HOUSE DOCKET, NO. 3690 FILED ON: 4/21/2011

HOUSE . . . . . No. 3395

By Mr. DeLeo of Winthrop, a petition (subject to Joint Rule 12) (accompanied by bill, House, No. 3395) of Robert A. DeLeo relative to the reorganization of the judicial system. Senate Ways and Means .

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act Relative to the Reorganization of the Judicial System of the Commonwealth.

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

SECTION 1. Section 7 of chapter 4 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word "privacy" in subclause (c) of clause twenty-sixth the following words:-

provided, however, that letters of recommendation for employment submitted in support of candidates who are hired by the commonwealth shall be considered public records under this section;

SECTION 2. Section 116 of chapter 6 of the General Laws, as so appearing, is hereby amended by striking out, in lines 22 and 23, the words "administrative justice" and inserting in place thereof the following words:- justice of the trial court.

SECTION 3. Section 183A of said chapter 6, as so appearing, is hereby amended by striking out, in lines 9 and 10, the words "chief administrative justice" and inserting in place thereof the following words:- court administrator.

13 SECTION 4. Section 28A of chapter 7 of the General Laws, as so appearing, is hereby
14 amended by striking out the fourth paragraph and inserting in place thereof the following
15 paragraph:-

16 Said administrator may enter into agreements with the supreme judicial court, the chief
17 justice of the trial court, the court administrator of the trial court, or the chief justices of the
18 several departments of the trial court for programs for the continuing education of judges and
19 other court personnel.

20 SECTION 5. Section 41C of said chapter 7, as so appearing, is hereby amended by
21 striking out, in lines 11, 24, and 32, the words "administrative justice" and inserting in place
22 thereof the following words:- justice of the trial court and the court administrator.

23 SECTION 6. Section 2 of chapter 7A of the General Laws, as so appearing, is hereby
24 amended by striking out, in lines 3 and 4, the words "chief administrative justice" and inserting
25 in place thereof the following words:- court administrator.

26 SECTION 7. Section 35Z of chapter 10 of the General Laws, as so appearing, is hereby
27 amended by striking out, in lines 12, 13, 16, 17, 23 and 24, the words "chief justice for
28 administration and management" and inserting in place thereof the following words:- court
29 administrator.

30 SECTION 8. Section 31A of chapter 29 of the General Laws, as so appearing, is hereby
31 amended by striking out, in line 18, the words "chief administrative justice" and inserting in
32 place thereof the following words:- court administrator.

33 SECTION 9. Section 3A of chapter 29A of the General Laws, as so appearing, is hereby
34 amended by striking out, in line 8, the word “administrative”.

35 SECTION 10. Section 4 of said chapter 29A, as so appearing, is hereby amended by
36 striking out, in lines 6, 19, 21, 28, 29, 30, 42, 43, 44, and 53, the words “chief administrative
37 justice” and inserting in place thereof the following words:- court administrator.

38 SECTION 11. Section 5 of said chapter 29A, as so appearing, is hereby amended by
39 striking out, in lines 3 and 4, the words “chief administrative justice” and inserting in place
40 thereof the following words:- court administrator.

41 SECTION 12. Section 6 of said chapter 29A, as so appearing, is hereby amended by
42 striking out, in lines 3, 6, 7, 8, 9, 25, 26, and 37, the words “chief administrative justice” and
43 inserting in place thereof the following words:- court administrator.

44 SECTION 13. Section 6 of chapter 34B of the General Laws, as so appearing, is hereby
45 amended by striking out, in lines 21, 44 and 45, the words “chief justice for administration and
46 management” and inserting in place thereof the following words:- court administrator.

47 SECTION 14. Section 16 of chapter 37 of the General Laws, as so appearing, is hereby
48 amended by striking out, in line 3, the words “administrative justice” and inserting in place
49 thereof the following words:- justice of the trial court.

50 SECTION 15. Section 1 of chapter 58A of the General Laws, as so appearing, is hereby
51 amended by striking out, in line 12, the words “administrative justice” and inserting in place
52 thereof the following words:- justice of the trial court.

53 SECTION 16. Section 24M of chapter 90 of the General Laws, as so appearing, is hereby
54 amended by striking out, in line 9, the word “administrative”.

55 SECTION 17. Section 3 of chapter 90C of the General Laws, as so appearing, is hereby
56 further amended by striking out, in lines 101 and 102, the words “for administration and
57 management” and inserting in place thereof the following words:- of the trial court.

58 SECTION 18. Section 28 of chapter 119 of the General Laws, as appearing in the 2008
59 Official Edition, is hereby amended by striking out, in lines 32 and 33, the word
60 “administrative”.

61 SECTION 19. Section 29B of said chapter 119 of the General Laws, as so appearing, is
62 hereby amended by striking out, in lines 6 and 7, the words “for administration and
63 management” and inserting in place thereof the following words:- of the trial court.

64 SECTION 20. Section 1 of chapter 119A of the General Laws, as so appearing, is hereby
65 amended by striking out, in lines 22 and 23, the word “administrative”.

66 SECTION 21. Section 3 of said chapter 119A, as so appearing, is hereby amended by
67 striking out, in line 76, the words “for administration and management” and inserting in place
68 thereof the following words:- of the trial court.

69 SECTION 22. Section 13 of said chapter 119A, as so appearing, is hereby amended by
70 striking out, in lines 27 and 28, the words “for administration and management” and inserting in
71 place thereof the following words:- of the trial court.

72 SECTION 23. Section 1 of chapter 150E of the General Laws, as most recently amended
73 by section 185 of chapter 25 of the acts of 2009, is hereby amended by striking out, in line 61,

74 the words “chief administrative justice” and inserting in place thereof the following words:-
75 court administrator.

76 SECTION 24. Chapter 185 of the General Laws, as appearing in the 2008 Official
77 Edition, is hereby amended by striking out section 2 and inserting in place thereof the following
78 2 sections:-

79 Section 2. The land court department shall consist of 6 associate justices appointed to the
80 land court department. The justice as provided under section 1 of chapter 211B as the chief
81 justice for the land court department, in addition to his judicial powers and duties, shall, subject
82 to the superintendence authority of the supreme judicial court as provided in section 3 of chapter
83 211, have the power, authority and responsibility of a chief justice as set forth in section 10 of
84 chapter 211B.

85 Section 2½. The administrator as provided under section 1 of chapter 211B as the deputy
86 court administrator for the land court department shall, subject to the superintendence authority
87 of the supreme judicial court as provided in section 3 of chapter 211, have the power, authority
88 and responsibility of a deputy court administrator as set forth in section 10 of chapter 211B.

89 SECTION 25. Section 3A of said chapter 185, as so appearing, is hereby amended by
90 striking out, in lines 39, 40, 58, 59, 68, 84, and 85, the words “for administration and
91 management” and inserting in place thereof the following words:- of the trial court.

92 SECTION 26. Said section 3A of said chapter 185, as so appearing, is hereby further
93 amended by striking out, in line 67, the words “for administration and management” and
94 inserting in place thereof the following words:- of the trial court.

95 SECTION 27. Said section 3A of said chapter 185, as so appearing, is hereby further
96 amended by striking out, in line 70, the words “for administration” and inserting in place thereof
97 the following words:- of the trial court.

98 SECTION 28. Section 6 of said chapter 185, as so appearing, is hereby amended by
99 striking out, in lines 12, 13, 14, and 20, the words “for administration and management” and
100 inserting in place thereof the following words:- of the trial court.

101 SECTION 29. Section 13 of said chapter 185, as so appearing, is hereby amended by
102 striking out, in lines 3 and 4, inclusive, the words “chief justice for administration and
103 management” and inserting in place thereof the following words:- court administrator.

104 SECTION 30. Section 14 of said chapter 185, as so appearing, is hereby amended by
105 striking out, in line 12, the words “chief justice for administration and management” and
106 inserting in place thereof the following words:- court administrator.

107 SECTION 31. Section 4 of chapter 185C of the General Laws, as so appearing, is hereby
108 amended by striking out, in lines 4 and 5, the words “chief administrative justice and
109 management” and inserting in place thereof the following words:- court administrator.

110 SECTION 32. Said section 4 of said chapter 185C, as so appearing, is hereby further
111 amended by striking out, in lines 10, 18, 19, 28, 29, and 38, the words “chief justice for
112 administration and management” and inserting in place thereof the following words:- court
113 administrator.

114 SECTION 33. Section 8 of said chapter 185C, as so appearing, is hereby amended by
115 striking out, in lines 8, 9, 25, and 34, the words “for administration and management” and
116 inserting in place thereof the following words:- of the trial court.

117 SECTION 34. Said section 8 of said chapter 185C, as so appearing, is hereby further
118 amended by striking out the seventh sentence and inserting in place thereof the following
119 sentence:- Any first justice may be removed from his position as first justice by the chief justice
120 of the housing court department.

121 SECTION 35. Said chapter 185C is hereby further amended by striking out section 8A,
122 as so appearing, and inserting in place thereof the following section:-

123 Section 8A. The justice as provided under section one of chapter 211B as the chief justice
124 for the housing court department, in addition to his judicial powers and duties shall, subject to
125 the superintendence authority of the supreme judicial court provided in section 3 of chapter
126 211B, have the power, authority and responsibility of a chief justice as set forth in section 10 of
127 chapter 211B.

128 Section 8B. The deputy court administrator for the housing court department as provided
129 under section 1 of chapter 211B shall, subject to the superintendence authority of the supreme
130 judicial court provided in section 3 of chapter 211, have the power, authority, and responsibility
131 of a deputy court administrator as set forth in section 10 of chapter 211B.

132 SECTION 36. Section 9 of said chapter 185C, as so appearing, is hereby amended by
133 striking out, in lines 16, 17, and 18, the words “chief justice for administration and management”
134 and inserting in place thereof the following words:- court administrator.

135 SECTION 37. Section 18 of said chapter 185C, as so appearing, is hereby amended by
136 striking out, in lines 4, 5, 7, and 8, the words “chief justice for administration and management”
137 and inserting in place thereof the following words:- court administrator.

138 SECTION 38. Section 28 of chapter 208 of the General Laws, as so appearing, is hereby
139 amended by striking in lines 8, 9, 31, and 32, the words “for administration and management”
140 and inserting in place thereof the following words:- of the trial court.

141 SECTION 39. Section 32F of chapter 209 of the General Laws, as so appearing, is hereby
142 amended by striking out, in lines 65 and 66, the words “for administration and management” and
143 inserting in place thereof the following words:- of the trial court.

144 SECTION 40. Section 37 of said chapter 209, as so appearing, is hereby amended by
145 striking out, in lines 10, 26, and 27, the words “for administration and management” and
146 inserting in place thereof the following words:- of the trial court.

147 SECTION 41. Section 5 of chapter 209A of the General Laws, as so appearing, is hereby
148 amended by striking out, in lines 9 and 10, the words “administrative justice” and inserting in
149 place thereof the following words:- justice of the trial court.

150 SECTION 42. Section 9 of chapter 209C of the General Laws, as so appearing, is hereby
151 amended by striking out, in lines 47, 48, 72, and 73, the words “for administration and
152 management” and inserting in place thereof the following words:- of the trial court.

153 SECTION 43. Section 20 of said chapter 209C, as so appearing, is hereby amended by
154 striking out, in lines 15 and 16, the words “for administration and management” and inserting in
155 place thereof the following words:- of the trial court.

156 SECTION 44. Section 3 of chapter 210 of the General Laws, as so appearing, is hereby
157 amended by striking out, in lines 33 and 34, the words “for administration and management” and
158 inserting in place thereof the following words:- of the trial court.

