

Massachusetts Courts

Massachusetts has a hierarchical court structure that much resembles the steps on the judicial ladder of the federal court system. At the base of the ladder are the trial courts. Here is where cases are tried before a single judge. Here is also where the facts are found. The finder of facts may be a judge or a jury. Serious criminal offenses are likely to be tried before a jury. In certain specialized cases, such as divorce, zoning or land title cases, the finder of facts is the judge. Sometimes parties choose to try a case before a judge sitting without a jury because the subject is such that they think they can get a better shake from a judge. A complex business litigation may fall into that category.

In the trial courts, one judge presides. That judge rules on evidence, decides on questions of law (e.g., did the state Environmental Protection Act require the filing of an environmental impact statement) and, if a jury is sitting, instructs the jury on the law (e.g., what the elements of libel are).

If a party is dissatisfied with the result in a trial court, that party has the right to appeal the matter to the Appeals Court, where judges sit in panels of three, making them presumptively wiser than the trial court judge who sat alone.

If dissatisfied with the result in the Appeals Court, the disappointed party may seek further appellate review in the Supreme Judicial Court, which has the power to decide whether or not it will hear the case. The SJC ordinarily sits in a panel of five judges (four is a quorum), thus making it presumptively wiser still. In the state system, the SJC is the last judicial word. If the SJC declines to grant further review, the Appeals Court will have been the last stop.

The Trial Court

The Massachusetts Trial Court is a unitary court whose judges, in theory, are interchangeable parts, subject to assignment anywhere by the chief justice of administration and management. In practice, the judges are likely to sit in the court to which they were appointed but there is some movement of judges from one Trial Court division to another.

There are two tiers of general jurisdiction, i.e. where a variety of judicial business is done. These are the District Courts and the Superior Court. The latter, as its name implies, handles higher level cases.

Then there are four specialized courts: the Probate and Family Court, the Land Court, the Juvenile Court and the Housing Court. The office of the commissioner of probation is also a part of the trial court organization.

District Court

The District Court is where most Massachusetts citizens are likely to encounter the justice system. The jurisdiction of a District Court is geographically compact, sometimes confined to a municipality (e.g. the Brookline Municipal Court or the East Boston District Court), sometimes to abutting communities (e.g. the Cambridge division which covers Cambridge, Arlington and Belmont).

The District Courts hear misdemeanor criminal cases, such as assault and battery and larceny, and traffic offenses, including driving under the influence of alcohol. They also hear a wide variety of civil cases including lesser (under \$25,000 in dispute) contract disputes and negligence actions. In those locations where a Juvenile Court has not been established, the District Courts conduct juvenile sessions. They also deal with cases involving care and protection of minors and with protection against spousal abuse.

District court is the court in which hearings to establish probable cause take place that may lead to proceedings in the Superior Court. A case may start in the District Court and, if the amounts in controversy turn out to be substantial (over \$25,000), may be removed to the Superior Court. Conversely, a case may start in the Superior Court and, if the amounts in controversy are insubstantial, may be remanded to the District Court.

Most District Court cases are tried before a judge, who finds the facts. A person who stands trial in District Court charged with a criminal offense may choose trial by a judge (a "bench trial") or before a jury of six persons.

The District Court has its own appellate division for civil cases. Here, District Court judges, sitting in panels of three, review the rulings of their colleagues and eradicate their errors, if any. Parties dissatisfied with decisions of the appellate division of the District Court may appeal to the Appeals Court. In criminal cases, persons may appeal their convictions directly to the Appeals Court.

The chief administrative justice of the District Court makes assignments, sees to the resources, assures uniform standards for procedures and is generally responsible for the management of that division of the court system.

Among the courts with District Court jurisdiction, there is one, the Boston Municipal Court, that has separate status on an organizational chart. In addition to its jurisdiction as a District Court, the BMC hears Civil Service Commission appeals from the entire state.

The Superior Court

The Superior Court is often referred to as the Great Trial Court of Massachusetts. It is of ancient lineage and is the court where eye-catching cases are likely to be tried: e.g., murder, rape, conspiracy, jousts between business interests, trademark disputes, product liability, medical malpractice and labor controversies.

Within the Superior Court, there is an appellate division, consisting of three judges, to review certain sentences of imprisonment, i.e. whether the length of the sentence is just.

Grand juries meet under the umbrella of the Superior Court and hand up (because the judge sits on an elevated bench) indictments. Petit juries, who hear trials, are the standard 12-person jury.

Probate and Family Court

The Probate and Family Court department consists of 14 divisions, one per county.

The probate part of the Probate and Family Court deals with allowing wills, administration of trusts, resolving disputes over wills and trusts and administration of estates. The family part has to do with divorces and adoptions. The Probate Court (“Probate Court” being the term for the Probate and Family Court commonly used in conversation) also deals with the removal of children from unfit parents and the placing of those children in adoptive homes. With only a few exceptions, a Probate Court judge sits without a jury and finds the facts.

