

**Superior Court Standing Order
Seventh Amended Standing Order 1-88. Time Standards
[Applicable to all civil actions filed in the Superior Court.]**

Applicable to all Counties

A. GENERAL CONSIDERATIONS

Responding to and complying with the directive of the Supreme Judicial Court for “. . . an attack on excessive delay and excessive cost of court proceedings . . .” and in an effort to “secure the just, speedy and inexpensive determination of every action,” Mass. R. Civ. P. 1, the Justices of the Superior Court, through our Chief Justice, hereby adopt these time standards as a standing order of the Superior Court (“Standing Order”). The Court recognizes that the litigation process is memory dependent. To the extent that memory dims or becomes unreliable over prolonged periods of time, a just determination may be jeopardized. The concept of early and continuous judicial supervision and control is intended to enhance the quality of litigation and ensure that justice is fairly rendered.

This Standing Order recognizes that there are viable alternative methods of dispute resolution that may avoid delay and reduce the expense inherent in court proceedings, such as mediation, arbitration, summary jury trials, mini-trials, and reference to masters. Such alternate methods of dispute resolution are compatible with the case management objectives of these time standards. Nothing in this Standing Order shall act as a bar to any form of early intervention by the Court to identify cases suitable for alternative dispute resolution.

The Court recognizes and is sensitive to the impact that this Standing Order will have on local legal culture. We have meticulously avoided intrusion into this rich culture except to the extent necessary to preserve to the Court its responsibility to manage the pace of litigation without disturbing the harmony of the trial bar.

Accordingly, it is hereby ORDERED that:

1. All civil actions filed in the Superior Court shall be subject to the provisions of this Standing Order.
2. This Standing Order is applicable to all counties.
3. The Court will schedule trial dates for both jury and jury-waived cases on its own initiative.

B. TRACK DESIGNATIONS

1. Tracks Based on the Nature of the Case

- a. All civil actions shall be designated for purposes of this Standing Order as falling within one of three tracks based on the nature of the case:

Fast Track (“F”)

Average Track (“A”)

Accelerated Track (“X”)

A list of case types with track designations, noted in parentheses, appears at the end of this Standing Order.

- b. The plaintiff shall indicate the nature of the action and the appropriate track designation on the Civil Action Cover Sheet.¹
- c. For good cause shown, a party may move that a case be designated to a track other than the track selected by the plaintiff on the Civil Action Cover Sheet. The motion shall comply with Superior Court Rule 9A, and shall be referred to the attention of the Session Judge.

2. Individual Track

- a. By order of the Court, or stipulation of the parties, a civil action shall be assigned to an individual track, which shall supersede the requirements of this Standing Order, provided that all deadlines in the individual track occur no later than the tracking order dates applicable to the case type, as established by Part F of this Standing Order, Tracking Deadlines, below.
- b. Any party wishing assignment to an individual track must complete and submit the form "Motion for Case-Specific Management" appearing in the Appendix of Forms to the Superior Court Rules and available for download on the Superior Court's webpage. See Superior Court Rule 20.
- c. The Session Judge will endorse the Motion for Case-Specific Management in accordance with Superior Court Rules 9A and 20.

C. TRACKING ORDERS

While the clerk shall provide notice to all parties and their counsel of the track designation and corresponding tracking deadlines, the final responsibility for obtaining information from the clerk about the designation of the case and the corresponding tracking order shall rest with each party. Notification shall occur as follows:

1. The Civil Action Cover Sheet shall alert parties to the existence of this Standing Order and to the track designations.
2. After the plaintiff has filed an action and in accordance with the track designated by the plaintiff, the clerk shall issue a tracking order establishing the tracking deadlines for completion of the stages of litigation. Specific dates for the tracking deadlines shall be included in the tracking order. The Court shall send the tracking order to counsel of record by email and to self-represented litigants by email or regular mail.
3. After 90 days from the filing of the action, the clerk shall forward a copy of the tracking order to all counsel of record. Counsel who appear in the action after the expiration of 90 days shall be responsible for knowing the tracking deadlines for completing the stages of the litigation.

4. All motions shall be filed within the time prescribed by the tracking order unless the moving party first moves for and obtains leave of Court to file beyond the designated tracking deadline.²
5. All pleadings, appearances, and other papers filed by counsel of record shall be accompanied by counsel's Board of Bar Overseers (BBO) Number.³ The BBO Number shall appear immediately after counsel's signature, address, email address, and telephone number.

