

***SENATE . . . . . No. 01911***

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The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven.  
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SECTION 1. Section 116 of chapter 6 of the General Laws is hereby amended by striking out, in lines 22 and 23, as appearing in the 2008 Official Edition, the words “administrative justice for” and inserting in place thereof the following words:- justice of.

SECTION 2. Section 183A of said chapter 6, as so appearing, is hereby amended by striking out, in lines 9 and 10, the words “chief administrative justice” and inserting in place thereof the following words:- court administrator.

SECTION 3. Section 28A of chapter 7 of the General Laws, as so appearing, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

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

SECTION 4. Section 41C of said chapter 7, as so appearing, is hereby amended by striking out, in lines 11 and 12, 24 and 25, and in line 32, the words “administrative justice of the trial court” and inserting in place thereof, in each instance, the following words:- justice of the trial court and the court administrator.

SECTION 5. Section 2 of chapter 7A of the General Laws, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “chief administrative justice” and inserting in place thereof the following words:- court administrator.

SECTION 6. Section 35Z of chapter 10 of the General Laws, as so appearing, is hereby amended by striking out, in lines 12 and 13, 16 and 17, and 23 and 24, the words “chief justice for administration and management” and inserting in place thereof, in each instance, the following words:- court administrator.

SECTION 7. Chapter 22 of the General Laws is hereby amended by inserting after section 20 the following section:-

Section 21. There shall be a special commission established to investigate and study improving information and resource sharing among the office of probation, parole board, department of corrections, and all sheriffs in the commonwealth. The commission shall consist of the secretary of public safety and security or the secretary’s designee, who shall serve as chair; the commissioner of probation or the commissioner’s designee; the chair of the parole board or the chair’s designee; the commissioner of correction or the commissioner’s designee; the commissioner of youth services, or the commissioner’s designee; and the president of the Massachusetts Sheriffs Association or the president’s designee.

The investigation shall include, but not be limited to:

- (a) identifying and eliminating redundant and duplicative practices, while promoting public safety and cost-effectiveness;
- (b) developing a common risk and needs assessment tool for supervised individuals, to be used by the office of probation, trial court office of community supervision, parole board, department of corrections and sheriffs;
- (c) developing policies and protocols for individuals who have been sentenced to supervision under more than one of the agencies or departments concurrently to ensure that said supervision is meted in an orderly and effective manner for those individuals who are subject to dual supervision;
- (d) establishing procedures for the sharing of information on supervised individuals, including procedure for addressing any privacy issues raised by the sharing of information between agencies; provided, however, that if the commission discovers legal impediments to sharing information between the organizations it shall draft and report legislative recommendations to address such impediments;
- (e) investigating the creation of a common office of performance management to track the effectiveness and outcomes of programs used by the office of probation, trial court office of community supervision, parole board, department of corrections and sheriffs; and

(f) investigating the effectiveness of the office of community corrections, potential improvements to its function and organization, including the feasibility and advisability of relocating it to the executive office of public safety and security.

The commission shall annually report on its activities and on any findings and recommendations to the chairs of the joint committee on the judiciary, the chairs of the joint committee on public safety and homeland security and chairs of the senate and house committees on ways and means not later than December 31.

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

SECTION 9. Section 3A of chapter 29A of the General Laws, as so appearing, is hereby amended by striking out, in line 7, the word “administrative”.

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

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

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

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

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

SECTION 15. Section 1 of chapter 58A of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the word “administrative”.

SECTION 15A. Chapter 66 of the General Laws is hereby amended by inserting, after section 3 the following section:-

Section 3A. Recommendations for employment submitted in support of candidates who are hired by the commonwealth, or any political subdivision of the commonwealth, in the position to which the recommendations were applicable, shall be considered public records under section 7 of chapter 4 and this chapter; provided, however that this shall not apply to internal communications. Recommendations for employment submitted in support of candidates applying for employment by the commonwealth, or any political subdivision of the commonwealth, shall not be considered by a hiring authority until the applicant has met all other qualifications and requirements for the position to be filled.

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

SECTION 17. Section 3 of chapter 90C of the General Laws is hereby amended by striking out, in lines 101 and 102, as so appearing, the words “for administration and management”.

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

SECTION 19. Section 29B of said chapter 119 of the General Laws, as appearing in section 21 of chapter 359 of the acts of 2010, is hereby amended by striking out the words “for administration and management” and inserting in place thereof the following words:- of the trial court.

SECTION 20. Section 1 of chapter 119A of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 22 and 23, the word “administrative”.

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

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

SECTION 24. Section 1 of chapter 150E of the General Laws, is hereby amended by striking out, in line 61, as so appearing, the words “chief administrative justice” and inserting in place thereof the following words:- court administrator.

SECTION 25. Chapter 185 of the General Laws, is hereby amended by striking out section 2, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

Section 2. The land court department shall consist of 6 associate justices appointed to the land court department. The chief justice of the land court department appointed under section 1 of chapter 211B, in addition to his judicial powers and duties and subject to the superintendence authority of the supreme judicial court as provided in section 3 of chapter 211 and subject to the administrative authority of the chief justice of the trial court, shall be the administrative head of the land court department, and shall also have the power, authority and responsibility of a chief justice as set forth in section 10 of chapter 211B.

SECTION 26. Section 3A of said chapter 185, as so appearing, is hereby amended by striking out, in lines 39 and 40, 58 and 59, 67 and 68, and 84 and 85, the words “for administration and management” and inserting in place thereof, in each instance, the following words:- of the trial court.

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

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

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

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

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

SECTION 32. Said section 4 of said chapter 185C is hereby further amended by inserting after the word “convenient”, in lines 7, 12, 21, 31 and 40, each time it appears,

the following words:- ; provided, however, that the court administrator shall consult with the chief justice of the trial court prior to providing consent.

SECTION 33. Said section 4 of said chapter 185C, as so appearing, is hereby further amended by striking out, in lines 18 and 19, 28 and 29, and in line 38, the words “chief justice for administration and management” and inserting in place thereof, in each instance, the following words:- court administrator.

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

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

Section 8A. The chief justice of the housing court department as appointed under section 1 of chapter 211B , in addition to his judicial powers and duties and subject to the superintendence authority of the supreme judicial court as provided in section 3 of chapter 211 and subject to the administrative authority of the chief justice of the trial court, shall be the administrative head of the housing court department, and shall also have the power, authority and responsibility of a chief justice as set forth in section 10 of chapter 211B.

SECTION 36. Section 9 of said chapter 185C, as so appearing, is hereby amended by striking out, in lines 16 and 18, the words “for administration and management” and inserting in place thereof, in each instance, the following words:- of the trial court.

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

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

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

SECTION 40. Section 37 of said chapter 209, as so appearing, is hereby amended by striking out, in line 10, and in lines 26 and 27, the words “for administration and

management” and inserting in place thereof, in each instance, the following words:- of the trial court.

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

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

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

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

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

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

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

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

In addition to the foregoing, the justices of the supreme judicial court shall also have general superintendence of the administration of all courts of inferior jurisdiction, including, without limitation, the prompt hearing and disposition of matters pending therein, and the functions set forth in section 3C, and it may issue such writs, summonses and other processes and such orders, directions and rules as may be necessary or

desirable for the furtherance of justice, the regular execution of the laws, the improvement of the administration of such courts, and the securing of their proper and efficient administration; provided, however, that general superintendence shall not include the authority to supersede any general or special law unless the supreme judicial court, acting under its original or appellate jurisdiction finds such law to be unconstitutional in any case or controversy. Nothing herein shall affect existing law governing the selection of officers of the courts or limit the existing authority of the officers thereof to appoint administrative personnel.

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

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

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

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

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

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

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



expiration of his term upon a determination by the chief justice of the trial court that such removal is in the best interests of the administration of justice.

