



THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF THE TRIAL COURT  
John Adams Courthouse  
One Pemberton Square, Floor 1M  
Boston, Massachusetts 02108  
617-878-0203

Paula M. Carey  
Chief Justice of the Trial Court

March 19, 2019

Honorable Ralph D. Gants  
Chief Justice  
Supreme Judicial Court  
John Adams Courthouse  
One Pemberton Square, Suite 2500  
Boston, MA 02108-1735

Dear Chief Justice Gants,

I write to request that the Supreme Judicial Court increase the procedural amount established under G.L. c. 218, § 19, from \$25,000 to \$50,000. Chief Justices Dawley and Ronquillo recommended this increase, and their recommendation is supported by Chief Justice Fabricant.

As you know, in the District and Boston Municipal Courts, civil actions for money damages are governed by a \$25,000 procedural amount requirement. G.L. c. 218, § 19. Under this statute, "[Such] actions may proceed . . . only if there is no reasonable likelihood that recovery by the plaintiff will exceed \$25,000, or an amount ordered from time to time by the Supreme Judicial Court." Non-compliance with the procedural amount requirement subjects a case to dismissal upon the timely motion of the defendant, or by the court on its own initiative, whereupon the case may be recommenced in the court in which the procedural amount requirement would be met. If a case is not dismissed for non-compliance with the procedural amount requirement, it may proceed to disposition regardless of the amount of the claim. District Court and Boston Municipal Court jurisdiction over civil money damage actions has no monetary limit. Under G.L. c. 212, § 3, a "reciprocal" \$25,000 procedural amount requirement applies to civil money damage actions commenced in the Superior Court. Under this statute, "[Such] actions may proceed in the [Superior] court only if there is no reasonable likelihood that recovery by the plaintiff will be less than or equal to \$25,000 or an amount ordered from time to time by the Supreme Judicial Court."

Chief Justices Dawley and Ronquillo have cited the following primary reasons for their recommendation of the increased procedural amount. The increase will (1) enable such cases to be handled in an efficient and cost effective manner; (2) adjust the current

procedural amount to reflect the effect of inflation since that amount was originally established in 1986; (3) relieve the Superior Court of cases at the low end of its caseload in terms of “value” and complexity, allowing more attention to be focused on the balance of its caseload; and (4) appropriately engage judicial resources in the District Court and Boston Municipal Court Departments that have become available as a result of (a) the recent substantial decrease in the volume of incoming civil cases in those courts, and (b) a significant increase in the small claims jurisdictional amount, as a result of which cases in those courts formerly requiring judicial disposition are heard by Clerk Magistrates.

The Trial Court first raised this issue in 2015 and solicited input from members of the Bar. At that time, the Bar expressed concerns about the ability of the District and Boston Municipal Courts to properly manage the volume of cases that would be redirected from Superior Court to the District and Boston Municipal Courts as the result of the increase. In the past several years, the District and Boston Municipal Courts have taken measures to address those concerns, including establishing dedicated civil sessions to ensure that civil cases receive appropriate attention; assigning designated judges to civil sessions; assigning a staff member to act as civil liaison at each court; and expanding mediation and conciliation services.

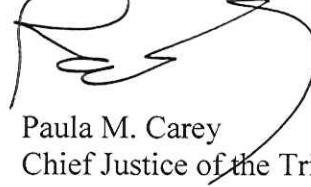
The recommended increase in the procedural amount would do no more than reflect the original allocation of civil cases between the District/Boston Municipal Courts and the Superior Court. The \$25,000 amount was established in 1986 as the statutory amount for the “remand and removal” of civil cases between the District and Boston Municipal Courts and the Superior Court under the old civil two-trial system. This amount previously was adjusted by the legislature several times over the years to reflect inflation and perhaps other factors (from \$1,000 to \$2,000 in 1962; \$4,000 in 1974; \$7,500 in 1978; \$15,000 in 1985; and \$25,000 in 1986). When the current one-trial legislation was enacted in 2004 to replace the remand and removal system, the then-existing \$25,000 remand and removal amount was maintained and adopted as the procedural amount under the new system. It is noteworthy that when it was adopted in 2004, the \$25,000 amount had not been adjusted for inflation since its original adoption 18 years earlier in 1986. Nor has this amount been adjusted to reflect inflation occurring over the ensuing decade under the one-trial system. Simply adjusting for inflation from its adoption in 2004 for the one-trial system (using a “CPI inflation calculator” available on the internet), the present-day equivalent of \$25,000 is approximately \$31,423. More appropriately, however, an adjustment to account for inflation since the \$25,000 amount was originally adopted in 1986 yields a current equivalent amount of \$54,159. Thus, the requested increase would merely represent a return to the monetary values originally intended in 1986.

Further, judicial resources were freed by the 2010 increase in the monetary limit of small claims jurisdiction in the District Court and Boston Municipal Court from \$2,000 to \$7,000. This increase inevitably had a significant impact on “regular” civil case volume, since all cases valued at \$2,000 to \$7,000, which previously had to be filed as regular civil actions, were eligible for small claims procedure, with magistrates, rather than judges, responsible for hearing and adjudicating these cases. Recent data reflects efficient disposition of civil cases in the District/BMC. In fiscal year 2017 there were

over 32,000 civil case filings in the District Court. Over 96% of those cases were disposed of within the civil case time standards. In fiscal year 2017 there were 23,859 civil case filings in the Boston Municipal Court Department. Approximately 97% of those cases (23,135 cases) were disposed of within the civil case time standards.

As described above, the District and Boston Municipal Courts are efficiently handling civil cases and are equipped to take on additional civil matters. The recommended increase in the procedural amount would reflect the approximate present day equivalent of the original amount. For these reasons, I request that the Supreme Judicial Court increase the procedural amount from \$25,000 to \$50,000.

Sincerely,

A handwritten signature in black ink, appearing to read "Paula M. Carey". The signature is fluid and cursive, with a large loop at the end.

Paula M. Carey  
Chief Justice of the Trial Court

cc: Paul C. Dawley, Chief Justice of the District Court Department  
Judith Fabricant, Chief Justice of the Superior Court Department  
Roberto Ronquillo Jr., Chief Justice of Boston Municipal Court Department