

INTRODUCTION

This book is for people who are considering representing themselves in a *civil* case in a *Massachusetts trial court*. It is intended to provide an overview of the court process in a civil case and direct you to resources. In order to decide if this book might be helpful, you will need to determine if your case is civil or criminal.

- In a *civil case*, the court is asked to resolve a dispute between two parties. A party might be an individual, a corporation, or a government agency. There are many types of civil cases. Some examples are divorces, 209A restraining orders, mental health procedures, eviction proceedings, contract disputes, and personal injury claims. If you are uncertain whether your case is civil, call your local court.
- In a *criminal case*, the State (the Commonwealth of Massachusetts), usually represented by an Assistant District Attorney or an Assistant Attorney General, charges a person with violating a criminal law.

Once you have determined that your case is a civil case, you will need to determine in which court the case belongs. This requires an understanding of some complex laws and court rules.

There are two types of trial courts in the Commonwealth of Massachusetts, State and Federal. Some cases can be decided only in State court, some can be decided only in Federal court, and some can be decided in either State or Federal court. You need to find out if your case belongs in State or Federal court.

If you determine that your civil case belongs in State court, then you will need to decide in which court department and division (location) your case belongs.

Seven departments make up the Massachusetts Trial Court. Each decides different kinds of cases. Which types of cases each court department can decide is established by law. The seven Trial Court departments are:

- The Boston Municipal Court Department
- The District Court Department
- The Housing Court Department
- The Juvenile Court Department
- The Land Court Department
- The Probate and Family Court Department
- The Superior Court Department

Each department has a number of divisions, or locations, each covering a specific geographic area.

If you decide to proceed with a civil case in a department of the Massachusetts Trial Court, you will need to decide whether to work with a lawyer or not. You have the right to represent yourself in court. If you are thinking about proceeding without a lawyer, you should know that representing yourself in court may be difficult and will require research, time, and knowledge of the case law, applicable statutes, procedures, standing orders and a variety of other rules that govern the court process.

There are *very limited* situations, such as a civil commitment or a termination of parental rights, in which the court might appoint a lawyer to represent you in a *civil* case. This book is not designed to assist people in these limited situations.

If you want to hire a lawyer to represent you, but think you cannot afford one, this book will provide information about:

- whether legal assistance might be available at no cost or reduced cost
- how to find a lawyer to represent you at no cost or reduced cost
- a variety of legal fee arrangements that might be available

If you are thinking about representing yourself in court, this book will provide information about:

- what might be expected of you
- what you can fairly expect of the court and court staff
- important steps in a civil case
- resources that may be helpful

If you decide to represent yourself, you will be held to the same standards and will be expected to know and follow the same rules as a lawyer representing a client.