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

Section 6A. There shall be an advisory board to assist the justices of the supreme judicial court, the chief justice of the trial court, and the court administrator. The board shall consist of the attorney general or the attorney general's designee, the executive director of the Massachusetts office of victim assistance and 10 a members to be appointed by the supreme judicial court, 2 of whom shall have significant experience in public administration, 2 of whom shall have significant experience in business administration, 1 of whom shall be an attorney with significant experience in the practice of criminal law, 1 of whom shall be an attorney with significant experience in the practice of civil law, 1 of whom shall be an attorney with significant experience in the practice of probate and family law, 1 of whom shall be an attorney with significant experience in the representation of juveniles in the courts, 1 of whom shall be an attorney with significant judicial experience but who shall not be a current justice of the commonwealth or a retired justice serving the commonwealth pursuant to judicial recall, and 1 of whom shall have significant experience in information technology. The board shall choose its chair. The appointed members of said board shall serve for terms of 3 years and shall not serve more than 2 such terms. The chief justice of the trial court shall be the executive secretary of the board.

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

The court management advisory board shall prepare an annual report on the trial court's progress in implementing the requirements of this chapter, together with

recommendations to improve the management of the trial court, including the consolidation of core administrative functions and legislation to effectuate those recommendations to the supreme judicial court, the chairs of the joint committee on the judiciary, the chairs of the joint committee on state administration and regulatory oversight and the chairs of the house and senate committees on ways and means not later than December 31 of each year.

Section 6B. There shall be an office of court management within the trial court, under the executive control of the court administrator, to support the judicial functions, performance and management of the trial court. The court administrator shall be appointed by a majority vote of the justices of the supreme judicial court; provided, however, that said court administrator shall have significant leadership experience in the fields of management and finance and shall not be a justice of the trial court. Said court administrator shall be paid a salary equal to that of the chief justice of the trial court. The court administrator shall hold said office for a term of 5 years, shall be eligible to be reappointed for additional 5 year terms, and shall devote his full time to the duties of his office. If the court administrator is an attorney, the court administrator shall not appear before the courts of the commonwealth during the court administrator's service as court administrator. The court administrator may be removed by a majority vote of the justices of the supreme judicial court.

Disputes between the chief justice of the trial court and the court administrator shall be resolved by the chief justice of the supreme judicial court. The decision of the chief justice of the supreme judicial court shall be final and binding.

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

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

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

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

Section 8. There shall be an advisory committee on personnel standards to consist of the chief justice of the trial court or the chief justice's designee; the chief justices of the trial court departments or their designees; the court administrator or his designee, who shall serve as chair of the committee; the commissioner of probation; and a clerk of the superior court, a clerk of the district court and a register of probate who shall be appointed by the chief justice of the trial court.

The committee shall advise the court administrator who shall establish and promulgate standards for the appointment, performance, promotion, continuing education and removal of all personnel within the trial court, except judges, clerks and registers of probate. The standards shall ensure that all appointments, promotions and increases in compensation of personnel within the trial court are merit based and maintain internal and external integrity with regard to their processes. Such standards shall be made available to the public and promulgated prominently on the website of the trial court.

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

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

An officer or employee whose appointment is subject to this section may be removed for cause by the appointing authority; provided, however, that in the event of a conflict between this section and a term of an applicable collective bargaining agreement, the term of the collective bargaining agreement shall take precedence. Every removal of an officer or employee whose appointment was subject to this section shall be reviewed

by the committee, and no such removal shall be final until approved by the committee. If any such officer or employee has served 3 full years in a position, appointment to which is subject to the provisions of this section, the officer or employee shall have the right to appear personally before the committee before the committee reaches its decision as to whether or not to affirm the officer's or employee's removal. The committee shall also advise the court administrator in the establishment of salaries and pay scales of all court personnel unless otherwise provided by statute

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(xv) the authority to visit any department or any division or any place for holding court within such a department. The chief justice of the trial court may from time to time call conferences of any or all of the chief justices of the departments;

(xvi) notwithstanding the provisions of this section and in order to provide for the speedy administration of justice in the counties of Dukes and Nantucket, the requirement to designate, from time to time, justices sitting in the division of the district court department for either of said counties as justices of the superior court department sitting in either of said counties, with power to grant injunctive relief to the same extent as a justice appointed to the superior court department;

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

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

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

(xx) the authority to resolve any dispute arising between a first justice of a division and a clerk of court concerning the management and administration of the clerk's office, the duties, powers and obligations of the clerk's staff, or the interpretation of the personnel standards provided for under section 8, provided, however, that any such dispute shall be submitted to the chief justice of the trial court in writing by the clerk, clerk-magistrate or first justice and the chief justice shall, within 30 days of receipt of the written notification of such dispute and conduct a hearing in order to determine the matter. The decision of the chief justice shall be binding on the parties;

(xxi) in consultation with the court administrator, the authority to suspend any particular session of the trial court; move sessions so that the availability of court personnel is consistent with the needs of individual courts; transfer cases and matters from a court to any other court, consolidate cases, and make such periodic adjustments in the scheduling and locations of court sessions as are deemed necessary for the proper administration of justice; and

(xxii) the authority to exercise any inherently judicial power not otherwise specified in this section; provided, however, that nothing in this section shall authorize the chief justice to exercise any power reserved to the full court.

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

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

In order to achieve the ends stated in this section, the court administrator shall be responsible for the management of court personnel, facilities, administration, security, and court business and shall, subject to the terms of applicable collective bargaining agreements, have the authority necessary to carry out these responsibilities including:

(i) the responsibility, upon the request of the supreme judicial court, to provide financial management assistance to said court including review of the budget requests

and information as submitted by the department chiefs, to make recommendations thereon and otherwise to assist the court in its budgetary preparations;

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

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

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

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

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

(vii) the responsibility to provide administrative management to the office of the jury commissioner;

(viii) the responsibility to supervise the implementation of the continuing education programs for nonjudicial personnel;

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

(x) in consultation with the chief justice of the trial court, the authority to transfer employees of the trial court to serve where needed; impose discipline on such officers and employees, including dismissal and suspension with or without pay; provided, however, that the court administrator may, upon reasonable notice, temporarily transfer nonjudicial personnel among the various departments, divisions and places for holding court, and no such transfer shall be more than a reasonable distance from the place where such personnel is employed unless the employee so transferred shall consent thereto;



provided further, that such transfer of the employee shall not be for more than 90 days, but such transfer may be extended for 3 consecutive 90-day periods, if notice is given to the house and senate committees on ways and means upon each extension, including the employee's position, duties, and reason for the transfer, and no such transfer shall exceed 360 consecutive days; provided further, that the first justice of the court to which the employee is to be transferred shall provide the first justice of the court to which the employee is permanently assigned with appropriate personnel records and records of activities, including records necessary for the payment of compensation; and provided further, that this provision shall not apply to a clerk or clerk-magistrate, whether elected or appointed by the governor, register of probate or recorder;

(xi) (a) notwithstanding any general or special law to the contrary and for the period July 1 through April 30, inclusive, of any fiscal year, the authority to transfer funds from any item of appropriation within the trial court to any other item of appropriation within the trial court; provided, however, that these transfers shall be made in accordance with schedules submitted to the house and senate committees on ways and means; provided further, that the schedules shall include: (1) the amount of money transferred from any item of appropriation to any other item of appropriation; (2) the reason for the necessity of the transfer; and (3) the date on which the transfer shall be completed; and provided further, that a transfer under this section shall not occur until 10 days after the revised funding schedules have been submitted in written form to the house and senate committees on ways and means; and

(b) notwithstanding any general or special law to the contrary and for the period May 1 through June 30, inclusive, of any fiscal year, the authority to transfer an amount not to exceed \$65,000 from any item of appropriation within the trial court to any other item of appropriation within the trial court;

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

(xiii) the authority to visit any department or any division or any place for holding court within such a department;

(xiv) the responsibility to review all appointments and dismissals governed by standards promulgated under the authority of section 8 for noncompliance with such standards and shall rescind any such appointment or dismissal that does not comply with said standards;

(xv) the responsibility to establish uniform guidelines and policies to further minority employment within the judicial system;

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

(xvii) with the approval of the chief justice of the trial court, the authority to establish the hours during which the courts of the commonwealth shall be open, including Saturday and evening sessions, and to further establish flexible work schedules; provided, however, that no employee shall be required to work more hours during a week than is provided by the relevant collective bargaining agreement;

(xviii) the authority to delegate any responsibilities and powers hereunder and as otherwise provided by law to a court officer, clerk, or any employee of the court administrator's department, for such period of time and with such limitations as the court administrator may impose, whenever in the court administrator's opinion such delegation of authority will expedite the judicial business of the trial court;

