

SUPREME JUDICIAL COURT

Boston, Massachusetts 02108

NOTICE OF APPROVAL

Notice is hereby given that the Supreme Judicial Court has approved and promulgated rules as further indicated below.

RALPH D. GANTS
Chief Justice

-
1. Court submitting Rules for Approval:

Commission on Judicial Conduct

2. Date Rules Submitted for Approval:

December 12, 2014

3. Date Approved & Promulgated by the Supreme Judicial Court:

January 29, 2015

4. Rule or Rules, or Amendments Thereto, Approved and Promulgated:

Amendments to Rule 1 and Rule 6 of the Rules of the
Commission on Judicial Conduct, as attached.

5. Effective Date:

March 1, 2015

(The original of this notice is to be filed in the office of the Clerk of the Supreme Judicial Court for the Commonwealth, and a copy to be sent by the Clerk to the court which requested approval of the rules.)



The Commonwealth of Massachusetts
COMMISSION ON JUDICIAL CONDUCT

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December 12, 2014

The Honorable Robert J. Cordy
Associate Justice of the Supreme Judicial Court
Chair of the Supreme Judicial Court Rules Committee
John Adams Courthouse
One Pemberton Square, Suite 2200
Boston, MA 02108

Re: Amendments to the Rules of the Commission on Judicial Conduct

Dear Justice Cordy:

Pursuant to M.G.L. c. 211C, sec. 3(1), the Commission on Judicial Conduct respectfully submits the enclosed proposed amendments to Rules 1 and 6 of the Rules of the Commission on Judicial Conduct for the Court's consideration.

The proposed amendment to Rule 1 will permit the Commission to adopt a broader definition of the term "complainant," for purposes of its rules and enabling statute. This amendment will permit the Commission to provide a person or entity who has reported judicial conduct to a third party, rather than to the Commission, with information regarding the status and disposition of any complaint that results from such a report.

The proposed amendments to Rule 6 reflect the replacement of the position of Chief Justice for Administration and Management with Chief Justice of the Trial Court, pursuant to M.G.L. c. 93, sec. 137.

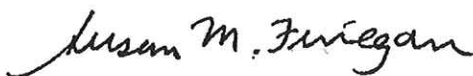
The Commission invited public comments on these proposed amendments by issuing a press release on October 24, 2014. This press release was distributed to major Massachusetts newspapers including the *Boston Globe*, the *Boston Herald*, and *Massachusetts Lawyers Weekly*. This press release was also distributed to the Chief Justice of each court department. The Commission also posted a public notice inviting comments in the October 27, 2014 edition of *Massachusetts Lawyers Weekly*. The Commission's press release and public notice both directed readers to a detailed



description of the proposed amendments and provided readers with instructions regarding how to make comments on the proposed amendments. The press release and the public notice both indicated that any comments regarding the amendments were due on or before November 30, 2014. The Commission did not receive any comments regarding these proposed amendments.

The Commission on Judicial Conduct respectfully recommends that the Court adopt these proposed amendments. If you have any questions or comments, please feel free to contact Executive Director Howard V. Neff, III.

Very truly yours,

A handwritten signature in cursive script that reads "Susan M. Finegan".

Susan M. Finegan
Chairman

Enclosure

cc: Ms. Christine P. Burak, Esq., Legal Counsel to the Chief Justice of the SJC (with enclosure)
Mr. Howard V. Neff, III, Esq. (with enclosure)

Proposed Amendments to the Rules of the Commission on Judicial Conduct

Original Language = regular typeface

Strikethrough = removed

Bold = addition to rule

RULE 1. DEFINITIONS

RULE 1.D. "Complainant" means a person or entity who has communicated to the Commission a complaint against a judge. **The Commission may also, in its discretion, treat as a complainant, for purposes of notice and any other rights afforded to a complainant under these rules, a person or entity who has reported judicial conduct to a third party, although not directly to the Commission, provided that such person or entity is or was directly affected by the conduct.**

RULE 6. COMMISSION PROCEEDINGS: INITIAL STAGES; GENERAL PROVISIONS

RULE 6.R. Recommendation Concerning Assignment. At any time the Commission may recommend to the Supreme Judicial Court, or to the Chief Justice ~~of for Administration and Management~~ **the Trial Court** and the appropriate Chief Justice, the non-assignment or special assignment of a judge, pending the final disposition of a proceeding. The Commission shall state the reasons for its recommendation. A copy of any such recommendation shall be sent by the Commission to the judge.

RULE 6.S. Consultation. In the course of a proceeding, the Commission may consult with the Chief Justice ~~of for Administration and Management~~ **the Trial Court** and the appropriate Chief Justice about administrative matters.