

DISTRICT COURT DEPARTMENT WORCESTER DIVISION WEBSITE

An Interactive Qualifying Project Report
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- 1. Computers**
- 2. Websites**
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1.0 Introduction

The purpose of this Interactive Qualifying Project was to develop a webpage for the District Court Department, Worcester Division. The Honorable Judge Elliott L. Zide, the presiding judge of the Worcester District Court, initiated the project by requesting, (through Professor Kent Rissmiller), a team of students to research and implement his ideas. Judge Zide's basic vision was to improve the efficiency of the court house, by providing general information to the public. This information included not only information about where the court house is, and hours of operation, but information from each department. He wanted each department to be able to post information deemed necessary for smoother operation.

Information on building court websites was difficult to find. Most websites about website building are for building personal web pages because companies and other public organizations use web builders in order to produce a webpage. This made the project much more interesting, in that principles used on personal pages were converted to meet the needs of the court house. By looking for models of current court web pages though, more options were brought to the forefront in usability and style.

To find what kind of information the public and court officials believed would be beneficial to display, surveys and interviews were conducted. The

surveys were conducted over a period of weeks and included yes or no questions and an area for comments. Interviews were conducted of personnel from each department of the court who were willing to give some of their time and expertise.

The Worcester District Court consists of multiple departments, these being: the civil, criminal, probation, and security departments. Judge Zide introduced people from each department who would be willing to share some of their time to help with the material to be placed on the website. Mr. Mike Prosser from the civil department informed us immediately that most of his time is spent dealing with small claims cases. He then provided us with information dealing with small claims rules and regulations in the state of Massachusetts, (which is discussed in greater detail in Chapter 4.3.5). The criminal department was much more interested in providing office directions and times. Mr. Timothy Dupree of the probation department was interested in letting the public know of the court's many reform programs. Finally, the security department wanted to let the public know what was included concerning appropriate attire and appropriate behavior.

It was the Worcester District Court's goal to be on the forefront of technological development within the Massachusetts court system. Judge Zide envisioned the achievement of this goal by developing a website for the court to convey information to the public. By doing this, the Worcester District Court would be a pioneer of sorts in the Massachusetts court system for information technology advances.

2.0 Background/Literature Review

2.1 Current Websites on District Courts

To begin the task of creating a web page for the Worcester District Court our group wanted to first review websites that had already been created for court houses with similar characteristics. We decided to look at certain aspects of these other pages. The items we chose to review on these webpage's are as follows: How is the page arranged? What links were on the main page? Did they have a frequently asked questions links? Were hours and directions available? What forms were available online? Was E-Filing available? A review of these sites is available in Appendix A.

After reviewing these sites, the information available in Appendix A is our view of what the majority of the sites contained. The use of a general information link is one of the most common on these web pages and our group plans on implementing this in the website we construct for the Worcester District Court. Also, another common theme was having the frequently asked questions not listed on the main page, our group and Judge Zide both disagreed with the notion and believed that it should be easily accessible to the user and on the main page. Then, it was decided, instead of just having a frequently asked questions page, to

answer all common questions from each department, on their separate pages. All the pages reviewed varied in numerous ways and our group decided to use our own research results to determine what links should be contained on the main page. This research includes surveying of the visitors to the court and interviews with some key employees of the court.

2.2 Interactive Qualifying Projects on Website Building

In 2000, Sharad Bhojnarwala, Scott Coleman, and Brooke LeClair built a website for Frilandmuseet for their Interactive Qualifying Project. We used their method of progression on the project. In their methodology, they included a plan to get information from their target consumer group electronically. They decided on sending one template email to each individual at a time, to ensure that each person would feel personally addressed. The group also decided that the emails should be open-ended to promote an expansion on ideas. We decided that this approach of open-ended questioning would suit this particular project, if guidance was given to direct the flow of ideas, since there are only a certain number of items to be placed on the website.

Another good strategy that was implemented was the comparison of websites. Not just any website, but those directly related to courthouse activities. We also needed to have an in-depth web site analysis, like the one done by the Frilandmuseet group. In doing this we checked to see if all the necessary

information was conveyed and made sure that the structure of the web page was consistent and easy to use. Since our target audiences were people who are on the website for specific purposes, effort would be made to keep items such as pop ups, ads, and other general annoyances to a minimum once the website found a server.

We also included questionnaires similar to those used by the Frilandmusset group. We decided to use two separate types of questionnaires, each targeted to a different group. One was for court administrators and the other for court clients. Instead of using purely open ended questions for everyone, we used open ended questions for court officials and closed ended questions for court clients. The implementation of questionnaires was executed on site; at the courthouse. This was done during business hours when the largest numbers of court clients were available. The design of the website is dramatically different from the Frilandmusset website due to the fact that there is a clean cut expectation as to what should appear on the court website. The page is also meant for mature audiences who are on business and do not want to deal with extra content.

2.2.1 Evaluation methods

There are a variety of evaluation methods that could be used to inspect the user interface. These are electronically, empirically, formally, or informally derived (Bhojnagarwala, 9 May 2000). Automatic usability inspection is when

the usability is measured by computing a user interface specification through evaluation software. The most common method is empirical testing when one tests the interface with real users and assesses the usability of the design. Formally testing the interface uses exact formulas and models to calculate usability measures. This is the exact opposite of informal testing which is based on rules of thumb and the general skill, knowledge, and experience of the evaluators. Depending on the user interface and the goal of the usability inspection, these methods may also be combined.

2.2.2 Web design

With the growing importance of the internet more and more companies, institutions, and people are posting their information on the web. Web traffic is increasing exponentially day by day. In such an age, it is important to create a user friendly, eye catching, and innovative web site to attract user attention and retain browser loyalty. Many design elements would help increase the usability of websites by increasing the ease at which users can navigate through and understand websites. Some of these important ideas are headlines, the structure of the page, names and logos, photograph placement, links, and consistency. Headlines and title pages should be straight forward, simple, and should clearly explain what the page is about. This will help the user to understand the topic of the page when read out of context such as in search engine results listing. Web

pages must be structured to facilitate scanning and help users ignore large sections of the page at a single glance.

One way of achieving this goal is to use groupings and subheadings to break long lists in to several smaller units. Hypertext must be used effectively to structure the content space into a starting page that provides an overview and several branching pages that each focus on specific topics. This will prevent the initial page from looking overcrowded and allow users to avoid wasting time on particular subtopics that may not interest them. (Schwartz, 1997)

2.2.3 Website testing and evaluation

Web usability problems fall into two categories; site level usability and page level usability (<http://www.highfive.com/>). Site level usability includes the following aspects: home page, information architecture, navigation and search, linking strategy, internally vs. externally focused design, overall writing style, page templates, layout and site wide design standards, graphical language and commonly used icons. Page level usability focuses on specific issues related to individual pages: understandability of headlines, links, and explanations, intuitiveness of forms and error messages, inclusion or exclusion of specific information, individual graphics and icons (<http://www.highfive.com/>).

2.3 Building Website Strategies

There are many established methods to building a website. Different methods, however, deal with the basic knowledge of the people trying to accomplish the task. The very basic needs of a web builder are: “basic computer skills, access to a computer, access to the internet, an HTML editor, and a place on the world wide web to publish the site” (build-website.com). With the Worcester District Court website, all of these items were provided. However, once the basics were covered, the details had to be established.

After researching several sites and books with excellent ideas on building websites, we realized that nothing had yet been done on building District Court websites, (or court websites in general). Several websites had lists offering a plan to build a general webpage. Build-website.com has eight steps involved in publishing a page: define your objectives, design your webpage, download an HTML editor, construct your page, find a web server to publish your page, copy your page to the web server, promote your webpage, track your hits and fine tune. Although this site is not the only place where an established method is published, it was the easiest to understand and manipulate for the needs of the District Court house. Many other sites, such as learnthenet.com, had established methods, yet for the purpose of the Worcester District Court, these were obsolete. These sites

dealt with the webpage building, are intended for personal use, and therefore, require an extensive knowledge of graphics and HTML code.

2.3.1 Defining the Eight Steps

The objective of this Interactive Qualifying Project is to provide a user friendly website for the Worcester District Court House. Using the eight steps provided by build-website.com, this group set strict standards for completing the mission at hand. The objectives that we hoped to reach were discovered through surveying and interviews. An HTML editor was not needed due to the fact that we decided to use Microsoft© Front page. This decision was quite difficult, seeing as there are many competitive programs on the market. One we considered was Dreamweaver©: “If you are a web developer expert, Dreamweaver© will speed up your development as well as teach you lots of DHTML, CSS, and Javascript” (Dreamweaver© 4 for Dummies, Edward Tanguay). This quote was confirmed when we sat down with Dreamweaver©. Although it is able to do much more for the website graphics and can code more, there are many difficulties when in use. For example, if one is unfamiliar with the working of the program, it takes several tries to understand and the tutorials are quite confusing. It is exactly as Mr. Tanguay describes it, a “learning” product. For those that are web developers, it is a challenge, and unfortunately, one this group was quite unable to handle. Microsoft© Front Page, luckily enough, is quite common, and

one of the former members of the group, Mr. Gauvin, had already worked with it. www.holycross.edu/departments/nrotc/battalion was built using Microsoft© Front Page, and for the ease of use, and the general use of court house personnel, it is an ideal product.

Finding a web server is a potential problem. Since the District Court is under the state of Massachusetts, state officials have some say over what material can be posted and the general integrity of the site. Also, funding for keeping the website on a certain server and the possibilities of having someone update the site could become difficult. The choice of Microsoft© Front Page actually allows anyone the ability to update the site. Unfortunately, the court house, must buy the product in order to use it. Again, this creates problems with funding.

Promotion of the website will occur on the web, possibly on the Massachusetts webpage. Also, the court house staff knows about the site, and hopefully, will spread the word.

3.0 Methodology

3.1 Surveys

How do we determine the kind of information that the people who use the courthouse need?

We conducted a survey of visitors to the courthouse. These visitors included: attorneys, defendants, plaintiffs, witnesses and guests. Our surveys were conducted over a period of several weeks at the lobby of the Worcester County District Court House. To get the input of the potential visitors to the web site we had to determine the best way to question these individuals. This information was necessary because we needed to know what information that the people who actually would use the website might need. Surveying was the logical and efficient approach to gathering this information.

3.1.1 Survey Design

To design a survey one must first decide on the kind of information one is trying to gather. Our group decided that we were trying to gather information on what people would like to see on the court's web page. Some preliminary questions we wanted to ask the court clients were what type of visitors they were (i.e. attorney defendant, etc.) and what department of the court they were visiting for (i.e. civil, criminal, etc.). Additionally we wanted to know whether or not they

had internet access and if so how often (weekly or daily) they accessed the internet. After these questions were out of the way we wanted to ask questions to find out if the people would use the internet to find out information on the court house and what type of information they would be looking for. We also wanted to know if they thought it was good idea to make forms available on the website and if so what type of forms they would like to be able to access from their home or office. We left some of the questions open ended to receive user input that we had not thought of ourselves.

3.1.2 Pre-Testing

Pre-testing the survey was a key aspect to this part of our research. We had to verify that our questions were clear to everyone taking the survey and that answers would come back to us in a standard format that we could analyze and compile into a spread sheet. If we had chosen not to pre-test the surveys, there was always the possibility that we could have received answers that could not be used and this part of our research and would have been wasted.

After deciding on the questions that were going to be on our survey we went through two drafts. Minor changes were made after each pre-test was completed. Each time we distributed the survey to ten students who had at one time visited a court house. These students reviewed our survey in two different ways, first, as if they were actually taking it and answering the questions and

second, looking for any grammatical mistakes and making suggestions to our group. After the testing stage was complete we produced our final version of the survey and a sample of it can be found in Appendix B.

3.1.3 Implementation of our Survey

Our survey was to be handed to the respondents by ourselves and we had to make sure we explained the survey to each visitor of the court house in the same manner so that the information we were gathering would be as accurate as possible. We explained to each person in brief what our project was, and why we were surveying visitors of the court house. Then we asked if they would be able to spare a few minutes to complete our survey. Each individual survey, in all, took only three to five minutes per person. We surveyed at the court house over a period of several weeks, going on different days and times each week. In all we surveyed a total of fifty visitors.

3.2 Interviews

In order to determine what the individual court departments wanted on the proposed website, it was necessary to conduct interviews within each department. A standard questionnaire form was developed to aid the interview process and is found in Appendix C. Each department sent a representative to give us information and make suggestions as to what should be on the website. During the

interview process, there was a list from which questions were asked. This section took approximately ten minutes. The next section of interview was a more of a commentary section. This section took approximately ten minutes as well. The second section turned out to be an excellent addition to the interview, as it allowed the court officials to give input as to how interviews can be improved, and gave rise to other questions that were not thought of during the questionnaire's development.

3.2.1 Interview Questions

The initial interview questions that were asked were of the standard interview question format; name, position, and so on. The questions then went on to ask about particular departments, what areas of jurisdiction the departments have, the type of work load they handle, and continued. Those questions then led into what type of interaction the departments have with the public, and what type of information they provide to the public. The final part of the interview asked what type of information that each of the departments would want to post on the website. This question was asked with the future theoretical possibility of E-filing. After each interview was concluded, contact information was exchanged with the court officials in the event that more information became available in the future.

