HOUSE . . . . . No. 3644

The committee of conference on the disagreeing votes of the two branches with reference to the Senate amendments of the House Bill relative to the reorganization of the judicial system of the Commonwealth (House, No. 3395, amended), reports recommending passage of the accompanying bill (House, No. 3644). [Note: An errata signed by all of the conferees was submitted prior to a vote on acceptance of the conference report. The errata appears after section 138 of the bill].

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. Chapter 66 of the General Laws is hereby amended by inserting after section 3 the following section:-

Section 3A. Recommendations for employment submitted in support of candidates who are hired by the commonwealth, or any political subdivision of the commonwealth, in the position to which the recommendations were applicable, shall be considered public records under section 7 of chapter 4 and this chapter; provided, however that this shall not apply to internal communications. Recommendations for employment submitted in support of candidates applying for employment by the commonwealth, or any political subdivision of the commonwealth, shall not be considered by a hiring authority until the applicant has met all other qualifications and requirements for the position to be filled; provided, however, that a hiring authority may, in accordance with said agency's regular practice for conducting reference checks, contact and speak with a reference provided to it by a candidate for employment, or contact and speak with any person who has submitted a written recommendation on behalf of a candidate for employment with said agency.

SECTION 2. Section 116 of chapter 6 of the General Laws is hereby amended by striking out, in lines 22 and 23, as appearing in the 2008 Official Edition, the words "administrative justice for" and inserting in place thereof the following words:- justice of.

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

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

24 Said administrator may enter into agreements with the supreme judicial court, the chief
25 justice of the trial court, the court administrator of the trial court, or the chief justices of the
26 several departments of the trial court for programs for the continuing education of judges and
27 other court personnel.

28 SECTION 5. Section 41C of said chapter 7, as so appearing, is hereby amended by
29 striking out, in lines 11 and 12, 24 and 25 and in line 32, the words "administrative justice of the
30 trial court" and inserting in place thereof, in each instance, the following words:- justice of the
31 trial court and the court administrator.

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

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

39 SECTION 8. Chapter 22 of the General Laws is hereby amended by inserting after
40 section 20 the following section:-

41 Section 21. There shall be a special commission established to investigate and study
42 improving information and resource sharing among the office of probation, department of
43 criminal justice information services, parole board, department of corrections, and all sheriffs in
44 the commonwealth. The commission shall consist of the secretary of public safety and security
45 or the secretary's designee, who shall serve as chair; the commissioner of probation or the
46 commissioner's designee; commissioner of department of criminal justice information services
47 or the commissioner's designee; the chair of the parole board or the chair's designee; the
48 commissioner of correction or the commissioner's designee; the commissioner of youth services,
49 or the commissioner's designee; and the president of the Massachusetts Sheriffs Association or
50 the president's designee.

51 The investigation shall include, but not be limited to:

52 (a) identifying and eliminating redundant and duplicative practices, while promoting
53 public safety and cost-effectiveness;

54 (b) developing a common risk and needs assessment tool for supervised individuals, to be
55 used by the office of probation, trial court office of community supervision, parole board,
56 department of corrections and sheriffs;

57 (c) developing policies and protocols for individuals who have been sentenced to
58 supervision under more than one of the agencies or departments concurrently to ensure that said
59 supervision is meted in an orderly and effective manner for those individuals who are subject to
60 dual supervision;

61 (d) establishing procedures for the sharing of information on supervised individuals,
62 including procedure for addressing any privacy issues raised by the sharing of information
63 between agencies; provided, however, that if the commission discovers legal impediments to
64 sharing information between the organizations it shall draft and report legislative
65 recommendations to address such impediments;

66 (e) investigating the creation of a common office of performance management to track
67 the effectiveness and outcomes of programs used by the office of probation, trial court office of
68 community supervision, parole board, department of corrections and sheriffs; and

69 (f) investigating the effectiveness of the office of community corrections, potential
70 improvements to its function and organization, including the feasibility and advisability of
71 relocating it to the executive office of public safety and security.

72 The commission shall annually report on its activities and on any findings and
73 recommendations to the chairs of the joint committee on the judiciary, the chairs of the joint
74 committee on public safety and homeland security and chairs of the senate and house committees
75 on ways and means not later than December 31.

76 SECTION 9. The commission established in section 21 of chapter 22 shall convene its
77 first official meeting not later than September 1, 2011. The initial report and recommendations of
78 the commission shall be provided to the chairs of the joint committee on the judiciary, the chairs
79 of the joint committee on public safety and homeland security and chairs of the senate and house
80 committees on ways and means not later than December 31, 2011, if practical; provided
81 however, if more time is needed to file a complete report, the commission may file a temporary
82 progress report.

83 SECTION 9A. Section 31A of chapter 29 of the General Laws, as so appearing, is hereby
84 amended by striking out, in line 18, the words “chief administrative justice” and inserting in
85 place thereof the following words:- court administrator.

86 SECTION 9B. Section 3A of chapter 29A of the General Laws, as so appearing, is
87 hereby amended by striking out, in line 7, the word “administrative”.

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

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

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

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

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

105 SECTION 15. Section 1 of chapter 58A of the General Laws, as so appearing, is hereby
106 amended by striking out, in line 12, the word “administrative”.

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

109 SECTION 17. Section 3 of chapter 90C of the General Laws, as so appearing, is hereby
110 amended by striking out, in lines 101 and 102, the words “for administration and management”.

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

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

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

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

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

125 SECTION 23. Section 1 of chapter 150E of the General Laws is hereby amended by
126 striking out, in line 61, as so appearing, the words “chief administrative justice” and inserting in
127 place thereof the following words:- court administrator.

128 SECTION 24. Chapter 185 of the General Laws is hereby amended by striking out
129 section 2, as so appearing, and inserting in place thereof the following 2 sections:-

130 Section 2. The land court department shall consist of 7 justices appointed to the land
131 court department. The justice as provided under section 1 of chapter 211B as the chief justice for
132 the land court department, in addition to his judicial powers and duties, shall, subject to the
133 superintendence authority of the supreme judicial court as provided in section 3 of chapter 211,
134 have the power, authority and responsibility of a chief justice as set forth in section 10 of chapter
135 211B.

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

140 SECTION 25. Section 3A of said chapter 185, as so appearing, is hereby amended by
141 striking out, in lines 39 and 40, 58 and 59, 67 and 68, 84 and 85, the words “for administration
142 and management” and inserting in place thereof, in each instance, the following words:- of the
143 trial court.

144 SECTION 26. Said section 3A of said chapter 185, as so appearing, is hereby further
145 amended by striking out, in line 70, the words “for administration” and inserting in place thereof
146 the following words:- of the trial court.

147 SECTION 27. Section 6 of said chapter 185, as so appearing, is hereby amended by
148 striking out, in lines 12 and 13, lines 14 and 20, the words “for administration and management”
149 and inserting in place thereof, in each instance, the following words:- of the trial court.

150 SECTION 28. Section 13 of said chapter 185, as so appearing, is hereby amended by
151 striking out, in lines 3 and 4, inclusive, the words “chief justice for administration and
152 management” and inserting in place thereof the following words:- court administrator, in
153 consultation with the chief justice of the trial court,.

154 SECTION 29. Section 14 of said chapter 185, as so appearing, is hereby amended by
155 striking out, in line 12, the words “chief justice for administration and management” and
156 inserting in place thereof the following words:- court administrator.

157 SECTION 30. Section 4 of chapter 185C of the General Laws, as so appearing, is hereby
158 amended by striking out, in lines 4 and 5, the words “administrative justice and management”
159 and inserting in place thereof the following words:- justice of the trial court.

160 SECTION 31. Said section 4 of said chapter 185C, as so appearing, is hereby further
161 amended by striking out, in line 10, lines 18 and 19, 28 and 29, and in line 38, the words “for
162 administration and management” and inserting in place thereof, in each instance, the following
163 words:- of the trial court.

164 SECTION 32. Section 8 of said chapter 185C, as so appearing, is hereby amended by
165 striking out, in lines 8 and 9 and in lines 25 and 34, the words “for administration and
166 management” and inserting in place thereof, in each instance, the following words:- of the trial
167 court.

168 SECTION 33. Said section 8 of said chapter 185C, as so appearing, is hereby further
169 amended by striking out the seventh sentence and inserting in place thereof the following
170 sentence:- Any first justice may be removed from his position as first justice by the chief justice
171 of the housing court department; provided, however, that any such removal is not for arbitrary or
172 capricious reasons.

173 SECTION 34. Said chapter 185C is hereby further amended by striking out section 8A,
174 as so appearing, and inserting in place thereof the following 2 sections:-

175 Section 8A. The justice as provided under section 1 of chapter 211B as the chief justice
176 for the housing court department, in addition to his judicial powers and duties shall, subject to
177 the superintendence authority of the supreme judicial court as provided in section 3 of chapter
178 211, have the power, authority and responsibility of a chief justice as set forth in section 10 of
179 chapter 211B.

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

184 SECTION 35. Said chapter 185C is hereby further amended by striking out section 9, as
185 so appearing, an inserting in place thereof the following section:-

186 Section 9. There shall be a clerk, appointed by the governor with the advice and consent
187 of the council, for each of the housing courts. Said clerks shall hold office during good behavior,
188 subject however, to retirement under the provisions of any general or special law relative to

189 retirement systems. The clerk appointed for the western division shall reside in either Berkshire,
190 Franklin, Hampden or Hampshire counties. Said clerks shall have responsibility for the internal
191 administration of their respective offices, including the selection, appointment, and management
192 of personnel, staff services and record keeping. The chief justice, a first justice or a clerk of the
193 housing court may submit any dispute that arises between said chief justice or said first justice
194 and said clerk of court, concerning the management and administration of the clerk's office, the
195 duties, powers and obligations of the clerk-magistrate or a member of the clerk-magistrate's
196 staff, or the interpretation of the personnel standards provided for under section eight of chapter
197 two hundred and eleven B, to the chief justice of the trail court, who in consultation with the
198 court administrator, shall within thirty days, hear and determine the matter. The decision of the
199 chief justice of the trail court shall be binding on the parties.

200 SECTION 36. Section 18 of said chapter 185C, as so appearing, is hereby amended by
201 striking out, in lines 4 and 5, 7 and 8, the words "chief justice for administration and
202 management" and inserting in place thereof, in each instance, the following words:- court
203 administrator.

204 SECTION 37. Section 28 of chapter 208 of the General Laws, as so appearing, is hereby
205 amended by striking out, in lines 8 and 9 and 31 and 32, the words "for administration and
206 management" and inserting in place thereof, in each instance, the following words:- of the trial
207 court.

208 SECTION 38. Section 32F of chapter 209 of the General Laws, as so appearing, is hereby
209 amended by striking out, in lines 65 and 66, the words "for administration and management" and
210 inserting in place thereof the following words:- of the trial court.

211 SECTION 39. Section 37 of said chapter 209, as so appearing, is hereby amended by
212 striking out, in line 10, and in lines 26 and 27, the words "for administration and management"
213 and inserting in place thereof the following words:- of the trial court.

214 SECTION 40. Section 5 of chapter 209A of the General Laws, as so appearing, is hereby
215 amended by striking out, in lines 9 and 10, the words "administrative justice" and inserting in
216 place thereof the following words:- justice of the trial court.

217 SECTION 41. Section 9 of chapter 209C of the General Laws, as so appearing, is hereby
218 amended by striking out, in lines 47 and 48 and 72 and 73, the words "for administration and
219 management" and inserting in place thereof the following words:- of the trial court.

220 SECTION 42. Section 20 of said chapter 209C, as so appearing, is hereby amended by
221 striking out, in lines 15 and 16, the words "for administration and management" and inserting in
222 place thereof the following words:- of the trial court.

223 SECTION 43. Section 3 of chapter 210 of the General Laws, as so appearing, is hereby
224 amended by striking out, in line 34, the words “for administration and management” and
225 inserting in place thereof the following words:- of the trial court.

226 SECTION 44. Section 2A of chapter 211 of the General Laws, as so appearing, is hereby
227 amended by striking out, in line 2, the words “for administration and management” and inserting
228 in place thereof the following words:- of the trial court and the court administrator.

229 SECTION 45. Said section 2A of said chapter 211, as so appearing, is hereby further
230 amended by striking out, in line 15, the words “administrative justice” and inserting in place
231 thereof the following words:- justice of the trial court and the court administrator.

232 SECTION 46. Said chapter 211 is hereby further amended by striking out section 3, as so
233 appearing, and inserting in place thereof the following section:-

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

239 In addition to the foregoing, the justices of the supreme judicial court shall also have
240 general superintendence of the administration of all courts of inferior jurisdiction, including,
241 without limitation, the prompt hearing and disposition of matters pending therein, and the
242 functions set forth in section 3C; and it may issue such writs, summonses and other processes
243 and such orders, directions and rules as may be necessary or desirable for the furtherance of
244 justice, the regular execution of the laws, the improvement of the administration of such courts,
245 and the securing of their proper and efficient administration; provided, however, that general
246 superintendence shall not include the authority to supersede any general or special law unless the
247 supreme judicial court, acting under its original or appellate jurisdiction finds such law to be
248 unconstitutional in any case or controversy. Nothing herein contained shall affect existing law
249 governing the selection of officers of the courts, or limit the existing authority of the officers
250 thereof to appoint administrative personnel.

251 SECTION 47. Section 26 of said chapter 211, as so appearing, is hereby amended by
252 striking out, in line 2, the words “for administration and management” and inserting in place
253 thereof the following words:- of the trial court.