159 SECTION 45. Section 2A of chapter 211 of the General Laws, as so appearing, is hereby
160 amended by striking out, in line 2, the words “chief justice for administration and management”
161 and inserting in place thereof the following words:- court administrator.

162 SECTION 46. Said section 2A of said chapter 211, as so appearing, is hereby further
163 amended by striking out, in line 15, the words “chief administrative justice” and inserting in
164 place thereof the following words:- court administrator.

165 SECTION 47. Said chapter 211 is hereby further amended by striking out section 3, as so
166 appearing, and inserting in place thereof the following section:-

167 Section 3. The supreme judicial court shall have general superintendence of all courts of
168 inferior jurisdiction to correct and prevent errors and abuses therein if no other remedy is
169 expressly provided; and it may issue all writs and processes to such courts and to corporations
170 and individuals which may be necessary to the furtherance of justice and to the regular execution
171 of the laws.

172 In addition to the foregoing, the justices of the supreme judicial court shall also have
173 general superintendence of the administration of all courts of inferior jurisdiction, including,
174 without limitation, the prompt hearing and disposition of matters pending therein, and the
175 functions set forth in section 3C; and it may issue such writs, summonses and other processes
176 and such orders, directions and rules as may be necessary or desirable for the furtherance of
177 justice, the regular execution of the laws, the improvement of the administration of such courts,

178 and the securing of their proper and efficient administration; provided, however, that general
179 superintendence shall not include the authority to supersede any general or special law unless the
180 supreme judicial court, acting under its original or appellate jurisdiction finds such law to be
181 unconstitutional in any case or controversy. Nothing herein contained shall affect existing law
182 governing the selection of officers of the courts, or limit the existing authority of the officers
183 thereof to appoint administrative personnel.

184 SECTION 48. Section 26 of said chapter 211, as so appearing, is hereby amended by
185 striking out, in line 2, the words "for administration and management" and inserting in place
186 thereof the following words:- of the trial court.

187 SECTION 49. Section 26A of said chapter 211, as so appearing, is hereby amended by
188 striking out, in line 16, the words "for administration and management" and inserting in place
189 thereof the following words:- of the trial court.

190 SECTION 50. Section 1 of chapter 211B of the General Laws, as so appearing, is hereby
191 amended by striking out the third sentence and inserting in place thereof the following sentence:-

192 There shall be selected as herein provided, a chief justice of the trial court, a court
193 administrator, a chief justice for each of the departments of the trial court and a deputy court
194 administrator for each of the departments of the trial court.

195 SECTION 51. Section 4 of said chapter 211B, as so appearing, is hereby amended by
196 striking out, in lines 6 and 43, the words "administrative justice" and inserting in place thereof
197 the following words:- justice of the trial court.

198 SECTION 52. Said section 4 of said chapter 211B, as so appearing, is hereby further
199 amended by striking out, in line 30, the words “for administration and management” and
200 inserting in place thereof the following words:- of the trial court.

201 SECTION 53. Said chapter 211B is hereby further amended by striking out sections 5 to
202 10A, inclusive, and inserting in place thereof the following 11 sections:-

203 Section 5. The office of the chief justice of a department of the trial court, as provided in
204 section 1, shall not be deemed a judicial office as comprehended under the provisions of Article I
205 of Chapter III of Part the Second of the Constitution. Said office of chief justice shall be filled by
206 appointment, from among the justices appointed to the particular department, by the chief justice
207 of the trial court. A chief justice shall hold said office for a term of 5 years, and shall be eligible
208 to be reappointed for additional 5 year terms. A chief justice, so appointed, may be removed
209 from that office prior to the expiration of his term by the chief justice of the trial court.

210 Section 5A. The office of the deputy court administrator of a department of the trial
211 court, as provided in section 1, shall be filled by appointment by the court administrator and the
212 chief justice of each department of the trial court; provided, however, that said deputy court
213 administrator shall not be a justice of the trial court and shall devote his full time to the duties of
214 his office. A deputy court administrator shall hold said office for a term that shall be coterminous
215 with the term of the chief justice of the respective court departments and shall be eligible to be
216 reappointed to serve additional terms. A deputy court administrator, so appointed, may be
217 removed from that office prior to the expiration of his term by the court administrator and the
218 chief justice of the respective court departments.

219 The chief justice or deputy court administrator of the respective court departments shall
220 submit any dispute that arises between said chief justice and said deputy court administrator,
221 concerning the management and administration of the respective court departments, to the chief
222 justice of the trial court and the court administrator, who shall, within 30 days, determine the
223 matter.

224 Section 6. The office of the chief justice of the trial court, as provided in section 1, shall
225 not be deemed a judicial office as comprehended under the provisions of Article I of Chapter III
226 of Part the Second of the Constitution. Said office of chief justice of the trial court shall be filled
227 by appointment, from among the justices of the trial court departments, by a majority vote of the
228 justices of the supreme judicial court. The chief justice of the trial court shall hold said office for
229 a term of 5 years, and shall be eligible to be reappointed for additional 5 year terms. The chief
230 justice of the trial court may be removed by a majority vote of the justices of the supreme
231 judicial court. The chief justice of the trial court shall retain his commission as associate justice
232 of the trial court, or of a predecessor court to which he was appointed, while serving as chief
233 justice of the trial court, and may continue to perform such judicial duties as he may have
234 exercised as associate justice, and such other responsibilities as otherwise provided by law.

235 Section 6A. There shall be an advisory board to assist the justices of the supreme judicial
236 court, the chief justice of the trial court, and the court administrator. The board shall consist of
237 the attorney general, or his designee, the executive director of the Massachusetts office of victim
238 assistance and the following 10 additional members appointed by the supreme judicial court: 2
239 persons who have significant experience in public administration, 2 persons who have significant
240 experience in business administration, 1 lawyer with significant experience in the practice of
241 criminal law, 1 lawyer with significant experience in the practice of civil law, 1 lawyer with

242 significant experience in the practice of probate and family law, 1 lawyer with significant
243 experience in the representation of juveniles in the courts, 1 lawyer with significant judicial
244 experience but not a current justice of the commonwealth or a retired justice serving the
245 commonwealth pursuant to judicial recall, and 1 person who has significant experience in
246 information technology. The board shall choose its chair. The appointed members of said board
247 shall serve for a term of 3 years. The maximum amount of time that said members may serve on
248 said board shall be 2 such terms. The chief justice of the trial court shall be the executive
249 secretary of the board.

250 The board shall advise the justices of the supreme judicial court, the chief justice of the
251 trial court, and the court administration on all matters of judicial reform including, but not
252 limited to, a proposal for the allocation of resources based on the demonstrated workload of each
253 court.

254 Section 6B. There shall be an office of court management within the trial court, under the
255 executive control of a court administrator, to support the judicial functions, performance and
256 management of the trial court. Said court administrator shall be appointed by a majority vote of
257 the justices of the supreme judicial court; provided, however, that said court administrator shall
258 have significant leadership experience in the fields of management and finance and shall not be a
259 justice of the trial court. Said court administrator shall be paid a salary equal to that of the chief
260 justice of the trial court. The court administrator shall hold said office for a term of 5 years, shall
261 be eligible to be reappointed for additional 5 year terms, and shall devote his full time to the
262 duties of his office. The court administrator may be removed by a majority vote of the justices of
263 the supreme judicial court.

264 The chief justice of the trial court and the court administrator shall endeavor to resolve
265 between themselves all differences or disputes they may have regarding the management and
266 administration of the trial court. If, after due discussion and collaboration, they are unable to do
267 so, either may submit the issue to the chief justice of the supreme judicial court who, after
268 determining why the chief justice and the court administrator were unable to resolve the issue,
269 shall promptly decide it. The decision of the chief justice of the supreme judicial court shall be
270 final and binding.

271 Section 7. In the case of a vacancy in the office of chief justice of a department of the
272 trial court due to the absence of said chief justice or due to his inability to perform his duties, the
273 office of chief justice in such event shall be filled as provided in section 5. The temporary chief
274 justice so appointed may hold said office until the incumbent shall resume his duties and subject
275 to the chief justice of the trial court, but in no event longer than 6 months. A temporary chief
276 justice shall be eligible to serve a consecutive full term as chief justice.

277 In the case of a vacancy in the office of deputy court administrator of a department of the
278 trial court due to the absence of said deputy court administrator or due to his inability to perform
279 his duties, the office of deputy court administrator in such event shall be filled as provided in
280 section 5A. The temporary deputy court administrator so appointed may hold said office until the
281 incumbent shall resume his duties, but in no event longer than 6 months. A temporary deputy
282 court administrator shall be eligible to serve a consecutive full term as deputy court
283 administrator.

284 In the case of a vacancy in the office of chief justice of the trial court due to the absence
285 of said chief justice of the trial court or due to his inability to perform his duties, said office shall

286 be filled by the justices of the supreme judicial court until said chief justice of the trial court shall
287 resume his duties and subject to the justices of said court or until a new chief justice of the trial
288 court is qualified as hereinbefore provided, but in no event shall such office be so filled for a
289 period in excess of 6 months. The justice appointed as chief justice of the trial court under the
290 provisions of this section shall be eligible to serve a consecutive full term as chief justice of the
291 trial court. A chief justice of the trial court may be removed by a majority vote of the justices of
292 the supreme judicial court.

293 In the case of a vacancy in the office of court administrator due to the absence of said
294 court administrator or due to his inability to perform his duties, said office shall be filled by the
295 justices of the supreme judicial court until said court administrator shall resume his duties and
296 subject to the justices of said court or until a new court administrator is qualified as hereinbefore
297 provided, but in no event shall such office be so filled for a period in excess of 6 months. The
298 court administrator appointed under the provisions of this section shall be eligible to serve a
299 consecutive full term as court administrator of the trial court. A court administrator may be
300 removed by a majority vote of the justices of the supreme judicial court.

301 Section 8. There shall be an advisory committee on personnel standards. The membership
302 of the committee shall consist of the following persons: the chief justice of the trial court or his
303 designee; the chief justices of the trial court departments, or their designees; the court
304 administrator or his designee, who shall serve as chair of the committee; the deputy court
305 administrators of the trial court departments; the commissioner of probation; and a clerk of the
306 superior court, a clerk of the district court and a register of probate who shall appointed by the
307 chief justice of the trial court.

308 The committee shall advise the court administrator who shall establish and promulgate
309 standards for the appointment, performance, promotion, continuing education and removal of all
310 personnel within the trial court, except judges, clerks and registers of probate, and shall furnish
311 copies of such standards to all divisions or places for holding sessions within the department of
312 the trial court.

313 Any appointment that is governed by standards promulgated under the provisions of this
314 section shall forthwith be certified in writing for compliance with such standards to the court
315 administrator. The court administrator shall have the power to reject any such appointment
316 within 14 days after receipt of the certification of compliance by the appointing authority but
317 such power to reject any such appointment shall be limited to non-compliance with the standards
318 for appointment.

319 Any appointment made by a joint authority shall require a majority of such authority, as
320 provided by section 6 of chapter 4.

321 Subject to the terms of applicable collective bargaining agreements, any officer or
322 employee whose appointment is subject to the provisions of this section may be removed by the
323 appointing authority, in accordance with the standards promulgated by the committee. The
324 committee shall also advise the court administrator in the establishment of salaries and pay scales
325 of all court personnel unless otherwise provided by statute.

326 The members of said committee shall be allowed their necessary expenses including
327 clerical expenses incurred in the performance of their duties.

