

HOUSE No. 1651

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act improving the administration of the judicial branch..

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 of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by striking out the title and inserting in place thereof the following
3 title: “ADMINISTRATION OF THE JUDICIAL DEPARTMENT”.

4 SECTION 2. Said chapter 211B is hereby amended by striking out section 5 and
5 inserting in place thereof the following section:

6 Section 5. The office of the chief justice of a department of the trial court, as
7 provided in section one, shall not be deemed a judicial office as comprehended under the
8 provisions of Article I of Chapter III of Part the Second of the Constitution. Said office of chief
9 justice shall be filled by appointment, from among the justices appointed to the particular
10 department, by the chief justice for administration and management. A chief justice shall hold
11 said office for a term of five years, and shall be eligible to be reappointed for additional five-year
12 terms. A chief justice, so appointed, may be removed from that office prior to the expiration of
13 his term by the chief justice for administration and management.

14 SECTION 3. Said chapter 211B is hereby amended by striking out section 6 and
15 inserting in place thereof the following section:

16 Section 6. The office of the chief justice for administration and management of
17 the trial court, as provided in section one, shall not be deemed a judicial office as comprehended
18 under the provisions of Article I of Chapter III of Part the Second of the Constitution. Said office
19 of chief justice for administration and management shall be filled by appointment, from among
20 the justices of the trial court departments, by the chief justice of the supreme judicial court,
21 subject to the approval of at least three other justices of the supreme judicial court. The chief
22 justice for administration and management shall hold said office for a term of five years, and
23 shall be eligible to be reappointed for additional five-year terms. The chief justice for
24 administration and management may be removed by the chief justice of the supreme judicial
25 court, subject to the approval of a majority of the justices of the supreme judicial court. The
26 chief justice for administration and management shall retain his commission as associate justice
27 of the trial court, or of a predecessor court to which he was appointed, while serving as chief
28 justice for administration and management, and may continue to perform such judicial duties as
29 he may have exercised as associate justice, and such other responsibilities as otherwise provided
30 by law.