254 SECTION 48. Section 26A of said chapter 211, as so appearing, is hereby amended by
255 striking out, in line 16, the words “for administration and management” and inserting in place
256 thereof the following words:- of the trial court.

257 SECTION 49. Section 1 of chapter 211B of the General Laws, as so appearing, is hereby
258 amended by striking out the third sentence and inserting in place thereof the following sentence:-
259 There shall be selected as herein provided, a chief justice of the trial court, a court administrator,
260 a chief justice for each of the departments of the trial court and a deputy court administrator for
261 each of the departments of the trial court.

262 SECTION 50. Section 4 of said chapter 211B, as so appearing, is hereby amended by
263 striking out, in lines 6 and 43, the words "administrative justice" and inserting in place thereof,
264 in each instance, the following words:- justice of the trial court.

265 SECTION 51. Said section 4 of said chapter 211B, as so appearing, is hereby further
266 amended by striking out, in line 30, the words "for administration and management" and
267 inserting in place thereof the following words:- of the trial court.

268 SECTION 52. Said chapter 211B is hereby further amended by striking out sections 5 to
269 10A, inclusive, as so appearing, and inserting in place thereof the following 11 sections:-

270 Section 5. The office of the chief justice of a department of the trial court, as provided in
271 section 1, shall not be deemed a judicial office as comprehended under the provisions of Article I
272 of Chapter III of Part the Second of the Constitution. Said office of chief justice shall be filled by
273 appointment, from among the justices appointed to the particular department, by the chief justice
274 of the trial court. A chief justice shall hold said office for a term of 5 years, and shall be eligible
275 to be reappointed for additional 5-year terms. A chief justice, so appointed, may be removed
276 from that office prior to the expiration of his term by the chief justice of the trial court; provided,
277 however, that any such removal is not for arbitrary or capricious reasons and, if the employee so
278 requests, is approved by the Committee.

279 Section 8. There shall be an advisory committee on personnel standards. The membership
280 of the committee shall consist of the following persons: the chief justice of the trial court or his
281 designee; the chief justices of the trial court departments, or their designees; the court
282 administrator or his designee, who shall serve as chair of the committee; the commissioner of
283 probation; and a clerk of the superior court, a clerk of the district court and a register of probate
284 who shall be appointed by the chief justice of the trial court.

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

290 Any appointment that is governed by standards promulgated under the provisions of this
291 section shall forthwith be certified in writing for compliance with such standards to the court
292 administrator. The court administrator shall have the power to reject any such appointment

293 within 14 days after receipt of the certification of compliance by the appointing authority but
294 such power to reject any such appointment shall be limited to non-compliance with the standards
295 for appointment.

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

298 Subject to the terms of applicable collective bargaining agreements, any officer or
299 employee whose appointment is subject to the provisions of this section may be removed by the
300 appointing authority, in accordance with the standards promulgated by the committee; provided,
301 however, that any such removal is not for arbitrary or capricious reasons and, if the employee so
302 requests, is approved by the Committee. Every removal of an officer or employee whose
303 appointment was subject to the provisions of this section shall be reviewed by the committee,
304 and no such removal shall be final until approved by the committee. If any such officer or
305 employee has served three full years in a position, appointment to which is subject to the
306 provisions of this section, he shall have the right to appear personally before the committee
307 before said committee reaches its decision as to whether or not to affirm his removal. The
308 committee shall also advise the court administrator in the establishment of salaries and pay scales
309 of all court personnel unless otherwise provided by statute.

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

312 Section 5A. The office of the deputy court administrator of a department of the trial
313 court, as provided in section 1, shall be filled by appointment by the court administrator and the
314 chief justice of each department of the trial court; provided, however, that said deputy court
315 administrator shall not be a justice of the trial court and shall devote his full time to the duties of
316 his office. A deputy court administrator shall hold said office for a term that shall be coterminous
317 with the terms of the chief justices of their respective court departments and shall be eligible to
318 be reappointed to serve additional terms. A deputy court administrator, so appointed, may be
319 removed from that office prior to the expiration of his term by the court administrator and the
320 chief justice of the respective court departments.

321 The chief justice or deputy court administrator of the respective court departments shall
322 submit any dispute that arises between said chief justice and said deputy court administrator,
323 concerning the management and administration of the respective court departments, to the chief
324 justice of the trial court and the court administrator, who shall, within 30 days, determine the
325 matter.

326 Section 6. The office of the chief justice of the trial court, as provided in section 1, shall
327 not be deemed a judicial office as comprehended under the provisions of Article I of Chapter III
328 of Part the Second of the Constitution. Said office of chief justice of the trial court shall be filled
329 by appointment, from among the justices of the trial court departments, by a majority vote of the

330 justices of the supreme judicial court. The chief justice of the trial court shall hold said office for
331 a term of 5 years, and shall be eligible to be reappointed for additional 5-year terms. The chief
332 justice of the trial court may be removed by a majority vote of the justices of the supreme
333 judicial court. The chief justice of the trial court shall retain his commission as associate justice
334 of the trial court, or of a predecessor court to which he was appointed, while serving as chief
335 justice of the trial court, and may continue to perform such judicial duties as he may have
336 exercised as associate justice, and such other responsibilities as otherwise provided by law.

337 Section 6A. There shall be an advisory board to assist the justices of the supreme judicial
338 court, the chief justice of the trial court, and the court administrator. The board shall consist of
339 the attorney general, or his designee, the executive director of the Massachusetts office of victim
340 assistance and the following 10 additional members appointed by the supreme judicial court: 2
341 persons who have significant experience in public administration, 2 persons who have significant
342 experience in business administration, 1 lawyer with significant experience in the practice of
343 criminal law, 1 lawyer with significant experience in the practice of civil law, 1 lawyer with
344 significant experience in the practice of probate and family law, 1 lawyer with significant
345 experience in the representation of juveniles in the courts, 1 lawyer with significant judicial
346 experience but not a current justice of the commonwealth or a retired justice serving the
347 commonwealth pursuant to judicial recall, and 1 person who has significant experience in
348 information technology. The board shall choose its chair. The appointed members of said board
349 shall serve for a term of 3 years. The maximum amount of time that said members may serve on
350 said board shall be 2 such terms. The chief justice of the trial court shall be the executive
351 secretary of the board.

352 The board shall advise the justices of the supreme judicial court, the chief justice of the
353 trial court, and the court administrator on all matters of judicial reform including, but not limited
354 to, a proposal for the allocation of resources based on the demonstrated workload of each court.

355 Section 6B. There shall be an office of court management within the trial court, under the
356 executive control of a court administrator, to support the judicial functions, performance and
357 management of the trial court. Said court administrator shall be appointed by a majority vote of
358 the justices of the supreme judicial court; provided, however, that said court administrator shall
359 have significant leadership experience in the fields of management and finance and shall not be a
360 justice of the trial court. Said court administrator shall be paid a salary equal to that of the chief
361 justice of the trial court. The court administrator shall hold said office for a term of 5-years, shall
362 be eligible to be reappointed for additional 5 year terms, and shall devote his full time to the
363 duties of his office. The court administrator may be removed by a majority vote of the justices of
364 the supreme judicial court.

365 If after due discussion and collaboration disputes between the chief justice of the trial
366 court and the court administrator remain unresolved, such disputes shall be resolved by the chief

367 justice of the supreme judicial court. The decision of the chief justice of the supreme judicial
368 court shall be final and binding.

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

375 In the case of a vacancy in the office of deputy court administrator of a department of the
376 trial court due to the absence of said deputy court administrator or due to his inability to perform
377 his duties, the office of deputy court administrator in such event shall be filled as provided in
378 section 5A. The temporary deputy court administrator so appointed may hold said office until the
379 incumbent shall resume his duties, but in no event longer than 6 months. A temporary deputy
380 court administrator shall be eligible to serve a consecutive full term as deputy court
381 administrator.

382 In the case of a vacancy in the office of chief justice of the trial court due to the absence
383 of said chief justice of the trial court or due to his inability to perform his duties, said office shall
384 be filled by the justices of the supreme judicial court until said chief justice of the trial court shall
385 resume his duties and subject to the justices of said court or until a new chief justice of the trial
386 court is qualified as hereinbefore provided, but in no event shall such office be so filled for a
387 period in excess of 6 months. The justice appointed as chief justice of the trial court under the
388 provisions of this section shall be eligible to serve a consecutive full term as chief justice of the
389 trial court. A chief justice of the trial court may be removed by a majority vote of the justices of
390 the supreme judicial court.

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

399 Section 8. There shall be an advisory committee on personnel standards. The membership
400 of the committee shall consist of the following persons: the chief justice of the trial court or his
401 designee; the chief justices of the trial court departments, or their designees; the court
402 administrator or his designee, who shall serve as chair of the committee; the deputy court
403 administrators of the trial court departments; the commissioner of probation; and a clerk of the

404 superior court, a clerk of the district court and a register of probate who shall be appointed by the
405 chief justice of the trial court.

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

411 Any appointment that is governed by standards promulgated under the provisions of this
412 section shall forthwith be certified in writing for compliance with such standards to the court
413 administrator. The court administrator shall have the power to reject any such appointment
414 within 14 days after receipt of the certification of compliance by the appointing authority but
415 such power to reject any such appointment shall be limited to non-compliance with the standards
416 for appointment.

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

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

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

426 Section 9. The chief justice of the trial court, in addition to his judicial duties and subject
427 to the superintendence power of the supreme judicial court as provided in section 3 of chapter
428 211, shall have general superintendence of the judicial policy of the trial court, including,
429 without limitation, the improvement of the administration of such courts and the securing of their
430 proper and efficient administration.

431 The chief justice shall be the policy and judicial head of the trial court of the
432 commonwealth.

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

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

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

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

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

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

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

452 (vii) the responsibility to provide recommendations regarding management of the judicial
453 recall process;

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

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

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

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

467 (a) prior to making such assignments, said chief justice of the trial court shall ascertain
468 the respective preferences of the justices of the trial court as to the department or departments, if
469 any, including the department to which he is appointed, to which each such justice desires to be
470 assigned and, in making such assignments to any department of said court shall, to the extent
471 consistent with the effective administration of justice, including the maintenance of the
472 respective specialized functions of the land, housing, probate and family, and juvenile court

473 departments, the administrative responsibilities of any justice, and the speedy dispatch of judicial
474 business in each of the several departments of the trial court, assign to any department on a basis
475 of first priority justices who have expressed as aforesaid their preferences for assignment thereto;

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

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

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

486 (xiv) establish procedures, subject to the rule-making power of the justices of the
487 supreme judicial court, for the assignment of matters coming before the trial court which do not
488 warrant the use of a judge to other appropriate personnel, including clerk-magistrates, mediators,
489 and arbitrators, and authorize such personnel to review, hear, and dispose of such matters,
490 subject to appropriate judicial review;

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

495 (xvi) the chief justice of the trial court shall be authorized to visit any department or any
496 division or any place for holding court within such a department the chief justice may from time
497 to time call conferences of any or all of the chief justices of the departments;

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

504 (xviii) the chief justice of the trial court may delegate his responsibilities and powers
505 hereunder and as otherwise provided by law to a chief justice, justice, regional justice, first
506 justice, presiding justice, court officer, clerk, or any employee of his department, for such period

507 of time and with such limitations as he may impose, whenever in his opinion such delegation of
508 authority will expedite the judicial business of the trial court;

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

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

515 (xx) in consultation with the court administrator, the authority to resolve any dispute
516 arising between a first justice of a division and a clerk of court concerning the management and
517 administration of the clerk's office, the duties, powers and obligations of the clerk's staff, or the
518 interpretation of the personnel standards provided for under section 8, provided, however, that
519 any such dispute shall be submitted to the chief justice of the trial court in writing by the clerk,
520 clerk-magistrate or first justice and the chief justice shall, within 30 days of receipt of the written
521 notification of such dispute and conduct a hearing in order to determine the matter. The decision
522 of the chief justice shall be binding on the parties;

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

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

530 (xxiii) the authority to exercise any inherently judicial power not otherwise specified in
531 this section; provided, however, that nothing in this section shall authorize the chief justice to
532 exercise any power reserved to the full court.

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

538 The court administrator shall be the administrative head of the trial court of the
539 commonwealth. The court administrator, in consultation with the chief justice of the trial court,
540 shall periodically prepare and submit to the chief justice of the supreme judicial court an
541 estimate, in detail, for the ordinary maintenance of the entire trial court, and all revenue

542 therefrom, as provided in clause (5) of the first paragraph of section 3 of chapter 29. Said
543 estimate shall include judicial salaries and the salaries of all officers and employees within the
544 trial court and shall include estimates of all sums which the commonwealth is obligated to pay
545 under the provisions of chapter 29A.