328 Section 9. The chief justice of the trial court, in addition to his judicial duties and subject
329 to the superintendence power of the supreme judicial court as provided in section 3 of chapter

330 211, shall have general superintendence of the judicial policy of the trial court, including,
331 without limitation, the improvement of the administration of such courts and the securing of their
332 proper and efficient administration.

333 The chief justice shall be the policy and judicial head of the trial court of the
334 commonwealth.

335 In order to achieve the ends stated in this section, the chief justice of the trial court shall
336 be responsible for planning, development, promulgation, and evaluation of trial court policies,
337 standards, and practices and shall have the authority necessary to carry out these responsibilities
338 including, but not limited to, the following:—

339 (i) the responsibility to provide planning and policy-making functions, including the
340 implementation of such planning and policy-making decisions;

341 (ii) the responsibility to monitor and to assist in the case processing and case flow
342 management capabilities of the trial court departments;

343 (iii) the power, upon request by the supreme judicial court, to review the record and make
344 recommendations in any appeals by justices against whom disciplinary actions have been taken
345 by any chief justice;

346 (iv) the responsibility to hear, for final determination, appeals by justices claiming to be
347 aggrieved by an order of a chief justice assigning or transferring said justice to a particular court
348 other than that to which he was appointed;

349 (v) the responsibility to hear, for final determination, appeals by first justices who have
350 been removed by chief justices;

351 (vi) the responsibility to establish, manage and implement a mandatory emergency
352 judicial response system for all judges, except when the chief justice of the trial court determines
353 that the participation by a particular judge would create a hardship for such judge;

354 (vii) the responsibility to provide recommendations regarding management of the judicial
355 recall process;

356 (viii) the responsibility to supervise the implementation of the continuing education
357 programs for judicial personnel;

358 (ix) the power to appoint such personnel as the chief justice of the trial court may deem
359 necessary for the office of the chief justice of the trial court; the power to discipline, supervise
360 and define the duties of such personnel, and the power to dismiss such personnel;

361 (x) the power, where there are pending in different departments of the trial court cases
362 involving the same party or the same issue, and where a request for consolidation is made to the
363 chief administrative justice to consolidate such cases for hearing by 1 justice, and to assign said
364 justice to sit as a justice of other departments and exercise the powers of justices of other
365 departments, in order to dispose of such cases with efficient use of judicial resources;

366 (xi) the power to assign a justice appointed to any department of the trial court to sit in
367 any other department of the court, for such period or periods of time as he deems will best
368 promote the speedy dispatch of judicial business, provided, however, that,

369 (a) prior to making such assignments, said chief justice of the trial court shall ascertain
370 the respective preferences of the justices of the trial court as to the department or departments, if
371 any, including the department to which he is appointed, to which each such justice desires to be

372 assigned and, in making such assignments to any department of said court shall, to the extent
373 consistent with the effective administration of justice, including the maintenance of the
374 respective specialized functions of the land, housing, probate and family, and juvenile court
375 departments, the administrative responsibilities of any justice, and the speedy dispatch of judicial
376 business in each of the several departments of the trial court, assign to any department on a basis
377 of first priority justices who have expressed as aforesaid their preferences for assignment thereto;

378 (b) a justice, if aggrieved for cause by an order of the chief justice of the trial court
379 assigning him to sit in a particular location or department of the court other than that to which he
380 was appointed may appeal the order of said chief justice of the trial court to the supreme judicial
381 court, which shall forthwith hear and determine the matter;

382 (c) a chief justice shall notify the chief justice of the trial court of, and may report to the
383 supreme judicial court, any order made by said chief justice of the trial court pursuant to this
384 paragraph which, in the opinion of such chief justice, impairs the orderly operation of his
385 department;

386 (xii) the responsibility to provide recommendations regarding management of the judicial
387 recall process;

388 (xiii) upon the joint request of the chief justices of 2 or more departments of the trial
389 court, authorize the transfer of cases from one department to another;

390 (xiv) establish procedures, subject to the rule-making power of the justices of the
391 supreme judicial court, and the approval of the chief justice of the trial court for the assignment
392 of matters coming before the trial court which do not warrant the use of a judge to other

393 appropriate personnel, including clerk-magistrates, mediators, and arbitrators, and authorize such
394 personnel to review, hear, and dispose of such matters, subject to appropriate judicial review;

395 (xv) the chief justice of the trial court shall be provided with offices that are proximate to
396 the supreme judicial court at the expense of the commonwealth but only after said chief justice of
397 the trial court has not found sufficient office space in any facility owned by the commonwealth
398 and proximate to the supreme judicial court;

399 (xvi) the chief justice of the trial court shall be authorized to visit any department or any
400 division or any place for holding court within such a department. The chief justice of the trial
401 court may from time to time call conferences of any or all of the chief justices of the
402 departments;

403 (xvii) notwithstanding the provisions of this section, the chief justice of the trial court, in
404 order to provide for the speedy administration of justice in the counties of Dukes and Nantucket,
405 shall designate, from time to time, justices sitting in the division of the district court department
406 for either of said counties as justices of the superior court department sitting in either of said
407 counties, with power to grant injunctive relief to the same extent as a justice appointed to the
408 superior court department;

409 (xviii) the chief justice of the trial court may delegate his responsibilities and powers
410 hereunder and as otherwise provided by law to a chief justice, justice, regional justice, first
411 justice, presiding justice, court officer, clerk, or any employee of his department, for such period
412 of time and with such limitations as he may impose, whenever in his opinion such delegation of
413 authority will expedite the judicial business of the trial court;

414 (xix) the authority to hear and resolve interdepartmental disputes or disagreements
415 regarding (1) transferring cases in order to facilitate the efficient administration of justice and (2)
416 making adjustments in the scheduling and location of court sessions in order to facilitate the
417 efficient administration of justice;

418 (xx) the responsibility to review and make recommendations regarding the expeditious
419 clearing of outstanding warrants throughout the courts of the commonwealth;

420 (xxi) notwithstanding any general or special law to the contrary, the authority to suspend
421 any particular session of the trial court; move sessions so that the availability of court personnel
422 is consistent with the needs of individual courts; transfer cases and matters from a court to any
423 other court, consolidate cases, and make such periodic adjustments in the scheduling and
424 locations of court sessions as are deemed necessary for the proper administration of justice; and

425

426 (xxii) the power to exercise any inherently judicial power not otherwise specified in this
427 section.

428 Section 9A. The court administrator, subject to the superintendence power of the supreme
429 judicial court as provided in section 3 of chapter 211 and in consultation with the chief justice of
430 the trial court, shall have general superintendence of the administration of the trial court,
431 including, without limitation, the improvement of the administration of such courts and the
432 securing of their proper and efficient administration.

433 The court administrator shall be the administrative head of the trial court of the
434 commonwealth. The court administrator, in consultation with the chief justice of the trial court,

435 shall periodically prepare and submit to the chief justice of the supreme judicial court an
436 estimate, in detail, for the ordinary maintenance of the entire trial court, and all revenue
437 therefrom, as provided in clause (5) of the first paragraph of section 3 of chapter 29. Said
438 estimate shall include judicial salaries and the salaries of all officers and employees within the
439 trial court and shall include estimates of all sums which the commonwealth is obligated to pay
440 under the provisions of chapter 29A.

441 In order to achieve the ends stated in this section, the court administrator shall be
442 responsible for the management of court personnel, facilities, administration, security, and court
443 business and shall have the authority necessary to carry out these responsibilities including, the
444 following:—

445 (i) the responsibility, upon the request of the supreme judicial court, to provide financial
446 management assistance to said court including review of the budget requests and information as
447 submitted by the department chiefs, to make recommendations thereon and otherwise to assist
448 the court in its budgetary preparations;

449 (ii) the responsibility to provide the departments of the trial court with technical
450 assistance concerning recordkeeping, auditing and computers, and with support services, such as
451 computerized legal research, stenographic, electronic and video recordation methods and
452 telephone-based interpretation services;

453 (iii) the responsibility consistent with section 8 of chapter 211B to provide personnel
454 management, including promulgation of job classifications, establishment of system wide
455 personnel policies and hiring practices and the authority to act as collective bargaining agent on
456 behalf of the trial court;

457 (iv) the authority to approve expenditures for all libraries maintained by the departments
458 of the trial court;

459 (v) the authority to coordinate the development and maintenance of, and technical
460 assistance for, information systems;

461 (vi) the responsibility to provide facilities management, including provision of
462 maintenance, equipment and security, the responsibility to coordinate with the division of capital
463 asset management and maintenance regarding construction, leasing, repair and designing of
464 facilities, and the responsibility to plan for reallocation of court jurisdictional lines; this provision
465 is to be construed in conjunction with section 6 of chapter 29A and section 17 of chapter 211B;

466 (vii) the authority to hear and resolve interdepartmental disputes or disagreements
467 between or among the deputy court administrators of the various departments of the trial court,
468 including but not limited to, disputes regarding transferring non-judicial personnel in order to
469 facilitate the efficient administration of justice;

470 (viii) the responsibility to provide administrative management to the office of the jury
471 commissioner;

472 (ix) the responsibility to supervise the implementation of the continuing education
473 programs for nonjudicial personnel;

474 (x) the responsibility to perform all other administrative, inherently non-judicial functions
475 or duties the court administrator deems necessary;

476 (xi) the power to appoint such personnel as the court administrator may deem necessary
477 for the office of court management; the power to discipline, supervise and define the duties of
478 such personnel, and the power to dismiss such personnel;

479 (xii) notwithstanding any general or special law to the contrary, when necessary to ensure
480 the proper administration of justice, transfer employees of the trial court to serve where needed;
481 impose discipline on such officers and employees, including dismissal and suspension with or
482 without pay; provided, however, that the court administrator may, upon reasonable notice,
483 temporarily transfer nonjudicial personnel among the various departments, divisions and places
484 for holding court, and in no event shall any such transfer be more than a reasonable distance
485 from the place where such personnel is employed unless the employee so transferred shall
486 consent thereto; provided, further, that such transfer of the employee shall not be for more than
487 90 days, but such transfer may be extended for 3 consecutive 90 day periods, provided that
488 notice is given to the house and senate committees on ways and means upon each extension,
489 including the employee's position, duties, and reason for the transfer, but such transfer shall not
490 exceed 360 consecutive days. The first justice of the court to where the employee is transferred
491 shall provide the first justice of the court to where the employee is permanently assigned with
492 appropriate personnel records and records of activities, including records necessary for the
493 payment of compensation; and provided, however, that this provision shall not apply to a clerk or
494 clerk-magistrate, whether elected or appointed by the governor, register of probate or recorder;

495 (xiii) (a) notwithstanding any general or special law to the contrary, the court
496 administrator may, for the period July 1 through April 30 of any fiscal year, transfer funds from
497 any item of appropriation of any trial court department to any other item of appropriation within
498 the same trial court department; provided, that said transfers shall be made in accordance with

499 schedules submitted to the house and senate committees on ways and means; provided further,
500 that no such transfer shall occur until said schedules have been approved by said committees;
501 provided further, that said schedules shall include the reasons for the necessity of such transfers
502 with reference to actual and projected expenditures throughout the trial court for the fiscal year.

