SENATE DOCKET, NO. 1221 FILED ON: 1/20/2011

SENATE . . . . . No. 794

The Commonwealth of Massachusetts

PRESENTED BY:

Brian A. Joyce

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

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

An Act allowing for increased efficiencies in judicial administration.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Brian A. Joyce	*Norfolk, Bristol, and Plymouth*

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SENATE . . . . . No. 794

By Mr. Joyce, a petition (accompanied by bill, Senate, No. 794) of Brian A. Joyce for legislation to allow for increased efficiencies in judicial administration. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1722* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act allowing for increased efficiencies in judicial administration.

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

SECTION 1. Section 1 of Chapter 29A of the General Laws, is herby amended by inserting after the first paragraph the following:

All cost of maintenance and operation of the supreme judicial court, including the operation of the clerk's office, the commission on judicial conduct and the board of bar examiners shall be paid in lump sum to the supreme judicial court to be distributed among the supreme judicial court's operations, the clerk's office, the commission on judicial conduct and the board of bar examiners.

All cost of maintenance and operation of the appeals court, including salaries, traveling allowances and expenses of the chief justice, recall judges and the associate justices shall be paid in lump sum to the appeals court department to be distributed as outlined above.

11 All cost of maintenance and operation of the Trial Court, including the salaries
12 of the justices of the various departments, all costs of the central administration of the trial court,
13 the Massachusetts sentencing commission, for alternative dispute resolution services for the trial
14 court, for court security and for the chief justice of administration and management shall be paid
15 in lump sum to the chief justice of administration and management to be distributed for the
16 central administration of the trial court.

17 All cost of maintenance and operation of the superior court department shall be
18 paid in lump sum to the administrative office of the superior court department to be distributed
19 among the various courts of the department.

20 All cost of maintenance and operation of the district court department shall be paid in
21 lump sum to the administrative office of the district court department to be distributed among the
22 various courts of the department.

23 All cost of maintenance and operation of the probate and family court
24 department shall be paid in lump sum to the administrative office of the probate and family court
25 department to be distributed among the various courts of the division.

26 All cost of maintenance and operation of the land court department shall be paid in lump
27 sum to the administrative office of the land court department to be distributed among the various
28 courts of the division.

29 All cost of maintenance and operation of the Boston municipal court
30 department shall be paid in lump sum to the central division of the Boston municipal court
31 department to be distributed among the various courts of the division.

32 All cost of maintenance and operation of the housing court department shall be
33 paid in lump sum to the administrative office of the housing court department to be distributed
34 among the various courts of the division.

35 All cost of maintenance and operation of the juvenile court department shall be
36 paid in lump sum to the administrative office of the juvenile court department to be distributed
37 among the various courts of the division.

38 SECTION 2. Section 6 of Chapter 211B of the General Laws, is hereby
39 amended by striking out the following word "shall" in the fourth sentence of the paragraph and
40 inserting in place thereof the following word: "may"

41 SECTION 3. Section 6 of Chapter 211B of the General Laws, is hereby
42 further amended by striking out the following word "only" in the fourth sentence of the
43 paragraph.

44 SECTION 4. Section 6 of Chapter 211B of the General Laws, is hereby further
45 amended by striking out the following phrase "in the nature of malfeasance, misfeasance or
46 nonfeasance" in the fourth sentence of the paragraph.

47 SECTION 5. Section 3 of Chapter 211 of the General Laws, is hereby
48 amended by striking out the following in the first sentence of the second paragraph:

49 "and provided, further that general superintendence also shall not include the authority or
50 power to exercise or supersede any of the powers, duties and responsibilities of the chief justice
51 for administration and management, as established by section one of chapter two hundred and
52 eleven B, in any general or special law except under extraordinary circumstances leading to a

53 severe, adverse impact on the administration of justice; provided, that the majority of the
54 supreme judicial court shall issue a written order that sets forth the basis for a finding that, absent
55 such action, there would be a severe and adverse impact on the administration of justice in the
56 commonwealth".

57 SECTION 6. Section 9 of Chapter 211B of the General Laws, is hereby
58 amended by striking out part (xxii) (a) and (b) and inserting in place thereof:

59 Notwithstanding any general or special law to the contrary, the chief justice of
60 administration and management may freely transfer appropriated funds for any trial court
61 department within that same trial court department; provided, that he shall not transfer funds
62 between different trial court departments.