(xix) the authority to appoint such other personnel as may be necessary for the administration of the trial court; provided, however, that such personnel shall receive salaries to be fixed by the court administrator and subject to appropriation;

(xx) the responsibility to devise and implement a hiring model for the trial court that shall be applicable to the hiring of all trial court employees and shall contain, without limitation, the following elements: (1) an accurate job description and the essential competencies successful applicants shall be required to possess; (2) a requirement that all vacancies be posted in a visible manner and recruiting measures designed to attract a broad range of qualified applicants; (3) development and use of objective screening criteria; (4) use of uniform and standard applications; (5) structured interviews with job-related questions and standardized rating forms; (6) reference checks; and (7) final recommendations;

(xxii) the responsibility to devise and implement a applicant tracking system which shall track all information about candidates for employment with the trial court

and the hiring process, including without limitation resumes, assessment results, all recommendations and references however transmitted and by whomever received, the identity of the decision makers at each step of the process and any scoring by those decision makers;

(xxiii) the responsibility to identify administrative activities and functions common to the separate officers, divisions, and departments within the trial court for consolidation in order to improve administrative efficiency and preserve fiscal resources and shall, subject to the review of the court management advisory board established pursuant to section 6A of chapter 211B, make recommendations to the supreme judicial court as to the designation of such functions as "core administrative functions"; provided, however, that common functions that shall be designated core administrative functions shall include, but not be limited to, human resources, financial management, information technology, legal, procurement and asset management; and

(xxiv) the responsibility to perform all other administrative, inherently non-judicial functions or duties the court administrator deems necessary.

Section 10. A chief justice, in addition to the judicial powers and duties as a justice of the trial court and subject to the superintendence authority of the supreme judicial court as provided in section 3 of chapter 211 and the administrative authority of the chief justice of the trial court, shall be the administrative head of his department, its clerks, other officers and employees subject to section 99 of chapter 276 and the appropriate collective bargaining agreement. To achieve sound operation of the department, the chief justice shall have the following power, authority and responsibility:

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

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

(iii) the authority, prior to making assignments or transfers referred to in clause (ii) of this section, to ascertain, if the chief justice so desires, the respective preferences of the justices as to which court or courts, if any, they wish to be assigned or transferred;

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

(v) the authority to transfer cases and matters from a court to any other court within his department, to consolidate cases;

(vi) when necessary to ensure the proper administration of justice, the authority to transfer employees of the department to serve where needed and to impose discipline on such officers and employees, including dismissal and suspension with or without pay; provided, however, that the chief justice may, upon reasonable notice, temporarily transfer nonjudicial personnel within the department, divisions and places for holding court, but no such transfer shall be more than a reasonable distance from the place where such personnel is employed unless the employee so transferred shall consent thereto; provided further, that such transfer shall not be for more than 90 days, but such transfer may be extended for 3 consecutive 90-day periods if notice is given to the house and senate committees on ways and means upon each extension, including the employee's position, duties, and reason for the transfer, but such transfer shall not exceed 360 consecutive days; provided further, that the first justice of the court to which the employee is to be transferred shall provide the first justice of the court to which the employee is permanently assigned with appropriate personnel records and records of activities, including records necessary for the payment of compensation; and provided further, that this provision shall not apply to a clerk or clerk-magistrate, whether elected or appointed by the governor, register of probate or recorder;

(vii) the authority to visit any court within the department;

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

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

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

(xi) the responsibility, annually, to prepare and submit to the court administrator a budget estimate, in detail, for the ordinary maintenance of their department of the trial court, and all revenue therefrom, as provided in clause (5) of the first paragraph of section 3 of chapter 29; provided, however, that said budget estimate shall include judicial salaries and the salaries of employees within said department and shall include estimates of all sums which the commonwealth is obligated to pay under the provisions of chapter 29A;

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

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

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

(xv) the responsibility to sit and perform judicial duties, within his department, during the course of the calendar year;

(xvi) the power to discipline any justice assigned or appointed to his department who refuses or fails to comply with any order concerning the performance of his duties as

justice or any other lawful order of the chief justice of his department; provided, however, that the chief justice shall also have the power to require any justice assigned or appointed to his department to participate in a judicial enhancement program in response to any action of such justice which brings the judiciary into disrepute, which lowers the public confidence in the judiciary or which impedes the administration of justice. A justice who is disciplined by the chief justice may appeal the imposition of discipline to the chief justice of the trial court. Any justice aggrieved by decision of the chief justice of the trial court may appeal said decision to the supreme judicial court. Consistent with the provisions of chapter 211C, all proceedings, documents, and other matters relating to such discipline shall at all times be confidential and not open to the public unless the justice appealing the disciplinary action agrees that the same shall not be confidential, or unless the supreme judicial court determines that it is in the public interest for any such proceeding, document, or other matter relating to such discipline to be made public. All disciplinary action imposed by a chief justice, whether consensual or not, shall be reported to the supreme judicial court by the chief justice; and

(xvii) the power to transfer cases between courts consistent with the efficient distribution of caseload and workload within said department.

Section 10A. A first justice, in addition to his judicial powers and duties as a justice of the trial court and in addition to his general powers of superintendence as first justice of a particular court within the trial court and subject to the superintendence authority of the supreme judicial court as provided in section 3 of chapter 211 and the administrative authority of the chief justice of the first justice's department of the trial court as provided in section 10, shall be the administrative head of his court; provided, however, that clerks, recorders and registers shall have responsibility for the internal administration of their respective offices, including the selection, appointment, and management of personnel, staff services and recordkeeping. A first justice or a clerk, recorder or register of the court may submit any dispute that arises between said first justice and said clerk, recorder or register, concerning the management and administration of the office of the clerk, recorder, or register, the duties, powers and obligations of the clerk, recorder, or register, or a member of their staff, or the interpretation of the personnel standards provided for under section 8 of chapter 211B, to the chief justice of the department. Any person aggrieved by a decision of a chief justice under this paragraph may appeal said decision to the chief justice of the trial court, who shall, within 30 days, hear and determine the matter. A first justice shall also have the following power, authority and responsibility within his court:

(i) the authority, subject to the approval of the chief justice of his department, to appoint, dismiss, discipline, supervise, assign, evaluate, transfer and define the duties of all non-judicial personnel within his court, including special masters, court reporters, law clerks and other support personnel; except personnel in the office of the clerk, recorder or

register; provided, however, that any such non-judicial personnel aggrieved by any action under this paragraph may appeal to the chief justice of the department who shall forthwith hear and determine the matter. Any person aggrieved by a decision of a chief justice under this clause may appeal to the court administrator, who shall, within 30 days, hear and determine the matter;

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

(iii) the responsibility to bring to the attention of the chief justice of his department all disputes concerning all clerks, recorders and registers, or their personnel, appointed to or assigned to his court; provided, however, that any person aggrieved by any action under this clause, may appeal to the chief justice of the department who shall forthwith hear and determine the matter; and provided further, that any person aggrieved by a decision of a chief justice under this clause may appeal said decision to the chief justice of the trial court, who shall, within 30 days, hear and determine the matter; and

(iv) the responsibility to periodically prepare and submit to the chief justice of his department an estimate, in detail, for the ordinary maintenance of the division or place for holding court, and all revenues therefrom as provided in clause (5) of the first paragraph of section 3 of chapter 29. Said estimate shall include estimates of all sums which the commonwealth is obligated to pay under chapter 29A, together with any information which the chief justice may require. In turn, the chief justice shall periodically prepare and submit to the court administrator an estimate, in detail, for the ordinary maintenance of the courts under said first paragraph of said section 3 of said chapter 29. Said estimate shall include salaries of all officers and employees within the office and shall include estimates of all sums which the commonwealth is obligated to pay under said chapter 29A, together with any other information which the court administrator may require.

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

SECTION 55. Section 10C of said chapter 211B, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words “for administration and management, the chief justices” and inserting in place thereof the following words:- of the trial court, court administrator, and the chief justices.

SECTION 56. Said chapter 211B is hereby further amended by inserting after section 10C the following section:-

Section 10D. (a) Each applicant for initial appointment as a court officer within the trial court shall pass a written examination established and administered by the chief justice for administration and management, after consultation with the personnel administrator, who shall determine the form, method and subject matter of the examination. The examination shall test the knowledge, skills and abilities which can be objectively and reliably measured and which are required to perform the duties of the position of court officer. The chief justice for administration and management, in consultation with the personnel administrator, shall establish a uniform minimum score needed for further consideration of the applicant for consideration as a court officer.

