

COMMONWEALTH OF MASSACHUSETTS

At the Supreme Judicial Court holden at Boston within and for said Commonwealth on the twenty fourth day of April, in the year of our Lord two thousand and fifteen:

present,

<u>HON. RALPH D. GANTS</u>)	Chief Justice
)	
<u>HON. FRANCIS X. SPINA</u>)	
)	
)	
<u>HON. ROBERT J. CORDY</u>)	Justices
)	
)	
<u>HON. MARGOT BOTSFORD</u>)	
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<u>HON. FERNANDE R.V. DUFFLY</u>)	
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<u>HON. BARBARA A. LENK</u>)	
)	
)	
<u>HON. GERALDINE S. HINES</u>)	

ORDERED: That the Massachusetts Rules of Civil Procedure adopted by order dated July 13, 1973, as amended, to take effect on July 1, 1974, are hereby amended as follows:

Rule 23	By inserting at the end of Rule 23(c) the following new sentence: The court shall require notice to the Massachusetts IOLTA Committee for the purpose set forth in subdivision (e) (3) of this rule.
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Rule 23

By inserting at the end of Rule 23(e) the following new subdivision: (3) Where residual funds may remain, no judgment may enter or compromise be approved unless the plaintiff has given notice to the Massachusetts IOLTA Committee for the limited purpose of allowing the committee to be heard on whether it ought to be a recipient of any or all residual funds.

The amendments accomplished by this order shall take effect on July 1, 2015.

ORDERED:

<u>RALPH D. GANTS</u>)	Chief Justice
)	
<u>FRANCIS X. SPINA</u>)	
)	
<u>ROBERT J. CORDY</u>)	Justices
)	
<u>MARGOT BOTSFORD</u>)	
)	
<u>FERNANDE R.V. DUFFLY</u>)	
)	
<u>BARBARA A. LENK</u>)	
)	
<u>GERALDINE S. HINES</u>)	

MASSACHUSETTS RULES OF CIVIL PROCEDURE

RULE 23. CLASS ACTIONS

Reporter's Notes--2015

This is the second amendment to Rule 23 regarding residual funds in class actions proceedings. The first amendment to Rule 23 in 2008 set forth a definition of residual funds and provided for disbursement of residual funds to nonprofit groups or to the Massachusetts IOLTA Committee for the purpose of promoting access for low income persons to the civil justice system.

This second amendment in 2015 added a sentence to Rule 23(c) and added subdivision (e)(3) requiring the court to order notice to the Massachusetts IOLTA Committee so that it may be heard on whether it should receive “any or all” residual funds that may remain in a class action after all payments have been made.