HOUSE

No. 03395

The Commonwealth of Massachusetts

PRESENTED BY:

Robert A. DeLeo

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

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

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

PETITION OF:

NAME: DISTRICT/ADDRESS:

Robert A. DeLeo 19th Suffolk

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HOUSE No. 03395

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

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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

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

- 1 SECTION 1. Section 7 of chapter 4 of the General Laws, as appearing in the 2008 Official
- 2 Edition, is hereby amended by inserting after the word "privacy" in subclause (c) of clause
- 3 twenty-sixth the following words:-
- 4 provided, however, that letters of recommendation for employment submitted in support of
- 5 candidates who are hired by the commonwealth shall be considered public records under this
- 6 section;
- 7 SECTION 2. Section 116 of chapter 6 of the General Laws, as so appearing, is hereby amended
- 8 by striking out, in lines 22 and 23, the words "administrative justice" and inserting in place
- 9 thereof the following words:- justice of the trial court.

- 10 SECTION 3. Section 183A of said chapter 6, as so appearing, is hereby amended by striking out,
- 11 in lines 9 and 10, the words "chief administrative justice" and inserting in place thereof the
- 12 following words:- court administrator.
- 13 SECTION 4. Section 28A of chapter 7 of the General Laws, as so appearing, is hereby amended

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- 14 by striking out the fourth paragraph and inserting in place thereof the following paragraph:-
- 15 Said administrator may enter into agreements with the supreme judicial court, the chief justice of
- 16 the trial court, the court administrator of the trial court, or the chief justices of the several
- 17 departments of the trial court for programs for the continuing education of judges and other court
- 18 personnel.

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- 19 SECTION 5. Section 41C of said chapter 7, as so appearing, is hereby amended by striking out,
- 20 in lines 11, 24, and 32, the words "administrative justice" and inserting in place thereof the
- 21 following words:- justice of the trial court and the court administrator.
- 22 SECTION 6. Section 2 of chapter 7A of the General Laws, as so appearing, is hereby amended
- 23 by striking out, in lines 3 and 4, the words "chief administrative justice" and inserting in place
- 24 thereof the following words:- court administrator.
- 25 SECTION 7. Section 35Z of chapter 10 of the General Laws, as so appearing, is hereby amended
- 26 by striking out, in lines 12, 13, 16, 17, 23 and 24, the words "chief justice for administration and
- 27 management" and inserting in place thereof the following words:- court administrator.
- 28 SECTION. 8. Section 31A of chapter 29 of the General Laws, as so appearing, is hereby
- 29 amended by striking out, in line 18, the words "chief administrative justice" and inserting in
- 30 place thereof the following words:- court administrator.

- 31 SECTION 9. Section 3A of chapter 29A of the General Laws, as so appearing, is hereby
- amended by striking out, in line 8, the word "administrative".
- 33 SECTION 10. Section 4 of said chapter 29A, as so appearing, is hereby amended by striking out,
- 34 in lines 6, 19, 21, 28, 29, 30, 42, 43, 44, and 53, the words "chief administrative justice" and
- 35 inserting in place thereof the following words:- court administrator.
- 36 SECTION 11. Section 5 of said chapter 29A, as so appearing, is hereby amended by striking out,
- 37 in lines 3 and 4, the words "chief administrative justice" and inserting in place thereof the
- 38 following words:- court administrator.
- 39 SECTION 12. Section 6 of said chapter 29A, as so appearing, is hereby amended by striking out,
- 40 in lines 3, 6, 7, 8, 9, 25, 26, and 37, the words "chief administrative justice" and inserting in
- 41 place thereof the following words:- court administrator.
- 42 SECTION 13. Section 6 of chapter 34B of the General Laws, as so appearing, is hereby amended
- 43 by striking out, in lines 21, 44 and 45, the words "chief justice for administration and
- 44 management" and inserting in place thereof the following words:- court administrator.
- 45 SECTION 14. Section 16 of chapter 37 of the General Laws, as so appearing, is hereby amended
- 46 by striking out, in line 3, the words "administrative justice" and inserting in place thereof the
- 47 following words:- justice of the trial court.
- 48 SECTION 15. Section 1 of chapter 58A of the General Laws, as so appearing, is hereby
- 49 amended by striking out, in line 12, the words "administrative justice" and inserting in place
- 50 thereof the following words:- justice of the trial court.

- 51 SECTION 16. Section 24M of chapter 90 of the General Laws, as so appearing, is hereby
- 52 amended by striking out, in line 9, the word "administrative".
- 53 SECTION 17. Section 3 of chapter 90C of the General Laws, as so appearing, is hereby further
- 54 amended by striking out, in lines 101 and 102, the words "for administration and management"
- 55 and inserting in place thereof the following words:- of the trial court.
- 56 SECTION 18. Section 28 of chapter 119 of the General Laws, as appearing in the 2008 Official

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- 57 Edition, is hereby amended by striking out, in lines 32 and 33, the word "administrative".
- 58 SECTION 19. Section 29B of said chapter 119 of the General Laws, as so appearing, is hereby
- 59 amended by striking out, in lines 6 and 7, the words "for administration and management" and
- 60 inserting in place thereof the following words:- of the trial court.
- 61 SECTION 20. Section 1 of chapter 119A of the General Laws, as so appearing, is hereby
- 62 amended by striking out, in lines 22 and 23, the word "administrative".
- 63 SECTION 21. Section 3 of said chapter 119A, as so appearing, is hereby amended by striking
- 64 out, in line 76, the words "for administration and management" and inserting in place thereof the
- 65 following words:- of the trial court.
- 66 SECTION 22. Section 13 of said chapter 119A, as so appearing, is hereby amended by striking
- 67 out, in lines 27 and 28, the words "for administration and management" and inserting in place
- 68 thereof the following words:- of the trial court.
- 69 SECTION 23. Section 1 of chapter 150E of the General Laws, as most recently amended by
- 70 section 185 of chapter 25 of the acts of 2009, is hereby amended by striking out, in line 61, the

- 71 words "chief administrative justice" and inserting in place thereof the following words:- court
- 72 administrator.
- 73 SECTION 24. Chapter 185 of the General Laws, as appearing in the 2008 Official Edition, is
- 74 hereby amended by striking out section 2 and inserting in place thereof the following 2 sections:-
- 75 Section 2. The land court department shall consist of 6 associate justices appointed to the land
- 76 court department. The justice as provided under section 1 of chapter 211B as the chief justice for
- 77 the land court department, in addition to his judicial powers and duties, shall, subject to the
- 78 superintendence authority of the supreme judicial court as provided in section 3 of chapter 211,
- 79 have the power, authority and responsibility of a chief justice as set forth in section 10 of chapter
- 80 211B.
- 81 Section 2½. The administrator as provided under section 1 of chapter 211B as the deputy court
- 82 administrator for the land court department shall, subject to the superintendence authority of the
- 83 supreme judicial court as provided in section 3 of chapter 211, have the power, authority and
- 84 responsibility of a deputy court administrator as set forth in section 10 of chapter 211B.
- 85 SECTION 25. Section 3A of said chapter 185, as so appearing, is hereby amended by striking
- 86 out, in lines 39, 40, 58, 59, 68, 84, and 85, the words "for administration and management" and
- 87 inserting in place thereof the following words:- of the trial court.
- 88 SECTION 26. Said section 3A of said chapter 185, as so appearing, is hereby further amended
- 89 by striking out, in line 67, the words "for administration and management" and inserting in place
- 90 thereof the following words:- of the trial court.

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

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- 94 SECTION 28. Section 6 of said chapter 185, as so appearing, is hereby amended by striking out,
- 95 in lines 12, 13, 14, and 20, the words "for administration and management" and inserting in place
- 96 thereof the following words:- of the trial court.
- 97 SECTION 29. Section 13 of said chapter 185, as so appearing, is hereby amended by striking
- 98 out, in lines 3 and 4, inclusive, the words "chief justice for administration and management" and
- 99 inserting in place thereof the following words:- court administrator.
- 100 SECTION 30. Section 14 of said chapter 185, as so appearing, is hereby amended by striking
- out, in line 12, the words "chief justice for administration and management" and inserting in
- 102 place thereof the following words:- court administrator.
- 103 SECTION 31. Section 4 of chapter 185C of the General Laws, as so appearing, is hereby
- amended by striking out, in lines 4 and 5, the words "chief administrative justice and
- 105 management" and inserting in place thereof the following words:- court administrator.
- 106 SECTION 32. Said section 4 of said chapter 185C, as so appearing, is hereby further amended
- 107 by striking out, in lines 10, 18, 19, 28, 29, and 38, the words "chief justice for administration and
- management" and inserting in place thereof the following words:- court administrator.
- 109 SECTION 33. Section 8 of said chapter 185C, as so appearing, is hereby amended by striking
- out, in lines 8, 9, 25, and 34, the words "for administration and management" and inserting in
- 111 place thereof the following words:- of the trial court.

- SECTION 34. Said section 8 of said chapter 185C, as so appearing, is hereby further amended by striking out the seventh sentence and inserting in place thereof the following sentence:- Any first justice may be removed from his position as first justice by the chief justice of the housing court department.
- SECTION 35. Said chapter 185C is hereby further amended by striking out section 8A, as so appearing, and inserting in place thereof the following section:-
- Section 8A. The justice as provided under section one of chapter 211B as the chief justice for the housing court department, in addition to his judicial powers and duties shall, subject to the superintendence authority of the supreme judicial court provided in section 3 of chapter 211B, have the power, authority and responsibility of a chief justice as set forth in section 10 of chapter 211B.
- Section 8B. The deputy court administrator for the housing court department as provided under section 1 of chapter 211B shall, subject to the superintendence authority of the supreme judicial court provided in section 3 of chapter 211, have the power, authority, and responsibility of a deputy court administrator as set forth in section 10 of chapter 211B.
- SECTION 36. Section 9 of said chapter 185C, as so appearing, is hereby amended by striking out, in lines 16, 17, and 18, the words "chief justice for administration and management" and inserting in place thereof the following words:- court administrator.
- SECTION 37. Section 18 of said chapter 185C, as so appearing, is hereby amended by striking out, in lines 4, 5, 7, and 8, the words "chief justice for administration and management" and inserting in place thereof the following words:- court administrator.

amended by striking in lines 8, 9, 31, and 32, the words "for administration and management"

- 135 and inserting in place thereof the following words:- of the trial court.
- · 136 SECTION 39. Section 32F of chapter 209 of the General Laws, as so appearing, is hereby
- amended by striking out, in lines 65 and 66, the words "for administration and management" and
 - 138 inserting in place thereof the following words:- of the trial court.
 - 139 SECTION 40. Section 37 of said chapter 209, as so appearing, is hereby amended by striking
 - 140 out, in lines 10, 26, and 27, the words "for administration and management" and inserting in
- 141 place thereof the following words:- of the trial court.

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- 142 SECTION 41. Section 5 of chapter 209A of the General Laws, as so appearing, is hereby
- amended by striking out, in lines 9 and 10, the words "administrative justice" and inserting in
- 144 place thereof the following words:- justice of the trial court.
- 145 SECTION 42. Section 9 of chapter 209C of the General Laws, as so appearing, is hereby
- 146 amended by striking out, in lines 47, 48, 72, and 73, the words "for administration and
- 147 management" and inserting in place thereof the following words:- of the trial court.
- 148 SECTION 43. Section 20 of said chapter 209C, as so appearing, is hereby amended by striking
- 149 out, in lines 15 and 16, the words "for administration and management" and inserting in place
- 150 thereof the following words:- of the trial court.
- 151 SECTION 44. Section 3 of chapter 210 of the General Laws, as so appearing, is hereby amended
- 152 by striking out, in lines 33 and 34, the words "for administration and management" and inserting
- in place thereof the following words: of the trial court.

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

57 SECTION 46. Said section 2A of said chapter 211, as so appearing, is hereby further amended 58 by striking out, in line 15, the words "chief administrative justice" and inserting in place thereof 59 the following words:- court administrator.

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

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

In addition to the foregoing, the justices of the supreme judicial court shall also have general superintendence of the administration of all courts of inferior jurisdiction, including, without limitation, the prompt hearing and disposition of matters pending therein, and the functions set forth in section 3C; and it may issue such writs, summonses and other processes and such orders, directions and rules as may be necessary or desirable for the furtherance of justice, the regular execution of the laws, the improvement of the administration of such courts, and the securing of their proper and efficient administration; provided, however, that general superintendence shall not include the authority to supersede any general or special law unless the supreme judicial court, acting under its original or appellate jurisdiction finds such law to be unconstitutional in

any case or controversy. Nothing herein contained shall affect existing law governing the selection of officers of the courts, or limit the existing authority of the officers thereof to appoint administrative personnel.

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

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

SECTION 50. Section 1 of chapter 211B of the General Laws, as so appearing, is hereby

amended by striking out the third sentence and inserting in place thereof the following sentence:

There shall be selected as herein provided, a chief justice of the trial court, a court administrator,

a chief justice for each of the departments of the trial court and a deputy court administrator for

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

each of the departments of the trial court.

93 SECTION 52. Said section 4 of said chapter 211B, as so appearing, is hereby further amended 94 by striking out, in line 30, the words "for administration and management" and inserting in place 95 thereof the following words:- of the trial court. SECTION 53. Said chapter 211B is hereby further amended by striking out sections 5 to 10A, inclusive, and inserting in place thereof the following 11 sections:-

Section 5. The office of the chief justice of a department of the trial court, as provided in section
199 1, shall not be deemed a judicial office as comprehended under the provisions of Article I of
200 Chapter III of Part the Second of the Constitution. Said office of chief justice shall be filled by
201 appointment, from among the justices appointed to the particular department, by the chief justice
202 of the trial court. A chief justice shall hold said office for a term of 5 years, and shall be eligible
203 to be reappointed for additional 5 year terms. A chief justice, so appointed, may be removed
204 from that office prior to the expiration of his term by the chief justice of the trial court.

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

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

Section 6. The office of the chief justice of the trial court, as provided in section 1, shall not be deemed a judicial office as comprehended under the provisions of Article I of Chapter III of Part 219 the Second of the Constitution. Said office of chief justice of the trial court shall be filled by 220 appointment, from among the justices of the trial court departments, by a majority vote of the justices of the supreme judicial court. The chief justice of the trial court shall hold said office for a term of 5 years, and shall be eligible to be reappointed for additional 5 year terms. The chief justice of the trial court may be removed by a majority vote of the justices of the supreme judicial court. The chief justice of the trial court shall retain his commission as associate justice of the trial court, or of a predecessor court to which he was appointed, while serving as chief iustice of the trial court, and may continue to perform such judicial duties as he may have exercised as associate justice, and such other responsibilities as otherwise provided by law. 228 229 Section 6A. There shall be an advisory board to assist the justices of the supreme judicial court, the chief justice of the trial court, and the court administrator. The board shall consist of the 230 attorney general, or his designee, the executive director of the Massachusetts office of victim 231 assistance and the following 10 additional members appointed by the supreme judicial court: 2 232 persons who have significant experience in public administration, 2 persons who have significant 233 experience in business administration, 1 lawyer with significant experience in the practice of 234 criminal law, I lawyer with significant experience in the practice of civil law, I lawyer with significant experience in the practice of probate and family law, 1 lawyer with significant 236 experience in the representation of juveniles in the courts, I lawyer with significant judicial 237 experience but not a current justice of the commonwealth or a retired justice serving the commonwealth pursuant to judicial recall, and 1 person who has significant experience in 239 information technology. The board shall choose its chair. The appointed members of said board 240

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shall serve for a term of 3 years. The maximum amount of time that said members may serve on said board shall be 2 such terms. The chief justice of the trial court shall be the executive secretary of the board. 243 The board shall advise the justices of the supreme judicial court, the chief justice of the trial 244 court, and the court administration on all matters of judicial reform including, but not limited to, a proposal for the allocation of resources based on the demonstrated workload of each court. Section 6B. There shall be an office of court management within the trial court, under the executive control of a court administrator, to support the judicial functions, performance and management of the trial court. Said court administrator shall be appointed by a majority vote of 249 250 the justices of the supreme judicial court; provided, however, that said court administrator shall have significant leadership experience in the fields of management and finance and shall not be a justice of the trial court. Said court administrator shall be paid a salary equal to that of the chief justice of the trial court. The court administrator shall hold said office for a term of 5 years, shall be eligible to be reappointed for additional 5 year terms, and shall devote his full time to the duties of his office. The court administrator may be removed by a majority vote of the justices of the supreme judicial court. The chief justice of the trial court and the court administrator shall endeavor to resolve between themselves all differences or disputes they may have regarding the management and 258 administration of the trial court. If, after due discussion and collaboration, they are unable to do 259 so, either may submit the issue to the chief justice of the supreme judicial court who, after 260 determining why the chief justice and the court administrator were unable to resolve the issue, 261

shall promptly decide it. The decision of the chief justice of the supreme judicial court shall be final and binding.

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

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

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

284 trial court. A chief justice of the trial court may be removed by a majority vote of the justices of the supreme judicial court.

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

Section 8. There shall be an advisory committee on personnel standards. The membership of the committee shall consist of the following persons: the chief justice of the trial court or his 296 designee; the chief justices of the trial court departments, or their designees; the court administrator or his designee, who shall serve as chair of the committee; the deputy court 297 298 administrators of the trial court departments; the commissioner of probation; and a clerk of the superior court, a clerk of the district court and a register of probate who shall appointed by the 299 chief justice of the trial court. 300

The committee shall advise the court administrator who shall establish and promulgate standards for the appointment, performance, promotion, continuing education and removal of all personnel within the trial court, except judges, clerks and registers of probate, and shall furnish copies of such standards to all divisions or places for holding sessions within the department of the trial 305 court.

