

HOUSE No. 4839

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

Resolve providing for an investigation and study by a special commission relative to management of the judiciary.

1 **Resolved**, There shall be a special commission to investigate and study the organizational
2 structure, function and operation of the judiciary. For the purposes of this section, the judiciary
3 shall include, without limitation: the supreme judicial court; the court of appeals; the office of
4 the chief justice for administration and management of the trial courts, including the superior
5 court department, the district court department, the land court department, the probate and
6 family court department, the housing court department, the Boston municipal court department
7 and the juvenile court department; the trial court office of community corrections; the office of
8 probation; the office of the jury commissioner; the office of the Suffolk county clerk; the
9 commission on judicial conduct; the board of bar examiners; the Massachusetts legal assistance
10 corporation; the mental health legal advisors; prisons' legal services; and the social law library.

11 The commission shall examine the judiciary, including the operational, fiscal, legal,
12 administrative and personnel functions and legal obligations of the judiciary. Said examination
13 shall include, but shall not be limited to, the models from other states, best practices for
14 management of government, performance measures, clarity of reporting lines and responsibilities
15 and opportunities for budget savings through efficiencies, all while protecting the safety of the

16 public. The commission shall consider, in its investigation and study, the reports and
17 recommendations of both the visiting committee on management of the state courts and the court
18 management advisory board.

19 The commission shall further investigate and study the feasibility and advisability of
20 transferring authority over the office of probation, office of community corrections and the
21 parole board including the power of appointment, assignment, discipline and termination of staff,
22 to either the chief justice for administration and management or the executive office of public
23 safety and security, in an effort to best provide enhanced accountability, oversight, leadership,
24 effectiveness in carrying out essential functions and efficiency of administration.

25 The judiciary shall comply with all reasonable requests by the commission for
26 information in furtherance of the above-stated goals.

27 The commission shall consist of 10 members, 1 of whom shall be appointed by the senate
28 president who shall have expertise in applied criminal justice research, 1 of whom shall be
29 appointed by the speaker of the house who shall have expertise in applied criminal justice
30 research, 1 of whom shall be appointed by the minority leader of the senate who shall have
31 expertise in financial management and public policy, 1 of whom shall be appointed by the
32 minority leader of the house of representatives who shall have expertise in financial
33 management and public policy, 1 of whom shall be the attorney general, who shall serve as chair,
34 1 of whom shall be the secretary of administration and finance, or his designee, 1 of whom shall
35 be the chief counsel of the committee for public counsel services or his designee, 1 of whom
36 shall be the president of the Massachusetts District Attorneys' Association, or his designee, 1 of
37 whom shall be a representative of the Massachusetts Bar Association and 1 of whom shall be a

38 person appointed by the chief justice of the supreme judicial court who shall be a retired first
39 justice with court management experience. The commission shall report its findings and
40 recommendations together with legislation, if any, to the clerks of the house of representatives
41 and senate, to the joint committee on judiciary, the joint committee on public safety and the
42 senate and house committees on ways and means not later than December 31, 2010.