

# HOUSE . . . . . No. 3644

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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).

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven  
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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  
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;

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

71 The commission shall annually report on its activities and on any findings and  
72 recommendations to the chairs of the joint committee on the judiciary, the chairs of the joint  
73 committee on public safety and homeland security and chairs of the senate and house committees  
74 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

96 justice” and inserting in place thereof, in each instance, the following words:- court  
97 administrator.

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  
105 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  
107 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  
113 amended by striking out, in lines 6 and 7, the words “for administration and management” and  
114 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  
116 amended by striking out, in lines 22 and 23, the word “administrative”.

117 SECTION 21. Section 3 of said chapter 119A, as so appearing, is hereby amended by striking  
118 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.

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

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

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

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

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

155 SECTION 30. Section 4 of chapter 185C of the General Laws, as so appearing, is hereby  
156 amended by striking out, in lines 4 and 5, the words “administrative justice and management”  
157 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  
159 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  
163 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  
182 appearing, an inserting in place thereof the following section:-

183 Section 9. There shall be a clerk, appointed by the governor with the advice and consent of the  
184 council, for each of the housing courts. Said clerks shall hold office during good behavior,  
185 subject however, to retirement under the provisions of any general or special law relative to  
186 retirement systems. The clerk appointed for the western division shall reside in either Berkshire,  
187 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  
189 of personnel, staff services and record keeping. The chief justice, a first justice or a clerk of the  
190 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  
192 duties, powers and obligations of the clerk-magistrate or a member of the clerk-magistrate's  
193 staff, or the interpretation of the personnel standards provided for under section eight of chapter  
194 two hundred and eleven B, to the chief justice of the trail court, who in consultation with the  
195 court administrator, shall within thirty days, hear and determine the matter. The decision of the  
196 chief justice of the trail court shall be binding on the parties.

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

200 SECTION 37. Section 28 of chapter 208 of the General Laws, as so appearing, is hereby  
201 amended by striking out, in lines 8 and 9 and 31 and 32, the words “for administration and  
202 management” and inserting in place thereof, in each instance, the following words:- of the trial  
203 court.

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

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

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

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

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

219 SECTION 43. Section 3 of chapter 210 of the General Laws, as so appearing, is hereby amended  
220 by striking out, in line 34, the words “for administration and management” and inserting in place  
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  
223 amended by striking out, in line 2, the words “for administration and management” and inserting  
224 in place thereof the following words:- of the trial court and the court administrator.

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

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

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

235 In addition to the foregoing, the justices of the supreme judicial court shall also have general  
236 superintendence of the administration of all courts of inferior jurisdiction, including, without  
237 limitation, the prompt hearing and disposition of matters pending therein, and the functions set  
238 forth in section 3C; and it may issue such writs, summonses and other processes and such orders,  
239 directions and rules as may be necessary or desirable for the furtherance of justice, the regular  
240 execution of the laws, the improvement of the administration of such courts, and the securing of

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

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

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

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

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

261 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  
263 thereof the following words:- of the trial court.

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

266 Section 5. The office of the chief justice of a department of the trial court, as provided in section  
267 1, shall not be deemed a judicial office as comprehended under the provisions of Article I of  
268 Chapter III of Part the Second of the Constitution. Said office of chief justice shall be filled by  
269 appointment, from among the justices appointed to the particular department, by the chief justice  
270 of the trial court. A chief justice shall hold said office for a term of 5 years, and shall be eligible  
271 to be reappointed for additional 5-year terms. A chief justice, so appointed, may be removed  
272 from that office prior to the expiration of his term by the chief justice of the trial court; provided,  
273 however, that any such removal is not for arbitrary or capricious reasons and, if the employee so  
274 requests, is approved by the Committee.

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

281 The committee shall advise the court administrator who shall establish and promulgate standards  
282 for the appointment, performance, promotion, continuing education and removal of all personnel

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

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

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

294 Subject to the terms of applicable collective bargaining agreements, any officer or employee  
295 whose appointment is subject to the provisions of this section may be removed by the appointing  
296 authority, in accordance with the standards promulgated by the committee; provided, however,  
297 that any such removal is not for arbitrary or capricious reasons and, if the employee so requests,  
298 is approved by the Committee. Every removal of an officer or employee whose appointment was  
299 subject to the provisions of this section shall be reviewed by the committee, and no such removal  
300 shall be final until approved by the committee. If any such officer or employee has served three  
301 full years in a position, appointment to which is subject to the provisions of this section, he shall  
302 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

304 administrator in the establishment of salaries and pay scales of all court personnel unless  
305 otherwise provided by statute.

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

308 Section 5A. The office of the deputy court administrator of a department of the trial court, as  
309 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  
311 administrator shall not be a justice of the trial court and shall devote his full time to the duties of  
312 his office. A deputy court administrator shall hold said office for a term that shall be coterminous  
313 with the terms of the chief justices of their respective court departments and shall be eligible to  
314 be reappointed to serve additional terms. A deputy court administrator, so appointed, may be  
315 removed from that office prior to the expiration of his term by the court administrator and the  
316 chief justice of the respective court departments.

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

321 Section 6. The office of the chief justice of the trial court, as provided in section 1, shall not be  
322 deemed a judicial office as comprehended under the provisions of Article I of Chapter III of Part  
323 the Second of the Constitution. Said office of chief justice of the trial court shall be filled by  
324 appointment, from among the justices of the trial court departments, by a majority vote of the  
325 justices of the supreme judicial court. The chief justice of the trial court shall hold said office for

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  
328 judicial court. The chief justice of the trial court shall retain his commission as associate justice  
329 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,  
333 the chief justice of the trial court, and the court administrator. The board shall consist of the  
334 attorney general, or his designee, the executive director of the Massachusetts office of victim  
335 assistance and the following 10 additional members appointed by the supreme judicial court: 2  
336 persons who have significant experience in public administration, 2 persons who have significant  
337 experience in business administration, 1 lawyer with significant experience in the practice of  
338 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  
340 experience in the representation of juveniles in the courts, 1 lawyer with significant judicial  
341 experience but not a current justice of the commonwealth or a retired justice serving the  
342 commonwealth pursuant to judicial recall, and 1 person who has significant experience in  
343 information technology. The board shall choose its chair. The appointed members of said board  
344 shall serve for a term of 3 years. The maximum amount of time that said members may serve on  
345 said board shall be 2 such terms. The chief justice of the trial court shall be the executive  
346 secretary of the board.

347 The board shall advise the justices of the supreme judicial court, the chief justice of the trial  
348 court, and the court administrator on all matters of judicial reform including, but not limited to, a  
349 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  
351 executive control of a court administrator, to support the judicial functions, performance and  
352 management of the trial court. Said court administrator shall be appointed by a majority vote of  
353 the justices of the supreme judicial court; provided, however, that said court administrator shall  
354 have significant leadership experience in the fields of management and finance and shall not be a  
355 justice of the trial court. Said court administrator shall be paid a salary equal to that of the chief  
356 justice of the trial court. The court administrator shall hold said office for a term of 5-years, shall  
357 be eligible to be reappointed for additional 5 year terms, and shall devote his full time to the  
358 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  
362 the supreme judicial court. The decision of the chief justice of the supreme judicial court shall be  
363 final and binding.

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  
366 chief justice in such event shall be filled as provided in section 5. The temporary chief justice so  
367 appointed may hold said office until the incumbent shall resume his duties and subject to the

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

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

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

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

390 provided, but in no event shall such office be so filled for a period in excess of 6 months. The  
391 court administrator appointed under the provisions of this section shall be eligible to serve a  
392 consecutive full term as court administrator of the trial court. A court administrator may be  
393 removed by a majority vote of the justices of the supreme judicial court.

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

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

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

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

414 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  
416 authority, in accordance with the standards promulgated by the committee. The committee shall  
417 also advise the court administrator in the establishment of salaries and pay scales of all court  
418 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,  
423 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.