(b) The name of each applicant for initial appointment as a court officer within the trial court who has successfully completed the examination under subsection (a) shall be forwarded to the chief justice for administration and management or a designee who shall objectively screen the applicant to determine whether the applicant meets the minimum criteria for appointment as a court officer.

(c) Those applicants who have passed the examination under subsection (a) and are deemed by the chief justice for administration and management to have met the minimum criteria for appointment under subsection (b) shall be subject to an investigative and interview process which shall include, but not be limited to: (i) inquiry into and review of the applicant's education, prior work history; related work history in the trial courts and other accomplishments to ensure that the applicant is well suited for the culture of the organization and will further the organization's stated goals; (ii) behaviorally-based interviews; and (iii) candidate assessments, including case study, presentation and writing assessments; provided, however, that the candidate assessments shall focus on the specific requirements of the position.

(d) Those applicants who have passed the examination under subsection (a) and were deemed by the chief justice for administration and management to have met the minimum criteria for appointment under subsection (b) and who have successfully completed the interview and investigative processes under subsection (c) shall be eligible for appointment by the chief justice for administration and management. The chief justice for administration and management may appoint court officers to the several sessions of the trial court as the chief justice deems necessary. .

(e) A court officer seeking a promotion within the trial court shall pass a written examination established and administered by the chief justice for administration and management, after consultation with the personnel administrator, who shall determine the form, method and subject matter of the examination. The examination shall test the



knowledge, skills and abilities which can be objectively and reliably measured and which are required to perform the duties of the position being applied for. The chief justice for administration and management, in consultation with the personnel administrator, shall establish a uniform minimum score needed for further consideration of the applicant for consideration for promotion.

(f) The name of each applicant for promotion who has successfully completed the examination under subsection (e) shall be forwarded to the chief justice for administration and management or a designee who shall objectively screen the applicant to determine whether the applicant meets the minimum criteria for promotion.

(g) Those applicants who have passed the examination under subsection (e) and were deemed by the personnel administrator to have met the minimum criteria for promotion under subsection (f) shall be subject to an investigative and interview process which shall include, but not be limited to: (i) inquiry into and review of the applicant's education, prior work history, related work history in the trial courts and other accomplishments to ensure that the applicant is well suited for the culture of the organization and will further the organization's stated goals; (ii) behaviorally-based interviews; and (iii) candidate assessments, including case study, presentation and writing assessments; provided, however, that the candidate assessments shall focus on the specific requirements of the position.

(h) Those applicants who have passed the examination under subsection (e) and were deemed by the chief justice for administration and management to have met the minimum criteria for appointment under subsection (f) and successfully completed the interview and investigative processes under subsection (g) shall be eligible for promotion by the chief justice for administration and management.

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

SECTION 56A. Said chapter 211B is hereby further amended by striking out section 10D, as appearing in section 56, and inserting in place thereof the following section:-

Section 10D. (a) Each applicant for initial appointment as a court officer within the trial court shall pass a written examination established and administered by the court administrator, after consultation with the personnel administrator, who shall determine the form, method and subject matter of such examination. The examination shall test the knowledge, skills and abilities which can be objectively and reliably measured and which are required to perform the duties of the position of court officer. The court administrator, in consultation with the personnel administrator, shall establish a uniform

minimum score needed for further consideration of the applicant for consideration as a court officer.

(b) The name of each applicant for initial appointment as a court officer within the trial court who has successfully completed the examination under subsection (a) shall be forwarded to the court administrator or a designee who shall objectively screen the applicant to determine whether the applicant meets the minimum criteria for appointment as a court officer.

(c) Those applicants who have passed the examination under subsection (a) and were deemed by the court administrator to have met the minimum criteria for appointment under subsection (b) shall be subject to an investigative and interview process which shall include, but not be limited to: (i) inquiry into and review of the applicant's education, prior work history, related work history in the trial courts and other accomplishments to ensure that the applicant is well suited for the culture of the organization and will further the organization's stated goals; (ii) behaviorally-based interviews; and (iii) candidate assessments, including case study, presentation and writing assessments; provided, however, that the candidate assessments shall focus on the specific requirements of the position.

(d) Those applicants who have passed the examination under subsection (a) and were deemed by the court administrator to have met the minimum criteria for appointment under subsection (b), and who have successfully completed the interview and investigative processes under subsection (c) shall be eligible for appointment by the court administrator. The court administrator may appoint court officers to the several sessions of the trial court as the court administrator deems necessary, in consultation with the chief justice of the trial court.

(e) A court officer seeking a promotion within the trial court shall pass a written examination established and administered by the court administrator, after consultation with the personnel administrator, who shall determine the form, method and subject matter of such examination. The examination shall test the knowledge, skills and abilities which can be objectively and reliably measured and which are required to perform the duties of the position being applied for. The court administrator, in consultation with the personnel administrator, shall establish a uniform minimum score needed for further consideration of the applicant for consideration for promotion.

(f) The name of each applicant for promotion who has successfully completed the examination under subsection (e) shall be forwarded to the court administrator or a designee who shall objectively screen the applicant to determine whether the applicant meets the minimum criteria for promotion.

(g) Those applicants who have passed the examination under subsection (e) and were deemed by the personnel administrator to have met the minimum criteria for promotion under subsection (f) shall be subject to an investigative and interview process which shall include, but not be limited to: (i) inquiry into and review of the applicant's education, prior work history, related work history in the trial courts and other accomplishments to ensure that the applicant is well suited for the culture of the organization and will further the organization's stated goals; (ii) behaviorally-based interviews; and (iii) candidate assessments, including case study, presentation and writing assessments; provided, however, that the candidate assessments shall focus on the specific requirements of the position.

(h) Those applicants who have passed the examination under subsection (e) and were deemed by the court administrator to have met the minimum criteria for appointment under subsection (f) and successfully completed the interview and investigative processes under subsection (g) shall be eligible for promotion by the court administrator.

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

SECTION 57. Said chapter 211B is hereby further amended by striking out section 12, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

Section 12. There may be an office of court management within the trial court, under the executive control of a court administrator, to support judicial functions, performance and management of the trial court. Said court administrator shall be appointed by a majority vote of the justices of the supreme judicial court; provided, however, that said court administrator shall have significant leadership experience in the fields of management and finance and shall not be a justice of the trial court. Said court administrator shall be paid a salary equal to that of the chief justice of the trial court. The court administrator shall hold said office for a term of 5 years, shall be eligible to be reappointed for additional 5 year terms, and shall devote his full time to the duties of his office. The court administrator shall perform such duties and responsibilities as may be prescribed by law and as the chief justice of the supreme judicial court may from time to time designate. The court administrator may be removed by a majority vote of the justices of the supreme judicial court.

Disputes between the chief justice of the trial court and the court administrator shall be resolved by the chief justice of the supreme judicial court. The decision of the chief justice of the supreme judicial court shall be final and binding.

SECTION 58. Section 13 of said chapter 211B, as so appearing, is hereby amended by striking out, in lines 16, 23 and 29, the words “chief administrative justice” and inserting in place thereof, in each instance, the following words:- court administrator.

SECTION 59. Section 17 of said chapter 211B, as so appearing, is hereby amended by striking out, in lines 1, 5 and 6, 13 and 14, 18 and 19, 21 and 22, 23 and 24, 30, and in line 34, the words “chief justice for administration and management” and inserting in place thereof, in each instance, the following words:- court administrator.

SECTION 60. Said section 17 of said chapter 211B, as so appearing, is hereby further amended by striking out, in lines 44 and 45, the words “chief justice for administration and management of the trial court” and inserting in place thereof the following words:- court administrator.

SECTION 61. Section 19 of said chapter 211B, as so appearing, is hereby further amended by striking out, in lines 1 and 25, the words “for administration and management” and inserting in place thereof, in each instance, the following words:- of the trial court.

SECTION 62. Said section 19 of said chapter 211B, as so appearing, is hereby further amended by striking out, in line 11, the words “administration and management” and inserting in place thereof the following words:- the trial court.