3.3 Organizing the Web Layout

The web layout was first determined through a consensus of the group. We decided while making this site that a natural order would be given to the web layout. This was constructed through the many interviews that we had with several court officials from the Worcester County District Court House. This was then proposed to Judge Zide, the presiding judge of the Worcester court, and he decided it was not exactly what he wanted. He then gave us the layout he wanted from the information that we gathered through our several interviews.

The web layout begins with the main page. This main page consists of a site map, address, hours, and the main phone numbers for the court. Several links from the main page include announcements and information by department, and court organization. The frequently asked questions page will answer all of the questions or information that the clients of the court house requested when taking our survey. The announcements and information by departments is divided into the court departments. Under each department is the information that was requested by each section during interviews with the officers of the court. These different departments are the civil and the criminal sections. The probation office, the judge's lobby, and security were also included. The organization page includes the jurisdiction of the court, contact information by department, and

directions. A chart that displays the organization of the web site can be found in the Appendix D.

4.0 Results and Discussions

4.1 Survey results

This information was derived from answers given on the questionnaires. A total of fifty questionnaires were completed by randomly selected people in the court house. The process of surveying took approximately three weeks to complete. The raw data from the questionnaire can be found in the Appendix D at the back of this report.

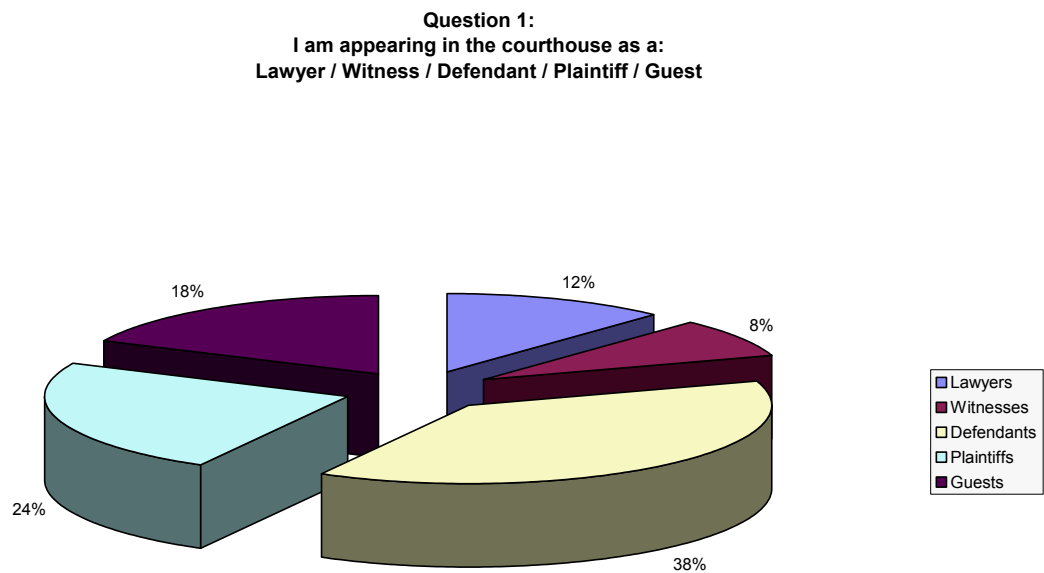


Figure 1: Type of person visiting the court house

This chart represents the first question asked on the questionnaire: In what role are you appearing in the courthouse? As one can readily tell, the majority of the people in the courthouse are there as defendants / plaintiffs. This can be expected given that the court processes dozens of small claims per day. Small claims cases do not usually involve witnesses or lawyers. There appear to be a high percentage of “guests” at the court house; this however, can be explained by the fact that the majority of these people may have been friends of plaintiffs or defendants at the court house.

**Question 2 (Total answers):
Do you have internet access?**

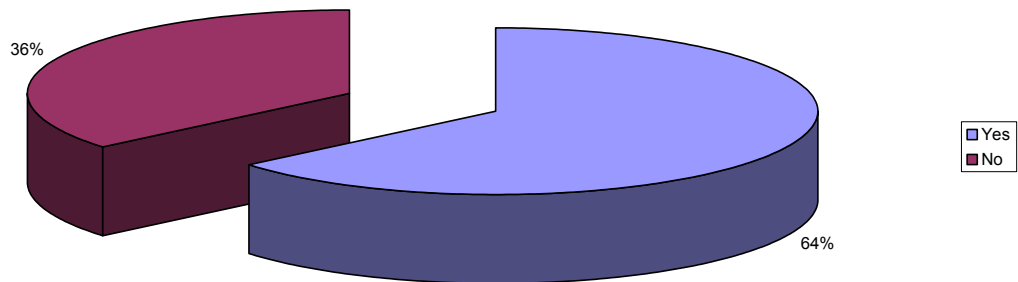


Figure 2: Access to the Internet

This chart shows the percentage total of court house clients who have access to the Internet. Sixty-seven percent of plaintiffs had access to the internet while all lawyers questioned had access to the internet. Half of the guests also had access and it was about the same for the defendants, while seventy-five percent of guests also had access.

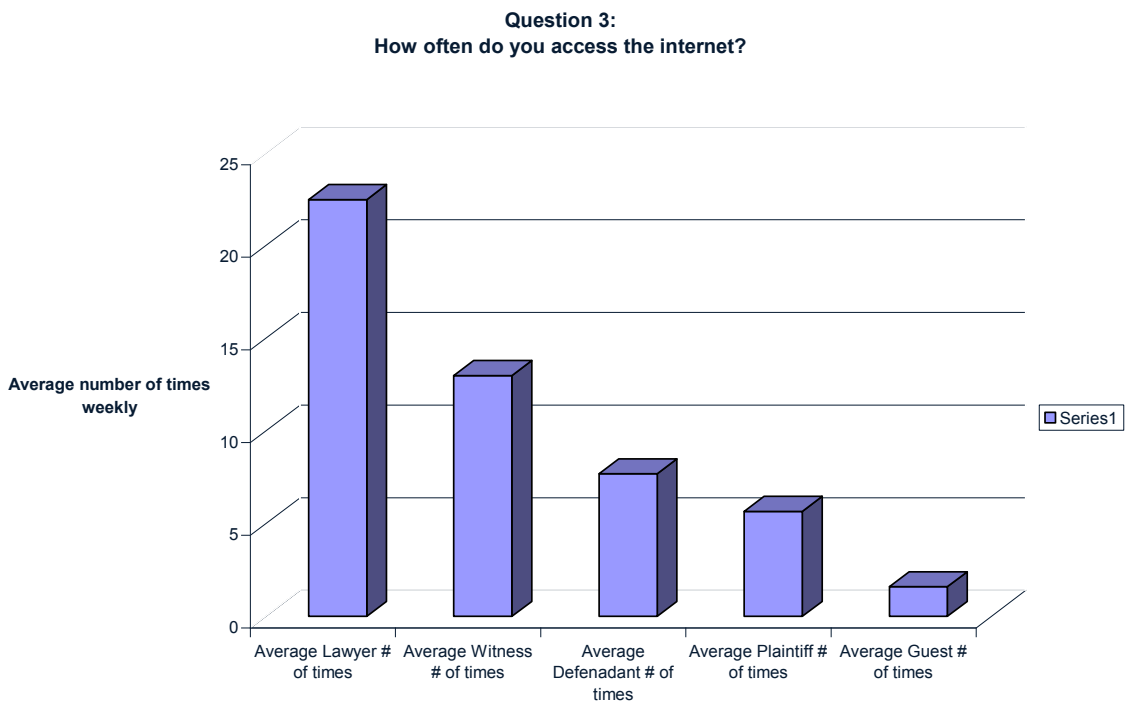


Figure 3: How often do you access the Internet weekly?

This chart shows that lawyers access the internet more than twenty times a week, on average. This data explains to us that the people who will most likely be using the webpage consistently are the lawyers.

Question 4:
What would you like to see on the district court website?
Operating Hours / Contact Information / Directions / Bail Bond

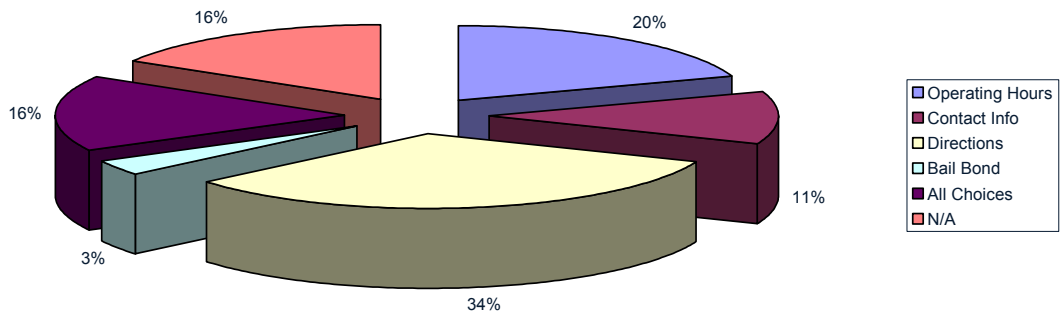


Figure 4: What would you like to see on the district court website?

This chart shows the type of information that clients most desired to see on the webpage. As can be seen by the results, most of the respondents desired general court house information, such as directions, operating hours, and contact information.

The data also showed that there was a demand for forms to be available online. Other than lawyers, there is not an overriding demand for E-filing at this time. Considering the lack of immediate need for e-filing, more attention was given to providing easy access to general information. The design does not

exclude the possibilities of e-filing; it is just not a consideration for this project. It must be understood however, that these results do not represent a total lack of interest in e-filing, the clients merely do not express an over riding need for it. In many cases, such as those of defendants or guests, there was either no need for e-filing or there was no knowledge that e-filing could be available. There were a fair number of court clients who were simply not familiar with the capabilities of technology today.

As can be seen by the results of this question 6, of the survey in Appendix E, most of the people did not really have any idea what they wanted to see on the webpage. This was understandable given that there was no previous experience for them to use or evaluate an official court website. The only body of court house clients who consistently knew what they wanted was the lawyers. This can be expected given that they are frequent court house visitors and frequently receive questions from their clients asking for general information. As it can be seen by the results in Appendix E, the primary reason for a court house visit is involvement in a civil case. This is not surprising due to the fact that the main bulk of the cases processed by the Worcester District Court are, in fact, civil cases.

The questionnaires allowed us, the IQP group, to make important design decisions when constructing the court webpage. Information was located according to importance and demand. Layouts were chosen for familiarity and

ease of navigation. Knowing what was most important to the potential users of the webpage allowed us to ensure that information would be properly provided. One very important fact was discovered during this survey: there was not an immediate need for e-filing. What this meant was that effort did not have to be wasted to set up an e-filing system, which would have complicated matters.

4.2 Interviews

4.2.1 Probation Department

We met with Timothy Dupree on more than one occasion for the probation department. On hearing word of the website we were building for the Worcester District Court, he was very enthusiastic, and had many ideas. With his familiarity with the Internet, he was an instant choice from the department to meet with us. His contact with the public is constant and he deals mostly with lawyers and their clients. Some of the information he provides the lawyers with are: records, programming groups and client histories. Mostly though, it seemed that the most important message the probation department wanted to publicize was about its reform programs. These programs include referral information, drug, domestic, anger management, SYCO education, changing lives, fatherhood, and relapse prevention. He gave us fliers on the programs and asked us to place them on the site. In addition, he was interested in having a “wanted” section for those in the

Worcester County who had violated their paroles. Finally, he suggested a phone hotline in addition to this wanted site, so that these violators could be reported twenty-four hours a day. He also volunteered to take charge of updating the wanted section. Appendix F contains the interview and the actual items to be placed on the website.

4.2.2 Security Department

Mr. Richard Paniss is the Assistant Chief Court Officer and we interviewed him for the security department. The information he usually provides is to lawyers and probation officers. Lawyers get the status of their clients and probation officers will hear of the status of the defendants in custody. He suggested mostly information (to put on the website) dealing with appropriate behavior and clothing while in the court house. This information included: attire and things you can bring into the court room; pants, shirts and shoes required; no shorts; no food or drink in the court rooms; no cell phones or pagers in the court rooms; jury pool questions hotline; and where the handicap entrance is located. Appendix G contains the interview conducted.

4.2.3 Attorney

Mr. Peter L. Ettenberg is a defense lawyer. He was interviewed so that we may understand what lawyers may possibly want to see on the Worcester District

Court website. He accepts a limited number of court appointed cases, and usually only when a murder is involved. His clients usually receive information on where to park at the court house, and how the law process applies to them. The information he thought could be provided by the court, was already suggested by each of the various departments. Appendix H contains the interview conducted.

4.2.4 Criminal Department

Ms. Darlene Perro is a session's clerk of the criminal department, who Judge Zide specifically identified as a fountain of information. The information she provided us was: Office Directions and times when certain issues are being arraigned. She also gave us the court rooms where each session takes place, but suggested that we recommend on the site, that these rooms change all of the time. The best place to find information on which court room to go for a case is the list that is posted each day in the lobby of the court house. The only document that she could place on the site was the pretrial conference tender, because most criminal documents need to be filled out at the court house. Appendix I contains the interview conducted and the information to be placed on the site.

