

By Mr. Scaccia of Boston, petition of Angelo M. Scaccia for legislation to establish a commission on judicial conduct. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT ESTABLISHING A COMMISSION ON JUDICIAL CONDUCT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 The General Laws are amended by adding after chapter 211A
2 the following new chapter: —

Chapter 211B

Commission on Judicial Conduct.

5 Section 1. There shall be a commission on judicial conduct
6 consisting of seven members. Three shall be appointed by the
7 governor, none of whom shall be members of the bar. Two shall
8 be appointed by justices of the supreme judicial court and two
9 by the board of delegates of the Massachusetts bar association.
10 No members shall be a judge or justice of any court within the
11 commonwealth. The members of the commission shall serve
12 without compensation, but shall be reimbursed for all expenses
13 reasonably incurred by them in the performance of their duties.
14 Commission membership terminates if a member ceases to be
15 qualified for his appointment. A vacancy shall be filled by the
16 appointing power for the remainder of the term.

17 Members initially appointed hereunder by the justices of the
18 supreme judicial court shall serve respectively for one and three
19 years from the dates of their appointments. Members initially
20 appointed hereunder by the governor shall serve respectively for
21 one, two and three years from the dates of their appointments.

22 Members initially appointed hereunder by the board of delegates
23 of the Massachusetts bar association shall serve respectively for
24 two and four years from the dates of their appointments. Upon
25 the expiration of the term of office of a member, his successor
26 shall be appointed in the manner aforesaid for four years.

27 *Section 2.* The commission shall investigate, upon complaint
28 of any person other than from its own membership, the action of
29 any judge that may, by consequence of: willful misconduct in
30 office, willful or persistent failure to perform his duties, habitual
31 intemperance or other conduct prejudicial to the administration
32 of justice that brings the judicial office into disrepute; constitute
33 breach of the Canons of Judicial Ethics as promulgated by the
34 supreme judicial court. Upon completion of any investigation,
35 the commission shall recommend an appropriate disposition of
36 the matter under investigation. If the commission recommenda-
37 tion requires action by the supreme judicial court, the general
38 court, or the governor, the commission shall forthwith report its
39 recommendations to the appropriate body for consideration and
40 further action. Unless and until such a report is required, all
41 commission proceedings shall be confidential.

42 The commission shall make rules implementing this chapter
43 and providing for the confidentiality of its proceedings.

44 Subject to the rules of said commission, the commission shall
45 have the power to subpoena witnesses and documents, to order
46 depositions be taken, to administer oaths and affirmations, to
47 compel testimony and shall have such additional powers as are
48 necessary and proper to obtain information and conduct hear-
49 ings.

50 In those matters where the commission determines a hearing is
51 warranted, the complainant and the judge shall be allowed to be
52 heard and to present evidence.

53 *Section 3.* The commission shall appoint an executive secre-
54 tary who shall serve at the pleasure of the commission. The
55 executive secretary shall receive an annual salary of \$20,000 and
56 such expenses as approved by the commission which are incurred
57 by him in the discharge of his duties. Such executive secretary
58 shall devote his entire time during ordinary business hours to his
59 duties and shall not directly or indirectly engage in the practice
60 of law.

61 The commission shall be provided with adequate offices and
62 may appoint such other assistants, investigators and clerical
63 assistance which are determined necessary to carry out the
64 provisions of this chapter. The commission shall be allowed for
65 such purposes annually such amount as shall be appropriated by
66 the General Court, to be paid by the commonwealth upon the
67 certification of the Chairman who shall be elected by the
68 members.

69 *Section 4.* The commission shall submit annually to the
70 general court and the supreme judicial court a report of its
71 activities together with recommendations. This report shall be a
72 matter of public record and shall be printed as a public
73 document.

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