



Trial Court of the Commonwealth

Boston Municipal Court Department

District Court Department

Joint Standing Order No. 2-04

(as amended for cases filed on and after January 1, 2008)

TIME STANDARDS FOR CIVIL CASES

I. INTRODUCTION

These time standards are promulgated to provide judges and clerk-magistrates with specific maximum time periods within which civil cases (1) should progress between court events and (2) should be disposed. The purpose of these time standards is to promote timely disposition of civil cases and to provide a basis for assessing the movement of civil cases from commencement to disposition in each division of the two departments in which they apply.

The time standards are divided into three categories, each comprised of specific types of civil actions (“casetypes”) and each governed by a specific standard for a maximum time to disposition.

In general, these three time standard categories reflect the complexity (or potential complexity) of the casetypes each includes, with the least complex in Category A, the more complex in Category B, and the most complex (or potentially complex) in Category C.


The casetypes in Category A consist mainly of actions that by law must be disposed well within the two-month maximum. For these cases the time standard will provide a basis for periodically confirming that no cases are unaccounted for or overlooked.

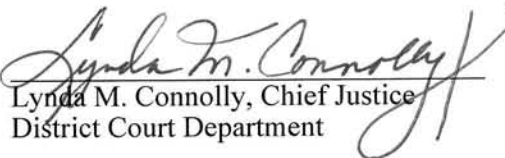
Two casetypes in Category B, summary process and small claims, have “staircased” time standards to reflect the fact that significant numbers of these cases should be disposed well before their overall maximum time to disposition.

Category C, which consists of tort and contract actions, also has “staircased” time standards to reflect the fact that most of these cases should be disposed well before the overall maximum time limit.

II. THE TIME STANDARDS

<p>CATEGORY A - Time to Disposition: Upon Filing or <u>Not more than 2 months</u> from commencement</p> <ul style="list-style-type: none"> Abuse Restraining Orders (c.209A) Landlord Failures to Provide Utilities (c.186 §14) Landlord Interference with Quiet Enjoyment (c.186 §14) Landlord Unlawfully Entering/Repossessing Land (c.184 §18) Lead Poisoning Prevention Actions (c.111 §198) License Suspension for Chemical Test Refusal Appeals (c.90 §24[1][g]) Marriage Age Waivers (c.207 §25) Marriage Waiting Period Waivers (c.207 §30) Mental Health Proceedings (c.123) Sanitary Code Enforcement Actions (c.111 §127C) 	
<p>CATEGORY B - Time to Disposition: <u>Not more than 4 months</u> from commencement</p> <ul style="list-style-type: none"> Summary Process: 50% NMT 1 month; 90% NMT 2 months; 100% NMT 4 months Small Claims: 75% NMT 2 months; 100% NMT 4 months (5 months if de novo appeal claimed) Civil Motor Vehicle Infractions (5 months if de novo appeal claimed) Non-Motor Vehicle Civil Infractions (5 months if de novo appeal claimed) (see attached list) Supplementary Process Judicial Review of Administrative Decisions (see attached list) Other Specialized Civil Actions (see attached list) 	
<p>CATEGORY C - Tort and Contract Actions</p>	
<p>C-1 75% of Total Dispositions</p>	<p>Time to Disposition: <u>Not more than 6 months</u> from commencement</p> <ul style="list-style-type: none"> Cases dismissed for plaintiff's failure to make timely service Cases disposed by default judgment Cases disposed by voluntary dismissal, agreement for judgment or other consensual disposition
<p>C-2 20% of Total Dispositions</p>	<p>Time to Disposition: <u>Not more than 12 months</u> from commencement</p> <ul style="list-style-type: none"> Cases disposed by bench trial Cases disposed by voluntary dismissal, agreement for judgment or other consensual disposition Cases dismissed for plaintiff's failure to seek default judgment
<p>C-3 5% of Total Dispositions</p>	<p>Time to Disposition: <u>Not more than 18 months</u> from commencement</p> <ul style="list-style-type: none"> Cases disposed by jury trial Cases disposed by bench trial after having been scheduled for jury trial Cases disposed by voluntary dismissal, agreement for judgment or other consensual disposition after having been scheduled for trial
<p>Maximum Intervals Between Court Events:</p> <ul style="list-style-type: none"> From Answer to Case Management Conference Date: Not More Than 4 Months From Case Management Conference to Pretrial Conference Date: Not More Than 7 Months From Pretrial Conference to Trial: Not More Than 3 Months 	


 Charles R. Johnson, Chief Justice
 Boston Municipal Court Department


 Lynda M. Connolly, Chief Justice
 District Court Department

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APPENDIX

Non-Motor Vehicle Civil Infractions (Category B) include:

- Bicycle Civil Infractions (c.85 §11C)
- Dog Control Civil Infractions (c.140 §173A)
- Environmental Civil Infractions (c.21A §§10G-10H)
- MBTA Smoking Civil Infractions (c.161A §42)
- Motorboat Civil Infractions (c.90B §14[a])
- Municipal Ordinance/Bylaw Civil Infractions (c.40 §21D)
- Pedestrian Civil Infractions (c.90 §18A)
- Rubbish Disposal Civil Infractions (c.270 §16A)
- State Building Code or Fire Code Civil Infractions (c.148A)
- State Park / Forest / Recreation Area Civil Infractions (c.132A § 7A)

