

HOUSE No. 6024

The Commonwealth of Massachusetts

House of Representatives, July 28, 1970.

The committee on the Judiciary, to whom was referred so much of the message from His Honor the Lieutenant-Governor, Acting Governor, recommending legislation for the elimination of special justices in district courts, providing ten additional justices in the Superior Court and creating the permanent advisory commission on the needs of the judiciary (House, No. 5733) as relates to creating the permanent advisory commission on the needs of the judiciary (App. C), report the accompanying bill (House, No. 6024).

For the committee,

CORNELIUS F. KIERNAN.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT CREATING THE PERMANENT ADVISORY COMMISSION ON THE NEEDS OF THE JUDICIARY.

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. There shall be a permanent advisory commission
2 on the needs of the Judiciary composed of:

3 (a) the attorney general of the Commonwealth or his
4 designee;

5 (b) the chief justice of the supreme judicial court or his
6 designee;

7 (c) the chief justice of the superior court or his designee;

8 (d) the chief justice of the district courts or his designee;

9 (e) the chief justice of the municipal court of the City of
10 Boston or his designee;

11 (f) the chief judge of the probate court or his designee;

12 (g) the Senate and House Chairmen of the joint committee
13 on counties;

14 (h) the Senate and House Chairmen of the Joint Committee
15 on the Judiciary;

16 (i) and seven members appointed by the Governor, of whom
17 not less than three nor more than five shall be members of the
18 bar of this Commonwealth.

19 Of the initial appointments to the commission to be made by the
20 governor, two shall be for a period of one year; two for a period
21 of two years; two for a period of three years; and one for a
22 period of four years. Thereafter, subject to the provision of
23 section ten of chapter thirty of the general laws, all appointments
24 by the governor shall be for a period of four years. Members may
25 be appointed to succeed themselves.

1 SECTION 2. It shall be the duty of the commission:

2 (a) to analyze and study continuously the organization,
3 administration and operations of the judicial department of the
4 commonwealth and those other agencies and offices connected
5 with the administration of justice including, but not limited to,
6 the offices of the attorney general, the several district attorneys,
7 the sheriffs of the several counties and the Massachusetts
8 defenders committee;

9 (b) to receive and, in its discretion, consider and investigate
10 suggestions from judges, public officers, members of the bar and
11 others as to the improvement of the administration of justice in
12 the commonwealth;

13 (c) to assess and evaluate the organizational, procedural,
14 physical and personnel requirements of the judicial system and to
15 ascertain equitable levels of compensation for judges, clerks,
16 probation officers, stenographers and other employees of the
17 judicial department and for those members of the staffs of those
18 other agencies and offices connected with the administration of
19 justice including, but not limited to, the offices of the attorney
20 general, the several district attorneys, the sheriffs of the several
21 counties and the Massachusetts defenders committee;

22 (d) to serve as a liaison and coordinating agency between the
23 three branches of government on matters affecting the organiza-
24 tion, operations and administration of the judicial department;

25 (e) to submit from time to time for the consideration of the
26 general court, the judicial department, the governor or any other
27 officer, agency or department of the commonwealth, either upon
28 the request of any of them or upon its own motion, and to the
29 public such information or recommendations as it may deem
30 advisable with regard to rules of practice and procedure or
31 methods of judicial administration, the utilization of personnel
32 and facilities or upon any other matters pertaining to the
33 efficient administration of justice in the commonwealth;

34 (f) to issue a report annually on or before the first
35 Wednesday in December to the governor, the general court and
36 the supreme judicial court of all its proceedings, including such
37 information, recommendations and drafts of legislation as it
38 deems advisable.

1 SECTION 3. The commission shall meet annually in Boston
2 on the second Wednesday in September, at which time it shall

3 elect a chairman for the forthcoming calendar year from among
4 the members appointed by the governor under section (i) of
5 section one. Other meetings, either regular or special, may be
6 convened by order of the chairman or provided for by the rules
7 adopted by the commission. The commission may form such
8 committees and make, and from time to time modify, such rules
9 for the conduct of its business as it deems necessary.

1 SECTION 4. No member of the commission except as
2 hereinafter provided, shall receive any compensation for his
3 services, but the commission and the several members thereof
4 shall be allowed from the state treasury out of any appropria-
5 tions made for that purpose such reasonable and necessary
6 reimbursement for clerical and other services, for travel within
7 and outside of the commonwealth and for other incidental
8 expenses as the chairman may approve.

1 SECTION 5. There shall be an executive director of the
2 commission whose duties shall be established by the commission
3 and whose compensation shall be fixed by the commission out of
4 any appropriations made for that purpose. The executive director
5 shall serve at the pleasure of the commission. The executive
6 director shall serve as secretary to the commission and coordinate
7 its activities with those of other organizations and individuals
8 concerned with the improvement of the administration of justice
9 in the commonwealth.

10 The commission may employ, discharge, establish the working
11 conditions and fix the salaries and compensation out of any
12 appropriations made for that purpose of such other assistants as
13 it deems advisable.