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Any appointment that is governed by standards promulgated under the provisions of this section shall forthwith be certified in writing for compliance with such standards to the court 307 administrator. The court administrator shall have the power to reject any such appointment 308 within 14 days after receipt of the certification of compliance by the appointing authority, but such power to reject any such appointment shall be limited to non-compliance with the standards 311 for appointment. E i Any appointment made by a joint authority shall require a majority of such authority, as provided by section 6 of chapter 4. Subject to the terms of applicable collective bargaining agreements, any officer or employee whose appointment is subject to the provisions of this section may be removed by the appointing authority, in accordance with the standards promulgated by the committee. The committee shall also advise the court administrator in the establishment of salaries and pay scales of all court personnel unless otherwise provided by statute. 318 The members of said committee shall be allowed their necessary expenses including clerical 319 expenses incurred in the performance of their duties. Section 9. The chief justice of the trial court, in addition to his judicial duties and subject to the 322 superintendence power of the supreme judicial court as provided in section 3 of chapter 211, shall have general superintendence of the judicial policy of the trial court, including, without limitation, the improvement of the administration of such courts and the securing of their proper and efficient administration. 325

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

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In order to achieve the ends stated in this section, the chief justice of the trial court shall be responsible for planning, development, promulgation, and evaluation of trial court policies. 328 standards, and practices and shall have the authority necessary to carry out these responsibilities 329 including, but not limited to, the following:-330 (i) the responsibility to provide planning and policy-making functions, including the implementation of such planning and policy-making decisions; 333 (ii) the responsibility to monitor and to assist in the case processing and case flow management capabilities of the trial court departments; (iii) the power, upon request by the supreme judicial court, to review the record and make 336 recommendations in any appeals by justices against whom disciplinary actions have been taken by any chief justice; (iv) the responsibility to hear, for final determination, appeals by justices claiming to be 339 aggrieved by an order of a chief justice assigning or transferring said justice to a particular court 340 other than that to which he was appointed; (v) the responsibility to hear, for final determination, appeals by first justices who have been 342 removed by chief justices; (vi) the responsibility to establish, manage and implement a mandatory emergency judicial 344 response system for all judges, except when the chief justice of the trial court determines that the participation by a particular judge would create a hardship for such judge; 346 (vii) the responsibility to provide recommendations regarding management of the judicial recall

347 process;

348 (viii) the responsibility to supervise the implementation of the continuing education programs for 349 judicial personnel;

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

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

358 (xi) the power to assign a justice appointed to any department of the trial court to sit in any other 359 department of the court, for such period or periods of time as he deems will best promote the 360 speedy dispatch of judicial business, provided, however, that,

361 (a) prior to making such assignments, said chief justice of the trial court shall ascertain the respective preferences of the justices of the trial court as to the department or departments, if any, including the department to which he is appointed, to which each such justice desires to be assigned and, in making such assignments to any department of said court shall, to the extent consistent with the effective administration of justice, including the maintenance of the respective specialized functions of the land, housing, probate and family, and juvenile court departments, the administrative responsibilities of any justice, and the speedy dispatch of judicial business in each of the several departments of the trial court, assign to any department on a basis of first priority justices who have expressed as aforesaid their preferences for assignment thereto;

370 (b) a justice, if aggrieved for cause by an order of the chief justice of the trial court assigning him to sit in a particular location or department of the court other than that to which he was appointed may appeal the order of said chief justice of the trial court to the supreme judicial court, which shall forthwith hear and determine the matter; (c) a chief justice shall notify the chief justice of the trial court of, and may report to the supreme judicial court, any order made by said chief justice of the trial court pursuant to this paragraph which, in the opinion of such chief justice, impairs the orderly operation of his department; (xii) the responsibility to provide recommendations regarding management of the judicial recall process; 378 (xiii) upon the joint request of the chief justices of 2 or more departments of the trial court, 379 authorize the transfer of cases from one department to another; (xiv) establish procedures, subject to the rule-making power of the justices of the supreme judicial court, and the approval of the chief justice of the trial court for the assignment of matters coming before the trial court which do not warrant the use of a judge to other appropriate personnel, including clerk-magistrates, mediators, and arbitrators, and authorize such personnel 384 to review, hear, and dispose of such matters, subject to appropriate judicial review; (xv) the chief justice of the trial court shall be provided with offices that are proximate to the supreme judicial court at the expense of the commonwealth but only after said chief justice of the 387 trial court has not found sufficient office space in any facility owned by the commonwealth and 388 proximate to the supreme judicial court; 389

(xvi) the chief justice of the trial court shall be authorized to visit any department or any division or any place for holding court within such a department. The chief justice of the trial court may 391 from time to time call conferences of any or all of the chief justices of the departments; 392 (xvii) notwithstanding the provisions of this section, the chief justice of the trial court, in order to provide for the speedy administration of justice in the counties of Dukes and Nantucket, shall 394 designate, from time to time, justices sitting in the division of the district court department for 395 either of said counties as justices of the superior court department sitting in either of said 397 counties, with power to grant injunctive relief to the same extent as a justice appointed to the 398 superior court department; 399 (xviii) the chief justice of the trial court may delegate his responsibilities and powers hereunder and as otherwise provided by law to a chief justice, justice, regional justice, first justice, 400 presiding justice, court officer, clerk, or any employee of his department, for such period of time 402 and with such limitations as he may impose, whenever in his opinion such delegation of authority will expedite the judicial business of the trial court; 403 404 (xix) the authority to hear and resolve interdepartmental disputes or disagreements regarding (1) transferring cases in order to facilitate the efficient administration of justice and (2) making 405 adjustments in the scheduling and location of court sessions in order to facilitate the efficient 406 407 administration of justice; 408 (xx) the responsibility to review and make recommendations regarding the expeditious clearing of outstanding warrants throughout the courts of the commonwealth; (xxi) notwithstanding any general or special law to the contrary, the authority to suspend any particular session of the trial court; move sessions so that the availability of court personnel is 411

consistent with the needs of individual courts; transfer cases and matters from a court to any other court, consolidate cases, and make such periodic adjustments in the scheduling and locations of court sessions as are deemed necessary for the proper administration of justice; and 415 416 (xxii) the power to exercise any inherently judicial power not otherwise specified in this section. Section 9A. The court administrator, subject to the superintendence power of the supreme judicial court as provided in section 3 of chapter 211 and in consultation with the chief justice of the trial court, shall have general superintendence of the administration of the trial court, including, without limitation, the improvement of the administration of such courts and the securing of their proper and efficient administration. The court administrator shall be the administrative head of the trial court of the commonwealth. The court administrator, in consultation with the chief justice of the trial court, shall periodically 423 prepare and submit to the chief justice of the supreme judicial court an estimate, in detail, for the ordinary maintenance of the entire trial court, and all revenue therefrom, as provided in clause 425 (5) of the first paragraph of section 3 of chapter 29. Said estimate shall include judicial salaries 426 and the salaries of all officers and employees within the trial court and shall include estimates of 427 all sums which the commonwealth is obligated to pay under the provisions of chapter 29A. In order to achieve the ends stated in this section, the court administrator shall be responsible for the management of court personnel, facilities, administration, security, and court business and shall have the authority necessary to carry out these responsibilities including, the following:—

(i) the responsibility, upon the request of the supreme judicial court, to provide financial 433 management assistance to said court including review of the budget requests and information as submitted by the department chiefs, to make recommendations thereon and otherwise to assist 434 the court in its budgetary preparations; 435 436 (ii) the responsibility to provide the departments of the trial court with technical assistance concerning recordkeeping, auditing and computers, and with support services, such as 437 computerized legal research, stenographic, electronic and video recordation methods and 439 telephone-based interpretation services; 440 (iii) the responsibility consistent with section 8 of chapter 211B to provide personnel management, including promulgation of job classifications, establishment of system wide personnel policies and hiring practices and the authority to act as collective bargaining agent on behalf of the trial court; (iv) the authority to approve expenditures for all libraries maintained by the departments of the 445 trial court: (v) the authority to coordinate the development and maintenance of, and technical assistance for, information systems; 448 (vi) the responsibility to provide facilities management, including provision of maintenance, equipment and security, the responsibility to coordinate with the division of capital asset 450 management and maintenance regarding construction, leasing, repair and designing of facilities, 451 and the responsibility to plan for reallocation of court jurisdictional lines; this provision is to be construed in conjunction with section 6 of chapter 29A and section 17 of chapter 211B;

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453 (vii) the authority to hear and resolve interdepartmental disputes or disagreements between or among the deputy court administrators of the various departments of the trial court, including but not limited to, disputes regarding transferring non-judicial personnel in order to facilitate the efficient administration of justice; (viii) the responsibility to provide administrative management to the office of the jury 458 commissioner; (ix) the responsibility to supervise the implementation of the continuing education programs for 460 nonjudicial personnel; 461 (x) the responsibility to perform all other administrative, inherently non-judicial functions or 462 duties the court administrator deems necessary; (xi) the power to appoint such personnel as the court administrator may deem necessary for the office of court management; the power to discipline, supervise and define the duties of such personnel, and the power to dismiss such personnel; (xii) notwithstanding any general or special law to the contrary, when necessary to ensure the proper administration of justice, transfer employees of the trial court to serve where needed; impose discipline on such officers and employees, including dismissal and suspension with or 468 without pay; provided, however, that the court administrator may, upon reasonable notice, 469 temporarily transfer nonjudicial personnel among the various departments, divisions and places 471 for holding court, and in no event shall any such transfer be more than a reasonable distance from the place where such personnel is employed unless the employee so transferred shall consent thereto; provided, further, that such transfer of the employee shall not be for more than 473 474 90 days, but such transfer may be extended for 3 consecutive 90 day periods, provided that

notice is given to the house and senate committees on ways and means upon each extension, including the employee's position, duties, and reason for the transfer, but such transfer shall not exceed 360 consecutive days. The first justice of the court to where the employee is transferred shall provide the first justice of the court to where the employee is permanently assigned with appropriate personnel records and records of activities, including records necessary for the payment of compensation; and provided, however, that this provision shall not apply to a clerk or clerk-magistrate, whether elected or appointed by the governor, register of probate or recorder; (xiii) (a) notwithstanding any general or special law to the contrary, the court administrator may, 482 for the period July 1 through April 30 of any fiscal year, transfer funds from any item of appropriation of any trial court department to any other item of appropriation within the same 484 trial court department; provided, that said transfers shall be made in accordance with schedules submitted to the house and senate committees on ways and means; provided further, that no such transfer shall occur until said schedules have been approved by said committees; provided 487 further, that said schedules shall include the reasons for the necessity of such transfers with reference to actual and projected expenditures throughout the trial court for the fiscal year. 489 (b) notwithstanding any general or special law to the contrary, the court administrator may, for the period May 1 through June 30 of any fiscal year, transfer an amount not to exceed 65,000 dollars from any item of appropriation of any trial court department to any other item of 492 493 appropriation within the same trial court department; provided, that any funds transferred from an (AA) subsidiary, as defined in the schedule of subsidiary accounts, established by the house and senate committees on ways and means pursuant to section 27 of chapter 29 of the General Laws, as amended, of any item of appropriation may only be transferred to the (AA) subsidiary of any other item of appropriation within the same department of the trial court; provided further,

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498 that in no case may funds be transferred into an (AA) subsidiary of any item of appropriation other than from another (AA) subsidiary of any item of appropriation within the same department of the trial court; 500 501 (xiv) the court administrator shall make a written report on the fiscal and organizational state of the trial court at the conclusion of each fiscal year and shall deliver said report, together with recommendations to the supreme judicial court by December 15 each year. The supreme judicial 504 court shall then make a written report on the state of the court system and the judiciary for said past fiscal year and shall deliver the report together with recommendations to the governor, the president of the senate, the speaker of the house of representatives, on or before February 15 of each year. Said reports shall include, but not be limited to an account of all transfers of appropriated funds among line items and a schedule of all personnel transferred within the 508 judicial system for the past fiscal year and contemplated for the current fiscal year. Such reports shall be a matter of public record; 511 (xv) the court administrator shall be authorized to visit any department or any division or any 512 place for holding court within such a department. The court administrator may from time to time 513 call conferences of any or all of the deputy court administrators of the departments; 514 (xvi) the court administrator shall review all appointments and dismissals governed by standards promulgated under the authority of section 8 for noncompliance with such standards and shall rescind any such appointment or dismissal that does not comply with said standards;

517 (xvii) any dispute arising between a deputy court administrator of a department or a first justice 518 of a division, and a clerk of court, concerning the management and administration of the clerk's 519 office, the duties, powers and obligations of the clerk's staff, or the interpretation of the

personnel standards provided for under section 8, shall be submitted to the court administrator in writing by the clerk, clerk-magistrate, deputy court administrator, or first justice. The court 521 administrator shall, within 30 days of receipt of the written notification of such dispute conduct a 522 hearing in order to determine the matter. The decision of the court administrator shall be binding 523 on the parties; 524 I ě: (xviii) the court administrator shall establish uniform guidelines and policies to further minority 525 employment within the judicial system; (xix) the responsibility to administer, subject to appropriation, a reserve fund for the purpose of 527 providing secretarial and administrative support staff and services to the justices of the superior 528 529 court department of the trial court; (xx) with the approval of the chief justice of the trial court and notwithstanding any general or 530 special law to the contrary, the authority to establish the hours during which the courts of the 531 532 commonwealth shall be open, including Saturday and evening sessions, and to further establish flexible work schedules, provided, however, that no employee shall be required to work more hours during a week than is provided by the relevant collective bargaining agreement; (xxi) the court administrator may delegate his responsibilities and powers hereunder and as 535 otherwise provided by law to a deputy court administrator, court officer, clerk, or any employee 536 537 of his department, for such period of time and with such limitations as he may impose, whenever in his opinion such delegation of authority will expedite the judicial business of the trial court; 539 and Section 10. Subject to the superintendence authority of the supreme judicial court as provided in section 3 of chapter 211, the chief justice and the deputy court administrator shall be responsible 541

for the operation of their department, its clerks, other officers and employees subject to section 99 of chapter 276 and the appropriate collective bargaining agreement. To achieve sound operation of their department, they shall have the following power, authority and responsibility, and shall allocate between themselves primary responsibility for each in a manner on which they agree and that is approved by the chief justice of the trial court and the court administrator; provided, however, that any power specifically assigned to the chief justice in the subsections 547 that follow shall be performed by the chief justice alone: (i) the power to appoint, discipline, evaluate, transfer and define the duties of all non-judicial personnel within their department including special masters, court reporters, law clerks, temporary clerks and other support personnel consistent with the provisions of section 8 and 10A; provided, however, that they shall not have the power to appoint non-judicial personnel 552 serving in the office of a clerk, recorder or register, but shall have the authority to discipline said clerks, recorders and registers and all other personnel in the offices of said clerks, recorders or registers, upon the raising of any dispute between a first justice and a clerk, recorder or register. Any person aggrieved by any decision of a chief justice or deputy court administrator under this paragraph may appeal such decision to the chief justice of the trial court; provided, further, that 557 no person holding a commission as a clerk of court, whether elected or appointed, a register of 558 559 probate or a recorder shall be assigned under the provisions of this paragraph outside the department, division or court to which he is elected or appointed without his consent. Any clerk 560 aggrieved by any transfer or assignment of himself or personnel of his office under this 561 paragraph shall appeal to the court administrator who shall forthwith hear and determine the 562 matter; 563

(ii) the chief justice shall have the power to assign or to transfer justices appointed to his 564 department of the trial court to any particular court within, that department for such period or 565 periods of time as the chief justice deems necessary; the chief justice shall also have the power to 566 appoint regional justices and to define their duties. Any justice aggrieved by an order of the chief 567 568 justice assigning or transferring him to a particular court other than that to which he was appointed, may appeal the assignment or transfer to the chief justice of the trial court who shall 569 forthwith determine the matter; 570 (iii) the authority, prior to making assignments or transfers referred to in paragraph (ii) of this 571 section, to ascertain, if they so desire, the respective preferences of the justices as to which court or courts, if any, they wish to be assigned or transferred. (iv) the power to suspend any particular session in any court within their department; the power to move sessions so that the availability of court personnel is consistent with the needs of individual courts; and to make such periodic adjustments in the scheduling and locations of court sessions as are deemed necessary for the proper administration of justice; 577 578 (v) the chief justice shall have the power to transfer cases and matters from a court to any other 579 court within his department, to consolidate cases, 580 (vii) notwithstanding any general or special law to the contrary, when necessary to ensure the proper administration of justice, transfer employees of their department to serve where needed; 581 582 impose discipline on such officers and employees, including dismissal and suspension with or 583 without pay; provided, however, that they may, upon reasonable notice, temporarily transfer

nonjudicial personnel within their department, divisions and places for holding court, and in no

event shall any such transfer be more than a reasonable distance from the place where such

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personnel is employed unless the employee so transferred shall consent thereto; provided,
further, that such transfer of the employee shall not be for more than 90 days, but such transfer
may be extended for 3 consecutive 90 day periods, provided that notice is given to the house and
senate committees on ways and means upon each extension, including the employee's position,
duties, and reason for the transfer, but such transfer shall not exceed 360 consecutive days. The
first justice of the court to where the employee is transferred shall provide the first justice of the
court to where the employee is permanently assigned with appropriate personnel records and
records of activities, including records necessary for the payment of compensation; and provided,
however, that this provision shall not apply to a clerk or clerk-magistrate, whether elected or
appointed by the governor, register of probate or recorder;

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

administrator;

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- 597 (viii) the authority to call conferences of any or all of the justices within their department;
- (ix) the responsibility to compile a comprehensive written report of the operation of their
 department of the trial court at the conclusion of each fiscal year, and shall deliver said report
 together with recommendations to the chief justice of the trial court and the court administrator
 on or before October 15 of the ensuing fiscal year. They shall make such additional reports as
 may from time to time be required by the chief justice of the trial court or the court
- 604 (x) the responsibility to perform such further administrative duties as may from time to time be
 605 assigned by the chief justice of the trial court or the court administrator;
- 606 (xi) the responsibility, annually, to prepare and submit to the court administrator a budget 607 estimate, in detail, for the ordinary maintenance of their department of the trial court, and all

revenue therefrom, as provided in clause (5) of the first paragraph of section 3 of chapter 29. 609 Said budget estimate shall include judicial salaries and the salaries of employees within said department and shall include estimates of all sums which the commonwealth is obligated to pay 610 611 under the provisions of chapter 29A; (xii) the authority, upon receipt of an appropriated sum, to administer that appropriation; (xiii) the responsibility for the administrative management of the personnel, staff services and business of their departments, including financial administration and budget preparation, recordkeeping, information systems and statistical controls, purchasing, planning, construction, case flow management, assignments of sittings of the justices of their respective departments, including justices not appointed thereto but assigned, for the time being therein. They may 617 delegate their responsibilities and powers hereunder and as otherwise provided by law to a 618 justice, regional justice, first justice, court officer, clerk, or any employee of their department, for 620 such period of time and with such limitations as he may impose, whenever in their opinion such delegation of authority will expedite the judicial business of the department; provided, however, 621 that in the exercise or delegation of their powers, they shall in all cases act in a manner consistent 622 623 with the policies and procedures established by the court administrator and the chief justice of the trial court; 624 625 (xiv) the power to set the days and hours during which courts within their department shall be 626 open for business; (xv) the chief justice shall have the responsibility to sit and perform judicial duties, within his 627

28 department, during the course of the calendar year;

(xvi) the chief justice shall have the power to discipline any justice assigned or appointed to his department who refuses or fails to comply with any order concerning the performance of his duties as justice or any other lawful order of the chief justice or deputy court administrator of his department; provided, the chief justice shall also have the power to require any justice assigned or appointed to his department to participate in a judicial enhancement program in response to 633 any action of such justice which brings the judiciary into disrepute, which lowers the public 634 confidence in the judiciary or which impedes the administration of justice. A justice who is disciplined by the chief justice may appeal the imposition of discipline to the chief justice of the trial court. Any justice aggrieved by decision of the chief justice of the trial court may appeal 637 said decision to the supreme judicial court. Consistent with the provisions of chapter 211C, all 638 proceedings, documents, and other matters relating to such discipline shall at all times be 639 confidential and not open to the public unless the justice appealing the disciplinary action agrees 640 that the same shall not be confidential, or unless the supreme judicial court determines that it is in the public interest for any such proceeding, document, or other matter relating to such discipline to be made public. All disciplinary action imposed by a chief justice, whether consensual or not, shall be reported to the supreme judicial court by the chief justice; and (xvii) the power, notwithstanding any law to the contrary, to transfer cases between courts 645 consistent with the efficient distribution of caseload and workload within said department; The chief justice and deputy court administrator shall likewise allocate between themselves in a 647 manner on which they agree and subject to the approval of the chief justice of the trial court and 648 the court administrator, the powers assigned to the chief justice pursuant to section 6 of chapter 649 29A; section 4 of chapter 185C; section 5 of chapter 185C; section 9 of chapter 185C; section 10 of said chapter 185C; section 11 of chapter 185C; section 14 of chapter 185C; section 16 of

chapter 185C; section 13 of said chapter 211B; section 19 of chapter 212; section 23 of chapter 217; section 23A of said chapter 217; section 23C of chapter 217; section 28 of chapter 217; section 29 of chapter 217; section 29A of chapter 217; section 29B of chapter 217; section 29C of chapter 217; , section 29D of chapter 217; section 29E of chapter 217; section 29F of chapter 217; section 29G of chapter 217; section 29H of chapter 217; section 29I of chapter 217; section 656 29J of chapter 217; section 29K of chapter 217; section 29L of chapter 217; section 42 of chapter 217; section 9 of chapter 218; section 15 of chapter 218; section 19D of chapter 218; section 43E 658 of chapter 218; said section 58 of chapter 218; section 67 of chapter 218; section 70 of chapter 659 218; section 6 of chapter 220; section 62B of chapter 221; section 91 of chapter 221; section 99 of chapter 221; section 1B of chapter 279 or any other general or special law that are not 661 inherently judicial in nature. 662 1

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

Section 10A. A first justice, in addition to his judicial powers and duties as a justice of the trial court and in addition to his general powers of superintendence as first justice of a particular court within the trial court, shall, subject to the superintendence authority of the supreme judicial court 666 667 as provided in section 3 of chapter 21:1 and the authority of the chief justice and deputy court administrator of the first justice's department of the trial court as provided in section 10, be the 668 administrative head of his court; provided, however, that clerks, recorders and registers shall 669 670 have responsibility for the internal administration of their respective offices, including the selection, appointment, and management of personnel, staff services and record keeping. A first 671 justice or a clerk, recorder or register of the court may submit any dispute that arises between said first justice and said clerk, recorder or register, concerning the management and administration of the office of the clerk, recorder, or register, the duties, powers and obligations

of the clerk, recorder, or register, or a member of their staff, or the interpretation of the personnel standards provided for under section 8 of chapter 211B, to the deputy court administrator of the department. Any person aggrieved by a decision of a deputy court administrator under this paragraph may appeal said decision to the court administrator, who shall, within thirty days, hear and determine the matter. A first justice shall also have the following power, authority and responsibility within his court:

appoint, dismiss, discipline, supervise, assign, evaluate, transfer and define the duties of all nonjudicial personnel within his court, including special masters, court reporters, law clerks and
other support personnel; except personnel in the office of the clerk, recorder or register; provided
any such non-judicial personnel aggrieved by any action under this paragraph may appeal to the
deputy court administrator of the department who shall forthwith hear and determine the matter.
Any person aggrieved by a decision of a deputy court administrator under this paragraph may
appeal said decision to the court administrator, who shall, within 30 days, hear and determine the
matter.

