

HOUSE No. 5324

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 5, 1969.

The committee on Bills in the Third Reading, to whom was referred the Bill to enlarge the scope and functions of the Judicial Council (House, No. 518), report recommending that the same be amended by the substitution of the accompanying bill (House, No. 5324).

For the committee,

BARRY T. HANNON.

The Commonwealth of Massachusetts

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

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
4 following section:—

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

27 ing four years, as he shall determine. Said council shall
28 investigate and evaluate the reasonable needs of the judiciary
29 on a continuing basis so as to insure that the court functions
30 at maximum efficiency, and thereafter to recommend the
31 necessary legislation in regard thereto. The council shall
32 engage in a continuing examination of the law of the com-
33 monwealth with a view to recommending such changes as it
34 deems necessary to modify inequitable rules of law, to correct
35 deficiencies which frustrate the objectives of the law, and to
36 bring the law into harmony with modern conditions. The
37 council shall receive proposed changes recommended by the
38 American Law Institute, the National Conference of Com-
39 missioners on Uniform State Laws, bar associations, judges,
40 lawyers, members of the general court, house and senate
41 counsel, public officials, as well as any other individuals or
42 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
4 the following two sentences:—The secretary of said council,
5 whether or not a member thereof, shall receive from the
6 commonwealth a salary of ten thousand dollars. ~~The council~~
7 shall be provided with the full time services of a law clerk,
8 who shall be a recent law school graduate and a member of
9 the Massachusetts bar who shall be selected by the secretary,
10 and who shall serve on an annual basis at the pleasure of the
11 council. Said law clerk shall perform legal research, writing,
12 and such other duties as the secretary shall prescribe, and
13 shall receive an annual salary in such an amount as may be
14 appropriated by the general court.

