

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Sal N. DiDomenico, (BY REQUEST)***

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*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 a modified judicial merit-retention system.**

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PETITION OF:

NAME:

*Vincent Zarrilli*

DISTRICT/ADDRESS:

*402 Main Street Apt. 69 Charlestown, MA  
02129*

**SENATE . . . . . No.**

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By Mr. DiDomenico (by request), a petition (subject to Joint Rule 12) of Vincent Zarrilli for legislation relative to a modified judicial merit-retention system. The Judiciary.

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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An Act relative to a modified judicial merit-retention system.

*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. A modified judicial merit-retention system shall be established in such a  
2 manner so as to each year conduct a referendum survey wherein each individual who has  
3 accepted in a District Court or Superior Court courtroom wherein judicial proceedings have  
4 transpired may participate in a survey wherein he or she may participate in a survey system  
5 wherein he or she may offer to the administrating agency a written system and signed statement  
6 of reasons as to why any given judge should not hold office.

7           That any survey shall be written on forms supplied by the administrating agency and shall  
8 set forth that the participant has personal knowledge of the Code of Judicial Ethics and has no  
9 bias as standards in setting forth the above mentioned statement of reasons.

10           That said tabulation shall be referred to a committee of ultimate authority composed of  
11 the judges of the Supreme Judicial Court to be known as the Supreme Court of Judicial Conduct  
12 based on a basis of one judge vote, who shall in turn issue a statement of reason as to why any  
13 given judge who the attitude survey reveals has complied 150 negative responses herein defined  
14 as an expression that the judge ought not to retain his office, has in fact been retained.

15           That the survey shall take place on the first of May every year and embrace each judge  
16 who has held office for six months.

17           That the entire procedure shall be complete by the first Tuesday after the first Monday in  
18 November of every year embodied in a report signed by each justice of the Supreme Court of  
19 Judicial Conduct.

20 SECTION 2. That this act also encompasses a judicial attitude wherein such person who  
21 has appeared in a courtroom where judicial ethics is to merit attainment of the specific presiding  
22 judge that such opinion based on the canons of judicial ethics is to merit attainment of the  
23 specific presiding judge that such opinion be reflected on the following scale: (1) outstanding;  
24 (2) very good; (3) good; (4) fair; (5) see statement attached.

25 Any judge who receives a plurality of 50 or more designations of outstanding for two  
26 consecutive years shall receive additional compensation of \$7,500 per year for each year of such  
27 designation retroactive to the first year of such designation

28 SECTION 3. That any justice who has compiled 150 negative responses which is in face  
29 affirmed by the Supreme Court of Judicial Conduct may retain the title and compensation of  
30 hitherto held provided that said justice assume and discharge administrative matters under the  
31 aegis of the chief Administrative Justice of both the Superior Court and District Courts who, at  
32 their discretion at the expiration of two years by majority vote, reassign said justice to courtroom  
33 activity or any time for substantial cause discharge said justice from the judicial system in the  
34 entirety provided said discharge is affirmed by both the Supreme Court of Judicial Conduct and  
35 Executive Council who shall act within ninety days of notice of discharge. Failure to act within  
36 the specified time of either body shall be construed as affirmance in such a manner that any  
37 discharge becomes final on the ninety-first day after the issuance of this notice of discharge by  
38 the Chief Administrative Justice.

39 SECTION 4. All attorneys duly licensed by the Commonwealth and residing herein who  
40 have appeared in a courtroom proceeding shall participate in such survey. Any activity on the  
41 part said attorney deemed frivolous or in bad faith by a majority of the Chief Administrative  
42 Justice, Chief Justice of the Superior Court or District Court may be grounds for a disciplinary  
43 hearing by the board of bar overseers.

44 SECTION 5. The administrative arraignment for the bill shall be attended by the  
45 Commission on Judicial Conduct who shall at all times be accountable to the Chief  
46 Administrative Justice of the trial courts.