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

694 (iii) the responsibility to bring to the attention of the deputy court administrator of his department 695 all disputes concerning all clerks, recorders and registers, or their personnel, appointed to or 696 assigned to his court; provided any person aggrieved by any action under this paragraph, may appeal to the deputy court administrator of the department who shall forthwith hear and determine the matter. Any person aggrieved by a decision of a deputy court administrator under this paragraph may appeal said decision to the court administrator, who shall, within 30 days, hear and determine the matter; and

(iv) the first justice shall periodically prepare and submit to the deputy court administrator of his

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department an estimate, in detail, for the ordinary maintenance of the division or place for 702 holding court, and all revenues therefrom as provided in clause (5) of the first paragraph of section 3 of chapter 29. Said estimate shall include estimates of all sums which the 704 commonwealth is obligated to pay under the provisions of chapter 29A, together with any information which the deputy court administrator may require. In turn, the deputy court administrator shall periodically prepare and submit to the court administrator an estimate, in 707 detail, for the ordinary maintenance of the first paragraph of section 3 of chapter 29. Said 708 709 estimate shall include salaries of all officers and employees within the office and shall include estimates of all sums which the commonwealth is obligated to pay under the provisions of 710 chapter 29A, together with any other information which the court administrator may require.

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

SECTION 55. Section 10C of said chapter 211B, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "for administration and management, the chief justices" and

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718 inserting in place thereof the following words:- of the trial court, court administrator, and the 719 chief justices.

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

Section 10D. (a) Each applicant for initial appointment as a court officer within the trial court shall pass a written examination established and administered by the court administrator, after consultation with the personnel administrator, who shall determine their form, method, and subject matter. Each such examination shall fairly test the knowledge, skills, and abilities which can be fairly and reliably measured and which are actually required to perform the primary or dominant duties of the position of court officer. Applicants shall score at least 80 per cent on such examination to be eligible for further consideration.

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

734 (c) Those applicants successfully passing the examination pursuant to subsection (a) and deemed
735 by the court administrator to have met the minimum criteria for appointment pursuant to
736 subsection (b) shall be subject to an investigative and interview process which shall include,
737 without limitation: (i) an investigation into the applicant's work history and personal interests to
738 ensure that he or she is well suited for the culture of the organization and will further the
739 organization's stated goals; (ii) behavioral based interviews; and (iii) candidate assessments,

740 including case study, presentation and writing assessments; provided, however, that said a candidate assessments shall focus on the specific requirements of the position.

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

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

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

760 (g) Those applicants successfully passing, the examination pursuant to subsection (e) and (g) 761 deemed by the court administer to have met the minimum criteria for promotion pursuant to

- subsection (f) shall be subject to an investigative and interview process which shall include,
 without limitation: (i) an investigation into the applicant's work history and personal interests to
 ensure that he or she is well suited for the culture of the organization and will further the
 organization's stated goals; (ii) behavioral based interviews; and (iii) candidate assessments,
 including case study, presentation and writing assessments; provided, however, that said
 candidate assessments shall focus on the specific requirements of the position.
- (h) Those applicants successfully passing the examination pursuant to subsection (e), deemed by the court administrator to have met the minimum criteria for appointment pursuant to subsection (f), and successfully completing the interview and investigative process pursuant to subsection (g) shall be eligible for promotion by the court administrator.
- 772 (i) All court officers of the trial court shall devote their full time and attention to the duties of 773 their office during regular business hours.
- SECTION 57. Said chapter 211B is hereby further amended by striking out section 12 and
 inserting in place thereof the following section:-
- Section 12. There may be an office of court management within the trial court, under the
 executive control of a court administrator, to support judicial functions, performance and
 management of the trial court. Said court administrator shall be appointed by a majority vote of
 the justices of the supreme judicial court; provided, however, that said court administrator shall
 have significant leadership experience in the fields of management and finance and shall not be a
 justice of the trial court. Said court administrator shall be paid a salary equal to that of the chief
 justice of the trial court. The court administrator shall hold said office for a term of 5 years, shall
 be eligible to be reappointed for additional 5 year terms, and shall devote his full time to the

duties of his office. The court administrator shall perform such duties and responsibilities as
may be prescribed by law and as the chief justice of the supreme judicial court may from time to
time designate. The court administrator may be removed by a majority vote of the justices of the
supreme judicial court.

The chief justice for administration and management and the court administrator shall endeavor

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

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

797 The court administrator may appoint such other personnel as are necessary for the administration 798 of the trial court. Said personnel shall receive salaries to be fixed by the court administrator and 799 subject to appropriation.

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

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

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

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

811 SECTION 63. Section 6 of said chapter 211C of the General Laws, as so appearing, is hereby 812 amended by striking out, in line 33, the word "administrative".

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

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

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

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

827 SECTION 67. Chapter 212 of the General Laws is hereby further amended by inserting after

828 section 1, as so appearing, the following section:-

829 Section 1A. The deputy court administrator as provided under section 1 of chapter 211B shall,

830 subject to the superintendence authority of the supreme judicial court as provided in section 3 of .

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831 chapter 211, have the power authority and responsibility of a deputy court administrator as set

forth in section 10 of chapter 211B.

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833 SECTION 68. Section 14A of said chapter 212, as so appearing, is hereby amended by striking

out, in lines 39 and 49, the words "for administration and management" and inserting in place

835 thereof the following words:- of the trial court.

836 SECTION 69. Section 20A of said chapter 212, as so appearing, is hereby amended by inserting,

in line 10, after the words "chief justice of the superior court department" the following words:-

838 in consultation with the court administrator.

839 SECTION 70. Said section 20A of said chapter 212, as so appearing, is hereby further amended

by striking out, in line 15, the words "chief administrative justice" and inserting in place thereof

841 the following words:- court administrator.

842 SECTION 71. Section 54 of chapter 215 of the General Laws, as so appearing, is hereby

843 amended by striking out, in lines 1 and 2, the words "chief justice for administration and

management" and inserting in place thereof the following words:- court administrator.

845 SECTION 72. Section 62 of said chapter 215, as so appearing, is hereby amended by striking

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846 out, in line 4, the words "for administration and management".

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

850 SECTION 74. Said section 2 of said chapter 217, as so appearing, is hereby further amended by 851 striking out the second sentence of the second paragraph and inserting in place thereof the 852 following sentence:-

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

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

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

The chief justice may establish forms for the annual reports of the work of the registers of the several courts; and said registers shall annually on or before October 1 prepare and file with the chief justice reports of the work of said courts during the preceding court year, and said reports shall also be filed with the chief justice of the trial court. Said chief justice of the probate and family court shall also have the powers and duties described in section 10 of chapter 211B and section 42 of this chapter; except that none of the powers herein described or referred to shall be

sometrued as authorizing said chief justice to alter or affect the provisions of sections 58, 59, 60

869 or 62 of chapter 215.

870 Section 8½. The deputy court administrator provided for under the provisions of section 1 of

871 chapter 211B as the deputy court administrator for the probate and family court department shall,

872 subject to the superintendence authority of the supreme judicial court as provided in section 3 of

873 chapter 211, have the power, authority and responsibility of a deputy court administrator as set

874 forth in section 10 of chapter 211B.

875 SECTION 76. Said chapter 217 of the General Lawsis hereby further amended by striking out

876 section 8A, as so appearing, and inserting in place thereof the following new section:-

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

878 offices.

879 SECTION 77. Section 17 of chapter 211B of the General Laws, as so appearing, is hereby

880 amended by striking out, in lines 1, 5 through 6, inclusive, 13 through 14, inclusive, 18 through

881 19, inclusive, 21 through 22, inclusive, 23 through 24, inclusive, 30, 34, and 44 the words "for

2 administration and management" and inserting in place thereof the following words:- of the trial

883 court.

884 SECTION 78. Section 1 of chapter 211F of the General Laws, as so appearing, is hereby

amended by striking out the definition of "chief justice".

886 SECTION 79. Said section 1 of said chapter 211F, as so appearing, is hereby further amended by

887 inserting after the definition of "Community corrections plan" the following definition:-

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

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

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

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

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

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

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

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

SECTION 85. Section 11 of said chapter 218, as so appearing, is hereby amended by striking

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out, in lines 3 and 4, the words "chief justice for administration and management" and inserting in place thereof the following words:- court administrator.

916 SECTION 86. Said section 19B of said chapter 218, as so appearing, is hereby amended by 917 striking out, in lines 23, 24, and 27, the words "for administration and management" and 918 inserting in place thereof the following words:- of the trial court.

919 SECTION 87. Said chapter 218 is hereby amended by striking out section 42A, as so appearing, 920 and inserting in place thereof the following 2 sections:-

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

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

Section 42B. The deputy court administrator for the district court department, as provided under section 1 of chapter 211B shall, subject to the superintendence authority of the supreme judicial

931 court as provided in section 3 of chapter 211, have the power, authority and responsibility of a 932 deputy court administrator as set forth in section 10 of chapter 211B. SECTION 88. Section 50 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 12 and 13, the words "for administration and management" and inserting in place 934 thereof the following words:- of the trial court. 936 SECTION 89. Said chapter 218 is hereby further amended by striking out section 51A, as so appearing, and inserting in place thereof the following section:-Section 51A. The justice provided for under section 1 of chapter 211B as the chief justice of the Boston municipal court department, in addition to his judicial powers and duties, shall, subject to the superintendence authority of the supreme judicial court as provided in section 3 of chapter 211, have the powers and responsibilities of a chief justice as set forth in section 10 of chapter 942 211B. The deputy court administrator of the Boston municipal court department as provided for under section 1 of chapter 211B shall, subject to the superintendence authority of the supreme judicial court as provided in section 3 of chapter 211, have the powers and responsibilities of a deputy court administrator as set forth in section 10 of chapter 211B; provided, however, that the clerk shall have responsibility for the internal administration of his office, including the selection, appointment, and management of personnel, staff services and record keeping. 948 The chief justice of the Boston municipal court department shall have the power to appoint the first justice of each of the various divisions within the Boston municipal court department, 950 subject to the approval of the chief justice of the trial court, and to define his duties; provided, 951

however, that appropriate consideration shall be given to seniority, length of service at that

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particular division, and managerial ability. Each first justice so appointed shall serve as the first justice of that court for a 5 year term and shall be eligible to be reappointed for additional 5 year terms at that particular court. Any first justice may be removed from his position as first justice by the chief justice of the Boston municipal court department.

SECTION 90. Section 53 of said chapter 218, as so appearing, is hereby amended by striking

out, in lines 5, 6, 27, 30, and 31, the words "chief justice for administration and management" 959 and inserting in place thereof the following words:- court administrator.

960 SECTION 91. Said chapter 218 is hereby further amended by striking out section 57A, as so 961 appearing, and inserting in place thereof the following 2 sections:-

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court department, in addition to his judicial powers and duties, shall, subject to the superintendence authority of the supreme judicial court as provided in section 3 of chapter 211, have the powers and responsibilities set forth in section 10 of chapter 211B; provided, however, that the clerk of such court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping.

The justice provided for under section one of chapter 211B as the chief justice for the juvenile

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

969 Said chief justice shall also prescribe official forms to be used in all courts of the juvenile court 970 department and in juvenile sessions of the district court department.

Section 57B. The deputy court administrator for the juvenile court department as provided for under section 1 of chapter 211B shall, subject to the superintendence authority of the supreme judicial court as provided in section 3 of chapter 211, have the powers and responsibilities set

- 974 forth in section 10 of chapter 211B; provided, however, that the clerk of such court shall have 975 responsibility for the internal administration of his office, including personnel, staff services and 976 record keeping.
- 977 SECTION 92. Section 58 of said chapter 218, as so appearing, is hereby amended by striking out 978 the sixth sentence of the first paragraph and inserting in place thereof the following sentence:-
- 979 Any first justice may be removed from his position as first justice by the chief justice of the
- 980 juvenile court department.
- 981 SECTION 93. Said section 58 of said chapter 218, as so appearing, is hereby further amended by
- 982 striking out, in line 36, the words "for administration and management" and inserting in place
- 983 thereof the following words:- of the trial court.
- 984 SECTION 94. Said section 58 of said chapter 218, as so appearing, is hereby further amended by
- 985 striking out, in lines 51, 59, 86, 87, 113, 114, 117, 118, 120, the words "chief justice for
- 986 administration and management" and inserting in place thereof the words:- court administrator.
- 987 SECTION 95. Section 67 of said chapter 218, as so appearing, is hereby amended by striking
- 988 out, in lines 5 and 6, the words "chief justice for administration and management" and inserting
- 989 in place thereof the following words:- court administrator.
- 990 SECTION 96. Section 79 of said chapter 218, as so appearing, is hereby amended by striking
- 991 out, in lines 16, 17, 20, and 21, the words "chief justice for administration and management" and
- 992 inserting in place thereof the following words:- court administrator.

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

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996 SECTION 98. Section 5 of chapter 221 of the General Laws, as so appearing, is hereby amended 997 by striking out, in line 3, the words "chief justice for administration and management" and 998 inserting in place thereof the following words:- court administrator.

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

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

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

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

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

- SECTION 104. Section 71 of said chapter 221, as so appearing, is hereby amended by striking out, in lines 1, 4, 5, and 7, the words "chief justice for administration and management" and inserting in place thereof the following words:- court administrator.
- SECTION 105. Section 71A of said chapter 221, as so appearing, is hereby amended by striking out, in lines 1, 5, and 6, the words "chief administrative justice" and inserting in place thereof the following words:- court administrator.
- SECTION 106. Section 72 of said chapter 221, as so appearing, is hereby amended by striking out, in line 5, the words "chief administrative justice" and inserting in place thereof the following words:- court administrator.
- SECTION 107. Section 80 of said chapter 221, as so appearing, is hereby amended by striking out, in line 5, the words "chief justice for administration and management" and inserting in place thereof the following words:- court administrator.
- SECTION 108. Section 102 of said chapter 221, as so appearing, is hereby amended by striking out, in line 5, the words "chief administrative justice" and inserting in place thereof the following words:- court administrator.
- SECTION 109. Section 3 of chapter 221A of the General Laws, as so appearing, is hereby
 amended by striking out, in line 3, the words "chief administrative justice" and inserting in place
 thereof the following words:- chief justice of the trial court.
- SECTION 110. Section 3 of chapter 221B of the General Laws, as so appearing, is hereby
 amended by striking out, in lines 3, 6, and 20, the words "administrative" and inserting in place
 thereof the following words:- justice of the trial court.

1035 SECTION 111. Section 7 of chapter 221C of the General Laws, as so appearing, is hereby 1036 amended by striking out subsection (a) and inserting in place thereof the following subsection:-(a) There shall be a committee for the administration of interpreters for the trial court, which committee shall consist of the chief justice of the trial court, who shall be the chairman of said 1039 committee, the chief justice of the district court department and one justice and one clerkmagistrate of said department appointed by said chief justice, a justice and a clerk or an assistant 1040 clerk of the superior court department appointed by the chief justice of said department, a judge of the probate and family court department appointed by the chief justice of said department and one other justice, judge or clerk-magistrate appointed by the chief justice of the trial court. SECTION 112. Said section 7 of said chapter 221C, as so appearing, is hereby further amended 1045 by striking out, in lines 12, 13, and 16, the words "administrative justice" and inserting in place 1046 thereof the following words:- justice of the trial court. SECTION 113. Section 9 of chapter 258C of the General Laws, as so appearing, is hereby amended by striking out, in lines 16 and 17, the words "for administration and management" and inserting in place thereof the following words:- of the trial court. 1049 SECTION 114. Section 9 of chapter 258D of the General Laws, as so appearing, is hereby 1050 amended by striking out, in line 7, the words "for administration and management" and inserting in place thereof the following words:- of the trial court. SECTION 115. Section 6 of chapter 258E of the General Laws, as inserted by chapter 23 of the 1053 acts of 2010, is hereby amended by striking out in the second sentence the words "for 1055 administration and management" and inserting in place thereof the following words:- of the trial 1056 court.

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

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

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

SECTION 119. Section 39 of chapter 265 of the General Laws, as so appearing, is hereby
amended by striking out, in lines 39 and 40, the words "for administration and management" and

1069 SECTION 120. Chapter 268A of the General Laws is hereby amended by inserting after section

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1070 6A, as so appearing, the following section:-

inserting in place thereof the following words:- of the trial court.

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

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

1077 SECTION 121. Said chapter 268A of the General Laws is hereby further amended by inserting after section 8B, as so appearing, the following section:-

1079 Section 8C. Notwithstanding any general or special law to the contrary, a state agency shall only
1080 consider a recommendation for a candidate in any hiring process if said recommendation is made
1081 in written form. Such recommendations shall be kept from the hiring authority until the final
1082 stage of the hiring process.

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

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

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

1098 (c) Those applicants successfully passing the examination pursuant to subsection (a) and deemed 1099 by the court administrator to have met the minimum criteria for appointment pursuant to 1100 subsection (b) shall be subject to an investigative and interview process which shall include, 1101 without limitation: (i) an investigation into the applicant's work history and personal interests to 1102 ensure that he or she is well suited for the culture of the organization and will further the 1103 organization's stated goals; (ii) behavioral based interviews; and (iii) candidate assessments, 1104 including case study, presentation and writing assessments; provided, however, that said 1105 candidate assessments shall focus on the specific requirements of the position.

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

1112 (e) Any probation officer seeking promotion within the office of the commissioner of probation
1113 shall pass a written examination established and administered by the court administrator, after
1114 consultation with the personnel administrator, who shall determine their form, method, and
1115 subject matter. Each such examination shall fairly test the knowledge, skills, and abilities which
1116 can be fairly and reliably measured and which are actually required to perform the primary or
1117 dominant duties for the position being applied. Applicants shall score at least 80 per cent on such
1118 examination to be eligible for further consideration.

1119 (f) The name of each applicant for promotion within the office of the commissioner of probation,
1120 successfully completing the exam pursuant to subsection (e) shall be forwarded to the court
1121 administrator, or his designee, who shall objectively screen the applicant to determine whether
1122 the applicant meets the minimum criteria for promotion.

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1123 (g) Those applicants successfully passing the examination pursuant to subsection (e) and deemed
1124 by the court administer to have met the minimum criteria for promotion pursuant to subsection
1125 (f) shall be subject to an investigative and interview process which shall include, without
1126 limitation: (i) an investigation into the applicant's work history and personal interests to ensure
1127 that he or she is well suited for the culture of the organization and will further the organization's
1128 stated goals; (ii) behavioral based interviews; and (iii) candidate assessments, including case
1129 study, presentation and writing assessments; provided, however, that said candidate assessments
1130 shall focus on the specific requirements of the position.

1131 (h) Those applicants successfully passing the examination pursuant to subsection (e), deemed by
1132 the court administrator to have met the minimum criteria for appointment pursuant to subsection
1133 (f), and successfully completing the interview and investigative process pursuant to subsection
1134 (g) shall be eligible for promotion pursuant to subsection (i).

135 (i) In any court having 2 or more probation officers, the first justice, subject to the approval of
136 the court administrator and the commissioner of probation, may designate 1 probation officer to
137 serve as chief probation officer and may designate other probation officers to serve as assistant
138 chief probation officers, as he deems necessary for the effective administration of justice.

1139 A first justice may recommend to the commissioner of probation the initiation of

- 1140 disciplinary proceedings against any probation officer so promoted, provided, however, that said
- 1141 probation officers shall receive a hearing by the commissioner of probation prior to being
- 1142 discharged and may appeal any suspension, discipline or discharge to the court administrator.
- 1143 (j) The compensation of probation officers in the trial court shall be paid by the commonwealth
- 1144 according to schedules established in section 99B or in a provision of an applicable collective
- 1145 bargaining agreement.
- 1146 (k) All probation officers shall devote their full time and attention to the duties of their office
- 1147 during regular business hours.
- 1148 (I) Probation officers appointed within the probate and family court department of the trial court
- 1149 shall be known as family services officers.
- 1150 SECTION 123. Section 86 of Chapter 276 of the General Laws is hereby repealed.
- 1151 SECTION 124. Section 88 of said chapter 276, as so appearing, is hereby amended by striking
- 1152 out, in line 18, the words "chief administrative justice" and inserting in place thereof the
- 1153 following words:- court administrator.
- 1154 SECTION 125. Section 89 of said chapter 276, as so appearing, is hereby amended by striking
- out, in lines 41 and 42, the words "chief administrative justice" and inserting in place thereof the
- 1156 following words:- court administrator.
- 1157 SECTION 126. Section 89A of said chapter 276, as so appearing, is hereby amended by striking,
- 1158 in line 11, the words "chief justice for administration and management" and inserting in place
- 1159 thereof the following words:- court administrator.