503 (b) notwithstanding any general or special law to the contrary, the court administrator
504 may, for the period May 1 through June 30 of any fiscal year, transfer an amount not to exceed
505 65,000 dollars from any item of appropriation of any trial court department to any other item of
506 appropriation within the same trial court department; provided, that any funds transferred from
507 an (AA) subsidiary, as defined in the schedule of subsidiary accounts, established by the house
508 and senate committees on ways and means pursuant to section 27 of chapter 29 of the General
509 Laws, as amended, of any item of appropriation may only be transferred to the (AA) subsidiary
510 of any other item of appropriation within the same department of the trial court; provided further,
511 that in no case may funds be transferred into an (AA) subsidiary of any item of appropriation
512 other than from another (AA) subsidiary of any item of appropriation within the same
513 department of the trial court;

514 (xiv) the court administrator shall make a written report on the fiscal and organizational
515 state of the trial court at the conclusion of each fiscal year and shall deliver said report, together
516 with recommendations to the supreme judicial court by December 15 each year. The supreme
517 judicial court shall then make a written report on the state of the court system and the judiciary
518 for said past fiscal year and shall deliver the report together with recommendations to the
519 governor, the president of the senate, the speaker of the house of representatives, on or before
520 February 15 of each year. Said reports shall include, but not be limited to an account of all
521 transfers of appropriated funds among line items and a schedule of all personnel transferred

522 within the judicial system for the past fiscal year and contemplated for the current fiscal year.
523 Such reports shall be a matter of public record;

524 (xv) the court administrator shall be authorized to visit any department or any division or
525 any place for holding court within such a department. The court administrator may from time to
526 time call conferences of any or all of the deputy court administrators of the departments;

527 (xvi) the court administrator shall review all appointments and dismissals governed by
528 standards promulgated under the authority of section 8 for noncompliance with such standards
529 and shall rescind any such appointment or dismissal that does not comply with said standards;

530 (xvii) any dispute arising between a deputy court administrator of a department or a first
531 justice of a division, and a clerk of court, concerning the management and administration of the
532 clerk's office, the duties, powers and obligations of the clerk's staff, or the interpretation of the
533 personnel standards provided for under section 8, shall be submitted to the court administrator in
534 writing by the clerk, clerk-magistrate, deputy court administrator, or first justice. The court
535 administrator shall, within 30 days of receipt of the written notification of such dispute conduct a
536 hearing in order to determine the matter. The decision of the court administrator shall be binding
537 on the parties;

538 (xviii) the court administrator shall establish uniform guidelines and policies to further
539 minority employment within the judicial system;

540 (xix) the responsibility to administer, subject to appropriation, a reserve fund for the
541 purpose of providing secretarial and administrative support staff and services to the justices of
542 the superior court department of the trial court;

543 (xx) with the approval of the chief justice of the trial court and notwithstanding any
544 general or special law to the contrary, the authority to establish the hours during which the courts
545 of the commonwealth shall be open, including Saturday and evening sessions, and to further
546 establish flexible work schedules, provided, however, that no employee shall be required to work
547 more hours during a week than is provided by the relevant collective bargaining agreement;

548 (xxi) the court administrator may delegate his responsibilities and powers hereunder and
549 as otherwise provided by law to a deputy court administrator, court officer, clerk, or any
550 employee of his department, for such period of time and with such limitations as he may impose,
551 whenever in his opinion such delegation of authority will expedite the judicial business of the
552 trial court; and

553 Section 10. Subject to the superintendence authority of the supreme judicial court as
554 provided in section 3 of chapter 211, the chief justice and the deputy court administrator shall be
555 responsible for the operation of their department, its clerks, other officers and employees subject
556 to section 99 of chapter 276 and the appropriate collective bargaining agreement. To achieve
557 sound operation of their department, they shall have the following power, authority and
558 responsibility, and shall allocate between themselves primary responsibility for each in a manner
559 on which they agree and that is approved by the chief justice of the trial court and the court
560 administrator; provided, however, that any power specifically assigned to the chief justice in the
561 subsections that follow shall be performed by the chief justice alone:

562 (i) the power to appoint, discipline, evaluate, transfer and define the duties of all non-
563 judicial personnel within their department including special masters, court reporters, law clerks,
564 temporary clerks and other support personnel consistent with the provisions of section 8 and

565 10A; provided, however, that they shall not have the power to appoint non-judicial personnel
566 serving in the office of a clerk, recorder or register, but shall have the authority to discipline said
567 clerks, recorders and registers and all other personnel in the offices of said clerks, recorders or
568 registers, upon the raising of any dispute between a first justice and a clerk, recorder or register.
569 Any person aggrieved by any decision of a chief justice or deputy court administrator under this
570 paragraph may appeal such decision to the chief justice of the trial court; provided, further, that
571 no person holding a commission as a clerk of court, whether elected or appointed, a register of
572 probate or a recorder shall be assigned under the provisions of this paragraph outside the
573 department, division or court to which he is elected or appointed without his consent. Any clerk
574 aggrieved by any transfer or assignment of himself or personnel of his office under this
575 paragraph shall appeal to the court administrator who shall forthwith hear and determine the
576 matter;

577 (ii) the chief justice shall have the power to assign or to transfer justices appointed to his
578 department of the trial court to any particular court within that department for such period or
579 periods of time as the chief justice deems necessary; the chief justice shall also have the power to
580 appoint regional justices and to define their duties. Any justice aggrieved by an order of the chief
581 justice assigning or transferring him to a particular court other than that to which he was
582 appointed, may appeal the assignment or transfer to the chief justice of the trial court who shall
583 forthwith determine the matter;

584 (iii) the authority, prior to making assignments or transfers referred to in paragraph (ii) of
585 this section, to ascertain, if they so desire, the respective preferences of the justices as to which
586 court or courts, if any, they wish to be assigned or transferred.

587 (iv) the power to suspend any particular session in any court within their department; the
588 power to move sessions so that the availability of court personnel is consistent with the needs of
589 individual courts; and to make such periodic adjustments in the scheduling and locations of court
590 sessions as are deemed necessary for the proper administration of justice;

591 (v) the chief justice shall have the power to transfer cases and matters from a court to any
592 other court within his department, to consolidate cases,

593 (vii) notwithstanding any general or special law to the contrary, when necessary to ensure
594 the proper administration of justice, transfer employees of their department to serve where
595 needed; impose discipline on such officers and employees, including dismissal and suspension
596 with or without pay; provided, however, that they may, upon reasonable notice, temporarily
597 transfer nonjudicial personnel within their department, divisions and places for holding court,
598 and in no event shall any such transfer be more than a reasonable distance from the place where
599 such personnel is employed unless the employee so transferred shall consent thereto; provided,
600 further, that such transfer of the employee shall not be for more than 90 days, but such transfer
601 may be extended for 3 consecutive 90 day periods, provided that notice is given to the house and
602 senate committees on ways and means upon each extension, including the employee's position,
603 duties, and reason for the transfer, but such transfer shall not exceed 360 consecutive days. The
604 first justice of the court to where the employee is transferred shall provide the first justice of the
605 court to where the employee is permanently assigned with appropriate personnel records and
606 records of activities, including records necessary for the payment of compensation; and provided,
607 however, that this provision shall not apply to a clerk or clerk-magistrate, whether elected or
608 appointed by the governor, register of probate or recorder;

609 (vii) the authority to visit any court within their department.

610 (viii) the authority to call conferences of any or all of the justices within their department;

611 (ix) the responsibility to compile a comprehensive written report of the operation of their
612 department of the trial court at the conclusion of each fiscal year, and shall deliver said report
613 together with recommendations to the chief justice of the trial court and the court administrator
614 on or before October 15 of the ensuing fiscal year. They shall make such additional reports as
615 may from time to time be required by the chief justice of the trial court or the court
616 administrator;

617 (x) the responsibility to perform such further administrative duties as may from time to
618 time be assigned by the chief justice of the trial court or the court administrator;

619 (xi) the responsibility, annually, to prepare and submit to the court administrator a budget
620 estimate, in detail, for the ordinary maintenance of their department of the trial court, and all
621 revenue therefrom, as provided in clause (5) of the first paragraph of section 3 of chapter 29.
622 Said budget estimate shall include judicial salaries and the salaries of employees within said
623 department and shall include estimates of all sums which the commonwealth is obligated to pay
624 under the provisions of chapter 29A;

625 (xii) the authority, upon receipt of an appropriated sum, to administer that appropriation;

626 (xiii) the responsibility for the administrative management of the personnel, staff services
627 and business of their departments, including financial administration and budget preparation,
628 record-keeping, information systems and statistical controls, purchasing, planning, construction,
629 case flow management, assignments of sittings of the justices of their respective departments,

630 including justices not appointed thereto but assigned, for the time being therein. They may
631 delegate their responsibilities and powers hereunder and as otherwise provided by law to a
632 justice, regional justice, first justice, court officer, clerk, or any employee of their department, for
633 such period of time and with such limitations as he may impose, whenever in their opinion such
634 delegation of authority will expedite the judicial business of the department; provided, however,
635 that in the exercise or delegation of their powers, they shall in all cases act in a manner consistent
636 with the policies and procedures established by the court administrator and the chief justice of
637 the trial court;

638 (xiv) the power to set the days and hours during which courts within their department
639 shall be open for business;

640 (xv) the chief justice shall have the responsibility to sit and perform judicial duties,
641 within his department, during the course of the calendar year;

642 (xvi) the chief justice shall have the power to discipline any justice assigned or appointed
643 to his department who refuses or fails to comply with any order concerning the performance of
644 his duties as justice or any other lawful order of the chief justice or deputy court administrator of
645 his department; provided, the chief justice shall also have the power to require any justice
646 assigned or appointed to his department to participate in a judicial enhancement program in
647 response to any action of such justice which brings the judiciary into disrepute, which lowers the
648 public confidence in the judiciary or which impedes the administration of justice. A justice who
649 is disciplined by the chief justice may appeal the imposition of discipline to the chief justice of
650 the trial court. Any justice aggrieved by decision of the chief justice of the trial court may appeal
651 said decision to the supreme judicial court. Consistent with the provisions of chapter 211C, all

652 proceedings, documents, and other matters relating to such discipline shall at all times be
653 confidential and not open to the public unless the justice appealing the disciplinary action agrees
654 that the same shall not be confidential, or unless the supreme judicial court determines that it is
655 in the public interest for any such proceeding, document, or other matter relating to such
656 discipline to be made public. All disciplinary action imposed by a chief justice, whether
657 consensual or not, shall be reported to the supreme judicial court by the chief justice; and

658 (xvii) the power, notwithstanding any law to the contrary, to transfer cases between
659 courts consistent with the efficient distribution of caseload and workload within said department;

660 The chief justice and deputy court administrator shall likewise allocate between
661 themselves in a manner on which they agree and subject to the approval of the chief justice of the
662 trial court and the court administrator, the powers assigned to the chief justice pursuant to section
663 6 of chapter 29A; section 4 of chapter 185C; section 5 of chapter 185C; section 9 of chapter
664 185C; section 10 of said chapter 185C; section 11 of chapter 185C; section 14 of chapter 185C;
665 section 16 of chapter 185C; section 13 of said chapter 211B; section 19 of chapter 212; section
666 23 of chapter 217; section 23A of said chapter 217; section 23C of chapter 217; section 28 of
667 chapter 217; section 29 of chapter 217; section 29A of chapter 217; section 29B of chapter
668 217; section 29C of chapter 217; , section 29D of chapter 217; section 29E of chapter 217;
669 section 29F of chapter 217; section 29G of chapter 217; section 29H of chapter 217; section 29I
670 of chapter 217; section 29J of chapter 217; section 29K of chapter 217; section 29L of chapter
671 217; section 42 of chapter 217; section 9 of chapter 218; section 15 of chapter 218; section 19D
672 of chapter 218; section 43E of chapter 218; said section 58 of chapter 218; section 67 of chapter
673 218; section 70 of chapter 218; section 6 of chapter 220; section 62B of chapter 221; section 91

674 of chapter 221; section 99 of chapter 221; section 1B of chapter 279 or any other general or
675 special law that are not inherently judicial in nature.