4.2.5 Civil Department

At the beginning of this IQP, Ms. Christina Slik was our contact from the civil department. She is a civil clerk and mostly deals with paper work and

restraining orders. However, that is not the major work of the civil department, so Judge Zide suggested that we talk to the head civil department assistant clerk, Mr. Mike Prosser. He indicated that the most claims that go through the department are small claims. We asked him about small claims forms, and at first he was hesitant, and then he suggested example forms. Most of the forms used in the civil department need carbon copies, so this idea of example forms was welcomed by us. With these example forms, people dealing with small claims will know what kind of information is needed before they go into the court. In response to our interview, he wrote several documents explaining how the civil department works, and what the regulations on civil claims are in state of Massachusetts. He asked us to scan these documents into the website and we would have our duty to the civil department done. Appendix J contains the interviews conducted and the forms and rules to be placed on the website.

5.0 Website Construction and Design

5.1 Design

The Purpose of this website is to provide a reliable information resource to which courthouse clients can have easy access. With that purpose in mind, the design of the webpage layout plays an important role in the user friendliness of the website. Knowing the intended users of the website plays a big role in the design of the website. With the knowledge that the intended users of the website would be courthouse clients, we, the group, ran a survey to find out what users found most helpful when surfing the net. A few issues became readily evident early on. Websites which were easy to navigate, easy to read, and contained information that was easy to find, were much preferred over websites that were visually pleasing but contained little content. A review of several other common websites, i.e. websites belonging to other court systems, show that these findings were indeed accurate. Another aspect of the survey was the study of what these users expected to find on the proposed website. The survey results showed that there was an increasing desire by potential users to be able to download necessary forms and documents needed for court business.

5.2 Layout

The final layout design of the website was purposely made to be very simple, to aid in easy navigation and assist users in finding the desired information. A frame was created on the left of the main page to provide ready access to the different sections of the court website. On each department page, a series of “quick links” provide easy access to the pertinent documents relating to that court department. In addition to being simplistic, the web layout was made to be similar to those of other courts. This was a conscious choice made by the group to help promote the professional uniformity of such websites. In addition to looking professional, the likenesses of these types of websites also create ease of navigation due to familiarity. Since it is assumed that least frequent users of the court system would be the most common users of this website and others like it, it would prudent to tailor the layout to best suit them.

5.3 Building

The website was designed using HTML. Several factors contributed to the decision to use standard HTML coding. The first and foremost factor was the creation and maintenance costs of the website for the Worcester Courthouse. By using simple HTML encoding, a person with minimal experience can make changes to the website with little or no difficulty. The alternatives were to use more “powerful” web development tools such as Frontpage™ or Dreamweaver™

to make the same web design. While these tools are more powerful and have many more options, they do not enhance the potential design enough to justify their costs. These programs are mainly a design tool to enhance the appearance of a website. Whereas the primary purpose of the website is to provide information, with looks and features being a minor detail.

6.0 Future developments

The purpose of this IQP was to help the Worcester District Courthouse develop and create a website by which to get information to court clients. In this we were successful in laying the foundations for a proper website. A website has been created for the courthouse, but as an amateur job, it is merely a place holder. When the Worcester district courthouse decides to take the next step and move into electronic filing, a more thorough job will be needed to enhance this basic website. We feel that when the courthouse is ready to take that step, there may be ample opportunity for another group to complete the work that we have started and also to help with getting electronic filing on the site.

The work that needs to be completed is basically anything that Judge Zide deems is necessary. The probation department would like a most wanted page, which has not been cleared by the court house. The webpage also needs a permanent server. This means that the courthouse will have to allocate some funds, or ask the Massachusetts court system, if the district's page may run off of theirs. Also, the court needs to appoint someone to keep the page up to date. We have suggested Mr. Dupree because he had mentioned in the past his expertise with web pages. Finally, we believe that there is enough work left that another IQP group could come in, and finish was the court house has started.

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Appendix A: Current Websites on District Courts

The first page that we decided to review was Michigan's 36th District Court (<http://www.36thdistrictcourt.org/index.htm>). This page seems to be arranged in a basic frames format. A basic frames format uses two to four frames. On this page there was a center frame that displays the information that the user requests to see and a frame on the left side of the screen that holds the links. The links off the main page were: General Info, Traffic, Civil/Small Claims, Real Estate, Criminal, Probation, Jury Duty, Court Education, and Apply for a Job, Resources, and Tickets Here. No FAQ links were readily available off the main page however some of the other links brought you to pages with their own FAQ links. Again hours and directions did not have a link off the main page but were available under a general info link. No forms are available for download. E-Filing was available to pay traffic violations online.

The next site that we looked at was Colorado's 4th Judicial District Colorado Springs Location (<http://www.gofourth.org/clerkoffelp.htm>). A table is centered on the main page; this table contained the site's navigation links. Also on the main page are a holiday schedule and some basic contact information. Links available off the main page were: Information about Jury Service, Judges & Magistrates Home Page, Judges & Magistrates That Perform Weddings, Self-Help Center, Unclaimed Funds, T*E*S*S*A (formerly The Center for the

Prevention of Domestic Violence), Child Support Payments, Probation Services, Office of Dispute Resolution, Career Opportunities, County Court Filing Calendars, Directions to the Courthouse, Table of Filing Fees for Colorado State Court System (Adobe Acrobat PDF format), Information on Colorado Approved Forms available for download, Division Setting Times & Telephone Numbers, Consolidated Notice of Pending Actions, Electronic Public Data Request Form, Tax Information For You, 2001 Advance Payments Information, Related Links, Feedback. This court did not offer the forms on their page but they offered a link to the Colorado state page which offered forms for download. No E-Filing was available on this website.

Further research led us to The Sixth Judicial Circuit of the State of Florida (<http://www.jud6.org/>). This website's design was that of a single page main page with a logo and links. This site was user friendly in part because of its plainness. It will not confuse the occasional internet user. The links available from the main page were as follows: Addresses and Telephone Numbers, Legal Practice and Resources, General Information/Employment Opportunities, Court Calendars and Online Records, Representing Yourself in Court, Guardianship Forms, and News. No FAQ page was found on the web site. Directions were available under a link titled Addresses and Telephone Numbers but we were unable to locate any link that gave the hours of the court. Forms were available for guardianship cases and no E-Filing was available.

The next site was both impressive in appearance and in the information it provided, the State of Illinois Circuit Court of Cook County was a model website. Its main page was well designed and appeals to the user. It had a links in two spots on the main page. First link locations were along the top of the page. Those links were some common links such as, Search, Contact Us, Courthouse Tours, Press Releases, and Links. The other links on the main page were in the center of the page and were as follows: About the Circuit Court, Traffic Court Information, Jury Information, Programs and Services, Informational Publications, and Court Rules and Orders. No FAQ page was available for the main page, but such was available for The Juror Information page on the site. Hours and Directions were both available from a variety of locations and pages. The Traffic Court Information page had forms available for download. E-Filing was not available on this web page.

The Shawnee County District Court's main page had the common frames designs that were mentioned earlier in this document. This page's links were all on the left side and were self explanatory, which makes for ease of use. The court had their links broken into different sections. The links under the About the Court Section were Description, Phone Numbers, Press Releases, Court Decisions, and Docket Info. Under Court Rules they had Preface, General, Civil, Criminal, Domestic, Juvenile, and Probate. The Resources link had a link for Court Forms. Electronic Filing had links for E-Filing Info and Web Filing Info. Case Info had

links for Public Access and Document Retrieval. The Miscellaneous Section had a link for TBA Standards. No FAQ page was available but they provided the Court Rules for each department of the court. Neither Directions nor Court hours were available anywhere on the website. Forms had their own separate link off the main page and were available in PDF format. Links to both E-Filing and Web Filing were available but both required prior registration and seemed to be in their test stage at the time.

Appendix B: Survey Design

1) I am appearing in the courthouse as a:

Lawyer / Witness / Defendant / Plaintiff / Guest

2) Do you have Internet access?

3) How often do you access the Internet? (Weekly)

4) What would you like to see on the district court website?

Operating Hours / Contact Information / Directions / Bail Bond

5) Would you like frequently used courthouse forms to be available online?

Yes / No

a) What kind of forms?

6) What other information would you like to see on the District Court Website?

7) I am appearing in the:

Civil Court / Criminal Court

Appendix C: Interviews

1) Name:

2) Job:

3) Department, (i.e. what part of the district court):

4) Do you have the ability to access the Internet?

a) If not, do you have access to the intranet?

5) Do you have familiarity with the Internet?

6) How much contact do you have with the public?

7) What kind of information do you provide to the “public”?

a) Lawyers?

b) Clients?

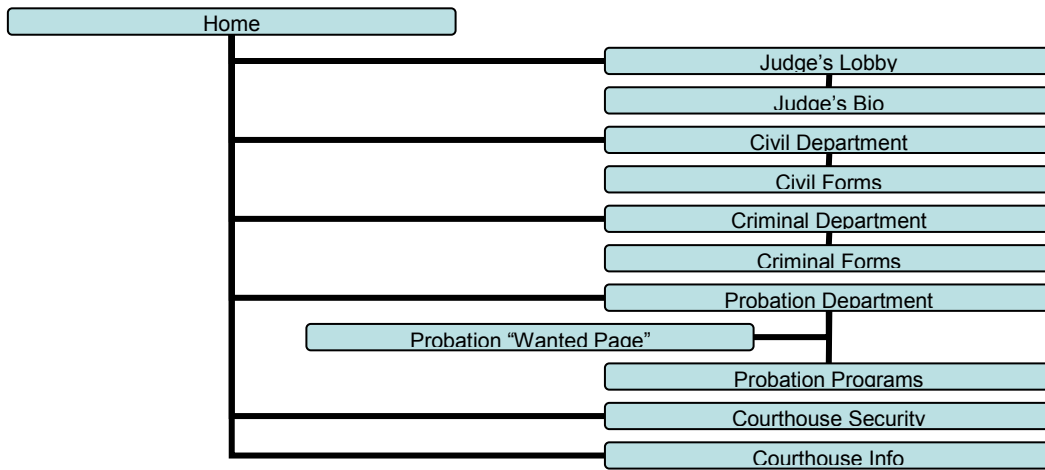
c) Probation officers, etc.

8) Would you like to place information on the District Court Website?

9) Do you have specific documents you would like to place on the website?

10) Who else should I talk to?

Appendix D: Organizing the Web Layout



Appendix E: Survey Results

IQP Spreadsheet on the Surveys					
Question 1	Question 2	Question 3	Question 4	Question 5	Question 5(a)
Lawyer	Yes	15	Operating Hours, Contact Info	Yes	All forms
Lawyer	Yes	20	Operating Hours, Contact Info	Yes	All forms
Lawyer	Yes	25	Operating Hours, Contact Info	Yes	All forms
Lawyer	Yes	25	Operating Hours, Contact Info	Yes	All forms
Lawyer	Yes	25	Operating Hours, Contact Info	Yes	All forms
Lawyer	Yes	25	All Choices	Yes	N/A
Witness	Yes	5	Operating Hours, Directions	Yes	N/A
Witness	No	N/A	Operating Hours, Directions	Yes	N/A
Witness	Yes	14	Directions	No	N/A
Witness	Yes	20	Directions	No	N/A
Defendant	Yes	3	Operating Hours, Contact Info	No	N/A
Defendant	No	N/A	Directions	No	N/A
Defendant	Yes	3	Directions	No	N/A
Defendant	Yes	3	Directions	No	N/A
Defendant	Yes	5	Directions	Yes	All forms
Defendant	Yes	15	Directions	Yes	N/A
Defendant	No	N/A	All Choices	No	N/A
Defendant	Yes	3	N/A	No	N/A
Defendant	Yes	5	Directions	No	N/A
Defendant	No	N/A	Directions	No	N/A
Defendant	No	N/A	N/A	Yes	All forms
Defendant	No	N/A	N/A	No	N/A
Defendant	Yes	15	N/A	No	N/A
Defendant	Yes	15	All Choices	No	N/A
Defendant	Yes	10	N/A	No	N/A
Defendant	No	N/A	Operating Hours, Directions	No	N/A
Defendant	No	N/A	All Choices	No	N/A
Defendant	No	N/A	Operating Hours, Contact Info	No	N/A
Defendant	No	N/A	All Choices except Bail Bond	No	N/A
Plaintiffs	Yes	3	All Choices except Bail Bond	Yes	All forms
Plaintiffs	Yes	3	All Choices except Bail Bond	Yes	All forms

Plaintiffs	Yes	5	All Choices	Yes	All forms
Plaintiffs	Yes	2	All Choices	No	N/A
Plaintiffs	Yes	6	All Choices	No	N/A
Plaintiffs	Yes	15	Operating Hours, Directions	Yes	All forms
Plaintiffs	Yes	N/A	Operating Hours, Directions	No	N/A
Plaintiffs	No	N/A	All Choices except Bail Bond	No	N/A
Plaintiffs	No	N/A	All Choices except Bail Bond	Yes	All forms
Plaintiffs	Yes	N/A	Directions	Yes	All forms
Plaintiffs	No	N/A	Directions	No	N/A
Plaintiffs	No	N/A	Directions	Yes	All forms
Guest	Yes	1	Directions	No	N/A
Guest	Yes	2	Directions	No	N/A
Guest	No	N/A	N/A	No	N/A
Guest	No	N/A	N/A	No	N/A
Guest	No	N/A	N/A	No	N/A
Guest	No	N/A	N/A	No	N/A
Guest	Yes	1	Bail Bond Information	Yes	All forms
Guest	Yes	1	Bail Bond Information	Yes	N/A
Guest	Yes	3	N/A	No	N/A

