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MASSACHUSETTS HOUSE PASSES COURT REORGANIZATION AND PROBATION REFORM LEGISLATION Creates Civilian Court Administrator; Brings Real Reform to Probation Hiring

(BOSTON) – State Representative Denise Andrews (D-Orange) today joined her colleagues in the Massachusetts House of Representatives in unanimously passing landmark court reorganization legislation aimed at improving efficiency in the state’s court system and bringing transparency to hiring and promotion at the Department of Probation.

The legislation, passed by a vote of 152-0, signals strong collaboration between the legislative and judicial branches to provide a streamlined system of justice and restore public trust in the state’s Probation Department.

“This major reform legislation will improve upon an already strong court system by facilitating a more efficient and cost-effective infrastructure for the disposition of justice,” House Speaker Robert A. DeLeo said. “Not only does this bill create a civilian administrator to oversee the business aspects of the Trial Court, but it also adds needed transparency to the hiring and promotion practices at the Department of Probation. By passing this reorganization bill, the House has committed to bring a more transparent, efficient system of justice to the people of Massachusetts.”

"This proposal will increase accountability and improve the efficiency of our Trial Court," said Representative Eugene L. O'Flaherty, House Chairman of the Judiciary Committee. "The Speaker and the SJC worked together to provide transparency to the hiring process in our Trial Court and improve its administration. This measure will go a long way in improving confidence and morale."

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“I applaud the leadership of the House and Trial Court for crafting a piece of legislation that advances best practices for hiring, promotion and advancement in the probation system,” said Representative Denise Andrews.

Following the recommendation of the Monan Commission Report, the bill creates an Office of Court Management and a Chief Justice of the Trial Court to divide the responsibilities currently held by the Chief Justice for Administration and Management.

The Chief Justice of the Trial Court will serve as the judicial head of the Trial Court, responsible for planning, policy, assigning judges, judicial discipline, and all other inherently judicial functions.

Under the legislation, the civilian Court Administrator will be responsible for the general administration of the Trial Court, including reviewing and approving the hiring of non-judicial employees, administering appropriations and expenditures, negotiating contracts and leases, and any other inherently non-judicial administrative functions.

The Court Administrator will also be required to identify core administrative functions and create cost-savings and efficiencies by consolidating certain administrative activities of the various departments of the Trial Court. The Court Administrator will also be charged with implementing a hiring model and applicant tracking tool for all employment within the Trial Court.

The Chief Justices of the various departments of the Trial Court will continue their current appointments and will be responsible for core judicial functions.

The bill also reforms hiring and promotion practices in the Department of Probation which, according to the legislation, will remain in the judicial branch.

An objective entrance exam will be established for the hiring and promotion of all probation and court officers. Successfully passing the exam will enable candidates to advance to the interview stage, provided that they meet all other requirements for the position.

Candidates who pass the exam and meet all other requirements will then be subject to a rigorous background review and interview process, which will be based on best practices recommended by the Harshbarger Commission on Probation Department Hiring.

Furthermore, the bill removes unilateral hiring power from the Commissioner of Probation, instead making hiring within the Probation Department subject to the approval of the Court Administrator.

The bill also adds needed transparency to hiring and promotion practices across state agencies by requiring recommendations offered on behalf of any applicant to be made in writing and shielded from hiring authorities until the final round of the interview process.

In addition, applicants for employment within the executive, legislative, and judicial branches will have to disclose the names of all immediate family members who are state employees. This information will be made public for successful applicants.

Finally, to continue the ongoing reform effort at the Probation Department, the bill establishes an Advisory Board to help craft additional improvements within the department. The board will be comprised of seven members with expertise in the fields of criminal justice, public policy, human resources and management.

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