administrator.

1014 SECTION 104. Section 71 of said chapter 221, as so appearing, is hereby amended by striking
1015 out, in lines 1, 4, 5, and 7, the words “chief justice for administration and management” and
1016 inserting in place thereof the following words:- court administrator.

1017 SECTION 105. Section 71A of said chapter 221, as so appearing, is hereby amended by striking
1018 out, in lines 1, 5, and 6, the words “chief administrative justice” and inserting in place thereof the
1019 following words:- court administrator.

1020 SECTION 106. Section 72 of said chapter 221, as so appearing, is hereby amended by striking
1021 out, in line 5, the words “chief administrative justice” and inserting in place thereof the following
1022 words:- court administrator.

1023 SECTION 107. Section 80 of said chapter 221, as so appearing, is hereby amended by striking
1024 out, in line 5, the words “chief justice for administration and management” and inserting in place
1025 thereof the following words:- court administrator.

1026 SECTION 108. Section 102 of said chapter 221, as so appearing, is hereby amended by striking
1027 out, in line 5, the words “chief administrative justice” and inserting in place thereof the following
1028 words:- court administrator.

1029 SECTION 109. Section 3 of chapter 221A of the General Laws, as so appearing, is hereby
1030 amended by striking out, in line 3, the words “chief administrative justice” and inserting in place
1031 thereof the following words:- chief justice of the trial court.

1032 SECTION 110. Section 3 of chapter 221B of the General Laws, as so appearing, is hereby
1033 amended by striking out, in lines 3, 6, and 20, the words “administrative” and inserting in place
1034 thereof the following words:- justice of the trial court.

1035 SECTION 111. Section 7 of chapter 221C of the General Laws, as so appearing, is hereby
1036 amended by striking out subsection (a) and inserting in place thereof the following subsection:-

1037 (a) There shall be a committee for the administration of interpreters for the trial court, which
1038 committee shall consist of the chief justice of the trial court, who shall be the chairman of said
1039 committee, the chief justice of the district court department and one justice and one clerk-
1040 magistrate of said department appointed by said chief justice, a justice and a clerk or an assistant
1041 clerk of the superior court department appointed by the chief justice of said department, a judge
1042 of the probate and family court department appointed by the chief justice of said department and
1043 one other justice, judge or clerk-magistrate appointed by the chief justice of the trial court.

1044 SECTION 112. Said section 7 of said chapter 221C, as so appearing, is hereby further amended
1045 by striking out, in lines 12, 13, and 16, the words “administrative justice” and inserting in place
1046 thereof the following words:- justice of the trial court.

1047 SECTION 113. Section 9 of chapter 258C of the General Laws, as so appearing, is hereby
1048 amended by striking out, in lines 16 and 17, the words “for administration and management” and
1049 inserting in place thereof the following words:- of the trial court.

1050 SECTION 114. Section 9 of chapter 258D of the General Laws, as so appearing, is hereby
1051 amended by striking out, in line 7, the words “for administration and management” and inserting
1052 in place thereof the following words:- of the trial court.

1053 SECTION 115. Section 6 of chapter 258E of the General Laws, as inserted by chapter 23 of the
1054 acts of 2010, is hereby amended by striking out in the second sentence the words “for
1055 administration and management” and inserting in place thereof the following words:- of the trial
1056 court.

1057 SECTION 116. Section 11 of said chapter 258E, as so inserted, is hereby amended by striking
1058 out in the first sentence the words “for administration and management” and inserting in place
1059 thereof the following words:- of the trial court.

1060 SECTION 117. Section 27G of chapter 261 of the General Laws, as appearing in the 2008
1061 Official Edition, is hereby amended by striking out, in lines 5, 6, 7, 13, and 15 the words “chief
1062 administrative justice” and inserting in place thereof the following words:- court administrator.

1063 SECTION 118. Section 4B of chapter 262 of the General Laws, as so appearing, is hereby
1064 amended by striking out, in line 1, the words “chief administrative justice” and inserting in place
1065 thereof the following words:- court administrator.

1066 SECTION 119. Section 39 of chapter 265 of the General Laws, as so appearing, is hereby
1067 amended by striking out, in lines 39 and 40, the words “for administration and management” and
1068 inserting in place thereof the following words:- of the trial court.

