



THE 187<sup>TH</sup> GENERAL COURT OF  
THE COMMONWEALTH OF MASSACHUSETTS

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

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

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

**Actions for Bill H.3395**

Date	Branch	Action
4/25/2011	House	Referred to the committee on House Rules, reported, referred to the committee on Joint Rules, reported, ruled suspended and referred to the committee on the Judiciary
4/25/2011	Senate	Senate concurred
5/2/2011	Joint	Hearing scheduled for 05/03/2011 from 01:00 PM-05:00 PM In A-2
5/5/2011	House	Bill reported favorably by committee and referred to the House committee on Ways and Means
5/9/2011	House	Committee recommended ought to pass and referred to the committee on House Steering, Policy and Scheduling
5/9/2011	House	Committee reported that the matter be placed in the Orders of the Day for the next sitting for a second reading
5/11/2011	House	Read second and ordered to a third reading
5/11/2011	House	Rules suspended
5/11/2011	House	Read third

**Petitioners:** Robert A. DeLeo

**Actions for Bill H.3395**

<b>Date</b>	<b>Branch</b>	<b>Action</b>
4/25/2011	House	Referred to the committee on House Rules, reported, referred to the committee on Joint Rules, reported, rules suspended and referred to the committee on the Judiciary
4/25/2011	Senate	Senate concurred
5/2/2011	Joint	Hearing scheduled for 05/03/2011 from 01:00 PM-05:00 PM in A-2
5/5/2011	House	Bill reported favorably by committee and referred to the House committee on Ways and Means
5/9/2011	House	Committee recommended ought to pass and referred to the committee on House Steering, Policy and Scheduling
5/9/2011	House	Committee reported that the matter be placed in the Orders of the Day for the next sitting for a second reading
5/11/2011	House	Read second and ordered to a third reading
5/11/2011	House	Rules suspended
5/11/2011	House	Read third
5/11/2011	House	146 YEAS to 0 NAYS (See YEA and NAY in Supplement, No. 76)
5/11/2011	House	Amendment adopted
5/11/2011	House	Passed to be engrossed - 152 YEAS to 0 NAYS (See YEA and NAY in Supplement, No. 77)
5/12/2011	Senate	Read and referred to Senate Committee on Ways and Means
5/16/2011	Senate	Committee recommended ought to pass with an amendment, inserting in place thereof the text of S1907
5/16/2011	Senate	Order relative to subject matter adopted
5/19/2011	Senate	Read second
5/19/2011	Senate	Ways and Means new text (S1907) adopted, as amended
5/19/2011	Senate	Ordered to a third reading
5/19/2011	Senate	Bills in the Third Reading amendment adopted
5/19/2011	Senate	Reprinted as amended, see S1911
5/19/2011	Senate	Passed to be engrossed (see Roll Call #16 Yeas 39 - Nays 0)
5/26/2011	House	Rules suspended
5/26/2011	House	House NON-concurred in the Senate amendment
5/26/2011	House	Committee of Conference appointed (O'Flaherty-Dempsey-Winslow)
5/31/2011	Senate	Senate insisted on its amendments
5/31/2011	Senate	Committee of conference appointed (Creem-Joyce-Tarr), in concurrence
7/29/2011	House	Reported by H3644



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THE COMMONWEALTH OF MASSACHUSETTS

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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

**Actions for Bill H.3644**

Date	Branch	Action
7/29/2011	House	Reported from the committee of conference
7/29/2011	House	Reported on H3395
7/29/2011	House	Rules suspended
7/29/2011	House	Committee of conference report accepted
7/29/2011	Senate	Rules suspended
7/29/2011	Senate	Committee of conference report accepted, in concurrence
7/29/2011	House	Enacted
7/29/2011	Senate	Enacted and laid before the Governor
8/4/2011	Senate	Signed by the Governor, Chapter 93 of the Acts of 2011