546 In order to achieve the ends stated in this section, the court administrator shall be
547 responsible for the management of court personnel, facilities, administration, security, and court
548 business and shall, subject to the terms of applicable collective bargaining agreements, have the
549 authority necessary to carry out these responsibilities including::—

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

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

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

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

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

566 (vi) the responsibility to provide facilities management, including provision of
567 maintenance, equipment and security, and, in consultation with the chief justice of the trial court,
568 the responsibility to coordinate with the division of capital asset management and maintenance
569 regarding construction, leasing, repair and designing of facilities, and the responsibility to plan
570 for reallocation of court jurisdictional lines; this provision is to be construed in conjunction with
571 section 6 of chapter 29A and section 17 of chapter 211B;

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

576 (viii) the responsibility to provide administrative management to the office of the jury
577 commissioner;

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

580 (x) the responsibility to perform all other administrative, inherently non-judicial functions
581 or duties the court administrator deems necessary; provided, however, that nothing in this section
582 shall authorize the court administrator to exercise any power reserved to the full court;

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

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

602 (xiii) (a) notwithstanding any general or special law to the contrary, the court
603 administrator may, for the period July 1 through April 30 of any fiscal year, transfer funds from
604 any item of appropriation of any trial court department to any other item of appropriation within
605 the same trial court department; provided, however, that said transfers shall be made in
606 accordance with schedules submitted to the house and senate committees on ways and means;
607 provided, further, that no such transfer shall occur until said schedules have been approved by
608 said committees; and provided, further, that said schedules shall include the reasons for the
609 necessity of such transfers with reference to actual and projected expenditures throughout the
610 trial court for the fiscal year.

611 (b) notwithstanding any general or special law to the contrary, the court administrator
612 may, for the period May 1 through June 30 of any fiscal year, transfer an amount not to exceed

613 65,000 dollars from any item of appropriation of any trial court department to any other item of
614 appropriation within the same trial court department; provided, that any funds transferred from
615 an (AA) subsidiary, as defined in the schedule of subsidiary accounts, established by the house
616 and senate committees on ways and means pursuant to section 27 of chapter 29 of the General
617 Laws, as amended, of any item of appropriation may only be transferred to the (AA) subsidiary
618 of any other item of appropriation within the same department of the trial court; provided further,
619 that in no case may funds be transferred into an (AA) subsidiary of any item of appropriation
620 other than from another (AA) subsidiary of any item of appropriation within the same
621 department of the trial court;

622 (xiv) the court administrator shall make a written report on the fiscal and organizational
623 state of the trial court at the conclusion of each fiscal year and shall deliver said report, together
624 with recommendations to the supreme judicial court by December 15 each year. The supreme
625 judicial court shall then make a written report on the state of the court system and the judiciary
626 for said past fiscal year and shall deliver the report together with recommendations to the
627 governor, the president of the senate, the speaker of the house of representatives, on or before
628 February 15 of each year. Said reports shall include, but not be limited to, an account of all
629 transfers of appropriated funds among line items and a schedule of all personnel transferred
630 within the judicial system for the past fiscal year and contemplated for the current fiscal year.
631 The court administrator shall provide reports to the clerk of the house of representatives and the
632 clerk of the senate. Such reports shall be a matter of public record;

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

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

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

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

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

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

657 (xxi) the court administrator may delegate his responsibilities and powers hereunder and
658 as otherwise provided by law to a deputy court administrator, court officer, clerk, or any
659 employee of his department, for such period of time and with such limitations as he may impose,
660 whenever in his opinion such delegation of authority will expedite the judicial business of the
661 trial court.

662 (xxii) the authority to appoint such other personnel as may be necessary for the
663 administration of the trial court; provided, however, that such personnel shall receive salaries to
664 be fixed by the court administrator and subject to appropriation;

665 (xxiii) the authority to make recommendations and propose legislative changes to
666 improve the fiscal management of the trial court.

667 Section 10. Subject to the superintendence authority of the supreme judicial court as
668 provided in section 3 of chapter 211, the chief justice and the deputy court administrator shall be
669 responsible for the operation of their department, its clerks, other officers and employees subject
670 to section 99 of chapter 276 and the appropriate collective bargaining agreement. To achieve
671 sound operation of their department, they shall have the following powers, authority and
672 responsibilities, and shall allocate between themselves primary responsibility for each in a
673 manner on which they agree and that is approved by the chief justice of the trial court and the
674 court administrator; provided, however, that any power specifically assigned to the chief justice
675 in the subsections that follow shall be performed by the chief justice alone:

676 (i) the power to appoint, discipline, evaluate, transfer and define the duties of all non-
677 judicial personnel within their department including special masters, court reporters, law clerks,
678 temporary clerks and other support personnel consistent with the provisions of section 8 and
679 10A; provided, however, that they shall not have the power to appoint non-judicial personnel
680 serving in the office of a clerk, recorder or register, but shall have the authority to discipline said
681 clerks, recorders and registers and all other personnel in the offices of said clerks, recorders or
682 registers, upon the raising of any dispute between a first justice and a clerk, recorder or register.
683 Any person aggrieved by any decision of a chief justice or deputy court administrator under this
684 paragraph may appeal such decision to the chief justice of the trial court; provided, further, that
685 no person holding a commission as a clerk of court, whether elected or appointed, a register of

686 probate or a recorder shall be assigned under the provisions of this paragraph outside the
687 department, division or court to which he is elected or appointed without his consent. Any clerk
688 aggrieved by any transfer or assignment of himself or personnel of his office under this
689 paragraph shall appeal to the court administrator who shall forthwith hear and determine the
690 matter;

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

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

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

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

707 (vi) notwithstanding any general or special law to the contrary, when necessary to ensure
708 the proper administration of justice, transfer employees of their department to serve where
709 needed; impose discipline on such officers and employees, including dismissal and suspension
710 with or without pay; provided, however, that they may, upon reasonable notice, temporarily
711 transfer nonjudicial personnel within their department, divisions and places for holding court,
712 and in no event shall any such transfer be more than a reasonable distance from the place where
713 such personnel is employed unless the employee so transferred shall consent thereto; provided,
714 further, that such transfer of the employee shall not be for more than 90 days, but such transfer
715 may be extended for 3 consecutive 90 day periods, provided that notice is given to the house and
716 senate committees on ways and means upon each extension, including the employee's position,
717 duties, and reason for the transfer, but such transfer shall not exceed 360 consecutive days. The
718 first justice of the court to where the employee is transferred shall provide the first justice of the
719 court to where the employee is permanently assigned with appropriate personnel records and
720 records of activities, including records necessary for the payment of compensation; and provided,
721 however, that this provision shall not apply to a clerk or clerk-magistrate, whether elected or
722 appointed by the governor, register of probate or recorder;

723 (vii) the authority to visit any court within their department;

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

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

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

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

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

740 (xiii) the responsibility for the administrative management of the personnel, staff services
741 and business of their departments, including financial administration and budget preparation,
742 record-keeping, information systems and statistical controls, purchasing, planning, construction,
743 case flow management, assignments of sittings of the justices of their respective departments,
744 including justices not appointed thereto but assigned, for the time being therein. They may
745 delegate their responsibilities and powers hereunder and as otherwise provided by law to a
746 justice, regional justice, first justice, court officer, clerk, or any employee of their department, for
747 such period of time and with such limitations as he may impose, whenever in their opinion such
748 delegation of authority will expedite the judicial business of the department; provided, however,
749 that in the exercise or delegation of their powers, they shall in all cases act in a manner consistent
750 with the policies and procedures established by the court administrator and the chief justice of
751 the trial court;

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

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

756 (xvi) the chief justice shall have the power to discipline any justice assigned or appointed
757 to his department who refuses or fails to comply with any order concerning the performance of

758 his duties as justice or any other lawful order of the chief justice or deputy court administrator of
759 his department; provided, however, that the chief justice shall also have the power to require any
760 justice assigned or appointed to his department to participate in a judicial enhancement program
761 in response to any action of such justice which brings the judiciary into disrepute, which lowers
762 the public confidence in the judiciary or which impedes the administration of justice. A justice
763 who is disciplined by the chief justice may appeal the imposition of discipline to the chief justice
764 of the trial court. Any justice aggrieved by decision of the chief justice of the trial court may
765 appeal said decision to the supreme judicial court. Consistent with the provisions of chapter
766 211C, all proceedings, documents, and other matters relating to such discipline shall at all times
767 be confidential and not open to the public unless the justice appealing the disciplinary action
768 agrees that the same shall not be confidential, or unless the supreme judicial court determines
769 that it is in the public interest for any such proceeding, document, or other matter relating to such
770 discipline to be made public. All disciplinary action imposed by a chief justice, whether
771 consensual or not, shall be reported to the supreme judicial court by the chief justice; and

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

774 The chief justice and deputy court administrator shall likewise allocate between
775 themselves in a manner on which they agree and subject to the approval of the chief justice of the
776 trial court and the court administrator, the powers assigned to the chief justice pursuant to section
777 6 of chapter 29A; sections 4 5, 9, 10, 11, 14, and section 16 of chapter 185C; section 13 of said
778 chapter 211B; section 19 of chapter 212; sections 23, 23A, 23C, 28, 29, 29A, 29B, 29C, 29D,
779 29E, 29F, 29G, 29H, 29I, 29J, 29K, 29L and section 42 of chapter 217; sections 9, 15, 19D, 43E,
780 58, 67 and section 70 of chapter 218; section 6 of chapter 220; sections 62B, 91 and section 99 of
781 chapter 221; section 1B of chapter 279 or any other general or special law that are not inherently
782 judicial in nature.

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

784 Section 10A. A first justice, in addition to his judicial powers and duties as a justice of
785 the trial court and in addition to his general powers of superintendence as first justice of a
786 particular court within the trial court, shall, subject to the superintendence authority of the
787 supreme judicial court as provided in section 3 of chapter 211 and the authority of the chief
788 justice and deputy court administrator of the first justice's department of the trial court as
789 provided in section 10, be the administrative head of his court; provided, however, that clerks,
790 recorders and registers shall have responsibility for the internal administration of their respective
791 offices, including the selection, appointment, and management of personnel, staff services and
792 recordkeeping. A first justice or a clerk, recorder or register of the court may submit any dispute
793 that arises between said first justice and said clerk, recorder or register, concerning the
794 management and administration of the office of the clerk, recorder, or register, the duties, powers
795 and obligations of the clerk, recorder, or register, or a member of their staff, or the interpretation

796 of the personnel standards provided for under section 8 of chapter 211B, to the deputy court
797 administrator of the department. Any person aggrieved by a decision of a deputy court
798 administrator under this paragraph may appeal said decision to the court administrator, who
799 shall, within 30 days, hear and determine the matter. A first justice shall also have the following
800 power, authority and responsibility within his court:

801 (i) the power, subject to the approval of the deputy court administrator of his department,
802 to appoint, dismiss, discipline, supervise, assign, evaluate, transfer and define the duties of all
803 non-judicial personnel within his court, including special masters, court reporters, law clerks and
804 other support personnel; except personnel in the office of the clerk, recorder or register;
805 provided, however, that any such non-judicial personnel aggrieved by any action under this
806 paragraph may appeal to the deputy court administrator of the department who shall forthwith
807 hear and determine the matter. Any person aggrieved by a decision of a deputy court
808 administrator under this paragraph may appeal said decision to the court administrator, who
809 shall, within 30 days, hear and determine the matter;

810 (ii) the power, subject to the approval of the chief justice of his department, to supervise
811 and assign duties to all justices appointed to or assigned to his court; and to authorize such
812 justices to delegate the calling of the list to the clerk of the court where appropriate to the
813 administration of justice;

814 (iii) the responsibility to bring to the attention of the deputy court administrator of his
815 department all disputes concerning all clerks, recorders and registers, or their personnel,
816 appointed to or assigned to his court; provided, however, that any person aggrieved by any action
817 under this paragraph, may appeal to the deputy court administrator of the department who shall
818 forthwith hear and determine the matter. Any person aggrieved by a decision of a deputy court
819 administrator under this paragraph may appeal said decision to the court administrator, who
820 shall, within 30 days, hear and determine the matter; and

821 (iv) the first justice shall periodically prepare and submit to the deputy court
822 administrator of his department an estimate, in detail, for the ordinary maintenance of the
823 division or place for holding court, and all revenues therefrom as provided in clause (5) of the
824 first paragraph of section 3 of chapter 29. Said estimate shall include estimates of all sums which
825 the commonwealth is obligated to pay under the provisions of chapter 29A, together with any
826 information which the deputy court administrator may require. In turn, the deputy court
827 administrator shall periodically prepare and submit to the court administrator an estimate, in
828 detail, for the ordinary maintenance of the first paragraph of section 3 of chapter 29. Said
829 estimate shall include salaries of all officers and employees within the office and shall include
830 estimates of all sums which the commonwealth is obligated to pay under the provisions of
831 chapter 29A, together with any other information which the court administrator may require.

832 SECTION 53. Section 10B of said chapter 211B, as so appearing, is hereby amended by
833 striking out, in lines 7 and 8, lines 17, 24, 31, 33, lines 36 and 37, 38 and 39, line 42, lines 43 and
834 44, line 50, and in lines 53 and 54, the words "chief justice for administration and management"
835 and inserting in place thereof, in each instance, the following words:- court administrator.

836 SECTION 54. Section 10C of said chapter 211B, as so appearing, is hereby amended by
837 striking out, in lines 2 and 3, the words "for administration and management, the chief justices"
838 and inserting in place thereof the following words:- of the trial court, court administrator, and the
839 chief justices.

840 SECTION 55. Said chapter 211B is hereby further amended by inserting after section
841 10C the following section:-

842 Said chapter 211B is hereby further amended by inserting after section 10C the following
843 section:-

844 Section 10D. (a) Each applicant for initial appointment as a court officer within the trial
845 court shall pass a written examination established and administered by the chief justice for
846 administration and management, after consultation with the personnel administrator, who shall
847 determine the form, method and subject matter of the examination. The examination shall test the
848 knowledge, skills and abilities which can be objectively and reliably measured and which are
849 required to perform the duties of the position of court officer. The chief justice for administration
850 and management, in consultation with the personnel administrator, shall establish a uniform
851 minimum score needed for further consideration of the applicant for consideration as a court
852 officer.

