

Massachusetts Law about Frivolous (Abusive) Litigation



What is frivolous litigation? How do I know if this applies to me?

During a court case, there are times when it is reasonable to file many complaints and motions. However, there may be situations where one party is misusing court processes by filing unnecessary complaints and motions to harass or abuse the other side. These complaints or motions might be:

- Repetitive
- Unjustified
- Not filed in good faith

This situation is sometimes called vexatious litigation, frivolous litigation, or abusing and harassing litigation.

What is not considered frivolous litigation?

Complaints and motions aren't necessarily frivolous just because the items filed:

- Are not persuasive
 - Are unusual
 - Suggest changing an existing law or adding a new law
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What can a judge do when they see frivolous or abusive litigation?

Massachusetts allows judges to discipline parties who file frivolous litigation. Judges can:

- Dismiss the litigation
- Order the party to pay additional fees and costs
- Order the party to pay the other party's costs
- Enter a finding that the repeated court actions are not warranted by existing law or good faith argument

Judges may also enter orders that require the other party to give their complaints and motions to the judge for review before they can be filed. These are called gatekeeper orders.

The type of help you may be able to get depends on the case type and court department. Judges may enter some orders on their own, but you can also request orders. If you think you are experiencing frivolous litigation, you can ask for help from the court by filing a motion. You can't file for help with frivolous litigation in a Boston Municipal Court or District Court under **G. L. c. 231, § 6F**.

What else can I do if someone is misusing court processes to try to control me?

If you believe that a family or household member is abusing you through coercive control, and a judge has entered a finding that the repeated court actions are not warranted by existing law or good faith argument, you can ask for help from the court by requesting an abuse prevention order.

Under **G. L. c. 209A, § 1**, the definition of abuse includes coercive control. Coercive control may include, but is not limited to, using frivolous litigation to cause you to reasonably fear physical harm or have a reduced sense of physical safety or autonomy.

Where can I learn more about requesting an abuse prevention order?

<https://www.mass.gov/how-to/request-an-abuse-prevention-order>

If it is outside of court hours and you are in danger, contact your local police department or call 911 immediately.

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My case is in the Probate and Family Court. What can a Probate and Family Court judge do if there is frivolous (abusive) litigation?

Here are some possible actions a Probate and Family Court judge can take if they find that there is frivolous litigation against you:

- Give you payment for what you spent on lawyer and legal fees and dismiss the frivolous claim or action under **G.L.c. 231, § 6E**
 - File a gatekeeper order, or limiting order, to keep unnecessary complaints from being filed.
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Where can I find more information about frivolous (abusive) litigation?

www.mass.gov/info-details/massachusetts-law-about-frivolous-abusive-litigation
or scan the QR code below!