**Actions for Bill H.3644**

<b>Date</b>	<b>Branch</b>	<b>Action</b>
7/29/2011	House	Reported from the committee of conference
7/29/2011	House	Reported on H3395
7/29/2011	House	Rules suspended
7/29/2011	House	Committee of conference report accepted
7/29/2011	Senate	Rules suspended
7/29/2011	Senate	Committee of conference report accepted, in concurrence
7/29/2011	House	Enacted
7/29/2011	Senate	Enacted and laid before the Governor
8/4/2011	Senate	Signed by the Governor, Chapter 93 of the Acts of 2011

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**An Act Relative to the Reorganization of the Judicial System of the Commonwealth  
Section-by-Section Summary**

**SECTION 1.** This section would amend the definition of "public records" to require letters of recommendation to be considered as public records.

**SECTION 2.** This section would make a technical change relative to the name change of the Chief Justice for Administration and Management (CJAM) to Chief Justice of the Trial Court.

**SECTION 3.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 4.** This section would make a technical change relative to the name change of the Chief Justice for Administration and Management (CJAM) to Chief Justice of the Trial Court and insert the Court Administrator.

**SECTION 5.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court and insert the Court Administrator.

**SECTION 6.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 7.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 8.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 9.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 10.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 11.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 12.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 13.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 14.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 15.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 16.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 17.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 18.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 19.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 20.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 21.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 22.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 23.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 24.** *This section would establish a Chief Justice and Deputy Court Administrator of the Land Court Department, to carry out the duties authorized in Section 10 of Chapter 211B.*

**SECTION 25.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 26.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 27.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 28.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 29.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 30.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 31.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 32.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 33.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 34.** This section would allow the any first justice within the Housing Court department to be removed by the Chief Justice of the Housing Court department.

**SECTION 35.** This section would establish a Chief Justice and Deputy Court Administrator of the Housing Court Department, to carry out the duties authorized in Section 10 of Chapter 211B.

**SECTION 36.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 37.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 38.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 39.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 40.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 41.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 42.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 43.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 44.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 45.** This section would make a technical change relative to the name change of the

CJAM to Chief Justice of the Trial Court.

**SECTION 46.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 47.** This section would strike language prohibiting the Supreme Judicial Court from exercising general superintendence powers over the CJAM to the extent that they interfere with powers specifically granted to the CJAM.

**SECTION 48.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 49.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 50.** This section would establish a Chief Justice of the Trial Court, Court Administrator, and Deputy Court Administrators within the Trial Court.

**SECTION 51.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 52.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 53.** This section would strike several existing sections of Chapter 211B and insert the following new sections:

Section 5 would allow for chief justices within the various departments of the Trial Court, to be appointed and removed by the Chief Justice of the Trial Court. The chief justices would serve for 5 year terms.

Section 5A would establish the office of deputy court administrators of the departments of the Trial Court. The administrators would be professional civilians and serve coterminous with their respective chief justices. The deputy court administrators would be appointed and removed by the Court Administrator and the chief justices of their respective departments. This section would also establish a process for resolving disputes between chief justices and deputy court administrators.

Section 6 would allow a Chief Justice of the Trial Court, to serve at the pleasure of the Supreme Judicial Court. The Chief Justice would be appointed for a 5 year term.

Section 6A would make technical changes to the existing Court Management Advisory Board.

Section 6B would establish an Office of Court Management within the Trial Court, to be headed by a Court Administrator. The Court Administrator would serve at the pleasure of the Supreme



Judicial Court, and would serve a 5 year term. This section would also establish a process for resolving disputes between the CJTC and the Court Administrator.

Section 7 would establish procedures for filling vacancies in the offices of Chief Justice of the Trial Court, Chief Justice of the various departments of the Trial Court, Deputy Court Administrator and Court Administrator.

Section 8 would strike language requiring personnel standards to only allow employees and officers of the Trial Court to be removed for cause.