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

427 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  
432 implementation of such planning and policy-making decisions;

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

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

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

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

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

446 (vii) the responsibility to provide recommendations regarding management of the judicial recall  
447 process;

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

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

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

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

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

470 (b) a justice, if aggrieved for cause by an order of the chief justice of the trial court assigning him  
471 to sit in a particular location or department of the court other than that to which he was appointed  
472 may appeal the order of said chief justice of the trial court to the supreme judicial court, which  
473 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  
476 which, in the opinion of such chief justice, impairs the orderly operation of his department;

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

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

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

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

491 (xvii) notwithstanding the provisions of this section, the chief justice of the trial court, in order to  
492 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  
494 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  
496 superior court department;

497 (xviii) the chief justice of the trial court may delegate his responsibilities and powers hereunder  
498 and as otherwise provided by law to a chief justice, justice, regional justice, first justice,  
499 presiding justice, court officer, clerk, or any employee of his department, for such period of time  
500 and with such limitations as he may impose, whenever in his opinion such delegation of  
501 authority will expedite the judicial business of the trial court;

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

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

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

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  
519 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  
521 (xxii) the power to exercise any inherently judicial power not otherwise specified in this section.  
522 (xxiii) the authority to exercise any inherently judicial power not otherwise specified in this  
523 section; provided, however, that nothing in this section shall authorize the chief justice to  
524 exercise any power reserved to the full court.

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

530 The court administrator shall be the administrative head of the trial court of the commonwealth.  
531 The court administrator, in consultation with the chief justice of the trial court, shall periodically  
532 prepare and submit to the chief justice of the supreme judicial court an estimate, in detail, for the  
533 ordinary maintenance of the entire trial court, and all revenue therefrom, as provided in clause  
534 (5) of the first paragraph of section 3 of chapter 29. Said estimate shall include judicial salaries  
535 and the salaries of all officers and employees within the trial court and shall include estimates of  
536 all sums which the commonwealth is obligated to pay under the provisions of chapter 29A.

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

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

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

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

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

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

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

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

567 (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  
570 nonjudicial personnel;

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

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

577 (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  
580 without pay; provided, however, that the court administrator may, upon reasonable notice,  
581 temporarily transfer nonjudicial personnel among the various departments, divisions and places  
582 for holding court, and in no event shall any such transfer be more than a reasonable distance  
583 from the place where such personnel is employed unless the employee so transferred shall  
584 consent thereto; provided, further, that such transfer of the employee shall not be for more than  
585 90 days, but such transfer may be extended for 3 consecutive 90 day periods, provided that  
586 notice is given to the house and senate committees on ways and means upon each extension,  
587 including the employee's position, duties, and reason for the transfer, but such transfer shall not  
588 exceed 360 consecutive days. The first justice of the court to where the employee is transferred  
589 shall provide the first justice of the court to where the employee is permanently assigned with  
590 appropriate personnel records and records of activities, including records necessary for the  
591 payment of compensation; and provided, however, that this provision shall not apply to a clerk or  
592 clerk-magistrate, whether elected or appointed by the governor, register of probate or recorder;

593 (xiii) (a) notwithstanding any general or special law to the contrary, the court administrator may,  
594 for the period July 1 through April 30 of any fiscal year, transfer funds from any item of  
595 appropriation of any trial court department to any other item of appropriation within the same  
596 trial court department; provided, however, that said transfers shall be made in accordance with  
597 schedules submitted to the house and senate committees on ways and means; provided, further,  
598 that no such transfer shall occur until said schedules have been approved by said committees;  
599 and provided, further, that said schedules shall include the reasons for the necessity of such

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

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

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

622 administrator shall provide reports to the clerk of the house of representatives and the clerk of the  
623 senate. Such reports shall be a matter of public record;

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

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

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

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

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

643 (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  
646 flexible work schedules; provided, however, that no employee shall be required to work more  
647 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  
650 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.

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

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

657 Section 10. Subject to the superintendence authority of the supreme judicial court as provided in  
658 section 3 of chapter 211, the chief justice and the deputy court administrator shall be responsible  
659 for the operation of their department, its clerks, other officers and employees subject to section  
660 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  
662 responsibilities, and shall allocate between themselves primary responsibility for each in a  
663 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:

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

686 appointed, may appeal the assignment or transfer to the chief justice of the trial court who shall  
687 forthwith determine the matter;

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

691 (iv) the power to suspend any particular session in any court within their department; the power  
692 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  
694 sessions as are deemed necessary for the proper administration of justice;

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

697 (vi) notwithstanding any general or special law to the contrary, when necessary to ensure the  
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  
701 nonjudicial personnel within their department, divisions and places for holding court, and in no  
702 event shall any such transfer be more than a reasonable distance from the place where such  
703 personnel is employed unless the employee so transferred shall consent thereto; provided,  
704 further, that such transfer of the employee shall not be for more than 90 days, but such transfer  
705 may be extended for 3 consecutive 90 day periods, provided that notice is given to the house and  
706 senate committees on ways and means upon each extension, including the employee's position,  
707 duties, and reason for the transfer, but such transfer shall not exceed 360 consecutive days. The

708 first justice of the court to where the employee is transferred shall provide the first justice of the  
709 court to where the employee is permanently assigned with appropriate personnel records and  
710 records of activities, including records necessary for the payment of compensation; and provided,  
711 however, that this provision shall not apply to a clerk or clerk-magistrate, whether elected or  
712 appointed by the governor, register of probate or recorder;

713 (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;

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

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

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

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

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

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

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

746 (xvi) the chief justice shall have the power to discipline any justice assigned or appointed to his  
747 department who refuses or fails to comply with any order concerning the performance of his  
748 duties as justice or any other lawful order of the chief justice or deputy court administrator of his  
749 department; provided, however, that the chief justice shall also have the power to require any  
750 justice assigned or appointed to his department to participate in a judicial enhancement program

751 in response to any action of such justice which brings the judiciary into disrepute, which lowers  
752 the public confidence in the judiciary or which impedes the administration of justice. A justice  
753 who is disciplined by the chief justice may appeal the imposition of discipline to the chief justice  
754 of the trial court. Any justice aggrieved by decision of the chief justice of the trial court may  
755 appeal said decision to the supreme judicial court. Consistent with the provisions of chapter  
756 211C, all proceedings, documents, and other matters relating to such discipline shall at all times  
757 be confidential and not open to the public unless the justice appealing the disciplinary action  
758 agrees that the same shall not be confidential, or unless the supreme judicial court determines  
759 that it is in the public interest for any such proceeding, document, or other matter relating to such  
760 discipline to be made public. All disciplinary action imposed by a chief justice, whether  
761 consensual or not, shall be reported to the supreme judicial court by the chief justice; and  
762 (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  
765 manner on which they agree and subject to the approval of the chief justice of the trial court and  
766 the court administrator, the powers assigned to the chief justice pursuant to section 6 of chapter  
767 29A; sections 4 5, 9, 10, 11, 14, and section 16 of chapter 185C; section 13 of said chapter 211B;  
768 section 19 of chapter 212; sections 23, 23A, 23C, 28, 29, 29A, 29B, 29C, 29D, 29E, 29F, 29G,  
769 29H, 29I, 29J, 29K, 29L and section 42 of chapter 217; sections 9, 15, 19D, 43E, 58, 67 and  
770 section 70 of chapter 218; section 6 of chapter 220; sections 62B, 91 and section 99 of chapter  
771 221; 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.

