

SENATE No. 942

By Mr. Sisitsky, a petition (accompanied bill, by Senate, No. 942) of Alan D. Sisitsky and Sean F. Cahillane for legislation to establish a commission on judicial conduct. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Five.

AN ACT ESTABLISHING A COMMISSION ON JUDICIAL CONDUCT.

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

1 The General Laws are amended by adding after chapter
2 211A the following new chapter: —

3 Chapter 211B. Commission on Judicial Conduct.

4 *Section 1.* There shall be a Commission on Judicial Conduct
5 consisting of seven members, two shall be appointed by the
6 Chief Justice of the Supreme Judicial Court, three shall be
7 appointed by the Governor, none of whom shall be members
8 of the bar, and two shall be appointed by the Board of Gov-
9 ernors of the Massachusetts Bar Association. No member shall
10 be a judge or justice of any court within the commonwealth.
11 The members of the commission shall serve without com-
12 pensation, but shall be reimbursed for all expenses reasonably
13 incurred by them in the performance of their duties. Com-
14 mission membership terminates if a member ceases to be
15 qualified for his appointment. A vacancy shall be filled by the
16 appointing power for the remainder of the term.

17 Members initially appointed hereunder by the Chief Justice
18 of the Supreme Judicial Court shall serve respectively for one
19 and three years from the dates of their appointments. Mem-
20 bers initially appointed hereunder by the Governor shall serve
21 respectively for one, two and three years from the dates of
22 their appointments. Members initially appointed hereunder
23 by the Board of Governors of the Massachusetts Bar Associa-
24 tion shall serve respectively for two and four years from the

25 dates of their appointments. Upon the expiration of the term
26 of office of a member, his successor shall be appointed in the
27 manner aforesaid for four years.

28 *Section 2.* The commission shall investigate, upon complaint
29 of any person other than from its own membership, the action
30 of any judge that may, by consequence of: willful misconduct
31 in office, willful or persistent failure to perform his duties,
32 habitual intemperance or other conduct prejudicial to the ad-
33 ministration of justice that brings the judicial office into dis-
34 repute; constitute breach of the Canons of Judicial Ethics as
35 promulgated by the Supreme Judicial Court. Upon completion
36 of any investigation, the commission shall recommend an ap-
37 propriate disposition of the matter under investigation. If the
38 commission recommendation requires action by the Supreme
39 Judicial Court or by the General Court, the commission shall
40 forthwith report its recommendations to the appropriate body
41 for consideration and further action. Unless and until such a
42 report is required, all commission proceedings shall be con-
43 fidential.

44 *Section 3.* The commission shall appoint an executive sec-
45 retary who shall serve at the pleasure of the commission. The
46 executive secretary shall receive an annual salary of \$25,000
47 and such expenses as approved by the commission which are
48 incurred by him in the discharge of his duties. Such executive
49 secretary shall devote his entire time during ordinary business
50 hours to his duties and shall not directly or indirectly engage
51 in the practice of law.

52 *Section 4.* The commission shall be provided with adequate
53 offices and may appoint such other assistants, investigators
54 and clerical assistance which are determined necessary to
55 carry out the provisions of this chapter. The commission
56 shall be allowed for such purposes annually such amount as
57 shall be appropriated by the General Court, to be paid by the
58 commonwealth upon the certification of the Chairman who
59 shall be elected by the members.

60 *Section 5.* The commission shall make rules implementing
61 this chapter and providing for the confidentiality of its pro-
62 ceedings.

63 *Section 6.* Subject to the rules of said commission, the com-

64 mission shall have the power to issue summonses and other
65 processes for the attendance of any witnesses and the produc-
66 tion of any books, records, papers or documents as may be
67 necessary or desirable to any investigation.

68 *Section 7.* The commission shall render a report annually
69 to the General Court and the Supreme Judicial Court.

It is noted that the report is dated 10/10/70 and that the information was obtained from the review of the files of the [redacted] office. It is noted that the report is dated 10/10/70 and that the information was obtained from the review of the files of the [redacted] office. It is noted that the report is dated 10/10/70 and that the information was obtained from the review of the files of the [redacted] office.

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