

What are the different courts in Massachusetts and which one do I sue someone in?

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There are many different courts in Massachusetts, the Land Court, Probate and Family Court, Housing Court, Juvenile Court, Small Claims Court (which is really part of the District Court), District Court, Boston Municipal Court (which is almost just the same as the District Court), Superior Court. There is also the Medical Malpractice Tribunal, Department of Industrial Accidents, Department of Unemployment Assistance, and the Massachusetts Commission against Discrimination, which most are agencies but arguably function somewhat like a court in a sense because they decide important legal issues. This is not to mention the appeals courts, where you bring appeals of decisions of the lower or "trial" courts, which are the Massachusetts Appeals Court and the Supreme Judicial Court. (There are "appeals" that are brought from agencies to either the District Court or the Superior Court and Small Claims appeals are brought to the District Court.) There is also the Massachusetts Appellate Division, which hears appeals from decisions in the District Court, but is formally considered part of the District Court.

Needless to say, there are a lot of courts to choose from, but for most litigation, not falling under the specialties handled by some of the agencies above, you have the Small Claims Court, District Court, and the Superior Court.

Which one is the right one to file your suit in? For the right answer, see a qualified, local attorney. But here are some general guidelines to start the thinking process.

Small claims has a limit of \$7,000.00 with some small exceptions and there are some cases you cannot bring there, like defamation claims. Subject to the exceptions, the small claims court cannot award more than the \$7K limit. The rules of evidence are relaxed and it is designed for a person untrained in the law to be able to present their case using common sense. There is a right of appeal for the defendant, but generally not for the plaintiff. If you want a case decided and do not want to get tripped up by legal rules, etc. this is a good place to go.

The District Court has a "procedural limit" of \$25,000.00. This means that you should only bring cases where you expect to win less than \$25K, but if for some reason you are awarded more, the court has the power to grant the relief. If you seek equitable relief, which means that you want to make someone do something or not do something, the District Court can award this but it has to be related to or brought with a claim for money damages generally. If you do not file in Small Claims, the District Court is probably where most disputes raised by regular individuals are brought (by their lawyers). Do not think you can simply file a suit in District Court and sit back and wait for a trial and then just use your common sense; that will not work. You have to follow rules and be proactive. If you do file suit in this court *pro se*, you better get acquainted with the rules of civil procedure and follow them and treat the new case like a part-time job. For almost all people, a lawyer is necessary to navigate the District Court.

Lastly, there is the Superior Court that is designed to decide cases where the expected damages are over \$25K. It has equitable powers (as described above) without restriction. The rules of this court are more complicated than even the district court. They play for keeps in the Superior Court. The author advises that no non-lawyer should bring any case *pro se* in Superior Court. You can read Mass. Gen. Laws c. 231 § 6F, which only the Superior Court has the power to employ, as one reason not to.

If you believe you have a claim and are deciding what court to pursue it in or you have been served with the complaint and need help in navigating the rules of court, feel free to give the author a call.

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