Question 1	Question 6	Question 7
Lawyer	Trial times and Locations	Civil
Lawyer	Trial times and Locations	Civil
Lawyer	Trial times and Locations	Civil
Lawyer	Trial times and Locations	Civil
Lawyer	Trial times and Locations	Civil
Lawyer	N/A	Criminal
Witness	N/A	Civil
Witness	N/A	Civil
Witness	N/A	Criminal
Witness	N/A	Criminal
Defendant	N/A	Civil
Defendant	N/A	Civil
Defendant	N/A	Civil
Defendant	N/A	Civil
Defendant	N/A	Civil
Defendant	N/A	Civil
Defendant	N/A	Civil

Defendant	N/A	Civil
Defendant	N/A	Civil
Defendant	N/A	Civil
Defendant	Trial times and Locations	Civil
Defendant	N/A	Civil
Defendant	N/A	Civil
Defendant	N/A	Civil
Defendant	N/A	Criminal
Defendant	N/A	Criminal
Defendant	N/A	Criminal
Defendant	N/A	Criminal
Defendant	N/A	Criminal
Plaintiffs	N/A	Civil
Plaintiffs	N/A	Civil
Plaintiffs	N/A	Civil
Plaintiffs	N/A	Civil
Plaintiffs	N/A	Civil
Plaintiffs	N/A	Civil
Plaintiffs	N/A	Civil
Plaintiffs	N/A	Civil
Plaintiffs	N/A	Civil
Plaintiffs	N/A	Civil
Plaintiffs	N/A	Civil
Plaintiffs	N/A	Civil
Plaintiffs	N/A	Criminal
Guest	N/A	Civil
Guest	N/A	Civil
Guest	N/A	Civil
Guest	N/A	Civil
Guest	N/A	Civil
Guest	N/A	Civil
Guest	N/A	Civil
Guest	N/A	Criminal
Guest	N/A	Criminal
Guest	N/A	Criminal

Appendix F: Probation Department

- 1) Name: Tim Dupree
- 2) Job: Probation Officer
- 3) Department, (i.e. what part of the district court): Probation
- 4) Do you have the ability to access the Internet? No
 - a) If not, do you have access to the intranet? Yes
- 5) Do you have familiarity with the Internet? Yes
- 6) How much contact do you have with the public? A lot
- 7) What kind of information do you provide to the “public”?
 - a) Lawyers?
 - o Records
 - o Programming groups
 - o Client History
 - b) Clients?
 - o Referral Information
 - o Drug
 - o Domestic
 - o Anger Management
 - o Syco education
 - o Changing lives
 - o Fatherhood
 - o Relaps prevention
- 8) Would you like to place information on the District Court Website?
 - o Flyers for the groups stated above.

- 9) Do you have specific documents you would like to place on the website?
- o No, face to face.

Actual Documents Placed on the Site

The Five Principles of Fatherhood Program

5 Principles of the Fatherhood Program

- 1) As a father, it is my responsibility to give **AFFECTION** to my children.
- 2) As a father, it is my responsibility to give **GENTLE GUIDANCE** to my children.
- 3) As a father, it is my responsibility to give **FINANCIAL SUPPORT** to my children.
- 4) As a father, it is my responsibility to **DEMONSTRATE RESPECT** at all times to the mother of my children.
- 5) As a father, it is my responsibility to set a **PROUD EXAMPLE** for my children, by living within the law and without the taint of alcohol and drug abuse.

The Fatherhood Program

FATHERHOOD PROGRAM

<u>Target</u> and <u>Group:</u>	Fathers who wish to increase their responsible behavior toward their children and the mother's of their children. Topics to be covered include affection, guidance, financial support, respect, sober, drug-free lifestyles.
<u>Modality:</u> <u>Length:</u>	Group discussions involving up to 15 fathers and two co-leaders. Group will meet once a week with each session lasting two hours. To complete the program, a participant will attend a total of 12 group sessions and have no unexcused absences.
<u>Content:</u>	<p>Each two hour group session will begin various participants reading from the <u>5 Principles of the Fatherhood Program</u>.</p> <p>Following these results, each participant will have an opportunity to describe, using positive self-talk, on fatherly responsibility that they have completed successfully during the past week. This part of the program will be called "rounds".</p> <p>Once the "rounds" are completed, the final segment of the group session will highlight a guest speaker, a short video selection or the sharing of newspaper clippings, quotes or poems regarding the responsibilities of fatherhood.</p> <p>The group session will conclude with various participants reading once again from the <u>5 Principles of Fatherhood Program</u>.</p>
<u>Incentives:</u>	Fathers who complete this program will receive a reduction in court costs, fines, probation fees, or the length of their probation once authorized by the sentencing judge. The program, recognized by the district court, will also be recognized by the probate court and may result in a more favorable order by the court on visitation.

Open a Book and Open Your Mind Program

OPEN A BOOK AND OPEN YOUR MIND

**COME TO THE WORCESTER DISTRICT COURT
LITERATURE PROGRAM**

**THE WORCESTER DISTRICT COURT PROBATION DEPARTMENT IS
OFFERING A LITERATURE PROGRAM TO PROBATIONERS**

WHO: MOTIVATED PROBATIONERS THAT ENJOY READING

**WHAT: THE LITERATURE PROGRAM IS AN OPPURTUNITY
TO GAIN GREATER KNOWLEDGE OF OURSELVES
THROUGH THE USE OF THE WRITTEN WORD. BY
READING SHORT STORIES AND BOOKS, CLASS
PARTICIPANTS WILL DISCUSS THE VARIOUS
CHARACTERS AND REFLECT UPON THEIR ACTIONS
AND CHOICES IN BEHAVIOR.**

WHERE: COURTROOM 404

WHEN: CONTINUING.

**WHY: PROGRAM CAN BE VERY BENEFICIAL TO GAIN
INSIGHT INTO OUR OWN BEHAVIOR**

A NEW LEARNING EXPERIENCE

DISCOVER HOW BENEFICIAL READING CAN BE

**POSSIBLE REDUCTION IN COURT FEES
NO MONTHLY PROBATION FEE FOR TWO MONTHS**

POSSIBLE EARLY TERMINATION FROM PROBATION

**HOW: TALK WITH YOUR P.O. AND A REFERRAL CAN BE
MADE**

**PROGRAM WILL NEED TO BE A CONDITION OF
PROTION**

**ATTENDANCE WILL BE MANDATORY, ALL
READINGS MUST BE COMPLETED FOR EACH CLASS
AND PARTICIPATION IS EXPECTED**

OPEN A BOOK AND YOU'LL OPEN YOUR MIND

Appendix G: Security Department

- 1) Name: Richard Paniss
- 2) Job: Assistant Chief Court Officer
- 3) Department, (i.e. what part of the district court): Security
- 4) Do you have the ability to access the Internet? No
- a) If not, do you have access to the intranet? Yes
- 5) Do you have familiarity with the Internet? Yes
- 6) How much contact do you have with the public? All the time
- 7) What kind of information do you provide to the “public”?
- a) Lawyers?
o status on clients in custody
- b) Clients?
o None
- c) Probation Officers, ect.?
o status on defendants in custody
- 8) Would you like to place information on the District Court Website?
- o attire and things you can bring into the court room
 - o Pants, shirts and shoes required
 - o No shorts
 - o No food or drink in the court rooms
 - o No cell phones or pagers on in the court rooms
 - o Jury pool questions 508-770-1899 ext 192
 - o Handicap entrance through Highland Street side of court house

9) Do you have specific documents you would like to place on the website?
o none

Appendix H: Attorney

- 1) Name: Peter L. Ettenberg
- 2) Job: Counsellor at Law, Defense
- 3) Department, (i.e. what part of the district court): Lawyer Criminal
- 4) Do you have the ability to access the Internet? Yes
- 5) Do you have familiarity with the Internet? Yes
- 6) How much contact do you have with the public? All the time
- 7) What kind of information do you provide to the “public”?
 - a) Lawyers?
 - b) Clients?
 - o where to park
 - o the process and how it applies to them
 - c) Probation Officers, ect.?
 - o none
- 9) Do you have specific documents you would like to place on the website?
 - o waivers/tenders
 - o probation supervision forms
 - o access to electronic filing

Appendix I: Criminal Department

- 1) Name: Darlene Perro
- 2) Job: Sessions Clerk
- 3) Department, (i.e. what part of the district court): Criminal Department
- 4) Do you have the ability to access the Internet? No

a) If not, do you have access to the intranet? Yes

5) Do you have familiarity with the Internet? A little

6) How much contact do you have with the public? All the time

7) What kind of information do you provide to the “public”?

a) Lawyers?

o Office Directions

o All default removal or warrant must be in court by 3pm

o 1st time motor vehicle heard 8-11am

o criminal hearings 2pm-3pm

o Court Room Directions

o 1st session trial court room 411, 8:30am

o bench trials, motions, jury trials, probable cause hearings, trial assignments (only on Fridays 8:30am)

o Small Claims room 408 at 1pm on Wednesdays and Thursdays

o court room 407 arraignments and arrests at 9am

o in custody arrests not accepted after 2pm arraigned next day

o court room 408 second session at 9am pretrial conferences

o discovery compliance dates formal call list at 9:45am

b) Clients?

o Same

c) Probation Officers, ect.?
o none

9) Do you have specific documents you would like to place on the website?
o "Pretrial Conference Tender"

Actual Documents Placed on the Site

Pretrial Conference Report form

PRETRIAL CONFERENCE REPORT		DOCKET NUMBER _____	Trial Court of Massachusetts District Court Department
COURT DIVISION Worcester District Court 50 Harvard Street Worcester, MA. 01608	COMMONWEALTH VS _____ NAME OF DEFENDANT _____		
PRETRIAL CONFERENCE REPORT			

A pretrial conference between the parties was conducted on _____, 20____ with the following results:

1. MANDATORY DISCOVERY FOR THE DEFENDANT. See Mass. R. Crim. P. 14(a)(1). The Commonwealth has provided (will provide by _____) the following if relevant and within the possession, custody or control of the prosecutor:

- written or recorded statements of the defendant
- any facts of an exculpatory nature

See Mass. R. Crim. P. 14(a)(2). The defendant has been permitted (will be permitted by _____) to discover, inspect, and/or copy the following if within the possession, custody, or control of the prosecutor or persons under the prosecutor's direction and control:

- any material and relevant physical evidence and documents (specify) _____
- statements of persons as defined by Rule 14(d)
- reports of physical or mental examinations of any persons
- reports of scientific tests or experiments
- names, addresses and dates of birth of prospective witnesses

COMPLETED: YES NO COMPLIANCE DATE: _____

2. ADDITIONAL DISCOVERY FOR THE DEFENDANT. The defendant has been permitted (will be permitted by _____) to discover, inspect, and/or copy the following if within the possession, custody, or control of the prosecutor:

Agreed Ordered

- _____ substance of any oral statements made by the defendant
- _____ written or recorded statements of the co-defendant
- _____ substance of any oral statements made by the co-defendant
- _____ any promises, rewards, or inducements made to any witness
- _____ copies of search warrants with the return and affidavits
- _____ names and addresses of expert witnesses and field of expertise
- _____ identification procedures
- _____ police reports

COMPLETED: YES NO COMPLIANCE DATE: _____

3. RECIPROCAL DISCOVERY FOR THE PROSECUTION. See Mass R. Crim. P. 14(a)(3). The prosecution has been permitted (will be permitted by _____) to discover, inspect, and copy the following:

Agreed Ordered

- _____ any material and relevant physical evidence and documents (specify) _____
- _____ statements of persons as defined by Rule 14(d)
- _____ reports of physical or mental examinations of any persons
- _____ reports of scientific tests or experiments
- _____ names, addresses and dates of birth of prospective witnesses

COMPLETED: YES NO COMPLIANCE DATE: _____

4. NOTICE OF ALIBI. See Mass. R. Crim. P. 14(b)(1). The Commonwealth hereby notifies the defendant that the time, date and place of the alleged offense was as follows:

Appearance of Counsel Form

APPEARANCE OF COUNSEL				Trial Court of Massachusetts District Court Department					
DOCKET NUMBER: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; border-bottom: 1px solid black;">YEAR*</td> <td style="width: 25%; border-bottom: 1px solid black;">COURT NUMBER</td> <td style="width: 25%; border-bottom: 1px solid black;">CASE TYPE**</td> <td style="width: 25%; border-bottom: 1px solid black;">CASE NUMBER</td> </tr> </table> <p style="font-size: small; margin-top: 5px;">*e.g. '93', '94' etc. **e.g. 'CR', 'CV' etc.</p>				YEAR*	COURT NUMBER	CASE TYPE**	CASE NUMBER	COURT NAME AND ADDRESS <p style="text-align: center; margin-top: 20px;">Worcester District Court 50 Harvard Street Worcester, MA. 01608</p>	
YEAR*	COURT NUMBER	CASE TYPE**	CASE NUMBER						
<p>To the Clerk - Magistrate:</p> <p>Please enter my appearance as attorney for _____</p> <p>in the above numbered court action.</p>									
ATTORNEY NAME				B.B.O. NUMBER (Required)					
ATTORNEY FIRM				TELEPHONE NUMBER ()					
STREET ADDRESS									
CITY/TOWN		STATE	ZIP CODE						
SIGNATURE OF ATTORNEY _____				DATE _____					