SECTION 63. Section 20 of said chapter 211B, as so appearing, is hereby amended by striking out, in line 2, and in lines 14 and 15, the words “for administration and management” and inserting in place thereof, in each instance, the following words:- of the trial court.

SECTION 64. Section 1 of chapter 211C of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the word “administrative”.

SECTION 65. Section 6 of said chapter 211C, as so appearing, is hereby amended by striking out, in line 33, the word “administrative”.

SECTION 66. Section 1 of chapter 211E of the General Laws, as so appearing, is hereby amended by striking out, in line 8, the words “for administration and management” and inserting in place thereof the following words:- of the trial court.

SECTION 67. Section 3 of said chapter 211E, as so appearing, is hereby amended by striking out, in line 154, the words “for administration and management” and inserting in place thereof the following words:- of the trial court.

SECTION 68. Section 1 of chapter 211F of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the following words:- for administration and management.

SECTION 69. Said section 1 of said chapter 211F, as so appearing, is hereby further amended by inserting after the definition of “Community corrections plan” the following definition:-

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

SECTION 70. Section 6 of said chapter 211F, as so appearing, is hereby amended by striking out, in lines 5 and 6, and in line 14, the words “for administration and management”.

SECTION 71. Section 1 of chapter 212 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The superior court department of the trial court of the commonwealth, established pursuant to section 1 of chapter 211B, shall consist of 82 justices appointed to the department. The chief justice of the superior court department appointed under section 1 of chapter 211B, in addition to his judicial powers and duties and subject to the superintendence authority of the supreme judicial court as provided in section 3 of chapter 211 and the administrative authority of the chief justice of the trial court, shall be the administrative head of the superior court department, and shall also have the power, authority and responsibility of a chief justice as set forth in section 10 of chapter 211B.

SECTION 72. Section 14A of said chapter 212, as so appearing, is hereby amended by striking out, in lines 39 and 49, the words “for administration and management” and inserting in place thereof the following words:- of the trial court.

SECTION 73. Section 20A of said chapter 212, as so appearing, is hereby amended by striking out, in line 10, the word “may” and inserting in place thereof the following words:- , in consultation with the court administrator, may.

SECTION 74. Said section 20A of said chapter 212, as so appearing, is hereby further amended by striking out, in line 15, the words “chief administrative justice” and inserting in place thereof the following words:- court administrator.

SECTION 75. Section 54 of chapter 215 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words “chief justice for administration and management” and inserting in place thereof the following words:- court administrator.

SECTION 76. Section 62 of said chapter 215, as so appearing, is hereby amended by striking out, in line 4, the words “for administration and management”.

SECTION 77. Section 2 of chapter 217 of the General Laws, as so appearing, is hereby amended by striking out, in line 22 and in lines 31 and 32, the words “for administration and management” and inserting in place thereof, in each instance, the following words:- of the trial court.

SECTION 78. Said chapter 217 is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section:-

Section 8. The chief justice for the probate and family court department appointed under section 1 of chapter 211B, in addition to his judicial powers and duties and subject to the superintendence authority of the supreme judicial court as provided in section 3 of chapter 211 and the administrative authority of the chief justice of the trial court, shall be the administrative head of the probate and family court department, and shall also have the power, authority and responsibility of a chief justice as set forth in section 10 of chapter 211B.

The chief justice may establish forms for the annual reports of the work of the registers of the several courts; and said registers shall annually, on or before October 1, prepare and file with the chief justice reports of the work of said courts during the preceding court year, and said reports shall also be filed with the chief justice of the trial court. Said chief justice of the probate and family court shall also have the powers and duties described in section 10 of chapter 211B and section 42 of this chapter; except that none of the powers herein described or referred to shall be construed as authorizing said chief justice to alter or affect section 58, 59, 60 or 62 of chapter 215.

SECTION 79. Section 23B of said chapter 217, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “chief justice for administration and management” and inserting in place thereof the following words:- court administrator.

SECTION 80. Section 6 of chapter 218 of the General Laws, as so appearing, is hereby amended by striking out the third to sixth paragraphs, inclusive, and inserting in place thereof the following 2 paragraphs:-

The chief justice of the district court department may appoint the first justice of each of the various courts within the district court department, subject to the approval of the chief justice of the trial court, and to define his duties; provided, however, that appropriate consideration shall be given to seniority, length of service at that particular division, and managerial ability. Each first justice so appointed shall serve as the first justice of that court for a 5 year term and shall be eligible to be reappointed for additional 5 year terms at that particular court.

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

SECTION 81. Section 8 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 18 and 19, and in lines 22 and 23, the words “chief justice for administration and management” and inserting in place thereof, in each instance, the following words:- court administrator.

SECTION 82. Section 10 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 2, 107 and 108, 111, 116 and 117, and in lines 138 and 139, the words “chief justice for administration and management” and inserting in place thereof, in each instance, the following words:- court administrator.

SECTION 83. Section 11 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “chief justice for administration and management” and inserting in place thereof the following words:- court administrator.

SECTION 84. Section 19B of said chapter 218, as so appearing, is hereby amended by striking out, in lines 23 and 24, and in line 27, the words “for administration and management” and inserting in place thereof the following words:- of the trial court.

SECTION 85. Said chapter 218 is hereby further amended by striking out section 42A, as so appearing, and inserting in place thereof the following section:-

Section 42A. The chief justice for the district court department appointed under section 1 of chapter 211B, in addition to his judicial powers and duties and subject to the superintendence authority of the supreme judicial court as provided in section 3 of chapter 211 and the administrative authority of the chief justice of the trial court, shall be the administrative head of the district court department, and shall also have the power, authority and responsibility of a chief justice as set forth in section 10 of chapter 211B.

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

SECTION 86. Section 50 of said chapter 218, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 12 and 13, the words “for administration and management” and inserting in place thereof the following words:- of the trial court.

SECTION 87. Said chapter 218 is hereby further amended by striking out section 51A, as so appearing, and inserting in place thereof the following section:-

Section 51A. The chief justice of the Boston municipal court department appointed under section 1 of chapter 211B, in addition to his judicial powers and duties and subject to the superintendence authority of the supreme judicial court as provided in section 3 of chapter 211 and the administrative authority of the chief justice of the trial court, shall be the administrative head of the Boston municipal court department, and shall also have the powers, authority and responsibilities of a chief justice as set forth in section 10 of chapter 211B; provided, however, that the clerk shall have responsibility for the internal administration of his office, including the selection, appointment, and management of personnel, staff services and record keeping.

The chief justice of the Boston municipal court department shall have the power to appoint the first justice of each of the various divisions within the Boston municipal court department, subject to the approval of the chief justice of the trial court, and to define his duties; provided, however, that appropriate consideration shall be given to seniority, length of service at that particular division, and managerial ability. Each first justice so appointed shall serve as the first justice of that court for a 5 year term and shall be eligible to be reappointed for additional 5 year terms at that particular court.

SECTION 88. Section 53 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 5 and 6, in line 27, and in lines 30 and 31, the words “chief justice for administration and management” and inserting in place thereof, in each instance, the following words:- court administrator.

SECTION 89. Section 57A of said chapter 218, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The chief justice for the juvenile court department appointed under section 1 of chapter 211B, in addition to his judicial powers and duties and subject to the superintendence authority of the supreme judicial court as provided in section 3 of chapter 211 and the administrative authority of the chief justice of the trial court, shall be the administrative head of the juvenile court department, and shall also have the powers and responsibilities set forth in section 10 of chapter 211B; provided, however, that the clerk of such court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping.

SECTION 90. Section 58 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 36, 51 and 120, the words “for administration and management” and inserting in place thereof the following words:- of the trial court.

SECTION 91. Said section 58 of said chapter 218, as so appearing, is hereby further amended by striking out, in lines 59 and 60, 86 and 87, 113 and 114, and in lines



117 and 118, the words “chief justice for administration and management” and inserting in place thereof, in each instance, the following words:- court administrator.

SECTION 92. Section 67 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words “for administration and management” and inserting in place thereof the following words:- of the trial court.

SECTION 93. Section 79 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 16 and 17, and in lines 20 and 21, the words “chief justice for administration and management” and inserting in place thereof, in each instance, the following words:- court administrator.

