

HOUSE No. 2158

The Commonwealth of Massachusetts

PRESENTED BY:

Linda Campbell, (BY REQUEST)

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 relative to confidentiality and complaints against judges.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Hector Montalvo</i>	<i>92 Perry Ave. Methuen MA 01844</i>	

HOUSE No. 2158

By Ms. Campbell of Methuen (by request), a petition (accompanied by bill, House, No. 2158) of Hector Montalvo relative to confidentiality and complaints against judges. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to confidentiality and complaints against judges.

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

1 Chapter 211C of the General Laws is hereby amended by adding the following section:-

2 Section 6. (1) Except as provided in this section, all proceedings of the commission shall
3 be open to the public. The commission shall ensure that a procedure applicable to commission
4 members, counsel and staff is established for enforcing this section.

5
6 (2) Notwithstanding the provisions of subdivision (1), No judge who is paid by taxpayers
7 dollars may waive his or her right to confidentiality.

8 In addition, in any case in which a Judge is named in a complaint, that complaint is to be
9 made public within 72 hours of the complaint.

10 The judge and or, the commission shall issue such statements as it deems appropriate in
11 order to confirm the pendency of the investigation, to clarify the procedural aspects of the

12 disciplinary proceedings, to explain the right of the judge to a fair hearing without prejudgment,
13 or to state that the judge denies the allegations.

14

15 (3) If the inquiry was initiated as a result of notoriety or because of conduct that is a
16 matter of public record, and is subsequently terminated because there is insufficient cause to
17 proceed, that determination shall be made public, information concerning the insufficiency of
18 cause to proceed shall be released by the commission.

19

20 (4) Notwithstanding any other provision of this chapter to the contrary, proceedings
21 pursuant to this chapter shall remain open to the public,

22 even after a finding of sufficient cause, if the judge, the commission, and the
23 complainant, if any, all concur.

24

25 (5) If any citizen, State or Local government, or even federal agency, judicial nominating
26 council, or any like agency for screening candidates for judicial appointment which succeeds the
27 judicial nominating council, seeks information or written materials from the commission
28 concerning a judge, in connection with his selection or appointment as a judge, information shall
29 be divulged in accordance to this chapter