853 (b) The name of each applicant for initial appointment as a court officer within the trial
854 court who has successfully completed the examination under subsection (a) shall be forwarded to
855 the chief justice for administration and management or a designee who shall objectively screen
856 the applicant to determine whether the applicant meets the minimum criteria for appointment as a
857 court officer.

858 (c) Those applicants who have passed the examination under subsection (a) and are
859 deemed by the chief justice for administration and management to have met the minimum
860 criteria for appointment under subsection (b) shall be subject to an investigative and interview
861 process which shall include, but not be limited to: (i) inquiry into and review of the applicant's
862 education, prior work history; related work history in the trial courts and other accomplishments
863 to ensure that the applicant is well suited for the culture of the organization and will further the
864 organization's stated goals; (ii) behaviorally-based interviews; and (iii) candidate assessments,
865 including case study, presentation and writing assessments; provided, however, that the
866 candidate assessments shall focus on the specific requirements of the position.

867 (d) Recommendations for employment submitted in support of candidates applying for
868 employment by the trial court shall not be considered by a hiring authority until the applicant has
869 passed the examination under subsection (a), been deemed by the chief justice for administration
870 and management to have met the minimum criteria for appointment under subsection (b) and has
871 successfully completed the interview and investigative processes under subsection (c); provided,
872 however, that the hiring authority may, in accordance with the trial court's regular practice for
873 conducting reference checks, contact and speak with a reference provided to it by a candidate, or
874 contact and speak with any person who has submitted a written recommendation on behalf of a
875 candidate.

876 (e) Notwithstanding any general or special law, rule or regulation to the contrary,
877 recommendations for employment submitted in support of candidates who are hired as court
878 officers shall be considered public records under section 7 of chapter 4 and chapter 66; provided,
879 however that this shall not apply to internal communications.

880 (f) Those applicants who have passed the examination under subsection (a) and were
881 deemed by the chief justice for administration and management to have met the minimum
882 criteria for appointment under subsection (b) and who have successfully completed the interview
883 and investigative processes under subsection (c) shall be eligible for appointment by the chief
884 justice for administration and management. The chief justice for administration and management
885 may appoint court officers to the several sessions of the trial court as the chief justice deems
886 necessary. .

887 (g) A court officer seeking a promotion within the trial court shall pass a written
888 examination established and administered by the chief justice for administration and
889 management, after consultation with the personnel administrator, who shall determine the form,
890 method and subject matter of the examination. The examination shall test the knowledge, skills
891 and abilities which can be objectively and reliably measured and which are required to perform
892 the duties of the position being applied for. The chief justice for administration and management,
893 in consultation with the personnel administrator, shall establish a uniform minimum score
894 needed for further consideration of the applicant for consideration for promotion.

895 (h) The name of each applicant for promotion who has successfully completed the
896 examination under subsection (g) shall be forwarded to the chief justice for administration and
897 management or a designee who shall objectively screen the applicant to determine whether the
898 applicant meets the minimum criteria for promotion.

899 (i) Those applicants who have passed the examination under subsection (g) and were
900 deemed by the personnel administrator to have met the minimum criteria for promotion under
901 subsection (h) shall be subject to an investigative and interview process which shall include, but
902 not be limited to: (i) inquiry into and review of the applicant's education, prior work history,
903 related work history in the trial courts and other accomplishments to ensure that the applicant is

904 well suited for the culture of the organization and will further the organization's stated goals; (ii)
905 behaviorally-based interviews; and (iii) candidate assessments, including case study, presentation
906 and writing assessments; provided, however, that the candidate assessments shall focus on the
907 specific requirements of the position.

908 (j) Recommendations for promotion submitted in support of candidates applying for a
909 promotion by the trial court shall not be considered by a hiring authority until the applicant has
910 passed the examination under subsection (g), been deemed by the chief justice for administration
911 and management to have met the minimum criteria for appointment under subsection (h) and
912 successfully completed the interview and investigative processes under subsection (i); provided,
913 however, that the hiring authority may, in accordance with the trial court's regular practice for
914 conducting reference checks, contact and speak with a reference provided to it by a candidate, or
915 contact and speak with any person who has submitted a written recommendation on behalf of a
916 candidate.

917 (k) Notwithstanding any general or special law, rule or regulation to the contrary,
918 recommendations for employment submitted in support of candidates who are promoted as court
919 officers shall be considered public records under section 7 of chapter 4 and chapter 66; provided,
920 however that this shall not apply to internal communications.

921 (l) Those applicants who have passed the examination under subsection (g) and were
922 deemed by the chief justice for administration and management to have met the minimum
923 criteria for appointment under subsection (h) and successfully completed the interview and
924 investigative processes under subsection (i) shall be eligible for promotion by the chief justice
925 for administration and management.

926 (m) All court officers of the trial court shall devote their full time and attention to the
927 duties of their office during regular business hours.

928 (n) all personnel standards developed under this section shall ensure that all
929 appointments, promotions and increases in compensation of personnel within the trial court are
930 merit based and maintain internal and external integrity with regard to their processes. Such
931 standards shall be made available to the public and promulgated prominently on the website of
932 the trial court.

933 SECTION 55A. Said chapter 211B is hereby further amended by striking out section
934 10D, as appearing in section 56, and inserting in place thereof the following section:-

935 Section 10D. (a) Each applicant for initial appointment as a court officer within the trial
936 court shall pass a written examination established and administered by the court administrator,
937 after consultation with the personnel administrator, who shall determine the form, method and
938 subject matter of such examination. The examination shall test the knowledge, skills and abilities
939 which can be objectively and reliably measured and which are required to perform the duties of

940 the position of court officer. The court administrator, in consultation with the personnel
941 administrator, shall establish a uniform minimum score needed for further consideration of the
942 applicant for consideration as a court officer.

943 (b) The name of each applicant for initial appointment as a court officer within the trial
944 court who has successfully completed the examination under subsection (a) shall be forwarded to
945 the court administrator or a designee who shall objectively screen the applicant to determine
946 whether the applicant meets the minimum criteria for appointment as a court officer.

947 (c) Those applicants who have passed the examination under subsection (a) and were
948 deemed by the court administrator to have met the minimum criteria for appointment under
949 subsection (b) shall be subject to an investigative and interview process which shall include, but
950 not be limited to: (i) inquiry into and review of the applicant's education, prior work history,
951 related work history in the trial courts and other accomplishments to ensure that the applicant is
952 well suited for the culture of the organization and will further the organization's stated goals; (ii)
953 behaviorally-based interviews; and (iii) candidate assessments, including case study, presentation
954 and writing assessments; provided, however, that the candidate assessments shall focus on the
955 specific requirements of the position.

956 (d) Recommendations for employment submitted in support of candidates applying for
957 employment by the trial court shall not be considered by a hiring authority until the applicant has
958 passed the examination under subsection (a), been deemed by the chief justice for administration
959 and management to have met the minimum criteria for appointment under subsection (b) and has
960 successfully completed the interview and investigative processes under subsection (c); provided,
961 however, that the hiring authority may, in accordance with the trial court's regular practice for
962 conducting reference checks, contact and speak with a reference provided to it by a candidate, or
963 contact and speak with any person who has submitted a written recommendation on behalf of a
964 candidate.

965 (e) Notwithstanding any general or special law, rule or regulation to the contrary,
966 recommendations for employment submitted in support of candidates who are hired as court
967 officers shall be considered public records under section 7 of chapter 4 and chapter 66; provided,
968 however that this shall not apply to internal communications.

969 (f) Those applicants who have passed the examination under subsection (a) and were
970 deemed by the court administrator to have met the minimum criteria for appointment under
971 subsection (b), and who have successfully completed the interview and investigative processes
972 under subsection (c) shall be eligible for appointment by the court administrator. The court
973 administrator may appoint court officers to the several sessions of the trial court as the court
974 administrator deems necessary, in consultation with the chief justice of the trial court.

975 (g) A court officer seeking a promotion within the trial court shall pass a written
976 examination established and administered by the court administrator, after consultation with the

977 personnel administrator, who shall determine the form, method and subject matter of such
978 examination. The examination shall test the knowledge, skills and abilities which can be
979 objectively and reliably measured and which are required to perform the duties of the position
980 being applied for. The court administrator, in consultation with the personnel administrator, shall
981 establish a uniform minimum score needed for further consideration of the applicant for
982 consideration for promotion.

983 (h) The name of each applicant for promotion who has successfully completed the
984 examination under subsection (e) shall be forwarded to the court administrator or a designee who
985 shall objectively screen the applicant to determine whether the applicant meets the minimum
986 criteria for promotion.

987 (i) Those applicants who have passed the examination under subsection (g) and were
988 deemed by the personnel administrator to have met the minimum criteria for promotion under
989 subsection (h) shall be subject to an investigative and interview process which shall include, but
990 not be limited to: (i) inquiry into and review of the applicant's education, prior work history,
991 related work history in the trial courts and other accomplishments to ensure that the applicant is
992 well suited for the culture of the organization and will further the organization's stated goals; (ii)
993 behaviorally-based interviews; and (iii) candidate assessments, including case study, presentation
994 and writing assessments; provided, however, that the candidate assessments shall focus on the
995 specific requirements of the position.

996 (j) Recommendations for promotion submitted in support of candidates applying for a
997 promotion by the trial court shall not be considered by a hiring authority until the applicant has
998 passed the examination under subsection (g), been deemed by the chief justice for administration
999 and management to have met the minimum criteria for appointment under subsection (h) and
1000 successfully completed the interview and investigative processes under subsection (i); provided,
1001 however, that the hiring authority may, in accordance with the trial court's regular practice for
1002 conducting reference checks, contact and speak with a reference provided to it by a candidate, or
1003 contact and speak with any person who has submitted a written recommendation on behalf of a
1004 candidate.

1005 (k) Notwithstanding any general or special law, rule or regulation to the contrary,
1006 recommendations for employment submitted in support of candidates who are promoted as court
1007 officers shall be considered public records under section 7 of chapter 4 and chapter 66; provided,
1008 however that this shall not apply to internal communications

1009 .(l) Those applicants who have passed the examination under subsection (g) and were
1010 deemed by the court administrator to have met the minimum criteria for appointment under
1011 subsection (h) and successfully completed the interview and investigative processes under
1012 subsection (i) shall be eligible for promotion by the court administrator.

1013 (m) All court officers of the trial court shall devote their full time and attention to the
1014 duties of their office during regular business hours.

1015 (n) all personnel standards developed under this section shall ensure that all
1016 appointments, promotions and increases in compensation of personnel within the trial court are
1017 merit based and maintain internal and external integrity with regard to their processes. Such
1018 standards shall be made available to the public and promulgated prominently on the website of
1019 the trial court.

1020 SECTION 56. Said chapter 211B is hereby further amended by striking out section 12, as
1021 appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

1022 Section 12. There may be an office of court management within the trial court, under the
1023 executive control of a court administrator, to support judicial functions, performance and
1024 management of the trial court. Said court administrator shall be appointed by a majority vote of
1025 the justices of the supreme judicial court; provided, however, that said court administrator shall
1026 have significant leadership experience in the fields of management and finance and shall not be a
1027 justice of the trial court. Said court administrator shall be paid a salary equal to that of the chief
1028 justice of the trial court. The court administrator shall hold said office for a term of 5 years, shall
1029 be eligible to be reappointed for additional 5-year terms, and shall devote his full time to the
1030 duties of his office. The court administrator shall perform such duties and responsibilities as
1031 may be prescribed by law and as the chief justice of the supreme judicial court may from time to
1032 time designate. The court administrator may be removed by a majority vote of the justices of the
1033 supreme judicial court.

1034 If after due discussion and collaboration disputes between the chief justice of the trial
1035 court and the court administrator remain unresolved, such disputes shall be resolved by the chief
1036 justice of the supreme judicial court. The decision of the chief justice of the supreme judicial
1037 court shall be final and binding.

1038 SECTION 57 – language moved to §52 9A (xxii) - see comment for reasoning

1039 SECTION 58. Section 13 of said chapter 211B, as appearing in the 2008 Official Edition,
1040 is hereby amended by striking out, in lines 16, 23, and 29, the words "chief administrative
1041 justice" and inserting in place thereof, in each instance, the following words:- court
1042 administrator.

1043 SECTION 59. Section 17 of said chapter 211B, as so appearing, is hereby amended by
1044 striking out, in line 1, 13 and 14, line 18, and in lines 24, 30, 34 and in lines, 44 and 45, the
1045 words "chief justice for administration and management" and inserting in place thereof, in each
1046 instance, the following words:- court administrator, in consultation with the chief justice of the
1047 trial court.

1048 SECTION 59A. Said Section 17 of said chapter 211B, as so appearing, is hereby
1049 amended by striking out, in Lines 5 and 6, the words “chief justice for administration and
1050 management” and inserting in place thereof, the following words:- court administrator.

1051 SECTION 59B. Said Section 17 of said chapter 211B, as so appearing, is hereby further
1052 amended by striking out, in lines 20 to 23, inclusive, the sentence “In carrying out said duties
1053 with respect to court facilities, the chief justice of administration and management shall regularly
1054 consult with the court facilities council established in section six of chapter twenty-nine A” and
1055 inserting in place thereof the following sentence:- In carrying out said duties with respect to
1056 court facilities, the court administrator, in consultation with the chief justice of the trial court,
1057 shall also regularly consult with the court facilities council established in section six of chapter
1058 twenty-nine A.

