

HOUSE No. 1635

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to the administration of the courts..

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

1 SECTION 1. The first paragraph of section 10A of chapter 211B of the General Laws, as
2 appearing in the 2004 Official Edition, is hereby amended by striking out the first sentence and
3 inserting in place thereof the following sentence:— A first justice, in addition to his judicial
4 powers and duties as a justice of the trial court and in addition to his general powers of
5 superintendence as a first justice of a particular court within the trial court, shall, subject to the
6 superintendence authority of the supreme judicial court as provided in section three of chapter
7 211 and the administrative authority of the chief justice of the first justice’s department of the
8 trial court, be the administrative head of his court; provided, however, that clerks, recorders and
9 registers shall have exclusive and sole authority and responsibility for the internal administration
10 of their respective offices, including hiring, budgeting, personnel, staff services and record
11 keeping.

12 SECTION 2. Said section 10A of said chapter 211B, as so appearing, is hereby further
13 amended by striking out the words “the chief justice for administration and management” and

14 inserting in place thereof the following:— an independent arbitrator agreeable to all parties who
15 shall have authority to render a binding decision.

16 SECTION 3. The second paragraph of section 13 of said chapter 211B, as so appearing,
17 is hereby amended by adding the following:— provided that the said clerk shall have exclusive
18 and sole authority and responsibility for preparing that portion of the budget estimate which
19 pertains to salaries of officers and employees within his office.

20 SECTION 4. The fifth paragraph of section 6 of chapter 218 of the General Laws, as
21 appearing in the 2004 Official Edition, is hereby amended by striking out the second sentence
22 and inserting in place thereof the following sentence:— As administrative head of his court, said
23 first justice shall be responsible for the management of the courthouse and shall have control
24 over all personnel employed therein except personnel in the office of the clerk; provided,
25 however, that the clerk shall have exclusive and sole authority and responsibility for the internal
26 administration and management of his office, including hiring, budgeting, personnel, staff
27 services and record keeping.

28 SECTION 5. Said fifth paragraph of said section 6 of said chapter 218, as so appearing, is
29 hereby amended by striking out the fourth sentence and inserting in place thereof the following
30 sentence:— Any person aggrieved by a decision of a chief justice under this paragraph may
31 appeal said decision to an independent arbitrator agreeable to all parties who shall have authority
32 to render a binding decision, who shall, within 30 days, hear and determine the matter.

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