SECTION 94. Section 80 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 21 and 22, and in line 25, the words “chief justice for administration and management” and inserting in place thereof, in each instance, the following words:- court administrator.

SECTION 95. Section 5 of chapter 221 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the words “chief justice for administration and management” and inserting in place thereof the following words:- court administrator.

SECTION 96. Section 16A of said chapter 221, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words “ for administration and management” and inserting in place thereof the following words:- of the trial court.

SECTION 97. Section 69 of said chapter 221, as so appearing, is hereby amended by striking out, in line 5, and in lines 9 and 10, the words “for administration and management” and inserting in place thereof, in each instance, the following words:- of the trial court.

SECTION 98. Section 69A of said chapter 221, as so appearing, is hereby amended by striking out, in line 17, the words “chief justice for administration and management” and inserting in place thereof the following words:- court administrator.

SECTION 99. Section 70 of said chapter 221, as so appearing, is hereby amended by striking out, in lines 1 and 2, and in line 6, the words “chief justice for administration and management” and inserting in place thereof, in each instance, the following words:- court administrator.

SECTION 100. Section 70A of said chapter 221, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words “for administration and management” and inserting in place thereof the following words:- of the trial court.

SECTION 101. Section 71 of said chapter 221, as so appearing, is hereby amended by striking out, in lines 1, 4 and 5, and in line 7, the words “for administration and management” and inserting in place thereof, in each instance, the following words:- of the trial court.

SECTION 102. Section 71A of said chapter 221, as so appearing, is hereby amended by striking out, in line 1, and in lines 5 and 6, the words “chief administrative justice” and inserting in place thereof, in each instance, the following words:- court administrator.

SECTION 103. Section 72 of said chapter 221, as so appearing, is hereby amended by striking out, in line 5, the words “chief administrative justice” and inserting in place thereof the following words:- court administrator.

SECTION 104. Section 80 of said chapter 221, as so appearing, is hereby amended by striking out, in line 5, the words “chief justice for administration and management” and inserting in place thereof the following words:- court administrator.

SECTION 105. Section 102 of said chapter 221, as so appearing, is hereby amended by striking out, in line 5, the words “chief administrative justice” and inserting in place thereof the following words:- court administrator.

SECTION 106. Section 3 of chapter 221A of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the word “administrative”.

SECTION 107. Section 3 of chapter 221B of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the word “administrative”.

SECTION 108. Said section 3 of said chapter 221B, as so appearing, is hereby further amended by striking out, in lines 6 and 20, the words “administrative justice” and inserting in place thereof, in each instance, the following words:- justice of the trial court.

SECTION 109. Section 7 of chapter 221C of the General Laws, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) There shall be a committee for the administration of interpreters for the trial court, which committee shall consist of the chief justice of the trial court, who shall be the chairman of said committee, the chief justice of the district court department and 1 justice and 1 clerk-magistrate of said department appointed by said chief justice, a justice and a clerk or an assistant clerk of the superior court department appointed by the chief justice of said department, a judge of the probate and family court department appointed by the chief justice of said department and 1 other justice, judge or clerk-magistrate appointed by the chief justice of the trial court.

SECTION 110. Said section 7 of said chapter 221C, as so appearing, is hereby further amended by striking out, in line 13, the word “administrative”.

SECTION 111. Said section 7 of said chapter 221C, as so appearing, is hereby further amended by striking out, in line 16, the words “administrative justice” and inserting in place thereof the following words:- justice of the trial court.

SECTION 112. Section 9 of chapter 258C of the General Laws is hereby amended by striking out, in lines 16 and 17, as so appearing, the words “for administration and management” and inserting in place thereof the following words:- of the trial court.

SECTION 113. Section 9 of chapter 258D of the General Laws, as so appearing, is hereby amended by striking out, in line 7, the words “for administration and management”.

SECTION 114. The second sentence of the first paragraph of section 6 of chapter 258E of the General Laws, as appearing in chapter 23 of the acts of 2010, is hereby amended by striking out the words “for administration and management” and inserting in place thereof the following words:- of the trial court.

SECTION 115. Section 11 of said chapter 258E, as so appearing, is hereby amended by striking out the words “for administration and management” and inserting in place thereof the following words:- of the trial court.

SECTION 116. Section 27G of chapter 261 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 5 and 6, 7, 13 and 15 the words “chief administrative justice” and inserting in place thereof, in each instance, the following words:- court administrator.

SECTION 117. Section 4B of chapter 262 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the words “chief administrative justice” and inserting in place thereof the following words:- court administrator.

SECTION 118. Section 39 of chapter 265 of the General Laws, as so appearing, is hereby amended by striking out, in lines 39 and 40, the words “for administration and management”.

SECTION 119. Chapter 268A of the General Laws is hereby amended by inserting, after section 6A, the following section:-

Section 6B. Each candidate for employment as a state employee shall be required by the hiring authority as part of the application process to disclose, in writing, the names

of any state employee who is related to the candidate as: spouse, parent, child or sibling or the spouse of the candidate's parent, child or sibling.

The contents of a disclosure received under this section from an employee when such employee was a candidate shall be considered public records under section 7 of chapter 4 and chapter 66.

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

SECTION 120. Chapter 276 of the General Laws is hereby amended by striking out section 83, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

Section 83. (a) Each applicant for initial appointment as a probation officer within the office of the commissioner of probation shall pass a written examination established and administered by the chief justice for administration and management, after consultation with the personnel administrator, who shall determine the form, method and subject matter of such examination. The examination shall test the knowledge, skills and abilities which can be objectively and reliably measured and which are required to perform the duties of the position of probation officer. The chief justice for administration and management, in consultation with the personnel administrator, shall establish a uniform minimum score needed for further consideration of the applicant for consideration as a probation officer.

(b) The name of each applicant for initial appointment as a probation officer within the office of the commissioner of probation who has successfully completed the examination under subsection (a) shall be forwarded to the chief justice for administration and management or a designee who shall objectively screen the applicant to determine whether the applicant meets the minimum criteria for appointment as a probation officer.

(c) Those applicants who have passed the examination under subsection (a) and deemed by the chief justice for administration and management to have met the minimum criteria for appointment under subsection (b) shall be subject to an investigative and interview process which shall include, but not be limited to: (i) inquiry into and review of the applicant's education, prior work history and other accomplishments to ensure that the applicant is well suited for the culture of the organization and will further the organization's stated goals; (ii) behaviorally-based interviews; and (iii) candidate assessments, including case study, presentation and writing assessments; provided, however, that the candidate assessments shall focus on the specific requirements of the position.

(d) Those applicants who have passed the examination under subsection (a) and were deemed by the chief justice for administration and management to have met the minimum criteria for appointment under subsection (b), and who have successfully completed the interview and investigative processes under subsection (c) shall be eligible for appointment by the commissioner as a probation officer. The commissioner may appoint probation officers to the several sessions of the trial court as the commissioner deems necessary, with the approval of the chief justice for administration and management.

(e) A probation officer seeking a promotion within the office of the commissioner of probation shall pass a written examination established and administered by the chief justice for administration and management, after consultation with the personnel administrator, who shall determine the form, method and subject matter of such examination. The examination shall test the knowledge, skills, and abilities which can be objectively and reliably measured and which are required to perform the duties of the position being applied for. The chief justice for administration and management, in consultation with the personnel administrator, shall establish a uniform minimum score needed for further consideration of the applicant for consideration for promotion.

(f) The name of each applicant for promotion within the office of the commissioner of probation who has successfully completed the examination under subsection (e) shall be forwarded to the chief justice for administration and management or a designee who shall objectively screen the applicant to determine whether the applicant meets the minimum criteria for promotion.

(g) Those applicants passed the examination under subsection (e) and were deemed by the court administrator to have met the minimum criteria for promotion under subsection (f) shall be subject to an investigative and interview process which shall include, without limitation: (i) inquiry into and review of the applicant's education, prior work history and other accomplishments to ensure that the applicant is well suited for the culture of the organization and will further the organization's stated goals; (ii) behaviorally-based interviews; and (iii) candidate assessments, including case study, presentation and writing assessments; provided, however, that the candidate assessments shall focus on the specific requirements of the position.

(h) Those applicants who have passed the examination under subsection (e) and were deemed by the chief justice for administration and management to have met the minimum criteria for appointment under subsection (f) and successfully completed the interview and investigative processes under subsection (g) shall be eligible for promotion under subsection (i).