1059 SECTION 60. Section 19 of said chapter 211B, as so appearing, is hereby further
1060 amended by striking out, in lines 1 and 25, the words “for administration and management” and
1061 inserting in place thereof, in each instance, the following words:- of the trial court.

1062 SECTION 60A. Said section 19 of said chapter 211B, as so appearing, is hereby
1063 amended by striking out, in line 11, the words “administration and management” and inserting in
1064 place thereof the following words:- the trial court.

1065 SECTION 61. Section 20 said chapter 211B, as so appearing, is hereby further amended
1066 by striking out, in line 2 and in lines 14 and 15, the words “for administration and management”
1067 and inserting in place thereof, in each instance, the following words:- of the trial court.

1068 SECTION 62. Section 1 of chapter 211C of the General Laws, as so appearing, is hereby
1069 amended by striking out, in line 5, the word “administrative”.

1070 SECTION 63. Section 6 of said chapter 211C of the General Laws, as so appearing, is
1071 hereby amended by striking out, in line 33, the word “administrative”.

1072 SECTION 64. Section 1 of chapter 211E of the General Laws, as so appearing, is hereby
1073 amended by striking out, in line 8, the words “for administration and management” and inserting
1074 in place thereof the following words:- of the trial court.

1075 SECTION 65. Section 3 of said chapter 211E, as so appearing, is hereby amended by
1076 striking out, in line 154, the words “for administration and management” and inserting in place
1077 thereof the following words:- of the trial court.

1078 SECTION 65A. Section 1 of chapter 211F of the General Laws, as so appearing, is
1079 hereby amended by striking out, in line 3, the following words:- for administration and
1080 management.

1081 SECTION 65B. Said section 1 of said chapter 211F, as so appearing, is hereby further
1082 amended by inserting after the definition of "Community corrections plan" the following
1083 definition:-

1084 "Court administrator", the court administrator of the trial court.

1085 SECTION 65C. Section 6 of said chapter 211F, as so appearing, is hereby amended by
1086 striking out, in lines 5 and 6, and in line 14, the words "for administration and management".

1087 SECTION 66. Section 1 of chapter 212 of the General Laws, as so appearing, is hereby
1088 amended by striking out the first paragraph and inserting in place thereof the following
1089 paragraph:-

1090 The superior court department of the trial court of the commonwealth, established
1091 pursuant to section 1 of chapter 211B, shall consist of 82 justices appointed to the department.
1092 The justice as provided under section 1 of chapter 211B as the chief justice for the superior court
1093 department, in addition to his judicial powers and duties, shall, subject to the superintendence
1094 authority of the supreme judicial court as provided in section 3 of chapter 211, have the power,
1095 authority and responsibility of a chief justice as set forth in section 10 of chapter 211B.

1096 SECTION 67. Chapter 212 of the General Laws is hereby further amended by inserting
1097 after section 1, as so appearing, the following section:-

1098 Section 1A. The deputy court administrator as provided under section 1 of chapter 211B
1099 shall, subject to the superintendence authority of the supreme judicial court as provided in
1100 section 3 of chapter 211, have the power, authority and responsibility of a deputy court
1101 administrator as set forth in section 10 of chapter 211B.

1102 SECTION 68. Section 14A of said chapter 212, as so appearing, is hereby amended by
1103 striking out, in lines 39 and 49, the words "for administration and management" and inserting in
1104 place thereof the following words:- of the trial court.

1105 SECTION 69. Section 20A of said chapter 212, as so appearing, is hereby amended by
1106 striking out, in line 10, the word "may" and inserting in place thereof the following words:- , in
1107 consultation with the court administrator, may.

1108 SECTION 70. Said section 20A of said chapter 212, as so appearing, is hereby further
1109 amended by striking out, in line 15, the words "chief administrative justice" and inserting in
1110 place thereof the following words:- court administrator.

1111 SECTION 71. Section 54 of chapter 215 of the General Laws, as so appearing, is hereby
1112 amended by striking out, in lines 1 and 2, the words "chief justice for administration and
1113 management" and inserting in place thereof the following words:- court administrator.

1114 SECTION 72. Section 62 of said chapter 215, as so appearing, is hereby amended by
1115 striking out, in line 4, the words “for administration and management”.

1116 SECTION 73. Section 2 of chapter 217, as so appearing, is hereby amended by striking
1117 out, in line 22 and in lines 31 and 32, the words “for administration and management” and
1118 inserting in place thereof, in each instance, the following words:- of the trial court.

1119 SECTION 74. The second paragraph of said section 2 of said chapter 217, as so
1120 appearing, is hereby amended by striking out the second sentence of and inserting in place
1121 thereof the following sentence:-

1122 Any first justice may be removed from his position as first justice by the chief justice of
1123 the probate and family court department; provided, however, that any such removal is not for
1124 arbitrary or capricious reasons.

1125 SECTION 75. Said chapter 217 is hereby further amended by striking out section 8, as
1126 so appearing, and inserting in place thereof the following 2 sections:-

1127 Section 8. The justice provided for under the provisions of section 1 of chapter 211B as
1128 the chief justice for the probate and family court department, in addition to his judicial powers
1129 and duties, shall, subject to the superintendence authority of the supreme judicial court as
1130 provided in section 3 of chapter 211, have the power, authority and responsibility of a chief
1131 justice as set forth in section 10 of chapter 211B.

1132 The chief justice may establish forms for the annual reports of the work of the registers of
1133 the several courts; and said registers shall annually, on or before October 1, prepare and file with
1134 the chief justice reports of the work of said courts during the preceding court year, and said
1135 reports shall also be filed with the chief justice of the trial court. Said chief justice of the probate
1136 and family court shall also have the powers and duties described in section 10 of chapter 211B
1137 and section 42 of this chapter; except that none of the powers herein described or referred to
1138 shall be construed as authorizing said chief justice to alter or affect the provisions of section 58,
1139 59, 60 or 62 of chapter 215.

1140 Section 8½. The deputy court administrator provided for under the provisions of section 1
1141 of chapter 211B as the deputy court administrator for the probate and family court department
1142 shall, subject to the superintendence authority of the supreme judicial court as provided in
1143 section 3 of chapter 211, have the power, authority and responsibility of a deputy court
1144 administrator as set forth in section 10 of chapter 211B.

1145 SECTION 76. Said chapter 217 is hereby further amended by striking out section 8A, as
1146 so appearing, and inserting in place thereof the following section:-

1147 Section 8A. The chief justice and deputy court administrator shall be provided with
1148 suitable offices.

1149 SECTION 77. Section 23B of said chapter 217, as so appearing, is hereby amended by
1150 striking out, in lines 3 and 4, the words “chief justice for administration and management” and
1151 inserting in place thereof the following words:- court administrator.

1152 SECTION 78. SECTION 78. Section 6 of said chapter 218, as so appearing, is hereby
1153 amended by striking out the third, fourth, fifth and sixth paragraphs and inserting in place thereof
1154 the following 2 paragraphs:-

1155 The chief justice of the district court department shall have the power to appoint the first
1156 justice of each of the various courts within the district court department, subject to the approval
1157 of the chief justice of the trial court, and to define his duties; provided, however, that appropriate
1158 consideration shall be given to seniority, length of service at that particular division, and
1159 managerial ability. Each first justice so appointed shall serve as the first justice of that court for a
1160 5 year term and shall be eligible to be reappointed for additional 5 year terms at that particular
1161 court. Any first justice may be removed from his position as first justice by the chief justice of
1162 the district court department; provided, however, that any such removal is not for arbitrary or
1163 capricious reasons.

1164 Citations, orders of notice, writs, executions and all other processes issued by the clerk of
1165 the court shall bear the test of the first justice thereof or the chief justice of the department.

1166 SECTION 79. Section 8 of said chapter 218, as so appearing, is hereby amended by
1167 striking out, in lines 18 and 19 and in lines 22 and 23, the words “chief justice for administration
1168 and management” and inserting in place thereof, in each instance, the following words:- court
1169 administrator.

1170 SECTION 80. Section 10 of said chapter 218, as so appearing, is hereby amended by
1171 striking out, in line 2, lines 107 and 108, line 111, lines 116 and 117 and in lines 138 and 139,
1172 the words “chief justice for administration and management” and inserting in place thereof, in
1173 each instance, the following words:- court administrator.

1174 SECTION 81. Section 11 of said chapter 218, as so appearing, is hereby amended by
1175 striking out, in lines 3 and 4, the words “chief justice for administration and management” and
1176 inserting in place thereof the following words:- court administrator.

1177 SECTION 82. Section 19B of said chapter 218, as so appearing, is hereby amended by
1178 striking out, in lines 23 and 24, and in line 27, the words “for administration and management”.

1179 SECTION 83. Said chapter 218 is hereby amended by striking out section 42A, as so
1180 appearing, and inserting in place thereof the following 2 sections:-

1181 Section 42A. The justice, as provided under section 1 of chapter 211B, as the chief justice
1182 for the district court department, in addition to his judicial powers and duties, shall, subject to the
1183 superintendence authority of the supreme judicial court as provided in section 3 of chapter 211,

1184 have the power, authority and responsibility of a chief justice as set forth in section 10 of chapter
1185 211B.

1186 In addition to the powers conferred in section 10 of said chapter 211B, said chief justice
1187 shall have the powers and duties prescribed in sections 43 to 43B, inclusive, and in such other
1188 provision of statute.

1189 Section 42B. The deputy court administrator for the district court department, as provided
1190 under section 1 of chapter 211B shall, subject to the superintendence authority of the supreme
1191 judicial court as provided in section 3 of chapter 211, have the power, authority and
1192 responsibility of a deputy court administrator as set forth in section 10 of chapter 211B.

1193 SECTION 84. Section 50 of said chapter 218, as so appearing, is hereby amended by
1194 striking out, in lines 12 and 13, the words "for administration and management" and inserting in
1195 place thereof the following words:- of the trial court.

1196 SECTION 85. Said chapter 218 is hereby further amended by striking out section 51A, as
1197 so appearing, and inserting in place thereof the following section:-

1198 Section 51A. The justice provided for under section 1 of chapter 211B as the chief justice
1199 of the Boston municipal court department, in addition to his judicial powers and duties, shall,
1200 subject to the superintendence authority of the supreme judicial court as provided in section 3 of
1201 chapter 211, have the powers, authority and responsibilities of a chief justice as set forth in
1202 section 10 of chapter 211B.

1203 The deputy court administrator of the Boston municipal court department as provided for
1204 under section 1 of chapter 211B shall, subject to the superintendence authority of the supreme
1205 judicial court as provided in section 3 of chapter 211, have the powers, authority and
1206 responsibilities of a deputy court administrator as set forth in section 10 of chapter 211B;
1207 provided, however, that the clerk shall have responsibility for the internal administration of his
1208 office, including the selection, appointment, and management of personnel, staff services and
1209 recordkeeping.

1210 The chief justice of the Boston municipal court department shall have the power to
1211 appoint the first justice of each of the various divisions within the Boston municipal court
1212 department, subject to the approval of the chief justice of the trial court, and to define his duties;
1213 provided, however, that appropriate consideration shall be given to seniority, length of service at
1214 that particular division, and managerial ability. Each first justice so appointed shall serve as the
1215 first justice of that court for a 5 year term and shall be eligible to be reappointed for additional 5-
1216 year terms at that particular court. Any first justice may be removed from his position as first
1217 justice by the chief justice of the Boston municipal court department; provided, however, that
1218 any such removal is not for arbitrary or capricious reasons.

1219 SECTION 86. Section 53 of said chapter 218, as so appearing, is hereby amended by
1220 striking out, in lines 5 and 6, line 27, and in lines 30 and 31, the words "chief justice for
1221 administration and management" and inserting in place thereof, in each instance, the following
1222 words:- court administrator.

1223 SECTION 87. Said chapter 218 is hereby further amended by striking out section 57A, as
1224 so appearing, and inserting in place thereof the following 2 sections:-

1225 Section 57A. The justice provided for under section 1 of chapter 211B as the chief justice
1226 for the juvenile court department, in addition to his judicial powers and duties, shall, subject to
1227 the superintendence authority of the supreme judicial court as provided in section 3 of chapter
1228 211, have the powers, authority and responsibilities set forth in section 10 of chapter 211B;
1229 provided, however, that the clerk of such court shall have responsibility for the internal
1230 administration of his office, including personnel, staff services and recordkeeping.

1231 Said chief justice may require uniform practices, may prescribe forms of blanks and
1232 records.

1233 Said chief justice shall also prescribe official forms to be used in all courts of the juvenile
1234 court department and in juvenile sessions of the district court department.

1235 Section 57B. The deputy court administrator for the juvenile court department as
1236 provided for under section 1 of chapter 211B shall, subject to the superintendence authority of
1237 the supreme judicial court as provided in section 3 of chapter 211, have the powers, authority and
1238 responsibilities set forth in section 10 of chapter 211B; provided, however, that the clerk of such
1239 court shall have responsibility for the internal administration of his office, including personnel,
1240 staff services and record keeping.

1241 The deputy court administrator of the Boston municipal court department as provided for
1242 under section 1 of chapter 211B shall, subject to the superintendence authority of the supreme
1243 judicial court as provided in section 3 of chapter 211, have the powers, authority and
1244 responsibilities of a deputy court administrator as set forth in section 10 of chapter 211B;
1245 provided, however, that the clerk shall have responsibility for the internal administration of his
1246 office, including the selection, appointment, and management of personnel, staff services and
1247 recordkeeping.