774 Section 10A. A first justice, in addition to his judicial powers and duties as a justice of the trial  
775 court and in addition to his general powers of superintendence as first justice of a particular court  
776 within the trial court, shall, subject to the superintendence authority of the supreme judicial court  
777 as provided in section 3 of chapter 211 and the authority of the chief justice and deputy court  
778 administrator of the first justice's department of the trial court as provided in section 10, be the  
779 administrative head of his court; provided, however, that clerks, recorders and registers shall  
780 have responsibility for the internal administration of their respective offices, including the  
781 selection, appointment, and management of personnel, staff services and recordkeeping. A first  
782 justice or a clerk, recorder or register of the court may submit any dispute that arises between  
783 said first justice and said clerk, recorder or register, concerning the management and  
784 administration of the office of the clerk, recorder, or register, the duties, powers and obligations  
785 of the clerk, recorder, or register, or a member of their staff, or the interpretation of the personnel  
786 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  
790 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 non-  
793 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  
797 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  
799 shall, within 30 days, hear and determine the matter;

800 (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  
802 delegate the calling of the list to the clerk of the court where appropriate to the administration of  
803 justice;

804 (iii) the responsibility to bring to the attention of the deputy court administrator of his department  
805 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  
807 paragraph, may appeal to the deputy court administrator of the department who shall forthwith  
808 hear and determine the matter. Any person aggrieved by a decision of a deputy court  
809 administrator under this paragraph may appeal said decision to the court administrator, who  
810 shall, within 30 days, hear and determine the matter; and

811 (iv) the first justice shall periodically prepare and submit to the deputy court administrator of his  
812 department an estimate, in detail, for the ordinary maintenance of the division or place for  
813 holding court, and all revenues therefrom as provided in clause (5) of the first paragraph of  
814 section 3 of chapter 29. Said estimate shall include estimates of all sums which the  
815 commonwealth is obligated to pay under the provisions of chapter 29A, together with any  
816 information which the deputy court administrator may require. In turn, the deputy court  
817 administrator shall periodically prepare and submit to the court administrator an estimate, in

818 detail, for the ordinary maintenance of the first paragraph of section 3 of chapter 29. Said  
819 estimate shall include salaries of all officers and employees within the office and shall include  
820 estimates of all sums which the commonwealth is obligated to pay under the provisions of  
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  
824 50, and in lines 53 and 54, the words “chief justice for administration and management” and  
825 inserting in place thereof, in each instance, the following words:- court administrator.

826 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  
828 inserting in place thereof the following words:- of the trial court, court administrator, and the  
829 chief justices.

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

832 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  
835 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  
837 determine the form, method and subject matter of the examination. The examination shall test the  
838 knowledge, skills and abilities which can be objectively and reliably measured and which are  
839 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  
841 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  
844 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  
846 the applicant to determine whether the applicant meets the minimum criteria for appointment as a  
847 court officer.

848 (c) Those applicants who have passed the examination under subsection (a) and are  
849 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  
851 process which shall include, but not be limited to: (i) inquiry into and review of the applicant's  
852 education, prior work history; related work history in the trial courts and other accomplishments  
853 to ensure that the applicant is well suited for the culture of the organization and will further the  
854 organization's stated goals; (ii) behaviorally-based interviews; and (iii) candidate assessments,  
855 including case study, presentation and writing assessments; provided, however, that the  
856 candidate assessments shall focus on the specific requirements of the position.

857 (d) Recommendations for employment submitted in support of candidates applying for  
858 employment by the trial court shall not be considered by a hiring authority until the applicant has  
859 passed the examination under subsection (a), been deemed by the chief justice for administration  
860 and management to have met the minimum criteria for appointment under subsection (b) and has  
861 successfully completed the interview and investigative processes under subsection (c); provided,

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

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

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

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

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

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

889 (i) Those applicants who have passed the examination under subsection (g) and were  
890 deemed by the personnel administrator to have met the minimum criteria for promotion under  
891 subsection (h) shall be subject to an investigative and interview process which shall include, but  
892 not be limited to: (i) inquiry into and review of the applicant's education, prior work history,  
893 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)  
895 behaviorally-based interviews; and (iii) candidate assessments, including case study, presentation  
896 and writing assessments; provided, however, that the candidate assessments shall focus on the  
897 specific requirements of the position.

898 (j) Recommendations for promotion submitted in support of candidates applying for a promotion  
899 by the trial court shall not be considered by a hiring authority until the applicant has passed the  
900 examination under subsection (g), been deemed by the chief justice for administration and  
901 management to have met the minimum criteria for appointment under subsection (h) and  
902 successfully completed the interview and investigative processes under subsection (i); provided,  
903 however, that the hiring authority may, in accordance with the trial court's regular practice for  
904 conducting reference checks, contact and speak with a reference provided to it by a candidate, or

905 contact and speak with any person who has submitted a written recommendation on behalf of a  
906 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.

911 (l) Those applicants who have passed the examination under subsection (g) and were  
912 deemed by the chief justice for administration and management to have met the minimum  
913 criteria for appointment under subsection (h) and successfully completed the interview and  
914 investigative processes under subsection (i) shall be eligible for promotion by the chief justice  
915 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.

922 SECTION 55A. Said chapter 211B is hereby further amended by striking out section  
923 10D, as appearing in section 56, and inserting in place thereof the following section:-

924 Section 10D. (a) Each applicant for initial appointment as a court officer within the trial  
925 court shall pass a written examination established and administered by the court administrator,

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

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

936 (c) Those applicants who have passed the examination under subsection (a) and were  
937 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  
939 not be limited to: (i) inquiry into and review of the applicant's education, prior work history,  
940 related work history in the trial courts and other accomplishments to ensure that the applicant is  
941 well suited for the culture of the organization and will further the organization's stated goals; (ii)  
942 behaviorally-based interviews; and (iii) candidate assessments, including case study, presentation  
943 and writing assessments; provided, however, that the candidate assessments shall focus on the  
944 specific requirements of the position.

945 (d) Recommendations for employment submitted in support of candidates applying for  
946 employment by the trial court shall not be considered by a hiring authority until the applicant has  
947 passed the examination under subsection (a), been deemed by the chief justice for administration

948 and management to have met the minimum criteria for appointment under subsection (b) and has  
949 successfully completed the interview and investigative processes under subsection (c); provided,  
950 however, that the hiring authority may, in accordance with the trial court's regular practice for  
951 conducting reference checks, contact and speak with a reference provided to it by a candidate, or  
952 contact and speak with any person who has submitted a written recommendation on behalf of a  
953 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.

958 (f) Those applicants who have passed the examination under subsection (a) and were  
959 deemed by the court administrator to have met the minimum criteria for appointment under  
960 subsection (b), and who have successfully completed the interview and investigative processes  
961 under subsection (c) shall be eligible for appointment by the court administrator. The court  
962 administrator may appoint court officers to the several sessions of the trial court as the court  
963 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

970 establish a uniform minimum score needed for further consideration of the applicant for  
971 consideration 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.

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

985 (j) Recommendations for promotion submitted in support of candidates applying for a promotion  
986 by the trial court shall not be considered by a hiring authority until the applicant has passed the  
987 examination under subsection (g), been deemed by the chief justice for administration and  
988 management to have met the minimum criteria for appointment under subsection (h) and  
989 successfully completed the interview and investigative processes under subsection (i); provided,  
990 however, that the hiring authority may, in accordance with the trial court's regular practice for  
991 conducting reference checks, contact and speak with a reference provided to it by a candidate, or

992 contact and speak with any person who has submitted a written recommendation on behalf of a  
993 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 .(l) 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.

1002 (m) All court officers of the trial court shall devote their full time and attention to the  
1003 duties of their office during regular business hours.

1004 (n) all personnel standards developed under this section shall ensure that all appointments,  
1005 promotions and increases in compensation of personnel within the trial court are merit based and  
1006 maintain internal and external integrity with regard to their processes. Such standards shall be  
1007 made available to the public and promulgated prominently on the website of the trial court.