1069 SECTION 120. Chapter 268A of the General Laws is hereby amended by inserting after section
1070 6A, as so appearing, the following section:-

1071 Section 6B. Each person applying for employment by a state agency must disclose in writing,
1072 upon such application, the names of all immediate family, as well as persons related to
1073 immediate family by marriage, who are state employees.

1074 All disclosures made by applicants hired by a state agency shall be made available for public
1075 inspection to the extent permissible by law by the official with whom such disclosure has been
1076 filed.

1077 SECTION 121. Said chapter 268A of the General Laws is hereby further amended by inserting
1078 after section 8B, as so appearing, the following section:-

1079 Section 8C. Notwithstanding any general or special law to the contrary, a state agency shall only
1080 consider a recommendation for a candidate in any hiring process if said recommendation is made
1081 in written form. Such recommendations shall be kept from the hiring authority until the final
1082 stage of the hiring process.

1083 SECTION 122. Chapter 276 of the General Laws, as so appearing, is hereby amended by striking
1084 out section 83 and inserting in place thereof the following section:-

1085 Section 83. (a) Each applicant for initial appointment as a probation officer within the office of
1086 the commissioner of probation shall pass a written examination established and administered by
1087 the court administrator, after consultation with the personnel administrator, who shall determine
1088 their form, method, and subject matter. Each such examination shall fairly test the knowledge,
1089 skills, and abilities which can be fairly and reliably measured and which are actually required to
1090 perform the primary or dominant duties of the position of probation officer. Applicants shall
1091 score at least 80 per cent on such examination to be eligible for further consideration.

1092

1093 (b) The name of each applicant for initial appointment as a probation officer within the
1094 office of the commissioner of probation successfully completing the exam pursuant to subsection
1095 (a) shall be forwarded to the court administrator, or his designee, who shall objectively screen
1096 the applicant to determine whether the applicant meets the minimum criteria for appointment as a
1097 probation officer.

1098 (c) Those applicants successfully passing the examination pursuant to subsection (a) and deemed
1099 by the court administrator to have met the minimum criteria for appointment pursuant to
1100 subsection (b) shall be subject to an investigative and interview process which shall include,
1101 without limitation: (i) an investigation into the applicant's work history and personal interests to
1102 ensure that he or she is well suited for the culture of the organization and will further the
1103 organization's stated goals; (ii) behavioral based interviews; and (iii) candidate assessments,
1104 including case study, presentation and writing assessments; provided, however, that said
1105 candidate assessments shall focus on the specific requirements of the position.

1106 (d) Those applicants successfully passing the examination pursuant to subsection (a), deemed by
1107 the court administrator to have met the minimum criteria for appointment pursuant to subsection
1108 (b), and successfully completing the interview and investigative process pursuant to subsection
1109 (c) shall be eligible for appointment by the commissioner as a probation officer. The
1110 commissioner may appoint probation officers to the several sessions of the trial court as he
1111 deems necessary, with the approval of the court administrator.

1112 (e) Any probation officer seeking promotion within the office of the commissioner of probation
1113 shall pass a written examination established and administered by the court administrator, after
1114 consultation with the personnel administrator, who shall determine their form, method, and
1115 subject matter. Each such examination shall fairly test the knowledge, skills, and abilities which
1116 can be fairly and reliably measured and which are actually required to perform the primary or
1117 dominant duties for the position being applied. Applicants shall score at least 80 per cent on such
1118 examination to be eligible for further consideration.

1119 (f) The name of each applicant for promotion within the office of the commissioner of probation
1120 successfully completing the exam pursuant to subsection (e) shall be forwarded to the court
1121 administrator, or his designee, who shall objectively screen the applicant to determine whether
1122 the applicant meets the minimum criteria for promotion.

1123 (g) Those applicants successfully passing the examination pursuant to subsection (e) and deemed
1124 by the court administrator to have met the minimum criteria for promotion pursuant to subsection
1125 (f) shall be subject to an investigative and interview process which shall include, without
1126 limitation: (i) an investigation into the applicant's work history and personal interests to ensure
1127 that he or she is well suited for the culture of the organization and will further the organization's
1128 stated goals; (ii) behavioral based interviews; and (iii) candidate assessments, including case
1129 study, presentation and writing assessments; provided, however, that said candidate assessments
1130 shall focus on the specific requirements of the position.

