

New Land Court Rule 14 Seeks to Expedite Cases and Lower Costs

January 30, 2017

The new Land Court Rule 14 went into effect on January 1, 2017. The Rule was proposed by the Justices of the Land Court in connection with their collaborative work with the Supreme Judicial Court's Alternative Litigation Options Committee, which was convened to assist the trial court departments in identifying practical, cost-effective litigation options appropriate to their particular needs.

Rule 14 allows the Land Court, with the consent of all interested parties in a voluntary stipulation, following a trial or evidentiary hearing, to render its decision without detailed written findings of fact and rulings of law. Any such decision shall be rendered in writing or issued upon the record orally from the bench in a form comparable to a jury verdict. At a minimum, the Court must answer special questions on the elements of each claim, at a level of detail comparable to a special jury verdict form pursuant to Mass. R. Civ. P. 49(a). The Court may also return special or subsidiary findings on some or all of the issues of fact tried to the Court.

After hearing, if requested by the parties or ordered by the Court, the Court shall settle in advance of trial the form of stipulation the parties shall submit and the form of any particular questions of fact which the parties would have the Court answer in its decision. The parties may waive their rights of appeal in whole or in part but shall stipulate to:

- (i) Waiver of all arguments in the trial court or on appeal that require or depend upon detailed written findings of fact; and
- (ii) In the event of appeal, the parties waive all arguments that appellate review of the Court's decision and of the judgment entered be based upon a standard of review other than that which would apply to a verdict by a jury in a case tried to a jury.

Rule 14 gives Land Court litigants an option that may provide a more expeditious and less costly process to resolve certain disputes. For example, Rule 14 might be useful in resolving claims under G.L. c. 240, § 14A, which ask the Court to determine how a given municipal zoning bylaw might be applied to a proposed development. Rule 14 also could provide a shorter and less expensive route to resolve matters that are less complex or where many of the material facts can be agreed upon—as in an adverse possession case where the facts are not contested and the sole question is whether the uncontested facts satisfy the legal criteria for adverse possession. There are no doubt other circumstances where Rule 14 might be helpful, and this new tool is something Land Court litigators should keep in mind.

For questions about the information contained in this advisory, please contact your usual Goulston & Storrs attorney, or one of authors of this advisory.

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