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

A first justice may recommend to the commissioner of probation the initiation of disciplinary proceedings against a probation officer so promoted under this section; provided, however, that such probation officer shall receive a hearing by the commissioner of probation prior to being discharged; and provided further, that such probation officer may appeal any suspension, discipline or discharge to the chief justice for administration and management.

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

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

SECTION 120A. Section 83 of said chapter 276, as appearing in section 120, is hereby amended by striking out the words “chief justice for administration and management”, each time they appear, and inserting in place thereof, in each instance, the following words:- court administrator..

SECTION 121. Section 88 of said chapter 276, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 18, the words “chief administrative justice” and inserting in place thereof the following words:- court administrator.

SECTION 122. Section 89 of said chapter 276, as so appearing, is hereby amended by striking out, in lines 41 and 42, the words “chief administrative justice” and inserting in place thereof the following words:- court administrator.

SECTION 123. Section 89A of said chapter 276, as so appearing, is hereby amended by striking out, in line 11, the words “chief justice for administration and management” and inserting in place thereof the following words:- court administrator.

SECTION 124. Said chapter 276 is hereby further amended by striking out sections 98 and 99, as amended by section 103 of chapter 131 of the acts of 2010, and inserting in place thereof the following 3 sections:-

Section 98. There shall be an office of probation which shall be under the supervision, direction and control of a commissioner of probation. The commissioner

shall be appointed, and may be removed, by the chief justice for administration and management, with the advice of the chief justice of the juvenile court, the chief justice of the superior court, the chief justice of the district court, the chief justice of the probate and family court and the chief justice of the Boston municipal court. The commissioner shall be a person of skill and experience in the field of criminal justice. The commissioner shall be the executive and administrative head of the office of probation and shall be responsible for administering and enforcing the laws relative to the office of probation and to each administrative unit of the office. The commissioner shall serve a term of 5 years and may be reappointed. The commissioner shall receive such salary as may be determined by law and shall devote full time to the duties of the office. In the case of an absence or vacancy in the office of the commissioner or in the case of disability as determined by the chief justice for administration and management, the chief justice may designate an acting commissioner to serve as commissioner until the vacancy is filled or the absence or disability ceases. The acting commissioner shall have all of the powers and duties of the commissioner and shall have similar qualifications as the commissioner.

Subject to the approval and consent of the chief justice for administration and management, the commissioner may appoint such deputies, supervisors and assistants as may be necessary for the performance of the commissioner's duties. The deputies, supervisors and assistants shall, subject to appropriation, receive salaries to be fixed by the chief justice for administration and management. The commissioner shall perform such duties and responsibilities as otherwise provided by law or as designated from time to time by the chief justice for administration and management. The commissioner shall make recommendations to the chief justice for administration and management on:

- (i) the supervision and evaluation of all probation programs within the trial court;
- (ii) the evaluation of the probation service in each court of the commonwealth;
- (iii) the compilation, evaluation and dissemination of statistical information on crime, delinquency and appropriate probate and family court matters available in the commissioner's records;
- (iv) the recruitment, training and educational development of probation officers;
- (v) the evaluation of the work performance of probation officers; and
- (vi) planning, initiation and development of volunteer, diversion and other programs in consultation with probation officers throughout the commonwealth.

Section 98A. There shall be a board to advise the commissioner of probation and the chief justice for administration and management. The board shall make

recommendations on the management of the office of probation. The board shall consist of 9 members to be appointed by the supreme judicial court: 2 persons who have significant experience in criminal justice, 2 persons who have significant experience in public policy, 2 persons who have significant experience in management, 1 person who has significant experience in human resources management, 1 person who is a member of the Massachusetts bar with active status and 1 person with significant experience as a probation officer. Upon the expiration of the term of any appointive member, the member's successor shall be appointed in a like manner for a term of 3 years. In making their initial appointments, the supreme judicial court shall appoint 2 members to serve for a term of 1 year, 4 members to serve for a term of 2 years and 3 members to serve for a term of 3 years.

A person appointed to fill a vacancy on the board shall be appointed in like manner and shall serve for only the unexpired term of the former member. No member shall serve for more than 2 full terms. The board shall annually elect 1 of its members to serve as chair and 1 of its members to serve as vice-chair. The chair shall hold regular meetings and shall notify the board members of the time and place of the meetings.

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

The board shall advise the commissioner of probation and the chief justice for administration and management on all matters of probation reform. The board shall make recommendations to the commissioner of probation and the chief justice for administration and management and shall forward such recommendations to the house and senate committees on ways and means.

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

(1) supervise the probation work in all of the courts of the commonwealth and, for such purposes, the commissioner and the commissioner's staff shall have access to all probation records of those courts;

(2) subject to the approval of the chief justice for administration and management, establish reports and forms to be maintained by probation officers, establish procedures to be followed by probation officers and establish standards and rules of probation work, including methods and procedures of investigation, mediation, supervision, case work, record keeping, accounting and caseload and case management;



(3) promulgate rules and regulations concerning probation officers or offices; provided, however, that such rules and regulations shall be approved in writing by the chief justice for administration and management subject to chapter 150E;

(4) assist the chief justice for administration and management in developing standards and procedures for the performance evaluation of probation officers and assist each first justice in evaluating the work performance of probation officers; provided, however, that in the event of any conflict between this clause and a term of an applicable collective bargaining agreement, the term of the collective bargaining agreement shall take precedence;

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

(6) develop and conduct basic orientation and in-service training programs for probation officers, such programs to be held at such times and for such periods as the commissioner shall determine;

(7) conduct research studies relating to crime and delinquency; provided, however, that the commissioner may participate with other public and private agencies in joint research studies;

(8) annually submit written budget recommendations for the probation service to the chief justice for administration and management, which shall be in addition to the budget requests submitted by the first justices on behalf of their respective courthouse or courthouses, including probation offices;

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

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

SECTION 124A. Said chapter 276 is hereby further amended by striking out sections 98 to 99, inclusive, as appearing in section 124, and inserting in place thereof the following 3 sections:-

Section 98. There shall be an office of probation which shall be under the supervision, direction and control of a commissioner of probation. The commissioner shall be appointed, and may be removed, by the chief justice of the trial court and the court administrator, with the advice of the chief justice of the juvenile court, the chief

justice of the superior court, the chief justice of the district court, the chief justice of the probate and family court and the chief justice of the Boston municipal court. The commissioner shall be a person of skill and experience in the field of criminal justice. The commissioner shall be the executive and administrative head of the office of probation and shall be responsible for administering and enforcing the laws relative to the office of probation and to each administrative unit of the office. The commissioner shall serve a term of 5 years and may be reappointed. The commissioner shall receive such salary as may be determined by law and shall devote full time to the duties of the office. In the case of an absence or vacancy in the office of the commissioner, or in the case of disability as determined by the chief justice of the trial court, said chief justice may designate an acting commissioner to serve as commissioner until the vacancy is filled or the absence or disability ceases. The acting commissioner shall have all of the powers and duties of the commissioner and shall have similar qualifications as the commissioner.

Subject to the approval and consent of the court administrator, the commissioner may appoint such deputies, supervisors and assistants as may be necessary for the performance of the commissioner's duties. The deputies, supervisors and assistants shall, subject to appropriation, receive salaries to be fixed by the court administrator. Subject to the approval and direction of the court administrator, the commissioner shall perform such duties and responsibilities as otherwise provided by law or as designated from time to time by the chief justice of the trial court and the court administrator. The commissioner shall make recommendations to the chief justice of the trial court and the court administrator on:

- (i) the supervision and evaluation of all probation programs within the trial court;
- (ii) the evaluation of the probation service in each court of the commonwealth;
- (iii) the compilation, evaluation and dissemination of statistical information on crime, delinquency and appropriate probate and family court matters available in the commissioner's records;
- (iv) the recruitment, training and educational development of probation officers;
- (v) the evaluation of the work performance of probation officers; and
- (vi) planning, initiation and development of volunteer, diversion and other programs in consultation with probation officers throughout the commonwealth.