1008 SECTION 56. Said chapter 211B is hereby further amended by striking out section 12, as  
1009 appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

1010 Section 12. There may be an office of court management within the trial court, under the  
1011 executive control of a court administrator, to support judicial functions, performance and  
1012 management of the trial court. Said court administrator shall be appointed by a majority vote of

1013 the justices of the supreme judicial court; provided, however, that said court administrator shall  
1014 have significant leadership experience in the fields of management and finance and shall not be a  
1015 justice of the trial court. Said court administrator shall be paid a salary equal to that of the chief  
1016 justice of the trial court. The court administrator shall hold said office for a term of 5 years, shall  
1017 be eligible to be reappointed for additional 5-year terms, and shall devote his full time to the  
1018 duties of his office. The court administrator shall perform such duties and responsibilities as  
1019 may be prescribed by law and as the chief justice of the supreme judicial court may from time to  
1020 time designate. The court administrator may be removed by a majority vote of the justices of the  
1021 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.

1026 SECTION 57 – language moved to §52 9A (xxii) - see comment for reasoning

1027 SECTION 58. Section 13 of said chapter 211B, as appearing in the 2008 Official Edition, is  
1028 hereby amended by striking out, in lines 16, 23, and 29, the words “chief administrative justice”  
1029 and inserting in place thereof, in each instance, the following words:- court administrator.

1030 SECTION 59. Section 17 of said chapter 211B, as so appearing, is hereby amended by striking  
1031 out, in line 1, 13 and 14, line 18, and in lines 24, 30, 34 and in lines, 44 and 45, the words “chief  
1032 justice for administration and management” and inserting in place thereof, in each instance, the  
1033 following words:- court administrator, in consultation with the chief justice of the trial court.

1034 SECTION 59A. Said Section 17 of said chapter 211B, as so appearing, is hereby amended by  
1035 striking out, in Lines 5 and 6, the words “chief justice for administration and management” and  
1036 inserting in place thereof, the following words:- court administrator.

1037 SECTION 59B. Said Section 17 of said chapter 211B, as so appearing, is hereby further  
1038 amended by striking out, in lines 20 to 23, inclusive, the sentence “In carrying out said duties  
1039 with respect to court facilities, the chief justice of administration and management shall regularly  
1040 consult with the court facilities council established in section six of chapter twenty-nine A” and  
1041 inserting in place thereof the following sentence:- In carrying out said duties with respect to  
1042 court facilities, the court administrator, in consultation with the chief justice of the trial court,  
1043 shall also regularly consult with the court facilities council established in section six of chapter  
1044 twenty-nine A.

1045 SECTION 60. Section 19 of said chapter 211B, as so appearing, is hereby further amended by  
1046 striking out, in lines 1 and 25, the words “for administration and management” and inserting in  
1047 place thereof, in each instance, the following words:- of the trial court.

1048 SECTION 60A. Said section 19 of said chapter 211B, as so appearing, is hereby amended by  
1049 striking out, in line 11, the words “administration and management” and inserting in place  
1050 thereof the following words:- the trial court.

1051 SECTION 61. Section 20 said chapter 211B, as so appearing, is hereby further amended by  
1052 striking out, in line 2 and in lines 14 and 15, the words “for administration and management” and  
1053 inserting in place thereof, in each instance, the following words:- of the trial court.

1054 SECTION 62. Section 1 of chapter 211C of the General Laws, as so appearing, is hereby  
1055 amended by striking out, in line 5, the word “administrative”.

1056 SECTION 63. Section 6 of said chapter 211C of the General Laws, as so appearing, is hereby  
1057 amended by striking out, in line 33, the word “administrative”.

1058 SECTION 64. Section 1 of chapter 211E of the General Laws, as so appearing, is hereby  
1059 amended by striking out, in line 8, the words “for administration and management” and inserting  
1060 in place thereof the following words:- of the trial court.

1061 SECTION 65. Section 3 of said chapter 211E, as so appearing, is hereby amended by striking  
1062 out, in line 154, the words “for administration and management” and inserting in place thereof  
1063 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.

1069 SECTION 65C. Section 6 of said chapter 211F, as so appearing, is hereby amended by striking  
1070 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:-

1073 The superior court department of the trial court of the commonwealth, established pursuant to  
1074 section 1 of chapter 211B, shall consist of 82 justices appointed to the department. The justice as  
1075 provided under section 1 of chapter 211B as the chief justice for the superior court department,  
1076 in addition to his judicial powers and duties, shall, subject to the superintendence authority of the

1077 supreme judicial court as provided in section 3 of chapter 211, have the power, authority and  
1078 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:-

1081 Section 1A. The deputy court administrator as provided under section 1 of chapter 211B shall,  
1082 subject to the superintendence authority of the supreme judicial court as provided in section 3 of  
1083 chapter 211, have the power, authority and responsibility of a deputy court administrator as set  
1084 forth in section 10 of chapter 211B.

1085 SECTION 68. Section 14A of said chapter 212, as so appearing, is hereby amended by striking  
1086 out, in lines 39 and 49, the words “for administration and management” and inserting in place  
1087 thereof the following words:- of the trial court.

1088 SECTION 69. Section 20A of said chapter 212, as so appearing, is hereby amended by striking  
1089 out, in line 10, the word “may” and inserting in place thereof the following words:- , in  
1090 consultation with the court administrator, may.

1091 SECTION 70. Said section 20A of said chapter 212, as so appearing, is hereby further amended  
1092 by striking out, in line 15, the words “chief administrative justice” and inserting in place thereof  
1093 the following words:- court administrator.

1094 SECTION 71. Section 54 of chapter 215 of the General Laws, as so appearing, is hereby  
1095 amended by striking out, in lines 1 and 2, the words “chief justice for administration and  
1096 management” and inserting in place thereof the following words:- court administrator.

1097 SECTION 72. Section 62 of said chapter 215, as so appearing, is hereby amended by striking  
1098 out, in line 4, the words “for administration and management”.

1099 SECTION 73. Section 2 of chapter 217, as so appearing, is hereby amended by striking out, in  
1100 line 22 and in lines 31 and 32, the words “for administration and management” and inserting in  
1101 place thereof, in each instance, the following words:- of the trial court.

1102 SECTION 74. The second paragraph of said section 2 of said chapter 217, as so appearing, is  
1103 hereby amended by striking out the second sentence of and inserting in place thereof the  
1104 following sentence:-

1105 Any first justice may be removed from his position as first justice by the chief justice of the  
1106 probate and family court department; provided, however, that any such removal is not for  
1107 arbitrary or capricious reasons.

1108 SECTION 75. Said chapter 217 is hereby further amended by striking out section 8, as so  
1109 appearing, and inserting in place thereof the following 2 sections:-

1110 Section 8. The justice provided for under the provisions of section 1 of chapter 211B as the chief  
1111 justice for the probate and family court department, in addition to his judicial powers and duties,  
1112 shall, subject to the superintendence authority of the supreme judicial court as provided in  
1113 section 3 of chapter 211, have the power, authority and responsibility of a chief justice as set  
1114 forth in section 10 of chapter 211B.

1115 The chief justice may establish forms for the annual reports of the work of the registers of the  
1116 several courts; and said registers shall annually, on or before October 1, prepare and file with the  
1117 chief justice reports of the work of said courts during the preceding court year, and said reports

1118 shall also be filed with the chief justice of the trial court. Said chief justice of the probate and  
1119 family court shall also have the powers and duties described in section 10 of chapter 211B and  
1120 section 42 of this chapter; except that none of the powers herein described or referred to shall be  
1121 construed as authorizing said chief justice to alter or affect the provisions of section 58, 59, 60 or  
1122 62 of chapter 215.

1123 Section 8½. The deputy court administrator provided for under the provisions of section 1 of  
1124 chapter 211B as the deputy court administrator for the probate and family court department shall,  
1125 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  
1127 forth in section 10 of chapter 211B.

1128 SECTION 76. Said chapter 217 is hereby further amended by striking out section 8A, as so  
1129 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.

1132 SECTION 77. Section 23B of said chapter 217, as so appearing, is hereby amended by striking  
1133 out, in lines 3 and 4, the words “chief justice for administration and management” and inserting  
1134 in place thereof the following words:- court administrator.

