

# SENATE. . . . . No. 1954

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## The Commonwealth of Massachusetts

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SENATE, August 9, 1999.

The committee on the Judiciary, to whom was referred the petition (accompanied by bill, Senate, No. 875) of Michael W. Morrissey and Robert S. Bloom for legislation to establish a one trial system for civil cases, and the petition (accompanied by bill, House, No. 3712) of Robert S. Bloom and John H. Rogers for legislation to establish a trial system for civil cases in the courts of the Commonwealth, reports the accompanying bill (Senate, No. 1954).

For the committee,

ROBERT S. CREEDON, JR.

## The Commonwealth of Massachusetts

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

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AN ACT AMENDING THE ONE TRIAL SYSTEM FOR CIVIL CASES IN CERTAIN COUNTIES.

*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. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of  
2 chapter 358 of the acts of 1996, as amended by chapter 157 of the  
3 acts of 1998, are hereby amended by striking out the words  
4 "Norfolk and Middlesex counties," as appearing in these sections,  
5 and inserting in place thereof, in these sections, the following  
6 words:— Norfolk, Middlesex, Berkshire and Essex counties.

1 SECTION 2. Section 4 of chapter 358 of the acts of 1996, as  
2 amended by chapter 157 of the acts of 1998, is hereby further  
3 amended by striking out the words "twenty-five thousand," as  
4 twice appearing in that section, and inserting in place thereof the  
5 following:— fifty thousand.

1 SECTION 3. Section 13, 14, and 15, of chapter 358 of the acts  
2 of 1996, as amended by sections 2, 3, and 4 respectively of  
3 chapter 157 of the acts of 1998, are hereby further amended by  
4 striking out said sections and inserting in place thereof the  
5 following sections:—

1 SECTION 13. The provisions of this act shall be implemented  
2 by the chief justice for administration and management of the trial  
3 court. They shall be effective in Norfolk and Middlesex counties  
4 for a period of sixty-four months commencing on July first, nine-  
5 teen hundred and ninety-six. They shall be effective in Berkshire  
6 and Essex counties for a period of two years commencing on  
7 November first, nineteen hundred and ninety-nine. They shall  
8 apply only to civil actions commenced on or after the aforesaid  
9 effective dates for the respective counties. Commencement of

10 actions under this act shall be defined by Rule three of the  
11 Massachusetts Rules of Civil Procedure and Rule two of the  
12 Uniform Summary Process Rules.

1 SECTION 14. After October thirty-first, two thousand and one,  
2 civil cases pending or initiated in district courts in Norfolk,  
3 Middlesex, Berkshire and Essex counties in which the parties  
4 have not elected, as of the date of such expiration, either a trial by  
5 a jury of six or a trial by a court without a jury, shall be conducted  
6 pursuant to all applicable provisions of the General Laws and  
7 shall not be subject to the provisions of this act; provided, how-  
8 ever, that civil cases pending in said counties as of the date of  
9 such expiration in which the parties have elected either a trial by a  
10 jury of six or a trial by a court without a jury, shall continue to be  
11 conducted in accordance with the provisions of this act.

1 SECTION 15. The chief justice for administration and manage-  
2 ment of the trial court, in consultation with the chief justices for  
3 the superior court and the district court departments, shall prepare  
4 and file with the supreme judicial court and with the clerks of the  
5 senate and house of representatives and the house and senate com-  
6 mittees on ways and means, an interim report on the implementa-  
7 tion of this act, on or before October thirty-first, two thousand and  
8 a final report on said implementation on or before October thirty-  
9 first two thousand and one. Said reports shall provide detailed  
10 information concerning the status and effect of implementation of  
11 this act, including, but not limited to, any costs incurred as a result  
12 of such implementation as well as a statistical analysis of the dis-  
13 position of civil cases conducted pursuant to the provisions of this  
14 act which indicate, for each district court and superior court in  
15 Norfolk, Middlesex, Berkshire and Essex counties, the total  
16 number of cases entered, the number of cases disposed before  
17 trial, the number of cases tried by a jury of six, the number of  
18 cases tried by a court without a jury and the average time between  
19 entry and disposition of cases in each such category.

