

By Mr. Flaherty of Boston, petition of Michael F. Flaherty relative to establishing the office of public defender. The Judiciary.

*The Commonwealth of Massachusetts*

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

AN ACT ESTABLISHING THE OFFICE OF THE PUBLIC DEFENDER.

*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 34D of chapter 221 is hereby further amended by strik-  
2 ing out the fourth paragraph as appearing in section 1 of chapter  
3 366 of the acts of 1962 and inserting in place thereof the following  
4 new paragraph: —

5 The committee shall adopt such rules and regulations as may be  
6 necessary for the conduct of its affairs and may from time to time  
7 amend or revise the same. Said rules and amendments thereof shall  
8 be subject to the approval of the justices of the supreme judicial  
9 court. The committee shall appoint a chief counsel who shall carry  
10 out such duties as the committee may authorize, including the cer-  
11 tification of payments under section twenty of chapter twenty-  
12 nine. The chief counsel shall receive from the commonwealth a  
13 salary equal to that of the district attorneys, pursuant to section fif-  
14 teen of chapter twelve. Said committee shall also appoint such  
15 other attorneys and employees as may be necessary to carry out its  
16 duties and shall provide suitable accommodations throughout the  
17 commonwealth. Said committee shall establish the salaries of the  
18 other attorneys and employees within the committee, provided,  
19 however, that salaries of attorneys shall be commensurate with the  
20 salaries of assistant district attorneys in similar positions, pursuant  
21 to section sixteen of chapter twelve, and provided, however, that  
22 the salaries of said attorneys and other employees shall not exceed  
23 the sum appropriated by the general court. The chief counsel and

24 all other attorneys of the committee shall devote their entire time  
25 during ordinary business hours to their duties and shall neither  
26 directly nor indirectly engage in the private practice of law. The  
27 chief counsel, attorneys, and other employees appointed by the  
28 committee shall not be subject to the provisions of chapter thirty-  
29 one.