1160 SECTION 127. Chapter 276 of the General Laws, as so appearing, is hereby further amended by striking out sections 98 to 99, inclusive, and inserting in place thereof the following 3 sections:-Section 98. There shall be an office of probation which shall be under the supervision, direction and control of a commissioner of probation. The commissioner shall be appointed, and may be removed, by the chief justice of the trial court and the court administrator, with the advice of the chief justice of the juvenile court, the chief justice of the superior court, the chief justice of the 1165 district court, the chief justice of the probate and family court, and the chief justice of the Boston municipal court and shall be a person of skill and experience in the field of criminal justice. The commissioner shall be the executive and administrative head of the office of probation and shall 1168 be responsible for administering and enforcing the provisions of law relative to the office of probation and to each administrative unit thereof. The commissioner shall serve a term of 5 years, may be reappointed, shall receive such salary as may be determined by law, and shall devote his full time to the duties of his office. In the case of an absence or vacancy in the office of the commissioner, or in the case of disability as determined by the chief justice of the trial court, said chief justice may designate an acting commissioner to serve as commissioner until the vacancy is filled or the absence or disability ceases. The acting commissioner shall have all the powers and duties of the commissioner and shall have similar qualifications as the commissioner. Subject to the approval and consent of the court administrator, the commissioner may appoint 1177 1178 deputies, supervisors and assistants necessary for the performance of his duties. Said deputies, supervisors and assistants, shall receive a salary to be fixed by the court administrator and 1179 subject to appropriation. Subject to the approval and direction of the chief justice of the trial court and the court administrator, the commissioner shall perform such duties and responsibilities as otherwise provided by law or as designated from time to time by said chief

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1183 justice and the court administrator. The commissioner shall be responsible for making 1184 recommendations to the chief justice of the trial court and the court administrator on: 1185 (i) the supervision and evaluation of all probation programs within the trial court; 1186 (ii) the evaluation of the probation service in each court of the commonwealth; 1187 (iii) the compilation, evaluation, and dissemination of statistical information on crime, delinquency, and appropriate family service matters available in his records; 1189 (iv) the recruitment, training, and educational development of probation officers; 1190 (v) the evaluation of the work performance of probation officers; and 1191 (vi) planning, initiating, and developing volunteer, diversion, and other programs in consultation 1192 with probation officers throughout the commonwealth. 1193 Section 98A. There shall be an advisory board to assist the commissioner of probation and the court administrator with the management of the office of probation. The board shall consist of 7 members to be appointed by the supreme judicial court: 2 persons who have significant experience in criminal justice, 2 persons who have significant experience in public policy, 2 persons who have significant experience in management, and 1 person who has significant 1198 experience in human resources management. Upon the expiration of the term of any appointive member, his successor shall be appointed in a like manner for a term of 3 years. 1199 A person appointed to fill a vacancy on the board shall be appointed in a like manner and shall 1200 1201 serve for only the unexpired term of the former member. The maximum amount of time that said 1202 members may serve on said board shall be 2 such terms. The board shall annually elect 1 of its

members to serve as chair and 1 of its members to serve as vice-chair. The chair shall hold regular meetings, and shall notify all board members of the time and place of all meetings.

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

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

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- 1213 Section 99. The commissioner shall have executive control and supervision of the probation

 1214 service and shall have the power to:
- 1215 (1) Supervise the probation work in all of the courts of the commonwealth and for such 1216 purposes he and his staff shall have access to all probation records of said courts;
- 1217 (2) Subject to the approval of the chief justice of the trial court, establish reports and forms to
 1218 be maintained by probation officers; procedures to be followed by probation officers; standards
 1219 and rules of probation work, including methods and procedures of investigation, mediation,
 1220 supervision, case work, record keeping, accounting, caseload and case management;
- 1221 (3) Promulgate rules and regulations concerning probation officers or offices provided said 1222 rules and regulations have been approved in writing by the court administrator subject to 150E;

- 1223 (4) Assist the court administrator in developing standards and procedures for the
 1224 performance evaluation of probation officers, and assist each first justice in evaluating the work
 1225 performance of probation officers;
- 1226 (5) Receive all notices of intended disciplinary action against a probation officer or
 1227 supervising probation officer including reprimand, fine, suspension, demotion or discharge, that
 1228 may be initiated by a first justice, supervisor or chief probation officer;
- 1229 (6) Develop and conduct basic orientation and in-service training programs for probation 1230 officers, such programs to be held at such times and for such periods as he shall determine;
- 1231 (7) Conduct research studies relating to crime and delinquency, and, may participate with 1232 other public and private agencies in joint research studies;
- 1233 (8) Annually submit written budget recommendations for the probation service to the court
 1234 administrator; in addition to the budget requests submitted by the first justices on behalf of their
 1235 respective courthouse or courthouses, including probation offices.
- 1236 (9) Annually conduct regional meetings with chief probation officers to discuss the budget 1237 needs of the local probation offices; and
- 1238 (10) Hold conferences on probation throughout the commonwealth, provided, that the
 1239 traveling expenses of trial court justices or probation officers authorized by the chief justice for
 1240 administration and management to attend any such conference shall be paid by the
 1241 commonwealth.
- 1242 SECTION 128. Notwithstanding any general or special law to the contrary, any incumbent 1243 serving a term of office described in chapter 211B shall perform, so far as practicable, the duties

1244 prescribed for the respective office until the end of their current term; provided, however, that this section shall not limit or restrict administrative authorities in exercising supervision of, or control over, their employees, or in assigning related, incidental, or emergency duties to them. 1246 SECTION 129. Notwithstanding any general or special law to the contrary, the court 1247 administrator shall identify administrative activities and functions common to the separate officers, divisions, and departments within the trial court for consolidation in order to improve 1249 1250 administrative efficiency and preserve fiscal resources and shall, subject to the review of the court management advisory board established pursuant to section 6A of chapter 211B, make 1251 recommendations to the supreme judicial court as to the designation of such functions as 'core administrative functions'; provided, however, that common functions that shall be designated core administrative functions shall include, but not be limited to, human resources, financial management, information technology, legal, procurement and asset management.

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annually thereafter, the court management advisory board established pursuant to section 6A of chapter 211B shall report to the supreme judicial court, the joint committee on the judiciary, the joint committee on state administration, and the house and senate committees on ways and means on the trial court's progress in implementing the requirements of this chapter. The report shall also include recommendations to improve the management of the trial court, including but not limited to consolidation of core administrative functions, and proposed legislation to effectuate the recommendations contained in said report.

SECTION 131. Notwithstanding any general or special law to the contrary, the incumbent of the office of commissioner of probation designated under section 98 of chapter 276 shall continue to

hold said position until January 31, 2013. Said incumbent shall be eligible for reappointment to said office under the process established under said section 98.

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

SECTION 133. Notwithstanding any general or special law to the contrary, the office and probation and the parole board shall establish a working group to identify functions common to the office of probation and the parole board in order to adequately address the treatment and supervision of persons under the jurisdiction of the departments. The working group shall make recommendations, including any proposed legislation, to the supreme judicial court, governor, court administrator, and house and senate committees on ways and means not later than December 31, 2012.

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

SECTION 135. Notwithstanding any general or special law to the contrary, the court
administrator established pursuant to section 6B of chapter 211B shall devise and implement a
hiring model for the trial court that shall be applicable to the hiring of all trial court employees
and shall containing, without limitation, the following elements: (i) an accurate job description

and the essential competencies successful applicants must possess; (ii) posting of all vacancies required to be posted in a visible manner and recruiting measures designed to attract a broad range of qualified applicants; (iii) development and use of objective screening criteria; (iv) use of uniform and standard applications; (v) structured interviews with job-related questions and standardized rating forms; (vi) reference checks; and (vii) final recommendations.

SECTION 136. Notwithstanding any general or special law to the contrary, the court

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administrator established pursuant to section 6B of chapter 211B shall devise and implement a applicant tracking system which shall track all information about candidates for employment with the trial court and the hiring process, including without limitation resumes, assessment results, all recommendations and references however transmitted and by whomever received, the identity of the decision makers at each step of the process and any scoring by those decision makers.

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

1307 SECTION 138. Sections 57 and 137 of this act shall expire on July 1, 2012.

1308 SECTION 139. Sections 2 to 55, inclusive, 58 to 119, inclusive, 129, 135, and 136 shall take 1309 effect on July 1, 2012.

- 1310 SECTION 140? Except as otherwise provided in this act, this act shall take effect on July 1, where the state of the s
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HOUSE

No. 03644

The Commonwealth of Massachusetts

PRESENTED BY:

Eugene L. O'Fläherty

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

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

An Act relative to the reorganization of the judicial system of the Commonwealth.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

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HOUSE No. 03644

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:

- 1 SECTION 1. Chapter 66 of the General Laws is hereby amended by inserting after section 3 the
- 2 following section:-
- 3 Section 3A. Recommendations for employment submitted in support of candidates who are hired
- 4 by the commonwealth, or any political subdivision of the commonwealth, in the position to
- 5 which the recommendations were applicable, shall be considered public records under section 7
- 6 of chapter 4 and this chapter; provided, however that this shall not apply to internal
- 7 communications. Recommendations for employment submitted in support of candidates applying
- 8 for employment by the commonwealth, or any political subdivision of the commonwealth, shall
- 9 not be considered by a hiring authority until the applicant has met all other qualifications and
- 10 requirements for the position to be filled; provided, however, that a hiring authority may, in

- 11 accordance with said agency's regular practice for conducting reference checks, contact and
- 12 speak with a reference provided to it by a candidate for employment, or contact and speak with
- 13 any person who has submitted a written recommendation on behalf of a candidate for
- 14 employment with said agency.
- 15 SECTION 2. Section 116 of chapter 6 of the General Laws is hereby amended by striking out, in
- 16 lines 22 and 23, as appearing in the 2008 Official Edition, the words "administrative justice for"
- 17 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 striking out,
- 19 in lines 9 and 10, the words "chief administrative justice" and inserting in place thereof the
- 20 following words:- court administrator.
- 21 SECTION 4. Section 28A of chapter 7 of the General Laws, as so appearing, is hereby amended

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- 22 by striking out the fourth paragraph and inserting in place thereof the following paragraph:-
- 23 Said administrator may enter into agreements with the supreme judicial court, the chief justice of
- 24 the trial court, the court administrator of the trial court, or the chief justices of the several
- 25 departments of the trial court for programs for the continuing education of judges and other court
- 26 personnel.
- 27 SECTION 5. Section 41C of said chapter 7, as so appearing, is hereby amended by striking out,
- 28 in lines 11 and 12, 24 and 25 and in line 32, the words "administrative justice of the trial court"
- 29 and inserting in place thereof, in each instance, the following words:- justice of the trial court and
- 30 the court administrator.

- 31 SECTION 6. Section 2 of chapter 7A of the General Laws, as so appearing, is hereby amended
- 32 by striking out, in lines 3 and 4, the words "chief administrative justice" and inserting in place
- 33 thereof the following words:- court administrator.
- 34 SECTION 7. Section 35Z of chapter 10 of the General Laws, as so appearing, is hereby amended
- 35 by striking out, in lines 12 and 13, 16 and 17, 23 and 24, the words "chief justice for
- 36 administration and management" and inserting in place thereof, in each instance, the following
- 37 words:- court administrator.
- 38 SECTION 8. Chapter 22 of the General Laws is hereby amended by inserting after section 20 the
- 39 following section:-
- 40 Section 21. There shall be a special commission established to investigate and study improving
- 41 information and resource sharing among the office of probation, department of criminal justice
- 42 information services, parole board, department of corrections, and all sheriffs in the
- 43 commonwealth. The commission shall consist of the secretary of public safety and security or
- 44 the secretary's designee, who shall serve as chair; the commissioner of probation or the
- 45 commissioner's designee; commissioner of department of criminal justice information services
- 46 or the commissioner's designee; the chair of the parole board or the chair's designee; the
- 47 commissioner of correction or the commissioner's designee; the commissioner of youth services,
- 48 or the commissioner's designee; and the president of the Massachusetts Sheriffs Association or
- 49 the president's designee.
- 50 The investigation shall include, but not be limited to:
- 51 (a) identifying and eliminating redundant and duplicative practices, while promoting public
- 52 safety and cost-effectiveness;

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

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

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

65 (e) investigating the creation of a common office of performance management to track the
66 effectiveness and outcomes of programs used by the office of probation, trial court office of
67 community supervision, parole board, department of corrections and sheriffs; and
68 (f) investigating the effectiveness of the office of community corrections, potential
69 improvements to its function and organization, including the feasibility and advisability of

70 relocating it to the executive office of public safety and security.

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

- 75 SECTION 9. The commission established in section 21 of chapter 22 shall convene its first
- 76 official meeting not later than September 1, 2011. The initial report and recommendations of the
- 77 commission shall be provided to the chairs of the joint committee on the judiciary, the chairs of
- 78 the joint committee on public safety and homeland security and chairs of the senate and house
- 79 committees on ways and means not later than December 31, 2011, if practical; provided
- 80 however, if more time is needed to file a complete report, the commission may file a temporary
- 81 progress report.
- 82 SECTION 9A. Section 31A of chapter 29 of the General Laws, as so appearing, is hereby
- 83 amended by striking out, in line 18, the words "chief administrative justice" and inserting in
- 84 place thereof the following words:- court administrator.
- 85 SECTION 9B. Section 3A of chapter 29A of the General Laws, as so appearing, is hereby
- 86 amended by striking out, in line 7, the word "administrative".
- 87 SECTION-10. Section 4 of said chapter 29A, as so appearing, is hereby amended by striking out,
- 88 in lines 6, 19, 21, 28, 29 and 30, 42, 43 and 44, and in line 53, the words "chief administrative
- 89 justice" and inserting in place thereof, in each instance, the following words:- court
- 90 administrator.
- 91 SECTION 11. Section 5 of said chapter 29A, as so appearing, is hereby amended by striking out,
- 92 in lines 3 and 4, the words "chief administrative justice" and inserting in place thereof the
- 93 following words:- court administrator.
- 94 SECTION 12. Section 6 of said chapter 29A, as so appearing, is hereby amended by striking out,
- 95 in line 3, lines 6 and 7, 8 and 9, 25 and 26, and in line 37, the words "chief administrative

97 administrator.

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- 98 SECTION 13. Section 6 of chapter 34B of the General Laws, as so appearing, is hereby amended
- 99 by striking out, in lines 21, 44 and 45, the words "chief justice for administration and
- 100 management" and inserting in place thereof the following words:- court administrator.
- 101 SECTION 14. Section 16 of chapter 37 of the General Laws, as so appearing, is hereby amended
- 102 by striking out, in line 3, the words "administrative justice" and inserting in place thereof the
- 103 following words:- justice of the trial court.
- 104 SECTION 15. Section 1 of chapter 58A of the General Laws, as so appearing, is hereby
- amended by striking out, in line 12, the word "administrative".
- 106 SECTION 16. Section 24M of chapter 90 of the General Laws, as so appearing, is hereby
- amended by striking out, in line 9, the word "administrative".
- 108 SECTION 17. Section 3 of chapter 90C of the General Laws, as so appearing, is hereby amended
- 109 by striking out, in lines 101 and 102, the words "for administration and management".
- 110 SECTION 18. Section 28 of chapter 119 of the General Laws, as appearing in the 2008 Official
- 111 Edition, is hereby amended by striking out, in lines 32 and 33, the word "administrative".
- 112 SECTION 19. Section 29B of said chapter 119 of the General Laws, as so appearing, is hereby
- amended by striking out, in lines 6 and 7, the words "for administration and management" and
- inserting in place thereof the following words:- of the trial court.
- 115 SECTION 20. Section 1 of chapter 119A of the General Laws, as so appearing, is hereby
- amended by striking out, in lines 22 and 23, the word "administrative".

- SECTION 21. Section 3 of said chapter 119A, as so appearing, is hereby amended by striking out, in line 76, the words "for administration and management" and inserting in place thereof the
- 119 following words:- of the trial court.
- 120 SECTION 22. Section 13 of said chapter 119A, as so appearing, is hereby amended by striking
- 121 out, in lines 27 and 28, the words "for administration and management" and inserting in place
- 122 thereof the following words:- of the trial court.
- 123 SECTION 23. Section 1 of chapter 150E of the General Laws is hereby amended by striking out,
- 124 in line 61, as so appearing, the words "chief administrative justice" and inserting in place thereof
- 125 the following words:- court administrator.
- 126 SECTION 24. Chapter 185 of the General Laws is hereby amended by striking out section 2, as
- 127 so appearing, and inserting in place thereof the following 2 sections:-
- 128 Section 2. The land court department shall consist of 7 justices appointed to the land court
- 129 department. The justice as provided under section 1 of chapter 211B as the chief justice for the
- 130 land court department, in addition to his judicial powers and duties, shall, subject to the
- 131 superintendence authority of the supreme judicial court as provided in section 3 of chapter 211,
- 132 have the power, authority and responsibility of a chief justice as set forth in section 10 of chapter
- 133 211B.
- 134 Section 2½. The administrator as provided under section 1 of chapter 211B as the deputy court
- 135 administrator for the land court department shall, subject to the superintendence authority of the
- 136 supreme judicial court as provided in section 3 of chapter 211, have the power, authority and
- 137 responsibility of a deputy court administrator as set forth in section 10 of chapter 211B.

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

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

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

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

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

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

- 158 SECTION 31. Said section 4 of said chapter 185C, as so appearing, is hereby further amended
- by striking out, in line 10, lines 18 and 19, 28 and 29, and in line 38, the words "for
- 160 administration and management" and inserting in place thereof, in each instance, the following
- 161 words:- of the trial court.
- 162 SECTION 32. Section 8 of said chapter 185C, as so appearing, is hereby amended by striking
- out, in lines 8 and 9 and in lines 25 and 34, the words "for administration and management" and
- 164 inserting in place thereof, in each instance, the following words:- of the trial court.
- 165 SECTION 33. Said section 8 of said chapter 185C, as so appearing, is hereby further amended
- 166 by striking out the seventh sentence and inserting in place thereof the following sentence:- Any
- 167 first justice may be removed from his position as first justice by the chief justice of the housing
- 168 court department; provided, however, that any such removal is not for arbitrary or capricious
- 169 reasons.
- 170 SECTION 34. Said chapter 185C is hereby further amended by striking out section 8A, as so
- 171 appearing, and inserting in place thereof the following 2 sections:-
- 172 Section 8A. The justice as provided under section 1 of chapter 211B as the chief justice for the
- 173 housing court department, in addition to his judicial powers and duties shall, subject to the
- 174 superintendence authority of the supreme judicial court as provided in section 3 of chapter 211,
- 175 have the power, authority and responsibility of a chief justice as set forth in section 10 of chapter
- 176 211B.
- 177 Section 8B. The deputy court administrator for the housing court department as provided under
- 178 section 1 of chapter 211B shall, subject to the superintendence authority of the supreme judicial

179 court provided in section 3 of chapter 211, have the power, authority, and responsibility of a 180 deputy court administrator as set forth in section 10 of chapter 211B.

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

Section 9. There shall be a clerk, appointed by the governor with the advice and consent of the council, for each of the housing courts. Said clerks shall hold office during good behavior, subject however, to retirement under the provisions of any general or special law relative to 185 retirement systems. The clerk appointed for the western division shall reside in either Berkshire, Franklin, Hampden or Hampshire counties. Said clerks shall have responsibility for the internal 188 administration of their respective offices, including the selection, appointment, and management of personnel, staff services and record keeping. The chief justice, a first justice or a clerk of the 189 housing court may submit any dispute that arises between said chief justice or said first justice 191 and said clerk of court, concerning the management and administration of the clerk's office, the duties, powers and obligations of the clerk-magistrate or a member of the clerk-magistrate's staff, or the interpretation of the personnel standards provided for under section eight of chapter 193 two hundred and eleven B, to the chief justice of the trail court, who in consultation with the 194 court administrator, shall within thirty days, hear and determine the matter. The decision of the 195 chief justice of the trail court shall be binding on the parties. 196 į.

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

- SECTION 37. Section 28 of chapter 208 of the General Laws, as so appearing, is hereby
 amended by striking out, in lines 8 and 9 and 31 and 32, the words "for administration and
 management" and inserting in place thereof, in each instance, the following words:- of the trial
 court.
- SECTION 38. Section 32F of chapter 209 of the General Laws, as so appearing, is hereby
 amended by striking out, in lines 65 and 66, the words "for administration and management" and
 inserting in place thereof the following words:- of the trial court.
- SECTION 39. Section 37 of said chapter 209, as so appearing, is hereby amended by striking out, in line 10, and in lines 26 and 27, the words "for administration and management" and inserting in place thereof the following words:- of the trial court.
- SECTION 40. Section 5 of chapter 209A of the General Laws, as so appearing, is hereby
 amended by striking out, in lines 9 and 10, the words "administrative justice" and inserting in
 place thereof the following words:- justice of the trial court.
- SECTION 41. Section 9 of chapter 209C of the General Laws, as so appearing, is hereby amended by striking out, in lines 47 and 48 and 72 and 73, the words "for administration and management" and inserting in place thereof the following words:- of the trial court.
- SECTION 42. Section 20 of said chapter 209C, as so appearing, is hereby amended by striking out, in lines 15 and 16, the words "for administration and management" and inserting in place thereof the following words:- of the trial court.