676 The chief justice and deputy court administrator shall be provided with suitable offices.

677 Section 10A. A first justice, in addition to his judicial powers and duties as a justice of
678 the trial court and in addition to his general powers of superintendence as first justice of a
679 particular court within the trial court, shall, subject to the superintendence authority of the
680 supreme judicial court as provided in section 3 of chapter 211 and the authority of the chief
681 justice and deputy court administrator of the first justice's department of the trial court as
682 provided in section 10, be the administrative head of his court; provided, however, that clerks,
683 recorders and registers shall have responsibility for the internal administration of their respective
684 offices, including the selection, appointment, and management of personnel, staff services and
685 record keeping. A first justice or a clerk, recorder or register of the court may submit any dispute
686 that arises between said first justice and said clerk, recorder or register, concerning the
687 management and administration of the office of the clerk, recorder, or register, the duties, powers
688 and obligations of the clerk, recorder, or register, or a member of their staff, or the interpretation
689 of the personnel standards provided for under section 8 of chapter 211B, to the deputy court
690 administrator of the department. Any person aggrieved by a decision of a deputy court
691 administrator under this paragraph may appeal said decision to the court administrator, who
692 shall, within thirty days, hear and determine the matter. A first justice shall also have the
693 following power, authority and responsibility within his court:

694 (i) the power, subject to the approval of the deputy court administrator of his department,
695 to appoint, dismiss, discipline, supervise, assign, evaluate, transfer and define the duties of all

696 non-judicial personnel within his court, including special masters, court reporters, law clerks and
697 other support personnel; except personnel in the office of the clerk, recorder or register; provided
698 any such non-judicial personnel aggrieved by any action under this paragraph may appeal to the
699 deputy court administrator of the department who shall forthwith hear and determine the matter.
700 Any person aggrieved by a decision of a deputy court administrator under this paragraph may
701 appeal said decision to the court administrator, who shall, within 30 days, hear and determine the
702 matter.

703 (ii) the power, subject to the approval of the chief justice of his department, to supervise
704 and assign duties to all justices appointed to or assigned to his court; and to authorize such
705 justices to delegate the calling of the list to the clerk of the court where appropriate to the
706 administration of justice.

707 (iii) the responsibility to bring to the attention of the deputy court administrator of his
708 department all disputes concerning all clerks, recorders and registers, or their personnel,
709 appointed to or assigned to his court; provided any person aggrieved by any action under this
710 paragraph, may appeal to the deputy court administrator of the department who shall forthwith
711 hear and determine the matter. Any person aggrieved by a decision of a deputy court
712 administrator under this paragraph may appeal said decision to the court administrator, who
713 shall, within 30 days, hear and determine the matter; and

714 (iv) the first justice shall periodically prepare and submit to the deputy court
715 administrator of his department an estimate, in detail, for the ordinary maintenance of the
716 division or place for holding court, and all revenues therefrom as provided in clause (5) of the
717 first paragraph of section 3 of chapter 29. Said estimate shall include estimates of all sums which

718 the commonwealth is obligated to pay under the provisions of chapter 29A, together with any
719 information which the deputy court administrator may require. In turn, the deputy court
720 administrator shall periodically prepare and submit to the court administrator an estimate, in
721 detail, for the ordinary maintenance of the first paragraph of section 3 of chapter 29. Said
722 estimate shall include salaries of all officers and employees within the office and shall include
723 estimates of all sums which the commonwealth is obligated to pay under the provisions of
724 chapter 29A, together with any other information which the court administrator may require.

725 SECTION 54. Section 10B of said chapter 211B, as so appearing, is hereby amended by
726 striking out, in lines 7, 8, 17, 24, 31, 33, 36, 37, 38, 39, 42, 43, 44, 50, 53, and 54, the words
727 "chief justice for administration and management" and inserting in place thereof the following
728 words:- court administrator.

729 SECTION 55. Section 10C of said chapter 211B, as so appearing, is hereby amended by
730 striking out, in lines 2 and 3, the words "for administration and management, the chief justices"
731 and inserting in place thereof the following words:- of the trial court, court administrator, and the
732 chief justices.

733 SECTION 56. Chapter 211B of the General Laws is hereby further amended by inserting
734 after Section 10C, as so appearing, the following section:-

735 Section 10D. (a) Each applicant for initial appointment as a court officer within the trial
736 court shall pass a written examination established and administered by the court administrator,
737 after consultation with the personnel administrator, who shall determine their form, method, and
738 subject matter. Each such examination shall fairly test the knowledge, skills, and abilities which
739 can be fairly and reliably measured and which are actually required to perform the primary or

740 dominant duties of the position of court officer. Applicants shall score at least 80 per cent on
741 such examination to be eligible for further consideration.

742

743 (b) The name of each applicant for initial appointment as a court officer within the trial
744 court successfully completing the exam pursuant to subsection (a) shall be forwarded to the court
745 administrator, or his designee, who shall objectively screen the applicant to determine whether
746 the applicant meets the minimum criteria for appointment as a court officer.

747 (c) Those applicants successfully passing the examination pursuant to subsection (a) and
748 deemed by the court administrator to have met the minimum criteria for appointment pursuant to
749 subsection (b) shall be subject to an investigative and interview process which shall include,
750 without limitation: (i) an investigation into the applicant's work history and personal interests to
751 ensure that he or she is well suited for the culture of the organization and will further the
752 organization's stated goals; (ii) behavioral based interviews; and (iii) candidate assessments,
753 including case study, presentation and writing assessments; provided, however, that said
754 candidate assessments shall focus on the specific requirements of the position.

755 (d) Those applicants successfully passing the examination pursuant to subsection (a),
756 deemed by the court administrator to have met the minimum criteria for appointment pursuant to
757 subsection (b), and successfully completing the interview and investigative process pursuant to
758 subsection (c) shall be eligible for appointment by the court administrator. The court
759 administrator may, notwithstanding any general or special law to the contrary, appoint court
760 officers to the several sessions of the trial court as he deems necessary in consultation with the
761 chief justice of the trial court.

762 (e) Any court officer seeking promotion within the trial court shall pass a written
763 examination established and administered by the court administrator, after consultation with the
764 personnel administrator, who shall determine their form, method, and subject matter. Each such
765 examination shall fairly test the knowledge, skills, and abilities which can be fairly and reliably
766 measured and which are actually required to perform the primary or dominant duties for the
767 position being applied. Applicants shall score at least 80 per cent on such examination to be
768 eligible for further consideration.

769 (f) The name of each applicant for promotion successfully completing the exam pursuant
770 to subsection (e) shall be forwarded to the court administrator, or his designee, who shall
771 objectively screen the applicant to determine whether the applicant meets the minimum criteria
772 for promotion.

773 (g) Those applicants successfully passing the examination pursuant to subsection (e) and
774 deemed by the court administer to have met the minimum criteria for promotion pursuant to
775 subsection (f) shall be subject to an investigative and interview process which shall include,
776 without limitation: (i) an investigation into the applicant's work history and personal interests to
777 ensure that he or she is well suited for the culture of the organization and will further the
778 organization's stated goals; (ii) behavioral based interviews; and (iii) candidate assessments,
779 including case study, presentation and writing assessments; provided, however, that said
780 candidate assessments shall focus on the specific requirements of the position.

781 (h) Those applicants successfully passing the examination pursuant to subsection (e),
782 deemed by the court administrator to have met the minimum criteria for appointment pursuant to

783 subsection (f), and successfully completing the interview and investigative process pursuant to
784 subsection (g) shall be eligible for promotion by the court administrator.

785 (i) All court officers of the trial court shall devote their full time and attention to the
786 duties of their office during regular business hours.

787 SECTION 57. Said chapter 211B is hereby further amended by striking out section 12
788 and inserting in place thereof the following section:-

789 Section 12. There may be an office of court management within the trial court, under the
790 executive control of a court administrator, to support judicial functions, performance and
791 management of the trial court. Said court administrator shall be appointed by a majority vote of
792 the justices of the supreme judicial court; provided, however, that said court administrator shall
793 have significant leadership experience in the fields of management and finance and shall not be a
794 justice of the trial court. Said court administrator shall be paid a salary equal to that of the chief
795 justice of the trial court. The court administrator shall hold said office for a term of 5 years, shall
796 be eligible to be reappointed for additional 5 year terms, and shall devote his full time to the
797 duties of his office. The court administrator shall perform such duties and responsibilities as
798 may be prescribed by law and as the chief justice of the supreme judicial court may from time to
799 time designate. The court administrator may be removed by a majority vote of the justices of the
800 supreme judicial court.

801 The chief justice for administration and management and the court administrator shall
802 endeavor to resolve between themselves all differences or disputes they may have regarding the
803 management and administration of the trial court. If, after due discussion and collaboration, they
804 are unable to do so, either may submit the issue to the chief justice of the supreme judicial court

805 who, after determining why the chief justice and the court administrator were unable to resolve
806 the issue, shall promptly decide it. The decision of the chief justice of the supreme judicial court
807 shall be final and binding.

808 SECTION 58. Chapter 211B is hereby further amended by striking out section 12, as so
809 appearing, and inserting in place thereof the following section:-

810 The court administrator may appoint such other personnel as are necessary for the
811 administration of the trial court. Said personnel shall receive salaries to be fixed by the court
812 administrator and subject to appropriation.

813 SECTION 59. Section 13 of said chapter 211B, as so appearing, is hereby amended by
814 striking out, in lines 16, 23, and 29, the words "chief administrative justice" and inserting in
815 place thereof the following words:- court administrator.

816 SECTION 60. Section 19 of said chapter 211B, as so appearing, is hereby further
817 amended by striking out, in lines 1, 11 and 25, the words "for administration and management"
818 and inserting in place thereof the following words:- of the trial court.

819 SECTION 61. Section 20 said chapter 211B, as so appearing, is hereby further amended
820 by striking out, in lines 2 and 14 through 15, inclusive, the words "for administration and
821 management" and inserting in place thereof the following words:- of the trial court.

822 SECTION 62. Section 1 of chapter 211C of the General Laws, as so appearing, is hereby
823 amended by striking out, in lines 5 and 6, the word "administrative".

824 SECTION 63. Section 6 of said chapter 211C of the General Laws, as so appearing, is
825 hereby amended by striking out, in line 33, the word "administrative".

826 SECTION 64. Section 1 of chapter 211E of the General Laws, as so appearing, is hereby
827 amended by striking out, in line 8, the words “for administration and management” and inserting
828 in place thereof the following words:- of the trial court.

829 SECTION 65. Section 3 of said chapter 211E, as so appearing, is hereby amended by
830 striking out, in line 154, the words “for administration and management” and inserting in place
831 thereof the following words:- of the trial court.

832 SECTION 66. Section 1 of chapter 212 of the General Laws, as so appearing, is hereby
833 amended by striking out the first paragraph and inserting in place thereof the following
834 paragraph:-

835 The superior court department of the trial court of the commonwealth, established
836 pursuant to section 1 of chapter 211B, shall consist of 82 justices appointed to the department.
837 The justice as provided under section one of chapter 211B as the chief justice for the superior
838 court department, in addition to his judicial powers and duties, shall, subject to the
839 superintendence authority of the supreme judicial court as provided in section 3 of chapter 211,
840 have the power authority and responsibility of a chief justice as set forth in section 10 of chapter
841 211B.