Land Court

The Land Court is a specialized court that sits in the Suffolk County Courthouse in Boston. As the name implies, it deals with real estate. An original and still very important purpose of the court is the registration of land titles. Title to land in Massachusetts is generally established through historical evidence obtained by searching title records at the various registries of deeds. Those searches often lead to uncertain titles: ancient flaws, uncertain boundaries, double chains of title and fractionary interests unaccounted for. The Land Court holds a trial and with the help of in-house engineers and title examiners, as well as through testimony, will determine title and register it. When that is done the owner receives a certificate of title from the Land Court. These sorts of proceedings are still very important in rural areas.

The Land Court also deals with mortgage foreclosures and land use disputes arising out of the administration of zoning and planning laws. It is the place to go to test the validity of a municipal zoning code.

Housing Court

Another specialized court, the Housing Court was established to deal particularly with landlord and tenant disputes in urban areas. The busiest Housing Court, as one might imagine, is in Boston. There is also a Hampden Housing Court, a Worcester Housing Court, Northeastern District Housing Court and Southeastern District Housing Court. The Housing Court has a chief justice and six justices.

Unlike other courts, a Housing Court has an investigative arm so that neutral representatives from the court can report to the judge if an apartment is a roach-

infested, leaking firetrap, as the tenant says, or if it is maintained at the standard of the Ritz, as the landlord says.

Most Housing Court business is conducted without juries, although jury trials are available.

Juvenile Court

The Juvenile Court deals with children enmeshed in the toils of the law and there are battalions of them. The Department of Youth Services functions as the treatment end into which the Juvenile Court funnels youthful offenders. If the crime is very grave or the youth particularly incorrigible, the Juvenile Court may order a transfer to the Superior Court from which the youth, if convicted, would enter the general prison population.

The Juvenile Court has jurisdiction over children in need of services. Commonly referred to as CHINS cases, these are children needing the court's care and protection.

The Appeals Court

Any litigant displeased with the result in a trial court may appeal to the Appeals Court. The only cases that do not, in the first instance, travel to the Appeals Court are first degree murder and certain kinds of rate cases- those set by the Department of Public Utilities and the insurance commissioner. Everything else is grist for the Appeals Court mill.

For most cases, the Appeals Court is also the end of the process through the court system. Cases from other administrative agencies, such as the Appellate Tax Board and the Labor Relations Commission, go to the Appeals Court.

One of the Appeals Court judges is the chief justice, the others are associate justices. They sit in panels of three and issue written opinions.

The Supreme Judicial Court

The Supreme Judicial Court is the top of the pyramid in Massachusetts. There are seven SJC justices, one of whom is the chief justice; the others are called associate justices. Parties dissatisfied with decisions of the Appeals Court may petition for further appellate review by the SJC. The SJC can decide whether or not it wants to hear the case. Most of the time, the answer is "no" and that is why, for most cases, the Appeals Court is the end of the line.

The SJC can cause a case to bypass the Appeals Court by putting the case on its docket for direct appellate review. It will do so if it thinks the point being raised is of statewide importance.

In addition to general appellate jurisdiction, the SJC deals with bar discipline, the superintendency of the lower courts and renders advisory opinions to the Legislature on “solemn occasions.” What causes the occasion to be sufficiently solemn is the subject of much merriment.

*Agencies associated with the
Massachusetts Supreme Judicial Court*

Several entities operating within the judicial department are linked to the Massachusetts Supreme Judicial Court by statute, court rule or contractual agreement. These agencies include the Board of Bar Examiners, the Board of Bar Overseers, the Clients’ Security Board, the Committee for Public Counsel Services, the Commission on Judicial Conduct, the Massachusetts Legal Assistance Corporation, the Massachusetts Mental Health Legal Advisors’ Committee, Correctional Legal Services Inc., and the Disability Advisory Committee.

The jury commissioner for the commonwealth is appointed by the justices of the SJC but the position functions entirely within the trial court in a close working relationship with the trial court’s chief justice for administration and management and with the Jury Management Advisory Committee appointed by the SJC.

The Massachusetts Judicial Conference considers and makes recommendations on matters relating to the conduct of judicial business, the improvement of the judicial system and of the administration of justice. The conference assists the SJC in coordinating the activities of the trial and appellate courts. The Judicial Conference consists of the justices of the SJC, the chief justice of the Appeals Court, the various chief justices of the trial court, the chairman of the Judicial Council, the trial court administrator and the SJC administrative assistant.

The Judicial Council, a statutory body, performs similar functions to the Judicial Conference, primarily dealing with bills referred to it by the Legislature for study.