

**SAMPLE**

COUNTY, ss.

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT  
NO. 21XX-CV-XXXXX

Plaintiff

v.

Defendant

**AGREEMENT TO WAIVE TRIAL BY JURY AND PROCEED TO  
TRIAL BEFORE A THREE-JUDGE PANEL**

The parties in the above matter hereby waive their right to a trial by jury, in favor of a bench trial before a three-judge panel, as follows:

1. The panel shall include the session judge who shall preside at trial and determine the trial schedule.
2. The session judge shall coordinate the selection and assignment of the other panel judges. Neither the parties nor their counsel shall participate in the selection of the panel judges.
3. The session judge shall rule on all pretrial, trial and post-trial motions, and shall make all evidentiary rulings. The session judge may seek nonbinding consult from the other panel judges regarding such matters.
4. All panel judges shall participate in the deliberations.
5. The verdict shall be rendered by majority vote of at least two judges on the panel.
6. In accordance with Superior Court Rule 20(2)(h) and 20(8), the parties hereby waive detailed findings of fact and rulings of law. The panel shall, however, at a minimum, answer special questions on the elements of each claim, at a level of detail comparable to a special jury verdict form pursuant to Mass. R. Civ. P. 49 (a), unless the parties explicitly choose, or the session judge expressly orders, findings in the form provided by Mass. R. Civ. P. 49 (b)(a general verdict accompanied by answer to interrogatories).
7. The scope of rights of appeal shall be in accordance with Superior Court Rule 20(8)(b).

By:

Attorney for Plaintiff

Sign \_\_\_\_\_

Print Name \_\_\_\_\_

Date: \_\_\_\_\_

Attorney for Defendant

Sign \_\_\_\_\_

Print Name \_\_\_\_\_

Date: \_\_\_\_\_