1135 SECTION 78. SECTION 78. Section 6 of said chapter 218, as so appearing, is hereby amended  
1136 by striking out the third, fourth, fifth and sixth paragraphs and inserting in place thereof the  
1137 following 2 paragraphs:-

1138 The chief justice of the district court department shall have the power to appoint the first justice  
1139 of each of the various courts within the district court department, subject to the approval of the  
1140 chief justice of the trial court, and to define his duties; provided, however, that appropriate  
1141 consideration shall be given to seniority, length of service at that particular division, and  
1142 managerial ability. Each first justice so appointed shall serve as the first justice of that court for a  
1143 5 year term and shall be eligible to be reappointed for additional 5 year terms at that particular  
1144 court. Any first justice may be removed from his position as first justice by the chief justice of  
1145 the district court department; provided, however, that any such removal is not for arbitrary or  
1146 capricious reasons.

1147 Citations, orders of notice, writs, executions and all other processes issued by the clerk of the  
1148 court shall bear the test of the first justice thereof or the chief justice of the department.

1149 SECTION 79. Section 8 of said chapter 218, as so appearing, is hereby amended by striking out,  
1150 in lines 18 and 19 and in lines 22 and 23, the words “chief justice for administration and  
1151 management” and inserting in place thereof, in each instance, the following words:- court  
1152 administrator.

1153 SECTION 80. Section 10 of said chapter 218, as so appearing, is hereby amended by striking  
1154 out, in line 2, lines 107 and 108, line 111, lines 116 and 117 and in lines 138 and 139, the words  
1155 “chief justice for administration and management” and inserting in place thereof, in each  
1156 instance, the following words:- court administrator.

1157 SECTION 81. Section 11 of said chapter 218, as so appearing, is hereby amended by striking  
1158 out, in lines 3 and 4, the words “chief justice for administration and management” and inserting  
1159 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  
1161 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  
1166 superintendence authority of the supreme judicial court as provided in section 3 of chapter 211,  
1167 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  
1175 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:-

1181 Section 51A. The justice provided for under section 1 of chapter 211B as the chief justice of the  
1182 Boston municipal court department, in addition to his judicial powers and duties, shall, subject to  
1183 the superintendence authority of the supreme judicial court as provided in section 3 of chapter  
1184 211, have the powers, authority and responsibilities of a chief justice as set forth in section 10 of  
1185 chapter 211B.

1186 The deputy court administrator of the Boston municipal court department as provided for under  
1187 section 1 of chapter 211B shall, subject to the superintendence authority of the supreme judicial  
1188 court as provided in section 3 of chapter 211, have the powers, authority and responsibilities of a  
1189 deputy court administrator as set forth in section 10 of chapter 211B; provided, however, that the  
1190 clerk shall have responsibility for the internal administration of his office, including the  
1191 selection, appointment, and management of personnel, staff services and recordkeeping.

1192 The chief justice of the Boston municipal court department shall have the power to appoint the  
1193 first justice of each of the various divisions within the Boston municipal court department,  
1194 subject to the approval of the chief justice of the trial court, and to define his duties; provided,  
1195 however, that appropriate consideration shall be given to seniority, length of service at that  
1196 particular division, and managerial ability. Each first justice so appointed shall serve as the first  
1197 justice of that court for a 5 year term and shall be eligible to be reappointed for additional 5-year  
1198 terms at that particular court. Any first justice may be removed from his position as first justice  
1199 by the chief justice of the Boston municipal court department; provided, however, that any such  
1200 removal is not for arbitrary or capricious reasons.

1201 SECTION 86. Section 53 of said chapter 218, as so appearing, is hereby amended by striking  
1202 out, in lines 5 and 6, line 27, and in lines 30 and 31, the words “chief justice for administration

1203 and management” and inserting in place thereof, in each instance, the following words:- court  
1204 administrator.

1205 SECTION 87. Said chapter 218 is hereby further amended by striking out section 57A, as so  
1206 appearing, and inserting in place thereof the following 2 sections:-

1207 Section 57A. The justice provided for under section 1 of chapter 211B as the chief justice for the  
1208 juvenile court department, in addition to his judicial powers and duties, shall, subject to the  
1209 superintendence authority of the supreme judicial court as provided in section 3 of chapter 211,  
1210 have the powers, authority and responsibilities set forth in section 10 of chapter 211B; provided,  
1211 however, that the clerk of such court shall have responsibility for the internal administration of  
1212 his office, including personnel, staff services and recordkeeping.

1213 Said chief justice may require uniform practices, may prescribe forms of blanks and records.

1214 Said chief justice shall also prescribe official forms to be used in all courts of the juvenile court  
1215 department and in juvenile sessions of the district court department.

1216 Section 57B. The deputy court administrator for the juvenile court department as provided for  
1217 under section 1 of chapter 211B shall, subject to the superintendence authority of the supreme  
1218 judicial court as provided in section 3 of chapter 211, have the powers, authority and  
1219 responsibilities set forth in section 10 of chapter 211B; provided, however, that the clerk of such  
1220 court shall have responsibility for the internal administration of his office, including personnel,  
1221 staff services and record keeping.

1222 The deputy court administrator of the Boston municipal court department as provided for under  
1223 section 1 of chapter 211B shall, subject to the superintendence authority of the supreme judicial

1224 court as provided in section 3 of chapter 211, have the powers, authority and responsibilities of a  
1225 deputy court administrator as set forth in section 10 of chapter 211B; provided, however, that the  
1226 clerk shall have responsibility for the internal administration of his office, including the  
1227 selection, appointment, and management of personnel, staff services and recordkeeping.

1228 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,  
1230 subject to the approval of the chief justice of the trial court, and to define his duties; provided,  
1231 however, that appropriate consideration shall be given to seniority, length of service at that  
1232 particular division, and managerial ability. Each first justice so appointed shall serve as the first  
1233 justice of that court for a 5 year term and shall be eligible to be reappointed for additional 5-year  
1234 terms at that particular court. Any first justice may be removed from his position as first justice  
1235 by the chief justice of the Boston municipal court department.

1236 SECTION 88. The first paragraph of section 58 of said chapter 218, as so appearing, is hereby  
1237 amended by striking out the sixth sentence of and inserting in place thereof the following  
1238 sentence:- Any first justice may be removed from his position as first justice by the chief justice  
1239 of the juvenile court department; provided, however, that any such removal is not for arbitrary or  
1240 capricious reasons.

1241 SECTION 88A. Said section 14A of said chapter 212 is hereby further amended by striking out  
1242 the second sentence of the third paragraph and inserting in place thereof the following sentence:-  
1243 “Any first justice may be removed during any 5 year term from his position as first justice by the  
1244 chief justice of the superior court department; provided, however, that any such removal is not  
1245 for arbitrary or capricious reasons.”

1246 SECTION 89. Said section 58 of said chapter 218, as so appearing, is hereby further amended by  
1247 striking out, in line 36, in line 51, and in line 120, the words “for administration and  
1248 management” and inserting in place thereof the following words:- of the trial court.

1249 SECTION 90. Said section 58 of said chapter 218, as so appearing, is hereby further amended by  
1250 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  
1252 words:- court administrator.

1253 SECTION 91. Section 67 of said chapter 218, as so appearing, is hereby amended by striking  
1254 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.

1256 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.

1260 SECTION 93. Section 80 of said chapter 218, as so appearing, is hereby amended by striking  
1261 out, in lines 21 and 22, and in line 25, the words “chief justice for administration and  
1262 management” and inserting in place thereof, in each instance, the following words:- court  
1263 administrator.

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.

1267 SECTION 95. Section 16A of said chapter 221, as so appearing, is hereby amended by striking  
1268 out, in lines 2 and 3, the words “ for administration and management” and inserting in place  
1269 thereof the following words:- of the trial court.

1270 SECTION 96. Section 69 of said chapter 221, as so appearing, is hereby amended by striking  
1271 out, in lines 4 and 5, and in lines 9 and 10, the words “for administration and management” and  
1272 inserting in place thereof, in each instance, the following words:- of the trial court.

