

I was just served with a notice to appear at a hearing concerning a restraining order against me, what should I do?

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The most important task is to *immediately* obtain counsel. Typically the hearing is set within 10 days of an initial hearing, a hearing that the defendant typically did not have notice of or appear at. So there is not much time to prepare to begin with. This is true for cases under Massachusetts General Laws chapter 209A (restraining orders) and 258E (harassment restraining orders).

The other problem is that people underestimate the time that it takes for a lawyer to *adequately* assess the matter and prepare a defense. Let me tell you, preparing for the defense of a restraining order can be involved, it is not simply showing up and seeing what happens. Do not treat it that way. The hearings are evidentiary. This means that at a minimum there is testimony from the plaintiff and the opportunity for cross examination. There also can be documentary evidence, multiple witnesses, and very fast rulings that can have permanent and drastic effects on people's lives.

There are ramifications that are not just limited to that case or person. For one, if you lose, you are placed in a database that will be checked at any future restraining order case and held against you. Chapter 258E requires the clerk's office to check for the defendant's name in these databases prior to any hearing. The results are reported to the judge that will decide the case. Another ramification is that the facts that are determined at these hearings could be used against the defendant in other cases in certain legal situations. This means that a fact found to be true in a restraining order case, even if it isn't, *could be* found to already be established in a different case under certain circumstances. It is best to treat the restraining order case as your one shot at establishing the facts involved.

When people wait too long to start to search for a good lawyer, they risk not being able to hire one at all. This is because the closer the hearing is, the less appealing it is for a lawyer to take the case. Further, although many lawyers will likely not mention this, many lawyers believe that it says something about the caller when they wait until the last minute to hire a lawyer, especially for a matter as serious as a restraining order. If you can find a lawyer at the last second that will give you a quote, it is more likely you will pay a premium because the lawyer has to stop servicing their other clients, if they can, and put all their efforts into your case due to the limited time available to adequately prepare.

Lastly, if a restraining order is issued and you violate it, it can result in criminal prosecution and incarceration.

For these reasons, we reiterate to engage competent counsel immediately after receipt of a notice of hearing in a restraining order case against you.

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