

HOUSE No. 5781

The Commonwealth of Massachusetts

House of Representatives, June 3, 1970.

The committee on Bills in the Third Reading, to whom was referred the Bill concerning the Judicial Council (House, No. 618), report recommending that the same be amended by the substitution of the accompanying bill (House, No. 5781).

For the committee,

RAYMOND M. LaFONTAINE.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT ENLARGING THE SCOPE AND FUNCTIONS OF THE JUDICIAL COUNCIL.

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 221 of the General Laws is hereby
2 amended by striking out section 34A, as appearing in the
3 Tercentenary Edition, and inserting in place thereof the following
4 section: —

5 *Section 34A.* There shall be a judicial council for the contin-
6 uous study of the organization, rules and methods of procedure
7 and practice of the judicial system of the commonwealth, the
8 work accomplished, and the results produced by that system and
9 its various parts. Said council shall be composed of the chief
10 justice of the supreme judicial court or some other justice or
11 former justice of that court appointed from time to time by him;
12 the chief justice of the superior court or some other justice or
13 former justice of that court appointed from time to time by him;
14 the judge of the land court or some other judge or former judge
15 of that court appointed from time to time by him; the chief
16 justice of the municipal court of the city of Boston or some other
17 justice or former justice of that court appointed from time to
18 time by him; the chief judge of the probate courts of the
19 commonwealth or some other judge of probate appointed from
20 time to time by him; the chief justice of the district courts of the
21 commonwealth or some other justice of a district court appointed
22 from time to time by him, and not more than four members of
23 the bar all to be appointed by the governor, with the advice and
24 consent of the executive council. The appointments by the
25 governor shall be for such periods, not exceeding four years, as he

26 shall determine. Said council shall investigate and evaluate the
27 reasonable needs of the judiciary on a continuing basis so as to
28 insure that the court functions at maximum efficiency, and
29 thereafter to recommend the necessary legislation in regard
30 thereto. The council shall engage in a continuing examination of
31 the law of the commonwealth with a view to recommending such
32 changes as it deems necessary to modify inequitable rules of law,
33 to correct deficiencies which frustrate the objectives of the law,
34 and to bring the law into harmony with modern conditions. The
35 council shall receive proposed changes recommended by the
36 American Law Institute, the National Conference of Commis-
37 sioners on Uniform State Laws, bar associations, judges, lawyers,
38 members of the general court, house and senate counsel, public
39 officials, as well as any other individuals or groups.

1 SECTION 2. Section 34C of said chapter 221, as amended by
2 chapter 601 of the acts of 1947, is hereby further amended by
3 striking out the last sentence and inserting in place thereof the
4 following sentence: - The secretary of said council, whether or
5 not a member thereof, shall receive from the commonwealth a
6 salary of ten thousand dollars.