Section 9 would establish the powers of the Chief Justice of the Trial Court. In addition to the enumerated powers granted in this section, all inherently judicial powers would be granted to the Chief Justice.

Section 9A would establish the powers of the Court Administrator, who would be the administrative head of the Trial Court.

Section 10 would establish powers for the Chief Justices and Deputy Court Administrators of the various Trial Court departments, with the direction that the powers be divided as seen fit between the two, but all inherently judicial powers remaining with the Chief Justices.

Section 10A would be establish the powers of the first justices of the Trial Court.

**SECTION 54.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 55.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court and insert the Court Administrator.

**SECTION 56.** This section would establish a hiring process for court officers within the Trial Court. Applicants for initial and promotional appointment would be required to pass an examination and be screened before advancing to the next round, which would include an investigative and interview process. Only after advancing past that stage would an applicant be eligible for appointment by the Court Administrator. Court officers would be required to devote their full time and attention to the duties of their office.

**SECTION 57.** This section would allow for the establishment of an Office of Court Management within the Trial Court, to be headed by a Court Administrator. The Court Administrator would serve at the pleasure of the Supreme Judicial Court, and would serve a 5 year term. The Court Administrator would be allowed to carry out such duties as prescribed by law, or as directed by the Supreme Judicial Court. This section would also establish a process for resolving disputes between the Chief Justice of the Trial Court and the Court Administrator.

**SECTION 58.** This section would allow for the court administrator to appoint personnel as necessary for Trial Court administration.

**SECTION 59.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 60.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 61.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 62.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 63.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 64.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 65.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 66.** This section would establish a Chief Justice of the Superior Court Department, to carry out the duties authorized in Section 10 of Chapter 211B.

**SECTION 67.** This section would establish a Deputy Court Administrator of the Superior Court Department, to carry out the duties authorized in Section 10 of Chapter 211B.

**SECTION 68.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 69.** This section would require the Chief Justice of the Superior Court Department to consult with the Court Administrator relative to the assignment of court officers.

**SECTION 70.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 71.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 72.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 73.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 74.** This section would allow the any first justice within the Probate and Family

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Court department to be removed by the Chief Justice of the Probate and Family Court department.

**SECTION 75.** This section would establish a Chief Justice and Deputy Court Administrator of the Probate and Family Court Department, to carry out the duties authorized in Section 10 of Chapter 211B.

**SECTION 76.** *This section would strike existing language allowing the Chief Justice of the Probate and Family Court to appoint an executive secretary and other personnel as required.*

**SECTION 77.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 78.** This section would strike the definition of "chief justice" within the Office of Community Corrections.

**SECTION 79.** This section would insert a definition for "court administrator" within the Office of Community Corrections.

**SECTION 80.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 81.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 82.** This section would authorize the Chief Justice of the District Court Department to appoint first justices at the various courts within the department, to serve for 5 year terms at his pleasure.

**SECTION 83.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 84.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 85.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 86.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 87.** This section would establish a Chief Justice and Deputy Court Administrator of the District Court Department, to carry out the duties authorized in Section 10 of Chapter 211B.

**SECTION 88.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 89.** This section would establish a Chief Justice and Deputy Court Administrator of the Boston Municipal Court Department, to carry out the duties authorized in Section 10 of Chapter 211B. This section would further allow the Chief Justice to appoint first justices at the various courts within the department, to serve for 5 year terms at his pleasure.

**SECTION 90.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 91.** This section would establish a Chief Justice and Deputy Court Administrator of the Juvenile Municipal Court Department, to carry out the duties authorized in Section 10 of Chapter 211B.

**SECTION 92.** This section would allow the any first justice within the Juvenile Court Department to be removed by the Chief Justice of the Juvenile Court department.

**SECTION 93.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 94.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 95.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 96.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 97.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 98.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 99.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 100.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 101.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 102.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 103.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 104.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 105.** *This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.*

**SECTION 106.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 107.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 108.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 109.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 110.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 111.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 112.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 113.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 114.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 115.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 116.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 117.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 118.** This section would make a technical change transferring a non-judicial

responsibility from the CJAM to the Court Administrator.

