

SUPREME JUDICIAL COURT

Boston, Massachusetts 02108

NOTICE OF APPROVAL

Notice is hereby given that the Supreme Judicial Court has approved and promulgated rules as further indicated below.

MARGARET MARSHALL
Chief Justice

1. Court Submitting Rules for Approval:

Superior Court

2. Date Rules Submitted for Approval:

June 29, 2007

3. Date Approved and Promulgated by the Supreme Judicial Court:

July 17, 2007

4. Rules or Rules, or Amendments Thereto, Approved and Promulgated:

Amendment to Superior Court Rule 9C

Effective date - October 1, 2007

(The original of this notice is to be filed in the office of the Clerk of the Supreme Judicial Court for the Commonwealth, and a copy to be sent by the Clerk to the court which requested approval of the rules.)

COMMONWEALTH OF MASSACHUSETTS
THE SUPERIOR COURT
SUFFOLK COUNTY COURTHOUSE
THREE PEMBERTON SQUARE, 13TH FLOOR
BOSTON, MA 02108

BARBARA J. ROUSE
CHIEF JUSTICE

TELEPHONE
(617) 788-8130

June 29, 2007

Honorable John M. Greaney
Chair of the Rules Committee
Supreme Judicial Court
John Adams Courthouse, Suite 2200
One Pemberton Square
Boston, MA 02108

RE: Superior Court Rule 9C

Dear Justice Greaney:

At the Superior Court Judicial Conference semi-annual meeting on May 12, 2007, the justices approved the implementation of the attached Superior Court Rule 9C relating to "Settlement of Discovery Disputes."

The proposed rule was published for comments from the bar in the Massachusetts Lawyers Weekly (MLW) on December 4, 2006; comments were accepted through January 5, 2007. Additional changes were made to the proposed rule and it was again published for comments on May 14, 2007; comments were accepted through June 8, 2007. (See attached MLW articles.)

Since the Rule is now ready for implementation, I propose that it be **effective October 1, 2007**. My understanding is that the Supreme Judicial Court must approve these changes before the Rule can be officially implemented. Please let me know if additional steps are required to formally adopt or implement the rule.

Please call Maria I. Peña at 617-788-7313 if you have any questions.

Sincerely,


Barbara J. Rouse
Chief Justice

encl.

cc: Christine Burak, Esq.
Secretary of the Rules Committee

RULE 9C. SETTLEMENT OF DISCOVERY DISPUTES

(Applicable to all civil cases)

Counsel for each of the parties shall confer in advance of serving any motion under Mass. R. Civ. P. 26 or 37 and make a good faith effort to narrow areas of disagreement to the fullest extent. Counsel for the party who intends to serve the motion shall be responsible for initiating the conference, which conference shall be by telephone or in person. All such motions shall contain a certificate stating that the conference required by this Rule was held, together with the date and time of the conference and the names of all participating parties, or that the conference was not held despite reasonable efforts by the moving party to initiate the conference, setting forth the efforts made to speak by telephone or in person with opposing counsel. Motions unaccompanied by such certificate will be denied without prejudice to renew when accompanied by the required certificate.

Adopted July 18, 1989, effective October 2, 1989. Amended October 6, 2004, effective November 1, 2004. Amended June 15, 2007, effective October 1, 2007.