DC-CR-19 (5/94)

Appendix J: Civil Department

- 1) Name: Christina Slik
- 2) Job: Civil clerk
- 3) Department, (i.e. what part of the district court): Civil Department
- 4) Do you have the ability to access the Internet? No
 - a) If not, do you have access to the intranet? Yes
- 5) Do you have familiarity with the Internet? A little
- 6) How much contact do you have with the public? All the time
- 7) What kind of information do you provide to the “public”?
 - a) Lawyers?
 - o none
 - b) Clients?
 - o Restraining orders: getting the record
 - i. In the district-free
Must be a roommate, in a relationship, related to
 - c) Probation Officers, ect.?
 - o none
- 8) Would you like to place information on the District Court Website?
 - a) Filing fees
 - i. Civil Motions Mon-Fri 9am
 1. summons in mail for civil complaint
 - ii. Restraining orders-free in district
 1. Any time till 4, better to come early, lots of paperwork
 - iii. Civil claims

1. Small claims (\$1-500)
 - a. 14.00 filing fee
 - b. Wed-Thursday
 - c. 1pm
2. up to \$2000 dollar claims
 - a. 14.00-19.00 filing fee

- 9) Do you have specific documents you would like to place on the website?
- o Statement of damages
 - o Complaint

Actual Documents Placed on the Site

Statement of Small Claim and Notice of Trial form

STATEMENT OF SMALL CLAIM AND NOTICE OF TRIAL		For Court Use Only.	DOCKET NO.	Trial Court of Massachusetts Small Claims Session	
PART 1	<input type="checkbox"/> BOSTON MUNICIPAL COURT	<input type="checkbox"/> DISTRICT COURT		<input type="checkbox"/> HOUSING COURT	
		Division		Division	
PART 2	PLAINTIFF'S NAME, ADDRESS, ZIP CODE AND PHONE		PLAINTIFF'S ATTORNEY (if any)		
	Name: _____ Address: _____ PHONE NO: _____		Name: _____ Address: _____ PHONE NO: _____ BBO NO: _____		
PART 3	DEFENDANT'S NAME, ADDRESS, ZIP CODE AND PHONE		ADDITIONAL DEFENDANT (if any)		
	Name: _____ Address: _____ PHONE NO: _____		Name: _____ Address: _____ PHONE NO: _____		
PART 4	PLAINTIFF'S CLAIM. The defendant owes \$ _____ plus \$ _____ court costs for the following reasons: Give the date of the event that is the basis of your claim.				
	_____ _____ _____				
		SIGNATURE OF PLAINTIFF X		DATE	
PART 5	MEDIATION: Mediation of this claim may be available prior to trial if both parties agree to discuss the matter with a mediator, who will assist the parties in trying to resolve the dispute on mutually agreed to terms. The plaintiff must notify the court if he or she desires mediation; the defendant may consent to mediation on the trial date. <input type="checkbox"/> The plaintiff is willing to attempt to settle this claim through court mediation.				
PART 6	MILITARY AFFIDAVIT: The plaintiff states under the pains and penalties of perjury that the:				
		<input type="checkbox"/> above defendant(s) is (are) not serving in the military and at present live(s) or work(s) at the above address.		<input type="checkbox"/> above defendant(s) is (are) serving in the military	
		X		DATE	
NOTICE OF TRIAL	NOTICE TO DEFENDANT: You are being sued in Small Claims Court by the above named plaintiff. You are directed to appear for trial of this claim on the date and time noted to the right. If you wish to settle this claim before the trial date, you should contact the plaintiff or the plaintiff's attorney.		NAME District Court Dept. Worcester Division 50 Harvard Street Worcester, Ma. 01608		BOTH THE PLAINTIFF AND THE DEFENDANT MUST APPEAR AT THIS COURT ON THE DATE AND TIME SPECIFIED
	SEE ADDITIONAL INSTRUCTIONS ON THE BACK OF THIS FORM		DATE AND TIME OF TRIAL _____ AT 1:00 PM DATE AT TIME _____ 408		
FIRST JUSTICE Elliott L. Zide		CLERK/MAGISTRATE OR DESIGNEE Thomas J. Noonan			

INSTRUCTIONS FOR FILING A SMALL CLAIM — You must complete Parts 1-6 of this form. See instructions on reverse.

DC-SC-1 (01/02) ATENCION: ESTE ES UN AVISO OFICIAL DE LA CORTE. SI USTED NO SABE LEER INGLÉS, OBTENGA UNA TRADUCCIÓN.

Example of Statement of Small Claim and Notice of Trial form

part one: write in the court you are filing the claim in.

part two: your name and address and your attorney (if applicable)

part three: the name and address(es) of the person(s) you are suing

part four: write in the amount you're suing for and the court costs (the amount you paid to file the case). Briefly explain your claim clearly so that the defendant can understand why he or she is being sued. Sign and date.

part five: would you like to try to settle the case using a mediator? There is no charge for mediation.

part six: indicate whether the defendant(s) is (are) currently in military service. Federal law states that a person who is serving on active duty in the military cannot have a civil default judgment entered against him or her. Sign on date.

When the court assigns your case a "docket number" that information will be important if your seeking information on your case at a later time.

this is the time and place you must appear for your trial. If you fail to appear you will lose your case.

STATEMENT OF SMALL CLAIM AND NOTICE OF TRIAL		Trial Court of Massachusetts Small Claims Session	
<input type="checkbox"/> BOSTON MUNICIPAL COURT <input checked="" type="checkbox"/> DISTRICT COURT Worcester Division		<input type="checkbox"/> HOUSING COURT Division	
PLAINTIFF'S NAME, ADDRESS, ZIP CODE AND PHONE Peter Plaintiff 1 Main Street Worcester, MA 01608 PHONE NO: (508) 555-1111		PLAINTIFF'S ATTORNEY (if any) Name: Address: PHONE NO: BBO NO:	
DEFENDANT'S NAME, ADDRESS, ZIP CODE AND PHONE Daniel Defendant 50 Maple Lane Auburn, MA 01501 PHONE NO: (508) 555-2222		ADDITIONAL DEFENDANT (if any) Name: Address: PHONE NO:	
PLAINTIFF'S CLAIM. The defendant owes \$ 1500 plus \$ 19 ⁰⁰ court costs for the following reasons: Give the date of the event that is the basis of your claim. Mr. Defendant performed carpentry services for the plaintiff. He did not perform all the agreed upon services, and left the job unfinished. A new carpenter had to be hired to finish the job as well as fix several items which were not properly done. To finish the job and bring the project up to code standards we were forced to expend an extra \$1500 over the contract price.			
SIGNATURE OF PLAINTIFF: X Peter Plaintiff		DATE: 4-18-03	
MEDIATION: Mediation of this claim may be available prior to trial. Both parties agree to discuss the matter with a mediator, who will assist the parties in trying to resolve the dispute on mutually agreed to terms. The plaintiff must notify the court if he or she desires mediation; the defendant may consent to mediation on the trial date. <input checked="" type="checkbox"/> The plaintiff is willing to attempt to settle this claim through court mediation.			
MILITARY AFFIDAVIT: The plaintiff states under the pains and penalties of perjury that the: <input checked="" type="checkbox"/> above defendant(s) is (are) not serving in the military and at present live(s) or work(s) at the above address. <input type="checkbox"/> above defendant(s) is (are) serving in the military. Peter Plaintiff 4-18-03 SIGNATURE OF PLAINTIFF DATE			
NOTICE TO DEFENDANT: You are being sued in Small Claims Court by the above named plaintiff. You are directed to appear for trial of this claim on the date and time noted to the right. If you wish to settle this claim before the trial date, you should contact the plaintiff or the plaintiff's attorney.		NOTICE OF TRIAL DATE AND TIME OF TRIAL DATE: _____ AT 1:00 PM TIME: _____ ROOM NO: 408	
SEE ADDITIONAL INSTRUCTIONS ON THE BACK OF THIS FORM FIRST JUSTICE: Elliott L. Zide CLERK, MAGISTRATE OR DESIGNEE: Thomas J. Nobnan		BOTH THE PLAINTIFF AND THE DEFENDANT MUST APPEAR AT THIS COURT ON THE DATE AND TIME SPECIFIED.	
INSTRUCTIONS FOR FILING A SMALL CLAIM — You must complete Parts 1-6 of this form. See instructions on reverse. DD-SC-1 (01/02) ATENCION: ESTE ES UN AVISO ORIGINAL DE LA CORTE. SI USTED NO SABE LEER INGLES, OBTENGA UNA TRADUCCION.			

Financial Statement of Judgment Debtor form

FINANCIAL STATEMENT OF JUDGMENT DEBTOR		DOCKET NUMBER	Trial Court of Massachusetts Small Claims Session	
CASE NAME		CURRENT COURT		
NAME OF JUDGMENT DEBTOR (the person who lost the case and owes money)				
HOME ADDRESS		HOME TELEPHONE NUMBER	DATE OF BIRTH	
SOCIAL SECURITY NUMBER	DRIVER'S LICENSE NUMBER & STATE	MARITAL STATUS	NO. & AGE OF CHILDREN LIVING WITH YOU	
OCCUPATION	EMPLOYER'S NAME & ADDRESS	HOW LONG WITH EMPLOYER?		

<p style="text-align: center;">INCOME (list all sources)</p> <p>Your Gross Pay: \$ per week</p> <p>Your Take-Home Pay: \$ per week</p> <p>Spouse's Take-Home Pay: \$ per week</p> <p>Child Support Income: \$ per week</p> <p>Pension: \$ per week</p> <p>AFDC/SSI: \$ per week</p> <p>Other (itemize on back): \$ per week</p> <p>Total Weekly Income: \$ per week</p>	<p style="text-align: center;">ASSETS (list value of all assets)</p> <p>Real Estate you own or co-own RESIDENCE OTHER</p> <p>Address:</p> <p>Other Owner(s):</p> <p>Mortgage Balance: \$ \$</p> <p>Fair Market Value: \$ \$</p> <p>Rental Income: \$ \$</p> <p>Vehicle(s)/Boat(s) you own VEHICLE/BOAT 1 VEHICLE/BOAT 2</p> <p>Year/Make & Model:</p> <p>Purchase Year:</p> <p>Purchase Price: \$ \$</p> <p>Amount Owed: \$ \$</p> <p>Bank Accounts CHECKING SAVINGS</p> <p>Bank/Credit Union:</p> <p>Account No.:</p> <p>Balance: \$ \$</p> <p>Expected Tax Refund: \$</p> <p>How much money do you have in cash? \$</p> <p>Have you disposed of or transferred any asset since this claim was brought? (If so, explain on back.) <input type="checkbox"/> No <input type="checkbox"/> Yes</p> <p>(List on back anything of value not listed above that you own or co-own, or that is held for you by another.)</p>
---	--

EXPENSES				
Rent/Mortgage:	\$ per week			
Utilities:	\$ per week			
Food:	\$ per week			
Alimony/Child Support:	\$ per week			
Child Care:	\$ per week			
Transportation:	\$ per week			
Insurance:	\$ per week			
Entertainment (including cable):	\$ per week			
Other (itemize on back):	\$ per week			
Total Weekly Expenses:	\$ per week			

DEBTS (list all debts not included above in your expenses - e.g. credit card debts)				
CREDITOR	NATURE OF DEBT	DATE OF ORIGIN	TOTAL DUE	WEEKLY PAYMENT
1	\$	\$
2	\$	\$
3	\$	\$

Under the penalties of perjury, I swear that the above information is complete and accurate to the best of my personal knowledge.

DATE SIGNED	SIGNATURE OF JUDGMENT DEBTOR
	X

Pursuant to Uniform Small Claims Rule 9(c), all information in this affidavit is CONFIDENTIAL. It shall be available to any other party to this litigation, but shall not be available for public inspection unless the Court so orders.

