

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Michael D. Brady

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 ensure all Massachusetts litigants due process of law.

PETITION OF:

NAME:

Michael D. Brady

DISTRICT/ADDRESS:

Second Plymouth and Norfolk

SENATE No.

By Mr. Brady, a petition (accompanied by bill) (subject to Joint Rule 12) of Michael D. Brady for legislation to ensure all Massachusetts litigants due process of law. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act to ensure all Massachusetts litigants due process of law.

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

1 No entity shall sit as a court of the Judicial Branch of the Commonwealth without due
2 process of law in effect, in accordance with the Articles of the Commonwealth’s Constitution,
3 including Articles X-XV, XXIX & XXX and the Fifth and Fourteenth Due Process Amendments
4 of the U.S. Constitution.

5 Due process shall include any statutorily mandated procedure or established adjudicatory
6 procedure. Every adjudication is to be resolved by full, fair adjudication of the rights and
7 defenses of the parties alike through the full panoply of constitutional, substantive and
8 procedural rights, including: Notice; Answer; Jury Trial; Discovery; Counterclaim; Pretrial and
9 Other Motions; Equitable Relief; Relief from Judgment; Appeal. A proceeding will be except
10 from a procedural right to the extent that the legislated subject matter does not provide for Jury
11 Trial, for instance.

12 The specific requirements of any proceeding will comply with relevant statutory law,
13 promulgated due process rules and any regulations relevant to the subject matter before the court.
14 Every court shall abide by the applicable statutorily provided subject matter and limitations.
15 Courts will recognize and enforce any constitutional due process right, whether an established
16 procedure exists yet or not. No court will enter an order against a person (natural or legally
17 established entity), unless the court has jurisdiction over them established in accordance with the
18 requirements for jurisdiction over their persons.

19 Any attempt to sit as a court or engage in a judicial proceeding failing the above will lack
20 jurisdiction. Any attempt to proceed in contradiction to constitutional due process guarantees
21 will be void.

22 To fulfill its obligation to due process and, thereby, sit as a court, the proceeding must
23 provide equal justice, neither be “denied nor abridged on the basis of sex, race, color, creed or
24 national origin” nor on the basis of age or disability, where a reasonable accommodation
25 liberally interpreted will provide for equal participation, nor on the basis of indigency or the
26 election to self-represent. All persons shall be provided equal justice as to applicable stare
27 decisis.

28 Nor shall any person within the jurisdiction of the court be denied a public hearing,
29 accessible to the media, nor access to public record documentation unless statutorily,
30 regulatorily, or jurisprudentially limited specific to the subject matter of the case or a particular
31 procedure but at all times will have equal access as to other parties.