SECTION 43. Section 3 of chapter 210 of the General Laws, as so appearing, is hereby amended by striking out, in line 34, the words "for administration and management" and inserting in place 220 221 thereof the following words:-of the trial court. 222 SECTION 44. Section 2A of chapter 211 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words "for administration and management" and inserting in place thereof the following words:- of the trial court and the court administrator. 224 SECTION 45. Said section 2A of said chapter 211, as so appearing, is hereby further amended 225 by striking out, in line 15, the words "administrative justice" and inserting in place thereof the following words:- justice of the trial court and the court administrator. SECTION 46. Said chapter 211 is hereby further amended by striking out section 3, as so 228 appearing, and inserting in place thereof the following section:-229 Section 3. The supreme judicial court shall have general superintendence of all courts of inferior 230 jurisdiction to correct and prevent errors and abuses therein if no other remedy is expressly provided; and it may issue all writs and processes to such courts and to corporations and individuals which may be necessary to the furtherance of justice and to the regular execution of the laws. 234 In addition to the foregoing, the justices of the supreme judicial court shall also have general superintendence of the administration of all courts of inferior jurisdiction, including, without 236 limitation, the prompt hearing and disposition of matters pending therein, and the functions set forth in section 3C; and it may issue such writs, summonses and other processes and such orders, 238 directions and rules as may be necessary or desirable for the furtherance of justice, the regular execution of the laws, the improvement of the administration of such courts, and the securing of

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

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

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

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

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

SECTION 51. Said section 4 of said chapter 211B, as so appearing, is hereby further amended 262 by striking out, in line 30, the words "for administration and management" and inserting in place thereof the following words:- of the trial court. 263 SECTION 52. Said chapter 211B is hereby further amended by striking out sections 5 to 10A, 264 inclusive, as so appearing, and inserting in place thereof the following 11 sections:-Section 5. The office of the chief justice of a department of the trial court, as provided in section 266 1, shall not be deemed a judicial office as comprehended under the provisions of Article I of 267 Chapter III of Part the Second of the Constitution. Said office of chief justice shall be filled by appointment, from among the justices appointed to the particular department, by the chief justice 269 of the trial court. A chief justice shall hold said office for a term of 5 years, and shall be eligible to be reappointed for additional 5-year terms. A chief justice, so appointed, may be removed from that office prior to the expiration of his term by the chief justice of the trial court; provided, however, that any such removal is not for arbitrary or capricious reasons and, if the employee so 273 requests, is approved by the Committee. 275 Section 8. There shall be an advisory committee on personnel standards. The membership of the committee shall consist of the following persons: the chief justice of the trial court or his in 276 277 designee; the chief justices of the trial court departments, or their designees; the court administrator or his designee, who shall serve as chair of the committee; the commissioner of 278 probation; and a clerk of the superior court, a clerk of the district court and a register of probate who shall be appointed by the chief justice of the trial court. 280 ij The committee shall advise the court administrator who shall establish and promulgate standards 281 for the appointment, performance, promotion, continuing education and removal of all personnel

within the trial court, except judges, clerks and registers of probate, and shall furnish copies of such standards to all divisions or places for holding sessions within the department of the trial 284 285 court.

Any appointment that is governed by standards promulgated under the provisions of this section shall forthwith be certified in writing for compliance with such standards to the court 287 administrator. The court administrator shall have the power to reject any such appointment 288 within 14 days after receipt of the certification of compliance by the appointing authority but 289 such power to reject any such appointment shall be limited to non-compliance with the standards 290 for appointment. 291

Any appointment made by a joint authority shall require a majority of such authority, as provided by section 6 of chapter 4. 293

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

administrator in the establishment of salaries and pay scales of all court personnel unless 305 otherwise provided by statute. The members of said committee shall be allowed their necessary expenses including clerical expenses incurred in the performance of their duties. Section 5A. The office of the deputy court administrator of a department of the trial court, as 308 provided in section 1, shall be filled by appointment by the court administrator and the chief 310 justice of each department of the trial court; provided, however, that said deputy court administrator shall not be a justice of the trial court and shall devote his full time to the duties of 311 his office. A deputy court administrator shall hold said office for a term that shall be coterminous with the terms of the chief justices of their respective court departments and shall be eligible to be reappointed to serve additional terms. A deputy court administrator, so appointed, may be removed from that office prior to the expiration of his term by the court administrator and the chief justice of the respective court departments. The chief justice or deputy court administrator of the respective court departments shall submit any dispute that arises between said chief justice and said deputy court administrator, concerning 318 the management and administration of the respective court departments, to the chief justice of the trial court and the court administrator, who shall, within 30 days, determine the matter. 320 Section 6. The office of the chief justice of the trial court, as provided in section 1, shall not be deemed a judicial office as comprehended under the provisions of Article I of Chapter III of Part 322 the Second of the Constitution. Said office of chief justice of the trial court shall be filled by 323 appointment, from among the justices of the trial court departments, by a majority vote of the

justices of the supreme judicial court. The chief justice of the trial court shall hold said office for

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326 a term of 5 years, and shall be eligible to be reappointed for additional 5-year terms. The chief 327 justice of the trial court may be removed by a majority vote of the justices of the supreme judicial court. The chief justice of the trial court shall retain his commission as associate justice of the trial court, or of a predecessor court to which he was appointed, while serving as chief 330 justice of the trial court, and may continue to perform such judicial duties as he may have 331 exercised as associate justice, and such other responsibilities as otherwise provided by law. 332 Section 6A. There shall be an advisory board to assist the justices of the supreme judicial court, the chief justice of the trial court, and the court administrator. The board shall consist of the attorney general, or his designee, the executive director of the Massachusetts office of victim assistance and the following 10 additional members appointed by the supreme judicial court: 2 persons who have significant experience in public administration, 2 persons who have significant experience in business administration, 1 lawyer with significant experience in the practice of criminal law, 1 lawyer with significant experience in the practice of civil law, 1 lawyer with 339 significant experience in the practice of probate and family law, 1 lawyer with significant experience in the representation of juveniles in the courts, 1 lawyer with significant judicial experience but not a current justice of the commonwealth or a retired justice serving the commonwealth pursuant to judicial recall, and 1 person who has significant experience in information technology. The board shall choose its chair. The appointed members of said board shall serve for a term of 3 years. The maximum amount of time that said members may serve on said board shall be 2 such terms. The chief justice of the trial court shall be the executive 346 secretary of the board.

The board shall advise the justices of the supreme judicial court, the chief justice of the trial court, and the court administrator on all matters of judicial reform including, but not limited to, a 348 proposal for the allocation of resources based on the demonstrated workload of each court. 350 Section 6B. There shall be an office of court management within the trial court, under the executive control of a court administrator, to support the judicial functions, performance and 351 management of the trial court. Said court administrator shall be appointed by a majority vote of 352 the justices of the supreme judicial court; provided, however, that said court administrator shall have significant leadership experience in the fields of management and finance and shall not be a justice of the trial court. Said court administrator shall be paid a salary equal to that of the chief justice of the trial court. The court administrator shall hold said office for a term of 5-years, shall be eligible to be reappointed for additional 5 year terms, and shall devote his full time to the duties of his office. The court administrator may be removed by a majority vote of the justices of 359 the supreme judicial court. 360 If after due discussion and collaboration disputes between the chief justice of the trial court and 361 the court administrator remain unresolved, such disputes shall be resolved by the chief justice of the supreme judicial court. The decision of the chief justice of the supreme judicial court shall be 363 final and binding. ij 364 Section 7. In the case of a vacancy in the office of chief justice of a department of the trial court 365 due to the absence of said chief justice or due to his inability to perform his duties, the office of chief justice in such event shall be filled as provided in section 5. The temporary chief justice so 366 appointed may hold said office until the incumbent shall resume his duties and subject to the

chief justice of the trial court, but in no event longer than 6 months. A temporary chief justice shall be eligible to serve a consecutive full term as chief justice.

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

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

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In the case of a vacancy in the office of court administrator due to the absence of said court
administrator or due to his inability to perform his duties, said office shall be filled by the
justices of the supreme judicial court until said court administrator shall resume his duties and
subject to the justices of said court or until a new court administrator is qualified as hereinbefore

provided, but in no event shall such office be so filled for a period in excess of 6 months. The court administrator appointed under the provisions of this section shall be eligible to serve a 391 392 consecutive full term as court administrator of the trial court. A court administrator may be removed by a majority vote of the justices of the supreme judicial court. 393 394 Section 8. There shall be an advisory committee on personnel standards. The membership of the committee shall consist of the following persons: the chief justice of the trial court or his designee; the chief justices of the trial court departments, or their designees; the court administrator or his designee, who shall serve as chair of the committee; the deputy court 397 administrators of the trial court departments; the commissioner of probation; and a clerk of the 398 399 superior court, a clerk of the district court and a register of probate who shall be appointed by the 400 chief justice of the trial court. The committee shall advise the court administrator who shall establish and promulgate standards 401 402 for the appointment, performance, promotion, continuing education and removal of all personnel within the trial court, except judges, clerks and registers of probate, and shall furnish copies of 403 such standards to all divisions or places for holding sessions within the department of the trial 405 court. Any appointment that is governed by standards promulgated under the provisions of this section 406 shall forthwith be certified in writing for compliance with such standards to the court 407 administrator. The court administrator shall have the power to reject any such appointment 408 409 within 14 days after receipt of the certification of compliance by the appointing authority but such power to reject any such appointment shall be limited to non-compliance with the standards for appointment. 411

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412 Any appointment made by a joint authority shall require a majority of such authority, as provided

413 by section 6 of chapter 4.

14 Subject to the terms of applicable collective bargaining agreements, any officer or employee

415 whose appointment is subject to the provisions of this section may be removed by the appointing

6 authority, in accordance with the standards promulgated by the committee. The committee shall

also advise the court administrator in the establishment of salaries and pay scales of all court

personnel unless otherwise provided by statute.

419 The members of said committee shall be allowed their necessary expenses including clerical

420 expenses incurred in the performance of their duties.

421 Section 9. The chief justice of the trial court, in addition to his judicial duties and subject to the

422 superintendence power of the supreme judicial court as provided in section 3 of chapter 211,

shall have general superintendence of the judicial policy of the trial court, including, without

424 limitation, the improvement of the administration of such courts and the securing of their proper

425 and efficient administration.

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

7 In order to achieve the ends stated in this section, the chief justice of the trial court shall be

428 responsible for planning, development, promulgation, and evaluation of trial court policies,

429 standards, and practices and shall have the authority necessary to carry out these responsibilities

430 including, but not limited to, the following:—

431 (i) the responsibility to provide planning and policy-making functions, including the

32 implementation of such planning and policy-making decisions;

(ii) the responsibility to monitor and to assist in the case processing and case flow management capabilities of the trial court departments; (iii) the power, upon request by the supreme judicial court, to review the record and make recommendations in any appeals by justices against whom disciplinary actions have been taken by any chief justice; (iv) the responsibility to hear, for final determination, appeals by justices claiming to be aggrieved by an order of a chief justice assigning or transferring said justice to a particular court 439 other than that to which he was appointed; 440 (v) the responsibility to hear, for final determination, appeals by first justices who have been removed by chief justices; (vi) the responsibility to establish, manage and implement a mandatory emergency judicial response system for all judges, except when the chief justice of the trial court determines that the participation by a particular judge would create a hardship for such judge; (vii) the responsibility to provide recommendations regarding management of the judicial recall 447 process; (viii) the responsibility to supervise the implementation of the continuing education programs for iudicial personnel; (ix) the power to appoint such personnel as the chief justice of the trial court may deem necessary for the office of the chief justice of the trial court; the power to discipline, supervise and define the duties of such personnel, and the power to dismiss such personnel;

(x) the power, where in different departments of the trial court there are pending cases involving the same party or the same issue, and where a request for consolidation is made to the chief administrative justice to consolidate such cases for hearing by 1 justice, and to assign said justice 455 to sit as a justice of other departments and exercise the powers of justices of other departments, in order to dispose of such cases with efficient use of judicial resources; (xi) the power to assign a justice appointed to any department of the trial court to sit in any other department of the court, for such period or periods of time as he deems will best promote the 459 speedy dispatch of judicial business; provided, however, that: (a) prior to making such assignments, said chief justice of the trial court shall ascertain the 461 respective preferences of the justices of the trial court as to the department or departments, if any, including the department to which he is appointed, to which each such justice desires to be assigned and, in making such assignments to any department of said court shall, to the extent consistent with the effective administration of justice, including the maintenance of the 465 respective specialized functions of the land, housing, probate and family, and juvenile court departments, the administrative responsibilities of any justice, and the speedy dispatch of judicial 467 business in each of the several departments of the trial court, assign to any department on a basis of first priority justices who have expressed as aforesaid their preferences for assignment thereto; 469 (b) a justice, if aggrieved for cause by an order of the chief justice of the trial court assigning him to sit in a particular location or department of the court other than that to which he was appointed may appeal the order of said chief justice of the trial court to the supreme judicial court, which 472 shall forthwith hear and determine the matter;

474 (c) a chief justice shall notify the chief justice of the trial court of, and may report to the supreme 475 judicial court, any order made by said chief justice of the trial court pursuant to this paragraph which, in the opinion of such chief justice, impairs the orderly operation of his department; (xiii) upon the joint request of the chief justices of 2 or more departments of the trial court, authorize the transfer of cases from one department to another; (xiv) establish procedures, subject to the rule-making power of the justices of the supreme 479 judicial court, for the assignment of matters coming before the trial court which do not warrant the use of a judge to other appropriate personnel, including clerk-magistrates, mediators, and arbitrators, and authorize such personnel to review, hear, and dispose of such matters, subject to 483 appropriate judicial review; (xv) the chief justice of the trial court shall be provided with offices that are proximate to the supreme judicial court at the expense of the commonwealth but only after said chief justice of the 485 486 trial court has not found sufficient office space in any facility owned by the commonwealth and proximate to the supreme judicial court; (xvi) the chief justice of the trial court shall be authorized to visit any department or any division or any place for holding court within such a department the chief justice may from time to time call conferences of any or all of the chief justices of the departments; 490 (xvii) notwithstanding the provisions of this section, the chief justice of the trial court, in order to provide for the speedy administration of justice in the counties of Dukes and Nantucket, shall 493 designate, from time to time, justices sitting in the division of the district court department for either of said counties as justices of the superior court department sitting in either of said

495 counties, with power to grant injunctive relief to the same extent as a justice appointed to the superior court department; 496 (xviii) the chief justice of the trial court may delegate his responsibilities and powers hereunder and as otherwise provided by law to a chief justice, justice, regional justice, first justice, presiding justice, court officer, clerk, or any employee of his department, for such period of time 499 and with such limitations as he may impose, whenever in his opinion such delegation of 500 authority will expedite the judicial business of the trial court; 501 (xix) the authority to hear and resolve interdepartmental disputes or disagreements regarding (1) transferring cases in order to facilitate the efficient administration of justice and (2) making 503 504 adjustments in the scheduling and location of court sessions in order to facilitate the efficient administration of justice; 505 (xx) the responsibility to review and make recommendations regarding the expeditious clearing 506 of outstanding warrants throughout the courts of the commonwealth; (xx) in consultation with the court administrator, the authority to resolve any dispute arising between a first justice of a division and a clerk of court concerning the management and 509 administration of the clerk's office, the duties, powers and obligations of the clerk's staff, or the

interpretation of the personnel standards provided for under section 8, provided, however, that

any such dispute shall be submitted to the chief justice of the trial court in writing by the clerk,

clerk-magistrate or first justice and the chief justice shall, within 30 days of receipt of the written

notification of such dispute and conduct a hearing in order to determine the matter. The decision

of the chief justice shall be binding on the parties;

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516 (xxi) notwithstanding any general or special law to the contrary, the authority to suspend any 517 particular session of the trial court; move sessions so that the availability of court personnel is 518 consistent with the needs of individual courts; transfer cases and matters from a court to any other court, consolidate cases, and make such periodic adjustments in the scheduling and 520 locations of court sessions as are deemed necessary for the proper administration of justice; and (xxii) the power to exercise any inherently judicial power not otherwise specified in this section. (xxiii) the authority to exercise any inherently judicial power not otherwise specified in this 522 section; provided, however, that nothing in this section shall authorize the chief justice to exercise any power reserved to the full court. Section 9A. The court administrator, subject to the superintendence power of the supreme judicial court as provided in section 3 of chapter 211 and in consultation with the chief justice of the trial court, shall have general superintendence of the administration of the trial court, 527 including, without limitation, the improvement of the administration of such courts and the 529 securing of their proper and efficient administration. The court administrator shall be the administrative head of the trial court of the commonwealth. The court administrator, in consultation with the chief justice of the trial court, shall periodically prepare and submit to the chief justice of the supreme judicial court an estimate, in detail, for the 532 533 ordinary maintenance of the entire trial court, and all revenue therefrom, as provided in clause (5) of the first paragraph of section 3 of chapter 29. Said estimate shall include judicial salaries 534 and the salaries of all officers and employees within the trial court and shall include estimates of all sums which the commonwealth is obligated to pay under the provisions of chapter 29A. 536

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

 (i) the responsibility, upon the request of the supreme judicial court, to provide financial
- management assistance to said court including review of the budget requests and information as submitted by the department chiefs, to make recommendations thereon and otherwise to assist the court in its budgetary preparations;
- (ii) the responsibility to provide the departments of the trial court with technical assistance concerning recordkeeping, auditing and computers, and with support services, such as computerized legal research, stenographic, electronic and video recordation methods and telephone-based interpretation services;
- (iii) the responsibility consistent with section 8 of chapter 211B to provide personnel
 management, including promulgation of job classifications, establishment of system wide
 personnel policies and hiring practices and the authority to act as collective bargaining agent on
 behalf of the trial court;
- (iv) the authority to approve expenditures for all libraries maintained by the departments of thetrial court;
- (v) the authority to coordinate the development and maintenance of, and technical assistance for,information systems;

(vi) the responsibility to provide facilities management, including provision of maintenance, equipment and security, and, in consultation with the chief justice of the trial court, the 558 responsibility to coordinate with the division of capital asset management and maintenance 559 regarding construction, leasing, repair and designing of facilities, and the responsibility to plan 560 for reallocation of court jurisdictional lines; this provision is to be construed in conjunction with 561 562 section 6 of chapter 29A and section 17 of chapter 211B; (vii) the authority to hear and resolve interdepartmental disputes or disagreements between or 563 among the deputy court administrators of the various departments of the trial court, including but not limited to, disputes regarding transferring non-judicial personnel in order to facilitate the 565 1 efficient administration of justice; (viii) the responsibility to provide administrative management to the office of the jury 568 commissioner; 569 (ix) the responsibility to supervise the implementation of the continuing education programs for nonjudicial personnel; 1 (x) the responsibility to perform all other administrative, inherently non-judicial functions or duties the court administrator deems necessary; provided, however, that nothing in this section shall authorize the court administrator to exercise any power reserved to the full court; (xi) the power to appoint such personnel as the court administrator may deem necessary for the office of court management; the power to discipline, supervise and define the duties of such personnel, and the power to dismiss such personnel;

(xii) notwithstanding any general or special law to the contrary, when necessary to ensure the 578 proper administration of justice, transfer employees of the trial court to serve where needed; 579 impose discipline on such officers and employees, including dismissal and suspension with or without pay; provided, however, that the court administrator may, upon reasonable notice, temporarily transfer nonjudicial personnel among the various departments, divisions and places 581 for holding court, and in no event shall any such transfer be more than a reasonable distance 582 from the place where such personnel is employed unless the employee so transferred shall 583 584 consent thereto; provided, further, that such transfer of the employee shall not be for more than 90 days, but such transfer may be extended for 3 consecutive 90 day periods, provided that notice is given to the house and senate committees on ways and means upon each extension, including the employee's position, duties, and reason for the transfer, but such transfer shall not 587 exceed 360 consecutive days. The first justice of the court to where the employee is transferred 588 589 shall provide the first justice of the court to where the employee is permanently assigned with appropriate personnel records and records of activities, including records necessary for the payment of compensation; and provided, however, that this provision shall not apply to a clerk or clerk-magistrate, whether elected or appointed by the governor, register of probate or recorder; (xiii) (a) notwithstanding any general or special law to the contrary, the court administrator may, for the period July 1 through April 30 of any fiscal year, transfer funds from any item of appropriation of any trial court department to any other item of appropriation within the same trial court department; provided, however, that said transfers shall be made in accordance with schedules submitted to the house and senate committees on ways and means; provided, further, 597 that no such transfer shall occur until said schedules have been approved by said committees; and provided, further, that said schedules shall include the reasons for the necessity of such

transfers with reference to actual and projected expenditures throughout the trial court for the fiscal year.