1248 The chief justice of the Boston municipal court department shall have the power to
1249 appoint the first justice of each of the various divisions within the Boston municipal court
1250 department, subject to the approval of the chief justice of the trial court, and to define his duties;
1251 provided, however, that appropriate consideration shall be given to seniority, length of service at
1252 that particular division, and managerial ability. Each first justice so appointed shall serve as the
1253 first justice of that court for a 5 year term and shall be eligible to be reappointed for additional 5-

1254 year terms at that particular court. Any first justice may be removed from his position as first
1255 justice by the chief justice of the Boston municipal court department.

1256 SECTION 88. The first paragraph of section 58 of said chapter 218, as so appearing, is
1257 hereby amended by striking out the sixth sentence of and inserting in place thereof the following
1258 sentence:- Any first justice may be removed from his position as first justice by the chief justice
1259 of the juvenile court department; provided, however, that any such removal is not for arbitrary or
1260 capricious reasons.

1261 SECTION 88A. Said section 14A of said chapter 212 is hereby further amended by
1262 striking out the second sentence of the third paragraph and inserting in place thereof the
1263 following sentence:-

1264 "Any first justice may be removed during any 5 year term from his position as first
1265 justice by the chief justice of the superior court department; provided, however, that any such
1266 removal is not for arbitrary or capricious reasons."

1267 SECTION 89. Said section 58 of said chapter 218, as so appearing, is hereby further
1268 amended by striking out, in line 36, in line 51, and in line 120, the words "for administration and
1269 management" and inserting in place thereof the following words:- of the trial court.

1270 SECTION 90. Said section 58 of said chapter 218, as so appearing, is hereby further
1271 amended by striking out, lines 59 and 60, 86 and 87, 113 and 114, 117 and in line 118, the words
1272 "chief justice for administration and management" and inserting in place thereof, in each
1273 instance, the words:- court administrator.

1274 SECTION 91. Section 67 of said chapter 218, as so appearing, is hereby amended by
1275 striking out, in lines 5 and 6, the words "administration and management" and inserting in place
1276 thereof, in each instance, the following words:- of the trial court.

1277 SECTION 92. Section 79 of said chapter 218, as so appearing, is hereby amended by
1278 striking out, in lines 16 and 17 and in lines 20 and 21, the words "chief justice for administration
1279 and management" and inserting in place thereof, in each instance, the following words:- court
1280 administrator.

1281 SECTION 93. Section 80 of said chapter 218, as so appearing, is hereby amended by
1282 striking out, in lines 21 and 22, and in line 25, the words "chief justice for administration and
1283 management" and inserting in place thereof, in each instance, the following words:- court
1284 administrator.

1285 SECTION 94. Section 5 of chapter 221 of the General Laws, as so appearing, is hereby
1286 amended by striking out, in line 3, the words "chief justice for administration and management"
1287 and inserting in place thereof the following words:- court administrator.

1288 SECTION 95. Section 16A of said chapter 221, as so appearing, is hereby amended by
1289 striking out, in lines 2 and 3, the words " for administration and management" and inserting in
1290 place thereof the following words:- of the trial court.

1291 SECTION 96. Section 69 of said chapter 221, as so appearing, is hereby amended by
1292 striking out, in lines 4 and 5, and in lines 9 and 10, the words "for administration and
1293 management" and inserting in place thereof, in each instance, the following words:- of the trial
1294 court.

1295 SECTION 97. Section 69A of said chapter 221, as so appearing, is hereby amended by
1296 striking out, in line 17, the words "chief justice for administration and management" and
1297 inserting in place thereof the following words:- court administrator.

1298 SECTION 98. Section 70 of said chapter 221, as so appearing, is hereby amended by
1299 striking out, in lines 1 and 2 and in line 6, the words "chief justice for administration and
1300 management" and inserting in place thereof, in each instance, the following words:- court
1301 administrator.

1302 SECTION 99. Section 70A of said chapter 221, as so appearing, is hereby amended by
1303 striking out, in lines 4 and 5, the words "for administration and management" and inserting in
1304 place thereof the following words:- of the trial court.

1305 SECTION 100. Section 71 of said chapter 221, as so appearing, is hereby amended by
1306 striking out, in line 1, lines 4 and 5, and in line 7, the words "for administration and
1307 management" and inserting in place thereof, in each instance, the following words:- of the trial
1308 court.

1309 SECTION 101. Section 71A of said chapter 221, as so appearing, is hereby amended by
1310 striking out, in line 1 and in lines 5 and 6, the words "chief administrative justice" and inserting
1311 in place thereof the following words:- court administrator.

1312 SECTION 102. Section 72 of said chapter 221, as so appearing, is hereby amended by
1313 striking out, in line 5, the words "chief administrative justice" and inserting in place thereof the
1314 following words:- court administrator.

1315 SECTION 103. Section 80 of said chapter 221, as so appearing, is hereby amended by
1316 striking out, in line 5, the words "chief justice for administration and management" and inserting
1317 in place thereof the following words:- court administrator.

1318 SECTION 104. Section 102 of said chapter 221, as so appearing, is hereby amended by
1319 striking out, in line 5, the words "chief administrative justice" and inserting in place thereof the
1320 following words:- court administrator.

1321 SECTION 105. Section 3 of chapter 221A of the General Laws, as so appearing, is
1322 hereby amended by striking out, in line 3, the word “ administrative”..

1323 SECTION 106. Section 3 of chapter 221B of the General Laws, as so appearing, is
1324 hereby amended by striking out, in line 2, the words “administrative” and inserting in place
1325 thereof the following words:- justice of the trial court.

1326 SECTION 107. Said section 3 of said chapter 221B of the General Laws, as so appearing,
1327 is hereby amended by striking out, in lines 6 and 20, the words “administrative justice” and
1328 inserting in place thereof, in each instance, the following words:- chief justice of the trial court.

1329 SECTION 108. Section 7 of chapter 221C of the General Laws, as so appearing, is
1330 hereby amended by striking out subsection (a) and inserting in place thereof the following
1331 subsection:-

1332 (a) There shall be a committee for the administration of interpreters for the trial court,
1333 which committee shall consist of the chief justice of the trial court, who shall be the chairman of
1334 said committee, the chief justice of the district court department and 1 justice and one clerk-
1335 magistrate of said department appointed by said chief justice, a justice and a clerk or an assistant
1336 clerk of the superior court department appointed by the chief justice of said department, a judge
1337 of the probate and family court department appointed by the chief justice of said department and
1338 1 other justice, judge or clerk-magistrate appointed by the chief justice of the trial court.

1339 SECTION 109. Said section 7 of said chapter 221C, as so appearing, is hereby further
1340 amended by striking out, in line 13, the word “administrative” and inserting in place thereof the
1341 following words:- of the trial court.

1342 SECTION 110. Said section 7 of said chapter 221C, as so appearing, is hereby further
1343 amended by striking out, in line 16, the words “administrative justice” and inserting in place
1344 thereof the following words:- administrative justice of the trial court.

1345 SECTION 111. Section 9 of chapter 258C of the General Laws, as so appearing, is
1346 hereby amended by striking out, in lines 16 and 17, the words “for administration and
1347 management” and inserting in place thereof the following words:- of the trial court.

1348 SECTION 112. Section 9 of chapter 258D of the General Laws, as so appearing, is
1349 hereby amended by striking out, in line 7, the words “for administration and management”.

1350 SECTION 113. The second sentence of the first paragraph of section 6 of chapter 258E
1351 of the General Laws, as appearing in chapter 23 of the acts of 2010, is hereby amended by
1352 striking out the words “for administration and management” and inserting in place thereof the
1353 following words:- of the trial court.

1354 SECTION 114. Section 11 of said chapter 258E, as so appearing, is hereby amended by
1355 striking out the words “for administration and management” and inserting in place thereof the
1356 following words:- of the trial court.

1357 SECTION 115. Section 27G of chapter 261 of the General Laws, as appearing in the
1358 2008 Official Edition, is hereby amended by striking out, in lines 5 and 6, lines 7, 13, and in line
1359 15 the words “chief administrative justice” and inserting in place thereof, in each instance, the
1360 following words:- court administrator.

1361 SECTION 116. Section 4B of chapter 262 of the General Laws, as so appearing, is
1362 hereby amended by striking out, in line 1, the words “chief administrative justice” and inserting
1363 in place thereof the following words:- court administrator.

1364 SECTION 117. Section 39 of chapter 265 of the General Laws, as so appearing, is hereby
1365 amended by striking out, in lines 39 and 40, the words “for administration and management”.

1366 SECTION 118. Chapter 268A of the General Laws is hereby amended by inserting, after
1367 section 6A, the following section:-

1368 Section 6B. Each candidate for employment as a state employee shall be required by the
1369 hiring authority as part of the application process to disclose, in writing, the names of any state
1370 employee who is related to the candidate as: spouse, parent, child or sibling or the spouse of the
1371 candidate’s parent, child or sibling.

1372 The contents of a disclosure received under this section from an employee when such
1373 employee was a candidate shall be considered public records under section 7 of chapter 4 and
1374 chapter 66.

1375 All disclosures made by applicants hired by a state agency shall be made available for
1376 public inspection to the extent permissible by law by the official with whom such disclosure has
1377 been filed.

1378 SECTION 119. Chapter 276 of the General Laws is hereby amended by striking out
1379 section 83, as appearing in the 2008 Official Edition, and inserting in place thereof the following
1380 section:-

1381 Section 83. (a) Each applicant for initial appointment as a probation officer within the
1382 office of the commissioner of probation shall pass a written examination established and
1383 administered by the chief justice for administration and management, after consultation with the
1384 personnel administrator, who shall determine the form, method and subject matter of such
1385 examination. The examination shall test the knowledge, skills and abilities which can be
1386 objectively and reliably measured and which are required to perform the duties of the position of
1387 probation officer. The chief justice for administration and management, in consultation with the

1388 personnel administrator, shall establish a uniform minimum score needed for further
1389 consideration of the applicant for consideration as a probation officer.

1390 (b) The name of each applicant for initial appointment as a probation officer within the
1391 office of the commissioner of probation who has successfully completed the examination under
1392 subsection (a) shall be forwarded to the chief justice for administration and management or a
1393 designee who shall objectively screen the applicant to determine whether the applicant meets the
1394 minimum criteria for appointment as a probation officer.

1395 (c) Those applicants who have passed the examination under subsection (a) and deemed
1396 by the chief justice for administration and management to have met the minimum criteria for
1397 appointment under subsection (b) shall be subject to an investigative and interview process
1398 conducted by the commissioner of probation in consultation with the CJAM/Court
1399 Administrator, which shall include, but not be limited to: (i) inquiry into and review of the
1400 applicant's education, prior work history and other accomplishments to ensure that the applicant
1401 is well suited for the culture of the organization and will further the organization's stated goals;
1402 (ii) behaviorally-based interviews; and (iii) candidate assessments, including case study,
1403 presentation and writing assessments; provided, however, that the candidate assessments shall
1404 focus on the specific requirements of the position.

1405 (d) Recommendations for employment submitted in support of candidates applying for
1406 employment by the trial court shall not be considered by a hiring authority until the applicant has
1407 passed the examination under subsection (a), been deemed by the chief justice for administration
1408 and management to have met the minimum criteria for appointment under subsection (b) and has
1409 successfully completed the interview and investigative processes under subsection (c); provided,
1410 however, that the hiring authority may, in accordance with the trial court's regular practice for
1411 conducting reference checks, contact and speak with a reference provided to it by a candidate, or
1412 contact and speak with any person who has submitted a written recommendation on behalf of a
1413 candidate.

1414 (e) Notwithstanding any general or special law, rule or regulation to the contrary,
1415 recommendations for employment submitted in support of candidates who are hired as probation
1416 officers shall be considered public records under section 7 of chapter 4 and chapter 66; provided,
1417 however that this shall not apply to internal communications.

1418 f) Those applicants who have passed the examination under subsection (a) and were
1419 deemed by the chief justice for administration and management to have met the minimum
1420 criteria for appointment under subsection (b), and who have successfully completed the
1421 interview and investigative processes under subsection (c) shall be eligible for appointment by
1422 the commissioner as a probation officer. The commissioner may appoint probation officers to the
1423 several sessions of the trial court as the commissioner deems necessary, with the approval of the
1424 chief justice for administration and management.

1425 (g) A probation officer seeking a promotion within the office of the commissioner of
1426 probation shall pass a written examination established and administered by the chief justice for
1427 administration and management, after consultation with the personnel administrator, who shall
1428 determine the form, method and subject matter of such examination. The examination shall test
1429 the knowledge, skills, and abilities which can be objectively and reliably measured and which are
1430 required to perform the duties of the position being applied for. The chief justice for
1431 administration and management, in consultation with the personnel administrator, shall establish
1432 a uniform minimum score needed for further consideration of the applicant for consideration for
1433 promotion.

1434 (h) The name of each applicant for promotion within the office of the commissioner of
1435 probation who has successfully completed the examination under subsection (g) shall be
1436 forwarded to the chief justice for administration and management or a designee who shall
1437 objectively screen the applicant to determine whether the applicant meets the minimum criteria
1438 for promotion.

1439 (i) Those applicants passed the examination under subsection (g) and were deemed by the
1440 court administrator to have met the minimum criteria for promotion under subsection (h) shall be
1441 subject to an investigative and interview process which shall include, without limitation: (i)
1442 inquiry into and review of the applicant's education, prior work history and other
1443 accomplishments to ensure that the applicant is well suited for the culture of the organization and
1444 will further the organization's stated goals; (ii) behaviorally-based interviews; and (iii) candidate
1445 assessments, including case study, presentation and writing assessments; provided, however, that
1446 the candidate assessments shall focus on the specific requirements of the position.