842 SECTION 67. Chapter 212 of the General Laws is hereby further amended by inserting
843 after section 1, as so appearing, the following section:-

844 Section 1A. The deputy court administrator as provided under section 1 of chapter 211B
845 shall, subject to the superintendence authority of the supreme judicial court as provided in
846 section 3 of chapter 211, have the power authority and responsibility of a deputy court
847 administrator as set forth in section 10 of chapter 211B.

848 SECTION 68. Section 14A of said chapter 212, as so appearing, is hereby amended by
849 striking out, in lines 39 and 49, the words “for administration and management” and inserting in
850 place thereof the following words:- of the trial court.

851 SECTION 69. Section 20A of said chapter 212, as so appearing, is hereby amended by
852 inserting, in line 10, after the words “chief justice of the superior court department” the
853 following words:- in consultation with the court administrator.

854 SECTION 70. Said section 20A of said chapter 212, as so appearing, is hereby further
855 amended by striking out, in line 15, the words “chief administrative justice” and inserting in
856 place thereof the following words:- court administrator.

857 SECTION 71. Section 54 of chapter 215 of the General Laws, as so appearing, is hereby
858 amended by striking out, in lines 1 and 2, the words “chief justice for administration and
859 management” and inserting in place thereof the following words:- court administrator.

860 SECTION 72. Section 62 of said chapter 215, as so appearing, is hereby amended by
861 striking out, in line 4, the words “for administration and management”.

862 SECTION 73. Section 2 of chapter 217, as so appearing, is hereby amended by striking
863 out, in lines 22, 31, and 32, the words “for administration and management” and inserting in
864 place thereof the following words:- of the trial court.

865 SECTION 74. Said section 2 of said chapter 217, as so appearing, is hereby further
866 amended by striking out the second sentence of the second paragraph and inserting in place
867 thereof the following sentence:-

868 Any first justice may be removed from his position as first justice by the chief justice of
869 the probate and family court department.

870 SECTION 75. Said chapter 217 is hereby amended by striking out section 8, as so
871 appearing, and inserting in place thereof the following 2 sections:-

872 Section 8. The justice provided for under the provisions of section 1 of chapter 211B as
873 the chief justice for the probate and family court department, in addition to his judicial powers
874 and duties, shall, subject to the superintendence authority of the supreme judicial court as
875 provided in section 3 of chapter 211, have the power, authority and responsibility of a chief
876 justice as set forth in section 10 of chapter 211B.

877 The chief justice may establish forms for the annual reports of the work of the registers of
878 the several courts; and said registers shall annually on or before October 1 prepare and file with
879 the chief justice reports of the work of said courts during the preceding court year, and said
880 reports shall also be filed with the chief justice of the trial court. Said chief justice of the probate
881 and family court shall also have the powers and duties described in section 10 of chapter 211B
882 and section 42 of this chapter; except that none of the powers herein described or referred to
883 shall be construed as authorizing said chief justice to alter or affect the provisions of sections 58,
884 59, 60 or 62 of chapter 215.

885 Section 8½. The deputy court administrator provided for under the provisions of section 1
886 of chapter 211B as the deputy court administrator for the probate and family court department
887 shall, subject to the superintendence authority of the supreme judicial court as provided in
888 section 3 of chapter 211, have the power, authority and responsibility of a deputy court
889 administrator as set forth in section 10 of chapter 211B.

890 SECTION 76. Said chapter 217 of the General Lawsis hereby further amended by
891 striking out section 8A, as so appearing, and inserting in place thereof the following new
892 section:-

893 Section 8A. The chief justice and deputy court administrator shall be provided with
894 suitable offices.

895 SECTION 77. Section 17 of chapter 211B of the General Laws, as so appearing, is
896 hereby amended by striking out, in lines 1, 5 through 6, inclusive, 13 through 14, inclusive, 18
897 through 19, inclusive, 21 through 22, inclusive, 23 through 24, inclusive, 30, 34, and 44 the
898 words "for administration and management" and inserting in place thereof the following words:-
899 of the trial court.

900 SECTION 78. Section 1 of chapter 211F of the General Laws, as so appearing, is hereby
901 amended by striking out the definition of "chief justice".

902 SECTION 79. Said section 1 of said chapter 211F, as so appearing, is hereby further
903 amended by inserting after the definition of "Community corrections plan" the following
904 definition:-

905 "Court administrator", the court administrator of the trial court.

906 SECTION 80. Section 6 of said chapter 211F, as so appearing, is hereby amended by
907 striking out, in lines 5, 6, and 14, the words "for administration and management".

908 SECTION 81. Section 23B of said chapter 217, as so appearing, is hereby amended by
909 striking out, in lines 4 and 5, the words "chief justice for administration and management" and
910 inserting in place thereof the following words:- court administrator.

911 SECTION 82. Section 6 of said chapter 218, as so appearing, is hereby amended by
912 striking out the third through sixth paragraphs, inclusive, and inserting in place thereof the
913 following 4 paragraphs:-

914 The chief justice of the district court department shall have the power to appoint the first
915 justice of each of the various courts within the district court department, subject to the approval
916 of the chief justice of the trial court, and to define his duties; provided, however, that appropriate
917 consideration shall be given to seniority, length of service at that particular division, and
918 managerial ability. Each first justice so appointed shall serve as the first justice of that court for a
919 5 year term and shall be eligible to be reappointed for additional 5 year terms at that particular
920 court. Any first justice may be removed from his position as first justice by the chief justice of
921 the district court department.

922 Citations, orders of notice, writs, executions and all other processes issued by the clerk of
923 the court shall bear the test of the first justice thereof or the chief justice of the department.

924 SECTION 83. Section 8 of said chapter 218, as so appearing, is hereby amended by
925 striking out, in lines 18, 19, 22, and 23, the words “chief justice for administration and
926 management” and inserting in place thereof the following words:- court administrator.

927 SECTION 84. Section 10 of said chapter 218, as so appearing, is hereby amended by
928 striking out, in lines 2, 107, 108, 111, 116, 117, 138, and 139, the words “chief justice for
929 administration and management” and inserting in place thereof the following words:- court
930 administrator.

931 SECTION 85. Section 11 of said chapter 218, as so appearing, is hereby amended by
932 striking out, in lines 3 and 4, the words “chief justice for administration and management” and
933 inserting in place thereof the following words:- court administrator.

934 SECTION 86. Said section 19B of said chapter 218, as so appearing, is hereby amended
935 by striking out, in lines 23, 24, and 27, the words “for administration and management” and
936 inserting in place thereof the following words:- of the trial court.

937 SECTION 87. Said chapter 218 is hereby amended by striking out section 42A, as so
938 appearing, and inserting in place thereof the following 2 sections:-

939 Section 42A. The justice, as provided under section one of chapter 211B, as the chief
940 justice for the district court department, in addition to his judicial powers and duties, shall,
941 subject to the superintendence authority of the supreme judicial court as provided in section 3 of
942 chapter 211, have the power, authority and responsibility of a chief justice as set forth in section
943 10 of chapter 211B.

944 In addition to the powers conferred in section 10 of said chapter 211B, said chief justice
945 shall have the powers and duties prescribed in sections 43 to 43B, inclusive, of this chapter and
946 in such other provision of statute.

947 Section 42B. The deputy court administrator for the district court department, as provided
948 under section 1 of chapter 211B shall, subject to the superintendence authority of the supreme
949 judicial court as provided in section 3 of chapter 211, have the power, authority and
950 responsibility of a deputy court administrator as set forth in section 10 of chapter 211B.

951 SECTION 88. Section 50 of said chapter 218, as so appearing, is hereby amended by
952 striking out, in lines 12 and 13, the words “for administration and management” and inserting in
953 place thereof the following words:- of the trial court.

954 SECTION 89. Said chapter 218 is hereby further amended by striking out section 51A, as
955 so appearing, and inserting in place thereof the following section:-

956 Section 51A. The justice provided for under section 1 of chapter 211B as the chief justice
957 of the Boston municipal court department, in addition to his judicial powers and duties, shall,
958 subject to the superintendence authority of the supreme judicial court as provided in section 3 of
959 chapter 211, have the powers and responsibilities of a chief justice as set forth in section 10 of
960 chapter 211B.

961 The deputy court administrator of the Boston municipal court department as provided for
962 under section 1 of chapter 211B shall, subject to the superintendence authority of the supreme
963 judicial court as provided in section 3 of chapter 211, have the powers and responsibilities of a
964 deputy court administrator as set forth in section 10 of chapter 211B; provided, however, that the
965 clerk shall have responsibility for the internal administration of his office, including the
966 selection, appointment, and management of personnel, staff services and record keeping.

967 The chief justice of the Boston municipal court department shall have the power to
968 appoint the first justice of each of the various divisions within the Boston municipal court
969 department, subject to the approval of the chief justice of the trial court, and to define his duties;
970 provided, however, that appropriate consideration shall be given to seniority, length of service at
971 that particular division, and managerial ability. Each first justice so appointed shall serve as the
972 first justice of that court for a 5 year term and shall be eligible to be reappointed for additional 5

973 year terms at that particular court. Any first justice may be removed from his position as first
974 justice by the chief justice of the Boston municipal court department.

975 SECTION 90. Section 53 of said chapter 218, as so appearing, is hereby amended by
976 striking out, in lines 5, 6, 27, 30, and 31, the words “chief justice for administration and
977 management” and inserting in place thereof the following words:- court administrator.

978 SECTION 91. Said chapter 218 is hereby further amended by striking out section 57A, as
979 so appearing, and inserting in place thereof the following 2 sections:-

980 The justice provided for under section one of chapter 211B as the chief justice for the
981 juvenile court department, in addition to his judicial powers and duties, shall, subject to the
982 superintendence authority of the supreme judicial court as provided in section 3 of chapter 211,
983 have the powers and responsibilities set forth in section 10 of chapter 211B; provided, however,
984 that the clerk of such court shall have responsibility for the internal administration of his office,
985 including personnel, staff services and record keeping.

986 Said chief justice may require uniform practices, may prescribe forms of blanks and
987 records.

988 Said chief justice shall also prescribe official forms to be used in all courts of the juvenile
989 court department and in juvenile sessions of the district court department.

990 Section 57B. The deputy court administrator for the juvenile court department as
991 provided for under section 1 of chapter 211B shall, subject to the superintendence authority of
992 the supreme judicial court as provided in section 3 of chapter 211, have the powers and
993 responsibilities set forth in section 10 of chapter 211B; provided, however, that the clerk of such

994 court shall have responsibility for the internal administration of his office, including personnel,
995 staff services and record keeping.

996 SECTION 92. Section 58 of said chapter 218, as so appearing, is hereby amended by
997 striking out the sixth sentence of the first paragraph and inserting in place thereof the following
998 sentence:-

999 Any first justice may be removed from his position as first justice by the chief justice of
1000 the juvenile court department.

1001 SECTION 93. Said section 58 of said chapter 218, as so appearing, is hereby further
1002 amended by striking out, in line 36, the words "for administration and management" and
1003 inserting in place thereof the following words:- of the trial court.

1004 SECTION 94. Said section 58 of said chapter 218, as so appearing, is hereby further
1005 amended by striking out, in lines 51, 59, 86, 87, 113, 114, 117, 118, 120, the words "chief justice
1006 for administration and management" and inserting in place thereof the words:- court
1007 administrator.

1008 SECTION 95. Section 67 of said chapter 218, as so appearing, is hereby amended by
1009 striking out, in lines 5 and 6, the words "chief justice for administration and management" and
1010 inserting in place thereof the following words:- court administrator.

