

By Mr. Clancy, a petition (accompanied by bill, Senate, No. 745) of Edward J. Clancy, Jr., W. Paul White and Cheryl A. Jacques for legislation to make technical corrections relative to assistant clerk-magistrates. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Seven.

AN ACT MAKING TECHNICAL CORRECTIONS RELATIVE TO ASSISTANT CLERK-MAGISTRATES.

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

1 Chapter 218 of the General Laws is hereby amended by striking
2 out section 10, as amended by section 481 of chapter 151 of the
3 acts of 1996, and inserting in place thereof the following
4 section:—

5 Section 10. The clerk of a district court may, subject to the
6 approval of the chief justice for administration and management
7 as to compliance with personnel standards promulgated pursuant
8 to section eight of chapter two hundred and eleven B, appoint one
9 or more assistant clerks for whose official acts the clerk shall be
10 responsible, who shall be paid by him unless salaries payable by
11 the commonwealth are authorized in this commonwealth are
12 authorized in this section or in section fifty-three. In courts having
13 one or more assistant clerks, the clerk may designate one as the
14 first assistant clerk. An assistant clerk with salaries payable by the
15 Commonwealth may be appointed in courts the judicial districts
16 of which have, according to the national census last preceding, a
17 population of sixty thousand or more, and in the following dis-
18 tricts:

- 19 second district court of Barnstable
- 20 district court of Southern Berkshire
- 21 district court of Northern Berkshire
- 22 district court of Chicopee

- 23 district court of Eastern Essex
24 district court of Fitchburg
25 district court of Franklin
26 district court of Eastern Hampden
27 district court of Western Hampden
28 district court of Eastern Hampshire
29 district court of Marlborough
30 district court of Natick
31 first district court of Eastern Worcester
32 second district court of Southern Worcester.
33 Two assistant clerks with salaries payable by the
34 Commonwealth may be appointed in:
35 third district court of Barnstable
36 district court of Central Berkshire
37 municipal court of Brookline
38 district court of Holyoke
39 district court of Leominster
40 district court of Central Middlesex
41 first district court of Northern Middlesex
42 district court of Western Norfolk
43 district court of Peabody
44 first district court of Northern Worcester
45 first district court of Southern Worcester
46 district court of Western Worcester.
47 Three assistant clerks with salaries payable by the common-
48 wealth may be appointed in:
49 first district court of Barnstable
50 first district court of Bristol
51 second district court of Bristol
52 fourth district court of Bristol
53 district court of Hampshire
54 first district court of Eastern Middlesex
55 second district court of Eastern Middlesex
56 district court of Newburyport
57 district court of Newton
58 district court of Southern Norfolk
59 third district court of Plymouth.
60 Four assistant-clerks with salaries payable by the Common-
61 wealth may be appointed in:

- 62 municipal court of the Brighton district
63 third district court of Bristol
64 East Boston district court
65 district court of Chelsea
66 first district court of Essex
67 municipal court of the South Boston district
68 municipal court of the Charlestown district
69 central district court of Northern Essex
70 fourth district court of Eastern Middlesex
71 district court of Northern Norfolk
72 second district court of Plymouth
73 fourth district court of Plymouth
74 district court of Somerville.
75 Five assistant clerks with salaries payable by the Common-
76 wealth may be appointed in:
77 district court of Southern Essex
78 district court of Lawrence
79 district court of Lowell.
80 Six assistant clerks with salaries payable by the Commonwealth
81 may be appointed in:
82 district court of Brockton
83 first district court of Southern Middlesex
84 municipal court of the West Roxbury district.
85 Seven assistant clerks with salaries payable by the Common-
86 wealth may be appointed in:
87 municipal court of the Dorchester district.
88 Eight assistant clerks with salaries payable by the Common-
89 wealth may be appointed in:
90 district court of East Norfolk.
91 Nine assistant clerks with salaries payable by the Common-
92 wealth may be appointed in:
93 central district court of Worcester.
94 Ten assistant clerks with salaries payable by the Common-
95 wealth may be appointed in:
96 third district court of Eastern Middlesex
97 municipal court of the Roxbury district court
98 district court of Springfield.
99 One of the ten assistant clerks for the municipal court of the
100 Roxbury district shall be appointed for juvenile sessions.

101 Assistant clerks who were appointed under authority of this
102 section, who are paid by the Commonwealth, and who have held
103 said appointment for three consecutive years prior to the effective
104 date of this act shall hold office during good behavior, but subject
105 to applicable retirement laws, and may be removed from office
106 under procedures authorized by section eight of chapter two hun-
107 dred and eleven B.

108 Each assistant clerk appointed prior to January first, nineteen
109 hundred and eighty-seven under the authority of this section and
110 serving continuously in such appointment thereafter shall be enti-
111 tled to thirty days vacation leave and thirty days sick leave in each
112 calendar year. Any such assistant clerk may accumulate vacation
113 and sick leave not used in any such year; provided, however, that
114 the total amount of vacation days so accumulated shall not exceed
115 sixty and sick leave so accumulated shall not exceed one hundred
116 eighty days; and provided, further, that no additional such days
117 shall be accumulated on or after January first, nineteen hundred
118 and eighty-seven except in accordance with the policies and pro-
119 cedures established by the chief justice for administration and
120 management pursuant to section eight of chapter two hundred and
121 eleven B. All other assistant clerks appointed under the authority
122 of this section shall be entitled to vacation leave and sick leave in
123 accordance with the policies and procedures established by the
124 chief justice for administration and management pursuant to said
125 section eight.

126 In the following courts, one of the assistant clerks shall be des-
127 ignated in charge of six-man jury sessions and shall be paid by the
128 Commonwealth in accordance with the job classification and pay
129 plan established, subject to appropriation, by the chief justice for
130 administration and management:

131 third district court of Eastern Middlesex
132 district court of Lowell
133 first district court of Southern Middlesex at Framingham
134 district court of East Norfolk
135 central district court of Worcester
136 district court of Newburyport
137 district court of Springfield
138 second district court of Plymouth.

139 In the district court of Western Worcester, the central district
140 court of Worcester, the district of Lowell, the district court of East

141 Norfolk and the third district court of Eastern Middlesex, the clerk
142 may designate one of his assistant clerks as assistant clerk in
143 charge of the remand list; said list being for the trial of all cases
144 transferred to said court from the superior court under the provi-
145 sions of section one hundred and two C of chapter two hundred
146 and thirty-one. The salary of said assistant clerk shall be paid by
147 the Commonwealth in accordance with the job classification and
148 pay plan established, subject to appropriation by the chief justice
149 for administration and management.