Judicial Review of Administrative Decisions (Category B) includes:

- Abandoned Property Appeals (c.200A §10[d])
- Ammunition Dealer License Appeals (c.140 §122B)
- County Employee Discharge Appeals (c.35 §51)
- Dog Order Appeals (c.140, § 157)
- Farm Nuisance Abatement Order Appeals (c.111 §125A)
- Fence Viewer Certiorari Actions (c.249 §4)
- Firearms Identification Card Appeals (c.140 §129B[5])
- Firearms License Appeals (c.140 §131[h])
- Funeral Director License Appeals (c.112 §84A)
- Historic District Commission Appeals
- Home Improvement Contractor Arbitration Appeals (c.142A §4[e])
- MCAD Housing Discrimination Award Appeals (c.151B §5)
- Raffle/Bazaar Permit Appeals (c.271 §7A)
- Retirement Board/PERA Appeals (c.32 §16[c][3][a])
- Unemployment Compensation Appeals (c.151A §42)
- Used Car Lemon Law Arbitration Appeals (c.90 §7N¼)
- Victim of Violent Crime Compensation Appeals (c.258C §9)
- Zoning Appeals (c.40A §17)

Other Specialized Civil Actions (Category B) include:

- Auto/Boat Forfeiture Actions based on Fourth or Subsequent OUI (c.90 §24W)
- Beach Free Passage Actions (St.1991 c.176 §4)
- Child Labor Citation Enforcement Actions (c.149 §78A[d])
- Condominium Conversion Violation Actions (St.1983 c.527 §5 & St.1989, c.709 §20)
- Discovery in Foreign Proceeding (c.223A §11)
- Election Violation Inquest (c.55 §35)
- Explosives/Inflammables Forfeiture Actions (c.148 §§50-51)
- Forfeiture of Property Seized in Criminal Offense (c.257 §§2-7)
- Juror Wage Denial Actions (c.234A §60)
- Lien Enforcement Actions (c.254 §5; 255 §26)
- Livestock Disease Control Actions (c.129 §37)
- Medical Provider Overpayment Recovery Actions (c.118E §38)
- Municipal Tax Collection Proceedings (c.60 §29)
- Replevin (c.247)
- Repossession of Secured Goods (c.255 §13J; c.255B §20B; c.255D §22)
- Security Actions for Impounded Animal (c.272 §104[c])
- Settlement Approval for Personal Injury to Minor/Incompetent (c.231 §140C½)
- State Fire Marshal Investigations (c.148 §3)
- Structured Settlement Transfer Approvals (c.231C §2)
- Tenant Illegal Activity Declaratory Judgments (c.139 §19)
- Tuberculosis Commitments/Discharges (c.111, §§ 94C or 94G)
- Unemployment Compensation Actions against Employer by DET (c.151A §15)



Trial Court of the Commonwealth

Boston Municipal Court Department

District Court Department

Joint Standing Order No. 3-04

TIME STANDARDS FOR CRIMINAL CASES

1. AUTHORITY

This Standing Order is jointly promulgated by the Chief Justice of the Boston Municipal Court Department and the Chief Justice of the District Court Department pursuant to their statutory responsibility for case management under G.L. c. 211B, §10 and uniform practices under G.L. c. 218, § 43A.

2. PURPOSE

These time standards are intended to reaffirm the goals of “simplicity in procedure, fairness in administration, and the elimination of expense and delay,” as provided by Mass. R. Crim. P. 2(a). Recognizing that excessive delay can undermine public confidence in the delivery of justice in our courts, the following time standards have been established to advance the expeditious and just disposition of all criminal matters.

3. TME STANDARDS

There shall be two track designations for criminal cases commenced within the final jurisdiction of the Boston Municipal and District Court Ddepartments. Track A shall include all criminal offenses which provide a maximum period of incarceration of six months or less, including all criminal offenses which carry no term of imprisonment and are punishable only by fine. Track B shall include all criminal offenses punishable by a period of incarceration longer than six months.

The maximum time to disposition for Track A cases shall be five months. The maximum time to disposition for Track B cases shall be twelve months. If a defendant is charged with one or more Track A and Track B offenses in a single complaint, the case shall be treated as Track B for all purposes. Cases may be transferred from Track A to Track B, or the maximum time period allowable between court events may be extended, only by a judge for demonstrated good cause stated on the record. Requests to alter the track designation of cases or to extend a maximum

time period within a track shall be evaluated consistent with the purposes of this Order set forth in paragraph 2. Nothing in this Order shall be construed to deter resolution of cases prior to the maximum time limits standards set forth herein.

Consistent with the applicable provisions of the Mass. R. Crim. P. and the Dist./Mun. Cts. R. Crim. P., the time between court events in criminal cases shall be as follows:

Track A:

- From Arraignment to Pretrial Hearing date: Not more than 45 days;
- From Pretrial Hearing to Motion/Compliance/Election date: Not more than 45 days;
- From Motion/Compliance/Election date to Trial date: Not more than 45 days.