D. AMENDMENTS TO TRACKING ORDERS

This Standing Order anticipates that there will be instances when the designation of a case to a particular track is inappropriate or the tracking deadlines cannot reasonably be met. The Court recognizes that there are cases which by their nature require special tracking deadlines, and the system is sufficiently flexible to accommodate these cases as follows:

1. Amendments to the tracking order of a case may be granted on motion, filed in accordance with Superior Court Rule 9A, and for good cause shown.
2. All motions to amend a tracking deadline shall be referred to the attention of the Session Judge for decision. Motions (or oppositions thereto) shall be submitted on the papers, without oral argument, unless otherwise ordered.

E. RULE 16 CONFERENCES

This Standing Order also recognizes that the parties may benefit from a conference under Mass. R. Civ. P. 16 to address matters that may aid in resolving a case or reducing the duration or expense of litigation. Any party may ask the Court for a Rule 16 conference and such requests will be honored if reasonable. The Court may also schedule a Rule 16 conference on its own initiative. Rule 16 conferences may be held by videoconference, in accordance with Standing Order 1-22, or by telephone, by arrangement with the Court.

F. TRACKING DEADLINES

The following tracking deadlines shall be mandatory except as modified by order of the Session Judge or Regional Administrative Justice.⁴ Documents filed outside the tracking deadlines without leave of court need not be acted on by the Court, even if filed by agreement between the parties. The tracking deadlines for F and A Track cases will be calculated from the date of filing of the complaint.

1. After Designation to Fast ("F") Track:

a. Three months (90 days)

- Service shall be completed on all parties.
- All returns of service shall be filed.
- If service is not made on a defendant within 90 days after filing of the complaint, the action shall be dismissed as to that defendant without prejudice unless the Court has found good cause to extend the time for service.⁵

b. Four months (120 days)

- Rule 12, 15,⁶ 19, and 20 motions shall be served.
- If no answer or motion to dismiss is filed by a defendant within 120 days of the filing of the complaint, the clerk shall issue a default as to that defendant and notify all parties of the default, unless the Court has found good cause to extend the time to file the answer or motion to dismiss.⁷ Nothing in this Standing Order bars the earlier issuance of a default when legally appropriate. When appropriate, cases will be ordered for assessment of damages.

c. Five months (150 days)

- Rule 12, 15, 19, and 20 motions shall be filed with the Court.

d. Six months (180 days)

- Rule 12, 15, 19, and 20 motions shall be heard by the Court.

e. Ten months (300 days)

- All discovery requests shall be served and non-expert depositions completed.⁸ Requests for admissions are not included within this deadline but a party may not request of an adverse party the admission of more than thirty factual assertions after this deadline, except with leave of court.

f. Eleven months (330 days)

- All motions for summary judgment shall be served. Nothing in this Standing Order bars summary judgment motions from being served earlier in the litigation.

g. Twelve months (360 days)

- All motions for summary judgment shall be filed.

The remaining tracking deadlines assume that a motion for summary judgment has been filed. If no summary judgment motion is filed, earlier tracking deadlines may be set by the Court.

h. Sixteen months (480 days)

- A final pre-trial conference shall be conducted by the Court.⁹ A joint pre-trial memorandum shall be filed with the Court no less than five business days before the final pre-trial conference. A firm trial date shall be set at the final pre-trial conference.
- The minimum requirements of the joint pre-trial memorandum are attached to and made part of this Standing Order as Appendix A, "Notice to Appear for Final Pre-Trial Conference."

i. Twenty-two months (660 days)

- The case shall be resolved and judgment shall issue.

2. After Designation to Average ("A") Track:

a. Three months (90 days)

- Service shall be completed on all parties.
- All returns of service shall be filed.
- If service is not made on a defendant within 90 days after filing of the complaint, the action shall be dismissed as to that defendant without prejudice, unless the Court has found good cause to extend the time for service.

b. Four months (120 days)

- Rule 12, 19, and 20 motions shall be served.
- If no answer or motion to dismiss is filed by a defendant within 120 days of the filing of the complaint, the clerk shall issue a default as to that defendant and notify all parties of the default, unless the Court has found good cause to extend the time to file the answer or motion to dismiss. Nothing in this Standing Order bars the earlier issuance of a default when legally appropriate. When appropriate, cases will be ordered for assessment of damages.

c. Five months (150 days)

- Rule 12, 19, and 20 motions shall be filed with the Court.

d. Six months (180 days)

- Rule 12, 19, and 20 motions shall be heard by the Court.

