Lawmakers appeared ready Tuesday to fast-track a bill filed by Speaker Robert DeLeo to install a professional administrator to run the business functions of the Trial Court system and to limit the power of recommendations across state government that have become the source of legal and political scrutiny.

A Judiciary Committee hearing on the speaker's proposal lasted just 20 minutes, featuring four speakers supporting the proposal, no opposition, and no questions from the eight lawmakers on hand.

Shortly after the hearing, the committee began polling its members on the bill, asking members to weigh in by 3 p.m. Thursday. If the vote on the bill is favorable, committee co-chairman Rep. Eugene O'Flaherty said the legislation would head to the House Ways and Means Committee. A debate on the bill by the full House is expected next Wednesday, he said.

The relatively subdued hearing contrasted with the furious calls for reform of the judiciary that erupted last fall when an investigation of the Probation Department - a judicial agency - revealed rampant patronage and mismanagement. The results of that investigation eventually led DeLeo to promise sweeping changes to the court system and hiring, culminating in his proposal unveiled last month.

O'Flaherty's co-chair, Sen. Cynthia Creem (D-Newton), told the News Service she had few concerns with the bill and had pushed for portions of the proposal in previous years. Rep. Daniel Winslow (R-Norfolk), a former judge and legal counsel to Gov. Mitt Romney, was the only Republican on hand and asked no questions of witnesses or committee members.

Those speaking in favor of the bill (H 3395) included Denise Squillante, president of the Massachusetts Bar Association, who said the legislation "brings to fruition over 30 years of best practices from the state and nation." She was joined by former association president Leo Boyle.

"This is a principled, good-faith effort to help the judicial branch," Boyle told the committee. "If this bill passes, it will be historic, in my opinion, and in proposing this bill, history is on your side."
Officials from the National Association of Government Employees offered conflicting testimony, with one - Lawrence Dullea, head of NAGE Local 118, assistant chief probation officers - urging the committee to take a go-slow approach on major changes to the court system, and another - David Holloway, president of NAGE - told the committee to approve the bill as quickly as possible. Both expressed support for the substance of the proposals.

"I don't think you can wait one minute longer to get this bill out of this committee," Holloway said. "We are in a crisis in the court system. You really need a professional administrator who can sort of work their way through the minefield. We are entering our sixth year without a contract for probation officers and court officers and associate court officers."

In written testimony submitted to the committee, the ACLU of Massachusetts supported the goals of the legislation but urged the committee to go further and subject the entire judiciary to the public records law.

"Researchers, advocates, and the general public should be entitled to obtain basic data about the operations of court administrative offices, including the office of probation - numbers of probationers, length of probation terms, dispositions of violations, demographic information, etc.," the group wrote. "Without freedom of information, the public and responsible public officials cannot evaluate how well the system operates and how it can be improved."

The speaker's plan would replace the courts' current top administrator - a judge selected by the Supreme Judicial Court - with a professional administrator who would handle leases, budgeting and other non-judicial functions. Under the speaker's bill, the court administrator would be appointed by the Supreme Judicial Court to a five-year term. The administrator would also select the head of the probation department, in consultation with chief judges.

A new "chief justice of the Trial Court," appointed to a five-year term by the Supreme Judicial Court, would oversee judicial matters, like disciplining judges and scheduling.

The proposal would also impose strict guidelines on letters of recommendation for job candidates across state government. Recommendations would be withheld from interviewers until applicants reach the final stage of consideration. Letters of recommendation for those hired would become public records, and verbal recommendations would be barred altogether, and House officials said violations would be subject to state ethics laws.

Applicants for positions in the Probation Department or as court officers would be required to take an exam to screen out unqualified candidates, according to the proposal.

In filing the bill, DeLeo won a pledge of support from Roderick Ireland, chief justice of the Supreme Judicial Court, and the two hailed their agreement as
a rare show of unity between the two branches.

The bill maintains the Probation Department within the judiciary, reaffirming the speaker's opposition to Gov. Deval Patrick's plan to transfer the agency into the Executive Branch.


Those on hand who didn't address the committee included James Collins, president of the Massachusetts Conference of Judges; Robert Clayman, executive director of the Massachusetts Conference of Judges; Peter Agnes, a Superior Court judge; Daniel Hogan, clerk magistrate of the Boston Municipal Court; Elizabeth Cerda, intergovernmental relations coordinator for the Trial Court; other Trial Court staff and officials from ACLU Massachusetts.

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