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

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

administrator shall provide reports to the clerk of the house of representatives and the clerk of the senate. Such reports shall be a matter of public record; (xv) the court administrator shall be authorized to visit any department or any division or any place for holding court within such a department. The court administrator may from time to time call conferences of any or all of the deputy court administrators of the departments; (xvi) the court administrator shall review all appointments and dismissals governed by standards 627 promulgated under the authority of section 8 for noncompliance with such standards and shall rescind any such appointment or dismissal that does not comply with said standards; (xvii) any dispute arising between a deputy court administrator of a department or a first justice of a division, and a clerk of court, concerning the management and administration of the clerk's office, the duties, powers and obligations of the clerk's staff, or the interpretation of the personnel standards provided for under section 8, shall be submitted to the court administrator in writing by the clerk, clerk-magistrate, deputy court administrator, or first justice. The court administrator shall, within 30 days of receipt of the written notification of such dispute conduct a hearing in order to determine the matter. The decision of the court administrator shall be binding 637 on the parties; (xviii) the court administrator shall establish uniform guidelines and policies to further minority employment within the judicial system; 639 (xix) the responsibility to administer, subject to appropriation, a reserve fund for the purpose of providing secretarial and administrative support staff and services to the justices of the superior 642 court department of the trial court;

(xx) with the approval of the chief justice of the trial court and notwithstanding any general or 644 special law to the contrary, the authority to establish the hours during which the courts of the 645 commonwealth shall be open, including Saturday and evening sessions, and to further establish flexible work schedules; provided, however, that no employee shall be required to work more 646 hours during a week than is provided by the relevant collective bargaining agreement; and 648 (xxi) the court administrator may delegate his responsibilities and powers hereunder and as 649 otherwise provided by law to a deputy court administrator, court officer, clerk, or any employee of his department, for such period of time and with such limitations as he may impose, whenever 651 in his opinion such delegation of authority will expedite the judicial business of the trial court. (xxii) the authority to appoint such other personnel as may be necessary for the administration of 652 the trial court; provided, however, that such personnel shall receive salaries to be fixed by the court administrator and subject to appropriation; 655 (xxiii) the authority to make recommendations and propose legislative changes to improve the fiscal management of the trial court. 657 Section 10. Subject to the superintendence authority of the supreme judicial court as provided in section 3 of chapter 211, the chief justice and the deputy court administrator shall be responsible for the operation of their department, its clerks, other officers and employees subject to section 659 99 of chapter 276 and the appropriate collective bargaining agreement. To achieve sound 661 operation of their department, they shall have the following powers, authority and responsibilities, and shall allocate between themselves primary responsibility for each in a manner on which they agree and that is approved by the chief justice of the trial court and the

664 court administrator; provided, however, that any power specifically assigned to the chief justice 665 in the subsections that follow shall be performed by the chief justice alone:

(i) the power to appoint, discipline, evaluate, transfer and define the duties of all non-judicial personnel within their department including special masters, court reporters, law clerks, temporary clerks and other support personnel consistent with the provisions of section 8 and 668 10A; provided, however, that they shall not have the power to appoint non-judicial personnel 669 serving in the office of a clerk, recorder or register, but shall have the authority to discipline said clerks, recorders and registers and all other personnel in the offices of said clerks, recorders or registers, upon the raising of any dispute between a first justice and a clerk, recorder or register. Any person aggrieved by any decision of a chief justice or deputy court administrator under this paragraph may appeal such decision to the chief justice of the trial court; provided, further, that 674 no person holding a commission as a clerk of court, whether elected or appointed, a register of probate or a recorder shall be assigned under the provisions of this paragraph outside the department, division or court to which he is elected or appointed without his consent. Any clerk aggrieved by any transfer or assignment of himself or personnel of his office under this 678 paragraph shall appeal to the court administrator who shall forthwith hear and determine the 679 680 matter;

681 (ii) the chief justice shall have the power to assign or to transfer justices appointed to his
682 department of the trial court to any particular court within that department for such period or
683 periods of time as the chief justice deems necessary; the chief justice shall also have the power to
684 appoint regional justices and to define their duties. Any justice aggrieved by an order of the chief
685 justice assigning or transferring him to a particular court other than that to which he was

appointed, may appeal the assignment or transfer to the chief justice of the trial court who shall forthwith determine the matter; 687 (iii) the authority, prior to making assignments or transfers referred to in paragraph (ii) of this 688 section, to ascertain, if they so desire, the respective preferences of the justices as to which court 689 or courts, if any, they wish to be assigned or transferred. 690 691 (iv) the power to suspend any particular session in any court within their department; the power to move sessions so that the availability of court personnel is consistent with the needs of 693 individual courts; and to make such periodic adjustments in the scheduling and locations of court sessions as are deemed necessary for the proper administration of justice; (v) the chief justice shall have the power to transfer cases and matters from a court to any other court within his department, to consolidate cases; (vi) notwithstanding any general or special law to the contrary, when necessary to ensure the 697 698 proper administration of justice, transfer employees of their department to serve where needed; 699 impose discipline on such officers and employees, including dismissal and suspension with or 700 without pay; provided, however, that they may, upon reasonable notice, temporarily transfer

proper administration of justice, transfer employees of their department to serve where needed; impose discipline on such officers and employees, including dismissal and suspension with or without pay; provided, however, that they may, upon reasonable notice, temporarily transfer nonjudicial personnel within their department, divisions and places for holding court, and in no event shall any such transfer be more than a reasonable distance from the place where such personnel is employed unless the employee so transferred shall consent thereto; provided, further, that such transfer of the employee shall not be for more than 90 days, but such transfer may be extended for 3 consecutive 90 day periods, provided that notice is given to the house and senate committees on ways and means upon each extension, including the employee's position, duties, and reason for the transfer, but such transfer shall not exceed 360 consecutive days. The

first justice of the court to where the employee is transferred shall provide the first justice of the court to where the employee is permanently assigned with appropriate personnel records and 709 records of activities, including records necessary for the payment of compensation; and provided, however, that this provision shall not apply to a clerk or clerk-magistrate, whether elected or 711 appointed by the governor, register of probate or recorder; (vii) the authority to visit any court within their department; 714 (viii) the authority to call conferences of any or all of the justices within their department; (ix) the responsibility to compile a comprehensive written report of the operation of their department of the trial court at the conclusion of each fiscal year, and shall deliver said report together with recommendations to the chief justice of the trial court and the court administrator on or before October 15 of the ensuing fiscal year. They shall make such additional reports as 718 may from time to time be required by the chief justice of the trial court or the court administrator; 720

- (x) the responsibility to perform such further administrative duties as may from time to time be assigned by the chief justice of the trial court or the court administrator;
- (xi) the responsibility, annually, to prepare and submit to the court administrator a budget estimate, in detail, for the ordinary maintenance of their department of the trial court, and all revenue therefrom, as provided in clause (5) of the first paragraph of section 3 of chapter 29. Said budget estimate shall include judicial salaries and the salaries of employees within said department and shall include estimates of all sums which the commonwealth is obligated to pay under the provisions of chapter 29A;

(xii) the authority, upon receipt of an appropriated sum, to administer that appropriation; (xiii) the responsibility for the administrative management of the personnel, staff services and 730 business of their departments, including financial administration and budget preparation, recordkeeping, information systems and statistical controls, purchasing, planning, construction, case flow management, assignments of sittings of the justices of their respective departments, including justices not appointed thereto but assigned, for the time being therein. They may 734 delegate their responsibilities and powers hereunder and as otherwise provided by law to a justice, regional justice, first justice, court officer, clerk, or any employee of their department, for such period of time and with such limitations as he may impose, whenever in their opinion such delegation of authority will expedite the judicial business of the department; provided, however, 738 that in the exercise or delegation of their powers, they shall in all cases act in a manner consistent 739 with the policies and procedures established by the court administrator and the chief justice of the trial court; 741 (xiv) the power to set the days and hours during which courts within their department shall be 743 open for business; (xv) the chief justice shall have the responsibility to sit and perform judicial duties, within his ŭ department, during the course of the calendar year; (xvi) the chief justice shall have the power to discipline any justice assigned or appointed to his department who refuses or fails to comply with any order concerning the performance of his duties as justice or any other lawful order of the chief justice or deputy court administrator of his department; provided, however, that the chief justice shall also have the power to require any justice assigned or appointed to his department to participate in a judicial enhancement program

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in response to any action of such justice which brings the judiciary into disrepute, which lowers the public confidence in the judiciary or which impedes the administration of justice. A justice 752 who is disciplined by the chief justice may appeal the imposition of discipline to the chief justice 753 754 of the trial court. Any justice aggrieved by decision of the chief justice of the trial court may appeal said decision to the supreme judicial court. Consistent with the provisions of chapter 211C, all proceedings, documents, and other matters relating to such discipline shall at all times 756 be confidential and not open to the public unless the justice appealing the disciplinary action agrees that the same shall not be confidential, or unless the supreme judicial court determines 758 759 that it is in the public interest for any such proceeding, document, or other matter relating to such discipline to be made public. All disciplinary action imposed by a chief justice, whether 760 consensual or not, shall be reported to the supreme judicial court by the chief justice; and 761 (xvii) the power, notwithstanding any law to the contrary, to transfer cases between courts 763 consistent with the efficient distribution of caseload and workload within said department; 764 The chief justice and deputy court administrator shall likewise allocate between themselves in a manner on which they agree and subject to the approval of the chief justice of the trial court and the court administrator, the powers assigned to the chief justice pursuant to section 6 of chapter 766 29A; sections 4 5, 9, 10, 11, 14, and section 16 of chapter 185C; section 13 of said chapter 211B; section 19 of chapter 212; sections 23, 23A, 23C, 28, 29, 29A, 29B, 29C, 29D, 29E, 29F, 29G, 768 769 29H, 29I, 29J, 29K, 29L and section 42 of chapter 217; sections 9, 15, 19D, 43E, 58, 67 and section 70 of chapter 218; section 6 of chapter 220; sections 62B, 91 and section 99 of chapter 221; section 1B of chapter 279 or any other general or special law that are not inherently judicial 772 in nature.

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

Section 10A. A first justice, in addition to his judicial powers and duties as a justice of the trial court and in addition to his general powers of superintendence as first justice of a particular court within the trial court, shall, subject to the superintendence authority of the supreme judicial court as provided in section 3 of chapter 211 and the authority of the chief justice and deputy court administrator of the first justice's department of the trial court as provided in section 10, be the 778 administrative head of his court; provided, however, that clerks, recorders and registers shall have responsibility for the internal administration of their respective offices, including the 780 selection, appointment, and management of personnel, staff services and recordkeeping. A first justice or a clerk, recorder or register of the court may submit any dispute that arises between said first justice and said clerk, recorder or register, concerning the management and 783 administration of the office of the clerk, recorder, or register, the duties, powers and obligations 784 785 of the clerk, recorder, or register, or a member of their staff, or the interpretation of the personnel standards provided for under section 8 of chapter 211B, to the deputy court administrator of the 787 department. Any person aggrieved by a decision of a deputy court administrator under this 788 paragraph may appeal said decision to the court administrator, who shall, within 30 days, hear 789 and determine the matter. A first justice shall also have the following power, authority and responsibility within his court:

791 (i) the power, subject to the approval of the deputy court administrator of his department, to
792 appoint, dismiss, discipline, supervise, assign, evaluate, transfer and define the duties of all non793 judicial personnel within his court, including special masters, court reporters, law clerks and
794 other support personnel; except personnel in the office of the clerk, recorder or register;
795 provided, however, that any such non-judicial personnel aggrieved by any action under this

796 paragraph may appeal to the deputy court administrator of the department who shall forthwith hear and determine the matter. Any person aggrieved by a decision of a deputy court 798 administrator under this paragraph may appeal said decision to the court administrator, who shall, within 30 days, hear and determine the matter; 799 (ii) the power, subject to the approval of the chief justice of his department, to supervise and 801 assign duties to all justices appointed to or assigned to his court; and to authorize such justices to delegate the calling of the list to the clerk of the court where appropriate to the administration of 803 justice; (iii) the responsibility to bring to the attention of the deputy court administrator of his department all disputes concerning all clerks, recorders and registers, or their personnel, appointed to or 806 assigned to his court; provided, however, that any person aggrieved by any action under this 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; and (iv) the first justice shall periodically prepare and submit to the deputy court administrator of his department an estimate, in detail, for the ordinary maintenance of the division or place for 812 813 holding court, and all revenues therefrom as provided in clause (5) of the first paragraph of section 3 of chapter 29. Said estimate shall include estimates of all sums which the 814 815 commonwealth is obligated to pay under the provisions of chapter 29A, together with any information which the deputy court administrator may require. In turn, the deputy court 816 administrator shall periodically prepare and submit to the court administrator an estimate, in 817

detail, for the ordinary maintenance of the first paragraph of section 3 of chapter 29. Said estimate shall include salaries of all officers and employees within the office and shall include 819 estimates of all sums which the commonwealth is obligated to pay under the provisions of 820 821 chapter 29A, together with any other information which the court administrator may require. 822 SECTION 53. Section 10B of said chapter 211B, as so appearing, is hereby amended by striking 823 out, in lines 7 and 8, lines 17, 24, 31, 33, lines 36 and 37, 38 and 39, line 42, lines 43 and 44, line 50, and in lines 53 and 54, the words "chief justice for administration and management" and 824 inserting in place thereof, in each instance, the following words:- court administrator. 825 SECTION 54. Section 10C of said chapter 211B, as so appearing, is hereby amended by striking 827 out, in lines 2 and 3, the words "for administration and management, the chief justices" and inserting in place thereof the following words:- of the trial court, court administrator, and the 829 chief justices. Š SECTION 55. Said chapter 211B is hereby further amended by inserting after section 10C the 830 following section:-831 Said chapter 211B is hereby further amended by inserting after section 10C the following 833 section:-834 Section 10D. (a) Each applicant for initial appointment as a court officer within the trial court shall pass a written examination established and administered by the chief justice for 836 administration and management, after consultation with the personnel administrator, who shall determine the form, method and subject matter of the examination. The examination shall test the 837 knowledge, skills and abilities which can be objectively and reliably measured and which are required to perform the duties of the position of court officer. The chief justice for administration

840 and management, in consultation with the personnel administrator, shall establish a uniform minimum score needed for further consideration of the applicant for consideration as a court 842 officer.

843 (b) The name of each applicant for initial appointment as a court officer within the trial court who has successfully completed the examination under subsection (a) shall be forwarded to 845 the chief justice for administration and management or a designee who shall objectively screen the applicant to determine whether the applicant meets the minimum criteria for appointment as a court officer. 847

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- (c) Those applicants who have passed the examination under subsection (a) and are deemed by the chief justice for administration and management to have met the minimum 850 criteria for appointment under subsection (b) shall be subject to an investigative and interview process which shall include, but not be limited to: (i) inquiry into and review of the applicant's education, prior work history; related work history in the trial courts and other accomplishments 852 to ensure that the applicant is well suited for the culture of the organization and will further the organization's stated goals; (ii) behaviorally-based interviews; and (iii) candidate assessments, including case study, presentation and writing assessments; provided, however, that the 855 candidate assessments shall focus on the specific requirements of the position. 856
- (d) Recommendations for employment submitted in support of candidates applying for 857 employment by the trial court shall not be considered by a hiring authority until the applicant has 858 passed the examination under subsection (a), been deemed by the chief justice for administration and management to have met the minimum criteria for appointment under subsection (b) and has 860 successfully completed the interview and investigative processes under subsection (c); provided, 861

however, that the hiring authority may, in accordance with the trial court's regular practice for conducting reference checks, contact and speak with a reference provided to it by a candidate, or contact and speak with any person who has submitted a written recommendation on behalf of a candidate.

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

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

(g) A court officer seeking a promotion within the trial court shall pass a written examination established and administered by the chief justice for administration and management, after consultation with the personnel administrator, who shall determine the form, method and subject matter of the examination. The examination shall test the knowledge, skills and abilities which can be objectively and reliably measured and which are required to perform the duties of the position being applied for. The chief justice for administration and management,

in consultation with the personnel administrator, shall establish a uniform minimum score needed for further consideration of the applicant for consideration for promotion.

- (h) The name of each applicant for promotion who has successfully completed the examination under subsection (g) shall be forwarded to the chief justice for administration and management or a designee who shall objectively screen the applicant to determine whether the applicant meets the minimum criteria for promotion.
- 889 (i) Those applicants who have passed the examination under subsection (g) and were deemed by the personnel administrator to have met the minimum criteria for promotion under 890 subsection (h) shall be subject to an investigative and interview process which shall include, but 891 not be limited to: (i) inquiry into and review of the applicant's education, prior work history, 892 related work history in the trial courts and other accomplishments to ensure that the applicant is 894 well suited for the culture of the organization and will further the organization's stated goals; (ii) behaviorally-based interviews; and (iii) candidate assessments, including case study, presentation 895 and writing assessments; provided, however, that the candidate assessments shall focus on the 896 specific requirements of the position. 897
 - (j) Recommendations for promotion submitted in support of candidates applying for a promotion by the trial court shall not be considered by a hiring authority until the applicant has passed the examination under subsection (g), been deemed by the chief justice for administration and management to have met the minimum criteria for appointment under subsection (h) and successfully completed the interview and investigative processes under subsection (i); provided, however, that the hiring authority may, in accordance with the trial court's regular practice for conducting reference checks, contact and speak with a reference provided to it by a candidate, or

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contact and speak with any person who has submitted a written recommendation on behalf of a candidate.

- 907 (k) Notwithstanding any general or special law, rule or regulation to the contrary,
 908 recommendations for employment submitted in support of candidates who are promoted as court
 909 officers shall be considered public records under section 7 of chapter 4 and chapter 66; provided,
 910 however that this shall not apply to internal communications.
- (l) Those applicants who have passed the examination under subsection (g) and were deemed by the chief justice for administration and management to have met the minimum criteria for appointment under subsection (h) and successfully completed the interview and investigative processes under subsection (i) shall be eligible for promotion by the chief justice for administration and management.
- 916 (m) All court officers of the trial court shall devote their full time and attention to the 917 duties of their office during regular business hours.
- 918 (n) all personnel standards developed under this section shall ensure that all appointments,
 919 promotions and increases in compensation of personnel within the trial court are merit based and
 920 maintain internal and external integrity with regard to their processes. Such standards shall be
 921 made available to the public and promulgated prominently on the website of the trial court.
- SECTION 55A. Said chapter 211B is hereby further amended by striking out section 10D, as appearing in section 56, and inserting in place thereof the following section:-
- Section 10D. (a) Each applicant for initial appointment as a court officer within the trial court shall pass a written examination established and administered by the court administrator,

after consultation with the personnel administrator, who shall determine the form, method and subject matter of such examination. The examination shall test the knowledge, skills and abilities which can be objectively and reliably measured and which are required to perform the duties of the position of court officer. The court administrator, in consultation with the personnel administrator, shall establish a uniform minimum score needed for further consideration of the applicant for consideration as a court officer.

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- (b) The name of each applicant for initial appointment as a court officer within the trial court who has successfully completed the examination under subsection (a) shall be forwarded to the court administrator or a designee who shall objectively screen the applicant to determine whether the applicant meets the minimum criteria for appointment as a court officer.
- (c) Those applicants who have passed the examination under subsection (a) and were deemed by the court administrator to have met the minimum criteria for appointment under 938 subsection (b) shall be subject to an investigative and interview process which shall include, but not be limited to: (i) inquiry into and review of the applicant's education, prior work history, related work history in the trial courts and other accomplishments to ensure that the applicant is well suited for the culture of the organization and will further the organization's stated goals; (ii) 941 behaviorally-based interviews; and (iii) candidate assessments, including case study, presentation and writing assessments; provided, however, that the candidate assessments shall focus on the specific requirements of the position.
- (d) Recommendations for employment submitted in support of candidates applying for employment by the trial court shall not be considered by a hiring authority until the applicant has 946 passed the examination under subsection (a), been deemed by the chief justice for administration

and management to have met the minimum criteria for appointment under subsection (b) and has successfully completed the interview and investigative processes under subsection (c); provided, however, that the hiring authority may, in accordance with the trial court's regular practice for conducting reference checks, contact and speak with a reference provided to it by a candidate, or contact and speak with any person who has submitted a written recommendation on behalf of a candidate.