Track B:

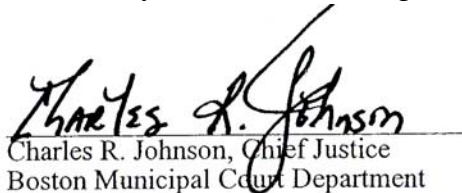
- From Arraignment to Pretrial Hearing date: Not more than 45 days;
- From Pretrial Hearing to Motion/Compliance/Election date: Not more than 60 days;
- From Motion/Compliance/Election to Trial date: Not more than 90 days.

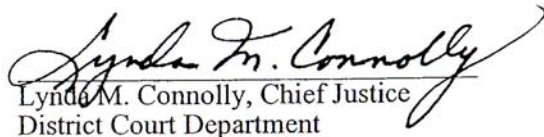
4. CRIMINAL CASE MANAGEMENT

Performance goals for criminal case management in the Boston Municipal Court Department shall be determined by the Chief Justice of the Boston Municipal Court Department.

Criminal case management in the District Court Department shall be assessed in accordance with District Court Standing Order No. 4-04, Performance Goals for Criminal Case Management.

Computation of the time periods set forth above shall exclude any time during which the defendant is legally unavailable to proceed with the criminal case, e.g., time during which the defendant is in default and periods of time during which the defendant is under a term of involuntary civil commitment pursuant to the provisions of G.L. c. 123.


Charles R. Johnson, Chief Justice
Boston Municipal Court Department


Lynda M. Connolly, Chief Justice
District Court Department

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Trial Court of the Commonwealth District Court Department

Standing Order No. 4-04

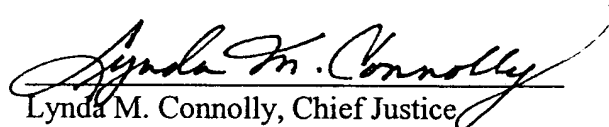
PERFORMANCE GOALS FOR CRIMINAL CASE MANAGEMENT

In the District Court Department criminal case management in each division will be assessed from time to time in terms of overall time to disposition for the court's entire criminal caseload.

The performance goals will be as follows:

<u>Dispositions</u>	<u>Maximum time from arraignment to disposition</u>
80 - 90%	Not more than four months
91 - 98%	Not more than six months
100%	Not more than twelve months

In determining time to disposition under this Order, any time during which the defendant is legally unavailable to proceed with a case (e.g., time during which a defendant is in default or under civil commitment) will not be included.


Lynda M. Connolly, Chief Justice
District Court Department

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Commentary

The Criminal Time Standards in Joint Standing Order 3-04 provide two tracks for time-to-disposition and standards for intervals between court events. They are intended to provide specific time limits at the outset of each case to enable the judge to avoid delay as that case moves forward. Factors can emerge in any case that will determine whether these limits are unnecessarily long (e.g., “driving uninsured” cases normally should be disposed of quickly, despite being on Track B) or unreasonably brief (e.g., despite being on Track A, a minor case may require more than four months if the defendant demands a jury trial or if the case involves significant economic consequences). In any event, the Joint Criminal Time Standards provide that the track limit in any particular case may be extended for good cause stated on the record.

The District Court criminal case management goals set forth in *this* Standing Order focus on each court’s actual criminal dispositions, rather than governing cases as they proceed. They assess performance in terms of the court’s entire criminal caseload, irrespective of tracks.

This assessment approach avoids subdividing actual dispositions in terms of the penalties available by statute for each case, and thus simplifies the assessment process. This approach also appropriately accounts for cases that should be disposed of quickly, though they have been placed initially on the twelve-month track.

This assessment approach also provides flexibility to reflect the different types of caseloads in the District Court divisions. A court with relatively few time-consuming criminal cases (generally rural or suburban courts with high proportions of motor vehicle offenses and other minor, non-violent crimes) may have a higher percentage of dispositions within the four-month limit and fewer within the six-to-twelve month limit. For case management assessment purposes the breakdown for such a court might be 90%, 98%, 100%.

By comparison, an urban court with a higher proportion of crimes involving violence, drug charges and repeat offenders would be expected to have a higher percentage of dispositions in the six-to-twelve-month range and proportionately fewer within the four-month limit. Such a court may have a breakdown for case management assessment purposes of 80%, 92%, 100%.

The point is that both courts will be within the performance goals.

The assessment will take into account cases commenced in one court but disposed in a jury session that is provided in another court.

It is important to note that when the case management of individual courts is assessed, the process will allow court personnel – judges, clerk-magistrates, chief probation officers, and staff – to review court practices and procedures and identify strengths and any weaknesses. Regional and Administrative Office personnel will be available to assist in appropriate circumstances. It is anticipated that this comprehensive, coordinated approach, which is an approach followed by the American Bar Association in its caseflow management recommendations, will provide a meaningful opportunity for all court components to effectively collaborate in the timely movement of criminal cases to disposition.