Superior Court Standing Order 1-17:

Waiver of Detailed Written Findings of Fact Under Superior Court Rule 20(2)(h)

Applicable to All Counties

1. For purposes of Superior Court Rule 20(2)(h), the phrase "waiver of detailed written findings of fact" means waiver of written judicial findings with the level of detail required by Mass. R. Civ. P. 52(a). It does not mean waiver of findings that provide the equivalent of a jury verdict within the meaning of Mass. R. Civ. P. 49. See also Mass. R. Crim. P. 27.

2. Therefore, when the parties agree to waive detailed findings by the judge in a bench trial, the following rules shall apply:

a. The judge shall, at a minimum, 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), unless the parties explicitly choose, or the judge expressly orders, findings in the form provided by Mass. R. Civ. P. 49(b) (a general verdict accompanied by answer to interrogatories).

b. The parties waive all arguments in the trial court or on appeal that require or depend upon the existence of detailed written findings of fact. Any appellate review of the court's decision and of the judgment entered shall be according to the standard of review that would apply to a verdict by a jury in a case tried to a jury and to the judgment entered thereon. In addition, the parties may agree to waive their rights of appeal in whole or in part.

/s/ Judith Fabricant_____
Judith Fabricant
Chief Justice of the Superior Court

Adopted: December 2, 2016
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