1011 SECTION 96. Section 79 of said chapter 218, as so appearing, is hereby amended by
1012 striking out, in lines 16, 17, 20, and 21, the words "chief justice for administration and
1013 management" and inserting in place thereof the following words:- court administrator.

1014 SECTION 97. Section 80 of said chapter 218, as so appearing, is hereby amended by
1015 striking out, in lines 21, 22, and 25, the words “chief justice for administration and management”
1016 and inserting in place thereof the following words:- court administrator.

1017 SECTION 98. Section 5 of chapter 221 of the General Laws, as so appearing, is hereby
1018 amended by striking out, in line 3, the words “chief justice for administration and management”
1019 and inserting in place thereof the following words:- court administrator.

1020 SECTION 99. Section 16A of said chapter 221, as so appearing, is hereby amended by
1021 striking out, in lines 2 and 3, the words “chief justice for administration and management” and
1022 inserting in place thereof the following words:- chief justice of the trial court.

1023 SECTION 100. Section 69 of said chapter 221, as so appearing, is hereby amended by
1024 striking out, in lines 4, 5, 9, and 10, the words “chief justice for administration and management”
1025 and inserting in place thereof the following words:- court administrator.

1026 SECTION 101. Section 69A of said chapter 221, as so appearing, is hereby amended by
1027 striking out, in line 17, the words “chief justice for administration and management” and
1028 inserting in place thereof the following words:- court administrator.

1029 SECTION 102. Section 70 of said chapter 221, as so appearing, is hereby amended by
1030 striking out, in lines 1, 2, and 6, the words “chief justice for administration and management”
1031 and inserting in place thereof the following words:- court administrator.

1032 SECTION 103. Section 70A of said chapter 221, as so appearing, is hereby amended by
1033 striking out, in lines 4 and 5, the words “chief justice for administration and management” and
1034 inserting in place thereof the following words:- court administrator.

1035 SECTION 104. Section 71 of said chapter 221, as so appearing, is hereby amended by
1036 striking out, in lines 1, 4, 5, and 7, the words “chief justice for administration and management”
1037 and inserting in place thereof the following words:- court administrator.

1038 SECTION 105. Section 71A of said chapter 221, as so appearing, is hereby amended by
1039 striking out, in lines 1, 5, and 6, the words “chief administrative justice” and inserting in place
1040 thereof the following words:- court administrator.

1041 SECTION 106. Section 72 of said chapter 221, as so appearing, is hereby amended by
1042 striking out, in line 5, the words “chief administrative justice” and inserting in place thereof the
1043 following words:- court administrator.

1044 SECTION 107. Section 80 of said chapter 221, as so appearing, is hereby amended by
1045 striking out, in line 5, the words “chief justice for administration and management” and inserting
1046 in place thereof the following words:- court administrator.

1047 SECTION 108. Section 102 of said chapter 221, as so appearing, is hereby amended by
1048 striking out, in line 5, the words “chief administrative justice” and inserting in place thereof the
1049 following words:- court administrator.

1050 SECTION 109. Section 3 of chapter 221A of the General Laws, as so appearing, is
1051 hereby amended by striking out, in line 3, the words “chief administrative justice” and inserting
1052 in place thereof the following words:- chief justice of the trial court.

1053 SECTION 110. Section 3 of chapter 221B of the General Laws, as so appearing, is
1054 hereby amended by striking out, in lines 3, 6, and 20, the words “administrative” and inserting in
1055 place thereof the following words:- justice of the trial court.

1056 SECTION 111. Section 7 of chapter 221C of the General Laws, as so appearing, is
1057 hereby amended by striking out subsection (a) and inserting in place thereof the following
1058 subsection:-

1059 (a) There shall be a committee for the administration of interpreters for the trial court,
1060 which committee shall consist of the chief justice of the trial court, who shall be the chairman of
1061 said committee, the chief justice of the district court department and one justice and one clerk-
1062 magistrate of said department appointed by said chief justice, a justice and a clerk or an assistant
1063 clerk of the superior court department appointed by the chief justice of said department, a judge
1064 of the probate and family court department appointed by the chief justice of said department and
1065 one other justice, judge or clerk-magistrate appointed by the chief justice of the trial court.

1066 SECTION 112. Said section 7 of said chapter 221C, as so appearing, is hereby further
1067 amended by striking out, in lines 12, 13, and 16, the words "administrative justice" and inserting
1068 in place thereof the following words:- justice of the trial court.

1069 SECTION 113. Section 9 of chapter 258C of the General Laws, as so appearing, is
1070 hereby amended by striking out, in lines 16 and 17, the words "for administration and
1071 management" and inserting in place thereof the following words:- of the trial court.

1072 SECTION 114. Section 9 of chapter 258D of the General Laws, as so appearing, is
1073 hereby amended by striking out, in line 7, the words "for administration and management" and
1074 inserting in place thereof the following words:- of the trial court.

1075 SECTION 115. Section 6 of chapter 258E of the General Laws, as inserted by chapter 23
1076 of the acts of 2010, is hereby amended by striking out in the second sentence the words "for

1077 administration and management" and inserting in place thereof the following words:- of the trial
1078 court.

1079 SECTION 116. Section 11 of said chapter 258E, as so inserted, is hereby amended by
1080 striking out in the first sentence the words "for administration and management" and inserting in
1081 place thereof the following words:- of the trial court.

1082 SECTION 117. Section 27G of chapter 261 of the General Laws, as appearing in the
1083 2008 Official Edition, is hereby amended by striking out, in lines 5, 6, 7, 13, and 15 the words
1084 "chief administrative justice" and inserting in place thereof the following words:- court
1085 administrator.

1086 SECTION 118. Section 4B of chapter 262 of the General Laws, as so appearing, is
1087 hereby amended by striking out, in line 1, the words "chief administrative justice" and inserting
1088 in place thereof the following words:- court administrator.

1089 SECTION 119. Section 39 of chapter 265 of the General Laws, as so appearing, is hereby
1090 amended by striking out, in lines 39 and 40, the words "for administration and management" and
1091 inserting in place thereof the following words:- of the trial court.

1092 SECTION 120. Chapter 268A of the General Laws is hereby amended by inserting after
1093 section 6A, as so appearing, the following section:-

1094 Section 6B. Each person applying for employment by a state agency must disclose in
1095 writing, upon such application, the names of all immediate family, as well as persons related to
1096 immediate family by marriage, who are state employees.

1097 All disclosures made by applicants hired by a state agency shall be made available for
1098 public inspection to the extent permissible by law by the official with whom such disclosure has
1099 been filed.

1100 SECTION 121. Said chapter 268A of the General Laws is hereby further amended by
1101 inserting after section 8B, as so appearing, the following section:-

1102 Section 8C. Notwithstanding any general or special law to the contrary, a state agency
1103 shall only consider a recommendation for a candidate in any hiring process if said
1104 recommendation is made in written form. Such recommendations shall be kept from the hiring
1105 authority until the final stage of the hiring process.

1106 SECTION 122. Chapter 276 of the General Laws, as so appearing, is hereby amended by
1107 striking out section 83 and inserting in place thereof the following section:-

1108 Section 83. (a) Each applicant for initial appointment as a probation officer within the
1109 office of the commissioner of probation shall pass a written examination established and
1110 administered by the court administrator, after consultation with the personnel administrator, who
1111 shall determine their form, method, and subject matter. Each such examination shall fairly test
1112 the knowledge, skills, and abilities which can be fairly and reliably measured and which are
1113 actually required to perform the primary or dominant duties of the position of probation officer.
1114 Applicants shall score at least 80 per cent on such examination to be eligible for further
1115 consideration.

1116

1117 (b) The name of each applicant for initial appointment as a probation officer within the
1118 office of the commissioner of probation successfully completing the exam pursuant to subsection
1119 (a) shall be forwarded to the court administrator, or his designee, who shall objectively screen
1120 the applicant to determine whether the applicant meets the minimum criteria for appointment as a
1121 probation officer.

1122 (c) Those applicants successfully passing the examination pursuant to subsection (a) and
1123 deemed by the court administrator to have met the minimum criteria for appointment pursuant to
1124 subsection (b) shall be subject to an investigative and interview process which shall include,
1125 without limitation: (i) an investigation into the applicant's work history and personal interests to
1126 ensure that he or she is well suited for the culture of the organization and will further the
1127 organization's stated goals; (ii) behavioral based interviews; and (iii) candidate assessments,
1128 including case study, presentation and writing assessments; provided, however, that said
1129 candidate assessments shall focus on the specific requirements of the position.

1130 (d) Those applicants successfully passing the examination pursuant to subsection (a),
1131 deemed by the court administrator to have met the minimum criteria for appointment pursuant to
1132 subsection (b), and successfully completing the interview and investigative process pursuant to
1133 subsection (c) shall be eligible for appointment by the commissioner as a probation officer. The
1134 commissioner may appoint probation officers to the several sessions of the trial court as he
1135 deems necessary, with the approval of the court administrator.

1136 (e) Any probation officer seeking promotion within the office of the commissioner of
1137 probation shall pass a written examination established and administered by the court
1138 administrator, after consultation with the personnel administrator, who shall determine their

1139 form, method, and subject matter. Each such examination shall fairly test the knowledge, skills,
1140 and abilities which can be fairly and reliably measured and which are actually required to
1141 perform the primary or dominant duties for the position being applied. Applicants shall score at
1142 least 80 per cent on such examination to be eligible for further consideration.

1143 (f) The name of each applicant for promotion within the office of the commissioner of
1144 probation successfully completing the exam pursuant to subsection (e) shall be forwarded to the
1145 court administrator, or his designee, who shall objectively screen the applicant to determine
1146 whether the applicant meets the minimum criteria for promotion.

1147 (g) Those applicants successfully passing the examination pursuant to subsection (e) and
1148 deemed by the court administer to have met the minimum criteria for promotion pursuant to
1149 subsection (f) shall be subject to an investigative and interview process which shall include,
1150 without limitation: (i) an investigation into the applicant's work history and personal interests to
1151 ensure that he or she is well suited for the culture of the organization and will further the
1152 organization's stated goals; (ii) behavioral based interviews; and (iii) candidate assessments,
1153 including case study, presentation and writing assessments; provided, however, that said
1154 candidate assessments shall focus on the specific requirements of the position.

1155 (h) Those applicants successfully passing the examination pursuant to subsection (e),
1156 deemed by the court administrator to have met the minimum criteria for appointment pursuant to
1157 subsection (f), and successfully completing the interview and investigative process pursuant to
1158 subsection (g) shall be eligible for promotion pursuant to subsection (i).

1159 (i) In any court having 2 or more probation officers, the first justice, subject to the
1160 approval of the court administrator and the commissioner of probation, may designate 1

1161 probation officer to serve as chief probation officer and may designate other probation officers to
1162 serve as assistant chief probation officers, as he deems necessary for the effective administration
1163 of justice.

1164 A first justice may recommend to the commissioner of probation the initiation of

1165 disciplinary proceedings against any probation officer so promoted, provided, however,
1166 that said probation officers shall receive a hearing by the commissioner of probation prior to
1167 being discharged and may appeal any suspension, discipline or discharge to the court
1168 administrator.

1169 (j) The compensation of probation officers in the trial court shall be paid by the
1170 commonwealth according to schedules established in section 99B or in a provision of an
1171 applicable collective bargaining agreement.

1172 (k) All probation officers shall devote their full time and attention to the duties of their
1173 office during regular business hours.

