

By Mr. DiMasi of Boston, petition of Salvatore F. DiMasi relative to statements by attorneys in certain civil cases. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO STATEMENT BY ATTORNEYS IN CERTAIN CIVIL CASES.

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. Chapter 231 of the General Laws is hereby
2 amended by inserting after Section 84A the following section: —

3 Section 84B. (a) In any civil action to recover damages
4 resulting from personal injury or wrongful death, counsel for any
5 party to the action shall be entitled to specifically articulate to the
6 trier of fact during closing arguments, in specific monetary sums
7 or by mathematical formulae, the amount of past and future eco-
8 nomic and non-economic damages claimed to be recoverable.

9 (b) In a jury trial, whenever specific monetary sums or mathe-
10 matical formulae are articulated during closing arguments as pro-
11 vided for in subsection (a), the trial court shall instruct the jury
12 that such sums or mathematical formulae are not evidence but
13 only arguments and that the determination of the amount of dam-
14 ages to be awarded, if any, is solely the function of the jury.

1 SECTION 2. This act shall apply to causes of action in which
2 judgment is entered on or after the effective date of this act.

