

**HOUSE . . . . . No. 1635**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Eugene L. O'Flaherty**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the administration of the courts.

PETITION OF:

NAME:

Eugene L. O'Flaherty

DISTRICT/ADDRESS:

2nd Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1364 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT RELATIVE TO THE ADMINISTRATION OF THE COURTS.

*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. The first paragraph of section 10A of chapter 211B of the General Laws, as appearing in the 2004  
2 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following  
3 sentence:— A first justice, in addition to his judicial powers and duties as a justice of the trial court and in addition  
4 to his general powers of superintendence as a first justice of a particular court within the trial court, shall, subject to  
5 the superintendence authority of the supreme judicial court as provided in section three of chapter 211 and the  
6 administrative authority of the chief justice of the first justice’s department of the trial court, be the administrative  
7 head of his court; provided, however, that clerks, recorders and registers shall have exclusive and sole authority and  
8 responsibility for the internal administration of their respective offices, including hiring, budgeting, personnel, staff  
9 services and record keeping.

10 SECTION 2. Said section 10A of said chapter 211B, as so appearing, is hereby further amended by striking out the  
11 words “the chief justice for administration and management” and inserting in place thereof the following:— an  
12 independent arbitrator agreeable to all parties who shall have authority to render a binding decision.

13 SECTION 3. The second paragraph of section 13 of said chapter 211B, as so appearing, is hereby amended by  
14 adding the following:— provided that the said clerk shall have exclusive and sole authority and responsibility for  
15 preparing that portion of the budget estimate which pertains to salaries of officers and employees within his office.

16 SECTION 4. The fifth paragraph of section 6 of chapter 218 of the General Laws, as appearing in the 2004 Official  
17 Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following  
18 sentence:— As administrative head of his court, said first justice shall be responsible for the management of the  
19 courthouse and shall have control over all personnel employed therein except personnel in the office of the clerk;  
20 provided, however, that the clerk shall have exclusive and sole authority and responsibility for the internal  
21 administration and management of his office, including hiring, budgeting, personnel, staff services and record  
22 keeping.

23 SECTION 5. Said fifth paragraph of said section 6 of said chapter 218, as so appearing, is hereby amended by  
24 striking out the fourth sentence and inserting in place thereof the following sentence:— Any person aggrieved by a  
25 decision of a chief justice under this paragraph may appeal said decision to an independent arbitrator agreeable to all

26 parties who shall have authority to render a binding decision, who shall, within 30 days, hear and determine the  
27 matter.

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