1174 (l) Probation officers appointed within the probate and family court department of the
1175 trial court shall be known as family services officers.

1176 SECTION 123. Section 86 of Chapter 276 of the General Laws is hereby repealed.

1177 SECTION 124. Section 88 of said chapter 276, as so appearing, is hereby amended by
1178 striking out, in line 18, the words “chief administrative justice” and inserting in place thereof the
1179 following words:- court administrator.

1180 SECTION 125. Section 89 of said chapter 276, as so appearing, is hereby amended by
1181 striking out, in lines 41 and 42, the words “chief administrative justice” and inserting in place
1182 thereof the following words:- court administrator.

1183 SECTION 126. Section 89A of said chapter 276, as so appearing, is hereby amended by
1184 striking, in line 11, the words “chief justice for administration and management” and inserting in
1185 place thereof the following words:- court administrator.

1186 SECTION 127. Chapter 276 of the General Laws, as so appearing, is hereby further
1187 amended by striking out sections 98 to 99, inclusive, and inserting in place thereof the following
1188 3 sections:-

1189 Section 98. There shall be an office of probation which shall be under the supervision,
1190 direction and control of a commissioner of probation. The commissioner shall be appointed, and
1191 may be removed, by the chief justice of the trial court and the court administrator, with the
1192 advice of the chief justice of the juvenile court, the chief justice of the superior court, the chief
1193 justice of the district court, the chief justice of the probate and family court, and the chief justice
1194 of the Boston municipal court and shall be a person of skill and experience in the field of
1195 criminal justice. The commissioner shall be the executive and administrative head of the office
1196 of probation and shall be responsible for administering and enforcing the provisions of law
1197 relative to the office of probation and to each administrative unit thereof. The commissioner shall
1198 serve a term of 5 years, may be reappointed, shall receive such salary as may be determined by
1199 law, and shall devote his full time to the duties of his office. In the case of an absence or vacancy
1200 in the office of the commissioner, or in the case of disability as determined by the chief justice of
1201 the trial court, said chief justice may designate an acting commissioner to serve as commissioner

1202 until the vacancy is filled or the absence or disability ceases. The acting commissioner shall have
1203 all the powers and duties of the commissioner and shall have similar qualifications as the
1204 commissioner.

1205 Subject to the approval and consent of the court administrator, the commissioner may
1206 appoint deputies, supervisors and assistants necessary for the performance of his duties. Said
1207 deputies, supervisors and assistants, shall receive a salary to be fixed by the court administrator
1208 and subject to appropriation. Subject to the approval and direction of the chief justice of the trial
1209 court and the court administrator, the commissioner shall perform such duties and
1210 responsibilities as otherwise provided by law or as designated from time to time by said chief
1211 justice and the court administrator. The commissioner shall be responsible for making
1212 recommendations to the chief justice of the trial court and the court administrator on:

1213 (i) the supervision and evaluation of all probation programs within the trial court;

1214 (ii) the evaluation of the probation service in each court of the commonwealth;

1215 (iii) the compilation, evaluation, and dissemination of statistical information on crime,
1216 delinquency, and appropriate family service matters available in his records;

1217 (iv) the recruitment, training, and educational development of probation officers;

1218 (v) the evaluation of the work performance of probation officers; and

1219 (vi) planning, initiating, and developing volunteer, diversion, and other programs in
1220 consultation with probation officers throughout the commonwealth.

1221 Section 98A. There shall be an advisory board to assist the commissioner of probation
1222 and the court administrator with the management of the office of probation. The board shall

1223 consist of 7 members to be appointed by the supreme judicial court: 2 persons who have
1224 significant experience in criminal justice, 2 persons who have significant experience in public
1225 policy, 2 persons who have significant experience in management, and 1 person who has
1226 significant experience in human resources management. Upon the expiration of the term of any
1227 appointive member, his successor shall be appointed in a like manner for a term of 3 years.

1228 A person appointed to fill a vacancy on the board shall be appointed in a like manner and
1229 shall serve for only the unexpired term of the former member. The maximum amount of time
1230 that said members may serve on said board shall be 2 such terms. The board shall annually elect
1231 1 of its members to serve as chair and 1 of its members to serve as vice-chair. The chair shall
1232 hold regular meetings, and shall notify all board members of the time and place of all meetings.

1233 Members of the board shall serve without compensation but shall be reimbursed for their
1234 expenses actually and necessarily incurred in the discharge of their official duties. The court
1235 administrator shall serve as the executive secretary of the board, and the office of probation shall
1236 provide, at the request of the board, detailed reports regarding the work of probation in the court.

1237 The board shall advise the commissioner of probation and the court administrator on all
1238 matters of probation reform. The board shall make recommendations to the commissioner of
1239 probation and the court administrator and shall forward such recommendations to the house and
1240 senate committees on ways and means.

1241 Section 99. The commissioner shall have executive control and supervision of the
1242 probation service and shall have the power to:

1243 (1) Supervise the probation work in all of the courts of the commonwealth and for
1244 such purposes he and his staff shall have access to all probation records of said courts;

1245 (2) Subject to the approval of the chief justice of the trial court, establish reports and
1246 forms to be maintained by probation officers; procedures to be followed by probation officers;
1247 standards and rules of probation work, including methods and procedures of investigation,
1248 mediation, supervision, case work, record keeping, accounting, caseload and case management;

1249 (3) Promulgate rules and regulations concerning probation officers or offices
1250 provided said rules and regulations have been approved in writing by the court administrator
1251 subject to 150E;

1252 (4) Assist the court administrator in developing standards and procedures for the
1253 performance evaluation of probation officers, and assist each first justice in evaluating the work
1254 performance of probation officers;

1255 (5) Receive all notices of intended disciplinary action against a probation officer or
1256 supervising probation officer including reprimand, fine, suspension, demotion or discharge, that
1257 may be initiated by a first justice, supervisor or chief probation officer;

1258 (6) Develop and conduct basic orientation and in-service training programs for
1259 probation officers, such programs to be held at such times and for such periods as he shall
1260 determine;

1261 (7) Conduct research studies relating to crime and delinquency, and, may participate
1262 with other public and private agencies in joint research studies;

1263 (8) Annually submit written budget recommendations for the probation service to the
1264 court administrator; in addition to the budget requests submitted by the first justices on behalf of
1265 their respective courthouse or courthouses, including probation offices.

1266 (9) Annually conduct regional meetings with chief probation officers to discuss the
1267 budget needs of the local probation offices; and

1268 (10) Hold conferences on probation throughout the commonwealth, provided, that the
1269 traveling expenses of trial court justices or probation officers authorized by the chief justice for
1270 administration and management to attend any such conference shall be paid by the
1271 commonwealth.

1272 SECTION 128. Notwithstanding any general or special law to the contrary, any
1273 incumbent serving a term of office described in chapter 211B shall perform, so far as practicable,
1274 the duties prescribed for the respective office until the end of their current term; provided,
1275 however, that this section shall not limit or restrict administrative authorities in exercising
1276 supervision of, or control over, their employees, or in assigning related, incidental, or emergency
1277 duties to them.

1278 SECTION 129. Notwithstanding any general or special law to the contrary, the court
1279 administrator shall identify administrative activities and functions common to the separate
1280 officers, divisions, and departments within the trial court for consolidation in order to improve
1281 administrative efficiency and preserve fiscal resources and shall, subject to the review of the
1282 court management advisory board established pursuant to section 6A of chapter 211B, make
1283 recommendations to the supreme judicial court as to the designation of such functions as 'core
1284 administrative functions'; provided, however, that common functions that shall be designated
1285 core administrative functions shall include, but not be limited to, human resources, financial
1286 management, information technology, legal, procurement and asset management.

1287 SECTION 130. Notwithstanding any general or special law to the contrary, on December
1288 31 and annually thereafter, the court management advisory board established pursuant to section
1289 6A of chapter 211B shall report to the supreme judicial court, the joint committee on the
1290 judiciary, the joint committee on state administration, and the house and senate committees on
1291 ways and means on the trial court's progress in implementing the requirements of this chapter.
1292 The report shall also include recommendations to improve the management of the trial court,
1293 including but not limited to consolidation of core administrative functions, and proposed
1294 legislation to effectuate the recommendations contained in said report.

1295 SECTION 131. Notwithstanding any general or special law to the contrary, the
1296 incumbent of the office of commissioner of probation designated under section 98 of chapter 276
1297 shall continue to hold said position until January 31, 2013. Said incumbent shall be eligible for
1298 reappointment to said office under the process established under said section 98.

1299 SECTION 132. Notwithstanding any general or special law to the contrary, the office of
1300 probation, the parole board, the department of correction, the various county sheriffs and the
1301 department of criminal justice information services shall, to the extent practicable and given
1302 available resources, share information relative to persons under the supervision of the respective
1303 departments.

1304 SECTION 133. Notwithstanding any general or special law to the contrary, the office and
1305 probation and the parole board shall establish a working group to identify functions common to
1306 the office of probation and the parole board in order to adequately address the treatment and
1307 supervision of persons under the jurisdiction of the departments. The working group shall make
1308 recommendations, including any proposed legislation, to the supreme judicial court, governor,

1309 court administrator, and house and senate committees on ways and means not later than
1310 December 31, 2012.

1311 SECTION 134. Notwithstanding any general or special law to the contrary, in making
1312 their initial appointments to the advisory board on probation established pursuant to section 98A
1313 of chapter 276, the supreme judicial court shall appoint 2 members to serve for a term of 1 years,
1314 3 members to serve for a term of 2 years, and 2 members to serve for a term of 3 years.

1315 SECTION 135. Notwithstanding any general or special law to the contrary, the court
1316 administrator established pursuant to section 6B of chapter 211B shall devise and implement a
1317 hiring model for the trial court that shall be applicable to the hiring of all trial court employees
1318 and shall containing, without limitation, the following elements: (i) an accurate job description
1319 and the essential competencies successful applicants must possess; (ii) posting of all vacancies
1320 required to be posted in a visible manner and recruiting measures designed to attract a broad
1321 range of qualified applicants; (iii) development and use of objective screening criteria; (iv) use of
1322 uniform and standard applications; (v) structured interviews with job-related questions and
1323 standardized rating forms; (vi) reference checks; and (vii) final recommendations.

1324 SECTION 136. Notwithstanding any general or special law to the contrary, the court
1325 administrator established pursuant to section 6B of chapter 211B shall devise and implement a
1326 applicant tracking system which shall track all information about candidates for employment
1327 with the trial court and the hiring process, including without limitation resumes, assessment
1328 results, all recommendations and references however transmitted and by whomever received, the
1329 identity of the decision makers at each step of the process and any scoring by those decision
1330 makers.

1331 SECTION 137. Notwithstanding any general or special law to the contrary, as used in
1332 sections 56, 122, and 124 to 127, inclusive, of this act, the term court administrator shall mean
1333 the chief justice for administration and management established pursuant to section 6 of chapter
1334 211B; provided, however, that upon appointment of a court administrator pursuant to section 12
1335 of chapter 211B of the General Laws, as used in sections 56, 122, and 124 to 127, inclusive, of
1336 this act, the term court administrator shall mean the court administrator so appointed pursuant to
1337 said section 211B.

1338 SECTION 138. Sections 57 and 137 of this act shall expire on July 1, 2012.

1339 SECTION 139. Sections 2 to 55, inclusive, 58 to 119, inclusive, 129, 135, and 136 shall
1340 take effect on July 1, 2012.

1341 SECTION 140. Except as otherwise provided in this act, this act shall take effect on July
1342 1, 2011.