

SENATE No. 1015

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Rodrigues

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to expedite the transfer of cases to the permit session of land court.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>	
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>1/23/2019</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>2/1/2019</i>

SENATE No. 1015

By Mr. Rodrigues, a petition (accompanied by bill, Senate, No. 1015) of Michael J. Rodrigues, Paul A. Schmid, III and Donald F. Humason, Jr. for legislation to expedite the transfer of cases to the permit session of land court. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 926 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to expedite the transfer of cases to the permit session of land court.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 3A of Chapter 185 of the General Laws is hereby amended by
2 deleting the fourth paragraph in its entirety and inserting in place thereof the following:

3 Notwithstanding any other general or special law to the contrary, any action not
4 commenced in the permit session and not claiming a valid right to a jury trial, but within the
5 jurisdiction of the permit session as provided in this section, shall be transferred to the permit
6 session upon the filing by any party of a notice demonstrating compliance with the jurisdictional
7 requirements of this section filed with the court where the action was originally commenced with
8 a copy to the permit session, both within 30 days after the date of service of the complaint. Such
9 notice of transfer shall be signed pursuant to Rule 11 of the Massachusetts Rules of Civil
10 Procedure, shall contain a short and plain statement of (1) the grounds for permit session

11 jurisdiction and (2) the absence of a valid claim for a jury trial. Copies of all process, pleadings,
12 and orders appearing in the case file as of the filing of the notice of transfer shall be attached to
13 the copy of the notice given to the permit session. The party filing the notice of transfer shall
14 within seven days send a copy of the notice by certified mail to all other parties and file with
15 both the court where the action was originally commenced and the permit session an affidavit
16 that such copy was sent to all other parties. Upon the filing of such notice of transfer with the
17 court where the action was originally commenced, all times for filing responsive pleadings shall
18 be automatically extended for 30 days, and the court where the action was originally commenced
19 shall proceed no further with the action unless and until the case is remanded to it. There shall be
20 a presumption against more than one transfer of a case between any departments of the trial
21 court. If a party to an action transferred to the permit session claims a valid right to a jury trial,
22 then the action shall be remanded to the court where the action was originally commenced for a
23 jury trial.