1131 (h) Those applicants successfully passing the examination pursuant to subsection (e), deemed by
1132 the court administrator to have met the minimum criteria for appointment pursuant to subsection
1133 (f), and successfully completing the interview and investigative process pursuant to subsection
1134 (g) shall be eligible for promotion pursuant to subsection (i).

1135 (i) In any court having 2 or more probation officers, the first justice, subject to the approval of
1136 the court administrator and the commissioner of probation, may designate 1 probation officer to
1137 serve as chief probation officer and may designate other probation officers to serve as assistant
1138 chief probation officers, as he deems necessary for the effective administration of justice.

1139 A first justice may recommend to the commissioner of probation the initiation of

1140 disciplinary proceedings against any probation officer so promoted, provided, however, that said
1141 probation officers shall receive a hearing by the commissioner of probation prior to being
1142 discharged and may appeal any suspension, discipline or discharge to the court administrator.

1143 (j) The compensation of probation officers in the trial court shall be paid by the commonwealth
1144 according to schedules established in section 99B or in a provision of an applicable collective
1145 bargaining agreement.

1146 (k) All probation officers shall devote their full time and attention to the duties of their office
1147 during regular business hours.

1148 (l) Probation officers appointed within the probate and family court department of the trial court
1149 shall be known as family services officers.

1150 SECTION 123. Section 86 of Chapter 276 of the General Laws is hereby repealed.

1151 SECTION 124. Section 88 of said chapter 276, as so appearing, is hereby amended by striking
1152 out, in line 18, the words “chief administrative justice” and inserting in place thereof the
1153 following words:- court administrator.

1154 SECTION 125. Section 89 of said chapter 276, as so appearing, is hereby amended by striking
1155 out, in lines 41 and 42, the words “chief administrative justice” and inserting in place thereof the
1156 following words:- court administrator.

1157 SECTION 126. Section 89A of said chapter 276, as so appearing, is hereby amended by striking,
1158 in line 11, the words “chief justice for administration and management” and inserting in place
1159 thereof the following words:- court administrator.

1160 SECTION 127. Chapter 276 of the General Laws, as so appearing, is hereby further amended by
1161 striking out sections 98 to 99, inclusive, and inserting in place thereof the following 3 sections:-

1162 Section 98. There shall be an office of probation which shall be under the supervision, direction
1163 and control of a commissioner of probation. The commissioner shall be appointed, and may be
1164 removed, by the chief justice of the trial court and the court administrator, with the advice of the
1165 chief justice of the juvenile court, the chief justice of the superior court, the chief justice of the
1166 district court, the chief justice of the probate and family court, and the chief justice of the Boston
1167 municipal court and shall be a person of skill and experience in the field of criminal justice. The
1168 commissioner shall be the executive and administrative head of the office of probation and shall
1169 be responsible for administering and enforcing the provisions of law relative to the office of
1170 probation and to each administrative unit thereof. The commissioner shall serve a term of 5
1171 years, may be reappointed, shall receive such salary as may be determined by law, and shall
1172 devote his full time to the duties of his office. In the case of an absence or vacancy in the office
1173 of the commissioner, or in the case of disability as determined by the chief justice of the trial
1174 court, said chief justice may designate an acting commissioner to serve as commissioner until the
1175 vacancy is filled or the absence or disability ceases. The acting commissioner shall have all the
1176 powers and duties of the commissioner and shall have similar qualifications as the commissioner.

1177 Subject to the approval and consent of the court administrator, the commissioner may appoint
1178 deputies, supervisors and assistants necessary for the performance of his duties. Said deputies,
1179 supervisors and assistants, shall receive a salary to be fixed by the court administrator and
1180 subject to appropriation. Subject to the approval and direction of the chief justice of the trial
1181 court and the court administrator, the commissioner shall perform such duties and
1182 responsibilities as otherwise provided by law or as designated from time to time by said chief

1183 justice and the court administrator. The commissioner shall be responsible for making
1184 recommendations to the chief justice of the trial court and the court administrator on:

- 1185 (i) the supervision and evaluation of all probation programs within the trial court;
- 1186 (ii) the evaluation of the probation service in each court of the commonwealth;
- 1187 (iii) the compilation, evaluation, and dissemination of statistical information on crime,
1188 delinquency, and appropriate family service matters available in his records;
- 1189 (iv) the recruitment, training, and educational development of probation officers;
- 1190 (v) the evaluation of the work performance of probation officers; and
- 1191 (vi) planning, initiating, and developing volunteer, diversion, and other programs in consultation
1192 with probation officers throughout the commonwealth.

