

Massachusetts Litigation Forms and Analysis, West, 2003-, KFM 2930 .A65 D66 v. 1 (chap. 2 complaints; chap. 5 filing and serving papers)

Massachusetts Practice Series Procedural Forms Annotated, West, KFM2480 .M3 v. 10-10C

A number of other forms, including a complaint for divorce, are available online at [www.lawlib.state.ma.us/forms.html](http://www.lawlib.state.ma.us/forms.html).

### 3. What happens after that?

That depends on many factors, including what type of case it is and what the opposing party's position is regarding the matter. For instance, the other party may decide to default by not responding, or respond with an answer containing counterclaims, or suggest negotiating a settlement. Each of these scenarios will require following different rules and procedures; accordingly, the follow-up from you will vary. Our library has books and other resources that assist you in understanding the legal process as your case progresses. Here are just a few examples of titles that you can turn to for further information about basic legal practice and civil procedure:

Massachusetts Practice Series, West, KFM2480 .M3:

Civil Practice, v. 9-9A

Discovery, v. 49

Evidence, v. 19 (plus Evidentiary Standards volume)

Procedural Forms Annotated, v. 10-10C

Rules Practice, v. 6-8A

Summary of Basic Law, v. 14-14C

Trial Practice, v. 43

Massachusetts Continuing Legal Education (MCLE) titles:

Massachusetts Basic Practice Manual, KFM2480 .M27 v. 1-3

Massachusetts Discovery Practice, KFM2937 .M357 2002 v. 1-2

Massachusetts District Court Civil Practice Manual, KFM2930 .M375 2005

Massachusetts Superior Court Civil Practice Forms, KFM2930 .A65 M37 1997

Massachusetts Superior Court Civil Practice Manual, KFM2930 .M37 1997

You are also welcome to visit the Trial Court Law Libraries' website, [www.lawlib.state.ma.us](http://www.lawlib.state.ma.us) for links to primary and secondary Massachusetts law.

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# Where Do I Start? Filing A Civil Case



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For self-represented litigants, often the most difficult part of handling their own civil case is deciding how and where to start. The following questions and answers have been compiled by the staff of the Plymouth Law Library to help simplify this process.

## 1. Where can I get a basic overview about how to represent myself in a civil lawsuit?

There are many brochures, publications and online resources that help litigants better understand, in general, the process of representing themselves. Here at the Plymouth Law Library, three good books on this topic are (1) Representing Yourself in a Civil Case: Things to Consider When Going to Court, Administrative Office of the Trial Court, 2006, KFM2930 .R47 2006 or go online to <http://www.mass.gov/courts/admin/ju/repyourself.html>; (2) Represent Yourself in Court, 4<sup>th</sup> ed., Nolo, 2005, KF8841 .B47 2005; and (3) How and When to be Your Own Lawyer, 2<sup>nd</sup> ed., Avery Publishing Group, 2003, KF314 .S32 2003. Or you can go online to the Massachusetts Trial Court Law Libraries' information page, *Massachusetts Law About Self-Represented Litigants*, <http://www.lawlib.state.ma.us/prose.html>, for links to a number of helpful resources.

## 2. What are the first steps I should take?

a. *Determine the type of case you have & its jurisdiction*

An important step to take initially is to decide what your civil matter is about (i.e., a contract dispute, a landlord-tenant issue,

a personal injury matter, a family law matter, a probate dispute, etc.). Based upon that information, you can then decide which court has the power to hear your case, i.e., District Court, Superior Court, Housing Court, Bankruptcy Court, Probate & Family Court, etc. If you need more detailed information about how to determine the jurisdiction of each court department, see Massachusetts Practice, Civil Practice, West, KFM2480 .M3 v. 9 at sections 4:1 through 4:31 or go on the web to *Navigating the Massachusetts Court System* <http://www.lawyerviews.com/lawsite/courts.html>.

### b. *Determine the venue of your case*

You also need to decide where your case needs to be heard, i.e. the courthouse's geographic location. The proper venue could be the place (i.e., municipality or county) where a piece of land is located, or the place where one of the parties lives or has their business, for example. A discussion of how to determine venue is available in Massachusetts Practice, Civil Practice, West, KFM2480 .M3 v. 9 at sections 5:1 through 5:11. If your case is a District Court matter, go to <http://www.mass.gov/courts/courtsandjudges/courts/districtcourt/municipalitiesbydist.ct.html>, as it provides a list of what municipalities are included within each geographical location of the District Court Department.

### c. *Find out what court rules apply*

Procedural rules for all of the state court departments in Massachusetts are available in the annual publication Massachusetts Rules of Court: State, West, KFM2929 .A195 v. 1. Rules for all of the federal court departments in Massachusetts are found in a corresponding annual publication, Massachusetts Rules of Court: Federal, West, KFM2929 .A195 v. 2. Many of Massachusetts' state court rules are also available online at [www.lawlib.state.ma.us/rules.html](http://www.lawlib.state.ma.us/rules.html).

If you determine that a particular rule of procedure applies to your case and want further information about the rule, ask the library staff for assistance.

### d. *File a complaint and serve the opposing party with a copy of it*

The Massachusetts Rules of Civil Procedure, particularly rules 4 through 6, explain how to commence a civil action and proper service of process. These rules are available in Massachusetts Rules of Court: State, cited above, as well as on the web at <http://www.lawlib.state.ma.us/civrules.html>. Making sure that you adhere to all of the appropriate rules, you can then draft and file your complaint with the appropriate court.

The contents of each complaint vary depending upon what type of case it is and what court it is being filed in. Here is a partial list of sample complaint forms that are available in print here in the law library:

Massachusetts Pleading & Practice Forms, Lexis Nexis, 1974-, KFM2930 .S95 v.1-7, Volume 2 contains sample complaints on a wide variety of legal topics. Below are examples of a small sampling:

**Contracts**, generally, sec. 8.171, et seq.  
**Consumer Protection**, sec. 8.170.1 and 8.353.1  
**Medical Malpractice**, sec. 8.340-8.353  
**Motor Vehicles**:  
Intersection Collision, generally, sec. 8.314  
Rear End Collision, sec. 8.313  
Fraud in Sale of Automobile, sec. 8.117