

JUDICIAL QUALIFICATION GUIDELINES

M.G.L. Chapter 23E Section 9.

There shall be an Industrial Accident Nominating Panel to consist of thirteen members. The panel shall include the Governor's Legal Counsel, the Secretary of Labor and Workforce Development, the Director of Economic Development, the Director of the Department and the Senior Judge, and eight members to be appointed by the governor, two of whom shall be representatives of business, two of whom shall be representatives of organized labor, one of whom shall be a health care provider, one of whom shall be an attorney who represents claimants in workers' compensation matters, one of whom shall be an attorney who represents employers or insurers in workers' compensation matters, and one of whom shall be an attorney who does not practice workers' compensation law. One of the representatives of business shall be the president of the Associated Industries of Massachusetts, or his designee, and one of the representatives of organized labor shall be the president of the Massachusetts AFL-CIO, or his designee. All members of the nominating panel shall serve at the pleasure of the governor.

Nominating Panel: The panel considers an applicant's skill in fact finding and the understanding of anatomy and physiology. When a judicial position (Administrative Judge and Administrative Law Judge) becomes available, the Nominating Panel convenes to review applications for appointment and reappointment. In addition, an Administrative Judge must have a minimum of a college degree or four years of writing and an Administrative Law Judge must be a Massachusetts attorney (or formerly served as an AJ). Consideration for reappointment includes review of a judge's written decisions, as well as the Senior Judge's evaluation of the applicant's judicial demeanor, average time for disposition of cases, total number of cases heard and decided, and appellate record.

Advisory Council Review: Any information regarding a candidate compiled by the Nominating Panel shall be forwarded to the Governor and to the Workers' Compensation Advisory Council. The Advisory Council reviews these candidates either through a formal interview or a "paper review." On the affirmative vote of at least seven voting members (voting by proxy is prohibited), the Advisory Council may rate any candidate as either "qualified," "highly qualified", or "unqualified." This rating is then forwarded to the Governor's Chief Legal Counsel within one week from the time a candidate's name was transmitted to the Council from the Nominating Panel.