1193 Section 98A. There shall be an advisory board to assist the commissioner of probation and the
1194 court administrator with the management of the office of probation. The board shall consist of 7
1195 members to be appointed by the supreme judicial court: 2 persons who have significant
1196 experience in criminal justice, 2 persons who have significant experience in public policy, 2
1197 persons who have significant experience in management, and 1 person who has significant
1198 experience in human resources management. Upon the expiration of the term of any appointive
1199 member, his successor shall be appointed in a like manner for a term of 3 years.

1200 A person appointed to fill a vacancy on the board shall be appointed in a like manner and shall
1201 serve for only the unexpired term of the former member. The maximum amount of time that said
1202 members may serve on said board shall be 2 such terms. The board shall annually elect 1 of its

1203 members to serve as chair and 1 of its members to serve as vice-chair. The chair shall hold
1204 regular meetings, and shall notify all board members of the time and place of all meetings.

1205 Members of the board shall serve without compensation but shall be reimbursed for their
1206 expenses actually and necessarily incurred in the discharge of their official duties. The court
1207 administrator shall serve as the executive secretary of the board, and the office of probation shall
1208 provide, at the request of the board, detailed reports regarding the work of probation in the court.

1209 The board shall advise the commissioner of probation and the court administrator on all matters
1210 of probation reform. The board shall make recommendations to the commissioner of probation
1211 and the court administrator and shall forward such recommendations to the house and senate
1212 committees on ways and means.

1213 Section 99. The commissioner shall have executive control and supervision of the probation
1214 service and shall have the power to:

1215 (1) Supervise the probation work in all of the courts of the commonwealth and for such
1216 purposes he and his staff shall have access to all probation records of said courts;

1217 (2) Subject to the approval of the chief justice of the trial court, establish reports and forms to
1218 be maintained by probation officers; procedures to be followed by probation officers; standards
1219 and rules of probation work, including methods and procedures of investigation, mediation,
1220 supervision, case work, record keeping, accounting, caseload and case management;

1221 (3) Promulgate rules and regulations concerning probation officers or offices provided said
1222 rules and regulations have been approved in writing by the court administrator subject to 150E;

1223 (4) Assist the court administrator in developing standards and procedures for the
1224 performance evaluation of probation officers, and assist each first justice in evaluating the work
1225 performance of probation officers;

1226 (5) Receive all notices of intended disciplinary action against a probation officer or
1227 supervising probation officer including reprimand, fine, suspension, demotion or discharge, that
1228 may be initiated by a first justice, supervisor or chief probation officer;

1229 (6) Develop and conduct basic orientation and in-service training programs for probation
1230 officers, such programs to be held at such times and for such periods as he shall determine;

1231 (7) Conduct research studies relating to crime and delinquency, and, may participate with
1232 other public and private agencies in joint research studies;

1233 (8) Annually submit written budget recommendations for the probation service to the court
1234 administrator; in addition to the budget requests submitted by the first justices on behalf of their
1235 respective courthouse or courthouses, including probation offices.

1236 (9) Annually conduct regional meetings with chief probation officers to discuss the budget
1237 needs of the local probation offices; and

1238 (10) Hold conferences on probation throughout the commonwealth, provided, that the
1239 traveling expenses of trial court justices or probation officers authorized by the chief justice for
1240 administration and management to attend any such conference shall be paid by the
1241 commonwealth.

1242 SECTION 128. Notwithstanding any general or special law to the contrary, any incumbent
1243 serving a term of office described in chapter 211B shall perform, so far as practicable, the duties

1244 prescribed for the respective office until the end of their current term; provided, however, that
1245 this section shall not limit or restrict administrative authorities in exercising supervision of, or
1246 control over, their employees, or in assigning related, incidental, or emergency duties to them.

1247 SECTION 129. Notwithstanding any general or special law to the contrary, the court
1248 administrator shall identify administrative activities and functions common to the separate
1249 officers, divisions, and departments within the trial court for consolidation in order to improve
1250 administrative efficiency and preserve fiscal resources and shall, subject to the review of the
1251 court management advisory board established pursuant to section 6A of chapter 211B, make
1252 recommendations to the supreme judicial court as to the designation of such functions as ‘core
1253 administrative functions’; provided, however, that common functions that shall be designated
1254 core administrative functions shall include, but not be limited to, human resources, financial
1255 management, information technology, legal, procurement and asset management.