- e. **Fourteen months (420 days)**
 - Rule 15 motions shall be served.
- f. **Fifteen months (450 days)**
 - Rule 15 motions shall be filed and resolved, with or without a hearing.
- g. **Twenty-four months (720 days)**
 - All discovery requests served and non-expert depositions completed. Requests for admissions are not included within this deadline but a party may not request of an adverse party the admission of more than thirty factual assertions after this deadline, except with leave of court.
- h. **Twenty-five months (750 days)**
 - All motions for summary judgment shall be served.
- i. **Twenty-six months (780 days)**
 - All motions for summary judgment shall be filed.

The remaining tracking deadlines assume that a motion for summary judgment will be filed. If no summary judgment motion is filed, earlier tracking dates can be set by the Court.

- j. **Thirty months (900 days)**
 - A final pre-trial conference shall be conducted by the Court. A joint pre-trial memorandum shall be filed with the Court no less than five business days before the pre-trial conference. A firm trial date shall be set by the final pre-trial conference judge.
 - The minimum requirements of the joint pre-trial memorandum are attached to and made part of this Standing Order as Appendix A, "Notice to Appear for Final Pre-Trial Conference."
- k. **Thirty-six months (1,080 days)**
 - The case shall be resolved and judgment shall issue.

3. After Designation to Accelerated ("X") Track:

- All X Track cases seeking judicial review of administrative agency proceedings on the administrative record pursuant to the standards set forth in G. L. c. 30A, § 14, G. L. c. 249, § 4, or similar statutes are governed by Standing Order 1-96, and the tracking deadlines set forth in that Order. Those tracking deadlines are as follows:

- No later than 90 days after service of the complaint, the administrative agency whose decision is at issue shall file a record of the proceeding.
- No later than 20 days after service of the record, all motions to dismiss or for a more definite statement under Mass. R. Civ. P. 12(b) or (e), all motions for leave to present testimony of alleged irregularities in the procedure before the agency that are not shown in the record under G. L. c. 30A, § 14(5), and all motions for leave to present additional evidence under G. L. c. 30A, § 14(6) shall be served, in accordance with Superior Court Rule 9A.
- No later than 30 days after service of the record or the Court's decision on any motion specified above, whichever is later, the plaintiff shall serve a motion for judgment on the pleadings under Mass. R. Civ. P. 12(c), in accordance with Superior Court Rule 9A, unless otherwise ordered.
- No later than 30 days after service of the motion for judgment on the pleadings, the defendant shall serve an opposition.
- All X Track cases under G. L. c. 123A, § 12(SDP initial commitment) shall be governed by the deadlines set forth in G. L. c. 123A or as otherwise established by law.
- Unless an earlier date is required by law, all disputes in X Track cases shall be resolved and judgment shall issue no later than 12 months (360 days) after the filing of the complaint.

G. CASES NOT REACHED FOR TRIAL

Any case not reached for trial or otherwise disposed within the prescribed tracking deadline shall be referred to the attention of the Regional Administrative Justice, who shall coordinate with the Session Judge to ensure a speedy disposition within the session or reassignment to another session.


The Regional Administrative Justice shall maintain a record of all cases not tried or otherwise not disposed as required under this Standing Order, setting forth the reason for the trial delay and the action taken to resolve the matter.

H. FINAL TRIAL CONFERENCE BEFORE JURY TRIAL

1. Shortly before each jury trial, the Court shall hold a final trial conference, unless otherwise ordered by the Session Judge or Regional Administrative Justice. The clerk shall schedule the final trial conference to occur before the trial judge whenever possible and shall notify all parties of the time, date, and location of the final trial conference. The final trial conference may be held by videoconference, in accordance with Standing Order 1-22, or by telephone, by arrangement with the Court.
2. In cases to be tried by a jury, the clerk's notice ("Notice to Appear for Final Trial Conference") shall inform the parties that:

- a. The purpose of the final trial conference is to discuss the matters set forth in Superior Court Rule 6(2)(a) and other matters that may arise at trial, including without limitation those matters set forth in subparagraph 2(b) below, as well as the estimated length of the trial; any scheduling constraints affecting witnesses or other trial participants; any need for an interpreter for a party or witness, including the specific language involved and the date and time when interpretation is required; the number of jurors to be seated; any agreement to allow deliberation by fewer jurors if seated jurors are dismissed post-empanelment; the content and method of employing any supplemental juror questionnaire; the number of peremptories; the order and timing of the parties' assertions of challenges for cause and peremptory challenges; and any other matter affecting the efficiency and fairness of the trial.
- b. Not less than five business days before the final trial conference, the parties shall submit the following, unless otherwise ordered by the Court:
 - i. a final joint witness list showing each witness's city or town of residence, unless doing so would endanger the witness's safety;
 - ii. a final joint statement of the case to be read to the jury;
 - iii. a joint list of agreed exhibits(this is required for both jury and bench trials, as stated in the "Notice to Appear for Final Pre-Trial Conference, Part C. Future Filings," see Appendix A) ;
 - iv. a list of contested exhibits(this is required for both jury and bench trials, as stated in the "Notice to Appear for Final Pre-Trial Conference, Part C. Future Filings," see Appendix A) ;
 - v. a copy of any deposition transcript to be offered at trial with objections highlighted. The transcript should include notes in the margins briefly explaining the grounds for any objections and the responses given by the proponent of the testimony, for action by the Court (this is required for both jury and bench trials, as stated in the "Notice to Appear for Final Pre-Trial Conference, Part C. Future Filings," see Appendix A) ;
 - vi. any proposed voir dire questions to be asked by the Court;
 - vii. any motion requesting voir dire procedures, including the proposed method and subject matter of any attorney or party voir dire, and any proposed supplemental juror questionnaire;
 - viii. any requested pre-charge to be given by the judge before or during empanelment, or immediately after the jury is sworn;
 - ix. any motions in limine, particularly those affecting empanelment or opening statements, and stating whether each motion in limine is opposed, partially opposed, or unopposed;

- x. any stipulation to be read to the jury.
- c. Trial counsel for the parties and any self-represented parties must confer sufficiently in advance of the final trial conference to discuss the matters set forth in subparagraphs 2(a) and 2(b) above, and to file the required information in the Court no less than five business days before the final trial conference.



Heidi E. Brieger
Chief Justice of the Superior Court

Adopted: January 13, 2023
Effective: February 1, 2023

Endnotes

- ¹ As a result of an amended complaint, crossclaim, counterclaim, or third-party action, a case may, for example, change from a simple motor vehicle tort (“F” track) to a product liability case (“A” track), warranting a motion to change the designation to the longer track.
- ² This provision places the responsibility of “timely filing” documents on the attorneys and relieves the clerks of the initial responsibility of determining if documents are filed in violation of time standards. The clerk’s office is not responsible for returning improperly filed papers.
- ³ This requirement helps the Court schedule trials and notify counsel of case events electronically.
- ⁴ Wherever the term Regional Administrative Justice is used in this Standing Order, it shall include his or her designee.
- ⁵ The clerk will enter the dismissal automatically, under the authority of this Standing Order, and will give notices as required.
- ⁶ This provision does not affect the power of the Court to allow amendments to pleadings where “justice appears to require such amendment.” *Lewis v. Russell*, 304 Mass. 41, 45 (1939). The party seeking to amend late must obtain leave from the Session Judge and make a good faith showing of inability to move in a timely fashion.
- ⁷ The clerk shall enter the default automatically, under the authority of this Standing Order, and shall give notices as required.
- ⁸ A party may not have responded to timely-filed requests for discovery at this juncture and accordingly motions to compel production of that discovery continue to be appropriate. Non-expert depositions, however, must be held and completed on or before this date. This

Standing Order does not change the duty of a party to supplement, under the provisions of Mass. R. Civ. P. 26(e).

- ⁹ Some summary judgment motions are sufficiently complex to require additional judicial time to render a decision. In other cases, the parties may seek some additional discovery or may contemplate the filing of summary judgment. The case should nonetheless continue on track and be brought to the attention of the conference judge for his or her consideration and action.

Case Types

AC Actions Involving the State/Municipality

AA1 Contract Action involving Commonwealth, Municipality, MBTA, etc.	(A)
AB1 Tortious Action involving Commonwealth, Municipality, MBTA, etc.	(A)
AC1 Real Property Action involving Commonwealth, Municipality, MBTA, etc.	(A)
AD1 Equity Action involving Commonwealth, Municipality, MBTA, etc.	(A)
AE1 Administrative Action involving Commonwealth, Municipality, MBTA, etc.	(A)

CN Contract/Business Cases

A01 Services, Labor, and Materials	(F)
A02 Goods Sold and Delivered	(F)
A03 Commercial Paper	(F)
A04 Employment Contract	(F)
A05 Consumer Revolving Credit – M.R.C.P. 8.1	(F)
A06 Insurance Contract	(F)
A08 Sale or Lease of Real Estate	(F)
A12 Construction Dispute	(A)
A14 Interpleader	(F)
BA1 Governance, Conduct, Internal Affairs of Entities	(A)
BA3 Liability of Shareholders, Directors, Officers, Partners, etc.	(A)
BB1 Shareholder Derivative	(A)
BB2 Securities Transactions	(A)
BC1 Mergers, Consolidations, Sales of Assets, Issuance of Debt, Equity, etc.	(A)
BD1 Intellectual Property	(A)
BD2 Proprietary Information or Trade Secrets	(A)
BG1 Financial Institutions/Funds	(A)
BH1 Violation of Antitrust or Trade Regulation Laws	(A)
A99 Other Contract/Business Action (specify)	(F)