**SECTION 119.** This section would make a technical change relative to the name change of the CJAM to Chief Justice of the Trial Court.

**SECTION 120.** This section would require all applicants for jobs within the executive, legislative, and judicial branches to disclose the names of all immediate family who are state employees. This information would be made public for all successful applicants.

**SECTION 121.** This section would require all recommendations to be made in writing. This section would also limit recommendations from being considered by employers within the executive, legislative, and judicial branches until the final stage of a hiring process.

**SECTION 122.** This section would establish a hiring process for probation officers. Applicants for initial appointment would be required to pass an examination and be screened before advancing to the next round, which would include an investigative and interview process. Only after advancing past that stage would an applicant be eligible for appointment by the Commissioner, with the approval of the Court Administrator.

Applicants for promotional appointment would be required to pass an examination and be screened before advancing to the next round, which would include an investigative and interview process. After advancing past that stage, an applicant would be eligible for appointment by a first justice, with the approval of the Court Administrator and the Commissioner. Probation officers would be required to devote their full time and attention to the duties of their office.

**SECTION 123.** This section would repeal Section 86 of Chapter 276 of the General Laws, relative to the position of deputy probation officers.

**SECTION 124.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 125.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 126.** This section would make a technical change transferring a non-judicial responsibility from the CJAM to the Court Administrator.

**SECTION 127.** This section would strike sections relative to the Commissioner of Probation and insert the following sections:

Section 98 would require the Commissioner of Probation to be appointed by the Chief Justice of the Trial Court and the Court Administrator, with the advice of the chief justices of the Juvenile Court, Superior Court, District Court, Probate and Family Court, and Boston Municipal Court. The Commissioner would be required to have skill and experience in the field of criminal justice, and serve a 5 year term. This section would also list certain duties of the Commissioner.

Section 98A would establish an advisory board for the Office of Probation. The 7 member advisory board would be appointed by the Supreme Judicial Court and would consist of 2 criminal justice experts, 2 public policy experts, 2 management experts, and 1 human resources expert. The board would be charged with advising the Commissioner and the Court Administrator on probation reform.

Section 99 would establish the powers of the Commissioner of Probation.

**SECTION 128.** This notwithstanding section would allow current officeholders within the Trial Court to continue serving in their current position until the end of their appointed term.

**SECTION 129.** This notwithstanding section would require the Court Administrator to identify core administrative functions for consolidation within the Trial Court to improve administrative efficiency.

**SECTION 130.** This notwithstanding section would require the Court Management Advisory Board to submit an annual report to the Supreme Judicial Court, the Joint Committees on Judiciary and State Administration, and the House and Senate Committees on Ways and Means on the Trial Court's progress in implementing this act.

**SECTION 131.** This notwithstanding section would allow for the current Commissioner of Probation to serve until January 31, 2013. The current Commissioner would be eligible at that point for reappointment to the position.

**SECTION 132.** This notwithstanding section would require criminal justice agencies to share information relative to person under the supervision of their departments.

**SECTION 133.** This notwithstanding section would establish a working group to identify common functions within the Probation Department and the Parole Board, to adequately streamline supervisory responsibilities. The working group would be required to make its report to the Supreme Judicial Court, Governor, Court Administrator, and House and Senate Committees on Ways and Means by December 31, 2012.

**SECTION 134.** This notwithstanding section would stagger the initial terms of appointment to the Probation Advisory Board.

**SECTION 135.** This notwithstanding section would require the Court Administrator to implement a hiring model for the Trial Court.

**SECTION 136.** This notwithstanding section would require the Court Administrator to establish an applicant tracking system for all candidates for employment with the Trial Court.

**SECTION 137.** This notwithstanding section would allow for the CJAM to hold certain powers relative to the appointment of Court Officers and the Office of Probation until the appointment of a Court Administrator.