1273 SECTION 97. Section 69A of said chapter 221, as so appearing, is hereby amended by striking  
1274 out, in line 17, the words “chief justice for administration and management” and inserting in  
1275 place thereof the following words:- court administrator.

1276 SECTION 98. Section 70 of said chapter 221, as so appearing, is hereby amended by striking  
1277 out, in lines 1 and 2 and in line 6, the words “chief justice for administration and management”  
1278 and inserting in place thereof, in each instance, the following words:- court administrator.

1279 SECTION 99. Section 70A of said chapter 221, as so appearing, is hereby amended by striking  
1280 out, in lines 4 and 5, the words “for administration and management” and inserting in place  
1281 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  
1283 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.

1285 SECTION 101. Section 71A of said chapter 221, as so appearing, is hereby amended by striking  
1286 out, in line 1 and in lines 5 and 6, the words “chief administrative justice” and inserting in place  
1287 thereof the following words:- court administrator.

1288 SECTION 102. Section 72 of said chapter 221, as so appearing, is hereby amended by striking  
1289 out, in line 5, the words “chief administrative justice” and inserting in place thereof the following  
1290 words:- court administrator.

1291 SECTION 103. Section 80 of said chapter 221, as so appearing, is hereby amended by striking  
1292 out, in line 5, the words “chief justice for administration and management” and inserting in place  
1293 thereof the following words:- court administrator.

1294 SECTION 104. Section 102 of said chapter 221, as so appearing, is hereby amended by striking  
1295 out, in line 5, the words “chief administrative justice” and inserting in place thereof the following  
1296 words:- court administrator.

1297 SECTION 105. Section 3 of chapter 221A of the General Laws, as so appearing, is hereby  
1298 amended by striking out, in line 3, the word “ administrative”..

1299 SECTION 106. Section 3 of chapter 221B of the General Laws, as so appearing, is hereby  
1300 amended by striking out, in line 2, the words “administrative” and inserting in place thereof the  
1301 following words:- justice of the trial court.

1302 SECTION 107. Said section 3 of said chapter 221B of the General Laws, as so appearing, is  
1303 hereby amended by striking out, in lines 6 and 20, the words “administrative justice” and  
1304 inserting in place thereof, in each instance, the following words:- chief justice of the trial court.

1305 SECTION 108. Section 7 of chapter 221C of the General Laws, as so appearing, is hereby  
1306 amended by striking out subsection (a) and inserting in place thereof the following subsection:-

1307 (a) There shall be a committee for the administration of interpreters for the trial court, which  
1308 committee shall consist of the chief justice of the trial court, who shall be the chairman of said

1309 committee, the chief justice of the district court department and 1 justice and one clerk-  
1310 magistrate of said department appointed by said chief justice, a justice and a clerk or an assistant  
1311 clerk of the superior court department appointed by the chief justice of said department, a judge  
1312 of the probate and family court department appointed by the chief justice of said department and  
1313 1 other justice, judge or clerk-magistrate appointed by the chief justice of the trial court.

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.

1317 SECTION 110. Said section 7 of said chapter 221C, as so appearing, is hereby further amended  
1318 by striking out, in line 16, the words “administrative justice” and inserting in place thereof the  
1319 following words:- administrative justice of the trial court.

1320 SECTION 111. Section 9 of chapter 258C of the General Laws, as so appearing, is hereby  
1321 amended by striking out, in lines 16 and 17, the words “for administration and management” and  
1322 inserting in place thereof the following words:- of the trial court.

1323 SECTION 112. Section 9 of chapter 258D of the General Laws, as so appearing, is hereby  
1324 amended by striking out, in line 7, the words “for administration and management”.

1325 SECTION 113. The second sentence of the first paragraph of section 6 of chapter 258E of the  
1326 General Laws, as appearing in chapter 23 of the acts of 2010, is hereby amended by striking out  
1327 the words “for administration and management” and inserting in place thereof the following  
1328 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  
1340 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.

1349 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.

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

1354           Section 83. (a) Each applicant for initial appointment as a probation officer within the  
1355 office of the commissioner of probation shall pass a written examination established and  
1356 administered by the chief justice for administration and management, after consultation with the  
1357 personnel administrator, who shall determine the form, method and subject matter of such  
1358 examination. The examination shall test the knowledge, skills and abilities which can be  
1359 objectively and reliably measured and which are required to perform the duties of the position of  
1360 probation officer. The chief justice for administration and management, in consultation with the  
1361 personnel administrator, shall establish a uniform minimum score needed for further  
1362 consideration of the applicant for consideration as a probation officer.

1363           (b) The name of each applicant for initial appointment as a probation officer within the  
1364 office of the commissioner of probation who has successfully completed the examination under  
1365 subsection (a) shall be forwarded to the chief justice for administration and management or a  
1366 designee who shall objectively screen the applicant to determine whether the applicant meets the  
1367 minimum criteria for appointment as a probation officer.

1368           (c) Those applicants who have passed the examination under subsection (a) and deemed  
1369 by the chief justice for administration and management to have met the minimum criteria for  
1370 appointment under subsection (b) shall be subject to an investigative and interview process

1371 conducted by the commissioner of probation in consultation with the CJAM/Court  
1372 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  
1374 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,  
1376 presentation and writing assessments; provided, however, that the candidate assessments shall  
1377 focus on the specific requirements of the position.

1378 (d) Recommendations for employment submitted in support of candidates applying for  
1379 employment by the trial court shall not be considered by a hiring authority until the applicant has  
1380 passed the examination under subsection (a), been deemed by the chief justice for administration  
1381 and management to have met the minimum criteria for appointment under subsection (b) and has  
1382 successfully completed the interview and investigative processes under subsection (c); provided,  
1383 however, that the hiring authority may, in accordance with the trial court's regular practice for  
1384 conducting reference checks, contact and speak with a reference provided to it by a candidate, or  
1385 contact and speak with any person who has submitted a written recommendation on behalf of a  
1386 candidate.

1387 (e) Notwithstanding any general or special law, rule or regulation to the contrary,  
1388 recommendations for employment submitted in support of candidates who are hired as probation  
1389 officers shall be considered public records under section 7 of chapter 4 and chapter 66; provided,  
1390 however that this shall not apply to internal communications.

1391 f) Those applicants who have passed the examination under subsection (a) and were deemed by  
1392 the chief justice for administration and management to have met the minimum criteria for

1393 appointment under subsection (b), and who have successfully completed the interview and  
1394 investigative processes under subsection (c) shall be eligible for appointment by the  
1395 commissioner as a probation officer. The commissioner may appoint probation officers to the  
1396 several sessions of the trial court as the commissioner deems necessary, with the approval of the  
1397 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.

1407 (h) The name of each applicant for promotion within the office of the commissioner of  
1408 probation who has successfully completed the examination under subsection (g) shall be  
1409 forwarded to the chief justice for administration and management or a designee who shall  
1410 objectively screen the applicant to determine whether the applicant meets the minimum criteria  
1411 for promotion.

1412 (i) Those applicants passed the examination under subsection (g) and were deemed by the  
1413 court administrator to have met the minimum criteria for promotion under subsection (h) shall be  
1414 subject to an investigative and interview process which shall include, without limitation: (i)

1415 inquiry into and review of the applicant's education, prior work history and other  
1416 accomplishments to ensure that the applicant is well suited for the culture of the organization and  
1417 will further the organization's stated goals; (ii) behaviorally-based interviews; and (iii) candidate  
1418 assessments, including case study, presentation and writing assessments; provided, however, that  
1419 the candidate assessments shall focus on the specific requirements of the position.

1420 (j) Recommendations for promotion submitted in support of candidates applying for a promotion  
1421 by the trial court shall not be considered by a hiring authority until the applicant has passed the  
1422 examination under subsection (g), been deemed by the chief justice for administration and  
1423 management to have met the minimum criteria for appointment under subsection (h) and has  
1424 successfully completed the interview and investigative processes under subsection (i); provided,  
1425 however, that hiring authority may, in accordance with the trial court's regular practice for  
1426 conducting reference checks, contact and speak with a reference provided to it by a candidate, or  
1427 contact and speak with any person who has submitted a written recommendation on behalf of a  
1428 candidate.

