

**HOUSE . . . . . No. 1638**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to te authority of clerks magistrates..

*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. CHAPTER 211B, SECTION 10A IS HEREBY AMENDED BY  
2 STRIKING LINE 1 THROUGH 13 AND INSERTING IN ITS PLACE THE FOLLOWING:

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5 A FIRST JUSTICE, IN ADDITION TO HIS JUDICIAL POWERS AND DUTIES AS A  
6 JUSTICE OF THE TRIAL COURT AND IN ADDITION TO HIS GENERAL POWERS OF  
7 SUPERINTENDENCE AS FIRST JUSTICE OF A PARTICULAR COURT WITHIN THE  
8 TRIAL COURT, SHALL, SUBJECT TO THE SUPERINTENDENCE OF THE SUPREME  
9 JUDICIAL COURT AS PROVIDED IN SECTION 3 OF CHAPTER 211 AND THE  
10 ADMINISTRATIVE AUTHORITY OF THE CHIEF JUSTICE OF THE FIRST JUSTICE’S  
11 DEPARTMENT OF THE TRIAL COURT, BE THE ADMINISTRATIVE HEAD OF HIS  
12 COURT; PROVIDED, HOWEVER, EACH CLERK, RECORDER AND REGISTER SHALL  
13 HAVE THE EXCLUSIVE AND SOLE AUTHORITY FOR THE PREPARATION AND

14 EXPENDITURE OF SUCH MONIES AS THE GENERAL COURT MAY ANNUALLY  
15 APPROPRIATE FOR THEIR RESPECTIVE OFFICES AND SHALL HAVE THE  
16 REPSONSIBILITY FOR THE ADMINISTRATION OF THEIR SAID OFFICES,  
17 INCLUDING, BUT NOT LIMITED TO, THE HIRING AND SUPERVISION OF  
18 PERSONNEL, BUDGETING, SUPPLIES, EQUIPMENT, STAFF SERVICES AND RECORD  
19 KEEPING, SAID RECORD KEEPING SHALL INCLUDE THE KEEPING OF PERSONNEL  
20 RECORDS AND TIME ATTENDANCE RECORDS. EACH CLERK, RECORDER AND  
21 REGISTER SHALL BE THE SOLE AND EXCLUSIVE APPOINTING AUTHORITY OF  
22 PERSONNEL IN THEIR RESPECTIVE OFFICES AND FURTHER PROVIDED, SUBJECT  
23 TO AVAILABLE FUNDING, SAID HIRING AND OR APPOINTMENT OF PERSONNEL,  
24 SHALL NOT BE WITHHELD BY THE FIRST JUSTICE. A FIRST JUSTICE OR CLERK,  
25 RECORDER OR REGISTER OF THE COURT MAY SUBMIT ANY DISPUTE THAT  
26 ARISES BETWEEN SAID FIRST JUSTICE AND SAID CLERK, RECORDER OR  
27 REGISTER CONCERNING THE MANANGEMENT AND ADMINISTRATION OF THE  
28 OFFICE OF CLERK, RECORDER, OR REGISTER, THE DUTIES, POWERS AND  
29 OBLIGATIONS OF THE CLERK, RECORDER, OR REGISTER, OR A MEMBER OF  
30 THEIR STAFF, OR THE INTERPRETATION OF THE PERSONNEL STANDARDS  
31 PROVIDED FOR UNDER SECTION 8 OF CHAPTER 211B, TO THE CHIEF OF THE  
32 JUSTICE DEPARTMENT.