

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

Supreme Judicial Court

IN THE MATTER OF THE PROBATION DEPARTMENT
OF THE TRIAL COURT.

ORDER

It has come to the attention of the Justices that the hiring and promotion of employees within the Probation Department of the Trial Court allegedly are based on reasons other than merit, which is a matter of concern to the public and to all members of the judicial branch. Certain other alleged practices and management decisions within the Probation Department have also been called into question. The Chief Justice and the Justices of this Court, concerned not only with the proper conduct of judicial administration, but also with the public's perception of the integrity of all aspects of the judicial branch, have determined that a prompt, full inquiry into the practices and procedures of the Probation Department as they relate to these allegations should be undertaken immediately. Now therefore, pursuant to the constitutional and statutory powers of general superintendence of the Justices of this Court,

IT IS ORDERED that:

(1) Paul F. Ware, Jr., Esquire of Boston be, and hereby is, appointed Independent Counsel with the powers of Special Master and Commissioner to conduct a prompt and thorough administrative inquiry into alleged improprieties with respect to the hiring and promotion of employees within the Probation Department, as well as other practices and management decisions within the Probation Department that have been called into question, and to file with this Court within ninety days of this date, or as soon as possible, a report of his findings,

conclusions, and recommendations;

(2) the Independent Counsel shall also make such recommendations as he may deem appropriate to the Justices of the Supreme Judicial Court with respect to indications or findings of misconduct, if any, on the part of any employee of the judicial branch; and

(3) the Independent Counsel shall have, in addition to the usual powers of a Special Master and Commissioner, the power to subpoena witnesses and to administer oaths.

Margaret H. Marshall

Roderick L. Ireland

Francis X. Spina

Judith A. Cowin

Robert J. Cordy

Margot Botsford

Ralph D. Gants

Entered: May 24, 2010.