06/04/2001 02:44 PM

Information about Small Claims Judgment

INFORMATION ABOUT SMALL CLAIMS JUDGMENT	Trial Court of Massachusetts District Court Department Small Claims Session
<p>Your small claims case has been decided. The judgment (decision) of the magistrate, judge or jury is enclosed. A Judgment Creditor is a person (or business) who won the case and is entitled to collect money. A Judgment Debtor is a person (or business) who lost the case and who owes the money. The word claim means a claim for money damages.</p> <p>For more information, see Massachusetts General Laws chapter 218, sections 21-25, and Trial Court Rule III, the Uniform Small Claims Rules, at any public library or Trial Court law library.</p>	IF YOU WON THE CASE BEFORE THE MAGISTRATE
IF YOU LOST THE CASE BEFORE THE MAGISTRATE	<p>If you were sued by the other party and won, then the other party may not appeal from the magistrate's decision on that claim against you.</p>
<p>If you <i>sued the other party and lost</i> and the magistrate did not award you any money, that decision is final. You may not appeal from the magistrate's decision on your claim against the other party.</p>	<p>If you <i>sued the other party and won</i> and the magistrate awarded you money on your claim against the other party, you cannot collect the money until the time for appeal ends or until the appeal is decided. If there is no appeal, or if you win again on appeal, here are some steps you may take to collect your money:</p>
<p>If you were <i>sued by the other party and lost</i> and the magistrate ordered you to pay money to the other party, you must do one of the following four things:</p>	1. Ask for payment
<p>1. Pay the judgment in full within 30 days</p> <p>You must pay the full amount of the judgment. If you do not pay that amount as ordered and you are able to do so, you may be held in contempt of court and imprisoned or assessed additional costs. Pay the full amount directly to the Judgment Creditor. In order to protect your credit record, you may ask the Judgment Creditor to sign a <i>Satisfaction of Judgment</i> form acknowledging your payment in full, and file that form with the clerk-magistrate's office. If the magistrate ordered you to turn over property to the Judgment Creditor, you must do so.</p>	<p>Ask the Judgment Debtor to pay the money or to turn over the property, as ordered by the magistrate.</p>
<p>2. Ask the magistrate to set a payment plan</p> <p>If the magistrate has scheduled a payment review hearing, at that hearing you may ask the magistrate to order a payment plan you can afford, or to determine that you are unable to pay anything right now. If the magistrate has not scheduled a payment review hearing and you want to request a payment plan or a delay in payment, ask the clerk-magistrate's office to schedule your request for hearing before a magistrate—do not wait until you are required to come to court or you will be liable for additional costs. Obtain a <i>Financial Statement of Judgment Debtor</i> form from the clerk-magistrate's office, fill it out and bring it with you to the hearing, along with any documentation you have regarding your financial status (tax return, salary stub, etc.)</p>	2. Payment review hearing
<p>3. Appeal to a judge or a jury</p> <p>If you <i>did not appear at the trial</i> before the magistrate (this is called a <i>default</i>), you may not appeal from the magistrate's decision on the other party's claim.</p>	<p>If the magistrate has scheduled a payment review hearing and the Judgment Debtor does not pay the money before that hearing, the magistrate will examine the Judgment Debtor concerning his or her ability to pay the money, and may order immediate payment or a payment plan. At that hearing, you may examine the <i>Financial Statement of Judgment Debtor</i> form, and present any information to the magistrate that is relevant to the Judgment Debtor's ability to pay. If the magistrate determines that the Judgment Debtor is not financially able to pay any money now, you may ask the magistrate to schedule the matter for review on some future date.</p>
<p>If you <i>did appear at the trial</i> before the magistrate and you disagree with the magistrate's decision on the other party's claim, you may appeal for another trial by either a judge or a jury. To do so, within 10 days after you receive written notice of the magistrate's decision you must file with the clerk-magistrate's office your <i>Claim of Appeal</i> form, indicating whether you want a trial by a judge or before a jury, along with the \$29 appeal fee (which is nonrefundable) and a \$100 appeal bond or deposit (which is refundable if you win on appeal, or is credited against what you owe if you lose on appeal). The appeal bond or deposit is larger if you are a landlord being sued for the return of a residential tenant's security deposit. The appeal fee and bond may be reduced or waived if you are indigent. On appeal, the judge or jury will reach a new decision, but may take into account that the magistrate previously decided the claim against you.</p>	3. Notice to show cause
<p>4. File a motion to vacate the judgment</p> <p>Whether or not you appeared at the trial before the magistrate, within one year you may ask the magistrate to vacate (cancel) the judgment. Such a request is normally allowed only for a good reason. To make such a request, ask the clerk-magistrate's office to assist you in filing and scheduling a <i>Motion to Vacate the Judgment</i>.</p>	<p>If the magistrate has not scheduled a payment review hearing and the Judgment Debtor does not pay the money, ask the clerk-magistrate's office to issue to you a <i>Notice to Show Cause</i>, requiring the Judgment Debtor to appear before the court. You must be in court on that date. You must pay a fee to a municipal constable or a county deputy sheriff to serve this form on the Judgment Debtor, but that amount will be added to what the Judgment Debtor owes.</p>
	4. Capias (civil arrest warrant)
	<p>If the Judgment Debtor does not appear as ordered at the payment review hearing or after being served with a <i>Notice to Show Cause</i>, ask the clerk-magistrate's office to issue to you a <i>Capias</i> (a civil arrest warrant) for the Judgment Debtor. You must pay a fee to a constable or a deputy sheriff to arrest the Judgment Debtor and bring him or her to court, but that amount will be added to what the Judgment Debtor owes. Give the constable or deputy sheriff your daytime telephone number, and ask to be telephoned when the Judgment Debtor is arrested and before he or she is brought to court.</p>
	5. Writ of execution
	<p>If you can identify any valuable property of the Judgment Debtor (real estate, motor vehicles, etc.) that could be taken and sold to pay your judgment, ask the clerk-magistrate's office to issue to you a <i>Writ of Execution</i>. You must give the <i>Writ of Execution</i> to a constable or a deputy sheriff to seize and sell property of the Judgment Debtor to pay your judgment.</p>
	MUST YOU APPEAR AT THE PAYMENT REVIEW HEARING?
	<p>If this case is scheduled for a payment review hearing:</p>
	1. If the Judgment Creditor reports to the clerk-magistrate's office that the Judgment Debtor has paid the judgment in full or the parties have entered into an out-of-court payment agreement, then neither party is required to appear at the scheduled payment review hearing.
	2. If the Judgment Debtor has not paid the judgment in full, or the parties have not otherwise settled the case, then <i>both</i> parties must appear at the scheduled payment review hearing. <i>If the Judgment Debtor fails to appear, the Court may issue a civil arrest warrant (capias) for his or her arrest.</i>

Form No. ---- (rev. 1/9/1999)

Report of Judgment Satisfied form

Report of Judgment Satisfied

To: Worcester District Court
Small Claims Division
50 Harvard Street
Worcester, MA 01608

_____ v _____
Plaintiff Defendant

Docket # _____

I am notifying the Worcester District Court the judgment has been satisfied.

Plaintiff Signature

Printed Name

Date: _____

Please send a copy to the Defendant

Small Claims Guideline - Naming the Defendant

SMALL CLAIMS GUIDELINE: NAMING THE DEFENDANT

When suing in small claims the defendant must be a person or a corporation. It is not appropriate to name a business as a defendant unless it is a corporation.

For example, "Joe's Garage" should not be named as a defendant. The defendant in this case should either be "Joseph Smith, owner Joe's Garage," or "Acme, Inc. d.b.a. Joe's Garage."

If you are unsure of who the owner of the business that you want to name as a defendant is then you should contact the city or town clerk where the business is located or has its offices.

When you are naming a corporation as a defendant, make certain that you sue the corporation under its exact legal name. This information may be obtained from the office of the Secretary of State, Corporate Records Division.

HELPFUL INFORMATION

Secretary of State, Corporations Division
One Ashburton Place, 17th floor
Boston, MA 02108
(617) 727-2850 or (617) 727-9640

Worcester City Clerk
455 Main Street
Worcester, MA
(508) 799-1126

Auburn Town Clerk
104 Central Street
Auburn, MA
(508) 832-7701

Millbury Town Clerk
127 Elm Street
Millbury, MA
(508) 865-9110

Holden Town Clerk
1196 Main Street
Holden, MA 01520
(508) 829-0265

West Boylston Town Clerk
120 Prescott Street
West Boylston, MA
(508) 835-6240

Rutland Town Clerk
250 Main Street
Rutland, MA
(508) 886-4104

Paxton Town Clerk
695 Pleasant Street
Paxton, MA 01612
(508) 799-7347

Oakham Town Clerk
Coldbrook Road
Oakham, MA 01068
(508) 882-5549

Barre Town Clerk
Town Hall
Barre, MA 01005
(978) 355-5003

Worcester District Court Small Claims, Agreement for Judgment - Order

Worcester District Court: Small Claims

Docket # _____

Plaintiff

vs.

**AGREEMENT FOR
JUDGMENT/ORDER**

Defendant

The defendant acknowledges indebtedness in the amount of \$ _____ plus costs of \$ _____

for a total amount of \$ _____

The above-mentioned parties hereby agree that the Court enter an order for payment as follows:

payment in full by _____

\$ _____ per week month beginning _____

and hereafter on the _____ day of each week/month until said amount is paid in full.

Other _____

Pre-Judgment: Interest to be assessed at _____ % or the court rate of 12% _____

Interest Waived

Payments to be made to: _____

Plaintiff

Date

Defendant

Date

Mediator(s)

Date

When the amount is paid in full, the Plaintiff will notify the court in writing that the judgment has been satisfied and will send copies to the Defendant

Trial Court Rule III, Uniform Small Claims Rules

**COMMONWEALTH OF MASSACHUSETTS
TRIAL COURT OF THE COMMONWEALTH**

**TRIAL COURT RULE III
Uniform Small Claims Rules**

Effective January 1, 2002 for use in the District Court, Boston Municipal Court
and Housing Court Departments of the Trial Court

November, 2001

**Rule 1
SCOPE AND APPLICABILITY OF RULES**

Pursuant to G.L. c. 218, §§ 21-25, these rules govern procedures in all small claims actions in the Trial Court of the Commonwealth. They shall be construed and applied to secure the just, speedy and inexpensive determination of every small claims action. Other civil rules of court shall not be applicable in small claims actions. The court may, in an individual case prescribe notice requirements at variance with those prescribed in these rules where fairness requires.

As used herein, the masculine shall include the feminine, and the singular shall include the plural. "Clerk" shall mean the Clerk-Magistrate of the division or a person assigned by him to perform the required function. "Court" shall mean the magistrate or judge presiding over the hearing of a small claims action. "Magistrate" shall mean a clerk-magistrate or assistant clerk magistrate authorized by G.L. c. 218, §§ 21-23 to hear and determine small claims actions. In Rules 7 through 10, the word "plaintiff" shall include a defendant with respect to any counterclaim or any claim against a third party brought by him, and the word "defendant" shall include a plaintiff or a third party with respect to any counterclaim or any third-party claim brought against him.

The Chief Justice for Administration and Management shall promulgate forms to be used in small claims actions.

Commentary to 2001 Amendments

Most of these amendments are proposed to conform the Uniform Small Claims Rules to the statutory changes enacted by St. 1992, c. 379. The reasons for other proposed changes are noted under each rule.

The former second paragraph of Rule 1 has been rendered unnecessary by the passage of time since the 1983 promulgation of the Uniform Small Claims Rules.

The newly-added definition of "magistrate" reflects the statutory change contained in St. 1992, c. 379 and intends that small claims matters generally be heard in the first instance by a clerk-magistrate or an assistant clerk-magistrate. No magistrate who is not qualified by education or training should preside over small claims since these matters are to be determined "according to the rules of substantive law." G.L. c. 218, §21. The Trial Court will provide training pursuant to criteria approved by the Chief Justice for Administration and Management.

The newly-added definitions of "plaintiff" and "defendant" reflect the holdings of *Most v. Fitzgerald*, 417 Mass. 1001 (1994), and *Bischof v. Kern*, 33 Mass. App. Ct. 45 (1992), that small claims plaintiffs may appeal from an adverse decision on a counterclaim brought by the defendant. The addition of these definitions permits simple, consistent use of the terms "plaintiff" and "defendant" throughout these rules.

Rule 2 FILING A STATEMENT OF CLAIM

Each small claims action shall be begun on a Statement of Claim and Notice form. The claim shall be stated in concise, untechnical language, but with particularity and comprehensiveness. A statement shall not be insufficient merely because the plaintiff has failed to allege all the elements of a prima facie case. If requested by the plaintiff or if otherwise feasible and appropriate to facilitate the filing of a legible and complete claim that conforms to the requirements of this rule, the clerk shall provide assistance to the plaintiff in completing the form. The clerk shall provide necessary and helpful procedural information to small claims litigants if requested.

A claim may be filed in person or by mail. In either case, except where waived by the clerk of the court under the Indigent Court Costs Law (G.L. c. 261, §§ 27A-27G), the claim shall be accompanied by the entry fee required by G.L. c. 218, § 22 and the surcharge required by G.L. c. 262, § 4C. The clerk shall provide a copy of the Statement of Claim and Notice form to the plaintiff upon filing, which copy shall show the date and time of trial. The date the Statement of Claim and Notice form is filed shall constitute the date of commencement of the claim.

Commentary to 2001 Amendments

The change in the first paragraph is intended to encourage court personnel to provide procedural information and to assist claimants in the preparation of forms.

Rule 3
NOTICE TO DEFENDANT; ANSWER TO CLAIM

(a) **Notice.** The clerk shall promptly send to the defendant by certified mail, return receipt requested, and also by separate first class mail, at the address or addresses supplied by the plaintiff, a copy of the Statement of Claim and Notice form. Such certified mail notice of the claim shall be sufficient, although unclaimed or refused by the defendant, provided that the first class mail notice is not returned to the court undelivered. Service on out-of-state defendants shall be made pursuant to the provisions of G.L. c. 223A. The court may provide for any other means of service in individual cases as is deemed necessary.

(b) **Answer.** The defendant shall be instructed that he may, if he wishes, submit a written answer to the claim in the form of a letter to the court, with a copy mailed to the plaintiff, signed by the defendant and setting out in clear and simple language the reason(s) why the plaintiff should not prevail. The answer should state fully and specifically what parts of the claim are contested. However, the filing of an answer is optional, and the failure to file an answer will not result in the defendant's default. If the defendant's failure to submit a written answer, or to send a copy of it to the plaintiff in a timely manner, has prejudiced the presentation of the plaintiff's case, the court shall grant a continuance at the plaintiff's request.