- 954 (e) Notwithstanding any general or special law, rule or regulation to the contrary,
 955 recommendations for employment submitted in support of candidates who are hired as court
 956 officers shall be considered public records under section 7 of chapter 4 and chapter 66; provided,
 957 however that this shall not apply to internal communications.
 - (f) Those applicants who have passed the examination under subsection (a) and were deemed by the court administrator to have met the minimum criteria for appointment under subsection (b), and who have successfully completed the interview and investigative processes under subsection (c) shall be eligible for appointment by the court administrator. The court administrator may appoint court officers to the several sessions of the trial court as the court administrator deems necessary, in consultation with the chief justice of the trial court.
- 964 (g) A court officer seeking a promotion within the trial court shall pass a written
 965 examination established and administered by the court administrator, after consultation with the
 966 personnel administrator, who shall determine the form, method and subject matter of such
 967 examination. The examination shall test the knowledge, skills and abilities which can be
 968 objectively and reliably measured and which are required to perform the duties of the position
 969 being applied for. The court administrator, in consultation with the personnel administrator, shall

establish a uniform minimum score needed for further consideration of the applicant forconsideration for promotion.

- 972 (h) The name of each applicant for promotion who has successfully completed the
 973 examination under subsection (e) shall be forwarded to the court administrator or a designee who
 974 shall objectively screen the applicant to determine whether the applicant meets the minimum
 975 criteria for promotion.
- (i) Those applicants who have passed the examination under subsection (g) and were
 deemed by the personnel administrator to have met the minimum criteria for promotion under
 subsection (h) shall be subject to an investigative and interview process which shall include, but
 not be limited to: (i) inquiry into and review of the applicant's education, prior work history,
 related work history in the trial courts and other accomplishments to ensure that the applicant is
 well suited for the culture of the organization and will further the organization's stated goals; (ii)
 behaviorally-based interviews; and (iii) candidate assessments, including case study, presentation
 and writing assessments; provided, however, that the candidate assessments shall focus on the
 specific requirements of the position.
 - (j) Recommendations for promotion submitted in support of candidates applying for a promotion by the trial court shall not be considered by a hiring authority until the applicant has passed the examination under subsection (g), been deemed by the chief justice for administration and management to have met the minimum criteria for appointment under subsection (h) and successfully completed the interview and investigative processes under subsection (i); provided, however, that the hiring authority may, in accordance with the trial court's regular practice for conducting reference checks, contact and speak with a reference provided to it by a candidate, or

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contact and speak with any person who has submitted a written recommendation on behalf of a candidate.

994 (k) Notwithstanding any general or special law, rule or regulation to the contrary,

995 recommendations for employment submitted in support of candidates who are promoted as court

996 officers shall be considered public records under section 7 of chapter 4 and chapter 66; provided,

997 however that this shall not apply to internal communications

998 .(1) Those applicants who have passed the examination under subsection (g) and were deemed by
999 the court administrator to have met the minimum criteria for appointment under subsection (h)
1000 and successfully completed the interview and investigative processes under subsection (i) shall
1001 be eligible for promotion by the court administrator.

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

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

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

Section 12. There may be an office of court management within the trial court, under the court administrator, to support judicial functions, performance and management of the trial court. Said court administrator shall be appointed by a majority vote of

the justices of the supreme judicial court; provided, however, that said court administrator shall have significant leadership experience in the fields of management and finance and shall not be a justice of the trial court. Said court administrator shall be paid a salary equal to that of the chief justice of the trial court. The court administrator shall hold said office for a term of 5 years, shall be eligible to be reappointed for additional 5-year terms, and shall devote his full time to the duties of his office. The court administrator shall perform such duties and responsibilities as may be prescribed by law and as the chief justice of the supreme judicial court may from time to time designate. The court administrator may be removed by a majority vote of the justices of the supreme judicial court.

1022 If after due discussion and collaboration disputes between the chief justice of the trial court and
1023 the court administrator remain unresolved, such disputes shall be resolved by the chief justice of
1024 the supreme judicial court. The decision of the chief justice of the supreme judicial court shall
1025 be final and binding.

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

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

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

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

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

- SECTION 60. Section 19 of said chapter 211B, as so appearing, is hereby further amended by striking out, in lines 1 and 25, the words "for administration and management" and inserting in place thereof, in each instance, the following words:- of the trial court.
- SECTION 60A. Said section, 19 of said chapter 211B, as so appearing, is hereby amended by striking out, in line 11, the words "administration and management" and inserting in place thereof the following words:- the trial court.
- SECTION 61. Section 20 said chapter 211B, as so appearing, is hereby further amended by striking out, in line 2 and in lines 14 and 15, the words "for administration and management" and inserting in place thereof, in each instance, the following words:- of the trial court.
- SECTION 62. Section 1 of chapter 211C of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the word "administrative".

- SECTION 63. Section 6 of said chapter 211C of the General Laws, as so appearing, is hereby amended by striking out, in line 33, the word "administrative".
- SECTION 64. Section 1 of chapter 211E of the General Laws, as so appearing, is hereby
 amended by striking out, in line 8, the words "for administration and management" and inserting
 in place thereof the following words:- of the trial court.
- SECTION 65. Section 3 of said chapter 211E, as so appearing, is hereby amended by striking out, in line 154, the words "for administration and management" and inserting in place thereof the following words:- of the trial court.
- 1064 SECTION 65A. Section 1 of chapter 211F of the General Laws, as so appearing, is hereby 1065 amended by striking out, in line 3, the following words:- for administration and management.
- 1066 SECTION 65B. Said section 1 of said chapter 211F, as so appearing, is hereby further amended 1067 by inserting after the definition of "Community corrections plan" the following definition:-
- 1068 "Court administrator", the court administrator of the trial court.
- SECTION 65C. Section 6 of said chapter 211F, as so appearing, is hereby amended by striking out, in lines 5 and 6, and in line 14, the words "for administration and management".
- 1071 SECTION 66. Section 1 of chapter 212 of the General Laws, as so appearing, is hereby amended 1072 by striking out the first paragraph and inserting in place thereof the following paragraph:-
- The superior court department of the trial court of the commonwealth, established pursuant to section 1 of chapter 211B, shall consist of 82 justices appointed to the department. The justice as provided under section 1 of chapter 211B as the chief justice for the superior court department, in addition to his judicial powers and duties, shall, subject to the superintendence authority of the

- supreme judicial court as provided in section 3 of chapter 211, have the power, authority and responsibility of a chief justice as set forth in section 10 of chapter 211B.
- 1079 SECTION 67. Chapter 212 of the General Laws is hereby, further amended by inserting after
 1080 section 1, as so appearing, the following section:-
- Section 1A. The deputy court administrator as provided under section 1 of chapter 211B shall, subject to the superintendence authority of the supreme judicial court as provided in section 3 of chapter 211, have the power, authority and responsibility of a deputy court administrator as set forth in section 10 of chapter 211B.
- SECTION 68. Section 14A of said chapter 212, as so appearing, is hereby amended by striking out, in lines 39 and 49, the words "for administration and management" and inserting in place thereof the following words:- of the trial court.
- SECTION 69. Section 20A of said chapter 212, as so appearing, is hereby amended by striking out, in line 10, the word "may" and inserting in place thereof the following words:-, in consultation with the court administrator, may.
- SECTION 70. Said section 20A of said chapter 212, as so appearing, is hereby further amended by striking out, in line 15, the words "chief administrative justice" and inserting in place thereof the following words:- court administrator.
- SECTION 71. Section 54 of chapter 215 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "chief justice for administration and management" and inserting in place thereof the following words:- court administrator.

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

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

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

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

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

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

The chief justice may establish forms for the annual reports of the work of the registers of the several courts; and said registers shall annually, on or before October 1, prepare and file with the chief justice reports of the work of said courts during the preceding court year, and said reports

shall also be filed with the chief justice of the trial court. Said chief justice of the probate and family court shall also have the powers and duties described in section 10 of chapter 211B and 1119 section 42 of this chapter; except that none of the powers herein described or referred to shall be construed as authorizing said chief justice to alter or affect the provisions of section 58, 59, 60 or 1121 62 of chapter 215. Section 8½. The deputy court administrator provided for under the provisions of section 1 of 1123 chapter 211B as the deputy court administrator for the probate and family court department shall, subject to the superintendence authority of the supreme judicial court as provided in section 3 of 1126 chapter 211, have the power, authority and responsibility of a deputy court administrator as set forth in section 10 of chapter 211B. Ħ SECTION 76. Said chapter 217 is hereby further amended by striking out section 8A, as so 1128 appearing, and inserting in place thereof the following section:-1130 Section 8A. The chief justice and deputy court administrator shall be provided with suitable 1131 offices. SECTION 77. Section 23B of said chapter 217, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "chief justice for administration and management" and inserting in place thereof the following words:- court administrator. SECTION 78. SECTION 78. Section 6 of said chapter 218, as so appearing, is hereby amended

by striking out the third, fourth, fifth and sixth paragraphs and inserting in place thereof the

following 2 paragraphs:-

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

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

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

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

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

- 1160 SECTION 82. Section 19B of said chapter 218, as so appearing, is hereby amended by striking
- out, in lines 23 and 24, and in line 27, the words "for administration and management".
- 1162 SECTION 83. Said chapter 218 is hereby amended by striking out section 42A, as so appearing,
- 1163 and inserting in place thereof the following 2 sections:-
- 1164 Section 42A. The justice, as provided under section 1 of chapter 211B, as the chief justice for the
- 1165 district court department, in addition to his judicial powers and duties, shall, subject to the
- superintendence authority of the supreme judicial court as provided in section 3 of chapter 211,
- have the power, authority and responsibility of a chief justice as set forth in section 10 of chapter
- 1168 211B.
- 1169 In addition to the powers conferred in section 10 of said chapter 211B, said chief justice shall
- 1170 have the powers and duties prescribed in sections 43 to 43B, inclusive, and in such other
- 1171 provision of statute.
- 1172 Section 42B. The deputy court administrator for the district court department, as provided under
- 1173 section 1 of chapter 211B shall, subject to the superintendence authority of the supreme judicial
- 1174 court as provided in section 3 of chapter 211, have the power, authority and responsibility of a
- deputy court administrator as set forth in section 10 of chapter 211B.
- 1176 SECTION 84. Section 50 of said chapter 218, as so appearing, is hereby amended by striking
- 1177 out, in lines 12 and 13, the words "for administration and management" and inserting in place
- 1178 thereof the following words: of the trial court.
- 1179 SECTION 85. Said chapter 218 is hereby further amended by striking out section 51A, as so
- 1180 appearing, and inserting in place thereof the following section:-

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

The deputy court administrator of the Boston municipal court department as provided for under

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

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

SECTION 86. Section 53 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 5 and 6, line 27, and in lines 30 and 31, the words "chief justice for administration

and management" and inserting in place thereof, in each instance, the following words:- court administrator. 1204 SECTION 87. Said chapter 218 is hereby further amended by striking out section 57A, as so appearing, and inserting in place thereof the following 2 sections:-Section 57A. The justice provided for under section 1 of chapter 211B as the chief justice for the 1207 juvenile court department, in addition to his judicial powers and duties, shall, subject to the superintendence authority of the supreme judicial court as provided in section 3 of chapter 211, 1209 have the powers, authority and responsibilities set forth in section 10 of chapter 211B; provided, however, that the clerk of such court shall have responsibility for the internal administration of his office, including personnel, staff services and recordkeeping. Said chief justice may require uniform practices, may prescribe forms of blanks and records. Said chief justice shall also prescribe official forms to be used in all courts of the juvenile court 1214 department and in juvenile sessions of the district court department. Section 57B. The deputy court administrator for the juvenile court department as provided for under section 1 of chapter 21:1B shall, subject to the superintendence authority of the supreme judicial court as provided in section 3 of chapter 211, have the powers, authority and responsibilities set forth in section 10 of chapter 211B; provided, however, that the clerk of such court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping. 1222 The deputy court administrator of the Boston municipal court department as provided for under section 1 of chapter 211B shall, subject to the superintendence authority of the supreme judicial

court as provided in section 3 of chapter 211, have the powers, authority and responsibilities of a deputy court administrator as set forth in section 10 of chapter 211B; provided, however, that the clerk shall have responsibility for the internal administration of his office, including the 1226 selection, appointment, and management of personnel, staff services and recordkeeping. The chief justice of the Boston municipal court department shall have the power to appoint the 1229 first justice of each of the various divisions within the Boston municipal court department, subject to the approval of the chief justice of the trial court, and to define his duties; provided, 1230 however, that appropriate consideration shall be given to seniority, length of service at that 1231 particular division, and managerial ability. Each first justice so appointed shall serve as the first justice of that court for a 5 year term and shall be eligible to be reappointed for additional 5-year terms at that particular court. Any first justice may be removed from his position as first justice 1234 by the chief justice of the Boston municipal court department. SECTION 88. The first paragraph of section 58 of said chapter 218, as so appearing, is hereby amended by striking out the sixth sentence of and inserting in place thereof the following 1237 sentence:- Any first justice may be removed from his position as first justice by the chief justice 1238 of the juvenile court department; provided, however, that any such removal is not for arbitrary or 1239 capricious reasons. 1240 SECTION 88A. Said section 14A of said chapter 212 is hereby further amended by striking out 1241 the second sentence of the third paragraph and inserting in place thereof the following sentence:-1242 "Any first justice may be removed during any 5 year term from his position as first justice by the 1243 chief justice of the superior court department; provided, however, that any such removal is not 1244 1245 for arbitrary or capricious reasons."

1246 SECTION 89. Said section 58 of said chapter 218, as so appearing, is hereby further amended by striking out, in line 36, in line 51, and in line 120, the words "for administration and management" and inserting in place thereof the following words:- of the trial court. 1248 SECTION 90. Said section 58 of said chapter 218, as so appearing, is hereby further amended by 1249 striking out, lines 59 and 60, 86 and 87, 113 and 114, 117 and in line 118, the words "chief 1251 justice for administration and management" and inserting in place thereof, in each instance, the words:- court administrator. SECTION 91. Section 67 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words "administration and management" and inserting in place thereof, 1255 in each instance, the following words:- of the trial court. SECTION 92. Section 79 of said chapter 218, as so appearing, is hereby amended by striking 1257 out, in lines 16 and 17 and in lines 20 and 21, the words "chief justice for administration and 1258 management" and inserting in place thereof, in each instance, the following words:- court 1259 administrator. SECTION 93. Section 80 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 21 and 22, and in line 25, the words "chief justice for administration and 1261

1264 SECTION 94. Section 5 of chapter 221 of the General Laws, as so appearing, is hereby amended

1265 by striking out, in line 3, the words "chief justice for administration and management" and

1266 inserting in place thereof the following words:- court administrator.

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management" and inserting in place thereof, in each instance, the following words:- court

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administrator.

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

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

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

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

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

1282 SECTION 100. Section 71 of said chapter 221, as so appearing, is hereby amended by striking out, in line 1, lines 4 and 5, and in line 7, the words "for administration and management" and 1284 inserting in place thereof, in each instance, the following words:- of the trial court.

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

SECTION 102. Section 72 of said chapter 221, as so appearing, is hereby amended by striking out, in line 5, the words "chief administrative justice" and inserting in place thereof the following words:- court administrator. 1290 SECTION 103. Section 80 of said chapter 221, as so appearing, is hereby amended by striking 1291 out, in line 5, the words "chief justice for administration and management" and inserting in place 1293 thereof the following words: , court administrator. SECTION 104. Section 102 of said chapter 221, as so appearing, is hereby amended by striking 1294 out, in line 5, the words "chief administrative justice" and inserting in place thereof the following 1296 words:- court administrator. 1 SECTION 105. Section 3 of chapter 221A of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the word "administrative"... SECTION 106. Section 3 of chapter 221B of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words "administrative" and inserting in place thereof the 1301 following words:- justice of the trial court. SECTION 107. Said section 3 of said chapter 221B of the General Laws, as so appearing, is hereby amended by striking out, in lines 6 and 20, the words "administrative justice" and inserting in place thereof, in each instance, the following words:- chief justice of the trial court. SECTION 108. Section 7 of chapter 221C of the General Laws, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-(a) There shall be a committee for the administration of interpreters for the trial court, which committee shall consist of the chief justice of the trial court, who shall be the chairman of said

1314 SECTION 109. Said section 7 of said chapter 221C, as so appearing, is hereby further amended
1315 by striking out, in line 13, the word "administrative" and inserting in place thereof the following
1316 words:- of the trial court.

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

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

323 SECTION 112. Section 9 of chapter 258D of the General Laws, as so appearing, is hereby 324 amended by striking out, in line 7, the words "for administration and management".

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

- 1329 SECTION 114. Section 11 of said chapter 258E, as so appearing, is hereby amended by striking
- 1330 out the words "for administration and management" and inserting in place thereof the following
- 1331 words:- of the trial court.
- 1332 SECTION 115. Section 27G of chapter 261 of the General Laws, as appearing in the 2008:
- 1333 Official Edition, is hereby amended by striking out, in lines 5 and 6, lines 7, 13, and in line 15
- 1334 the words "chief administrative justice" and inserting in place thereof, in each instance, the
- 1335 following words:- court administrator.
- 1336 SECTION 116. Section 4B of chapter 262 of the General Laws, as so appearing, is hereby,
- 1337 amended by striking out, in line 1, the words "chief administrative justice" and inserting in place
- 1338 thereof the following words: court administrator.
- 1339 SECTION 117. Section 39 of chapter 265 of the General Laws, as so appearing, is hereby
- amended by striking out, in lines 39 and 40, the words "for administration and management".
- 1341 SECTION 118. Chapter 268A of the General Laws is hereby amended by inserting, after section
- 1342 6A, the following section:-
- 1343 Section 6B. Each candidate for employment as a state employee shall be required by the hiring
- 1344 authority as part of the application process to disclose, in writing, the names of any state
- 1345 employee who is related to the candidate as: spouse, parent, child or sibling or the spouse of the
- 1346 candidate's parent, child or sibling.
- 1347 The contents of a disclosure received under this section from an employee when such employee
- 1348 was a candidate shall be considered public records under section 7 of chapter 4 and chapter 66.

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All disclosures made by applicants hired by a state agency shall be made available for public 1350 inspection to the extent permissible by law by the official with whom such disclosure has been 1351 filed.

SECTION 119. Chapter 276 of the General Laws is hereby amended by striking out section 83. 1352 as appearing in the 2008 Official Edition, and inserting in place thereof the following section: 1353

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Section 83. (a) Each applicant for initial appointment as a probation officer within the office of the commissioner of probation shall pass a written examination established and 1355 administered by the chief justice for administration and management, after consultation with the personnel administrator, who shall determine the form, method and subject matter of such examination. The examination shall test the knowledge, skills and abilities which can be objectively and reliably measured and which are required to perform the duties of the position of probation officer. The chief justice for administration and management, in consultation with the personnel administrator, shall establish a uniform minimum score needed for further consideration of the applicant for consideration as a probation officer. 1362

- (b) The name of each applicant for initial appointment as a probation officer within the office of the commissioner of probation who has successfully completed the examination under subsection (a) shall be forwarded to the chief justice for administration and management or a designee who shall objectively screen the applicant to determine whether the applicant meets the minimum criteria for appointment as a probation officer.
- 1368 (c) Those applicants who have passed the examination under subsection (a) and deemed by the chief justice for administration and management to have met the minimum criteria for 1369 appointment under subsection (b) shall be subject to an investigative and interview process 1370

conducted by the commissioner of probation in consultation with the CJAM/Court Administrator, which shall include, but not be limited to: (i) inquiry into and review of the 1373 applicant's education, prior work history and other accomplishments to ensure that the applicant is well suited for the culture of the organization and will further the organization's stated goals; 1375 (ii) behaviorally-based interviews; and (iii) candidate assessments, including case study, presentation and writing assessments; provided, however, that the candidate assessments shall 1376 focus on the specific requirements of the position.

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(d) Recommendations for employment submitted in support of candidates applying for employment by the trial court shall not be considered by a hiring authority until the applicant has passed the examination under subsection (a), been deemed by the chief justice for administration and management to have met the minimum criteria for appointment under subsection (b) and has successfully completed the interview and investigative processes under subsection (c); provided, however, that the hiring authority may, in accordance with the trial court's regular practice for conducting reference checks, contact and speak with a reference provided to it by a candidate, or contact and speak with any person who has submitted a written recommendation on behalf of a 1386 candidate.

(e) Notwithstanding any general or special law, rule or regulation to the contrary, recommendations for employment submitted in support of candidates who are hired as probation officers shall be considered public records under section 7 of chapter 4 and chapter 66; provided, however that this shall not apply to internal communications. 1390

f) Those applicants who have passed the examination under subsection (a) and were deemed by the chief justice for administration and management to have met the minimum criteria for

appointment under subsection (b), and who have successfully completed the interview and investigative processes under subsection (c) shall be eligible for appointment by the commissioner as a probation officer. The commissioner may appoint probation officers to the several sessions of the trial court as the commissioner deems necessary, with the approval of the chief justice for administration and management.