1429 (k) Notwithstanding any general or special law, rule or regulation to the contrary,  
1430 recommendations for employment submitted in support of candidates who are promoted as  
1431 probation officers shall be considered public records under section 7 of chapter 4 and chapter 66;  
1432 provided, however that this shall not apply to internal communications.

1433 (l) Those applicants who have passed the examination under subsection (g) and were  
1434 deemed by the chief justice for administration and management to have met the minimum  
1435 criteria for appointment under subsection (h) and successfully completed the interview and  
1436 investigative processes under subsection (i) shall be eligible for promotion under subsection (m).

1437 (m) In any court having 2 or more probation officers, the first justice, subject to the  
1438 approval of the chief justice for administration and management and the commissioner of  
1439 probation, may designate 1 probation officer to serve as chief probation officer and may  
1440 designate other probation officers to serve as assistant chief probation officers, as the first justice  
1441 deems necessary for the effective administration of justice.

1442 A first justice may recommend to the commissioner of probation the initiation of  
1443 disciplinary proceedings against a probation officer so promoted under this section; provided,  
1444 however, that such probation officer shall receive a hearing by the commissioner of probation  
1445 prior to being discharged; and provided further, that such probation officer may appeal any  
1446 suspension, discipline or discharge to the chief justice for administration and management.

1447 (n) The compensation of probation officers in the trial court shall be paid by the  
1448 commonwealth according to schedules established in section 99B or in a provision of an  
1449 applicable collective bargaining agreement.

1450 (o) All probation officers shall devote their full time and attention to the duties of their  
1451 office during regular business hours.

1452 (n) all personnel standards developed under this section shall ensure that all appointments,  
1453 promotions and increases in compensation of personnel within the trial court are merit based and  
1454 maintain internal and external integrity with regard to their processes. Such standards shall be  
1455 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

1458 appear, and inserting in place thereof, in each instance, the following words:- court  
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  
1465 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:-

1473           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  
1481 office of probation and to each administrative unit of the office. The commissioner shall serve a  
1482 term of 5 years and may be reappointed. The commissioner shall receive such salary as may be  
1483 determined by law and shall devote full time to the duties of the office. In the case of an absence  
1484 or vacancy in the office of the commissioner or in the case of disability as determined by the  
1485 chief justice for administration and management, the chief justice may designate an acting  
1486 commissioner to serve as commissioner until the vacancy is filled or the absence or disability  
1487 ceases. The acting commissioner shall have all of the powers and duties of the commissioner and  
1488 shall have similar qualifications as the commissioner.

1489           Subject to the approval and consent of the chief justice for administration and  
1490 management, the commissioner may appoint such deputies, supervisors and assistants as may be  
1491 necessary for the performance of the commissioner's duties. The deputies, supervisors and  
1492 assistants shall, subject to appropriation, receive salaries to be fixed by the chief justice for  
1493 administration and management. The commissioner shall perform such duties and  
1494 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:

1497           (i) the supervision and evaluation of all probation programs within the trial court;

1498           (ii) the evaluation of the probation service in each court of the commonwealth;

1499 (iii) the compilation, evaluation and dissemination of statistical information on crime,  
1500 delinquency and appropriate probate and family court matters available in the commissioner's  
1501 records;

1502 (iv) the recruitment, training and educational development of probation officers;

1503 (v) the evaluation of the work performance of probation officers; and

1504 (vi) planning, initiation and development of volunteer, diversion and other programs in  
1505 consultation with probation officers throughout the commonwealth.

1506 Section 98A. There shall be a board to advise the commissioner of probation and the  
1507 chief justice for administration and management. The board shall make recommendations on the  
1508 management of the office of probation. The board shall consist of 9 members to be appointed by  
1509 the supreme judicial court: 2 persons who have significant experience in criminal justice, 2  
1510 persons who have significant experience in public policy, 2 persons who have significant  
1511 experience in management, 1 person who has significant experience in human resources  
1512 management, 1 person who is a member of the Massachusetts bar with active status and 1 person  
1513 with significant experience as a probation officer. Upon the expiration of the term of any  
1514 appointive member, the member's successor shall be appointed in a like manner for a term of 3  
1515 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  
1517 a term of 3 years.

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  
1520 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  
1524 expenses actually and necessarily incurred in the discharge of their official duties. The chief  
1525 justice for administration and management shall serve as the executive secretary of the board and  
1526 the office of probation shall provide, at the request of the board, detailed reports regarding the  
1527 work of probation in the court.

1528 The board shall advise the commissioner of probation and the chief justice for  
1529 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  
1531 management and shall forward such recommendations to the house and senate committees on  
1532 ways and means.

1533 Section 99. The commissioner shall have executive control and supervision of the  
1534 probation service and shall have the power to:

1535 (1) supervise the probation work in all of the courts of the commonwealth and, for  
1536 such purposes, the commissioner and the commissioner's staff shall have access to all probation  
1537 records of those courts;

1538 (2) subject to the approval of the chief justice for administration and management,  
1539 establish reports and forms to be maintained by probation officers, establish procedures to be  
1540 followed by probation officers and establish standards and rules of probation work, including  
1541 methods and procedures of investigation, mediation, supervision, case work, record keeping,  
1542 accounting and caseload and case management;

1543           (3)     promulgate rules and regulations concerning probation officers or offices;  
1544 provided, however, that such rules and regulations shall be approved in writing by the chief  
1545 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  
1555 probation officers, such programs to be held at such times and for such periods as the  
1556 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,  
1567 that the traveling expenses of trial court justices or probation officers authorized by the chief  
1568 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:-

1572           Section 98. There shall be an office of probation which shall be under the supervision,  
1573 direction and control of a commissioner of probation. The commissioner shall be appointed, and  
1574 may be removed, by the chief justice of the trial court and the court administrator, with the  
1575 advice of the chief justice of the juvenile court, the chief justice of the superior court, the chief  
1576 justice of the district court, the chief justice of the probate and family court and the chief justice  
1577 of the Boston municipal court. The commissioner shall be a person of skill and experience in the  
1578 field of criminal justice. The commissioner shall be the executive and administrative head of the  
1579 office of probation and shall be responsible for administering and enforcing the laws relative to  
1580 the office of probation and to each administrative unit of the office. The commissioner shall  
1581 serve a term of 5 years and may be reappointed. The commissioner shall receive such salary as  
1582 may be determined by law and shall devote full time to the duties of the office. In the case of an  
1583 absence or vacancy in the office of the commissioner, or in the case of disability as determined  
1584 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  
1587 qualifications as the commissioner.

1588           Subject to the approval and consent of the court administrator, the commissioner may  
1589 appoint such deputies, supervisors and assistants as may be necessary for the performance of the  
1590 commissioner's duties. The deputies, supervisors and assistants shall, subject to appropriation,  
1591 receive salaries to be fixed by the court administrator. Subject to the approval and direction of  
1592 the court administrator, the commissioner shall perform such duties and responsibilities as  
1593 otherwise provided by law or as designated from time to time by the chief justice of the trial  
1594 court and the court administrator. The commissioner shall make recommendations to the chief  
1595 justice of the trial court and the court administrator on:

1596           (i) the supervision and evaluation of all probation programs within the trial court;

1597           (ii) the evaluation of the probation service in each court of the commonwealth;

1598           (iii) the compilation, evaluation and dissemination of statistical information on crime,  
1599 delinquency and appropriate probate and family court matters available in the commissioner's  
1600 records;

1601           (iv) the recruitment, training and educational development of probation officers;

1602           (v) the evaluation of the work performance of probation officers; and

1603           (vi) planning, initiation and development of volunteer, diversion and other programs in  
1604 consultation with probation officers throughout the commonwealth.