ER Equitable Remedies

D01 Specific Performance of a Contract	(A)
D02 Reach and Apply	(F)
D03 Injunction	(F)
D04 Reform/Cancel Instrument	(F)
D05 Equitable Replevin	(F)
D06 Contribution or Indemnification	(F)
D07 Imposition of a Trust	(A)
D08 Minority Shareholder's Suit	(A)
D09 Interference in Contractual Relationship	(F)
D10 Accounting	(A)
D11 Enforcement of Restrictive Covenant	(F)
D12 Dissolution of a Partnership	(F)
D13 Declaratory Judgment, G.L. c. 231A	(A)
D14 Dissolution of a Corporation	(F)
D99 Other Equity Action	(F)

PA Civil Actions Involving Incarcerated Party

PA1 Contract Action involving an Incarcerated Party	(A)
PB1 Tortious Action involving an Incarcerated Party	(A)
PC1 Real Property Action involving an Incarcerated Party	(F)
PD1 Equity Action involving an Incarcerated Party	(F)
PE1 Administrative Action involving an Incarcerated Party	(F)

TR Torts

B03 Motor Vehicle Negligence – Personal Injury/Property Damage	(F)
B04 Other Negligence – Personal Injury/Property Damage	(F)
B05 Products Liability	(A)
B06 Malpractice – Medical	(A)
B07 Malpractice – Other	(A)
B08 Wrongful Death – Non-medical	(A)
B15 Defamation	(A)
B19 Asbestos	(A)
B20 Personal Injury – Slip & Fall	(F)
B21 Environmental	(F)
B22 Employment Discrimination	(F)
BE1 Fraud, Business Torts, etc.	(A)
B99 Other Tortious Action	(F)

RP Summary Process (Real Property)

S01 Summary Process – Residential	(X)
S02 Summary Process – Commercial/Non-residential	(F)

RP Real Property

C01 Land Taking	(F)
C02 Zoning Appeal, G.L. c. 40A	(F)
C03 Dispute Concerning Title	(F)
C04 Foreclosure of a Mortgage	(X)
C05 Condominium Lien & Charges	(X)
C99 Other Real Property Action	(F)

MC Miscellaneous Civil Actions

E18 Foreign Discovery Proceeding	(X)
E97 Prisoner Habeas Corpus	(X)
E22 Lottery Assignment, G.L. c. 10, § 28	(X)

AB Abuse/Harassment Prevention

E15 Abuse Prevention Petition, G.L. c. 209A
E21 Protection from Harassment, G.L. c. 258E

(Case Types continued on next page)

AA Administrative Civil Actions

E02 Appeal from Administrative Agency, G.L. c. 30A	(X)
E03 Certiorari Action, G.L. c. 249, § 4	(X)
E05 Confirmation of Arbitration Awards	(X)
E06 Mass Antitrust Act, G.L. c. 93, § 9	(A)
E07 Mass Antitrust Act, G.L. c. 93, § 8	(X)
E08 Appointment of a Receiver	(X)
E09 Construction Surety Bond, G.L. c. 149, §§ 29, 29A	(A)
E10 Summary Process Appeal	(X)
E11 Worker's Compensation	(X)
E16 Auto Surcharge Appeal	(X)
E17 Civil Rights Act, G.L. c. 12, § 11H	(A)
E24 Appeal from District Court Commitment, G.L. c. 123, § 9(b)	(X)
E94 Forfeiture, G.L. c. 265, § 56	
E95 Forfeiture, G.L. c. 94C, § 47	(X)
E99 Other Administrative Action	(F)
Z01 Medical Malpractice – Tribunal only, G.L. c. 231, § 60B	(X)
Z02 Appeal Bond Denial	(F)
	(X)

SO Sex Offender Review

E12 SDP Commitment, G.L. c. 123A, § 12	
E14 SDP Petition, G.L. c. 123A, § 9(b)	(X)
	(X)

RC Restricted Civil Actions

E19 Sex Offender Registry, G.L. c. 6, § 178M	
E27 Minor Seeking Consent, G.L. c. 112, § 12S	(X)
	(X)