1256 SECTION 130. Notwithstanding any general or special law to the contrary, on December 31 and
1257 annually thereafter, the court management advisory board established pursuant to section 6A of
1258 chapter 211B shall report to the supreme judicial court, the joint committee on the judiciary, the
1259 joint committee on state administration, and the house and senate committees on ways and
1260 means on the trial court’s progress in implementing the requirements of this chapter. The report
1261 shall also include recommendations to improve the management of the trial court, including but
1262 not limited to consolidation of core administrative functions, and proposed legislation to
1263 effectuate the recommendations contained in said report.

1264 SECTION 131. Notwithstanding any general or special law to the contrary, the incumbent of the
1265 office of commissioner of probation designated under section 98 of chapter 276 shall continue to

1266 hold said position until January 31, 2013. Said incumbent shall be eligible for reappointment to
1267 said office under the process established under said section 98.

1268 SECTION 132. Notwithstanding any general or special law to the contrary, the office of
1269 probation, the parole board, the department of correction, the various county sheriffs and the
1270 department of criminal justice information services shall, to the extent practicable and given
1271 available resources, share information relative to persons under the supervision of the respective
1272 departments.

1273 SECTION 133. Notwithstanding any general or special law to the contrary, the office and
1274 probation and the parole board shall establish a working group to identify functions common to
1275 the office of probation and the parole board in order to adequately address the treatment and
1276 supervision of persons under the jurisdiction of the departments. The working group shall make
1277 recommendations, including any proposed legislation, to the supreme judicial court, governor,
1278 court administrator, and house and senate committees on ways and means not later than
1279 December 31, 2012.

1280 SECTION 134. Notwithstanding any general or special law to the contrary, in making their
1281 initial appointments to the advisory board on probation established pursuant to section 98A of
1282 chapter 276, the supreme judicial court shall appoint 2 members to serve for a term of 1 years, 3
1283 members to serve for a term of 2 years, and 2 members to serve for a term of 3 years.

1284 SECTION 135. Notwithstanding any general or special law to the contrary, the court
1285 administrator established pursuant to section 6B of chapter 211B shall devise and implement a
1286 hiring model for the trial court that shall be applicable to the hiring of all trial court employees
1287 and shall containing, without limitation, the following elements: (i) an accurate job description

1288 and the essential competencies successful applicants must possess; (ii) posting of all vacancies
1289 required to be posted in a visible manner and recruiting measures designed to attract a broad
1290 range of qualified applicants; (iii) development and use of objective screening criteria; (iv) use of
1291 uniform and standard applications; (v) structured interviews with job-related questions and
1292 standardized rating forms; (vi) reference checks; and (vii) final recommendations.

1293 SECTION 136. Notwithstanding any general or special law to the contrary, the court
1294 administrator established pursuant to section 6B of chapter 211B shall devise and implement a
1295 applicant tracking system which shall track all information about candidates for employment
1296 with the trial court and the hiring process, including without limitation resumes, assessment
1297 results, all recommendations and references however transmitted and by whomever received, the
1298 identity of the decision makers at each step of the process and any scoring by those decision
1299 makers.

1300 SECTION 137. Notwithstanding any general or special law to the contrary, as used in sections
1301 56, 122, and 124 to 127, inclusive, of this act, the term court administrator shall mean the chief
1302 justice for administration and management established pursuant to section 6 of chapter 211B;
1303 provided, however, that upon appointment of a court administrator pursuant to section 12 of
1304 chapter 211B of the General Laws, as used in sections 56, 122, and 124 to 127, inclusive, of this
1305 act, the term court administrator shall mean the court administrator so appointed pursuant to said
1306 section 211B.

1307 SECTION 138. Sections 57 and 137 of this act shall expire on July 1, 2012.

1308 SECTION 139. Sections 2 to 55, inclusive, 58 to 119, inclusive, 129, 135, and 136 shall take
1309 effect on July 1, 2012.

1310 SECTION 140. Except as otherwise provided in this act, this act shall take effect on July 1,
1311 2011.