

By Ms. McGovern, a petition (accompanied by bill, Senate, No. 956) of Patricia McGovern for legislation to authorize the granting of leaves of absence to justices of the Appeals Court and the Trial Court. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING SABBATICALS FOR JUSTICES OF THE APPEALS COURT
AND THE TRIAL COURT.

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 211A of the General Laws, as appearing
2 in the 1986 Official Edition, is hereby amended by inserting after
3 section 16 the following section: —

4 Section 17. The chief justice of the appeals court may, subject
5 to the approval of the chief justice of the supreme judicial court,
6 grant a leave of absence for study, research, teaching, or such other
7 reason as said chief justice of the appeals court deems appropriate
8 to the improved administration of justice, to an associate justice
9 of said appeals court, said leave to be for a period not to exceed
10 one year. Any such leave of absence shall be at full pay if its
11 duration is six months or less, and at half pay if its duration
12 exceeds six months. Time spent on leave of absence shall be
13 credited to the judge for retirement purposes. The chief justice in
14 approving such leaves shall consider the speedy dispatch of
15 judicial business. The chief justice of the appeals court, in
16 consultation with the supreme judicial court, shall establish and
17 promulgate standards governing the approval of such leaves
18 including procedures for the submission and disposition of
19 requests for leave.

20 No leave of absence under this section shall be granted prior
21 to the seventh year of service or within one year of retirement.
22 A justice granted a leave of absence under this section shall not

23 be eligible to take another leave of absence until the expiration
24 of seven years following his return to judicial duties.

25 All statutory requirements and rules of court pertaining to
26 justices shall continue to be applicable to a justice while he is on
27 a leave of absence pursuant to this section.

1 SECTION 2. Said chapter 211B of the General Laws, as so
2 appearing, is hereby amended by inserting after section 17 the
3 following section: —

4 Section 18. An administrative justice of the trial court may,
5 subject to the approval of the chief administrative justice, grant
6 a leave of absence for study, research, teaching, or such other
7 reason as said administrative justice deems appropriate to the
8 improved administration of justice, to a judge of said department,
9 said leave to be for a period not to exceed one year. Any such
10 leave of absence shall be at full pay if its duration is six months
11 or less, and at half pay if its duration exceeds six months. Time
12 spent on leave of absence shall be credited to the judge for
13 retirement purposes. The chief administrative justice in approving
14 such leaves shall consider the speedy dispatch of judicial business,
15 including reassignment of judges pursuant to section nine. The
16 chief administrative justice, in consultation with the administra-
17 tive justices, shall establish and promulgate standards governing
18 the approval of such leaves including procedures for the
19 submission and disposition of requests for leave.

20 No leave of absence under this section shall be granted prior
21 to the seventh year of service or within one year of retirement.
22 A judge granted a leave of absence under this section shall not
23 be eligible to take another leave of absence until the expiration
24 of seven years following his return to judicial duties.

25 All statutory requirements and rules of courts pertaining to
26 judges shall continue to be applicable to a judge while he is on
27 a leave of absence pursuant to this section.