

**SENATE . . . . . No. 794**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Brian A. Joyce*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act allowing for increased efficiencies in judicial administration.

PETITION OF:

NAME:

*Brian A. Joyce*

DISTRICT/ADDRESS:

*Norfolk, Bristol, and Plymouth*

**SENATE . . . . . No. 794**

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By Mr. Joyce, a petition (accompanied by bill, Senate, No. 794) of Brian A. Joyce for legislation to allow for increased efficiencies in judicial administration. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1722 OF 2009-2010.]

The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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An Act allowing for increased efficiencies in judicial administration.

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

1                   SECTION 1. Section 1 of Chapter 29A of the General Laws, is hereby  
2 amended by inserting after the first paragraph the following:

3                   All cost of maintenance and operation of the supreme judicial court, including  
4 the operation of the clerk’s office, the commission on judicial conduct and the board of bar  
5 examiners shall be paid in lump sum to the supreme judicial court to be distributed among the  
6 supreme judicial court’s operations, the clerk’s office, the commission on judicial conduct and  
7 the board of bar examiners.

8                   All cost of maintenance and operation of the appeals court, including salaries,  
9 traveling allowances and expenses of the chief justice, recall judges and the associate justices  
10 shall be paid in lump sum to the appeals court department to be distributed as outlined above.

11 All cost of maintenance and operation of the Trial Court, including the salaries  
12 of the justices of the various departments, all costs of the central administration of the trial court,  
13 the Massachusetts sentencing commission, for alternative dispute resolution services for the trial  
14 court, for court security and for the chief justice of administration and management shall be paid  
15 in lump sum to the chief justice of administration and management to be distributed for the  
16 central administration of the trial court.

17 All cost of maintenance and operation of the superior court department shall be  
18 paid in lump sum to the administrative office of the superior court department to be distributed  
19 among the various courts of the department.

20 All cost of maintenance and operation of the district court department shall be paid in  
21 lump sum to the administrative office of the district court department to be distributed among the  
22 various courts of the department.

23 All cost of maintenance and operation of the probate and family court  
24 department shall be paid in lump sum to the administrative office of the probate and family court  
25 department to be distributed among the various courts of the division.

26 All cost of maintenance and operation of the land court department shall be paid in lump  
27 sum to the administrative office of the land court department to be distributed among the various  
28 courts of the division.

29 All cost of maintenance and operation of the Boston municipal court  
30 department shall be paid in lump sum to the central division of the Boston municipal court  
31 department to be distributed among the various courts of the division.

32 All cost of maintenance and operation of the housing court department shall be  
33 paid in lump sum to the administrative office of the housing court department to be distributed  
34 among the various courts of the division.

35 All cost of maintenance and operation of the juvenile court department shall be  
36 paid in lump sum to the administrative office of the juvenile court department to be distributed  
37 among the various courts of the division.

38 SECTION 2. Section 6 of Chapter 211B of the General Laws, is hereby  
39 amended by striking out the following word “shall” in the fourth sentence of the paragraph and  
40 inserting in place thereof the following word: “may”

41 SECTION 3. Section 6 of Chapter 211B of the General Laws, is hereby  
42 further amended by striking out the following word “only” in the fourth sentence of the  
43 paragraph.

44 SECTION 4. Section 6 of Chapter 211B of the General Laws, is hereby further  
45 amended by striking out the following phrase “in the nature of malfeasance, misfeasance or  
46 nonfeasance” in the fourth sentence of the paragraph.

47 SECTION 5. Section 3 of Chapter 211 of the General Laws, is hereby  
48 amended by striking out the following in the first sentence of the second paragraph:

49 “and provided, further that general superintendence also shall not include the authority or  
50 power to exercise or supersede any of the powers, duties and responsibilities of the chief justice  
51 for administration and management, as established by section one of chapter two hundred and  
52 eleven B, in any general or special law except under extraordinary circumstances leading to a

53 severe, adverse impact on the administration of justice; provided, that the majority of the  
54 supreme judicial court shall issue a written order that sets forth the basis for a finding that, absent  
55 such action, there would be a severe and adverse impact on the administration of justice in the  
56 commonwealth”.

57                   SECTION 6. Section 9 of Chapter 211B of the General Laws, is hereby  
58 amended by striking out part (xxii) (a) and (b) and inserting in place thereof:

59                   Notwithstanding any general or special law to the contrary, the chief justice of  
60 administration and management may freely transfer appropriated funds for any trial court  
61 department within that same trial court department; provided, that he shall not transfer funds  
62 between different trial court departments.