**SECTION 138.** This section would make Sections 57 and 137 expire on July 1, 2012.

**SECTION 139.** This section would make sections 2 to 55, 58 to 119, 129, 135, and 136 take effect on July 1, 2012.

**SECTION 140.** This section would this act effective on July 1, 2011.



## **An Act Relative to the Reorganization of the Judicial System of the Commonwealth**

### *Trial Court Administration:*

- Following the recommendation of the Monan Commission Report, this legislation creates an Office of Court Management under the supervision and control of a civilian Court Administrator and a Chief Justice of the Trial Court to divide responsibilities currently held by the Chief Justice for Administration and Management.
- Both the civilian Court Administrator and the Chief Justice of the Trial Court will be hired by, and accountable to, the Supreme Judicial Court. The civilian Court Administrator will be required to have significant leadership experience in finance and management.
- The civilian Court Administrator will be responsible for the general administration of the Trial Court, including reviewing and approving the hiring of non-judicial employees, administering appropriations and expenditures, negotiating contracts and leases, and any other inherently non-judicial administrative functions.
- The Chief Justice of the Trial Court will serve as the judicial head of the Trial Court, responsible for planning, policy, assigning judges, judicial discipline, and all other inherently judicial functions.
- The legislation will establish Deputy Court Administrators for seven departments of the Trial Court. The Deputy Court Administrators will oversee the inherently non-judicial administrative functions of the departments. The Deputy Court Administrator will be a qualified civilian administrator.
- The Chief Justices of the various departments of the Trial Court will continue their current appointments, but now be responsible for inherently judicial functions.
- The Court Administrator will be required to identify core administrative functions to create cost-savings and efficiencies by eliminating individual legal, accounting, management, and other back office administrative activities within the various departments of the Trial Court.
- The Court Administrator will be required to implement a hiring model and applicant tracking tool for all employment within the Trial Court.

### *Probation:*

- The Probation Commissioner will now be hired by the Court Administrator and the Chief Justice of the Trial Court, with the advice of the Chief Justices of the Juvenile Court, Superior Court, District Court, Probate and Family Court, and Boston Municipal Court.

- The Probation Commissioner will no longer have unilateral hiring power. Instead, hiring within the Probation Department will be subject to the approval of the Court Administrator.
- Promotions within the Probation Department will be made by the first justices of the courts that the officers would serve in, with the approval of the Court Administrator and Commissioner.
- An Advisory Board will be created to help craft additional reforms within the Probation Department. The board will have seven members who are experts on criminal justice, public policy, management, and human resources.

*Hiring:*

- An objective entrance exam will be established for the hiring and promotion of all Probation and Court Officers.
- The Court Administrator will review the applications of those individuals who successfully passed the exam, and forward those qualified to the Commissioner of Probation for further consideration.
- Candidates forwarded to the Commissioner will be subject to a rigorous background review and interview process which will be based on best practices recommended by the Harshbarger Commission on Probation Department Hiring.
- Only those candidates for Probation positions who have successfully advanced through the first three rounds of the hiring process will be placed on an eligibility list for appointment by Commissioner, subject to the approval of the Court Administrator.
- Only those candidates for court officer positions who have successfully advanced through the first three rounds of the hiring process will be placed on an eligibility list for appointment by Court Administrator in consultation with the Chief Justice of the Trial Court.
- Probation Officers and Court Officers will be required to devote their full time and attention to the duties of their office.

*State Agency Hiring -- Transparency:*

- Letters of recommendation from any source will now be considered a public record for successful candidates.
- Letters of recommendation from any source will not be available to hiring authorities until the final round of interviews.

- Letters of recommendation from any source will have to be in writing in order to be considered by the hiring authority.
- All applicants for employment within the executive, legislative, and judicial branches will have to disclose the names of all immediate family who are state employees. This information will be made public for successful applicants.