1605           Section 98A. There shall be a board to advise the commissioner of probation and the  
1606 court administrator. The board shall make recommendations on the management of the office of

1607 probation. The board shall consist of 9 members to be appointed by the supreme judicial court: 2  
1608 persons who have significant experience in criminal justice, 2 persons who have significant  
1609 experience in public policy, 2 persons who have significant experience in management, 1 person  
1610 who has significant experience in human resources management, 1 person who is a member of  
1611 the Massachusetts bar with active status and 1 person with significant experience as a probation  
1612 officer. Upon the expiration of the term of any appointive member, the member's successor shall  
1613 be appointed in a like manner for a term of 3 years. In making their initial appointments, the  
1614 supreme judicial court shall appoint 2 members to serve for a term of 1 year, 4 members to serve  
1615 for a term of 2 years and 3 members to serve for a term of 3 years.

1616           A person appointed to fill a vacancy on the board shall be appointed in like manner and  
1617 shall serve for only the unexpired term of the former member. No member shall serve for more  
1618 than 2 full terms. The board shall annually elect 1 of its members to serve as chair and 1 of its  
1619 members to serve as vice-chair. The chair shall hold regular meetings and shall notify the board  
1620 members of the time and place of the meetings.

1621           Members of the board shall serve without compensation but shall be reimbursed for their  
1622 expenses actually and necessarily incurred in the discharge of their official duties. The court  
1623 administrator shall serve as the executive secretary of the board and the office of probation shall  
1624 provide, at the request of the board, detailed reports regarding the work of probation in the court.

1625           The board shall advise the commissioner of probation and the court administrator on all  
1626 matters of probation reform. The board shall make recommendations to the commissioner of  
1627 probation and the court administrator and shall forward such recommendations to the house and  
1628 senate committees on ways and means.

1629           Section 99. The commissioner shall have executive control and supervision of the  
1630 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;

1634           (2)     subject to the approval of the chief justice of the trial court, establish reports and  
1635 forms to be maintained by probation officers, establish procedures to be followed by probation  
1636 officers and establish standards and rules of probation work, including methods and procedures  
1637 of investigation, mediation, supervision, case work, record keeping, accounting and caseload and  
1638 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;

1647           (5)     receive all notices of intended disciplinary action against a probation officer or  
1648 supervising probation officer, including reprimand, fine, suspension, demotion or discharge, that  
1649 may be initiated by a first justice, supervisor or chief probation officer;

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.

1664 SECTION 125. Said chapter 276 is hereby further amended by inserting after section 99E, as  
1665 appearing in the 2008 Official Edition, the following section:-

1666           Section 99F. (a) The commissioner of probation shall establish a performance  
1667 measurement system for the office of probation and any private organizations under contract  
1668 with the commonwealth to perform services as part of a probationary sentence. The  
1669 commissioner shall annually establish program goals, measure program performance against  
1670 those goals and report publicly on the progress to improve the effectiveness of probation

1671 programs. The commissioner shall determine the appropriate measures and standards of  
1672 performance in all categories and reporting on performance trends. Clear measurements shall be  
1673 developed and effectuated while ensuring that no undue administrative burden is placed on  
1674 agencies and organizations subject to this section. The performance measurement system shall  
1675 require each division to develop a strategic plan for program activities and performance goals.

1676 (b) Performance measurements shall include, but not be limited to, the recidivism and  
1677 violation rate for probationers, probationers' compliance with court orders, the effectiveness of  
1678 the probation departments' provision of information to the court and any other measurements  
1679 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.

1683 (d) The commissioner shall use the performance measurements established under this  
1684 section to determine the quality of service of all private entities. The results of such performance  
1685 measures shall be criteria used in negotiating any contracts, and contracts with private  
1686 organizations not meeting their performance goals shall be publicly bid upon their expiration.  
1687 Renewal contracts may also provide incentives to reward reporting in compliance with  
1688 performance measurements and to reward achievement of specific performance goals.

1689 (e) The commissioner may consider applications for rehabilitative pilot programs that  
1690 incorporate evidence based correctional practices. Said applications shall encourage partnerships  
1691 with the state and can demonstrate an ability to leverage federal and/or private grant  
1692 opportunities.

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

1695 (g) The commissioner shall report regularly to the public on the progress the office and  
1696 its divisions are making at achieving stated goals. The report on performance measurements shall  
1697 be published annually and made available to the public not later than December 31. The report  
1698 shall also be filed annually with the clerks of the house of representatives and the senate, the  
1699 chairs of the house and senate committees on ways and means, the house and senate chairs of the  
1700 joint committee on public safety and homeland security and the house and senate chairs of the  
1701 joint committee on the judiciary. The commissioner shall be responsible for reporting publicly  
1702 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.

1705 SECTION 126. Item 0330-0300 of section 2 of said chapter 68 of the acts of 2011 is hereby  
1706 amended by adding the following words:- ; provided further, the trial court shall employ no  
1707 more administrative personnel in fiscal year 2012 than were employed in fiscal year 2011;  
1708 provided further that the trial court shall report quarterly to the house and senate committees on  
1709 ways and means on the number of administrative personnel employed by each department of the  
1710 trial and the salary of administrative personnel employed by each department of the trial court;  
1711 and provided further that the trial court shall not use any appropriations for salary increases for  
1712 administrative personnel unless possible through existing appropriations; not be used for salary  
1713 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  
1716 removed perform, so far as practicable, the duties prescribed for the respective office until the  
1717 end of their current term; provided, however, that this section shall not limit or restrict  
1718 administrative authorities in exercising supervision of, or control over, their employees, or in  
1719 assigning related, incidental, or emergency duties to them.

1720 SECTION 127. Notwithstanding any general or special law to the contrary, the court  
1721 administrator shall identify administrative activities and functions common to the separate  
1722 officers, divisions, and departments within the trial court for consolidation in order to improve  
1723 administrative efficiency and preserve fiscal resources and shall, subject to the review of the  
1724 court management advisory board established pursuant to section 6A of chapter 211B of the  
1725 General Laws, make recommendations to the supreme judicial court as to the designation of such  
1726 functions as ‘core administrative functions’; provided, however, that common functions that  
1727 shall be designated core administrative functions shall include, but not be limited to, human  
1728 resources, financial management, information technology, legal, procurement and asset  
1729 management.

1730 SECTION 128. Notwithstanding any general or special law to the contrary, on December 31 and  
1731 annually thereafter, the court management advisory board established pursuant to section 6A of  
1732 chapter 211B of the General Laws shall report to the supreme judicial court, the joint committee  
1733 on the judiciary, the joint committee on state administration, and the house and senate  
1734 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

1736 trial court, including but not limited to consolidation of core administrative functions, and  
1737 proposed legislation to effectuate the recommendations contained in said report.

1738 SECTION 129. Notwithstanding any general or special law to the contrary, the incumbent of the  
1739 office of commissioner of probation designated under section 98 of chapter 276 of the General  
1740 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.

1742 SECTION 130. Notwithstanding any general or special law to the contrary, the chief justice of  
1743 the trial court, together with the court administrator, shall submit a report to the joint committee  
1744 on the judiciary and the house and senate committees on ways and means 90 days prior to the  
1745 temporary closure or the temporary relocation of courthouses; provided further that said report  
1746 shall include, but not be limited to, the transfer of personnel, the reallocation of resources, the  
1747 impact on other courthouses resulting from the temporary closure of said court and other factors  
1748 that may affect implementation of said temporary closure.

1749 SECTION 131. The court administrator shall conduct a study exploring the feasibility of  
1750 allowing payment of fees, fines, costs, assessments and other monies collected by any  
1751 department of the trial court to be made with a credit card. The court administrator shall prepare  
1752 a report on the findings, including recommendations and legislation necessary to effectuate those  
1753 recommendations, by filing the same with the clerks of the house of representatives and the  
1754 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,  
1759 2012.