Section 98A. There shall be a board to advise the commissioner of probation and the court administrator. The board shall make recommendations on the management of the office of probation. The board shall consist of 9 members to be appointed by the supreme judicial court: 2 persons who have significant experience in criminal justice, 2

persons who have significant experience in public policy, 2 persons who have significant experience in management, 1 person who has significant experience in human resources management, 1 person who is a member of the Massachusetts bar with active status and 1 person with significant experience as a probation officer. Upon the expiration of the term of any appointive member, the member's successor shall be appointed in a like manner for a term of 3 years. In making their initial appointments, the supreme judicial court shall appoint 2 members to serve for a term of 1 year, 4 members to serve for a term of 2 years and 3 members to serve for a term of 3 years.

A person appointed to fill a vacancy on the board shall be appointed in like manner and shall serve for only the unexpired term of the former member. No member shall serve for more than 2 full terms. The board shall annually elect 1 of its members to serve as chair and 1 of its members to serve as vice-chair. The chair shall hold regular meetings and shall notify the board members of the time and place of the meetings.

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

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

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

(1) supervise the probation work in all of the courts of the commonwealth and, for such purposes, the commissioner and the commissioner's staff shall have access to all probation records of those courts;

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

(3) promulgate rules and regulations concerning probation officers or offices; provided, however, that such rules and regulations shall be approved in writing by the court administrator subject to chapter 150E;

(4) assist the court administrator in developing standards and procedures for the performance evaluation of probation officers and assist each first justice in evaluating the work performance of probation officers; provided, however, that in the event of any conflict between this clause and a term of an applicable collective bargaining agreement, the term of the collective bargaining agreement shall take precedence;

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

(6) develop and conduct basic orientation and in-service training programs for probation officers, such programs to be held at such times and for such periods as the commissioner shall determine;

(7) conduct research studies relating to crime and delinquency; provided, however, that the commissioner may participate with other public and private agencies in joint research studies;

(8) annually submit written budget recommendations for the probation service to the the court administrator, which shall be in addition to the budget requests submitted by the first justices on behalf of their respective courthouse or courthouses, including probation offices;

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

(10) hold conferences on probation throughout the commonwealth; provided, however, that the traveling expenses of trial court justices or probation officers authorized by the court administrator to attend any such conference shall be paid by the commonwealth.

SECTION 125. Said chapter 276 is hereby further amended by inserting after section 99E, as appearing in the 2008 Official Edition, the following section:-

Section 99F. (a) The commissioner of probation shall establish a performance measurement system for the office of probation and any private organizations under contract with the commonwealth to perform services as part of a probationary sentence. The commissioner shall annually establish program goals, measure program performance against those goals and report publicly on the progress to improve the effectiveness of probation programs. The commissioner shall determine the appropriate measures and standards of performance in all categories and reporting on performance trends. Clear measurements shall be developed and effectuated while ensuring that no undue administrative burden is placed on agencies and organizations subject to this section. The

performance measurement system shall require each division to develop a strategic plan for program activities and performance goals.

(b) Performance measurements shall include, but not be limited to, the recidivism and violation rate for probationers, probationers' compliance with court orders, the effectiveness of the probation departments' provision of information to the court and any other measurements established by the commissioner of probation.

(c) The commissioner shall annually re-evaluate the goals and measures established by the office and monitor the results that the divisions and contractors report. The office shall recommend changes to proposed goals and measures as are appropriate to enhance public safety.

(d) The commissioner shall use the performance measurements established under this section to determine the quality of service of all private entities. The results of such performance measures shall be criteria used in negotiating any contracts, and contracts with private organizations not meeting their performance goals shall be publicly bid upon their expiration. Renewal contracts may also provide incentives to reward reporting in compliance with performance measurements and to reward achievement of specific performance goals.

(e) The commissioner shall consider applications for rehabilitative pilot programs that incorporate evidence based correctional practices. Said applications shall encourage partnerships with the state and can demonstrate an ability to leverage federal and/or private grant opportunities.

(f) The results of such performance measures shall be considered in conducting performance evaluations of staff.

(g) The commissioner shall report regularly to the public on the progress the office and its divisions are making at achieving stated goals. The report on performance measurements shall be published annually and made available to the public not later than December 31. The report shall also be filed annually with the clerks of the house of representatives and the senate, the chairs of the house and senate committees on ways and means, the house and senate chairs of the joint committee on public safety and homeland security and the house and senate chairs of the joint committee on the judiciary. The commissioner shall be responsible for reporting publicly and transparently and making all reports available.

(h) The commissioner shall, to the extent practicable, develop partnerships with research institutions to further analyze performance management data.

SECTION 126. Nothing in this act shall impair the status of an incumbent serving a term of office described in chapter 211B of the General Laws and an incumbent may perform, so far as practicable, the duties prescribed for the incumbent's office until the end of the incumbent's current term; provided, however, that this section shall not limit or restrict administrative authorities in exercising supervision of, or control over, their employees, or in assigning related, incidental, or emergency duties to them.

SECTION 127. There shall be a special commission established to investigate and study the evaluation of judicial candidates. The commission shall consist of 19 persons, of which a quorum shall consist of 12, and which shall be appointed as follows: 6 members shall be appointed by the governor none of whom shall reside in the same congressional district and not more than 4 of whom shall be enrolled in the same political party; the house and senate chairs of the joint committee on the judiciary; the senate president or the president's designee, who shall serve as co-chair; the speaker of the house of representatives or the speaker's designee, who shall serve as co-chair; 1 member shall be appointed by the minority leader of the senate; 1 member shall be appointed by the minority leader of the house of representatives; 3 members shall be appointed by the chief justice of the supreme judicial court 1 of whom shall be a member of the committee for public counsel services or a bar advocate program; 1 member shall be appointed by the attorney general; 2 members shall be appointed by the president of the Massachusetts Bar Association neither of whom shall reside in the same congressional district; and 1 member shall be appointed by the president of the Boston Bar Association.

The investigation shall include, but not be limited to:

The practices of other states in both the initial vetting and confirmation of judicial candidates.

The best methods for creating a merit-based confirmation process.

The commonwealth's efforts to recruit geographically and politically diverse judicial candidates, as well as women and minority candidates.

Creation of a non-partisan screening and confirmation process.

Proposed statutory or constitutional changes that would allow for improvements to the evaluation of judicial candidates.

The commission shall report on its activities and on any findings and recommendations to the joint committee on the judiciary and the senate and house committees on ways and means not later than March 31, 2012.

SECTION 128. The commission established in section 21 of chapter 22 shall convene its first official meeting not later than September 1, 2011. The initial report and

recommendations of the commission shall provided to the chairs of the joint committee on the judiciary, the chairs of the joint committee on public safety and homeland security and chairs of the senate and house committees on ways and means not later than December 31, 2011.

SECTION 129. Notwithstanding any general or special law to the contrary, the term of the incumbent of the office of commissioner of probation designated under section 98 of chapter 276 of the General Laws shall run until January 31, 2013. Said incumbent shall be eligible for reappointment to said office under the process established under said section 98 of said chapter 276.

SECTION 129A. The court administrator shall provide copies of the standards promulgated under section 8 of chapter 211B of the General Laws to all divisions or places for holding sessions within the department of the trial court and by September 1, 2012 shall provide copies to the clerk of the house and the clerk of the senate.

SECTION 130A. Notwithstanding any general or special law to the contrary, the chief justice of the trial court, together with the court administrator, shall submit a report to the joint committee on the judiciary and the house and senate committees on ways and means 90 days prior to the temporary closure or the temporary relocation of courthouses; provided further that said report shall include, but not be limited to, the transfer of personnel, the reallocation of resources, the impact on other courthouses resulting from the temporary closure of said court and other factors that may affect implementation of said temporary closure.

SECTION 130B. The court administrator shall conduct a study exploring the feasibility of allowing payment of fees, fines, costs, assessments and other monies collected by any department of the trial court to be made with a credit card. The court administrator shall prepare a report on the findings, including recommendations and legislation necessary to effectuate those recommendations, by filing the same with the clerks of the house of representatives and the senate not later than December 1, 2011.

SECTION 131. Sections 57 is hereby repealed.

SECTION 132. Sections 1 to 55, inclusive, 56A, 58 to 118, inclusive, 120A, 121, 122, 123 124A, 125 and 131 shall take effect on July 1, 2012.

SECTION 133. Except as otherwise provided in this act, this act shall take effect on July 1, 2011.