1447 (j) Recommendations for promotion submitted in support of candidates applying for a
1448 promotion by the trial court shall not be considered by a hiring authority until the applicant has
1449 passed the examination under subsection (g), been deemed by the chief justice for administration
1450 and management to have met the minimum criteria for appointment under subsection (h) and has
1451 successfully completed the interview and investigative processes under subsection (i); provided,
1452 however, that hiring authority may, in accordance with the trial court's regular practice for
1453 conducting reference checks, contact and speak with a reference provided to it by a candidate, or
1454 contact and speak with any person who has submitted a written recommendation on behalf of a
1455 candidate.

1456 (k) Notwithstanding any general or special law, rule or regulation to the contrary,
1457 recommendations for employment submitted in support of candidates who are promoted as
1458 probation officers shall be considered public records under section 7 of chapter 4 and chapter 66;
1459 provided, however that this shall not apply to internal communications.

1460 (l) Those applicants who have passed the examination under subsection (g) and were
1461 deemed by the chief justice for administration and management to have met the minimum

1462 criteria for appointment under subsection (h) and successfully completed the interview and
1463 investigative processes under subsection (i) shall be eligible for promotion under subsection (m).

1464 (m) In any court having 2 or more probation officers, the first justice, subject to the
1465 approval of the chief justice for administration and management and the commissioner of
1466 probation, may designate 1 probation officer to serve as chief probation officer and may
1467 designate other probation officers to serve as assistant chief probation officers, as the first justice
1468 deems necessary for the effective administration of justice.

1469 A first justice may recommend to the commissioner of probation the initiation of

1470 disciplinary proceedings against a probation officer so promoted under this section;
1471 provided, however, that such probation officer shall receive a hearing by the commissioner of
1472 probation prior to being discharged; and provided further, that such probation officer may appeal
1473 any suspension, discipline or discharge to the chief justice for administration and management.

1474 (n) The compensation of probation officers in the trial court shall be paid by the
1475 commonwealth according to schedules established in section 99B or in a provision of an
1476 applicable collective bargaining agreement.

1477 (o) All probation officers shall devote their full time and attention to the duties of their
1478 office during regular business hours.

1479 (n) all personnel standards developed under this section shall ensure that all
1480 appointments, promotions and increases in compensation of personnel within the trial court are
1481 merit based and maintain internal and external integrity with regard to their processes. Such
1482 standards shall be made available to the public and promulgated prominently on the website of
1483 the trial court.

1484 SECTION 120. Section 83 of said chapter 276, as appearing in section 120, is hereby
1485 amended by striking out the words “chief justice for administration and management”, each time
1486 they appear, and inserting in place thereof, in each instance, the following words:- court
1487 administrator..

1488 SECTION 121. Section 86 of said chapter 276 is hereby repealed.

1489 SECTION 122. Section 88 of said chapter 276, as appearing in the 2008 Official Edition,
1490 is hereby amended by striking out, in line 18, the words “chief administrative justice” and
1491 inserting in place thereof the following words:- court administrator.

1492 SECTION 123. Section 89 of said chapter 276, as so appearing, is hereby amended by
1493 striking out, in lines 41 and 42, the words “chief administrative justice” and inserting in place
1494 thereof the following words:- court administrator.

1495 SECTION 124. Section 89A of said chapter 276, as so appearing, is hereby amended by
1496 striking out, in line 11, the words "chief justice for administration and management" and
1497 inserting in place thereof the following words:- court administrator.

1498 SECTION 124A. Said chapter 276 is hereby further amended by striking out sections 98
1499 and 99, as amended by section 103 of chapter 131 of the acts of 2010, and inserting in place
1500 thereof the following 3 sections:-

1501 Section 98. There shall be an office of probation which shall be under the supervision,
1502 direction and control of a commissioner of probation. The commissioner shall be appointed, and
1503 may be removed, by the chief justice for administration and management, with the advice of the
1504 chief justice of the juvenile court, the chief justice of the superior court, the chief justice of the
1505 district court, the chief justice of the probate and family court and the chief justice of the Boston
1506 municipal court. The commissioner shall be a person of skill and experience in the field of
1507 criminal justice. The commissioner shall be the executive and administrative head of the office
1508 of probation and shall be responsible for administering and enforcing the laws relative to the
1509 office of probation and to each administrative unit of the office. The commissioner shall serve a
1510 term of 5 years and may be reappointed. The commissioner shall receive such salary as may be
1511 determined by law and shall devote full time to the duties of the office. In the case of an absence
1512 or vacancy in the office of the commissioner or in the case of disability as determined by the
1513 chief justice for administration and management, the chief justice may designate an acting
1514 commissioner to serve as commissioner until the vacancy is filled or the absence or disability
1515 ceases. The acting commissioner shall have all of the powers and duties of the commissioner and
1516 shall have similar qualifications as the commissioner.

1517 Subject to the approval and consent of the chief justice for administration and
1518 management, the commissioner may appoint such deputies, supervisors and assistants as may be
1519 necessary for the performance of the commissioner's duties. The deputies, supervisors and
1520 assistants shall, subject to appropriation, receive salaries to be fixed by the chief justice for
1521 administration and management. The commissioner shall perform such duties and
1522 responsibilities as otherwise provided by law or as designated from time to time by the chief
1523 justice for administration and management. The commissioner shall make recommendations to
1524 the chief justice for administration and management on:

1525 (i) the supervision and evaluation of all probation programs within the trial court;

1526 (ii) the evaluation of the probation service in each court of the commonwealth;

1527 (iii) the compilation, evaluation and dissemination of statistical information on crime,
1528 delinquency and appropriate probate and family court matters available in the commissioner's
1529 records;

1530 (iv) the recruitment, training and educational development of probation officers;

1531 (v) the evaluation of the work performance of probation officers; and

1532 (vi) planning, initiation and development of volunteer, diversion and other programs in
1533 consultation with probation officers throughout the commonwealth.

1534 Section 98A. There shall be a board to advise the commissioner of probation and the
1535 chief justice for administration and management. The board shall make recommendations on the
1536 management of the office of probation. The board shall consist of 9 members to be appointed by
1537 the supreme judicial court: 2 persons who have significant experience in criminal justice, 2
1538 persons who have significant experience in public policy, 2 persons who have significant
1539 experience in management, 1 person who has significant experience in human resources
1540 management, 1 person who is a member of the Massachusetts bar with active status and 1 person
1541 with significant experience as a probation officer. Upon the expiration of the term of any
1542 appointive member, the member's successor shall be appointed in a like manner for a term of 3
1543 years. In making their initial appointments, the supreme judicial court shall appoint 2 members
1544 to serve for a term of 1 year, 4 members to serve for a term of 2 years and 3 members to serve for
1545 a term of 3 years.

1546 A person appointed to fill a vacancy on the board shall be appointed in like manner and
1547 shall serve for only the unexpired term of the former member. No member shall serve for more
1548 than 2 full terms. The board shall annually elect 1 of its members to serve as chair and 1 of its
1549 members to serve as vice-chair. The chair shall hold regular meetings and shall notify the board
1550 members of the time and place of the meetings.

1551 Members of the board shall serve without compensation but shall be reimbursed for their
1552 expenses actually and necessarily incurred in the discharge of their official duties. The chief
1553 justice for administration and management shall serve as the executive secretary of the board and
1554 the office of probation shall provide, at the request of the board, detailed reports regarding the
1555 work of probation in the court.

1556 The board shall advise the commissioner of probation and the chief justice for
1557 administration and management on all matters of probation reform. The board shall make
1558 recommendations to the commissioner of probation and the chief justice for administration and
1559 management and shall forward such recommendations to the house and senate committees on
1560 ways and means.

1561 Section 99. The commissioner shall have executive control and supervision of the
1562 probation service and shall have the power to:

1563 (1) supervise the probation work in all of the courts of the commonwealth and, for
1564 such purposes, the commissioner and the commissioner's staff shall have access to all probation
1565 records of those courts;

1566 (2) subject to the approval of the chief justice for administration and management,
1567 establish reports and forms to be maintained by probation officers, establish procedures to be
1568 followed by probation officers and establish standards and rules of probation work, including
1569 methods and procedures of investigation, mediation, supervision, case work, record keeping,
1570 accounting and caseload and case management;

1571 (3) promulgate rules and regulations concerning probation officers or offices;
1572 provided, however, that such rules and regulations shall be approved in writing by the chief
1573 justice for administration and management subject to chapter 150E;

1574 (4) assist the chief justice for administration and management in developing standards
1575 and procedures for the performance evaluation of probation officers and assist each first justice
1576 in evaluating the work performance of probation officers; provided, however, that in the event of
1577 any conflict between this clause and a term of an applicable collective bargaining agreement, the
1578 term of the collective bargaining agreement shall take precedence;

1579 (5) receive all notices of intended disciplinary action against a probation officer or
1580 supervising probation officer, including reprimand, fine, suspension, demotion or discharge, that
1581 may be initiated by a first justice, supervisor or chief probation officer;

1582 (6) develop and conduct basic orientation and in-service training programs for
1583 probation officers, such programs to be held at such times and for such periods as the
1584 commissioner shall determine;

1585 (7) conduct research studies relating to crime and delinquency; provided, however,
1586 that the commissioner may participate with other public and private agencies in joint research
1587 studies;

1588 (8) annually submit written budget recommendations for the probation service to the
1589 chief justice for administration and management, which shall be in addition to the budget
1590 requests submitted by the first justices on behalf of their respective courthouse or courthouses,
1591 including probation offices;

1592 (9) annually conduct regional meetings with chief probation officers to discuss the
1593 budget needs of the local probation offices; and

1594 (10) hold conferences on probation throughout the commonwealth; provided, however,
1595 that the traveling expenses of trial court justices or probation officers authorized by the chief
1596 justice for administration and management to attend any such conference shall be paid by the
1597 commonwealth.

1598 SECTION 124B. Said chapter 276 is hereby further amended by striking out sections 98
1599 to 99, inclusive, as appearing in section 124, and inserting in place thereof the following 3
1600 sections:-

1601 Section 98. There shall be an office of probation which shall be under the supervision,
1602 direction and control of a commissioner of probation. The commissioner shall be appointed, and
1603 may be removed, by the chief justice of the trial court and the court administrator, with the
1604 advice of the chief justice of the juvenile court, the chief justice of the superior court, the chief
1605 justice of the district court, the chief justice of the probate and family court and the chief justice
1606 of the Boston municipal court. The commissioner shall be a person of skill and experience in the
1607 field of criminal justice. The commissioner shall be the executive and administrative head of the
1608 office of probation and shall be responsible for administering and enforcing the laws relative to
1609 the office of probation and to each administrative unit tof the office. The commissioner shall
1610 serve a term of 5 years and may be reappointed. The commissioner shall receive such salary as
1611 may be determined by law and shall devote full time to the duties of the office. In the case of an
1612 absence or vacancy in the office of the commissioner, or in the case of disability as determined
1613 by the chief justice of the trial court, said chief justice may designate an acting commissioner to
1614 serve as commissioner until the vacancy is filled or the absence or disability ceases. The acting
1615 commissioner shall have all of the powers and duties of the commissioner and shall have similar
1616 qualifications as the commissioner.

1617 Subject to the approval and consent of the court administrator, the commissioner may
1618 appoint such deputies, supervisors and assistants as may be necessary for the performance of the
1619 commissioner's duties. The deputies, supervisors and assistants shall, subject to appropriation,
1620 receive salaries to be fixed by the court administrator. Subject to the approval and direction of
1621 the court administrator, the commissioner shall perform such duties and responsibilities as
1622 otherwise provided by law or as designated from time to time by the chief justice of the trial
1623 court and the court administrator. The commissioner shall make recommendations to the chief
1624 justice of the trial court and the court administrator on:

1625 (i) the supervision and evaluation of all probation programs within the trial court;

1626 (ii) the evaluation of the probation service in each court of the commonwealth;

1627 (iii) the compilation, evaluation and dissemination of statistical information on crime,
1628 delinquency and appropriate probate and family court matters available in the commissioner's
1629 records;

1630 (iv) the recruitment, training and educational development of probation officers;

1631 (v) the evaluation of the work performance of probation officers; and

1632 (vi) planning, initiation and development of volunteer, diversion and other programs in
1633 consultation with probation officers throughout the commonwealth.

1634 Section 98A. There shall be a board to advise the commissioner of probation and the
1635 court administrator. The board shall make recommendations on the management of the office of

1636 probation. The board shall consist of 9 members to be appointed by the supreme judicial court: 2
1637 persons who have significant experience in criminal justice, 2 persons who have significant
1638 experience in public policy, 2 persons who have significant experience in management, 1 person
1639 who has significant experience in human resources management, 1 person who is a member of
1640 the Massachusetts bar with active status and 1 person with significant experience as a probation
1641 officer. Upon the expiration of the term of any appointive member, the member's successor shall
1642 be appointed in a like manner for a term of 3 years. In making their initial appointments, the
1643 supreme judicial court shall appoint 2 members to serve for a term of 1 year, 4 members to serve
1644 for a term of 2 years and 3 members to serve for a term of 3 years.

1645 A person appointed to fill a vacancy on the board shall be appointed in like manner and
1646 shall serve for only the unexpired term of the former member. No member shall serve for more
1647 than 2 full terms. The board shall annually elect 1 of its members to serve as chair and 1 of its
1648 members to serve as vice-chair. The chair shall hold regular meetings and shall notify the board
1649 members of the time and place of the meetings.