(c) **Defendant's Counterclaim.** In the answer, or in a separate writing filed with the court, the defendant may set forth any claim which he has against the plaintiff within the jurisdiction of the court in small claims cases, without incurring any filing fee or surcharge. Both the plaintiff's claim and the defendant's claim shall be deemed one case if the defendant mails notice of his claim to the plaintiff at least ten days in advance of the scheduled trial date. The court may also permit the defendant to bring such a claim in writing at any time. Such claims shall not be compulsory. No written answer to the defendant's claim is required. If the defendant's presentation of a counterclaim, or failure to send timely notice to the plaintiff, has prejudiced the presentation of the plaintiff's case, the court shall grant a continuance at the plaintiff's request.

(d) **Third-Party Practice.** The defendant may bring a claim against any third party who may be liable to him for all or part of the plaintiff's claim if the defendant's claim is within the jurisdiction of the court in small claims cases and notice is mailed to the third party in the manner provided in Rule 2 at least ten days in advance of the scheduled trial date. The court may also permit the defendant to bring such a claim in writing at any time. There shall be no filing fee or surcharge for such a claim. When a counterclaim is

asserted against the plaintiff, he may bring a claim against a third party in the same manner.

Commentary to 2001 Amendments

The change to paragraph (a) codifies the holding of *Schreiber v. Hoyusgaard*, 1989 Mass. App. Div. 138 (S. Dist.), that in the case of an out-of-state defendant the service provisions of the long-arm statute (G.L. c. 223A, § 6) prevail over those in this rule. The practical significance of this change is that mail service on an out-of-state defendant is valid only if there is a signed receipt for the certified mail.

The procedure embodied in the proposed amendment to paragraph (b) would give plaintiffs a guarantee of protection from surprise defenses, but it would not require an answer to be filed in all cases. The amendment to paragraph (c) would also protect plaintiffs from surprise.

Rule 4 TRANSFER

(a) To Regular Civil Docket. The court may, upon request of a party or upon its own motion, transfer a claim or counterclaim begun under the small claims procedure to the regular civil docket pursuant to G.L. c. 218, § 24. If the court orders such a transfer: (i) the claim shall be entered on the court's regular docket for hearing and determination as though it had been begun under the Massachusetts Rules of Civil Procedure, but no entry fee shall be charged upon such transfer; (ii) the defendant shall serve and file an answer to the plaintiff's claim within twenty days of the date of such transfer, if the defendant has not already done so in the small claims action; (iii) in the order of transfer or thereafter the court may direct any party to file specific additional or substitute pleadings pursuant to the Massachusetts Rules of Civil Procedure; and, (iv) the court may impose any terms upon the transfer as the interests of justice may require.

(b) To Housing Court under c. 185C. Any small claims action within the jurisdiction of the Housing Court Department may be transferred to the Housing Court Department pursuant to G.L. c. 185C, § 20 by filing a notice of removal with the clerk of the division where such action is pending, and serving a copy thereof on the other parties. The clerk shall thereupon transfer such action to the Housing Court Department, where it shall be entered on the regular small claims docket. Thereafter, the court may, upon request of a party or upon its own motion, transfer a claim or counterclaim to the regular civil docket pursuant to G.L. c. 218, § 24, but no entry fee shall be charged upon such transfer.

(c) **To Medical Malpractice Tribunal.** Any small claims action for malpractice, error or mistake against a provider of health care shall be referred for the convening of a medical malpractice tribunal pursuant to G.L. c. 231, § 60B.

Commentary to 2001 Amendments

The change to paragraph (a) clarifies that when a small claim is transferred to the regular civil docket the defendant must file an answer within twenty days, if no answer was previously filed in the small claim. This eliminates the present uncertainty as to the next procedural step where no answer has been filed in such transferred cases. The court is also authorized to require additional or substitute pleadings where appropriate to clarify the issues in the transferred case -- for example, requiring the plaintiff to file a formal complaint or an answer to a defendant's counterclaim. The former generalized reference to the "civil rules of court applicable to the department in which the case is pending" is no longer necessary because of the July 1, 1996 merger of the District/Municipal Courts Rules of Civil Procedure into the Massachusetts Rules of Civil Procedure.

The change to paragraph (b) clarifies that removal of a small claims action to the Housing Court Department under G.L. c. 185C, § 20 is a matter of right, requiring only a notice of removal, and not a motion that involves any exercise of discretion by the court from which the small claim is being removed.

Paragraph (c) has been added as a reminder to litigants and court personnel that occasionally medical malpractice claims (usually in the form of billing disputes) are brought as small claims, and they remain subject to the statutory procedures in G.L. c. 231, § 60B. Administrative arrangements for such medical malpractice tribunals are currently made through the Superior Court's administrative office.

Rule 5 AMENDMENTS AND DISCOVERY

The court may at any time allow any claim or answer to be amended as justice may require. No discovery shall be allowed except upon good cause shown. Service of witness summonses shall be in accordance with the Massachusetts Rules of Civil Procedure.

Commentary to 2001 Amendment

The former generalized reference to the "civil rules of court applicable to the department in which the case is pending" is no longer necessary because of the July 1, 1996 merger of the District/Municipal Courts Rules of Civil Procedure into the Massachusetts Rules of Civil Procedure.

Rule 6
ATTACHMENTS

Pre-trial attachment shall not be permitted. Post-trial attachment shall be in accordance with applicable statutory provisions and with the Massachusetts Rules of Civil Procedure.

Commentary to 2001 Amendment

The former generalized reference to the "civil rules of court applicable to the department in which the case is pending" is no longer necessary because of the July 1, 1996 merger of the District/Municipal Courts Rules of Civil Procedure into the Massachusetts Rules of Civil Procedure.

Rule 7
TRIALS AND JUDGMENTS

(a) **Agreement for Judgment.** The parties may at any time file with the court, in person or by mail, an agreement for judgment, or an agreed-upon payment order, or both. Unless justice would not be served thereby, the court shall enter such agreement as the judgment or order of the court and notify the parties in writing that it has done so. If such an agreement for judgment is filed prior to the scheduled trial date, neither party need appear on the scheduled trial date.

(b) **Continuances.** Where the defendant has been given notice as provided in these rules, trial shall not be continued to another date unless by agreement of the parties with the approval of the court, or unless there is a showing of good cause. Any motion for continuance shall be in writing unless the court permits an oral application.

(c) **Failure of a Party to Appear for Trial.** If the plaintiff fails to appear for trial and the defendant does appear, the claim shall be dismissed. If the defendant fails to appear for trial and the plaintiff does appear, the court may render judgment for the plaintiff and make an order for payment to the plaintiff. If neither the plaintiff nor the defendant appears for trial, the claim shall be dismissed.

(d) **Trial.** A small claims action shall generally be tried, and pretrial and post-judgment motions relating to such trials shall generally be determined, by a magistrate.

Judges may hear such matters when deemed necessary by the court, provided that the defendant has first acknowledged in writing that, by electing to proceed with an initial trial by a judge, the defendant will waive the right to appeal for a subsequent trial by a judge or before a jury. Magistrate hearings shall be conducted in a courtroom, if one is available, and if not, in an area of the courthouse which is open and available to the public. Whenever possible, a court officer shall be in attendance. A magistrate shall sit at the clerk-magistrate's bench and not at the judge's bench, and shall not wear a robe. At the beginning of the small claims session, a magistrate shall identify himself as such to those present. A magistrate who has acted as a mediator pursuant to Uniform Magistrate Rule 4 shall not thereafter rule on any motion, nor preside over any trial or enforcement proceeding, in the same small claim.

(e) **Conduct of Trials.** All small claims proceedings shall be recorded in accordance with applicable rules of court. The parties and witnesses testifying shall be sworn. The court shall conduct the trial in such order and form and with such methods of proof as it deems best suited to discover the facts and do justice in the case. The participation by attorneys representing parties may be limited in a manner consistent with the simple and informal adjudication of the controversy. Non-attorneys shall be allowed to assist parties in the presentation or defense of their cases when, in the judgment of the court, such assistance would facilitate the presentation or defense. When an oral motion has been made, the clerk shall note in the docket any action taken on the motion.

(f) **Judgments.** Judgment shall be entered forthwith upon the decision of the court. The date of judgment shall be the date the judgment is entered in the docket. The clerk shall promptly complete and send to each party by first class mail the Notice of Judgment and Order form.

(g) **Payment Hearing and Orders to Pay.** If the decision of the court is for the plaintiff, the court shall, except where justice will not be served thereby, also order payment to the plaintiff, or to the court on behalf of the plaintiff, of the amount of the judgment and costs, as the case may be, on or by a date stated or in specified installments. If the defendant has appeared and is before the court at the time of decision and if the defendant does not pay the amount of the judgment and costs or agree to a payment schedule acceptable to the plaintiff, the court shall conduct a payment hearing, including requiring the defendant to complete a written financial statement signed under the penalties of perjury. The financial statement shall be kept separate from other papers in the case and shall not be available for public inspection, but shall be available to the court, to attorneys whose appearances are entered in the case and to the parties to the case. If the defendant is not before the court at the time of decision or the defendant has not appeared, the order shall be for the full amount of the judgment and costs, payable in full in thirty days, unless the court orders otherwise. The provisions of an order to pay shall be stated on the Notice of Judgment and Order form. Unless a payment hearing is waived by the plaintiff, the court shall also schedule the matter for a payment hearing thirty days from the date of judgment or shortly thereafter. The Notice of Judgment and Order form shall advise the parties that, unless the defendant timely appeals from the judgment, the defendant is required to complete a written financial statement under the penalties of perjury, to provide the plaintiff with a copy of the statement prior to the hearing, and to appear in court on that date if payment has not been made as ordered. The Notice shall further state that any such financial statement shall be kept separate

from other papers in the case and shall not be available for public inspection, but shall be available to the court, to attorneys whose appearances are entered in the case and to the parties to the case. The Notice shall further state that if the defendant fails to appear on that date and the plaintiff does appear and states under oath or in writing under the penalties of perjury that payment has not been made as ordered, the court may immediately issue a *capias* to bring the defendant before the court without the need for prior service of an Order to Show Cause pursuant to Rule 9(a). The Notice of Judgment and Order form shall also advise the parties that they are not required to appear in court on that date if payment has been made as ordered. Following the payment hearing the court may amend its previous order to pay or issue a new order.

(h) **Costs.** If the decision of the court is for the plaintiff, the plaintiff's actual cash disbursements for the entry fee and surcharge shall be allowed as costs. Witness fees and other costs shall be allowed only by special order of court. The court may, in its discretion, award additional costs in a sum not exceeding one hundred dollars against any party who has set up a frivolous or misleading claim or answer, or has otherwise sought to hamper a speedy and fair determination of the claim. The court may at any time amend the judgment to add the cost of service of any post-judgment process that was necessary to enforce the judgment.

(i) **Execution.** Execution shall issue to the plaintiff upon written request after fifteen business days of the date of judgment. Execution shall be in accordance with the statutory requirements for execution on civil judgments generally; provided, however, that execution shall in no way affect the procedure for enforcement of judgments under Rule 9 of these rules, except that double satisfaction of judgments shall not be allowed.

Commentary to 2001 Amendments

New paragraph (a) encourages the parties to file agreements for judgment or payment orders whenever they are able to reach such agreement.

New paragraph (d) is necessary to conform this Rule to the intent of the small claims amendments enacted by St. 1992, c. 379 that small claims matters generally be heard in the first instance by a magistrate. The new paragraph recognizes the authority of judges to adjudicate small claims cases in the first instance when needed in a particular court. The language of the paragraph responds to the Supreme Judicial Court's decision in *Trust Ins. Co. v. Bruce at Park Chiropractic Clinic*, 430 Mass. 607 (January 20, 2000) which holds that, by proceeding with an initial hearing by a judge, a defendant, including a plaintiff or a third party with respect to any counterclaim or any third-party claim brought against him, waives his right to appeal for a subsequent trial by a judge or before a jury. The language also responds to the Supreme Judicial Court's acknowledgment in *Trust Ins. Co. v. Bruce at Park Chiropractic Clinic*, *supra.* at 607, 610, that magistrates may determine contested motions in small claims actions, thereby in effect overruling the decision of the Appellate Division of the Boston Municipal Court in *Acentech, Inc. v. Cecconi*, 1994 Mass. App. Div. 44 (March 14, 1994). (Note: On October 25, 2000, the Appeals Court decided *Boat Maintenance & Repair Co. v. Lawton*, 50 Mass. App. Ct. 329, in which that court determined that a clerk-magistrate had no authority to hear and decide a contested motion in a small claims action. However, in so deciding, the Appeals

Court did not acknowledge the Supreme Judicial Court's earlier decision in *Trust Ins. Co. v. Bruce at Park Chiropractic Clinic, supra*).

Paragraph (d) also states that magistrates who have mediated a small claim be disqualified from ruling on motions or presiding over any trial on the merits. It also requires recusal from any enforcement proceedings in the same small claim, because it seems inappropriate for one person to exercise both mediation and enforcement functions in the same case, even at different stages of the proceedings. The requirement that a court officer be in attendance whenever possible is strongly recommended by the Trial Court Committee on Small Claims Practices and Procedures. The remaining amendments in paragraphs (d) and (e) codify the procedural directives promulgated in the Policy Statement of Chief Justice for Administration and Management John E. Fenton, Jr., "Policies Regarding Hearing Small Claims under the Court Reorganization Act, Chapter 379 of the Acts of 1992" (February 19, 1993). Those involving the use of a courtroom and an appropriate bench, and involving the recording of proceedings, were also supported by the Trial Court Committee on Small Claims Practices and Procedures.