- 1398 (g) A probation officer seeking a promotion within the office of the commissioner of
 1399 probation shall pass a written examination established and administered by the chief justice for
 1400 administration and management, after consultation with the personnel administrator, who shall
 1401 determine the form, method and subject matter of such examination. The examination shall test
 1402 the knowledge, skills, and abilities which can be objectively and reliably measured and which are
 1403 required to perform the duties of the position being applied for. The chief justice for
 1404 administration and management, in consultation with the personnel administrator, shall establish
 1405 a uniform minimum score needed for further consideration of the applicant for consideration for
 1406 promotion.
- (h) The name of each applicant for promotion within the office of the commissioner of probation who has successfully completed the examination under subsection (g) shall be forwarded to the chief justice for administration and management or a designee who shall objectively screen the applicant to determine whether the applicant meets the minimum criteria for promotion.
- (i) Those applicants passed the examination under subsection (g) and were deemed by the court administrator to have met the minimum criteria for promotion under subsection (h) shall be subject to an investigative and interview process which shall include, without limitation: (i)

inquiry into and review of the applicant's education, prior work history and other
accomplishments to ensure that the applicant is well suited for the culture of the organization and
will further the organization's stated goals; (ii) behaviorally-based interviews; and (iii) candidate
assessments, including case study, presentation and writing assessments; provided, however, that
the candidate assessments shall focus on the specific requirements of the position.

(i) Recommendations for promotion submitted in support of candidates applying for a promotion 1420 by the trial court shall not be considered by a hiring authority until the applicant has passed the examination under subsection (g), been deemed by the chief justice for administration and management to have met the minimum criteria for appointment under subsection (h) and has 1423 successfully completed the interview and investigative processes under subsection (i); provided, 1424 however, that hiring authority may, in accordance with the trial court's regular practice for 1425 conducting reference checks, contact and speak with a reference provided to it by a candidate, or 1426 contact and speak with any person who has submitted a written recommendation on behalf of a 1427 ı, 1428 candidate.

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

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

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

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

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

- (o) All probation officers shall devote their full time and attention to the duties of theiroffice during regular business hours.
- (n) all personnel standards developed under this section shall ensure that all appointments, promotions and increases in compensation of personnel within the trial court are merit based and maintain internal and external integrity with regard to their processes. Such standards shall be made available to the public and promulgated prominently on the website of the trial court.
- 1456 SECTION 120. Section 83 of said chapter 276, as appearing in section 120, is hereby amended 1457 by striking out the words "chief justice for administration and management", each time they

- appear, and inserting in place thereof, in each instance, the following words:- court administrator..
- 1459 administrator..
- 1460 SECTION 121. Section 86 of said chapter 276 is hereby repealed.
- 1461 SECTION 122. Section 88 of said chapter 276, as appearing in the 2008 Official Edition, is
- 1462 hereby amended by striking out, in line 18, the words "chief administrative justice" and inserting
- 1463 in place thereof the following words:- court administrator.
- 1464 SECTION 123. Section 89 of said chapter 276, as so appearing, is hereby amended by striking
- out, in lines 41 and 42, the words "chief administrative justice" and inserting in place thereof the
- 1466 following words:- court administrator.
- 1467 SECTION 124. Section 89A of said chapter 276, as so appearing, is hereby amended by striking
- 1468 out, in line 11, the words "chief justice for administration and management" and inserting in
- 1469 place thereof the following words:- court administrator.
- 1470 SECTION 124A. Said chapter 276 is hereby further amended by striking out sections 98 and 99,
- 1471 as amended by section 103 of chapter 131 of the acts of 2010, and inserting in place thereof the
- 1472 following 3 sections:-
- Section 98. There shall be an office of probation which shall be under the supervision,
- 1474 direction and control of a commissioner of probation. The commissioner shall be appointed, and
- 1475 may be removed, by the chief justice for administration and management, with the advice of the
- 1476 chief justice of the juvenile court, the chief justice of the superior court, the chief justice of the
- 1477 district court, the chief justice of the probate and family court and the chief justice of the Boston
- 1478 municipal court. The commissioner shall be a person of skill and experience in the field of

1479 criminal justice. The commissioner shall be the executive and administrative head of the office 1480 of probation and shall be responsible for administering and enforcing the laws relative to the office of probation and to each administrative unit of the office. The commissioner shall serve a term of 5 years and may be reappointed. The commissioner shall receive such salary as may be determined by law and shall devote full time to the duties of the office. In the case of an absence or vacancy in the office of the commissioner or in the case of disability as determined by the chief justice for administration and management, the chief justice may designate an acting commissioner to serve as commissioner until the vacancy is filled or the absence or disability ceases. The acting commissioner shall have all of the powers and duties of the commissioner and shall have similar qualifications as the commissioner.

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Subject to the approval and consent of the chief justice for administration and management, the commissioner may appoint such deputies, supervisors and assistants as may be necessary for the performance of the commissioner's duties. The deputies, supervisors and assistants shall, subject to appropriation, receive salaries to be fixed by the chief justice for administration and management. The commissioner shall perform such duties and responsibilities as otherwise provided by law or as designated from time to time by the chief 1495 justice for administration and management. The commissioner shall make recommendations to 1496 the chief justice for administration and management on:

- (i) the supervision and evaluation of all probation programs within the trial court;
- (ii) the evaluation of the probation service in each court of the commonwealth;

(iii) the compilation, evaluation and dissemination of statistical information on crime, 1499 delinquency and appropriate probate and family court matters available in the commissioner's 1501 records;

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

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

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(vi) planning, initiation and development of volunteer, diversion and other programs in 1504 consultation with probation officers throughout the commonwealth.

Section 98A. There shall be a board to advise the commissioner of probation and the chief justice for administration and management. The board shall make recommendations on the management of the office of probation. The board shall consist of 9 members to be appointed by the supreme judicial court: 2 persons who have significant experience in criminal justice, 2 persons who have significant experience in public policy, 2 persons who have significant experience in management, 1 person who has significant experience in human resources management, 1 person who is a member of the Massachusetts bar with active status and 1 person with significant experience as a probation officer. Upon the expiration of the term of any appointive member, the member's successor shall be appointed in a like manner for a term of 3 years. In making their initial appointments, the supreme judicial court shall appoint 2 members 1516 to serve for a term of 1 year, 4 members to serve for a term of 2 years and 3 members to serve for a term of 3 years. 1517

1518 A person appointed to fill a vacancy on the board shall be appointed in like manner and shall 1519 serve for only the unexpired term of the former member. No member shall serve for more than 2 full terms. The board shall annually elect 1 of its members to serve as chair and 1 of its members 1521 to serve as vice-chair. The chair shall hold regular meetings and shall notify the board members 1522 of the time and place of the meetings.

1523 Members of the board shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their official duties. The chief justice for administration and management shall serve as the executive secretary of the board and the office of probation shall provide, at the request of the board, detailed reports regarding the 1527 work of probation in the court.

The board shall advise the commissioner of probation and the chief justice for administration and management on all matters of probation reform. The board shall make 1530 recommendations to the commissioner of probation and the chief justice for administration and management and shall forward such recommendations to the house and senate committees on 1532 ways and means.

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- Section 99. The commissioner shall have executive control and supervision of the probation service and shall have the power to:
- 1535 (1)supervise the probation work in all of the courts of the commonwealth and, for such purposes, the commissioner and the commissioner's staff shall have access to all probation 1537 records of those courts;
- subject to the approval of the chief justice for administration and management, 1538 (2) establish reports and forms to be maintained by probation officers, establish procedures to be 1539 1540 followed by probation officers and establish standards and rules of probation work, including methods and procedures of investigation, mediation, supervision, case work, record keeping, 1542 accounting and caseload and case management;

- promulgate rules and regulations concerning probation officers or offices; provided, however, that such rules and regulations shall be approved in writing by the chief justice for administration and management subject to chapter 150E;
- 1546 (4) assist the chief justice for administration and management in developing standards
 1547 and procedures for the performance evaluation of probation officers and assist each first justice
 1548 in evaluating the work performance of probation officers; provided, however, that in the event of
 1549 any conflict between this clause and a term of an applicable collective bargaining agreement, the
 1550 term of the collective bargaining agreement shall take precedence;
- 1551 (5) receive all notices of intended disciplinary action against a probation officer or

 1552 supervising probation officer, including reprimand, fine, suspension, demotion or discharge, that

 1553 may be initiated by a first justice, supervisor or chief probation officer;
- 1554 (6) develop and conduct basic orientation and in-service training programs for probation officers, such programs to be held at such times and for such periods as the commissioner shall determine;
- 1557 (7) conduct research studies relating to crime and delinquency; provided, however,

 1558 that the commissioner may participate with other public and private agencies in joint research

 1559 studies;
- 1560 (8) annually submit written budget recommendations for the probation service to the
 1561 chief justice for administration and management, which shall be in addition to the budget
 1562 requests submitted by the first justices on behalf of their respective courthouse or courthouses,
 1563 including probation offices;

- 1564 (9) annually conduct regional meetings with chief probation officers to discuss the 1565 budget needs of the local probation offices; and
- 1566 (10)hold conferences on probation throughout the commonwealth; provided, however, that the traveling expenses of trial court justices or probation officers authorized by the chief justice for administration and management to attend any such conference shall be paid by the 1569 commonwealth.

1570 SECTION 124B. Said chapter 276 is hereby further amended by striking out sections 98 to 99, 1571 inclusive, as appearing in section 124, and inserting in place thereof the following 3 sections:-

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Section 98. There shall be an office of probation which shall be under the supervision, direction and control of a commissioner of probation. The commissioner shall be appointed, and may be removed, by the chief justice of the trial court and the court administrator, with the advice of the chief justice of the juvenile court, the chief justice of the superior court, the chief justice of the district court, the chief justice of the probate and family court and the chief justice of the Boston municipal court. The commissioner shall be a person of skill and experience in the field of criminal justice. The commissioner shall be the executive and administrative head of the office of probation and shall be responsible for administering and enforcing the laws relative to the office of probation and to each administrative unit tof the office. The commissioner shall serve a term of 5 years and may be reappointed. The commissioner shall receive such salary as may be determined by law and shall devote full time to the duties of the office. In the case of an absence or vacancy in the office of the commissioner, or in the case of disability as determined by the chief justice of the trial court, said chief justice may designate an acting commissioner to 1585 serve as commissioner until the vacancy is filled or the absence or disability ceases. The acting

1586 commissioner shall have all of the powers and duties of the commissioner and shall have similar qualifications as the commissioner.

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

- (i) the supervision and evaluation of all probation programs within the trial court;
- (ii) the evaluation of the probation service in each court of the commonwealth;
- (iii) the compilation, evaluation and dissemination of statistical information on crime,

 delinquency and appropriate probate and family court matters available in the commissioner's

 records;
- 1601 (iv) the recruitment, training and educational development of probation officers;
- 1602 (v) the evaluation of the work performance of probation officers; and

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- 1603 (vi) planning, initiation and development of volunteer, diversion and other programs in 1604 consultation with probation officers throughout the commonwealth.
- Section 98A. There shall be a board to advise the commissioner of probation and the court administrator. The board shall make recommendations on the management of the office of

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

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

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

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

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

- 1631 (1) supervise the probation work in all of the courts of the commonwealth and, for

 1632 such purposes, the commissioner and the commissioner's staff shall have access to all probation

 1633 records of those courts;
- subject to the approval of the chief justice of the trial court, establish reports and forms to be maintained by probation officers, establish procedures to be followed by probation officers and establish standards and rules of probation work, including methods and procedures of investigation, mediation, supervision, case work, record keeping, accounting and caseload and case management;
- 1639 (3) promulgate rules and regulations concerning probation officers or offices;

 1640 provided, however, that such rules and regulations shall be approved in writing by the court

 1641 administrator subject to chapter 150E;
- 1642 (4) assist the court administrator in developing standards and procedures for the
 1643 performance evaluation of probation officers and assist each first justice in evaluating the work
 1644 performance of probation officers; provided, however, that in the event of any conflict between
 1645 this clause and a term of an applicable collective bargaining agreement, the term of the collective
 1646 bargaining agreement shall take precedence;

- 1650 (6) develop and conduct basic orientation and in-service training programs for 1651 probation officers, such programs to be held at such times and for such periods as the 1652 commissioner shall determine;
- 1653 (7) conduct research studies relating to crime and delinquency; provided, however,
 1654 that the commissioner may participate with other public and private agencies in joint research
 1655 studies;
- 1656 (8) annually submit written budget recommendations for the probation service to the 1657 the court administrator, which shall be in addition to the budget requests submitted by the first 1658 justices on behalf of their respective courthouse or courthouses, including probation offices;
- 1659 (9) annually conduct regional meetings with chief probation officers to discuss the 1660 budget needs of the local probation offices; and
- 1661 (10) hold conferences on probation throughout the commonwealth; provided, however,
 1662 that the traveling expenses of trial court justices or probation officers authorized by the court
 1663 administrator to attend any such conference shall be paid by the commonwealth.
- SECTION 125. Said chapter 276 is hereby further amended by inserting after section 99E, as appearing in the 2008 Official Edition, the following section:-
- Section 99F. (a) The commissioner of probation, shall establish a performance
 measurement system for the office of probation and any private organizations under contract
 with the commonwealth to perform services as part of a probationary sentence. The
 commissioner shall annually establish program goals, measure program performance against
 those goals and report publicly on the progress to improve the effectiveness of probation

performance in all categories and reporting on performance trends. Clear measurements shall be developed and effectuated while ensuring that no undue administrative burden is placed on agencies and organizations subject to this section. The performance measurement system shall require each division to develop a strategic plan for program activities and performance goals.

- (b) Performance measurements shall include, but not be limited to, the recidivism and violation rate for probationers, probationers' compliance with court orders, the effectiveness of the probation departments' provision of information to the court and any other measurements established by the commissioner of probation.
- 1680 (c) The commissioner shall annually re-evaluate the goals and measures established by
 1681 the office and monitor the results that the divisions and contractors report. The office shall
 1682 recommend changes to proposed goals and measures as are appropriate to enhance public safety.
- (d) The commissioner shall use the performance measurements established under this section to determine the quality of service of all private entities. The results of such performance measures shall be criteria used in negotiating any contracts, and contracts with private organizations not meeting their performance goals shall be publicly bid upon their expiration.

 Renewal contracts may also provide incentives to reward reporting in compliance with performance measurements and to reward achievement of specific performance goals.
- (e) The commissioner mayconsider applications for rehabilitative pilot programs that

 incorporate evidence based correctional practices. Said applications shall encourage partnerships

 with the state and can demonstrate an ability to leverage federal and/or private grant

 opportunities.

1693 (f) The results of such performance measures shall be considered in conducting
1694 performance evaluations of staff.

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

1703 (h) The commissioner shall, to the extent practicable, develop partnerships with research 1704 institutions to further analyze performance management data.

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

1714 SECTION 127. Notwithstanding any general or special law to the contrary, any incumbent 1715 serving a term of office described in chapter 211B of the General Laws shall unless otherwise removed perform, so far as practicable, the duties prescribed for the respective office until the end of their current term; provided, however, that this section shall not limit or restrict administrative authorities in exercising supervision of, or control over, their employees, or in 1718 assigning related, incidental, or emergency duties to them. 1719 Ц SECTION 127. Notwithstanding any general or special law to the contrary, the court 1720 administrator shall identify administrative activities and functions common to the separate 1721 officers, divisions, and departments within the trial court for consolidation in order to improve 1722 administrative efficiency and preserve fiscal resources and shall, subject to the review of the 1723 court management advisory board established pursuant to section 6A of chapter 211B of the 1724 General Laws, make recommendations to the supreme judicial court as to the designation of such functions as 'core administrative functions'; provided, however, that common functions that 1726 shall be designated core administrative functions shall include, but not be limited to, human 1727 resources, financial management, information technology, legal, procurement and asset 1729 management. SECTION 128. Notwithstanding any general or special law to the contrary, on December 31 and 1730 annually thereafter, the court management advisory board established pursuant to section 6A of 1731 chapter 211B of the General Laws shall report to the supreme judicial court, the joint committee 1732 on the judiciary, the joint committee on state administration, and the house and senate 1733 committees on ways and means on the trial court's progress in implementing the requirements of 1735 this chapter. The report shall also include recommendations to improve the management of the

trial court, including but not limited to consolidation of core administrative functions, and proposed legislation to effectuate the recommendations contained in said report.

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

1741 for reappointment to said office under the process established under said section 98.

SECTION 130. Notwithstanding any general or special law to the contrary, the chief justice of the trial court, together with the court administrator, shall submit a report to the joint committee on the judiciary and the house and senate committees on ways and means 90 days prior to the temporary closure or the temporary relocation of courthouses; provided further that said report shall include, but not be limited to, the transfer of personnel, the reallocation of resources, the impact on other courthouses resulting from the temporary closure of said court and other factors that may affect implementation of said temporary closure.

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

1755 SECTION 136. Sections 56 and 135 of this act shall expire on July 1, 2012.

1756 SECTION 137. Sections 2 to 54, inclusive, 57 to 117, inclusive, 127, 133, and 134 shall take 1757 effect on July 1, 2012.

1758 SECTION 138. Except as otherwise provided in this act, this act shall take effect on July 1,

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1759 2012.

1760 ERRATA FOLLOWS:

1761 July 29, 2011

1762 The following language was incorrectly reported in the final conference committee report for an

1763 act relative to the reorganization of the judicial system of the commonwealth. The conferees

1764 respectfully request that the following amendments be made to the conference committee report:

in line 128, by inserting after the word "justices" the following words:- ", including the chief

1766 justice,"; and

1767 by striking out lines 394 to 420; and

1768 by striking out, in line 508, the numeral "(xx)" and inserting in place thereof the following

1769 numeral:- (xxi); and

1770 by striking out, in line 516, the numeral "(xxi)" and inserting in place thereof the following

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1771 numeral:- (xxii); and

1772 by striking out, in line 522, the numeral "(xxii)" and inserting in place thereof the following

1773 numeral:- (xxiii); and

1774 by striking out line 521; and

in line 655 by striking out the words "the authority to" and inserting in place thereof the

1776 following words:-

1777 "the court administrator shall annually"; and

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

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

by striking out, in lines 947 and 948 the words "the chief justice for administration and management" and inserting in place thereof the following words:- "the court administrator"; and by striking out, in lines 987 and 988 the words "the chief justice for administration and management" and inserting in place thereof the following words:- "the court administrator"; and by striking out section 57 and inserting in place thereof the following section:-

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

1796 by striking out, in line 1135, the words "SECTION 78." the second time they appear; and

- 1797 in line 1213, by inserting the following 2 sentences:- "A chief justice shall hold said office for a
- 1798 term of 5 years, and shall be eligible to be reappointed for additional 5 year terms. A chief
- 1799 justice, so appointed may be removed from that office prior to the expiration of his term
- 1800 provided, however, that any such removal is not for arbitrary or capricious reasons."; and
- 1801 by striking out lines 1222 to 1235; and
- 1802 in line 1456, by striking out the words "section 120" and inserting in place thereof the following
- 1803 words:- "section 119"; and
- 1804 by striking out, in line 1720, the words "SECTION 127" and inserting in place thereof the
- 1805 following words:- "SECTION 127A,"; and
- 1806 by inserting the following section: "SECTION 132. Sections 55A, 57, 120, 124B, 130 and 131
- 1807 of this act shall be effective upon the appointment of a court administrator under section 12 of
- 1808 chapter 211B."; and
- 1809 by inserting the following section: "SECTION 133. Sections 55, 119 and 124A of this act shall
- 1810 be repealed upon the appointment of a court administrator under section 12 of chapter 211B.";
- 1811 and
- 1812 by striking out section 136 and inserting in place thereof the following section:-
- 1813 "SECTION 136. Section 56 of this act shall expire on July 1, 2012."; and
- 1814 by striking out section 137 and inserting in place thereof the following section:-
- 1815 "SECTION 137. Sections 2 to 7, inclusive, 10 to 54, inclusive, 57 to 117, inclusive, 122, 123,
- 1816 124, 125 and 127A shall take effect on July 1, 2012."; and

1817	by striking out section 138 and inserting in place thereof the following section:		
	" SECTION 138. Except as otherwise provided in th	nis act, this act shall be effective as of July 1,	
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1826	இரியாதும் சிரியின் எண்டு நடுகளின் பாடுகளின் என்ற நடிகளின் இந்தும் இரும்பிய பாடுக்கும். இது நடித்தும் சிரியின் எண்டு நடித்தின் இந்தியின் இன்ற இந்தும் இருக்கும் இருக்கும்.		(, i
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