1650 Members of the board shall serve without compensation but shall be reimbursed for their
1651 expenses actually and necessarily incurred in the discharge of their official duties. The court
1652 administrator shall serve as the executive secretary of the board and the office of probation shall
1653 provide, at the request of the board, detailed reports regarding the work of probation in the court.

1654 The board shall advise the commissioner of probation and the court administrator on all
1655 matters of probation reform. The board shall make recommendations to the commissioner of
1656 probation and the court administrator and shall forward such recommendations to the house and
1657 senate committees on ways and means.

1658 Section 99. The commissioner shall have executive control and supervision of the
1659 probation service and shall have the power to:

1660 (1) supervise the probation work in all of the courts of the commonwealth and, for
1661 such purposes, the commissioner and the commissioner's staff shall have access to all probation
1662 records of those courts;

1663 (2) subject to the approval of the chief justice of the trial court, establish reports and
1664 forms to be maintained by probation officers, establish procedures to be followed by probation
1665 officers and establish standards and rules of probation work, including methods and procedures
1666 of investigation, mediation, supervision, case work, record keeping, accounting and caseload and
1667 case management;

1668 (3) promulgate rules and regulations concerning probation officers or offices;
1669 provided, however, that such rules and regulations shall be approved in writing by the court
1670 administrator subject to chapter 150E;

1671 (4) assist the court administrator in developing standards and procedures for the
1672 performance evaluation of probation officers and assist each first justice in evaluating the work
1673 performance of probation officers; provided, however, that in the event of any conflict between
1674 this clause and a term of an applicable collective bargaining agreement, the term of the collective
1675 bargaining agreement shall take precedence;

1676 (5) receive all notices of intended disciplinary action against a probation officer or
1677 supervising probation officer, including reprimand, fine, suspension, demotion or discharge, that
1678 may be initiated by a first justice, supervisor or chief probation officer;

1679 (6) develop and conduct basic orientation and in-service training programs for
1680 probation officers, such programs to be held at such times and for such periods as the
1681 commissioner shall determine;

1682 (7) conduct research studies relating to crime and delinquency; provided, however,
1683 that the commissioner may participate with other public and private agencies in joint research
1684 studies;

1685 (8) annually submit written budget recommendations for the probation service to the
1686 the court administrator, which shall be in addition to the budget requests submitted by the first
1687 justices on behalf of their respective courthouse or courthouses, including probation offices;

1688 (9) annually conduct regional meetings with chief probation officers to discuss the
1689 budget needs of the local probation offices; and

1690 (10) hold conferences on probation throughout the commonwealth; provided, however,
1691 that the traveling expenses of trial court justices or probation officers authorized by the court
1692 administrator to attend any such conference shall be paid by the commonwealth.

1693 SECTION 125. Said chapter 276 is hereby further amended by inserting after section
1694 99E, as appearing in the 2008 Official Edition, the following section:-

1695 Section 99F. (a) The commissioner of probation shall establish a performance
1696 measurement system for the office of probation and any private organizations under contract
1697 with the commonwealth to perform services as part of a probationary sentence. The
1698 commissioner shall annually establish program goals, measure program performance against
1699 those goals and report publicly on the progress to improve the effectiveness of probation
1700 programs. The commissioner shall determine the appropriate measures and standards of
1701 performance in all categories and reporting on performance trends. Clear measurements shall be
1702 developed and effectuated while ensuring that no undue administrative burden is placed on
1703 agencies and organizations subject to this section. The performance measurement system shall
1704 require each division to develop a strategic plan for program activities and performance goals.

1705 (b) Performance measurements shall include, but not be limited to, the recidivism and
1706 violation rate for probationers, probationers' compliance with court orders, the effectiveness of
1707 the probation departments' provision of information to the court and any other measurements
1708 established by the commissioner of probation.

1709 (c) The commissioner shall annually re-evaluate the goals and measures established by
1710 the office and monitor the results that the divisions and contractors report. The office shall
1711 recommend changes to proposed goals and measures as are appropriate to enhance public safety.

1712 (d) The commissioner shall use the performance measurements established under this
1713 section to determine the quality of service of all private entities. The results of such performance
1714 measures shall be criteria used in negotiating any contracts, and contracts with private
1715 organizations not meeting their performance goals shall be publicly bid upon their expiration.
1716 Renewal contracts may also provide incentives to reward reporting in compliance with
1717 performance measurements and to reward achievement of specific performance goals.

1718 (e) The commissioner mayconsider applications for rehabilitative pilot programs that
1719 incorporate evidence based correctional practices. Said applications shall encourage partnerships
1720 with the state and can demonstrate an ability to leverage federal and/or private grant
1721 opportunities.

1722 (f) The results of such performance measures shall be considered in conducting
1723 performance evaluations of staff.

1724 (g) The commissioner shall report regularly to the public on the progress the office and
1725 its divisions are making at achieving stated goals. The report on performance measurements shall
1726 be published annually and made available to the public not later than December 31. The report
1727 shall also be filed annually with the clerks of the house of representatives and the senate, the
1728 chairs of the house and senate committees on ways and means, the house and senate chairs of the
1729 joint committee on public safety and homeland security and the house and senate chairs of the
1730 joint committee on the judiciary. The commissioner shall be responsible for reporting publicly
1731 and transparently and making all reports available.

1732 (h) The commissioner shall, to the extent practicable, develop partnerships with research
1733 institutions to further analyze performance management data.

1734 SECTION 126. Item 0330-0300 of section 2 of said chapter 68 of the acts of 2011 is
1735 hereby amended by adding the following words:- ; provided further, the trial court shall employ
1736 no more administrative personnel in fiscal year 2012 than were employed in fiscal year 2011;
1737 provided further that the trial court shall report quarterly to the house and senate committees on
1738 ways and means on the number of administrative personnel employed by each department of the
1739 trial and the salary of administrative personnel employed by each department of the trial court;
1740 and provided further that the trial court shall not use any appropriations for salary increases for

1741 administrative personnel unless possible through existing appropriations; not be used for salary
1742 increased for administrative personnel;

1743 SECTION 127. Notwithstanding any general or special law to the contrary, any
1744 incumbent serving a term of office described in chapter 211B of the General Laws shall unless
1745 otherwise removed perform, so far as practicable, the duties prescribed for the respective office
1746 until the end of their current term; provided, however, that this section shall not limit or restrict
1747 administrative authorities in exercising supervision of, or control over, their employees, or in
1748 assigning related, incidental, or emergency duties to them.

1749 SECTION 127. Notwithstanding any general or special law to the contrary, the court
1750 administrator shall identify administrative activities and functions common to the separate
1751 officers, divisions, and departments within the trial court for consolidation in order to improve
1752 administrative efficiency and preserve fiscal resources and shall, subject to the review of the
1753 court management advisory board established pursuant to section 6A of chapter 211B of the
1754 General Laws, make recommendations to the supreme judicial court as to the designation of such
1755 functions as 'core administrative functions'; provided, however, that common functions that
1756 shall be designated core administrative functions shall include, but not be limited to, human
1757 resources, financial management, information technology, legal, procurement and asset
1758 management.

1759 SECTION 128. Notwithstanding any general or special law to the contrary, on December
1760 31 and annually thereafter, the court management advisory board established pursuant to section
1761 6A of chapter 211B of the General Laws shall report to the supreme judicial court, the joint
1762 committee on the judiciary, the joint committee on state administration, and the house and senate
1763 committees on ways and means on the trial court's progress in implementing the requirements of
1764 this chapter. The report shall also include recommendations to improve the management of the
1765 trial court, including but not limited to consolidation of core administrative functions, and
1766 proposed legislation to effectuate the recommendations contained in said report.

1767 SECTION 129. Notwithstanding any general or special law to the contrary, the
1768 incumbent of the office of commissioner of probation designated under section 98 of chapter 276
1769 of the General Laws shall continue to hold said position until January 31, 2013. Said incumbent
1770 shall be eligible for reappointment to said office under the process established under said section
1771 98.

1772 SECTION 130. Notwithstanding any general or special law to the contrary, the chief
1773 justice of the trial court, together with the court administrator, shall submit a report to the joint
1774 committee on the judiciary and the house and senate committees on ways and means 90 days
1775 prior to the temporary closure or the temporary relocation of courthouses; provided further that
1776 said report shall include, but not be limited to, the transfer of personnel, the reallocation of

1777 resources, the impact on other courthouses resulting from the temporary closure of said court and
1778 other factors that may affect implementation of said temporary closure.

1779 SECTION 131. The court administrator shall conduct a study exploring the feasibility of
1780 allowing payment of fees, fines, costs, assessments and other monies collected by any
1781 department of the trial court to be made with a credit card. The court administrator shall prepare
1782 a report on the findings, including recommendations and legislation necessary to effectuate those
1783 recommendations, by filing the same with the clerks of the house of representatives and the
1784 senate not later than December 1, 2011.

1785 SECTION 136. Sections 56 and 135 of this act shall expire on July 1, 2012.

1786 SECTION 137. Sections 2 to 54, inclusive, 57 to 117, inclusive, 127, 133, and 134 shall
1787 take effect on July 1, 2012.

1788 SECTION 138. Except as otherwise provided in this act, this act shall take effect on July
1789 1, 2012.

1790 ERRATA FOLLOWS:

1791 July 29, 2011

1792 The following language was incorrectly reported in the final conference committee report
1793 for an act relative to the reorganization of the judicial system of the commonwealth. The
1794 conferees respectfully request that the following amendments be made to the conference
1795 committee report:

1796 in line 128, by inserting after the word “justices” the following words:- “, including the
1797 chief justice,”; and

1798 by striking out lines 394 to 420; and

1799 by striking out, in line 508, the numeral “(xx)” and inserting in place thereof the
1800 following numeral:- (xxi); and

1801 by striking out, in line 516, the numeral “(xxi)” and inserting in place thereof the
1802 following numeral:- (xxii); and

1803 by striking out, in line 522, the numeral “(xxii)” and inserting in place thereof the
1804 following numeral:- (xxiii); and

1805 by striking out line 521; and

1806 in line 655 by striking out the words “the authority to” and inserting in place thereof the
1807 following words:-

1808 “the court administrator shall annually”; and

1809 by striking out in lines 660 to 664 the words “To achieve sound operation of their
1810 department, they shall have the following powers, authority and responsibilities, and shall
1811 allocate between themselves primary responsibility for each in a manner on which they agree and
1812 that is approved by the chief justice of the trial court and the court administrator” and inserting in
1813 place thereof the following words:-

1814 “To achieve sound operation of their department they shall have the following powers,
1815 authority and responsibilities, and shall allocate between themselves and the deputy court
1816 administrator primary responsibility for each in a manner that conforms to the division of
1817 responsibilities between the chief justice of the trial court and the court administrator under
1818 sections 9 and 9A of chapter 211B”; and

1819 by striking out, in lines 947 and 948 the words “the chief justice for administration and
1820 management” and inserting in place thereof the following words:- “the court administrator”; and

1821 by striking out, in lines 987 and 988 the words “the chief justice for administration and
1822 management” and inserting in place thereof the following words:- “the court administrator”; and

1823 by striking out section 57 and inserting in place thereof the following section:-

1824 “SECTION 57. Said section 12 of said chapter 211B, as amended by section 56, is hereby
1825 further amended by striking out the word “may” the first time it appears and inserting in place
1826 thereof the following word:- “shall”; and

1827 by striking out, in line 1135, the words “SECTION 78.” the second time they appear; and

1828 in line 1213, by inserting the following 2 sentences:- “A chief justice shall hold said
1829 office for a term of 5 years, and shall be eligible to be reappointed for additional 5 year terms. A
1830 chief justice, so appointed may be removed from that office prior to the expiration of his term
1831 provided, however, that any such removal is not for arbitrary or capricious reasons.”; and

1832 by striking out lines 1222 to 1235; and

1833 in line 1456, by striking out the words “section 120” and inserting in place thereof the
1834 following words:- “section 119”; and

1835 by striking out, in line 1720, the words “SECTION 127” and inserting in place thereof
1836 the following words:- “SECTION 127A”; and

1837 by inserting the following section:- “SECTION 132. Sections 55A, 57, 120, 124B, 130
1838 and 131 of this act shall be effective upon the appointment of a court administrator under section
1839 12 of chapter 211B.”; and

1840 by inserting the following section:- " SECTION 133. Sections 55, 119 and 124A of this
1841 act shall be repealed upon the appointment of a court administrator under section 12 of chapter
1842 211B."; and

1843 by striking out section 136 and inserting in place thereof the following section:-

1844 "SECTION 136. Section 56 of this act shall expire on July 1, 2012."; and

1845 by striking out section 137 and inserting in place thereof the following section:-

1846 "SECTION 137. Sections 2 to 7, inclusive, 10 to 54, inclusive, 57 to 117, inclusive, 122,
1847 123, 124, 125 and 127A shall take effect on July 1, 2012."; and

1848 by striking out section 138 and inserting in place thereof the following section:-

1849 " SECTION 138. Except as otherwise provided in this act, this act shall be effective as of
1850 July 1, 2011.".

1851 SENATE	HOUSE
1852 _____	_____
1853 Cynthia Creem	Eugene O'Flaherty
1854 _____	_____
1855 Brian Joyce	Brian Dempsey
1856	
1857 _____	_____
1858 Bruce Tarr	Daniel Winslow