Paragraph (g) introduces an automatic payment hearing. The Trial Court Committee on Small Claims Practices and Procedures has found that frustration with the current system for collecting judgments is the principal source of citizen dissatisfaction with the small claims process. Presently the burden falls to the prevailing party to initiate collection proceedings and to get the defendant before the court. The new payment hearing mandates a more active role for the courts. As the Committee has noted: "this streamlined approach to collections would be less costly for the prevailing party because an automatically scheduled hearing would eliminate the need, in the first instance, for service of a Notice to Show Cause. In addition, the parties would more clearly recognize that they have thirty days to work out payment in a non-adversarial manner."

The provisions in Paragraph (g) for the filing of a financial statement also require that any such financial statement is to be protected from public inspection in terms similar to those of Rule 401(d) of the Supplemental Rules of the Probate Court.

The Committee secured the cooperation of three District Courts and one Housing Court and ran the payment hearing system as described in paragraph (g) on an experimental basis. The results not only supported the Committee's belief that more judgments would be satisfied at an early date with less cost to the plaintiff, but court staff also found that the new procedure was less time consuming for them.

Since no appeal lies from the entry of a default judgment, a defendant against whom a default judgment has been entered must, upon receipt of a Notice of Judgment and Order form, complete a written financial statement, provide a copy of that statement to the plaintiff, and appear in court on the date specified in the Notice and Order form in accordance with the provisions of Rule 7(g) if payment has not been made as ordered.

The amendment to paragraph (h) provides authority for the longstanding practice of requiring the defendant to reimburse the plaintiff for the costs of service of any post-judgment Order to Show Cause or *capias* that is necessary to enforce the judgment.

Rule 8
RELIEF FROM JUDGMENT OR ORDER

Within one year of the date of judgment the court may, upon a party's application and after notice to the other party in such form as the court deems appropriate, vacate or grant relief from any judgment or order, including an order of dismissal under Rule 7(b), entered under these Rules for want of actual notice to a party, for error or for any other cause that the court may deem sufficient, and may supersede execution. The court may also order the repayment of any amount collected under such judgment or order, and any action by the court may be made conditional upon the performance of any reasonable condition, including any reasonable expenses incurred by the other party.

Commentary to 2001 Amendment

These amendments clarify two ambiguities in the text of Rule 8. The first makes clear that relief from judgment may not be granted on ex parte application. The form, but not the obligation, of giving notice to the other parties is meant to be discretionary with the court. The second makes clear that the court, in vacating an order of dismissal or a default judgement, may, in appropriate circumstances, award reasonable expenses such as lost wages to the other party if the party was present on the day the case was dismissed or the defendant defaulted.

Rule 9
ENFORCEMENT OF JUDGMENTS

(a) **Order to Show Cause.** On an order issued after the payment hearing, or if there was no payment hearing, upon being informed by the plaintiff that a defendant who has been ordered to pay has failed to obey the order, the clerk shall schedule the matter before the court for enforcement proceedings and shall issue a Notice to Show Cause to the plaintiff, who must arrange for the Notice to Show Cause to be served by an officer duly qualified to serve it. The court may provide for any other means of service in individual cases as is deemed appropriate. The Notice to Show Cause shall indicate the date and time of hearing.

(b) **Enforcement Proceedings.** Upon hearing, the court shall take such action, permitted by law, as it deems appropriate to the end that orders of payment are complied with promptly and satisfaction of the judgment in the case is not frustrated. Such

enforcement proceedings may be conducted either by a judge or by a magistrate, but a magistrate shall have no authority to enter an adjudication of civil contempt or to issue an order of incarceration. When enforcement proceedings are conducted by a magistrate and it appears that such action may be required, the magistrate shall refer the matter to a judge, who shall make an independent determination whether to enter an adjudication of civil contempt and may issue an order of incarceration or such other order as may be appropriate to enforce payment of the judgment. If a judge is available at the time of such referral, the matter may immediately be placed before the judge.

(c) **Inability to Pay.** Unless the court orders otherwise, a defendant who asserts that he is presently unable to pay the amount of the judgment in full shall complete a [financial statement](#) (PDF) on a form provided by the court and signed under the penalties of perjury prior to being examined by the court. The [financial statement](#) (PDF) shall be kept separate from other papers in the case and shall not be available for public inspection, but shall be available to the court, to attorneys whose appearances are entered in the case, and to the parties in the case. If the court previously determined that at that time the defendant was financially able to comply with the court's payment order, the burden of proof shall be on the defendant to establish that he is currently unable to comply with the court's payment order.

(d) **Defendant's Move to Another District.** If, after judgment has been entered, the defendant moves out of the judicial district where the action was brought, the court may, on request of the plaintiff, transfer the action to the division of the court in the judicial district to which the defendant has moved. If the court orders such a transfer, the docket entries and the original papers in the case shall be forwarded to said court, without payment of an entry fee, and the case shall proceed in that court as though originally entered therein.

Commentary to 2001 Amendments

Paragraph (a) is amended to eliminate the directive to the clerk to "make such inquiry into the matter [of non-payment], if any, as he deems useful." Since a clerk may later preside over enforcement proceedings as a magistrate, such informal contacts are best avoided since they might well involve ex parte discussions that would be inconsistent with a magistrate's responsibilities under S.J.C. Rule 3:12, Canon 3.

Paragraph (b) reflects the recommendation of the Trial Court Committee on Small Claims Practices and Procedures that magistrates be authorized to preside over proceedings to enforce small claims judgments, but not to enter adjudications of civil contempt or to make orders of incarceration. When such steps appear necessary, the matter is to be transferred to a judge "immediately," which assumes no need for rescheduling or further notice if a judge is then available.

While it is expected that most proceedings to enforce small claims judgments will be conducted by magistrates, paragraph (b) preserves the authority of judges to preside over such enforcement hearings ab initio.

New paragraph (c) makes it a matter of routine for a defendant who claims to be unable to pay the judgment in full to complete a sworn financial statement. The specific assignment of the burden of proof in paragraph (c) restates current case law. *Roy v. Leventhal*, 5 Mass. App. Ct. 792 (1977). See also G.L. c. 215, § 34 (in Probate Court contempt proceedings, "the defendant shall have the burden of proving his or her inability to comply with the pre-existing order or judgment of which the complaint alleges violation"). The defendant's financial statement shall be treated as confidential information in terms similar to those of Rule 401(d) of the Supplemental Rules of the Probate Court. See Rule 7(g) and the Commentary thereto

Rule 10 APPEAL

(a) **Transmittal of Case.** A defendant's claim of appeal for trial by a judge or before a jury of six persons shall be made in writing, shall comply with the requirements of G.L. c. 218, § 23, and shall specify whether the defendant claims trial by a judge or before a jury. The defendant shall mail a copy of the claim of appeal to the plaintiff. Upon the defendant's filing of a claim of appeal, the clerk shall forthwith note on the docket of the case his receipt of the claim of appeal, the filing fee for the appeal required by section 23, and any appeal bond required by section 23 or an equivalent cash deposit in lieu thereof. If each of these items has been timely received and the defendant has appealed for trial by a judge, the clerk shall schedule the matter before a judge of that division for trial. If each of these items has been timely received and the defendant has appealed for trial before a jury, the clerk shall transmit the original docket entries and the original papers in the case, or an attested copy of the original docket entries and the original papers in the case, to the appropriate jury session. The court may waive the filing fee if the applicant is indigent and may waive the bond requirement if it finds that the applicant has insufficient funds to furnish the bond and that the appeal is not frivolous. Prior to the case being tried by a judge or transmitted to the jury session, any judge of the division from which the case is appealed may hear and determine any question raised by a party concerning the defendant's compliance with the statutory requirements for appeal. The clerk of the division from which the case is appealed shall retain custody of any appeal bond posted pursuant to section 23 or any equivalent cash deposit in lieu thereof, and shall deposit with the State Treasurer the filing fee and surcharge for the appeal.

If any required item has not been timely received, the clerk shall so notify both parties, shall return any filing fee, surcharge, appeal bond or cash deposit in lieu thereof forwarded by the defendant, and shall note such action, and the reasons therefor, on the docket. The clerk's notice shall inform the defendant that he may have the issue of his compliance with the statutory prerequisites for appeal determined by a judge, upon motion filed within ten days of receiving the notice.

(b) **Conduct of Trials.** Trials by a judge or before a jury shall be conducted in accordance with the provisions of Rule 7, and, in the case of a trial before a jury, in accordance with the provisions of law applicable to jury trials in the Superior Court Department. In a trial before a jury, the judge may direct that any provisions of the Massachusetts Rules of Civil Procedure be utilized, if not inconsistent with Rule 7. A counterclaim or third-party claim may not be raised for the first time on appeal.

(c) **Judgments and Orders to Pay.** Judgment shall be entered forthwith upon the decision of the judge or the verdict of the jury. A judgment for the plaintiff shall be entered forthwith if the defendant fails to appear for trial and the plaintiff does appear, or if the defendant withdraws the claim of appeal. Except where justice will not be served thereby, the judge shall, after holding a payment hearing, forthwith order payment to the plaintiff, in accordance with Rule 7(g). Otherwise the judge must schedule a payment hearing in accordance with Rule 7(g) in the division from which the case was appealed. Any order for payment shall grant the party no less than thirty days within which to pay. The clerk shall promptly furnish each party with written notice of the court's judgment, any order for payment, and any payment hearing. When judgment is entered in the jury session, such notice shall be given by the clerk of the jury session.

(d) **Post-judgment Proceedings in Jury Session.** When a small claims action has been tried on appeal in the jury session, any post-trial motions filed within ten days after the entry of judgment shall be filed with the clerk of the jury session and heard by the judge who presided over the trial. If justice will be served thereby, the judge may stay, modify, or supersede any order for payment already made.

Unless the judge orders otherwise, upon the expiration of ten days after judgment, the case shall be retransferred to the division from which it was appealed, for any further enforcement proceedings pursuant to Rule 7 and Rule 9, except that a case shall not be retransferred until any motion filed, or any appeal claimed, within ten days after entry of judgment has been decided. The clerk of the jury session shall transmit original or attested copies of the judgment, any order for payment, any order deciding a post-trial motion, and any rescript of an appellate court, to the clerk of the division to which the case is being re-transferred.

Any motions which are filed after the case has been re-transferred shall be filed with the clerk of the division to which the claim has been re-transferred. The clerk shall transmit any such motion that affects the judgment to the judge who presided over the trial in the jury session, who may determine such motion, with or without hearing, wherever the judge is then sitting. Other motions that affect only an order for payment or proceedings to enforce the judgment may be heard by any judge or magistrate sitting in the division to which the claim has been re-transferred.

(e) **Appeal from the Housing Court Department to the Appeals Court.** Any claim of appeal from the Housing Court Department to the Appeals Court from the judgment in a small claims action tried by a judge or before a jury shall be filed with the clerk of the division or the jury session where the case was tried within ten days after entry of judgment. If justice will be served thereby, the judge who presided over the trial may stay, modify, or supersede any order for payment already made. Further procedures on appeal shall be governed by the Massachusetts Rules of Appellate Procedure.

Commentary to 2001 Amendments

Most of these amendments are necessary because an appealing party must now elect between trial by a judge and trial before a jury. Jury session procedures are amended to permit the increasingly frequent practice of sending original case papers to the jury session (while retaining copies at the primary court). The authority granted the Chief Justice of the District Court Department to designate where trials are to be heard in G.L. c. 218, § 23, permits the retention of jury-waived cases in the court where the case originated regardless of whether that court has a jury session. The purpose is to take caseload pressure away from busy jury sessions.

Unlike the District Court and Housing Court Departments, the Boston Municipal Court Department of the Trial Court does not consist of separate geographical divisions. Accordingly, all appeals from a small claims session of the Boston Municipal Court are to a jury session of that same court and all papers related to such appeals are processed within the Office of the Clerk of the Boston Municipal Court for Civil Business.

In paragraph (a), the reference to the surcharge required by G.L. c. 262, § 4C for new entries "to which a separate docket number is assigned" has been deleted since virtually all courts no longer assign a new docket number when a magistrate's decision in a small claim is appealed to a judge or a jury.

The deletion in paragraph (b) of the reference to the District/Municipal Courts Rules of Civil Procedure reflects their July 1, 1996 consolidation with the Massachusetts Rules of Civil Procedure.

The limitation in paragraph (e) of appeals to the Appeals Court to those deriving from cases tried by a judge or before a jury in the Housing Court Department reflects the decision of the Supreme Judicial Court in *Trust Ins. Co. v. Bruce at Park Chiropractic Clinic*, 430 Mass. 607, 610, footnote 9 (January 20, 2000). There, in a case involving a motion heard initially by a District Court judge, the Supreme Judicial Court stated:

"To the extent that Rule 10(e) of the Uniform Small Claims Rules (1999) provides for an appeal to the Appeals Court from the jury session, it is in conflict with G.L. c. 218, §23, which provides for the report of questions of law to the appellate division in certain circumstances. General Laws Chapter 211A, §10 provides for an appeal from the appellate division to the Appeals Court."

However, there is no appellate division in the Housing Court Department, thereby necessitating, in order to provide for appellate review, an appeal to the Appeals Court from cases heard by a judge or before a jury in the Housing Court Department.